The

Journal of the Assembly

OF THE

SEVENTY-SIXTH SESSION

OF THE

LEGISLATURE OF THE STATE OF NEVADA

2011

BEGUN ON MONDAY, THE SEVENTH DAY OF FEBRUARY, AND ENDED ON MONDAY, THE SIXTH DAY OF JUNE

VOLUME 1

THE FIRST DAY—THE SEVENTY-SECOND DAY

SEE VOLUME 6 FOR INDEX

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ASSEMBLY LEGISLATIVE CALENDAR

(The Assembly actually met for a total of 79 days, though the session lasted through 120 calendar days; the table below is numbered by calendar days.)

Calendar Day	*Date*	*Page Number*
1	February 7, 2011	1
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26	March 4, 2011	198
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36	March 14, 2011	229
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40	March 18, 2011	255
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54	April 1, 2011	386
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64	April 11, 2011	543
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71	April 18, 2011	901
72	April 19, 2011	943
73	April 20, 2011	1153
75	April 22, 2011	1363
78	April 25, 2011	1888
79	April 26, 2011	2491
80	April 27, 2011	3153
81	April 28, 2011	3162

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82	April 29, 2011	3173
85	May 2, 2011	3240
89	May 6, 2011	3245
92	May 9, 2011	3259
93	May 10, 2011	3284
94	May 11, 2011	3300
96	May 13, 2011	3341
99	May 16, 2011	3358
100	May 17, 2011	3373
101	May 18, 2011	3424
102	May 19, 2011	3632
103	May 20, 2011	3640
106	May 23, 2011	3669
108	May 25, 2011	3751
109	May 26, 2011	4042
110	May 27, 2011	4296
111	May 28, 2011	4379
112	May 29, 2011	4526
113	May 30, 2011	4809
114	May 31, 2011	5327
115	June 1, 2011	5414
116	June 2, 2011	5678
117	June 3, 2011	5814
118	June 4, 2011	5957
119	June 5, 2011	6127
120	June 6, 2011	6320

LISTING OF ASSEMBLY BILLS AND ACTIONS THEREON

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

No. *Summary, Introducer and Page Reference*

1.... Requires periodic reporting of financial information by certain governmental entities. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblywoman Kirkpatrick. 72, 2155, 2156, 2948*, 3380, 3638.

2.... Revises provisions relating to emissions testing for certain vehicles. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymen Kirkpatrick and Kirner. 72, 387, 398, 539*, 5327, 5340, 5345, 5812.

3.... Provides for the issuance of a certificate of birth resulting in stillbirth. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblyman Stewart. 72.

4.... Revises provisions relating to the crime of holding another person in involuntary servitude. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblyman Hambrick. 73.

5.... Revises provisions regarding the punishment for pandering. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblyman Hambrick. 73, 181.

6.... Authorizes courts to allow certain victims of sex trafficking or involuntary servitude who have been convicted of engaging in or soliciting prostitution to have their judgments of conviction vacated. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblyman Hambrick. 73, 1154, 1156, 1886, 2140*, 3296, 3355.

7.... Revises provisions relating to the disqualification of certain judges. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary. 73, 111, 119, 122, 135*, 336, 377.

8.... Revises provisions relating to the use of force. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Hambrick and Carrillo; Senator Manendo. 73.

9.... Revises provisions relating to fees charged and collected in justice courts. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary. 74, 943, 944, 945, 1351*.

10.... Revises provisions governing certain funds and the destruction of public records. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Government Affairs. 74, 180, 181, 188, 192*, 387, 541.

11.... Revises provisions relating to the Department of Corrections. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary. 74, 114, 122, 135*, 387, 541.

12.... Abolishes the Parolees' Revolving Loan Account. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Judiciary. 74, 180, 188, 441, 553, 574, 929*, 3255, 3282.

13.... Revises provisions relating to certain offenses committed by juveniles. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Judiciary. 75, 1889, 1891, 1903, 2150, 2438*, 3669, 4293.

14.... Revises the provisions governing certain tax abatements for new or expanded businesses and renewable energy facilities. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Committee on Taxation. 75.

15.... Repeals requirements for the compilation and publication of certain biennial reports and statistical abstracts. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Legislative Operations and Elections. 75, 140, 149, 154*, 223, 238.

16.... Provides for additional compensation to be paid to certain senior psychiatrists and senior physicians employed by the Department of Corrections for being available to be called in to work during periods in which they are not regularly scheduled to work. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Government Affairs. 75.

17.... Revises provisions concerning the judicial review of decisions of the Public Utilities Commission of Nevada. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs. 76, 229, 238, 243*, 3669, 4671, 4675, 5325.

No. *Summary, Introducer and Page Reference*

18.... Clarifies that meetings of the State Board of Parole Commissioners are quasi-judicial and clarifies the rights of prisoners and other persons who appear before the Parole Board. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary. 76, 229, 238, 243, 244*, 3255, 3282.

19.... Revises provisions governing the issuance of certain fishing licenses and permits. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Natural Resources, Agriculture and and Mining. 76, 303, 315, 332, 333, 545, 571, 929*, 3755, 4377.

20.... Revises provisions governing the practice of optometry. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Commerce and Labor. 76, 440, 553, 576, 929*, 4043, 4448, 4455, 4811, 4999.

21.... Makes certain occupational licensing boards and commissions subject to the same requirements as other agencies of the Executive Department of the State Government. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Government Affairs. 77, 181.

22.... Removes the prospective expiration of provisions allowing a county office to deviate from its required hours of operation under certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs. 77.

23.... Enacts the Interstate Insurance Product Regulation Compact. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Commerce and Labor. 77, 559, 570, 647, 929, 930, 2944*, 3669, 4293.

24.... Revises provisions governing the Public Utilities Commission of Nevada. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Commerce and Labor. 77.

25.... Revises provisions governing certified court reporters. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Commerce and Labor. 78, 440, 553, 583, 930*, 3288, 3355.

26.... Revises provisions to clarify that motor vehicle liability policies must be written specifically for Nevada. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Transportation. 78, 544, 587, 930*.

27.... Imposes additional fees for the production of certain identification cards. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Transportation. 78.

28.... Makes Nevada's definition of “low-speed vehicle” consistent with the federal definition. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Transportation. 78, 111, 119, 122, 135*, 233, 253.

29.... Revises provisions governing county hospitals and requires certain hospitals to report information concerning the transfers of patients between hospitals to the Legislative Committee on Health Care. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Health and Human Services. 78, 1364, 1365, 1891, 1899, 2150, 2438*, 3669, 4013, 4017, 4377.

30.... Revises provisions relating to the authorization of certain emergency vehicles. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Transportation. 79, 190, 204*, 1890, 3365, 3638.

31.... Revises an exemption from the provisions governing contractors. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Committee on Commerce and Labor. 79, 1363, 1365, 2140, 2141*.

32.... Revises provisions governing licensed contractors. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Commerce and Labor. 79, 440, 553, 590, 930*, 3265, 3296.

33.... Revises provisions governing the Board of Psychological Examiners. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Commerce and Labor. 79, 190, 204*, 3255, 3282.

34.... Repeals the prohibition on the use of certain automated equipment to gather evidence to use for issuing traffic citations. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Transportation. 80.

35.... Revises provisions governing the custom application of pesticides. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Natural Resources, Agriculture and Mining. 80.

36.... Makes various changes concerning the Fund for Hospital Care to Indigent Persons. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Health and Human Services. 80, 560, 570, 666, 930*, 3288, 3367, 3370, 3638.

37.... Revises provisions relating to the hours of operation of state offices. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs. 80, 1363, 1365, 1368, 2141*, 3380, 3638, 4401.

38.... Revises provisions governing contracts for public works. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs. 81.

39.... Revises provisions governing educational personnel. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Education. 81, 381, 387, 437*, 3669, 3972, 3973, 4811, 4999, 5946, 6069, 6503.

40.... Revises the requirements concerning background investigations of certain applicants for employment or contracts with private postsecondary educational institutions. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Education. 81, 151, 166, 173*, 3669, 3973, 3975, 4811, 4999, 5955, 6069, 6319.

41.... Revises provisions governing charter schools and homeschooled children. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Education. 81.

42.... Authorizes a county to lease certain real property acquired from the Federal Government in certain circumstances without obtaining an appraisal. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs. 82, 1363, 1365, 1369, 2141*, 3380, 3638.

43.... Extends the interval at which records of traffic citations must be audited by governmental agencies. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary. 82, 185, 192, 262, 326.

44.... Revises the statutes of repose regarding actions for damages resulting from certain deficiencies in construction. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary. 82.

45.... Revises provisions governing district attorneys. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs. 82, 1889, 1891, 1906, 2150, 2438*, 3380, 3638.

46.... Clarifies the inapplicability of certain partial tax abatements to various assessments relating to the adjudication of water rights and management of water resources. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Taxation. 83, 1364, 1365, 1374, 2141*, 3380, 3638.

47.... Requires a base adjustment in the formula for the allocation of certain consolidated tax revenue and an interim legislative study of the current allocation formula. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Taxation. 83, 181.

48.... Revises provisions governing children's mental health consortia. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Committee on Health and Human Services. 83, 181, 441, 553, 592, 3755, 3756, 3896*, 5957, 6319.

49.... Revises provisions relating to public defenders. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary. 83, 386, 398, 402.

50.... Revises provisions relating to the licensure of medical and related health facilities. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Health and Human Services. 84, 201, 213, 218*, 219, 3380, 3638.

51.... Revises provisions relating to certain providers of emergency medical services. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Health and Human Services. 84.

52.... Makes certain temporary governmental employees ineligible for unemployment compensation. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Commerce and Labor. 84.

53.... Revises provisions governing informational signage and other programs to provide information concerning commercial attractions and services along highways. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Transportation. 85, 338, 377, 382*, 5327, 5330, 5337, 5957, 6503.

54.... Authorizes the establishment of a medical district in certain counties. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Committee on Health and Human Services. 85.

55.... Makes various changes relating to dentistry. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Commerce and Labor. 85, 440, 553, 596, 931*, 3255, 3282, 4661.

No. *Summary, Introducer and Page Reference*

56.... Grants subpoena power to the Attorney General, acting through the Medicaid Fraud Control Unit, to obtain certain documents, records or materials. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: No. Committee on Judiciary. 85, 1154, 1156, 1158, 1886, 2141*, 3669, 4293.

57.... Makes various changes governing certain criminal offenders. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Judiciary. 86, 1364, 1365, 1375, 2141, 2142*, 3296, 3355.

58.... Authorizes the governing body of a city to enter into a contract to mitigate the price volatility of a city's fleet fuel. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs. 86.

59.... Makes various changes to the Open Meeting Law. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: No. Committee on Government Affairs. 86, 1889, 1891, 1911, 2150, 2438*, 4302, 5351, 5360, 5927, 5954, 6441, 6450, 6458.

60.... Revises requirements pertaining to preferences in bidding on public works. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Government Affairs. 86, 181.

61.... Creates a temporary entity to study issues relating to substance abuse in this State. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Government Affairs. 87, 1153, 1156, 1161, 1886, 2142*, 3380, 3638.

62.... Revises provisions relating to the Office of the Attorney General. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Committee on Government Affairs. 87, 397, 505, 553*, 3265, 3382, 3387, 3638.

63.... Revises provisions relating to the duties of, and services provided by, the Office of the Attorney General. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs. 87, 2155, 2156, 2160, 2948, 2949*, 3380, 3638.

64.... Revises provisions governing education. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Committee on Education. 88, 181.

65.... Makes various changes concerning applied behavior analysis. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: No. Committee on Commerce and Labor. 88.

66.... Revises certain provisions concerning the restoration of a person's right to bear arms. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Judiciary. 88, 185, 192, 387, 541.

67.... Revises provisions governing the Public Employees' Retirement System. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs. 89.

68.... Revises provisions governing the sale or lease of real property by counties and cities. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs. 89, 1889, 1891, 1919, 2150, 2438, 2439*, 3380, 3638.

69.... Authorizes the Department of Transportation to contract with a construction manager at risk for certain projects under certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Transportation. 89.

70.... Revises provisions governing the purchase of motor vehicles by the State of Nevada. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs. 89.

71.... Directs the Legislative Commission to conduct an interim study concerning the equitable allocation of money distributed from the Local Government Tax Distribution Account. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Legislative Operations and Elections. 90, 181, 6270, 6317, 6318*, 6970.

72.... Revises provisions relating to securities. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Judiciary. 90, 1154, 1156, 1163, 1886, 2142*.

73.... Revises provisions governing the appropriation of water for a beneficial use. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs. 90, 1363, 1365, 1384, 2142, 2143*, 3380, 3638.

74.... Revises various provisions relating to the regulation of the insurance industry. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Committee on Commerce and Labor. 91, 2155, 2156, 2328, 2492, 4443, 4444*, 6430, 6522, 6617.

75.... Revises provisions governing certain sexual offenses. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Committee on Judiciary. 91.

76.... Revises provisions concerning reinstatement of insurance under the Public Employees' Benefits Program. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs. 91, 2155, 2156, 2169, 2949*, 3669, 4293.

77.... Makes various changes relating to mortgage lending and related professionals. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Commerce and Labor. 92, 2491, 2501, 3099*, 4302, 5489, 5554, 5557, 6068, 6072, 6840, 6972.

78.... Makes various changes relating to business. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary. 92, 1154, 1156, 1177, 1365, 2944, 2953*, 5327, 6458, 6459.

79.... Revises provisions governing an exemption from the partial abatement of taxes on real property. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Taxation. 93.

80.... Makes various changes relating to the Public Employees' Benefits Program. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Government Affairs. 93, 2155, 2156, 2175, 2949*, 5327, 6023, 6040, 6058, 6319.

81.... Revises various provisions relating to elections. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Committee on Legislative Operations and Elections. 93, 2954, 2967, 3148*, 3362, 5327, 5606, 5659, 6068, 6503.

82.... Makes various changes relating to elections. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Committee on Legislative Operations and Elections. 94, 561, 570, 669, 931*, 3380, 5758, 5812, 5955.

83.... Revises the statute of limitations for crimes relating to identity theft. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblyman Oceguera. 94, 398, 510, 553*, 554, 3255, 3282.

84.... Authorizes the commencement of a civil action against an employer under certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblyman Segerblom, 94.

85.... Revises provisions governing common-interest communities. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblyman Segerblom. 94.

86.... Makes various changes relating to school employees. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblyman Segerblom. 95.

87.... Enacts the Uniform Interstate Depositions and Discovery Act. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblyman Segerblom. 95, 137, 142, 149*, 329, 373.

88.... Enacts the Uniform Unsworn Foreign Declarations Act. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblyman Segerblom. 95, 137, 142, 149, 188, 192*, 329, 373.

89.... Requires certain policies of health insurance and health care plans to provide coverage for acupuncture treatments in certain circumstances. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblyman Segerblom. 95.

90.... Makes various changes to provisions relating to employment practices. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblyman Segerblom. 96, 233.

91.... Enacts the Uniform Collaborative Law Act. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblyman Segerblom. 96, 441, 553, 602, 931*, 3265, 3296.

92.... Provides for the waiver of fees for the issuance of certain forms of identifying information for certain persons released from prison. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblywoman Flores. 96, 181, 398, 511, 516.

93.... Provides for the establishment of a pilot diversion program within the Department of Corrections to provide treatment for alcohol or drug abuse or mental illness to certain probation violators. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Assemblyman Segerblom; Senators Horsford and Parks. 96, 181, 2491, 2562, 2954, 6068, 6088, 6123*, 6745.

No. *Summary, Introducer and Page Reference*

94.... Authorizes the involuntary court-ordered admission of certain persons with mental illness to programs of community-based or outpatient services under certain circumstances. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: No. Assemblyman Stewart. 97.

95.... Allows for the postponement of consideration of applications for special license plates. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblywoman Carlton. 97.

96.... Revises provisions governing the admissibility of psychological or psychiatric evidence. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary. 97.

97.... Revises the Charter of the City of Sparks to make various changes in provisions concerning city government. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblywoman Smith. 97, 397, 516, 554*, 3255, 3282, 4401.

98.... Enacts the Uniform Emergency Volunteer Health Practitioners Act. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblyman Segerblom. 98, 2155, 2156, 2191, 2492, 3359, 3363, 3364*, 4420, 5325.

99.... Revises the order in which the names of candidates for an office must appear on the ballot. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Legislative Operations and Elections. 98, 181.

100.... Enacts the Uniformed Military and Overseas Absentee Voters Act. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblyman Segerblom. 98, 181, 2492, 2570, 2954, 3359, 3364*, 5957, 6319.

101.... Provides for the creation of underground utilities districts. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Assemblyman Segerblom. 98.

102.... Revises provisions governing the requirements for licensure as a professional engineer or professional land surveyor. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblywoman Carlton. 99, 440, 553, 612, 931*, 3288, 3355.

103.... Makes various changes to the Airport Authority Act for Carson City. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblyman Livermore. 99, 229, 238, 244*, 387, 541.

104.... Prohibits a person from using a false or assumed name when voting. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblyman Sherwood. 99.

105.... Requires an employee organization to prepare an annual report concerning the dues, expenditures, compensation and other finances of the employee organization. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblyman Sherwood. 99.

106.... Revises provisions governing certain sexual crimes involving minors. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblyman Hambrick. 100.

107.... Requires the adoption of certain policies and procedures governing the identification of criminal suspects. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblywoman Flores. 100, 181, 1889, 1891, 1932, 2150, 2439*, 3345, 3370.

108.... Eliminates the deadline for registering to vote in an election. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Legislative Operations and Elections. 100, 181.

109.... Enacts the amendments to Article 9 of the Uniform Commercial Code. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblyman Segerblom. 100, 560, 570, 756, 931*, 932, 3345, 3941, 3972, 4377.

110.... Establishes the Kinship Guardianship Assistance Program. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Health and Human Services. 100, 1364, 1365, 1391, 2143*, 3669, 4293.

111.... Revises provisions relating to domestic relations. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Committee on Judiciary. 101, 560, 570, 790, 932*, 3255, 3282.

112.... Revises provisions governing certain crimes. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Judiciary. 101.

113.... Revises provisions governing the statewide system of accountability for public schools. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Education. 101, 376, 382, 393*, 3669, 4293.

114.... Revises the amount of the fee for issuing and recording a certain permit for an existing water right for irrigational purposes. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Government Affairs. 102, 181, 1153, 1156, 1198, 1365, 6129, 6236, 6237*, 6458.

115.... Revises provisions governing the appropriation of water for beneficial use. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Government Affairs. 102, 2491, 2593, 3100*, 3669, 4293.

116.... Revises provisions governing educational personnel. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Education. 102.

117.... Temporarily revises provisions governing the required minimum number of school days in public schools. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Education. 102, 1889, 1891, 1933, 2150, 2156, 2448, 2949*, 5327, 5361, 5365, 5812.

118.... Requires an animal abuser to register with the sheriff of the county in which he or she resides under certain circumstances. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblyman Stewart. 102, 181.

119.... Revises provisions relating to certain liens. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblyman Horne. 103.

120.... Revises provisions governing certain insurance for motor vehicles. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblyman Horne. 103.

121.... Revises certain provisions relating to the security of court facilities. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Judiciary. 103, 560, 570, 798, 932*, 3255, 3282.

122.... Revises provisions concerning the imposition of certain reasonable restrictions or requirements relating to systems for obtaining wind energy. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblyman Livermore. 103, 2491, 2604, 2955, 3147*, 4363, 4675, 4678, 5325.

123.... Makes various changes relating to certain facilities that provide health and related care. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Health and Human Services. 104, 181, 397, 516, 523, 5815, 5854, 6059, 6066*, 6270.

124.... Requires a funeral director to report the names of certain deceased persons to the Office of Veterans' Services. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Commerce and Labor. 104, 137, 142, 150*, 247, 300.

125.... Revises provisions concerning the reporting of crimes against older persons. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary. 104, 560, 570, 805, 932*, 3255, 3282.

126.... Makes various changes concerning vulnerable persons. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Judiciary. 104, 181.

127.... Eliminates the requirement for compiling sets of books of legislative measures and related materials. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblyman Oceguera. 105, 140, 149, 154*, 223, 238.

128.... Prohibits smoking on the property of the Nevada System of Higher Education. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Assemblyman Aizley. 105, 181, 1364, 1365, 1396, 1891, 4401.

129.... Repeals the statewide requirements for class-size reduction and authorizes the boards of trustees of school districts to establish pupil-teacher ratios for elementary schools. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblyman Kirner. 105, 901, 902, 903, 904.

130.... Revises provisions relating to affordable housing. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblywoman Smith. 112, 1363, 1365, 1400, 2143*, 3669, 4293.

131.... Revises provisions governing certain occupational diseases for employees in certain professions. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Commerce and Labor. 115, 233.

132.... Revises provisions governing the dates for certain elections. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Legislative Operations and Elections. 115, 2156, 2203, 2949*, 4363, 4504, 4519, 5325.

133.... Revises provisions relating to renewable energy. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Commerce and Labor. 115, 181.

134.... Prohibits the imposition of a sentence of life imprisonment without the possibility of parole upon a juvenile offender convicted of a non-homicide crime. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary. 116, 201, 213, 219*, 336, 377.

135.... Revises provisions governing probation. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary. 116, 1889, 1891, 1943, 2150, 2439*, 3669, 4293, 5679.

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136.... Revises provisions governing credits for offenders sentenced for certain crimes. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary. 116, 233, 2492, 2606, 3100*, 5328, 5370, 5372, 5927, 5954, 6290, 6296, 6457.

137.... Revises provisions governing programs of nutrition in public schools. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Education. 116, 560, 570, 807, 901, 3359, 3364*, 6270, 6430, 6436.

138.... Revises provisions governing pupils. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Education. 116, 181, 440, 553, 616, 932*, 3755, 3976, 3996, 4377.

139.... Revises provisions relating to emergency medical services provided in certain counties. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymen Goicoechea, Ellison and Hansen. 117, 181.

140.... Limits civil liability of certain persons for injuries or death resulting from certain equine activities. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Goicoechea, Ellison, Grady, Hansen and Munford. 117.

141.... Revises the frequency with which certain volunteer firefighters must submit to physical examinations to receive workers' compensation coverage for certain occupational diseases. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Goicoechea, Ellison and Hansen. 117, 1889, 1891, 1945, 2150, 2439*, 3669, 4293.

142.... Makes various changes governing crimes against property. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: No. Assemblymen Ohrenschall, Horne, Frierson, Pierce, Munford, Aizley, Carlton, Carrillo, Daly, Diaz, Dondero Loop, Flores, Hickey, Kirkpatrick, Kirner, Mastroluca, Segerblom and Smith. 118, 560, 570, 811, 932, 933*, 3255, 3282.

143.... Revises certain provisions concerning permits to carry concealed firearms. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Bobzien, Smith, Goicoechea, Horne, Oceguera, Conklin, Daly, Ellison and Hardy. 118, 441, 553, 638, 933*, 3669, 4293.

144.... Makes various changes relating to bidder preferences on state and local public works projects. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Kirkpatrick, Oceguera, Smith, Conklin, Atkinson, Aizley, Anderson, Benitez-Thompson, Bobzien, Brooks, Bustamante Adams, Carrillo, Daly, Diaz, Dondero Loop, Ellison, Flores, Frierson, Goicoechea, Grady, Hammond, Hardy, Hogan, Horne, Livermore, Mastroluca, Munford, Neal, Ohrenschall, Pierce and Stewart. 118, 125, 139, 142, 144*, 1890, 2467, 2489, 3151, 5949, 5950.

145.... Requires the posting of certain notices of a proposed annexation of an area by an unincorporated town under certain circumstances. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Assemblyman Goicoechea. 120, 1363, 1365, 1404, 2143*, 3669, 4293.

146.... Makes various changes relating to the Office for Consumer Health Assistance. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Health and Human Services. 121, 1363, 1365, 1405, 2143*, 3669, 4293.

147.... Revises provisions relating to the termination of parental rights. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Mastroluca, Ohrenschall, Benitez-Thompson, Dondero Loop, Flores and Frierson. 121, 398, 523, 554*, 3255, 3282.

148.... Revises provisions governing the voluntary relinquishment of an infant to a provider of emergency services. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymen Mastroluca, Ohrenschall, Smith, Bobzien, Benitez-Thompson, Conklin, Dondero Loop, Flores, Frierson, Horne and Pierce. 121, 397, 525, 527, 567, 3755, 3756, 3896, 4268*, 5957, 6319.

149.... Makes various changes concerning medical and dental malpractice claims. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Segerblom, Pierce, Ohrenschall, Aizley, Benitez-Thompson, Carlton, Diaz, Flores, Frierson, Horne, Munford, Neal; Senators Parks, Breeden, Kihuen, Leslie and Manendo. 121, 1889, 1891, 1949, 2150, 2439*.

150.... Revises provisions governing portfolio standards for providers of electric service. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Bobzien, Atkinson, Conklin, Oceguera, Smith, Benitez-Thompson, Bustamante Adams, Frierson, Hickey, Kirkpatrick, Kirner, Mastroluca, Pierce; Senators Horsford, Schneider and Leslie. 122, 902, 903, 912, 1149, 1351*, 3296, 3355.

151.... Makes various changes concerning the use of a cellular telephone or other handheld wireless communications device while operating a motor vehicle. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Assemblymen Atkinson, Oceguera, Smith, Kirkpatrick, Conklin, Bobzien, Dondero Loop, Horne and Munford. 126, 211, 903, 912, 945.

152.... Creates an advisory committee to develop recommendations for the funding of highways in this State. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymen Atkinson, Horne, Bobzien, Benitez-Thompson, Conklin, Dondero Loop, Flores, Kirkpatrick, Mastroluca, Munford, Neal, Oceguera, Pierce and Smith. 126, 181, 387, 422, 539, 540*, 4401, 5327, 5812.

153.... Prohibits certain provisions from being construed to authorize the use of a record of arrest as a reason to deny, refuse to renew, suspend or revoke a license, permit, certificate or registration. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Segerblom, Ohrenschall, Diaz, Aizley, Dondero Loop, Flores, Frierson, Munford and Pierce. 127.

154.... Enacts provisions which guarantee certain rights to children placed in foster homes in this State. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Assemblymen Frierson, Mastroluca, Smith, Benitez-Thompson, Ohrenschall, Bustamante Adams, Diaz, Segerblom; Senator Leslie. 127, 1154, 1156, 1201, 1622, 2143, 2144*, 3669, 4017, 4022, 4377.

155.... Revises provisions relating to changes in rates of certain insurance. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblyman Atkinson. 127, 398.

156.... Revises provisions relating to process servers. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: No. Assemblymen Frierson, Horne, Segerblom, Flores; Senator Wiener. 127, 386, 426, 540*, 3255, 3282.

157.... Revises the date of the primary election. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Hickey, Goicoechea, Hansen, Atkinson, Kirkpatrick, Ellison, Kirner, Livermore and Ohrenschall. 128.

158.... Revises provisions governing exemptions from the requirements for licensure of driving schools. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Hickey, Kirner, Sherwood, Hambrick, Hardy and Segerblom. 128.

159.... Revises provisions relating to public records. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Segerblom, Ohrenschall, Daly, Flores, Frierson, Pierce, Smith; Senators Breeden and Leslie. 128.

160.... Revises provisions governing the financial reports of certain medical facilities. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Segerblom, Aizley, Benitez-Thompson, Flores, Frierson, Hogan, Neal, Pierce; Senators Kihuen and Leslie. 128, 233, 560, 570, 840, 903, 3359, 3364*, 4363, 4519, 4524, 5325.

161.... Revises provisions governing the crime of trespassing. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblyman Anderson. 129, 1889, 1891, 1951, 2944, 3103*, 3104, 3345, 3370.

162.... Revises provisions governing the use of consumer credit information by an insurer. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymen Aizley, Ohrenschall, Segerblom and Pierce. 129.

163.... Revises provisions relating to public guardians. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs. 129.

164.... Consolidates the office of county coroner with the office of public administrator in certain counties. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Committee on Government Affairs. 129.

165.... Revises the manner in which to determine the tax imposed on moist snuff. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Taxation. 130, 233.

166.... Makes changes relating to the authority of municipalities to hold special elections for certain purposes. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Bustamante Adams, Kirkpatrick, Hardy; Senator Hardy. 130, 229, 238, 244*, 3255, 3282.

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167.... Enacts provisions for the protection of the waters of this State from aquatic invasive species. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Assemblymen Bustamante Adams, Bobzien, Goicoechea, Grady, Hardy; Senators Lee and Manendo. 130, 387, 398, 429, 437, 3240, 3256*, 6270, 6282, 6290.

168.... Revises provisions governing the formation of general improvement districts. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblywomen Dondero Loop and Kirkpatrick. 130, 397, 527, 554*, 3255, 3282, 6262.

169.... Revises provisions governing the authority of charter schools to enter into certain contracts. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Bustamante Adams, Bobzien, Benitez-Thompson, Daly, Diaz, Flores, Munford, Neal; Senators Denis and Kihuen. 131.

170.... Establishes provisions relating to warnings about the health hazards of smoking during pregnancy. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Pierce, Ohrenschall, Anderson, Aizley, Benitez-Thompson, Bustamante Adams, Flores, Kirkpatrick, Mastroluca, Neal, and Smith. 131, 560, 570, 847, 933*, 3669, 4022, 4024, 4377.

171.... Revises provisions governing charter schools. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Benitez-Thompson, Smith, Carrillo, Daly, Diaz, Dondero Loop, Frierson, Kirkpatrick, Neal, Pierce; Senators Denis and Kihuen. 131, 1363, 1365, 1413, 1891, 4527, 4528, 4617, 4962, 5179*, 6270.

172.... Requires the employment of certain persons in the Department of Health and Human Services and the Office of Energy. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymen Brooks, Anderson, Benitez-Thompson, Carrillo, Conklin, Daly, Diaz, Horne, Munford, Ohrenschall and Segerblom. 131, 181, 902, 903.

173.... Prohibits the use of a cellular telephone or other handheld wireless communications device while operating a motor vehicle in certain circumstances. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Assemblymen Munford and Hogan. 132, 211.

174.... Designates June 19 as Juneteenth Day in Nevada. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Munford, Hogan and Neal. 132, 376, 382, 394*, 3255, 3282.

175.... Revises provisions governing the manner in which a vacancy on the board of trustees of a school district is filled. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymen Munford and Hogan. 132.

176.... Enacts provisions related to multicultural education. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymen Munford, Hogan and Neal. 132.

177.... Requires school districts to develop school crossing guard programs. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Assemblymen Munford and Hogan. 133.

178.... Establishes an account for retired boxers and other contestants who engaged in unarmed combat for remuneration. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymen Munford and Hogan. 133, 211.

179.... Revises provisions relating to disciplinary action against a public employee. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymen Anderson, Conklin, Segerblom, Carrillo, Brooks, Daly, Neal; Senators Manendo and Parks. 133, 233, 1889, 1891, 1951, 2150, 2439, 2440*, 4363, 5307, 5309, 5412.

180.... Makes various changes to provisions governing eminent domain. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Horne, Ohrenschall, Pierce, Aizley, Anderson, Atkinson, Bobzien, Conklin, Flores, Frierson, Hardy, Kirkpatrick, Oceguera, Segerblom, Smith; Senators Schneider, Parks, Leslie, Breeden, Copening, Roberson and Settelmeyer. 133.

181.... Provides for evaluation by the Advisory Commission on the Administration of Justice of the policies and practices relating to the involuntary civil commitment of sexually dangerous persons. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymen Horne, Dondero Loop, Anderson, Carrillo, Aizley, Brooks, Goicoechea, Hansen, Hogan, Mastroluca, Munford, Neal, Segerblom, Smith; Senators Breeden and Lee. 134, 398, 943, 944, 950, 1351*, 3288, 3355.

182.... Authorizes the creation of inland ports. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Commerce and Labor. 134, 2155, 2156, 2243, 2250, 2492, 2495, 2954, 2955, 3093, 3148*, 3669, 4293, 4401.

183.... Revises provisions regarding the establishment and maintenance of a reserve account for payment of the outstanding bonds of a school district. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Smith, Conklin, Oceguera, Horne, Bobzien, Aizley, Anderson, Atkinson, Benitez-Thompson, Brooks, Bustamante Adams, Carlton, Carrillo, Diaz, Dondero Loop, Flores, Frierson, Hogan, Kirkpatrick, Mastroluca, Neal, Ohrenschall and Segerblom. 134, 180, 188, 193, 195*, 329, 383.

184.... Requires a cooling off period before a former State Legislator or constitutional officer may serve as a paid lobbyist. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Goedhart, Goicoechea, Hambrick, Hansen, Hardy, Kirner, Woodbury; Senators Cegavske, Halseth and Roberson. 138, 4401.

185.... Revises provisions governing the possession and use of firearms in state parks. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Goedhart, Goicoechea, Hambrick, Hansen, Hardy, Kirner, McArthur, Stewart, Woodbury; Senators Cegavske, Halseth and Roberson. 138.

186.... Allows certain real property managed or controlled by the Federal Government to be taken by eminent domain for certain purposes. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Goedhart, Hambrick, Hansen, Hardy, Kirner, McArthur, Sherwood, Stewart, Woodbury; Senators Cegavske, Gustavson, Halseth and Roberson. 139, 5131.

187.... Revises the number of legislative measures that may be requested by certain persons and entities. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen McArthur, Bustamante Adams, Diaz, Ellison, Flores, Goedhart, Goicoechea, Grady, Hambrick, Hammond, Hansen, Hardy, Hickey, Kirkpatrick, Kirner, Kite, Livermore, Munford, Ohrenschall, Sherwood, Stewart, Woodbury; Senators Cegavske, Gustavson, Halseth, Kihuen and Settelmeyer. 141.

188.... Revises provisions governing motor vehicles. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Committee on Transportation. 141, 211, 561, 570, 850, 903.

189.... Authorizes certain tax credits for qualified investments in Nevada small businesses. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymen Horne, Atkinson, Kirkpatrick, Conklin, Oceguera, Aizley, Bobzien, Carrillo, Daly, Diaz, Dondero Loop, Frierson, Ohrenschall, Segerblom and Smith. 141, 211.

190.... Revises certain provisions governing ownership interest in professional entities. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblyman Carrillo. 141, 4401.

191.... Revises provisions governing the partial abatement of certain taxes. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymen Conklin, Kirkpatrick, Bustamante Adams, Neal, Oceguera, Atkinson, Diaz, Dondero Loop, Flores and Mastroluca. 147, 211, 1889, 1891, 1953, 2156.

192.... Revises various provisions relating to fees charged by county recorders. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Ways and Means. 148, 1154, 1156, 1207, 1886, 2144*, 3669, 4293.

193.... Revises provisions governing the implementation of capital improvement projects. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Ways and Means. 148, 229, 238, 244*, 442, 556.

194.... Revises provisions relating to court interpreters for persons with a communications disability. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymen Ohrenschall and Dondero Loop. 148, 441, 553, 638, 933*, 3296, 3355.

195.... Revises provisions governing the destruction and storage of court records. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Judiciary. 148, 233, 441, 553, 638, 643, 6129, 6132, 6237*, 6458.

196.... Revises provisions governing the collection of fines, administrative assessments and fees owed by certain convicted persons. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Judiciary. 149, 233, 1154, 1156, 1211, 1886, 2144*, 3669, 4343, 4347, 4525.

197.... Revises a certain portion of the boundary between Storey County and Washoe County. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Assemblyman Grady. 152.

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198 .... Revises provisions governing the Nevada Rural Housing Authority. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Grady, Ellison and Livermore. 152, 1363, 1365, 1439, 2144*, 4420, 5310, 5314, 5412.

199 .... Revises provisions governing the practice of pharmacy. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Assemblymen Smith, Atkinson, Horne, Conklin, Bobzien, Daly, Dondero Loop, Hickey, Kirkpatrick, Mastroluca and Oceguera. 152, 440, 553, 644, 903, 2493, 2953*, 5327, 5557, 5563, 5683, 5689, 6068, 6072, 7037, 7043, 7265.

200 .... Authorizes a brew pub to obtain a special permit to transport donated malt beverages under certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Smith, Bobzien, Horne, Conklin, Atkinson, Daly, Dondero Loop, Hickey, Kirkpatrick, Mastroluca and Oceguera. 152, 304, 315, 333*, 3669, 4293.

201 .... Revises provisions pertaining to informational statements provided for the adoption of administrative regulations. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs. 153, 376, 382, 394*, 3288, 3627, 3629, 3638, 4401.

202 .... Provides for the partial abatement of certain property taxes for certain new manufacturing businesses in this State. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymen Atkinson, Conklin, Kirner, Hardy, Hickey and Kirkpatrick. 153, 211, 1889, 1891, 1966, 2156, 3755, 3756, 3898*, 5327, 5812.

203 .... Revises provisions governing contractors. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: No. Assemblymen Carrillo, Kirkpatrick, Brooks, Daly, Ellison, Hansen, Segerblom; Senator Manendo. 165, 397, 527, 554*, 3265, 3387, 3392, 3638.

204 .... Revises provisions regarding salvage vehicles and total loss vehicles. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Transportation. 165, 211, 2156, 2954, 2958, 3147*, 5327, 5812.

205 .... Revises provisions concerning the issuance of permits to carry concealed firearms. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Hickey, Hansen, Bobzien, Anderson, Ellison, Goicoechea, Hambrick, Kirner, Kite, Livermore, Smith, Stewart and Woodbury. 165.

206 .... Revises provisions governing the employment of retired public employees. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Government Affairs. 171.

207 .... Provides certain restrictions on demonstrations near a funeral, memorial service or ceremony. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: No. Assemblymen Stewart, Goicoechea, Hansen, Hardy, Hickey, Kirner, McArthur, Sherwood, Woodbury; Senators Hardy, Cegavske and Lee. 172.

208 .... Designates English as the official language of the State of Nevada. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Stewart, Hansen, Ellison, Goedhart, Goicoechea, Grady, Hambrick, Hammond, Hardy, Hickey, Kirner, Livermore, McArthur, Sherwood, Woodbury; Senator Hardy. 172.

209 .... Revises provisions governing the use by a local government of the money in certain funds that are designated for capital projects. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Health and Human Services. 172.

210 .... Clarifies that the relationship between a person who agrees to provide services for certain programs and a person with a disability or mental retardation who is participating in such a program does not constitute employment for the purposes of provisions governing the minimum wage. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Sherwood, Woodbury, Diaz, Hambrick, Hammond, Hickey, McArthur; Senators Cegavske, Hardy and Denis. 173, 4401.

211 .... Revises provisions governing discriminatory employment practices. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Aizley, Ohrenschall, Carrillo, Horne, Atkinson, Conklin, Dondero Loop, Frierson, Goedhart, Hambrick, Hogan, Oceguera, Pierce, Stewart; Senators Leslie, Parks and Denis. 177, 559, 570, 850, 933*, 934, 3345, 3392, 3403, 3638.

212.... Revises provisions relating to design-build contracts entered into by the Department of Transportation. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Woodbury, Goicoechea, Grady, Hammond, Hansen, Hardy, Hickey, Kite, Stewart; Senators Hardy, Gustavson, Kieckhefer and Settelmeyer. 177, 944, 955, 1149, 2492, 2952, 2953*, 5327, 5812.

213.... Makes various changes relating to gaming. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Judiciary. 177, 567, 1154, 1156, 1221, 1886, 2144*, 3669, 4293.

214.... Revises provisions governing certain disbursements of money from escrow accounts. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Commerce and Labor. 181, 397, 530, 555*, 3288, 3403, 3406, 3638.

215.... Revises provisions governing utilities. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Commerce and Labor. 181, 943, 944, 956, 1351*, 3296, 3406, 3420, 3638.

216.... Revises provisions concerning the employee benefits of employees of law enforcement agencies upon the merger of the agencies into a metropolitan police department. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Kirner, Hansen, Goedhart, Goicoechea, Grady, Hambrick, Hammond, Hardy, Hickey, Kite, Livermore, McArthur, Sherwood, Stewart, Woodbury; Senators Gustavson, Halseth and Settelmeyer. 181.

217.... Repeals provisions governing the interstate sale of certain firearms. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Ellison, Hansen, Aizley, Anderson, Bobzien, Bustamante Adams, Carrillo, Goedhart, Goicoechea, Grady, Hambrick, Hammond, Hardy, Hickey, Kirkpatrick, Kirner, Kite, Livermore, McArthur, Munford, Sherwood, Stewart, Woodbury; Senators Hardy, Settelmeyer, Gustavson, Brower, Lee, Manendo and McGinness. 182, 215, 225, 230, 231*, 3255, 3282.

218.... Revises provisions governing the application of sales and use taxes to bottled water. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Segerblom, Aizley, Brooks and Pierce. 182, 211.

219.... Revises provisions governing the expiration of slot machine wagering vouchers Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymen Horne, Aizley, Atkinson, Bobzien, Brooks, Carrillo, Conklin, Daly, Dondero Loop, Frierson, Hogan, Ohrenschall, Segerblom and Smith. 182, 398, 1889, 1891, 1975, 2156, 6270, 6304, 6317, 6318*, 6745.

220.... Encourages the Board of Regents of the University of Nevada to implement measures to ensure the educational needs of students and prospective students will be met. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Oceguera, Bobzien, Smith, Kirkpatrick, Conklin, Aizley, Anderson, Atkinson, Benitez-Thompson, Brooks, Bustamante Adams, Carlton, Carrillo, Dondero Loop, Flores, Frierson, Hammond, Hardy, Hickey, Hogan, Kirner, Mastroluca, Munford, Neal, Ohrenschall, Pierce, Woodbury; Senators Leslie, Horsford and Denis. 183, 381, 389, 438*, 3265, 3296.

221.... Establishes provisions governing certain acts of pharmacists. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Committee on Commerce and Labor. 183, 943, 944, 970, 1149, 4401.

222.... Creates the Teachers and Leaders Council of Nevada. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymen Smith, Bobzien, Oceguera, Conklin, Anderson, Atkinson, Benitez-Thompson, Carrillo, Daly, Dondero Loop, Frierson, Hansen, Hickey, Hogan, Horne, Kirner, Mastroluca, Segerblom, Stewart; Senators Horsford and Leslie. 183, 398, 440, 444, 447, 4810, 4812, 5177, 5419*, 5676, 6430, 6505, 6522.

223.... Makes various changes concerning the execution on property of a judgment debtor or defendant. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Segerblom, Smith, Dondero Loop, Aizley, Anderson, Benitez-Thompson, Bobzien, Carrillo, Daly, Frierson, Kirkpatrick, Neal, Pierce; Senators Breeden, Parks, Kihuen, Leslie and Manendo. 185, 2491, 2609, 3100*, 3101, 5328, 5959, 5985, 6010, 6319.

224.... Revises provisions governing parental involvement in education. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymen Benitez-Thompson, Smith, Bobzien, Oceguera, Aizley, Brooks, Bustamante Adams, Carrillo, Daly, Flores, Frierson, Kirkpatrick, Segerblom; Senator Denis. 186, 315, 376, 377, 3674, 3902*, 6068, 6319.

225.... Requires an additional probationary period for certain teachers and administrators. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Ways and Means. 186, 440, 444, 463, 555*, 559, 5682, 5689, 5692, 5695, 5738, 5955.

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226.... Revises various provisions governing landlords and tenants. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Frierson, Brooks, Carrillo, Segerblom and Pierce. 186, 1364, 1365, 1443, 2144, 2145*, 3296, 3355, 4401.

227.... Requires boards of trustees of school districts to grant the use of certain athletic fields to certain nonprofit organizations. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Assemblymen Hambrick, Aizley, Anderson, Brooks, Goedhart, Goicoechea, Grady, Hammond, Hardy, Hickey, Hogan, Kirner, McArthur, Stewart, Woodbury; Senators Halseth and Kihuen. 187, 943, 944, 977, 1351, 1352*, 3755, 3996, 3997, 4377.

228.... Directs the Commission to Study Governmental Purchasing to conduct a study on contracts for public works. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymen Hickey, Hansen, Goedhart, Goicoechea, Grady, Hambrick, Hardy, Kirner, McArthur, Segerblom, Sherwood, Smith and Stewart. 187, 315, 1363, 1365, 1453, 2145*, 6270, 6503, 6505.

229.... Revises provisions governing the accountability and performance of public schools and educational personnel. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymen Oceguera, Bobzien, Smith, Horne, Conklin, Anderson, Atkinson, Benitez-Thompson, Brooks, Bustamante Adams, Daly, Dondero Loop, Flores, Kirkpatrick, Mastroluca, Munford, Ohrenschall, Pierce and Segerblom. 187, 315, 440, 444, 467, 555*, 559, 5682, 5692, 5738, 5955.

230.... Authorizes an alternative route to licensure for teachers and administrators. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Education. 191, 303, 315, 333*, 4363, 6834, 6840.

231.... Revises provisions governing concealed firearms. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Goedhart, Hardy, Ellison, Goicoechea, Grady, Hambrick, Hickey, Kirner, Kite, Sherwood, Stewart; Senators Gustavson, McGinness and Rhoads. 191, 233.

232.... Revises provisions governing the payment of certain fees for permits to operate certain oversized and overweight vehicles on the highways of this State. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymen Woodbury, Aizley, Anderson, Ellison, Goedhart, Goicoechea, Grady, Hambrick, Hammond, Hardy, Hickey, Kirner, Kite, Livermore, McArthur, Sherwood, Stewart; Senators Hardy, Gustavson and Settelmeyer. 191, 233, 561, 570, 850, 934, 939*, 5327, 5812.

233.... Revises provisions governing the circumstances under which a pupil may receive credit for a course of study without attending the course. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymen Bobzien, Smith, Mastroluca, Dondero Loop, Atkinson, Carlton, Oceguera; Senator Leslie. 191, 560, 570, 853, 934*, 3669, 4293.

234.... Revises provisions governing places of public accommodation. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymen Aizley, Carrillo, Ohrenschall, Pierce, Segerblom; Senators Parks and Leslie. 4401.

235.... Revises provisions regarding the medical use of marijuana. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Assemblymen Aizley, Carrillo, Flores, Hogan, Ohrenschall, Pierce and Segerblom. 398.

236.... Revises provisions governing financial obligations in common-interest communities. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Neal, Daly, Frierson, Horne, Livermore, Munford, Ohrenschall, Pierce and Segerblom. 202.

237.... Authorizes counties to issue securities for projects and programs concerning public water and sewer systems. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs. 202, 560, 570, 854, 903, 1365, 1886, 2145*, 3755, 4377, 4401.

238.... Revises provisions concerning the refunding of certain municipal securities. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs. 202, 1363, 1365, 1455, 2145*, 4363, 5318, 5320, 5412.

239.... Requires public bodies to post on their websites, if any, certain material and records related to meetings of the public body. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Bobzien, Kirkpatrick, Benitez-Thompson, Smith, Pierce, Atkinson, Bustamante Adams, Conklin, Flores, Mastroluca and Oceguera. 203.

240.... Revises provisions governing contracts for services entered into by certain public employers. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Smith, Conklin, Oceguera, Bobzien, Kirkpatrick, Aizley, Atkinson, Diaz, Goicoechea, Grady, Hardy, Hickey, Hogan and Mastroluca. 203, 2491, 2632, 3101*, 5327, 5410, 5927, 5954, 6739, 6744, 6845.

241.... Creates stabilization accounts for public education funding. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Assemblymen Smith, Conklin, Oceguera, Bobzien, Kirkpatrick and Diaz. 203, 234.

242.... Requires certain organizations to make available certain information. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymen Kirkpatrick, Smith, Oceguera, Conklin and Atkinson. 210, 2155, 2156, 2250, 2949, 2950*, 5327, 5670, 5672, 5955.

243.... Creates the position of State Grants Coordinator within the Budget Division of the Department of Administration. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymen Hansen, Hickey, Kirner, Sherwood, Goicoechea, Bustamante Adams, Carrillo, Ellison, Frierson, Grady, Hambrick, Hammond, Hardy, Kite, Livermore, Stewart, Woodbury; Senators Gustavson, Kieckhefer, Lee, Manendo and Roberson. 212, 315, 902, 903.

244.... Enacts the Uniform Partition of Heirs Property Act. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Segerblom and Ohrenschall. 212, 1364, 1365, 1457, 2145*, 3345, 3370.

245.... Revises provisions governing eligibility for certain tax exemptions. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymen Stewart, Ellison, Goicoechea, Grady, Hammond, Hardy, Hickey, Kirner, Kite, Livermore, McArthur, Sherwood; Senators Hardy, Gustavson, Lee and Settelmeyer. 212, 398, 1889, 1891, 1981, 2156, 4443, 4444*, 6270.

246.... Authorizes candidates for membership on the executive board of an association of a common-interest community to obtain a list of the addresses of units' owners under certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Stewart, Ellison, Goicoechea, Grady, Hammond, Hansen, Hardy, Hickey, Livermore, Sherwood; Senators Hardy, Lee and Settelmeyer. 212, 1364, 1365, 1457, 2145, 2146*, 3755, 4377, 4401.

247.... Authorizes an agricultural user to apply to the Motor Carrier Division of the Department of Motor Vehicles for the issuance of a license plate and decal to operate a farm tractor or self-propelled implement of husbandry on a highway in this State under certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymen Goicoechea, Grady and Hansen. 213, 315, 1889, 1891, 1985, 2156, 3755, 3756, 3898, 4268, 4269*, 5957, 6319.

248.... Revises certain requirements for the proposed budget of the Executive Department of the State Government. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymen Smith, Oceguera, Conklin, Bobzien, Kirkpatrick, Aizley, Atkinson, Goicoechea, Hogan, Horne and Mastroluca. 213, 2155, 2156, 2253, 2950*, 3755, 4377.

249.... Makes various changes pertaining to certain court reporters. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblyman Oceguera. 216, 1154, 1156, 1225, 1886, 2146*, 3755, 3933, 3940, 4377.

250.... Repeals the prospective expiration of the exemption from jury service of any police officer. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Conklin, Horne and Ohrenschall. 216, 335, 348, 377*, 3255, 3282.

251.... Provides penalties for certain actions by contractors against persons who are older or vulnerable. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Assemblymen Carrillo, Brooks, Frierson, Aizley, Anderson, Benitez-Thompson, Bustamante Adams, Flores, Munford, Neal; Senator Manendo. 216.

252.... Requires contractors and subcontractors on a public work to use E-Verify to verify eligibility for employment for workers on the public work. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymen Hickey, Ellison, Hardy, Kirkpatrick, Goedhart, Grady, Hammond, Hansen, Kirner, Kite, Livermore, Sherwood, Stewart and Woodbury. 216.

253.... Makes various changes concerning fines and settlement agreements relating to occupational safety and health. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Commerce and Labor. 216, 1153, 1156, 1232, 1886, 2146*, 3755, 4007, 4011, 4377, 5680.

254.... Revises provisions relating to the issuance of a citation for certain occupational safety and health violations. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Commerce and Labor. 217, 1153, 1156, 1235, 1886, 2146, 2147*, 3755, 4011, 4013, 4377, 5681.

255.... Revises procedures relating to certain accidents occurring in the course of employment. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Commerce and Labor. 217, 315, 1153, 1156, 1236, 1365, 3755, 3756, 3901*, 6068, 6319.

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256.... Revises various provisions governing workers' compensation. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Commerce and Labor. 217, 398.

257.... Revises provisions relating to the Open Meeting Law. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Ellison, Goicoechea, Hickey, Livermore, Segerblom; Senators Brower, Gustavson, Halseth, Hardy and Rhoads. 218, 2491, 2636, 3101*, 5327, 5348, 5351, 5927, 5954, 6451, 6454, 6458.

258.... Revises provisions governing the licensing and operation of interactive gaming. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Judiciary. 218, 315, 1889, 1891, 1951, 2135, 2150, 2156, 3425, 3428, 3434, 3637*, 5328, 5430, 5436, 5955.

259.... Requires a portion of certain existing fees to be used for certain programs for legal services. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary. 218, 315, 1154, 1156, 1240, 1365, 3674, 3735, 3902*, 6430, 6652.

260.... Requires newly elected Legislators to attend training before the beginning of their first legislative session. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymen Oceguera, Conklin, Smith, Kirkpatrick, Bobzien, Atkinson, Carrillo, Horne, Mastroluca, Pierce, Segerblom and Sherwood. 223, 1364, 1365, 1463, 2147*, 5328, 5483, 5489, 5955.

261.... Increases the monetary limit in actions for small claims adjudicated in a justice court. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Assemblymen Hansen, Kirner, Carrillo, Diaz, Goedhart, Hammond, Hardy, Kite; Senator Lee. 224, 560, 570, 854, 934*, 3255, 3282.

262.... Revises provisions relating to public administrators. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblyman Grady and Senator Settelmeyer. 224, 397, 532, 556*, 3255, 3282.

263.... Clarifies permissible use of proceeds of certain local sales and use taxes by Carson City. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Livermore, Hambrick, Aizley, Bustamante Adams, Grady, Hansen, Hardy, Hickey, Kite, Neal, Sherwood, Stewart and Woodbury. 224.

264.... Revises provisions relating to constables. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblywoman Kirkpatrick. 224.

265.... Revises provisions governing the rights of peace officers. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblyman Daly. 224, 2491, 2639, 3101*, 5327, 5594, 5600, 5955.

266.... Revises provisions governing disciplinary proceedings for certain employees of state and local government. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymen Segerblom, Ohrenschall and Daly. 225.

267.... Revises provisions governing representation of injured workers in hearings or other meetings concerning industrial insurance claims. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblyman Ohrenschall. 230, 943, 944, 979, 1352*.

268.... Requires the Public Utilities Commission of Nevada to establish a program that creates incentives for the development of renewable energy systems in this State. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymen Woodbury, Kirkpatrick, Anderson, Ellison, Goedhart, Hammond, Hardy, Stewart; Senator Hardy. 230, 315.

269.... Revises certain provisions relating to the use of a grand jury. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary. 230, 943, 944, 980, 1352*, 3345, 3370.

270.... Reduces the amount of the governmental services taxes imposed on certain older motor vehicles. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Ways and Means. 230, 315.

271.... Regulates private transfer fee obligations that affect real property. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Bustamante Adams, Horne and Conklin. 234, 560, 570, 857, 934*, 3345, 3348, 3355, 3370.

272.... Makes various changes relating to juvenile justice. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymen Flores, Ohrenschall, Brooks, Benitez-Thompson, Frierson and Munford. 234, 398.

273.... Revises provisions relating to real property. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Commerce and Labor. 234, 1889, 1891, 1989, 2150, 2440*, 4401, 5328, 5563, 5571, 5582, 5955.

274.... Revises provisions relating to the payment of the proceeds of any benefits under a life insurance policy. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Commerce and Labor. 235, 1363, 1365, 1469, 1886.

275.... Requires private contractors, under certain circumstances, to remove from freeways and highways devices for the temporary diversion of traffic. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymen Segerblom and Daly. 235.

276.... Requires the State Controller to make certain data available for public inspection on an Internet website established and maintained by the State Controller. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymen Conklin and Kirkpatrick. 235, 1889, 1891, 1996, 2150, 2440*, 3755, 4377.

277.... Provides for special license plates honoring female veterans. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Anderson, Benitez-Thompson, Bustamante Adams, Carlton, Diaz, Dondero Loop, Flores, Mastroluca, Neal, Pierce, Woodbury; Senators Halseth, Leslie, Breeden, Cegavske, Copening and Wiener. 235, 2156, 2257, 2950*, 4401, 5327, 5337, 5340, 5927, 5954, 6072, 6271, 6503.

278.... Provides for the consolidation of fire departments in certain counties. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Segerblom, Conklin and Kirkpatrick. 236.

279.... Authorizes independent testing laboratories to inspect and certify gaming devices, equipment and systems. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblyman Ohrenschall. 236, 1154, 1156, 1246, 1365, 6747, 6774*, 7036.

280.... Requires the adoption of patient safety checklists and patient safety policies at certain medical facilities. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Oceguera, Anderson, Mastroluca, Brooks, Conklin, Benitez-Thompson, Dondero Loop, Flores, Frierson, Horne, Kirkpatrick, Munford, Neal, Pierce; Senator Manendo. 236, 397, 532, 556*, 3755, 4377.

281.... Requires the Commission on Professional Standards in Education to establish an expedited procedure for the licensure of certain teachers. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymen Oceguera, Anderson, Kirkpatrick, Dondero Loop, Brooks, Benitez-Thompson, Conklin, Flores, Frierson, Horne, Mastroluca, Munford, Neal, Pierce; Senator Manendo. 236.

282.... Revises various provisions concerning firearms. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Oceguera, Bobzien, Smith, Conklin, Kirkpatrick, Anderson, Benitez-Thompson, Brooks, Daly, Dondero Loop, Ellison, Flores, Frierson, Goedhart, Goicoechea, Hambrick, Hansen, Hardy, Hickey, Horne, Kirner, Kite, Livermore, McArthur, Munford, Neal, Stewart, Woodbury; Senators Manendo, Brower, Cegavske, Denis, Gustavson, Halseth, Hardy, Kieckhefer, McGinness, Rhoads, Roberson and Settelmeyer. 237, 1364, 1365, 1474, 1482, 2147, 2156, 2441, 2950*, 4302, 4347, 4354, 4361, 4528, 4671, 6296, 6304, 6845.

283.... Revises provisions relating to mortgage loans. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblyman Conklin. 237, 1889, 1891, 2000, 2150, 2440*, 4363, 5219, 5228, 5412.

284.... Revises provisions relating to real property. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Assemblymen Conklin, Horne and Kirkpatrick. 237, 1889, 1891, 2008, 2150, 2440*, 3345, 3370, 5573, 5579, 5581.

285.... Revises provisions governing an award of attorney's fees in causes of action for constructional defects. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Hansen, Goedhart, Hardy, Ellison, Hambrick, Goicoechea, Grady, Hammond, Hickey, Kite, Livermore, McArthur and Stewart. 240.

286.... Establishes the Advisory Committee on Medicaid Fraud. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymen Hardy, Goedhart, Hambrick, Aizley, Anderson, Bustamante Adams, Ellison, Goicoechea, Grady, Hammond, Hansen, Hickey, Hogan, Kirner, Kite, Livermore, Munford, Neal, Sherwood, Stewart, Woodbury; Senators Parks, Hardy, Schneider, Cegavske, Denis, Lee, Manendo, Rhoads, Roberson and Settelmeyer. 241, 398, 560, 570.

287.... Creates the Nevada Renewable Energy Transmission Authority. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymen Kirkpatrick, Atkinson, Conklin, Carlton and Oceguera. 241, 398, 559, 570.

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288.... Authorizes the Commission on Economic Development to approve partial abatements of the taxes imposed on certain businesses that locate in this State. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Taxation. 241, 315.

289.... Enacts provisions relating to the practice of dietetics. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: No. Assemblymen Mastroluca, Carlton, Atkinson; Senators Wiener and Schneider. 242, 1153, 1156, 1249, 1886, 2148*, 4363, 5228, 5258, 5412.

290.... Revises provisions governing pupils enrolled in high school. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Assemblymen Neal, Aizley, Benitez-Thompson, Bobzien, Diaz, Flores, Hardy, Horne, Livermore, Munford, Ohrenschall, Pierce and Stewart. 242, 1153, 1156, 1282, 1886, 2148*, 3755, 3997, 4003, 4377.

291.... Makes certain agreements between heir finders and apparent heirs relating to the recovery of property in an estate void and unenforceable under certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Horne, Aizley, Atkinson, Bustamante Adams, Carlton, Carrillo, Daly, Dondero Loop, Frierson, Goicoechea, Hogan, Livermore, Mastroluca, Munford, Pierce and Segerblom. 242, 1154, 1156, 1288, 1886, 2148*, 5327, 5378, 5379, 5812.

292.... Revises provisions governing judicial proceedings for eminent domain. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Horne, Daly, Dondero Loop, Flores, Frierson, Ohrenschall and Segerblom. 242, 943, 944, 981, 1352*, 3755, 4377.

293.... Requires a person who owns or controls the premises on which an injury or death allegedly occurred to produce certain evidence under certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Horne, Segerblom, Aizley, Bustamante Adams, Carlton, Carrillo, Daly, Dondero Loop, Flores, Frierson, Hogan, Munford, Ohrenschall and Pierce. 243.

294.... Revises various provisions relating to gaming. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Horne, Atkinson, Ohrenschall, Segerblom, Aizley, Carrillo, Daly, Dondero Loop, Flores, Frierson, Hogan, Munford and Pierce. 243, 398, 1364, 1365, 1486, 2148*, 5327, 5373, 5378, 5812.

295.... Revises provisions governing the disposition of the human remains of certain deceased military personnel. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Bobzien, Anderson, Bustamante Adams, Hogan, Kirkpatrick, Mastroluca, Smith; Senator Leslie. 248, 560, 570, 857, 934, 935*, 3265, 3296.

296.... Revises provisions relating to long-term care administrators. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Daly, Kirkpatrick and Smith. 248, 544, 647, 935*, 3265, 3296.

297.... Revises provisions relating to airports in certain counties. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Assemblymen Oceguera, Conklin, Anderson, Kirkpatrick, Brooks, Aizley, Atkinson, Benitez-Thompson, Bobzien, Bustamante Adams, Carlton, Carrillo, Daly, Diaz, Dondero Loop, Flores, Frierson, Goicoechea, Hammond, Hickey, Hogan, Horne, Livermore, Mastroluca, Munford, Neal, Ohrenschall, Pierce, Segerblom and Smith. 248.

298.... Revises the circumstances under which a person may operate an off-highway vehicle on a highway in this State. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblyman Atkinson. 248.

299.... Creates the Low-Cost Automobile Insurance Pilot Program. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymen Atkinson, Conklin, Kirkpatrick, Aizley, Anderson, Benitez-Thompson, Bustamante Adams, Carlton, Diaz, Flores, Frierson, Hogan, Horne, Munford, Oceguera, Pierce and Smith. 249, 398, 943, 944, 983, 1350, 1886, 2148, 2149, 3099, 3101*.

300.... Revises provisions governing foreclosures on property. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymen Frierson, Atkinson, Horne, Smith, Oceguera, Brooks, Bustamante Adams, Conklin, Diaz, Ohrenschall, Segerblom; Senator Horsford. 249, 315, 1153, 1156, 1289, 1365, 4401, 4528, 4802*, 6270.

301.... Revises provisions governing the restoration of civil rights for ex-felons. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Legislative Operations and Elections. 249, 567, 3104, 3149*, 5327, 5885, 5902, 6125.

302.... Authorizes off-highway vehicles to be operated on highways under certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Goedhart, Grady, Hambrick, Kite, McArthur, Sherwood; Senators Gustavson and Settelmeyer. 250.

303.... Provides for the issuance of special license plates to promote awareness of the United States Constitution. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Goedhart, Hambrick, Kite, McArthur, Sherwood, Stewart; Senators Gustavson, Halseth, Hardy and Settelmeyer. 250.

304.... Makes various changes relating to fire performers and apprentice fire performers. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Assemblymen Bobzien, Benitez-Thompson, Hickey, Segerblom, Smith; Senators Leslie and Copening. 251, 2491, 2644, 3101*, 3102, 4420, 5314, 5318, 5412.

305.... Increases the penalty for certain crimes committed against older or vulnerable persons. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymen Kite, Anderson, Aizley, Benitez-Thompson, Bustamante Adams, Ellison, Flores, Grady, Hambrick, Hansen, Hardy, Hickey, Kirner, Livermore, McArthur, Neal, Sherwood, Stewart, Woodbury; Senators Gustavson, Kieckhefer, McGinness and Settelmeyer. 251.

306.... Revises the manner in which certain supervisors of a conservation district are appointed. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Kite, Benitez-Thompson, Bustamante Adams, Ellison, Flores, Hickey, Livermore, McArthur, Neal, Sherwood, Stewart, Woodbury; Senators Kieckhefer and Settelmeyer. 251, 386, 437, 540*, 3755, 4377.

307.... Enacts provisions governing energy development projects. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymen Bobzien, Carlton, Atkinson, Kirkpatrick, Segerblom, Smith; Senators Leslie, Horsford and Rhoads. 251, 444, 943, 944, 995, 1067, 5000, 5001, 5323*, 6270, 6272, 6281.

308.... Revises provisions governing the regulation of mortgage lending. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymen Conklin, Kirkpatrick, Smith, Atkinson, Bustamante Adams, Carrillo, Daly, Dondero Loop, Frierson, Mastroluca, Oceguera and Segerblom. 252, 1889, 1891, 2029, 2150, 2440, 2441*, 4528, 5582, 5592, 5955.

309.... Revises provisions governing insurance. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Assemblymen Oceguera, Smith, Conklin, Ohrenschall, Bobzien, Aizley, Anderson, Atkinson, Bustamante Adams, Carlton, Carrillo, Daly, Diaz, Dondero Loop, Flores, Frierson, Hogan, Horne, Kirkpatrick, Mastroluca, Munford and Pierce. 252, 398, 559, 570, 860, 935*, 4302, 5258, 5271, 5412.

310.... Revises the requirements for voting by persons who register to vote by mail. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Sherwood, Goedhart, Hambrick, Ellison, Goicoechea, Hammond, Hardy, Hickey, Kirner, Kite, Livermore, McArthur, Stewart; Senators Gustavson, Halseth, Kieckhefer and Settelmeyer. 256.

311.... Revises provisions governing early voting. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymen Hardy, Sherwood, Hansen, Munford; Senators Cegavske, Gustavson and Halseth. 256, 398.

312.... Revises provisions governing public works. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymen Hardy, Kite, Sherwood, Ellison, Goicoechea, Grady, Hammond, Hansen, Livermore, McArthur, Stewart, Woodbury; Senators Hardy, Cegavske, Rhoads and Settelmeyer. 256, 567, 902, 903.

313.... Revises provisions governing the custody and visitation of children for persons who are members of the military. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Bustamante Adams, Bobzien, Anderson, Horne and Senator Gustavson. 256, 560, 570, 874, 935, 939*, 3755, 3927, 3933, 4377.

314.... Revises provisions governing a course of instruction on sexual education. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblyman Bobzien and Senator Leslie. 257, 398, 560, 570.

315.... Establishes the Autism Treatment Assistance Program. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymen Woodbury, Sherwood, Hardy, Hammond, Smith, Carlton, Carrillo, Conklin, Daly, Ellison, Flores, Grady, Hambrick, Horne, Kirkpatrick, Livermore, Mastroluca, McArthur, Munford, Oceguera, Ohrenschall, Stewart; Senators Leslie, Rhoads, Parks, Hardy, Schneider, Breeden, Gustavson, Horsford, Kieckhefer, Kihuen, Manendo and Settelmeyer. 257, 398, 902, 903.

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316.... Revises provisions relating to services for persons with autism spectrum disorders. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymen Woodbury, Ohrenschall, Carrillo, Sherwood, Carlton, Bobzien, Conklin, Daly, Diaz, Ellison, Flores, Grady, Hambrick, Hammond, Hansen, Hardy, Horne, Kirkpatrick, Livermore, Mastroluca, McArthur, Munford, Oceguera, Pierce, Smith, Stewart; Senators Leslie, Kieckhefer, Hardy, Manendo, Schneider, Breeden, Cegavske, Copening, Gustavson, Halseth, Horsford, Kihuen, Parks, Rhoads and Settelmeyer. 257, 398, 1364, 1365, 1491, 1498, 5815, 5816, 5927*, 6270.

317.... Revises provisions governing arbitration of certain claims relating to residential property. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblyman Segerblom. 258, 1364, 1365, 1498, 2149*, 3755, 4377, 4401.

318.... Places the burden of proof and the burden of production on a school district in a due process hearing held pursuant to the Individuals with Disabilities Education Act. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Assemblywomen Mastroluca and Smith. 258, 902, 903, 919, 1149, 1352*, 3755, 4377.

319.... Revises provisions governing the final disposition of human remains. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblywoman Diaz. 258, 560, 570, 880, 935*, 3265, 3296.

320.... Revises provisions governing coroners' inquests. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Assemblyman Hambrick. 258.

321.... Revises provisions relating to the use of force. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Oceguera, Anderson, Kirkpatrick, Atkinson, Hambrick, Aizley, Benitez-Thompson, Bobzien, Bustamante Adams, Carrillo, Conklin, Daly, Diaz, Dondero Loop, Ellison, Flores, Frierson, Goedhart, Goicoechea, Grady, Hammond, Hansen, Hardy, Hickey, Hogan, Horne, Kirner, Kite, Livermore, McArthur, Munford, Neal, Ohrenschall, Segerblom, Sherwood, Smith, Stewart, Woodbury; Senators Hardy, Gustavson, Horsford and Lee. 259, 1154, 1156, 1302, 1886, 2149*, 3345, 3370.

322.... Revises provisions relating to wildlife. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Smith, Oceguera, Bobzien, Conklin and Goicoechea. 259, 386, 437, 540*, 5327, 5673, 5955.

323.... Requires the establishment and maintenance of an Internet website to provide information concerning consumer fraud in this State. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymen Conklin and Atkinson. 263, 398, 559, 570, 882, 903, 4401.

324.... Revises provisions governing dangerous or vicious dogs. Fiscal Note: Effect on Local Government: May have fiscal impact. Effect on the State: No. Assemblyman Hambrick. 263.

325.... Revises provisions governing the jurisdiction and control over items manufactured or produced within this State. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblyman Hambrick. 263.

326.... Makes various changes to provisions governing juvenile sex offenders. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Assemblyman Hambrick. 264, 398.

327.... Revises provisions governing elections. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblyman Hambrick. 264, 444.

328.... Enacts provisions relating to vulnerable highway users. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblywoman Benitez-Thompson. 264, 1364, 1365, 1505, 2149*, 5327, 5420, 5430, 5955.

329.... Defines the term “wildlife” for certain provisions of law relating to water. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Goicoechea, Bobzien, Smith and Grady. 264, 902, 903, 919, 1149, 1353*.

330.... Makes various changes to provisions relating to certain government contracts. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblyman Oceguera. 265, 444, 1363, 1365, 1532, 1891, 3755, 3756, 3901*, 6270.

331.... Makes various changes concerning the use of consumer reports. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymen Conklin, Kirkpatrick, Smith and Bustamante Adams. 265, 559, 567, 570, 885, 903, 4443, 6087, 6119, 6124*.

332.... Makes various changes relating to the Economic Forum. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymen Conklin, Kirkpatrick and Smith. 265, 398, 902, 903, 4528, 4529, 4914, 4960*, 6458.

333.... Increases taxes on intoxicating liquor and tobacco products. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymen Pierce and Hogan. 266, 398.

334.... Exempts from the limitation on the total proposed budgetary expenditures for a biennium any expenditures from the State Distributive School Account in the State General Fund. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblywoman Pierce. 266, 2491, 2648, 2954.

335.... Imposes excise tax on use of certain services in this State and extends prospective expiration of certain sources and allocations of tax revenue. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymen Pierce and Hogan. 266, 567.

336.... Imposes a tax on certain income of business entities engaged in business in this State. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Assemblymen Pierce and Hogan. 266, 567, 568.

337.... Revises provisions governing campaign practices. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblyman Daly. 266, 2156, 2263, 2951*, 5327, 5756, 5758, 5955.

338.... Provides for reconsideration of personnel decisions for public employees. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblyman Aizley. 267, 444.

339.... Requires certain substances known as synthetic marijuana to be included on the list of schedule I controlled substances. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Assemblymen Ellison, Goicoechea and Grady. 267, 398, 4401.

340.... Revises provisions governing occupational safety. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblyman Ellison. 267.

341.... Revises provisions governing penalties for violations of certain traffic laws. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Assemblyman Ellison. 267.

342.... Authorizes the State and local governments to publish material electronically in lieu of in a newspaper in certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblyman Aizley. 268.

343.... Reduces the amount of the governmental services taxes imposed on certain older motor vehicles. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblyman Aizley. 268, 567.

344.... Revises provisions governing preservation of biological evidence and genetic marker testing. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblyman Aizley. 268.

345.... Revises provisions relating to services for persons with autism spectrum disorders. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Assemblymen Ohrenschall, Conklin, Carlton, Oceguera, Woodbury, Aizley, Anderson, Atkinson, Benitez-Thompson, Bobzien, Bustamante Adams, Carrillo, Daly, Diaz, Dondero Loop, Flores, Frierson, Hogan, Horne, Kirkpatrick, Livermore, Mastroluca, Munford, Neal, Pierce, Segerblom, Smith, Stewart; Senators Schneider, Leslie, Horsford, Lee, Rhoads, Breeden, Hardy, Kieckhefer, Kihuen, Manendo, Parks and Wiener. 269, 398, 902, 903, 5815, 5827, 5927*, 5928, 6270.

346.... Provides a cause of action against public agencies which delay certain actions after adopting a resolution of intent to exercise eminent domain. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymen Ohrenschall, Segerblom, Sherwood, Aizley, Carrillo, Diaz, Ellison, Flores, Hambrick, Hansen, Hardy, Hickey, Hogan, Kirner, McArthur, Pierce; Senators Gustavson and Roberson. 269, 1154, 1156, 1303, 1886, 2431*.

347.... Requires the Department of Wildlife to make certain tags for hunting deer available annually. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymen Ohrenschall, Hansen, Munford, Aizley, Daly and Livermore. 269, 398.

348.... Revises provisions governing the apportionment of federal transfer taxes upon the death of a person. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Ohrenschall, Sherwood, Munford, Aizley, Carlton, Carrillo, Daly, Diaz, Flores, Hansen, Hardy, Hickey, Kite, Pierce and Segerblom. 269, 560, 570, 885, 936*, 3255, 3282.

349.... Revises provisions relating to controlled substances. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblywoman Mastroluca. 270.

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350.... Revises provisions governing children who are placed with someone other than a parent and who are under the jurisdiction of the juvenile court. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblywoman Mastroluca. 270, 444, 1154, 1156, 1305, 1365, 2448, 2951*, 3296, 3355.

351.... Revises provisions governing certain motor carriers. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: No. Assemblywoman Carlton. 270, 2155, 2156, 2266, 2951*, 5320, 6970, 7008, 7015, 7022.

352.... Revises provisions relating to certain trade practices. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblywoman Carlton. 271, 1363, 1365, 1544, 2431*, 2432, 3345, 3370.

353.... Prohibits a court reporter or court reporting firm from charging more than a certain amount per page for copies of a transcript under certain circumstances. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: No. Assemblyman Segerblom. 271.

354.... Revises provisions relating to the State Personnel System. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblyman Segerblom. 271, 444, 902, 903, 6068, 6093, 6123*, 6970.

355.... Revises provisions relating to the Fund for the Compensation of Victims of Crime. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Frierson, Horne, Segerblom, Carrillo, Diaz, and Brooks. 271, 560, 570, 888, 936*, 3345, 3370.

356.... Makes various changes to provisions governing juvenile sex offenders. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Assemblywoman Flores. 272, 398.

357.... Limits the use of certain property or the proceeds of certain property by the Board of Regents of the University of Nevada. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymen Goicoechea, Grady; Senators Rhoads and Settelmeyer. 272, 444, 902, 903.

358.... Revises provisions governing certain manufactured buildings. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblyman Bobzien. 272, 397, 538, 539, 567, 3425, 3428, 3439, 3637*, 4401, 5327, 5812.

359.... Revises provisions governing energy. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymen Goicoechea, Grady; Senator Settelmeyer. 272, 567, 3104, 3128, 3149, 3755, 3756, 3901, 3902*, 6068, 6072, 6080, 6319.

360.... Revises provisions governing city or county ordinances regarding the abatement of certain conditions and nuisances on property within the city or county. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblyman Bobzien. 273, 2155, 2156, 2272, 2951*, 5327, 5871, 5885, 6125.

361.... Revises provisions relating to preferences in bidding on smaller public works contracts. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblywoman Neal. 273, 567.

362.... Revises provisions governing certain programs that supervise children. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymen Diaz, Carrillo, Frierson, Dondero Loop, Sherwood, Aizley, Atkinson, Benitez-Thompson, Bobzien, Bustamante Adams, Daly, Flores, Horne, Kirkpatrick, Neal, Ohrenschall, Pierce, Segerblom and Smith. 274, 1364, 1365, 1554, 2432*, 3755, 4025, 4032, 4363, 4525, 5934, 5946, 6069, 6503.

363.... Revises provisions governing manufactured housing. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblyman Ellison. 274, 398, 3104, 3135, 3149, 3240, 3256*.

364.... Revises provisions governing leave of public employees for military duty. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblywoman Bustamante Adams. 274.

365.... Makes various changes relating to the Public Employees' Benefits Program. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymen Kirner and Hickey. 275, 398, 2491, 2650, 3102*, 4043, 4525.

366.... Revises provisions governing eligibility for a Governor Guinn Millennium Scholarship. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblyman Munford. 275.

367.... Enacts provisions relating to school choice. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblyman Hansen. 275.

368.... Revises provisions governing brands and brand inspections. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblyman Munford, 275, 444, 944, 1002, 1353, 1355, 1886, 2432*, 3755, 4377.

369.... Enacts the Freedom of Choice in Health Care Act. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblyman Stewart. 276.

370.... Establishes requirements for the indication of a person's gender on documents submitted to governmental agencies. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Hansen, Hammond, Kite, McArthur and Sherwood. 276.

371.... Revises the manner in which a construction manager at risk may solicit bids and select a subcontractor for a public work. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblyman Carrillo. 276.

372.... Imposes a fee on electronic transmissions of money to foreign locations. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Assemblymen Hickey and Kirner. 276, 398.

373.... Prohibits the destruction of real property that is subject to foreclosure with the intent to defraud. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblyman Goicoechea. 277, 3146, 3150*, 3755, 4377.

374.... Revises provisions governing the purchase of certain mobile equipment by the Department of Transportation. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymen Woodbury, Atkinson, Daly and Hammond. 277, 944, 1007, 1149, 2140, 2435, 2951, 2952*, 5327, 5346, 5348, 5812.

375.... Requires that any additional revenue projected by the Economic Forum in its May report be appropriated for the support of public education. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Goicoechea, Hickey, Aizley and Kirner. 277, 398.

376.... Makes various changes regarding local governmental administration. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymen Smith, Bobzien, Kirkpatrick, Conklin, Hogan, Oceguera; Senator Leslie. 277, 2155, 2156, 2285, 2952*, 5327, 5854, 5866, 6068, 6262, 7043, 7064, 7264.

377.... Revises provisions pertaining to crimes involving child pornography. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymen Woodbury and Hammond. 278.

378.... Authorizes a charitable organization to possess and transport the carcass of a game mammal for inspection and processing under certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblyman Atkinson. 278, 444.

379.... Establishes the crime of stolen valor. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: No. Assemblymen Hammond, Carrillo, Hansen, Kite, Sherwood, Woodbury; Senator Halseth. 278, 3104, 3139, 3149*, 5327, 5365, 5368, 5370, 6068.

380.... Revises provisions governing certain programs for renewable energy systems. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymen Conklin, Kirkpatrick, Atkinson, Oceguera and Smith. 278, 567, 1889, 1891, 2039, 2156, 5679, 5738, 5853*, 5854, 6270.

381.... Revises provisions relating to the use of force in defense of habitation, property or person. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblyman Segerblom. 279.

382.... Requires the Chiropractic Physicians' Board of Nevada to establish a preceptor program. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymen Hammond, Ohrenschall, Sherwood and Woodbury. 279, 3104, 3142, 3149, 3150*, 4043, 4525.

383.... Directs the Legislative Commission to conduct an interim study concerning trademark and copyright law. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Hickey, Goicoechea, Grady and Kirner. 279, 5815, 5854*, 6970.

384.... Revises provisions governing certain duties of engineers who drive locomotives. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Hickey, Goicoechea and Grady. 279, 1364, 1365, 1561, 2432*, 5327, 5812.

385.... Revises provisions governing providers of electric service. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblyman Ohrenschall. 280, 444.

386.... Makes various changes relating to systems for obtaining solar energy and systems for obtaining wind energy. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblyman Ohrenschall. 280.

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387.... Revises provisions relating to certain domestic wells. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblyman Ohrenschall. 280, 567.

388.... Revises provisions relating to real property. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblyman Ohrenschall. 281, 2491, 2659, 3102*, 5327, 5379, 5405, 5812.

389.... Revises provisions regarding the Open Meeting Law. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblyman Ohrenschall. 281, 1154, 1156, 1324, 1886, 2432*.

390.... Revises provisions relating to energy assistance. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymen Carlton, Ohrenschall, Brooks, Frierson, Carrillo, Atkinson, Benitez-Thompson, Bobzien, Bustamante Adams, Daly, Dondero Loop, Grady, Hansen, Hickey, Kirner, Kite, Oceguera, Pierce, Segerblom; Senators Breeden, Kihuen, Manendo, Parks and Schneider. 283, 444, 559, 570, 888, 903, 3755, 3756, 3902*, 5327, 5812.

391.... Revises provisions governing the registration of certain trailers and the depreciation of certain vehicles. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymen Goicoechea, Ellison and Hansen. 283, 567.

392.... Provides exemptions from certain taxes for certain veterans. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymen McArthur, Ohrenschall, Kirner and Hambrick. 283, 398, 561, 570.

393.... Requires criminal background investigations of educational personnel upon renewal of a license. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymen Dondero Loop, Diaz, Smith, Aizley, Benitez-Thompson, Bobzien, Bustamante Adams, Carrillo, Conklin, Frierson, Mastroluca and Ohrenschall. 283, 902, 903, 919, 1149, 1353*, 4528, 5300, 5307, 5412.

394.... Revises provisions relating to common-interest communities. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblyman Ohrenschall. 284, 2491, 2682, 2955.

395.... Creates a separate category of licensure to teach special education. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymen Dondero Loop, Benitez-Thompson, Bobzien, Bustamante Adams, Conklin, Diaz, Frierson, Mastroluca, Segerblom and Smith. 284, 560, 570, 888, 936*, 3755, 4377.

396.... Revises provisions relating to industrial insurance involving certain employees who are injured during certain cooperative governmental activities. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Diaz, Conklin, Kirkpatrick, Segerblom, Aizley, Atkinson, Benitez-Thompson, Brooks, Bustamante Adams, Daly, Dondero Loop, Flores, Frierson, Mastroluca, Neal, Oceguera, Pierce and Smith. 284, 1154, 1156, 1327, 1886, 2432*, 3755, 4377.

397.... Makes various changes to provisions governing mechanical voting systems. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblyman McArthur. 285, 444.

398.... Revises provisions relating to commercial tenancies. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblyman Ohrenschall; Senator Parks. 285, 943, 944, 1011, 1353*, 4528, 5272, 5287, 5300, 5412.

399.... Imposes a fee on sales by fast-food businesses of certain items of prepared food. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Assemblyman Munford. 285, 444.

400.... Revises provisions relating to town advisory boards. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Hardy, Hambrick; Senator Hardy. 285, 1363, 1365, 1563, 2433*.

401.... Makes various changes concerning constructional defects. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblyman Oceguera. 286, 944, 1154, 1156, 1330, 1350, 6129, 6137, 6238, 6242*.

402.... Requires a state agency to enter into or participate in a contract to allow it to accept credit cards, debit cards or electronic transfers of money to the agency unless it is impracticable for the agency to do so. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblyman Oceguera. 286, 567, 1889, 1891, 2075, 2156, 4443, 4444*, 6270.

403.... Requires the adoption of certain permanent regulations. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblyman Oceguera. 286, 902, 903, 925, 1149, 1353*.

404.... Revises provisions regarding properties leased for use by the State. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblyman Oceguera. 287, 398, 2155, 2156, 2296, 2492, 4443, 4444*, 6270, 6436, 6439.

405.... Revises provisions governing the Public Employees' Retirement System. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblyman Oceguera. 287, 902, 903, 925, 944, 945, 6270, 6308, 6317, 6318*, 6970.

406.... Revises provisions relating to the conducting of executive branch audits and investigations. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblyman Hansen. 287, 2155, 2156, 2299, 2425, 2492, 6745, 6750, 6774*.

407.... Revises provisions relating to business brokers. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Grady and Stewart. 287.

408.... Restricts the use of restraints on pregnant females who are in confinement. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Segerblom and Flores. 288, 1364, 1365, 1565, 2433*, 3345, 3370.

409.... Enacts the Revised Uniform Law on Notarial Acts. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblyman Segerblom. 288.

410.... Revises provisions relating to the filing by a governmental entity of a protest against the granting of certain applications relating to water rights. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Goedhart, Sherwood, Goicoechea, Grady, Hambrick, Hansen, Hardy, Hickey, Kirner, Kite, Livermore, Stewart; Senators Rhoads and Settelmeyer. 288, 1363, 1365, 1567, 2433*, 5328, 5866, 5870, 6125.

411.... Enacts the Freedom of Choice in Health Care Act. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Goedhart, Goicoechea, Grady, Hambrick, Hammond, Hansen, Hardy, Kirner, Kite, Livermore, Sherwood, Stewart; Senators Rhoads and Settelmeyer. 288.

412.... Revises various provisions governing mechanics' and materialmen's liens. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Conklin, Ohrenschall, Horne, Daly, Atkinson and Oceguera. 289, 2492, 2718, 3102*.

413.... Revises provisions governing public works. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymen Daly, Conklin, Hickey, Atkinson, Bobzien, Bustamante Adams, Carlton, Ellison, Horne, Kirkpatrick, Pierce and Smith. 289, 1363, 1365, 1572, 2434*, 5327, 5600, 5606, 5955.

414.... Requires a contribution to higher education for technology commercialization by businesses which are granted certain tax abatements. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblywoman Neal. 289.

415.... Limits the liability of certain independent contractors. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Sherwood, Ellison, Goedhart, Goicoechea, Grady, Hambrick, Hammond, Hansen, Hardy, Hickey, Kirner, Kite, Livermore and Stewart. 290.

416.... Revises provisions governing certain programs for renewable energy. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblyman Bobzien; Senators Leslie, Horsford and Schneider. 290, 567, 1889, 1891, 2077, 2156, 6129, 6146, 6259*, 7036, 7064, 7088, 7118.

417.... Excludes certain golf courses from being designated as open-space real property under applicable zoning ordinances. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblyman Segerblom. 290.

418.... Provides for transferable tax credits to attract filmmakers to Nevada. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblyman Aizley. 290, 398.

419.... Revises provisions relating to groundwater basins. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblyman Goicoechea. 291, 567, 2491, 2747, 2954, 3344, 3347*, 4528, 4994, 4999, 5412.

420.... Revises the rights of members of the Nevada National Guard. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: No. Assemblyman Stewart. 291, 2155, 2156, 2299, 2952*, 3755, 4377, 4401.

421.... Revises provisions governing dispensing of certain drugs and medications. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblywoman Carlton. 291.

422.... Revises provisions relating to water. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblywoman Kirkpatrick. 292, 2491, 2752, 3102*, 4043, 4525.

423.... Allows certain organizations to request an opinion of the Attorney General under certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymen Daly, Atkinson, Kirkpatrick and Pierce. 292, 444.

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424.... Revises provisions governing the revision of work programs and the acceptance of gifts and grants. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Hardy, Hickey, Hambrick, Sherwood; Senator Rhoads. 292.

425.... Requires photographic identification for voting. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymen Stewart and Woodbury. 292, 444.

426.... Makes various changes concerning the operation of certain vending stands. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblyman Ohrenschall and Senator Brower. 292.

427.... Directs the Legislative Commission to conduct an interim study concerning the establishment of a program requiring the payment of deposits and refunds on recyclable products sold in this State. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblyman Ohrenschall. 293, 398, 1154, 1156, 1338, 1350, 6129, 6169, 6260*, 6970.

428.... Revises formula for determining tax on net proceeds of minerals extracted. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblywoman Pierce. 293, 568.

429.... Revises provisions governing manufactured home parks. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Ohrenschall, Anderson, Frierson, Carrillo, Hogan, Aizley, Benitez-Thompson, Brooks, Bustamante Adams, Carlton, Daly, Dondero Loop, Munford, Neal, Pierce, Segerblom; Senators Manendo, Kihuen and Parks. 293, 943, 944, 1024, 1354*, 3345, 3370.

430.... Revises provisions governing aliens unlawfully present in the United States. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblyman Hansen. 293, 444.

431.... Revises certain provisions governing voter identification. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblyman Hansen. 294, 444.

432.... Enacts provisions relating to energy auditors. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Assemblywomen Kirkpatrick and Benitez-Thompson. 294, 444, 1889, 1891, 2096, 2156, 4528, 4643, 4914, 4960*, 4961, 6068, 6319.

433.... Expands prohibition on employers taking certain actions to prohibit, punish or prevent employees from engaging in politics or becoming candidates for public office with certain exceptions. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblyman Segerblom. 294, 1153, 1156, 1344, 1886, 2434*, 5327, 5593, 5594, 6068, 6072, 6439, 6441, 6458.

434.... Revises provisions governing elections. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblyman Hardy. 295, 444.

435.... Requires certain proof of identity to vote. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblyman Sherwood. 295.

436.... Provides a deduction from the payroll tax for wages paid to newly hired employees under certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblyman Oceguera. 295, 398.

437.... Increases the rate of assessment of property. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Daly, Flores and Pierce, 295, 567.

438.... Revises provisions governing the medical use of marijuana. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymen Goedhart, Aizley, Carlton, Hardy, Ohrenschall and Segerblom. 296, 444.

439.... Revises various provisions relating to redevelopment. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblywoman Neal. 296.

440.... Creates the Legislative Committee on Reduction of Nonessential State Expenditures. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymen Goedhart, Hickey, Hambrick, Hansen, Sherwood; Senators Cegavske, Gustavson and Roberson. 297.

441.... Provides a classification of licensing for certain persons who install and maintain thermal system insulation. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymen Brooks, Anderson and Diaz. 297, 943, 944, 1032, 1354, 1355, 1886, 2448*, 3345, 3370.

442.... Establishes the Community Solar Garden Demonstration Program. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymen Brooks, Atkinson, Benitez-Thompson, Bustamante Adams, Daly, Ellison, Frierson, Hickey, Horne, Kirkpatrick, Oceguera, Pierce; Senators Lee and Manendo. 297, 567.

443.... Provides a deduction from the payroll tax for wages paid to newly hired full-time employees under certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Brooks, Benitez-Thompson, Bustamante Adams, Ellison, Hickey, Kirkpatrick, Oceguera, Sherwood; Senators Denis, Lee and Manendo. 297, 567, 2492, 2757, 2759.

444.... Authorizes the Commission on Economic Development to approve partial abatements of taxes imposed on certain facilities that locate in this State. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymen Brooks, Anderson, Atkinson, Benitez-Thompson, Daly, Frierson, Pierce; Senators Kihuen and Manendo. 298, 444, 4401.

445.... Revises provisions governing mediation in certain actions for foreclosures. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Brooks, Anderson and Diaz. 298.

446.... Imposes excise tax on use of services in this State. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Assemblymen Brooks, Carrillo, Ohrenschall, Segerblom, Pierce, Diaz, Frierson and Senator Parks. 298, 567, 568.

447.... Revises the provisions governing certain partial property tax abatements for businesses in this State. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblywoman Kirkpatrick. 298, 561, 567, 570.

448.... Revises provisions relating to real property. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblyman Munford. 299, 2491, 2759, 3102*, 3103.

449.... Revises provisions relating to economic development. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Assemblymen Oceguera, Kirkpatrick, Conklin, Smith, Goicoechea, Aizley, Anderson, Atkinson, Benitez-Thompson, Bobzien, Brooks, Bustamante Adams, Carlton, Carrillo, Daly, Diaz, Dondero Loop, Ellison, Flores, Frierson, Goedhart, Grady, Hambrick, Hammond, Hansen, Hardy, Hickey, Hogan, Horne, Kirner, Kite, Livermore, Mastroluca, Munford, Neal, Ohrenschall, Pierce, Segerblom, Sherwood, Stewart, Woodbury; Senators Horsford and McGinness. 299, 567, 5000, 5012, 5324, 5411, 5415, 5417*, 7182, 7264.

450.... Revises provisions governing state financial administration. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Health and Human Services. 304, 4401.

451.... Repeals obsolete provisions regarding the Advisory Council on the Metric System. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Natural Resources, Agriculture and and Mining. 304, 386, 437, 540, 541*, 3755, 4377.

452.... Revises provisions relating to governmental administration. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Legislative Operations and Elections. 332, 2492, 2873, 3103*, 5328, 5436, 5483, 5955.

453.... Requires a supplier of motor vehicle fuel to provide certain statements relating to the presence or possible presence of manganese in any motor vehicle fuel sold or distributed by the supplier. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Committee on Natural Resources, Agriculture and and Mining. 336, 561, 567, 570, 892, 903, 5000, 5320*, 5321.

454.... Revises certain provisions relating to land use planning. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs. 343, 1363, 1365, 1577, 2434*, 3755, 4377.

455.... Revises provisions governing the participation by pupils and youths in certain sports activities. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Education. 343, 902, 903, 925, 1149, 1354*, 3755, 4003, 4007, 4377.

456.... Revises provisions governing the attendance of pupils and graduation from high school. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Committee on Education. 344, 560, 570, 897, 936*, 4043, 4456, 4480, 4504, 5325, 5681.

457.... Revises provisions governing the universal energy charge. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Commerce and Labor. 344.

458.... Revises provisions governing homeowners' insurance. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Commerce and Labor. 344.

459.... Makes various changes relating to gaming enterprise districts. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary. 344, 560, 570, 897, 936*, 937, 4302, 4525.

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460.... Revises provisions governing the death penalty. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary. 345.

461.... Revises provisions concerning the duties of the Board of State Prison Commissioners and the Director of the Department of Corrections. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Judiciary. 345.

462.... Revises provisions relating to acts of terrorism. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Judiciary. 345.

463.... Provides an expedited process for the forfeiture of certain seized vehicles. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary. 345, 1889, 1891, 2112, 2150, 2441*, 5327, 5812.

464.... Ratifies certain technical corrections made to NRS and Statutes of Nevada. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary. 345, 386, 437, 541*, 3255, 3282.

465.... Enacts provisions relating to consumer legal funding. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Judiciary. 346, 567.

466.... Requires the State Engineer to define, by regulation, the term “environmentally sound” for the purpose of making certain determinations relating to interbasin transfers of groundwater. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Government Affairs. 346, 567, 1153, 1156, 1345, 1365.

467.... Revises provisions relating to local government. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Committee on Government Affairs. 346.

468.... Revises provisions relating to redevelopment. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs. 346.

469.... Revises provisions governing public property and purchasing. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Government Affairs. 347, 567, 1889, 1891, 2116, 2140, 6457, 6500, 6757.

470.... Revises provisions governing public works contracts involving construction managers at risk. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Government Affairs. 347.

471.... Revises provisions relating to enterprise funds. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: No. Committee on Government Affairs. 347, 2954, 3086, 3148*, 5328, 5659, 5670, 5955.

472.... Revises provisions relating to youth shelters. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs. 348, 1363, 1365, 1579, 2434*, 3755, 4377.

473.... Revises provisions governing elections. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Legislative Operations and Elections. 348, 2492, 2914, 3103*, 5328, 5903, 5916, 6125.

474.... Creates the Sunset Subcommittee of the Legislative Commission to review certain boards and commissions. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Ways and Means. 349, 444, 1364, 1365, 1584, 2433, 2952*, 6068.

475.... Makes a supplemental appropriation to the Nevada Supreme Court for an unanticipated shortfall in Fiscal Year 2010-2011 relating to a third judicial selection process. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Committee on Ways and Means. 349, 398, 3246, 3280, 3294*.

476.... Revises provisions relating to the Trust Fund for the Education of Dependent Children. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Committee on Ways and Means. 349, 398, 6128, 6171, 6260*, 6458.

477.... Revises provisions relating to the administration of the Public Employees' Retirement System. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Ways and Means. 350, 902, 903, 928, 1149, 1354*, 4043, 4525.

478.... Revises the limitation on the principal amount of bonds and other securities that may be issued by the Board of Regents of the University of Nevada to finance certain projects. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Ways and Means. 350, 561, 570, 897, 937*, 4302, 4525.

479.... Revises provisions governing the hours of operation of state offices and the hours of employment of state employees. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Ways and Means. 350, 567, 902.

480.... Makes an appropriation to the Division of Health Care Financing and Policy of the Department of Health and Human Services for the completion of the takeover phase of the Medicaid Management Information System. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Ways and Means. 350, 398, 3173, 3242, 3256, 3257*, 3755, 4377.

481.... Makes an appropriation to the Nevada Highway Patrol Division of the Department of Public Safety to replace certain fleet vehicles. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Ways and Means. 351, 398, 3246, 3280, 3294*, 3755, 4377, 4401.

482.... Makes a supplemental appropriation to the Division of State Lands of the State Department of Conservation and Natural Resources for a required payment of compensatory time. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Ways and Means. 351, 398.

483.... Makes a supplemental appropriation to the State Distributive School Account for unanticipated shortfalls in Fiscal Year 2010-2011 in certain tax revenue. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Ways and Means. 351, 398, 3344, 3347, 3362*, 3904, 4377.

484.... Makes various changes relating to unemployment compensation. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Ways and Means. 351, 398, 6270, 6311, 6317, 6318*, 6458.

485.... Makes an appropriation to the Department of Administration for the Nevada Broadband Task Force. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Ways and Means. 351, 398.

486.... Makes an appropriation to the Division of Forestry of the State Department of Conservation and Natural Resources for the replacement of critical equipment. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Ways and Means. 352, 398, 3259, 3288, 3337*, 6270.

487.... Makes appropriations to the State Board of Examiners for employee retirement buyouts and terminal leave payments for eliminated positions. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Ways and Means. 352, 398, 6745, 6755, 6774*, 6775, 7036.

488.... Delays prospective change in allocation of proceeds from certain room taxes. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Committee on Ways and Means. 352, 398.

489.... Revises provisions governing compensation for travel expenses for certain persons employed at certain correctional institutions or facilities within this State. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Ways and Means. 352, 398, 3755, 3756, 3757, 4269*, 5327, 5812.

490.... Makes an appropriation to the Legislative Fund for major computer projects for the Legislative Counsel Bureau. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Ways and Means. 352, 398, 3240, 3256, 3281*, 3282, 6270.

491.... Makes an appropriation to the Division of Forestry of the State Department of Conservation and Natural Resources for major repair and renovation work on certain crew carriers. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Ways and Means. 353, 398, 3259, 3288, 3337*, 6270.

492.... Makes appropriations to the Legislative Fund for dues to national organizations. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Ways and Means. 353, 398, 3240, 3256, 3282*, 6270.

493.... Provides a temporary waiver from certain minimum expenditure requirements for school districts, charter schools and university schools for profoundly gifted pupils. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Ways and Means. 353, 567, 3259, 3288, 3338*, 6270.

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494.... Makes appropriations to restore the balances in the Stale Claims Account, Emergency Account, Reserve for Statutory Contingency Account and Contingency Fund. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Ways and Means. 353, 398, 6068, 6088, 6122, 6123*, 6458.

495.... Makes an appropriation to the Division of Forestry of the State Department of Conservation and Natural Resources for necessary services and equipment to transition the State's Very High Frequency radio system from wideband to narrowband in accordance with the Federal Communications Commission mandate. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Ways and Means. 353, 398, 3259, 3289, 3338*, 6270.

496.... Makes a supplemental appropriation to the Budget and Planning Division of the Department of Administration for increased costs of the single audit. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Ways and Means. 354, 398.

497.... Makes supplemental appropriations to the Department of Business and Industry. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Ways and Means. 354, 398, 4810, 4827, 5177*, 6270.

498.... Eliminates the requirement for the administration of norm-referenced examinations in public schools. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Ways and Means. 354, 398, 3173, 3242, 3257*, 3755, 4361, 4362, 4811, 5000, 6450, 6451, 6458.

499.... Authorizes the Department of Health and Human Services to transfer sums appropriated to the Department among the various budget accounts of the Department under certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Ways and Means. 354.

500.... Temporarily revises distribution of revenue from certain licensing fees for slot machines. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Ways and Means. 355, 398, 3240, 3256, 3282*, 4528, 5325.

501.... Provides for an audit of the fiscal costs of the death penalty. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Legislative Operations and Elections. 355, 903, 1364, 1365, 1590, 2434*, 4528, 4678, 4680, 5412.

502.... Revises provisions relating to ballots. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Legislative Operations and Elections. 355.

503.... Revises certain provisions governing the use of money in the Wildlife Obligated Reserve Account. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Natural Resources, Agriculture and and Mining. 355, 567, 944, 1034, 1037, 5679, 5752, 5854*, 7036, 7118, 7121, 7123.

504.... Revises provisions governing delinquent taxes. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Taxation. 355, 561, 570, 898, 937*, 5327, 5929, 5934, 6125.

505.... Revises provisions relating to governmental financial administration. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Taxation. 356, 444, 1889, 1891, 2127, 2156.

506.... Provides for transferable tax credits to attract filmmakers to Nevada. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Taxation. 356, 398, 561, 570.

507.... Revises provisions relating to taxes on fuel. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Transportation. 356.

508.... Revises provisions governing mopeds. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Committee on Transportation. 357, 444, 944, 1037, 1156, 2492, 2953*.

509.... Revises provisions governing motor carriers. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Transportation. 357.

510.... Revises provisions governing the allocation of taxicabs by the Taxicab Authority. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Transportation. 357.

511.... Revises certain provisions governing transportation. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Transportation. 357, 444, 1889, 1891, 2129, 2156, 4810, 4827, 5177, 5178*, 6745, 6788, 6793.

512.... Revises provisions relating to the towing of motor vehicles. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Transportation. 357.

513.... Revises provisions pertaining to the use of safety belts in taxicabs. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Transportation. 358.

514.... Revises provisions governing advertising near certain highways and roads. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Transportation. 358.

515.... Revises certain provisions governing the Nevada Junior Livestock Show Board. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Ways and Means. 358, 398, 4527, 4528, 4532, 4914, 4961*, 6270.

516.... Transfers the Division of Minerals from the Commission on Mineral Resources to the State Department of Conservation and Natural Resources. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Ways and Means. 358, 398.

517.... Revises provisions governing the proposed budget for the Executive Department of the State Government. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Ways and Means. 359.

518.... Consolidates the Manufactured Housing Division of the Department of Business and Industry within the Housing Division of the Department. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Ways and Means. 359, 398.

519.... Makes various changes relating to the Office for Consumer Health Assistance. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Ways and Means. 359, 398, 3285, 3305, 3345*, 4528, 5325.

520.... Revises provisions relating to the payment of compensation for and expenses of court-appointed attorneys. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Committee on Ways and Means. 359.

521.... Consolidates certain funds and accounts of the Division of Insurance of the Department of Business and Industry into the Fund for Insurance Administration and Enforcement. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Ways and Means. 359, 398, 3425, 3428, 3429, 3637*, 4528, 5325.

522.... Authorizes the issuance of bonds for projects and programs to protect, preserve and obtain the benefits of the property and natural resources of this State. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Ways and Means. 360, 567.

523.... Revises provisions relating to the coverage of dependents under the health care plans of the State and local governments. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Ways and Means. 360, 545, 647, 937*.

524.... Increases certain fees for residential and general appraisers to cover an increase in federal registry fees. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Ways and Means. 360, 444, 561, 570, 899, 937*, 6068, 6080, 6085, 6458, 6503, 6973, 7265.

525.... Makes various changes relating to the financial management of the Department of Wildlife. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Ways and Means. 360, 398, 3643, 3644, 3734, 3895, 4401, 4412, 4658*, 6068, 6085, 6087, 6458, 6503, 6992, 7007, 7265.

526.... Revises the requirement for the State Fire Marshal to inspect state buildings. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Ways and Means. 361, 567, 6068, 6097, 6123*, 6458.

527.... Makes an appropriation for the implementation and operation of a principal leadership training program. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Ways and Means. 361, 398, 6457, 6459, 6502*, 6970.

528.... Authorizes the transfer of money received to carry out provisions relating to the medical use of marijuana for certain purposes. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Ways and Means. 361, 398, 3755, 3756, 3757, 4269*, 5815, 6125.

529.... Revises provisions relating to the Fund for Hospital Care to Indigent Persons. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Committee on Ways and Means. 361, 398, 3755, 3756, 3759, 4269*, 6068, 6319.

530.... Revises provisions relating to stale claims by state agencies. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Ways and Means. 361, 398, 3755, 3756, 3760, 4269*, 5327, 5812.

531.... Revises provisions governing the Fund for Manufactured Housing. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Ways and Means. 362, 398, 3755, 3756, 3761, 4269*, 4270, 5957, 6319.

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532.... Revises provisions governing certain facilities for juveniles. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Health and Human Services. 362, 444.

533.... Provides certain financial protections for residents of group homes and similar facilities. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Health and Human Services. 362, 560, 570, 899, 937, 938*, 3755, 4032, 4036, 4377.

534.... Increases penalties for operating certain group homes without a license. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Health and Human Services. 362, 444, 544, 647, 3240, 3257*, 3755, 4377.

535.... Revises provisions governing the referral of persons to residential facilities for groups. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Health and Human Services. 362, 902, 903, 928, 1149, 1354*, 3755, 4036, 4040, 4377.

536.... Revises provisions relating to background checks for certain persons who work with children. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Health and Human Services. 363, 567, 2155, 2156, 2303, 2322, 6129, 6234*, 6745.

537.... Revises provisions governing prohibited acts for certain health care practitioners. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: No. Committee on Commerce and Labor. 363, 943, 944, 1051, 1354, 1355*, 3288, 3355.

538.... Revises provisions governing the regulation of pawnbrokers. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Commerce and Labor. 363, 1153, 1156, 1349, 1886, 2435*, 3345, 3370.

539.... Revises provisions governing insurance. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Committee on Commerce and Labor. 363, 567.

540.... Revises provisions governing the Nevada Life and Health Insurance Guaranty Association. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Commerce and Labor. 364.

541.... Revises provisions governing certain loans. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Commerce and Labor. 364.

542.... Provides for the licensing and operation of craft distilleries in Nevada. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: No. Committee on Commerce and Labor. 364, 567, 2155, 2156, 2322, 2492, 5957, 6058*.

543.... Provides for the regulation of mobile billboards. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Committee on Commerce and Labor. 365, 567.

544.... Provides for uniformity in the naming of group homes and similar facilities. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Committee on Government Affairs. 365, 1363, 1365, 1592, 2435*, 3755, 4377.

545.... Makes changes to the population basis for the exercise of certain powers by local governments. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs. 365, 1363, 1365, 1482, 2435*, 4528, 5215, 5219, 5412.

546.... Makes various changes to provisions governing early childhood care and education. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Education. 365, 444, 943, 944, 1063, 1350, 4810, 4832, 5178*, 6270.

547.... Prescribes provisions relating to school wellness policies. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Education. 366.

548.... Revises provisions governing the system of governance of K-12 public education. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Education. 366.

549.... Revises various provisions governing homeland security. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Government Affairs. 367, 2491, 2929, 3103*, 5328, 5916, 5926, 6125.

550.... Directs the Legislative Commission to conduct an interim study concerning state ports of entry. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Ways and Means. 367, 567, 6457, 6461, 6502*, 6970.

551.... Requires school districts to assess the feasibility of consolidation of services, functions and personnel. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Ways and Means. 368, 902, 903, 928, 1149, 1355*, 4043, 4525.

552.... Revises provisions related to the collection of biological specimens for genetic marker analysis. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Committee on Ways and Means. 368, 567, 1364, 1365, 1595, 1891, 3903, 3904, 4270, 4298, 4302*.

553.... Revises provisions governing subsidies for the coverage of certain persons under the Public Employees' Benefits Program. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Ways and Means. 368, 398, 6457, 6464, 6502*, 6503, 6970.

554.... Revises provisions governing education. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Ways and Means. 368, 369, 370, 444, 560, 570.

555.... Revises provisions governing educational personnel. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Ways and Means. 369, 398.

556.... Changes the fund into which certain subsidies paid for coverage under the Public Employees' Benefits Program are deposited. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Ways and Means. 370, 545, 647, 938*, 3345, 3370.

557.... Makes an appropriation for pilot programs of performance pay for teachers. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Ways and Means. 370, 398, 444, 560, 570.

558.... Establishes the categorical block grant program for K-12 public education. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Ways and Means. 370, 398.

559.... Requires the issuance of bonds for environmental improvement projects in the Lake Tahoe Basin. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Ways and Means. 370, 372.

560.... Makes various changes relating to the compensation and benefits of state employees. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Ways and Means. 371, 398, 6129, 6174, 6260*, 6970, 6973, 6976.

561.... Makes various changes concerning governmental financial administration. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Ways and Means. 371, 398, 6243, 6317*, 6458.

562.... Revises provisions relating to the subsidy for coverage of certain retired persons under the Public Employees' Benefits Program. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Ways and Means. 371, 398, 3755, 3756, 3761, 4293*, 6270, 6793, 6796.

563.... Establishes for the next biennium the amount to be paid to the Public Employees' Benefits Program for insurance for certain active and retired public officers and employees. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Executive Budget. Committee on Ways and Means. 372, 398, 4527, 4528, 4536, 4914, 4961*, 6270.

564.... Makes various changes to allow for the use of the most recent technology by various business associations, corporations and other entities in carrying out their powers and duties. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Ways and Means. 372, 1889, 1891, 2135, 2150, 2435*, 3755, 4377.

565.... Temporarily delays the statutory deadline for notifying certain school employees of reemployment status. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Ways and Means. 445, 561, 567, 570*, 571, 1154, 1361.

566.... Revises the legislative districts from which members of the Senate and Assembly are elected and revises the districts from which Representatives of Congress are elected. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Legislative Operations and Elections. 3255, 3259, 3265, 3295, 3425, 3428, 3440, 3622, 3623*, 3927, 4377, 5415.

567.... Revises the legislative districts from which members of the Senate and Assembly are elected and revises the districts from which Representatives of Congress are elected. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Legislative Operations and Elections. 3256.

568.... Ensures sufficient funding for K-12 public education for the 2011-2013 biennium. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Committee on Ways and Means. 3288, 3290*, 3296.

No. *Summary, Introducer and Page Reference*

569.... Imposes a Nevada transaction tax. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Committee on Ways and Means. 3300.

570.... Revises the districts from which the members of the Board of Regents of the University of Nevada are elected. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Legislative Operations and Elections. 3345, 4297, 4302, 4303, 4414*, 5957, 6319.

571.... Revises provisions governing prohibitions on smoking tobacco. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Committee on Ways and Means. 3644, 6068, 6099, 6123, 6233*, 6970.

572.... Revises the use by police departments of certain sales and use tax proceeds in Clark County. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Ways and Means. 3734, 5000, 5099, 5103, 5107, 5324*, 6458.

573.... Revises the districts from which members of the State Board of Education are elected. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Legislative Operations and Elections. 3756, 4297, 4302, 4303, 4414*.

574.... Revises Assembly Bill No. 144 of this session . Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Committee on Ways and Means. 5001, 5815, 5839, 5948, 5949, 5954*, 6270.

575.... Makes various changes relating to the Legislature and the Legislative Counsel Bureau. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: No. Committee on Legislative Operations and Elections. 5410, 5815, 5854*, 6458.

576.... Revises provisions relating to the Legislative Department of the State Government. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Legislative Operations and Elections. 5411, 6128, 6181, 6260*, 6458.

577.... Makes various changes concerning bill draft requests. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Legislative Operations and Elections. 5411, 6128, 6183, 6260*, 6261, 6458.

578.... Revises the interim committee structure of the Legislature. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Legislative Operations and Elections. 5411, 6128, 6191, 6261*, 6970, 7124, 7182.

579.... Ensures sufficient funding for K-12 public education for the 2011-2013 biennium. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Committee on Ways and Means. 5958, 6067, 6108, 6110*, 6270.

580.... Makes various changes regarding state financial administration and makes appropriations for the support of the civil government of the State. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Ways and Means. 5958, 6067, 6110, 6237, 6238*, 6270.

581.... Revises provisions relating to the Account for Foreclosure Mediation. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Ways and Means. 6271, 6457, 6500*, 6970.

582.... Proposes to impose upon voter approval a margin tax on business entities in this State and a transaction tax on the use of services in this State. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Ways and Means. 6969, 6971.

VETOED BILLS OF THE 75TH SESSION

No. *Summary, Introducer and Page Reference*

130.... Revises provisions governing metropolitan police departments. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Conklin, Kirkpatrick, and Oceguera. 20, 7022, 7023.

395.... Provides for workplace relations discussions and agreements for certain state employees. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Aizley, Buckley, Bobzien, Kirkpatrick, Leslie, Pierce, Smith, and Parks. 20, 7023, 7024.

451.... Establishes a program for the investment of state money in certificates of deposit at a reduced rate to provide lending institutions with money for reduced-rate loans to certain small businesses in this State. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblyman Arberry. 20, 7024, 7025.

No. *Summary, Introducer and Page Reference*

503.... Creates an advisory committee to develop recommendations for the funding of highways in this State. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Transportation. 20, 7025, 7026.

VETOED BILLS OF THE 76TH SESSION

No. *Summary, Introducer and Page Reference*

135.... Revises provisions governing probation. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary. 7026, 7027.

183.... Revises provisions regarding the establishment and maintenance of a reserve account for payment of the outstanding bonds of a school district. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Smith, Conklin, Oceguera, Horne, Bobzien, Aizley, Anderson, Atkinson, Benitez-Thompson, Brooks, Bustamante Adams, Carlton, Carrillo, Diaz, Dondero Loop, Flores, Frierson, Hogan, Kirkpatrick, Mastroluca, Neal, Ohrenschall, and Segerblom. 7027, 7028.

253.... Makes various changes concerning fines and settlement agreements relating to occupational safety and health. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Commerce and Labor. 7028.

254.... Revises provisions relating to the issuance of a citation for certain occupational safety and health violations. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Commerce and Labor. 7028, 7029.

309.... Revises provisions governing credits for offenders sentenced for certain crimes. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Assemblymen Oceguera, Smith, Conklin, Ohrenschall, Bobzien, Aizley, Anderson, Atkinson, Bustamante Adams, Carlton, Carrillo, Daly, Diaz, Dondero Loop, Flores, Frierson, Hogan, Horne, Kirkpatrick, Mastroluca, Munford, and Pierce. 7029, 7031.

456.... Revises provisions governing the attendance of pupils and graduation from high school. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Committee on Education. 7031, 7032.

501.... Provides for an audit of the fiscal costs of the dealth penalty. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Legislative Operations and Elections. 7032, 7033.

566.... Revises the legislative districts from which members of the Senate and Assembly are elected and revises the districts from which Representatives of Congress are elected. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Legislative Operations and Elections. 7033.

568.... Ensures sufficient funding for K-12 public education for the 2011-2013 biennium. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Commiteee on Ways and Means. 7034, 7035.

INITIATIVE PETITIONS

No. *Summary, Introducer and Page Reference*

1.... Imposes an additional sales and use tax in certain areas of larger counties for the construction, improvement, equipment, operation and maintenance of a sports and entertainment arena through public and private cooperation. 21, 545, 546.

LISTING OF ASSEMBLY RESOLUTIONS AND ACTIONS THEREON

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

ASSEMBLY JOINT RESOLUTIONS

No. *Summary, Introducer and Page Reference*

1.... Proposes to amend certain provisions of the Nevada Constitution related to the assessment and collection of property taxes to authorize the Legislature to provide by law for the calculation of the taxable value of improvements to real property upon the transfer, sale or conveyance of the property. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Taxation. 64, 903, 2156, 2423, 2952*, 3755, 4377.

2.... Proposes to amend the Nevada Constitution to revise provisions relating to the State Legislature. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Legislative Operations and Elections. 65.

3.... Rescinds all applications made by the Nevada Legislature to the Congress of the United States to call a constitutional convention to propose amendments to the United States Constitution. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Ellison, Goicoechea, Hammond, Hickey, McArthur and Sherwood. 138.

4.... Claims sovereignty under the Tenth Amendment to the U.S. Constitution. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Goedhart, Goicoechea, Hansen, Grady, Hambrick, Hammond, Hardy, Kirner, Kite, Livermore, Stewart, Woodbury; Senator Halseth. 164.

5.... Urges the Federal Government to engage in discussions regarding the mitigation and containment of water contamination in Nevada which resulted from certain nuclear activities that were conducted in this State by the Federal Government. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblymen Goedhart, Aizley, Goicoechea, Grady, Hambrick, Hammond, Hansen, Hardy, Hickey, Kirner, Kite, Sherwood, Stewart, Woodbury; Senators Hardy, Cegavske, Gustavson, Halseth, Rhoads and Settelmeyer. 176, 381, 392, 438*, 5327, 5946, 5948, 6125.

6.... Requests that Congress and the Federal Highway Administration designate a portion of U.S. Route 93 as an interstate highway. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Commerce and Labor. 329, 559, 570, 899, 938*, 5327, 5812.

7.... Proposes to amend the Nevada Constitution to create an intermediate appellate court. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Judiciary. 338, 560, 570, 899, 938*.

8.... Proposes to amend the Nevada Constitution to provide for school vouchers. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Ways and Means. 366.

9.... Urges Congress to enact the Unemployment Insurance Solvency Act of 2011. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Assemblyman Oceguera and Senator Horsford. 1886, 1890*, 2156, 3151.

ASSEMBLY JOINT RESOLUTIONS OF THE 75TH SESSION

No. *Summary, Introducer and Page Reference*

1.... Proposes to amend the Nevada Constitution to revise the provisions governing a petition for a state initiative or referendum. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Elections. Procedures, Ethics and Constitutional Amendments. 20, 24.

5.... Proposes to amend the Nevada Constitution to revise provisions governing the convening and conduct of special sessions and the duration and adjournment of regular and special sessions. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Assemblymen Mortenson, Ohrenschall, Horne, Kihuen and Segerblom. 20, 27, 211, 218, 225, 226*, 4043, 4525.

ASSEMBLY CONCURRENT RESOLUTIONS

No. *Summary, Introducer and Page Reference*

1.... Adopts the Joint Standing Rules of the Senate and Assembly for the 76th Session of the Legislature. Committee on Legislative Operations and Elections. 30, 105, 112.

2.... Provides for the voluntary transfer of a portion of Legislators' salaries to the State General Fund. Assemblyman Oceguera and Senator Horsford. 69, 70, 72, 111, 119.

3.... Urges proactive protection and restoration of the population and habitat of the greater sage grouse in Nevada. Committee on Natural Resources, Agriculture and and Mining. 112, 176, 180, 3345, 3370.

4.... Expresses support for economic development in Nevada in the sectors of logistics, supply chain management and renewable energy technology. Committee on Commerce and Labor. 114, 151, 165, 329, 373.

5.... Directs the Legislative Commission to conduct an interim study on desalination and industrial water resources in this State. Assemblyman Anderson. 262.

6.... Amends the Joint Standing Rules for the 76th Session of the Legislature to require that bills be posted on the legislative website for at least 72 hours before vote on passage. Assemblymen Goedhart, Goicoechea, Grady, Hambrick, Hansen, Hardy, Hickey, Kirner, Kite, Livermore, Sherwood, Stewart; Senator Settelmeyer. 282.

7.... Honors Nevadans who have lost their lives in the Global War on Terrorism. Assemblymen Grady, Aizley, Anderson, Atkinson, Benitez-Thompson, Bobzien, Brooks, Bustamante Adams, Carlton, Carrillo, Conklin, Daly, Diaz, Dondero Loop, Ellison, Flores, Frierson, Goedhart, Goicoechea, Hambrick, Hammond, Hansen, Hardy, Hickey, Hogan, Horne, Kirkpatrick, Kirner, Kite, Livermore, Mastroluca, McArthur, Munford, Neal, Oceguera, Ohrenschall, Pierce, Segerblom, Sherwood, Smith, Stewart, Woodbury; Senators McGinness, Breeden, Brower, Cegavske, Copening, Denis, Gustavson, Halseth, Hardy, Horsford, Kieckhefer, Kihuen, Lee, Leslie, Manendo, Parks, Rhoads, Roberson, Schneider, Settelmeyer and Wiener. 330, 331, 336, 377.

8.... Makes a formal request for the Governor to establish an open, fair and public process to fill the vacancy in the Office of United States Senator. Assembly Committee on Legislative Operations and Elections and Senate Committee on Legislative Operations and Elections. 1891, 1892, 2156, 3151.

9.... Memorializes Nevada's first acupuncturist, Dr. Yee Kung Lok. Assemblymen Segerblom, Aizley, Anderson, Atkinson, Benitez-Thompson, Bobzien, Brooks, Bustamante Adams, Carlton, Carrillo, Conklin, Daly, Diaz, Dondero Loop, Ellison, Flores, Frierson, Goedhart, Goicoechea, Grady, Hambrick, Hammond, Hansen, Hardy, Hickey, Hogan, Horne, Kirkpatrick, Kirner, Kite, Livermore, Mastroluca, McArthur, Munford, Neal, Oceguera, Ohrenschall, Pierce, Sherwood, Smith, Stewart, Woodbury; Senators Breeden, Brower, Cegavske, Copening, Denis, Gustavson, Halseth, Hardy, Horsford, Kieckhefer, Kihuen, Lee, Leslie, Manendo, McGinness, Parks, Rhoads, Roberson, Schneider, Settelmeyer and Wiener. 3241, 3255, 3282.

10.... Directs the Legislative Committee on Health Care to create a task force to develop a state plan to address Alzheimer's disease. Assemblywoman Smith. 3669, 4297, 4302, 6068, 6319.

11.... Amends the Joint Standing Rules of the Senate and Assembly for the 76th Session of the Nevada Legislature to extend the second House passage deadline from May 27, 2011, until May 30, 2011. Committee on Legislative Operations and Elections. 3670, 4043, 4525.

12.... Directs the Legislative Commission to conduct an interim study concerning the structure and operations of the Nevada Legislature. Committee on Legislative Operations and Elections. 6261, 6270, 6272, 6970.

13.... Provides for compensation of the clergy and the coordinator of the clergy for services rendered to the Assembly and Senate. Committee on Legislative Operations and Elections. 6745, 6970.

ASSEMBLY RESOLUTIONS

No. *Summary, Introducer and Page Reference*

1.... Adopts the Assembly Standing Rules for the 76th Session of the Legislature. Committee on Legislative Operations and Elections. 44, 119.

2.... Provides for the appointment of Assembly attachés. Committee on Legislative Operations and Elections. 62, 119.

3.... Provides allowances for periodicals, stamps, stationery and communications. Committee on Legislative Operations and Elections. 63, 119.

No. *Summary, Introducer and Page Reference*

4.... Adds former Assemblyman John C. Carpenter to the Assembly Wall of Distinction. Assemblymen Oceguera, Conklin and Goicoechea. 315, 373.

5.... Adds former Assemblyman Marcia de Braga to the Assembly Wall of Distinction. Assemblymen Oceguera, Conklin and Goicoechea. 320, 373.

6.... Adds former Legislative Counsel Frank W. Daykin to the Assembly Wall of Distinction. Assemblymen Oceguera, Conklin and Goicoechea. 324, 373.

7.... Provides for the appointment of an additional attache for the Assembly. Committee on Legislative Operations and Elections. 443, 899.

8.... Provides for the appointment of additional attaches for the Assembly. Committee on Legislative Operations and Elections. 562, 1149.

9.... Designates Assembly members of the Legislative Commission for the 2011-2013 biennium. Committee on Legislative Operations and Elections. 5001, 5812.

10.... Expresses appreciation to the staff of the Assembly. Assemblyman Oceguera. 6746.

LISTING OF SENATE BILLS AND ACTIONS THEREON

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

No. *Summary, Introducer and Page Reference*

1.... Makes an appropriation to the Legislative Fund for the costs of the 76th Legislative Session. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Senators Horsford and McGinness. 106*.

2.... Makes an appropriation to the State Distributive School Account to ensure that the amount of money expended per pupil meets or exceeds the national average. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Senator Schneider. 202.

5.... Revises provisions governing the selection and summoning of grand jurors in certain counties. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Committee on Judiciary. 114, 118, 119, 247, 260, 281, 282*, 333.

6.... Authorizes the electronic reproduction of the seal of a court. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary. 443, 445, 3643, 3644, 3647, 3741*, 4377.

7.... Revises provisions governing the adoption of emergency regulations. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Wiener. 209, 3358, 3359, 3362, 3382, 3624*, 3665.

9.... Revises the functions and responsibilities of the Capitol Police Division of the Department of Public Safety. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Government Affairs. 151, 153.

10.... Revises the process for approving an amendment to the license of certain medical facilities to add certain services. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Health and Human Services. 202, 1890, 1893, 3632, 3633, 3634, 3664, 3741*, 4377.

11.... Directs the Legislative Commission to appoint a committee to conduct an interim study concerning the development of a new method for funding public schools. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Finance. 202, 6271, 6457, 6501*.

12.... Repeals certain reporting requirements for the emission of greenhouse gases. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Natural Resources. 255, 259, 3425, 3428, 3623, 3637, 3664, 3741*, 4377.

13.... Revises provisions relating to the collection and payment of certain fuel taxes. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Revenue. 443, 445, 3643, 3644, 3647, 3741*, 4377.

14.... Requires the State Board of Education to develop a model curriculum for English language arts and mathematics. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Education. 329, 332, 3344, 3348, 3362*, 3638.

15.... Requires the Department of Motor Vehicles to cancel the driver's license of a person convicted of driving under the influence of intoxicating liquor or a controlled substance under certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Transportation. 1890, 1893, 3643, 3644, 3647, 3742*, 4377.

17.... Establishes provisions relating to the reissuance of certain drugs for certain animals. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Wiener. 151, 153, 3632, 3633, 3634, 3664, 3742*, 4377.

18.... Revises provisions governing the State Contractors' Board. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Commerce and Labor and Energy. 151, 154, 3673, 3674, 3706, 3927, 4293, 4377, 4448, 4808, 5131, 5321*, 6069, 6319.

19.... Requires an applicant for a contractor's license or a licensed contractor to notify the State Contractors' Board if the applicant or licensee is convicted of, or pleads guilty, guilty but mentally ill or nolo contendere to, certain crimes. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Commerce and Labor and Energy. 164, 166, 3754, 3756, 3761, 4293, 4377, 4448, 4808, 5131, 5321*, 5322, 6069, 6319.

No. *Summary, Introducer and Page Reference*

21 .... Revises certain provisions concerning catastrophic injuries. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Commerce and Labor and Energy. 2156, 2493, 3632, 3633, 3634, 3664, 3742*, 4377.

23 .... Clarifies the entity responsible for carrying out certain duties relating to the adoption of a child with special needs. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary. 137, 139, 211, 218, 226*, 253.

24 .... Revises provisions concerning writs of execution in justice courts. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary. 1890, 1893, 4527, 4528, 4538, 5175*, 5957, 6125.

25 .... Revises the method used to determine the number of justices of the peace in a township in certain counties. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary. 443, 445, 3643, 3644, 3647, 3742*, 4377.

26 .... Revises various provisions relating to judicial administration. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary. 1890, 1893.

27 .... Requires employees of certain child care facilities to complete training each year relating to the lifelong wellness, health and safety of children. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Wiener. 443, 445, 3378, 3381, 3624*, 3665.

30 .... Makes various changes relating to common-interest communities. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary. 561, 571, 3674, 3709, 3927, 4293, 4377, 4448, 4808, 5131, 5322*, 6069, 6319.

31 .... Makes various changes to provisions governing administration of taxes. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Revenue. 262, 281, 2492, 2935, 3103*, 3380, 3638.

32 .... Makes various changes relating to equalization of property valuations. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Revenue. 262, 281, 4810, 4838, 5178*, 6069, 6319.

33 .... Consolidates provisions requiring confidentiality of certain taxpayer-specific records. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Revenue. 336, 3643, 3644, 3647, 3742*, 3743, 4377.

34 .... Makes various changes regarding the administration of sales and use taxes. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Revenue. 443, 445, 4810, 4843, 5178*, 6069, 6319.

35 .... Revises provisions governing the automated system of accountability information for Nevada and the reporting of test scores by charter schools. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Education. 255, 259, 3344, 3348, 3362*, 3638.

36 .... Revises provisions governing health care providers. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Commerce and Labor and Energy. 3153, 3154, 3632, 3633, 3634, 3644, 4420, 4617, 4658, 4914, 4961*, 6069, 6319.

37 .... Makes various changes concerning complaints received by a health care licensing board. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Wiener. 151, 154, 3632, 3633, 3634, 3664, 3743, 3927, 4293, 4377, 4414, 4415*, 5325.

38 .... Revises provisions governing apportionments to school districts, charter schools and university schools for profoundly gifted pupils. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Education. 1890, 1893, 3643, 3644, 3647, 3743*, 4377.

40 .... Requires certain state agencies and officials to consult with the deputy manager for compliance and code enforcement before adopting regulations concerning the construction, maintenance, operation or safety of buildings or structures. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Government Affairs. 1890, 1893, 4043, 4044, 4377, 4448, 4808, 5175*, 5957, 6125.

42 .... Authorizes the testing of drivers of vehicles that cause fatal vehicle accidents or collisions for the presence of alcohol. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Transportation, 3153, 3154.

43 .... Makes various changes relating to electronic health records. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Committee on Health and Human Services. 202, 3380, 5000, 5321*, 6503.

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44.... Requires the Division of Mental Health and Developmental Services of the Department of Health and Human Services to adopt certain regulations. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Health and Human Services. 561, 571, 3378, 3381, 3624*, 3665.

45.... Revises provisions conferring the powers of a peace officer upon certain personnel of the Department of Public Safety. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Legislative Operations and Elections. 329, 332, 3643, 3644, 3647, 3743*, 4377.

46.... Allocates a portion of revenue from the premium tax on captive insurance to the Commission on Economic Development for promotion of the captive insurance industry. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Revenue. 901.

47.... Defines the term “minor” for the purposes of the crime of kidnapping in the first degree. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary. 126, 134, 4527, 4528, 4540, 5175.

48.... Revises provisions relating to permitting and enforcement of standards for oversize and overweight vehicles operating on Nevada highways. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Transportation, 3153, 3154, 4527, 4528, 4541, 5131, 5180.

49.... Revises provisions governing the authority of a board of county highway commissioners regarding the establishment of certain rights-of-way. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Transportation, 3153, 3154, 3305, 3315, 3345, 3346*, 3370.

51.... Revises provisions relating to the reporting of and imposition of penalties for certain convictions for the violation of certain traffic laws. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Transportation, 3153, 3154, 3344, 3348, 3363*, 3638.

53.... Excludes certain programs that supervise children from certain licensing requirements. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Health and Human Services. 1890, 1893.

54.... Revises provisions governing the Fund to Increase the Quality of Nursing Care. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Health and Human Services. 202, 4811, 4812, 5414, 5417, 5418*, 6503.

55.... Revises provisions governing crimes against older persons. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs. 151, 154, 4527, 4528, 4554, 4914, 4961*, 6069, 6319.

57.... Establishes procedures for the Children's Advocate or his or her designee to obtain certain warrants. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary. 1890, 1893, 4680, 4681, 4914, 4962*, 6271, 6503.

58.... Makes various changes relating to an employer who knowingly misrepresents or conceals a material fact relating to a person's eligibility for industrial insurance benefits. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Committee on Commerce and Labor and Energy. 171, 173, 3632, 3633, 3634, 3664, 3743*, 4377.

59.... Increases the cumulative capacity of net metering systems operating in this State. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Commerce and Labor and Energy. 3153, 3154, 3673, 3674, 3714, 3927, 4293, 4377, 4617, 4662*, 5412.

60.... Revises provisions relating to the Fund for Renewable Energy, Energy Efficiency and Energy Conservation Loans. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Commerce and Labor and Energy. 568, 5328, 5679, 5755*, 6503.

63.... Revises provisions relating to industrial insurance and the Uninsured Employers' Claim Account. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: No. Committee on Commerce and Labor and Energy. 443, 445, 3632, 3633, 3634, 3664, 3743*, 4377.

64.... Establishes a program for the investment of state money in certificates of deposit at a reduced rate of interest to provide lending institutions with money for loans at a reduced rate of interest to certain eligible entities. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Select Committee on Economic Growth and Employment. 202.

65.... Revises provisions concerning the publication of certain financial information by certain local governments. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs. 561, 571, 4527, 4528, 4555, 4914, 4989*, 4990, 5957, 6125.

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66.... Revises provisions relating to multidisciplinary teams to review the deaths of victims of crimes that constitute domestic violence. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs. 1890, 1894, 3643, 3644, 3647, 3744*, 4377.

67.... Revises provisions governing the disbursement of money from the Fund for the Compensation of Victims of Crime. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary. 443, 445, 3643, 3644, 3648, 3744*, 4377.

71.... Establishes the Encouraging Parental Involvement Through Choice in Education Program. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Finance. 202.

72.... Revises provisions governing the assignment of certain criminal offenders to residential confinement. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Judiciary. 202, 6430, 6455.

73.... Makes various changes concerning state financial administration. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Finance. 3153, 3154.

74.... Changes the designation of certain state funds and accounts. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs. 561, 571, 3358, 3359, 3362, 3382, 3624, 3625*, 3665.

75.... Establishes a program to provide private equity funding to businesses engaged in certain industries in this State. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Select Committee on Economic Growth and Employment. 202, 3633, 6845, 6968*, 7264.

76.... Prohibits the use of a cellular telephone or other handheld wireless communications device while operating a motor vehicle in certain circumstances. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Committee on Transportation. 202.

77.... Revises provisions relating to notaries public. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Government Affairs. 561, 571, 4043, 4044, 4051, 4377, 4444, 4445*, 5328, 5815, 5955.

79.... Makes various changes relating to the Tobacco Master Settlement Agreement. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Revenue. 3153, 3154, 3643, 3644, 3648, 3744*, 4377.

81.... Makes various changes relating to state financial administration. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Government Affairs. 1890, 1894, 3358, 3359, 3382, 3625*, 3665.

82.... Makes various changes relating to governmental information systems. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs. 561, 571, 4809, 4889, 5178*, 6069, 6319.

83.... Revises provisions relating to transportation. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Transportation. 2954.

84.... Revises certain provisions relating to roadblocks. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Manendo. 233, 238, 3305, 3315, 3346*, 3370.

85.... Revises provisions governing land use decisions. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary. 561, 571.

86.... Revises provisions governing eminent domain. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senators Leslie, Breeden, Copening, Parks, Roberson, Schneider, Settelmeyer; Assemblymen Horne, Aizley, Anderson, Atkinson, Bobzien, Conklin, Flores, Frierson, Hardy, Kirkpatrick, Oceguera, Ohrenschall, Pierce, Segerblom and Smith. 223, 225, 1364, 1365, 1618, 2437, 2438*, 3162, 3167.

87.... Enacts the Uniform Collateral Consequences of Conviction Act. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Judiciary. 202.

88.... Enacts the Uniform Real Property Transfer on Death Act. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary. 3153, 3154, 3754, 3756, 3763, 4293, 4377, 4444, 4445*, 5325.

89.... Revises provisions governing audits and reviews of financial statements of common-interest communities. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator McGinness. 443, 446, 3643, 3644, 3648, 3744*, 5412.

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91 .... Revises provisions governing driving under the influence. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Senator Manendo. 442, 446.

92 .... Makes various changes relating to development. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Hardy. 209, 4680, 4688, 5175*, 5176, 5957, 6125.

94 .... Provides for the realignment of certain judicial districts. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Senator McGinness. 190, 192, 3643, 3644, 3648, 3742, 3927, 4293, 4377, 4448, 4808, 5131, 5322*, 6503.

96 .... Revises provisions governing the Governor Guinn Millennium Scholarship Program. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Hardy. 561, 572, 3643, 3644, 3648, 3744*, 5412.

97 .... Extends the prospective expiration of certain provisions governing the list of preferred prescription drugs to be used for the Medicaid program. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Wiener. 202, 3380, 4043, 4044, 4058, 4377, 4415*, 5325.

98 .... Revises provisions relating to collective bargaining between local governments and employee organizations. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Hardy. 3153, 3155, 3632, 3633, 3634, 3644, 5180, 5206, 5325*, 5927, 5929, 6069, 6745, 6796, 6810.

99 .... Makes various changes concerning consumer protection. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senator Hardy. 202, 2156, 2493, 3754, 3756, 3763, 4293, 4377, 4448, 4801, 4807*, 6069, 6071, 6072, 6457, 6972, 6976, 6979.

100 .... Makes changes to provisions governing local improvement districts. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Hardy. 3153, 3155.

101 .... Revises certain provisions relating to certificates of marriage and the solemnization of marriage. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Manendo. 443, 446, 4380, 4383, 4617, 4662*, 5329, 5926, 6319.

102 .... Revises provisions governing the taking of wildlife. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Natural Resources. 561, 572, 3754, 3756, 3771, 4293, 4377, 4444, 4445*, 5325.

103 .... Clarifies that certain service charges are subject to the tax on live entertainment. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary. 444.

104 .... Provides for the biennial transfer of a portion of the state surplus to the Public Employees' Retirement Fund and the Fund for the Public Employees' Benefits Program. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Settelmeyer. 202.

106 .... Expands the purposes for which Nevada Magazine is authorized to trade its advertising services. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Settelmeyer. 1890, 1894, 4527, 4528, 4559, 5131, 5322*, 6503.

109 .... Revises provisions relating to local financial administration. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Senator Parks. 209, 3632, 3633, 3634, 3664, 3744, 3745*, 4377.

110 .... Revises provisions governing the issuance of business licenses in certain counties and cities in this State. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Senator Lee. 1890, 1894, 4527, 4528, 4559, 4914, 4990*, 5957, 6125.

111 .... Revises provisions concerning the placement of certain children who are in protective custody. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Settelmeyer and Assemblyman Kite. 561, 572, 3632, 3633, 3634, 3664, 3745*, 5412.

112 .... Revises provisions relating to the records that may be reviewed by a juvenile court in certain proceedings. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Health and Human Services. 1890, 1894, 3754, 3756, 3771, 4293, 4377, 4444, 4445*, 5325.

113 .... Revises provisions relating to the care of certain children during disasters. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Committee on Health and Human Services. 1891, 3380, 5000, 5321*, 6503.

114 .... Revises provisions relating to controlled substances. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Health and Human Services. 443, 446, 3378, 3381, 3625*, 3665.

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115.... Provides requirements governing payment for the provision of certain services and care to patients and reports relating to those services and care. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Health and Human Services. 444, 6271, 6775, 6787*, 7036.

116.... Requires the State Board of Education to prescribe an adjusted adult diploma. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Education. 444.

117.... Revises provisions governing the licensure of certain physicians. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Commerce and Labor and Energy. 443, 446, 3632, 3633, 3634, 3664, 3745*, 4377.

118.... Makes appropriations for the support and evaluation of the regional training programs for the professional development of teachers and administrators. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Committee on Finance. 202.

119.... Revises provisions governing the Agency for Nuclear Projects. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Natural Resources. 443, 446.

120.... Revises provisions governing the Committee on High-Level Radioactive Waste. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Natural Resources. 561, 572.

121.... Revises provisions governing the Commission on Nuclear Projects. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Natural Resources. 387.

122.... Creates the K-12 Public Education Stabilization Account. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Government Affairs. 202.

125.... Revises provisions governing reporting of campaign contributions and expenses. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Kieckhefer. 329, 332, 4043, 4044, 4058, 4377, 4448, 4617, 4662*, 4663, 6069, 6319.

126.... Revises certain provisions relating to permits to carry concealed firearms. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senators Settelmeyer and Lee. 223, 225, 5000, 5180*, 6503.

127.... Revises provisions concerning guardianships for certain veterans and their dependents. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary. 1890, 1894.

128.... Revises provisions governing guardianships. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Judiciary. 3153, 3155, 3674, 3714, 3927, 4293, 4377, 4415*, 4811, 5325.

129.... Requires training of certain persons who operate or work in certain facilities. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Health and Human Services. 444, 5815, 6128, 6234*, 6503.

130.... Revises certain provisions governing off-highway vehicles. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Natural Resources. 1890, 1894, 3245, 3281, 3295, 3338*, 3370.

131.... Revises provisions relating to tests of infants. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Health and Human Services. 164, 166, 3378, 3381, 3625*, 3665.

132.... Revises provisions governing licensure of osteopathic physicians. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Health and Human Services. 171, 173, 3632, 3633, 3634, 3664, 3734, 3927, 4293, 4377, 4444, 4445*, 5325.

133.... Revises provisions governing initiative petitions. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Rhoads. 3153, 3155, 4380, 4383, 4388, 4808, 4914, 4990*, 6503.

134.... Amends the Charter of the City of Elko to change the timing of the general municipal election. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Senator Rhoads. 209, 3425, 3428, 3623, 3637, 3664, 3745*, 5412.

135.... Revises provisions governing the presumption of eligibility for coverage for certain occupational diseases. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Rhoads. 3153, 3155, 3255, 4362, 4364, 4445.

136.... Revises certain provisions governing financial organizations. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Rhoads. 561, 572, 3754, 3756, 3771, 4293, 4377, 4401, 4617, 4663*, 5927, 5948, 6069, 6458, 6724, 6738.

137.... Revises provisions relating to the construction of bus turnouts at certain locations. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Committee on Government Affairs. 3153, 3155, 3632, 3633, 3634, 3664, 3745*, 4377.

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138 .... Revises provisions relating to the use of unlicensed persons and privately owned equipment during an emergency or catastrophe. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senator Lee. 444, 3153, 3155.

140 .... Prohibits the use of a cellular telephone or other handheld wireless communications device while operating a motor vehicle in certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senators Breeden, Schneider, Manendo, Parks, Denis, Copening, Horsford, Wiener; Assemblymen Segerblom, Atkinson, Munford and Smith. 3153, 3155, 4043, 4044, 4081, 4341, 4802, 4914, 4990*, 6069, 6319.

142 .... Makes various changes concerning the towing and storage of motor vehicles. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Committee on Commerce and Labor and Energy. 1890, 1894, 3673, 3674, 3717, 3718, 3927, 4293, 4377, 4448, 4801, 4807*, 5412.

143 .... Revises certain provisions governing insurance. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Commerce and Labor and Energy. 444, 561, 572, 3754, 3756, 3780, 4293, 4377, 4448, 4617, 4663*, 6069, 6319.

144 .... Requires certain garages to check and adjust the tire pressure of motor vehicles. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Transportation, 1890, 1894.

146 .... Makes various changes relating to biodiesel. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Committee on Revenue. 444.

147 .... Establishes civil liability for knowingly advising certain persons to misrepresent the classification or duties of employees for the purposes of industrial insurance. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Commerce and Labor and Energy. 444.

149 .... Establishes policies concerning certain persons with disabilities. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senators Cegavske, Leslie, McGinness, Horsford, Schneider, Breeden, Brower, Copening, Denis, Gustavson, Halseth, Hardy, Kieckhefer, Kihuen, Lee, Manendo, Parks, Rhoads, Roberson, Settelmeyer and Wiener. 185, 188, 3632, 3633, 3634, 3664, 3734, 3927, 4293, 4377, 4448, 4808, 5131, 5180, 6088, 6233, 6428, 6491*.

150 .... Revises certain provisions governing liens of owners of facilities for storage. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Schneider. 3153, 3155, 4297, 4302, 4303, 4448, 4617, 4663*, 6069, 6319.

151 .... Requires certain governmental entities to develop a plan for a regional rapid transit system. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senator Schneider. 444, 3153, 3156, 4680, 4695, 4914, 4990*, 5957, 6069, 6319.

152 .... Revises provisions governing insurance adjusters. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Schneider. 1890, 1894, 3673, 3674, 3717, 3927, 4293, 4377, 4415*, 5325.

153 .... Revises provisions governing the appropriation of water by municipalities. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs. 561, 572.

154 .... Provides for the issuance of special license plates for family members of persons who died as a result of injuries sustained while on active duty in the Armed Forces of the United States. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senator Settelmeyer. 1890, 1895, 3643, 3644, 3648, 3734, 5000, 5321*, 6503.

157 .... Revises provisions governing the donation of unspent campaign contributions. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senators Wiener, Horsford, Denis, Parks, Breeden, Copening, Leslie and Manendo. 223, 225, 3425, 3428, 3624, 3637, 3664, 3745*, 3746, 4377.

158 .... Revises provisions governing the frequency of required inspections of the emissions of certain motor vehicles. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senator Gustavson. 444.

159 .... Makes various changes governing offenders. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senator Gustavson. 1890, 1895, 3674, 3717, 3927, 4293, 4377, 4448, 4808, 4914, 4990, 4991, 5180, 6270, 6318, 6320, 6429*, 6745.

160 .... Repeals the modified business tax. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senator Gustavson. 444.

164 .... Revises provisions relating to third-party administrators. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senator Schneider. 2954, 6069, 6070, 6270, 6318, 6428, 6774, 6775*.

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167.... Revises provisions governing the release of certain reports of the abuse or neglect of children. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: No. Senator Leslie. 561, 572, 3425, 3428, 3624, 3637, 3664, 3746*, 4377.

168.... Makes various changes concerning public health. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senators Hardy, Gustavson. 444, 5328, 5815, 5839, 5928*, 6069, 6262, 6457, 6972, 6992.

170.... Revises provisions governing petitions for initiative or referendum. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Horsford and Assemblyman Oceguera. 3153, 3156.

174.... Revises provisions relating to common-interest communities. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Copening. 2954.

175.... Revises provisions governing concealed firearms permits. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senators Gustavson, Settelmeyer, Cegavske, Hardy, Kieckhefer, Lee, McGinness, Roberson; Assemblymen Ellison, Goedhart, Goicoechea, Hambrick, Hickey, Kirkpatrick, Kirner and McArthur. 561, 572.

176.... Revises provisions governing concealed firearms. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Gustavson. 444.

177.... Revises provisions governing the equipment and training required to operate a motorcycle. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senators Gustavson, Halseth, Cegavske, Lee, Manendo, Roberson, Settelmeyer; Assemblymen Ellison, Goedhart, Hambrick, Kirkpatrick and McArthur. 3149.

182.... Makes various changes concerning renewable energy systems. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senator Schneider. 1890, 1895, 3673, 3674, 3720, 3927, 4293, 4377, 4415*, 5325.

184.... Requires the Public Utilities Commission of Nevada to open an investigatory docket concerning the establishment of a feed-in tariff program for renewable energy systems in this State. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senator Schneider. 3153, 3156, 3754, 3756, 3783, 4293, 4377, 4415, 4416.

185.... Makes various changes relating to real property. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senator Schneider. 570, 3149.

186.... Revises provisions relating to records. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator McGinness. 442, 446, 3643, 3644, 3648, 3734, 3927, 4293, 4377, 4448, 4808, 5131, 5322*, 6503.

187.... Revises provisions governing parole. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Judiciary. 1890, 1895, 4527, 4528, 4570, 4914, 4991*, 6503.

188.... Revises provisions relating to the work schedules of certain employees of the Department of Corrections. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senators Horsford, Settelmeyer. 6458, 6459, 6971*.

190.... Provides for the licensure of music therapists. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Senator Denis. 3153, 3156, 3754, 3756, 3786, 4293, 4377, 4416*, 4528, 5325.

191.... Revises provisions governing pet cemeteries and crematories. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Manendo. 387, 4043, 4044, 4085, 4377, 4448, 4808, 5176*, 6069, 6319.

192.... Makes various changes relating to job creation within the Nevada construction industry. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Senators Horsford, Kihuen; Assemblymen Oceguera and Smith. 209, 210, 4044, 4420, 4617.

193.... Makes various changes concerning the State Board of Cosmetology and persons and practices regulated by the Board. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Hardy; Assemblymen Hardy and Stewart. 304, 3305, 3315, 3346*, 4043, 4448, 4811, 6458, 6631, 6652.

194.... Urges the Nevada Supreme Court to amend the Nevada Rules of Civil Procedure to require certain disclosures in class action lawsuits. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Hardy; Assemblymen Hardy and Stewart. 1890, 1895, 3754, 3756, 3805, 4293, 4377, 4448, 4808, 5131, 5322*, 5323, 6503.

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196 .... Revises provisions governing empowerment schools. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Education. 1890, 1895, 3643, 3644, 3648, 3746*, 4377.

197 .... Revises provisions governing the system of governance and oversight of public education. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Education. 567, 6430, 6455, 6744, 6757*.

198 .... Revises certain provisions governing financial institutions. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Roberson. 1890, 1895.

200 .... Makes various changes relating to real property. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Schneider. 1890, 1895, 3754, 3756, 3805, 4293, 4377, 4448, 4801, 4807*, 5927, 5948, 6069, 6458, 6618, 6630.

201 .... Authorizes the Attorney General to establish a program to mediate complaints by offenders. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senators Parks, Leslie, Breeden, Copening, Denis, Horsford, Kihuen, Manendo; Assemblymen Munford, Anderson, Atkinson, Bobzien, Carlton, Carrillo and Hogan. 2156, 2493, 3754, 3756, 3812, 4293, 4377, 4416*, 5325.

204 .... Enacts certain amendments to the Uniform Common-Interest Ownership Act. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Copening. 3153, 3156, 4680, 4697, 5176*, 6069, 6319.

205 .... Requires national certification for a registered nurse to receive a certificate of recognition as an advanced practitioner of nursing. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senators Leslie, Hardy; Assemblymen Mastroluca, Carlton and Bobzien. 233, 238, 3673, 3674, 3720, 3927, 4293, 4377, 4447, 4448*, 4811, 5325.

206 .... Requires legislative lobbyists to file reports concerning lobbying activities when the Legislature is not in session. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Leslie. 3755, 3756.

207 .... Authorizes the imposition of an administrative penalty against an employer under certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Commerce and Labor and Energy. 567, 4811, 4812, 5926, 5928, 6099, 6122*, 6503.

208 .... Creates the Task Force on Employee Misclassification. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Commerce and Labor and Energy. 567, 4811, 4812, 5926, 5928, 6059*, 6503.

209 .... Revises provisions relating to reports of sentinel events and related information reported by certain medical facilities. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Health and Human Services. 1890, 1895, 3632, 3633, 3634, 3664, 3746*, 4377.

210 .... Revises provisions governing the regulation of certain food processing establishments. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Health and Human Services. 3153, 3156, 4043, 4044, 4087, 4377, 4416*, 4811, 5325.

211 .... Requires a legislative study of the implementation of the Common Core State Standards in the public schools in Nevada. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Education. 5957, 5958, 6270, 6318, 6429*.

212 .... Revises provisions governing charter schools. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Education. 1891, 6069, 6070, 6270, 6318, 6326, 6429*, 6745.

213 .... Revises provisions governing the registration requirements for employee leasing companies. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Schneider. 2156, 2493, 3673, 3674, 3721, 3927, 4293, 4377, 4444, 4446*, 5325.

214 .... Requires the Department of Transportation to establish a demonstration project for a toll road in connection with the Boulder City Bypass Project. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senators Hardy, McGinness, Rhoads; Assemblymen Stewart and Hardy. 3153, 3156.

215 .... Makes various changes concerning persons regulated by the Chiropractic Physicians' Board of Nevada. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Hardy; Assemblymen Hammond and Stewart. 561, 573, 3754, 3756, 3812, 4293, 4377, 4448, 4617, 4663*, 6069, 6319.

216 .... Establishes Reading Skills Development Centers. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Committee on Education. 444.

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218 .... Revises provisions governing the regulation of gaming. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Judiciary. 1890, 1895, 3305, 3337, 3346*, 3370.

219 .... Requires certain assessments of unemployed and employed workers to determine the available workforce in Nevada and makes appropriations for performing skills assessments for unemployed persons. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Senators Horsford, Kihuen; Assemblywomen Kirkpatrick and Smith. 336, 337, 902, 903, 928, 939, 3644.

220 .... Establishes the Kenny C. Guinn Memorial Millennium Scholarship. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senators Kieckhefer, Cegavske, McGinness, Schneider, Horsford, Breeden, Brower, Copening, Denis, Gustavson, Halseth, Hardy, Kihuen, Lee, Leslie, Manendo, Parks, Rhoads, Roberson, Settelmeyer, Wiener; Assemblymen Oceguera, Smith, Conklin, Grady, Goicoechea, Aizley, Anderson, Atkinson, Benitez-Thompson, Bobzien, Brooks, Bustamante Adams, Carlton, Carrillo, Daly, Diaz, Dondero Loop, Ellison, Flores, Frierson, Goedhart, Hambrick, Hammond, Hansen, Hardy, Hickey, Hogan, Horne, Kirkpatrick, Kirner, Kite, Livermore, Mastroluca, McArthur, Munford, Neal, Ohrenschall, Pierce, Segerblom, Sherwood, Stewart and Woodbury. 382, 561, 570, 899, 938*, 2489.

221 .... Makes various changes relating to trusts, estates and probate. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Wiener and Assemblyman Segerblom. 3153, 3156, 4043, 4044, 4090, 4377, 4416*, 4811, 5325.

222 .... Revises provisions concerning the lease or rental of a unit in a common-interest community. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Copening. 443, 446, 4680, 4754, 5176*, 6503.

223 .... Revises provisions relating to cruelty to animals. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senators Breeden, Parks, Manendo; Assemblyman Segerblom. 3153, 3156, 4043, 4044, 4182, 4377, 4448, 4801, 4807*, 5682, 5955.

225 .... Establishes provisions relating to the designation of certain hospitals as primary stroke centers. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Cegavske. 255, 260, 3632, 3633, 3634, 3664, 3746*, 5412.

226 .... Requires the Board of Wildlife Commissioners to adopt certain regulations governing the trapping of fur-bearing mammals in certain counties. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: No. Senators Leslie, Parks; Assemblywomen Pierce and Carlton. 3153, 3157, 3755, 3756, 3816, 4293, 4377, 4417*, 5325.

227 .... Revises provisions governing the financial administration of the Real Estate Division of the Department of Business and Industry. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Lee. 2954, 6430, 6455.

229 .... Revises provisions governing the policy adopted by the State Board of Education to encourage parental and family involvement in supporting the education of their children. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senators Denis, Wiener, Breeden, Kihuen; Assemblymen Bobzien, Smith, Benitez-Thompson, Brooks, Bustamante Adams, Carrillo, Flores and Mastroluca. 387, 3344, 3348, 3363*, 3638.

230 .... Requires the boards of trustees of school districts and the governing bodies of charter schools to adopt a policy governing the use of foods and beverages containing trans fats at public schools within this State. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Senators Denis, Wiener, Breeden, Kihuen; Assemblymen Bobzien, Benitez-Thompson, Brooks, Bustamante Adams, Carrillo and Flores. 1890, 1896, 3255.

231 .... Makes various changes relating to concealed firearms. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senators Lee, Settelmeyer, Hardy, Manendo, Denis, Cegavske, Copening, Gustavson, Halseth, Roberson; Assemblymen Anderson, Hickey, Hambrick, Carrillo, Hansen, Daly, Flores, Goedhart, Goicoechea, Hammond, Kirner, Kite, Livermore and Ohrenschall. 1891, 4420, 4443.

232 .... Removes certain tracts of local governmental and private land from the state definition of the Spring Mountains National Recreation Area. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senators Lee, McGinness; Assemblyman Hammond. 3153, 3157, 3378, 3381, 3625*, 3626, 3665.

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233.... Makes various changes concerning the administration of grants. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senators Parks, Horsford, Kieckhefer; Assemblymen Oceguera, Conklin, Hansen, Brooks, Hardy, Bustamante Adams, Kirkpatrick and Smith. 3153, 3157, 4420, 4434, 4617, 4663*, 5815, 5955.

234.... Revises provisions relating to motor vehicle dealers. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: No. Senator Horsford. 3153, 3157, 4043, 4044, 4188, 4377, 4417*, 4528, 5325.

236.... Provides for the increased use of recycled materials in certain road and highway projects. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Natural Resources. 3153, 3157, 3755, 3756, 3816, 4293, 4377, 4444, 4446*, 5682, 5955.

237.... Revises provisions governing the Nevada Youth Legislature. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Wiener. 443, 446, 3754, 3756, 3818, 4293, 4377, 4417*, 4528, 5326.

238.... Revises provisions concerning the Advisory Board on Automotive Affairsrs. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senator Manendo. 1890, 1896, 4043, 4044, 4194, 4377, 4401, 4664, 4914, 4991*, 6069, 6319.

244.... Revises provisions governing special license plates and parking placards for persons with disabilities. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Transportation. 567, 3380.

245.... Creates the Statewide Alert System for the Safe Return of Missing Endangered Older Persons. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senators Parks, Manendo, Copening, Denis; Assemblyman Anderson. 1890, 1896, 3643, 3644, 3648, 3746*, 3747, 4302, 4525.

246.... Requires certain entities that have custody of a child pursuant to the order of a court to adopt a policy concerning the administration and management of medication. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senator Leslie. 3153, 3157, 4043, 4044, 4197, 4377, 4417*, 4811, 5326.

248.... Revises provisions governing traffic laws relating to overtaking and passing bicycles and electric bicycles. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senators Parks, Lee, Breeden, Copening, Denis, Horsford, Kihuen, Leslie, Manendo, Schneider, Wiener; Assemblyman Anderson. 1890, 1896, 3245, 3281, 3295, 3338*, 3370.

249.... Makes various changes relating to administration of taxes on property. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Parks, Denis, Manendo; Assemblyman Anderson. 3153, 3157, 5000, 5107, 5324*, 5927, 5929, 6069, 6745, 6810, 6834.

250.... Makes various changes relating to state financial administration. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Kieckhefer. 2954.

251.... Creates the Sunset Subcommittee of the Legislative Commission to evaluate certain governmental programs and services. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senator Kieckhefer; Assemblymen Smith, Brooks and Hansen. 1890, 1896, 4680, 4754, 4914, 4991*, 4992, 6125.

254.... Revises provisions relating to common-interest communities. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Copening. 3153, 3157, 4681, 4761, 5176*, 6069, 6319.

256.... Revises provisions relating to controlled substances. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Senators Hardy, Denis and Copening. 1890, 1896.

257.... Revises various provisions governing graffiti offenses. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senator Wiener. 1890, 1896, 4380, 4383, 4388, 4617, 4664*, 5329, 5812.

259.... Revises provisions governing certain trust companies. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Schneider. 1890, 1896, 3673, 3674, 3721, 3927, 4293, 4377, 4444, 4446*, 5328, 6069, 6319.

260.... Provides an alternative procedure for the creation of certain local improvement districts. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Hardy and Assemblywoman Woodbury. 1890, 1896.

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261.... Makes various changes relating to the reorganization or combination and reorganization of certain fire protection districts. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Hardy and Assemblyman Hardy. 1890, 1896.

262.... Provides for the incorporation of the City of Laughlin contingent upon certain conditions. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Senator Hardy and Assemblyman Hardy. 3153, 3157, 3632, 3633, 3635, 3644, 5131, 5139, 5324*, 5957, 6125.

264.... Revises provisions concerning the regulation of certain medical facilities. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senator Leslie. 3153, 3158, 3643, 3644, 3652, 3747*, 4302, 4525, 5328, 5958, 6010, 6022, 6319.

265.... Revises provisions governing sentencing of criminal offenders and determining eligibility of prisoners for parole. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senators Parks, Leslie and Denis. 567, 6069, 6070.

266.... Revises provisions governing the possession of pets by tenants of a manufactured home park. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senators Manendo, Breeden, Parks; Assemblymen Carrillo, Ohrenschall and Hogan. 2156, 2493.

267.... Revises provisions governing personal information. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Wiener. 2156, 2493, 3673, 3674, 3733, 3927, 4293, 4377, 4448, 4808, 5131, 5181, 5203, 5325*, 6069, 6319.

268.... Revises provisions relating to public works. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Lee. 1890, 1897, 4914, 5179*, 5927, 5934, 6069, 6458, 6659, 6704.

271.... Provides for withdrawal of the State of Nevada from the Tahoe Regional Planning Compact under certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senators Lee, Settelmeyer; Assemblymen Hickey, Kirner and Kite. 567, 4363, 6845, 6854, 6968, 7035, 7036*, 7264.

273.... Revises various provisions governing the practice of osteopathic medicine. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senator Copening. 1890, 1897, 3754, 3756, 3826, 4293, 4377, 4417*, 4528, 5326.

274.... Revises provisions relating to certain special license plates issued to veterans. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Transportation, 567.

276.... Revises provisions governing safe and respectful learning environments in public schools. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senators Parks, Leslie. 567, 5328, 6128, 6196, 6261*, 6458.

277.... Revises provisions governing certain acts by juveniles relating to the possession, transmission and distribution of certain sexual images. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Wiener. 1890, 1897, 3643, 3644, 3664, 3734, 3927, 4293, 4377, 4417, 4418*, 5326.

278.... Revises provisions relating to health care and health insurance. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senators Horsford, Hardy. 567, 5957, 5958, 6128, 6234*, 6503.

279.... Revises provisions concerning the renewal of permits to carry concealed firearms. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senators Gustavson, Cegavske, Denis, Halseth, Hardy, Kieckhefer, Lee, McGinness, Rhoads, Roberson, Settelmeyer; Assemblymen Sherwood, Hansen, Aizley, Daly, Goicoechea, Grady, Hambrick, Hammond, Hickey, Horne, Kirner, Kite and McArthur. 561, 573.

280.... Revises provisions relating to the use of special fees collected from the issuance of certain veterans' license plates. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senators Brower, Breeden, Manendo, McGinness; Assemblymen Anderson and Grady. 561, 573, 3378, 3382, 3626*, 3665.

281.... Requires the Public Utilities Commission of Nevada to establish the Electric Vehicle Demonstration Program. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senator Schneider. 1890, 1897.

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282 .... Prohibits the willful and intentional public posting or displaying of the social security number of another person. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: No. Senators Gustavson, Cegavske, Denis, Halseth, Kieckhefer, McGinness, Roberson, Settelmeyer; Assemblymen Sherwood, Aizley, Ellison, Goicoechea, Grady, Hambrick, Hammond, Hansen, Hickey, Kirner, Kite and McArthur. 387, 4380, 4383, 4391, 4808, 4914, 4992*, 6745.

284 .... Makes various changes concerning the custody of children. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Gustavson. 1890, 1897.

285 .... Establishes provisions governing medical assistants. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senator Leslie. 567.

286 .... Revises provisions governing the Merit Award Program. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Rhoads and Assemblywoman Smith. 3153, 3158, 3245, 3281, 3295*, 3355.

288 .... Revises provisions governing renewable energy. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senator Settelmeyer. 1890, 1897.

289 .... Makes various changes relating to insurance. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Copening. 443, 447, 3754, 3756, 3849, 5181, 5325*, 6069, 6319.

290 .... Revises provisions governing deceptive trade practices. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Senator Copening. 567.

291 .... Revises provisions governing operators of tanning establishments. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Copening. 2156, 2493.

292 .... Revises provisions relating to insurance. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Senator Schneider. 2156, 2493, 3754, 3756, 3849, 4293, 4377, 4444, 4446*, 5328, 6069, 6319.

293 .... Makes various changes relating to certain nonprofit organizations. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Cegavske. 3153, 3158, 3674, 3733, 3927, 4293, 4377, 4448, 4808, 5131, 5323*, 6503.

294 .... Establishes provisions governing providers of health care. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senators Cegavske, Leslie. 567, 1890, 1897, 3673, 3674, 3733, 3927, 4293, 4377, 4448, 4808, 5131, 5324*, 6069, 6124, 6457, 6972, 6979, 6992.

295 .... Revises provisions governing the budgets of school districts. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senator Hardy. 444.

298 .... Enacts provisions governing noxious odors. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senator McGinness. 567.

299 .... Revises provisions relating to the care of animals. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Senator Manendo. 3153, 3158, 4043, 4044, 4209, 4377, 4444, 4446*, 5682, 5955.

300 .... Revises provisions governing certain billing and related practices of hospitals. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Leslie. 3153, 3158, 4043, 4044, 4214, 4377, 4418*, 4811, 5326.

301 .... Makes various changes to provisions governing dairy products and dairy substitutes. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Settelmeyer. 443, 447, 3632, 3633, 3635, 3664, 3734.

302 .... Prohibits the sale of black powder and smokeless gunpowder to certain persons. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Hardy. 3153, 3158, 3378, 3382, 3626*, 3665.

304 .... Provides for redistricting of election districts in Carson City and the Cities of Henderson, Reno and Sparks, contingent upon voter approval. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Senator Leslie. 1890, 1897, 4527, 4528, 4570, 4914, 4992*, 5957, 6010.

307 .... Revises provisions relating to the exercise of the power of sale under a deed of trust concerning owner-occupied property. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senator Copening. 3153, 3158, 4680, 4784, 5176, 5177*, 6069, 6319.

308 .... Authorizes charitable organizations to operate remote caller bingo games. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senator Schneider. 567.

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309.... Authorizes a person to remove from his or her property livestock for which he or she has, by contract, provided care and shelter under certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Settelmeyer. 1890, 1897, 4363, 4364, 4375, 4448, 4801, 4807*, 6458.

312.... Makes various changes relating to transportation. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senator Gustavson. 567.

313.... Revises certain provisions relating to energy. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senator Schneider. 567.

314.... Revises various provisions relating to real property. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Senator Lee. 2156, 2494, 4042, 4044, 4217, 4377, 4383, 4400, 6457, 6469, 6503*, 7036.

315.... Requires the Commission on Professional Standards in Education to provide for the licensure of teachers and administrators pursuant to an alternative route to licensure. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senator Kieckhefer. 2156, 2494, 3754, 3756, 3859, 4293, 4377, 4448, 4808, 5131, 5323*, 6745.

316.... Requires school districts, charter schools and university schools for profoundly gifted pupils to expend a certain percentage of money on direct classroom expenditures. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senators Roberson, Gustavson, Halseth, Hardy, Kieckhefer and Settelmeyer. 570.

317.... Requires that plans developed and implemented to respond to crises occurring at public schools and private schools also address response to emergencies. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Wiener. 561, 573, 3643, 3644, 3664, 3734, 3927, 4293, 4377, 4418*, 5326.

318.... Establishes provisions governing permissible flammability of certain components in school buses. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senators Parks, Manendo; Assemblymen Pierce and Ohrenschall. 1890, 1897, 3344, 3348, 3363, 3382, 3626*, 3665.

320.... Revises provisions governing certain motor carriers. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: No. Senator Manendo. 901, 5957, 5959, 6270, 6318, 6404, 6429*, 6458.

321.... Revises provisions governing taxicabs. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senator Manendo. 3153, 3158, 4527, 4528, 4581, 4914, 4992*, 6458.

322.... Revises provisions governing motor vehicles. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senators Settelmeyer, Hardy and Manendo. 3153, 3158, 3643, 3644, 3664, 3747*, 5412.

323.... Revises provisions relating to motor vehicle liability insurance and registration. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Senator Parks. 3153, 3159, 4043, 4044, 4238, 4377, 4418*, 5328, 5682, 5955.

325.... Moves the Division of Internal Audits from the Department of Administration to the Office of the State Controller. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senator Lee. 567, 3153, 3159.

326.... Revises provisions relating to parks and recreation areas in this State. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senator Lee. 567.

328.... Revises provisions governing the payment and collection of wages and other benefits. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Horsford. 2156, 2494, 3632, 3633, 3635, 3664, 3747*, 4377.

329.... Revises provisions governing prescriptions. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: No. Senators Breeden, Wiener. 3153, 3159, 3673, 3674, 3733, 3927, 4293, 4377, 4448, 4664, 4914, 4992*, 6069, 6319.

330.... Makes various changes to provisions governing real estate. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Senator Schneider. 567.

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331.... Revises provisions relating to unlawful discrimination in places of public accommodation. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: No. Senators Leslie, Parks; Assemblyman Aizley. 2156, 2494, 3632, 3633, 3635, 3664, 3747*, 4377.

333.... Requires the establishment of the Nevada Job Creation Incentive Program to provide a deduction from the payroll tax for wages paid to newly hired employees under certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senator Kieckhefer. 567.

334.... Requires the creation of a searchable database of expenditures and funding actions by state agencies under certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senator McGinness. 567.

335.... Revises provisions governing hypodermic devices. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senators Parks, Hardy; Assemblymen Pierce and Ohrenschall. 3153, 3159.

336.... Revises certain provisions relating to prescription drugs. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senator Schneider. 567.

337.... Revises provisions governing persons who may receive an anatomical gift. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senators Kieckhefer, Copening. 443, 447, 3632, 3633, 3635, 3664, 3747*, 3748, 5412.

338.... Revises provisions relating to reports of certain medical and related facilities. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senators Breeden, Wiener. 567, 5957, 5959, 6128, 6234*, 6503.

339.... Establishes provisions relating to the safety of patients in certain medical facilities. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senators Breeden, Wiener. 3153, 3159, 4043, 4044, 4246, 4377, 4418*, 5328, 5682, 5955.

340.... Revises provisions relating to programs to increase public awareness of health care information. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senators Breeden, Wiener. 567, 5815, 6272, 6318, 6413, 6430, 6774, 6775*, 7036.

347.... Authorizes the Administrator of the Aging and Disability Services Division of the Department of Health and Human Servicesto administer oaths, take testimony and issue subpoenas under certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Denis. 1365, 6271.

348.... Eliminates limits on the amounts of certain property that is exempt from execution. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senators Roberson, Cegavske, Gustavson, Halseth, McGinness and Settelmeyer. 561, 573, 4297, 4302, 4313, 4448, 4808, 4914, 4993*, 6271, 6304.

349.... Provides for the establishment of a community court pilot project to provide an alternative to sentencing for misdemeanor offenders. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation not included in Executive Budget. Senator Horsford; Assemblymen Frierson, Horne and Neal. 567, 6458, 6459.

351.... Revises provisions governing disciplinary action against contractors. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senator Hardy. 2156, 2494.

352.... Revises provisions relating to employment. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Senators Denis, Kihuen; Assemblymen Carrillo, Diaz, Benitez-Thompson, Brooks, Bustamante Adams and Flores. 567.

353.... Revises provisions governing dealers in coins and collectibles. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Leslie. 561, 573, 3632, 3633, 3635, 3664, 3748*, 4377.

354.... Makes various changes to regulatory bodies of professions, occupations and businesses. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Schneider. 3153, 3159.

356.... Establishes the crime of stolen valor. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: No. Senators Halseth, Gustavson, Cegavske, Copening, Breeden, Brower, Denis, Hardy, Horsford, Kieckhefer, Kihuen, Lee, Leslie, Manendo, McGinness, Parks, Rhoads, Roberson, Schneider, Settelmeyer, Wiener; Assemblyman Anderson. 2156, 2494.

358.... Makes various changes concerning the operation of certain vending stands. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senators Denis, Brower; Assemblyman Ohrenschall. 561, 573, 3378, 3382, 3626, 4341, 4418*, 4419, 4528, 5326.

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359.... Revises provisions relating to contracts with a governmental entity. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senators Horsford, Denis, Kihuen, Leslie, Parks; Assemblymen Flores, Frierson, Brooks, Atkinson, Bustamante Adams, Horne and Neal. 444, 4363.

360.... Revises provisions governing redevelopment agencies. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senators Horsford, Parks; Assemblymen Atkinson, Bobzien, Kirkpatrick and Neal. 1156, 6430, 6455, 6744, 6772*, 6773.

361.... Authorizes the issuance of a temporary permit to appropriate water to establish fire-resistant vegetative cover in certain areas. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senator Rhoads. 1890, 1898, 4043, 4044, 4253, 4377, 4448, 4617, 4664*, 5815, 5955.

362.... Revises provisions concerning groundwater basins. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senator Schneider. 568, 3153, 3159.

365.... Eliminates certain mandates pertaining to school districts and public schools in this State. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator McGinness. 3153, 3159, 3754, 3756, 3865, 4293, 4377, 4448, 4808, 5131, 5323*, 5927, 5954, 5955, 6069, 6458, 6704, 6724.

367.... Requires certain health care practitioners to communicate certain information to the public. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senators Cegavske, Hardy. 2156, 2494.

368.... Prohibits discrimination in housing and certain other transactions involving real property on the basis of sexual orientation or gender identity or expression. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: No. Senators Parks, Leslie. 2156, 2494, 3632, 3633, 3635, 3664, 3748*, 4377.

369.... Requires the establishment of a program of shared work unemployment compensation. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senator Hardy. 568.

370.... Makes various changes to provisions governing children who are placed with someone other than a parent. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senators Horsford, Leslie; Assemblymen Frierson and Horne. 568, 6271, 6744, 6773*.

371.... Makes various changes concerning the protection of children. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senators Cegavske, Horsford and Leslie. 568, 6430, 6455, 6744, 6773*.

373.... Requires photographic identification for voting. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senator Roberson. 567.

374.... Creates the Committee to Study the Funding of Higher Education. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Senator Lee. 568, 6069, 6070, 6129, 6234*, 6503.

375.... Authorizes counties and cities to create renewable energy corridors. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senators Cegavske, Schneider. 1891.

376.... Increases the penalty for certain technological crimes. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senators Cegavske, Breeden, Brower, Gustavson, Halseth, Hardy, Kihuen, Lee, Manendo, McGinness, Parks, Rhoads, Roberson, Schneider and Settelmeyer. 1890, 1898, 4297, 4302, 4337, 4448, 4808, 4914, 4993*, 6745.

377.... Establishes provisions authorizing public-private partnerships for certain projects. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Hardy. 2156, 2494.

379.... Revises provisions governing the inspection by the Health Division of the Department of Health and Human Services of certain facilities and offices regulated by the Health Division. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senator Kieckhefer. 568.

380.... Revises provisions governing aliens unlawfully present in the United States. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Senators Gustavson, Cegavske, Halseth, McGinness, Settelmeyer; Assemblymen Hansen, Hardy, Ellison, Goedhart, Hickey and Livermore. 568.

381.... Revises provisions concerning counties. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senator Manendo. 3153, 3159, 4527, 4528, 4586, 4914, 4993*, 6069, 6319.

383.... Revises provisions relating to economic development. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Senator Cegavske. 568.

384.... Authorizes the governing body of certain local governments to adopt procedures for the sale of naming rights to certain public facilities. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs. 2156, 2494, 4810, 4911, 5179.

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385.... Grants power to local governments to perform certain acts or duties which are not prohibited or limited by statute. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs. 2156, 2495.

386.... Makes various changes concerning the taxation of certain tobacco products. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Revenue. 568.

387.... Revises certain provisions governing off-highway vehicles. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Transportation. 568, 3153, 3160, 3643, 3644, 3664, 3748*, 4377.

389.... Enacts provisions requiring the payment of deposits and refunds on certain beverage containers sold in this State. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Natural Resources. 568.

390.... Revises provisions relating to the statewide voter registration list. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Legislative Operations and Elections. 3153, 3160, 3425, 3428, 3624, 3637, 3664, 3748*, 4377.

391.... Revises provisions relating to ethics in government. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Legislative Operations and Elections. 3153, 3160.

392.... Creates the Nevada Advisory Committee on Intergovernmental Relations as a statutory committee. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Government Affairs. 568, 1890, 1898.

393.... Revises provisions relating to annexation of territory by certain unincorporated towns. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs. 1890, 1898, 3378, 3382, 3626, 3627*, 3665.

396.... Changes the governmental entity entrusted to administer and distribute the additional funds generated by the special license plates for the support of the natural environment of the Mount Charleston area. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Committee on Government Affairs. 3153, 3160, 3378, 3382, 3627*, 3665.

400.... Establishes a process by which a state agency may obtain certain information in county records at no charge for the purpose of assisting the economic development and population research of this State. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Select Committee on Economic Growth and Employment. 3153, 3160, 4680, 4796, 4914, 4993*, 5957, 6125.

402.... Revises provisions relating to real property. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary. 1890, 1898, 4380, 4383, 4393, 4617, 4664*, 5927, 5948, 5949, 6070.

403.... Revises provisions relating to the information which must be provided by a unit's owner in a resale transaction. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Judiciary. 1890, 1898, 4297, 4302, 4338, 4448, 4617, 4664*, 6069, 6319.

404.... Revises provisions concerning information that a gaming applicant or licensee must provide. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Judiciary. 568.

405.... Revises provisions governing business entities. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Judiciary. 2156, 2495, 3754, 3756, 3894, 4293, 4377, 4448, 4808, 5177*, 6503.

406.... Requires the Department of Motor Vehicles to waive certain fees owed by certain military personnel. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Transportation. 1890, 1898, 3245, 3281, 3295, 3338*, 3339, 3370.

407.... Revises provisions relating to tow cars. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: No. Committee on Transportation. 568, 3153, 3160.

408.... Revises provisions governing the issuance of special license plates. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Transportation. 561, 573, 3305, 3337, 3346, 3347*, 3370.

411.... Provides for the regulation of medication aides. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Committee on Commerce and Labor and Energy. 1890, 1898, 3673, 3674, 3733, 3927, 4293, 4377, 4444, 4446, 4447*, 5326.

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412.... Provides for the regulation of the practice of complementary integrative medicine. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Committee on Commerce and Labor and Energy. 3153, 3160.

413.... Repeals certain provisions governing licenses issued by the Real Estate Division of the Department of Business and Industry. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Commerce and Labor and Energy. 567.

414.... Revises provisions relating to financial institutions. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Commerce and Labor and Energy. 2156, 2495, 4042, 4044, 4264, 4377, 4444, 4447*, 5328, 6069, 6319.

415.... Revises provisions governing the recovery of certain benefits paid under the State Plan for Medicaid. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Commerce and Labor and Energy. 568.

416.... Provides for the regulation of certain marketing programs or promotions of liquor in retail establishments. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Committee on Commerce and Labor and Energy. 568.

417.... Provides for the placement of recycling containers in certain locations. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Natural Resources. 1890, 1898, 3755, 3756, 3894, 4293, 4377, 4444, 4447*, 5326.

418.... Creates a subcommittee of the Legislative Committee on Health Care to oversee the implementation of federal health care reform in this State. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Health and Human Services. 568, 5957, 5959, 6744, 6773*.

419.... Establishes provisions relating to safe injection practices. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Committee on Health and Human Services. 3153, 3160, 4527, 4528, 4597, 4914, 4993, 4994*, 6069, 6319.

420.... Makes various changes relating to the operation of certain facilities for long-term care. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Health and Human Services. 568, 2156, 2495, 3674, 3733, 3927, 4293, 4377, 4419*, 5326.

421.... Revises provisions relating to certain funds. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Finance. 444, 5329, 5411, 6270, 6318, 6417, 6430*, 6458.

422.... Requires counties to pay for the use of services offered by the Aging and Disability Services Division of the Department of Health and Human Services. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Committee on Finance. 444.

423.... Revises provisions concerning assistance to certain older persons and persons with physical disabilities. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Finance. 444, 6069, 6070, 6129, 6235*, 6503.

424.... Creates the Department of Tourism and Cultural Affairs. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Finance. 444.

425.... Makes appropriations to the Department of Motor Vehicles and the Department of Administration Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Finance. 444, 6271, 6272, 6457, 6501*.

426.... Makes various changes related to energy. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Finance. 444, 5328, 5926, 5928*, 6319.

427.... Provides for the merger , movement and reorganization of certain state agencies Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Finance. 444, 6430, 6455, 6845, 6898, 6968, 6969*, 7264.

428.... Makes an appropriation to the State Gaming Control Board to replace computer and technology hardware. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Finance. 444, 6430, 6455, 6457, 6501*.

429.... Revises the authority of the Department of Health and Human Services to contract for transportation services for the recipients of services under the Children's Health Insurance Program. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Committee on Finance. 444, 4811, 4812, 5415, 5418*, 6503.

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430 .... Revises provisions governing certain child care facilities. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Finance. 444, 3380, 4043, 4044, 4268, 4377, 4444, 4447*, 5326.

431 .... Authorizes the Secretary of State to make broader use of revenue from the enforcement of securities laws. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Finance. 444.

432 .... Revises provisions governing governmental financing. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Committee on Finance. 3153, 3160, 3255, 4527, 4528, 4529, 4602, 5177*, 6069, 6319.

433 .... Eliminates the position of Deputy Commissioner of the Nevada Transportationon Authority. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Finance. 444.

434 .... Makes various changes regarding funding and autonomy of Nevada System of Higher Education. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Committee on Finance. 444, 6458, 6459.

435 .... Transfers the Office of Historic Preservation from the Department of Cultural Affairs to the State Department of Conservation and Natural Resources. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Finance. 444.

436 .... Revises provisions concerning pension benefits for justices of the Supreme Court and district judges. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Finance. 3153, 3161, 3754, 3756, 3894, 4293, 4377, 4448, 4801, 4807, 4808*, 5412.

437 .... Revises provisions governing assistance to parents and relatives caring for certain persons with mental retardation and related conditions. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Finance. 444, 5328, 5329, 6128, 6233, 6318, 6428, 6491*.

438 .... Requires the issuance of bonds for environmental improvement projects in the Lake Tahoe Basin. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Finance. 444, 6458, 6459, 6971*.

439 .... Makes various changes relating to fire protection. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Finance. 444, 4363, 6261, 6262, 6269*, 6458.

440 .... Creates the Silver State Health Insurance Exchange. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Finance. 444, 5328, 5329, 6068, 6110, 6124*, 6458.

441 .... Revises provisions governing the processing at self-service terminals or kiosks of certain transactions with the Department of Motor Vehicles. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Finance. 444, 3380, 3381, 3643, 3644, 3664, 3748*, 4377.

442 .... Establishes the Fund for State Park Interpretative and Educational Programs and Operation of Concessions. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Finance. 444, 3643, 3644, 5415, 5418*, 6503.

443 .... Requires counties to pay a percentage of the expense of presentence or general investigations and reports made by the Division of Parole and Probation of the Department of Public Safety. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Committee on Finance. 444, 5328, 5329, 5679, 5755*, 6503.

444 .... Eliminates the Administrative Services Division of the Department of Public Safety. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Finance. 444, 3380, 3381, 4043, 4044, 4268, 4377, 4419*, 5326.

445 .... Allows the Office of the Military to collect rent for the use of its facilities. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Committee on Finance. 444, 3296, 3301, 3673, 3674, 3733, 3927, 4293, 4377, 4444, 4447*, 5326.

446 .... Revises provisions governing the composition of the State Department of Conservation and Natural Resources. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Finance. 444, 5328, 5329, 5679, 5755*, 6503.

447 .... Makes various changes concerning the administration of child welfare services. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Finance. 444, 6069, 6070, 6129, 6235*, 6503.

448 .... Makes various changes concerning the regulation of mental health services provided to children in this State. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Finance. 444.

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449.... Revises provisions governing tuition charges, registration fees and other fees assessed against students in the Nevada System of Higher Education. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Finance. 444, 5957, 5959, 6129, 6235*, 6503.

450.... Makes an appropriation to the Interim Finance Committee for allocation to the State Treasurer for a consultant to assist with the development of a request for proposals for the E-payment and Merchant Services contracts. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Finance. 444, 3296, 3301, 4043, 4044, 4268, 4377, 4419*, 5326.

451.... Revises provisions governing tuition charges, registration fees and other fees assessed against students enrolled in institutions of the Nevada System of Higher Education. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Finance. 444.

452.... Eliminates the Medicaid waiver carried out pursuant to the Health Insurance Flexibility and Accountability demonstration initiative. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Finance. 444, 4363, 4364, 5415, 5418*, 6503.

453.... Makes an appropriation to the Department of Motor Vehicles for computers and other associated equipment. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Finance. 444.

454.... Makes an appropriation to the Department of Motor Vehicles for the replacement of office equipment. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Finance. 444.

455.... Makes an appropriation to the Motor Carrier Division of the Department of Motor Vehicles for the replacement of a vehicle and office equipment. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Finance. 444.

456.... Makes an appropriation to the Department of Motor Vehicles for the replacement of computers and other associated equipment. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Finance. 444.

457.... Makes an appropriation to the Department of Motor Vehicles for the replacement of vehicles and other equipment. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Finance. 444.

458.... Makes an appropriation to the Department of Motor Vehicles for computers and other associated equipment. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Finance. 444.

459.... Makes an appropriation to the Department of Motor Vehicles for the replacement of computers and other associated equipment. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Finance. 444.

460.... Makes an appropriation to the Department of Motor Vehicles for the replacement of office equipment and a vehicle. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Finance. 444.

461.... Makes an appropriation to the Department of Motor Vehicles for the replacement of a forklift, mail scanners, telephones, headsets and office equipment. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Finance. 444.

462.... Makes an appropriation to the Motor Carrier Division of the Department of Motor Vehicles for the replacement of computers and other associated equipment. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Finance. 444.

463.... Makes an appropriation to the Department of Motor Vehicles for the replacement of computers and other associated equipment. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Finance. 444.

464.... Makes an appropriation to the Department of Motor Vehicles for the replacement of office equipment. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Finance. 444.

465.... Makes an appropriation to the Department of Motor Vehicles for the replacement of office equipment. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Finance. 444.

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466.... Makes an appropriation to the Department of Motor Vehicles for the replacement of computers and other associated equipment. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Finance. 444.

467.... Makes an appropriation to the Department of Motor Vehicles for the replacement of computers and other associated equipment. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Finance. 444.

468.... Makes various changes related to the Department of Motor Vehicles. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Finance. 444.

469.... Revises provisions relating to programs for the treatment of mental illness or mental retardation. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Committee on Finance. 444.

470.... Makes a supplemental appropriation to the Department of Corrections for an unanticipated shortfall in Fiscal Year 2010-2011 for increased outside medical costs. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Finance. 444, 3633, 3674, 3733, 3756, 3902*, 4525.

471.... Revises provisions relating to public health. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Committee on Finance. 444, 6069, 6071, 6129, 6235*, 6503.

472.... Makes a supplemental appropriation to the Department of Corrections to cover stale claims for prison medical care. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Finance. 444, 3296, 3301, 4810, 4913, 5179*, 6069, 6319.

473.... Revises provisions governing consumer affairs. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Finance. 444, 6430, 6455, 6457, 6501*.

474.... Makes a supplemental appropriation to the Department of Corrections to offset a reduction in funds for the State Criminal Alien Assistance Program. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Finance. 444, 3633, 3674, 3733, 3756, 3902, 3903*, 4525.

475.... Makes various changes relating to transportation. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Finance. 444, 3380, 3381, 4528, 4529, 5415, 5418*, 6503.

476.... Makes various changes concerning the juvenile justice system. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Committee on Finance. 444, 6069, 6071, 6129, 6235*, 6236, 6503.

477.... Authorizes the Administrator of the Division of Health Care Financing and Policy of the Department of Health and Human Services to administer oaths, take testimony and issue subpoenas for the purposes of recovering Medicaid benefits paid on behalf of certain recipients. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Finance. 444, 4302, 5415, 5419*, 6503.

478.... Makes a supplemental appropriation to the Department of Motor Vehicles for an unanticipated shortfall in kiosk vendor payments. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Finance. 444, 3633, 3674, 3733, 3756, 3903*, 4525.

479.... Makes a supplemental appropriation to the Department of Motor Vehicles for an unanticipated shortfall in the merchant services fees associated with electronic payments. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Finance. 444, 3633, 3674, 3733, 3756, 3903*, 4525.

480.... Revises provisions relating to child protective services in certain less populated counties. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Committee on Finance. 444, 6069, 6071, 6129, 6236*, 6503.

481.... Makes an appropriation to the Interim Finance Committee for allocation to the State Treasurer. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Finance. 444, 3296, 3301, 4043, 4044, 4268, 4377, 4419*, 5326.

482.... Makes a supplemental appropriation to the Department of Corrections for an unanticipated shortfall in revenue at the casa Grande Transitional Housing Center for Fiscal Year 2010-2011. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Finance. 444, 3633, 3674, 3733, 3756, 3903*, 4525.

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483.... Revises certain provisions relating to the Department of Motor Vehicles. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Finance. 444, 3380, 3381, 6129, 6224, 6428, 6491, 6503*, 7036.

484.... Makes a supplemental appropriation to the Department of Public Safety for an unanticipated shortfall in personnel services. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Finance. 444.

485.... Revises provisions governing the payment of certain expenses for the provision of care pursuant to the State Plan for Medicaid. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: No. Committee on Finance. 567, 6271, 6272, 6457, 6501, 6502*.

486.... Makes an appropriation to the Office of the State Treasurer for the Millennium Scholarship Program. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Finance. 444, 6271, 6272, 6457, 6502*.

487.... Revises provisions relating to the award of a contract for a public work to a specialty contractor. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Government Affairs. 2156, 2495.

488.... Revises provisions relating to energy. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Commerce and Labor and Energy. 1890, 1898, 3670, 3673, 3674, 3734.

490.... Authorizes certain counties to impose additional taxes on fuels for motor vehicles. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Revenue. 568.

491.... Makes various changes regarding public revenue and taxation. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Revenue. 568, 569.

492.... Revises provisions regarding the payment of certain fees for mining claims. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Revenue. 568, 569.

493.... Creates the Mining Oversight and Accountability Commission and revises the provisions governing certain mining taxes and fees. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Revenue. 568, 6430, 6455, 6745, 6757, 6775*, 7036.

494.... Repeals provisions relating to certain fire districts and establishes wildfire protection programs. Fiscal Note: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes. Committee on Finance. 568.

495.... Proposes a competing measure to Initiative Petition No. 1. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Revenue. 1890, 1899, 3643, 3644, 3664, 3749*, 4377.

496.... Makes various changes relating to renewable energy. Fiscal Note: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes. Committee on Commerce and Labor and Energy. 569, 3153, 3161.

497.... Revises the legislative districts from which members of the Senate and Assembly are elected and revises the districts from which Representatives of Congress are elected. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Legislative Operations and Elections. 3289, 3290, 3294*, 3296.

498.... Expands the authorized use of proceeds from the additional fee for each ticket sold for admission to a live professional contest of unarmed combat. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Finance. 3265, 4043, 4044, 5415, 5419*, 6503.

499.... Repeals the provisions creating the Fund for the National Judicial College and the Fund for the National College of Juvenile and Family Law. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Finance. 3265, 4363, 4364, 5415, 5419*, 6503.

503.... Authorizes expenditures by agencies of the State Government. Fiscal Note: Effect on Local Government: No. Effect on the State: Executive Budget. Committee on Finance. 6069, 6071, 6129, 6236*, 6503.

504.... Authorizes and provides funding for certain projects of capital improvement. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Finance. 6069, 6071, 6129, 6236*, 6503.

505.... Provides for compensation of state employees. Fiscal Note: Effect on Local Government: No. Effect on the State: Contains Appropriation included in Executive Budget. Committee on Finance. 6069, 6071, 6129, 6236*, 6503.

506.... Revises provisions relating to the financial administration of certain local governments. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Finance. 6970, 6971, 6972, 7036*.

LISTING OF SENATE RESOLUTIONS AND ACTIONS THEREON

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

SENATE JOINT RESOLUTIONS

No. *Summary, Introducer and Page Reference*

3.... Urges Congress to enact legislation to require the Secretary of the Interior to convey ownership of certain land to the State of Nevada to help fund education. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Natural Resources. 443, 3755, 3756, 3894, 4293, 4377, 4401, 4419*, 6069, 6319.

4.... Urges Congress to take certain actions concerning federal public lands in Nevada. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Natural Resources. 443, 3425, 3428, 3624, 3637, 3664, 3749*, 4377.

5.... Expresses opposition to certain actions concerning wild horse and burro herds on federal public lands in Nevada. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Natural Resources. 3153.

7.... Proposes to amend the Nevada Constitution to limit the total amount of property taxes that may be levied on real property. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senators Gustavson, Halseth, McGinness, Settelmeyer; Assemblymen Goedhart, Goicoechea, Hammond, Hardy, McArthur, Sherwood and Stewart. 567.

8.... Urges Congress to enact legislation or take other appropriate action to expedite and streamline the requirements for conducting mining operations in this State. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Senators Rhoads, Brower, Cegavske, Gustavson, Halseth, Hardy, Horsford, Kieckhefer, McGinness, Roberson and Settelmeyer. 1890, 3305, 3337, 3347, 3363*, 3638.

12.... Expresses opposition to the designation of certain public lands as Wild Lands and urges the Secretary of the Interior to rescind the order requiring that designation. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Natural Resources. 2156, 2493.

14.... Proposes to amend the Nevada Constitution to create an intermediate appellate court. Fiscal Note: Effect on Local Government: No. Effect on the State: Yes. Committee on Judiciary. 561, 562, 3305, 3337, 3347*, 3370.

15.... Proposes to amend the Nevada Constitution to remove the separate tax rate and manner of assessing and distributing the tax on mines and the proceeds of mines. Fiscal Note: Effect on Local Government: No. Effect on the State: No. Committee on Revenue. 569, 4528, 4616, 6744, 6774*.

SENATE CONCURRENT RESOLUTIONS

No. *Summary, Introducer and Page Reference*

1.... Expresses support for the Pine Forest Wilderness Study Area Working Group. Committee on Natural Resources. 3428, 3755, 3756, 4525.

2.... Directs certain state agencies to investigate whether the State could potentially receive compensation from the Federal Government for environmental contamination in Nevada as a result of certain military exercises, nuclear weapons testing and other activities conducted by the Federal Government in Nevada. Committee on Senate Legislative Operations and Elections and Committee on Assembly Legislative Operations and Elections. 3669, 3670, 3755, 3756, 4525.

3.... Recognizes the month of February 2011 as a month to honor the contributions of Ronald Reagan. Senators Cegavske, Breeden, Brower, Copening, Denis, Gustavson, Halseth, Hardy, Horsford, Kieckhefer, Kihuen, Lee, Leslie, Manendo, McGinness, Parks, Rhoads, Roberson, Schneider, Settelmeyer, Wiener; Assemblymen Hammond, Aizley, Anderson, Atkinson, Benitez-Thompson, Bobzien, Brooks, Bustamante Adams, Carlton, Carrillo, Conklin, Daly, Diaz, Dondero Loop, Ellison, Flores, Frierson, Goedhart, Goicoechea, Grady, Hambrick, Hansen, Hardy, Hickey, Hogan, Horne, Kirkpatrick, Kirner, Kite, Livermore, Mastroluca, McArthur, Munford, Neal, Oceguera, Ohrenschall, Pierce, Segerblom, Sherwood, Smith, Stewart and Woodbury. 147, 166, 184.

4.... Rejects Initiative Petition No. 1. Committee on Revenue. 255, 260, 326.

No. *Summary, Introducer and Page Reference*

5.... Directs the Legislative Commission to conduct an interim study concerning the laws of this State governing the protection of children. Senator Cegavske. 6068, 6070, 6270, 6272, 6503.

6.... Memorializes Marie H. Soldo. Senators Breeden, Brower, Cegavske, Copening, Denis, Gustavson, Halseth, Hardy, Horsford, Kieckhefer, Kihuen, Lee, Leslie, Manendo, McGinness, Parks, Rhoads, Roberson, Schneider, Settelmeyer, Wiener; Assemblymen Segerblom, Aizley, Anderson, Atkinson, Benitez-Thompson, Bobzien, Brooks, Bustamante Adams, Carlton, Carrillo, Conklin, Daly, Diaz, Dondero Loop, Ellison, Flores, Frierson, Goedhart, Goicoechea, Grady, Hambrick, Hammond, Hansen, Hardy, Hickey, Hogan, Horne, Kirkpatrick, Kirner, Kite, Livermore, Mastroluca, McArthur, Munford, Neal, Oceguera, Ohrenschall, Pierce, Sherwood, Smith, Stewart and Woodbury. 543, 559, 899.

7.... Memorializes Milton D. Glick, President of the University of Nevada, Reno. Senators Horsford, Breeden, Brower, Cegavske, Copening, Denis, Gustavson, Halseth, Hardy, Kieckhefer, Kihuen, Lee, Leslie, Manendo, McGinness, Parks, Rhoads, Roberson, Schneider, Settelmeyer, Wiener; Assemblymen Smith, Aizley, Anderson, Atkinson, Benitez-Thompson, Bobzien, Brooks, Bustamante Adams, Carlton, Carrillo, Conklin, Daly, Diaz, Dondero Loop, Ellison, Flores, Frierson, Goedhart, Goicoechea, Grady, Hambrick, Hammond, Hansen, Hardy, Hickey, Hogan, Horne, Kirkpatrick, Kirner, Kite, Livermore, Mastroluca, McArthur, Munford, Neal, Oceguera, Ohrenschall, Pierce, Segerblom, Sherwood, Stewart and Woodbury. 1154, 1155, 2489.

8.... Memorializes Enos LeRoy Arrascada, respected attorney and community leader. Senators Brower, Breeden, Cegavske, Copening, Denis, Gustavson, Halseth, Hardy, Horsford, Kieckhefer, Kihuen, Lee, Leslie, Manendo, McGinness, Parks, Rhoads, Roberson, Schneider, Settelmeyer, Wiener; Assemblymen Hickey, Aizley, Anderson, Atkinson, Benitez-Thompson, Bobzien, Brooks, Bustamante Adams, Carlton, Carrillo, Conklin, Daly, Diaz, Dondero Loop, Ellison, Flores, Frierson, Goedhart, Goicoechea, Grady, Hambrick, Hammond, Hansen, Hardy, Hogan, Horne, Kirkpatrick, Kirner, Kite, Livermore, Mastroluca, McArthur, Munford, Neal, Oceguera, Ohrenschall, Pierce, Segerblom, Sherwood, Smith, Stewart and Woodbury. 3162, 3163, 3257.

10.... Memorializes former state Senator Raymond C. Shaffer. Senators Rhoads, McGinness, Breeden, Brower, Cegavske, Copening, Denis, Gustavson, Halseth, Hardy, Horsford, Kieckhefer, Kihuen, Lee, Leslie, Manendo, Parks, Roberson, Schneider, Settelmeyer, Wiener; Assemblymen Hickey, Aizley, Anderson, Atkinson, Benitez-Thompson, Bobzien, Brooks, Bustamante Adams, Carlton, Carrillo, Conklin, Daly, Diaz, Dondero Loop, Ellison, Flores, Frierson, Goedhart, Goicoechea, Grady, Hambrick, Hammond, Hansen, Hardy, Hogan, Horne, Kirkpatrick, Kirner, Kite, Livermore, Mastroluca, McArthur, Munford, Neal, Oceguera, Ohrenschall, Pierce, Segerblom, Sherwood, Smith, Stewart and Woodbury. 3359, 3638.

11.... Memorializes career military officer Colonel Jerry Bussell Senators Kieckhefer, Brower, Breeden, Cegavske, Copening, Denis, Gustavson, Halseth, Hardy, Horsford, Kihuen, Lee, Leslie, Manendo, McGinness, Parks, Rhoads, Roberson, Schneider, Settelmeyer, Wiener; Assemblymen Anderson, Aizley, Atkinson, Benitez-Thompson, Bobzien, Brooks, Bustamante Adams, Carlton, Carrillo, Conklin, Daly, Diaz, Dondero Loop, Ellison, Flores, Frierson, Goedhart, Goicoechea, Grady, Hambrick, Hammond, Hansen, Hardy, Hickey, Hogan, Horne, Kirkpatrick, Kirner, Kite, Livermore, Mastroluca, McArthur, Munford, Neal, Oceguera, Ohrenschall, Pierce, Segerblom, Sherwood, Smith, Stewart and Woodbury. 3428, 3665.

12.... Memorializes visionary leader, businessman and advocate Edmundo “Eddie” Escobedo, Sr. Senators Kihuen, Denis, Breeden, Brower, Cegavske, Copening, Gustavson, Halseth, Hardy, Horsford, Kieckhefer, Lee, Leslie, Manendo, McGinness, Parks, Rhoads, Roberson, Schneider, Settelmeyer, Wiener; Assemblymen Diaz, Segerblom, Bustamante Adams, Benitez-Thompson, Brooks, Aizley, Anderson, Atkinson, Bobzien, Carlton, Carrillo, Conklin, Daly, Dondero Loop, Ellison, Flores, Frierson, Goedhart, Goicoechea, Grady, Hambrick, Hammond, Hansen, Hardy, Hickey, Hogan, Horne, Kirkpatrick, Kirner, Kite, Livermore, Mastroluca, McArthur, Munford, Neal, Oceguera, Ohrenschall, Pierce, Sherwood, Smith, Stewart and Woodbury. 3635, 4040.

13.... Commends Casey Family Programs for its dedication in helping children and families. Senators Horsford, Breeden, Brower, Cegavske, Copening, Denis, Gustavson, Halseth, Hardy, Kieckhefer, Kihuen, Lee, Leslie, Manendo, McGinness, Parks, Rhoads, Roberson, Schneider, Settelmeyer, Wiener; Assemblymen Mastroluca, Aizley, Anderson, Atkinson, Benitez-Thompson, Bobzien, Brooks, Bustamante Adams, Carlton, Carrillo, Conklin, Daly, Diaz, Dondero Loop, Ellison, Flores, Frierson, Goedhart, Goicoechea, Grady, Hambrick, Hammond, Hansen, Hardy, Hickey, Hogan, Horne, Kirkpatrick, Kirner, Kite, Livermore, McArthur, Munford, Neal, Oceguera, Ohrenschall, Pierce, Segerblom, Sherwood, Smith, Stewart and Woodbury. 4363, 5326.

ELECTED OFFICERS OF THE NEVADA STATE ASSEMBLY

Seventy-sixth Session, 2011

Title	*Name*	*Mailing Address*
Speaker	John Oceguera	7655 Chaumont Street, Las Vegas 89123-1491
Speaker pro Tempore	Debbie Smith	3270 Wilma Drive, Sparks 89431-1173
Chief Clerk	Susan Furlong	401 South Carson Street, Carson City 89701-4747

PERSONNEL OF THE NEVADA STATE ASSEMBLY

Seventy-Sixth Session, 2011

District	*Name and Party*	*Mailing Address*
Carson City (part), Washoe (part), No. 40	Livermore, Pete (R)	4 Raglan Circle, Carson City 89701-6507
Clark, No. 1	Kirkpatrick, Marilyn K. (D)	4747 Showdown Drive, North Las Vegas 89031-2133
Clark, No. 2	Hambrick, John (R)	1930 Village Center Circle, Suite 3-419, Las Vegas 89134-6245
Clark, No. 3	Pierce, Peggy (D)	5304 Gipsy Avenue, Las Vegas 89107-3847
Clark, No. 4	McArthur, Richard (R)	4640 Panoramic Court, Las Vegas 89129-1617
Clark, No. 5	Dondero Loop, Marilyn. (D)	3724 Emerald Bay Circle, Las Vegas 89147-6816
Clark, No. 6	Munford, Harvey J. (D)	809 Sunny Place, Las Vegas 89106-3637
Clark, No. 7	Neal, Dina (D)	3217 Brautigan Court, North Las Vegas 89032-6030
Clark, No. 8	Frierson, Jason (D)	P.O. Box 31623, Las Vegas 89173-1623
Clark, No. 9	Segerblom, Tick (D)	704 South 9th Street, Las Vegas 89101-7015
Clark, No. 10	Hogan, Joseph M. (D)	2208 Plaza De La Candela, Las Vegas 89102-4043
Clark, No. 11	Diaz, Olivia (D)	P. O. Box 365072, North Las Vegas 89036-9072
Clark, No. 12	Ohrenschall, James (D)	P. O. Box 97741, Las Vegas 89193-7741
Clark, No. 13	Hammond, Scott (R)	8408 Gracious Pine Avenue, Las Vegas 89143-4608
Clark, No. 14	Carlton, Maggie (D)	5540 East Cartwright Avenue, Las Vegas 89110-3802
Clark, No. 15	Anderson, Elliot T. (D)	3135 South Mojave Road, Unit 227, Las Vegas 89121-8315
Clark, No. 16	Oceguera, John (D)	7655 Chaumont Street, Las Vegas 89123-1491
Clark, No. 17	Atkinson, Kelvin (D)	832 High Altitude Avenue, North Las Vegas 89032-0733
Clark, No. 18	Carrillo, Richard (D)	4819 Diza Court, Las Vegas 89122-7574
Clark, No. 19	Brooks, Steven (D)	6007 Turtle River Avenue, Las Vegas 89156-4791
Clark, No. 20	Hardy, Cresent (R)	P.O. Box 60306, Mesquite 89024-0601
Clark, No. 21	Sherwood, Mark (R)	2397 Brockton Way, Henderson 89074-5462

District	*Name and Party*	*Mailing Address*
Clark, No. 22	Stewart, Lynn D. (R)	2720 Cool Lilac Avenue, Henderson 89052-3836
Clark, No. 23	Woodbury, Melissa (R)	9500 West Flamingo Road, Suite 203, Las Vegas 89147-5721
Clark, No. 28	Flores, Lucy (D)	420 North Nellis Blvd., Suite A3-87, Las Vegas 89110-5365
Clark, No. 29	Mastroluca, April (D)	265 Copper Glow Court, Henderson 89074-8744
Clark, No. 34	Horne, William C. (D)	2251 North Rampart Blvd., No. 357, Las Vegas 89128-7640
Clark, No. 37	Conklin, Marcus (D)	2251 North Rampart Blvd., No. 305, Las Vegas 89128-7640
Clark, No. 41	Aizley, Paul (D)	237 East Eldorado Lane, Las Vegas 89123-1159
Clark, No. 42	Bustamante Adams, Irene (D)	3800 Reflection Way, Las Vegas 89147-4442
Douglas, Carson City (part), Washoe (part), No. 39	Kite, Kelly (R)	P.O. Box 2251, Minden 89423-2251
Elko, Humboldt (part), No. 33	Ellison, John C. (R)	P. O. Box 683, Elko 89803-0683
Esmeralda, Lincoln, Mineral, Nye, Churchill (Part) No. 36	Goedhart, Edwin A. (R)	P. O. Box 70, Amargosa Valley 89020-0070
Eureka, Pershing, White Pine, Churchill (part), Humboldt (part), Lander (part), Lyon (part) Washoe (part) No. 35	Goicoechea, Pete (R)	P. O. Box 97, Eureka 89316-0097
Humboldt (part), Lander (part), Washoe (part), No. 32	Hansen, Ira (R)	68 Amigo Court, Sparks 89441-6213
Storey, Lyon (part), Carson City (part) Churchill (part), No. 38	Grady, Tom (R)	43 Fairway Drive, Yerington 89447-2170
Washoe, No. 24	Bobzien, David P. (D)	1605 Wesley Drive, Reno 89503-2332
Washoe, No. 25	Hickey, Pat (R)	625 Rosewood Drive, Reno 89509-3635
Washoe, No. 26	Kirner, Randall (R).	18124 Wedge Parkway, Reno 89511-8134
Washoe, No. 27	Benitez-Thompson, Teresa (D)	P.O. Box 20637, Reno 89515-0637
Washoe, No. 30	Smith, Debbie (D)	3270 Wilma Drive, Sparks 89431-1173
Washoe, No. 31	Daly, Richard “Skip” (D)	2180 4th Street, Sparks 89431-2201

ATTACHÉS OF THE NEVADA STATE ASSEMBLY

Seventy-Sixth Session, 2011

Name	Title	City
Matthew Baker	Assistant Chief Clerk	Carson City
Lucinda Benjamin	History Clerk	Dayton
Diane Keetch	Journal Clerk	Carson City
Christie Peters	Document Clerk	Carson City
Jason P. Hataway	Media Clerk	Carson City
Jeanne Douglass	Recording Clerk	Carson City
Robin L. Bates	Sergeant at Arms	Gardnerville
Sharon P. Murphy	Deputy Sergeant at Arms	Carson City
Norman Budden	Assistant Sergeant at Arms	Carson City
Linda Marrone	Assistant Sergeant at Arms	Carson City
Mary A. Matheus	Assistant Sergeant at Arms	Carson City
Steven J. Sweeney	Assistant Sergeant at Arms	Carson City
Debra Williams	Assistant Sergeant at Arms	Washoe Valley
Marge Griffin	Administrative Services Manager	Carson City
Patricia A. Manning	Executive Assistant	Dayton
Jasmine Shackley	Committee Services Manager	Carson City
Dan Giraldo	Speaker's Chief of Staff	Las Vegas
Leslie Danihel	Speaker's Executive Assistant	Carson City
Crystina Coats	Leadership Policy Analyst	Gardnerville
Riley Sutton	Leadership Legislative Assistant	Reno
Matthew Walker	Leadership Legislative Assistant	Las Vegas
Gianna Shirk	Leadership Receptionist	Carson City
Joyce Hess	Speaker pro Tempore's Secretary	Virginia City
Alicia Taylor Sisneros	Majority Floor Leader's Executive Assistant	Carson City
Toshiko McIntosh	Minority Floor Leader's Executive Assistant	Dayton
Carolyn Maynick	Assistant Majority Floor Leader's Personal Secretary	Carson City
Sara Menke	Assistant Minority Floor Leader's Personal Secretary	Wellington
Laurel Armbrust	Majority Whip's Personal Secretary	Carson City
Lona M. Domenici	Senior Chief Deputy Majority Whip's Personal Secretary	Carson City
Janet F. Stokes	Chief Deputy Majority Whip's Personal Secretary	Carson City
Ashley Massey	Chief Deputy Majority Whip's Personal Secretary	Reno
Mary Bean	Minority Whip's Secretary	Carson City
Mark Sprinkle	Minority Whip's Secretary	Las Vegas
Kathryn L. Alden	Chief Clerk's Executive Assistant	Carson City
Harle Glover	Committee Manager/Personal Secretary	Carson City
Mary Lee	Committee Manager/Personal Secretary	Carson City
Adrian Viesca	Committee Manager/Personal Secretary	Las Vegas
Mistia Zuckerman	Committee Manager/Personal Secretary	Carson City
Taylor Anderson	Committee Manager	Sparks
Nichole Bailey	Committee Manager	Reno
Cynthia Carter	Committee Manager	Carson City
Andrew Diss	Committee Manager	Reno
Patti Adams	Ways and Means Committee Manager	Mesquite
Connie Davis	Lead Ways and Means Committee Secretary	Carson City
Anne Bowen	Ways and Means Committee Secretary	Carson City
Jordan Butler	Ways and Means Committee Secretary	Dayton
Tenna Herman	Ways and Means Committee Secretary	Carson City
Sherie Silva	Ways and Means Committee Secretary	Carson City
Carol J. Thomsen	Ways and Means Committee Secretary	Carson City
Janice Wright	Ways and Means Committee Secretary	Carson City
Linda Blevins	Ways and Means Committee Transcriptionist	Carson City
Theresa Horgan	Lead Committee Secretary	Carson City
Jean Bennett	Committee Secretary	Reno

Lenore Carfora-Nye	Committee Secretary	Dayton
Judith Coolbaugh	Committee Secretary	Carson City
Janel Davis	Committee Secretary	Carson City
Nancy Davis	Committee Secretary	Carson City
Jeff Eck	Committee Secretary	Carson City
Mary Garcia	Committee Secretary	Minden
Julie Kellen	Committee Secretary	Carson City
Sharon McCallen	Committee Secretary	Carson City
Jenny McMenomy	Committee Secretary	Carson City
Earlene Miller	Committee Secretary	Carson City
Jordan Neubauer	Committee Secretary	Reno
Mitzi Nelson	Committee Secretary	Stateline
Diane O'Flynn	Committee Secretary	Reno
Rebecca Richman	Committee Secretary	Gardnerville
Karyn Werner	Committee Secretary	Dayton
Linda Whimple	Committee Secretary	Carson City
Cheryl L. Williams	Committee Secretary	Fallon
Sylvia Brown	Personal Secretary	Minden
Sylvia Dominguez-Curry	Personal Secretary	Carson City
Judith Fisher	Personal Secretary	Carson City
Karen Fox	Personal Secretary	Minden
Laureen Garcia	Personal Secretary	Sparks
Lisa Gardner	Personal Secretary	Minden
Patricia J. Hutson	Personal Secretary	Carson City
Millicent Jorgenson	Personal Secretary	Carson City
Denise A. Larsen	Personal Secretary	Carson City
Linda Law	Personal Secretary	Carson City
Deanna Lazovich	Personal Secretary	Reno
Beatriz Martinez	Personal Secretary	Henderson
Lezlie Mayville	Personal Secretary	Carson City
Mary Merry	Personal Secretary	Reno
Blayne Osborne	Personal Secretary	Gardnerville
Sheree L. Rosevear	Personal Secretary	Silver City
Dennis Roy	Personal Secretary	Reno
Jennifer Scaffidi	Personal Secretary	Carson City
Swati Singh	Personal Secretary	Las Vegas
Cindy Southerland	Personal Secretary	Carson City
Nancy Tatum	Personal Secretary	Carson City
Jackie Valley	Personal Secretary	Las Vegas
Linda Waters	Personal Secretary	Las Vegas
Cheryl Yates	Personal Secretary	Reno
Cinthia Zermeno	Personal Secretary	Las Vegas
Cynthia Wyett	Ways and Means Committee Assistant	Reno
Olivia M. Lloyd	Committee Assistant	Carson City
Michael Smith	Committee Assistant	Carson City
Sally A. Stoner	Committee Assistant	Carson City
Jordan Davis	Proofreader	Carson City
Victoria Hinder	Proofreader	Minden
Diane Hudson	Proofreader	Minden
Verdene Johnson	Proofreader	Reno
David E. Moore	Proofreader	Dayton
Larry Peri	Proofreader	Carson City
Marcia Peterson	Proofreader	Carson City
Elizabeth Saenz	Proofreader	Carson City
Ted Zuend	Proofreader	Carson City
June Bennett	Data Information Technician	Carson City
Deanna Keirstead	Document Center Supervisor	Carson City
Sherwood Howard	Document Center Clerk	North Las Vegas

EXPLANATION OF AMENDMENT LANGUAGE

Seventy-Sixth Session, 2011

EXPLANATION: Matter in (1) bold italics is new language in the original bill; (2) bold italic underlining is new language proposed in the amendments; (3) strikethroughs is deleted language from the original bill; (4) double strikethroughs is language proposed to be deleted in a particular amendment;(5) double underlining is deleted language in the original bill that is proposed to be retained in a particular amendment; and (6) bold underlining is newly added transitory language.

Journal

OF THE

ASSEMBLY OF THE STATE OF NEVADA

SEVENTY-SIXTH SESSION

THE FIRST DAY

CARSON CITY (Monday), February 7, 2011

Pursuant to the provisions of the Constitution and Statutes, the Assembly was called to order by Secretary of State Ross Miller at 11:02 a.m.

Prayer by the Chaplain, Bishop Joseph A. Pepe, Diocese of Las Vegas, Roman Catholic Church, Las Vegas, Nevada and Bishop Randolph R. Calvo, Diocese of Reno, Roman Catholic Church Reno, Nevada.

O Almighty God and Father,

This day we come before You, thankful for the call of service to the people of Nevada, grateful to be servant leaders.

Make us generous in response, sensitive in their needs, and open to their call for wise counsel, prudent discernment, and willing collaboration.

In the days and months ahead in the legislature may we, through Your gracious wisdom, work to address the challenges of the state with equanimity and diplomatic solutions.

In Your merciful care, may we appreciate the dignity of each person, the preciousness of each man and woman in Your image, that we may offer through our work and persistent labor a life of justice, equity, and peaceful coexistence and bring forth a true family of man in our state.

In all we do, may we protect life at every moment, liberty, and the pursuit of true happiness as a goal and aim.

This day we come before You as servant leaders of Your call and promise.

May Your gracious blessings be upon us—of inner peace, accomplishment, and satisfaction.

We ask this all in Your name.

Amen.

Presentation of the Colors by the North Las Vegas Fire Department Honor Guard.

Pledge of allegiance to the Flag.

Special musical rendition of *the Star Spangled Banner, America the Beautiful,* and *Home Means Nevada* by the University of Nevada, Reno's Chamber Chorale, conducted by Dr. Lisa Wolff.

Mr. Secretary of State requested Ms. Susan Furlong to serve as temporary Chief Clerk of the Assembly.

Mr. Secretary of State requested the temporary Chief Clerk call the roll of the 42 Assemblymen-elect.

Roll called.

Present: Assemblymen Aizley, Anderson, Atkinson, Benitez-Thompson, Bobzien, Brooks, Bustamante Adams, Carlton, Carrillo, Conklin, Daly, Diaz, Dondero Loop, Ellison, Flores, Frierson, Goedhart, Goicoechea, Grady, Hambrick, Hammond, Hansen, Hardy, Hickey, Horne, Kirkpatrick, Kirner, Kite, Livermore, Mastroluca, McArthur, Munford, Neal, Oceguera, Ohrenschall, Pierce, Segerblom, Sherwood, Smith, Stewart, Woodbury.

Excused: Assemblyman Hogan.

Mr. Secretary of State appointed Assemblymen Segerblom, Flores, Conklin, Daly, Horne, Kirkpatrick, Oceguera, Ohrenschall, Smith, Goicoechea, Grady, Hardy, Hickey, McArthur, and Stewart as a temporary Committee on Legislative Operations and Elections.

Mr. Secretary of State announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 11:18 a.m.

ASSEMBLY IN SESSION

At 11:25 a.m.

Mr. Secretary of State presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. Secretary of State:

Your temporary Committee on Legislative Operations and Elections has had the credentials of the respective Assemblymen-elect under consideration, and begs leave to report that the following persons have been and are duly elected and qualified members of the Assembly of the 76th Session of the Legislature of the State of Nevada: Assemblymen Aizley, Anderson, Atkinson, Benitez-Thompson, Bobzien, Brooks, Bustamante Adams, Carlton, Carrillo, Conklin, Daly, Diaz, Dondero Loop, Ellison, Flores, Frierson, Goedhart, Goicoechea, Grady, Hambrick, Hammond, Hansen, Hardy, Hickey, Hogan, Horne, Kirkpatrick, Kirner, Kite, Livermore,

Mastroluca, McArthur, Munford, Neal, Oceguera, Ohrenschall, Pierce, Segerblom, Sherwood, Smith, Stewart, and Woodbury.

TICK SEGERBLOM, *Chair*

MOTIONS, RESOLUTIONS, AND NOTICES

Assemblyman Segerblom moved the adoption of the report.

Motion carried.

Mr. Secretary of State appointed as a committee Assemblymen Horne and McArthur to escort Chief Justice Michael L. Douglas of the Supreme Court of the State of Nevada to the rostrum to administer the oaths of office to the Assemblymen.

Mr. Secretary of State announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 11:27 a.m.

ASSEMBLY IN SESSION

At 11:29 a.m.

Mr. Secretary of State presiding.

Quorum present.

Chief Justice Douglas administered the oaths of office to the Assemblymen.

Mr. Secretary of State requested the temporary Chief Clerk call the roll of those Assemblymen for whom Certificates of Election had been issued.

Roll called.

Present: Assemblymen Aizley, Anderson, Atkinson, Benitez-Thompson, Bobzien, Brooks, Bustamante Adams, Carlton, Carrillo, Conklin, Daly, Diaz, Dondero Loop, Ellison, Flores, Frierson, Goedhart, Goicoechea, Grady, Hambrick, Hammond, Hansen, Hardy, Hickey, Horne, Kirkpatrick, Kirner, Kite, Livermore, Mastroluca, McArthur, Munford, Neal, Oceguera, Ohrenschall, Pierce, Segerblom, Sherwood, Smith, Stewart, Woodbury.

Excused: Assemblyman Hogan.

Assemblyman Ohrenschall moved that Chief Justice Douglas be given a unanimous vote of thanks for administering the oath.

Motion carried unanimously.

The appointed committee escorted the Chief Justice of the Supreme Court to the bar of the Assembly.

Mr. Secretary of State announced that there would be no temporary organization of the Assembly, and that all nominations were in order for permanent appointment.

Mr. Secretary of State declared that nominations were in order for Speaker.

Assemblyman Conklin nominated Assemblyman John Oceguera for Speaker.

Assemblyman Goicoechea seconded the nomination.

Assemblywoman Smith moved that nominations be closed.

Motion carried.

Mr. Secretary of State declared Assemblyman John Oceguera to be Speaker of the Assembly.

Mr. Secretary of State appointed Assemblywoman Smith and Assemblyman Conklin as a committee to escort the Speaker to the rostrum.

Mr. Speaker presiding.

Assemblywoman Pierce moved that Secretary of State Miller be given a unanimous vote of thanks for his services to the Assembly.

Assemblywoman Carlton seconded the motion.

Motion carried unanimously.

Mr. Speaker appointed Assemblyman Bobzien and Assemblyman Aizley as a committee to escort the Secretary of State to the Bar of the Assembly.

The appointed committee escorted Secretary of State Miller to the bar of the Assembly.

Remarks by Assemblymen Conklin, Goicoechea, Stewart, and Mr. Speaker.

Assemblyman Conklin requested that the following remarks be entered in the Journal.

ASSEMBLYMAN CONKLIN:

Thank you, Mr. Speaker, and congratulations to you. I have been here eight years now, and over that time we have worked together very well. You have been a teacher, a mentor, and a friend. You have worked hard, you have been true to your word, and you have served admirably in the roles of Assemblyman, Chairman, and Majority Leader. Your leadership will enhance this body, and I am honored to call you Speaker.

Speaker pro Tempore Elect Smith, Minority Leader Goicoechea, colleagues, and honored guests, thank you. I am grateful and honored to be your Floor Leader.

As I look around, I marvel at how this Legislature and this process have changed since I first came here. Those were the days of economic boom when our problems seemed much simpler. Each session, there were a handful of new Assemblymen and women to learn from veteran legislators with decades of experience. And now the 2011 Session has arrived. We face unprecedented challenges with almost half of this body new to the process.

But where there is adversity, there is also opportunity—opportunity for new beginnings, new growth, and a future for our state that is more stable and secure.

If we can focus a little less on our individual ideologies, and a little more on our shared realities, I believe we can find solutions to our challenges.

As we work to solve Nevada's immediate economic crisis, we should also have ambitious goals for our future.

First, we need jobs. Not only must we get people back to work now, we must also look at a new economy for Nevada and its future. We must find opportunities for new job growth, and we must foster growth within our existing businesses. Secondly, we must make a commitment to educate our children. We must work together for an education system we can be proud of—one that is strong, vibrant, and successful at all levels—kindergarten through 12th grade and within our university system, as well. Without a well-educated workforce and a solid school system, we will not be able to attract or retain the businesses needed for our economy to grow and diversify. Without such a system, our economic future will never be certain. Finally, we must make government more efficient, transparent, and accountable. While we may differ on what is essential or what the level of services should be, I think we can all agree that government must get the most from every dollar spent. We must continue to find ways to cut costs and to ensure that every state expenditure is producing real results for the people of Nevada.

In conclusion, Mr. Speaker, I have confidence in our ability to work together "across the aisle" to build Nevada's future. Abraham Lincoln once said, "Nearly all men can stand adversity, but if you want to test a man's character, give him power." Ladies and gentlemen, colleagues, we have been given the power by our constituents and the *Constitution*. We must use it now responsibly and do what is right for the great state of Nevada.

ASSEMBLYMAN GOICOECHEA:

Thank you, Mr. Speaker, and welcome aboard from our caucus and everyone in this building. Those of us that have been here before can reflect on the leadership John has shown in the past, and we look forward to it in the future.

I would like to take this opportunity to welcome you, whether you are returning or whether you are new. It is an honorable place to be. Term limits have definitely robbed us of institutional knowledge and some of our senior leadership. I, like Majority Leader Conklin, am starting my fifth term here, and so, technically, we are short-timers. I know half of this body, or nearly half of this body, is new. I do believe, whether we are new or a short-timer, that it is going to be required that we work closer than we ever have in the past. Before, there were a lot of old scars that had to be healed. "This guy got my bill in the 2009 Session, so I am going to beat him up for the 2011 Session." So in reality, I think we will become a lot closer-knit group than we have been in the past.

I know we are facing some difficult decisions. Some of that will be perceived as partisan as we move forward. I know that in reality, we will be representing what our constituents demand of us. In some cases, we are going to be looking forward to doing more with less. We need to provide reform if we are going to have any long-term prosperity for this state.

I know we are all committed to working for Nevada, and these are very trying times that we are facing. But, again, I want to welcome you to the opportunity. Let's get started working for Nevada. Thank you.

ASSEMBLYMAN STEWART:

Thank you, Mr. Speaker. I rise in honor of the man from Topeka, Illinois who was born 100 years ago, yesterday. This man was a lifeguard. He was a sportscaster. He was a movie star. He was a television host. He was the Governor of California. He was the 40th President of the United States. Ronald Reagan left us a great legacy. He helped to bring down the Berlin Wall. He helped to defeat communism and break up the Soviet Union. He is remembered for being a very optimistic man, for bringing hope and bringing a new spirit to America. He has left a great legacy. But I think one of the greatest legacies that he left was his relationship with people. He was a man of civility and congeniality. President Reagan, a conservative Republican, and Irishman, had a great relationship with the Speaker of the House, Thomas O'Neil, who was a

liberal Democrat from Massachusetts, but also an Irishman. During the time that they served together, they had a great relationship of civility and congeniality. It became "Tip" O'Neil and "Dutch" Reagan. I hope that of the many things we learned from President Reagan, that we learned most of all about the civility and the congeniality that he brought to government and that we all can work together like Dutch and Tip did. Mr. Speaker, we appreciate the congeniality that you have shown to us as Republicans and the Governor and that you will work closely together as Dutch and Tip did. Thank you very much, Mr. Speaker.

MR. SPEAKER:

Thank you, Mr. Stewart. If the body will allow me, I will take a point of personal privilege and give a few remarks as well.

Speaker Pro Tempore Elect Smith, Majority Leader Conklin, Minority Leader Goicoechea, members of the Nevada Assembly, legislative staff, and honored guests, thank you. To the friends and family who share this day with us, thank you. Thank you for the support you have given us on the journey here and for the support we will need from you in the months to come.

This is both a formal ceremony and a day to rejoice. On one hand, it is a very serious responsibility to be sworn in as a member of this Assembly. On the other hand, there is reason for rejoicing. We have each reached a goal that we have worked so hard to achieve. We have family and friends here to share in the joy of today.

I know I could not have done it without the help and understanding of my wife, Janie. She is here today with our son, Jackson. We have not heard from him because he is sleeping, which is good, in this case. Jackson and I are very fortunate to have her in our lives. Her joy for living, her enthusiasm, and her support keep me going. I would not be—could not be—standing here today if not for her.

Janie is one of three women here today who deserve my personal recognition and gratitude. The others are my mother, Eileen, and my grandmother, Margaret.

As is the case with many Nevadans today, I grew up in a family facing many financial challenges. I live in Las Vegas, but I was born in Reno and was raised in Fallon. My mom was only 16 years old when I was born, and she soon became a single mother. We lived through tough conditions where basic necessities were never taken for granted. My mother worked, saved, and scrambled to get a college degree. And for 32 years, she has become a very beloved and respected teacher in my hometown of Fallon. She was my inspiration to do well in school, to go on to college, to work my way up in the fire department, to choose public service, and to run for office. My mother gave me the strong belief that you can work with others to make things better.

I want to simply say, for all you have done, and with all my heart, thanks, Mom.

Growing up, I had another family role model. My grandmother is a native Nevadan, born in Schurz, and a Native American, still living in Schurz on the Indian reservation. My grandmother Margaret has 10 children, 23 grandchildren, 26 great-grandchildren, and 2 great-great-grandchildren on the way. To my grandmother, I owe my love of this state, its land, its people, and my respect for its hard-won history.

Each of these three women shaped my character in different ways. I'm grateful to have them in my life.

And to my colleagues: thank you for the honor you've bestowed and the trust you've shown in electing me your Speaker. Over the next 120 days, I'll work hard to deserve this honor and justify the trust of each and every one of you.

We have 20 new members in this house today. One of them comes to us from the Senate, and one returns to the Assembly after an absence of about a dozen years. But still they are new to this house, in this session.

There are 20 new Assemblymen and women, which is nearly one-half of our membership. Would you all please stand? To all of you—to each and every one of you—congratulations. And welcome. To each and every one of our returning members who are returning to do the people's work, welcome back.

The Assembly truly is the people's chamber. The diversity of this body reflects that of our state: urban and rural, northern and southern, men and women from all walks of life, and many ethnic backgrounds. This, ladies and gentlemen, is what Nevada looks like.

Whether newly elected or returning, we should all enjoy this day, a proud moment after the rough and tumble of the campaign. One quick breath before submerging ourselves in long days filled with difficult decisions. Make no mistake, in this session there will be difficult decisions, and we will be criticized for many of them. Our work will become fodder for a future campaign mailer, a pundit's column, or an angry editorial. But it's better to be criticized for doing our job than criticized for failure to act. None of us can afford to be timid. We will disagree, but let each member of the Assembly vote for what we know is right, not just expedient.

It's always been true that when it comes time to make a decision to record a vote for yes or no, every vote counts exactly the same. Now more than ever, every voice in this chamber is needed, encouraged, and essential. But those voices should be courteous. Even as the face of this chamber changes very rapidly, it is important to preserve the traditions that have served us well for almost 150 years—the traditions of civility and respect. We can disagree, but we can do so as friends and colleagues. No matter what our differences of party or position, we can respect one another and work together as the people elected us to do.

The Great Recession may officially be over for the nation, but we still have critically high levels of unemployment and foreclosures. Our infrastructure no longer meets the needs of a modern Nevada. The need for social services is high while our resources are thin. We have the largest percentage of budget deficit in the nation. In addition, Nevada is highly dependent—overly dependent—on discretionary spending from out-of-state visitors. Only when the national economy improves will Nevada's economy truly rebound. But that does not mean we should simply wait, tied to the same old ways and short-term solutions.

Certainly there are positive signs, both nationally and here at home. But Nevada has a long way to go before we're healthy again, and unless we prepare for the future now by improving education, diversifying our business base, and reforming our tax structure, we will have learned nothing from this experience.

We welcome a new governor this session. Two weeks ago, the Governor presented his Executive Budget in these very chambers. Now it is the job of this Legislature to determine if the sacrifices placed in the scales to balance the budget can be sustained or if they are too much to ask of Nevada's citizens who have already lost so much in this recession. I respect the Governor's work in crafting the budget. I believe he will respect ours in reviewing it.

President Kennedy once said, "Any system of government will work well . . . when everything is going well . . . It's the system that functions in the pinches that survives."

Ladies and gentleman of the Assembly, we are in the pinches. How we govern now will determine how we survive this economic crisis, how well we recover, and how we rebound. We have a big decision to make. Do we just patch things up for another two years? Or will we take this opportunity to be bold—to make the fundamental changes needed to move our state forward by rebuilding and investing in Nevada?

I believe we must reform government; we must find lasting solutions, not patches. We must prepare our state to meet the future, ready for work, ready for business, and ready to lead.

In 120 days, we'll know the answers to these questions. Our challenge is to balance the budget, as we must. But these are not just numbers. Our duty is to serve real people with real problems. We must act with compassion and empathy for the people we are here to serve.

In 120 days, history will judge us not on how stubbornly we clung to old ways, not on how loudly we shouted for change, but on what we did.

Thank you, and thank you for your service to the great state of Nevada. May God bless you all.

Mr. Speaker declared that nominations were in order for Speaker pro Tempore.

Assemblywoman Mastroluca nominated Assemblywoman Smith for Speaker pro Tempore.

Assemblywoman Dondero Loop moved that nominations be closed.

Motion carried unanimously.

Mr. Speaker declared Assemblywoman Smith to be Speaker pro Tempore of the Assembly.

Mr. Speaker declared that nominations were in order for Chief Clerk.

Assemblyman Munford nominated Ms. Susan Furlong for Chief Clerk.

Assemblyman Stewart moved that nominations be closed.

Motion carried unanimously.

Mr. Speaker declared Ms. Susan Furlong to be Chief Clerk of the Assembly.

Mr. Speaker appointed Assemblymen Kirkpatrick, Atkinson, and Grady as a committee to inform the Senate that the Assembly was organized and ready for business.

Mr. Speaker appointed Assemblymen Conklin, Smith, and Goicoechea as a committee to inform the Governor that the Assembly was organized and ready for business.

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

Assembly in recess at 12:21 p.m.

ASSEMBLY IN SESSION

At 12:31 p.m.

Mr. Speaker presiding.

Quorum present.

Assemblywoman Kirkpatrick reported that her committee had informed the Senate that the Assembly was organized and ready for business.

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

Assembly in recess at 12:31 p.m.

ASSEMBLY IN SESSION

At 12:36 p.m.

Mr. Speaker presiding.

Quorum present.

A committee from the Senate composed of Senators Parks, Kihuen, and Settelmeyer appeared before the bar of the Assembly and announced that the Senate was organized and ready for business.

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

Assembly in recess at 12:37 p.m.

ASSEMBLY IN SESSION

At 12:40 p.m.
Mr. Speaker presiding.
Quorum present.

Assemblyman Conklin reported that his committee had informed the Governor that the Assembly was organized and ready for business.

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

Assembly in recess at 12:41 p.m.

ASSEMBLY IN SESSION

At 1:22 p.m.
Mr. Speaker presiding.
Quorum present.

MOTIONS, RESOLUTIONS, AND NOTICES

Mr. Speaker announced the following standing committees, the first-named member of each committee being the chair, the second-named being the vice chair:

COMMERCE AND LABOR—

Atkinson, Conklin, Bustamante Adams, Carlton, Daly, Horne, Kirkpatrick, Oceguera, Ohrenschall, Segerblom, Ellison, Goedhart, Grady, Hardy, Hickey, Kite.

EDUCATION—

Bobzien, Dondero Loop, Aizley, Anderson, Diaz, Flores, Mastroluca, Munford, Neal, Hansen, Kirner, McArthur, Stewart, Woodbury.

GOVERNMENT AFFAIRS—

Kirkpatrick, Bustamante Adams, Anderson, Benitez-Thompson, Flores, Munford, Neal, Pierce, Ellison, Goedhart, Livermore, Stewart, Woodbury.

HEALTH AND HUMAN SERVICES—

Mastroluca, Pierce, Anderson, Benitez-Thompson, Brooks, Carrillo, Flores, Frierson, Smith, Goicoechea, Hambrick, Hammond, Livermore, Sherwood.

JUDICIARY—

Horne, Ohrenschall, Brooks, Carrillo, Daly, Diaz, Dondero Loop, Frierson, Segerblom, Hammond, Hansen, Kite, McArthur, Sherwood.

LEGISLATIVE OPERATIONS AND ELECTIONS—

Segerblom, Flores, Conklin, Daly, Horne, Kirkpatrick, Oceguera, Ohrenschall, Smith, Goicoechea, Grady, Hardy, Hickey, McArthur, Stewart.

NATURAL RESOURCES, AGRICULTURE, AND MINING—

Carlton, Hogan, Aizley, Anderson, Bobzien, Bustamante Adams, Munford, Pierce, Ellison, Goedhart, Hansen, Kite, Livermore.

TAXATION—

Kirkpatrick, Munford, Anderson, Benitez-Thompson, Bustamante Adams, Flores, Neal, Pierce, Ellison, Goedhart, Livermore, Stewart, Woodbury.

TRANSPORTATION—

Dondero Loop, Frierson, Brooks, Atkinson, Benitez-Thompson, Carrillo, Diaz, Hogan, Neal, Hambrick, Hammond, Kirner, Sherwood, Woodbury.

WAYS AND MEANS—

Smith, Conklin, Aizley, Atkinson, Bobzien, Carlton, Hogan, Mastroluca, Oceguera, Goicoechea, Grady, Hambrick, Hardy, Hickey, Kirner.

SELECT COMMITTEE ON ETHICS—

Conklin, Segerblom, Kite, Barbara E. Buckley, Kimberly Morgan, Patty Cafferata; Alternates: Kirkpatrick, Joseph E. Dini, Hambrick, John Milton.

MAJORITY FLOOR LEADER—

Marcus Conklin.

ASSISTANT MAJORITY FLOOR LEADER—

Marilyn Kirkpatrick.

MAJORITY WHIP—

William Horne.

SENIOR CHIEF DEPUTY WHIP—

Kelvin Atkinson.

CHIEF DEPUTY WHIP—

Peggy Pierce.

CHIEF DEPUTY WHIP—

David Bobzien.

MINORITY FLOOR LEADER—

Pete Goicoechea.

ASSISTANT MINORITY FLOOR LEADER—

Lynn D. Stewart.

MINORITY WHIP—

Tom Grady.

MINORITY WHIP—

Mark Sherwood.

COMMUNICATIONS

MESSAGES FROM THE GOVERNOR

OFFICE OF THE GOVERNOR

CARSON CITY, NEVADA, February 3, 2011

THE HONORABLE STEVEN HORSFORD, THE HONORABLE JOHN OCEGUERA, NEVADA LEGISLATURE, 401 S. CARSON STREET, CARSON CITY, NEVADA 89701

DEAR SENATOR HORSFORD AND SPEAKER OCEGUERA:

Enclosed please find my message to the 76th Session of the Nevada Legislature, delivered pursuant to Article 5, Section 10 of the Nevada Constitution. As you know, I delivered the message on Monday, January 24, 2011, to a special committee of the Legislature and other guests in the Assembly Chamber in Carson City. Thank you in advance for lodging my message

in the record of the 76th Legislative Session. My staff and I look forward to working with all of you in the months ahead.

Sincere regards,
BRIAN SANDOVAL
Governor of Nevada

Assemblyman Conklin requested that the Governor's State of the State Address as presented to the Legislative Commission's Special Committee to Receive the Governor's State of the State Address of January 24, 2011, be entered in the Journal.

Mr. Speaker, Mr. President, distinguished members of the Legislature, honorable Justices of the Supreme Court, constitutional officers, my fellow Nevadans: It is a special honor to be here for my first State of the State with so many new members of the Legislature. Nevada is fortunate to have these leaders take office when we are in such a time of need. Welcome, all of you.

Welcome, too, all of the many guests who have joined us here in the Assembly Chamber. Kathleen and I are honored that you are willing to share this evening with us. Please allow me to express my special gratitude to the Douglas County High School Junior ROTC, Captain Hal Woomer, LeAyer Dante, and Manuel Mederos for their contributions to tonight's program. Give them a hand, please.

Ladies and gentlemen, as we gather here in Carson City, countless Nevadans are watching on television or on the Internet. It is as if the collective Nevada family has gathered around the table, each member leaning forward in his or her chair eager to hear the news. In this time of sacrifice, our Nevada family looks to us for reassurance, for solutions, and for leadership.

And so I begin with the story of two men in uniform whose leadership in times of sacrifice can inspire us all. Lieutenant Colonel Tony Millican is stationed at Nellis Air Force Base. He was awarded the Bronze Star and the prestigious 2010 Air Force Lance P. Sijan Award for his heroism in Afghanistan. Lieutenant Colonel Millican survived a blast from a 700-pound explosive device that exploded less than 50 yards away from his location. His story of courage is echoed in the tale of Specialist Ernesto Padilla from Gardnerville. Specialist Padilla is assigned to the 1st Squadron of the 221st Cavalry of the Nevada National Guard. He left his pregnant wife in May 2008 and deployed to Afghanistan, where his vehicle was sliced in half in an explosion. He was severely injured and he earned a Purple Heart. These are but two examples of the sacrifices made by our men and women in uniform every day. Gentlemen, God bless you both, and thank you for putting service above self.

As our family gathers tonight, Nevadans are confronted on all sides with bad news. Our friends have seen their credit ruined. Someone in our family has lost a job. The house around the corner stands vacant. A neighbor has closed her business. A relative is one trip to the doctor away from financial or physical ruin.

Some believe government is the only solution to our current plight. I disagree. Unemployment, foreclosures, bankruptcy—the cure is not more government spending, but helping businesses create jobs. The key is to get Nevada working again.

The Silver State has a long history of economic peaks and valleys, but the state of our state this evening should not be described as just another dip in the road. Instead, we find ourselves on the new terrain of a changed global economy, and the crossing is hard. The Nevada family looks to us to understand how we will navigate this new path. Certainly, there are short-term solutions, some of them painful, but true success lies in making a fundamental course correction and declaring, in the words of Abraham Lincoln: "The dogmas of the quiet past are inadequate to the stormy present. The occasion is piled high with difficulty, and we must rise with the occasion. As our case is new, so we must think anew and act anew."

We begin with the state budget. When my staff and I first arrived at the State Capitol, we were told that the State General Fund must spend $8.3 billion in the coming biennium instead of the $6.2 billion we are spending today. We rejected that premise. The population of Nevada has declined, yet the proposed budget would have increased state spending by 34 percent. That kind of math made no sense. Like any Nevada family or business, we began the budget process by looking at how much money we had to spend, not at automatic spending increases. We sought to return spending to 2007 levels, before the current economic crisis. And when the Economic Forum released its forecasts in December, revenues for the next biennium were projected to be only $5.3 billion. So we started there.

We examined each department on a case-by-case basis. Medicaid and other Health and Human Services caseloads have grown exponentially, requiring an additional $245 million. Moreover, Nevada is now responsible for providing an extra $190 million toward the federal Medicaid match. We also must begin paying the $66 million in interest on money Nevada has borrowed for unemployment benefits.

The previous budget included $450 million in stimulus funds from the federal government. Of course, stimulus spending was intended to be only a one-time contribution to our state budget, so it was not available for the next biennium. Finally, due to reductions in local revenues, the state must contribute an additional $440 million to our public schools.

In total, there was a $1.2 billion hole in the budget. We were confronted with the difference between immediate priorities and long-term investment. That required us to reform our overall spending plan, and I can tell you the process was as painful as it was necessary.

The budget I am submitting to the Legislature represents an 8 percent reduction in total spending from the current biennium. My budget recommends the consolidation, elimination, or centralization of 20 departments and agencies. From the consolidation of the Departments of Personnel, Information Technology, Public Works, and Administration to the smaller but nonetheless important streamlining of energy policy, we will make state government more efficient and more responsive.

State employees have been told that merit pay and longevity pay will remain frozen, and salaries will be reduced by 5 percent. I believe that this is a far better alternative than the mass layoffs chosen by other state and local governments. Positions are eliminated in this budget and layoffs will occur, but not on the scale seen in other states. My plan also eliminates the cumbersome furlough program. Administrators and employees alike told me furloughs make it difficult to manage an agency and nearly impossible to provide high-quality customer service.

Basic support in our K-12 schools is reduced by $270 per pupil. The change in total support from current spending is just over 9 percent. While this is not ideal, I believe the reductions are within reason if the education establishment is willing to make real changes in how those dollars are spent.

State, local, and student revenue for the Nevada System of Higher Education is reduced by less than 7 percent. With the loss of one-time stimulus dollars, the total reduction is 17.66 percent. However, the Regents have the option of bringing tuition and fees more in line with other western states, so many of these funds can be recovered.

In Health and Human Services and Public Safety, we identified over $100 million in state spending for what are essentially local programs. The state can no longer afford to pick up this tab, so some of these responsibilities must be transferred to the local level.

Nevadans need to know that we did not blindly accept the cuts requested by the prior administration. In the Department of Health and Human Services alone, $118 million in spending for essential programs was restored. My budget preserves nearly $55 million for personal care services, $4 million in adult day health care, and $8 million in benefits to two-parent households on Temporary Assistance to Needy Families. We also preserved funds for traumatic brain injury services, autism, early intervention services, independent living, medically necessary dentures, prosthetics, and orthotics. The list goes on. These programs are preserved, and overall spending is still reduced.

However, spending cuts alone could not do the work of balancing the state budget in a reasonable, thoughtful manner. Therefore, we made $1 billion of public money work harder so as to mitigate cuts to services and programs. None of this money comes from new taxes. We made better use of existing dollars. The public does not think of revenue as yours or mine. All of it—every last penny—is theirs. Whether it's in this bucket or that bucket does not matter.

My budget continues to redirect 9 cents of property tax from Clark and Washoe Counties. I will restrict this money to the support of universities and community colleges in these counties, because property values rise and economic growth occurs where universities contribute to economic development.

We are turning to the school districts, but not to capture capital construction dollars already allocated to projects. Instead, we propose to change the level of reserves required for debt service in all those counties with bond funds. School improvements, maintenance, and equipment purchases will continue, which means no construction jobs will be lost. Simply put, these tax dollars were unnecessarily locked away in one of those separate buckets. We will use $425 million of these funds to offset the $440 million in lost local funding I mentioned earlier. The money will stay in education and be used in the district of origin, and I have committed that the state will replenish these funds over time as the Local School Support Tax rebounds.

We must also make temporary use of room tax revenue now slated for teacher salaries in order to defray the costs of overall education spending. I had planned to use that money to reward teacher performance through merit, but we must live with current realities. Pay-for-performance is still included in my budget, just on a different scale.

Finally, I am proposing to raise $190 million by monetizing the state insurance premium tax proceeds. This solution is not perfect, but it is sound, and it prevents further reductions to education and human services.

When all was said and done, the proposed General Fund expenditures in my budget total just over $5.8 billion over the next two years—within 1 percent of General Fund spending in 2007.

We not only balanced the budget, we restored many of the cuts our constituents feared most. We also addressed some long-standing issues and some emerging challenges. For example, in 2001 former Speaker Barbara Buckley led the charge to integrate the child welfare systems in Clark and Washoe Counties. In 2003, former Senator Bill Raggio also pushed toward an integrated funding plan. My budget will finish the job, with block grants to Washoe and Clark Counties for the basic operation of child welfare services with local autonomy. In addition, we provide $7 million for incentive payments if child welfare agencies achieve their stated goals.

My budget responds to the national health care reform legislation passed by Congress last year. I firmly believe that many aspects of the law are unconstitutional, and I will continue to fight to have them overturned. In the meantime, however, the law imposes many deadlines, and we cannot wait until litigation is resolved. We must plan for a major expansion of Medicaid, which may cost Nevadans $574 million between 2014 and 2019. We must also plan for a health insurance exchange so that we—and not the federal government—control the program. My budget includes funding to address these issues, and I have submitted legislation to address the operation and oversight of a Nevada health insurance exchange.

These initiatives and the overall approach we took to balancing the budget are not about being liberal or conservative. A governor's responsibility is to provide solutions to the problems of the day, and because of Nevada's current reality, I have met this challenge through hard decisions, all the while remaining conscious of the current realities.

On Friday, Nevada's unemployment rate increased yet again, another clear indication that businesses are in a fragile state. Despite what some would have you believe, businesses are sharing in the necessary sacrifices of our times. Whether it's through increased health insurance premiums, the steadily increasing federal costs for unemployment insurance, or even the decreased Medicaid reimbursements to health care providers necessary under my budget, every Nevada business finds it harder and harder to make a profit and thereby keep workers employed.

I recently received a thoughtful letter from a woman who works for a small dental practice in Las Vegas. For the first time in 20 years, they lost money. She wrote, "The assault on our practice finances come from everywhere—insurance companies, the state, the federal government, OSHA regulations, EPA regulations, payroll taxes, and the cost of dental products and supplies." She begged me to "help set new directions . . . that free up some of our time and money. Otherwise," she said, ". . . a lot of small businesses . . . will decide that it isn't worth it to sacrifice the time and effort they do now. . . ." Ladies and gentlemen, it is worth it. I want that dental practice and other Nevada businesses, as well as their employees and families, to succeed. That is exactly what I'm fighting for.

Fellow Nevadans, you and I know that the budget alone will not solve the state's current crisis. If anything, the budget is only a symbol of the challenges presented by our economic situation. In order for Nevada to fully recover, we must focus our energy on job creation. We must ensure long-term improvements in our education system and do everything in our power to guarantee that the people can respect the government that serves them. So I will spend the balance of my time tonight talking with the Nevada family about three policy areas: economic development, education, and responsive government.

For at least the last 100 years, Nevada governors have called for the creation of economic development agencies or state publicity offices to foster what Assemblywoman Alice Towle in 1922 called "the up-growth of new industries." In 1983, then-Governor Richard Bryan proposed an overhaul of the Department of Economic Development to create the current structure. In so doing he said, "Our efforts at economic diversification must emphasize our favorable investment climate, tax structure, labor force, and Nevada's unique resources for solar and geothermal power." He was right then, he is right now, and we owe it to Nevadans to renew our economic development efforts for the realities of today.

Working with Senate Majority Leader Steven Horsford and Speaker John Oceguera, I propose a complete overhaul of our state's economic development program. Minority Leaders Mike McGinness and Pete Goicoechea also lend their support, and, of course, Lieutenant Governor Brian Krolicki will play a key role in the modernizing of our state's system of job creation and business diversification.

We propose to redesign the Commission on Economic Development and recommend a 50 percent increase in General Fund dollars to run it. A new entity, Nevada Jobs Unlimited, will be a public-private partnership existing largely outside state government. With a private sector mentality, it will be more nimble, and it will be a cabinet-level agency, with the Governor joining the Lieutenant Governor, Senate Majority Leader, Assembly Speaker, and representatives of higher education and other critical stakeholders on the board. A majority of the board members will come from the private sector to ensure the focus is squarely on jobs.

Nevada Jobs Unlimited will pursue strategies that grow jobs within existing Nevada businesses as well as recruit companies from out of state. But we will do so with a new sense of urgency, coordination, and accountability. Collaboration and tighter performance indicators will be the metrics of this new system.

We are also proposing a $10 million catalyst fund to provide much-needed resources to close deals, finance infrastructure, and spur the growth of new jobs. The Fund will be continued in future budgets only if it delivers the kind of success we expect.

Our proposal builds upon the foundation laid by the New Nevada Task Force, which was convened by the Lieutenant Governor last summer and has provided new ideas for the future of our state's economic development activities. Our future lies in business sectors like technology commercialization, bioscience, renewable energy asset development, and defense sector expansion. Innovation will drive tomorrow's economy, and so it must drive our decision making as we rebuild our economic development infrastructure.

There's a treasure in our state that can launch this new focus on innovation: Switch, a 2-million-square-foot technology ecosystem campus in Las Vegas. CNBC recently called the Switch SuperNAP "the best data center on the planet." For the last ten years, Switch has been

building massive, secure, technology data centers in combination with a telecommunications hub that is unique to North America. Switch's vision and innovation are attracting many Fortune 1000 companies to Las Vegas, and they are bringing jobs to Nevada.

Switch is sponsoring an incentive program called the Nevada Advanced Technology Alliance. By moving employees and divisions to Nevada, companies will save 10 to 20 percent on nationwide telecommunications costs, no matter how big the corporation. This incentive is not funded by tax dollars, donations, or any other government efforts. It simply takes the technological innovations of Switch and extends those benefits to those who partner with Nevada by establishing operations here. This is an advantage unique to Nevada that we will be offering to businesses around the world. With us tonight are Switch CEO Rob Roy and his wife Stella. Thank you, Rob, for raising the bar on innovation.

Let me tell you briefly about how innovation will also help drive change in broadband technology, the gaming industry, renewable energy, and the state's infrastructure needs.

We must continue to drive investment in broadband technology that fast-tracks job growth and provides a platform for spurring innovation across our state. My budget includes $3 million to help residents of rural Nevada use broadband access to start and grow businesses or telecommunicate to anywhere in the world. These improved broadband connections will also allow the electronic exchange of health information between providers and hospitals to improve the quality of care.

Since I completed my term as chairman of the Nevada Gaming Commission, the gaming entertainment industry has expanded to new states and many new corners of the world. Competitive forces demand a new approach from our regulatory infrastructure. In an increasingly competitive and global economy, Nevada will be the place for gaming innovation. Nevada started this industry. We shaped its development, and we must remain the undisputed leader in the gaming economy. Twenty-first century demands mandate that we provide a flexible environment for the technological resources that are the underpinning of modern gaming devices. I have asked the leadership of our regulatory bodies to begin immediately to process statutory and regulatory changes that sensibly reflect the modernization of the gaming industry.

Nevada can strengthen our leadership role in the renewable energy and energy efficiency industries. The Nevada Retrofit Initiative is leading a ground-breaking partnership with higher education, nonprofits, and local banks for the construction and financing of residential energy efficiency retrofits. In addition, our renewable energy loan fund is a successful low-interest loan program that provides financing for renewable energy projects. Over $8 million has been loaned to nine renewable energy projects throughout the state. Companies have used these revolving loans to expand manufacturing capacity and create new jobs. Nevada must also remove barriers and develop business models that allow for the export of renewable energy to California, while benefitting taxpayers here at home.

The Nevada Vision Stakeholders Group, conceived by Senator Horsford, recognized that our state's geography and economic development are intertwined and recommended that Nevada secure better access to federal land for renewable energy production and transmission projects I support all efforts to make Nevada the renewable energy capital of the world.

Finally, we need to improve ground connections by linking Las Vegas to Phoenix via Interstate 11 and to southern California via high-speed rail. Both are critical for transportation and logistics as well as tourism.

My message tonight is one of opportunity, certainly for Nevadans who care about our economic growth, but also for those listening outside our state. Nevada is a place you can call *home* and *headquarters* with equal measure. We are proud of our great cities and towns, low taxes, and our state's natural beauty. Many of our state's leaders are products of our schools and universities. Thanks to my Executive Order freezing most state regulations and requiring a complete regulatory review, we can promise you a stable regulatory environment. Nevada officials and agencies see their job as one of helping you do business, not slowing you down.

We are uniquely situated for logistics and transportation. We have abundant natural resources and are home to preeminent cancer and brain institutes. We love our state, and you will too.

For businesses already operating in Nevada, we want you to know that our focus is on your growth. Roughly 80 percent of new jobs will be created by local businesses, and we need every one of them to put Nevadans back to work. New economic development initiatives will include rural manufacturing workforce development and business expansion programs for small, minority, and veteran businesses.

We will not leave behind those whose careers have been disrupted by the economic earthquake that has shaken our state. For many Nevadans, old skills will simply be inadequate for the new economic reality. I have therefore directed the Department of Employment, Training and Rehabilitation and the Department of Health and Human Services to jointly develop a seamless service plan to put Nevadans to work and reduce reliance on social service programs.

The Silver State Works program will target veterans, unemployment benefit recipients, public assistance recipients, and ex-offenders. A primary goal is to promote a "work first" culture through employer hiring incentives, on-the-job training, and community service. We will invest $10 million over the next biennium in providing these services to 10,000 unemployed workers, and we will administer Silver State Works utilizing existing staff resources.

Ladies and gentlemen, each one of us has a role to play in Nevada's economic recovery. Our buying power matters. Whether we are buying a car, computer, or book, we should shop Nevada first. I have said before that if Nevada were a stock, I'd buy it now. It's true. We have opportunities ahead of us and plans to realize them. Education reform is the linchpin to a solid return on our investment, so let me share with you my plans for our public schools, colleges, and universities.

As Governor, part of my job is to tell people things they don't like to hear, and when it comes to education in our state, I want to level with the people of Nevada. Our education system is broken—not the people, but the system. While many teachers, professors, and students are excelling, collectively they are held back by an antiquated system that emphasizes too many of the wrong things and for which the only suggested answer has been more and more money. Educators who are effective at teaching students and leading schools are paid exactly the same as those who are failing. Graduation rates remain the worst in the nation. The achievement gap leaves too many students without hope or opportunity, and grade-level performance on national assessments lags.

I know that many students take personal responsibility for their education and succeed as a result. I want them to know they are not alone—that Nevada's system can and will support them.

Since the advent of the class size reduction program in the early 1990s, hundreds of millions of dollars have been provided to local school districts. The students who first participated in that program should now be graduating, yet many are not. I believe we have put too many constraints on local school districts. My budget proposes the creation of a block grant program that encourages districts to be innovative and results-oriented. If one district chooses to continue class size reduction, so be it. If another district wants to pursue other programs, we will no longer hold them back. Flexibility, local autonomy, and accountability are the keys.

The new Superintendent of Schools in Clark County, Dwight Jones, recently demonstrated why he is already a leader in our state. He wrote: "The downturn in the economy offers a real opportunity to change how we deliver our services. Yes, funding will be a challenge, but the greater imperative is outlining what we want to achieve." I agree. Mr. Superintendent, I know you are in the room somewhere. I applaud you.

So here is my outline of significant reforms in the way we manage our schools:

- End teacher tenure. An important first step is to eliminate the protection of seniority when decisions about force reduction must be made.

- Rely heavily on student achievement data in evaluating teachers and principals. As incentives, we will provide $20 million in performance pay for the most effective teachers.
- Eliminate costly programs that reward longevity and advanced degree attainment. Bill Gates, Secretary of Education Arne Duncan, and others have repeatedly noted this kind of spending does not improve student achievement.
- End social promotion. Students who cannot read by the end of third grade will not be advanced to the fourth grade. It's simple—until third grade, we learn to read; after that, we read to learn. Most kids who start behind stay behind. It has to stop.
- Improve accountability report cards and provide more parental choice: open enrollment, better charter school options, and vouchers to make private school education a possibility for more families.
- Reform K-12 governance. I ask the Legislature to support the recommendations of *Nevada's Promise* to provide an improved governance model in which the Governor appoints the State Board of Education and the Superintendent of Public Instruction.

Finally, I am pleased to announce tonight that the Executive Budget includes an additional $10 million to preserve the Kenny C. Guinn Millennium Scholarship.

And what of our colleges and universities? It is widely acknowledged that they are important for our state's economic development, but here again, the system has failed us. Graduation rates after six years at the state's public two-year colleges range from a high of 20 percent to a dismal low of only 4 percent. Our four-year institutions have graduation rates below 50 percent.

There is concern that further budget reductions will require significant changes to the university and community college system. Perhaps a new system is precisely what we need in this new era. Therefore, I will move forward to grant autonomy over tuition to the regents. Nevada's tuition rates are well below our western neighbors; the regents have long asked for the authority to raise them.

Universities and community colleges must develop a more strategic focus that connects degree programs and the state's economic development efforts. I would also ask that at least 15 percent of any increased tuition be reserved to ensure access for those who need financial aid. As we increase autonomy, we will also increase performance indicators so that graduation rates, completion times, and access are measures of success.

I know that none of this is easy to hear. So let me be clear: Nevada has many effective teachers in our schools. We have great principals and outstanding college professors, but there are also some who have no business teaching or serving as an administrator. It is unacceptable that children in classrooms literally across the hall from one another achieve at dramatically different levels because of the quality of their teacher. The current system cannot address this. It is too cumbersome and so focused on the wrong things that we lose students along the way.

There will be many debates about these issues in the coming weeks, and one who will debate them with us is here tonight as my guest. I am pleased that Michelle Rhee, former chancellor of the Washington, D.C. public school system and the founder and chief executive officer of Students First, a national advocacy organization, is here tonight. Michelle is recognized throughout America as a leader in education reform. She will add her considerable voice to our debate, and I thank her for demonstrating the importance of finally having a frank and honest conversation about public education. Michelle, I know we will hear your voice as one for advocating for students first.

Just a little more than two weeks ago, the nation watched in horror as a gunman opened fire on a member of Congress, a federal judge, and other innocent people in Tucson, Arizona. This despicable act served as a stark and sobering reminder that civil discourse can vanish in a split second. In Nevada, we must never allow this to happen. Isolated madness will not make us afraid of those we serve, and terror will not keep us from putting service above self, from treating each other with civility, and from working together to ensure public confidence in state government. We have the power to demonstrate to the people of Nevada that honest, civil, and responsive government is alive and well in Carson City.

We can begin by working together without political agenda to draw the lines for Nevada's congressional seats and the State Senate and Assembly. The laws of our land are clear, and I will not sign a bill that favors one political party over another. Congressional seats and legislative districts should be drawn with a fair and proportional representation of constituents—period.

We can rededicate ourselves to eliminating any sign of waste, fraud, or abuse in government. I will soon sign an executive order creating the Office of the Inspector General within the Executive Branch. The Inspector General will join the existing Internal Audits Division in reviewing, auditing, and evaluating the expenditure of state funds.

I will work with legislative leadership to introduce a bill that sunsets every licensing and advisory board now on the books. More than 180 of these entities require gubernatorial appointments. Under our proposal, boards and commissions will sunset at the end of June 2013, giving us plenty of time to eliminate, consolidate, or improve functions among those that must remain.

I am also pleased to announce the *Priorities and Performance Budget* makes its debut in the documents transmitted to the Legislature this year. We articulate not only what level of priority each program or service carries, but the performance measures by which it will be judged. In the coming biennium, this initiative will expand to include public participation through websites and other tools as we ask Nevadans to further rank spending priorities. Even more robust performance indicators will therefore be established.

I am calling for the creation of a central grants office for state government. This office will identify federal and philanthropic opportunities that have for too long been overlooked. It will provide a targeted, coordinated effort to infuse additional outside dollars into worthy programs.

I will also work with Senator Dean Rhoads on his long-standing idea to provide bonuses to state workers whose agencies save money during the year so that innovative thinkers are rewarded.

Finally, I will explore resources and services available through the Nevada Judicial College, the Attorney General's Office, and other state agencies to ensure that all agencies with rule-making and regulatory authority take advantage of appropriate training.

Through continued hard work, transparency, and clarity, each and every one of us in this Chamber can take steps to send a clear message to our constituents: This is the people's government. We are but stewards, and Nevadans have every right to hold us to high standards of conduct and responsiveness.

In case we think there is no one to show us the way, we can stop and recognize employees like Trooper Chuck Allen. Trooper Allen was recently named the *Reno Gazette Journal's* "Citizen of the Year" in recognition of his volunteerism. By day, Trooper Allen is a public information officer with the Nevada Highway Patrol. He is proof that service is alive and well in our state. Thank you, Trooper.

Government employment is not just another job, nor is it an entitlement program. Frankly, we seem to have lost this sense of public service where collective bargaining is concerned. I hope this legislative session will see an open discussion of a more balanced approach to employee negotiations. Collective bargaining must be reformed if we are to change the course on which we find ourselves. I stand ready to work with local government officials and union leaders to ensure employee compensation does not hamper government performance.

We must also admit that Nevada's Public Employees' Retirement System cannot sustain its current level of liability. Future employees must join PERS under some form of a defined contribution plan. And the Public Employees' Benefit plan can no longer afford full health coverage for all retirees. New employees entering that system must do so under a new set of rules, as well. I encourage the Legislature to send me a package of public employee retirement and benefit reforms as quickly as possible.

Together, we can create many more opportunities for improvement. I have directed my staff to explore a major consolidation of the Departments of Transportation, Motor Vehicles, and

Public Safety. The objective is to streamline governance of these three agencies to more effectively and efficiently provide public service. Dollars saved will be reinvested through the State Highway Fund to create jobs and to enhance public services.

In addition, I plan to continue the dialogue recently begun with cities, counties, and school districts. I firmly believe there are more opportunities for shared services, cooperation, and functional home rule. We must focus on accountability at every level, and we must reward success at every turn. The Nevada family expects us to succeed by working together.

Therefore, I end this speech where I began my inaugural address just three weeks ago: looking forward—yes, with optimism—to the promise of opportunity presented by the coming celebration of 150 years of statehood in 2014.

The current terrain is difficult, to be sure. Changing course is never easy, but I believe that by making the short-term sacrifices I have outlined, coupled with the long-term reforms that I have proposed, we will reach that milestone with pride.

My fellow Nevadans, I have no doubt that together we are changing the course of history. We are leading the Nevada family onto a new path, and I submit that it is one of progress and ultimate prosperity. If we have the courage to make the tough decisions—and there will be many—we will succeed. If we focus on new solutions that fundamentally change the way we do business, we will succeed. If we make supporting private sector job creation a way of life for all government agencies, if we control state spending, if we push forward with education reform, if we recognize that service above self is a way of life—if we do all of these things together, then truly Nevada will be Nevada again.

Thank you, God bless you, and God bless the great state of Nevada.

UNITED STATES SENATE
WASHINGTON, D.C. 20510-7012

January 28, 2011

THE HONORABLE JOHN OCEGUERA, *Speaker*, State of Nevada Assembly, Legislative Building,
401 South Carson Street, Carson City, Nevada 89701-4747

DEAR SPEAKER OCEGUERA:

I am writing to request the honor of speaking before both Houses of the Nevada State Legislature at 11 a.m. on February 22, 2011.

My Reno office will be coordinating the details of my visit. Please contact Mary Conelly at 775-686-5750 if you have any questions.

Thank you for your kind consideration. With all best wishes,

Sincerely,
HARRY REID
Majority Leader
United States Senator

SUPREME COURT OF NEVADA
MICHAEL L. DOUGLAS, CHIEF JUSTICE
201 SOUTH CARSON STREET
CARSON CITY, NEVADA 89701-4702
(775) 684-1755

February 1, 2011

SPEAKER JOHN OCEGUERA, NEVADA LEGISLATURE
LEGISLATIVE BUILDING
401 S. Carson Street
Carson City, Nevada 89701-4747

DEAR SPEAKER OCEGUERA:

Pursuant to past protocol, I would like to request permission, as Chief Justice of the Nevada Supreme Court in 2011, to address a joint session of the Legislature on the State of the Judiciary

on March 7, 2011, at 5:30 p.m. Also, immediately following, the Court will be hosting its annual reception for the legislators in the court's rotunda.

Your consideration of this request is greatly appreciated.

Sincerely,
MICHAEL L. DOUGLAS
Chief Justice

MESSAGES FROM THE GOVERNOR

OFFICE OF THE GOVERNOR

CARSON CITY, NEVADA, February 1, 2011

ASSEMBLYMAN JOHN OCEGUERA
NEVADA STATE ASSEMBLY, SPEAKER-ELECT
7655 Chaumont Street, Las Vegas, Nevada 89123
DEAR MR. SPEAKER-ELECT,

Today, I received formal notice from the Clerk of the U.S. House of Representatives in the 113th Congress. It is with great pleasure that I transmit to you, for lodging in the record of the 76th Regular Session of the Nevada Legislature, the Certificate of Entitlement. As I said in my State of the State message, I hope we can work together to redraw our state's congressional districts without regard for political agenda. I know you agree, and I look forward to working with you toward that end.

Sincere regards,
BRIAN SANDOVAL
Governor of Nevada

MESSAGES FROM THE SECRETARY OF STATE

STATE OF NEVADA
OFFICE OF THE SECRETARY OF STATE

January 4, 2011

SUSAN FURLONG REIL, *Chief Clerk of the Assembly*
401 S. Carson Street
Carson City, Nevada 89701-4747
DEAR MS. FURLONG REIL:

In compliance with the laws of the State of Nevada, pursuant to NRS 218.395, I am returning the following:

Assembly Joint Resolution Nos. 1 and 5, from the 75th Legislative Session; and Assembly Bill Nos. 130, 395, 451, and 503, vetoed from the 75th Legislative Session.

Respectfully,
ROSS MILLER
Secretary of State

BY: KRISTI D. GEISER, CERA
Program Officer III

STATE OF NEVADA
OFFICE OF THE SECRETARY OF STATE

February 7, 2011

SUSAN FURLONG REIL, *Chief Clerk of the Assembly*
401 S. Carson Street
Carson City, Nevada 89701-4747
DEAR MS. FURLONG REIL:

Pursuant to the Nevada Constitution Article 19, Section 2, this office is required to transmit any statutory Initiative Petition to the Nevada Legislature once it convenes. In compliance with the laws of the State of Nevada enclosed is the statutory Initiative Petition entitled "Building an Arena for a Stronger Future."

Respectfully,
ROSS MILLER
Secretary of State

BY: SCOTT GILLES
Deputy Secretary for Elections

PRESENTATION OF PETITIONS

Initiative Petition No. 1—AN ACT relating to taxation; requiring the establishment of an arena district in certain larger counties; requiring the imposition of an additional sales and use tax in such a district; providing for the use of the proceeds of such a tax for the construction, improvement, equipment, operation and maintenance of a sports and entertainment arena through public and private cooperation; and providing other matters properly relating thereto.

Purpose. The People of Nevada hereby find and declare that:

1. Increases in the population in the most densely populated areas in this State create circumstances and conditions requiring public and private cooperation for the building and operation of first-class sports and entertainment arenas capable of supporting and enticing professional sports teams, such as from the National Basketball Association or National Hockey League.

2. To promote economic development, it is appropriate and beneficial for such areas to have a large sports and entertainment arena that is capable of attracting and maintaining world-class events in this State.

3. Nevada has long been the chosen and preferred venue of many premier sports and entertainment events, including the National Finals Rodeo, boxing and other sporting and entertainment events. Other areas seek to draw those events away from this State, with larger and newer facilities, which have been built through public/private cooperative arrangements.

4. In order to continually preserve this State's status as a premier entertainment, convention and resort destination, it is the will of the People of this State to provide by statute for the creation and facilitation of public/private cooperation for the creation of first-class sports and entertainment arenas.

5. This measure provides by statute for the imposition of an additional sales and use tax within defined areas and for the manner in which the proceeds of that tax must be used in facilitating public/private cooperation for the construction, acquisition, improvement, equipment, operation and maintenance of such arenas.

Sec. 1. Chapter 244A of NRS is hereby amended by adding thereto the provisions set forth as sections 3 to 7, inclusive, of this measure.

Sec. 2. ***Except as otherwise provided in this section and sections 4 to 7, inclusive, of this measure or unless the context otherwise requires, terms used or referred to in this section and in sections 4 to 7, inclusive, of this measure have the meaning ascribed to them in Chapter 374 of NRS, as from time to time amended. As used in this section and sections 4 to 7, inclusive, of this measure:***

1. "Arena District" means that portion of a Gaming Enterprise District located within a 3-mile radius of a parcel approved for the Qualifying Arena, excluding that portion of the Gaming Enterprise District located within an incorporated city.

2. "County" means any county whose population is 800,000 or more.

3. "Department" means the Department of Taxation.

4. "Gaming Enterprise District" has the meaning ascribed to it in NRS 463.0158.

5. "Governing Body" means the Board of County Commissioners of any county whose population is 800,000 or more.

6. "Qualifying Arena" means an arena that will possess all of the following attributes:

(a) A seating capacity of at least 18,000 with attributes suitable for use by a professional sports team from either the National Basketball Association, the National Hockey League, or both;

(b) The arena must be located upon property the purchase, acquisition, or use of which is not paid for with any fees, taxes, interest or penalties collected pursuant to this measure;

(c) The arena must be located within the Arena District; and

(d) So as to ensure that the arena is centrally located for the benefit of the public and thus supports tourism, there must exist at least 95,000 transient lodging rooms within a 2-mile radius of the center point of the parcel upon which the arena is to be located at the time of its approval.

7. "State" means the State of Nevada.

8. "Taxing Ordinance" means the ordinance enacted pursuant to subsections 1 and 2 of section 4 of this measure.

Sec. 3. *1. As soon as practicable after the effective date of this measure, the Governing Body shall by ordinance establish an Arena District within the County and impose a sales and use tax within the Arena District to support the construction, improvement, equipment, operation and maintenance of a Qualifying Arena. The proceeds from the tax required by this section, including the interest and other income earned thereon, must be used only for the purposes provided by section 6 of this measure and as appropriated by the Governing Body pursuant to section 7 of this measure.*

2. The ordinance adopted by the Governing Body must further include provisions in substance as follows:

(a) A provision imposing a tax at the rate of 0.9 percent on the gross receipts of any retailer from the sale of all tangible personal property sold at retail in the Arena District or stored, used or otherwise consumed in the Arena District;

(b) A provision establishing that the Arena's usage must not be limited or dictated to favor the existing or prior owners of the property upon which the Arena is to be built nor any entity or person otherwise involved or contributing to the Arena's design, development or construction;

(c) Provisions substantially identical to those contained in Chapter 374 of NRS, insofar as applicable;

(d) A provision that if an amendment to Chapter 374 of NRS is enacted after the effective date of the ordinance, not inconsistent with this measure, it automatically becomes part of the ordinance imposing the tax;

(e) A provision that the Governing Body shall contract with the Department, before the tax's imposition, to perform all the functions incident to the administration or operation of the tax in the Arena District;

(f) A provision that exempts from the tax the gross receipts from the sale of, and the storage, use or other consumption in the Arena District, of tangible personal property used for the performance of a written contract for the construction of an improvement to real property:

(i) That was entered into on or before the effective date of the tax; or

(ii) For which a binding bid was submitted before the effective date if the bid was afterward accepted, and pursuant to the terms of the contract or bid, the contract price or bid amount may not be adjusted to reflect the imposition of the tax; and

(g) A provision specifying that the tax is imposed on the first day of the first calendar quarter that begins 120 days after the effective date of the ordinance.

3. Any ordinance amending the Taxing Ordinance enacted pursuant to this section must include a provision in substance that the Governing Body shall amend the contract made pursuant to this section by a contract made between the Governing Body and the Department, before the effective date of the amendment to the Taxing Ordinance, unless the Governing Body determines with the written concurrence of the Department that no such amendment of the contract is necessary or desirable.

Sec. 4. *1. All fees, taxes, interest and penalties imposed and all amounts of tax required to be paid to the County pursuant to this measure must be paid to the Department in the form of remittances payable to the Department.*

2. The Department shall deposit the payments with the State Treasurer for credit to the Sales and Use Tax Account in the State General Fund.

3. The State Controller, acting upon the collection data furnished by the Department, shall monthly:

(a) Transfer from the Sales and Use Tax Account to the appropriate account in the State General Fund 1.75 percent of all fees, taxes, interest and penalties collected pursuant to this measure during the preceding month as compensation to the State for the cost of collecting the tax;

(b) Determine for each County the amount equal to all fees, taxes, interest and penalties collected in the County pursuant to this measure during the preceding month, less the amount transferred to the State General Fund pursuant to paragraph (a); and

(c) Transfer the amount owed to each County to the Intergovernmental Fund and remit the money to the County Treasurer, who shall deposit such amount into a special revenue fund created for the use of the proceeds from the tax required by this measure.

4. Each special revenue fund created for the use of the proceeds from the tax required by this measure must be accounted for as a separate fund and not as a part of any other fund.

5. Interest earned on a special revenue fund created pursuant to this measure must be credited to the fund. The money in each such fund must remain in the fund and must not revert to the County Treasury at the end of any fiscal year.

Sec. 5. *1. Except as otherwise provided by section 5, all proceeds of the tax imposed by section 4 of this measure, including all fees, interest and penalties, must be used only to aid in the funding of the costs to construct, improve, equip, operate and maintain a Qualifying Arena, including to pay the principal of, interest on or other payments due with respect to bonds issued to pay those costs, including bonds issued to refund bonds issued to pay those costs, or any combination thereof. The Governing Body shall have the right, at its sole cost, to audit the financial records related to the use of tax proceeds generated pursuant to section 4 of this measure.*

2. Except as otherwise provided in section 4 of this measure, the Governing Body shall not repeal or amend or otherwise directly or indirectly modify the Taxing Ordinance, until such time as all outstanding bonds, including any bonds issued to refund bonds, have been paid and are retired.

Sec. 6. *1. As soon as practicable after the effective date of this measure, and in accordance with the limitations of this section and section 6 of this measure, each Governing Body shall approve a Qualifying Arena and shall appropriate the proceeds of the tax imposed by section 4 of this measure to support the construction, improvement, equipment, operation or maintenance of the Qualifying Arena. Such an appropriation may be made for all or any combination of the purposes enumerated in this subsection.*

2. An appropriation may be made for the support of only one Qualifying Arena by any Governing Body. If the Governing Body determines that there is more than one Qualifying Arena otherwise eligible for an appropriation, the appropriation must be made for the support of the Qualifying Arena that, in the judgment of the Governing Body, best serves the interest of the public.

Sec. 7. Effective dates.

1. This section and sections 1 to 7, inclusive, of this measure become effective:

(a) If subsection 2 is applicable, upon passage and approval; or

(b) If subsection 3 is applicable, upon completion of the canvass of votes by the Supreme Court.

2. If this measure is enacted by the 76th Session of the Legislature and approved by the Governor as provided in subsection 3 of Section 2 of Article 19 of the Nevada Constitution:

(a) This section and sections 1 to 7, inclusive, of this measure become effective:

(1) Upon passage and approval, for purposes of adopting the ordinance imposing the Taxing Ordinance; and

(2) On July 1, 2011, for all other purposes.

3. If this measure is not enacted and approved as provided in subsection 2, but is approved by voters after the measure has been referred or submitted to the voters pursuant to subsection 3 of Section 18 of Article 4 or subsection 3 of Section 2 of Article 19 of the Nevada Constitution:

(a) This section and sections 1 to 7, inclusive, of this measure become effective:

(1) Upon the completion of the canvass of votes by the Supreme Court, for the purposes of adopting the Taxing Ordinance; and

(2) On January 1, 2013, for all other purposes.

4. For the purposes of subsection 2, this measure shall be deemed to have been approved by the Governor if, in accordance with Section 35 of Article 4 of the Nevada Constitution:

(a) The Governor signs the measure;

(b) The measure is passed by both Houses of the Legislature during its 76th Session notwithstanding the objections of the Governor; or

(c) The Governor fails to return or file the measure within the time provided by Section 35 of Article 4.

Sec. 8. Severability. If any provision of this measure or its application to any person or circumstance is held to be invalid or ineffective, the invalidity or ineffectiveness must be given the narrowest possible construction and shall not affect any other provision or application of this measure.

Assemblyman Conklin moved that the petition be referred to the Committee on Taxation.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

By the Committee on Elections, Procedures, Ethics, and Constitutional Amendments:

Assembly Joint Resolution No. 1 of the 75th Session—Proposing to amend the Nevada Constitution to revise the provisions governing a petition for a state initiative or a referendum.

Section 1. 1. A person who intends to circulate a petition that a statute or resolution or part thereof enacted by the legislature be submitted to a vote of the people, before circulating the petition for signatures, shall file a copy thereof with the secretary of state. He shall file the copy not earlier than August 1 of the year before the year in which the election will be held.

2. Whenever a number of registered voters of this state equal to 10 percent ~~[or more]~~ of the number of voters who voted at the last preceding general election shall express their wish by filing with the secretary of state, not less than 120 days before the next general election, a petition in the form provided for in Section 3 of this Article that any statute or resolution or any part thereof enacted by the legislature be submitted to a vote of the people, the officers charged with the duties of announcing and proclaiming elections and of certifying nominations or questions to be voted upon shall submit the question of approval or disapproval of such statute or resolution or any part thereof to a vote of the voters at the next succeeding election at which

such question may be voted upon by the registered voters of the entire State. ***The number of registered voters required to file the petition must be determined at the time the copy of the petition is filed with the secretary of state pursuant to this Section.*** The circulation of the petition shall cease on the day the petition is filed with the secretary of state or such other date as may be prescribed for the verification of the number of signatures affixed to the petition, whichever is earliest.

3. If a majority of the voters voting upon the proposal submitted at such election votes approval of such statute or resolution or any part thereof, such statute or resolution or any part thereof shall stand as the law of the state and shall not be amended, annulled, repealed, set aside, suspended or in any way made inoperative except by the direct vote of the people. If a majority of such voters votes disapproval of such statute or resolution or any part thereof, such statute or resolution or any part thereof shall be void and of no effect.

And be it further

RESOLVED, That Section 2 of Article 19 of the Nevada Constitution be amended to read as follows:

Sec. 2. 1. Notwithstanding the provisions of Section 1 of Article 4 of this Constitution, but subject to the limitations of Section 6 of this Article, the people reserve to themselves the power to propose, by initiative petition, statutes and amendments to statutes and amendments to this Constitution, and to enact or reject them at the polls.

2. An initiative petition shall be in the form required by Section 3 of this Article and shall be proposed by a number of registered voters ***from each petition district in this State*** equal to 10 percent ~~[or more]~~ of the number of voters who voted at the last preceding general election in ~~[not less than 75 percent of the counties in the State, but the total number of registered voters signing the initiative petition shall be equal to 10 percent or more of the voters who voted in the entire State at the last preceding general election.]~~ ***the petition district. Petition districts must be established by the Legislature. The number of registered voters required to file the initiative petition must be determined at the time the copy of the initiative petition is filed with the Secretary of State pursuant to this Section.***

3. If the initiative petition proposes a statute or an amendment to a statute, the person who intends to circulate it shall file a copy with the Secretary of State before beginning circulation and not earlier than January 1 of the year preceding the year in which a regular session of the Legislature is held. After its circulation, it shall be filed with the Secretary of State not less than 30 days prior to any regular session of the Legislature. The circulation of the petition shall cease on the day the petition is filed with the Secretary of State or such other date as may be prescribed for the verification of the number of signatures affixed to the petition, whichever is earliest. The Secretary of State shall transmit such petition to the Legislature as soon as the Legislature convenes and organizes. The petition shall take precedence over all other measures except appropriation bills, and the statute or amendment to a statute proposed thereby shall be enacted or rejected by the Legislature without change or amendment within 40 days. If the proposed statute or amendment to a statute is enacted by the Legislature and approved by the Governor in the same manner as other statutes are enacted, such statute or amendment to a statute shall become law, but shall be subject to referendum petition as provided in Section 1 of this Article. If the statute or amendment to a statute is rejected by the Legislature, or if no action is taken thereon within 40 days, the Secretary of State shall submit the question of approval or disapproval of such statute or amendment to a statute to a vote of the voters at the next succeeding general election. If a majority of the voters voting on such question at such election votes approval of such statute or amendment to a statute, it shall become law and take effect upon completion of the canvass of votes by the Supreme Court. An initiative measure so approved by the voters shall not be amended, annulled, repealed, set aside or suspended by the Legislature within 3 years from the date it takes effect. If a majority of such voters votes disapproval of such statute or amendment to a statute, no further action shall be taken on such petition. If the Legislature rejects such proposed statute or amendment, the Governor may

recommend to the Legislature and the Legislature may propose a different measure on the same subject, in which event, after such different measure has been approved by the Governor, the question of approval or disapproval of each measure shall be submitted by the Secretary of State to a vote of the voters at the next succeeding general election. If the conflicting provisions submitted to the voters are both approved by a majority of the voters voting on such measures, the measure which receives the largest number of affirmative votes shall thereupon become law. If at the session of the Legislature to which an initiative petition proposing an amendment to a statute is presented which the Legislature rejects or upon which it takes no action, the Legislature amends the statute which the petition proposes to amend in a respect which does not conflict in substance with the proposed amendment, the Secretary of State in submitting the statute to the voters for approval or disapproval of the proposed amendment shall include the amendment made by the Legislature.

4. If the initiative petition proposes an amendment to the Constitution, the person who intends to circulate it shall file a copy with the Secretary of State before beginning circulation and not earlier than September 1 of the year before the year in which the election is to be held. After its circulation it shall be filed with the Secretary of State not less than 90 days before any regular general election at which the question of approval or disapproval of such amendment may be voted upon by the voters of the entire State. The circulation of the petition shall cease on the day the petition is filed with the Secretary of State or such other date as may be prescribed for the verification of the number of signatures affixed to the petition, whichever is earliest. The Secretary of State shall cause to be published in a newspaper of general circulation, on three separate occasions, in each county in the State, together with any explanatory matter which shall be placed upon the ballot, the entire text of the proposed amendment. If a majority of the voters voting on such question at such election votes disapproval of such amendment, no further action shall be taken on the petition. If a majority of such voters votes approval of such amendment, the Secretary of State shall publish and resubmit the question of approval or disapproval to a vote of the voters at the next succeeding general election in the same manner as such question was originally submitted. If a majority of such voters votes disapproval of such amendment, no further action shall be taken on such petition. If a majority of such voters votes approval of such amendment, it shall, unless precluded by subsection 5 or 6, become a part of this Constitution upon completion of the canvass of votes by the Supreme Court.

5. If two or more measures which affect the same section of a statute or of the Constitution are finally approved pursuant to this Section, or an amendment to the Constitution is finally so approved and an amendment proposed by the Legislature is ratified which affect the same section, by the voters at the same election:

(a) If all can be given effect without contradiction in substance, each shall be given effect.

(b) If one or more contradict in substance the other or others, the measure which received the largest favorable vote, and any other approved measure compatible with it, shall be given effect. If the one or more measures that contradict in substance the other or others receive the same number of favorable votes, none of the measures that contradict another shall be given effect.

6. If, at the same election as the first approval of a constitutional amendment pursuant to this Section, another amendment is finally approved pursuant to this Section, or an amendment proposed by the Legislature is ratified, which affects the same section of the Constitution but is compatible with the amendment given first approval, the Secretary of State shall publish and resubmit at the next general election the amendment given first approval as a further amendment to the section as amended by the amendment given final approval or ratified. If the amendment finally approved or ratified contradicts in substance the amendment given first approval, the Secretary of State shall not submit the amendment given first approval to the voters again.

Assemblyman Conklin moved that the resolution be referred to the Committee on Legislative Operations and Elections.

Motion carried.

By Assemblymen Mortenson, Ohrenschall, Horne, Kihuen and Segerblom:

Assembly Joint Resolution No. 5 of the 75th Session—Proposing to amend the Nevada Constitution to limit the duration of special sessions of the Legislature to 20 consecutive calendar days with the exception of impeachment, removal and expulsion proceedings, to limit the types of bills which may be introduced, considered or passed during a special session, to provide that a special session may be convened by a petition signed by two-thirds of the Legislators of each House and to provide that regular and special sessions must be adjourned on the final calendar day not later than midnight Pacific time based on the actual measure of time used and observed by the general population of Nevada.

WHEREAS, The Nevada Constitution does not grant the Nevada Legislature express power to convene a special session on extraordinary occasions; and

WHEREAS, There are extraordinary occasions when it is imperative for the Legislature to have express power to convene a special session, such as when it is necessary to hold impeachment or removal proceedings pursuant to Article 7 of the Nevada Constitution against the Governor, Supreme Court Justices or other state and judicial officers who have committed misconduct in office, or when it is necessary to hold expulsion proceedings pursuant to Section 6 of Article 4 of the Nevada Constitution against Legislators who have committed misconduct in office; and

WHEREAS, There are other extraordinary occasions when it is imperative for the Legislature to have express power to convene a special session, such as when it is necessary to enact bills or appropriations to address unexpected conditions or emergency situations, or when it is necessary to reconsider bills vetoed by the Governor after the adjournment of a regular session; and

WHEREAS, There are currently 32 state legislatures in the nation that have express power to call a special session when there are extraordinary occasions; and

WHEREAS, The Nevada Legislature is part of a group of only 18 state legislatures that do not have express power to call a special session, and part of a group of only 11 state legislatures that may not determine any of the subject matter to be considered at a special session; and

WHEREAS, The Nevada Constitution is grounded on the principle of three coequal branches of State Government, with the ultimate authority and responsibility to enact necessary legislation being vested in the Legislative Branch, subject to final approval by the Governor; and

WHEREAS, Nevada's current constitutional language, which grants the Governor express power to call the Legislature into special session but which does not grant such express power to the Legislature, diminishes the constitutional separation of powers by impeding the authority of this State's elected Legislature to perform its constitutional functions of enacting necessary legislation and conducting impeachment, removal and expulsion proceedings on extraordinary occasions; and

WHEREAS, The Nevada Legislature should be authorized to operate with a reasonable degree of independence from the Executive and Judicial Branches as is consistent with the separation of powers principle, and should be empowered to identify those extraordinary occasions that may require the Legislature to call a limited special session deemed in the best interest of the people of the State of Nevada; now, therefore, be it

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That a new section, designated Section 2A, be added to Article 4 of the Nevada Constitution to read as follows:

Sec. 2A. 1. The Legislature may be convened, on extraordinary occasions, upon a petition signed by two-thirds of the members elected to each House of the Legislature. A petition must specify the business to be transacted during the special session, indicate a date on or before which the Legislature is to convene and be transmitted to the Secretary of State.

Upon receipt of one or more substantially similar petitions signed, in the aggregate, by the required number of members, calling for a special session, the Secretary of State shall notify all members of the Legislature and the Governor that a special session will be convened pursuant to this section.

2. At a special session convened pursuant to this section, the Legislature shall not introduce, consider or pass any bills except those related to the business specified in the petition and those necessary to provide for the expenses of the session.

3. A special session convened pursuant to this section takes precedence over a special session convened by the Governor pursuant to Section 9 of Article 5 of this Constitution, unless otherwise provided in the petition convening the special session pursuant to this section.

4. The Legislature may provide by law for the procedure for convening a special session pursuant to this section.

5. Except as otherwise provided in this subsection, the Legislature shall adjourn sine die a special session convened pursuant to this section not later than midnight Pacific time at the end of the 20th consecutive calendar day of that session, inclusive of the day on which that session commences. Any legislative action taken after midnight Pacific time at the end of the 20th consecutive calendar day of that session is void. This subsection does not apply to a special session that is convened to conduct proceedings for:

(a) Impeachment or removal from office of the Governor and other state and judicial officers pursuant to Article 7 of this Constitution; or

(b) Expulsion from office of a member of the Legislature pursuant to Section 6 of Article 4 of this Constitution.

6. For the purposes of this section, "midnight Pacific time" must be determined based on the actual measure of time that, on the final calendar day of the session, is being used and observed by the general population as the uniform time for the portion of Nevada which lies within the Pacific time zone, or any legal successor to the Pacific time zone, and which includes the seat of government of this State as designated by Section 1 of Article 15 of this Constitution. The Legislature and its members, officers and employees shall not employ any device, pretense or fiction that adjusts, evades or ignores this measure of time for the purpose of extending the duration of the session.

And be it further

RESOLVED, That Section 2 of Article 4 of the Nevada Constitution be amended to read as follows:

Sec. 2. 1. The sessions of the Legislature shall be biennial, and shall commence on the 1st Monday of February following the election of members of the Assembly, unless the Governor of the State ***or the members of the Legislature*** shall, in the interim, convene the Legislature by proclamation ~~[.]~~ ***or petition.***

2. The Legislature shall adjourn sine die each regular session not later than midnight Pacific ~~[standard time 120 calendar days following its commencement.]~~ ***time at the end of the 120th consecutive calendar day of that session, inclusive of the day on which that session commences.*** Any legislative action taken after midnight Pacific ~~[standard time on]~~ ***time at the end of*** the 120th ***consecutive*** calendar day ***of that session*** is void, unless the legislative action is conducted during a special session ***.*** ~~[convened by the Governor.]~~

3. The Governor shall submit the proposed executive budget to the Legislature not later than 14 calendar days before the commencement of each regular session.

4. For the purposes of this section, "midnight Pacific time" must be determined based on the actual measure of time that, on the final calendar day of the session, is being used and observed by the general population as the uniform time for the portion of Nevada which lies within the Pacific time zone, or any legal successor to the Pacific time zone, and which includes the seat of government of this State as designated by Section 1 of Article 15 of this Constitution. The Legislature and its members, officers and employees shall not employ any

device, pretense or fiction that adjusts, evades or ignores this measure of time for the purpose of extending the duration of the session.

And be it further

RESOLVED, That Section 33 of Article 4 of the Nevada Constitution be amended to read as follows:

Sec **.** ~~[.]~~ 33. The members of the Legislature shall receive for their services ~~[,]~~ a compensation to be fixed by law and paid out of the public treasury, for not to exceed 60 days during any regular session of the ~~[legislature]~~ ***Legislature*** and not to exceed 20 days during any special session ***;*** ~~[convened by the governor;]~~ but no increase of such compensation shall take effect during the term for which the members of either house shall have been elected ***;*** Provided, that an appropriation may be made for the payment of such actual expenses as members of the Legislature may incur for postage, express charges, newspapers and stationery not exceeding the sum of Sixty dollars for any general or special session to each member; and Furthermore Provided, that the Speaker of the Assembly, and Lieutenant Governor, as President of the Senate, shall each, during the time of their actual attendance as such presiding officers receive an additional allowance of two dollars per diem.

And be it further

RESOLVED, That Section 9 of Article 5 of the Nevada Constitution be amended to read as follows:

~~[~~Sec. 9. The~~]~~ ***Sec. 9. 1. Except as otherwise provided in Section 2A of Article 4 of this Constitution, the*** Governor may **,** on extraordinary occasions, convene the Legislature by Proclamation and shall state to both houses, when organized, the ~~[purpose]~~ ***business*** for which they have been ***specially*** convened **.** ~~[, and the Legislature shall transact no legislative business, except that for which they were specially convened, or such other legislative business as the Governor may call to the attention of the Legislature while in Session.]~~

2. At a special session convened pursuant to this section, the Legislature shall not introduce, consider or pass any bills except those related to the business for which the Legislature has been specially convened and those necessary to provide for the expenses of the session.

3. Except as otherwise provided in this subsection, the Legislature shall adjourn sine die a special session convened pursuant to this section not later than midnight Pacific time at the end of the 20th consecutive calendar day of that session, inclusive of the day on which that session commences. Any legislative action taken after midnight Pacific time at the end of the 20th consecutive calendar day of that session is void. This subsection does not apply to a special session that is convened to conduct proceedings for:

(a) Impeachment or removal from office of the Governor and other state and judicial officers pursuant to Article 7 of this Constitution; or

(b) Expulsion from office of a member of the Legislature pursuant to Section 6 of Article 4 of this Constitution.

4. For the purposes of this section, "midnight Pacific time" must be determined based on the actual measure of time that, on the final calendar day of the session, is being used and observed by the general population as the uniform time for the portion of Nevada which lies within the Pacific time zone, or any legal successor to the Pacific time zone, and which includes the seat of government of this State as designated by Section 1 of Article 15 of this Constitution. The Legislature and its members, officers and employees shall not employ any device, pretense or fiction that adjusts, evades or ignores this measure of time for the purpose of extending the duration of the session.

Assemblyman Conklin moved that the resolution be referred to the Committee on Legislative Operations and Elections.

Motion carried.

By the Committee on Legislative Operations and Elections:

Assembly Concurrent Resolution No. 1—Adopting the Joint Standing Rules of the Senate and Assembly for the 76th Session of the Legislature.

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the Joint Rules of the Senate and Assembly for the 76th Session of the Legislature are hereby adopted as follows:

CONFERENCE COMMITTEES

Rule No. 1. Procedure Concerning.

1. In every case of an amendment of a bill, or joint or concurrent resolution, agreed to in one House, dissented from in the other, and not receded from by the one making the amendment, each House shall appoint a committee to confer with a like committee to be appointed by the other; and the committee so appointed shall meet publicly at a convenient hour to be agreed upon by their respective chairs and announced publicly, and shall confer upon the differences between the two Houses as indicated by the amendments made in one and rejected in the other and report as early as convenient the result of their conference to their respective Houses.

2. The report shall be made available to all members of both Houses. The whole subject matter embraced in the bill or resolution shall be considered by the committee, and it may recommend recession by either House, new amendments, a new bill or resolution, or other changes as it sees fit. A new bill or resolution so reported shall be treated as amendments unless the bill or resolution is composed entirely of original matter, in which case it shall receive the treatment required in the respective Houses for original bills, or resolutions, as the case may be. A conference committee shall not recommend any action which would cause the creation of more than one reprint or more than one bill or resolution.

3. The report of a conference committee may be adopted by acclamation, and such action may be considered equivalent to the adoption of amendments embodied therein. The report is not subject to amendment.

4. There shall be but one conference committee on any bill or resolution. A majority of the members of a conference committee from each House must be members who voted for the passage of the bill or resolution.

MESSAGES

Rule No. 2. Biennial Message of the Governor.

Upon motion, the biennial message of the Governor must be received and read and entered in full in the Journal of proceedings.

Rule No. 2.2. Other Messages From the Governor.

Whenever a message from the Governor is received, it shall be read and entered in full in the Journal of proceedings.

Rule No. 2.4. Proclamation by the Governor Convening Special Session.

Proclamations by the Governor convening the Legislature in special session must, by direction of the presiding officer of each House, be read immediately after the convening of the special session, and must be filed and entered in the Journal of proceedings.

Rule No. 2.6. Messages Between Houses.

Messages from the Senate to the Assembly shall be delivered by the Secretary or a person designated by the Secretary and messages from the Assembly to the Senate shall be delivered by the Chief Clerk or a person designated by the Chief Clerk.

NOTICE OF FINAL ACTION

Rule No. 3. Communications.

Each House shall communicate its final action on any bill or resolution, or matter in which the other may be interested, by written notice. Each such notice sent by the Senate must be signed by the Secretary of the Senate, or a person designated by the Secretary. Each such notice sent by the Assembly must be signed by the Chief Clerk of the Assembly, or a person designated by the Chief Clerk.

BILLS AND JOINT RESOLUTIONS

Rule No. 4. Signature.

Each enrolled bill or joint resolution shall be presented to the presiding officers of both Houses for signature. They shall, after an announcement of their intention to do so is made in open session, sign the bill or joint resolution and their signatures shall be followed by those of the Secretary of the Senate and Chief Clerk of the Assembly.

Rule No. 5. Joint Sponsorship.

1. A bill or resolution introduced by a standing committee of the Senate or Assembly may, at the direction of the chair of the committee, set forth the name of a standing committee of the other House as a joint sponsor, if a majority of all members appointed to the committee of the other House votes in favor of becoming a joint sponsor of the bill or resolution. The name of the committee joint sponsor must be set forth on the face of the bill or resolution immediately below the date on which the bill or resolution is introduced.

2. A bill or resolution introduced by one or more Legislators elected to one House may, at the direction of the Legislator who brings the bill or resolution forward for introduction, set forth the names of one or more Legislators who are members elected to the other House and who wish to be primary joint sponsors or non-primary joint sponsors of the bill or resolution. Not more than five Legislators from each House may be set forth on the face of a bill or resolution as primary joint sponsors. The names of each primary joint sponsor and non-primary joint sponsor must be set forth on the face of the bill or resolution in the following order immediately below the date on which the bill or resolution is introduced:

(a) The name of each primary joint sponsor, in the order indicated on the colored back of the introductory copy of the bill or resolution; and

(b) The name of each non-primary joint sponsor, in alphabetical order.

3. The Legislative Counsel shall not cause to be printed the name of a standing committee as a joint sponsor on the face of a bill or resolution unless the chair of the committee has signed his or her name next to the name of the committee on the colored back of the introductory copy of the bill or resolution that was submitted to the front desk of the House of origin or the statement required by subsection 5. The Legislative Counsel shall not cause to be printed the name of a Legislator as a primary joint sponsor or non-primary joint sponsor on the face of a bill or resolution unless the Legislator has signed the colored back of the introductory copy of the bill or resolution that was submitted to the front desk of the House of origin or the statement required by subsection 5.

4. Upon introduction, any bill or resolution that sets forth the names of primary joint sponsors or non-primary joint sponsors, or both, must be numbered in the same numerical sequence as other bills and resolutions of the same House of origin are numbered.

5. Once a bill or resolution has been introduced, a primary joint sponsor or non-primary joint sponsor may only be added or removed by amendment of the bill or resolution. An amendment which proposes to add or remove a primary joint sponsor or non-primary joint sponsor must not be considered by the House of origin of the amendment unless a statement requesting the addition or removal is attached to the copy of the amendment submitted to the front desk of the House of origin of the amendment. If the amendment proposes to add or remove a Legislator as a primary joint sponsor or non-primary joint sponsor, the statement must be signed by that Legislator. If the amendment proposes to add or remove a standing committee as a joint sponsor, the statement must be signed by the chair of the committee. A copy of the statement must be transmitted to the Legislative Counsel if the amendment is adopted.

6. An amendment that proposes to add or remove a primary joint sponsor or non-primary joint sponsor may include additional proposals to change the substantive provisions of the bill or resolution or may be limited only to the proposal to add or remove a primary joint sponsor or non-primary joint sponsor.

PUBLICATIONS

Rule No. 6. Ordering and Distribution.

1. The bills, resolutions, journals and histories will be provided electronically to the officers and members of the Senate and Assembly, staff of the Legislative Counsel Bureau, the press and the general public on the Nevada Legislature's website.

2. Each House may order the printing of bills introduced, reports of its own committees, and other matter pertaining to that House only; but no other printing may be ordered except by a concurrent resolution passed by both Houses. Each Senator is entitled to the free distribution of four copies of each bill introduced in each House, and each Assemblyman and Assemblywoman to such a distribution of two copies. Additional copies of such bills may be distributed at a charge to the person to whom they are addressed. The amount charged for distribution of the additional copies must be determined by the Director of the Legislative Counsel Bureau to approximate the cost of handling and postage for the entire session.

RESOLUTIONS

Rule No. 7. Types, Usage and Approval.

1. A joint resolution must be used to:

(a) Propose an amendment to the Nevada Constitution.

(b) Ratify a proposed amendment to the United States Constitution.

(c) Address the President of the United States, Congress, either House or any committee or member of Congress, any department or agency of the Federal Government, or any other state of the Union.

2. A concurrent resolution must be used to:

(a) Amend these Joint Rules.

(b) Request the return from the Governor of an enrolled bill for further consideration.

(c) Request the return from the Secretary of State of an enrolled joint or concurrent resolution for further consideration.

(d) Resolve that the return of a bill from one House to the other House is necessary and appropriate.

(e) Express facts, principles, opinion and purposes of the Senate and Assembly.

(f) Establish a joint committee of the two Houses.

(g) Direct the Legislative Commission to conduct an interim study.

3. A concurrent resolution or a resolution of one House may be used to memorialize a former member of the Legislature or other notable or distinguished person upon his or her death.

4. A resolution of one House may be used to request the return from the Secretary of State of an enrolled resolution of the same House for further consideration.

5. A resolution of one House may be used for any additional purpose determined appropriate by the Majority Leader of the Senate or the Speaker of the Assembly, respectively.

6. A concurrent resolution used for the purposes expressed in paragraph (e) of subsection 2 may only be requested by a statutory, interim or standing committee.

VETOES

Rule No. 8. Special Order.

1. Bills which have passed the Legislature, and which are returned after the Governor's disapproval, or veto of the same, shall:

(a) Be taken up and considered immediately upon the coming in of the message transmitting the same; or

(b) Become the subject of a special order.

2. When the message is received or, if made a special order, when the special order for their consideration is reached and called, the said message or statement shall be read, together with the bill or bills so disposed or vetoed; and the Secretary of the Senate and the Chief Clerk of the Assembly shall, without interruption, read the message and the bill consecutively, the bill following the message; and the message and the bill must not be read upon separate occasions; and no such bill or message shall be referred to any committee, or otherwise acted upon, save as provided by law and custom; that is to say, that immediately following such reading the only question (except as hereinafter stated) which shall be put by the Chair is, "Shall the bill pass, notwithstanding the objections of the Governor?"

3. It shall not be in order, at any time, to vote upon such vetoed bill without the same shall have first been read; and no motion shall be entertained after the Chair has stated the question save a motion for "The previous question," but the merits of the bill itself may be debated.

ADJOURNMENT

Rule No. 9. Limitations and Calculation of Duration.

1. In calculating the permissible duration of an adjournment for 3 days or less, the day of adjournment must not be counted but the day of the next meeting must be counted, and Sunday must not be counted.

2. The Legislature may adjourn for more than 3 days by motion based on mutual consent of the Houses or by concurrent resolution. One or more such adjournments, for a total of not more than 20 days during any regular session, may be taken to permit standing committees, select committees or the Legislative Counsel Bureau to prepare the matters respectively entrusted to them for the consideration of the Legislature as a whole.

Rule No. 9.5. Adjournment Sine Die.

1. The Legislature shall not take any action on a bill or resolution after 1 a.m. Pacific Daylight Saving Time on the 121st calendar day of session.

2. A Legislator shall not take any action to impede the progress of the Legislature in completing its business by the time specified in subsection 1.

3. Any action taken in violation of subsection 2 shall be deemed out of order.

EXPENDITURES FROM THE LEGISLATIVE FUND

Rule No. 10. Manner of Authorization.

Except for routine salary, travel, equipment and operating expenses, no expenditures shall be made from the Legislative Fund without the authority of a concurrent resolution regularly adopted by the Senate and Assembly.

LEGISLATIVE COMMISSION

Rule No. 11. Membership and Organization.

1. When members of the minority party in the Senate or in the Assembly comprise one-third or less of the total number elected to that House, minority party membership for that House on the Legislative Commission must be:

(a) One, if such membership is less than one-fifth of the total number elected to that House.

(b) Two, if such membership is at least one-fifth but not more than one-third of the total number elected to that House. If the members of the minority party in the Senate or in the Assembly comprise more than one-third of the total number elected to that House, minority party membership for that House on the Commission must be three, being equal to the membership of the majority party.

2. Each House shall select one or more alternate members for each member from that House, designating them according to party or according to the individual member whom the alternate would replace.

3. A vacancy in the regular Senate or Assembly membership created by death or by resignation or by the Legislator's ceasing to be a member of the Legislature shall be filled by the proper alternate member as designated by that House. If there is no proper alternate member, the Legislative Commission shall fill the vacancy by appointing a Senator or Assemblyman or Assemblywoman of the same party.

4. If for any reason a member is or will be absent from a meeting and there are no alternates available, the Chair of the Commission may appoint a member of the same House and political party to attend the meeting as an alternate.

5. The members shall serve until their successors are appointed by resolution as provided in NRS 218E.150, except that the membership of any member who does not become a candidate for reelection or who is defeated for reelection shall terminate on the day next after the election and the vacancy shall be filled as provided in this Rule.

6. The Chair shall be selected at the first meeting of the newly formed Legislative Commission and shall serve until his or her successor is appointed following the formation of the next Legislative Commission.

RECORDS OF COMMITTEE PROCEEDINGS

Rule No. 12. Duties of Secretary of Committee and Director.

1. Each standing committee of the Legislature shall cause a record to be made of the proceedings of its meetings.

2. The secretary of a standing committee shall:

(a) Label each record with the date, time and place of the meeting and also indicate on the label the numerical sequence in which the record was made;

(b) Keep the records in chronological order; and

(c) Deposit the records upon completion with the Director of the Legislative Counsel Bureau.

3. The Director of the Legislative Counsel Bureau shall:

(a) Make the records available for accessing by any person during office hours under such reasonable conditions as the Director may deem necessary; and

(b) Retain the records for two biennniums and at the end of that period keep some form or copy of the record in any manner the Director deems reasonable to ensure access to the record in the foreseeable future.

REAPPORTIONMENT AND REDISTRICTING

Rule No. 13. Responsibility for Measures.

The Committee on Legislative Operations and Elections of the Senate and the Committee on Legislative Operations and Elections of the Assembly are respectively responsible for measures which primarily affect the designation of the districts from which members are elected to the Legislature. These committees are hereby designated as the "redistricting committees" for the purposes of this Rule and Joint Standing Rules Nos. 13.1, 13.2, 13.3, 13.4, 13.5, 13.6 and 14.6.

Rule No. 13.1. Equality of Representation.

1. Congressional Districts: The population of each of the Nevada congressional districts must be as nearly equal as practicable.

2. State Legislative Districts: The population of the state legislative districts must be substantially equal. In order to meet constitutional guidelines, a plan, or a proposed amendment thereto, will not be considered if the plan or proposed amendment results in an overall range of 10 percent or more, or a relative deviation in excess of plus or minus 5 percent, from the ideal district population.

3. Districts for the State Board of Education, the Board of Regents of the University of Nevada and Petition Districts: Equality of population in accordance with the standard for the state legislative districts is the goal of redistricting for the State Board of Education and the Board of Regents of the University of Nevada and for the establishment of petition districts in accordance with NRS 293.127561.

Rule No. 13.2. Population Database.

1. The total state population, and the population of defined subunits thereof, as determined by the 2010 federal decennial census must be the exclusive database for redistricting by the Nevada Legislature.

2. Such 2010 census data, as validated by the staff of the Legislative Counsel Bureau, must be the exclusive database used for the evaluation of proposed redistricting plans for population equality.

Rule No. 13.3. Districts.

All district boundaries created by a redistricting plan must follow the census geography.

Rule No. 13.4. Procedures of the Redistricting Committees and Exemptions.

1. A legislator or member of the public may present to the redistricting committees any plans or proposals relating to redistricting, including proposals for redistricting specific districts or all of the state legislative districts, congressional districts, districts for the Board of Regents of the University of Nevada, districts for the State Board of Education or petition districts for consideration by the redistricting committees.

2. Bill draft requests, including bills in skeletal form, setting forth specific boundaries of the state legislative districts, congressional districts, districts for the Board of Regents of the University of Nevada, districts for the State Board of Education or petition districts, and

amendments affecting a majority of the state legislative districts, may only be requested by the chairs of the redistricting committees.

3. The chairs of the redistricting committees are limited to one request each for a bill draft setting forth the specific boundaries of the state legislative districts, one request each for a bill draft setting forth the specific boundaries of the congressional districts, one request each for a bill draft setting forth the specific boundaries of the districts for the Board of Regents of the University of Nevada, one request each for a bill draft setting forth the specific boundaries of the districts for the State Board of Education and one request each for a bill draft setting forth the specific boundaries of the petition districts. At the direction of the chair of a redistricting committee, the bill draft requests setting forth the specific boundaries of the state legislative districts, the congressional districts, districts for the Board of Regents of the University of Nevada, districts for the State Board of Education and petition districts may be combined in any manner.

4. All bill drafts and measures requested by a redistricting committee pursuant to subsection 3 are exempt pursuant to subsection 4 of Joint Standing Rule No. 14.6.

Rule No. 13.5. Compliance with the Voting Rights Act.

1. A redistricting committee will not consider a plan that the redistricting committee determines is a violation of section 2 of the Voting Rights Act, 42 U.S.C. § 1973(a), which prohibits any state from imposing any voting qualification, standard, practice or procedure that results in the denial or abridgment of any United States citizen's right to vote on account of race, color or status as a member of a language minority group.

2. A redistricting committee will not consider a plan that the redistricting committee determines is racially gerrymandered. Racial gerrymandering exists when:

(a) Race is the dominant and controlling rationale in drawing district lines; and

(b) The Legislature subordinates traditional districting principles to racial considerations.

3. For the purpose of analyzing the 2010 census data, the redistricting committees shall adopt the method set forth in the Office of Management and Budget (OMB) Bulletin No. 00-02 for aggregating and allocating the 63 categories of race data that will be reported to Nevada by the United States Census Bureau as part of the federal decennial census.

Rule No. 13.6. Public Participation.

1. The redistricting committees shall seek and encourage:

(a) Public participation in all aspects of the reapportionment and redistricting activities; and

(b) The widest range of public input into the deliberations relating to those activities.

2. Notices of all meetings of the redistricting committees must be transmitted to any member of the public who so requests, without charge.

3. All interested persons are encouraged to appear before the redistricting committees and to provide their input regarding the reapportionment and redistricting activities. The redistricting committees shall afford a reasonable opportunity to any interested persons to present plans for redistricting, or amendments to plans for redistricting, unless such plans demonstrably fail to meet the minimally acceptable criteria set forth in this rule and Joint Standing Rules Nos. 13, 13.1, 13.2, 13.3, 13.4 and 13.5.

4. Each of the redistricting committees shall fully utilize available videoconferencing capabilities and shall, either jointly or separately, hold at least one hearing in the southern portion of the State and at least one hearing in a rural portion of the State to allow residents throughout the State an opportunity to participate in the deliberations relating to the reapportionment and redistricting activities.

5. The Legislative Counsel Bureau shall make available to the public copies of the validated 2010 census database for the cost of reproducing the database.

6. The redistricting committees shall make available for review by the public, copies of all maps prepared at the direction of the committees.

LIMITATIONS ON INTRODUCTION AND REQUESTS FOR DRAFTING OF LEGISLATIVE MEASURES

Rule No. 14. Limitations on Drafting and Requirements for Introduction; Duplicative Measures; Indication of Requester on Committee Introductions.

1. Except as otherwise provided in Joint Standing Rules Nos. 14.4, 14.5 and 14.6, after a regular legislative session has convened, the Legislative Counsel shall honor, if submitted before 5 p.m. on the 8th calendar day of the legislative session, not more than:

(a) Two requests from each Assemblyman and Assemblywoman; and

(b) Four requests from each Senator,

➥ for the drafting of a bill or resolution.

2. Except as otherwise provided in subsection 4 and Joint Standing Rules Nos. 14.4, 14.5 and 14.6, after a regular legislative session has convened, the Legislative Counsel shall honor, if submitted before 5 p.m. on the 19th calendar day of the legislative session, not more than 50 requests, in total, from the standing committees of each House for the drafting of a bill or joint resolution. The Majority Leader of the Senate and the Speaker of the Assembly shall, not later than the 1st calendar day of the legislative session, determine and provide the Legislative Counsel with a written list of the number of requests for the drafting of a bill that may be submitted by each standing committee of their respective Houses, within the limit provided by this subsection. The lists may be revised any time before the 19th day of the legislative session to reallocate any unused requests or requests which were withdrawn before drafting began on the request.

3. A request for the drafting of a bill or resolution that is submitted by a standing committee pursuant to this section must be approved by a majority of all of the members appointed to the committee before the request is submitted to the Legislative Counsel.

4. A standing committee may only request the drafting of a bill or resolution or introduce a bill or resolution that is within the jurisdiction of the standing committee.

5. A measure introduced by a standing committee at the request of a Legislator or organization must indicate the Legislator or organization at whose request the measure was drafted.

6. The following measures must be introduced by a standing committee:

(a) Measures drafted at the request of agencies and officers of the Executive Branch of State Government, local governments, the courts and other authorized nonlegislative requesters.

(b) Measures requested by statutory committees and interim legislative studies.

(c) Bills requested by a standing committee, or by persons designated to request measures on behalf of a standing committee during the interim. Bills requested by or on behalf of a standing committee must be introduced by that committee.

7. Resolutions requested by or on behalf of a standing committee may be introduced by an individual member.

8. If two or more measures are being considered in the same House which are substantively duplicative, only the measure which has been assigned the lowest number for the purpose of establishing its priority in drafting may be considered, unless the measure with the lowest number is not introduced within 5 days after introduction of a measure with a higher number.

9. A Legislator may not change the subject matter of a request for a legislative measure after it has been submitted for drafting.

Rule No. 14.1. Secondary Deadlines for Submission of Details to the Legislative Counsel.

1. If a request for the drafting of a bill or resolution is submitted to the Legislative Counsel by a Legislator before a regular session has convened, the Legislator who submitted the request shall, by the 15th calendar day of the legislative session, provide the Legislative Counsel with information to draft the request which is sufficient in detail to allow for complete drafting of the request.

2. If a request for the drafting of a bill or resolution is submitted to the Legislative Counsel by a Legislator on or before the 8th calendar day of the legislative session pursuant to subsection 1 of Joint Standing Rule No. 14, the Legislator who submitted the request shall, by the 23rd calendar day of the legislative session, provide the Legislative Counsel with information to draft the request which is sufficient in detail to allow for complete drafting of the request.

3. If a request for the drafting of a bill or resolution is submitted to the Legislative Counsel by a standing committee of the Assembly or Senate on or before the 19th calendar day of the legislative session pursuant to subsection 2 of Joint Standing Rule No. 14, the chair of the standing committee or his or her designee shall, by the 33rd calendar day of the legislative session, provide the Legislative Counsel with information to draft the request which is sufficient in detail to allow for complete drafting of the request.

4. The Legislative Counsel shall give priority to the drafting of bills and resolutions for which sufficient detail to allow complete drafting of the request was submitted within the period required by this Rule.

5. The provisions of this Rule apply to a request submitted by a Legislator who is not returning to the Legislature for the legislative session if the request was claimed by another Legislator, either individually or as the chair of a standing committee, who is or will be serving during the legislative session.

6. The provisions of this Rule do not apply to:

(a) Emergency requests submitted pursuant to Joint Standing Rule No. 14.4.

(b) Requests for which a waiver is granted pursuant to Joint Standing Rule No. 14.5.

Rule No. 14.2. Limitations on Time for Introduction of Legislation.

1. Except as otherwise provided in Joint Standing Rules Nos. 14.4, 14.5 and 14.6:

(a) Unless the provisions of paragraph (b) or (c) are applicable, a bill or joint resolution may only be introduced on or before:

(1) The 10th calendar day following delivery of the introductory copy of the bill or joint resolution; or

(2) The last day for introduction of the bill or joint resolution as required by paragraph (d),

➥ whichever is earlier.

(b) If a bill or joint resolution requires revision after the introductory copy has been delivered, such information as is required to draft the revision must be submitted to the Legislative Counsel before the 10th calendar day following delivery of the introductory copy of the bill or joint resolution. The revised bill or joint resolution may only be introduced on or before:

(1) The 15th calendar day following delivery of the original introductory copy of the bill or joint resolution; or

(2) The last day for introduction of the bill or joint resolution as required by paragraph (d),

➥ whichever is earlier.

(c) If the bill or joint resolution requires a second or subsequent revision, such information as is required to draft the revision must be submitted to the Legislative Counsel before the 15th calendar day following delivery of the original introductory copy of the bill or joint resolution. A bill or joint resolution revised pursuant to this subsection may only be introduced on or before:

(1) The 20th calendar day following delivery of the original introductory copy of the bill or joint resolution; or

(2) The last day for introduction of the bill or joint resolution as required by paragraph (d),

➥ whichever is earlier.

(d) Except as otherwise provided in subsection 3, the last day for introduction of a bill or joint resolution that was requested by:

(1) A Legislator is the 43rd calendar day of the legislative session.

(2) A standing or interim committee or other requester is the 50th calendar day of the legislative session.

2. The Legislative Counsel shall indicate on the face of the introductory copy of each bill or joint resolution the final date on which the bill or joint resolution may be introduced.

3. If the final date on which the bill or joint resolution may be introduced falls upon a day on which the House in which the bill or joint resolution is to be introduced is not in session, the bill or joint resolution may be introduced on the next day that the House is in session.

SCHEDULE FOR ENACTMENT OF BILLS

Rule No. 14.3. Final Dates for Action by Standing Committees and Houses.

Except as otherwise provided in Joint Standing Rules Nos. 14.4, 14.5 and 14.6:

1. The final standing committee to which a bill or joint resolution is referred in its House of origin may only take action on the bill or joint resolution on or before the 68th calendar day of the legislative session. A bill may be re-referred after that date only to the Committee on Finance or the Committee on Ways and Means and only if the bill is exempt pursuant to subsection 1 of Joint Standing Rule No. 14.6.

2. Final action on a bill or joint resolution may only be taken by the House of origin on or before the 79th calendar day of the legislative session.

3. The final standing committee to which a bill or joint resolution is referred in the second House may only take action on the bill or joint resolution on or before the 103rd calendar day of the legislative session. A bill may be re-referred after that date only to the Committee on Finance or the Committee on Ways and Means and only if the bill is exempt pursuant to subsection 1 of Joint Standing Rule No. 14.6.

4. Final action on a bill or joint resolution may only be taken by the second House on or before the 110th calendar day of the legislative session.

Rule No. 14.4. Emergency Requests.

1. After a legislative session has convened:

(a) The Majority Leader of the Senate and the Speaker of the Assembly may each submit to the Legislative Counsel, on his or her own behalf or on the behalf of another Legislator or a standing committee of the Senate or Assembly, not more than five requests for the drafting of a bill or resolution.

(b) The Minority Leader of the Senate and the Minority Leader of the Assembly may each submit to the Legislative Counsel, on his or her own behalf or on the behalf of another Legislator or a standing committee of the Senate or Assembly, not more than two requests for the drafting of a bill or resolution.

2. A request submitted pursuant to subsection 1:

(a) May be submitted at any time during the legislative session and is not subject to any of the provisions of subsections 1 and 2 of Joint Standing Rule No. 14, Joint Standing Rule No. 14.1, subsection 1 of Joint Standing Rule No. 14.2 and Joint Standing Rule No. 14.3.

(b) Is in addition to, and not in lieu of, any other requests for the drafting of a bill or resolution that are authorized to be submitted to the Legislative Counsel by the Majority Leader of the Senate, Speaker of the Assembly, Minority Leader of the Senate or Minority Leader of the Assembly.

3. The list of requests for the preparation of legislative measures prepared pursuant to NRS 218D.130 must include the phrase "EMERGENCY REQUEST OF" and state the title of the person who requested each bill or resolution pursuant to this Rule. If the request was made on behalf of another Legislator or a standing committee, the list must also include the name of the Legislator or standing committee on whose behalf the bill or resolution was requested.

4. The Legislative Counsel shall cause to be printed on the face of the introductory copy of all reprints of each bill or resolution requested pursuant to this Rule the phrase "EMERGENCY REQUEST OF" and state the title of the person who requested the bill or resolution.

Rule No. 14.5. Waivers.

1. At the request of a Legislator or a standing or select committee of the Senate or Assembly, subsection 1 or 2 of Joint Standing Rule No. 14, subsection 1 of Joint Standing Rule No. 14.2 or any of the provisions of Joint Standing Rules Nos. 14.1 and 14.3, or any combination thereof, may be waived by the Majority Leader of the Senate and the Speaker of the Assembly, acting jointly, at any time during a legislative session. A request for a waiver submitted by a committee must be approved by a majority of all members appointed to the committee before the request is submitted to the Majority Leader and the Speaker.

2. A waiver granted pursuant to subsection 1:

(a) Must be in writing, executed on a form provided by the Legislative Counsel, and signed by the Majority Leader and the Speaker.

(b) Must indicate the date on which the waiver is granted.

(c) Must indicate the Legislator or committee on whose behalf the waiver is being granted.

(d) Must include the bill number for which the waiver is granted or indicate that the Legislative Counsel is authorized to accept and honor a request for a new bill or resolution.

(e) Must indicate the provisions to which the waiver applies.

(f) May include the conditions under which the bill for which the waiver is being granted must be introduced and processed.

3. The Legislative Counsel shall not honor a request for the drafting of a new bill or resolution for which a waiver is granted pursuant to this Rule unless information which is sufficient in detail to allow for complete drafting of the bill or resolution is submitted to the Legislative Counsel within 2 calendar days after the date on which the waiver is granted.

4. Upon the receipt of a written waiver granted pursuant to this Rule, the Legislative Counsel shall transmit a copy of the waiver to the Secretary of the Senate and the Chief Clerk of the Assembly. The notice that a waiver has been granted for an existing bill must be read on the floor and entered in the Journal, and a notation that the waiver was granted must be included as a part of the history of the bill on the next practicable legislative day. A notation that a waiver was granted authorizing a new bill or resolution must be included as a part of the history of the bill or resolution after introduction.

5. The Legislative Counsel shall secure the original copy of the waiver to the official cover of the bill or resolution.

Rule No. 14.6. Exemptions.

1. Upon request of the draft by or referral to the Senate Finance Committee or the Assembly Committee on Ways and Means, a bill which:

(a) Contains an appropriation; or

(b) Has been determined by the Fiscal Analysis Division to:

(1) Authorize the expenditure by a state agency of sums not appropriated from the State General Fund or the State Highway Fund;

(2) Create or increase any significant fiscal liability of the State;

(3) Implement a budget decision; or

(4) Significantly decrease any revenue of the State,

➥ is exempt from the provisions of subsections 1 and 2 of Joint Standing Rule No. 14, Joint Standing Rule No. 14.1, subsection 1 of Joint Standing Rule No. 14.2 and Joint Standing Rule No. 14.3. The Fiscal Analysis Division shall give notice to the Legislative Counsel to cause to be printed on the face of the bill the term "exempt" for any bills requested by the Senate Finance Committee or Assembly Committee on Ways and Means that have been determined to be exempt and shall give written notice to the Legislative Counsel, Secretary of the Senate and Chief Clerk of the Assembly of any bill which is determined to be exempt or eligible for exemption after it is printed. When a bill is determined to be exempt or eligible for an exemption after the bill was printed a notation must be included as a part of the history of the bill on the next practicable legislative day. The term "exempt" must be printed on the face of all reprints of the bill after the bill becomes exempt.

2. Unless exempt pursuant to paragraph (a) of subsection 1, all of the provisions of Joint Standing Rules Nos. 14, 14.1, 14.2 and 14.3 apply to a bill until the bill becomes exempt pursuant to subsection 1. A bill that has become exempt does not lose the exemption regardless of subsequent actions taken by the Legislature.

3. A cumulative list of all bills determined by the Fiscal Analysis Division pursuant to subsection 1 to be exempt or eligible for exemption after being printed must be maintained and printed in the back of the list of requests for the preparation of legislative measures prepared pursuant to NRS 218D.130.

4. The provisions of subsections 1 and 2 of Joint Standing Rule No. 14, Joint Standing Rule No. 14.1, subsection 1 of Joint Standing Rule No. 14.2 and Joint Standing Rule No. 14.3 do not apply to:

(a) A measure that primarily relates to carrying out the business of the Legislature.

(b) A bill returned from enrollment for a technical correction.

(c) A bill that was previously enrolled but, upon request of the Legislature, has been returned from the Governor for further consideration.

(d) A bill draft or measure requested by a redistricting committee pursuant to subsection 3 of Joint Standing Rule No. 13.4.

Rule No. 14.7. Amendments.

1. The Legislative Counsel shall not honor a request for the drafting of an amendment to a bill or resolution if the subject matter of the amendment is independent of, and not specifically related and properly connected to, the subject that is expressed in the title of the bill or resolution.

2. For the purposes of this Rule, an amendment is independent of, and not specifically related and properly connected to, the subject that is expressed in the title of a bill or resolution if the amendment relates only to the general, single subject that is expressed in that title and not to the specific whole subject matter embraced in the bill or resolution.

3. This Rule must be narrowly construed to carry out the purposes for which it was adopted which is to ensure the effectiveness of the limitations set forth in Joint Standing Rules Nos. 14, 14.1, 14.2 and 14.3.

CONTINUATION OF LEADERSHIP OF THE SENATE AND ASSEMBLY DURING THE INTERIM BETWEEN SESSIONS

Rule No. 15. Tenure and Performance of Statutory Duties.

1. Except as otherwise provided in subsections 2 and 3, the tenure of the President Pro Tem, Majority Leader and Minority Leader of the Senate and the Speaker, Speaker Pro Tem, Majority Floor Leader and Minority Floor Leader of the Assembly extends during the interim between regular sessions of the Legislature.

2. The Senators designated to be the President Pro Tem, Majority Leader and Minority Leader for the next succeeding regular session shall perform any statutory duty required in the period between the time of their designation after the general election and the organization of the next succeeding regular session of the Legislature if the Senator formerly holding the respective position is no longer a Legislator.

3. The Assemblyman or Assemblywoman designated to be the Speaker, Speaker Pro Tem, Majority Floor Leader and Minority Floor Leader for the next succeeding regular session shall perform any statutory duty required in the period between the time of their designation after the general election and the organization of the next succeeding regular session.

Rule No. 16. Reserved.

DATE OF FIRST JOINT BUDGET HEARING

Rule No. 17. Requirement.

The first joint meeting of the Senate Standing Committee on Finance and the Assembly Standing Committee on Ways and Means to consider the budgets of the agencies of the State must be held on or before the 89th calendar day of the regular session.

CRITERIA FOR REVIEWING BILLS THAT REQUIRE POLICIES OF HEALTH INSURANCE TO PROVIDE COVERAGE FOR CERTAIN TREATMENT OR SERVICES

Rule No. 18. Topics of Consideration.

Any standing committee of the Senate or Assembly to which a bill is referred requiring a policy of health insurance delivered or issued for delivery in this State to provide coverage for any treatment or service shall review the bill giving consideration to:

1. The level of public demand for the treatment or service for which coverage is required and the extent to which such coverage is needed in this State;

2. The extent to which coverage for the treatment or service is currently available;

3. The extent to which the required coverage may increase or decrease the cost of the treatment or service;

4. The effect the required coverage will have on the cost of obtaining policies of health insurance in this State;

5. The effect the required coverage will have on the cost of health care provided in this State; and

6. Such other considerations as are necessary to determine the fiscal and social impact of requiring coverage for the treatment or service.

INTERIM FINDINGS AND RECOMMENDATIONS OF LEGISLATIVE COMMITTEES

Rule No. 19. Date for Reporting.

Each legislative committee that adopted any findings or recommendations during the interim since the last regular session of the Legislature shall, no later than the 14th calendar day of the regular session, inform interested members of the Senate and Assembly of those findings and recommendations.

ANTI-HARASSMENT POLICY

Rule No. 20. Maintenance of Working Environment; Procedure for Filing, Investigating and Taking Remedial Action on Complaints.

1. The Legislature hereby declares that it is the policy of the Legislature to prohibit any conduct, whether intentional or unintentional, which results in sexual harassment or other unlawful harassment based upon any other protected category. The Legislature intends to maintain a working environment which is free from sexual harassment and other unlawful harassment. Each Legislator is responsible to conduct himself or herself in a manner which will ensure that others are able to work in such an environment.

2. In accordance with Title VII of the Civil Rights Act, for the purposes of this Rule, "sexual harassment" means unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

(a) Submission to such conduct is made either explicitly or implicitly a term or condition of a person's employment;

(b) Submission to or rejection of such conduct by a person is used as the basis for employment decisions affecting the person; or

(c) Such conduct has the purpose or effect of unreasonably interfering with a person's work performance or creating an intimidating, hostile or offensive working environment.

3. Each Legislator must exercise his or her own good judgment to avoid engaging in conduct that may be perceived by others as sexual harassment. The following noninclusive list provides illustrations of conduct that the Legislature deems to be inappropriate:

(a) Verbal conduct such as epithets, derogatory comments, slurs or unwanted sexual advances, invitations or comments;

(b) Visual conduct such as derogatory posters, photography, cartoons, drawings or gestures;

(c) Physical conduct such as unwanted touching, blocking normal movement or interfering with the work directed at a person because of his or her sex; and

(d) Threats and demands to submit to sexual requests to keep a person's job or avoid some other loss, and offers of employment benefits in return for sexual favors.

4. Retaliation against a person for engaging in protected activity is prohibited. Retaliation occurs when an adverse action is taken against a person which is reasonably likely to deter the person from engaging in the protected activity. Protected activity includes, without limitation:

(a) Opposing conduct that the person reasonably believes constitutes sexual harassment or other unlawful harassment;

(b) Filing a complaint about the conduct; or

(c) Testifying, assisting or participating in any manner in an investigation or other proceeding related to a complaint of sexual harassment or other unlawful harassment.

5. A Legislator who encounters conduct that the Legislator believes is sexual harassment, other unlawful harassment, retaliation or otherwise inconsistent with this policy may file a written complaint with:

(a) The Speaker of the Assembly;

(b) The Majority Leader of the Senate; or

(c) The Director of the Legislative Counsel Bureau, if the complaint involves the conduct of the Speaker of the Assembly or the Majority Leader of the Senate.

➥ The complaint must include the details of the incident or incidents, the names of the persons involved and the names of any witnesses.

6. The Speaker of the Assembly, the Majority Leader of the Senate or the Director of the Legislative Counsel Bureau, as appropriate, shall cause a discreet and impartial investigation to be conducted and may, when deemed necessary and appropriate, assign the complaint to a committee consisting of Legislators of the appropriate House.

7. If the investigation reveals that sexual harassment, other unlawful harassment, retaliation or other conduct in violation of this policy has occurred, appropriate disciplinary or remedial action, or both will be taken. The appropriate persons will be informed when any such action is taken. The Legislature will also take any action necessary to deter any future harassment.

8. The Legislature encourages a Legislator to report any incident of sexual harassment, other unlawful harassment, retaliation or other conduct inconsistent with this policy immediately so that the complaint can be quickly and fairly resolved.

9. All Legislators are responsible for adhering to the provisions of this policy. The prohibitions against engaging in sexual harassment and other unlawful harassment which are set forth in this Rule apply to employees, Legislators, lobbyists, vendors, contractors, customers and any other visitors to the Legislature.

10. This policy does not create any enforceable legal rights in any person.

VOTE ON GENERAL APPROPRIATION BILL

Rule No. 21. Waiting Period Between Introduction and Final Passage.

A period of at least 24 hours must elapse between the introduction of the general appropriation bill and a vote on its final passage by its House of origin.

USE OF LOCK BOXES BY STATE AGENCIES

Rule No. 22. Duties of Senate Standing Committee on Finance and Assembly Standing Committee on Ways and Means.

To expedite the deposit of state revenue, the Senate Standing Committee on Finance and the Assembly Standing Committee on Ways and Means shall, when reviewing the proposed budget of a state agency which collects state revenue, require if practicable, the agency to deposit revenue that it has received within 24 hours after receipt. The Committees shall allow such agencies to deposit the revenue directly or contract with a service to deposit the revenue within the specified period.

Assemblyman Conklin moved the adoption of the resolution.

Remarks by Assemblyman Conklin.

Resolution adopted.

Assemblyman Conklin moved that all rules be suspended and that the resolution be immediately transmitted to the Senate.

Motion carried unanimously.

By the Committee on Legislative Operations and Elections:

Assembly Resolution No. 1—Adopting the Standing Rules of the Assembly for the 76th Session of the Legislature.

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, That the Assembly Standing Rules are hereby adopted for the 76th Session of the Legislature as follows:

I. OFFICERS AND EMPLOYEES

DUTIES OF OFFICERS

Rule No. 1. Speaker of the Assembly.

1. All officers of the Assembly are subordinate to the Speaker in all that relates to the prompt, efficient and correct discharge of their official duties under the Speaker's supervision.

2. Possessing the powers and performing the duties described in this Rule, the Speaker shall:

(a) Take the chair at the hour to which the Assembly stands adjourned, call the members to order, and upon the appearance of a quorum, proceed to business.

(b) Preserve order and decorum and have general direction of the Chamber of the Assembly and the approaches thereto. In the event of any disturbance or disorderly conduct therein, order the same to be cleared.

(c) Decide all questions of order, subject to a member's right to appeal to the Assembly. On appeal from such decisions, the Speaker has the right, in the Speaker's place, to assign the reason for the decision.

(d) Have the right to name any member to perform the duties of the Chair, but such substitution must not extend beyond one legislative day.

(e) Have the power to accredit the persons who act as representatives of the news media and assign them seats.

(f) Sign all bills and resolutions passed by the Legislature as provided by law.

(g) Sign all subpoenas issued by the Assembly.

(h) Receive all messages and communications from other departments of the government and announce them to the Assembly.

(i) Represent the Assembly, declare its will and in all things obey its commands.

(j) Vote on final passage of a bill or resolution, but the Speaker shall not be required to vote in ordinary legislative proceedings except where the Speaker's vote would be decisive. In all yea and nay votes, the Speaker's name must be called last.

3. If a vacancy occurs in the office of Speaker, through death, resignation or disability of the Speaker, the Speaker Pro Tempore shall temporarily and for the period of vacancy or disability conduct the necessary business of the Assembly.

4. If a permanent vacancy occurs in the office of Speaker, the Assembly shall select a new Speaker.

Rule No. 2. Reserved.

Rule No. 3. Chief Clerk.

1. The Chief Clerk is elected by the Assembly and is responsible to the Speaker.

2. The Chief Clerk shall recruit, select, train and supervise all attaches employed to assist with the work of the Assembly.

3. The Chief Clerk shall administer the daily business of the Assembly.

4. The Chief Clerk shall adopt such administrative policies as the Chief Clerk deems necessary to carry out the business of the Assembly.

Rule No. 4. Reserved.

Rule No. 5. Reserved.

Rule No. 6. Reserved.

The next rule is 10.

II. SESSIONS AND MEETINGS

Rule No. 10. Time of Meeting.

The Assembly shall meet each day at 11 a.m., unless the Assembly adjourns to some other hour.

Rule No. 11. Open Meetings.

All meetings of the Assembly and its committees must be open to the public.

Rule No. 12. Reserved.

The next rule is 20.

III. DECORUM AND DEBATE

Rule No. 20. Points of Order.

If any member, in speaking or otherwise, transgresses the rules of the Assembly, the Speaker shall, or any member may, call to order, in which case the member so called to order shall immediately sit down, unless permitted to explain; and if called to order by a member, such member shall immediately state the point of order. If the point of order be sustained by the presiding officer, the member shall not be allowed to proceed; but if it be not sustained, then the member shall be permitted to go on. Every such decision from the presiding officer shall be subject to an appeal to the House; but no discussion of the question of order shall be allowed unless an appeal be taken from the decision of the presiding officer.

Rule No. 21. Portable Electronic Communication Devices.

1. A person who is within the Assembly Chambers shall not engage in a telephone conversation via the use of a portable telephone.

2. Before entering the Assembly Chambers, any person who possesses a portable electronic communication device, such as a pager or telephone, that emits an audible alert, such as a ringing or beeping sound, to signal an incoming message or call, shall turn the audible alert off. A device that contains a nonaudible alert, such as a silent vibration, may be operated in a nonaudible manner within the Assembly Chambers.

Rule No. 22. Reserved.

Rule No. 23. Select Committee on Ethics; Legislative Ethics.

1. The Select Committee on Ethics consists of:

(a) Two members of the Assembly appointed by the Speaker from the majority political party;

(b) One member of the Assembly appointed by the Minority Leader from the minority political party; and

(c) Three qualified electors of the State, two of whom are appointed by the Speaker and one who is appointed by the Minority Leader, and none of whom is a present member of the Legislature or employed by the State of Nevada.

2. The Speaker shall appoint the Chair and Vice Chair of the Committee. The Vice Chair shall serve as the acting Chair if the Chair is unable to serve for any reason during the consideration of a specific question.

3. The Speaker shall appoint an alternate member with the qualifications set forth in paragraph (a) of subsection 1 and an alternate member with the qualifications set forth in

paragraph (c) of subsection 1. The Minority Leader shall appoint an alternate member with the qualifications set forth in paragraph (b) of subsection 1 and an alternate member with the qualifications set forth in paragraph (c) of subsection 1. If a member of the Committee is unable to serve for any reason during the consideration of a specific question, the alternate appointed with the qualifications from the same paragraph in subsection 1 shall serve as a member of the Committee during the consideration of the specific question.

4. A member of the Committee is disqualified to serve during the consideration of a specific question if:

(a) The member is the requester of advice concerning the question of ethics or conflict of interest, or the member is the subject of the complaint concerning the specific question; or

(b) A reasonable person in the member's situation could not exercise independent judgment on the matter in question.

5. The Committee:

(a) May hear requests brought by members of the Assembly for advice on specific questions of potential breaches of ethics and conflicts of interest; and

(b) Shall hear complaints brought by members of the Assembly and others on specific questions of alleged breaches of ethics and conflicts of interest.

6. All proceedings held to consider the character, alleged misconduct, professional competence or physical or mental health of any person by the Committee on matters of ethics or conflicts of interest are confidential unless a Legislator:

(a) Against whom a complaint is brought requests a public hearing;

(b) Discloses the content of an opinion of the Committee at any time after his or her hearing; or

(c) Discloses the content of an advisory opinion issued to him or her by the Committee.

7. A complaint which alleges a breach of ethics or a conflict of interest must be:

(a) Made in writing on a form provided by the Chief Clerk of the Assembly;

(b) Signed and verified under penalty of perjury by the person making the allegation; and

(c) Filed with the Chair of the Committee or, if the Chair is the subject of the complaint, with the Vice Chair. The Chair or Vice Chair, as appropriate, shall send a copy of the complaint, within 24 hours after receiving it, to the Legislator against whom the complaint is brought.

8. In determining whether a Legislator has a conflict of interest, the Legislator should consider whether the independence of judgment of a reasonable person in his or her situation upon the matter in question would be materially affected by the Legislator's:

(a) Acceptance of a gift or loan;

(b) Private economic interest; or

(c) Commitment to a member of his or her household or immediate family.

➥ In interpreting and applying the provisions of this subsection, it must be presumed that the independence of judgment of a reasonable person in the Legislator's situation would not be materially affected by the Legislator's private economic interest or the Legislator's commitment to a member of his or her household or immediate family where the resulting benefit or detriment accruing to the Legislator, or if the Legislator has a commitment to a member of his or her household or immediate family, accruing to those other persons, is not greater than that accruing to any other member of the general business, profession, occupation or group that is affected by the matter.

9. Except as otherwise provided in subsection 10, if a Legislator knows he or she has a conflict of interest pursuant to subsection 8, the Legislator shall make a disclosure of the conflict of interest on the record in a meeting of a committee or on the floor of the Assembly, as applicable. Such a disclosure must be entered:

(a) If the Legislator makes the disclosure in a meeting of a committee, in the minutes for that meeting.

(b) If the Legislator makes the disclosure on the floor of the Assembly, in the Journal.

10. If, on one or more prior occasions during the current session of the Legislature, a Legislator has made a general disclosure of a conflict of interest on the record in a meeting of a committee or on the floor of the Assembly, the Legislator is not required to make that general disclosure at length again regarding the same conflict of interest if, when the matter in question arises on subsequent occasions, the Legislator makes a reference on the record to the previous disclosure.

11. In determining whether to abstain from voting upon, advocating or opposing a matter concerning which a Legislator has a conflict of interest pursuant to subsection 8, the Legislator should consider whether:

(a) The conflict impedes his or her independence of judgment; and

(b) His or her interest is greater than the interests of an entire class of persons similarly situated.

12. The provisions of this Rule do not under any circumstances and regardless of any conflict of interest:

(a) Prohibit a Legislator from requesting or introducing a legislative measure; or

(b) Require a Legislator to take any particular action before or while requesting or introducing a legislative measure.

13. If a Legislator who is a member of a committee declares on the record when a vote is to be taken by the committee that he or she will abstain from voting because of the requirements of this Rule, the necessary quorum to act upon and the number of votes necessary to act upon the matter is reduced as though the Legislator abstaining were not a member of the committee.

14. Except as otherwise provided in the Joint Standing Rules, the standards and procedures set forth in this Rule which govern whether and to what extent a member of the Assembly has a conflict of interest, should disclose a conflict of interest or should abstain from voting upon, advocating or opposing a matter concerning which the member has a conflict of interest pursuant to subsection 8:

(a) Are exclusive and are the only standards and procedures that apply to members of the Assembly with regard to such matters; and

(b) Supersede and preempt all other standards and procedures with regard to such matters.

15. For purposes of this Rule, "immediate family" means a person who is related to the Legislator by blood, adoption or marriage within the first degree of consanguinity or affinity.

The next rule is 30.

IV. QUORUM, VOTING, ELECTIONS

Rule No. 30. Manner of Voting.

1. The presiding officer shall declare all votes, but the yeas and nays must be taken when called for by three members present, and the names of those calling for the yeas and nays must be entered in the Journal by the Chief Clerk.

2. The presiding officer shall call for yeas and nays by a division or by a roll call, either electronic or oral.

3. When taking the yeas and nays on any question, the electronic roll call system may be used, and when so used shall have the force and effect of any roll call under these rules.

4. When taking the yeas and nays by oral roll call, the Chief Clerk shall take the names of members alphabetically, except that the Speaker's name must be called last.

5. The electronic roll call system may be used to determine the presence of a quorum.

6. The yeas and nays must not be taken with the electronic roll call system until all members present are at their desks. The presiding officer may vote at the rostrum.

7. Only a member who:

(a) Has been certified by the Committee on Legislative Operations and Elections or a special committee of the Assembly; and

(b) Is physically present within the Assembly Chambers,

➥ may cast a vote in the Assembly.

8. A member shall not vote for another member on any roll call, either electronic or oral. Any member who votes for another member may be punished in any manner deemed appropriate by the Assembly.

Rule No. 31. Requirement of Voting.

1. A member shall vote on all questions that come before the body unless the member:

(a) Is excused; or

(b) Makes a full and complete disclosure of a conflict pursuant to Assembly Standing Rule No. 23.

2. A member found guilty by the House of a breach of this Rule shall not vote or speak on the floor, except to explain and apologize for the breach, until the member has made satisfaction to the House for the breach.

Rule No. 32. Announcement of the Vote.

1. A member may change his or her vote at any time before the announcement of the vote if the voting is by voice, or at any time before the votes are electronically recorded if the voting is conducted electronically.

2. The announcement of the result of any vote shall not be postponed.

Rule No. 33. Voting by Division.

Upon a division and count of the Assembly on any question, no person without the bar shall be counted.

The next rule is 40.

V. LEGISLATIVE BODIES

A. COMMITTEES

Rule No. 40. Standing Committees.

The standing committees of the Assembly are as follows:

1. Ways and Means, fifteen members.
2. Judiciary, fourteen members.
3. Taxation, thirteen members.
4. Education, fourteen members.
5. Legislative Operations and Elections, fifteen members.
6. Natural Resources, Agriculture, and Mining, thirteen members.
7. Transportation, fourteen members.
8. Commerce and Labor, sixteen members.
9. Health and Human Services, fourteen members.
10. Government Affairs, thirteen members.

Rule No. 41. Appointment of Committees.

1. Except as otherwise provided in Assembly Standing Rule No. 23, all committees must be appointed by the Speaker, unless otherwise directed by the Assembly. The Speaker shall designate the chair and vice chair of each committee.

2. To facilitate the full participation of the members during an adjournment called pursuant to Joint Standing Rule No. 9 of the Senate and Assembly, the Speaker may temporarily appoint a member to a standing committee that is scheduled to meet during the adjournment if none of the committees to which the member is regularly assigned will be meeting during the adjournment.

3. All committees will operate under the rules set forth herein and other uniform committee rules as determined by the Speaker and published on the Nevada Legislature's website. Each standing committee may adopt and file with the Chief Clerk's Office policies consistent with these rules.

Rule No. 42. Subcommittees.

1. Subcommittees made up of committee members may be appointed by the chair to consider and report back on specific subjects or bills.

2. Subcommittee meetings will be scheduled by the subcommittee chair after consulting with the committee chair.

3. Members of a subcommittee are required to attend meetings of the subcommittee.

4. Subcommittees of standing committees shall follow the same rules as standing committees.

Rule No. 43. Concurrent Referrals.

When a bill or resolution is referred to two committees, the bill or resolution must go to the first committee named. If the first committee votes to amend the bill or resolution, it must be reprinted with amendments and then returned to the first committee or sent immediately to the next committee. If there is no amendment proposed by the first committee, or if the first committee acts upon the bill or resolution after amendment, the bill or resolution must be sent with the committee recommendation to the Chief Clerk for transmittal to the second committee.

Rule No. 44. Committee on Legislative Operations and Elections.

The Committee on Legislative Operations and Elections has jurisdiction over matters relating to personnel. It shall recommend by resolution the appointment of all attaches and employees of the Assembly not otherwise provided for by law. It shall function as the Committee on Rules and as the Committee on Credentials of the Assembly.

Rule No. 45. Committee of the Whole.

If a Committee of the Whole is convened:

1. The Speaker shall preside as Chair of the Committee or name a Chair to preside.

2. A member of the Committee may speak not more than twice during the consideration of any one question, on the same day, and at the same stage of proceedings, without leave. Members who have once spoken shall not again be entitled to the floor (except for explanation) to the exclusion of others who have not spoken.

3. The Chair may require any vote of the Committee to be recorded in the manner designated by the Chair.

4. All amendments proposed by the Committee:

(a) Must first be approved by the Committee.

(b) Must be reported by the Chair to the Assembly.

B. ELECTION CONTESTS

Rule No. 46. Procedure for Election Contests.

1. Upon receipt of a statement of contest from the Secretary of State pursuant to NRS 293.427, the Speaker shall, as soon as practicable, appoint a special committee to hear the contest or refer the contest to the Standing Committee on Legislative Operations and Elections. The committee shall conduct a hearing to consider the contest. The committee shall keep written minutes of the hearing. The contestant has the burden of proving that any irregularities shown were of such a nature as to establish that the result of the election was changed thereby.

2. The contest must be submitted so far as may be possible upon depositions or by written or oral arguments as the Assembly may order. Any party to a contest may take the deposition of any witness at any time after the statement of contest is filed with the Secretary of State and before the contest is finally decided. At least 3 days' notice must be given to the prospective deponent and to the other party. If oral statements are made at any hearing before the Assembly or a committee thereof which purport to establish matters of fact, they must be made under oath. Strict rules of evidence do not apply.

3. The committee shall, not later than 5 calendar days after the contest was referred to the committee, report to the Assembly its findings on whether the contestant has met the burden of proving that any irregularities shown were of such a nature as to establish that the result of the election was changed thereby. The committee shall then report to the Assembly its recommendation on which person should be declared elected or report that it has no recommendation. The Assembly shall, as soon as practicable thereafter but not later than 7 calendar days after the Speaker received the statement of contest, vote whether to accept or reject the committee's recommendation without amendment, if a recommendation is made. If the recommendation is accepted, the Speaker shall declare the recommended person elected. If the recommendation is rejected or the committee did not make a recommendation, the Assembly shall consider immediately which person should be declared elected. The Speaker shall not adjourn the Assembly until it has declared a person to be elected.

4. If a person other than the person initially seated as a member of the Assembly pursuant to subsection 2 of NRS 293.427 is declared to be elected by the Assembly as a result of the contest, the Speaker shall inform the Governor of the identity of the person declared to be elected by the Assembly.

C. DUTIES OF COMMITTEE OFFICERS, COMMITTEE MEMBERS AND COMMITTEE STAFF

Rule No. 47. Committee Chairs.

1. The chair has all authority necessary to ensure an efficient operation of the committee or subcommittee.

2. The chair shall have general direction of the committee room or other meeting place of the committee, and in case of any disturbance or disorderly conduct therein, or if the peace, good order, and proper conduct of the legislative business is hindered by any person or persons, the chair shall have power to exclude from the session any individual or individuals so hindering the legislative business.

3. Possessing the powers and performing the duties described in this Rule, each committee chair shall:

(a) Preside over committee meetings and put all questions before the committee;

(b) Preserve order and decorum and decide all questions of order;

(c) Determine the order of bills for hearing;

(d) Prepare and distribute the committee's agenda;

(e) Call recesses of the committee as deemed necessary;

(f) Request amendments to resolve conflicts;

(g) Determine when final action is to be taken on measures, committee reports and other business of the committee;

(h) Sign and submit bill draft requests on behalf of the committee;

(i) Appoint subcommittees, as necessary;

(j) Provide direction to committee support staff;

(k) Prepare and submit committee reports;

(l) Review and approve minutes of the committee;

(m) Handle unfinished business for measures heard in the committee;

(n) Inform the Speaker of committee activity; and

(o) Maintain custody of all papers referred to the committee until they are turned over to the Chief Clerk.

4. In the absence of the chair, or upon the request of the chair, the vice chair of the committee shall assume the duties of the chair.

5. The chair may name any member of the committee to perform the duties of the chair if such substitution shall not extend beyond such meeting.

Rule No. 48. Attendance.

1. Members shall notify the chair of any absence. Excused absences will be so recorded at the direction of the chair.

2. A member shall advise the chair if he or she must leave a meeting for an extended period of time.

3. Members not in attendance when a final action is taken on a measure will be marked absent for the vote.

Rule No. 49. Committee Staff.

Duties of committee attachés shall be prescribed by the Chief Clerk and include, but are not limited to, the following:

1. The committee secretary shall call roll of the members at each meeting, with the chair being called last. The committee secretary shall record in the minutes the members present and the members not present.

2. The committee secretary shall record the meeting and draft committee minutes for the chair's approval.

3. On behalf of the chair, the committee secretary shall maintain all minutes and exhibits of the committee's meetings until released to the custody of the Chief Clerk.

4. The committee manager assigned to each committee shall be responsible to the chair of the committee for the proper and accurate preparation of all reports of the committee.

Rule No. 50. Committee Operations.

1. Each committee of the House shall be provided a committee manager who shall maintain a current record of all bills, resolutions, petitions, memorials or other matters filed in committee. A record of committee actions shall be filed with the Chief Clerk. The committee manager shall post, on a bulletin board and electronically, all meeting agendas.

2. The standing committees of the Assembly may coordinate with the standing committees of the Senate to meet as joint committees whenever agreed to by said committees for the purpose of holding public hearings or considering any proposed or pending legislation. Upon conclusion of the joint meeting of said committees, each standing committee of the Assembly may take such action as it determines appropriate. Whenever the committees of the Assembly and Senate hold joint hearings or meetings, the chair of the Assembly committee shall coordinate with the chair of the Senate committee to determine which of them shall preside at the joint meeting.

Rule No. 51. Committee Records.

1. The chair of each committee shall have custody of all bills, papers and other documents referred to the committee and shall make reports authorized by the committee and submit the same to the Chief Clerk.

2. The chair of each committee shall keep, or cause to be kept, a complete record of the committee proceedings in which there must be entered:

(a) The time and place of each meeting;

(b) The attendance and absence of members;

(c) The names of all persons appearing before the committee, with the names of persons, firms, corporations or associations in whose behalf such appearance is made; and

(d) The subjects or measures considered and action taken.

3. A person may obtain a recording of a meeting by paying a fee determined by the Director of the Legislative Counsel Bureau to cover the cost of the recording but the official record of the meeting is the minutes of the committee meeting approved by the chair pursuant to paragraph (1) of subsection 3 of Assembly Standing Rule No. 47.

Rule No. 52. Final Disposition of Committee Minutes and Exhibits.

Upon their completion, the Chief Clerk shall turn over all original minutes and exhibits to the Research Library of the Legislative Counsel Bureau.

D. COMMITTEE HEARINGS

Rule No. 53. Communications.

1. Out of respect for the privacy of committee members and staff, members are requested to hold conversations with lobbyists and members of the public at a location other than at the dais.

2. Lobbyists, the press, and members of the public are not allowed at the dais.

3. All directions, assignments, or requests on behalf of the committee must be communicated to its staff and to the personnel of the Legislative Counsel Bureau by the chair of the committee. A member of the committee must submit such requests to the chair for transmittal to the staff of the committee or to the personnel of the Legislative Counsel Bureau.

4. The chair may report instances of misconduct or indecorum by any committee member or other person to the Assembly for its consideration and action.

Rule No. 54. Testimony, Witnesses and Exhibits.

1. All persons wishing to offer testimony to a committee shall be given a reasonable opportunity to do so as determined by the chair.

2. Persons addressing the committee shall keep their remarks to the point and avoid repetition and are subject to call to order by the chair for failure to do so.

3. A person shall not be excluded from a meeting or public hearing of a committee or subcommittee except in case of any disturbance or disorderly conduct, or if the peace, good order, and proper conduct of the legislative business is hindered by the person or persons.

4. Questions from the committee will be restricted to relevant subject areas.

5. When the chair deems necessary, witnesses will be sworn in pursuant to Nevada Revised Statutes 218E.040 before providing testimony.

6. Unless waived or revised by the chair, handouts for hearings, including proposed amendments:

(a) Must be submitted to the committee's manager not later than 5 p.m. on the business day before the meeting unless an earlier submission date or time is set by the chair, and included on the agenda;

(b) Must include the name and contact information of the person providing the handouts;

(c) For proposed amendments, must include a brief statement of intent; and

(d) Must be submitted by electronic mail or other electronic means.

Rule No. 55. Hearings.

1. The presence of a quorum of the committee is desirable but not required to conduct a public hearing. At the discretion of the chair, members of the committee may attend, participate in and, if applicable, vote during the hearing via simultaneous telephone or video conference.

2. Public hearings are opened by the chair who announces the subject under consideration and provides an opportunity for persons wishing to address the committee to be heard. These persons shall rise in an order determined by the chair, address the chair and furnish their names, addresses and firms or other organizations represented.

3. Committee members may address the chair for permission to question the witness.

4. A committee meeting shall adjourn no later than 10 minutes preceding the hour of its next regularly scheduled meeting.

5. At the discretion of the chair, meeting may be held outside the regularly scheduled day(s) and time.

6. Meetings of the committee may be scheduled outside the Legislative Building in Carson City with prior written approval of the Speaker. Subcommittees must have the prior written approval of the chair of the committee and the Speaker in to order to conduct a meeting outside Carson City.

E. VOTING AND COMMITTEE ACTION

Rule No. 56. Manner of Voting.

1. The chair shall declare all votes and shall cause same to be entered on the records of the committee.

2. A member shall not vote for another member on any roll call. Any member who votes for another member may be punished in any manner deemed appropriate by the Assembly.

Rule No. 57. Committee Action.

1. The committee shall have regular meetings scheduled by the Assembly leadership. A quorum of the committee is a majority of its members and may transact business except as limited by this Rule.

2. Except as limited by this Rule, a simple majority of those present may move, second and pass a motion by voice vote.

3. All motions require a second. If no second is received, that motion shall be declared invalid.

4. Definite action on a bill or resolution will require a majority of the entire committee. A member shall vote on all questions that come before the committee unless the member:

(a) Is excused; or

(b) Makes a full and complete disclosure of a conflict pursuant to Assembly Standing Rule No. 23.

5. A majority of the entire committee is required to reconsider action on a bill or resolution.

6. Committee introduction of legislative measures which are not prefiled requires concurrence of a majority of the entire committee and does not imply commitment to support final passage.

7. The chair must be present when the committee votes to take any final action regarding bills or resolutions.

8. No member of the committee may vote by proxy under any circumstances.

9. A committee shall not take a vote on the question of whether to exercise its statutory authority to issue a legislative subpoena unless the chair has informed the Speaker of the intention of the committee to consider such a question.

10. Every committee vote on a matter pertaining to a bill or resolution must be recorded. The vote may be taken by roll call at the discretion of the chair.

11. A member may change his or her vote at any time before the announcement of the vote if the voting is by voice. The announcement of the result of any vote shall not be postponed.

12. Unless a committee member advises the chair otherwise, it will be presumed that the member will vote on an amendment or on a measure, during a floor session, consistent with his or her vote in the committee.

13. A bill, resolution, or amendment in a committee having been rejected twice may not be brought up again during the same legislative session.

14. The minority of a committee may not make a report or present to the House an alternative report.

F. PARLIAMENTARY AUTHORITY

Rule No. 58. Precedence of Parliamentary Authority for Committees.

The precedence of parliamentary authority for the purpose of actions in a committee is set forth in Assembly Standing Rule No. 100.

G. DECORUM AND DEBATE IN COMMITTEES

Rule No. 59. Portable Electronic Communication Devices.

1. A person who is within an Assembly committee room shall not engage in a telephone conversation via the use of a portable telephone.

2. No person shall engage in any conduct during a committee meeting which undermines the decorum of the meeting. Before entering an Assembly committee room, any person who possesses a portable electronic communication device, such as a pager or telephone, that emits an audible alert, such as a ringing or beeping sound, to signal an incoming message or call, shall turn the audible alert off. A device that contains a nonaudible alert, such as a silent vibration, may be operated in a nonaudible manner within an Assembly committee room. Failure to follow a warning issued by the chair may result in the device(s) being confiscated upon direction of the chair for the remainder of the meeting.

Rule No. 60. Reserved.

Rule No. 61. Privilege of Closing Debate.

The author of a bill, a resolution or a main question shall have the privilege of closing the debate, unless the previous question has been sustained.

Rule No. 62. Points of Order.

If any member, in speaking or otherwise, transgresses the rules of the Assembly, the chair shall, or any member may, call to order, in which case the member so called to order shall immediately yield to the floor, unless permitted to explain; and if called to order by a member, such member shall immediately state the point of order. If the point of order be sustained by the presiding officer, the member shall not be allowed to proceed; but if it be not sustained, then the member shall be permitted to go on. Every such decision from the presiding officer shall be subject to an appeal to the committee; but no discussion of the question of order shall be allowed unless an appeal be taken from the decision of the presiding officer.

Rule No. 63. Reserved.

VI. RULES GOVERNING MOTIONS

Rule No. 64. Entertaining.

No motion may be debated until it is distinctly announced by the presiding officer. The presiding officer, upon his or her own motion or at the request of a member, may direct that the motion be reduced to writing and be read by the Chief Clerk before the motion is debated. A motion may be withdrawn by the maker at any time before amendment or before the motion is put to vote.

PARTICULAR MOTIONS

Rule No. 65. Indefinite Postponement.

When a question is postponed indefinitely, the same question must not be considered again during the session and the question is not subject to a motion for reconsideration.

Rule No. 66. To Strike Enacting Clause.

A motion to strike out the enacting clause of a bill or resolution does not take precedence over any other subsidiary motion. If the motion is carried, it shall be considered equivalent to the rejection of such bill or resolution.

Rule No. 67. Division of Question.

Any member may call for a division of the question, which shall be divided, if it comprehends propositions in substance so distinct that, one being taken away, a substantive proposition shall remain for the decision of the Assembly. A motion to strike out being lost shall preclude neither amendment nor a motion to strike out and insert. A motion to strike out and insert shall be deemed indivisible.

Rule No. 68. To Reconsider—Precedence of.

1. A motion to reconsider shall have precedence over every other motion, including a motion to adjourn, if the motion is to reconsider a final vote on a bill or resolution. A motion to reconsider a final vote on a bill or resolution shall be in order only on the day on which the final vote is taken and the vote on such a motion to reconsider must be taken on the same day.

2. If the motion to reconsider is for any other action, the motion has precedence over every other motion, except a motion to adjourn or to fix the time to which to adjourn; and when the Assembly adjourns, while a motion to reconsider is pending, the right to move a reconsideration shall continue to the next day of sitting.

The next rule is 80.

VII. DEBATE

Rule No. 80. Speaking on Question.

1. No member shall speak more than twice during the consideration of any one question, on the same day, and at the same stage of proceedings, without leave. Members who have once spoken shall not again be entitled to the floor (except for explanation) to the exclusion of others who have not spoken.

2. When a member speaks under Order of Business 11, 12, 13 or 14 of Assembly Standing Rule No. 120, the member must limit his or her remarks to an explanation of the issue or an explanation of the bill, resolution or amendment. If the member desires to speak

on the importance of such issue, bill, resolution or amendment, the member must request permission to speak under Order of Business 15 of Assembly Standing Rule No. 120.

Rule No. 81. Previous Question.

The previous question shall be put only when demanded by three members. The previous question shall not be moved by the member last speaking on the question.

Rule No. 82. Privilege of Closing Debate.

The author of a bill, a resolution or a main question shall have the privilege of closing the debate, unless the previous question has been sustained.

The next rule is 91.

VIII. CONDUCT OF BUSINESS

A. RULES AND PROCEDURE

Rule No. 91. Rescission, Change or Suspension of Rule.

No standing rule or order of the Assembly shall be rescinded or changed without a vote of a majority of the members elected; but a rule or order may be suspended temporarily by a vote of a majority of the members present.

Rule No. 92. Notices of Bills, Topics and Public Hearings.

1. Except as otherwise provided in subsection 3, all committees shall provide adequate notice of public hearings on bills, resolutions or other topics which are to come before the committees. The notice must include the date, time, place and agenda to be covered. The notice must be posted conspicuously in the legislative building, appear in the Daily History and be made available to the news media. The Daily History must include the most current version of the notice that is available at the time the Daily History is created and an informational statement informing the public where more current information, if any, regarding such notices may be found.

2. The noticing requirements of this Rule may be suspended for emergency situations but only after approval by a majority vote of a committee.

3. Subsection 1 does not apply to:

(a) Committee meetings held on the floor of the Assembly during a recess; or

(b) Conference committee meetings.

Rule No. 93. Reserved.

Rule No. 94. Privilege of the Floor and Lobbying.

No person, except Senators, former Assemblymen and Assemblywomen, and state officers, may be admitted at the bar of the Assembly, except by special invitation on the part of some member; but a majority may authorize the Speaker to have the Assembly cleared of all such persons. No person may do any lobbying upon the floor of the Assembly at any time, and it is the duty of the Sergeant at Arms to remove any person violating any of the provisions of this Rule.

Rule No. 95. Material Placed on Legislators' Desks.

All papers, letters, notes, pamphlets and other written material placed upon the desk of a member of the Assembly shall contain the signature of the Legislator requesting the placement of such material on the desk or shall contain a designation of the origin of such material. This Rule does not apply to Legislative Counsel Bureau material.

Rule No. 96. Peddling, Begging and Soliciting.

1. Peddling, begging and soliciting are strictly forbidden in the Assembly Chambers, and in the lobby, gallery and halls adjacent thereto.

2. No part of the Assembly Chambers may be used for, or occupied by signs or other devices for any kind of advertising.

3. No part of the hallways adjacent to the Assembly Chambers may be used for or occupied by signs or other devices for any kind of advertising for commercial or personal gain. Notices for nonprofit, nonpartisan, civic or special legislative events may be posted in a designated area of the hallways adjacent to the Assembly Chambers with the approval of the Chief Clerk.

Rule No. 97. Petitions and Other Papers.

Petitions and other papers addressed to the Assembly, shall be presented by the Speaker, or by a member in the Speaker's place. A brief statement of the contents thereof shall be read for information. They shall not be debated on the day of their being presented, but shall be on the table, or be referred, as the Assembly shall determine.

Rule No. 98. Request of Purpose.

A member may request the purpose of a bill or joint resolution upon its introduction.

Rule No. 99. Remarks.

It shall be in order for members to make remarks and, subject to the approval of the majority of the members present, request that such remarks be entered in the Journal.

Rule No. 100. Precedence of Parliamentary Authority.

The precedence of parliamentary authority in the Assembly is:

1. The Constitution of the State of Nevada and judicial decisions thereon.

2. The Standing Rules of the Assembly and the Joint Standing Rules of the Senate and Assembly.

3. Custom, usage and precedence.

4. The Statutes of the State of Nevada.

5. Mason's Manual of Legislative Procedure.

Rule No. 101. Reserved.

Rule No. 102. Privileged Questions.

Privileged questions have precedence over all others in the following order:

1. Motions to fix the time to which the Assembly shall adjourn.

2. Motions to adjourn.

3. Questions relating to the rights and privileges of the Assembly or any of its members.

4. A call of the House.

5. Motions for special orders.

Rule No. 103. Reserved.

B. BILLS

Rule No. 104. Reserved.

Rule No. 105. Reserved.

Rule No. 106. Skeleton Bills.

The introduction of skeleton bills is authorized when, in the opinion of the sponsor and the Legislative Counsel, the full drafting of the bill would entail extensive research or be of considerable length. A skeleton bill will be provided for purposes of introduction and committee referral. Such a bill will be a presentation of ideas or statements of purpose, sufficient in style and expression to enable the Legislature and the committee to which the bill may be referred to consider the substantive merits of the legislation proposed.

Rule No. 107. Reserved.

Rule No. 108. Reserved.

Rule No. 109. Reading of Bills.

The first reading of a bill or joint resolution shall be for information. If there is objection, the question shall be, "Shall the bill be rejected?" If the question to reject fails to receive a majority vote by the members present, or if there is no objection, the bill shall take the proper course. If the question to reject receives a majority vote of the members present, the bill or joint resolution shall be rejected. The same question must not be considered again during the session, and the question is not subject to a motion for reconsideration. No bill shall be referred to a committee until after the first reading, nor amended until after the second reading.

Rule No. 110. Second Reading and Amendment of Bills.

1. All bills must be read the second time on the first legislative day after which they are reported by committee, unless a different day is designated by motion. Upon second reading, Assembly bills reported without amendments shall be placed on the General File and Senate bills reported without amendments shall be placed on the General File. Committee amendments reported with bills shall be considered upon their second reading or third reading, as appropriate, and such amendments may be adopted by a majority vote of the members present. Any amendment which is numbered and made available to all members must be moved and voted upon by number. Assembly bills so amended must be reprinted, then engrossed or reengrossed, as applicable, and placed on the General File. Senate bills so amended must be reprinted, then engrossed or reengrossed, as applicable, and placed on the General File.

2. Any member may move to amend a bill during its second or third reading, and such a motion to amend may be adopted by a majority vote of the members present. Bills so amended on second reading must be treated the same as bills with committee amendments. Any bill so amended upon the General File must be reprinted and then engrossed or reengrossed, as applicable. A member who moves to amend a bill during its second reading must limit his or her remarks to an explanation of the amendment. If the member desires to speak on the importance of the amendment, the member must request permission to speak under Order of Business 15 of Rule No. 120.

3. The reprinting of amended bills may be dispensed with upon a majority vote of the members present.

Rule No. 111. Consent Calendar.

1. A standing committee may by unanimous vote of the members present report a bill with the recommendation that it be placed on the Consent Calendar. The question of recommending a bill for the Consent Calendar may be voted upon in committee only after the bill has been recommended for passage and only if no amendment is recommended.

2. The Chief Clerk shall maintain a list of bills recommended for the Consent Calendar. The list must be printed in the Daily History and must include the summary of each bill, and the date the bill is scheduled for consideration on final passage.

3. At any time before the presiding officer calls for a vote on the passage of the Consent Calendar, a member may give written notice to the Chief Clerk or state orally from the floor of the Assembly in session that he or she requests the removal of a particular bill from the Consent Calendar. If a member so requests, the Chief Clerk shall remove the bill from the Consent Calendar and transfer it to the Second Reading File. A bill removed from the Consent Calendar may not be restored to that Calendar.

4. During floor consideration of the Consent Calendar, members may ask questions and offer explanations relating to the respective bills.

5. When the Consent Calendar is brought to a vote, the bills remaining on the Consent Calendar must be read by number and summary and the vote must be taken on their final passage as a group.

Rule No. 112. Reserved.

Rule No. 113. General File.

1. All bills and joint resolutions reported to the Assembly, by the Committee of the Whole, a standing committee, a conference committee or a special committee, after receiving their second readings must be placed upon the General File, to be kept by the Chief Clerk. The Chief Clerk shall post a daily statement of the bills on the General File. The Chief Clerk shall likewise post notices of special orders as made.

2. A member who moves to amend a bill or joint resolution during its third reading must limit his or her remarks to an explanation of the amendment. If the member desires to speak on the importance of the amendment, the member must request permission to speak under Order of Business 15 of Assembly Standing Rule No. 120.

3. A member who speaks on third reading regarding the final passage of a bill, joint resolution or initiative petition must limit his or her remarks to an explanation of the bill, joint resolution or initiative petition. If the member desires to speak on the importance of the bill, joint resolution or initiative petition, the member must request permission to speak under Order of Business 15 of Assembly Standing Rule No. 120.

Rule No. 114. Reserved.

Rule No. 115. Reconsideration of Vote on Bill.

A vote may be reconsidered on the day on which the final vote was taken by a member voting with the prevailing party. There may be no reconsideration of a vote on a motion to indefinitely postpone. Motions to reconsider a vote upon amendments to any pending question may be made at once.

Rule No. 116. Vetoed Bills.

1. Bills that have passed both Houses of the Legislature and are transmitted to the Assembly accompanied by a message or statement of the Governor's disapproval or veto of the same must:

(a) Be taken up and considered immediately upon the coming in of the message transmitting the same; or

(b) Become the subject of a special order.

2. When the message is received, or if made a special order, when the special order is called, the said message or statement must be read together with the bill or bills so disapproved or vetoed. The message and bill must be read by the Chief Clerk without interruption, consecutively, one following the other, and not upon separate occasions. No such bill or message may be referred to any committee, or otherwise acted upon save as provided by law and custom; that is to say, that immediately following such reading the only question, except as hereinafter stated, which may be put by the Speaker is, "Shall the bill pass,

notwithstanding the objections of the Governor?" It shall not be in order, at any time, to vote upon such a vetoed bill unless the same shall first have been read, from the first word of its title to and including the last word of its final section. No motion may be entertained after the Speaker has stated the question, save a motion to adjourn or a motion for the previous question, but the merits of the bill itself may be debated. The message or statement containing the objections of the Governor to the bill must be entered in the Journal of the Assembly.

Rule No. 117. Reserved.

C. RESOLUTIONS

Rule No. 118. Treated as Bills—Joint Resolutions.

The procedure of enacting joint resolutions must be identical to that of enacting bills, except that:

1. Joint resolutions, upon enrollment, must be delivered to the Secretary of State; and
2. Joint resolutions proposing amendments to the Constitution must be entered in the Journal in their entirety.

Rule No. 119. Return from the Secretary of State.

An Assembly resolution may be used to request the return from the Secretary of State of an enrolled Assembly resolution for further consideration.

D. ORDER OF BUSINESS

Rule No. 120. Order of Business.

The Order of Business must be as follows:

1. Call to Order.
2. Reading and Approval of Journal.
3. Presentation of Petitions.
4. Reports of Standing Committees.
5. Reports of Select Committees.
6. Communications.
7. Messages from the Senate.
8. Motions, Resolutions and Notices.
9. Introduction, First Reading and Reference.
10. Consent Calendar.
11. Second Reading and Amendment.
12. General File and Third Reading.
13. Unfinished Business of Preceding Day.
14. Vetoed Bills and Special Orders of the Day.
15. Remarks from the Floor, limited to 10 minutes.

Rule No. 121. Reserved.

Rule No. 122. Reserved.

Rule No. 123. Reserved.

Rule No. 124. Reserved.

Rule No. 125. Reserved.

Rule No. 126. Reserved.

Rule No. 127. Reserved.

Rule No. 128. Reserved.

The next rule is 140.

IX. LEGISLATIVE INVESTIGATIONS AND MISCELLANEOUS

Rule No. 140. Compensation of Witnesses.

Witnesses summoned to appear before the Assembly or any of its committees must be compensated as provided by law for witnesses required to attend in the courts of the State of Nevada.

Rule No. 141. Use of the Assembly Chamber.

The Assembly Chamber shall not be used for any public or private business other than legislative, except by permission of the Assembly.

Assemblyman Conklin moved the adoption of the resolution.

Remarks by Assemblyman Conklin.

Resolution adopted.

By the Committee on Legislative Operations and Elections:

Assembly Resolution No. 2—Providing for the appointment of Assembly attachés.

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, That the following persons are elected as attachés of the Assembly for the 76th Session of the Legislature of the State of Nevada: Matthew Baker, Lucinda Benjamin, Diane Keetch, Christie Peters, Jason P. Hataway, Jeanne Douglass, Terry Sullivan, Robin L. Bates, Norman Budden, Linda Marrone, Mary A. Matheus, Sharon P. Murphy, Steven J. Sweeney, Debra Williams, Marge Griffin, Patricia A. Manning, Jasmine Shackley, Leslie Danihel, Dan Giraldo, Matthew Walker, Christina Coats, Riley Sutton, Jean Kvam, Joyce Hess, Alicia Taylor Sisneros, Toshiko McIntosh, Carolyn Maynick, Sara Menke, Laurel Armbrust, Lona M. Domenici, Janet F. Stokes, Ashley Massey, Mary Bean, Mark Sprinkle, Kathryn L. Alden, Harle Glover, Mary Lee, Adrian Viesca, Mistia Zuckerman, Taylor Anderson, Nichole Bailey, Cynthia Carter, Andrew Diss, Patti Adams, Connie Davis, Anne Bowen, Jordan Butler, Tenna Herman, Sherie Silva, Carol J. Thomsen, Janice Wright, Linda Blevins, Theresa Horgan, Jean Bennett, Patricia A. Blackburn, Sheryl Burrows, Lenore Carfora-Nye, Judith Coolbaugh, Janel Davis, Nancy Davis, Jeff Eck, Mary Garcia, Jordan Grow, Julie Kellen, Sharon McCallen, Jenny McMenomy, Earlene Miller, Jordan Neubauer, Mitzi Nelson, Karyn Werner, Linda Whimple, Cheryl L. Williams, Sylvia Brown, Sylvia Dominguez-Curry, Judith Fisher, Karen Fox, Laureen Garcia, Lisa Gardner, Patricia J. Hutson, Millicent Jorgenson, Jackie Kaiser, Denise A. Larsen, Linda Law, Deanna Lazovich, Ryan Lippert, Beatriz Martinez, Lezlie Mayville, Mary Merry, Blayne Osborne, Sheree L. Rosevear, Dennis Roy Jr., Jennifer Scaffidi, Swati Singh, Nancy Tatum, Jackie Valley, Linda Waters, Cheryl Yates, Cinthia Zermeno, Cindy Southerland, Cynthia Wyett, Sherwood Howard, Olivia M. Lloyd, Michael Smith, Sally A. Stoner, Jordan Davis, Victoria Hinder, Diane Hudson, Verdene Johnson, David E. Moore, Larry Peri, Marcia Peterson, Elizabeth Saenz, Ted Zuend, June Bennett, and Deanna Keirstead.

Assemblyman Conklin moved the adoption of the resolution.

Remarks by Assemblyman Conklin.

Resolution adopted.

By the Committee on Legislative Operations and Elections:

Assembly Resolution No. 3—Providing allowances to the leadership and other members of the Assembly for periodicals, stamps, stationery, and communications.

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, That the sum to be allowed, as provided by law, for each member of the Assembly for periodicals, stamps and stationery is $60 and for the use of telephones is $2,800, and the sum to be allowed, as provided by law, for the Speaker and Speaker Pro Tempore, Majority Floor Leader, Minority Floor Leader and chair of each standing committee of the Assembly for postage, telephone tolls, and other communication charges is $900; and be it further

RESOLVED, That these amounts be certified by the Speaker and the Chief Clerk to the State Controller, who is authorized to draw warrants therefor on the Legislative Fund, and the State Treasurer is thereafter authorized to pay these warrants.

Remarks by Assemblyman Conklin.

Resolution adopted.

Assemblyman Conklin moved that persons as set forth on the Nevada Legislature's Press Accreditation List of February 7, 2011, be accepted as accredited press representatives, that they be assigned space at the press table in the Assembly Chambers, that they be allowed use of appropriate broadcasting facilities, and the list be included in this day's Journal:

ASSOCIATED PRESS: Sandra Chereb, Rich Pedroncelli, Cristina Silva; CAPITAL CHRONICLE: Todd Bailey; CARSON NOW: Kirk Caraway; CITADELL BROADCASTING CO.: Rick Worthington; CLARITY DIGITAL GROUP LLC DBA EXAMINER.COM: Brenda Green; COVEREDGE TELEVISION NEWS SERVICE: Tyler Anderson, Tracey Frohn, Richard Travis; DAILY SPARKS TRIBUNE: Jessica Carner; EL MUNDO NEWSPAPER: Frank Alejandre, Edmundo Esobedo; EVANS BROADCAST CO.: William Mott; FOX NEWS 99.1 FM TALK KKFT: Eddie Floyd; GREENSPUN CORP.: Jon Ralston; KLAS-TV: Matthew Adams, Nathan Baca, Alex Brauer, Richard Czarny, Jonathan Humbert, George Knapp, Mark Mutchler; KNPB-TV: Benjamin Asnis, Jeremy Dunn, Michael Hagerty, Alex Muench, Elizabeth Rittiman; KOLO-TV: Edward Barnett, Sholeh Moll, Ed Pearce; KRNV-TV: Edward (Ted) Brightman, Victoria Campbell, Ryan Coleman, Ford Corl, Roger du Plessis, David Feher, John Finkbohner, Karen Griffin, Chuck King, Warren Mackenzie, Matthew McConico, Steven Neils, Gary Stone, Erik Strom, Lawrence Vosper, Mackenzie Warren; KSNV-TV: Hetty Chang, Richard Gacovino, Ian Lash, Scott Pinkerton, Miles Smith, Jim Snyder, Robert Stoldal; KTNV-TV: Annette Arreola, Rikki Cheese, Katie Crowther, Brad Driver, Jim Flint, Jason Harvey, Jamie Joyce, Drew Karedes, Heather Klein, Travis Marshall, Blake McCoy, John Neis, Kris Oman, Tina Patel, Jay Romano, Steven Smallwood, Ken Takahashi, Marco Villarreal, Will Walton, Clint Webb, Jason Wilger; KTVN-TV: Arianna Bennett, Bill Brown, Christopher Ciarlo, John Cruz, Wendy Damonte, Jeffrey Foss, Brad Horn, Paul Nelson, Jason Nobles, John Pasco, John Potter, Gene Vance; KUNR 88.7 FM: Brandon Rittiman; KVBC-TV: Ian Lash; KVVU-TV: Kevin Bolinger, Justin Grant. Jason Westerhaus; LAS VEGAS REVIEW-JOURNAL: John Locher, Laura Myers, Steve Sebelius, Benjamin Spillman; LAS VEGAS SUN: Anjeanette Damon, Cy Ryan, David Schwartz; LISA J. PHOTOGRAPHY: Lisa Tolda; LOS ANGELES TIMES – LAS VEGAS BUREAU: Ashley Powers; NEVADA APPEAL: Geoff Dornan, Brian Duggan, Jim Grant, Sandi Hoover, Shannon Litz, Sue Morrow, Francine Piccolino, Peggy Santoro, Teri Vance; NEVADA BROADCASTERS ASSOCIATION: Adam Sandler; NEVADA NEWS BUREAU: Elizabeth Crum, Andrew Doughman, Sean Whaley; NEVADA NEWSMAKERS AND VEGAS PBS: Samantha Stone; RADIO INNOVACION 1590 AM KQLO: Laura Calzada, Ricardo Garcia, Xiomara Rodriguez, Ramon Suro;

RENO GAZETTE-JOURNAL: Andy Barron, Guy Clifton, Julie Dawes, Tim Dunn, Ray Hagar, Elizabeth Margerum, Marilyn Newton, David Parker; RENO SPARKS VIDEO PRODUCTIONS: Marc Mulry, James Parker, William G. Pearce, Rhode Roberts; SPARKS TRIBUNE: Nathan Orme, Joshua Silavent; TASMAN PACIFIC MEDIA GROUP: Donna Andres, Peter Hutchinson; UNIVISION: Anya Arechiga, Manuel Climaco, Cesar Perez, Estefania Ramirez, Gabriela Tafolla.

Motion carried.

Mr. Speaker announced if there were no objections, the Assembly would recess until 2 p.m.

Motion carried.

Assembly in recess at 1:42 p.m.

ASSEMBLY IN SESSION

At 2:07 p.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

By the Committee on Taxation:

Assembly Joint Resolution No. 1—Proposing to amend certain provisions of the Nevada Constitution related to the assessment and collection of property taxes to authorize the Legislature to provide by law for the recalculation of the taxable value of depreciated improvements to real property upon the transfer, sale or conveyance of the property.

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That Section 1 of Article 10 of the Nevada Constitution be amended to read as follows:

Section 9. 1. The Legislature shall provide by law for a uniform and equal rate of assessment and taxation, and shall prescribe such regulations as shall secure a just valuation for taxation of all property, real, personal and possessory, except mines and mining claims, which shall be assessed and taxed only as provided in Section 5 of this Article.

2. Shares of stock, bonds, mortgages, notes, bank deposits, book accounts and credits, and securities and choses in action of like character are deemed to represent interest in property already assessed and taxed, either in Nevada or elsewhere, and shall be exempt.

3. The Legislature may constitute agricultural and open-space real property having a greater value for another use than that for which it is being used, as a separate class for taxation purposes and may provide a separate uniform plan for appraisal and valuation of such property for assessment purposes. If such plan is provided, the Legislature shall also provide for retroactive assessment for a period of not less than 7 years when agricultural and open-space real property is converted to a higher use conforming to the use for which other nearby property is used.

4. Personal property which is moving in interstate commerce through or over the territory of the State of Nevada, or which was consigned to a warehouse, public or private, within the State of Nevada from outside the State of Nevada for storage in transit to a final destination outside the State of Nevada, whether specified when transportation begins or afterward, shall be deemed to have acquired no situs in Nevada for purposes of taxation and shall be exempt from taxation. Such property shall not be deprived of such exemption because while in the warehouse the

property is assembled, bound, joined, processed, disassembled, divided, cut, broken in bulk, relabeled or repackaged.

5. The Legislature may exempt motor vehicles from the provisions of the tax required by this Section, and in lieu thereof, if such exemption is granted, shall provide for a uniform and equal rate of assessment and taxation of motor vehicles, which rate shall not exceed five cents on one dollar of assessed valuation.

6. The Legislature shall provide by law for a progressive reduction in the tax upon business inventories by 20 percent in each year following the adoption of this provision, and after the expiration of the 4th year such inventories are exempt from taxation. The Legislature may exempt any other personal property, including livestock.

7. No inheritance tax shall ever be levied.

8. The Legislature may exempt by law property used for municipal, educational, literary, scientific or other charitable purposes, or to encourage the conservation of energy or the substitution of other sources for fossil sources of energy.

9. No income tax shall be levied upon the wages or personal income of natural persons. Notwithstanding the foregoing provision, and except as otherwise provided in subsection 1 of this Section, taxes may be levied upon the income or revenue of any business in whatever form it may be conducted for profit in the State.

10. The Legislature may provide by law for an abatement of the tax upon or an exemption of part of the assessed value of a single-family residence occupied by the owner to the extent necessary to avoid severe economic hardship to the owner of the residence.

11. The Legislature may provide by law for the recalculation of any depreciation allowed by law in the determination of the value of improvements to real property for the purposes of taxation, such that the value of a depreciated improvement is reset to the current replacement cost of the improvement upon such a transfer, sale or other conveyance of the property as the Legislature determines to be appropriate.

Assemblyman Conklin moved that the resolution be referred to the Concurrent Committees on Legislative Operations and Elections and Taxation.

Motion carried.

By the Committee on Legislative Operations and Elections:

Assembly Joint Resolution No. 2—Proposing to amend the Nevada Constitution to provide for a 90-day legislative session in odd-numbered years and a 60-day legislative session in even-numbered years, to revise the date of the commencement of a regular legislative session from the first Monday in February to the first Monday in March, to provide for a commission to recommend the compensation for Legislators, and to revise the payment of certain allowances to Legislators during a legislative session.

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That Section 2 of Article 4 of the Nevada Constitution be amended to read as follows:

Sec. 2. 1. The sessions of the Legislature shall be ~~[biennial,]~~ ***annual,*** and shall commence on the 1st Monday of ~~[February following the election of members of the Assembly,]~~ ***March,*** unless the Governor of the State shall, in the interim, convene the Legislature by proclamation.

2. The Legislature shall adjourn sine die each regular session ***held in an odd-numbered year*** not later than midnight Pacific ~~[standard time 120 calendar days following its commencement.]~~ ***time at the end of the 90th consecutive calendar day of that session, inclusive of the day on which that session commences.*** Any legislative action taken after midnight Pacific ~~[standard time on]~~ ***time at the end of*** the ~~[120th]~~ ***90th consecutive*** calendar day ***of that session***

is void, unless the legislative action is conducted during a special session convened by the Governor.

3. ***The Legislature shall adjourn sine die each regular session held in an even-numbered year not later than midnight Pacific time at the end of the 60th consecutive calendar day of that session, inclusive of the day on which that session commences. Any legislative action taken after midnight Pacific time at the end of the 60th consecutive calendar day of that session is void, unless the legislative action is conducted during a special session convened by the Governor.***

4. The Governor shall submit ***:***

(a) In odd-numbered years, the proposed executive budget ***; and***

(b) In even-numbered years, any proposed appropriations or proposed revisions to the executive budget,

➥ to the Legislature not later than 14 calendar days before the commencement of each regular session.

5. For the purposes of this section, "midnight Pacific time" must be determined based on the actual measure of time that, on the final calendar day of the session, is being used and observed by the general population as the uniform time for the portion of Nevada which lies within the Pacific time zone, or any legal successor to the Pacific time zone, and which includes the seat of government of this State as designated by Section 1 of Article 15 of this Constitution. The Legislature and its members, officers and employees shall not employ any device, pretense or fiction that adjusts, evades or ignores this measure of time for the purpose of extending the duration of the session.

And be it further

RESOLVED, That Section 33 of Article 4 of the Nevada Constitution be amended to read as follows:

Sec ~~. [1]~~ 33. ***1.*** The members of the Legislature shall receive for their services ~~[.]~~ a compensation to be fixed by law and paid out of the public treasury, for not to exceed ***90 days during any regular session of the Legislature conducted during an odd-numbered year, not to exceed*** 60 days during any regular session of the ~~[legislature]~~ ***Legislature conducted during an even-numbered year,*** and not to exceed 20 days during any special session convened by the governor; but no increase of such compensation shall take effect during the term for which the members of either house shall have been elected ***;*** Provided, that an appropriation may be made for the payment of such actual expenses as members of the Legislature may incur for postage, express charges, newspapers and stationery ~~. [not exceeding the sum of Sixty dollars for any general or special session to each member; and Furthermore Provided, that the Speaker of the Assembly, and Lieutenant Governor, as President of the Senate, shall each, during the time of their actual attendance as such presiding officers receive an additional allowance of two dollars per diem.]~~

2. The Legislature shall establish by law the Commission on Compensation for Legislators and provide for the organization of the Commission, including, without limitation, the powers and duties of the Commission and the terms of the members of the Commission.

3. The Commission shall:

(a) Consider the duties and compensation of members of the legislatures in Nevada and in states in the western part of the United States that have demographic and economic conditions similar to Nevada.

(b) On or before March 1 in each odd-numbered year, recommend to the Legislature an amount of compensation for members of the Nevada Legislature. The Legislature may consider the recommendation of the Commission when fixing the compensation that members of the Legislature receive for their services.

And be it further

RESOLVED, That Section 6 of Article 11 of the Nevada Constitution be amended to read as follows:

~~[~~Section~~]~~ ***Sec.*** 6. 1. In addition to other means provided for the support and maintenance of said university and common schools, the legislature shall provide for their support and maintenance by direct legislative appropriation from the general fund, upon the presentation of budgets in the manner required by law.

2. During a regular session of the Legislature ~~[,]~~ ***in any odd-numbered year,*** before any other appropriation is enacted to fund a portion of the state budget for the next ensuing biennium, the Legislature shall enact one or more appropriations to provide the money the Legislature deems to be sufficient, when combined with the local money reasonably available for this purpose, to fund the operation of the public schools in the State for kindergarten through grade 12 for the next ensuing biennium for the population reasonably estimated for that biennium.

3. During a special session of the Legislature that is held between the end of a regular session ***in an odd-numbered year*** in which the Legislature has not enacted the appropriation or appropriations required by subsection 2 to fund education for the next ensuing biennium and the first day of that next ensuing biennium, before any other appropriation is enacted other than appropriations required to pay the cost of that special session, the Legislature shall enact one or more appropriations to provide the money the Legislature deems to be sufficient, when combined with the local money reasonably available for this purpose, to fund the operation of the public schools in the State for kindergarten through grade 12 for the next ensuing biennium for the population reasonably estimated for that biennium.

4. During a special session of the Legislature that is held in a biennium for which the Legislature has not enacted the appropriation or appropriations required by subsection 2 to fund education for the biennium in which the special session is being held, before any other appropriation is enacted other than appropriations required to pay the cost of that special session, the Legislature shall enact one or more appropriations to provide the money the Legislature deems to be sufficient, when combined with the local money reasonably available for this purpose, to fund the operation of the public schools in the State for kindergarten through grade 12 for the population reasonably estimated for the biennium in which the special session is held.

5. Any appropriation of money enacted in violation of subsection 2, 3 or 4 is void.

6. As used in this section, "biennium" means a period of two fiscal years beginning on July 1 of an odd-numbered year and ending on June 30 of the next ensuing odd-numbered year.

And be it further

RESOLVED, That Section 12 of Article 17 of the Nevada Constitution be amended to read as follows:

Sec. 12. The first regular session of the Legislature shall commence on the second Monday of December A.D. Eighteen hundred and Sixty Four, and the second regular session of the same shall commence on the first Monday of January A.D. Eighteen hundred and Sixty Six; and the third regular session of the Legislature shall be the first of the biennial sessions, and shall commence on the first Monday of January A.D. Eighteen hundred and Sixty Seven; and the regular sessions of the Legislature shall be held thereafter **.** ~~[biennially.]~~

And be it further

RESOLVED, That Section 2 of Article 19 of the Nevada Constitution be amended to read as follows:

Sec. 2. 1. Notwithstanding the provisions of Section 1 of Article 4 of this Constitution, but subject to the limitations of Section 6 of this Article, the people reserve to themselves the power to propose, by initiative petition, statutes and amendments to statutes and amendments to this Constitution, and to enact or reject them at the polls.

2. An initiative petition shall be in the form required by Section 3 of this Article and shall be proposed by a number of registered voters equal to 10 percent or more of the number of voters who voted at the last preceding general election in not less than 75 percent of the counties in the State, but the total number of registered voters signing the initiative petition shall be equal

to 10 percent or more of the voters who voted in the entire State at the last preceding general election.

3. If the initiative petition proposes a statute or an amendment to a statute, the person who intends to circulate it shall file a copy with the Secretary of State before beginning circulation and not earlier than ~~[January 1 of the year preceding the year in which a regular session of the Legislature is held.]~~ ***1 year before the date on which the Legislature to which the petition will be transmitted commences its regular session.*** After its circulation, it shall be filed with the Secretary of State not less than 30 days prior to ~~[any]~~ ***the commencement of the*** regular session of the Legislature ~~[.]~~ ***to which the petition will be transmitted.*** The circulation of the petition shall cease on the day the petition is filed with the Secretary of State or such other date as may be prescribed for the verification of the number of signatures affixed to the petition, whichever is earliest. The Secretary of State shall transmit such petition to the Legislature as soon as the Legislature convenes and organizes. The petition shall take precedence over all other measures except appropriation bills, and the statute or amendment to a statute proposed thereby shall be enacted or rejected by the Legislature without change or amendment within 40 days. If the proposed statute or amendment to a statute is enacted by the Legislature and approved by the Governor in the same manner as other statutes are enacted, such statute or amendment to a statute shall become law, but shall be subject to referendum petition as provided in Section 1 of this Article. If the statute or amendment to a statute is rejected by the Legislature, or if no action is taken thereon within 40 days, the Secretary of State shall submit the question of approval or disapproval of such statute or amendment to a statute to a vote of the voters at the next succeeding general election. If a majority of the voters voting on such question at such election votes approval of such statute or amendment to a statute, it shall become law and take effect upon completion of the canvass of votes by the Supreme Court. An initiative measure so approved by the voters shall not be amended, annulled, repealed, set aside or suspended by the Legislature within 3 years from the date it takes effect. If a majority of such voters votes disapproval of such statute or amendment to a statute, no further action shall be taken on such petition. If the Legislature rejects such proposed statute or amendment, the Governor may recommend to the Legislature and the Legislature may propose a different measure on the same subject, in which event, after such different measure has been approved by the Governor, the question of approval or disapproval of each measure shall be submitted by the Secretary of State to a vote of the voters at the next succeeding general election. If the conflicting provisions submitted to the voters are both approved by a majority of the voters voting on such measures, the measure which receives the largest number of affirmative votes shall thereupon become law. If at the session of the Legislature to which an initiative petition proposing an amendment to a statute is presented which the Legislature rejects or upon which it takes no action, the Legislature amends the statute which the petition proposes to amend in a respect which does not conflict in substance with the proposed amendment, the Secretary of State in submitting the statute to the voters for approval or disapproval of the proposed amendment shall include the amendment made by the Legislature.

4. If the initiative petition proposes an amendment to the Constitution, the person who intends to circulate it shall file a copy with the Secretary of State before beginning circulation and not earlier than September 1 of the year before the year in which the election is to be held. After its circulation it shall be filed with the Secretary of State not less than 90 days before any regular general election at which the question of approval or disapproval of such amendment may be voted upon by the voters of the entire State. The circulation of the petition shall cease on the day the petition is filed with the Secretary of State or such other date as may be prescribed for the verification of the number of signatures affixed to the petition, whichever is earliest. The Secretary of State shall cause to be published in a newspaper of general circulation, on three separate occasions, in each county in the State, together with any explanatory matter which shall be placed upon the ballot, the entire text of the proposed amendment. If a majority of the voters voting on such question at such election votes disapproval of such amendment, no further action

shall be taken on the petition. If a majority of such voters votes approval of such amendment, the Secretary of State shall publish and resubmit the question of approval or disapproval to a vote of the voters at the next succeeding general election in the same manner as such question was originally submitted. If a majority of such voters votes disapproval of such amendment, no further action shall be taken on such petition. If a majority of such voters votes approval of such amendment, it shall, unless precluded by subsection 5 or 6, become a part of this Constitution upon completion of the canvass of votes by the Supreme Court.

5. If two or more measures which affect the same section of a statute or of the Constitution are finally approved pursuant to this Section, or an amendment to the Constitution is finally so approved and an amendment proposed by the Legislature is ratified which affect the same section, by the voters at the same election:

(a) If all can be given effect without contradiction in substance, each shall be given effect.

(b) If one or more contradict in substance the other or others, the measure which received the largest favorable vote, and any other approved measure compatible with it, shall be given effect. If the one or more measures that contradict in substance the other or others receive the same number of favorable votes, none of the measures that contradict another shall be given effect.

6. If, at the same election as the first approval of a constitutional amendment pursuant to this Section, another amendment is finally approved pursuant to this Section, or an amendment proposed by the Legislature is ratified, which affects the same section of the Constitution but is compatible with the amendment given first approval, the Secretary of State shall publish and resubmit at the next general election the amendment given first approval as a further amendment to the section as amended by the amendment given final approval or ratified. If the amendment finally approved or ratified contradicts in substance the amendment given first approval, the Secretary of State shall not submit the amendment given first approval to the voters again.

Assemblyman Conklin moved that the resolution be referred to the Committee on Legislative Operations and Elections.

Motion carried.

By Assemblyman Oceguera and Senator Horsford:

Assembly Concurrent Resolution No. 2—Providing for the voluntary transfer of a portion of Legislators' salaries to the State General Fund.

WHEREAS, The State of Nevada faced a staggering budgetary deficit for the 2009-2011 biennium as a result of the impact of a prolonged national recession on Nevada's economy; and

WHEREAS, To meet its constitutional duty to balance the State's budget for this biennium, the 75th Regular Session of the Nevada Legislature was required to make difficult decisions, including, without limitation, making significant cuts to the State's budget and imposing furlough requirements on state employees which amounted to a 4.6 percent reduction in salaries; and

WHEREAS, Despite the financial burden of the salary reduction, public employees of this State have continued to perform their duties with diligence, dedication and professionalism; and

WHEREAS, The Nevada Constitution prohibits the increase or decrease of the salaries of state officers during their terms of office; and

WHEREAS, In recognition of the financial sacrifice of our State's public workforce during this biennium, the members of the 76th Regular Session of the Nevada Legislature pledge to voluntarily take a comparable 4.6 percent reduction in their salaries for the session; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the Legislature hereby directs the Accounting Unit of the Legislative Counsel Bureau to withhold 4.6 percent of each Legislator's salary for the 76th Regular Session of the Nevada Legislature; and be it further

RESOLVED, That the Accounting Unit of the Legislative Counsel Bureau shall pay the total amount of such withholdings to the State Treasurer for credit to the unrestricted balance of the State General Fund; and be it further

RESOLVED, That the Accounting Unit of the Legislative Counsel Bureau shall not reduce the salary of any Legislator who did not vote in favor of passage of this resolution and who notifies the Director of the Legislative Counsel Bureau that the Legislator does not wish to have the withholding made from his or her salary.

Assemblyman Conklin moved that the resolution be referred to the Committee of the Whole.

Remarks by Assemblyman Conklin.

Motion carried.

Assemblyman Conklin moved that the Assembly resolve itself into a Committee of the Whole for the purpose of considering Assembly Concurrent Resolution No. 2, with Assemblyman Oceguera as Chair of the Committee of the Whole.

Motion carried.

IN COMMITTEE OF THE WHOLE

At: 2:09 p.m.

Chair Oceguera presiding.

Quorum present.

Assembly Concurrent Resolution No. 2 considered.

CHAIR OCEGUERA:

Just for the members, the Committee of the Whole is just like a committee meeting. I will be referred to as the Chair. It is just like a committee meeting but we will have 42 members on the committee. What I would like to do is take a definition or description of the bill from Mr. Conklin and then I will take three in favor of the bill and three opposed to the bill and we will see where we are at after that. Mr. Conklin.

ASSEMBLYMAN CONKLIN:

Thank you, Mr. Chair. In recognition of the 4.6 percent salary reduction taken by state employees this biennium as a result of the furlough requirements, A.C.R. 2 directs the accounting unit of the Legislative Counsel Bureau to withhold 4.6 percent of each legislator's salary for the session. The total amount of those withholdings will be credited to the State's General Fund, however, this is voluntary. A withholding will not be made from the salary of any member who did not vote in favor of passage of the resolution and who notifies the director of the Legislative Counsel Bureau that the member does not wish to have the withholdings made from his or her salary.

CHAIR OCEGUERA:

Thank you, Mr. Conklin. I will take the folks in favor of this measure. Mr. Goicoechea.

ASSEMBLYMAN GOICOECHEA:

Thank you, Mr. Chair. I rise in support of A.C.R. 2. Clearly, I think the real benefit of this is right now if we want to do a salary reduction we have to write that check to a charity, with A.C.R. 2 we truly will be returning the money back to where it belongs and that is the State General Fund. Thank you.

ASSEMBLYMAN OHRENSCHALL:

Thank you, Mr. Chair. I rise in support of A.C.R. 2. The economic downturn in our country has hit our state probably harder than any state in the nation. Because of the downturn many Nevadans, including our state employees, have seen their paychecks shrink while they have been asked to do more. This resolution gives the members of this body the opportunity to share in the sacrifices that all our state employees and all Nevadans have had to make. Mr. Chairman, I urge the recommendation of your Committee of the Whole.

CHAIR OCEGUERA:

Thank you, Mr. Ohrenschall. Others in favor of the resolution?

ASSEMBLYMAN BROOKS:

Although I am a newly elected legislator I have received many emails on behalf of citizens concerned with our budget. Many state employees have shared with me their stories of how these reductions have affected their families–something many Nevadans are facing at this time. This is an opportunity for us to say we understand, care, and appreciate the sacrifice they have made and are making to our state. Let us take this 4.6 percent pay cut and let it serve as an assurance to the people of this great State of Nevada that we are in this together. Thank you.

CHAIR OCEGUERA:

Thank you, Mr. Brooks, and I'm also a little rusty, you can sit during a Committee of the Whole, just like a committee meeting you can speak from your chair, as well. Others wishing to speak in favor of the resolution?

ASSEMBLYMAN HAMBRICK:

Thank you, Mr. Chairman. I wish all of us to support the resolution. However, a question to the Chairman, "Should we be discussing this matter at great length with the Governor's proposed 5 percent instead of the furlough; rather than a 4.6 it may go to 5 percent. If there is some way that as we go through the session and it comes up to 5 percent, if we could match that, or do you believe as Chair, would that be a separate item at that point to go an additional 4.6 percent?

CHAIR OCEGUERA:

Mr. Hambrick, it is a separate issue. This issue is because the *Constitution* did not allow us to increase or decrease our salary. We figured out a way to do that. We didn't even know that we were going to do that in the last legislative session until June, and it didn't go into effect until July, so this is the first opportunity that we've had to enact that among our own members. So, I think, we will be in a similar situation the next time as well. Others wishing to speak in favor of the resolution? Alright, let's go to the opposition. Those wishing to speak in opposition to the resolution. Alright, seeing none are there any further questions or testimony on A.C.R. 2? Seeing none, the Chair will accept a motion.

On motion of Assemblyman Conklin, the committee did rise and report back to the Assembly.

ASSEMBLY IN SESSION

At 2:15 p.m.
Mr. Speaker presiding.
Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Committee of the Whole, to which was referred Assembly Concurrent Resolution No. 2, has had the same under consideration, and begs leave to report the same back with the recommendation: Be adopted.

JOHN OCEGUERA, *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Conklin moved that Assembly Concurrent Resolution No. 2, just reported out of committee, be placed on the Resolution File.

Motion carried.

Assembly Concurrent Resolution No. 2.

Assemblyman Conklin moved the adoption of the resolution.

Remarks by Assemblyman Conklin.

Resolution adopted.

Assemblyman Conklin moved that all rules be suspended and that Assembly Concurrent Resolution No. 2 be immediately transmitted to the Senate.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblywoman Kirkpatrick:

Assembly Bill No. 1—AN ACT relating to state financial administration; requiring certain governmental entities to report financial information periodically to certain legislative bodies; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblywoman Kirkpatrick:

Assembly Bill No. 2—AN ACT relating to motor vehicles; providing an exemption from emissions inspection for certain restored motor vehicles; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Transportation.

Motion carried.

By Assemblyman Stewart:

Assembly Bill No. 3—AN ACT relating to vital statistics; providing for the issuance of a certificate of birth resulting in stillbirth upon the request of a parent of a stillborn child; prohibiting the use of a certificate of birth resulting in stillbirth for certain purposes; authorizing the State Board of

Health to adopt regulations concerning a certificate of birth resulting in stillbirth; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Assemblyman Hambrick:

Assembly Bill No. 4—AN ACT relating to crimes; revising the provisions relating to the crime of holding another person in involuntary servitude; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblyman Hambrick:

Assembly Bill No. 5—AN ACT relating to crimes; revising provisions regarding the punishment for pandering; providing penalties; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblyman Hambrick:

Assembly Bill No. 6—AN ACT relating to criminal procedure; authorizing courts to allow certain victims of sex trafficking or involuntary servitude who have been convicted of engaging in or soliciting prostitution to seek new trials and have their judgments of conviction vacated; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 7—AN ACT relating to judges; extending the time by which an answer to an affidavit seeking disqualification of a judge must be filed; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Hambrick and Carrillo; Senator Manendo:

Assembly Bill No. 8—AN ACT relating to the use of force; revising the provisions governing justifiable homicide; revising the provisions governing civil liability in actions involving the use of force; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 9—AN ACT relating to courts; requiring a justice of the peace to charge and collect certain additional fees; revising certain civil filing fees in the justice court; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 10—AN ACT relating to governmental administration; requiring any interest and income earned on money in the Gift Fund for the State Library and Archives to be credited to the Fund; revising the requirements for saving images of public records before the records may be destroyed; eliminating the Fund for the Support of the Division of Museums and History of the Department of Cultural Affairs; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 11—AN ACT relating to the Department of Corrections; authorizing the interception of certain communications relating to the escape of an offender; authorizing certain employees of the Department to seek the tracing of certain communications under certain circumstances; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 12—AN ACT relating to parole; transferring the authority to use the Parolees' Revolving Loan Account from the State Board of Parole Commissioners to the Chief Parole and Probation Officer; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 13—AN ACT relating to juveniles; making it discretionary rather than mandatory for a peace officer or probation officer to take a child into custody for an unlawful act involving the possession, use or threatened use of a firearm while engaged in hunting activities or target practice; providing for the disposition of cases involving the killing or possession of certain animals; providing penalties; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Taxation:

Assembly Bill No. 14—AN ACT relating to taxation; revising the conditions upon and requirements for a partial abatement of the taxes imposed on certain new or expanded businesses and renewable energy facilities; tolling for the period of such an abatement the time limitations upon certain procedures for the enforcement of the abated taxes; requiring each board of county commissioners to adopt an ordinance regarding the approval or denial of an application for such an abatement; imposing additional requirements when certain renewable energy facilities cease to meet the eligibility requirements for such an abatement; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Taxation.

Motion carried.

By the Committee on Legislative Operations and Elections:

Assembly Bill No. 15—AN ACT relating to governmental administration; repealing requirements for the compilation and publication of certain biennial reports and statistical abstracts; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 16—AN ACT relating to public employees; providing for additional compensation to be paid to certain senior psychiatrists and senior physicians employed by the Department of Corrections for being available to be called in to work during periods in which they are not regularly scheduled to work; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Concurrent Committees on Government Affairs and Ways and Means.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 17—AN ACT relating to administrative procedure; exempting the judicial review of decisions of the Public Utilities Commission of Nevada from the requirements of the Nevada Administrative Procedure Act; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 18—AN ACT relating to parole; clarifying that meetings of the State Board of Parole Commissioners are quasi-judicial; clarifying the rights of prisoners and other persons who appear before the Parole Board; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Natural Resources, Agriculture, and Mining:

Assembly Bill No. 19—AN ACT relating to fishing; requiring the Department of Wildlife to issue special fishing permits to certain social groups operated for the benefit of children; requiring the Department to issue to a person who is not a bona fide resident of the State of Nevada an annual license to fish solely in certain reciprocal waters upon the payment of a fee; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 20—AN ACT relating to optometry; requiring the Nevada State Board of Optometry to issue a license by endorsement to practice optometry in this State in certain circumstances; revising provisions governing the examination for licensure by the Board; revising provisions governing the discipline and unprofessional or unethical conduct of licensees; repealing provisions that require the Board to maintain a roster of licensees; repealing provisions that pertain to the scope of reexaminations for licensure; establishing fees; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 21—AN ACT relating to state financial administration; requiring certain occupational licensing boards and commissions to comply with the same requirements as other agencies of the Executive Department of the State Government with respect to financial administration, including personnel, buildings and grounds, the state budget and internal controls; requiring such boards and commissions to deposit money in accordance with the laws that apply to other state agencies; removing the requirement for certain performance audits of the Board of Medical Examiners; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 22—AN ACT relating to counties; removing the prospective expiration of provisions allowing a county office to deviate from its required hours of operation under certain circumstances; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 23—AN ACT relating to insurance; enacting the Interstate Insurance Product Regulation Compact; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 24—AN ACT relating to the Public Utilities Commission of Nevada; revising provisions governing the administrative operations of the Commission; revising the duties of the Executive Director of the Commission; prohibiting certain actions of Commissioners concerning contested cases; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 25—AN ACT relating to certified court reporters; revising the educational requirements to take the examination for certification by the Certified Court Reporters' Board of Nevada; authorizing the Board to impose a civil penalty against a person for certain violations; increasing the amount of the administrative fine that may be imposed against a person by the Board; revising the authority of the Board to investigate certain conduct; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Transportation:

Assembly Bill No. 26—AN ACT relating to insurance; providing that a motor vehicle liability policy issued in this State must be written specifically to meet the requirements for insurance in this State; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Transportation.

Motion carried.

By the Committee on Transportation:

Assembly Bill No. 27—AN ACT relating to motor vehicles; expanding the types of identification cards for which the Department of Motor Vehicles must increase the fees as necessary to cover the actual cost of production of photographs; clarifying that there is a fee for license plates authorized for use by licensed automobile wreckers and licensed operators of salvage pools to move certain vehicles; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Transportation.

Motion carried.

By the Committee on Transportation:

Assembly Bill No. 28—AN ACT relating to motor vehicles; revising the definition of “low-speed vehicle” to comport with the federal definition of that term; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Transportation.

Motion carried.

By the Committee on Health and Human Services:

Assembly Bill No. 29—AN ACT relating to public hospitals; authorizing the boards of hospital trustees of certain public hospitals to fix the compensation of members of hospital advisory boards; revising provisions

governing the staff of physicians at public hospitals; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By the Committee on Transportation:

Assembly Bill No. 30—AN ACT relating to motor vehicles; revising provisions relating to the authorization of certain emergency vehicles; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Transportation.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 31—AN ACT relating to contractors; revising an exemption for certain repairs or maintenance of property from the provisions governing contractors; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 32—AN ACT relating to contractors; requiring a licensed contractor to submit a request for an increase in the monetary limit of his or her license to the State Contractors' Board at least 10 working days before submitting a bid on certain projects; requiring a contractor to obtain approval by the Board of a request for an increase in the monetary limit of his or her license before submitting a bid on certain projects; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 33—AN ACT relating to psychologists; requiring the Board of Psychological Examiners to investigate certain complaints; authorizing the Board to issue a cease and desist order to a person who practices psychology in this State without a license; authorizing the Board to issue a citation to a person who practices psychology in this State without a license; requiring the Board to impose an administrative fine against a person who practices psychology in this State without a license; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Transportation:

Assembly Bill No. 34—AN ACT relating to traffic laws; repealing the prohibition on the use of photographic, video or digital equipment to gather evidence to use for issuing traffic citations; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Transportation.

Motion carried.

By the Committee on Natural Resources, Agriculture, and Mining:

Assembly Bill No. 35—AN ACT relating to pesticides; making various changes to provisions relating to licenses to engage in pest control; increasing the amount of certain insurance required to obtain a license to engage in pest control; authorizing the Director of the State Department of Agriculture to take disciplinary action against a person licensed to engage in pest control in certain circumstances; revising requirements concerning having a primary principal at certain business locations; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

By the Committee on Health and Human Services:

Assembly Bill No. 36—AN ACT relating to indigent persons; revising provisions governing the Fund for Hospital Care to Indigent Persons; revising the membership of the Board of Trustees of the Fund; requiring the Nevada Association of Counties to provide administrative support to the Board; authorizing payment for certain administrative expenses; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 37—AN ACT relating to State Government; deleting the provisions that require the offices of all state officers, departments, boards, commissions and agencies to remain open during a certain period; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 38—AN ACT relating to public works; requiring a contractor to replace an unacceptable subcontractor on a public work of the State without an increase in the amount of the bid; requiring a prime contractor to forfeit a portion of the amount of a contract for a public work under certain circumstances; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Education:

Assembly Bill No. 39—AN ACT relating to educational personnel; removing the requirement that the Superintendent of Public Instruction notify a licensee by mail of the date of expiration of his or her license; requiring the Department of Education to maintain a directory of licensees on the Internet website maintained by the Department; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Education.

Motion carried.

By the Committee on Education:

Assembly Bill No. 40—AN ACT relating to private postsecondary educational institutions; revising the requirements concerning background investigations of certain applicants for employment or contracts with private postsecondary educational institutions; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Education.

Motion carried.

By the Committee on Education:

Assembly Bill No. 41—AN ACT relating to education; revising provisions governing the membership of a committee to form a charter school and the membership of the governing body of a charter school; authorizing the payment of monthly rather than quarterly apportionments to a charter school during the process to revoke the written charter of the school; requiring a charter school to report certain information concerning licensed persons who are under contract with the charter school; revising provisions governing

homeschooled children; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Education.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 42—AN ACT relating to counties; authorizing a county to sell, lease or otherwise dispose of certain real property acquired directly from the Federal Government in certain circumstances without obtaining an appraisal; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 43—AN ACT relating to traffic laws; extending from semiannual to annual the interval at which records of traffic citations must be audited by governmental agencies; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 44—AN ACT relating to civil actions; revising the statutes of repose regarding actions for damages resulting from certain deficiencies in construction; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 45—AN ACT relating to district attorneys; revising requirements relating to attendance at meetings and at the county seat of certain district attorneys; requiring district attorneys to perform certain legal duties for the boards of county commissioners; providing a penalty; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Taxation:

Assembly Bill No. 46—AN ACT relating to taxation; clarifying the inapplicability of certain partial abatements of property taxes to various assessments relating to the adjudication of water rights and management of water resources; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Taxation.

Motion carried.

By the Committee on Taxation:

Assembly Bill No. 47—AN ACT relating to taxation; increasing the base allocation from the Local Government Tax Distribution Account to the City of Fernley; directing the Legislative Commission to appoint a subcommittee to conduct an interim study of the formula for the allocation of money distributed from the Account; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Taxation.

Motion carried.

By the Committee on Health and Human Services:

Assembly Bill No. 48—AN ACT relating to mental health; authorizing mental health consortia to perform certain activities relating to children's mental health; authorizing mental health consortia to accept and expend money for certain purposes; making an appropriation to the Department of Health and Human Services for the administrative costs of the consortia; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Concurrent Committees on Health and Human Services and Ways and Means.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 49—AN ACT relating to public defenders; establishing the Fund for Legal Defense of Indigent Persons; authorizing certain counties to apply to the Board of Trustees of the Fund for reimbursement of certain extraordinary costs of providing public defender services; providing for an additional administrative assessment to be paid by persons who plead guilty to or are convicted of a misdemeanor; increasing certain administrative assessments; requiring certain administrative assessments to be deposited in the Fund for Legal Defense of Indigent Persons; imposing an additional sales and use tax; authorizing boards of county commissioners to impose an additional sales and use tax; requiring revenue generated by the additional

sales and use taxes to be used by counties for provision of legal services to indigent persons; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Concurrent Committees on Judiciary and Taxation.

Motion carried.

By the Committee on Health and Human Services:

Assembly Bill No. 50—AN ACT relating to public health; authorizing the Health Division of the Department of Health and Human Services to collect the actual costs incurred for the enforcement of provisions relating to medical and related health facilities; providing exceptions to the collection of such costs; revising provisions governing homes for individual residential care; requiring facilities for the care of adults during the day to pay fees relating to licensure; repealing certain provisions relating to homes for individual residential care; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By the Committee on Health and Human Services:

Assembly Bill No. 51—AN ACT relating to providers of emergency medical services; revising provisions relating to the certification of emergency medical technicians; requiring certain money collected from issuing certain licenses and certificates to be used to provide grants for training volunteers to provide emergency medical care; revising training requirements for licensed physicians, registered nurses and licensed physician assistants who provide emergency medical care in an ambulance; revising certain educational standards for emergency medical technicians; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 52—AN ACT relating to unemployment compensation; making certain temporary governmental employees ineligible for unemployment compensation; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Transportation:

Assembly Bill No. 53—AN ACT relating to transportation; requiring the Director of the Department of Transportation to charge fees based upon market value for authorizing the placement of trademarks or symbols identifying individual enterprises on certain signs and for providing information regarding attractions and services along highways of the State; authorizing the Director to recommend to the Board of Directors of the Department programs for providing information to the traveling public to be funded from money received from fees charged on those signs; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Transportation.

Motion carried.

By the Committee on Health and Human Services:

Assembly Bill No. 54—AN ACT relating to public health; authorizing the establishment of a medical district in certain counties; prescribing the powers and duties of such a district; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 55—AN ACT relating to dentistry; authorizing the Board of Dental Examiners of Nevada to issue a holder of a limited license a permit to perform certain dental practices; requiring the Board to adopt regulations relating to such permits; revising the requirements for the issuance of a limited license; authorizing the Board to impose certain fees to recover the costs of certain examinations; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 56—AN ACT relating to the Office of the Attorney General; authorizing the Attorney General, acting through the Medicaid Fraud Control Unit, to issue a subpoena to obtain certain documents, records or materials; authorizing the Attorney General to recover and retain certain costs and expenses that are incurred pursuant to an investigation or prosecution by the Unit; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 57—AN ACT relating to crimes; revising provisions relating to the registration of offenders convicted of a crime against a child and of sex offenders; requiring notification of certain agencies after changes in a sex offender's location or length of stay in a jurisdiction; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 58—AN ACT relating to municipal finance; authorizing the governing body of a city to enter into an energy risk management contract to mitigate the price volatility of fuel purchased for use in city vehicles; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 59—AN ACT relating to the Open Meeting Law; requiring a public body to take certain actions if the Attorney General finds that the public body has violated the Open Meeting Law; authorizing the Attorney General to issue subpoenas during investigations of such violations; revising the definition of “public body” for the purposes of the Open Meeting Law; requiring a public body to include certain notifications on an agenda for a public meeting; making members of a public body subject to a civil penalty for violations; providing a penalty; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 60—AN ACT relating to public works; restricting the eligibility to receive a preference in bidding on public works by requiring a contractor who seeks such a preference to file with the State Contractors' Board an affidavit stating that a certain percentage of the estimated cost of the work on the relevant contract will be performed by a general contractor

or specialty contractor who holds a valid certificate of eligibility to receive such a preference; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 61—AN ACT relating to substance abuse; creating the Substance Abuse Working Group within the Office of the Attorney General to study issues relating to substance abuse in this State; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 62—AN ACT relating to the Office of the Attorney General; authorizing the Attorney General to charge a fee for the prosecution of certain cases; authorizing the Attorney General to charge the office of a district attorney or city attorney a fee for issuing a written opinion; authorizing the Attorney General to charge a regulatory body for certain training services provided by the Attorney General; authorizing the Attorney General to charge the Board of Homeopathic Medical Examiners, the State Board of Oriental Medicine and the Board of Psychological Examiners for all services relating to certain investigations conducted by the Attorney General; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 63—AN ACT relating to the Office of the Attorney General; revising provisions governing the duties of, and services provided by, the Attorney General; revising the conditions under which certain cooperative agreements between various public agencies may be reviewed by the Attorney General; authorizing the Attorney General to designate a city attorney or district attorney to prosecute certain false claims; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Education:

Assembly Bill No. 64—AN ACT relating to education; revising provisions governing the types of high school diplomas that may be issued to pupils; authorizing certain pupils to receive a standard high school diploma without passing all subject areas of the high school proficiency examination under certain circumstances; authorizing the board of trustees of a school district to adopt a policy that allows certain pupils enrolled in high school the opportunity to make up credit; revising provisions governing pupils who are habitual truants and habitual disciplinary problems; authorizing counties to increase the filing fees in certain civil actions to fund certain programs for the diversion of truancy; authorizing a juvenile court to impose certain penalties against a parent or legal guardian of a child who is adjudicated in need of supervision because the child is a habitual truant; increasing certain administrative assessments to fund certain programs for the diversion of truancy; revising provisions governing the issuance of drivers' licenses to persons who are 16 or 17 years of age; revising provisions governing employment of minors; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Concurrent Committees on Education and Transportation.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 65—AN ACT relating to professions; providing for the regulation by the Board of Psychological Examiners of the practice of applied behavior analysis; providing for the discipline of behavior analysts, assistant behavior analysts and autism behavior interventionists; revising the requirements for licensure as a behavior analyst or assistant behavior analyst; revising the requirements for certification as an autism behavior interventionist; making it a crime to engage in certain conduct in connection with the practice of applied behavior analysis; revising certain provisions concerning the psychologist-patient privilege; providing penalties; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 66—AN ACT relating to crimes; requiring written notice concerning a person's right to bear arms to be given to the person when his or her criminal records are sealed; authorizing the State Board of Pardons Commissioners to inquire into and inspect certain sealed records of a person who applies to the Board for a pardon; requiring the official document that is given to a person who is granted a pardon to include certain

information concerning the person's right to bear arms; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 67—AN ACT relating to financial administration; eliminating the liability of a public employer to its employees for erroneously reporting wages to the Public Employees' Retirement System; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 68—AN ACT relating to cities; exempting certain leases of real property from requirements relating to appraisal and auction; reducing the number of independent appraisals of fair market value required in certain circumstances for the sale or lease of real property by cities; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Transportation:

Assembly Bill No. 69—AN ACT relating to public works; authorizing the Department of Transportation to contract with a construction manager at risk for the preconstruction and construction of certain projects under certain circumstances; establishing the method for selecting a construction manager at risk; prescribing the procedure for negotiating a contract with a construction manager at risk and for certain terms of such a contract; authorizing the Department to retain a consultant in connection with the design of such a project; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Transportation.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 70—AN ACT relating to public purchasing; prohibiting a department, office, bureau, officer or employee of the State of Nevada from purchasing a motor vehicle without prior written consent of the State Board of Examiners or its designee; deleting the requirement that certain

automobiles be labeled by painting the words "State of Nevada" and "For Official Use Only" in plain lettering on the automobile; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Legislative Operations and Elections:

Assembly Bill No. 71—AN ACT relating to taxation; directing the Legislative Commission to conduct an interim study concerning the equitable allocation of money distributed from the Local Government Tax Distribution Account; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 72—AN ACT relating to securities; designating certain uses of a certification or professional designation as unethical or dishonest practices in the securities business; requiring the filing of certain forms when a sales representative terminates association with a broker-dealer; revising activities for which the Administrator of the Securities Division of the Office of the Secretary of State may deny a license or impose certain limitations or disciplinary actions upon a licensee; revising certain registration and filing requirements for certain securities; increasing the penalty for the putting off, circulation or publication of any false or misleading writing, statement or intelligence regarding a security that is publicly traded; prohibiting certain activities in an investigation, proceeding or prosecution; increasing certain fees; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 73—AN ACT relating to water; authorizing the State Engineer or any assistant or authorized agent of the State Engineer to enter certain premises to investigate and carry out the duties of the State Engineer; requiring the State Engineer to cancel a permit to appropriate water for a beneficial use if the holder of the permit fails to file certain information within a certain period after the date of the notice to file that information; revising provisions relating to the forfeiture of certain water rights; removing provisions requiring the State Engineer to adopt regulations establishing a program to allow a public water system to receive a credit for adding a new

customer to the system; authorizing a public water system to receive such a credit under certain circumstances; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 74—AN ACT relating to insurance; requiring the Commissioner of Insurance to adopt regulations relating to electronic signatures, records and payments; revising provisions relating to the external review of adverse determinations by enacting the National Association of Insurance Commissioners' Uniform Health Carrier External Review Model Act; clarifying the circumstances under which an actuary is not liable for damages with respect to the actuary's opinion; authorizing the electronic transmission of fingerprints with an application for a license; revising provisions relating to the licensing of adjusters; revising provisions relating to surplus lines insurance; revising provisions relating to the use of credit information; requiring that certain policies of group insurance be filed with and approved by the Commissioner; revising provisions relating to annuities, pure endowment contracts and policies of life insurance; revising provisions relating to evidence of insurance for motor vehicles; revising provisions relating to disciplinary action by the Commissioner; revising and clarifying provisions relating to employee leasing companies; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 75—AN ACT relating to crimes; revising the acts that constitute a sexual offense; revising the acts that constitute unlawful contact with a child or unlawful contact with a person with mental illness; revising the definition of “sexual offense” for various statutes relating to juvenile offenders; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 76—AN ACT relating to the Public Employees' Benefits Program; revising provisions concerning reinstatement of insurance

under the Program; authorizing the Board of the Program and certain advisory committees to meet in closed session under certain circumstances; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 77—AN ACT relating to mortgage lending; revising provisions relating to the licensing of escrow agents and escrow agencies; revising provisions relating to a surety bond or substitute security posted by an escrow agency; requiring the Commissioner of Mortgage Lending to establish certain fees; revising provisions relating to disciplinary action for an escrow agent or escrow agency; establishing provisions governing the arranging or servicing of loans in which an investor has an interest; requiring a mortgage broker who services a loan to make certain reports; requiring a mortgage broker to provide to investors in a construction loan a performance bond conditioned upon faithful performance of the construction contract; requiring certain information to be disclosed to investors in loans; requiring a subsidiary or holding company of certain entities to comply with statutes governing mortgage brokers and mortgage agents; exempting certain natural persons and nonprofit organizations from statutes governing mortgage brokers and mortgage agents; revising provisions relating to a surety bond posted by a mortgage broker; requiring a mortgage broker to review an impound trust account annually; revising provisions relating to the renewal of a license as a mortgage banker; enacting requirements for mortgage brokers and for mortgage bankers to make the statutory schemes governing the two professions more similar; allowing disclosure of certain confidential information relating to an investigation; enacting provisions for the enforcement of the federal Secure and Fair Enforcement for Mortgage Licensing Act of 2008; requiring the licensing of a person who performs the services of a construction control; requiring the licensing of a provider of certain additional services as a provider of covered services; revising provisions relating to compensation for a provider of covered services; increasing certain administrative fines; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 78—AN ACT relating to business associations; excluding certain nonprofit organizations from the definition of “business”;

imposing a fine on certain business entities that transact business in this State without qualifying to do business in this State under certain circumstances; revising provisions relating to certain filings with the Secretary of State by certain business associations; making various technical corrections to various provisions relating to business associations; requiring and increasing certain fees; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Taxation:

Assembly Bill No. 79—AN ACT relating to taxation; revising provisions governing an exemption from the partial abatement of the ad valorem taxes imposed on real property following certain fluctuations in the taxable value of the property; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Taxation.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 80—AN ACT relating to the Public Employees' Benefits Program; making various changes relating to the Program; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Legislative Operations and Elections:

Assembly Bill No. 81—AN ACT relating to elections; revising provisions relating to declarations of candidacy or acceptance of candidacy; clarifying when a minor political party may be recognized; revising certain requirements for petitions of referendum; increasing fees for filing for candidacy; revising provisions concerning ballots; revising provisions relating to counting ballots, posting voting results and recounts; requiring employers to allow employees to be absent to participate in the nomination process for President of the United States; providing that the residency of spouses of certain military personnel is not changed whether absent or present in this State; making various changes concerning campaign contributions and expenditures; making various other changes to provisions governing elections; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

By the Committee on Legislative Operations and Elections:

Assembly Bill No. 82—AN ACT relating to elections; establishing certain requirements for the organization of voter registration drives; revising provisions governing registering to vote by computer; authorizing additional mailing precincts in certain circumstances; making various other changes relating to the administration and conduct of elections; requiring the electronic filing of certain campaign contribution and expenditure reports and statements of financial disclosure; authorizing the disposition of unspent campaign contributions to a governmental entity and for the use of legal expenses; requiring the annual registration of committees for political action; making various other changes relating to campaign finance; providing penalties; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

By Assemblyman Oceguera:

Assembly Bill No. 83—AN ACT relating to crimes; revising the statute of limitations for crimes relating to identity theft; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblyman Segerblom:

Assembly Bill No. 84—AN ACT relating to employment; authorizing an employee or a labor-management committee established under federal law to commence a civil action against an employer for failing to pay certain wages under certain circumstances; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblyman Segerblom:

Assembly Bill No. 85—AN ACT relating to common-interest communities; revising provisions concerning litigation instituted by an association in a common-interest community on behalf of two or more units' owners; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblyman Segerblom:

Assembly Bill No. 86—AN ACT relating to education; prescribing certain rights for licensed and unlicensed employees of school districts; revising provisions governing investigations of and disciplinary action against licensed teachers; revising provisions relating to the compensation of certain licensed employees who are reinstated; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Education.

Motion carried.

By Assemblyman Segerblom:

Assembly Bill No. 87—AN ACT relating to discovery; enacting the Uniform Interstate Depositions and Discovery Act; establishing procedures for requesting and issuing certain subpoenas; providing for the service and enforcement of such subpoenas; requiring that an application for a protective order or to enforce, quash or modify such subpoenas comply with all applicable rules of court and laws of this State; repealing the Uniform Foreign Depositions Act; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblyman Segerblom:

Assembly Bill No. 88—AN ACT relating to foreign declarations; enacting the Uniform Unsworn Foreign Declarations Act; authorizing the use in this State under certain circumstances of unsworn declarations executed outside of the United States; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblyman Segerblom:

Assembly Bill No. 89—AN ACT relating to insurance; requiring certain policies of health insurance and health care plans to provide coverage for acupuncture treatments in certain circumstances; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblyman Segerblom:

Assembly Bill No. 90—AN ACT relating to employment practices; prohibiting employers from subjecting an employee to abusive conduct in a work environment; requiring a court to award damages, back pay and attorney's fees consistent with the provisions set forth in Title VII of the Civil Rights Act of 1964 on prevailing claims of unlawful employment practices; prohibiting employers from discriminating against an employee with respect to a physical characteristic of the employee; revising provisions relating to the time in which an employee may seek relief in district court for a claim of unlawful employment practices; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblyman Segerblom:

Assembly Bill No. 91—AN ACT relating to collaborative law; enacting the Uniform Collaborative Law Act; establishing the requirements of a collaborative law participation agreement and the collaborative law process; establishing standards applicable to collaborative lawyers; providing that certain collaborative law communications are confidential and privileged; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblywoman Flores:

Assembly Bill No. 92—AN ACT relating to convicted persons; providing for the waiver of fees for the issuance of certain forms of identifying information for certain persons released from prison; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblyman Segerblom:

Assembly Bill No. 93—AN ACT relating to criminal offenders; requiring the Department of Corrections to establish intermediate sanction facilities for certain probation violators and offenders to receive treatment for alcohol or drug abuse; requiring the Department of Health and Human Services to

provide such treatment; authorizing courts to set aside the conviction of an offender or return a probation violator to probation in lieu of imprisonment upon successful completion of treatment at an intermediate sanction facility; making an appropriation; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblyman Stewart:

Assembly Bill No. 94—AN ACT relating to mental health; authorizing the involuntary court-ordered admission of certain persons with mental illness to programs of community-based or outpatient services under certain circumstances; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Assemblywoman Carlton (by request):

Assembly Bill No. 95—AN ACT relating to special license plates; authorizing the Commission on Special License Plates to postpone consideration of an application for a special license plate under certain circumstances; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Transportation.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 96—AN ACT relating to evidence; prohibiting a court from ordering a psychological or psychiatric examination of a victim of or a witness to an alleged sexual offense; authorizing a court to exclude psychological or psychiatric testimony in certain circumstances; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblywoman Smith:

Assembly Bill No. 97—AN ACT relating to the City of Sparks; amending the Charter of the City of Sparks to revise the process for appointing various positions in city government; revising the selection process for Mayor pro tempore; revising the list of classes of persons protected from employment

discrimination by the City; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblyman Segerblom:

Assembly Bill No. 98—AN ACT relating to emergencies; enacting the Uniform Emergency Volunteer Health Practitioners Act, which allows a participating state to establish a system whereby medical and veterinary service providers from other states may register to provide volunteer medical and veterinary services in that state in the event of an emergency; allowing a participating state to determine how various licensing, liability and certain other state laws will apply to registered medical and veterinary service providers who provide such volunteer services in a state in which they are not licensed to practice; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Legislative Operations and Elections:

Assembly Bill No. 99—AN ACT relating to elections; requiring the Secretary of State to conduct an annual drawing to determine a random alphabet to be used in determining the order in which the names of candidates for an office must appear on the ballot; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

By Assemblyman Segerblom:

Assembly Bill No. 100—AN ACT relating to elections; enacting the Uniformed Military and Overseas Absentee Voters Act; repealing certain provisions governing the use of absent ballots by Armed Forces of the United States personnel and overseas citizens; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

By Assemblyman Segerblom:

Assembly Bill No. 101—AN ACT relating to utilities; requiring the board of county commissioners in certain counties to create an underground utilities district; authorizing the creation of such a district in other counties; providing

for the organization, operation and budget of an underground utilities district; authorizing the issuance of general obligation bonds and the levy of a tax to construct and maintain an underground utilities district; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblywoman Carlton:

Assembly Bill No. 102—AN ACT relating to professional licenses; revising the requirements for licensure as a professional engineer or professional land surveyor for certain applicants; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblyman Livermore (by request):

Assembly Bill No. 103—AN ACT relating to the Airport Authority Act for Carson City; amending the qualifications of certain members of the Board of Trustees of the Airport Authority of Carson City; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblyman Sherwood:

Assembly Bill No. 104—AN ACT relating to voting; prohibiting a person from using a false or assumed name when voting; prohibiting a person from conspiring with another person to vote using a false or assumed name; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

By Assemblyman Sherwood:

Assembly Bill No. 105—AN ACT relating to employee organizations; requiring each employee organization recognized by a local government employer in this State to prepare an annual report concerning the dues, expenditures, compensation and other finances of the employee organization; requiring the employee organization to make the report available for inspection by certain members of the employee organization and to submit a copy of the report to the Legislative Auditor if requested by the Legislative Commission; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblyman Hambrick:

Assembly Bill No. 106—AN ACT relating to crimes; enhancing the punishment for certain acts relating to living from the earnings of a prostitute; enhancing the punishment for soliciting a child for prostitution; providing penalties; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblywoman Flores:

Assembly Bill No. 107—AN ACT relating to criminal procedure; requiring the adoption of certain policies and procedures relating to the identification of criminal suspects; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Legislative Operations and Elections:

Assembly Bill No. 108—AN ACT relating to elections; eliminating the deadline for registering to vote in an election; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

By Assemblyman Segerblom:

Assembly Bill No. 109—AN ACT relating to secured transactions; enacting the amendments to Article 9 of the Uniform Commercial Code; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Health and Human Services:

Assembly Bill No. 110—AN ACT relating to public welfare; requiring the Department of Health and Human Services to establish and administer the Kinship Guardianship Assistance Program; requiring the Department to include in certain state plans provisions relating to the Program; authorizing agencies which provide child welfare services to enter into agreements to

provide assistance under the Program; prescribing the requirements for receiving assistance pursuant to the Program; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 111—AN ACT relating to domestic relations; authorizing certain prospective adoptive parents to attend by telephone hearings concerning a petition for adoption; revising the residency requirements for certain adoptions; revising provisions relating to the hearing required for determining whether to include in a decree of adoption rights to visitation with siblings; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 112—AN ACT relating to crimes; revising the offenses punishable as conspiracy to include certain crimes relating to trafficking in persons, pandering a child and soliciting a child for prostitution; enhancing the punishment for certain acts relating to living from the earnings of a prostitute; providing penalties; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Education:

Assembly Bill No. 113—AN ACT relating to education; revising the contents of the plan to improve the academic achievement of pupils prepared by the State Board of Education to require a 5-year strategic plan; revising the dates on which determinations must be made whether public schools and school districts are making adequate yearly progress; revising various other dates for the preparation and submission of reports and plans relating to the statewide system of accountability for public schools; requiring the Department of Education to revise the testing schedule for the administration of the criterion-referenced examinations in grades 3 through 8; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Education.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 114—AN ACT relating to water; revising the amount of the fee for issuing and recording a permit to change the point of diversion or place of use only of an existing water right for irrigational purposes; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 115—AN ACT relating to water; revising provisions governing the approval or rejection by the State Engineer of an application to appropriate water for beneficial use; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Education:

Assembly Bill No. 116—AN ACT relating to educational personnel; requiring the governing body of a charter school to provide to a school district the employment record of an employee who was granted a leave of absence from the school district under certain circumstances; revising the designations of the overall performance of teachers and administrators required by the policies for evaluations of each school district; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Education.

Motion carried.

By the Committee on Education:

Assembly Bill No. 117—AN ACT relating to education; authorizing the board of trustees of a school district and the governing body of a charter school to request a waiver from the required minimum number of school days in a school year during an economic hardship; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Education.

Motion carried.

By Assemblyman Stewart:

Assembly Bill No. 118—AN ACT relating to cruelty to animals; requiring an animal abuser who resides in this State for more than a certain period to register with the sheriff of the county in which he or she resides; requiring an

animal abuser who registers with the sheriff to provide certain information to the sheriff; requiring the sheriff to establish and maintain a local animal abuser registry; requiring the Department of Public Safety to establish and maintain a statewide animal abuser registry; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

By Assemblyman Horne:

Assembly Bill No. 119—AN ACT relating to liens; establishing a lien for health care services on certain judgments and settlements; setting forth the requirements for enforcing such a lien against certain persons; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblyman Horne:

Assembly Bill No. 120—AN ACT relating to motor vehicles; increasing the amount of coverage that is required for certain policies of liability insurance for motor vehicles; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Transportation.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 121—AN ACT relating to courts; revising certain provisions relating to the security of court facilities; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblyman Livermore:

Assembly Bill No. 122—AN ACT relating to energy; authorizing the imposition of certain reasonable restrictions or requirements relating to systems for obtaining wind and solar energy; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Health and Human Services:

Assembly Bill No. 123—AN ACT relating to public health; requiring facilities for intermediate care, facilities for skilled nursing, residential facilities for groups and homes for individual residential care to provide itemized statements under certain circumstances; requiring the Health Division of the Department of Health and Human Services to conduct routine inspections of such facilities; requiring the Health Division to provide notices of deficiencies to patients or other responsible persons upon discovering a deficiency during an inspection of such facilities; providing administrative penalties; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 124—AN ACT relating to funeral directors; requiring a funeral director who obtains possession of the unclaimed human remains of a deceased person whom the funeral director knows, has reason to know or reasonably believes is a veteran to report the name of the deceased person to the Office of Veterans' Services; requiring the Office to determine whether certain deceased persons are veterans who are eligible for interment at a national or veterans' cemetery; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 125—AN ACT relating to criminal records; revising the crimes against older persons that are required to be reported to the Repository for Information Concerning Crimes Against Older Persons; requiring that certain information be included in the record maintained by the Repository; requiring the annual reporting of statistical data concerning such crimes to the Legislature; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 126—AN ACT relating to vulnerable persons; authorizing the Unit for the Investigation and Prosecution of Crimes Against Older Persons in the Office of the Attorney General to investigate and

prosecute any alleged abuse, neglect, exploitation or isolation of a vulnerable person; revising the name of the Unit to include vulnerable persons; requiring the Unit to organize or sponsor multidisciplinary teams; requiring members and agencies of local government to assist the Attorney General in carrying out the duties of the multidisciplinary teams; providing a civil penalty; requiring certain reports to be forwarded to the Unit; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblyman Oceguera:

Assembly Bill No. 127—AN ACT relating to the Legislature; eliminating the requirement for compiling sets of books of legislative measures and related materials; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

By Assemblyman Aizley:

Assembly Bill No. 128—AN ACT relating to smoking; prohibiting the smoking of tobacco on the property of the Nevada System of Higher Education; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblyman Kirner:

Assembly Bill No. 129—AN ACT relating to education; repealing the statutory requirements for the reduction of pupil-teacher ratios in certain grades; authorizing the board of trustees of a school district to establish pupil-teacher ratios for the elementary schools within the school district; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Concurrent Committees on Education and Ways and Means.

Motion carried.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, February 7, 2011

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolution No. 1.

Also, I have the honor to inform your honorable body that the Senate on this day passed Senate Bill No. 1.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 1.
Read first time.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Conklin moved that all rules be suspended, reading so far had considered second reading, rules further suspended, Senate Bill No. 1 considered engrossed, declared an emergency measure under the Constitution and placed on third reading and final passage.

Remarks by Assemblyman Conklin.

Motion carried unanimously.

GENERAL FILE AND THIRD READING

Senate Bill No. 1.
Bill read third time.
Remarks by Assemblyman Conklin.
Roll call on Senate Bill No. 1:
YEAS—41.
NAYS—None.
EXCUSED—Hogan.

Senate Bill No. 1 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Aizley, the privilege of the floor of the Assembly Chamber for this day was extended to Sari Aizley, Matthew Dillingham, and Elizabeth Dillingham.

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Matt Dickson, Louise Seidel , Rosa Mendoza, Jill Derby, Cynthia Trigg, Edward Anderson, Pamela Gustafson, and Hannah Weissert.

On request of Assemblyman Atkinson, the privilege of the floor of the Assembly Chamber for this day was extended to Mary Atkinson, Haley Atkinson, De-sha Hill, Delano Sharp, Bernice Atkinson, Kay Atkinson, Godist Corhn, Tawdra Heath, Julious Heath, and Shardi Drew.

On request of Assemblywoman Benitez-Thompson, the privilege of the floor of the Assembly Chamber for this day was extended to Jeff Thompson, Lilly Benitez-Thompson, Eli Benitez-Thompson, Danny Kane, Mari Cork, Phil Howard, Jim Robertson, and Eileen Drenske.

On request of Assemblyman Bobzien, the privilege of the floor of the Assembly Chamber for this day was extended to Lisa Kornze, Stephanie Itza, Carrie Sandstedt, Luca Kornze Bobzien, and Finnegan Kornze Bobzien.

On request of Assemblyman Brooks, the privilege of the floor of the Assembly Chamber for this day was extended to Roxanne Brooks, Ada Brooks, Kevin Brooks, Renee Cato, Robin Carter, and Ricki Barlow.

On request of Assemblywoman Bustamante Adams, the privilege of the floor of the Assembly Chamber for this day was extended to Diana Bustamante, Ferello Croker, James Brad Adams, Olivia Brown, Alaina Brown, Diane Bustamante, and Ferello Croker.

On request of Assemblywoman Carlton, the privilege of the floor of the Assembly Chamber for this day was extended to Merritt Carlton.

On request of Assemblyman Carrillo, the privilege of the floor of the Assembly Chamber for this day was extended to Annette Carrillo.

On request of Assemblyman Conklin, the privilege of the floor of the Assembly Chamber for this day was extended to Carl Conklin, Anita Conklin, Debbie Conklin, Carl Conklin Junior, and Carol Conklin.

On request of Assemblyman Daly, the privilege of the floor of the Assembly Chamber for this day was extended to Lisa Daly, Sara Daly, and Brian Daly.

On request of Assemblywoman Diaz, the privilege of the floor of the Assembly Chamber for this day was extended to Alejandro Diaz, Nydia Diaz, Marisa Diaz, Adela Colmenares, Martin Colmenares, Gabriel Colmenares, Alma Guzman, Melissa N. Hearon, Elsa Patterson, Theresa Ramirez, Maria Cruz Gonzalez-Alejandre, Frank Alejandre, Frank Gonzalez, Gilberto Diaz, and Alejandra Diaz.

On request of Assemblywoman Dondero Loop, the privilege of the floor of the Assembly Chamber for this day was extended to Mike Dondero, Christopher Dondero, Mary Ann Dondero, Judy Habbeshaw, Joan Partier, Bill Partier, Thalia Dondero, Amy Loop, Elise Dondero, Anna Dondero, and Rob Dondero.

On request of Assemblyman Ellison, the privilege of the floor of the Assembly Chamber for this day was extended to Cindy Ellison, Ann Ellison, and Michelle Mosley.

On request of Assemblywoman Flores, the privilege of the floor of the Assembly Chamber for this day was extended to Vivian Flores, Alexis Flores, Edwin Gutierrez, and Juan Ortega.

On request of Assemblyman Frierson, the privilege of the floor of the Assembly Chamber for this day was extended to Nathalia Frierson, Abigail Parolise, Vida Lin, and Duy Nguyen.

On request of Assemblyman Goicoechea, the privilege of the floor of the Assembly Chamber for this day was extended to Glady Goicoechea.

On request of Assemblyman Grady, the privilege of the floor of the Assembly Chamber for this day was extended to Tina Cordes, Sean Cordes, Taylen Cordes, Cady Cordes, Tami Harmon, Paul Harmon, Jace Harmon, Addyson Harmon, Tim Grady, Pat Grady, Tanya Grady, Mackie Grady, and Maddie Grady.

On request of Assemblyman Hambrick, the privilege of the floor of the Assembly Chamber for this day was extended to Nancy Hambrick, Laura Sullivan, John Hambrick, Ted Weiss, Meghan Engstran, Mark Sullivan, and Claudia Engstran.

On request of Assemblyman Hammond, the privilege of the floor of the Assembly Chamber for this day was extended to Tonya Hammond, Tomas Hammond, Olivia Hammond, and Sofia Hammond.

On request of Assemblyman Hansen, the privilege of the floor of the Assembly Chamber for this day was extended to Alexis Hansen, Larissa Hansen, Sharon Hansen, and Mallory Hansen.

On request of Assemblyman Hardy, the privilege of the floor of the Assembly Chamber for this day was extended to Peri Hardy, Kagen Hardy, Anthony Ribaudo, and Westin Burton.

On request of Assemblyman Hickey, the privilege of the floor of the Assembly Chamber for this day was extended to Shin Hickey, George Hickey, Johnmin Hickey, Daemin Hickey, and Mary Merry.

On request of Assemblyman Horne, the privilege of the floor of the Assembly Chamber for this day was extended to Chloe Horne, William Henry Horne, and Kayla Fields.

On request of Assemblywoman Kirkpatrick, the privilege of the floor of the Assembly Chamber for this day was extended to Mike Kirkpatrick.

On request of Assemblyman Kirner, the privilege of the floor of the Assembly Chamber for this day was extended to Mrs. Peggy Kirner, Lexie Mikesell, Braden Mikesell, Jim Kirner, Kim Kirner, Macie Kirner, Karen Pike, and David Pike.

On request of Assemblyman Kite, the privilege of the floor of the Assembly Chamber for this day was extended to Doug Sonneman, Cathie Kite, Denise Berumen, Dianna Hennessey, Robert Schultz, and Nickolas Hennessey.

On request of Assemblyman Livermore, the privilege of the floor of the Assembly Chamber for this day was extended to Laurie Livermore, Wendy Livermore, Bill Fletcher, and Sherry Fletcher.

On request of Assemblywoman Mastroluca, the privilege of the floor of the Assembly Chamber for this day was extended to Mitzi Nelson, Linda Whimple, Dan Mastroluca, Kelsey Mastroluca, Nick Mastroluca, Rodger Podlogar, and Joanne Podlogar.

On request of Assemblywoman Neal, the privilege of the floor of the Assembly Chamber for this day was extended to Senator Joe Neal, Alexandra Neal, Tuwaski Neal, Withania Neal, Alphonse Neal, Christian Neal, Doctor Tania Edwards, Doctor Dothel Edwards, Jonah Edwards, and Linda Fontenote.

On request of Assemblyman Oceguera, the privilege of the floor of the Assembly Chamber for this day was extended to Eileen Montgomery, Janie Oceguera, Jackson Oceguera, and Margaret Stefenoni; and the following faculity and students from Coral Science Academy: Ron Bonomo, Yilmaz Ak, Rita Long, Cynthia Marson, William Kelley, Nate Aguera, Robin Leverett, Leonardo Moreno-Gonzales, Vanessa Chacon, Melanie Brown, Grant Lopez, Brandon Garcia, Paris Price, Paige Martinez, Faith Price, Angeline Mallori, Verdene Johnson, Torry Hinder, Clara Buck, Paul Buck, Murat Erarslan, Sam Crabtree, and Bryn Taylor.

On request of Assemblyman Ohrenschall, the privilege of the floor of the Assembly Chamber was for this day extended to John Ohrenschall and Jamie Stetson.

On request of Assemblyman Segerblom, the privilege of the floor of the Assembly Chamber for this day was extended to Sharon Segerblom.

On request of Assemblyman Sherwood, the privilege of the floor of the Assembly Chamber for this day was extended to Audrey Sherwood, Glen Sherwood, Paige Sherwood, Garrett Sherwood, and Brynn Sherwood.

On request of Assemblywoman Smith, the privilege of the floor of the Assembly Chamber for this day was extended to Greg Smith, Louise Smith, Jonny Lester, Olivia Bouch, David Bouch, Erin Smith, David Marlon, Ian Smith, Yuuko Okudaira, Craig Hulse, and Steve Ingersoll.

On request of Assemblyman Stewart, the privilege of the floor of the Assembly Chamber for this day was extended to Dianne Stewart, Sara Menke, Katherine Schnoor, and Keith Pickard.

Assemblyman Conklin moved that the Assembly adjourn until Wednesday, February 9, 2011, at 11 a.m.

Motion carried.

Assembly adjourned at 3:12 p.m.

Approved: JOHN OCEGUERA
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE THIRD DAY

CARSON CITY (Wednesday), February 9, 2011

Assembly called to order at 11:10 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblyman Hogan, who was excused.

Prayer by the Chaplain, Pastor Al Tilstra.

Eternal God,

Grant to the members and officers of this body a sacred moment of quiet before they take up the duties of this day. Let them not think, when this prayer is said, that their dependence on You is over and forget the counsels for the rest of the day.

Rather from these moments of holy quiet, may there come such a sweetness of disposition that all may know that You are in this place.

So help us all this day through Your presence.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Conklin moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Judiciary, to which was referred Assembly Bill No. 7, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

WILLIAM C. HORNE, *Chair*

Mr. Speaker:

Your Committee on Transportation, to which was referred Assembly Bill No. 28, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MARILYN DONDERO LOOP, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, February 7, 2011

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolution No. 2.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

By the Committee on Natural Resources, Agriculture, and Mining:

Assembly Concurrent Resolution No. 3—Urging proactive protection and restoration of the population and habitat of the greater sage grouse in Nevada.

Assemblyman Conklin moved that the resolution be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblywoman Smith:

Assembly Bill No. 130—AN ACT relating to affordable housing; allowing affordable housing entities to participate in a program of joint self-insurance; exempting such a program of joint self-insurance from the Nevada Insurance Code; and providing other matters properly relating thereto.

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

Motion carried.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Concurrent Resolution No. 1.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Bobzien, the privilege of the floor of the Assembly Chamber for this day was extended to the following students from Duncan Elementary School, Reno: Lyssandra Aguirre, Mark Ramirez, Efrain Ojeda, Jamileth Jacinto, Oscar Armenta, Tierra Laupua, Mike Higgins, Daniel Castillo-Cruz, Johnadon Manriquez, and Araceli Marquez.

On request of Assemblyman Livermore, the privilege of the floor of the Assembly Chamber for this day was extended to Daniel Nubel.

Assemblyman Conklin moved that the Assembly adjourn until Friday, February 11, 2011, at 11 a.m.

Motion carried.

Assembly adjourned at 11:19 a.m.

Approved: JOHN OCEGUERA
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE FIFTH DAY

CARSON CITY (Friday), February 11, 2011

Assembly called to order at 11:03 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblymen Carlton and Segerblom, who were excused.

Prayer by the Chaplain, Pastor Albert Tilstra.

Almighty God, we know deep down in our hearts that without Your guidance we can do nothing, but with You, we can accomplish all things. Let us not be frightened by the problems that confront us, but rather give You thanks that You have matched us with this hour. May we resolve, God helping us, to be part of the answer and not part of the problem.

We ask this in Your Name.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Conklin moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker

Your Committee on Judiciary, to which was referred Assembly Bill No. 11, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

WILLIAM C. HORNE, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, February 10, 2011

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Senate Bill No. 5.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

By the Committee on Commerce and Labor:

Assembly Concurrent Resolution No. 4—Expressing support for economic development and the development of a highly skilled workforce in the sectors of logistics, supply chain management and renewable energy technology in this State.

Assemblyman Conklin moved that the resolution be referred to the Committee on Commerce and Labor.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Commerce and Labor:

Assembly Bill No. 131—AN ACT relating to occupational diseases; revising provisions relating to minimum duration of incapacity; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Legislative Operations and Elections:

Assembly Bill No. 132—AN ACT relating to elections; revising provisions governing the dates for certain city elections; revising deadlines for the submission of certain campaign contribution and expenditure reports relating to city elections; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 133—AN ACT relating to energy; revising provisions governing the Solar Energy Systems Incentive Program to require the Public Utilities Commission of Nevada to establish by regulation program terms which periodically reduce the cumulative capacity of solar energy systems that is allocated for participation in the Solar Program; requiring the Commission to establish by regulation the categories of property that are eligible for participation in the Solar Program and the amount of capacity that is allocated for participation in the Solar Program for each category; requiring that the amount of any incentives available pursuant to the Solar Program be based in part on the amount of electricity produced by a solar energy system; increasing the cumulative capacity of net metering systems which may operate within the service area of an electric utility; requiring the Commission to conduct certain investigations related to the allocation of capacity for net metering systems; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 134—AN ACT relating to criminal procedure; prohibiting the imposition of a sentence of life imprisonment without the possibility of parole upon a juvenile offender convicted of a non-homicide crime; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 135—AN ACT relating to probation; prohibiting a court from ordering a term of imprisonment for certain violations of probation; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 136—AN ACT relating to offenders; revising provisions governing credits for offenders sentenced for certain crimes; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Education:

Assembly Bill No. 137—AN ACT relating to education; requiring the implementation of a school breakfast program at each public school designated as demonstrating need for improvement for 3 consecutive years or more; requiring school districts and certain public schools to report on school nutrition programs; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Concurrent Committees on Education and Ways and Means.

Motion carried.

By the Committee on Education:

Assembly Bill No. 138—AN ACT relating to education; requiring the Department of Education to work in consultation with the Nevada System of Higher Education to establish a plan to ensure that high school pupils are adequately prepared for postsecondary education and success in the workplace; revising certain requirements for the reports of accountability information prepared by the State Board of Education and the boards of trustees of school districts; revising provisions governing the academic plans for ninth grade pupils; requiring school districts to adopt a policy for

remediation of deficient credits; requiring school districts to adopt a policy for pupils to report unlawful activities; repealing certain provisions relating to the exemption of certain children from compulsory school attendance; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Education.

Motion carried.

By Assemblymen Goicoechea, Ellison, and Hansen (by request):

Assembly Bill No. 139—AN ACT relating to emergency medical services; authorizing the use in certain counties of unlicensed persons for the provision of emergency medical care under certain circumstances; revising provisions governing the operation of an ambulance or a vehicle of a fire-fighting agency which provides emergency medical care in certain counties; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Assemblymen Goicoechea, Ellison, Grady, Hansen, and Munford:

Assembly Bill No. 140—AN ACT relating to civil liability; limiting the civil liability of certain persons for injuries or death resulting from certain inherent risks of equine activities; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Goicoechea, Ellison, and Hansen:

Assembly Bill No. 141—AN ACT relating to occupational diseases; expanding the frequency with which certain volunteer firefighters must submit to physical examinations to receive workers' compensation coverage for certain occupational diseases; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymen Ohrenschall, Horne, Frierson, Pierce, Munford, Aizley, Carlton, Carrillo, Daly, Diaz, Dondero Loop, Flores, Hickey, Kirkpatrick, Kirner, Mastroluca, Segerblom, and Smith:

Assembly Bill No. 142—AN ACT relating to crimes; increasing the monetary threshold for the classification of certain crimes against property; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Bobzien, Smith, Goicoechea, Ohrenschall, Horne, Conklin, Daly, Ellison and Hardy:

Assembly Bill No. 143—AN ACT relating to concealed firearms; revising provisions concerning permits to carry concealed semiautomatic firearms; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Kirkpatrick, Oceguera, Smith, Conklin, Atkinson, Aizley, Anderson, Benitez-Thompson, Bobzien, Brooks, Bustamante Adams, Carrillo, Daly, Diaz, Dondero Loop, Ellison, Flores, Frierson, Goicoechea, Grady, Hammond, Hardy, Hogan, Horne, Livermore, Mastroluca, Munford, Neal, Ohrenschall, Pierce and Stewart:

Assembly Bill No. 144—AN ACT relating to public works; revising provisions relating to preferences in bidding for contracts for certain public works projects; requiring the inclusion in a contract for a public work of certain conditions that must be satisfied to obtain such a preference in bidding; providing for the investigation of a failure to satisfy the conditions for such a preference in bidding; providing for the recovery of damages for a failure to satisfy the provisions in a contract relating to preferences in bidding; prohibiting the use of a certificate of eligibility to receive a preference in bidding in certain circumstances; prohibiting a person from bidding on a public work in certain circumstances; revising provisions relating to the keeping, by certain persons, of records relating to public works; and providing other matters properly relating thereto.

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

Motion carried.

Senate Bill No. 5.

Assemblyman Conklin moved that the bill be referred to the Committee on Judiciary.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 7.
Bill read second time and ordered to third reading.

Assembly Bill No. 28.
Bill read second time and ordered to third reading.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Concurrent Resolution No. 2; Assembly Resolutions Nos. 1, 2, 3; Senate Bill No. 1.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Hambrick, the privilege of the floor of the Assembly Chamber for this day was extended to Stephanie Ferguson and Rhonda Ferguson.

On request of Assemblywoman Smith, the privilege of the floor of the Assembly Chamber for this day was extended to Fred Barrie and Sandy Barrie.

Assemblyman Conklin moved that the Assembly adjourn until Monday, February 14, 2011, at 11 a.m.
Motion carried.

Assembly adjourned at 11:23 a.m.

Approved: JOHN OCEGUERA
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE EIGHTH DAY

CARSON CITY (Monday), February 14, 2011

Assembly called to order at 11a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblywoman Carlton, who was excused.

Prayer by the Chaplain, Reverend Bruce Henderson.

Happy Valentine's Day! On this day that we celebrate the wonders of love, I'm reminded of Jesus' answer when a leader asked Him which was the greatest commandment. Jesus replied: "Love the Lord your God with all your heart and with all your soul and with all your mind. This is the first and greatest commandment. And the second is like it: Love your neighbor as yourself. All the Law and the Prophets hang on these two commandments." (Matthew 22:37-40)

Let us pray.

O God, help us to always love in these two directions. Even now. Even here.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Conklin moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Conklin moved that the following persons be accepted as accredited press representatives and that they be assigned space at the press table and allowed the use of appropriate broadcasting facilities: AHORA LATINO JOURNAL: Mario DelaRosa; ASSOCIATED PRESS: Michelle Rindels; COX COMMUNICATIONS: Steve Schorr; Honey Badger; Robert Mulvana; KLAS-TV: Kyle Zuelke; KOLO-TV: Ray Kinney; KTVN-TV: Byron Ellis; Kellene Stockwell; LAS VEGAS REVIEW-JOURNAL: Jessica Ebelhar; LAS VEGAS SUN: Sam Morris; NEVADA BROADCASTERS ASSOCIATION: Adrienne Abbott Gutierrez; "WE THE PEOPLE": Shayne Del Cohen.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblyman Goicoechea:

Assembly Bill No. 145—AN ACT relating to unincorporated towns; requiring a copy of an ordinance proposing the annexation of an area by an unincorporated town to be sent to each owner of real property in the area

under certain circumstances; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Health and Human Services:

Assembly Bill No. 146—AN ACT relating to the Office for Consumer Health Assistance; expanding the definition of "consumer" to include more situations in which the Office may render assistance; expanding the authority of the Director of the Office to adopt regulations; authorizing the Director to appoint a designee to mediate, arbitrate or resolve by alternative means certain disputes between patients and hospitals; and providing other matters properly relating thereto.

Assemblywoman Mastroluca moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Mastroluca, Ohrenschall, Benitez-Thompson, Dondero Loop, Flores and Frierson:

Assembly Bill No. 147—AN ACT relating to domestic relations; providing that the termination of parental rights does not terminate the right of a child to inherit from his or her parent or parents; and providing other matters properly relating thereto.

Assemblywoman Mastroluca moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Mastroluca, Ohrenschall, Smith, Bobzien, Benitez-Thompson, Conklin, Dondero Loop, Flores, Frierson, Horne and Pierce:

Assembly Bill No. 148—AN ACT relating to the protection of children; requiring an investigation to determine whether an infant who is relinquished to a provider of emergency services has been reported as a missing child; and providing other matters properly relating thereto.

Assemblywoman Mastroluca moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Assemblymen Segerblom, Pierce, Ohrenschall, Aizley, Benitez -Thompson, Carlton, Diaz, Flores, Frierson, Horne, Munford, and Neal; Senators Parks, Breeden, Kihuen, Leslie and Manendo:

Assembly Bill No. 149—AN ACT relating to malpractice; revising provisions relating to the affidavit of a medical expert which is required to be

filed in medical and dental malpractice actions; and providing other matters properly relating thereto.

Assemblyman Segerblom moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Bobzien, Atkinson, Conklin, Oceguera, Smith, Benitez -Thompson, Bustamante Adams, Frierson, Hickey, Kirkpatrick, Kirner, Mastroluca and Pierce; Senators Horsford, Schneider and Leslie:

Assembly Bill No. 150—AN ACT relating to energy; revising the definition of "energy efficiency measure" for the purposes of the portfolio standard for providers of electric service; and providing other matters properly relating thereto.

Assemblyman Bobzien moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 11.

Bill read second time and ordered to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Conklin moved that Assembly Bills Nos. 7 and 28 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Aizley, the privilege of the floor of the Assembly Chamber for this day was extended to Philip Kirchman and Chase McNamara.

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Dolan Debold.

On request of Assemblyman Atkinson, the privilege of the floor of the Assembly Chamber for this day was extended to Thomas Lancaster and Matthew Hayashi.

On request of Assemblywoman Benitez-Thompson, the privilege of the floor of the Assembly Chamber for this day was extended to Simon Warren.

On request of Assemblyman Bobzien, the privilege of the floor of the Assembly Chamber for this day was extended to Michael Welson and Brett Williams.

On request of Assemblyman Brooks, the privilege of the floor of the Assembly Chamber for this day was extended to Jay Ford.

On request of Assemblyman Carrillo, the privilege of the floor of the Assembly Chamber for this day was extended to Andreas Andrico Mourelatos.

On request of Assemblyman Daly, the privilege of the floor of the Assembly Chamber for this day was extended to Ryan Walker and Ronald Pelham.

On request of Assemblyman Ellison, the privilege of the floor of the Assembly Chamber for this day was extended to Thomas Pelham and Michael Franzoia.

On request of Assemblywoman Flores, the privilege of the floor of the Assembly Chamber for this day was extended to Brin Hill and Nicholas Bowler.

On request of Assemblyman Frierson, the privilege of the floor of the Assembly Chamber for this day was extended to Tommy Gall and Brandon Iwamura.

On request of Assemblyman Goicoechea, the privilege of the floor of the Assembly Chamber for this day was extended to David Jamie Shumway.

On request of Assemblyman Grady, the privilege of the floor of the Assembly Chamber for this day was extended to Riley Shumway.

On request of Assemblyman Hambrick, the privilege of the floor of the Assembly Chamber for this day was extended to Raymond Plasse.

On request of Assemblyman Hammond, the privilege of the floor of the Assembly Chamber for this day was extended to Franklin Hayes.

On request of Assemblyman Hansen, the privilege of the floor of the Assembly Chamber for this day was extended to Samson Moore and Sam Robles.

On request of Assemblyman Hardy, the privilege of the floor of the Assembly Chamber for this day was extended to Trace Millard.

On request of Assemblyman Hickey, the privilege of the floor of the Assembly Chamber for this day was extended to Dylan Wyatt.

On request of Assemblyman Hogan, the privilege of the floor of the Assembly Chamber for this day was extended to Colton Wyatt.

On request of Assemblyman Horne, the privilege of the floor of the Assembly Chamber for this day was extended to Daniel Gourlay.

On request of Assemblyman Kite, the privilege of the floor of the Assembly Chamber for this day was extended to Robert Albright and Ben Fritz.

On request of Assemblyman Livermore, the privilege of the floor of the Assembly Chamber for this day was extended to Mathew Tener and Haydn Brown.

On request of Assemblyman McArthur, the privilege of the floor of the Assembly Chamber for this day was extended to Charlie DeWitt and Symon DeWitt.

On request of Assemblyman Ohrenschall, the privilege of the floor of the Assembly Chamber for this day was extended to Connor Pierce.

On request of Assemblyman Sherwood, the privilege of the floor of the Assembly Chamber for this day was extended to Daniel Tooker and Matthew Tooker.

On request of Assemblyman Stewart, the privilege of the floor of the Assembly Chamber for this day was extended to Steven Whimple and Michael Whimple.

Assemblyman Conklin moved that the Assembly adjourn until Wednesday, February 16, 2011, at 11 a.m.

Motion carried.

Assembly adjourned at 11:21 a.m.

Approved: JOHN OCEGUERA
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE TENTH DAY

CARSON CITY (Wednesday), February 16, 2011

Assembly called to order at 11:08 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblyman Grady, who was excused.

Prayer by the Chaplain, Reverend Bruce Henderson.

According to the old nursery rhyme, Wednesday's child is full of snow—I mean woe. Well, Lord, here we are on Wednesday of our second week. Instead of woe, may we be filled with hope. Instead of sorrow, may we daily experience joy. Instead of wrangling, may we have unity. Instead of worry, please strengthen our faith. We are here for the long haul, Lord, and we pray in the Name of the One who is with us all the way.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Conklin moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Assembly Bill No. 144, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MARILYN K. KIRKPATRICK, *Chair*

COMMUNICATIONS

CONGRESS OF THE UNITED STATES
HOUSE OF REPRESENTATIVES
WASHINGTON, D.C. 20515-2801

February 15, 2011

THE HONORABLE JOHN OCEGUERA, *Speaker,* Nevada Assembly, 401 South Carson Street, Carson City, Nevada 89701-4747

DEAR SPEAKER OCEGUERA:

I am writing to you today to express my desire to address both houses of the legislature during the 2011 legislative session. It appears that April 20, 2011, is available and I would enjoy the opportunity to share my views with the legislature on national issues and the challenges that confront us in the Congress. Many of these issues will affect Nevada citizens directly and the perspectives of the members of the Nevada Legislature are paramount to my decision making.

If you could let my staff know the details regarding my visit and address I would appreciate it. I look forward to your response. Please direct any communication to my District Director, Tod Story. He can be reached at 702-220-9823.

Sincerely,
SHELLEY BERKLEY
Member of Congress

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, February 14, 2011

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Senate Bill No. 47.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Atkinson, Oceguera, Smith, Kirkpatrick, Conklin, Bobzien, Dondero Loop, and Horne:

Assembly Bill No. 151—AN ACT relating to traffic laws; prohibiting a person from manually typing or entering text into a cellular telephone or other handheld wireless communications device and from sending or reading data using any such device while operating a motor vehicle in certain circumstances; providing penalties; and providing other matters properly relating thereto.

Assemblyman Atkinson moved that the bill be referred to the Committee on Transportation.

Motion carried.

By Assemblymen Atkinson, Horne, Bobzien, Benitez-Thompson, Conklin, Dondero Loop, Flores, Kirkpatrick, Mastroluca, Munford, Neal, Oceguera, Pierce, and Smith:

Assembly Bill No. 152—AN ACT relating to transportation; creating an advisory committee to develop recommendations relating to the funding of the construction and maintenance of highways in this State; providing for the membership, compensation and duties of the advisory committee; authorizing the advisory committee to place advisory questions regarding the recommendations of the committee on the ballot for the general election to be held in 2012; requiring the Secretary of State to appoint committees to prepare arguments for and against approval of the recommendation proposed in any such advisory question placed on the ballot; and providing other matters properly relating thereto.

Assemblyman Atkinson moved that the bill be referred to the Committee on Transportation.

Motion carried.

By Assemblymen Segerblom, Ohrenschall, Diaz, Aizley, Dondero Loop, Flores, Frierson, Munford, and Pierce:

Assembly Bill No. 153—AN ACT relating to arrests; prohibiting certain provisions from being construed to authorize the use of a record of an arrest as a reason to deny, refuse to renew, suspend or revoke a license, permit, certificate or registration; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Frierson, Mastroluca, Smith, Benitez-Thompson, Ohrenschall, Bustamante Adams, Diaz, and Segerblom; Senator Leslie:

Assembly Bill No. 154—AN ACT relating to the protection of children; establishing provisions which set forth certain rights of children who are placed in foster homes; requiring notice of those rights to children placed in foster homes; establishing a procedure for children who are placed in foster homes to report alleged violations of those rights; prohibiting retribution against a child who makes such a report; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Frierson moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Assemblyman Atkinson:

Assembly Bill No. 155—AN ACT relating to insurance; revising provisions relating to the filing and effective date of certain increases or decreases in rates of insurance; authorizing the Commissioner of Insurance to order certain rates of insurance to be discontinued under certain circumstances; and providing other matters properly relating thereto.

Assemblyman Atkinson moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymen Frierson, Horne, Segerblom, and Flores; Senator Wiener:

Assembly Bill No. 156—AN ACT relating to process servers; requiring that a proof of service filed with a court contain certain information; revising provisions relating to orders of abatement; providing penalties; and providing other matters properly relating thereto.

Assemblyman Frierson moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymen Hickey, Goicoechea, Hansen, Atkinson, Kirkpatrick, Ellison, Kirner, Livermore, and Ohrenschall:

Assembly Bill No. 157—AN ACT relating to elections; revising the date of the primary election to the second Tuesday in September of each even-numbered year; and providing other matters properly relating thereto.

Assemblyman Hickey moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

By Assemblymen Hickey, Kirner, Sherwood, Hambrick, Hardy, and Segerblom:

Assembly Bill No. 158—AN ACT relating to the training of drivers; revising requirements that an automobile drivers' education course offered by a public school or educational institution must meet for the school or institution to be exempted from the requirements for licensure as a driving school; and providing other matters properly relating thereto.

Assemblyman Hickey moved that the bill be referred to the Committee on Transportation.

Motion carried.

By Assemblymen Segerblom, Ohrenschall, Daly, Flores, Frierson, Pierce, and Smith; Senators Breeden and Leslie:

Assembly Bill No. 159—AN ACT relating to public records; requiring the person who has legal custody of a public record, under certain circumstances, to prepare a copy of the public record rather than requiring that the person requesting the copy prepare the copy; requiring copies of public books and records to be made available immediately upon request in certain circumstances; limiting the fee which may be charged for a copy of a public record in the custody of a law library operated by a governmental entity; requiring copies of minutes and audio recordings of public meetings to be made available to the public upon request and at no charge; reducing the fee a county clerk charges for copying records, proceedings or papers; eliminating the fee a county clerk charges for searching records or files in the office of the county clerk; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Segerblom, Aizley, Benitez-Thompson, Flores, Frierson, Hogan, Neal, and Pierce; Senators Kihuen and Leslie:

Assembly Bill No. 160—AN ACT relating to medical facilities; revising provisions governing the form and publication of financial reports of certain

medical facilities; requiring hospitals to include certain information in the financial reports submitted by the hospitals; requiring the Legislative Committee on Health Care to review such information included in the financial reports of hospitals; providing a civil penalty; and providing other matters properly relating thereto.

Assemblyman Segerblom moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Assemblyman Anderson:

Assembly Bill No. 161—AN ACT relating to crimes; revising provisions governing the crime of trespassing; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Aizley, Ohrenschall, Segerblom, and Pierce:

Assembly Bill No. 162—AN ACT relating to insurance; prohibiting an insurer from using the consumer credit information of a person for certain purposes relating to insurance policies; repealing provisions authorizing an insurer to use consumer credit information as a basis for making certain determinations and taking certain actions regarding insurance policies; providing administrative penalties; and providing other matters properly relating thereto.

Assemblyman Aizley moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 163—AN ACT relating to public guardians; authorizing public guardians to have access to, inspect and copy certain information relating to a proposed ward under certain circumstances; providing other matters properly relating thereto.

Assemblywoman Kirkpatrick moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 164—AN ACT relating to county coroners; requiring a board of county commissioners in certain counties to create the office of county coroner; providing that the county coroner is the ex officio public administrator of certain counties; and providing other matters properly relating thereto.

Assemblywoman Kirkpatrick moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Taxation:

Assembly Bill No. 165—AN ACT relating to state revenue; revising the manner in which to determine the tax imposed on moist snuff; and providing other matters properly relating thereto.

Assemblywoman Kirkpatrick moved that the bill be referred to the Committee on Taxation.

Motion carried.

By Assemblymen Bustamante Adams, Kirkpatrick, and Hardy; Senator Hardy:

Assembly Bill No. 166—AN ACT relating to municipal obligations; revising provisions authorizing a municipality to call a special election for the purpose of refunding bonds; and providing other matters properly relating thereto.

Assemblywoman Bustamante Adams moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Bustamante Adams, Bobzien, Goicoechea, Grady, and Hardy; Senators Lee and Manendo:

Assembly Bill No. 167—AN ACT relating to aquatic species; prohibiting a person from introducing certain aquatic species into the waters of this State; providing for the inspection of vessels for aquatic invasive species; requiring vessels to be inspected for the presence of aquatic invasive species before being operated on the waters of this State; requiring decontamination of any vessels where an aquatic invasive species is present; authorizing the impoundment or quarantine of certain vessels; requiring an aquatic invasive species fee to be paid by all operators of vessels; providing a civil penalty; providing penalties; and providing other matters properly relating thereto.

Assemblywoman Bustamante Adams moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

By Assemblywomen Dondero Loop and Kirkpatrick:

Assembly Bill No. 168—AN ACT relating to general improvement districts; revising the provisions governing the formation of a general improvement district; and providing other matters properly relating thereto.

Assemblywoman Dondero Loop moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Bustamante Adams, Bobzien, Benitez-Thompson, Daly, Diaz, Flores, Munford, and Neal; Senators Denis and Kihuen:

Assembly Bill No. 169—AN ACT relating to charter schools; authorizing the governing body of a charter school to contract with an educational management organization for certain purposes; prescribing limitations on such contracts; and providing other matters properly relating thereto.

Assemblywoman Bustamante Adams moved that the bill be referred to the Committee on Education.

Motion carried.

By Assemblymen Pierce, Ohrenschall, Anderson, Aizley, Benitez-Thompson, Bustamante Adams, Flores, Kirkpatrick, Mastroluca, Neal, and Smith:

Assembly Bill No. 170—AN ACT relating to public health; requiring each retail establishment in which cigarettes are sold or offered for sale to post a sign regarding the dangers of smoking tobacco during pregnancy; providing a civil penalty; and providing other matters properly relating thereto.

Assemblywoman Pierce moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Assemblymen Benitez-Thompson, Smith, Carrillo, Daly, Diaz, Dondero Loop, Frierson, Kirkpatrick, Neal, and Pierce; Senators Denis and Kihuen:

Assembly Bill No. 171—AN ACT relating to education; revising provisions governing the membership of a committee to form a charter school and the governing body of a charter school; revising provisions for the process of review of an application to form a charter school; authorizing the governing body of a charter school to set a salary for the attendance of its members at meetings of the governing body; revising the requirements for a charter school to be eligible for an exemption from annual performance audits and to receive certain money for facilities; revising various other provisions governing charter schools; repealing the Subcommittee on Charter Schools; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Education.

Motion carried.

By Assemblymen Brooks, Anderson, Benitez-Thompson, Carrillo, Conklin, Daly, Diaz, Horne, Munford, Ohrenschall, and Segerblom:

Assembly Bill No. 172—AN ACT relating to state employees; requiring the Director of the Department of Health and Human Services and the Director of the Office of Energy each to employ two persons to solicit,

procure, manage and coordinate the use of grants and other money for certain purposes; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Munford and Hogan:

Assembly Bill No. 173—AN ACT relating to traffic laws; prohibiting a person from using a cellular telephone or other handheld wireless communications device while operating a motor vehicle in certain circumstances; providing penalties; and providing other matters properly relating thereto.

Assemblyman Munford moved that the bill be referred to the Committee on Transportation.

Motion carried.

By Assemblymen Munford, Hogan, and Neal:

Assembly Bill No. 174—AN ACT relating to days of observance; requiring the Governor annually to proclaim June 19 to be "Juneteenth Day"; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Munford and Hogan:

Assembly Bill No. 175—AN ACT relating to education; revising provisions governing the manner in which a vacancy on the board of trustees of a school district is filled to require that a special election be held to fill the vacancy; and providing other matters properly relating thereto.

Assemblyman Munford moved that the bill be referred to the Committee on Education.

Motion carried.

By Assemblymen Munford, Hogan, and Neal:

Assembly Bill No. 176—AN ACT relating to education; requiring the State Board of Education to adopt a program of multicultural education for certain pupils; requiring certain licensed teachers to complete a course in multicultural education upon renewal of their license; and providing other matters properly relating thereto.

Assemblyman Munford moved that the bill be referred to the Committee on Education.

Motion carried.

By Assemblymen Munford and Hogan:

Assembly Bill No. 177—AN ACT relating to education; requiring the board of trustees of each school district to develop a school crossing guard program; and providing other matters properly relating thereto.

Assemblyman Munford moved that the bill be referred to the Committee on Education.

Motion carried.

By Assemblymen Munford and Hogan:

Assembly Bill No. 178—AN ACT relating to unarmed combat; providing for the collection of additional fees on each ticket sold for admission to a live professional contest of unarmed combat to fund the payment of medical expenses for retired contestants; requiring the Nevada Athletic Commission to adopt regulations governing such payments; and providing other matters properly relating thereto.

Assemblyman Munford moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Anderson, Conklin, Segerblom, Carrillo, Brooks, Daly, and Neal; Senators Manendo and Parks:

Assembly Bill No. 179—AN ACT relating to state personnel; requiring that certain procedures be followed before taking disciplinary action against a state employee; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Horne, Ohrenschall, Pierce, Aizley, Anderson, Atkinson, Bobzien, Conklin, Flores, Frierson, Hardy, Kirkpatrick, Oceguera, Segerblom, and Smith; Senators Schneider, Parks, Leslie, Breeden, Copening, Roberson, and Settelmeyer:

Assembly Bill No. 180—AN ACT relating to eminent domain; removing the authorization of a person who is not a public agency to exercise the power of eminent domain to acquire real property for mining, smelting and related activities; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Judiciary.

Motion carried.

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

Motion carried.

Assembly in recess at 11:30 a.m.

ASSEMBLY IN SESSION

At 11:32 a.m.

Mr. Speaker presiding.

Quorum present.

By Assemblymen Horne, Dondero Loop, Anderson, Carrillo, Aizley, Brooks, Goicoechea, Hansen, Hogan, Mastroluca, Munford, Neal, Segerblom, and Smith; Senators Breeden and Lee:

Assembly Bill No. 181—AN ACT relating to sexually dangerous persons; providing for the involuntary civil commitment of sexually dangerous persons; requiring the Division of Mental Health and Developmental Services of the Department of Health and Human Services to adopt certain regulations; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 182—AN ACT relating to inland ports; authorizing the creation of inland ports and inland port authorities under certain circumstances; requiring the Commission on Economic Development to develop a State Plan for Inland Ports; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Smith, Conklin, Oceguera, Horne, Bobzien, Aizley, Anderson, Atkinson, Benitez-Thompson, Brooks, Bustamante Adams, Carlton, Carrillo, Diaz, Dondero Loop, Flores, Frierson, Hogan, Kirkpatrick, Mastroluca, Neal, Ohrenschall, and Segerblom:

Assembly Bill No. 183—AN ACT relating to school districts; revising the provisions regarding the establishment and maintenance of a reserve account for payment of the outstanding bonds of a school district; and providing other matters properly relating thereto.

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

Motion carried.

Senate Bill No. 47.

Assemblyman Conklin moved that the bill be referred to the Committee on Judiciary.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 7.

Bill read third time.

Remarks by Assemblymen Brooks and Conklin.

Roll call on Assembly Bill No. 7:

YEAS—41.

NAYS—None.

EXCUSED—Grady.

Assembly Bill No. 7 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 11.

Bill read third time.

Remarks by Assemblymen Diaz, Kirkpatrick, and Horne.

Roll call on Assembly Bill No. 11:

YEAS—41.

NAYS—None.

EXCUSED—Grady.

Assembly Bill No. 11 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 28.

Bill read third time.

Remarks by Assemblymen Frierson.

Roll call on Assembly Bill No. 28:

YEAS—41.

NAYS—None.

EXCUSED—Grady.

Assembly Bill No. 28 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Benitez-Thompson, the privilege of the floor of the Assembly Chamber for this day was extended to Hannah Bush.

On request of Assemblyman Ellison, the privilege of the floor of the Assembly Chamber for this day was extended to Shannon Atkin.

On request of Assemblyman Goicoechea, the privilege of the floor of the Assembly Chamber for this day was extended to the following students and chaperones from White Pine High School: Janael Gamberg, Marion J. Hanson, Ted Heggie, Megan Hermansen, Keith Hill,

Randy Homan, Tyler Hughes, Brittany Johnson, Jerdon Long, Michael Romero, Shawn Roundy, and Devin Ruggerio.

On request of Assemblyman Hardy, the privilege of the floor of the Assembly Chamber for this day was extended to Jeri Lynn Benell, Kyle Reber, Michael Leavitt, Kristophor Reber, Kierra Reber, Alec Moriarty, Catelyn Sanders, Jason Thatcher, Kayla Barkdull, Thomas Jenkins, Matti Birrer, Britnee Jensen, and Grace LeVal.

On request of Assemblyman Hickey, the privilege of the floor of the Assembly Chamber for this day was extended to Mimi Premo.

On request of Assemblyman Stewart, the privilege of the floor of the Assembly Chamber for this day was extended to Nicole Koester and Justin Harrison.

Assemblyman Conklin moved that the Assembly adjourn until Thursday, February 17, 2011, at 11 a.m.

Motion carried.

Assembly adjourned at 11:49 a.m.

Approved: JOHN OCEGUERA
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE ELEVENTH DAY

CARSON CITY (Thursday), February 17, 2011

Assembly called to order at 11:06 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblymen Carlton and Hambrick, who were excused.

Prayer by the Chaplain, Reverend Bruce Henderson.

O, Lord.

Please bless these legislators who have left friends, family, homes, and jobs for a season. There is a lot to do here, and people are counting on them to do it and to do it well. Teach them that they are not here to serve themselves and their agenda but to serve the people of Nevada. And Lord, somehow teach us that we are all here on earth to serve You as well.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Conklin moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which was referred Assembly Bill No. 124, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

KELVIN ATKINSON, *Chair*

Mr. Speaker:

Your Committee on Judiciary, to which were referred Assembly Bills Nos. 87, 88, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

WILLIAM C. HORNE, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, February 16, 2011

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Senate Bill No. 23.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen Ellison, Goicoechea, Hammond, Hickey, McArthur, and Sherwood:

Assembly Joint Resolution No. 3—Rescinding all applications by the Nevada Legislature to call a convention pursuant to the terms of Article V of the United States Constitution for proposing one or more amendments to the United States Constitution.

Assemblyman Ellison moved that the resolution be referred to the Committee on Legislative Operations and Elections.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Goedhart, Goicoechea, Hambrick, Hansen, Hardy, Kirner, and Woodbury; Senators Cegavske, Halseth, and Roberson:

Assembly Bill No. 184—AN ACT relating to public officers; prohibiting former State Legislators and constitutional officers from receiving compensation or other consideration to lobby the Legislature for 2 years after leaving office; and providing other matters properly relating thereto.

Assemblyman Goedhart moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

By Assemblymen Goedhart, Goicoechea, Hambrick, Hansen, Hardy, Kirner, McArthur, Stewart, and Woodbury; Senators Cegavske, Halseth, and Roberson:

Assembly Bill No. 185—AN ACT relating to state parks; revising provisions concerning the possession and discharge of firearms in state parks; and providing other matters properly relating thereto.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 11:12 a.m.

ASSEMBLY IN SESSION

At 11:14 a.m.

Mr. Speaker presiding.

Quorum present.

Assemblyman Goedhart moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Goedhart, Hambrick, Hansen, Hardy, Kirner, McArthur, Sherwood, Stewart, and Woodbury; Senators Cegavske, Gustavson, Halseth, and Roberson:

Assembly Bill No. 186—AN ACT relating to eminent domain; allowing certain real property managed or controlled by the Federal Government to be taken by eminent domain for certain purposes; and providing other matters properly relating thereto.

Assemblyman Goedhart moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 23.

Assemblyman Conklin moved that the bill be referred to the Committee on Judiciary.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 144.

Bill read second time and ordered to third reading.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Ohrenschall, the privilege of the floor of the Assembly Chamber for this day was extended to Patrick Milsap.

On request of Assemblyman Kite, the privilege of the floor of the Assembly Chamber for this day was extended to James Perry.

On request of Assemblyman Munford, the privilege of the floor of the Assembly Chamber for this day was extended to Kenneth B. Dalton.

Assemblyman Conklin moved that the Assembly adjourn until Friday, February 18, 2011, at 11 a.m.

Motion carried.

Assembly adjourned at 11:20 a.m.

Approved: JOHN OCEGUERA
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE TWELFTH DAY

CARSON CITY (Friday), February 18, 2011

Assembly called to order at 11:16 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblymen Carlton and Sherwood, who were excused.

Prayer by the Chaplain, Reverend Bruce Henderson.

God, I have asked much this week. We really need You. But, I have forgotten to thank You. So we end this week with a prayer of thanksgiving inspired by the words of a chorus by Dennis Jernigan. For all that You've done, we will thank You. For all that You're going to do, for all that You have promised, and all that You are, is all that will carry us through. And we thank You, thank You, Lord.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Conklin moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Legislative Operations and Elections, to which were referred Assembly Bills Nos. 15, 127, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

TICK SEGERBLOM, *Chair*

COMMUNICATIONS

UNITED STATES SENATE
WASHINGTON, D.C. 20510-2805

February 14, 2011

SPEAKER JOHN OCEGUERA, Nevada State Legislature, 401 South Carson Street, Room 1104, Carson City, Nevada 89701

DEAR SPEAKER OCEGUERA:

I respectfully request that you allow me the honor and privilege of addressing a joint session of the Nevada State Legislature on Tuesday, March 22, 2011. I would greatly appreciate it if you would provide me the time slot from 5:00 p.m. until 6:00 p.m.

I look forward to addressing the legislature.

Sincerely,
JOHN ENSIGN
United States Senator

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen McArthur, Bustamante Adams, Diaz, Ellison, Flores, Goedhart, Goicoechea, Grady, Hambrick, Hammond, Hansen, Hardy, Hickey, Kirkpatrick, Kirner, Kite, Livermore, Munford, Ohrenschall, Sherwood, Stewart, and Woodbury; Senators Cegavske, Gustavson, Halseth, Kihuen, and Settelmeyer:

Assembly Bill No. 187—AN ACT relating to the Legislature; revising the number of legislative measures that may be requested by certain persons and entities; and providing other matters properly relating thereto.

Assemblyman McArthur moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

By the Committee on Transportation:

Assembly Bill No. 188—AN ACT relating to motor vehicles; prohibiting the operation of certain truck-trailer and trailer combinations on the highways of this State; providing a penalty; and providing other matters properly relating thereto.

Assemblywoman Dondero Loop moved that the bill be referred to the Committee on Transportation.

Motion carried.

By Assemblymen Horne, Atkinson, Kirkpatrick, Conklin, Oceguera, Aizley, Bobzien, Carrillo, Daly, Diaz, Dondero Loop, Frierson, Ohrenschall, Segerblom, and Smith:

Assembly Bill No. 189—AN ACT relating to taxation; requiring the Department of Taxation to allow tax credits for qualified investments in Nevada small businesses; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Taxation.

Motion carried.

By Assemblyman Carrillo (by request):

Assembly Bill No. 190—AN ACT relating to professional entities; revising certain provisions governing ownership interest in professional entities; and providing other matters properly relating thereto.

Assemblyman Carrillo moved that the bill be referred to the Committee on Judiciary.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 87.
Bill read second time and ordered to third reading.

Assembly Bill No. 88.
Bill read second time and ordered to third reading.

Assembly Bill No. 124.
Bill read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 144.
Bill read third time.
Remarks by Assemblymen Smith, Goicoechea, Grady, Kirkpatrick, Stewart, and Livermore.
Assemblyman Conklin moved that the following remarks be entered in the Journal.
Motion carried.

ASSEMBLYWOMAN SMITH:

Assembly Bill 144 adds five criteria that must be met to qualify for the 5 percent bidding preference on state and local public works projects. This bill adds local public works projects to our existing state public works projects.

The applicant must sign an affidavit certifying that they will meet certain criteria: (1) at least 50 percent of the workers must have a Nevada driver's license or ID card; (2) vehicles must be registered in Nevada or be partially apportioned to Nevada; (3) at least 50 percent of the design professionals working on the project must have the same—a Nevada driver's license or ID card; (4) at least 25 percent of the materials used must be purchased in Nevada; and (5) certain payroll records must be maintained and available in Nevada.

This bill also requires the contractor to maintain, for all workers on the project, a list of the driver's license and ID card numbers. The contract must contain the criteria, and failure to comply with that criteria will result in penalties. A contract not in compliance with this bill would be void. A contractor who receives the preference and breaches the contract would be subjected to penalties as follows: (1) if the cost of the contract exceeds $5 million, the contractor shall lose the preference certification for five years; or (2) if the contract exceeds $25 million, the contractor shall be barred from bidding on public works projects for one year.

A person may file a written objection with the public body to a proposed or awarded contract, along with the supporting proof, alleging that the criteria are not being met. The public body must review the objection and supporting proof and determine whether the criteria are being met. If the public body determines the criteria are not being met, the contract may be awarded to another bidder or the public body may seek liquidated damages. Breaches shall be reported to the State Contractors' Board, and the information shall be retained for at least six years. The bill is effective upon passage and approval.

This is what we've been calling the "Nevada Business First" bill all week. This is a very important first step for us to help our Nevada-located businesses get back to work. We know that this will give our contractors a leg up. We know how much the money that is generated in Nevada circulates through our economy. We know that $1 equates to about $1.47 through these contracts—how important it is for our local contractors to have this help, for them to get this work that our tax dollars are funding. We want to bring our construction workers, and those

companies that are having to work out of state, back home and let those people spend their dollars here. We want those people who are on jobs here to have that money that they are out spending in our businesses and that are being used with suppliers, design professionals, landscapers—all of those businesses here.

I urge your support.

ASSEMBLYMAN GOICOECHEA:

I rise in support of A.B. 144, but I do have a couple of concerns. I am concerned that it may well slow the bid award process down. I am wondering if we wouldn't be better off pre-certifying those bidders. Hopefully, as it moves ahead in the other house, maybe they will look at that. Thank you.

ASSEMBLYMAN GRADY:

Thank you, Mr. Speaker. I would like to ask my colleague from Sparks: On the driver's license portion of that, if 25 out-of-state workers came in here, they could go down Monday morning and get drivers' licenses, could they not?

ASSEMBLYWOMAN KIRKPATRICK:

Thank you, Mr. Speaker. To my colleague from Yerington, the truth of the matter is that when you get a driver's license, you have to show that you have proof that you have a residence to get that driver's license. Once you get that driver's license, you are listed as a resident. Then you also are subject to registering your vehicle. Do I think it is a hundred percent perfect on how it works? I would hope that people that get their driver's license would actually—there is a criterion that we ask of them; we just don't hand it to them, and the same goes for identification cards.

ASSEMBLYMAN GRADY:

Mr. Speaker, with a county that has 20 percent unemployment, or right around the 20 percent, I support the bill. I just wanted to make sure that we get our Nevada people to work.

Thank you.

ASSEMBLYWOMAN SMITH:

Thank you, Mr. Speaker, for acknowledging me a second time. I wanted to respond to my colleague from Eureka. We will continue, as this bill moves forward, looking at any clarifications that need to be made and certainly work with the business community. We have had support from the contractor community regarding the process for this. We seem to have full support that this is workable and not onerous, that it is well worth it to them to be able to have this leg up and do this—it really is a small amount of paperwork that they would have to provide. But we will certainly keep working on any clarifications necessary.

ASSEMBLYMAN STEWART:

Thank you, Mr. Speaker. To my colleague from Sparks, if the materials for the project are not available in Nevada, do we have a provision for that? Thank you.

ASSEMBLYWOMAN SMITH:

Thank you, Mr. Speaker. To my colleague from southern Nevada, that is one of the clarifications we are working on. We have had a couple of businesses come to us and offer some suggestions, and the chairman of Government Affairs will keep working on that as we move this bill forward.

ASSEMBLYWOMAN KIRKPATRICK:

Thank you, Mr. Speaker. I rise in support of this bill. Working for over a year and a half on this bill, we met with different agencies, different groups, design professionals, subcontractors, and contractors, to ensure that everybody's voice was heard. Is this bill perfect? Some would say so; I would say so, but others would say not. I think that we have to do this. I promised my

constituents I was going to come here, get some work done, and do everything I could to put the tools in place so that they could go back to work.

I do represent 70 percent of construction workers that are out of work for over two years, and they want to go back to work. They do not want to be home anymore. I will tell you that we have worked within the laws to make sure that we are very certain on how this is. Some would like more, some would like less, but I am very confident, working with our Legal Division, that we are solid on this, on moving forward and putting tools out there that will help put Nevadans back to work. Local government has been very much in favor of working with us on a template that we can adopt across this state. Their local officials want to put people back to work, as well, so I encourage the support of the body. I believe that two years ago, we tried something similar to this; however, this time we have made a lot of progress. Sometimes you have to take little bites at the apple. I encourage your support.

ASSEMBLYMAN LIVERMORE:

Thank you, Mr. Speaker. To my colleague from Sparks, if I may. I did support this bill in committee, and I will support this bill today. I am just concerned about the confidentiality of driver's license information being acquired by the wrong hands. I have been assured by legal counsel that we do have the ability to direct contractors to make sure that that confidentiality stays in place.

ASSEMBLYWOMAN SMITH:

Thank you, Mr. Speaker. To my colleague from Carson City, that concern is always raised on this issue and those processes are currently in place where workers' identities are always protected. In fact, if you go and request a certified payroll now on a prevailing wage job, you can see the worker, what the worker did, and how much the worker made, but you can never identify who the worker is or their personal information. This issue should be covered in that way, as well.

Roll call on Assembly Bill No. 144:

YEAS—39.

NAYS—Goedhart.

EXCUSED—Carlton, Sherwood—2.

Assembly Bill No. 144 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Aizley, the privilege of the floor of the Assembly Chamber for this day was extended to Terry Palmitier and former Assemblyman Ron Knecht.

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Stephanie Gardner, Connie Westadt, and Susan Rugg.

On request of Assemblyman Bobzien, the privilege of the floor of the Assembly Chamber for this day was extended to Stefanie Wardell and Franz Braun.

On request of Assemblywoman Diaz, the privilege of the floor of the Assembly Chamber for this day was extended to Meg Davis and Hal Sherwood.

On request of Assemblywoman Dondero Loop, the privilege of the floor of the Assembly Chamber for this day was extended to Ardis Weible, Brittany Crawford, and Mac McQuaig.

On request of Assemblyman Frierson, the privilege of the floor of the Assembly Chamber for this day was extended to Kathryn Landry.

On request of Assemblyman Hardy, the privilege of the floor of the Assembly Chamber for this day was extended to Dennis Johnson, Amy Clemens, and Jeanette Dunham.

On request of Assemblyman Hickey, the privilege of the floor of the Assembly Chamber for this day was extended to Dick Dunham.

On request of Assemblyman Horne, the privilege of the floor of the Assembly Chamber for this day was extended to Caren Jenkins, Sheila Parks, and Nathan Turner.

On request of Assemblyman Kite, the privilege of the floor of the Assembly Chamber for this day was extended to Linda Cuddy, Cathy Garrison, and Cali Thompson-Czech.

On request of Assemblyman Livermore, the privilege of the floor of the Assembly Chamber for this day was extended to Chris Bayer, Pat Vasquez, Danita Bayer, and Georgia Nicholson.

On request of Assemblywoman Mastroluca, the privilege of the floor of the Assembly Chamber for this day was extended to Debra Ross, Mary Herzik, and Bill Fowler.

On request of Assemblyman Segerblom, the privilege of the floor of the Assembly Chamber for this day was extended to Vicki Preston.

On request of Assemblywoman Smith, the privilege of the floor of the Assembly Chamber for this day was extended to Justin Williams and Deborah Harvey.

Assemblyman Conklin moved that the Assembly adjourn until Monday, February 21, 2011, at 11 a.m., and that it do so in memory of Dale Porter, Former Elko County Commissioner.

Motion carried.

Assembly adjourned at 11:40 a.m.

Approved: JOHN OCEGUERA
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE FIFTEENTH DAY

CARSON CITY (Monday), February 21, 2011

Assembly called to order at 11:02 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblywomen Diaz and Flores, who were excused.

Prayer by the Chaplain, Reverend Bruce Henderson.

On this President's Day, I am reminded of something that President Lincoln is reported to have said. "Common-looking people are the best in the world; that is the reason the Lord makes so many of them." Lord, as I look out over this room, I am convinced that we must be the best in the world! Well, we may be common-looking, but the tasks before us are anything but common. Please grant us the wisdom, patience, unity, and love to get it done. I pray in the Name of the Savior we need.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Conklin moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions and that as part of those additions, the remarks of the Assemblymen from Assembly District Nos. 1, 22, 30, 35, 38, and 40 regarding Assembly Bill 144 be placed in the Journal.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Conklin moved that the Assembly suspend Joint Standing Rule No. 7 regarding types, usage, and approval of resolutions for the drafting of Senate Concurrent Resolution No. 3.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Conklin, Kirkpatrick, Bustamante Adams, Neal, Oceguera, Atkinson, Diaz, Dondero Loop, Flores, and Mastroluca:

Assembly Bill No. 191—AN ACT relating to taxation; revising provisions governing the partial abatement of certain taxes; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Taxation.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 192—AN ACT relating to county recorders; providing for the collection and disposition of an additional fee for certain recorded documents; and providing other matters properly relating thereto.

Assemblywoman Smith moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 193—AN ACT relating to public works; requiring the State Public Works Board to obtain prior approval from the Nevada Legislature or Interim Finance Committee before cancelling or, in certain circumstances, delaying a project authorized by the Legislature; requiring the Interim Finance Committee to consider certain criteria in determining whether to approve a change in the scope of the design or construction or the cancellation or delay of a project; and providing other matters properly relating thereto.

Assemblywoman Smith moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By Assemblymen Ohrenschall and Dondero Loop:

Assembly Bill No. 194—AN ACT relating to courts; clarifying that a person with a communications disability who participates in a civil judicial proceeding must not be required to pay for interpretive services; and providing other matters properly relating thereto.

Assemblyman Ohrenschall moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 195—AN ACT relating to court records; revising requirements for saving images of court records before the records may be destroyed; authorizing the State Library and Archives Administrator to receive the court records of the Supreme Court or of a district court into the State Archives under certain circumstances; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 11:09 a.m.

ASSEMBLY IN SESSION

At 11:12 a.m.
Mr. Speaker presiding.
Quorum present.

By the Committee on Judiciary:

Assembly Bill No. 196—AN ACT relating to the State Controller; requiring the State Controller to collect fines, administrative assessments, fees and restitution from persons convicted of certain criminal offenses; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Judiciary.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 15.

Bill read second time and ordered to third reading.

Assembly Bill No. 127.

Bill read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 87.

Bill read third time.

Remarks by Assemblyman Segerblom.

Roll call on Assembly Bill No. 87:

YEAS—40.

NAYS—None.

EXCUSED—Diaz, Flores—2.

Assembly Bill No. 87 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 88

Bill read third time.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Horne moved that Assembly Bill No. 88 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Horne.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 124.
Bill read third time.
Remarks by Assemblyman Stewart.
Roll call on Assembly Bill No. 124:
YEAS—40.
NAYS—None.
EXCUSED—Diaz, Flores—2.
Assembly Bill No. 124 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 11:20 a.m.

ASSEMBLY IN SESSION

At 11:23 a.m.
Mr. Speaker presiding.
Quorum present.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Kirner, the privilege of the floor of the Assembly Chamber for this day was extended to Thomas Quint and Daphne Quint.

On request of Assemblyman Munford, the privilege of the floor of the Assembly Chamber for this day was extended to Jonathan Carlson.

On request of Assemblyman Kite, the privilege of the floor of the Assembly Chamber for this day was extended to Sidney Johnson and Sandy Johnson.

Assemblyman Conklin moved that the Assembly adjourn until Tuesday, February 22, 2011, at 10:30 a.m.
Motion carried.

Assembly adjourned at 11:27 a.m.

Approved: JOHN OCEGUERA
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE SIXTEENTH DAY

CARSON CITY (Tuesday), February 22, 2011

Assembly called to order at 10:31 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblymen Diaz, Flores, and Ohrenschall, who were excused.

Prayer by the Chaplain, Reverend Bruce Henderson.

Oftentimes when people find out that I am leading prayer in the Legislature, they'll reply, "Well, they sure need it!" Father, help us to realize that we all need You and we all need the wisdom and strength that only You can give.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Conklin moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which was referred Assembly Concurrent Resolution No. 4, has had the same under consideration, and begs leave to report the same back with the recommendation: Be adopted.

KELVIN ATKINSON, *Chair*

Mr. Speaker:

Your Committee on Education, to which was referred Assembly Bill No. 40, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

DAVID P. BOBZIEN, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, February 21, 2011

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 9, 17, 18, 37, 55.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblyman Grady (by request):

Assembly Bill No. 197—AN ACT relating to counties; revising a certain portion of the boundary between Storey County and Washoe County; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Grady, Ellison, and Livermore:

Assembly Bill No. 198—AN ACT relating to the Nevada Rural Housing Authority; revising the definition of "local government" to include the Authority for the purpose of loans from a local government to the Authority; revising the manner in which a commissioner of the Authority is appointed; authorizing the Authority to receive a loan from a local government; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Smith, Atkinson, Horne, Conklin, Bobzien, Daly, Dondero Loop, Hickey, Kirkpatrick, Mastroluca, and Oceguera:

Assembly Bill No. 199—AN ACT relating to the practice of pharmacy; authorizing a registered pharmacist to engage in collaborative pharmacy practice with a physician at a facility other than a licensed medical facility or licensed pharmacy; requiring the State Board of Pharmacy to establish by regulation policies and procedures relating to collaborative pharmacy practice; establishing certain duties and responsibilities of persons engaged in collaborative pharmacy practice; providing a penalty; and providing other matters properly relating thereto.

Assemblywoman Smith moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymen Smith, Bobzien, Horne, Conklin, Atkinson, Daly, Dondero Loop, Hickey, Kirkpatrick, Mastroluca, and Oceguera:

Assembly Bill No. 200—AN ACT relating to intoxicating liquor; authorizing a brew pub to obtain a special permit for the transportation of certain malt beverages donated by the brew pub for charitable or nonprofit purposes; and providing other matters properly relating thereto.

Assemblywoman Smith moved that the bill be referred to the Committee on Taxation.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 201—AN ACT relating to administrative regulations; requiring that the name and contact information for each person who presented testimony at the hearing on the adoption of a regulation be included in the informational statement if such information was provided to the adopting agency; and providing other matters properly relating thereto.

Assemblywoman Kirkpatrick moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Kirner, Hardy and Hickey:

Assembly Bill No. 202—AN ACT relating to energy assistance; establishing the Fund for Economic Development; requiring certain retail customers of public utilities to pay an economic development energy charge in an amount determined by the Public Utilities Commission of Nevada and approved by the Interim Finance Committee; requiring that money collected from the economic development energy charge be remitted to the Public Utilities Commission and deposited in the State Treasury for credit to the Fund; requiring the Commission on Economic Development to administer the Fund and to use the money in the Fund to establish a program to encourage the development of new manufacturing businesses in this State by assisting such businesses in paying for certain electricity costs incurred by those businesses; requiring the Commission on Economic Development to establish an annual plan to carry out the program and to make certain reports concerning the program; requiring the Public Utilities Commission and the Commission on Economic Development to adopt certain regulations; and providing other matters properly relating thereto.

Assemblyman Kirner moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 9.

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

Motion carried.

Senate Bill No. 17.

Assemblyman Conklin moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 18.

Assemblyman Conklin moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 37.

Assemblyman Conklin moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 55.

Assemblyman Conklin moved that the bill be referred to the Committee on Judiciary.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 15.

Bill read third time.

Remarks by Assemblyman Daly.

Roll call on Assembly Bill No. 15:

YEAS—39.

NAYS—None.

EXCUSED—Diaz, Flores, Ohrenschall—3.

Assembly Bill No. 15 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 127.

Bill read third time.

Remarks by Assemblymen Segerblom and Anderson.

Roll call on Assembly Bill No. 127:

YEAS—39.

NAYS—None.

EXCUSED—Diaz, Flores, Ohrenschall—3.

Assembly Bill No. 127 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Mr. Speaker appointed Assemblywomen Smith and Bustamante Adams as a committee to invite the Senate to meet in Joint Session with the Assembly to hear an address by United States Senator Harry Reid.

The members of the Senate appeared before the bar of the Assembly.

Mr. Speaker invited the President of the Senate to the Speaker's rostrum.

Mr. Speaker invited the members of the Senate to chairs in the Assembly.

IN JOINT SESSION

At 10:58 a.m.
President of the Senate presiding.

The Secretary of the Senate called the Senate roll.
All present.

The Chief Clerk of the Assembly called the Assembly roll.
All present except Assemblymen Diaz, Flores, and Ohrenschall, who were excused.

The President of the Senate appointed a Committee on Escort consisting of Senator Weiner and Assemblyman Conklin to wait upon Senator Harry Reid and escort him to the Assembly Chamber.

The Committee on Escort in company with The Honorable Harry Reid, United State Senator from Nevada, appeared before the bar of the Assembly.

The Committee on Escort escorted the Senator to the rostrum.

The Speaker of the Assembly welcomed Senator Harry Reid and invited him to deliver his message.

United States Senator Harry Reid delivered his message as follows:

MESSAGE TO THE LEGISLATURE OF NEVADA
SEVENTY-SIXTH SESSION, 2011

Governor Sandoval, members of the Legislature, guests, and friends. It's really great to be with you in this joint session. Of course, not everyone is here—but I think we can excuse Assemblywoman Diaz for her absence, and we congratulate her on the birth of her new son just last Sunday.

It is always a pleasure to come home to Carson City. It brings back many memories to be in this chamber, which I voted to create as a very young Assemblyman. And it's a distinct honor to speak with you today. I'm grateful to the people of Nevada for allowing me to represent them for more than three decades in legislative halls and for more than a decade in other government capacities.

Many of you are serving your first terms here in this body. Forty-two percent of the 42 Assemblymen are freshmen. An even greater proportion—nearly half—of our State Senators are new to the upper chamber. You're just beginning to learn its rhythms and its hallways.

My first term here was a long time ago. Nixon was President and Nevada's population wasn't even a fifth of what it is today. But I remember vividly the emotions and excitement of my first session, when we were in the Capitol building just across the mall. I know you are like me—humbled by the opportunity you've been given to serve our state and enthusiastic about the possibilities.

As we work together to move Nevada forward and get Nevadans back on our feet, I will always do everything I can to support you. I know as well as you that Nevada is struggling at every level. Our cities and schools are struggling. Our statewide and national economic problems have done more than just hurt commerce—they've hurt confidence. We've had to

make tough choices, and we'll have to make many more, but that's really what leadership is all about. I wish you well and wish you wisdom as you make these decisions, and I hope you find your experience in this esteemed Legislature as rewarding as I did—at least most of the time. Let me explain.

Long before Richard Bryan and I served together in the United States Senate, we served together here in Carson City as Assemblymen. We were the only new Nevada legislators that session. We quickly became friends, and our friendship has lasted many decades.

I introduced a lot of bills in my first term—really, a lot of bills. I am told I set the record for introducing the most legislation in a single session. One of those bills Senator Bryan and I introduced would crack down on firebombing—weapons like Molotov cocktails. We thought this was a real winner of an idea.

The bill flew through the Assembly. It flew through committee in the Senate. We were more than a little proud of ourselves. Then it came to the Senate floor. Senator Bryan and I went to watch the chairman of the Senate committee, Bill Farr, speak about it. When Bill wasn't serving in the Senate, he was the fire chief in Sparks. Senator Farr went on and on about how great our firefighting bill was and how smart those two young Assemblymen, Reid and Bryan, were in moving this legislation. We were elbowing each other; we were really quite happy. We couldn't contain our satisfaction. Then Senator Farr said, "In fact, this legislation was so good, we passed it last session."

So as you work to move Nevada ahead, heed my caution: Be cautious. That memory, however embarrassing, also taught me to pay a little closer attention to our history. Today, at this discouraging hour in our history, I'm comforted by the conviction that Nevada is a state full of fighters. We were battle born. Our principles and priorities keep us balanced as the challenges before us change. Our resolve is to recover, and we need to recover. That need to recover is as solid as the Sierras, and my belief in that determination is just as unmovable.

We've recovered in the past, and we'll recover in the future. We've met crisis before, and we've prevailed. Winning is what we do. Winning is what we have to do.

But it also takes time. Our problems weren't created in a day, and they won't be solved overnight. We know how to bounce back. Our challenge is great, but it isn't new. Nevada has always been a work in progress.

I remember standing in this very Chamber as Lieutenant Governor and President of the Senate. I remember being here and thinking how much Nevada had changed, from the one I first knew in Searchlight to the one I was representing here in Carson City. It was a different state—unrecognizable. In fact, each time I've had the honor of addressing this body, Nevada has been a different place.

That transformation to today has been more profound. Some of that change has been positive and promising and some less so. Our charge is to ensure that the changes that will take place in the next generation don't take us backward. They must lead Nevada to a position of leadership and strength.

The last time I addressed this body, the stimulus was just one day old. President Obama had signed it into law only a few hours earlier. That emergency law has done a lot of good and prevented a lot of bad. It alone might not have cured every symptom we suffered, but it stabilized the patient.

I know the stimulus is an easy target. Those who don't like the current White House rush to accuse it of all the wrong in the world. But as the first resident of that White House, John Adams, said, "Facts are stubborn things . . . ." Yes, we have more work to do. But we do ourselves a disservice when we deny the good it has done for our state.

The stimulus cut taxes for more than one million Nevadans—a million just in Nevada alone. It kept thousands of teachers in the classroom and other education workers on the job to the tune of more than $500 million. On Friday I announced that our most struggling schools will get grants, made possible by the stimulus, so that our students, even in the weakest schools, can

have a shot at college or a career. That law also secured for Nevada a bigger increase in Medicaid matching funding than every other state in the union.

Solar and geothermal projects are heating up across the state because of stimulus funding. And just last week, another stimulus project took a giant leap forward: the transmission line that will connect the north and the south with electricity and connect Nevadans with good-paying jobs. Energy independence is coming, and it's bringing with it many hundreds of jobs now and in the future.

I'm not saying the law was perfect, but I am saying it was necessary and it's working. It saved Nevada and our country from an economy much worse than what we've experienced.

The stimulus isn't the only emergency action Congress took that's misunderstood. Let me say something briefly about the lifelines to the banking and auto industries.

First, the program that brought our economy back from the brink of collapse. No one wanted to help the banks that jeopardized our economy and crashed the housing market. Just like you, I'd seen the foreclosure signs multiply across our state, and I had no sympathy for the greedy Wall Street bankers who forced them there.

But I'll never forget the meeting we had—just a handful of us—with President Bush's Secretary of the Treasury, Hank Paulson, and Fed Chairman Ben Bernanke. I'll never forget sitting in that room on that Thursday when they told us how close we were to not having an economy on Monday. They told us what we needed to do to save our country. They told us what we needed to do to save ourselves, and acting as partners rather than partisans, we did just that.

TARP, as it's called, started under a Republican President and ended under a Democratic President. But its virtue is not just that the story started with bipartisanship; it's also that it ended with success. We asked a lot of the American people, and now we're paying them back. The bailout is turning taxpayers a profit.

Second, many have asked why we would help a failing industry like the American car companies. But just like with the stimulus and TARP, the results belie its reputation. General Motors is back on its feet, in control of its own finances and adding jobs. Now it's giving its hourly workers profit-sharing checks worth thousands of dollars. Even Chrysler—the most endangered of the Big Three auto companies—is bouncing back from bankruptcy and expects to make a profit this year. That's especially welcome news for the states and cities that build cars, but it's encouraging news for all of us. We should always be rooting for American companies to succeed—iconic industries and bright young entrepreneurs alike. Nevada never should root for failure.

These underrated successes aside, I didn't come here to talk about the past. I didn't come to re-fight the fights of the last few years. I'm here to talk about our future—how we will move Nevada forward, how we will seize this unique, rare, and critical opportunity to lead not just the nation's economy, but the world's economy.

Some may question whether we can get there. Too many Nevadans are still looking for jobs. Too many families are still fighting to stay in their homes. But I know this state. I don't question whether Nevada can mature in this new decade and this young century and soon find ourselves in front once again. My only question is how quickly it will happen.

If we're going to talk about our future, let's start where our future starts: in our schools. Our responsibility to our children's education is solemn and serious.

Just a couple of years before I joined this Assembly, I was struggling through law school as a young father. I was a full-time policeman; I didn't know if I was going to be able finish school. One day I went to the dean of students and told him I had a family, a broken car, and needed some financial help. I'll never forget what he told me. He didn't give me an ounce of sympathy or an inch of respect. Instead he said, "Mr. Reid, why don't you just quit?" I guess that was all I needed to hear. I knew I had to prove him wrong. I knew right then that I would graduate. Sometimes the people who motivate us the most are the ones who believe in us the least.

Right now, a lot of people out there don't believe in Nevada. The country doesn't look at us as leaders—it sees a state stuck in the last percentiles. If that doesn't make you want to work harder and harder, you're in the wrong line of work.

Nevada ranks fiftieth in state contributions to education—fiftieth. Our children really deserve better. We're not the only state that has had to make hard choices when it comes to budget cuts, but few have forced its K through 12 and higher education systems to cut millions from already tight budgets, as Nevada has. And we do this year after year.

We're beyond asking our schools and universities to trim their budgets or do more with less. These cuts, and calls for more cuts, undermine our most important goal: preparing Nevada's students for the global economy. If our priority is producing a workforce that can compete with the rest of the world, let's legislate that way.

And let's admit that a one-size-fits-all approach to education fits nobody. Our state is home to the fifth-largest school district in the country, as well as some of the smallest. There are almost four times as many schools in Clark County as there are students in Esmeralda County. That's why we're working to reform No Child Left Behind—so that it works better for our schools—and it's why we've signed on to the Common Core Initiative. That new program will help develop world-class standards for our students and make Nevadans more competitive.

Education funding has primarily been a state and local responsibility, and that's how it should be, but there's room for us to work together. And I will do everything I can to help ease the burdens on state and local school districts.

If we lag in education today, we're going to lose at everything tomorrow. We weren't even in the running for the Race to the Top funds because we'd fallen too far behind to even be considered. We have to approach these competitions like an athlete approaches a new season: We have to make the playoffs if we want any shot at the championship.

But before any of this can happen, we have to recognize that our children's education is not about tenure. It's not about teachers' unions. It's not about budgets or taxes or profits. It's not about yesterday's alliances or adversaries. It's not about us at all. It's about our children and our students and their future.

Nevada isn't a last-place kind of place. We know this in our hearts. Together we can make the world believe it, too, but we're going to have to earn it.

As close as we are to the back of the line when it comes to education, we're at the forefront of the clean energy revolution. America is going to use nearly 20 million barrels of oil today. That's more than 20 percent of all of the oil the entire world will use today. But America has less than 3 percent of the world's reserves, and they're going fast. And when it comes to how much that oil costs, we're at the mercy of OPEC. That's a strategy for yesterday, and we need a strategy for tomorrow.

The more we invest in and develop clean energy, the faster we'll solve two of our toughest challenges: creating jobs and reducing our reliance on oil. The faster we act, the faster we'll be energy independent.

Clean energy is one of the best investments we'll ever make. Nevada is already the hub of renewable energy—our solar, wind, and geothermal potential is unbeatable. Our challenge, then, is to make Nevada the hub of the renewable energy industry. Now is our chance to turn that energy into jobs.

No place on Earth is better for this kind of development than right here. That's why we're attracting companies from countries like China—businesses that are building wind turbines and LED technology in our own state. They're coming to Nevada from halfway around the globe because they see good business opportunity here. We welcome them. Their plants will put Nevadans back to work and help plant the roots of our new future.

The transmission line I mentioned a minute ago is an example of a homegrown solution—a public-private partnership made possible by the stimulus. The One Nevada line will completely free us from having to import any electricity at all. In fact, with consumers like California next

door and growing efforts to build a reliable electricity grid in the West, we're poised to become a net exporter of clean energy into the national marketplace.

We need to make sure spending cuts don't hold us back, and I'll do everything I can to make it easier for businesses to develop affordable clean energy; to help families use that clean energy; and to make it easier for our cars, trucks, homes, and offices to run on clean energy. The future of our economy depends on it—and so does the future of our environment and our national security.

Stronger education and cleaner energy are two pieces to the same puzzle. Nevada will return to the top when we build a foundation that brings people and businesses here.

This state has always been a destination—from yesterday's pioneers, like my dad's parents, who came here to mine our rich minerals, to today's tourists who enjoy the beauty of our deserts and mountains and entertainment. That's one of the reasons we killed Yucca Mountain, and it's the reason I worked so hard to pass a Travel Promotion Act. That bipartisan plan is taking the strategies that have made Las Vegas so successful and exporting them to our entire nation's tourism industry. It's already working. It's attracting visitors from around the globe and creating jobs right here in Nevada.

Tourism will always be our biggest industry, but it can't be our only one. We've learned the hard way that when tourists stay away, jobs go away. So let's open more doors.

If we don't show the country we're serious about education, why would the best teachers and researchers come here to work? Why would parents put their children in our schools?

If we don't show the world we're serious about clean energy, why would the best scientists make our state their laboratory for the newest technologies?

And if we don't prove that we're a twenty-first century state, why would creative new companies—or a small business that can be tomorrow's biggest employer—set up shop here in Nevada?

I recently met with a group of businessmen who run data centers for technology companies. They visited Storey County to see about opening a facility there—a move that would have created desperately needed jobs. Storey County does a lot of things right. It's the home of the Tahoe-Reno Industrial Center, which is the largest of its kind in the entire country. But one of the businessmen in that meeting told me he simply couldn't believe that one of the biggest businesses in the county he was considering for his new home is legal prostitution. I've talked to families who feel the same way—parents who don't want their children to look out of a school bus and see a brothel or to live in a state with the wrong kind of red lights.

So let's have an adult conversation about an adult subject. Nevada needs to be known as the first place for innovation and investment—not as the last place where prostitution is still legal. When the nation thinks about Nevada, it should think about the world's newest ideas and newest careers, not about its oldest profession. We should do everything we can to make sure the world holds Nevada in the same high regard you and I do. If we want to attract business to Nevada that puts people back to work, the time has come to outlaw prostitution.

I've talked about the jobs we need to create in the private sector. Allow me to speak shortly about the jobs our public servants do. We recognize Nevada's potential because we have learned from our past. We let our history inform our future, and that experience teaches us that we cannot throw out experience.

Nevada imposes term limits at every level of our government—for mayors, county commissioners, constitutional officers, and for all of you state legislators—everyone except the Judiciary. In each case, they're counterproductive. These restrictions don't limit terms; they limit our ability to move forward.

I know many of you are serving today because your predecessor's term limits gave you the chance to run. But this issue is bigger than any one of us as individuals, and this is not just about political theory. We can see it with our own eyes, in the people we've served with, colleagues we know and respect, public servants whose expertise has made this state a better state and whose experience has made us better at our jobs.

When Dean Rhoads, a fine Republican, leaves the Senate after this term, so will his 35 years of hard-earned experience. When John Oceguera finishes his first term as Speaker of the Assembly, it will also be his last. Of course, he replaced another well-respected but term-limited Speaker, Barbara Buckley, who did so much for our state on education, health care, and other important issues. No one can say that Nevada—especially northern Nevada—would be better off had Bill Raggio's service been arbitrarily cut short. He could never have built the relationships or gained the institutional knowledge that helped him lead the Senate so well for so long. The North would never have known the clout it now has. And in the South, Oscar Goodman is an overwhelmingly popular mayor and always has been. Why should he have to step down if the people he represents don't want him to? For some, two years is too much. For others, 20 years isn't long enough.

We don't need artificial term limits. After all, we already have natural ones. They're called elections. Anyone serving today should be able to serve at the will of the voters—the people of Nevada. I don't think anyone here believes our constituents lack the capacity or don't deserve the right to choose their own leaders. And if you don't believe they'll exercise that right, just take a look at the United States Congress.

Remember what President Bush said in 2006? He said he got a *thumpin*? Or when the wheel of the majority turned again just this past November and President Obama said he got a *shellacking*? Both of these words were synonyms for remarkable, natural turnover. The voters take care of term limits for us.

One more word about learning from others' experience. I served with Republican Gordon Smith in the United States Senate. Like all of us, he served in his state's legislature. When Gordon was the President of the Oregon State Senate, his number-one goal was to implement term limits. He succeeded but quickly came to regret it. He called it, in his own words, the biggest political mistake of his life. Oregon agreed; it no longer has term limits.

We should not turn away those who want to serve our state. We should not eliminate expertise that dedicated Nevadans have spent years earning. And in this part-time body charged with solving full-time problems, we should not forget that term limits leave behind a vacuum of institutional knowledge. The ones who fill that vacuum are unelected lobbyists, legislative staff, and other special interests. We should never get in the way of our own ability to move Nevada forward. It is up to you to protect our best leaders' contributions, not reject them. So I ask you to take this to the people and reverse our destructive term limits law.

Ours is a state of frontiersman and fighters. It's in our blood. That's why the story of America is the story of Nevada and of the West. In our country, *pioneer* is another word for *leader*, and *westward* means *forward*.

Lands that were once the frontier are now cities on the front lines of technology and industry. Where our towns were once dominated by homesteads, now they are dotted by energy efficient homes. The Old West has given way to the New West, and it is up to us to define what that means.

The question is whether we will direct our destiny or forfeit our future. I know our challenges are many, but our opportunity to prosper hasn't been this rich since my father's parents came here seeking gold and silver. The chance is ours, if we so choose.

The window in which we can seize this opportunity stands as open as the desert, but it may be as fleeting as the desert wind. The day to grow new jobs, attract new business, raise a strong generation, and breathe new life into our economy is today, if we take it.

Today is also the first President's birthday, George Washington. George Washington knew a thing or two about hardship and hard choices. At the height of the Revolution, long before we won our independence and Washington won his immortality, success was far from certain. When failure seemed the most likely fate, he wrote one of his generals the following: "We should never despair," Washington said. "Our situation before has been unpromising and has changed for the better—so I trust it will again." He reminded that general, a man by the name of

Philip Schuyler, that new tests are merely an opening for new triumphs, and new problems a prompt for new ideas.

General Schuyler received Washington's letter and took it to heart. He didn't despair—he believed. And once the colonies became a country, as the promise of a new nation lay before him, the general returned home to create change where it starts: He joined his state's legislature. You're going to create change, just like he did.

Thank you very much.

Senator Horsford moved that the Senate and Assembly in Joint Session extend a vote of thanks to Senator Reid for his timely, able, and constructive message.

Seconded by Assemblyman Daly.

Motion carried.

The Committee on Escort escorted Senator Reid to the bar of the Assembly.

Senator McGinness moved that the Joint Session be dissolved.

Seconded by Assemblywoman Neal.

Motion carried.

Joint Session dissolved at 11:31 a.m.

ASSEMBLY IN SESSION

At 11:32 a.m.

Mr. Speaker presiding.

Quorum present.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Aizley, the privilege of the floor of the Assembly Chamber for this day was extended to Sari Aizley.

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended Paul Smith.

On request of Assemblyman Atkinson, the privilege of the floor of the Assembly Chamber for this day was extended to Lona Domenici.

On request of Assemblywoman Benitez-Thompson, the privilege of the floor of the Assembly Chamber for this day was extended to Phil Howard, Rebecca Burchick, Jim Robertson, and Diana Sweeney.

On request of Assemblyman Bobzien, the privilege of the floor of the Assembly Chamber for this day was extended to Emma Fulkerson and Sara Moffat.

On request of Assemblyman Brooks, the privilege of the floor of the Assembly Chamber for this day was extended to Lacy Olson and Jeannica Sacasas.

On request of Assemblyman Carrillo, the privilege of the floor of the Assembly Chamber for this day was extended to Cinthia Zermeno.

On request of Assemblyman Conklin, the privilege of the floor of the Assembly Chamber for this day was extended to Alicia Sisneros and Andrew Diss.

On request of Assemblyman Ellison, the privilege of the floor of the Assembly Chamber for this day was extended to Jacquee Giovo, Chantell Giere, Aly Reynolds, and Stacie Schwandt.

On request of Assemblyman Goicoechea, the privilege of the floor of the Assembly Chamber for this day was extended to Gwen Barrett, Tammy Westergard, and Todd Westergard.

On request of Assemblyman Grady, the privilege of the floor of the Assembly Chamber for this day was extended to Wendy Nelson.

On request of Assemblyman Hansen, the privilege of the floor of the Assembly Chamber for this day was extended to Cindy Southerland.

On request of Assemblyman Hardy, the privilege of the floor of the Assembly Chamber for this day was extended to Katie Bowen.

On request of Assemblyman Hickey, the privilege of the floor of the Assembly Chamber for this day was extended to April Kieckhefer and Nima Rezaie.

On request of Assemblyman Horne, the privilege of the floor of the Assembly Chamber for this day was extended to Danielle Barraza.

On request of Assemblyman Kite, the privilege of the floor of the Assembly Chamber for this day was extended to Lee Bonner.

On request of Assemblyman Munford, the privilege of the floor of the Assembly Chamber for this day was extended to Guy Rocha and Cheryl Yates.

On request of Assemblyman Oceguera, the privilege of the floor of the Assembly Chamber for this day was extended to Britt Chapman, Eileen Montgomery, Crystina Coats, Dan Giraldo, Whitney Richburg, Anthony Sibley, Brittany Shipp, John Slaughter, Lisa Gianoli, Katy Simon,

Kitty Jung, Connie Isidro, Kami Whitemaine, Christina Bailey, and former Assemblyman Scott Sibley.

On request of Assemblywoman Pierce, the privilege of the floor of the Assembly Chamber for this day was extended to Jon Sasser.

On request of Assemblyman Segerblom, the privilege of the floor of the Assembly Chamber for this day was extended to Carl Segerblom and Derek Travis.

On request of Assemblyman Stewart, the privilege of the floor of the Assembly Chamber for this day was extended to Donna Coleman, Norton Roitman, Tom Waite, and Elizabeth Moen.

On request of Assemblywoman Woodbury, the privilege of the floor of the Assembly Chamber for this day was extended to Dustin Denis and Jaime Serrano.

Assemblywoman Kirkpatrick moved that the Assembly adjourn until Wednesday, February 23, 2011, at 11 a.m.

Motion carried.

Assembly adjourned at 11:32 a.m.

Approved: JOHN OCEGUERA
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE SEVENTEENTH DAY

CARSON CITY (Wednesday), February 23, 2011

Assembly called to order at 11:15 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblymen Diaz, Flores, and Ohrenschall, who were excused.

Prayer by the Chaplain, Reverend Bruce Henderson.

Lord, this is a special year. It is the 400th anniversary of the King James Version of the Bible—the Bible that was in most of our homes as we grew up. I thank You for Your Word. As I look around this room, I see a copy on display. We are thankful for the principles You have seen fit to place there for our guidance. I pray, though, that these words may be more than a display on a stand. May they be displayed in our lives. I pray in the Name of the One called the Living Word.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Conklin moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, February 22, 2011

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 19, 131.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen Goedhart, Goicoechea, Hansen, Grady, Hambrick, Hammond, Hardy, Kirner, Kite, Livermore, Stewart, and Woodbury; Senator Halseth:

Assembly Joint Resolution No. 4—Claiming sovereignty under the Tenth Amendment to the U.S. Constitution.

Assemblyman Goedhart moved that the resolution be referred to the Committee on Legislative Operations and Elections.

Motion carried.

Assembly Concurrent Resolution No. 4.

Assemblyman Atkinson moved the adoption of the resolution.

Remarks by Assemblyman Atkinson.

Resolution adopted.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Carrillo, Kirkpatrick, Brooks, Daly, Ellison, Hansen, and Segerblom; Senator Manendo:

Assembly Bill No. 203—AN ACT relating to contractors; requiring the State Contractors' Board to issue or authorize the issuance of a written administrative citation to a person who acts as a contractor without an active license of the proper classification; increasing the penalty for certain violations of provisions relating to the unlawful use of a license; and providing other matters properly relating thereto.

Assemblyman Carrillo moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Transportation:

Assembly Bill No. 204—AN ACT relating to motor vehicles; revising provisions relating to licensed automobile wreckers that obtain vehicles to be processed as parts or scrap metal; and providing other matters properly relating thereto.

Assemblywoman Dondero Loop moved that the bill be referred to the Committee on Transportation.

Motion carried.

By Assemblymen Hickey, Hansen, Bobzien, Anderson, Ellison, Goicoechea, Hambrick, Kirner, Kite, Livermore, Smith, Stewart, and Woodbury:

Assembly Bill No. 205—AN ACT relating to concealed firearms; authorizing certain members or veterans of the Armed Forces of the United States, a reserve component thereof or the National Guard, who are at least 18 years of age but less than 21 years of age, to obtain a permit to carry a concealed firearm; revising provisions governing the renewal of a permit; increasing the fee for the renewal of a permit; and providing other matters properly relating thereto.

Assemblyman Hickey moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 19.

Assemblyman Atkinson moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 131.

Assemblywoman Kirkpatrick moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 40.

Bill read second time and ordered to third reading.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 11:29 a.m.

ASSEMBLY IN SESSION

At 11:42 a.m.

Mr. Speaker presiding.

Quorum present.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, February 23, 2011

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 3.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

By Senators Cegavske, Breeden, Brower, Copening, Denis, Gustavson, Halseth, Hardy, Horsford, Kieckhefer, Kihuen, Lee, Leslie, Manendo, McGinness, Parks, Rhoads, Roberson, Schneider, Settelmeyer, and Wiener; Assemblymen Hammond, Aizley, Anderson, Atkinson, Benitez-Thompson, Bobzien, Brooks, Bustamante Adams, Carlton, Carrillo, Conklin, Daly, Diaz, Dondero Loop, Ellison, Flores, Frierson, Goedhart, Goicoechea, Grady, Hambrick, Hansen, Hardy, Hickey, Hogan, Horne, Kirkpatrick, Kirner, Kite, Livermore, Mastroluca, McArthur, Munford, Neal, Oceguera, Ohrenschall, Pierce, Segerblom, Sherwood, Smith, Stewart, and Woodbury:

Senate Concurrent Resolution No. 3—Recognizing the month of February 2011 as a month to honor the contributions of Ronald Reagan.

WHEREAS, President Ronald Wilson Reagan, a man of humble background, worked throughout his life serving freedom and advancing the public good, having been employed as an entertainer, union leader, corporate spokesman, Governor of California and President of the United States; and

WHEREAS, Ronald Reagan served with honor and distinction for two terms as the 40th President of the United States of America, earning the confidence of three-fifths of the electorate and achieving victory in 49 of the 50 states in the general election for his second term, a record unsurpassed in the history of American presidential elections; and

WHEREAS, In 1981, when Ronald Reagan was inaugurated President, he inherited a disillusioned nation shackled by rampant inflation and high unemployment; and

WHEREAS, During Mr. Reagan's presidency, he worked in a bipartisan manner to enact his bold agenda of restoring accountability and common sense to government, which led to unprecedented economic expansion and opportunity for millions of Americans; and

WHEREAS, Mr. Reagan's commitment to an active social policy agenda for the nation's children helped lower crime and drug use in our neighborhoods; and

WHEREAS, President Reagan's commitment to our Armed Forces contributed to the restoration of pride in America, and in her values and those cherished by the free world, and prepared America's Armed Forces to meet the challenges of the 21st century; and

WHEREAS, President Reagan's vision of "peace through strength" led to the end of the Cold War and the ultimate demise of the Soviet Union, guaranteeing basic human rights for countless numbers of people; and

WHEREAS, Throughout his years as President, Ronald Reagan displayed consistent optimism and the self-confidence that endeared him to millions, and even when personal danger touched him, as in the assassination attempt in 1981 that left him wounded, he was upbeat and reassuring; and

WHEREAS, The year 2011 marks the 100th anniversary of Ronald Reagan's birth and the 7th since his passing; now, therefore, be it

RESOLVED BY THE SENATE OF THE STATE OF NEVADA, THE ASSEMBLY CONCURRING, That the members of the 76th Session of the Nevada Legislature do hereby declare February 2011 as a month to honor Ronald Reagan for his many contributions to our country; and be it further

RESOLVED, That the residents of the State of Nevada are urged to celebrate the centennial month of his birth and reflect on the life of this noble American who dedicated his life to the service of our great nation; and be it further

RESOLVED, That the Secretary of the Senate prepare and transmit a copy of this resolution to Nancy Reagan, Ronald Reagan's devoted and loving wife of 52 years.

Assemblyman Hammond moved the adoption of the resolution.

Remarks by Assemblymen Hammond and Conklin.

Assemblywoman Kirkpatrick moved that the following remarks be entered in the Journal.

Motion carried.

ASSEMBLYMAN HAMMOND:

As the resolution notes, this year marks the 100th anniversary of the birth of Ronald W. Reagan, the 40th President of the United States. Ronald Reagan was, in many ways, a typical American. He was born in a little apartment on the second floor of a commercial building in Tampico, Illinois. After he was elected president, he quipped that living upstairs in the White House was "just like living over the store again."

When he was nine, his family moved to the nearby town of Dixon. There he spent a happy childhood, playing on the Dixon High School football team, acting in the school plays, working as a lifeguard, and acquiring the popular nickname of "Dutch." After high school he attended Eureka College, a small liberal arts school where he excelled at sports, acting, and campus

politics. Those early years in small town America nourished his sunny, optimistic disposition and his faith in the fundamental goodness of ordinary Americans, a faith that he carried with him to the presidency.

Ronald Reagan came to the presidency in 1980. It was a time much like the present, a time of economic turmoil and international unrest. He made the theme of his presidency "morning in America," and led our country to a successful conclusion of the Cold War, and the longest period of economic expansion in our nation's history.

To many of us, Ronald Regan is best remembered as the Great Communicator. We remember him as a powerful voice for freedom, patriotism, and self-reliance. Let me just share a few quotations that exemplify his keen insight and sharp wit:

- "A government bureau is the nearest thing to eternal life we will ever see on this earth."
- "I don't believe in a government that protects us from ourselves . . . That's one of our sacred rights—to be stupid."
- "Government's view of the economy could be summed up in a few short phrases: If it moves, tax it. If it keeps moving, regulate it. And if it stops moving, subsidize it."
- "Politics is not a bad profession. If you succeed there are many rewards; if you disgrace yourself you can always write a book."
- "I have left orders to be awakened at any time in case of national emergency, even if I'm in a cabinet meeting."
- "Man is not free unless government is limited. There's a clear cause and effect here that is as neat and predictable as a law of physics: As government expands, liberty contracts."

Please join today in remembering a great president, a great communicator, and a great American, Ronald W. Reagan.

ASSEMBLYMAN CONKLIN:

I rise in support of Senate Concurrent Resolution 3.

Today, on President Reagan's 100th birthday, he remains an inspirational and fascinating figure in American politics.

I was only ten years old when he became President, but as I was finishing my studies in high school and getting started for college towards the end of his second term, I knew what an impact he had had on our country.

I did not agree with everything that Ronald Reagan did during his two terms of office, but no President is immune from criticism or makes the absolute right decision every moment of every day.

When I did agree it was because he made tough choices, balancing his principles on the one hand and the fate of our nation on the other.

During his first election campaign he promised to dismantle the Departments of Education and Energy, but later he came to realize the consequences of following through, and in the end he not only preserved those vital institutions, but he expanded them.

The entire nation gave thanks to the President when he honored the service and sacrifice of our veterans by elevating the Department of Veteran's Affairs to a cabinet level agency, where it remains today. There is absolutely no question our veterans deserve it.

Social Security is a promise to America that when you become too old to work we will be there for you, and when insolvency of the system seemed imminent, President Reagan took action and saved the only safety net many of our seniors have.

Throughout his presidency, Ronald Reagan grappled with the mounting deficits, skyrocketing unemployment, and other domestic issues.

Faced with those realities he came to understand he couldn't fund the services America needed to succeed with the revenues at his disposal, whether it was defense or social services or public safety. He always put country above ideology and asked the American people to do their part.

Sometimes it feels like history has forgotten this fact. After President Reagan cut revenue, he raised them, multiple times. Not because he wanted to but because he had to. You can only cut so much before you start destroying the very fabric of what makes this country great.

President Reagan to his credit, put his ideology aside and did what he knew was right for our county, and we must always remember it.

Today in Nevada we face record unemployment, a flailing education system, and a crumbling economy. To top it off, we may not have the revenue we need to pull ourselves out of this mess.

Investment in infrastructure and education to attract businesses—these are the things we must do, ladies and gentlemen. This is our Ronald Reagan moment—to put aside our differences and do what we know is right for our state and, Mr. Speaker, it is in that spirit that I support this resolution.

Resolution adopted.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Bobzien, the privilege of the floor of the Assembly Chamber for this day was extended to Christina Wall and Vidya Kailash.

On request of Assemblyman Daly, the privilege of the floor of the Assembly Chamber for this day was extended to Arielle Cymerman.

On request of Assemblyman Hammond, the privilege of the floor of the Assembly Chamber for this day was extended to Ty Cobb, Sr. and Suellen Cobb.

On request of Assemblyman Kite the privilege of the floor of the Assembly Chamber for this day was extended to Sam Winter.

On request of Assemblywoman Mastroluca, the privilege of the floor of the Assembly Chamber for this day was extended to Sharon Gustowski, Rebecca Mills, and David St. Michel.

On request of Assemblyman Oceguera, the privilege of the floor of the Assembly Chamber for this day was extended to students and staff from Faith Christian Academy: Kaitlyn Christensen, Cady Contreras, Madelynn Hall, Wyatt Hicks, Hogan Hunter, J.P. Kelly, Audrey Pierce, Amanda Rogers, Garret Ross, and Weston Stulac.

On request of Assemblyman Sherwood, the privilege of the floor of the Assembly Chamber for this day was extended to Coral Carfora.

Assemblyman Conklin moved that the Assembly adjourn until Thursday, February 24, 2011, at 11 a.m.

Motion carried.

Assembly adjourned at 11:54 a.m.

Approved: JOHN OCEGUERA
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE EIGHTEENTH DAY

CARSON CITY (Thursday), February 24, 2011

Assembly called to order at 11:30 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblymen Diaz, Flores, and Ohrenschall, who were excused.

Prayer by the Chaplain, Reverend Bruce Henderson.

Father, today is Heart Disease and Stroke Awareness Day. That's so important. Your Word instructs us to have an open heart, a pure heart, and a humble heart. May we never lose heart or let it harden but always love You and others with all our heart. I pray in the Name of the Creator of all hearts.

AMEN

Pledge of allegiance to the Flag.

Assemblyman Conklin moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, February 23, 2011

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 58, 132.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Government Affairs:

Assembly Bill No. 206—AN ACT relating to public employees' retirement; revising provisions governing the employment of retired public employees who fill critical labor shortage positions; and providing other matters properly relating thereto.

Assemblywoman Kirkpatrick moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Stewart, Goicoechea, Hansen, Hardy, Hickey, Kirner, McArthur, Sherwood, and Woodbury; Senators Hardy, Cegavske, and Lee:

Assembly Bill No. 207—AN ACT relating to crimes against the public peace; providing certain restrictions on demonstrations near a funeral, memorial service or ceremony; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Stewart moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Stewart, Hansen, Ellison, Goedhart, Goicoechea, Grady, Hambrick, Hammond, Hardy, Hickey, Kirner, Livermore, McArthur, Sherwood, and Woodbury; Senator Hardy:

Assembly Bill No. 208—AN ACT relating to governmental administration; pledging the support of the Legislature to ensure that English is preserved as the common language of this State; designating English as the official language of the State of Nevada; requiring that certain proceedings and records of this State be in English; and providing other matters properly relating thereto.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 11:35 a.m.

ASSEMBLY IN SESSION

At 11:35 a.m.

Mr. Speaker presiding.

Quorum present.

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

Motion carried.

By the Committee on Health and Human Services:

Assembly Bill No. 209—AN ACT relating to local financial administration; authorizing a local government, under certain circumstances, to transfer money from certain funds which are designated for the construction, maintenance, repair or improvement of capital projects and certain other facilities to a fund for medical assistance to indigent persons; and providing other matters properly relating thereto.

Assemblywoman Mastroluca moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Sherwood, Woodbury, Diaz, Hambrick, Hammond, Hickey, and McArthur; Senators Cegavske, Hardy, and Denis:

Assembly Bill No. 210—AN ACT relating to employment; clarifying that the relationship between a person who agrees to provide services for certain programs and a person with a disability or mental retardation who is participating in such a program does not constitute employment for the purposes of provisions governing the minimum wage; and providing other matters properly relating thereto.

Assemblyman Sherwood moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 58.

Assemblyman Conklin moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 132.

Assemblyman Conklin moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 40.

Bill read third time.

Remarks by Assemblymen Neal and Brooks.

Roll call on Assembly Bill No. 40:

YEAS—39.

NAYS—None.

EXCUSED—Diaz, Flores, Ohrenschall—3.

Assembly Bill No. 40 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

REMARKS FROM THE FLOOR

Assemblyman McArthur moved that his remarks be entered in the Journal.

Motion carried.

ASSEMBLYMAN MCARTHUR:

I want to take a moment to announce some sad news, out of St. Petersburg, Florida, where on Monday, Officer David Crawford was the third police officer to be killed in the line of duty in less than 30 days. Officer Crawford was a 27-year veteran of St. Petersburg Police Department, and was a colleague of Mary McDonald, one of our own legislative officers. Mary is a 25-year veteran of the St. Petersburg Police Department and one of Officer Crawford's past supervisors and friends.

I ask that we take this moment to honor Officer Crawford, his family and friends, the men and women of the St. Petersburg Police Department, and all United States law enforcement officers killed in the line of duty.

Thank you.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Bobzien, the privilege of the floor of the Assembly Chamber for this day was extended to the following students and chaperones of Nevada Virtual Academy: Brin Hill, Evan McCormick, Sam McCormick, Crystal Martinez, Jonathan Martinez, Sarah Miles, Kevin Miles, Caleb White, Justin Wood, Mallory Wakefield, Mary Elizabeth Reed, Emily Rebecca Reed, Anna Engel, Jessica Lyles, A.J. Danna, Laton Jones, Jaidyn Jones, Gina Balke, Paola Balke, Kevyn Moseley, Emily Bonilla, Catalina Salvatore, Mia Salvatore, Arousa Ahmed, Hania Ahmed, Brad McCoy and Brinny Borders, Lori Conforti, Katheen Hill, Amy McCormick, Rosa Martinez, Rebecca Miles, Sandra Zbella, Kathleen White, Ben Wook, Lori Wakefield, Laura Engel, Leslie Lyles, Theresa Danna, Constanze Falkenthal-Balke, Donna Anderson, Laura Balke, Leisa Moseley, Rosemary Salvatore, Nicholas Salvatore, Hina Ahmed, Akbar Ahmed, and P.J. McCoy; and to the following students and chaperones of Big Brothers and Big Sisters: Robert Moore, Makayla Farmer, Justys Woods, Cody Farmer, Courtney Brown, Matt Burrows, Tyler Miller, Tommy Delap, Ashley Delap, Hannah Bluebaugh, Brandon Bluebaugh, Andrea Lopez, Esmeralda Lopez, Ailleen Roman, Lesly Vargas, Jesus Martinez, Cynthia Vargas, Nathan Padilla, Herman Roman Garcia, Guadalupe Garcia, Cassandra Vargas, Jose Vargas, Soralla Vargas, Courtney Brown, Branden Snoddy, Zuleima Silva, Thomas Ballinger, Sandy Valenzuela, Jessica English, Arica Rodriguez, J.J. Rodriguez, Lacee Wilkinson, Amaya Duro, Alex Peters, Britney Sandoval, Danielle Corales, Shyla Neese, Lexie McComb, and John Olvera.

On request of Assemblywoman Bustamante Adams, the privilege of the floor of the Assembly Chamber for this day was extended to Alaina Brown, Leisa Moseley, Kendall Moseley, Kevyn Moseley, Kennedy Moseley, and Malachi Moseley.

On request of Assemblyman Hammond, the privilege of the floor of the Assembly Chamber for this day was extended to Lorena Tello.

On request of Assemblyman Livermore, the privilege of the floor of the Assembly Chamber for this day was extended to students and chaperones from Fritsch Elementary School and Bordewich Bray Elementary School: Giselle Andrade, Zavier Brown, Erendida Davalos, Giovana Furrow, Andrea Gonzalez, Sydney Kleine, Charles Lawlor, Lilly Ly, Emily McCaskill,

Makenzie McDaniel, Laycee Weatherman, Summer Cardwell, Paxton Spence, Laura Valley, Linda Hurzel, Isabella Bruketta, Alexa Conrad, Jonathan Cuevas, Molly Finn, Vincent Heshman, Jessalyn Northrup, Hannah Philippi, Richard Romero, Terrence Simpson, Hayden Story, Alyssa Taylor, and Spencer Ker.

Assemblyman Conklin moved that the Assembly adjourn until Friday, February 25, 2011, at 11 a.m., and that it do so in memory of Officer David Crawford of the St. Petersburg, Florida Police Department.

Motion carried.

Assembly adjourned at 11:48 a.m.

Approved: JOHN OCEGUERA
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE NINTEENTH DAY

CARSON CITY (Friday), February 25, 2011

Assembly called to order at 11:12 a.m.

Madam Speaker pro Tempore presiding.

Roll called.

All present except Assemblywoman Diaz, who was excused.

Prayer by the Chaplain, Reverend, Bruce Henderson.

Our Father in Heaven—maybe we should have called a "snow day!" Well, here we are on Friday, and as we all know only Robinson Crusoe had everything done by Friday. Lord, we don't have everything done, but we have a good start. Help us to rest so we can approach everything anew on Monday. We thank You for the gift and promise of renewal. We pray in the Name of the One who makes everything new.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Conklin moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Natural Resources, Agriculture, and Mining, to which was referred Assembly Concurrent Resolution No. 3, has had the same under consideration, and begs leave to report the same back with the recommendation: Be adopted.

MAGGIE CARLTON, *Chair*

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen Goedhart, Aizley, Goicoechea, Grady, Hambrick, Hammond, Hansen, Hardy, Hickey, Kirner, Kite, Sherwood, Stewart, and Woodbury; Senators Hardy, Cegavske, Gustavson, Halseth, Rhoads, and Settelmeyer:

Assembly Joint Resolution No. 5—Urging the Federal Government to engage in discussions with the State of Nevada and Nye County, Nevada, regarding the mitigation of water contamination in Nevada which resulted from certain nuclear testing and storage activities that were conducted by the Federal Government in Nye County, Nevada.

Assemblyman Goedhart moved that the resolution be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Aizley, Ohrenschall, Carrillo, Horne, Atkinson, Conklin, Dondero Loop, Frierson, Goedhart, Hambrick, Hogan, Oceguera, Pierce, and Stewart; Senators Leslie, Parks, and Denis:

Assembly Bill No. 211—AN ACT relating to employment practices; prohibiting discriminatory employment practices based upon the gender identity or expression of a person; and providing other matters properly relating thereto.

Assemblyman Aizley moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymen Woodbury, Goicoechea, Grady, Hammond, Hansen, Hardy, Hickey, Kite, and Stewart; Senators Hardy, Gustavson, Kieckhefer, and Settelmeyer:

Assembly Bill No. 212—AN ACT relating to transportation; revising provisions governing the authority of the Department of Transportation to enter into contracts with design-build teams; and providing other matters properly relating thereto.

Assemblywoman Woodbury moved that the bill be referred to the Committee on Transportation.

Motion carried.

Madam Speaker pro Tempore announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 11:19 a.m.

ASSEMBLY IN SESSION

At 11:21 a.m.

Madam Speaker pro Tempore presiding.

Quorum present.

By the Committee on Judiciary:

Assembly Bill No. 213—AN ACT relating to gaming; authorizing the Nevada Gaming Commission to adopt regulations relating to the issuance of a preliminary finding of suitability; revising provisions relating to investigations and the initiation of complaints by the State Gaming Control Board; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Judiciary.

Motion carried.

REMARKS FROM THE FLOOR

Assemblyman Conklin moved that the following remarks be entered in the Journal.

Motion carried.

ASSEMBLYMAN MUNFORD:

In the spirit of Black History Month, I rise to recognize and share with this body the significant accomplishments of the Black Stuntmen's Association and the Coalition of Black Stuntmen and Women.

I was expecting to welcome some of these members of this group who are quite mature now in age. They were supposed to be here today. Unfortunately, they could not make the trip due to transportation and health problems.

During the 1950s and the 1960s, few African Americans had roles in television or film. Movie stunts were almost strictly performed by white men and women who wore makeup to act as stunt doubles for black actors.

The Black Stuntmen's Association and the Coalition of Black Stuntmen and Women joined together and filed a legal action against the "Hollywood machine" and forced it to hire, train, and advance individuals both in front of and behind the cameras, without regard to race, gender, or sexual orientation.

These legal efforts came at a great personal cost to the members of the Association and Coalition. They experienced attempts to crush them mentally, physically, and financially, such as blacklisting them and forcing them out of work. Through it all, these determined men and women persevered. Ultimately, they created groundbreaking opportunities for countless African-American men and women in the film and television industry.

Please join me in recognizing and appreciating their sacrifices and their commitment in the pursuit of America's principles of equality and justice for all.

One thing I want to add. A lot of people might not know why Black History Month was chosen to be celebrated in the month of February. One of the reasons is because of this gentleman, Abraham Lincoln, whose birthday is in February. Another reason was Frederick Douglass. I don't know if you have heard of Frederick Douglass, but he was a very outspoken and vocal fighter for rights for African Americans. The third reason is the development and birth of the NAACP started in February. So I give you a little lesson.

Also, I congratulate my colleague from District 22 for talking about Abraham Lincoln. I remember all three sessions he always talked about Abraham Lincoln, whose birthday is in February. It always reminded him—but he never brought it up—that Abraham Lincoln was very instrumental in this state joining the Union, but he also freed the slaves. Remember that.

ASSEMBLYMAN CONKLIN:

On behalf of my colleague from District 33, late last night Elko County Sheriff's Deputy Lenwood VanNatter was shot three times and was airlifted to the University of Utah Hospital, where he is now in critical condition suffering multiple gunshot wounds to the chest, hip, and legs. This is not the first time that a police officer of law enforcement agency has been shot when this body is in session. On behalf of my colleague from District 33, I would just request that Mr. VanNatter remain in the prayers and thoughts of our members, and we wish him a speedy recovery.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Goedhart, the privilege of the floor of the Assembly Chamber for this day was extended to Michael Chamberlin.

On request of Assemblyman Kirkpatrick, the privilege of the floor of the Assembly Chamber for this day was extended to students and chaperones from the Nevada Homeschool Network: Karen Anderson, Grace Anderson, Cynthia Amster, Rob Amster, Shannon Brigger, Rey'na Borg, Stephanie Castanedo, Dylan Castanedo, Frances Castelli, Anthony Castelli, Hope Castelli, Laura Cleland, Alison Cleymaet, Dianne Craft, Tracy Cuneo, Kim Dahl, Amy Dold, Glenda Dudley, Maureen Ford, Tegan Ford, Wayne Hoag, Katrina Hollar, Dawn Johansen, Jeremiah Johansen, Amanda Keith, Harvie Keith, Julianne King, Gretchin Kvaal, Sai'len Kvaal, Monica Lang, Natasha Lang, Sandra Lorenz, Scott Macmillan, Jennifer Macmillan, James Macmillan, Kamie McBride, Jacob McBride, Julie McBride, Jenn Medina, Mandy Nicholson, Gabriela Nodar, Avery Nodar, Angel Nuugent, Makela Palmer, Rob Palmer, Theresa Panziera, Amy Poole, Donald Poole, Gabriel Poole, Kelley Radow, Rick Saake, Jennifer Saake, Ron Schreckengost, Shannon Schreckengost, Robin Schnorbus, Frank Schnorbus, Sharon Seibel, Laura Seigal, Holly Sentell, Cindy Simpson, Brandee Shipman, Jamie Sommer, Dawn Toussaint, Beverely Vugteveen, Katie Vugteveen, Alisa Wagner, Hennessy Wagner, Elissa Wahl, Wendy Ward, Nikki Willis, Ben Willis, Julie Xeras, Jullie Deal, Dan Durrer, Laura Durrer, Gia Gallegos, Edwina Koepsell, John Snyer and Cindy Snyder.

Assemblyman Conklin moved that the Assembly adjourn until Tuesday, March 1, 2011, at 11a.m.

Motion carried.

Assembly adjourned at 11:35 a.m.

Approved: JOHN OCEGUERA
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE TWENTY-THIRD DAY

CARSON CITY (Tuesday), March 1, 2011

Assembly called to order at 11:10 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblywoman Diaz, who was excused.

Prayer by the Chaplain, Dr. Ken Haskins.

Our Heavenly Father, You are the Light of Life. Enlighten us with truth and knowledge, understanding, and wisdom in order for us to see clearly all sides of every issue and to make good and wise decisions. I pray in the Name of the Light of the world, Jesus.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Conklin moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Assembly Bills Nos. 10, 183, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MARILYN K. KIRKPATRICK, *Chair*

Mr. Speaker:

Your Committee on Judiciary, to which was referred Assembly Bill No. 12, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

WILLIAM C. HORNE, *Chair*

MOTIONS, RESOLUTIONS AND NOTICES

Assembly Concurrent Resolution No. 3.

Assemblyman Bobzien moved the adoption of the resolution.

Remarks by Assemblyman Bobzien.

Resolution adopted and ordered transmitted to the Senate.

NOTICE OF EXEMPTION

February 28, 2011

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Assembly Bills Nos. 5, 10, 21, 47, 48, 60, 64, 71, 92, 93, 99, 100, 107, 108, 114, 118, 123, 126, 128, 133, 138, 139, 152 and 172.

RICK COMBS
Fiscal Analysis Division

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Commerce and Labor:

Assembly Bill No. 214—AN ACT relating to escrow accounts; requiring that certain disbursements of money from escrow accounts be payable in United States currency; and providing other matters properly relating thereto.

Assemblyman Atkinson moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 215—AN ACT relating to utilities; authorizing certain public utilities that purchase natural gas for resale and electric utilities to request approval from the Public Utilities Commission of Nevada to make quarterly rate adjustments based on deferred accounting; requiring that written notices which are provided to customers of certain public utilities that purchase natural gas for resale and electric utilities contain information about the review of certain quarterly rate adjustments by the Commission; authorizing the Commission to allow public utilities that purchase natural gas for resale to apply for certain additional rate adjustments upon a showing of good cause; prohibiting electric utilities from applying for certain additional rate adjustments after receiving approval from the Commission to make quarterly rate adjustments based on deferred accounting; and providing other matters properly relating thereto.

Assemblyman Atkinson moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymen Kirner, Hansen, Goedhart, Goicoechea, Grady, Hambrick, Hammond, Hardy, Hickey, Kite, Livermore, McArthur, Sherwood, Stewart, and Woodbury; Senators Gustavson, Halseth, and Settelmeyer:

Assembly Bill No. 216—AN ACT relating to metropolitan police departments; revising provisions concerning the employee benefits of employees of law enforcement agencies upon the merger of the agencies into a metropolitan police department; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Ellison, Hansen, Aizley, Anderson, Bobzien, Bustamante Adams, Carrillo, Goedhart, Goicoechea, Grady, Hambrick, Hammond, Hardy, Hickey, Kirkpatrick, Kirner, Kite, Livermore, McArthur, Munford, Sherwood, Stewart, and Woodbury; Senators Hardy, Settelmeyer, Gustavson, Brower, Lee, Manendo, and McGinness:

Assembly Bill No. 217—AN ACT relating to firearms; repealing provisions governing the interstate sale of certain firearms; and providing other matters properly relating thereto.

Assemblyman Ellison moved that the bill be referred to the Committee on Commerce and Labor.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 11:19 a.m.

ASSEMBLY IN SESSION

At 11:21 a.m.

Mr. Speaker presiding.

Quorum present.

Motion carried.

By Assemblymen Segerblom, Aizley, Brooks, and Pierce:

Assembly Bill No. 218—AN ACT relating to taxation; excluding bottled water from the definition of "food" for the purpose of administering sales and use taxes; and providing other matters properly relating thereto.

Assemblyman Segerblom moved that the bill be referred to the Committee on Taxation.

Motion carried.

By Assemblymen Horne, Aizley, Atkinson, Bobzien, Brooks, Carrillo, Conklin, Daly, Dondero Loop, Frierson, Hogan, Ohrenschall, Segerblom, and Smith:

Assembly Bill No. 219—AN ACT relating to unclaimed property; providing that certain unredeemed wagering instruments escheat to the State; requiring the Nevada Gaming Commission to adopt regulations relating to unredeemed wagering instruments; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Oceguera, Bobzien, Smith, Kirkpatrick, Conklin, Aizley, Anderson, Atkinson, Benitez-Thompson, Brooks, Bustamante Adams, Carlton, Carrillo, Dondero Loop, Flores, Frierson, Hammond, Hardy, Hickey, Hogan, Kirner, Mastroluca, Munford, Neal, Ohrenschall, Pierce, and Woodbury; Senators Leslie, Horsford, and Denis:

Assembly Bill No. 220—AN ACT relating to the Nevada System of Higher Education; encouraging the Board of Regents of the University of Nevada to examine, audit and revise certain aspects of the System to ensure the educational needs of students and prospective students will be met in an economical and efficient manner; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Education.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 221—AN ACT relating to the practice of pharmacy; establishing provisions governing the dispensing of a therapeutically equivalent drug in place of a drug that is prescribed by a practitioner; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Atkinson moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymen Smith, Bobzien, Oceguera, Conklin, Anderson, Atkinson, Benitez-Thompson, Carrillo, Daly, Dondero Loop, Frierson, Hansen, Hickey, Hogan, Horne, Kirner, Mastroluca, Segerblom, and Stewart; Senators Horsford and Leslie:

Assembly Bill No. 222—AN ACT relating to education; creating the Teachers and Leaders Council of Nevada; prescribing the membership and duties of the Council; requiring the State Board of Education to establish a statewide performance evaluation system for teachers and administrators; revising the designations required of the evaluations of teachers and administrators; and providing other matters properly relating thereto.

Assemblywoman Smith moved that the bill be referred to the Concurrent Committees on Education and Ways and Means.

Motion carried.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Senate Concurrent Resolution No. 3.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Carrillo, the privilege of the floor of the Assembly Chamber for this day was extended to Chris Wallace.

On request of Assemblyman Ellison, the privilege of the floor of the Assembly Chamber for this day was extended to Lucy McGuire.

On request of Assemblyman Hambrick, the privilege of the floor of the Assembly Chamber for this day was extended to Cindy Lain.

On request of Assemblyman Kite, the privilege of the floor of the Assembly Chamber for this day was extended to Derah Anderson.

On request of Assemblywoman Pierce, the privilege of the floor of the Assembly Chamber for this day was extended to Zulma Munoz.

Assemblyman Conklin moved that the Assembly adjourn until Wednesday, March 2, 2011, at 11 a.m.

Motion carried.

Assembly adjourned at 11:29 a.m.

Approved: JOHN OCEGUERA
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE TWENTY-FOURTH DAY

CARSON CITY (Wednesday), March 2, 2011

Assembly called to order at 11:08 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblywoman Diaz, who was excused.

Prayer by the Chaplain, Dr. Ken Haskins.

Our Heavenly Father, these are trying times for most Nevadans. Our Governor and these legislators face a seemingly impossible task. Father, with You all things are possible. Bless these servants of Yours as they work to improve the quality of life of all Nevadans. I pray in the Name of Jesus, who is even still able to multiply loaves and fishes.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Conklin moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Judiciary, to which were referred Assembly Bills Nos. 43, 66, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

WILLIAM C. HORNE, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, March 1, 2011

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Senate Bill No. 149.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Segerblom, Smith, Dondero Loop, Aizley, Anderson, Benitez-Thompson, Bobzien, Carrillo, Daly, Frierson, Kirkpatrick, Neal, and Pierce; Senators Breeden, Parks, Kihuen, Leslie, and Manendo:

Assembly Bill No. 223—AN ACT relating to civil actions; providing that a certain amount of money held in a personal bank account that is likely to be exempt from execution is not subject to a writ of execution or garnishment; providing a procedure to execute on property held in a safe-deposit box;

revising the procedure for claiming an exemption from execution on certain property; making various other changes to provisions governing writs of execution, attachment and garnishment; and providing other matters properly relating thereto.

Assemblyman Segerblom moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Benitez-Thompson, Smith, Bobzien, Oceguera, Aizley, Brooks, Bustamante Adams, Carrillo, Daly, Flores, Frierson, Kirkpatrick, and Segerblom; Senator Denis:

Assembly Bill No. 224—AN ACT relating to education; creating the Office of Parental Involvement and Family Engagement within the Department of Education; prescribing the duties of the Office; revising the contents of the annual reports of accountability for school districts prepared by school districts; revising the contents of the plans to improve the achievement of pupils prepared by school districts and public schools; requiring the Commission on Professional Standards in Education to prescribe course work on parental involvement and family engagement; revising the membership of the Statewide Council for the Coordination of the Regional Training Programs; requiring the Statewide Council to establish a statewide program for teachers and administrators concerning parental involvement and family engagement; requiring the regional training programs for the professional development of teachers and administrators to provide training on parental involvement and family engagement; and providing other matters properly relating thereto.

Assemblywoman Benitez-Thompson moved that the bill be referred to the Committee on Education.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 225—AN ACT relating to educational personnel; requiring certain teachers and administrators who receive unsatisfactory evaluations to serve an additional probationary period; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Frierson, Brooks, Carrillo, Segerblom, and Pierce:

Assembly Bill No. 226—AN ACT relating to property; revising various provisions governing landlords and tenants; and providing other matters properly relating thereto.

Assemblyman Frierson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Hambrick, Aizley, Anderson, Brooks, Goedhart, Goicoechea, Grady, Hammond, Hardy, Hickey, Hogan, Kirner, McArthur, Stewart, and Woodbury; Senators Halseth and Kihuen:

Assembly Bill No. 227—AN ACT relating to school property; requiring boards of trustees of school districts to grant the use of certain athletic fields to nonprofit organizations which provide programs for youth sports; and providing other matters properly relating thereto.

Assemblyman Hambrick moved that the bill be referred to the Committee on Education.

Motion carried.

By Assemblymen Hickey, Hansen, Goedhart, Goicoechea, Grady, Hambrick, Hardy, Kirner, McArthur, Segerblom, Sherwood, Smith, and Stewart:

Assembly Bill No. 228—AN ACT relating to public works; requiring a public body to use a standard form construction contract that is endorsed by national associations representing industry professionals for a public work; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Oceguera, Bobzien, Smith, Horne, Conklin, Anderson, Atkinson, Benitez-Thompson, Brooks, Bustamante Adams, Daly, Dondero Loop, Flores, Kirkpatrick, Mastroluca, Munford, Ohrenschall, Pierce, and Segerblom:

Assembly Bill No. 229—AN ACT relating to education; revising the annual reports of accountability information for public schools; requiring the board of trustees of each school district to establish and implement a program of performance pay and enhanced compensation for the recruitment and retention of licensed teachers and administrators; removing probationary teachers and probationary administrators from the applicability of certain provisions governing certain disciplinary measures by school districts; revising provisions governing the demotion, suspension, dismissal and nonreemployment of certain teachers and administrators; expanding the grounds for immediate dismissal and refusal to reemploy; revising the designations of the overall performance of teachers and administrators required by the policies for evaluations of each school district; revising provisions governing the probationary periods of teachers and administrators

and the evaluations of probationary teachers and probationary administrators; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Education.

Motion carried.

Senate Bill No. 149.

Assemblyman Conklin moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Horne moved to withdraw Amendment No. 1 to Assembly Bill No. 12.

Remarks by Assemblyman Horne.

Motion carried.

Assemblyman Horne moved that Assembly Bill No. 88 be taken from the Chief Clerk's desk and placed on the General File for the next legislative day.

Motion carried.

Assemblyman Horne moved that Assembly Bill No. 12 be taken from the Second Reading File and rereferred to the Committee on Ways and Means.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 10.

Bill read second time and ordered to third reading.

Assembly Bill No. 183.

Bill read second time and ordered to third reading.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Bobzien, the privilege of the floor of the Assembly Chamber for this day was extended to Jeffrey Johnson.

On request of Assemblyman Grady, the privilege of the floor of the Assembly Chamber for this day was extended to students and chaperones of the Yerington High School Spanish class: Maria Coba, Sonia Covian, Jessica Gonzalez, Daniela Hernandez, Ana Sanchez, Leslie Zarazua, Imelda Hernandez, Ann Martinez, Jessica Torres, Lonor Castillo, Maritza Hernandez, Patty Guerrero, Emily Ogle, Abby Ogle, Anna Meza, Toni Trout, Viviana Hernandez, Maribel Roman, Inez Fausto, Diana Arias, and Lizzy Roman.

On request of Assemblyman Livermore, the privilege of the floor of the Assembly Chamber for this day was extended to students and chaperones of Silver State High School: Kelly Brandon, Crystal Thompson, Dominique Vietti, Lain Webb, Dennis Darter, Shayla Kahn, and Blaine Spires.

On request of Assemblyman Sherwood, the privilege of the floor of the Assembly Chamber for this day was extended to Byron Wells.

On request of Assemblyman Stewart, the privilege of the floor of the Assembly Chamber for this day was extended to Mark Wright, Ian Webb, and Kelly Brandon.

Assemblyman Conklin moved that the Assembly adjourn until Thursday, March 3, 2011, at 11 a.m.

Motion carried.

Assembly adjourned at 11:29 a.m.

Approved: JOHN OCEGUERA
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE TWENTY-FIFTH DAY

CARSON CITY (Thursday), March 3, 2011

Assembly called to order at 11:30 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblywoman Diaz, who was excused.

Prayer by the Chaplain, Dr. Ken Haskins.

O Lord, it is more blessed to give than to receive, and the just reward is honor for those who serve. Bless these legislators as they give themselves in service to others. When their work is finished, may they hear those sweet words, "Well done, good and faithful servants!" I pray in the name of Jesus.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Conklin moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which was referred Assembly Bill No. 33, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

KELVIN ATKINSON, *Chair*

Mr. Speaker:

Your Committee on Transportation, to which was referred Assembly Bill No. 30, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MARILYN DONDERO LOOP, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, March 2, 2011

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bill No. 94.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Education:

Assembly Bill No. 230—AN ACT relating to educational personnel; requiring the Commission on Professional Standards in Education to adopt regulations prescribing the qualifications for licensing teachers and administrators pursuant to an alternative route to licensure; and providing other matters properly relating thereto.

Assemblyman Bobzien moved that the bill be referred to the Committee on Education.

Motion carried.

By Assemblymen Goedhart, Hardy, Ellison, Goicoechea, Grady, Hambrick, Hickey, Kirner, Kite, Sherwood, and Stewart; Senators Gustavson, McGinness, and Rhoads:

Assembly Bill No. 231—AN ACT relating to concealed firearms; removing the prohibition against carrying a concealed firearm; repealing all provisions governing permits to carry concealed firearms; and providing other matters properly relating thereto.

Assemblyman Goedhart moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Woodbury, Aizley, Anderson, Ellison, Goedhart, Goicoechea, Grady, Hambrick, Hammond, Hardy, Hickey, Kirner, Kite, Livermore, McArthur, Sherwood, and Stewart; Senators Hardy, Gustavson, and Settelmeyer:

Assembly Bill No. 232—AN ACT relating to motor carriers; authorizing the payment in installments of certain fees for permits issued by the Department of Transportation to operators of certain combination vehicles; requiring the Department to adopt regulations establishing the amount and due date of such installment payments; and providing other matters properly relating thereto.

Assemblywoman Woodbury moved that the bill be referred to the Committee on Transportation.

Motion carried.

By Assemblymen Bobzien, Smith, Mastroluca, Dondero Loop, Atkinson, Carlton, and Oceguera; Senator Leslie:

Assembly Bill No. 233—AN ACT relating to education; revising provisions governing the requirements for a pupil to receive credit for a course of study without attending the classes for the course; and providing other matters properly relating thereto.

Assemblyman Bobzien moved that the bill be referred to the Committee on Education.

Motion carried.

Senate Bill No. 94.

Assemblyman Conklin moved that the bill be referred to the Committee on Judiciary.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 43.

Bill read second time and ordered to third reading.

Assembly Bill No. 66.

Bill read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 10.

Bill read third time.

Remarks by Assemblyman Anderson.

Roll call on Assembly Bill No. 10:

YEAS—36.

NAYS—Hambrick, Hammond, Hardy, Kirner, Sherwood—5.

EXCUSED—Diaz.

Assembly Bill No. 10 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 88.

Bill read third time.

Roll call on Assembly Bill No. 88:

YEAS—41.

NAYS—None.

EXCUSED—Diaz.

Assembly Bill No. 88 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 11:41 a.m.

ASSEMBLY IN SESSION

At 11:52 a.m.

Mr. Speaker presiding.

Quorum present.

Assembly Bill No. 183.

Bill read third time.

Remarks by Assemblymen Smith, Sherwood, Goicoechea, and Benitez -Thompson.

Assemblyman Conklin moved that the following remarks be entered into the Journal.

Motion carried.

ASSEMBLYWOMAN SMITH:

Assembly Bill 183 is regarding school district bond obligation. It is enabling legislation. It allows the school districts to lower their required debt reserve to 25 percent in the larger counties and 50 percent in the smaller counties, the rural counties.

I want to talk about how this bill was conceived and what it really means. It seems like a fairly small policy decision, but as we all know, it has become a larger decision point for this body.

About a year ago, I was contacted by a working group in the Washoe County School District that was concerned about their inability to take care of their older schools, the majority of which are 45 years or older. Many are much older than that and in serious need of repair. They brainstormed—what I thought was a very creative idea—and looked at the ability to lower their required debt reserve account for their bonds and to be able to access that money to then bond it and use the money for school construction. It seemed clever to me. Last June, I put in a bill draft request to do this very thing. I worked with the various districts over the coming months. Washoe County was very excited about the idea, and we have heard them testify that it could create as much as $135 million for them to be able to go out and do some school construction—some very badly needed older school rehabilitation.

I worked with Clark County, and what I got from them was "We appreciate your effort very much; we appreciate the fact that this is enabling legislation. There is nothing mandatory about this, but we, the Clark County School District, are not in a position right now to avail ourselves of this legislation because of our debt and because of declining property tax values." So while they said—and they said it in testimony in the hearing— that they would appreciate the ability down the road to be able to access those debt reserves, this was not the time for them to do that. But they realized that other counties could do it.

We heard from Lyon County School District, the third most distressed county in this country, about what it could do for their schools and what it could do for unemployed people in their county.

While this bill has become a decision point because it is tangled up with the Governor's budget, this is an important policy decision. This is about honoring the will of the voters. The people who supported these school bonds did so in good faith that this money would be spent on the very thing that the voters voted for, and that is school construction and the items that are in those bond documents and campaign documents that they relied on. The school districts have provided information and have demonstrated to us that they have met all of their obligations, and then some, with their last bonds.

If we violate the will of the voters by not honoring the intent of this legislation and using that money for what it is worth, how will these districts ever go back to the voters and get another school bond passed? We know that there will be ongoing need for rehabilitation. We know the

ages of our schools in the big counties and the rural counties. But we also know we will grow again and that we will need money to build new schools at some point.

We have heard from all of the school districts that they support this legislation, and they do not support using these funds for another purpose. I have heard my colleagues say in committee and in the media that we should use this money for another purpose. I hear the districts say, "That is not what we want; we want to honor what we told the voters we would do. We want to use that money where it is sorely needed."

I did a school tour in my district, Mr. Speaker, several months ago, and one of the things that really struck me was that this is a school design where there are no inside hallways; everything is on the outside of the buildings. They don't have the kind of door knobs that would allow them to lock down, yet the school doors are a mere 20 feet from the street. They are in a neighborhood that has needed to have lockdowns. They don't even have the money to put a fence up, let alone replace the door knobs. So those young children are sitting in those classrooms 20 feet from the street with really no protection there.

This isn't about aesthetics as much as it is about safety and modernization. Don't you want all of the children in your district to have access to the same kind of facilities? Why should some kids across town be in schools that are modern, that have SMART Boards, that have windows you can see out of, and have door knobs that will lock, and other students don't have that? We have provided documentation that there is a direct correlation between student attendance and student achievement and the buildings they go to school in. I think our gut tells us that, and we know it is the right thing to do—to provide these facilities for our students.

So again, while this concept originally seemed like a logical and simple one, it has become a much bigger issue. I ask my colleagues to consider this policy, consider the will of the voters, and consider all of the people who came to the table and supported this and asked for it. And oh, by the way, there is a small benefit too, because that money will create a significant number of jobs when we are doing the construction on these older schools.

The Nevada Taxpayers' Association weighed in that this was a prudent thing to do—that this was an arbitrary decision in the statute, originally, and so lowering the bond reserve requirement makes sense. We have verified on the record that there is no harm to the bond rating by doing this, because it is enabling legislation. This allows the districts to decide, with their financial advisers, what the appropriate action to take will be.

So with all of that information, Mr. Speaker, I ask the body for their consideration of this legislation and for your support. Thank you.

ASSEMBLYMAN SHERWOOD:

I thank my colleague from District 30. Nobody can argue against children and schools. We all agree on that. When we talk about the voters' will and we talk about the duty that we have to them and the duty that, quite frankly, each of the school districts has to the voters and to the state, there is a fiduciary responsibility of spending our money wisely. In good conscience, I cannot support money that is not spent as if it were your own money.

From 2005 to 2008 in Nevada—in our public works—we paid $450 million more than we should have if we did not have prevailing wage. And so when you pay more for something we can all agree that we need, we are not doing our fiduciary responsibility. That would be the first point.

The second point, of course, is the elephant in the room, and it's kind of the cynical nature of this legislation, which concedes that we can use the reserve money, and it stays in the district, but it blows a hole in Governor Sandoval's budget—a budget that he presented to this body more than a month ago and a budget that has not been rebutted in a holistic approach by the other party. So it is very disingenuous, and I cannot support it. I would love to see something come back as a holistic response, but as a one-off to blow a hole in a holistic budget from a governor who was—

MR. SPEAKER:

Mr. Sherwood, I will let this go on for a moment, but I want to caution you that you need to speak to the bill. You are speaking about the Governor's budget. I caution you to speak to the bill.

ASSEMBLYMAN SHERWOOD:

And I think that is part of the problem, that it is all interrelated. We are kidding ourselves if we think these one-off things are not interconnected, and it is cynical. The voters did not send us up here for 120 days to do one-offs. I will conclude with that. Thank you.

ASSEMBLYMAN GOICOECHEA:

Thank you, Mr. Speaker. I rise in opposition to Assembly Bill 183. While we all clearly recognize the shortfalls in this economy, I feel it would be inappropriate to dedicate money to classroom construction, but rather, if there are any reserves available, they need to be dedicated to instruction in the classroom and, again, allowed by the school districts. Thank you.

ASSEMBLYWOMAN SMITH:

Thank you, Mr. Speaker. If I may respond on the fiduciary responsibility, I think that goes to the very merits of what we are talking about. This money was approved by the voters for this very purpose. That is my fiduciary responsibility. I doubt there is anyone else in the building that is more worried about the budget concerns or takes it more seriously than I do. This is our fiduciary responsibility—to honor what the voters passed and let these elected boards in the 17 districts take care of their fiduciary responsibility. Thank you, Mr. Speaker.

ASSEMBLYWOMAN BENITEZ-THOMPSON:

Thank you, Mr. Speaker. I rise today in support of Assembly Bill 183. I rise first as a legislator representing the constituents of Assembly District 27, which contains some of the oldest schools in the state. For example, Mount Rose Elementary School is about to celebrate its centennial anniversary. All of the other schools in my district were built in the late 1950s, such as Anderson Elementary School, which is 56 years old, or in the late 1960s, such as Swope Middle School, which was built in 1966. Many of these schools have old and unsafe infrastructure and are lagging in terms of safety. For my constituents, it presents educational inequities. The 345 students at Hunter Lake Elementary School are safer, because their school has been revitalized, than the 418 students at Anderson Elementary School, who are still waiting for their 56-year-old school to be revitalized.

I not only stand as a legislator, but I stand as a parent of two young children who are zoned for schools that are over 50 years old, neither of which has been revitalized. I am willing to sacrifice a lot for my state, but not the safety of my children. That is why I will be voting for this bill. Thank you.

Roll call on Assembly Bill No. 183:

YEAS—25.

NAYS—Ellison, Goedhart, Goicoechea, Grady, Hambrick, Hammond, Hansen, Hardy, Hickey, Kirner, Kite, Livermore, McArthur, Sherwood, Stewart, Woodbury—16.

EXCUSED—Diaz.

Assembly Bill No. 183 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

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

Motion carried.

Assembly in recess at 12:06 p.m.

ASSEMBLY IN SESSION

At 12:08 p.m.
Mr. Speaker presiding.
Quorum present.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Atkinson, the privilege of the floor of the Assembly Chamber for this day was extended to Anita Wood and Richard Cherchio.

On request of Assemblywoman Flores, the privilege of the floor of the Assembly Chamber for this day was extended to Julie Gilday Schaffer.

On request of Assemblyman Goedhart, the privilege of the floor of the Assembly Chamber for this day was extended to Susan Davila and Mercy Peterson.

On request of Assemblyman Goicoechea, the privilege of the floor of the Assembly Chamber for this day was extended to Patty Goldsworthy and Jan Jensen.

On request of Assemblyman Grady, the privilege of the floor of the Assembly Chamber for this day was extended to Kim Crandell.

On request of Assemblyman Hammond, the privilege of the floor of the Assembly Chamber for this day was extended to Mike Pequeen.

On request of Assemblyman Hansen, the privilege of the floor of the Assembly Chamber for this day was extended to Philip Hanna.

On request of Assemblyman Hardy, the privilege of the floor of the Assembly Chamber for this day was extended to Tom Maher and Kapua Conley.

On request of Assemblywoman Kirkpatrick, the privilege of the floor of the Assembly Chamber for this day was extended to Mike Varney.

On request of Assemblyman Kite, the privilege of the floor of the Assembly Chamber for this day was extended to Austin Ashe, Christian Barr, Hannah Brunsman, Brandon Caras, Sophia Colella, Faith Connely, Omar DeArcos, Bridgetta DiMartino, Austin Dunagan, Mariah Elmer, Marc Lobato, Mahiingan Mattson, Mathew Michielsen, Bryson Morrison, Hunter Moses, Isabelle Peterson, Rosealee Rieman, Alyssa Ryan,

Gregory Sanotsky, Noah Sedgwick, Kaitlyn Smith-Peterson, Kylie Swan, Max Whear, Jessica Withrow, and Sydney Woodward.

On request of Assemblywoman Neal, the privilege of the floor of the Assembly Chamber for this day was extended to Shaundell Newsome.

Assemblyman Conklin moved that the Assembly adjourn until Friday, March 4, 2011, at 11 a.m.

Motion carried.

Assembly adjourned at 12:09 p.m.

Approved: JOHN OCEGUERA
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE TWENTY-SIXTH DAY

CARSON CITY (Friday), March 4, 2011

Assembly called to order at 11:21 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblymen Diaz, Goedhart, and Segerblom, who were excused.

Prayer by the Chaplain, Dr. Ken Haskins.

Our Heavenly Father, as the rain and snow bring life from heaven, so You provide every good and perfect gift. We need You always, especially in times such as these. Provide for us all that is needed in order for us to perform well the demands and duties of this day. In Jesus' Name, I pray.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Conklin moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Aizley, Carrillo, Ohrenschall, Pierce, and Segerblom; Senators Parks and Leslie:

Assembly Bill No. 234—AN ACT relating to public accommodations; authorizing health authorities to establish a plan for integrated pest management practices in places of public accommodation; prohibiting the use of volatile organic compounds and certain other substances by places of public accommodation under certain circumstances; prohibiting the use of a pesticide by a place of public accommodation in any manner inconsistent with a plan for integrated pest management practices in places of public accommodation; providing penalties; and providing other matters properly relating thereto.

Assemblyman Aizley moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymen Aizley, Carrillo, Flores, Hogan, Ohrenschall, Pierce, and Segerblom:

Assembly Bill No. 235—AN ACT relating to marijuana; exempting from state prosecution certain persons who engage in the medical use of marijuana; authorizing the production of marijuana under certain circumstances; authorizing the compensation of certain persons who provide marijuana for medical use under certain circumstances; authorizing a local government to adopt ordinances relating to the medical use of marijuana; increasing the amount of marijuana that a person may legally possess for medical use under certain circumstances; providing that the obtaining of a registry identification card for the medical use of marijuana is voluntary; prohibiting a person from engaging in the medical use of marijuana within a certain distance of certain places; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Aizley moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 30.

Bill read second time and ordered to third reading.

Assembly Bill No. 33.

Bill read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 43.

Bill read third time.

Remarks by Assemblyman Sherwood.

Roll call on Assembly Bill No. 43:

YEAS—39.

NAYS—None.

EXCUSED—Diaz, Goedhart, Segerblom—3.

Assembly Bill No. 43 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 66.

Bill read third time.

Remarks by Assemblymen Frierson and Goicoechea.

Roll call on Assembly Bill No. 66:

YEAS—37.

NAYS—Ellison, McArthur—2.

EXCUSED—Diaz, Goedhart, Segerblom—3.

Assembly Bill No. 66 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Hickey, the privilege of the floor of the Assembly Chamber for this day was extended to David White.

On request of Assemblyman Livermore, the privilege of the floor of the Assembly Chamber for this day was extended to Mike Pavlakis.

Assemblyman Conklin moved that the Assembly adjourn until Monday, March 7, 2011, at 11 a.m.

Motion carried.

Assembly adjourned at 11:36 a.m.

Approved: JOHN OCEGUERA
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE TWENTY-NINTH DAY

CARSON CITY (Monday), March 7, 2011

Assembly called to order at 11 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Pastor Al Tilstra.

Our God, in the midst of great activity today, we want to take some time to recognize the contribution of those who are our care takers—our nurses—how helpful they are using their skills for the betterment of our health. May their tribe increase. Then we ask You to remind us often of Your invisible presence:

> That out of confused issues may come simplicity of plan.
> Out of fear may come confidence,
> Out of hurry may come the willingness to wait.
> Out of frustration, rest and power.

This we ask in Your name.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Conklin moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Health and Human Services, to which was referred Assembly Bill No. 50, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

APRIL MASTROLUCA, *Chair*

Mr. Speaker:

Your Committee on Judiciary, to which was referred Assembly Bill No. 134, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

WILLIAM C. HORNE, *Chair*

MOTIONS, RESOLUTIONS AND NOTICES

NOTICE OF EXEMPTION

March 4, 2011

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Senate Bills Nos. 10, 43, 54, 64, 72, 75, 76, 87, 97 and 99.

MARK KRMPOTIC
Fiscal Analysis Division

March 4, 2011

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the exemption of: Senate Bills Nos. 2, 11, 71, 104, 118 and 122.

MARK KRMPOTIC
Fiscal Analysis Division

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Neal, Daly, Frierson, Horne, Livermore, Munford, Ohrenschall, Pierce, and Segerblom:

Assembly Bill No. 236—AN ACT relating to common-interest communities; enacting provisions governing the imposition and collection of assessments for common expenses when a unit is purchased, owned or transferred by a municipality or nonprofit entity engaged in certain activities with respect to the unit; prohibiting the executive board of an association from imposing a fine for a violation of the governing documents if the unit's owner is a municipality or nonprofit entity engaged in certain activities with respect to the unit; and providing other matters properly relating thereto.

Assemblywoman Neal moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 237—AN ACT relating to counties; authorizing certain counties to issue securities to finance a program to provide financial assistance to persons to connect to the public water or sewer system; authorizing counties to issue special obligation bonds in connection with water projects and sewerage projects; providing for the maximum interest rate that may be paid on securities issued to finance the program to provide financial assistance; and providing other matters properly relating thereto.

Assemblywoman Kirkpatrick moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 238—AN ACT relating to local government finance; revising provisions concerning the refunding of municipal securities related

to infrastructure projects; and providing other matters properly relating thereto.

Assemblywoman Kirkpatrick moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Bobzien, Kirkpatrick, Benitez-Thompson, Smith, Pierce, Atkinson, Bustamante Adams, Conklin, Flores, Mastroluca, and Oceguera:

Assembly Bill No. 239—AN ACT relating to meetings of public bodies; requiring under certain circumstances that a public body post on its website on the Internet, if any, the supporting material provided to the members of the public body for an item on the agenda of a meeting of the public body; requiring under certain circumstances that a public body post on its website on the Internet, if any, the minutes or audiotape recordings and any videotape recordings of the meetings of the public body; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblywoman Smith, Conklin, Oceguera, Bobzien, Kirkpatrick, Aizley, Atkinson, Diaz, Goicoechea, Grady, Hardy, Hickey, Hogan, and Mastroluca:

Assembly Bill No. 240—AN ACT relating to public agencies; revising the restrictions on contracts with or employment of former or current state employees by a state agency; requiring state agencies to report all contracts for services as part of the budget process; requiring that a contractor with a state agency or with a school district have a current and valid business license; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblywoman Smith, Conklin, Oceguera, Bobzien, Kirkpatrick, and Diaz:

Assembly Bill No. 241—AN ACT relating to public financial administration; creating the K-12 Public Education Stabilization Account; reallocating money reverted from the State Distributive School Account; creating the Nevada System of Higher Education Stabilization Account; revising provisions governing the setting aside of reserves out of appropriated or other funds to meet emergencies; and providing other matters properly relating thereto.

Assemblywoman Smith moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 30.

Bill read third time.

Remarks by Assemblymen Hambrick and Dondero Loop.

Mr. Speaker requested the privilege of the Chair for the purpose of making remarks.

Roll call on Assembly Bill No. 30:

YEAS—42.

NAYS—None.

Assembly Bill No. 30 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 33.

Bill read third time.

Remarks by Assemblymen Carlton and Hansen.

Roll call on Assembly Bill No. 33:

YEAS—42.

NAYS—None.

Assembly Bill No. 33 having received a two-thirds majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assemblyman Conklin moved that the Assembly recess until 5:15 p.m.

Motion carried.

Assembly in recess at 11:20 a.m.

ASSEMBLY IN SESSION

At 5:27 p.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS, AND NOTICES

Mr. Speaker appointed Assemblyman Segerblom and Assemblyman Hansen as a committee to invite the Senate to meet in Joint Session with the Assembly to hear an address by Nevada Supreme Court Chief Justice Michael L. Douglas.

The members of the Senate appeared before the bar of the Assembly.

Mr. Speaker invited the members of the Senate to chairs in the Assembly.

IN JOINT SESSION

At 5:32 p.m.
President of the Senate presiding.

The Secretary of the Senate called the Senate roll.
All present.

The Chief Clerk of the Assembly called the Assembly roll.
All present.

The President of the Senate appointed a Committee on Escort consisting of Senator Brower and Assemblyman Ohrenschall to escort the Justices of the Supreme Court into the Assembly Chamber.

The President of the Senate appointed a Committee on Escort consisting of Senator Weiner and Assemblyman Horne to wait upon the Honorable Chief Justice Michael L. Douglas and escort him to the Assembly Chamber.

The Committee on Escort in company with the Justices of the Nevada Supreme Court appeared before the bar of the Assembly.

The Committee on Escort in company with the Honorable Nevada Supreme Court Chief Justice Michael L. Douglas, appeared before the bar of the Assembly.

The Committee on Escort escorted the Chief Justice to the rostrum.

Mr. Speaker welcomed Chief Justice Douglas and invited him to deliver his message.

Chief Justice Douglas delivered his message as follows:

MESSAGE TO THE LEGISLATURE OF NEVADA
SEVENTY-SIXTH SESSION, 2011

Governor Sandoval, Lt. Governor Krolicki, Speaker Oceguera, Senator Horsford, Senator McGinness, Assemblyman Goicoechea, members of the Senate and the Assembly, honorable Constitutional officers, and honored guests.

Tonight, I address you on behalf of my friends and colleagues on the Nevada Supreme Court: Associate Chief Justice Nancy Saitta, Justice Michael Cherry, Justice Mark Gibbons, Justice Kristina Pickering, Justice James Hardesty, and Justice Ron Parraguirre.

I also address you on behalf of the Nevada Judiciary—the municipal courts, the justice courts, and the district courts, as well as the nearly 2,000 Judicial Branch employees of the cities, counties, and state that make up those courts and provide service to the people of Nevada each day by affording a safe place for dispute resolution in civil, family, juvenile, and criminal proceedings to the individuals under emotional stress due to being entangled in the judicial system.

Also with us this evening are several of the state's judges including chief judges from our two urban judicial areas—Judge Steinheimer from Washoe County, and Judge Togliatti from Clark County, along with Chief Judge Bennett-Heron, Clark County Justice Court, their chief. Additionally, this evening we have Judge Tatro from Carson City Justice Court, who is also the President of the Nevada Judges of Limited Jurisdiction; Judge Montero, District Court Judge representing Humboldt, Pershing and Lander counties; Judge Rogers, District Court Judge from Churchill and Lyon; Judge Deriso from Sparks Justice Court; Judge Richards from New River Justice Court; Judge Tiras from Incline Justice Court, and Judge Nash-Holmes from Reno Municipal Court. Additionally with us is Steve Grierson, Chief Administrator of Clark County District Courts and Justice Court; Dean John White from the Boyd School of Law; Bill Dressel, President of the National Judicial College; Cam Ferenbach, President of the State Bar of Nevada, along with members of the Board of Governors.

Additionally, I would like to recognize Kathleen Harrington. Kathleen, I would like to ask you to stand. Kathleen just retired after 30-plus years of service to the state of Nevada, first with the Department of Prisons as its librarian; then with the National Judicial College; and thereafter, for 28 years, with the Nevada Supreme Court, the last eight of those years as the head librarian. It goes without saying that she will be missed by her coworkers, but more importantly by the people of Nevada whom she provided assistance to will miss you the most. Thank you for all that you did, and good luck and best wishes in the days ahead.

I have been provided with a challenge and opportunity to provide you with thoughts from the Nevada Judiciary. Since the Depression of the 1930s, we have not seen a more challenging time for the people of the state of Nevada than right now. Regardless of political parties and philosophies, one thing is clear—tough choices will be made as to the budget. To the extent necessary and possible, the Nevada Judiciary will do its share to support our state. The Supreme Court, an equal constitutional branch of Nevada government, has operated on less than 1 percent of the state's budget during the last budget cycle, and the Supreme Court has proposed its new budget with a 16.87 percent reduction. That is $2.3 million for the years 2011 through 2013. It will be a challenge, but we will, once again, do more with less; we understand that Nevada is at a crossroads. No one envies the tough choices that have to be made by you, the Legislature, for the welfare of the people of Nevada, and it is clear that you have been chosen to find solutions—to think outside the box, if you will—for the people of Nevada who need your leadership at this time.

We should not forget the obvious; we are the Battle Born State, and we operate under a constitution and the rule of law that provides for stability and predictability for our free market and personal freedoms, unlike other places in the world. Under our state Constitution, each branch of government has its own responsibilities to the people. The Judicial Branch cannot pass laws like you. The Legislature and the Judicial Branch cannot approve or veto laws like the Governor. The Judicial Branch interprets and honors laws as passed pursuant to our Constitution.

To fulfill that responsibility, the Judicial Branch must be independent of politics and personalities and concerns as to public popularity. The Judicial Branch, the Court, has but one true allegiance—that is to the Constitution and the rule of law. That belief is captioned in the words of the Pledge of Allegiance, and you can find those words in the top of your Nevada Supreme Court rotunda—"Liberty and Justice for All." It's just that simple.

Former United States Supreme Court Justice Lewis Powell once remarked: "It is perhaps the most inspiring ideal of our society. . . . It is fundamental that justice should be the same in substance and availability, without regard to status." Thus, the core function, if you will, of the Judicial Branch is to resolve disputes under the rule of law—our Constitution—in a fair, impartial, and timely manner.

That is the Judicial Branch's responsibility under the Constitution, which is what we must do, despite the budget challenges we face today. Thus, in light of our challenges, I will not offer you a new vision of Nevada's judicial future. What I will do is state that your Judicial Branch

will continue to do its part and look at how we can better deliver dispute resolution service to the people of Nevada.

As to our service, dispute resolution, the Nevada Judicial Branch—municipal, justice, district and the Supreme Court—resolved over 2 million cases in years 2009 and 2010. The Nevada Supreme Court resolved 4,586 cases in that time period, with a 104 percent clearance rate. However, due to our caseload, we still had to carry forward 1,514 pending cases at the beginning of 2011, with the expectation that 2,050 new appeals will be filed in both 2011 and 2012. Thus, I note that old saying, "Justice delayed is justice denied."

Additionally, I would point out that our caseload and the case types of the district courts don't track the same. At the Supreme Court, 47 percent of our cases are criminal, 33 percent are civil, and 17 percent are others, with 3 percent being family and juvenile, while at the district courts, 51 percent of the cases are family, 28 percent are civil, 11 percent are juvenile, with 10 percent criminal—just something to think about.

But cases and case numbers don't tell the whole story. Each of those 2 million-plus cases requires a sensibility to the needs of someone's liberty and freedom, or the disposition of someone's property, or the custody of someone's children. The enormity of dealing with a person under stress with limited resources has become more daunting in these challenging times. Limited resources, increased work loads, greater case complexity, as well as more self-represented parties in court are just an overview of the issue. The nightly news provides pictures and sounds of the coming attractions for the court. Stories on the news related to drug use and violence, violent events, followed by stories of sagging businesses, unemployment, mortgage foreclosure, and child—domestic—and elder abuse, should give all of us pause as to the challenge of the state Judicial Branch.

The reality is that the state Judicial Branch must provide dispute resolution for all under the rule of law with limited funds. That will require us to think outside the box—outside of our normal comfort zone. That resolution requires more than just standing before judges or having jury trials.

In the criminal context, resolution might be a trip to specialty court. So what is specialty court? Specialty courts use problem solving processes designed to address the root causes of some criminal activity. Some of the prominent types of specialty courts are drug courts, mental health courts, DUI courts, and prison reentry courts. Specialty courts may additionally specialize to address the needs of adults, families, juveniles, and low-level repeat offenders directly affected by the root problem of drugs, alcohol, and mental health issues.

We have been blessed in Nevada by legislative support of the specialty court programs. Pioneer Judges like Peter Breen, Jack Lehman, John McGroarty, and Archie Blake have led the way. And new leaders like Judge Jackie Glass, Judge Andrew Puccinelli and Judge Cedric Kerns have followed with new programs to break the cycle of despair.

Specialty courts provide a direct benefit to all of us. Specialty courts benefit the county and state budget by reducing time in jail at taxpayers' expense and allowing the individual to return to being a contributing member of our local communities. In 2009 to 2010, Nevada specialty courts had 5,167 persons enrolled, graduated 2,542 persons, had 133 drug-free babies related to participants, with 2,700 cases continuing into the start of this year.

So let me tell you a quick story about Las Vegas Municipal Court Judge Cedric Kerns. He has the YO Court—that's Youth Offender Court. Individuals are both young and addicted to drugs. In one specific case, the female had been using crack; her mug shot from a year ago was that of a crack head. Her family had lost all hope. They thought she was going to die, but a new arrest and the YO court saved her. Judge Kerns created a year-long program with counseling, housing assistance, and court supervision that fights to keep the participants straight for a year with a plan on how to live. Judge Kerns says it's a fight—a struggle—"We save what we can save" or we go down fighting. Youth Offender Court is a 20-defendant program; however they have 30 enrolled in the program, with funding provided by NRS 176.0613 and private funds. It is just

one of the specialty courts within our state that tries to resolve disputes outside the box. All Nevada counties have a specialty court program through the Nevada courts.

In the civil context, before the Foreclosure Mediation Program, a desperate homeowner might have had a problem finding anyone in authority with his bank or a lender willing to listen to his home payment problem; conversely the banks and the lenders were not getting responses from homeowners in default. You, the Legislature, created a program in 2009 to address that problem and asked the Court to run it, to allow a new form of dispute resolution as to owner-occupied mortgage defaults. The program provided an opportunity for the homeowners and the lender to discuss, through the mediation program, alternatives to foreclosure—new payment plans, cash for keys, short sales. The program uses no state funds and is run, at its inception, outside the courthouse, with both sides having a right of judicial review. As to that Foreclosure Mediation Program, in 2010:

- 79,232 notices of default were filed in our state (non specific as to owner-occupied)
- 8,738 requests for mediation
- 6,614 were assigned to mediation
- 4,212 mediations were completed
- 89 percent of mediations avoided foreclosure
- 74 percent of homes were retained by the owner

This program has been hailed as cutting-edge and is now a model for other states; that is dispute resolution outside the box, and it is also branches of governments working together for all Nevadans.

I end now, not because I am finished, but due to time. I would love to tell you more about the Judicial Branch, about Law Day Live and texting; the Court Improvement Program—CIP—designed to help welfare families and foster kids; or Access to Justice, with the private Bar pro bono attorneys helping poor Nevadans; or Nevada's other program that has drawn national attention, related to improving Indigent Criminal Defense; or our use of Technology in the Courts—webcast, public information portals, E-filing, E-tickets, and more. But, time is an issue. If I were to try to tell you about all the Judicial Branch does, we would be here until tomorrow, so if you have a question, give me or my fellow justices a call and we will be more than happy to talk with you about the courts' programs.

So let me close with this: Remember, justice belongs to all the people, not to either political party, and not to any special interest. A system of justice, the rule of law, is necessary to support our economy and to support our personal freedoms under our Constitution. A system of justice can only exist as long as the people have trust and confidence that dispute resolution will be fair, impartial, and timely.

The Judicial Branch of Nevada is committed to "justice for all" and the rule of law for all the people of Nevada.

Thank you for listening, and I know you will answer the challenge for Nevada in the coming days.

Senator McGinness moved that the Senate and Assembly in Joint Session extend a vote of thanks to Chief Justice Douglas for his timely, able, and constructive message.

Seconded by Assemblyman Brooks.

Motion carried unanimously.

The Committee on Escort escorted Chief Justice Douglas to the bar of the Assembly.

The Committee on Escort escorted the Justices of the Nevada Supreme Court to the bar of the Assembly.

Senator Kihuen moved that the Joint Session be dissolved.
Seconded by Assemblyman Carrillo.
Motion carried.

Joint session dissolved at 5:59 p.m.

ASSEMBLY IN SESSION

At 6:08 p.m.
Mr. Speaker presiding.
Quorum present.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, March 7, 2011

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 7, 92, 109, 134.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bill No. 192.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 7.

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

Motion carried.

Senate Bill No. 92.

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

Motion carried.

Senate Bill No. 109.

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

Motion carried.

Senate Bill No. 134.

Assemblyman Conklin moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

Senate Bill No. 192.

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

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Kirkpatrick, Smith, Oceguera, Conklin, and Atkinson.

Assembly Bill No. 242—AN ACT relating to state financial administration; requiring each quasi-public organization that receives money from a state agency to submit annually to the Legislative Commission a report detailing the disposition and use of that money; requiring that each state agency which conveys money to a quasi-public organization include an entry in the budget of the state agency summarizing that conveyance; providing an exception; and providing other matters properly relating thereto.

Assemblywoman Kirkpatrick moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Bobzien, the privilege of the floor of the Assembly Chamber for this day was extended to David Bobzien, Sr., Catherine Bobzien, and the following students and chaperones from Hug High School: Trevor Ray Bach, Guillermo Becerra, Arnold Adrian Cardenas, Brenda Cartagena, Luis Escalera, Mario Fitzpatrick, Estela Gerlinger, Xariius Hampton-McKinney, William Hilliary, Joseph Jaevis Johnson, Briana Lucas, Hugo Jair Maza, Cecilia Rocio Mendoza, Abraham David Miguel Gomez, Brandon Lee Mikoleit, Treyon Montgomery, Joshua Placencia, Eric Prisciliano, Jasmin Prisciliano, Abel John Santos, Carmen Soto, Selisha Tae Steele, and Pauline Acosta.

On request of Assemblyman Horne, the privilege of the floor of the Assembly Chamber for this day was extended to Danielle Barraza, Cam Ferenbach, and Kara Braxton.

Assemblyman Conklin moved that the Assembly adjourn until Wednesday, March 9, 2011, at 11 a.m.

Motion carried.

Assembly adjourned at 6:16 p.m.

Approved: JOHN OCEGUERA
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE THIRTY-FIRST DAY

CARSON CITY (Wednesday), March 9, 2011

Assembly called to order at 11:07 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblyman Hambrick, who was excused.

Prayer by the Chaplain, Pastor Al Tilstra.

Father of Lights, You are Light and in You there is no darkness. Your Word is a lamp on our feet and a light on our path. I ask You, therefore, to enable these servants of Yours to see clearly the issues set before them this day. Grant them the wisdom and the courage necessary to make good decisions in the best interest of all the citizens of this great state of Nevada. I pray in the Name of the One whose light still shines brightly.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Conklin moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Judiciary, to which was referred Senate Bill No. 23, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

WILLIAM C. HORNE, *Chair*

Mr. Speaker:

Your Committee on Legislative Operations and Elections, to which was referred Assembly Joint Resolution No. 5 of the 75th Session, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

TICK SEGERBLOM, *Chair*

MOTIONS, RESOLUTIONS AND NOTICES

NOTICE OF EXEMPTION

March 8, 2011

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Assembly Bills Nos. 151, 173, 178, 188, 189, 191, 202, 204 and 218.

RICK COMBS
Fiscal Analysis Division

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Hansen, Hickey, Kirner, Sherwood, Goicoechea, Bustamante Adams, Carrillo, Ellison, Frierson, Grady, Hambrick, Hammond, Hardy, Kite, Livermore, Stewart, and Woodbury; Senators Gustavson, Kieckhefer, Lee, Manendo, and Roberson:

Assembly Bill No. 243—AN ACT relating to state financial administration; creating the position of State Grants Coordinator within the Budget Division of the Department of Administration; creating the State Grants Master Service Agreement Fund; increasing the amount of certain gifts and grants that a state agency may accept under certain circumstances; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Segerblom and Ohrenschall:

Assembly Bill No. 244—AN ACT relating to real property; enacting the Uniform Partition of Heirs Property Act; and providing other matters properly relating thereto.

Assemblyman Segerblom moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Stewart, Ellison, Goicoechea, Grady, Hammond, Hardy, Hickey, Kirner, Kite, Livermore, McArthur, and Sherwood; Senators Hardy, Gustavson, Lee, and Settelmeyer:

Assembly Bill No. 245—AN ACT relating to taxation; authorizing a veteran to transfer to his or her spouse the exemption from the governmental services tax to which the veteran would otherwise be entitled; and providing other matters properly relating thereto.

Assemblyman Stewart moved that the bill be referred to the Committee on Taxation.

Motion carried.

By Assemblymen Stewart, Ellison, Goicoechea, Grady, Hammond, Hansen, Hardy, Hickey, Livermore, and Sherwood; Senators Hardy, Lee, and Settelmeyer:

Assembly Bill No. 246—AN ACT relating to common-interest communities; requiring the association of a common-interest community to make available to candidates for membership on the executive board the association's list of units' owners under certain circumstances; and providing other matters properly relating thereto.

Assemblyman Stewart moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Goicoechea, Grady, and Hansen:

Assembly Bill No. 247—AN ACT relating to vehicles; requiring the Department of Motor Vehicles to issue a decal exempting a person from obtaining a license to operate a road machine, farm tractor or implement of husbandry on a highway under certain circumstances; requiring the decal to be displayed on the road machine, farm tractor or implement of husbandry in the manner specified by the Department; authorizing the Department to issue a new decal upon the payment of a fee if a decal is lost or destroyed; revising the circumstances under which a person is exempt from obtaining a license to drive a road machine, farm tractor or implement of husbandry on a highway; and providing other matters properly relating thereto.

Assemblyman Goicoechea moved that the bill be referred to the Committee on Transportation.

Motion carried.

By Assemblymen Smith, Oceguera, Conklin, Bobzien, Kirkpatrick, Aizley, Atkinson, Goicoechea, Hogan, Horne, and Mastroluca:

Assembly Bill No. 248—AN ACT relating to state financial administration; revising certain requirements for the proposed budget of the Executive Department of the State Government; and providing other matters properly relating thereto.

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

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 50.

Bill read second time and ordered to third reading.

Assembly Bill No. 134.

Bill read second time and ordered to third reading.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Daly, the privilege of the floor of the Assembly Chamber for this day was extended to the following students and chaperones from Bailey Charter Elementary School: Eduardo Ayala, Andrew Becker, Kierra Blakley, Yulisa Cisneros-Villa, Tianna Collins, Nathaniel Fry, Chloe Kelly, Lila Leigh, Jacob Martin, Vannessa Norris, Estany Coffey, Wendy Olvera-Rodriguez, Trezell Patterson, Kathleen Welchert,

Joshua Banes, Allanah Drayton-Campbell, Katheryn Espinoza, Julianna Esquivel, Jordan Evert, Yesenia Flores, Isabella Giambruno, Skylar Goddard-Howard, Shyann Goins, Grecia Gonzalez, Felicity Langley, Sarah Lyman, Isabell Martinez, Emanuelle Pelayo, Veronica Pelayo, Danika Reynolds, Karina Sanchez, Gracie Squier, Gabriel Tejada, Elias Thompson, Bonnie Thompson, Elizabeth Hoops, Sherry Coops, Adam Welchert, Megan Becker, Lisa Ellison, Idene Minchin, and Lianne Kelly.

Assemblyman Conklin moved that the Assembly adjourn until Thursday, March 10, 2011, at 11 a.m., where it would reconvene in the old Assembly Chamber in the historic Capitol Building.

Motion carried.

Assembly adjourned at 11:19 a.m.

Approved: JOHN OCEGUERA
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE THIRTY-SECOND DAY

CARSON CITY (Thursday), March 10, 2011

Assembly called to order at 11:22 a.m. in the old Assembly Chamber in the historic Capitol Building.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Pastor, Al Tilstra.

Today, we have come to transact the business of this state in this historic chamber. Today we stand on the shoulders of many great leaders who have fought for the issues they championed. May we follow in their footsteps.

Today we pray for Your gift of contentment, that we may not waste our time desiring more, but learn to use and enjoy what we have.

We may not know everything, but we may know You and Your will. We need not be rich to be generous, nor have all wisdom to be understanding. Our influence may not be great, but it can be good. Our speech may not be eloquent, but it can be truthful and sincere. We cannot all have good looks, but we can have a good conscience, and having that, we shall have peace of mind and need fear no man.

May we be kind one to another, tender-hearted, forgiving one another, even as You, for Christ's sake, have forgiven us.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Conklin moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which was referred Assembly Bill No. 217, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

KELVIN ATKINSON, *Chair*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Conklin moved that ASSSOCIATED PRESS: Deb Weinstein; DAILY SPARKS TRIBUNE: Dan McGee; KSNV-TV: Matt Kozar, Rick Trujillo: PROGRESSIVE NOW NEVADA: Brian Fadie; VEGAS PBS: Cade Cridland be accepted as accredited press representatives, that they be assigned space at the press table in the Assembly Chamber and that they be allowed use of appropriate broadcasting facilities.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblyman Oceguera:

Assembly Bill No. 249—AN ACT relating to court reporters; making various changes pertaining to the appointment, duties and work product of court reporters in the district courts and justice courts of this State; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Conklin, Horne, and Ohrenschall:

Assembly Bill No. 250—AN ACT relating to juries; repealing the prospective expiration of the exemption from jury service of any police officer; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Carrillo, Brooks, Frierson, Aizley, Anderson, Benitez-Thompson, Bustamante Adams, Flores, Munford, and Neal; Senator Manendo:

Assembly Bill No. 251—AN ACT relating to contractors; prohibiting certain actions by a contractor against persons who are older or vulnerable; providing penalties; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymen Hickey, Ellison, Hardy, Kirkpatrick, Goedhart, Grady, Hammond, Hansen, Kirner, Kite, Livermore, Sherwood, Stewart, and Woodbury:

Assembly Bill No. 252—AN ACT relating to public works; requiring contractors and subcontractors on a public work to use E-Verify to verify eligibility for employment for workers on the public work; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 253—AN ACT relating to occupational safety; revising certain fines for willful or repeated violations of the Nevada Occupational Safety and Health Act; authorizing citations and fines for violation of a

settlement agreement; providing for a survey of salaries of safety and mechanical inspectors; and providing other matters properly relating thereto.

Assemblyman Atkinson moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 254—AN ACT relating to occupational safety; providing for the issuance of a citation for certain occupational safety and health violations in the absence of the observation of the violation by the Administrator of the Division of Industrial Relations of the Department of Business and Industry or the Administrator's authorized representative; and providing other matters properly relating thereto.

Assemblyman Atkinson moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 255—AN ACT relating to occupational safety; requiring the Division of Industrial Relations of the Department of Business and Industry to provide certain persons with specified information and notifications relating to an investigation of an accident which results in the death or injury of an employee; requiring the Division to interview certain persons during an investigation of an accident which results in the death of an employee; requiring the Division to allow certain persons to participate in certain meetings relating to an accident which results in the death of an employee; and providing other matters properly relating thereto.

Assemblyman Atkinson moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 256—AN ACT relating to industrial insurance; allowing wages from certain employment in another jurisdiction to be included in calculating average monthly wage; removing provisions authorizing benefit penalties to be imposed against insurers and third-party administrators; revising provisions relating to the payment of benefits; establishing various requirements relating to claims; repealing the prohibition against bringing or maintaining a cause of action against an insurer or third-party administrator for certain violations relating to industrial insurance; and providing other matters properly relating thereto.

Assemblyman Atkinson moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymen Ellison, Goicoechea, Hickey, Livermore, and Segerblom; Senators Brower, Gustavson, Halseth, Hardy, and Rhoads:

Assembly Bill No. 257—AN ACT relating to the Open Meeting Law; revising provisions governing periods devoted to public comment; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 258—AN ACT relating to gaming; requiring the Nevada Gaming Commission to adopt regulations relating to the licensing and operation of Internet poker; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 259—AN ACT relating to legal services; requiring a portion of certain existing fees to be used for certain programs for legal services; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Judiciary.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Joint Resolution No. 5 of the 75th Session.

Resolution read second time and ordered to third reading.

Senate Bill No. 23.

Bill read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 50

Bill read third time.

Remarks by Assemblyman Hammond.

Roll call on Assembly Bill No. 50:

YEAS—42.

NAYS—None.

Assembly Bill No. 50 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 134

Bill read third time.

Remarks by Assemblyman Horne.

Roll call on Assembly Bill No. 134:

YEAS—42

NAYS—None.

Assembly Bill No. 134 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

REMARKS FROM THE FLOOR

Assemblyman Conklin moved that the following remarks be entered in the Journal.

Motion carried.

FORMER NEVADA STATE ARCHIVIST GUY ROCHA:

Thank you Mr. Speaker, for inviting me today to entertain everyone in this historic chamber where the Assembly met from 1871 to 1969. This is my fifth presentation since 2003. Speaker Richard Perkins began this latter-day tradition; Speaker Barbara Buckley continued it; and now Speaker John Oceguera has sustained it.

I had the high honor in 2007 of recognizing Barbara Buckley as Nevada's first female speaker in this chamber. Today I have the privilege of sharing with everyone assembled here another first in Nevada history. Mr. Speaker, recognizing that you are an enrolled member of the Walker River Paiute Tribe, I congratulate you as Nevada's first Native American Assembly Speaker.

I want to separate fact from fiction regarding two prominent features of the old State Capitol to which you are here today: the cupola we generously call a dome; and the wrought-iron fence surrounding the building.

Let's start with our silver dome. Surely the Silver State's capitol "dome"—technically it's a cupola—was once covered with silver! It was, if you believe virtually every tour guide and bus driver talking to unsuspecting tourists. The literature on the State Capitol is replete with references to a "silver dome." After all, other state capitols have cupolas or domes covered with gold or made of copper, and Nevada's Comstock was queen of the silver camps in the mid-nineteenth century.

The oft-repeated story notes that with the seismic retrofitting of the capitol in the late 1970s and early 1980s, the "silver dome" was replaced with a silver-colored fiberglass cupola. However, the tale continues, when the capitol was completed in Carson City in 1871, the octagonal bell-shaped cupola gleamed in the sun because it was made of silver from Nevada's booming mines. Silver seemed to be everywhere, and the Carson City mint was turning silver bullion into American coins, so why wouldn't the capitol cupola be made of silver? It only stands to reason.

Or does it? What seems a logical assumption is dead wrong! The state of Nevada has seldom been one for extravagance—and the metal used to cover the capitol cupola bears it out. In referring to the new capitol in Carson City, Virginia City's *Territorial Enterprise* (January 3, 1871) pointed out that "The cupola has a curved roof, covered with tin, and is formed

in sections to suit the octagon base of the structure." That's right, that "silver dome" was made of tin, actually tin-plated steel called charcoal tinplate. It only looked like silver because of the shiny surface painted silver in color. Before 1876, the cupola was painted with Princess Red fireproof paint. If the cupola had been made of silver, its surface would have oxidized with prolonged exposure to air and moisture and turned black. Maintenance costs to keep the cupola gleaming would have been prohibitive. The capitol annex and two other small cupolas—the dome on the annex—dating back to 1906 are still covered with tin-plate panels painted silver.

When and where the story of a "silver capitol dome" started is a matter of conjecture. The why is probably because a silver cupola sounds a lot better in the Silver State than a tin cupola. And if it wasn't true, it should have been! However, construction-related records in the Nevada State Library and Archives bear out the truth to the story behind the "silver dome" of the capitol and so do the workers who peeled the metal covering off the old cupola in March 1978.

Exhibit A—[displaying a metal sheet from the roof]: This is silver paint falling off. This is proudly Nevada's pattern. It is a pattern from the silver capitol dome. Right? Do you want you to touch it, Mr. Speaker? Verifying, right? A little forensics. Okay, this is how we did business. Enough said, thank you.

As a postscript to the "Capitol Dome" story, let me share an experience I had with a tour bus group that visited Carson City and the Capitol. I joined the group at the Hilton, now Grand Sierra in Reno. I was asked to be a co tour guide with the bus driver. I marveled at the historical misinformation the driver shared on his microphone with the group as we traveled to the State Capital. However, I kept my mouth shut except to point out historical features he did not mention.

When the bus slowed in front of the Capitol Building, the driver proceeded to tell the group, pointing to the capitol dome, that it was once made of silver. All of this excitement! I waited for the bus driver to pull the vehicle over and the tourists to exit before I told the driver that the capitol cupola was never made of silver. He seemed genuinely shocked and told me his authorities on the subject were all the other tour bus drivers.

He then paused and sincerely told me it really didn't matter what the truth was in this case. After all, the tour group was just tourists from Modesto!

Let me introduce you to Hannah Clapp, who along with Sarah Winnemucca—you have seen her statue in the rotunda downstairs when you come in or go back out—was one of the most prominent women in 19th century Nevada.

This is a folktale told to generations of school children in northern Nevada, and myself at John S. Park Elementary School in southern Nevada, with Marilyn Dondero Loop as one of my school students. We grew up believing these kinds of things to be historical fact. After all, they were in the history text, weren't they? Even today, well-meaning teachers, authors, and others unknowingly perpetuate the myth as a true story. According to the legend, practically everyone in Carson City was shocked to discover that Hannah Keziah Clapp was awarded the bid to purchase the capitol fence in 1875 because the capitol commissioners did not recognize her initials, H. K., and found, to their surprise, that they had given the job to a woman!

Actually there are a number of different versions of this fence-building myth that have been widely circulated over the years according to Kathryn Totton, Clapp's biographer. Writing in the fall 1977 issue of the *Nevada Historical Society Quarterly*, Totton noted that writer Marian Michelson first presented the fence story in a feature article entitled "A Sketch From Life" in 1899, nine years prior to Hannah's death in Palo Alto, California. It was the subject of a radio program called "Death Valley Days" in 1940, which went on to television. In the same year, Reno's *Nevada State Journal* published a version of the tall tale, and on December 28, 1943, Gladys Rowley, in her column "Reno Revue" in the Nevada State Journal, made it the principal topic. Each retelling altered the details of the event for the sake of the tale.

Michelson had Hannah hiring the crew and supervising the work in a "long, warm ulster" and warm woolen hat. In fact, the fence was erected in the heat of August and September. Anyway, according to records at the State Archives, Ms. Clapp, and her colleague and longtime

companion Elizabeth C. Babcock, were only responsible for the fence purchase. Another contractor, William D. Torreyson, was awarded the bid for installation, and Robert B. Stewart received the contract to lay the sandstone base for the fence.

With the facts obscured by the passage of time, the October 13, 1940, *Journal* article—making reference to the recently-aired "Death Valley Days" broadcast—had Hannah in trousers and boots overseeing the project and doing "a really excellent job building the fence." The article claimed that "Hannah Clapp believed she could do the job more efficiently than any man, and submitted an estimate which was so sound and so moderate that she was awarded the contract, in spite of the fact that she was a woman." I refer to this as BS.

Gladys Rowley took even greater liberties and claimed that the capitol commissioners were unaware that the H. K. Clapp to whom they awarded the bid was a woman, although she had been a well-known resident of Carson City for almost 15 years. Thomas C. Wilson, whose son Spike Wilson served in our state Senate, an advertising executive, perpetuated the myth in his popular *Pioneer Nevada* vignettes published by Reno's Harold's Club in 1951. Dante Pistone followed suit in his article "Carson City Heroine," published in the *Nevada Official Bicentennial Book* in 1976.

The population of the entire county, Ormsby County at that time, was listed as only 3,222 souls in the 1875 state census. The truth was almost everybody knew H. K. Clapp, including Samuel Clemens when he lived and worked in the capital city in the early 1860s reporting for the *Territorial Enterprise*. Clemens, in a lengthy letter dated January 14, 1864, and signed Mark Twain, detailed a visit to Clapp's Sierra Seminary and his observations of the classroom. In addition, the Carson City section of the 1862 *First Directory of Nevada Territory* lists Samuel Clemens and Miss H. K. Clapp on page 69. Virtually every city directory and newspaper story referred to Hannah as H K. Clapp; it was common in that time— generally men but in this case a very successful businesswoman.

An article that ran in the May 4, 1875, edition of the Carson City *Daily Appeal* made abundantly clear just how the editor felt about H. K. Clapp and Eliza C. Babcock being awarded the bid for the capitol fence. Like this is going to the source now, right?

"Let there be no further complaints about the non-enjoyment of their rights by the women of Nevada." What do they mean they didn't know they were women? Of course they knew they were women.

"The contract for the furnishing of iron fencing for the Capitol Square has been awarded to Misses Clapp and Babcock, Principals of Sierra Seminary; their bid $5,500 in coin for the delivery of the fencing upon the grounds is the lowest by some hundreds of dollars of those submitted." The cast and wrought iron fence was purchased from Robert Wood Co. Ornamental Iron Works of Philadelphia and, we think, that Misses Clapp and Babcock have handsomely shipped by rail to Carson City. In the end, these pioneer educators and astute businesswomen made a sizeable profit of $1,000 in 1875.

I just want to point out that Hannah Clapp went on to be one of the first faculty members at the University of Nevada when it was moved from Elko to Reno in 1885 to 1886. The *Appeal* graciously commented that "It will be found, we think, that Misses Clapp and Babcock have handsomely fulfilled their contract." My problem is we are always swimming in a sea of misinformation, folks, and it is a difficult job to navigate that sea at all times.

I'll conclude my presentation today wishing you well in addressing arguably Nevada's worst economic crisis in its history.

The mining depression in the late nineteenth century was certainly the longest, more than 20 years. However, Nevada's population was about 100,000 residents in the beginning of the depression in the late 1870s, and some 42,000 at the end in 1900. Mining boomed again to revitalize the dying state.

Nevada was late into the Great Depression—by latter 1931 followed by bank failures in 1932—but early getting out with a state budget surplus by 1935. The smallest state in the nation—with less than 100,000 residents—had major federal public works projects like the

Hawthorne Naval Ammunitions Depot and the Hoover Dam, coupled with substantial highway construction paid by federal dollars to help Nevada through its worst years.

The legalization of casino gambling in 1931; the lucrative migratory divorce business enhanced by a six-week residency period, in that same year, 1931; the end of prohibition in 1933; and, yes, brothel prostitution made for a prosperous service industry, particularly in Reno and Las Vegas.

With an all Democrat congressional delegation led by senior U.S. Senator Key Pittman, Nevada's budget had the highest per capita New Deal dollars among the 48 states. Pittman also persuaded Congress to pass, and President Franklin Roosevelt to sign, a federal subsidy bill for silver prices which revitalized Nevada's troubled mining industry. If that wasn't enough, Governor Richard Kirman, inaugurated in 1935, ran on a "One Sound State" campaign to attract scores of millionaires from across the country to move to Nevada as a tax haven. By 1939, with a booming economy, Nevada cut its property tax.

Today, some 2.7 million Nevadans find themselves in the fourth year of the so-called "Great Recession." Never have so many Nevadans found themselves facing so much hardship with the highest unemployment rate, bankruptcies, and foreclosures in the nation.

Nevada is in grave peril. Our state must reinvent itself in order to prosper for the rest of the twenty-first century. Arguably the 2011 Legislature, faced with the unprecedented economic problems besetting our state, is the most critical session in Nevada's history. What you do—or don't do—will lay the groundwork for our state's future. Our citizens look to you for hope and vision. And so do I.

Good luck and Godspeed.

Assemblyman Conklin moved that the Assembly adjourn until Friday, March 11, 2011, at 11 a.m.

Motion carried.

Assembly adjourned at 11:58 a.m.

Approved:

JOHN OCEGUERA
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE THIRTY-THIRD DAY

CARSON CITY (Friday), March 11, 2011

Assembly called to order at 11:08 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblywoman Pierce, who was excused.

Prayer by the Chaplain, Pastor Al Tilstra.

Our Father, in times of confusion when men and women doubt their beliefs and believe their doubts and are victims of ideologies that seek to divide and conquer, give to the women and men of this house a true appreciation of the great affirmations that we hold in common.

Let us appreciate our agreements and have the courage and conviction to stand up for them, that we may stand united and fearless before the rest of this state and before this nation.

Direct those who govern in this great state, that they may make it as hard as possible to do wrong and as easy as possible to do right. To that end, incline the members of this house to eternal truths that You have revealed for today and for the rest of this legislative session.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Conklin moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, March 10, 2011

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 15, 127; Senate Bills Nos. 86, 126, 157.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Oceguera, Conklin, Smith, Kirkpatrick, Bobzien, Atkinson, Carrillo, Horne, Mastroluca, Pierce, Segerblom, and Sherwood:

Assembly Bill No. 260—AN ACT relating to the Legislature; requiring newly elected Legislators to attend training before the beginning of their first legislative session; providing a penalty for failure to attend the training sessions; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

By Assemblymen Hansen, Kirner, Carrillo, Diaz, Goedhart, Hammond, Hardy, and Kite; Senator Lee:

Assembly Bill No. 261—AN ACT relating to courts; increasing the monetary limit in actions for small claims adjudicated in a justice court; and providing other matters properly relating thereto.

Assemblyman Hansen moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblyman Grady and Senator Settelmeyer:

Assembly Bill No. 262—AN ACT relating to public administrators; making the District Attorney of Storey County the ex officio Public Administrator of Storey County; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Livermore, Hambrick, Aizley, Bustamante Adams, Grady, Hansen, Hardy, Hickey, Kite, Neal, Sherwood, Stewart, and Woodbury:

Assembly Bill No. 263—AN ACT relating to Carson City; clarifying the permissible use of the proceeds of certain local sales and use taxes by the City; and providing other matters properly relating thereto.

Assemblyman Livermore moved that the bill be referred to the Committee on Taxation.

Motion carried.

By Assemblywoman Kirkpatrick:

Assembly Bill No. 264—AN ACT relating to constables; revising provisions relating to the abolition of the office of constable for a township in certain counties; revising provisions relating to the collection of fees by a constable; and providing other matters properly relating thereto.

Assemblywoman Kirkpatrick moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblyman Daly (by request):

Assembly Bill No. 265—AN ACT relating to peace officers; requiring a law enforcement agency to release a peace officer from his or her regular working hours to attend certain hearings and administrative proceedings under certain circumstances; requiring a law enforcement agency to compensate a peace officer for attending certain hearings and administrative

proceedings; providing a civil penalty for certain violations of the rights of a peace officer; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Segerblom, Ohrenschall, and Daly:

Assembly Bill No. 266—AN ACT relating to public employees; providing the circumstances under which certain public employers may compel certain public employees to answer questions during an internal administrative investigation; requiring local government employers to provide for post-disciplinary hearings and providing certain procedures for such hearings; revising certain other procedures concerning post-disciplinary hearings for certain state and local government employees; and providing other matters properly relating thereto.

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

Motion carried.

Senate Bill No. 86.

Assemblyman Conklin moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 126.

Assemblyman Conklin moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 157.

Assemblyman Conklin moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 217.

Bill read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Assembly Joint Resolution No. 5 of the 75th Session.

Resolution read third time.

Remarks by Assemblymen Ohrenschall and Goicoechea.

Roll call on Assembly Joint Resolution No. 5 of the 75th Session:

YEAS—25.

NAYS—Ellison, Goedhart, Goicoechea, Grady, Hambrick, Hammond, Hansen, Hardy, Hickey, Kirner, Kite, Livermore, McArthur, Sherwood, Stewart, Woodbury—16.

EXCUSED—Pierce.

Assembly Joint Resolution No. 5 of the 75th Session having received a constitutional majority, Mr. Speaker declared it passed.

Resolution ordered transmitted to the Senate.

Senate Bill No. 23.

Bill read third time.

Remarks by Assemblyman Hammond.

Roll call on Senate Bill No. 23:

YEAS—41.

NAYS—None.

EXCUSED—Pierce.

Senate Bill No. 23 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

REMARKS FROM THE FLOOR

Assemblyman Conklin moved that the following remarks be entered in the Journal.

Motion carried.

ASSEMBLYMAN HAMBRICK:

Tuesday afternoon, I was able to fully appreciate how this building becomes professional and efficient. Unfortunately, I had to be driven to the hospital. Things are better now, so you are going to have to put up with me for awhile. I knew I was in good hands because my cardiologist who came in the following day was Susan O'Leary. This close to St. Patrick's Day, I knew I was in good hands.

On a more serious note, the EMTs in this building, the Legislative Police, and LCB did just a phenomenal, phenomenal job. They called my wife, picked her up, got her to the airport, and picked her up in Reno. I had a police officer at my bedside for several hours until they knew my wife was at the airport. I am very, very grateful for the professionalism. You will all be in my prayers.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 11:33 a.m.

ASSEMBLY IN SESSION

At 11:34 a.m.

Mr. Speaker presiding.

Quorum present.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Diaz, the privilege of the floor of the Assembly Chamber for this day was extended to Alejandra Diaz and Sylvia Dominguez-Curry, and Xavier Carson Alejandre-Diaz.

On request of Assemblyman Brooks, the privilege of the floor of the Assembly Chamber for this day was extended to Willie Fields.

On request of Assemblyman Ellison, the privilege of the floor of the Assembly Chamber for this day was extended to the following students and chaperones from Jackpot Combined High School: Guillermo Aguilar Ruiz Jr., Maria Guadalupe Aguilar, Martin Castaneda, Carina Cortez, Edgar Espinoza, Jasmin Flores-Vidales, Rafael Gonzalez, Benjamin Aaron Messmer, Deanna Miller, Luis Manuel Miramontes, Braulio Numez, Garrett James Peak, Lilina Perez, Arturo Salas, Everardo Reyna Sanchez, Maria Sanchez, John Carlos Mendez Blanco, Taylor Carpenter, Sandra Fragoza, Caleb Shay Funke, Cecilia Gaeta, Edith Gonzalez, Briana Hall, Brittany Hugill, Sarai Martinez, Yanelli Martinez, Gabriela Mata, Miguel Martinez Mendez, Jessica Charmaine Peak, Alejandro Torrez-Cruz, Estrellita Moralez, Guillermo Aguilar, Martin Castaneda, Edgar Espinoza, Rafael Gonzalez, Ben Messmer, Luis Miramontes, Braulio Nunez, Garrett Peak, Arturo Salas, Everardo Sanchez, Carlos Blanco, Caleb Funke, Miguel Mendez, Alex Torres-Cruz, Maria Aguilar, Carina Cortes, Jasmin Flores, Deanna Miller, Liliana Perez, Maria Sanchez, Taylor Carpenter, Sandra Fragoza, Cecilia Gaeta, Edith Gonzalez, Sarai Martinez, Yanelli Martinez, Gabriela Mata, Estrellita Morales, Jessica Peak, Tina Andrews, Bonnie Yoman, Brian Messmer, Becky Messmer, and Kim Smith.

On request of Assemblyman Kite, the privilege of the floor of the Assembly Chamber for this day was extended to Renea Louie and Whitney Louie.

On request of Assemblyman Segerblom, the privilege of the floor of the Assembly Chamber for this day was extended to former Assemblywoman Gene Segerblom and Robin Liggett.

Assemblyman Conklin moved that the Assembly adjourn until Monday, March 14, 2011, at 11 a.m., and that it do so in honor of and with prayers for all those suffering in Japan and around the world from a massive earthquake and the subsequent tsunami.

Motion carried.

Assembly adjourned at 11:35 a.m.

Approved: JOHN OCEGUERA
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE THIRTY-SIXTH DAY

CARSON CITY (Monday), March 14, 2011

Assembly called to order at 11:06 a.m.

Madam Speaker pro Tempore presiding.

Roll called.

All present.

Prayer by the Chaplain, Reverend Norm Milz.

Almighty God, we come to You this day as an Assembly that has been placed together by the citizens of Nevada to represent them in the growth and development of this state. We ask for Your guidance that discussions may occur and comments be made to guide decisions for the good of the citizens.

May the work we do together in this legislative session prove beneficial to all of our represented communities. We also, on this day, especially ask that You would watch over and assist the citizens of Japan who at this time are living through the disasters of this past weekend. May our thoughts and prayers go out to them.

All these things we bring to You, trusting in Your grace and mercy. In the name of Your glorious Son, Jesus Christ.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Conklin moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Assembly Bills Nos. 17, 103, 166, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MARILYN K. KIRKPATRICK, *Chair*

Mr. Speaker:

Your Committee on Judiciary, to which was referred Assembly Bill No. 18, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

WILLIAM C. HORNE, *Chair*

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Assembly Bill No. 193, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

DEBBIE SMITH, *Chair*

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblyman Ohrenschall:

Assembly Bill No. 267—AN ACT relating to industrial insurance; revising the persons who may represent an injured worker in certain hearings or other meetings; and providing other matters properly relating thereto.

Assemblyman Ohrenschall moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymen Woodbury, Kirkpatrick, Anderson, Ellison, Goedhart, Hammond, Hardy, and Stewart; Senator Hardy:

Assembly Bill No. 268—AN ACT relating to energy; requiring the Public Utilities Commission of Nevada to establish a program for the purchase of electricity from certain renewable energy systems; requiring each provider of electric service in this State to participate in the program; requiring the Commission to establish standard offers for the purchase and resale of electricity generated by certain renewable energy systems; and providing other matters properly relating thereto.

Assemblywoman Woodbury moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 269—AN ACT relating to criminal procedure; prohibiting the use of a grand jury in certain circumstances; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 270—AN ACT relating to taxation; reducing the amount of the governmental services taxes imposed on certain older motor vehicles; and providing other matters properly relating thereto.

Assemblywoman Kirkpatrick moved that the bill be referred to the Concurrent Committees on Taxation and Ways and Means.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 217.

Bill read third time.

Remarks by Assemblyman Ellison.

Roll call on Assembly Bill No. 217:
YEAS—42.
NAYS—None.
Assembly Bill No. 217 having received a constitutional majority, Madam Speaker pro Tempore declared it passed.
Bill ordered transmitted to the Senate.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Aizley, the privilege of the floor of the Assembly Chamber for this day was extended to Gerrie Agcaoili, Tim Mullin, and Vincent Pollard.

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Tenesa Scaturro.

On request of Assemblyman Bobzien, the privilege of the floor of the Assembly Chamber for this day was extended to Elizabeth Anthony, Mary Skau, and Ashley Stieb.

On request of Assemblyman Carrillo, the privilege of the floor of the Assembly Chamber for this day was extended to Hercy Stenick.

On request of Assemblyman Conklin, the privilege of the floor of the Assembly Chamber for this day was extended to Saundrea Shropshire.

On request of Assemblywoman Dondero Loop, the privilege of the floor of the Assembly Chamber for this day was extended to Erin Bilbray-Kohn.

On request of Assemblyman Frierson, the privilege of the floor of the Assembly Chamber for this day was extended to Christine Smith, Crystal Herrera, and Brittnie Watkins.

On request of Assemblyman Goedhart, the privilege of the floor of the Assembly Chamber for this day was extended to students and chaperones from Gabbs High School: Damien Dennis, Trevor Brown, Dane Staton, Raven Birchim, Shania Brown, Schelbi Stark, Annett Seeger, Daylon Boots, Ryan Young, Sue Wood, Cindy Rooley, and Wendy Traub.

On request of Assemblywoman Kirkpatrick, the privilege of the floor of the Assembly Chamber for this day was extended to Marla Turner.

On request of Assemblyman Kirner, the privilege of the floor of the Assembly Chamber for this day was extended to Donna Clontz.

On request of Assemblyman Ohrenschall, the privilege of the floor of the Assembly Chamber for this day was extended to Lynda Tache.

On request of Assemblyman Segerblom, the privilege of the floor of the Assembly Chamber for this day was extended to Gabrielle Amato, Nick Portz, and Taylor Hartline.

On request of Assemblywoman Smith, the privilege of the floor of the Assembly Chamber for this day was extended to Erin Smith and David Marlon.

Assemblyman Conklin moved that the Assembly adjourn until Tuesday, March 15, 2011, at 11 a.m.

Motion carried.

Assembly adjourned at 11:21 a.m.

Approved: JOHN OCEGUERA
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE THIRTY-SEVENTH DAY

CARSON CITY (Tuesday), March 15, 2011

Assembly called to order at 11:03 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Reverend Norm Milz.

Heavenly Father, we come again to You this day asking for Your guidance as we strive to make decisions that will be for the good of this state and its people. As yesterday each side of this Assembly met in caucus to discuss and plan, may today be the beginning of a time of unity making decisions for the growth and betterment of Nevada.

Today, we are also well aware of the nuclear danger that is a reality to many of the people of Japan. This is not only a time for concern, but also a time to search to look for ways to assist them in these tragedies. May the work we do together today in this legislative session prove beneficial to all of our represented communities in the state of Nevada as a whole. All these things we bring to You trusting in Your grace and mercy, in the name of Your Son, Jesus Christ.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Conklin moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, March 14, 2011

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bill No. 28; Senate Bills Nos. 84, 205.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

NOTICE OF EXEMPTION

March 15, 2011

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Assembly Bills Nos. 90, 131, 136, 160, 165, 179, 195, 196, 231, and 232.

RICK COMBS
Fiscal Analysis Division

March 15, 2011

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the exemption of: Assembly Bill No. 241.

RICK COMBS
Fiscal Analysis Division

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Bustamante Adams, Horne, and Conklin:

Assembly Bill No. 271—AN ACT relating to real property; providing for the regulation of private transfer fee obligations affecting real property; providing that certain such obligations are void and unenforceable; revising the disclosures that a seller of real property must make to a buyer to include certain information concerning such obligations; and providing other matters properly relating thereto.

Assemblywoman Bustamante Adams moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Flores, Ohrenschall, Brooks, Benitez-Thompson, Frierson, and Munford:

Assembly Bill No. 272—AN ACT relating to juveniles; excluding certain crimes from the jurisdiction of the juvenile court; revising the provisions governing the certification of certain juveniles as adults for criminal proceedings; providing for the detention of a child during certain proceedings; and providing other matters properly relating thereto.

Assemblywoman Flores moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 273—AN ACT relating to real property; revising provisions governing the amount which a person holding a junior lien on real property may recover in a civil action under certain circumstances; prohibiting certain persons holding a junior lien on certain residential property from bringing a civil action under certain circumstances; revising provisions governing the amount of a deficiency judgment after the foreclosure of a mortgage or a deed of trust; and providing other matters properly relating thereto.

Assemblyman Atkinson moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 274—AN ACT relating to insurance; establishing provisions regarding the payment of proceeds of any benefit under a policy of life insurance or a policy of group life insurance; requiring certain disclosures by an insurer before offering to pay the proceeds of a policy of life insurance or a policy of group life insurance in the form of a retained asset account; requiring that any balance remaining in a retained asset account be returned to the beneficiary if the beneficiary does not use the account in a 3-year period; and providing other matters properly relating thereto.

Assemblyman Atkinson moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymen Segerblom and Daly:

Assembly Bill No. 275—AN ACT relating to highways; requiring private contractors, under certain circumstances, to remove from freeways and highways devices for the temporary diversion of traffic; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Segerblom moved that the bill be referred to the Committee on Transportation.

Motion carried.

By Assemblymen Conklin and Kirkpatrick:

Assembly Bill No. 276—AN ACT relating to financial administration; requiring the State Controller to make data concerning certain accounts available for public inspection on an Internet website established and maintained by the State Controller; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Anderson, Benitez-Thompson, Bustamante Adams, Carlton, Diaz, Dondero Loop, Flores, Mastroluca, Neal, Pierce, and Woodbury; Senators Halseth, Leslie, Breeden, Cegavske, Copening, and Wiener (by request):

Assembly Bill No. 277—AN ACT relating to motor vehicles; requiring the Department of Motor Vehicles, with respect to special license plates for the support of outreach programs and services for veterans and their families, to make available an alternative version of the plates indicating service as a female veteran; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Transportation.

Motion carried.

By Assemblymen Segerblom, Conklin, and Kirkpatrick:

Assembly Bill No. 278—AN ACT relating to fire departments; authorizing in certain counties the consolidation of county and city fire departments into county-wide metropolitan fire departments; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblyman Ohrenschall:

Assembly Bill No. 279—AN ACT relating to gaming; authorizing the Nevada Gaming Commission to adopt regulations pertaining to independent testing laboratories; authorizing independent testing laboratories to inspect and certify gaming devices, equipment and systems; and providing other matters properly relating thereto.

Assemblyman Ohrenschall moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Oceguera, Anderson, Mastroluca, Brooks, Conklin, Benitez-Thompson, Dondero Loop, Flores, Frierson, Horne, Kirkpatrick, Munford, Neal, and Pierce; Senator Manendo:

Assembly Bill No. 280—AN ACT relating to public health; requiring certain medical facilities to establish patient safety checklists; revising the requirements of the patient safety plans of certain medical facilities to include the patient safety checklists; and providing other matters properly relating thereto.

Assemblywoman Kirkpatrick moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Assemblymen Oceguera, Anderson, Kirkpatrick, Dondero Loop, Brooks, Benitez-Thompson, Conklin, Flores, Frierson, Horne, Mastroluca, Munford, Neal, and Pierce; Senator Manendo:

Assembly Bill No. 281—AN ACT relating to educational personnel; requiring the Commission on Professional Standards in Education to adopt regulations which establish an expedited procedure for the licensure of certain teachers; and providing other matters properly relating thereto.

Assemblywoman Kirkpatrick moved that the bill be referred to the Committee on Education.

Motion carried.

By Assemblymen Oceguera, Bobzien, Smith, Conklin, Kirkpatrick, Anderson, Benitez-Thompson, Brooks, Dondero Loop, Ellison, Flores, Frierson, Hansen, Horne, Livermore, Munford, Neal, Stewart, and Woodbury; Senators Manendo, Denis, and Rhoads:

Assembly Bill No. 282—AN ACT relating to firearms; authorizing certain members or veterans of the Armed Forces of the United States, a reserve component thereof or the National Guard, who are at least 18 but less than 21 years of age, to obtain a permit to carry a concealed firearm; revising provisions concerning permits to carry concealed semiautomatic firearms; revising provisions governing the renewal of a permit to carry a concealed firearm; revising provisions concerning the confidentiality of information relating to permits to carry concealed firearms; revising provisions governing the possession and discharge of firearms in state parks; and providing other matters properly relating thereto.

Assemblywoman Kirkpatrick moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblyman Conklin:

Assembly Bill No. 283—AN ACT relating to mortgage loans; revising provisions governing the requirement for certain mortgage agents, mortgage bankers, mortgage brokers and other employees to register with the Nationwide Mortgage Licensing System and Registry; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymen Conklin, Horne, and Kirkpatrick:

Assembly Bill No. 284—AN ACT relating to real property; revising provisions governing the recording of assignments of mortgages and deeds of trust; revising provisions governing the exercise of the power of sale under a deed of trust; revising provisions concerning the crimes of mortgage lending fraud and making a false representation concerning title to real property; providing civil and criminal penalties; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 84.

Assemblyman Conklin moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 205.

Assemblyman Conklin moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 17.

Bill read second time and ordered to third reading.

Assembly Bill No. 18.

Bill read second time and ordered to third reading.

Assembly Bill No. 103.

Bill read second time and ordered to third reading.

Assembly Bill No. 166.

Bill read second time and ordered to third reading.

Assembly Bill No. 193.

Bill read second time and ordered to third reading.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 15 and 127.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Aizley, the privilege of the floor of the Assembly Chamber for this day was extended to Lauren Scott.

On request of Assemblywoman Benitez-Thompson, the privilege of the floor of the Assembly Chamber for this day was extended to Susan Rhodes.

On request of Assemblywoman Bustamante Adams, the privilege of the floor of the Assembly Chamber for this day was extended to Marla Turner.

On request of Assemblyman Conklin, the privilege of the floor of the Assembly Chamber for this day was extended to Brittnie Watkins.

On request of Assemblyman Goicoechea, the privilege of the floor of the Assembly Chamber for this day was extended to the following students and chaperones from Churchill County High School Young Republicans:

Nathan Denney, Geran Elkins, Kim Grantham, Becky Jamieson, Sarah Jamieson, Harold Kelley, Dayna Lammel, Toree Lammel, Caitlyn Marsh, Cassie O'Toole, Kirby Pearce, Hannah Perazzo, Seth Price, Sam Price, Tai Robison, Olivia Scammell, Cameron Sorenson, Ryne Wood, Aaron Thomas, Kadie Zeller, Kelly Frost, Jeff Price, and Tracy Price.

On request of Assemblyman Grady, the privilege of the floor of the Assembly Chamber for this day was extended to Leroy Goodman.

On request of Assemblyman Hansen, the privilege of the floor of the Assembly Chamber for this day was extended to Corby Gardner and Vernon Dalton.

On request of Assemblyman Hardy, the privilege of the floor of the Assembly Chamber for this day was extended to Archer Hardy, Stacha Hardy, and Laura Hardy.

On request of Assemblyman Segerblom, the privilege of the floor of the Assembly Chamber for this day was extended to Madeleine Day.

On request of Assemblyman Sherwood, the privilege of the floor of the Assembly Chamber for this day was extended to Herbert Randall.

On request of Assemblywoman Smith, the privilege of the floor of the Assembly Chamber for this day was extended to the following students and chaperones of Home Educators of Faith: Alison Boxwell, Christina Boxwell, Leah Boxwell, Matthew Boxwell, Stephanie Harris, Makenzie Harris, Faith Harris, Irene Rushing, Aliana Rushing, Se'Leah Rushing, Connie Van Dyke, Noah Van Dyke, Grace Van Dyke, Sarah Stockwell, John Stockwell, Draven Urbaniak, Alyssa Stockwell, and Jayce Stockwell.

Assemblyman Conklin moved that the Assembly adjourn until Wednesday, March 16, 2011, at 11 a.m.

Motion carried.

Assembly adjourned at 11:25 a.m.

Approved: JOHN OCEGUERA
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE THIRTY-EIGHTH DAY

CARSON CITY (Wednesday), March 16, 2011

Assembly called to order at 11:15 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblyman Brooks, who was excused.

Prayer by the Chaplain, Pastor Al Tilstra.

Heavenly Father, our country has enjoyed the highest level of freedom of any country in the world. For that we thank and praise You. We have the *Constitution* and the *Bill of Rights* to guarantee our freedom, to speak without fear, to worship You, to choose our leaders, oppose wrongs, and defend what is right. Americans enjoy these freedoms because You have been with us, to guide our leaders and ordinary citizens to do extraordinary things in Your name. Continue to give us Your guidance and Your strength to resist those forces that would take away our precious freedom and pull us down to their level. Humbly we ask You to preserve our country's freedoms so that we may remain a beacon of light in the world.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Conklin moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Hansen, Goedhart, Hardy, Ellison, Hambrick, Goicoechea, Grady, Hammond, Hickey, Kite, Livermore, McArthur, and Stewart:

Assembly Bill No. 285—AN ACT relating to constructional defects; revising provisions governing an award of attorney's fees in causes of action for constructional defects; and providing other matters properly relating thereto.

Assemblyman Hansen moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Hardy, Goedhart, Hambrick, Aizley, Anderson, Bustamante Adams, Ellison, Goicoechea, Grady, Hammond, Hansen, Hickey, Hogan, Kirner, Kite, Livermore, Munford, Neal, Sherwood, Stewart, and Woodbury; Senators Parks, Hardy, Schneider, Cegavske, Denis, Lee, Manendo, Rhoads, Roberson, and Settelmeyer:

Assembly Bill No. 286—AN ACT relating to Medicaid; establishing the Advisory Committee on Medicaid Fraud to conduct a study of Medicaid fraud in this State and make certain recommendations to the Legislature; requiring the Administrator of the Division of Welfare and Supportive Services of the Department of Health and Human Services, the Administrator of the Division of Health Care Financing and Policy of the Department, and the Attorney General to each appoint three members to the Advisory Committee; and providing other matters properly relating thereto.

Assemblyman Hardy moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Assemblymen Kirkpatrick, Atkinson, Conklin, Carlton, and Oceguera:

Assembly Bill No. 287—AN ACT relating to energy; creating the Nevada Renewable Energy Transmission Authority; authorizing the Authority to identify and establish corridors for the transmission of electricity within this State and to finance and acquire certain facilities for the transmission of electricity; authorizing the Authority to issue and sell revenue bonds to finance the acquisition of eligible facilities; providing that revenues derived by the Authority from the financing, sale, lease or operation of eligible facilities and any fees and service charges collected by the Authority for the use of eligible facilities and other services provided by the Authority are pledged for the repayment of such revenue bonds; requiring public utilities and municipal utilities to pay a fee for each kilowatt-hour of electricity distributed to retail customers who purchase electricity for consumption in this State; providing that the money collected from the fee must be used to finance the operation of the Authority; and providing other matters properly relating thereto.

Assemblywoman Kirkpatrick moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Taxation:

Assembly Bill No. 288—AN ACT relating to taxation; authorizing the Commission on Economic Development to approve under certain conditions a partial abatement of the taxes imposed on a logistics business or renewable energy manufacturing business that locates in certain counties or cities in this State; providing for the administration and enforcement of the terms of such an abatement; requiring certain reports to the Legislature; and providing other matters properly relating thereto.

Assemblywoman Kirkpatrick moved that the bill be referred to the Committee on Taxation.

Motion carried.

By Assemblymen Mastroluca, Carlton, and Atkinson; Senators Wiener and Schneider:

Assembly Bill No. 289—AN ACT relating to dietetics; creating the State Board of Dietetics; prescribing the powers and duties of the Board; providing for the membership of the Board; providing for the licensure of dietitians; providing for the registration of dietetic technicians; prohibiting a person from engaging in the practice of dietetics without a license or certificate of registration issued by the Board; setting forth the grounds for disciplinary action against a licensed dietitian or registered dietetic technician; providing a penalty; and providing other matters properly relating thereto.

Assemblywoman Mastroluca moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymen Neal, Aizley, Benitez-Thompson, Bobzien, Diaz, Flores, Hardy, Horne, Livermore, Munford, Ohrenschall, Pierce, and Stewart:

Assembly Bill No. 290—AN ACT relating to education; requiring the board of trustees of each school district to administer the practice test of the high school proficiency examination to all pupils enrolled in grade 10; authorizing the principal of a high school to postpone the administration of the high school proficiency examination in the subject areas of mathematics and science for a pupil who is not academically ready in those subject areas; and providing other matters properly relating thereto.

Assemblywoman Neal moved that the bill be referred to the Committee on Education.

Motion carried.

By Assemblymen Horne, Aizley, Atkinson, Bustamante Adams, Carlton, Carrillo, Daly, Dondero Loop, Frierson, Goicoechea, Hogan, Livermore, Mastroluca, Munford, Pierce, and Segerblom:

Assembly Bill No. 291—AN ACT relating to estates; making certain agreements between an heir finder and an apparent heir relating to the recovery of property in an estate void and unenforceable under certain circumstances; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Horne, Daly, Dondero Loop, Flores, Frierson, Ohrenschall, and Segerblom:

Assembly Bill No. 292—AN ACT relating to real estate appraisal; limiting certain exemptions from provisions governing real estate appraisal; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymen Horne, Segerblom, Aizley, Bustamante Adams, Carlton, Carrillo, Daly, Dondero Loop, Flores, Frierson, Hogan, Munford, Ohrenschall, and Pierce:

Assembly Bill No. 293—AN ACT relating to civil actions; requiring a person who owns or controls the premises on which an injury or death allegedly occurred to produce certain evidence under certain circumstances; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Horne, Atkinson, Ohrenschall, Segerblom, Aizley, Carrillo, Daly, Dondero Loop, Flores, Frierson, Hogan, Munford, and Pierce:

Assembly Bill No. 294—AN ACT relating to gaming; revising certain definitions relating to mobile gaming for the purposes of the Nevada Gaming Control Act; revising the method of paying certain fees received from the operation of mobile gaming; revising provisions relating to the location of a computer system associated with mobile gaming; and providing other matters properly relating thereto.

Assemblyman Horne moved that the bill be referred to the Committee on Judiciary.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 17.

Bill read third time.

Remarks by Assemblywoman Kirkpatrick.

Roll call on Assembly Bill No. 17:

YEAS—41.

NAYS—None.

EXCUSED—Brooks.

Assembly Bill No. 17 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 18.

Bill read third time.

Remarks by Assemblyman Ohrenschall.

Roll call on Assembly Bill No. 18:

YEAS—41.

NAYS—None.

EXCUSED—Brooks.

Assembly Bill No. 18 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 103.

Bill read third time.

Remarks by Assemblyman Livermore.

Roll call on Assembly Bill No. 103:

YEAS—41.

NAYS—None.

EXCUSED—Brooks.

Assembly Bill No. 103 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 166.

Bill read third time.

Remarks by Assemblywoman Bustamante Adams.

Roll call on Assembly Bill No. 166:

YEAS—41.

NAYS—None.

EXCUSED—Brooks.

Assembly Bill No. 166 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 193.

Bill read third time.

Remarks by Assemblyman Aizley.

Roll call on Assembly Bill No. 193:

YEAS—41.

NAYS—None.

EXCUSED—Brooks.

Assembly Bill No. 193 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Benitez-Thompson, the privilege of the floor of the Assembly Chamber for this day was extended to Fatou Kebe.

On request of Assemblyman Bobzien, the privilege of the floor of the Assembly Chamber for this day was extended to Emmanuel Williams, Catana Barnes, and SaDarius Clayton.

On request of Assemblywoman Bustamante Adams, the privilege of the floor of the Assembly Chamber for this day was extended to Zachary Earnest.

On request of Assemblyman Conklin, the privilege of the floor of the Assembly Chamber for this day was extended to MaryAnn Mangan.

On request of Assemblyman Ellison, the privilege of the floor of the Assembly Chamber for this day was extended to Tyler Penn-Brown, Merleen Johns, and Debbie Frey.

On request of Assemblyman Goedhart, the privilege of the floor of the Assembly Chamber for this day was extended to Todd Falcke, Craig Caldwell, John McNary, and Bevin Lister.

On request of Assemblyman Goicoechea, the privilege of the floor of the Assembly Chamber for this day was extended to Meghan Brown and J.J. Goicoechea.

On request of Assemblyman Grady, the privilege of the floor of the Assembly Chamber for this day was extended to the following students and chaperones from Dayton High School: Taylor Ingersoll, Cassidy Council, Marlayna Martinez, Erika McCoy, Devon Shipman-Cates, Ian Strey, Joshua Boga, Chyanne Corley, Samantha Gillenwater, Elyse Ingersoll, Austin Lee, Cameron McGifford, Sara Torgerson, Kelsie Torres, Michael Perkins, Wayne Workman, Kevin Kranjcec, Tim Logan, Damon Etter, Jessica Ramirez, Dave Stix Jr., and Grant Milk.

On request of Assemblyman Hammond, the privilege of the floor of the Assembly Chamber for this day was extended to Jill Combs.

On request of Assemblyman Hansen, the privilege of the floor of the Assembly Chamber for this day was extended to John Falen, Craig Shier, and Marlene Shier.

On request of Assemblyman Horne, the privilege of the floor of the Assembly Chamber for this day was extended to Angelena Cook.

On request of Assemblyman Livermore, the privilege of the floor of the Assembly Chamber for this day was extended to Ricardo Terriquez.

On request of Assemblyman Stewart, the privilege of the floor of the Assembly Chamber for this day was extended to the following students and

chaperones from Liberty High School: Sasha Bowles, Ricky Chawla, Taylor Cook, Leslie Corral, John George, Samantha Hamilton, Rizza Loverance, Amanda Manago, Parris Nielson, Bryson Siiaren, Jordyn Thayer, Zuzana Zbubunova, Cheryl Fontanilla, Lauren Dentscheff, Zach Ball, Ester Taylor, Gabe Soto, Nate Crieger, Raymond Ulan, Raven Fraizer, Klifford Fernando, Anthony Anquino, Axl Tatoy, Chad Cabunoc, Lisa Holdstrom, Kaytlin Matin, Llene Kretchemer, Vickie Cadiz, Shayne Cruz, Jennifer Dones, Brandon Farber, Ana Garcia, Anthony Gutierrez, Karly Hernandez, Yessica Jaimes, Toshiki Kondo, Willie McKay, Nichole Seastrunk, Nick Seastrunk, Jacob Shanely, Allisia Spencer, Tracy Williams, Cori Graves, Tristian Sedminik, Ian Lujan, Andrew Ruiz, Raul Saldivar, Florencia Martinez, Demorah Jones, Richard Montano, Cicilia Meraz, Francisco Quintero, Kelly Camargo, Sonya Johnson, and Carmen Bell.

On request of Assemblywoman Woodbury, the privilege of the floor of the Assembly Chamber for this day was extended to Myra Wright.

Assemblyman Conklin moved that the Assembly adjourn until Thursday, March 17, 2011, at 11 a.m.

Motion carried.

Assembly adjourned at 11:47 a.m.

Approved: JOHN OCEGUERA
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE THIRTY-NINTH DAY

CARSON CITY (Thursday) March 17, 2011

Assembly called to order at 11:08 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblymen Brooks and Livermore, who were excused.

Prayer by the Chaplain, Reverend Norm Milz.

Almighty God and Father, You have placed us in this Assembly to work to establish policies, laws, and programs that will be for the growth and stability of this State of Nevada and its people. As bills have been referred to the appropriate committees during this past week, may those committees bring back to this Assembly decisions that meet with the approval of a majority of this Assembly and can be moved to their conclusion. We also, once again, bring before You the people of Japan. May the tragedy that nation is experiencing touch our hearts as we lift them up to You seeking Your care. Today, we pray for Your gift of wisdom, that it may guide us in our discussions and speech. We pray for Your gift of peace, that we may work together in unity to reach conclusions that will benefit all. We pray for Your gift of strength, that we may both stand firm by our convictions but also have the good conscience to see others' positions and convictions. May we be kind to one another, forgiving one another, even as You continually forgive us. All these things we bring to You trusting in Your love, grace, and mercy, in the name of Your Son, Jesus Christ.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Conklin moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Judiciary, to which was referred Senate Bill No. 5, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

WILLIAM C. HORNE, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, March 16, 2011

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bill No. 124.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Bobzien, Anderson, Bustamante Adams, Hogan, Kirkpatrick, Mastroluca, and Smith; Senator Leslie:

Assembly Bill No. 295—AN ACT relating to human remains; authorizing certain persons who are designated by a member of the Armed Forces of the United States, a reserve component thereof or the National Guard to order the burial or cremation of the human remains of the member upon his or her death; and providing other matters properly relating thereto.

Assemblyman Bobzien moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Assemblymen Daly, Kirkpatrick, and Smith:

Assembly Bill No. 296—AN ACT relating to long-term care administrators; revising provisions governing the imposition of certain administrative sanctions by the Board of Examiners for Long-Term Care Administrators; and providing other matters properly relating thereto.

Assemblyman Daly moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymen Oceguera, Conklin, Anderson, Kirkpatrick, Brooks, Aizley, Atkinson, Benitez-Thompson, Bobzien, Bustamante Adams, Carlton, Carrillo, Daly, Diaz, Dondero Loop, Flores, Frierson, Goicoechea, Hammond, Hickey, Hogan, Horne, Livermore, Mastroluca, Munford, Neal, Ohrenschall, Pierce, Segerblom, and Smith:

Assembly Bill No. 297—AN ACT relating to airports; requiring the board of county commissioners of certain counties to grant certain authority to a department of aviation; requiring those boards to create a department of aviation; authorizing the county fair and recreation board to oversee the department of aviation on behalf of the board of county commissioners; and providing other matters properly relating thereto.

Assemblywoman Kirkpatrick moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblyman Atkinson:

Assembly Bill No. 298—AN ACT relating to off-highway vehicles; revising certain limitations in the provisions authorizing cities and counties to designate portions of certain highways as permissible for use by off-highway vehicles; and providing other matters properly relating thereto.

Assemblyman Atkinson moved that the bill be referred to the Committee on Transportation.

Motion carried.

By Assemblymen Atkinson, Conklin, Kirkpatrick, Aizley, Anderson, Benitez-Thompson, Bustamante Adams, Carlton, Diaz, Flores, Frierson, Hogan, Horne, Munford, Oceguera, Pierce, and Smith:

Assembly Bill No. 299—AN ACT relating to insurance; creating the Low-Cost Automobile Insurance Pilot Program; providing that a low-cost automobile insurance policy issued under the Program satisfies the coverage requirements for a motor vehicle liability policy; establishing the requirements for participation in the Program; imposing an assessment on motor vehicle liability policies to fund the operation of and publicity for the Program; requiring the Commissioner of Insurance to report to the Legislature on the effectiveness of the Program; and providing other matters properly relating thereto.

Assemblyman Atkinson moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymen Frierson, Atkinson, Horne, Smith, Oceguera, Bustamante Adams, Conklin, Diaz, Ohrenschall, and Segerblom; Senator Horsford:

Assembly Bill No. 300—AN ACT relating to real property; revising provisions providing for mediation in certain actions for foreclosure; and providing other matters properly relating thereto.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 11:16 a.m.

ASSEMBLY IN SESSION

At 11:17 a.m.

Mr. Speaker presiding.

Quorum present.

Assemblyman Frierson moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblyman Legislative Operations and Elections:

Assembly Bill No. 301—AN ACT relating to civil rights; providing for the restoration of the right to vote and the right to serve on a jury in civil matters for any person who has completed a sentence for a felony conviction or been

discharged from probation or parole from a felony conviction; revising provisions governing the restoration of the right to hold public office and the right to serve on a jury in criminal matters to persons who have been convicted of a felony; revising provisions governing the registration to vote of a person convicted of a felony; revising provisions governing the cancellation of the registration to vote of a person convicted of a felony; revising provisions governing a challenge to the right to vote of a person convicted of a felony; and providing other matters properly relating thereto.

Assemblyman Segerblom moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 11:18 a.m.

ASSEMBLY IN SESSION

At 11:19 a.m.

Mr. Speaker presiding.

Quorum present.

By Assemblymen Goedhart, Grady, Hambrick, Kite, McArthur, and Sherwood; Senators Gustavson and Settelmeyer:

Assembly Bill No. 302—AN ACT relating to off-highway vehicles; authorizing off-highway vehicles to be operated on highways under certain circumstances; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Goedhart moved that the bill be referred to the Committee on Transportation.

Motion carried.

By Assemblymen Goedhart, Hambrick, Kite, McArthur, Sherwood, and Stewart; Senators Gustavson, Halseth, Hardy, and Settelmeyer:

Assembly Bill No. 303—AN ACT relating to motor vehicles; providing for the issuance of special license plates to promote awareness of the United States Constitution; requiring the proposal for issuance of the plates to be submitted to the Commission on Special License Plates for approval; imposing a fee for the issuance and renewal of such license plates; and providing other matters properly relating thereto.

Assemblyman Goedhart moved that the bill be referred to the Committee on Transportation.

Motion carried.

By Assemblymen Bobzien, Benitez-Thompson, Hickey, Segerblom, and Smith; Senators Leslie and Copening:

Assembly Bill No. 304—AN ACT relating to fire protection; prohibiting a person from acting as a fire performer unless the person holds a certificate of registration as a fire performer or apprentice fire performer; providing for the application for and issuance of a certificate of registration as a fire performer or apprentice fire performer; prohibiting an apprentice fire performer from acting as a fire performer without certain supervision; providing a penalty; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Kite, Anderson, Aizley, Benitez-Thompson, Bustamante Adams, Ellison, Flores, Grady, Hambrick, Hansen, Hardy, Hickey, Kirner, Livermore, McArthur, Neal, Sherwood, Stewart, and Woodbury; Senators Gustavson, Kieckhefer, McGinness, and Settelmeyer:

Assembly Bill No. 305—AN ACT relating to crimes; increasing the penalty for certain crimes committed against older or vulnerable persons; providing penalties; and providing other matters properly relating thereto.

Assemblyman Kite moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Kite, Benitez-Thompson, Bustamante Adams, Ellison, Flores, Hickey, Livermore, McArthur, Neal, Sherwood, Stewart, and Woodbury; Senators Kieckhefer and Settelmeyer:

Assembly Bill No. 306—AN ACT relating to conservation districts; revising the manner in which certain supervisors of a conservation district are appointed; and providing other matters properly relating thereto.

Assemblyman Kite moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

By Assemblymen Bobzien, Carlton, Atkinson, Kirkpatrick, Segerblom, and Smith; Senators Leslie, Horsford, and Rhoads:

Assembly Bill No. 307—AN ACT relating to governmental administration; prohibiting a person from commencing the construction of an energy development project without first filing a notice with the Office of Energy within the Office of the Governor; creating the Energy Planning and Mitigation Fund; requiring the Office of Energy to coordinate with the Department of Wildlife to use money from the Fund for certain wildlife monitoring activities; and providing other matters properly relating thereto.

Assemblyman Bobzien moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymen Conklin, Kirkpatrick, Smith, Atkinson, Bustamante Adams, Carrillo, Daly, Dondero Loop, Frierson, Mastroluca, Oceguera, and Segerblom:

Assembly Bill No. 308—AN ACT relating to mortgage lending; revising provisions governing certain mortgage lending professionals to be consistent with certain federal law governing the provision of mortgage assistance relief services; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymen Oceguera, Smith, Conklin, Ohrenschall, Bobzien, Aizley, Anderson, Atkinson, Bustamante Adams, Carlton, Carrillo, Daly, Diaz, Dondero Loop, Flores, Frierson, Hogan, Horne, Kirkpatrick, Mastroluca, Munford, and Pierce:

Assembly Bill No. 309—AN ACT relating to insurance; creating the Office of the Consumer Advocate within the Division of Insurance of the Department of Business and Industry; requiring the Governor to appoint a Consumer Advocate as the executive head of the office; requiring the Consumer Advocate to intervene in and represent the public interest in public hearings relating to rates for certain policies, contracts or plans of health insurance; requiring an insurer to provide certain information to the Consumer Advocate and publish on an Internet website maintained by the insurer certain information concerning each policy, contract or plan of health insurance offered by the insurer in this State; requiring the Commissioner of Insurance to publish on an Internet website maintained by the Division certain information relating to health insurance rates and public hearings relating to rates for certain policies, contracts or plans of health insurance; authorizing an insurer and the Consumer Advocate to request a public hearing on any rate or proposed rate increase or decrease of a policy, contract or plan of health insurance filed by the insurer with the Commissioner; authorizing a consumer of health insurance to request a public hearing on certain rates and proposed rate increases or decreases of a policy, contract or plan of health insurance filed by an insurer with the Commissioner; authorizing the Commissioner to hold a public hearing on a rate or proposed rate increase or decrease of a policy, contract or plan of health insurance filed by an insurer; removing certain provisions relating to trade secrets of

insurers; providing a penalty; and providing other matters properly relating thereto.

Assemblywoman Kirkpatrick moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 11:28 a.m.

ASSEMBLY IN SESSION

At 11:33 a.m.

Mr. Speaker presiding.

Quorum present.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bill No. 28; Senate Bill No. 23.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Bustamante Adams, the privilege of the floor of the Assembly Chamber for this day was extended to Zach Earnest.

On request of Assemblyman Segerblom, the privilege of the floor of the Assembly Chamber for this day was extended to Madeliene Day.

On request of Assemblyman Stewart, the privilege of the floor of the Assembly Chamber for this day was extended the following students and chaperones from Liberty High School: Spencer Hill-Hale, Alexis Paredes, Thomas Smith, Rebecca Cruz, Lauren Smith, Chaz Murray, Hillary Franco, Jacob Wilkerson, Ryan Nimmo, Linsey Terry, Tashawna Nieto, Saquisha Woods, Mercedes Mines, Cory Chiders, Mary Lenard, Semaj Price, Brika Lennon, Makenzie Jones, Kiki Minor, Dustin Laub, Peter McCutchen, Dennis Navarez, Liz Starbuck, Teu Tai, Jacob Boockoff, Courtney Abraham, Gina Candalerio, Brianda Catalan, Paige Thomas, Jessica Peraza, Delea Keeling, Dallas Scott, Jessica Makay, Vanessa Portillo, Ivy Sampson, Xavier Adams, Nate Rollins, Kassandra Zepeda, and Amber Aleman.

On request of Assemblywoman Woodbury, the privilege of the floor of the Assembly Chamber for this day was extended to Dianna Fyke.

Assemblyman Conklin moved that the Assembly adjourn until Friday, March 18, 2011, at 11 a.m., and that it do so in memory of Steven Brooks, Sr., with the thoughts and prayers of the Assemblymembers going to Assemblyman Brooks and his family.

Motion carried.

Assembly adjourned at 11:35 a.m.

Approved: JOHN OCEGUERA
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE FORTIETH DAY

CARSON CITY (Friday), March 18, 2011

Assembly called to order at 11:15 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblymen Brooks and Munford, who were excused.

Prayer by the Chaplain, Reverend Norm Milz.

Almighty God and Father, You have given us a new day in which to serve You and the citizens of the state of Nevada. Guide and lead us so that plans and proposed bills be advanced for the health and well-being of the constituents that elected us to fulfill this important role.

As the deadline for introduction of bills rapidly approaches, we pray for Your gifts of wisdom, patience, and good conscience that the work we do together may be done well and for the good of all. Keep us from making quick decisions because of time that will cause difficulty for the citizens and those who work for this state and its agencies.

Guide our discussions in committee and the Assembly that we may be kind, gentle, and forgiving to each other, especially those who are not in agreement with our positions.

Once again, we come to You asking for Your help and assistance to the brave people of Japan as they work at trying to keep their citizens safe in the midst of a seemingly impossible situation. We also pray that as the radioactive cloud from the damaged reactors reaches our shore today, that the assessment of the experts may prove correct and our citizens will not be affected negatively.

All these things we bring to You trusting in Your love, grace, and mercy, in the name of Your Son, Jesus Christ.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Conklin moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, March 17, 2011

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 12, 35, 225.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 4.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Sherwood, Goedhart, Hambrick, Ellison, Goicoechea, Hammond, Hardy, Hickey, Kirner, Kite, Livermore, McArthur, and Stewart; Senators Gustavson, Halseth, Kieckhefer, and Settelmeyer:

Assembly Bill No. 310—AN ACT relating to voting; requiring each person who registers to vote by mail to present certain forms of identification before voting regardless of whether he or she has previously voted in an election for a federal office in this State; and providing other matters properly relating thereto.

Assemblyman Sherwood moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

By Assemblymen Hardy, Sherwood, Hansen, and Munford; Senators Cegavske, Gustavson, and Halseth:

Assembly Bill No. 311—AN ACT relating to elections; eliminating early voting in elections; and providing other matters properly relating thereto.

Assemblyman Hardy moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

By Assemblymen Hardy, Kite, Sherwood, Ellison, Goicoechea, Grady, Hammond, Hansen, Livermore, McArthur, Stewart, and Woodbury; Senators Hardy, Cegavske, Rhoads, and Settelmeyer:

Assembly Bill No. 312—AN ACT relating to public works; clarifying the definition of an "offense"; clarifying that the Labor Commissioner may impose an administrative penalty against a person for the commission of an offense; revising provisions relating to the payment of prevailing wages on public works; revising the manner in which the Labor Commissioner is required to determine prevailing wage rates; providing that collusion to affect the outcome of a prevailing wage survey is an unfair trade practice; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Bustamante Adams, Bobzien, Anderson, and Horne:

Assembly Bill No. 313—AN ACT relating to child custody; providing for the expiration by operation of law of certain orders modifying custody and visitation of children for persons who are members of the military; authorizing a court to delegate the visitation rights of a member of the military to a family member of the member of the military under certain circumstances; requiring a court, under certain circumstances, to provide an

expedited hearing concerning custody or visitation matters to allow participation in such a hearing by affidavit or electronic means, or to both hold an expedited hearing and allow such participation; and providing other matters properly relating thereto.

Assemblywoman Bustamante Adams moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblyman Bobzien and Senator Leslie:

Assembly Bill No. 314—AN ACT relating to education; revising provisions governing a course of instruction on sexual education; requiring the Council to Establish Academic Standards for Public Schools to include sexual education in the standards for a course of study in health; and providing other matters properly relating thereto.

Assemblyman Bobzien moved that the bill be referred to the Committee on Education.

Motion carried.

By Assemblymen Woodbury, Sherwood, Hardy, Hammond, Smith, Carlton, Carrillo, Conklin, Daly, Ellison, Flores, Grady, Hambrick, Horne, Kirkpatrick, Livermore, Mastroluca, McArthur, Munford, Oceguera, Ohrenschall, and Stewart; Senators Leslie, Rhoads, Parks, Hardy, Schneider, Breeden, Gustavson, Horsford, Kieckhefer, Kihuen, Manendo, and Settelmeyer:

Assembly Bill No. 315—AN ACT relating to autism; establishing the Autism Treatment Assistance Program within the Aging and Disability Services Division of the Department of Health and Human Services as the primary autism program within the Department; requiring certain state agencies that provide services to persons with autism to refer and coordinate services with the Program; and providing other matters properly relating thereto.

Assemblywoman Woodbury moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Assemblymen Woodbury, Ohrenschall, Carrillo, Sherwood, Carlton, Bobzien, Conklin, Daly, Diaz, Ellison, Flores, Grady, Hambrick, Hammond, Hansen, Hardy, Horne, Kirkpatrick, Livermore, Mastroluca, McArthur, Munford, Oceguera, Pierce, Smith, and Stewart; Senators Leslie, Kieckhefer, Hardy, Manendo, Schneider, Breeden, Cegavske, Copening, Gustavson, Halseth, Horsford, Kihuen, Parks, Rhoads, and Settelmeyer:

Assembly Bill No. 316—AN ACT relating to persons with disabilities; requiring the Aging and Disability Services Division of the Department of

Health and Human Services to designate a standard protocol for the assessment and evaluation of persons with autism who receive services through certain public programs; requiring certain state and local governmental agencies that provide services to persons with autism to submit reports to the Division; and providing other matters properly relating thereto.

Assemblywoman Woodbury moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Assemblyman Segerblom:

Assembly Bill No. 317—AN ACT relating to civil actions; revising provisions relating to the submission of certain claims relating to residential property for mediation or arbitration; revising procedures relating to mediation or arbitration of such claims; revising the qualifications required for inclusion by the Real Estate Division of the Department of Business and Industry on a list of mediators and arbitrators available for mediation and arbitration of such claims; and providing other matters properly relating thereto.

Assemblyman Segerblom moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblywomen Mastroluca and Smith:

Assembly Bill No. 318—AN ACT relating to education; placing the burden of proof and the burden of production on a school district in a due process hearing held pursuant to the Individuals with Disabilities Education Act in which the school district is a party; and providing other matters properly relating thereto.

Assemblywoman Mastroluca moved that the bill be referred to the Committee on Education.

Motion carried.

By Assemblywoman Diaz:

Assembly Bill No. 319—AN ACT relating to dead bodies; authorizing certain persons who assume legal and final responsibility for the final disposition of the human remains of a deceased person to order the burial of those human remains; and providing other matters properly relating thereto.

Assemblywoman Diaz moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Assemblyman Hambrick:

Assembly Bill No. 320—AN ACT relating to coroners; making certain provisions governing mandatory investigations and inquests by coroners

applicable in all counties; requiring a coroner to notify the district attorney to investigate any death reasonably believed to be caused by a peace officer under certain circumstances; repealing provisions which entitle a justice of the peace to a daily fee for holding an inquest; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Oceguera, Anderson, Kirkpatrick, Atkinson, Hambrick, Aizley, Benitez-Thompson, Bobzien, Bustamante Adams, Carrillo, Conklin, Daly, Diaz, Dondero Loop, Ellison, Flores, Frierson, Goedhart, Goicoechea, Grady, Hammond, Hansen, Hardy, Hickey, Hogan, Horne, Kirner, Kite, Livermore, McArthur, Munford, Neal, Ohrenschall, Segerblom, Sherwood, Smith, Stewart, and Woodbury; Senators Hardy, Gustavson, Horsford, and Lee:

Assembly Bill No. 321—AN ACT relating to the use of force; revising the provisions governing justifiable homicide; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Smith, Oceguera, Bobzien, Conklin, and Goicoechea:

Assembly Bill No. 322—AN ACT relating to wildlife; revising the membership of the Board of Wildlife Commissioners to include one member who possesses experience and expertise in advocating issues relating to conservation; revising the circumstances under which the Director of the Department of Wildlife is appointed; revising the provisions governing a program for the issuance of certain additional big game tags each year; and providing other matters properly relating thereto.

Assemblywoman Smith moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

Senate Bill No. 12.

Assemblyman Conklin moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

Senate Bill No. 35.

Assemblyman Conklin moved that the bill be referred to the Committee on Education.

Motion carried.

Senate Bill No. 225.

Assemblyman Conklin moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 5.

Bill read second time and ordered to third reading.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 11:33 a.m.

ASSEMBLY IN SESSION

At 11:45 a.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 4.

Assemblyman Conklin moved the adoption of the resolution.

Remarks by Assemblyman Conklin.

Conflict of interest declared by Assemblywoman Woodbury.

Potential conflict of interest declared by Assemblyman Anderson.

Resolution adopted.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Bobzien, the privilege of the floor of the Assembly Chamber for this day was extended to Myra Velasco, Katie Welling, Ginny Hull, and Patti Sanford.

On request of Assemblyman Daly, the privilege of the floor of the Assembly Chamber for this day was extended to the following students and chaperones from Mariposa Academy: Jennifer Alvarez Diaz, Jose A. Anguiano Santiago, Juan Carlos A. Barajas, Brandi A.Cervantes Alvarado, Edna A. Cervantes Alvarado, Karime A. Cervantes Alvarado, Gerardo M. Chavez Rodriguez, Michelle L. Correa-Martinez, Angel Delatrinidad, Edson A. Escobedo, Brandon G. Espin, Bryan A. Espin Maldonado, Matthew R. Haigh, Gustavo A. Juarez Castro, Vairon Y. Marmolejo, Alexander Marquez Martinez, Kassandra Marquez-Suarez, Alina T. Martinez, Benjamin A. Martinez, Shai Mendoza-Osorio, Carlos Ramirez Solorio, Diego B. Sanchez, Gabriel F. Soto, Matthew A. Soto, Katie Torres Morales, Diana E. Vazquez, Emily E. Vega, Ramon Velasquez Gonsalez, Jesus Alvarez Gonzalez,

Miguel A. Alvarez Victorio, Michelle Ayala Ayala, Abraham Ayala Mora, Kevin B Canales, Brandon A. Castaneda Soto, Luis J. Chavez Pintor, Axcel E. Escobedo, Victor M. Garcia, Jose A. Garcia Muniz, Ezequiel Garcia Rodriguez, Alejandro Juarez, Emely M. Martinez, Fidel Moctezuma De La Riva, Alexis O. Perez Vargas, Luis G. Plascencia-Contreras, Norberto Quintana, Jr., Manuel A. Roman, Kimberly Rosas, Karen M. Salazar, and Lytzy Z. Vazquez.

On request of Assemblyman Hickey, the privilege of the floor of the Assembly Chamber for this day was extended to Candace Meyer and Ellyn Bagley.

On request of Assemblywoman Smith, the privilege of the floor of the Assembly Chamber for this day was extended to Caryn Solie, Lancette Van Guilder, and Noah Van Guilder.

Assemblyman Conklin moved that the Assembly adjourn until Monday, March 21, 2011, at 11 a.m.

Motion carried.

Assembly adjourned at 11:51 a.m.

Approved: JOHN OCEGUERA
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE FORTY-THIRD DAY

CARSON CITY (Monday), March 21, 2011

Assembly called to order at 11:25 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Pastor Louie Locke.

Lord, as we gather today, we give You thanks and praise, for You are good, and Your mercies are new every morning.

Scripture from the book of Micah says, "He has shown you, O Man, what is good; and what does the Lord require of you but to do justly, to love mercy, and to walk humbly with your God."

May these qualities shape our lives as we walk with You: justice, mercy, and humility.

Lord, please bless the men and women of this Assembly, their families and staff, and protect our military as they serve our nation. This I pray in the Name of the Most High God.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Conklin moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, March 18, 2011

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bill No. 43.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 31, 32.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblyman Anderson:

Assembly Concurrent Resolution No. 5—Directing the Legislative Commission to conduct an interim study on desalination and industrial water resources in this State.

Assemblyman Anderson moved that the resolution be referred to the Committee on Natural Resources, Agriculture, and Mining.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 11:29 a.m.

ASSEMBLY IN SESSION

At 11:31 a.m.
Mr. Speaker presiding.
Quorum present.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Conklin and Atkinson:

Assembly Bill No. 323—AN ACT relating to consumer fraud; requiring the Director of the Department of Business and Industry to establish and maintain an Internet website to provide information concerning consumer fraud in this State; requiring various state entities to provide information to the Director for inclusion on the Internet website; requiring biennial reporting concerning the Internet website; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblyman Hambrick:

Assembly Bill No. 324—AN ACT relating to crimes; revising provisions governing the basis and procedure for determining whether a dog is dangerous or vicious; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblyman Hambrick:

Assembly Bill No. 325—AN ACT relating to commerce; revising provisions governing the jurisdiction and control over items manufactured or produced within this State; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblyman Hambrick:

Assembly Bill No. 326—AN ACT relating to juvenile delinquents; revising the manner in which certain children who are adjudicated delinquent for certain acts are required to register as a juvenile sex offender; requiring the Attorney General to establish guidelines and procedures for community notification concerning juvenile sex offenders; revising which juvenile sex offenders may be subject to registration and community notification in the manner provided for adult sex offenders; requiring the juvenile court to retain jurisdiction over all children who are subject to registration and community notification as sex offenders and to determine when such children may be relieved of such requirements; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblyman Hambrick:

Assembly Bill No. 327—AN ACT relating to elections; requiring photographic identification for voting; requiring county clerks to issue voter identification cards under certain circumstances; requiring persons who apply for absent ballots to provide certain information to county and city clerks; eliminating early voting in elections; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

By Assemblywoman Benitez-Thompson:

Assembly Bill No. 328—AN ACT relating to motor vehicles; providing an enhanced penalty for motorists who seriously injure or cause the death of a vulnerable highway user; revising provisions related to the duties required of a person involved in a serious accident involving a vehicle; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Transportation.

Motion carried.

By Assemblymen Goicoechea, Bobzien, Smith, and Grady:

Assembly Bill No. 329—AN ACT relating to water; defining the term “wildlife” for certain provisions of law relating to water; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblyman Oceguera:

Assembly Bill No. 330—AN ACT relating to government contracts; declaring privatization contracts to be public records; requiring governmental entities to submit certain information to the Chief of the Budget Division of the Department of Administration relating to the use of privatization contracts; requiring state agencies and local governments to include certain information relating to privatization contracts in the tentative budget of the state agency or local government; providing a penalty; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Conklin, Kirkpatrick, and Smith:

Assembly Bill No. 331—AN ACT relating to employment; prohibiting a person from procuring a consumer report for purposes relating to employment except under certain circumstances; revising provisions relating to the release of a consumer report that is subject to a security freeze; providing civil remedies; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymen Conklin, Kirkpatrick, and Smith:

Assembly Bill No. 332—AN ACT relating to state financial administration; requiring the Economic Forum to hold at least one regular meeting during each calendar quarter; providing for a member of the Economic Forum to be considered present at a meeting of the Economic Forum if the member is participating in the meeting by telephone or video conference; amending certain reporting requirements of the Economic Forum; authorizing the Chair of the Economic Forum to limit certain deliberations of the Economic Forum; authorizing the Chair of the Economic Forum to request certain information and testimony; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Pierce and Hogan:

Assembly Bill No. 333—AN ACT relating to taxation; increasing the taxes imposed on intoxicating liquor, cigarettes and other tobacco products; and providing other matters properly relating thereto.

Assemblywoman Conklin moved that the bill be referred to the Committee on Taxation.

Motion carried.

By Assemblywoman Pierce:

Assembly Bill No. 334—AN ACT relating to state financial administration; exempting from the limitation on the proposed expenditures of the Executive Department of the State Government any expenditures for the purpose of satisfying an unfunded federal mandate; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Pierce and Hogan:

Assembly Bill No. 335—AN ACT relating to state financial administration; providing for the imposition, administration, collection and enforcement of an excise tax on the use of certain services in this State; extending the prospective expiration of certain requirements regarding the imposition, advance payment and allocation of certain taxes and fees; providing penalties; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Taxation.

Motion carried.

By Assemblymen Pierce and Hogan:

Assembly Bill No. 336—AN ACT relating to taxation; providing for the imposition, administration, collection and enforcement of a tax on certain income of business entities engaged in business in this State; providing penalties; and providing other matters properly relating thereto.

Assemblywoman Conklin moved that the bill be referred to the Committee on Taxation.

Motion carried.

By Assemblyman Daly:

Assembly Bill No. 337—AN ACT relating to campaign practices; requiring a notice of an alleged violation of provisions governing campaign practices to include certain information; requiring the Secretary of State to provide a copy of the notice and any accompanying information to the person alleged in the notice to have committed the violation; authorizing the person

to respond within a certain period; authorizing the Secretary of State or a designated officer or employee of the Secretary of State to subpoena witnesses and require the production of documents or records by subpoena when conducting certain investigations relating to campaign practices; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

By Assemblyman Aizley:

Assembly Bill No. 338—AN ACT relating to public employees; requiring that certain procedures be followed before making a personnel decision that adversely affects a public employee; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Ellison, Goicoechea, and Grady:

Assembly Bill No. 339—AN ACT relating to controlled substances; requiring the State Board of Pharmacy to include certain substances known as synthetic marijuana on the list of schedule I controlled substances; providing criminal and civil penalties; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblyman Ellison:

Assembly Bill No. 340—AN ACT relating to occupational safety; revising provisions governing the assessment of administrative fines by the Division of Industrial Relations of the Department of Business and Industry for violations of the Nevada Occupational Safety and Health Act; exempting certain persons from certain requirements relating to mandatory safety and health hazard training; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblyman Ellison:

Assembly Bill No. 341—AN ACT relating to motor vehicles; revising provisions relating to the offense of speeding; providing that violations of certain provisions prohibiting speeding are subject only to a fine; prohibiting the recording of certain violations on a driver's record; prohibiting an insurer

from imposing an increase in rates or cancelling or refusing to renew a policy of motor vehicle insurance for such a violation; prohibiting a local authority from enacting an ordinance that provides a penalty for a speeding violation which is greater than the penalty provided by statute; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Transportation.

Motion carried.

By Assemblyman Aizley:

Assembly Bill No. 342—AN ACT relating to governmental administration; authorizing in certain circumstances the State or a local government to publish a legal notice or advertisement on the official website of the State or local government in lieu of publishing the legal notice or legal advertisement in a newspaper; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblyman Aizley:

Assembly Bill No. 343—AN ACT relating to taxation; reducing the amount of the governmental services taxes imposed on certain older motor vehicles; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Taxation.

Motion carried.

By Assemblyman Aizley:

Assembly Bill No. 344—AN ACT relating to criminal procedure; revising the offenses for which a defendant convicted of a crime must provide a biological specimen; authorizing persons convicted of those offenses to petition the court for postconviction genetic marker analysis; requiring the destruction of a biological specimen under certain circumstances; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Ohrenschall, Conklin, Carlton, Oceguera, Smith, Aizley, Anderson, Atkinson, Benitez-Thompson, Bobzien, Bustamante Adams, Carrillo, Daly, Diaz, Dondero Loop, Flores, Frierson, Hogan, Horne, Kirkpatrick, Livermore, Mastroluca, Munford, Neal, Pierce, Segerblom, and

Stewart; Senators Schneider, Leslie, Horsford, Lee, Rhoads, Breeden, Hardy, Kieckhefer, Kihuen, Manendo, Parks, and Wiener:

Assembly Bill No. 345—AN ACT relating to autism; establishing the Autism Treatment Assistance Program within the Aging and Disability Services Division of the Department of Health and Human Services; making an appropriation to the Program for the provision of services to certain children with autism; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Assemblymen Ohrenschall, Segerblom, Sherwood, Aizley, Carrillo, Diaz, Ellison, Flores, Hambrick, Hansen, Hardy, Hickey, Hogan, Kirner, McArthur, and Pierce; Senators Gustavson and Roberson:

Assembly Bill No. 346—AN ACT relating to real property; providing for a cause of action against a public agency which delays certain actions after adopting a resolution of intent to exercise eminent domain; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Ohrenschall, Hansen, Munford, Aizley, Daly, and Livermore:

Assembly Bill No. 347—AN ACT relating to wildlife; requiring the Department of Wildlife to make certain tags for hunting deer available annually; providing for the application for and issuance of those tags; establishing the fees that must be charged for the issuance of those tags; providing for the disposition of money collected from fees charged for the issuance of those tags; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

By Assemblymen Ohrenschall, Sherwood, Munford, Aizley, Carlton, Carrillo, Daly, Diaz, Flores, Hansen, Hardy, Hickey, Kite, Pierce, and Segerblom:

Assembly Bill No. 348—AN ACT relating to estates; repealing provisions governing the apportionment of federal transfer taxes upon the death of a person; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblywoman Mastroluca:

Assembly Bill No. 349—AN ACT relating to controlled substances; authorizing the Director of the Department of Health and Human Services to order the State Board of Pharmacy to adopt an extraordinary regulation to temporarily include a substance on the list of schedule I controlled substances under certain circumstances; requiring the Board to adopt an extraordinary regulation to temporarily include certain substances known as fake cocaine on the list of schedule I controlled substances; providing civil and criminal penalties; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Assemblywoman Mastroluca:

Assembly Bill No. 350—AN ACT relating to protection of children; requiring a court that orders a child to be placed with someone other than a parent to retain jurisdiction over the child after the child reaches the age of 18 years in certain circumstances; requiring an agency which provides child welfare services to continue to provide services to such a child while the child remains under the jurisdiction of the court; requiring the agency which provides child welfare services and such a child to enter into a written agreement; requiring the agency which provides child welfare services to develop a plan for such a child to assist the child in transitioning to independent living; revising various provisions relating to a child placed with someone other than a parent to clarify the application of those provisions to persons who remain in foster care beyond the age of 18 years; revising provisions governing the placement of children who are taken into protective custody or placed with someone other than a parent; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Assemblywoman Carlton:

Assembly Bill No. 351—AN ACT relating to motor carriers; authorizing operators of taxicabs and operators of limousines to accept credit cards and debit cards for payment of rates, fares and charges; authorizing the prescribing of maximum fees that may be charged to customers of taxicabs and limousines for the convenience of payment by a credit card or debit card; prohibiting issuers of credit cards and debit cards in this State from prohibiting the collection of the convenience fees; providing penalties; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblywoman Carlton:

Assembly Bill No. 352—AN ACT relating to trade practices; providing that certain persons may bring a civil action for various deceptive trade practices or other violations; providing that various actions related to certain persons with an inability to reasonably protect their rights or interests constitute a deceptive trade practice; allowing equitable relief for certain actions related to consumer fraud; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblyman Segerblom:

Assembly Bill No. 353—AN ACT relating to court reporting; prohibiting a court reporter or court reporting firm from charging more than a certain amount per page for copies of a transcript under certain circumstances; providing an exception; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblyman Segerblom:

Assembly Bill No. 354—AN ACT relating to the State Personnel System; providing for the final adjustment of certain grievances by an arbitrator; abolishing the Employee-Management Committee; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Frierson, Horne, Segerblom, Carrillo, Diaz, and Brooks:

Assembly Bill No. 355—AN ACT relating to victims of crime; clarifying that money remaining in the Fund for the Compensation of Victims of Crime at the end of each fiscal year does not revert to the State General Fund; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblywoman Flores:

Assembly Bill No. 356—AN ACT relating to juvenile delinquents; revising the manner in which certain children who are adjudicated delinquent for certain acts are required to register as a juvenile sex offender; requiring the Attorney General to establish guidelines and procedures for community notification concerning juvenile sex offenders; revising which juvenile sex offenders may be subject to registration and community notification in the manner provided for adult sex offenders; requiring the juvenile court to retain jurisdiction over all children who are subject to registration and community notification as sex offenders and to determine when such children may be relieved of such requirements; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Goicoechea and Grady; Senators Rhoads and Settelmeyer:

Assembly Bill No. 357—AN ACT relating to the Nevada System of Higher Education; limiting the use of certain property or the proceeds of certain property by the Board of Regents of the University of Nevada; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Education.

Motion carried.

By Assemblyman Bobzien:

Assembly Bill No. 358—AN ACT relating to manufactured buildings; requiring the Administrator of the Manufactured Housing Division of the Department of Business and Industry to adopt regulations prescribing certain safety standards with respect to portable buildings; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymen Goicoechea and Grady; Senator Settelmeyer:

Assembly Bill No. 359—AN ACT relating to energy; revising the categories of uses, capacity goals and prospective expiration of the Waterpower Energy Systems Demonstration Program; revising provisions governing net metering for waterpower energy systems; providing that systems which generate electricity from the recovery of waste heat from a qualified energy recovery process may qualify for net metering under certain

circumstances; increasing the cumulative capacity requirement for net metering systems; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblyman Bobzien:

Assembly Bill No. 360—AN ACT relating to cities; authorizing a city to collect civil penalties imposed for failure to abate certain conditions and nuisances on property within the city as a special assessment against the property under certain circumstances; revising provisions relating to the maximum amount of a civil penalty that may be imposed for failure to abate certain nuisances on property within the city under certain circumstances; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblywoman Neal:

Assembly Bill No. 361—AN ACT relating to public works; revising provisions relating to preferences in bidding on a contract for a public work for which the estimated cost is $100,000 or less; requiring a person who is awarded a contract for a public work to gather and report to the public body which awards the contract certain information concerning the applicants for employment on the public work; requiring a public body which awards a contract for a public work to gather and report to the State Public Works Board certain information concerning the bidders for the contract; requiring the State Public Works Board to gather and maintain certain information concerning public works reported to it by various public bodies; requiring the State Public Works Board to report to the Attorney General certain information concerning public works reported to it by various public bodies; requiring the Attorney General to determine when sufficient information exists to support certain preferences in bidding on a public work and to notify the Governor of such determination; requiring the Governor to issue a proclamation indicating that sufficient information exists to support certain preferences in bidding on a public work upon notice from the Attorney General; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Diaz, Carrillo, Frierson, Dondero Loop, Sherwood, Aizley, Atkinson, Benitez-Thompson, Bobzien, Bustamante Adams, Daly, Flores, Horne, Kirkpatrick, Neal, Ohrenschall, Pierce, Segerblom, and Smith:

Assembly Bill No. 362—AN ACT relating to education; establishing the Interim Task Force on Out-of-School-Time Programs; requiring the Task Force to prescribe standards for out-of-school-time programs and to make certain recommendations relating to out-of-school-time programs; exempting an out-of-school-time program from licensure and regulation as a child care facility; authorizing an out-of-school-time program to report certain information to the Bureau of Services for Child Care of the Division of Child and Family Services of the Department of Health and Human Services; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Assemblyman Ellison:

Assembly Bill No. 363—AN ACT relating to manufactured housing; authorizing a city or county building department to enforce regulations and conduct inspections with respect to the installation and tie down of manufactured homes, mobile homes and commercial coaches without obtaining written approval from the Manufactured Housing Division of the Department of Business and Industry; requiring a city or county building department to provide certain notices to the Division; authorizing a licensed contractor to perform any work on a mobile home, manufactured home, manufactured building, commercial coach or factory-built housing that is within the scope of his or her contractor's license issued by the State Contractors' Board; exempting a contractor from provisions governing licensure by the Manufactured Housing Division under certain circumstances; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblywoman Bustamante Adams:

Assembly Bill No. 364—AN ACT relating to public employees; providing for civil leave with reduced pay for a public officer or employee of the State or of a political subdivision of the State for active military service or similar service in certain circumstances; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Kirner and Hickey:

Assembly Bill No. 365—AN ACT relating to the Public Employees' Benefits Program; revising the procedure for the Board of the Public Employees' Benefits Program to contract with a vendor; authorizing the Board to appoint an attorney who specializes in health plans and health care law; eliminating the requirement that the Commissioner of Insurance approve certain contracts entered into by the Board; making various changes concerning the Executive Officer of the Board; revising provisions governing the authority for certain groups to leave the Program; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblyman Munford:

Assembly Bill No. 366—AN ACT relating to education; revising provisions governing eligibility for a Governor Guinn Millennium Scholarship; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Education.

Motion carried.

By Assemblyman Hansen:

Assembly Bill No. 367—AN ACT relating to education; authorizing certain parents and legal guardians to submit a petition to the board of trustees of a school district to implement intervention actions at a public school that is designated as demonstrating need for improvement; requiring the board of trustees of a school district that receives a petition signed by a certain percentage of parents and legal guardians to implement the intervention actions within a prescribed time; revising provisions governing the apportionment of money from the State Distributive School Account and the count of pupils for the purposes of basic support to provide for the payment of vouchers for certain pupils to attend certain private schools; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Education.

Motion carried.

By Assemblyman Munford (by request):

Assembly Bill No. 368—AN ACT relating to livestock; requiring the State Department of Agriculture to prepare and maintain certain books in an electronic format; authorizing a person to transport a saddle horse into and from this State without a brand inspection or livestock movement permit

issued by the Department under certain circumstances; requiring an inspector of the Department to carry or make available for use during a brand inspection a scanner or other device used to read an identification microchip subcutaneously implanted into livestock; revising provisions governing certain fees collected by the Department; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

By Assemblyman Stewart:

Assembly Bill No. 369—AN ACT relating to public health; enacting the Freedom of Choice in Health Care Act to provide persons in this State with certain choices concerning the manner in which to obtain health care services; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Assemblymen Hansen, Hammond, Kite, McArthur, and Sherwood:

Assembly Bill No. 370—AN ACT relating to governmental administration; establishing requirements for the indication of a person's gender on documents submitted to an agency of the State or a local government; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblyman Carrillo (by request):

Assembly Bill No. 371—AN ACT relating to public works; revising the manner in which a construction manager at risk may solicit bids and select a subcontractor for a public work; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Hickey and Kirner:

Assembly Bill No. 372—AN ACT relating to state revenue; providing for the imposition, administration, collection and enforcement of a fee on the electronic transmission of money to locations outside of the United States; providing penalties; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Taxation.

Motion carried.

By Assemblyman Goicoechea:

Assembly Bill No. 373—AN ACT relating to real property; prohibiting under certain circumstances the removal, damaging or destruction of real property that is subject to foreclosure or any other action affecting the title or possession of the real property; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Woodbury, Daly, and Hammond:

Assembly Bill No. 374—AN ACT relating to mobile equipment; directing the Department of Administration and the Department of Transportation to conduct a joint review of the mobile equipment owned by the Department of Transportation and a joint analysis of the costs and benefits associated with the purchasing or leasing of that mobile equipment for the Department of Transportation; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Transportation.

Motion carried.

By Assemblymen Goicoechea, Hickey, Aizley, and Kirner:

Assembly Bill No. 375—AN ACT relating to state financial administration; requiring the Fiscal Analysis Division of the Legislative Counsel Bureau to determine the difference between the December and May revenue projections of the Economic Forum; requiring the Senate Standing Committee on Finance and the Assembly Standing Committee on Ways and Means to allocate any increase in projected revenue for the support of the State Distributive School Account and the Nevada System of Higher Education; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Smith, Bobzien, Kirkpatrick, Conklin, Hogan, and Oceguera; Senator Leslie:

Assembly Bill No. 376—AN ACT relating to tourism improvement districts; making various changes regarding the financing of certain local improvements with revenue pledged from sales and use taxes; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Woodbury and Hammond:

Assembly Bill No. 377—AN ACT relating to child pornography; revising provisions pertaining to crimes involving child pornography; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblyman Atkinson:

Assembly Bill No. 378—AN ACT relating to wildlife; requiring the Board of Wildlife Commissioners to adopt certain regulations concerning the possession and transportation of a carcass of a game mammal by a charitable organization; authorizing a game warden, sheriff or other peace officer to issue a written authorization to a representative of a charitable organization to allow the representative to possess and transport the carcass of a game mammal under certain circumstances; authorizing certain persons to possess the carcass of a game mammal without a tag attached to the carcass; requiring a person who takes possession of a carcass of a game mammal to transport the carcass to an official establishment for processing under certain circumstances; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

By Assemblymen Hammond, Carrillo, Hansen, Kite, Sherwood, and Woodbury:

Assembly Bill No. 379—AN ACT relating to crimes; establishing the crime of stolen valor; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Conklin, Kirkpatrick, Atkinson, Oceguera, and Smith:

Assembly Bill No. 380—AN ACT relating to energy; revising the prospective expiration of the Wind Energy Systems Demonstration Program and the Waterpower Energy Systems Demonstration Program; providing for the expiration of the Solar Energy Systems Incentive Program; revising provisions governing the Solar Program, the Wind Program and the Waterpower Program; providing that incentives awarded to participants in

the Solar Program and Wind Program on or after January 1, 2013, must be awarded through a reverse auction mechanism established by the Public Utilities Commission of Nevada by regulation; revising provisions governing the amount of incentives which a utility must pay to participants in the Solar Program, the Wind Program, and the Waterpower Program; repealing the requirement that the installation of certain solar energy systems and wind energy systems be deemed a public work under certain circumstances; requiring the Commission to adopt regulations; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblyman Segerblom:

Assembly Bill No. 381—AN ACT relating to the use of force; revising the provisions governing justifiable homicide; revising the provisions governing civil liability in actions involving the use of force; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Hammond, Ohrenschall, Sherwood, and Woodbury:

Assembly Bill No. 382—AN ACT relating to health care; requiring the Chiropractic Physicians' Board of Nevada to establish a preceptor program; prescribing requirements for participation in the program; authorizing unlicensed persons participating in the program to perform chiropractic under certain circumstances; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymen Hickey, Goicoechea, Grady, and Kirner:

Assembly Bill No. 383—AN ACT relating to trade regulations; directing the Legislative Commission to conduct an interim study concerning trademark and copyright law; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

By Assemblymen Hickey, Goicoechea, and Grady:

Assembly Bill No. 384—AN ACT relating to railroads; repealing provisions requiring the ringing of a bell or sounding of a whistle of a

locomotive under certain circumstances; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Transportation.

Motion carried.

By Assemblyman Ohrenschall:

Assembly Bill No. 385—AN ACT relating to energy; requiring the Public Utilities Commission of Nevada to establish the Solar Energy Systems Development Program; requiring each provider of electric service in this State to participate in the Program; requiring the Commission to establish standard offers for the purchase and resale of electricity generated by certain solar energy systems; providing that the standard offers established by the Commission must be made available until the total capacity of systems that have accepted a standard offer meets or exceeds the cumulative system capacity goal for the Program established by the Commission; prohibiting certain cooperatives, nonprofit corporations, and associations which supply services to members only from charging certain fees to members; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblyman Ohrenschall:

Assembly Bill No. 386—AN ACT relating to energy; prohibiting a governing body from adopting any ordinance, regulation or plan or taking any other action concerning certain renewable energy projects; prohibiting a governing body from adopting any ordinance, regulation or plan that unreasonably restricts the use of a system for obtaining wind energy or a system for obtaining solar energy under certain circumstances; providing that a system for obtaining wind energy does not constitute a nuisance under certain circumstances; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblyman Ohrenschall:

Assembly Bill No. 387—AN ACT relating to domestic wells; establishing certain requirements for conservation domestic wells; requiring owners of conservation domestic wells to submit reports to the State Engineer concerning the amount of water withdrawn from the conservation domestic wells; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblyman Ohrenschall:

Assembly Bill No. 388—AN ACT relating to real property; requiring the disclosure form required to be provided by the seller of residential property to include only certain information related to the residential property; prohibiting the unit-owners' association of a common-interest community from charging a unit's owner any costs of collecting a past due obligation other than costs related to the recording of certain documents; revising provisions governing the foreclosure of an association's lien based on a fine or penalty for a violation of the governing documents of the common-interest community; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblyman Ohrenschall:

Assembly Bill No. 389—AN ACT relating to the Open Meeting Law; requiring a public body to allot an equal amount of time for certain testimony at a public meeting; making the provisions of chapter 241 of NRS applicable to a nonprofit corporation that has the power of eminent domain; requiring meetings conducted by common-interest communities to comply with the Open Meeting Law; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 31.

Assemblyman Conklin moved that the bill be referred to the Committee on Taxation.

Motion carried.

Senate Bill No. 32.

Assemblyman Conklin moved that the bill be referred to the Committee on Taxation.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 5.

Bill read third time.

Remarks by Assemblyman Frierson.

Roll call on Senate Bill No. 5:

YEAS—42.

NAYS—None.

Senate Bill No. 5 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assemblyman Conklin moved that the Assembly recess until 6 p.m.

Motion carried.

Assembly in recess at 12:12 p.m.

ASSEMBLY IN SESSION

At 6:17 p.m.

Mr. Speaker presiding.

Quorum present.

COMMUNICATIONS

CONGRESS OF THE UNITED STATES
HOUSE OF REPRESENTATIVES
WASHINGTON, D.C. 20515-2802

March 16, 2011

THE HONORABLE JOHN OCEGUERA, *SPEAKER*, Nevada State Assembly, Legislative Building, 401 South Carson Street, Carson City, Nevada 89701

DEAR SPEAKER OCEGUERA:

This letter serves as a formal request to address the joint session of the Nevada Legislature on Thursday, April 21, 2011, at 5 p.m. It is my understanding that this date and time are available.

Should you have any questions or comments, please contact Ashley Carrigan, my district director, at 775.686.5760.

I thank you in advance for this opportunity.

Sincerely,
DEAN HELLER
Member of Congress

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen Goedhart, Goicoechea, Grady, Hambrick, Hansen, Hardy, Hickey, Kirner, Kite, Livermore, Sherwood, and Stewart; Senator Settelmeyer:

Assembly Concurrent Resolution No. 6—Amending the Joint Standing Rules for the 76th Session of the Legislature to require that bills be posted on the legislative website for at least 72 hours before a vote on final passage in each House.

Assemblyman Conklin moved that the resolution be referred to the Committee on Legislative Operations and Elections.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Carlton, Ohrenschall, Brooks, Frierson, Carrillo, Atkinson, Benitez-Thompson, Bobzien, Bustamante Adams, Daly, Dondero Loop, Grady, Hansen, Hickey, Kirner, Kite, Oceguera, Pierce, and Segerblom; Senators Breeden, Kihuen, Manendo, Parks, and Schneider:

Assembly Bill No. 390—AN ACT relating to energy assistance; clarifying that certain tenants are eligible for energy assistance under certain circumstances; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymen Goicoechea, Ellison, and Hansen:

Assembly Bill No. 391—AN ACT relating to motor vehicles; authorizing alternate procedures for the registration of certain trailers; providing an exemption from the governmental services tax for certain trailers; revising provisions relating to the depreciation applied in determining the value of certain vehicles for the calculation of the governmental services tax; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Taxation.

Motion carried.

By Assemblymen McArthur, Ohrenschall, Kirner, and Hambrick:

Assembly Bill No. 392—AN ACT relating to veterans; revising provisions governing property tax exemptions for certain veterans; exempting fully disabled veterans from the payment of any fees and governmental services taxes required to register or obtain license plates for certain vehicles; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Taxation.

Motion carried.

By Assemblymen Dondero Loop, Diaz, Smith, Aizley, Benitez-Thompson, Bobzien, Bustamante Adams, Carrillo, Conklin, Frierson, Mastroluca, and Ohrenschall:

Assembly Bill No. 393—AN ACT relating to educational personnel; requiring the Commission on Professional Standards in Education to include in the fee for the renewal of licensure of teachers and other educational personnel the amount required for processing the fingerprints of the applicant for renewal by the Central Repository for Nevada Records of Criminal History and the Federal Bureau of Investigation; requiring the Central Repository to investigate the criminal background of each applicant for

renewal of a license submitted to the Superintendent of Public Instruction; revising other provisions governing the renewal of licensure of teachers and other educational personnel; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Education.

Motion carried.

By Assemblyman Ohrenschall:

Assembly Bill No. 394—AN ACT relating to common-interest communities; revising provisions governing the collection of past due financial obligations in common-interest communities; establishing limits on the amount which may be charged to a unit's owner to cover the costs of collecting a past due financial obligation; revising provisions governing an association's lien for assessments; revising provisions governing the foreclosure of an association's lien by sale; revising provisions governing the manner of collecting debts owed to an association; establishing a limit on the amount of the fee which may be charged to a unit's owner to record a transfer of the unit in the records of the association; revising various provisions relating to common-interest communities; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Dondero Loop, Benitez-Thompson, Bobzien, Bustamante Adams, Conklin, Diaz, Frierson, Mastroluca, Segerblom, and Smith:

Assembly Bill No. 395—AN ACT relating to educational personnel; creating a separate category of licensure to teach special education; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Education.

Motion carried.

By Assemblymen Diaz, Conklin, Kirkpatrick, Segerblom, Aizley, Atkinson, Benitez-Thompson, Brooks, Bustamante Adams, Daly, Dondero Loop, Flores, Frierson, Mastroluca, Neal, Oceguera, Pierce, and Smith:

Assembly Bill No. 396—AN ACT relating to civil actions; providing immunity from civil liability to local governmental entities that engage in cooperative training exercises under certain circumstances; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblyman McArthur:

Assembly Bill No. 397—AN ACT relating to elections; limiting the use of mechanical voting systems whereby a vote is cast on a device which directly records the vote electronically to use by persons with disabilities; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

By Assemblyman Ohrenschall and Senator Parks:

Assembly Bill No. 398—AN ACT relating to commercial tenancies; prohibiting a landlord's interference with a tenant's use of commercial premises under certain circumstances; establishing a procedure for a tenant to recover possession of commercial premises following a lockout; establishing requirements for accounting for, charges against and refund of security deposits; prohibiting a landlord from assessing charges against a tenant except under certain circumstances; setting forth the circumstances under which a tenant can be presumed to have abandoned commercial premises; repealing and reenacting provisions relating to the disposal of personal property abandoned by a tenant on commercial premises; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblyman Munford:

Assembly Bill No. 399—AN ACT relating to state revenue; providing for the imposition, administration, collection and enforcement of a fee on the sale in this State by fast-food businesses of certain items of prepared food; providing penalties; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Taxation.

Motion carried.

By Assemblymen Hardy and Hambrick; Senator Hardy:

Assembly Bill No. 400—AN ACT relating to unincorporated towns; requiring the election of members of a town advisory board in a county whose population is 400,000 or more; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblyman Oceguera:

Assembly Bill No. 401—AN ACT relating to constructional defects; revising the definition of "constructional defect"; revising provisions governing attorney's fees in claims concerning constructional defects; revising the statutes of limitation and repose relating to certain actions concerning constructional defects; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblyman Oceguera:

Assembly Bill No. 402—AN ACT relating to state financial administration; requiring a state agency to seek and obtain the approval of the State Board of Finance to enter into a contract to allow the agency to accept credit or debit cards or electronic transfers of money unless it is impracticable for the agency to enter into such a contract; authorizing the Director of the Department of Administration to enter into contracts for the benefit of all state agencies for the acceptance of credit or debit cards or electronic transfers of money, in which any state agency may participate; requiring a state agency that does not enter into such a contract or participate in a contract entered into by the Director of the Department of Administration to report periodically to the Legislative Commission and the Interim Finance Committee concerning the reasons for the failure; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblyman Oceguera:

Assembly Bill No. 403—AN ACT relating to regulations; requiring the adoption of certain permanent regulations; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblyman Oceguera:

Assembly Bill No. 404—AN ACT relating to state buildings; requiring the Chief of the Buildings and Grounds Division of the Department of Administration to approve any agreements to purchase or lease property for use by certain state entities; requiring certain state entities to provide the Chief with an inventory of all property used by the entity; requiring the Chief to post on an Internet website certain information regarding leases of property for State use; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblyman Oceguera:

Assembly Bill No. 405—AN ACT relating to public employees' retirement; eliminating the inclusion of call-back pay in the compensation reported for each member of the Public Employees' Retirement System whose effective date of membership in the System is on or after January 1, 2012; limiting the increases in reportable compensation each fiscal year for such a member; pledging that the Legislature will not modify retirement benefits for a certain period and will not increase subsequent benefits except in certain circumstances; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblyman Hansen:

Assembly Bill No. 406—AN ACT relating to commissions; creating the Evaluation and Sunset Advisory Commission; providing for its membership; requiring the Commission to evaluate the necessity and efficacy of all agencies, boards and commissions and statutory tax exemptions, abatements and earmarks in this State; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Grady and Stewart:

Assembly Bill No. 407—AN ACT relating to business brokers; establishing a definition for “designated business sales manager”; revising the definition of “business broker”; revising provisions governing transactions which require a business broker; revising certain requirements for the appointment of a designated business sales manager for the

supervision of the office of a real estate broker; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymen Segerblom and Flores:

Assembly Bill No. 408—AN ACT relating to the administration of justice; restricting the use of restraints on pregnant females who are in confinement; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblyman Segerblom:

Assembly Bill No. 409—AN ACT relating to notarial acts; enacting the Revised Uniform Law on Notarial Acts; repealing certain provisions of the Uniform Law on Notarial Acts; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Goedhart, Sherwood, Goicoechea, Grady, Hambrick, Hansen, Hardy, Hickey, Kirner, Kite, Livermore, and Stewart; Senators Rhoads and Settelmeyer:

Assembly Bill No. 410—AN ACT relating to water; requiring that protests against the granting of certain applications relating to water rights by a government, governmental agency or political subdivision of a government be verified or signed by the person in charge of the government, agency or political subdivision; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Goedhart, Goicoechea, Grady, Hambrick, Hammond, Hansen, Hardy, Kirner, Kite, Livermore, Sherwood, and Stewart; Senators Rhoads and Settelmeyer:

Assembly Bill No. 411—AN ACT relating to public health; enacting the Freedom of Choice in Health Care Act to provide persons in this State with certain choices concerning the manner in which to obtain health care services; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Assemblymen Conklin, Ohrenschall, Horne, Daly, Atkinson, and Oceguera:

Assembly Bill No. 412—AN ACT relating to liens; requiring certain owners and lessees to obtain the services of an escrow agency and to establish trust accounts for amounts withheld from payment to contractors and subcontractors; requiring those owners and lessees to record a notice of establishment of a trust account under certain circumstances; establishing requirements for administering such trust accounts; providing that a lien claimant has a lien against such retention amounts and trust accounts under certain circumstances; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Daly, Conklin, Hickey, Atkinson, Bobzien, Bustamante Adams, Carlton, Ellison, Horne, Kirkpatrick, Pierce, and Smith:

Assembly Bill No. 413—AN ACT relating to public works; making various changes relating to the withholding of retainage on progress payments for public works contracts; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblywoman Neal:

Assembly Bill No. 414—AN ACT relating to higher education; establishing the Nevada System of Higher Education Science Technology and Research Fund; requiring the Board of Regents of the University of Nevada to use money in the Fund for certain purposes related to technology transfer and commercialization; requiring businesses which receive a partial abatement of certain taxes for locating or expanding in this State to contribute a certain percentage of the abatement to the Fund; requiring the Commission on Economic Development to assist faculty, researchers, and students at institutions of higher education in this State with the commercialization of research and innovations; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Taxation.

Motion carried.

By Assemblymen Sherwood, Ellison, Goedhart, Goicoechea, Grady, Hambrick, Hammond, Hansen, Hardy, Hickey, Kirner, Kite, Livermore, and Stewart:

Assembly Bill No. 415—AN ACT relating to civil actions; limiting the liability of certain independent contractors; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Bobzien, Atkinson, Conklin, Dondero Loop, and Kirkpatrick; Senator Leslie:

Assembly Bill No. 416—AN ACT relating to energy; revising provisions governing the Solar Energy Systems Incentive Program; revising the categories of participants in the Solar Program; revising provisions governing the Wind Energy Systems Demonstration Program; removing the prospective expiration of the Wind Program; revising provisions governing certain solar energy systems and wind energy systems which are deemed public works for certain purposes; revising provisions governing net metering systems; requiring the reallocation of certain capacity and incentives for participation in the Solar Program; requiring the Public Utilities Commission of Nevada to adopt certain regulations; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblyman Segerblom:

Assembly Bill No. 417—AN ACT relating to the taxation of property; excluding certain golf courses from being designated as open-space real property under applicable zoning ordinances; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Taxation.

Motion carried.

By Assemblyman Aizley:

Assembly Bill No. 418—AN ACT relating to taxation; authorizing the Commission on Economic Development to approve and the Nevada Tax Commission to issue a transferable tax credit for a company that produces a film production in this State under certain circumstances; requiring a company that receives a transferable tax credit to consent to an audit by the Department of Taxation and to the disclosure of the audit report to the

Commission on Economic Development and to the public with certain limited exceptions; requiring the Commission on Economic Development to provide notice of certain hearings; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Taxation.

Motion carried.

By Assemblyman Goicoechea:

Assembly Bill No. 419—AN ACT relating to water; requiring the State Engineer to designate certain groundwater basins as critical management areas; requiring the State Engineer to take certain actions in such a basin unless a groundwater management plan has been approved for the basin; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblyman Stewart:

Assembly Bill No. 420—AN ACT relating to the Nevada National Guard; providing for the confidentiality of personal information in certain documents recorded with a county recorder by a member of the Nevada National Guard; revising provisions governing the termination of employment of a member of the Nevada National Guard; prohibiting the commencement of civil actions against a member of the Nevada National Guard during certain periods; providing for a preference for certain employment with the government of this State for members of the Nevada National Guard; providing a penalty; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblywoman Carlton:

Assembly Bill No. 421—AN ACT relating to prescriptions; revising requirements for prescribing and dispensing certain drugs and medication for which a special warning label is required; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblywoman Kirkpatrick:

Assembly Bill No. 422—AN ACT relating to water; providing specific authority for public bodies to lease water rights to certain owners or holders of water rights; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Daly, Atkinson, Kirkpatrick, and Pierce:

Assembly Bill No. 423—AN ACT relating to the Office of the Attorney General; authorizing certain organizations to request an opinion of the Attorney General under certain circumstances; authorizing the Attorney General to charge an organization that requests an opinion a fee for issuing a written opinion; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Hardy, Hickey, Hambrick, and Sherwood; Senator Rhoads:

Assembly Bill No. 424—AN ACT relating to state financial administration; increasing the monetary thresholds at which certain approval of revisions of work programs and acceptance of gifts and grants is required; exempting certain revisions of work programs from certain approval; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Stewart and Woodbury:

Assembly Bill No. 425—AN ACT relating to elections; requiring photographic identification for voting; requiring county clerks to issue voter identification cards under certain circumstances; requiring persons who apply for absent ballots to provide certain information to county and city clerks; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

By Assemblyman Ohrenschall and Senator Brower:

Assembly Bill No. 426—AN ACT relating to regional transportation commissions; revising provisions pertaining to vending stands provided for by such a commission; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblyman Ohrenschall:

Assembly Bill No. 427—AN ACT relating to programs for recycling; enacting provisions requiring the payment of deposits and refunds on certain beverage containers sold in this State; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

By Assemblywoman Pierce:

Assembly Bill No. 428—AN ACT relating to taxation; revising the formula for determining the measure of the tax on the net proceeds of minerals extracted; extending the prospective expiration of certain requirements regarding the advance payment of the tax; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Taxation.

Motion carried.

By Assemblymen Ohrenschall, Anderson, Frierson, Carrillo, Hogan, Aizley, Benitez-Thompson, Brooks, Bustamante Adams, Carlton, Daly, Dondero Loop, Munford, Neal, Pierce, and Segerblom; Senators Manendo, Kihuen, and Parks:

Assembly Bill No. 429—AN ACT relating to manufactured housing; requiring a landlord of a manufactured home park to pay certain costs associated with moving a tenant's manufactured home under certain circumstances; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblyman Hansen:

Assembly Bill No. 430—AN ACT relating to immigration; providing under certain circumstances for the verification of the immigration status of persons who are arrested and booked; requiring certain applicants for the issuance or renewal of a state business license to submit with the application a copy of certain tax forms; requiring the Office of the Attorney General to negotiate and implement a cooperative law enforcement agreement with the Attorney General of the United States regarding the enforcement of federal immigration laws by certain state and local employees; requiring public

employers to use E-Verify to verify eligibility for employment for current and prospective employees; requiring contractors and subcontractors on a public work to use E-Verify to verify eligibility for employment for workers on the public work; prohibiting the misclassification of unauthorized aliens as legal aliens; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblyman Hansen:

Assembly Bill No. 431—AN ACT relating to elections; requiring registered voters to provide proof of identity to vote in person; requiring county clerks to issue proof of identity under certain circumstances; requiring registered voters to provide identification to vote by absent ballot or mail; revising provisions concerning provisional ballots; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

By Assemblywomen Kirkpatrick and Benitez-Thompson:

Assembly Bill No. 432—AN ACT relating to energy auditors; establishing the qualifications for an energy auditor; providing for the licensure of energy auditors by the Real Estate Division of the Department of Business and Industry; establishing the requirements with which an energy auditor must comply when conducting an energy audit; requiring the Director of the Office of Energy to register energy auditors; requiring the Director to issue a certificate to a homeowner upon the completion of an energy audit; repealing provisions that require the Nevada Energy Commissioner to establish a program for evaluating the energy consumption of residential property in this State; providing penalties; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblyman Segerblom:

Assembly Bill No. 433—AN ACT relating to employment practices; making it unlawful for public employers to make rules or regulations that prohibit or prevent an employee from engaging in politics or becoming a candidate for public office with certain exceptions; prohibiting any employer from taking any adverse employment action against an employee because the employee has become a candidate for any public office with certain

exceptions; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblyman Hardy:

Assembly Bill No. 434—AN ACT relating to elections; requiring photographic identification for voting; requiring county clerks to issue voter identification cards under certain circumstances; requiring persons who apply for absent ballots to provide certain information to county and city clerks; amending provisions relating to the preparation and casting of absent ballots; requiring voters be placed on inactive voter status in certain circumstances; increasing the distance in which electioneering is prohibited from the entrance of a polling place; making various other changes relating to elections; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

By Assemblyman Sherwood:

Assembly Bill No. 435—AN ACT relating to elections; requiring certain proof of identity for voting; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

By Assemblyman Oceguera:

Assembly Bill No. 436—AN ACT relating to taxation; providing a deduction from the payroll tax for certain employers for wages paid to newly hired employees under certain circumstances; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Taxation.

Motion carried.

By Assemblymen Daly, Flores, and Pierce:

Assembly Bill No. 437—AN ACT relating to taxation; increasing the rate of assessment of property; providing for the use by local governments of a portion of certain revenue attributable to the increase in the rate of assessment; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Taxation.

Motion carried.

By Assemblymen Goedhart, Aizley, Carlton, Hardy, Ohrenschall, and Segerblom:

Assembly Bill No. 438—AN ACT relating to controlled substances; revising provisions governing the medical use of marijuana; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Assemblywoman Neal:

Assembly Bill No. 439—AN ACT relating to redevelopment of communities; requiring a redevelopment agency in certain cities to withhold a portion of any incentive provided to a developer unless the developer satisfies certain conditions; requiring the reporting of certain information relating to the redevelopment project by certain developers; requiring an employment plan to include information relating to preferences for hiring persons from the redevelopment area; requiring a person who is awarded an agreement for a redevelopment project in certain cities to gather and report to the agency certain information concerning the applicants for employment on the project; requiring an agency in certain cities to gather and report to the State Public Works Board certain information concerning persons who submit a proposal for a redevelopment project; requiring the State Public Works Board to gather and maintain certain information concerning redevelopment projects reported to it by various agencies; requiring the State Public Works Board to report to the Attorney General certain information concerning redevelopment projects reported to it by various agencies; requiring the Attorney General to determine when sufficient information exists to support certain preferences on a redevelopment project and to notify the Governor of such determination; requiring the Governor to issue a proclamation indicating that sufficient information exists to support certain preferences on a redevelopment project upon notice from the Attorney General; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Goedhart, Hickey, Hambrick, Hansen, and Sherwood; Senators Cegavske, Gustavson, and Roberson:

Assembly Bill No. 440—AN ACT relating to legislative affairs; creating the Legislative Committee on Reduction of Nonessential State Expenditures; prescribing the powers and duties of the Committee; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

By Assemblymen Brooks, Anderson, and Diaz:

Assembly Bill No. 441—AN ACT relating to contractors; providing a classification of licensing for certain persons who install and maintain thermal system insulation; requiring such persons to be licensed in that classification; requiring the State Contractors' Board to establish an advisory committee relating to this classification; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymen Brooks, Atkinson, Benitez-Thompson, Bustamante Adams, Daly, Ellison, Frierson, Hickey, Horne, Kirkpatrick, Oceguera, and Pierce; Senators Lee and Manendo:

Assembly Bill No. 442—AN ACT relating to renewable energy; establishing the Community Solar Garden Demonstration Program; requiring the Public Utilities Commission of Nevada to adopt regulations to carry out the Program; providing for the establishment of incentives for subscriber organizations that participate in the Program; providing that subscriber organizations which own and operate community solar gardens may participate in net metering under certain circumstances; requiring a utility to submit an annual plan to the Commission for carrying out the Program in the service area of the utility; providing that subscribers and subscriber organizations are not public utilities; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymen Brooks, Benitez-Thompson, Bustamante Adams, Ellison, Hickey, Kirkpatrick, and Sherwood; Senators Denis, Lee, and Manendo:

Assembly Bill No. 443—AN ACT relating to taxation; providing a deduction from the payroll tax for wages paid to newly hired full-time

employees under certain circumstances; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Taxation.

Motion carried.

By Assemblymen Brooks, Anderson, Atkinson, Benitez-Thompson, Daly, Frierson, and Pierce; Senators Kihuen and Manendo:

Assembly Bill No. 444—AN ACT relating to taxation; authorizing the Commission on Economic Development to approve under certain conditions a partial abatement of the taxes imposed on a training facility for high-speed railway systems that locates in this State; providing for the administration and enforcement of the terms of such an abatement; requiring certain reports to the Legislature; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Taxation.

Motion carried.

By Assemblymen Brooks, Anderson, and Diaz:

Assembly Bill No. 445—AN ACT relating to real property; revising the provisions governing mediation in certain actions for foreclosures; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Brooks, Carrillo, Ohrenschall, Segerblom, Pierce, Diaz, and Frierson; Senator Parks:

Assembly Bill No. 446—AN ACT relating to taxation; providing for the imposition, administration, collection and enforcement of an excise tax on the use of services in this State; providing penalties; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Taxation.

Motion carried.

By Assemblywoman Kirkpatrick:

Assembly Bill No. 447—AN ACT relating to tax abatements; revising the provisions governing certain partial property tax abatements for certain businesses in this State; repealing certain provisions governing partial property tax abatements for businesses using recycled material; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Taxation.

Motion carried.

By Assemblyman Munford:

Assembly Bill No. 448—AN ACT relating to real property; providing for the issuance of cease and desist orders by the Administrator of the Real Estate Division of the Department of Business and Industry under certain circumstances; revising provisions governing access to a unit in a common-interest community; prohibiting an association of a common-interest community from charging certain fees; prohibiting an association from enacting certain restrictions on antennae and certain other devices for receiving broadcast signals; revising provisions governing the powers of an association; revising provisions governing the filling of vacancies on an executive board; revising provisions governing the powers and duties of the executive board; revising provisions governing construction penalties; revising provisions governing sanctions for violations of the governing documents; revising provisions governing the collection of certain past due financial obligations; revising provisions governing eligibility to be a member of the executive board or an officer of the association; requiring members of the executive board to complete certain courses of education; revising provisions governing meetings of the units' owners and of the executive board; revising provisions governing surplus funds of an association; revising provisions governing the budget of an association; revising provisions governing certain expenditures by an association; revising provisions governing assessments to fund the reserves of an association; revising provisions governing studies of the reserves of an association; revising provisions governing liens of an association; revising provisions governing the books, records, and papers of an association; revising provisions governing parking in a common-interest community; revising provisions governing claims based on alleged violations of certain laws and the interpretation, application, and enforcement of the governing documents; revising various other provisions relating to common-interest communities; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Oceguera, Kirkpatrick, Conklin, Smith, Brooks, and Goicoechea; Senators Horsford and McGinness:

Assembly Bill No. 449—AN ACT relating to economic development; creating an Advisory Council on Economic Development; prescribing the duties of the Advisory Council; creating the Board of Economic

Development; prescribing the duties and powers of the Board; creating the Office of Economic Development; prescribing the duties and powers of the Office and the Executive Director of the Office; establishing a fund to provide grants to local governments for the purpose of economic development; establishing a fund to provide financial assistance to research institutions within the Nevada System of Higher Education for the development and commercialization of new technologies; amending provisions relating to the Commission on Economic Development, the Governor's Workforce Investment Board and the Secretary of State's business portal; transferring the duties and powers of the Commission on Economic Development to the Board of Economic Development; revising various provisions relating to economic development; and providing other matters properly relating thereto.

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

Motion carried.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bill No. 124.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Aizley, the privilege of the floor of the Assembly Chamber for this day was extended to Stacy Johnson and Jordan Hughes.

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Deshan Carey, Clara Thomas, and Leo Murrieta.

On request of Assemblyman Atkinson, the privilege of the floor of the Assembly Chamber for this day was extended to Allyssa Gabrillo and Ethan Leaverton.

On request of Assemblywoman Benitez-Thompson, the privilege of the floor of the Assembly Chamber for this day was extended to Jason King and John Kinney.

On request of Assemblyman Bobzien, the privilege of the floor of the Assembly Chamber for this day was extended to Shara Hinden, Steven Cohen, Lea Moser, Michael Cabrera, Malyssa Essex, and Ryan Cotter.

On request of Assemblyman Brooks, the privilege of the floor of the Assembly Chamber for this day was extended to Matthew Vann and Susana Buller.

On request of Assemblywoman Bustamante Adams, the privilege of the floor of the Assembly Chamber for this day was extended to Cynthia Jimenez and Leticia Lopez.

On request of Assemblywoman Carlton, the privilege of the floor of the Assembly Chamber for this day was extended to Zach Boles and Brandon Bishop.

On request of Assemblyman Carrillo, the privilege of the floor of the Assembly Chamber for this day was extended to Araceli Gomez and Paulette Batayola.

On request of Assemblyman Conklin, the privilege of the floor of the Assembly Chamber for this day was extended to Francisco Soto-Angeles and Adriana Foster.

On request of Assemblyman Daly, the privilege of the floor of the Assembly Chamber for this day was extended to Dustin Rains and Andre Salvador.

On request of Assemblywoman Diaz, the privilege of the floor of the Assembly Chamber for this day was extended to Madalyn Tsugawa, Marissa Grant, and Joseph L. Hill.

On request of Assemblywoman Dondero Loop, the privilege of the floor of the Assembly Chamber for this day was extended to Rex Harrell and Judy Harrell.

On request of Assemblywoman Flores, the privilege of the floor of the Assembly Chamber for this day was extended to Casey Burke-Ruhl, Steve Gronstal, Astrid Silva, and Juan A. Ortega.

On request of Assemblyman Frierson, the privilege of the floor of the Assembly Chamber for this day was extended to Lilybeth Molina and Brent Buffone.

On request of Assemblyman Goicoechea, the privilege of the floor of the Assembly Chamber for this day was extended to Kevin C. Melcher.

On request of Assemblyman Hogan, the privilege of the floor of the Assembly Chamber for this day was extended to Amador Ronquillo and Andrea Revez.

On request of Assemblyman Horne, the privilege of the floor of the Assembly Chamber for this day was extended to Janelle O'Shaughnessy and Makly Prohete.

On request of Assemblywoman Mastroluca, the privilege of the floor of the Assembly Chamber for this day was extended to Richard Hackowski and Johnathan Lee.

On request of Assemblyman Munford, the privilege of the floor of the Assembly Chamber for this day was extended to Sarai Amaya.

On request of Assemblywoman Neal, the privilege of the floor of the Assembly Chamber for this day was extended to Senator Joseph Neal, Alexandra Neal, and Tationna Traylor.

On request of Assemblyman Ohrenschall, the privilege of the floor of the Assembly Chamber for this day was extended to Brandon Bishop.

On request of Assemblyman Segerblom, the privilege of the floor of the Assembly Chamber for this day was extended to Sterling Kavitky, Tom Stewart, and Andrew Spivak.

Assemblyman Conklin moved that the Assembly adjourn until Tuesday, March 22, 2011, at 4:30 p.m.

Motion carried.

Assembly adjourned at 6:47 p.m.

Approved: JOHN OCEGUERA
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE FORTY-FOURTH DAY

CARSON CITY (Tuesday), March 22, 2011

Assembly called to order at 4:34 p.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Pastor Peggy Locke.

"Praise the Lord, O my soul; all my inmost being, praise His Holy Name. Praise the Lord, O my soul, and forget not all His benefits—Who forgives all your sins and heals all your diseases, Who redeems your life from the pit and crowns you with love and compassion, Who satisfies your desires with good things so that your youth is renewed like the eagle's."
(Psalm 103:1-5)

O Lord God, we pray today for the protection of all U.S. servicemen and women serving in harms way and for the safety of all Allied Forces at this time.

We pray for the international community as they come with people and other resources to aid Japan.

We ask for a "God Awakening" and for salvation, for wisdom, for sound and Godly decisions to be made in these days; and that we, Your people, might fulfill our assignments with character and integrity, and for the good of our great state of Nevada.

We ask that Your purposes will be accomplished, O Most High. May all that we do and say bring glory to Your Name, in whose name we pray.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Conklin moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Education, to which was referred Assembly Bill No. 230, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

DAVID P. BOBZIEN, *Chair*

Mr. Speaker

Your Committee on Natural Resources, Agriculture, and Mining, to which was referred Assembly Bill No. 19, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MAGGIE CARLTON, *Chair*

Mr. Speaker

Your Committee on Taxation, to which was referred Assembly Bill No. 200, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MARILYN K. KIRKPATRICK, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, March 21, 2011

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Senate Bill No. 193.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Health and Human Services:

Assembly Bill No. 450—AN ACT relating to state financial administration; requiring the Chief of the Budget Division of the Department of Administration to develop plans to make the processes used by state agencies to procure federal grants more efficient and effective; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Natural Resources, Agriculture, and Mining:

Assembly Bill No. 451—AN ACT relating to the Advisory Council on the Metric System; repealing obsolete provisions regarding the Advisory Council on the Metric System; and providing other matters properly relating thereto.

Assemblywoman Carlton moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

Senate Bill No. 193.

Assemblyman Conklin moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Mr. Speaker appointed Assemblymen Bobzien and Woodbury as a committee to invite the Senate to meet in Joint Session with the Assembly to hear an address by United States Senator John Ensign.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 4:42 p.m.

ASSEMBLY IN SESSION

At 4:59 p.m.
Mr. Speaker presiding.
Quorum present.

The members of the Senate appeared before the Bar of the Assembly.

Mr. Speaker invited the members of the Senate to chairs in the Assembly.

IN JOINT SESSION

At 5 p.m.
Mr. Speaker presiding.

The Secretary of the Senate called the Senate roll.
All present.

The Chief Clerk of the Assembly called the Assembly roll.
All present.

Mr. Speaker appointed a Committee on Escort consisting of Senator McGinness and Assemblyman Sherwood to wait upon Senator Ensign and escort him to the Assembly Chamber.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 5:02 p.m.

ASSEMBLY IN SESSION

At 5:03 p.m.
Mr. Speaker presiding.
Quorum present.

The Committee on Escort in company with The Honorable John Ensign, United States Senator from Nevada, appeared before the Bar of the Assembly.

The Committee on Escort escorted the Senator to the rostrum.

Mr. Speaker welcomed Senator Ensign and invited him to deliver his message.

United States Senator John Ensign delivered his message as follows:

MESSAGE TO THE LEGISLATURE OF NEVADA
SEVENTY-SIXTH SESSION, 2011

Governor, Speaker, Majority Leader, members of the Senate and Assembly, and other constitutional officers, distinguished guests, and my fellow citizens: Let me start by saying that I guess this is the last time you will have to put up with me speaking here, and if you nod off, I will excuse you this time. I want to wish those who are playing in the basketball game tonight good luck. I was noticing in the Speaker's office—I think he has been practicing ahead of time. I noticed a little Nerf basketball in there, so I think he has been practicing. I am not sure how well that is going to go over, but we will see how the three-point shot works tonight.

It is wonderful to be back here. I always enjoy these visits, especially now when we are facing such incredible challenges here in our state. These challenges are not small. We all realize that. But neither is the dedication that you will each need to show in the coming months to get Nevada back on the right track into the future.

Driving across Nevada today is somewhat reminiscent of our state's past when population booms, spurred by mining, put this part of the country on the map. Towns were springing up in Nevada almost overnight, and people were coming from across the world to share in the profits from our state's earth. I recall this time in our state's history because the mining bubble burst. These once vibrant towns succumbed to a less desirable fate, and the ghost towns that still stand today are a reflection of that time in our state's history.

When the mining bubble burst, Nevada changed direction by diversifying its economy so that gambling became the reason that so many came to our lovely state. Nevada survived the mining bust and thrived. The toll that the economic recession of the last few years has taken on our state has brought ghost towns back to our state once again.

In exchange for the rowdy ghost towns of the past, though, the ones that we drive by today are entire neighborhoods that are in foreclosure or for sale, plots of land that have been left undeveloped, and buildings that have been abandoned before completion. The cause of these ghost towns was the bursting of the housing bubble.

Throughout the better part of the last couple of decades, our state experienced a population boom much like it did in the glory days of the mining industry. Nevada's vibrant economy brought people and businesses from all over the country to our state. Low property values meant that people were buying up homes faster than they could be built, and property prices were inflated rapidly as a result.

Unfortunately, when the housing market went bust, so did our economy. A state plagued by ghost towns does not have to be our future; we can change our state's path into the future just as Nevadans generations before us did when their economic prospects dried up. So how do we do this? Well, we need to diversify our economy. I think we can all agree upon that.

As members of the Nevada Legislature, you are required by law to balance your budget. Unfortunately, the United States government is not required to do the same, despite efforts by myself and many others who have tried to change this in Washington. I don't think this makes sense to anybody around the country, nor should it make sense to any of us. Families are required to balance their budgets, businesses are required to, states are required to do the same, and yet the United States government is under no such requirement to ensure that the money it spends is not outweighing the money that it takes in.

Today, our country is truly living on borrowed money. Our spending levels have rapidly increased, and our need to borrow money to float our dollar has increased as well. China owns more of our debt than any other single entity.

I'm certain that those of you who are here today have seen the news stories, at least one or two, about the budget battles that we are dealing with back in Washington. The core fight on this issue is not whether we should make important spending cuts to the federal government's budget; the question is how much. President Obama has reiterated his pledge to get the United States on a path toward fiscal responsibility, but without his leadership on entitlement reform, negotiations in the House and the Senate have unfortunately left only Republicans at the

table. In fact, many of my Democratic colleagues have been grumbling that he has not been leading on this issue of spending cuts. The nation's struggling economy is not just a one-party problem; it's an American problem that requires a bipartisan solution.

So how do I think that we need to get our economy back on track? Well, I actually think the answer is not simple, but we need to start by reducing government spending to allow the private sector to grow and to create jobs. I believe that more government spending is not the answer to our economic woes; investment in the private sector is.

To paraphrase a great president, Ronald Reagan, he said that the best way to eternal life in Washington, D.C. is to become a government agency, and I am sure you experience this here in this state. Every time we create a new agency or department, it creates a constituency that lobbies for its continued existence. Well, I do not believe cutting government spending while increasing the tax burden on the American people is how we jump-start this economy. Increasing taxes on small businesses—these are our nation's job creators—means that employers will be faced with a choice either to hire some of our nation's unemployed or to pay more money to the government.

We cannot afford to get this thing wrong. We cannot balance our budgets, state or federal, by raising taxes and stifling job creation. For the United States, this would mean that companies will outsource more of their jobs overseas, and our struggling economy will further sour. For our state of Nevada, balancing the budget with tax increases will mean that our friends and our neighbors will remain unemployed. More businesses will go out of business, and companies looking to move to a business-friendly climate may not come to our state. I know that you have your work cut out for you, but I believe you have a great leader in Governor Sandoval to lead the way. He is willing to make the tough choices and he is willing to stand beside you as you make those tough choices in getting Nevada back on track.

Unfortunately, though, if we do not improve education in our state and in our country, the spending cuts that we make at all levels will matter little if we have an undereducated workforce. But we have to be honest in this state about our K-12 system. It is not measuring up. All you have to do is talk to our universities and our community colleges. Talk to them about folks who receive the Millennium Scholarship, and they tell you that even the people who receive those scholarships, many of them still have to take remedial courses.

Now I am going to talk about education, not as a United States senator but as a Nevadan and as a parent, because I don't want to see the changes that need to happen in education being mandated from Washington. Education is a state and a local issue. It needs to remain a state and a local issue and have the federal government get out of the way. Instead of the mandates that the Department of Education hands down, I believe the Department of Education should be more like a think tank, sharing the good ideas that are working in certain parts of the country so that you can implement those good ideas at the local and the state level. Sharing ideas is really what we should be doing in Washington, not mandating what we think is best from Washington. We all know that I'm not telling you anything you don't know—that we are dead last when it comes to graduation rates. How do we begin to bring companies to our state when there just isn't an adequate job pool for them to hire from? We can't.

As a member of the Senate Commerce Committee, I speak with technology companies from all over the country. You all know we have a company called Intuit that is located in Reno. I met with those folks today, and I asked them the same question I ask everybody: What would it take to bring more of your business, either expanding or to bring new businesses, to the state of Nevada when it comes to technology businesses? I am constantly hearing the same response. People are afraid to come here because of our K-12 system. They are afraid to bring their employees here—that their kids won't have good enough schools to go through here in the state of Nevada. That is what I hear from them.

I also believe, though, we shouldn't paint all educators with the same broad brush. We know that there are great examples of passionate, skilled educators across our state. However, the small percentage of bad administrators and bad teachers is bringing our whole K-12 system

down here in this state. I believe in paying educators who improve student performance more. I also believe that if educators are doing a lousy job, they need to find something else to do than ruin our kids' education. It's time to end this idea of teacher tenure or principal tenure. It is time to end that idea here in the state of Nevada.

Recently, Bill Gates penned an op-ed for *The Washington Post* on how teacher development could revolutionize our schools. I want to quote from him. He said, "We know that of all the variables under a school's control, the single most decisive factor in student achievement is excellent teaching. It is astonishing what great teachers can do for their students." He went on to say, "The United States spends $50 billion a year on automatic salary increases based on teacher seniority. It's reasonable to assume that teachers who have served longer are more effective, but the evidence says that's not true. After the first few years, seniority seems to have no effect on student achievement."

Well, Governor, I know that you are fighting to end teacher tenure in our state. I believe it is the right thing to do, because Nevada's education system is an important focus, I know, for you and for all of you in this room. I also believe you are correct in ending this idea of social promotion. The idea that somebody can't read by the third grade and we're going to pass them on to the fourth grade is outrageous.

I will tell you a personal story on this. I joined the Big Brothers Big Sisters program many years ago. I met my little brother Donzale when he was in the third grade. He could not read a *Cat in the Hat* book, and guess what they did? They passed him on to the fourth grade, and the fifth grade, and on and on and on it went. Well, those kids—we can't afford to do that to them. They are too precious. These children are our future, and we need to care enough about them to make sure that they get that basic education that every child in the United States should have a right to.

I previously mentioned the need to diversify our state's economy to get back on track. Less dependence on tourism means that when the nation's economy takes a dip, Nevada can hold its own. But if our children cannot compete with those in other states let alone those in other countries, our state will continue to be dependent on tourism. The reality is, though, that dumping more money into a bad system is not going to help. In fact, it may even make a bad system even worse.

Education in America, unfortunately, has become less about the students than it is about the adults. I know, Mr. Speaker, we both watched together the documentary called *Waiting for Superman*. If you haven't watched it and you care about education, I implore you to watch it. It talks about the problems in education and the solutions in education. By the way, if you happen to be of the left-leaning persuasion of the political spectrum, this documentary was made by progressives, not by conservatives. The answers are there to education. We just have to have the political will to enact those reforms that we need.

We all know that teachers in Nevada get tenure after one year. We all know that. It is not called teacher tenure in our state; it is called a contract, but it is basically the same thing. Unfortunately, we have had too many people for too long fighting to preserve the career of a teacher instead of preserving the education of a student. I believe we have been going down the wrong path, and failure to reverse course means that we might as well seal our fate as a dwindling world power today. We are competing in a global economy, and education is a key to our children's future, economically as well as socially.

I believe that teachers need to be incentivized to teach and to teach children well. The days when teachers were paid the same regardless of performance should be in the past. I believe that merit pay should be part of our future, but this merit pay should not be determined from Washington, D.C. It should be determined mostly at the local level.

A child's education should also not be based on family income level. We know that bad schools actually lead to bad neighborhoods, not the other way around, and if you can fix the schools, you can fix the neighborhoods. I don't believe that we should write off these children just because they happen to live in a bad neighborhood.

The last time I spoke here, I mentioned an amazing school in Las Vegas called West Prep. Dr. Mike Barton, at the helm, has taken this school in our education system by storm, so much so that I recently spoke at his first graduation class. He had 42 children graduate. This school was the worst school in Nevada when it was a junior high. He turned it into a K-12 system. Of the 42 children—100 percent of whom qualified for the free school lunch program, 100 percent of whom are minorities—of the 42 seniors, 42 out of 42 are going to college. That is something to be applauded. The school valedictorian is from the Philippines. Four years ago she couldn't even speak English. When she spoke about the faculty, she broke down crying because of the amazing journey that she had had at this school.

Let me tell you about one of the other fine students at West Prep, Lazaro Cesar. He is a shining example of the promise that is hidden away in our state's schools. I first met him at that graduation. He was the eighth grade speaker speaking to the seniors who were graduating. The young man walks up to me and sticks out his hand. He was incredibly impressive, not only on a one-on-one basis, but he amazed everybody in the room. So I started thinking about him. What is the future going to hold for this young man? Well, he came to Washington as part of a school visit to Washington and inquired with my office about doing an internship. Now this young man is only 13 years of age, and we don't do internships for 13-year-olds. Well, after thinking about him for about a week or two, I called my state director, Sonja, and I said "Sonja, call Lazaro; offer him an internship."

Now this young man had to sometimes take two buses to get to our office. He showed up on time every day in a suit that he couldn't afford and made sure that he was there learning. He was one of the best interns that we've ever had. A good story to tell about Lazaro, by the way, is that he was just accepted to the elite Phillips Exeter Academy in New Hampshire. Those are the kinds of kids that we cannot afford to give up on their education. They are here in Nevada, and we need to make sure they have the best possible education that we can so that we don't lose those kids to dropout or to some other life of crime.

The United States, in our K-12 system, has been falling behind as well. We are concerned here in our own state, but we have to also be concerned about our whole country because it truly is the future—whether or not we are going to compete in the world economy if we have a good K-12 system.

Many of you have heard of a man named Andre Agassi. Andre Agassi has Agassi Prep down in southern Nevada. We spent quite a bit of time on the phone because I talked to Andre about his ideas of education. He is so passionate. He has about 650 kids going to his school, but he said to me, "Senator, that is not my goal—to educate 650 kids. I care about this state. I want to take what we are doing here to scale, but I am finding it very difficult." One of the things he said to me—because you hear today a lot about charter schools—he said, "You know, a bad charter school is just as bad as a bad public school." Charter schools are not necessarily the answer to our education woes. They can be part of the answer, but they are not a silver bullet. But I do want to tell you that Nevada has one of the worst charter school laws in the country, and only you can change that.

There are great charter school operators around the country. They are best-in-class operators. And this isn't a Republican or a Democratic issue. It is not a union or a nonunion issue. One of the best charter school operators is called Green Dot. It is a union charter school. But we have a law on the books that says to the best charter school operators, "We don't want you to come to our state." And that is why they don't come to Nevada.

We need to change our charter school laws, work with those who know the details of this, and work to change our charter school law so we can attract the best charter school operators in this state. It is not going to change our whole education system, but what it will do is show us some of the answers to hopefully help us change the rest of the public school system to make it work for all of the children across the state of Nevada.

Let me turn toward what I am trying to do back in Washington, D.C. to help our state as far as its economy. I mentioned our mining industry before. We know that our mining industry is

incredible. It produces a huge amount of jobs—really, really high paying jobs. It could do much, much more. I am actually working on something right now that would help streamline the regulations for the mining industry. You see, right now when you talk to the mining industry, they will tell you it takes eight to ten years to open a new mine in the state of Nevada. Eight to ten years. If we were able to streamline those regulations—we don't have to get rid of any of them—if we could streamline them down to a couple of years, we literally could produce thousands and thousands of high-paying jobs right here in the state of Nevada in the next couple of years. Thousands and thousands—the average salary is between $80,000 and $100,000—that could help be a real economic boom to our state. And by the way, these mining companies contribute to the schools, to the local economies, and the last time I checked, they contribute to the state budget as well. So if we can have more mining jobs, that is less people on unemployment and that is more revenue coming into the state government, which just maybe would help your budget problems as well.

The last thing I want to mention on the economy has to do with energy. We are seeing what is happening with gasoline prices. That is not good for a state that is so dependent on tourism. We are approaching $4 a gallon, and I am afraid that $4 a gallon actually could go to $5 a gallon. That could have a decimating affect on our economy here in the state of Nevada.

We have tremendous renewable energy resources in our state; we know that. The problem today is getting the permits, which even for renewable energy is very difficult. We need to streamline the permitting process for renewable energy so that Nevada can create more jobs. But for the rest of the country—I don't know how you feel watching things going on in Libya and around the world—we spend a lot of money for our military ensuring that oil flows freely from the Middle East. I would rather be dependent on American energy than I would on energy coming from places in the world that are not necessarily stable and don't necessarily like us.

In Alaska alone, there are three areas, including ANWR, which is the Arctic National Wildlife Refuge area—those three areas alone have enough oil to supply the United States with the same amount of oil that we get from the Persian Gulf for the next 65 years, and yet the current administration is blocking us from going up there.

We have natural gas reserves that we've discovered that are massive in this country. We have coal deposits—we are the Saudi Arabia of coal. All of these types of things can help as we transition to more renewable energy. I would rather be dependent on American fossil fuels than I would be on fossil fuels coming from dangerous parts of the world that are not necessarily friendly to us.

For Nevada's economy and for the economy of the United States, we need to have more American supplies of energy so we can become less dependent on this dangerous foreign oil that we have.

In conclusion, for the next 21 months that I have left in office, I am committing to you that I am going to work as hard as I have ever worked to ensure that our state gets better and that our country gets better. I believe in reducing government spending and working toward balancing the federal budget and improving education in America. These are my top priorities over the next 21 months.

I know that we are facing very difficult times here in the state of Nevada, but with difficult times comes great opportunity. That is what you and I have right now—is a great opportunity. We do not have to let the history books be written about this time that you and I failed as leaders. Together, I truly believe, as the Governor said in his State of the State speech, that the best days for Nevada truly can be ahead of us. And I say "can be" because they only will be if we make the right choices—if we work together, regardless of party affiliation, for the betterment of our state.

I am willing to join you in whatever way I can to partner with you from that big city back in Washington, D.C. and do whatever we can there. I will be praying for you and hoping that you can solve our state's budget problems and helping to turn this state around both educationally and economically so that Nevada's best days truly are ahead of us.

God bless all of you. God bless the great state of Nevada.

Senator Lee moved that the Senate and Assembly in Joint Session extend a vote of thanks to Senator Ensign for his timely, able, and constructive message.

Seconded by Assemblyman Hambrick.

Motion carried unanimously.

The Committee on Escort escorted Senator Ensign to the Bar of the Assembly.

Senator Settelmeyer moved that the Joint Session be dissolved.

Seconded by Assemblyman Goedhart.

Motion carried.

Joint Session dissolved at 5:31 p.m.

ASSEMBLY IN SESSION

At 5:33 p.m.

Mr. Speaker presiding.

Quorum present.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Bobzien, the privilege of the floor of the Assembly Chamber for this day was extended to the following students and chaperones from Mamie Towles Elementary School: Henery Anderson, Dustin Augustine, Merissa Berger, Jarred Carrow, Elizabeth Carter, Lizeth Chavez-Hurtado, Mackenzie Corkill, Cole Crawford, Carol Fowler, Ben Gardella, Giovanni Godina, Jeovani Gonzalez, Bobby Heath, Desiree Janoss, Alex Johnson, Israel Luna-Alvarez, Alexis Middleton, Aaron Nadon, Rio Narra, Margo Padilla, Alyssa Perrine, Vrisa Piceno-Espinoza, Maynor Pineda-Somoza, Tucker Porter, Angelyn Quinain, Ashley Ruiz-Hernandez, Emma Torvinen, Jackie Vallo, Vicente Villarreal, Emily Komorowski, Luis Gonzalez, Ausage Kamlash, Bella Ayers, Nellie Basaves Soria, Devin Benecke, Jordan Black, Bianka Castanaza, Logan Christensen, Jacob Dunckley, Noah Easter, Rae Jeanne Enriquez, Giovanna Gomez, Casey Goodfellow, Mackenzie Hedstrom, Erin Henderson, Spencer Holthouser, Nina Kaur, Amanda Mackenzie, Oscar Maldonado-Gonzalez, Nate Ndolo-Muthama, Tianna Ndolo-Gatewood, Riley Newman, Andrew Palafox-Lopez, Jakob Rodriguez, Sarah Sanders, Allie Thomas, and Arah Villa.

On request of Assemblywoman Bustamante Adams, the privilege of the floor of the Assembly Chamber for this day was extended to Dustin Denis and Jaime Serrano.

On request of Assemblyman Carrillo, the privilege of the floor of the Assembly Chamber for this day was extended to Cinthia Zermeno.

On request of Assemblywoman Diaz, the privilege of the floor of the Assembly Chamber for this day was extended to Ollie Hernandez.

On request of Assemblywoman Dondero Loop, the privilege of the floor of the Assembly Chamber for this day was extended to Judy Harrell, Rex Harrell, Joan Partier, and Bill Partier.

On request of Assemblyman Frierson, the privilege of the floor of the Assembly Chamber for this day was extended to Dashun Jackson.

On request of Assemblyman Goedhart, the privilege of the floor of the Assembly Chamber for this day was extended to Michelle Fiore.

On request of Assemblyman Grady, the privilege of the floor of the Assembly Chamber for this day was extended to Jodi Stephens.

On request of Assemblyman Hammond, the privilege of the floor of the Assembly Chamber for this day was extended to Paul Jackson.

On request of Assemblyman Hansen, the privilege of the floor of the Assembly Chamber for this day was extended to Alexis Hansen.

On request of Assemblyman Horne, the privilege of the floor of the Assembly Chamber for this day was extended to Danielle Barraza.

On request of Assemblyman Kite, the privilege of the floor of the Assembly Chamber for this day was extended to Jim Wheeler.

On request of Assemblyman McArthur, the privilege of the floor of the Assembly Chamber for this day was extended to Greg Bailor.

On request of Assemblyman Ohrenschall, the privilege of the floor of the Assembly Chamber for this day was extended to Chris Brooks.

On request of Assemblyman Segerblom, the privilege of the floor of the Assembly Chamber for this day was extended to Derek Travis and Adrian Viesca.

On request of Assemblywoman Smith, the privilege of the floor of the Assembly Chamber for this day was extended to Erin Smith.

On request of Assemblyman Stewart, the privilege of the floor of the Assembly Chamber for this day was extended to Katie Bowen, Kate Schnoor, and Sara Menke.

Assemblyman Conklin moved that the Assembly adjourn until Wednesday, March 23, 2011, at 11 a.m., and that it do so in memory of Lawrence Astor, former Tribal Chairman of the Reno-Sparks Indian Colony and a member of the Washoe Tribe of Nevada and California.

Motion carried.

Assembly adjourned at 5:35 p.m.

Approved: JOHN OCEGUERA
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE FORTY-FIFTH DAY

CARSON CITY (Wednesday), March 23, 2011

Assembly called to order at 11:09 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Reverend Dick Copeland.

Our Father, we come to You today with grateful hearts to give thanks for this body of men and women who have been elected to represent us in Nevada. We humbly ask You to give them wisdom in every decision they make that affects the people of this great state. May they always take the time to ask for Your guidance as they consider new legislation. May this governing body always maintain and pursue our constitutional rights as they pass laws that will impact all of us. May they have the courage to stand up against anything that would delude, defeat, or infringe upon those rights. Lord, we are here today to recognize and memorialize three people who have been public servants of Nevada.

We remember Marcia de Braga, who served five terms in this Assembly who was dedicated to causes that affected rural Nevada and the small communities. She never forgot the "little people" that she served.

Father, we want to thank You for Mr. Frank Daykin, who served the Nevada Legislature as Legislative Counsel for 23 years. Mr. Daykin was always impartial in writing the laws passed by this Assembly. We ask that You continue to use him in his devotion to public service.

God, we also come to You today to recognize and honor John Carpenter, a man I have known, as he represented District 33 and me, for many years. Thank You for his dedication to the interest and well-being of those he served. Lord, I have always respected him because he always tried to do the right thing for the people in his district. We ask that You will bless him in his future endeavors and continue to use him and his influence in leading the fight to preserve our God-given liberties.

Lord, You said to King Solomon, King of Israel, many years ago, "If My people, who are called by My name, will humble themselves and pray and seek My face and turn from their wicked ways, then will I hear from heaven and I will forgive their sin and heal their land." (II Chronicles 7:14) We pray that our state and our nation will heed the words You spoke to King Solomon. We desperately need Your intervention in the affairs of Nevada and the United States of America. Our land needs to be healed of all the social, political, economic, and moral ailments that plague us. Only You can bring this about through those who are elected to represent us.

We ask all of this in the Name of our Lord and Savior, Jesus Christ.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Conklin moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 19.
Bill read second time and ordered to third reading.

Assembly Bill No. 200.
Bill read second time and ordered to third reading.

Assembly Bill No. 230.
Bill read second time and ordered to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

NOTICE OF EXEMPTION

March 23, 2011

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Assembly Bills Nos. 224, 228, 229, 243, 247, 255, 258, 259, 268, 270, 288 and 300.

RICK COMBS
Fiscal Analysis Division

By Assemblymen Oceguera, Conklin, and Goicoechea:

Assembly Resolution No. 4—Adding former Assemblyman John C. Carpenter to the Assembly Wall of Distinction.

WHEREAS, The Assembly of the Legislature of the State of Nevada has established an Assembly Wall of Distinction for those past members selected by leadership who served with great distinction and who made exemplary contributions to the State of Nevada; and

WHEREAS, Assemblyman John C. Carpenter faithfully served his constituents in Assembly District No. 33 and all Nevadans for 12 regular and 11 special legislative sessions; and

WHEREAS, John Carpenter is a native Nevadan through and through, whose word is gold and whose humor could brighten the darkest legislative debate; and

WHEREAS, The Dean of the Cowboy Caucus worked tirelessly to enlighten his city slicker colleagues in the courageous, moral, humble and honest Cowboy Way; and

WHEREAS, The former Assemblyman from Elko did all in his power to make Nevada safe both for Democracy and, when necessary, from Democracy; and

WHEREAS, This intrepid soul safely piloted his trustworthy vessel, the Suzy Q, through Nevada's treacherous inland waterways from Elko to Carson City every session, inspiring us all; and

WHEREAS, John Carpenter could be counted on to read every line of every bill, to ask the tough questions, and to vote for what was right, not what was easy; and

WHEREAS, Countless legislators regardless of party found a friend, mentor and inspiration in John during the course of his 24 years of legislative service; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, That Assemblyman John C. Carpenter is hereby added to the Assembly Wall of Distinction; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to former Assemblyman John C. Carpenter.

Assemblyman Goicoechea moved the adoption of the resolution.

Remarks by Assemblymen Goicoechea, Kirkpatrick, Stewart, Ohrenschall, Grady, Horne, Ellison, Munford, and Mr. Speaker.

Assemblyman Conklin moved that the following remarks be entered in the Journal.

Motion carried.

ASSEMBLYMAN GOICOECHEA:

Thank you, Mr. Speaker. I am going to try and follow my notes a little bit so that I do not wander too badly because we have several other resolutions to introduce.

John has been my friend and mentor since I was a little boy. I remember going to Carpenter's ranches all across Nevada.

As a long time member of this body and one of the finest public servants this state has ever seen, John has always been my mentor, and that was whether he was herding sheep, trailing cows, or working legislators in this building, which he did. I think that was evident here just a few minutes ago. While standing in the hall he had ten people bunched up around him. He had a cowboy caucus going. We all know how that works here.

It is fitting to honor Assemblyman Carpenter by placing his name on the Wall of Distinction, not merely for his years of service but for the way he conducted himself. No one ever worked harder than he did and knew the details of every bill like he did. No one has ever been more committed to doing what was right for this state than John Carpenter. I call him "The Man," and we all called him "The Boss" as we had our early morning caucuses. To those of you who have been in this body and worked with John Carpenter, you know what I mean.

It is kind of anticlimactic now that we are talking about putting his name on the Wall of Distinction, when over the years many of us pleaded with Mr. Carpenter to be included in the Cowboy Hall of Fame. For those of you that will not receive that honor, it is unfortunate. I got a little statue here on the corner of my desk that Mr. Carpenter gave to me, "Fandango Pete." You know, when I was inducted, as I look around this room, there are a number of you that have been inducted into the Cowboy Hall of Fame, as well as those who pressed him to answer their pleas of "Oh please, can I get in this year?" He would just say, "You need a little more time."

The Assembly will surely miss his wisdom and his statesmanship. He was always quiet and unpretentious. I will say that. Those who knew, like I did, when he was in the hall—you could always hear the clunk, clunk, clunk of his boots as he came down these halls. We knew John was coming. He always had his little clichés and his cowboy wisdom. "You would never ask your barber if you need a haircut." "The shortest way to get there is traveling with a good friend."

Along those lines, I remember the 2005 Session, after we had been on the floor, I think, about 36 hours. John and I got in my old pickup. We had our stuff loaded in the horse trailer behind it, and we headed for eastern Nevada. He was asleep there in Edward's Creek Valley. He woke up and looked around and told me how good that alpine was. I said, "John, if you knew how sleepy I was, you would not be sleeping." I might have been a good friend, but he was in bad company.

Another tradition of John's was the Suzy Q. Those of us here in this body, along with his able second mate, piloted that craft every session. It was more of a barometer on how the session was going rather than how high the water was in the Humboldt or the Carson River. I always really questioned how he got it from the Humboldt through the Humboldt Sinks, down through Stillwater and back up to Carson. He did manage to float it. That will tell you how he can make water run uphill. There is no doubt about it—the Suzy Q really was his sign to this body of how we needed to work together. That little plastic boat really was a sign that we needed to sink or swim if we were going to get out of there. I am glad to see it back this session.

John, himself, is beloved and admired by me and all of you who served with him. He came to his office here for 22 years. Even the misprint of a ballot in 2002 could not keep him out of these halls. I know I speak for most of you that served here with him, whether you are staff or legislators, how much we miss him. I wished there was a way we could get another misprint and get him back here with us.

With that, I am going to close with the final words that I think you new legislators need to listen to. They continue to ring in my ears from my first session. Mr. Carpenter told me, "Read the damn bill, Pete. That isn't what it says."

Mr. Speaker requested the privilege of the Chair for the purpose of making the following remarks:

I will echo some of the same comments. A mentor and friend rings true with me, as well. I admired your common sense approach. When we were thinking about who to induct into the Wall of Distinction this time, your name, obviously, rose to the top. I thought what an opportunity to be able to honor you while I was still here. I was very happy to do that.

A funny story about the Cowboy Hall of Fame—I had to lobby Mr. Carpenter to get into the Hall. It was more difficult in the earlier years; now they just let any freshman in, I think. I actually sent Mr. Carpenter a letter from the reigning Miss Rodeo Nevada. It didn't make any difference. Mr. Carpenter, we are glad to have you back here and congratulations.

ASSEMBLYWOMAN KIRKPATRICK:

Thank you, Mr. Speaker. I am very privileged to stand up here, with Mr. Carpenter being one of our honored guests. My first session as a freshman, it was tough knowing how to even navigate my way through the building. Mr. Carpenter was one who welcomed me into the cowboy breakfast in the morning, because I could get up early, so I managed to get to know him on a different level than some of my other colleagues. I am thankful for the laughs that we had and for the good times. We discussed bills, but most importantly, Mr. Carpenter always said, "Do what is right. Pay attention and let everyone have a voice." He also reminded me—because I am not technology friendly, as he wasn't either—that when bills come about, you have to think about the entire state. Being from southern Nevada, I only thought about southern Nevada. Mr. Carpenter reminded me every day that as a state, we have to think about how these bills work together. Mr. Carpenter, I am a much better legislator having known you, and I think that you brought a lot to the institution. I am very thankful for that.

ASSEMBLYMAN STEWART:

Thank you, Mr. Speaker. You made an excellent choice in selecting Mr. John Carpenter. One of the great thrills of my life was to serve with him. I think just looking at his face, John Carpenter is Nevada. I was honored to be put into the Cowboy Hall of Fame with a big class. I am proud to have in my home that proclamation. When you are selected into the Cowboy Hall of Fame, you get a cowboy saying. I revere the saying that he gave me, which is: "Never judge a man until you have walked a mile in his boots. Thereby, you are a mile away from him and you've still got his boots." Thank you, John.

ASSEMBLYMAN OHRENSCHALL:

Thank you very much, Mr. Speaker. It is really a privilege to get to speak to this resolution. My first two sessions, I lobbied hard for admission into the Cowboy Hall of Fame. Finally, I did get in. I do have a little bone to pick with Mr. Carpenter about my cowboy name. Those of you who were here last year might remember a bill having to do with cattle and certain diseases they get. But I appreciate being a member of the Hall of Fame, nonetheless.

I learned so much from Mr. Carpenter. With my first two terms as an Assemblyman and when I first came up in 1995, when my mother got elected, you can see what a good friend he has been to two generations of Ohrenschalls in the Legislature. What a great legislator he was. Thank you.

ASSEMBLYMAN GRADY:

Thank you, Mr. Speaker. I had the privilege, for a couple of years, to sit right next to John. John is one of a kind. He is probably the only person that has ever served in this Assembly who read every bill. The best thing about that was when they gave us laptops the first year. John used

his probably better than anyone else; he used it to hold his door open. I do not believe he ever even unzipped the case and took it out and put it on his desk. If you wanted to know something that was in a bill, you went to the man and he could tell you what was in it.

I, too, had the honor of being inducted into the Cowboy Hall of Fame. With that, I got to go to a rodeo in Reno with Pete Goicoechea and John Carpenter. If you have not experienced anything like that, there was not a big hat in that rodeo that those two gentlemen did not stop and talk to; they knew them from Elko to Las Vegas to all of our rural areas. Every one of them knew John Carpenter and wanted to talk to him. It was a privilege.

In my former life as a lobbyist, I hated to go to John Carpenter's office because you could not change his mind. And even if you were lucky enough that you would change a "the" to an "a" or something, John would not tell you he was going to change his mind until he pushed the little button to vote. We had a lot of fun in those days since working with John. To me, there is not a person that says Nevada more than John Carpenter. I am glad to have you as my friend. Thank you.

ASSEMBLYMAN HORNE:

Thank you, Mr. Speaker. I rise in support of this resolution for Mr. Carpenter. I served four terms with Mr. Carpenter, all of them on the Judiciary Committee. I remember the chairman, Mr. Anderson, saying that nothing is going to move until the CAB was ready to go. The CAB was Carpenter, Anderson, and Buckley. I am thinking, "Buckley, majority leader; Anderson, chairman; and Carpenter?" This was my freshman year. He was looking down from the top row, and I was sitting in the front row and he was just smiling. Sure enough, that was true because of how he conducted himself in the committee and how he always read his bills. He knew the questions to ask. He knew when he was ready to go. And as my colleague from District 38 said, when he made up his mind, his mind was made up. Sometimes it was good old cowboy sense. All of us became really comfortable with that because it kind of did us good. It gave us a good feeling knowing that he was doing what he really believed was right.

There are two other things. The first time someone came to me and said that Carpenter said that he would be okay with the bill if Mr. Horne is okay with it. I took that as a tremendous honor. I had a bill vetoed, and we were going to see if we could override the veto. Mr. Carpenter had voted in favor of this bill. Of course, I was working up the votes so we could override it. I went to Mr. Carpenter and asked him, "Can I have your vote on the override?" He said, "Well, I was with you from the beginning, and I am still with you." That just spoke volumes.

You are a great man of character. You are greatly missed. You know how I feel about you, Mr. Carpenter. I wish you well in the future.

ASSEMBLYMAN ELLISON:

Thank you, Mr. Speaker. I am here to show respect to ex-state Assemblyman John Carpenter, my friend and my mentor. I can tell you that John still follows all these bills. I can call on him day to day basis if I need to and say, "John, what do you think?" He will still give you the answer. I could never fill John's shoes, but I can tell you, if I could just stay in the shadows and be a piece of what he is, I will be a better man. If you ever had to have something passed, you never went to John; you went to Roseanne, because that's where it is going to be done. So John, this is your day. As your friend, I hope you enjoy it because you deserve it and you earned it. You belong with the people in these hallways. Thank you.

ASSEMBLYMAN MUNFORD:

Thank you, Mr. Speaker. I also would like to congratulate Mr. Carpenter. I served with him three terms, and he finally inducted me into the Cowboy Hall of Fame. I am not a cowboy, though. But I had to convince him that I had some connections to being a cowboy. I had to show him pictures that I do own horses. He said, "Oh well, that qualifies you." He asked me, "How big are your horses?" I said, "They are pretty big." And if you know the way they

measure horses, my horses are all at least 17 hands high. Seventeen hands is—the back is that of about a six-foot tall person.

I always remember John when he would come in the door, he was sitting right there. I always went into his candy jar; I always had some candy. He would always turn around when I was sitting there. "How did you vote on that bill? You have to vote this way. You have to vote that way." But he was very inspiring, and I really enjoyed working with him. I wish him the best of luck. I am going to get up to Elko one day and visit you. I keep telling you I am coming up. I tell my colleague from District 33 that I am coming up, too, but I will be up there one day. Thank you.

Resolution adopted unanimously.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 11:36 a.m.

REMARKS FROM THE FLOOR

FORMER ASSEMBLYMAN CARPENTER:

Thank you, Mr. Speaker. This probably will be my last time to speak in this Assembly. I certainly appreciate all those kind remarks. I probably don't really deserve them, the same way that I probably do not deserve to be on the Wall of Distinction with all my great friends like Speaker Dini, Virgil Getto, and my special friend, John Marvel. But if people are going to give me this award, I am going to take it.

I am probably the only guy that gave 12 farewell speeches in this body because I was sure I was not going to come back for any of those 12 times. But I did. But with all those special sessions, I probably gave more than 12 farewell speeches.

It is because of my great wife that I was able to be here for all those years. She stayed home and took care of the family and the business. Roseann has had a hard time these last three or four years. She has had I don't know how many operations. But she can walk, and that's the greatest joy of my life, to see my wife able to walk again.

Sitting behind me are my three daughters and over there is a bunch of my grandkids. I am not going to attempt to name them because the last time they were here, heck, I forgot half their names. When you have as many kids and grandkids as I do, it is kind of hard to remember them all.

I have great memories of being here in the Assembly. I really do not remember how I got the Suzy Q, but about the first session I was here, or the second session, Vivian Freeman was the chair, I think, of Natural Resources. They were going to redo all of these boat bills and all these boat regulations. For whatever reason, she named this cowboy out of Elko—and the only thing I like about water is in an irrigation ditch or a glass—but she made me chairman of this subcommittee to redo all of the boat bills. We went all over the state and talked to people who really knew something about boats and water. We came up with a pretty good plan. I think it sailed through the legislature and that's the reason we have so many of these boat bills that you all keep amending all the time. Anyway, they gave me the Suzy Q—somebody did, Donna probably remembers. Incidentally, Donna was my secretary for I think a hundred years, right, Donna? But anyway, I got the Suzy Q. So every year I had to bring the Suzy Q to the Legislature, and we had to think of some way to get it down here from Elko because it was always on dry land. It was fun.

We had really a lot of fun with the Cowboy Hall of Fame. My good friend Wendell Williams and I were the ones that started the Cowboy Hall of Fame. Then Terry Sullivan took over and helped me. We always had Steve Watson to help us with all of those sayings. Everyone wanted to get into the Cowboy Hall of Fame. Sometimes, you know, maybe you could not get a bill

through, but they were not going to get in the Cowboy Hall of Fame unless they voted for it. That is kind of what happened.

I do appreciate all the great moments that I have had in this Legislature. I tell people that if you pay attention in the Legislature, you are going to get the greatest education anyone in the world could get. We have some of the smartest people, certainly in the state of Nevada, and very often, in these United States, come and testify. You need to pay attention to them, whether you agree with them or not, because you will learn something. I really appreciate the education that I have had.

I want to thank everyone for your hospitality. I never did know Pete being a little guy. Thank you, Mr. Speaker, and I wish the Assembly and the rest of the Legislature luck. Hopefully, you do not have to go to too much of a special session. You got to get out of this outfit. Thank you very much. I do appreciate it.

ASSEMBLY IN SESSION

At 11:42 a.m.

Mr. Speaker presiding.

Quorum present.

By Assemblymen Oceguera, Conklin, and Goicoechea:

Assembly Resolution No. 5—adding former Assemblyman Marcia de Braga to the Assembly Wall of Distinction.

WHEREAS, The Assembly of the Legislature of the State of Nevada has established an Assembly Wall of Distinction for those past members selected by leadership who served with great distinction and who made exemplary contributions to the State of Nevada; and

WHEREAS, The members of the Nevada Legislature are saddened by the loss of one of their own, former Assemblyman Marcia de Braga; and

WHEREAS, Marcia de Braga served Nevada and the constituents of Assembly District 35 with unwavering integrity, courage, and good humor for five regular and two special legislative sessions; and

WHEREAS, Mrs. de Braga was instrumental in securing funding to study the causes of Fallon's deadly leukemia cluster; and

WHEREAS, Assemblyman de Braga served as an inspiration to all women through her conviction that, "to wish to be equal to men would show a lack of ambition"; and

WHEREAS, Marcia de Braga's name will forever be associated with the preservation of water rights crucial to agriculture in rural Nevada; and

WHEREAS, The Silver State International Rodeo in Fallon, which recently celebrated its 25th anniversary, owes its start to Marcia de Braga; and

WHEREAS, This proud mother of four treated all children as if they were her own and fought for them throughout her life; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, That Assemblyman Marcia de Braga is hereby added to the Assembly Wall of Distinction; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to the family of former Assemblyman Marcia de Braga.

Assemblywoman Smith moved the adoption of the resolution.

Remarks by Assemblymen Smith, Goichechea, Ohrenschall, Grady, and Mr. Speaker.

Assemblyman Conklin moved that the following remarks be entered in the Journal.

Motion carried.

ASSEMBLYWOMAN SMITH:

I very much appreciate the honor of talking about my former colleague, Marcia de Braga, today. The Speaker and I are the two members in this house who served with Assemblywoman de Braga. It was quite the experience—quite a trip serving with her.

I want to tell you a little bit about Marcia's past. I was surprised to learn that she was actually born in Los Angeles, California. She moved to Fallon when she was in eighth grade and lived there the rest of her life. She married her husband, Lyle, and they were married in 1955. They had a long and wonderful life together.

She was incredibly well respected in our midst as someone who was so caring and hard working. You heard in the resolution that she and Lyle were responsible for many activities in their local community, including starting the Silver State Rodeo, which was an opportunity for those who didn't make it to the Nationals to have another opportunity to compete. It has been a great thing in that community, and it's a cultural and economic boost to them as well. She did an impressive 21 years as the secretary of the Nevada High School Rodeo. We all know how hard that is to fulfill those positions for even a few years, but 21 years is amazing.

She was always recognized for her tenacity and her frankness and her ability to get things done. The leukemia cluster was mentioned, and that is a distant memory for many people. I was serving with her when the state was going through that, and what she did to stand up for her community and what she brought to that community was really very commendable.

She chaired the Natural Resources, Agriculture, and Mining Committee and during her time was a tireless defender of rural Nevadans' water rights. In fact, the legislation that she worked very hard to pass affirmed the long-standing interpretation of water right priority. The bill that she championed settled decades of infighting amongst water users about water rights. Those are the kinds of things that Assemblywoman de Braga did that really are a legacy and will be known in this state for a very long time.

She had an amazing sense of humor, which I will share with you in a minute. She was a writer. She always championed women's issues. She was an advocate for public broadcasting and concerns about radio and television programming being limited in rural Nevada.

She was an amazing writer and outside of the Legislature, she spent a lot of time writing. She authored the book *Dig No Graves*, which is a Churchill County history. She also wrote for the *Lahontan Valley News*. Marcia passed away on March 24, 2010, in Fallon in the area she loved, and, of course, with her very loving family. I was so honored to serve with her because of the role model she was. She was a role model and mentor as a woman, but also as a Nevadan.

I mentioned her humor and her ability to write. Mr. Speaker, if you will indulge me. When the E. Clampus group was here a few weeks ago, I was instantly taken back to when they visited during the session I served with Marcia. I wanted to read to you a little bit about her response to the resolution honoring E. Clampus Vitus.

> Mr. Speaker, to you and through you to this honorable body. I join many of the members of the Nevada Assembly Women's Caucus who sadly must rise in opposition to ACR 13. Every odd-numbered year, a resolution supporting E Clampus Vitus comes before the Assembly. It asks us to endorse an ancient and mystical order that has at its philosophical core the Goldwater Theorum regarding God-given rights. We have looked for some redeeming social value in the Clampers' resolution that would enable us to support it, but we were not successful. Instead, we have come to the conclusion, Mr. Speaker, that their reality check bounced.

Proponents would try to make us believe that compassion, education, and the preservation of history are the principles this society was founded on and upholds. We submit to you that the facts are these:

E Clampus Vitus was started prior to 1800 and has existed in some form or another ever since, allegedly for the purpose of protecting "widders and orphans," but, preferably, widders.

Clampers' interest in education seldom goes beyond periodic research on why "lite" beer weighs the same as regular beer.

They are patrons of sports, literature, and the arts, favoring anything with one ball, two folds, or three stooges.

All members have standing of equal indignity, but, obviously, some members are more equal and/or indignant than others.

Within their own organization is a strong support group to help Clampers in times of severe difficulty. This is vital to their safety because, following the regular meetings, very few of them can remember the number for 911.

The history of E Clampus Vitus is shrouded in mystery. Is it a historical drinking society or a drinking historical society? No one knows; the debate continues.

The very name of their club may also have been incorrectly recorded. E Clampus Vitus sounds like a disease—a combination, if you will, of the word for a form of dementia coupled with the word for a form of instability, with which many of its members are, from time to time, afflicted. No one knows how the disease spread. And, Mr. Speaker, no one wants to know how the disease is spread.

In opposing this resolution, we do so not because we wish to be equal to men—that would show a lack of ambition. However, in the interest of fairness, we have tried our best to understand men. Like so many other women before us, we failed in that endeavor. Since time immemorial there has only been one woman who actually figured men out, Mr. Speaker, but she died laughing before she could tell anyone.

We're going to move that all rules be suspended, that reading so far be considered more than enough, that there be no further consideration of this measure and that ACR 13 be immediately concurrently referred to Health and Human Services, NatRAM, Government Affairs, and the Ways and Means Committees in some other state; however, on further reflection, we're certain the bill would pass notwithstanding our objection. So instead, we are discussing forming our own counter-organization of E Clampus Superioritus whose members will be known as "Lady Bugs." And as soon as we decide what it is we want to protect, we will pursue that.

That, Mr. Speaker, was just a very small example of Marcia's humor and her ability always to talk to us in an eloquent and clever form to help us get through many days. I am sorry the state no longer has her wit and her wisdom and the mentoring that she was able to provide to so many of us.

Marcia was a mom; she was a wife; she was a rancher; she was a writer; and in our midst, she was a very, very, capable legislator. Most of all, she was our friend and she was a friend to all Nevadans.

Mr. Speaker requested the privilege of the Chair for the purpose of making the following remarks:

I grew up in Fallon. Assemblywoman de Braga was Fallon's representative, and for one term, I was very fortunate to be able to serve with her and learn from her. She left a real lasting impression on all of us who served with her. I think she left a lasting impression not only on her district in Fallon, but a lasting impression on the state. Her contributions will live on for generations, and that is why she was chosen today to be honored on our Wall of Distinction.

She was tenacious for fighting for what she believed in. There are a lot of tenacious legislators in this building, but there is also something to being effective, and she was very effective at what she did, as well. You just have to look at her long list of accomplishments to know that she was both. As a young man growing up in Fallon, I admired her and appreciated her contributions to our community and to our state. Now I respect, in her memory, the long years of service and all that she did.

I hope we all draw some strength and wisdom from her example as we work through this legislative session and beyond. Now that she is up on that wall, with us, watching us as we walk into this Chamber every day, we will hopefully do what she would want us to do—and do the right thing.

ASSEMBLYMAN GOICOECHEA:

I rise in support of A.R. 5. You know, it is rather difficult—I replaced Marcia in representing Assembly District 35. I have tried very hard to continue her work in representing rural Nevada and those issues out there. I can only thank her for A.B. 380, the bill that did settle a lot of those issues on the Truckee and the Lahontan Valley.

I remember Marcia all those years with high school rodeo when she was secretary and, of course, Lyle and all of the family. We thank her for her contributions to the Silver State Rodeo.

I do try to continue her work, but I know in no way it compares. As I walk these halls, I think of her every day, and I hope that in some ways she is telling me that I am doing at least an adequate job.

ASSEMBLYMAN OHRENSCHALL:

I rise in support of Assembly Resolution 5. I didn't get to serve with Assemblyman de Braga, but I did get to spend a lot of time with her. She and my mother served together, and there was a group of female legislators who were a little clique, or they hung out together. It was my Mom, Assemblyman de Braga, Assemblywoman Vonne Chowning, and Assemblywoman Gene Segerblom. They would always car pool together, and I got to know Marcia very well.

I think I admire most the fact that she wouldn't let anybody intimidate her. She had a lot of courage, whether it was on the water issue or anything else. One vote I remember here in the Assembly: There was a very popular anti-crime bill, I think it was in the mid-nineties, and it was a nearly unanimous vote, but she voted against it and went on the record here on the floor of the Assembly and stated that because that bill included capital punishment, she couldn't support it. It was a good bill otherwise, but because of her beliefs, she couldn't support it. I had a feeling there might have been some other members who might have felt the same way but didn't have the courage to get up and vote "no" on that bill. I urge the adoption of this resolution.

ASSEMBLYMAN GRADY:

I had the privilege of meeting Marcia and Lyle when I lived in Fallon for about five years and saw the work that they both did from Stillwater to Lahontan. They did a great deal for Churchill County and the rest of rural Nevada. I was somewhat involved when Joe Dini and Marcia worked on water bills. I can still remember the day they had the press conference with Senator Reid to announce that they were successful in their negotiations on that water bill.

I guess what I am most impressed with today is that we honor Marcia, John, and Mr. Daykin. If you will look at that wall of fame and you look at Joe Dini, Mouryne Dini, John Marvel, Virgil Getto, John Carpenter, and Marcia de Braga, it shows that rural Nevada sends some pretty good people to this house, and for that, I thank rural Nevada.

Resolution adopted unanimously.

By Assemblymen Oceguera, Conklin, and Goicoechea:

Assembly Resolution No. 6—Adding former Legislative Counsel Frank W. Daykin to the Assembly Wall of Distinction.

WHEREAS, The Assembly of the Legislature of the State of Nevada has established an Assembly Wall of Distinction for those past members selected by leadership who served with great distinction and who made exemplary contributions to the State of Nevada; and

WHEREAS, The Nevada Assembly wishes to add to its Wall of Distinction those past staff members of the Legislative Counsel Bureau who are selected by leadership to be acknowledged for their exemplary service; and

WHEREAS, Frank W. Daykin volunteered with the United States Army in World War II and served bravely in both North Africa and Europe before returning home to take up his legal studies; and

WHEREAS, Frank Daykin joined the Legislative Counsel Bureau in 1963 and continued to serve the Legislature with integrity and diligence for over two decades; and

WHEREAS, Mr. Daykin's work has been called "the thread that wound together volume after volume of the bulky *Nevada Revised Statutes*"; and

WHEREAS, A great many more Nevadans understand the difference between "shall" and "must" than would if not for Frank Daykin's insistence on using the terms accurately; and

WHEREAS, Frank Daykin's tenure with the Legislative Counsel Bureau included 12 years as Legislative Counsel; and

WHEREAS, The National Conference of Commissioners on Uniform State Laws has awarded Mr. Daykin lifelong membership in recognition of his excellent work for that body; and

WHEREAS, Nevada owes a great deal of the clarity, precision, and consistency of its laws to Frank Daykin; and

WHEREAS, Mr. Daykin can take pride in having helped create what Senator William J. Raggio has called "one of the most effective, concise and correct" systems of "lawmaking and legislation in the country"; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, That former Legislative Counsel Frank W. Daykin is hereby added to the Assembly Wall of Distinction; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to Mr. Daykin.

Assemblyman Ohrenschall moved the adoption of the resolution.

Remarks by Assemblymen Ohrenschall, Smith, Horne, and Mr. Speaker.

Assemblyman Conklin requested that the following remarks be entered in the Journal.

ASSEMBLYMAN OHRENSCHALL:

This is a very special day for me. Frank has made a tremendous contribution to the state of Nevada with his service in the Legislative Counsel Bureau. Personally—as you all know, Frank is my stepfather and it is great to see him honored.

I first met Frank—I think it was 1978—I was six years old. He and my mom stayed friends after she had worked for him here at the Legislative Counsel Bureau as a deputy. I got to meet him and I remember being impressed by his kindness. I don't think I understood much else back then, but later on I did come to learn more about him and what he contributed to the state.

I remember being here at the Legislature in the 1990s and hearing former Assemblywoman Dawn Gibbons and former state Senator Joe Neal refer to "Daykinisms," and how there was a big difference between a "shall" and a "must" in the *Nevada Revised Statutes*; and how, when Frank Daykin was the Legislative Counsel, he wanted to make sure that when a legislator intended a particular purpose with a statute, that that purpose was achieved and there was as little ambiguity as possible. I think it was then when I started to realize the contribution that Frank made to the Nevada Legislature and to the people of this state.

I actually have some comments that some people have given to me here. State Senator Raggio once said that "Frank Daykin can be called the father of the modern legislative process in our state."

A comment by Bob Erikson, who is the former director of the Research Division and now works part-time for the LCB in Las Vegas. When he first started working for the Legislative Counsel Bureau in 1979, he once needed some legal guidance from Frank concerning his work with a legislative standing committee. "I remember that Frank invited me into his office so we could discuss the matter. After I was seated, I asked if the chair of the Natural Resources Committee was required to take public comment at all meetings. Frank quickly responded, something like this: "Mr. Erikson," and Mr. Erikson did his best Frank Daykin imitation here. "A chair is an item of furniture in which one would sit. The presiding officer of a committee is its chairman.' Frank was a stickler for proper grammar and frowned on the more casual or trendy use of the English language. Excuse me, but I fear I just used two of the words that Frank would not like—"stickler" and "trendy." Seriously, Frank worked diligently over the years to ensure proper use of the English language. The quality he advocated is still reflected today in the *Nevada Revised Statutes* and other important legal documents.

I have a comment here from former state Senator Coe Swobe, who comments that in 1969, Frank wrote the legislation that created the Tahoe Regional Planning Agency, but Senator Swobe ended up taking the credit.

Our current Research director, Don Williams, sent me this comment: "When I first started at the Legislative Counsel Bureau as a senior research analyst in 1982, I recall calling the Legal Division with a question. A few minutes later, Frank appeared at my office door to let me know that I could call him directly or come down to his office to visit with him whenever I had a question. Frank was always accessible to me here at the Legislative Counsel Bureau."

One entertaining story that has been told to me goes back to the days before this building was built when the Legislative Counsel Bureau was over there under the silver dome. A bat had somehow gotten into the Legislative Counsel Bureau. Frank, besides being an attorney, is also a farmer and an agriculturist. Everyone there at the State Capitol was terrified of this bat flying around the building terrorizing everyone. Frank is the only one who had no fear to go and catch that bat. For a period there, I understand they called him "Batman."

I think the nicest comment I received was from one of the deputies that Frank hired. Back in 1980, Frank hired three deputy legislative counsels here—Brenda Erdoes, Kim Morgan, and Jan Needham. Between Frank and the deputies he hired, what a great effect they have had on our state. Kim Morgan was not able to attend today, but she sent me this message: "What I think might be interesting is to help modern thinkers remember that the early drafting during Frank's time was cut and paste by hand—no computers. It looked to the untrained eye like Frank was cutting out paper dolls. We actually took the pages from the *Nevada Revised Statutes* books and cut the sections out and taped them to a page from a legal tablet and then wrote on them for the typist to create the actual pages of the bills. No computers, no spell check, no electronic data bases. Frank's mind was his own spell check; Frank's mind was his own data base search. Bill drafting is an art and a specialty. It is difficult with the aid of computers nowadays, but it was close to magic without computers back when Frank was Legislative Counsel. My schedule will not allow me to attend today's ceremony. Please give my best to your family. I appreciate that Frank saw the potential in me as a college student to invite me to come learn from him the fundamentals of what turned out to be a 25-year career for me. Kim Morgan."

Furthermore, I think these statements all attest to how much Frank is loved.

Mr. Speaker requested the privilege of the Chair for the purpose of making the following remarks:

I think this is a great tradition that we have started of not only honoring the legislators, but honoring those who are our very professional staff that make us look as good as we do. I know the folks that are honored today would not have been able to accomplish the things they had

without a very professional and capable staff. I will just add a comment. I look back, and it was 25 years ago that you retired from the Legislative Counsel Bureau. Your contribution is not only noted, but people talk about things you accomplished still 25 years later. I think that is absolutely a tribute to what you have done in this Legislature. Thank you.

ASSEMBLYWOMAN SMITH:

I rise in support of Assembly Resolution 6. I decided at the last minute to speak in favor of this resolution because I felt I wanted to do so on behalf of my father-in-law, who was a small miner and a citizen lobbyist for several years here when Mr. Daykin was serving in this building. I come at this from the perspective of a citizen who felt that he always had access to Frank Daykin and always was able to seek advice and help on the issues he worked on.

I can remember long after Mr. Daykin retired and my father-in-law would come to visit. He often wanted to go visit Mr. Daykin to see how he was doing and check in with him about some of the things that they had discussed many years before. My father-in-law passed away a couple of years ago. Literally up until that time, he mentioned Frank Daykin on a very regular basis. I want the body to realize the lasting effects that both legislators and staff have on the citizens of this state. This is a very fitting example.

ASSEMBLYMAN HORNE:

I rise in support of the resolution. I want to inform everybody that you have just heard a small part of what Mr. Daykin has done for the state of Nevada. That work has not ceased because he is gone. He is also a Uniform Law Commissioner, and his reputation precedes him even there. When I have traveled to these commission meetings in different parts of the country, when they first met me and knew I was from here, the first thing they asked was "Do you know Frank Daykin?" They have stories abound of how impressive he is. He is still contributing, not only for the state of Nevada but—those of you who sit on Judiciary know that uniform laws also affect the rest of the nation. I thank you for your service to Nevada in the past and also for the work you continue to do today. You have made this legislative body what it is today.

Resolution adopted unanimously.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bill No. 43; Senate Concurrent Resolution No. 4.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Daly, the privilege of the floor of the Assembly Chamber for this day was extended to the following students and chaperones from I Can Do Anything Charter High School: Sarah Alcorn, Cambria Allen, Valerie Armstrong, Cali Campos, Tyler Comoletti, Arlyn De Leon, Dillon Diebler, Richard Fortner, Jennifer Hernandez, Juan Hernandez, Chris Higgins, Austin Hueberger, Kevin Hueberger, JJ Jarrett, Beau Krauche, Steven-Christian Melvin, Alex Mendoza, Richard Mendoza, Johnathan Menektos, Julianna Morales, Mason O'Brien, Jessica Ochoa, Jason Orellana, Mercedes Ortiz, Mandi Reeve, Ryan Reilly, Shelby Rockers, Janea Sargent, Erica Utzat, Jared Walker, Mickael Wheelock, Teneka Williams, and Maria Woods.

On request of Assemblywoman Dondero Loop, the privilege of the floor of the Assembly Chamber for this day was extended to Guy Rocha.

On request of Assemblyman Ellison, the privilege of the floor of the Assembly Chamber for this day was extended to Douglas Deforest, Sidney Hines, Jewel Sertic, Anne Sertic, Don Ayarbe, R. Jeff Williams, Dessa K. Williams, and Robert Stokes.

On request of Assemblyman Goicoechea, the privilege of the floor of the Assembly Chamber for this day was extended to John Carpenter, Rosann Carpenter, Elizabeth Carpenter, Lois Carpenter, Linda Meo, and Donna Hancock.

On request of Assemblyman Grady, the privilege of the floor of the Assembly Chamber for this day was extended to Mindy Nybee, Stephanie Meo, Timothy Meo, Christina Deforest, and Scott Wilson.

On request of Assemblyman Kite, the privilege of the floor of the Assembly Chamber for this day was extended to Camilla Michaelsen and Christina Klausholm.

On request of Assemblyman Livermore, the privilege of the floor of the Assembly Chamber for this day was extended to Dennis Johnson and Richard Schneider.

On request of Assemblyman Ohrenschall, the privilege of the floor of the Assembly Chamber for this day was extended to Coe Swobe, George Flint, Amy Flint, John Papageorge, Pamela Papageorge, Jamie Stetson, Veronica Harmon, former Assemblyman Roy Neighbors, Nancy Neighbors, Philip Daykin, Tyler Daykin, Linda Nagy Daykin, Pat Hutson, Charles Springer, Jacque Springer, Nancy Price, former Assemblyman Bob Price, former Senator Bill Raggio, Dale Raggio, Bob Cashell, Patsy Weaver, Frank Daykin, and former Assemblywoman Genie Ohrenschall Daykin.

On request of Assemblyman Segerblom, the privilege of the floor of the Assembly Chamber for this day was extended to Raj Chanderry.

On request of Assemblyman Sherwood, the privilege of the floor of the Assembly Chamber for this day was extended to Pamela Ivey and Robert Wesley.

On request of Assemblywoman Smith, the privilege of the floor of the Assembly Chamber for this day was extended to Tiana Bowlen, Travis Bowlen, Kathy Gonzalez, Keith Weaver, Bob Johnston, Gay Johnston, Tom Blankenship, Janet Blankenship, Deanna Terrell, John Hannifin, Starlene Hannifin, Lyle de Braga, Lael Casey, Jaime Dellera,

Joe Dellera, Joe de Braga, Angie de Braga, Mitzi Corkill, Bruce Corkill, Susie Pandolfo, Harold Weaver, Licia Rogne, Virgil Getto, Patty Getto, Patsy Weaver, Truman Casey, Nyla Howell, Dusty Casey, Amanda Casey, and Donna Pressey.

Assemblyman Conklin moved that the Assembly adjourn until Thursday, March 24, 2011, at 11 a.m.

Motion carried.

Assembly adjourned at 12:19 p.m.

Approved: JOHN OCEGUERA
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE FORTY-SIXTH DAY

CARSON CITY (Thursday), March 24, 2011

Assembly called to order at 11:22 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblyman Munford, who was excused.

Prayer by the Chaplain, Pastor Louie Locke.

Great and mighty God, we give You thanks and we give You praise.

The Bible clearly says that if we ask for wisdom, You give it freely and generously. So we ask, give wisdom and understanding to all of our legislators that they be able to make good and wise decisions for the benefit of the people of Nevada.

Lord, please bless the men and women of this Assembly, their families and staff. Bless our veterans and protect those who are serving our nation in the military.

In Your Wonderful Name we pray.

AMEN.

Presentation of the Colors by the Joint Army Air National Guard Color Guard.

Pledge of allegiance to the Flag.

Assemblyman Conklin moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, March 23, 2011

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 87, 88, 183; Senate Bills Nos. 14, 45, 125.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolution No. 4.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

By the Committee on Commerce and Labor:

Assembly Joint Resolution No. 6—Urging the Secretary of Transportation of the United States Department of Transportation to designate U.S. Highway No. 93 from Phoenix to Las Vegas as a future Interstate System route.

Assemblyman Conklin moved that the resolution be referred to the Committee on Commerce and Labor.

Motion carried.

By Assemblymen Grady, Aizley, Anderson, Atkinson, Benitez-Thompson, Bobzien, Brooks, Bustamante Adams, Carlton, Carrillo, Conklin, Daly, Diaz, Dondero Loop, Ellison, Flores, Frierson, Goedhart, Goicoechea, Hambrick, Hammond, Hansen, Hardy, Hickey, Hogan, Horne, Kirkpatrick, Kirner, Kite, Livermore, Mastroluca, McArthur, Munford, Neal, Oceguera, Ohrenschall, Pierce, Segerblom, Sherwood, Smith, Stewart, and Woodbury; Senators McGinness, Breeden, Brower, Cegavske, Copening, Denis, Gustavson, Halseth, Hardy, Horsford, Kieckhefer, Kihuen, Lee, Leslie, Manendo, Parks, Rhoads, Roberson, Schneider, Settelmeyer, and Wiener:

Assembly Concurrent Resolution No. 7—Honoring Nevadans who have lost their lives in the Global War on Terrorism.

WHEREAS, Since the launching of the Global War on Terrorism in response to attacks on the United States on September 11, 2001, through Operation Iraqi Freedom, Operation Enduring Freedom and Operation New Dawn, 5,922 Americans have lost their lives, including 53 Nevadans; and

WHEREAS, The service of these men and women required sacrifice, hardship, endurance, dedication, courage and the highest level of patriotism; and

WHEREAS, Those Nevada citizens who served our country in the name of freedom and justice deserve special recognition for their sacrifice; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That we honor every American who served and extend our heartfelt condolences to the Nevada friends and family members of those who made the ultimate sacrifice; and be it further

RESOLVED, That we continue to honor those recognized in previous legislative sessions: Marine Lance Corporal Nicholas H. Anderson, Las Vegas; Army Staff Sergeant Corey R. Barnes, Sparks; Army Sergeant Kenneth E. Bostic, Hawthorne; Marine Lance Corporal Raul S. Bravo, Elko; Army Captain Joshua T. Byers, Sparks; Marine Second Lieutenant James J. Cathey, Reno; Marine Lance Corporal Donald J. Cline Jr., Sparks; Army National Guard Specialist Anthony S. Cometa, Las Vegas; Army Corporal Matthew A. Commons, Boulder City; Army Private First Class David N. Crombie, Winnemucca; Army Sergeant Ezra Dawson, Las Vegas; Army Specialist Jason A. Disney, Fallon; Army Sergeant David J. Drakulich, Reno; Army National Guard Chief Warrant Officer 3 John M. Flynn, Sparks; Army Staff Sergeant Sean M. Gaul, Reno; Army Sergeant John C. Griffith, Las Vegas; Army Specialist Daniel F. Guastaferro, Las Vegas; Marine Corporal Jesse Jaime, Henderson; Army Sergeant Robert P. Kassin, Las Vegas; Marine First Lieutenant Nathan M. Krissoff, Reno; Army Corporal Stanley J. Lapinski, Las Vegas; Army Corporal Shawn T. Lasswell Jr., Reno; Army Staff Sergeant Emmanuel L. Legaspi, Las Vegas; Marine Lance Corporal Jeremy Z. Long, Sun Valley; Marine Private First Class John Lukac, Las Vegas; Army Corporal Joseph L. Martinez, Las Vegas; Army Sergeant Gordon F. Misner II, Sparks; Army Specialist Joshua S. Modgling, Las Vegas; Army Private Second Class Joshua M. Morberg, Sparks; Army Sergeant Eric W. Morris, Sparks; Army Sergeant Alfred G. Paredez Jr., Las Vegas; Navy Petty Officer Second Class Eric S. Patton, Boulder City; Marine Reserve Lance Corporal Richard A. Perez Jr., Las Vegas; Marine First Lieutenant Frederick E. Pokorney Jr., Tonopah; Army Specialist Ignacio Ramirez, Henderson; Army Chief Warrant Officer 2 Joshua R. Rodgers, Carson City; Army Reserve First Sergeant Carlos N. Saenz, Las Vegas; Marine Corporal William I. Salazar, Las Vegas; Army Sergeant Anthony J. Schober, Gardnerville; Army Reserve Staff Sergeant

Coby G. Schwab, Henderson; Army Private First Class Thomas C. Siekert, Lovelock; Army National Guard Sergeant Patrick D. Stewart, Fernley; Army Reserve Specialist Teodoro Torres, Las Vegas; Army Staff Sergeant Michael L. Townes, Las Vegas; Army Private First Class Alejandro R. Varela, Fernley; Army Specialist Travis M. Virgadamo, Las Vegas; and Army Private First Class Phillip B. Williams, Gardnerville; and be it further

RESOLVED, That we pause today to reflect on the supreme sacrifice of the six Nevadans who have given their lives since the 75th Legislative Session: Army Sergeant Matthew R. Hennigan, Las Vegas; Army Sergeant Josue E. Hernandez Chavez, Reno; Army Specialist Thomas F. Lyons, Fernley; Army Specialist Brian Tabada, Las Vegas; Army Private First Class Kevin C. Thomson, Reno; and Marine Sergeant Frank R. Zaehringer III, Reno; and be it further

RESOLVED, That the members of the 76th Session of the Nevada Legislature honor these brave Nevadans who made the ultimate sacrifice through their service, dedication and commitment to this country and their fellow man; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit six copies of this resolution to Caleb S. Cage, Executive Director of the Office of Veterans' Services, for transmittal to the family of each of those being honored.

Assemblyman Grady moved the adoption of the resolution.

Remarks by Assemblymen Grady and Kite.

Assemblyman Conklin moved that the following remarks be entered in the Journal.

Motion carried.

ASSEMBLYMAN GRADY:

It is my honor to be asked, along with Senator Mike McGinness, to sponsor this year's resolution.

We all pray for the day when these resolutions will no longer be needed, when all of our brave warriors will be home with family and friends.

As addressed in the resolution, these six young military heroes gave the ultimate, their lives, to protect what so many of us take for granted—our freedom.

To the families of: Army Sergeant Josue Hernandez Chaves, age 23 of Reno; Marine Sergeant Frank Zaehringer III, age 23 of Reno; Army Specialist Thomas Lyons, age 20 of Fernley; Army Sergeant Matthew Hennigan, age 20 of Las Vegas; Army Specialist Brian Tabada, age 21 of Las Vegas; Army Private First Class Kevin Thompson, age 22 of Reno; members of the Nevada Legislature extend their deepest sympathy—these young men are truly our heroes.

ASSEMBLYMAN KITE:

As a veteran, I was both honored and humbled to be sitting with Miss Sally Diamond Wiley. She is a member of American Gold Star Mothers and Mothers of America. She is a commissioner on the Nevada Office of Veteran Services. Her son was honored one session ago. It was a real honor to have her sit with me. Please help me make her welcome.

Resolution adopted unanimously.

Assemblyman Grady moved that all rules be suspended and that Assembly Concurrent Resolution No. 7 be immediately transmitted to the Senate.

Motion carried.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 11:40 a.m.

ASSEMBLY IN SESSION

At 11:41 a.m.
Mr. Speaker presiding.
Quorum present.

INTRODUCTION, FIRST READING AND REFERENCE OF BILLS

By the Committee on Legislative Operations and Elections:

Assembly Bill No. 452—AN ACT relating to elections; requiring the electronic filing of certain campaign contribution and expenditure reports and statements of financial disclosure; amending the deadlines for filing certain campaign contribution and expenditure reports; prohibiting certain former public officers from receiving compensation or other consideration to lobby for 2 years after leaving office; increasing the "cooling-off" period for former members of the Public Utilities Commission of Nevada, the State Gaming trol Board and the Nevada Gaming Commission to lobby on behalf of certain regulated businesses and industries; making various other changes relating to campaign finance; and providing other matters properly relating thereto.

Assemblyman Segerblom moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

Senate Bill No. 14.

Assemblyman Conklin moved that the bill be referred to the Committee on Education.

Motion carried.

Senate Bill No. 45.

Assemblyman Conklin moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 125.

Assemblyman Conklin moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 19.

Read third time.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Carlton moved that Assembly Bill No. 19 be taken from General File and rereferred to the Committee on Ways and Means.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 200.

Bill read third time.

Remarks by Assemblymen Smith and Hickey.

Roll call on Assembly Bill No. 200:

YEAS—41.

NAYS—None.

EXCUSED—Munford.

Assembly Bill No. 200 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 230.

Bill read third time.

Remarks by Assemblyman Bobzien.

Roll call on Assembly Bill No. 230:

YEAS—41.

NAYS—None.

EXCUSED—Munford.

Assembly Bill No. 230 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Senate Bill No. 5.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Ellison, the privilege of the floor of the Assembly Chamber for this day was extended to Carole Turner and William Burks.

On request of Assemblyman Goicoechea, the privilege of the floor of the Assembly Chamber for this day was extended to the following students and chaperones from White Pine High School: Taylor Coleman, Justin Dotson, Adriene Grimes, Emily Hermann, Chris Hibbs, Keith Hill, Cassidy Leslie, Jerdon Long, Zakk Moore, and Sam Hanson.

On request of Assemblyman Grady, the privilege of the floor of the Assembly Chamber for this day was extended to Caleb Cage and Stan Jones.

On request of Assemblyman Kirner, the privilege of the floor of the Assembly Chamber for this day was extended to William Maltman and Vicky Maltman.

On request of Assemblywoman Smith, the privilege of the floor of the Assembly Chamber for this day was extended to the following students and chaperones from Robert Mitchell Elementary School: Anna Lesselles, Ricardo Aguila, Leslie Baltazar Elizarde, Alejandra Barajas, Erik Bernal, Miguel Campana Chavez, Yocelyn Castillo, Michael Delgago III, Chavis Felise, Jasmine Garcia, Sierra Hecklin, Aracely Hinojosa, Juan Izquierdo Campuzano, Vanessa Linan Saldana, Alexia Lopez Martinez, Jesus Magdaleno, Zoria Nelson, Ricardo Pacheco Marquez, Lily Palomar, Leonardo Perez, Crystal Pichardo Uribe, Neftali Rea Aguilar, Rodrigo Reynoso, Claudia Rivera, Nayeli Rodriguez, Alejandro Rojas, Milton Rubio, Uriel Sanchez, Tristin Valdez, Daniel Zukovsky, John Metcalf, Antonio Andrade, Edgar Ulises Andrade, Eloisa Aquino, Jeston Beccker, Maria Chiu Martinez, Staphon Guyton Jr., Matthew Hankins-Hogue, Joshua Hayden, Isaiah Johnson, Weston Kuehn, Brayan Lomeli, Christian Martinez Gonzalez, Damon McGrogan, Miguel Mejia Romero, Amaya Newton, Stephanie Olivares, Brandon Paz Grajeda, Dakota Perez, Jose Perez, Kaysha Phillips, Maria Ramirez, Alexis Rea Aguilar, Citallin Sanchez, Joanna Sarmiento Aguirre, Demia Simmons, Preetkaran Singh, Devein Thomas, Kyryse Willis, and Monique Zamora.

On request of Assemblyman Stewart, the privilege of the floor of the Assembly Chamber for this day was extended to Colonel Craig Wroblewski and Colonel Mike Williams.

Assemblyman Conklin moved that the Assembly adjourn until Friday, March 25, 2011, at 11 a.m.

Motion carried.

Assembly adjourned at 11:56 a.m.

Approved: JOHN OCEGUERA
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE FORTY-SEVENTH DAY

CARSON CITY (Friday), March 25, 2011

Assembly called to order at 11:20 a.m.

Madam Speaker pro Tempore presiding.

Roll called.

All present except Assemblymen Munford and Pierce, who were excused.

Prayer by the Chaplain, Pastor Peggy Locke.

O Lord Most High, You are worthy of all praise and glory! Today we ask for the protection and blessing of all U.S. forces in harm's way, and for the families of all of us gathered here today.

You, O Lord, are our Rock and Mighty Fortress in times of trouble!

We pray for decisions being made today, and we seek Your wisdom and pray for unity, soundness of mind, and that all things will be done according to Your will and plan.

We continue to pray for the crisis in Japan. We pray for the Japanese engineers to be able to control all radiation leaks from the impacted reactors. We know that nothing is too difficult for You, Lord.

> Yet this I call to mind and therefore I have hope: Because of the Lord's great love we are not consumed, for his compassions never fail. They are new every morning; great is your faithfulness. I say to myself, "The Lord is my portion; therefore I will wait for him." The LORD is good to those whose hope is in him, to the one who seeks him; it is good to wait quietly for the salvation of the LORD. (Lamentation 3:21-26)

So, may the God of hope fill us with joy and peace as we trust in Him, so that we may overflow with hope by the power of His Holy Spirit.

We pray in Your Name—the Name above all Names.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Conklin moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Judiciary, to which was referred Assembly Bill No. 250, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

WILLIAM C. HORNE, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, March 24, 2011

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 7, 134; Senate Bill No. 219.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolution No. 7.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bill No. 33.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Conklin moved that the following persons be accepted as accredited press representatives, and that they be assigned space at the press table and allowed the use of appropriate broadcasting facilities: KNPB-TV, Cory Thomas; LAS VEGAS SUN, James Patrick Coolican; NEVADA SENTINEL, Seth Glass; THE RENO GAY PAGE, Francisco (Paco) Poli; WWW.BLOGTALKRADIO.COM/JUSTASKKIM, Kim Cordy; YGR MEDIA, LLC, Samuel Olson.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Natural Resources, Agriculture, and Mining:

Assembly Bill No. 453—AN ACT relating to motor vehicle fuel; requiring a supplier of motor vehicle fuel to disclose certain information and provide certain warnings concerning the presence or possible presence of manganese in any motor vehicle fuel sold or distributed by the supplier; requiring the State Sealer of Weights and Measures to adopt regulations specifying the format, size, wording and placement of certain warning labels a supplier of motor vehicle fuel must place on a pump or handle of a pump used to draw motor vehicle fuel; providing a penalty; and providing other matters properly relating thereto.

Assemblywoman Carlton moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

Senate Bill No. 33.

Assemblyman Conklin moved that the bill be referred to the Committee on Taxation.

Motion carried.

Senate Bill No. 219.

Assemblyman Conklin moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Dondero Loop, the privilege of the floor of the Assembly Chamber for this day was extended to LaDonna King and Mistia Zuckerman.

On request of Assemblyman McArthur, the privilege of the floor of the Assembly Chamber for this day was extended to Matt Engle.

On request of Assemblyman Segerblom, the privilege of the floor of the Assembly Chamber for this day was extended to Elizabeth Foyt and John Wanderer.

On request of Assemblyman Stewart, the privilege of the floor of the Assembly Chamber for this day was extended to Lisa Story and Monica Moradkhan.

On request of Assemblyman Sherwood, the privilege of the floor of the Assembly Chamber for this day was extended to Gary Rogers.

Assemblyman Conklin moved that the Assembly adjourn until Monday, March 28, 2011, at 11 a.m., and that it do so in memory of Marie Buchholz with thoughts and prayers for our colleague and friend, Kathryn Alden.

Motion carried.

Assembly adjourned at 11:35 a.m.

Approved: JOHN OCEGUERA
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE FIFTIETH DAY

CARSON CITY (Monday), March 28, 2011

Assembly called to order at 11:34 a.m.
Mr. Speaker presiding.
Roll called.
All present.
Prayer by the Chaplain, Pastor Albert Tilstra.

O God, in the midst of great activity, today we ask You to remind us often of Your invisible presence that out of confused issues may come simplicity of plan; out of fear may come confidence; out of hurry may come the willingness to wait; out of frustration, rest and power.

This we ask in Your name.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Conklin moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Transportation, to which was referred Assembly Bill No. 53, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MARILYN DONDERO LOOP, *Chair*

MOTIONS, RESOLUTIONS AND NOTICES

By the Committee on Judiciary:

Assembly Joint Resolution No. 7—Proposing to amend the Nevada Constitution to create an intermediate appellate court.

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That a new section, designated Section 3A, be added to Article 6 of the Nevada Constitution to read as follows:

Sec. 3A. 1. The court of appeals consists of three judges or such greater number as the Legislature may provide by law. If the number of judges is so increased, the Supreme Court must provide by rule for the assignment of each appeal to a panel of three judges for decision.

2. After the initial terms, each judge of the court of appeals must be elected by the qualified electors of this State at the general election for a term of 6 years beginning on the first Monday of January next after the election. The initial three judges of the court of appeals must be appointed by the Governor from among three nominees selected for each individual seat by the permanent Commission on Judicial Selection described in subsection 3 of section 20 of this Article. After the expiration of 30 days from the date on which the permanent

Commission on Judicial Selection has delivered to the Governor its list of nominees for the initial judges, if the Governor has not made the appointments required by this Section, the Governor shall make no other appointment to any public office until the Governor has appointed a judge from the list submitted. The term of the initial judges is 2 years beginning on the first Monday of January next after the effective date of this Section, and an initial judge may succeed himself. If there is an increase in the number of judges, each additional judge must be elected by the qualified electors of this State at the first general election following the increase for a term of 6 years beginning on the first Monday of January next after the election.

3. The Chief Justice of the Supreme Court shall appoint one of the judges of the court of appeals to be chief judge. The chief judge serves a term of 4 years, except that the term of the initial chief judge is 2 years. The chief judge may succeed himself. The chief judge may resign the position of chief judge without resigning from the court of appeals.

4. The Supreme Court shall provide by rule for the assignment of one or more judges of the court of appeals to devote a part of their time to serve as supplemental district judges, where needed.

And be it further

RESOLVED, That Section 1 of Article 6 of the Nevada Constitution be amended to read as follows:

Section 1. The judicial power of this State ~~[shall be]~~ ***is*** vested in a court system, comprising a Supreme Court, ***a court of appeals,*** district courts ~~[,]~~ and justices of the peace. The Legislature may also establish, as part of the system, courts for municipal purposes only in incorporated cities and towns.

And be it further

RESOLVED, That Section 4 of Article 6 of the Nevada Constitution be amended to read as follows:

Sec. 4. ***1.*** The Supreme Court ~~[shall]~~ ***and the court of appeals*** have appellate jurisdiction in all civil cases arising in district courts, and also on questions of law alone in all criminal cases in which the offense charged is within the original jurisdiction of the district courts. ***The Supreme Court shall fix by rule the jurisdiction of the court of appeals and shall provide for the review, where appropriate, of appeals decided by the court of appeals.*** The ~~[court shall also]~~ ***Supreme Court and the court of appeals*** have power to issue writs of mandamus, certiorari, prohibition, quo warranto ~~[,]~~ and habeas corpus and also all writs necessary or proper to the complete exercise of ~~[its appellate]~~ ***their*** jurisdiction. Each ~~[of the justices shall have power to]~~ ***justice of the Supreme Court and judge of the court of appeals may*** issue writs of habeas corpus to any part of the State, upon petition by, or on behalf of, any person held in actual custody ~~[,]~~ ***in this State*** and may make such writs returnable ~~[,]~~ before ~~[himself]~~ ***the issuing justice or judge*** or the ~~[Supreme Court,]~~ ***court of which the justice or judge is a member,*** or before any district court in the State or ~~[before]~~ any judge of ~~[said courts.]~~ ***a district court.***

2. In case of the disability or disqualification, for any cause, of ~~[the Chief Justice or one of the associate justices]~~ ***a justice*** of the Supreme Court, ~~[or any two of them,]~~ the Governor ~~[is authorized and empowered to]~~ ***may*** designate ~~[any]~~ ***a judge of the court of appeals or a*** district judge ~~[or judges]~~ to sit in the place ~~[or places]~~ of ~~[such]~~ ***the*** disqualified or disabled justice ***.*** ~~[or justices, and said judge or judges so designated shall receive their]~~ ***The judge designated by the Governor is entitled to receive his*** actual expense of travel and otherwise while sitting in the Supreme Court.

3. In the case of the disability or disqualification, for any cause, of a judge of the court of appeals, the Governor may designate a district judge to sit in the place of the disabled or disqualified judge. The judge whom the Governor designates is entitled to receive his actual expense of travel and otherwise while sitting in the court of appeals.

And be it further

RESOLVED, That Section 7 of Article 6 of the Nevada Constitution be amended to read as follows:

Sec. 7. The times of holding the Supreme Court ***, the court of appeals*** and ***the*** district courts ~~[shall]~~ ***must*** be as fixed by law. The terms of the Supreme Court ~~[shall]~~ ***must*** be held at the seat of government unless the Legislature otherwise provides by law, except that the Supreme Court may hear oral argument at other places in the State. ***The terms of the court of appeals must be held at the place provided by law.*** The terms of the district courts ~~[shall]~~ ***must*** be held at the county seats of their respective counties unless the Legislature otherwise provides by law.

And be it further

RESOLVED, That Section 8 of Article 6 of the Nevada Constitution be amended to read as follows:

Sec. 8. ***1.*** The Legislature shall determine the number of justices of the peace to be elected in each city and township of the State ~~[,]~~ and shall fix by law their qualifications, their terms of office and the limits of their civil and criminal jurisdiction, according to the amount in controversy, the nature of the case, the penalty provided ~~[,]~~ or any combination of these.

2. The provisions of this section affecting the number, qualifications, terms of office and jurisdiction of justices of the peace become effective on the first Monday of January, 1979.

3. The Legislature shall also prescribe by law the manner, and determine the cases ***,*** in which appeals may be taken from justices and other courts. The Supreme Court, ***the court of appeals,*** the district courts ~~[,]~~ and such other courts ~~[,]~~ as the Legislature ~~[shall designate, shall be]~~ ***designates are*** courts of record.

And be it further

RESOLVED, That Section 11 of Article 6 of the Nevada Constitution be amended to read as follows:

Sec. 11. The justices of the Supreme Court ***, the judges of the court of appeals*** and the district judges ~~[shall be]~~ ***are*** ineligible to any office, other than a judicial office, during the term for which they ~~[shall]~~ have been elected or appointed ***.*** ~~[, and all]~~ ***All*** elections or appointments of any such judges by the people, Legislature ~~[,]~~ or otherwise ~~[,]~~ during said period ~~[,]~~ to any office other than judicial ~~[, shall be]~~ ***are*** void.

And be it further

RESOLVED, That Section 15 of Article 6 of the Nevada Constitution be amended to read as follows:

Sec. 15. The justices of the Supreme Court ***, the judges of the court of appeals*** and ***the*** district judges ~~[shall]~~ ***are*** each ***entitled to*** receive for their services a compensation to be fixed by law and paid in the manner provided by law, which ~~[shall]~~ ***must*** not be increased or diminished during the term for which they ~~[shall]~~ have been elected, unless a vacancy occurs, in which case the successor of the former incumbent ~~[shall]~~ ***is entitled to*** receive only such salary as may be provided by law at the time of his election or appointment ***.*** ~~[; and provision shall]~~ ***A provision must*** be made by law for setting apart from each year's revenue a sufficient amount of money ~~[,]~~ to pay such compensation.

And be it further

RESOLVED, That Section 20 of Article 6 of the Nevada Constitution be amended to read as follows:

Sec. 20. 1. When a vacancy occurs before the expiration of any term of office in the Supreme Court ***or the court of appeals*** or among the district judges, the Governor shall appoint a justice or judge from among three nominees selected for such individual vacancy by the Commission on Judicial Selection.

2. The term of office of any justice or judge so appointed expires on the first Monday of January following the next general election.

3. Each nomination for the Supreme Court ~~[shall]~~ ***or the court of appeals must*** be made by the permanent Commission, composed of:

(a) The Chief Justice or an associate justice designated by him;

(b) Three members of the State Bar of Nevada, a public corporation created by statute, appointed by its Board of Governors; and

(c) Three persons, not members of the legal profession, appointed by the Governor.

4. Each nomination for the district court ~~[shall]~~ ***must*** be made by a temporary commission composed of:

(a) The permanent Commission;

(b) A member of the State Bar of Nevada resident in the judicial district in which the vacancy occurs, appointed by the Board of Governors of the State Bar of Nevada; and

(c) A resident of such judicial district, not a member of the legal profession, appointed by the Governor.

5. If at any time the State Bar of Nevada ceases to exist as a public corporation or ceases to include all attorneys admitted to practice before the courts of this State, the Legislature shall provide by law, or if it fails to do so the ***Supreme*** Court shall provide by rule, for the appointment of attorneys at law to the positions designated in this Section to be occupied by members of the State Bar of Nevada.

6. The term of office of each appointive member of the permanent Commission, except the first members, is 4 years. Each appointing authority shall appoint one of the members first appointed for a term of 2 years. If a vacancy occurs, the appointing authority shall fill the vacancy for the unexpired term. The additional members of a temporary commission ~~[shall]~~ ***must*** be appointed when a vacancy occurs, and their terms ~~[shall]~~ expire when the nominations for such vacancy have been transmitted to the Governor.

7. An appointing authority shall not appoint to the permanent Commission more than:

(a) One resident of any county.

(b) Two members of the same political party.

No member of the permanent Commission may be a member of ~~[a]~~ ***the*** Commission on Judicial Discipline.

8. After the expiration of 30 days from the date on which the Commission on Judicial Selection has delivered to him its list of nominees for any vacancy, if the Governor has not made the appointment required by this Section, he shall make no other appointment to any public office until he has appointed a justice or judge from the list submitted.

~~[If a commission on judicial selection is established by another section of this Constitution to nominate persons to fill vacancies on the Supreme Court, such commission shall serve as the permanent Commission established by subsection 3 of this Section.]~~

And be it further

RESOLVED, That Section 21 of Article 6 of the Nevada Constitution be amended to read as follows:

Sec. 21. 1. A justice of the Supreme Court, ***a judge of the court of appeals,*** a district judge, a justice of the peace or a municipal judge may, in addition to the provision of Article 7 for impeachment, be censured, retired, removed or otherwise disciplined by the Commission on Judicial Discipline. Pursuant to rules governing appeals adopted by the Supreme Court, a justice or judge may appeal from the action of the Commission to the Supreme Court, which may reverse such action or take any alternative action provided in this subsection.

2. The Commission is composed of:

(a) Two justices or judges appointed by the Supreme Court;

(b) Two members of the State Bar of Nevada, a public corporation created by statute, appointed by its Board of Governors; and

(c) Three persons, not members of the legal profession, appointed by the Governor.

The Commission shall elect a Chairman from among its three lay members.

3. If at any time the State Bar of Nevada ceases to exist as a public corporation or ceases to include all attorneys admitted to practice before the courts of this State, the Legislature shall provide by law, or if it fails to do so the ***Supreme*** Court shall provide by rule, for the

appointment of attorneys at law to the positions designated in this Section to be occupied by members of the State Bar of Nevada.

4. The term of office of each appointive member of the Commission, except the first members, is 4 years. Each appointing authority shall appoint one of the members first appointed for a term of 2 years. If a vacancy occurs, the appointing authority shall fill the vacancy for the unexpired term. An appointing authority shall not appoint more than one resident of any county. The Governor shall not appoint more than two members of the same political party. No member may be a member of a commission on judicial selection.

5. The Legislature shall establish:

(a) In addition to censure, retirement and removal, the other forms of disciplinary action that the Commission may impose;

(b) The grounds for censure and other disciplinary action that the Commission may impose, including, but not limited to, violations of the provisions of the Code of Judicial Conduct;

(c) The standards for the investigation of matters relating to the fitness of a justice or judge; and

(d) The confidentiality or nonconfidentiality, as appropriate, of proceedings before the Commission, except that, in any event, a decision to censure, retire or remove a justice or judge must be made public.

6. The Supreme Court shall adopt a Code of Judicial Conduct.

7. The Commission shall adopt rules of procedure for the conduct of its hearings and any other procedural rules it deems necessary to carry out its duties.

8. No justice or judge may by virtue of this Section be:

(a) Removed except for willful misconduct, willful or persistent failure to perform the duties of his office or habitual intemperance; or

(b) Retired except for advanced age which interferes with the proper performance of his judicial duties, or for mental or physical disability which prevents the proper performance of his judicial duties and which is likely to be permanent in nature.

9. Any matter relating to the fitness of a justice or judge may be brought to the attention of the Commission by any person or on the motion of the Commission. The Commission shall, after preliminary investigation, dismiss the matter or order a hearing to be held before it. If a hearing is ordered, a statement of the matter ~~[shall]~~ ***must*** be served upon the justice or judge against whom the proceeding is brought. The Commission in its discretion may suspend a justice or judge from the exercise of his office pending the determination of the proceedings before the Commission. Any justice or judge whose removal is sought is liable to indictment and punishment according to law. A justice or judge retired for disability in accordance with this Section is entitled thereafter to receive such compensation as the Legislature may provide.

10. If a proceeding is brought against a justice of the Supreme Court, no justice of the Supreme Court may sit on the Commission for that proceeding. ***If a proceeding is brought against a judge of the court of appeals, no judge of the court of appeals may sit on the Commission for that proceeding.*** If a proceeding is brought against a district judge, no district judge from the same judicial district may sit on the Commission for that proceeding. If a proceeding is brought against a justice of the peace, no justice of the peace from the same township may sit on the Commission for that proceeding. If a proceeding is brought against a municipal judge, no municipal judge from the same city may sit on the Commission for that proceeding. If an appeal is taken from an action of the Commission to the Supreme Court, any justice who sat on the Commission for that proceeding is disqualified from participating in the consideration or decision of the appeal. When any member of the Commission is disqualified by this subsection, the Supreme Court shall appoint a substitute from among the eligible judges.

11. The Commission may:

(a) Designate for each hearing an attorney or attorneys at law to act as counsel to conduct the proceeding;

(b) Summon witnesses to appear and testify under oath and compel the production of books, papers, documents and records;

(c) Grant immunity from prosecution or punishment when the Commission deems it necessary and proper in order to compel the giving of testimony under oath and the production of books, papers, documents and records; and

(d) Exercise such further powers as the Legislature may from time to time confer upon it.

And be it further

RESOLVED, That Section 3 of Article 7 of the Nevada Constitution be amended to read as follows:

~~[~~Sec.:~~]~~ ***Sec.*** 3. For any reasonable cause to be entered on the journals of each House, which may ~~[~~,~~]~~ or may not be sufficient grounds for impeachment, the ~~[~~Chief Justice and associate~~]~~ justices of the Supreme Court ***, the judges of the court of appeals*** and ***the*** judges of the district courts ~~[~~shall~~]~~ ***must*** be removed from office on the vote of two thirds of the members elected to each branch of the Legislature ***.*** ~~[~~, and the~~]~~ ***The*** justice or judge complained of ~~[~~, shall~~]~~ ***must*** be served with a copy of the complaint against him, and ~~[~~shall~~]~~ have an opportunity of being heard in person or by counsel in his defense ***.*** ~~[~~, provided, that no~~]~~ ***No*** member of either branch of the Legislature ~~[~~shall be~~]~~ ***is*** eligible to fill the vacancy occasioned by such removal.

And be it further

RESOLVED, That Section 8 of Article 15 of the Nevada Constitution be amended to read as follows:

~~[~~Sec.:~~]~~ ***Sec.*** 8. The Legislature shall provide for the speedy publication of all statute laws of a general nature ~~[~~,~~]~~ and such decisions of the Supreme Court ~~[~~,~~]~~ ***and the court of appeals*** as it may deem expedient ***.*** ~~[~~; and all~~]~~ ***All*** laws and judicial decisions ~~[~~shall~~]~~ ***must*** be free for publication by any person ***.*** ~~[~~; provided, that no~~]~~ ***No*** judgment of the Supreme Court ***or the court of appeals*** shall take effect and be operative until the opinion of the court in such case ~~[~~shall be~~]~~ ***is*** filed with the clerk of said court.

Assemblyman Segerblom moved that the resolution be referred to the Committee on Legislative Operations and Elections.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Government Affairs:

Assembly Bill No. 454—AN ACT relating to land use planning; removing the prospective expiration of certain provisions concerning tentative maps and final maps of certain subdivisions of land; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Education:

Assembly Bill No. 455—AN ACT relating to education; requiring the Nevada Interscholastic Activities Association and the board of trustees of each school district to adopt policies concerning the prevention and treatment of injuries to the head sustained by pupils while participating in sports and other athletic activities and events; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Education.

Motion carried.

By the Committee on Education:

Assembly Bill No. 456—AN ACT relating to education; authorizing certain pupils to receive a standard high school diploma without passing all subject areas of the high school proficiency examination under certain circumstances; authorizing the board of trustees of a school district to adopt a policy that allows certain pupils enrolled in high school the opportunity to make up credit; authorizing a juvenile court to impose certain orders against the parent or legal guardian of a child who is adjudicated in need of supervision because the child is a habitual truant; revising provisions governing employment of minors; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Education.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 457—AN ACT relating to energy assistance; increasing the amount of the universal energy charge imposed on certain retail customers who purchase natural gas or electricity for consumption in this State; increasing the maximum amount of the universal energy charge that a single retail customer or multiple retail customers under common ownership and control may be required to pay during a calendar quarter; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 458—AN ACT relating to insurance; requiring prior notice of an increase in premium based on a change in the amount of coverage for a dwelling for a policy of homeowner's insurance; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 459—AN ACT relating to gaming; revising the boundaries of the Las Vegas Boulevard gaming corridor; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 460—AN ACT relating to criminal procedure; revising provisions concerning sentencing in cases in which the death penalty is sought; revising provisions concerning the circumstances by which murder of the first degree may be aggravated; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 461—AN ACT relating to prisons; revising provisions concerning the duties of the Board of State Prison Commissioners and the Director of the Department of Corrections; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 462—AN ACT relating to terrorism; revising the definition of an "act of terrorism"; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 463—AN ACT relating to motor vehicles; providing an expedited process for the forfeiture of certain seized vehicles; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 464—AN ACT relating to statutes; ratifying certain technical corrections made to sections of NRS; correcting the effective dates of certain provisions, correcting and clarifying certain provisions and

repealing certain provisions of Statutes of Nevada; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 465—AN ACT relating to financial institutions; enacting provisions governing consumer legal funding; prescribing requirements for licensure as a consumer legal funding company; establishing requirements for consumer legal funding transactions; prescribing the maximum fees for licensure; prescribing administrative penalties; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 466—AN ACT relating to groundwater; requiring the State Engineer to define, by regulation, the term "environmentally sound" for the purpose of making certain determinations relating to interbasin transfers of groundwater; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 467—AN ACT relating to local government; requiring each board of county commissioners to establish a centralized licensing office to issue business licenses and other permits in the county; requiring each city and town to cooperate with the board of county commissioners in operating the centralized licensing office and to assign certain proceeds of the city's or town's license taxes to the operating costs of the office; requiring the governing bodies of certain counties and cities to establish a system that ensures uniformity of certain zoning regulations, restrictions and controls; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 468—AN ACT relating to redevelopment; requiring each redevelopment agency in this State to establish a citizens' advisory group; requiring a citizens' advisory group to review certain redevelopment

projects, redevelopment plans and amendments to such plans under certain circumstances; prohibiting a legislative body of a local government from giving its consent for certain acts by a redevelopment agency unless the agency provides certain reports to the legislative body and the general public; authorizing a redevelopment agency to loan money for the purchase of land and the construction of certain improvements to real property under certain circumstances; requiring a redevelopment agency to file annual reports with the Committee on Local Government Finance; requiring a redevelopment agency to set aside certain revenue from real property taxes for certain purposes; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 469—AN ACT relating to governmental administration; authorizing the leasing of unused state buildings, grounds and property to new businesses seeking to locate or expand in this State; authorizing local governments to enter into agreements with one another to advertise for contracts and make purchasing agreements together; requiring school districts to advertise for bids for the provision of certain services in the school district; authorizing local governments to award contracts based in part upon the best value offered; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 470—AN ACT relating to public works; revising provisions governing the selection of a construction manager at risk for preconstruction services and the construction of a public work; revising the manner in which a construction manager at risk may solicit bids and select a subcontractor for a public work; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 471—AN ACT relating to local government financial administration; prohibiting the governing body of a local government from loaning or transferring money from an enterprise fund under certain

circumstances; providing a penalty; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 472—AN ACT relating to youth shelters; repealing provisions relating to the approval of youth shelters by a county; revising provisions relating to immunity from civil liability; and providing other matters properly relating thereto.

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

Motion carried.

Assembly in recess at 11:47 a.m.

ASSEMBLY IN SESSION

At 11:53 a. m.
Mr. Speaker presiding.
Quorum present.

SECOND READING AND AMENDMENT

Assembly Bill No. 250.
Bill read second time and ordered to third reading.

Assemblyman Conklin moved that the Assembly recess until 6 p.m.
Motion carried.

Assembly in recess at 11:57 a.m.

ASSEMBLY IN SESSION

At 6:18 p.m.
Mr. Speaker presiding.
Quorum present.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Legislative Operations and Elections:

Assembly Bill No. 473—AN ACT relating to elections; amending the requirements of a declaration or acceptance of candidacy for certain offices; increasing the maximum population of registered voters in elections precincts; revising the deadline for preparing and sending absent ballots to certain voters; authorizing county and city clerks to establish the hours of operation during the final days of voter registration; requiring that complaints

challenging initiatives or referenda be given priority over all other matters pending before the court, except for criminal proceedings; revising the filing deadline for candidates for the Board of the Virgin Valley Water District; making various other changes relating to elections; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 474—AN ACT relating to governmental administration; creating the Sunset Subcommittee of the Legislative Commission; providing for its membership; requiring the Sunset Subcommittee to review certain boards and commissions in this State to determine the need for the termination, consolidation, modification or continuation of those boards and commissions; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Concurrent Committees on Government Affairs and Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 475—AN ACT making a supplemental appropriation to the Nevada Supreme Court for an unanticipated shortfall in Fiscal Year 2010-2011 relating to a third judicial selection process; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 476—AN ACT relating to education; authorizing the Board of Regents of the University of Nevada to request an allocation from the Contingency Fund to cover a projected shortfall in the Trust Fund for the Education of Dependent Children; providing that money in the Trust Fund does not revert to the State General Fund; making an appropriation; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 477—AN ACT relating to the Public Employees' Retirement System; revising provisions relating to the administration of the System; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 478—AN ACT relating to the Nevada System of Higher Education; increasing the total principal amount of bonds and other securities that may be issued by the Board of Regents of the University of Nevada to finance certain projects at the University of Nevada, Reno; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 479—AN ACT relating to governmental administration; setting forth the maximum number of hours and days for each scheduled week of work for an employee who is employed by the State of Nevada; expanding the hours during which the office of a state officer, department, board, commission or agency must be open to transact business under certain circumstances; reducing the number of days that the office must be open to transact business during a year; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Concurrent Committees on Government Affairs and Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 480—AN ACT making an appropriation to the Division of Health Care Financing and Policy of the Department of Health and Human Services for the completion of the takeover phase of the Medicaid Management Information System; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 481—AN ACT making an appropriation to the Nevada Highway Patrol Division of the Department of Public Safety to replace certain fleet vehicles; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 482—AN ACT making a supplemental appropriation to the Division of State Lands of the State Department of Conservation and Natural Resources for a required payment of compensatory time; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 483—AN ACT making a supplemental appropriation to the State Distributive School Account for unanticipated shortfalls in Fiscal Year 2010-2011 in certain tax revenue; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 484—AN ACT making an appropriation to the Interim Finance Committee for allocation to the State Treasurer for interest payments due the Federal Government for the loan that was made available to the State upon depletion of Nevada's Unemployment Compensation Fund; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 485—AN ACT making an appropriation to the Department of Administration for the Nevada Broadband Task Force; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 486—AN ACT making an appropriation to the Division of Forestry of the State Department of Conservation and Natural Resources for the replacement of critical equipment; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 487—AN ACT making an appropriation to the State Board of Examiners for employee retirement buyouts and terminal leave payments for eliminated positions; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 488—AN ACT relating to state financial administration; delaying for 2 years the prospective change in the allocation of certain taxes imposed on the rental of transient lodging; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 489—AN ACT relating to corrections; revising provisions governing compensation for travel expenses for certain persons employed at certain correctional institutions or facilities within this State; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 490—AN ACT making an appropriation to the Legislative Fund for major computer projects for the Legislative Counsel Bureau; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 491—AN ACT making an appropriation to the Division of Forestry of the State Department of Conservation and Natural Resources for major repair and renovation work on certain crew carriers; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 492—AN ACT making appropriations to the Legislative Fund for dues to national organizations; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 493—AN ACT relating to education; extending the prospective expiration of the temporary waiver from certain requirements governing expenditures of money for textbooks, instructional supplies, instructional software and instructional hardware by school districts, charter schools and university schools for profoundly gifted pupils; providing a temporary waiver from certain requirements governing expenditures of money for library books, software for computers, the purchase of equipment relating to instruction and the maintenance and repair of equipment, vehicles, and buildings and facilities by school districts; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 494—AN ACT making appropriations to restore the balances in the Stale Claims Account, Emergency Account, Reserve for Statutory Contingency Account and Contingency Fund; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 495—AN ACT making an appropriation to the Division of Forestry of the State Department of Conservation and Natural

Resources for necessary services and equipment to transition the State's Very High Frequency radio system from wideband to narrowband in accordance with the Federal Communications Commission mandate; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 496—AN ACT making a supplemental appropriation to the Budget and Planning Division of the Department of Administration for unanticipated shortfalls in Fiscal Year 2010-2011 for increased audit costs; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 497—AN ACT making a supplemental appropriation to the Real Estate Division of the Department of Business and Industry for an unanticipated shortfall in Fiscal Year 2010-2011; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 498—AN ACT relating to education; eliminating the requirement for the administration of norm-referenced examinations in public schools; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 499—AN ACT relating to state financial administration; authorizing the Department of Health and Human Services to transfer sums appropriated to the Department among the various budget accounts of the Department under certain circumstances; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 500—AN ACT relating to state financial administration; temporarily revising the distribution of revenue from certain licensing fees for slot machines to the Revolving Account to Support Programs for the Prevention and Treatment of Problem Gambling; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Legislative Operations and Elections:

Assembly Bill No. 501—AN ACT relating to the death penalty; establishing a moratorium on the execution of sentences of death; providing for a study of issues regarding the death penalty; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Concurrent Committees on Legislative Operations and Elections and Ways and Means.

Motion carried.

By the Committee on Legislative Operations and Elections:

Assembly Bill No. 502—AN ACT relating to elections; revising the order in which certain legislative measures appear on the ballot; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

By the Committee on Natural Resources, Agriculture, and Mining:

Assembly Bill No. 503—AN ACT relating to wildlife; imposing certain conservation fees; requiring a person who is not the holder of an annual hunting, trapping, fishing or combined hunting and fishing license to pay an annual conservation fee to access a wildlife management area; revising certain provisions governing the use of money in the Wildlife Obligated Reserve Account; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

By the Committee on Taxation:

Assembly Bill No. 504—AN ACT relating to taxation; requiring the Department of Taxation to provide an annual report to the Nevada Tax Commission of delinquent taxes owed to the Department; requiring the Nevada Tax Commission to request that the State Board of Examiners

designate certain delinquent taxes owed to the Department as bad debt; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Taxation.

Motion carried.

By the Committee on Taxation:

Assembly Bill No. 505—AN ACT relating to governmental financial administration; requiring the Director of the Department of Administration to prepare and send a report of tax expenditures to the Governor and the Legislature; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Taxation.

Motion carried.

By the Committee on Taxation:

Assembly Bill No. 506—AN ACT relating to taxation; authorizing the Commission on Economic Development to approve and the Nevada Tax Commission to issue a transferable tax credit for a film producer that produces a film production in this State under certain circumstances; providing for the calculation of the transferable tax credit; requiring a producer that receives a transferable tax credit to consent to an audit by the Department of Taxation and to the disclosure of the audit report to the Commission on Economic Development and to the public with certain limited exceptions; requiring the Commission on Economic Development to provide notice of certain hearings; requiring a producer to return any portion of a transferable tax credit to which he or she is not entitled; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Taxation.

Motion carried.

By the Committee on Transportation:

Assembly Bill No. 507—AN ACT relating to fuel taxes; increasing taxes on the sale, distribution or use of motor vehicle fuel; increasing taxes on the sale of special fuels; increasing taxes on the sale or use of an emulsion of water-phased hydrocarbon fuel, liquefied petroleum gas or compressed natural gas; removing the exemption from certain requirements provided for the sale of revenue bonds secured by county taxes on fuel; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Taxation.

Motion carried.

By the Committee on Transportation:

Assembly Bill No. 508—AN ACT relating to motor vehicles; removing the exemption of mopeds from certain registration requirements; requiring a fee for the registration of mopeds; requiring drivers and passengers of mopeds to wear protective headgear; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Transportation.

Motion carried.

By the Committee on Transportation:

Assembly Bill No. 509—AN ACT relating to motor carriers; revising provisions governing the exemption of certain nonprofit carriers from the requirement to obtain a certificate of public convenience and necessity; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Transportation.

Motion carried.

By the Committee on Transportation:

Assembly Bill No. 510—AN ACT relating to taxicabs; requiring the Taxicab Authority to consider the interests of taxicab drivers in making certain decisions; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Transportation.

Motion carried.

By the Committee on Transportation:

Assembly Bill No. 511—AN ACT relating to transportation; providing certain privileges to the owner or long-term lessee of a qualified plug-in electric drive vehicle; authorizing in this State the operation of, and the alternative licensure of operators of, autonomous vehicles; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Transportation.

Motion carried.

By the Committee on Transportation:

Assembly Bill No. 512—AN ACT relating to motor vehicles; revising the requirement for the notice a property owner or a person in lawful possession of residential real property must give to the local police department or sheriff's office before having a vehicle towed that is parked in an unauthorized manner; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Transportation.

Motion carried.

By the Committee on Transportation:

Assembly Bill No. 513—AN ACT relating to motor vehicles; revising provisions pertaining to the use of safety belts in taxicabs; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Transportation.

Motion carried.

By the Committee on Transportation:

Assembly Bill No. 514—AN ACT relating to public highways; revising provisions relating to the placement of advertising on certain structures that are adjacent to or over certain highways; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Transportation.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 515—AN ACT relating to the promotion of livestock; creating the Fund for the Nevada Junior Livestock Show Board; making various changes to the Nevada Junior Livestock Show Board; authorizing the Board to charge and collect a reasonable fee for participation in the Nevada Junior Livestock Show and the Nevada Youth Livestock and Dairy Show; repealing the requirement that the promotion of livestock be funded by direct legislative appropriation from the State General Fund; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 516—AN ACT relating to governmental administration; transferring the Division of Minerals from the Commission on Mineral Resources to the State Department of Conservation and Natural Resources; revising certain duties of the Commission and the Administrator of the Division; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 517—AN ACT relating to state financial administration; revising provisions governing the proposed budget for the Executive Department of the State Government; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 518—AN ACT relating to housing; consolidating the Manufactured Housing Division of the Department of Business and Industry within the Housing Division of the Department; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 519—AN ACT relating to health; transferring the Office for Consumer Health Assistance from the Office of the Governor to the Department of Health and Human Services; requiring the Director of the Department to appoint the Governor's Consumer Health Advocate to head the Office; including the Office of Minority Health within the Office for Consumer Health Assistance; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 520—AN ACT relating to attorneys; revising provisions relating to the payment of compensation for and expenses of court-appointed attorneys; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 521—AN ACT relating to insurance; consolidating certain funds and accounts of the Division of Insurance of the Department of Business and Industry into the Fund for Insurance Administration and Enforcement; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 522—AN ACT relating to state lands; authorizing the issuance of general obligation bonds to carry out projects and programs to protect, preserve and obtain the benefits of the property and natural resources of this State; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 523—AN ACT relating to programs for public personnel; revising provisions relating to the coverage of dependents under the health care plans of the State and local governments; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 524—AN ACT relating to appraisers of real estate; revising certain fees for the issuance or renewal of a license or certificate; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 525—AN ACT relating to wildlife; creating the Wildlife Trust Fund; requiring the Director of the Department of Wildlife to administer the Wildlife Trust Fund; authorizing the Director to accept gifts, grants, donations and endowments of money for the Wildlife Trust Fund; requiring the Director to report income and expenditures from the Wildlife Trust Fund to the Chief of the Budget Division of the Department of Administration and the Legislature; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 526—AN ACT relating to the State Fire Marshal; repealing the requirement that the State Fire Marshal annually inspect all state buildings; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 527—AN ACT making an appropriation for the implementation and operation of a principal leadership training program; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 528—AN ACT relating to public health; authorizing the transfer of money received to carry out provisions relating to the medical use of marijuana; requiring the Division of Mental Health and Developmental Services of the Department of Health and Human Services to use certain money for alcohol and drug abuse programs for certain persons; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 529—AN ACT relating to public financial administration; revising provisions relating to the use of money in the Fund for Hospital Care to Indigent Persons; transferring money from an account in the Fund to the State General Fund for the next biennium; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 530—AN ACT relating to state financial administration; revising provisions relating to stale claims by state agencies; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 531—AN ACT relating to state financial administration; providing that all interest and income earned on any money in the Fund for Manufactured Housing or in any account in the Fund must be credited to the Fund; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Health and Human Services:

Assembly Bill No. 532—AN ACT relating to juveniles; requiring an agency which licenses or supervises the operation of a facility for juveniles to monitor and inspect the facility to determine whether the facility is being operated in accordance with the laws of this State; requiring such an agency to submit an annual report to the Legislature; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By the Committee on Health and Human Services:

Assembly Bill No. 533—AN ACT relating to group homes; providing certain financial protections for residents of group homes and similar facilities; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By the Committee on Health and Human Services:

Assembly Bill No. 534—AN ACT relating to group homes; increasing the monetary civil penalties to be assessed against persons who operate a residential facility for groups or a home for individual residential care without a license; increasing the period within which persons who operate a residential facility for groups or a home for individual residential care without a license are prohibited from applying for a license to operate such a facility; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By the Committee on Health and Human Services:

Assembly Bill No. 535—AN ACT relating to residential facilities for groups; revising provisions governing the referral of persons to such facilities; requiring the State Board of Health to track certain violations and

to disseminate certain information to the public; providing a civil penalty; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By the Committee on Health and Human Services:

Assembly Bill No. 536—AN ACT relating to the protection of children; requiring an investigation of the criminal history of certain persons associated with certain facilities that provide residential services to children; requiring such a facility to terminate the employment of or remove from the facility certain persons based on the results of an investigation of the person's criminal history; requiring such a facility to maintain records concerning employees and residents of the facility; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 537—AN ACT relating to health care practitioners; prohibiting certain health care practitioners from participating in the procurement, purchase or consumption of certain drugs that are not labeled in accordance with federal regulations; providing that such participation is grounds for disciplinary action or denial of licensure; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 538—AN ACT relating to pawnbrokers; revising the rate of interest that may be charged by pawnbrokers; revising the minimum time a pawnbroker must hold certain property; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 539—AN ACT relating to insurance; creating the Office of the Consumer Advocate within the Division of Insurance of the Department of Business and Industry; requiring the Governor to appoint a Consumer Advocate as the executive head of the Office; requiring the

Consumer Advocate to provide an annual report card for each insurer transacting business in this State; requiring an insurer to publish on an Internet website certain information related to each policy, contract or plan of insurance offered by the insurer; requiring certain insurers to offer homeowner's insurance in this State; requiring the Commissioner of Insurance to establish certain restrictions on rates for policies and contracts of homeowner's insurance; requiring the Commissioner to issue an order directing an insurer to return certain excess profits to policyholders; requiring an insurer to provide a policyholder with certain options for each policy, contract or plan of insurance offered in this State; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 540—AN ACT relating to insurance; providing limited coverage by the Nevada Life and Health Insurance Guaranty Association for unallocated annuity contracts offered to participants under the Public Employees' Deferred Compensation Program; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 541—AN ACT relating to loans; revising provisions governing certain deferred deposit loans and high-interest loans; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 542—AN ACT relating to alcoholic beverages; providing for the licensing and operation of distilleries in this State; setting forth the conditions under which spirits manufactured at such distilleries may be sold; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Commerce and Labor:

Assembly Bill No. 543—AN ACT relating to public highways; providing for the regulation of mobile billboards in certain counties; requiring a mobile billboard business to pay an annual licensing fee; requiring a mobile billboard business to obtain and provide proof of insurance for its vehicles; requiring a mobile billboard business to obtain a bond indemnifying the State for damages as a result of the business; requiring yearly inspections of the vehicles used by a mobile billboard business; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 544—AN ACT relating to group homes; requiring, under certain circumstances, that local governments adopt definitions for group homes and similar facilities which are the same as or substantially similar to the definitions used in state law; requiring, under certain circumstances, the use of the terms so defined; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 545—AN ACT relating to classifications based on population; changing the population basis for the exercise of certain powers by local governments; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Education:

Assembly Bill No. 546—AN ACT relating to children; making various changes to provisions governing early childhood care and education; providing for the establishment by statute of the Early Childhood Advisory Council; requiring certain training of persons who are employed in early childhood care; requiring annual reports concerning such training to be submitted to the Department of Education and the Legislative Committee on Education; requiring the Board for Child Care to adopt regulations establishing requirements for courses of training in child care for employees of a child care facility; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Education.

Motion carried.

By the Committee on Education:

Assembly Bill No. 547—AN ACT relating to education; requiring the Department of Education to adopt a statewide school wellness policy; requiring boards of trustees of school districts and governing bodies of charter schools to adopt local school wellness policies; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Education.

Motion carried.

By the Committee on Education:

Assembly Bill No. 548—AN ACT relating to education; removing the provisions creating an elected State Board of Education; providing for the appointment of members of the State Board of Education by the Governor; revising provisions governing the appointment and duties of the Superintendent of Public Instruction; providing that the Superintendent of Public Instruction is responsible for ensuring that the duties and responsibilities of certain commissions, councils and programs are carried out by those commissions, councils and programs successfully; repealing the P-16 Advisory Council; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Education.

Motion carried.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 6:41 p.m.

ASSEMBLY IN SESSION

At 6:43 p.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

By the Committee on Ways and Means:

Assembly Joint Resolution No. 8—Proposing to amend the Nevada Constitution to require the legislature to establish a tuition assistance program which is partially based on financial need.

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That Section 2 of Article 11 of the Nevada Constitution be amended to read as follows:

Section 2. ***1.*** The legislature shall provide for a uniform system of common schools, by which a school shall be established and maintained in each school district at least six months in every year, and any school district which shall allow instruction of a sectarian character therein may be deprived of its proportion of the interest of the public school fund during such neglect or infraction, and the legislature may pass such laws as will tend to secure a general attendance of the children in each school district upon said public schools.

2. The legislature shall provide by law for a tuition assistance program to assist the parent or legal guardian of a child in any grade from kindergarten through grade 12, who would otherwise attend a public school, to pay tuition for the child to attend a private school chosen by the parent or legal guardian. The amount of such assistance must be based upon the amount of funding that the school district would otherwise receive for the pupil from state and local sources. Each parent or legal guardian is entitled to receive at least one-half of that amount as tuition assistance and is eligible to receive all or a portion of the remaining one-half of the tuition assistance based solely on financial need.

And be it further

RESOLVED, That Section 10 of Article 11 of the Nevada Constitution be amended to read as follows:

~~[~~Section Ten~~]~~ ***Sec. 10. 1.*** No public funds of any kind or character whatever, State, County or Municipal, shall be used for sectarian purposes.

2. The payment of public funds, in accordance with the program established by the legislature pursuant to Section 2 of Article 11 of this Constitution, shall not be deemed to be used for a sectarian purpose, notwithstanding that the parent or legal guardian may choose a school affiliated with a sectarian institution.

Assemblyman Conklin moved that the resolution be referred to the Committee on Education.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Government Affairs:

Assembly Bill No. 549—AN ACT relating to homeland security; revising various provisions governing homeland security; establishing a statewide repository for the protection of critical infrastructure information; revising provisions governing certain confidential information; revising provisions relating to the Nevada Commission on Homeland Security; providing a penalty; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 550—AN ACT relating to transportation; providing for the construction, operation and maintenance of state ports of entry; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 551—AN ACT relating to education; requiring the board of trustees of each school district in this State to assess the feasibility of sharing services, functions and personnel with other school districts of this State; requiring the Committee on Local Government Finance to adopt certain regulations; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Education.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 552—AN ACT relating to genetic marker analysis; imposing an administrative assessment upon a defendant convicted of any crime; requiring that a biological specimen be obtained from a person arrested for a felony; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 553—AN ACT relating to the Public Employees' Benefits Program; revising provisions governing subsidies for the coverage of certain persons under the Program; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 554—AN ACT relating to education; requiring the Department of Education to assign a letter grade to each school district and public school; requiring that a report card be prepared for each school district with information pertaining to the letter grades received by the school district and certain other information pertaining to the progress made in pupil achievement; requiring the Department to prepare a separate report card for charter schools sponsored by the State Board of Education; requiring the board of trustees of each school district to adopt a policy authorizing the parent or legal guardian of pupil to enroll his or her child in a public school other than the public school the child is otherwise zoned to attend;

prohibiting the promotion of a pupil to grade 4 if the pupil does not obtain a certain score on the criterion-referenced examination in reading; providing certain good-cause exemptions for certain pupils; requiring school districts to offer intensive instructional services in reading for certain pupils; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 555—AN ACT relating to educational personnel; requiring the State Board of Education to establish a four-tiered performance evaluation system for teachers and administrators; requiring the Commission on Professional Standards in Education to submit recommendations to the State Board concerning the performance evaluation system; eliminating the status of probationary and postprobationary teachers and administrators; providing that each licensed employee of a school district is employed on a 1-year contract basis with no right to reemployment; revising the designations required of evaluations of teachers and administrators; requiring the board of trustees of a school district to base its decisions relating to the reduction in workforce and the salary, wage rates and other forms of compensation for teachers on certain factors; and providing other matters properly relating thereto.

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

Motion carried.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 6:57 p.m.

ASSEMBLY IN SESSION

At 6:59 p.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Conklin moved that the action whereby Assembly Bill No. 554 was referred to the Committee on Ways and Means be rescinded.

Motion carried.

Assemblyman Conklin moved that Assembly Bill No. 554 be referred to the Committee on Education.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 556—AN ACT relating to the Public Employees' Benefits Program; changing the fund into which certain subsidies paid for coverage under the Program are deposited; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 557—AN ACT making an appropriation to the Department of Education for school districts to establish pilot programs of performance pay for licensed teachers; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Education.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 558—AN ACT relating to education; revising provisions governing the duties of the Commission on Educational Excellence; revising provisions governing the Account for Programs for Innovation and the Prevention of Remediation; establishing the categorical block grant program for K-12 public education; authorizing the boards of trustees of school districts to apply to the Department of Education for a block grant to implement certain programs in public schools; revising provisions governing the requirements for the reduction of pupil-teacher ratios in certain grades; removing the Grant Fund for Incentives for Licensed Educational Personnel; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 559—AN ACT relating to the Lake Tahoe Basin; requiring the issuance of general obligation bonds to carry out certain environmental improvement projects included in the second phase of the Environmental Improvement Program for the Lake Tahoe Basin; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 560—AN ACT relating to state employees; reducing the rate of accrual of annual leave and sick leave for state employees; eliminating the required payment of a state employee at the rate of time and one-half for working on a holiday; eliminating the requirement that the state purchase credit for service for retirement for certain employees if an agency is required to reduce the number of its employees; continuing the temporary suspension of the semiannual payment of longevity pay and merit pay increases for state employees; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 561—AN ACT relating to governmental financial administration; delaying the commencement of certain transfers to the Fund to Stabilize the Operation of the State Government; revising the provisions governing the amount and use of certain reserve accounts for bond payments; revising the provisions governing the rate and calculation of the payroll tax imposed on certain businesses other than financial institutions; requiring the deposit of certain fees imposed on the short-term lease of passenger cars into the State General Fund; extending the prospective expiration of certain requirements regarding the advance payment of the tax imposed on the net proceeds of minerals; temporarily authorizing the securitization of the proceeds of the tax on insurance premiums; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 562—AN ACT relating to the Public Employees' Benefits Program; revising provisions governing the subsidy for coverage of certain retired persons under the Program; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 563—AN ACT relating to programs for public personnel; establishing for the next biennium the amount to be paid to the Public Employees' Benefits Program for insurance for certain active and retired public officers and employees; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 564—AN ACT relating to business associations; authorizing the Secretary of State to adopt regulations to define certain terms to allow certain corporations, associations, organizations, partnerships and other entities to carry out their powers and duties using the most recent technology available; providing that certain meetings of corporations may be conducted through the use of available technology; authorizing the Secretary of State to develop and make available a model operating agreement for use by limited-liability companies; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Assemblyman Conklin moved that the action whereby Assembly Bill No. 559 was referred to the Committee on Ways and Means be rescinded.

Motion carried.

Assemblyman Conklin moved that Assembly Bill No. 559 be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 7:15 p.m.

ASSEMBLY IN SESSION

At 7:18 p.m.

Mr. Speaker presiding.

Quorum present.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 87, 88; Assembly Concurrent Resolution No. 4; Assembly Resolutions Nos. 4, 5, 6.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Laura Martin.

On request of Assemblyman Atkinson, the privilege of the floor of the Assembly Chamber for this day was extended to Caitlin Katzenbach, Charly Seal, and Kellie Young.

On request of Assemblywoman Benitez-Thompson, the privilege of the floor of the Assembly Chamber for this day was extended to the following students and chaperones from Pine Middle School: Kaleb Abend, Arianna Adams, Olivia Amundsen, Andres Anguiano, Sami Baig, Madison Baker, Caliz Barrus, Clark Barrus, Ethan Bilyeu, Kimberly Bowman, Ashley Brooks, Gillermina Castillo Ramirez, Kayla Cerfoglio, Charles Chappel, Breana Davis, Hailey Dunn, Zachary Dussaq, Abigail Finsten, Issic Giron Gomez, Cesar Giron-Perez, Taylor Guy, Tatiana Hagan, Devan Heinrichs, Virginia Helu, Kaelin Henry, Christian Hernandez Vasquez, James Houghton, Dexter Hughes, Hunter Knickerbocker, Katrina Kozak, Thomas Lancaster, Alejandra Lopez, Natiana Marino Funes, Jacob McDonald, Jennifer Medina Aguiar, Hannah Mercurio, Romina Miranda Camacho, Nicholas Nelson, Michelle Newblom, Angelo Nino De Guzman, Ravyn Norman, Callista Obrien, Ryan O'Connor, Daren Ogilvie, Tyler Ogle, Andrew Ott, Kyle Pauly, Logan Peterson, Katherine Pintar, Hector Ponce Estrada, H. M. Reid, Ethan Richardson, Lauren Rising, Johnathan Rivas, Miles Ronkos, Jessica Rosser, Leonel Soto, Jamie Stachofsky, Connor Welsh, Anne Welton, Sabel Witmer, Haley Woods, Phoebe Yang, and Cloyd Zeiter.

On request of Assemblyman Brooks, the privilege of the floor of the Assembly Chamber for this day was extended to Brandon Hill, Katrina Ingersoll, and Katie Stapp.

On request of Assemblywoman Carlton, the privilege of the floor of the Assembly Chamber for this day was extended to Laura Leavitt.

On request of Assemblyman Daly, the privilege of the floor of the Assembly Chamber for this day was extended to the following participants and chaperones from 4-H Capitol Days: Georgie Zielinski, Elaina Dunn, Sandra Dunn, Andrea Eiseman, KeKoa Elliott, Sarah Greber, Ian Guthridge, Caitlin Katzenbach, David McGaw, Monica Molina, Andrew Logan Snyder, Lauren Elaine Snyder, Katie Stapp, Alexis Trowbridge, Kellie Young, Aaron Reed, Benjamin Reed, Cassia Reed, Katie Combs, Celestina Cubio-Torres, Ryan Huskins, Alyssa Barainca, Courtney Bellander, Savannah Drew, Alexander Hill, Brandon Hill, Tyrel Keppner, Charly Seal, Kayla Boldrick, Marshall McKown, Savanah Taylor, Megan Campbell, Jillian Groteguth, Allison Welling, Kelly Brandon, Robin Johnson, Caitlyn Morton, Abby Williams, Joshua Smith, Jeremy Green, Katrina Ingersoll, Jared Cumming, Katrina Cumming, Deb Cobb, Chuck Fox, Ann McGaw, Dennis McGaw, Pete Mangum, Steve Schafer, Sandy Hawkins, Jessica Poole, Reana Bye, and Adrienne Sawyer.

On request of Assemblywoman Dondero Loop, the privilege of the floor of the Assembly Chamber for this day was extended to Peter Cohen, Paul Vargas, Jeffrey Geihs, Sue Steaffens, Robert Mars, and Jefferey Hybarger.

On request of Assemblyman Goedhart, the privilege of the floor of the Assembly Chamber for this day was extended to Monica Molina and Andrew Logan Snyder.

On request of Assemblyman Goicoechea, the privilege of the floor of the Assembly Chamber for this day was extended to Elaina Dunn, Alexis Trowbridge, and Reana Bye.

On request of Assemblyman Grady, the privilege of the floor of the Assembly Chamber for this day was extended to Kelly Brandon and Jeremy Green.

On request of Assemblyman Hambrick, the privilege of the floor of the Assembly Chamber for this day was extended to Tyrel Keppner and Lauren Elaine Snyder.

On request of Assemblyman Hardy, the privilege of the floor of the Assembly Chamber for this day was extended to Sandra Dunn, Elliot KeKoa, and Alexander Hill.

On request of Assemblyman Horne, the privilege of the floor of the Assembly Chamber for this day was extended to Savannah Drew, Ian Guthridge, and Aaron Reed.

On request of Assemblyman Kite, the privilege of the floor of the Assembly Chamber for this day was extended to Kayla Bodrick, Marshall McKown, and Savanah Taylor.

On request of Assemblyman Livermore, the privilege of the floor of the Assembly Chamber for this day was extended to Robin Johnson and Joshua Smith.

On request of Assemblyman Stewart, the privilege of the floor of the Assembly Chamber for this day was extended to Linda Robinson, David Robinson, and Nicole Koester.

Assemblyman Conklin moved that the Assembly adjourn until Tuesday, March 29, 2011, at 11 a.m.

Motion carried.

Assembly adjourned at 7:19 p.m.

Approved: JOHN OCEGUERA
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE FIFTY-FIRST DAY

CARSON CITY (Tuesday), March 29, 2011

Assembly called to order at 11:16 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Pastor Albert Tilstra.

God of grace, keep strong our faith in the power of prayer as we unite our petitions in this sacred moment. We have asked You for guidance in difficult decisions many times; yet, it has not always come how we thought it should. Many of the situations and relationships which we have asked You to change have remained the same.

Forgive us for thinking, therefore, that you are unwilling to help us in our dilemmas or that there is nothing that you can do. Remind us, O God, that when we plug in an electric iron and it fails to work, we do not conclude that electricity has lost its power nor do we plead with the iron. We look at once to the wiring to find what has broken or blocked the connection with the source of power.

May we do the same with ourselves, that You can work through us to do Your will.

This we ask in the Name of our Lord.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Conklin moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Education, to which was referred Assembly Bill No. 113, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, Your Committee on Education, to which was referred Assembly Bill No. 224, has had the same under consideration, and begs leave to report the same back with the recommendation: Without recommendation, and rerefer to the Committee on Ways and Means.

DAVID P. BOBZIEN, *Chair*

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Assembly Bills Nos. 174, 201, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MARILYN K. KIRKPATRICK, *Chair*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Bobzien moved that Assembly Bill No. 224 be rereferred to the Committee on Ways and Means.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 53.

Bill read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 250.

Bill read third time.

Remarks by Assemblyman Conklin.

Roll call on Assembly Bill No. 250:

YEAS—40.

NAYS—Carlton.

EXCUSED—Munford.

Assembly Bill No. 250 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 7, 134; Assembly Concurrent Resolution No. 7.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Aizley, the privilege of the floor of the Assembly Chamber for this day was extended to Daniel Bakley, Christian Arroyo, Elvira Diaz, and Jesse Diaz.

On request of Assemblyman Atkinson, the privilege of the floor of the Assembly Chamber for this day was extended to Suzanne Miele and Candice Nichols.

On request of Assemblywoman Benitez-Thompson, the privilege of the floor of the Assembly Chamber for this day was extended to Jeromy Manke, Jennifer Erikson, Angela Foremaster; and the following students and chaperones from Pine Middle School: Ashley Agrella, Ana Elidia Alvarez, Caitlin Amburgey, Abraham Banda, Aileen Banks, Daniel Barboza, Niyousha Behesti, Daniel Blackmore, Darien Boan, Jack Lyn Bullard, Gavin Bullis, Ian Burns, Trace Camp, Daniel Campbell, Mackenzie Cassas, Carlos Ceja, Ramon Ceja, Tobias Chambers, Osvaldo Chavez, Chloe Christensen, Connor Clewett, Luke Collier, Stephanie Combs, McKenna Conway, Emily

Cook, Sabrina Coons, Jamie Crick, Carley Crosby, Charmelle Cruz, Jacob Dacus, Brett Daniels, Whitney Davidson, Esmeralda Delgado Alvarez, Hannah Dirks, Amy Djukanovich, Audry Dobson, Fernanda Dominguez, Balee Drakulich, Camden Duncan, Tayaunna Eldridge, Johnathon Excell, Abigail Felch, Jackson Feldman, Itzel Flores Munoz, Esmeralda Flores-Alvarez, Rocsana Fonseca, Emma Foster, Willow Games, Adrian Garcia, Spencer George-Trevino, Pelemon Gilovich, Joanna Gonzalez Ortiz, Jazmin Gonzalez, Jose Gonzalez, Miguel Gonzalez, Yonatan Gonzalez, Scott Grady, Colin Graybeal, Sergio Guajardo, Juan Carlos Guerrero Chavez, Gage Gunzburg, Turner Gustafson, Deanna Haghighi, Shelby Harris, Julia Hart, John Hernandez, Osbaldo Hernandez, Kyle Hood, Xena Horne, Jonathan Huerta, Elissa Irwin, Abigail Jaimes, Darryn Johnson, Kylee Johnson, Timothy Johnson, Pierce Jorgensen, Mariel Juarez Castro, Benjamin King, Kaitlin Klefman, Torrie Kowatch, Tiana Kuckhoff, Bryan Ledezma, Charles Leo, Michael Liske, Camille Livingston, Spencer Lloyd, Jennifer Lopez Navarro, Neida Lopez-Avila, Tyler Lozier, Marianne Angely Maghirang, Krystal Manzano, U'shinde Mapp, Yesenia Martin-Deleon, Jesus Martinez, Rachel Matsukas, Kenneth Mclain, Linday Mendonca, Isaiah Miller, Kenia Monge, Cara Morrison, Mason Morrison, Maria Murillo, Joseph Newcomb, Matthew Newcomb, Mariah Nickerson, Nicole Paiva, Gabrielle Palmer, Mary Katherine Parmer, Heath Pate, Maria Ponce Bautista, Jonathan Posada Ortiz, Derek Quan, Nancy Ramirez Herrera, Marissa Ramos, Julia Rhodes, Porter Rittenhouse, Delia Rivera, Breanna Roberts, Amaya Rodriguez Keir, Jose Rodriguez, Miguel Rojas-Duarte, Bennett Rowan, Abner Ruiz, Sonia Ruiz, Danielle Russell, Jordi Salas, Jeffrey Sawyer, Carson Scott, Austin Sexton, Samantha Shulman, Hannah Silva, Moises Silva, Chloe Skabelund-Humphreys, Kyra Solano, Jesse Soloman, Stuart Sorter, Samantha Sotelo Olivera, Mario Soto, Logan Steedman, Hannah Stevenson, James Taumaoe, Dana Terry, Alexander Thomas, Jonathan Torres Flores, Felipe Torrez, Cody Trottot, Yazmine Turner, Brandon Urbina Hidalgo, Kaylee Vergilio, Johnattan Villasenor, Dylinn Villatoro, Breanna Ward, Kailey Wessel, Matthew Wieland, Zachary Williams, Hunter Willow, Kara Winkel, Austin Wood, Jesus Zamora, Citlaly Zepeda, Melissa Zurita, and Farren Harrison.

On request of Assemblyman Bobzien, the privilege of the floor of the Assembly Chamber for this day was extended to Pamela Brooks and Angela Brooks.

On request of Assemblyman Conklin, the privilege of the floor of the Assembly Chamber for this day was extended to Brian Fadie and Raquel Simpson.

On request of Assemblyman Daly, the privilege of the floor of the Assembly Chamber for this day was extended to Holly Wilson and Ande Heitz.

On request of Assemblywoman Diaz, the privilege of the floor of the Assembly Chamber for this day was extended to Rik Holman and Michael Pennington.

On request of Assemblywoman Dondero Loop, the privilege of the floor of the Assembly Chamber for this day was extended to Octavia Hamlett.

On request of Assemblyman Ellison, the privilege of the floor of the Assembly Chamber for this day was extended to Mary Engstrom and Debbie Walker.

On request of Assemblyman Frierson, the privilege of the floor of the Assembly Chamber for this day was extended to Ron Steslow and Toni Witten.

On request of Assemblyman Grady, the privilege of the floor of the Assembly Chamber for this day was extended to LaToya Homan and Jenna Erikson.

On request of Assemblyman Hambrick, the privilege of the floor of the Assembly Chamber for this day was extended to Jimmy Vega.

On request of Assemblyman Hardy, the privilege of the floor of the Assembly Chamber for this day was extended to Josh Miller and Jeff Garafolo.

On request of Assemblyman Hickey, the privilege of the floor of the Assembly Chamber for this day was extended to Derek Washington.

On request of Assemblyman Hogan, the privilege of the floor of the Assembly Chamber for this day was extended to Chris Reynolds.

On request of Assemblyman Horne, the privilege of the floor of the Assembly Chamber for this day was extended to Tracey Brown.

On request of Assemblyman Kirner, the privilege of the floor of the Assembly Chamber for this day was extended to Stephen Eikelberger and Lynn Greer.

On request of Assemblyman Kite, the privilege of the floor of the Assembly Chamber for this day was extended to Pam Graber and Marty Brown.

On request of Assemblyman Livermore, the privilege of the floor of the Assembly Chamber for this day was extended to Judy Dahlem and Charles Vanage.

On request of Assemblyman McArthur, the privilege of the floor of the Assembly Chamber for this day was extended to Luke McCarthy and Frank Hermann.

On request of Assemblywoman Neal, the privilege of the floor of the Assembly Chamber for this day was extended to Stephanie Antoniuk.

On request of Assemblywoman Pierce, the privilege of the floor of the Assembly Chamber for this day was extended to Blair Stirek.

On request of Assemblyman Sherwood, the privilege of the floor of the Assembly Chamber for this day was extended to Stuart J. Ghertner.

On request of Assemblywoman Smith, the privilege of the floor of the Assembly Chamber for this day was extended to Roberta Lange and Bill Jacobs.

On request of Assemblyman Stewart, the privilege of the floor of the Assembly Chamber for this day was extended to Steven Amend and Jamie Dahlem.

Assemblyman Conklin moved that the Assembly adjourn until Thursday, March 31, 2011, at 10:45 a.m.

Motion carried.

Assembly adjourned at 11:31 a.m.

Approved: JOHN OCEGUERA
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE FIFTY-THIRD DAY

CARSON CITY (Thursday), March 31, 2011

Assembly called to order at 10:49 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Pastor Albert Tilstra.

We pray this morning for the members of this body, its officers, and all those who share in its work. We remember that You never were in a hurry nor lost Your inner peace when under pressure, but we are only human. We grow tired. We feel the strain of meeting deadlines and we chafe under frustration. We need poise and peace of mind, and only You can supply the deepest needs of tired bodies, jaded spirits, and frayed nerves.

Give to us Your peace and refresh us in our weariness, that this may be a good day with much done and done well.

AMEN.

Pledge of allegiance to the Flag.

Special musical rendition of the *Star Spangled Banner* and *Earth Song* by the Nevada All State Choir, directed by Dr. Andre Thomas of Florida State University.

Assemblyman Conklin moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Education, to which were referred Assembly Bills Nos. 39 and 220, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DAVID P. BOBZIEN, *Chair*

Mr. Speaker:

Your Committee on Natural Resources, Agriculture, and Mining, to which was referred Assembly Joint Resolution No. 5, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MAGGIE CARLTON, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, March 30, 2011

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Senate Bill No. 220.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 220.

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

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 113.

Bill read second time and ordered to third reading.

Assembly Bill No. 174.

Bill read second time and ordered to third reading.

Assembly Bill No. 201.

Bill read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 53.

Bill read third time.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 11:13 a.m.

ASSEMBLY IN SESSION

At 11:14 a.m.

Mr. Speaker presiding.

Quorum present.

Remarks by Assemblyman Hambrick.

Roll call on Assembly Bill No. 53:

YEAS—42.

NAYS—None.

Assembly Bill No. 53 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bill No. 183.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Aizley, the privilege of the floor of the Assembly Chamber for this day was extended to Tony Gennarelli.

On request of Assemblywoman Benitez-Thompson, the privilege of the floor of the Assembly Chamber for this day was extended to Christina Primack and the following students and chaperones from Mount Rose Elementary School: Ana Campos Rosales, Elora Collins, Amanda Covey, Christina De La Rosa, Mykaila Del Rosario, Luis Esquivel, Olivia Fahlgren, Isabella Fraley, Elvis Franchini, Erica Gonzalez, Lielani Green, Kilala Hall, Francisco Guada Haro, Nickolas Helvey, Spencer Janes, Machaela McGahn, Ameerah McLeod, Alexander Mejia Hernandez, Kennedy Millentree, Isaiah Montgomery, Karson Nakagawa, Jamie Nelson, Malcolm Ohair, Eliana Ornelas, Cameron Phillips, Arden Pullin, Haidee Ramirez Villa, Daisy Reyes, Gianna Romero, Avillio Sandoval Hernandez, Sunday Sasser, Ethan Simkins, Logan Stoltz, Jessica Stuart, Andrew Thompson, Robert Underwood, Sahara Wilcock, Krissy Brown, Karen Utley, Bill Langley, Robert Helvey, Virginia Briggs, Scott Hall, Jenny Brekhus, Glenna Smith, Don Collins, and Angie Fraley.

On request of Assemblywoman Carlton, the privilege of the floor of the Assembly Chamber for this day was extended to Doug Unger.

On request of Assemblyman Carrillo, the privilege of the floor of the Assembly Chamber for this day was extended to John Allen.

On request of Assemblyman Ellison, the privilege of the floor of the Assembly Chamber for this day was extended to Susan Rhodes.

On request of Assemblyman Frierson, the privilege of the floor of the Assembly Chamber for this day was extended to Marty Paz.

On request of Assemblyman Goicoechea, the privilege of the floor of the Assembly Chamber for this day was extended to Joe Landon and Donna Bath.

On request of Assemblyman Hambrick, the privilege of the floor of the Assembly Chamber for this day was extended to Carlos Blumberg, Jeff Klein, and Paul Workman.

On request of Assemblyman Hammond, the privilege of the floor of the Assembly Chamber for this day was extended to Geraldeen Murphy.

On request of Assemblyman Hardy, the privilege of the floor of the Assembly Chamber for this day was extended to Bettye Lemon Gilmore and Linda Bronstein.

On request of Assemblyman Hogan, the privilege of the floor of the Assembly Chamber for this day was extended to David Stone.

On request of Assemblyman Kirner, the privilege of the floor of the Assembly Chamber for this day was extended to Lisa Kaplan.

On request of Assemblyman Kite, the privilege of the floor of the Assembly Chamber for this day was extended to Taylor Anderson, Sydney Campau, and the following students and chaperones from Gardnerville Elementary School: Paul Abawi, Simon Arzadon, Peri Buck, Cameron Carreau, Ian Carruthers, Gavin Christy, Sierra Franklin, Samantha Guardias, Alex Hammond, Peyton Harris, Kaley Hausman, Baylee Kluever, Cyrus Mendoza, Chesney Minor, Ashley Mitchell, James Monroe, Dana Rosingus, Reece Resnik, Destiny Rodrigues, Kaitlyn Rollins, Miguel Romero, Cameron Sims, Maria Vicente, Jenna Beam, Dan Dixon, Ann Weatherford, Juan Rosales, Peggy Canderle, Danette Morgan, Bernardo Arreola, Chayce Beam, Mackenzie Brixey, Suzannah Canderle, Austin Coughlin, Blythe Crossley, Ella Dillwith, Tandon English, Ciara Eheridge, Samantha Graybill-Feisler, Jake Houghton, Judith Leon, Madison McNinch, Andres Ortiz, Ian Ozolins, Chance Payne, Soleile Robles, Cheyenne Roy, Madison Vickers, Jackson Vivas, Alyssa Wing, Eric Soto-Lopez, Juan Robles, Elizabeth Belcher, Colby Browning, Collin Burchell, Shelby Casaus, Mikayla Cloney, Cameron DeRousse, Jared Funk, Jazmine Lopez, Jakob McNamara, Trevor Pastones, Mackenzie Peters, Cole Petrosky, Gabriel Polansky, Mackenzie Robinson, Chase Rodie, Steven Rodgers, Andrew Stiltz, Priscilla Thurston, Andrea Villarreal, Keala Wallace, Jorden Widmer, Richard Williams, Isabella Wilson, Jennifer Dillwith, and Lee Dillwith.

On request of Assemblyman McArthur, the privilege of the floor of the Assembly Chamber for this day was extended to Nathan Conover and Nick DePaoli.

On request of Assemblyman Munford, the privilege of the floor of the Assembly Chamber for this day was extended to Madilyn Calderon.

On request of Assemblywoman Neal, the privilege of the floor of the Assembly Chamber for this day was extended to Richard Frankoff and Phyllis Friedman.

On request of Assemblyman Ohrenschall, the privilege of the floor of the Assembly Chamber for this day was extended to Elliot Karp and Michael Naft.

On request of Assemblyman Segerblom, the privilege of the floor of the Assembly Chamber for this day was extended to former Assemblywoman Ellen Spiegel.

On request of Assemblyman Sherwood, the privilege of the floor of the Assembly Chamber for this day was extended to Megan Einspahr, Nick Marsella, and Brian Scroggins.

On request of Assemblywoman Smith, the privilege of the floor of the Assembly Chamber for this day was extended to Mark Kyle and Steve Ingersoll.

On request of Assemblyman Stewart, the privilege of the floor of the Assembly Chamber for this day was extended to Ulrika Miyashiro and Carole Donald.

On request of Assemblywoman Woodbury, the privilege of the floor of the Assembly Chamber for this day was extended to Ben Martin and Mandy May.

Assemblyman Conklin moved that the Assembly adjourn until Friday, April 1, 2011, at 11 a.m.

Motion carried.

Assembly adjourned at 11:25 a.m.

Approved: JOHN OCEGUERA
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE FIFTY-FOURTH DAY

CARSON CITY (Friday), April 1, 2011

Assembly called to order at 11:15 a.m.
Mr. Speaker presiding.
Roll called.
All present.
Prayer by the Chaplain, Pastor Albert Tilstra.

Our Father,

Since we cannot always do what we like, grant that we may like what we must do, knowing that truth will one day be vindicated, and right in the end must prevail. Bless Your servants this day and keep them all in Your peace.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Conklin moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which was referred Assembly Bill No. 156, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

KELVIN ATKINSON, *Chair*

Mr. Speaker:

Your Committee on Judiciary, to which was referred Assembly Bill No. 464, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

WILLIAM C. HORNE, *Chair*

Mr. Speaker:

Your Concurrent Committee on Judiciary, to which was referred Assembly Bill No. 49, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, but without recommendation.

WILLIAM C. HORNE, *Chair*

Mr. Speaker:

Your Committee on Natural Resources, Agriculture, and Mining, to which were referred Assembly Bills Nos. 306, 322, 451, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, Your Committee on Natural Resources, Agriculture, and Mining, to which was referred Assembly Bill No. 167, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MAGGIE CARLTON, *Chair*

Mr. Speaker:

Your Committee on Transportation, to which were referred Assembly Bills Nos. 2, 152, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MARILYN DONDERO LOOP, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, March 31, 2011

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 10, 11, 66, 103; Senate Bills Nos. 121, 191, 229, 282.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 121.

Assemblyman Conklin moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

Senate Bill No. 191.

Assemblywoman Kirkpatrick moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 229.

Assemblywoman Kirkpatrick moved that the bill be referred to the Committee on Education.

Motion carried.

Senate Bill No. 282.

Assemblywoman Kirkpatrick moved that the bill be referred to the Committee on Judiciary.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 39.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 43.

AN ACT relating to educational personnel; removing the requirement that the Superintendent of Public Instruction notify a licensee by mail of the date

of expiration of his or her license; requiring the Department of Education to maintain a directory of licensees on the Internet website maintained by the Department; **requiring the Department to provide on a monthly basis an electronic file with a list of each licensed employee whose license will expire to the board of trustees of the school district that employs the person; requiring the board of trustees of the school district to notify each licensee of the date of expiration of his or her license;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill removes the requirement that the Superintendent of Public Instruction provide written notice, by first class mail, to each person who is licensed by the Superintendent of the date on which his or her license expires. This bill also requires the Department of Education to **; (1)** maintain a directory of the name of each person who is licensed and the date on which his or her license expires ~~[and to]~~ **; (2)** make that information available to licensed educational personnel and to the general public on the Department's Internet website ~~[.]~~ **; and (3) provide to the board of trustees of each school district, each calendar month, an electronic file with a list of each licensed employee who is employed by the board of trustees and whose license will expire within the 9 months immediately following that calendar month. This bill further requires the board of trustees of each school district to notify each licensed employee identified in the list of the date on which his or her license will expire. Such notification must be provided not later than 6 months before the date of expiration.**

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

Section 1. NRS 391.042 is hereby amended to read as follows:

391.042 ***1.*** The ~~[Superintendent of Public Instruction]~~ ***Department*** shall ~~[provide written notice to each person]~~ ***:***

~~*[1.]*~~ ***(a) Maintain a directory of the name of each person*** who holds a license issued pursuant to this chapter ~~[of]~~ ***and*** the date on which ~~[the]~~ ***his or her*** license expires ~~[. The written notice must be mailed, by first class mail, to the last known address of the licensee, as reflected in the records of the Superintendent, not less than 6 months and not more than 1 year before the date of expiration.]~~ ***;*** ~~*[and*~~

~~*2.]*~~ ***(b) Make the directory readily available to licensed educational personnel and to the general public on the Internet website maintained by the Department*** ~~*[.]*~~ ***; and***

(c) Provide to the board of trustees of each school district, at the end of each calendar month, an electronic file with a list of each licensed

employee who is employed by the board of trustees and whose license will expire within the 9 months immediately following that calendar month.

2. The board of trustees of a school district shall notify each licensed employee identified in the list received pursuant to paragraph (c) of subsection 1 of the date on which his or her license will expire. The notice must be provided not later than 6 months before the date of expiration of the license.

Sec. 2. This act becomes effective on July 1, 2011.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 11:21 a.m.

ASSEMBLY IN SESSION

At 11:24 a.m.
Mr. Speaker presiding.
Quorum present.

Assemblyman Bobzien moved the adoption of the amendment.
Remarks by Assemblyman Bobzien.
Amendment adopted.
Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 220.
Bill read second time.
The following amendment was proposed by the Committee on Education:
Amendment No. 91.

AN ACT relating to the Nevada System of Higher Education; encouraging the Board of Regents of the University of Nevada to examine, audit and revise certain aspects of the System to ensure the educational needs of students and prospective students will be met in an economical and efficient manner; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law encourages the Board of Regents of the University of Nevada to review periodically their mission for higher education to determine whether there is unnecessary duplication of programs or courses at institutions within the Nevada System of Higher Education which might be more appropriate for a different institution. (NRS 396.504) This bill encourages the Board to: (1) examine and audit the function, strengths and most efficient use of the facilities, resources and staff of each institution within the System; (2) examine and audit the educational opportunities, programs and services offered by those institutions; and (3) implement measures pursuant to which the educational needs of students and

prospective students will be met in the most economical and efficient manner possible, including revising the courses of study offered at the various institutions so that programs of remedial education, continuing education and entry-level higher education are conducted at community colleges within the System; programs of baccalaureate-level higher education ~~[for teachers and nurses and other related medical fields]~~ are conducted at state colleges within the System; and programs of baccalaureate-level higher education in other disciplines and graduate-level higher education and research are conducted at universities within the System and the Desert Research Institute.

WHEREAS, The Board of Regents of the University of Nevada governs the Nevada System of Higher Education; and

WHEREAS, The Nevada System of Higher Education encompasses several different types of institutions of higher education, including, without limitation, universities, colleges and community colleges; and

WHEREAS, Each type of institution of higher education within the Nevada System of Higher Education is uniquely situated to provide different educational opportunities for its students, including, without limitation, remedial education, continuing education, entry-level higher education, baccalaureate-level higher education, and graduate-level higher education and research; and

WHEREAS, Over time, the number of institutions of higher education within the Nevada System of Higher Education expands and the focus of each such institution is defined and further redefined; and

WHEREAS, To the extent that the educational programs of the institutions of higher education within the Nevada System of Higher Education can be tailored specifically to meet the needs of different categories of students, both the System and its students may be better served and able to realize significant cost savings; and

WHEREAS, To the extent that the educational programs of the institutions of higher education within the Nevada System of Higher Education are not tailored specifically to meet the needs of different categories of students, inefficiencies and redundancies may result; and

WHEREAS, In the present economic climate, it is more important than ever before to ensure that the institutions of higher education within the Nevada System of Higher Education are meeting the needs of their respective students and prospective students in the most affordable, cost-effective and efficient manner possible; now, therefore,

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

Section 1. NRS 396.504 is hereby amended to read as follows:

396.504 ***1.*** The Legislature hereby encourages the Board of Regents to ~~[review]~~ ***:***

(a) Examine and audit the function, strengths and most efficient use of the facilities, resources and staff of each institution to address the needs of the students of the System.

(b) Review periodically their mission for higher education, as the number of institutions within the System expands and the focus of each institution is defined and further redefined, to determine whether there is unnecessary duplication of programs or courses within the System which might be more appropriate for a different institution.

(c) Examine and audit the educational opportunities, programs and services offered by the institutions within the System to ensure that those opportunities, programs and services are tailored appropriately to:

(1) The different categories of students and prospective students having varied aptitudes, aspirations and educational needs;

(2) The jobs and industries likely to be employing the students; and

(3) The state economic development plan.

(d) Insofar as is practicable to achieve the goals set forth in paragraphs (a), (b) and (c), implement measures pursuant to which the educational needs of students and prospective students will be met by providing:

(1) Programs of remedial education, continuing education and entry-level higher education at community colleges.

(2) Programs of baccalaureate-level higher education ~~*[for teachers and nurses and related medical fields]*~~ ***at state colleges.***

(3) Programs of baccalaureate-level higher education in other disciplines and graduate-level higher education and research at universities and the Desert Research Institute.

(e) On or before September 1 of each year, provide a report of its findings and any adjustments made and actions taken as a result of those findings to the Director of the Legislative Counsel Bureau for transmission to the Interim Finance Committee and the next regular session of the Nevada Legislature.

2. The System is encouraged to review the core curriculum at each institution to determine whether there is parity among the institutions of the System.

Sec. 2. This act becomes effective on July 1, 2011.

Assemblyman Bobzien moved the adoption of the amendment.

Remarks by Assemblyman Bobzien.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Joint Resolution No. 5.

Resolution read second time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture, and Mining:

Amendment No. 105.

SUMMARY—Urges the Federal Government to engage in discussions regarding the mitigation **and containment** of water contamination in Nevada which resulted from certain nuclear activities that were conducted in this State by the Federal Government. (BDR R-895)

ASSEMBLY JOINT RESOLUTION—Urging the Federal Government to engage in discussions with the State of Nevada and Nye County, Nevada, regarding the mitigation **and containment** of water contamination in Nevada which resulted from certain nuclear testing and storage activities that were conducted by the Federal Government in Nye County, Nevada.

WHEREAS, The Federal Government has conducted numerous public, secret and classified activities and military exercises in Nevada that have resulted in the contamination of the water supply in this State with radioactive material and other hazardous contaminants; and

WHEREAS, The Nevada National Security Site, formerly the Nevada Test Site, which is located in Nye County, Nevada, approximately 40 miles north of Pahrump, Nevada, and 65 miles northwest of Las Vegas, Nevada, was established by the Federal Government in 1950 for the purposes of detonating nuclear devices and conducting other public, secret and classified nuclear tests in connection with the research and development of nuclear weapons for use by the Armed Forces of the United States; and

WHEREAS, From 1951 until 1992, the Federal Government conducted 100 atmospheric nuclear tests and 828 underground nuclear tests at the Nevada National Security Site, which resulted in the detonation of 1,021 nuclear devices; and

WHEREAS, Approximately one-third of the underground nuclear tests at the Nevada National Security Site were conducted directly in aquifers, and many other underground tests were conducted above and below the water table; and

WHEREAS, Radioactive particles have migrated via water from the Paiute Mesa area of the Nevada National Security Site toward Beatty, Nevada; and

WHEREAS, The United States Department of Energy has estimated that nuclear testing at the Nevada National Security Site left behind more than 300 million curies of radionuclides, making the Site one of the most radioactively contaminated places in the United States; and

WHEREAS, Since 1961, Area 5 and Area 3 within the Nevada National Security Site have been primary storage and disposal sites of the Federal Government for low-level and mixed low-level radioactive waste; and

WHEREAS, A study conducted on behalf of Nye County concluded that nuclear testing at the Nevada National Security Site has polluted approximately 1.6 trillion gallons of water in this State; and

WHEREAS, The aforementioned activities of the Federal Government in Nevada have had a deleterious effect on the environment of this State and have resulted in the contamination of the interconnected surface and subsurface waters, groundwater and aquifers of a large geographic area of Nevada with radioactive and other contaminants; now, therefore, be it

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That the members of the 76th Session of the Nevada Legislature respectfully urge the Federal Government to engage in discussions with the State of Nevada and Nye County, Nevada, regarding ~~[the]~~ **:**

1. The mitigation **and containment** of water contamination in Nevada which resulted from nuclear testing and storage activities that were conducted by the Federal Government at the Nevada National Security Site; and

2. The restoration of any water contaminated because of those activities; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to the Secretary of Defense, the Secretary of Energy, the Chairman of the Joint Chiefs of Staff, the Administrator of the Environmental Protection Agency and each member of the Nevada Congressional Delegation; and be it further

RESOLVED, That this resolution becomes effective upon passage.

Assemblyman Goedhart moved the adoption of the amendment.

Remarks by Assemblyman Goedhart.

Amendment adopted.

Resolution ordered reprinted, engrossed, and to the General File.

GENERAL FILE AND THIRD READING

Assembly Bill No. 113.

Bill read third time.

Remarks by Assemblywoman Dondero Loop.

Roll call on Assembly Bill No. 113:

YEAS—40.

NAYS—McArthur.

EXCUSED—Hambrick.

Assembly Bill No. 113 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 174.

Bill read third time.

Remarks by Assemblymen Munford and Brooks.

Roll call on Assembly Bill No. 174:

YEAS—42.

NAYS—None.

Assembly Bill No. 174 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 201.

Bill read third time.

Remarks by Assemblywoman Woodbury.

Roll call on Assembly Bill No. 201:

YEAS—42.

NAYS—None.

Assembly Bill No. 201 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Benitez-Thompson, the privilege of the floor of the Assembly Chamber for this day was extended to the following students and chaperones from Pine Middle School: Jacob Aguiar, Jorge Aguirre Nova, Odalis Aguirre, Carolina Alonso Bolanos, Oscar Alonso Alvardo, Randy Alverez Lopez, Lucio Alvarez Padilla, Veronica Amaya, Brandon Anderson, Madison Angotti, Jennifer Anguiano Sanchez, Jose Armando Arriaga, Reyna Avila, Jordan Baker, Taylor Barron, Mikayla Barry, Jason Bauman, Parker Billings, Travis Bohall, Connor Bologna Denault, Morgan Brace, Maria Adriana Bravo, Francisco Burgara, Dawson Campos, Devon Casazza, Yasmin Cervantes-Hernandez, Nicholas Chadwick, Daniela Chapa, Yesenia Chavez, Mary Chhay, Rylee Christensen, Zachary Clafton, Kamy Clark, Alexander Colindres, Hunter Conatser, Amethyst Cozzolino-Ford-McKnight, Abriana Crocitto, Evan Crosse, Charles Curle, Carley Davidson, Rosario De La Rosa Rojas, Caleb Dechene, Nghiem Doan, Scott Dooley, Theresa Felise, Frank Ferguson IV, Jessica Fraser, Emily Freitas, Charlotte Frias, Jonathan Galvez, Luis Garcia, Dulce Gatica-Morales, Mary Geniusz, Sergio Gonzalez Reyes, Oscar Gonzalez Roman, Andrea Gonzalez, Jessica Gonzalez, Kodiac Gregory, Keely Gristick, Ryan Gustafson, Alejandra Gutierrez, Cristofer Gutierrez, Bridget Hall, Christian Hanley, Diana Hanna, Ethan Harper, Triston Henderson, Andrew Hernandez Reyes, Janutci Hernandez, John Hill, Kyle Hill,

Claire Holman, Nicole Huerta, Elena Hughes, Colby Iles, Grace Jenkins, Alexandra Jensen, Bridget Jimenes Soto, Melissa Jimenez, Ashton Johns, Deidrick Johnson, Nicole Johnson, Nathan King, Emma Klacking, Cohen Kreitlein, Thomas Lichty, Nathan Lindh, Karla Lopez, Ana Laura Lozano, Daniel Lukkari, Giannah Luna, Ariela Magallanes Soto, Nichloas Mahaffey, Angel Manzo Veliz, Chantelle Marquez Suarez, Carlos Martinez, Kensington McCarthy, Bridget McLean, Chase McNamara, Daniel Mena Robles, Leo Mewes III, McKenna Meyer, Scott Mitchell, Lexus Montaya, Samson Moore, Jonathan Negreros, Dylan Noel, Malinalitzin Oliva, Isaac Oren, Chase Ortiz, Missael Ortiz, Liliana Pacheco, Kaimana Peredo, Denisse Perez, Madeleine Perry, Heather Peterson, Allison Piccinini, Nicholas Prinsen, Casandra Quintanilla, Cali Rezford, Ana Maria Reyes Salas, Denise Reyes, Laura Reyes, Mackenzie Reynolds, Kori Rigdon, Daniel Roberti, Dianna Rodriguez Servilla, Barbara Rodriguez, Jeanette Rodriguez, Isaiah Rogers, Doris Roig Murillo, Betsy Rosas, Austin Ross, Aejandro Ruvalcaba Rodriguez, Mario Ruvalcaba, Alondra Salazar, Cera Sbriglia, Jessie Scolari, Nathaniel Seeliger, Pablo Segoviano, Kimberlynn Shields, Brayan Silva, Luke Smagala, James Smith, Dahlia Soledad, Rachel Sonerholm, Angel Sotelo, Julia Stengel, Alyssa Terrazas, Mezon Thompson, Zonnie Thompson, Davis Tivis-Buehler, Fernando Torres, Jason Trenkle, Winson Truong, Michael Ung, Jose Valadez, Ignacio Velasquez, Johnny Velasquez, Trevor Watkins, Cameron Williams, Bryan Winkelman, Kurt Young, Anahy Zepeda Cervantes, and Marcel Zieba.

On request of Assemblyman Ellison, the privilege of the floor of the Assembly Chamber for this day was extended to Laurel Fee, Bob Fee, Curt Swade, and Jeri Taylor-Swade.

On request of Assemblyman Goedhart, the privilege of the floor of the Assembly Chamber for this day was extended to Renae Goedhart.

On request of Assemblyman Goicoechea, the privilege of the floor of the Assembly Chamber for this day was extended to Roberta Rothwell.

On request of Assemblyman Hammond, the privilege of the floor of the Assembly Chamber for this day was extended to Diana Orrock.

On request of Assemblyman Hansen, the privilege of the floor of the Assembly Chamber for this day was extended to Geoff Wenzl.

On request of Assemblyman Hickey, the privilege of the floor of the Assembly Chamber for this day was extended to Rita Hickey and Dan Hickey.

On request of Assemblyman Stewart, the privilege of the floor of the Assembly Chamber for this day was extended to Ulrika Miyashiro, Carole Donald, and Priscilla Campbell.

Assemblyman Conklin moved that the Assembly adjourn until Monday, April 4, 2011, at 11 a.m.

Motion carried.

Assembly adjourned at 11:48 a.m.

Approved: JOHN OCEGUERA
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE FIFTY-SEVENTH DAY

CARSON CITY (Monday), April 4, 2011

Assembly called to order at 11:24 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblyman Ellison, who was excused.

Prayer by the Chaplain, Pastor Ron Torkelsen.

Dear God, I pray this morning for the country we represent and the state of Nevada that these men and women govern. I recognize that it is no simple task given to these people. Our times are filled with economic challenge, job loss, a multitude of homeless families, and no simple solutions to the dilemma. Therefore, my payer this morning is that You will give each representative here the wisdom to know what is best for the people of Nevada and the courage to stand for what is right. I pray that they may look beyond personal preference and together work toward strengthening the state that we call home.

Thank You, God, that we live in a nation of the free. I pray that these freedoms will be the motivation for the business of this day.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Conklin moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which were referred Assembly Bills Nos. 62, 203, 214, and 358 has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

KELVIN ATKINSON, *Chair*

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Assembly Bills Nos. 97, 168, and 262, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MARILYN K. KIRKPATRICK, *Chair*

Mr. Speaker:

Your Committee on Health and Human Services, to which were referred Assembly Bills Nos. 123, 148, and 280, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

APRIL MASTROLUCA, *Chair*

Mr. Speaker:

Your Committee on Judiciary, to which were referred Assembly Bills Nos. 83, 92, and 147 has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

WILLIAM C. HORNE, *Chair*

MOTIONS, RESOLUTIONS AND NOTICES

NOTICE OF EXEMPTION

April 4, 2011

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the exemption of: Assembly Bills Nos. 375, 475, 476, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 494, 495, 496, 497, 498, 500, 515, 516, 518, 519, 521, 525, 527, 528, 529, 530, 531, 553, 555, 557, 558, 560, 561, 562 and 563.

RICK COMBS
Fiscal Analysis Division

April 4, 2011

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Assembly Bills Nos. 49, 155, 167, 181, 219, 222, 235, 245, 256, 272, 286, 287, 294, 299, 309, 311, 314, 315, 316, 323, 326, 332, 333, 339, 345, 347, 356, 363, 365, 372, 392, 404, 418, 427, 436 and 506.

RICK COMBS
Fiscal Analysis Division

SECOND READING AND AMENDMENT

Assembly Bill No. 2.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 29.

SUMMARY—Revises provisions relating to emissions testing for certain ~~[restored]~~ vehicles. (BDR 43-134)

AN ACT relating to motor vehicles; providing an exemption from emissions inspection for certain ~~[restored]~~ motor vehicles; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the issuance of special license plates for certain older motor vehicles in categories including antique vehicles, street rods, classic rods and classic vehicles. (NRS 482.381, 482.3812, 482.3814, 482.3816) Existing law also requires the State Environmental Commission to establish criteria that allow motor vehicles with such license plates to qualify for an exemption from standards for the control of emissions from motor vehicles, and to provide by regulation that an evaluation required of such motor vehicles to qualify for the exemption may be conducted at stations authorized to perform inspections of motor vehicles and devices for compliance with emissions standards. (NRS 445B.760)

Section 5 of this bill provides for the exemption of those older motor vehicles that have been issued the special license plates from standards for the control of emissions without the performance of any such evaluation if the owner of the motor vehicle certifies that the motor vehicle has not been driven more than ~~[2,500]~~ **5,000** miles the previous year. **Sections 1-4** of this bill require that the owner of such a motor vehicle which qualifies for the exemption pay a fee to the Department of Motor Vehicles, to be accounted for in the Pollution Control Account, in an amount equal to the cost for a certificate of compliance with emissions standards.

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

Section 1. NRS 482.381 is hereby amended to read as follows:

482.381 1. The Department may issue special license plates and registration certificates to residents of Nevada for any motor vehicle which is a model manufactured more than 40 years before the date of application for registration pursuant to this section.

2. License plates issued pursuant to this section must bear the inscription "Old Timer," and the plates must be numbered consecutively.

3. The Nevada Old Timer Club members shall bear the cost of the dies for carrying out the provisions of this section.

4. The Department shall charge and collect the following fees for the issuance of these license plates, which fees are in addition to all other license fees and applicable taxes:

(a) For the first issuance $35

(b) For a renewal sticker 10

5. In addition to the fees required pursuant to subsection 4, the Department shall charge and collect a fee of $6 for the first issuance of the license plates for those motor vehicles exempted pursuant to NRS 445B.760 from the provisions of NRS 445B.770 to 445B.815, inclusive.

6. Fees paid to the Department pursuant to subsection 5 must be accounted for in the Pollution Control Account created by NRS 445B.830.

Sec. 2. NRS 482.3812 is hereby amended to read as follows:

482.3812 1. The Department may issue special license plates and registration certificates to residents of Nevada for any passenger car or light commercial vehicle:

(a) Having a manufacturer's rated carrying capacity of 1 ton or less; and

(b) Manufactured not later than 1948.

2. License plates issued pursuant to this section must be inscribed with the words "STREET ROD" and three or four consecutive numbers.

3. If during a registration year, the holder of special plates issued pursuant to this section disposes of the vehicle to which the plates are affixed, the holder shall retain the plates and:

(a) Affix them to another vehicle which meets the requirements of this section and report the change to the Department in accordance with the procedure set forth for other transfers; or

(b) Within 30 days after removing the plates from the vehicle, return them to the Department.

4. The fee for the special license plates is $35, in addition to all other applicable registration and license fees and governmental services taxes. The fee for an annual renewal sticker is $10.

5. In addition to the fees required pursuant to subsection 4, the Department shall charge and collect a fee of $6 for the first issuance of the special license plates for those motor vehicles exempted pursuant to NRS 445B.760 from the provisions of NRS 445B.770 to 445B.815, inclusive.

6. Fees paid to the Department pursuant to subsection 5 must be accounted for in the Pollution Control Account created by NRS 445B.830.

Sec. 3. NRS 482.3814 is hereby amended to read as follows:

482.3814 1. The Department may issue special license plates and registration certificates to residents of Nevada for any passenger car or light commercial vehicle:

(a) Having a manufacturer's rated carrying capacity of 1 ton or less; and

(b) Manufactured not earlier than 1949, but at least 20 years before the application is submitted to the Department.

2. License plates issued pursuant to this section must be inscribed with the words "CLASSIC ROD" and three or four consecutive numbers.

3. If during a registration year, the holder of special plates issued pursuant to this section disposes of the vehicle to which the plates are affixed, the holder shall retain the plates and:

(a) Affix them to another vehicle which meets the requirements of this section and report the change to the Department in accordance with the procedure set forth for other transfers; or

(b) Within 30 days after removing the plates from the vehicle, return them to the Department.

4. The fee for the special license plates is $35, in addition to all other applicable registration and license fees and government services taxes. The fee for an annual renewal sticker is $10.

5. In addition to the fees required pursuant to subsection 4, the Department shall charge and collect a fee of $6 for the first issuance of the special license plates for those motor vehicles exempted pursuant to NRS 445B.760 from the provisions of NRS 445B.770 to 445B.815, inclusive.

6. Fees paid to the Department pursuant to subsection 5 must be accounted for in the Pollution Control Account created by NRS 445B.830.

Sec. 4. NRS 482.3816 is hereby amended to read as follows:

482.3816 1. The Department may issue special license plates and registration certificates to residents of Nevada for any passenger car or light commercial vehicle:

(a) Having a manufacturer's rated carrying capacity of 1 ton or less;

(b) Manufactured at least 25 years before the application is submitted to the Department; and

(c) Containing only the original parts which were used to manufacture the vehicle or replacement parts that duplicate those original parts.

2. License plates issued pursuant to this section must be inscribed with the words "CLASSIC VEHICLE" and three or four consecutive numbers.

3. If during a registration year, the holder of special plates issued pursuant to this section disposes of the vehicle to which the plates are affixed, the holder shall retain the plates and:

(a) Affix them to another vehicle which meets the requirements of this section and report the change to the Department in accordance with the procedure set forth for other transfers; or

(b) Within 30 days after removing the plates from the vehicle, return them to the Department.

4. The fee for the special license plates is $35, in addition to all other applicable registration and license fees and governmental services taxes. The fee for an annual renewal sticker is $10.

5. In addition to the fees required pursuant to subsection 4, the Department shall charge and collect a fee of $6 for the first issuance of the special license plates for those motor vehicles exempted pursuant to NRS 445B.760 from the provisions of NRS 445B.770 to 445B.815, inclusive.

6. Fees paid to the Department pursuant to subsection 5 must be accounted for in the Pollution Control Account created by NRS 445B.830.

Sec. 5. NRS 445B.760 is hereby amended to read as follows:

445B.760 1. The Commission may by regulation prescribe standards for exhaust emissions, fuel evaporative emissions and visible emissions of smoke from mobile internal combustion engines on the ground or in the air, including, but not limited to, aircraft, motor vehicles, snowmobiles and railroad locomotives. The regulations must ~~[~~**:**

~~(a) Provide~~**]** ***provide*** for the exemption from such standards of ***a*** ~~[restored]~~ ~~[vehicles]~~ ***vehicle*** for which special license plates have been issued pursuant to NRS 482.381, 482.3812, 482.3814 or 482.3816 ~~[~~**.**

~~(b) Establish criteria for the condition and functioning of a restored vehicle to qualify for the exemption, and provide that the evaluation of the condition and functioning of such a vehicle may be conducted at an~~

~~authorized inspection station or authorized station as defined in NRS 445B.710 and 445B.720, respectively.~~

~~(c) Define "restored vehicle" for the purposes of the regulations.~~] ***if the owner of such a vehicle certifies to the Department of Motor Vehicles, on a form provided by the Department of Motor Vehicles, that the vehicle was not driven more than*** ~~*[2,500]*~~ ***5,000 miles during the immediately preceding year.***

2. Except as otherwise provided in subsection 3, standards for exhaust emissions which apply to a:

(a) Reconstructed vehicle, as defined in NRS 482.100; and

(b) Trimobile, as defined in NRS 482.129,

➥ must be based on standards which were in effect in the year in which the engine of the vehicle was built.

3. A trimobile that meets the definition of a motorcycle in 40 C.F.R. § 86.402-78 or 86.402-98, as applicable, is not subject to emissions standards under this chapter.

4. Any such standards which pertain to motor vehicles must be approved by the Department of Motor Vehicles before they are adopted by the Commission.

Sec. 6. This act becomes effective on July 1, 2011.

Assemblywoman Dondero Loop moved the adoption of the amendment.

Remarks by Assemblywoman Dondero Loop.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 49.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 15.

AN ACT relating to public defenders; establishing the Fund for Legal Defense of Indigent Persons; authorizing certain counties to apply to the Board of Trustees of the Fund for reimbursement of certain extraordinary costs of providing public defender services; providing for an additional administrative assessment to be paid by persons who plead guilty to or are convicted of a misdemeanor; increasing certain administrative assessments; requiring certain administrative assessments to be deposited in the Fund for Legal Defense of Indigent Persons; imposing an additional sales and use tax; authorizing boards of county commissioners to impose an additional sales and use tax; requiring revenue generated by the additional sales and use taxes to be used by counties for provision of legal services to indigent persons; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, any county whose population is 100,000 or more (currently Washoe and Clark Counties) must create an office of public defender to provide defense services to indigent persons, and any county with a population of less than 100,000 may, but is not required to, create such an office. (NRS 260.010) The State Public Defender provides indigent defense services in counties that have not created an office of public defender or hired private attorneys to provide indigent defense services, and the State Public Defender may charge those counties, in amounts not to exceed limits set by the Legislature, for providing those services. (NRS 180.110) This bill provides additional revenue which counties must use to pay for indigent defense services.

Existing law requires a person who pleads or is found guilty of any crime to pay certain administrative assessments in addition to any other penalty imposed by the judge. (NRS 176.059-176.062) **Section 9** of this bill establishes an additional administrative assessment of $4, which must be paid by a person who pleads or is found guilty of a misdemeanor. **Section 10** of this bill increases by $5 one of the administrative assessments required to be paid by a person who pleads or is found guilty of a misdemeanor. **Section 13** of this bill increases from $25 to $50 the administrative assessment required to be paid by a person who pleads or is found guilty of a gross misdemeanor or felony. The money received from these additional administrative assessments must be deposited in a Fund for Legal Defense of Indigent Persons, which is created by **section 5** of this bill. **Section 6** of this bill establishes a Board of Trustees of the Fund, consisting of four county commissioners appointed to the Board by the Governor and one public defender appointed to the Board by the Governor. **Section 8** of this bill authorizes a county which has imposed the additional sales and use tax authorized by **section 19** of this bill to apply to the Board for reimbursement from the Fund of certain extraordinary costs paid by the county in connection with the provision of indigent defense services.

Sections 17-22 of this bill establish an additional method for a county to pay the costs incurred by the county in connection with the provision of indigent defense services. **Section 18** imposes an additional one-eighth of 1 percent sales and use tax throughout this State. **Section 19** authorizes a board of county commissioners to impose an additional sales and use tax of not more than one-eighth of 1 percent in that county. **Sections 20 and 21** require these taxes to be distributed to counties after deduction of a certain percentage of the taxes to compensate the State for collection costs. **Section 22** requires a county to deposit these taxes in a separate fund known as the Indigent Legal Defense Fund and authorizes the county to use money in this Fund to pay for: (1) the county's public defender; (2) any amount required to

be paid by the county to the State Public Defender; or (3) any other costs required to be paid by the county in connection with the provision of legal services to indigent persons.

WHEREAS, In Gideon v. Wainwright, 372 U.S. 335 (1963), the United States Supreme Court held that the United States Constitution requires states to furnish legal counsel to indigent persons who are charged with a crime; and

WHEREAS, Since the decision in Gideon, the United States Supreme Court has held that the United States Constitution requires states to furnish legal counsel to indigent persons in additional circumstances, including, without limitation, juvenile delinquency proceedings, misdemeanor cases for which incarceration is possible and certain pretrial and postconviction proceedings; and

WHEREAS, On April 26, 2007, the Nevada Supreme Court ordered the creation of the Indigent Defense Commission to study various issues concerning the system used in this State to provide indigent defense services; and

WHEREAS, Upon the recommendation of the Indigent Defense Commission, the Nevada Supreme Court has adopted performance standards for public defenders in this State and is considering adopting limits on the caseloads of public defenders, and

WHEREAS, In the State of Nevada, counties with a population of 100,000 or more are required to create an office of public defender and counties with a population of less than 100,000 may create an office of public defender, hire private attorneys to provide indigent defense services or use the State Public Defender to provide such services; and

WHEREAS, Counties pay a substantial percentage of the total expenditures in this State for indigent defense services; and

WHEREAS, The provision of competent indigent defense services in an increased number of cases has placed financial strain on counties in this State; and

WHEREAS, To ensure that counties in this State are able to pay for indigent defense services that satisfy constitutional standards, it is necessary to provide additional sources of funding for indigent defense services in this State; now, therefore,

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

Section 1. Title 14 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 2 to 8, inclusive, of this act.

Sec. 2. *As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 3 and 4 of this act have the meanings ascribed to them in those sections.*

Sec. 3. *"Board" means the Board of Trustees of the Fund.*

Sec. 4. *"Fund" means the Fund for Legal Defense of Indigent Persons created pursuant to section 5 of this act.*

Sec. 5. *1. The Fund for Legal Defense of Indigent Persons is hereby created as a special revenue fund for the purposes described in this chapter.*

2. Interest earned on the money in the Fund must be deposited for credit to the Fund.

3. Any money remaining in the Fund at the end of a fiscal year remains in the Fund and does not revert to the State General Fund.

4. Claims against the Fund must be paid on claims approved by the Board.

Sec. 6. *1. The Fund must be administered by a Board of Trustees composed of five members who are appointed by the Governor. The Governor shall appoint as members of the Board:*

(a) Four county commissioners from a list of nominees submitted by the Board of Directors of the Nevada Association of Counties; and

(b) One member who is a public defender.

2. Each member of the Board of Trustees shall serve a term of 1 year or until a successor has been appointed and has qualified.

3. The position of a member of the Board of Trustees shall be deemed vacated upon the loss of any of the qualifications required for the appointment of the member.

4. A vacancy on the Board must be filled in the same manner as the original appointment.

Sec. 7. *The Board shall administer the Fund and for that purpose may:*

1. Enter into all necessary contracts and agreements.

2. Employ personnel as necessary and prescribe their compensation and working conditions.

3. Enter into agreements with the Department of Administration to obtain the services of consultants, attorneys, auditors and accountants.

4. Rent, lease, purchase or otherwise procure or receive real or personal property.

5. Adopt regulations necessary for carrying out the provisions of this chapter.

Sec. 8. *1. A county which has imposed the maximum amount of the tax authorized by section 19 of this act may apply to the Board for reimbursement or partial reimbursement of extraordinary costs that the*

county is required to pay in connection with the provision of legal services to an indigent person.

2. The Board shall set forth the manner in which counties may apply for reimbursement pursuant to this section.

3. After reviewing an application received pursuant to this section, the Board may approve reimbursement of all or part of the costs if the Board determines that:

(a) The county has imposed the maximum amount of the tax authorized by section 19 of this act;

(b) The county was required to pay the costs in connection with the provision of legal services to an indigent person;

(c) The costs were extraordinary; and

(d) The costs were incurred in a complex case, a capital case or a case in which an unforeseen increase in costs occurred.

4. If the Board approves reimbursement or partial reimbursement, payment to the county must be made from the Fund, to the extent money is available in the Fund.

5. Upon payment to the county, the Board:

(a) Is subrogated to the right of the county to recover from the indigent person or any other person responsible for the support of the indigent person any costs paid by the county for the provision of legal services to the indigent person, to the extent of the reimbursement or partial reimbursement paid from the Fund; and

(b) Has a lien upon the proceeds of any recovery by the county of any costs paid by the county for the provision of legal services to the indigent person, to the extent of the reimbursement or partial reimbursement paid from the Fund.

6. As used in this section:

(a) "Capital case" means a criminal case in which the most serious crime charged is a felony punishable by death or by imprisonment for life with or without possibility of parole.

(b) "Complex case" means a case in which the provision of adequate legal representation requires significantly more time or resources because of:

(1) The number, novelty or difficulty of the factual or legal issues involved in the case;

(2) The severity of the charges against the client; or

(3) Other special circumstances.

Sec. 9. Chapter 176 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The justices or judges of the justice or municipal courts shall impose, in addition to an administrative assessment imposed pursuant to

NRS 176.059, 176.0611 and 176.0613, an administrative assessment for the provision of legal services to indigent persons.

2. Except as otherwise provided in subsection 3, when a defendant pleads guilty or guilty but mentally ill or is found guilty or guilty but mentally ill of a misdemeanor, including the violation of any municipal ordinance, the justice or judge shall include in the sentence the sum of $4 as an administrative assessment for the provision of legal services to indigent persons and render a judgment against the defendant for the assessment. If a defendant is sentenced to perform community service in lieu of a fine, the sentence must include the administrative assessment required pursuant to this subsection.

3. The provisions of subsection 2 do not apply to:

(a) An ordinance regulating metered parking; or

(b) An ordinance which is specifically designated as imposing a civil penalty or liability pursuant to NRS 244.3575 or 268.019.

4. The money collected for an administrative assessment for the provision of legal services to indigent persons must not be deducted from the fine imposed by the justice or judge but must be taxed against the defendant in addition to the fine. The money collected for such an administrative assessment must be stated separately on the court's docket and must be included in the amount posted for bail. If bail is forfeited, the administrative assessment included in the bail pursuant to this subsection must be disbursed pursuant to subsection 6 or 7. If the defendant is found not guilty or the charges are dismissed, the money deposited with the court must be returned to the defendant. If the justice or judge cancels a fine because the fine has been determined to be uncollectible, any balance of the fine and the administrative assessment remaining unpaid shall be deemed to be uncollectible and the defendant is not required to pay it. If a fine is determined to be uncollectible, the defendant is not entitled to a refund of the fine or administrative assessment the defendant has paid, and the justice or judge shall not recalculate the administrative assessment.

5. If the justice or judge permits the fine and administrative assessment for the provision of legal services to indigent persons to be paid in installments, the payments must be applied in the following order:

(a) To pay the unpaid balance of an administrative assessment imposed pursuant to NRS 176.059;

(b) To pay the unpaid balance of an administrative assessment for the provision of court facilities pursuant to NRS 176.0611;

(c) To pay the unpaid balance of an administrative assessment for the provision of specialty court programs pursuant to NRS 176.0613;

(d) To pay the unpaid balance of an administrative assessment for the provision of legal services to indigent persons pursuant to this section; and

(e) To pay the fine.

6. The money collected for an administrative assessment for the provision of legal services to indigent persons in municipal court must be paid by the clerk of the court to the city treasurer on or before the fifth day of each month for the preceding month. On or before the 15th day of that month, the city treasurer shall deposit the money received for each administrative assessment with the State Controller for credit to the Fund for Legal Defense of Indigent Persons created by section 5 of this act.

7. The money collected for an administrative assessment for the provision of legal services to indigent persons in justice courts must be paid by the clerk of the court to the county treasurer on or before the fifth day of each month for the preceding month. On or before the 15th day of that month, the county treasurer shall deposit the money received for each administrative assessment with the State Controller for credit to the Fund for Legal Defense of Indigent Persons created by section 5 of this act.

Sec. 10. NRS 176.059 is hereby amended to read as follows:

176.059 1. Except as otherwise provided in subsection 2, when a defendant pleads guilty or guilty but mentally ill or is found guilty or guilty but mentally ill of a misdemeanor, including the violation of any municipal ordinance, the justice or judge shall include in the sentence the sum prescribed by the following schedule as an administrative assessment and render a judgment against the defendant for the assessment:

Fine	Assessment
$5 to $49	~~[$30]~~ ***$35***
50 to 59	~~[45]~~ ***50***
60 to 69	~~[50]~~ ***55***
70 to 79	~~[55]~~ ***60***
80 to 89	~~[60]~~ ***65***
90 to 99	~~[65]~~ ***70***
100 to 199	~~[75]~~ ***80***
200 to 299	~~[85]~~ ***90***
300 to 399	~~[95]~~ ***100***
400 to 499	~~[105]~~ ***110***
500 to 1,000	~~[120]~~ ***125***

If the justice or judge sentences the defendant to perform community service in lieu of a fine, the justice or judge shall include in the sentence the amount of the administrative assessment that corresponds with the fine for which the defendant would have been responsible as prescribed by the schedule in this subsection.

2. The provisions of subsection 1 do not apply to:

(a) An ordinance regulating metered parking; or

(b) An ordinance which is specifically designated as imposing a civil penalty or liability pursuant to NRS 244.3575 or 268.019.

3. The money collected for an administrative assessment must not be deducted from the fine imposed by the justice or judge but must be taxed against the defendant in addition to the fine. The money collected for an administrative assessment must be stated separately on the court's docket and must be included in the amount posted for bail. If bail is forfeited, the administrative assessment included in the amount posted for bail pursuant to this subsection must be disbursed in the manner set forth in subsection 5 or 6. If the defendant is found not guilty or the charges are dismissed, the money deposited with the court must be returned to the defendant. If the justice or judge cancels a fine because the fine has been determined to be uncollectible, any balance of the fine and the administrative assessment remaining unpaid shall be deemed to be uncollectible and the defendant is not required to pay it. If a fine is determined to be uncollectible, the defendant is not entitled to a refund of the fine or administrative assessment the defendant has paid and the justice or judge shall not recalculate the administrative assessment.

4. If the justice or judge permits the fine and administrative assessment to be paid in installments, the payments must be first applied to the unpaid balance of the administrative assessment. The city treasurer shall distribute partially collected administrative assessments in accordance with the requirements of subsection 5. The county treasurer shall distribute partially collected administrative assessments in accordance with the requirements of subsection 6.

5. The money collected for administrative assessments in municipal court must be paid by the clerk of the court to the city treasurer on or before the fifth day of each month for the preceding month. The city treasurer shall distribute, on or before the 15th day of that month, the money received in the following amounts for each assessment received:

(a) Two dollars to the county treasurer for credit to a special account in the county general fund for the use of the county's juvenile court or for services to juvenile offenders. Any money remaining in the special account after 2 fiscal years must be deposited in the county general fund if it has not been committed for expenditure. The county treasurer shall provide, upon request by a juvenile court, monthly reports of the revenue credited to and expenditures made from the special account.

(b) Seven dollars for credit to a special revenue fund for the use of the municipal courts. Any money remaining in the special revenue fund after 2 fiscal years must be deposited in the municipal general fund if it has not been committed for expenditure. The city treasurer shall provide, upon request by a municipal court, monthly reports of the revenue credited to and expenditures made from the special revenue fund.

(c) Five dollars to the State Controller for credit to the State General Fund.

(d) ***Five dollars to the State Controller for credit to the Fund for Legal Defense of Indigent Persons created pursuant to section 5 of this act.***

(e) The remainder of each assessment to the State Controller for credit to a special account in the State General Fund for distribution as provided in subsection 8.

6. The money collected for administrative assessments in justice courts must be paid by the clerk of the court to the county treasurer on or before the fifth day of each month for the preceding month. The county treasurer shall distribute, on or before the 15th day of that month, the money received in the following amounts for each assessment received:

(a) Two dollars for credit to a special account in the county general fund for the use of the county's juvenile court or for services to juvenile offenders. Any money remaining in the special account after 2 fiscal years must be deposited in the county general fund if it has not been committed for expenditure. The county treasurer shall provide, upon request by a juvenile court, monthly reports of the revenue credited to and expenditures made from the special account.

(b) Seven dollars for credit to a special revenue fund for the use of the justice courts. Any money remaining in the special revenue fund after 2 fiscal years must be deposited in the county general fund if it has not been committed for expenditure. The county treasurer shall provide, upon request by a justice court, monthly reports of the revenue credited to and expenditures made from the special revenue fund.

(c) Five dollars to the State Controller for credit to the State General Fund.

(d) ***Five dollars to the State Controller for credit to the Fund for Legal Defense of Indigent Persons created pursuant to section 5 of this act.***

(e) The remainder of each assessment to the State Controller for credit to a special account in the State General Fund for distribution as provided in subsection 8.

7. The money apportioned to a juvenile court, a justice court or a municipal court pursuant to this section must be used, in addition to providing services to juvenile offenders in the juvenile court, to improve the operations of the court, or to acquire appropriate advanced technology or the use of such technology, or both. Money used to improve the operations of the court may include expenditures for:

(a) Training and education of personnel;

(b) Acquisition of capital goods;

(c) Management and operational studies; or

(d) Audits.

8. Of the total amount deposited in the State General Fund pursuant to paragraph ~~[(d)]~~ ***(e)*** of subsection 5 and paragraph ~~[(d)]~~ ***(e)*** of subsection 6,

the State Controller shall distribute the money received to the following public agencies in the following manner:

(a) Not less than 51 percent to the Office of Court Administrator for allocation as follows:

(1) Thirty-six and one-half percent of the amount distributed to the Office of Court Administrator for:

(I) The administration of the courts;

(II) The development of a uniform system for judicial records; and

(III) Continuing judicial education.

(2) Forty-eight percent of the amount distributed to the Office of Court Administrator for the Supreme Court.

(3) Three and one-half percent of the amount distributed to the Office of Court Administrator for the payment for the services of retired justices and retired district judges.

(4) Twelve percent of the amount distributed to the Office of Court Administrator for the provision of specialty court programs.

(b) Not more than 49 percent must be used to the extent of legislative authorization for the support of:

(1) The Central Repository for Nevada Records of Criminal History;

(2) The Peace Officers' Standards and Training Commission;

(3) The operation by the Department of Public Safety of a computerized interoperative system for information related to law enforcement;

(4) The Fund for the Compensation of Victims of Crime;

(5) The Advisory Council for Prosecuting Attorneys; and

(6) Programs within the Office of the Attorney General related to victims of domestic violence.

9. Any money deposited in the State General Fund pursuant to paragraph ~~[(d)]~~ ***(e)*** of subsection 5 and paragraph ~~[(d)]~~ ***(e)*** of subsection 6 that is not distributed or used pursuant to paragraph (b) of subsection 8 must be transferred to the uncommitted balance of the State General Fund.

10. As used in this section:

(a) "Juvenile court" has the meaning ascribed to it in NRS 62A.180.

(b) "Office of Court Administrator" means the Office of Court Administrator created pursuant to NRS 1.320.

Sec. 11. NRS 176.0611 is hereby amended to read as follows:

176.0611 1. A county or a city, upon recommendation of the appropriate court, may, by ordinance, authorize the justices or judges of the justice or municipal courts within its jurisdiction to impose for not longer than 50 years, in addition to the administrative assessments imposed pursuant to NRS 176.059 and 176.0613, ***and section 9 of this act,*** an administrative assessment for the provision of court facilities.

2. Except as otherwise provided in subsection 3, in any jurisdiction in which an administrative assessment for the provision of court facilities has been authorized, when a defendant pleads guilty or guilty but mentally ill or is found guilty or guilty but mentally ill of a misdemeanor, including the violation of any municipal ordinance, the justice or judge shall include in the sentence the sum of $10 as an administrative assessment for the provision of court facilities and render a judgment against the defendant for the assessment. If the justice or judge sentences the defendant to perform community service in lieu of a fine, the justice or judge shall include in the sentence the administrative assessment required pursuant to this subsection.

3. The provisions of subsection 2 do not apply to:

(a) An ordinance regulating metered parking; or

(b) An ordinance that is specifically designated as imposing a civil penalty or liability pursuant to NRS 244.3575 or 268.019.

4. The money collected for an administrative assessment for the provision of court facilities must not be deducted from the fine imposed by the justice or judge but must be taxed against the defendant in addition to the fine. The money collected for such an administrative assessment must be stated separately on the court's docket and must be included in the amount posted for bail. If bail is forfeited, the administrative assessment included in the amount posted for bail pursuant to this subsection must be disbursed in the manner set forth in subsection 6 or 7. If the defendant is found not guilty or the charges are dismissed, the money deposited with the court must be returned to the defendant. If the justice or judge cancels a fine because the fine has been determined to be uncollectible, any balance of the fine and the administrative assessment remaining unpaid shall be deemed to be uncollectible and the defendant is not required to pay it. If a fine is determined to be uncollectible, the defendant is not entitled to a refund of the fine or administrative assessment the defendant has paid and the justice or judge shall not recalculate the administrative assessment.

5. If the justice or judge permits the fine and administrative assessment for the provision of court facilities to be paid in installments, the payments must be applied in the following order:

(a) To pay the unpaid balance of an administrative assessment imposed pursuant to NRS 176.059;

(b) To pay the unpaid balance of an administrative assessment for the provision of court facilities pursuant to this section;

(c) To pay the unpaid balance of an administrative assessment for the provision of specialty court programs pursuant to NRS 176.0613; ~~[and]~~

(d) ***To pay the unpaid balance of an administrative assessment for the provision of legal services to indigent persons pursuant to section 9 of this act; and***

(e) To pay the fine.

6. The money collected for administrative assessments for the provision of court facilities in municipal courts must be paid by the clerk of the court to the city treasurer on or before the fifth day of each month for the preceding month. The city treasurer shall deposit the money received in a special revenue fund. The city may use the money in the special revenue fund only to:

(a) Acquire land on which to construct additional facilities for the municipal courts or a regional justice center that includes the municipal courts.

(b) Construct or acquire additional facilities for the municipal courts or a regional justice center that includes the municipal courts.

(c) Renovate or remodel existing facilities for the municipal courts.

(d) Acquire furniture, fixtures and equipment necessitated by the construction or acquisition of additional facilities or the renovation of an existing facility for the municipal courts or a regional justice center that includes the municipal courts. This paragraph does not authorize the expenditure of money from the fund for furniture, fixtures or equipment for judicial chambers.

(e) Acquire advanced technology for use in the additional or renovated facilities.

(f) Pay debt service on any bonds issued pursuant to subsection 3 of NRS 350.020 for the acquisition of land or facilities or the construction or renovation of facilities for the municipal courts or a regional justice center that includes the municipal courts.

➥ Any money remaining in the special revenue fund after 5 fiscal years must be deposited in the municipal general fund for the continued maintenance of court facilities if it has not been committed for expenditure pursuant to a plan for the construction or acquisition of court facilities or improvements to court facilities. The city treasurer shall provide, upon request by a municipal court, monthly reports of the revenue credited to and expenditures made from the special revenue fund.

7. The money collected for administrative assessments for the provision of court facilities in justice courts must be paid by the clerk of the court to the county treasurer on or before the fifth day of each month for the preceding month. The county treasurer shall deposit the money received to a special revenue fund. The county may use the money in the special revenue fund only to:

(a) Acquire land on which to construct additional facilities for the justice courts or a regional justice center that includes the justice courts.

(b) Construct or acquire additional facilities for the justice courts or a regional justice center that includes the justice courts.

(c) Renovate or remodel existing facilities for the justice courts.

(d) Acquire furniture, fixtures and equipment necessitated by the construction or acquisition of additional facilities or the renovation of an existing facility for the justice courts or a regional justice center that includes the justice courts. This paragraph does not authorize the expenditure of money from the fund for furniture, fixtures or equipment for judicial chambers.

(e) Acquire advanced technology for use in the additional or renovated facilities.

(f) Pay debt service on any bonds issued pursuant to subsection 3 of NRS 350.020 for the acquisition of land or facilities or the construction or renovation of facilities for the justice courts or a regional justice center that includes the justice courts.

➥ Any money remaining in the special revenue fund after 5 fiscal years must be deposited in the county general fund for the continued maintenance of court facilities if it has not been committed for expenditure pursuant to a plan for the construction or acquisition of court facilities or improvements to court facilities. The county treasurer shall provide, upon request by a justice court, monthly reports of the revenue credited to and expenditures made from the special revenue fund.

8. If money collected pursuant to this section is to be used to acquire land on which to construct a regional justice center, to construct a regional justice center or to pay debt service on bonds issued for these purposes, the county and the participating cities shall, by interlocal agreement, determine such issues as the size of the regional justice center, the manner in which the center will be used and the apportionment of fiscal responsibility for the center.

Sec. 12. NRS 176.0613 is hereby amended to read as follows:

176.0613 1. The justices or judges of the justice or municipal courts shall impose, in addition to an administrative assessment imposed pursuant to NRS 176.059 and 176.0611, ***and section 9 of this act,*** an administrative assessment for the provision of specialty court programs.

2. Except as otherwise provided in subsection 3, when a defendant pleads guilty or guilty but mentally ill or is found guilty or guilty but mentally ill of a misdemeanor, including the violation of any municipal ordinance, the justice or judge shall include in the sentence the sum of $7 as an administrative assessment for the provision of specialty court programs and render a judgment against the defendant for the assessment. If a defendant is sentenced to perform community service in lieu of a fine, the sentence must include the administrative assessment required pursuant to this subsection.

3. The provisions of subsection 2 do not apply to:

(a) An ordinance regulating metered parking; or

(b) An ordinance which is specifically designated as imposing a civil penalty or liability pursuant to NRS 244.3575 or 268.019.

4. The money collected for an administrative assessment for the provision of specialty court programs must not be deducted from the fine imposed by the justice or judge but must be taxed against the defendant in addition to the fine. The money collected for such an administrative assessment must be stated separately on the court's docket and must be included in the amount posted for bail. If bail is forfeited, the administrative assessment included in the bail pursuant to this subsection must be disbursed pursuant to subsection 6 or 7. If the defendant is found not guilty or the charges are dismissed, the money deposited with the court must be returned to the defendant. If the justice or judge cancels a fine because the fine has been determined to be uncollectible, any balance of the fine and the administrative assessment remaining unpaid shall be deemed to be uncollectible and the defendant is not required to pay it. If a fine is determined to be uncollectible, the defendant is not entitled to a refund of the fine or administrative assessment the defendant has paid and the justice or judge shall not recalculate the administrative assessment.

5. If the justice or judge permits the fine and administrative assessment for the provision of specialty court programs to be paid in installments, the payments must be applied in the following order:

(a) To pay the unpaid balance of an administrative assessment imposed pursuant to NRS 176.059;

(b) To pay the unpaid balance of an administrative assessment for the provision of court facilities pursuant to NRS 176.0611;

(c) To pay the unpaid balance of an administrative assessment for the provision of specialty court programs; ~~[and]~~

(d) ***To pay the unpaid balance of an administrative assessment for the provision of legal services to indigent persons pursuant to section 9 of this act; and***

(e) To pay the fine.

6. The money collected for an administrative assessment for the provision of specialty court programs in municipal court must be paid by the clerk of the court to the city treasurer on or before the fifth day of each month for the preceding month. On or before the 15th day of that month, the city treasurer shall deposit the money received for each administrative assessment with the State Controller for credit to a special account in the State General Fund administered by the Office of Court Administrator.

7. The money collected for an administrative assessment for the provision of specialty court programs in justice courts must be paid by the clerk of the court to the county treasurer on or before the fifth day of each month for the preceding month. On or before the 15th day of that month, the

county treasurer shall deposit the money received for each administrative assessment with the State Controller for credit to a special account in the State General Fund administered by the Office of Court Administrator.

8. The Office of Court Administrator shall allocate the money credited to the State General Fund pursuant to subsections 6 and 7 to courts to assist with the funding or establishment of specialty court programs.

9. Money that is apportioned to a court from administrative assessments for the provision of specialty court programs must be used by the court to:

(a) Pay for the treatment and testing of persons who participate in the program; and

(b) Improve the operations of the specialty court program by any combination of:

(1) Acquiring necessary capital goods;

(2) Providing for personnel to staff and oversee the specialty court program;

(3) Providing training and education to personnel;

(4) Studying the management and operation of the program;

(5) Conducting audits of the program;

(6) Supplementing the funds used to pay for judges to oversee a specialty court program; or

(7) Acquiring or using appropriate technology.

10. As used in this section:

(a) "Office of Court Administrator" means the Office of Court Administrator created pursuant to NRS 1.320; and

(b) "Specialty court program" means a program established by a court to facilitate testing, treatment and oversight of certain persons over whom the court has jurisdiction and who the court has determined suffer from a mental illness or abuses alcohol or drugs. Such a program includes, without limitation, a program established pursuant to NRS 176A.250, 176A.280 or 453.580.

Sec. 13. NRS 176.062 is hereby amended to read as follows:

176.062 1. When a defendant pleads guilty or guilty but mentally ill or is found guilty or guilty but mentally ill of a felony or gross misdemeanor, the judge shall include in the sentence the sum of ~~[$25]~~ ***$50*** as an administrative assessment and render a judgment against the defendant for the assessment.

2. The money collected for an administrative assessment:

(a) Must not be deducted from any fine imposed by the judge;

(b) Must be taxed against the defendant in addition to the fine; and

(c) Must be stated separately on the court's docket.

3. The money collected for administrative assessments in district courts must be paid by the clerk of the court to the county treasurer on or before the

fifth day of each month for the preceding month. The county treasurer shall distribute, on or before the 15th day of that month, the money received in the following amounts for each assessment received:

(a) Five dollars for credit to a special account in the county general fund for the use of the district court.

(b) ***Twenty-five dollars to the State Controller for credit to the Fund for Legal Defense of Indigent Persons created pursuant to section 5 of this act.***

(c) The remainder of each assessment to the State Controller.

4. The State Controller shall credit the money received pursuant to ***paragraph (c) of*** subsection 3 to a special account for the assistance of criminal justice in the State General Fund, and distribute the money from the account to the Attorney General as authorized by the Legislature. Any amount received in excess of the amount authorized by the Legislature for distribution must remain in the account.

Sec. 14. NRS 179.225 is hereby amended to read as follows:

179.225 1. If the punishment of the crime is the confinement of the criminal in prison, the expenses must be paid from money appropriated to the Office of the Attorney General for that purpose, upon approval by the State Board of Examiners. After the appropriation is exhausted, the expenses must be paid from the Reserve for Statutory Contingency Account upon approval by the State Board of Examiners. In all other cases, they must be paid out of the county treasury in the county wherein the crime is alleged to have been committed. The expenses are:

(a) If the prisoner is returned to this State from another state, the fees paid to the officers of the state on whose governor the requisition is made;

(b) If the prisoner is returned to this State from a foreign country or jurisdiction, the fees paid to the officers and agents of this State or the United States; or

(c) If the prisoner is temporarily returned for prosecution to this State from another state pursuant to this chapter or chapter 178 of NRS and is then returned to the sending state upon completion of the prosecution, the fees paid to the officers and agents of this State,

➥ and the per diem allowance and travel expenses provided for state officers and employees generally incurred in returning the prisoner.

2. If a person is returned to this State pursuant to this chapter or chapter 178 of NRS and is convicted of, or pleads guilty, guilty but mentally ill or nolo contendere to, the criminal charge for which the person was returned or a lesser criminal charge, the court shall conduct an investigation of the financial status of the person to determine the ability to make restitution. In conducting the investigation, the court shall determine if the person is able to pay any existing obligations for:

(a) Child support;

(b) Restitution to victims of crimes; and

(c) Any administrative assessment required to be paid pursuant to NRS 62E.270, 176.059, 176.0611, 176.0613 and 176.062 ~~[.]~~ ***and section 9 of this act.***

3. If the court determines that the person is financially able to pay the obligations described in subsection 2, it shall, in addition to any other sentence it may impose, order the person to make restitution for the expenses incurred by the Attorney General or other governmental entity in returning the person to this State. The court shall not order the person to make restitution if payment of restitution will prevent the person from paying any existing obligations described in subsection 2. Any amount of restitution remaining unpaid constitutes a civil liability arising upon the date of the completion of the sentence.

4. The Attorney General may adopt regulations to carry out the provisions of this section.

Sec. 15. NRS 211.245 is hereby amended to read as follows:

211.245 1. If a prisoner fails to make a payment within 10 days after it is due, the district attorney for a county or the city attorney for an incorporated city may file a civil action in any court of competent jurisdiction within this State seeking recovery of:

(a) The amount of reimbursement due;

(b) Costs incurred in conducting an investigation of the financial status of the prisoner; and

(c) Attorney's fees and costs.

2. A civil action brought pursuant to this section must:

(a) Be instituted in the name of the county or city in which the jail, detention facility or alternative program is located;

(b) Indicate the date and place of sentencing, including, without limitation, the name of the court which imposed the sentence;

(c) Include the record of judgment of conviction, if available;

(d) Indicate the length of time served by the prisoner and, if the prisoner has been released, the date of his or her release; and

(e) Indicate the amount of reimbursement that the prisoner owes to the county or city.

3. The county or city treasurer of the county or incorporated city in which a prisoner is or was confined shall determine the amount of reimbursement that the prisoner owes to the city or county. The county or city treasurer may render a sworn statement indicating the amount of reimbursement that the prisoner owes and submit the statement in support of a civil action brought pursuant to this section. Such a statement is prima facie evidence of the amount due.

4. A court in a civil action brought pursuant to this section may award a money judgment in favor of the county or city in whose name the action was brought.

5. If necessary to prevent the disposition of the prisoner's property by the prisoner, or the prisoner's spouse or agent, a county or city may file a motion for a temporary restraining order. The court may, without a hearing, issue ex parte orders restraining any person from transferring, encumbering, hypothecating, concealing or in any way disposing of any property of the prisoner, real or personal, whether community or separate, except for necessary living expenses.

6. The payment, pursuant to a judicial order, of existing obligations for:

(a) Child support or alimony;

(b) Restitution to victims of crimes; and

(c) Any administrative assessment required to be paid pursuant to NRS 62E.270, 176.059, 176.0611, 176.0613 and 176.062, ***and section 9 of this act,***

➥ has priority over the payment of a judgment entered pursuant to this section.

Sec. 16. NRS 249.085 is hereby amended to read as follows:

249.085 On or before the 15th day of each month, the county treasurer shall report to the State Controller the amount of the administrative assessments paid by each justice court for the preceding month pursuant to NRS 176.059 and 176.0613 ~~[.]~~ ***and section 9 of this act.***

Sec. 17. Title 32 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 18 to 22, inclusive, of this act.

Sec. 18. ***1. For the privilege of selling tangible personal property at retail, a tax is hereby imposed upon all retailers at the rate of one-eighth of 1 percent of the gross receipts of any retailer from the sale of all tangible personal property sold at retail in a county.***

2. An excise tax is hereby imposed on the storage, use or other consumption in a county of tangible personal property purchased from any retailer for storage, use or other consumption in the county at the rate of one-eighth of 1 percent of the sales price of the property. The tax is imposed on all property which was acquired out of State in a transaction which would have been a taxable sale if it had occurred within this State.

3. Except as otherwise provided in sections 20, 21 and 22 of this act, the tax must be administered, collected and distributed in the same manner as the tax set forth in chapter 374 of NRS.

Sec. 19. ***1. In addition to the amount of tax imposed pursuant to section 18 of this act, the board of county commissioners of any county may by ordinance, but not as in a case of emergency, impose an additional***

tax pursuant to this section to pay a portion of the fees, expenses and other costs required to be paid by the county in connection with the provision of legal services to indigent persons.

2. An ordinance enacted pursuant to this chapter may not become effective before a question concerning the imposition of the tax is approved by a two-thirds majority of the members of the board of county commissioners. Any proposal to increase the rate of the tax must be approved by a two-thirds majority of the members of the board of county commissioners.

3. Any ordinance enacted pursuant to this section must specify the date on which the tax must first be imposed or on which an increase in the rate of the tax becomes effective, which must be the first day of the first calendar quarter that begins at least 120 days after the ~~[approval of]~~ date on which a two-thirds majority of the board of county commissioners approved the question . ~~[by the voters.]~~

4. An ordinance enacted pursuant to this section must include provisions in substance as follows:

(a) A provision imposing a tax upon retailers at the rate of not more than one-eighth of 1 percent of the gross receipts of any retailer from the sale of all tangible personal property sold at retail, or stored, used or otherwise consumed, in the county.

(b) Provisions substantially identical to those contained in chapter 374 of NRS, insofar as applicable.

(c) A provision that all amendments to chapter 374 of NRS after the date of enactment of the ordinance, not inconsistent with this chapter, automatically become a part of an ordinance enacted pursuant to this section.

(d) A provision that the county shall contract before the effective date of the ordinance with the Department to perform all functions incident to the administration or operation of the tax in the county.

(e) A provision that a purchaser is entitled to a refund, in the same manner as set forth in NRS 374.635 to 374.720, inclusive, of the amount of the tax required to be paid that is attributable to the tax imposed upon the sale of, and the storage, use or other consumption in a county of, tangible personal property used for the performance of a written contract:

(1) Entered into on or before the effective date of the tax or the increase in the tax; or

(2) For the construction of an improvement to real property for which a binding bid was submitted before the effective date of the tax or the increase in the tax if the bid was afterward accepted,

➥ if, under the terms of the contract or bid, the contract price or bid amount cannot be adjusted to reflect the imposition of the tax or the increase in the tax.

5. An ordinance amending an ordinance enacted pursuant this section must include a provision in substance that the county shall amend the contract made pursuant to paragraph (d) of subsection 4 by a contract made between the county and the State acting by and through the Department before the effective date of the amendatory taxing ordinance, unless the county determines with the written concurrence of the Department that no such amendment of the contract is necessary or desirable.

6. In any proceeding under any ordinance enacted pursuant to this section, the Department may act for and on behalf of the county which has enacted that ordinance.

Sec. 20. *1. All fees, taxes, interest and penalties imposed and all amounts of tax required to be paid to the counties under this chapter must be paid to the Department in the form of remittances payable to the Department.*

2. The Department shall deposit the payments with the State Treasurer for credit to the Sales and Use Tax Account in the State General Fund.

3. The State Controller, acting upon the collection data furnished by the Department, shall monthly:

(a) Transfer from the Sales and Use Tax Account to the appropriate account in the State General Fund 1.75 percent of all fees, taxes, interest and penalties collected pursuant to this chapter during the preceding month as compensation to the State for the cost of collecting the tax.

(b) Determine for each county an amount of money equal to any fees, taxes, interest and penalties collected in or for that county pursuant to this chapter during the preceding month, less the amount transferred to the State General Fund pursuant to paragraph (a).

(c) Transfer the amount determined for each county to the Intergovernmental Fund and remit the money to the county treasurer.

Sec. 21. *The Department may redistribute any fee, tax, penalty and interest to the county entitled thereto, but no such redistribution may be made as to amounts originally distributed more than 6 months before the date on which the Department obtains knowledge of the improper distribution.*

Sec. 22. *1. The county treasurer shall deposit the money received from the State Controller pursuant to section 20 of this act in the county treasury for credit to a fund to be known as the Indigent Legal Defense Fund. The Indigent Legal Defense Fund must be accounted for as a separate fund and not as a part of any other fund.*

2. The board of county commissioners may only use money in the Indigent Legal Defense Fund to pay:

(a) The costs of creating, maintaining, operating or administering the office of public defender created by the county pursuant to NRS 260.010;

(b) Any amount required to be paid by the county to the State Public Defender; or

(c) Any other fees, expenses or costs required to be paid by the county in connection with the provision of legal services to an indigent person.

Sec. 23. ~~[This act becomes effective on July 1, 2011.]~~ **(Deleted by amendment.)**

Assemblyman Horne moved the adoption of the amendment.

Remarks by Assemblyman Horne.

Amendment adopted.

Bill ordered reprinted, engrossed, and to Concurrent Committee on Taxation.

Assembly Bill No. 152.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 28.

AN ACT relating to transportation; creating an advisory committee to develop recommendations relating to the funding of the construction and maintenance of highways in this State; providing for the membership ~~[, compensation]~~ and duties of the advisory committee; authorizing the advisory committee to place advisory questions regarding the recommendations of the committee on the ballot for the general election to be held in 2012; requiring the Secretary of State to appoint committees to prepare arguments for and against approval of the recommendation proposed in any such advisory question placed on the ballot; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill creates an advisory committee to develop recommendations for increasing funding for highways in this State. The committee consists of eight members, three appointed by the Majority Leader of the Senate, three appointed by the Speaker of the Assembly, one appointed by the Minority Leader of the Senate and one appointed by the Minority Leader of the Assembly. Not more than one member of the committee may be a member of the Senate, who must be appointed by the Majority Leader of the Senate, and not more than one member of the committee may be a member of the Assembly, who must be appointed by the Speaker of the Assembly. To the extent practicable, the members of the advisory committee must reflect the

geographic diversity of this State. The advisory committee is: (1) charged with developing recommendations relating to the funding of the construction and maintenance of highways in this State; and (2) authorized to ask the voters of the State for their advice on those recommendations by placing advisory questions on the ballot for the general election to be held in 2012. If the advisory committee places an advisory question on the ballot, the Secretary of State must appoint committees to prepare arguments for and against approval of the recommendation proposed in the advisory question.

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

Section 1. As used in this act, "advisory committee" means the advisory committee created by subsection 1 of section 2 of this act.

Sec. 2. 1. There is hereby created an advisory committee to develop recommendations for increasing the funding of highways in this State.

2. The advisory committee consists of eight members appointed as follows:

(a) Three members appointed by the Majority Leader of the Senate;

(b) Three members appointed by the Speaker of the Assembly;

(c) One member appointed by the Minority Leader of the Senate; and

(d) One member appointed by the Minority Leader of the Assembly.

3. Not more than one member of the advisory committee may be a member of the Senate, who must be appointed by the Majority Leader of the Senate, and not more than one member of the advisory committee may be a member of the Assembly, who must be appointed by the Speaker of the Assembly.

4. The Majority and Minority Leaders of the Senate and the Speaker and Minority Leader of the Assembly shall, to the extent practicable, ensure that the members appointed to the advisory committee reflect the geographic diversity of this State.

5. The term of each member of the advisory committee commences on July 1, 2011, and expires on June 30, 2013.

6. Members of the advisory committee serve without compensation. ~~[, except that while engaged in the business of the advisory committee, each member is entitled to the per diem allowance and travel expenses provided for state officers and employees generally, to be paid from the Legislative Fund.]~~

7. The advisory committee shall:

(a) Meet at least once every 3 months; and

(b) To the extent practicable, conduct the meetings of the committee via videoconference.

8. The advisory committee shall elect a Chair and a Vice Chair from among the members of the committee at the first meeting of the committee.

9. A vacancy in the membership of the advisory committee must be filled in the same manner as the original appointment.

Sec. 3. 1. The advisory committee shall develop recommendations relating to increasing the funding of the construction and maintenance of highways in this State.

2. When developing recommendations pursuant to the provisions of subsection 1, the advisory committee shall consider, without limitation, the most recent, if any, transportation project lists developed by the Department of Transportation and the regional transportation commission of any county whose population is 100,000 or more.

Sec. 4. 1. The advisory committee may, at the general election held in 2012, ask the advice of the registered voters of the State on any question regarding the recommendations developed by the committee pursuant to section 3 of this act.

2. To place an advisory question on the ballot at the general election held in 2012, the advisory committee shall, not less than 120 days before the general election, submit to the Secretary of State a resolution that:

(a) Sets forth:

(1) Each question, in language indicating clearly that the question is advisory only;

(2) An explanation of the question; and

(3) A description of the anticipated financial effect on the State; and

(b) Provides that the result of the voting on the question does not impose any legal requirement on the Legislature, any member of the Legislature or any other officer of the State.

3. If the advisory committee places an advisory question on the ballot pursuant to this section, on the sample ballot for the election, the advisory question must appear:

(a) With a title in substantially the following form: “Advisory Ballot Question No....”; and

(b) With its explanation, arguments and description of the anticipated financial effect.

Sec. 5. 1. For each advisory question to be placed on the ballot pursuant to the provisions of section 4 of this act, the Secretary of State shall, in accordance with the provisions of subsection 4, appoint two committees. Except as otherwise provided in subsection 2, one committee must be composed of three persons who favor approval by the voters of the recommendation proposed in the advisory question and the other committee must be composed of three persons who oppose approval by the voters of the recommendation proposed in the advisory question.

2. If the Secretary of State is unable to appoint three persons who are willing to serve on a committee, the Secretary of State may appoint fewer than three persons to that committee, but he or she must appoint at least one person to each committee appointed pursuant to this section.

3. With respect to a committee appointed pursuant to this section:

(a) A person may not serve simultaneously on the committee that favors approval by the voters of the recommendation proposed in the advisory question and the committee that opposes approval by the voters of the recommendation proposed in the advisory question.

(b) Members of the committee serve without compensation.

(c) The term of office for each member commences upon appointment and expires upon the publication of the sample ballot containing the advisory question.

4. The Secretary of State shall consider appointing to a committee pursuant to this section:

(a) Any person who has expressed an interest in serving on the committee; and

(b) A person who is a member of an organization that has expressed an interest in having a member of the organization serve on the committee.

5. A committee appointed pursuant to this section:

(a) Shall elect a chair for the committee;

(b) Shall meet and conduct the affairs of the committee as necessary to fulfill the requirements of this section;

(c) May seek and consider comments from the general public;

(d) Shall, based on whether the members were appointed to advocate or oppose approval by the voters of the recommendation proposed in the advisory question, prepare an argument either advocating or opposing approval by the voters of the recommendation proposed in the advisory question;

(e) Shall prepare a rebuttal to the argument prepared by the other committee appointed pursuant to this section;

(f) Shall address in the argument and rebuttal prepared pursuant to paragraphs (d) and (e):

(1) The fiscal impact of the recommendation proposed in the advisory question;

(2) The environmental impact of the recommendation proposed in the advisory question; and

(3) The impact of the recommendation proposed in the advisory question on the public health, safety and welfare; and

(g) Shall submit the argument and rebuttal prepared pursuant to paragraphs (d), (e) and (f) to the Secretary of State not later than the date prescribed by the Secretary of State pursuant to subsection 6.

6. The Secretary of State shall provide, by rule or regulation:

(a) The maximum permissible length of an argument and rebuttal prepared pursuant to this section; and

(b) The date by which an argument and rebuttal prepared pursuant to this section must be submitted by a committee to the Secretary of State.

7. Upon receipt of an argument or rebuttal prepared pursuant to this section, the Secretary of State:

(a) May consult with persons who are generally recognized by a national or statewide organization as having expertise regarding transportation and transportation-related issues; and

(b) Shall reject each statement in the argument or rebuttal that he or she believes is libelous or factually inaccurate.

8. The decision of the Secretary of State to reject a statement pursuant to subsection 7 is a final decision for the purposes of judicial review. Not later than 5 days after the Secretary of State rejects a statement pursuant to subsection 7, the committee that prepared the statement may appeal that rejection by filing a complaint in the First Judicial District Court. The Court shall set the matter for hearing not later than 3 working days after the complaint is filed and shall give priority to such a complaint over all other matters pending before the court, except for criminal proceedings.

9. The Secretary of State may revise the language submitted by a committee pursuant to this section so that it is clear, concise and suitable for incorporation in the sample ballot, but shall not alter the meaning or effect of the language without the consent of the committee.

Sec. 6. This act becomes effective upon passage and approval.

Assemblywoman Dondero Loop moved the adoption of the amendment.

Remarks by Assemblywoman Dondero Loop.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 156.

Bill read second time.

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

Amendment No. 113.

AN ACT relating to process servers; requiring that a proof of service filed with a court contain certain information; revising provisions relating to orders ~~[of abatement;]~~ **to cease and desist conduct;** providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, a person who engages in the business of serving legal process within this State must be licensed. (NRS 648.060) **Section 1** of this

bill prohibits a person from engaging in the business of a process server if the person is not licensed as a process server and has, because of certain violations of the provisions of chapter 648 of NRS, received a citation and order ~~[of abatement.]~~ **to cease and desist conduct. Section 6** of this bill requires a court to treat a proof of service filed in violation of **section 1** as legally insufficient and renders a judgment based upon such proof void. **Section 2** of this bill requires that an order ~~[of abatement]~~ **to cease and desist conduct** issued to a business state that the order applies to any person acting in the name of the business.

Section 5 of this bill requires that a proof of service of process filed with a court include certain information. **Section 5** also allows a court to construe a proof of service of process that does not include such information as legally insufficient.

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

Section 1. Chapter 648 of NRS is hereby amended by adding thereto a new section to read as follows:

If a person who is not licensed as a process server pursuant to this chapter has been issued a citation pursuant to NRS 648.165 that contains an order ~~[of abatement,]~~ to cease and desist conduct, the person shall not continue to engage in the business of a process server after the date on which he or she is served with the citation ~~[.]~~ until the order has been rescinded.

Sec. 2. NRS 648.165 is hereby amended to read as follows:

648.165 1. The Board may issue to a person who has violated NRS 648.060 a citation.

2. Such a citation must be in writing and describe with particularity the nature of the violation. The citation must also inform the person of the provisions of subsection 5. A separate citation must be issued for each such violation.

3. If appropriate, the citation must contain an order ~~[of abatement]~~ ***to cease and desist conduct*** fixing a reasonable time for abatement of the violation. ***If the order ~~[of abatement]~~ to cease and desist conduct is directed to a business, the order ~~[of abatement]~~ must expressly state that it applies to any person acting in the name of the business regardless of whether any such person is alleged to have previously violated any of the provisions of this chapter.***

4. The Board shall assess an administrative fine of:

(a) For the first such violation, $2,500.

(b) For the second such violation, $5,000.

(c) For the third or subsequent such violation, $10,000.

5. To appeal the finding of such a violation, the person must request a hearing by written notice of appeal to the Board within 30 days after the date of issuance of the citation.

Sec. 3. NRS 648.210 is hereby amended to read as follows:

648.210 A person who violates any of the provisions of NRS 648.060 to 648.205, inclusive ~~[.]~~ ***, and section 1 of this act:***

1. For the first violation is guilty of a misdemeanor.

2. For the second and subsequent violations, is guilty of a gross misdemeanor.

Sec. 4. Chapter 14 of NRS is hereby amended by adding thereto the provisions set forth as sections 5 and 6 of this act.

Sec. 5. ***1. In addition to any other requirements set forth by law, a proof of service of process filed with a court of competent jurisdiction in Nevada must include:***

(a) The name, residential or business address and telephone number of the person who performed the service of process;

(b) The date and time that the legal process was served;

(c) The manner in which the legal process was served;

(d) If ~~[applicable,]~~ practicable, the name of the person who was personally served or a physical description of that person; and

(e) ~~[If applicable, the fee paid to the process server for the service of process; and~~

~~(f) If applicable, a]~~ A notation of:

(1) The license number of the process server or the registration number of the employee of a licensed process server who performed the service of process; or

(2) The ~~[exemption from licensure which applies to]~~ reason why the person who performed the service of process was not required to be licensed under chapter 648 of NRS or another ~~[specifically identified]~~ provision of law.

2. A proof of service that does not include the information required by subsection 1 may be construed as legally insufficient by a court of competent jurisdiction.

3. As used in this section, "process server" has the meaning ascribed to it in NRS 648.014.

Sec. 6. ***1. If a person who is not licensed as a process server pursuant to chapter 648 of NRS files a proof of service of process with a court of competent jurisdiction in violation of section 1 of this act, the proof of service of process must be treated as legally insufficient by the court and any resulting judgment based upon the proof of service of process is void.***

2. As used in this section, "process server" has the meaning ascribed to it in NRS 648.014.

Sec. 7. This act becomes effective upon passage and approval.

Assemblyman Atkinson moved the adoption of the amendment.

Remarks by Assemblyman Atkinson.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 167.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture, and Mining:

Amendment No. 106.

AN ACT relating to aquatic species; prohibiting a person from introducing certain aquatic species into the waters of this State; providing for the inspection of vessels for aquatic invasive species; requiring vessels to be inspected for the presence of aquatic invasive species before being operated on the waters of this State; requiring decontamination of any vessels where an aquatic invasive species is present; authorizing the impoundment or quarantine of certain vessels; requiring an aquatic invasive species fee to be paid by all operators of vessels; providing a civil penalty; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law makes it a misdemeanor for any person to introduce any aquatic life into this State without the permission of the Department of Wildlife. Existing law also authorizes the Board of Wildlife Commissioners to prohibit the importation, transportation or possession of any species of wildlife that the Commission deems detrimental to the wildlife or the habitat of the wildlife in this State. (NRS 503.597) **Section 2** of this bill makes it a **misdemeanor for a first offense and a** category E felony **for any subsequent offense** to knowingly or intentionally introduce any aquatic species which may be detrimental to the aquatic resources, aquatic species or water resources of this State. **Section 2** also provides for an additional civil penalty of not less than $25,000 and not more than $250,000 for anyone convicted of such introduction.

Section 4 of this bill authorizes the Department to set up inspection stations for vessels operating on the waters of this State to inspect such vessels for aquatic invasive species and prohibits any person from operating a vessel without first complying with the inspection program. **Section 4** also prohibits any person operating a vessel from leaving an impaired body of water and entering another body of water in this State without first having the vessel decontaminated. In addition, **section 4** allows a peace officer to inspect a vessel at any point if the peace officer has a reasonable belief based on articulable facts that an aquatic invasive species may be present on the

vessel. Finally, if a person refuses to comply with a peace officer or the requirements of an inspection station, **section 4** allows the person's vessel to be impounded or quarantined. **Section 5** of this bill authorizes a peace officer to keep a vessel in impound or quarantine until it has been decontaminated or shown to be in compliance with the requirements of the Department.

Section 6 of this bill requires the Commission to establish an **annual** aquatic invasive species fee **, which must not exceed $10,** and requires the Department to issue an aquatic invasive species decal as evidence of payment. **Section 6** prohibits any person from operating a vessel on the waters of this State without first paying the fee and attaching the decal to his or her vessel as proof of payment.

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

Section 1. NRS 501.356 is hereby amended to read as follows:

501.356 1. Money received by the Department from:

(a) The sale of licenses;

(b) Fees pursuant to the provisions of NRS 488.075 and 488.1795;

(c) Remittances from the State Treasurer pursuant to the provisions of NRS 365.535;

(d) Appropriations made by the Legislature; and

(e) All other sources, except money derived from the forfeiture of any property described in NRS 501.3857 or money deposited in the Wildlife Heritage Trust Account pursuant to NRS 501.3575 or in the Trout Management Account pursuant to NRS 502.327,

➥ must be deposited with the State Treasurer for credit to the Wildlife Account in the State General Fund.

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

3. Except as otherwise provided in subsection 4 ~~[,]~~ ***and NRS 503.597,*** the Department may use money in the Wildlife Account only to carry out the provisions of this title and chapter 488 of NRS and as provided in NRS 365.535, and the money must not be diverted to any other use.

4. Except as otherwise provided in NRS 502.250 and 504.155, all fees for the sale or issuance of stamps, tags, permits and licenses that are required to be deposited in the Wildlife Account pursuant to the provisions of this title and any matching money received by the Department from any source must be accounted for separately and must be used:

(a) Only for the management of wildlife; and

(b) If the fee is for the sale or issuance of a license, permit or tag other than a tag specified in subsection 5 or 6 of NRS 502.250, under the guidance of the Commission pursuant to subsection 2 of NRS 501.181.

Sec. 2. NRS 503.597 is hereby amended to read as follows:

503.597 1. Except as otherwise provided in this section, it is unlawful, except by the written consent and approval of the Department, for any person at anytime to receive, bring or have brought or shipped into this State, or remove from one stream or body of water in this State to any other, or from one portion of the State to any other, or to any other state, any aquatic life or wildlife, or any spawn, eggs or young of any of them.

2. The Department shall require an applicant to conduct an investigation to confirm that such an introduction or removal will not be detrimental to the wildlife or the habitat of wildlife in this State. Written consent and approval of the Department may be given only if the results of the investigation prove that the introduction, removal or importation will not be detrimental to existing aquatic life or wildlife, or any spawn, eggs or young of any of them.

3. The Commission may through appropriate regulation provide for the inspection of such introduced or removed creatures and the inspection fees therefor.

4. The Commission may adopt regulations to prohibit the importation, transportation or possession of any species of wildlife which the Commission deems to be detrimental to the wildlife or the habitat of the wildlife in this State.

5. ***A person who knowingly or intentionally introduces, causes to be introduced or attempts to introduce an aquatic invasive species or injurious aquatic species into any waters of this State is guilty of :***

(a) For a first offense, a misdemeanor; and

(b) For any subsequent offense, a category E felony and shall be punished as provided in NRS 193.130.

6. A court before whom a defendant is convicted of a violation of subsection 5 shall, for each violation, order the defendant to pay a civil penalty of at least $25,000 but not more than $250,000. The money must be deposited into the Wildlife Account in the State General Fund and used to:

(a) Remove the aquatic invasive species or injurious aquatic species;

(b) Reintroduce any game fish or other aquatic wildlife destroyed by the aquatic invasive species or injurious aquatic species;

(c) Restore any habitat destroyed by the aquatic invasive species or injurious aquatic species;

(d) Repair any other damage done to the waters of this State by the introduction of the aquatic invasive species or injurious aquatic species; and

(e) Defray any other costs incurred by the Department because of the introduction of the aquatic invasive species or injurious aquatic species.

7. The provisions of this section do not apply to ~~[~~alternative~~]~~ ***:***

(a) Alternative livestock and products made therefrom ~~[.]~~ ***; or***

(b) The introduction of any species by the Department for sport fishing or other wildlife management programs.

8. As used in this section:

(a) "Aquatic invasive species" means an aquatic species which is exotic or not native to this State and which the Commission has determined to be detrimental to aquatic life, water resources or infrastructure for providing water in this State.

(b) "Injurious aquatic species" means an aquatic species which the Commission has determined to be a threat to sensitive, threatened or endangered aquatic species or game fish or to the habitat of sensitive, threatened or endangered aquatic species or game fish by any means, including, without limitation:

(1) Predation;

(2) Parasitism;

(3) Interbreeding; or

(4) The transmission of disease.

Sec. 3. Chapter 488 of NRS is hereby amended by adding thereto the provisions set forth as sections 4, 5 and 6 of this act.

Sec. 4. ***1. It is unlawful for any person at any time to:***

(a) Launch a vessel into any body of water in this State for which the Department has approved an inspection program without first complying with that program;

(b) Refuse to comply with any requirements of the Department or any requirements of an inspection program approved by the Department; or

(c) Leave an impaired body of water in this State or any other state after operating a vessel on that impaired body of water and launch the vessel on any other body of water in this State without first decontaminating the vessel and any conveyance used on the impaired body of water.

2. In addition to any inspection conducted pursuant to NRS 488.900, each owner, operator or person in control of a vessel or conveyance shall stop at any mandatory inspection station for aquatic invasive species authorized by the Department. If a peace officer reasonably believes, based on articulable facts, that an aquatic invasive species or aquatic plant material may be present on the vessel or conveyance, the peace officer may:

(a) Require the owner, operator or person in control of the vessel or conveyance to decontaminate the vessel or conveyance; or

(b) In addition to any seizure required pursuant to NRS 488.910, impound or quarantine the vessel or conveyance.

3. A peace officer may stop and inspect a vessel or conveyance for the presence of aquatic invasive species or aquatic plant material, or for proof of a required inspection:

(a) Before a vessel is launched into a body of water in this State;

(b) Before a vessel or conveyance departs from a body of water in this State, a launch ramp or a vessel staging area;

(c) If the vessel or conveyance is visibly transporting any aquatic invasive species or aquatic plant material; or

(d) If the peace officer reasonably believes, based on articulable facts, that an aquatic invasive species or aquatic plant material is present.

4. If a peace officer conducts an inspection of a vessel or conveyance pursuant to this section and determines that an aquatic invasive species or aquatic plant material is present on the vessel or conveyance, the peace officer may order the vessel or conveyance to be decontaminated.

5. A peace officer may impound or quarantine a vessel if:

(a) An inspection conducted pursuant to this section indicates the presence of an aquatic invasive species or aquatic plant material on the vessel or conveyance; or

(b) The owner, operator or person in control of the vessel or conveyance refuses to:

(1) Submit to an inspection authorized pursuant to this section; or

(2) Comply with an order issued pursuant to this section to decontaminate his or her vessel or conveyance.

6. As used in this section, "impaired body of water" means any body of water in this State or any other state which the Commission or another governmental entity has identified as containing an aquatic invasive species.

Sec. 5. *1. If a peace officer orders a vessel or conveyance to be impounded or quarantined pursuant to section 4 of this act, the vessel or conveyance may be impounded or quarantined for a reasonable period to ensure that the vessel or conveyance is inspected and decontaminated and that any aquatic invasive species or aquatic plant material is completely removed.*

2. The owner of a vessel or conveyance which is impounded or quarantined is responsible for all costs associated with the impoundment or quarantine.

3. The Department may suspend the certificate of number or validation decal of an impounded or quarantined vessel until:

(a) The operator or owner of the vessel has completed the decontamination of the vessel; and

(b) The Department has inspected the vessel and determined that it is in compliance with section 4 of this act.

Sec. 6. *1. A person shall not operate a vessel on the waters of this State unless the person has:*

(a) Paid to the Department the aquatic invasive species fee established pursuant to subsection 4; and

(b) Attached the aquatic invasive species decal issued pursuant to subsection 2 to the port side transom of the vessel so that the decal is distinctly visible.

2. The Department shall issue to a person who pays the fee established pursuant to subsection 4 an aquatic invasive species decal as evidence of the payment of the aquatic invasive species fee.

3. Aquatic invasive species decals expire at the end of each calendar year. Only the decal for the current year may be displayed on a vessel.

4. The Commission shall establish by regulation ~~*[a reasonable]*~~ ***an aquatic invasive species fee , which must not exceed $10, to be paid annually*** ~~*[.]*~~ ***for the issuance of an aquatic invasive species decal. The fee must be deposited in the Wildlife Account in the State General Fund and used by the Department for enforcement of this section, NRS 503.597 and sections 4 and 5 of this act and for education about and management of aquatic invasive species.***

Sec. 7. NRS 488.035 is hereby amended to read as follows:

488.035 As used in this chapter, unless the context otherwise requires:

1. "***Aquatic invasive species" means an aquatic species which is exotic or not native to this State and which the Commission has determined to be detrimental to aquatic life, water resources or infrastructure for providing water in this State.***

2. "Aquatic plant material" means aquatic plants or parts of plants that are dependent on an aquatic environment to survive.

3. **"**Commission" means the Board of Wildlife Commissioners.

~~[2.]~~ ***4. "Conveyance" means a motor vehicle, trailer or any other equipment used to transport a vessel or containers or devices used to haul water on a vessel that may contain or carry an aquatic invasive species or aquatic plant material.***

5. "Decontaminate" means eliminate any aquatic invasive species on a vessel or conveyance in a manner specified by the Commission which may include, without limitation, washing the vessel or conveyance, draining the water in the vessel or conveyance, drying the vessel or conveyance or chemically, thermally or otherwise treating the vessel or conveyance.

6. "Department" means the Department of Wildlife.

~~[3.]~~ ***7.*** "Flat wake" means the condition of the water close astern a moving vessel that results in a flat wave disturbance.

~~[4.]~~ ***8.*** "Interstate waters of this State" means waters forming the boundary between the State of Nevada and an adjoining state.

~~[5.]~~ ***9.*** "Legal owner" means a secured party under a security agreement relating to a vessel or a renter or lessor of a vessel to the State or any political

subdivision of the State under a lease or an agreement to lease and sell or to rent and purchase which grants possession of the vessel to the lessee for a period of 30 consecutive days or more.

~~[6.]~~ ***10.*** "Motorboat" means any vessel propelled by machinery, whether or not the machinery is the principal source of propulsion.

~~[7.]~~ ***11.*** "Operate" means to navigate or otherwise use a motorboat or a vessel.

~~[8.]~~ ***12.*** "Owner" means:

(a) A person having all the incidents of ownership, including the legal title of a vessel, whether or not he or she lends, rents or pledges the vessel; and

(b) A debtor under a security agreement relating to a vessel.

➥ "Owner" does not include a person defined as a "legal owner" under subsection ~~[5.]~~ ***9.***

~~[9.]~~ ***13.*** "Prohibited substance" has the meaning ascribed to it in NRS 484C.080.

~~[10.]~~ ***14.*** "Registered owner" means the person registered by the Commission as the owner of a vessel.

~~[11.]~~ ***15.*** A vessel is "under way" if it is adrift, making way or being propelled, and is not aground, made fast to the shore, or tied or made fast to a dock or mooring.

~~[12.]~~ ***16.*** "Vessel" means every description of watercraft, other than a seaplane on the water, used or capable of being used as a means of transportation on water.

~~[13.]~~ ***17.*** "Waters of this State" means any waters within the territorial limits of this State.

Sec. 8. NRS 488.075 is hereby amended to read as follows:

488.075 1. The owner of each motorboat requiring numbering by this State shall file an application for a number and for a certificate of ownership with the Department on forms approved by it accompanied by:

(a) Proof of payment of Nevada sales or use tax as evidenced by proof of sale by a Nevada dealer or by a certificate of use tax paid issued by the Department of Taxation, or by proof of exemption from those taxes as provided in NRS 372.320.

(b) Such evidence of ownership as the Department may require.

➥ The Department shall not issue a number, a certificate of number or a certificate of ownership until this evidence is presented to it.

2. The application must be signed by the owner of the motorboat and must be accompanied by a fee of $20 for the certificate of ownership and a fee according to the following schedule as determined by the straight line length which is measured from the tip of the bow to the back of the transom of the motorboat:

Less than 13 feet.....$20

13 feet or more but less than 18 feet.....25
18 feet or more but less than 22 feet.....40
22 feet or more but less than 26 feet.....55
26 feet or more but less than 31 feet.....75
31 feet or more 100

Except as otherwise provided in this subsection, all fees received by the Department under the provisions of this chapter must be deposited in the Wildlife Account in the State General Fund and ***, except as otherwise provided in section 6 of this act,*** may be expended only for the administration and enforcement of the provisions of this chapter. On or before December 31 of each year, the Department shall deposit with the respective county school districts 50 percent of each fee collected according to the motorboat's length for every motorboat registered from their respective counties. Upon receipt of the application in approved form, the Department shall enter the application upon the records of its office and issue to the applicant a certificate of number stating the number awarded to the motorboat, a certificate of ownership stating the same information and the name and address of the registered owner and the legal owner.

3. A certificate of number may be renewed each year by the purchase of a validation decal. The fee for a validation decal is determined by the straight line length of the motorboat and is equivalent to the fee set forth in the schedule provided in subsection 2. The amount of the fee for issuing a duplicate validation decal is $20.

4. The owner shall paint on or attach to each side of the bow of the motorboat the identification number in such manner as may be prescribed by regulations of the Commission in order that the number may be clearly visible. The number must be maintained in legible condition.

5. The certificate of number must be available at all times for inspection on the motorboat for which issued, whenever the motorboat is in operation.

6. The Commission shall provide by regulation for the issuance of numbers to manufacturers and dealers which may be used interchangeably upon motorboats operated by the manufacturers and dealers in connection with the demonstration, sale or exchange of those motorboats. The amount of the fee for each such a number is $20.

Sec. 9. 1. This section becomes effective upon passage and approval.

2. Sections 1 and 2 of this act become effective on July 1, 2011.

3. Sections 3 to 8, inclusive, of this act become effective:

(a) Upon passage and approval for the purpose of adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On January 1, 2012 for all other purposes.

Assemblywoman Carlton moved the adoption of the amendment.

Remarks by Assemblywoman Carlton.
Amendment adopted.
Bill ordered reprinted, engrossed, and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Carlton moved that upon return from the printer Assembly Bill No. 167 be rereferred to the Committee on Ways and Means.
Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 306.
Bill read second time and ordered to third reading.

Assembly Bill No. 322.
Bill read second time and ordered to third reading.

Assembly Bill No. 451.
Bill read second time and ordered to third reading.

Assembly Bill No. 464.
Bill read second time and ordered to third reading.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 11:42 a.m.

ASSEMBLY IN SESSION

At 11:45 a.m.
Mr. Speaker presiding.
Quorum present.

GENERAL FILE AND THIRD READING

Assembly Bill No. 39.
Bill read third time.
Remarks by Assemblyman Stewart.
Roll call on Assembly Bill No. 39:
YEAS—41.
NAYS—None.
EXCUSED—Ellison.
Assembly Bill No. 39 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.
Motion carried.

Assembly Bill No. 220.
Bill read third time.
Remarks by Assemblywoman Dondero Loop.
Roll call on Assembly Bill No. 220:
YEAS—40.
NAYS—McArthur.
EXCUSED—Ellison.
Assembly Bill No. 220 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Joint Resolution No. 5.
Resolution read third time.
Remarks by Assemblyman Goedhart.
Roll call on Assembly Joint Resolution No. 5:
YEAS—41.
NAYS—None.
EXCUSED—Ellison.
Assembly Joint Resolution No. 5 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Resolution ordered transmitted to the Senate.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 11:54 a.m.

ASSEMBLY IN SESSION

At 11:56 a.m.
Mr. Speaker presiding.
Quorum present.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Bobzien, the privilege of the floor of the Assembly Chamber for this day was extended to Sarah Gleich.

On request of Assemblyman Daly, the privilege of the floor of the Assembly Chamber for this day was extended to Mylan Hawkins and the following students and chaperones from George L. Dilworth Middle School: Marilyn Arce, Lillian Banas, Elias Bjornn, Danielle Calissie, Arielle Conley, Elizabeth Cuna Zavala, Griffin Foxworthy, Marlon Garcia Henandez, Tylor Hakim, Enrique Medina, Jesus Nava, Guadalupe Ramirez Garcia, Israel Saldana, Anthony Simonett, Andrew Smith, Tino Taufa, Julio Torres, Dana Vice, Shannon Watson, Anthony Contreras, Joyce Esparza, Gerry Esquivel, Maria Geronimo, Daniel Gonzalez, Yaneth Guerrero,

Cassidy Hand, Julianna Huerta, Pablo IzQuierdo, Kristian Macone, Maribel Mancera, Jonathon Marquez, Daniel Morales, Pulido Emanuel, Roy Ramirez, Monique Renteria, Gabby Reyes, Sophia Roman, Diana Sevilla, Andraya Solorio, Preston Walton, Kevin Agguirre, Angelique Brito, Amari Carmona, Angel Fernandez, Madison Franco, Adrian Garcia, Jassmin Guerrero, Aireol Hall, Joselin Lopez, Louis Martin, Ivan Martinez, Uri Mendoza, Jose Mireles, Michael Moore, David Nau, Jamie Penate, Steven Penrose, Savannnah Pinentel, Nikki Pittman, Omar Rodriguez, Keith Sabalvaro, Sylis Sanchez, Jennifer Solorio, Erick Tamoyo, John Torres, Emery Alberter, Brianna Cano, Chase Carney, Diana Cervantes, Kyle Coleman, Jesus Contreras, Marcello Cuellar, Wendy Davalos, Esmeralda Diaz, Eddie Fabela, Nallelly Conzalez, Erika Hill, Jose Manzano , Aaron Mastin, Natasha Rogers, Isabel Vega, Marshall Webb, Steve Felsing, Henry Fournier, Jennifer Walker, Jen Powers, Patti Calissie, Shirley Love, Gina Jenn, Lisa Ferris, Paula Torres, Brooke Rivera, and Robert Martinez.

Assemblyman Conklin moved that the Assembly adjourn until Friday, April 8, 2011, at 11 a.m.

Motion carried.

Assembly adjourned at 11:57 a.m.

Approved: JOHN OCEGUERA
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE SIXTY-FIRST DAY

CARSON CITY (Friday), April 8, 2011

Assembly called to order at 11:14 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblyman Ohrenschall, who was excused.

Prayer by the Chaplain, Pastor Ron Torkelsen.

Dear God, we often refer to politics with a negative connotation. Whereas that may be true at times, it is not necessarily so. There is value in collective reasoning and that is the premise for which we have come here today, next week, and the next several months. The Bible teaches that You have placed people in government because of their Godly reasoning. I pray that those here today will use their capabilities for just that. I pray, Lord, that You will direct the thinking of these men and women, and when the decisions of these next weeks and months have been concluded, we will see the wisdom in their choices.

Again, I pray for the collective wisdom of this assembly and thank You for the successes You have promised.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Conklin moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which were referred Assembly Bills Nos. 20, 25, 32, 55, 102, 199, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

KELVIN ATKINSON, *Chair*

Mr. Speaker:

Your Committee on Education, to which were referred Assembly Bills Nos. 138, 225, 229, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DAVID P. BOBZIEN, *Chair*

Mr. Speaker:

Your Concurrent Committee on Education, to which was referred Assembly Bill No. 222, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DAVID P. BOBZIEN, *Chair*

Mr. Speaker:

Your Concurrent Committee on Health and Human Services, to which was referred Assembly Bill No. 48, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

APRIL MASTROLUCA, *Chair*

Mr. Speaker:

Your Committee on Judiciary, to which were referred Assembly Bills Nos. 143 and 194 has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, Your Committee on Judiciary, to which were referred Assembly Bills Nos. 91 and 195, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

WILLIAM C. HORNE, *Chair*

Mr. Speaker:

Your Committee on Ways and Means, to which was rereferred Assembly Bill No. 12, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DEBBIE SMITH, *Chair*

COMMUNICATIONS

MESSAGES FROM THE GOVERNOR

OFFICE OF THE GOVERNOR

April 4, 2011

THE HONORABLE JOHN OCEGUERA, *Speaker of the Nevada Assembly*, THE NEVADA LEGISLATURE, 401 South Carson Street, Carson City, Nevada 89701

Re: Assembly Bill 183 of the 76th Legislative Session

DEAR MR. SPEAKER:

I am herewith forwarding to you, for filing within the constitutional time limit and without my approval, Assembly Bill 183, which is entitled:

> AN ACT relating to school districts; revising the provisions regarding the establishment and maintenance of a reserve account for payment of the outstanding bonds of a school district; and providing other matters properly relating thereto.

This bill relates to the maintenance of reserve accounts established to support the repayment of school bonds. It proposes to reduce the amount of money held in those accounts in order to facilitate school improvements. Supporters of the bill assert that it will result not only in an improved educational environment for the state's children, but in an increased number of construction jobs as well.

The bill has merit; a quality educational environment is important to the success of our students, and our state has far too many unemployed construction workers. But the condition of our schools and the struggles of the construction industry are not the only challenges we confront. Indeed, with an unemployment rate of 13.6 percent and the nation's worst graduation rates, rarely has our state been so severely tested. In the face of such difficulty, we cannot afford to be parochial. Instead, we must pursue policies that present the greatest chance of success to the greatest number of Nevadans.

Improving the quality of instruction our children receive and fostering the success of workers across our economy are essential steps in moving the state forward. Because this bill makes it harder to do these things, I will veto it. In appropriating bond reserve money for construction,

proponents of the bill have reduced the amount of funds available for classroom instruction by approximately $301 million. Along the way, they have misleadingly cited those who voted for the issuance of school bonds in the past as supporting their cause today, unfairly attributing to them their narrow view. What is more, they have failed to provide an accounting of the cost of this bill.

If these reductions stand, they will necessarily result in deeper cuts—cuts that will cost over 5,000 teachers their jobs. Alternatively, A.B. 183 will require a new tax at a point when our economy is presenting limited but promising signs of recovery. This bill justifies neither choice. I therefore exercise my constitutional grant of authority to veto A.B. 183, and return the bill to you without my signature.

Sincere regards,
BRIAN SANDOVAL
Governor of Nevada

REMARKS FROM THE FLOOR

Assemblyman Conklin moved that Assemblywoman Smith's remarks be entered in the Journal.

Motion carried.

ASSEMBLYWOMAN SMITH:

Thank you, Mr. Speaker. It is somewhat unusual, I suppose, to rise and give remarks after a veto statement, but I do feel compelled to do so. The tone of the veto was a little bit unusual because it did not deal just with the specifics of the bill, but also, I believe, attacked the credibility of the proponents of the bill. Also, it had a couple of misleading statements.

For the record, I would like to say to the body that, as indicated in the veto statement, A.B. 183 does not require a tax increase. The proponents of the bill were never misleading in working toward the passage of this piece of legislation, and I want to be clear that the proponents were many more people than just me, as the sponsor. As you all know, there were parents, parent organizations, business leaders, the Nevada Association of School Boards, the school districts, and many others who worked on this bill for many, many months and are very much the proponents of this legislation. I would like to rise to their defense that this group never misled anyone about this legislation. It was about a policy. The fact that it became tangled up in another issue is a separate issue.

I would just like to say, for the record, that the proponents' integrity being questioned in the veto statement, I think, is somewhat unusual. They are very honorable people and worked very hard to try to do the right thing in their individual communities, and I respect them very much for that. Thank you, Mr. Speaker, for giving me this time.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 4, 2011

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bill No. 193; Senate Bill No. 91.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bill No. 186.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

SENATE CHAMBER Carson City, April 6, 2011

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 63, 237.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

SENATE CHAMBER, Carson City, April 7, 2011

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 289, 301, 337; Senate Joint Resolutions Nos. 3, 4.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 6, 13, 25, 27, 34, 67, 89, 101, 114, 117, 119, 222.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

By the Committee on Legislative Operations and Elections:

Assembly Resolution No. 7—Providing for the appointment of an additional attaché for the Assembly.

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, That Gianna Shirk is elected as an additional attaché of the Assembly for the 76th Session of the Nevada Legislature.

Assemblyman Conklin moved the adoption of the resolution.

Remarks by Assemblyman Conklin.

Resolution adopted.

Senate Joint Resolution No. 3.

Assemblyman Conklin moved that the resolution be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 11:26 a.m.

ASSEMBLY IN SESSION

At 11:27 a.m.

Mr. Speaker presiding.

Quorum present.

Senate Joint Resolution No. 4.

Assemblyman Conklin moved that the resolution be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

NOTICE OF EXEMPTION

April 4, 2011

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the exemption of: Senate Bills Nos. 216, 295, 359, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 433, 434, 435, 437, 442, 443, 444, 447, 450, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 470, 471, 472, 473, 474, 478, 479, 480, 481, 482, 484 and 486.

MARK KRMPOTIC
Fiscal Analysis Division

April 4, 2011

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Senate Bills Nos. 103, 115, 116, 129, 138, 143, 146, 147, 151, 158, 160, 168, 176, 438, 439, 440, 441, 445, 446, 448, 449, 451, 468, 469, 475, 476, 477 and 483.

MARK KRMPOTIC
Fiscal Analysis Division

April 6, 2011

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the exemption of: Assembly Bill No. 524.

RICK COMBS
Fiscal Analysis Division

April 6, 2011

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Assembly Bills Nos. 307, 327, 330, 338, 350, 354, 357, 368, 378, 385, 390, 397, 399, 423, 425, 430, 431, 432, 434, 438, 444, 474, 505, 508, 511, 532, 534, 546 and 554.

RICK COMBS
Fiscal Analysis Division

AMENDED NOTICE OF EXEMPTION

April 8, 2011

The Fiscal Analysis Division hereby amends its Notice of Exemption dated April 4, 2011, as follows:

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, deletes Assembly Bill No. 557 from the notice of exempt bills and determines the eligibility for exemption of Assembly Bill No. 557.

RICK COMBS
Fiscal Analysis Division

Assemblyman Conklin moved that Assembly Bills Nos. 222, 225, and 229, just reported out of committee, be placed at the top of the Second Reading File.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Ways and Means:

Assembly Bill No. 565—AN ACT relating to education; temporarily delaying the statutory deadline for notifying certain school employees of reemployment status for the 2011-2012 school year; and providing other matters properly relating thereto.

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

Motion carried.

Senate Bill No. 6.

Assemblyman Conklin moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 13.

Assemblyman Conklin moved that the bill be referred to the Committee on Taxation.

Motion carried.

Senate Bill No. 25.

Assemblyman Conklin moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 27.

Assemblyman Conklin moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 34.

Assemblyman Conklin moved that the bill be referred to the Committee on Taxation.

Motion carried.

Senate Bill No. 63.

Assemblyman Conklin moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 67.

Assemblyman Conklin moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 89.

Assemblyman Conklin moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 91.

Assemblyman Conklin moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 101.

Assemblyman Conklin moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 114.

Assemblyman Conklin moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 117.

Assemblyman Conklin moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 119.

Assemblyman Conklin moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

Senate Bill No. 186.

Assemblyman Conklin moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 222.

Assemblyman Conklin moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 237.

Assemblyman Conklin moved that the bill be referred to the Committee on Education.

Motion carried.

Senate Bill No. 289.

Assemblywoman Carlton moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 301.

Assemblyman Conklin moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 337.

Assemblyman Conklin moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 222.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 140.

AN ACT relating to education; creating the Teachers and Leaders Council of Nevada; prescribing the membership and duties of the Council; requiring the State Board of Education to establish a statewide performance evaluation system for teachers and administrators; **revising provisions governing the policies for the evaluation of teachers and administrators;** revising the designations required of the evaluations of teachers and administrators; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Sections 4-6 of this bill create the Teachers and Leaders Council of Nevada and prescribe the membership and duties of the Council. **Section 6** requires the Council to make recommendations to the State Board of Education for the establishment of a statewide performance evaluation system for teachers and administrators employed by school districts**.** ~~[and charter schools.]~~

Existing law requires the automated system of accountability information for Nevada to track the achievement of pupils over time and to identify which teachers and paraprofessionals are assigned to individual pupils. The information is required to be considered, but must not be the sole criterion, in evaluating the performance of or taking disciplinary action against an individual teacher, paraprofessional or other employee. (NRS 386.650) Existing law also requires the board of trustees of each school district to develop a policy for the evaluation of teachers and administrators pursuant to which the performance of an individual teacher or administrator is designated

as "satisfactory" or "unsatisfactory." (NRS 391.3125, 391.3127) **Section 7** of this bill requires the State Board of Education, based upon the recommendations of the Council, to establish a statewide performance evaluation system for teachers and administrators employed by school districts **.** ~~[and charter schools.]~~ Effective July 1, 2013, the statewide performance evaluation system will require the evaluation of an individual teacher or administrator as "highly effective," "effective," "minimally effective" or "ineffective." Also effective July 1, 2013, **section 2** of this bill requires that certain information on pupil achievement which is maintained by the automated system of accountability information for Nevada account for 50 percent of the evaluations of teachers and administrators. **Sections** ~~[1, 8]~~ **8.5 and** ~~[9]~~ **9.5** of this bill require the policies for the evaluations of teachers and administrators employed by school districts ~~[and charter schools]~~ to comply with the statewide performance evaluation system established by the State Board.

Until the implementation of the statewide performance evaluation system, sections 8 and 9 of this bill provide that the policies for the evaluations of teachers and administrators employed by school districts must require that certain information on pupil achievement which is maintained by the automated system of accountability information for Nevada account for a significant portion of the evaluation, as determined by the board of trustees.

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

Section 1. ~~[~~NRS 386.520 is hereby amended to read as follows:

386.520 1. A committee to form a charter school must consist of at least three teachers, as defined in subsection 4. In addition to the teachers who serve, the committee may consist of:

(a) Members of the general public;

(b) Representatives of nonprofit organizations and businesses; or

(c) Representatives of a college or university within the Nevada System of Higher Education.

~~]~~ A majority of the persons described in paragraphs (a), (b) and (c) who serve on the committee must be residents of this State at the time that the application to form the charter school is submitted to the Department.

2. Before a committee to form a charter school may submit an application to the board of trustees of a school district, the Subcommittee on Charter Schools, the State Board or a college or university within the Nevada System of Higher Education, it must submit the application to the Department. The application must include all information prescribed by the Department by regulation and:

~~(a) A written description of how the charter school will carry out the provisions of NRS 386.500 to 386.610, inclusive.~~

~~(b) A written description of the mission and goals for the charter school. A charter school must have as its stated purpose at least one of the following goals:~~

~~(1) Improving the opportunities for pupils to learn;~~

~~(2) Encouraging the use of effective methods of teaching;~~

~~(3) Providing an accurate measurement of the educational achievement of pupils;~~

~~(4) Establishing accountability of public schools;~~

~~(5) Providing a method for public schools to measure achievement based upon the performance of the schools; or~~

~~(6) Creating new professional opportunities for teachers.~~

~~(c) The projected enrollment of pupils in the charter school.~~

~~(d) The proposed dates of enrollment for the charter school.~~

~~(e) The proposed system of governance for the charter school, including, without limitation, the number of persons who will govern, the method of selecting the persons who will govern and the term of office for each person.~~

~~(f) The method by which disputes will be resolved between the governing body of the charter school and the sponsor of the charter school.~~

~~(g) The proposed curriculum for the charter school and, if applicable to the grade level of pupils who are enrolled in the charter school, the requirements for the pupils to receive a high school diploma, including, without limitation, whether those pupils will satisfy the requirements of the school district in which the charter school is located for receipt of a high school diploma.~~

~~(h) The textbooks that will be used at the charter school.~~

~~(i) The qualifications of the persons who will provide instruction at the charter school.~~

~~(j) Except as otherwise required by NRS 386.595, the process by which the governing body of the charter school will negotiate employment contracts with the employees of the charter school.~~

~~(k) A financial plan for the operation of the charter school. The plan must include, without limitation, procedures for the audit of the programs and finances of the charter school and guidelines for determining the financial liability if the charter school is unsuccessful.~~

~~(l) A statement of whether the charter school will provide for the transportation of pupils to and from the charter school. If the charter school will provide transportation, the application must include the proposed plan for the transportation of pupils. If the charter school will not provide transportation, the application must include a statement that the charter school will work with the parents and guardians of pupils enrolled in the~~

~~charter school to develop a plan for transportation to ensure that pupils have access to transportation to and from the charter school.~~

~~(m) The procedure for the evaluation of teachers~~ ***and administrators*** ~~of the charter school~~ **[**~~, if different from the procedure prescribed in NRS 391.3125. If the procedure is different from the procedure prescribed in NRS 391.3125, the~~**]** ~~***which must comply with the statewide performance evaluation system for teachers and administrators established by the State Board pursuant to section 7 of this act. The*** procedure for the evaluation of teachers of the charter school must provide the same level of protection and otherwise comply with the standards for evaluation set forth in NRS 391.3125~~ **[.]** ~~***and 391.3127 and section 7 of this act.***

~~(n) The time by which certain academic or educational results will be achieved.~~

~~(o) The kind of school, as defined in subsections 1 to 4, inclusive, of NRS 388.020, for which the charter school intends to operate.~~

~~(p) A statement of whether the charter school will enroll pupils who are in a particular category of at-risk pupils before enrolling other children who are eligible to attend the charter school pursuant to NRS 386.580 and the method for determining eligibility for enrollment in each such category of at-risk pupils served by the charter school.~~

~~3. The Department shall review an application to form a charter school to determine whether it is complete. If an application proposes to convert an existing public school, homeschool or other program of home study into a charter school, the Department shall deny the application. The Department shall provide written notice to the applicant of its approval or denial of the application. If the Department denies an application, the Department shall include in the written notice the reason for the denial and the deficiencies in the application. The applicant must be granted 30 days after receipt of the written notice to correct any deficiencies identified in the written notice and resubmit the application.~~

~~4. As used in subsection 1, "teacher" means a person who:~~

~~(a) Holds a current license to teach issued pursuant to chapter 391 of NRS; and~~

~~(b) Has at least 2 years of experience as an employed teacher.~~

~~The term does not include a person who is employed as a substitute teacher.~~**]** **(Deleted by amendment.)**

Sec. 2. NRS 386.650 is hereby amended to read as follows:

386.650 1. The Department shall establish and maintain an automated system of accountability information for Nevada. The system must:

(a) Have the capacity to provide and report information, including, without limitation, the results of the achievement of pupils:

(1) In the manner required by 20 U.S.C. §§ 6301 et seq., and the regulations adopted pursuant thereto, and NRS 385.3469 and 385.347; and

(2) In a separate reporting for each group of pupils identified in paragraph (b) of subsection 1 of NRS 385.361;

(b) Include a system of unique identification for each pupil:

(1) To ensure that individual pupils may be tracked over time throughout this State; and

(2) That, to the extent practicable, may be used for purposes of identifying a pupil for both the public schools and the Nevada System of Higher Education, if that pupil enrolls in the System after graduation from high school;

(c) Have the capacity to provide longitudinal comparisons of the academic achievement, rate of attendance and rate of graduation of pupils over time throughout this State;

(d) Have the capacity to perform a variety of longitudinal analyses of the results of individual pupils on assessments, including, without limitation, the results of pupils by classroom and by school;

(e) Have the capacity to identify which teachers are assigned to individual pupils and which paraprofessionals, if any, are assigned to provide services to individual pupils;

(f) Have the capacity to provide other information concerning schools and school districts that is not linked to individual pupils, including, without limitation, the designation of schools and school districts pursuant to NRS 385.3623 and 385.377, respectively, and an identification of which schools, if any, are persistently dangerous;

(g) Have the capacity to access financial accountability information for each public school, including, without limitation, each charter school, for each school district and for this State as a whole; and

(h) Be designed to improve the ability of the Department, school districts and the public schools in this State, including, without limitation, charter schools, to account for the pupils who are enrolled in the public schools, including, without limitation, charter schools.

➥ The information maintained pursuant to paragraphs (c), (d) and (e) must be used for the purpose of improving the achievement of pupils and improving classroom instruction. The information must ~~[be considered,]~~ ***account for 50 percent,*** but must not be used as the sole criterion, in evaluating the performance of or taking disciplinary action against an individual teacher, paraprofessional or other employee.

2. The board of trustees of each school district shall:

(a) Adopt and maintain the program prescribed by the Superintendent of Public Instruction pursuant to subsection 3 for the collection, maintenance and transfer of data from the records of individual pupils to the automated

system of information, including, without limitation, the development of plans for the educational technology which is necessary to adopt and maintain the program;

(b) Provide to the Department electronic data concerning pupils as required by the Superintendent of Public Instruction pursuant to subsection 3; and

(c) Ensure that an electronic record is maintained in accordance with subsection 3 of NRS 386.655.

3. The Superintendent of Public Instruction shall:

(a) Prescribe a uniform program throughout this State for the collection, maintenance and transfer of data that each school district must adopt, which must include standardized software;

(b) Prescribe the data to be collected and reported to the Department by each school district and each sponsor of a charter school pursuant to subsection 2 and by each university school for profoundly gifted pupils;

(c) Prescribe the format for the data;

(d) Prescribe the date by which each school district shall report the data to the Department;

(e) Prescribe the date by which each charter school shall report the data to the sponsor of the charter school;

(f) Prescribe the date by which each university school for profoundly gifted pupils shall report the data to the Department;

(g) Prescribe standardized codes for all data elements used within the automated system and all exchanges of data within the automated system, including, without limitation, data concerning:

(1) Individual pupils;

(2) Individual teachers and paraprofessionals;

(3) Individual schools and school districts; and

(4) Programs and financial information;

(h) Provide technical assistance to each school district to ensure that the data from each public school in the school district, including, without limitation, each charter school and university school for profoundly gifted pupils located within the school district, is compatible with the automated system of information and comparable to the data reported by other school districts; and

(i) Provide for the analysis and reporting of the data in the automated system of information.

4. The Department shall establish, to the extent authorized by the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g, and any regulations adopted pursuant thereto, a mechanism by which persons or entities, including, without limitation, state officers who are members of the Executive or Legislative Branch, administrators of public schools and school

districts, teachers and other educational personnel, and parents and guardians, will have different types of access to the accountability information contained within the automated system to the extent that such information is necessary for the performance of a duty or to the extent that such information may be made available to the general public without posing a threat to the confidentiality of an individual pupil.

5. The Department may, to the extent authorized by the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g, and any regulations adopted pursuant thereto, enter into an agreement with the Nevada System of Higher Education to provide access to data contained within the automated system for research purposes.

Sec. 3. Chapter 391 of NRS is hereby amended by adding thereto the provisions set forth as sections 4 to 7, inclusive, of this act.

Sec. 4. ***As used in sections 5 and 6 of this act, "Council" means the Teachers and Leaders Council of Nevada created by section 5 of this act.***

Sec. 5. ***1. There is hereby created the Teachers and Leaders Council of Nevada consisting of the following ~~[16]~~ 15 members:***

(a) The Superintendent of Public Instruction, or his or her designee, who serves as an ex officio member of the Council.

(b) The Chancellor of the Nevada System of Higher Education, or his or her designee, who serves as an ex officio member of the Council.

(c) Four teachers in public schools appointed by the Governor from a list of nominees submitted by the Nevada State Education Association. The members appointed pursuant to this paragraph must represent the geographical diversity of the school districts in this State.

(d) Two administrators in public schools and one superintendent of schools of a school district appointed by the Governor from a list of nominees submitted by the Nevada Association of School Administrators. The members appointed pursuant to this paragraph must represent the geographical diversity of the school districts in this State.

(e) Two persons who are members of boards of trustees of school districts and who are appointed by the Governor from a list of nominees submitted by the Nevada Association of School Boards.

(f) ~~[One administrator or teacher employed by a charter school appointed by the Governor from a list of nominees that is compiled from nominations submitted by governing bodies of charter schools.~~

~~(g)]~~ One representative of the regional training programs for the professional development of teachers and administrators created by NRS 391.512 appointed by the Governor from a list of nominees submitted by the Nevada Association of School Superintendents.

~~[(h)]~~ ***(g) One parent or legal guardian of a pupil enrolled in public school appointed by the Governor from a list of nominees submitted by the Nevada Parent Teacher Association.***

~~[(i)]~~ ***(h) Two persons with expertise in the development of public policy relating to education appointed by the Superintendent of Public Instruction. The members appointed pursuant to this paragraph must not otherwise be eligible for appointment pursuant to paragraphs (a) to (g), inclusive.***

2. After the initial terms, each appointed member of the Council serves a term of 3 years commencing on July 1 and may be reappointed to one additional 3-year term following his or her initial term. If any appointed member of the Council ceases to be qualified for the position to which he or she was appointed, the position shall be deemed vacant and the appointing authority shall appoint a replacement for the remainder of the unexpired term. A vacancy must be filled in the same manner as the original appointment.

3. The Council shall, at its first meeting and annually thereafter, elect a Chair from among its members.

4. The Council shall meet at least semiannually and may meet at other times upon the call of the Chair or a majority of the members of the Council. Nine members of the Council constitute a quorum, and a quorum may exercise all the power and authority conferred on the Council.

5. Members of the Council serve without compensation, except that for each day or portion of a day during which a member of the Council attends a meeting of the Council or is otherwise engaged in the business of the Council, the member is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

6. A member of the Council who is a public employee must be granted administrative leave from the member's duties to engage in the business of the Council without loss of his or her regular compensation. Such leave does not reduce the amount of the member's other accrued leave.

7. The Department shall provide administrative support to the Council.

8. The Council may apply for and accept gifts, grants, donations and contributions from any source for the purpose of carrying out its duties pursuant to section 6 of this act.

Sec. 6. ***1. The Council shall:***

(a) Make recommendations to the State Board concerning the adoption of regulations for establishing a statewide performance evaluation system to ensure that teachers and administrators employed by school districts ~~*[and charter schools]*~~ ***are:***

(1) Evaluated using multiple, fair, timely, rigorous and valid methods, which includes evaluations based upon pupil achievement data as required by NRS 386.650 and section 7 of this act;

(2) Afforded a meaningful opportunity to improve their effectiveness through professional development that is linked to their evaluations; and

(3) Provided with the means to share effective educational methods with other teachers and administrators throughout this State.

(b) Develop and recommend to the State Board a plan, including duties and associated costs, for the development and implementation of the performance evaluation system by the Department ~~[,]~~ and school districts ~~[and charter schools.]~~.

(c) Consider the role of professional standards for teachers and administrators and, as it determines appropriate, develop a plan for recommending the adoption of such standards by the State Board.

2. The performance evaluation system recommended by the Council must ensure that:

(a) Data derived from the evaluations is used to create professional development programs that enhance the effectiveness of teachers and administrators; and

(b) A timeline is included for monitoring the performance evaluation system at least annually for quality, reliability, validity, fairness, consistency and objectivity.

3. The Council may establish such working groups, task forces and similar entities from within or outside its membership as necessary to address specific issues or otherwise to assist in its work.

4. The State Board shall consider the recommendations made by the Council pursuant to this section and shall adopt regulations establishing a statewide performance evaluation system as required by section 7 of this act.

Sec. 7. *1. The State Board shall, based upon the recommendations of the Teachers and Leaders Council of Nevada submitted pursuant to section 6 of this act, adopt regulations establishing a statewide performance evaluation system which incorporates multiple measures of an employee's performance.*

2. The statewide performance evaluation system must:

(a) Require that an employee's overall performance is determined to be:

(1) Highly effective;

(2) Effective;

(3) Minimally effective; or

(4) Ineffective.

(b) Include the criteria for making each designation identified in paragraph (a).

(c) Require that the information maintained pursuant to paragraphs (c), (d) and (e) of subsection 1 of NRS 386.650 account for 50 percent of the evaluation.

(d) Include an evaluation of whether the teacher or administrator employs practices and strategies to involve and engage the parents and families of pupils.

Sec. 8. NRS 391.3125 is hereby amended to read as follows:

391.3125 1. It is the intent of the Legislature that a uniform system be developed for objective evaluation of teachers and other licensed personnel in each school district.

2. Each board, following consultation with and involvement of elected representatives of the teachers or their designees, shall develop a policy for objective evaluations in narrative form. The policy must set forth a means according to which an employee's overall performance may be determined to be satisfactory or unsatisfactory. ~~*[comply with the statewide performance evaluation system established by the State Board pursuant to section 7 of this act.]*~~ ***The policy must require that the information maintained pursuant to paragraphs (c), (d) and (e) of subsection 1 of NRS 386.650 account for a significant portion of the evaluation, as determined by the board.*** The policy may include an evaluation by the teacher, pupils, administrators or other teachers or any combination thereof. In a similar manner, counselors, librarians and other licensed personnel must be evaluated on forms developed specifically for their respective specialties. A copy of the policy adopted by the board must be filed with the Department. The primary purpose of an evaluation is to provide a format for constructive assistance. Evaluations, while not the sole criterion, must be used in the dismissal process.

3. A conference and a written evaluation for a probationary employee must be concluded not later than:

(a) December 1;

(b) February 1; and

(c) April 1,

➥ of each school year of the probationary period, except that a probationary employee assigned to a school that operates all year must be evaluated at least three times during each 12 months of employment on a schedule determined by the board. An administrator charged with the evaluation of a probationary teacher shall personally observe the performance of the teacher in the classroom for not less than a cumulative total of 60 minutes during each evaluation period, with at least one observation during that 60-minute evaluation period consisting of at least 45 consecutive minutes.

4. Whenever an administrator charged with the evaluation of a probationary employee believes the employee will not be reemployed for the second year of the probationary period or the school year following the

probationary period, the administrator shall bring the matter to the employee's attention in a written document which is separate from the evaluation not later than March 1 of the current school year. The notice must include the reasons for the potential decision not to reemploy or refer to the evaluation in which the reasons are stated. Such a notice is not required if the probationary employee has received a letter of admonition during the current school year.

5. Each postprobationary teacher must be evaluated at least once each year. An administrator charged with the evaluation of a postprobationary teacher shall personally observe the performance of the teacher in the classroom for not less than a cumulative total of 60 minutes during each evaluation period, with at least one observation during that 60-minute evaluation period consisting of at least 30 consecutive minutes.

6. The evaluation of a probationary teacher or a postprobationary teacher must include, without limitation:

(a) An evaluation of the classroom management skills of the teacher;

(b) A review of the lesson plans and the work log or grade book of pupils prepared by the teacher;

(c) An evaluation of whether the curriculum taught by the teacher is aligned with the standards of content and performance established pursuant to NRS 389.520, as applicable for the grade level taught by the teacher;

(d) An evaluation of whether the teacher is appropriately addressing the needs of the pupils in the classroom, including, without limitation, special educational needs, cultural and ethnic diversity, the needs of pupils enrolled in advanced courses of study and the needs of pupils who are limited English proficient;

(e) ~~*[An evaluation of whether the teacher employs practices and strategies to involve and engage the parents and families of pupils in the classroom;*~~

~~*(f)]*~~ If necessary, recommendations for improvements in the performance of the teacher;

(f) ~~*[(g)]*~~ A description of the action that will be taken to assist the teacher in correcting any deficiencies reported in the evaluation; and

(g) ~~*[(h)]*~~ A statement by the administrator who evaluated the teacher indicating the amount of time that the administrator personally observed the performance of the teacher in the classroom.

7. The teacher must receive a copy of each evaluation not later than 15 days after the evaluation. A copy of the evaluation and the teacher's response must be permanently attached to the teacher's personnel file. Upon the request of a teacher, a reasonable effort must be made to assist the teacher to correct those deficiencies reported in the evaluation of the teacher for which the teacher requests assistance.

Sec. 8.5. **NRS 391.3125 is hereby amended to read as follows:**

391.3125 1. It is the intent of the Legislature that a uniform system be developed for objective evaluation of teachers and other licensed personnel in each school district.

2. Each board, following consultation with and involvement of elected representatives of the teachers or their designees, shall develop a policy for objective evaluations in narrative form. The policy must ~~[set forth a means according to which an employee's overall performance may be determined to be satisfactory or unsatisfactory. The policy must require that the information maintained pursuant to paragraphs (c), (d) and (e) of subsection 1 of NRS 386.650 account for a significant portion of the evaluation, as determined by the board.]~~ ***comply with the statewide performance evaluation system established by the State Board pursuant to section 7 of this act.*** The policy may include an evaluation by the teacher, pupils, administrators or other teachers or any combination thereof. In a similar manner, counselors, librarians and other licensed personnel must be evaluated on forms developed specifically for their respective specialties. A copy of the policy adopted by the board must be filed with the Department. The primary purpose of an evaluation is to provide a format for constructive assistance. Evaluations, while not the sole criterion, must be used in the dismissal process.

3. A conference and a written evaluation for a probationary employee must be concluded not later than:

(a) December 1;

(b) February 1; and

(c) April 1,

➥ of each school year of the probationary period, except that a probationary employee assigned to a school that operates all year must be evaluated at least three times during each 12 months of employment on a schedule determined by the board. An administrator charged with the evaluation of a probationary teacher shall personally observe the performance of the teacher in the classroom for not less than a cumulative total of 60 minutes during each evaluation period, with at least one observation during that 60-minute evaluation period consisting of at least 45 consecutive minutes.

4. Whenever an administrator charged with the evaluation of a probationary employee believes the employee will not be reemployed for the second year of the probationary period or the school year following the probationary period, the administrator shall bring the matter to the employee's attention in a written document which is separate from the evaluation not later than March 1 of the current school year. The notice must include the reasons for the potential decision not to reemploy or refer to the evaluation in which the reasons are stated. Such a notice is not required if the probationary employee has received a letter of admonition during the current school year.

5. Each postprobationary teacher must be evaluated at least once each year. An administrator charged with the evaluation of a postprobationary teacher shall personally observe the performance of the teacher in the classroom for not less than a cumulative total of 60 minutes during each evaluation period, with at least one observation during that 60-minute evaluation period consisting of at least 30 consecutive minutes.

6. The evaluation of a probationary teacher or a postprobationary teacher must include, without limitation:

(a) An evaluation of the classroom management skills of the teacher;

(b) A review of the lesson plans and the work log or grade book of pupils prepared by the teacher;

(c) An evaluation of whether the curriculum taught by the teacher is aligned with the standards of content and performance established pursuant to NRS 389.520, as applicable for the grade level taught by the teacher;

(d) An evaluation of whether the teacher is appropriately addressing the needs of the pupils in the classroom, including, without limitation, special educational needs, cultural and ethnic diversity, the needs of pupils enrolled in advanced courses of study and the needs of pupils who are limited English proficient;

(e) ***An evaluation of whether the teacher employs practices and strategies to involve and engage the parents and families of pupils in the classroom;***

(f) If necessary, recommendations for improvements in the performance of the teacher;

~~[(f)]~~ ***(g)*** A description of the action that will be taken to assist the teacher in correcting any deficiencies reported in the evaluation; and

~~[(g)]~~ ***(h)*** A statement by the administrator who evaluated the teacher indicating the amount of time that the administrator personally observed the performance of the teacher in the classroom.

7. The teacher must receive a copy of each evaluation not later than 15 days after the evaluation. A copy of the evaluation and the teacher's response must be permanently attached to the teacher's personnel file. Upon the request of a teacher, a reasonable effort must be made to assist the teacher to correct those deficiencies reported in the evaluation of the teacher for which the teacher requests assistance.

Sec. 9. NRS 391.3127 is hereby amended to read as follows:

391.3127 1. Each board, following consultation with and involvement of elected representatives of administrative personnel or their designated representatives, shall develop an objective policy for the objective evaluation of administrators in narrative form. The policy must set forth a means according to which an administrator's overall performance may be determined to be satisfactory or unsatisfactory. ~~*[comply with the statewide*~~

~~*performance evaluation system established by the State Board pursuant to section 7 of this act.*~~] ***The policy must require that the information maintained pursuant to paragraphs (c), (d) and (e) of subsection 1 of NRS 386.650 account for a significant portion of the evaluation, as determined by the board.*** The policy may include an evaluation by the administrator, superintendent, pupils or other administrators or any combination thereof. A copy of the policy adopted by the board must be filed with the Department and made available to the Commission.

2. Each administrator must be evaluated in writing at least once a year.

3. Before a superintendent transfers or assigns an administrator to another administrative position as part of an administrative reorganization, if the transfer or reassignment is to a position of lower rank, responsibility or pay, the superintendent shall give written notice of the proposed transfer or assignment to the administrator at least 30 days before the date on which it is to be effective. The administrator may appeal the decision of the superintendent to the board by requesting a hearing in writing to the president of the board within 5 days after receiving the notice from the superintendent. The board shall hear the matter within 10 days after the president receives the request, and shall render its decision within 5 days after the hearing. The decision of the board is final.

Sec. 9.5. **NRS 391.3127 is hereby amended to read as follows:**

391.3127 1. Each board, following consultation with and involvement of elected representatives of administrative personnel or their designated representatives, shall develop an objective policy for the objective evaluation of administrators in narrative form. The policy must ~~[set forth a means according to which an administrator's overall performance may be determined to be satisfactory or unsatisfactory. The policy must require that the information maintained pursuant to paragraphs (c), (d) and (e) of subsection 1 of NRS 386.650 account for a significant portion of the evaluation, as determined by the board.]~~ ***comply with the statewide performance evaluation system established by the State Board pursuant to section 7 of this act.*** The policy may include an evaluation by the administrator, superintendent, pupils or other administrators or any combination thereof. A copy of the policy adopted by the board must be filed with the Department and made available to the Commission.

2. Each administrator must be evaluated in writing at least once a year.

3. Before a superintendent transfers or assigns an administrator to another administrative position as part of an administrative reorganization, if the transfer or reassignment is to a position of lower rank, responsibility or pay, the superintendent shall give written notice of the proposed transfer or assignment to the administrator at least 30 days before the date on which it is to be effective. The administrator may appeal the decision of the

superintendent to the board by requesting a hearing in writing to the president of the board within 5 days after receiving the notice from the superintendent. The board shall hear the matter within 10 days after the president receives the request, and shall render its decision within 5 days after the hearing. The decision of the board is final.

Sec. 10. NRS 391.3197 is hereby amended to read as follows:

391.3197 1. A probationary employee is employed on a contract basis for two 1-year periods and has no right to employment after either of the two probationary contract years.

2. The board shall notify each probationary employee in writing on or before May 1 of the first and second school years of the employee's probationary period, as appropriate, whether the employee is to be reemployed for the second year of the probationary period or for the next school year as a postprobationary employee. The employee must advise the board in writing on or before May 10 of the first or second year of the employee's probationary period, as appropriate, of the employee's acceptance of reemployment. If a probationary employee is assigned to a school that operates all year, the board shall notify the employee in writing, in both the first and second years of the employee's probationary period, no later than 45 days before his or her last day of work for the year under his or her contract whether the employee is to be reemployed for the second year of the probationary period or for the next school year as a postprobationary employee. The employee must advise the board in writing within 10 days after the date of notification of his or her acceptance or rejection of reemployment for another year. Failure to advise the board of the employee's acceptance of reemployment constitutes rejection of the contract.

3. A probationary employee who completes a 2-year probationary period and receives a notice of reemployment from the school district in the second year of the employee's probationary period is entitled to be a postprobationary employee in the ensuing year of employment.

4. If a probationary employee receives notice pursuant to subsection 4 of NRS 391.3125 not later than March 1 of a potential decision not to reemploy him or her, the employee may request a supplemental evaluation by another administrator in the school district selected by the employee and the superintendent. If a school district has five or fewer administrators, the supplemental evaluator may be an administrator from another school district in this State. If a probationary employee has received during the first school year of the employee's probationary period three evaluations which state that the employee's overall performance has been ~~[satisfactory,]~~ ***highly effective or effective,*** the superintendent of schools of the school district or the superintendent's designee shall waive the second year of the employee's probationary period by expressly providing in writing on the final evaluation

of the employee for the first probationary year that the second year of the employee's probationary period is waived. Such an employee is entitled to be a postprobationary employee in the ensuing year of employment.

5. If a probationary employee is notified that the employee will not be reemployed for the second year of the employee's probationary period or the ensuing school year, his or her employment ends on the last day of the current school year. The notice that the employee will not be reemployed must include a statement of the reasons for that decision.

6. A new employee or a postprobationary teacher who is employed as an administrator shall be deemed to be a probationary employee for the purposes of this section and must serve a 2-year probationary period as an administrator in accordance with the provisions of this section. If the administrator does not receive an ~~[unsatisfactory]~~ evaluation ***indicating that his or her performance is minimally effective or ineffective*** during the first year of probation, the superintendent or the superintendent's designee shall waive the second year of the administrator's probationary period. Such an administrator is entitled to be a postprobationary employee in the ensuing year of employment. If:

(a) A postprobationary teacher who is an administrator is not reemployed as an administrator after either year of his or her probationary period; and

(b) There is a position as a teacher available for the ensuing school year in the school district in which the person is employed,

➥ the board of trustees of the school district shall, on or before May 1, offer the person a contract as a teacher for the ensuing school year. The person may accept the contract in writing on or before May 10. If the person fails to accept the contract as a teacher, the person shall be deemed to have rejected the offer of a contract as a teacher.

7. An administrator who has completed his or her probationary period pursuant to subsection 6 and is thereafter promoted to the position of principal must serve an additional probationary period of 1 year in the position of principal. If the administrator serving the additional probationary period is not reemployed as a principal after the expiration of the additional probationary period, the board of trustees of the school district in which the person is employed shall, on or before May 1, offer the person a contract for the ensuing school year for the administrative position in which the person attained postprobationary status. The person may accept the contract in writing on or before May 10. If the person fails to accept such a contract, the person shall be deemed to have rejected the offer of employment.

8. Before dismissal, the probationary employee is entitled to a hearing before a hearing officer which affords due process as set out in NRS 391.311 to 391.3196, inclusive.

Sec. 11. The Teachers and Leaders Council of Nevada created by section 5 of this act shall, not later than June 1, 2012, submit to the State Board of Education the recommendations of the Council for the adoption of regulations establishing a statewide performance evaluation system for teachers and administrators pursuant to section 7 of this act.

Sec. 12. On or before June 1, 2013, the State Board of Education shall, based upon the recommendations of the Teachers and Leaders Council of Nevada submitted pursuant to section 6 of this act, adopt regulations establishing a statewide performance evaluation system for teachers and administrators that complies with section 7 of this act.

Sec. 13. Each school district ~~[and charter school]~~ in this State shall, not later than the 2013-2014 school year, implement a performance evaluation policy for teachers and administrators that complies with the statewide performance evaluation system established by the State Board of Education pursuant to section 7 of this act.

Sec. 14. The appointed members of the Teachers and Leaders Council of Nevada created by section 5 of this act must be appointed to initial terms as follows:

1. The Governor shall appoint to the Council the members described in:

(a) Paragraph (c) of subsection 1 of section 5 of this act to initial terms of 2 years.

(b) Paragraphs (d) and (e) of subsection 1 of section 5 of this act to initial terms of 3 years.

(c) Paragraphs (f) ~~[,]~~ **and** (g) ~~[and (h)]~~ of subsection 1 of section 5 of this act to initial terms of 1 year.

2. The Superintendent of Public Instruction shall appoint to the Council the members described in paragraph ~~[(i)]~~ **(h)** of subsection 1 of section 5 of this act to initial terms of 3 years.

Sec. 15. 1. This section and sections 3 to ~~[7,]~~ **8,** inclusive, **9** and 11 to 14, inclusive, of this act become effective on July 1, 2011.

2. Sections 1, 2, ~~[8, 9]~~ **8.5, 9.5** and 10 of this act become effective on July 1, 2013.

Assemblyman Bobzien moved the adoption of the amendment.

Remarks by Assemblyman Bobzien.

Amendment adopted.

Bill ordered reprinted, engrossed, and to Concurrent Committee on Ways and Means.

Assembly Bill No. 225.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 143.

AN ACT relating to educational personnel; requiring certain teachers and administrators who receive unsatisfactory evaluations to serve an additional probationary period; **authorizing certain employees to request an expedited hearing under certain circumstances;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that each teacher and administrator who is employed by a school district in this State must serve a 2-year probationary period, unless the second year of the probationary period is waived by the superintendent of schools of the school district or the superintendent's designee. A probationary employee who completes his or her probationary period and receives a notice of reemployment from the school district becomes a postprobationary employee in the ensuing year of employment. (NRS 391.3197) Existing law also provides that a postprobationary teacher or administrator must be evaluated at least once each year. (NRS 391.3125, 391.3127) **Section 1** of this bill provides that a postprobationary teacher or administrator who receives an unsatisfactory evaluation for 2 consecutive years shall be deemed to be a probationary employee and must serve an additional probationary period. **Section 4** of this bill provides that the provisions of **section 1** do not apply if superseded by the terms of a collective bargaining agreement. **Section 5 of this bill authorizes a teacher or administrator who is deemed to be a probationary employee pursuant to section 1 and who receives notice that he or she will be dismissed before the completion of the current school year to request an expedited hearing pursuant to the expedited hearing procedures established by the American Arbitration Association.**

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

Section 1. Chapter 391 of NRS is hereby amended by adding thereto a new section to read as follows:

A postprobationary employee who receives an unsatisfactory evaluation for 2 consecutive years shall be deemed to be a probationary employee for the purposes of NRS 391.311 to 391.3197, inclusive, and must serve an additional probationary period in accordance with the provisions of NRS 391.3197.

Sec. 2. NRS 391.311 is hereby amended to read as follows:

391.311 As used in NRS 391.311 to 391.3197, inclusive, ***and section 1 of this act,*** unless the context otherwise requires:

1. "Administrator" means any employee who holds a license as an administrator and who is employed in that capacity by a school district.

2. "Board" means the board of trustees of the school district in which a licensed employee affected by NRS 391.311 to 391.3197, inclusive, ***and section 1 of this act*** is employed.

3. "Demotion" means demotion of an administrator to a position of lesser rank, responsibility or pay and does not include transfer or reassignment for purposes of an administrative reorganization.

4. "Immorality" means:

(a) An act forbidden by NRS 200.366, 200.368, 200.400, 200.508, 201.180, 201.190, 201.210, 201.220, 201.230, 201.265, 201.540, 201.560, 207.260, 453.316 to 453.336, inclusive, 453.337, 453.338, 453.3385 to 453.3405, inclusive, 453.560 or 453.562; or

(b) An act forbidden by NRS 201.540 or any other sexual conduct or attempted sexual conduct with a pupil enrolled in an elementary or secondary school. As used in this paragraph, "sexual conduct" has the meaning ascribed to it in NRS 201.520.

5. "Postprobationary employee" means an administrator or a teacher who has completed the probationary period as provided in NRS 391.3197 and has been given notice of reemployment. ***The term does not include a person who is deemed to be a probationary employee pursuant to section 1 of this act.***

6. "Probationary employee" means ~~[an]~~ ***:***

(a) An administrator or a teacher who is employed for the period set forth in NRS 391.3197 ~~[.]~~ ***; and***

(b) A person who is deemed to be a probationary employee pursuant to section 1 of this act.

7. "Superintendent" means the superintendent of a school district or a person designated by the board or superintendent to act as superintendent during the absence of the superintendent.

8. "Teacher" means a licensed employee the majority of whose working time is devoted to the rendering of direct educational service to pupils of a school district.

Sec. 3. NRS 391.3115 is hereby amended to read as follows:

391.3115 1. The demotion, suspension, dismissal and nonreemployment provisions of NRS 391.311 to 391.3197, inclusive, ***and section 1 of this act*** do not apply to:

(a) Substitute teachers; or

(b) Adult education teachers.

2. The provisions of NRS 391.311 to 391.3194, inclusive, do not apply to a teacher whose employment is suspended or terminated pursuant to subsection 3 of NRS 391.120 or NRS 391.3015 for failure to maintain a license in force.

3. A licensed employee who is employed in a position fully funded by a federal or private categorical grant or to replace another licensed employee during that employee's leave of absence is employed only for the duration of the grant or leave. Such a licensed employee and licensed employees who are employed on temporary contracts for 90 school days or less, or its equivalent in a school district operating under an alternative schedule authorized pursuant to NRS 388.090, to replace licensed employees whose employment has terminated after the beginning of the school year are entitled to credit for that time in fulfilling any period of probation and during that time the provisions of NRS 391.311 to 391.3197, inclusive, ***and section 1 of this act*** for demotion, suspension or dismissal apply to them.

Sec. 4. NRS 391.3116 is hereby amended to read as follows:

391.3116 The provisions of NRS 391.311 to 391.3197, inclusive, ***and section 1 of this act*** do not apply to a teacher, administrator, or other licensed employee who has entered into a contract with the board negotiated pursuant to chapter 288 of NRS if the contract contains separate provisions relating to the board's right to dismiss or refuse to reemploy the employee or demote an administrator.

Sec. 5. **NRS 391.317 is hereby amended to read as follows:**

391.317 1. At least 15 days before recommending to a board that it demote, dismiss or not reemploy a postprobationary employee, or dismiss or demote a probationary employee, the superintendent shall give written notice to the employee, by registered or certified mail, of the superintendent's intention to make the recommendation.

2. The notice must:

(a) Inform the licensed employee of the grounds for the recommendation.

(b) Inform the employee that, if a written request therefor is directed to the superintendent within 10 days after receipt of the notice, the employee is entitled to a hearing before a hearing officer ~~[.]~~ ***pursuant to NRS 391.315 to 391.3194, inclusive, or if the employee is deemed to be a probationary employee pursuant to section 1 of this act and dismissal of the employee will occur before the completion of the current school year, the employee may request an expedited hearing pursuant to subsection 3.***

(c) Refer to chapter 391 of NRS.

3. If an employee who is deemed to be a probationary employee pursuant to section 1 of this act receives notice pursuant to subsection 1 that he or she will be dismissed before the completion of the current school year, the employee may request an expedited hearing pursuant to the Expedited Labor Arbitration Procedures established by the American Arbitration Association or its successor organization. If the employee elects to proceed under the expedited procedures, the provisions of NRS 391.3161, 391.3192 and 391.3193 do not apply.

~~[Sec. 5.]~~ ***Sec. 6.*** This act becomes effective on July 1, 2011.

Assemblyman Bobzien moved the adoption of the amendment.

Remarks by Assemblyman Bobzien.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 229.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 111.

AN ACT relating to education; revising the annual reports of accountability information for public schools; requiring the board of trustees of each school district to establish and implement a program of performance pay and enhanced compensation for the recruitment and retention of licensed teachers and administrators; removing probationary teachers and probationary administrators from the applicability of certain provisions governing certain disciplinary measures by school districts; revising provisions governing the demotion, suspension, dismissal and nonreemployment of certain teachers and administrators; expanding the grounds for immediate dismissal and refusal to reemploy; revising the designations of the overall performance of teachers and administrators required by the policies for evaluations of each school district; **authorizing a postprobationary employee to request an expedited hearing under certain circumstances;** revising provisions governing the probationary periods of teachers and administrators and the evaluations of probationary teachers and probationary administrators; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the State Board of Education and the board of trustees of each school district to prepare an annual report of accountability information for public schools. (NRS 385.3469, 385.347) **Sections 1 and 2** of this bill expand the requirements of the annual reports of accountability to include a reporting of the number and percentages of administrators, teachers and support staff for each elementary school, middle school or junior high school, and high school and for each school district in the State.

Section 8 of this bill requires the board of trustees of each school district to: (1) establish a program of performance pay and enhanced compensation for the recruitment and retention of licensed teachers and administrators; and (2) implement the program commencing with the 2014-2015 school year.

Existing law requires that the board of trustees of each school district develop a policy for the evaluation of teachers and administrators pursuant to which an individual teacher or administrator is designated as "satisfactory" or

"unsatisfactory." (NRS 391.3125, 391.3127) Effective July 1, 2013, **sections 14 and 16** of this bill revise the policies for evaluations to require the designation of an individual teacher or administrator as "highly effective," "effective," "minimally effective" or "ineffective."

Section 9 of this bill provides that if a written evaluation of a probationary teacher or probationary administrator states that the overall performance of the teacher or administrator has been designated as "unsatisfactory": (1) the evaluation must include a written statement that the contract of the person so evaluated may not be renewed for the next school year ~~[.]~~ **and that the employee may request reasonable assistance in correcting the deficiencies identified in the evaluation;** and (2) the person must acknowledge in writing that he or she has received and understands the written statement. **Section 20** of this bill amends **section 9**, effective July 1, 2013, when the four types of designations for the evaluations of teachers and administrators will take effect.

Existing law sets forth certain rights and responsibilities relating to disciplinary measures taken by school districts with respect to probationary and postprobationary teachers and administrators. (NRS 391.311-391.3197) **Section 11** of this bill removes probationary teachers and new employees hired as probationary administrators from the applicability of the provisions governing admonition, demotion, suspension, dismissal and nonreemployment.

Section 12 of this bill revises the grounds for which a teacher may be suspended, dismissed or not reemployed or for which an administrator may be demoted, suspended, dismissed or not reemployed to include gross misconduct.

Section 17 of this bill expands the grounds for which a licensed employee is subject to immediate dismissal or a refusal to reemploy without first receiving a written admonition ~~[.]~~ **to include gross misconduct.**

Section 18 of this bill authorizes a postprobationary employee who receives notice that he or she will be dismissed before completion of the current school year to request an expedited hearing pursuant to the expedited procedures established by the American Arbitration Association.

Under existing law, a probationary teacher and a probationary administrator serve two 1-year periods as a probationary employee. If the employee receives satisfactory evaluations in the first probationary year, the second probationary year must be waived and the person is entitled to postprobationary employment with the school district. (NRS 391.3197) **Section 19** of this bill revises the probationary period from two 1-year periods to three 1-year periods, without a waiver of any of the probationary years.

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

Section 1. NRS 385.3469 is hereby amended to read as follows:

385.3469 1. The State Board shall prepare an annual report of accountability that includes, without limitation:

(a) Information on the achievement of all pupils based upon the results of the examinations administered pursuant to NRS 389.015 and 389.550, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(b) Except as otherwise provided in subsection 2, pupil achievement, reported separately by gender and reported separately for the following groups of pupils:

(1) Pupils who are economically disadvantaged, as defined by the State Board;

(2) Pupils from major racial and ethnic groups, as defined by the State Board;

(3) Pupils with disabilities;

(4) Pupils who are limited English proficient; and

(5) Pupils who are migratory children, as defined by the State Board.

(c) A comparison of the achievement of pupils in each group identified in paragraph (b) of subsection 1 of NRS 385.361 with the annual measurable objectives of the State Board.

(d) The percentage of all pupils who were not tested, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(e) Except as otherwise provided in subsection 2, the percentage of pupils who were not tested, reported separately by gender and reported separately for the groups identified in paragraph (b).

(f) The most recent 3-year trend in the achievement of pupils in each subject area tested and each grade level tested pursuant to NRS 389.015 and 389.550, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole, which may include information regarding the trend in the achievement of pupils for more than 3 years, if such information is available.

(g) Information on whether each school district has made adequate yearly progress, including, without limitation, the name of each school district, if any, designated as demonstrating need for improvement pursuant to NRS 385.377 and the number of consecutive years that the school district has carried that designation.

(h) Information on whether each public school, including, without limitation, each charter school, has made:

(1) Adequate yearly progress, including, without limitation, the name of each public school, if any, designated as demonstrating need for improvement pursuant to NRS 385.3623 and the number of consecutive years that the school has carried that designation.

(2) Progress based upon the model adopted by the Department pursuant to NRS 385.3595, if applicable for the grade level of pupils enrolled at the school.

(i) Information on the results of pupils who participated in the examinations of the National Assessment of Educational Progress required pursuant to NRS 389.012.

(j) The ratio of pupils to teachers in kindergarten and at each grade level for all elementary schools, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole, and the average class size for each core academic subject, as set forth in NRS 389.018, for each secondary school, reported for each school district and for this State as a whole.

(k) ***The total number of persons employed by each school district in this State, including without limitation, each charter school in the district. Each such person must be reported as either an administrator, a teacher or support staff. In addition to the total number of persons employed by each school district in each category, the report must include the number of employees in each of the three categories expressed as a percentage of the total number of persons employed by the school district. As used in this paragraph:***

(1) "Administrator" means a person employed primarily to supervise support staff or licensed personnel, or both, in addition to providing administrative services.

(2) "Support staff" means all persons who are not reported as administrators or teachers.

(3) "Teacher" means a person licensed pursuant to chapter 391 of NRS primarily to provide instruction to pupils.

(l) For each school district, including, without limitation, each charter school in the district, and for this State as a whole, information on the professional qualifications of teachers employed by the school districts and charter schools, including, without limitation:

(1) The percentage of teachers who are:

(I) Providing instruction pursuant to NRS 391.125;

(II) Providing instruction pursuant to a waiver of the requirements for licensure for the grade level or subject area in which the teachers are employed; or

(III) Otherwise providing instruction without an endorsement for the subject area in which the teachers are employed;

(2) The percentage of classes in the core academic subjects, as set forth in NRS 389.018, in this State that are not taught by highly qualified teachers;

(3) The percentage of classes in the core academic subjects, as set forth in NRS 389.018, in this State that are not taught by highly qualified teachers, in the aggregate and disaggregated by high-poverty compared to low-poverty schools, which for the purposes of this subparagraph means schools in the top quartile of poverty and the bottom quartile of poverty in this State;

(4) For each middle school, junior high school and high school:

(I) On and after July 1, 2005, the number of persons employed as substitute teachers for 20 consecutive days or more in the same classroom or assignment, designated as long-term substitute teachers, including the total number of days long-term substitute teachers were employed at each school, identified by grade level and subject area; and

(II) On and after July 1, 2006, the number of persons employed as substitute teachers for less than 20 consecutive days, designated as short-term substitute teachers, including the total number of days short-term substitute teachers were employed at each school, identified by grade level and subject area; and

(5) For each elementary school:

(I) On and after July 1, 2005, the number of persons employed as substitute teachers for 20 consecutive days or more in the same classroom or assignment, designated as long-term substitute teachers, including the total number of days long-term substitute teachers were employed at each school, identified by grade level; and

(II) On and after July 1, 2006, the number of persons employed as substitute teachers for less than 20 consecutive days, designated as short-term substitute teachers, including the total number of days short-term substitute teachers were employed at each school, identified by grade level.

~~[(l)]~~ ***(m)*** The total expenditure per pupil for each school district in this State, including, without limitation, each charter school in the district. If this State has a financial analysis program that is designed to track educational expenditures and revenues to individual schools, the State Board shall use that statewide program in complying with this paragraph. If a statewide program is not available, the State Board shall use the Department's own financial analysis program in complying with this paragraph.

~~[(m)]~~ ***(n)*** The total statewide expenditure per pupil. If this State has a financial analysis program that is designed to track educational expenditures and revenues to individual schools, the State Board shall use that statewide program in complying with this paragraph. If a statewide program is not available, the State Board shall use the Department's own financial analysis program in complying with this paragraph.

~~[(n)]~~ ***(o)*** For all elementary schools, junior high schools and middle schools, the rate of attendance, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

~~[(o)]~~ ***(p)*** The annual rate of pupils who drop out of school in grade 8 and a separate reporting of the annual rate of pupils who drop out of school in grades 9 to 12, inclusive, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole. The reporting for pupils in grades 9 to 12, inclusive, excludes pupils who:

(1) Provide proof to the school district of successful completion of the examinations of general educational development.

(2) Are enrolled in courses that are approved by the Department as meeting the requirements for an adult standard diploma.

(3) Withdraw from school to attend another school.

~~[(p)]~~ ***(q)*** The attendance of teachers who provide instruction, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

~~[(q)]~~ ***(r)*** Incidents involving weapons or violence, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

~~[(r)]~~ ***(s)*** Incidents involving the use or possession of alcoholic beverages or controlled substances, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

~~[(s)]~~ ***(t)*** The suspension and expulsion of pupils required or authorized pursuant to NRS 392.466 and 392.467, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

~~[(t)]~~ ***(u)*** The number of pupils who are deemed habitual disciplinary problems pursuant to NRS 392.4655, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

~~[(u)]~~ ***(v)*** The number of pupils in each grade who are retained in the same grade pursuant to NRS 392.033 or 392.125, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

~~[(v)]~~ ***(w)*** The transiency rate of pupils, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole. For the purposes of this paragraph, a pupil is not a transient if the pupil is transferred to a different school within the school district as a result of a change in the zone of attendance by the board of trustees of the school district pursuant to NRS 388.040.

~~[(w)]~~ ***(x)*** Each source of funding for this State to be used for the system of public education.

~~[(x)]~~ ***(y)*** A compilation of the programs of remedial study purchased in whole or in part with money received from this State that are used in each school district, including, without limitation, each charter school in the district. The compilation must include:

(1) The amount and sources of money received for programs of remedial study.

(2) An identification of each program of remedial study, listed by subject area.

~~[(y)]~~ ***(z)*** The percentage of pupils who graduated from a high school or charter school in the immediately preceding year and enrolled in remedial courses in reading, writing or mathematics at a university, state college or community college within the Nevada System of Higher Education, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

~~[(z)]~~ ***(aa)*** The technological facilities and equipment available for educational purposes, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

~~[(aa)]~~ ***(bb)*** For each school district, including, without limitation, each charter school in the district, and for this State as a whole, the number and percentage of pupils who received:

(1) A standard high school diploma, reported separately for pupils who received the diploma pursuant to:

(I) Paragraph (a) of subsection 1 of NRS 389.805; and

(II) Paragraph (b) of subsection 1 of NRS 389.805.

(2) An adjusted diploma.

(3) A certificate of attendance.

~~[(bb)]~~ ***(cc)*** For each school district, including, without limitation, each charter school in the district, and for this State as a whole, the number and percentage of pupils who failed to pass the high school proficiency examination.

~~[(cc)]~~ ***(dd)*** The number of habitual truants who are reported to a school police officer or local law enforcement agency pursuant to paragraph (a) of subsection 2 of NRS 392.144 and the number of habitual truants who are referred to an advisory board to review school attendance pursuant to paragraph (b) of subsection 2 of NRS 392.144, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

~~[(dd)]~~ ***(ee)*** Information on the paraprofessionals employed at public schools in this State, including, without limitation, the charter schools in this State. The information must include:

(1) The number of paraprofessionals employed, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole; and

(2) For each school district, including, without limitation, each charter school in the district, and for this State as a whole, the number and percentage of all paraprofessionals who do not satisfy the qualifications set forth in 20 U.S.C. § 6319(c). The reporting requirements of this subparagraph apply to paraprofessionals who are employed in programs supported with Title I money and to paraprofessionals who are not employed in programs supported with Title I money.

~~[(ee)]~~ ***(ff)*** An identification of appropriations made by the Legislature to improve the academic achievement of pupils and programs approved by the Legislature to improve the academic achievement of pupils.

~~[(ff)]~~ ***(gg)*** A compilation of the special programs available for pupils at individual schools, listed by school and by school district, including, without limitation, each charter school in the district.

~~[(gg)]~~ ***(hh)*** For each school district, including, without limitation, each charter school in the district and for this State as a whole, information on pupils enrolled in career and technical education, including, without limitation:

(1) The number of pupils enrolled in a course of career and technical education;

(2) The number of pupils who completed a course of career and technical education;

(3) The average daily attendance of pupils who are enrolled in a program of career and technical education;

(4) The annual rate of pupils who dropped out of school and were enrolled in a program of career and technical education before dropping out;

(5) The number and percentage of pupils who completed a program of career and technical education and who received a standard high school diploma, an adjusted diploma or a certificate of attendance; and

(6) The number and percentage of pupils who completed a program of career and technical education and who did not receive a high school diploma because the pupils failed to pass the high school proficiency examination.

2. A separate reporting for a group of pupils must not be made pursuant to this section if the number of pupils in that group is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual pupil. The State Board shall prescribe a mechanism for determining the minimum number of pupils that must be in a group for that group to yield statistically reliable information.

3. The annual report of accountability must:

(a) Comply with 20 U.S.C. § 6311(h)(1) and the regulations adopted pursuant thereto;

(b) Be prepared in a concise manner; and

(c) Be presented in an understandable and uniform format and, to the extent practicable, provided in a language that parents can understand.

4. On or before September 1 of each year, the State Board shall:

(a) Provide for public dissemination of the annual report of accountability by posting a copy of the report on the Internet website maintained by the Department; and

(b) Provide written notice that the report is available on the Internet website maintained by the Department. The written notice must be provided to the:

(1) Governor;

(2) Committee;

(3) Bureau;

(4) Board of Regents of the University of Nevada;

(5) Board of trustees of each school district; and

(6) Governing body of each charter school.

5. Upon the request of the Governor, an entity described in paragraph (b) of subsection 4 or a member of the general public, the State Board shall provide a portion or portions of the annual report of accountability.

6. As used in this section:

(a) "Highly qualified" has the meaning ascribed to it in 20 U.S.C. § 7801(23).

(b) "Paraprofessional" has the meaning ascribed to it in NRS 391.008.

Sec. 2. NRS 385.347 is hereby amended to read as follows:

385.347 1. The board of trustees of each school district in this State, in cooperation with associations recognized by the State Board as representing licensed educational personnel in the district, shall adopt a program providing for the accountability of the school district to the residents of the district and to the State Board for the quality of the schools and the educational achievement of the pupils in the district, including, without limitation, pupils enrolled in charter schools in the school district. The board of trustees of each school district shall report the information required by subsection 2 for each charter school that is located within the school district, regardless of the sponsor of the charter school. The information for charter schools must be reported separately and must denote the charter schools sponsored by the school district, the charter schools sponsored by the State Board and the charter schools sponsored by a college or university within the Nevada System of Higher Education.

2. The board of trustees of each school district shall, on or before August 15 of each year, prepare an annual report of accountability concerning:

(a) The educational goals and objectives of the school district.

(b) Pupil achievement for each school in the district and the district as a whole, including, without limitation, each charter school in the district. The board of trustees of the district shall base its report on the results of the examinations administered pursuant to NRS 389.015 and 389.550 and shall compare the results of those examinations for the current school year with those of previous school years. The report must include, for each school in the district, including, without limitation, each charter school in the district, and each grade in which the examinations were administered:

(1) The number of pupils who took the examinations.

(2) A record of attendance for the period in which the examinations were administered, including an explanation of any difference in the number of pupils who took the examinations and the number of pupils who are enrolled in the school.

(3) Except as otherwise provided in this paragraph, pupil achievement, reported separately by gender and reported separately for the following groups of pupils:

(I) Pupils who are economically disadvantaged, as defined by the State Board;

(II) Pupils from major racial and ethnic groups, as defined by the State Board;

(III) Pupils with disabilities;

(IV) Pupils who are limited English proficient; and

(V) Pupils who are migratory children, as defined by the State Board.

(4) A comparison of the achievement of pupils in each group identified in paragraph (b) of subsection 1 of NRS 385.361 with the annual measurable objectives of the State Board.

(5) The percentage of pupils who were not tested.

(6) Except as otherwise provided in this paragraph, the percentage of pupils who were not tested, reported separately by gender and reported separately for the groups identified in subparagraph (3).

(7) The most recent 3-year trend in pupil achievement in each subject area tested and each grade level tested pursuant to NRS 389.015 and 389.550, which may include information regarding the trend in the achievement of pupils for more than 3 years, if such information is available.

(8) Information that compares the results of pupils in the school district, including, without limitation, pupils enrolled in charter schools in the district, with the results of pupils throughout this State. The information required by this subparagraph must be provided in consultation with the Department to ensure the accuracy of the comparison.

(9) For each school in the district, including, without limitation, each charter school in the district, information that compares the results of pupils

in the school with the results of pupils throughout the school district and throughout this State. The information required by this subparagraph must be provided in consultation with the Department to ensure the accuracy of the comparison.

(10) Information on whether each school in the district, including, without limitation, each charter school in the district, has made progress based upon the model adopted by the Department pursuant to NRS 385.3595.

➥ A separate reporting for a group of pupils must not be made pursuant to this paragraph if the number of pupils in that group is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual pupil. The State Board shall prescribe the mechanism for determining the minimum number of pupils that must be in a group for that group to yield statistically reliable information.

(c) The ratio of pupils to teachers in kindergarten and at each grade level for each elementary school in the district and the district as a whole, including, without limitation, each charter school in the district, and the average class size for each core academic subject, as set forth in NRS 389.018, for each secondary school in the district and the district as a whole, including, without limitation, each charter school in the district.

(d) ***The total number of persons employed for each elementary school, middle school or junior high school, and high school in the district, including, without limitation, each charter school in the district. Each such person must be reported as either an administrator, a teacher or support staff. In addition to the total number of persons employed by each school in each category, the report must include the number of employees in each of the three categories for each school expressed as a percentage of the total number of persons employed by the school. As used in this paragraph:***

(1) "Administrator" means a person employed primarily to supervise support staff or licensed personnel, or both, in addition to providing administrative services.

(2) "Support staff" means all persons who are not reported as administrators or teachers.

(3) "Teacher" means a person licensed pursuant to chapter 391 of NRS who is employed primarily to provide instruction to pupils.

(e) The total number of persons employed by the school district, including without limitation, each charter school in the district. Each such person must be reported as either an administrator, a teacher or support staff. In addition to the total number of persons employed by the school district in each category, the report must include the number of employees in each of the three categories expressed as a percentage of the total number of persons employed by the school district. As used in this paragraph:

(1) "Administrator" means a person employed primarily to supervise support staff or licensed personnel, or both, in addition to providing administrative services.

(2) "Support staff" means all persons who are not reported as administrators or teachers.

(3) "Teacher" means a person licensed pursuant to chapter 391 of NRS who is employed primarily to provide instruction to pupils.

(f) Information on the professional qualifications of teachers employed by each school in the district and the district as a whole, including, without limitation, each charter school in the district. The information must include, without limitation:

(1) The percentage of teachers who are:

(I) Providing instruction pursuant to NRS 391.125;

(II) Providing instruction pursuant to a waiver of the requirements for licensure for the grade level or subject area in which the teachers are employed; or

(III) Otherwise providing instruction without an endorsement for the subject area in which the teachers are employed;

(2) The percentage of classes in the core academic subjects, as set forth in NRS 389.018, that are not taught by highly qualified teachers;

(3) The percentage of classes in the core academic subjects, as set forth in NRS 389.018, that are not taught by highly qualified teachers, in the aggregate and disaggregated by high-poverty compared to low-poverty schools, which for the purposes of this subparagraph means schools in the top quartile of poverty and the bottom quartile of poverty in this State;

(4) For each middle school, junior high school and high school:

(I) On and after July 1, 2005, the number of persons employed as substitute teachers for 20 consecutive days or more in the same classroom or assignment, designated as long-term substitute teachers, including the total number of days long-term substitute teachers were employed at each school, identified by grade level and subject area; and

(II) On and after July 1, 2006, the number of persons employed as substitute teachers for less than 20 consecutive days, designated as short-term substitute teachers, including the total number of days short-term substitute teachers were employed at each school, identified by grade level and subject area; and

(5) For each elementary school:

(I) On and after July 1, 2005, the number of persons employed as substitute teachers for 20 consecutive days or more in the same classroom or assignment, designated as long-term substitute teachers, including the total number of days long-term substitute teachers were employed at each school, identified by grade level; and

(II) On and after July 1, 2006, the number of persons employed as substitute teachers for less than 20 consecutive days, designated as short-term substitute teachers, including the total number of days short-term substitute teachers were employed at each school, identified by grade level.

~~[(e)]~~ ***(g)*** The total expenditure per pupil for each school in the district and the district as a whole, including, without limitation, each charter school in the district. If this State has a financial analysis program that is designed to track educational expenditures and revenues to individual schools, each school district shall use that statewide program in complying with this paragraph. If a statewide program is not available, each school district shall use its own financial analysis program in complying with this paragraph.

~~[(f)]~~ ***(h)*** The curriculum used by the school district, including:

(1) Any special programs for pupils at an individual school; and

(2) The curriculum used by each charter school in the district.

~~[(g)]~~ ***(i)*** Records of the attendance and truancy of pupils in all grades, including, without limitation:

(1) The average daily attendance of pupils, for each school in the district and the district as a whole, including, without limitation, each charter school in the district.

(2) For each elementary school, middle school and junior high school in the district, including, without limitation, each charter school in the district that provides instruction to pupils enrolled in a grade level other than high school, information that compares the attendance of the pupils enrolled in the school with the attendance of pupils throughout the district and throughout this State. The information required by this subparagraph must be provided in consultation with the Department to ensure the accuracy of the comparison.

~~[(h)]~~ ***(j)*** The annual rate of pupils who drop out of school in grade 8 and a separate reporting of the annual rate of pupils who drop out of school in grades 9 to 12, inclusive, for each such grade, for each school in the district and for the district as a whole. The reporting for pupils in grades 9 to 12, inclusive, excludes pupils who:

(1) Provide proof to the school district of successful completion of the examinations of general educational development.

(2) Are enrolled in courses that are approved by the Department as meeting the requirements for an adult standard diploma.

(3) Withdraw from school to attend another school.

~~[(i)]~~ ***(k)*** Records of attendance of teachers who provide instruction, for each school in the district and the district as a whole, including, without limitation, each charter school in the district.

~~[(j)]~~ ***(l)*** Efforts made by the school district and by each school in the district, including, without limitation, each charter school in the district, to increase:

(1) Communication with the parents of pupils in the district; and

(2) The participation of parents in the educational process and activities relating to the school district and each school, including, without limitation, the existence of parent organizations and school advisory committees.

~~[(k)]~~ ***(m)*** Records of incidents involving weapons or violence for each school in the district, including, without limitation, each charter school in the district.

~~[(l)]~~ ***(n)*** Records of incidents involving the use or possession of alcoholic beverages or controlled substances for each school in the district, including, without limitation, each charter school in the district.

~~[(m)]~~ ***(o)*** Records of the suspension and expulsion of pupils required or authorized pursuant to NRS 392.466 and 392.467.

~~[(n)]~~ ***(p)*** The number of pupils who are deemed habitual disciplinary problems pursuant to NRS 392.4655, for each school in the district and the district as a whole, including, without limitation, each charter school in the district.

~~[(o)]~~ ***(q)*** The number of pupils in each grade who are retained in the same grade pursuant to NRS 392.033 or 392.125, for each school in the district and the district as a whole, including, without limitation, each charter school in the district.

~~[(p)]~~ ***(r)*** The transiency rate of pupils for each school in the district and the district as a whole, including, without limitation, each charter school in the district. For the purposes of this paragraph, a pupil is not transient if the pupil is transferred to a different school within the school district as a result of a change in the zone of attendance by the board of trustees of the school district pursuant to NRS 388.040.

~~[(q)]~~ ***(s)*** Each source of funding for the school district.

~~[(r)]~~ ***(t)*** A compilation of the programs of remedial study that are purchased in whole or in part with money received from this State, for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district. The compilation must include:

(1) The amount and sources of money received for programs of remedial study for each school in the district and the district as a whole, including, without limitation, each charter school in the district.

(2) An identification of each program of remedial study, listed by subject area.

~~[(s)]~~ ***(u)*** For each high school in the district, including, without limitation, each charter school in the district, the percentage of pupils who graduated from that high school or charter school in the immediately preceding year and enrolled in remedial courses in reading, writing or mathematics at a university, state college or community college within the Nevada System of Higher Education.

~~[(t)]~~ ***(v)*** The technological facilities and equipment available at each school, including, without limitation, each charter school, and the district's plan to incorporate educational technology at each school.

~~[(u)]~~ ***(w)*** For each school in the district and the district as a whole, including, without limitation, each charter school in the district, the number and percentage of pupils who received:

(1) A standard high school diploma, reported separately for pupils who received the diploma pursuant to:

(I) Paragraph (a) of subsection 1 of NRS 389.805; and

(II) Paragraph (b) of subsection 1 of NRS 389.805.

(2) An adjusted diploma.

(3) A certificate of attendance.

~~[(v)]~~ ***(x)*** For each school in the district and the district as a whole, including, without limitation, each charter school in the district, the number and percentage of pupils who failed to pass the high school proficiency examination.

~~[(w)]~~ ***(y)*** The number of habitual truants who are reported to a school police officer or law enforcement agency pursuant to paragraph (a) of subsection 2 of NRS 392.144 and the number of habitual truants who are referred to an advisory board to review school attendance pursuant to paragraph (b) of subsection 2 of NRS 392.144, for each school in the district and for the district as a whole.

~~[(x)]~~ ***(z)*** The amount and sources of money received for the training and professional development of teachers and other educational personnel for each school in the district and for the district as a whole, including, without limitation, each charter school in the district.

~~[(y)]~~ ***(aa)*** Whether the school district has made adequate yearly progress. If the school district has been designated as demonstrating need for improvement pursuant to NRS 385.377, the report must include a statement indicating the number of consecutive years the school district has carried that designation.

~~[(z)]~~ ***(bb)*** Information on whether each public school in the district, including, without limitation, each charter school in the district, has made adequate yearly progress, including, without limitation:

(1) The number and percentage of schools in the district, if any, that have been designated as needing improvement pursuant to NRS 385.3623; and

(2) The name of each school, if any, in the district that has been designated as needing improvement pursuant to NRS 385.3623 and the number of consecutive years that the school has carried that designation.

~~[(aa)]~~ ***(cc)*** Information on the paraprofessionals employed by each public school in the district, including, without limitation, each charter school in the district. The information must include:

(1) The number of paraprofessionals employed at the school; and

(2) The number and percentage of all paraprofessionals who do not satisfy the qualifications set forth in 20 U.S.C. § 6319(c). The reporting requirements of this subparagraph apply to paraprofessionals who are employed in positions supported with Title I money and to paraprofessionals who are not employed in positions supported with Title I money.

~~[(bb)]~~ ***(dd)*** For each high school in the district, including, without limitation, each charter school that operates as a high school, information that provides a comparison of the rate of graduation of pupils enrolled in the high school with the rate of graduation of pupils throughout the district and throughout this State. The information required by this paragraph must be provided in consultation with the Department to ensure the accuracy of the comparison.

~~[(cc)]~~ ***(ee)*** An identification of the appropriations made by the Legislature that are available to the school district or the schools within the district and programs approved by the Legislature to improve the academic achievement of pupils.

~~[(dd)]~~ ***(ff)*** For each school in the district and the district as a whole, including, without limitation, each charter school in the district, information on pupils enrolled in career and technical education, including, without limitation:

(1) The number of pupils enrolled in a course of career and technical education;

(2) The number of pupils who completed a course of career and technical education;

(3) The average daily attendance of pupils who are enrolled in a program of career and technical education;

(4) The annual rate of pupils who dropped out of school and were enrolled in a program of career and technical education before dropping out;

(5) The number and percentage of pupils who completed a program of career and technical education and who received a standard high school diploma, an adjusted diploma or a certificate of attendance; and

(6) The number and percentage of pupils who completed a program of career and technical education and who did not receive a high school diploma because the pupils failed to pass the high school proficiency examination.

~~[(ee)]~~ ***(gg)*** Such other information as is directed by the Superintendent of Public Instruction.

3. The records of attendance maintained by a school for purposes of paragraph ~~[(i)]~~ ***(k)*** of subsection 2 must include the number of teachers who

are in attendance at school and the number of teachers who are absent from school. A teacher shall be deemed in attendance if the teacher is excused from being present in the classroom by the school in which the teacher is employed for one of the following reasons:

(a) Acquisition of knowledge or skills relating to the professional development of the teacher; or

(b) Assignment of the teacher to perform duties for cocurricular or extracurricular activities of pupils.

4. The annual report of accountability prepared pursuant to subsection 2 must:

(a) Comply with 20 U.S.C. § 6311(h)(2) and the regulations adopted pursuant thereto; and

(b) Be presented in an understandable and uniform format and, to the extent practicable, provided in a language that parents can understand.

5. The Superintendent of Public Instruction shall:

(a) Prescribe forms for the reports required pursuant to subsection 2 and provide the forms to the respective school districts.

(b) Provide statistical information and technical assistance to the school districts to ensure that the reports provide comparable information with respect to each school in each district and among the districts throughout this State.

(c) Consult with a representative of the:

(1) Nevada State Education Association;

(2) Nevada Association of School Boards;

(3) Nevada Association of School Administrators;

(4) Nevada Parent Teacher Association;

(5) Budget Division of the Department of Administration; and

(6) Legislative Counsel Bureau,

➥ concerning the program and consider any advice or recommendations submitted by the representatives with respect to the program.

6. The Superintendent of Public Instruction may consult with representatives of parent groups other than the Nevada Parent Teacher Association concerning the program and consider any advice or recommendations submitted by the representatives with respect to the program.

7. On or before August 15 of each year, the board of trustees of each school district shall submit to each advisory board to review school attendance created in the county pursuant to NRS 392.126 the information required in paragraph **[**~~(g)~~**]** ***(i)*** of subsection 2.

8. On or before August 15 of each year, the board of trustees of each school district shall:

(a) Provide written notice that the report required pursuant to subsection 2 is available on the Internet website maintained by the school district, if any, or otherwise provide written notice of the availability of the report. The written notice must be provided to the:

(1) Governor;

(2) State Board;

(3) Department;

(4) Committee; and

(5) Bureau.

(b) Provide for public dissemination of the annual report of accountability prepared pursuant to subsection 2 in the manner set forth in 20 U.S.C. § 6311(h)(2)(E) by posting a copy of the report on the Internet website maintained by the school district, if any. If a school district does not maintain a website, the district shall otherwise provide for public dissemination of the annual report by providing a copy of the report to the schools in the school district, including, without limitation, each charter school in the district, the residents of the district, and the parents and guardians of pupils enrolled in schools in the district, including, without limitation, each charter school in the district.

9. Upon the request of the Governor, an entity described in paragraph (a) of subsection 8 or a member of the general public, the board of trustees of a school district shall provide a portion or portions of the report required pursuant to subsection 2.

10. As used in this section:

(a) "Highly qualified" has the meaning ascribed to it in 20 U.S.C. § 7801(23).

(b) "Paraprofessional" has the meaning ascribed to it in NRS 391.008.

Sec. 3. NRS 385.36129 is hereby amended to read as follows:

385.36129 1. In addition to the duties prescribed in NRS 385.36127, a support team established for a school shall prepare an annual written report that includes:

(a) Information concerning the most recent plan to improve the achievement of the school's pupils, the turnaround plan for the school or the plan for restructuring the school, whichever is applicable for the school, including, without limitation, an evaluation of:

(1) The appropriateness of the plan for the school; and

(2) Whether the school has achieved the goals and objectives set forth in the plan;

(b) The written revisions to the plan to improve the achievement of the school's pupils or written recommendations for revisions to the turnaround plan for the school or the plan for restructuring the school, whichever is

applicable for the school, submitted by the support team pursuant to NRS 385.36127;

(c) A summary of each program for remediation, if any, purchased for the school with money that is available from the Federal Government, this state and the school district in which the school is located, including, without limitation:

(1) The name of the program;

(2) The date on which the program was purchased and the date on which the program was carried out by the school;

(3) The percentage of personnel at the school who were trained regarding the use of the program;

(4) The satisfaction of the personnel at the school with the program; and

(5) An evaluation of whether the program has improved the academic achievement of the pupils enrolled in the school who participated in the program;

(d) An analysis of the problems and factors at the school which contributed to the designation of the school as demonstrating need for improvement, including, without limitation, issues relating to:

(1) The financial resources of the school;

(2) The administrative and educational personnel of the school;

(3) The curriculum of the school;

(4) The facilities available at the school, including the availability and accessibility of educational technology; and

(5) Any other factors that the support team believes contributed to the designation of the school as demonstrating need for improvement; and

(e) Other information concerning the school, including, without limitation:

(1) The results of the pupils who are enrolled in the school on the examinations that are administered pursuant to NRS 389.550 or the high school proficiency examination, as applicable;

(2) Records of the attendance and truancy of pupils who are enrolled in the school;

(3) The transiency rate of pupils who are enrolled in the school;

(4) A description of the number of years that each teacher has provided instruction at the school and the rate of turnover of teachers and other educational personnel employed at the school;

(5) A description of the participation of parents and legal guardians in the educational process and other activities relating to the school;

(6) A description of each source of money for the remediation of pupils who are enrolled in the school; and

(7) A description of the disciplinary problems of the pupils who are enrolled in the school, including, without limitation, the information

contained in paragraphs ~~[(k) to (n),]~~ ***(m) to (p),*** inclusive, of subsection 2 of NRS 385.347.

2. On or before November 1, the support team shall submit a copy of the final written report to the:

(a) Principal of the school;

(b) Board of trustees of the school district in which the school is located;

(c) Superintendent of schools of the school district in which the school is located;

(d) Department; and

(e) Bureau.

➥ The support team shall make the written report available, upon request, to each parent or legal guardian of a pupil who is enrolled in the school.

Sec. 4. NRS 385.620 is hereby amended to read as follows:

385.620 The Advisory Council shall:

1. Review the policy of parental involvement adopted by the State Board and the policy of parental involvement adopted by the board of trustees of each school district pursuant to NRS 392.457;

2. Review the information relating to communication with and participation of parents that is included in the annual report of accountability for each school district pursuant to paragraph ~~[(j)]~~ ***(l)*** of subsection 2 of NRS 385.347;

3. Review any effective practices carried out in individual school districts to increase parental involvement and determine the feasibility of carrying out those practices on a statewide basis;

4. Review any effective practices carried out in other states to increase parental involvement and determine the feasibility of carrying out those practices in this State;

5. Identify methods to communicate effectively and provide outreach to parents and legal guardians of pupils who have limited time to become involved in the education of their children for various reasons, including, without limitation, work schedules, single-parent homes and other family obligations;

6. Identify the manner in which the level of parental involvement affects the performance, attendance and discipline of pupils;

7. Identify methods to communicate effectively with and provide outreach to parents and legal guardians of pupils who are limited English proficient;

8. Determine the necessity for the appointment of a statewide parental involvement coordinator or a parental involvement coordinator in each school district, or both;

9. On or before July 1 of each year, submit a report to the Legislative Committee on Education describing the activities of the Advisory Council and any recommendations for legislation; and

10. On or before February 1 of each odd-numbered year, submit a report to the Director of the Legislative Counsel Bureau for transmission to the next regular session of the Legislature describing the activities of the Advisory Council and any recommendations for legislation.

Sec. 5. NRS 386.520 is hereby amended to read as follows:

386.520 1. A committee to form a charter school must consist of at least three teachers, as defined in subsection 4. In addition to the teachers who serve, the committee may consist of:

(a) Members of the general public;

(b) Representatives of nonprofit organizations and businesses; or

(c) Representatives of a college or university within the Nevada System of Higher Education.

➥ A majority of the persons described in paragraphs (a), (b) and (c) who serve on the committee must be residents of this State at the time that the application to form the charter school is submitted to the Department.

2. Before a committee to form a charter school may submit an application to the board of trustees of a school district, the Subcommittee on Charter Schools, the State Board or a college or university within the Nevada System of Higher Education, it must submit the application to the Department. The application must include all information prescribed by the Department by regulation and:

(a) A written description of how the charter school will carry out the provisions of NRS 386.500 to 386.610, inclusive.

(b) A written description of the mission and goals for the charter school. A charter school must have as its stated purpose at least one of the following goals:

(1) Improving the opportunities for pupils to learn;

(2) Encouraging the use of effective methods of teaching;

(3) Providing an accurate measurement of the educational achievement of pupils;

(4) Establishing accountability of public schools;

(5) Providing a method for public schools to measure achievement based upon the performance of the schools; or

(6) Creating new professional opportunities for teachers.

(c) The projected enrollment of pupils in the charter school.

(d) The proposed dates of enrollment for the charter school.

(e) The proposed system of governance for the charter school, including, without limitation, the number of persons who will govern, the method of selecting the persons who will govern and the term of office for each person.

(f) The method by which disputes will be resolved between the governing body of the charter school and the sponsor of the charter school.

(g) The proposed curriculum for the charter school and, if applicable to the grade level of pupils who are enrolled in the charter school, the requirements for the pupils to receive a high school diploma, including, without limitation, whether those pupils will satisfy the requirements of the school district in which the charter school is located for receipt of a high school diploma.

(h) The textbooks that will be used at the charter school.

(i) The qualifications of the persons who will provide instruction at the charter school.

(j) Except as otherwise required by NRS 386.595, the process by which the governing body of the charter school will negotiate employment contracts with the employees of the charter school.

(k) A financial plan for the operation of the charter school. The plan must include, without limitation, procedures for the audit of the programs and finances of the charter school and guidelines for determining the financial liability if the charter school is unsuccessful.

(l) A statement of whether the charter school will provide for the transportation of pupils to and from the charter school. If the charter school will provide transportation, the application must include the proposed plan for the transportation of pupils. If the charter school will not provide transportation, the application must include a statement that the charter school will work with the parents and guardians of pupils enrolled in the charter school to develop a plan for transportation to ensure that pupils have access to transportation to and from the charter school.

(m) The procedure for the evaluation of teachers of the charter school, if different from the procedure prescribed in NRS 391.3125 ~~[.]~~ ***and section 9 of this act.*** If the procedure is different from the procedure prescribed in NRS 391.3125 ~~[,]~~ ***and section 9 of this act,*** the procedure for the evaluation of teachers of the charter school must provide the same level of protection and otherwise comply with the standards for evaluation set forth in NRS 391.3125 ~~[.]~~ ***and section 9 of this act.***

(n) The time by which certain academic or educational results will be achieved.

(o) The kind of school, as defined in subsections 1 to 4, inclusive, of NRS 388.020, for which the charter school intends to operate.

(p) A statement of whether the charter school will enroll pupils who are in a particular category of at-risk pupils before enrolling other children who are eligible to attend the charter school pursuant to NRS 386.580 and the method for determining eligibility for enrollment in each such category of at-risk pupils served by the charter school.

3. The Department shall review an application to form a charter school to determine whether it is complete. If an application proposes to convert an existing public school, homeschool or other program of home study into a charter school, the Department shall deny the application. The Department shall provide written notice to the applicant of its approval or denial of the application. If the Department denies an application, the Department shall include in the written notice the reason for the denial and the deficiencies in the application. The applicant must be granted 30 days after receipt of the written notice to correct any deficiencies identified in the written notice and resubmit the application.

4. As used in subsection 1, "teacher" means a person who:

(a) Holds a current license to teach issued pursuant to chapter 391 of NRS; and

(b) Has at least 2 years of experience as an employed teacher.

➥ The term does not include a person who is employed as a substitute teacher.

Sec. 6. NRS 388.795 is hereby amended to read as follows:

388.795 1. The Commission shall establish a plan for the use of educational technology in the public schools of this State. In preparing the plan, the Commission shall consider:

(a) Plans that have been adopted by the Department and the school districts in this State;

(b) Plans that have been adopted in other states;

(c) The information reported pursuant to paragraph ~~[(t)]~~ ***(v)*** of subsection 2 of NRS 385.347;

(d) The results of the assessment of needs conducted pursuant to subsection 6; and

(e) Any other information that the Commission or the Committee deems relevant to the preparation of the plan.

2. The plan established by the Commission must include recommendations for methods to:

(a) Incorporate educational technology into the public schools of this State;

(b) Increase the number of pupils in the public schools of this State who have access to educational technology;

(c) Increase the availability of educational technology to assist licensed teachers and other educational personnel in complying with the requirements of continuing education, including, without limitation, the receipt of credit for college courses completed through the use of educational technology;

(d) Facilitate the exchange of ideas to improve the achievement of pupils who are enrolled in the public schools of this State; and

(e) Address the needs of teachers in incorporating the use of educational technology in the classroom, including, without limitation, the completion of training that is sufficient to enable the teachers to instruct pupils in the use of educational technology.

3. The Department shall provide:

(a) Administrative support;

(b) Equipment; and

(c) Office space,

➥ as is necessary for the Commission to carry out the provisions of this section.

4. The following entities shall cooperate with the Commission in carrying out the provisions of this section:

(a) The State Board.

(b) The board of trustees of each school district.

(c) The superintendent of schools of each school district.

(d) The Department.

5. The Commission shall:

(a) Develop technical standards for educational technology and any electrical or structural appurtenances necessary thereto, including, without limitation, uniform specifications for computer hardware and wiring, to ensure that such technology is compatible, uniform and can be interconnected throughout the public schools of this State.

(b) Allocate money to the school districts from the Trust Fund for Educational Technology created pursuant to NRS 388.800 and any money appropriated by the Legislature for educational technology, subject to any priorities for such allocation established by the Legislature.

(c) Establish criteria for the board of trustees of a school district that receives an allocation of money from the Commission to:

(1) Repair, replace and maintain computer systems.

(2) Upgrade and improve computer hardware and software and other educational technology.

(3) Provide training, installation and technical support related to the use of educational technology within the district.

(d) Submit to the Governor, the Committee and the Department its plan for the use of educational technology in the public schools of this State and any recommendations for legislation.

(e) Review the plan annually and make revisions as it deems necessary or as directed by the Committee or the Department.

(f) In addition to the recommendations set forth in the plan pursuant to subsection 2, make further recommendations to the Committee and the Department as the Commission deems necessary.

6. During the spring semester of each even-numbered school year, the Commission shall conduct an assessment of the needs of each school district relating to educational technology. In conducting the assessment, the Commission shall consider:

(a) The recommendations set forth in the plan pursuant to subsection 2;

(b) The plan for educational technology of each school district, if applicable;

(c) Evaluations of educational technology conducted for the State or for a school district, if applicable; and

(d) Any other information deemed relevant by the Commission.

➥ The Commission shall submit a final written report of the assessment to the Superintendent of Public Instruction on or before April 1 of each even-numbered year.

7. The Superintendent of Public Instruction shall prepare a written compilation of the results of the assessment conducted by the Commission and transmit the written compilation on or before June 1 of each even-numbered year to the Legislative Committee on Education and to the Director of the Legislative Counsel Bureau for transmission to the next regular session of the Legislature.

8. The Commission may appoint an advisory committee composed of members of the Commission or other qualified persons to provide recommendations to the Commission regarding standards for the establishment, coordination and use of a telecommunications network in the public schools throughout the various school districts in this State. The advisory committee serves at the pleasure of the Commission and without compensation unless an appropriation or other money for that purpose is provided by the Legislature.

9. As used in this section, "public school" includes the Caliente Youth Center, the Nevada Youth Training Center and any other state facility for the detention of children that is operated pursuant to title 5 of NRS.

Sec. 7. Chapter 391 of NRS is hereby amended by adding thereto the provisions set forth as sections 8 and 9 of this act.

Sec. 8. ***1. The board of trustees of each school district shall:***

(a) Establish a program of performance pay and enhanced compensation for the recruitment and retention of licensed teachers and administrators which must be negotiated pursuant to chapter 288 of NRS; and

(b) Commencing with the 2014-2015 school year, implement the program established pursuant to paragraph (a).

2. The program of performance pay and enhanced compensation established by a school district pursuant to subsection 1 must have as its primary focus the improvement in the academic achievement of pupils and

must give appropriate consideration to implementation in at-risk schools. In addition, the program may include, without limitation, the following components:

(a) Career leadership advancement options to maximize the retention of teachers in the classroom and the retention of administrators;

(b) Professional development;

(c) Group incentives; and

(d) Multiple assessments of individual teachers and administrators, with primary emphasis on individual pupil improvement and growth in academic achievement, including, without limitation, portfolios of instruction, leadership and professional growth, and other appropriate measures of teacher and administrator performance which must be considered.

Sec. 9. ***1. If a written evaluation of a probationary teacher or probationary administrator designates the overall performance of the teacher or administrator as "unsatisfactory":***

(a) The written evaluation must include the following statement: "Please be advised that, pursuant to Nevada law, your contract may not be renewed for the next school year. If you receive two evaluations for this school year which designate your performance as 'unsatisfactory,' and if you have another evaluation remaining this school year, you may request that the evaluation be conducted by another administrator ***. [."]*** ***You may also request, to the administrator who conducted the evaluation, reasonable assistance in correcting the deficiencies reported in the evaluation for which you request assistance, and upon such request, a reasonable effort will be made to assist you in correcting those deficiencies."***

(b) The probationary teacher or probationary administrator, as applicable, must acknowledge in writing that he or she has received and understands the statement described in paragraph (a).

2. If a probationary teacher or probationary administrator requests that his or her next evaluation be conducted by another administrator in accordance with the notice required by subsection 1, the administrator conducting the evaluation must be:

(a) Employed by the school district or, if the school district has five or fewer administrators, employed by another school district in this State; and

(b) Selected by the superintendent and the probationary teacher or probationary administrator, as applicable.

3. If a probationary teacher or probationary administrator requests assistance in correcting deficiencies reported in his or her evaluation, the administrator who conducted the evaluation shall ensure that a reasonable effort is made to assist the probationary teacher or administrator in correcting those deficiencies.

Sec. 10. NRS 391.311 is hereby amended to read as follows:

391.311 As used in NRS 391.311 to 391.3197, inclusive, ***and section 9 of this act,*** unless the context otherwise requires:

1. "Administrator" means any employee who holds a license as an administrator and who is employed in that capacity by a school district.

2. "Board" means the board of trustees of the school district in which a licensed employee affected by NRS 391.311 to 391.3197, inclusive, ***and section 9 of this act*** is employed.

3. "Demotion" means demotion of an administrator to a position of lesser rank, responsibility or pay and does not include transfer or reassignment for purposes of an administrative reorganization.

4. "Immorality" means:

(a) An act forbidden by NRS 200.366, 200.368, 200.400, 200.508, 201.180, 201.190, 201.210, 201.220, 201.230, 201.265, 201.540, 201.560, 207.260, 453.316 to 453.336, inclusive, 453.337, 453.338, 453.3385 to 453.3405, inclusive, 453.560 or 453.562; or

(b) An act forbidden by NRS 201.540 or any other sexual conduct or attempted sexual conduct with a pupil enrolled in an elementary or secondary school. As used in this paragraph, "sexual conduct" has the meaning ascribed to it in NRS 201.520.

5. "Postprobationary employee" means an administrator or a teacher who has completed the probationary period as provided in NRS 391.3197 and has been given notice of reemployment.

6. "Probationary employee" means an administrator or a teacher who is employed for the period set forth in NRS 391.3197.

7. "Superintendent" means the superintendent of a school district or a person designated by the board or superintendent to act as superintendent during the absence of the superintendent.

8. "Teacher" means a licensed employee the majority of whose working time is devoted to the rendering of direct educational service to pupils of a school district.

Sec. 11. NRS 391.3115 is hereby amended to read as follows:

391.3115 1. The demotion, suspension, dismissal and nonreemployment provisions of NRS 391.311 to 391.3197, inclusive, do not apply to:

(a) Substitute teachers; or

(b) Adult education teachers.

2. ***The admonition, demotion, suspension, dismissal and nonreemployment provisions of NRS 391.311 to 391.3194, inclusive, do not apply to:***

(a) A probationary teacher. The policy for evaluations prescribed in NRS 391.3125 and section 9 of this act applies to a probationary teacher.

(b) A new employee who is employed as a probationary administrator. The policy for evaluations prescribed in NRS 391.3127 and section 9 of this act applies to a probationary administrator.

3. The admonition, demotion and suspension provisions of NRS 391.311 to 391.3194, inclusive, do not apply to a postprobationary teacher who is employed as a probationary administrator with respect to his or her employment in the administrative position. The policy for evaluations prescribed in NRS 391.3127 and section 9 of this act applies to a probationary administrator.

4. The provisions of NRS 391.311 to 391.3194, inclusive, ***and section 9 of this act*** do not apply to a teacher whose employment is suspended or terminated pursuant to subsection 3 of NRS 391.120 or NRS 391.3015 for failure to maintain a license in force.

~~[3.]~~ ***5.*** A licensed employee who is employed in a position fully funded by a federal or private categorical grant or to replace another licensed employee during that employee's leave of absence is employed only for the duration of the grant or leave. Such a licensed employee and licensed employees who are employed on temporary contracts for 90 school days or less, or its equivalent in a school district operating under an alternative schedule authorized pursuant to NRS 388.090, to replace licensed employees whose employment has terminated after the beginning of the school year are entitled to credit for that time in fulfilling any period of probation and during that time the provisions of NRS 391.311 to 391.3197, inclusive, ***and section 9 of this act*** for demotion, suspension or dismissal apply to them.

Sec. 12. NRS 391.312 is hereby amended to read as follows:

391.312 1. A teacher may be suspended, dismissed or not reemployed and an administrator may be demoted, suspended, dismissed or not reemployed for the following reasons:

(a) Inefficiency;

(b) Immorality;

(c) Unprofessional conduct;

(d) Insubordination;

(e) Neglect of duty;

(f) Physical or mental incapacity;

(g) A justifiable decrease in the number of positions due to decreased enrollment or district reorganization;

(h) Conviction of a felony or of a crime involving moral turpitude;

(i) Inadequate performance;

(j) Evident unfitness for service;

(k) Failure to comply with such reasonable requirements as a board may prescribe;

(l) Failure to show normal improvement and evidence of professional training and growth;

(m) Advocating overthrow of the Government of the United States or of the State of Nevada by force, violence or other unlawful means, or the advocating or teaching of communism with the intent to indoctrinate pupils to subscribe to communistic philosophy;

(n) Any cause which constitutes grounds for the revocation of a teacher's license;

(o) Willful neglect or failure to observe and carry out the requirements of this title;

(p) Dishonesty;

(q) Breaches in the security or confidentiality of the questions and answers of the achievement and proficiency examinations that are administered pursuant to NRS 389.015;

(r) Intentional failure to observe and carry out the requirements of a plan to ensure the security of examinations adopted pursuant to NRS 389.616 or 389.620; ~~[or]~~

(s) An intentional violation of NRS 388.5265 or 388.527 ~~[.]~~ ***; or***

(t) Gross misconduct.

2. In determining whether the professional performance of a licensed employee is inadequate, consideration must be given to the regular and special evaluation reports prepared in accordance with the policy of the employing school district and to any written standards of performance which may have been adopted by the board.

3. As used in this section, "gross misconduct" includes ~~*[, without limitation,]*~~ ***any act or omission that is in*** ~~*[intentional,]*~~ ***wanton, willful, reckless or deliberate disregard of the interests of a school or school district or a pupil thereof.***

Sec. 13. NRS 391.3125 is hereby amended to read as follows:

391.3125 1. It is the intent of the Legislature that a uniform system be developed for objective evaluation of teachers and other licensed personnel in each school district.

2. Each board, following consultation with and involvement of elected representatives of the teachers or their designees, shall develop a policy for objective evaluations in narrative form. The policy must set forth a means according to which an employee's overall performance may be determined to be satisfactory or unsatisfactory. The policy may include an evaluation by the teacher, pupils, administrators or other teachers or any combination thereof. In a similar manner, counselors, librarians and other licensed personnel must be evaluated on forms developed specifically for their respective specialties. A copy of the policy adopted by the board must be filed with the Department. The primary purpose of an evaluation is to provide a format for constructive

assistance. Evaluations, while not the sole criterion, must be used in the dismissal process.

3. A conference and a written evaluation for a probationary employee must be concluded not later than:

(a) December 1;

(b) February 1; and

(c) April 1,

➥ of each school year of the probationary period, except that a probationary employee assigned to a school that operates all year must be evaluated at least three times during each 12 months of employment on a schedule determined by the board. An administrator charged with the evaluation of a probationary teacher shall personally observe the performance of the teacher in the classroom for not less than a cumulative total of 60 minutes during each evaluation period, with at least one observation during that 60-minute evaluation period consisting of at least 45 consecutive minutes.

4. ~~[Whenever an administrator charged with the evaluation of a probationary employee believes the employee will not be reemployed for the second year of the probationary period or the school year following the probationary period, the administrator shall bring the matter to the employee's attention in a written document which is separate from the evaluation not later than March 1 of the current school year. The notice must include the reasons for the potential decision not to reemploy or refer to the evaluation in which the reasons are stated. Such a notice is not required if the probationary employee has received a letter of admonition during the current school year.~~

~~5.]~~ Each postprobationary teacher must be evaluated at least once each year. An administrator charged with the evaluation of a postprobationary teacher shall personally observe the performance of the teacher in the classroom for not less than a cumulative total of 60 minutes during each evaluation period, with at least one observation during that 60-minute evaluation period consisting of at least 30 consecutive minutes.

~~[6.]~~ ***5.*** The evaluation of a probationary teacher or a postprobationary teacher must include, without limitation:

(a) An evaluation of the classroom management skills of the teacher;

(b) A review of the lesson plans and the work log or grade book of pupils prepared by the teacher;

(c) An evaluation of whether the curriculum taught by the teacher is aligned with the standards of content and performance established pursuant to NRS 389.520, as applicable for the grade level taught by the teacher;

(d) An evaluation of whether the teacher is appropriately addressing the needs of the pupils in the classroom, including, without limitation, special educational needs, cultural and ethnic diversity, the needs of pupils enrolled

in advanced courses of study and the needs of pupils who are limited English proficient;

(e) If necessary, recommendations for improvements in the performance of the teacher;

(f) A description of the action that will be taken to assist the teacher in correcting any deficiencies reported in the evaluation; and

(g) A statement by the administrator who evaluated the teacher indicating the amount of time that the administrator personally observed the performance of the teacher in the classroom.

~~[7.]~~ ***6.*** The teacher must receive a copy of each evaluation not later than 15 days after the evaluation. A copy of the evaluation and the teacher's response must be permanently attached to the teacher's personnel file. Upon the request of a teacher, a reasonable effort must be made to assist the teacher to correct those deficiencies reported in the evaluation of the teacher for which the teacher requests assistance.

Sec. 14. NRS 391.3125 is hereby amended to read as follows:

391.3125 1. It is the intent of the Legislature that a uniform system be developed for objective evaluation of teachers and other licensed personnel in each school district.

2. Each board, following consultation with and involvement of elected representatives of the teachers or their designees, shall develop a policy for objective evaluations in narrative form. The policy must set forth a means according to which an employee's overall performance is determined to be ~~[satisfactory or unsatisfactory.]~~ ***highly effective, effective, minimally effective or ineffective.*** The policy may include an evaluation by the teacher, pupils, administrators or other teachers or any combination thereof. In a similar manner, counselors, librarians and other licensed personnel must be evaluated on forms developed specifically for their respective specialties. A copy of the policy adopted by the board must be filed with the Department. The primary purpose of an evaluation is to provide a format for constructive assistance. Evaluations, while not the sole criterion, must be used in the dismissal process.

3. A conference and a written evaluation for a probationary employee must be concluded not later than:

(a) December 1;

(b) February 1; and

(c) April 1,

➥ of each school year of the probationary period, except that a probationary employee assigned to a school that operates all year must be evaluated at least three times during each 12 months of employment on a schedule determined by the board. An administrator charged with the evaluation of a probationary teacher shall personally observe the performance of the teacher

in the classroom for not less than a cumulative total of 60 minutes during each evaluation period, with at least one observation during that 60-minute evaluation period consisting of at least 45 consecutive minutes.

4. Each postprobationary teacher must be evaluated at least once each year. An administrator charged with the evaluation of a postprobationary teacher shall personally observe the performance of the teacher in the classroom for not less than a cumulative total of 60 minutes during each evaluation period, with at least one observation during that 60-minute evaluation period consisting of at least 30 consecutive minutes.

5. The evaluation of a probationary teacher or a postprobationary teacher must include, without limitation:

(a) An evaluation of the classroom management skills of the teacher;

(b) A review of the lesson plans and the work log or grade book of pupils prepared by the teacher;

(c) An evaluation of whether the curriculum taught by the teacher is aligned with the standards of content and performance established pursuant to NRS 389.520, as applicable for the grade level taught by the teacher;

(d) An evaluation of whether the teacher is appropriately addressing the needs of the pupils in the classroom, including, without limitation, special educational needs, cultural and ethnic diversity, the needs of pupils enrolled in advanced courses of study and the needs of pupils who are limited English proficient;

(e) If necessary, recommendations for improvements in the performance of the teacher;

(f) A description of the action that will be taken to assist the teacher in correcting any deficiencies reported in the evaluation; and

(g) A statement by the administrator who evaluated the teacher indicating the amount of time that the administrator personally observed the performance of the teacher in the classroom.

6. The teacher must receive a copy of each evaluation not later than 15 days after the evaluation. A copy of the evaluation and the teacher's response must be permanently attached to the teacher's personnel file. Upon the request of a teacher, a reasonable effort must be made to assist the teacher to correct those deficiencies reported in the evaluation of the teacher for which the teacher requests assistance.

Sec. 15. NRS 391.3127 is hereby amended to read as follows:

391.3127 1. Each board, following consultation with and involvement of elected representatives of administrative personnel or their designated representatives, shall develop an objective policy for the objective evaluation of administrators in narrative form. The policy must set forth a means according to which an administrator's overall performance may be determined to be satisfactory or unsatisfactory. The policy may include an

evaluation by the administrator, superintendent, pupils or other administrators or any combination thereof. A copy of the policy adopted by the board must be filed with the Department and made available to the Commission.

2. Each administrator must be evaluated in writing at least once a year.

3. ***Each probationary administrator is subject to the provisions of NRS 391.3197 and section 9 of this act.***

4. Before a superintendent transfers or assigns an administrator to another administrative position as part of an administrative reorganization, if the transfer or reassignment is to a position of lower rank, responsibility or pay, the superintendent shall give written notice of the proposed transfer or assignment to the administrator at least 30 days before the date on which it is to be effective. The administrator may appeal the decision of the superintendent to the board by requesting a hearing in writing to the president of the board within 5 days after receiving the notice from the superintendent. The board shall hear the matter within 10 days after the president receives the request, and shall render its decision within 5 days after the hearing. The decision of the board is final.

Sec. 16. NRS 391.3127 is hereby amended to read as follows:

391.3127 1. Each board, following consultation with and involvement of elected representatives of administrative personnel or their designated representatives, shall develop an objective policy for the objective evaluation of administrators in narrative form. The policy must set forth a means according to which an administrator's overall performance is determined to be ~~[satisfactory or unsatisfactory.]~~ ***highly effective, effective, minimally effective or ineffective.*** The policy may include an evaluation by the administrator, superintendent, pupils or other administrators or any combination thereof. A copy of the policy adopted by the board must be filed with the Department and made available to the Commission.

2. Each administrator must be evaluated in writing at least once a year.

3. Each probationary administrator is subject to the provisions of NRS 391.3197 and section 9 of this act.

4. Before a superintendent transfers or assigns an administrator to another administrative position as part of an administrative reorganization, if the transfer or reassignment is to a position of lower rank, responsibility or pay, the superintendent shall give written notice of the proposed transfer or assignment to the administrator at least 30 days before the date on which it is to be effective. The administrator may appeal the decision of the superintendent to the board by requesting a hearing in writing to the president of the board within 5 days after receiving the notice from the superintendent. The board shall hear the matter within 10 days after the president receives the

request, and shall render its decision within 5 days after the hearing. The decision of the board is final.

Sec. 17. NRS 391.313 is hereby amended to read as follows:

391.313 1. Whenever an administrator charged with supervision of a licensed employee believes it is necessary to admonish the employee for a reason that the administrator believes may lead to demotion or dismissal or may cause the employee not to be reemployed under the provisions of NRS 391.312, the administrator shall:

(a) Except as otherwise provided in subsection 3, bring the matter to the attention of the employee involved, in writing, stating the reasons for the admonition and that it may lead to the employee's demotion, dismissal or a refusal to reemploy him or her, and make a reasonable effort to assist the employee to correct whatever appears to be the cause for the employee's potential demotion, dismissal or a potential recommendation not to reemploy him or her; and

(b) Except as otherwise provided in NRS 391.314, allow reasonable time for improvement, which must not exceed 3 months for the first admonition.

➥ The admonition must include a description of the deficiencies of the teacher and the action that is necessary to correct those deficiencies.

2. An admonition issued to a licensed employee who, within the time granted for improvement, has met the standards set for the employee by the administrator who issued the admonition must be removed from the records of the employee together with all notations and indications of its having been issued. The admonition must be removed from the records of the employee not later than 3 years after it is issued.

3. An administrator need not admonish an employee pursuant to paragraph (a) of subsection 1 if his or her employment will be terminated pursuant to NRS 391.3197. **[**~~If by March 1 of the first or second year of the employee's probationary period a probationary employee does not receive a written notice pursuant to subsection 4 of NRS 391.3125 of a potential decision not to reemploy him or her, the employee must receive an admonition before any such decision is made.~~**]**

4. A licensed employee is subject to immediate dismissal or a refusal to reemploy according to the procedures provided in NRS 391.311 to 391.3197, inclusive, ***and section 9 of this act*** without the admonition required by this section, on grounds contained in paragraphs (b), ~~*[(d), (e),]*~~ (f), (g), (h) **[**~~and~~**]** **,** ~~*[(j), (n), (o),]*~~ (p) ~~*[, (r)]*~~ ***and (t)*** of subsection 1 of NRS 391.312.

Sec. 18. NRS 391.317 is hereby amended to read as follows:

391.317 1. At least 15 days before recommending to a board that it demote, dismiss or not reemploy a postprobationary employee, **[**~~or dismiss or demote a probationary employee,~~**]** the superintendent shall give written

notice to the employee, by registered or certified mail, of the superintendent's intention to make the recommendation.

2. The notice must:

(a) Inform the licensed employee of the grounds for the recommendation.

(b) Inform the employee that, if a written request therefor is directed to the superintendent within 10 days after receipt of the notice, the employee is entitled to a hearing before a hearing officer ~~[.]~~ ***pursuant to NRS 391.315 to 391.3194, inclusive, or if a dismissal of the employee will occur before the completion of the current school year, the employee may request an expedited hearing pursuant to subsection 3.***

(c) Refer to chapter 391 of NRS.

3. If a postprobationary employee receives notice pursuant to subsection 1 that he or she will be dismissed before the completion of the current school year, the employee may request an expedited hearing pursuant to the Expedited Labor Arbitration Procedures established by the American Arbitration Association or its successor organization. If the employee elects to proceed under the expedited procedures, the provisions of NRS 391.3161, 391.3192 and 391.3193 do not apply.

Sec. 19. NRS 391.3197 is hereby amended to read as follows:

391.3197 1. A probationary employee is employed on a contract basis for ~~[two]~~ ***three*** 1-year periods and has no right to employment after ~~[either]~~ ***any*** of the ~~[two]~~ ***three*** probationary contract years.

2. The board shall notify each probationary employee in writing on or before May 1 of the first ***,*** ~~[and]~~ second ***and third*** school years of the employee's probationary period, as appropriate, whether the employee is to be reemployed for the second ***or third*** year of the probationary period or for the ~~[next]~~ ***fourth*** school year as a postprobationary employee. ***Failure of the board to notify the probationary employee in writing on or before May 1 in the first or second year of the probationary period does not entitle the employee to postprobationary status.*** The employee must advise the board in writing on or before May 10 of the first ***,*** ~~[or]~~ second ***or third*** year of the employee's probationary period, as appropriate, of the employee's acceptance of reemployment. If a probationary employee is assigned to a school that operates all year, the board shall notify the employee in writing, in ~~[both]~~ the first ***,*** ~~[and]~~ second ***and third*** years of the employee's probationary period, no later than 45 days before his or her last day of work for the year under his or her contract whether the employee is to be reemployed for the second ***or third*** year of the probationary period or for the ~~[next]~~ ***fourth*** school year as a postprobationary employee. ***Failure of the board to notify a probationary employee in writing within the prescribed period in the first or second year of the probationary period does not entitle the employee to postprobationary status.*** The employee must advise the

board in writing within 10 days after the date of notification of his or her acceptance or rejection of reemployment for another year. Failure to advise the board of the employee's acceptance of reemployment ***pursuant to this subsection*** constitutes rejection of the contract.

3. A probationary employee who completes a ~~[2 year]~~ ***3-year*** probationary period and receives a notice of reemployment from the school district in the ~~[second]~~ ***third*** year of the employee's probationary period is entitled to be a postprobationary employee in the ensuing year of employment.

4. ~~[If a probationary employee receives notice pursuant to subsection 4 of NRS 391.3125 not later than March 1 of a potential decision not to reemploy him or her, the employee may request a supplemental evaluation by another administrator in the school district selected by the employee and the superintendent. If a school district has five or fewer administrators, the supplemental evaluator may be an administrator from another school district in this State. If a probationary employee has received during the first school year of the employee's probationary period three evaluations which state that the employee's overall performance has been satisfactory, the superintendent of schools of the school district or the superintendent's designee shall waive the second year of the employee's probationary period by expressly providing in writing on the final evaluation of the employee for the first probationary year that the second year of the employee's probationary period is waived. Such an employee is entitled to be a postprobationary employee in the ensuing year of employment.~~

~~5.]~~ If a probationary employee is notified that the employee will not be reemployed for the ~~[second year of the employee's probationary period or the ensuing]~~ school year ~~[.]~~ ***following the 3-year probationary period,*** his or her employment ends on the last day of the current school year. The notice that the employee will not be reemployed must include a statement of the reasons for that decision.

~~[6.]~~ ***5.*** A new employee ***who is employed as an administrator*** or a postprobationary teacher who is employed as an administrator shall be deemed to be a probationary employee for the purposes of this section and must serve a ~~[2 year]~~ ***3-year*** probationary period as an administrator in accordance with the provisions of this section. ~~[If the administrator does not receive an unsatisfactory evaluation during the first year of probation, the superintendent or the superintendent's designee shall waive the second year of the administrator's probationary period. Such an administrator is entitled to be a postprobationary employee in the ensuing year of employment.]~~ If:

(a) A postprobationary teacher who is an administrator is not reemployed as an administrator after ~~[either]~~ ***any*** year of his or her probationary period; and

(b) There is a position as a teacher available for the ensuing school year in the school district in which the person is employed,

➥ the board of trustees of the school district shall, on or before May 1, offer the person a contract as a teacher for the ensuing school year. The person may accept the contract in writing on or before May 10. If the person fails to accept the contract as a teacher, the person shall be deemed to have rejected the offer of a contract as a teacher.

~~[7.]~~ ***6.*** An administrator who has completed his or her probationary period pursuant to subsection ~~[6]~~ ***5*** and is thereafter promoted to the position of principal must serve an additional probationary period of 1 year in the position of principal. ***If an administrator is promoted to the position of principal before completion of his or her probationary period pursuant to subsection 5, the administrator must serve the remainder of his or her probationary period pursuant to subsection 5 or an additional probationary period of 1 year in the position of principal, whichever is longer.*** If the administrator serving the additional probationary period is not reemployed as a principal after the expiration of the ***probationary period or*** additional probationary period, ***as applicable,*** the board of trustees of the school district in which the person is employed shall, on or before May 1, offer the person a contract for the ensuing school year for the administrative position in which the person attained postprobationary status. The person may accept the contract in writing on or before May 10. If the person fails to accept such a contract, the person shall be deemed to have rejected the offer of employment.

~~[8. Before dismissal, the probationary employee is entitled to a hearing before a hearing officer which affords due process as set out in NRS 391.311 to 391.3196, inclusive.]~~

Sec. 20. Section 9 of this act is hereby amended to read as follows:

Sec. 9. 1. If a written evaluation of a probationary teacher or probationary administrator designates the overall performance of the teacher or administrator as ~~["unsatisfactory".]~~ ***"minimally effective" or "ineffective":***

(a) The written evaluation must include the following statement: "Please be advised that, pursuant to Nevada law, your contract may not be renewed for the next school year. If you receive two evaluations for this school year which designate your performance as ~~['unsatisfactory,']~~ ***'minimally effective' or 'ineffective,'*** and if you have another evaluation remaining this school year, you may request that the evaluation be conducted by another administrator. You may also request, to the administrator who conducted the evaluation, reasonable assistance in correcting the deficiencies reported in the evaluation for which you request assistance, and upon such request, a reasonable effort will be made to assist you in correcting those deficiencies."

(b) The probationary teacher or probationary administrator, as applicable, must acknowledge in writing that he or she has received and understands the statement described in paragraph (a).

2. If a probationary teacher or probationary administrator requests that his or her next evaluation be conducted by another administrator in accordance with the notice required by subsection 1, the administrator conducting the evaluation must be:

(a) Employed by the school district or, if the school district has five or fewer administrators, employed by another school district in this State; and

(b) Selected by the superintendent and the probationary teacher or probationary administrator, as applicable.

3. If a probationary teacher or probationary administrator requests assistance in correcting deficiencies reported in his or her evaluation, the administrator who conducted the evaluation shall ensure that a reasonable effort is made to assist the probationary teacher or administrator in correcting those deficiencies.

Sec. 21. The provisions of section 9 of this act, NRS 391.311 to 391.3125, inclusive, as amended by sections 10 to 13, inclusive, of this act, NRS 391.3127, as amended by section 15 of this act, NRS 391.313, as amended by section 17 of this act, NRS 391.317, as amended by section 18 of this act, and NRS 391.3197, as amended by section 19 of this act, apply to all:

1. Teachers who are initially employed by a school district on or after July 1, 2011.

2. A new employee who is hired by a school district as an administrator on or after July 1, 2011.

3. A postprobationary teacher who is employed as an administrator on or after July 1, 2011.

Sec. 22. The board of trustees of each school district shall:

1. Commencing with the 2013-2104 school year, implement and carry out the policies for evaluations of teachers and administrators required by NRS 391.3125, as amended by section 14 of this act, NRS 391.3127, as amended by section 16 of this act, and section 20 of this act.

2. Commencing with the 2014-2105 school year, implement and carry out the program of performance pay and enhanced compensation established by the board of trustees pursuant to section 8 of this act.

Sec. 23. 1. This section and sections 1 to 7, inclusive, 9 to 13, inclusive, 15, 17, 18, 19, 21 and 22 of this act become effective on July 1, 2011.

2. Sections 8, 14, 16 and 20 of this act become effective on July 1, 2013.

Assemblyman Bobzien moved the adoption of the amendment.

Remarks by Assemblyman Bobzien.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 62.

Bill read second time.

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

Amendment No. 53.

AN ACT relating to the Office of the Attorney General; authorizing the Attorney General to charge a fee for the prosecution of certain **felony** cases; ~~[authorizing the Attorney General to charge the office of a district attorney or city attorney a fee for issuing a written opinion;]~~ authorizing the Attorney General to charge a regulatory body for certain training services provided by the Attorney General; authorizing the Attorney General to charge the Board of Homeopathic Medical Examiners, the State Board of Oriental Medicine and the Board of Psychological Examiners for all services relating to certain investigations conducted by the Attorney General; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the Attorney General to prosecute a criminal case upon the request of a district attorney **.** ~~[and requires the Attorney General to issue a written opinion upon the request of a district attorney or city attorney.]~~ (NRS 228.130 **)** ~~[, 228.150)]~~ **Section 1** of this bill authorizes the Attorney General to charge a county reasonable legal fees for the prosecution of a ~~[criminal case, and section 2 of this bill authorizes the Attorney General to charge the office of a district attorney or city attorney a reasonable fee for issuing a written opinion.]~~ **category A or B felony.**

Existing law requires the Attorney General to provide training to a new member of a regulatory body. (NRS 622.200) **Section 3** of this bill authorizes the Attorney General to charge a regulatory body for providing training to a new member of a regulatory body.

Existing law requires the Board of Homeopathic Medical Examiners, the State Board of Oriental Medicine and the Board of Psychological Examiners to transmit to the Attorney General complaints concerning certain persons regulated by those boards. Existing law further requires the Attorney General to investigate each such complaint. (NRS 630A.400, 630A.410, 634A.085, 641.270, 641.271) **Section 4** of this bill authorizes the Board of Homeopathic Medical Examiners to retain the Attorney General to investigate a complaint against a homeopathic physician, and **section 5** of this bill authorizes the Attorney General to charge the Board for all services related to the investigation. **Section 6** of this bill authorizes the State Board of Oriental

Medicine to retain the Attorney General to investigate a complaint against a doctor of Oriental medicine and authorizes the Attorney General to charge the Board for all services related to the investigation. **Section 7** of this bill authorizes the Board of Psychological Examiners to retain the Attorney General to investigate a complaint against a psychologist, and **section 8** of this bill authorizes the Attorney General to charge the Board for all services related to the investigation.

Existing law requires the Board of Dispensing Opticians to submit a biennial report to the Attorney General. (NRS 637.080) **Section 9** of this bill repeals the provision requiring the Board of Dispensing Opticians to submit a biennial report to the Attorney General.

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

Section 1. NRS 228.130 is hereby amended to read as follows:

228.130 1. In all criminal cases where, in the judgment of the district attorney, the personal presence of the Attorney General or the presence of a deputy or special investigator is required in cases mentioned in subsection 2, before making a request upon the Attorney General for such assistance the district attorney must first present his or her reasons for making the request to the board of county commissioners of his or her county and have the board adopt a resolution joining in the request to the Attorney General.

2. In all criminal cases where help is requested from the Attorney General's Office, as mentioned in subsection 1, in the presentation of criminal cases before a committing magistrate, grand jury, or district court, the board of county commissioners of the county making such request shall, upon the presentation to the board of a duly verified claim setting forth the expenses incurred, pay from the general funds of the county the actual and necessary traveling expenses of the Attorney General or his or her deputy or his or her special investigator from Carson City, Nevada, to the place where such proceedings are held and return therefrom, and also pay the amount of money actually expended by such person for board and lodging from the date such person leaves until the date he or she returns to Carson City.

3. This section shall not be construed as directing or requiring the Attorney General to appear in any proceedings mentioned in subsection 2, but in acting upon any such request the Attorney General may exercise his or her discretion, and his or her judgment in such matters ~~[shall be]~~ ***is*** final.

4. In addition to any payment of expenses pursuant to subsection 2, the Attorney General may charge ~~*[a reasonable fee]*~~ ***for*** ~~*[legal services provided]*~~ ***the costs of providing assistance in the prosecution of a category A or B felony pursuant to this section.*** ~~*[The fee]*~~ ***Such costs must be charged for services*** ~~*[on an hourly basis in an amount sufficient to pay the*~~

~~*salary and other expenses of the deputy attorney general who provides the services.]*~~ ***in a manner consistent with the amount charged to state agencies pursuant to subsection 3 of NRS 228.113.***

Sec. 2. ~~[NRS 228.150 is hereby amended to read as follows:~~

~~228.150 1. When requested, the Attorney General shall give his or her opinion, in writing, upon any question of law, to the Governor, the Secretary of State, the State Controller, the State Treasurer, the Director of the Department of Corrections, to the head of any state department, agency, board or commission, to any district attorney and to any city attorney of any incorporated city within the State of Nevada, upon any question of law relating to their respective offices, departments, agencies, boards or commissions.~~

~~2. Nothing contained in subsection 1 requires the Attorney General to give his or her written opinion to any city attorney concerning questions relating to the interpretation or construction of city ordinances.~~

~~3. [~~The~~] ~~*Except as otherwise provided in this section, the* Attorney General is not entitled to receive any fee for the performance of any duty required of him or her by law, but money may be paid to his or her office or pursuant to law or an agreement with an agency of the State for the performance of any duty or service by his or her office.~~

~~*4. The Attorney General may charge the office of a district attorney or city attorney a reasonable fee for providing a written opinion pursuant to subsection 1. The fee must be charged for services on an hourly basis in an amount sufficient to pay the salary and other expenses of the deputy attorney general who provides the services.]*~~ **(Deleted by amendment.)**

Sec. 3. NRS 622.200 is hereby amended to read as follows:

622.200 ***1.*** As soon as practicable after a person is first appointed to serve as a member of a regulatory body, the person must be provided with:

~~[1.]~~ ***(a)*** A written summary of the duties and responsibilities of a member of the regulatory body; and

~~[2.]~~ ***(b)*** Training on those duties and responsibilities by the Attorney General. The training must include, without limitation, instruction related to the audit that is required by NRS 218G.400, except that a person who is a member of the Nevada State Board of Accountancy is not required to be provided with instruction related to that audit.

2. The Attorney General may, in accordance with the provisions of NRS 228.113, charge a regulatory body for all training provided pursuant to paragraph (b) of subsection 1.

Sec. 4. NRS 630A.400 is hereby amended to read as follows:

630A.400 1. The Board or a committee of its members designated by the Board shall review every complaint filed with the Board and conduct an investigation to determine whether there is a reasonable basis for compelling

a homeopathic physician to take a mental or physical examination or an examination of his or her competence to practice homeopathic medicine.

2. If a committee is designated, it must be composed of at least three members of the Board, at least one of whom is a licensed homeopathic physician.

3. If, from the complaint or from other official records, it appears that the complaint is not frivolous and the complaint charges gross or repeated malpractice, the Board ~~[shall]~~ ***may:***

(a) Retain the Attorney General to investigate the complaint; and

(b) If the Board retains the Attorney General, transmit the original complaint, along with further facts or information derived from its own review, to the Attorney General.

4. Following ~~[the]~~ ***an*** investigation, the committee shall present its evaluation and recommendations to the Board. The Board shall review the committee's findings to determine whether to take any further action, but a member of the Board who participated in the investigation may not participate in this review or in any subsequent hearing or action taken by the Board.

Sec. 5. NRS 630A.410 is hereby amended to read as follows:

630A.410 1. ~~[The]~~ ***If the Board retains the Attorney General pursuant to NRS 630A.400, the*** Attorney General shall conduct an investigation of ~~[each]~~ ***the*** complaint transmitted to the Attorney General to determine whether it warrants proceedings for modification, suspension or revocation of license. If the Attorney General determines that such further proceedings are warranted, the Attorney General shall report the results of the investigation together with a recommendation to the Board in a manner which does not violate the right of the person charged in the complaint to due process in any later hearing before the Board.

2. The Board shall promptly make a determination with respect to each complaint reported to it by the Attorney General as to what action shall be pursued. The Board shall:

(a) Dismiss the complaint; or

(b) Proceed with appropriate disciplinary action.

3. If the Board retains the Attorney General pursuant to NRS 630A.400, the Attorney General may, in accordance with the provisions of NRS 228.113, charge the Board for all services relating to the investigation of a complaint.

Sec. 6. NRS 634A.085 is hereby amended to read as follows:

634A.085 1. If a written complaint regarding a ~~[licensee]~~ ***doctor of Oriental medicine*** is filed with the Board, the Board shall review the complaint. If, from the complaint or from other records, it appears that the complaint is not frivolous, the Board ~~[shall]~~ ***may:***

(a) Retain the Attorney General to investigate the complaint; and

(b) If the Board retains the Attorney General, transmit the original complaint and any facts or information obtained from the review to the Attorney General.

2. ~~[The]~~ ***If the Board retains the Attorney General, the*** Attorney General shall conduct an investigation of the complaint ***transmitted to the Attorney General*** to determine whether it warrants proceedings for the modification, suspension or revocation of the license. If the Attorney General determines that further proceedings are warranted, the Attorney General shall report the results of the investigation and any recommendation to the Board.

3. The Board shall promptly make a determination with respect to each complaint reported to it by the Attorney General. The Board shall:

(a) Dismiss the complaint; or

(b) Proceed with appropriate disciplinary action.

4. The Board shall retain all complaints received by the Board pursuant to this section for at least 10 years, including, without limitation, any complaints not acted upon.

5. If the Board retains the Attorney General, the Attorney General may, in accordance with the provisions of NRS 228.113, charge the Board for all services relating to the investigation of a complaint pursuant to subsection 2.

Sec. 7. NRS 641.270 is hereby amended to read as follows:

641.270 When a complaint is filed with the Board, it shall review the complaint. If, from the complaint or from other official records, it appears that the complaint is not frivolous, the Board ~~[shall]~~ ***may:***

1. Retain the Attorney General to investigate the complaint; and

2. If the Board retains the Attorney General, transmit the original complaint, along with further facts or information derived from the review, to the Attorney General.

Sec. 8. NRS 641.271 is hereby amended to read as follows:

641.271 1. ~~[The]~~ ***If the Board retains the Attorney General pursuant to NRS 641.270, the*** Attorney General shall conduct an investigation of ~~[each]~~ ***a*** complaint transmitted to ~~[him or her by the Board]~~ ***the Attorney General*** to determine whether it warrants proceedings for the modification, suspension or revocation of the license. If the Attorney General determines that further proceedings are warranted, he or she shall report the results of the investigation together with a recommendation to the Board in a manner which does not violate the right of the person charged in the complaint to due process in any later hearing on the complaint.

2. The Board shall promptly make a determination with respect to each complaint reported to it by the Attorney General. The Board shall:

(a) Dismiss the complaint; or

(b) Proceed with appropriate disciplinary action.

3. If the Board retains the Attorney General pursuant to NRS 641.270, the Attorney General may, in accordance with the provisions of NRS 228.113, charge the Board for all services relating to the investigation of a complaint pursuant to subsection 1.

Sec. 9. NRS 637.080 is hereby repealed.

Sec. 10. This act becomes effective on July 1, 2011.

TEXT OF REPEALED SECTION

637.080 Report of Board to Attorney General. Before September 1 of each even-numbered year, for the biennium ending June 30 of such year, the Board shall submit to the Attorney General a written report. The report must include:

1. The names of all dispensing opticians to whom licenses have been granted as provided in this chapter.
2. Any cases heard and decisions rendered by the Board.
3. The recommendations of the Board as to future policies.

➥ Each member of the Board shall review and sign the report before it is submitted to the Attorney General.

Assemblyman Atkinson moved the adoption of the amendment.

Remarks by Assemblyman Atkinson.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 83.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 64.

AN ACT relating to crimes; revising the statute of limitations for crimes relating to identity theft; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires that an indictment be found or an information or complaint be filed within 3 years after the commission of an offense relating to identity theft which is punishable as a felony. (NRS 171.085, 205.461-205.4657) This bill provides an exception for victims of such an offense who are less than 18 years of age at the time of the commission of the offense, specifying that an indictment must be found or an information or complaint must be filed within 4 years after the time the victim discovers **or reasonably should have discovered** that the offense was committed.

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

Section 1. NRS 171.095 is hereby amended to read as follows:

171.095 1. Except as otherwise provided in subsection 2 and NRS 171.083 and 171.084:

(a) If a felony, gross misdemeanor or misdemeanor is committed in a secret manner, an indictment for the offense must be found, or an information or complaint filed, within the periods of limitation prescribed in NRS 171.085, 171.090 and 624.800 after the discovery of the offense, unless a longer period is allowed by paragraph (b) ***or (c)*** or the provisions of NRS 202.885.

(b) An indictment must be found, or an information or complaint filed, for any offense constituting sexual abuse of a child, as defined in NRS 432B.100, before the victim of the sexual abuse is:

(1) Twenty-one years old if the victim discovers or reasonably should have discovered that he or she was a victim of the sexual abuse by the date on which the victim reaches that age; or

(2) Twenty-eight years old if the victim does not discover and reasonably should not have discovered that he or she was a victim of the sexual abuse by the date on which the victim reaches 21 years of age.

(c) If a felony is committed pursuant to NRS 205.461 to 205.4657, inclusive, against a victim who is less than 18 years of age at the time of the commission of the offense, an indictment for the offense must be found, or an information or complaint filed, within 4 years after the victim discovers or reasonably should have discovered the offense.

2. If any indictment found, or an information or complaint filed, within the time prescribed in subsection 1 is defective so that no judgment can be given thereon, another prosecution may be instituted for the same offense within 6 months after the first is abandoned.

Sec. 2. The amendatory provisions of this act apply to a person who committed a felony pursuant to NRS 205.461 to 205.4657, inclusive, before October 1, 2011, if the applicable statute of limitations has commenced but has not yet expired on October 1, 2011.

Assemblyman Horne moved the adoption of the amendment.

Remarks by Assemblyman Horne.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 92.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 101.

AN ACT relating to convicted persons; providing for the waiver of fees for the issuance of certain forms of identifying information for certain persons released from prison; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the waiver of certain fees relating to the issuance of certified copies of birth certificates and duplicate drivers' licenses and identification cards to homeless persons. (NRS 440.175, 440.700, 483.417, 483.825) **Sections 1-4** of this bill provide for a similar waiver of such fees for persons who were released from prison within the immediately preceding ~~[6 months.]~~ **90 days.** **Section 5** of this bill requires the Department of Motor Vehicles to encourage each vendor that has entered into an agreement with the Department to produce photographs for drivers' licenses and identification cards to waive the cost charged to the Department to produce the photographs for such persons who were released from prison.

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

Section 1. NRS 440.175 is hereby amended to read as follows:

440.175 1. Upon request, the State Registrar may furnish statistical data to any federal, state, local or other public or private agency, upon such terms or conditions as may be prescribed by the Board.

2. No person may prepare or issue any document which purports to be an original, certified copy, certified abstract or official copy of:

(a) A certificate of birth, death or fetal death, except as authorized in this chapter or by the Board.

(b) A certificate of marriage, except a county clerk, county recorder or a person so required pursuant to NRS 122.120.

(c) A decree of divorce or annulment of marriage, except a county clerk or the judge of a court of record.

3. A person or governmental organization which issues certified or official copies pursuant to paragraph (a) of subsection 2 shall:

(a) Not charge a fee for issuing a certified or official copy of a certificate of birth to ~~[a]~~ ***:***

(1) A homeless person who submits a signed affidavit on a form prescribed by the State Registrar stating that the person is homeless.

(2) A person who submits documentation from the Department of Corrections verifying that the person was released from prison within the immediately preceding ~~[6 months.]~~ 90 days.

(b) Remit to the State Registrar fees collected which are charged in an amount established by the State Registrar by regulation:

(1) For each registration of a birth or death in its district.

(2) For each copy issued of a certificate of birth in its district, other than a copy issued pursuant to paragraph (a).

(3) For each copy issued of a certificate of death in its district.

Sec. 2. NRS 440.700 is hereby amended to read as follows:

440.700 1. Except as otherwise provided in this section, the State Registrar shall charge and collect a fee in an amount established by the State Registrar by regulation:

(a) For searching the files for one name, if no copy is made.

(b) For verifying a vital record.

(c) For establishing and filing a record of paternity (other than a hospital-based paternity), and providing a certified copy of the new record.

(d) For a certified copy of a record of birth.

(e) For a certified copy of a record of death originating in a county in which the board of county commissioners has not created an account for the support of the office of the county coroner pursuant to NRS 259.025.

(f) For a certified copy of a record of death originating in a county in which the board of county commissioners has created an account for the support of the office of the county coroner pursuant to NRS 259.025.

(g) For correcting a record on file with the State Registrar and providing a certified copy of the corrected record.

(h) For replacing a record on file with the State Registrar and providing a certified copy of the new record.

(i) For filing a delayed certificate of birth and providing a certified copy of the certificate.

(j) For the services of a notary public, provided by the State Registrar.

(k) For an index of records of marriage provided on microfiche to a person other than a county clerk or a county recorder of a county of this State.

(l) For an index of records of divorce provided on microfiche to a person other than a county clerk or a county recorder of a county in this State.

(m) For compiling data files which require specific changes in computer programming.

2. The fee collected for furnishing a copy of a certificate of birth or death must include the sum of $3 for credit to the Children's Trust Account created by NRS 432.131.

3. The fee collected for furnishing a copy of a certificate of death must include the sum of $1 for credit to the Review of Death of Children Account created by NRS 432B.409.

4. The State Registrar shall not charge a fee for furnishing a certified copy of a record of birth to ~~[a]~~ ***:***

(a) A homeless person who submits a signed affidavit on a form prescribed by the State Registrar stating that the person is homeless.

(b) A person who submits documentation from the Department of Corrections verifying that the person was released from prison within the immediately preceding ~~*[6 months.]*~~ ***90 days.***

5. The fee collected for furnishing a copy of a certificate of death originating in a county in which the board of county commissioners has created an account for the support of the office of the county coroner pursuant to NRS 259.025 must include the sum of $1 for credit to the account for the support of the office of the county coroner of the county in which the certificate originates.

6. Upon the request of any parent or guardian, the State Registrar shall supply, without the payment of a fee, a certificate limited to a statement as to the date of birth of any child as disclosed by the record of such birth when the certificate is necessary for admission to school or for securing employment.

7. The United States Bureau of the Census may obtain, without expense to the State, transcripts or certified copies of births and deaths without payment of a fee.

Sec. 3. NRS 483.417 is hereby amended to read as follows:

483.417 1. The Department shall waive the fee prescribed by NRS 483.410 and the increase in the fee required by NRS 483.347 not more than one time for furnishing a duplicate driver's license to ~~[a]~~ ***:***

(a) A homeless person who submits a signed affidavit on a form prescribed by the Department stating that the person is homeless.

(b) A person who submits documentation from the Department of Corrections verifying that the person was released from prison within the immediately preceding ~~*[6 months.]*~~ ***90 days.***

2. A vendor that has entered into an agreement with the Department to produce photographs for drivers' licenses pursuant to NRS 483.347 may waive the cost it charges the Department to produce the photograph of a homeless person ***or person released from prison*** for a duplicate driver's license.

3. If the vendor does not waive pursuant to subsection 2 the cost it charges the Department and the Department has waived the increase in the fee required by NRS 483.347 for a duplicate driver's license furnished to a ~~[homeless]~~ person pursuant to subsection 1, the ~~[homeless]~~ person shall reimburse the Department in an amount equal to the increase in the fee required by NRS 483.347 if the ~~[homeless]~~ person:

(a) Applies to the Department for the renewal of his or her driver's license; and

(b) Is employed at the time of such application.

4. The Department may accept gifts, grants and donations of money to fund the provision of duplicate drivers' licenses without a fee to ~~[homeless]~~ persons ~~[.]~~ ***pursuant to subsection 1.***

Sec. 4. NRS 483.825 is hereby amended to read as follows:

483.825 1. The Department shall waive the fee prescribed by NRS 483.820 and the increase in the fee required by NRS 483.347 not more than one time for furnishing a duplicate identification card to ~~[a]~~ ***:***

(a) A homeless person who submits a signed affidavit on a form prescribed by the Department stating that the person is homeless.

(b) A person who submits documentation from the Department of Corrections verifying that the person was released from prison within the immediately preceding ~~*[6 months.]*~~ ***90 days.***

2. A vendor that has entered into an agreement with the Department to produce photographs for identification cards pursuant to NRS 483.347 may waive the cost it charges the Department to produce the photograph of a homeless person ***or person released from prison*** for a duplicate identification card.

3. If the vendor does not waive pursuant to subsection 2 the cost it charges the Department and the Department has waived the increase in the fee required by NRS 483.347 for a duplicate identification card furnished to a ~~[homeless]~~ person pursuant to subsection 1, the ~~[homeless]~~ person shall reimburse the Department in an amount equal to the increase in the fee required by NRS 483.347 if the ~~[homeless]~~ person:

(a) Applies to the Department for the renewal of his or her identification card; and

(b) Is employed at the time of such application.

4. The Department may accept gifts, grants and donations of money to fund the provision of duplicate identification cards without a fee to ~~[homeless]~~ persons ~~[.]~~ ***pursuant to subsection 1.***

5. As used in this section, "photograph" has the meaning ascribed to it in NRS 483.125.

Sec. 5. The Department of Motor Vehicles shall encourage each vendor that has entered into an agreement with the Department to produce photographs for drivers' licenses and identification cards pursuant to NRS 483.347 to waive the cost that the vendor charges the Department to produce photographs for duplicate drivers' licenses or identification cards furnished to persons released from prison within the immediately preceding ~~[6 months]~~ **90 days** pursuant to subsection 2 of NRS 483.417, as amended by section 3 of this act, and subsection 2 of NRS 483.825, as amended by section 4 of this act.

Sec. 6. This act becomes effective on ~~[July 1, 2011.]~~ **February 1, 2012.**

Assemblyman Horne moved the adoption of the amendment.

Remarks by Assemblyman Horne.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Horne moved that upon return from the printer Assembly Bill No. 92 be rereferred to the Committee on Ways and Means.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 97.

Bill read second time and ordered to third reading.

Assembly Bill No. 123.

Bill read second time.

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

Amendment No. 127.

AN ACT relating to public health; requiring facilities for intermediate care, facilities for skilled nursing, residential facilities for groups and homes for individual residential care to provide itemized statements under certain circumstances; requiring the Health Division of the Department of Health and Human Services to conduct routine inspections of such facilities; requiring ~~[the Health Division]~~ **facilities** to provide notices of deficiencies to patients or other responsible persons upon discovering a deficiency during an inspection of such facilities; providing administrative penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 2 of this bill requires facilities for intermediate care, facilities for skilled nursing, residential facilities for groups and homes for individual residential care to provide, upon the request of a person receiving care and certain other persons, an itemized statement of charges incurred for care provided by the facility or home.

Section 3 of this bill requires the Health Division of the Department of Health and Human Services to inspect every facility for intermediate care, facility for skilled nursing, residential facility for groups and home for individual residential care at least ~~[four times]~~ **one time** each year. ~~[Section 9 of this bill requires the Health Division to notify a person receiving care at such a facility or home and certain other persons upon discovering a deficiency during an inspection of the facility or home.]~~ **In addition, section 3 requires the facility to provide notice of a deficiency which is discovered during an inspection and which affects the health and safety**

of a patient to the person receiving care at the facility or certain other responsible persons.

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

Section 1. Chapter 449 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. ***1. Subject to the provisions of the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, a facility for intermediate care, facility for skilled nursing, residential facility for groups or home for individual residential care shall, upon request, provide an itemized statement of charges to:***

(a) The person who received care in the facility or home;

(b) The parent or guardian of the person who received care in the facility or home; or

(c) ~~*[Another]*~~ ***Any other natural person*** ~~*[who is legally responsible or has agreed to be responsible for the payment of charges incurred]*~~ ***designated by the person receiving care at the facility or home.***

2. An itemized statement of charges provided by a facility for intermediate care, facility for skilled nursing, residential facility for groups or home for individual residential care pursuant to subsection 1 must, without limitation:

(a) Itemize the charges for services, care, food, medicine and other supplies provided to the person receiving care at the facility or home;

(b) Identify the amount of payment allocated to each charge;

(c) Be provided in a manner that is understandable to an ordinary person;

(d) Be provided at no additional cost; and

(e) Be provided in a timely manner.

Sec. 3. ***1. The Health Division shall conduct on-site inspections of each facility for intermediate care, facility for skilled nursing, residential facility for groups and home for individual residential care which holds a license issued pursuant to this chapter at least*** ~~*[four times]*~~ ***one time per year*** ~~*[.]*~~ ***and shall conduct such other inspections as the Health Division deems necessary as a result of that inspection.***

2. An inspection conducted pursuant to subsection 1 must determine whether the facility or home is in compliance with all applicable laws and standards.

3. A facility for intermediate care, facility for skilled nursing, residential facility for groups or home for individual residential care shall immediately provide notice of a deficiency affecting the health and safety of a patient discovered during the course of an inspection to:

(a) A person receiving care at the facility or home;

(b) The parent or legal guardian of the person receiving care at the facility or home; or

(c) Any other natural person designated to receive such notice by the person receiving care at the facility or home or the parent or guardian of the person.

Sec. 4. NRS 449.050 is hereby amended to read as follows:

449.050 1. Except as otherwise provided in subsection 2, each application for a license must be accompanied by such fee as may be determined by regulation of the Board. The Board may, by regulation, allow or require payment of a fee for a license in installments and may fix the amount of each payment and the date that the payment is due.

2. A facility for the care of adults during the day is exempt from the fees imposed by the Board pursuant to this section.

3. The fee imposed by the Board for a facility for transitional living for released offenders must be based on the type of facility that is being licensed and must be calculated to produce the revenue estimated to cover the costs related to the license, but in no case may a fee for a license exceed the actual cost to the Health Division of issuing or renewing the license.

4. If an application for a license for a facility for transitional living for released offenders is denied, any amount of the fee paid pursuant to this section that exceeds the expenses and costs incurred by the Health Division must be refunded to the applicant.

5. The fee imposed by the Board for a facility for intermediate care, facility for skilled nursing, residential facility for groups or home for individual residential care must be calculated to produce the revenue estimated to cover the costs related to the license, including, without limitation, the costs related to inspecting the facility . ~~*[for home four times per year.]*~~

Sec. 5. NRS 449.070 is hereby amended to read as follows:

449.070 The provisions of NRS 449.001 to 449.240, inclusive, ***and sections 2 and 3 of this act*** do not apply to:

1. Any facility conducted by and for the adherents of any church or religious denomination for the purpose of providing facilities for the care and treatment of the sick who depend solely upon spiritual means through prayer for healing in the practice of the religion of the church or denomination, except that such a facility shall comply with all regulations relative to sanitation and safety applicable to other facilities of a similar category.

2. Foster homes as defined in NRS 424.014.

3. Any medical facility or facility for the dependent operated and maintained by the United States Government or an agency thereof.

Sec. 6. NRS 449.140 is hereby amended to read as follows:

449.140 1. Money received from licensing medical facilities and facilities for the dependent must be forwarded to the State Treasurer for deposit in the State General Fund.

2. The Health Division shall enforce the provisions of NRS 449.001 to 449.245, inclusive, ***and sections 2 and 3 of this act,*** and may incur any necessary expenses not in excess of money appropriated for that purpose by the State or received from the Federal Government.

Sec. 7. NRS 449.160 is hereby amended to read as follows:

449.160 1. The Health Division may deny an application for a license or may suspend or revoke any license issued under the provisions of NRS 449.001 to 449.240, inclusive, ***and sections 2 and 3 of this act*** upon any of the following grounds:

(a) Violation by the applicant or the licensee of any of the provisions of NRS 439B.410 or 449.001 to 449.245, inclusive, ***and sections 2 and 3 of this act,*** or of any other law of this State or of the standards, rules and regulations adopted thereunder.

(b) Aiding, abetting or permitting the commission of any illegal act.

(c) Conduct inimical to the public health, morals, welfare and safety of the people of the State of Nevada in the maintenance and operation of the premises for which a license is issued.

(d) Conduct or practice detrimental to the health or safety of the occupants or employees of the facility.

(e) Failure of the applicant to obtain written approval from the Director of the Department of Health and Human Services as required by NRS 439A.100 or as provided in any regulation adopted pursuant to this chapter, if such approval is required.

(f) Failure to comply with the provisions of NRS 449.2486.

2. In addition to the provisions of subsection 1, the Health Division may revoke a license to operate a facility for the dependent if, with respect to that facility, the licensee that operates the facility, or an agent or employee of the licensee:

(a) Is convicted of violating any of the provisions of NRS 202.470;

(b) Is ordered to but fails to abate a nuisance pursuant to NRS 244.360, 244.3603 or 268.4124; or

(c) Is ordered by the appropriate governmental agency to correct a violation of a building, safety or health code or regulation but fails to correct the violation.

3. The Health Division shall maintain a log of any complaints that it receives relating to activities for which the Health Division may revoke the license to operate a facility for the dependent pursuant to subsection 2. The Health Division shall provide to a facility for the care of adults during the day:

(a) A summary of a complaint against the facility if the investigation of the complaint by the Health Division either substantiates the complaint or is inconclusive;

(b) A report of any investigation conducted with respect to the complaint; and

(c) A report of any disciplinary action taken against the facility.

➥ The facility shall make the information available to the public pursuant to NRS 449.2486.

4. On or before February 1 of each odd-numbered year, the Health Division shall submit to the Director of the Legislative Counsel Bureau a written report setting forth, for the previous biennium:

(a) Any complaints included in the log maintained by the Health Division pursuant to subsection 3; and

(b) Any disciplinary actions taken by the Health Division pursuant to subsection 2.

Sec. 8. NRS 449.163 is hereby amended to read as follows:

449.163 1. If a medical facility or facility for the dependent violates any provision related to its licensure, including any provision of NRS 439B.410 or 449.001 to 449.240, inclusive, ***and sections 2 and 3 of this act,*** or any condition, standard or regulation adopted by the Board, the Health Division, in accordance with the regulations adopted pursuant to NRS 449.165, may:

(a) Prohibit the facility from admitting any patient until it determines that the facility has corrected the violation;

(b) Limit the occupancy of the facility to the number of beds occupied when the violation occurred, until it determines that the facility has corrected the violation;

(c) Impose an administrative penalty of not more than $1,000 per day for each violation, together with interest thereon at a rate not to exceed 10 percent per annum; and

(d) Appoint temporary management to oversee the operation of the facility and to ensure the health and safety of the patients of the facility, until:

(1) It determines that the facility has corrected the violation and has management which is capable of ensuring continued compliance with the applicable statutes, conditions, standards and regulations; or

(2) Improvements are made to correct the violation.

2. If a violation by a medical facility or facility for the dependent relates to the health or safety of a patient, an administrative penalty imposed pursuant to paragraph (c) of subsection 1 must be in a total amount of not less than $1,000 and not more than $10,000 for each patient who was harmed or at risk of harm as a result of the violation.

3. If the facility fails to pay any administrative penalty imposed pursuant to paragraph (c) of subsection 1, the Health Division may:

(a) Suspend the license of the facility until the administrative penalty is paid; and

(b) Collect court costs, reasonable attorney's fees and other costs incurred to collect the administrative penalty.

4. The Health Division may require any facility that violates any provision of NRS 439B.410 or 449.001 to 449.240, inclusive, ***and sections 2 and 3 of this act,*** or any condition, standard or regulation adopted by the Board to make any improvements necessary to correct the violation.

5. Any money collected as administrative penalties pursuant to this section must be accounted for separately and used to protect the health or property of the residents of the facility in accordance with applicable federal standards.

Sec. 9. ~~[NRS 449.200 is hereby amended to read as follows:~~

~~449.200 The Health Division shall:~~

~~1. Prepare a report of the results of its inspections of medical facilities and facilities for the dependent regarding compliance with applicable regulations and standards. The report must be provided to the facility and include, without limitation, a recommendation of the Health Division for correcting any deficiencies and, if a deficiency is discovered as a result of an investigation by a county, district or city board of health or health officer, the recommendations of the board or health officer.~~

~~2. Upon request, disclose to any person or governmental entity the results of its inspections of facilities for skilled nursing, facilities for intermediate care and residential facilities for groups regarding their compliance with applicable regulations and standards.~~

~~***3. Immediately provide notice of a deficiency discovered during the course of an inspection of a facility for intermediate care, facility for skilled nursing, residential facility for groups or home for individual residential care to:***~~

~~***(a) A person receiving care at the facility or home;***~~

~~***(b) The parent or legal guardian of the person receiving care at the facility or home; or***~~

~~***(c) Any other natural person designated to receive such notice by the person receiving care at the facility or home or the parent or guardian of the person.]*** **(Deleted by amendment.)**

Sec. 10. NRS 449.220 is hereby amended to read as follows:

449.220 1. The Health Division may bring an action in the name of the State to enjoin any person, state or local government unit or agency thereof from operating or maintaining any facility within the meaning of NRS 449.001 to 449.240, inclusive ~~[.]~~ ***, and sections 2 and 3 of this act:***

(a) Without first obtaining a license therefor; or

(b) After his or her license has been revoked or suspended by the Health Division.

2. It is sufficient in such action to allege that the defendant did, on a certain date and in a certain place, operate and maintain such a facility without a license.

Sec. 11. NRS 449.230 is hereby amended to read as follows:

449.230 1. Any authorized member or employee of the Health Division may enter and inspect any building or premises at any time to secure compliance with or prevent a violation of any provision of NRS 449.001 to 449.245, inclusive ~~[.]~~ ***, and sections 2 and 3 of this act.***

2. The State Fire Marshal or a designee of the State Fire Marshal shall, upon receiving a request from the Health Division or a written complaint concerning compliance with the plans and requirements to respond to an emergency adopted pursuant to subsection 9 of NRS 449.037:

(a) Enter and inspect a residential facility for groups; and

(b) Make recommendations regarding the adoption of plans and requirements pursuant to subsection 9 of NRS 449.037,

➥ to ensure the safety of the residents of the facility in an emergency.

3. The State Health Officer or a designee of the State Health Officer shall enter and inspect at least annually each building or the premises of a residential facility for groups to ensure compliance with standards for health and sanitation.

4. An authorized member or employee of the Health Division shall enter and inspect any building or premises operated by a residential facility for groups within 72 hours after the Health Division is notified that a residential facility for groups is operating without a license.

Sec. 12. NRS 449.235 is hereby amended to read as follows:

449.235 ~~[Every]~~ ***In addition to any inspection required pursuant to section 3 of this act, every*** medical facility or facility for the dependent may be inspected at any time, with or without notice, as often as is necessary by:

1. The Health Division to ensure compliance with all applicable regulations and standards; and

2. Any person designated by the Aging and Disability Services Division of the Department of Health and Human Services to investigate complaints made against the facility.

Sec. 13. NRS 449.240 is hereby amended to read as follows:

449.240 The district attorney of the county in which the facility is located shall, upon application by the Health Division, institute and conduct the prosecution of any action for violation of any provisions of NRS 449.001 to 449.245, inclusive ~~[.]~~ ***, and sections 2 and 3 of this act.***

Sec. 14. NRS 449.2493 is hereby amended to read as follows:

449.2493 ~~[The]~~ ***In addition to any inspection required pursuant to section 3 of this act, the*** Health Division and the Aging and Disability Services Division of the Department of Health and Human Services may:

1. Investigate any complaints against a home for individual residential care and, when conducting such an investigation, may inspect the home during normal business hours, with or without notice.

2. Report to an appropriate state or local agency any violations of state or local laws or regulations discovered during an investigation conducted pursuant to this section.

Sec. 15. This act becomes effective upon passage and approval for the purpose of adopting regulations and on October 1, 2011, for all other purposes.

Assemblywoman Mastroluca moved the adoption of the amendment.

Remarks by Assemblywoman Mastroluca.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Mastroluca moved that upon return from the printer Assembly Bill No. 123 be rereferred to the Committee on Ways and Means.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 147.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 60.

AN ACT relating to domestic relations; providing that the termination of parental rights does not terminate the right of a child to inherit from his or her parent or parents **~~[.]~~ except under certain circumstances;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, upon finding grounds for the termination of parental rights, a court is required to make a written order judicially: (1) depriving the parent or parents of the custody and control of the child; (2) terminating the parental rights of the parent or parents with respect to the child; and (3) placing the custody and control of the child in some person or agency qualified by the laws of this State to provide services and care to children, or to receive any children for placement. (NRS 128.110) **Section 2** of this bill provides that the termination of parental rights does not terminate the right of the child to inherit from his or her parent or parents **~~[.]~~ , except that the right to inherit terminates if the child is adopted. Section 1** of this bill makes a

corresponding technical change by amending the definition of "parent and child relationship" to delete the reference to the right of inheritance and clarify that the termination of parental rights, which severs the "parent and child relationship," does not thereby terminate the right of the child to inherit from his or her parent or parents.

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

Section 1. NRS 128.015 is hereby amended to read as follows:

128.015 1. "Parent and child relationship" includes all rights, privileges and obligations existing between parent and child **. [**~~, including rights of inheritance.~~**]**

2. As used in this section, "parent" includes an adoptive parent.

Sec. 2. NRS 128.110 is hereby amended to read as follows:

128.110 1. Whenever the procedure described in this chapter has been followed, and upon finding grounds for the termination of parental rights pursuant to NRS 128.105 at a hearing upon the petition, the court shall make a written order, signed by the judge presiding in the court, judicially depriving the parent or parents of the custody and control of, and terminating the parental rights of the parent or parents with respect to the child, and declaring the child to be free from such custody or control, and placing the custody and control of the child in some person or agency qualified by the laws of this State to provide services and care to children, or to receive any children for placement. ***The termination of parental rights pursuant to this section does not terminate the right of the child to inherit from his or her parent or parents*** ~~[.]~~ ***, except that the right to inherit terminates if the child is adopted as provided in NRS 127.160.***

2. If the child is placed in the custody and control of a person or agency qualified by the laws of this State to receive children for placement, the person or agency, in seeking to place the child:

(a) May give preference to the placement of the child with any person related within the fifth degree of consanguinity to the child whom the person or agency finds suitable and able to provide proper care and guidance for the child, regardless of whether the relative resides within this State.

(b) Shall, if practicable, give preference to the placement of the child together with his or her siblings.

➥ Any search for a relative with whom to place a child pursuant to this subsection must be completed within 1 year after the initial placement of the child outside of his or her home.

Assemblyman Horne moved the adoption of the amendment.

Remarks by Assemblyman Horne.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 148.

Bill read second time.

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

Amendment No. 88.

AN ACT relating to the protection of children; requiring an investigation to determine whether an infant who is relinquished to a provider of emergency services has been reported as a missing child; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law allows the parent of a child who is not more than 30 days old to take the child to a provider of emergency services and leave the child with the provider of emergency services without the intent to return for the child. In such cases, the child so delivered is presumed abandoned. The parent of the child is not required to provide any information regarding the child and, unless there is reasonable cause to believe that the child has otherwise been abused or neglected, will not be investigated for abuse or neglect. The provider of emergency services is required to inform an agency which provides child welfare services that the provider has taken possession of the child within 24 hours after doing so. (NRS 432B.630) Existing law requires the agency which provides child welfare services, upon receiving such notice, to immediately place the child in protective custody. (NRS 432B.390) This bill requires the provider of emergency services to also notify a law enforcement agency within 24 hours after the provider takes possession of an abandoned child and requires the law enforcement agency to investigate whether the child has been reported as a missing child. **Upon conclusion of the investigation, the law enforcement agency is required to inform the agency which provides child welfare services of its determination, and the agency is required to maintain that information for statistical and research purposes.**

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

Section 1. NRS 432B.630 is hereby amended to read as follows:

432B.630 1. A provider of emergency services shall take immediate possession of a child who is or appears to be not more than 30 days old:

(a) When:

(1) The child is voluntarily delivered to the provider by a parent of the child; and

(2) The parent does not express an intent to return for the child; or

(b) When the child is delivered to the provider by another provider of emergency services pursuant to paragraph (b) of subsection 2.

2. A provider of emergency services who takes possession of a child pursuant to subsection 1 shall:

(a) Whenever possible, inform the parent of the child that:

(1) By allowing the provider to take possession of the child, the parent is presumed to have abandoned the child;

(2) By failing or refusing to provide an address where the parent can be located, the parent waives any notice of the hearing to be conducted pursuant to NRS 432B.470; and

(3) Unless the parent contacts the local agency which provides child welfare services, action will be taken to terminate his or her parental rights regarding the child.

(b) Perform any act necessary to maintain and protect the physical health and safety of the child. If the provider is a public fire-fighting agency or a law enforcement agency, the provider shall immediately cause the safe delivery of the child to a hospital, an obstetric center or an independent center for emergency medical care licensed pursuant to chapter 449 of NRS.

(c) As soon as reasonably practicable but not later than 24 hours after the provider takes possession of the child, report that possession to an agency which provides child welfare services ~~[.]~~ ***and, if the provider is not a law enforcement agency, to a law enforcement agency. The law enforcement agency shall investigate through the Clearinghouse established pursuant to NRS 432.170 and , as necessary, any other*** ~~*[national]*~~ ***resources to determine whether the child has been reported as a missing child. Upon conclusion of the investigation, the law enforcement agency shall inform the agency which provides child welfare services of its determination. The agency which provides child welfare services shall maintain that information for statistical and research purposes.***

3. A parent who delivers a child to a provider of emergency services pursuant to paragraph (a) of subsection 1:

(a) Shall leave the child:

(1) In the physical possession of a person who the parent has reasonable cause to believe is an employee of the provider; or

(2) On the property of the provider in a manner and location that the parent has reasonable cause to believe will not threaten the physical health or safety of the child, and immediately contact the provider, through the local emergency telephone number or otherwise, and inform the provider of the delivery and location of the child. A provider of emergency services is not

liable for any civil damages as a result of any harm or injury sustained by a child after the child is left on the property of the provider pursuant to this subparagraph and before the provider is informed of the delivery and location of the child pursuant to this subparagraph or the provider takes physical possession of the child, whichever occurs first.

(b) Shall be deemed to have given consent to the performance of all necessary emergency services and care for the child.

(c) Must not be required to provide any background or medical information regarding the child, but may voluntarily do so.

(d) Unless there is reasonable cause to believe that the child has been abused or neglected, excluding the mere fact that the parent has delivered the child to the provider pursuant to subsection 1:

(1) Must not be required to disclose any identifying information, but may voluntarily do so;

(2) Must be allowed to leave at any time; and

(3) Must not be pursued or followed.

4. As used in this section, "provider of emergency services" means:

(a) A hospital, an obstetric center or an independent center for emergency medical care licensed pursuant to chapter 449 of NRS;

(b) A public fire-fighting agency; or

(c) A law enforcement agency.

Sec. 2. This act becomes effective upon passage and approval.

Assemblywoman Mastroluca moved the adoption of the amendment.

Remarks by Assemblywoman Mastroluca.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Mastroluca moved that upon return from the printer Assembly Bill No. 148 be rereferred to the Committee on Ways and Means.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 168.

Bill read second time and ordered to third reading.

Assembly Bill No. 203.

Bill read second time.

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

Amendment No. 82.

AN ACT relating to contractors; requiring the State Contractors' Board to issue or authorize the issuance of a written administrative citation to a person who acts as a contractor without an active license of the proper classification; ~~[increasing the penalty for certain violations of provisions relating to the unlawful use of a license;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the State Contractors' Board to issue a written administrative citation if the Board, based upon a preponderance of the evidence, has reason to believe that a person has violated any provision of statute or any administrative regulation governing contractors. (NRS 624.341) ~~[Section 1 of this]~~ **This** bill requires the Board to issue such a citation if a person has acted as a contractor without an active license of the proper classification.

~~[Existing law establishes criminal penalties for violations of certain provisions governing contractors. (NRS 624.750) Such violations include, without limitation, misusing a contractor's license, such as acting as a contractor without a license or conspiring with an unlicensed person to perform an unauthorized act, allowing a license to be used by someone who is not licensed and, unless exempt, engaging in the business of or acting as a contractor or submitting a bid on a job without having an active license. (NRS 624.3014, 624.305, 624.700) A first violation of those provisions is a misdemeanor, the second violation is a gross misdemeanor and a third or subsequent violation is a category E felony. (NRS 624.750) Section 2 of this bill increases the penalty for a first or second violation of those provisions so that the first and second violations are gross misdemeanors punishable by a fine of not more than $10,000, and section 2 further authorizes imprisonment in the county jail for up to 1 year for such violations. The third or a subsequent violation remains a category E felony.]~~

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

Section 1. NRS 624.341 is hereby amended to read as follows:

624.341 1. If the Board or its designee, based upon a preponderance of the evidence, has reason to believe that a person has ~~[committed an]~~ ***:***

(a) Acted as a contractor without an active license of the proper classification issued pursuant to this chapter, the Board or its designee, as appropriate, shall issue or authorize the issuance of a written administrative citation to the person.

(b) Committed any other act which constitutes a violation of this chapter or the regulations of the Board, the Board or its designee, as appropriate, may

issue or authorize the issuance of a written administrative citation to the person.

2. A citation issued pursuant to this section may include, without limitation:

(a) An order to take action to correct a condition resulting from an act that constitutes a violation of this chapter or the regulations of the Board, at the person's cost;

(b) An order to pay an administrative fine not to exceed $50,000, except as otherwise provided in subsection 1 of NRS 624.300; and

(c) An order to reimburse the Board for the amount of the expenses incurred to investigate the complaint.

~~[2.]~~ ***3.*** If a written citation issued pursuant to ~~[subsection 1]~~ ***this section*** includes an order to take action to correct a condition resulting from an act that constitutes a violation of this chapter or the regulations of the Board, the citation must state the time permitted for compliance, which must be not less than 15 business days after the date the person receives the citation, and specifically describe the action required to be taken.

~~[3.]~~ ***4.*** The sanctions authorized by ~~[subsection 1]~~ ***this section*** are separate from, and in addition to, any other remedy, civil or criminal, authorized by this chapter.

~~[4.]~~ ***5.*** The failure of an unlicensed person to comply with a citation or order after it is final is a misdemeanor. If an unlicensed person does not pay an administrative fine imposed pursuant to this section within 60 days after the order of the Board becomes final, the order may be executed upon in the same manner as a judgment issued by a court.

Sec. 2. ~~[NRS 624.750 is hereby amended to read as follows:~~

~~624.750 1. It is unlawful for a person to commit any act or omission described in subsection 1 of NRS 624.3012, subsection 2 of NRS 624.3013, NRS 624.3014 or subsection 1, 3 or 7 of NRS 624.3016.~~

~~2. Unless a greater penalty is otherwise provided by a specific statute, any person who violates~~ [subsection 1, NRS 624.305, subsection 1 of NRS 624.700 or] ***subsection 1 of NRS 624.3012, subsection 2 of NRS 624.3013, subsection 1, 3 or 7 of NRS 624.3016 or*** ~~NRS 624.720 or 624.740:~~

~~(a) For a first offense, is guilty of a misdemeanor and shall be punished by a fine of not more than $1,000, and may be further punished by imprisonment in the county jail for not more than 6 months.~~

~~(b) For the second offense, is guilty of a gross misdemeanor and shall be punished by a fine of not less than $2,000 nor more than $4,000, and may be further punished by imprisonment in the county jail for not more than 1 year.~~

~~(c) For the third or subsequent offense, is guilty of a category E felony and shall be punished by a fine of not less than $5,000 nor more than $10,000 and~~

~~may be further punished by imprisonment in the state prison for not less than 1 year and not more than 4 years.~~

~~3. *Any person who violates NRS 624.3014 or 624.305 or subsection 1 of NRS 624.700:*~~

~~*(a) For a first or second offense, is guilty of a gross misdemeanor and shall be punished by a fine of not less than $2,000 nor more than $10,000 and may be further punished by imprisonment in the county jail for not more than 1 year.*~~

~~*(b) For the third or subsequent offense is guilty of a category E felony and shall be punished by a fine of not less than $5,000 nor more than $10,000 and may be further punished by imprisonment in the state prison for not less than 1 year and not more than 4 years.*~~

~~*4.* It is unlawful for a person to receive money for the purpose of obtaining or paying for services, labor, materials or equipment if the person:~~

~~(a) Willfully fails to use that money for that purpose by failing to complete the improvements for which the person received the money or by failing to pay for any services, labor, materials or equipment provided for that construction; and~~

~~(b) Wrongfully diverts that money to a use other than that for which it was received.~~

~~**[**4.**]** *5.* Unless a greater penalty is otherwise provided by a specific statute, any person who violates subsection **[***3.***]** *4.*~~

~~(a) If the amount of money wrongfully diverted is $1,000 or less, is guilty of a gross misdemeanor and shall be punished by a fine of not less than $2,000 nor more than $4,000, and may be further punished by imprisonment in the county jail for not more than 1 year.~~

~~(b) If the amount of money wrongfully diverted is more than $1,000, is guilty of a category E felony and shall be punished by a fine of not less than $5,000 nor more than $10,000, and may be further punished by imprisonment in the state prison for not less than 1 year and not more than 4 years.~~

~~**[**5.**]** *6.* Imposition of a penalty provided for in this section is not precluded by any disciplinary action taken by the Board against a contractor pursuant to the provisions of NRS 624.300 to 624.305, inclusive.~~**]** **(Deleted by amendment.)**

Assemblyman Atkinson moved the adoption of the amendment.

Remarks by Assemblyman Atkinson.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 214.

Bill read second time.

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

Amendment No. 81.

AN ACT relating to escrow accounts; requiring that certain disbursements of money from escrow accounts be payable in United States currency; **requiring that certain disbursements of money from escrow accounts be disbursed in accordance with federal law governing next-day availability of such money;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law governs the disbursement of money held in escrow relating to certain transactions and prohibits disbursements from an escrow account on the same business day as the money is deposited unless the deposit is made in certain forms which allow for the immediate withdrawal of the money. (NRS 645A.171) This bill requires certain disbursements which are available on the same business day as that on which the money is deposited to be payable in United States currency. **This bill also requires that money in an escrow account which is accorded next-day availability be disbursed in accordance with all applicable federal laws.**

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

Section 1. NRS 645A.171 is hereby amended to read as follows:

645A.171 1. No escrow officer or person who acts as an escrow agent may disburse money from an escrow account unless deposits which are at least equal in value to the proposed disbursements and which relate directly to the transaction for which the money is to be disbursed have been received.

2. No escrow officer or person who acts as an escrow agent may disburse money from an escrow account on the same business day as the money is deposited unless the deposit is made in one of the following forms:

(a) Cash;

(b) Interbank electronic transfer such that the money deposited is available for immediate withdrawal without condition ~~[,]~~ ***and payable in United States currency;***

(c) Negotiable order of withdrawal, money order, cashier's check or certified check which is payable in this State and which is drawn from a financial institution located in this State;

(d) Any depository check, including any cashier's check or teller's check, that is governed by the Expedited Funds Availability Act, 12 U.S.C. §§ 4001 et seq.; or

(e) Any other form that permits conversion of the deposit to cash on the same day as the deposit is made.

3. ***An escrow officer or person who acts as an escrow agent who disburses money from an escrow account pursuant to this section on the next business day after the day on which the money is deposited shall comply with all applicable federal laws or regulations with respect to the disbursement of money accorded next-day availability that is deposited in an escrow account.***

4. As used in this section, "escrow officer" has the meaning ascribed to it in NRS 692A.028.

Assemblyman Atkinson moved the adoption of the amendment.

Remarks by Assemblyman Atkinson.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 262.

Bill read second time and ordered to third reading.

Assembly Bill No. 280.

Bill read second time.

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

Amendment No. 110.

SUMMARY—Requires the adoption of patient safety checklists **and patient safety policies** at certain medical facilities. (BDR 40-517)

AN ACT relating to public health; requiring certain medical facilities to establish patient safety checklists ~~[,]~~ **and patient safety policies;** revising the requirements of the patient safety plans of certain medical facilities to include the patient safety checklists ~~[,]~~ **and patient safety policies;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires certain medical facilities to adopt patient safety plans and establish patient safety committees to oversee matters relating to the health and safety of patients at the facilities. (NRS 439.865, 439.875) **Sections 1 and 5** of this bill require the patient safety committee of such a medical facility to adopt certain patient safety checklists to improve the health outcomes of patients in the medical facility ~~[.]~~ **and patient safety policies. Sections 1 and 5** also require the patient safety committee to review those checklists **and policies** at least annually and revise the checklists **and policies** as necessary. **Section 1** also provides for annual reporting by the patient safety committees to the Legislative Committee on Health Care. **Section 4** of this bill requires the patient safety checklists **and patient safety policies** to be included in the patient safety plan established for the medical facility.

Section 7 of this bill provides that existing administrative sanctions which may be imposed against a medical facility that fails to adopt a patient safety plan or establish a patient safety committee may be imposed against a medical facility for a violation of **section 1**.

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

Section 1. Chapter 439 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The patient safety committee established pursuant to NRS 439.875 by a medical facility shall adopt patient safety checklists and patient safety policies for use by [providers] :

(a) Providers of health care who provide treatment to patients at the medical facility [.] ;

(b) Other personnel of the medical facility who provide treatment or assistance to patients;

(c) Employees of the medical facility who do not provide treatment to patients but whose duties affect the health or welfare of the patients at the facility, including, without limitation, a janitor of the medical facility; and

(d) Persons with whom the medical facility enters into a contract to provide treatment to patients or to provide services which may affect the health or welfare of patients at the facility.

2. The patient safety checklists adopted pursuant to subsection 1 must [be designed to ensure that the providers of health care] follow [a recognized protocol] protocols to improve the health outcomes of patients at the medical facility and must include, without limitation:

(a) [A checklist for appropriately identifying a patient and ensuring that the patient is being provided the treatment ordered by a provider of health care, including, without limitation, requiring providers of health care positively to identify the patient upon each interaction;] Checklists related to specific types of treatment. Such checklists must include, without limitation, a requirement to document that the treatment provided was properly ordered by the provider of health care.

(b) [A checklist] Checklists for ensuring that [each provider of health care adheres to the universal precautions protocol, including, without limitation, requiring a provider of health care to wash his or her hands before and after every interaction with a patient and after coming into direct contact with a surface or object which may be contaminated; and] employees of the medical facility and contractors with the medical facility who are not providers of health care follow protocols to ensure that the room and environment of the patient is sanitary.

(c) A checklist to be used when discharging a patient from the facility which includes, without limitation, verifying that the patient received:

(1) Proper instructions concerning prescription medications;

(2) Instructions concerning aftercare; and

(3) Any other instructions concerning his or her care upon discharge.

(d) Any other checklists which may be appropriate ~~[for the type of treatment provided]~~ to ensure the safety of patients at the medical facility . ~~[or which may be required by the State Board of Health.~~

~~2.]~~ 3. The patient safety policies adopted pursuant to subsection 1 must include, without limitation:

(a) A policy for appropriately identifying a patient before providing treatment. Such a policy must require the patient to be identified with at least two personal identifiers before each interaction with a provider of health care. The personal identifiers may include, without limitation, the name and date of birth of the patient.

(b) A policy regarding the nationally recognized standard precautionary protocols to be observed by providers of health care at the medical facility including, without limitation, protocols relating to hand hygiene.

(c) A policy to ensure compliance with the patient safety checklists and patient safety policies adopted pursuant to this section, which may include, without limitation, active surveillance. Active surveillance may include, without limitation, a system for reporting violations, peer-to-peer communication, video monitoring and audits of sanitation materials.

4. The patient safety committee shall:

(a) Monitor and document the effectiveness of the patient identification policy adopted pursuant to paragraph (a) of subsection 3.

(b) At least annually, review the patient safety checklists and patient safety policies adopted pursuant to this section and consider any additional patient safety checklists and patient safety policies that may be appropriate for adoption for use at the medical facility.

~~[(b)]~~ (c) Revise a patient safety checklist and patient safety policy adopted pursuant to this section as necessary to ensure that the checklist or policy, as applicable, reflects the most current standards in patient safety protocols.

~~[(c)]~~ (d) On or before July 1 of each year, submit a report to the Director of the Legislative Counsel Bureau for transmittal to the Legislative Committee on Health Care. The report must include information regarding the development, revision and usage of the patient safety checklists and patient safety policies and a summary of the annual review conducted pursuant to paragraph ~~[(a).]~~ (b).

Sec. 2. NRS 439.800 is hereby amended to read as follows:

439.800 As used in NRS 439.800 to 439.890, inclusive, ***and section 1 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 439.802 to 439.830, inclusive, have the meanings ascribed to them in those sections.

Sec. 3. NRS 439.860 is hereby amended to read as follows:

439.860 Any report, document and any other information compiled or disseminated pursuant to the provisions of NRS 439.800 to 439.890, inclusive, ***and section 1 of this act*** is not admissible in evidence in any administrative or legal proceeding conducted in this State.

Sec. 4. NRS 439.865 is hereby amended to read as follows:

439.865 1. Each medical facility that is located within this state shall develop, in consultation with the providers of health care who provide treatment to patients at the medical facility, an internal patient safety plan to improve the health and safety of patients who are treated at that medical facility. ***The patient safety plan must include, without limitation, the patient safety checklists and patient safety policies most recently adopted pursuant to section 1 of this act.***

2. A medical facility shall submit its patient safety plan to the governing board of the medical facility for approval in accordance with the requirements of this section.

3. After a medical facility's patient safety plan is approved, the medical facility shall notify all providers of health care who provide treatment to patients at the medical facility of the existence of the plan and of the requirements of the plan. A medical facility shall require compliance with its patient safety plan.

Sec. 5. NRS 439.875 is hereby amended to read as follows:

439.875 1. A medical facility shall establish a patient safety committee.

2. Except as otherwise provided in subsection 3:

(a) A patient safety committee established pursuant to subsection 1 must be composed of:

(1) The patient safety officer of the medical facility.

(2) At least three providers of health care who treat patients at the medical facility, including, without limitation, at least one member of the medical, nursing and pharmaceutical staff of the medical facility.

(3) One member of the executive or governing body of the medical facility.

(b) A patient safety committee shall meet at least once each month.

3. The Administrator shall adopt regulations prescribing the composition and frequency of meetings of patient safety committees at medical facilities having fewer than 25 employees and contractors.

4. A patient safety committee shall:

(a) Receive reports from the patient safety officer pursuant to NRS 439.870.

(b) Evaluate actions of the patient safety officer in connection with all reports of sentinel events alleged to have occurred at the medical facility.

(c) Review and evaluate the quality of measures carried out by the medical facility to improve the safety of patients who receive treatment at the medical facility.

(d) Make recommendations to the executive or governing body of the medical facility to reduce the number and severity of sentinel events that occur at the medical facility.

(e) At least once each calendar quarter, report to the executive or governing body of the medical facility regarding:

(1) The number of sentinel events that occurred at the medical facility during the preceding calendar quarter; and

(2) Any recommendations to reduce the number and severity of sentinel events that occur at the medical facility.

(f) Adopt patient safety checklists and patient safety policies as required by section 1 of this act, review the checklists and policies annually and revise the checklists and policies as the patient safety committee determines necessary.

5. The proceedings and records of a patient safety committee are subject to the same privilege and protection from discovery as the proceedings and records described in NRS 49.265.

Sec. 6. NRS 439.880 is hereby amended to read as follows:

439.880 No person is subject to any criminal penalty or civil liability for libel, slander or any similar cause of action in tort if the person, without malice:

1. Reports a sentinel event to a governmental entity with jurisdiction or another appropriate authority;

2. Notifies a governmental entity with jurisdiction or another appropriate authority of a sentinel event;

3. Transmits information regarding a sentinel event to a governmental entity with jurisdiction or another appropriate authority;

4. Compiles, prepares or disseminates information regarding a sentinel event to a governmental entity with jurisdiction or another appropriate authority; or

5. Performs any other act authorized pursuant to NRS 439.800 to 439.890, inclusive ~~[.]~~ ***, and section 1 of this act.***

Sec. 7. NRS 439.885 is hereby amended to read as follows:

439.885 1. If a medical facility:

(a) Commits a violation of any provision of NRS 439.800 to 439.890, inclusive, ***and section 1 of this act,*** or for any violation for which an

administrative sanction pursuant to NRS 449.163 would otherwise be applicable; and

(b) Of its own volition, reports the violation to the Administrator,

➥ such a violation must not be used as the basis for imposing an administrative sanction pursuant to NRS 449.163.

2. If a medical facility commits a violation of any provision of NRS 439.800 to 439.890, inclusive, ***and section 1 of this act*** and does not, of its own volition, report the violation to the Administrator, the Health Division may, in accordance with the provisions of subsection 3, impose an administrative sanction:

(a) For failure to report a sentinel event, in an amount not to exceed $100 per day for each day after the date on which the sentinel event was required to be reported pursuant to NRS 439.835;

(b) For failure to adopt and implement a patient safety plan pursuant to NRS 439.865, in an amount not to exceed $1,000 for each month in which a patient safety plan was not in effect; and

(c) For failure to establish a patient safety committee or failure of such a committee to meet pursuant to the requirements of NRS 439.875, in an amount not to exceed $2,000 for each violation of that section.

3. Before the Health Division imposes an administrative sanction pursuant to subsection 2, the Health Division shall provide the medical facility with reasonable notice. The notice must contain the legal authority, jurisdiction and reasons for the action to be taken. If a medical facility wants to contest the action, the facility may file an appeal pursuant to the regulations of the State Board of Health adopted pursuant to NRS 449.165 and 449.170. Upon receiving notice of an appeal, the Health Division shall hold a hearing in accordance with those regulations.

4. An administrative sanction collected pursuant to this section must be accounted for separately and used by the Health Division to provide training and education to employees of the Health Division, employees of medical facilities and members of the general public regarding issues relating to the provision of quality and safe health care.

Sec. 8. NRS 439.890 is hereby amended to read as follows:

439.890 The State Board of Health shall adopt such regulations as the Board determines to be necessary or advisable to carry out the provisions of NRS 439.800 to 439.890, inclusive ~~[.]~~ ***, and section 1 of this act.***

Sec. 9. This act becomes effective on July 1, 2011.

Assemblywoman Mastroluca moved the adoption of the amendment.

Remarks by Assemblywoman Mastroluca.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 358.

Bill read second time.

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

Amendment No. 126.

AN ACT relating to manufactured buildings; requiring the Administrator of the Manufactured Housing Division of the Department of Business and Industry to adopt regulations prescribing certain safety standards with respect to portable buildings; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the Administrator of the Manufactured Housing Division of the Department of Business and Industry to adopt regulations with respect to the construction, assembly, installation and use of certain structures. (NRS 489.231, 489.241-489.261) **Section 3** of this bill requires the Administrator to adopt regulations prescribing safety standards for the construction, transportation, **installation,** inspection, maintenance, repair and use of a portable building. A person who violates a regulation adopted by the Administrator pursuant to existing law or **section 3** is subject to an administrative fine and a civil penalty. (NRS 489.381, 489.421, 489.811)

Section 5 of this bill exempts a portable building **and a single-wide commercial coach not for public use** from regulation as a commercial coach. ~~[Section 6 of this bill provides that a portable building is a manufactured building.]~~

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

Section 1. Chapter 489 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. *"**Portable building" means a structure which:***

1. Is at ground level ~~[.]~~ , has no axles and rests on the surface of the ground;

2. Is for nonresidential ~~[and private]~~ use;

3. Is not a fixture or improvement to real property;

4. Is designed to be used without a permanent foundation; and

5. Contains an electrical system with a component that allows for the quick connection or disconnection of the electrical system to a source of electricity.

Sec. 3. ***The Administrator shall adopt regulations prescribing safety standards for:***

1. The construction, transportation , installation and use of a portable building;

2. The inspection of any plumbing, heating, cooling, fuel burning or electrical system contained in a portable building; and

3. The maintenance and repair of a portable building.

Sec. 4. NRS 489.031 is hereby amended to read as follows:

489.031 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 489.036 to 489.155, inclusive, ***and section 2 of this act*** have the meanings ascribed to them in those sections.

Sec. 5. NRS 489.062 is hereby amended to read as follows:

489.062 "Commercial coach" means a structure without motive power which is designed and equipped for human occupancy for industrial, professional or commercial purposes. The term does not include a recreational park trailer ~~[.]~~ , ~~*[or]*~~ ***portable building*** ~~*[.]*~~ ***or single-wide commercial coach not for public use.***

Sec. 6. ~~[NRS 461.132 is hereby amended to read as follows:~~

~~461.132 "Manufactured building" means any modular building or any building which is constructed in whole or in substantial part using modular components, but does not include a recreational park trailer.~~ ~~*The term includes a portable building as defined in section 2 of this act.]*~~ **(Deleted by amendment.)**

Assemblyman Atkinson moved the adoption of the amendment.

Remarks by Assemblyman Atkinson.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Atkinson moved that upon return from the printer Assembly Bill No. 358 be rereferred to the Committee on Ways and Means.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 2.

Bill read third time.

Remarks by Assemblywoman Kirkpatrick.

Roll call on Assembly Bill No. 2:

YEAS—41.

NAYS—None.

EXCUSED—Ohrenschall.

Assembly Bill No. 2 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 152.

Bill read third time.

Remarks by Assemblyman Atkinson.

Roll call on Assembly Bill No. 152:

YEAS—27.

NAYS—Ellison, Goedhart, Goicoechea, Grady, Hambrick, Hammond, Hansen, Hardy, Hickey, Kirner, Kite, Livermore, McArthur, Sherwood—14.

EXCUSED—Ohrenschall.

Assembly Bill No. 152 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 156.

Bill read third time.

Remarks by Assemblyman Frierson.

Roll call on Assembly Bill No. 156:

YEAS—41.

NAYS—None.

EXCUSED—Ohrenschall.

Assembly Bill No. 156 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 306.

Bill read third time.

Remarks by Assemblyman Kite.

Roll call on Assembly Bill No. 306:

YEAS—41.

NAYS—None.

EXCUSED—Ohrenschall.

Assembly Bill No. 306 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 322.

Bill read third time.

Remarks by Assemblymen Smith, Hansen, and Bobzien.

Roll call on Assembly Bill No. 322:

YEAS—35.

NAYS—Hansen, Hardy, Hickey, Kirner, Kite, McArthur—6.

EXCUSED—Ohrenschall.

Assembly Bill No. 322 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 451.

Bill read third time.

Remarks by Assemblywoman Pierce.

Roll call on Assembly Bill No. 451:
YEAS—41.
NAYS—None.
EXCUSED—Ohrenschall.

Assembly Bill No. 451 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 464.

Bill read third time.

Remarks by Assemblyman Frierson.

Roll call on Assembly Bill No. 464:
YEAS—41.
NAYS—None.
EXCUSED—Ohrenschall.

Assembly Bill No. 464 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 10, 11, 66, and 103.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Benitez-Thompson, the privilege of the floor of the Assembly Chamber for this day was extended to Charlotte Nicely, David Nicely, and Mary Nicely.

On request of Assemblyman Daly, the privilege of the floor of the Assembly Chamber for this day was extended to the following students and chaperones from George L. Dilworth Middle School: Brianna Aguirre, Lauren Aguirre, Esmeralda Barajas, Miranda Brown, Brandon Bush, Sierra Damers, Luis Dalatorre, Marco Flores, Christian Gogo, Ricardo Guadron, Jenni Gullstrom, Matthew Johnson, Daniel Lopez Jr., Alexander Orejel Oliva, Khusbu Patel, Kenneth Peterson, Leslie Rea Aguilar, Nathan Acero, Ziola Avila Caudillo, Kayty Bahr, Halen Baker, Maria Cordova, Aurelio Cortes, Christian Crank, Cristal DeLaRiva, Eugenia Gonzalez, Victor Gonzalez Jr., Christopher Kaulitzke, Myra Lara, Alissa Lauer, Omar Lopez-Chavez, Tatianna Macias, Porsha Major, Dennis Martin, Cheyenne McGrogan, Logan Ramirez Barrera, Dario Rodriguez Bernardino Jr., Itzayana Silva, Ryan Avants, Benjamin Belmontes, Luke Cooper, Angie Cruz Nicolas, Patrick Dallas, Ricardo Garcia Reyes, Ashten Gonzales, Bridgette Grable,

Noah Neely, Amanda Norris, Roderick Po'oi, Jasmine Ramirez, Grace Christine Reimel, Jose Rios Hernandez, Andrea Saldana, Kasandra Sanchez, Brock Tilton, Jesse Valdes, Kayla Advincula, Adam Barrie, Giselle Chavez Rivera, Julie Cook, Cruz Garcia Jr., Whitney Ginn, Jose Jose Paolo, Marina Leigh, Andrew Lucas, Bryce McNeil, Valeria Nava Flores, Brian Palacios Bustos, Miguel Perez, Carlos Ramirez, Dominick Rowley, Brayan Segura, Sarah Shirley, Chris Aguero, Alexis Fall, Henry Fournier, Deborah Rowley, Mike Bush, Yanira Maldonado, Janet Peterson, Jen Powers, Colleen Knecht, Meredith Biggs, Keeli Parga, Taylor Clark, Cristal Cisneros, and Steve Felsing.

On request of Assemblywoman Diaz, the privilege of the floor of the Assembly Chamber for this day was extended to Lilian Brooke Bouza and William Curry.

On request of Assemblyman Goedhart, the privilege of the floor of the Assembly Chamber for this day was extended to William B. J. Baker.

On request of Assemblyman Kite, the privilege of the floor of the Assembly Chamber for this day was extended to Brett McCaskill.

On request of Assemblyman Livermore, the privilege of the floor of the Assembly Chamber for this day was extended to the following students and chaperones from Bordewich Bray Elementary School: Camron Bass, Emilee Bobbitt, Sophie Callos, Kristian Chicas, Sipreanna Cossio, Eduardo DeLeon Fernandez, Stacy Ferrel, Eliseo Garcia Cruz, Sethro Griffith, Breonna Hutchinson, Austin Martinez, Jose Ramos Talamantes, Antonio Rivas Gonzales, Areli Rivera, Nathan Rivera, Elijah Romero, Brooklyn Smith, Bryce Stimka, Andrew Street, Bryan Tabora, Linsey Taylor, Brenda Jimenez, Ali Stimka, Nicole Medeiros, and Emily Hinman.

Assemblyman Conklin moved that the Assembly adjourn until Monday, April 11, 2011, at 11:30 a.m.

Motion carried.

Assembly adjourned at 12:28 p.m.

Approved: JOHN OCEGUERA
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE SIXTY-FOURTH DAY

CARSON CITY (Monday), April 11, 2011

Assembly called to order at 1:14 p.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Elder Ralph Burns.

Creator, thank You for this day. Bless all people gathered here. Bless all decision makers. It is bad times for all of us. Any decisions made here will be hard, but make your decisions not only with your mind but with your heart. The Creator will be with you all in your decisions made. Bless our mother earth, our water, our air, and all green growth that provides food for us. Creator, anything I forgot You shall fulfill.

Go in a good way.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Conklin moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 11, 2011

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 6.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

By Senators Breeden, Brower, Cegavske, Copening, Denis, Gustavson, Halseth, Hardy, Horsford, Kieckhefer, Kihuen, Lee, Leslie, Manendo, McGinness, Parks, Rhoads, Roberson, Schneider, Settelmeyer, and Wiener; Assemblymen Segerblom, Aizley, Anderson, Atkinson, Benitez-Thompson, Bobzien, Brooks, Bustamante Adams, Carlton, Carrillo, Conklin, Daly, Diaz, Dondero Loop, Ellison, Flores, Frierson, Goedhart, Goicoechea, Grady, Hambrick, Hammond, Hansen, Hardy, Hickey, Hogan, Horne, Kirkpatrick, Kirner, Kite, Livermore, Mastroluca, McArthur, Munford, Neal, Oceguera, Ohrenschall, Pierce, Sherwood, Smith, Stewart, and Woodbury:

Senate Concurrent Resolution No. 6—Memorializing Marie H. Soldo.

WHEREAS, The members of the Nevada Legislature were deeply aggrieved to learn of the passing of Marie H. Soldo on February 5, 2010; and

WHEREAS, Marie was born on February 11, 1941, in New York City, New York, to Lenfranco and Mary Soldo and lived in Las Vegas, Nevada, since September of 1984; and

WHEREAS, During her time in Las Vegas, she served as the Executive Vice President of Government Affairs and Special Projects for Sierra Health Services; and

WHEREAS, Marie represented the interests of Sierra Health Services, the Nevada Association of Health Plans and many other health care-related causes in the hallways of the State Legislature since 1984; and

WHEREAS, Marie was always willing to step in to help others and often put the interests of others before herself; and

WHEREAS, Marie traveled extensively and engaged her passion for helping the underserved, including being instrumental in the development of health care programs in Africa and helping children in Belize get specialized health care in the United States; and

WHEREAS, Marie's love and passion for helping others led her to support the St. John's University of Tanzania School of Nursing and its medical clinic in Tanzania, where she often traveled to work in the clinic; and

WHEREAS, St. John's University of Tanzania School of Nursing has recognized Marie's contributions by dedicating its computer center to her, the Marie Soldo Nursing Computer Center; and

WHEREAS, Marie leaves behind her son Christopher Soldo Hamner, his wife Kristina, her grandson William, a loving extended family and many dear friends and acquaintances who miss her generous heart, her passion and her spirit; now, therefore, be it

RESOLVED BY THE SENATE OF THE STATE OF NEVADA, THE ASSEMBLY CONCURRING, That the members of the 76th Session of the Nevada Legislature hereby extend their earnest condolences to Marie's family and friends; and be it further

RESOLVED, That the Secretary of the Senate prepare and transmit a copy of this resolution to Marie's son Christopher Soldo Hamner.

Assemblyman Segerblom moved the adoption of the resolution.

Remarks by Assemblymen Segerblom, Carlton, and Conklin.

Resolution adopted unanimously.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which was referred Assembly Bill No. 296, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

KELVIN ATKINSON, *Chair*

Mr. Speaker:

Your Committee on Health and Human Services, to which was referred Assembly Bill No. 534, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

APRIL MASTROLUCA, *Chair*

Mr. Speaker:

Your Committee on Transportation, to which was referred Assembly Bill No. 26, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MARILYN DONDERO LOOP, *Chair*

Mr. Speaker:

Your Committee on Ways and Means, to which were referred Assembly Bills Nos. 523 and 556, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Ways and Means, to which was rereferred Assembly Bill No. 19, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass

DEBBIE SMITH, *Chair*

COMMUNICATIONS

MESSAGES FROM THE GOVERNOR

OFFICE OF THE GOVERNOR

CARSON CITY, NEVADA, April 7, 2011

MAJORITY LEADER STEVEN HORSFORD, SPEAKER JOHN OCEGUERA, NEVADA LEGISLATURE,
401 South Carson Street, Carson City, Nevada 89701

DEAR MAJORITY LEADER HORSFORD AND SPEAKER OCEGUERA:

On February 7, 2011, Initiative Petition 1 (“the petition”) was introduced in the Assembly. The petition is entitled:

> AN ACT relating to taxation; requiring the establishment of an arena district in certain larger counties; requiring the imposition of an additional sales and use tax in such a district; providing for the use of the proceeds of such a tax for the construction, improvement, equipment, operation and maintenance of a sports and entertainment arena through public and private cooperation; and providing other matters properly relating thereto.

On March 23, 2011, Senate Concurrent Resolution 4 was enrolled and delivered to the Secretary of State, thus reflecting the Legislature's rejection of the petition.

Article 19 of our state's constitution requires that in the event the Legislature rejects an initiative petition proposing a statutory change or constitutional amendment, "the Governor may recommend to the Legislature and the Legislature may propose a different measure on the same subject, in which event, after such different measure has been approved by the Governor, the question of approval or disapproval of each measure shall be submitted by the Secretary of State to a vote of the voters at the next succeeding general election."

The plain meaning of Article 19 provides for a scenario in which, upon rejection of an initiative petition by the Legislature, the Governor has the discretion to recommend an alternative measure on the same subject. Upon doing so, and only upon doing so, the Legislature may propose an alternative measure, setting it before me for my approval or disapproval. If approved, the proposal shall be submitted to the people for a vote.

That my recommendation is a prerequisite to the Legislature's proposal is reflected in the legislative history of Article 19. Prior to 1962, Article 19 provided only that, upon rejection by the Legislature, the Legislature "may, with the approval of the governor, propose a different measure on the same subject . . . ."

In the general election of 1962, the people chose to change the procedure in the event of a legislative rejection, requiring not only my approval of the Legislature’s ultimate proposal, but my recommendation to make such a proposal as well.

On March 28, 2011, Senate Bill 495 was introduced in the Senate, and referred to the Senate Committee on Revenue, as a competing measure with the petition. SB 495 is entitled:

AN ACT relating to taxation; proposing a competing measure to Initiative Petition No.1 by requiring a uniform and equal rate of sales and use tax in a county and prohibiting the creation of

special districts in which a higher sales and use tax rate applies in a certain portion of the county; and providing other matters properly relating thereto.

In the exercise of my constitutional authority under Article 19, Section 2 of our state's constitution, I hereby recommend to the Legislature SB 495 as a different measure on the same subject as the petition. My recommendation today in no way undermines my constitutional authority to disapprove of the measure once it is ultimately proposed by the Legislature. Rather, it reflects the fact that I believe it is important for the people of Nevada to be afforded options when passing judgment on important questions of public policy.

Sincere regards,
BRIAN SANDOVAL
Governor

STATE OF NEVADA
LEGISLATIVE COUNSEL BUREAU

April 11, 2011

Senator Steven A. Horsford
Majority Leader of the Senate

Assemblyman John Oceguera
Speaker of the Assembly

Legislative Building
401 S. Carson Street
Carson City, NV 89701

DEAR SENATOR HORSFORD AND SPEAKER OCEGUERA:

You have asked this office a question relating to the constitutional procedure for the Legislature to propose a legislative measure to compete on the general election ballot with an initiative petition that proposes a statute or an amendment to a statute (statutory initiative). In particular, you have asked whether the Governor's recommendation to the Legislature of a competing measure is a prerequisite or condition precedent to the Legislature's introduction, consideration or passage of a competing measure under Article 19, Section 2(3) of the Nevada Constitution.

Your question has arisen because of a letter Governor Brian Sandoval sent to legislative leadership on April 7, 2011. In his letter, the Governor contends that his "recommendation is a prerequisite" to the Legislature's introduction, consideration and passage of a legislative measure to compete on the 2012 general election ballot with Initiative Petition No. 1 (I.P. 1), which was circulated under the name "Building an Arena for a Stronger Future."

After examining relevant provisions of the Nevada Constitution, reviewing historical evidence and prior legislative practice and applying the fundamental rules of constitutional construction, it is the opinion of this office that the Governor's recommendation to the Legislature of a competing measure is not a prerequisite or condition precedent to the Legislature's introduction, consideration or passage of a competing measure under Article 19, Section 2(3) of the Nevada Constitution. Furthermore, because this issue involves the interpretation of a constitutional provision affecting legislative procedure, the Legislature is entitled to follow an opinion of the Legislative Counsel which interprets the constitutional provision, and the judiciary will typically afford the Legislature deference in its counseled selection of that interpretation.

BACKGROUND

Under the Nevada Constitution, when a statutory initiative has met all the requirements for circulation and has been proposed by the required number of registered voters, the Secretary of State must transmit the statutory initiative to the Legislature when it convenes in regular session. Nev. Const. art. 19, § 2(3). If the statutory initiative is enacted by the Legislature without change or amendment within 40 days and approved by the Governor in the same manner as other statutes, the statutory initiative becomes law. Id. If the statutory initiative is rejected by the Legislature, or if no action is taken thereon within 40 days, the Secretary of State must submit the question of approval or disapproval of the statutory initiative to the voters at the next general election. Id.

If the statutory initiative will be submitted to the voters at the next general election, the Legislature may propose a different legislative measure on the same subject to compete on the ballot with the statutory initiative. Id. Specifically, Article 19, Section 2(3) provides:

> If the Legislature rejects such proposed statute or amendment, *the Governor may recommend to the Legislature and the Legislature may propose a different measure on the same subject*, in which event, after such different measure has been approved by the Governor, the question of approval or disapproval of each measure shall be submitted by the Secretary of State to a vote of the voters at the next succeeding general election.

Nev. Const. art. 19, § 2(3) (emphasis added).

On February 7, 2011, the Secretary of State transmitted I.P. 1 to the Legislature when it convened the 76th Regular Session. On March 18, 2011, the Legislature adopted Senate Concurrent Resolution No. 4, which rejected the statutory initiative and expressed the Legislature's intent to "to propose a competing measure for submission to the voters on the November 2012 general election ballot." On March 28, 2011, without the Governor's recommendation, the Senate introduced Senate Bill No. 495 (S.B. 495), which proposes a competing measure to I.P. 1.

On April 7, 2011, the Governor sent a letter to legislative leadership stating that "I hereby recommend to the Legislature S.B. 495 as a different measure on the same subject as the petition." The Governor also expressed a legal opinion that his "recommendation is a prerequisite" to the Legislature's introduction, consideration and passage of a legislative measure to compete on the 2012 general election ballot with I.P. 1. The Governor explained his legal opinion as follows:

> The plain meaning of Article 19 provides for a scenario in which, upon rejection of an initiative petition by the Legislature, the Governor has the discretion to recommend an alternative measure on the same subject. Upon doing so, *and only upon doing so*, the Legislature may propose an alternative measure, setting it before me for my approval or disapproval. If approved, the proposal shall be submitted to the people for a vote.
>
> That my *recommendation is a prerequisite to the Legislature's proposal* is reflected in the legislative history of Article 19. Prior to 1962, Article 19 provided only that, upon rejection by the Legislature, the Legislature "may, with the approval of the governor, propose a different measure on the same subject . . . "
>
> In the general election of 1962, the people chose to change the procedure in the event of a legislative rejection, requiring not only my approval of the Legislature's ultimate proposal, but my recommendation to make such a proposal as well.

(Emphasis added.)

DISCUSSION

The Nevada Constitution vests the state's legislative power in the Legislature. Nev. Const. art. 4, § 1; Comm'n on Ethics v. Hardy, 125 Nev. Adv. Op. 27, 212 P.3d 1098, 1103 (2009). Because the legislative power of this state is vested in the Legislature, the Governor cannot exercise legislative power unless the Governor's exercise of that power is *expressly* permitted by the Constitution. Nev. Const. art. 3, § 1; see State of Nev. Employees Ass'n v. Daines, 108 Nev. 15, 21 (1992); Galloway v. Truesdell, 83 Nev. 13, 20-21 (1967). In other words, under the separation of powers in the Nevada Constitution, the Governor cannot exercise legislative power by implication. Furthermore, in the absence of *express* constitutional authority, the Governor may not interfere with the Legislature's exercise of its core legislative functions, including the introduction, consideration and passage of legislation. See Hardy, 212 P.3d at 1103-06; Heller v. Legislature, 120 Nev. 456, 466 (2004).

Under Article 5, Section 10 of the Nevada Constitution, the Governor is given the power to "recommend such measures as he may deem expedient." However, the Governor's power to recommend legislation under Article 5, Section 10 does not give the Governor any power to originate or introduce legislation in the Legislature because that is a legislative power. See 1 Thomas M. Cooley, Constitutional Limitations 325 (8th ed. 1927) (explaining that the Governor may recommend legislation but "cannot originate or introduce bills."); Youngstown Sheet & Tube Co. v. Sawyer, 343 U.S. 579, 632 (1952) (Douglas, J., concurring) ("The power to recommend legislation, granted to the President, serves only to emphasize that it is his function to recommend and that it is the function of the Congress to legislate."). Thus, under the separation of powers in the legislative process, the Governor and the Legislature each have separate and mutually exclusive powers when it comes to recommending and proposing legislative measures. The Governor may recommend a legislative measure to the Legislature, but the Legislature may decline to propose the legislative measure despite the Governor's recommendation. Conversely, the Governor may choose not to recommend a legislative measure to the Legislature, but the Legislature may propose the legislative measure without the Governor's recommendation.

Given how the legislative process traditionally operates under the separation of powers, an interpretation of Article 19, Section 2(3) which makes the Governor's power to recommend a competing measure a prerequisite or condition precedent to legislative action would be a significant departure from traditional separation-of-powers principles. When the Legislature proposes a competing measure, the Legislature is exercising legislative power because it is proposing a law to the voters through the passage of a bill. See Nev. Const. art. 4, § 23 ("no law shall be enacted except by bill."). Consequently, when the Legislature proposes a competing measure, it is performing its core legislative function of introducing, considering and passing legislation. Because the Legislature's proposal of a competing measure may only be accomplished through the passage of a bill, the Legislature adheres to the traditional legislative process prescribed by Article 4 of the Nevada Constitution when it introduces, considers and passes a competing measure.

Despite the fact that a competing measure is processed in the same manner as other legislation, the Governor contends that his power to recommend a competing measure under Article 19, Section 2(3) is greater than his power to recommend legislation under Article 5, Section 10 in the traditional legislative process. For such a deviation from traditional separation-of-powers principles to be true, the provisions of Article 19, Section 2(3) would need to state, in clear and unmistakable terms, that the Governor's power to recommend a competing measure is an *express* condition precedent to the Legislature's exercise of its legislative power. Such an extraordinary restriction on legislative power could not arise by implication. Therefore, to answer your question, we must review the language of Article 19, Section 2(3) to determine whether it creates an *express* condition precedent which limits the Legislature's power to propose a competing measure.

I. Plain meaning and the Framers' intent.

When reviewing the language of Article 19, Section 2(3), we must follow the same rules of construction that apply to statutes. Nev. Mining Ass'n v. Erdoes, 117 Nev. 531, 538 (2001). Under those rules, the primary task is to ascertain the intent of the Framers of the constitutional provision and to adopt an interpretation that best captures their objective. Id. The first step in determining the intent of the Framers is to review the language used in the provision because that is the best evidence of intent. Miller v. Burk, 124 Nev. 579, 590 (2008). The language used in the provision must be given its plain meaning unless doing so would violate the spirit of the provision or would lead to an unreasonable or absurd result. Id. at 590-91; Nev. Mining Ass'n, 117 Nev. at 542 & n.29.

The language of Article 19, Section 2(3) states that "[i]f the Legislature rejects such proposed statute or amendment, the Governor may recommend to the Legislature and the Legislature may propose a different measure on the same subject." The Governor interprets his executive power to "recommend" a competing measure as a condition precedent to the Legislature's exercise of its legislative power to propose a competing measure. However, the Governor's interpretation ignores the grammatical structure of the sentence, and it requires reading an implied condition into the constitutional language contrary to its plain meaning.

If the Framers of the constitutional provision had intended for the Governor's power of recommendation to be an express condition precedent, they could have drafted the provision to state that "[i]f the Legislature rejects such proposed statute or amendment *and* the Governor recommends to the Legislature a different measure, the Legislature may propose a different measure on the same subject." If the Framers had drafted the provision in this manner, the language would have provided, in clear and unmistakable terms, that the Governor's power of recommendation operates as an express condition precedent to the Legislature's exercise of its legislative power to propose a competing measure.

However, that is not how the Framers drafted the constitutional provision. Instead, the Framers drafted the provision so that the Legislature's rejection of the statutory initiative is the only express condition precedent to the Governor's power to recommend a competing measure *and* the Legislature's power to propose a competing measure. In other words, when the Legislature rejects a statutory initiative, the Governor and the Legislature each have separate and mutually exclusive powers under Article 19, Section 2(3) that may be exercised independently of each other. Thus, the Governor may recommend a competing measure, but the Legislature may decline to propose a competing measure. Conversely, the Governor may decline to recommend a competing measure, but the Legislature may elect to propose a competing measure. Because this is how the legislative process traditionally operates under the separation of powers, it would be unreasonable and absurd to interpret the Governor's power of recommendation under Article 19, Section 2(3) as having greater force than the Governor's power of recommendation under Article 5, Section 10, especially since the Framers did not draft Article 19, Section 2(3) to make the Governor's power of recommendation an express condition precedent to legislative action.

This conclusion is supported by the presumption that the Framers drafted Article 19, Section 2(3) with full knowledge of all other provisions relating to the same subject. See State v. State Farm Mut. Auto. Ins. Co., 116 Nev. 290, 295 (2000) ("when the legislature enacts a statute, this court presumes that it does so 'with full knowledge of existing statutes relating to the same subject.'"). Because the Framers used the term "recommend" in Article 19, Section 2(3), it must be presumed that the Framers intended for that term to have the same meaning ascribed to it in Article 5, Section 10. See Savage v. Pierson, 123 Nev. 86, 94 (2007) ("when the same word is used in different statutes that are similar with respect to purpose and content, the word will be used in the same sense, unless the statutes' context indicates otherwise."). Under Article 5, Section 10, the Governor's recommendation of legislative measures is not a prerequisite or condition precedent to legislative action. Because the Framers only gave the Governor the power to "recommend" competing measures under Article 19, Section 2(3), it must be presumed

that the Governor's power to recommend competing measures under that section is no greater than the Governor's power to recommend legislative measures under Article 5, Section 10, and that the Governor's recommendation of competing measures is not a prerequisite or condition precedent to legislative action.

Furthermore, because any competing measure passed by the Legislature must be presented to the Governor for approval or veto like any other bill under Article 4, Section 35 of the Nevada Constitution, it would be unreasonable and absurd to interpret Article 19, Section 2(3) to give the Governor absolute power to control whether the Legislature may propose a competing measure at the beginning of the legislative process when the Governor also has the power to approve or veto the competing measure at the end of the legislative process. Such a substantial and unusual shift in the balance of power in favor of the Governor could be accomplished only through the most clear and unmistakable language. Because the Framers did not draft Article 19, Section 2(3) with such clear and unmistakable language, it is the opinion of this office that the Governor's interpretation of Article 19, Section 2(3) is inconsistent with the constitutional provision's plain meaning and the Framers' intent and that such an interpretation would produce unreasonable and absurd results.

II. Historical evidence and legislative practice.

It is also the opinion of this office that the Governor's interpretation of Article 19, Section 2(3) is inconsistent with historical evidence and legislative practice. As noted by the Governor, Article 19 was substantially revised in 1962. However, based on the history and purpose of the 1962 constitutional amendment, it is clear that the revisions to Article 19 did not change the constitutional procedure for the Legislature to propose competing measures to statutory initiatives. Furthermore, since the ratification of the 1962 constitutional amendment, the Legislature has proposed several competing measures to statutory initiatives without the Governor's recommendation. This long-standing legislative practice under Article 19, Section 2(3) is entitled to great weight and deference, and it would not be readily disturbed by the courts.

Turning first to the 1962 constitutional amendment that revised Article 19, the intent of voters who approved the amendment may be determined by reviewing the ballot materials placed before the voters at the election, including the ballot question, the ballot explanation and the arguments for and against passage. Nev. Mining Ass'n, 117 Nev. at 539; Pellegrini v. State, 117 Nev. 860, 876-77 (2001). The ballot explanation for the 1962 constitutional amendment stated:

> Although entirely rewritten to clarify its provisions, the proposed amendment leaves Article 19 *substantially unchanged*, except that the method of *amending the Constitution* by the people is different.

Constitutional Amendments to be Voted Upon in State of Nevada at General Election, November 6, 1962, at p. 11 (Nev. Sec'y of State 1962) (emphasis added).

As clearly stated in the ballot explanation for the 1962 constitutional amendment, the purpose of the amendment was to change only the method of amending Nevada's Constitution by initiative petition. The 1962 constitutional amendment did not change the method of amending Nevada's statutes by initiative petition. It merely clarified those provisions without making substantive changes.

Thus, contrary to the Governor's contention, the voters at the 1962 general election did not change the constitutional procedure for the Legislature to propose competing measures to statutory initiatives because the 1962 constitutional amendment did not make substantive changes to that procedure. Therefore, the 1962 constitutional amendment did not make the Governor's recommendation a prerequisite or condition precedent to legislative action under Article 19, Section 2(3) because that would have been a substantive change that fell outside the intent of the voters. This fact is confirmed by long-standing legislative practice over the past 50 years during which the Legislature has proposed several competing measures to statutory initiatives without the Governor's recommendation.

When interpreting constitutional provisions, courts often use extrinsic evidence to help ascertain the intent of the Framers, including historical evidence and long-standing legislative practices. See State ex rel. Harvey v. Second Jud. Dist. Ct., 117 Nev. 754, 761-71 (2001); State ex rel. Herr v. Laxalt, 84 Nev. 382, 387 (1968); State ex rel. Coffin v. Howell, 26 Nev. 93, 104-05 (1901). Typically, courts give great weight and deference to a long-standing legislative construction of a constitutional provision, especially if that construction is reasonable in light of the history and purpose of the provision. See State ex rel. Cardwell v. Glenn, 18 Nev. 34, 43-46 (1883); Halverson v. Miller, 124 Nev. 484, 489 (2008). Thus, a long-standing legislative construction will be "treated by the courts with the consideration which is due to a co-ordinate department of the state government, and in case of a reasonable doubt as to the meaning of the words, the construction given to them by the legislature ought to prevail." Dayton Gold & Silver Mining Co. v. Seawell, 11 Nev. 394, 400 (1876).

Since the revision of Article 19 in 1962, the Legislature has been presented with statutory initiatives during the 1981, 1989, 2003, 2005 and 2009 regular sessions.[1] Under Article 4, Section 14 of the Nevada Constitution, the Journals of the Senate and Assembly are the official records of the Legislature, and under the Joint Standing Rules of the Senate and Assembly, each message and proclamation received from the Governor is read and entered in full in the Journals. Based on an examination of the Journals, there is no official record of any message from a Nevada Governor recommending a specific bill as a competing measure to a statutory initiative even though the Legislature has introduced, considered and passed competing measures to statutory initiatives on several occasions.

For example, during the 61st Regular Session in 1981, the Legislature introduced three bills—A.B. 58, A.B. 85 and A.B. 473—which were proposed as competing measures to a statutory initiative relating to the protection of utility customers through the creation of a division of consumer advocacy in the office of the Attorney General. Assembly Journal, 61st Reg. Sess., at p. 53, 65, 498 (Nev. 1981). The competing measures were considered extensively by the Assembly Standing Committee on Government Affairs and the Senate Standing Committee on Commerce and Labor. Legislative History for A.B. 473, 61st Reg. Sess. (Nev. 1981). Although Governor List supported A.B. 58 as a competing measure, there is no official record in the Journals of a message from the Governor specifically recommending A.B. 58, A.B. 85 or A.B. 473 as a competing measure to the statutory initiative. Ultimately, the Legislature passed A.B. 473, which was approved by the Governor and submitted to the voters as a competing measure at the 1982 general election where it prevailed over the statutory initiative. Questions to be Voted Upon in State of Nevada at General Election, November 2, 1982, at pp. 20-32 (Nev. Sec'y of State 1982).

It is reasonable to conclude that if Governor List or the Legislature had interpreted Article 19, Section 2(3) to make the Governor's recommendation of a competing measure a prerequisite or condition precedent to legislative action, there would be an official record in the Journals of the Governor's message recommending a specific bill as a competing measure. The fact that no such official record exists for any year in which the Legislature has been presented with a statutory initiative is compelling evidence that neither the executive branch nor the legislative branch has previously interpreted Article 19, Section 2(3) to make the Governor's recommendation a prerequisite or condition precedent to legislative action on competing measures. Therefore, it is the opinion of this office that the Governor's interpretation of Article 19, Section 2(3) is inconsistent with historical evidence and legislative practice.

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[1] Assembly Journal, 61st Reg. Sess., at p. 6, 29 (Nev. 1981) (protection of utility customers); Assembly Journal, 65th Reg. Sess., at p. 8, 9, 23 (Nev. 1989) (corporate net profits tax for educational purposes); Senate Journal, 72nd Reg. Sess., at p. 158, 982, 1082 (Nev. 2003) (medical malpractice); Assembly Journal, 73rd Reg. Sess., at p. 159 (Nev. 2005) ([1] Nevada Clean Indoor Air Act; [2] Responsibly Protect Nevadans from Second-Hand Smoke Act; [3] regulation of the sale, use and possession of one ounce or less of marijuana); Assembly Daily Journal, 75th Reg. Sess., at p. 17 (Nev. Feb. 2, 2009) (additional tax on gross receipts from rental of transient lodging in certain counties).

III. Any uncertainty or ambiguity in a constitutional provision must be resolved in favor of the power of the Legislature.

Even if there were some uncertainty or ambiguity regarding whether the Governor's recommendation is a prerequisite or condition precedent to legislative action on competing measures, that uncertainty or ambiguity would have to be resolved in favor of the Legislature. This rule of construction stems from the fact that the Governor possesses only express and limited powers under the Constitution, while the Legislature possesses almost unlimited powers under the Constitution.

The office of governor did not originate under the common law. The office is primarily a creature of the American system of constitutional government. See Royster v. Brock, 79 S.W.2d 707, 709 (Ky. 1935); 38 Am. Jur. 2d Governor § 1 (1999). As a result, courts have generally found that a governor has little or no inherent power or prerogative power which arises merely by virtue of the office. See Clark v. Boyce, 185 P. 136, 138 (Ariz. 1919); City of Bridgeport v. Agostinelli, 316 A.2d 371, 376 (Conn. 1972); Royster v. Brock, 79 S.W.2d 707, 709 (Ky. 1935); Richardson v. Young, 125 S.W. 664, 669 (Tenn. 1910). Instead, a governor possesses only those express and limited powers that are granted to the office by the State Constitution or by statute. Id.; Litchfield Elementary Sch. Dist. No. 79 v. Babbitt, 608 P.2d 792, 797 (Ariz. Ct. App. 1980).

In contrast to the Governor, the Legislature does not derive its constitutional powers from the text of the Constitution. Rather, the Legislature possesses all inherent power of the people unless that power is clearly limited by the Federal or State Constitution. Ex parte Boyce, 27 Nev. 299, 332, 334 (1904); Sarkes Tarzian, Inc. v. Legislature, 104 Nev. 672, 675 (1988). Whereas the Governor must be able to point to express provisions of the Constitution to justify the Governor's exercise of constitutional power, the Legislature does not need express constitutional authorization to justify its exercise of constitutional power because "[t]he constitution allows the legislature every power which it does not positively prohibit." City of Las Vegas v. Ackerman, 85 Nev. 493, 502 (1969) (quoting Sharpless v. Mayor of Phila., 21 Pa. 147 (1853)). As often noted by the Nevada Supreme Court, the power of the Legislature is extremely broad and "except where limited by Federal or State Constitutional provisions, that power is practically absolute." Galloway v. Truesdell, 83 Nev. 13, 20 (1967).

Even when the Nevada Constitution imposes limitations upon the Legislature's power, those limitations "are to be strictly construed, and are not to be given effect as against the general power of the legislature, unless such limitations clearly inhibit the act in question." In re Platz, 60 Nev. 296, 308 (1940) (quoting Baldwin v. State, 3 S.W. 109, 111 (Tex. Ct. App. 1886)). Additionally, because the powers of the executive and judicial branches are expressly defined by the Nevada Constitution, any power which is not clearly committed to those branches by the text of the Constitution is completely denied to them and is left exclusively to the legislative branch. See City of Pawtucket v. Sundlun, 662 A.2d 40, 44 (R.I. 1995). Therefore, because the provisions of the Nevada Constitution are to be strictly construed in favor of the power of the legislative branch, it is a fundamental rule of constitutional construction that any doubt or ambiguity concerning the constitutional powers of the executive branch must be resolved in favor of the power of the legislative branch.

Accordingly, even if the provisions of Article 19, Section 2(3) were considered to be uncertain or ambiguous, that uncertainty or ambiguity would have to be resolved in favor of the Legislature's power to introduce, consider and pass competing measures without the Governor's recommendation. Furthermore, the Nevada Supreme Court has held that when the meaning of a constitutional provision affecting legislative procedure is in doubt or subject to uncertainty, the Legislature is entitled to follow an opinion of the Legislative Counsel which interprets the constitutional provision and "the Legislature is entitled to deference in its counseled selection of this interpretation." Nev. Mining Ass'n, 117 Nev. at 540. Therefore, because an interpretation of Article 19, Section 2(3) involves legislative procedure, the Legislature is entitled to follow an opinion of the Legislative Counsel which interprets the constitutional provision, and the

judiciary will typically afford the Legislature deference in its counseled selection of that interpretation.

CONCLUSION

After examining relevant provisions of the Nevada Constitution, reviewing historical evidence and prior legislative practice and applying the fundamental rules of constitutional construction, it is the opinion of this office that the Governor's recommendation to the Legislature of a competing measure is not a prerequisite or condition precedent to the Legislature's introduction, consideration or passage of a competing measure under Article 19, Section 2(3) of the Nevada Constitution. Furthermore, because this issue involves the interpretation of a constitutional provision affecting legislative procedure, the Legislature is entitled to follow an opinion of the Legislative Counsel which interprets the constitutional provision, and the judiciary will typically afford the Legislature deference in its counseled selection of that interpretation.

If you have any further questions regarding this matter, please do not hesitate to contact this office.

Very truly yours,

BRENDA J. ERDOES
Legislative Counsel

BY KEVIN C. POWERS
Senior Principal Deputy Legislative Counsel

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Conklin moved that Assembly Bills Nos. 12, 20, 25, 32, 48, 55, 91, 102, 138, 143, 194, 195, and 199 be taken from the Second Reading File and placed on the Second Reading File for the next legislative day.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 62.

Bill read third time.

Remarks by Assemblywoman Bustamante Adams.

Roll call on Assembly Bill No. 62:

YEAS—42.

NAYS—None.

Assembly Bill No. 62 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 83.

Bill read third time.

Remarks by Assemblyman Hansen.

Roll call on Assembly Bill No. 83:

YEAS—42.

NAYS—None.

Assembly Bill No. 83 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 97.

Bill read third time.

Remarks by Assemblywoman Smith.

Roll call on Assembly Bill No. 97:

YEAS—42.

NAYS—None.

Assembly Bill No. 97 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 147.

Bill read third time.

Remarks by Assemblywoman Mastroluca.

Roll call on Assembly Bill No. 147:

YEAS—42.

NAYS—None.

Assembly Bill No. 147 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 168.

Bill read third time.

Remarks by Assemblywoman Dondero Loop.

Roll call on Assembly Bill No. 168:

YEAS—42.

NAYS—None.

Assembly Bill No. 168 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 203.

Bill read third time.

Remarks by Assemblyman Carrillo.

Roll call on Assembly Bill No. 203:

YEAS—42.

NAYS—None.

Assembly Bill No. 203 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 214.
Bill read third time.
Remarks by Assemblywoman Bustamante Adams.
Roll call on Assembly Bill No. 214:
YEAS—42.
NAYS—None.
Assembly Bill No. 214 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 225.
Bill read third time.
Remarks by Assemblymen Smith, Kirner, Bobzien and Hansen.
Roll call on Assembly Bill No. 225:
YEAS—34.
NAYS—Atkinson, Carlton, Carrillo, Horne, Munford, Neal, Pierce, Segerblom—8.
Assembly Bill No. 225 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 2:01 p.m.

ASSEMBLY IN SESSION

At 2:04 p.m.
Madam Speaker pro Tempore presiding.
Quorum present.

Assembly Bill No. 229.
Bill read third time.
Remarks by Assemblymen Oceguera, Hansen, Dondero Loop, and Hambrick.
Roll call on Assembly Bill No. 229:
YEAS—33.
NAYS—Atkinson, Carlton, Carrillo, Flores, Horne, Munford, Neal, Pierce, Segerblom—9.
Assembly Bill No. 229 having received a constitutional majority, Madam Speaker pro Tempore declared it passed, as amended.
Bill ordered transmitted to the Senate.

Madam Speaker pro Tempore announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 2:14 p.m.

ASSEMBLY IN SESSION

At 2:15 p.m.
Mr. Speaker presiding.
Quorum present.

Assembly Bill No. 262.
Bill read third time.
Remarks by Assemblyman Grady.
Roll call on Assembly Bill No. 262:
YEAS—42.
NAYS—None.
Assembly Bill No. 262 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Assembly Bill No. 280.
Bill read third time.
Remarks by Assemblywoman Mastroluca.
Roll call on Assembly Bill No. 280:
YEAS—42.
NAYS—None.
Assembly Bill No. 280 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 2:21 p.m.

ASSEMBLY IN SESSION

At 2:22 p.m.
Mr. Speaker presiding.
Quorum present.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bill No. 193.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Bobzien, the privilege of the floor of the Assembly Chamber for this day was extended to Chingiz Koktemserikovich Lepsibayev, Mervin Wright, Della John, Aisha Paya, and Kevin Eben.

On request of Assemblywoman Carlton, the privilege of the floor of the Assembly Chamber for this day was extended to Frankie Sue Del Papa.

On request of Assemblywoman Dondero Loop, the privilege of the floor of the Assembly Chamber for this day was extended to Judi Steele.

On request of Assemblyman Kirner, the privilege of the floor of the Assembly Chamber for this day was extended to Michael Johnson and Katie Powell.

On request of Assemblyman Livermore, the privilege of the floor of the Assembly Chamber for this day was extended to the following students and chaperones from Fritsch Elementary School: Jade Blackeye, Taryn Encinas, Clayton Enox, Sydney Espinoza, Kieren Ford-Abbott, Seanna LeMaster, Drake Lemon, Bryce Peterson, Shayleen Plummer, Charity Rosier, Kayla (Seanna) Salazar, Rylee Scott, Brianna Snooks, Emerson Spence, Delaney Vazquez, Joselyn Vieira, Jayden Wingfield, Madison Wishner, Emily Wolf, Katherine Bakst, Raynelle Heaton, Rachelle Hernandez, and Amy Bransetter.

On request of Assemblyman Munford, the privilege of the floor of the Assembly Chamber for this day was extended to Tyler Sumpter, Leona Collins, and Connor Dunn.

On request of Assemblyman Oceguera, the privilege of the floor of the Assembly Chamber for this day was extended to Ralph Burns, Christina Thomas, Ben Rupert, and John Rupert.

On request of Assemblyman Ohrenschall, the privilege of the floor of the Assembly Chamber for this day was extended to Bakjodirzhon Abdulrasulovich Radzhapov.

On request of Assemblywoman Pierce, the privilege of the floor of the Assembly Chamber for this day was extended to Sujeewa Arjuna Senasingha.

On request of Assemblyman Segerblom, the privilege of the floor of the Assembly Chamber for this day was extended to Chris Hamner, Kristina Vajcnerova, Marie Vajcnerova, and William Hamner.

On request of Assemblywoman Smith, the privilege of the floor of the Assembly Chamber for this day was extended to Justin Fong, Tony Marlon, and Linda Morris.

Assemblyman Conklin moved that the Assembly adjourn until Friday, April 15, 2011, at 11 a.m., and that it do so in memory of civil rights leader Onie Cooper and Carson High School students Keegan Aiazzi and Stephen Anderson.

Motion carried.

Assembly adjourned at 2:24 p.m.

Approved: JOHN OCEGUERA
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE SIXTY-EIGHTH DAY

CARSON CITY (Friday), April 15, 2011

Assembly called to order at 12:02 p.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Elder Ralph Burns.

Creator, We thank you for all the blessings you have given us. We are thankful this morning for the elected ones. Bless them that their minds and bodies will be strong as they work to meet the needs of the people of this land. Bless all the warriors that teach, protect, serve, and heal and the ones that watch over us. Bless our Mother Earth, our water, our air and all living things.

Go in a good way.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Conklin moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Conklin moved that the remarks on Assembly Bills Nos. 225, 229, and Senate Concurrent Resolution 6 be entered into the Journal for April 11, 2011.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which were referred Assembly Bills Nos. 211, 331, 390, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Commerce and Labor, to which was referred Assembly Joint Resolution No. 6, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Commerce and Labor, to which were referred Assembly Bills Nos. 23, 309, 323, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Commerce and Labor, to which was referred Assembly Bill No. 287, has had the same under consideration, and begs leave to report the same back with the recommendation: Without recommendation, and rerefer to the Committee on Ways and Means.

KELVIN ATKINSON, *Chair*

Mr. Speaker:

Your Committee on Education, to which was referred Assembly Bill No. 456, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Education, to which were referred Assembly Bills Nos. 233, 395, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Education, to which were referred Assembly Bills Nos. 314, 554, 557, has had the same under consideration, and begs leave to report the same back with the recommendation: Without recommendation, and rerefer to the Committee on Ways and Means.

DAVID P. BOBZIEN, *Chair*

Mr. Speaker:

Your Concurrent Committee on Education, to which was referred Assembly Bill No. 137, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DAVID P. BOBZIEN, *Chair*

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Assembly Bill No. 237, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MARILYN K. KIRKPATRICK, *Chair*

Mr. Speaker:

Your Committee on Health and Human Services, to which was referred Assembly Bill No. 533, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Health and Human Services, to which were referred Assembly Bills Nos. 36, 160, 295, 319, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Health and Human Services, to which was referred Assembly Bill No. 170, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Health and Human Services, to which was referred Assembly Bill No. 286, has had the same under consideration, and begs leave to report the same back with the recommendation: Without recommendation, and rerefer to the Committee on Ways and Means.

APRIL MASTROLUCA, *Chair*

Mr. Speaker:

Your Committee on Judiciary, to which were referred Assembly Bills Nos. 271, 355, 459, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Judiciary, to which were referred Assembly Bills Nos. 109, 111, 121, 125, 142, 261, 313, 348, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

WILLIAM C. HORNE, *Chair*

Mr. Speaker:

Your Committee on Legislative Operations and Elections, to which was referred Assembly Joint Resolution No. 7, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Legislative Operations and Elections, to which was referred Assembly Bill No. 82, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

TICK SEGERBLOM, *Chair*

Mr. Speaker:

Your Committee on Natural Resources, Agriculture, and Mining, to which was referred Assembly Bill No. 453, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MAGGIE CARLTON, *Chair*

Mr. Speaker:

Your Committee on Taxation, to which was referred Assembly Bill No. 504, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Taxation, to which were referred Assembly Bills Nos. 392, 447, 506, has had the same under consideration, and begs leave to report the same back with the recommendation: Without recommendation, and rerefer to the Committee on Ways and Means.

MARILYN K. KIRKPATRICK, *Chair*

Mr. Speaker:

Your Committee on Transportation, to which was referred Assembly Bill No. 188, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Transportation, to which was referred Assembly Bill No. 232, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MARILYN DONDERO LOOP, *Chair*

Mr. Speaker:

Your Committee on Ways and Means, to which were referred Assembly Bills Nos. 524, 565; Senate Bill No. 220, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Ways and Means, to which was referred Assembly Bill No. 478, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DEBBIE SMITH, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 14, 2011

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 175, 279, 280, 317, 348, 353, 358, 408.

Also, I have the honor to inform your honorable body that the Senate on this day passed Senate Joint Resolution No. 14.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 30, 44, 65, 74, 77, 82, 85, 96, 102, 111, 120, 136, 143, 153, 167, 215.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

By the Committee on Legislative Operations and Elections:

Assembly Resolution No. 8—Providing for the appointment of additional attachés for the Assembly.

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, That Diane O'Flynn and Rebecca Richman are elected as additional attachés of the Assembly for the 76th Session of the Nevada Legislature.

Assemblyman Conklin moved the adoption of the resolution.

Remarks by Assemblyman Conklin.

Resolution adopted.

By the Committee on Judiciary:

Senate Joint Resolution No. 14—Proposing to amend the Nevada Constitution to create an intermediate appellate court.

RESOLVED BY THE SENATE AND ASSEMBLY OF THE STATE OF NEVADA, JOINTLY, That a new section, designated Section 3A, be added to Article 6 of the Nevada Constitution to read as follows:

Sec. 3A. 1. The court of appeals consists of three judges or such greater number as the Legislature may provide by law. If the number of judges is so increased, the Supreme Court must provide by rule for the assignment of each appeal to a panel of three judges for decision.

2. After the initial terms, each judge of the court of appeals must be elected by the qualified electors of this State at the general election for a term of 6 years beginning on the first Monday of January next after the election. The initial three judges of the court of appeals must be appointed by the Governor from among three nominees selected for each individual seat by the permanent Commission on Judicial Selection described in subsection 3 of section 20 of this Article. After the expiration of 30 days from the date on which the permanent Commission on Judicial Selection has delivered to the Governor its list of nominees for the initial judges, if the Governor has not made the appointments required by this Section, the Governor shall make no other appointment to any public office until the Governor has appointed a judge from the list submitted. The term of the initial judges is 2 years beginning on the first Monday of January next after the effective date of this Section, and an initial judge may succeed himself. If there is an increase in the number of judges, each additional judge must be elected by the qualified electors of this State at the first general election following the increase for a term of 6 years beginning on the first Monday of January next after the election.

3. The Chief Justice of the Supreme Court shall appoint one of the judges of the court of appeals to be chief judge. The chief judge serves a term of 4 years, except that the term of the initial chief judge is 2 years. The chief judge may succeed himself. The chief judge may resign the position of chief judge without resigning from the court of appeals.

4. The Supreme Court shall provide by rule for the assignment of one or more judges of the court of appeals to devote a part of their time to serve as supplemental district judges, where needed.

And be it further

RESOLVED, That Section 1 of Article 6 of the Nevada Constitution be amended to read as follows:

Section 1. The judicial power of this State ~~[shall be]~~ ***is*** vested in a court system, comprising a Supreme Court, ***a court of appeals,*** district courts ~~[,]~~ and justices of the peace. The Legislature may also establish, as part of the system, courts for municipal purposes only in incorporated cities and towns.

And be it further

RESOLVED, That Section 4 of Article 6 of the Nevada Constitution be amended to read as follows:

Sec. 4. ***1.*** The Supreme Court ~~[shall]~~ ***and the court of appeals*** have appellate jurisdiction in all civil cases arising in district courts, and also on questions of law alone in all criminal cases in which the offense charged is within the original jurisdiction of the district courts. ***The Supreme Court shall fix by rule the jurisdiction of the court of appeals and shall provide for the review, where appropriate, of appeals decided by the court of appeals.*** The ~~[court shall also]~~ ***Supreme Court and the court of appeals*** have power to issue writs of mandamus, certiorari, prohibition, quo warranto ~~[,]~~ and habeas corpus and also all writs necessary or proper to the complete exercise of ~~[its appellate]~~ ***their*** jurisdiction. Each ~~[of the justices shall have power to]~~ ***justice of the Supreme Court and judge of the court of appeals may*** issue writs of habeas corpus to any part of the State, upon petition by, or on behalf of, any person held in actual custody ~~[,]~~ ***in this State*** and may make such writs returnable ~~[,]~~ before ~~[himself]~~ ***the issuing justice or judge*** or the ~~[Supreme Court,]~~ ***court of which the justice or judge is a member,*** or before any district court in the State or ~~[before]~~ any judge of ~~[said courts.]~~ ***a district court.***

2. In case of the disability or disqualification, for any cause, of ~~[the Chief Justice or one of the associate justices]~~ ***a justice*** of the Supreme Court, ~~[or any two of them,]~~ the Governor ~~[is authorized and empowered to]~~ ***may*** designate ~~[any]~~ ***a judge of the court of appeals or a*** district judge ~~[or judges]~~ to sit in the place ~~[or places]~~ of ~~[such]~~ ***the*** disqualified or disabled justice ***.*** ~~[or justices, and said judge or judges so designated shall receive their]~~ ***The judge designated by the Governor is entitled to receive his*** actual expense of travel and otherwise while sitting in the Supreme Court.

3. In the case of the disability or disqualification, for any cause, of a judge of the court of appeals, the Governor may designate a district judge to sit in the place of the disabled or disqualified judge. The judge whom the Governor designates is entitled to receive his actual expense of travel and otherwise while sitting in the court of appeals.

And be it further

RESOLVED, That Section 7 of Article 6 of the Nevada Constitution be amended to read as follows:

Sec. 7. The times of holding the Supreme Court ***, the court of appeals*** and ***the*** district courts ~~[shall]~~ ***must*** be as fixed by law. The terms of the Supreme Court ~~[shall]~~ ***must*** be held at the seat of government unless the Legislature otherwise provides by law, except that the Supreme Court may hear oral argument at other places in the State. ***The terms of the court of appeals must be held at the place provided by law.*** The terms of the district courts ~~[shall]~~ ***must*** be held at the county seats of their respective counties unless the Legislature otherwise provides by law.

And be it further

RESOLVED, That Section 8 of Article 6 of the Nevada Constitution be amended to read as follows:

Sec. 8. ***1.*** The Legislature shall determine the number of justices of the peace to be elected in each city and township of the State ~~[,]~~ and shall fix by law their qualifications, their terms of office and the limits of their civil and criminal jurisdiction, according to the amount in controversy, the nature of the case, the penalty provided ~~[,]~~ or any combination of these.

2. The provisions of this section affecting the number, qualifications, terms of office and jurisdiction of justices of the peace become effective on the first Monday of January, 1979.

3. The Legislature shall also prescribe by law the manner, and determine the cases ***,*** in which appeals may be taken from justices and other courts. The Supreme Court, ***the court of appeals,*** the district courts ~~[,]~~ and such other courts ~~[,]~~ as the Legislature ~~[shall designate, shall be]~~ ***designates are*** courts of record.

And be it further

RESOLVED, That Section 11 of Article 6 of the Nevada Constitution be amended to read as follows:

Sec. 11. The justices of the Supreme Court ***, the judges of the court of appeals*** and the district judges ~~[shall be]~~ ***are*** ineligible to any office, other than a judicial office, during the term for which they ~~[shall]~~ have been elected or appointed ***.*** ~~[, and all]~~ ***All*** elections or appointments of any such judges by the people, Legislature ~~[,]~~ or otherwise ~~[,]~~ during said period ~~[,]~~ to any office other than judicial ~~[, shall be]~~ ***are*** void.

And be it further

RESOLVED, That Section 15 of Article 6 of the Nevada Constitution be amended to read as follows:

Sec. 15. The justices of the Supreme Court ***, the judges of the court of appeals*** and ***the*** district judges ~~[shall]~~ ***are*** each ***entitled to*** receive for their services a compensation to be fixed by law and paid in the manner provided by law, which ~~[shall]~~ ***must*** not be increased or diminished during the term for which they ~~[shall]~~ have been elected, unless a vacancy occurs, in which case the successor of the former incumbent ~~[shall]~~ ***is entitled to*** receive only such salary as may be provided by law at the time of his election or appointment ***.*** ~~[, and provision shall]~~ ***A provision must*** be made by law for setting apart from each year's revenue a sufficient amount of money ~~[,]~~ to pay such compensation.

And be it further

RESOLVED, That Section 20 of Article 6 of the Nevada Constitution be amended to read as follows:

Sec. 20. 1. When a vacancy occurs before the expiration of any term of office in the Supreme Court ***or the court of appeals*** or among the district judges, the Governor shall appoint a justice or judge from among three nominees selected for such individual vacancy by the Commission on Judicial Selection.

2. The term of office of any justice or judge so appointed expires on the first Monday of January following the next general election.

3. Each nomination for the Supreme Court ~~[shall]~~ ***or the court of appeals must*** be made by the permanent Commission, composed of:

(a) The Chief Justice or an associate justice designated by him;

(b) Three members of the State Bar of Nevada, a public corporation created by statute, appointed by its Board of Governors; and

(c) Three persons, not members of the legal profession, appointed by the Governor.

4. Each nomination for the district court ~~[shall]~~ ***must*** be made by a temporary commission composed of:

(a) The permanent Commission;

(b) A member of the State Bar of Nevada resident in the judicial district in which the vacancy occurs, appointed by the Board of Governors of the State Bar of Nevada; and

(c) A resident of such judicial district, not a member of the legal profession, appointed by the Governor.

5. If at any time the State Bar of Nevada ceases to exist as a public corporation or ceases to include all attorneys admitted to practice before the courts of this State, the Legislature shall provide by law, or if it fails to do so the ***Supreme*** Court shall provide by rule, for the appointment of attorneys at law to the positions designated in this Section to be occupied by members of the State Bar of Nevada.

6. The term of office of each appointive member of the permanent Commission, except the first members, is 4 years. Each appointing authority shall appoint one of the members first appointed for a term of 2 years. If a vacancy occurs, the appointing authority shall fill the vacancy for the unexpired term. The additional members of a temporary commission ~~[shall]~~ ***must*** be appointed when a vacancy occurs, and their terms ~~[shall]~~ expire when the nominations for such vacancy have been transmitted to the Governor.

7. An appointing authority shall not appoint to the permanent Commission more than:

(a) One resident of any county.

(b) Two members of the same political party.

No member of the permanent Commission may be a member of ~~[a]~~ ***the*** Commission on Judicial Discipline.

8. After the expiration of 30 days from the date on which the Commission on Judicial Selection has delivered to him its list of nominees for any vacancy, if the Governor has not made the appointment required by this Section, he shall make no other appointment to any public office until he has appointed a justice or judge from the list submitted.

~~[If a commission on judicial selection is established by another section of this Constitution to nominate persons to fill vacancies on the Supreme Court, such commission shall serve as the permanent Commission established by subsection 3 of this Section.]~~

And be it further

RESOLVED, That Section 21 of Article 6 of the Nevada Constitution be amended to read as follows:

Sec. 21. 1. A justice of the Supreme Court, ***a judge of the court of appeals,*** a district judge, a justice of the peace or a municipal judge may, in addition to the provision of Article 7 for impeachment, be censured, retired, removed or otherwise disciplined by the Commission on Judicial Discipline. Pursuant to rules governing appeals adopted by the Supreme Court, a justice or judge may appeal from the action of the Commission to the Supreme Court, which may reverse such action or take any alternative action provided in this subsection.

2. The Commission is composed of:

(a) Two justices or judges appointed by the Supreme Court;

(b) Two members of the State Bar of Nevada, a public corporation created by statute, appointed by its Board of Governors; and

(c) Three persons, not members of the legal profession, appointed by the Governor.

The Commission shall elect a Chairman from among its three lay members.

3. If at any time the State Bar of Nevada ceases to exist as a public corporation or ceases to include all attorneys admitted to practice before the courts of this State, the Legislature shall provide by law, or if it fails to do so the ***Supreme*** Court shall provide by rule, for the appointment of attorneys at law to the positions designated in this Section to be occupied by members of the State Bar of Nevada.

4. The term of office of each appointive member of the Commission, except the first members, is 4 years. Each appointing authority shall appoint one of the members first appointed for a term of 2 years. If a vacancy occurs, the appointing authority shall fill the vacancy for the unexpired term. An appointing authority shall not appoint more than one resident of any county. The Governor shall not appoint more than two members of the same political party. No member may be a member of a commission on judicial selection.

5. The Legislature shall establish:

(a) In addition to censure, retirement and removal, the other forms of disciplinary action that the Commission may impose;

(b) The grounds for censure and other disciplinary action that the Commission may impose, including, but not limited to, violations of the provisions of the Code of Judicial Conduct;

(c) The standards for the investigation of matters relating to the fitness of a justice or judge; and

(d) The confidentiality or nonconfidentiality, as appropriate, of proceedings before the Commission, except that, in any event, a decision to censure, retire or remove a justice or judge must be made public.

6. The Supreme Court shall adopt a Code of Judicial Conduct.

7. The Commission shall adopt rules of procedure for the conduct of its hearings and any other procedural rules it deems necessary to carry out its duties.

8. No justice or judge may by virtue of this Section be:

(a) Removed except for willful misconduct, willful or persistent failure to perform the duties of his office or habitual intemperance; or

(b) Retired except for advanced age which interferes with the proper performance of his judicial duties, or for mental or physical disability which prevents the proper performance of his judicial duties and which is likely to be permanent in nature.

9. Any matter relating to the fitness of a justice or judge may be brought to the attention of the Commission by any person or on the motion of the Commission. The Commission shall, after preliminary investigation, dismiss the matter or order a hearing to be held before it. If a hearing is ordered, a statement of the matter ~~[shall]~~ ***must*** be served upon the justice or judge against whom the proceeding is brought. The Commission in its discretion may suspend a justice or judge from the exercise of his office pending the determination of the proceedings before the Commission. Any justice or judge whose removal is sought is liable to indictment and punishment according to law. A justice or judge retired for disability in accordance with this Section is entitled thereafter to receive such compensation as the Legislature may provide.

10. If a proceeding is brought against a justice of the Supreme Court, no justice of the Supreme Court may sit on the Commission for that proceeding. ***If a proceeding is brought against a judge of the court of appeals, no judge of the court of appeals may sit on the Commission for that proceeding.*** If a proceeding is brought against a district judge, no district judge from the same judicial district may sit on the Commission for that proceeding. If a proceeding is brought against a justice of the peace, no justice of the peace from the same township may sit on the Commission for that proceeding. If a proceeding is brought against a municipal judge, no municipal judge from the same city may sit on the Commission for that proceeding. If an appeal is taken from an action of the Commission to the Supreme Court, any justice who sat on the Commission for that proceeding is disqualified from participating in the consideration or decision of the appeal. When any member of the Commission is disqualified by this subsection, the Supreme Court shall appoint a substitute from among the eligible judges.

11. The Commission may:

(a) Designate for each hearing an attorney or attorneys at law to act as counsel to conduct the proceeding;

(b) Summon witnesses to appear and testify under oath and compel the production of books, papers, documents and records;

(c) Grant immunity from prosecution or punishment when the Commission deems it necessary and proper in order to compel the giving of testimony under oath and the production of books, papers, documents and records; and

(d) Exercise such further powers as the Legislature may from time to time confer upon it.

And be it further

RESOLVED, That Section 3 of Article 7 of the Nevada Constitution be amended to read as follows:

~~[Sec.:]~~ ***Sec.*** 3. For any reasonable cause to be entered on the journals of each House, which may ~~[,]~~ or may not be sufficient grounds for impeachment, the ~~[Chief Justice and associate]~~ justices of the Supreme Court ***, the judges of the court of appeals*** and ***the*** judges of the district courts ~~[shall]~~ ***must*** be removed from office on the vote of two thirds of the members elected to each branch of the Legislature ***.*** ~~[, and the]~~ ***The*** justice or judge complained of ~~[, shall]~~ ***must*** be served with a copy of the complaint against him, and ~~[shall]~~ have an opportunity of being heard in person or by counsel in his defense ***.*** ~~[, provided, that no]~~ ***No*** member of either branch of the Legislature ~~[shall be]~~ ***is*** eligible to fill the vacancy occasioned by such removal.

And be it further

RESOLVED, That Section 8 of Article 15 of the Nevada Constitution be amended to read as follows:

~~[Sec.:]~~ ***Sec.*** 8. The Legislature shall provide for the speedy publication of all statute laws of a general nature ~~[,]~~ and such decisions of the Supreme Court ~~[,]~~ ***and the court of appeals*** as it may deem expedient ***.*** ~~[; and all]~~ ***All*** laws and judicial decisions ~~[shall]~~ ***must*** be free for

publication by any person **.** ~~[; provided, that no]~~ ***No*** judgment of the Supreme Court ***or the court of appeals*** shall take effect and be operative until the opinion of the court in such case ~~[shall be]~~ ***is*** filed with the clerk of said court.

Assemblyman Conklin moved that the resolution be referred to the Committee on Legislative Operations and Elections.

Motion carried.

NOTICE OF EXEMPTION

April 11, 2011

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the exemption of: Assembly Bills Nos. 148, 358, 449, 493, 526 and 565.

Also, the Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Assembly Bills Nos. 213, 312, 343, 359, 361, 380, 387, 416, 419, 437, 442, 443, 446, 539, 542 and 552.

RICK COMBS
Fiscal Analysis Division

April 11, 2011

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the exemption of: Senate Bills Nos. 207, 208, 244 and 485.

MARK KRMPOTIC
Fiscal Analysis Division

April 14, 2011

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the exemption of: Assembly Bill No. 522.

Also, The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Assembly Bills Nos. 335, 336, 391, 453, 465, 466, 469, 479, 503, 536 and 543.

RICK COMBS
Fiscal Analysis Division

April 14, 2011

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Senate Bills Nos. 197, 265, 271, 274, 276, 278, 285, 290, 294, 298, 308, 312, 313, 325, 326, 330, 333, 334, 336, 338, 340, 349, 352, 373, 413, and Senate Joint Resolution No. 7.

MARK KRMPOTIC
Fiscal Analysis Division

April 15, 2011

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the exemption of: Assembly Bill No. 550.

Also, The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Assembly Bills Nos. 301, 331, 402 and 447.

RICK COMBS
Fiscal Analysis Division

April 15, 2011

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the exemption of: Senate Bill No. 60.

Also, the Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Senate Bills Nos. 362, 369, 370, 371, 374, 379, 380, 383, 386, 387, 389, 392, 404, 407, 415, 416, 418, 420, 490, 491, 492, 493 and 494.

MARK KRMPOTIC
Fiscal Analysis Division

WAIVER OF JOINT STANDING RULE(S)

A Waiver requested by Assemblywoman Pierce.
For: Assembly Bill No. 336.
To Waive:
Subsection 1 of Joint Standing Rule No. 14.3 (out of final committee of house of origin by 68th day).
Subsection 2 of Joint Standing Rule No. 14.3 (out of house of origin by 79th day).
Subsection 3 of Joint Standing Rule No. 14.3 (out of final committee of 2nd house by 103rd day).
Subsection 4 of Joint Standing Rule No. 14.3 (out of 2nd house by 110th day).
Has been granted effective: Thursday, April 14, 2011.

SENATOR STEVEN A. HORSFORD
Majority Leader

ASSEMBLYMAN JOHN OCEGUERA
Speaker

A Waiver requested by Assemblywoman Pierce.
For: Assembly Bill No. 428.
To Waive:
Subsection 1 of Joint Standing Rule No. 14.3 (out of final committee of house of origin by 68th day).
Subsection 2 of Joint Standing Rule No. 14.3 (out of house of origin by 79th day).
Subsection 3 of Joint Standing Rule No. 14.3 (out of final committee of 2nd house by 103rd day).
Subsection 4 of Joint Standing Rule No. 14.3 (out of 2nd house by 110th day).
Has been granted effective: Thursday, April 14, 2011.

SENATOR STEVEN A. HORSFORD
Majority Leader

ASSEMBLYMAN JOHN OCEGUERA
Speaker

A Waiver requested by Assemblyman Brooks.
For: Assembly Bill No. 446.
To Waive:
Subsection 1 of Joint Standing Rule No. 14.3 (out of final committee of house of origin by 68th day).
Subsection 2 of Joint Standing Rule No. 14.3 (out of house of origin by 79th day).
Subsection 3 of Joint Standing Rule No. 14.3 (out of final committee of 2nd house by 103rd day).
Subsection 4 of Joint Standing Rule No. 14.3 (out of 2nd house by 110th day).
Has been granted effective: Thursday, April 14, 2011.

SENATOR STEVEN A. HORSFORD
Majority Leader

ASSEMBLYMAN JOHN OCEGUERA
Speaker

A Waiver requested by Senate Standing Committee on Revenue.
For: Senate Bill No. 491.
To Waive:
Subsection 1 of Joint Standing Rule No. 14.3 (out of final committee of house of origin by 68th day).
Subsection 2 of Joint Standing Rule No. 14.3 (out of house of origin by 79th day).
Subsection 3 of Joint Standing Rule No. 14.3 (out of final committee of 2nd house by 103rd day).
Subsection 4 of Joint Standing Rule No. 14.3 (out of 2nd house by 110th day).
Has been granted effective: Thursday, April 14, 2011.

SENATOR STEVEN A. HORSFORD
Majority Leader

ASSEMBLYMAN JOHN OCEGUERA
Speaker

A Waiver requested by Senate Standing Committee on Revenue.
For: Senate Bill No. 492.
To Waive:
Subsection 1 of Joint Standing Rule No. 14.3 (out of final committee of house of origin by 68th day).
Subsection 2 of Joint Standing Rule No. 14.3 (out of house of origin by 79th day).
Subsection 3 of Joint Standing Rule No. 14.3 (out of final committee of 2nd house by 103rd day).
Subsection 4 of Joint Standing Rule No. 14.3 (out of 2nd house by 110th day).
Has been granted effective: Thursday, April 14, 2011.

SENATOR STEVEN A. HORSFORD
Majority Leader

ASSEMBLYMAN JOHN OCEGUERA
Speaker

A Waiver requested by Senate Standing Committee on Revenue.
For: Senate Joint Resolution No. 15.
To Waive:
Subsection 1 of Joint Standing Rule No. 14.3 (out of final committee of house of origin by 68th day).
Subsection 2 of Joint Standing Rule No. 14.3 (out of house of origin by 79th day).
Subsection 3 of Joint Standing Rule No. 14.3 (out of final committee of 2nd house by 103rd day).
Subsection 4 of Joint Standing Rule No. 14.3 (out of 2nd house by 110th day).
Has been granted effective: Thursday, April 14, 2011.

SENATOR STEVEN A. HORSFORD
Majority Leader

ASSEMBLYMAN JOHN OCEGUERA
Speaker

A Waiver requested by Senate Standing Committee on Commerce, Labor and Energy.
For: 58-1280 (Senate Bill No. 496)
To Waive:
Subsection 2 of Joint Standing Rule No. 14 (Committee requests of each house must be requested by 19th day).
Subsection 1 of Joint Standing Rule No. 14.2 (dates for introduction of BDRs requested by individual legislators and committees).
Subsection 1 of Joint Standing Rule No. 14.3 (out of final committee of house of origin by 68th day).
Has been granted effective: Thursday, April 14, 2011.

SENATOR STEVEN A. HORSFORD
Majority Leader

ASSEMBLYMAN JOHN OCEGUERA
Speaker

A Waiver requested by Senate Standing Committee on Judiciary.
For: Senate Bill No. 185.
To Waive:
Subsection 1 of Joint Standing Rule No. 14.3 (out of final committee of house of origin by 68th day).
Has been granted effective: Friday, April 15, 2011.

SENATOR STEVEN A. HORSFORD
Majority Leader

ASSEMBLYMAN JOHN OCEGUERA
Speaker

A Waiver requested by Senate Standing Committee on Finance.
For: Senate Bill No. 316.
To Waive:
Subsection 1 of Joint Standing Rule No. 14.3 (out of final committee of house of origin by 68th day).
Subsection 2 of Joint Standing Rule No. 14.3 (out of house of origin by 79th day).
Has been granted effective: Friday, April 15, 2011.

SENATOR STEVEN A. HORSFORD
Majority Leader

ASSEMBLYMAN JOHN OCEGUERA
Speaker

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Conklin moved that Assembly Bills Nos. 286, 287, 314, 392, 447, 506, 554, and 557, just reported out of committee, be rereferred to the Committee on Ways and Means.

Motion carried.

Assemblyman Conklin moved that Assembly Bills Nos. 23, 36, 82, 109, 111, 121, 125, 137, 142, 160, 170, 188, 211, 232, 233, 237, 261, 271, 295, 309, 313, 319, 323, 331, 348, 355, 390, 395, 453, 456, 459, 478, 504, 524, 533; Assembly Joint Resolutions Nos. 6 and 7; Senate Bill No. 220, just reported out of committee, be placed at the bottom of Second Reading File.

Motion carried.

Assemblyman Conklin moved that all rules be suspended and that Assembly Bill No. 565 be declared an emergency measure under the Constitution and placed at the top of General File for third reading and final passage.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 565.

Bill read third time.

Remarks by Assemblywoman Smith.

Roll call on Assembly Bill No. 565:

YEAS—42.

NAYS—None.

Assembly Bill No. 565 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered immediately transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Conklin moved that Assembly Bill No. 19 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 30.

Assemblyman Conklin moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 44.

Assemblyman Conklin moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 65.

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

Motion carried.

Senate Bill No. 74.

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

Motion carried.

Senate Bill No. 77.

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

Motion carried.

Senate Bill No. 82.

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

Motion carried.

Senate Bill No. 85.

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

Motion carried.

Senate Bill No. 96.

Assemblyman Conklin moved that the bill be referred to the Committee on Education.

Motion carried.

Senate Bill No. 102.

Assemblyman Conklin moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

Senate Bill No. 111.

Assemblyman Conklin moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 120.

Assemblyman Conklin moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

Senate Bill No. 136.

Assemblyman Conklin moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 143.

Assemblyman Conklin moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 153.

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

Motion carried.

Senate Bill No. 167.

Assemblyman Conklin moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 175.

Assemblyman Conklin moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 215.

Assemblyman Conklin moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 279.

Assemblyman Conklin moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 280.

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

Motion carried.

Senate Bill No. 317.

Assemblyman Conklin moved that the bill be referred to the Committee on Education.

Motion carried.

Senate Bill No. 348.

Assemblyman Conklin moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 353.

Assemblyman Conklin moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 358.

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

Motion carried.

Senate Bill No. 408.

Assemblyman Conklin moved that the bill be referred to the Committee on Transportation.

Motion carried.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 12:42 p.m.

ASSEMBLY IN SESSION

At 12:45 p.m.

Mr. Speaker presiding.

Quorum present.

SECOND READING AND AMENDMENT

Assembly Bill No. 12.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 66.

SUMMARY—~~[Transfers the authority to use]~~ **Abolishes** the Parolees' Revolving Loan Account **.** ~~[from the State Board of Parole Commissioners to the Chief Parole and Probation Officer.]~~ (BDR 16-458)

AN ACT relating to parole; ~~[transferring the authority to use]~~ **abolishing** the Parolees' Revolving Loan Account **;** ~~[from the State Board of Parole Commissioners to the Chief Parole and Probation Officer;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law creates the Parolees' Revolving Loan Account, which is used to provide individual parolees with loans to purchase certain necessary items while attempting to secure employment. ~~[Additionally, existing law specifies that the account is created for the use of the State Board of Parole Commissioners, but also requires the Chief Parole and Probation Officer to use and control the account.]~~ (NRS 213.145) This bill ~~[transfers the authority to use the account from the Board to the Chief Parole and Probation Officer.]~~ **abolishes the Account.**

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

Section 1. **[**~~NRS 213.145 is hereby amended to read as follows:~~

~~213.145 1. A parolees' revolving loan account in the sum of $4,500 is hereby created for the use of the~~ **[**Board.**]** ***Chief Parole and Probation Officer.***

~~2. The account must be under the control of the Chief Parole and Probation Officer, who shall use the account to provide loans to individual parolees in an amount not to exceed $300 to assist in purchasing job tools or equipment, transportation to home or job or for food and rent until a steady income can be obtained. These loans may be made at a rate of interest not to exceed 4 percent.~~

~~3. Terms of repayment must be established at the time of making the loan but the Chief Parole and Probation Officer may alter the terms if the best interests of the parolee and the State would be served by doing so. Willful failure to make payments on the loan is a ground, in the discretion of the Board, for revocation of parole.~~

~~4. The account is nonreverting, except to the extent that *if* the cash balance of the account exceeds $4,500 at the end of each fiscal year, the excess cash must be credited to the State General Fund.]~~ **(Deleted by amendment.)**

Sec. 1.3. **NRS 213.145 is hereby repealed.**

Sec. 1.7. **1. As soon as practicable after the effective date of this act, the Chief Parole and Probation Officer shall revert to the State General Fund any remaining balance in the Parolees' Revolving Loan Account.**

2. Any money received by the Chief Parole and Probation Officer in repayment of a loan made from the Parolees' Revolving Loan Account must be reverted to the State General Fund as soon as practicable after the money is received.`

Sec. 2. This act becomes effective upon passage and approval.

TEXT OF REPEALED SECTION

213.145 Parolees' Revolving Account: Creation; use; reversion of balances.

1. A parolees' revolving loan account in the sum of $4,500 is hereby created for the use of the Board.

2. The account must be under the control of the Chief Parole and Probation Officer, who shall use the account to provide loans to individual parolees in an amount not to exceed $300 to assist in purchasing job tools or equipment, transportation to home or job or for food and rent until a steady income can be obtained. These loans may be made at a rate of interest not to exceed 4 percent.

3. Terms of repayment must be established at the time of making the loan but the Chief Parole and Probation Officer may alter the terms if the best interests of the parolee and the State would be served by doing so. Willful failure to make payments on the loan is a ground, in the discretion of the Board, for revocation of parole.

4. The account is nonreverting, except to the extent that the cash balance of the account exceeds $4,500 at the end of each fiscal year, the excess cash must be credited to the State General Fund.

Assemblywoman Smith moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 20.

Bill read second time.

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

Amendment No. 52.

AN ACT relating to optometry; requiring the Nevada State Board of Optometry to issue a license by endorsement to practice optometry in this State in certain circumstances; revising provisions governing the examination for licensure by the Board; revising provisions governing the discipline and unprofessional or unethical conduct of licensees; repealing provisions that require the Board to maintain a roster of licensees; repealing provisions that pertain to the scope of reexaminations for licensure; establishing fees; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires each applicant for a license to practice optometry in this State to take and pass an examination prepared and administered by the Nevada State Board of Optometry or by a testing agency that has been designated by the Board. The examination must test the fitness of an applicant to practice optometry and include testing of the applicant's knowledge of statutes and regulations governing the practice of optometry. (NRS 636.150, 636.180, 636.185) Other states have enacted legislation creating exceptions from general licensure provisions which allow certain qualified persons who are licensed in another jurisdiction to receive a license to practice optometry without requiring the licensee to take an examination that is designed to evaluate competency to practice optometry. However, existing law in this State does not authorize such an exception.

Section 2 of this bill provides for the issuance of a license by endorsement to practice optometry and requires the Board to issue a license by endorsement to certain qualified applicants who are licensed to practice optometry in the District of Columbia or other states or territories and who have been continuously and actively engaged in the practice of optometry for the ~~[10]~~ **5** years immediately preceding the date on which they apply to the Board for the issuance of a license by endorsement. **Section 7** of this bill requires an applicant for a license by endorsement to take and pass an examination, but **section 3** of this bill provides that the examination must test only the applicant's knowledge of statutes and regulations governing the practice of optometry in this State. **Section 5** of this bill establishes the fees which must be paid by an applicant for the examination for a license by endorsement and for the issuance and renewal of a license by endorsement.

Section 10 of this bill revises provisions governing the score required to pass the examinations, and **sections 6, 8, 9, 11 and 12** of this bill make

certain revisions to distinguish between the examination for and issuance of a license to practice optometry and a license by endorsement.

Existing law also defines the scope of the practice of optometry in this State and authorizes the Board to discipline licensees for certain acts or omissions and determine what acts constitute unethical or unprofessional conduct by licensees. (NRS 636.025, 636.130, 636.290-636.340) ~~[Section 4 of this bill prohibits a licensee from engaging in certain activities which would constitute the practice of medicine.]~~ **Section 13** of this bill authorizes the Board to discipline licensees for the commission of a felony~~[, or]~~ for conduct that demonstrates incompetency in the practice of optometry**~~[.]~~ or for practicing or offering to practice optometry outside the scope of practice authorized by law.** **Sections 14 and 15** of this bill revise provisions pertaining to unprofessional or unethical conduct relating to the use of prescription blanks and the sale, solicitation or advertisement of certain products and services.

Section 16 of this bill repeals provisions requiring the Board to maintain a roster of licensees and authorizing the Board to determine the scope of reexaminations for licensure.

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

Section 1. Chapter 636 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. ***1. The Board shall, except for good cause, issue a license by endorsement to practice optometry to an applicant who has been issued a license to practice optometry by the District of Columbia or any state or territory of the United States if:***

(a) At the time the applicant files an application with the Board, the license issued to the applicant by the District of Columbia or the other state or territory of the United States is in effect and unrestricted; and

(b) The applicant:

(1) Has obtained a passing score on an examination for licensure that is recognized by the Board as an appropriate examination to assess competency in the practice of optometry;

(2) Has had no adverse actions reported to the National Practitioner Data Bank within the ~~[10]~~ 5 years immediately preceding the date of the application;

(3) Has been continuously and actively engaged in the practice of optometry for the ~~[10]~~ 5 years immediately preceding the date of the application;

(4) Is not involved in and does not have pending any disciplinary action concerning a license to practice optometry in the District of Columbia or any state or territory of the United States;

(5) Provides information to the Board about any malpractice claim that has been brought against the applicant, regardless of when the claim was filed or how the claim was resolved;

(6) Obtains a passing score on the examination for licensure by endorsement administered by the Board pursuant to NRS 636.170; and

(7) Pays the fee required by NRS 636.143.

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

Sec. 3. ***An examination for licensure by endorsement must:***

1. Test only the examinee's knowledge of statutes and regulations governing the practice of optometry in this State;

2. Be prepared and administered by the Board or a testing agency that has been designated by the Board to conduct its examinations; and

3. Be conducted in the English language.

Sec. 4. ~~[NRS 636.025 is hereby amended to read as follows:~~

~~636.025 1. The acts set forth in this section, or any of them, whether done severally, collectively or in combination with other acts that are not set forth in this section constitute practice in optometry within the purview of this chapter:~~

~~(a) Advertisement or representation as an optometrist.~~

~~(b) Adapting, or prescribing or dispensing, without prescription by a practitioner of optometry or medicine licensed in this State, any ophthalmic lens, frame or mounting, or any part thereof, for correction, relief or remedy of any abnormal condition or insufficiency of the eye or any appendage or visual process. The provisions of this paragraph do not prevent an optical mechanic from doing the mere mechanical work of replacement or duplication of the ophthalmic lens or prevent a licensed dispensing optician from engaging in the practice of ophthalmic dispensing.~~

~~(c) The examination of the human eye and its appendages, the measurement of the powers or range of human vision, the determination of the accommodative and refractive states of the eye or the scope of its function in general, or the diagnosis or determination of any visual, muscular, neurological, interpretative or anatomic anomalies or deficiencies of the eye or its appendages or visual processes.~~

~~(d) Prescribing, directing the use of or using any optical device in connection with ocular exercises, orthoptics or visual training.~~

~~(e) The prescribing of contact lenses.~~

~~(f) The measurement, fitting or adaptation of contact lenses to the human eye except under the direction and supervision of a physician, surgeon or optometrist licensed in the State of Nevada.~~

~~(g) The topical use of diagnostic pharmaceutical agents to determine any visual, muscular, neurological, interpretative or anatomic anomalies or deficiencies of the eye or its appendages or visual processes.~~

~~(h) Prescribing, directing the use of or using a therapeutic pharmaceutical agent to treat an abnormality of the eye or its appendages.~~

~~(i) Removing a foreign object from the surface or epithelium of the eye.~~

~~(j) The ordering of laboratory tests to assist in the diagnosis of an abnormality of the eye or its appendages.~~

~~2. The provisions of this section do not authorize an optometrist to engage in any practice which includes:~~

~~(a) The incision or suturing of the eye or its appendages;~~ ~~[or]~~

~~(b) The use of lasers for surgical purposes~~ ~~[.]~~ ~~*, or*~~

~~*(c) Except as otherwise provided in subsection 1, any act or procedure that would constitute the practice of medicine pursuant to NRS 630.020.]*~~ **(Deleted by amendment.)**

Sec. 5. NRS 636.143 is hereby amended to read as follows:

636.143 The Board shall establish within the limits prescribed a schedule of fees for the following purposes:

	Not less than	Not more than
Examination ***, including examination for license by endorsement***	$100	$500
Reexamination ***, including reexamination for license by endorsement***	100	500
Issuance of each license or duplicate license***, including a license by endorsement***	35	75
Renewal of each license or duplicate license***, including a license by endorsement***	$100	$500
Issuance of a license for an extended clinical facility	100	500
Issuance of a replacement renewal card for a license	10	50

Sec. 6. NRS 636.150 is hereby amended to read as follows:

636.150 ~~[Any]~~ ***Except as otherwise provided in section 2 of this act, any*** person applying for a license to practice optometry in this State must:

1. File proof of his or her qualifications;
2. Make application for an examination;
3. Take and pass the examination;
4. Pay the prescribed fees; and

5. Verify that all the information he or she has provided to the Board or to any other entity pursuant to the provisions of this chapter is true and correct.

Sec. 7. NRS 636.170 is hereby amended to read as follows:

636.170 The Board shall ~~[:~~

~~1. Conduct a regular annual examination, and may conduct a special examination when it deems that circumstances warrant such examination.~~

~~2. Fix and announce the time and place of any examination at least 30 days prior to the day when it is to be commenced.]~~ ***conduct an examination of each applicant for licensure and each applicant for licensure by endorsement by the Board. The examination must be administered at a time and place designated by the Board.***

Sec. 8. NRS 636.180 is hereby amended to read as follows:

636.180 An examination ***other than an examination for licensure by endorsement*** must:

1. Be practical in character and design as determined by the Board;
2. Test the fitness of the examinee to practice optometry;
3. Be prepared and administered by the Board or a testing agency that has been designated by the Board to conduct its examinations; and
4. Be conducted in the English language.

Sec. 9. NRS 636.185 is hereby amended to read as follows:

636.185 1. An examination, other than ~~[one]~~ ***an examination*** conducted solely for reexamination of an examinee who has failed in a previous examination ~~[,]~~ ***or an examination for licensure by endorsement,*** must include testing in the following areas:

(a) General anatomy.
(b) General physiology.
(c) Ocular anatomy.
(d) Ocular physiology.
(e) Ocular pathology.
(f) Geometric optics.
(g) Physiological optics.
(h) Theoretical optometry.
(i) Practical optometry.
(j) Retinoscopy and ophthalmic instruments.
(k) Ophthalmoscopy and biomicroscopy.
(l) Neurology, visual fields and perimetry.
(m) Vision therapy.
(n) Clinical optometry.
(o) Contact lenses.
(p) Pharmacology.
(q) Statutes and regulations governing the practice of optometry.

(r) Such other areas as the Board may prescribe.

2. An examination ***, other than an examination conducted solely for reexamination of an examinee who has failed in a previous examination or an examination for licensure by endorsement,*** must also provide for an evaluation of the examinee's knowledge of the following areas:

(a) Basic science.

(b) Clinical science.

(c) Care and management of patients.

Sec. 10. NRS 636.190 is hereby amended to read as follows:

636.190 Except as otherwise provided in NRS 622.090, a grade of 75 or higher ~~[for each area tested on the examination]~~ is required to pass an examination.

Sec. 11. NRS 636.215 is hereby amended to read as follows:

636.215 The Board shall execute a license ***other than a license by endorsement*** for each person who has satisfied the requirements of NRS 636.150 and submitted all information required to complete an application for a license. A license must:

1. Certify that the licensee has been examined and found qualified to practice optometry in this State; and

2. Be signed by each member of the Board.

Sec. 12. NRS 636.220 is hereby amended to read as follows:

636.220 ~~[The]~~ ***A*** license ***executed pursuant to NRS 636.215*** must be issued and delivered by the Executive Director to the licensee upon payment to the Executive Director of the prescribed fee.

Sec. 13. NRS 636.295 is hereby amended to read as follows:

636.295 The following acts, conduct, omissions, or mental or physical conditions, or any of them, committed, engaged in, omitted, or being suffered by a licensee, constitute sufficient cause for disciplinary action:

1. Affliction of the licensee with any communicable disease ~~[likely to]~~ ***which may*** be communicated to other persons.

2. Commission by the licensee of a felony ~~[relating to the practice of optometry]~~ or ***of*** a gross misdemeanor involving moral turpitude of which the licensee has been convicted and from which he or she has been sentenced by a final judgment of a federal or state court in this or any other state, the judgment not having been reversed or vacated by a competent appellate court and the offense not having been pardoned by executive authority.

3. Conviction of any of the provisions of NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive.

4. Commission of fraud by or on behalf of the licensee in obtaining a license or a renewal thereof, or in practicing optometry thereunder.

5. Habitual drunkenness or addiction to any controlled substance.

6. ~~[Gross incompetency.]~~ ***Incompetency in the practice of optometry or conduct which demonstrates a significant lack of ability, knowledge or fitness to discharge a professional obligation in the practice of optometry.***

7. Affliction with any mental or physical disorder or disturbance ~~[seriously impairing]~~ ***which impairs*** his or her competency as an optometrist.

8. Making false or misleading representations, by or on behalf of the licensee, with respect to optometric materials or services.

9. Practice by the licensee, or attempting or offering so to do, while in an intoxicated condition.

10. Perpetration of unethical or unprofessional conduct in the practice of optometry.

11. Any violation of the provisions of this chapter or any regulations adopted pursuant thereto.

12. ***Practicing or offering to practice optometry outside the scope of practice authorized by law.***

13. Operation of a medical facility, as defined in NRS 449.0151, at any time during which:

(a) The license of the facility is suspended or revoked; or

(b) An act or omission occurs which results in the suspension or revocation of the license pursuant to NRS 449.160.

➥ This subsection applies to an owner or other principal responsible for the operation of the facility.

Sec. 14. NRS 636.300 is hereby amended to read as follows:

636.300 The following acts, among others, constitute unethical or unprofessional conduct:

1. Association as an optometrist with any person, firm or corporation violating this chapter.

2. Accepting employment ~~[,]~~ ***as an optometrist or in the practice of optometry,*** directly or indirectly, from a person not licensed to practice optometry in this State ***,*** ~~[to assist the person in such practice or enabling the person to engage therein,]~~ except as authorized in NRS 636.347.

3. Signing ***or using*** the prescription blanks of another optometrist ***, ophthalmologist or medical professional*** or allowing another optometrist ***, ophthalmologist or medical professional*** to ***sign or*** use his or her prescription blanks.

4. Except as otherwise provided in NRS 636.372 and 636.373, practicing in or on premises where any materials other than those necessary to render optometric examinations or services are dispensed to the public, or where a business is being conducted not exclusively devoted to optometry or other healing arts and materials or merchandise are displayed having no relation to the practice of optometry or other healing arts.

Sec. 15. NRS 636.302 is hereby amended to read as follows:

636.302 The following acts, among others, constitute unethical or unprofessional conduct:

1. Making a house-to-house canvass, either in person or by another person, for advertising, selling or soliciting the sale of ***contact lenses,*** eyeglasses, frames, lenses, mountings, or optometric examinations or services.

2. Circulating or publishing, directly or indirectly, any false, fraudulent or misleading statement as to optometric materials or services, his or her method of practice or skill, or the method of practice or skill of any other licensee.

3. Advertising in any manner that will tend to deceive, defraud or mislead the public.

~~[4. Advertising, directly or indirectly, free optometric examinations or services.]~~

Sec. 16. NRS 636.120 and 636.200 are hereby repealed.

Sec. 17. This act becomes effective upon passage and approval for the purpose of adopting regulations and on October 1, 2011, for all other purposes.

TEXT OF REPEALED SECTIONS

636.120 Roster of licensees: Preparation and distribution. Once each year, the Board shall prepare and distribute to all licensees a roster containing their names and addresses.

636.200 Scope of reexamination. An examinee whose request for reexamination has been granted may, at the discretion of the Board or the testing agency designated by the Board to conduct its examinations, be required to retake:

1. The entire examination; or

2. Only the section or sections of the examination on which the examinee did not receive the grade required to pass.

Assemblyman Atkinson moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 25.

Bill read second time.

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

Amendment No. 24.

AN ACT relating to certified court reporters; revising the educational requirements to take the examination for certification by the Certified Court Reporters' Board of Nevada; authorizing the Board to impose a civil penalty

against a person for certain violations; ~~[increasing the amount of the administrative fine that may be imposed against a person by the Board;]~~ **requiring the Board to conduct certain hearings;** revising the authority of the Board to investigate certain conduct; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1 of this bill provides that any person who violates laws or regulations governing court reporters is subject to a civil penalty of not more than ~~[$10,000]~~ **$5,000** for each violation. **Section 3** of this bill revises the educational requirements to take the examination for certification as a court reporter by changing from requiring a certificate of satisfactory completion of a prescribed course of study to requiring that a person, prior to sitting for the examination, complete course work in academic fields related to court reporting from a school for court reporters or through a distance education program.

Existing law authorizes the Certified Court Reporters' Board of Nevada to impose an administrative fine against a court reporter or court reporting firm for violating provisions governing court reporters. Existing law also authorizes the Board to restrict, revoke or refuse to issue or renew a license or certificate, or to place a court reporter or court reporting firm on probation for a period of not more than 1 year for such violations. (NRS 656.257) **Section 4** of this bill ~~[increases from $5,000 to $10,000 the amount of the administrative fine that may be imposed]~~ **requires the Board to hold a hearing before imposing a fine or penalty** against a court reporter or court reporting firm for violating such provisions. **Section 5** of this bill broadens the authority of the Board to investigate conduct which may violate the provisions governing court reporters.

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

Section 1. Chapter 656 of NRS is hereby amended by adding thereto a new section to read as follows:

In addition to any other penalty provided by law, a person who violates any provision of this chapter or any regulation adopted by the Board is subject to a civil penalty of not more than ~~[$10,000]~~ $5,000 for each violation. Any such penalty must be imposed by the Board:

1. If the person is a certified court reporter or court reporting firm, at a hearing conducted pursuant to the provisions of chapter 622A of NRS.

2. If the person is not a licensee, at a hearing for which written notice has been given not less than 30 days before the hearing.

Sec. 2. NRS 656.030 is hereby amended to read as follows:

656.030 As used in this chapter, unless the context otherwise requires:

1. "Board" means the Certified Court Reporters' Board of Nevada.

2. "Certificate" means a certified court reporter's certificate issued under the provisions of this chapter.

3. "Certified court reporter" or "court reporter" means a person who is technically qualified and registered under this chapter to practice court reporting.

4. "Court reporting firm" means a person who, for compensation, provides or arranges for the services of a court reporter or provides referral services for court reporters in this State.

5. "Designated representative of a court reporting firm" means the person designated to act as the representative of a court reporting firm pursuant to NRS 656.186.

6. "***Distance education program" means a program that offers instruction which is delivered by the Internet in such a manner that the person supervising or providing the instruction and the person receiving the instruction are separated geographically for a majority of the time during which the instruction is delivered.***

7. **"**License" means a license issued under the provisions of this chapter to conduct business as a court reporting firm.

~~[7.]~~ ***8.*** "Licensee" means a person to whom a license has been issued.

~~[8.]~~ ***9.*** "Practice of court reporting" means reporting, in this State, by the use of voice writing or any system of manual or mechanical shorthand writing:

(a) Grand jury proceedings;

(b) Court proceedings, with the exception of proceedings before a federal court;

(c) Pretrial examinations, depositions, motions and related proceedings of like character; or

(d) Proceedings of any agency if the final decision of the agency with reference thereto is subject to judicial review.

~~[9.]~~ ***10.*** "Stenographic notes" means:

(a) The original manually or mechanically produced notes in shorthand or shorthand writing taken by a court reporter while in attendance at a proceeding to report the proceeding; or

(b) The record produced by the use of voice writing by a court reporter while in attendance at a proceeding.

~~[10.]~~ ***11.*** "Voice writing" means the making of a verbatim record of a proceeding by repeating the words of the speaker into a device that is capable of:

(a) Digitally translating the words into text; or

(b) Making a tape or digital recording of those words.

➥ ***The term includes, without limitation, stenomasking, verbatim reporting and other similar titles.***

Sec. 3. NRS 656.170 is hereby amended to read as follows:

656.170 1. Examinations must be held not less than twice a year at such times and places as the Board may designate.

2. No person may be admitted to the examination unless the person first presents satisfactory evidence to the Board that he or she has:

(a) Received a passing grade on the National Court Reporters Association's examination for registered professional reporters, if the Board has approved the examination;

(b) Received a passing grade on the National Verbatim Reporters Association's examination for certified verbatim reporters, if the Board has approved the examination;

(c) ~~[~~A certificate of satisfactory completion of a prescribed course of study from~~]~~ ***Completed course work at*** a school for court reporters ~~[~~which includes~~]~~ ***or completed course work offered through a distance education program for court reporters in*** English grammar, reading, spelling and vocabulary, medical and legal terminology, transcription ~~[,]~~ ***and computer-aided transcription,*** reporting procedures and court reporting at 200 words per minute with an accuracy of ~~[~~97.5~~]~~ ***95*** percent;

(d) A certificate as a registered professional reporter, registered merit reporter, certified CART provider, certified broadcast captioner or certified realtime reporter from the National Court Reporters Association, if the Board has approved each such certificate;

(e) A certificate as a certified verbatim reporter ***, realtime verbatim reporter, registered CART provider or registered broadcast captioner*** or a certificate of merit from the National Verbatim Reporters Association, if the Board has approved each such certificate;

(f) A valid certificate or license to practice court reporting issued by another state; or

(g) One year of continuous experience as a full-time court reporter using voice writing or any system of manual or mechanical shorthand writing.

Sec. 4. NRS 656.257 is hereby amended to read as follows:

656.257 ***1.*** In addition to or in lieu of suspending, revoking or refusing to issue or renew the certificate of a court reporter or the license of a court reporting firm pursuant to NRS 656.240, 656.250 or 656.253, the Board may, by a majority vote:

~~[~~1.~~]~~ ***(a)*** Place the court reporter or court reporting firm on probation for a period not to exceed 1 year; or

~~[~~2.~~]~~ ***(b)*** Impose an administrative fine against the court reporter or court reporting firm in an amount not to exceed $5,000 ~~*[$10,000]*~~ for each violation for which the administrative fine is imposed.

2. Any penalty imposed pursuant to this section must be imposed by the Board at a hearing conducted pursuant to chapter 622A of NRS.

Sec. 5. NRS 656.280 is hereby amended to read as follows:

656.280 1. The Board may upon its own motion and shall upon the verified complaint in writing of any person setting forth facts which if proven would constitute grounds for refusal, suspension or revocation ***of a certificate or license or other disciplinary action*** as set forth in NRS 656.240 to ~~[656.270,]~~ ***656.300,*** inclusive, investigate the actions of ***a current or former certificate holder or licensee, including a firm or*** any ***other*** person who applies for, or holds or represents that he or she ***or the firm*** holds a license or certificate.

2. The Board shall, before refusing to issue any license or certificate, notify the applicant in writing of the reasons for the refusal. The notice must be served by delivery personally to the applicant or by mailing by registered or certified mail to the last known place of business of the applicant.

3. The time set in the notice must not be less than 10 nor more than 30 days after delivery or mailing.

4. The Board may continue the hearing from time to time.

Sec. 6. This act becomes effective upon passage and approval.

Assemblyman Atkinson moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 26.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 21.

AN ACT relating to insurance; providing that a motor vehicle liability policy issued in this State must be written specifically to meet the requirements for insurance in this State; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the owner of every motor vehicle which is registered or required to be registered in this State to continuously provide, while the motor vehicle is present or registered in this State, liability insurance provided by an insurance company licensed by the Division of Insurance of the Department of Business and Industry and approved to do business in this State. (NRS 485.185) This bill specifies that such insurance must be written specifically to meet the requirements for such insurance in this State, and that both the producer of the insurance policy and the insurer must be authorized to transact casualty insurance in this State.

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

Section 1. NRS 485.055 is hereby amended to read as follows:

485.055 1. "Motor vehicle liability policy" means an owner's policy of liability insurance or an operator's policy of liability insurance ~~[issued by]~~ ***that:***

(a) Meets the applicable requirements of NRS 485.185 and 485.3091;

(b) Is provided by a ~~*[duly appointed]*~~ ***producer of casualty insurance, licensed in this State, on behalf of*** an insurer authorized to transact ~~[business]~~ ***casualty insurance*** in this State ~~[.]~~ ***; and***

(c) Is issued to or for the benefit of the person named therein as insured.

2. With respect to a policy which grants excess or additional coverage over that required by NRS 485.3091, the term "motor vehicle liability policy" applies only to that part of the coverage which is required by NRS 485.3091.

Sec. 2. NRS 485.185 is hereby amended to read as follows:

485.185 ***1.*** Every owner of a motor vehicle which is registered or required to be registered in this State shall continuously ~~[provide,]~~ ***maintain,*** while the motor vehicle is present or registered in this State, insurance ~~[provided]~~ ***that is:***

(a) Written specifically to meet the requirements of the State of Nevada with respect to motor vehicle liability policies; and

(b) Provided by an insurance company licensed by the Division of Insurance of the Department of Business and Industry and approved to do business in this State ***.*** ~~[:~~

~~1. In the]~~

2. The insurance required by subsection 1 must be in the following amounts:

(a) The amount of $15,000 for bodily injury to or death of one person in any one accident;

~~[2.]~~ ***(b)*** Subject to the limit for one person, ~~[in]~~ the amount of $30,000 for bodily injury to or death of two or more persons in any one accident; and

~~[3. In the]~~

(c) The amount of $10,000 for injury to or destruction of property of others in any one accident,

➥ for the payment of tort liabilities arising from the maintenance or use of the motor vehicle.

Sec. 3. NRS 485.3091 is hereby amended to read as follows:

485.3091 1. An owner's policy of liability insurance must:

(a) ***Be written specifically to meet the requirements of the State of Nevada with respect to motor vehicle liability policies;***

(b) Designate by explicit description or by appropriate reference all motor vehicles with respect to which coverage is thereby to be granted; and

~~[(b)]~~ ***(c)*** Insure the person named therein and any other person, as insured, using any such motor vehicle with the express or implied permission of the named insured, against loss from the liability imposed by law for damages arising out of the ownership, maintenance or use of such motor vehicle within the United States of America or the Dominion of Canada, subject to limits exclusive of interest and costs, with respect to each such motor vehicle, as follows:

(1) Because of bodily injury to or death of one person in any one accident, $15,000;

(2) Subject to the limit for one person, because of bodily injury to or death of two or more persons in any one accident, $30,000; and

(3) Because of injury to or destruction of property of others in any one accident, $10,000.

2. An operator's policy of liability insurance must ~~[insure]~~ ***:***

(a) Be written specifically to meet the requirements of the State of Nevada with respect to motor vehicle liability policies; and

(b) Insure the person named as insured therein against loss from the liability imposed upon the person by law for damages arising out of the person's use of any motor vehicle within the same territorial limits and subject to the same limits of liability as are set forth in paragraph ~~[(b)]~~ ***(c)*** of subsection 1.

3. A motor vehicle liability policy must state the name and address of the named insured, the coverage afforded by the policy, the premium charged therefor, the period of effectiveness and the limits of liability, and must contain an agreement or be endorsed that insurance is provided thereunder in accordance with the coverage defined in this chapter as respects bodily injury and death or property damage, or both, and is subject to all the provisions of this chapter.

4. A motor vehicle liability policy need not insure any liability under any workers' compensation law nor any liability on account of bodily injury to or death of an employee of the insured while engaged in the employment, other than domestic, of the insured, or while engaged in the operation, maintenance or repair of any motor vehicle owned by the insured nor any liability for damage to property owned by, rented to, in charge of or transported by the insured.

5. Every motor vehicle liability policy is subject to the following provisions which need not be contained therein:

(a) The liability of the insurance carrier with respect to the insurance required by this chapter becomes absolute whenever injury or damage covered by the policy occurs. The policy may not be cancelled or annulled as

to such liability by any agreement between the insurance carrier and the insured after the occurrence of the injury or damage. No statement made by the insured or on behalf of the insured and no violation of the policy defeats or voids the policy.

(b) The satisfaction by the insured of a judgment for injury or damage is not a condition precedent to the right or duty of the insurance carrier to make payment on account of the injury or damage.

(c) The insurance carrier may settle any claim covered by the policy, and if such a settlement is made in good faith, the amount thereof is deductible from the limits of liability specified in paragraph ~~[(b)]~~ ***(c)*** of subsection 1.

(d) The policy, the written application therefor, if any, and any rider or endorsement which does not conflict with the provisions of this chapter constitute the entire contract between the parties.

6. Any policy which grants the coverage required for a motor vehicle liability policy may also grant any lawful coverage in excess of or in addition to the coverage specified for a motor vehicle liability policy, and the excess or additional coverage is not subject to the provisions of this chapter.

7. Any motor vehicle liability policy may provide for the prorating of the insurance thereunder with other valid and collectible insurance.

8. The requirements for a motor vehicle liability policy may be fulfilled by the policies of one or more insurance carriers, which policies together meet those requirements.

9. Any binder issued pending the issuance of a motor vehicle liability policy shall be deemed to fulfill the requirements for such a policy.

Sec. 4. This act becomes effective upon passage and approval.

Assemblywoman Dondero Loop moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 32.

Bill read second time.

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

Amendment No. 25.

AN ACT relating to contractors; requiring a licensed contractor to submit a request for an increase in the monetary limit of his or her license to the State Contractors' Board at least ~~[10]~~ **5** working days before submitting a bid on certain projects; requiring a contractor to obtain approval by the Board of a request for an increase in the monetary limit of his or her license before submitting a bid on certain projects; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires a licensed contractor who intends to bid on a single construction project that would require an increase in the monetary limit of the contractor's license to request such an increase from the State Contractors' Board at least 2 working days before bidding on the project. (NRS 624.220) This bill requires that a licensed contractor submit such a request at least ~~[10]~~ **5** working days before bidding on any single construction project that would require an increase in the monetary limit of the contractor's license and further requires the contractor to obtain approval of the request by the Board before bidding on the project.

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

Section 1. NRS 624.220 is hereby amended to read as follows:

624.220 1. The Board shall adopt regulations necessary to effect the classification and subclassification of contractors in a manner consistent with established usage and procedure as found in the construction business, and may limit the field and scope of the operations of a licensed contractor to those in which the contractor is classified and qualified to engage as defined by NRS 624.215 and the regulations of the Board.

2. The Board shall limit the field and scope of the operations of a licensed contractor by establishing a monetary limit on a contractor's license, and the limit must be the maximum contract a licensed contractor may undertake on one or more construction contracts on a single construction site or subdivision site for a single client. The Board may take any other action designed to limit the field and scope of the operations of a contractor as may be necessary to protect the health, safety and general welfare of the public. The limit must be determined after consideration of the factors set forth in NRS 624.260 to 624.265, inclusive.

3. A licensed contractor may request that the Board increase the monetary limit on his or her license, either on a permanent basis or for a single construction project. A request submitted to the Board pursuant to this subsection must be in writing on a form prescribed by the Board and accompanied by such supporting documentation as the Board may require. ~~[If a]~~ ***A*** request submitted pursuant to this section ~~[is]~~ for a single construction project ~~[, the request]~~ must be submitted to the Board at least ~~[2]~~ ~~*[10]*~~ ***5*** working days before the date on which the licensed contractor intends to submit a bid for the project ~~[.]~~ ***and must be approved by the Board before the submission of a bid by the contractor for the project.***

4. Subject to the provisions of regulations adopted pursuant to subsection 5, nothing contained in this section prohibits a specialty contractor from taking and executing a contract involving the use of two or more crafts or trades, if the performance of the work in the crafts or trades, other than in

which the specialty contractor is licensed, is incidental and supplemental to the performance of work in the craft for which the specialty contractor is licensed.

5. The Board shall adopt regulations establishing a specific limit on the amount of asbestos that a licensed contractor with a license that is not classified for the abatement or removal of asbestos may abate or remove pursuant to subsection 4.

Assemblyman Atkinson moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 48.

Bill read second time.

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

Amendment No. 3.

AN ACT relating to mental health; authorizing mental health consortia to perform certain activities relating to children's mental health; authorizing mental health consortia to accept and expend money for certain purposes; ~~[making an appropriation to the Department of Health and Human Services for the administrative costs of the consortia;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law: (1) establishes a mental health consortium in each county whose population is 100,000 or more (currently Clark and Washoe Counties) and one mental health consortium in the region that comprises all other counties; and (2) requires each consortium to establish a long-term strategic plan for the provision of mental health services to children with emotional disturbance within the jurisdiction of the consortium. (NRS 433B.333, 433B.335) **Section 2** of this bill authorizes each mental health consortium to implement the plan and to engage in other activities to improve the provision of mental health services to children with emotional disturbance and their families. **Section 3** of this bill authorizes each consortium to apply for and accept gifts, grants, donations and bequests and enter into contracts to carry out the activities of the consortium.

Section 4 of this bill requires each consortium to submit to the Director of the Department of Health and Human Services and to the Commission on Mental Health and Developmental Services any request for an allocation for the administrative expenses of the consortium for consideration as part of the Department's biennial budget request.

~~[Section 5 of this bill makes an appropriation to the Department for the administrative costs of carrying out the statutory duties of the consortia for the 2011-2013 biennium.]~~

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

Section 1. Chapter 433B of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. ***1. A mental health consortium established by NRS 433B.333 may:***

(a) Participate in activities within the jurisdiction of the consortium to:

(1) Implement the provisions of the long-term strategic plan established by the consortium pursuant to NRS 433B.335; and

(2) Improve the provision of mental health services to children with emotional disturbance and their families, including, without limitation, advertising the availability of mental health services and carrying out a demonstration project relating to mental health services.

(b) Take other action to carry out its duties set forth in this section and NRS 433B.335 and section 3 of this act.

2. To the extent practicable, a mental health consortium shall coordinate with the Department to avoid duplicating or contradicting the efforts of the Department to provide mental health services to children with emotional disturbance and their families.

Sec. 3. ***1. A mental health consortium established by NRS 433B.333 may:***

(a) Enter into contracts and agreements to carry out the provisions of this section and NRS 433B.335 and section 2 of this act; and

(b) Apply for and accept gifts, grants, donations and bequests from any source to carry out the provisions of this section and NRS 433B.335 and section 2 of this act.

2. Any money collected pursuant to subsection 1:

(a) Must be deposited in the State Treasury and accounted for separately in the State General Fund; and

(b) Except as otherwise provided by the terms of a specific gift, grant, donation or bequest, must only be expended, under the direction of the consortium which deposited the money, to carry out the provisions of this section and NRS 433B.335 and section 2 of this act.

3. The Administrator shall administer the account maintained for each consortium.

4. Any interest or income earned on the money in an account maintained pursuant to this section must be credited to the account and does not revert to the State General Fund at the end of a fiscal year.

5. Any claims against an account maintained pursuant to this section must be paid as other claims against the State are paid.

Sec. 4. NRS 433B.335 is hereby amended to read as follows:

433B.335 1. Each mental health consortium established pursuant to NRS 433B.333 shall prepare and submit to the Director of the Department a long-term strategic plan for the provision of mental health services to children with emotional disturbance in the jurisdiction of the consortium. A plan submitted pursuant to this section is valid for 10 years after the date of submission, and each consortium shall submit a new plan upon its expiration.

2. In preparing the long-term strategic plan pursuant to subsection 1, each mental health consortium must be guided by the following principles:

(a) The system of mental health services set forth in the plan should be centered on children with emotional disturbance and their families, with the needs and strengths of those children and their families dictating the types and mix of services provided.

(b) The families of children with emotional disturbance, including, without limitation, foster parents, should be active participants in all aspects of planning, selecting and delivering mental health services at the local level.

(c) The system of mental health services should be community-based and flexible, with accountability and the focus of the services at the local level.

(d) The system of mental health services should provide timely access to a comprehensive array of cost-effective mental health services.

(e) Children and their families who are in need of mental health services should be identified as early as possible through screening, assessment processes, treatment and systems of support.

(f) Comprehensive mental health services should be made available in the least restrictive but clinically appropriate environment.

(g) The family of a child with an emotional disturbance should be eligible to receive mental health services from the system.

(h) Mental health services should be provided to children with emotional disturbance in a sensitive manner that is responsive to cultural and gender-based differences and the special needs of the children.

3. The long-term strategic plan prepared pursuant to subsection 1 must include:

(a) An assessment of the need for mental health services in the jurisdiction of the consortium;

(b) The long-term strategies and goals of the consortium for providing mental health services to children with emotional disturbance within the jurisdiction of the consortium;

(c) A description of the types of services to be offered to children with emotional disturbance within the jurisdiction of the consortium;

(d) Criteria for eligibility for those services;

(e) A description of the manner in which those services may be obtained by eligible children;

(f) The manner in which the costs for those services will be allocated;

(g) The mechanisms to manage the money provided for those services;

(h) Documentation of the number of children with emotional disturbance who are not currently being provided services, the costs to provide services to those children, the obstacles to providing services to those children and recommendations for removing those obstacles;

(i) Methods for obtaining additional money and services for children with emotional disturbance from private and public entities; and

(j) The manner in which family members of eligible children and other persons may be involved in the treatment of the children.

4. On or before January 31 of each even-numbered year, each mental health consortium shall submit to the Director of the Department and the Commission:

(a) A list of the priorities of services necessary to implement the long-term strategic plan submitted pursuant to subsection 1 and an itemized list of the costs to provide those services; ~~[and]~~

(b) A description of any revisions to the long-term strategic plan adopted by the consortium during the immediately preceding year ~~[.]~~ ***; and***

(c) Any request for an allocation for administrative expenses of the consortium.

5. In preparing the biennial budget request for the Department, the Director of the Department shall consider the list of priorities ***and any request for an allocation*** submitted pursuant to subsection 4 by each mental health consortium. On or before September 30 of each even-numbered year, the Director of the Department shall submit to each mental health consortium a report which includes a description of:

(a) Each item on the list of priorities of the consortium that was included in the biennial budget request for the Department; ~~[and]~~

(b) Each item on the list of priorities of the consortium that was not included in the biennial budget request for the Department and an explanation for the exclusion ~~[.]~~ ***; and***

(c) Any request for an allocation for administrative expenses of the consortium that was included in the biennial budget request for the Department.

6. On or before January 31 of each odd-numbered year, each consortium shall submit to the Director of the Department and the Commission:

(a) A report regarding the status of the long-term strategic plan submitted pursuant to subsection 1, including, without limitation, the status of the strategies, goals and services included in the plan; ~~[and]~~

(b) A description of any revisions to the long-term strategic plan adopted by the consortium during the immediately preceding year ~~[.]~~ ***; and***

(c) A report of all expenditures made from an account maintained pursuant to section 3 of this act, if any.

Sec. 5. ~~[1. There is hereby appropriated from the State General Fund to the Department of Health and Human Services for administrative expenses of the consortia established by NRS 433B.333:~~

~~For the Fiscal Year 2011-2012 $75,000~~

~~For the Fiscal Year 2012-2013 $75,000~~

~~2. The money appropriated by subsection 1 must be used to carry out the administrative duties and functions of the consortia pursuant to NRS 433B.335.~~

~~3. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 21, 2012, and September 20, 2013, respectively, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 21, 2012, and September 20, 2013, respectively.]~~ **(Deleted by amendment.)**

Sec. 6. This act becomes effective on July 1, 2011.

Assemblywoman Pierce moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to Concurrent Committee on Ways and Means.

Assembly Bill No. 55.

Bill read second time.

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

Amendment No. 26.

AN ACT relating to dentistry; authorizing the Board of Dental Examiners of Nevada to issue a holder of a limited license a permit to perform certain dental practices; requiring the Board to adopt regulations relating to such permits; revising the requirements for the issuance of a limited license; authorizing the Board to impose certain fees to recover the costs of certain examinations; **revising the eligibility requirements for dental hygienists;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law: (1) authorizes the Board of Dental Examiners of Nevada to issue a limited license to practice dentistry or dental hygiene, without a clinical examination, to a person who contracts with the Nevada System of Higher Education and who satisfies certain other requirements; (2) requires the holder of a limited license to practice dentistry or dental hygiene only in accordance with the contract and at the educational or outpatient clinic, hospital or other facility where the person is employed; and (3) prohibits the holder of a limited license from engaging in the private practice of dentistry or dental hygiene or accepting other compensation for the practice of dentistry or dental hygiene. (NRS 631.271) **Section 1** of this bill: (1) authorizes an applicant for a limited license to satisfy one of the requirements for such licensure by successfully passing a clinical examination; (2) authorizes the Board to issue a permit to the holder of a limited license which allows the holder of the limited license to engage in the private practice of dentistry and to accept compensation for dental services from entities other than that with which the license holder has contracted; and (3) requires the Board to prescribe, by regulation, the standards, conditions and other requirements for the issuance of such permits.

Section 2 of this bill authorizes the Board of Dental Examiners of Nevada to charge a fee ~~[to cover the actual cost to the Board of administering a clinical examination.]~~ **of $2,500 for administering a clinical examination in dentistry and a fee of $1,500 for administering a clinical examination in dental hygiene.**

Section 1.5 of this bill provides that a person desiring to obtain a license to practice dental hygiene may successfully pass a clinical examination approved by the Board of Dental Examiners of Nevada and the American Board of Dental Examiners to meet the eligibility requirements for a license.

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

Section 1. NRS 631.271 is hereby amended to read as follows:

631.271 1. The Board shall, without a clinical examination required by NRS 631.240 or 631.300, issue a limited license to practice dentistry or dental hygiene to a person who:

(a) Is qualified for a license to practice dentistry or dental hygiene in this State;

(b) Pays the required application fee;

(c) Has entered into a contract with ~~[the]~~ ***:***

(1) The Nevada System of Higher Education to provide services as a dental intern, dental resident or instructor of dentistry or dental hygiene at an

educational or outpatient clinic, hospital or other facility of the Nevada System of Higher Education; ***or***

(2) An accredited program of dentistry or dental hygiene of an institution which is accredited by a regional educational accrediting organization that is recognized by the United States Department of Education to provide services as a dental intern, dental resident or instructor of dentistry or dental hygiene at an educational or outpatient clinic, hospital or other facility of the institution and accredited by the Commission on Dental Accreditation of the American Dental Association or its successor specialty accrediting organization;

(d) Satisfies the requirements of NRS 631.230 or 631.290, as appropriate; and

(e) Satisfies at least one of the following requirements:

(1) Has a license to practice dentistry or dental hygiene issued pursuant to the laws of another state or territory of the United States, or the District of Columbia;

(2) Presents to the Board a certificate granted by the Western Regional Examining Board which contains a notation that the person has passed, within the 5 years immediately preceding the date of the application, a clinical examination administered by the Western Regional Examining Board; ~~[or]~~

(3) ***Successfully passes a clinical examination approved by the Board and the American Board of Dental Examiners; or***

(4) Has the educational or outpatient clinic, hospital or other facility where the person will provide services as a dental intern or dental resident in an internship or residency program submit to the Board written confirmation that the person has been appointed to a position in the program and is a citizen of the United States or is lawfully entitled to remain and work in the United States. If a person qualifies for a limited license pursuant to this subparagraph, the limited license remains valid only while the person is actively providing services as a dental intern or dental resident in the internship or residency program, is lawfully entitled to remain and work in the United States and is in compliance with all other requirements for the limited license.

2. The Board shall not issue a limited license to a person:

(a) Who has been issued a license to practice dentistry or dental hygiene if:

(1) The person is involved in a disciplinary action concerning the license; or

(2) The license has been revoked or suspended; or

(b) Who has been refused a license to practice dentistry or dental hygiene,

➥ in this State, another state or territory of the United States, or the District of Columbia.

3. ~~[A]~~ ***Except as otherwise provided in subsection 4, a*** person to whom a limited license is issued pursuant to subsection 1:

(a) May practice dentistry or dental hygiene in this State only:

(1) At the educational or outpatient clinic, hospital or other facility where the person is employed; and

(2) In accordance with the contract required by paragraph (c) of subsection 1.

(b) Shall not, for the duration of the limited license, engage in the private practice of dentistry or dental hygiene in this State or accept compensation for the practice of dentistry or dental hygiene except such compensation as may be paid to the person by the Nevada System of Higher Education ***or an accredited program of dentistry or dental hygiene*** for services provided as a dental intern, dental resident or instructor of dentistry or dental hygiene ~~[.]~~ ***pursuant to paragraph (c) of subsection 1.***

4. ***The Board may issue a permit authorizing a person who holds a limited license to engage in the practice of dentistry or dental hygiene in this State and to accept compensation for such practice as may be paid to the person by entities other than the Nevada System of Higher Education or an accredited program of dentistry or dental hygiene with whom the person is under contract pursuant to paragraph (c) of subsection 1. The Board shall, by regulation, prescribe the standards, conditions and other requirements for the issuance of a permit.***

5. A limited license expires 1 year after its date of issuance and may be renewed on or before the date of its expiration, unless the holder no longer satisfies the requirements for the limited license. The holder of a limited license may, upon compliance with the applicable requirements set forth in NRS 631.330 and the completion of a review conducted at the discretion of the Board, be granted a renewal certificate that authorizes the continuation of practice pursuant to the limited license for 1 year.

~~[5.]~~ ***6. A permit issued pursuant to subsection 4 expires on the date that the holder's limited license expires and may be renewed when the limited license is renewed, unless the holder no longer satisfies the requirements for the permit.***

7. Within 7 days after the termination of a contract required by paragraph (c) of subsection 1, the holder of a limited license shall notify the Board of the termination, in writing, and surrender the limited license ***and a permit issued pursuant to this section, if any,*** to the Board.

~~[6.]~~ ***8.*** The Board may revoke a limited license ***and a permit issued pursuant to this section, if any,*** at any time upon submission of substantial

evidence to the Board that the holder of the license violated any provision of this chapter or the regulations of the Board.

Sec. 1.5. **NRS 631.300 is hereby amended to read as follows:**

631.300 1. Any person desiring to obtain a license to practice dental hygiene, after having complied with the regulations of the Board to determine eligibility:

(a) Except as otherwise provided in NRS 622.090, must pass a written examination given by the Board upon such subjects as the Board deems necessary for the practice of dental hygiene or must present a certificate granted by the Joint Commission on National Dental Examinations which contains a notation that the applicant has passed the National Board Dental Hygiene Examination with a score of at least 75; and

(b) Except as otherwise provided in this chapter, must:

(1) ***Successfully pass a clinical examination approved by the Board and the American Board of Dental Examiners;***

(2) Successfully complete a clinical examination in dental hygiene given by the Board which examines the applicant's practical knowledge of dental hygiene and which includes, but is not limited to, demonstrations in the removal of deposits from, and the polishing of, the exposed surface of the teeth; or

~~[(2)]~~ ***(3)*** Present to the Board a certificate granted by the Western Regional Examining Board which contains a notation that the applicant has passed, within the 5 years immediately preceding the date of the application, a clinical examination administered by the Western Regional Examining Board.

2. The clinical examination given by the Board must include components that are:

(a) Written or oral, or a combination of both; and

(b) Practical, as in the opinion of the Board is necessary to test the qualifications of the applicant.

3. The Board shall examine each applicant in writing on the contents and interpretation of this chapter and the regulations of the Board.

4. All persons who have satisfied the requirements for licensure as a dental hygienist must be registered as licensed dental hygienists on the board register, as provided in this chapter, and are entitled to receive a certificate of registration, signed by all members of the Board.

Sec. 2. NRS 631.345 is hereby amended to read as follows:

631.345 1. Except as otherwise provided in NRS 631.2715, the Board shall by regulation establish fees for the performance of the duties imposed upon it by this chapter which must not exceed the following amounts:

Application fee for an initial license to practice dentistry……....$1,500

Application fee for an initial license to practice dental

hygiene…….....750
Application fee for a specialist's license to
practicedentistry……..300
Application fee for a limited license or restricted license to
practice dentistry or dental hygiene ……..300
Fee for administering a clinical examination ***in dentistry*** ~~*[Actual cost of the examination]*~~ ……***2,500***
Fee for administering a clinical examination in dental Hygiene……..***1,500***
Application and examination fee for a permit to administer
general anesthesia, conscious sedation or deep sedation……...750
Fee for any reinspection required by the Board to maintain a
permit to administer general anesthesia, conscious
sedation or deep sedation……...500
Biennial renewal fee for a permit to administer general
anesthesia, conscious sedation or deep sedation……..$600
Fee for the inspection of a facility required by the Board to
renew a permit to administer general anesthesia,
conscious sedation or deep sedation ……..350
Biennial license renewal fee for a general license, specialist's
license, temporary license or restricted geographical
license to practice dentistry……1,000
Annual license renewal fee for a limited license or restricted
license to practice dentistry…….……..300
Biennial license renewal fee for a general license,
temporary license or restricted geographical license to practice
dental hygiene ……..600
Annual license renewal fee for a limited license to practice
dental hygiene ……...300
Biennial license renewal fee for an inactive dentist ……400
Biennial license renewal fee for a dentist who is retired or
has a disability……..……100
Biennial license renewal fee for an inactive dental hygienist ……..200
Biennial license renewal fee for a dental hygienist
who is retired or has a disability ……..……100
Reinstatement fee for a suspended license to practice
dentistry or dental hygiene ……...500
Reinstatement fee for a revoked license to practice dentistry
or dental hygiene ……..500
Reinstatement fee to return a dentist or dental hygienist who
is inactive, retired or has a disability to active status ……...500

Fee for the certification of a license ……...50

2. Except as otherwise provided in this subsection, the Board shall charge a fee to review a course of continuing education for accreditation. The fee must not exceed $150 per credit hour of the proposed course. The Board shall not charge a nonprofit organization or an agency of the State or of a political subdivision of the State a fee to review a course of continuing education.

3. All fees prescribed in this section are payable in advance and must not be refunded.

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

Assemblyman Atkinson moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 91.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 100.

AN ACT relating to collaborative law; enacting the Uniform Collaborative Law Act; establishing the requirements of a collaborative law participation agreement and the collaborative law process; establishing standards applicable to collaborative lawyers; providing that certain collaborative law communications are confidential and privileged; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill enacts the Uniform Collaborative Law Act, as amended by the National Conference of Commissioners on Uniform State Laws in 2010, and aims to standardize the most important features of collaborative law, a form of alternative dispute resolution. Currently, collaborative law has largely been practiced under private collaborative law participation agreements developed by practice groups of private attorneys.

Section 19 of this bill provides the minimum requirements for written agreements that allow parties to state their intention to resolve a matter through a collaborative law process. **Section 20** of this bill emphasizes that a party's participation in collaborative law is voluntary and specifies when and how a collaborative law process begins and concludes. **Section 21** of this bill creates a stay of proceedings before a tribunal when parties sign an agreement to attempt to resolve a matter through collaborative law. **Section 23** of this bill authorizes the approval of agreements arising out of a collaborative law process. **Sections 24-26** of this bill: (1) provide that a collaborative lawyer is disqualified from representing a party to a collaborative matter before a tribunal in a proceeding related to the

collaborative matter; (2) impute the disqualification to other lawyers in a law firm with which the collaborative lawyer is associated; and (3) provide exceptions to imputed disqualification under certain circumstances if the law firm is representing a low-income party for no fee or if the collaborative lawyer is representing a governmental agency.

Section 27 of this bill requires parties to disclose relevant information during the collaborative law process without formal discovery requests and to update information previously disclosed that has materially changed. **Sections 29 and 30** of this bill impose certain duties on collaborative lawyers to disclose to and discuss with a prospective party the material risks and benefits of a collaborative law process and require collaborative lawyers to screen prospective parties for any history of a coercive or violent relationship with another party. **Sections 31-34** of this bill authorize parties to agree on the scope of confidentiality of their collaborative law communications, create an evidentiary privilege for collaborative law communications and provide for certain waivers of and limited exceptions to the evidentiary privilege.

Finally, **section 35** of this bill authorizes a tribunal or other body acting in an adjudicative capacity to enforce agreements that result from a collaborative law process and to apply the disqualification provisions and the evidentiary privileges provided for in this bill.

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

Section 1. Chapter 38 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 37, inclusive, of this act.

Sec. 2. ***Sections 2 to 37, inclusive, of this act may be cited as the Uniform Collaborative Law Act.***

Sec. 3. ***As used in sections 2 to 37, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 4 to 18, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 4. ***"Collaborative law communication" means a statement, whether oral or in a record, or verbal or nonverbal, that:***

1. Is made to conduct, participate in, continue or reconvene a collaborative law process; and

2. Occurs after the parties sign a collaborative law participation agreement and before the collaborative law process is concluded.

Sec. 5. ***"Collaborative law participation agreement" means an agreement by persons to participate in a collaborative law process.***

Sec. 6. ***"Collaborative law process" means a procedure intended to resolve a collaborative matter without intervention by a tribunal in which persons:***

1. Sign a collaborative law participation agreement; and

2. Are represented by collaborative lawyers.

Sec. 7. *"Collaborative lawyer" means a lawyer who represents a party in a collaborative law process.*

Sec. 8. *"Collaborative matter" means a dispute, transaction, claim, problem or issue for resolution, including a dispute, claim or issue in a proceeding which is described in a collaborative law participation agreement.*

Sec. 9. *"Law firm" means:*

1. Lawyers who practice law together in a partnership, professional corporation, sole proprietorship, limited-liability company or association; and

2. Lawyers employed in a legal services organization, the legal department of a corporation or other organization, or the legal department of a government or governmental subdivision, agency or instrumentality.

Sec. 10. *"Nonparty participant" means a person, other than a party and the collaborative lawyer of a party, that participates in a collaborative law process.*

Sec. 11. *"Party" means a person that signs a collaborative law participation agreement and whose consent is necessary to resolve a collaborative matter.*

Sec. 12. *"Person" means an individual, corporation, business trust, estate, trust, partnership, limited-liability company, association, joint venture, public corporation, government or governmental subdivision, agency or instrumentality, or any other legal or commercial entity.*

Sec. 13. *"Proceeding" means:*

1. A judicial, administrative, arbitral or other adjudicative process before a tribunal, including related prehearing and posthearing motions, conferences and discovery; or

2. A legislative hearing or similar process.

Sec. 14. *"Prospective party" means a person that discusses with a prospective collaborative lawyer the possibility of signing a collaborative law participation agreement.*

Sec. 15. *"Record" means information which is inscribed on a tangible medium or which is stored in an electronic or other medium and is retrievable in perceivable form.*

Sec. 16. *"Related to a collaborative matter" means involving the same parties, transaction or occurrence, nucleus of operative fact, dispute, claim or issue as the collaborative matter.*

Sec. 17. *"Sign" means, with present intent to authenticate or adopt a record:*

1. To execute or adopt a tangible symbol; or

2. To attach to or logically associate with the record an electronic symbol, sound or process.

Sec. 18. *"Tribunal" means:*

1. A court, arbitrator, administrative agency or other body acting in an adjudicative capacity which, after presentation of evidence or legal argument, has jurisdiction to render a decision affecting a party's interests in a matter; or

2. A legislative body conducting a hearing or similar process.

Sec. 19. *1. A collaborative law participation agreement must:*

(a) Be in a record;

(b) Be signed by the parties;

(c) State the intention of the parties to resolve a collaborative matter through a collaborative law process under sections 2 to 37, inclusive, of this act;

(d) Describe the nature and scope of the collaborative matter;

(e) Identify the collaborative lawyer who represents each party in the collaborative law process; and

(f) Contain a statement by each collaborative lawyer confirming the lawyer's representation of a party in the collaborative law process.

2. The parties may agree to include in a collaborative law participation agreement additional provisions not inconsistent with sections 2 to 37, inclusive, of this act.

Sec. 20. *1. A collaborative law process begins when the parties sign a collaborative law participation agreement.*

2. A tribunal may not order a party to participate in a collaborative law process over the objection of that party.

3. A collaborative law process is concluded by a:

(a) Resolution of a collaborative matter as evidenced by a signed record;

(b) Resolution of a part of the collaborative matter, evidenced by a signed record, in which the parties agree that the remaining parts of the collaborative matter will not be resolved in the collaborative law process; or

(c) Termination of the collaborative law process.

4. A collaborative law process terminates:

(a) When a party gives notice to other parties in a record that the collaborative law process is ended;

(b) When a party:

(1) Begins a proceeding related to a collaborative matter without the agreement of all parties; or

(2) In a pending proceeding related to the collaborative matter:

(I) Initiates a pleading, motion, order to show cause or request for a conference with the tribunal;

(II) Requests that the proceeding be put on the tribunal's active calendar; or

(III) Takes similar action requiring notice to be sent to the parties; or

(c) Except as otherwise provided in subsection 7, when a party discharges a collaborative lawyer or a collaborative lawyer withdraws from further representation of a party.

5. The collaborative lawyer of a party shall give prompt notice to all other parties in a record of the discharge or withdrawal of the collaborative lawyer.

6. A party may terminate a collaborative law process with or without cause.

7. Notwithstanding the discharge or withdrawal of a collaborative lawyer, a collaborative law process continues if, not later than 30 days after the date that the notice of the discharge or withdrawal of a collaborative lawyer required by subsection 5 is sent to the parties:

(a) The unrepresented party engages a successor collaborative lawyer; and

(b) In a signed record:

(1) The parties consent to continue the process by reaffirming the collaborative law participation agreement;

(2) The agreement is amended to identify the successor collaborative lawyer; and

(3) The successor collaborative lawyer confirms the lawyer's representation of a party in the collaborative process.

8. A collaborative law process does not conclude if, with the consent of the parties, a party requests a tribunal to approve a resolution of the collaborative matter or any part thereof as evidenced by a signed record.

9. A collaborative law participation agreement may provide additional methods of concluding a collaborative law process.

Sec. 21. ***1. The persons in a proceeding pending before a tribunal may sign a collaborative law participation agreement to seek to resolve a collaborative matter related to the proceeding. The parties to the collaborative law participation agreement shall file promptly with the tribunal a notice of the agreement after it is signed. Subject to subsection 3 and sections 22 and 23 of this act, the filing operates as an application for a stay of the proceeding. [pending review by the tribunal.]***

2. The parties shall file promptly with the tribunal notice in a record when a collaborative law process concludes. The stay of the proceeding under subsection 1 is lifted when the notice is filed. The notice must not specify any reason for termination of the process.

3. A tribunal in which a proceeding is stayed under subsection 1 may require parties and collaborative lawyers to provide a status report on the collaborative law process and the proceeding. A status report must include only information on whether the process is ongoing or concluded. It must not include a report, assessment, evaluation, recommendation, finding or other communication regarding a collaborative law process or collaborative law matter.

4. A tribunal may not consider a communication made in violation of subsection 3.

5. A tribunal shall provide the parties with notice and an opportunity to be heard before dismissing a proceeding in which a notice of collaborative law process is filed based on delay or failure to prosecute.

Sec. 22. ***During a collaborative law process, a tribunal may issue emergency orders to protect the health, safety, welfare or interest of a party or a member of the family or the household of a party.***

Sec. 23. ***A tribunal may approve an agreement resulting from a collaborative law process.***

Sec. 24. ***1. Except as otherwise provided in subsection 3, a collaborative lawyer is disqualified from appearing before a tribunal to represent a party in a proceeding related to the collaborative matter.***

2. Except as otherwise provided in subsection 3 and sections 25 and 26 of this act, a lawyer in a law firm with which the collaborative lawyer is associated is disqualified from appearing before a tribunal to represent a party in a proceeding related to the collaborative matter if the collaborative lawyer is disqualified from doing so under subsection 1.

3. A collaborative lawyer or a lawyer in a law firm with which the collaborative lawyer is associated may represent a party:

(a) To ask a tribunal to approve an agreement resulting from the collaborative law process; or

(b) To seek or defend an emergency order to protect the health, safety, welfare or interest of a party, or a member of the family or the household of a party, if a successor lawyer is not immediately available to represent that person.

4. A collaborative lawyer or a lawyer in a law firm with which the collaborative lawyer is associated may ~~*[request]*~~ ***represent a party, or a member of the family or the household of a party, under paragraph (b) of subsection 3 only until that person is represented by a successor lawyer or reasonable measures are taken to protect the health, safety, welfare or interest of that person.***

Sec. 25. ***1. The disqualification of a collaborative lawyer under subsection 1 of section 24 of this act applies to a collaborative lawyer representing a party with or without fee.***

2. After a collaborative law process concludes, another lawyer in a law firm with which a collaborative lawyer who is disqualified under subsection 1 of section 24 of this act is associated may represent a party without fee in the collaborative matter or a matter related to the collaborative matter if:

(a) The party has an annual income that qualifies the party for free legal representation under the criteria established by the law firm for free legal representation;

(b) The collaborative law participation agreement so provides; and

(c) The collaborative lawyer is isolated from any participation in the collaborative matter or a matter related to the collaborative matter through procedures within the law firm which are reasonably calculated to isolate the collaborative lawyer from such participation.

Sec. 26. *1. The disqualification of a collaborative lawyer under subsection 1 of section 24 of this act applies to a collaborative lawyer representing a party that is a government or a governmental subdivision, agency or instrumentality.*

2. After a collaborative law process concludes, another lawyer in a law firm with which the collaborative lawyer is associated may represent a government or a governmental subdivision, agency or instrumentality in the collaborative matter or a matter related to the collaborative matter if:

(a) The collaborative law participation agreement so provides; and

(b) The collaborative lawyer is isolated from any participation in the collaborative matter or a matter related to the collaborative matter through procedures within the law firm which are reasonably calculated to isolate the collaborative lawyer from such participation.

Sec. 27. *Except as otherwise provided by specific statute, during the collaborative law process, on the request of another party, a party shall make timely, full, candid and informal disclosure of information related to the collaborative matter without formal discovery. A party also shall promptly update previously disclosed information that has materially changed. The parties may define the scope of disclosure during the collaborative law process.*

Sec. 28. *The provisions of sections 2 to 37, inclusive, of this act do not affect:*

1. The professional responsibility obligations and standards applicable to a lawyer or other licensed professional; or

2. The obligation of a person to report abuse or neglect, abandonment or exploitation of a child or adult under the laws of this State.

Sec. 29. *Before a prospective party signs a collaborative law participation agreement, a prospective collaborative lawyer shall:*

1. Assess with the prospective party factors that the lawyer reasonably believes relate to whether a collaborative law process is appropriate for the prospective party's matter;

2. Provide the prospective party with information that the lawyer reasonably believes is sufficient for the prospective party to make an informed decision about the material benefits and risks of a collaborative law process as compared to the material benefits and risks of other reasonably available alternatives for resolving the proposed collaborative matter, such as litigation, mediation, arbitration or expert evaluation; and

3. Advise the prospective party that:

(a) After a collaborative law participation agreement is signed, the collaborative law process terminates if a party initiates a proceeding or seeks the intervention of a tribunal in a pending proceeding related to the collaborative matter;

(b) Participation in a collaborative law process is voluntary, and any party has the right to terminate unilaterally a collaborative law process with or without cause; and

(c) The collaborative lawyer and any lawyer in a law firm with which the collaborative lawyer is associated may not appear before a tribunal to represent a party in a proceeding related to the collaborative matter, except as authorized by subsection 3 of section 24 of this act, subsection 2 of section 25 of this act or subsection 2 of section 26 of this act.

Sec. 30. ***1. Before a prospective party signs a collaborative law participation agreement, a prospective collaborative lawyer must make reasonable inquiry into whether the prospective party has a history of a coercive or violent relationship with another prospective party.***

2. Throughout a collaborative law process, a collaborative lawyer reasonably and continuously shall assess whether the party the collaborative lawyer represents has a history of a coercive or violent relationship with another party.

3. If a collaborative lawyer reasonably believes that the party the lawyer represents or the prospective party who consults the lawyer has a history of a coercive or violent relationship with another party or prospective party, the lawyer shall not begin or continue a collaborative law process unless:

(a) The party or the prospective party requests beginning or continuing the collaborative law process; and

(b) The collaborative lawyer reasonably believes that the safety of the party or prospective party can be protected adequately during the process.

Sec. 31. ***A collaborative law communication is confidential to the extent agreed by the parties in a signed record or as provided by specific statute.***

Sec. 32. *1. Except as otherwise provided in sections 33 and 34 of this act, a collaborative law communication is privileged under subsection 2, is not subject to discovery and is not admissible in evidence.*

2. In a proceeding, the following privileges apply:

(a) A party may refuse to disclose, and may prevent any other person from disclosing, a collaborative law communication; and

(b) A nonparty participant may refuse to disclose, and may prevent any other person from disclosing, a collaborative law communication of the nonparty participant.

3. Evidence or information that is otherwise admissible or subject to discovery does not become inadmissible or protected from discovery solely because of its disclosure or use in a collaborative law process.

Sec. 33. *1. A privilege under section 32 of this act may be waived in a record or orally during a proceeding if it is expressly waived by all parties, and in the case of the privilege of a nonparty participant, it is also expressly waived by the nonparty participant.*

2. A person that makes a disclosure or representation about a collaborative law communication which prejudices another person in a proceeding may not assert a privilege under section 32 of this act, but this preclusion applies only to the extent necessary for the person prejudiced to respond to the disclosure or representation.

Sec. 34. *1. There is no privilege under section 32 of this act for a collaborative law communication that is:*

(a) Available to the public under chapter 239 of NRS or made during a session of a collaborative law process that is open, or is required by law to be open, to the public;

(b) A threat or statement of a plan to inflict bodily injury or commit a crime of violence;

(c) Intentionally used to plan a crime, commit or attempt to commit a crime, or conceal an ongoing crime or ongoing criminal activity; or

(d) Set forth in an agreement resulting from the collaborative law process, evidenced by a record signed by all parties to the agreement.

2. The privileges under section 32 of this act for a collaborative law communication do not apply to the extent that the communication is:

(a) Sought or offered to prove or disprove a claim or complaint of professional misconduct or malpractice arising from or related to a collaborative law process; or

(b) Sought or offered to prove or disprove abuse, neglect, abandonment or exploitation of a child or adult, unless an agency which provides child welfare services, as defined in NRS 432B.030, or the Aging and Disability Services Division of the Department of Health and Human Services is a party to or otherwise participates in the collaborative law process.

3. There is no privilege under section 32 of this act if a tribunal finds, after a hearing in camera, that the party seeking discovery or the proponent of the evidence has shown the evidence is not otherwise available, the need for the evidence substantially outweighs the interest in protecting confidentiality and the collaborative law communication is sought or offered in:

(a) A court proceeding involving a felony or misdemeanor; or

(b) A proceeding seeking rescission or reformation of a contract arising out of the collaborative law process or in which a defense to avoid liability on the contract is asserted.

4. If a collaborative law communication is subject to an exception under subsection 2 or 3, only the part of the communication necessary for the application of the exception may be disclosed or admitted into evidence.

5. Disclosure or admission of evidence excepted from the privilege under subsection 2 or 3 does not make the evidence or any other collaborative law communication discoverable or admissible for any other purpose.

6. The privileges under section 32 of this act do not apply if the parties agree in advance in a signed record, or if a record of a proceeding reflects agreement by the parties, that all or part of a collaborative law process is not privileged. This subsection does not apply to a collaborative law communication made by a person that did not receive actual notice of the agreement before the communication was made.

Sec. 35. *1. If a collaborative law participation agreement fails to meet the requirements of section 19 of this act, or if a prospective collaborative lawyer fails to comply with section 29 or 30 of this act, a tribunal may nonetheless find that the parties intended to enter into a collaborative law participation agreement if the parties:*

(a) Signed a record indicating an intention to enter into a collaborative law participation agreement; and

(b) Reasonably believed they were participating in a collaborative law process.

2. If a tribunal makes the findings specified in subsection 1 and the interests of justice require, the tribunal may:

(a) Enforce an agreement evidenced by a record resulting from the process in which the parties participated;

(b) Apply the disqualification provisions of sections 24, 25 and 26 of this act; and

(c) Apply the privileges under section 32 of this act.

Sec. 36. ***In applying and construing the Uniform Collaborative Law Act, consideration must be given to the need to promote uniformity of the law with respect to its subject matter among states that enact it.***

Sec. 37. ***Sections 2 to 37, inclusive, of this act modify, limit and supersede the federal Electronic Signatures in Global and National Commerce Act, 15 U.S.C. 7001 et seq., but do not modify, limit or supersede Section 101(c) of that Act, 15 U.S.C. 7001(c), or authorize electronic delivery of any of the notices described in Section 103(b) of that Act, 15 U.S.C. 7003(b).***

Sec. 38. Sections 2 to 37, inclusive, of this act apply to a collaborative law participation agreement that is signed on or after January 1, 2013.

Sec. 39. This act becomes effective on January 1, 2013.

Assemblyman Horne moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 102.

Bill read second time.

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

Amendment No. 27.

AN ACT relating to professional licenses; revising the requirements for licensure as a professional engineer or professional land surveyor for certain applicants; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Before July 1, 2010, state law authorized a person to obtain a license from the State Board of Professional Engineers and Land Surveyors to practice as a professional engineer or professional land surveyor in this State if the person passed the requisite examination for licensure and: (1) met certain educational requirements by obtaining a 4-year degree; or (2) had a record of 10 or more years of active experience in his or her respective field of work. In 1999, the Legislature enacted legislation that, effective July 1, 2010, deleted the provisions which allowed an applicant for licensure to obtain a license in professional engineering or professional land surveying based on 10 or more years of active work experience in addition to passing the requisite examination. (Sections 5 and 7 of chapter 478, Statutes of Nevada 1999, pp. 2435, 2437) In 2005, the Legislature enacted legislation authorizing certain applicants for a professional engineering license to sit for the principles and practices portion of the examination for licensure after obtaining 6 years of active experience in engineering work. Such applicants were eligible for licensure if they obtained an additional 4 years of active work experience in engineering before July 1, 2010, in addition to meeting

all other requirements for licensure. (Sections 3 and 4 of chapter 75, Statutes of Nevada 2005, pp. 206, 208) After the enactment of the legislation in 2005, and until July 1, 2010, applicants for licensure as a professional land surveyor were still required to obtain 10 years of active work experience before they were eligible to sit for the principles and practices portion of their respective examination.

Section 2 of this bill authorizes certain applicants for licensure as a professional engineer who received approval from the Board before July 1, 2010, to sit for the principles and practices portion of the professional engineering examination for licensure to obtain a license from the Board if the applicants, before August 1, 2014, pass the requisite examination for licensure. Applicants for licensure as a professional engineer must also complete their respective work experience requirement by obtaining a record of 10 or more years of active work experience in engineering before August 1, 2014. **Section 3** of this bill authorizes the Board to waive educational requirements for certain applicants for licensure as a professional land surveyor who, before July 1, 2010, ~~[met all the requirements for licensure other than passing]~~ **received approval from the Board to take** the examination on the principles and practices of land surveying and who pass the examination before August 1, 2014.

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

Section 1. Chapter 625 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. ***The Board may waive any requirement for education that is required for licensure as a professional engineer pursuant to subsection 3 of NRS 625.183 and may issue a license to practice professional engineering to a person who:***

1. Before July 1, 2010, received approval from the Board to take the examination on the principles and practices of engineering pursuant to paragraph (b) of subsection 1 of NRS 625.193; and

2. Before August 1, 2014:

(a) Passes the examination for licensure pursuant to NRS 625.193; and

(b) Has a record of 10 years or more of active experience in engineering which is satisfactory to the Board and which indicates the person is competent to be placed in responsible charge of engineering work.

Sec. 3. ***The Board may waive any requirement for education that is required for licensure as a professional land surveyor pursuant to subsection 3 of NRS 625.270 and may issue a license to practice professional land surveying to a person who:***

1. Before July 1, 2010, ~~[satisfactorily met the requirements for licensure as a professional land surveyor other than passing]~~ received approval from the Board to take the examination on the principles and practices of land surveying pursuant to paragraph (b) of subsection 1 of NRS 625.280; and

2. Before August 1, 2014, passes the examination for licensure pursuant to NRS 625.280.

Sec. 4. NRS 625.183 is hereby amended to read as follows:

625.183 1. A person who:

(a) Is 21 years of age or older; and

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

➥ may apply to the Board, in accordance with the provisions of this chapter and any regulations adopted by the Board, for licensure as a professional engineer.

2. An applicant for licensure as a professional engineer must:

(a) Be of good character and reputation; and

(b) Pass the examination on the:

(1) Fundamentals of engineering or receive a waiver of that requirement; and

(2) Principles and practices of engineering,

➥ pursuant to NRS 625.193.

3. ~~[An]~~ ***Except as otherwise provided in section 2 of this act, an*** applicant for licensure as a professional engineer is not qualified for licensure unless the applicant is a graduate of an engineering curriculum of 4 years or more that is approved by the Board and has a record of 4 years or more of active experience in engineering which is satisfactory to the Board and which indicates that the applicant is competent to be placed in responsible charge of engineering work. An applicant who is eligible to take the examination on the principles and practices of engineering pursuant to subsection 2 of NRS 625.193 may take the examination on the principles and practices of engineering before the applicant meets the active experience requirements for licensure set forth in this subsection.

4. To determine whether an applicant for licensure as a professional engineer has an adequate record of active experience pursuant to subsection 3:

(a) Graduation from a college or university in a discipline of engineering with a master's or doctoral degree is equivalent to 2 years of active experience, except that, in the aggregate, not more than 2 years of active experience may be satisfied by graduation from a college or university with such degrees, regardless of the number of degrees earned.

(b) Two of the 4 years of active experience must have been completed by working under the direct supervision of a professional engineer who is

licensed in the discipline in which the applicant is applying for licensure, unless that requirement is waived by the Board.

(c) The execution, as a contractor, of work designed by a professional engineer, or the supervision of the construction of that work as a foreman or superintendent, is not equivalent to active experience in engineering.

5. A person who is not working in the field of engineering when applying for licensure is eligible for licensure as a professional engineer if the person complies with the requirements for licensure prescribed in this chapter.

Sec. 5. NRS 625.270 is hereby amended to read as follows:

625.270 1. A person who:

(a) Is 21 years of age or older; and

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

➥ may apply to the Board, in accordance with the provisions of this chapter and any regulations adopted by the Board, for licensure as a professional land surveyor.

2. An applicant for licensure as a professional land surveyor must:

(a) Be of good character and reputation; and

(b) Pass the examination on the:

(1) Fundamentals of land surveying or receive a waiver of that requirement; and

(2) Principles and practices of land surveying,

➥ pursuant to NRS 625.280.

3. ~~[An]~~ ***Except as otherwise provided in section 3 of this act, an*** applicant for licensure as a professional land surveyor may not take the examination on the principles and practices of land surveying, unless the applicant is a graduate of a land-surveying curriculum of 4 years or more that is approved by the Board and has a record of 4 years or more of active experience in land surveying that is satisfactory to the Board and indicates that the applicant is competent to be placed in responsible charge of land-surveying work.

4. To determine whether an applicant for licensure as a professional land surveyor has an adequate record of active experience pursuant to subsection 3:

(a) Two of the 4 years of active experience must have been completed by working under the direct supervision of a professional land surveyor, unless that requirement is waived by the Board.

(b) The execution, as a contractor, of work designed by a professional land surveyor, or the supervision of the construction of that work as a foreman or superintendent, is not equivalent to active experience in land surveying.

5. A person who is not working in the field of land surveying when applying for licensure is eligible for licensure as a professional land surveyor if the person complies with the requirements for licensure prescribed in this chapter.

Sec. 6. This act becomes effective on July 1, 2011.

Assemblyman Atkinson moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 138.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 68.

AN ACT relating to education; ~~[requiring]~~ **authorizing** the Department of Education to work in consultation with the Nevada System of Higher Education to establish a plan to ensure that high school pupils are adequately prepared for postsecondary education and success in the workplace; revising certain requirements for the reports of accountability information prepared by the State Board of Education and the boards of trustees of school districts; revising provisions governing the academic plans for ninth grade pupils; ~~[requiring school districts to adopt a policy for remediation of deficient credits; requiring]~~ **authorizing** school districts to adopt a policy for pupils to report unlawful activities; repealing certain provisions relating to the exemption of certain children from compulsory school attendance; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1 of this bill ~~[requires]~~ **authorizes** the Department of Education to work in consultation with the Nevada System of Higher Education to establish clearly defined goals and benchmarks for pupils enrolled in public high schools to ensure that those pupils are adequately prepared for the educational requirements of postsecondary education and for success in the workplace.

Sections ~~[2-4]~~ **2 and 4** of this bill revise the requirements for the reports of accountability information prepared by the State Board of Education and the board of trustees of each school district to include certain information relating to **adult** diplomas**.** ~~[and certificates indicating passage of the tests of general educational development.]~~

Section 5 of this bill revises the ~~[requirements of]~~ **provisions governing** the policy for the 4-year academic plan for ninth grade pupils to ~~[require]~~ **provide that** the policy ~~[to]~~ **may** ensure that each ninth grade pupil and his or her parent or legal guardian are ~~[adequately notified of]~~ **provided, to the extent practicable, with information concerning** certain courses and

programs available to the pupil, as well as the requirements for graduation, for admission to the Nevada System of Higher Education and for receipt of a Governor Guinn Millennium Scholarship.

~~[Section 7 of this bill requires the board of trustees of each school district to adopt a policy which ensures that a pupil who is deficient in the number of credits required for promotion to the next grade or graduation from high school is provided sufficient opportunities to remediate his or her deficient credits.]~~

Section 8 of this bill ~~[requires]~~ **authorizes** the board of trustees of each school district to adopt a policy that allows a pupil enrolled in a public school within a school district to report, anonymously if the pupil chooses, any unlawful activities that are being conducted on school property, at an activity sponsored by the public school or on a school bus, commonly referred to as a "secret witness program."

Section 13 of this bill repeals certain provisions relating to the exemption of children from compulsory school attendance.

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

Section 1. Chapter 385 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Department ~~[shall]~~ may work in consultation with the Nevada System of Higher Education to establish a plan which sets forth clearly defined goals and benchmarks for pupils enrolled in the public high schools to ensure that those pupils are adequately prepared for the educational requirements of postsecondary education and for success in the workplace, including, without limitation, methods to ensure that the high school standards, graduation requirements and assessments are aligned with college and workforce readiness expectations.

2. ~~[The]~~ If such a plan is established, the Superintendent of Public Instruction shall:

(a) On or before February 1 of each odd-numbered year, submit a report on the progress of the plan to the Director of the Legislative Counsel Bureau for transmission to the next regular session of the Legislature; and

(b) On or before February 1 of each even-numbered year, submit a report on the progress of the plan to the Legislative Committee on Education.

Sec. 2. NRS 385.3469 is hereby amended to read as follows:

385.3469 1. The State Board shall prepare an annual report of accountability that includes, without limitation:

(a) Information on the achievement of all pupils based upon the results of the examinations administered pursuant to NRS 389.015 and 389.550,

reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(b) Except as otherwise provided in subsection 2, pupil achievement, reported separately by gender and reported separately for the following groups of pupils:

(1) Pupils who are economically disadvantaged, as defined by the State Board;

(2) Pupils from major racial and ethnic groups, as defined by the State Board;

(3) Pupils with disabilities;

(4) Pupils who are limited English proficient; and

(5) Pupils who are migratory children, as defined by the State Board.

(c) A comparison of the achievement of pupils in each group identified in paragraph (b) of subsection 1 of NRS 385.361 with the annual measurable objectives of the State Board.

(d) The percentage of all pupils who were not tested, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(e) Except as otherwise provided in subsection 2, the percentage of pupils who were not tested, reported separately by gender and reported separately for the groups identified in paragraph (b).

(f) The most recent 3-year trend in the achievement of pupils in each subject area tested and each grade level tested pursuant to NRS 389.015 and 389.550, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole, which may include information regarding the trend in the achievement of pupils for more than 3 years, if such information is available.

(g) Information on whether each school district has made adequate yearly progress, including, without limitation, the name of each school district, if any, designated as demonstrating need for improvement pursuant to NRS 385.377 and the number of consecutive years that the school district has carried that designation.

(h) Information on whether each public school, including, without limitation, each charter school, has made:

(1) Adequate yearly progress, including, without limitation, the name of each public school, if any, designated as demonstrating need for improvement pursuant to NRS 385.3623 and the number of consecutive years that the school has carried that designation.

(2) Progress based upon the model adopted by the Department pursuant to NRS 385.3595, if applicable for the grade level of pupils enrolled at the school.

(i) Information on the results of pupils who participated in the examinations of the National Assessment of Educational Progress required pursuant to NRS 389.012.

(j) The ratio of pupils to teachers in kindergarten and at each grade level for all elementary schools, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole, and the average class size for each core academic subject, as set forth in NRS 389.018, for each secondary school, reported for each school district and for this State as a whole.

(k) For each school district, including, without limitation, each charter school in the district, and for this State as a whole, information on the professional qualifications of teachers employed by the school districts and charter schools, including, without limitation:

(1) The percentage of teachers who are:

(I) Providing instruction pursuant to NRS 391.125;

(II) Providing instruction pursuant to a waiver of the requirements for licensure for the grade level or subject area in which the teachers are employed; or

(III) Otherwise providing instruction without an endorsement for the subject area in which the teachers are employed;

(2) The percentage of classes in the core academic subjects, as set forth in NRS 389.018, in this State that are not taught by highly qualified teachers;

(3) The percentage of classes in the core academic subjects, as set forth in NRS 389.018, in this State that are not taught by highly qualified teachers, in the aggregate and disaggregated by high-poverty compared to low-poverty schools, which for the purposes of this subparagraph means schools in the top quartile of poverty and the bottom quartile of poverty in this State;

(4) For each middle school, junior high school and high school:

(I) On and after July 1, 2005, the number of persons employed as substitute teachers for 20 consecutive days or more in the same classroom or assignment, designated as long-term substitute teachers, including the total number of days long-term substitute teachers were employed at each school, identified by grade level and subject area; and

(II) On and after July 1, 2006, the number of persons employed as substitute teachers for less than 20 consecutive days, designated as short-term substitute teachers, including the total number of days short-term substitute teachers were employed at each school, identified by grade level and subject area; and

(5) For each elementary school:

(I) On and after July 1, 2005, the number of persons employed as substitute teachers for 20 consecutive days or more in the same classroom or assignment, designated as long-term substitute teachers, including the total

number of days long-term substitute teachers were employed at each school, identified by grade level; and

(II) On and after July 1, 2006, the number of persons employed as substitute teachers for less than 20 consecutive days, designated as short-term substitute teachers, including the total number of days short-term substitute teachers were employed at each school, identified by grade level.

(l) The total expenditure per pupil for each school district in this State, including, without limitation, each charter school in the district. If this State has a financial analysis program that is designed to track educational expenditures and revenues to individual schools, the State Board shall use that statewide program in complying with this paragraph. If a statewide program is not available, the State Board shall use the Department's own financial analysis program in complying with this paragraph.

(m) The total statewide expenditure per pupil. If this State has a financial analysis program that is designed to track educational expenditures and revenues to individual schools, the State Board shall use that statewide program in complying with this paragraph. If a statewide program is not available, the State Board shall use the Department's own financial analysis program in complying with this paragraph.

(n) For all elementary schools, junior high schools and middle schools, the rate of attendance, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(o) The annual rate of pupils who drop out of school in grade 8 and a separate reporting of the annual rate of pupils who drop out of school in grades 9 to 12, inclusive, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole. The reporting for pupils in grades 9 to 12, inclusive, excludes pupils who:

(1) Provide proof to the school district of successful completion of the examinations of general educational development.

(2) Are enrolled in courses that are approved by the Department as meeting the requirements for an adult standard diploma.

(3) Withdraw from school to attend another school.

(p) The attendance of teachers who provide instruction, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(q) Incidents involving weapons or violence, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(r) Incidents involving the use or possession of alcoholic beverages or controlled substances, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(s) The suspension and expulsion of pupils required or authorized pursuant to NRS 392.466 and 392.467, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(t) The number of pupils who are deemed habitual disciplinary problems pursuant to NRS 392.4655, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(u) The number of pupils in each grade who are retained in the same grade pursuant to NRS 392.033 or 392.125, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(v) The transiency rate of pupils, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole. For the purposes of this paragraph, a pupil is not a transient if the pupil is transferred to a different school within the school district as a result of a change in the zone of attendance by the board of trustees of the school district pursuant to NRS 388.040.

(w) Each source of funding for this State to be used for the system of public education.

(x) A compilation of the programs of remedial study purchased in whole or in part with money received from this State that are used in each school district, including, without limitation, each charter school in the district. The compilation must include:

(1) The amount and sources of money received for programs of remedial study.

(2) An identification of each program of remedial study, listed by subject area.

(y) The percentage of pupils who graduated from a high school or charter school in the immediately preceding year and enrolled in remedial courses in reading, writing or mathematics at a university, state college or community college within the Nevada System of Higher Education, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(z) The technological facilities and equipment available for educational purposes, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(aa) For each school district, including, without limitation, each charter school in the district, and for this State as a whole, the number and percentage of pupils who received:

(1) A standard high school diploma, reported separately for pupils who received the diploma pursuant to:

(I) Paragraph (a) of subsection 1 of NRS 389.805; and

(II) Paragraph (b) of subsection 1 of NRS 389.805.

(2) ***An adult diploma.***

(3) An adjusted diploma.

~~[(3)]~~ ***(4)*** A certificate of attendance.

~~*[(5) A certificate indicating passage of the tests of general educational development for those pupils who are eligible pursuant to NRS 385.448.]*~~

(bb) For each school district, including, without limitation, each charter school in the district, and for this State as a whole, the number and percentage of pupils who failed to pass the high school proficiency examination.

(cc) The number of habitual truants who are reported to a school police officer or local law enforcement agency pursuant to paragraph (a) of subsection 2 of NRS 392.144 and the number of habitual truants who are referred to an advisory board to review school attendance pursuant to paragraph (b) of subsection 2 of NRS 392.144, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(dd) Information on the paraprofessionals employed at public schools in this State, including, without limitation, the charter schools in this State. The information must include:

(1) The number of paraprofessionals employed, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole; and

(2) For each school district, including, without limitation, each charter school in the district, and for this State as a whole, the number and percentage of all paraprofessionals who do not satisfy the qualifications set forth in 20 U.S.C. 6319(c). The reporting requirements of this subparagraph apply to paraprofessionals who are employed in programs supported with Title I money and to paraprofessionals who are not employed in programs supported with Title I money.

(ee) An identification of appropriations made by the Legislature to improve the academic achievement of pupils and programs approved by the Legislature to improve the academic achievement of pupils.

(ff) A compilation of the special programs available for pupils at individual schools, listed by school and by school district, including, without limitation, each charter school in the district.

(gg) For each school district, including, without limitation, each charter school in the district and for this State as a whole, information on pupils enrolled in career and technical education, including, without limitation:

(1) The number of pupils enrolled in a course of career and technical education;

(2) The number of pupils who completed a course of career and technical education;

(3) The average daily attendance of pupils who are enrolled in a program of career and technical education;

(4) The annual rate of pupils who dropped out of school and were enrolled in a program of career and technical education before dropping out;

(5) The number and percentage of pupils who completed a program of career and technical education and who received a standard high school diploma, an adjusted diploma or a certificate of attendance; and

(6) The number and percentage of pupils who completed a program of career and technical education and who did not receive a high school diploma because the pupils failed to pass the high school proficiency examination.

2. A separate reporting for a group of pupils must not be made pursuant to this section if the number of pupils in that group is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual pupil. The State Board shall prescribe a mechanism for determining the minimum number of pupils that must be in a group for that group to yield statistically reliable information.

3. The annual report of accountability must:

(a) Comply with 20 U.S.C. 6311(h)(1) and the regulations adopted pursuant thereto;

(b) Be prepared in a concise manner; and

(c) Be presented in an understandable and uniform format and, to the extent practicable, provided in a language that parents can understand.

4. On or before September 1 of each year, the State Board shall:

(a) Provide for public dissemination of the annual report of accountability by posting a copy of the report on the Internet website maintained by the Department; and

(b) Provide written notice that the report is available on the Internet website maintained by the Department. The written notice must be provided to the:

(1) Governor;

(2) Committee;

(3) Bureau;

(4) Board of Regents of the University of Nevada;

(5) Board of trustees of each school district; and

(6) Governing body of each charter school.

5. Upon the request of the Governor, an entity described in paragraph (b) of subsection 4 or a member of the general public, the State Board shall provide a portion or portions of the annual report of accountability.

6. As used in this section:

(a) "Highly qualified" has the meaning ascribed to it in 20 U.S.C. 7801(23).

(b) "Paraprofessional" has the meaning ascribed to it in NRS 391.008.

Sec. 3. ~~[NRS 385.34692 is hereby amended to read as follows:~~

~~385.34692 1. The State Board shall prepare a summary of the annual report of accountability prepared pursuant to NRS 385.3469 that includes, without limitation, a summary of the following information for each school district, each charter school and the State as a whole:~~

~~(a) Demographic information of pupils, including, without limitation, the number and percentage of pupils:~~

~~(1) Who are economically disadvantaged, as defined by the State Board;~~

~~(2) Who are from major racial or ethnic groups, as defined by the State Board;~~

~~(3) With disabilities;~~

~~(4) Who are limited English proficient; and~~

~~(5) Who are migratory children, as defined by the State Board;~~

~~(b) The average daily attendance of pupils, reported separately for the groups identified in paragraph (a);~~

~~(c) The transiency rate of pupils;~~

~~(d) The percentage of pupils who are habitual truants;~~

~~(e) The percentage of pupils who are deemed habitual disciplinary problems pursuant to NRS 392.4655;~~

~~(f) The number of incidents resulting in suspension or expulsion for:~~

~~(1) Violence to other pupils or to school personnel;~~

~~(2) Possession of a weapon;~~

~~(3) Distribution of a controlled substance;~~

~~(4) Possession or use of a controlled substance; and~~

~~(5) Possession or use of alcohol;~~

~~(g) For kindergarten through grade 8, the number and percentage of pupils who are retained in the same grade;~~

~~(h) For grades 9 to 12, inclusive, the number and percentage of pupils who are deficient in the number of credits required for promotion to the next grade or graduation from high school;~~

~~(i) The pupil teacher ratio for kindergarten and grades 1 to 8, inclusive;~~

~~(j) The average class size for the subject area of mathematics, English, science and social studies in schools where pupils rotate to different teachers for different subjects;~~

~~(k) The number and percentage of pupils who graduated from high school;~~

~~(l) The number and percentage of pupils who received a:~~

~~(1) Standard diploma;~~

~~(2) Adult diploma;~~

~~(3) Adjusted diploma;~~ ~~[~~and~~]~~

~~(4) Certificate of attendance;~~ ***and***

~~*[(5) Certificate indicating passage of the tests of general educational development for those pupils who are eligible pursuant to NRS 385.448;]*~~

~~(m) The number and percentage of pupils who graduated from high school and enrolled in remedial courses at the Nevada System of Higher Education;~~

~~(n) Per pupil expenditures;~~

~~(o) Information on the professional qualifications of teachers;~~

~~(p) The average daily attendance of teachers and licensure information;~~

~~(q) Information on the adequate yearly progress of the schools and school districts;~~

~~(r) Pupil achievement based upon the:~~

~~(1) Examinations administered pursuant to NRS 389.550, including, without limitation, whether public schools have made progress based upon the model adopted by the Department pursuant to NRS 385.3595; and~~

~~(2) High school proficiency examination;~~

~~(s) To the extent practicable, pupil achievement based upon the examinations administered pursuant to NRS 389.015 for grades 4, 7 and 10; and~~

~~(t) Other information required by the Superintendent of Public Instruction in consultation with the Bureau.~~

~~2. The summary prepared pursuant to subsection 1 must:~~

~~(a) Comply with 20 U.S.C. § 6311(h)(1) and the regulations adopted pursuant thereto;~~

~~(b) Be prepared in a concise manner; and~~

~~(c) Be presented in an understandable and uniform format and, to the extent practicable, provided in a language that parents will likely understand.~~

~~3. On or before September 7 of each year, the State Board shall:~~

~~(a) Provide for public dissemination of the summary prepared pursuant to subsection 1 by posting the summary on the Internet website maintained by the Department; and~~

~~(b) Submit a copy of the summary in an electronic format to the:~~

~~(1) Governor;~~

~~(2) Committee;~~

~~(3) Bureau;~~

~~(4) Board of Regents of the University of Nevada;~~

~~(5) Board of trustees of each school district; and~~

~~(6) Governing body of each charter school.~~

~~4. The board of trustees of each school district and the governing body of each charter school shall ensure that the parents and guardians of pupils enrolled in the school district or charter school, as applicable, have sufficient information concerning the availability of the summary prepared by the State Board pursuant to subsection 1, including, without limitation, information~~

~~that describes how to access the summary on the Internet website maintained by the Department. Upon the request of a parent or guardian of a pupil, the Department shall provide the parent or guardian with a written copy of the summary.~~

~~5. The Department shall, in consultation with the Bureau and the school districts, prescribe a form for the summary required by this section.~~**]** **(Deleted by amendment.)**

Sec. 4. NRS 385.347 is hereby amended to read as follows:

385.347 1. The board of trustees of each school district in this State, in cooperation with associations recognized by the State Board as representing licensed educational personnel in the district, shall adopt a program providing for the accountability of the school district to the residents of the district and to the State Board for the quality of the schools and the educational achievement of the pupils in the district, including, without limitation, pupils enrolled in charter schools in the school district. The board of trustees of each school district shall report the information required by subsection 2 for each charter school that is located within the school district, regardless of the sponsor of the charter school. The information for charter schools must be reported separately and must denote the charter schools sponsored by the school district, the charter schools sponsored by the State Board and the charter schools sponsored by a college or university within the Nevada System of Higher Education.

2. The board of trustees of each school district shall, on or before August 15 of each year, prepare an annual report of accountability concerning:

(a) The educational goals and objectives of the school district.

(b) Pupil achievement for each school in the district and the district as a whole, including, without limitation, each charter school in the district. The board of trustees of the district shall base its report on the results of the examinations administered pursuant to NRS 389.015 and 389.550 and shall compare the results of those examinations for the current school year with those of previous school years. The report must include, for each school in the district, including, without limitation, each charter school in the district, and each grade in which the examinations were administered:

(1) The number of pupils who took the examinations.

(2) A record of attendance for the period in which the examinations were administered, including an explanation of any difference in the number of pupils who took the examinations and the number of pupils who are enrolled in the school.

(3) Except as otherwise provided in this paragraph, pupil achievement, reported separately by gender and reported separately for the following groups of pupils:

(I) Pupils who are economically disadvantaged, as defined by the State Board;

(II) Pupils from major racial and ethnic groups, as defined by the State Board;

(III) Pupils with disabilities;

(IV) Pupils who are limited English proficient; and

(V) Pupils who are migratory children, as defined by the State Board.

(4) A comparison of the achievement of pupils in each group identified in paragraph (b) of subsection 1 of NRS 385.361 with the annual measurable objectives of the State Board.

(5) The percentage of pupils who were not tested.

(6) Except as otherwise provided in this paragraph, the percentage of pupils who were not tested, reported separately by gender and reported separately for the groups identified in subparagraph (3).

(7) The most recent 3-year trend in pupil achievement in each subject area tested and each grade level tested pursuant to NRS 389.015 and 389.550, which may include information regarding the trend in the achievement of pupils for more than 3 years, if such information is available.

(8) Information that compares the results of pupils in the school district, including, without limitation, pupils enrolled in charter schools in the district, with the results of pupils throughout this State. The information required by this subparagraph must be provided in consultation with the Department to ensure the accuracy of the comparison.

(9) For each school in the district, including, without limitation, each charter school in the district, information that compares the results of pupils in the school with the results of pupils throughout the school district and throughout this State. The information required by this subparagraph must be provided in consultation with the Department to ensure the accuracy of the comparison.

(10) Information on whether each school in the district, including, without limitation, each charter school in the district, has made progress based upon the model adopted by the Department pursuant to NRS 385.3595.

➥ A separate reporting for a group of pupils must not be made pursuant to this paragraph if the number of pupils in that group is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual pupil. The State Board shall prescribe the mechanism for determining the minimum number of pupils that must be in a group for that group to yield statistically reliable information.

(c) The ratio of pupils to teachers in kindergarten and at each grade level for each elementary school in the district and the district as a whole, including, without limitation, each charter school in the district, and the average class size for each core academic subject, as set forth in NRS

389.018, for each secondary school in the district and the district as a whole, including, without limitation, each charter school in the district.

(d) Information on the professional qualifications of teachers employed by each school in the district and the district as a whole, including, without limitation, each charter school in the district. The information must include, without limitation:

(1) The percentage of teachers who are:

(I) Providing instruction pursuant to NRS 391.125;

(II) Providing instruction pursuant to a waiver of the requirements for licensure for the grade level or subject area in which the teachers are employed; or

(III) Otherwise providing instruction without an endorsement for the subject area in which the teachers are employed;

(2) The percentage of classes in the core academic subjects, as set forth in NRS 389.018, that are not taught by highly qualified teachers;

(3) The percentage of classes in the core academic subjects, as set forth in NRS 389.018, that are not taught by highly qualified teachers, in the aggregate and disaggregated by high-poverty compared to low-poverty schools, which for the purposes of this subparagraph means schools in the top quartile of poverty and the bottom quartile of poverty in this State;

(4) For each middle school, junior high school and high school:

(I) On and after July 1, 2005, the number of persons employed as substitute teachers for 20 consecutive days or more in the same classroom or assignment, designated as long-term substitute teachers, including the total number of days long-term substitute teachers were employed at each school, identified by grade level and subject area; and

(II) On and after July 1, 2006, the number of persons employed as substitute teachers for less than 20 consecutive days, designated as short-term substitute teachers, including the total number of days short-term substitute teachers were employed at each school, identified by grade level and subject area; and

(5) For each elementary school:

(I) On and after July 1, 2005, the number of persons employed as substitute teachers for 20 consecutive days or more in the same classroom or assignment, designated as long-term substitute teachers, including the total number of days long-term substitute teachers were employed at each school, identified by grade level; and

(II) On and after July 1, 2006, the number of persons employed as substitute teachers for less than 20 consecutive days, designated as short-term substitute teachers, including the total number of days short-term substitute teachers were employed at each school, identified by grade level.

(e) The total expenditure per pupil for each school in the district and the district as a whole, including, without limitation, each charter school in the district. If this State has a financial analysis program that is designed to track educational expenditures and revenues to individual schools, each school district shall use that statewide program in complying with this paragraph. If a statewide program is not available, each school district shall use its own financial analysis program in complying with this paragraph.

(f) The curriculum used by the school district, including:

(1) Any special programs for pupils at an individual school; and

(2) The curriculum used by each charter school in the district.

(g) Records of the attendance and truancy of pupils in all grades, including, without limitation:

(1) The average daily attendance of pupils, for each school in the district and the district as a whole, including, without limitation, each charter school in the district.

(2) For each elementary school, middle school and junior high school in the district, including, without limitation, each charter school in the district that provides instruction to pupils enrolled in a grade level other than high school, information that compares the attendance of the pupils enrolled in the school with the attendance of pupils throughout the district and throughout this State. The information required by this subparagraph must be provided in consultation with the Department to ensure the accuracy of the comparison.

(h) The annual rate of pupils who drop out of school in grade 8 and a separate reporting of the annual rate of pupils who drop out of school in grades 9 to 12, inclusive, for each such grade, for each school in the district and for the district as a whole. The reporting for pupils in grades 9 to 12, inclusive, excludes pupils who:

(1) Provide proof to the school district of successful completion of the examinations of general educational development.

(2) Are enrolled in courses that are approved by the Department as meeting the requirements for an adult standard diploma.

(3) Withdraw from school to attend another school.

(i) Records of attendance of teachers who provide instruction, for each school in the district and the district as a whole, including, without limitation, each charter school in the district.

(j) Efforts made by the school district and by each school in the district, including, without limitation, each charter school in the district, to increase:

(1) Communication with the parents of pupils in the district; and

(2) The participation of parents in the educational process and activities relating to the school district and each school, including, without limitation, the existence of parent organizations and school advisory committees.

(k) Records of incidents involving weapons or violence for each school in the district, including, without limitation, each charter school in the district.

(l) Records of incidents involving the use or possession of alcoholic beverages or controlled substances for each school in the district, including, without limitation, each charter school in the district.

(m) Records of the suspension and expulsion of pupils required or authorized pursuant to NRS 392.466 and 392.467.

(n) The number of pupils who are deemed habitual disciplinary problems pursuant to NRS 392.4655, for each school in the district and the district as a whole, including, without limitation, each charter school in the district.

(o) The number of pupils in each grade who are retained in the same grade pursuant to NRS 392.033 or 392.125, for each school in the district and the district as a whole, including, without limitation, each charter school in the district.

(p) The transiency rate of pupils for each school in the district and the district as a whole, including, without limitation, each charter school in the district. For the purposes of this paragraph, a pupil is not transient if the pupil is transferred to a different school within the school district as a result of a change in the zone of attendance by the board of trustees of the school district pursuant to NRS 388.040.

(q) Each source of funding for the school district.

(r) A compilation of the programs of remedial study that are purchased in whole or in part with money received from this State, for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district. The compilation must include:

(1) The amount and sources of money received for programs of remedial study for each school in the district and the district as a whole, including, without limitation, each charter school in the district.

(2) An identification of each program of remedial study, listed by subject area.

(s) For each high school in the district, including, without limitation, each charter school in the district, the percentage of pupils who graduated from that high school or charter school in the immediately preceding year and enrolled in remedial courses in reading, writing or mathematics at a university, state college or community college within the Nevada System of Higher Education.

(t) The technological facilities and equipment available at each school, including, without limitation, each charter school, and the district's plan to incorporate educational technology at each school.

(u) For each school in the district and the district as a whole, including, without limitation, each charter school in the district, the number and percentage of pupils who received:

(1) A standard high school diploma, reported separately for pupils who received the diploma pursuant to:

(I) Paragraph (a) of subsection 1 of NRS 389.805; and

(II) Paragraph (b) of subsection 1 of NRS 389.805.

(2) ***An adult diploma.***

(3) An adjusted diploma.

~~[(3)]~~ ***(4)*** A certificate of attendance.

~~*[(5) A certificate indicating passage of the tests of general educational development for those pupils who are eligible pursuant to NRS 385.448.]*~~

(v) For each school in the district and the district as a whole, including, without limitation, each charter school in the district, the number and percentage of pupils who failed to pass the high school proficiency examination.

(w) The number of habitual truants who are reported to a school police officer or law enforcement agency pursuant to paragraph (a) of subsection 2 of NRS 392.144 and the number of habitual truants who are referred to an advisory board to review school attendance pursuant to paragraph (b) of subsection 2 of NRS 392.144, for each school in the district and for the district as a whole.

(x) The amount and sources of money received for the training and professional development of teachers and other educational personnel for each school in the district and for the district as a whole, including, without limitation, each charter school in the district.

(y) Whether the school district has made adequate yearly progress. If the school district has been designated as demonstrating need for improvement pursuant to NRS 385.377, the report must include a statement indicating the number of consecutive years the school district has carried that designation.

(z) Information on whether each public school in the district, including, without limitation, each charter school in the district, has made adequate yearly progress, including, without limitation:

(1) The number and percentage of schools in the district, if any, that have been designated as needing improvement pursuant to NRS 385.3623; and

(2) The name of each school, if any, in the district that has been designated as needing improvement pursuant to NRS 385.3623 and the number of consecutive years that the school has carried that designation.

(aa) Information on the paraprofessionals employed by each public school in the district, including, without limitation, each charter school the district. The information must include:

(1) The number of paraprofessionals employed at the school; and

(2) The number and percentage of all paraprofessionals who do not satisfy the qualifications set forth in 20 U.S.C. 6319(c). The reporting

requirements of this subparagraph apply to paraprofessionals who are employed in positions supported with Title I money and to paraprofessionals who are not employed in positions supported with Title I money.

(bb) For each high school in the district, including, without limitation, each charter school that operates as a high school, information that provides a comparison of the rate of graduation of pupils enrolled in the high school with the rate of graduation of pupils throughout the district and throughout this State. The information required by this paragraph must be provided in consultation with the Department to ensure the accuracy of the comparison.

(cc) An identification of the appropriations made by the Legislature that are available to the school district or the schools within the district and programs approved by the Legislature to improve the academic achievement of pupils.

(dd) For each school in the district and the district as a whole, including, without limitation, each charter school in the district, information on pupils enrolled in career and technical education, including, without limitation:

(1) The number of pupils enrolled in a course of career and technical education;

(2) The number of pupils who completed a course of career and technical education;

(3) The average daily attendance of pupils who are enrolled in a program of career and technical education;

(4) The annual rate of pupils who dropped out of school and were enrolled in a program of career and technical education before dropping out;

(5) The number and percentage of pupils who completed a program of career and technical education and who received a standard high school diploma, an adjusted diploma or a certificate of attendance; and

(6) The number and percentage of pupils who completed a program of career and technical education and who did not receive a high school diploma because the pupils failed to pass the high school proficiency examination.

(ee) Such other information as is directed by the Superintendent of Public Instruction.

3. The records of attendance maintained by a school for purposes of paragraph (i) of subsection 2 must include the number of teachers who are in attendance at school and the number of teachers who are absent from school. A teacher shall be deemed in attendance if the teacher is excused from being present in the classroom by the school in which the teacher is employed for one of the following reasons:

(a) Acquisition of knowledge or skills relating to the professional development of the teacher; or

(b) Assignment of the teacher to perform duties for cocurricular or extracurricular activities of pupils.

4. The annual report of accountability prepared pursuant to subsection 2 must:

(a) Comply with 20 U.S.C. 6311(h)(2) and the regulations adopted pursuant thereto; and

(b) Be presented in an understandable and uniform format and, to the extent practicable, provided in a language that parents can understand.

5. The Superintendent of Public Instruction shall:

(a) Prescribe forms for the reports required pursuant to subsection 2 and provide the forms to the respective school districts.

(b) Provide statistical information and technical assistance to the school districts to ensure that the reports provide comparable information with respect to each school in each district and among the districts throughout this State.

(c) Consult with a representative of the:

(1) Nevada State Education Association;

(2) Nevada Association of School Boards;

(3) Nevada Association of School Administrators;

(4) Nevada Parent Teacher Association;

(5) Budget Division of the Department of Administration; and

(6) Legislative Counsel Bureau,

➥ concerning the program and consider any advice or recommendations submitted by the representatives with respect to the program.

6. The Superintendent of Public Instruction may consult with representatives of parent groups other than the Nevada Parent Teacher Association concerning the program and consider any advice or recommendations submitted by the representatives with respect to the program.

7. On or before August 15 of each year, the board of trustees of each school district shall submit to each advisory board to review school attendance created in the county pursuant to NRS 392.126 the information required in paragraph (g) of subsection 2.

8. On or before August 15 of each year, the board of trustees of each school district shall:

(a) Provide written notice that the report required pursuant to subsection 2 is available on the Internet website maintained by the school district, if any, or otherwise provide written notice of the availability of the report. The written notice must be provided to the:

(1) Governor;

(2) State Board;

(3) Department;

(4) Committee; and

(5) Bureau.

(b) Provide for public dissemination of the annual report of accountability prepared pursuant to subsection 2 in the manner set forth in 20 U.S.C. 6311(h)(2)(E) by posting a copy of the report on the Internet website maintained by the school district, if any. If a school district does not maintain a website, the district shall otherwise provide for public dissemination of the annual report by providing a copy of the report to the schools in the school district, including, without limitation, each charter school in the district, the residents of the district, and the parents and guardians of pupils enrolled in schools in the district, including, without limitation, each charter school in the district.

9. Upon the request of the Governor, an entity described in paragraph (a) of subsection 8 or a member of the general public, the board of trustees of a school district shall provide a portion or portions of the report required pursuant to subsection 2.

10. As used in this section:

(a) "Highly qualified" has the meaning ascribed to it in 20 U.S.C. 7801(23).

(b) "Paraprofessional" has the meaning ascribed to it in NRS 391.008.

Sec. 5. NRS 388.205 is hereby amended to read as follows:

388.205 1. The board of trustees of each school district shall adopt a policy for each public school in the school district in which ninth grade pupils are enrolled to develop a 4-year academic plan for each of those pupils. The academic plan must set forth the specific educational goals that the pupil intends to achieve before graduation from high school. The plan may include, without limitation, the designation of a career pathway and enrollment in dual credit courses, career and technical education courses, advanced placement courses and honors courses.

2. ***The policy ~~[must]~~ may ensure that each pupil enrolled in ninth grade and the pupil's parent or legal guardian are ~~[adequately notified and informed of]~~ provided with, to the extent practicable, the following information:***

(a) The advanced placement courses, honors courses, international baccalaureate courses, dual credit courses, career and technical education courses, including, without limitation, career and technical skills-building programs, and any other educational programs, pathways or courses available to the pupil which will assist the pupil in the advancement of his or her education;

(b) The courses of study which the Department recommends that pupils take to prepare the pupils to successfully meet the academic challenges of the high school proficiency examination and pass that examination;

(c) The requirements for graduation from high school with a diploma and the types of diplomas available;

~~[(c)]~~ ***(d) The requirements for admission to the Nevada System of Higher Education and the eligibility requirements for a Governor Guinn Millennium Scholarship; and***

~~[(d) Programs offered by]~~

(e) The charter schools within the school district . ~~[, to the extent such programs are available.]~~

3. The policy ***required by subsection 1*** must require each pupil enrolled in ninth grade and the pupil's parent or legal guardian to:

(a) ~~[Work in]~~ ***Be notified of opportunities to work in*** consultation with a school counselor to develop ***and review*** an academic plan for the pupil; ~~[and]~~

(b) Sign the academic plan; and

(c) Review the academic plan at least once each school year in consultation with a school counselor and revise the plan if necessary.

~~[3.]~~ ***4.*** If a pupil enrolls in a high school after ninth grade, an academic plan must be developed for that pupil with appropriate modifications for the grade level of the pupil.

~~[4.]~~ ***5.*** An academic plan for a pupil must be used as a guide for the pupil and the parent or legal guardian of the pupil to plan, monitor and manage the pupil's educational and occupational development and make determinations of the appropriate courses of study for the pupil. If a pupil does not satisfy all the goals set forth in the academic plan, the pupil is eligible to graduate and receive a high school diploma if the pupil otherwise satisfies the requirements for a diploma.

Sec. 6. Chapter 392 of NRS is hereby amended by adding thereto the provisions set forth as sections 7 and 8 of this act.

Sec. 7. ~~[***The board of trustees of each school district shall adopt a policy of credit remediation which ensures that pupils who are deficient in the number of credits required for promotion to the next grade or for graduation from high school are provided sufficient opportunities, including, without limitation, opportunities during the school day, to complete appropriate remediation of deficient credits.***]~~ **(Deleted by amendment.)**

Sec. 8. ***1. The board of trustees of each school district*** ~~[***shall***]~~ ***may adopt a policy that allows a pupil enrolled in a public school within the school district to report, anonymously if the pupil chooses, any unlawful activity which is being conducted on school property, at an activity sponsored by a public school or on a school bus. The policy*** ~~[***must***]~~ ***may include, without limitation:***

(a) The types of unlawful activities which a pupil may report; and

(b) The manner in which a pupil may report the unlawful activities.

2. The board of trustees of a school district may work in consultation with a local law enforcement agency or other governmental entity,

corporation, business, organization or other entity to assist the board of trustees in the implementation of ~~[the]~~ a policy adopted pursuant to subsection 1.

3. ~~[Each]~~ If the board of trustees of a school district adopts a policy pursuant to subsection 1, each public school within the school district shall post prominently in various locations at the school the policy adopted pursuant to subsection 1, which must clearly denote the phone number and any other methods by which a report may be made. If a public school maintains an Internet website for the school, the policy must also be posted on the school's website.

4. ~~[The]~~ If the board of trustees of ~~[each]~~ a school district adopts a policy pursuant to subsection 1, the board of trustees shall post the policy on the Internet website maintained by the school district.

Sec. 9. NRS 392.019 is hereby amended to read as follows:

392.019 1. Except as otherwise provided in this subsection, if a child is exempt from compulsory attendance pursuant to ~~[this section or]~~ NRS 392.070 ~~[~~, 392.100~~]~~ or 392.110, and the child is employed to work in the entertainment industry pursuant to a written contract for a period of more than 91 school days, or its equivalent if the child resides in a school district operating under an alternative schedule authorized pursuant to NRS 388.090, including, without limitation, employment with a motion picture company or employment with a production company hired by a casino or resort hotel, the entity that employs the child shall, upon the request of the parent or legal guardian of the child, pay the costs for the child to receive at least 3 hours of tutoring per day for at least 5 days per week. In lieu of tutoring, the parent or legal guardian of such a child may agree with the entity that employs the child that the entity will pay the costs for the child to receive other educational or instructional services which are equivalent to tutoring. The provisions of this subsection apply during the period of a child's employment with an entity, regardless of whether the child has obtained the appropriate exemption from compulsory attendance at the time his or her contract with the entity is under negotiation.

2. ~~*[The board of trustees of a school district may excuse a child who is employed pursuant to subsection 1 from full-time attendance.]*~~ If such a child is exempt from compulsory attendance pursuant to NRS ~~[~~392.100 or~~]~~ 392.110, ~~*[this subsection,]*~~ the tutoring or other educational or instructional services received by the child pursuant to subsection 1 must be approved by the board of trustees of the school district in which the child resides.

Sec. 9.5. **NRS 392.110 is hereby amended to read as follows:**

392.110 1. Any child between the ages of ~~[~~14~~]~~ ***15*** and 18 years who has completed the work of the first eight grades may be excused from full-time school attendance and may be permitted to enter proper employment or

apprenticeship, by the written authority of the board of trustees excusing the child from such attendance. The board's written authority must state the reason or reasons for such excuse.

2. In all such cases, no employer or other person shall employ or contract for the services or time of such child until the child presents a written permit therefor from the attendance officer or board of trustees. The permit must be kept on file by the employer and, upon the termination of employment, must be returned by the employer to the board of trustees or other authority issuing it.

Sec. 10. **[**~~NRS 392.170 is hereby amended to read as follows:~~

~~392.170 Upon the written complaint of any person, the board of trustees of a school district or the governing body of a charter school shall:~~

~~1. Make a full and impartial investigation of all charges against parents, guardians or other persons having control or charge of any child who is under 18 years of age and required to attend school pursuant to NRS 392.040 for violation of any of the provisions of NRS 392.040 to~~ **[**392.110,**]** ***392.080,*** ~~inclusive, or 392.130 to 392.160, inclusive.~~

~~2. Make and file a written report of the investigation and the findings thereof in the records of the board.~~**]** **(Deleted by amendment.)**

Sec. 11. **[**~~NRS 392.180 is hereby amended to read as follows:~~

~~392.180 If it appears upon investigation that any parent, guardian or other person having control or charge of any child who is under 18 years of age and required to attend school pursuant to NRS 392.040 has violated any of the provisions of NRS 392.040 to~~ **[**392.110,**]** ***392.080,*** ~~inclusive, or 392.130 to 392.160, inclusive, the clerk of the board of trustees or the governing body of a charter school in which the child is enrolled, except as otherwise provided in NRS 392.190, shall make and file in the proper court a criminal complaint against the parent, guardian or other person, charging the violation, and shall see that the charge is prosecuted by the proper authority.~~**]** **(Deleted by amendment.)**

Sec. 12. **[**~~NRS 392.215 is hereby amended to read as follows:~~

~~392.215 Any parent, guardian or other person who, with intent to deceive under NRS 392.040 to~~ **[**392.110,**]** ***392.080,*** ~~inclusive, or 392.130 to 392.165, inclusive:~~

~~1. Makes a false statement concerning the age or attendance at school;~~

~~2. Presents a false birth certificate or record of attendance at school; or~~

~~3. Refuses to furnish a suitable identifying document, record of attendance at school or proof of change of name, upon request by a local law enforcement agency conducting an investigation in response to notification pursuant to subsection 4 of NRS 392.165,~~

~~→ of a child under 18 years of age who is under his or her control or charge, is guilty of a misdemeanor.~~**]** **(Deleted by amendment.)**

Sec. 13. NRS 392.090 ~~[,]~~ **and** 392.100 ~~[and 392.110]~~ are hereby repealed.

Sec. 14. **1.** This act becomes effective on July 1, 2011.

2. Section 1 of this act expires by limitation on June 30, 2014.

TEXT OF REPEALED SECTIONS

392.090 Juvenile court may permit child who has completed eighth grade to leave school. After review of the case, the juvenile court may issue a permit authorizing any child who has completed the eighth grade to leave school.

392.100 Attendance excused if child 14 years of age or older must support himself or herself or child's parent. Attendance required by the provisions of NRS 392.040 shall be excused when satisfactory written evidence is presented to the board of trustees of the school district in which the child resides that the child, 14 years of age or over, must work for his or her own or his or her parent's support.

~~[392.110 Attendance excused for child between 14 and 18 years of age who has completed eighth grade to enter employment or apprenticeship; written permit required.~~

~~1. Any child between the ages of 14 and 18 years who has completed the work of the first eight grades may be excused from full-time school attendance and may be permitted to enter proper employment or apprenticeship, by the written authority of the board of trustees excusing the child from such attendance. The board's written authority must state the reason or reasons for such excuse.~~

~~2. In all such cases, no employer or other person shall employ or contract for the services or time of such child until the child presents a written permit therefor from the attendance officer or board of trustees. The permit must be kept on file by the employer and, upon the termination of employment, must be returned by the employer to the board of trustees or other authority issuing it.]~~

Assemblyman Bobzien moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 143.

Bill read second time and ordered to third reading.

Assembly Bill No. 194.

Bill read second time and ordered to third reading.

Assembly Bill No. 195.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 124.

AN ACT relating to court records; revising requirements for saving images of court records before the records may be destroyed; authorizing the State Library and Archives Administrator to receive the court records of the Supreme Court or of a district court into the State Archives under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the Clerk of the Supreme Court, a county clerk, a deputy clerk of a justice court or a clerk of a municipal court may destroy documents, records, instruments, books, papers, depositions and transcripts of court actions and proceedings if the action or proceeding is not on appeal or review in any court. (NRS 239.110) The clerk is required to maintain a microphotographic film copy of every such record destroyed, and the copies are deemed to be the original documents.

Section 1 of this bill instead requires that, before a court record is destroyed by ~~[a clerk of the court,]~~ **the Clerk of the Supreme Court, a deputy clerk of the Supreme Court, a county clerk, the clerk of a district court or a deputy clerk of a district court,** the clerk must place an image of the record on microfilm or save the image in an electronic recordkeeping system. **However, a deputy clerk of a justice court or a clerk of a municipal court may destroy a court record pursuant to a schedule for the retention and disposition of court records established by the Supreme Court without placing an image of the record on microfilm or saving the image in an electronic recordkeeping system.** **Section 1** also: (1) requires the microfilm or saved image to be durable, accurate, complete and clear; (2) clarifies that a reproduction of a court record is considered to be the original, regardless of whether the actual original document exists; and (3) requires the clerk who microfilms or saves the court records to store the microfilm or the medium used to save the image in a manner and place so as to protect it reasonably from loss or damage and as prescribed by the Supreme Court. **Section 3** of this bill authorizes the State Library and Archives Administrator to receive into the State Archives any court record from the Supreme Court or a district court if: (1) the Administrator finds that the court record is of historical value; (2) the record is provided to the State Archives by an order of the Supreme Court; or (3) the Administrator and the Supreme Court or a district court, as applicable, enter into an agreement for the Administrator to receive into the State Archives any other record from the Supreme Court or district court. **Section 4** of this bill authorizes the State Library and Archives Administrator to establish, maintain and operate a center for storing and retrieving records for the Supreme Court or a district court pending acceptance of the records by the Division of State Library and

Archives of the Department of Cultural Affairs or disposition of the records by law.

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

Section 1. NRS 239.110 is hereby amended to read as follows:

239.110 1. ~~[The]~~ ***In addition to any other requirement of this section, the*** Clerk of the Supreme Court, ***a deputy clerk of the Supreme Court,*** a county clerk, ***the clerk of a district court, a deputy clerk of a district court, a*** deputy clerk of a justice court or ***a*** clerk of a municipal court may destroy ~~[all documents, records, instruments, books, papers, depositions and transcripts in any action or proceeding in the Supreme Court, district court, justice court or municipal court, respectively, or otherwise filed in the clerk's office pursuant to law, including transcripts of coroners' inquests and depositions, if the records of the clerk do not show that the action or proceeding is pending on appeal or review in any court,]~~ ***a court record only in accordance with a schedule for the retention and disposition of court records which is approved by the Supreme Court .*** ~~*[, except that:*~~

~~(a) If the written consent of the district attorney is first obtained, transcripts of preliminary hearings may be destroyed as provided in this section; and~~

~~(b) Minutes of the Supreme Court, district court, justice court or municipal court, affidavits supporting applications for marriage licenses, after those licenses have been issued, and certificates of fictitious names of businesses may be destroyed immediately subject to the provisions of subsections 2]~~ ~~[and 3.]~~ ~~*[to 5, inclusive.]*~~

2. ~~[The clerk shall maintain for the use of the public a microphotographic film print or copy of each document, record, instrument, book, paper, deposition or transcript so destroyed, if the print or copy is placed and kept in a sealed container under certificate of the clerk and properly indexed. This print or copy shall be deemed to be the original.~~

~~3. The clerk shall promptly seal and store at least one original negative of each microphotographic film in such manner and place as may reasonably ensure its preservation indefinitely against loss, theft, defacement or destruction.~~

~~4.]~~ ~~*[4]*~~ ***The Clerk of the Supreme Court, a deputy clerk of the Supreme Court, a county clerk, the clerk of a district court or a deputy clerk of a district court who destroys a court record pursuant to this section may do so only if an image of the court record has been placed on microfilm or has been saved in an electronic recordkeeping system which permits the retrieval of the information contained in the court record and the reproduction of the court record.***

3. Except as otherwise prohibited by law, a deputy clerk of a justice court or a clerk of a municipal court may destroy a court record pursuant to a schedule for the retention and disposition of court records established by the Supreme Court without placing an image of the court record on microfilm or saving an image of the court record in an electronic recordkeeping system.

4. A reproduction of an image of a court record that has been placed on microfilm or saved pursuant to this section shall be deemed to be the original court record, regardless of whether the original exists.

~~*[4.]*~~ ***5. A microfilmed image of a court record or an image of a court record saved in an electronic recordkeeping system pursuant to this section must be durable, accurate, complete and clear.***

~~*[5.]*~~ ***6. If, pursuant to this section, an image of a court record is placed on microfilm or is saved in an electronic recordkeeping system, the clerk who does so shall promptly store at least one copy of the microfilm or any tape, disc or other medium used for the storage of the saved image in a manner and place:***

(a) So as to protect it reasonably from loss or damage; and

(b) As prescribed by the Supreme Court.

~~*[6.]*~~ ***7.*** The Supreme Court may provide by rule for the destruction, without prior microfilming, of such other documents of the several courts of this State as are held in the offices of the clerks but which:

(a) No longer serve any legal, financial or administrative purpose; and

(b) Do not have any historical value.

~~[5.]~~ ~~*[7.]*~~ ***8.*** The Court Administrator may request the Division to advise and assist the Supreme Court in its establishment of the rules ~~[.]~~ ***or of a schedule for the retention and disposition of court records.***

~~*[8.]*~~ ***9. As used in this section, "court record" means any document, device or item, regardless of physical form or characteristic, that:***

(a) Is created by, received by or comes under the jurisdiction of the Supreme Court or a district court, justice court or municipal court; and

(b) Documents the organization, functions, policies, decisions, procedures, operations or any other activities of the Supreme Court, district court, justice court or municipal court.

Sec. 2. NRS 378.005 is hereby amended to read as follows:

378.005 As used in this chapter:

1. "***Court record" has the meaning ascribed to it in NRS 239.110.***

2. **"**Department" means the Department of Cultural Affairs.

~~[2.]~~ ***3.*** "Director" means the Director of the Department.

~~[3.]~~ ***4.*** "Division" means the Division of State Library and Archives of the Department.

Sec. 3. NRS 378.250 is hereby amended to read as follows:

378.250 ***1.*** The State Library and Archives Administrator may:

~~[1.]~~ ***(a)*** Receive into the archives material from a state agency if the State Library and Archives Administrator finds that it is of historical value.

~~[2.]~~ ***(b)*** With the approval of the Committee to Approve Schedules for the Retention and Disposition of Official State Records created pursuant to NRS 239.073, return to the state agency from which it was received, material in the archives which the State Library and Archives Administrator finds is not of historical value.

~~[3.]~~ ***(c)*** Receive into the archives material which has been directed to be deposited in the archives by an order or resolution of the governing body of a local governmental entity, if the State Library and Archives Administrator finds that it is of historical value.

~~[4.]~~ ***(d) Except as otherwise provided in subsection 2, receive into the archives any court record from the Supreme Court or a district court, if:***

(1) The State Library and Archives Administrator finds that it is of historical value;

(2) The court record is provided to the archives by order of the Supreme Court; or

(3) The State Library and Archives Administrator enters into an agreement with the Supreme Court or a district court to receive any other records from the Supreme Court or district court.

(e) With the approval of the Committee to Approve Schedules for the Retention and Disposition of Official State Records, turn over to:

~~[(a)]~~ ***(1)*** Any agency in the Department; or

~~[(b)]~~ ***(2)*** The Nevada System of Higher Education,

➥ material in the archives which the State Library and Archives Administrator finds to be surplus, not properly in the archives or appropriate to be kept elsewhere.

~~[5.]~~ ***(f)*** Expend a gift of money the State Library and Archives Administrator is authorized to accept for the purpose specified by the donor or, if no purpose is specified, in a manner which will further the purposes of the Division.

2. The State Library and Archives Administrator shall not receive into the archives any court record that a court has ordered sealed.

Sec. 4. NRS 378.255 is hereby amended to read as follows:

378.255 The State Library and Archives Administrator may:

1. Adopt regulations and establish standards, procedures and techniques for the effective management of records.

2. Make continuing surveys of current practices for the management of records and recommend improvements in those practices, including the use of space, equipment and supplies to create, maintain and store records.

3. Establish standards for the preparation of schedules providing for the retention of state records of continuing value and for the prompt and orderly disposition of state records which no longer possess sufficient administrative, fiscal, legal or research value to warrant their further retention.

4. Establish, maintain and operate a center for storing and retrieving records for state agencies ***or court records for the Supreme Court or a district court of this State*** pending the acceptance of the records by the Division or the disposition of the records in any other manner prescribed by law.

5. Establish a program for the control and management of forms, files, reports, directives and correspondence.

6. Establish a program of planning and preparation to assist state agencies and local governments in providing protection for records essential for the continuation or reestablishment of government in the event of a disaster.

7. Provide advice and technical assistance to state agencies, local governmental entities and, if requested, the Legislative and Judicial Branches of State Government concerning any aspect of managing records.

8. Through the Division, inspect the physical nature of governmental records in the custody of a state or local governmental agency which are not confidential or privileged.

9. With the approval of the Committee to Approve Schedules for the Retention and Disposition of Official State Records created pursuant to NRS 239.073, bring an action to obtain possession of the records of a state or local governmental agency which are:

(a) Of historical value and are not being properly cared for; or

(b) Privately held.

➥ In an action to recover a record which is privately held, it is rebuttably presumed that a governmental record which appears to be the original of a document received or the file copy of a document made by a governmental agency is governmental property.

Sec. 5. This act becomes effective on July 1, 2011.

Assemblyman Horne moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Horne moved that upon return from the printer, Assembly Bill No. 195 be rereferred to the Committee on Ways and Means.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 199.

Bill read second time.

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

Amendment No. 69.

AN ACT relating to the practice of pharmacy; ~~[authorizing]~~ **revising provisions governing the authority of** a registered pharmacist to ~~[engage in collaborative pharmacy practice]~~ **collaborate** with a ~~[physician at a facility other than a licensed medical facility or licensed pharmacy; requiring]~~ **practitioner for the implementation, monitoring and modification of drug therapy; authorizing** the State Board of Pharmacy to establish ~~[by regulation policies and procedures]~~ **regulations** relating to collaborative pharmacy practice; ~~[establishing certain duties and responsibilities of persons engaged in collaborative pharmacy practice;]~~ providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes a registered pharmacist to collaborate with a ~~[physician]~~ **practitioner** to engage in the implementation and modification of drug therapy for a patient at a licensed medical facility or licensed pharmacy. (NRS 639.0124) ~~[Sections 4 and 9 of this bill authorize a registered pharmacist, pursuant to a collaborative practice agreement entered into]~~ **Section 1 of this bill prescribes requirements for written guidelines and protocols which must be developed by a pharmacist who collaborates** with a ~~[physician]~~ **practitioner** and **requires those guidelines and protocols to be** approved by the State Board of Pharmacy **. ~~[, to]~~ Section 1 also authorizes the written guidelines and protocols to set forth provisions for a pharmacist to** implement, monitor and modify the drug therapy of a patient ~~[at a facility]~~ **in a setting** other than a licensed medical facility or licensed pharmacy. ~~[Section 5 of this bill requires that a facility other than a licensed medical facility or licensed pharmacy, while being used for collaborative pharmacy practice, be continuously supervised by a registered pharmacist, physician or certain other qualified persons whom the Board may authorize to supervise the facility in the absence of a registered pharmacist or physician. Section 6 of this bill requires the Board to establish by regulation the content and required terms of a collaborative practice agreement and the procedures for securely maintaining confidential medical information and prescription drugs at the facility being used for collaborative pharmacy practice. Section 6 also requires the Board to adopt regulations prescribing the acts which a registered pharmacist engaged in collaborative pharmacy practice may or may not perform pursuant to a collaborative~~

~~practice agreement. Section 8 of this bill exempts a facility at which a registered pharmacist practices collaborative pharmacy practice from provisions governing pharmacies.]~~

A person who violates any provision of chapter 639 of NRS governing pharmacists and pharmacies, including any provision of this bill, is guilty of a misdemeanor. (NRS 639.310)

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

Section 1. Chapter 639 of NRS is hereby amended by adding thereto ~~[the provisions set forth as sections 2 to 6, inclusive, of this act.]~~ **a new section to read as follows:**

1. Written guidelines and protocols developed by a registered pharmacist in collaboration with a practitioner which authorize the implementation, monitoring and modification of drug therapy:

(a) May authorize a pharmacist to order and use the findings of laboratory tests and examinations.

(b) May provide for implementation, monitoring and modification of drug therapy for a patient receiving care in a licensed medical facility or, if developed to ensure continuity of care for a patient, in any setting outside a medical facility where the patient is receiving care.

(c) Must be approved by the Board.

2. The Board may adopt regulations which:

(a) Prescribe additional requirements for written guidelines and protocols developed pursuant to this section; and

(b) Set forth the process for obtaining the approval of the Board of such written guidelines and protocols.

Secs. 2-8. **(Deleted by amendment.)**

Sec. 9. NRS 639.0124 is hereby amended to read as follows:

639.0124 "Practice of pharmacy" includes, but is not limited to, the:

1. Performance or supervision of activities associated with manufacturing, compounding, labeling, dispensing and distributing of a drug, including the receipt, handling and storage of prescriptions and other confidential information relating to patients.

2. Interpretation and evaluation of prescriptions or orders for medicine.

3. Participation in drug evaluation and drug research.

4. Advising of the therapeutic value, reaction, drug interaction, hazard and use of a drug.

5. Selection of the source, storage and distribution of a drug.

6. Maintenance of proper documentation of the source, storage and distribution of a drug.

7. Interpretation of clinical data contained in a person's record of medication.

8. Development of written guidelines and protocols in collaboration with a practitioner which are intended for a patient in a licensed medical facility ***or in a setting outside a medical facility where the patient is receiving care*** and ***which*** authorize the implementation, monitoring and modification of drug therapy. The written guidelines and protocols ~~[may authorize a pharmacist to order and use the findings of laboratory tests and examinations.]~~ ***must comply with section 1 of this act.***

9. Implementation and modification of drug therapy in accordance with the authorization of the prescribing practitioner for a patient in a pharmacy in which drugs, controlled substances, poisons, medicines or chemicals are sold at retail.

~~*[10. Implementation, monitoring and modification of drug therapy for a patient in collaboration with the patient's physician and pursuant to a collaborative practice agreement at a facility other than a licensed medical facility or pharmacy.]*~~

➥ The term does not include the changing of a prescription by a pharmacist or practitioner without the consent of the prescribing practitioner, except as otherwise provided in NRS 639.2583.

Sec. 10. NRS 639.230 is hereby amended to read as follows:

639.230 1. A person operating a business in this State shall not use the letters "Rx" or "RX" or the word "drug" or "drugs," "prescription" or "pharmacy," or similar words or words of similar import, without first having secured a license from the Board.

2. Each license must be issued to a specific person and for a specific location and is not transferable. The original license must be displayed on the licensed premises as provided in NRS 639.150. The original license and the fee required for reissuance of a license must be submitted to the Board before the reissuance of the license.

3. If the owner of a pharmacy is a partnership or corporation, any change of partners or corporate officers must be reported to the Board at such a time as is required by a regulation of the Board.

4. Except as otherwise provided in subsection 6, in addition to the requirements for renewal set forth in NRS 639.180, every person holding a license to operate a pharmacy must satisfy the Board that the pharmacy is conducted according to law.

5. Any violation of any of the provisions of this chapter by a managing pharmacist or by personnel of the pharmacy under the supervision of the managing pharmacist is cause for the suspension or revocation of the license of the pharmacy by the Board.

6. The provisions of this section do not prohibit ~~[a]~~ ***:***

(a) A Canadian pharmacy which is licensed by the Board and which has been recommended by the Board pursuant to subsection 4 of NRS 639.2328 for inclusion on the Internet website established and maintained pursuant to subsection 9 of NRS 223.560 from providing prescription drugs through mail order service to residents of Nevada in the manner set forth in NRS 639.2328 to 639.23286, inclusive ~~[.]~~ ***; or***

(b) A registered pharmacist or ~~*[physician]*~~ ***practitioner from*** ~~*[engaging in collaborative pharmacy practice pursuant to a collaborative practice agreement]*~~ ***collaborating in the implementation, monitoring and modification of drug therapy pursuant to guidelines and protocols approved by the Board .*** ~~*[pursuant to section 4 of this act.]*~~

Sec. 11. This act becomes effective upon passage and approval for the purpose of adopting regulations and on October 1, 2011, for all other purposes.

Assemblyman Atkinson moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 296.

Bill read second time and ordered to third reading.

Assembly Bill No. 523.

Bill read second time and ordered to third reading.

Assembly Bill No. 534.

Bill read second time and ordered to third reading.

Assembly Bill No. 556.

Bill read second time and ordered to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Conklin moved that Assembly Bill No. 534 be taken from General File and rereferred to the Committee on Ways and Means.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 23.

Bill read second time.

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

Amendment No. 145.

AN ACT relating to insurance; enacting the Interstate Insurance Product Regulation Compact; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The Interstate Insurance Product Regulation Compact is an interstate compact which addresses issues relating to the regulation of certain insurance products in states which are members of the Compact. The Compact creates an Interstate Insurance Product Regulation Commission which establishes uniform standards for certain insurance products and advertising relating to these insurance products. These uniform standards will govern those insurance products and advertising in lieu of other Nevada statutes and regulations under certain circumstances. The Compact also requires states that have enacted the Compact to choose a person to serve as a representative to the Commission.

Section 2 of this bill enacts, without any modifications, the language of the Interstate Insurance Product Regulation Compact as written by the National Association of Insurance Commissioners. **Section 3** of this bill designates the Commissioner of Insurance as Nevada's representative to the Interstate Insurance Product Regulation Commission. **Section 4 of this bill requires the Commissioner to opt out of any uniform standard which is less protective than a law of this State and provides that the State of Nevada opts out of all uniform standards involving long-term care insurance products. Section 5 of this bill requires the Commissioner to report to the 77th Session of the Nevada Legislature concerning the status of the uniform standards involving long-term care insurance products.**

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

Section 1. Title 57 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 2 **,** ~~[and]~~ 3 **and 4** of this act.

Sec. 2. ***The Interstate Insurance Product Regulation Compact, set forth in this section, is hereby enacted into law and entered into with all jurisdictions substantially as follows:***

Article I. Purposes

The purposes of this Compact are, through means of joint and cooperative faction among the Compacting States:

1. To promote and protect the interest of consumers of individual and group annuity, life insurance, disability income and long-term care insurance products;

2. To develop uniform standards for insurance products covered under the Compact;

3. To establish a central clearinghouse to receive and provide prompt review of insurance products covered under the Compact and in certain cases, advertisements related thereto, submitted by insurers authorized to do business in one or more Compacting States;

4. To give appropriate regulatory approval to those product filings and advertisements satisfying the applicable uniform standard;

5. To improve coordination of regulatory resources and expertise between state insurance departments regarding the setting of uniform standards and review of insurance products covered under the Compact;

6. To create the Interstate Insurance Product Regulation Commission; and

7. To perform these and such other related functions as may be consistent with the state regulation of the business of insurance.

Article II. Definitions

For purposes of this Compact:

1. "Advertisement" means any material designed to create public interest in a Product, or induce the public to purchase, increase, modify, reinstate, borrow on, surrender, replace or retain a policy, as more specifically defined in the Rules and Operating Procedures of the Commission.

2. "Bylaws" mean those bylaws established by the Commission for its governance, or for directing or controlling the Commission's actions or conduct.

3. "Compacting State" means any State which has enacted this Compact legislation and which has not withdrawn pursuant to Article XIV, Section 1, or been terminated pursuant to Article XIV, Section 2.

4. "Commission" means the "Interstate Insurance Product Regulation Commission" established by this Compact.

5. "Commissioner" means the chief insurance regulatory official of a State including, but not limited to commissioner, superintendent, director or administrator.

6. "Domiciliary State" means the state in which an Insurer is incorporated or organized; or, in the case of an alien Insurer, its state of entry.

7. "Insurer" means any entity licensed by a State to issue contracts of insurance for any of the lines of insurance covered by this Act.

8. "Member" means the person chosen by a Compacting State as its representative to the Commission, or his or her designee.

9. "Non-compacting State" means any State which is not at the time a Compacting State.

10. "Operating Procedures" mean procedures promulgated by the Commission implementing a Rule, Uniform Standard or a provision of this Compact.

11. "Product" means the form of a policy or contract, including any application, endorsement, or related form which is attached to and made a part of the policy or contract, and any evidence of coverage or certificate,

for an individual or group annuity, life insurance, disability income or long-term care insurance product that an Insurer is authorized to issue.

12. "Rule" means a statement of general or particular applicability and future effect promulgated by the Commission, including a Uniform Standard developed pursuant to Article VII of this Compact, designed to implement, interpret, or prescribe law or policy or describing the organization, procedure, or practice requirements of the Commission, which shall have the force and effect of law in the Compacting States.

13. "State" means any state, district or territory of the United States of America.

14. "Third-Party Filer" means an entity that submits a Product filing to the Commission on behalf of an Insurer.

15. "Uniform Standard" means a standard adopted by the Commission for a Product line, pursuant to Article VII of this Compact, and shall include all of the Product requirements in aggregate; provided, that each Uniform Standard shall be construed, whether express or implied, to prohibit the use of any inconsistent, misleading or ambiguous provisions in a Product and the form of the Product made available to the public shall not be unfair, inequitable or against public policy as determined by the Commission.

Article III. Establishment of the Commission and Venue

1. The Compacting States hereby create and establish a joint public agency known as the "Interstate Insurance Product Regulation Commission." Pursuant to Article IV, the Commission will have the power to develop Uniform Standards for Product lines, receive and provide prompt review of Products filed therewith, and give approval to those Product filings satisfying applicable Uniform Standards; provided, it is not intended for the Commission to be the exclusive entity for receipt and review of insurance product filings. Nothing herein shall prohibit any Insurer from filing its product in any State wherein the Insurer is licensed to conduct the business of insurance; and any such filing shall be subject to the laws of the State where filed.

2. The Commission is a body corporate and politic, and an instrumentality of the Compacting States.

3. The Commission is solely responsible for its liabilities except as otherwise specifically provided in this Compact.

4. Venue is proper and judicial proceedings by or against the Commission shall be brought solely and exclusively in a Court of competent jurisdiction where the principal office of the Commission is located.

Article IV. Powers of the Commission

The Commission shall have the following powers:

1. To promulgate Rules, pursuant to Article VII of this Compact, which shall have the force and effect of law and shall be binding in the Compacting States to the extent and in the manner provided in this Compact;

2. To exercise its rule-making authority and establish reasonable Uniform Standards for Products covered under the Compact, and Advertisement related thereto, which shall have the force and effect of law and shall be binding in the Compacting States, but only for those Products filed with the Commission, provided, that a Compacting State shall have the right to opt out of such Uniform Standard pursuant to Article VII, to the extent and in the manner provided in this Compact, and, provided further, that any Uniform Standard established by the Commission for long-term care insurance products may provide the same or greater protections for consumers as, but shall not provide less than, those protections set forth in the National Association of Insurance Commissioners' Long-Term Care Insurance Model Act and Long-Term Care Insurance Model Regulation, respectively, adopted as of 2001. The Commission shall consider whether any subsequent amendments to the NAIC Long-Term Care Insurance Model Act or Long-Term Care Insurance Model Regulation adopted by the NAIC require amending of the Uniform Standards established by the Commission for long-term care insurance products;

3. To receive and review in an expeditious manner Products filed with the Commission, and rate filings for disability income and long-term care insurance Products, and give approval of those Products and rate filings that satisfy the applicable Uniform Standard, where such approval shall have the force and effect of law and be binding on the Compacting States to the extent and in the manner provided in the Compact;

4. To receive and review in an expeditious manner Advertisement relating to long-term care insurance products for which Uniform Standards have been adopted by the Commission, and give approval to all Advertisement that satisfies the applicable Uniform Standard. For any product covered under this Compact, other than long-term care insurance products, the Commission shall have the authority to require an insurer to submit all or any part of its Advertisement with respect to that product for review or approval prior to use, if the Commission determines that the nature of the product is such that an Advertisement of the product could have the capacity or tendency to mislead the public. The actions of the Commission as provided in this section shall have the force and effect of law and shall be binding in the Compacting States to the extent and in the manner provided in the Compact;

5. To exercise its rule-making authority and designate Products and Advertisement that may be subject to a self-certification process without the need for prior approval by the Commission.

6. To promulgate Operating Procedures, pursuant to Article VII of this Compact, which shall be binding in the Compacting States to the extent and in the manner provided in this Compact;

7. To bring and prosecute legal proceedings or actions in its name as the Commission; provided, that the standing of any state insurance department to sue or be sued under applicable law shall not be affected;

8. To issue subpoenas requiring the attendance and testimony of witnesses and the production of evidence;

9. To establish and maintain offices;

10. To purchase and maintain insurance and bonds;

11. To borrow, accept or contract for services of personnel, including, but not limited to, employees of a Compacting State;

12. To hire employees, professionals or specialists, and elect or appoint officers, and to fix their compensation, define their duties and give them appropriate authority to carry out the purposes of the Compact, and determine their qualifications; and to establish the Commission's personnel policies and programs relating to, among other things, conflicts of interest, rates of compensation and qualifications of personnel;

13. To accept any and all appropriate donations and grants of money, equipment, supplies, materials and services, and to receive, utilize and dispose of the same; provided that at all times the Commission shall strive to avoid any appearance of impropriety;

14. To lease, purchase, accept appropriate gifts or donations of, or otherwise to own, hold, improve or use, any property, real, personal or mixed; provided that at all times the Commission shall strive to avoid any appearance of impropriety;

15. To sell, convey, mortgage, pledge, lease, exchange, abandon or otherwise dispose of any property, real, personal or mixed;

16. To remit filing fees to Compacting States as may be set forth in the Bylaws, Rules or Operating Procedures;

17. To enforce compliance by Compacting States with Rules, Uniform Standards, Operating Procedures and Bylaws;

18. To provide for dispute resolution among Compacting States;

19. To advise Compacting States on issues relating to Insurers domiciled or doing business in Non-compacting jurisdictions, consistent with the purposes of this Compact;

20. To provide advice and training to those personnel in state insurance departments responsible for product review, and to be a resource for state insurance departments;

21. To establish a budget and make expenditures;

22. To borrow money;

23. To appoint committees, including advisory committees comprising Members, state insurance regulators, state legislators or their representatives, insurance industry and consumer representatives, and such other interested persons as may be designated in the Bylaws;

24. To provide and receive information from, and to cooperate with law enforcement agencies;

25. To adopt and use a corporate seal; and

26. To perform such other functions as may be necessary or appropriate to achieve the purposes of this Compact consistent with the state regulation of the business of insurance.

Article V. Organization of the Commission

1. Membership, Voting and Bylaws

a. Each Compacting State shall have and be limited to one Member. Each Member shall be qualified to serve in that capacity pursuant to applicable law of the Compacting State. Any Member may be removed or suspended from office as provided by the law of the State from which he or she shall be appointed. Any vacancy occurring in the Commission shall be filled in accordance with the laws of the Compacting State wherein the vacancy exists. Nothing herein shall be construed to affect the manner in which a Compacting State determines the election or appointment and qualification of its own Commissioner.

b. Each Member shall be entitled to one vote and shall have an opportunity to participate in the governance of the Commission in accordance with the Bylaws. Notwithstanding any provision herein to the contrary, no action of the Commission with respect to the promulgation of a Uniform Standard shall be effective unless two-thirds (2/3) of the Members vote in favor thereof.

c. The Commission shall, by a majority of the Members, prescribe Bylaws to govern its conduct as may be necessary or appropriate to carry out the purposes, and exercise the powers, of the Compact, including, but not limited to:

i. Establishing the fiscal year of the Commission;

ii. Providing reasonable procedures for appointing and electing members, as well as holding meetings, of the Management Committee;

iii. Providing reasonable standards and procedures: (i) for the establishment and meetings of other committees, and (ii) governing any general or specific delegation of any authority or function of the Commission;

iv. Providing reasonable procedures for calling and conducting meetings of the Commission that consists of a majority of Commission

members, ensuring reasonable advance notice of each such meeting and providing for the right of citizens to attend each such meeting with enumerated exceptions designed to protect the public's interest, the privacy of individuals, and insurers' proprietary information, including trade secrets. The Commission may meet in camera only after a majority of the entire membership votes to close a meeting en toto or in part. As soon as practicable, the Commission must make public (i) a copy of the vote to close the meeting revealing the vote of each Member with no proxy votes allowed, and (ii) votes taken during such meeting;

v. Establishing the titles, duties and authority and reasonable procedures for the election of the officers of the Commission;

vi. Providing reasonable standards and procedures for the establishment of the personnel policies and programs of the Commission. Notwithstanding any civil service or other similar laws of any Compacting State, the Bylaws shall exclusively govern the personnel policies and programs of the Commission;

vii. Promulgating a code of ethics to address permissible and prohibited activities of commission members and employees; and

viii. Providing a mechanism for winding up the operations of the Commission and the equitable disposition of any surplus funds that may exist after the termination of the Compact after the payment and/or reserving of all of its debts and obligations.

d. The Commission shall publish its bylaws in a convenient form and file a copy thereof and a copy of any amendment thereto, with the appropriate agency or officer in each of the Compacting States.

2. Management Committee, Officers and Personnel

a. A Management Committee comprising no more than fourteen (14) members shall be established as follows:

i. One (1) member from each of the six (6) Compacting States with the largest premium volume for individual and group annuities, life, disability income and long-term care insurance products, determined from the records of the NAIC for the prior year;

ii. Four (4) members from those Compacting States with at least two percent (2%) of the market based on the premium volume described above, other than the six (6) Compacting States with the largest premium volume, selected on a rotating basis as provided in the Bylaws; and

iii. Four (4) members from those Compacting States with less than two percent (2%) of the market, based on the premium volume described above, with one (1) selected from each of the four (4) zone regions of the NAIC as provided in the Bylaws.

b. The Management Committee shall have such authority and duties as may be set forth in the Bylaws, including but not limited to:

i. Managing the affairs of the Commission in a manner consistent with the Bylaws and purposes of the Commission;

ii. Establishing and overseeing an organizational structure within, and appropriate procedures for, the Commission to provide for the creation of Uniform Standards and other Rules, receipt and review of product filings, administrative and technical support functions, review of decisions regarding the disapproval of a product filing, and the review of elections made by a Compacting State to opt out of a Uniform Standard; provided that a Uniform Standard shall not be submitted to the Compacting States for adoption unless approved by two-thirds (2/3) of the members of the Management Committee;

iii. Overseeing the offices of the Commission; and

iv. Planning, implementing, and coordinating communications and activities with other state, federal and local government organizations in order to advance the goals of the Commission.

c. The Commission shall elect annually officers from the Management Committee, with each having such authority and duties, as may be specified in the Bylaws.

d. The Management Committee may, subject to the approval of the Commission, appoint or retain an executive director for such period, upon such terms and conditions and for such compensation as the Commission may deem appropriate. The executive director shall serve as secretary to the Commission, but shall not be a Member of the Commission. The executive director shall hire and supervise such other staff as may be authorized by the Commission.

3. Legislative and Advisory Committees

a. A legislative committee comprising state legislators or their designees shall be established to monitor the operations of, and make recommendations to, the Commission, including the Management Committee; provided that the manner of selection and term of any legislative committee member shall be as set forth in the Bylaws. Prior to the adoption by the Commission of any Uniform Standard, revision to the Bylaws, annual budget or other significant matter as may be provided in the Bylaws, the Management Committee shall consult with and report to the legislative committee.

b. The Commission shall establish two (2) advisory committees, one of which shall comprise consumer representatives independent of the insurance industry, and the other comprising insurance industry representatives.

c. The Commission may establish additional advisory committees as its Bylaws may provide for the carrying out of its functions.

4. Corporate Records of the Commission

The Commission shall maintain its corporate books and records in accordance with the Bylaws.

5. Qualified Immunity, Defense and Indemnification

a. The Members, officers, executive director, employees and representatives of the Commission shall be immune from suit and liability, either personally or in their official capacity, for any claim for damage to or loss of property or personal injury or other civil liability caused by or arising out of any actual or alleged act, error or omission that occurred, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of Commission employment, duties or responsibilities; provided, that nothing in this paragraph shall be construed to protect any such person from suit and/or liability for any damage, loss, injury or liability caused by the intentional or willful and wanton misconduct of that person.

b. The Commission shall defend any Member, officer, executive director, employee or representative of the Commission in any civil action seeking to impose liability arising out of any actual or alleged act, error or omission that occurred within the scope of Commission employment, duties or responsibilities, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of Commission employment, duties or responsibilities; provided, that nothing herein shall be construed to prohibit that person from retaining his or her own counsel; and provided further, that the actual or alleged act, error or omission did not result from that person's intentional or willful and wanton misconduct.

c. The Commission shall indemnify and hold harmless any Member, officer, executive director, employee or representative of the Commission for the amount of any settlement or judgment obtained against that person arising out of any actual or alleged act, error or omission that occurred within the scope of Commission employment, duties or responsibilities, or that such person had a reasonable basis for believing occurred within the scope of Commission employment, duties or responsibilities, provided, that the actual or alleged act, error or omission did not result from the intentional or willful and wanton misconduct of that person.

Article VI. Meetings and Acts of the Commission

1. The Commission shall meet and take such actions as are consistent with the provisions of this Compact and the Bylaws.

2. Each Member of the Commission shall have the right and power to cast a vote to which that Compacting State is entitled and to participate in the business and affairs of the Commission. A Member shall vote in person or by such other means as provided in the Bylaws. The Bylaws may provide

for Members' participation in meetings by telephone or other means of communication.

3. The Commission shall meet at least once during each calendar year. Additional meetings shall be held as set forth in the Bylaws.

Article VII. Rules and Operating Procedures: Rulemaking Functions of the Commission and Opting Out of Uniform Standards

1. Rulemaking Authority. The Commission shall promulgate reasonable Rules, including Uniform Standards, and Operating Procedures in order to effectively and efficiently achieve the purposes of this Compact. Notwithstanding the foregoing, in the event the Commission exercises its rulemaking authority in a manner that is beyond the scope of the purposes of this Act, or the powers granted hereunder, then such an action by the Commission shall be invalid and have no force and effect.

2. Rulemaking Procedure. Rules and Operating Procedures shall be made pursuant to a rulemaking process that conforms to the Model State Administrative Procedure Act of 1981 as amended, as may be appropriate to the operations of the Commission. Before the Commission adopts a Uniform Standard, the Commission shall give written notice to the relevant state legislative committee(s) in each Compacting State responsible for insurance issues of its intention to adopt the Uniform Standard. The Commission in adopting a Uniform Standard shall consider fully all submitted materials and issue a concise explanation of its decision.

3. Effective Date and Opt Out of a Uniform Standard. A Uniform Standard shall become effective ninety (90) days after its promulgation by the Commission or such later date as the Commission may determine; provided, however, that a Compacting State may opt out of a Uniform Standard as provided in this Article. "Opt out" shall be defined as any action by a Compacting State to decline to adopt or participate in a promulgated Uniform Standard. All other Rules and Operating Procedures, and amendments thereto, shall become effective as of the date specified in each Rule, Operating Procedure or amendment.

4. Opt Out Procedure. A Compacting State may opt out of a Uniform Standard, either by legislation or regulation duly promulgated by the Insurance Department under the Compacting State's Administrative Procedure Act. If a Compacting State elects to opt out of a Uniform Standard by regulation, it must (a) give written notice to the Commission no later than ten (10) business days after the Uniform Standard is promulgated, or at the time the State becomes a Compacting State and (b) find that the Uniform Standard does not provide reasonable protections to the citizens of the State, given the conditions in the State. The Commissioner shall make specific findings of fact and conclusions of law, based on a preponderance of the evidence, detailing the conditions in the

State which warrant a departure from the Uniform Standard and determining that the Uniform Standard would not reasonably protect the citizens of the State. The Commissioner must consider and balance the following factors and find that the conditions in the State and needs of the citizens of the State outweigh: (i) the intent of the legislature to participate in, and the benefits of, an interstate agreement to establish national uniform consumer protections for the Products subject to this Act; and (ii) the presumption that a Uniform Standard adopted by the Commission provides reasonable protections to consumers of the relevant Product.

Notwithstanding the foregoing, a Compacting State may, at the time of its enactment of this Compact, prospectively opt out of all Uniform Standards involving long-term care insurance products by expressly providing for such opt out in the enacted Compact, and such an opt out shall not be treated as a material variance in the offer or acceptance of any State to participate in this Compact. Such an opt out shall be effective at the time of enactment of this Compact by the Compacting State and shall apply to all existing Uniform Standards involving long-term care insurance products and those subsequently promulgated.

5. Effect of Opt Out. If a Compacting State elects to opt out of a Uniform Standard, the Uniform Standard shall remain applicable in the Compacting State electing to opt out until such time the opt out legislation is enacted into law or the regulation opting out becomes effective.

Once the opt out of a Uniform Standard by a Compacting State becomes effective as provided under the laws of that State, the Uniform Standard shall have no further force and effect in that State unless and until the legislation or regulation implementing the opt out is repealed or otherwise becomes ineffective under the laws of the State. If a Compacting State opts out of a Uniform Standard after the Uniform Standard has been made effective in that State, the opt out shall have the same prospective effect as provided under Article XIV for withdrawals.

6. Stay of Uniform Standard. If a Compacting State has formally initiated the process of opting out of a Uniform Standard by regulation, and while the regulatory opt out is pending, the Compacting State may petition the Commission, at least fifteen (15) days before the effective date of the Uniform Standard, to stay the effectiveness of the Uniform Standard in that State. The Commission may grant a stay if it determines the regulatory opt out is being pursued in a reasonable manner and there is a likelihood of success. If a stay is granted or extended by the Commission, the stay or extension thereof may postpone the effective date by up to ninety (90) days, unless affirmatively extended by the Commission; provided, a stay may not be permitted to remain in effect for more than one (1) year unless the Compacting State can show extraordinary circumstances which

warrant a continuance of the stay, including, but not limited to, the existence of a legal challenge which prevents the Compacting State from opting out. A stay may be terminated by the Commission upon notice that the rulemaking process has been terminated.

7. Not later than thirty (30) days after a Rule or Operating Procedure is promulgated, any person may file a petition for judicial review of the Rule or Operating Procedure; provided, that the filing of such a petition shall not stay or otherwise prevent the Rule or Operating Procedure from becoming effective unless the court finds that the petitioner has a substantial likelihood of success. The court shall give deference to the actions of the Commission consistent with applicable law and shall not find the Rule or Operating Procedure to be unlawful if the Rule or Operating Procedure represents a reasonable exercise of the Commission's authority.

Article VIII. Commission Records and Enforcement

1. The Commission shall promulgate Rules establishing conditions and procedures for public inspection and copying of its information and official records, except such information and records involving the privacy of individuals and insurers' trade secrets. The Commission may promulgate additional Rules under which it may make available to federal and state agencies, including law enforcement agencies, records and information otherwise exempt from disclosure, and may enter into agreements with such agencies to receive or exchange information or records subject to nondisclosure and confidentiality provisions.

2. Except as to privileged records, data and information, the laws of any Compacting State pertaining to confidentiality or nondisclosure shall not relieve any Compacting State Commissioner of the duty to disclose any relevant records, data or information to the Commission; provided, that disclosure to the Commission shall not be deemed to waive or otherwise affect any confidentiality requirement; and further provided, that, except as otherwise expressly provided in this Act, the Commission shall not be subject to the Compacting State's laws pertaining to confidentiality and nondisclosure with respect to records, data and information in its possession. Confidential information of the Commission shall remain confidential after such information is provided to any Commissioner.

3. The Commission shall monitor Compacting States for compliance with duly adopted Bylaws, Rules, including Uniform Standards, and Operating Procedures. The Commission shall notify any non-complying Compacting State in writing of its noncompliance with Commission Bylaws, Rules or Operating Procedures. If a non-complying Compacting State fails to remedy its noncompliance within the time specified in the notice of noncompliance, the Compacting State shall be deemed to be in default as set forth in Article XIV.

4. The Commissioner of any State in which an Insurer is authorized to do business, or is conducting the business of insurance, shall continue to exercise his or her authority to oversee the market regulation of the activities of the Insurer in accordance with the provisions of the State's law. The Commissioner's enforcement of compliance with the Compact is governed by the following provisions:

a. With respect to the Commissioner's market regulation of a Product or Advertisement that is approved or certified to the Commission, the content of the Product or Advertisement shall not constitute a violation of the provisions, standards or requirements of the Compact except upon a final order of the Commission, issued at the request of a Commissioner after prior notice to the Insurer and an opportunity for hearing before the Commission.

b. Before a Commissioner may bring an action for violation of any provision, standard or requirement of the Compact relating to the content of an Advertisement not approved or certified to the Commission, the Commission, or an authorized Commission officer or employee, must authorize the action. However, authorization pursuant to this paragraph does not require notice to the Insurer, opportunity for hearing or disclosure of requests for authorization or records of the Commission's action on such requests.

Article IX. Dispute Resolution

The Commission shall attempt, upon the request of a Member, to resolve any disputes or other issues that are subject to this Compact and which may arise between two or more Compacting States, or between Compacting States and Non-compacting States, and the Commission shall promulgate an Operating Procedure providing for resolution of such disputes.

Article X. Product Filing and Approval

1. Insurers and Third-Party Filers seeking to have a Product approved by the Commission shall file the Product with, and pay applicable filing fees to, the Commission. Nothing in this Act shall be construed to restrict or otherwise prevent an insurer from filing its Product with the insurance department in any State wherein the insurer is licensed to conduct the business of insurance, and such filing shall be subject to the laws of the States where filed.

2. The Commission shall establish appropriate filing and review processes and procedures pursuant to Commission Rules and Operating Procedures. Notwithstanding any provision herein to the contrary, the Commission shall promulgate Rules to establish conditions and procedures under which the Commission will provide public access to Product filing information. In establishing such Rules, the Commission shall consider the interests of the public in having access to such information, as well as

protection of personal medical and financial information and trade secrets, that may be contained in a Product filing or supporting information.

3. Any Product approved by the Commission may be sold or otherwise issued in those Compacting States for which the Insurer is legally authorized to do business.

Article XI. Review of Commission Decisions Regarding Filings

1. Not later than thirty (30) days after the Commission has given notice of a disapproved Product or Advertisement filed with the Commission, the Insurer or Third Party Filer whose filing was disapproved may appeal the determination to a review panel appointed by the Commission. The Commission shall promulgate Rules to establish procedures for appointing such review panels and provide for notice and hearing. An allegation that the Commission, in disapproving a Product or Advertisement filed with the Commission, acted arbitrarily, capriciously, or in a manner that is an abuse of discretion or otherwise not in accordance with the law, is subject to judicial review in accordance with Article III, Section 4.

2. The Commission shall have authority to monitor, review and reconsider Products and Advertisement subsequent to their filing or approval upon a finding that the product does not meet the relevant Uniform Standard. Where appropriate, the Commission may withdraw or modify its approval after proper notice and hearing, subject to the appeal process in Section 1 above.

Article XII. Finance

1. The Commission shall pay or provide for the payment of the reasonable expenses of its establishment and organization. To fund the cost of its initial operations, the Commission may accept contributions and other forms of funding from the National Association of Insurance Commissioners, Compacting States and other sources. Contributions and other forms of funding from other sources shall be of such a nature that the independence of the Commission concerning the performance of its duties shall not be compromised.

2. The Commission shall collect a filing fee from each Insurer and Third Party Filer filing a product with the Commission to cover the cost of the operations and activities of the Commission and its staff in a total amount sufficient to cover the Commission's annual budget.

3. The Commission's budget for a fiscal year shall not be approved until it has been subject to notice and comment as set forth in Article VII of this Compact.

4. The Commission shall be exempt from all taxation in and by the Compacting States.

5. The Commission shall not pledge the credit of any Compacting State, except by and with the appropriate legal authority of that Compacting State.

6. The Commission shall keep complete and accurate accounts of all its internal receipts, including grants and donations, and disbursements of all funds under its control. The internal financial accounts of the Commission shall be subject to the accounting procedures established under its Bylaws. The financial accounts and reports including the system of internal controls and procedures of the Commission shall be audited annually by an independent certified public accountant. Upon the determination of the Commission, but no less frequently than every three (3) years, the review of the independent auditor shall include a management and performance audit of the Commission. The Commission shall make an Annual Report to the Governor and legislature of the Compacting States, which shall include a report of the independent audit. The Commission's internal accounts shall not be confidential and such materials may be shared with the Commissioner of any Compacting State upon request provided, however, that any work papers related to any internal or independent audit and any information regarding the privacy of individuals and insurers' proprietary information, including trade secrets, shall remain confidential.

7. No Compacting State shall have any claim to or ownership of any property held by or vested in the Commission or to any Commission funds held pursuant to the provisions of this Compact.

Article XIII. Compacting States, Effective Date and Amendment

1. Any State is eligible to become a Compacting State.

2. The Compact shall become effective and binding upon legislative enactment of the Compact into law by two Compacting States; provided, the Commission shall become effective for purposes of adopting Uniform Standards for, reviewing, and giving approval or disapproval of, Products filed with the Commission that satisfy applicable Uniform Standards only after twenty-six (26) States are Compacting States or, alternatively, by States representing greater than forty percent (40%) of the premium volume for life insurance, annuity, disability income and long-term care insurance products, based on records of the NAIC for the prior year. Thereafter, it shall become effective and binding as to any other Compacting State upon enactment of the Compact into law by that State.

3. Amendments to the Compact may be proposed by the Commission for enactment by the Compacting States. No amendment shall become effective and binding upon the Commission and the Compacting States unless and until all Compacting States enact the amendment into law.

Article XIV. Withdrawal, Default and Termination

1. Withdrawal

a. Once effective, the Compact shall continue in force and remain binding upon each and every Compacting State; provided, that a Compacting State may withdraw from the Compact ("Withdrawing State") by enacting a statute specifically repealing the statute which enacted the Compact into law.

b. The effective date of withdrawal is the effective date of the repealing statute. However, the withdrawal shall not apply to any product filings approved or self-certified, or any Advertisement of such products, on the date the repealing statute becomes effective, except by mutual agreement of the Commission and the Withdrawing State unless the approval is rescinded by the Withdrawing State as provided in Paragraph e of this section.

c. The Commissioner of the Withdrawing State shall immediately notify the Management Committee in writing upon the introduction of legislation repealing this Compact in the Withdrawing State.

d. The Commission shall notify the other Compacting States of the introduction of such legislation within ten (10) days after its receipt of notice thereof.

e. The Withdrawing State is responsible for all obligations, duties and liabilities incurred through the effective date of withdrawal, including any obligations, the performance of which extend beyond the effective date of withdrawal, except to the extent those obligations may have been released or relinquished by mutual agreement of the Commission and the Withdrawing State. The Commission's approval of Products and Advertisement prior to the effective date of withdrawal shall continue to be effective and be given full force and effect in the Withdrawing State, unless formally rescinded by the Withdrawing State in the same manner as provided by the laws of the Withdrawing State for the prospective disapproval of products or advertisement previously approved under state law.

f. Reinstatement following withdrawal of any Compacting State shall occur upon the effective date of the Withdrawing State reenacting the Compact.

2. Default

a. If the Commission determines that any Compacting State has at any time defaulted ("Defaulting State") in the performance of any of its obligations or responsibilities under this Compact, the Bylaws or duly promulgated Rules or Operating Procedures, then, after notice and hearing as set forth in the Bylaws, all rights, privileges and benefits conferred by this Compact on the Defaulting State shall be suspended from the effective date of default as fixed by the Commission. The grounds for default include, but are not limited to, failure of a Compacting State to perform its

obligations or responsibilities, and any other grounds designated in Commission Rules. The Commission shall immediately notify the Defaulting State in writing of the Defaulting State's suspension pending a cure of the default. The Commission shall stipulate the conditions and the time period within which the Defaulting State must cure its default. If the Defaulting State fails to cure the default within the time period specified by the Commission, the Defaulting State shall be terminated from the Compact and all rights, privileges and benefits conferred by this Compact shall be terminated from the effective date of termination.

b. Product approvals by the Commission or product self-certifications, or any Advertisement in connection with such product, that are in force on the effective date of termination shall remain in force in the Defaulting State in the same manner as if the Defaulting State had withdrawn voluntarily pursuant to Section 1 of this article.

c. Reinstatement following termination of any Compacting State requires a reenactment of the Compact.

3. Dissolution of Compact

a. The Compact dissolves effective upon the date of the withdrawal or default of the Compacting State which reduces membership in the Compact to one Compacting State.

b. Upon the dissolution of this Compact, the Compact becomes null and void and shall be of no further force or effect, and the business and affairs of the Commission shall be wound up and any surplus funds shall be distributed in accordance with the Bylaws.

Article XV. Severability and Construction

1. The provisions of this Compact shall be severable; and if any phrase, clause, sentence or provision is deemed unenforceable, the remaining provisions of the Compact shall be enforceable.

2. The provisions of this Compact shall be liberally construed to effectuate its purposes.

Article XVI. Binding Effect of Compact and Other Laws

1. Other Laws

a. Nothing herein prevents the enforcement of any other law of a Compacting State, except as provided in Paragraph b of this section.

b. For any Product approved or certified to the Commission, the Rules, Uniform Standards and any other requirements of the Commission shall constitute the exclusive provisions applicable to the content, approval and certification of such Products. For Advertisement that is subject to the Commission's authority, any Rule, Uniform Standard or other requirement of the Commission which governs the content of the Advertisement shall constitute

the exclusive provision that a Commissioner may apply to the content of

the Advertisement. Notwithstanding the foregoing, no action taken by the Commission shall abrogate or restrict: (i) the access of any person to state courts; (ii) remedies available under state law related to breach of contract, tort, or other laws not specifically directed to the content of the Product; (iii) state law relating to the construction of insurance contracts; or (iv) the authority of the attorney general of the state, including but not limited to maintaining any actions or proceedings, as authorized by law.

c. All insurance products filed with individual States shall be subject to the laws of those States.

2. Binding Effect of this Compact

a. All lawful actions of the Commission, including all Rules and Operating Procedures promulgated by the Commission, are binding upon the Compacting States.

b. All agreements between the Commission and the Compacting States are binding in accordance with their terms.

c. Upon the request of a party to a conflict over the meaning or interpretation of Commission actions, and upon a majority vote of the Compacting States, the Commission may issue advisory opinions regarding the meaning or interpretation in dispute.

d. In the event any provision of this Compact exceeds the constitutional limits imposed on the legislature of any Compacting State, the obligations, duties, powers or jurisdiction sought to be conferred by that provision upon the Commission shall be ineffective as to that Compacting State, and those obligations, duties, powers or jurisdiction shall remain in the Compacting State and shall be exercised by the agency thereof to which those obligations, duties, powers or jurisdiction are delegated by law in effect at the time this Compact becomes effective.

Sec. 3. ***The Commissioner of Insurance is hereby designated to serve as the representative of this State to the Interstate Insurance Product Regulation Commission.***

Sec. 4. ***1. It is the policy of this State to opt out of and the Commissioner of Insurance shall by regulation opt out of any uniform standard adopted by the Interstate Insurance Product Regulation Commission which provides less protection than a law of this State or otherwise diminishes the rights of policyholders and persons applying for a policy of insurance in this State.***

2. Upon determining, or upon becoming aware of a finding of a court of competent jurisdiction which found, that this State must opt out of a uniform standard pursuant to subsection 1, the Commissioner shall provide to the Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature notice of such determination or finding.

3. This State prospectively opts out of all uniform standards adopted by the Interstate Insurance Product Regulation Commission involving long-term care insurance products.

Sec. 5. **The Commissioner of Insurance shall monitor the progress of the uniform standards adopted by the Interstate Insurance Product Regulation Commission involving long-term care insurance products and shall, on or before January 31, 2013, provide to the Director of the Legislative Counsel Bureau for transmittal to the 77th Session of the Nevada Legislature:**

1. A written report regarding the progress of those uniform standards; and

2. Any recommendations concerning the adoption of those uniform standards, including, without limitation, the possible repeal of subsection 3 of section 4 of this act.

Assemblyman Atkinson moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 36.

Bill read second time.

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

Amendment No. 38.

AN ACT relating to indigent persons; revising provisions governing the Fund for Hospital Care to Indigent Persons; revising the membership of the Board of Trustees of the Fund; ~~[requiring the Nevada Association of Counties to provide administrative support to the Board; authorizing payment for certain administrative expenses;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes the Fund for Hospital Care to Indigent Persons to pay certain costs of hospital care provided to persons injured in motor vehicle accidents who are indigent. The Fund is composed of money collected or recovered from certain taxes and from certain charges against a county for unpaid charges for hospital care not greater than $3,000. (NRS 428.115-428.255)

Section 2 of this bill changes the membership of the Board of Trustees of the Fund to ~~[authorize]~~ **require** the Governor to appoint a director of a social services agency of a county as one of the five members of the Board. **Section 2 further authorizes such a director of a social services agency to designate another person to carry out his or her duties on the Board when the director is unavailable.**

~~[Section 3 of this bill requires the Nevada Association of Counties to provide administrative support to the Board in carrying out the duties of the Board in administering the Fund. Section 3 also authorizes the Nevada Association of Counties to be reimbursed from the Fund for the costs associated with providing administrative support to the Board. The Board is required to determine the costs for which the Nevada Association of Counties is entitled to be reimbursed.]~~

Sections 1 and 4 of this bill require the money deposited in the Fund by a county for unpaid hospital charges not exceeding $3,000 to be accounted for separately in the Fund and used to reimburse ~~[the Nevada Association of Counties for the costs associated with providing administrative support to the Board and for the reimbursement of]~~ **or partially reimburse a hospital for** unpaid hospital charges.

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

Section 1. NRS 428.175 is hereby amended to read as follows:

428.175 1. The Fund for Hospital Care to Indigent Persons is hereby created as a special revenue fund for the purposes described in NRS 428.115 to 428.255, inclusive.

2. ~~[All]~~ ***Except as otherwise provided in subsection 3,*** money collected or recovered pursuant to NRS 428.115 to 428.255, inclusive, and the interest earned on the money in the Fund must be deposited for credit to the Fund.

3. Any money paid by a county pursuant to NRS 428.255 must be accounted for separately in the Fund and must be used to ~~*[reimburse the Nevada Association of Counties for costs associated with providing administrative support to the Board to carry out the provisions of NRS 428.115 to 428.255, inclusive. Any money remaining after the Nevada Association of Counties has been reimbursed for administrative costs may be used to]*~~ ***reimburse or partially reimburse a hospital for unpaid charges for hospital care pursuant to NRS 428.115 to 428.255, inclusive, as other claims against the Fund are paid.***

4. Claims against the Fund must be paid on claims approved by the Board.

Sec. 2. NRS 428.195 is hereby amended to read as follows:

428.195 1. The Fund must be administered by a Board of Trustees composed of five ***members appointed by the Governor as follows:***

(a) ~~*[Five]*~~ ***Four*** county commissioners ***;*** ~~*[or]*~~ ***and***

(b) ~~*[Four county commissioners and one]*~~ ***One director of a social services agency of a county.***

2. The members of the Board of Trustees must be appointed by the Governor from a list of ~~[ten]~~ nominees submitted by the Board of Directors of the Nevada Association of Counties.

~~[2.]~~ ***The list of nominees must include six nominees who are county commissioners and three nominees who are directors of a social services agency of a county.***

3. Each member of the Board of Trustees shall serve a term of ~~[1 year]~~ ***2 years*** or until a successor has been appointed and has qualified.

~~[3.]~~ ***4.*** The position of a member of the Board of Trustees shall be considered vacated upon the loss of any of the qualifications required for the appointment of the member and in that event the Governor shall appoint a successor from a list of ~~[two]~~ nominees submitted by the Board of Directors of the Nevada Association of Counties. ***The list of nominees must include two county commissioners*** ~~*[and,]*~~ ***if*** ~~*[one]*~~ ***the member of the Board is*** ~~*[not]*~~ ***a*** ~~*[director]*~~ ***county commissioner or two directors of a social services agency*** ~~*[, one nominee who]*~~ ***if the member of the board is the director of a social services agency of a county.***

5. The director of a social services agency who is appointed to the Board of Trustees may designate a person to carry out his or her duties on the Board of Trustees when the director is unavailable, and any such designee has the same power as any other member of the Board of Trustees for the period in which he or she is designated to act on behalf of the director.

6. As used in this section, "social services agency" means any public agency or organization that provides social services in this State, including, without limitation, providing welfare and health care services.

Sec. 3. ~~[NRS 428.205 is hereby amended to read as follows:~~

~~428.205 *1.* The Board shall administer the Fund and for that purpose may:~~

~~[1.] *(a)* Enter into all necessary contracts and agreements.~~

~~[2.] *(b)* Purchase appropriate insurance to cover that portion of a claim for which the Fund is liable and which exceeds an amount agreed upon by the Board and the insurer.~~

~~[3.] *(c)* Employ personnel as necessary and prescribe their compensation and working conditions.~~

~~[4.] *(d)* Enter into agreements with the Department of Administration to obtain the services of consultants, attorneys, auditors, accountants, actuaries and managers of risk.~~

~~[5.] *(e)* Rent, lease, purchase or otherwise procure or receive real or personal property.~~

~~[6.] *(f)* Adopt regulations necessary for carrying out the provisions of NRS 428.115 to 428.255, inclusive.~~

~~*2. The Nevada Association of Counties shall provide administrative support for the Board and may be reimbursed from the Fund pursuant to this section and NRS 428.175 for the costs associated with providing such administrative support. The Board shall determine the expenses related to the provision of administrative support for which the Nevada Association of Counties may be reimbursed.]*~~ **(Deleted by amendment.)**

Sec. 4. NRS 428.255 is hereby amended to read as follows:

428.255 ***1.*** Any reimbursement or partial reimbursement made from the Fund for unpaid charges for hospital care furnished to a person which are not greater than $3,000, is a charge upon the county in which:

~~[1.]~~ ***(a)*** The accident occurred, if the person is not a resident of this state and the accident occurred in this state; or

~~[2.]~~ ***(b)*** The person resides, if the person is a resident of this state,

➥ and must be paid ***to the Fund*** upon a claim presented by the Board as other claims against the county are paid.

2. Money paid by a county pursuant to this section must be accounted for separately and expended in accordance with the provisions of subsection 3 of NRS 428.175.

Sec. 5. This act becomes effective on July 1, 2011.

Assemblywoman Pierce moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 82.

Bill read second time.

The following amendment was proposed by the Committee on Legislative Operations and Elections:

Amendment No. 169.

AN ACT relating to elections; ~~[establishing certain requirements for the organization of voter registration drives;]~~ revising provisions governing registering to vote by computer; authorizing additional mailing precincts in certain circumstances; making various other changes relating to the administration and conduct of elections; ~~[requiring the electronic filing of certain campaign contribution and expenditure reports and statements of financial disclosure;]~~ authorizing the disposition of unspent campaign contributions to a governmental entity and for the use of legal expenses; requiring the annual registration of committees for political action; making various other changes relating to campaign finance; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Sections 3 and 24 of this bill establish requirements for the organization of a voter registration drive to distribute and collect applications to register to~~

~~vote. Section 3 also provides requirements for and responsibilities of an organizer of a voter registration drive, including filing a statement of intent with the Secretary of State and completing a training course offered by the Secretary of State, and establishes criminal and civil penalties for violations of applicable provisions.~~

~~Section 6 of this bill increases the maximum number of active and registered voters that election precincts may contain from 1,500 to 3,000 active and registered voters.~~**]**

Section 7 of this bill allows a county clerk to establish mailing precincts or absent ballot mailing precincts if approved by the Secretary of State, in addition to circumstances authorized for the creation of mailing precincts in existing law. (NRS 293.213)

Sections 8 and 23 of this bill provide that if a county clerk establishes a system for using a computer for voter registration for that county, the system established must comply with any procedures and requirements prescribed by the Secretary of State. Existing law requires county clerks to verify the validity of the signatures of persons who sign petitions for initiative or referendum, petitions to recall public officers, petitions to qualify as a political party, petitions for filling ballot vacancies or petitions to place minor party or independent candidates on the ballot against the voter registration records, including applications to register to vote. (NRS 293.1277) **Section 5** of this bill provides that if a computer is used for voter registration in a county, the county clerk may rely on such indicia as may be prescribed by the Secretary of State to complete the signature verification.

Sections 9, 26 and 36 of this bill revise the manner in which it is required to list on sample ballots and ballots the names of candidates who have the same names so that if two or more candidates in an election have the same given name and surname and one candidate is an incumbent, the word "Incumbent" must appear on the sample ballot and ballot next to the name of the candidate who is the incumbent.

Section 12 of this bill requires, in addition to other information posted at polling places on election day, the posting of information concerning the eligibility of a candidate, question or other matter to appear on the ballot as a result of judicial determination or by operation of law.

Sections 15 and 35 of this bill authorize voters to vote in mailing precincts if it appears to the satisfaction of the Secretary of State, in addition to the county clerk, that the circumstances authorizing the creation of a mailing precinct exist.

Existing law authorizes a city or county clerk to assess a charge, not to exceed the cost of printing the applications, against a political party or other entity that requests more than 50 applications to register to vote by mail in

any 12-month period. (NRS 293.443) **Section 16** of this bill authorizes the Secretary of State to assess such a charge as well.

Section 19 of this bill changes the deadline for the Secretary of State to submit a report concerning primary and general elections to the Legislature from not later than 30 days before the start of a regular legislative session to not sooner than 30 days before and not later than 30 days after the first day of each regular legislative session.

~~[Sections 18 and 37 of this bill require certain additional information to be added to an Internet website of a county clerk or city clerk.]~~

Section 20 of this bill requires recruitment offices of the Armed Forces of the United States to serve as voter registration agencies, in addition to other entities specified in existing law.

Section 21 of this bill prohibits a voter registration agency from knowingly employing a person whose duties will include the registration of voters if the person has been convicted of a felony involving theft **~~[,]~~** **or** fraud **.** ~~[or dishonesty.]~~

Section 22 of this bill prohibits a county clerk from knowingly appointing as a field registrar any person who has been convicted of a felony involving theft **~~[,]~~** **or** fraud **.** ~~[or dishonesty.]~~

Section 27 of this bill amends the deadlines for the county clerk to transmit the number of registered voters in the county to the Secretary of State for the primary and general elections.

Section 28 of this bill expands the crime of threatening a person in connection with an election or petition to include threatening a person in connection with the registration of voters and to include the use of or threatening to use intimidation. **Section 28** also increases the penalty for such a crime from a gross misdemeanor to a category E felony.

Section 29 of this bill increases the penalty for interfering with the conduct of an election from a gross misdemeanor to a category ~~[D]~~ **E** felony.

Section 30 of this bill provides that polling information from a voter regarding whether the voter intends to vote for or against a particular political party, candidate or ballot question is not "electioneering."

~~[Section 31 of this bill increases the penalty for the removal or destruction of certain voting supplies and equipment from a gross misdemeanor to a category D felony.]~~

Section 32 of this bill provides that if a person tampers or interferes with, or attempts to tamper or interfere with, a mechanical voting system, mechanical voting device or any computer program used to count ballots, such an act is punishable as a category B felony.

Section 33 of this bill makes ~~[certain]~~ **the intentional failure to submit to the county clerk an elector's completed application to register to vote by a person who provided the application to the elector an** unlawful ~~[acts~~

~~relating to the registration of voters a category D felony rather than~~ **act punishable as** a category E felony.

~~[Sections 39, 40, 44-47, 49, 52-55, 57, 58, 64, 67 and 70 of this bill provide that, except under certain circumstances, campaign contribution and expenditure reports related to candidates for state, county and district offices must be filed electronically with the Secretary of State.]~~

Existing law prohibits a person from making certain campaign contributions over $5,000 during certain periods and prohibits candidates from accepting such contributions during those periods. (NRS 294A.100, 294A.287) **Sections 43 and 60** of this bill ~~[remove the limiting period for certain candidates so that such contributions may not be made or accepted at any time and]~~ also prohibit a person from committing to make such a contribution. **Section 61** of this bill similarly adds the prohibition on committing to make such a contribution to the prohibition on soliciting and accepting any monetary contribution for any political purpose during a specified period which is applicable to Legislators, the Lieutenant Governor, the Lieutenant Governor-Elect, the Governor and the Governor-Elect.

Section 50 of this bill adds to the acceptable methods of disposing of unspent campaign contributions donating money to a governmental entity and allows the person disposing of the unspent contributions to specify how the governmental entity may use the money. **Section 50** also allows certain public officers to use unspent campaign contributions in a future election in certain circumstances.

Section 56 of this bill requires committees for political action to file with the Secretary of State an updated form of registration on or before January 15 of each year.

Section 59 of this bill sets forth the acceptable methods of **and deadline for** disposing of unspent money in a legal defense fund. **Sections 51 and 63** of this bill require a person who disposes of unspent money in a legal defense fund to report to the Secretary of State how the person disposed of such money.

~~[Section 67 of this bill requires the Secretary of State to design a form for each campaign contribution and expenditure report rather than requiring the design of a single form for all campaign contribution and expenditure reports.~~

~~Sections 74-83 of this bill provide that, except under certain circumstances, appointed and elected public officers must file electronically statements of financial disclosure with the Secretary of State rather than the Commission on Ethics.]~~

Sections ~~[49,]~~ 48, 54 and 84 of this bill remove requirements that certain persons or groups who advocate the passage or defeat of a ballot question register. As a result, these persons and groups are subject to the same registration and reporting requirements as committees for political action and

must report certain contributions and expenditures which exceed $100, rather than $10,000 as provided in existing law for these persons or groups.

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

Section 1. ~~[Chapter 293 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.]~~ **(Deleted by amendment.)**

Sec. 2. ~~*["Voter registration drive" means distributing and collecting applications to register to vote pursuant to section 3 of this act.]*~~ **(Deleted by amendment.)**

Sec. 3. ~~*[1. A person may organize a voter registration drive only if the person:*~~

~~*(a) Files with the Secretary of State a statement of intent to organize a voter registration drive in the form prescribed by the Secretary of State; and*~~

~~*(b) Completes a training course offered by the Secretary of State for organizers of a voter registration drive.*~~

~~*2. An organizer of a voter registration drive:*~~

~~*(a) Shall maintain in the State of Nevada a registered agent who resides or is located in this State upon whom all legal process and any demand or notice authorized by law to be served upon the organizer may be served. The organizer shall include the contact information for the registered agent with the statement of intent filed pursuant to subsection 1.*~~

~~*(b) May distribute to and collect from persons in this State applications to register to vote.*~~

~~*(c) May employ persons to assist the organizer in distributing and collecting applications to register to vote in the State. The organizer shall not provide compensation to any person employed pursuant to this paragraph which is based on the number of completed applications to register to vote that the person collects.*~~

~~*(d) Shall not knowingly employ a person to assist with a voter registration drive if the person has been convicted of a felony involving theft, fraud or dishonesty.*~~

~~*3. Except as otherwise provided in this subsection, a completed application to register to vote that is collected during a voter registration drive must be:*~~

~~*(a) Delivered personally by the organizer of the voter registration drive to the county clerk not later than 10 calendar days after the elector signs the application; or*~~

~~*(b) Mailed by the organizer of the voter registration drive to the county clerk and postmarked not later than 10 calendar days after the elector signs the application.*~~

~~*→ Any completed application to register to vote that is signed by an elector 14 calendar days or less before the date for the close of registration set forth in NRS 293.560 and 293C.527 must be delivered or postmarked on the same day on which the elector signs the application.*~~

~~*4. A person who distributes and collects applications to register persons to vote during a voter registration drive shall not:*~~

~~*(a) Seek to influence an applicant's political preference or party registration; or*~~

~~*(b) Make any statement or take any action to discourage an applicant from registering to vote.*~~

~~*→ A person who violates any of the provisions of this subsection is guilty of a category E felony and shall be punished as provided in NRS 193.130.*~~

~~*5. If it appears that the following violations have occurred, the Secretary of State may conduct an investigation concerning the alleged violation and cause the appropriate proceedings to be instituted in the First Judicial District Court:*~~

~~*(a) If an organizer of a voter registration drive does not complete the training course offered by the Secretary of State pursuant to subsection 1, an action to collect a civil penalty of not more than $1,000.*~~

~~*(b) If an organizer of a voter registration drive does not file with the Secretary of State the contact information for its registered agent required by paragraph (a) of subsection 2, an action to collect a civil penalty of not more than $1,000.*~~

~~*(c) If an organizer of a voter registration drive employs a person in violation of paragraph (d) of subsection 2, an action to collect a civil penalty of not more than $5,000 for each person who is employed by the organizer of a voter registration drive in violation of that paragraph.*~~

~~*(d) If an organizer of a voter registration drive does not submit a completed application to register to vote within the applicable period set forth in subsection 3, an action to collect a civil penalty of not more than $50 for each business day that the application is late, except that for a third or subsequent violation, the Secretary of State may bring an action to collect a civil penalty of not more than $5,000.*~~

~~*→ Any civil penalty collected pursuant to this subsection must be deposited with the State Treasurer for credit to the State General Fund.*~~

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

~~*7. As used in this section, "organizer of a voter registration drive" means a person who organizes a voter registration drive.]*~~ **(Deleted by amendment.)**

Sec. 4. ~~[NRS 293.010 is hereby amended to read as follows:~~

~~293.010 As used in this title, unless the context otherwise requires, the words and terms defined in NRS 293.013 to 293.121, inclusive, *and section 2 of this act* have the meanings ascribed to them in those sections.]~~ **(Deleted by amendment.)**

Sec. 5. NRS 293.1277 is hereby amended to read as follows:

293.1277 1. If the Secretary of State finds that the total number of signatures submitted to all the county clerks is 100 percent or more of the number of registered voters needed to declare the petition sufficient, the Secretary of State shall immediately so notify the county clerks. Within 9 days, excluding Saturdays, Sundays and holidays, after notification, each of the county clerks shall determine the number of registered voters who have signed the documents submitted in the county clerk's county and, in the case of a petition proposing a statute, an amendment to a statute or an amendment to the Constitution, shall tally the number of signatures for each petition district contained or fully contained within the county clerk's county.

2. If more than 500 names have been signed on the documents submitted to a county clerk, the county clerk shall examine the signatures by sampling them at random for verification. The random sample of signatures to be verified must be drawn in such a manner that every signature which has been submitted to the county clerk is given an equal opportunity to be included in the sample. The sample must include an examination of at least 500 or 5 percent of the signatures, whichever is greater.

3. In determining from the records of registration the number of registered voters who signed the documents, the county clerk may use the signatures contained in the file of applications to register to vote. If the county clerk uses that file, the county clerk shall ensure that every application in the file is examined, including any application in his or her possession which may not yet be entered into the county clerk's records. ~~[The]~~ ***Except as otherwise provided in this subsection, the*** county clerk shall rely only on the appearance of the signature and the address and date included with each signature in making his or her determination. ***If, pursuant to NRS 293.506, a county clerk establishes a system to allow persons to register to vote by computer, the county clerk may rely on such other indicia as prescribed by the Secretary of State in making his or her determination.***

4. In the case of a petition proposing a statute, an amendment to a statute or an amendment to the Constitution, when the county clerk is determining the number of registered voters who signed the documents from each petition

district contained fully or partially within the county clerk's county, he or she must use the statewide voter registration list available pursuant to NRS 293.675.

5. Except as otherwise provided in subsection 7, upon completing the examination, the county clerk shall immediately attach to the documents a certificate properly dated, showing the result of the examination, including the tally of signatures by petition district, if required, and transmit the documents with the certificate to the Secretary of State. If a petition district comprises more than one county and the petition proposes a statute, an amendment to a statute or an amendment to the Constitution, the appropriate county clerks shall comply with the regulations adopted by the Secretary of State pursuant to this section to complete the certificate. A copy of this certificate must be filed in the clerk's office. When the county clerk transmits the certificate to the Secretary of State, the county clerk shall notify the Secretary of State of the number of requests to remove a name received by the county clerk pursuant to NRS 295.055 or 306.015.

6. A person who submits a petition to the county clerk which is required to be verified pursuant to NRS 293.128, 293.165, 293.172, 293.200, 295.056, 298.109, 306.035 or 306.110 must be allowed to witness the verification of the signatures. A public officer who is the subject of a recall petition must also be allowed to witness the verification of the signatures on the petition.

7. For any petition containing signatures which are required to be verified pursuant to the provisions of NRS 293.165, 293.200, 306.035 or 306.110 for any county, district or municipal office within one county, the county clerk shall not transmit to the Secretary of State the documents containing the signatures of the registered voters.

8. The Secretary of State shall by regulation establish further procedures for carrying out the provisions of this section.

Sec. 6. **[**~~NRS 293.207 is hereby amended to read as follows:~~

~~293.207 1. Election precincts must be established on the basis of the number of registered voters therein, with a maximum of~~ **[**1,500**]** ***3,000*** ~~registered voters who are not designated inactive pursuant to NRS 293.530 per precinct in those precincts in which a mechanical voting system is used.~~

~~2. Except as otherwise provided in subsections 3 and 4, the county clerk may consolidate two or more contiguous election precincts into a single voting district to conduct a particular election as public convenience, necessity and economy may require.~~

~~3. If a county clerk proposes to consolidate two or more contiguous election precincts, in whole or in part, pursuant to subsection 2, the county clerk shall, at least 14 days before consolidating the precincts, cause notice of the proposed consolidation to be:~~

~~(a) Posted in the manner prescribed for a regular meeting of the board of county commissioners; and~~

~~(b) Mailed to each Assemblyman, Assemblywoman, State Senator, county commissioner and, if applicable, member of the governing body of a city who represents residents of a precinct affected by the consolidation.~~

~~4. A person may file a written objection to the proposed consolidation with the county clerk. The county clerk shall consider each written objection filed pursuant to this subsection before consolidating the precincts.~~**]** **(Deleted by amendment.)**

Sec. 7. NRS 293.213 is hereby amended to read as follows:

293.213 1. Whenever there were not more than 20 voters registered in a precinct for the last preceding general election, the county clerk may establish that precinct as a mailing precinct.

2. Except as otherwise provided in NRS 293.208, the county clerk in any county **[**~~where~~**]** ***in which*** an absent ballot central counting board is appointed may abolish two or more existing mailing precincts and combine those mailing precincts into absent ballot precincts. Those mailing precincts must be designated absent ballot mailing precincts.

3. In any county **[**~~where~~**]** ***in which*** an absent ballot central counting board is appointed, any established precinct which had less than 200 ballots cast at the last preceding general election, or any newly established precinct with less than 200 registered voters, may be designated an absent ballot mailing precinct.

4. ***A county clerk may establish a mailing precinct or an absent ballot mailing precinct that does not meet the requirements of subsection 1, 2 or 3 if the county clerk obtains prior approval from the Secretary of State.***

5. The county clerk shall, at least 14 days before establishing or designating a precinct as a mailing precinct or absent ballot mailing precinct or before abolishing a mailing precinct pursuant to this section, cause notice of such action to be:

(a) Posted in the manner prescribed for a regular meeting of the board of county commissioners; and

(b) Mailed to each Assemblyman, Assemblywoman, State Senator, county commissioner and, if applicable, member of the governing body of a city who represents residents of a precinct affected by the action.

Sec. 8. NRS 293.250 is hereby amended to read as follows:

293.250 1. The Secretary of State shall, in a manner consistent with the election laws of this State, prescribe:

(a) The form of all ballots, absent ballots, diagrams, sample ballots, certificates, notices, declarations, applications to register to vote, lists, applications, registers, rosters, statements and abstracts required by the election laws of this State.

(b) The ~~[procedure]~~ ***procedures*** to be followed ~~[when a computer is used]~~ ***and the requirements of a system established pursuant to NRS 293.506 for using a computer*** to register voters and to keep records of registration.

2. The Secretary of State shall prescribe with respect to the matter to be printed on every kind of ballot:

(a) The placement and listing of all offices, candidates and measures upon which voting is statewide, which must be uniform throughout the State.

(b) The listing of all other candidates required to file with the Secretary of State, and the order of listing all offices, candidates and measures upon which voting is not statewide, from which each county or city clerk shall prepare appropriate ballot forms for use in any election in his or her county.

3. The Secretary of State shall place the condensation of each proposed constitutional amendment or statewide measure near the spaces or devices for indicating the voter's choice.

4. The fiscal note for, explanation of, arguments for and against, and rebuttals to such arguments of each proposed constitutional amendment or statewide measure must be included on all sample ballots.

5. The condensations and explanations for constitutional amendments and statewide measures proposed by initiative or referendum must be prepared by the Secretary of State, upon consultation with the Attorney General. The arguments and rebuttals for or against constitutional amendments and statewide measures proposed by initiative or referendum must be prepared in the manner set forth in NRS 293.252. The fiscal notes for constitutional amendments and statewide measures proposed by initiative or referendum must be prepared by the Secretary of State, upon consultation with the Fiscal Analysis Division of the Legislative Counsel Bureau. The condensations, explanations, arguments, rebuttals and fiscal notes must be in easily understood language and of reasonable length, and whenever feasible must be completed by August 1 of the year in which the general election is to be held.

6. The names of candidates for township and legislative or special district offices must be printed only on the ballots furnished to voters of that township or district.

7. A county clerk:

(a) May divide paper ballots into two sheets in a manner which provides a clear understanding and grouping of all measures and candidates.

(b) Shall prescribe the color or colors of the ballots and voting receipts used in any election which the clerk is required to conduct.

Sec. 9. NRS 293.2565 is hereby amended to read as follows:

293.2565 1. Except as otherwise provided in subsection 2, in any election regulated by this chapter, the name of a candidate printed on a ballot may be the given name and surname of the candidate or a contraction or

familiar form of his or her given name followed by his or her surname. A nickname of not more than 10 letters may be incorporated into the name of a candidate. The nickname must be in quotation marks and appear immediately before the surname of the candidate. A nickname must not indicate any political, economic, social or religious view or affiliation and must not be the name of any person, living or dead, whose reputation is known on a statewide, nationwide or worldwide basis, or in any other manner deceive a voter regarding the person or principles for which he or she is voting.

2. ~~[Except as otherwise provided in subsection 3, in]~~ ***In*** any election regulated by this chapter, if two or more candidates have the same ***given name and*** surname ~~[or surnames so similar as to be likely to cause confusion]~~ and:

(a) None of the candidates is an incumbent, the middle names or middle initials, if any, of the candidates must be included in the names of the candidates ***;*** ~~[as printed on the ballot;]~~ or

(b) One of the candidates is an incumbent, the name of the incumbent must be listed first and ~~[must be printed in bold type.~~

~~3. Where a system of voting other than by paper ballot is used and the provisions of paragraph (b) of subsection 2 are applicable, the Secretary of State may distinguish a candidate who is an incumbent in a manner other than printing the name of the incumbent in bold type provided that the manner used clearly emphasizes the name of the incumbent in a manner similar to printing his or her name in bold type.]~~ ***the word "Incumbent" must appear next to the name of the candidate who is the incumbent.***

Sec. 10. NRS 293.272 is hereby amended to read as follows:

293.272 1. Except as otherwise provided in subsection 2 and in NRS 293.2725 and 293.3083, a person who registered ***by mail or computer*** to vote ~~[pursuant to the provisions of NRS 293.5235]~~ shall, for the first election in which the person votes at which that registration is valid, vote in person unless he or she has previously voted in the county in which he or she is registered to vote.

2. The provisions of subsection 1 do not apply to a person who:

(a) Is entitled to vote in the manner prescribed in NRS 293.343 to 293.355, inclusive;

(b) Is entitled to vote an absent ballot pursuant to federal law or NRS 293.316 or 293.3165;

(c) Is disabled;

(d) Submits or has previously submitted a written request for an absent ballot that is signed by the registered voter before a notary public or other person authorized to administer an oath; or

(e) Requests an absent ballot in person at the office of the county clerk.

Sec. 11. NRS 293.2725 is hereby amended to read as follows:

293.2725 1. Except as otherwise provided in subsection 2, in NRS 293.3081 and 293.3083 and in federal law, a person who registers by mail ***or computer*** to vote in this State and who has not previously voted in an election for federal office in this State:

(a) May vote at a polling place only if the person presents to the election board officer at the polling place:

(1) A current and valid photo identification of the person; or

(2) A copy of a current utility bill, bank statement, paycheck, or document issued by a governmental entity, including a check which indicates the name and address of the person, but not including a voter registration card issued pursuant to NRS 293.517; and

(b) May vote by mail only if the person provides to the county or city clerk:

(1) A copy of a current and valid photo identification of the person; or

(2) A copy of a current utility bill, bank statement, paycheck, or document issued by a governmental entity, including a check which indicates the name and address of the person, but not including a voter registration card issued pursuant to NRS 293.517.

2. The provisions of this section do not apply to a person who:

(a) Registers to vote by mail and submits with an application to register to vote:

(1) A copy of a current and valid photo identification; or

(2) A copy of a current utility bill, bank statement, paycheck, or document issued by a governmental entity, including a check which indicates the name and address of the person, but not including a voter registration card issued pursuant to NRS 293.517;

(b) Registers to vote by mail and submits with an application to register to vote a driver's license number or at least the last four digits of his or her social security number, if a state or local election official has matched that information with an existing identification record bearing the same number, name and date of birth as provided by the person in the application;

(c) Is entitled to vote an absent ballot pursuant to the Uniformed and Overseas Citizens Absentee Voting Act, 42 U.S.C. 1973ff et seq.;

(d) Is provided the right to vote otherwise than in person under the Voting Accessibility for the Elderly and Handicapped Act, 42 U.S.C. 1973ee et seq.; or

(e) Is entitled to vote otherwise than in person under any other federal law.

Sec. 12. NRS 293.3025 is hereby amended to read as follows:

293.3025 The Secretary of State and each county and city clerk shall ensure that a copy of each of the following is posted in a conspicuous place at each polling place on election day:

1. A sample ballot;

2. Information concerning the date and hours of operation of the polling place;

3. Instructions for voting and casting a ballot, including a provisional ballot;

4. Instructions concerning the identification required for persons who registered by mail and are first-time voters for federal office in this State;

5. Information concerning the accessibility of polling places to persons with disabilities; ~~[and]~~

6. General information concerning federal and state laws which prohibit acts of fraud and misrepresentation ~~[.]~~ ***; and***

7. Information concerning the eligibility of a candidate, a ballot question or any other matter appearing on the ballot as a result of a judicial determination or by operation of law, if any.

Sec. 13. NRS 293.3081 is hereby amended to read as follows:

293.3081 A person at a polling place may cast a provisional ballot in an election to vote for a candidate for federal office if the person complies with the applicable provisions of NRS 293.3082 and:

1. Declares that he or she has registered to vote and is eligible to vote at that election in that jurisdiction, but his or her name does not appear on a voter registration list as a voter eligible to vote in that election in that jurisdiction or an election official asserts that the person is not eligible to vote in that election in that jurisdiction;

2. Applies by mail ~~[,]~~ ***or computer,*** on or after January 1, 2003, to register to vote and has not previously voted in an election for federal office in this State and fails to provide the identification required pursuant to paragraph (a) of subsection 1 of NRS 293.2725 to the election board officer at the polling place; or

3. Declares that he or she is entitled to vote after the polling place would normally close as a result of a court order or other order extending the time established for the closing of polls pursuant to a law of this State in effect 10 days before the date of the election.

Sec. 14. NRS 293.3083 is hereby amended to read as follows:

293.3083 A person may cast a ballot by mail to vote for a candidate for federal office, which must be treated as a provisional ballot by the county or city clerk if the person:

1. Applies by mail ***or computer*** to register to vote and has not previously voted in an election for federal office in this State;

2. Fails to provide the identification required pursuant to paragraph (b) of subsection 1 of NRS 293.2725 to the county or city clerk at the time that the person mails the ballot; and

3. Completes the written affirmation set forth in subsection 1 of NRS 293.3082.

Sec. 15. NRS 293.343 is hereby amended to read as follows:

293.343 1. A registered voter who resides in an election precinct in which there were not more than 200 voters registered for the last preceding general election, or in a precinct in which it appears to the satisfaction of the county clerk ***and Secretary of State*** that there are not more than 200 registered voters, may vote at any election regulated by this chapter in the manner provided in NRS 293.345 to 293.355, inclusive.

2. Whenever the county clerk has designated a precinct as a mailing precinct, registered voters residing in that precinct may vote at any election regulated by this chapter in the manner provided in NRS 293.345 to 293.355, inclusive.

3. In a county whose population is 100,000 or more, whenever a registered voter is entitled to vote in a mailing precinct or an absent ballot mailing precinct, the county clerk:

(a) Shall designate at least one polling place in the county as the polling place where such a voter may vote in person, pursuant to paragraph (b) of subsection 2 of NRS 293.353 or subsection 3 of NRS 293.353, on election day; and

(b) May designate certain polling places for early voting as the polling places where such a voter may vote in person, pursuant to paragraph (b) of subsection 2 of NRS 293.353 or subsection 3 of NRS 293.353, during the period for early voting, if it is impractical for the county clerk to provide at each polling place for early voting a ballot in every form required in the county.

4. In a county whose population is less than 100,000, whenever a registered voter is entitled to vote in a mailing precinct or an absent ballot mailing precinct, the county clerk:

(a) May designate one or more polling places in the county as the polling place where such a voter may vote in person, pursuant to paragraph (b) of subsection 2 of NRS 293.353 or subsection 3 of NRS 293.353, on election day; and

(b) May designate certain polling places for early voting as the polling places where such a voter may vote in person, pursuant to paragraph (b) of subsection 2 of NRS 293.353 or subsection 3 of NRS 293.353, during the period for early voting, if it is impractical for the county clerk to provide at each polling place for early voting a ballot in every form required in the county.

5. Polling places designated pursuant to subsection 3 or 4 may include, without limitation, polling places located as closely as practicable to the mailing precincts.

Sec. 16. NRS 293.443 is hereby amended to read as follows:

293.443 1. Except as otherwise provided in subsection 3, the expense of providing all ballots, forms and other supplies to be used at any election regulated by this chapter or chapter 293C of NRS and all expenses necessarily incurred in the preparation for, or the conduct of, any such election is a charge upon the municipality, county, district or State, as the case may be.

2. The county or city clerk may submit the printing of ballots for competitive bidding.

3. If a political party or other entity requests more than 50 applications to register to vote by mail in any 12-month period, the clerk ***or the Secretary of State*** may assess a charge, not to exceed the cost of printing the applications.

Sec. 17. NRS 293.4687 is hereby amended to read as follows:

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

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

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

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

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

(e) All reports on campaign contributions and expenditures submitted to the Secretary of State pursuant to the provisions of NRS 294A.120, 294A.125, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220, 294A.270, 294A.280, ~~[294A.283,]~~ 294A.360 and 294A.362 and all reports on contributions received by and expenditures made from a legal defense fund submitted to the Secretary of State pursuant to NRS 294A.286.

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

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

Sec. 18. ~~[NRS 293.4689 is hereby amended to read as follows:~~

~~293.4689 1. If a county clerk maintains a website on the Internet for information related to *candidates and* elections, the website must contain~~

~~public information maintained, collected or compiled by the county clerk that relates to elections, which must include, without limitation:~~

~~(a) The locations of polling places for casting a ballot on election day in such a format that a registered voter may search the list to determine the location of the polling place at which the registered voter is required to cast a ballot; [and]~~

~~(b) The abstract of votes required pursuant to the provisions of NRS 293.388 [.]~~ ***; and***

(c) The reports that the county clerk receives pursuant to chapter 294A of NRS.

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

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

Sec. 19. NRS 293.4695 is hereby amended to read as follows:

293.4695 1. Each county clerk shall collect the following information regarding each primary and general election, on a form provided by the Secretary of State and made available at each polling place in the county, each polling place for early voting in the county, the office of the county clerk and any other location deemed appropriate by the Secretary of State:

(a) The number of ballots that have been discarded or for any reason not included in the final canvass of votes, along with an explanation for the exclusion of each such ballot from the final canvass of votes.

(b) A report on each malfunction of any mechanical voting system, including, without limitation:

(1) Any known reason for the malfunction;

(2) The length of time during which the mechanical voting system could not be used;

(3) Any remedy for the malfunction which was used at the time of the malfunction; and

(4) Any effect the malfunction had on the election process.

(c) A list of each polling place not open during the time prescribed pursuant to NRS 293.273 and an account explaining why each such polling place was not open during the time prescribed pursuant to NRS 293.273.

(d) A description of each challenge made to the eligibility of a voter pursuant to NRS 293.303 and the result of each such challenge.

(e) A description of each complaint regarding a ballot cast by mail or facsimile filed with the county clerk and the resolution, if any, of the complaint.

(f) The results of any audit of election procedures and practices conducted pursuant to regulations adopted by the Secretary of State pursuant to this chapter.

(g) The number of provisional ballots cast and the reason for the casting of each provisional ballot.

2. Each county clerk shall submit to the Secretary of State, on a form provided by the Secretary of State, the information collected pursuant to subsection 1 not more than 60 days after each primary and general election.

3. The Secretary of State may contact any political party and request information to assist in the investigation of any allegation of voter intimidation.

4. The Secretary of State shall establish and maintain an Internet website pursuant to which the Secretary of State shall solicit and collect voter comments regarding election processes.

5. The Secretary of State shall compile the information and comments collected pursuant to this section into a report and shall submit the report to the Director of the Legislative Counsel Bureau for transmission to the Legislature ~~[not later than]~~ ***not sooner than*** 30 days before ***and not later than 30 days after*** the ~~[start]~~ ***first day*** of each regular session of the Legislature.

6. The Secretary of State may make the report required pursuant to subsection 5 available on an Internet website established and maintained by the Secretary of State.

Sec. 20. NRS 293.504 is hereby amended to read as follows:

293.504 1. The following offices shall serve as voter registration agencies:

(a) Such offices that provide public assistance as are designated by the Secretary of State;

(b) Each office that receives money from the State of Nevada to provide services to persons with disabilities in this State;

(c) The offices of the Department of Motor Vehicles;

(d) The offices of the city and county clerks;

(e) Such other county and municipal facilities as a county clerk or city clerk may designate pursuant to NRS 293.5035 or 293C.520, as applicable; ~~[and]~~

(f) ***Recruitment offices of the United States Armed Forces; and***

(g) Such other offices as the Secretary of State deems appropriate.

2. Each voter registration agency shall:

(a) Post in a conspicuous place, in at least 12-point type, instructions for registering to vote;

(b) ~~[~~Make~~]~~ ***Except as otherwise provided in subsection 3, distribute*** applications to register to vote which may be returned by mail ~~[~~available to each person who applies for or receives~~]~~ ***with any application for*** services or assistance from the agency ~~[~~,~~]~~ ***or submitted for any other purpose and with each application for recertification, renewal or change of address submitted to the agency that relates to such services, assistance or other purpose;***

(c) Provide the same amount of assistance to an applicant in completing an application to register to vote as the agency provides to a person completing any other forms for the agency; and

(d) Accept completed applications to register to vote.

3. ***A voter registration agency is not required to provide an application to register to vote pursuant to paragraph (b) of subsection 2 to a person who applies for or receives services or assistance from the agency or submits an application for any other purpose if the person declines to register to vote and submits to the agency a written form that meets the requirements of 42 U.S.C. 1973gg-5(a)(6). No information related to the declination to register to vote may be used for any purpose other than voter registration.***

4. Except as otherwise provided in this subsection and NRS 293.524, any application to register to vote accepted by a voter registration agency must be transmitted to the county clerk not later than 10 days after the application is accepted. The applications must be forwarded daily during the 2 weeks immediately preceding the fifth Sunday preceding an election. The county clerk shall accept any application to register to vote which is obtained from a voter registration agency pursuant to this section and completed by the fifth Sunday preceding an election if the county clerk receives the application not later than 5 days after that date.

~~[~~4.~~]~~ ***5.*** The Secretary of State shall cooperate with the Secretary of Defense to develop and carry out procedures to enable persons in this State to apply to register to vote at recruitment offices of the United States Armed Forces.

Sec. 21. NRS 293.5045 is hereby amended to read as follows:

293.5045 1. A person who works in a voter registration agency shall not:

(a) Seek to influence an applicant's political preference or party registration;

(b) Display a political preference or party allegiance in a place where it can be seen by an applicant;

(c) Make any statement or take any action to discourage an applicant from registering to vote; or

(d) Make any statement or take any action which would lead the applicant to believe that a decision to register to vote has any effect on the availability of any services or benefits provided by the State or Federal Government.

2. A person who violates any of the provisions of ~~[this section]~~ ***subsection 1*** is guilty of a category E felony and shall be punished as provided in NRS 193.130.

3. A voter registration agency shall not knowingly employ a person whose duties will include the registration of voters if the person has been convicted of a felony involving theft ~~[,]~~ ***or fraud .*** ~~[or dishonesty.]~~ ***The Secretary of State may bring an action against a voter registration agency to collect a civil penalty of not more than $5,000 for each person who is employed by the voter registration agency in violation of this subsection. Any civil penalty collected pursuant to this subsection must be deposited with the State Treasurer for credit to the State General Fund.***

Sec. 22. NRS 293.505 is hereby amended to read as follows:

293.505 1. All justices of the peace, except those located in county seats, are ex officio field registrars to carry out the provisions of this chapter.

2. The county clerk shall appoint at least one registered voter to serve as a field registrar of voters who, except as otherwise provided in NRS 293.5055, shall register voters within the county for which the field registrar is appointed. Except as otherwise provided in subsection 1, a candidate for any office may not be appointed or serve as a field registrar. A field registrar serves at the pleasure of the county clerk and shall perform such duties as the county clerk may direct. ***The county clerk shall not knowingly appoint any person as a field registrar who has been convicted of a felony involving theft*** ~~[,]~~ ***or fraud .*** ~~[or dishonesty.]~~ ***The Secretary of State may bring an action against a county clerk to collect a civil penalty of not more than $5,000 for each person who is appointed as a field registrar in violation of this subsection. Any civil penalty collected pursuant to this subsection must be deposited with the State Treasurer for credit to the State General Fund.***

3. A field registrar shall demand of any person who applies for registration all information required by the application to register to vote and shall administer all oaths required by this chapter.

4. When a field registrar has in his or her possession five or more completed applications to register to vote, the field registrar shall forward them to the county clerk, but in no case may the field registrar hold any number of them for more than 10 days.

5. Each field registrar shall forward to the county clerk all completed applications in his or her possession immediately after the fifth Sunday preceding an election. Within 5 days after the fifth Sunday preceding any

general election or general city election, a field registrar shall return all unused applications in his or her possession to the county clerk. If all of the unused applications are not returned to the county clerk, the field registrar shall account for the unreturned applications.

6. Each field registrar shall submit to the county clerk a list of the serial numbers of the completed applications to register to vote and the names of the electors on those applications. The serial numbers must be listed in numerical order.

7. Each field registrar shall post notices sent to him or her by the county clerk for posting in accordance with the election laws of this State.

8. A field registrar, employee of a voter registration agency or person assisting a voter pursuant to subsection 13 of NRS 293.5235 shall not:

(a) Delegate any of his or her duties to another person; or

(b) Refuse to register a person on account of that person's political party affiliation.

9. A person shall not hold himself or herself out to be or attempt to exercise the duties of a field registrar unless the person has been so appointed.

10. A county clerk, field registrar, employee of a voter registration agency or person assisting a voter pursuant to subsection 13 of NRS 293.5235 shall not:

(a) Solicit a vote for or against a particular question or candidate;

(b) Speak to a voter on the subject of marking his or her ballot for or against a particular question or candidate; or

(c) Distribute any petition or other material concerning a candidate or question which will be on the ballot for the ensuing election,

➥ while registering an elector.

11. When the county clerk receives applications to register to vote from a field registrar, the county clerk shall issue a receipt to the field registrar. The receipt must include:

(a) The number of persons registered; and

(b) The political party of the persons registered.

12. A county clerk, field registrar, employee of a voter registration agency or person assisting a voter pursuant to subsection 13 of NRS 293.5235 shall not:

(a) Knowingly register a person who is not a qualified elector or a person who has filed a false or misleading application to register to vote; or

(b) Register a person who fails to provide satisfactory proof of identification and the address at which the person actually resides.

13. A county clerk, field registrar, employee of a voter registration agency, person assisting a voter pursuant to subsection 13 of NRS 293.5235

or any other person providing a form for the application to register to vote to an elector for the purpose of registering to vote:

(a) If the person who assists an elector with completing the form for the application to register to vote retains the form, shall enter his or her name on the duplicate copy or receipt retained by the voter upon completion of the form; and

(b) Shall not alter, deface or destroy an application to register to vote that has been signed by an elector except to correct information contained in the application after receiving notice from the elector that a change in or addition to the information is required.

14. If a field registrar violates any of the provisions of this section, the county clerk shall immediately suspend the field registrar and notify the district attorney of the county in which the violation occurred.

15. A person who violates any of the provisions of subsection 8, 9, 10, 12 or 13 is guilty of a category E felony and shall be punished as provided in NRS 193.130.

Sec. 23. NRS 293.506 is hereby amended to read as follows:

293.506 ***1.*** A county clerk may, with approval of the board of county commissioners, establish a system for using a computer to register voters and to keep records of registration. ~~[The county clerk may, for that purpose, issue to a voter a card, bearing the signature of the voter, attesting to the voter's registration.]~~

2. A system established pursuant to subsection 1 must comply with any procedures and requirements prescribed by the Secretary of State pursuant to NRS 293.250.

Sec. 24. NRS 293.517 is hereby amended to read as follows:

293.517 1. Any elector residing within the county may register ~~[:]~~ ***to vote:***

(a) Except as otherwise provided in NRS 293.560 and 293C.527, by appearing before the county clerk, a field registrar or a voter registration agency, completing the application to register to vote, giving true and satisfactory answers to all questions relevant to his or her identity and right to vote, and providing proof of residence and identity;

(b) By completing and mailing or personally delivering to the county clerk an application to register to vote pursuant to the provisions of NRS 293.5235;

(c) Pursuant to the provisions of NRS 293.501 or 293.524; ~~[or]~~

(d) At his or her residence with the assistance of a field registrar pursuant to NRS 293.5237 ~~[.]~~ ***; or***

(e) ~~*[By submitting an application to register to vote to a person who is employed to collect applications for registration during a voter registration drive; or*~~

~~(f)~~ ***By submitting an application to register to vote by computer, if the county clerk has established a system pursuant to NRS 293.506 for using a computer to register voters.***

➥ The county clerk shall require a person to submit official identification as proof of residence and identity, such as a driver's license or other official document, before registering the person. If the applicant registers to vote pursuant to this subsection and fails to provide proof of residence and identity, the applicant must provide proof of residence and identity before casting a ballot in person or by mail or after casting a provisional ballot pursuant to NRS 293.3081 or 293.3083. For the purposes of this subsection, a voter registration card issued pursuant to subsection 6 does not provide proof of the residence or identity of a person.

2. The application to register to vote must be signed and verified under penalty of perjury by the elector registering.

3. Each elector who is or has been married must be registered under his or her own given or first name, and not under the given or first name or initials of his or her spouse.

4. An elector who is registered and changes his or her name must complete a new application to register to vote. The elector may obtain a new application:

(a) At the office of the county clerk or field registrar;

(b) By submitting an application to register to vote pursuant to the provisions of NRS 293.5235;

(c) By submitting a written statement to the county clerk requesting the county clerk to mail an application to register to vote; ~~[or]~~

(d) At any voter registration agency ~~[.]~~ ***; or***

(e) ~~*[By submitting an application to register to vote to a person who is employed to collect applications during a voter registration drive; or*~~

~~(f)~~ ***By submitting an application to register to vote by computer, if the county clerk has established a system pursuant to NRS 293.506 for using a computer to register voters.***

➥ If the elector fails to register under his or her new name, the elector may be challenged pursuant to the provisions of NRS 293.303 or 293C.292 and may be required to furnish proof of identity and subsequent change of name.

5. Except as otherwise provided in subsection 7, an elector who registers to vote pursuant to paragraph (a) of subsection 1 shall be deemed to be registered upon the completion of an application to register to vote.

6. After the county clerk determines that the application to register to vote of a person is complete and that the person is eligible to vote pursuant to NRS 293.485, the county clerk shall issue a voter registration card to the voter which contains:

(a) The name, address, political affiliation and precinct number of the voter;

(b) The date of issuance; and

(c) The signature of the county clerk.

7. If an elector submits an application to register to vote or an affidavit described in paragraph (c) of subsection 1 of NRS 293.507 that contains any handwritten additions, erasures or interlineations, the county clerk may object to the application to register to vote if the county clerk believes that because of such handwritten additions, erasures or interlineations, the application to register to vote of the elector is incomplete or that the elector is not eligible to vote pursuant to NRS 293.485. If the county clerk objects pursuant to this subsection, he shall immediately notify the elector and the district attorney of the county. Not later than 5 business days after the district attorney receives such notification, the district attorney shall advise the county clerk as to whether:

(a) The application to register to vote of the elector is complete and the elector is eligible to vote pursuant to NRS 293.485; and

(b) The county clerk should proceed to process the application to register to vote.

➥ If the District Attorney advises the county clerk to process the application to register to vote, the county clerk shall immediately issue a voter registration card to the applicant pursuant to subsection 6.

Sec. 25. NRS 293.5235 is hereby amended to read as follows:

293.5235 1. Except as otherwise provided in NRS 293.502, a person may register to vote by mailing an application to register to vote to the county clerk of the county in which the person resides ~~[.]~~ ***or may register to vote by computer, if the county clerk has established a system pursuant to NRS 293.506 for using a computer to register to vote.*** The county clerk shall, upon request, mail an application to register to vote to an applicant. The county clerk shall make the applications available at various public places in the county. An application to register to vote may be used to correct information in the registrar of voters' register.

2. An application to register to vote which is mailed to an applicant by the county clerk or made available to the public at various locations ~~*[, voter registration drives]*~~ or voter registration agencies in the county may be returned to the county clerk by mail or in person. For the purposes of this section, an application which is personally delivered to the county clerk shall be deemed to have been returned by mail.

3. The applicant must complete the application, including, without limitation, checking the boxes described in paragraphs (b) and (c) of subsection 10 and signing the application.

4. The county clerk shall, upon receipt of an application, determine whether the application is complete.

5. If the county clerk determines that the application is complete, he or she shall, within 10 days after receiving the application, mail to the applicant:

(a) A notice that the applicant is registered to vote and a voter registration card as required by subsection 6 of NRS 293.517; or

(b) A notice that the registrar of voters' register has been corrected to reflect any changes indicated on the application.

6. Except as otherwise provided in subsection 5 of NRS 293.518, if the county clerk determines that the application is not complete, the county clerk shall, as soon as possible, mail a notice to the applicant that additional information is required to complete the application. If the applicant provides the information requested by the county clerk within 15 days after the county clerk mails the notice, the county clerk shall, within 10 days after receiving the information, mail to the applicant:

(a) A notice that the applicant is registered to vote and a voter registration card as required by subsection 6 of NRS 293.517; or

(b) A notice that the registrar of voters' register has been corrected to reflect any changes indicated on the application.

➥ If the applicant does not provide the additional information within the prescribed period, the application is void.

7. The applicant shall be deemed to be registered or to have corrected the information in the register on the date the application is postmarked or received by the county clerk, whichever is earlier.

8. If the applicant fails to check the box described in paragraph (b) of subsection 10, the application shall not be considered invalid and the county clerk shall provide a means for the applicant to correct the omission at the time the applicant appears to vote in person at the assigned polling place.

9. The Secretary of State shall prescribe the form for an application to register to vote by ~~[mail]~~ ***:***

(a) Mail, which must be used to register to vote by mail in this State.

(b) Computer, which must be used to register to vote in a county if the county clerk has established a system pursuant to NRS 293.506 for using a computer to register to vote.

10. The application to register to vote by mail must include:

(a) A notice in at least 10-point type which states:

NOTICE: You are urged to return your application to register to vote to the County Clerk in person or by mail. If you choose to give your completed application to another person to return to the County Clerk on your behalf, and the person fails to deliver the application to the County Clerk, you will not be registered to vote. Please retain the duplicate copy or receipt from your application to register to vote.

(b) The question, "Are you a citizen of the United States?" and boxes for the applicant to check to indicate whether or not the applicant is a citizen of the United States.

(c) The question, "Will you be at least 18 years of age on or before election day?" and boxes for the applicant to check to indicate whether or not the applicant will be at least 18 years of age or older on election day.

(d) A statement instructing the applicant not to complete the application if the applicant checked "no" in response to the question set forth in paragraph (b) or (c).

(e) A statement informing the applicant that if the application is submitted by mail and the applicant is registering to vote for the first time, the applicant must submit the information set forth in paragraph (a) of subsection 2 of NRS 293.2725 to avoid the requirements of subsection 1 of NRS 293.2725 upon voting for the first time.

11. Except as otherwise provided in subsection 5 of NRS 293.518, the county clerk shall not register a person to vote pursuant to this section unless that person has provided all of the information required by the application.

12. The county clerk shall mail, by postcard, the notices required pursuant to subsections 5 and 6. If the postcard is returned to the county clerk by the United States Postal Service because the address is fictitious or the person does not live at that address, the county clerk shall attempt to determine whether the person's current residence is other than that indicated on the application to register to vote in the manner set forth in NRS 293.530.

13. A person who, by mail, registers to vote pursuant to this section may be assisted in completing the application to register to vote by any other person. The application must include the mailing address and signature of the person who assisted the applicant. The failure to provide the information required by this subsection will not result in the application being deemed incomplete.

14. An application to register to vote must be made available to all persons, regardless of political party affiliation.

15. An application must not be altered or otherwise defaced after the applicant has completed and signed it. An application must be mailed or delivered in person to the office of the county clerk within 10 days after it is completed.

16. A person who willfully violates any of the provisions of subsection 13, 14 or 15 is guilty of a category E felony and shall be punished as provided in NRS 193.130.

17. The Secretary of State shall adopt regulations to carry out the provisions of this section.

Sec. 26. NRS 293.565 is hereby amended to read as follows:

293.565 1. Except as otherwise provided in subsection ~~[2,]~~ ***3,*** sample ballots must include:

(a) If applicable, the statement required by NRS 293.267;

(b) The fiscal note or description of anticipated financial effect, as provided pursuant to NRS 218D.810, 293.250, 293.481, 293.482, 295.015 or 295.095 for each proposed constitutional amendment, statewide measure, measure to be voted upon only by a special district or political subdivision and advisory question;

(c) An explanation, as provided pursuant to NRS 218D.810, 293.250, 293.481, 293.482 or 295.121, of each proposed constitutional amendment, statewide measure, measure to be voted upon only by a special district or political subdivision and advisory question;

(d) Arguments for and against each proposed constitutional amendment, statewide measure, measure to be voted upon only by a special district or political subdivision and advisory question, and rebuttals to each argument, as provided pursuant to NRS 218D.810, 293.250, 293.252, 293.481, 293.482 or 295.121; and

(e) The full text of each proposed constitutional amendment.

2. ***If, pursuant to the provisions of NRS 293.2565, the word "Incumbent" must appear on the ballot next to the name of the candidate who is the incumbent, the word "Incumbent" must appear on the sample ballot next to the name of the candidate who is the incumbent.***

3. Sample ballots that are mailed to registered voters may be printed without the full text of each proposed constitutional amendment if:

(a) The cost of printing the sample ballots would be significantly reduced if the full text of each proposed constitutional amendment were not included;

(b) The county clerk ensures that a sample ballot that includes the full text of each proposed constitutional amendment is provided at no charge to each registered voter who requests such a sample ballot; and

(c) The sample ballots provided to each polling place include the full text of each proposed constitutional amendment.

~~[3.]~~ ***4.*** Before the period for early voting for any election begins, the county clerk shall cause to be mailed to each registered voter in the county a sample ballot for his or her precinct, with a notice informing the voter of the location of his or her polling place. If the location of the polling place has changed since the last election:

(a) The county clerk shall mail a notice of the change to each registered voter in the county not sooner than 10 days before mailing the sample ballots; or

(b) The sample ballot must also include a notice in bold type immediately above the location which states:

NOTICE: THE LOCATION OF YOUR POLLING PLACE
HAS CHANGED SINCE THE LAST ELECTION

~~[4.]~~ ***5.*** Except as otherwise provided in subsection ~~[5,]~~ ***6,*** a sample ballot required to be mailed pursuant to this section must:

(a) Be printed in at least 12-point type; and

(b) Include on the front page, in a separate box created by bold lines, a notice printed in at least 20-point bold type that states:

NOTICE: TO RECEIVE A SAMPLE BALLOT IN
LARGE TYPE, CALL (Insert appropriate telephone number)

~~[5.]~~ ***6.*** A portion of a sample ballot that contains a facsimile of the display area of a voting device may include material in less than 12-point type to the extent necessary to make the facsimile fit on the pages of the sample ballot.

~~[6.]~~ ***7.*** The sample ballot mailed to a person who requests a sample ballot in large type by exercising the option provided pursuant to NRS 293.508, or in any other manner, must be printed in at least 14-point type, or larger when practicable.

~~[7.]~~ ***8.*** If a person requests a sample ballot in large type, the county clerk shall ensure that all future sample ballots mailed to that person from the county are in large type.

~~[8.]~~ ***9.*** The county clerk shall include in each sample ballot a statement indicating that the county clerk will, upon request of a voter who is elderly or disabled, make reasonable accommodations to allow the voter to vote at his or her polling place and provide reasonable assistance to the voter in casting his or her vote, including, without limitation, providing appropriate materials to assist the voter. In addition, if the county clerk has provided pursuant to subsection 4 of NRS 293.2955 for the placement at centralized voting locations of specially equipped voting devices for use by voters who are elderly or disabled, the county clerk shall include in the sample ballot a statement indicating:

(a) The addresses of such centralized voting locations;

(b) The types of specially equipped voting devices available at such centralized voting locations; and

(c) That a voter who is elderly or disabled may cast his or her ballot at such a centralized voting location rather than at his or her regularly designated polling place.

~~[9.]~~ ***10.*** The cost of mailing sample ballots for any election other than a primary or general election must be borne by the political subdivision holding the election.

Sec. 27. NRS 293.567 is hereby amended to read as follows:

293.567 After the close of registration for each primary election but not later than the ~~[~~second Friday next~~]~~ ***Friday*** preceding the primary election and after the close of registration for each general election but not later than the ~~[~~second Friday next~~]~~ ***Friday*** preceding the general election, the county clerk shall ascertain by precinct and district the number of registered voters in the county and their political affiliation, if any, and shall transmit that information to the Secretary of State.

Sec. 28. NRS 293.710 is hereby amended to read as follows:

293.710 1. It is unlawful for any person, in connection with any election ***,*** ~~[~~or~~]~~ petition ~~[,]~~ ***or registration of voters,*** whether acting himself or herself or through another person in his or her behalf, to:

(a) Use or threaten to use any force, ***intimidation,*** coercion, violence, restraint or undue influence;

(b) Inflict or threaten to inflict any physical or mental injury, damage, harm or loss upon the person or property of another;

(c) Expose or publish or threaten to expose or publish any fact concerning another in order to induce or compel such other to vote or refrain from voting for any candidate or any question;

(d) Impede or prevent, by abduction, duress or fraudulent contrivance, the free exercise of the franchise by any voter, or thereby to compel, induce or prevail upon any elector to give or refrain from giving his or her vote; or

(e) Discharge or change the place of employment of any employee with the intent to impede or prevent the free exercise of the franchise by such employee.

2. ~~[~~Unless a greater penalty is provided by law, any violation~~]~~ ***A person who violates a provision*** of this section is ~~[~~a gross misdemeanor.~~]~~ ***guilty of a category E felony and shall be punished as provided in NRS 193.130.***

Sec. 29. NRS 293.730 is hereby amended to read as follows:

293.730 1. A person shall not:

(a) Remain in or outside of any polling place so as to interfere with the conduct of the election.

(b) Except an election board officer, receive from any voter a ballot prepared by the voter.

(c) Remove a ballot from any polling place before the closing of the polls.

(d) Apply for or receive a ballot at any election precinct or district other than the one at which the person is entitled to vote.

(e) Show his or her ballot to any person, after voting, so as to reveal any of the names voted for.

(f) Inside a polling place, ask another person for whom he or she intends to vote.

(g) Except an election board officer, deliver a ballot to a voter.

(h) Except an election board officer in the course of the election board officer's official duties, inside a polling place, ask another person his or her name, address or political affiliation.

2. A voter shall not:

(a) Receive a ballot from any person other than an election board officer.

(b) Deliver to an election board or to any member thereof any ballot other than the one received.

(c) Place any mark upon his or her ballot by which it may afterward be identified as the one voted by the person.

3. Any person who violates any provision of this section is guilty of a ~~[gross misdemeanor.]~~ ***category ~~(D)~~ E felony and shall be punished as provided in NRS 193.130.***

Sec. 30. NRS 293.740 is hereby amended to read as follows:

293.740 1. Except as otherwise provided in subsection 2, it is unlawful inside a polling place or within 100 feet from the entrance to the building or other structure in which a polling place is located:

(a) For any person to solicit a vote or speak to a voter on the subject of marking the voter's ballot.

(b) For any person, including an election board officer, to do any electioneering on election day.

➥ The county clerk or registrar of voters shall ensure that, at the outer limits of the area within which electioneering is prohibited, notices are continuously posted on which are printed in large letters "Distance Marker: No electioneering between this point and the entrance to the polling place."

2. The provisions of subsection 1 do not apply to the conduct of a person in a private residence or on commercial or residential property that is within 100 feet from the entrance to a building or other structure in which a polling place is located. The provisions of subsection 1 are not intended to prohibit a person from voting solely because he or she is wearing a prohibited political insigne and is reasonably unable to remove the insigne or cover it. In such a case, the election board officer shall take such action as is necessary to allow the voter to vote as expediently as possible and then assist the voter in exiting the polling place as soon as is possible.

3. Any person who violates any provision of this section is guilty of a gross misdemeanor.

4. As used in this section, "electioneering" means campaigning for or against a candidate, ballot question or political party by:

(a) Posting signs relating to the support of or opposition to a candidate, ballot question or political party;

(b) Distributing literature relating to the support of or opposition to a candidate, ballot question or political party;

(c) Using loudspeakers to broadcast information relating to the support of or opposition to a candidate, ballot question or political party;

(d) Buying, selling, wearing or displaying any badge, button or other insigne which is designed or tends to aid or promote the success or defeat of any political party or a candidate or ballot question to be voted upon at that election; ***or***

(e) ~~[Polling or otherwise soliciting from a voter information as to whether the voter intends to vote or has voted for or against a particular political party, candidate or ballot question; or~~

~~(f)~~] Soliciting signatures to any kind of petition.

Sec. 31. ~~[NRS 293.750 is hereby amended to read as follows:~~

~~293.750 Any person who, during an election, removes or destroys any of the supplies or equipment placed in the booths or compartments or removes or defaces the cards of instruction posted as prescribed by this chapter is guilty of a [gross misdemeanor.] *category D felony and shall be punished as provided in NRS 193.130.]*~~ **(Deleted by amendment.)**

Sec. 32. NRS 293.755 is hereby amended to read as follows:

293.755 1. A person who tampers or interferes with, or attempts to tamper or interfere with, a mechanical voting system, mechanical voting device or any computer program used to count ballots with the intent to prevent the proper operation of that device, system or program is guilty of a category D felony and shall be punished as provided in NRS 193.130.

2. ***A person who tampers or interferes with, or attempts to tamper or interfere with, a mechanical voting system, mechanical voting device or any computer program used to count ballots with the intent to influence the outcome of an election is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 20 years.***

3. The county or city clerk shall report any alleged violation of this section to the district attorney who shall cause appropriate proceedings to be instituted and prosecuted in a court of competent jurisdiction without delay.

Sec. 33. NRS 293.800 is hereby amended to read as follows:

293.800 1. A person who, for himself, herself or another person, willfully gives a false answer or answers to questions propounded to the person by the registrar or field registrar of voters relating to the information called for by the application to register to vote, or who willfully falsifies the application in any particular, or who violates any of the provisions of the election laws of this State or knowingly encourages another person to violate those laws is guilty of a category E felony and shall be punished as provided in NRS 193.130.

2. A public officer or other person, upon whom any duty is imposed by this title, who willfully neglects his or her duty or willfully performs it in

such a way as to hinder the objects and purposes of the election laws of this State, except where another penalty is provided, is guilty of a category E felony and shall be punished as provided in NRS 193.130.

3. If the person is a public officer, his or her office is forfeited upon conviction of any offense provided for in subsection 2.

4. A person who causes or endeavors to cause his or her name to be registered, knowing that he or she is not an elector or will not be an elector on or before the day of the next ensuing election in the precinct or district in which he or she causes or endeavors to cause the registration to be made, and any other person who induces, aids or abets the person in the commission of either of the acts is guilty of a category E felony and shall be punished as provided in NRS 193.130.

5. A field registrar or other person who ~~[:]~~ ***provides to an elector an application to register to vote and who:***

(a) Knowingly falsifies ~~[an]~~ ***the*** application ~~[to register to vote]~~ or knowingly causes an application to be falsified; ~~[or]~~

(b) Knowingly provides money or other compensation to another for a falsified application ~~[to register to vote,]~~ ***; or***

(c) Intentionally fails to submit to the county clerk a completed application,

➥ is guilty of a category E ~~*[D]*~~ felony and shall be punished as provided in NRS 193.130.

Sec. 34. NRS 293C.265 is hereby amended to read as follows:

293C.265 1. Except as otherwise provided in subsection 2 and in NRS 293.2725 and 293.3083, a person who registered ***by mail or computer*** to vote ~~[pursuant to the provisions of NRS 293.5235]~~ shall, for the first city election in which the person votes at which that registration is valid, vote in person unless he or she has previously voted in the county in which he or she is registered to vote.

2. The provisions of subsection 1 do not apply to a person who:

(a) Is entitled to vote in the manner prescribed in NRS 293C.342 to 293C.352, inclusive;

(b) Is entitled to vote an absent ballot pursuant to federal law or NRS 293C.317 or 293C.318;

(c) Is disabled;

(d) Submits or has previously submitted a written request for an absent ballot that is signed by the registered voter before a notary public or other person authorized to administer an oath; or

(e) Requests an absent ballot in person at the office of the city clerk.

Sec. 35. NRS 293C.342 is hereby amended to read as follows:

293C.342 1. A registered voter who resides in an election precinct in which there were not more than 200 voters registered for the last preceding

city general election, or in a precinct in which it appears to the satisfaction of the city clerk ***and Secretary of State*** that there are not more than 200 registered voters, may vote at any election regulated by this chapter in the manner provided in NRS 293C.345 to 293C.352, inclusive.

2. Whenever the city clerk has designated a precinct as a mailing precinct, registered voters residing in that precinct may vote at any election regulated by this chapter in the manner provided in NRS 293C.345 to 293C.352, inclusive.

Sec. 36. NRS 293C.530 is hereby amended to read as follows:

293C.530 1. Before the period for early voting for any election begins, the city clerk shall cause to be mailed to each registered voter in the city a sample ballot for his or her precinct, with a notice informing the voter of the location of his or her polling place. If the location of the polling place has changed since the last election:

(a) The city clerk shall mail a notice of the change to each registered voter in the city not sooner than 10 days before mailing the sample ballots; or

(b) The sample ballot must also include a notice in bold type immediately above the location which states:

NOTICE: THE LOCATION OF YOUR POLLING PLACE
HAS CHANGED SINCE THE LAST ELECTION

2. Except as otherwise provided in subsection ~~[3,]~~ ***4,*** a sample ballot required to be mailed pursuant to this section must:

(a) Be printed in at least 12-point type;

(b) Include the description of the anticipated financial effect and explanation of each citywide measure and advisory question, including arguments for and against the measure or question, as required pursuant to NRS 293.481, 293.482, 295.205 or 295.217; and

(c) Include on the front page, in a separate box created by bold lines, a notice printed in at least 20-point bold type that states:

NOTICE: TO RECEIVE A SAMPLE BALLOT IN
LARGE TYPE, CALL (Insert appropriate telephone number)

3. ***The word "Incumbent" must appear on the sample ballot next to the name of the candidate who is the incumbent, if required pursuant to NRS 293.2565.***

4. A portion of a sample ballot that contains a facsimile of the display area of a voting device may include material in less than 12-point type to the extent necessary to make the facsimile fit on the pages of the sample ballot.

~~[4.]~~ ***5.*** The sample ballot mailed to a person who requests a sample ballot in large type by exercising the option provided pursuant to

NRS 293.508, or in any other manner, must be printed in at least 14-point type, or larger when practicable.

~~[5.]~~ ***6.*** If a person requests a sample ballot in large type, the city clerk shall ensure that all future sample ballots mailed to that person from the city are in large type.

~~[6.]~~ ***7.*** The city clerk shall include in each sample ballot a statement indicating that the city clerk will, upon request of a voter who is elderly or disabled, make reasonable accommodations to allow the voter to vote at his or her polling place and provide reasonable assistance to the voter in casting his or her vote, including, without limitation, providing appropriate materials to assist the voter. In addition, if the city clerk has provided pursuant to subsection 4 of NRS 293C.281 for the placement at centralized voting locations of specially equipped voting devices for use by voters who are elderly or disabled, the city clerk shall include in the sample ballot a statement indicating:

(a) The addresses of such centralized voting locations;

(b) The types of specially equipped voting devices available at such centralized voting locations; and

(c) That a voter who is elderly or disabled may cast his or her ballot at such a centralized voting location rather than at the voter's regularly designated polling place.

~~[7.]~~ ***8.*** The cost of mailing sample ballots for a city election must be borne by the city holding the election.

Sec. 37. ~~[NRS 293C.715 is hereby amended to read as follows:~~

~~293C.715 1. If a city clerk maintains a website on the Internet for information relating to *candidates and* elections, the website must contain public information maintained, collected or compiled by the city clerk that relates to elections, which must include, without limitation:~~

~~(a) The locations of polling places for casting a ballot on election day in such a form that a registered voter may search the list to determine the location of the polling place at which the registered voter is required to cast a ballot; [and]~~

~~(b) The abstract of votes required to be posted on a website pursuant to the provisions of NRS 293C.387 [.]~~ ***; and***

(c) The reports that the city clerk receives pursuant to chapter 294A of NRS.

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

~~3. If the information required to be maintained by a city clerk pursuant to subsection 1 may be obtained by the public from a website on the Internet~~

~~maintained by the Secretary of State, a county clerk or another city clerk, the city clerk may provide a hyperlink to that website to comply with the provisions of subsection 1 with regard to that information.]~~ **(Deleted by amendment.)**

Sec. 38. ~~[Chapter 294A of NRS is hereby amended by adding thereto the provisions set forth as sections 39 and 40 of this act.]~~ **(Deleted by amendment.)**

Sec. 39. ~~*[1. A candidate who is required to file a report described in subsection 1 of NRS 294A.373 is not required to file the report electronically if the candidate:*~~

~~*(a) Did not receive or expend money in excess of $10,000 after becoming a candidate pursuant to NRS 294A.005; and*~~

~~*(b) Has on file with the Secretary of State an affidavit which satisfies the requirements set forth in subsection 2 and which states that:*~~

~~*(1) The candidate does not own or have the ability to access the technology necessary to file electronically the report described in subsection 1 of NRS 294A.373; and*~~

~~*(2) The candidate does not have the financial ability to purchase or obtain access to the technology necessary to file electronically the report described in subsection 1 of NRS 294A.373.*~~

~~*2. The affidavit described in subsection 1 must be:*~~

~~*(a) In the form prescribed by the Secretary of State and signed under penalty of perjury.*~~

~~*(b) Filed not later than 14 days before the candidate is required to file a report described in subsection 1 of NRS 294A.373.*~~

~~*3. A candidate who is not required to file the report electronically may file the report by transmitting the report by regular mail, certified mail, facsimile machine or personal delivery. A report transmitted pursuant to this subsection shall be deemed to be filed on the date on which it is received by the Secretary of State.]*~~ **(Deleted by amendment.)**

Sec. 40. ~~*[1. A person, committee, political party or business entity that is required to file a report described in subsection 1 of NRS 294A.373 is not required to file the report electronically if the person, committee, political party or business entity:*~~

~~*(a) Did not receive or expend money in excess of $10,000 in the previous calendar year; and*~~

~~*(b) Has on file with the Secretary of State an affidavit which satisfies the requirements set forth in subsection 2 and which states that:*~~

~~*(1) The person, committee, political party or business entity does not own or have the ability to access the technology necessary to file electronically the report described in subsection 1 of NRS 294A.373; and*~~

(2) The person, committee, political party or business entity does not have the financial ability to purchase or obtain access to the technology necessary to file electronically the report described in subsection 1 of NRS 294A.373.

2. The affidavit described in subsection 1 must be:

(a) In the form prescribed by the Secretary of State and signed under penalty of perjury.

(b) Filed:

(1) At least 10 days before any report described in subsection 1 of NRS 294A.373 is required to be filed by the person, committee, political party or business entity.

(2) Not earlier than January 1 and not later than January 15 of each year, regardless of whether or not the person, committee, political party or business entity was required to file any report described in subsection 1 of NRS 294A.373 in the previous year.

3. A person, committee, political party or business entity that has properly filed the affidavit pursuant to this section may file the relevant report with the Secretary of State by transmitting the report by regular mail, certified mail, facsimile machine or personal delivery. A report transmitted pursuant to this subsection shall be deemed to be filed on the date on which it is received by the Secretary of State.] **(Deleted by amendment.)**

Sec. 41. NRS 294A.0055 is hereby amended to read as follows:

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

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

(b) Makes or intends to make expenditures,

➥ designed to affect the outcome of any primary ~~[,]~~ ***election, primary city election,*** general ~~[or]~~ ***election, general city election,*** special election or question on the ballot.

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

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

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

(c) An individual natural person.

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

(e) A labor union.

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

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

Sec. 42. NRS 294A.007 is hereby amended to read as follows:

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

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

(1) Candidate;

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

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

~~(4) Person or group of persons organized formally or informally, including a business entity, who advocates the passage or defeat of a question or group of questions on the ballot,~~**]**

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

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

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

Sec. 43. NRS 294A.100 is hereby amended to read as follows:

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

(a) Beginning from 30 days before the regular session of the Legislature immediately following the last election for the office and ending 30 days before the regular session of the Legislature immediately following the next

election for the office, if that office is a state, district, county or township office; or

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

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

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

Sec. 44. ~~[NRS 294A.120 is hereby amended to read as follows:~~

~~294A.120 1. Every candidate for state, district, county or township office at a primary or general election shall, not later than January 15 of each year, for the period from January 1 of the previous year through December 31 of the previous year, report each campaign contribution in excess of $100 received during the period and contributions received during the period from a contributor which cumulatively exceed $100. The provisions of this subsection apply to the candidate beginning the year of the general election for that office through the year immediately preceding the next general election for that office.~~

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

~~(a) Seven days before the primary election for that office, for the period from the January 1 immediately preceding the primary election through 12 days before the primary election;~~

~~(b) Seven days before the general election for that office, for the period from 11 days before the primary election through 12 days before the general election; and~~

~~(c) July 15 of the year of the general election for that office, for the period from 11 days before the general election through June 30 of that year,~~

~~→ report each campaign contribution in excess of $100 received during the period and contributions received during the period from a contributor which cumulatively exceed $100. The report must be completed on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. Each form must be signed by the candidate under penalty of perjury.~~

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

~~(a) Seven days before the primary election for that office, for the period from the January 1 immediately preceding the primary election through 12 days before the primary election; and~~

~~(b) Seven days before the general election for that office, for the period from 11 days before the primary election through 12 days before the general election,~~

~~→ report each campaign contribution in excess of $100 received during the period and contributions received during the period from a contributor which cumulatively exceed $100. The report must be completed on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. Each form must be signed by the candidate under penalty of perjury.~~

~~4. Except as otherwise provided in subsection 5, every candidate for a district office at a special election shall, not later than:~~

~~(a) Seven days before the special election, for the period from the candidate's nomination through 12 days before the special election; and~~

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

~~→ report each campaign contribution in excess of $100 received during the period and contributions received during the reporting period from a contributor which cumulatively exceed $100. The report must be completed on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. Each form must be signed by the candidate under penalty of perjury.~~

~~5. Every candidate for state, district, county, municipal or township office at a special election to determine whether a public officer will be recalled shall list each of the campaign contributions received on the form designed and provided by the Secretary of State pursuant to NRS 294A.373 and signed by the candidate under penalty of perjury, 30 days after:~~

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

~~(b) A district court determines that the petition for recall is legally insufficient pursuant to subsection 6 of NRS 306.040, for the period from the filing of the notice of intent to circulate the petition for recall through the date of the district court's decision.~~

~~6. Reports of campaign contributions must be :~~

~~***(a) If the candidate is a candidate for city office,*** filed with the [officer with whom the candidate filed the declaration of candidacy or acceptance of candidacy. A candidate may mail or transmit]~~ ~~***city clerk by transmitting*** the report to [that officer]~~ ~~***the city clerk*** by regular mail, certified mail, facsimile machine~~ ~~**,** [or]~~ ~~electronic means~~ ~~**[.]** ***or personal delivery.***~~

(b) Except as otherwise provided in section 39 of this act, if the candidate is a candidate for state, district or county office, filed electronically with the Secretary of State.

7. ~~7. A report shall be deemed to be filed [with the officer:~~

~~(a) On the date that it was mailed if it was sent by certified mail; or~~

~~(b) On~~**]** ***on*** ~~the date that it was received by the [officer if the report was sent by regular mail, transmitted by facsimile machine or electronic means, or delivered personally.~~

~~7. Every county clerk who receives from candidates for legislative or judicial office, including, without limitation, the office of justice of the peace or municipal judge, reports of campaign contributions pursuant to this section shall file a copy of each report with the Secretary of State within 10 working days after receiving the report.~~**]** ***city clerk or Secretary of State, as applicable.***

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

Sec. 45. ~~[NRS 294A.125 is hereby amended to read as follows:~~

~~294A.125 1. In addition to complying with the requirements set forth in NRS 294A.120, 294A.200 and 294A.360, a candidate who receives contributions~~

~~in any year before the year in which the general election or general city election in which the candidate intends to seek election to public office is held shall, for:~~

~~(a) The year in which the candidate receives contributions in excess of $10,000, list each of the contributions received and the expenditures in excess of $100 made in that year.~~

~~(b) Each year after the year in which the candidate received contributions in excess of $10,000, until the year of the general election or general city election in which the candidate intends to seek election to public office is held, list each of the contributions received and the expenditures in excess of $100 made in that year.~~

~~2. The reports required by subsection 1 must be submitted on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. Each form must be signed by the candidate under penalty of perjury.~~

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

~~4. The report must be [filed:~~

~~(a) With the officer with whom the candidate will file the declaration of candidacy or acceptance of candidacy for the public office the candidate intends to seek. A candidate may mail or transmit~~**[**~~.~~**:**

~~***(a) If the candidate is a candidate for city office, filed with the city clerk by transmitting*** the report to~~ **[**~~that officer~~**]** ~~***the city clerk*** by regular mail, certified mail, facsimile machine ,~~ **[**~~or~~**]** ~~electronic means~~ **[**~~.~~**]** ~~***or personal delivery.***~~

~~***(b) Except as otherwise provided in section 39 of this act, if the candidate is a candidate for state, district or county office, filed electronically with the Secretary of State.***~~

~~***5.*** A report shall be deemed to be filed~~ **[**~~with the officer:~~

~~(1) On the date it was mailed if it was sent by certified mail.~~

~~(2) On~~**]** ~~***on*** the date it was received by the~~ **[**~~officer if the report was sent by regular mail, transmitted by facsimile machine or electronic means, or delivered personally.~~

~~(b) On or before January 15 of the year immediately after the year for which the report is made.~~

~~5. A county clerk who receives from a candidate for legislative or judicial office, including, without limitation, the office of justice of the peace or municipal judge, a report of contributions and expenditures pursuant to subsection 4 shall file a copy of the report with the Secretary of State within 10 working days after receiving the report.~~**]** ~~***city clerk or Secretary of State, as applicable.]***~~ **(Deleted by amendment.)**

Sec. 46. ~~**[**NRS 294A.128 is hereby amended to read as follows:~~

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

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

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

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

~~2. The reports required by subsection 1 must be submitted on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. Each form must be signed by the candidate under penalty of perjury.~~

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

~~[~~4. A county clerk who receives from a candidate for legislative or judicial office, including, without limitation, the office of justice of the peace or municipal judge, a report pursuant to subsection 1 shall file a copy of the report with the Secretary of State within 10 working days after receiving the report.~~]~~ **(Deleted by amendment.)**

Sec. 47. ~~[~~NRS 294A.140 is hereby amended to read as follows:

294A.140 ~~1. Every person who is not under the direction or control of a candidate for office at a primary election, primary city election, general election or general city election, of a group of such candidates or of any person involved in the campaign of that candidate or group who makes an expenditure on behalf of the candidate or group which is not solicited or approved by the candidate or group, and every committee for political action, political party, committee sponsored by a political party and business entity which makes an expenditure on behalf of such a candidate or group of candidates shall, not later than January 15 of each year that the provisions of this subsection apply to the person, committee, political party or business entity, for the period from January 1 of the previous year through December 31 of the previous year, report each campaign contribution in excess of $100 received during the period and contributions received during the period from a contributor which cumulatively exceed $100. The provisions of this subsection apply to the person, committee, political party or business entity beginning the year of the general election or general city election for that office through the year immediately preceding the next general election or general city election for that office.~~

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

~~(a) Seven days before the primary election or primary city election for that office, for the period from the January 1 immediately preceding the primary election or primary city election through 12 days before the primary election or primary city election;~~

~~(b) Seven days before the general election or general city election for that office, for the period from 11 days before the primary election or primary city election through 12 days before the general election or general city election; and~~

~~(c) July 15 of the year of the general election or general city election for that office, for the period from 11 days before the general election or general city election through June 30 of that year,~~

~~➥ report each campaign contribution in excess of $100 received during the period and contributions received during the period from a contributor which cumulatively exceed $100. The report must be completed on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the committee, political party or business entity under penalty of perjury.~~

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

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

~~(a) Seven days before the primary election or primary city election for that office, for the period from the January 1 immediately preceding the primary election or primary city election through 12 days before the primary election or primary city election; and~~

~~(b) Seven days before the general election or general city election for that office, for the period from 11 days before the primary election or primary city election through 12 days before the general election or general city election,~~

~~➥ report each campaign contribution in excess of $100 received during the period and contributions received during the period from a contributor which cumulatively exceed $100. The report must be completed on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the committee, political party or business entity under penalty of perjury.~~

~~5. Except as otherwise provided in subsection 6, every person, committee, political party or business entity described in subsection 1 which makes an expenditure on behalf of a candidate for office at a special election or on behalf of a group of such candidates shall, not later than:~~

~~(a) Seven days before the special election for the office for which the candidate or a candidate in the group of candidates seeks election, for the~~

~~period from the nomination of the candidate through 12 days before the special election; and~~

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

~~→ report each campaign contribution in excess of $100 received during the period and contributions received during the period from a contributor which cumulatively exceed $100. The report must be completed on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the committee, political party or business entity under penalty of perjury.~~

~~6. Every person, committee, political party or business entity described in subsection 1 which makes an expenditure on behalf of a candidate for office at a special election to determine whether a public officer will be recalled or on behalf of a group of candidates for offices at such special elections shall report each contribution in excess of $100 received during the period and contributions received during the period from a contributor which cumulatively exceed $100. The report must be completed on the form designed and provided by the Secretary of State pursuant to NRS 294A.373 and signed by the person or a representative of the committee, political party or business entity under penalty of perjury, 30 days after:~~

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

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

~~7. The reports of contributions required pursuant to this section must be~~ **[**~~filed with:~~

~~(a) If the candidate is elected from one county, the county clerk of that county;~~

~~(b)~~**]** ~~:~~

(a) ~~If the candidate is~~ **[**~~elected from one city,~~**]** ***a candidate for city office, filed with*** ~~the city clerk of that city~~ **[**~~; or~~

~~(c) If~~**]** ***by transmitting the report to the city clerk by regular mail, certified mail, facsimile machine, electronic means or personal delivery.***

(b) Except as otherwise provided in section 39 of this act, if ~~the candidate is~~ **[**~~elected from more than one county or city,~~**]** ***a candidate for state, district or county office, filed electronically with*** ~~the Secretary of State.~~

~~8.~~ **[**~~A person or entity may file the report with the appropriate officer by regular mail, certified mail, facsimile machine or electronic means.~~**]** ~~A report shall be deemed to be filed~~ **[**~~with the officer:~~

~~(a) On the date that it was mailed if it was sent by certified mail; or~~

~~(b) On~~ ***on*** ~~the date that it was received by the~~ [officer if the report was ~~sent by regular mail, transmitted by facsimile machine or electronic means, or delivered personally.~~

~~9. Each county clerk or city clerk who receives a report pursuant to this section shall file a copy of the report with the Secretary of State within 10 working days after receiving the report.~~

~~10.~~] ~~***city clerk or Secretary of State, as applicable.***~~

~~***9.*** Every person, committee, political party or business entity described in subsection 1 shall file a report required by this section even if the person, committee, political party or business entity receives no contributions.~~] **(Deleted by amendment.)**

Sec. 48. NRS 294A.150 is hereby amended to read as follows:

294A.150 1. [~~Except as otherwise provided in NRS 294A.283, every person or group of persons organized formally or informally, including a business entity, who~~] ***Every committee for political action that*** advocates the passage or defeat of a question or group of questions on the ballot at a primary election, primary city election, general election or general city election [~~and who receives or expends money in an amount in excess of $10,000 to advocate the passage or defeat of such question or group of questions~~] shall, not later than January 15 of each year that the provisions of this subsection apply to the [~~person, group of persons or business entity,~~] ***committee for political action,*** for the period from January 1 of the previous year through December 31 of the previous year, report each campaign contribution in excess of [~~$1,000~~] ***$100*** received during that period and contributions received during the period from a contributor which cumulatively exceed [~~$1,000.~~] ***$100.*** The report must be completed on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. The form must be signed by [~~the person or~~] a representative of the [~~group or business entity~~] ***committee for political action*** under penalty of perjury. The provisions of this subsection apply to [~~the person, group of persons or business entity:~~] ***a committee for political action:***

(a) Each year in which [~~:~~

~~(1) An~~] ***an*** election or city election is held for each question for which the [~~person, group of persons or business entity~~] ***committee for political action*** advocates passage or defeat; [~~or~~

~~(2) A person, group of persons or business entity receives or expends money in excess of $10,000 to advocate the passage or defeat of a question or group of questions on the ballot at a primary election, primary city election, general election or general city election;~~] and

(b) The year after [~~each~~] ***the*** year described in paragraph (a).

2. If a question is on the ballot at a primary election or primary city election and the general election or general city election immediately

following that primary election or primary city election is held on or after January 1 and before the July 1 immediately following that January 1, every ~~[person or group of persons organized formally or informally, including a business entity, who]~~ ***committee for political action that*** advocates the passage or defeat of the question or a group of questions that includes the question ~~[and who receives or expends money in an amount in excess of $10,000 to advocate the passage or defeat of such question or group of questions]~~ shall comply with the requirements of this subsection. If a question is on the ballot at a general election or general city election held on or after January 1 and before the July 1 immediately following that January 1, every ~~[person or group of persons organized formally or informally, including a business entity, who]~~ ***committee for political action that*** advocates the passage or defeat of the question or a group of questions that includes the question ~~[and who receives or expends money in an amount in excess of $10,000 to advocate the passage or defeat of such question or group of questions]~~ shall comply with the requirements of this subsection. A ~~[person, group of persons or business entity]~~ ***committee for political action*** described in this subsection shall, not later than:

(a) Seven days before the primary election or primary city election, for the period from the January 1 immediately preceding the primary election or primary city election through 12 days before the primary election or primary city election;

(b) Seven days before the general election or general city election, for the period from 11 days before the primary election or primary city election through 12 days before the general election or general city election; and

(c) July 15 of the year of the general election or general city election, for the period from 11 days before the general election or general city election through June 30 of that year,

➥ report each campaign contribution in excess of ~~[$1,000]~~ ***$100*** received during the period and contributions received during the period from a contributor which cumulatively exceed ~~[$1,000.]~~ ***$100.*** The report must be completed on the form designed and provided by the Secretary of State pursuant to NRS 294A.373 and signed by ~~[the person or]~~ a representative of the ~~[group or business entity]~~ ***committee for political action*** under penalty of perjury.

3. The name and address of the contributor and the date on which the contribution was received must be included on the report for each contribution in excess of ~~[$1,000]~~ ***$100*** and contributions which a contributor has made cumulatively in excess of that amount since the beginning of the current reporting period.

4. If a question is on the ballot at a primary election or primary city election and the general election or general city election immediately

following that primary election or primary city election is held on or after July 1 and before the January 1 immediately following that July 1, every ~~[person or group of persons organized formally or informally, including a business entity, who]~~ ***committee for political action that*** advocates the passage or defeat of the question or a group of questions that includes the question ~~[and who receives or expends money in an amount in excess of $10,000 to advocate the passage or defeat of such question or group of questions]~~ shall comply with the requirements of this subsection. ~~[Except as otherwise provided in NRS 294A.283, if]~~ ***If*** a question is on the ballot at a general election or general city election held on or after July 1 and before the January 1 immediately following that July 1, every ~~[person or group of persons organized formally or informally, including a business entity, who]~~ ***committee for political action that*** advocates the passage or defeat of the question or a group of questions that includes the question ~~[and who receives or expends money in an amount in excess of $10,000 to advocate the passage or defeat of such question or group of questions]~~ shall comply with the requirements of this subsection. A ~~[person, group of persons or business entity]~~ ***committee for political action*** described in this subsection shall, not later than:

(a) Seven days before the primary election or primary city election, for the period from the January 1 immediately preceding the primary election or primary city election through 12 days before the primary election or primary city election; and

(b) Seven days before the general election or general city election, for the period from 11 days before the primary election or primary city election through 12 days before the general election or general city election,

➥ report each campaign contribution in excess of ~~[$1,000]~~ ***$100*** received during the period and contributions received during the period from a contributor which cumulatively exceed ~~[$1,000.]~~ ***$100.*** The report must be completed on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. The form must be signed by ~~[the person or]~~ a representative of the ~~[group or business entity]~~ ***committee for political action*** under penalty of perjury.

5. Except as otherwise provided in subsection 6, every ~~[person or group of persons organized formally or informally, including a business entity, who]~~ ***committee for political action that*** advocates the passage or defeat of a question or group of questions on the ballot at a special election ~~[and who receives or expends money in an amount in excess of $10,000 to advocate the passage or defeat of such question or group of questions]~~ shall, not later than:

(a) Seven days before the special election, for the period from the date that the question qualified for the ballot through 12 days before the special election; and

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

➥ report each campaign contribution in excess of ~~[$1,000]~~ ***$100*** received during the period and contributions received during the period from a contributor which cumulatively exceed ~~[$1,000.]~~ ***$100.*** The report must be completed on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. The form must be signed by ~~[the person or]~~ a representative of the ~~[group or business entity]~~ ***committee for political action*** under penalty of perjury.

6. Every ~~[person or group of persons organized formally or informally, including a business entity, who]~~ ***committee for political action that*** advocates the passage or defeat of a question or group of questions on the ballot at a special election to determine whether a public officer will be recalled ~~[and who receives or expends money in an amount in excess of $10,000 to advocate the passage or defeat of such question or group of questions]~~ shall report each of the contributions received on the form designed and provided by the Secretary of State pursuant to NRS 294A.373 and signed by ~~[the person or]~~ a representative of the ~~[group or business entity]~~ ***committee for political action*** under penalty of perjury, 30 days after:

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

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

7. The reports required pursuant to this section must be filed with:

(a) If the question is submitted to the voters of one county, the county clerk of that county;

(b) If the question is submitted to the voters of one city, the city clerk of that city; or

(c) If the question is submitted to the voters of more than one county or city, the Secretary of State.

8. A person may mail or transmit the report to the appropriate officer by regular mail, certified mail, facsimile machine or electronic means. A report shall be deemed to be filed with the officer:

(a) On the date that it was mailed if it was sent by certified mail; or

(b) On the date that it was received by the officer if the report was sent by regular mail, transmitted by facsimile machine or electronic means, or delivered personally.

9. If the ~~[person or group of persons, including a business entity,]~~ ***committee for political action*** is advocating passage or defeat of a group of questions, the reports must be itemized by question or petition.

10. Each county clerk or city clerk who receives a report pursuant to this section shall file a copy of the report with the Secretary of State within 10 working days after receiving the report.

Sec. 49. ~~[~~NRS 294A.150 is hereby amended to read as follows:

294A.150 1. Every committee for political action that advocates the passage or defeat of a question or group of questions on the ballot at a primary election, primary city election, general election or general city election shall, not later than January 15 of each year that the provisions of this subsection apply to the committee for political action, for the period from January 1 of the previous year through December 31 of the previous year, report each campaign contribution in excess of $100 received during that period and contributions received during the period from a contributor which cumulatively exceed $100. The report must be completed on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. The form must be signed by a representative of the committee for political action under penalty of perjury. The provisions of this subsection apply to a committee for political action:

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

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

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

(a) Seven days before the primary election or primary city election, for the period from the January 1 immediately preceding the primary election or primary city election through 12 days before the primary election or primary city election;

(b) Seven days before the general election or general city election, for the period from 11 days before the primary election or primary city election through 12 days before the general election or general city election; and

~~(c) July 15 of the year of the general election or general city election, for the period from 11 days before the general election or general city election through June 30 of that year,~~

~~→ report each campaign contribution in excess of $100 received during the period and contributions received during the period from a contributor which cumulatively exceed $100. The report must be completed on the form designed and provided by the Secretary of State pursuant to NRS 294A.373 and signed by a representative of the committee for political action under penalty of perjury.~~

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

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

~~(a) Seven days before the primary election or primary city election, for the period from the January 1 immediately preceding the primary election or primary city election through 12 days before the primary election or primary city election; and~~

~~(b) Seven days before the general election or general city election, for the period from 11 days before the primary election or primary city election through 12 days before the general election or general city election,~~

~~→ report each campaign contribution in excess of $100 received during the period and contributions received during the period from a contributor which cumulatively exceed $100. The report must be completed on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. The form must be signed by a representative of the committee for political action under penalty of perjury.~~

~~5. Except as otherwise provided in subsection 6, every committee for political action that advocates the passage or defeat of a question or group of questions on the ballot at a special election shall, not later than:~~

~~(a) Seven days before the special election, for the period from the date that the question qualified for the ballot through 12 days before the special election; and~~

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

~~→ report each campaign contribution in excess of $100 received during the period and contributions received during the period from a contributor which cumulatively exceed $100. The report must be completed on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. The form must be signed by a representative of the committee for political action under penalty of perjury.~~

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

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

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

~~7. The reports required pursuant to this section must be~~ **[**filed with:

~~(a) If the question is submitted to the voters of one county, the county clerk of that county;~~

~~(b)~~**]** ~~:~~

~~***(a)*** If the question is submitted to the voters of one city, ***filed with*** the city clerk of that city~~**[**~~; or

~~(c) If~~**]** ~~***by transmitting the report to the city clerk by regular mail, certified mail, facsimile machine, electronic means or personal delivery.***~~

~~***(b) Except as otherwise provided in section 40 of this act, if*** the question is submitted to the voters of ***one county or*** more than one county or city, ***filed electronically with*** the Secretary of State~~.~~

~~8.~~ ~~**[**~~A person may mail or transmit the report to the appropriate officer by regular mail, certified mail, facsimile machine or electronic means.~~**]** ~~A report shall be deemed to be filed~~ **[**~~with the officer:~~

~~(a) On the date that it was mailed if it was sent by certified mail; or~~

~~(b) On~~ ***]on*** ~~the date that it was received by the~~ ***[***~~officer if the report was sent by regular mail, transmitted by facsimile machine or electronic means, or delivered personally.~~***] city clerk or Secretary of State, as applicable.***

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

~~***[***10. Each county clerk or city clerk who receives a report pursuant to this section shall file a copy of the report with the Secretary of State within 10 working days after receiving the report.***]***~~ **(Deleted by amendment.)**

Sec. 50. NRS 294A.160 is hereby amended to read as follows:

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

2. Every candidate for a state, district, county, city or township office at a primary, general, primary city, general city or special election who is elected to that office and received contributions that were not spent or committed for expenditure before the primary, general, primary city, general city or special election shall:

(a) Return the unspent money to contributors;

(b) Use the money in the candidate's next election or for the payment of other expenses related to public office or his or her campaign, regardless of whether he or she is a candidate for a different office in the candidate's next election;

(c) Contribute the money to:

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

(2) A political party; ***or***

(3) ~~***[***~~A person or group of persons advocating the passage or defeat of a question or group of questions on the ballot; or~~

~~(4)***]***~~ Any combination of persons or groups set forth in subparagraphs (1) ~~***[***,***]***~~ ***and*** (2) ***;*** ~~***[***and (3);***]***~~

(d) Donate the money to any tax-exempt nonprofit entity; ~~***[***or***]***~~

(e) ***Donate the money to any governmental entity or fund of this State or a political subdivision of this State that is authorized to receive donations of money*** ~~*[. A candidate who donates money pursuant to this paragraph]*~~ ***and may request that the money be used for a specific purpose; or***

(f) Dispose of the money in any combination of the methods provided in paragraphs (a) to ~~***[***(d),***]***~~ ***(e),*** inclusive.

3. Every candidate for a state, district, county, city or township office at a primary, general, primary city, general city or special election who ***withdraws after filing a declaration of candidacy or an acceptance of candidacy or*** is ~~***[***not elected to***]***~~ ***defeated for*** that office and ***who*** received contributions that were not spent or committed for expenditure before the

primary, general, primary city, general city or special election shall, not later than the 15th day of the second month after the ~~[candidate's defeat:]~~ ***election:***

(a) Return the unspent money to contributors;

(b) Contribute the money to:

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

(2) A political party; ***or***

(3) ~~[A person or group of persons advocating the passage or defeat of a question or group of questions on the ballot;]~~ Any combination of persons or groups set forth in subparagraphs (1) ~~[,]~~ ***and*** (2) ***;*** ~~[and (3);]~~

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

(d) ***Donate the money to any governmental entity or fund of this State or a political subdivision of this State that is authorized to receive donations of money*** ~~*[. A candidate who donates money pursuant to this paragraph]*~~ ***and may request that the money be used for a specific purpose; or***

(e) Dispose of the money in any combination of the methods provided in paragraphs (a) ~~[, (b) and (c).]~~ ***to (d), inclusive.***

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

5. ~~[Every]~~ ***Except as otherwise provided in subsection 6, every*** public officer who:

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

(b) Does not run for reelection ***to that office*** and is not a candidate for any other office; and

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

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

6. ***A public officer who:***

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

(b) Does not run for reelection to that office and is a candidate for any other office; and

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

➥ may use the unspent campaign contributions in a future election. Such a public officer is subject to the reporting requirements set forth in

NRS 294A.120, 294A.125, 294A.128, 294A.200, 294A.360 and 294A.362 for as long as the public officer is a candidate for any office.

7. In addition to the methods for disposing the unspent money set forth in subsections 2, 3 ~~[and 4,]~~ ***, 4 and 6,*** a Legislator may donate not more than $500 of that money to the Nevada Silver Haired Legislative Forum created pursuant to NRS 427A.320.

~~[7.]~~ ***8.*** Any contributions received before a candidate for a state, district, county, city or township office at a primary, general, primary city, general city or special election dies that were not spent or committed for expenditure before the death of the candidate must be disposed of in the manner provided in subsection 3.

~~[8.]~~ ***9.*** The court shall, in addition to any penalty which may be imposed pursuant to NRS 294A.420, order the candidate or public officer to dispose of any remaining contributions in the manner provided in this section.

~~[9.]~~ ***10.*** As used in this section, "contributions" include any interest and other income earned thereon.

Sec. 51. NRS 294A.200 is hereby amended to read as follows:

294A.200 1. Every candidate for state, district, county or township office at a primary or general election shall, not later than January 15 of each year, for the period from January 1 of the previous year through December 31 of the previous year, report each of the campaign expenses in excess of $100 incurred and each amount in excess of $100 disposed of pursuant to NRS 294A.160 ***or subsection 4 of NRS 294A.286*** during the period on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the candidate under penalty of perjury. The provisions of this subsection apply to the candidate:

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

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

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

(a) Seven days before the primary election for that office, for the period from the January 1 immediately preceding the primary election through 12 days before the primary election;

(b) Seven days before the general election for that office, for the period from 11 days before the primary election through 12 days before the general election; and

(c) July 15 of the year of the general election for that office, for the period from 11 days before the general election through June 30 of that year,

➥ report each of the campaign expenses in excess of $100 incurred during the period on the form designed and provided by the Secretary of State pursuant ***to*** NRS 294A.373. Each form must be signed by the candidate under penalty of perjury.

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

(a) Seven days before the primary election for that office, for the period from the January 1 immediately preceding the primary election through 12 days before the primary election; and

(b) Seven days before the general election for that office, for the period from 11 days before the primary election through 12 days before the general election,

➥ report each of the campaign expenses in excess of $100 incurred during the period on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the candidate under penalty of perjury.

4. Except as otherwise provided in subsection 5, every candidate for a district office at a special election shall, not later than:

(a) Seven days before the special election, for the period from the candidate's nomination through 12 days before the special election; and

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

➥ report each of the campaign expenses in excess of $100 incurred during the period on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. Each form must be signed by the candidate under penalty of perjury.

5. Every candidate for state, district, county, municipal or township office at a special election to determine whether a public officer will be recalled shall report each of the campaign expenses in excess of $100 incurred on the form designed and provided by the Secretary of State pursuant to NRS 294A.373 and signed by the candidate under penalty of perjury, 30 days after:

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

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

6. Reports of campaign expenses must be filed with the officer with whom the candidate filed the declaration of candidacy or acceptance of candidacy. A candidate may mail or transmit the report to that officer by regular mail, certified mail, facsimile machine or electronic means. A report shall be deemed to be filed with the officer:

(a) On the date that it was mailed if it was sent by certified mail; or

(b) On the date that it was received by the officer if the report was sent by regular mail, transmitted by facsimile machine or electronic means, or delivered personally.

7. County clerks who receive from candidates for legislative or judicial office, including, without limitation, the office of justice of the peace or municipal judge, reports of campaign expenses pursuant to this section shall file a copy of each report with the Secretary of State within 10 working days after receiving the report.

Sec. 52. ~~[NRS 294A.200 is hereby amended to read as follows:~~

~~294A.200 1. Every candidate for state, district, county or township office at a primary or general election shall, not later than January 15 of each year, for the period from January 1 of the previous year through December 31 of the previous year, report each of the campaign expenses in excess of $100 incurred and each amount in excess of $100 disposed of pursuant to NRS 294A.160 or subsection 4 of NRS 294A.286 during the period on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the candidate under penalty of perjury. The provisions of this subsection apply to the candidate:~~

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

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

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

~~(a) Seven days before the primary election for that office, for the period from the January 1 immediately preceding the primary election through 12 days before the primary election;~~

~~(b) Seven days before the general election for that office, for the period from 11 days before the primary election through 12 days before the general election; and~~

~~(c) July 15 of the year of the general election for that office, for the period from 11 days before the general election through June 30 of that year,~~

~~➥ report each of the campaign expenses in excess of $100 incurred during the period on the form designed and provided by the Secretary of State~~

~~pursuant to NRS 294A.373. Each form must be signed by the candidate under penalty of perjury.~~

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

~~(a) Seven days before the primary election for that office, for the period from the January 1 immediately preceding the primary election through 12 days before the primary election; and~~

~~(b) Seven days before the general election for that office, for the period from 11 days before the primary election through 12 days before the general election,~~

~~➡ report each of the campaign expenses in excess of $100 incurred during the period on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the candidate under penalty of perjury.~~

~~4. Except as otherwise provided in subsection 5, every candidate for a district office at a special election shall, not later than:~~

~~(a) Seven days before the special election, for the period from the candidate's nomination through 12 days before the special election; and~~

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

~~➡ report each of the campaign expenses in excess of $100 incurred during the period on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. Each form must be signed by the candidate under penalty of perjury.~~

~~5. Every candidate for state, district, county, municipal or township office at a special election to determine whether a public officer will be recalled shall report each of the campaign expenses in excess of $100 incurred on the form designed and provided by the Secretary of State pursuant to NRS 294A.373 and signed by the candidate under penalty of perjury, 30 days after:~~

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

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

~~6. Reports of campaign expenses must be~~ **:**

~~***(a) If the candidate is a candidate for city office,*** filed with the **[**officer with whom the candidate filed the declaration of candidacy or acceptance of candidacy. A candidate may mail or transmit**]** ***city clerk by transmitting*** the

~~report to [~~that officer~~] *the city clerk* by regular mail, certified mail, facsimile machine , [~~or~~] electronic means [.] *or personal delivery.*~~

~~*(b) Except as otherwise provided in section 39 of this act, if the candidate is a candidate for state, county or district office, filed electronically with the Secretary of State.*~~

~~*7.* A report shall be deemed to be filed [~~with the officer:~~

~~(a) On the date that it was mailed if it was sent by certified mail; or~~

~~(b) On] *on* the date that it was received by the [~~officer if the report was sent by regular mail, transmitted by facsimile machine or electronic means, or delivered personally.~~

~~7. County clerks who receive from candidates for legislative or judicial office, including, without limitation, the office of justice of the peace or municipal judge, reports of campaign expenses pursuant to this section shall file a copy of each report with the] *city clerk or* Secretary of State [~~within 10 working days after receiving the report.] *, as applicable.]*~~ **(Deleted by amendment.)**

Sec. 53. [~~NRS 294A.210 is hereby amended to read as follows:~~

~~294A.210 1. Every person who is not under the direction or control of a candidate for an office at a primary election, primary city election, general election or general city election, of a group of such candidates or of any person involved in the campaign of that candidate or group who makes an expenditure on behalf of the candidate or group which is not solicited or approved by the candidate or group, and every committee for political action, political party, committee sponsored by a political party or business entity which makes an expenditure on behalf of such a candidate or group of candidates shall, not later than January 15 of each year that the provisions of this subsection apply to the person, committee, political party or business entity, for the period from January 1 of the previous year through December 31 of the previous year, report each expenditure made during the period on behalf of the candidate, the group of candidates or a candidate in the group of candidates in excess of $100 on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the committee, political party or business entity under penalty of perjury. The provisions of this subsection apply to the person, committee, political party or business entity beginning the year of the general election or general city election for that office through the year immediately preceding the next general election or general city election for that office.~~

~~2. Every person, committee, political party or business entity described in subsection 1 which makes an expenditure on behalf of a candidate for office at a primary election, primary city election, general election or general city election or a group of such candidates shall, if the general election or~~

~~general city election for the office for which the candidate or a candidate in the group of candidates seeks election is held on or after January 1 and before the July 1 immediately following that January 1, not later than:~~

~~(a) Seven days before the primary election or primary city election for that office, for the period from the January 1 immediately preceding the primary election or primary city election through 12 days before the primary election or primary city election;~~

~~(b) Seven days before the general election or general city election for that office, for the period from 11 days before the primary election or primary city election through 12 days before the general election or general city election; and~~

~~(c) July 15 of the year of the general election or general city election for that office, for the period from 11 days before the general election or general city election through the June 30 of that year,~~

~~→ report each expenditure made during the period on behalf of the candidate, the group of candidates or a candidate in the group of candidates in excess of $100 on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the committee, political party or business entity under penalty of perjury.~~

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

~~(a) Seven days before the primary election or primary city election for that office, for the period from the January 1 immediately preceding the primary election or primary city election through 12 days before the primary election or primary city election; and~~

~~(b) Seven days before the general election or general city election for that office, for the period from 11 days before the primary election or primary city election through 12 days before the general election or general city election,~~

~~→ report each expenditure made during the period on behalf of the candidate, the group of candidates or a candidate in the group of candidates in excess of $100 on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the committee, political party or business entity under penalty of perjury.~~

~~4. Except as otherwise provided in subsection 5, every person, committee, political party or business entity described in subsection 1 which~~

~~makes an expenditure on behalf of a candidate for office at a special election or on behalf of a group of such candidates shall, not later than:~~

~~(a) Seven days before the special election for the office for which the candidate or a candidate in the group of candidates seeks election, for the period from the nomination of the candidate through 12 days before the special election; and~~

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

~~→ report each expenditure made during the period on behalf of the candidate, the group of candidates or a candidate in the group of candidates in excess of $100 on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the committee, political party or business entity under penalty of perjury.~~

~~5. Every person, committee, political party or business entity described in subsection 1 which makes an expenditure on behalf of a candidate for office at a special election to determine whether a public officer will be recalled or on behalf of a group of such candidates shall list each expenditure made on behalf of the candidate, the group of candidates or a candidate in the group of candidates in excess of $100 on the form designed and provided by the Secretary of State pursuant to NRS 294A.373 and signed by the person or a representative of the committee, political party or business entity under penalty of perjury, 30 days after:~~

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

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

~~6. Expenditures made within the State or made elsewhere but for use within the State, including expenditures made outside the State for printing, television and radio broadcasting or other production of the media, must be included in the report.~~

~~7. The reports must be~~ **[**~~filed with:~~

~~(a) If the candidate is elected from one county, the county clerk of that county;~~

~~(b)~~**]** ~~:~~

(a) ~~If the candidate is~~ **[**~~elected from one city,~~**]** ***a candidate for city office, filed with*** ~~the city clerk of that city~~ **[**~~; or~~

~~(c) If~~**]** ***by transmitting the report to the city clerk by regular mail, certified mail, facsimile machine, electronic means or personal delivery.***

~~***(b) Except as otherwise provided in section 39 of this act, if*** the candidate is [elected from more than one county or city,] ~~***a candidate for state, district or county office, filed electronically with*** the Secretary of State.~~

~~8. If an expenditure is made on behalf of a group of candidates, the reports must be itemized by the candidate. A person may mail or transmit the report to the appropriate officer by regular mail, certified mail, facsimile machine or electronic means. A report shall be deemed to be filed with the ***appropriate*** officer [:] ***pursuant to subsection 7:***~~

~~(a) On the date that it was mailed if it was sent by certified mail; or~~

~~(b) On the date that it was received by the officer if the report was sent by regular mail, transmitted by facsimile machine or electronic means, or delivered personally.~~

~~9. [Each county clerk or city clerk who receives a report pursuant to this section shall file a copy of the report with the Secretary of State within 10 working days after receiving the report.~~

~~10.] Every person, committee, political party or business entity described in subsection 1 shall file a report required by this section even if the person, committee, political party or business entity receives no contributions.]~~ **(Deleted by amendment.)**

Sec. 54. NRS 294A.220 is hereby amended to read as follows:

294A.220 1. ~~[Except as otherwise provided in NRS 294A.283, every person or group of persons organized formally or informally, including a business entity, who]~~ ***Every committee for political action that*** advocates the passage or defeat of a question or group of questions on the ballot at a primary election, primary city election, general election or general city election ~~[and who receives or expends money in an amount in excess of $10,000 to advocate the passage or defeat of such question or group of questions]~~ shall, not later than January 15 of each year that the provisions of this subsection apply to the ~~[person or group of persons,]~~ ***committee for political action,*** for the period from January 1 of the previous year through December 31 of the previous year, report each expenditure made during the period on behalf of or against the question, the group of questions or a question in the group of questions on the ballot in excess of ~~[$1,000]~~ ***$100*** on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. The form must be signed by ~~[the person or]~~ a representative of the ~~[group or business entity]~~ ***committee for political action*** under penalty of perjury. The provisions of this subsection apply to the ~~[person, group of persons or business entity:]~~ ***committee for political action:***

(a) Each year in which ~~[:~~

~~(1) An]~~ ***an*** election or city election is held for a question for which the ~~[person, group of persons or business entity]~~ ***committee for political action*** advocates passage or defeat; ~~[or~~

~~(2) A person, group of persons or business entity receives or expends money in excess of $10,000 to advocate the passage or defeat of a question or group of questions on the ballot at a primary election, primary city election, general election or general city election;~~**]** and

(b) The year after **[**~~each~~**]** ***the*** year described in paragraph (a).

2. If a question is on the ballot at a primary election or primary city election and the general election or general city election immediately following that primary election or primary city election is held on or after January 1 and before the July 1 immediately following that January 1, every **[**~~person or group of persons organized formally or informally, including a business entity, who~~**]** ***committee for political action that*** advocates the passage or defeat of the question or a group of questions that includes the question **[**~~and who receives or expends money in an amount in excess of $10,000 to advocate the passage or defeat of such question or group of questions~~**]** shall comply with the requirements of this subsection. If a question is on the ballot at a general election or general city election held on or after January 1 and before the July 1 immediately following that January 1, every **[**~~person or group of persons organized formally or informally, including a business entity, who~~**]** ***committee for political action that*** advocates the passage or defeat of the question or a group of questions that includes the question **[**~~and who receives or expends money in an amount in excess of $10,000 to advocate the passage or defeat of such question or group of questions~~**]** shall comply with the requirements of this subsection. A **[**~~person, group of persons or business entity~~**]** ***committee for political action*** described in this subsection shall, not later than:

(a) Seven days before the primary election or primary city election, for the period from the January 1 immediately preceding the primary election or primary city election through 12 days before the primary election or primary city election;

(b) Seven days before the general election or general city election, for the period from 11 days before the primary election or primary city election through 12 days before the general election or general city election; and

(c) July 15 of the year of the general election or general city election, for the period from 11 days before the general election or general city election through the June 30 immediately preceding that July 15,

➥ report each expenditure made during the period on behalf of or against the question, the group of questions or a question in the group of questions on the ballot in excess of **[**~~$1,000~~**]** ***$100*** on the form designed and provided by the Secretary of State pursuant to NRS 294A.373 and signed by **[**~~the person or~~**]** a representative of the **[**~~group or business entity~~**]** ***committee for political action*** under penalty of perjury.

3. If a question is on the ballot at a primary election or primary city election and the general election or general city election immediately following that primary election or primary city election is held on or after July 1 and before the January 1 immediately following that July 1, every ~~[person or group of persons organized formally or informally, including a business entity, who]~~ ***committee for political action that*** advocates the passage or defeat of the question or a group of questions that includes the question ~~[and who receives or expends money in an amount in excess of $10,000 to advocate the passage or defeat of such question or group of questions]~~ shall comply with the requirements of this subsection. ~~[Except as otherwise provided in NRS 294A.283, if]~~ ***If*** a question is on the ballot at a general election or general city election held on or after July 1 and before the January 1 immediately following that July 1, every ~~[person or group of persons organized formally or informally, including a business entity, who]~~ ***committee for political action that*** advocates the passage or defeat of the question or a group of questions that includes the question ~~[and who receives or expends money in an amount in excess of $10,000 to advocate the passage or defeat of such question or group of questions]~~ shall comply with the requirements of this subsection. A ~~[person, group of persons or business entity]~~ ***committee for political action*** described in this subsection shall, not later than:

(a) Seven days before the primary election or primary city election, for the period from the January 1 immediately preceding the primary election or primary city election through 12 days before the primary election or primary city election; and

(b) Seven days before the general election or general city election, for the period from 11 days before the primary election or primary city election through 12 days before the general election or general city election,

➥ report each expenditure made during the period on behalf of or against the question, the group of questions or a question in the group of questions on the ballot in excess of ~~[$1,000]~~ ***$100*** on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. The form must be signed by ~~[the person or]~~ a representative of the ~~[group or business entity]~~ ***committee for political action*** under penalty of perjury.

4. Except as otherwise provided in subsection 5, every ~~[person or group of persons organized formally or informally, including a business entity, who]~~ ***committee for political action that*** advocates the passage or defeat of a question or group of questions on the ballot at a special election shall, not later than:

(a) Seven days before the special election, for the period from the date the question qualified for the ballot through 12 days before the special election; and

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

➥ report each expenditure made during the period on behalf of or against the question, the group of questions or a question in the group of questions on the ballot in excess of ~~[$1,000]~~ ***$100*** on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. The form must be signed by ~~[the person or]~~ a representative of the ~~[group or business entity]~~ ***committee for political action*** under penalty of perjury.

5. Every ~~[person or group of persons organized formally or informally, including a business entity, who]~~ ***committee for political action that*** advocates the passage or defeat of a question or group of questions on the ballot at a special election to determine whether a public officer will be recalled ~~[and who receives or expends money in an amount in excess of $10,000 to advocate the passage or defeat of such question or group of questions]~~ shall list each expenditure made during the period on behalf of or against the question, the group of questions or a question in the group of questions on the ballot in excess of ~~[$1,000]~~ ***$100*** on the form designed and provided by the Secretary of State pursuant to NRS 294A.373 and signed by ~~[the person or]~~ a representative of the ~~[group or business entity]~~ ***committee for political action*** under penalty of perjury, 30 days after:

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

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

6. Expenditures made within the State or made elsewhere but for use within the State, including expenditures made outside the State for printing, television and radio broadcasting or other production of the media, must be included in the report.

7. The reports required pursuant to this section must be filed with:

(a) If the question is submitted to the voters of one county, the county clerk of that county;

(b) If the question is submitted to the voters of one city, the city clerk of that city; or

(c) If the question is submitted to the voters of more than one county or city, the Secretary of State.

8. If an expenditure is made on behalf of a group of questions, the reports must be itemized by question or petition. A person may mail or transmit the report to the appropriate filing officer by regular mail, certified mail, facsimile machine or electronic means. A report shall be deemed to be filed with the filing officer:

(a) On the date that it was mailed if it was sent by certified mail; or

(b) On the date that it was received by the filing officer if the report was sent by regular mail, transmitted by facsimile machine or electronic means, or delivered personally.

9. Each county clerk or city clerk who receives a report pursuant to this section shall file a copy of the report with the Secretary of State within 10 working days after receiving the report.

Sec. 55. ~~[NRS 294A.220 is hereby amended to read as follows:~~

~~294A.220 1. Every committee for political action that advocates the passage or defeat of a question or group of questions on the ballot at a primary election, primary city election, general election or general city election shall, not later than January 15 of each year that the provisions of this subsection apply to the committee for political action, for the period from January 1 of the previous year through December 31 of the previous year, report each expenditure made during the period on behalf of or against the question, the group of questions or a question in the group of questions on the ballot in excess of $100 on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. The form must be signed by a representative of the committee for political action under penalty of perjury. The provisions of this subsection apply to the committee for political action:~~

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

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

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

~~(a) Seven days before the primary election or primary city election, for the period from the January 1 immediately preceding the primary election or primary city election through 12 days before the primary election or primary city election;~~

~~(b) Seven days before the general election or general city election, for the period from 11 days before the primary election or primary city election through 12 days before the general election or general city election; and~~

~~(c) July 15 of the year of the general election or general city election, for the period from 11 days before the general election or general city election through the June 30 immediately preceding that July 15,~~

~~→ report each expenditure made during the period on behalf of or against the question, the group of questions or a question in the group of questions on the ballot in excess of $100 on the form designed and provided by the Secretary of State pursuant to NRS 294A.373 and signed by a representative of the committee for political action under penalty of perjury.~~

~~3. If a question is on the ballot at a primary election or primary city election and the general election or general city election immediately following that primary election or primary city election is held on or after July 1 and before the January 1 immediately following that July 1, every committee for political action that advocates the passage or defeat of the question or a group of questions that includes the question shall comply with the requirements of this subsection. If a question is on the ballot at a general election or general city election held on or after July 1 and before the January 1 immediately following that July 1, every committee for political action that advocates the passage or defeat of the question or a group of questions that includes the question shall comply with the requirements of this subsection. A committee for political action described in this subsection shall, not later than:~~

~~(a) Seven days before the primary election or primary city election, for the period from the January 1 immediately preceding the primary election or primary city election through 12 days before the primary election or primary city election; and~~

~~(b) Seven days before the general election or general city election, for the period from 11 days before the primary election or primary city election through 12 days before the general election or general city election,~~

~~→ report each expenditure made during the period on behalf of or against the question, the group of questions or a question in the group of questions on the ballot in excess of $100 on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. The form must be signed by a representative of the committee for political action under penalty of perjury.~~

~~4. Except as otherwise provided in subsection 5, every committee for political action that advocates the passage or defeat of a question or group of questions on the ballot at a special election shall, not later than:~~

~~(a) Seven days before the special election, for the period from the date the question qualified for the ballot through 12 days before the special election; and~~

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

~~→ report each expenditure made during the period on behalf of or against the question, the group of questions or a question in the group of questions on the ballot in excess of $100 on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. The form must be signed by a representative of the committee for political action under penalty of perjury.~~

~~5. Every committee for political action that advocates the passage or defeat of a question or group of questions on the ballot at a special election to determine whether a public officer will be recalled shall list each expenditure made during the period on behalf of or against the question, the group of questions or a question in the group of questions on the ballot in excess of $100 on the form designed and provided by the Secretary of State pursuant to NRS 294A.373 and signed by a representative of the committee for political action under penalty of perjury, 30 days after:~~

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

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

~~6. Expenditures made within the State or made elsewhere but for use within the State, including expenditures made outside the State for printing, television and radio broadcasting or other production of the media, must be included in the report.~~

~~7. The reports required pursuant to this section must be~~ **[**filed with:

~~(a) If the question is submitted to the voters of one county, the county clerk of that county;~~

~~(b)~~**]** ~~:~~

(a) ~~If the question is submitted to the voters of one city,~~ ***filed with*** ~~the city clerk of that city~~ **[**~~; or~~

~~(c) If~~**]** ~~*by transmitting the report to the city clerk by regular mail, certified mail, facsimile machine, electronic means or personal delivery.*~~

(b) Except as otherwise provided in section 39 of this act, if ~~the question is submitted to the voters of~~ ~~*one county or*~~ ~~more than one county or city,~~ ***filed electronically with*** ~~the Secretary of State.~~

~~8.~~ **[**~~If an expenditure is made on behalf of a group of questions, the reports must be itemized by question or petition. A person may mail or transmit the report to the appropriate filing officer by regular mail, certified mail, facsimile machine or electronic means.~~**]** ~~A report shall be deemed to be filed~~ **[**~~with the filing officer:~~

~~(a) On the date that it was mailed if it was sent by certified mail; or~~

~~(b) On~~ ***on*** ~~the date that it was received by~~ **[**~~the filing officer if the report was sent by regular mail, transmitted by facsimile machine or electronic means, or delivered personally.~~

~~9. Each county clerk or city clerk who receives a report pursuant to this section shall file a copy of the report with~~ **]** ~~the~~ ***city clerk or*** ~~Secretary of State~~ **[**~~within 10 working days after receiving the report.~~**]** ***, as applicable.]*** **(Deleted by amendment.)**

Sec. 56. NRS 294A.230 is hereby amended to read as follows:

294A.230 1. Each committee for political action shall, before it engages in any activity in this State, register with the Secretary of State on forms supplied by the Secretary of State.

2. The form must require:

(a) The name of the committee;

(b) The purpose for which it was organized;

(c) The names, addresses and telephone numbers of its officers;

(d) If the committee for political action is affiliated with any other organizations, the name, address and telephone number of each organization;

(e) The name, address and telephone number of its registered agent; and

(f) Any other information deemed necessary by the Secretary of State.

3. A committee for political action shall file with the Secretary of State **[**~~an~~**]** ***:***

(a) An amended form for registration within 30 days after any change in the information contained in the form for registration.

(b) A form for registration on or before January 15 of each year, regardless of whether there is a change in the information contained in the most recent form for registration filed by the committee for political action with the Secretary of State.

4. The Secretary of State shall include on the Secretary of State's Internet website the information required pursuant to subsection 2.

Sec. 57. **[**~~NRS 294A.270 is hereby amended to read as follows:~~

~~294A.270 1. Except as otherwise provided in subsection 3, each committee for the recall of a public officer shall, not later than:~~

~~(a) Seven days before the special election to recall a public officer, for the period from the filing of the notice of intent to circulate the petition for recall through 12 days before the special election; and~~

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

~~→ report each contribution received or made by the committee in excess of $100 on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. The form must be signed by a representative of the committee under penalty of perjury.~~

~~2. If a petition for the purpose of recalling a public officer is not filed before the expiration of the notice of intent, the committee for the recall of a public officer shall, not later than 30 days after the expiration of the notice of intent, report each contribution received by the committee, and each contribution made by the committee in excess of $100.~~

~~3. If a court does not order a special election for the recall of the public officer, the committee for the recall of a public officer shall, not later than 30 days after the court determines that an election will not be held, for the period from the filing of the notice of intent to circulate the petition for recall through the day the court determines that an election will not be held, report each contribution received by the committee, and each contribution made by the committee in excess of $100.~~

~~4.~~ **[**~~Each~~**]** ***Except as otherwise provided in section 39 of this act, each*** ~~report of contributions must be filed~~ ***electronically*** ~~with the Secretary of State.~~ **[**~~The committee may mail or transmit the report by regular mail, certified mail, facsimile machine or electronic means.~~**]** ~~A report shall be deemed to be filed with the Secretary of State~~ **[**~~:~~

~~(a) On the date that it was mailed if it was sent by certified mail; or~~

~~(b) On~~**]** ***on*** ~~the date that it was received by the Secretary of State~~**.** **[**~~if the report was sent by regular mail, transmitted by facsimile machine or electronic means, or delivered personally.~~**]**

~~5. The name and address of the contributor and the date on which the contribution was received must be included on the report for each contribution, whether from or to a natural person, association or corporation, in excess of $100 and contributions which a contributor or the committee has made cumulatively in excess of that amount since the beginning of the current reporting period.~~**] (Deleted by amendment.)**

Sec. 58. **[**~~NRS 294A.280 is hereby amended to read as follows:~~

~~294A.280 1. Except as otherwise provided in subsection 3, each committee for the recall of a public officer shall, not later than:~~

~~(a) Seven days before the special election to recall a public officer, for the period from the filing of the notice of intent to circulate the petition for recall through 12 days before the special election; and~~

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

~~→ report each expenditure made by the committee in excess of $100 on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. The form must be signed by a representative of the committee under penalty of perjury.~~

~~2. If a petition for the purpose of recalling a public officer is not filed before the expiration of the notice of intent, the committee for the recall of a~~

~~public officer shall, not later than 30 days after the expiration of the notice of intent, report each expenditure made by the committee in excess of $100.~~

~~3. If a court does not order a special election for the recall of the public officer, the committee for the recall of a public officer shall, not later than 30 days after the court determines that an election will not be held, for the period from the filing of the notice of intent to circulate the petition for recall through the day the court determines that an election will not be held, report each expenditure made by the committee in excess of $100.~~

~~4. [Each] *Except as otherwise provided in section 39 of this act, each* report of expenditures must be filed *electronically* with the Secretary of State. [The committee may mail or transmit the report to the Secretary of State by regular mail, certified mail, facsimile machine or electronic means.] A report shall be deemed to be filed [with] *on the date that it was received by* the Secretary of State . [:~~

~~(a) On the date that it was mailed if it was sent by certified mail; or~~

~~(b) On the date that it was received by the Secretary of State if the report was sent by regular mail, transmitted by facsimile machine or electronic means, or delivered personally.]~~ **(Deleted by amendment.)**

Sec. 59. NRS 294A.286 is hereby amended to read as follows:

294A.286 1. A person who administers a legal defense fund shall:

(a) Within 5 days after the creation of the legal defense fund, notify the Secretary of State of the creation of the fund on a form provided by the Secretary of State; and

(b) For the same period covered by the report filed pursuant to NRS 294A.120, 294A.200 or 294A.360, report any contribution received by or expenditure made from the legal defense fund.

2. The reports required by paragraph (b) of subsection 1 must be submitted on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. Each form must be signed by the administrator of the legal defense fund under penalty of perjury.

3. The reports required by paragraph (b) of subsection 1 must be filed in the same manner and at the same time as the report filed pursuant to NRS 294A.120, 294A.200 or 294A.360.

4. Not later than the 15th day of the second month after the conclusion of all civil, criminal or administrative claims or proceedings for which a candidate or public officer established a legal defense fund, the candidate or public officer shall:

(a) Return the unspent money to contributors;

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

(c) Dispose of the money in any combination of the methods provided in paragraphs (a) and (b).

Sec. 60. NRS 294A.287 is hereby amended to read as follows:

294A.287 1. A person shall not make ***or commit to make*** a contribution or contributions to the legal defense fund of a candidate or public officer in an amount which exceeds $10,000 ~~[.]~~ during the applicable period prescribed in NRS 294A.100 pertaining to the office the candidate is seeking or that the public officer holds.

2. A candidate or public officer shall not accept a contribution ***or commitment to make a contribution*** to his or her legal defense fund that is made in violation of subsection 1.

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

Sec. 61. NRS 294A.300 is hereby amended to read as follows:

294A.300 1. It is unlawful for a member of the Legislature, the Lieutenant Governor, the Lieutenant Governor-Elect, the Governor or the Governor-Elect to solicit or accept any monetary contribution, or solicit or accept a commitment to make such a contribution for any political purpose during the period beginning:

(a) Thirty days before a regular session of the Legislature and ending 30 days after the final adjournment of a regular session of the Legislature;

(b) Fifteen days before a special session of the Legislature is set to commence and ending 15 days after the final adjournment of a special session of the Legislature, if the Governor sets a specific date for the commencement of the special session that is more than 15 days after the Governor issues the proclamation calling for the special session; or

(c) The day after the Governor issues a proclamation calling for a special session of the Legislature and ending 15 days after the final adjournment of a special session of the Legislature if the Governor sets a specific date for the commencement of the special session that is 15 or fewer days after the Governor issues the proclamation calling for the special session.

2. ***A person shall not make or commit to make a contribution or commitment prohibited by subsection 1.***

3. This section does not prohibit the payment of a salary or other compensation or income to a member of the Legislature, the Lieutenant Governor or the Governor during a session of the Legislature if it is made for services provided as a part of his or her regular employment or is additional income to which he or she is entitled.

~~[3.]~~ ***4.*** As used in this section, "political purpose" includes, without limitation, the establishment of, or the addition of money to, a legal defense fund.

Sec. 62. NRS 294A.347 is hereby amended to read as follows:

294A.347 1. A statement which:

(a) Is published within 60 days before a general election, general city election or special election or 30 days before a primary election or primary city election;

(b) Expressly advocates the election or defeat of a clearly identified candidate for a state or local office; and

(c) Is published by a person who receives compensation from the candidate, an opponent of the candidate ~~[,]~~ or a person, party ~~[, committee or business entity required to report expenditures pursuant to NRS 294A.210,]~~ ***or committee for political action,***

➥ must contain a disclosure of the fact that the person receives compensation pursuant to paragraph (c) and the name of the person , party ~~[, committee or business entity]~~ ***or committee for political action*** providing that compensation.

2. A statement which:

(a) Is published by a candidate within 60 days before a general election, general city election or special election or 30 days before a primary election or primary city election; and

(b) Contains the name of the candidate,

➥ shall be deemed to comply with the provisions of this section.

3. As used in this section, "publish" means the act of:

(a) Printing, posting, broadcasting, mailing or otherwise disseminating; or

(b) Causing to be printed, posted, broadcasted, mailed or otherwise disseminated.

Sec. 63. NRS 294A.360 is hereby amended to read as follows:

294A.360 1. Every candidate for city office at a primary city election or general city election shall file the reports in the manner required by NRS 294A.120, 294A.128 and 294A.200 for other offices not later than January 15 of each year, for the period from January 1 of the previous year through December 31 of the previous year. The provisions of this subsection apply to the candidate:

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

(b) Each year immediately succeeding a calendar year during which the candidate disposes of contributions pursuant to NRS 294A.160 ~~[.]~~ ***or subsection 4 of NRS 294A.286.***

2. Every candidate for city office at a primary city election or general city election, if the general city election for the office for which he or she is a candidate is held on or after January 1 and before the July 1 immediately following that January 1, shall file the reports in the manner required by NRS 294A.120, 294A.128 and 294A.200 for other offices not later than:

(a) Seven days before the primary city election for that office, for the period from the January 1 immediately preceding the primary city election through 12 days before the primary city election;

(b) Seven days before the general city election for that office, for the period from 11 days before the primary city election through 12 days before the general city election; and

(c) July 15 of the year of the general city election for that office, for the period from 11 days before the general city election through the June 30 of that year.

3. Every candidate for city office at a primary city election or general city election, if the general city election for the office for which he or she is a candidate is held on or after July 1 and before the January 1 immediately following that July 1, shall file the reports in the manner required by NRS 294A.120, 294A.128 and 294A.200 for other offices not later than:

(a) Seven days before the primary city election for that office, for the period from the January 1 immediately preceding the primary city election through 12 days before the primary city election; and

(b) Seven days before the general city election for that office, for the period from 11 days before the primary city election through 12 days before the general city election.

4. Except as otherwise provided in subsection 5, every candidate for city office at a special election shall so file those reports:

(a) Seven days before the special election, for the period from the candidate's nomination through 12 days before the special election; and

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

5. Every candidate for city office at a special election to determine whether a public officer will be recalled shall so file those reports 30 days after:

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

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

Sec. 64. ~~[NRS 294A.362 is hereby amended to read as follows:~~

~~294A.362 1. In addition to reporting information pursuant to NRS 294A.120, 294A.125, 294A.128, 294A.200 and 294A.360, each candidate who is required to file a report of campaign contributions and expenses pursuant to NRS 294A.120, 294A.125, 294A.128, 294A.200 or 294A.360 shall report on the form designed and provided by the Secretary of State pursuant to NRS 294A.373 goods and services provided in kind for~~

~~which money would otherwise have been paid. The candidate shall list on the form each such campaign contribution in excess of $100 received during the reporting period, each such campaign contribution from a contributor received during the reporting period which cumulatively exceeds $100, and each such expense in excess of $100 incurred during the reporting period.~~

~~2. The Secretary of State and each city clerk shall not require a candidate to list the campaign contributions and expenses described in this section on any form other than the form designed and provided by the Secretary of State pursuant to NRS 294A.373.~~

~~***3. The report of campaign contributions and expenses described in this section must be filed in the same manner and at the same time as the candidate files the reports required pursuant to NRS 294A.120, 294A.125, 294A.128, 294A.200 and 294A.360.]*** **(Deleted by amendment.)**~~

Sec. 65. NRS 294A.365 is hereby amended to read as follows:

294A.365 1. Each report of expenditures required pursuant to NRS 294A.210, 294A.220 ~~[,]~~ ***and*** 294A.280 ~~[and 294A.283]~~ must consist of a list of each expenditure in excess of $100 ~~[or $1,000, as is appropriate,]~~ that was made during the periods for reporting. Each report of expenses required pursuant to NRS 294A.125 and 294A.200 must consist of a list of each expense in excess of $100 that was incurred during the periods for reporting. The list in each report must state the category and amount of the expense or expenditure and the date on which the expense was incurred or the expenditure was made.

2. The categories of expense or expenditure for use on the report of expenses or expenditures are:

(a) Office expenses;

(b) Expenses related to volunteers;

(c) Expenses related to travel;

(d) Expenses related to advertising;

(e) Expenses related to paid staff;

(f) Expenses related to consultants;

(g) Expenses related to polling;

(h) Expenses related to special events;

(i) Except as otherwise provided in NRS 294A.362, goods and services provided in kind for which money would otherwise have been paid; and

(j) Other miscellaneous expenses.

3. Each report of expenses or expenditures described in subsection 1 must list the disposition of any unspent campaign contributions using the categories set forth in subsection 2 of NRS 294A.160 ~~[.]~~ ***or subsection 4 of NRS 294A.286.***

Sec. 66. NRS 294A.373 is hereby amended to read as follows:

294A.373 1. The Secretary of State shall design a single form to be used for all reports of campaign contributions and expenses or expenditures that are required to be filed pursuant to NRS 294A.120, 294A.125, 294A.128, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220, 294A.270, 294A.280, **[**~~294A.283,~~**]** 294A.360 and 294A.362 and reports of contributions received by and expenditures made from a legal defense fund that are required to be filed pursuant to NRS 294A.286.

2. The form designed by the Secretary of State pursuant to this section must only request information specifically required by statute.

3. Upon request, the Secretary of State shall provide a copy of the form designed pursuant to this section to each person, committee, political party **[**~~, group~~**]** and business entity that is required to file a report described in subsection 1.

4. The Secretary of State must obtain the advice and consent of the Legislative Commission before providing a copy of a form designed or revised by the Secretary of State pursuant to this section to a person, committee, political party **[**~~, group~~**]** or business entity that is required to use the form.

Sec. 67. **[**~~NRS 294A.373 is hereby amended to read as follows:~~

~~294A.373 1. The Secretary of State shall design~~ **[**~~a single form~~**]** ***forms*** ~~to be used for all reports of campaign contributions and expenses or expenditures that are required to be filed pursuant to NRS 294A.120, 294A.125, 294A.128, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220, 294A.270, 294A.280, 294A.360 and 294A.362 and reports of contributions received by and expenditures made from a legal defense fund that are required to be filed pursuant to NRS 294A.286.~~

~~2. The~~ **[**~~form~~**]** ***forms*** ~~designed by the Secretary of State pursuant to this section must only request information specifically required by statute.~~

~~3. [~~Upon request, the~~**]** ***The*** ~~Secretary of State shall provide~~ **[**~~a~~**]** ***to each candidate, person, committee, political party and business entity that is required to file a report described in subsection 1:***

(a) If the candidate, person, committee, political party or business entity is required to submit the report to a city clerk, a ~~copy of the form~~ **[**~~designed pursuant to this section to each person, committee, political party, group and business entity that is required to file a report described in subsection 1.~~**],**

(b) If the candidate, person, committee, political party or business entity is required to submit the report electronically to the Secretary of State, access through a secure website to the form; or

(c) If the candidate, person, committee, political party or business entity is required to submit the report electronically to the Secretary of State and has submitted an affidavit to the Secretary of State pursuant to section 39 or 40 of this act, as applicable, a copy of the form.

~~4.~~ ***If a candidate, person, committee, political party or business entity is required to submit electronically a report described in subsection 1, the form must be signed electronically under penalty of perjury.***

~~5. The Secretary of State must obtain the advice and consent of the Legislative Commission before providing a copy of~~ ***, or access to,*** ~~a form designed or revised by the Secretary of State pursuant to this section to a~~ ***candidate,*** ~~person, committee, political party or business entity~~ ***.*** ~~[that is required to use the form.]~~

~~*6. The Secretary of State may adopt regulations necessary to carry out the provisions of this section.]*~~ **(Deleted by amendment.)**

Sec. 68. NRS 294A.382 is hereby amended to read as follows:

294A.382 The Secretary of State shall not request or require a candidate, person, ~~[group of persons,]~~ committee, political party or business entity to list each of the expenditures or campaign expenses of $100 or less on a form designed and provided pursuant to NRS 294A.373.

Sec. 69. NRS 294A.390 is hereby amended to read as follows:

294A.390 The officer from whom a candidate or entity requests a form for:

1. A declaration of candidacy;
2. An acceptance of candidacy;
3. The registration of a committee for political action pursuant to NRS 294A.230, a committee for the recall of a public officer pursuant to NRS 294A.250 or a business entity that wishes to engage in certain political activity pursuant to NRS 294A.377;
4. The reporting of the creation of a legal defense fund pursuant to NRS 294A.286; or
5. The reporting of campaign contributions, expenses or expenditures pursuant to NRS 294A.120, 294A.128, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220, 294A.270, 294A.280 ~~[, 294A.283]~~ or 294A.360 and the reporting of contributions received by and expenditures made from a legal defense fund pursuant to NRS 294A.286,

➥ shall furnish the candidate with the necessary forms for reporting and copies of the regulations adopted by the Secretary of State pursuant to this chapter. An explanation of the applicable provisions of NRS 294A.100, 294A.120, 294A.128, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220, 294A.270, 294A.280 ~~[, 294A.283]~~ or 294A.360 relating to the making, accepting or reporting of campaign contributions, expenses or expenditures and the penalties for a violation of those provisions as set forth in NRS 294A.100 or 294A.420, and an explanation of NRS 294A.286 and 294A.287 relating to the accepting or reporting of contributions received by and expenditures made from a legal defense fund and the penalties for a violation of those provisions as set forth in NRS 294A.287 and 294A.420,

must be developed by the Secretary of State and provided upon request. The candidate or entity shall acknowledge receipt of the material.

Sec. 70. ~~[NRS 294A.390 is hereby amended to read as follows:~~

~~294A.390 The officer from whom a candidate or entity requests a form for:~~

~~1. A declaration of candidacy;~~

~~2. An acceptance of candidacy; *or*~~

~~3. The registration of a committee for political action pursuant to NRS 294A.230, a committee for the recall of a public officer pursuant to NRS 294A.250 or a business entity that wishes to engage in certain political activity pursuant to NRS 294A.377, [;~~

~~4. The reporting of the creation of a legal defense fund pursuant to NRS 294A.286; or~~

~~5. The reporting of campaign contributions, expenses or expenditures pursuant to NRS 294A.120, 294A.128, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220, 294A.270, 294A.280 or 294A.360 and the reporting of contributions received by and expenditures made from a legal defense fund pursuant to NRS 294A.286,]~~

~~* shall furnish the candidate *or entity* with [the necessary forms for reporting and copies of the regulations adopted by the Secretary of State pursuant to this chapter. An] *an* explanation of the applicable provisions of NRS 294A.100, 294A.120, 294A.128, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220, 294A.270, 294A.280 or 294A.360 relating to the making, accepting or reporting of campaign contributions, expenses or expenditures and the penalties for a violation of those provisions as set forth in NRS 294A.100 or 294A.420, and an explanation of NRS 294A.286 and 294A.287 relating to the accepting or reporting of contributions received by and expenditures made from a legal defense fund and the penalties for a violation of those provisions as set forth in NRS 294A.287 and 294A.420, must be developed by the Secretary of State and provided upon request. The candidate or entity shall acknowledge receipt of the material.]~~ **(Deleted by amendment.)**

Sec. 71. NRS 294A.400 is hereby amended to read as follows:

294A.400 The Secretary of State shall, within 30 days after receipt of the reports required by NRS 294A.120, 294A.125, 294A.128, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220, 294A.270, 294A.280 ~~[, 294A.283]~~ and 294A.286, prepare and make available for public inspection a compilation of:

1. The total campaign contributions, the contributions which are in excess of $100 and the total campaign expenses of each of the candidates from whom reports of those contributions and expenses are required.

2. The total amount of loans to a candidate guaranteed by a third party, the total amount of loans made to a candidate that have been forgiven and the total amount of written commitments for contributions received by a candidate.

3. The contributions made to a committee for the recall of a public officer in excess of $100.

4. The expenditures exceeding $100 made by a:

(a) Person on behalf of a candidate other than the person.

(b) Group of persons or business entity advocating the election or defeat of a candidate.

(c) Committee for the recall of a public officer.

5. The contributions in excess of $100 made to:

(a) A person who is not under the direction or control of a candidate or group of candidates or of any person involved in the campaign of the candidate or group who makes an expenditure on behalf of the candidate or group which is not solicited or approved by the candidate or group.

(b) A committee for political action, political party, committee sponsored by a political party or business entity which makes an expenditure on behalf of a candidate or group of candidates.

6. ~~[~~The contributions in excess of $1,000 made to and the expenditures exceeding $1,000 made by a:

(a) Person or group of persons organized formally or informally, including a business entity who advocates the passage or defeat of a question or group of questions on the ballot and who receives or expends money in an amount in excess of $10,000 for such advocacy, except as otherwise provided in paragraph (b).

(b) Person or group of persons organized formally or informally, including a business entity, who advocates the passage or defeat of a constitutional amendment or statewide measure proposed by an initiative or referendum, including, without limitation, the initiation or circulation thereof, and who receives or expends money in an amount in excess of $10,000 for such advocacy.

7.~~]~~ The total contributions received by and expenditures made from a legal defense fund.

Sec. 72. NRS 294A.420 is hereby amended to read as follows:

294A.420 1. If the Secretary of State receives information that a person ***, committee*** or entity that is subject to the provisions of NRS 294A.120, 294A.128, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220, 294A.227, 294A.230, ***294A.250,*** 294A.270, 294A.280, ~~[~~294A.283,~~]~~ 294A.286 or 294A.360 has not filed a report or form for registration pursuant to the applicable provisions of those sections, the Secretary of State may, after

giving notice to that person **,** ***committee*** or entity, cause the appropriate proceedings to be instituted in the First Judicial District Court.

2. Except as otherwise provided in this section, a person **,** ***committee*** or entity that violates an applicable provision of NRS 294A.112, 294A.120, 294A.128, 294A.130, 294A.140, 294A.150, 294A.160, 294A.200, 294A.210, 294A.220, 294A.227, 294A.230, ***294A.250,*** 294A.270, 294A.280, ~~[~~294A.283,~~]~~ 294A.286, 294A.300, 294A.310 or 294A.360 is subject to a civil penalty of not more than $5,000 for each violation and payment of court costs and attorney's fees. The civil penalty must be recovered in a civil action brought in the name of the State of Nevada by the Secretary of State in the First Judicial District Court and deposited by the Secretary of State for credit to the State General Fund in the bank designated by the State Treasurer.

3. If a civil penalty is imposed because a person **,** ***committee*** or entity has reported its contributions, expenses or expenditures after the date the report is due, except as otherwise provided in this subsection, the amount of the civil penalty is:

(a) If the report is not more than 7 days late, $25 for each day the report is late.

(b) If the report is more than 7 days late but not more than 15 days late, $50 for each day the report is late.

(c) If the report is more than 15 days late, $100 for each day the report is late.

➥ A civil penalty imposed pursuant to this subsection against a public officer who by law is not entitled to receive compensation for his or her office or a candidate for such an office must not exceed a total of $100 if the public officer or candidate received no contributions and made no expenditures during the relevant reporting periods.

4. For good cause shown, the Secretary of State may waive a civil penalty that would otherwise be imposed pursuant to this section. If the Secretary of State waives a civil penalty pursuant to this subsection, the Secretary of State shall:

(a) Create a record which sets forth that the civil penalty has been waived and describes the circumstances that constitute the good cause shown; and

(b) Ensure that the record created pursuant to paragraph (a) is available for review by the general public.

Sec. 73. NRS 306.040 is hereby amended to read as follows:

306.040 1. Upon determining that the number of signatures on a petition to recall is sufficient pursuant to NRS 293.1276 to 293.1279, inclusive, the Secretary of State shall notify the county clerk, the officer with whom the petition is to be filed pursuant to subsection 4 of NRS 306.015 and the public officer who is the subject of the petition.

2. After the verification of signatures is complete, but not later than the date a complaint is filed pursuant to subsection 5 or the date the call for a special election is issued, whichever is earlier, a person who signs a petition to recall may request the Secretary of State to strike the person's name from the petition. If the person demonstrates good cause therefor and the number of such requests received by the Secretary of State could affect the sufficiency of the petition, the Secretary of State shall strike the name of the person from the petition.

3. Not sooner than 10 days nor more than 20 days after the Secretary of State completes the notification required by subsection 1, if a complaint is not filed pursuant to subsection 5, the officer with whom the petition is filed shall issue a call for a special election in the jurisdiction in which the public officer who is the subject of the petition was elected to determine whether the people will recall the public officer.

4. The call for a special election pursuant to subsection 3 or 6 must include, without limitation:

(a) The last day on which a person may register to vote to qualify to vote in the special election; ~~[and]~~

(b) The last day on which a petition to nominate other candidates for the office may be filed ~~[.]~~ ***; and***

(c) Whether any person is entitled to vote in the special election pursuant to NRS 293.343 to 293.355, inclusive.

5. The legal sufficiency of the petition may be challenged by filing a complaint in district court not later than 5 days, Saturdays, Sundays and holidays excluded, after the Secretary of State completes the notification required by subsection 1. All affidavits and documents in support of the challenge must be filed with the complaint. The court shall set the matter for hearing not later than 30 days after the complaint is filed and shall give priority to such a complaint over all other matters pending with the court, except for criminal proceedings.

6. Upon the conclusion of the hearing, if the court determines that the petition is sufficient, it shall order the officer with whom the petition is filed to issue a call for a special election in the jurisdiction in which the public officer who is the subject of the petition was elected to determine whether the people will recall the public officer. If the court determines that the petition is not sufficient, it shall order the officer with whom the petition is filed to cease any further proceedings regarding the petition.

Sec. 74. ~~[Chapter 281A of NRS is hereby amended by adding thereto a new section to read as follows:~~

1. A candidate or public officer who is required to file a statement of financial disclosure with the Secretary of State pursuant to NRS 281A.600 or 281A.610 is not required to file the statement electronically if the

~~*candidate or public officer has on file with the Secretary of State an affidavit which satisfies the requirements set forth in subsection 2 and which states that:*~~

~~*(a) The candidate or public officer does not own or have the ability to access the technology necessary to file electronically the statement of financial disclosure; and*~~

~~*(b) The candidate or public officer does not have the financial ability to purchase or obtain access to the technology necessary to file electronically the statement of financial disclosure.*~~

~~*2. The affidavit described in subsection 1 must be:*~~

~~*(a) In the form prescribed by the Secretary of State and signed under penalty of perjury.*~~

~~*(b) Except as otherwise provided in subsection 4, filed not less than 45 days before the statement is required to be filed.*~~

~~*3. A candidate or public officer who is not required to file the statement electronically may file the statement by transmitting the statement by regular mail, certified mail, facsimile machine or personal delivery. A report transmitted using one of such methods shall be deemed to be filed on the date that it was received by the Secretary of State.*~~

~~*4. A person who is appointed to fill the unexpired term of an elected or appointed public officer must file the affidavit described in subsection 1 within 15 days after his or her appointment to be exempted from the requirement of filing a report electronically.]*~~ **(Deleted by amendment.)**

Sec. 75. ~~[NRS 281A.240 is hereby amended to read as follows:~~

~~281A.240 1. In addition to any other duties imposed upon the Executive Director, the Executive Director shall:~~

~~(a) Maintain complete and accurate records of all transactions and proceedings of the Commission.~~

~~(b) Receive requests for opinions pursuant to NRS 281A.440.~~

~~(c) Gather information and conduct investigations regarding requests for opinions received by the Commission and submit recommendations to the investigatory panel appointed pursuant to NRS 281A.220 regarding whether there is just and sufficient cause to render an opinion in response to a particular request.~~

~~(d) Recommend to the Commission any regulations or legislation that the Executive Director considers desirable or necessary to improve the operation of the Commission and maintain high standards of ethical conduct in government.~~

~~(e) Upon the request of any public officer or the employer of a public employee, conduct training on the requirements of this chapter, the rules and regulations adopted by the Commission and previous opinions of the Commission. In any such training, the Executive Director shall emphasize~~

~~that the Executive Director is not a member of the Commission and that only the Commission may issue opinions concerning the application of the statutory ethical standards to any given set of facts and circumstances. The Commission may charge a reasonable fee to cover the costs of training provided by the Executive Director pursuant to this subsection.~~

~~(f) Perform such other duties, not inconsistent with law, as may be required by the Commission.~~

~~2. The Executive Director shall, within the limits of legislative appropriation, employ such persons as are necessary to carry out any of the Executive Director's duties relating to:~~

~~(a) The administration of the affairs of the Commission; *and*~~

~~(b) **[**The review of statements of financial disclosure; and~~

~~(c)**]** The investigation of matters under the jurisdiction of the Commission.**]** **(Deleted by amendment.)**~~

Sec. 76. ~~**[**NRS 281A.290 is hereby amended to read as follows:~~

~~281A.290 The Commission shall:~~

~~1. Adopt procedural regulations:~~

~~(a) To facilitate the receipt of inquiries by the Commission;~~

~~(b) For the filing of a request for an opinion with the Commission;~~

~~(c) For the withdrawal of a request for an opinion by the person who filed the request; and~~

~~(d) To facilitate the prompt rendition of opinions by the Commission.~~

~~2. Prescribe, by regulation, **[**forms for the submission of statements of financial disclosure and procedures for the submission of statements of financial disclosure filed pursuant to NRS 281A.600 and**]** forms and procedures for the submission of statements of acknowledgment filed by public officers pursuant to NRS 281A.500, maintain files of such statements and make the statements available for public inspection.~~

~~3. Cause the making of such investigations as are reasonable and necessary for the rendition of its opinions pursuant to this chapter.~~

~~4. **[**Except as otherwise provided in NRS 281A.600, inform**]** *Inform* the Attorney General or district attorney of all cases of noncompliance with the requirements of this chapter.~~

~~5. Recommend to the Legislature such further legislation as the Commission considers desirable or necessary to promote and maintain high standards of ethical conduct in government.~~

~~6. Publish a manual for the use of public officers and employees that contains:~~

~~(a) Hypothetical opinions which are abstracted from opinions rendered pursuant to subsection 1 of NRS 281A.440, for the future guidance of all persons concerned with ethical standards in government;~~

~~(b) Abstracts of selected opinions rendered pursuant to subsection 2 of NRS 281A.440; and~~

~~(c) An abstract of the requirements of this chapter.~~

~~4. The Legislative Counsel shall prepare annotations to this chapter for inclusion in the Nevada Revised Statutes based on the abstracts and published opinions of the Commission.~~**]** **(Deleted by amendment.)**

Sec. 77. ~~**[**NRS 281A.470 is hereby amended to read as follows:~~

~~281A.470 1. Any department, board, commission or other agency of the State or the governing body of a county or an incorporated city may establish a specialized or local ethics committee to complement the functions of the Commission. A specialized or local ethics committee may:~~

~~(a) Establish a code of ethical standards suitable for the particular ethical problems encountered in its sphere of activity. The standards may not be less restrictive than the statutory ethical standards.~~

~~(b) Render an opinion upon the request of any public officer or employee of its own organization or level seeking an interpretation of its ethical standards on questions directly related to the propriety of the public officer's or employee's own future official conduct or refer the request to the Commission. Any public officer or employee subject to the jurisdiction of the committee shall direct the public officer's or employee's inquiry to that committee instead of the Commission.~~

~~(c) Require the filing of statements of financial disclosure by public officers on forms prescribed by the committee or the city clerk if the form has been:~~

~~(1) Submitted, at least 60 days before its anticipated distribution, to the~~ **[**~~Commission~~**]** ~~***Secretary of State*** for review; and~~

~~(2) Upon review, approved by the~~ **[**~~Commission.~~**]** ~~***Secretary of State.***~~

~~2. A specialized or local ethics committee shall not attempt to interpret or render an opinion regarding the statutory ethical standards.~~

~~3. Each request for an opinion submitted to a specialized or local ethics committee, each hearing held to obtain information on which to base an opinion, all deliberations relating to an opinion, each opinion rendered by a committee and any motion relating to the opinion are confidential unless:~~

~~(a) The public officer or employee acts in contravention of the opinion; or~~

~~(b) The requester discloses the content of the opinion.~~**]** **(Deleted by amendment.)**

Sec. 78. ~~**[**NRS 281A.600 is hereby amended to read as follows:~~

~~281A.600 1. Except as otherwise provided in~~ **[**~~subsection 2,~~**]** ~~***subsections 2 and 3 and section 74 of this act,*** if a public officer who was appointed to the office for which the public officer is serving is entitled to receive annual compensation of $6,000 or more for serving in that office, the~~

~~public officer shall file ***electronically*** with the **[**Commission**]** ***Secretary of State*** a statement of financial disclosure, as follows:~~

~~(a) A public officer appointed to fill the unexpired term of an elected or appointed public officer shall file a statement of financial disclosure within 30 days after the public officer's appointment.~~

~~(b) Each public officer appointed to fill an office shall file a statement of financial disclosure on or before January 15 of each year of the term, including the year the term expires.~~

~~➡ The statement must disclose the required information for the full calendar year immediately preceding the date of filing.~~

~~2. If a person is serving in a public office for which the person is required to file a statement pursuant to subsection 1, the person may use the statement the person files for that initial office to satisfy the requirements of subsection 1 for every other public office to which the person is appointed and in which the person is also serving.~~

~~3. A judicial officer who is appointed to fill the unexpired term of a predecessor or to fill a newly created judgeship shall file a statement of financial disclosure pursuant to the requirements of Canon 4I of the Nevada Code of Judicial Conduct. Such a statement of financial disclosure must include, without limitation, all information required to be included in a statement of financial disclosure pursuant to NRS 281A.620.~~

~~4. **[**The Commission shall provide written notification to the Secretary of State of the public officers who failed to file the statements of financial disclosure required by subsection 1 or who failed to file those statements in a timely manner. The notice must be sent within 30 days after the deadlines set forth in subsection 1 and must include:~~

~~(a) The name of each public officer who failed to file a statement of financial disclosure within the period before the notice is sent;~~

~~(b) The name of each public officer who filed a statement of financial disclosure after the deadlines set forth in subsection 1 but within the period before the notice is sent;~~

~~(c) For the first notice sent after the public officer filed a statement of financial disclosure, the name of each public officer who filed a statement of financial disclosure after the deadlines set forth in subsection 1 but within the period before the notice is sent; and~~

~~(d) For each public officer listed in paragraph (c), the date on which the statement of financial disclosure was due and the date on which the public officer filed the statement.~~

~~5. In addition to the notice provided pursuant to subsection 4, the Commission shall notify the Secretary of State of each public officer who files a statement of financial disclosure more than 30 days after the deadlines~~

~~set forth in subsection 1. The notice must include the information described in paragraphs (c) and (d) of subsection 4.~~

~~6.~~**]** ~~A statement of financial disclosure shall be deemed to be filed~~ **[**~~with the Commission:~~

~~(a) On the date that it was mailed if it was sent by certified mail; or~~

~~(b) On~~**]** ***on*** ~~the date that it was received by the~~ **[**~~Commission if the statement was sent by regular mail, transmitted by facsimile machine or electronic means, or delivered personally.~~**]** ***Secretary of State.***

5. Except as otherwise provided in section 74 of this act, the Secretary of State shall provide access through a secure website to the statement of financial disclosure to each person who is required to file the statement with the Secretary of State pursuant to this section.

6. The Secretary of State may adopt regulations necessary to carry out the provisions of this section.] **(Deleted by amendment.)**

Sec. 79. **[**~~NRS 281A.610 is hereby amended to read as follows:~~

~~281A.610 1. Except as otherwise provided in~~ **[**~~subsection 2,~~**]** ***subsections 2 and 3 and section 74 of this act,*** ~~each candidate for public office who will be entitled to receive annual compensation of $6,000 or more for serving in the office that the candidate is seeking and, except as otherwise provided in subsection 3, each public officer who was elected to the office for which the public officer is serving shall file~~ ***electronically*** ~~with the Secretary of State a statement of financial disclosure, as follows:~~

~~(a) A candidate for nomination, election or reelection to public office shall file a statement of financial disclosure no later than the 10th day after the last day to qualify as a candidate for the office. The statement must disclose the required information for the full calendar year immediately preceding the date of filing and for the period between January 1 of the year in which the election for the office will be held and the last day to qualify as a candidate for the office. The filing of a statement of financial disclosure for a portion of a calendar year pursuant to this paragraph does not relieve the candidate of the requirement of filing a statement of financial disclosure for the full calendar year pursuant to paragraph (b) in the immediately succeeding year, if the candidate is elected to the office.~~

~~(b) Each public officer shall file a statement of financial disclosure on or before January 15 of each year of the term, including the year the term expires. The statement must disclose the required information for the full calendar year immediately preceding the date of filing.~~

~~2. Except as otherwise provided in this subsection, if a candidate for public office is serving in a public office for which the candidate is required to file a statement pursuant to paragraph (b) of subsection 1 or subsection 1 of NRS 281A.600, the candidate need not file the statement required by subsection 1 for the full calendar year for which the candidate previously~~

~~filed a statement. The provisions of this subsection do not relieve the candidate of the requirement pursuant to paragraph (a) of subsection 1 to file a statement of financial disclosure for the period between January 1 of the year in which the election for the office will be held and the last day to qualify as a candidate for the office.~~

~~3. A person elected pursuant to NRS 548.285 to the office of supervisor of a conservation district is not required to file a statement of financial disclosure relative to that office pursuant to subsection 1.~~

~~4. A candidate for judicial office or a judicial officer shall file a statement of financial disclosure pursuant to the requirements of Canon 4I of the Nevada Code of Judicial Conduct. Such a statement of financial disclosure must include, without limitation, all information required to be included in a statement of financial disclosure pursuant to NRS 281A.620.~~

~~5. A statement of financial disclosure shall be deemed to be filed [with the Secretary of State:~~

~~(a) On the date that it was mailed if it was sent by certified mail; or~~

~~(b) On]~~ ***on*** ~~the date that it was received by the Secretary of State , [if the statement was sent by regular mail, transmitted by facsimile machine or electronic means, or delivered personally.~~

~~6. The statement of financial disclosure filed pursuant to this section must be filed on the form prescribed by the Commission pursuant to NRS 281A.290.~~

~~7. The]~~

~~***6. Except as otherwise provided in section 74 of this act, the*** Secretary of State shall [prescribe, by regulation, procedures for the submission of statements of financial disclosure filed pursuant to this section, maintain files of such statements and make the statements available for public inspection.]~~ ***provide access through a secure website to the statement of financial disclosure to each person who is required to file the statement with the Secretary of State pursuant to this section.***

~~***7. The Secretary of State may adopt regulations necessary to carry out the provisions of this section.]***~~ **(Deleted by amendment.)**

Sec. 80. ~~[NRS 281A.620 is hereby amended to read as follows:~~

~~281A.620 1. Statements of financial disclosure, as approved pursuant to NRS 281A.470 or in such~~ ***electronic*** ~~form as the [Commission]~~ ***Secretary of State*** ~~otherwise prescribes, must contain the following information concerning the candidate for public office or public officer:~~

~~(a) The candidate's or public officer's length of residence in the State of Nevada and the district in which the candidate for public office or public officer is registered to vote.~~

~~(b) Each source of the candidate's or public officer's income, or that of any member of the candidate's or public officer's household who is 18 years~~

~~of age or older. No listing of individual clients, customers or patients is required, but if that is the case, a general source such as "professional services" must be disclosed.~~

~~(c) A list of the specific location and particular use of real estate, other than a personal residence:~~

~~(1) In which the candidate for public office or public officer or a member of the candidate's or public officer's household has a legal or beneficial interest;~~

~~(2) Whose fair market value is $2,500 or more; and~~

~~(3) That is located in this State or an adjacent state.~~

~~(d) The name of each creditor to whom the candidate for public office or public officer or a member of the candidate's or public officer's household owes $5,000 or more, except for:~~

~~(1) A debt secured by a mortgage or deed of trust of real property which is not required to be listed pursuant to paragraph (c); and~~

~~(2) A debt for which a security interest in a motor vehicle for personal use was retained by the seller.~~

~~(e) If the candidate for public office or public officer has received gifts in excess of an aggregate value of $200 from a donor during the preceding taxable year, a list of all such gifts, including the identity of the donor and value of each gift, except:~~

~~(1) A gift received from a person who is related to the candidate for public office or public officer within the third degree of consanguinity or affinity.~~

~~(2) Ceremonial gifts received for a birthday, wedding, anniversary, holiday or other ceremonial occasion if the donor does not have a substantial interest in the legislative, administrative or political action of the candidate for public office or public officer.~~

~~(f) A list of each business entity with which the candidate for public office or public officer or a member of the candidate's or public officer's household is involved as a trustee, beneficiary of a trust, director, officer, owner in whole or in part, limited or general partner, or holder of a class of stock or security representing 1 percent or more of the total outstanding stock or securities issued by the business entity.~~

~~(g) A list of all public offices presently held by the candidate for public office or public officer for which this statement of financial disclosure is required.~~

~~2. The~~ **[**~~Commission shall distribute or cause to be distributed the forms required for such a statement to each candidate for public office and public officer who is required to file one. The Commission is not responsible for the costs of producing or distributing a form for filing statements of financial disclosure which is prescribed pursuant to subsection 1 of NRS 281A.470.~~**]**

~~***Secretary of State may adopt any regulations necessary to carry out the provisions of this section.***~~

~~3. As used in this section, "member of the candidate's or public officer's household" includes:~~

~~(a) The spouse of the candidate for public office or public officer;~~

~~(b) A person who does not live in the same home or dwelling, but who is dependent on and receiving substantial support from the candidate for public office or public officer; and~~

~~(c) A person who lived in the home or dwelling of the candidate for public office or public officer for 6 months or more in the year immediately preceding the year in which the candidate for public office or public officer files the statement of financial disclosure.~~**] (Deleted by amendment.)**

Sec. 81. ~~**[**NRS 281A.630 is hereby amended to read as follows:~~

~~281A.630 1. Except as otherwise provided in subsection 2, statements of financial disclosure required by the provisions of NRS 281A.600, 281A.610 and 281A.620 must be retained by the **[**Commission or**]** Secretary of State for 6 years after the date of filing.~~

~~2. For public officers who serve more than one term in either the same public office or more than one public office, the period prescribed in subsection 1 begins on the date of the filing of the last statement of financial disclosure for the last public office held.~~**] (Deleted by amendment.)**

Sec. 82. ~~**[**NRS 281A.640 is hereby amended to read as follows:~~

~~281A.640 1. A list of each public officer who is required to file a statement of financial disclosure must be submitted electronically to the **[**Commission and to the**]** Secretary of State, in a form prescribed by the **[**Commission,**]** ***Secretary of State,*** on or before December 1 of each year by:~~

~~(a) Each county clerk for all public officers of the county and other local governments within the county other than cities;~~

~~(b) Each city clerk for all public officers of the city;~~

~~(c) The Director of the Legislative Counsel Bureau for all public officers of the Legislative Branch; and~~

~~(d) The Chief of the Budget Division of the Department of Administration for all public officers of the Executive Branch.~~

~~2. **[**The Secretary of State, each**]** ***Each*** county clerk, or the registrar of voters of the county if one was appointed pursuant to NRS 244.164, and each city clerk shall submit electronically to the **[**Commission,**]** ***Secretary of State*** and each county clerk, or the registrar of voters of the county if one was appointed pursuant to NRS 244.164, and each city clerk shall submit electronically to the Secretary of State, in a form prescribed by the **[**Commission,**]** ***Secretary of State,*** a list of each candidate for public office who filed a declaration of candidacy or acceptance of candidacy with that~~

~~officer within 10 days after the last day to qualify as a candidate for the applicable office.~~] **(Deleted by amendment.)**

Sec. 83. [~~NRS 281A.650 is hereby amended to read as follows:~~

~~281A.650 The Secretary of State and each county clerk, or the registrar of voters of the county if one was appointed pursuant to NRS 244.164, or city clerk who receives from a candidate for public office a declaration of candidacy, acceptance of candidacy or certificate of candidacy shall give to the candidate :~~

~~***1. If the candidate is a candidate for judicial office,*** the form prescribed by the [~~Commission~~] ***Administrative Office of the Courts*** for the making of a statement of financial disclosure [~~,~~] ~~;~~

~~***2. If the candidate is not a candidate for judicial office and is required to file electronically the statement of financial disclosure, access to the electronic form prescribed by the Secretary of State; or***~~

~~***3. If the candidate is not a candidate for judicial office, is required to submit the statement of financial disclosure electronically and has submitted an affidavit to the Secretary of State pursuant to section 74 of this act, the form prescribed by the Secretary of State,***~~

~~→ accompanied by instructions on how to complete the form [~~, where it must be filed~~] and the time by which it must be filed.~~] **(Deleted by amendment.)**

Sec. 84. NRS 294A.281, 294A.282, 294A.283 and 294A.284 are hereby repealed.

Sec. 85. 1. This section, sections 1 to 37, inclusive, 41, 42, 43, 48, 50, 51, 54, 56, 59 to 63, inclusive, 65, 66, 68, 69, 71, 72, 73 and 84 of this act become effective on July 1, 2011.

2. Sections 38, 39, 40, 44 to 47, inclusive, 49, 52, 53, 55, 57, 58, 64, 67, 70 and 74 to 83, inclusive, of this act become effective on January 16, 2013.

LEADLINES OF REPEALED SECTIONS

294A.281 Registration.

294A.282 Registered agent.

294A.283 Reporting of contributions and expenditures; period covered; deadline; form; filing.

294A.284 Reporting of certain information concerning compensation of persons to circulate petitions.

Assemblyman Segerblom moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 109.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 102.

AN ACT relating to secured transactions; enacting the amendments to Article 9 of the Uniform Commercial Code; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law contains Article 9 of the Uniform Commercial Code, the uniform law governing secured transactions. This bill enacts the 2010 amendments to Article 9.

Sections 2-9 and 25 of this bill provide that the amendments to Article 9 become effective on July 1, 2013, and enact the transitional rules included in those amendments.

Section 10 of this bill enacts the uniform amendments to the definitions of certain terms which are defined for the purposes of Article 9.

Existing law provides that a secured party may perfect a security interest in electronic chattel paper by obtaining control of the electronic chattel paper. **Section 11** of this bill enacts the uniform amendments to the rule governing whether a secured party has such control.

Existing law provides that, in certain circumstances, the law of the jurisdiction in which a debtor is located governs the perfection and priority of a security interest. (NRS 104.9301) **Section 12** of this bill enacts the uniform amendments to the rules for determining the location of an organization that is organized under the law of the United States and the location of a branch or agency of a bank that is not organized under the law of the United States or a state.

Section 13 of this bill enacts the uniform amendments to the rules governing the perfection of a security interest in property covered by a certificate of title.

Section 14 of this bill enacts the uniform amendments governing the perfection of a security interest that attaches before a debtor changes location and the perfection of a security interest when a new debtor becomes bound by a security agreement entered into by another person.

Section 15 of this bill enacts the uniform amendments to certain provisions governing the circumstances under which a buyer of property takes the property free of security interests.

Section 16 of this bill enacts the uniform amendments to provisions concerning the priority of security interests created by a new debtor who becomes bound by a security agreement entered into by another person.

Sections 17 and 18 of this bill enact the uniform amendments to provisions governing the effectiveness of certain contractual terms when a person who has a security interest in certain payment rights enforces the security interest and disposes of the payment rights.

Existing law requires a financing statement to be filed to perfect a security interest in certain circumstances. (NRS 104.9310) To be sufficient, a financing statement must contain the name of the debtor. (NRS 104.9502) **Section 19** of this bill enacts the uniform amendments to the rules for determining whether a financing statement sufficiently provides the name of the debtor. **Section 20** of this bill enacts the uniform amendments to rules governing the effectiveness of a financing statement when, at the time the financing statement was filed, the debtor's name was sufficiently provided but, at a later date, the debtor's name is no longer sufficiently provided.

Existing law provides that, if a financing statement states that the debtor is a transmitting utility, the financing statement does not lapse and is effective until a termination statement is filed. (NRS 104.9515) **Section 21** of this bill provides that such a financing statement does not lapse only if the initial financing statement states that the debtor is a transmitting utility.

Section 22 of this bill enacts the uniform amendments to the circumstances under which a filing office may refuse to accept a financing statement.

Existing law authorizes a debtor to file a correction statement if the debtor believes that a record indexed under the debtor's name is inaccurate or was wrongfully filed. Under existing law, the correction statement is informational and does not affect the effectiveness of a financing statement. (NRS 104.9518) **Section 23** of this bill enacts the uniform amendment that authorizes a secured party to file ~~[such]~~ a statement **of claim** under certain circumstances.

Existing law provides for the rights of a secured party upon a default by a debtor. (NRS 104.9601-104.9628) **Section 24** of this bill enacts the uniform amendment to certain rights held by a person who has a security interest in a payment right secured by real property.

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

Section 1. Chapter 104 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 9, inclusive, of this act.

Sec. 2. ***1. Except as otherwise provided in sections 2 to 9, inclusive, of this act, this article as amended applies to a transaction or lien within its scope, even if the transaction or lien was entered into or created before July 1, 2013.***

2. This article as amended does not affect an action, case or proceeding commenced before July 1, 2013.

Sec. 3. ***1. A security interest that is a perfected security interest immediately before July 1, 2013, is a perfected security interest under this article if, when this article as amended takes effect, the applicable***

requirements for attachment and perfection under this article as amended are satisfied without further action.

2. Except as otherwise provided in section 5 of this act, if, immediately before July 1, 2013, a security interest is a perfected security interest, but the applicable requirements for perfection under this article as amended are not satisfied on July 1, 2013, the security interest remains perfected thereafter only if the applicable requirements for perfection under this article as amended are satisfied within 1 year after July 1, 2013.

Sec. 4. ***A security interest that is an unperfected security interest immediately before July 1, 2013, becomes a perfected security interest:***

1. Without further action, on that date if the applicable requirements for perfection under this article as amended are satisfied before or at that time; or

2. When the applicable requirements for perfection are satisfied if the requirements are satisfied after that time.

Sec. 5. ***1. The filing of a financing statement before July 1, 2013, is effective to perfect a security interest to the extent the filing would satisfy the applicable requirements for perfection under this article as amended.***

2. This article as amended does not render ineffective an effective financing statement that, before July 1, 2013, is filed and satisfies the applicable requirements for perfection under the law of the jurisdiction governing perfection as provided in this article before amendment. However, except as otherwise provided in subsections 3 and 4 and section 6 of this act, the financing statement ceases to be effective:

(a) If the financing statement is filed in this State, at the time the financing statement would have ceased to be effective had this article as amended not taken effect; or

(b) If the financing statement is filed in another jurisdiction, at the earlier of:

(1) The time the financing statement would have ceased to be effective under the law of that jurisdiction; or

(2) June 30, 2018.

3. The filing of a continuation statement on or after July 1, 2013, does not continue the effectiveness of the financing statement filed before that date. However, upon the timely filing of a continuation statement on or after July 1, 2013, and in accordance with the law of the jurisdiction governing perfection as provided in this article as amended, the effectiveness of a financing statement filed in the same office in that jurisdiction before July 1, 2013, continues for the period provided by the law of that jurisdiction.

4. Subparagraph (2) of paragraph (b) of subsection 2 applies to a financing statement that, before July 1, 2013, is filed against a transmitting

utility and satisfies the applicable requirements for perfection under the law of the jurisdiction governing perfection as provided in this article before amendment, only to the extent that this article as amended provides that the law of a jurisdiction other than the jurisdiction in which the financing statement is filed governs perfection of a security interest in collateral covered by the financing statement.

5. A financing statement that includes a financing statement filed before July 1, 2013, and a continuation statement filed on or after July 1, 2013, is effective only to the extent that it satisfies the requirements of part 5 for an initial financing statement. A financing statement which indicates that the debtor is a decedent's estate indicates that the collateral is being administered by a personal representative within the meaning of paragraph (b) of subsection 1 of NRS 104.9503. A financing statement which indicates that the debtor is a trust or a trustee acting with respect to property held in trust indicates that the collateral is held in a trust within the meaning of paragraph (c) of subsection 1 of NRS 104.9503.

Sec. 6. ***1. The filing of an initial financing statement in the office specified in NRS 104.9501 continues the effectiveness of a financing statement filed before July 1, 2013, if:***

(a) The filing of an initial financing statement in that office would be effective to perfect a security interest under this article as amended;

(b) The pre-effective-date financing statement was filed in an office in another state; and

(c) The initial financing statement satisfies subsection 3.

2. The filing of an initial financing statement under subsection 1 continues the effectiveness of the pre-effective-date financing statement:

(a) If the initial financing statement is filed before July 1, 2013, for the period provided in NRS 104.9515, as it existed before July 1, 2013, with respect to an initial financing statement; and

(b) If the initial financing statement is filed on or after July 1, 2013, for the period provided in NRS 104.9515 with respect to an initial financing statement.

3. To be effective for purposes of subsection 1, an initial financing statement must:

(a) Satisfy the requirements of part 5 for an initial financing statement;

(b) Identify the pre-effective-date financing statement by indicating the office in which the financing statement was filed and providing the dates of filing and file numbers, if any, of the financing statement and of the most recent continuation statement filed with respect to the financing statement; and

(c) Indicate that the pre-effective-date financing statement remains effective.

Sec. 7. *1. In this section, "pre-effective-date financing statement" means a financing statement filed before July 1, 2013.*

2. On or after July 1, 2013, a person may add or delete collateral covered by, continue or terminate the effectiveness of, or otherwise amend the information provided in, a pre-effective-date financing statement only in accordance with the law of the jurisdiction governing perfection as provided in this article as amended. However, the effectiveness of a pre-effective-date financing statement also may be terminated in accordance with the law of the jurisdiction in which the financing statement is filed.

3. Except as otherwise provided in subsection 4, if the law of this State governs perfection of a security interest, the information in a pre-effective-date financing statement may be amended on or after July 1, 2013, only if:

(a) The pre-effective-date financing statement and an amendment are filed in the office specified in NRS 104.9501;

(b) An amendment is filed in the office specified in NRS 104.9501 concurrently with, or after the filing in that office of, an initial financing statement that satisfies subsection 3 of section 6 of this act; or

(c) An initial financing statement that provides the information as amended and satisfies subsection 3 of section 6 of this act is filed in the office specified in NRS 104.9501.

4. If the law of this State governs perfection of a security interest, the effectiveness of a pre-effective-date financing statement may be continued only under subsections 3 and 5 of section 5 of this act or section 6 of this act.

5. Whether or not the law of this State governs perfection of a security interest, the effectiveness of a pre-effective-date financing statement filed in this State may be terminated on or after July 1, 2013, by filing a termination statement in the office in which the pre-effective-date financing statement is filed, unless an initial financing statement that satisfies subsection 3 of section 6 of this act has been filed in the office specified by the law of the jurisdiction governing perfection as provided in this article as amended as the office in which to file a financing statement.

Sec. 8. *A person may file an initial financing statement or a continuation statement under this part if:*

1. The secured party of record authorizes the filing; and

2. The filing is necessary under this part:

(a) To continue the effectiveness of a financing statement filed before July 1, 2013; or

(b) To perfect or continue the perfection of a security interest.

Sec. 9. *This article as amended determines the priority of conflicting claims to collateral. However, if the relative priorities of the claims were*

established before July 1, 2013, this article before amendment determines priority.

Sec. 10. NRS 104.9102 is hereby amended to read as follows:

104.9102 1. In this Article:

(a) "Accession" means goods that are physically united with other goods in such a manner that the identity of the original goods is not lost.

(b) "Account," except as used in "account for," means a right to payment of a monetary obligation, whether or not earned by performance; for property that has been or is to be sold, leased, licensed, assigned, or otherwise disposed of; for services rendered or to be rendered; for a policy of insurance issued or to be issued; for a secondary obligation incurred or to be incurred; for energy provided or to be provided; for the use or hire of a vessel under a charter or other contract; arising out of the use of a credit or charge card or information contained on or for use with the card; or as winnings in a lottery or other game of chance operated or sponsored by a state, governmental unit of a state, or person licensed or authorized to operate the game by a state or governmental unit of a state. The term includes health-care-insurance receivables. The term does not include rights to payment evidenced by chattel paper or an instrument; commercial tort claims; deposit accounts; investment property; letter-of-credit rights or letters of credit; or rights to payment for money or funds advanced or sold, other than rights arising out of the use of a credit or charge card or information contained on or for use with the card.

(c) "Account debtor" means a person obligated on an account, chattel paper or general intangible. The term does not include persons obligated to pay a negotiable instrument, even if the instrument constitutes part of chattel paper.

(d) "Accounting," except as used in "accounting for," means a record:

(1) Authenticated by a secured party;

(2) Indicating the aggregate unpaid secured obligations as of a date not more than 35 days earlier or 35 days later than the date of the record; and

(3) Identifying the components of the obligations in reasonable detail.

(e) "Agricultural lien" means an interest, other than a security interest, in farm products:

(1) Which secures payment or performance of an obligation for:

(I) Goods or services furnished in connection with a debtor's farming operation; or

(II) Rent on real property leased by a debtor in connection with its farming operation;

(2) Which is created by statute in favor of a person that:

(I) In the ordinary course of its business furnished goods or services to a debtor in connection with his or her farming operation; or

(II) Leased real property to a debtor in connection with his or her farming operation; and

(3) Whose effectiveness does not depend on the person's possession of the personal property.

(f) "As-extracted collateral" means:

(1) Oil, gas or other minerals that are subject to a security interest that:

(I) Is created by a debtor having an interest in the minerals before extraction; and

(II) Attaches to the minerals as extracted; or

(2) Accounts arising out of the sale at the wellhead or minehead of oil, gas or other minerals in which the debtor had an interest before extraction.

(g) "Authenticate" means:

(1) To sign; or

(2) ~~[To execute or otherwise adopt a symbol, or encrypt or similarly process a record in whole or in part, with the present intent of the authenticating person to identify himself or herself and adopt or accept a record.]~~ ***With present intent to adopt or accept a record, to attach to or logically associate with the record an electronic sound, symbol or process.***

(h) "Bank" means an organization that is engaged in the business of banking. The term includes savings banks, savings and loan associations, credit unions and trust companies.

(i) "Cash proceeds" means proceeds that are money, checks, deposit accounts or the like.

(j) "Certificate of title" means a certificate of title with respect to which a statute provides for the security interest in question to be indicated on the certificate as a condition or result of the security interest's obtaining priority over the rights of a lien creditor with respect to the collateral. ***The term includes another record maintained as an alternative to a certificate of title by the governmental unit that issues certificates of title if a statute permits the security interest in question to be indicated on the record as a condition or result of the security interest's obtaining priority over the rights of a lien creditor with respect to the collateral.***

(k) "Chattel paper" means a record or records that evidence both a monetary obligation and a security interest in or a lease of specific goods or of specific goods and software used in the goods, or a security interest in or a lease of specific goods and a license of software used in the goods. The term does not include charters or other contracts involving the use or hire of a vessel, or records that evidence a right to payment arising out of the use of a credit or charge card or information contained on or for use with the card. If a transaction is evidenced by records that include an instrument or series of instruments, the group of records taken together constitutes chattel paper. As used in this paragraph, "monetary obligation" means a monetary obligation

secured by the goods or owed under a lease of the goods and includes a monetary obligation with respect to software used in the goods.

(l) "Collateral" means the property subject to a security interest or agricultural lien. The term includes:

(1) Proceeds to which a security interest attaches;

(2) Accounts, chattel paper, payment intangibles and promissory notes that have been sold; and

(3) Goods that are the subject of a consignment.

(m) "Commercial tort claim" means a claim arising in tort with respect to which:

(1) The claimant is an organization; or

(2) The claimant is a natural person and the claim:

(I) Arose in the course of the claimant's business or profession; and

(II) Does not include damages arising out of personal injury to or the death of a natural person.

(n) "Commodity account" means an account maintained by a commodity intermediary in which a commodity contract is carried for a commodity customer.

(o) "Commodity contract" means a commodity futures contract, an option on a commodity futures contract, a commodity option or another contract if the contract or option is:

(1) Traded on or subject to the rules of a board of trade that has been designated as a contract market for such a contract pursuant to federal commodities laws; or

(2) Traded on a foreign commodity board of trade, exchange or market, and is carried on the books of a commodity intermediary for a commodity customer.

(p) "Commodity customer" means a person for which a commodity intermediary carries a commodity contract on its books.

(q) "Commodity intermediary" means a person that:

(1) Is registered as a futures commission merchant under federal commodities law; or

(2) In the ordinary course of its business provides clearance or settlement services for a board of trade that has been designated as a contract market pursuant to federal commodities law.

(r) "Communicate" means:

(1) To send a written or other tangible record;

(2) To transmit a record by any means agreed upon by the persons sending and receiving the record; or

(3) In the case of transmission of a record to or by a filing office, to transmit a record by any means prescribed by filing-office rule.

(s) "Consignee" means a merchant to which goods are delivered in a consignment.

(t) "Consignment" means a transaction, regardless of its form, in which a person delivers goods to a merchant for the purpose of sale and:

(1) The merchant:

(I) Deals in goods of that kind under a name other than the name of the person making delivery;

(II) Is not an auctioneer; and

(III) Is not generally known by its creditors to be substantially engaged in selling the goods of others;

(2) With respect to each delivery, the aggregate value of the goods is $1,000 or more at the time of delivery;

(3) The goods are not consumer goods immediately before delivery; and

(4) The transaction does not create a security interest that secures an obligation.

(u) "Consignor" means a person that delivers goods to a consignee in a consignment.

(v) "Consumer debtor" means a debtor in a consumer transaction.

(w) "Consumer goods" means goods that are used or bought for use primarily for personal, family or household purposes.

(x) "Consumer-goods transaction" means a consumer transaction to the extent that:

(1) A natural person incurs an obligation primarily for personal, family or household purposes; and

(2) A security interest in consumer goods or in consumer goods and software that is held or acquired primarily for personal, family or household purposes secures the obligation.

(y) "Consumer obligor" means an obligor who is a natural person and who incurred the obligation as part of a transaction entered into primarily for personal, family or household purposes.

(z) "Consumer transaction" means a transaction to the extent that a natural person incurs an obligation primarily for personal, family or household purposes; a security interest secures the obligation; and the collateral is held or acquired primarily for personal, family or household purposes. The term includes consumer-goods transactions.

(aa) "Continuation statement" means a change of a financing statement which:

(1) Identifies, by its file number, the initial financing statement to which it relates; and

(2) Indicates that it is a continuation statement for, or that it is filed to continue the effectiveness of, the identified financing statement.

(bb) "Debtor" means:

(1) A person having an interest, other than a security interest or other lien, in the collateral, whether or not the person is an obligor;

(2) A seller of accounts, chattel paper, payment intangibles or promissory notes; or

(3) A consignee.

(cc) "Deposit account" means a demand, time, savings, passbook or similar account maintained with a bank. The term does not include investment property or accounts evidenced by an instrument.

(dd) "Document" means a document of title or a receipt of the type described in subsection 2 of NRS 104.7201.

(ee) "Electronic chattel paper" means chattel paper evidenced by a record or records consisting of information stored in an electronic medium.

(ff) "Encumbrance" means a right, other than an ownership interest, in real property. The term includes mortgages and other liens on real property.

(gg) "Equipment" means goods other than inventory, farm products or consumer goods.

(hh) "Farm products" means goods, other than standing timber, with respect to which the debtor is engaged in a farming operation and which are:

(1) Crops grown, growing or to be grown, including:

(I) Crops produced on trees, vines and bushes; and

(II) Aquatic goods produced in aquacultural operations;

(2) Livestock, born or unborn, including aquatic goods produced in aquacultural operations;

(3) Supplies used or produced in a farming operation; or

(4) Products of crops or livestock in their unmanufactured states.

(ii) "Farming operation" means raising, cultivating, propagating, fattening, grazing, or any other farming, livestock, or aquacultural operation.

(jj) "File number" means the number assigned to an initial financing statement pursuant to subsection 1 of NRS 104.9519.

(kk) "Filing office" means an office designated in NRS 104.9501 as the place to file a financing statement.

(ll) "Filing-office rule" means a rule adopted pursuant to NRS 104.9526.

(mm) "Financing statement" means a record or records composed of an initial financing statement and any filed record relating to the initial financing statement.

(nn) "Fixture filing" means the filing of a financing statement covering goods that are or are to become fixtures and satisfying subsections 1 and 2 of NRS 104.9502. The term includes the filing of a financing statement covering goods of a transmitting utility which are or are to become fixtures.

(oo) "Fixtures" means goods that have become so related to particular real property that an interest in them arises under real property law.

(pp) "General intangible" means any personal property, including things in action, other than accounts, chattel paper, commercial tort claims, deposit accounts, documents, goods, instruments, investment property, letter-of-credit rights, letters of credit, money, and oil, gas or other minerals before extraction. The term includes payment intangibles and software.

(qq) "Goods" means all things that are movable when a security interest attaches. The term includes fixtures; standing timber that is to be cut and removed under a conveyance or contract for sale; the unborn young of animals; crops grown, growing, or to be grown, even if the crops are produced on trees, vines, or bushes; and manufactured homes. The term also includes a computer program embedded in goods and any supporting information provided in connection with a transaction relating to the program if the program is associated with the goods in such a manner that it customarily is considered part of the goods, or by becoming the owner of the goods, a person acquires a right to use the program in connection with the goods. The term does not include a computer program embedded in goods that consist solely of the medium in which the program is embedded. The term also does not include accounts, chattel paper, commercial tort claims, deposit accounts, documents, general intangibles, instruments, investment property, letter-of-credit rights, letters of credit, money, or oil, gas or other minerals before extraction.

(rr) "Governmental unit" means a subdivision, agency, department, county, parish, municipality, or other unit of the government of the United States, a state, or a foreign country. The term includes an organization having a separate corporate existence if the organization is eligible to issue debt on which interest is exempt from income taxation under the laws of the United States.

(ss) "Health-care-insurance receivable" means an interest in or claim under a policy of insurance which is a right to payment of a monetary obligation for health-care goods or services provided.

(tt) "Instrument" means a negotiable instrument or any other writing that evidences a right to the payment of a monetary obligation, is not itself a security agreement or lease, and is of a type that in ordinary course of business is transferred by delivery with any necessary endorsement or assignment. The term does not include investment property, letters of credit or writings that evidence a right to payment arising out of the use of a credit or charge card or information contained on or for use with the card.

(uu) "Inventory" means goods, other than farm products, which:

(1) Are leased by a person as lessor;

(2) Are held by a person for sale or lease or to be furnished under a contract of service;

(3) Are furnished by a person under a contract of service; or

(4) Consist of raw materials, work in process, or materials used or consumed in a business.

(vv) "Investment property" means a security, whether certificated or uncertificated, security entitlement, securities account, commodity contract, or commodity account.

(ww) "Jurisdiction of organization," with respect to a registered organization, means the jurisdiction under whose law the organization is ***formed or*** organized.

(xx) "Letter-of-credit right" means a right to payment or performance under a letter of credit, whether or not the beneficiary has demanded or is at the time entitled to demand payment or performance. The term does not include the right of a beneficiary to demand payment or performance under a letter of credit.

(yy) "Lien creditor" means:

(1) A creditor that has acquired a lien on the property involved by attachment, levy or the like;

(2) An assignee for benefit of creditors from the time of assignment;

(3) A trustee in bankruptcy from the date of the filing of the petition; or

(4) A receiver in equity from the time of appointment.

(zz) "Manufactured home" means a structure, transportable in one or more sections, which in the traveling mode, is 8 feet or more in body width or 40 feet or more in body length, or, when erected on-site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning and electrical systems contained therein. The term includes any structure that meets all of the requirements of this paragraph except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the United States Secretary of Housing and Urban Development and complies with the standards established under Title 42 of the United States Code.

(aaa) "Manufactured-home transaction" means a secured transaction:

(1) That creates a purchase-money security interest in a manufactured home, other than a manufactured home held as inventory; or

(2) In which a manufactured home, other than a manufactured home held as inventory, is the primary collateral.

(bbb) "Mortgage" means a consensual interest in real property, including fixtures, which is created by a mortgage, deed of trust, or similar transaction.

(ccc) "New debtor" means a person that becomes bound as debtor under subsection 4 of NRS 104.9203 by a security agreement previously entered into by another person.

(ddd) "New value" means money; money's worth in property, services or new credit; or release by a transferee of an interest in property previously transferred to the transferee. The term does not include an obligation substituted for another obligation.

(eee) "Noncash proceeds" means proceeds other than cash proceeds.

(fff) "Obligor" means a person that, with respect to an obligation secured by a security interest in or an agricultural lien on the collateral, owes payment or other performance of the obligation, has provided property other than the collateral to secure payment or other performance of the obligation, or is otherwise accountable in whole or in part for payment or other performance of the obligation. The term does not include an issuer or a nominated person under a letter of credit.

(ggg) "Original debtor" means, except as used in subsection 3 of NRS 104.9310, a person that, as debtor, entered into a security agreement to which a new debtor has become bound under subsection 4 of NRS 104.9203.

(hhh) "Payment intangible" means a general intangible under which the account debtor's principal obligation is a monetary obligation.

(iii) "Person related to," with respect to a natural person, means:

(1) The person's spouse;

(2) The person's brother, brother-in-law, sister or sister-in-law;

(3) The person's or the person's spouse's ancestor or lineal descendant; or

(4) Any other relative, by blood or marriage, of the person or the person's spouse who shares the same home with him or her.

(jjj) "Person related to," with respect to an organization, means:

(1) A person directly or indirectly controlling, controlled by or under common control with the organization;

(2) An officer or director of, or a person performing similar functions with respect to, the organization;

(3) An officer or director of, or a person performing similar functions with respect to, a person described in subparagraph (1);

(4) The spouse of a natural person described in subparagraph (1), (2) or (3); or

(5) A person who is related by blood or marriage to a person described in subparagraph (1), (2), (3) or (4) and shares the same home with that person.

(kkk) "Proceeds" means, except as used in subsection 2 of NRS 104.9609, the following property:

(1) Whatever is acquired upon the sale, lease, license, exchange or other disposition of collateral;

(2) Whatever is collected on, or distributed on account of, collateral;

(3) Rights arising out of collateral;

(4) To the extent of the value of collateral, claims arising out of the loss, nonconformity, or interference with the use of, defects or infringement of rights in, or damage to, the collateral; and

(5) To the extent of the value of collateral and to the extent payable to the debtor or the secured party, insurance payable by reason of the loss or nonconformity of, defects or infringement of rights in, or damage to, the collateral.

(lll) "Promissory note" means an instrument that evidences a promise to pay a monetary obligation, does not evidence an order to pay, and does not contain an acknowledgment by a bank that the bank has received for deposit a sum of money or funds.

(mmm) "Proposal" means a record authenticated by a secured party which includes the terms on which the secured party is willing to accept collateral in full or partial satisfaction of the obligation it secures pursuant to NRS 104.9620, 104.9621 and 104.9622.

(nnn) "Public-finance transaction" means a secured transaction in connection with which:

(1) Debt securities are issued;

(2) All or a portion of the securities issued have an initial stated maturity of at least 20 years; and

(3) The debtor, the obligor, the secured party, the account debtor or other person obligated on collateral, the assignor or assignee of a secured obligation, or the assignor or assignee of a security interest is a state or a governmental unit of a state.

(ooo) ***"Public organic record" means a record that is available to the public for inspection and is:***

(1) A record consisting of the record initially filed with or issued by a state or the United States to form or organize an organization and any record filed with or issued by the state or the United States which amends or restates the initial record;

(2) An organic record of a business trust consisting of the record initially filed with a state and any record filed with the state which amends or restates the initial record, if a statute of the state governing business trusts requires that the record be filed with the state; or

(3) A record consisting of legislation enacted by the legislature of a state or the Congress of the United States which forms or organizes an organization, any record amending the legislation and any record filed with or issued by the state or the United States which amends or restates the name of the organization.

(ppp) **"**Pursuant to commitment," with respect to an advance made or other value given by a secured party, means pursuant to the secured party's obligation, whether or not a subsequent event of default or other event not

within the secured party's control has relieved or may relieve the secured party from its obligation.

~~[(ppp)]~~ ***(qqq)*** "Record," except as used in "for record," "of record," "record or legal title," and "record owner," means information that is inscribed on a tangible medium or which is stored in an electronic or other medium and is retrievable in perceivable form.

~~[(qqq)]~~ ***(rrr)*** "Registered organization" means an organization ***formed or*** organized solely under the law of a single state or the United States ~~[and as to which the state or the United States must maintain a public record showing the organization to have been organized.~~

~~(rrr)~~**]** ***by the filing of a public organic record with, the issuance of a public organic record by, or the enactment of legislation by the state or the United States. The term includes a business trust that is formed or organized under the law of a single state if a statute of the state governing business trusts requires that the business trust's organic record be filed with the state.***

(sss) "Secondary obligor" means an obligor to the extent that:

(1) The obligor's obligation is secondary; or

(2) The obligor has a right of recourse with respect to an obligation secured by collateral against the debtor, another obligor or property of either.

~~[(sss)]~~ ***(ttt)*** "Secured party" means:

(1) A person in whose favor a security interest is created or provided for under a security agreement, whether or not any obligation to be secured is outstanding;

(2) A person that holds an agricultural lien;

(3) A consignor;

(4) A person to which accounts, chattel paper, payment intangibles or promissory notes have been sold;

(5) A trustee, indenture trustee, agent, collateral agent or other representative in whose favor a security interest or agricultural lien is created or provided for; or

(6) A person that holds a security interest arising under NRS 104.2401, 104.2505, subsection 3 of NRS 104.2711, NRS 104.4210, 104.5118 or subsection 5 of NRS 104A.2508.

~~[(ttt)]~~ ***(uuu)*** "Security agreement" means an agreement that creates or provides for a security interest.

~~[(uuu)]~~ ***(vvv)*** "Send," in connection with a record or notification, means:

(1) To deposit in the mail, deliver for transmission or transmit by any other usual means of communication, with postage or cost of transmission provided for, addressed to any address reasonable under the circumstances; or

(2) To cause the record or notification to be received within the time that it would have been received if properly sent under subparagraph (1).

~~[(vvv)]~~ ***(www)*** "Software" means a computer program and any supporting information provided in connection with a transaction relating to the program. The term does not include a computer program that is contained in goods unless the goods are a computer or computer peripheral.

~~[(www)]~~ ***(xxx)*** "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States.

~~[(xxx)]~~ ***(yyy)*** "Supporting obligation" means a letter-of-credit right or secondary obligation that supports the payment or performance of an account, chattel paper, document, general intangible, instrument or investment property.

~~[(yyy)]~~ ***(zzz)*** "Tangible chattel paper" means chattel paper evidenced by a record or records consisting of information that is inscribed on a tangible medium.

~~[(zzz)]~~ ***(aaaa)*** "Termination statement" means a subsequent filing which:

(1) Identifies, by its file number, the initial financing statement to which it relates; and

(2) Indicates either that it is a termination statement or that the identified financing statement is no longer effective.

~~[(aaaa)]~~ ***(bbbb)*** "Transmitting utility" means a person primarily engaged in the business of:

(1) Operating a railroad, subway, street railway or trolley bus;

(2) Transmitting communications electrically, electromagnetically or by light;

(3) Transmitting goods by pipeline;

(4) Providing sewerage; or

(5) Transmitting or producing and transmitting electricity, steam, gas or water.

2. "Control" as provided in NRS 104.7106 and the following definitions in other Articles apply to this Article:

"Applicant." NRS 104.5102.

"Beneficiary." NRS 104.5102.

"Broker." NRS 104.8102.

"Certificated security." NRS 104.8102.

"Check." NRS 104.3104.

"Clearing corporation." NRS 104.8102.

"Contract for sale." NRS 104.2106.

"Customer." NRS 104.4104.

"Entitlement holder." NRS 104.8102.

"Financial asset." NRS 104.8102.

"Holder in due course." NRS 104.3302.
"Issuer" (with respect to a letter of credit or letter-of-credit right). NRS 104.5102.
"Issuer" (with respect to a security). NRS 104.8201.
"Issuer" (with respect to documents of title). NRS 104.7102.
"Lease." NRS 104A.2103.
"Lease agreement." NRS 104A.2103.
"Lease contract." NRS 104A.2103.
"Leasehold interest." NRS 104A.2103.
"Lessee." NRS 104A.2103.
"Lessee in ordinary course of business." NRS 104A.2103.
"Lessor." NRS 104A.2103.
"Lessor's residual interest." NRS 104A.2103.
"Letter of credit." NRS 104.5102.
"Merchant." NRS 104.2104.
"Negotiable instrument." NRS 104.3104.
"Nominated person." NRS 104.5102.
"Note." NRS 104.3104.
"Proceeds of a letter of credit." NRS 104.5114.
"Prove." NRS 104.3103.
"Sale." NRS 104.2106.
"Securities account." NRS 104.8501.
"Securities intermediary." NRS 104.8102.
"Security." NRS 104.8102.
"Security certificate." NRS 104.8102.
"Security entitlement." NRS 104.8102.
"Uncertificated security." NRS 104.8102.

3. Article 1 contains general definitions and principles of construction and interpretation applicable throughout this Article.

Sec. 11. NRS 104.9105 is hereby amended to read as follows:

104.9105 ***1.*** A secured party has control of electronic chattel paper if ***a system employed for evidencing the transfer of interests in the chattel paper reliably establishes the secured party as the person to which the chattel paper was assigned.***

2. A system satisfies subsection 1 if the record or records comprising the chattel paper are created, stored and assigned in such a manner that:

~~[1.]~~ ***(a)*** A single authoritative copy of the record or records exists which is unique, identifiable and, except as otherwise provided in ~~[subsections 4, 5 and 6,]~~ ***paragraphs (d), (e) and (f),*** unalterable;

~~[2.]~~ ***(b)*** The authoritative copy identifies the secured party as the assignee of the record or records;

~~[3.]~~ ***(c)*** The authoritative copy is communicated to and maintained by the secured party or its designated custodian;

~~[4.]~~ ***(d)*** Copies or ~~[revisions]~~ ***amendments*** that add or change an identified assignee of the authoritative copy can be made only with the ~~[participation]~~ ***consent*** of the secured party;

~~[5.]~~ ***(e)*** Each copy of the authoritative copy and any copy of a copy is readily identifiable as a copy that is not the authoritative copy; and

~~[6.]~~ ***(f)*** Any ~~[revision]~~ ***amendment*** of the authoritative copy is readily identifiable as ~~[an]~~ authorized or unauthorized ***.*** ~~[revision.]~~

Sec. 12. NRS 104.9307 is hereby amended to read as follows:

104.9307 1. In this section, "place of business" means a place where a debtor conducts its affairs.

2. Except as otherwise provided in this section, the following rules determine a debtor's location:

(a) A natural person is located at his or her residence.

(b) Any other debtor having only one place of business is located at its place of business.

(c) Any other debtor having more than one place of business is located at its chief executive office.

3. Subsection 2 applies only if a debtor's residence, place of business or chief executive office, as applicable, is located in a jurisdiction whose law requires information concerning the existence of a nonpossessory security interest to be made generally available in a filing, recording or registration system as a condition or result of the security interest's obtaining priority over the rights of a lien creditor with respect to the collateral. If subsection 2 does not apply, the debtor is deemed to be located in the District of Columbia.

4. A person that ceases to exist, have a residence or have a place of business continues to be located in the jurisdiction specified by subsections 2 and 3.

5. A registered organization that is organized under the law of a state is located in that state.

6. Except as otherwise provided in subsection 9, a registered organization that is organized under the law of the United States and a branch or agency of a bank that is not organized under the law of the United States or a state are located or deemed to be located:

(a) In the state that the law of the United States designates, if the law designates a state of location;

(b) In the state that the registered organization, branch or agency designates, if the law of the United States authorizes the registered organization, branch or agency to designate its state of location ~~[;]~~ ***,***

including by designating its main office, home office or other comparable office; or

(c) In the District of Columbia, if neither paragraph (a) nor paragraph (b) applies.

7. A registered organization continues to be located in the jurisdiction specified by subsection 5 or 6 notwithstanding:

(a) The suspension, revocation, forfeiture or lapse of the registered organization's status as such in its jurisdiction of organization; or

(b) The dissolution, winding up or cancellation of the existence of the registered organization.

8. The United States is deemed to be located in the District of Columbia.

9. A branch or agency of a bank that is not organized under the law of the United States or a state is located in the state in which the branch or agency is licensed, if all branches and agencies of the bank are licensed in only one state.

10. A foreign air carrier under the Federal Aviation Act of 1958, as amended, is located at the designated office of the agent upon which service of process may be made on behalf of the carrier.

11. This section applies only for purposes of this part.

Sec. 13. NRS 104.9311 is hereby amended to read as follows:

104.9311 1. Except as otherwise provided in subsection 4, the filing of a financing statement is not necessary or effective to perfect a security interest in property subject to:

(a) A statute, regulation or treaty of the United States whose requirements for a security interest's obtaining priority over the rights of a lien creditor with respect to the property preempt subsection 1 of NRS 104.9310;

(b) Chapter 105 of NRS, NRS 482.423 to 482.431, inclusive, 488.1793 to 488.1827, inclusive, and 489.501 to 489.581, inclusive; or

(c) A ~~[certificate of title]~~ statute of another jurisdiction which provides for a security interest to be indicated on ~~[the]~~ ***a*** certificate ***of title*** as a condition or result of the security interest's obtaining priority over the rights of a lien creditor with respect to the property.

2. Compliance with the requirements of a statute, regulation or treaty described in subsection 1 for obtaining priority over the rights of a lien creditor is equivalent to the filing of a financing statement under this article. Except as otherwise provided in subsection 4, NRS 104.9313 and subsections 4 and 5 of NRS 104.9316 for goods covered by a certificate of title, a security interest in property subject to a statute, regulation or treaty described in subsection 1 may be perfected only by compliance with those requirements, and a security interest so perfected remains perfected notwithstanding a change in the use or transfer of possession of the collateral.

3. Except as otherwise provided in subsection 4 and subsections 4 and 5 of NRS 104.9316, duration and renewal of perfection of a security interest perfected by compliance with the requirements prescribed by a statute, regulation or treaty described in subsection 1 are governed by the statute, regulation or treaty. In other respects, the security interest is subject to this article.

4. During any period in which collateral subject to a statute specified in paragraph (b) of subsection 1 is inventory held for sale or lease by a person or leased by that person as lessor and that person is in the business of selling goods of that kind, this section does not apply to a security interest in that collateral created by that person.

Sec. 14. NRS 104.9316 is hereby amended to read as follows:

104.9316 1. A security interest perfected pursuant to the law of the jurisdiction designated in subsection 1 of NRS 104.9301 or subsection 3 of NRS 104.9305 remains perfected until the earliest of:

(a) The time perfection would have ceased under the law of that jurisdiction;

(b) The expiration of 4 months after a change of the debtor's location to another jurisdiction; or

(c) The expiration of 1 year after a transfer of collateral to a person that thereby becomes a debtor and is located in another jurisdiction.

2. If a security interest described in subsection 1 becomes perfected under the law of the other jurisdiction before the earliest time or event described in that subsection, it remains perfected thereafter. If the security interest does not become perfected under the law of the other jurisdiction before the earliest time or event, it becomes unperfected and is deemed never to have been perfected as against a purchaser of the collateral for value.

3. A possessory security interest in collateral, other than goods covered by a certificate of title and as-extracted collateral consisting of goods, remains continuously perfected if:

(a) The collateral is located in one jurisdiction and subject to a security interest perfected under the law of that jurisdiction;

(b) Thereafter the collateral is brought into another jurisdiction; and

(c) Upon entry into the other jurisdiction, the security interest is perfected under the law of the other jurisdiction.

4. Except as otherwise provided in subsection 5, a security interest in goods covered by a certificate of title which is perfected by any method under the law of another jurisdiction when the goods become covered by a certificate of title from this State remains perfected until the security interest would have become unperfected under the law of the other jurisdiction had the goods not become so covered.

5. A security interest described in subsection 4 becomes unperfected as against a purchaser of the goods for value and is deemed never to have been perfected as against a purchaser of the goods for value if the applicable requirements for perfection under subsection 2 of NRS 104.9311 or under NRS 104.9313 are not satisfied before the earlier of:

(a) The time the security interest would have become unperfected under the law of the other jurisdiction had the goods not become covered by a certificate of title from this State; or

(b) The expiration of 4 months after the goods had become so covered.

6. A security interest in deposit accounts, letter-of-credit rights or investment property which is perfected under the law of the bank's jurisdiction, the issuer's jurisdiction, a nominated person's jurisdiction, the securities intermediary's jurisdiction or the commodity intermediary's jurisdiction, as applicable, remains perfected until the earlier of:

(a) The time the security interest would have become unperfected under the law of that jurisdiction; or

(b) The expiration of 4 months after a change of the applicable jurisdiction to another jurisdiction.

7. If a security interest described in subsection 6 becomes perfected under the law of the other jurisdiction before the earlier of the time or the end of the period described in that subsection, it remains perfected thereafter. If the security interest does not become perfected under the law of the other jurisdiction before the earlier of that time or the end of that period, it becomes unperfected and is deemed never to have been perfected as against a purchaser of the collateral for value.

8. The following rules apply to collateral to which a security interest attaches within 4 months after the debtor changes its location to another jurisdiction:

(a) A financing statement filed before the change pursuant to the law of the jurisdiction designated in subsection 1 of NRS 104.9301 or subsection 3 of NRS 104.9305 is effective to perfect a security interest in the collateral if the financing statement would have been effective to perfect a security interest in the collateral if the debtor had not changed its location.

(b) If a security interest perfected by a financing statement that is effective under paragraph (a) becomes perfected under the law of the other jurisdiction before the earlier of the time the financing statement would have become ineffective under the law of the jurisdiction designated in subsection 1 of NRS 104.9301 or subsection 3 of NRS 104.9305 or the expiration of the 4-month period, it remains perfected thereafter. If the security interest does not become perfected under the law of the other jurisdiction before the earlier time or event, it becomes unperfected and is

deemed never to have been perfected as against a purchaser of the collateral for value.

9. If a financing statement naming an original debtor is filed pursuant to the law of the jurisdiction designated in subsection 1 of NRS 104.9301 or subsection 3 of NRS 104.9305 and the new debtor is located in another jurisdiction, the following rules apply:

(a) The financing statement is effective to perfect a security interest in collateral acquired by the new debtor before, and within 4 months after, the new debtor becomes bound under subsection 4 of NRS 104.9203, if the financing statement would have been effective to perfect a security interest in the collateral had the collateral been acquired by the original debtor.

(b) A security interest perfected by the financing statement which becomes perfected under the law of the other jurisdiction before the earlier of the time the financing statement would have become ineffective under the law of the jurisdiction designated in subsection 1 of NRS 104.9301 or subsection 3 of NRS 104.9305 or the expiration of the 4-month period remains perfected thereafter. A security interest that is perfected by the financing statement but which does not become perfected under the law of the other jurisdiction before the earlier time or event becomes unperfected and is deemed never to have been perfected as against a purchaser of the collateral for value.

Sec. 15. NRS 104.9317 is hereby amended to read as follows:

104.9317 1. A security interest or agricultural lien is subordinate to the rights of:

(a) A person entitled to priority under NRS 104.9322; and

(b) A person that becomes a lien creditor before the earlier of the time:

(1) The security interest or agricultural lien is perfected; or

(2) One of the conditions specified in paragraph (c) of subsection 2 of NRS 104.9203 is met and a financing statement covering the collateral is filed.

2. Except as otherwise provided in subsection 5, a buyer, other than a secured party, of tangible chattel paper, tangible documents, goods, instruments, or a ~~[security certificate]~~ ***certificated security*** takes free of a security interest or agricultural lien if the buyer gives value and receives delivery of the collateral without knowledge of the security interest or agricultural lien and before it is perfected.

3. Except as otherwise provided in subsection 5, a lessee of goods takes free of a security interest or agricultural lien if the lessee gives value and receives delivery of the collateral without knowledge of the security interest or agricultural lien and before it is perfected.

4. A licensee of a general intangible or a buyer, other than a secured party, of ~~[accounts, electronic chattel paper, electronic documents, general~~

~~intangibles or investment property~~] ***collateral*** other than ***tangible chattel paper, tangible documents, goods, instruments or*** a certificated security takes free of a security interest if the licensee gives value without knowledge of the security interest and before it is perfected.

5. Except as otherwise provided in NRS 104.9320 and 104.9321, if a person files a financing statement with respect to a purchase-money security interest before or within 20 days after the debtor receives delivery of the collateral, the security interest takes priority over the rights of a buyer, lessee or lien creditor which arise between the time the security interest attaches and the time of filing.

Sec. 16. NRS 104.9326 is hereby amended to read as follows:

104.9326 1. Subject to subsection 2, a security interest ***that is*** created by a new debtor [~~which is~~] ***in collateral in which the new debtor has or acquires rights and is*** perfected ***solely*** by a filed financing statement that [~~is effective solely under NRS 104.9508 in collateral in which a new debtor has or acquires rights~~] ***would be ineffective to perfect the security interest but for the application of paragraph (a) of subsection 9 of NRS 104.9316 or NRS 104.9508*** is subordinate to a security interest in the same collateral which is perfected other than by ***such*** a filed financing statement **.** [~~that is effective solely under that section.~~]

2. The other provisions of this part determine the priority among conflicting security interests in the same collateral perfected by filed financing statements [~~that are effective solely under NRS 104.9508.~~] ***described in subsection 1.*** However, if the security agreements to which a new debtor became bound as debtor were not entered into by the same original debtor, the conflicting security interests rank according to priority in time of the new debtor's having become bound.

Sec. 17. NRS 104.9406 is hereby amended to read as follows:

104.9406 1. Subject to subsections 2 to 8, inclusive, an account debtor on an account, chattel paper or a payment intangible may discharge its obligation by paying the assignor until, but not after, the account debtor receives a notification, authenticated by the assignor or the assignee, that the amount due or to become due has been assigned and that payment is to be made to the assignee. After receipt of the notification, the account debtor may discharge its obligation by paying the assignee and may not discharge the obligation by paying the assignor.

2. Subject to subsection 8, notification is ineffective under subsection 1:

(a) If it does not reasonably identify the rights assigned;

(b) To the extent that an agreement between an account debtor and a seller of a payment intangible limits the account debtor's duty to pay a person other than the seller and the limitation is effective under law other than this article; or

(c) At the option of an account debtor, if the notification notifies the account debtor to make less than the full amount of any installment or other periodic payment to the assignee, even if:

(1) Only a portion of the account, chattel paper or payment intangible has been assigned to that assignee;

(2) A portion has been assigned to another assignee; or

(3) The account debtor knows that the assignment to that assignee is limited.

3. Subject to subsection 8, if requested by the account debtor, an assignee shall seasonably furnish reasonable proof that the assignment has been made. Unless the assignee complies, the account debtor may discharge its obligation by paying the assignor, even if the account debtor has received a notification under subsection 1.

4. Except as otherwise provided in subsection 5 and NRS 104.9407 and 104A.2303, and subject to subsection 8, a term in an agreement between an account debtor and an assignor or in a promissory note is ineffective to the extent that it:

(a) Prohibits, restricts or requires the consent of the account debtor or person obligated on the promissory note to the assignment or transfer of, or the creation, attachment, perfection or enforcement of a security interest in, the account, chattel paper, payment intangible or promissory note; or

(b) Provides that the assignment or transfer, or the creation, attachment, perfection or enforcement of the security interest may give rise to a default, breach, right of recoupment, claim, defense, termination, right of termination, or remedy under the account, chattel paper, payment intangible or promissory note.

5. Subsection 4 does not apply to the sale of a payment intangible or promissory note ~~[.]~~ ***, other than a sale pursuant to a disposition under NRS 104.9610 or an acceptance of collateral under NRS 104.9620.***

6. Subject to subsections 7 and 8, a rule of law, statute, or regulation, that prohibits, restricts, or requires the consent of a government, governmental body or official, or account debtor to the assignment or transfer of, or creation of a security interest in, an account or chattel paper is ineffective to the extent that the rule of law, statute or regulation:

(a) Prohibits, restricts, or requires the consent of the government, governmental body or official, or account debtor to the assignment or transfer of, or the creation, attachment, perfection, or enforcement of a security interest in, the account or chattel paper; or

(b) Provides that the assignment or transfer, or the creation, attachment, perfection, or enforcement of the security interest may give rise to a default, breach, right of recoupment, claim, defense, termination, right of termination, or remedy under the account or chattel paper.

7. Subject to subsection 8, an account debtor may not waive or vary its option under paragraph (c) of subsection 2.

8. This section is subject to law other than this article which establishes a different rule for an account debtor who is ~~[an individual]~~ ***a natural person*** and who incurred the obligation primarily for personal, family or household purposes.

9. This section does not apply to an assignment of a health-care-insurance receivable or to a transfer of a right to receive payments pursuant to NRS 42.030.

Sec. 18. NRS 104.9408 is hereby amended to read as follows:

104.9408 1. Except as otherwise provided in subsection 2, a term in a promissory note or in an agreement between an account debtor and a debtor which relates to a health-care-insurance receivable or a general intangible, including a contract, permit, license or franchise, and prohibits, restricts or requires the consent of the person obligated on the promissory note or the account debtor to, the assignment or transfer of, or creation, attachment, or perfection of a security interest in, the promissory note, health-care-insurance receivable or general intangible, is ineffective to the extent that the term:

(a) Would impair the creation, attachment or perfection of a security interest; or

(b) Provides that the assignment or transfer, or the creation, attachment or perfection of the security interest may give rise to a default, breach, right of recoupment, claim, defense, termination, right of termination or remedy under the promissory note, health-care-insurance receivable or general intangible.

2. Subsection 1 applies to a security interest in a payment intangible or promissory note only if the security interest arises out of a sale of the payment intangible or promissory note ~~[.]~~ ***, other than a sale pursuant to a disposition under NRS 104.9610 or an acceptance of collateral under NRS 104.9620.***

3. A rule of law, statute, or regulation that prohibits, restricts, or requires the consent of a government, governmental body or official, person obligated on a promissory note, or account debtor to the assignment or transfer of, or creation of a security interest in, a promissory note, health-care-insurance receivable or general intangible, including a contract, permit, license or franchise between an account debtor and a debtor, is ineffective to the extent that the rule of law, statute or regulation:

(a) Would impair the creation, attachment or perfection of a security interest; or

(b) Provides that the assignment or transfer, or the creation, attachment or perfection of the security interest may give rise to a default, breach, right of recoupment, claim, defense, termination, right of termination or remedy

under the promissory note, health-care-insurance receivable or general intangible.

4. To the extent that a term in a promissory note or in an agreement between an account debtor and a debtor which relates to a health-care-insurance receivable or general intangible or a rule of law, statute, or regulation described in subsection 3 would be effective under law other than this article but is ineffective under subsection 1 or 3, the creation, attachment or perfection of a security interest in the promissory note, health-care-insurance receivable or general intangible:

(a) Is not enforceable against the person obligated on the promissory note or the account debtor;

(b) Does not impose a duty or obligation on the person obligated on the promissory note or the account debtor;

(c) Does not require the person obligated on the promissory note or the account debtor to recognize the security interest, pay or render performance to the secured party or accept payment or performance from the secured party;

(d) Does not entitle the secured party to use or assign the debtor's rights under the promissory note, health-care-insurance receivable or general intangible, including any related information or materials furnished to the debtor in the transaction giving rise to the promissory note, health-care-insurance receivable or general intangible;

(e) Does not entitle the secured party to use, assign, possess or have access to any trade secrets or confidential information of the person obligated on the promissory note or the account debtor; and

(f) Does not entitle the secured party to enforce the security interest in the promissory note, health-care-insurance receivable or general intangible.

Sec. 18.5. **NRS 104.9502 is hereby amended to read as follows:**

104.9502 1. Subject to subsection 2, a financing statement is sufficient only if it:

(a) Provides the name of the debtor;

(b) Provides the name of the secured party or a representative of the secured party; and

(c) Indicates the collateral covered by the financing statement.

2. Except as otherwise provided in subsection 2 of NRS 104.9501, to be sufficient, a financing statement that covers as-extracted collateral or timber to be cut, or which is filed as a fixture filing and covers goods that are or are to become fixtures, must satisfy subsection 1 and also:

(a) Indicate that it covers this type of collateral;

(b) Indicate that it is to be filed for record in the real property records;

(c) Provide a description of the real property to which the collateral is related sufficient to give constructive notice of the mortgage under the law of

this State if the description were contained in a mortgage of the real property; and

(d) If the debtor does not have an interest of record in the real property, provide the name of a record owner.

3. A record of a mortgage is effective, from the date of recording, as a financing statement filed as a fixture filing or as a financing statement covering as-extracted collateral or timber to be cut only if:

(a) The record indicates the goods or accounts that it covers;

(b) The goods are or are to become fixtures related to the real property described in the mortgage or the collateral is related to the real property described in the mortgage and is as-extracted collateral or timber to be cut;

(c) The record satisfies the requirements for a financing statement in this section ~~[other than an indication]~~ ***but:***

(1) The record need not indicate that it is to be filed in the real property records; and

(2) The record sufficiently provides the name of a debtor who is a natural person if it provides the individual name of the debtor or the surname and first personal name of the debtor, even if the debtor is a natural person to whom paragraph (d) of subsection 1 of NRS 104.9503 applies; and

(d) The mortgage is recorded.

4. A financing statement may be filed before a security agreement is made or a security interest otherwise attaches.

Sec. 19. NRS 104.9503 is hereby amended to read as follows:

104.9503 1. A financing statement sufficiently provides the name of the debtor:

(a) ~~[If]~~ ***Except as otherwise provided in paragraph (c), if*** the debtor is a registered organization ~~[,]~~ ***or the collateral is held in a trust that is a registered organization,*** only if the financing statement provides the name ~~[of the debtor indicated]~~ ***that is stated to be the registered organization's name*** on the public ***organic*** record ~~[of]~~ ***most recently filed with or issued or enacted by*** the ~~[debtor's]~~ ***registered organization's*** jurisdiction of organization which ~~[shows the debtor to have been organized;]~~ ***purports to state, amend or restate the registered organization's name;***

(b) ~~[If the debtor is a decedent's estate,]~~ ***Subject to subsection 6, if the collateral is being administered by the personal representative of a decedent,*** only if the financing statement provides ***, as the name of the debtor,*** the name of the decedent and ***, in a separate part of the financing statement,*** indicates that the ~~[debtor is an estate;]~~ ***collateral is being administered by a personal representative;***

(c) If the ~~[debtor is a trust or a trustee acting with respect to property held in trust, only if the financing statement:~~

~~(1) Provides the name specified for the trust in its organic documents or, if no name is specified, provides the name of the settlor and additional information sufficient to distinguish the debtor from other trusts having one or more of the same settlors; and~~

~~(2) Indicates, in the debtor's name or otherwise, that the debtor is a trust or is a trustee acting with respect to property held in trust; and~~] ***collateral is held in a trust that is not a registered organization, only if the financing statement:***

(1) Provides, as the name of the debtor:

(I) If the organic record of the trust specifies a name for the trust, the name so specified; or

(II) If the organic record of the trust does not specify a name for the trust, the name of the settlor or testator; and

(2) In a separate part of the financing statement:

(I) If the name is provided in accordance with sub-subparagraph (I) of subparagraph (1), indicates that the collateral is held in a trust; or

(II) If the name is provided in accordance with sub-subparagraph (II) of subparagraph (1), provides additional information sufficient to distinguish the trust from other trusts having one or more of the same settlors or the same testator and indicates that the collateral is held in a trust, unless the additional information so indicates;

(d) ~~*[If]*~~ ***Subject to subsection 7, if the debtor is a natural person*** ~~*[,]*~~ ***to whom this State or any other state has issued a driver's license or identification card that has not expired or to whom the Federal Government has issued an identification card that has not expired, only if the financing statement*** ~~*[:*~~

~~*(1) Provides the individual name of the debtor;*~~

~~*(2) Provides the surname and first personal name of the debtor; or*~~

~~*(3) Subject to subsection 7,]*~~ ***provides the name of the natural person which is indicated on*** ~~*[a]*~~ ***the driver's license or identification card*** ~~*[that this State has issued to the person and which has not expired; and]*~~ ***;***

(e) If the debtor is a natural person to whom paragraph (d) does not apply, only if the financing statement provides the individual name of the debtor or the surname and first personal name of the debtor; and

(f) In other cases:

(1) If the debtor has a name, only if ~~[it]~~ ***the financing statement*** provides the ***organizational*** name of the debtor ***;*** ~~[as a natural person or an organization;]~~ and

(2) If the debtor does not have a name, only if ~~[it]~~ ***the financing statement*** provides the names of the partners, members, associates or other persons comprising the debtor ~~[.]~~ ***, in a manner that each name provided would be sufficient if the person named were the debtor.***

2. A financing statement that provides the name of the debtor in accordance with subsection 1 is not rendered ineffective by the absence of:

(a) A trade name or other name of the debtor; or

(b) Unless required under subparagraph (2) of paragraph ~~[(d)]~~ ~~*[(c)]*~~ ***(f)*** of subsection 1, names of partners, members, associates or other persons comprising the debtor.

3. A financing statement that provides only the debtor's trade name does not sufficiently provide the name of the debtor.

4. Failure to indicate the representative capacity of a secured party or representative of a secured party does not affect the sufficiency of a financing statement.

5. A financing statement may provide the name of more than one debtor and the name of more than one secured party.

6. The name of the decedent indicated on the order appointing the personal representative of the decedent issued by the court having jurisdiction over the collateral is sufficient as the "name of the decedent" under paragraph (b) of subsection 1.

7. If this State , any other state or the Federal Government has issued to a person more than one driver's license or identification card of a kind described in ~~*[subparagraph (3) of]*~~ ***paragraph (d) of subsection 1, or*** ~~*[has issued to a]*~~ ***if a person has been issued both a driver's license and an identification card*** ~~*[,]*~~ ***of the kind described in paragraph (d) of subsection 1, the one that was issued most recently is the one to which*** ~~*[subparagraph (3) of]*~~ ***paragraph (d) of subsection 1 refers.***

8. In this section, the "name of the settlor or testator" means:

(a) If the settlor is a registered organization, the name that is stated to be the settlor's name on the public organic record most recently filed with or issued or enacted by the registered settlor's jurisdiction of organization which purports to state, amend or restate the settlor's name; or

(b) In other cases, the name of the settlor or testator indicated in the trust's organic record.

Sec. 20. NRS 104.9507 is hereby amended to read as follows:

104.9507 1. A filed financing statement remains effective with respect to collateral that is sold, exchanged, leased, licensed or otherwise disposed of and in which a security interest or agricultural lien continues, even if the secured party knows of or consents to the disposition.

2. Except as otherwise provided in subsection 3 and NRS 104.9508, a financing statement is not rendered ineffective if, after the financing statement is filed, the information provided in the financing statement becomes seriously misleading under NRS 104.9506.

3. If ~~[a debtor so changes its]~~ ***the*** name that a filed financing statement ***provides for a debtor*** becomes ***insufficient as the name of the debtor under***

subsection 1 of NRS 104.9503 so that the financing statement becomes seriously misleading under NRS 104.9506:

(a) The financing statement is effective to perfect a security interest in collateral acquired by the debtor before, or within 4 months after, the ~~[~~change;~~]~~ ***filed financing statement becomes seriously misleading;*** and

(b) The financing statement is not effective to perfect a security interest in collateral acquired by the debtor more than 4 months after the ~~[~~change,~~]~~ ***filed financing statement becomes seriously misleading,*** unless an amendment to the financing statement which renders the financing statement not seriously misleading is filed within 4 months after ~~[~~the change.~~]~~ ***the financing statement became seriously misleading.***

Sec. 21. NRS 104.9515 is hereby amended to read as follows:

104.9515 1. Except as otherwise provided in subsections 2, 5, 6 and 7, a filed financing statement is effective for a period of 5 years after the date of filing.

2. Except as otherwise provided in subsections 5, 6 and 7, an initial financing statement filed in connection with a public-finance transaction or manufactured-home transaction is effective for a period of 30 years after the date of filing if it indicates that it is filed in connection with a public-finance transaction or manufactured-home transaction.

3. The effectiveness of a filed financing statement lapses on the expiration of the period of its effectiveness unless before the lapse a continuation statement is filed pursuant to subsection 4. Upon lapse, a financing statement ceases to be effective and any security interest or agricultural lien that was perfected by the financing statement becomes unperfected, unless the security interest is perfected otherwise. If the security interest or agricultural lien becomes unperfected upon lapse, it is deemed never to have been perfected as against a purchaser of the collateral for value.

4. A continuation statement may be filed only within 6 months before the expiration of the 5-year period specified in subsection 1 or the 30-year period specified in subsection 2, whichever is applicable.

5. Except as otherwise provided in NRS 104.9510, upon timely filing of a continuation statement, the effectiveness of the initial financing statement continues for a period of 5 years commencing on the day on which the financing statement would have become ineffective in the absence of the filing. Upon the expiration of the 5-year period, the financing statement lapses in the same manner as provided in subsection 3, unless, before the lapse, another continuation statement is filed pursuant to subsection 4. Succeeding continuation statements may be filed in the same manner to continue the effectiveness of the initial financing statement.

6. If a debtor is a transmitting utility and a filed ***initial*** financing statement so indicates, the financing statement is effective until a termination statement is filed.

7. A real property mortgage that is effective as a fixture filing under subsection 3 of NRS 104.9502 remains effective as a fixture filing until the mortgage is released or satisfied of record or its effectiveness otherwise terminates as to the real property.

Sec. 22. NRS 104.9516 is hereby amended to read as follows:

104.9516 1. Except as otherwise provided in subsection 2, communication of a record to a filing office and tender of the filing fee or acceptance of the record by the filing office constitutes filing.

2. Filing does not occur with respect to a record that a filing office refuses to accept because:

(a) The record is not communicated by a method or medium of communication authorized by the filing office;

(b) An amount equal to or greater than the applicable filing fee is not tendered;

(c) The filing office is unable to index the record because:

(1) In the case of an initial financing statement, the record does not provide a name for the debtor;

(2) In the case of an amendment or ~~[~~correction~~]~~ *~~[information]~~* statement ~~[,]~~ ***of claim,*** the record:

(I) Does not identify the initial financing statement as required by NRS 104.9512 or 104.9518, as applicable; or

(II) Identifies an initial financing statement whose effectiveness has lapsed under NRS 104.9515;

(3) In the case of an initial financing statement that provides the name of a debtor identified as a natural person or an amendment that provides a name of a debtor identified as a natural person which was not previously provided in the financing statement to which the record relates, the record does not identify the debtor's ~~[~~last name;~~]~~ ***surname;*** or

(4) In the case of a record filed or recorded in the filing office described in paragraph (a) of subsection 1 of NRS 104.9501, the record does not provide a sufficient description of the real property to which it relates;

(d) In the case of an initial financing statement or an amendment that adds a secured party of record, the record does not provide a name and mailing address for the secured party of record;

(e) In the case of an initial financing statement or an amendment that provides a name of a debtor which was not previously provided in the financing statement to which the amendment relates, the record does not:

(1) Provide a mailing address for the debtor; ***or***

(2) Indicate whether the ***name provided as the name of the*** debtor is ***the name of*** a natural person or an organization; ~~[or~~

~~(3) If the financing statement indicates that the debtor is an organization, provide:~~

~~(I) A type of organization for the debtor;~~

~~(II) A jurisdiction of organization for the debtor; or~~

~~(III) An organizational identification number for the debtor or indicate that the debtor has none;]~~

(f) In the case of an assignment reflected in an initial financing statement under subsection 1 of NRS 104.9514 or an amendment filed under subsection 2 of that section, the record does not provide a name and mailing address for the assignee; ~~[or]~~

(g) In the case of a continuation statement, the record is not filed within the 6-month period prescribed by subsection 4 of NRS 104.9515 ~~[.]~~ ***; or***

(h) The record lists a public official of a governmental unit as a debtor and the public official has not authorized the filing of the information in an authenticated record as required pursuant to NRS 104.9509.

3. For purposes of subsection 2:

(a) A record does not provide information if the filing office is unable to read or decipher the information; and

(b) A record that does not indicate that it is an amendment or identify an initial financing statement to which it relates, as required by NRS 104.9512, 104.9514 or 104.9518, is an initial financing statement.

4. A record that is communicated to the filing office with tender of the filing fee, but which the filing office refuses to accept for a reason other than one set forth in subsection 2, is effective as a filed record except as against a purchaser of the collateral which gives value in reasonable reliance upon the absence of the record from the files.

Sec. 23. NRS 104.9518 is hereby amended to read as follows:

104.9518 1. A person may file in the filing office a ~~[correction]~~ ~~*[an information]*~~ statement ***of claim*** with respect to a record indexed there under his or her name if the person believes that the record is inaccurate or was wrongfully filed.

2. A ~~[correction]~~ ~~*[An information]*~~ statement ***of claim under subsection 1*** must:

(a) Identify the record to which it relates by:

(1) The file number assigned to the initial financing statement to which the record relates; and

(2) If the ~~[correction]~~ ~~*[information]*~~ statement ***of claim*** relates to a record filed or recorded in a filing office described in paragraph (a) of subsection 1 of NRS 104.9501, the date that the initial financing statement

was filed or recorded and the information specified in subsection 2 of NRS 104.9502;

(b) Indicate that it is a ~~[correction]~~ ~~*[an information]*~~ statement ~~[;]~~ ***of claim;*** and

(c) Provide the basis for the person's belief that the record is inaccurate and indicate the manner in which the person believes the record should be amended to cure any inaccuracy or provide the basis for his or her belief that the record was wrongfully filed.

3. ***A person may file in the filing office*** ~~*[an information]*~~ ***a statement of claim with respect to a record filed there if the person is a secured party of record with respect to the financing statement to which the record relates and believes that the person that filed the record was not entitled to do so under subsection 3 of NRS 104.9509.***

4. ~~*[An information]*~~ ***A statement of claim under subsection 3 must:***

(a) Identify the record to which it relates by:

(1) The file number assigned to the initial financing statement to which the record relates; and

(2) If the ~~*[information]*~~ ***statement of claim relates to a record filed or recorded in a filing office described in paragraph (a) of subsection 1 of NRS 104.9501, the date that the initial financing statement was filed or recorded and the information specified in subsection 2 of NRS 104.9502;***

(b) Indicate that it is ~~*[an information]*~~ ***a statement*** ~~*[;]*~~ ***of claim; and***

(c) Provide the basis for the person's belief that the person that filed the record was not entitled to do so under subsection 3 of NRS 104.9509.

5. The filing of a ~~[correction]~~ ~~*[an information]*~~ statement ***of claim*** does not affect the effectiveness of an initial financing statement or other filed record.

Sec. 24. NRS 104.9607 is hereby amended to read as follows:

104.9607 1. If so agreed, and in any event after default, a secured party:

(a) May notify an account debtor or other person obligated on collateral to make payment or otherwise render performance to or for the benefit of the secured party;

(b) May take any proceeds to which the secured party is entitled under NRS 104.9315;

(c) May enforce the obligations of an account debtor or other person obligated on collateral and exercise the rights of the debtor with respect to the obligation of the account debtor or other person obligated on collateral to make payment or otherwise render performance to the debtor, and with respect to any property that secures the obligations of the account debtor or other person obligated on the collateral;

(d) If it holds a security interest in a deposit account perfected by control under paragraph (a) of subsection 1 of NRS 104.9104, may apply the balance of the deposit account to the obligation secured by the deposit account; and

(e) If it holds a security interest in a deposit account perfected by control under paragraph (b) or (c) of subsection 1 of NRS 104.9104, may instruct the bank to pay the balance of the deposit account to or for the benefit of the secured party.

2. If necessary to enable a secured party to exercise under paragraph (c) of subsection 1 the right of a debtor to enforce a mortgage nonjudicially, the secured party may record in the office in which the mortgage is recorded:

(a) A copy of the security agreement that creates or provides for a security interest in the obligation secured by the mortgage; and

(b) The secured party's sworn affidavit in recordable form stating that:

(1) A default has occurred ~~[:]~~ ***with respect to the obligation secured by the mortgage;*** and

(2) The secured party is entitled to enforce the mortgage nonjudicially.

3. A secured party shall proceed in a commercially reasonable manner if the secured party:

(a) Undertakes to collect from or enforce an obligation of an account debtor or other person obligated on collateral; and

(b) Is entitled to charge back uncollected collateral or otherwise to full or limited recourse against the debtor or a secondary obligor.

4. A secured party may deduct from the collections made pursuant to subsection 3 reasonable expenses of collection and enforcement, including reasonable attorney's fees and legal expenses incurred by the secured party.

5. This section does not determine whether an account debtor, bank or other person obligated on collateral owes a duty to a secured party.

Sec. 25. This act becomes effective on July 1, 2013.

Assemblyman Horne moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 111.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 156.

AN ACT relating to domestic relations; authorizing certain prospective adoptive parents to attend by telephone hearings concerning a petition for adoption; revising the residency requirements for certain adoptions; ~~[revising provisions relating to the hearing required for determining whether to include in a decree of adoption rights]~~ **authorizing a court in an adoption proceeding to grant a sibling of the child a right** to visitation ~~[with~~

~~siblings;~~] **under certain circumstances;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1 of this bill authorizes prospective adoptive parents to attend, by telephone or in person, any hearings held by the court concerning a petition for adoption if the prospective adoptive parents reside in another state or jurisdiction and the adoption is of a child who is in the custody of an agency which provides child welfare services ~~[.]~~ **or a child-placing agency licensed by the Division of Child and Family Services of the Department of Health and Human Services.**

Existing law requires prospective adoptive parents to reside in Nevada for a period of at least 6 months before a petition for adoption may be granted. (NRS 127.060) **Section ~~[2]~~ 3** of this bill provides an exception to that requirement for petitions for the adoption of a child who is in the custody of an agency which provides child welfare services ~~[.]~~ **or a child-placing agency licensed by the Division.** Thus, persons who have lived in Nevada for less than 6 months and residents of another state or jurisdiction are exempt from the residency requirement if the petition for adoption is filed for the adoption of a child who is in the custody of an agency which provides child welfare services ~~[.]~~ **or a child-placing agency licensed by the Division.**

Existing law ~~[requires a court to conduct a hearing to determine whether to grant visitation rights with a sibling as part of an adoption decree when the adoption is of a child in the custody of an agency which provides child welfare services. (NRS 127.2827) Section 6 of this bill requires the clerk of the court to give notice of the time and place of the hearing to any interested party in the adoption. Section 6 further requires that the hearing must be held at a date and time that is different from the date and time of the hearing held by the court to enter a decree of adoption or to deny the petition for adoption.]~~ **authorizes, with certain exceptions, the court, in an adoption proceeding for a child, to grant the right to visitation only to certain relatives of the child, including siblings of the child, who have previously been granted a similar right of visitation pursuant to NRS 125C.050. (NRS 127.171) Section 4.5 of this bill similarly authorizes the court in such an adoption proceeding to grant a right of visitation to a sibling of a child if the child is in the custody of an agency which provides child welfare services and the sibling has previously been granted a similar right of visitation pursuant to NRS 432B.580. Section 4.5 further requires the agency which provides child welfare services to provide the court with a copy of any such order for visitation.**

Existing law requires the court to hold a hearing to review the placement of a child in need of protection at least semiannually. (NRS

432B.580) Section 6.5 of this bill requires the notice of the hearing to: (1) include a statement indicating that if the child is placed for adoption the right to visitation of the child is subject to the provisions of section 4.5 requiring a previous grant of a similar right of visitation; and (2) be given to a sibling of the child who has been adopted and who has been granted a right to visitation pursuant to section 4.5. Section 6.5 further provides that certain confidential information must not be included in such a notice of hearing.

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

Section 1. Chapter 127 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The prospective adoptive parents may attend by telephone, in lieu of attending in person, any hearings held by the court concerning the petition for adoption if:

[1.] (a) The prospective adoptive parents reside in another state or jurisdiction; [and

2.] (b) The petition for adoption is filed for the adoption of a child who is in the custody of an agency which provides child welfare services [.] or a child-placing agency licensed by the Division pursuant to this chapter; and

(c) A representative of the agency responsible for supervising the child in the state where the child will be placed appears at the hearing by telephone.

2. The appearance of the prospective adoptive parents and the representative of the agency described in paragraph (c) of subsection 1 must occur at the office of the agency or at the home of the prospective adoptive parents, as determined by the agency.

3. If the prospective adoptive parents are attending a hearing by telephone pursuant to subsection 1, the court shall place the telephone call to a telephone number known to be a telephone number of the agency described in paragraph (c) of subsection 1 or of the prospective adoptive parents.

Sec. 2. NRS 127.005 is hereby amended to read as follows:

127.005 The provisions of NRS 127.010 to 127.1895, inclusive, ***and section 1 of this act*** govern the adoption of minor children, and the provisions of NRS 127.190, 127.200 and 127.210 and the provisions of NRS 127.010 to 127.1895, inclusive, where not inconsistent with the provisions of NRS 127.190, 127.200 and 127.210, govern the adoption of adults.

Sec. 3. NRS 127.060 is hereby amended to read as follows:

127.060 1. ***[***The***]*** ***Except as otherwise provided in subsection 3, the*** petition for adoption shall not be granted unless the petitioners have resided

in the State of Nevada for a period of 6 months prior to the granting of the petition.

2. The same petitioners may, in one petition, petition for the adoption of two or more children, if the children be brothers or sisters or brother and sister.

3. The provisions of subsection 1 do not apply if the petition for adoption is filed for the adoption of a child who is in the custody of an agency which provides child welfare services ~~[.]~~ ***or a child-placing agency licensed by the Division pursuant to this chapter.***

Sec. 4. NRS 127.110 is hereby amended to read as follows:

127.110 1. A petition for adoption of a child who currently resides in the home of the petitioners may be filed at any time after the child has lived in the home for 30 days.

2. The petition for adoption must state, in substance, the following:

(a) The full name and age of the petitioners and ***, unless the petition is a petition for adoption described in subsection 3 of NRS 127.060,*** the period the petitioners have resided in the State of Nevada before the filing of the petition.

(b) The age of the child sought to be adopted and the period that the child has lived in the home of petitioners before the filing of the petition.

(c) That it is the desire of the petitioners that the relationship of parent and child be established between them and the child.

(d) Their desire that the name of the child be changed, together with the new name desired.

(e) That the petitioners are fit and proper persons to have the care and custody of the child.

(f) That they are financially able to provide for the child.

(g) That there has been a full compliance with the law in regard to consent to adoption.

(h) That there has been a full compliance with NRS 127.220 to 127.310, inclusive.

(i) Whether the child is known to be an Indian child.

3. No order of adoption may be entered unless there has been full compliance with the provisions of NRS 127.220 to 127.310, inclusive.

Sec. 4.5. **NRS 127.171 is hereby amended to read as follows:**

127.171 1. Except as otherwise provided in NRS 127.187 to 127.1895, inclusive, in a proceeding for the adoption of a child, the court may grant a reasonable right to visit to ~~[certain]~~ **:**

(a) A sibling of the child if the child is in the custody of an agency which provides child welfare services and a similar right has been granted previously pursuant to NRS 432B.580; and

(b) Certain relatives of the child only if a similar right had been granted previously pursuant to NRS 125C.050.

2. ***The agency which provides child welfare services shall provide the court which is conducting the adoption proceedings with a copy of any order for visitation with a sibling of the child that was issued pursuant to NRS 432B.580.***

3. The court may not grant a right to visit the child to any person other than as specified in subsection 1.

Sec. 5. NRS 127.188 is hereby amended to read as follows:

127.188 1. Before a court may enter an order or decree of adoption of a child, the court must address in person:

(a) ~~[Each]~~ ***Except as otherwise provided in subsection 2, each*** prospective adoptive parent of the child to be adopted;

(b) Each director or other authorized representative of the agency which provides child welfare services or the licensed child-placing agency involved in the adoption proceedings concerning the child; and

(c) Each attorney representing a prospective adoptive parent, the child, the agency which provides child welfare services or the licensed child-placing agency in the adoption proceedings concerning the child,

➥ and inquire whether the person has actual knowledge that the prospective adoptive parent or parents of the child and natural parent or parents of the child have entered into an agreement that provides for postadoptive contact pursuant to NRS 127.187.

2. ***The court may for purposes of subsection 1 address a prospective adoptive parent described in section 1 of this act by telephone.***

3. If the court determines that the prospective adoptive parent or parents and the natural parent or parents have entered into an agreement that provides for postadoptive contact, the court shall:

(a) Order the prospective adoptive parent or parents to provide a copy of the agreement to the court; and

(b) Incorporate the agreement into the order or decree of adoption.

Sec. 6. ~~[NRS 127.2827 is hereby amended to read as follows:~~

~~127.2827 1. If a child who is in the custody of an agency which provides child welfare services is placed for adoption, the agency must provide the court which is conducting the adoption proceedings with a copy of any order for visitation with a sibling of the child that was issued pursuant to NRS 432B.580 and the court must conduct a hearing to determine whether to include an order for visitation with a sibling in the decree of adoption.~~

~~2.~~ ~~***The clerk of the court shall give written notice of the time and place of the hearing described in subsection 1 to any interested party in the adoption, including, without limitation, the adoptive parent, the adoptive***~~

~~*child, a sibling of the adoptive child, the agency which provides child welfare services or a licensed child placing agency.*~~

~~*3.* Any interested party in the adoption, [including, without limitation, the adoptive parent, the adoptive child, a sibling of the adoptive child, the agency which provides child welfare services or a licensed child placing agency]~~ ~~*as described in subsection 2,* may petition the court to participate in the determination of whether to include an order of visitation with a sibling in the decree of adoption.~~

~~[3.]~~ ~~*4. The hearing to determine whether to include an order of visitation with a sibling in the decree of adoption must be held at a date and time that is different from the date and time of the hearing held by the court to enter a decree of adoption or to deny the petition for adoption.*~~

~~*5.* The sole consideration of the court in making a determination concerning visitation with a sibling pursuant to this section is the best interest of the child.]~~ **(Deleted by amendment.)**

Sec. 6.5. **NRS 432B.580 is hereby amended to read as follows:**

432B.580 1. Except as otherwise provided in this section and NRS 432B.513, if a child is placed pursuant to NRS 432B.550 other than with a parent, the placement must be reviewed by the court at least semiannually, and within 90 days after a request by a party to any of the prior proceedings. Unless the parent, guardian or the custodian objects to the referral, the court may enter an order directing that the placement be reviewed by a panel appointed pursuant to NRS 432B.585.

2. An agency acting as the custodian of the child shall, before any hearing for review of the placement of a child, submit a report to the court, or to the panel if it has been designated to review the matter, which includes:

(a) An evaluation of the progress of the child and the family of the child and any recommendations for further supervision, treatment or rehabilitation; and

(b) Information concerning the placement of the child in relation to the child's siblings, including, without limitation:

(1) Whether the child was placed together with the siblings;

(2) Any efforts made by the agency to have the child placed together with the siblings;

(3) Any actions taken by the agency to ensure that the child has contact with the siblings; and

(4) If the child is not placed together with the siblings:

(I) The reasons why the child is not placed together with the siblings; and

(II) A plan for the child to visit the siblings, which must be approved by the court.

3. Except as otherwise provided in this subsection, a copy of the report submitted pursuant to subsection 2 must be given to the parents, the guardian ad litem and the attorney, if any, representing the parent or the child. If the child was delivered to a provider of emergency services pursuant to NRS 432B.630 and the parent has not appeared in the action, the report need not be sent to that parent.

4. After a plan for visitation between a child and the siblings of the child submitted pursuant to subparagraph (4) of paragraph (b) of subsection 2 has been approved by the court, the agency which provides child welfare services must request the court to issue an order requiring the visitation set forth in the plan for visitation. If a person refuses to comply with or disobeys an order issued pursuant to this subsection, the person may be punished as for a contempt of court.

5. The court or the panel shall hold a hearing to review the placement, unless the parent, guardian or custodian files a motion with the court to dispense with the hearing. If the motion is granted, the court or panel may make its determination from any report, statement or other information submitted to it.

6. Except as otherwise provided in this subsection and paragraph (c) of subsection 4 of NRS 432B.520, notice of the hearing must be given by registered or certified mail to:

(a) All the parties to any of the prior proceedings; ~~[and]~~

(b) Any persons planning to adopt the child ~~[.]~~ ***;***

(c) A sibling of the child, if known, who has been granted a right to visitation of the child pursuant to NRS 127.171 and his or her attorney, if any; and

(d) Any other relatives of the child or providers of foster care who are currently providing care to the child.

~~[** Notice]~~

7. The notice of the hearing ~~[need]~~ ***required to be given pursuant to subsection 6:***

(a) Must include a statement indicating that if the child is placed for adoption the right to visitation of the child is subject to the provisions of NRS 127.171;

(b) Must not include any confidential information described in NRS 127.140; and

(c) Need not be given to a parent whose rights have been terminated pursuant to chapter 128 of NRS or who has voluntarily relinquished the child for adoption pursuant to NRS 127.040.

~~[7.]~~ ***8.*** The court or panel may require the presence of the child at the hearing and shall provide to each person to whom notice was given pursuant to subsection 6 an opportunity to be heard at the hearing.

~~[8.]~~ ***9.*** The court or panel shall review:

(a) The continuing necessity for and appropriateness of the placement;

(b) The extent of compliance with the plan submitted pursuant to subsection 2 of NRS 432B.540;

(c) Any progress which has been made in alleviating the problem which resulted in the placement of the child; and

(d) The date the child may be returned to, and safely maintained in, the home or placed for adoption or under a legal guardianship.

~~[9.]~~ ***10.*** The provision of notice and an opportunity to be heard pursuant to this section does not cause any person planning to adopt the child, ***any sibling of the child*** or any ***other*** relative ***, any adoptive parent of a sibling of the child*** or ***a*** provider of foster care to become a party to the hearing.

Sec. 6.7. **NRS 432B.590 is hereby amended to read as follows:**

432B.590 1. Except as otherwise provided in NRS 432B.513, the court shall hold a hearing concerning the permanent placement of a child:

(a) Not later than 12 months after the initial removal of the child from the home of the child and annually thereafter.

(b) Within 30 days after making any of the findings set forth in subsection 3 of NRS 432B.393.

➥ Notice of this hearing must be given by registered or certified mail to all the persons to whom notice must be given pursuant to subsection 6 of NRS 432B.580.

2. The court may require the presence of the child at the hearing and shall provide to each person to whom notice was given pursuant to subsection 1 an opportunity to be heard at the hearing.

3. At the hearing, the court shall review any plan for the permanent placement of the child adopted pursuant to NRS 432B.553 and determine:

(a) Whether the agency with legal custody of the child has made the reasonable efforts required by subsection 1 of NRS 432B.553; and

(b) Whether, and if applicable when:

(1) The child should be returned to the parents of the child or placed with other relatives;

(2) It is in the best interests of the child to:

(I) Initiate proceedings to terminate parental rights pursuant to chapter 128 of NRS so that the child can be placed for adoption;

(II) Initiate proceedings to establish a guardianship pursuant to chapter 159 of NRS; or

(III) Establish a guardianship in accordance with NRS 432B.466 to 432B.468, inclusive; or

(3) The agency with legal custody of the child has produced documentation of its conclusion that there is a compelling reason for the placement of the child in another permanent living arrangement.

➥ The court shall prepare an explicit statement of the facts upon which each of its determinations is based. If the court determines that it is in the best interests of the child to terminate parental rights, the court shall use its best efforts to ensure that the procedures required by chapter 128 of NRS are completed within 6 months after the date the court makes that determination, including, without limitation, appointing a private attorney to expedite the completion of the procedures. The provisions of this subsection do not limit the jurisdiction of the court to review any decisions of the agency with legal custody of the child regarding the permanent placement of the child.

4. If a child has been placed outside of the home and has resided outside of the home pursuant to that placement for 14 months of any 20 consecutive months, the best interests of the child must be presumed to be served by the termination of parental rights.

5. This hearing may take the place of the hearing for review required by NRS 432B.580.

6. The provision of notice and an opportunity to be heard pursuant to this section does not cause any person planning to adopt the child, ***any sibling of the child*** or any ***other*** relative ***, any adoptive parent of a sibling of the child*** or ***a*** provider of foster care to become a party to the hearing.

Sec. 7. This act becomes effective on July 1, 2011.

Assemblyman Horne moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 121.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 63.

AN ACT relating to courts; revising certain provisions relating to the security of court facilities; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Existing law imposes various duties on the Court Administrator regarding the courts of this State. (NRS 1.360) Section 1 of this bill expands such duties by requiring the Court Administrator to perform duties specifically relating to the security of the courts of this State. Additionally, section 6 of this bill authorizes the Supreme Court to employ or appoint persons or to contract with independent contractors to provide security services for the Supreme Court.~~

~~Existing law also provides that certain security officers have the powers of peace officers in certain circumstances. (NRS 289.160) Section 2 of this bill specifies that a security officer who is appointed or employed by the~~

~~Supreme Court has the powers of a peace officer when the security officer is carrying out certain court-related duties, and section 3 of this bill revises the definition of a category II peace officer to include such security officers.]~~ **Existing law authorizes the Supreme Court, or a majority thereof, to designate as Bailiff of the Supreme Court: (1) certain law clerks employed by the Supreme Court; or (2) the Sheriff of Carson City. (NRS 2.290) Section 2.5 of this bill removes such provisions and instead authorizes the Supreme Court, or a majority thereof, to designate as Bailiff of the Supreme Court certain persons who are appointed and employed by the Supreme Court to provide for the safety and security of the justices and employees of the Supreme Court and to carry out certain police duties at the direction of the Chief Justice of the Supreme Court. Section 2.7 of this bill provides that such persons appointed and employed by the Supreme Court have the powers of a category I peace officer when carrying out duties prescribed by the Chief Justice.**

Section 5 of this bill authorizes certain personnel of the Capitol Police Division of the Department of Public Safety to provide, under certain circumstances, security services to the justices ~~[and employees]~~ of the Supreme Court while such justices ~~[and employees]~~ are working at ~~[locations outside the grounds of the Supreme Court building.]~~ **any location in the State of Nevada. Section 6 of this bill authorizes the Supreme Court to contract with independent contractors to provide security services for any facility or building that is owned by or leased to the Supreme Court and occupied by its employees. Section 7 of this bill specifies that nothing in this bill may be construed to abrogate or alter certain existing provisions of law that relate to the jurisdiction of the Chief of the Buildings and Grounds Division of the Department of Administration and the functions and responsibilities of the Capitol Police Division.**

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

Section 1. ~~[NRS 1.360 is hereby amended to read as follows:~~

~~1.360 Under the direction of the Supreme Court, the Court Administrator shall:~~

~~1. Examine the administrative procedures employed in the offices of the judges, clerks, court reporters and employees of all courts of this State and make recommendations, through the Chief Justice, for the improvement of those procedures;~~

~~2. *Examine the condition of the physical security of all courts of this State, assess any threats that endanger the public, court facilities or judicial officers and employees and make recommendations to and carry*~~

~~*out the directions of the Chief Justice to ensure and maintain security for all persons accessing judicial services;*~~

~~*3.* Examine the condition of the dockets of the courts and determine the need for assistance by any court;~~

~~[3.]~~ ~~*4.* Make recommendations to and carry out the directions of the Chief Justice relating to the assignment of district judges where district courts are in need of assistance;~~

~~[4.]~~ ~~*5.* Develop a uniform system for collecting and compiling statistics and other data regarding the operation of the State Court System and transmit that information to the Supreme Court so that proper action may be taken in respect thereto;~~

~~[5.]~~ ~~*6.* Prepare and submit a budget of state appropriations necessary for the maintenance and operation of the State Court System and make recommendations in respect thereto;~~

~~[6.]~~ ~~*7.* Develop procedures for accounting, internal auditing, procurement and disbursement for the State Court System;~~

~~[7.]~~ ~~*8.* Collect statistical and other data and make reports relating to the expenditure of all public money for the maintenance and operation of the State Court System and the offices connected therewith;~~

~~[8.]~~ ~~*9.* Compile statistics from the information required to be maintained by the clerks of the district courts pursuant to NRS 3.275 regarding criminal and civil cases and make reports as to the cases filed in the district courts;~~

~~[9.]~~ ~~*10.* Formulate and submit to the Supreme Court recommendations of policies or proposed legislation for the improvement of the State Court System;~~

~~[10.]~~ ~~*11.* On or before January 1 of each year, submit to the Director of the Legislative Counsel Bureau a written report compiling the information submitted to the Court Administrator pursuant to NRS 3.243, 4.175 and 5.045 during the immediately preceding fiscal year;~~

~~[11.]~~ ~~*12.* On or before January 1 of each odd-numbered year, submit to the Director of the Legislative Counsel Bureau a written report concerning:~~

~~(a) The distribution of money deposited in the special account created pursuant to NRS 176.0613 to assist with funding and establishing specialty court programs;~~

~~(b) The current status of any specialty court programs to which money from the account was allocated since the last report;~~

~~(c) Statistics compiled from information required to be maintained by clerks of the district courts pursuant to NRS 3.275 concerning specialty courts, including, without limitation, the number of participants in such programs, the nature of the criminal charges that were filed against participants, the number of participants who have completed the programs and the disposition of the cases; and~~

~~(d) Such other related information as the Court Administrator deems appropriate;~~

~~[~~12.~~]~~ ***13.*** ~~On or before February 15 of each odd-numbered year, submit to the Governor and to the Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature a written report compiling the information submitted by clerks of courts to the Court Administrator pursuant to NRS 630.307 and 633.533 which includes only aggregate information for statistical purposes and excludes any identifying information related to a particular person; and~~

~~[~~13.~~]~~ ***14.*** ~~Attend to such other matters as may be assigned by the Supreme Court or prescribed by law.~~]~~ **(Deleted by amendment.)**

Sec. 2. ~~[NRS 289.160 is hereby amended to read as follows:~~

~~289.160 1. A security officer employed:~~

~~(a) Pursuant to NRS 244.167 by a board of county commissioners; or~~

~~(b) Pursuant to NRS 266.323 by the governing body of a city,~~

~~→ has the powers of a peace officer when the security officer is carrying out duties prescribed by ordinance.~~

~~2.~~ ***A security officer appointed or employed by the Supreme Court pursuant to subsection 2 of NRS 333.710 has the powers of a peace officer when the security officer is carrying out duties prescribed by the Court Administrator.***

~~***3.*** A person appointed pursuant to subsection 1 of NRS 269.235 by a town board or board of county commissioners has the powers of a peace officer.~~

~~[~~3.~~]~~ ***4.*** ~~Police officers and special police officers appointed pursuant to subsection 5 of NRS 269.240 have, within the limits of the unincorporated town, the powers of making arrests which are exercised by a peace officer according to the laws of this State.~~]~~ **(Deleted by amendment.)**

Sec. 2.3. **Chapter 2 of NRS is hereby amended by adding thereto a new section to read as follows:**

The Supreme Court, or a majority thereof, is authorized to appoint and employ one or more persons to provide for the safety and security of the justices and employees of the Supreme Court and to carry out any necessary police duties at the direction of the Chief Justice to maintain safe and reasonable access to justice for residents of Nevada.

~~*Sec. 2.5.*~~ **NRS 2.290 is hereby amended to read as follows:**

2.290 The Supreme Court, or a majority thereof, is authorized to designate ~~[~~:

~~1. One of the law clerks employed pursuant to NRS 2.300 to act as Bailiff of the Supreme Court without additional compensation; or~~

~~2. The Sheriff of Carson City to act as Bailiff of the Supreme Court. For his or her services as Bailiff, either in person or by deputy, the Sheriff shall~~

~~receive from the State, in full payment for such services, the sum of $50 per calendar month when actually in attendance upon the Court, such sum to be paid by the State Treasurer out of the biennial appropriation therefor. The Sheriff, as Bailiff, shall retain to his or her own use all moneys received under the provisions of this subsection.~~] ***any person appointed and employed pursuant to section 2.3 of this act to act as Bailiff of the Supreme Court.***

Sec. 2. ~~*7.*~~ **Chapter 289 of NRS is hereby amended by adding thereto a new section to read as follows:**

Any person appointed and employed by the Supreme Court pursuant to section 2.3 of this act has the powers of a peace officer pursuant to NRS 289.460 when the person is carrying out duties prescribed by the Chief Justice.

Sec. 3. NRS 289.470 is hereby amended to read as follows:

289.470 "Category II peace officer" means:

1. ~~[The Bailiff of the Supreme Court;~~

~~2.]~~ The bailiffs of the district courts, justice courts and municipal courts whose duties require them to carry weapons and make arrests;

~~[3. Security officers appointed or employed by the Supreme Court who perform the duties prescribed by the Court Administrator;~~

~~*4.]*~~ ***2.*** Constables and their deputies whose official duties require them to carry weapons and make arrests;

~~[4.]~~ ~~*[5.]*~~ ***3.*** Inspectors employed by the Nevada Transportation Authority who exercise those powers of enforcement conferred by chapters 706 and 712 of NRS;

~~[5.]~~ ~~*[6.]*~~ ***4.*** Parole and probation officers;

~~[6.]~~ ~~*[7.]*~~ ***5.*** Special investigators who are employed full-time by the office of any district attorney or the Attorney General;

~~[7.]~~ ~~*[8.]*~~ ***6.*** Investigators of arson for fire departments who are specially designated by the appointing authority;

~~[8.]~~ ~~*[9.]*~~ ***7.*** The assistant and deputies of the State Fire Marshal;

~~[9.]~~ ~~*[10.]*~~ ***8.*** The brand inspectors of the State Department of Agriculture who exercise the powers of enforcement conferred by chapter 565 of NRS;

~~[10.]~~ ~~*[11.]*~~ ***9.*** The field agents and inspectors of the State Department of Agriculture who exercise the powers of enforcement conferred by NRS 561.225;

~~[11.]~~ ~~*[12.]*~~ ***10.*** Investigators for the State Forester Firewarden who are specially designated by the State Forester Firewarden and whose primary duties are related to the investigation of arson;

~~[12.]~~ ~~*[13.]*~~ ***11.*** School police officers employed by the board of trustees of any county school district;

~~[~~13.~~]~~ ~~*[14.]*~~ ***12.*** Agents of the State Gaming Control Board who exercise the powers of enforcement specified in NRS 289.360, 463.140 or 463.1405, except those agents whose duties relate primarily to auditing, accounting, the collection of taxes or license fees, or the investigation of applicants for licenses;

~~[~~14.~~]~~ ~~*[15.]*~~ ***13.*** Investigators and administrators of the Division of Compliance Enforcement of the Department of Motor Vehicles who perform the duties specified in subsection 2 of NRS 481.048;

~~[~~15.~~]~~ ~~*[16.]*~~ ***14.*** Officers and investigators of the Section for the Control of Emissions From Vehicles and the Enforcement of Matters Related to the Use of Special Fuel of the Department of Motor Vehicles who perform the duties specified in subsection 3 of NRS 481.0481;

~~[~~16.~~]~~ ~~*[17.]*~~ ***15.*** Legislative police officers of the State of Nevada;

~~[~~17.~~]~~ ~~*[18.]*~~ ***16.*** The personnel of the Capitol Police Division of the Department of Public Safety appointed pursuant to subsection 2 of NRS 331.140 ;

~~[~~18.~~]~~ ~~*[or acting pursuant to subsection 3 of that section;*~~

~~*19.]*~~ ***17.*** Parole counselors of the Division of Child and Family Services of the Department of Health and Human Services;

~~[~~19.~~]~~ ~~*[20.]*~~ ***18.*** Juvenile probation officers and deputy juvenile probation officers employed by the various judicial districts in the State of Nevada or by a department of juvenile justice services established by ordinance pursuant to NRS 62G.210 whose official duties require them to enforce court orders on juvenile offenders and make arrests;

~~[~~20.~~]~~ ~~*[21.]*~~ ***19.*** Field investigators of the Taxicab Authority;

~~[~~21.~~]~~ ~~*[22.]*~~ ***20.*** Security officers employed full-time by a city or county whose official duties require them to carry weapons and make arrests;

~~[~~22.~~]~~ ~~*[23.]*~~ ***21.*** The chief of a department of alternative sentencing created pursuant to NRS 211A.080 and the assistant alternative sentencing officers employed by that department;

~~[~~23.~~]~~ ~~*[24.]*~~ ***22.*** Criminal investigators who are employed by the Secretary of State; and

~~[~~24.~~]~~ ~~*[25.]*~~ ***23.*** The Inspector General of the Department of Corrections and any person employed by the Department as a criminal investigator.

Sec. 4. NRS 289.480 is hereby amended to read as follows:

289.480 "Category III peace officer" means a peace officer whose authority is limited to correctional services, including the superintendents and correctional officers of the Department of Corrections. The term does not include a person described in subsection ~~[~~24~~]~~ ~~*[25]*~~ ***23*** of NRS 289.470.

Sec. 5. NRS 331.140 is hereby amended to read as follows:

331.140 1. The Chief shall take proper care to prevent any unlawful activity on or damage to any state property under the supervision and control of the Chief, and to protect the safety of any persons on that property.

2. The Director of the Department of Public Safety shall appoint to the Capitol Police Division of that Department such personnel as may be necessary to assist the Chief of the Buildings and Grounds Division in the enforcement of subsection 1. The salaries and expenses of the personnel appointed pursuant to this subsection must, within the limits of legislative authorization, be paid out of the Buildings and Grounds Operating Fund.

3. Personnel of the Capitol Police Division who are assigned to protect the safety of ~~*[persons in the Supreme Court building and]*~~ ***the justices*** ~~*[and employees]*~~ ***of the Supreme Court have the authority to provide any necessary security services,*** ~~*[under the direction]*~~ ***at the request of the Court Administrator, to the justices*** ~~*[and employees]*~~ ***of the Supreme Court while the justices*** ~~*[and employees]*~~ ***are performing work duties at*** ~~*[locations outside the grounds of the Supreme Court building.]*~~ ***any location in this State. No money may be expended from the Buildings and Grounds Operating Fund for such security services*** ~~*[.]*~~ ***unless the money has been specifically appropriated for such a purpose.***

Sec. 6. NRS 333.710 is hereby amended to read as follows:

333.710 1. If personnel of the Capitol Police Division of the Department of Public Safety are not available to provide security services for a building, office or other facility of a using agency, the using agency may, pursuant to NRS 333.700, contract with one or more independent contractors to provide such services.

2. ***If the*** ~~*[Court Administrator]*~~ ***Chief Justice of the Supreme Court determines that additional security is needed for the*** ~~*[Supreme Court pursuant to the provisions of subsection 2 of NRS 1.360,]*~~ ***safe operation of any facility or building that is owned by or leased to the Supreme Court and occupied by its employees, the Supreme Court may*** ~~*[employ or appoint one or more persons or]*~~ ***contract with one or more independent contractors to provide security services for the*** ~~*[Supreme Court and to serve under the direction of the Court Administrator.]*~~ ***facility or building. Any contractor with whom the Supreme Court contracts for these services is subject to the oversight of a peace officer who provides security services for the Supreme Court and who is designated and directed by the Chief Justice.***

3. An independent contractor with whom a using agency ~~*[or the Supreme Court]*~~ contracts pursuant to subsection 1 ~~*[this section]*~~ must:

(a) Be licensed as a private patrol officer pursuant to chapter 648 of NRS or employed by a person so licensed; and

(b) Possess the skills required of and meet the same physical requirements as law enforcement personnel certified by the Peace Officers' Standards and Training Commission created pursuant to NRS 289.500.

4. An independent contractor with whom the Supreme Court contracts pursuant to subsection 2 must be licensed as a private patrol officer pursuant to chapter 648 of NRS or employed by a person so licensed.

Sec. 6.5. **Nothing in this act may be construed to abrogate or alter the provisions of NRS 331.070 or 480.140.**

Sec. 7. This act becomes effective on July 1, 2011.

Assemblyman Horne moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 125.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 157.

AN ACT relating to criminal records; revising the crimes against older persons that are required to be reported to the Repository for Information Concerning Crimes Against Older Persons; requiring that certain information be included in the record maintained by the Repository; requiring the annual reporting of statistical data concerning such crimes to the Legislature; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires that the Repository for Information Concerning Crimes Against Older Persons contain a record of all reports of crimes against older persons committed in this State, authorizes the inclusion of certain information in the record maintained by the Repository and requires the Director of the Department of Public Safety to compile, analyze and submit a report to the Legislature that sets forth statistical data on all crimes committed against older persons. (NRS 179A.450) This bill revises the crimes against older persons that are required to be reported to the Repository to include only reports of the abuse, neglect, exploitation or isolation of older persons **[**~~. This bill also~~**]** **, and** requires the record maintained by the Repository to include certain information concerning such crimes. **[**~~Finally, this~~**]** **This** bill **also** revises the statistical data required to be compiled, analyzed and submitted to the Legislature to include the abuse, neglect, exploitation and isolation of older persons. **Finally, this bill provides that any data and findings generated from the Repository must not contain information that may reveal the identity of an individual victim or a person accused of the abuse, neglect, exploitation or isolation of older persons.**

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

Section 1. NRS 179A.450 is hereby amended to read as follows:

179A.450 1. The Repository for Information Concerning Crimes Against Older Persons is hereby created within the Central Repository.

2. The Repository for Information Concerning Crimes Against Older Persons must contain a complete and systematic record of all reports of ~~[crimes against older persons committed]~~ ***the abuse, neglect, exploitation or isolation of older persons*** in this State. The record must be prepared in a manner approved by the Director of the Department and ~~[may]~~ ***must*** include, without limitation, the following information:

(a) All incidents that are reported to any entity.

(b) All cases that are currently under investigation and the type of such cases.

(c) All cases that are referred for prosecution and the type of such cases.

(d) All cases in which prosecution is declined or dismissed and any reason for such action.

(e) All cases that are prosecuted and the final disposition of such cases.

(f) All cases that are resolved by agencies which provide protective services and the type of such cases.

3. The Director of the Department shall compile and analyze the data collected pursuant to this section to assess the incidence of ~~[crimes against]~~ ***the abuse, neglect, exploitation or isolation of*** older persons.

4. On or before July 1 of each year, the Director of the Department shall prepare and submit a report to the Director of the Legislative Counsel Bureau for transmittal to the Legislature that sets forth statistical data on ~~[crimes against]~~ ***the abuse, neglect, exploitation or isolation of*** older persons.

5. The data acquired pursuant to this section is confidential and must be used only for the purpose of research. The data and findings generated pursuant to this section must not contain information that may reveal the identity of an individual victim ***or a person accused*** of ~~[a crime.]~~ ***the abuse, neglect, exploitation or isolation of older persons.***

6. As used in this section ~~[, "older]~~ ***:***

(a) "Abuse" has the meaning ascribed to it in NRS 200.5092.

(b) "Exploitation" has the meaning ascribed to it in NRS 200.5092.

(c) "Isolation" has the meaning ascribed to it in NRS 200.5092.

(d) "Neglect" has the meaning ascribed to it in NRS 200.5092.

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

Assemblyman Horne moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 137.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 184.

AN ACT relating to education; requiring the implementation of a school breakfast program at ~~[each]~~ **certain** public ~~[school designated as demonstrating need for improvement for 3 consecutive years or more;]~~ **schools;** requiring **the Department of Education to report on the school breakfast program for each public school; requiring** school districts ~~[and certain public schools]~~ to report on school nutrition programs; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The Child Nutrition Act enacted in 1966 established the School Breakfast Program which provides grants to the states to establish school breakfast programs in public schools. (42 U.S.C. 1771 et. seq.) **Federal regulations provide that a public school may elect to operate a school breakfast program pursuant to one of three alternative Provisions and prescribe the requirements by which a public school may operate the program pursuant to one of those Provisions. (7 C.F.R. 245.9) If a school provides a school breakfast program pursuant to Provision 2 of the federal regulations, the school serves those meals free of charge to all pupils enrolled in the school.** Under existing law, the boards of trustees of school districts and the governing bodies of charter schools are authorized to operate or provide for the operation of programs of nutrition in the public schools under their jurisdiction. (NRS 387.090) ~~[Existing law also requires the Department of Education to determine whether a public school is making adequate yearly progress in the achievement and proficiency of pupils and a public school that does not make adequate yearly progress is designated as demonstrating need for improvement. (NRS 385.3613, 385.3623)]~~ **Section 1** of this bill requires the implementation of a school breakfast program to provide breakfast to pupils enrolled in each public school, including a charter school, that is ~~[designated as demonstrating need for improvement for 3 consecutive years or more.]~~ **eligible to operate a program of nutrition in accordance with the requirements of Provision 2 set forth in the federal regulations and as authorized by the Department of Education. Section 1** also requires the ~~[public schools that are required to implement a school breakfast program and each school district to report annually]~~ **Department, on a biennial basis, to prepare a written report on the school breakfast program for each public school in this State and requires the board of trustees of each school district, on a biennial basis, to submit to the Department a report containing** certain information concerning nutrition programs **. ~~[to the]~~ Section 1 further requires the Department to submit**

compilations of the reports, on or before January 1 of each odd-numbered year, to the Legislative Committee on Health Care **,** ~~[and]~~ the Interim Finance Committee ~~[.]~~ **and the Director of the Legislative Counsel Bureau for transmission to the next regular session of the Legislature.**

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

Section 1. Chapter 387 of NRS is hereby amended by adding thereto a new section to read as follows:

1. ~~*[If]*~~ ***Except as otherwise provided in subsection 2, if a public school*** ~~*[is designated as demonstrating need for improvement pursuant to NRS 385.3623 for 3 or more consecutive years,]*~~ ***is eligible to operate a program of nutrition in accordance with the requirements of Provision 2 set forth in 7 C.F.R. 245.9, and as authorized by the Department, the board of trustees of the school district in which the school is located or the governing body of the charter school, as applicable, shall implement a breakfast program at the school .*** ~~*[which offers pupils, including, without limitation, pupils who are eligible for free or reduced-price meals, breakfast after the school day has commenced.]*~~ ***The program must provide for the serving of breakfast after the school day has commenced in*** ~~*[:]*~~ ***the following order of priority:***

(a) The classroom;

(b) ~~*[The cafeteria;]*~~ ***A transportable manner; or***

(c) ~~*[A transportable manner.]*~~ ***The cafeteria.***

2. The board of trustees of a school district in a county whose population is less than 55,000 may submit a request to the State Board for an exemption from the requirements of subsection 1 on a form prescribed by the Department. The State Board shall grant such an exemption if the State Board determines that a fiscal hardship exists for the school district.

3. The ~~*[principal of each public school at which a school breakfast program is implemented]*~~ ***Department shall , on a biennial basis, prepare a written report on the school breakfast program, for each public school in this State, including, without limitation:***

(a) The percentage of pupils enrolled in the school who participate in the program, which must be reported for the immediately preceding 4 years as that data is available;

(b) A comparison between the:

(1) Number of pupils who are eligible to receive free or reduced-priced breakfasts;

(2) Number of pupils who participate in the school breakfast program; and

(3) Total enrollment of pupils in the school;

(c) An identification of the method by which the school provides breakfast to pupils;

(d) ~~[The percentage of pupils enrolled in the school who participate in each method for serving breakfast if the school provides breakfast by more than one method; and~~

~~(e) The number of years that the school has been designated as demonstrating need for improvement pursuant to NRS 385.3623.~~

~~3.]~~ The average daily participation in the school breakfast program of pupils who are eligible to receive free or reduced-price breakfasts; and

(e) The percentage of pupils who are eligible to receive free or reduced-price breakfasts and who participate in the school breakfast program.

4. The board of trustees of each school district shall ~~[prepare]~~ , on a biennial basis, submit to the Department a written report on school nutrition programs within the school district, which must be reported for the immediately preceding 4 years as that data is available, including, without limitation:

(a) The percentage of pupils enrolled in the school district who participate in the school breakfast program and the progress made by the school district in increasing that participation;

(b) The percentage of public schools within the school district that participate in the school breakfast program and the progress made by the school district in increasing that participation;

(c) The percentage of pupils who participate in each program of nutrition offered by the school district and the progress made by the school district in increasing that participation;

(d) A list of each public school in the school district that operates a program of nutrition during the summer ~~[;~~

~~(e) If the school district offers a program of nutrition during the summer, a comparison between the:~~

~~(1) Number of pupils who are eligible to participate in the program of nutrition offered during the summer;~~

~~(2) Number of pupils who participate in the program of nutrition offered during the summer; and~~

~~(3) Total enrollment of pupils in each public school identified in paragraph (d);~~

~~(f) If the school district offers a program of nutrition during the summer, the amount of money the school district is eligible to receive from the Federal Government and from other sources for the program and the amount of money the school district receives for that program, if any;]~~ , including, without limitation:

(1) A list of each sponsor of such a program;

(2) The number of sites at which the sponsor offers the program; and

(3) The number of meals served at each site; and

~~[(g)]~~ (e) The amount of money the school district is eligible to receive from the Federal Government and from other sources for ~~[each]~~ the school breakfast program ~~[of nutrition]~~ offered by the school district and the amount of money the school district receives for ~~[those programs.~~

~~4.]~~ that program.

5. On or before ~~[August]~~ November 1 of each even-numbered year, the ~~[principal of each public school, the board of trustees of each school district and the governing body of each charter school shall submit]~~ Department shall compile the data for each school district from the reports prepared pursuant to subsections 3 and 4 and submit each school district's compilation to the board of trustees of that school district for review. Upon review, the board of trustees of each school district shall, on or before December 15 of each even-numbered year, submit to the Department a written explanation of any decrease in the number of pupils participating in the school breakfast program and a plan to improve the number of pupils participating.

6. On or before January 1 of each odd-numbered year, the Department shall submit the ~~[report]~~ compilations prepared by the Department pursuant to subsection ~~[2 or 3, as applicable,]~~ 5 and the plans to improve prepared by the school districts pursuant to subsection 5 to the:

(a) Legislative Committee on Health Care . ~~[; and]~~

(b) Interim Finance Committee.

(c) Director of the Legislative Counsel Bureau for transmission to the next regular session of the Legislature.

Sec. 2. NRS 387.070 is hereby amended to read as follows:

387.070 As used in NRS 387.070 to 387.105, inclusive, ***and section 1 of this act,*** "program of nutrition" means a program under which food is served to or nutritional education and assistance are provided for children and adults by any public school, private school or public or private institution on a nonprofit basis, including any such program for which assistance may be made available out of money appropriated by the Congress of the United States. The term includes, but is not limited to, a school lunch program.

Sec. 3. NRS 387.090 is hereby amended to read as follows:

387.090 ~~[The]~~ ***In addition to the school breakfast program required by section 1 of this act, the*** board of trustees of each school district and the governing body of each charter school may:

1. Operate or provide for the operation of programs of nutrition in the public schools under their jurisdiction.

2. Use therefor money disbursed to them pursuant to the provisions of NRS 387.070 to 387.105, inclusive, ***and section 1 of this act,*** gifts, donations and other money received from the sale of food under those programs.

3. Deposit the money in one or more accounts in one or more banks or credit unions within the State.

4. Contract with respect to food, services, supplies, equipment and facilities for the operation of the programs.

Sec. 4. 1. Each school district shall increase by 15 percent the number of pupils who are enrolled in the school district and participating in a school breakfast program on or before June 30, 2013, and annually thereafter, so that the school district achieves 100-percent participation in the school breakfast program.

2. ~~[The report submitted by each]~~ **Each** school district ~~[on or before August 1, 2013, pursuant to section 1 of this act must indicate]~~ **shall prepare a report indicating** whether the school district attained the 15 percent increase required by subsection 1 during the 2011-2013 biennium. **On or before August 1, 2013, each school district shall submit the report to the:**

(a) Legislative Committee on Health Care.

(b) Interim Finance Committee.

Sec. 5. This act becomes effective on July 1, 2011.

Assemblyman Bobzien moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to the Concurrent committee on Ways and Means.

Assembly Bill No. 142.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 61.

AN ACT relating to crimes; increasing the monetary threshold for the classification of certain crimes against property; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes certain crimes making it unlawful to take or obtain property, including: (1) exploitation of an older or vulnerable person; (2) theft; (3) issuing a check without sufficient money or credit; (4) larceny; (5) receiving or possessing stolen property; (6) embezzlement; (7) obtaining property by false pretenses; and (8) other similar offenses. (NRS 200.5099, 205.0821-205.0835, 205.130, 205.2175-205.2707, 205.275, 205.300, 205.380) Existing law also imposes penalties for such crimes based on the value of the property or services involved in the crime. This bill increases the threshold amounts that determine whether certain theft and related property offenses are punishable as misdemeanors, gross misdemeanors or felonies.

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

Section 1. NRS 193.167 is hereby amended to read as follows:

193.167 1. Except as otherwise provided in NRS 193.169, any person who commits the crime of:

(a) Murder;

(b) Attempted murder;

(c) Assault;

(d) Battery;

(e) Kidnapping;

(f) Robbery;

(g) Sexual assault;

(h) Embezzlement of money or property of a value of ~~[~~$250~~]~~ ~~*[$450]*~~ ***$650*** or more;

(i) Obtaining money or property of a value of ~~[~~$250~~]~~ ~~*[$450]*~~ ***$650*** or more by false pretenses; or

(j) Taking money or property from the person of another,

➥ against any person who is 60 years of age or older or against a vulnerable person shall, in addition to the term of imprisonment prescribed by statute for the crime, be punished, if the crime is a misdemeanor or gross misdemeanor, by imprisonment in the county jail for a term equal to the term of imprisonment prescribed by statute for the crime, and, if the crime is a felony, by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 20 years.

2. Except as otherwise provided in NRS 193.169, any person who commits a criminal violation of the provisions of chapter 90 or 91 of NRS against any person who is 60 years of age or older or against a vulnerable person shall, in addition to the term of imprisonment prescribed by statute for the criminal violation, be punished, if the criminal violation is a misdemeanor or gross misdemeanor, by imprisonment in the county jail for a term equal to the term of imprisonment prescribed by statute for the criminal violation, and, if the criminal violation is a felony, by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 20 years.

3. In determining the length of the additional penalty imposed pursuant to this section, the court shall consider the following information:

(a) The facts and circumstances of the crime or criminal violation;

(b) The criminal history of the person;

(c) The impact of the crime or criminal violation on any victim;

(d) Any mitigating factors presented by the person; and

(e) Any other relevant information.

➥ The court shall state on the record that it has considered the information described in paragraphs (a) to (e), inclusive, in determining the length of the additional penalty imposed.

4. The sentence prescribed by this section must run consecutively with the sentence prescribed by statute for the crime or criminal violation.

5. This section does not create any separate offense but provides an additional penalty for the primary offense, whose imposition is contingent upon the finding of the prescribed fact.

6. As used in this section, "vulnerable person" has the meaning ascribed to it in subsection 7 of NRS 200.5092.

Sec. 2. NRS 197.150 is hereby amended to read as follows:

197.150 A public officer, or person holding or discharging the duties of any public office or place of trust under the State or in any county, town or city, a part of whose duty it is to audit, allow or pay, or take part in auditing, allowing or paying claims or demands upon the State or a county, town or city, who knowingly audits, allows or pays, or directly or indirectly consents to or in any way connives in the audit, allowance or payment of any claim or demand against the State, county, town or city, which is false or fraudulent or contains any charge, item or claim which is false or fraudulent, shall be punished:

1. Where the amount of the false or fraudulent charge, claim, item or demand is **[**~~$250~~**]** ~~*[$450]*~~ ***$650*** or more, for a category D felony as provided in NRS 193.130. In addition to any other penalty, the court shall order the person to pay restitution.

2. Where the amount of the fraudulent charge, claim, item or demand is less than **[**~~$250,~~**]** ~~*[$450,]*~~ ***$650,*** for a misdemeanor.

Sec. 3. NRS 197.210 is hereby amended to read as follows:

197.210 An officer who fraudulently appropriates to his or her own use or to the use of another person, or secretes with the intent to appropriate to such a use, any money, evidence of debt or other property entrusted to the officer by virtue of his or her office, shall be punished:

1. Where the amount of the money or the actual value of the property fraudulently appropriated or secreted with the intent to appropriate is **[**~~$250~~**]** ~~*[$450]*~~ ***$650*** or more, for a category D felony as provided in NRS 193.130. In addition to any other penalty, the court shall order the person to pay restitution.

2. Where the amount of the money or the actual value of the property fraudulently appropriated or secreted with the intent to appropriate is less than **[**~~$250,~~**]** ~~*[$450,]*~~ ***$650,*** for a misdemeanor.

Sec. 4. NRS 200.5099 is hereby amended to read as follows:

200.5099 1. Except as otherwise provided in subsection 6, any person who abuses an older person or a vulnerable person is guilty:

(a) For the first offense, of a gross misdemeanor; or

(b) For any subsequent offense or if the person has been previously convicted of violating a law of any other jurisdiction that prohibits the same

or similar conduct, of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 6 years, unless a more severe penalty is prescribed by law for the act or omission which brings about the abuse.

2. Except as otherwise provided in subsection 7, any person who has assumed responsibility, legally, voluntarily or pursuant to a contract, to care for an older person or a vulnerable person and who:

(a) Neglects the older person or vulnerable person, causing the older person or vulnerable person to suffer physical pain or mental suffering;

(b) Permits or allows the older person or vulnerable person to suffer unjustifiable physical pain or mental suffering; or

(c) Permits or allows the older person or vulnerable person to be placed in a situation where the older person or vulnerable person may suffer physical pain or mental suffering as the result of abuse or neglect,

➥ is guilty of a gross misdemeanor unless a more severe penalty is prescribed by law for the act or omission which brings about the abuse or neglect.

3. Except as otherwise provided in subsection 4, any person who exploits an older person or a vulnerable person shall be punished, if the value of any money, assets and property obtained or used:

(a) Is less than ~~[~~$250,~~]~~ ~~*[$450,]*~~ ***$650,*** for a misdemeanor by imprisonment in the county jail for not more than 1 year, or by a fine of not more than $2,000, or by both fine and imprisonment;

(b) Is at least ~~[~~$250,~~]~~ ~~*[$450]*~~ ***$650*** but less than $5,000, for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 10 years, or by a fine of not more than $10,000, or by both fine and imprisonment; or

(c) Is $5,000 or more, for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 20 years, or by a fine of not more than $25,000, or by both fine and imprisonment,

➥ unless a more severe penalty is prescribed by law for the act which brought about the exploitation. The monetary value of all of the money, assets and property of the older person or vulnerable person which have been obtained or used, or both, may be combined for the purpose of imposing punishment for an offense charged pursuant to this subsection.

4. If a person exploits an older person or a vulnerable person and the monetary value of any money, assets and property obtained cannot be determined, the person shall be punished for a gross misdemeanor by imprisonment in the county jail for not more than 1 year, or by a fine of not more than $2,000, or by both fine and imprisonment.

5. Any person who isolates an older person or a vulnerable person is guilty:

(a) For the first offense, of a gross misdemeanor; or

(b) For any subsequent offense, of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 10 years, and may be further punished by a fine of not more than $5,000.

6. A person who violates any provision of subsection 1, if substantial bodily or mental harm or death results to the older person or vulnerable person, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 20 years, unless a more severe penalty is prescribed by law for the act or omission which brings about the abuse.

7. A person who violates any provision of subsection 2, if substantial bodily or mental harm or death results to the older person or vulnerable person, shall be punished for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 6 years, unless a more severe penalty is prescribed by law for the act or omission which brings about the abuse or neglect.

8. In addition to any other penalty imposed against a person for a violation of any provision of NRS 200.5091 to 200.50995, inclusive, the court shall order the person to pay restitution.

9. As used in this section:

(a) "Allow" means to take no action to prevent or stop the abuse or neglect of an older person or a vulnerable person if the person knows or has reason to know that the older person or vulnerable person is being abused or neglected.

(b) "Permit" means permission that a reasonable person would not grant and which amounts to a neglect of responsibility attending the care and custody of an older person or a vulnerable person.

(c) "Substantial mental harm" means an injury to the intellectual or psychological capacity or the emotional condition of an older person or a vulnerable person as evidenced by an observable and substantial impairment of the ability of the older person or vulnerable person to function within his or her normal range of performance or behavior.

Sec. 5. NRS 204.010 is hereby amended to read as follows:

204.010 Every public officer or other person who has in his or her possession, control or custody any public money belonging to this state, or to any county, town, city, district or municipal corporation within this state, or to whom any such public money is entrusted for safekeeping, or for transmission to any treasurer, other officer or person entitled to receive it, who uses any of the public money for his or her own private purposes, or for any purpose other than one authorized by law, shall, if the amount so

unlawfully used is less than ~~[~~$250,~~]~~ ~~*[$450,]*~~ ***$650,*** be punished for a misdemeanor.

Sec. 6. NRS 204.020 is hereby amended to read as follows:

204.020 A public officer or other person who has in his or her possession, control or custody any public money belonging to this state, or to any county, town, city, district or municipal corporation within this state, or to whom any such public money is entrusted for safekeeping or for transmission to any treasurer or other officer, or other person entitled to receive it, who uses any of the public money for his or her own private purposes, or for any purpose other than one authorized by law, if the amount unlawfully used is ~~[~~$250~~]~~ ~~*[$450]*~~ ***$650*** or more, is guilty of a category D felony and shall be punished as provided in NRS 193.130. In addition to any other penalty, the court shall order the person to pay restitution.

Sec. 7. NRS 204.030 is hereby amended to read as follows:

204.030 1. It is unlawful for any public officer, and any other person receiving money on behalf of, or for or on account of, this State or of any department of the State Government or of any bureau or fund created by law in which the State is directly or indirectly interested, or for or on account of any county, city, town, municipal corporation or any school or district:

(a) Knowingly to keep any false account, or make any false entry or erasure in any account, of or relating to any money so received;

(b) Fraudulently to alter, falsify, conceal, destroy or obliterate any such account; or

(c) Willfully to omit or refuse to pay over to the State, its officer or agent authorized by law to receive the money, or to the county, city, town or the school, municipal corporation, or district or to the proper officer or authority empowered to demand and receive it, any money received by him or her as such an officer when it is a legal duty to pay over and account for the money.

2. A person who violates any of the provisions of subsection 1 shall be punished:

(a) Where the amount involved is ~~[~~$250~~]~~ ~~*[$450]*~~ ***$650*** or more, for a category D felony as provided in NRS 193.130.

(b) Where the amount involved is less than ~~[~~$250,~~]~~ ~~*[$450,]*~~ ***$650,*** for a misdemeanor.

Sec. 8. NRS 204.050 is hereby amended to read as follows:

204.050 A state, county, city or town treasurer who willfully misappropriates any money, funds or securities received by or deposited with the treasurer, or who is guilty of any other malfeasance or willful neglect of duty in office, shall be punished:

1. Where the amount misappropriated is ~~[~~$250~~]~~ ~~*[$450]*~~ ***$650*** or more, for a category D felony as provided in NRS 193.130. In addition to any other penalty, the court shall order the person to pay restitution.

2. Where the amount misappropriated is less than ~~[~~$250,~~]~~ ~~[$450,]~~ ***$650,*** for a misdemeanor.

Sec. 9. NRS 205.08345 is hereby amended to read as follows:

205.08345 1. A person who participates in an organized retail theft ring is guilty of a category B felony and shall be punished by imprisonment in the state prison for:

(a) If the aggregated value of the property or services involved in all thefts committed by the organized retail theft ring in this State during a period of 90 days is at least ~~[~~$2,500~~]~~ ***$3,500*** but less than $10,000, a minimum term of not less than 1 year and a maximum term of not more than 10 years, and by a fine of not more than $10,000.

(b) If the aggregated value of the property or services involved in all thefts committed by the organized retail theft ring in this State during a period of 90 days is $10,000 or more, a minimum term of not less than 2 years and a maximum term of not more than 15 years, and by a fine of not more than $20,000.

2. In addition to any other penalty, the court shall order a person who violates this section to pay restitution.

3. For the purposes of this section, in determining the aggregated value of the property or services involved in all thefts committed by an organized retail theft ring in this State during a period of 90 days:

(a) The amount involved in a single theft shall be deemed to be the highest value, by any reasonable standard, of the property or services which are obtained; and

(b) The amounts involved in all thefts committed by all participants in the organized retail theft ring must be aggregated.

4. In any prosecution for a violation of this section, the violation shall be deemed to have been committed and may be prosecuted in any jurisdiction in this State in which any theft committed by any participant in an organized retail theft ring was committed, regardless of whether the defendant was ever physically present in that jurisdiction.

5. As used in this section:

(a) "Merchant" has the meaning ascribed to it in NRS 597.850.

(b) "Organized retail theft ring" means three or more persons who associate for the purpose of engaging in the conduct of committing a series of thefts of retail merchandise against more than one merchant in this State or against one merchant but at more than one location of a retail business of the merchant in this State.

Sec. 10. NRS 205.0835 is hereby amended to read as follows:

205.0835 1. Unless a greater penalty is imposed by a specific statute and unless the provisions of NRS 205.08345 apply under the circumstances, a person who commits theft in violation of any provision of NRS 205.0821 to

205.0835, inclusive, shall be punished pursuant to the provisions of this section.

2. If the value of the property or services involved in the theft is less than ~~[~~$250,~~]~~ ~~[$450,]~~ ***$650,*** the person who committed the theft is guilty of a misdemeanor.

3. If the value of the property or services involved in the theft is ~~[~~$250~~]~~ ~~[$450]~~ ***$650*** or more but less than ~~[~~$2,500,~~]~~ ***$3,500,*** the person who committed the theft is guilty of a category C felony and shall be punished as provided in NRS 193.130.

4. If the value of the property or services involved in the theft is ~~[~~$2,500~~]~~ ***$3,500*** or more, the person who committed the theft is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 10 years, and by a fine of not more than $10,000.

5. In addition to any other penalty, the court shall order the person who committed the theft to pay restitution.

Sec. 11. NRS 205.130 is hereby amended to read as follows:

205.130 1. Except as otherwise provided in this subsection and subsections 2 and 3, a person who willfully, with an intent to defraud, draws or passes a check or draft to obtain:

(a) Money;

(b) Delivery of other valuable property;

(c) Services;

(d) The use of property; or

(e) Credit extended by any licensed gaming establishment,

➥ drawn upon any real or fictitious person, bank, firm, partnership, corporation or depositary, when the person has insufficient money, property or credit with the drawee of the instrument to pay it in full upon its presentation, is guilty of a misdemeanor. If that instrument, or a series of instruments passed in the State during a period of 90 days, is in the amount of ~~[~~$250~~]~~ ~~[$450]~~ ***$650*** or more, the person is guilty of a category D felony and shall be punished as provided in NRS 193.130. In addition to any other penalty, the court shall order the person to pay restitution.

2. A person who was previously convicted three times of a misdemeanor under the provisions of this section, or of an offense of a similar nature, in this State or any other state, or in a federal jurisdiction, who violates this section is guilty of a category D felony and shall be punished as provided in NRS 193.130. In addition to any other penalty, the court shall order the person to pay restitution.

3. A person who willfully issues any check or draft for the payment of wages in excess of ~~[~~$250,~~]~~ ~~[$450,]~~ ***$650,*** when the person knows he or she

has insufficient money or credit with the drawee of the instrument to pay the instrument in full upon presentation is guilty of a gross misdemeanor.

4. For the purposes of this section, "credit" means an arrangement or understanding with a person, firm, corporation, bank or depositary for the payment of a check or other instrument.

Sec. 12. NRS 205.134 is hereby amended to read as follows:

205.134 1. A notice in boldface type which is clearly legible and is in substantially the following form must be posted in a conspicuous place in every principal and branch office of every bank and in every place of business in which retail selling is conducted:

The issuance of a check or draft without sufficient money or with intent to defraud is punishable by imprisonment in the county jail for not more than 6 months, or by a fine of not more than $1,000, or by both fine and imprisonment, and the issuance of such a check or draft in an amount of ~~[~~$250~~]~~ ~~*[$450]*~~ ***$650*** or more or by a person who previously has been convicted three times of this or a similar offense is punishable as a category D felony as provided in NRS 193.130.

2. Failure of the owner, operator or manager of a bank or other place of business to post the sign required by this section is not a defense to charge of a violation of NRS 205.130.

Sec. 13. NRS 205.220 is hereby amended to read as follows:

205.220 Except as otherwise provided in NRS 205.226 and 205.228, a person commits grand larceny if the person:

1. Intentionally steals, takes and carries away, leads away or drives away:

(a) Personal goods or property, with a value of ~~[~~$250~~]~~ ~~*[$450]*~~ ***$650*** or more, owned by another person;

(b) Bedding, furniture or other property, with a value of ~~[~~$250~~]~~ ~~*[$450]*~~ ***$650*** or more, which the person, as a lodger, is to use in or with his or her lodging and which is owned by another person; or

(c) Real property, with a value of ~~[~~$250~~]~~ ~~*[$450]*~~ ***$650*** or more, that the person has converted into personal property by severing it from real property owned by another person.

2. Uses a card or other device for automatically withdrawing or transferring money in a financial institution to obtain intentionally money to which the person knows he or she is not entitled.

3. Intentionally steals, takes and carries away, leads away, drives away or entices away:

(a) One or more head of livestock owned by another person; or

(b) One or more domesticated animals or domesticated birds, with an aggregate value of ~~[~~$250~~]~~ ~~*[$450]*~~ ***$650*** or more, owned by another person.

4. With the intent to defraud, steal, appropriate or prevent identification:

(a) Marks or brands, causes to be marked or branded, alters or defaces a mark or brand, or causes to be altered or defaced a mark or brand upon one or more head of livestock owned by another person;

(b) Sells or purchases the hide or carcass of one or more head of livestock owned by another person that has had a mark or brand cut out or obliterated;

(c) Kills one or more head of livestock owned by another person but running at large, whether or not the livestock is marked or branded; or

(d) Kills one or more domesticated animals or domesticated birds, with an aggregate value of ~~[~~$250~~]~~ ~~*[$450]*~~ ***$650*** or more, owned by another person but running at large, whether or not the animals or birds are marked or branded.

Sec. 14. NRS 205.222 is hereby amended to read as follows:

205.222 1. Unless a greater penalty is imposed by a specific statute, a person who commits grand larceny in violation of NRS 205.220 shall be punished pursuant to the provisions of this section.

2. If the value of the property involved in the grand larceny is less than ~~[~~$2,500,~~]~~ ***$3,500,*** the person who committed the grand larceny is guilty of a category C felony and shall be punished as provided in NRS 193.130.

3. If the value of the property involved in the grand larceny is ~~[~~$2,500~~]~~ ***$3,500*** or more, the person who committed the grand larceny is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 10 years, and by a fine of not more than $10,000.

4. In addition to any other penalty, the court shall order the person who committed the grand larceny to pay restitution.

5. If the grand larceny involved a sale in violation of subsection 3 or 4 of NRS 205.220, all proceeds from the sale are subject to forfeiture.

Sec. 15. NRS 205.228 is hereby amended to read as follows:

205.228 1. A person who intentionally steals, takes and carries away, drives away or otherwise removes a motor vehicle owned by another person commits grand larceny of a motor vehicle.

2. Except as otherwise provided in subsection 3, a person who commits grand larceny of a motor vehicle is guilty of a category C felony and shall be punished as provided in NRS 193.130.

3. If the prosecuting attorney proves that the value of the motor vehicle involved in the grand larceny is ~~[~~$2,500~~]~~ ***$3,500*** or more, the person who committed the grand larceny of the motor vehicle is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 10 years, and by a fine of not more than $10,000.

4. In addition to any other penalty, the court shall order the person who committed the grand larceny of the motor vehicle to pay restitution.

Sec. 16. NRS 205.240 is hereby amended to read as follows:

205.240 1. Except as otherwise provided in NRS 205.220, 205.226, 205.228 and 475.105, a person commits petit larceny if the person:

(a) Intentionally steals, takes and carries away, leads away or drives away:

(1) Personal goods or property, with a value of less than ~~[~~$250,~~]~~ ~~[$450,]~~ ***$650,*** owned by another person;

(2) Bedding, furniture or other property, with a value of less than ~~[~~$250,~~]~~ ~~[$450,]~~ ***$650,*** which the person, as a lodger, is to use in or with his or her lodging and which is owned by another person; or

(3) Real property, with a value of less than ~~[~~$250,~~]~~ ~~[$450,]~~ ***$650,*** that the person has converted into personal property by severing it from real property owned by another person.

(b) Intentionally steals, takes and carries away, leads away, drives away or entices away one or more domesticated animals or domesticated birds, with an aggregate value of less than ~~[~~$250,~~]~~ ~~[$450,]~~ ***$650,*** owned by another person.

2. Unless a greater penalty is provided pursuant to NRS 205.267, a person who commits petit larceny is guilty of a misdemeanor. In addition to any other penalty, the court shall order the person to pay restitution.

Sec. 17. NRS 205.267 is hereby amended to read as follows:

205.267 1. A person who intentionally steals, takes and carries away scrap metal with a value of less than ~~[~~$250~~]~~ ~~[$450]~~ ***$650*** within a period of 90 days is guilty of a misdemeanor.

2. A person who intentionally steals, takes and carries away scrap metal with a value of ~~[~~$250~~]~~ ~~[$450]~~ ***$650*** or more within a period of 90 days is guilty of:

(a) If the value of the property taken is less than ~~[~~$2,500,~~]~~ ***$3,500,*** a category C felony and shall be punished as provided in NRS 193.130; or

(b) If the value of the property taken is ~~[~~$2,500~~]~~ ***$3,500*** or more, a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 10 years, and by a fine of not more than $10,000.

3. In addition to any other penalty, the court shall order a person who violates the provisions of subsection 1 or 2 to pay restitution.

4. In determining the value of the property taken, the cost of repairing and, if necessary, replacing any property damaged by the theft of the scrap metal must be added to the value of the property.

5. As used in this section, "scrap metal" has the meaning ascribed to it in NRS 647.017.

Sec. 18. NRS 205.270 is hereby amended to read as follows:

205.270 1. A person who, under circumstances not amounting to robbery, with the intent to steal or appropriate to his or her own use, takes

property from the person of another, without the other person's consent, is guilty of:

(a) If the value of the property taken is less than ~~[~~$2,500,~~]~~ ***$3,500,*** a category C felony and shall be punished as provided in NRS 193.130; or

(b) If the value of the property taken is ~~[~~$2,500~~]~~ ***$3,500*** or more, a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 10 years, and by a fine of not more than $10,000.

2. In addition to any other penalty, the court shall order the person to pay restitution.

3. The court shall not grant probation to or suspend the sentence of any person convicted of violating subsection 1 if the person from whom the property was taken has any infirmity caused by age or other physical condition.

Sec. 19. NRS 205.2707 is hereby amended to read as follows:

205.2707 1. A person who intentionally steals, takes and carries away property of the value of ~~[~~$250~~]~~ ~~*[$450]*~~ ***$650*** or more from vending machines within a period of 1 week is guilty of:

(a) If the value of the property taken is less than ~~[~~$2,500,~~]~~ ***$3,500,*** a category C felony and shall be punished as provided in NRS 193.130; or

(b) If the value of the property taken is ~~[~~$2,500~~]~~ ***$3,500*** or more, a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 10 years, and by a fine of not more than $10,000.

2. In addition to any other penalty, the court shall order the person to pay restitution.

3. In determining the value of the property taken, the cost of repairing damaged vending machines and replacing any machine, if necessary, must be added to the value of the property.

Sec. 20. NRS 205.273 is hereby amended to read as follows:

205.273 1. A person commits an offense involving a stolen vehicle if the person:

(a) With the intent to procure or pass title to a motor vehicle which the person knows or has reason to believe has been stolen, receives or transfers possession of the vehicle from or to another person; or

(b) Has in his or her possession a motor vehicle which the person knows or has reason to believe has been stolen.

2. The provisions of subsection 1 do not apply to an officer of the law if the officer is engaged in the performance of his or her duty as an officer at the time of the receipt, transfer or possession of the stolen vehicle.

3. Except as otherwise provided in subsection 4, a person who violates the provisions of subsection 1 is guilty of a category C felony and shall be punished as provided in NRS 193.130.

4. If the prosecuting attorney proves that the value of the vehicle involved is ~~[~~$2,500~~]~~ ***$3,500*** or more, the person who violated the provisions of subsection 1 is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 10 years, and by a fine of not more than $10,000.

5. In addition to any other penalty, the court shall order the person to pay restitution.

6. For the purposes of this section, the value of a vehicle shall be deemed to be the highest value attributable to the vehicle by any reasonable standard.

Sec. 21. NRS 205.275 is hereby amended to read as follows:

205.275 1. A person commits an offense involving stolen property if the person, for his or her own gain or to prevent the owner from again possessing the owner's property, buys, receives, possesses or withholds property:

(a) Knowing that it is stolen property; or

(b) Under such circumstances as should have caused a reasonable person to know that it is stolen property.

2. A person who commits an offense involving stolen property in violation of subsection 1:

(a) If the value of the property is less than ~~[~~$250,~~]~~ ~~*[$450,]*~~ ***$650,*** is guilty of a misdemeanor;

(b) If the value of the property is ~~[~~$250~~]~~ ~~*[$450]*~~ ***$650*** or more but less than ~~[~~$2,500,~~]~~ ***$3,500,*** is guilty of a category C felony and shall be punished as provided in NRS 193.130; or

(c) If the value of the property is ~~[~~$2,500~~]~~ ***$3,500*** or more or if the property is a firearm, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 10 years, and by a fine of not more than $10,000.

3. In addition to any other penalty, the court shall order the person to pay restitution.

4. A person may be prosecuted and convicted pursuant to this section whether or not the principal is or has been prosecuted or convicted.

5. Possession by any person of three or more items of the same or a similar class or type of personal property on which a permanently affixed manufacturer's serial number or manufacturer's identification number has been removed, altered or defaced, is prima facie evidence that the person has violated this section.

6. For the purposes of this section, the value of the property involved shall be deemed to be the highest value attributable to the property by any reasonable standard.

7. As used in this section, "stolen property" means property that has been taken from its owner by larceny, robbery, burglary, embezzlement, theft or any other offense that is a crime against property, whether or not the person who committed the taking is or has been prosecuted or convicted for the offense.

Sec. 22. NRS 205.365 is hereby amended to read as follows:

205.365 A person, after once selling, bartering or disposing of any tract of land, town lot, or executing any bond or agreement for the sale of any land or town lot, who again, knowingly and fraudulently, sells, barters or disposes of the same tract of land or lot, or any part thereof, or knowingly and fraudulently executes any bond or agreement to sell, barter or dispose of the same land or lot, or any part thereof, to any other person, for a valuable consideration, shall be punished:

1. Where the value of the property involved is ~~[~~$250~~]~~ ~~*[$450]*~~ ***$650*** or more, for a category C felony as provided in NRS 193.130. In addition to any other penalty, the court shall order the person to pay restitution.

2. Where the value of the property is less than ~~[~~$250,~~]~~ ~~*[$450,]*~~ ***$650,*** for a misdemeanor.

Sec. 23. NRS 205.370 is hereby amended to read as follows:

205.370 A person who, by false representations of his or her own wealth, or mercantile correspondence and connections, obtains a credit thereby and defrauds any person of money, goods, chattels or any valuable thing, or if a person causes or procures another to report falsely of his or her wealth or mercantile character, and by thus imposing upon any person obtains credit and thereby fraudulently gets into the possession of goods, wares or merchandise, or other valuable thing, is a swindler, and must be sentenced to return the property fraudulently obtained, if it can be done, or to pay restitution and shall be punished:

1. Where the amount of money or the value of the chattels, goods, wares or merchandise, or other valuable thing so obtained is ~~[~~$250~~]~~ ~~*[$450]*~~ ***$650*** or more, for a category C felony as provided in NRS 193.130.

2. Otherwise, for a misdemeanor.

Sec. 24. NRS 205.377 is hereby amended to read as follows:

205.377 1. A person shall not, in the course of an enterprise or occupation, knowingly and with the intent to defraud, engage in an act, practice or course of business or employ a device, scheme or artifice which operates or would operate as a fraud or deceit upon a person by means of a false representation or omission of a material fact that:

(a) The person knows to be false or omitted;

(b) The person intends another to rely on; and

(c) Results in a loss to any person who relied on the false representation or omission,

➥ in at least two transactions that have the same or similar pattern, intents, results, accomplices, victims or methods of commission, or are otherwise interrelated by distinguishing characteristics and are not isolated incidents within 4 years and in which the aggregate loss or intended loss is more than ~~[~~$250.~~]~~ ~~*[$450.]*~~ ***$650.***

2. Each act which violates subsection 1 constitutes a separate offense.

3. A person who violates subsection 1 is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 20 years, and may be further punished by a fine of not more than $10,000.

4. In addition to any other penalty, the court shall order a person who violates subsection 1 to pay restitution.

5. A violation of this section constitutes a deceptive trade practice for the purposes of NRS 598.0903 to 598.0999, inclusive.

6. As used in this section, "enterprise" has the meaning ascribed to it in NRS 207.380.

Sec. 25. NRS 205.380 is hereby amended to read as follows:

205.380 1. A person who knowingly and designedly by any false pretense obtains from any other person any chose in action, money, goods, wares, chattels, effects or other valuable thing, including rent or the labor of another person not his or her employee, with the intent to cheat or defraud the other person, is a cheat, and, unless otherwise prescribed by law, shall be punished:

(a) If the value of the thing or labor fraudulently obtained was ~~[~~$250~~]~~ ~~*[$450]*~~ ***$650*** or more, for a category B felony by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, or by a fine of not more than $10,000, or by both fine and imprisonment. In addition to any other penalty, the court shall order the person to pay restitution.

(b) If the value of the thing or labor fraudulently obtained was less than ~~[~~$250,~~]~~ ~~*[$450,]*~~ ***$650,*** for a misdemeanor, and must be sentenced to restore the property fraudulently obtained, if it can be done, or tender payment for rent or labor.

2. For the purposes of this section, it is prima facie evidence of an intent to defraud if the drawer of a check or other instrument given in payment for:

(a) Property which can be returned in the same condition in which it was originally received;

(b) Rent; or

(c) Labor performed in a workmanlike manner whenever a written estimate was furnished before the labor was performed and the actual cost of the labor does not exceed the estimate,

➥ stops payment on that instrument and fails to return or offer to return the property in that condition, or to specify in what way the labor was deficient within 5 days after receiving notice from the payee that the instrument has not been paid by the drawee.

3. The notice must be sent to the drawer by certified mail, return receipt requested, at the address shown on the instrument. The notice must include a statement of the penalties set forth in this section. Return of the notice because of nondelivery to the drawer raises a rebuttable presumption of the intent to defraud.

4. A notice in boldface type clearly legible and in substantially the following form must be posted in a conspicuous place in every principal and branch office of every bank and in every place of business in which retail selling is conducted or labor is performed for the public and must be furnished in written form by a landlord to a tenant:

The stopping of payment on a check or other instrument given in payment for property which can be returned in the same condition in which it was originally received, rent or labor which was completed in a workmanlike manner, and the failure to return or offer to return the property in that condition or to specify in what way the labor was deficient within 5 days after receiving notice of nonpayment is punishable:

1. If the value of the property, rent or labor fraudulently obtained was **[**~~$250~~**]** ***[~~$450~~]*** ***$650*** or more, as a category B felony by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, or by a fine of not more than $10,000, or by both fine and imprisonment.

2. If the value of the property, rent or labor so fraudulently obtained was less than **[**~~$250,~~**]** ***[~~$450,~~]*** ***$650,*** as a misdemeanor by imprisonment in the county jail for not more than 6 months, or by a fine of not more than $1,000, or by both fine and imprisonment.

Sec. 26. NRS 205.415 is hereby amended to read as follows:

205.415 A person who sells one or more tickets to any ball, benefit or entertainment, or asks or receives any subscription or promise thereof, for the benefit or pretended benefit of any person, association or order, without being authorized thereto by the person, association or order for whose benefit or pretended benefit it is done, shall be punished:

1. Where the amount received from such sales, subscriptions or promises totals **[**~~$250~~**]** ***[~~$450~~]*** ***$650*** or more, for a category C felony as provided in NRS 193.130. In addition to any other penalty, the court shall order the person to pay restitution.

2. Otherwise, for a misdemeanor.

Sec. 27. NRS 205.445 is hereby amended to read as follows:

205.445 1. It is unlawful for a person:

(a) To obtain food, foodstuffs, lodging, merchandise or other accommodations at any hotel, inn, trailer park, motor court, boardinghouse, rooming house, lodging house, furnished apartment house, furnished bungalow court, furnished automobile camp, eating house, restaurant, grocery store, market or dairy, without paying therefor, with the intent to defraud the proprietor or manager thereof;

(b) To obtain credit at a hotel, inn, trailer park, motor court, boardinghouse, rooming house, lodging house, furnished apartment house, furnished bungalow court, furnished automobile camp, eating house, restaurant, grocery store, market or dairy by the use of any false pretense; or

(c) After obtaining credit, food, lodging, merchandise or other accommodations at a hotel, inn, trailer park, motor court, boardinghouse, rooming house, lodging house, furnished apartment house, furnished bungalow court, furnished automobile camp, eating house, restaurant, grocery store, market or dairy, to abscond or surreptitiously, or by force, menace or threats, to remove any part of his or her baggage therefrom, without paying for the food or accommodations.

2. A person who violates any of the provisions of subsection 1 shall be punished:

(a) Where the total value of the credit, food, foodstuffs, lodging, merchandise or other accommodations received from any one establishment is ~~[~~$250~~]~~ ~~*[$450]*~~ ***$650*** or more, for a category D felony as provided in NRS 193.130. In addition to any other penalty, the court shall order the person to pay restitution.

(b) Otherwise, for a misdemeanor.

3. Proof that lodging, food, foodstuffs, merchandise or other accommodations were obtained by false pretense, or by false or fictitious show or pretense of any baggage or other property, or that the person refused or willfully neglected to pay for the food, foodstuffs, lodging, merchandise or other accommodations, or that the person gave in payment for the food, foodstuffs, lodging, merchandise or other accommodations negotiable paper on which payment was refused, or that the person absconded without paying or offering to pay for the food, foodstuffs, lodging, merchandise or other accommodations, or that the person surreptitiously removed or attempted to remove his or her baggage, is prima facie evidence of the fraudulent intent mentioned in this section.

4. This section does not apply where there has been an agreement in writing for delay in payment for a period to exceed 10 days.

Sec. 28. NRS 205.520 is hereby amended to read as follows:

205.520 A bailee, or any officer, agent or servant of a bailee, who issues or aids in issuing a document of title, knowing that the goods covered by the document of title have not been received by him or her, or are not under his or her control at the time the document is issued, shall be punished:

1. Where the value of the goods purported to be covered by the document of title is ~~[~~$250~~]~~ ~~*[$450]*~~ ***$650*** or more, for a category D felony as provided in NRS 193.130. In addition to any other penalty, the court shall order the person to pay restitution.

2. Where the value is less than ~~[~~$250,~~]~~ ~~*[$450,]*~~ ***$650,*** for a misdemeanor.

Sec. 29. NRS 205.540 is hereby amended to read as follows:

205.540 Except as otherwise provided in chapter 104 of NRS, a bailee, or any officer, agent or servant of a bailee, who issues or aids in issuing a duplicate or additional negotiable document of title, knowing that a former negotiable document for the same goods or any part of them is outstanding and uncanceled, shall be punished:

1. Where the value of the goods purported to be covered by the document of title is ~~[~~$250~~]~~ ~~*[$450]*~~ ***$650*** or more, for a category D felony as provided in NRS 193.130. In addition to any other penalty, the court shall order the person to pay restitution.

2. Where the value is less than ~~[~~$250,~~]~~ ~~*[$450,]*~~ ***$650,*** for a misdemeanor.

Sec. 30. NRS 205.570 is hereby amended to read as follows:

205.570 A person who, with the intent to defraud, obtains a negotiable document of title for goods to which the person does not have title, or which are subject to a security interest, and negotiates the document for value, without disclosing the want of title or the existence of the security interest, shall be punished:

1. Where the value of the goods purported to be covered by the document of title is ~~[~~$250~~]~~ ~~*[$450]*~~ ***$650*** or more, for a category D felony as provided in NRS 193.130. In addition to any other penalty, the court shall order the person to pay restitution.

2. Where the value is less than ~~[~~$250,~~]~~ ~~*[$450,]*~~ ***$650,*** for a misdemeanor.

Sec. 31. NRS 205.580 is hereby amended to read as follows:

205.580 A person who, with the intent to defraud, secures the issue by a bailee of a negotiable document of title, knowing at the time of issue that any or all of the goods are not in possession of the bailee, by inducing the bailee to believe that the goods are in the bailee's possession, shall be punished:

1. Where the value of the goods purported to be covered by the document of title is ~~[~~$250~~]~~ ~~*[$450]*~~ ***$650*** or more, for a category D felony as provided in NRS 193.130. In addition to any other penalty, the court shall order the person to pay restitution.

2. Where the value is less than ~~[~~$250,~~]~~ ~~*[$450,]*~~ ***$650,*** for a misdemeanor.

Sec. 32. NRS 205.590 is hereby amended to read as follows:

205.590 A person who, with the intent to defraud, negotiates or transfers for value a document of title, which by the terms thereof represents that goods are in possession of the bailee who issued the document, knowing that the bailee is not in possession of the goods or any part thereof, without disclosing this fact, shall be punished:

1. Where the value of the goods purported to be covered by the document of title is ~~[~~$250~~]~~ ~~*[$450]*~~ ***$650*** or more, for a category D felony as provided in NRS 193.130. In addition to any other penalty, the court shall order the person to pay restitution.

2. Where the value is less than ~~[~~$250,~~]~~ ~~*[$450,]*~~ ***$650,*** for a misdemeanor.

Sec. 33. NRS 205.950 is hereby amended to read as follows:

205.950 1. It is unlawful for a person to receive an advance fee, salary, deposit or money to obtain a loan for another unless the person places the advance fee, salary, deposit or money in escrow pending completion of the loan or a commitment for the loan.

2. Advance payments to cover reasonably estimated costs paid to third persons are excluded from the provisions of subsection 1 if the person making them first signs a written agreement which specifies the estimated costs by item and the estimated aggregate cost, and which recites that money advanced for costs will not be refunded. If an itemized service is not performed and the estimated cost thereof is not refunded, the recipient of the advance payment is subject to the penalties provided in subsection 3.

3. A person who violates the provisions of this section:

(a) Is guilty of a misdemeanor if the amount is less than ~~[~~$250;~~]~~ ~~*[$450;]*~~ ***$650;***

(b) Is guilty of a gross misdemeanor if the amount is ~~[~~$250~~]~~ ~~*[$450]*~~ ***$650*** or more but less than $1,000; or

(c) Is guilty of a category D felony if the amount is $1,000 or more and shall be punished as provided in NRS 193.130.

Sec. 34. NRS 207.340 is hereby amended to read as follows:

207.340 1. As used in this section, unless the context otherwise requires:

(a) "Access device" means any card, plate, account number or other means of access that can be used, alone or in conjunction with another access device, to obtain payments, allotments, benefits, money, goods or other things of value, or that can be used to initiate a transfer of funds pursuant to the Act.

(b) "Act" means the Food Stamp Act of 1977, as amended (7 U.S.C. 2011 et seq.) and regulations adopted thereunder.

(c) "Authorization to purchase" means a document issued by the United States Department of Agriculture or by a state agency which permits the holder to purchase coupons or otherwise receive benefits under the Act.

(d) "Coupon" means a food stamp, coupon, certificate or access device issued by the United States Department of Agriculture as provided in the Act.

2. A person who knowingly uses, transfers, sells, purchases, acquires, alters or possesses coupons and who is not authorized by the Act to do so, or who knowingly presents or causes to be presented coupons which are received, transferred or used in a manner not authorized by the Act, shall be punished:

(a) If the value of the coupons is less than ~~[~~$250,~~]~~ ~~*[$450,]*~~ ***$650,*** for a misdemeanor, and be sentenced to restore the amount of the value so obtained.

(b) If the value of the coupons is ~~[~~$250~~]~~ ~~*[$450]*~~ ***$650*** or more, for a category E felony as provided in NRS 193.130. In addition to any other penalty, the court shall order the person to pay restitution.

3. A district attorney or the Attorney General may commence proceedings to enforce the provisions of this section in any court of competent jurisdiction.

4. If a person is convicted of violating any of the provisions of this section, the prosecuting attorney shall report the sentence imposed by the court for that person to the Division of Welfare and Supportive Services of the Department of Health and Human Services within 60 days after the imposition of the sentence.

5. The value of all coupons misappropriated in separate acts of fraud involving coupons must be combined for the purposes of imposing punishment for the offense charged if:

(a) The separate acts were committed within 6 months before the offense;

(b) None of the individual acts is punishable as a felony; and

(c) The cumulative value of all the coupons misappropriated is sufficient to make the offense punishable as a felony.

6. At the time of sentencing, a court may accept as a partial mitigation of the offense satisfactory evidence that a person convicted of violating any of the provisions of this section sold or transferred the coupons for cash to buy necessities which may not be lawfully obtained with coupons.

Sec. 35. NRS 207.360 is hereby amended to read as follows:

207.360 "Crime related to racketeering" means the commission of, attempt to commit or conspiracy to commit any of the following crimes:

1. Murder;

2. Manslaughter, except vehicular manslaughter as described in NRS 484B.657;

3. Mayhem;

4. Battery which is punished as a felony;

5. Kidnapping;

6. Sexual assault;

7. Arson;

8. Robbery;

9. Taking property from another under circumstances not amounting to robbery;

10. Extortion;

11. Statutory sexual seduction;

12. Extortionate collection of debt in violation of NRS 205.322;

13. Forgery;

14. Any violation of NRS 199.280 which is punished as a felony;

15. Burglary;

16. Grand larceny;

17. Bribery or asking for or receiving a bribe in violation of chapter 197 or 199 of NRS which is punished as a felony;

18. Battery with intent to commit a crime in violation of NRS 200.400;

19. Assault with a deadly weapon;

20. Any violation of NRS 453.232, 453.316 to 453.3395, inclusive, or 453.375 to 453.401, inclusive;

21. Receiving or transferring a stolen vehicle;

22. Any violation of NRS 202.260, 202.275 or 202.350 which is punished as a felony;

23. Any violation of subsection 2 or 3 of NRS 463.360 or chapter 465 of NRS;

24. Receiving, possessing or withholding stolen goods valued at ~~[~~$250~~]~~ ~~*[$450]*~~ ***$650*** or more;

25. Embezzlement of money or property valued at ~~[~~$250~~]~~ ~~*[$450]*~~ ***$650*** or more;

26. Obtaining possession of money or property valued at ~~[~~$250~~]~~ ~~*[$450]*~~ ***$650*** or more, or obtaining a signature by means of false pretenses;

27. Perjury or subornation of perjury;

28. Offering false evidence;

29. Any violation of NRS 201.300 or 201.360;

30. Any violation of NRS 90.570, 91.230 or 686A.290, or insurance fraud pursuant to NRS 686A.291;

31. Any violation of NRS 205.506, 205.920 or 205.930;

32. Any violation of NRS 202.445 or 202.446; or

33. Any violation of NRS 205.377.

Sec. 36. NRS 281.230 is hereby amended to read as follows:

281.230 1. Except as otherwise provided in this section and NRS 218A.970, 281A.530 and 332.800, the following persons shall not, in any manner, directly or indirectly, receive any commission, personal profit or compensation of any kind resulting from any contract or other significant transaction in which the employing state, county, municipality, township,

district or quasi-municipal corporation is in any way directly interested or affected:

(a) State, county, municipal, district and township officers of the State of Nevada;

(b) Deputies and employees of state, county, municipal, district and township officers; and

(c) Officers and employees of quasi-municipal corporations.

2. A member of any board, commission or similar body who is engaged in the profession, occupation or business regulated by the board, commission or body may, in the ordinary course of his or her business, bid on or enter into a contract with any governmental agency, except the board or commission of which he or she is a member, if the member has not taken part in developing the contract plans or specifications and the member will not be personally involved in opening, considering or accepting offers.

3. A full- or part-time faculty member or employee of the Nevada System of Higher Education may bid on or enter into a contract with a governmental agency, or may benefit financially or otherwise from a contract between a governmental agency and a private entity, if the contract complies with the policies established by the Board of Regents of the University of Nevada pursuant to NRS 396.255.

4. A public officer or employee, other than an officer or employee described in subsection 2 or 3, may bid on or enter into a contract with a governmental agency if the contracting process is controlled by rules of open competitive bidding, the sources of supply are limited, the public officer or employee has not taken part in developing the contract plans or specifications and the public officer or employee will not be personally involved in opening, considering or accepting offers. If a public officer who is authorized to bid on or enter into a contract with a governmental agency pursuant to this subsection is a member of the governing body of the agency, the public officer, pursuant to the requirements of NRS 281A.420, shall disclose his or her interest in the contract and shall not vote on or advocate the approval of the contract.

5. A person who violates any of the provisions of this section shall be punished as provided in NRS 197.230 and:

(a) Where the commission, personal profit or compensation is ~~[~~$250~~]~~ ~~*[$450]*~~ ***$650*** or more, for a category D felony as provided in NRS 193.130.

(b) Where the commission, personal profit or compensation is less than ~~[~~$250,~~]~~ ~~*[$450,]*~~ ***$650,*** for a misdemeanor.

6. A person who violates the provisions of this section shall pay any commission, personal profit or compensation resulting from the contract or transaction to the employing state, county, municipality, township, district or quasi-municipal corporation as restitution.

Sec. 37. NRS 422.540 is hereby amended to read as follows:

422.540 1. A person, with the intent to defraud, commits an offense if with respect to the Plan the person:

(a) Makes a claim or causes it to be made, knowing the claim to be false, in whole or in part, by commission or omission;

(b) Makes or causes to be made a statement or representation for use in obtaining or seeking to obtain authorization to provide specific goods or services, knowing the statement or representation to be false, in whole or in part, by commission or omission;

(c) Makes or causes to be made a statement or representation for use by another in obtaining goods or services pursuant to the Plan, knowing the statement or representation to be false, in whole or in part, by commission or omission; or

(d) Makes or causes to be made a statement or representation for use in qualifying as a provider, knowing the statement or representation to be false, in whole or in part, by commission or omission.

2. A person who commits an offense described in subsection 1 shall be punished for a:

(a) Category D felony, as provided in NRS 193.130, if the amount of the claim or the value of the goods or services obtained or sought to be obtained was greater than or equal to **[**~~$250.~~**]** ~~*[$450.]*~~ ***$650.***

(b) Misdemeanor if the amount of the claim or the value of the goods or services obtained or sought to be obtained was less than **[**~~$250.~~**]** ~~*[$450.]*~~ ***$650.***

➥ Amounts involved in separate violations of this section committed pursuant to a scheme or continuing course of conduct may be aggregated in determining the punishment.

3. In addition to any other penalty for a violation of the commission of an offense described in subsection 1, the court shall order the person to pay restitution.

Sec. 38. NRS 422.560 is hereby amended to read as follows:

422.560 1. Except as otherwise provided in subsection 2, a person shall not:

(a) While acting on behalf of a provider, purchase or lease goods, services, materials or supplies for which payment may be made, in whole or in part, pursuant to the Plan, and solicit or accept anything of additional value in return for or in connection with the purchase or lease;

(b) Sell or lease to or for the use of a provider goods, services, materials or supplies for which payment may be made, in whole or in part, pursuant to the Plan, and offer, transfer or pay anything of additional value in connection with or in return for the sale or lease; or

(c) Refer a person to a provider for goods or services for which payment may be made, in whole or in part, pursuant to the Plan, and solicit or accept anything of value in connection with the referral.

2. Paragraphs (a) and (b) of subsection 1 do not apply if the additional value transferred is:

(a) A refund or discount made in the ordinary course of business;

(b) Reflected by the books and records of the person transferring or receiving it; and

(c) Reflected in the billings submitted to the Plan.

3. A person shall not, while acting on behalf of a provider providing goods or services to a recipient pursuant to the Plan, charge, solicit, accept or receive anything of additional value in addition to the amount legally payable pursuant to the Plan in connection with the provision of the goods or services.

4. A person who violates this section, if the value of the thing or any combination of things unlawfully solicited, accepted, offered, transferred, paid, charged or received:

(a) Is less than ~~[~~$250,~~]~~ ~~*[$450,]*~~ ***$650,*** is guilty of a gross misdemeanor.

(b) Is ~~[~~$250~~]~~ ~~*[$450]*~~ ***$650*** or more, is guilty of a category D felony and shall be punished as provided in NRS 193.130.

Sec. 39. NRS 475.105 is hereby amended to read as follows:

475.105 A person who steals a device intended for use in preventing, controlling, extinguishing or giving warning of a fire:

1. If the device has a value of less than ~~[~~$250,~~]~~ ~~*[$450,]*~~ ***$650,*** is guilty of a gross misdemeanor.

2. If the device has a value of ~~[~~$250~~]~~ ~~*[$450]*~~ ***$650*** or more, is guilty of grand larceny and shall be punished as provided in NRS 205.222.

Sec. 40. NRS 482.547 is hereby amended to read as follows:

482.547 1. It is unlawful for a person to sell, offer to sell or display for sale any vehicle unless the person is:

(a) The lienholder, owner or registered owner of the vehicle;

(b) A repossessor of the vehicle, or holder of a statutory lien on the vehicle, selling the vehicle on a bid basis; or

(c) A manufacturer, distributor, rebuilder, lessor or dealer licensed under the provisions of this chapter.

2. The provisions of this section do not apply to any executor, administrator, sheriff or other person who sells a vehicle pursuant to powers or duties granted or imposed by law.

3. A person who violates any of the provisions of this section shall be punished:

(a) If the value of the vehicle sold, offered or displayed is ~~[~~$250~~]~~ ~~*[$450]*~~ ***$650*** or more, for a category D felony as provided in NRS 193.130. In

addition to any other penalty, the court shall order the person to pay restitution.

(b) If the value of the vehicle is less than ~~[~~$250,~~]~~ ~~*[$450,]*~~ ***$650,*** for a misdemeanor.

Sec. 41. NRS 487.840 is hereby amended to read as follows:

487.840 1. A person shall not remove, cause to be removed or conceal a marking on:

(a) A salvage title or other title which indicates that the vehicle is a salvage vehicle; or

(b) A certificate of title or other title for a rebuilt vehicle which indicates that the vehicle is a rebuilt vehicle.

2. A person who knowingly violates subsection 1 with the intent to defraud:

(a) If the fair market value of the vehicle involved is ~~[~~$250~~]~~ ~~*[$450]*~~ ***$650*** or more, is guilty of a category D felony and shall be punished as provided in NRS 193.130.

(b) If the fair market value of the vehicle involved is less than ~~[~~$250,~~]~~ ~~*[$450,]*~~ ***$650,*** is guilty of a misdemeanor.

➥ In addition to any other penalty, the court shall order the person to pay restitution to the victim.

Sec. 42. NRS 487.870 is hereby amended to read as follows:

487.870 1. A person shall not remove a total loss salvage vehicle from this State to sell that vehicle unless the title has been forwarded to the state agency pursuant to subsection 1 of NRS 487.800.

2. A person who violates the provisions of this section:

(a) If the value of the vehicle removed from this State is less than ~~[~~$250,~~]~~ ~~*[$450,]*~~ ***$650,*** is guilty of a misdemeanor.

(b) If the value of the vehicle removed from this State is ~~[~~$250~~]~~ ~~*[$450]*~~ ***$650*** or more, is guilty of a gross misdemeanor.

Sec. 43. NRS 612.445 is hereby amended to read as follows:

612.445 1. A person shall not make a false statement or representation, knowing it to be false, or knowingly fail to disclose a material fact in order to obtain or increase any benefit or other payment under this chapter, including, without limitation, by failing to properly report earnings or by filing a claim for benefits using the social security number, name or other personal identifying information of another person. A person who violates the provisions of this subsection commits unemployment insurance fraud.

2. When the Administrator finds that a person has committed unemployment insurance fraud pursuant to subsection 1, the person shall repay to the Administrator for deposit in the Fund a sum equal to all of the benefits received by or paid to the person for each week with respect to which the false statement or representation was made or to which the person

failed to disclose a material fact in addition to any interest, penalties and costs related to that sum.

3. Except as otherwise provided in this subsection and subsection 8, the person is disqualified from receiving unemployment compensation benefits under this chapter:

(a) For a period beginning with the first week claimed in violation of subsection 1 and ending not more than 52 consecutive weeks after the week in which it is determined that a claim was filed in violation of subsection 1; or

(b) Until the sum described in subsection 2, in addition to any interest, penalties or costs related to that sum, is repaid to the Administrator,

➥ whichever is longer. The Administrator shall fix the period of disqualification according to the circumstances in each case.

4. It is a violation of subsection 1 for a person to file a claim, or to cause or allow a claim to be filed on his or her behalf, if:

(a) The person is incarcerated in the state prison or any county or city jail or detention facility or other correctional facility in this State; and

(b) The claim does not expressly disclose his or her incarceration.

5. A person who obtains benefits of ~~[~~$250~~]~~ ~~*[$450]*~~ ***$650*** or more in violation of subsection 1 shall be punished in the same manner as theft pursuant to subsection 3 or 4 of NRS 205.0835.

6. In addition to the repayment of benefits required pursuant to subsection 2, if the amount of benefits which must be repaid is greater than $1,000, the Administrator may impose a penalty equal to not more than:

(a) If the amount of such benefits is greater than $1,000 but not greater than $2,500, 25 percent; or

(b) If the amount of such benefits is greater than $2,500, 50 percent,

➥ of the total amount of benefits received by the person in violation of subsection 1 or any other provision of this chapter.

7. Except as otherwise provided in subsection 8, a person may not pay benefits as required pursuant to subsection 2 by using benefits which would otherwise be due and payable to the person if he or she was not disqualified.

8. The Administrator may waive the period of disqualification prescribed in subsection 3 for good cause shown or if the person adheres to a repayment schedule authorized by the Administrator that is designed to fully repay benefits received from an improper claim, in addition to any related interest, penalties and costs, within 18 months. If the Administrator waives the period of disqualification pursuant to this subsection, the person may repay benefits as required pursuant to subsection 2 by using any benefits which are due and payable to the person, except that benefits which are due and payable to the person may not be used to repay any related interest, penalties and costs.

9. The Administrator may recover any money required to be paid pursuant to this section in accordance with the provisions of NRS 612.365 and may collect interest on any such money in accordance with the provisions of NRS 612.620.

Sec. 44. NRS 616D.370 is hereby amended to read as follows:

616D.370 1. A person shall not, by any act or omission:

(a) Make a charge or cause it to be made knowing the charge to be false, in whole or in part;

(b) Make or cause to be made a statement or representation for use in obtaining or seeking to obtain authorization to provide specific accident benefits pursuant to chapters 616A to 616D, inclusive, or chapter 617 of NRS, knowing the statement or representation to be false, in whole or in part; or

(c) Make or cause to be made a statement or representation for use by another person to obtain accident benefits pursuant to chapters 616A to 616D, inclusive, or chapter 617 of NRS, knowing the statement or representation to be false, in whole or in part.

2. A person who violates any of the provisions of this section shall be punished:

(a) If the amount of the charge or the value of the accident benefits obtained or sought to be obtained was ~~[~~$250~~]~~ ~~*[$450]*~~ ***$650*** or more, for a category D felony as provided in NRS 193.130. In addition to any other penalty, the court shall order the person to pay restitution.

(b) If the amount of the charge or the value of the accident benefits obtained or sought to be obtained was less than ~~[~~$250,~~]~~ ~~*[$450,]*~~ ***$650,*** for a misdemeanor, and must be sentenced to restore any accident benefits so obtained, if it can be done, or tender payment for rent or labor.

Sec. 45. NRS 616D.390 is hereby amended to read as follows:

616D.390 1. Except as otherwise provided in subsection 2, a person shall not:

(a) While acting on behalf of a provider of health care, purchase or lease goods, services, materials or supplies for which payment may be made, in whole or in part, pursuant to chapters 616A to 616D, inclusive, or chapter 617 of NRS, and solicit or accept anything of additional value in return for or in connection with the purchase or lease;

(b) Sell or lease to or for the use of a provider of health care goods, services, materials or supplies for which payment may be made, in whole or in part, pursuant to chapters 616A to 616D, inclusive, or chapter 617 of NRS, and offer, transfer or pay anything of additional value in connection with or in return for the sale or lease; or

(c) Refer a person to a provider of health care for accident benefits for which payment may be made, in whole or in part, pursuant to chapters 616A

to 616D, inclusive, or chapter 617 of NRS, and solicit or accept anything of value in connection with the referral.

2. Paragraphs (a) and (b) of subsection 1 do not apply if the additional value transferred is:

(a) A refund or discount made in the ordinary course of business;

(b) Reflected by the books and records of the person transferring or receiving it; and

(c) Reflected in the charges submitted to the insurer.

3. A provider of health care shall not offer, transfer or pay anything of value in connection with or in return for the referral to the provider of a patient for whom payment of accident benefits may be made, in whole or in part, pursuant to chapters 616A to 616D, inclusive, or chapter 617 of NRS.

4. A person shall not, while acting on behalf of a provider of health care pursuant to chapters 616A to 616D, inclusive, or chapter 617 of NRS, charge, solicit, accept or receive anything of value in addition to the amount legally payable pursuant to any of those chapters in connection with the provision of the accident benefits.

5. A person who violates any provision of this section, if the value of the thing or any combination of things unlawfully solicited, accepted, offered, transferred, paid, charged or received:

(a) Is less than ~~[~~$250,~~]~~ ~~*[$450,]*~~ ***$650,*** is guilty of a gross misdemeanor.

(b) Is ~~[~~$250~~]~~ ~~*[$450]*~~ ***$650*** or more, is guilty of a category D felony and shall be punished as provided in NRS 193.130.

Sec. 46. NRS 645B.960 is hereby amended to read as follows:

645B.960 1. A person, or any general partner, director, officer, agent or employee of a person, who violates any provision of NRS 645B.165 to 645B.180, inclusive, is guilty of:

(a) A misdemeanor if the amount involved is less than ~~[~~$250;~~]~~ ~~*[$450;]*~~ ***$650;***

(b) A gross misdemeanor if the amount involved is ~~[~~$250~~]~~ ~~*[$450]*~~ ***$650*** or more but less than $1,000; or

(c) A category D felony if the amount involved is $1,000 or more, and shall be punished as provided in NRS 193.130.

2. In addition to any other penalty, if a person is convicted of or enters a plea of nolo contendere to a violation described in subsection 1, the court shall order the person to pay:

(a) Court costs; and

(b) Reasonable costs of the investigation and prosecution of the violation.

Sec. 47. NRS 645E.960 is hereby amended to read as follows:

645E.960 A person, or any general partner, director, officer, agent or employee of a person, who violates any provision of NRS 645E.420, 645E.430 or 645E.440 is guilty of:

1. A misdemeanor if the amount involved is less than ~~[~~$250;~~]~~ ~~*[$450;]*~~ ***$650;***

2. A gross misdemeanor if the amount involved is ~~[~~$250~~]~~ ~~*[$450]*~~ ***$650*** or more but less than $1,000; or

3. A category D felony if the amount involved is $1,000 or more, and shall be punished as provided in NRS 193.130.

Sec. 48. NRS 668.055 is hereby amended to read as follows:

668.055 A president, director, manager, cashier, teller, clerk, officer or agent of any bank who embezzles, abstracts or willfully misapplies any money, funds, securities or credits of any bank, or who issues or puts forth any certificate of deposit, draws any draft, bill of exchange or mortgage, or who makes use of any bank in any manner, with the intent to injure or defraud any bank or person, or to deceive any bank, or officer of any bank, and any natural person who, with like intent, aids or abets any officer, clerk or agent in any violation of this section, shall be punished:

1. Where the amount involved is ~~[~~$250~~]~~ ~~*[$450]*~~ ***$650*** or more, for a category C felony as provided in NRS 193.130. In addition to any other penalty, the court shall order the person to pay restitution.

2. Where the amount involved is less than ~~[~~$250,~~]~~ ~~*[$450,]*~~ ***$650,*** for a misdemeanor.

Sec. 49. NRS 688C.450 is hereby amended to read as follows:

688C.450 It is a category D felony, and the offender shall be punished as provided in NRS 193.130, for any person, knowingly or with intent to defraud, to do any of the following acts in order to deprive another of property or for the person's own pecuniary gain:

1. Present, cause to be presented or prepare with knowledge or belief that it will be presented, false information to or by an investment agent or a provider or broker of viatical settlements, a financing agent, an insurer, a provider of insurance or any other person, or to conceal information, as part of, in support of or concerning a fact material to:

(a) An application for the issuance of a policy or viatical settlement;

(b) The underwriting of a policy or viatical settlement;

(c) A claim for payment or other benefit under a policy, viatical settlement or agreement to purchase a viatical settlement;

(d) A premium paid on a policy or as a result of an agreement to purchase a viatical settlement;

(e) A payment or change of beneficiary or ownership pursuant to a policy or viatical settlement;

(f) The reinstatement or conversion of a policy;

(g) The solicitation, offer or effectuation of a policy, viatical settlement or agreement to purchase a viatical settlement; or

(h) The issuance of written evidence of a policy, viatical settlement or agreement to purchase a viatical settlement.

2. In furtherance of a fraud or to prevent detection of a fraud:

(a) Remove, conceal, alter, destroy or sequester from the Commissioner assets or records of a licensee under this chapter or other person engaged in the business of viatical settlements;

(b) Misrepresent or conceal the financial condition of a licensee, a financing agent, an insurer or other person;

(c) Transact the business of viatical settlements in violation of this chapter; or

(d) File with the Commissioner or analogous officer of another jurisdiction a document containing false information or otherwise conceal information about a material fact from the Commissioner or other officer.

3. Present, cause to be presented or prepare with knowledge or belief that it will be presented to or by a provider or broker of viatical settlements, an investment agent, a financing agent, an insurer, a provider of insurance or any other person, in connection with a viatical settlement or transaction of insurance, a policy fraudulently by the insured or owner or an agent of either.

4. Embezzle, steal, misappropriate or convert money, premiums, credits or other property in an amount or having a value of less than **[**$250**]** ~~*[$450]*~~ ***$650*** of a provider of viatical settlements, a viator, an insurer, an insured, an owner of a policy or other person engaged in the business of viatical settlements or insurance.

5. Attempt to commit, assist, aid, abet or conspire to commit an act or omission described in subsections 1 to 4, inclusive.

6. Under no circumstances is a violation of this section considered or intended to be a lesser included offense of a violation of the provisions of NRS 90.570.

Assemblyman Horne moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 160.

Bill read second time.

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

Amendment No. 136.

AN ACT relating to medical facilities; revising provisions governing the form and publication of financial reports of certain medical facilities; requiring hospitals to include certain information in the financial reports submitted by the hospitals; ~~**[**requiring the Legislative Committee on Health Care to review such information included in the financial reports of hospitals;~~

~~providing a civil penalty;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires certain medical facilities to file financial information with the Department of Health and Human Services. (NRS 449.490) **Section 2** of this bill requires that financial statements filed by **certain** hospitals include additional **financial** information ~~[concerning the finances of]~~ **about** the ~~[hospital and the corporate home office allocations of those]~~ hospitals. ~~[The additional information includes the net revenues of the hospital before and after the corporate home office allocations, the amounts of such allocations which were disallowed by the Centers for Medicare and Medicaid Services of the United States Department of Health and Human Services, the taxes paid in other states by the corporate home office which are attributable to allocations paid by hospitals in this State and other information relating to such allocations. These]~~ **Section 2 further requires these** reports and other related reports from medical institutions ~~[must]~~ **to** be in a form which is readily understandable by members of the general public ~~[.]~~ and ~~[the reports will be]~~ included on an Internet website maintained by the Nevada Department of Health and Human Services. **In addition, section 1 of this bill specifies additional information that must be included on the Internet website.** Under existing law, the Director of the Department is authorized to impose an administrative penalty of not more than $500 per day for a violation of these reporting requirements. (NRS 449.530)

Existing law requires the Director of the Department to submit a report to the Legislative Committee on Health Care and the Interim Finance Committee of the Department's operations and activities for the preceding fiscal year. (NRS 449.520) Section 3 of this bill ~~[requires the Legislative Committee on Health Care to review the information relating to the corporate home office allocations of hospitals. Section 4 of this bill requires the Committee, for the 2011-2013 interim, to report the findings of that review and authorizes the Committee to recommend the establishment of a tax based on that review.]~~ **requires that the report include an analysis of the methodologies used to determine the corporate home office allocation of hospitals in this State.**

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

Section 1. NRS 439A.270 is hereby amended to read as follows:

439A.270 1. The Department shall establish and maintain an Internet website that includes the information concerning the charges imposed and the quality of the services provided by the hospitals and surgical centers for

ambulatory patients in this State as required by the programs established pursuant to NRS 439A.220 and 439A.240. The information must:

(a) Include, for each hospital in this State, the total number of patients discharged, the average length of stay and the average billed charges, reported for the 50 most frequent diagnosis-related groups for inpatients and 50 medical treatments for outpatients that the Department determines are most useful for consumers;

(b) Include, for each surgical center for ambulatory patients in this State, the total number of patients discharged and the average billed charges, reported for 50 medical treatments for outpatients that the Department determines are most useful for consumers;

(c) Be presented in a manner that allows a person to view and compare the information for the hospitals by:

(1) Geographic location of each hospital;

(2) Type of medical diagnosis; and

(3) Type of medical treatment;

(d) Be presented in a manner that allows a person to view and compare the information for the surgical centers for ambulatory patients by:

(1) Geographic location of each surgical center for ambulatory patients;

(2) Type of medical diagnosis; and

(3) Type of medical treatment;

(e) Be presented in a manner that allows a person to view and compare the information separately for:

(1) The inpatients and outpatients of each hospital; and

(2) The outpatients of each surgical center for ambulatory patients;

(f) Be readily accessible and understandable by a member of the general public;

(g) Include the annual summary of reports of sentinel events prepared pursuant to paragraph (d) of subsection 1 of NRS 439.840; ~~[and]~~

(h) ***Include a link to electronic copies of all reports, summaries, compilations and supplementary reports required by NRS 449.450 to 449.530, inclusive;*** ~~*[and]*~~

(i) Include, for each hospital in this State, a summary of financial information which is readily understandable by a member of the general public and which includes, without limitation, a summary of:

(1) The expenses of the hospital which are attributable to providing community benefits and in-kind services as reported pursuant to NRS 449.490;

(2) The capital improvement report submitted to the Department pursuant to NRS 449.490;

(3) The net income of the hospital;

(4) The net income of the consolidated corporation, if the hospital is owned by such a corporation and if that information is publicly available;

(5) The operating margin of the hospital;

(6) The ratio of the cost of providing care to patients covered by Medicare to the charges for such care;

(7) The ratio of the total costs to charges of the hospital; and

(8) The average daily occupancy of the hospital; and

(j) Provide any other information relating to the charges imposed and the quality of the services provided by the hospitals and surgical centers for ambulatory patients in this State which the Department determines is:

(1) Useful to consumers;

(2) Nationally recognized; and

(3) Reported in a standard and reliable manner.

2. The Department shall:

(a) Publicize the availability of the Internet website;

(b) Update the information contained on the Internet website at least quarterly;

(c) Ensure that the information contained on the Internet website is accurate and reliable;

(d) Ensure that the information contained on the Internet website is aggregated so as not to reveal the identity of a specific inpatient or outpatient of a hospital;

(e) Post a disclaimer on the Internet website indicating that the information contained on the website is provided to assist with the comparison of hospitals and is not a guarantee by the Department or its employees as to the charges imposed by the hospitals in this State or the quality of the services provided by the hospitals in this State, including, without limitation, an explanation that the actual amount charged to a person by a particular hospital may not be the same charge as posted on the website for that hospital;

(f) Provide on the Internet website established pursuant to this section a link to the Internet website of the Centers for Medicare and Medicaid Services of the United States Department of Health and Human Services; and

(g) Upon request, make the information that is contained on the Internet website available in printed form.

3. As used in this section, "diagnosis-related group" means groupings of medical diagnostic categories used as a basis for hospital payment schedules by Medicare and other third-party health care plans.

Sec. 2. NRS 449.490 is hereby amended to read as follows:

449.490 1. Every institution which is subject to the provisions of NRS 449.450 to 449.530, inclusive, shall file with the Department the following

financial statements or reports in a form and at intervals specified by the Director but at least annually:

(a) A balance sheet detailing the assets, liabilities and net worth of the institution for its fiscal year; and

(b) A statement of income and expenses for the fiscal year.

2. Each hospital with 100 or more beds shall file with the Department, in a form and at intervals specified by the Director but at least annually, a capital improvement report which includes, without limitation, any major service line that the hospital has added or is in the process of adding since the previous report was filed, any major expansion of the existing facilities of the hospital that has been completed or is in the process of being completed since the previous report was filed, and any major piece of equipment that the hospital has acquired or is in the process of acquiring since the previous report was filed.

3. In addition to the information required to be filed pursuant to subsections 1 and 2, each hospital with 100 or more beds shall file with the Department, in a form and at intervals specified by the Director but at least annually:

(a) ~~[~~The ~~net revenue of the hospital which, if applicable, must be calculated before the hospital pays the allocation due the corporate home office of the hospital and the net revenue of the hospital calculated after the hospital pays the allocation due the corporate home office. The Director may prescribe the manner in which the net revenue of a hospital must be calculated for purposes of this paragraph.~~

~~(b) If applicable, information relating to the~~ corporate home office ~~allocation~~] ~~[~~methodology~~]~~ ~~[~~of the hospital,~~]~~ ~~[~~if any.

~~(b)~~] ~~[including, without limitation:~~

~~(1) The amount of the corporate home office allocation;~~

~~(2) The methodology used to determine the corporate home office allocation, which must be the same methodology that was allowed by the Centers for Medicare and Medicaid Services of the United States Department of Health and Human Services for that reporting period;~~

~~(3) Any amount of the corporate home office allocation which was disallowed by the Centers for Medicare and Medicaid Services;~~

~~(4) The taxes paid by the corporate home office in other states which are attributable to allocations paid by hospitals in this State; and~~

~~(5) The percentage of the corporate home office budget that was paid by the hospital and the percentage of the corporate home office budget that was paid by each institution of the corporation.~~

~~(c)~~] The expenses that the hospital has incurred for providing community benefits and the in-kind services that the hospital has provided to the community in which it is located. ***These expenses must be reported as the***

total amount expended for community benefits and in-kind services and reported as a percentage of the total net revenues of the hospital. For the purposes of this paragraph, "community benefits" includes, without limitation, goods, services and resources provided by a hospital to a community to address the specific needs and concerns of that community, services provided by a hospital to the uninsured and underserved persons in that community, training programs for employees in a community and health care services provided in areas of a community that have a critical shortage of such services, for which the hospital does not receive full reimbursement.

~~[~~(c)~~]~~ ~~*[(d)]*~~ ***(b)*** A statement of its policies and procedures for providing discounted services to, or reducing charges for services provided to, persons without health insurance that are in addition to any reduction or discount required to be provided pursuant to NRS 439B.260.

~~[~~(d)~~]~~ ~~*[(e)]*~~ ***(c) A list of the services which the hospital purchased from its corporate home office;***

(d) A report of the cost to the hospital of providing services to patients covered by Medicare;

(e) Financial information from the consolidated corporation, if the hospital is owned by such a corporation and if that information is publicly available, including, without limitation, the annual report of the consolidated corporation;

(f) A statement of its policies regarding patients' account receivables, including, without limitation, the manner in which a hospital collects or makes payment arrangements for patients' account receivables, the factors that initiate collections and the method by which unpaid account receivables are collected.

4. A complete current charge master must be available at each hospital during normal business hours for review by the Director, any payor that has a contract with the hospital to pay for services provided by the hospital, any payor that has received a bill from the hospital and any state agency that is authorized to review such information. The complete and current charge master must be made available to the Department, at the request of the Director, in an electronic format specified by the Department. The Department may use the electronic copy of the charge master to review and analyze the data contained in the charge master and, except as otherwise provided in NRS 439A.200 to 439A.290, inclusive, shall not release or publish the information contained in the charge master.

5. The Director shall require the certification of specified financial reports by an independent certified public accountant and may require attestations from responsible officers of the institution that the reports are, to the best of their knowledge and belief, accurate and complete to the extent that the certifications and attestations are not required by federal law.

6. The Director shall require ~~[the]~~ ***:***

(a) The filing of all reports by specified dates, and may adopt regulations which assess penalties for failure to file as required ~~[, but the Director shall not require the]~~ ***; and***

(b) The submission of a final annual report ~~[sooner]~~ ***not later*** than 6 months after the close of the fiscal year,

➥ and may grant extensions to institutions which can show that the required information is not available on the required reporting date.

7. All reports, except privileged medical information, filed under any provisions of NRS 449.450 to 449.530, inclusive ~~[, are]~~ ***:***

(a) Are open to public inspection ~~[and must]~~ ***;***

(b) Must be in a form which is readily understandable by a member of the general public;

(c) Must, as soon as practicable after those reports become available, be ***posted on the Internet website maintained pursuant to NRS 439A.270; and***

(d) Must be available for examination at the office of the Department during regular business hours.

Sec. 3. NRS 449.520 is hereby amended to read as follows:

449.520 1. On or before October 1 of each year, the Director shall prepare and transmit to the Governor, the Legislative Committee on Health Care and the Interim Finance Committee a report of the Department's operations and activities for the preceding fiscal year.

2. The report prepared pursuant to subsection 1 must include:

(a) Copies of all ***reports,*** summaries, compilations and supplementary reports required by NRS 449.450 to 449.530, inclusive, together with such facts, suggestions and policy recommendations as the Director deems necessary;

(b) A summary of the trends of the audits of hospitals in this State that the Department required or performed during the previous year;

(c) An analysis of the trends in the costs, expenses and profits of hospitals in this State;

(d) An analysis of the ***methodologies used to determine the*** corporate home office allocation ~~[methodologies]~~ of hospitals in this State ***;*** ~~*[, including, without limitation, the amounts allocated and the methodologies used to determine those allocations and the taxes paid in other states which are attributable to allocations by hospitals in this State;]*~~

(e) An examination and analysis of the manner in which hospitals are reporting the information that is required to be filed pursuant to NRS 449.490, including, without limitation, an examination and analysis of whether that information is being reported in a standard and consistent manner, which fairly reflect the operations of each hospital;

(f) A review and comparison of the policies and procedures used by hospitals in this State to provide discounted services to, and to reduce charges for services provided to, persons without health insurance;

(g) A review and comparison of the policies and procedures used by hospitals in this State to collect unpaid charges for services provided by the hospitals; and

(h) A summary of the status of the programs established pursuant to NRS 439A.220 and 439A.240 to increase public awareness of health care information concerning the hospitals and surgical centers for ambulatory patients in this State, including, without limitation, the information that was posted in the preceding fiscal year on the Internet website maintained for those programs pursuant to NRS 439A.270.

3. The Legislative Committee on Health Care shall develop a comprehensive plan concerning the provision of health care in this State which includes, without limitation:

(a) A review of the health care needs in this State as identified by state agencies, local governments, providers of health care and the general public; and

(b) A review of the capital improvement reports submitted by hospitals pursuant to subsection 2 of NRS 449.490 . ~~*[; and*~~

~~*(c) A review of the reports submitted by hospitals in this State pursuant to subsection 3 of NRS 449.490 concerning the corporate home office allocations and the taxes paid in other states which are attributable to allocations paid by hospitals in this State.]*~~

Sec. 4. ~~[1. During the 2011-2013 interim, the Legislative Committee on Health Care shall review reports submitted by hospitals in this State pursuant to subsection 3 of NRS 449.490, as amended by section 2 of this act, concerning the corporate home office allocations of those hospitals and the taxes paid in other states which are attributable to corporate home office allocations paid by hospitals in this State.~~

~~2. On or before February 1, 2013, the Legislative Committee on Health Care shall prepare a report of the results of its review pursuant to subsection 1 and may, as a result of the review, recommend to the 77th Session of the Nevada Legislature a system for collecting a tax from hospitals in this State and a plan for using the revenue resulting from that tax.]~~ **(Deleted by amendment.)**

Assemblywoman Pierce moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 170.

Bill read second time.

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

Amendment No. 275.

AN ACT relating to public health; requiring each retail establishment in which cigarettes are sold or offered for sale to post a sign regarding the dangers of smoking tobacco during pregnancy; providing a civil penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires food establishments in which alcoholic beverages are sold for consumption on the premises to post at least one sign in a location conspicuous to the patrons of the establishment regarding the dangers of drinking alcoholic beverages during pregnancy. (NRS 446.842) Existing law also requires the owner of a retail establishment in which cigarettes or smokeless tobacco products are sold or offered for sale to display prominently at the point of sale a notice indicating that the sale of cigarettes and other tobacco products to minors is prohibited by law and that the retailer may ask for proof of age to comply with the prohibition. (NRS 202.2493)

This bill requires each retail establishment in which cigarettes are sold or offered for sale to post at least one sign regarding the dangers of smoking tobacco during pregnancy in a location conspicuous to the patrons of the establishment. A person who fails to post the sign is subject to a civil fine of not more than $100.

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

Section 1. Chapter 442 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Each retail establishment in which cigarettes are sold or offered for sale shall post at least one sign that meets the requirements of this section in a location conspicuous to the patrons of the establishment. The contents of the warning may be included on any other sign which the retail establishment is required to post in a location conspicuous to the patrons of the establishment.

2. Each sign required by subsection 1 must be not less than 8 1/2 by 11 inches in size and must contain a notice in boldface type that is clearly legible and, except as otherwise provided in paragraph (a) of subsection 4, is in substantially the following form:

HEALTH WARNING

Smoking tobacco during pregnancy can cause birth defects, premature birth and low birth weight.

¡ADVERTENCIA!

Fumar tabaco durante el embarazo puede causar daño a su bebé al nacer, que nazca prematuro y que nazca bajo de peso.

3. The letters in the words "HEALTH WARNING" and "¡ADVERTENCIA!" in the sign must be written in not less than ~~[40]~~ 28-point type, and the letters in all other words in the sign must be written in not less than ~~[30]~~ 24-point type.

4. The Health Division may:

(a) Provide by regulation for one or more alternative forms for the language of the warning to be included on the signs required by subsection 1 to increase the effectiveness of the signs. Each alternative form must contain substantially the same message as is stated in subsection 2.

(b) Solicit and accept donations of signs that satisfy the requirements of this section from a nonprofit organization or any other source. To the extent that such signs are donated, the Health Division shall distribute the signs upon request to retail establishments that are required to post signs.

Sec. 2. NRS 202.2493 is hereby amended to read as follows:

202.2493 1. A person shall not sell, distribute or offer to sell cigarettes or smokeless products made from tobacco in any form other than in an unopened package which originated with the manufacturer and bears any health warning required by federal law. A person who violates this subsection shall be punished by a fine of $100 and a civil penalty of $100.

2. Except as otherwise provided in subsections 3, 4 and 5, it is unlawful for any person to sell, distribute or offer to sell cigarettes, cigarette paper, tobacco of any description or products made from tobacco to any child under the age of 18 years. A person who violates this subsection shall be punished by a fine of not more than $500 and a civil penalty of not more than $500.

3. A person shall be deemed to be in compliance with the provisions of subsection 2 if, before the person sells, distributes or offers to sell to another, cigarettes, cigarette paper, tobacco of any description or products made from tobacco, the person:

(a) Demands that the other person present a valid driver's license or other written or documentary evidence which shows that the other person is 18 years of age or older;

(b) Is presented a valid driver's license or other written or documentary evidence which shows that the other person is 18 years of age or older; and

(c) Reasonably relies upon the driver's license or written or documentary evidence presented by the other person.

4. The employer of a child who is under 18 years of age may, for the purpose of allowing the child to handle or transport tobacco or products made from tobacco in the course of the child's lawful employment, provide tobacco or products made from tobacco to the child.

5. With respect to any sale made by an employee of a retail establishment, the owner of the retail establishment shall be deemed to be in compliance with the provisions of subsection 2 if the owner:

(a) Had no actual knowledge of the sale; and

(b) Establishes and carries out a continuing program of training for employees which is reasonably designed to prevent violations of subsection 2.

6. The owner of a retail establishment shall, whenever any product made from tobacco is being sold or offered for sale at the establishment, display prominently at the point of sale ~~[a]~~ ***:***

(a) A notice indicating that:

~~[(a)]~~ ***(1)*** The sale of cigarettes and other tobacco products to minors is prohibited by law; and

~~[(b)]~~ ***(2)*** The retailer may ask for proof of age to comply with this prohibition ~~[.]~~ ***; and***

(b) At least one sign that complies with the requirements of section 1 of this act.

➥ A person who violates this subsection shall be punished by a fine of not more than $100.

7. It is unlawful for any retailer to sell cigarettes through the use of any type of display:

(a) Which contains cigarettes and is located in any area to which customers are allowed access; and

(b) From which cigarettes are readily accessible to a customer without the assistance of the retailer,

➥ except a vending machine used in compliance with NRS 202.2494. A person who violates this subsection shall be punished by a fine of not more than $500.

8. Any money recovered pursuant to this section as a civil penalty must be deposited in a separate account in the State General Fund to be used for the enforcement of this section and NRS 202.2494.

Assemblywoman Pierce moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 188.

Bill read second time and ordered to third reading.

Assembly Bill No. 211.

Bill read second time and ordered to third reading.

Assembly Bill No. 232.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 123.

AN ACT relating to motor carriers; authorizing the payment ~~[in installments]~~ of certain fees for **annual** permits issued by the Department of Transportation to operators of certain combination vehicles **to be made during certain registration cycles**; requiring the Department to adopt regulations establishing the ~~[amount and due date of such installment payments;]~~ **registration cycles;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the operator of a combination of vehicles which exceeds 70 feet in length and which weighs more than 80,000 pounds to obtain a special permit from the Department of Transportation to operate the vehicles in this State and requires the operator to pay the annual fee for the permit at the time the permit is issued **~~[.]~~ , except that the fee is to be reduced one-twelfth for each month that has elapsed since the beginning of the calendar year.** (NRS 484D.615, 706.531) This bill requires the Department to adopt regulations providing for the payment of the annual fee ~~[in installments by operators of longer combination vehicles.]~~ **in certain registration cycles established by the Department and requires the reduction of the fee by one-twelfth for each month that has elapsed since the beginning of the registration cycle of the operator.**

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

Section 1. NRS 706.531 is hereby amended to read as follows:

706.531 1. The Department of Transportation shall approve an application for a permit pursuant to the provisions of subsection 5 of NRS 484D.615. The permit must be carried and displayed in such a manner as the Department determines on every combination so operating. The permit issued may be transferred from one combination to another, under such conditions as the Department may by regulation prescribe, but must not be transferred from one person or operator to another without prior approval of the Department. The permit may be used only on motor vehicles regularly licensed pursuant to the provisions of NRS 482.482.

2. The annual fee for each permit for a combination of vehicles is $60 for each 1,000 pounds or fraction thereof of gross weight in excess of 80,000 pounds. The fee must be reduced one-twelfth for each month that has elapsed since the beginning of each ~~[calendar year,]~~ ***registration cycle*** rounded to the nearest dollar, but must not be less than $50. The annual fee for each permit for a combination of vehicles not exceeding 80,000 pounds is $10. The fee

~~[must be paid]~~ ***required pursuant to this subsection is*** in addition to all other fees required by the provisions of this chapter. ~~*[Except as otherwise provided in subsections 3 and 4, the annual fee for a permit to operate a longer combination vehicle may be paid in installments.]*~~ ***The Department of Transportation shall adopt regulations establishing*** ~~*[the amount of such installment payments and the dates on which they are due.]*~~ ***registration cycles for permits issued pursuant to this section and establishing procedures for assigning a person applying for a permit pursuant to this section to a particular registration cycle.***

3. Any person operating a combination of vehicles licensed pursuant to the provisions of subsection 2 who is apprehended operating a combination in excess of the gross weight for which the fee in subsection 2 has been paid is, in addition to all other penalties provided by law, liable for the difference between the fee for the load being carried and the fee paid, for the full licensing period.

4. Any person apprehended operating a combination of vehicles without having complied with the provisions of this section and NRS 484D.615 is, in addition to all other penalties provided by law, liable for the payment of the fee which would be due pursuant to the provisions of subsection 2 for the balance of the ~~[calendar year]~~ ***registration cycle*** for the gross load being carried at the time of apprehension.

5. The holder of an original permit may, upon surrendering the permit to the Department or upon delivering to the Department a signed and notarized statement that the permit was lost or stolen and such other documentation as the Department may require, apply to the Department:

(a) For a refund of an amount equal to that portion of the fees paid for the permit that is attributable, on a pro rata monthly basis, to the remainder of the ~~[calendar year;]~~ ***registration cycle;*** or

(b) To have that amount credited against excise taxes due pursuant to the provisions of chapter 366 of NRS.

~~*[6. As used in this section:*~~

~~*(a) "Longer combination vehicle" means a combination of vehicles composed of a truck-tractor and two or more trailers or semitrailers which exceeds 70 feet in length and for which the Department of Transportation has issued a permit to operate at a declared gross weight of more than 80,000 pounds but not more than 129,000 pounds.*~~

~~*(b) "Truck-tractor" has the meaning ascribed to it in NRS 482.130.]*~~

Sec. 2. This act becomes effective upon passage and approval for the purpose of adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act, and on January 1, 2012, for all other purposes.

Assemblywoman Dondero Loop moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 233.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 185.

AN ACT relating to education; revising provisions governing the requirements for a pupil to receive credit for a course of study without attending the classes for the course; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, a pupil may be granted credit for a course of study without attending the classes for the course if the pupil passes an examination prescribed by the State Board of Education and thereby demonstrates competency in the subject area of the course. (NRS 389.171; NAC 389.670) This bill ~~[requires the State Board to prescribe by regulation alternative proof that a pupil may submit to demonstrate proficiency in the subject area of a course in lieu of course attendance, including: (1) a portfolio of the pupil's work or other assessments; (2) documentation of equivalent work outside the classroom; and (3) documentation of previous educational activities or experiences.]~~ **provides that a pupil may also be granted credit in lieu of course attendance if the pupil: (1) demonstrates proficiency on an examination developed by the principal and the pupil's teacher who provides instruction in the course; or (2) passes an examination that the principal determines is as rigorous or more rigorous than the examination prescribed by the State Board.**

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

Section 1. NRS 389.171 is hereby amended to read as follows:

389.171 1. A pupil may be granted credit for a specific course of study without having attended the regularly scheduled classes in the course if the pupil demonstrates his or her ~~[competence]~~ ***proficiency*** to meet the ~~[objectives]~~ **:**

(a) Objectives of the course through ~~[his or her]~~ ~~*[.*~~

~~*(a) Through]*~~ ***the pupil's*** performance on an examination prescribed by the State Board ~~[.]~~ ***;*** ~~*[or]*~~

(b) ~~*[By submitting alternative proof of the pupil's proficiency, as prescribed by the State Board pursuant to subsection 2, including, without limitation:*~~

~~*(1) A portfolio of work or other assessments;*~~

~~*(2) Documentation of equivalent work performed outside the classroom; and*~~

~~*(3) Documentation of previous educational activities or experiences,*~~

~~*or any combination of an examination and the alternative proof.]*~~ ***Objectives of a particular area or areas of the course in which the pupil is deficient through the pupil's performance on an examination developed by the principal and the pupil's teacher who provides instruction in the course that is designed to measure the proficiency of the pupil in that particular area or areas; or***

(c) Objectives of the course through the pupil's performance on an examination that the principal determines is as rigorous or more rigorous than the examination prescribed by the State Board pursuant to paragraph (a), including, without limitation, an advanced placement examination in the subject area of the course.

2. The State Board shall adopt regulations that prescribe the:

(a) Form on which a pupil may apply to the board of trustees of a school district in which the pupil attends school to ~~[take an examination]~~ ***be granted credit*** pursuant to subsection 1;

(b) Courses of study for which pupils may ~~[take an examination]~~ ***be granted credit*** pursuant to subsection 1; and

(c) Minimum score on ~~[each such]~~ ~~*[an]*~~ ***the*** examination ***prescribed pursuant to paragraph (a) of subsection 1*** that is required to demonstrate ~~[competency]~~ ***proficiency*** in a course . ~~*[; and*~~

~~*(d) Alternative proof of a pupil's proficiency in a course.]*~~

Sec. 2. On or before December 31, 2011, the State Board of Education shall adopt the regulations required by NRS 389.171, as amended by section 1 of this act.

Sec. 3. This act becomes effective on July 1, 2011.

Assemblyman Bobzien moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 237.

Bill read second time and ordered to third reading.

Assembly Bill No. 261.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 158.

AN ACT relating to courts; increasing the monetary limit in actions for small claims adjudicated in a justice court; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the jurisdiction of a justice court includes actions for small claims in which the amount claimed does not exceed $5,000 and in which the defendant is within the personal jurisdiction of the justice court. (NRS 73.010) ~~[This]~~ **Section 1 of this** bill increases this monetary limit for small claims from $5,000 to ~~[$9,000.]~~ **$7,500. Existing law also requires each justice of the peace to charge and collect certain fees. (NRS 4.060) Section 2 of this bill establishes the fee that each justice of the peace must charge and collect for the preparation and filing of an affidavit and order in an action for small claims in which the sum claimed exceeds $5,000 but does not exceed $7,500.**

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

Section 1. NRS 73.010 is hereby amended to read as follows:

73.010 In all cases arising in the justice court for the recovery of money only, where the amount claimed does not exceed ~~[$5,000]~~ ~~*[$9,000]*~~ ***$7,500*** and the defendant named:

1. Is a resident of;
2. Does business in; or
3. Is employed in,

➥ the township in which the action is to be maintained, the justice of the peace may proceed as provided in this chapter and by rules of court.

Sec. 2. NRS 4.060 is hereby amended to read as follows:

4.060 1. Except as otherwise provided in this section and NRS 33.017 to 33.100, inclusive, each justice of the peace shall charge and collect the following fees:

(a) On the commencement of any action or proceeding in the justice court, other than in actions commenced pursuant to chapter 73 of NRS, to be paid by the party commencing the action:

If the sum claimed does not exceed $1,000 $28.00
If the sum claimed exceeds $1,000 but does not exceed $2,500 50.00
If the sum claimed exceeds $2,500 but does not exceed $4,500 100.00
If the sum claimed exceeds $4,500 but does not exceed $6,500 125.00
If the sum claimed exceeds $6,500 but does not exceed $7,500 150.00
If the sum claimed exceeds $7,500 but does not exceed $10,000 175.00
In all other civil actions 28.00

(b) For the preparation and filing of an affidavit and order in an action commenced pursuant to chapter 73 of NRS:

If the sum claimed does not exceed $1,000 $25.00
If the sum claimed exceeds $1,000 but does not exceed $2,500 45.00

If the sum claimed exceeds $2,500 but does not exceed $5,000 ~~[$9,000]~~65.00

If the sum claimed exceeds $5,000 but does not exceed $7,500125.00

(c) On the appearance of any defendant, or any number of defendants answering jointly, to be paid by the defendant or defendants on filing the first paper in the action, or at the time of appearance:

In all civil actions $12.00

For every additional defendant, appearing separately 6.00

(d) No fee may be charged where a defendant or defendants appear in response to an affidavit and order issued pursuant to the provisions of chapter 73 of NRS.

(e) For the filing of any paper in intervention $6.00

(f) For the issuance of any writ of attachment, writ of garnishment, writ of execution or any other writ designed to enforce any judgment of the court $6.00

(g) For filing a notice of appeal, and appeal bonds $12.00

One charge only may be made if both papers are filed at the same time.

(h) For issuing supersedeas to a writ designed to enforce a judgment or order of the court $12.00

(i) For preparation and transmittal of transcript and papers on appeal $12.00

(j) For celebrating a marriage and returning the certificate to the county recorder or county clerk $50.00

(k) For entering judgment by confession $6.00

(l) For preparing any copy of any record, proceeding or paper, for each page $.30

(m) For each certificate of the clerk, under the seal of the court $3.00

(n) For searching records or files in his or her office, for each year $1.00

(o) For filing and acting upon each bail or property bond $40.00

2. A justice of the peace shall not charge or collect any of the fees set forth in subsection 1 for any service rendered by the justice of the peace to the county in which his or her township is located.

3. A justice of the peace shall not charge or collect the fee pursuant to paragraph (j) of subsection 1 if the justice of the peace performs a marriage ceremony in a commissioner township.

4. Except as otherwise provided by an ordinance adopted pursuant to the provisions of NRS 244.207, the justice of the peace shall, on or before the fifth day of each month, account for and pay to the county treasurer all fees collected during the preceding month, except for the fees the justice of the peace may retain as compensation and the fees the justice of the peace is required to pay to the State Controller pursuant to subsection 5.

5. The justice of the peace shall, on or before the fifth day of each month, pay to the State Controller:

(a) An amount equal to $5 of each fee collected pursuant to paragraph (j) of subsection 1 during the preceding month. The State Controller shall deposit the money in the Account for Aid for Victims of Domestic Violence in the State General Fund.

(b) One-half of the fees collected pursuant to paragraph (o) of subsection 1 during the preceding month. The State Controller shall deposit the money in the Fund for the Compensation of Victims of Crime.

Sec. 3. The amendatory provisions of this act apply only to an action filed on or after July 1, 2011.

Sec. 4. This act becomes effective on July 1, 2011.

Assemblyman Horne moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 271.

Bill read second time and ordered to third reading.

Assembly Bill No. 295.

Bill read second time.

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

Amendment No. 178.

AN ACT relating to human remains; authorizing certain persons who are designated by a member of the Armed Forces of the United States, a reserve component thereof or the National Guard to order the burial or cremation of the human remains of the member upon his or her death ~~[.]~~ **on active duty;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes certain persons to order the burial or cremation of human remains of a deceased person and establishes the order of priority in which such persons may direct the disposition of a decedent. (NRS 451.024, 451.650) **Sections 1 and 2** of this bill authorize a person who was designated by a member of the Armed Forces of the United States, a reserve component thereof or the National Guard in the United States Department of Defense Record of Emergency Data, DD Form 93, or its successor form, to order the burial or cremation of the human remains of the member upon his or her death ~~[.]~~ **on active duty.**

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

Section 1. NRS 451.024 is hereby amended to read as follows:

451.024 1. The following persons, in the following order of priority, may order the burial of human remains of a deceased person:

(a) A person designated as the person with authority to order the burial of the human remains of the decedent in a legally valid document or in an affidavit executed in accordance with subsection 5;

(b) ***If the decedent was , at the time of death, on active duty as a member of the Armed Forces of the United States, a reserve component thereof or the National Guard, a person designated by the decedent in the United States Department of Defense Record of Emergency Data, DD Form 93, or its successor form, as the person authorized to direct disposition of the human remains of the decedent;***

(c) The spouse of the decedent;

~~[(c)]~~ ***(d)*** An adult son or daughter of the decedent;

~~[(d)]~~ ***(e)*** Either parent of the decedent;

~~[(e)]~~ ***(f)*** An adult brother or sister of the decedent;

~~[(f)]~~ ***(g)*** A grandparent of the decedent;

~~[(g)]~~ ***(h)*** A guardian of the person of the decedent at the time of death; and

~~[(h)]~~ ***(i)*** A person who held the primary domicile of the decedent in joint tenancy with the decedent at the time of death.

2. If the deceased person was an indigent or other person for whom the final disposition of the decedent's remains is a responsibility of a county or the State, the appropriate public officer may order the burial of the remains and provide for the respectful disposition of the remains.

3. If the deceased person donated his or her body for scientific research or, before the person's death, a medical facility was made responsible for the final disposition of the person, a representative of the scientific institution or medical facility may order the burial of his or her remains.

4. A living person may order the burial of human remains removed from his or her body or the burial of his or her body after death. In the latter case, any person acting pursuant to his or her instructions is an authorized agent.

5. A person 18 years of age or older wishing to authorize another person to order the burial of his or her human remains in the event of the person's death may execute an affidavit before a notary public in substantially the following form:

State of Nevada }

}ss

County of }

(Date)

I, ..., (person authorizing another person to order the burial of his or her human remains in the event of his or her death) do hereby designate ..... (person who is being authorized to order the

burial of the human remains of a person in the event of his or her death) to order the burial of my human remains upon my death.
Subscribed and sworn to before me this .....
day of the month of ..... of the year .....

(Notary Public)

Sec. 2. NRS 451.650 is hereby amended to read as follows:

451.650 1. The following persons, in the following order of priority, may order the cremation of human remains of a deceased person:

(a) A person designated as the person with authority to order the cremation of the human remains of the decedent in a legally valid document or in an affidavit executed in accordance with subsection 5;

(b) ***If the decedent was , at the time of death, on active duty as a member of the Armed Forces of the United States, a reserve component thereof or the National Guard, a person designated by the decedent in the United States Department of Defense Record of Emergency Data, DD Form 93, or its successor form, as the person authorized to direct disposition of the human remains of the decedent;***

(c) The spouse of the decedent;

~~[(c)]~~ ***(d)*** An adult son or daughter of the decedent;

~~[(d)]~~ ***(e)*** Either parent of the decedent;

~~[(e)]~~ ***(f)*** An adult brother or sister of the decedent;

~~[(f)]~~ ***(g)*** A grandparent of the decedent;

~~[(g)]~~ ***(h)*** A guardian of the person of the decedent at the time of death; and

~~[(h)]~~ ***(i)*** A person who held the primary domicile of the decedent in joint tenancy with the decedent at the time of death.

2. If the deceased person was an indigent or other person for the final disposition of whose remains a county or the State is responsible, the appropriate public officer may order cremation of the remains and provide for the respectful disposition of the cremated remains.

3. If the deceased person donated his or her body for scientific research or, before the person's death, a medical facility was made responsible for the final disposition of the person, a representative of the scientific institution or medical facility may order cremation of the remains of the person.

4. A living person may order the cremation of human remains removed from his or her body or the cremation of the body of the person after the person's death. In the latter case, any person acting pursuant to his or her instructions is an authorized agent.

5. A person 18 years of age or older wishing to give authority to another person to order the cremation of his or her human remains upon the person's death may execute an affidavit before a notary public in substantially the following form:

State of Nevada }
}ss
County of }
(Date)

I, ..., (person authorizing another person to order the cremation of his or her human remains upon his or her death) do hereby designate ..... (person who is being authorized to order the cremation of the human remains of another person in the event of his or her death) to order the cremation of my human remains upon my death.

Subscribed and sworn to before me this .....
day of the month of ..... of the year .....
(Notary Public)

Assemblywoman Pierce moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 309.

Bill read second time.

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

Amendment No. 114.

AN ACT relating to insurance; creating the Office of the Consumer Advocate within the Division of Insurance of the Department of Business and Industry; requiring the Governor to appoint a Consumer Advocate as the executive head of the office; requiring the Consumer Advocate to intervene in and represent the public interest in public hearings relating to rates for certain policies, contracts or plans of health insurance; requiring an insurer to provide certain information to the Consumer Advocate **and the Division** and publish on an Internet website maintained by the insurer certain information concerning each policy, contract or plan of health insurance offered by the insurer in this State; requiring the Commissioner of Insurance to publish on an Internet website maintained by the Division certain information relating to health insurance rates and public hearings relating to rates for certain policies, contracts or plans of health insurance; authorizing an insurer and the Consumer Advocate to request a public hearing on any rate or proposed rate increase or decrease of a policy, contract or plan of health insurance filed by the insurer with the Commissioner; authorizing a consumer of health insurance to request a public hearing on certain rates and proposed rate increases or decreases of a policy, contract or plan of health insurance filed by an insurer with the Commissioner; authorizing the Commissioner to hold a public hearing on a rate or proposed rate increase or decrease of a policy, contract or plan of health insurance filed by an insurer; removing certain

provisions relating to trade secrets of insurers; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The Commissioner of Insurance has exclusive authority to regulate insurers in this State and to approve or disapprove rates or proposed rate increases of insurers. (Chapters 679B, 680A and 686B of NRS) **Section 2** of this bill creates the Office of the Consumer Advocate within the Division of Insurance of the Department of Business and Industry and requires the Governor to appoint a Consumer Advocate to serve as executive head of the office and to intervene in and represent the public interest in certain public hearings relating to rates or proposed rate increases or decreases for certain policies, contracts or plans of health insurance. **Section 3** of this bill requires an insurer to provide certain information to the Consumer Advocate **[,] and the Division,** and **section 6** of this bill requires an insurer to publish on an Internet website maintained by the insurer the provisions, terms, rates, premiums **, certificates of coverage** and actual and projected loss ratios of each policy, contract or plan of health insurance offered by the insurer to consumers in this State. **Section 6** also requires the Division to maintain a link to the Internet website of the insurer on an Internet website maintained by the Division.

Section 7 of this bill authorizes the Commissioner to hold a public hearing before approving or denying a rate or proposed rate increase or decrease of a policy, contract or plan of health insurance. **Section 7** also authorizes an insurer, the Consumer Advocate or a consumer of health insurance to request such a public hearing. **Section 7** further requires the insurer and Commissioner to publish on an Internet website maintained by the insurer or Division, respectively, certain information relating to a request for approval of a rate or proposed rate increase or decrease, including the date by which a person must request a public hearing concerning a rate or proposed rate increase. **Section 12** of this bill requires that certain information be filed with the Commissioner and provides that the information which is filed by certain insurers is available to the public upon a written request.

Existing law prohibits the Commissioner from disclosing to a third party certain proprietary information of an insurer. (NRS 689A.695, 689B.115, 689C.250) **Sections 18-20** of this bill delete those provisions.

An insurer that violates the provisions of **section 3, 6, 7 or 21** of this bill is guilty of a misdemeanor. (NRS 679A.180)

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

Section 1. Chapter 679B of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. ***1. The Office of the Consumer Advocate is hereby created within the Division. The Governor shall appoint the Consumer Advocate as the executive head of the office. The Consumer Advocate is not subject to the supervision or control of the Division or the Commissioner in carrying out his or her duties.***

2. The Governor shall appoint the Consumer Advocate for a term of 4 years. The Consumer Advocate is in the unclassified service of the State.

3. The Consumer Advocate shall intervene in and represent the public interest in all public hearings conducted by the Commissioner pursuant to section 7 of this act.

4. The Commissioner may apply for any available grants and may accept any gifts, grants and donations from any source to defray the costs of the Consumer Advocate in carrying out his or her duties.

5. To the extent money is available for this purpose, the Commissioner may employ in the unclassified service of the State any personnel necessary to assist with the duties and responsibilities of the Consumer Advocate.

6. The Governor may remove the Consumer Advocate from office for inefficiency, neglect of duty or malfeasance in office.

Sec. 3. ***An insurer that offers any policy, contract or plan of health insurance in this State shall provide the Consumer Advocate and the Division with copies of any proposed changes in rates and any other information used to calculate a rate or proposed rate increase or decrease. Information provided to the Consumer Advocate and the Division pursuant to this section must be submitted in an electronic format prescribed by the Commissioner.***

Sec. 4. NRS 679B.510 is hereby amended to read as follows:

679B.510 As used in NRS 679B.510 to 679B.560, inclusive, ***and sections 2 and 3 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 679B.520, 679B.530 and 679B.540 have the meanings ascribed to them in those sections.

Sec. 5. Chapter 686B of NRS is hereby amended by adding thereto the provisions set forth as sections 6 **,** ~~[and]~~ 7 **and 7.5** of this act.

Sec. 6. ***1. An insurer shall, on or before a date established by the Commissioner, publish on an Internet website maintained by the insurer the provisions, terms, rates, premiums, certificates of coverage, projected loss ratio for the current fiscal year and the next following fiscal year of each policy, contract or plan of health insurance offered by the insurer in this State, and actual loss ratio of each policy, contract or plan of health insurance offered by the insurer in this State for the immediately preceding fiscal year. An insurer shall update the information published pursuant to this subsection each time the insurer changes or modifies any provision, term, rate or premium of such a policy, contract or plan*** ~~[.]~~ ***and shall***

ensure that the information published pursuant to this subsection does not include any personally identifying information or confidential medical information.

2. The Division shall publish on an Internet website maintained by the Division a link to the Internet website maintained by each insurer on which information is published as required by subsection 1.

3. As used in this section, "loss ratio" has the meaning ascribed to it in section 2718(b)(1)(A) of the Public Health Service Act, as amended by Public Law 111-148.

Sec. 7. ***1. Upon the filing of a rate or proposed rate increase or decrease pursuant to NRS 686B.070 for a policy, contract or plan of health insurance, and upon a determination by the Commissioner that the proposal is complete, the insurer and Commissioner shall publish on an Internet website maintained by the insurer and Division, respectively, notice of the filing, any information relating to the rate or proposed rate increase or decrease, other than confidential medical information, and the date by which a request for a public hearing on the rate or proposed rate increase or decrease must be submitted pursuant to subsection 2.***

2. Upon the filing of a rate or proposed rate increase or decrease pursuant to NRS 686B.070 for a policy, contract or plan of health insurance:

(a) The insurer or rate service organization that files the rate or proposed rate increase or decrease or the Consumer Advocate may request that the Commissioner conduct a public hearing on the rate or proposed rate increase or decrease; and

(b) A consumer of health insurance may request that the Commissioner conduct a public hearing on the rate or proposed rate increase or decrease if:

(1) The proposed rate increase or decrease is more than 10 percent of the current rate; or

(2) The policy, contract or plan of health insurance represents more than 5 percent of its market segment in the State,

➥ by submitting to the Commissioner a written request for a public hearing not later than 30 days after the date of first publication of the notice of the rate or proposed rate increase or decrease pursuant to subsection 1.

3. Upon the filing of a rate or proposed rate increase or decrease pursuant to NRS 686B.070 for a policy, contract or plan of health insurance or upon a request for a public hearing pursuant to subsection 2, the Commissioner may conduct a public hearing on the rate or proposed rate increase or decrease.

4. If the Commissioner determines that a public hearing should be held pursuant to subsection 3, the Commissioner shall provide notice to the insurer or rate service organization of the public hearing not later than 15 days before the date of the public hearing and shall conduct the public hearing not later than ~~[60]~~ 45 days after a determination by the Commissioner that the filing of the rate or proposed rate increase or decrease is complete.

5. Upon receipt of the notice of a public hearing from the Commissioner, an insurer or rate service organization shall provide notice to its policyholders who would be affected by the proposed change not later than 10 days before the date of the public hearing.

6. To the extent practicable, a public hearing that is conducted pursuant to this section on a weekday must be conducted after 5 p.m.

7. If a public hearing is conducted pursuant to subsection 3, the Commissioner shall publish on an Internet website maintained by the Division:

(a) A transcript of the public hearing not later than ~~[30]~~ 15 days after the date of the hearing; and

(b) Any finding, decision or order of the Commissioner not later than ~~[30]~~ 15 days after the date of issuance of the finding, decision or order.

8. As used in this section, "Consumer Advocate" means the Consumer Advocate appointed by the Governor pursuant to section 2 of this act.

Sec. 7.5. The provisions of sections 6 and 7 of this act do not apply to a contract or policy of group or blanket health insurance.

Sec. 8. NRS 686B.010 is hereby amended to read as follows:

686B.010 1. The Legislature intends that NRS 686B.010 to 686B.1799, inclusive, ***and sections 6 , ~~[and]~~ 7 and 7.5 of this act*** be liberally construed to achieve the purposes stated in subsection 2, which constitute an aid and guide to interpretation but not an independent source of power.

2. The purposes of NRS 686B.010 to 686B.1799, inclusive, ***and sections 6 , ~~[and]~~ 7 and 7.5 of this act*** are to:

(a) Protect policyholders and the public against the adverse effects of excessive, inadequate or unfairly discriminatory rates;

(b) Encourage, as the most effective way to produce rates that conform to the standards of paragraph (a), independent action by and reasonable price competition among insurers;

(c) Provide formal regulatory controls for use if independent action and price competition fail;

(d) Authorize cooperative action among insurers in the rate-making process, and to regulate such cooperation in order to prevent practices that tend to bring about monopoly or to lessen or destroy competition;

(e) Encourage the most efficient and economic marketing practices; and

(f) Regulate the business of insurance in a manner that will preclude application of federal antitrust laws.

Sec. 9. NRS 686B.020 is hereby amended to read as follows:

686B.020 As used in NRS 686B.010 to 686B.1799, inclusive, ***and sections 6 , ~~[and]~~ 7 and 7.5 of this act,*** unless the context otherwise requires:

1. "Advisory organization," except as limited by NRS 686B.1752, means any person or organization which is controlled by or composed of two or more insurers and which engages in activities related to rate making. For the purposes of this subsection, two or more insurers with common ownership or operating in this State under common ownership constitute a single insurer. An advisory organization does not include:

(a) A joint underwriting association;

(b) An actuarial or legal consultant; or

(c) An employee or manager of an insurer.

2. "Market segment" means any line or kind of insurance or, if it is described in general terms, any subdivision thereof or any class of risks or combination of classes.

3. "Rate service organization" means any person, other than an employee of an insurer, who assists insurers in rate making or filing by:

(a) Collecting, compiling and furnishing loss or expense statistics;

(b) Recommending, making or filing rates or supplementary rate information; or

(c) Advising about rate questions, except as an attorney giving legal advice.

4. "Supplementary rate information" includes any manual or plan of rates, statistical plan, classification, rating schedule, minimum premium, policy fee, rating rule, rule of underwriting relating to rates and any other information prescribed by regulation of the Commissioner.

Sec. 10. NRS 686B.030 is hereby amended to read as follows:

686B.030 1. Except as otherwise provided in subsection 2 ~~[,]~~ ***and sections 6 , ~~[and]~~ 7 and 7.5 of this act, the provisions of*** NRS 686B.010 to 686B.1799, inclusive, ***and sections 6 , ~~[and]~~ 7 and 7.5 of this act*** apply to all kinds and lines of direct insurance written on risks or operations in this State by any insurer authorized to do business in this State, except:

(a) Ocean marine insurance;

(b) Contracts issued by fraternal benefit societies;

(c) Life insurance and credit life insurance;

(d) Variable and fixed annuities;

(e) Group and blanket health insurance and credit health insurance;

(f) Property insurance for business and commercial risks;

(g) Casualty insurance for business and commercial risks other than insurance covering the liability of a practitioner licensed pursuant to chapters 630 to 640, inclusive, of NRS; and

(h) Surety insurance.

2. The exclusions set forth in paragraphs (f) and (g) of subsection 1 extend only to issues related to the determination or approval of premium rates.

Sec. 11. NRS 686B.040 is hereby amended to read as follows:

686B.040 1. Except as otherwise provided in subsection 2, the Commissioner may by rule exempt any person or class of persons or any market segment from any or all of the provisions of NRS 686B.010 to 686B.1799, inclusive, ***and sections 6 , [and] 7 and 7.5 of this act*** if and to the extent that the Commissioner finds their application unnecessary to achieve the purposes of those sections.

2. The Commissioner may not, by rule or otherwise, exempt an insurer from the provisions of NRS 686B.010 to 686B.1799, inclusive, ***and sections 6 , [and] 7 and 7.5 of this act*** with regard to insurance covering the liability of a practitioner licensed pursuant to chapter 630, 631, 632 or 633 of NRS for a breach of the practitioner's professional duty toward a patient.

Sec. 12. NRS 686B.070 is hereby amended to read as follows:

686B.070 1. Every authorized insurer and every rate service organization licensed under NRS 686B.140 which has been designated by any insurer for the filing of rates under subsection 2 of NRS 686B.090 shall file with the Commissioner **[**all:**]** ***for approval:***

(a) **[**Rates**]** ***All rates*** and proposed ***rate*** increases **[**thereto;**]** ***or decreases;***

(b) **[**Forms**]** ***All forms*** of policies to which the rates apply;

(c) **[**Supplementary**]** ***All supplementary*** rate information; and

(d) **[**Changes and amendments thereof,

➥ made by it for use in this state.**]** ***Any formula, supporting data or other information used to calculate the rate or proposed rate increase or decrease filed pursuant to paragraph (a).***

2. If an insurer makes a filing for a proposed increase in a rate for insurance covering the liability of a practitioner licensed pursuant to chapter 630, 631, 632 or 633 of NRS for a breach of the practitioner's professional duty toward a patient, the insurer shall not include in the filing any component that is directly or indirectly related to the following:

(a) Capital losses, diminished cash flow from any dividends, interest or other investment returns, or any other financial loss that is materially outside of the claims experience of the professional liability insurance industry, as determined by the Commissioner.

(b) Losses that are the result of any criminal or fraudulent activities of a director, officer or employee of the insurer.

➥ If the Commissioner determines that a filing includes any such component, the Commissioner shall, pursuant to NRS 686B.110, disapprove the proposed increase, in whole or in part, to the extent that the proposed increase relies upon such a component.

3. A rate or proposed rate increase or decrease filed pursuant to subsection 1 must not go into effect until approved pursuant to NRS 686B.110.

4. Except for the filing of a rate or proposed rate increase or decrease of a policy, contract or plan of health insurance issued to a group pursuant to NRS 689B.026, the information submitted with the filing of a rate or proposed rate or rate increase pursuant to subsection 1, other than confidential medical information or any information relating to the amount, terms or conditions of reimbursement pursuant to a contract between the insurer and a third party, is public and must be provided to any person upon written request.

Sec. 13. NRS 686B.090 is hereby amended to read as follows:

686B.090 1. An insurer shall establish rates and supplementary rate information for any market segment based on the factors in NRS 686B.060. If an insurer has insufficient creditable loss experience, it may use rates and supplementary rate information prepared by a rate service organization, with modification for its own expense and loss experience.

2. ~~[An]~~ ***Except as otherwise provided in section 7 of this act, an*** insurer may discharge its obligation under subsection 1 of NRS 686B.070 by giving notice to the Commissioner that it uses rates and supplementary rate information prepared by a designated rate service organization, with such information about modifications thereof as are necessary fully to inform the Commissioner. The insurer's rates and supplementary rate information shall be deemed those filed from time to time by the rate service organization, including any amendments thereto as filed, subject to the modifications filed by the insurer.

Sec. 14. NRS 686B.110 is hereby amended to read as follows:

686B.110 1. The Commissioner shall consider each ***rate or*** proposed increase or decrease in the rate of any kind or line of insurance or subdivision thereof filed with the Commissioner pursuant to subsection 1 of NRS 686B.070. If the Commissioner finds that a proposed increase will result in a rate which is not in compliance with NRS 686B.050 or subsection 2 of NRS 686B.070, the Commissioner shall disapprove the proposal. The Commissioner shall approve or disapprove each proposal ~~[no]~~ ***:***

(a) If the Commissioner conducts a public hearing on the proposal pursuant to section 7 of this act, not later than ~~[60]~~ ***30*** days after ~~[it is determined by]~~ ***the date of the public hearing; or***

(b) If no public hearing is held on the proposal pursuant to section 7 of this act, not later than ~~*[60]*~~ ***30 days after the date on which*** the Commissioner ***determines the proposal*** to be complete pursuant to subsection ~~[4.]~~ ***5.***

2. If the Commissioner fails to approve or disapprove the proposal within ~~[that]~~ ***the*** period ~~[,]~~ ***specified in subsection 1,*** the proposal shall be deemed approved.

~~[2.]~~ ***3.*** Whenever an insurer has no legally effective rates as a result of the Commissioner's disapproval of rates or other act, the Commissioner shall on request specify interim rates for the insurer that are high enough to protect the interests of all parties and may order that a specified portion of the premiums be placed in an escrow account approved by the Commissioner. When new rates become legally effective, the Commissioner shall order the escrowed funds or any overcharge in the interim rates to be distributed appropriately, except that refunds to policyholders that are de minimis must not be required.

~~[3.]~~ ***4.*** If the Commissioner disapproves a ***rate or*** proposed rate ***increase or decrease*** and an insurer requests a hearing to determine the validity of the action of the Commissioner, the insurer has the burden of showing compliance with the applicable standards for rates established in NRS 686B.010 to 686B.1799, inclusive ~~[.]~~ ***, and sections 6 ,*** ~~*[and]*~~ ***7 and 7.5 of this act.*** Any such hearing must be held:

(a) Within 30 days after the request for a hearing has been submitted to the Commissioner; or

(b) Within a period agreed upon by the insurer and the Commissioner.

➥ If the hearing is not held within the period specified in paragraph (a) or (b), or if the Commissioner fails to issue an order concerning the ***rate or*** proposed rate ***increase or decrease*** for which the hearing is held within 45 days after the hearing, the proposed rate ***or proposed rate increase or decrease*** shall be deemed approved.

~~[4.]~~ ***5.*** The Commissioner shall by regulation specify the documents or any other information which must be included in a proposal for a rate or to increase or decrease a rate ~~[submitted to]~~ ***filed with*** the Commissioner pursuant to subsection 1 ~~[.]~~ ***of NRS 686B.070.*** Each such proposal shall be deemed complete upon its filing with the Commissioner, unless the Commissioner, within 15 business days after the proposal is filed with the Commissioner, determines that the proposal is incomplete because the proposal does not comply with the regulations adopted by the Commissioner pursuant to this subsection.

Sec. 15. NRS 686B.117 is hereby amended to read as follows:

686B.117 If a filing made with the Commissioner pursuant to ~~[paragraph (a) of]~~ subsection 1 of NRS 686B.070 pertains to insurance covering the

liability of a practitioner licensed pursuant to chapter 630, 631, 632 or 633 of NRS for a breach of the practitioner's professional duty toward a patient, any interested person, and any association of persons or organization whose members may be affected, may intervene as a matter of right in any hearing or other proceeding conducted to determine whether the applicable rate or proposed increase thereto:

1. Complies with the standards set forth in NRS 686B.050 and subsection 2 of NRS 686B.070.

2. Should be approved or disapproved.

Sec. 16. NRS 687B.120 is hereby amended to read as follows:

687B.120 1. No life or health insurance policy or contract, annuity contract form, policy form, health care plan or plan for dental care, whether individual, group or blanket, including those to be issued by a health maintenance organization, organization for dental care or prepaid limited health service organization, or application form where a written application is required and is to be made a part of the policy or contract, or printed rider or endorsement form or form of renewal certificate, or form of individual certificate or statement of coverage to be issued under group or blanket contracts, or by a health maintenance organization, organization for dental care or prepaid limited health service organization, may be delivered or issued for delivery in this state, unless the form has been filed with and approved by the Commissioner. **[**~~This subsection does not apply to any special rider or endorsement which relates to the manner of distribution of benefits or to the reservation of rights and benefits under life or health insurance policies, which special riders or endorsements are used at the request of the individual policyholder, contract holder or certificate holder.~~**]** As to group insurance policies effectuated and delivered outside this state but covering persons resident in this state, the group certificates to be delivered or issued for delivery in this state must be filed, for informational purposes only, with the Commissioner at the request of the Commissioner.

2. Every **[**~~such~~**]** filing ***made pursuant to subsection 1*** must be made not less than 45 days in advance of any **[**~~such~~**]** delivery **[**~~.~~**]** ***pursuant to subsection 1.*** At the expiration of 45 days the form so filed shall be deemed approved unless prior thereto it has been affirmatively approved or disapproved by order of the Commissioner. Approval of any such form by the Commissioner constitutes a waiver of any unexpired portion of such waiting period. The Commissioner may extend by not more than an additional 30 days the period within which the Commissioner may so affirmatively approve or disapprove any such form, by giving notice to the insurer of the extension before expiration of the initial 45-day period. At the expiration of any such period as so extended, and in the absence of prior affirmative approval or disapproval, any such form shall be deemed

approved. The Commissioner may at any time, after notice and for cause shown, withdraw any such approval.

3. Any order of the Commissioner disapproving any such form or withdrawing a previous approval must state the grounds therefor and the particulars thereof in such detail as reasonably to inform the insurer thereof. Any such withdrawal of a previously approved form is effective at the expiration of such a period, not less than 30 days after the giving of notice of withdrawal, as the Commissioner in such notice prescribes.

4. The Commissioner may, by order, exempt from the requirements of this section for so long as the Commissioner deems proper any insurance document or form or type thereof specified in the order, to which, in the opinion of the Commissioner, this section may not practicably be applied, or the filing and approval of which are, in the opinion of the Commissioner, not desirable or necessary for the protection of the public.

5. Appeals from orders of the Commissioner disapproving any such form or withdrawing a previous approval may be taken as provided in NRS 679B.310 to 679B.370, inclusive.

Sec. 17. ~~[NRS 687B.350 is hereby amended to read as follows:~~

~~687B.350 1. Except as otherwise provided in subsection 2, an insurer shall not renew a policy on different terms, including different rates, unless the insurer notifies the insured in writing of the different terms or rates at least~~ [30] ***60*** ~~days before the expiration of the policy. If the insurer fails to provide adequate and timely notice, the insurer shall renew the policy at the expiring terms and rates:~~

~~(a) For a period that is equal to the expiring term if the agreed term is 1 year or less; or~~

~~(b) For 1 year if the agreed term is more than 1 year.~~

~~2. The provisions of this section do not apply to a change in the rate for a policy of industrial insurance which is based on:~~

~~(a) A change to a prospective loss cost filed by the Advisory Organization pursuant to NRS 686B.177 that is applicable to the risk; or~~

~~(b) A correction based on the experience that is applicable to the risk in accordance with the Uniform Plan for Rating Experience filed with the Commissioner pursuant to NRS 686B.177.~~] **(Deleted by amendment.)**

Sec. 18. NRS 689A.695 is hereby amended to read as follows:

689A.695 An individual carrier shall make the information and documents described in NRS 689A.680 to 689A.700, inclusive, available to the Commissioner upon request. ~~[Except in cases of violations of the provisions of this chapter, the information, other than the premium rates charged by the individual carrier, is proprietary, constitutes a trade secret and is not subject to disclosure by the Commissioner to persons outside of the~~

~~Division except as agreed to by the individual carrier or as ordered by a court of competent jurisdiction.]~~

Sec. 19. NRS 689B.115 is hereby amended to read as follows:

689B.115 An insurer providing blanket health insurance shall make all information concerning rates available to the Commissioner upon request. ~~[The information is proprietary, constitutes a trade secret, and may not be disclosed by the Commissioner to any person outside the Division except as agreed by the insurer or ordered by a court of competent jurisdiction.]~~

Sec. 20. NRS 689C.250 is hereby amended to read as follows:

689C.250 A carrier serving small employers shall make the information and documents described in NRS 689C.210 to 689C.240, inclusive, available to the Commissioner upon request. ~~[Except in cases of violations of NRS 689C.015 to 689C.355, inclusive, the information is proprietary, constitutes a trade secret, and is not subject to disclosure by the Commissioner to persons outside of the Division except as agreed to by the carrier or as ordered by a court of competent jurisdiction.]~~

Sec. 21. Section 7 of this act is hereby amended to read as follows:

Sec. 7. 1. Upon the filing of a rate or proposed rate increase or decrease pursuant to NRS 686B.070 for a policy, contract or plan of health insurance, and upon a determination by the Commissioner that the proposal is complete, the insurer and Commissioner shall publish on an Internet website maintained by the insurer and Division, respectively, notice of the filing, any information relating to the rate or proposed rate increase or decrease, other than confidential medical information, and the date by which a request for a public hearing on the rate or proposed rate increase or decrease must be submitted pursuant to subsection 2.

2. Upon the filing of a rate or proposed rate increase or decrease pursuant to NRS 686B.070 for a policy, contract or plan of health insurance:

(a) The insurer or rate service organization that files the rate or proposed rate increase or decrease ~~[or the Consumer Advocate]~~ may request that the Commissioner conduct a public hearing on the rate or proposed rate increase or decrease; and

(b) A consumer of health insurance may request that the Commissioner conduct a public hearing on the rate or proposed rate increase or decrease if:

(1) The proposed rate increase or decrease is more than 10 percent of the current rate; or

(2) The policy, contract or plan of health insurance represents more than 5 percent of its market segment in the State,

➥ by submitting to the Commissioner a written request for a public hearing not later than 30 days after the date of first publication of the notice of the rate or proposed rate increase or decrease pursuant to subsection 1.

3. Upon the filing of a rate or proposed rate increase or decrease pursuant to NRS 686B.070 for a policy, contract or plan of health insurance or upon a request for a public hearing pursuant to subsection 2, the Commissioner may conduct a public hearing on the rate or proposed rate increase or decrease.

4. If the Commissioner determines that a public hearing should be held pursuant to subsection 3, the Commissioner shall provide notice to the insurer or rate service organization of the public hearing not later than 15 days before the date of the public hearing and shall conduct the public hearing not later than ~~[60]~~ ***45*** days after a determination by the Commissioner that the filing of the rate or proposed rate increase or decrease is complete.

5. Upon receipt of the notice of a public hearing from the Commissioner, an insurer or rate service organization shall provide notice to its policyholders not later than 10 days before the date of the public hearing.

6. To the extent practicable, a public hearing that is conducted pursuant to this section on a weekday must be conducted after 5 p.m.

7. If a public hearing is conducted pursuant to subsection 3, the Commissioner shall publish on an Internet website maintained by the Division:

(a) A transcript of the public hearing not later than ~~[30]~~ ***15*** days after the date of the hearing; and

(b) Any finding, decision or order of the Commissioner not later than ~~[30]~~ ***15*** days after the date of issuance of the finding, decision or order.

~~[8. As used in this section, "Consumer Advocate" means the Consumer Advocate appointed by the Governor pursuant to section 2 of this act.]~~

Sec. 22. Section 14 of this act is hereby amended to read as follows:

Sec. 14. NRS 686B.110 is hereby amended to read as follows:

686B.110 1. The Commissioner shall consider each rate or proposed increase or decrease in the rate of any kind or line of insurance or subdivision thereof filed with the Commissioner pursuant to subsection 1 of NRS 686B.070. If the Commissioner finds that a proposed increase will result in a rate which is not in compliance with NRS 686B.050 or subsection 2 of NRS 686B.070, the Commissioner shall disapprove the proposal. The Commissioner shall approve or disapprove each proposal:

(a) If the Commissioner conducts a public hearing on the proposal pursuant to section ~~[7]~~ ***21*** of this act, not later than ~~[60]~~ ***30*** days after the date of the public hearing; or

(b) If no public hearing is held on the proposal pursuant to section ~~[7]~~ ***21*** of this act, not later than ~~[60]~~ ***30*** days after the date on which the Commissioner determines the proposal to be complete pursuant to subsection 5.

2. If the Commissioner fails to approve or disapprove the proposal within the period specified in subsection 1, the proposal shall be deemed approved.

3. Whenever an insurer has no legally effective rates as a result of the Commissioner's disapproval of rates or other act, the Commissioner shall on request specify interim rates for the insurer that are high enough to protect the interests of all parties and may order that a specified portion of the premiums be placed in an escrow account approved by the Commissioner. When new rates become legally effective, the Commissioner shall order the escrowed funds or any overcharge in the interim rates to be distributed appropriately, except that refunds to policyholders that are de minimis must not be required.

4. If the Commissioner disapproves a rate or proposed rate increase or decrease and an insurer requests a hearing to determine the validity of the action of the Commissioner, the insurer has the burden of showing compliance with the applicable standards for rates established in NRS 686B.010 to 686B.1799, inclusive, and sections 6 and ~~[7]~~ ***21*** of this act. Any such hearing must be held:

(a) Within 30 days after the request for a hearing has been submitted to the Commissioner; or

(b) Within a period agreed upon by the insurer and the Commissioner.

➥ If the hearing is not held within the period specified in paragraph (a) or (b), or if the Commissioner fails to issue an order concerning the rate or proposed rate increase or decrease for which the hearing is held within 45 days after the hearing, the proposed rate or proposed rate increase or decrease shall be deemed approved.

5. The Commissioner shall by regulation specify the documents or any other information which must be included in a proposal for a rate or to increase or decrease a rate filed with the Commissioner pursuant to subsection 1 of NRS 686B.070. Each such proposal shall be deemed complete upon its filing with the Commissioner, unless the Commissioner, within 15 business days after the proposal is filed with the Commissioner, determines that the proposal is incomplete because the proposal does not comply with the regulations adopted by the Commissioner pursuant to this subsection.

Sec. 23. 1. This section and sections 1 to 20, inclusive, of this act become effective on July 1, 2011.

2. Sections 2, 3, 7, 13 and 14 of this act expire by limitation on the date on which the Governor by proclamation declares that the money for funding the Office of the Consumer Advocate will no longer be available.

3. Sections 21 and 22 of this act become effective on the date on which the Governor by proclamation declares that the money for funding the Office of the Consumer Advocate will no longer be available.

Assemblyman Atkinson moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 313.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 154.

AN ACT relating to child custody; providing for the expiration by operation of law of certain orders modifying custody and visitation of children for persons who are members of the military; authorizing a court to delegate the visitation rights of a member of the military to a family member of the member of the military under certain circumstances; requiring a court, under certain circumstances, to provide an expedited hearing concerning custody or visitation matters to allow participation in such a hearing by affidavit or electronic means, or to both hold an expedited hearing and allow such participation; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that an award of child custody or visitation may only be made by considering the best interest of the child. (NRS 125.480, 125C.010) Existing law further provides that the court is authorized, with certain exceptions, to modify its order at any time. (NRS 125.510) **Section 10** of this bill prohibits a court from entering a final order modifying the terms of an existing custody or visitation order of a parent or legal guardian who is a member of the military and who has received mandatory written orders for deployment until 90 days after the deployment ends. **Section 11** of this bill provides that deployment or the potential for future deployment of a parent or legal guardian must not, by itself, constitute a substantial change sufficient to justify a permanent modification of a custody or visitation order.

Section 12 of this bill authorizes a court to modify a custody or visitation order to reasonably accommodate the deployment of a parent or legal guardian and deems any such modification to be a temporary order. **Section 13** of this bill provides, with certain exceptions, that such a temporary order expires automatically upon the completion of the deployment and the custody or visitation order that was in place before the order was modified by the temporary order is automatically reinstated.

Section 15 of this bill authorizes a court to delegate the visitation rights of the parent or legal guardian who is deployed to a family member of the parent or legal guardian under certain circumstances.

Section 14 of this bill requires a court, upon a motion of a parent or legal guardian who is deployed or has received mandatory written orders for deployment and who is prevented by military duties from appearing in

person at a regularly scheduled hearing concerning custody or visitation matters, to: (1) hold an expedited hearing; (2) allow the parent or legal guardian to present testimony and evidence by affidavit or electronic means; or (3) both hold an expedited hearing and allow testimony and evidence to be presented by affidavit or electronic means.

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

Section 1. NRS 125.510 is hereby amended to read as follows:

125.510 1. In determining the custody of a minor child in an action brought pursuant to this chapter, the court may, except as otherwise provided in this section and chapter 130 of NRS ~~[.]~~ ***and sections 3 to 20, inclusive, of this act:***

(a) During the pendency of the action, at the final hearing or at any time thereafter during the minority of any of the children of the marriage, make such an order for the custody, care, education, maintenance and support of the minor children as appears in their best interest; and

(b) At any time modify or vacate its order, even if the divorce was obtained by default without an appearance in the action by one of the parties.

➥ The party seeking such an order shall submit to the jurisdiction of the court for the purposes of this subsection. The court may make such an order upon the application of one of the parties or the legal guardian of the minor.

2. Any order for joint custody may be modified or terminated by the court upon the petition of one or both parents or on the court's own motion if it is shown that the best interest of the child requires the modification or termination. The court shall state in its decision the reasons for the order of modification or termination if either parent opposes it.

3. Any order for custody of a minor child or children of a marriage entered by a court of another state may, subject to ***the provisions of sections 3 to 20, inclusive, of this act and to*** the jurisdictional requirements in chapter 125A of NRS, be modified at any time to an order of joint custody.

4. A party may proceed pursuant to this section without counsel.

5. Any order awarding a party a limited right of custody to a child must define that right with sufficient particularity to ensure that the rights of the parties can be properly enforced and that the best interest of the child is achieved. The order must include all specific times and other terms of the limited right of custody. As used in this subsection, "sufficient particularity" means a statement of the rights in absolute terms and not by the use of the term "reasonable" or other similar term which is susceptible to different interpretations by the parties.

6. All orders authorized by this section must be made in accordance with the provisions of chapter 125A of NRS ***and sections 3 to 20, inclusive, of this act*** and must contain the following language:

PENALTY FOR VIOLATION OF ORDER: THE ABDUCTION, CONCEALMENT OR DETENTION OF A CHILD IN VIOLATION OF THIS ORDER IS PUNISHABLE AS A CATEGORY D FELONY AS PROVIDED IN NRS 193.130. NRS 200.359 provides that every person having a limited right of custody to a child or any parent having no right of custody to the child who willfully detains, conceals or removes the child from a parent, guardian or other person having lawful custody or a right of visitation of the child in violation of an order of this court, or removes the child from the jurisdiction of the court without the consent of either the court or all persons who have the right to custody or visitation is subject to being punished for a category D felony as provided in NRS 193.130.

7. In addition to the language required pursuant to subsection 6, all orders authorized by this section must specify that the terms of the Hague Convention of October 25, 1980, adopted by the 14th Session of the Hague Conference on Private International Law, apply if a parent abducts or wrongfully retains a child in a foreign country.

8. If a parent of the child lives in a foreign country or has significant commitments in a foreign country:

(a) The parties may agree, and the court shall include in the order for custody of the child, that the United States is the country of habitual residence of the child for the purposes of applying the terms of the Hague Convention as set forth in subsection 7.

(b) Upon motion of one of the parties, the court may order the parent to post a bond if the court determines that the parent poses an imminent risk of wrongfully removing or concealing the child outside the country of habitual residence. The bond must be in an amount determined by the court and may be used only to pay for the cost of locating the child and returning the child to his or her habitual residence if the child is wrongfully removed from or concealed outside the country of habitual residence. The fact that a parent has significant commitments in a foreign country does not create a presumption that the parent poses an imminent risk of wrongfully removing or concealing the child.

9. Except where a contract providing otherwise has been executed pursuant to NRS 123.080, the obligation for care, education, maintenance and support of any minor child created by any order entered pursuant to this section ceases:

(a) Upon the death of the person to whom the order was directed; or

(b) When the child reaches 18 years of age if the child is no longer enrolled in high school, otherwise, when the child reaches 19 years of age.

10. As used in this section, a parent has "significant commitments in a foreign country" if the parent:

(a) Is a citizen of a foreign country;

(b) Possesses a passport in his or her name from a foreign country;

(c) Became a citizen of the United States after marrying the other parent of the child; or

(d) Frequently travels to a foreign country.

Sec. 2. Chapter 125C of NRS is hereby amended by adding thereto the provisions set forth as sections 3 to 20, inclusive, of this act.

Sec. 3. ***As used in sections 3 to 20, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 4 to 9, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 4. ***"Custody or visitation order" means:***

1. A judgment, decree or order issued by a court of competent jurisdiction in this State which provides for custody or visitation with respect to a child; and

2. A judgment, decree or order issued by a court of another state which provides for custody or visitation with respect to a child if the judgment, decree or order has been registered in this State pursuant to NRS 125A.465.

Sec. 5. ***"Deployment" means the transfer or reassignment of a member of the military, unaccompanied by any family member, on active duty status in support of combat or another military operation, including, without limitation, temporary duty. The term does not include annual training of a reserve component of the Armed Forces of the United States or of the National Guard.***

Sec. 6. ***"Member of the military" means a person who is presently serving in the Armed Forces of the United States, a reserve component thereof or the National Guard.***

Sec. 7. ***"Parent" means a parent or legal guardian of a child under the age of 18 years.***

Sec. 8. ***"Parent who received orders for deployment" means a parent who has received mandatory written orders for deployment and who is awaiting deployment or has been deployed pursuant to those orders.***

Sec. 9. ***"Temporary duty" means the transfer of a member of the military, unaccompanied by any family member, from a military base to a different location, including, without limitation, another military base, for a limited time to accomplish training or to assist in the performance of a combat mission.***

Sec. 10. *1. Except as otherwise provided in subsection 2, if a parent who is a member of the military and who has been awarded sole or joint custody or visitation of a child receives mandatory written orders for deployment, the court shall not enter a final order modifying the terms of the existing custody or visitation order until 90 days after the termination of the parent's deployment.*

2. If the matter was fully adjudicated by a court before the parent's deployment, the court may enter such a final order at any time.

Sec. 11. *Deployment or the potential for future deployment must not, by itself, constitute a substantial change in circumstances sufficient to warrant a permanent modification of a custody or visitation order.*

Sec. 12. *1. The court may temporarily modify a custody or visitation order to reasonably accommodate the deployment of a parent. Any such modification by the court of a custody or visitation order shall be deemed a temporary order.*

2. A temporary order issued pursuant to subsection 1 must:

(a) Unless the court determines it is not in the best interest of the child, grant the parent who received orders for deployment reasonable custody or visitation during periods of approved military leave if the existing custody or visitation order granted that parent custody or visitation before deployment;

(b) Include any restrictions concerning custody or visitation set forth in the existing custody or visitation order;

(c) Specify that deployment is the reason for the modification of the existing custody or visitation order; and

(d) Require the other parent to provide the court and the parent who received orders for deployment with written notice of any change of his or her address or telephone number ~~[at least]~~ as soon as practicable but not later than 30 days ~~[before]~~ after such change.

Sec. 13. *1. Except as otherwise provided in subsection 2, a temporary order issued pursuant to section 12 of this act expires by operation of law upon the completion of the parent's deployment and the previous custody or visitation order is reinstated.*

2. The court may, upon a motion alleging immediate danger of irreparable harm to the child, hold an expedited hearing concerning custody or visitation upon the completion of the parent's deployment.

Sec. 14. *1. If military duties prevent a parent who received orders for deployment from appearing in person at a regularly scheduled hearing concerning any custody or visitation matters, the court shall, upon a motion of that parent and for good cause shown:*

(a) Hold an expedited hearing;

(b) Allow the parent who received orders for deployment to present testimony and evidence by affidavit or electronic means; or

(c) Both hold an expedited hearing pursuant to paragraph (a) and allow testimony and evidence to be presented pursuant to paragraph (b).

2. As used in this section, "electronic means" includes, without limitation, telephone, videoconference or the Internet.

Sec. 15. *1. Upon a motion by the parent who received orders for deployment, the court may delegate his or her visitation rights, or a portion of those rights, to a family member of that parent who has a substantial relationship with the child if the court determines that such delegated visitation is in the best interest of the child.*

2. In determining whether visitation rights should be delegated to a family member pursuant to subsection 1, the court shall consider the factors set forth in paragraphs (a) to (i), inclusive, of subsection 6 of NRS 125C.050.

3. Any visitation rights delegated to a family member pursuant to subsection 1 terminate upon:

(a) The expiration of a temporary order pursuant to section 13 of this act; or

(b) A showing that the delegated visitation is no longer in the best interest of the child.

4. Nothing in this section increases the authority of a family member who is delegated visitation rights pursuant to subsection 1 to seek separate visitation rights of the child pursuant to NRS 125C.050.

Sec. 16. *If a custody or visitation order has not been issued and a parent's deployment is imminent, the court shall, upon a motion of either parent, hold an expedited hearing for the purpose of issuing a temporary order establishing the custody and visitation arrangement in accordance with sections 3 to 20, inclusive, of this act.*

Sec. 17. *1. If military necessity precludes court adjudication before deployment, the parent who received orders for deployment and the other parent shall cooperate with and provide information to each other in an effort to reach a mutually agreeable resolution with regard to custody and visitation matters.*

2. Except as otherwise provided in this subsection, the parent who received orders for deployment shall, within 10 days after receiving the orders, provide a copy of the orders to the other parent. If the date of deployment is less than 10 days after receipt of the orders, a copy of the orders must be provided immediately to the other parent.

Sec. 18. *1. If a court in this State has issued a custody or visitation order, the absence of a child from this State during the deployment of a parent shall be deemed a temporary absence for the purposes of*

NRS 125A.085 and 125A.135 and this State retains exclusive, continuing jurisdiction as provided in NRS 125A.315.

2. The deployment of a parent may not be used as a basis to assert the issue of inconvenient forum pursuant to NRS 125A.365.

Sec. 19. ***In making a determination pursuant to sections 3 to 20, inclusive, of this act, a court may award costs and reasonable attorney's fees against any parent:***

1. Who the court determines caused unreasonable delays;

2. Who failed to provide any information required pursuant to sections 3 to 20, inclusive, of this act; and

3. In such other circumstances as the court deems proper.

Sec. 20. ***The provisions of sections 3 to 20, inclusive, of this act do not apply to any custody or visitation arrangement requested in a verified application for a temporary or extended order for protection against domestic violence filed pursuant to NRS 33.020.***

Assemblyman Horne moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 319.

Bill read second time.

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

Amendment No. 177.

AN ACT relating to dead bodies; authorizing certain persons who assume legal and ~~[final]~~ **financial** responsibility for the final disposition of the human remains of a deceased person to order the burial of those human remains; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes certain persons to order the burial of the human remains of a deceased person**.** ~~[, and this bill authorizes, in the absence of any such person, any person who]~~ **This bill authorizes additional persons, in the absence of a person authorized by existing law, to order the burial of the remains of the deceased person if the additional person: (1)** is 18 years of age or older**; (2) executes an affidavit affirming certain facts;** and ~~[who]~~ **(3)** assumes legal and financial responsibility for the human remains of the deceased person**.** ~~[to order the burial of the remains of the deceased person.]~~ (NRS 451.024)

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

Section 1. NRS 451.024 is hereby amended to read as follows:

451.024 1. The following persons, in the following order of priority, may order the burial of human remains of a deceased person:

(a) A person designated as the person with authority to order the burial of the human remains of the decedent in a legally valid document or in an affidavit executed in accordance with subsection ~~[5,]~~ ***7;***

(b) The spouse of the decedent;

(c) An adult son or daughter of the decedent;

(d) Either parent of the decedent;

(e) An adult brother or sister of the decedent;

(f) A grandparent of the decedent;

(g) A guardian of the person of the decedent at the time of death; ~~[and]~~

(h) A person who held the primary domicile of the decedent in joint tenancy with the decedent at the time of death ~~[.]~~ ***; and***

(i) ~~*[In the absence of any]*~~ ***A person who meets the requirements of subsection 2.***

2. If, 30 days or more after the death of a decedent, the coroner or sheriff, as applicable, has conducted an investigation to determine whether a person specified in paragraphs (a) to (h), inclusive, of subsection 1 exists and, upon completion of that investigation, is unable to identify or locate a person specified in those paragraphs, any other person ~~*[18 years of age or older who assumes legal and financial responsibility for the final disposition]*~~ ***may order the burial of the human remains of the decedent*** ~~*[.*~~

~~*2.]*~~ ***if the person:***

(a) Is at least 18 years of age; and

(b) Executes an affidavit affirming:

(1) That he or she knew the decedent;

(2) The length of time that he or she knew the decedent;

(3) That he or she does not know the whereabouts of any of the persons specified in paragraphs (a) to (h), inclusive, of subsection 1; and

(4) That he or she willingly accepts legal and financial responsibility for the burial of the human remains of the decedent.

3. A person who accepts legal and financial responsibility for the burial of the human remains of a decedent as described in subparagraph (4) of paragraph (b) of subsection 2 does not have a claim against the estate of the decedent or against any other person for the cost of the burial.

4. If the deceased person was an indigent or other person for whom the final disposition of the decedent's remains is a responsibility of a county or the State, the appropriate public officer may order the burial of the remains and provide for the respectful disposition of the remains.

~~[3.]~~ ***5.*** If the deceased person donated his or her body for scientific research or, before the person's death, a medical facility was made responsible for the final disposition of the person, a representative of the

scientific institution or medical facility may order the burial of his or her remains.

~~[4.]~~ ***6.*** A living person may order the burial of human remains removed from his or her body or the burial of his or her body after death. In the latter case, any person acting pursuant to his or her instructions is an authorized agent.

~~[5.]~~ ***7.*** A person 18 years of age or older wishing to authorize another person to order the burial of his or her human remains in the event of the person's death may execute an affidavit before a notary public in substantially the following form:

State of Nevada }

}ss

County of }

(Date)

I, ..., (person authorizing another person to order the burial of his or her human remains in the event of his or her death) do hereby designate ..... (person who is being authorized to order the burial of the human remains of a person in the event of his or her death) to order the burial of my human remains upon my death.

Subscribed and sworn to before me this .....

day of the month of ..... of the year .....

(Notary Public)

Sec. 2. This act becomes effective upon passage and approval.

Assemblywoman Pierce moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 323.

Bill read second time.

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

Amendment No. 220.

AN ACT relating to consumer fraud; requiring the Director of the Department of Business and Industry to establish and maintain an Internet website to provide information concerning consumer fraud in this State; requiring various state entities to provide information to the Director for inclusion on the Internet website; requiring biennial reporting concerning the Internet website; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill requires the Director of the Department of Business and Industry to establish and maintain an Internet website to provide information concerning consumer fraud in this State. The Director is required to place on

the Internet website information relating to deception, fraud and misrepresentation that is received by the Director from various state agencies, offices and licensing boards. Each such agency, office and licensing board is required to provide to the Director such information as required by the Director for inclusion on the Internet website. The Director is required to submit biennial reports concerning the Internet website and its effect on reducing the incidence of consumer fraud in this State to the Governor and to the Director of the Legislative Counsel Bureau for transmittal to the Legislature.

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

Section 1. Chapter 598 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Director of the Department of Business and Industry shall establish and maintain an Internet website to provide information concerning consumer fraud in this State.

2. The Director shall place on the Internet website information received by the Director from:

(a) The Department of Business and Industry concerning deception, fraud and misrepresentation relating to:

(1) Common-interest communities, condominium hotels, credit service organizations, employment agencies, financial institutions, high-interest loans, housing assistance, manufactured housing sales and service, mortgage lending, real estate appraisal and sales, time shares and insurance, including, without limitation, industrial insurance; and

(2) Licensed real estate brokers, real estate salespersons, mortgage brokers and mortgage agents.

(b) The Department of Employment, Training and Rehabilitation concerning deception, fraud and misrepresentation relating to the payment of unemployment contributions and benefits.

(c) The Department of Health and Human Services concerning deception, fraud and misrepresentation relating to public assistance programs, including, without limitation, the Children's Health Insurance Program, Food Stamp Assistance, Low-Income Home Energy Assistance, Medicaid, the Program for Child Care and Development, and Temporary Assistance for Needy Families.

(d) The Department of Motor Vehicles concerning deception, fraud and misrepresentation relating to the alteration of vehicle odometers, sales and leases of new and used vehicles, sales of vehicle parts, the disposal of vehicles and the registration of vehicles.

(e) The Department of Taxation concerning deception, fraud and misrepresentation relating to taxes, including, without limitation, business taxes, fuel taxes, property taxes, real property transfer taxes, sales and use taxes, intoxicating liquor taxes and tobacco taxes.

(f) The Office of the Attorney General concerning fraud within the primary jurisdiction of the Attorney General, including, without limitation, Medicaid fraud, insurance fraud and industrial insurance fraud.

(g) The Office of the Secretary of State concerning deception, fraud and misrepresentation relating to the use of electronic signatures, the sale of securities and commodities, and notaries public.

(h) The ~~*[Public Utilities Commission of Nevada]*~~ ***Bureau of Consumer Protection in the Office of the Attorney General concerning deception, fraud and misrepresentation relating to the provision of telecommunication services by incumbent local exchange carriers and competitive local exchange carriers.***

(i) The State Department of Agriculture concerning deception, fraud and misrepresentation relating to the sale of agricultural commodities and products, livestock and motor vehicle fuels, and the sale of goods and services by weight, measure or count.

(j) The State Registrar of Vital Statistics concerning deception, fraud and misrepresentation relating to vital statistics, including, without limitation, certificates of birth.

(k) The following boards concerning deception, fraud and misrepresentation relating to professional and occupational licensing:

(1) The Board of Dental Examiners of Nevada.

(2) The Board of Examiners for Social Workers.

(3) The Board of Massage Therapists.

(4) The Board of Medical Examiners.

(5) The Chiropractic Physicians' Board of Nevada.

(6) The Nevada State Board of Accountancy.

(7) The Nevada State Board of Veterinary Medical Examiners.

(8) The State Barbers' Health and Sanitation Board.

(9) The State Board of Architecture, Interior Design and Residential Design.

(10) The State Board of Cosmetology.

(11) The State Board of Nursing.

(12) The State Board of Osteopathic Medicine.

(13) The State Board of Pharmacy.

(14) The State Board of Professional Engineers and Land Surveyors.

(15) The State Contractors' Board.

3. An entity specified in subsection 2 shall provide to the Director such information as required from that entity by the Director for inclusion on the Internet website, including, without limitation, information:

(a) To assist consumers in determining whether sellers or providers of goods or services have obtained all required state licenses and permits and paid all assessments, fees and taxes due;

(b) To instruct consumers on the reporting of suspected deception, fraud or misrepresentation, including, without limitation, the reporting of a person who is operating without a required license; and

(c) To provide consumers with educational materials on consumer fraud, cautions and warnings concerning fraudulent schemes and deceptive trade practices, reports on confirmed acts of consumer fraud, and public information on all violations of the laws of this State relating to deception, fraud and misrepresentation that have been committed within the immediately preceding 10 years, including, without limitation, the name of the natural person or entity that committed the violation and the penalty imposed for the violation.

4. The Director shall, on or before December 30, 2012, and on or before December 30 of every even-numbered year thereafter, submit to the Governor and to the Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature a report evaluating the Internet website and its effect on reducing the incidence of consumer fraud in this State.

Sec. 2. The Director of the Department of Business and Industry shall, on or before June 30, 2012, establish the Internet website to provide information concerning consumer fraud in this State which is required by section 1 of this act.

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

Assemblyman Atkinson moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 331.

Bill read second time and ordered to third reading.

Assembly Bill No. 348.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 165.

SUMMARY— ~~[Repeals]~~ **Revises** provisions governing the apportionment of federal transfer taxes upon the death of a person. (BDR 12-569)

AN ACT relating to estates; ~~[repealing]~~ **revising** provisions governing the apportionment of federal transfer taxes upon the death of a person; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires that upon the death of a person, if the person's estate is insufficient to pay all federal gift taxes or federal generation-skipping transfer taxes due, the unpaid tax must be paid on a pro rata basis by those persons receiving the transfers which triggered the tax in the proportion that the value of the property, interest or benefit of each such person bears to the total value of the property subject to the federal tax, unless the donor or decedent provided otherwise in writing. (NRS 150.400) This bill ~~[repeals the]~~ **provides that notwithstanding such** provisions of law relating to the apportionment of federal transfer taxes upon the death of a person ~~[.]~~ **: (1) such provisions must not be construed to allow the apportionment or enforcement of the collection of any tax to the extent such tax has not been paid and the collection thereof is no longer enforceable under applicable federal law; and (2) a recipient of a transfer is not required to pay tax in an amount that exceeds the value of the property received by the recipient or the maximum amount payable by the recipient under federal law, whichever is less.**

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

Section 1. ~~[NRS 150.400 is hereby repealed.]~~ **(Deleted by amendment.)**

Sec. 2. **NRS 150.400 is hereby amended to read as follows:**

150.400 ***1.*** Except as otherwise provided by the donor or decedent in writing:

~~[1.]~~ ***(a)*** Except as otherwise provided in ~~[subsection 3,]~~ ***paragraph (c),*** for gifts that were made subject to the federal gift tax and in cases where the decedent's estate is insufficient to pay all federal gift taxes due at the time of the decedent's death, the unpaid federal gift tax must be borne on a pro rata basis by those receiving the transfers that triggered the tax in the proportion that the value of the property, interest or benefit of each such person bears to the total value of the property subject to the federal gift tax.

~~[2.]~~ ***(b)*** The federal generation-skipping transfer tax must be borne on a pro rata basis by those persons receiving the transfers that triggered the tax in the proportion that the value of the property, interest or benefit of each such person bears to the total value of the property subject to the federal generation-skipping transfer tax.

~~[3.]~~ ***(c)*** The application of exclusions, exemptions, deferrals or other provisions of the law available at the time of each transfer must be applied in chronological order to the transfers to which they relate.

~~[4.]~~ ***(d)*** To the extent issues remain unresolved after applying the principles set forth in ~~[subsections 1, 2 and 3,]~~ ***paragraphs (a), (b) and (c),*** the provisions of NRS 150.290 to 150.380, inclusive:

~~[(a)]~~ ***(1)*** Must be applied to determine the allocation, apportionment and collection of federal transfer taxes other than the federal estate tax, including, without limitation, the federal gift tax and the federal generation-skipping transfer tax; and

~~[(b)]~~ ***(2)*** Must be applied to determine the procedures for the judicial determination of the apportionment of federal transfer taxes other than the federal estate tax, including, without limitation, the federal gift tax and the federal generation-skipping transfer tax.

2. Notwithstanding the provisions of subsection 1:

(a) This section must not be construed to allow the apportionment or enforcement of the collection of any tax to the extent such tax has not been paid and the collection thereof is no longer enforceable under applicable federal law; and

(b) A recipient of a transfer is not required to pay tax in an amount that exceeds the value of the property received by the recipient or the maximum amount payable by the recipient under federal law, whichever is less.

3. As used in this section, "estate" means all property included for federal estate tax purposes in determining the federal estate tax pursuant to the federal estate tax law.

~~[~~

~~TEXT OF REPEALED SECTION~~

~~150.400 Apportionment. Except as otherwise provided by the donor or decedent in writing:~~

~~1. Except as otherwise provided in subsection 3, for gifts that were made subject to the federal gift tax and in cases where the decedent's estate is insufficient to pay all federal gift taxes due at the time of the decedent's death, the unpaid federal gift tax must be borne on a pro rata basis by those receiving the transfers that triggered the tax in the proportion that the value of the property, interest or benefit of each such person bears to the total value of the property subject to the federal gift tax.~~

~~2. The federal generation-skipping transfer tax must be borne on a pro rata basis by those persons receiving the transfers that triggered the tax in the proportion that the value of the property, interest or benefit of each such person bears to the total value of the property subject to the federal generation-skipping transfer tax.~~

~~3. The application of exclusions, exemptions, deferrals or other provisions of the law available at the time of each transfer must be applied in chronological order to the transfers to which they relate.~~

~~4. To the extent issues remain unresolved after applying the principles set forth in subsections 1, 2 and 3, the provisions of NRS 150.290 to 150.380, inclusive:~~

~~(a) Must be applied to determine the allocation, apportionment and collection of federal transfer taxes other than the federal estate tax, including, without limitation, the federal gift tax and the federal generation-skipping transfer tax; and~~

~~(b) Must be applied to determine the procedures for the judicial determination of the apportionment of federal transfer taxes other than the federal estate tax, including, without limitation, the federal gift tax and the federal generation-skipping transfer tax.~~**]**

Assemblyman Horne moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 355

Bill read second time and ordered to third reading.

Assembly Bill No. 390.

Bill read second time and ordered to third reading.

Assembly Bill No. 395.

The following amendment was proposed by the Committee on Education:

Amendment No. 186.

AN ACT relating to educational personnel; creating a separate category of licensure to teach special education; **revising provisions governing the reciprocal licensure of educational personnel;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law designates the following kinds of licenses for teachers and other educational personnel in this State: (1) a license to teach elementary education; (2) a license to teach middle school or junior high school; (3) a license to teach secondary education; (4) a special license authorizing the holder to teach or perform other educational functions; and (5) a special qualifications license authorizing the holder to teach only in the grades and subject areas designated in the license. (NRS 391.031) Existing law also requires the Commission on Professional Standards in Education to adopt regulations requiring teachers to obtain an endorsement in a field of specialization to be eligible to teach in that field. (NRS 391.019) Existing administrative regulations of the Commission require teachers to obtain

endorsements to their teaching licenses to teach special education. (NAC 391.340-391.398) **Section 1** of this bill creates a separate category of licensure to teach special education.

Existing law requires the Commission to adopt regulations which provide for the reciprocal licensure of educational personnel from other states. (NRS 391.032) Section 2 of this bill requires those regulations to include provisions providing for the reciprocal licensure of persons who hold a license to teach special education.

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

Section 1. NRS 391.031 is hereby amended to read as follows:

391.031 There are the following kinds of licenses for teachers and other educational personnel in this State:

1. A license to teach elementary education, which authorizes the holder to teach in any elementary school in the State.

2. A license to teach middle school or junior high school education, which authorizes the holder to teach in his or her major or minor field of preparation or in both fields in grades 7, 8 and 9 at any middle school or junior high school. He or she may teach only in these fields unless an exception is approved pursuant to regulations adopted by the Commission.

3. A license to teach secondary education, which authorizes the holder to teach in his or her major or minor field of preparation or in both fields in any secondary school. He or she may teach only in these fields unless an exception is approved pursuant to regulations adopted by the Commission.

4. ***A license to teach special education, which authorizes the holder to teach pupils with disabilities or gifted and talented pupils, or both.***

5. A special license, which authorizes the holder to teach or perform other educational functions in a school or program as designated in the license.

~~[5.]~~ ***6.*** A special license designated as a special qualifications license, which authorizes the holder to teach only in the grades and subject areas designated in the license. A special qualifications license is valid for 3 years and may be renewed in accordance with the applicable regulations of the Commission adopted pursuant to subparagraph (7) or (10) of paragraph (a) of subsection 1 of NRS 391.019.

Sec. 2. **NRS 391.032 is hereby amended to read as follows:**

391.032 1. Except as otherwise provided in NRS 391.027, the Commission shall:

(a) Consider and may adopt regulations which provide for the issuance of conditional licenses to teachers and other educational personnel before

completion of all courses of study or other requirements for a license in this State.

(b) Adopt regulations which provide for the reciprocal licensure of educational personnel from other states ~~[.]~~ ***including, without limitation, for the reciprocal licensure of persons who hold a license to teach special education.***

2. The regulations adopted pursuant to paragraph (b) of subsection 1 may provide an exemption from the examinations required for initial licensure for teachers and other educational personnel from another state if the Commission determines that the examinations required for initial licensure for teachers and other educational personnel in that state are comparable to the examinations required for initial licensure in this State.

3. A person who is issued a conditional license must complete all courses of study and other requirements for a license in this State which is not conditional within 3 years after the date on which a conditional license is issued.

~~[Sec. 2.]~~ ***Sec. 3.*** NRS 391.166 is hereby amended to read as follows:

391.166 1. There is hereby created the Grant Fund for Incentives for Licensed Educational Personnel to be administered by the Department. The Department may accept gifts and grants from any source for deposit in the Grant Fund.

2. The board of trustees of each school district shall establish a program of incentive pay for licensed teachers, school psychologists, school librarians, school counselors and administrators employed at the school level which must be designed to attract and retain those employees. The program must be negotiated pursuant to chapter 288 of NRS and must include, without limitation, the attraction and retention of:

(a) Licensed teachers, school psychologists, school librarians, school counselors and administrators employed at the school level who have been employed in that category of position for at least 5 years in this State or another state and who are employed in schools which are at-risk, as determined by the Department pursuant to subsection 8; and

(b) Teachers who hold ~~[an]~~ ***a license or*** endorsement in the field of mathematics, science, special education, English as a second language or other area of need within the school district, as determined by the Superintendent of Public Instruction.

3. A program of incentive pay established by a school district must specify the type of financial incentives offered to the licensed educational personnel. Money available for the program must not be used to negotiate the salaries of individual employees who participate in the program.

4. If the board of trustees of a school district wishes to receive a grant of money from the Grant Fund, the board of trustees shall submit to the

Department an application on a form prescribed by the Department. The application must include a description of the program of incentive pay established by the school district.

5. The Superintendent of Public Instruction shall compile a list of the financial incentives recommended by each school district that submitted an application. On or before December 1 of each year, the Superintendent shall submit the list to the Interim Finance Committee for its approval of the recommended incentives.

6. After approval of the list of incentives by the Interim Finance Committee pursuant to subsection 5 and within the limits of money available in the Grant Fund, the Department shall provide grants of money to each school district that submits an application pursuant to subsection 4 based upon the amount of money that is necessary to carry out each program. If an insufficient amount of money is available to pay for each program submitted to the Department, the amount of money available must be distributed pro rata based upon the number of licensed employees who are estimated to be eligible to participate in the program in each school district that submitted an application.

7. An individual employee may not receive as a financial incentive pursuant to a program an amount of money that is more than $3,500 per year.

8. The Department shall, in consultation with representatives appointed by the Nevada Association of School Superintendents and the Nevada Association of School Boards, develop a formula for identifying at-risk schools for purposes of this section. The formula must be developed on or before July 1 of each year and include, without limitation, the following factors:

(a) The percentage of pupils who are eligible for free or reduced-price lunches pursuant to 42 U.S.C. 1751 et seq.;

(b) The transiency rate of pupils;

(c) The percentage of pupils who are limited English proficient;

(d) The percentage of pupils who have individualized education programs;

(e) The percentage of pupils who score in the bottom two quarters on the mathematics portion or the reading portion, or both, of the high school proficiency examination; and

(f) The percentage of pupils who drop out of high school before graduation.

9. The board of trustees of each school district that receives a grant of money pursuant to this section shall evaluate the effectiveness of the program for which the grant was awarded. The evaluation must include, without limitation, an evaluation of whether the program is effective in recruiting and retaining the personnel as set forth in subsection 2. On or before December 1

of each year, the board of trustees shall submit a report of its evaluation to the:

(a) Governor;

(b) State Board;

(c) Interim Finance Committee;

(d) If the report is submitted in an even-numbered year, Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature; and

(e) Legislative Committee on Education.

~~[Sec. 3.]~~ ***Sec. 4.*** This act becomes effective on July 1, 2011.

Assemblyman Bobzien moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 453.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture, and Mining:

Amendment No. 234.

SUMMARY—Requires a supplier of motor vehicle fuel to provide certain ~~[warnings]~~ **statements** relating to the presence or possible presence of manganese in any motor vehicle fuel sold or distributed by the supplier. (BDR 51-689)

AN ACT relating to motor vehicle fuel; requiring a supplier of motor vehicle fuel to disclose certain information and provide certain ~~[warnings]~~ **statements** concerning the presence or possible presence of manganese in any motor vehicle fuel sold or distributed by the supplier; requiring the State Sealer of Weights and Measures to adopt regulations specifying the format, size, wording and placement of certain ~~[warning]~~ labels a supplier of motor vehicle fuel must place on a pump or handle of a pump used to draw motor vehicle fuel; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the regulation and inspection of petroleum products, including motor vehicle fuel, in this State by the State Board of Agriculture and the State Sealer of Weights and Measures. (NRS 590.010-590.150) This bill applies to motor vehicle fuel which contains or may contain manganese. **Section 1** of this bill requires a supplier of motor vehicle fuel to ensure that all documents relating to the transfer and sale of any such motor vehicle fuel include a disclosure concerning the presence or possible presence of manganese in the motor vehicle fuel. **Section 1** also requires a supplier to affix a ~~[warning]~~ label to each pump or handle of a pump from

which any such motor vehicle fuel is drawn. **Section 3** of this bill requires the State Sealer of Weights and Measures to adopt regulations to ensure compliance with **section 1** and to specify the format, size, wording and placement of the ~~[warning]~~ labels. At a minimum, **section 3** requires the labels to include ~~[: (1)]~~ a ~~[warning of]~~ **statement indicating** the presence or possible presence of manganese ~~[; (2)]~~ **in the motor vehicle fuel. Section 3 authorizes the State Sealer of Weights and Measures to require by regulation that the label also include: (1)** a statement that manganese may cause damage to a motor vehicle's engine or emission control system; ~~[(3)]~~ **(2)** a ~~[warning]~~ **statement** that the use of fuel containing manganese may void a manufacturer's warranty on a motor vehicle; and ~~[(4)]~~ **(3)** a recommendation to consult the owner's manual for the motor vehicle before using the fuel.

Existing law requires the district attorney of each county to prosecute any violations of the provisions relating to the regulation and inspection of gasoline and other petroleum products in this State and makes such violations a misdemeanor. (NRS 590.140, 590.150) **Section 4** of this bill requires the district attorney to prosecute any violation of **section 1**, and **section 5** of this bill makes such a violation a misdemeanor.

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

Section 1. Chapter 590 of NRS is hereby amended by adding thereto a new section to read as follows:

A supplier shall:

1. Ensure that all documents relating to the transfer, distribution and sale of any motor vehicle fuel that contains or may contain manganese include a disclosure concerning the presence or possible presence of manganese in the motor vehicle fuel; and

2. Affix a ~~[warning]~~ label on each pump or handle of a pump from which any motor vehicle fuel sold or distributed by the supplier is drawn if the motor vehicle fuel contains or may contain manganese. Any ~~[warning]~~ label attached to a pump or handle of a pump by a supplier pursuant to this section must comply with the regulations adopted by the State Sealer of Weights and Measures pursuant to paragraph (b) of subsection 6 of NRS 590.100.

Sec. 2. NRS 590.020 is hereby amended to read as follows:

590.020 As used in NRS 590.010 to 590.330, inclusive, ***and section 1 of this act,*** unless the context otherwise requires:

1. "Additives" means a substance to be added to a motor oil or lubricating oil to impart or improve desirable properties or to suppress undesirable properties.

2. "Advertising medium" means any sign, printed or written matter, or device for oral or visual communication.

3. "Alternative fuel" includes, without limitation, premium diesel fuel, B-5 diesel fuel, B-10 diesel fuel, B-20 diesel fuel, B-100 diesel fuel, M-85, M-100, E-85, E-100, liquefied petroleum gas, natural gas, reformulated gasoline, gasohol and oxygenated fuel.

4. "Brand name" means a name or logo that is used to identify a business or company.

5. "Grade" means:

(a) "Regular," "midgrade," "plus," "super," "premium" or words of similar meaning when describing a grade designation for gasoline.

(b) "Diesel" or words of similar meaning, including, without limitation, any specific type of diesel, when describing a grade designation for diesel motor fuel.

(c) "M-85," "M-100," "E-85," "E-100" or words of similar meaning when describing a grade designation for alternative fuel.

(d) "Propane," "liquefied petroleum gas," "compressed natural gas," "liquefied natural gas" or words of similar meaning when describing pressurized gases.

6. "Motor vehicle fuel" means a petroleum product or alternative fuel used for internal combustion engines in motor vehicles.

7. "Performance rating" means the system adopted by the American Petroleum Institute for the classification of uses for which an oil is designed.

8. "Petroleum products" means gasoline, diesel fuel, burner fuel kerosene, lubricating oil, motor oil or any product represented as motor oil or lubricating oil. The term does not include liquefied petroleum gas, natural gas or motor oil additives.

9. "Recycled oil" means a petroleum product which is prepared from used motor oil or used lubricating oil. The term includes rerefined oil.

10. "Rerefined oil" means used oil which is refined after its previous use to remove from the oil any contaminants acquired during the previous use.

11. "***Supplier" means a person who:***

(a) Imports or acquires immediately upon importation into this State motor vehicle fuel, from within or without a state, territory or possession of the United States or the District of Columbia into a terminal located in this State;

(b) Otherwise acquires for distribution in this State motor vehicle fuel with respect to which there has been no previous taxable sale or use; or

(c) Produces, manufactures or refines motor vehicle fuel in this State.

12. ***"***Used oil" means any oil which has been refined from crude or synthetic oil and, as a result of use, has become unsuitable for its original purpose because of a loss of its original properties or the presence of

impurities, but which may be suitable for another use or economically recycled.

~~[12.]~~ ***13.*** "Viscosity grade classification" means the measure of an oil's resistance to flow at a given temperature according to the grade classification system of the Society of Automotive Engineers or other grade classification.

Sec. 3. NRS 590.100 is hereby amended to read as follows:

590.100 The State Sealer of Weights and Measures is charged with the proper enforcement of NRS 590.010 to 590.150, inclusive, ***and section 1 of this act*** and has the following powers and duties:

1. The State Sealer of Weights and Measures may publish reports relating to petroleum products and motor vehicle fuel in such form and at such times as he or she deems necessary.

2. The State Sealer of Weights and Measures, or the appointees thereof, shall inspect and check the accuracy of all measuring devices for petroleum products and motor vehicle fuel maintained in this State, and shall seal all such devices whose tolerances are found to be within those prescribed by the National Institute of Standards and Technology.

3. The State Sealer of Weights and Measures, or the appointees thereof, or any member of the Nevada Highway Patrol, may take such samples as he or she deems necessary of any petroleum product or motor vehicle fuel that is kept, transported or stored within the State of Nevada. It is unlawful for any person, or any officer, agent or employee thereof, to refuse to permit the State Sealer of Weights and Measures, or the appointees thereof, or any member of the Nevada Highway Patrol, in the State of Nevada, to take such samples, or to prevent or to attempt to prevent the State Sealer of Weights and Measures, or the appointees thereof, or any member of the Nevada Highway Patrol, from taking them. If the person, or any officer, agent or employee thereof, from which a sample is taken at the time of taking demands payment, then the person taking the sample shall pay the reasonable market price for the quantity taken.

4. The State Sealer of Weights and Measures, or the appointees thereof, may close and seal the outlets of any unlabeled or mislabeled containers, pumps, dispensers or storage tanks connected thereto or which contain any petroleum product or motor vehicle fuel which, if sold, would violate any of the provisions of NRS 590.010 to 590.150, inclusive, ***and section 1 of this act*** and shall post, in a conspicuous place on the premises where those containers, pumps, dispensers or storage tanks have been sealed, a notice stating that the action of sealing has been taken in accordance with the provisions of NRS 590.010 to 590.150, inclusive, ***and section 1 of this act*** and giving warning that it is unlawful to break, mutilate or destroy the seal or seals thereof under penalty as provided in NRS 590.110.

5. The State Sealer of Weights and Measures, or the appointees thereof, shall, upon at least 24 hours' notice to the owner, manager, operator or attendant of the premises where a container, pump, dispenser or storage tank has been sealed, and at the time specified in the notice, break the seal for the purpose of permitting the removal of the contents of the container, pump, dispenser or storage tank. If the contents are not immediately and completely removed, the container, pump, dispenser or storage tank must be again sealed.

6. The State Sealer of Weights and Measures shall adopt regulations ~~[~~which~~]~~ ***:***

(a) Which are necessary for the enforcement of NRS 590.010 to 590.150, inclusive, ***and section 1 of this act,*** including standard procedures for testing petroleum products or motor vehicle fuel which are based on sources such as those approved by ASTM International, and may adopt specifications for any fuel for use in internal combustion engines which is sold or offered for sale and contains any alcohol or other combustible chemical that is not a petroleum product or motor vehicle fuel.

(b) Which specify the format, size, wording and placement of the ~~*[warning]*~~ ***labels for manganese that a supplier must place on a pump or handle of a pump pursuant to section 1 of this act. The regulations must*** ~~*[ensure]*~~ ***require that the*** ~~*[warning]*~~ ***labels include, without limitation*** ~~*[:*~~

~~*(1) A warning]*~~ ***, a statement that the motor vehicle fuel contains or may contain manganese*** ~~*[.*~~ ~~*[;*~~

~~*(2)]*~~ ***The regulations may require that the labels include, without limitation:***

(1) A statement that the use of the motor vehicle fuel may damage the engine and emission control system of a vehicle;

~~*[(3)]*~~ ***(2) A*** ~~*[warning]*~~ ***statement that use of the motor vehicle fuel may void the manufacturer's warranty for a vehicle; and***

~~*[(4)]*~~ ***(3) A recommendation to consult the owner's manual for a vehicle before using the motor vehicle fuel.***

(c) To ensure compliance with section 1 of this act.

Sec. 4. NRS 590.140 is hereby amended to read as follows:

590.140 The district attorney of each county shall prosecute all violations of the provisions of NRS 590.010 to 590.150, inclusive, ***and section 1 of this act*** occurring within the county.

Sec. 5. NRS 590.150 is hereby amended to read as follows:

590.150 1. Any person, or any officer, agent or employee thereof, who violates any of the provisions of NRS 590.010 to 590.140, inclusive, ***and section 1 of this act*** is guilty of a misdemeanor.

2. Each such person, or any officer, agent or employee thereof, is guilty of a separate offense for each day during any portion of which any violation

of any provision of NRS 590.010 to 590.140, inclusive, ***and section 1 of this act*** is committed, continued or permitted by such person, or any officer, agent or employee thereof, and shall be punished as provided in this section.

3. The selling and delivery of any petroleum product or motor vehicle fuel mentioned in NRS 590.010 to 590.140, inclusive, ***and section 1 of this act*** is prima facie evidence of the representation on the part of the vendor that the quality sold and delivered was the quality bought by the vendee.

Sec. 6. The State Sealer of Weights and Measures shall adopt any regulations required to carry out the amendatory provisions of this act before October 1, 2011.

Sec. 7. This act becomes effective:

1. Upon passage and approval for the purposes of adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

2. On October 1, 2011, for all other purposes.

Assemblywoman Carlton moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 456.

Bill read second time and ordered to third reading.

Assembly Bill No. 459.

Bill read second time and ordered to third reading.

Assembly Bill No. 478

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 199.

AN ACT relating to the Nevada System of Higher Education; increasing the total principal amount of bonds and other securities that may be issued by the Board of Regents of the University of Nevada to finance certain projects at the University of Nevada, Reno; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the Board of Regents of the University of Nevada to issue bonds and other securities to finance certain projects at the University of Nevada, Reno, in a total principal amount not exceeding $312,695,000. This bill increases the authorized amount of such bonds to ~~[$348,430,000.]~~ **$348,360,000.**

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

Section 1. Section 5 of chapter 501, Statutes of Nevada 1991, as last amended by chapter 307, Statutes of Nevada 2009, at page 1321, is hereby amended to read as follows:

Sec. 5. 1. The board, on behalf and in the name of the university, is authorized by this act, as supplemented by the provisions of the University Securities Law:

(a) To finance the project by the issuance of bonds and other securities of the university in a total principal amount not exceeding **[**~~$312,695,000~~**]** ~~*[$348,430,000]*~~ ***$348,360,000*** for facilities at the University of Nevada, Reno, and in a total principal amount not exceeding $422,155,000 for facilities at the University of Nevada, Las Vegas, $35,000,000 of which may be used for the construction, other acquisition and improvement of a dental school and other structures and clinics associated with the dental school;

(b) To issue such bonds and other securities in connection with the project in one series or more at any time or from time to time on or before January 1, 2029, as the board may determine, and consisting of special obligations of the university payable from the net pledged revenues authorized by this act and possibly subsequently other net pledged revenues, secured by a pledge thereof and a lien thereon, subject to existing contractual limitations, and subject to the limitation in paragraph (a);

(c) To employ legal, fiscal and other expert services and to defray the costs thereof with any money available therefor, including, proceeds of securities authorized by this act; and

(d) To exercise the incidental powers provided in the University Securities Law in connection with the powers authorized by this act, except as otherwise expressly provided in this act.

2. If the board determines to sell the bonds authorized by subsection 1 at a discount from their face amount, the principal amount of bonds which the board is authorized to issue provided in subsection 1 is increased by an amount equal to the discount at which the bonds are sold.

3. This act does not limit the board in funding, refunding or reissuing any securities of the university or the board at any time as provided in the University Securities Law.

Sec. 2. This act becomes effective on July 1, 2011.

Assemblywoman Smith moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 504.

Bill read second time and ordered to third reading.

Assembly Bill No. 524.
Bill read second time and ordered to third reading.

Assembly Bill No. 533.
Bill read second time and ordered to third reading.

Assembly Joint Resolution No. 6.
Bill read second time and ordered to third reading.

Assembly Joint Resolution No. 7.
Bill read second time and ordered to third reading.

Senate Bill No. 220.
Bill read second time and ordered to third reading.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Resolution No. 7 and Senate Concurrent Resolution 6.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Benitez-Thompson, the privilege of the floor of the Assembly Chamber for this day was extended to Kate Parr and Andrew Parr.

On request of Assemblywoman Dondero Loop, the privilege of the floor of the Assembly Chamber for this day was extended to Jim Hicks, Marith Hicks, Kaleb Hicks, and Brittany Shipp.

On request of Assemblyman Ellison, the privilege of the floor of the Assembly Chamber for this day was extended to Matthew Weber.

On request of Assemblyman Goedhart, the privilege of the floor of the Assembly Chamber for this day was extended to Leslie Beach.

On request of Assemblyman Grady, the privilege of the floor of the Assembly Chamber for this day was extended to Darlene Adamson and Jeff Adamson.

On request of Assemblyman Hambrick, the privilege of the floor of the Assembly Chamber for this day was extended to Joseph Tuzzolino.

On request of Assemblyman Hansen, the privilege of the floor of the Assembly Chamber for this day was extended to Cory Lequieu and Elsie Newman.

On request of Assemblyman Hickey, the privilege of the floor of the Assembly Chamber for this day was extended to Mike Bryant and Jane Lyon.

On request of Assemblyman Kirner, the privilege of the floor of the Assembly Chamber for this day was extended to Ken Koeppe, Michael Ford, Lynn Ford, and Leslie Newman.

On request of Assemblyman Kite, the privilege of the floor of the Assembly Chamber for this day was extended to Tom Deputy, Marty Deputy, and Carol Fineburg.

On request of Assemblyman Livermore, the privilege of the floor of the Assembly Chamber for this day was extended to Jim Cooley, Fred Webb, and Melinda Webb.

Assemblyman Conklin moved that the Assembly adjourn until Monday, April 18, 2011, at 11 a.m.

Motion carried.

Assembly adjourned at 1:34 p.m.

Approved: JOHN OCEGUERA
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE SEVENTY-FIRST DAY

CARSON CITY (Monday), April 18, 2011

Assembly called to order at 12:01 p.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Pastor Gary Grite.

Our Father in Heaven, thank You for bringing us together this morning. Please be with our families today, wherever they are, and keep them safe and happy. We ask for the strength to make right decisions, and the wisdom to know what is a right decision. May we have the happiness that comes from being honest, kind, and gracious, and may we care about each other as much as You care about us. This is our prayer in the name of our Lord Jesus.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Conklin moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

NOTICE OF EXEMPTION

April 15, 2011

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Assembly Bill No. 129, if the amendment proposed by the Committee on Education is adopted by the Assembly.

Also, the Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Assembly Bill No. 137.

RICK COMBS
Fiscal Analysis Division

April 15, 2011

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the exemption of: Senate Bill No. 46.

Also, the Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Senate Bill No. 320.

MARK KRMPOTIC
Fiscal Analysis Division

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which were referred Assembly Bill No. 150; Senate Bill No. 219, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

KELVIN ATKINSON, *Chair*

Mr. Speaker:

Your Committee on Education, to which were referred Assembly Bills Nos. 318, 551, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Education, to which were referred Assembly Bills Nos. 393, 455, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Education, to which was referred Assembly Bill No. 357, has had the same under consideration, and begs leave to report the same back with the recommendation: Without recommendation, and rerefer to the Committee on Ways and Means.

DAVID P. BOBZIEN, *Chair*

Mr. Speaker:

Your Concurrent Committee on Education, to which was referred Assembly Bill No. 129, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, but without recommendation.

DAVID P. BOBZIEN, *Chair*

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Assembly Bills Nos. 329, 403, 405, 477, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Government Affairs, to which were referred Assembly Bills Nos. 172, 243, 312, 332, 354, has had the same under consideration, and begs leave to report the same back with the recommendation: Without recommendation, and rerefer to the Committee on Ways and Means.

MARILYN K. KIRKPATRICK, *Chair*

Mr. Speaker:

Your Concurrent Committee on Government Affairs, to which was referred Assembly Bill No. 479, has had the same under consideration, and begs leave to report the same back with the recommendation: Without recommendation.

MARILYN K. KIRKPATRICK, *Chair*

Mr. Speaker:

Your Committee on Health and Human Services, to which was referred Assembly Bill No. 535, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Health and Human Services, to which were referred Assembly Bills Nos. 315, 345, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, and rerefer to the Committee on Ways and Means.

APRIL MASTROLUCA, *Chair*

Mr. Speaker:

Your Committee on Transportation, to which was referred Assembly Bill No. 151, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MARILYN DONDERO LOOP, *Chair*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Conklin moved that Assembly Bills Nos. 172, 243, 312, 315, 332, 345, 354, and 357, just reported out of committee, be rereferred to the Committee on Ways and Means.

Motion carried.

Assemblyman Conklin moved that Assembly Bills Nos. 160, 188, 323, 331, 390, and 453 be taken from the General File and rereferred to the Committee on Ways and Means.

Motion carried.

Assemblyman Conklin moved that Assembly Bills Nos. 129, 150, 151, 318, 329, 393, 403, 405, 455, 477, 535, 551; Senate Bill No. 219, just reported out of committee, be placed on the Second Reading File.

Motion carried.

Assemblyman Conklin moved that the action whereby Assembly Joint Resolution No. 1 was concurrently referred to the Committee on Taxation be rescinded.

Motion carried.

Assemblyman Conklin moved that the action whereby Assembly Bill No. 501 was concurrently referred to the Committee on Ways and Means be rescinded.

Motion carried.

Assemblyman Conklin moved that LAKE TAHOE NEWS: Anne Knowles and LGBT-RENO.NET: Wheeler Cowperthwaite be accepted as accredited press representatives, and that they be assigned space at the press table in the Assembly Chamber and allowed the use of appropriate broadcast facilities.

Motion carried.

Assemblyman Conklin moved that Assembly Bill No. 237 be taken from the General File and placed on the Chief Clerk’s desk.

Motion carried.

Assemblyman Atkinson moved that Assembly Bill No. 199 be taken from the General File and placed on the Chief Clerk’s desk.

Remarks by Assemblyman Atkinson.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 129.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 421.

AN ACT relating to education; repealing the statutory requirements for the reduction of pupil-teacher ratios in certain grades; authorizing the board of trustees of a school district to establish pupil-teacher ratios for the elementary schools within the school district; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires prescribed ratios of pupils per licensed teacher in kindergarten and grades 1, 2 and 3. (NRS 388.700) Under existing law, a school district in a county whose population is less than 100,000 (currently all counties other than Clark and Washoe Counties) may, in lieu of complying with the prescribed ratios, develop an alternative plan to reduce the district's pupil-teacher ratios for specified grade levels in elementary schools. (NRS 388.720) This bill repeals the provisions requiring class-size reduction and authorizes the board of trustees of a school district to develop a plan establishing pupil-teacher ratios for specified grade levels in the elementary schools within the school district. **This bill also requires the board of trustees of a school district that develops a plan establishing pupil-teacher ratios to submit to the Department of Education a report on the status of the plan. The Department is required to compile the reports and submit the compilation to the Director of the Legislative Counsel Bureau for transmission to the next regular session of the Legislature and to the Legislative Committee on Education.**

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

Section 1. NRS 387.123 is hereby amended to read as follows:

387.123 1. The count of pupils for apportionment purposes includes all pupils who are enrolled in programs of instruction of the school district, including, without limitation, a program of distance education provided by the school district, pupils who reside in the county in which the school district is located and are enrolled in any charter school, including, without limitation, a program of distance education provided by a charter school, and pupils who are enrolled in a university school for profoundly gifted pupils located in the county, for:

(a) Pupils in the kindergarten department.

(b) Pupils in grades 1 to 12, inclusive.

(c) Pupils not included under paragraph (a) or (b) who are receiving special education pursuant to the provisions of NRS 388.440 to 388.520, inclusive.

(d) Pupils who reside in the county and are enrolled part-time in a program of distance education provided pursuant to NRS 388.820 to 388.874, inclusive.

(e) Children detained in facilities for the detention of children, alternative programs and juvenile forestry camps receiving instruction pursuant to the provisions of NRS 388.550, 388.560 and 388.570.

(f) Pupils who are enrolled in classes pursuant to subsection 4 of NRS 386.560 and pupils who are enrolled in classes pursuant to subsection 5 of NRS 386.580.

(g) Pupils who are enrolled in classes pursuant to subsection 3 of NRS 392.070.

(h) Pupils who are enrolled in classes and taking courses necessary to receive a high school diploma, excluding those pupils who are included in paragraphs (d), (f) and (g).

2. The State Board shall establish uniform regulations for counting enrollment and calculating the average daily attendance of pupils. In establishing such regulations for the public schools, the State Board:

(a) Shall divide the school year into 10 school months, each containing 20 or fewer school days, or its equivalent for those public schools operating under an alternative schedule authorized pursuant to NRS 388.090.

(b) May divide the pupils in grades 1 to 12, inclusive, into categories composed respectively of those enrolled in elementary schools and those enrolled in secondary schools.

(c) Shall prohibit the counting of any pupil specified in subsection 1 more than once.

~~[3. Except as otherwise provided in subsection 4 and NRS 388.700, the State Board shall establish by regulation the maximum pupil-teacher ratio in each grade, and for each subject matter wherever different subjects are taught in separate classes, for each school district of this State which is consistent with:~~

~~(a) The maintenance of an acceptable standard of instruction;~~

~~(b) The conditions prevailing in the school district with respect to the number and distribution of pupils in each grade; and~~

~~(c) Methods of instruction used, which may include educational television, team teaching or new teaching systems or techniques.~~

~~➥ If the Superintendent of Public Instruction finds that any school district is maintaining one or more classes whose pupil-teacher ratio exceeds the applicable maximum, and unless the Superintendent finds that the board of trustees of the school district has made every reasonable effort in good faith~~

~~to comply with the applicable standard, the Superintendent shall, with the approval of the State Board, reduce the count of pupils for apportionment purposes by the percentage which the number of pupils attending those classes is of the total number of pupils in the district, and the State Board may direct the Superintendent to withhold the quarterly apportionment entirely.~~

~~4. The provisions of subsection 3 do not apply to a charter school, a university school for profoundly gifted pupils or a program of distance education provided pursuant to NRS 388.820 to 388.874, inclusive.~~**]**

Sec. 2. NRS 387.304 is hereby amended to read as follows:

387.304 The Department shall:

1. Conduct an annual audit of the count of pupils for apportionment purposes reported by each school district pursuant to NRS 387.123 **.** **[**~~and the data reported by each school district pursuant to NRS 388.710 that is used to measure the effectiveness of the implementation of a plan developed by each school district to reduce the pupil-teacher ratio as required by NRS 388.720.~~**]**

2. Review each school district's report of the annual audit conducted by a public accountant as required by NRS 354.624, and the annual report prepared by each district as required by NRS 387.303, and report the findings of the review to the State Board and the Legislative Committee on Education, with any recommendations for legislation, revisions to regulations or training needed by school district employees. The report by the Department must identify school districts which failed to comply with any statutes or administrative regulations of this State or which had any:

(a) Long-term obligations in excess of the general obligation debt limit;

(b) Deficit fund balances or retained earnings in any fund;

(c) Deficit cash balances in any fund;

(d) Variances of more than 10 percent between total general fund revenues and budgeted general fund revenues; or

(e) Variances of more than 10 percent between total actual general fund expenditures and budgeted total general fund expenditures.

3. In preparing its biennial budgetary request for the State Distributive School Account, consult with the superintendent of schools of each school district or a person designated by the superintendent.

4. Provide, in consultation with the Budget Division of the Department of Administration and the Fiscal Analysis Division of the Legislative Counsel Bureau, training to the financial officers of school districts in matters relating to financial accountability.

Sec. 3. Chapter 388 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The board of trustees of a school district may develop a plan establishing ratios of pupils per licensed teacher for specified grade levels in the elementary schools within the school district.

2. If the board of trustees of a school district develops a plan establishing pupil-teacher ratios pursuant to subsection 1, the board of trustees must submit the plan to the Department for informational purposes.

3. If the board of trustees of a school district develops a plan establishing pupil-teacher ratios pursuant to subsection 1, the board of trustees shall, on or before August 1 of each year, submit to the Department a report on the status of the plan, including, without limitation, the effectiveness of the plan in improving the achievement of pupils enrolled in the grade levels at which the plan is implemented.

4. The Department shall compile the reports it receives pursuant to subsection 3 and, on or before October 1, submit the compilation and a summary of the effectiveness of each plan to:

(a) In even-numbered years, the Director of the Legislative Counsel Bureau for transmission to the next regular session of the Legislature; and

(b) In odd-numbered years, the Legislative Committee on Education.

Sec. 4. NRS 218E.615 is hereby amended to read as follows:

218E.615 1. The Committee may:

(a) Evaluate, review and comment upon issues related to education within this State, including, but not limited to:

(1) Programs to enhance accountability in education;

(2) Legislative measures regarding education;

(3) The progress made by this State, the school districts and the public schools in this State in satisfying the goals and objectives of the federal No Child Left Behind Act of 2001, 20 U.S.C. §§ 6301 et seq., and the annual measurable objectives established by the State Board of Education pursuant to NRS 385.361;

(4) Methods of financing public education;

(5) The condition of public education in the elementary and secondary schools;

(6) ~~[~~The program to reduce the ratio of pupils per class per licensed teacher prescribed in NRS 388.700, 388.710 and 388.720;~~]~~ ***Any plans establishing pupil-teacher ratios developed by the boards of trustees of school districts pursuant to section 3 of this act;***

(7) The development of any programs to automate the receipt, storage and retrieval of the educational records of pupils; and

(8) ~~[(7)]~~ Any other matters that, in the determination of the Committee, affect the education of pupils within this State.

(b) Conduct investigations and hold hearings in connection with its duties pursuant to this section.

(c) Request that the Legislative Counsel Bureau assist in the research, investigations, hearings and reviews of the Committee.

(d) Make recommendations to the Legislature concerning the manner in which public education may be improved.

2. The Committee shall:

(a) In addition to any standards prescribed by the Department of Education, prescribe standards for the review and evaluation of the reports of the State Board of Education, school districts and public schools pursuant to paragraph (a) of subsection 1 of NRS 385.359.

(b) For the purposes set forth in NRS 385.389, recommend to the Department of Education programs of remedial study for each subject tested on the examinations administered pursuant to NRS 389.015. In recommending these programs of remedial study, the Committee shall consider programs of remedial study that have proven to be successful in improving the academic achievement of pupils.

(c) Recommend to the Department of Education providers of supplemental educational services for inclusion on the list of approved providers prepared by the Department pursuant to NRS 385.384. In recommending providers, the Committee shall consider providers with a demonstrated record of effectiveness in improving the academic achievement of pupils.

(d) For the purposes set forth in NRS 385.3785, recommend to the Commission on Educational Excellence created by NRS 385.3784 programs, practices and strategies that have proven effective in improving the academic achievement and proficiency of pupils.

Sec. 5. NRS 218E.625 is hereby amended to read as follows:

218E.625 1. The Legislative Bureau of Educational Accountability and Program Evaluation is hereby created within the Fiscal Analysis Division of the Legislative Counsel Bureau. The Fiscal Analysts shall appoint to the Legislative Bureau of Educational Accountability and Program Evaluation a Chief and such other personnel as the Fiscal Analysts determine are necessary for the Bureau to carry out its duties pursuant to this section.

2. The Bureau shall, as the Fiscal Analysts determine is necessary or at the request of the Committee:

(a) Collect and analyze data and issue written reports concerning:

(1) The effectiveness of the provisions of NRS 385.3455 to 385.391, inclusive, in improving the accountability of the schools of this State;

(2) **[**~~The statewide program to reduce the ratio of pupils per class per licensed teacher prescribed in NRS 388.700, 388.710 and 388.720;~~**]** ***Any***

plans establishing pupil-teacher ratios developed by the boards of trustees of school districts pursuant to section 3 of this act;

(3) The statewide program to educate persons with disabilities that is set forth in chapter 395 of NRS;

(4) ~~*[(3)]*~~ The results of the examinations of the National Assessment of Educational Progress that are administered pursuant to NRS 389.012; and

(5) ~~*[(4)]*~~ Any program or legislative measure, the purpose of which is to reform the system of education within this State.

(b) Conduct studies and analyses to evaluate the performance and progress of the system of public education within this State. Such studies and analyses may be conducted:

(1) As the Fiscal Analysts determine are necessary; or

(2) At the request of the Legislature.

➥ This paragraph does not prohibit the Bureau from contracting with a person or entity to conduct studies and analyses on behalf of the Bureau.

(c) On or before December 31 of each even-numbered year, submit a written report of its findings pursuant to paragraphs (a) and (b) to the Director of the Legislative Counsel Bureau for transmission to the next regular session of the Legislature. The Bureau shall, on or before December 31 of each odd-numbered year, submit a written report of its findings pursuant to paragraphs (a) and (b) to the Director of the Legislative Counsel Bureau for transmission to the Legislative Commission.

3. The Bureau may, pursuant to NRS 218F.620, require a school, a school district, the Nevada System of Higher Education or the Department of Education to submit to the Bureau books, papers, records and other information that the Chief of the Bureau determines are necessary to carry out the duties of the Bureau pursuant to this section. An entity whom the Bureau requests to produce records or other information shall provide the records or other information in any readily available format specified by the Bureau.

4. Except as otherwise provided in this subsection or NRS 239.0115, any information obtained by the Bureau pursuant to this section shall be deemed a work product that is confidential pursuant to NRS 218F.150. The Bureau may, at the discretion of the Chief and after submission to the Legislature or Legislative Commission, as appropriate, publish reports of its findings pursuant to paragraphs (a) and (b) of subsection 2.

5. This section does not prohibit the Department of Education or the State Board of Education from conducting analyses, submitting reports or otherwise reviewing educational programs in this State.

Sec. 6. NRS 388.700, 388.710 and 388.720 are hereby repealed.

Sec. 7. This act becomes effective on July 1, 2011.

TEXT OF REPEALED SECTIONS

388.700 Reduction of ratio in certain grades; request for variance required under certain circumstances; reports by State Board and Department; exception to requirements for charter schools and distance education.

1. Except as otherwise provided in this section, after the last day of the first month of the school year, the ratio in each school district of pupils per licensed teacher designated to teach, on a full-time basis, in classes where core curriculum is taught:

(a) In kindergarten and grades 1, 2 and 3, must not exceed 15 to 1; or

(b) If a plan is approved pursuant to subsection 3 of NRS 388.720, must not exceed the ratio set forth in that plan for the grade levels specified in the plan.

➥ In determining this ratio, all licensed educational personnel who teach a grade level specified in paragraph (a) or a grade level specified in a plan that is approved pursuant to subsection 3 of NRS 388.720, as applicable for the school district, must be counted except teachers of art, music, physical education or special education, counselors, librarians, administrators, deans and specialists.

2. A school district may, within the limits of any plan adopted pursuant to NRS 388.720, assign a pupil whose enrollment in a grade occurs after the last day of the first month of the school year to any existing class regardless of the number of pupils in the class.

3. Each school district that does not meet the ratio of pupils per class:

(a) Set forth in subsection 1;

(b) Prescribed in conjunction with a legislative appropriation for the support of the class-size reduction program; or

(c) Defined by a legislatively approved alternative class-size reduction plan, if applicable to that school district,

➥ must request a variance from the State Board by providing a written statement that includes the reasons for the request and the justification for exceeding the applicable prescribed ratio of pupils per class.

4. The State Board may grant to a school district a variance from the limitation on the number of pupils per class set forth in paragraph (a), (b) or (c) of subsection 3 for good cause, including the lack of available financial support specifically set aside for the reduction of pupil-teacher ratios.

5. The State Board shall, on or before February 1 of each odd-numbered year, report to the Legislature on:

(a) Each variance granted by it during the preceding biennium, including the specific justification for the variance.

(b) The data reported to it by the various school districts pursuant to subsection 2 of NRS 388.710, including an explanation of that data, and the current pupil-teacher ratios per class in the grade levels specified in paragraph (a) of subsection 1 or the grade levels specified in a plan that is approved pursuant to subsection 3 of NRS 388.720, as applicable for the school district.

6. The Department shall, on or before November 15 of each year, report to the Chief of the Budget Division of the Department of Administration and the Fiscal Analysis Division of the Legislative Counsel Bureau:

(a) The number of teachers employed;

(b) The number of teachers employed in order to attain the ratio required by subsection 1;

(c) The number of pupils enrolled; and

(d) The number of teachers assigned to teach in the same classroom with another teacher or in any other arrangement other than one teacher assigned to one classroom of pupils,

➥ during the current school year in the grade levels specified in paragraph (a) of subsection 1 or the grade levels specified in a plan that is approved pursuant to subsection 3 of NRS 388.720, as applicable, for each school district.

7. The provisions of this section do not apply to a charter school or to a program of distance education provided pursuant to NRS 388.820 to 388.874, inclusive.

388.710 State Board of Education to determine data to be monitored by school district; school district to report data to State Board.

1. The State Board, in consultation with the trustees of the school districts and the recognized associations representing licensed educational personnel, after receiving comments from the general public, shall determine the data that must be monitored by each school district and used to measure the effectiveness of the implementation of a plan developed by each school district to reduce the pupil-teacher ratio pursuant to NRS 388.720.

2. Each school district shall report the data to the State Board as required by the State Board.

388.720 Development of plan by school district to reduce pupil-teacher ratios; alternative ratios for certain grades authorized in certain counties.

1. Except as otherwise provided in subsection 2, each school district together with the recognized associations representing licensed educational personnel shall develop a plan to reduce the district's pupil-teacher ratio per class in kindergarten and grades 1, 2 and 3 within the limits of available financial support specifically set aside for this purpose and submit that plan to the State Board.

2. In lieu of complying with the pupil-teacher ratio prescribed in paragraph (a) of subsection 1 of NRS 388.700, a school district in a county whose population is less than 100,000 may, in consultation with the recognized associations representing licensed educational personnel, develop a plan to reduce the district's pupil-teacher ratios per class for specified grade levels in elementary schools. Alternative ratios for grade 6 may only be approved for those school districts that include grade 6 in elementary school. The alternative pupil-teacher ratios must not:

(a) Exceed 22 to 1 in grades 1, 2 and 3; and

(b) Exceed 25 to 1 in grades 4 and 5 or grades 4, 5 and 6, as applicable.

3. The State Board shall approve a plan submitted pursuant to subsection 2 if the plan:

(a) Reduces the district's pupil-teacher ratio in the elementary schools within the school district; and

(b) Is fiscally neutral such that the plan will not cost more to carry out than a plan that complies with the ratios prescribed in paragraph (a) of subsection 1 of NRS 388.700.

Assemblyman Bobzien moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to the Concurrent Committee on Ways and Means.

Assembly Bill No. 150.

Bill read second time and ordered to third reading.

Assembly Bill No. 151.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 122.

Assembly Bill No. 151—Assemblymen Atkinson, Oceguera, Smith, Kirkpatrick, Conklin; Bobzien, Dondero Loop**,** ~~[AND]~~ Horne **AND MUNFORD**

AN ACT relating to traffic laws; prohibiting a person from manually typing or entering text into a cellular telephone or other handheld wireless communications device**,** ~~[and]~~ from sending or reading data using any such device **or from engaging in voice communication using any such device unless the device provides for hands-free operation** while operating a motor vehicle in certain circumstances; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under the existing traffic laws of this State, it is a crime to engage in various activities while operating a motor vehicle or to operate a motor vehicle in a reckless or unsafe manner. (Chapters 484A-484E of NRS)

Section 2 of this bill makes it a crime for a person to manually type or enter text into a cellular telephone or other handheld wireless communications device, ~~[or]~~ to send or read data using any such device **or to engage in voice communication using any such device unless the device is used with an accessory which allows voice communication without using his or her hands** while operating a motor vehicle. **Section 2** provides an exception when the cellular telephone or other device is used by ~~[law enforcement officers and other]~~ **certain** emergency personnel **and persons designated by a sheriff or chief of police or the Director of the Department of Public Safety** who are acting within the course and scope of their employment. Additional exceptions apply if the person is using the cellular telephone or other device to report or request assistance relating to a medical emergency, a safety hazard or criminal activity, or if the person is responding to a situation requiring immediate action and stopping the vehicle would be inadvisable, impractical or dangerous. **Also provided is an exemption for a person in a self-driving vehicle, and an exemption for employees or contractors of certain public utilities using handheld wireless communications devices provided by the public utility while responding to certain emergencies.** A ~~[first or second]~~ violation of the provisions of **section 2** ~~[within the immediately preceding 7 years]~~ is a misdemeanor **. ~~[, and a third or subsequent violation within the immediately preceding 7 years is a gross misdemeanor.]~~** If a violation is the proximate cause of the death of, or substantial bodily harm to, another person, the violation is punishable as a category B felony **. ~~[and, pursuant to section 1 of this bill, will result in the revocation of the driver's license of the person for 3 years.]~~** **Section 3** of this bill makes the enhanced penalty for certain traffic violations that occur in a temporary traffic control zone applicable to violations of these new crimes. **Section 5 of this bill provides that, until January 1, 2012, a law enforcement officer will not issue a citation to a person for a violation of section 2, but will give the person a verbal or written warning.**

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

Section 1. ~~[NRS 483.460 is hereby amended to read as follows:~~

~~483.460 1. Except as otherwise provided by specific statute, the Department shall revoke the license, permit or privilege of any driver upon receiving a record of his or her conviction of any of the following offenses, when that conviction has become final, and the driver is not eligible for a license, permit or privilege to drive for the period indicated:~~

~~(a) For a period of 3 years if the offense is:~~

~~(1) A violation of subsection 5 of NRS 484B.653.~~

~~(2) *A violation of section 2 of this act resulting in a felony conviction.*~~

~~*(3)* A third or subsequent violation within 7 years of NRS 484C.110 or 484C.120.~~

~~**[**(3)**]** *(4)* A violation of NRS 484C.110 or 484C.120 resulting in a felony conviction pursuant to NRS 484C.400 or 484C.410.~~

~~**[**(4)**]** *(5)* A violation of NRS 484C.430 or a homicide resulting from driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance or resulting from any other conduct prohibited by NRS 484C.110, 484C.130 or 484C.430.~~

~~**"**. The period during which such a driver is not eligible for a license, permit or privilege to drive must be set aside during any period of imprisonment and the period of revocation must resume when the Department is notified pursuant to NRS 209.517 or 213.12185 that the person has completed the period of imprisonment or that the person has been placed on residential confinement or parole.~~

~~(b) For a period of 1 year if the offense is:~~

~~(1) Any other manslaughter, including vehicular manslaughter as described in NRS 484B.657, resulting from the driving of a motor vehicle or felony in the commission of which a motor vehicle is used, including the unlawful taking of a motor vehicle.~~

~~(2) Failure to stop and render aid as required pursuant to the laws of this State in the event of a motor vehicle accident resulting in the death or bodily injury of another.~~

~~(3) Perjury or the making of a false affidavit or statement under oath to the Department pursuant to NRS 483.010 to 483.630, inclusive, or pursuant to any other law relating to the ownership or driving of motor vehicles.~~

~~(4) Conviction, or forfeiture of bail not vacated, upon three charges of reckless driving committed within a period of 12 months.~~

~~(5) A second violation within 7 years of NRS 484C.110 or 484C.120 and the driver is not eligible for a restricted license during any of that period.~~

~~(6) A violation of NRS 484B.550.~~

~~(c) For a period of 90 days, if the offense is a first violation within 7 years of NRS 484C.110 or 484C.120.~~

~~2. The Department shall revoke the license, permit or privilege of a driver convicted of violating NRS 484C.110 or 484C.120 who fails to complete the educational course on the use of alcohol and controlled substances within the time ordered by the court and shall add a period of 90 days during which the driver is not eligible for a license, permit or privilege to drive.~~

~~3. When the Department is notified by a court that a person who has been convicted of a first violation within 7 years of NRS 484C.110 has been permitted to enter a program of treatment pursuant to NRS 484C.320, the Department shall reduce by one-half the period during which the person is~~

~~not eligible for a license, permit or privilege to drive, but shall restore that reduction in time if notified that the person was not accepted for or failed to complete the treatment.~~

~~4. The Department shall revoke the license, permit or privilege to drive of a person who is required to install a device pursuant to NRS 484C.460 but who operates a motor vehicle without such a device:~~

~~(a) For 3 years, if it is his or her first such offense during the period of required use of the device.~~

~~(b) For 5 years, if it is his or her second such offense during the period of required use of the device.~~

~~5. A driver whose license, permit or privilege is revoked pursuant to subsection 4 is not eligible for a restricted license during the period set forth in paragraph (a) or (b) of that subsection, whichever applies.~~

~~6. In addition to any other requirements set forth by specific statute, if the Department is notified that a court has ordered the revocation, suspension or delay in the issuance of a license pursuant to title 5 of NRS, NRS 176.064 or 206.330, chapters 484A to 484E, inclusive, of NRS or any other provision of law, the Department shall take such actions as are necessary to carry out the court's order.~~

~~7. As used in this section, "device" has the meaning ascribed to it in NRS 484C.450.]~~ **(Deleted by amendment.)**

Sec. 2. Chapter 484B of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in this section, a person shall not, while operating a motor vehicle on a highway in this State : [, engage in a nonvoice communication with another person by:]

(a) Manually [typing or entering] type or enter text into a cellular telephone or other handheld wireless communications device [; or

(b) Sending or reading] or send or read data using [a cellular telephone or other handheld wireless communications device.] any such device to access or search the Internet or to engage in nonvoice communications with another person, including, without limitation, texting, electronic messaging and instant messaging.

(b) Use a cellular telephone or other handheld wireless communications device to engage in voice communication with another person, unless the device is used with an accessory which allows the person to communicate without using his or her hands, other than to activate, deactivate or initiate a feature or function on the device.

2. The provisions of this section do not apply to:

(a) A paid or volunteer firefighter, [law enforcement officer,] emergency medical technician, ambulance attendant or other person trained to

provide emergency medical services who is acting within the course and scope of his or her employment.

(b) A person designated by a sheriff or chief of police or the Director of the Department of Public Safety who is acting within the course and scope of his or her employment.

(c) A person who is reporting a medical emergency, a safety hazard or criminal activity or who is requesting assistance relating to a medical emergency, a safety hazard or criminal activity.

[(c)] (d) A person who is responding to a situation requiring immediate action to protect the health, welfare or safety of the driver or another person and stopping the vehicle would be inadvisable, impractical or dangerous.

(e) An employee or contractor of a public utility who uses a handheld wireless communications device:

(1) That has been provided by the public utility; and

(2) While responding to a dispatch by the public utility to respond to an emergency, including, without limitation, a response to a power outage or an interruption in utility service.

3. The provisions of this section do not prohibit the use of a voice-activated global positioning or navigation system that is affixed to the vehicle.

4. [Unless a greater penalty is provided pursuant to subsection 5, a] A person who violates any provision of subsection 1 is guilty of [:] a misdemeanor and shall:

(a) For a first [or second] offense within the immediately preceding 7 years, [a misdemeanor.] pay a fine of $50;

(b) For a second offense within the immediately preceding 7 years, pay a fine of $100; and

(c) For a third or subsequent offense within the immediately preceding 7 years, [a gross misdemeanor.] pay a fine of $250.

5. If a person violates any provision of subsection 1 and as a result proximately causes the death of, or substantial bodily harm to, another person, the person is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years and by a fine of not less than $2,000 but not more than $5,000.

6. A person who violates any provision of subsection 1 may be subject to the additional penalty set forth in NRS 484B.130.

7. For the purposes of this section, a person shall be deemed not to be operating a motor vehicle if the motor vehicle is driven autonomously through the use of artificial-intelligence software and the autonomous operation of the motor vehicle is authorized by law.

8. As used in this section:

(a) "Handheld wireless communications device" means a handheld device for the transfer of information without the use of electrical conductors or wires and includes, without limitation, a cellular telephone, a personal digital assistant, a pager and a text messaging device.

(b) "Nonvoice communication" includes, without limitation, a communication by text message, electronic message and instant message.

(c) "Public utility" means a supplier of electricity or natural gas or a provider of telecommunications service for public use who is subject to regulation by the Public Utilities Commission of Nevada.

Sec. 3. NRS 484B.130 is hereby amended to read as follows:

484B.130 1. Except as otherwise provided in subsections 2 and 6, a person who is convicted of a violation of a speed limit, or of NRS 484B.150, 484B.163, 484B.200 to 484B.217, inclusive, 484B.223, 484B.227, 484B.300, 484B.303, 484B.317, 484B.320, 484B.327, 484B.330, 484B.403, 484B.587, 484B.600, 484B.603, 484B.610, 484B.613, 484B.650, 484B.653, 484B.657, 484C.110 or 484C.120, ***or section 2 of this act,*** that occurred:

(a) In an area designated as a temporary traffic control zone; and

(b) At a time when the workers who are performing construction, maintenance or repair of the highway or other work are present, or when the effects of the act may be aggravated because of the condition of the highway caused by construction, maintenance or repair, including, without limitation, reduction in lane width, reduction in the number of lanes, shifting of lanes from the designated alignment and uneven or temporary surfaces, including, without limitation, modifications to road beds, cement-treated bases, chip seals and other similar conditions,

➥ shall be punished by imprisonment or by a fine, or both, for a term or an amount equal to and in addition to the term of imprisonment or amount of the fine, or both, that the court imposes for the primary offense. Any term of imprisonment imposed pursuant to this subsection runs consecutively with the sentence prescribed by the court for the crime. This subsection does not create a separate offense, but provides an additional penalty for the primary offense, whose imposition is contingent upon the finding of the prescribed fact.

2. The additional penalty imposed pursuant to subsection 1 must not exceed a total of $1,000, 6 months of imprisonment or 120 hours of community service.

3. Except as otherwise provided in subsection 5, a governmental entity that designates an area or authorizes the designation of an area as a temporary traffic control zone in which construction, maintenance or repair of a highway or other work is conducted, or the person with whom the

governmental entity contracts to provide such service, shall cause to be erected:

(a) A sign located before the beginning of such an area stating "DOUBLE PENALTIES IN WORK ZONES" to indicate a double penalty may be imposed pursuant to this section;

(b) A sign to mark the beginning of the temporary traffic control zone; and

(c) A sign to mark the end of the temporary traffic control zone.

4. A person who otherwise would be subject to an additional penalty pursuant to this section is not relieved of any criminal liability because signs are not erected as required by subsection 3 if the violation results in injury to any person performing highway construction or maintenance or other work in the temporary traffic control zone or in damage to property in an amount equal to $1,000 or more.

5. The requirements of subsection 3 do not apply to an area designated as a temporary traffic control zone:

(a) Pursuant to an emergency which results from a natural or other disaster and which threatens the health, safety or welfare of the public; or

(b) On a public highway where the posted speed limit is 25 miles per hour or less and that provides access to or is appurtenant to a residential area.

6. A person who would otherwise be subject to an additional penalty pursuant to this section is not subject to an additional penalty if the violation occurred in a temporary traffic control zone for which signs are not erected pursuant to subsection 5, unless the violation results in injury to any person performing highway construction or maintenance or other work in the temporary traffic control zone or in damage to property in an amount equal to $1,000 or more.

Sec. 4. NRS 707.375 is hereby amended to read as follows:

707.375 1. ~~[An]~~ ***Except as otherwise provided in section 2 of this act, an*** agency, board, commission or political subdivision of this State, including, without limitation, any agency, board, commission or governing body of a local government, shall not regulate the use of a telephonic device by a person who is operating a motor vehicle.

2. As used in subsection 1, "telephonic device" means a cellular phone, satellite phone, portable phone or any other similar electronic device that is handheld and designed or used to communicate with a person.

Sec. 5. **Notwithstanding the provisions of section 2 of this act, on or before December 31, 2011, a law enforcement officer shall not issue a citation for a violation of the provisions of section 2 of this act, but must issue a verbal or written warning to a person who violates those provisions informing the person that he or she has violated the provisions of section 2 of this act and of the penalties that will apply to such a violation after December 31, 2011.**

Assemblywoman Dondero Loop moved the adoption of the amendment.
Amendment adopted.
Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 318.
Bill read second time and ordered to third reading.

Assembly Bill No. 329.
Bill read second time and ordered to third reading.

Assembly Bill No. 393.
Bill read second time.
The following amendment was proposed by the Committee on Education:
Amendment No. 278.

AN ACT relating to educational personnel; requiring the Commission on Professional Standards in Education to include in the fee for the renewal of licensure of teachers and other educational personnel the amount required for processing the fingerprints of the applicant for renewal by the Central Repository for Nevada Records of Criminal History and the Federal Bureau of Investigation; requiring the Central Repository to investigate the criminal background of each applicant for renewal of a license submitted to the Superintendent of Public Instruction; revising other provisions governing the renewal of licensure of teachers and other educational personnel; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, an applicant for a license to teach must submit to the Superintendent of Public Instruction with his or her application a complete set of his or her fingerprints and written permission authorizing the Superintendent to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for its report on the criminal history of the applicant and for submission to the Federal Bureau of Investigation for its report on the criminal history of the applicant. (NRS 391.033) Also under existing law, the Central Repository is required to notify the Superintendent of Public Instruction if the background check indicates that an applicant for licensure has been convicted of certain criminal violations. In addition, the Central Repository is required to notify a county school district, charter school or private school if the investigation of an employee of the school district, charter school or private school whose fingerprints are submitted to the Central Repository indicates that the person has been convicted of certain criminal violations. (NRS 179A.075) An applicant for renewal of a license issued by the Superintendent of Public Instruction is not required to undergo a subsequent background investigation of his or her criminal history upon renewal of the license.

Under existing law, the Commission on Professional Standards in Education is required to fix fees of not less than $65 for the issuance and renewal of a license to teach. (NRS 391.040) Existing administrative regulations of the Commission prescribe a fee for: (1) initial licensure of $110, plus the amount charged for the criminal history of the applicant; and (2) renewal of a license of $80. (NAC 391.045, 391.070) **Section 2** of this bill requires the Commission to set the fees for renewal of a license to include the fees for processing the fingerprints of the applicant for renewal by the Central Repository and the Federal Bureau of Investigation. **Section 3** of this bill requires the Central Repository to investigate the criminal history of applicants for renewal of a license submitted to the Superintendent of Public Instruction. **Section 4 of this bill makes the provisions of the bill effective on July 1, 2011, for the purposes of adopting regulations and performing any other preparatory administrative tasks and on January 1, 2012, for all other purposes.**

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

Section 1. NRS 391.033 is hereby amended to read as follows:

391.033 1. All licenses for teachers and other educational personnel are granted by the Superintendent of Public Instruction pursuant to regulations adopted by the Commission and as otherwise provided by law.

2. An application for the issuance of a license must include the social security number of the applicant.

3. Every applicant for a license must submit with his or her application a complete set of his or her fingerprints and written permission authorizing the Superintendent to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for its ***initial*** report on the criminal history of the applicant ***and for reports thereafter upon renewal of the license pursuant to subsection 6 of NRS 179A.075,*** and for submission to the Federal Bureau of Investigation for its report on the criminal history of the applicant.

4. The Superintendent may issue a provisional license pending receipt of the reports of the Federal Bureau of Investigation and the Central Repository for Nevada Records of Criminal History if the Superintendent determines that the applicant is otherwise qualified.

5. A license must be issued to ***, or renewed for, as applicable,*** an applicant if:

(a) The Superintendent determines that the applicant is qualified;

(b) The reports on the criminal history of the applicant from the Federal Bureau of Investigation and the Central Repository for Nevada Records of Criminal History:

(1) Do not indicate that the applicant has been convicted of a felony or any offense involving moral turpitude; or

(2) Indicate that the applicant has been convicted of a felony or an offense involving moral turpitude but the Superintendent determines that the conviction is unrelated to the position within the county school district or charter school for which the applicant applied ~~[,]~~ ***or for which he or she is currently employed, as applicable;*** and

(c) ~~[The]~~ ***For initial licensure, the*** applicant submits the statement required pursuant to NRS 391.034.

Sec. 2. NRS 391.040 is hereby amended to read as follows:

391.040 1. The Commission shall fix fees of not less than $65 for the ~~[issuance and renewal]~~ ***:***

(a) Initial issuance of a license ~~[.]~~ ***, which must include the fees for processing the fingerprints of the applicant by the Central Repository for Nevada Records of Criminal History and the Federal Bureau of Investigation; and***

(b) Renewal of a license, which must include the fees for processing the fingerprints of the applicant for renewal by the Central Repository for Nevada Records of Criminal History and the Federal Bureau of Investigation.

2. The fee for issuing a duplicate license is the same as for issuing the original.

~~[2.]~~ ***3.*** The portion of each fee which represents the amount charged by the Federal Bureau of Investigation for processing the fingerprints of the applicant must be deposited with the State Treasurer for credit to the appropriate account of the Department of Public Safety. The remaining portion of the money received from the fees must be deposited with the State Treasurer for credit to the appropriate account of the Department of Education.

Sec. 3. NRS 179A.075 is hereby amended to read as follows:

179A.075 1. The Central Repository for Nevada Records of Criminal History is hereby created within the Records and Technology Division of the Department.

2. Each agency of criminal justice and any other agency dealing with crime or delinquency of children shall:

(a) Collect and maintain records, reports and compilations of statistical data required by the Department; and

(b) Submit the information collected to the Central Repository in the manner approved by the Director of the Department.

3. Each agency of criminal justice shall submit the information relating to records of criminal history that it creates or issues, and any information in its possession relating to the genetic markers of a biological specimen of a

person who is convicted of an offense listed in subsection 4 of NRS 176.0913, to the Division. The information must be submitted to the Division:

(a) Through an electronic network;

(b) On a medium of magnetic storage; or

(c) In the manner prescribed by the Director of the Department,

➥ within the period prescribed by the Director of the Department. If an agency has submitted a record regarding the arrest of a person who is later determined by the agency not to be the person who committed the particular crime, the agency shall, immediately upon making that determination, so notify the Division. The Division shall delete all references in the Central Repository relating to that particular arrest.

4. The Division shall, in the manner prescribed by the Director of the Department:

(a) Collect, maintain and arrange all information submitted to it relating to:

(1) Records of criminal history; and

(2) The genetic markers of a biological specimen of a person who is convicted of an offense listed in subsection 4 of NRS 176.0913.

(b) When practicable, use a record of the personal identifying information of a subject as the basis for any records maintained regarding him or her.

(c) Upon request, provide the information that is contained in the Central Repository to the State Disaster Identification Team of the Division of Emergency Management of the Department.

5. The Division may:

(a) Disseminate any information which is contained in the Central Repository to any other agency of criminal justice;

(b) Enter into cooperative agreements with repositories of the United States and other states to facilitate exchanges of information that may be disseminated pursuant to paragraph (a); and

(c) Request of and receive from the Federal Bureau of Investigation information on the background and personal history of any person whose record of fingerprints the Central Repository submits to the Federal Bureau of Investigation and:

(1) Who has applied to any agency of the State of Nevada or any political subdivision thereof for a license which it has the power to grant or deny;

(2) With whom any agency of the State of Nevada or any political subdivision thereof intends to enter into a relationship of employment or a contract for personal services;

(3) Who has applied to any agency of the State of Nevada or any political subdivision thereof to attend an academy for training peace officers approved by the Peace Officers' Standards and Training Commission;

(4) For whom such information is required to be obtained pursuant to NRS 427A.735 and 449.179; or

(5) About whom any agency of the State of Nevada or any political subdivision thereof is authorized by law to have accurate personal information for the protection of the agency or the persons within its jurisdiction.

➥ To request and receive information from the Federal Bureau of Investigation concerning a person pursuant to this subsection, the Central Repository must receive the person's complete set of fingerprints from the agency or political subdivision and submit the fingerprints to the Federal Bureau of Investigation for its report.

6. The Central Repository shall:

(a) Collect and maintain records, reports and compilations of statistical data submitted by any agency pursuant to subsection 2.

(b) Tabulate and analyze all records, reports and compilations of statistical data received pursuant to this section.

(c) Disseminate to federal agencies engaged in the collection of statistical data relating to crime information which is contained in the Central Repository.

(d) Investigate the criminal history of any person who:

(1) Has applied to the Superintendent of Public Instruction for ***the issuance or renewal of*** a license;

(2) Has applied to a county school district, charter school or private school for employment; or

(3) Is employed by a county school district, charter school or private school,

➥ and notify the superintendent of each county school district, the governing body of each charter school and the Superintendent of Public Instruction, or the administrator of each private school, as appropriate, if the investigation of the Central Repository indicates that the person has been convicted of a violation of NRS 200.508, 201.230, 453.3385, 453.339 or 453.3395, or convicted of a felony or any offense involving moral turpitude.

(e) Upon discovery, notify the superintendent of each county school district, the governing body of each charter school or the administrator of each private school, as appropriate, by providing the superintendent, governing body or administrator with a list of all persons:

(1) Investigated pursuant to paragraph (d); or

(2) Employed by a county school district, charter school or private school whose fingerprints were sent previously to the Central Repository for investigation,

➥ who the Central Repository's records indicate have been convicted of a violation of NRS 200.508, 201.230, 453.3385, 453.339 or 453.3395, or convicted of a felony or any offense involving moral turpitude since the Central Repository's initial investigation. The superintendent of each county school district, the governing body of a charter school or the administrator of each private school, as applicable, shall determine whether further investigation or action by the district, charter school or private school, as applicable, is appropriate.

(f) Investigate the criminal history of each person who submits fingerprints or has fingerprints submitted pursuant to NRS 427A.735, 449.176 or 449.179.

(g) On or before July 1 of each year, prepare and present to the Governor a printed annual report containing the statistical data relating to crime received during the preceding calendar year. Additional reports may be presented to the Governor throughout the year regarding specific areas of crime if they are approved by the Director of the Department.

(h) On or before July 1 of each year, prepare and submit to the Director of the Legislative Counsel Bureau for submission to the Legislature, or to the Legislative Commission when the Legislature is not in regular session, a report containing statistical data about domestic violence in this State.

(i) Identify and review the collection and processing of statistical data relating to criminal justice and the delinquency of children by any agency identified in subsection 2 and make recommendations for any necessary changes in the manner of collecting and processing statistical data by any such agency.

7. The Central Repository may:

(a) In the manner prescribed by the Director of the Department, disseminate compilations of statistical data and publish statistical reports relating to crime or the delinquency of children.

(b) Charge a reasonable fee for any publication or special report it distributes relating to data collected pursuant to this section. The Central Repository may not collect such a fee from an agency of criminal justice, any other agency dealing with crime or the delinquency of children which is required to submit information pursuant to subsection 2 or the State Disaster Identification Team of the Division of Emergency Management of the Department. All money collected pursuant to this paragraph must be used to pay for the cost of operating the Central Repository.

(c) In the manner prescribed by the Director of the Department, use electronic means to receive and disseminate information contained in the

Central Repository that it is authorized to disseminate pursuant to the provisions of this chapter.

8. As used in this section:

(a) "Personal identifying information" means any information designed, commonly used or capable of being used, alone or in conjunction with any other information, to identify a person, including, without limitation:

(1) The name, driver's license number, social security number, date of birth and photograph or computer-generated image of a person; and

(2) The fingerprints, voiceprint, retina image and iris image of a person.

(b) "Private school" has the meaning ascribed to it in NRS 394.103.

Sec. 4. This act becomes effective on July 1, 2011 ~~[.]~~ **, for the purposes of adopting any necessary regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act and on January 1, 2012, for all other purposes.**

Assemblyman Bobzien moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 403.

Bill read second time and ordered to third reading.

Assembly Bill No. 405.

Bill read second time and ordered to third reading.

Assembly Bill No. 455.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 277.

AN ACT relating to education; requiring the Nevada Interscholastic Activities Association and the board of trustees of each school district to adopt policies concerning the prevention and treatment of injuries to the head sustained by pupils while participating in sports and other athletic activities and events; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the county school districts to form a nonprofit association to be known as the Nevada Interscholastic Activities Association for the purposes of controlling, supervising and regulating all interscholastic athletic events and other interscholastic events in the public schools. (NRS 386.420-386.470) **Section 1** of this bill requires the Association to adopt a policy concerning the prevention and treatment of injuries to the head which may occur during a pupil's participation in interscholastic activities and events, including, without limitation, concussion of the brain. The policy must require that a pupil who sustains or is suspected of sustaining an injury

to the head while participating in such an activity or event: (1) be immediately removed from the activity or event; and (2) may not return to the activity or event unless the parent or legal guardian of the pupil provides a written statement from a provider of health care indicating that the pupil is medically cleared to participate **~~[.]~~ and the date on which the pupil may return to the activity or event.** A pupil who participates in interscholastic activities and events and his or her parent or legal guardian must sign a form acknowledging that they have received a copy of the policy and understand its terms and conditions before the pupil's participation in the activity or event and must sign the form on an annual basis thereafter. **Section 2** of this bill requires the board of trustees of each school district to adopt a similar policy for the participation of pupils in competitive sports within the school district which are not governed by the Association.

WHEREAS, A concussion is a brain injury that results from a bump, blow or jolt to the head or body which causes the brain to move rapidly in the skull and which disrupts normal brain function; and

WHEREAS, The Centers for Disease Control and Prevention of the United States Department of Health and Human Services estimates that as many as 3.8 million concussions occur each year in the United States which are related to participation in sports and other recreational activities; and

WHEREAS, Children who continue to participate in an athletic activity while suffering from a concussion or suffering from the symptoms of an injury to the head are at a greater risk for catastrophic injury to the brain or even death; and

WHEREAS, Ensuring that a child who sustains or is suspected of sustaining a concussion or other injury to the head receives the appropriate medical care before returning to an athletic activity will significantly reduce the child's risk of sustaining greater injury; now, therefore,

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

Section 1. Chapter 386 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Nevada Interscholastic Activities Association shall adopt a policy concerning the prevention and treatment of injuries to the head which may occur during a pupil's participation in interscholastic activities and events, including, without limitation, a concussion of the brain. The policy must provide information concerning the nature and risk of injuries to the head which may occur during the pupil's participation in interscholastic activities and events, including, without limitation, the risks associated with continuing to participate in the activity or event after sustaining such an injury.

2. The policy adopted pursuant to subsection 1 must require that if a pupil sustains or is suspected of sustaining an injury to the head while participating in an interscholastic activity or event, the pupil:

(a) Must be immediately removed from the activity or event; and

(b) May return to the activity or event if the parent or legal guardian of the pupil provides a signed statement of a provider of health care indicating that the pupil is medically cleared for participation in the activity or event ~~[.]~~ ***and the date on which the pupil may return to the activity or event.***

3. Before a pupil participates in an interscholastic activity or event, and on an annual basis thereafter, the pupil and his or her parent or legal guardian:

(a) Must be provided with a copy of the policy adopted pursuant to subsection 1; and

(b) Must sign a statement on a form prescribed by the Nevada Interscholastic Activities Association acknowledging that the pupil and his or her parent or guardian have read and understand the terms and conditions of the policy.

4. As used in this section, "provider of health care" means a physician licensed under chapter 630 or 633 of NRS , a physical therapist licensed under chapter 640 of NRS or an athletic trainer licensed under chapter 640B of NRS.

Sec. 2. Chapter 392 of NRS is hereby amended by adding thereto a new section to read as follows:

1. For those competitive sports not governed by the Nevada Interscholastic Activities Association pursuant to NRS 386.420 to 386.470, inclusive, and section 1 of this act, the board of trustees of each school district shall adopt a policy concerning the prevention and treatment of injuries to the head which may occur during a pupil's participation in competitive sports within the school district, including, without limitation, a concussion of the brain. To the extent practicable, the policy must be consistent with the policy adopted by the Nevada Interscholastic Activities Association pursuant to section 1 of this act. The policy must provide information concerning the nature and risk of injuries to the head which may occur during a pupil's participation in competitive sports, including, without limitation, the risks associated with continuing to participate in competitive sports after sustaining such an injury.

2. The policy adopted pursuant to subsection 1 must require that if a pupil sustains or is suspected of sustaining an injury to the head while participating in competitive sports, the pupil:

(a) Must be immediately removed from the competitive sport; and

(b) May return to competitive sports if the parent or legal guardian of the pupil provides a signed statement of a provider of health care indicating that the pupil is medically cleared for participation in the competitive sport ***[.]*** ***and the date on which the pupil may return to the competitive sport.***

3. Before a pupil participates in competitive sports within a school district, and on an annual basis thereafter, the pupil and his or her parent or legal guardian:

(a) Must be provided with a copy of the policy adopted pursuant to subsection 1; and

(b) Must sign a statement on a form prescribed by the board of trustees acknowledging that the pupil and his or her parent or guardian have read and understand the terms and conditions of the policy.

4. As used in this section, "provider of health care" means a physician licensed under chapter 630 or 633 of NRS ***, a physical therapist licensed under chapter 640 of NRS*** ***or an athletic trainer licensed under chapter 640B of NRS.***

Sec. 3. This act becomes effective on July 1, 2011.

Assemblyman Bobzien moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 477.

Bill read second time and ordered to third reading.

Assembly Bill No. 535.

Bill read second time and ordered to third reading.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 12:21 p.m.

ASSEMBLY IN SESSION

At 12:24 p.m.

Mr. Speaker presiding.

Quorum present.

Assembly Bill No. 551.

Bill read second time and ordered to third reading.

Senate Bill No. 219.

Bill read second time and ordered to third reading.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 12:42 p.m.

ASSEMBLY IN SESSION

At 12:47 p.m.
Mr. Speaker presiding.
Quorum present.

GENERAL FILE AND THIRD READING

Assembly Bill No. 12.
Bill read third time.
Roll call on Assembly Bill No. 12:
YEAS—42.
NAYS—None.
Assembly Bill No. 12 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 19.
Bill read third time.
Remarks by Assemblyman Kirner.
Roll call on Assembly Bill No. 19:
YEAS—42.
NAYS—None.
Assembly Bill No. 19 having received a two-thirds majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Assembly Bill No. 20.
Bill read third time.
Remarks by Assemblywoman Bustamante Adams.
Roll call on Assembly Bill No. 20:
YEAS—39.
NAYS—Carlton, Kirner, Livermore—3.
Assembly Bill No. 20 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 23.
Bill read third time.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Atkinson moved that Assembly Bill No. 23 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Atkinson.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 25.

Bill read third time.

Remarks by Assemblyman Horne.

Roll call on Assembly Bill No. 25:

YEAS—42.

NAYS—None.

Assembly Bill No. 25 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 26.

Bill read third time.

Roll call on Assembly Bill No. 26:

YEAS—42.

NAYS—None.

Assembly Bill No. 26 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 32.

Bill read third time.

Remarks by Assemblyman Ellison.

Roll call on Assembly Bill No. 32:

YEAS—42.

NAYS—None.

Assembly Bill No. 32 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 36.

Bill read third time.

Remarks by Assemblyman Brooks.

Roll call on Assembly Bill No. 36:

YEAS—42.

NAYS—None.

Assembly Bill No. 36 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 55.
Bill read third time.
Roll call on Assembly Bill No. 55:
YEAS—42.
NAYS—None.
Assembly Bill No. 55 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 82.
Bill read third time.
Remarks by Assemblymen Flores and Sherwood.
Roll call on Assembly Bill No. 82:
YEAS—37.
NAYS—Goedhart, Hambrick, Hansen, Kite, Pierce—5.
Assembly Bill No. 82 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 91.
Bill read third time.
Roll call on Assembly Bill No. 91:
YEAS—42.
NAYS—None.
Assembly Bill No. 91 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 102.
Bill read third time.
Remarks by Assemblywoman Carlton.
Roll call on Assembly Bill No. 102:
YEAS—42.
NAYS—None.
Assembly Bill No. 102 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 109.
Bill read third time.
Remarks by Assemblyman Segerblom.
Roll call on Assembly Bill No. 109:
YEAS—42.
NAYS—None.

Assembly Bill No. 109 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 111.

Bill read third time.

Roll call on Assembly Bill No. 111:

YEAS—42.

NAYS—None.

Assembly Bill No. 111 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 121.

Bill read third time.

Remarks by Assemblyman Daly.

Roll call on Assembly Bill No. 121:

YEAS—41.

NAYS—Pierce.

Assembly Bill No. 121 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 125.

Bill read third time.

Roll call on Assembly Bill No. 125:

YEAS—42.

NAYS—None.

Assembly Bill No. 125 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 138.

Bill read third time.

Remarks by Assemblywoman Mastroluca.

Roll call on Assembly Bill No. 138:

YEAS—32.

NAYS—Ellison, Goedhart, Hambrick, Hansen, Hardy, Kirner, Kite, Livermore, McArthur, Sherwood—10.

Assembly Bill No. 138 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 142.

Bill read third time.

Remarks by Assemblyman Ohrenschall.

Roll call on Assembly Bill No. 142:
YEAS—42.
NAYS—None.
Assembly Bill No. 142 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 143.
Bill read third time.
Remarks by Assemblyman Bobzien.
Roll call on Assembly Bill No. 143:
YEAS—39.
NAYS—Carlton, Munford, Pierce—3.
Assembly Bill No. 143 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Assembly Bill No. 170.
Bill read third time.
Remarks by Assemblymen Sherwood, Kirkpatrick, Pierce, Hammond, and Mastroluca.
Roll call on Assembly Bill No. 170:
YEAS—32.
NAYS—Ellison, Goedhart, Hansen, Hardy, Hickey, Kirner, Livermore, McArthur, Sherwood, Stewart—10.
Assembly Bill No. 170 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 194.
Bill read third time.
Remarks by Assemblyman Ohrenschall.
Roll call on Assembly Bill No. 194:
YEAS—42.
NAYS—None.
Assembly Bill No. 194 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Assembly Bill No. 211.
Bill read third time.
Remarks by Assemblyman Aizley.
Roll call on Assembly Bill No. 211:
YEAS—29.
NAYS—Ellison, Goicoechea, Grady, Hammond, Hansen, Hardy, Hickey, Kirner, Livermore, McArthur, Sherwood, Stewart, Woodbury—13.

Assembly Bill No. 211 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Conklin moved that Assembly Bill No. 232 be taken from its position on General File and placed at the bottom of General File.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 233.

Bill read third time.

Remarks by Assemblyman Bobzien.

Roll call on Assembly Bill No. 233:

YEAS—38.

NAYS—Ellison, Hardy, Kite, McArthur—4.

Assembly Bill No. 233 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 261.

Bill read third time.

Remarks by Assemblyman Hansen.

Roll call on Assembly Bill No. 261:

YEAS—42.

NAYS—None.

Assembly Bill No. 261 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 271.

Bill read third time.

Remarks by Assemblywoman Bustamante Adams.

Roll call on Assembly Bill No. 271:

YEAS—42.

NAYS—None.

Assembly Bill No. 271 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 295.

Bill read third time.

Remarks by Assemblyman Bobzien.
Roll call on Assembly Bill No. 295:
YEAS—42.
NAYS—None.
Assembly Bill No. 295 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 296.
Bill read third time.
Remarks by Assemblyman Daly.
Roll call on Assembly Bill No. 296:
YEAS—42.
NAYS—None.
Assembly Bill No. 296 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Assembly Bill No. 309.
Bill read third time.
Remarks by Assemblymen Atkinson and Grady.
Roll call on Assembly Bill No. 309:
YEAS—33.
NAYS—Hambrick, Hammond, Hansen, Hardy, Kirner, Kite, McArthur, Sherwood, Woodbury—9.
Assembly Bill No. 309 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Conklin moved that Assembly Bill No. 313 be taken from its position on the General File and placed at the bottom of the General File.
Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 319.
Bill read third time.
Remarks by Assemblywoman Diaz.
Roll call on Assembly Bill No. 319:
YEAS—42.
NAYS—None.
Assembly Bill No. 319 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 348.
Bill read third time.
Remarks by Assemblyman Ohrenschall.
Roll call on Assembly Bill No. 348:
YEAS—42.
NAYS—None.
Assembly Bill No. 348 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 355.
Bill read third time.
Remarks by Assemblyman Frierson.
Roll call on Assembly Bill No. 355:
YEAS—42.
NAYS—None.
Assembly Bill No. 355 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Assembly Bill No. 395.
Bill read third time.
Remarks by Assemblywoman Dondero Loop.
Roll call on Assembly Bill No. 395:
YEAS—42.
NAYS—None.
Assembly Bill No. 395 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 456.
Bill read third time.
Remarks by Assemblyman Bobzien.
Roll call on Assembly Bill No. 456:
YEAS—33.
NAYS—Ellison, Goedhart, Goicoechea, Grady, Hambrick, Hardy, Kite, Livermore, McArthur—9.
Assembly Bill No. 456 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Assembly Bill No. 459.
Bill read third time.
Roll call on Assembly Bill No. 459:
YEAS—41.
NAYS—Carrillo.

Assembly Bill No. 459 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 478.

Bill read third time.

Remarks by Assemblywoman Smith.

Roll call on Assembly Bill No. 478:

YEAS—42.

NAYS—None.

Assembly Bill No. 478 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 504.

Bill read third time.

Roll call on Assembly Bill No. 504:

YEAS—42.

NAYS—None.

Assembly Bill No. 504 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 523.

Bill read third time.

Remarks by Assemblyman Kirner.

Roll call on Assembly Bill No. 523:

YEAS—42.

NAYS—None.

Assembly Bill No. 523 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 524.

Bill read third time.

Remarks by Assemblyman Hambrick.

Roll call on Assembly Bill No. 524:

YEAS—42.

NAYS—None.

Assembly Bill No. 524 having received a two-thirds majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 533.

Bill read third time.

Roll call on Assembly Bill No. 533:
YEAS—42.
NAYS—None.
Assembly Bill No. 533 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Assembly Bill No. 556.
Bill read third time.
Remarks by Assemblyman Kirner.
Roll call on Assembly Bill No. 556:
YEAS—42.
NAYS—None.
Assembly Bill No. 556 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Assembly Joint Resolution No. 6.
Resolution read third time.
Remarks by Assemblyman Atkinson.
Roll call on Assembly Joint Resolution No. 6:
YEAS—42.
NAYS—None.
Assembly Joint Resolution No. 6 having received a constitutional majority, Mr. Speaker declared it passed.
Resolution ordered transmitted to the Senate.

Assembly Joint Resolution No. 7.
Resolution read third time.
Remarks by Assemblyman Hickey.
Roll call on Assembly Joint Resolution No. 7:
YEAS—38.
NAYS—Goedhart, Hansen, Kite, Sherwood—4.
Assembly Joint Resolution No. 7 having received a constitutional majority, Mr. Speaker declared it passed.
Resolution ordered transmitted to the Senate.

Senate Bill No. 220.
Bill read third time.
Remarks by Assemblyman Bobzien.
Roll call on Senate Bill No. 220:
YEAS—42.
NAYS—None.
Senate Bill No. 220 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Assembly Bill No. 232.
Bill read third time.
Roll call on Assembly Bill No. 232:
YEAS—42.
NAYS—None.
Assembly Bill No. 232 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 313.
Bill read third time.
Remarks by Assemblywoman Bustamante Adams.
Roll call on Assembly Bill No. 313:
YEAS—42.
NAYS—None.
Assembly Bill No. 313 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Atkinson moved that Senate Bill No. 219 be taken from the General File and rereferred to the Committee on Ways and Means.
Motion carried.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Atkinson, the privilege of the floor of the Assembly Chamber for this day was extended to Haley Atkinson, Devin Brooks, and Godist Corhn.

On request of Assemblywoman Benitez-Thompson, the privilege of the floor of the Assembly Chamber for this day was extended to Doug Delozier and Jacob Delozier.

On request of Assemblyman Brooks, the privilege of the floor of the Assembly Chamber for this day was extended to Antina Whalum and Sylvia Allen.

On request of Assemblywoman Bustamante Adams, the privilege of the floor of the Assembly Chamber for this day was extended to Alex Hays, Jessica Hays, and Madison Hays.

On request of Assemblywoman Carlton, the privilege of the floor of the Assembly Chamber for this day was extended to Patricia Gaither and Loretta Harper.

On request of Assemblyman Carrillo, the privilege of the floor of the Assembly Chamber for this day was extended to Andrea Woods.

On request of Assemblyman Conklin, the privilege of the floor of the Assembly Chamber for this day was extended to Rose Jones Wade and Robert Benson.

On request of Assemblyman Daly, the privilege of the floor of the Assembly Chamber for this day was extended to Stephanie Johnson, Isaiah Johnson, and the following students and chaperones from Diedrichsen Elementary School: Carson Baker, Ashen Beeaff, Amanda Carbonell, Austin Cuellar, Cameron Draper, Dayna Espinoza, Caden Fernandez, Kristian Fernandez, Daniel Hampton, Cody Herron, Isaiah Johnson, Tanner Johnson, Natalie Kersting, Cameron Kygar, Beverly Lawson, Noah LeDuc, Ashley Leach-Knowles, Kaiti McCurdy, Kayla McKee, Mason McManus, Kiel Mendoza, Emily Nicholas-Ornbaum, Param Patel, Eva Przybyla, Ivette Rodriguez, Brockden Roelofs, Angel Solis, Brennin Switzer, Jonathan Taff, Jacinda Tuttle, Sophia Vargas, Alyssa Alexander, Ian Alvarado, Christopher Archila, Andrew Beas, Annabelle Bradley, Tristan Bryant Moore, Brandyn Christensen, Zoey Cotter, Zackary Dailey, Jakob Delossantos, Jacob Feierabend, Jordan Forguson, Cierra Gayfield, Natalie Grady, Diego Hernandez Chavarin, Hugo Herrera, Amanda Kent, Jared Linker, Tyler McTigue, Lorraina Mize Williams, Caleb Mozingo, Patricia Nelson, Natasha Olmstead, Brandon Randall, Victor Salas Rios, Lexsie Samuels Herbert, Serina Sanchez, Carlos Sanchez Quintero, Ariez Suarez, Rider Valdovinos, Katie Walter, Patrick Watts, Tim Kygar, Dave Carbon, Dawn Cuellar, Maylene Fernandez, Cierra Bannister, Starla Espinoza, Stephanie Johnson, Brent Roelofs, Rex Cotter, Rosie Suarez, Dawn Sellers, Brandy Welch, Kathy Alonzo, Jonice Marks, Arizbeth Marariego, Luis Archila, Sherry Johnson, Philip Tuttle, Chris Colburn, Taylor Babineau, and Anthony Gaskey,

On request of Assemblywoman Dondero Loop, the privilege of the floor of the Assembly Chamber for this day was extended to Thalia Dondero.

On request of Assemblyman Frierson, the privilege of the floor of the Assembly Chamber for this day was extended to Damone Williams, Brad Adams, Olivia Brown, and Alaina Brown.

On request of Assemblyman Goedhart, the privilege of the floor of the Assembly Chamber for this day was extended to the following students and chaperones from Pahrump Valley High School: Sarah Martindale, Rebecca Roman, Amanda Martin, Alysha Wogee, Danielle Altiero,

Miranda Monje, Zach Wogee, Michael Perez-Ramirez, Dillon Ostrenger, Jake Smith, and Letiscyia Larios-Chacon.

On request of Assemblyman Hambrick, the privilege of the floor of the Assembly Chamber for this day was extended to Ammon Shirling, Abigal Shirling, Stephen Allott, and Ralph Champions.

On request of Assemblyman Hammond, the privilege of the floor of the Assembly Chamber for this day was extended to Tomas Hammond, Anthony Pericon, and David Pericon.

On request of Assemblyman Hardy, the privilege of the floor of the Assembly Chamber for this day was extended to Kae Pohe and Deanna Zalewski.

On request of Assemblyman Hickey, the privilege of the floor of the Assembly Chamber for this day was extended to Mike Smith, Geoffrey Lawrence, and Samantha King.

On request of Assemblyman Hogan, the privilege of the floor of the Assembly Chamber for this day was extended to C. Levonne Laughinghouse, Shade Laughinghouse, and Jennifer Webb-Cook.

On request of Assemblyman Horne, the privilege of the floor of the Assembly Chamber for this day was extended to Chris Scott and Diane Lombardo.

On request of Assemblywoman Kirkpatrick, the privilege of the floor of the Assembly Chamber for this day was extended to Marlene Gadsen.

On request of Assemblywoman Mastroluca, the privilege of the floor of the Assembly Chamber for this day was extended to Vanessa Pericon.

On request of Assemblyman McArthur, the privilege of the floor of the Assembly Chamber for this day was extended to Patrice Palmer and Alexander Tillman Periocon.

On request of Assemblyman Munford, the privilege of the floor of the Assembly Chamber for this day was extended to Sandy Eddy and Patricia Grimes.

On request of Assemblywoman Neal, the privilege of the floor of the Assembly Chamber for this day was extended to Marion Bennett.

On request of Assemblyman Ohrenschall, the privilege of the floor of the Assembly Chamber for this day was extended to Edith Byrd and Anthony Black.

On request of Assemblywoman Pierce, the privilege of the floor of the Assembly Chamber for this day was extended to Anna Ocasio-McAndrew.

On request of Assemblyman Segerblom, the privilege of the floor of the Assembly Chamber for this day was extended to Chelsea Riebel, William Franco-Rollans, Laquan (Dion) Williams, Cristen Shaw, and Mike Macioce.

On request of Assemblyman Sherwood, the privilege of the floor of the Assembly Chamber for this day was extended to Christianni Pericon.

On request of Assemblywoman Smith, the privilege of the floor of the Assembly Chamber for this day was extended to Jennifer Cunningham.

On request of Assemblyman Stewart, the privilege of the floor of the Assembly Chamber for this day was extended to Destiny Estill, Kiara Estill, and Kyla Kirby.

Assemblyman Conklin moved that the Assembly adjourn until Tuesday, April 19, 2011, at 11 a.m., and that it do so in memory and honor of Milton Glick, President, University of Nevada, Reno.

Motion carried.

Assembly adjourned at 2:13 p.m.

Approved: JOHN OCEGUERA
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE SEVENTY-SECOND DAY

CARSON CITY (Tuesday), April 19, 2011

Assembly called to order at 11:28 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Pastor Gary Grite.

Our Father in Heaven, we ask this morning that You would give us all wisdom. Please help us take any selfishness out of our heart, so we can more effectively help our fellow man. Raise us to love. Lift us to empathy. Give us everything we need to do good today. Thank You for Your blessing. In the name of Jesus, we pray.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Conklin moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker

Your Committee on Commerce and Labor, to which were referred Assembly Bills Nos. 215, 221, 398, 441, 537, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Commerce and Labor, to which were referred Assembly Bills Nos. 267, 292, 299, 429, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Commerce and Labor, to which was referred Assembly Bill No. 307, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, without recommendation, and rerefer to the Committee on Ways and Means.

KELVIN ATKINSON, *Chair*

Mr. Speaker:

Your Committee on Education, to which were referred Assembly Bills Nos. 227, 546, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DAVID P. BOBZIEN, *Chair*

Mr. Speaker:

Your Committee on Judiciary, to which were referred Assembly Bills Nos. 9, 181, 269, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

WILLIAM C. HORNE, *Chair*

Mr. Speaker:

Your Committee on Natural Resources, Agriculture, and Mining, to which were referred Assembly Bills Nos. 368, 503, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MAGGIE CARLTON, *Chair*

Mr. Speaker:

Your Committee on Transportation, to which were referred Assembly Bills Nos. 212, 374, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Transportation, to which was referred Assembly Bill No. 508, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MARILYN DONDERO LOOP, *Chair*

COMMUNICATIONS

UNITED STATES HOUSE OF REPRESENTATIVES
WASHINGTON, D.C. 20510-7012

April 6, 2011

THE HONORABLE JOHN OCEGUERA, *Speaker*, Nevada State Assembly, Legislative Building, 401 South Carson Street, Carson City, Nevada 89701

DEAR SPEAKER OCEGUERA:

This letter serves as a formal request to address the Nevada Legislature at the joint session held on the evening of Monday, April 25, 2011 at 5 p.m. My understanding is that this date and time is available.

If further action or information is necessary please do not hesitate to contact me or district director Grant Hewitt in my Las Vegas district office at 702-387-4941.

Thank you for your consideration of this request.

Sincerely,
DR. JOE HECK
Member of Congress

MOTIONS, RESOLUTIONS AND NOTICES

NOTICE OF EXEMPTION

April 15, 2011

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Assembly Bill No. 405.

RICK Combs
Fiscal Analysis Division

April 19, 2011

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Assembly Bill No. 401 if the amendment proposed by the committee on Judiciary is adopted by the Assembly.

RICK COMBS
Fiscal Analysis Division

Assemblyman Conklin moved that Assembly Bills Nos. 9, 181, 212, 215, 221, 227, 267, 269, 292, 299, 307, 368, 374, 398, 429, 441, 503, 508, 537, and 546, just reported out of committee, be placed on the Second Reading File.

Motion carried.

Assemblyman Conklin moved that Assembly Bills Nos. 151 and 405 be taken from the General File and rereferred to the Committee on Ways and Means.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 9.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 153.

SUMMARY— ~~[Provides for the collection of additional]~~ **Revises provisions relating to** fees **charged and collected** in justice courts. (BDR 1-322)

AN ACT relating to courts; ~~[requiring a justice of the peace to charge and collect certain additional fees;]~~ revising certain ~~[civil filing]~~ fees in the justice court; **requiring the county treasurer to deposit a portion of the fees received from justice courts into a special account to be used for certain purposes;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires each justice of the peace to charge and collect certain fees for various civil actions, proceedings and filings in the justice court. For actions and proceedings other than small claims, the amount of the fees charged and collected is based upon the sum claimed in the action or proceeding. ***Each justice of the peace shall pay to the county treasurer all such fees charged and collected, with certain exceptions.*** (NRS 4.060) ~~[Section 2 of this]~~ ***This*** bill increases the amount of the fees charged and collected by ~~[revising]~~ ***the justice court*** **and revises** the tiers upon which ~~[the]~~ **certain** fees are based.

~~[Section 1 of this bill requires each justice of the peace to charge and collect additional fees for various civil actions, proceedings and filings in the justice court. Fifty percent of the additional fees collected must be deposited in a special account administered by the county for the sole benefit of the justice courts in the county, subject to judicial oversight, and must not be used to supplant existing appropriations made to the justice courts within the county.]~~ **This bill also requires the county treasurer to deposit 25 percent of the fees received from justices of the peace into a special account administered by the county and maintained for the benefit of the justice courts within the county. The money in the account must be used only: (1) to offset the costs for adding or maintaining new judicial departments; and (2) if any money remains in the account in a fiscal year after satisfying such offset of costs, for other purposes generally related to the acquisition of land or facilities or the construction or renovation of facilities for the justice courts or a regional justice center that includes the justice courts.**

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

Section 1. ~~[Chapter 4 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~*1. Except as otherwise provided in this section and by specific statute and in addition to any other fee required by law, including, without limitation, any fees required by NRS 4.060, each justice of the peace shall charge and collect the following fees:*~~

~~*(a) On the commencement of any action or proceeding in the justice court, other than in actions commenced pursuant to chapter 73 of NRS, to be paid by the party commencing the action:*~~

~~*If the sum claimed does not exceed $1,000 $22.00*~~

~~*If the sum claimed exceeds $1,000 but does not exceed $10,000 50.00*~~

~~*In all civil actions for unlawful detainer pursuant to NRS 40.250 to 40.254, inclusive 225.00*~~

~~*In all other civil actions 22.00*~~

~~*(b) For the preparation and filing of an affidavit and order in an action commenced pursuant to chapter 73 of NRS, if the sum claimed does not exceed $5,000 $20.00*~~

~~*(c) On the appearance of any defendant, or any number of defendants answering jointly, to be paid by the defendant or defendants on filing the first paper in the action, or at the time of appearance:*~~

~~*In all civil actions $13.00*~~

~~*For every additional defendant, appearing separately 9.00*~~

~~*(d) No fee may be charged where a defendant or defendants appear in response to an affidavit and order issued pursuant to the provisions of chapter 73 of NRS.*~~

~~*(e) For the filing of any paper in intervention $9.00*~~

~~*(f) For the issuance of any writ of attachment, writ of garnishment, writ of execution or any other writ designed to enforce any judgment of the court, other than a writ of restitution $19.00*~~

~~*(g) For filing a notice of appeal, and appeal bonds $8.00*~~

~~*One charge only may be made if both papers are filed at the same time.*~~

~~*(h) For issuing supersedeas to a writ designed to enforce a judgment or order of the court $8.00*~~

~~*(i) For preparation and transmittal of transcript and papers on appeal$8.00*~~

~~*(j) For entering judgment by confession $44.00*~~

~~*(k) For preparing any copy of any record, proceeding or paper, for each page $.20*~~

~~*(l) For each certificate of the clerk, under the seal of the court $2.00*~~

~~*(m) For searching records or files in his or her office, for each year $2.00*~~

~~*(n) For filing and acting upon each bail or property bond $10.00*~~

~~*(c) For the issuance of any writ of restitution $75.00*~~

~~*2. A justice of the peace shall not charge or collect any of the fees set forth in subsection 1 for any service rendered by the justice of the peace to the county in which his or her township is located.*~~

~~*3. The justice of the peace shall, on or before the fifth day of each month, account for and pay to the county treasurer all fees collected during the preceding month pursuant to subsection 1.*~~

~~*4. The county treasurer shall deposit 50 percent of the fees received each month pursuant to subsection 3 into a special account administered by the county for the sole benefit of the justice courts within the county, subject to judicial oversight. The money deposited:*~~

~~*(a) Must not be used to supplant existing appropriations made to the justice courts within the county;*~~

~~*(b) Must be carried over to the next fiscal year if any balance remains at the end of the fiscal year; and*~~

~~*(c) Must not revert to the county general fund.]*~~ **(Deleted by amendment.)**

Sec. 2. NRS 4.060 is hereby amended to read as follows:

4.060 1. Except as otherwise provided in this section and NRS 33.017 to 33.100, inclusive, each justice of the peace shall charge and collect the following fees:

(a) On the commencement of any action or proceeding in the justice court, other than in actions commenced pursuant to chapter 73 of NRS, to be paid by the party commencing the action:

If the sum claimed does not exceed ~~[$1,00o……..$28.00~~

~~If the sum claimed exceeds $1,000 but does not exceed]~~ $2,500……...50.00

If the sum claimed exceeds $2,500 but does not exceed ~~[$4,500]~~

***$5,000*……....**100.00

~~[If the sum claimed exceeds $4,500 but does not exceed~~

~~$6,500……...125.00~~

~~If the sum claimed exceeds $6,500 but does not exceed $7,500 ……150.00]~~

If the sum claimed exceeds ~~[$7,500]~~ ***$5,000*** but does not exceed $10,000…….175.00

In all civil actions for unlawful detainer pursuant to NRS 40.250 to 40.254, inclusive*……*225.00

In all other civil actions……...…~~[28.00]~~ ***50.00***

(b) For the preparation and filing of an affidavit and order in an action commenced pursuant to chapter 73 of NRS:

If the sum claimed does not exceed $1,000……..~~[$25.00]~~ **$45.00**

If the sum claimed exceeds $1,000 but does not exceed $2,500……~~[45.00]~~ ***65.00***

If the sum claimed exceeds $2,500 but does not exceed $5,000……~~[65.00]~~ ***85.00***

(c) On the appearance of any defendant, or any number of defendants answering jointly, to be paid by the defendant or defendants on filing the first paper in the action, or at the time of appearance:

In all civil actions……..……~~[~~$12.00~~]~~ ***$50.00***

For every additional defendant, appearing separately……~~[~~6.00~~]~~ ***25.00***

(d) No fee may be charged where a defendant or defendants appear in response to an affidavit and order issued pursuant to the provisions of chapter 73 of NRS.

(e) For the filing of any paper in intervention……~~[~~$6.00~~]~~ ***$25.00***

(f) For the issuance of any writ of attachment, writ of garnishment, writ of execution or any other writ designed to enforce any judgment of the court***, other than a writ of restitution……***~~[~~$6.00~~]~~ ***$25.00***

(g) ***For the issuance of any writ of restitution***…….***$75.00***

(h) For filing a notice of appeal, and appeal bonds…….~~[~~$12.00~~]~~ ***$25.00***

One charge only may be made if both papers are filed at the same time.

~~[(h)]~~ ***(i)*** For issuing supersedeas to a writ designed to enforce a judgment or order of the court…….…...~~[~~$12.00~~]~~ ***$25.00***

~~[(i)]~~ ***(j)*** For preparation and transmittal of transcript and papers on appeal……...~~[~~$12.00~~]~~ ***$25.00***

~~[(j)]~~ ***(k)*** For celebrating a marriage and returning the certificate to the county recorder or county clerk…….…….$50.00

~~[(k)]~~ ***(l)*** For entering judgment by confession……..…~~[~~$6.00~~]~~ ***$50.00***

~~[(l)]~~ ***(m)*** For preparing any copy of any record, proceeding or paper, for each page……..…~~[~~$.30~~]~~ ***$.50***

~~[(m)]~~ ***(n)*** For each certificate of the clerk, under the seal of the Court……...~~[~~$3.00~~]~~***5.00***

~~[(n)]~~ ***(o)*** For searching records or files in his or her office, for each year ……..~~[~~$1.00~~]~~ ***$3.00***

~~[(o)]~~ ***(p)*** For filing and acting upon each bail or property Bond……...~~[~~$40.00~~]~~***$50.00***

2. A justice of the peace shall not charge or collect any of the fees set forth in subsection 1 for any service rendered by the justice of the peace to the county in which his or her township is located.

3. A justice of the peace shall not charge or collect the fee pursuant to paragraph ~~[(j)]~~ ***(k)*** of subsection 1 if the justice of the peace performs a marriage ceremony in a commissioner township.

4. Except as otherwise provided by an ordinance adopted pursuant to the provisions of NRS 244.207, the justice of the peace shall, on or before the fifth day of each month, account for and pay to the county treasurer all fees collected ***pursuant to subsection 1*** during the preceding month, except for the fees the justice of the peace may retain as compensation and the fees the justice of the peace is required to pay to the State Controller pursuant to subsection 5.

5. The justice of the peace shall, on or before the fifth day of each month, pay to the State Controller:

(a) An amount equal to $5 of each fee collected pursuant to paragraph ~~[(j)]~~ ***(k)*** of subsection 1 during the preceding month. The State Controller shall deposit the money in the Account for Aid for Victims of Domestic Violence in the State General Fund.

(b) One-half of the fees collected pursuant to paragraph ~~[(o)]~~ ***(p)*** of subsection 1 during the preceding month. The State Controller shall deposit the money in the Fund for the Compensation of Victims of Crime.

6. The county treasurer shall deposit 25 percent of the fees received pursuant to subsection 4 into a special account administered by the county and maintained for the benefit of the justice courts within the county. The money in that account must be used only:

(a) To offset the costs for adding and maintaining new judicial departments, including, without limitation, the cost for additional staff; and

(b) If any money remains in the account in a fiscal year after satisfying the purposes set forth in paragraph (a), to:

(1) Acquire land on which to construct additional facilities for the justice courts or a regional justice center that includes the justice courts;

(2) Construct or acquire additional facilities for the justice courts or a regional justice center that includes the justice courts;

(3) Renovate or remodel existing facilities for the justice courts or a regional justice center that includes the justice courts;

(4) Acquire furniture, fixtures and equipment necessitated by the construction or acquisition of additional facilities or the renovation of an existing facility for the justice courts or a regional justice center that includes the justice courts;

(5) Acquire advanced technology for use in the additional or renovated facilities;

(6) Pay debt service on any bonds issued pursuant to subsection 3 of NRS 350.020 for the acquisition of land or facilities or the construction or renovation of facilities for the justice courts or a regional justice center that includes the justice courts; and

(7) Acquire equipment or additional staff to enhance the security of the facilities used by the justice courts, justices of the peace, staff of the justice courts and residents of this State who access the justice courts.

➥ Any money remaining in the account at the end of a fiscal year must be carried forward to the next fiscal year.

Sec. 3. ~~[NRS 4.100 is hereby amended to read as follows:~~

~~4.100 1. On the first Mondays of January, April, July and October, the justices of the peace who receive fees pursuant to the provisions of NRS 4.060, 4.063 and 4.065~~ ***and section 1 of this act*** ~~shall make out and file with the boards of county commissioners of their several counties a full and correct statement under oath of all fees or compensation, of whatever nature or kind, received in their several official capacities during the preceding 3~~

~~months. In the statement they shall set forth the cause in which, and the services for which, such fees or compensation were received.~~

~~2. This section does not require personal attendance in filing statements, which may be transmitted by mail or otherwise directed to the clerk of the board of county commissioners.]~~ **(Deleted by amendment.)**

Sec. 4. ~~[NRS 4.140 is hereby amended to read as follows:~~

~~4.140 All fees prescribed in NRS 4.060, 4.063 and 4.065~~ ~~*and section 1 of this act*~~ ~~must be paid in advance, if demanded. If a justice of the peace has not received any or all of his or her fees, which are due the justice of the peace for services rendered by the justice of the peace in any suit or proceedings, the justice of the peace may have execution therefor in his or her own name against the party from whom they are due, to be issued from the court where the action is pending, upon the order of the justice of the peace or court upon affidavit filed.]~~ **(Deleted by amendment.)**

Sec. 5. This act becomes effective on July 1, 2011.

Assemblyman Ohrenschall moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 181.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 155.

SUMMARY—Provides for ~~[the]~~ **evaluation by the Advisory Commission on the Administration of Justice of the policies and practices relating to the** involuntary civil commitment of sexually dangerous persons. (BDR ~~[39-95)]~~ **14-95)**

AN ACT relating to sexually dangerous persons; ~~[providing for the]~~ **revising the duties of the Advisory Commission on the Administration of Justice to include evaluation of the policies and practices relating to the** involuntary civil commitment of sexually dangerous persons; ~~[requiring the Division of Mental Health and Developmental Services of the Department of Health and Human Services to adopt certain regulations;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Federal law authorizes a federal district court to order the civil commitment of a person found to be mentally ill and a danger sexually to the public. (18 U.S.C. § 4248) Additionally, the United States Supreme Court recently upheld a federal law authorizing the civil commitment of sexually dangerous persons. (*United States v. Comstock*, 130 S. Ct. 1949 (2010))

~~[Section 15 of this bill authorizes a district attorney to file a petition seeking the civil commitment of a sexually dangerous person, which means a person who has been convicted of a sexually dangerous offense, who suffers from a mental disorder and who is dangerous to the public because the person is likely to commit a sexually dangerous offense. Section 17 of this bill requires~~

~~a court, within 72 hours after a district attorney files such a petition, to hold a hearing to determine whether probable cause exists to believe that the person is a sexually dangerous person. If the court determines that such probable cause exists, the court is required to schedule a hearing before a jury to determine whether the person is a sexually dangerous person. Section 19 of this bill requires the district attorney to prove by clear and convincing evidence that the person is a sexually dangerous person. If the jury unanimously finds that the person is a sexually dangerous person and that the person requires commitment, the court must enter an order committing the person to the custody of a program for the treatment of sexually dangerous persons established by the Division of Mental Health and Developmental Services of the Department of Health and Human Services. If the jury finds that the person is a sexually dangerous person but does not unanimously find that the person should be civilly committed, the court must order the person to be placed in an alternative course of treatment to be administered by the Division.~~

~~Section 22 of this bill requires the Division to select a qualified professional to evaluate the mental health of a person committed to its custody pursuant to this bill at least once each year. Section 23 of this bill provides that if through the evaluation or at any other time during the period of commitment the Administrator of the Division determines that the person no longer suffers from a mental disorder, the person is no longer dangerous to the public and the person is suitable for conditional release to an alternative course of treatment, the court must hold a hearing to determine whether the person should be released. Section 24 of this bill authorizes a person committed to the custody of the Division pursuant to this bill to file a request for release not more than once every 6 months.~~

~~Section 31 of this bill requires the Division to adopt regulations: (1) establishing a program for the secure commitment of persons found to be sexually dangerous persons; (2) establishing alternative courses of treatment; and (3) determining the professional qualifications required to evaluate a person alleged to be a sexually dangerous person.]~~

Existing law establishes the Advisory Commission on the Administration of Justice and directs the Commission to study the elements of this State's criminal justice system, among other things. (NRS 176.0123, 176.0125) This bill requires the Commission to evaluate the policies and practices relating to the involuntary civil commitment of sexually dangerous persons

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

Section 1. **(Deleted by amendment.)**

Sec. 2. **(Deleted by amendment.)**

Sec. 3. **(Deleted by amendment.)**

Sec. 4. **(Deleted by amendment.)**

Sec. 5. **(Deleted by amendment.)**
Sec. 6. **(Deleted by amendment.)**
Sec. 7. **(Deleted by amendment.)**
Sec. 8. **(Deleted by amendment.)**
Sec. 9. **(Deleted by amendment.)**
Sec. 10. **(Deleted by amendment.)**
Sec. 11. **(Deleted by amendment.)**
Sec. 12. **(Deleted by amendment.)**
Sec. 13. **(Deleted by amendment.)**
Sec. 14. **(Deleted by amendment.)**
Sec. 15. **(Deleted by amendment.)**
Sec. 16. **(Deleted by amendment.)**
Sec. 17. **(Deleted by amendment.)**
Sec. 18. **(Deleted by amendment.)**
Sec. 19. **(Deleted by amendment.)**
Sec. 20. **(Deleted by amendment.)**
Sec. 21. **(Deleted by amendment.)**
Sec. 22. **(Deleted by amendment.)**
Sec. 23. **(Deleted by amendment.)**
Sec. 24. **(Deleted by amendment.)**
Sec. 25. **(Deleted by amendment.)**
Sec. 26. **(Deleted by amendment.)**
Sec. 27. **(Deleted by amendment.)**
Sec. 28. **(Deleted by amendment.)**
Sec. 29. **(Deleted by amendment.)**
Sec. 30. **(Deleted by amendment.)**
Sec. 31. **(Deleted by amendment.)**
Sec. 32. **(Deleted by amendment.)**
Sec. 33. **(Deleted by amendment.)**
Sec. 34. **(Deleted by amendment.)**
Sec. 35. **(Deleted by amendment.)**
Sec. 36. **(Deleted by amendment.)**
Sec. 37. **(Deleted by amendment.)**
Sec. 38. **(Deleted by amendment.)**
Sec. 39. **(Deleted by amendment.)**
Sec. 40. **(Deleted by amendment.)**
Sec. 41. **(Deleted by amendment.)**
Sec. 42. **(Deleted by amendment.)**
Sec. 43. **(Deleted by amendment.)**
Sec. 44. **(Deleted by amendment.)**
Sec. 45. **(Deleted by amendment.)**
Sec. 46. **(Deleted by amendment.)**
Sec. 47. **(Deleted by amendment.)**
Sec. 48. **(Deleted by amendment.)**
Sec. 49. **(Deleted by amendment.)**

Sec. 50. **(Deleted by amendment.)**

Sec. 51. **(Deleted by amendment.)**

Sec. 52. **(Deleted by amendment.)**

Sec. 53. **(Deleted by amendment.)**

Sec. 54. **(Deleted by amendment.)**

Sec. 55. **NRS 176.0125 is hereby amended to read as follows:**

176.0125 The Commission shall:

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

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

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

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

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

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

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

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

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

(g) Offenders must receive sentences which are based upon the specific circumstances and facts of their offenses, including the nature of the offense and any aggravating factors, the savagery of the offense, as evidenced by the extent of any injury to the victim, and the degree of criminal sophistication

demonstrated by the offender's acts before, during and after commission of the offense.

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

(a) Policies relating to parole;

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

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

(d) Budgetary issues; and

(e) Other related matters.

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

6. Evaluate the policies and practices concerning presentence investigations and reports made by the Division of Parole and Probation of the Department of Public Safety, including, without limitation, the resources relied on in preparing such investigations and reports and the extent to which judges in this State rely on and follow the recommendations contained in such presentence investigations and reports.

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

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

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

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

9. Identify and study issues relating to the application of chapter 241 of NRS to meetings held by the:

(a) State Board of Pardons Commissioners to consider an application for clemency; and

(b) State Board of Parole Commissioners to consider an offender for parole.

10. Identify and study issues relating to the operation of the Department of Corrections, including, without limitation, the system for allowing credits against the sentences of offenders, the accounting of such credits and any other policies and procedures of the Department which pertain to the operation of the Department.

11. ***Evaluate the policies and practices relating to the involuntary civil commitment of sexually dangerous persons.***

12. For each regular session of the Legislature, prepare a comprehensive report including the Commission's recommended changes pertaining to the

administration of justice in this State, the Commission's findings and any recommendations of the Commission for proposed legislation. The report must be submitted to the Director of the Legislative Counsel Bureau for distribution to the Legislature not later than September 1 of each even-numbered year.

Assemblyman Horne moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 212.

Bill read second time

The following amendment was proposed by the Committee on Transportation:

Amendment No. 239.

AN ACT relating to transportation; revising provisions governing the authority of the Department of Transportation to enter into contracts with design-build teams; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the Department of Transportation is authorized, under certain circumstances, to enter into one or more contracts known as design-build contracts with teams that consist of at least one general contractor and an architect or professional engineer for the design and construction of projects estimated to cost more than $20 million. Once each fiscal year, the Department is authorized to enter into a design-build contract for a project estimated to cost between $5 million and $20 million. (NRS 408.388) This bill: (1) ~~[removes the limitation on the number of smaller projects for which the Department is authorized to enter into design-build contracts in a fiscal year; and (2)]~~ decreases to ~~[$1]~~ **$10** million the threshold at which the Department is authorized **generally** to enter into a design-build contract for a project ~~[.]~~ **; and (2) revises the authorization for the Department to enter into smaller design-build contracts from once each fiscal year to twice each fiscal year, and also revises the upper limit on the estimated cost of such a contract to $10 million.**

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

Section 1. NRS 408.388 is hereby amended to read as follows:

408.388 1. Except as otherwise provided in NRS 408.5471 to 408.549, inclusive, the Department may contract with a design-build team for the design and construction of a project if the Department determines that:

(a) Except as otherwise provided in subsection 2, the ~~[1. The]~~ estimated cost of the project exceeds ~~[$20,000,000;]~~ ~~[$1,000,000;]~~ ***$10,000,000;*** and

(b) ~~[2.]~~ Contracting with a design-build team will enable the Department to:

(1) ~~[(a)]~~ Design and construct the project at a cost that is significantly lower than the cost that the Department would incur to design and construct the project using a different method;

(2) ~~[(b)]~~ Design and construct the project in a shorter time than would be required to complete the project using a different method, if exigent circumstances require that the project be designed and constructed within a short time; or

(3) ~~[(c)]~~ Ensure that the design and construction of the project is properly coordinated, if the project is unique, highly technical and complex in nature.

2. Notwithstanding the provisions of subsection 1, the Department may, ~~[once]~~ ***twice*** in each fiscal year, contract with a design-build team for the design and construction of a project the estimated cost of which is at least $5,000,000 but less than ~~[$20,000,000]~~ ***$10,000,000*** if the Department makes the determinations otherwise required pursuant to paragraph (b) of subsection 1.

Sec. 2. This act becomes effective on July 1, 2011.

Assemblywoman Dondero Loop moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 215.

Bill read second time.

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

Amendment No. 217.

AN ACT relating to utilities; authorizing certain public utilities that purchase natural gas for resale and electric utilities to request approval from the Public Utilities Commission of Nevada to make quarterly rate adjustments based on deferred accounting; requiring that written notices which are provided to customers of certain public utilities that purchase natural gas for resale and electric utilities contain information about the review of certain quarterly rate adjustments by the Commission; authorizing the Commission to allow public utilities that purchase natural gas for resale **and electric utilities** to apply for certain additional rate adjustments upon a showing of good cause; prohibiting **public utilities which purchase natural gas for resale and** electric utilities from applying for certain ~~[additional]~~ **annual** rate adjustments after receiving approval from the Commission to make quarterly rate adjustments based on deferred accounting; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes certain public utilities that purchase natural gas for resale and certain electric utilities to use deferred accounting to reflect changes in the cost of purchased natural gas, fuel or power. (NRS 704.185, 704.187) **Section 5** of this bill authorizes a public utility which purchases

natural gas for resale and which ~~[requests approval from the Public Utilities Commission of Nevada to adjust]~~ **adjusts** its rates on a quarterly basis based on the fluctuating price of natural gas to ~~[include with that request a]~~ request ~~[for]~~ approval to make quarterly **adjustments to its** deferred energy accounting ~~[adjustments.]~~ **adjustment. Section 5** also authorizes an electric utility that is required to make quarterly adjustments based on the fluctuating price of fuel or power to request approval from the Commission to make quarterly **adjustments to its** deferred energy accounting ~~[adjustments.]~~ **adjustment. Section 5** further requires a utility that receives approval to make any quarterly adjustments to provide its customers with written notice that includes information relating to when the adjustments will be reviewed by the Commission. **Section** ~~[6 of this bill]~~ **5 also** authorizes **the Commission to approve, upon a showing of good cause, certain additional quarterly adjustments for** a public utility which purchases natural gas for resale and **an electric utility** which has received approval from the Commission to make ~~[such]~~ **quarterly** adjustments to ~~[apply for additional]~~ **its** deferred energy accounting ~~[adjustments only upon a showing of good cause. Section]~~ **adjustment. Sections 6 and 7** of this bill ~~[prohibits]~~ **provide that a public utility which purchases natural gas for resale or** an electric utility ~~[that]~~ **which** has received approval from the Commission to make ~~[such]~~ **quarterly** adjustments ~~[from applying]~~ **to its deferred energy accounting adjustment is not eligible to apply** for any additional **adjustment to its** deferred energy accounting ~~[adjustments.]~~ **adjustment in its annual deferred energy accounting adjustment application.**

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

Section 1. NRS 703.320 is hereby amended to read as follows:

703.320 Except as otherwise provided in subsections ~~[8 and]~~ 9 ***and 11*** of NRS 704.110:

1. In any matter pending before the Commission, if a hearing is required by a specific statute or is otherwise required by the Commission, the Commission shall give notice of the pendency of the matter to all persons entitled to notice of the hearing. The Commission shall by regulation specify:

(a) The manner of giving notice in each type of proceeding; and

(b) The persons entitled to notice in each type of proceeding.

2. The Commission shall not dispense with a hearing:

(a) In any matter pending before the Commission pursuant to NRS 704.7561 to 704.7595, inclusive; or

(b) Except as otherwise provided in paragraph (f) of subsection 1 of NRS 704.100, in any matter pending before the Commission pursuant to NRS 704.061 to 704.110, inclusive, in which an electric utility has filed a general rate application or an annual deferred energy accounting adjustment application pursuant to NRS 704.187.

3. In any other matter pending before the Commission, the Commission may dispense with a hearing and act upon the matter pending unless, within 10 days after the date of the notice of pendency, a person entitled to notice of the hearing files with the Commission a request that the hearing be held. If such a request for a hearing is filed, the Commission shall give at least 10 days' notice of the hearing.

4. As used in this section, "electric utility" has the meaning ascribed to it in NRS 704.187.

Sec. 2. NRS 704.062 is hereby amended to read as follows:

704.062 "Application to make changes in any schedule" and "application" include, without limitation:

1. A general rate application;

2. An application to recover the ~~[~~increased~~]~~ cost of purchased fuel, purchased power, or natural gas purchased for resale; ~~[~~and~~]~~

3. An annual deferred energy accounting adjustment application ~~[.]~~ ***; and***

4. An annual rate adjustment application.

Sec. 3. NRS 704.069 is hereby amended to read as follows:

704.069 1. Except as otherwise provided in subsections ~~[~~8 and~~]~~ 9 ***and 11*** of NRS 704.110, the Commission shall conduct a consumer session to solicit comments from the public in any matter pending before the Commission pursuant to NRS 704.061 to 704.110, inclusive, in which:

(a) A public utility has filed a general rate application, an application to recover the increased cost of purchased fuel, purchased power, or natural gas purchased for resale, an annual deferred energy accounting adjustment application pursuant to NRS 704.187 or an annual rate adjustment application; and

(b) The changes proposed in the application will result in an increase in annual gross operating revenue, as certified by the applicant, in an amount that will exceed $50,000 or 10 percent of the applicant's annual gross operating revenue, whichever is less.

2. In addition to the case-specific consumer sessions required by subsection 1, the Commission shall, during each calendar year, conduct at least one general consumer session in the county with the largest population in this State and at least one general consumer session in the county with the second largest population in this State. At each general consumer session, the Commission shall solicit comments from the public on issues concerning public utilities. Not later than 60 days after each general consumer session, the Commission shall submit the record from the general consumer session to the Legislative Commission.

Sec. 4. NRS 704.100 is hereby amended to read as follows:

704.100 1. Except as otherwise provided in NRS 704.075 and 704.68861 to 704.68887, inclusive, or as may otherwise be provided by the Commission pursuant to NRS 704.095 or 704.097:

(a) A public utility shall not make changes in any schedule, unless the public utility:

(1) Files with the Commission an application to make the proposed changes and the Commission approves the proposed changes pursuant to NRS 704.110; or

(2) Files the proposed changes with the Commission using a letter of advice in accordance with the provisions of paragraph (f).

(b) A public utility shall adjust its rates on a quarterly basis between annual rate adjustment applications pursuant to subsection 8 of NRS 704.110 based on changes in the public utility's recorded costs of natural gas purchased for resale.

(c) An electric utility shall, between annual deferred energy accounting adjustment applications filed pursuant to NRS 704.187, adjust its rates on a quarterly basis pursuant to subsection ~~[9]~~ ***10*** of NRS 704.110.

(d) A public utility shall post copies of all proposed schedules and all new or amended schedules in the same offices and in substantially the same form, manner and places as required by NRS 704.070 for the posting of copies of schedules that are currently in force.

(e) A public utility may not set forth as justification for a rate increase any items of expense or rate base that previously have been considered and disallowed by the Commission, unless those items are clearly identified in the application and new facts or considerations of policy for each item are advanced in the application to justify a reversal of the prior decision of the Commission.

(f) Except as otherwise provided in paragraph (g), if the proposed change in any schedule does not change any rate or will result in an increase in annual gross operating revenue, as certified by the public utility, in an amount that does not exceed $2,500:

(1) The public utility may file the proposed change with the Commission using a letter of advice in lieu of filing an application; and

(2) The Commission shall determine whether it should dispense with a hearing regarding the proposed change.

(g) If the applicant is a small-scale provider of last resort and the proposed change in any schedule will result in an increase in annual gross operating revenue, as certified by the applicant, in an amount that does not exceed $50,000 or 10 percent of the applicant's annual gross operating revenue, whichever is less, the Commission shall determine whether it should dispense with a hearing regarding the proposed change.

(h) In making the determination pursuant to paragraph (f) or (g), the Commission shall first consider all timely written protests, any presentation that the Regulatory Operations Staff of the Commission may desire to present, the application of the public utility and any other matters deemed relevant by the Commission.

2. As used in this section, "electric utility" has the meaning ascribed to it in NRS 704.187.

Sec. 5. NRS 704.110 is hereby amended to read as follows:

704.110 Except as otherwise provided in NRS 704.075 and 704.68861 to 704.68887, inclusive, or as may otherwise be provided by the Commission pursuant to NRS 704.095 or 704.097:

1. If a public utility files with the Commission an application to make changes in any schedule, including, without limitation, changes that will result in a discontinuance, modification or restriction of service, the Commission shall investigate the propriety of the proposed changes to determine whether to approve or disapprove the proposed changes. If an electric utility files such an application and the application is a general rate application or an annual deferred energy accounting adjustment application, the Consumer's Advocate shall be deemed a party of record.

2. Except as otherwise provided in subsection 3, if a public utility files with the Commission an application to make changes in any schedule, the Commission shall, not later than 210 days after the date on which the application is filed, issue a written order approving or disapproving, in whole or in part, the proposed changes.

3. If a public utility files with the Commission a general rate application, the public utility shall submit with its application a statement showing the recorded results of revenues, expenses, investments and costs of capital for its most recent 12 months for which data were available when the application was prepared. Except as otherwise provided in subsection 4, in determining whether to approve or disapprove any increased rates, the Commission shall consider evidence in support of the increased rates based upon actual recorded results of operations for the same 12 months, adjusted for increased revenues, any increased investment in facilities, increased expenses for depreciation, certain other operating expenses as approved by the Commission and changes in the costs of securities which are known and are measurable with reasonable accuracy at the time of filing and which will become effective within 6 months after the last month of those 12 months, but the public utility shall not place into effect any increased rates until the changes have been experienced and certified by the public utility to the Commission and the Commission has approved the increased rates. The Commission shall also consider evidence supporting expenses for depreciation, calculated on an annual basis, applicable to major components of the public utility's plant placed into service during the recorded test period or the period for certification as set forth in the application. Adjustments to revenues, operating expenses and costs of securities must be calculated on an annual basis. Within 90 days after the date on which the certification required by this subsection is filed with the Commission, or within the period set forth in subsection 2, whichever time is longer, the Commission shall make such order in reference to the increased rates as is required by this chapter. The following public utilities shall each file a general rate application pursuant to this subsection based on the following schedule:

(a) An electric utility that primarily serves less densely populated counties shall file a general rate application not later than 5 p.m. on or before the first Monday in June 2010, and at least once every 36 months thereafter.

(b) An electric utility that primarily serves densely populated counties shall file a general rate application not later than 5 p.m. on or before the first Monday in June 2011, and at least once every 36 months thereafter.

(c) A public utility that furnishes water for municipal, industrial or domestic purposes or services for the disposal of sewage, or both, which had an annual gross operating revenue of $2,000,000 or more for at least 1 year during the immediately preceding 3 years and which had not filed a general rate application with the Commission on or after July 1, 2005, shall file a general rate application on or before June 30, 2008, and at least once every 36 months thereafter unless waived by the Commission pursuant to standards adopted by regulation of the Commission. If a public utility furnishes both water and services for the disposal of sewage, its annual gross operating revenue for each service must be considered separately for determining whether the public utility meets the requirements of this paragraph for either service.

(d) A public utility that furnishes water for municipal, industrial or domestic purposes or services for the disposal of sewage, or both, which had an annual gross operating revenue of $2,000,000 or more for at least 1 year during the immediately preceding 3 years and which had filed a general rate application with the Commission on or after July 1, 2005, shall file a general rate application on or before June 30, 2009, and at least once every 36 months thereafter unless waived by the Commission pursuant to standards adopted by regulation of the Commission. If a public utility furnishes both water and services for the disposal of sewage, its annual gross operating revenue for each service must be considered separately for determining whether the public utility meets the requirements of this paragraph for either service.

➥ The Commission shall adopt regulations setting forth standards for waivers pursuant to paragraphs (c) and (d) and for including the costs incurred by the public utility in preparing and presenting the general rate application before the effective date of any change in rates.

4. In addition to submitting the statement required pursuant to subsection 3, a public utility may submit with its general rate application a statement showing the effects, on an annualized basis, of all expected changes in circumstances. If such a statement is filed, it must include all increases and decreases in revenue and expenses which may occur within 210 days after the date on which its general rate application is filed with the Commission if such expected changes in circumstances are reasonably known and are measurable with reasonable accuracy. If a public utility submits such a statement, the public utility has the burden of proving that the expected changes in circumstances set forth in the statement are reasonably known and are measurable with reasonable accuracy. The Commission shall consider

expected changes in circumstances to be reasonably known and measurable with reasonable accuracy if the expected changes in circumstances consist of specific and identifiable events or programs rather than general trends, patterns or developments, have an objectively high probability of occurring to the degree, in the amount and at the time expected, are primarily measurable by recorded or verifiable revenues and expenses and are easily and objectively calculated, with the calculation of the expected changes relying only secondarily on estimates, forecasts, projections or budgets. If the Commission determines that the public utility has met its burden of proof:

(a) The Commission shall consider the statement submitted pursuant to this subsection and evidence relevant to the statement, including all reasonable projected or forecasted offsets in revenue and expenses that are directly attributable to or associated with the expected changes in circumstances under consideration, in addition to the statement required pursuant to subsection 3 as evidence in establishing just and reasonable rates for the public utility; and

(b) The public utility is not required to file with the Commission the certification that would otherwise be required pursuant to subsection 3.

5. If a public utility files with the Commission an application to make changes in any schedule and the Commission does not issue a final written order regarding the proposed changes within the time required by this section, the proposed changes shall be deemed to be approved by the Commission.

6. If a public utility files with the Commission a general rate application, the public utility shall not file with the Commission another general rate application until all pending general rate applications filed by that public utility have been decided by the Commission unless, after application and hearing, the Commission determines that a substantial financial emergency would exist if the public utility is not permitted to file another general rate application sooner. The provisions of this subsection do not prohibit the public utility from filing with the Commission, while a general rate application is pending, an application to recover the increased cost of purchased fuel, purchased power, or natural gas purchased for resale pursuant to subsection 7, a quarterly rate adjustment pursuant to subsection 8 or ~~[9,]~~ ***10,*** any information relating to deferred accounting requirements pursuant to NRS 704.185 or an annual deferred energy accounting adjustment application pursuant to NRS 704.187, if the public utility is otherwise authorized to so file by those provisions.

7. A public utility may file an application to recover the increased cost of purchased fuel, purchased power, or natural gas purchased for resale once every 30 days. The provisions of this subsection do not apply to:

(a) An electric utility which is required to adjust its rates on a quarterly basis pursuant to subsection ~~[9,]~~ ***10;*** or

(b) A ~~*[Except as otherwise provided in subsection 5 of NRS 704.185, a]*~~ public utility which purchases natural gas for resale and which adjusts its

rates on a quarterly basis ~~[between annual rate adjustment applications]~~ pursuant to subsection 8.

8. A public utility which purchases natural gas for resale must request approval from the Commission to adjust its rates on a quarterly basis between annual rate adjustment applications based on changes in the public utility's recorded costs of natural gas purchased for resale. ***A*** ~~*[request by a]*~~ ***public utility*** ~~*[for approval to adjust]*~~ ***which adjusts its rates on a quarterly basis may*** ~~*[include a]*~~ ***request*** ~~*[for]*~~ ***approval from the Commission to make quarterly adjustments to its deferred energy accounting*** ~~*[adjustments to its rates on a quarterly basis.]*~~ ***adjustment. The Commission shall*** ~~*[not]*~~ ***approve or deny such a request not later than 120 days after the application is filed with the Commission. The Commission may approve the request if the Commission finds that the quarterly adjustment is in the best interest of the public. If the Commission approves a request*** ~~*[for]*~~ ***to make quarterly adjustments to the deferred energy accounting*** ~~*[adjustments for]*~~ ***adjustment of a public utility pursuant to this subsection*** ~~*[unless the balance of the public utility's deferred account is an amount greater than 5 percent of the public utility's annual recorded costs of natural gas which are used to calculate quarterly rate adjustments between annual rate adjustment applications. Any]*~~ ***, any quarterly adjustment to the deferred energy accounting adjustment*** ~~*[that is approved for a public utility pursuant to this subsection]*~~ ***must not exceed 2.5 cents per therm of natural gas. The Commission shall not approve a deferred energy accounting adjustment if the balance of the public utility's deferred account varies by less than 5 percent from the public utility's annual recorded costs of natural gas which are used to calculate quarterly rate adjustments.***

9. If the Commission approves ~~[such]~~ a request ~~[:]~~ ***to make any rate adjustments on a quarterly basis pursuant to subsection 8:***

(a) The public utility shall file written notice with the Commission before the public utility makes a quarterly rate adjustment **.** ~~[between annual rate adjustment applications.]~~ A quarterly rate adjustment is not subject to the requirements for notice and a hearing pursuant to NRS 703.320 or the requirements for a consumer session pursuant to subsection 1 of NRS 704.069.

(b) The public utility shall provide written notice of each quarterly rate adjustment to its customers by including the written notice with a customer's regular monthly bill. The public utility shall begin providing such written notice to its customers not later than 30 days after the date on which the public utility files its written notice with the Commission pursuant to paragraph (a). The written notice that is included with a customer's regular monthly bill:

(1) Must be printed separately on fluorescent-colored paper and must not be attached to the pages of the bill; and

(2) Must include the following:

(I) The total amount of the increase or decrease in the public utility's revenues from the rate adjustment, stated in dollars and as a percentage;

(II) The amount of the monthly increase or decrease in charges for each class of customer or class of service, stated in dollars and as a percentage;

(III) A statement that customers may send written comments or protests regarding the rate adjustment to the Commission; ~~[and]~~

(IV) ***A statement that the transactions and recorded costs of natural gas which are the basis for any quarterly rate adjustment will be reviewed for reasonableness and prudence in the next proceeding held by the Commission to review the annual rate adjustment application pursuant to paragraph (d); and***

(V) Any other information required by the Commission.

(c) The public utility shall file an annual rate adjustment application with the Commission. The annual rate adjustment application is subject to the requirements for notice and a hearing pursuant to NRS 703.320 and the requirements for a consumer session pursuant to subsection 1 of NRS 704.069.

(d) The proceeding regarding the annual rate adjustment application must include a review of each quarterly rate adjustment ***, each deferred energy accounting adjustment*** and ~~[a review of]~~ the transactions and recorded costs of natural gas included in each quarterly ~~[rate adjustment]~~ ***filing*** and the annual rate adjustment application. There is no presumption of reasonableness or prudence for any quarterly rate adjustment or for any transactions or recorded costs of natural gas included in any quarterly rate adjustment or the annual rate adjustment application, and the public utility has the burden of proving reasonableness and prudence in the proceeding.

(e) The Commission shall not allow the public utility to recover any recorded costs of natural gas which were the result of any practice or transaction that was unreasonable or was undertaken, managed or performed imprudently by the public utility, and the Commission shall order the public utility to adjust its rates if the Commission determines that any recorded costs of natural gas included in any quarterly rate adjustment or the annual rate adjustment application were not reasonable or prudent.

~~[9.]~~ ***10.*** An electric utility shall adjust its rates on a quarterly basis based on changes in the ~~[public]~~ ***electric*** utility's recorded costs of purchased fuel or purchased power ***.*** ~~[in the following manner:]~~ ***In addition to adjusting its rates on a quarterly basis, an electric utility may request approval from the Commission to make quarterly adjustments to its deferred energy accounting*** ~~*[adjustments to its rates on a quarterly basis.]*~~ ***adjustment. The Commission shall*** ~~*[not]*~~ ***approve or deny such a request not later than 120 days after the application is filed with the Commission. The Commission may approve the request if the Commission finds that the quarterly adjustment is in the best interest of the public. If the Commission approves a request*** ~~*[for]*~~ ***to make quarterly adjustments to the deferred energy***

accounting ~~[adjustments for]~~ adjustment of an electric utility pursuant to this subsection ~~[unless]~~ , any quarterly adjustment to the deferred energy accounting adjustment must not exceed 0.25 cents per kilowatt-hour of electricity. The Commission shall not approve a deferred energy accounting adjustment if the balance of the electric utility's deferred account ~~[is an amount greater]~~ varies by less than 5 percent ~~[of]~~ from the electric utility's annual recorded costs for purchased fuel or purchased power which are used to calculate quarterly rate adjustments. ~~[Any quarterly deferred energy accounting adjustment that is approved for an electric utility pursuant to this subsection must not exceed 0.25 cents per kilowatt-hour of electricity.]~~

11. A quarterly ~~[rate]~~ adjustment to a deferred energy accounting adjustment filed pursuant to subsection 10 is subject to the following requirements:

(a) ~~[~~An~~]~~ ***The*** electric utility shall file written notice with the Commission on or before August 15, 2007, and every quarter thereafter of the quarterly rate adjustment to be made by the electric utility for the following quarter. The first quarterly rate adjustment by the electric utility will take effect on October 1, 2007, and each subsequent quarterly rate adjustment will take effect every quarter thereafter. ***The first quarterly adjustment to a deferred energy accounting adjustment must be made pursuant to an order issued by the Commission approving the application of an electric utility to make quarterly adjustments to its deferred energy accounting adjustment.*** A quarterly ~~[rate]~~ adjustment ***to a deferred energy accounting adjustment*** is not subject to the requirements for notice and a hearing pursuant to NRS 703.320 or the requirements for a consumer session pursuant to subsection 1 of NRS 704.069.

(b) ~~[~~Each~~]~~ ***The*** electric utility shall provide written notice of each quarterly rate adjustment to its customers by including the written notice with a customer's regular monthly bill. The electric utility shall begin providing such written notice to its customers not later than 30 days after the date on which the electric utility files a written notice with the Commission pursuant to paragraph (a). The written notice that is included with a customer's regular monthly bill:

(1) Must be printed separately on fluorescent-colored paper and must not be attached to the pages of the bill; and

(2) Must include the following:

(I) The total amount of the increase or decrease in the electric utility's revenues from the rate adjustment, stated in dollars and as a percentage;

(II) The amount of the monthly increase or decrease in charges for each class of customer or class of service, stated in dollars and as a percentage;

(III) A statement that customers may send written comments or protests regarding the rate adjustment to the Commission; ~~[~~and~~]~~

(IV) ***A statement that the transactions and recorded costs of purchased fuel or purchased power which are the basis for any quarterly rate adjustment will be reviewed for reasonableness and prudence in the next proceeding held by the Commission to review the annual deferred energy accounting adjustment application pursuant to paragraph (d); and***

(V) Any other information required by the Commission.

(c) ~~[An]~~ ***The*** electric utility shall file an annual deferred energy accounting adjustment application pursuant to NRS 704.187 with the Commission. The annual deferred energy accounting adjustment application is subject to the requirements for notice and a hearing pursuant to NRS 703.320 and the requirements for a consumer session pursuant to subsection 1 of NRS 704.069.

(d) The proceeding regarding the annual deferred energy accounting adjustment application must include a review of each quarterly rate adjustment ***, each deferred energy accounting adjustment*** and ~~[a review of]~~ the transactions and recorded costs of purchased fuel and purchased power included in each quarterly ~~[rate adjustment]~~ ***filing*** and the annual deferred energy accounting adjustment application. There is no presumption of reasonableness or prudence for any quarterly rate adjustment or for any transactions or recorded costs of purchased fuel and purchased power included in any quarterly rate adjustment or the annual deferred energy accounting adjustment application, and the electric utility has the burden of proving reasonableness and prudence in the proceeding.

(e) The Commission shall not allow the electric utility to recover any recorded costs of purchased fuel and purchased power which were the result of any practice or transaction that was unreasonable or was undertaken, managed or performed imprudently by the electric utility, and the Commission shall order the electric utility to adjust its rates if the Commission determines that any recorded costs of purchased fuel and purchased power included in any quarterly rate adjustment or the annual deferred energy accounting adjustment application were not reasonable or prudent.

~~[10.]~~ ***12.*** If an electric utility files an annual deferred energy accounting adjustment application pursuant to subsection ~~[9]~~ ***11*** and NRS 704.187 while a general rate application is pending, the electric utility shall:

(a) Submit with its annual deferred energy accounting adjustment application information relating to the cost of service and rate design; and

(b) Supplement its general rate application with the same information, if such information was not submitted with the general rate application.

~~[11.]~~ ***13.*** A utility facility identified in a 3-year plan submitted pursuant to NRS 704.741 and accepted by the Commission for acquisition or construction pursuant to NRS 704.751 and the regulations adopted pursuant thereto shall be deemed to be a prudent investment. The utility may recover all just and reasonable costs of planning and constructing such a facility.

~~[12.]~~ ***14.*** In regard to any rate or schedule approved or disapproved pursuant to this section, the Commission may, after a hearing:

(a) Upon the request of the utility, approve a new rate but delay the implementation of that new rate:

(1) Until a date determined by the Commission; and

(2) Under conditions as determined by the Commission, including, without limitation, a requirement that interest charges be included in the collection of the new rate; and

(b) Authorize a utility to implement a reduced rate for low-income residential customers.

~~[13.]~~ ***15. The Commission may, upon request and for good cause shown, permit a public utility which purchases natural gas for resale or an electric utility to make a quarterly adjustment to its deferred energy accounting adjustment in excess of the maximum allowable adjustment pursuant to subsection 8 or 10.***

16. A public utility or an electric utility that makes quarterly adjustments to its deferred energy accounting adjustment pursuant to subsection 8 or 10 may submit to the Commission for approval an application to discontinue making quarterly adjustments to its deferred energy accounting adjustment and to subsequently make annual adjustments to its deferred energy accounting adjustment. The Commission may approve an application submitted pursuant to this subsection if the Commission finds that approval of the application is in the best interest of the public.

17. As used in this section:

(a) "***Deferred energy accounting adjustment" means*** ~~*[an adjustment to a rate by:*~~

~~*(1) A public utility which purchases natural gas for resale based on deferred accounting pursuant to NRS 704.185; or*~~

~~*(2) An electric utility which purchases fuel or power based on deferred accounting pursuant to NRS 704.187.]*~~ ***the rate of a public utility which purchases natural gas for resale or an electric utility that is calculated by dividing the balance of a deferred account during a specified period by the total therms or kilowatt-hours which have been sold in the geographical area to which the rate applies during the specified period.***

(b) **"**Electric utility" has the meaning ascribed to it in NRS 704.187.

~~[(b)]~~ ***(c)*** **"**Electric utility that primarily serves densely populated counties" means an electric utility that, with regard to the provision of electric service, derives more of its annual gross operating revenue in this State from customers located in counties whose population is 400,000 or more than it does from customers located in counties whose population is less than 400,000.

~~[(c)]~~ ***(d)*** **"**Electric utility that primarily serves less densely populated counties" means an electric utility that, with regard to the provision of electric service, derives more of its annual gross operating revenue in this

State from customers located in counties whose population is less than 400,000 than it does from customers located in counties whose population is 400,000 or more.

Sec. 6. NRS 704.185 is hereby amended to read as follows:

704.185 1. Except as otherwise provided in subsection 8 of NRS 704.110, a public utility which purchases natural gas for resale may record upon its books and records in deferred accounts all cost increases or decreases in the natural gas purchased for resale. Any public utility which uses deferred accounting to reflect changes in costs of natural gas purchased for resale shall include in its annual report to the Commission a statement showing the allocated rate of return for each of its operating departments in Nevada which uses deferred accounting.

2. ~~[If the rate of return for any department using deferred accounting pursuant to subsection 1 is greater than the rate of return allowed by the Commission in the last rate proceeding, the Commission shall order the utility which recovered any costs of natural gas purchased for resale through rates during the reported period to transfer to the next energy adjustment period that portion of such recovered amounts which exceeds the authorized rate of return.~~

~~3.]~~ A public utility which purchases natural gas for resale may request approval from the Commission to record upon its books and records in deferred accounts any other cost or revenue which the Commission deems appropriate for deferred accounting and which is not otherwise subject to the provisions of ~~[subsections]~~ ***subsection*** 1 ***.*** ~~[and 2.]~~ If the Commission approves such a request, the Commission shall determine the appropriate requirements for reporting and recovery that the public utility must follow with regard to each such deferred account.

~~[4.]~~ ***3.*** When a public utility which purchases natural gas for resale files an ***annual rate adjustment application or an annual deferred energy accounting adjustment*** application ***,*** ~~[to clear its deferred accounts,]~~ the proceeding regarding the application must include a review of the transactions and recorded costs of natural gas included in the application. There is no presumption of reasonableness or prudence for any transactions or recorded costs of natural gas included in the application, and the public utility has the burden of proving reasonableness and prudence in the proceeding.

4. ~~*[Except as otherwise provided in subsection 5, a]*~~ ***A public utility which purchases natural gas for resale and which has received approval from the Commission to make quarterly adjustments to a deferred energy accounting*** ~~*[adjustments]*~~ ***adjustment pursuant to subsection 8 of NRS 704.110 is not eligible to*** ~~*[submit any other application for a deferred energy accounting adjustment or]*~~ ***request*** ~~*[a]*~~ ***an adjustment to its deferred energy accounting adjustment in its annual rate adjustment application.***

~~*[5. The Commission may authorize a public utility which purchases natural gas for resale and which has received approval from the Commission*~~

~~*to make quarterly deferred energy accounting adjustments pursuant to subsection 8 of NRS 704.110 to submit an application for any additional deferred energy accounting adjustment upon a showing of good cause. Any additional deferred energy accounting adjustment approved pursuant to this subsection is subject to the notice and hearing requirements for quarterly rate adjustments pursuant to subsection 9 of NRS 704.110.]*~~

Sec. 7. NRS 704.187 is hereby amended to read as follows:

704.187 1. An electric utility that purchases fuel or power shall use deferred accounting by recording upon its books and records in deferred accounts all increases and decreases in costs for purchased fuel and purchased power that are prudently incurred by the electric utility.

2. An electric utility using deferred accounting shall include in its annual report to the Commission a statement showing, for the period of recovery, the allocated rate of return for each of its operating departments in this State using deferred accounting. ~~[If, during the period of recovery, the rate of return for any operating department using deferred accounting is greater than the rate of return authorized by the Commission in the most recently completed rate proceeding for the electric utility, the Commission shall order the electric utility that recovered costs for purchased fuel or purchased power through its rates during the reported period to transfer to the next energy adjustment period that portion of the amount recovered by the electric utility that exceeds the authorized rate of return.]~~

3. Except as otherwise provided in this section, an electric utility using deferred accounting shall file an annual deferred energy accounting adjustment application on or before March 1, 2008, and on or before March 1 of each year thereafter.

4. ***An electric utility that purchases fuel or power and has received approval from the Commission to make quarterly adjustments to its deferred energy accounting*** ~~*[adjustments]*~~ ***adjustment pursuant to subsection 10 of NRS 704.110 is not eligible to*** ~~*[submit any other application for a]*~~ ***request an adjustment to its deferred energy accounting adjustment*** ~~*[.]*~~ ***in its annual deferred energy accounting adjustment application.***

5. As used in this section:

(a) "Annual deferred energy accounting adjustment application" means an application filed by an electric utility pursuant to this section and subsection ~~[9]~~ ***11*** of NRS 704.110.

(b) "Costs for purchased fuel and purchased power" means all costs which are prudently incurred by an electric utility and which are required to purchase fuel, to purchase capacity and to purchase energy. The term does not include any costs that the Commission determines are not recoverable pursuant to subsection ~~[9]~~ ***11*** of NRS 704.110.

(c) "Electric utility" means any public utility or successor in interest that:

(1) Is in the business of providing electric service to customers;

(2) Holds a certificate of public convenience and necessity issued or transferred pursuant to this chapter; and

(3) In the most recently completed calendar year or in any other calendar year within the 7 calendar years immediately preceding the most recently completed calendar year, had a gross operating revenue of $250,000,000 or more in this State.

➥ The term does not include a cooperative association, nonprofit corporation, nonprofit association or provider of electric service which is declared to be a public utility pursuant to NRS 704.673 and which provides service only to its members.

Sec. 8. **This act becomes effective upon passage and approval.**

Assemblyman Atkinson moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 221.

Bill read second time.

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

Amendment No. 146.

AN ACT relating to the practice of pharmacy; establishing provisions governing the dispensing of a ~~[therapeutically equivalent]~~ **therapeutic alternative** drug **;** ~~[in place of a drug that is prescribed by a practitioner;]~~ providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the substitution by a pharmacist of a generic drug for a prescribed drug if the generic drug is biologically equivalent to and has the same active ingredients as the prescribed drug. (NRS 639.2583) **Section 1** of this bill authorizes a pharmacist to dispense a ~~[therapeutically equivalent]~~ **therapeutic alternative** drug in place of a prescribed drug under certain circumstances if the pharmacist has obtained the consent of the prescribing practitioner **.** ~~[and the person presenting the prescription.]~~ The substitution of a generic drug differs from a therapeutic interchange authorized by **section 1** in that the ~~[therapeutically equivalent]~~ **therapeutic alternative** drug that is being dispensed is not ~~[biologically]~~ **pharmaceutically** equivalent to the prescribed drug. **Sections 2-10** of this bill amend existing laws that reference the substitution of generic drugs to also reference therapeutic interchanges.

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

Section 1. Chapter 639 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A pharmacist who fills or refills a prescription shall not dispense a ~~[therapeutically equivalent]~~ therapeutic alternative drug in place of a drug

that is prescribed by a practitioner unless the pharmacist has obtained consent for such therapeutic interchange from the prescribing practitioner . ~~[and the person who presents the prescription.]~~ The pharmacist may obtain consent through any oral, written or electronic means deemed appropriate by the pharmacist.

2. ~~[Before a pharmacist:~~

~~(a) Discusses a therapeutically equivalent drug with or suggests a therapeutic interchange to a person who presents a prescription, the pharmacist shall discuss the proposed therapeutic interchange with and obtain consent from the prescribing practitioner.~~

~~(b) Dispenses a therapeutically equivalent drug in place of a drug that is prescribed by a practitioner, the pharmacist shall:~~

~~(1) Advise the person who presents the prescription that the pharmacist intends to dispense a therapeutically equivalent drug in place of the drug that is prescribed by the practitioner; and~~

~~(2) Advise the person that he or she may refuse to accept the therapeutically equivalent drug that the pharmacist intends to dispense.~~

~~3. A pharmacist who dispenses a therapeutically equivalent drug in place of a drug that is prescribed by a practitioner shall maintain in the health care record of the patient for whom the drug was dispensed a record of the consent obtained pursuant to this section.~~

~~4. If a therapeutically equivalent drug is dispensed in place of a drug that is prescribed by a practitioner pursuant to this section, the pharmacist or practitioner:~~

~~(a) Shall note the name of the manufacturer, packer or distributor of the drug actually dispensed on the prescription; and~~

~~(b) Unless prohibited by the practitioner, may indicate the therapeutic interchange by writing or typing on the label the words "in place of" following the name of the therapeutically equivalent drug and preceding the name of the prescribed drug.~~

~~5. The provisions of this section also apply to a prescription issued to a person by a practitioner from outside this State.~~

~~6.]~~ As used in this section:

(a) "Food and Drug Administration" means the United States Food and Drug Administration of the United States Department of Health and Human Services.

(b) "Therapeutic alternative drug" means a drug that is:

(1) Approved by the Food and Drug Administration pursuant to the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. §§ 301 et seq.;

(2) In the same therapeutic class and approved for the same indication as another drug; and

(3) Not a therapeutically equivalent drug.

(c) "Therapeutic interchange" means the dispensing of a ~~[therapeutically equivalent]~~ therapeutic alternative drug . ~~[in place of a drug that is prescribed by a practitioner.~~

~~*(b)]*~~

(d) "Therapeutically equivalent drug" means a drug that is ~~*[expected to produce the same clinical effect and safety profile as a drug that is prescribed by a practitioner but is not biologically equivalent to that prescribed drug.]*~~ ***:***

(1) Approved by the Food and Drug Administration pursuant to the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. §§ 301 et seq.;

(2) Pharmaceutically equivalent, based on the scientific and medical evaluations of the Food and Drug Administration, to a brand name drug, including, without limitation, having the same active ingredient, dosage form, strength and route of administration, and is bioequivalent to the brand name drug; and

(3) Assigned a therapeutic equivalence code starting with the letter "A" in accordance with the most recently published edition of the "Approved Drug Products with Therapeutic Equivalence Evaluations" published by the Food and Drug Administration and any cumulative supplements thereto.

Sec. 2. NRS 639.259 is hereby amended to read as follows:

639.259 No employer of a pharmacist may require the pharmacist to dispense any specific generic drug in substitution for another drug if the:

1. Substitution is not permitted by the prescription as signed by a practitioner;

2. Substitution would be against the professional judgment of the pharmacist; or

3. Substitution would violate any provision of NRS 639.2583 to 639.2597, inclusive ~~.]~~ ***, and section 1 of this act.***

Sec. 3. NRS 689A.04045 is hereby amended to read as follows:

689A.04045 1. Except as otherwise provided in this section, a policy of health insurance which provides coverage for prescription drugs must not limit or exclude coverage for a drug if the drug:

(a) Had previously been approved for coverage by the insurer for a medical condition of an insured and the insured's provider of health care determines, after conducting a reasonable investigation, that none of the drugs which are otherwise currently approved for coverage are medically appropriate for the insured; and

(b) Is appropriately prescribed and considered safe and effective for treating the medical condition of the insured.

2. The provisions of subsection 1 do not:

(a) Apply to coverage for any drug that is prescribed for a use that is different from the use for which that drug has been approved for marketing by the Food and Drug Administration;

(b) Prohibit:

(1) The insurer from charging a deductible, copayment or coinsurance for the provision of benefits for prescription drugs to the insured or from

establishing, by contract, limitations on the maximum coverage for prescription drugs;

(2) A provider of health care from prescribing another drug covered by the policy that is medically appropriate for the insured; or

(3) The substitution of another drug pursuant to NRS 639.23286 or 639.2583 to 639.2597, inclusive ~~[.]~~ ***, and section 1 of this act;*** or

(c) Require any coverage for a drug after the term of the policy.

3. Any provision of a policy subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after October 1, 2001, which is in conflict with this section is void.

Sec. 4. NRS 689B.0368 is hereby amended to read as follows:

689B.0368 1. Except as otherwise provided in this section, a policy of group health insurance which provides coverage for prescription drugs must not limit or exclude coverage for a drug if the drug:

(a) Had previously been approved for coverage by the insurer for a medical condition of an insured and the insured's provider of health care determines, after conducting a reasonable investigation, that none of the drugs which are otherwise currently approved for coverage are medically appropriate for the insured; and

(b) Is appropriately prescribed and considered safe and effective for treating the medical condition of the insured.

2. The provisions of subsection 1 do not:

(a) Apply to coverage for any drug that is prescribed for a use that is different from the use for which that drug has been approved for marketing by the Food and Drug Administration;

(b) Prohibit:

(1) The insurer from charging a deductible, copayment or coinsurance for the provision of benefits for prescription drugs to the insured or from establishing, by contract, limitations on the maximum coverage for prescription drugs;

(2) A provider of health care from prescribing another drug covered by the policy that is medically appropriate for the insured; or

(3) The substitution of another drug pursuant to NRS 639.23286 or 639.2583 to 639.2597, inclusive ~~[.]~~ ***, and section 1 of this act;*** or

(c) Require any coverage for a drug after the term of the policy.

3. Any provision of a policy subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after October 1, 2001, which is in conflict with this section is void.

Sec. 5. NRS 689C.168 is hereby amended to read as follows:

689C.168 1. Except as otherwise provided in this section, a health benefit plan which provides coverage for prescription drugs must not limit or exclude coverage for a drug if the drug:

(a) Had previously been approved for coverage by the carrier for a medical condition of an insured and the insured's provider of health care determines, after conducting a reasonable investigation, that none of the

drugs which are otherwise currently approved for coverage are medically appropriate for the insured; and

(b) Is appropriately prescribed and considered safe and effective for treating the medical condition of the insured.

2. The provisions of subsection 1 do not:

(a) Apply to coverage for any drug that is prescribed for a use that is different from the use for which that drug has been approved for marketing by the Food and Drug Administration;

(b) Prohibit:

(1) The carrier from charging a deductible, copayment or coinsurance for the provision of benefits for prescription drugs to the insured or from establishing, by contract, limitations on the maximum coverage for prescription drugs;

(2) A provider of health care from prescribing another drug covered by the plan that is medically appropriate for the insured; or

(3) The substitution of another drug pursuant to NRS 639.23286 or 639.2583 to 639.2597, inclusive ~~[.]~~ ***, and section 1 of this act;*** or

(c) Require any coverage for a drug after the term of the plan.

3. Any provision of a health benefit plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after October 1, 2001, which is in conflict with this section is void.

Sec. 6. NRS 695A.184 is hereby amended to read as follows:

695A.184 1. Except as otherwise provided in this section, a benefit contract which provides coverage for prescription drugs must not limit or exclude coverage for a drug if the drug:

(a) Had previously been approved for coverage by the society for a medical condition of an insured and the insured's provider of health care determines, after conducting a reasonable investigation, that none of the drugs which are otherwise currently approved for coverage are medically appropriate for the insured; and

(b) Is appropriately prescribed and considered safe and effective for treating the medical condition of the insured.

2. The provisions of subsection 1 do not:

(a) Apply to coverage for any drug that is prescribed for a use that is different from the use for which that drug has been approved for marketing by the Food and Drug Administration;

(b) Prohibit:

(1) The society from charging a deductible, copayment or coinsurance for the provision of benefits for prescription drugs to the insured or from establishing, by contract, limitations on the maximum coverage for prescription drugs;

(2) A provider of health care from prescribing another drug covered by the benefit contract that is medically appropriate for the insured; or

(3) The substitution of another drug pursuant to NRS 639.23286 or 639.2583 to 639.2597, inclusive ~~[.]~~ ***, and section 1 of this act;*** or

(c) Require any coverage for a drug after the term of the benefit contract.

3. Any provision of a benefit contract subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after October 1, 2001, which is in conflict with this section is void.

Sec. 7. NRS 695B.1905 is hereby amended to read as follows:

695B.1905 1. Except as otherwise provided in this section, a contract for hospital or medical services which provides coverage for prescription drugs must not limit or exclude coverage for a drug if the drug:

(a) Had previously been approved for coverage by the insurer for a medical condition of an insured and the insured's provider of health care determines, after conducting a reasonable investigation, that none of the drugs which are otherwise currently approved for coverage are medically appropriate for the insured; and

(b) Is appropriately prescribed and considered safe and effective for treating the medical condition of the insured.

2. The provisions of subsection 1 do not:

(a) Apply to coverage for any drug that is prescribed for a use that is different from the use for which that drug has been approved for marketing by the Food and Drug Administration;

(b) Prohibit:

(1) The insurer from charging a deductible, copayment or coinsurance for the provision of benefits for prescription drugs to the insured or from establishing, by contract, limitations on the maximum coverage for prescription drugs;

(2) A provider of health care from prescribing another drug covered by the contract that is medically appropriate for the insured; or

(3) The substitution of another drug pursuant to NRS 639.23286 or 639.2583 to 639.2597, inclusive ~~[.]~~ ***, and section 1 of this act;*** or

(c) Require any coverage for a drug after the term of the contract.

3. Any provision of a contract for hospital or medical services subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after October 1, 2001, which is in conflict with this section is void.

Sec. 8. NRS 695C.1734 is hereby amended to read as follows:

695C.1734 1. Except as otherwise provided in this section, evidence of coverage which provides coverage for prescription drugs must not limit or exclude coverage for a drug if the drug:

(a) Had previously been approved for coverage by the health maintenance organization or insurer for a medical condition of an enrollee and the enrollee's provider of health care determines, after conducting a reasonable investigation, that none of the drugs which are otherwise currently approved for coverage are medically appropriate for the enrollee; and

(b) Is appropriately prescribed and considered safe and effective for treating the medical condition of the enrollee.

2. The provisions of subsection 1 do not:

(a) Apply to coverage for any drug that is prescribed for a use that is different from the use for which that drug has been approved for marketing by the Food and Drug Administration;

(b) Prohibit:

(1) The health maintenance organization or insurer from charging a deductible, copayment or coinsurance for the provision of benefits for prescription drugs to the enrollee or from establishing, by contract, limitations on the maximum coverage for prescription drugs;

(2) A provider of health care from prescribing another drug covered by the evidence of coverage that is medically appropriate for the enrollee; or

(3) The substitution of another drug pursuant to NRS 639.23286 or 639.2583 to 639.2597, inclusive ~~[.]~~ ***, and section 1 of this act;*** or

(c) Require any coverage for a drug after the term of the evidence of coverage.

3. Any provision of an evidence of coverage subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after October 1, 2001, which is in conflict with this section is void.

Sec. 9. NRS 695F.156 is hereby amended to read as follows:

695F.156 1. Except as otherwise provided in this section, evidence of coverage which provides coverage for prescription drugs must not limit or exclude coverage for a drug if the drug:

(a) Had previously been approved for coverage by the prepaid limited health service organization for a medical condition of an enrollee and the enrollee's provider of health care determines, after conducting a reasonable investigation, that none of the drugs which are otherwise currently approved for coverage are medically appropriate for the enrollee; and

(b) Is appropriately prescribed and considered safe and effective for treating the medical condition of the enrollee.

2. The provisions of subsection 1 do not:

(a) Apply to coverage for any drug that is prescribed for a use that is different from the use for which that drug has been approved for marketing by the Food and Drug Administration;

(b) Prohibit:

(1) The organization from charging a deductible, copayment or coinsurance for the provision of benefits for prescription drugs to the enrollee or from establishing, by contract, limitations on the maximum coverage for prescription drugs;

(2) A provider of health care from prescribing another drug covered by the evidence of coverage that is medically appropriate for the enrollee; or

(3) The substitution of another drug pursuant to NRS 639.23286 or 639.2583 to 639.2597, inclusive ~~[.]~~ ***, and section 1 of this act;*** or

(c) Require any coverage for a drug after the term of the evidence of coverage.

3. Any provision of an evidence of coverage subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after October 1, 2001, which is in conflict with this section is void.

Sec. 10. NRS 695G.166 is hereby amended to read as follows:

695G.166 1. Except as otherwise provided in this section, a health care plan which provides coverage for prescription drugs must not limit or exclude coverage for a drug if the drug:

(a) Had previously been approved for coverage by the managed care organization for a medical condition of an insured and the insured's provider of health care determines, after conducting a reasonable investigation, that none of the drugs which are otherwise currently approved for coverage are medically appropriate for the insured; and

(b) Is appropriately prescribed and considered safe and effective for treating the medical condition of the insured.

2. The provisions of subsection 1 do not:

(a) Apply to coverage for any drug that is prescribed for a use that is different from the use for which that drug has been approved for marketing by the Food and Drug Administration;

(b) Prohibit:

(1) The organization from charging a deductible, copayment or coinsurance for the provision of benefits for prescription drugs to the insured or from establishing, by contract, limitations on the maximum coverage for prescription drugs;

(2) A provider of health care from prescribing another drug covered by the plan that is medically appropriate for the insured; or

(3) The substitution of another drug pursuant to NRS 639.23286 or 639.2583 to 639.2597, inclusive ~~[;]~~ ***, and section 1 of this act;*** or

(c) Require any coverage for a drug after the term of the plan.

3. Any provision of a health care plan subject to the provisions of this chapter that is delivered, issued for delivery or renewed on or after October 1, 2001, which is in conflict with this section is void.

Assemblyman Atkinson moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 227.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 422.

SUMMARY—Requires boards of trustees of school districts to grant the use of certain athletic fields to **certain** nonprofit organizations **.** ~~[which provide programs for youth sports.]~~ (BDR 34-36)

AN ACT relating to school property; requiring boards of trustees of school districts to grant the use of certain athletic fields to nonprofit organizations which **serve adults and children with disabilities or which** provide

programs for youth sports; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the board of trustees of a school district is authorized to grant the use of school buildings and grounds to the general public for certain purposes. (NRS 393.071-393.0719)

Section 1 of this bill requires the board of trustees of a school district to **, upon request by a nonprofit organization and subject to availability,** grant the use of any athletic field that does not contain lights at an elementary, middle or junior high school within the school district ~~[to a]~~ **if the** nonprofit organization ~~[which]~~ **: (1) serves adults and children with disabilities; or (2)** provides programs for youth sports**. ~~[, upon request by the organization and subject to the availability of the field.]~~** The provisions of **section 1** do not apply if a school district has entered into an agreement with a local government to provide the use of the athletic fields or playgrounds of the school district to a community organization which provides programs for youth sports.

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

Section 1. Chapter 393 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsections 3 and 4 and subject to the limitations, requirements and restrictions set forth in this section and in NRS 393.071 to 393.0719, inclusive, the board of trustees of a school district shall, upon request, grant the use of any athletic field at each elementary, middle or junior high school within the school district to a nonprofit organization which serves adults and children with disabilities or which provides programs for youth sports, including, without limitation, baseball, football, soccer or softball. The organization may use the field at any time that:

(a) Is not during regular school hours; and

(b) Use of the field is not required for school-related activities.

2. ~~[A]~~ If a nonprofit organization which serves adults and children with disabilities or which provides programs for youth sports ~~[and]~~ is granted use of an athletic field pursuant to subsection 1 , the nonprofit organization shall comply with any insurance coverage and indemnification provisions required by the board of trustees of the school district.

3. If the board of trustees of a school district has entered into an agreement with one or more local governments to provide the use of the athletic fields or playgrounds of the school district to a community organization which provides programs for youth sports, the board of trustees is not required to comply with the provisions of subsection 1.

4. The provisions of this section do not apply to an athletic field that contains lights.

Sec. 2. NRS 393.071 is hereby amended to read as follows:

393.071 ~~[The]~~ ***Except as otherwise provided in section 1 of this act, the*** board of trustees of any school district may grant the use of school buildings or grounds for public, literary, scientific, recreational or educational meetings, or for the discussion of matters of general or public interest upon such terms and conditions as the board deems proper, subject to the limitations, requirements and restrictions set forth in NRS 393.071 to 393.0719, inclusive ~~[.]~~ ***, and section 1 of this act.***

Sec. 3. This act becomes effective on July 1, 2011.

Assemblyman Bobzien moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 267.

Bill read second time.

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

Amendment No. 287.

AN ACT relating to industrial insurance; revising the persons who may represent an injured worker in certain hearings or other meetings; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, a person may represent an injured worker before a hearing officer or in meetings with an insurer regarding a claim only if the person is: (1) a full-time employee of the injured worker's labor organization; (2) an attorney; (3) a full-time employee of an attorney who is supervised by that attorney; or (4) appearing without compensation. ~~[Further, a person may represent an injured worker before an appeals officer only if the person is an attorney.]~~ This bill allows ~~[an]~~ **any** employee of the injured worker's labor organization to appear on the injured worker's behalf in ~~[either situation.]~~ **such situations.**

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

Section 1. NRS 616C.325 is hereby amended to read as follows:

616C.325 1. It is unlawful for any person to represent an employee before a hearings officer, or in any negotiations, settlements, hearings or other meetings with an insurer concerning the employee's claim or possible claim, unless the person is:

(a) Employed ~~[full-time]~~ by the employee's labor organization;

(b) Admitted to practice law in this State;

(c) Employed full-time by and under the supervision of an attorney admitted to practice law in this State; or

(d) Appearing without compensation on behalf of the employee.

➥ It is unlawful for any person who is not admitted to practice law in this State ~~*[or employed by the employee's labor organization]*~~ to represent the employee before an appeals officer.

2. It is unlawful for any person to represent an employer at hearings of contested cases unless that person is:

(a) Employed full-time by the employer or a trade association to which the employer belongs that is not formed solely to provide representation at hearings of contested cases;

(b) An employer's representative licensed pursuant to subsection 3 who is not licensed as a third-party administrator;

(c) Admitted to practice law in this State; or

(d) A licensed third-party administrator.

3. The Director of the Department of Administration shall adopt regulations which include the:

(a) Requirements for licensure of employers' representatives, including:

(1) The registration of each representative; and

(2) The filing of a copy of each written agreement for the compensation of a representative;

(b) Procedure for such licensure; and

(c) Causes for revocation of such a license, including any applicable action listed in NRS 616D.120 or a violation of this section.

4. Any person who is employed by or contracts with an employer to represent the employer at hearings regarding contested claims is an agent of the employer. If the employer's representative violates any provision of this chapter or chapter 616A, 616B, 616D or 617 of NRS, the employer is liable for any penalty assessed because of that violation.

5. An employer shall not make the compensation of any person representing the employer contingent in any manner upon the outcome of any contested claim.

6. The Director of the Department of Administration shall collect in advance and deposit with the State Treasurer for credit to the State General Fund the following fees for licensure as an employer's representative:

(a) Application and license……..$78

(b) Triennial renewal of each license……78

Assemblyman Atkinson moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 269.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 205.

AN ACT relating to criminal procedure; ~~**[prohibiting the use of a grand jury in certain circumstances;]**~~ **authorizing a defendant to submit a**

statement concerning the results of a preliminary hearing to a grand jury; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill ~~[expands the existing limitations on the use of a grand jury so that a district attorney is also prohibited from seeking the indictment of a person if the evidence presented by the district attorney during the preliminary examination was insufficient to hold the person for trial, unless substantial evidence is discovered that was not available at the time of the preliminary hearing.]~~ **authorizes a defendant to submit a statement to a grand jury providing whether a preliminary hearing was held and, if so, that the evidence presented at the preliminary hearing was considered insufficient to warrant holding the defendant for trial.**

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

Section 1. ~~[NRS 172.107 is hereby amended to read as follows:~~

~~172.107 A district attorney shall not use a grand jury to [discover]~~ ~~*:*~~

~~*1. Seek the indictment of a person if the evidence presented by the district attorney during a preliminary examination is insufficient to warrant holding the person for trial, unless substantial evidence that was not available at the time of the preliminary examination is discovered; or*~~

~~*2. Discover* tangible, documentary or testimonial evidence to assist in the prosecution of a defendant who has already been charged with the public offense by indictment or information.]~~ **(Deleted by amendment.)**

Sec. 2. **NRS 172.145 is hereby amended to read as follows:**

172.145 1. The grand jury is not bound to hear evidence for the defendant ~~[.]~~ ***, except that the defendant is entitled to submit a statement which the grand jury must receive providing whether a preliminary hearing was held concerning the matter and, if so, that the evidence presented at the preliminary hearing was considered insufficient to warrant holding the defendant for trial.*** It is their duty, however, to weigh all evidence submitted to them, and when they have reason to believe that other evidence within their reach will explain away the charge, they shall order that evidence to be produced, and for that purpose may require the district attorney to issue process for the witnesses.

2. If the district attorney is aware of any evidence which will explain away the charge, the district attorney shall submit it to the grand jury.

3. The grand jury may invite any person, without process, to appear before the grand jury to testify.

Assemblyman Ohrenschall moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 292.

Bill read second time.

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

Amendment No. 283.

SUMMARY—Revises provisions governing ~~[real estate appraisal. (BDR 54-803)]~~ **judicial proceedings for eminent domain. (BDR 3-803)**

AN ACT relating to ~~[real estate appraisal; limiting certain exemptions from provisions governing real estate appraisal;]~~ **eminent domain; prohibiting an appraiser from using certain appraisal reports to evaluate real property in a judicial proceeding for eminent domain;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Existing law exempts from the provisions governing real estate appraisal any person who provides an assessment of the value of real property in connection with an eminent domain proceeding. (NRS 645C.150) Accordingly, such a person currently is not subject to regulation by the Real Estate Division of the Department of Business and Industry or the Commission of Appraisers of Real Estate for any acts relating to any real property appraisal conducted in connection with a judicial proceeding for eminent domain. This bill has the effect of making licensed appraisers, certified appraisers and appraisers who hold a certificate or license issued by another jurisdiction and who have received a permit to conduct an appraisal of real property in this State subject to the provisions governing real estate appraisal even when providing an assessment of the value of real property in connection with]~~ **This bill prohibits an appraiser from using a Restricted Use Appraisal Report to determine, establish or assess the nature, value, quality or use of real property in** a judicial proceeding for eminent domain.

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

Section 1. ~~[NRS 645C.150 is hereby amended to read as follows:~~

~~645C.150 The provisions of this chapter do not apply to:~~

~~1. A federal or state employee, or an employee of a local government, who prepares or communicates an appraisal as part of his or her official duties, unless a license or certificate is required as a condition of that employment.~~

~~2. A person appointed to evaluate real estate pursuant to chapter 152 of NRS or NRS 269.125, except as required by the appointing judge.~~

~~3. A board of appraisers acting pursuant to NRS 269.135.~~

~~4. A person licensed pursuant to chapter 645 or 684A of NRS, or certified pursuant to chapter 645D of NRS, while performing an act within the scope of his or her license or certificate.~~

~~5. A person who makes an evaluation of real estate as an incidental part of his or her employment for which special compensation is not provided, if that evaluation is only provided to the person's employer for internal use within the place of his or her employment.~~

~~6. A person~~ ***~~, other than a licensed appraiser, certified appraiser or person who has received a permit to conduct an appraisal pursuant to NRS 645C.363,~~*** ~~who makes an assessment of the value of property in connection with a judicial proceeding for eminent domain brought pursuant to chapter 37 of NRS.~~**~~]~~ (Deleted by amendment.)**

Sec. 2. **Chapter 37 of NRS is hereby amended by adding thereto a new section to read as follows:**

An appraiser shall not use a Restricted Use Appraisal Report which is prepared in accordance with the Uniform Standards of Professional Appraisal Practice as adopted by the Appraisal Standards Board of The Appraisal Foundation to determine, establish or assess the nature, value, quality or use of real property in a judicial proceeding for eminent domain brought pursuant to this chapter.

Assemblyman Atkinson moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 299.

Bill read second time.

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

Amendment No. 221.

AN ACT relating to insurance; creating the Low-Cost Automobile Insurance Pilot Program; providing that a low-cost automobile insurance policy issued under the Program satisfies the coverage requirements for a motor vehicle liability policy; establishing the requirements for participation in the Program; imposing an assessment on motor vehicle liability policies to fund the operation of and publicity for the Program; requiring the Commissioner of Insurance to report to the Legislature on the effectiveness of the Program; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, an owner of a motor vehicle in this State must provide liability insurance for the motor vehicle. Such liability insurance must include, at a minimum, coverage for bodily injury or death in the amount of $15,000 per person and $30,000 for two or more people per accident and coverage for property damage in the amount of $10,000 per accident. (NRS 485.185)

Section 6 of this bill creates the Low-Cost Automobile Insurance Pilot Program. **Section 8** of this bill provides that a low-cost automobile insurance policy issued through the Program must include coverage for bodily injury or death in the amount of $10,000 per person and $20,000 for two or more people per accident and coverage for property damage in the amount of $3,000 per accident. **Section 9** of this bill establishes the factors that the Commissioner of Insurance must consider in setting the rate for a low-cost automobile insurance policy. **Section 9** also provides the methods that an

insured may use to pay the rate for a low-cost automobile insurance policy and prohibits the financing of the rate with a third party.

Section 10 of this bill establishes the requirements that a person must meet to purchase a low-cost automobile insurance policy. **Section 11** of this bill requires that a low-cost automobile insurance policy be purchased through a producer of insurance. **Section 12** of this bill prohibits a producer of insurance **, servicing carrier and the Administrator of the Program** from charging any additional fee or requiring the purchase of any additional product or service in connection with the sale of a low-cost automobile insurance policy. **Section 13** of this bill establishes the conditions under which a low-cost automobile insurance policy may be cancelled or not renewed.

Section 14 of this bill prohibits a person who purchases a low-cost automobile insurance policy through the Program from purchasing additional liability coverage or from purchasing liability coverage other than a low-cost automobile insurance policy for any additional vehicles in his or her household. **Section 14** allows a person to purchase up to two low-cost automobile insurance policies for his or her household and to purchase other types of coverage, such as ~~[uninsured or underinsured motorist]~~ **collision or comprehensive** coverage.

Section 15 of this bill requires an insurer who sells motor vehicle liability policies in this State to participate in the Program. **Section 16** of this bill ~~[creates]~~ **authorizes** an assessment of ~~[30]~~ **not more than 50** cents on each **private passenger vehicle covered by a** motor vehicle liability policy sold or renewed in this State.

Sections 17-21 of this bill provide that a low-cost automobile insurance policy satisfies the minimum requirements for liability coverage otherwise required by law.

Section 22 of this bill requires the Commissioner to report to the Legislature before the 2013 Legislative Session on the effectiveness of the Program.

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

Section 1. Chapter 690B of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 17, inclusive, of this act.

Sec. 2. ***As used in sections 2 to 17, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections*** ~~*[3, 4 and 5]*~~ ***2.5 to 5.5, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 2.5. *"**Administrator" means the person designated by the Commissioner pursuant to section 6.3 of this act.***

Sec. 3. *"**Low-cost automobile insurance policy" means a policy which is delivered, issued for delivery or renewed through the Program and which***

meets the requirements set forth in section 8 of this act and any regulations adopted pursuant to section 7 of this act.

Sec. 4. *"Motor vehicle liability policy" has the meaning ascribed to it in NRS 485.055.*

Sec. 5. *"Program" means the Low-Cost Automobile Insurance Pilot Program created pursuant to section 6 of this act.*

Sec. 5.5. *"Servicing carrier" means a person designated by the Commissioner pursuant to section 6.7 of this act.*

Sec. 6. *There is hereby created the Low-Cost Automobile Insurance Pilot Program within the Division.*

Sec. 6.3. *1. The Commissioner shall designate an Administrator to assist the Commissioner in administering the Program.*

2. The Commissioner shall establish reasonable procedures for the use of competitive bidding to designate an Administrator.

3. The Administrator shall:

(a) Receive applications from producers of insurance for low-cost automobile insurance policies;

(b) Determine whether each application is eligible for a low-cost automobile insurance policy;

(c) Distribute each eligible application for a low-cost automobile insurance policy to a servicing carrier pursuant to the regulations adopted by the Commissioner; and

(d) Submit a report to the Commissioner on a quarterly basis and upon the request of the Commissioner concerning information received from servicing carriers and any other information requested by the Commissioner.

Sec. 6.7. *1. The Commissioner shall designate one or more servicing carriers to assist the Commissioner in carrying out the Program.*

2. The Commissioner shall establish reasonable procedures for the use of competitive bidding to designate servicing carriers.

3. A servicing carrier shall:

(a) Receive eligible applications for low-cost automobile insurance policies from the Administrator;

(b) Issue a low-cost automobile insurance policy for each eligible application;

(c) Charge a premium at a rate established by the Commissioner pursuant to section 7 of this act for each low-cost automobile insurance policy issued and collect the premium as required by subsection 2 of section 9 of this act;

(d) Administer claims arising from a low-cost automobile insurance policy; and

(e) Submit a report to the Administrator on a quarterly basis and upon the request of the Commissioner concerning premiums, claims, expenses and any other information requested by the Commissioner.

Sec. 7. ***The Commissioner shall adopt such regulations as are necessary to carry out the provisions of sections 2 to 17, inclusive, of this act, including, without limitation, regulations that:***

1. Equitably apportion the assignment of applications for low-cost automobile insurance policies among the ~~[producers of insurance required to offer such policies through the Program.]~~ servicing carriers designated by the Commissioner pursuant to section 6.7 of this act.

2. Establish the rate for the purchase of a low-cost automobile insurance policy by an applicant, including a surcharge of not more than 25 percent of the rate if the applicant is an unmarried male who is at least 19 and not more than 24 years of age or if the applicant's household includes an unmarried male who is at least 19 and not more than 24 years of age and who will be a driver of the motor vehicle covered by the low-cost automobile insurance policy.

3. Establish the commission to be paid to a producer of insurance upon the purchase of a low-cost automobile insurance policy.

4. Establish educational requirements for a producer of insurance relating to the sale of low-cost automobile insurance policies.

5. Provide for advertising to raise public awareness of the availability of the Program.

6. Establish the compensation to be paid to a servicing carrier.

7. Establish the compensation to be paid to the Administrator.

Sec. 8. ***The Program must make available a low-cost automobile insurance policy for purchase by a person who meets the requirements set forth in section 10 of this act and any regulations adopted pursuant to section 7 of this act. A low-cost automobile insurance policy must:***

1. Continuously provide, while the motor vehicle is present or registered in this State, insurance provided by a ~~[producer of insurance:]~~ servicing carrier:

(a) In the amount of $10,000 for bodily injury to or death of one person in any one accident;

(b) Subject to the limit for one person, in the amount of $20,000 for bodily injury to or death of two or more persons in any one accident; and

(c) In the amount of $3,000 for injury to or destruction of property of others in any one accident,

➥ for the payment of tort liabilities arising from the maintenance or use of the motor vehicle.

2. Have an initial term of 1 year and be renewable on an annual basis thereafter.

3. Cover the person named in the policy and, to the same extent that insurance is provided to the named insured, any other person who uses the motor vehicle with the permission of the named insured. ~~[unless the person is a member of the household of the named insured and does not satisfy the requirements of subsections 3, 4 and 5 of section 10 of this act and any applicable regulations adopted pursuant to section 7 of this act.]~~

4. Cover a motor vehicle with a value of $20,000 or less as determined by the Department of Motor Vehicles.

Sec. 9. ***1. In determining the rate for the purchase of low-cost automobile insurance policies, the Commissioner shall ensure that:***

(a) The rate would be sufficient to cover the losses incurred under low-cost automobile insurance policies, including claims paid, claims incurred and reported and claims incurred but not yet reported, and the expenses of operating the Program, including, without limitation, the costs of administration, underwriting, taxes, commissions and adjustment of claims; and

(b) Except as otherwise provided in section 16 of this act, the rate would not result in a subsidy of the Program by policyholders ~~*[of the producers of insurance who participate in the Program if those policyholders]*~~ ***who are not participants in the Program.***

2. The rate for a low-cost automobile insurance policy may only be paid by:

(a) A payment by the insured of the entire rate upon the issuance or renewal of the low-cost automobile insurance policy;

(b) A payment by the insured of $125 upon the issuance or renewal of the low-cost automobile insurance policy, followed by a payment of the remainder of the rate within 30 days after the payment made upon the issuance or renewal;

(c) A payment by the insured of $100 upon the issuance or renewal of the low-cost automobile insurance policy, followed by six equal bimonthly payments of the remainder of the rate;

(d) A payment by the insured of $125 upon the issuance or renewal of the low-cost automobile insurance policy, followed by five equal bimonthly payments of the remainder of the rate; or

(e) A payment by the insured of 15 percent of the rate upon the issuance or renewal of the low-cost automobile insurance policy, followed by six equal bimonthly payments of the remainder of the rate.

3. The insured may not finance the payment of the rate with any third party.

Sec. 10. ***A person may purchase a low-cost automobile insurance policy only if:***

1. The person resides in, and the motor vehicle would be garaged in, a county whose population is 400,000 or more.

2. The person's household has a gross annual income which is at or below 250 percent of the federally designated level signifying poverty.

3. The person and each other person in the person's household who possesses a driver's license is at least 19 years of age and has been continuously licensed to drive a motor vehicle for at least the immediately preceding 3 years, including licensure in the United States or Canada for at least the immediately preceding 18 months.

4. The person and each other person in the person's household has been involved in or received, within the immediately preceding 3 years, not more than one of either, but not both, of:

(a) An accident involving only property damage for which the person was found to be at fault; and

(b) One demerit point for a moving traffic violation pursuant to the uniform system of demerit points established pursuant to NRS 483.473 or one conviction for a moving traffic violation of similar severity in another jurisdiction.

5. The person and each other person in the person's household has not been involved in an accident involving bodily injury or death for which the person involved in the accident was found to be at fault within the immediately preceding 3 years.

~~*[6. The person is not a college student claimed as a dependent of another person for federal income tax purposes.]*~~

Sec. 11. ***1. A person may apply for a low-cost automobile insurance policy only through a producer of insurance.***

2. Before accepting an application for a low-cost automobile insurance policy, the producer of insurance must provide the applicant with the following statement in 14-point bold type:

NOTICE

INSURANCE COVERAGE PROVIDED IN THE POLICY YOU ARE BUYING CONTAINS REDUCED LIABILITY COVERAGE FOR PERSONAL INJURIES OR PROPERTY DAMAGE RESULTING FROM THE OPERATION OF THE INSURED VEHICLE. IF LOSSES FROM AN AUTOMOBILE ACCIDENT EXCEED THE COVERAGE PROVIDED BY THIS POLICY, YOU CAN BE HELD PERSONALLY LIABLE AND RESPONSIBLE FOR THOSE LOSSES.

THIS POLICY PROVIDES LIABILITY COVERAGE FOR INJURIES OR DEATH CAUSED TO OTHER PERSONS IN THE TOTAL AMOUNT OF TEN THOUSAND DOLLARS ($10,000) PER PERSON IN ANY ONE ACCIDENT, AND UP TO A TOTAL AMOUNT OF TWENTY THOUSAND DOLLARS ($20,000) FOR ALL PERSONS IN ANY ONE ACCIDENT. THE POLICY ALSO PROVIDES UP TO A TOTAL AMOUNT OF THREE THOUSAND DOLLARS ($3,000) IN LIABILITY COVERAGE FOR PROPERTY DAMAGE IN ANY ONE ACCIDENT. IF YOU WANT MORE INSURANCE COVERAGE, YOU MUST REQUEST A DIFFERENT POLICY.

THIS POLICY ALSO DOES NOT COVER DAMAGE TO YOUR OWN VEHICLE, LOSSES RESULTING FROM YOUR BODILY INJURY OR DEATH, ~~*[OR]*~~ ***LOSSES CAUSED BY AN UNINSURED OR UNDERINSURED DRIVER*** ~~*[.]*~~ ***OR MEDICAL PAYMENTS. HOWEVER,*** ~~*[THESE OTHER COVERAGES MAY BE AVAILABLE AT EXTRA COST THROUGH OTHER POLICIES OR INSURERS.]*~~ ***COVERAGE FOR LOSSES CAUSED BY AN UNINSURED OR***

UNDERINSURED DRIVER OR FOR MEDICAL PAYMENTS MAY BE ADDED TO THIS POLICY FOR AN EXTRA CHARGE.

THIS POLICY DOES NOT COVER ANY ~~[OTHER]~~ DRIVER ~~[IN YOUR HOUSEHOLD]~~ WHO ~~[:~~

~~*(1) IS UNDER 19 YEARS OF AGE; OR*~~

~~*(2) HAS LESS THAN 3 YEARS OF CONTINUOUSLY LICENSED DRIVING EXPERIENCE; OR*~~

~~*(3) HAS BEEN INVOLVED IN OR RECEIVED, IN THE PREVIOUS 3 YEARS, MORE THAN ONE OF EITHER, OR HAS BOTH, OF THE FOLLOWING:*~~

~~*— AN ACCIDENT INVOLVING PROPERTY DAMAGE IN WHICH THE DRIVER WAS AT FAULT; OR*~~

~~*— A DEMERIT POINT FOR A MOVING TRAFFIC VIOLATION OR A CONVICTION FOR A SIMILAR VIOLATION IN ANOTHER JURISDICTION; OR*~~

~~*(4) HAS, IN THE PREVIOUS 3 YEARS, BEEN INVOLVED IN AN ACCIDENT INVOLVING BODILY INJURY OR DEATH IN WHICH THE DRIVER WAS AT FAULT.]*~~ ***DOES NOT HAVE YOUR PERMISSION TO OPERATE YOUR VEHICLE.***

3. An application for a low-cost automobile insurance policy must include:

(a) An application form approved by the Commissioner;

(b) A copy of the applicant's federal income tax return for the previous year or some other reliable evidence of income that shows that the applicant meets the financial eligibility requirement set forth in section 10 of this act and any regulations adopted pursuant to section 7 of this act; and

(c) A statement signed by the applicant that the representations made in the documents submitted as proof of financial eligibility and the application are true, correct and contain no material misrepresentations or omissions of fact to the best knowledge and belief of the applicant.

4. The producer of insurance shall forward the application materials required by subsection 3 to the ~~[Commissioner.]~~ Administrator.

Sec. 12. ***1. A producer of insurance , servicing carrier and the Administrator may only charge the rate established by the Commissioner for the low-cost automobile insurance policy.***

2. The producer of insurance , servicing carrier and Administrator may not charge or collect any other fee of any kind in connection to the sale of a low-cost automobile insurance policy.

3. The producer of insurance may not condition the sale of a low-cost automobile insurance policy on the purchase of any other product or service.

Sec. 13. ***1. A low-cost automobile insurance policy may be cancelled only for:***

(a) Nonpayment of premium;

(b) Fraud or material misrepresentation affecting the policy or the insured; or

(c) The purchase of additional liability coverage in violation of section 14 of this act.

2. Renewal of a low-cost automobile insurance policy may be denied only if:

(a) There is a substantial increase in the hazard insured against; or

(b) The insured no longer meets the eligibility requirements set forth in section 10 of this act and any regulations adopted pursuant to section 7 of this act.

Sec. 14. *1. A person who purchases a low-cost automobile insurance policy may not purchase motor vehicle liability coverage in addition to the liability coverage provided by the low-cost automobile insurance policy.*

2. A person who purchases a low-cost automobile insurance policy may not purchase or maintain any motor vehicle liability coverage other than a low-cost automobile insurance policy for any other motor vehicles in the person's household.

3. No more than two low-cost automobile insurance policies may be purchased in a household.

4. A person who purchases a low-cost automobile insurance policy may purchase any other additional type of motor vehicle insurance coverage outside of the Program, including, without limitation, ~~[uninsured or underinsured motorist coverage,]~~ collision coverage or comprehensive coverage.

Sec. 15. *Each ~~[producer of insurance]~~ insurer who delivers, issues for delivery or renews in this State a motor vehicle liability policy covering a private passenger vehicle must participate in the Program ~~[and must offer low-cost automobile insurance policies]~~ as required by sections 2 to 17, inclusive, of this act and the regulations adopted pursuant to section 7 of this act.*

Sec. 16. *1. The Commissioner ~~[shall]~~ may assess each insurer who delivers, issues for delivery or renews in this State a motor vehicle liability policy covering a private passenger vehicle an amount of ~~[30]~~ not more than 50 cents for each ~~[such]~~ private passenger vehicle insured under the policy that is sold or renewed in this State. The Commissioner may adjust the amount assessed to each insurer pursuant to this subsection based on the expenses and experience of the Program.*

2. The Commissioner shall allocate ~~[25]~~ 5 cents of each assessment collected pursuant to this section to ~~[defray the costs and expenses of the Program.]~~ inform consumers about the existence of the Program.

3. The Commissioner shall allocate ~~[5 cents of]~~ the remainder of each assessment collected pursuant to this section to ~~[inform consumers about the existence]~~ defray the costs and expenses of the Program.

4. The Account for the Low-Cost Automobile Insurance Pilot Program is hereby created in the State Agency Fund for Bonds. All money received

by the Commissioner pursuant to this section must be deposited with the State Treasurer to the credit of the Account for the Low-Cost Automobile Insurance Pilot Program. All claims against the Account must be paid as other claims against the State are paid. The Commissioner may authorize expenditures from the Account to pay the expenses for the administration of the Program.

5. The Commissioner shall adopt regulations to carry out the provisions of this section, including, without limitation, regulations governing the calculation and collection of the assessment.

Sec. 17. ***Notwithstanding any other provision of law, a low-cost automobile insurance policy issued pursuant to sections 2 to 17, inclusive, of this act shall be deemed to satisfy the requirements for liability coverage for a motor vehicle otherwise required by law.***

Sec. 18. NRS 485.185 is hereby amended to read as follows:

485.185 ~~[Every]~~ ***1. Except as otherwise provided in subsection 2, every*** owner of a motor vehicle which is registered or required to be registered in this State shall continuously provide, while the motor vehicle is present or registered in this State, insurance provided by an insurance company licensed by the Division of Insurance of the Department of Business and Industry and approved to do business in this State:

~~[1.]~~ ***(a)*** In the amount of $15,000 for bodily injury to or death of one person in any one accident;

~~[2.]~~ ***(b)*** Subject to the limit for one person, in the amount of $30,000 for bodily injury to or death of two or more persons in any one accident; and

~~[3.]~~ ***(c)*** In the amount of $10,000 for injury to or destruction of property of others in any one accident,

➥ for the payment of tort liabilities arising from the maintenance or use of the motor vehicle.

2. Notwithstanding the coverage limits provided in subsection 1, an owner of a motor vehicle which is registered or required to be registered in this State may satisfy the requirements of subsection 1 by continuously providing, while the motor vehicle is present or registered in this State, insurance provided pursuant to sections 2 to 17, inclusive, of this act:

(a) In the amount of $10,000 for bodily injury to or death of one person in any one accident;

(b) Subject to the limit for one person, in the amount of $20,000 for bodily injury to or death of two or more persons in any one accident; and

(c) In the amount of $3,000 for injury to or destruction of property of others in any one accident,

➥ for the payment of tort liabilities arising from the maintenance or use of the motor vehicle.

Sec. 19. NRS 485.210 is hereby amended to read as follows:

485.210 For the purposes of NRS 485.200, a policy or bond is not effective unless:

1. The policy or bond is subject ~~[.]~~ ***:***

(a) Except as otherwise provided in paragraph (b), if the accident has resulted in bodily injury or death, to a limit, exclusive of interest and costs, of not less than $15,000 because of bodily injury to or death of one person in any one accident and, subject to the limit for one person, to a limit of not less than $30,000 because of bodily injury to or death of two or more persons in any one accident and, if the accident has resulted in injury to or destruction of property, to a limit of not less than $10,000 because of injury to or destruction of property of others in any one accident; ***or***

(b) For a policy of liability insurance issued pursuant to sections 2 to 17, inclusive, of this act, if the accident has resulted in bodily injury or death, to a limit, exclusive of interest and costs, of not less than $10,000 because of bodily injury to or death of one person in any one accident and, subject to the limit for one person, to a limit of not less than $20,000 because of bodily injury to or death of two or more persons in any one accident and, if the accident has resulted in injury to or destruction of property, to a limit of not less than $3,000 because of injury to or destruction of property of others in any one accident; and

2. The insurance company or surety company issuing that policy or bond is authorized to do business in this State or, if the company is not authorized to do business in this State, unless it executes a power of attorney authorizing the Director to accept service on its behalf of notice or process in any action upon that policy or bond arising out of an accident.

Sec. 20. NRS 485.304 is hereby amended to read as follows:

485.304 ~~[Judgments]~~

1. Except as otherwise provided in subsection 2, judgments must **,** for the purpose of this chapter only, be deemed satisfied:

~~[1.]~~ ***(a)*** When $15,000 has been credited upon any judgment or judgments rendered in excess of that amount because of bodily injury to or death of one person as the result of any one accident;

~~[2.]~~ ***(b)*** When, subject to the limit of $15,000 because of bodily injury to or death of one person, the sum of $30,000 has been credited upon any judgment or judgments rendered in excess of that amount because of bodily injury to or death of two or more persons as the result of any one accident; or

~~[3.]~~ ***(c)*** When $10,000 has been credited upon any judgment or judgments rendered in excess of that amount because of injury to or destruction of property of others as a result of any one accident,

➥ but payments made in settlement of any claims because of bodily injury, death or property damage arising from a motor vehicle accident must be credited in reduction of the amounts provided for in this section.

2. If the person against whom the judgment was rendered is covered by a policy of liability insurance issued pursuant to sections 2 to 17, inclusive, of this act, judgments must, for the purpose of this chapter only, be deemed satisfied:

(a) When $10,000 has been credited upon any judgment or judgments rendered in excess of that amount because of bodily injury to or death of one person as the result of any one accident;

(b) When, subject to the limit of $10,000 because of bodily injury to or death of one person, the sum of $20,000 has been credited upon any judgment or judgments rendered in excess of that amount because of bodily injury to or death of two or more persons as the result of any one accident; or

(c) When $3,000 has been credited upon any judgment or judgments rendered in excess of that amount because of injury to or destruction of property of others as a result of any one accident,

➥ but payments made in settlement of any claims because of bodily injury, death or property damage arising from a motor vehicle accident must be credited in reduction of the amounts provided for in this section.

Sec. 21. NRS 485.3091 is hereby amended to read as follows:

485.3091 1. An owner's policy of liability insurance must:

(a) Designate by explicit description or by appropriate reference all motor vehicles with respect to which coverage is thereby to be granted; and

(b) Insure the person named therein and any other person, as insured, using any such motor vehicle with the express or implied permission of the named insured, against loss from the liability imposed by law for damages arising out of the ownership, maintenance or use of such motor vehicle within the United States of America or the Dominion of Canada, subject to limits exclusive of interest and costs, with respect to each such motor vehicle, as follows:

(1) ***Except as otherwise provided in subparagraph (2):***

(I) Because of bodily injury to or death of one person in any one accident, $15,000;

~~[(2)]~~ ***(II)*** Subject to the limit for one person, because of bodily injury to or death of two or more persons in any one accident, $30,000; and

~~[(3)]~~ ***(III)*** Because of injury to or destruction of property of others in any one accident, $10,000.

(2) For a policy of liability insurance issued pursuant to sections 2 to 17, inclusive, of this act:

(I) Because of bodily injury to or death of one person in any one accident, $10,000;

(II) Subject to the limit for one person, because of bodily injury to or death of two or more persons in any one accident, $20,000; and

(III) Because of injury to or destruction of property of others in any one accident, $3,000.

2. An operator's policy of liability insurance must insure the person named as insured therein against loss from the liability imposed upon the person by law for damages arising out of the person's use of any motor vehicle within the same territorial limits and subject to the same limits of liability as are set forth in ***subparagraph (1) of*** paragraph (b) of subsection 1.

3. A motor vehicle liability policy must state the name and address of the named insured, the coverage afforded by the policy, the premium charged therefor, the period of effectiveness and the limits of liability, and must contain an agreement or be endorsed that insurance is provided thereunder in accordance with the coverage defined in this chapter as respects bodily injury and death or property damage, or both, and is subject to all the provisions of this chapter.

4. A motor vehicle liability policy need not insure any liability under any workers' compensation law nor any liability on account of bodily injury to or death of an employee of the insured while engaged in the employment, other than domestic, of the insured, or while engaged in the operation, maintenance or repair of any motor vehicle owned by the insured nor any liability for damage to property owned by, rented to, in charge of or transported by the insured.

5. Every motor vehicle liability policy is subject to the following provisions which need not be contained therein:

(a) The liability of the insurance carrier with respect to the insurance required by this chapter becomes absolute whenever injury or damage covered by the policy occurs. The policy may not be cancelled or annulled as to such liability by any agreement between the insurance carrier and the insured after the occurrence of the injury or damage. No statement made by the insured or on behalf of the insured and no violation of the policy defeats or voids the policy.

(b) The satisfaction by the insured of a judgment for injury or damage is not a condition precedent to the right or duty of the insurance carrier to make payment on account of the injury or damage.

(c) The insurance carrier may settle any claim covered by the policy, and if such a settlement is made in good faith, the amount thereof is deductible from the limits of liability specified in paragraph (b) of subsection 1.

(d) The policy, the written application therefor, if any, and any rider or endorsement which does not conflict with the provisions of this chapter constitute the entire contract between the parties.

6. Any policy which grants the coverage required for a motor vehicle liability policy may also grant any lawful coverage in excess of or in addition to the coverage specified for a motor vehicle liability policy, and the excess or additional coverage is not subject to the provisions of this chapter.

7. Any motor vehicle liability policy may provide for the prorating of the insurance thereunder with other valid and collectible insurance.

8. The requirements for a motor vehicle liability policy may be fulfilled by the policies of one or more insurance carriers, which policies together meet those requirements.

9. Any binder issued pending the issuance of a motor vehicle liability policy shall be deemed to fulfill the requirements for such a policy.

Sec. 22. 1. On or before February 1, 2013, the Commissioner of Insurance shall submit a report on the effectiveness of the Low-Cost

Automobile Insurance Pilot Program and any recommendations for legislation to the Director of the Legislative Counsel Bureau for transmission to the 77th Session of the Nevada Legislature.

2. As used in this section, "Low-Cost Automobile Insurance Pilot Program" means the program created pursuant to section 6 of this act.

Sec. 23. This act becomes effective:

1. Upon passage and approval for the purpose of adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

2. On July 1, 2012, for all other purposes.

Assemblyman Atkinson moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 307.

Bill read second time.

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

Amendment No. 437.

AN ACT relating to governmental administration; prohibiting a person from commencing the construction of an energy development project without first filing a notice with the Office of Energy within the Office of the Governor; creating the Energy Planning and ~~[Mitigation]~~ **Conservation** Fund; requiring the Office of Energy to coordinate with the Department of Wildlife to use money from the Fund for certain wildlife monitoring activities; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law creates the Department of Wildlife and requires the Department to administer the wildlife laws of this State. (NRS 501.331) Existing law also creates the Office of Energy within the Office of the Governor to analyze, review and study the use of energy and availability of energy in this State, as well as to coordinate activities with other agencies to administer programs related to the use of renewable energy and to conserve or reduce the demand for energy. (NRS 701.150, 701.180) This bill requires the Department of Wildlife and the Office of Energy to cooperate in monitoring the effects of certain energy development projects on wildlife and its habitat.

Section 5 of this bill defines an "energy development project" as any project for the generation **, transmission** and development of energy, whether on public or private land. **Section 6** of this bill exempts from the provisions of this bill projects and systems: (1) which have a capacity of not more than 400 kilowatts; (2) which are attached to school property or private residential property; or (3) which do not require the disturbance of any soil from the provisions of this bill.

Section 7 of this bill requires any person who wishes to commence construction of an energy development project to file notice with the Office of Energy at the same time that the person files for any ~~[construction or other]~~ permits **, leases or easements for rights-of-way** required by state or federal law. The notice required by **section 7** must include a description of the location **, boundaries and estimated infrastructure requirements for the project** and **a description** of the project itself and an estimate of the energy output of the project. **Section 7** further requires a person to pay both a filing fee of not more than $500 and a second fee **of at least $35,000 but not more than $100,000** based upon **the potential of the energy development project for impact on wildlife and its habitat,** the acreage of the energy development project and the area of land to be disturbed by the energy development project. The Office of Energy is required to establish the second fee in consultation with the Department of Wildlife, and those fees are to be deposited in the Energy Planning and ~~[Mitigation]~~ **Conservation** Fund created by **section 9** of this bill. **Section 9** requires the money in the Fund to be administered by the Director of the Office of Energy and used by the Department of Wildlife for conducting surveys of wildlife, for mapping locations of wildlife and its habitat and for ~~[mitigation]~~ **conservation** projects for the habitat of wildlife impacted by energy development projects.

Section 8 of this bill requires the Office of Energy to compile and maintain information on all energy development projects for which notice is filed pursuant to **section 7** and to prepare and submit a report detailing such projects to the Legislative Commission in even-numbered years and, in odd-numbered years, to the Director of the Legislative Counsel Bureau for transmittal to the Legislature.

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

Section 1. NRS 501.331 is hereby amended to read as follows:

501.331 The Department of Wildlife is hereby created. The Department:

1. Shall administer the wildlife laws of this State **,** ~~[and]~~ chapter 488 of NRS ~~[.]~~ ***and sections 7 and 9 of this act.***

2. Shall, on or before the fifth calendar day of each regular session of the Legislature, submit to the Legislature a financial report for each of the immediately preceding 2 fiscal years setting forth the activity and status of the Wildlife Obligated Reserve Account in the State General Fund, each subaccount within that Account and any other account or subaccount administered by the Department for which the use of the money in the account or subaccount is restricted. The report must include, without limitation:

(a) A description of each project for which money is expended from each of those accounts and subaccounts and a description of each recipient of that money; and

(b) The total amount of money expended from each of those accounts and subaccounts for each fiscal year, including, without limitation, the amount of any matching contributions received for those accounts and subaccounts for each fiscal year.

Sec. 2. NRS 501.337 is hereby amended to read as follows:

501.337 The Director shall:

1. Carry out the policies and regulations of the Commission.

2. Direct and supervise all administrative and operational activities of the Department, and all programs administered by the Department as provided by law. Except as otherwise provided in NRS 284.143, the Director shall devote his or her entire time to the duties of the office and shall not follow any other gainful employment or occupation.

3. Within such limitations as may be provided by law, organize the Department and, from time to time with the consent of the Commission, may alter the organization. The Director shall reassign responsibilities and duties as he or she may deem appropriate.

4. Appoint or remove such technical, clerical and operational staff as the execution of his or her duties and the operation of the Department may require, and all those employees are responsible to the Director for the proper carrying out of the duties and responsibilities of their respective positions. The Director shall designate a number of employees as game wardens and provide for their training.

5. Submit technical and other reports to the Commission as may be necessary or as may be requested, which will enable the Commission to establish policy and regulations.

6. Prepare, in consultation with the Commission, the biennial budget of the Department consistent with the provisions of this title **,** ~~[and]~~ chapter 488 of NRS ***and sections 7 and 9 of this act*** and submit it to the Commission for its review and recommendation before the budget is submitted to the Chief of the Budget Division of the Department of Administration pursuant to NRS 353.210.

7. Administer real property assigned to the Department.

8. Maintain full control, by proper methods and inventories, of all personal property of the State acquired and held for the purposes contemplated by this title and by chapter 488 of NRS.

9. Act as nonvoting Secretary to the Commission.

Sec. 3. NRS 501.356 is hereby amended to read as follows:

501.356 1. Money received by the Department from:

(a) The sale of licenses;

(b) Fees pursuant to the provisions of NRS 488.075 and 488.1795;

(c) Remittances from the State Treasurer pursuant to the provisions of NRS 365.535;

(d) Appropriations made by the Legislature; and

(e) All other sources, except money derived from the forfeiture of any property described in NRS 501.3857 or money deposited in the Wildlife

Heritage Trust Account pursuant to NRS 501.3575 or in the Trout Management Account pursuant to NRS 502.327 ~~[,]~~ ***or money received from the Director of the Office of Energy from the Energy Planning and*** ~~*[Mitigation]*~~ ***Conservation Fund created by section 9 of this act,***

➥ must be deposited with the State Treasurer for credit to the Wildlife Account in the State General Fund.

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

3. Except as otherwise provided in subsection 4, the Department may use money in the Wildlife Account only to carry out the provisions of this title and chapter 488 of NRS and as provided in NRS 365.535, and the money must not be diverted to any other use.

4. Except as otherwise provided in NRS 502.250 and 504.155, all fees for the sale or issuance of stamps, tags, permits and licenses that are required to be deposited in the Wildlife Account pursuant to the provisions of this title and any matching money received by the Department from any source must be accounted for separately and must be used:

(a) Only for the management of wildlife; and

(b) If the fee is for the sale or issuance of a license, permit or tag other than a tag specified in subsection 5 or 6 of NRS 502.250, under the guidance of the Commission pursuant to subsection 2 of NRS 501.181.

Sec. 4. Chapter 701 of NRS is hereby amended by adding thereto the provisions set forth as sections 5 to 9, inclusive, of this act.

Sec. 5. ***"Energy development project" means a project for the generation*** ***, transmission*** ***and development of energy located on public or private land. The term includes, without limitation:***

1. A utility facility, as defined in NRS 704.860, constructed on private land; and

2. Electric generating plants and their associated facilities which use or will use renewable energy, as defined in NRS 704.7811, as their primary source of energy to generate electricity and which have or will have a nameplate capacity of not more than 70 megawatts, including, without limitation, a net metering system, as defined in NRS 704.771, constructed on private land.

Sec. 6. ***The provisions of sections 7, 8 and 9 of this act do not apply to:***

1. A facility or energy system with a capacity of not more than 400 kilowatts;

2. A net metering system attached to school property or private residential property; or

3. A project or energy system the construction of which does not require the disturbance of any soil, including, without limitation, projects or systems constructed on an existing structure or atop existing pavement.

Sec. 7. ***1. Except as otherwise provided in section 6 of this act, a person shall not commence construction of an energy development project***

without first filing a notice of the energy development project with the Office of Energy.

2. The notice required by subsection 1 must be:

(a) Provided to the Office of Energy in such form as the Office prescribes and contain:

(1) A description of the location and the energy development project to be built thereon; ~~[and]~~

(2) A description of the boundaries of the project and the estimated requirements for infrastructure of the project; and

(3) The estimated energy output for the energy development project;

(b) Filed with the Office concurrently with any application for permits, leases or easements for ~~[construction of]~~ rights-of-way for the energy development project filed with:

(1) The Federal Government, pursuant to any federal law or regulation; or

(2) ~~[The Public Utilities Commission of Nevada, pursuant to NRS 704.820 to 704.900, inclusive; or~~

~~(3)]~~ Any ~~[other]~~ state or local governmental entity; and

(c) Accompanied by a filing fee of not more than $500, as specified in regulations adopted by the Office.

3. In addition to the fee required by subsection 2, the Office of Energy shall, in consultation with the Department of Wildlife, establish and collect a fee for each energy development project of at least $35,000 but not more than $100,000, pursuant to a schedule of fees set forth in regulations adopted by the Office based on the potential for impact on wildlife and its habitat and the acreage of the energy development project, including, without limitation, any roads used for access to the energy development project and the area of land disturbed by the energy development project.

Sec. 8. *The Office of Energy shall:*

1. Compile and maintain detailed information concerning each energy development project for which notice is filed pursuant to section 7 of this act. The information must include, without limitation:

(a) The location of the energy development project;

(b) A description of the energy development project; and

(c) The estimated energy output of the energy development project.

2. Prepare a report containing the information compiled pursuant to subsection 1.

3. On or before January 1 of each even-numbered year, submit the report required pursuant to subsection 2 to the Legislative Commission. On or before January 1 of each odd-numbered year, the Office of Energy shall submit the report required pursuant to subsection 2 to the Director of the Legislative Counsel Bureau for transmittal to the Legislature.

Sec. 9. *1. The Energy Planning and ~~[Mitigation]~~ Conservation Fund is hereby created in the State Treasury as a special revenue fund.*

2. All money collected by the Office of Energy pursuant to subsection 3 of section 7 of this act must be deposited in the State Treasury for credit to the Fund. The Director of the Office of Energy may apply for and accept any gift, donation, bequest, grant or other source of money for use by the Fund. Any money so received must be deposited in the State Treasury for credit to the Fund.

3. The Fund is a continuing fund without reversion. The money in the Fund must be invested as the money in other state funds is invested. The interest and income earned on the money in the Fund, after deducting any applicable charges, must be credited to the Fund. Claims against the Fund must be paid as other claims against the State are paid.

4. The Director of the Office of Energy shall administer the Fund. The money in the Fund must be provided to the Department of Wildlife and used:

(a) To conduct surveys of wildlife;

(b) To map locations of wildlife and wildlife habitat in this State;

(c) To pay for ~~[mitigation]~~ conservation projects for ~~[the habitat of]~~ wildlife ~~[impacted by energy development projects;]~~ and its habitat;

(d) To provide staff to assist the Director of the Department of Wildlife in carrying out the provisions of paragraphs (a), (b) and (c)~~[.]~~ ; and

(e) To coordinate carrying out the provisions of paragraphs (a), (b) and (c) in cooperation with the State Department of Conservation and Natural Resources.

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

(a) The criteria for projects for which the Department of Wildlife may use money from the Fund; and

(b) Procedures to distribute money from the Fund.

Sec. 10. NRS 701.020 is hereby amended to read as follows:

701.020 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 701.025 to 701.090, inclusive, ***and section 5 of this act*** have the meanings ascribed to them in those sections.

Sec. 11. NRS 701.180 is hereby amended to read as follows:

701.180 The Director shall:

1. Acquire and analyze information relating to energy and to the supply, demand and conservation of its sources, including, without limitation:

(a) Information relating to the Solar Energy Systems Incentive Program created pursuant to NRS 701B.240 including, without limitation, information relating to:

(1) The development of distributed generation systems in this State pursuant to participation in the Solar Energy Systems Incentive Program;

(2) The use of carbon-based energy in residential and commercial applications due to participation in the Program; and

(3) The average cost of generation on a kilowatt-hour basis for residential and commercial applications due to participation in the Program; and

(b) Information relating to any money distributed pursuant to NRS 702.270.

2. Review and evaluate information which identifies trends and permits forecasting of the energy available to the State. Such forecasts must include estimates on:

(a) The level of demand for energy in the State for 5-, 10- and 20-year periods;

(b) The amount of energy available to meet each level of demand;

(c) The probable implications of the forecast on the demand and supply of energy; and

(d) The sources of renewable energy and other alternative sources of energy which are available and their possible effects.

3. Study means of reducing wasteful, inefficient, unnecessary or uneconomical uses of energy and encourage the maximum utilization of existing sources of energy in the State.

4. Solicit and serve as the point of contact for grants and other money from the Federal Government, including, without limitation, any grants and other money available pursuant to any program administered by the United States Department of Energy, and other sources to cooperate with the Commissioner and the Authority:

(a) To promote energy projects that enhance the economic development of the State;

(b) To promote the use of renewable energy in this State;

(c) To promote the use of measures which conserve or reduce the demand for energy or which result in more efficient use of energy;

(d) To develop a comprehensive program for retrofitting public buildings in this State with energy efficiency measures; and

(e) If the Commissioner determines that it is feasible and cost-effective, to enter into contracts with researchers from the Nevada System of Higher Education for the design of energy efficiency and retrofit projects to carry out the comprehensive program for retrofitting public buildings in this State developed pursuant to paragraph (d).

5. Coordinate the activities and programs of the Office of Energy with the activities and programs of the Authority, the Consumer's Advocate and the Public Utilities Commission of Nevada, and with other federal, state and local officers and agencies that promote, fund, administer or operate activities and programs related to the use of renewable energy and the use of measures which conserve or reduce the demand for energy or which result in more efficient use of energy.

6. If requested to make a determination pursuant to NRS 111.239 or 278.0208, make the determination within 30 days after receiving the request. If the Director needs additional information to make the determination, the

Director may request the information from the person making the request for a determination. Within 15 days after receiving the additional information, the Director shall make a determination on the request.

7. ***Adopt any regulations necessary to carry out the provisions of sections 6 to 9, inclusive, of this act and shall coordinate with the Department of Wildlife to carry out those provisions.***

8. Carry out all other directives concerning energy that are prescribed by the Governor.

Sec. 12. The Office of Energy shall, before October 1, 2011, adopt any regulations which are required by or necessary to carry out the provisions of this act.

Sec. 13. This act becomes effective:

1. Upon passage and approval for the purposes of adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

2. On October 1, 2011, for all other purposes.

Assemblyman Atkinson moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 368.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture, and Mining:

Amendment No. 233.

AN ACT relating to livestock; requiring the State Department of Agriculture to prepare and maintain certain books in an electronic format; authorizing a person to transport a saddle horse into and from this State without a brand inspection or livestock movement permit issued by the Department under certain circumstances; ~~[requiring an inspector of the Department to carry or make available for use during a brand inspection a scanner or other device used to read an identification microchip subcutaneously implanted into livestock;]~~ revising provisions governing certain fees collected by the Department; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires any written instrument evidencing the transfer of ownership of any livestock brand or marks to be recorded in the Office of the State Department of Agriculture in a book provided by the Department for that purpose. (NRS 564.110) Existing law also authorizes the Department to compile and issue books and supplements to those books which set forth the records of the Department of all livestock brands and marks which may be found on any animals in this State. (NRS 564.130) **Sections 1 and 2** of this bill require the Department to make those books available in an electronic format and authorize the Department to include, in certain fees collected by

the Department, any costs incurred by the Department in preparing those books in an electronic format.

Existing law authorizes the Director of the Department to establish brand inspection districts in this State. If such districts are established, any animal within those districts is subject to brand inspection before the animal may be consigned for slaughter, sold or removed from any of those districts. (NRS 565.040, 565.090) **Section 3** of this bill authorizes a person to transport ~~[not more than 10]~~ **a** saddle ~~[horses]~~ **horse** into and from this State without a brand inspection or livestock movement permit issued by the Department. ~~[Any]~~ **Unless a shorter period is prescribed by the Department, any** horse so transported must not remain more than ~~[21]~~ **15** days in this State and must not be transported into or from this State more than once during that period.

~~[Section 6 of this bill requires each inspector of the Department, while conducting a brand inspection, to carry or otherwise make available for use a scanner or other device used for reading an identification microchip that has been subcutaneously implanted into any livestock inspected. Section 6 authorizes the Department to include, in any fee collected by the Department for conducting the brand inspection, any cost incurred by the Department in using the scanner or other device during the brand inspection.]~~

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

Section 1. NRS 564.110 is hereby amended to read as follows:

564.110 1. Any brand or brand and mark or marks awarded and recorded and remaining of record in accordance with the terms of this chapter, including those transferred legally as provided in this section, are the property of the person to whom they stand of record as provided in this chapter and are subject to sale, assignment, transfer, security agreement or lien, devise and descent the same as other personal property.

2. Instruments of writing evidencing the sale, assignment, transfer, security agreement, lien, devise or descent must be in that form, as to text, signatures, witnesses, acknowledgments or certifications, required by statutes, in the case of the kind of instrument concerned, but the Department may secure such competent legal advice or rulings, and require such supporting evidence as it deems necessary, as to such instruments of writing, being in fact, authentic and in legal form, before approving and recording those instruments of writing as provided in this chapter.

3. Instruments in writing evidencing the transfer of ownership of any brand or brand and mark or marks must, after approval, be recorded in the office of the Department in a book to be provided for that purpose, and are not legally binding until so approved by the Department and recorded. ***In addition to any other format, the Department shall prepare and maintain the book required by this subsection in an electronic format. The Department may include, in any fee collected by the Department for the recording of the instruments pursuant to NRS 564.080, any costs incurred***

by the Department in preparing and maintaining the book in an electronic format pursuant to this subsection.

4. The recording of those instruments has the same force and effect as to third parties as the recording of instruments affecting the sale, assignment, transfer, devise or descent of other personal property. The original, or a certified copy of any such instrument, may be introduced in evidence in the same manner as is provided for similar instruments affecting personal property, and the record of the instrument or instruments of transfer, or the transcript thereof certified by the custodian of the record, may be read in evidence without further proof.

5. If any brand or brand and mark or marks of record, in accordance with the provisions of this chapter, becomes the subject of, or is included in, any security agreement, provisional assignment or legal lien, the secured party, provisional assignee or lienholder may notify the Department in writing as to the existence and conditions of the security agreement, provisional assignment or lien. After the receipt of the written notice, the Department shall not transfer the brand or brand and mark or marks, other than to the secured party, provisional assignee or lienholder until there is filed with the Department satisfactory legal evidence that the security agreement, provisional assignment or lien has been legally satisfied and removed.

6. No transfer or change, or partial, joint or complete ownership, of any brand under the provisions of this section:

(a) Grants or recognizes any change in the method or area of its use from that authorized at the time of recording, or subsequent thereto but before the transfer or change of ownership; or

(b) Waives or modifies the rerecording requirements set forth in NRS 564.120.

Sec. 2. NRS 564.130 is hereby amended to read as follows:

564.130 1. The Department may compile and issue books, and supplements thereto, containing transcripts of part or all of its records of brands and marks, so arranged and indexed as to be suitable for use in identifying any brands or marks which may be found in this State on any animals, or the hides thereof, and used in compliance with the provisions of this chapter.

2. Copies of the brand books and supplements must be made available to any person at a charge to be fixed by the Department, but the charge must not be less than the cost of compilation, publication and issuance.

3. Copies of the brand books or supplements may be furnished by the Department, without charge, to any public officer or other person whose possession of the book or supplements will, in the opinion of the Department, serve to promote the general welfare.

4. In addition to any other format, the Department shall make any copies of the brand books and supplements available pursuant to this section available in an electronic format. The Department may include, in the amount of any charge fixed by the Department pursuant to subsection

2, any costs incurred by the Department in preparing those copies pursuant to this subsection.

Sec. 3. Chapter 565 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Any person who resides in a state which does not require the use or inspection of a brand for a horse in that state may transport [not more than 10] a saddle [horses] horse owned by that person into and from this State without a brand inspection or livestock movement permit issued by the Department. Any saddle horse transported pursuant to this section must not remain in this State for more than [21] 15 days or any shorter period specified by the Department and must not be transported into or from this State more than once during that period. Upon request by the Department, a person who transports a saddle horse pursuant to this section shall present to the Department a certificate of health for the saddle horse and a bill of sale or other proof of ownership of the saddle horse required by the Department.

2. As used in this section, "saddle horse" means any horse which [:

[(a) Is owned by a person who resides in a state which does not require the use or inspection of a brand for the horse in that state;

[(b) Is] is ridden or otherwise used by [the] a person while competing or participating in [any event] a rodeo, horse show or other [activity] contest of skill in this State [; and

[(c) Is not placed or kept in a corral or other enclosure with any other horse during an event or other activity specified in paragraph (b).

"The term does not include a horse which is ridden by a person who is a contestant in] other than a bucking event at [a] that rodeo, horse show or [other] contest of skill . [in this State.]

Sec. 4. NRS 565.040 is hereby amended to read as follows:

565.040 1. The Director may declare any part of this State a brand inspection district.

2. After the creation of any brand inspection district as authorized by this chapter, all animals within any such district are subject to brand inspection in accordance with the provisions of this chapter before:

(a) Consignment for slaughter within any district;

(b) Any transfer of ownership by sale or otherwise; or

(c) Removal from the district if the removal is not authorized pursuant to a livestock movement permit issued by the Department ~~[.]~~ ***or pursuant to section 3 of this act.***

3. If a brand inspection district is created by the Department pursuant to the provisions of this chapter, the Director shall adopt regulations defining the boundaries of the district and the fees to be collected for brand inspection and prescribing such other methods of procedure not inconsistent with the provisions of this chapter as the Director considers necessary.

4. Any regulations adopted pursuant to the provisions of this section must be published at least twice in a newspaper having a general circulation

in the brand inspection district created by the regulations, and copies of the regulations must be mailed to all common carriers of record with the Nevada Transportation Authority operating in the brand inspection district. Such publication and notification constitutes legal notice of the creation of the brand inspection district. The expense of advertising and notification must be paid from the Livestock Inspection Account.

Sec. 5. NRS 565.090 is hereby amended to read as follows:

565.090 1. Except as otherwise provided in subsections 3 and 6 ~~[,]~~ ***and section 3 of this act,*** it is unlawful for any person to drive or otherwise remove any animals out of a brand inspection district created under the provisions of this chapter until the animals have been inspected and a brand inspection clearance certificate is issued by the Department or a written permit from the Department has been issued authorizing the movement without brand inspection.

2. Any person contemplating the driving or movement of any animals out of a brand inspection district shall notify the Department or an inspector thereof of the person's intention, stating:

(a) The place at which it is proposed to cross the border of the brand inspection district with the animals.

(b) The number and kind of animals.

(c) The owner of the animals.

(d) The brands and marks of the animals claimed by each owner and, if they are other than the brands and marks legally recorded in the name of the owner, information concerning the basis for the claim of ownership or legal possession.

(e) The date of the proposed movement across the border of the brand inspection district and the destination of the movement.

(f) If a brand inspection is required, a statement setting forth the place where the animals will be held for brand inspection.

3. The provisions of this section do not apply to animals whose accustomed range is on both sides of the boundary of any brand inspection district but contiguous to that district and which are being moved from one portion of the accustomed range to another merely for pasturing and grazing thereon.

4. ~~[The]~~ ***Except as otherwise provided in section 3 of this act, the*** provisions of this section apply at all times to the movement of any animals across the Nevada state line to any point outside of the State of Nevada, except animals whose accustomed range is on both sides of the Nevada state line but contiguous thereto and which are being moved from one portion to another of the accustomed range merely for pasturing and grazing thereon.

5. In addition to the penalty imposed in NRS 565.170, a person who violates the provisions of subsection 1 is:

(a) For the first violation, subject to an immediate brand inspection of the animals by the Department and shall reimburse the Department for its time and mileage and pay the usual fees for the brand inspection.

(b) For the second and any subsequent violation, ineligible for a permit to move any livestock without a brand inspection until the State Board of Agriculture is satisfied that any future movement will comply with all applicable statutes and regulations.

6. The Department may establish regulations specifying the circumstances under which a permit may be issued authorizing the movement of livestock without a brand inspection pursuant to this section. The circumstances may include, without limitation, the routine movement of horses and bulls within and from this State for the purpose of participating in a rodeo.

Sec. 6. ~~[NRS 565.100 is hereby amended to read as follows:~~

~~565.100 *1.* It is unlawful for any person to consign for slaughter, or slaughter at an approved plant, or transfer ownership of any animals by sale or otherwise within any brand inspection district created under the provisions of this chapter, until the animals have been inspected by an inspector of the Department and a brand inspection clearance certificate issued covering the animals.~~

~~*2. During any inspection of brands conducted by an inspector of the Department, the inspector shall carry or otherwise make available for use a scanner or other device which is used to read an identification microchip subcutaneously implanted into any livestock inspected. The Department may include, in any fee collected by the Department for conducting the inspection pursuant to NRS 565.070, any cost incurred by the Department in using the scanner or other device during the inspection.]~~ **(Deleted by amendment.)**

Sec. 7. This act becomes effective on July 1, 2011.

Assemblywoman Carlton moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 374.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 317.

SUMMARY— ~~[Directs the Department of Administration and the Department of Transportation to conduct a joint review of the]~~ **Revises provisions governing the purchase of certain** mobile equipment ~~[owned]~~ by the Department of Transportation. (BDR ~~[S-852)]~~ **35-852)**

AN ACT relating to mobile equipment; ~~[directing the Department of Administration and]~~ **requiring the Director of** the Department of Transportation to ~~[conduct a joint review of the]~~ **submit a report to the Governor and the Legislature relating to the purchase or leasing of certain** mobile equipment ~~[owned by the Department of Transportation and a joint]~~ **, requiring the Department to prepare and present an** analysis of

the costs and benefits associated with the purchasing or leasing of ~~[that]~~ **certain** mobile equipment ~~[for the Department of Transportation;]~~ **; prohibiting the Board of Directors of the Department from approving the purchase of certain mobile equipment unless the Department justifies the purchase based on the costs and benefits analysis;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Director of the Department of Transportation to submit various reports to the Legislature concerning the activities of the Department. (NRS 408.203) Section 2 of this bill provides that, on or before February 1 of each odd-numbered year, the Director is required to submit a report to the Governor and the Legislature concerning all mobile equipment purchased or leased in the previous 2 years. Section 2 further requires that the report include, without limitation, the costs and benefits analysis prepared pursuant to section 3 of this bill and the justification for the decision to purchase or lease the mobile equipment.

Existing law requires the Board of Directors of the Department ~~[of Transportation]~~ to authorize the purchase by the Department ~~[of Transportation]~~ of any equipment which exceeds $50,000. (NRS 408.389) ~~[Further, existing law requires the Chief of the Purchasing Division of the Department of Administration to adopt regulations which set forth standards to be used by agencies when purchasing new equipment to determine whether that equipment can be leased or rented at a cost that is equal to or less than the cost of purchasing the equipment. (NRS 333.155) Existing regulations of the Purchasing Division provide that before an agency may acquire through the Division an item of equipment which is needed for a fixed period and for which the cost is not included in the executive budget, the agency must obtain from the Division a determination of which method of acquiring the item is the most cost-effective and in the best interest of this State. (NAC 333.110)~~

~~This bill requires the Department of Administration and the Department of Transportation to conduct a joint review of all mobile equipment currently owned by the Department of Transportation. The review must include such considerations as an analysis of the costs paid for the equipment, the number of hours the equipment is used per year throughout the State, the cost of maintenance, the manner in which maintenance is performed and the cost of renting or leasing the same piece of equipment. This bill also requires the Department of Administration and the Department of Transportation to analyze the costs and benefits of purchasing versus leasing each type of mobile equipment used by the Department of Transportation and to establish criteria to be used when making a determination whether to purchase or lease such equipment in the future. Further, Department of Administration and the Department of Transportation must make recommendations for legislation to carry out the criteria and any other changes to legislation relating to~~

~~purchasing versus renting or leasing equipment by the Department of Transportation. On or before January 1, 2013, a report containing the review and all recommendations must be submitted to the Director of the Legislative Counsel Bureau for transmittal to the Senate Standing Committee on Transportation, the Assembly Standing Committee on Transportation, the Senate Standing Committee on Finance and the Assembly Standing Committee on Ways and Means.~~**]** **Section 3 provides that, before the Board may approve the purchase of any mobile equipment which exceeds $50,000, the Department is required to prepare and present a costs and benefits analysis of purchasing or leasing the mobile equipment and justify purchasing instead of leasing based on that analysis. Section 3 further prohibits the Board from approving any purchase of mobile equipment which exceeds $50,000 unless the Department is able to justify purchasing instead of leasing based on that analysis.**

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

Section 1. ~~[1. The Department of Administration and the Department of Transportation shall jointly conduct a review of all mobile equipment owned by the Department of Transportation on and after July 1, 2011, but before January 1, 2013. For each piece of equipment, the review must include, without limitation:~~

~~(a) The date the equipment was purchased;~~

~~(b) The total number of hours the equipment has been used in each year since the equipment was purchased;~~

~~(c) The need for the equipment in this State;~~

~~(d) The geographic region of this State in which the equipment was most used;~~

~~(e) The cost of purchasing the equipment, including, without limitation:~~

~~(1) The price of the equipment;~~

~~(2) The associated cost of administration;~~

~~(3) The cost of transportation;~~

~~(4) The cost of maintenance;~~

~~(5) The estimated life of the equipment;~~

~~(6) The salvage value of the equipment at the expiration of its estimated life; and~~

~~(7) Any other information that may materially affect the cost of purchasing the equipment;~~

~~(f) The manner in which maintenance is performed on the equipment;~~

~~(g) The cost of renting or leasing the same item of equipment, including, without limitation:~~

~~(1) The amount of the required initial payment;~~

~~(2) The amount of each required monthly payment;~~

~~(3) The associated cost of administration;~~

~~(4) The cost of transportation;~~

~~(5) The cost of maintenance;~~

~~(6) The cost of returning the equipment;~~

~~(7) The cost of wear and tear caused to the equipment;~~

~~(8) The estimated resale value of the equipment at the expiration of the term of the rental agreement or lease; and~~

~~(9) Any other information that may materially affect the cost of renting or leasing the equipment;~~

~~(h) An analysis of the costs and benefits of purchasing versus leasing the equipment based upon paragraphs (a) to (g), inclusive, and any other factors which may affect such a decision; and~~

~~(i) A recommendation as to whether it is more beneficial and cost effective to this State to retain ownership of the equipment or to sell or otherwise dispose of the equipment and enter into a rental agreement or lease for any new equipment.~~

~~2. Based upon the review completed pursuant to subsection 1, the Department of Administration and the Department of Transportation shall jointly establish criteria for determining the circumstances under which the Department of Transportation is required to enter into a rental agreement or lease for new mobile equipment rather than purchase such equipment.~~

~~3. On or before January 1, 2013, the Department of Administration and the Department of Transportation shall jointly prepare and submit a report containing a summary of the review required pursuant to subsection 1, the criteria established pursuant to subsection 2 and any recommendations for legislation to the Director of the Legislative Counsel Bureau for transmittal to:~~

~~(a) The Senate Standing Committee on Transportation;~~

~~(b) The Assembly Standing Committee on Transportation;~~

~~(c) The Senate Standing Committee on Finance; and~~

~~(d) The Assembly Standing Committee on Ways and Means.~~**] (Deleted by amendment.)**

Sec. 2. **NRS 408.203 is hereby amended to read as follows:**

408.203 The Director shall:

1. Compile a comprehensive report outlining the requirements for the construction and maintenance of highways for the next 10 years, including anticipated revenues and expenditures of the Department, and submit it to the Director of the Legislative Counsel Bureau for transmittal to the Chairs of the Senate and Assembly Standing Committees on Transportation.

2. Compile a comprehensive report of the requirements for the construction and maintenance of highways for the next 3 years, including anticipated revenues and expenditures of the Department, no later than October 1 of each even-numbered year, and submit it to the Director of the Legislative Counsel Bureau for transmittal to the Chairs of the Senate and Assembly Standing Committees on Transportation.

3. Report to the Legislature by February 1 of odd-numbered years the progress being made in the Department's 12-year plan for the resurfacing of state highways. The report must include an accounting of revenues and expenditures in the preceding 2 fiscal years, a list of the projects which have been completed, including mileage and cost, and an estimate of the adequacy of projected revenues for timely completion of the plan.

4. On or before February 1 of each odd-numbered year, submit to the Governor and to the Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature a written report concerning all mobile equipment purchased or leased by the Department in the preceding 2 fiscal years. The report must include, without limitation, an analysis of the costs and benefits of each purchase or lease prepared pursuant to subsection 2 of NRS 408.389, the justification for the decision to purchase or lease and any other information required by the Director relating to such purchase or lease.

Sec. 3. **NRS 408.389 is hereby amended to read as follows:**

408.389 1. ~~[The]~~ ***Except as otherwise provided in subsection 2, the*** Department shall not purchase any equipment which exceeds $50,000, unless the purchase is first approved by the Board.

2. ***Before the Board may approve the purchase of any mobile equipment which exceeds $50,000, the Department shall:***

(a) Prepare and present to the Board an analysis of the costs and benefits associated with purchasing or leasing the same item of mobile equipment; and

(b) Justify the need for the purchase based on that analysis.

3. The Board shall not ~~[delegate]~~ ***:***

(a) Delegate to the Director its authority to approve purchases of equipment pursuant to subsection 1 ~~[.]~~ ***; or***

(b) Approve any purchase of mobile equipment which exceeds $50,000 and for which the Department is unable to provide justification pursuant to subsection 2.

~~[Sec. 2.]~~ ***Sec. 4.*** This act becomes effective on July 1, 2011.

Assemblywoman Dondero Loop moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 398.

Bill read second time.

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

Amendment No. 281.

AN ACT relating to commercial tenancies; prohibiting a landlord's interference with a tenant's use of commercial premises under certain circumstances; establishing a procedure for a tenant to recover possession of commercial premises following a lockout; establishing requirements for

accounting for, charges against and refund of security deposits; prohibiting a landlord from assessing charges against a tenant except under certain circumstances; setting forth the circumstances under which a tenant can be presumed to have abandoned commercial premises; repealing and reenacting provisions relating to the disposal of personal property abandoned by a tenant on commercial premises; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 14 of this bill prohibits a landlord from interfering in certain manners with a tenant's use of commercial premises.

Section 15 of this bill establishes a process for a tenant to recover possession of commercial premises from which a landlord has locked the tenant out.

Sections 16 and 27 of this bill repeal and reenact provisions authorizing a landlord to dispose of abandoned personal property left on commercial premises by a tenant under certain circumstances.

Sections 17-23 of this bill set forth requirements for the accounting for, refund of and charges against security deposits.

Section 24 of this bill prohibits a landlord from charging a tenant for rent or physical damages to commercial premises except under certain circumstances.

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

Section 1. Title 10 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 2 to 24, inclusive, of this act.

Sec. 2. ***As used in sections 2 to 24, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 to 12, inclusive, of this act, have the meanings ascribed to them in those sections.***

Sec. 3. ***"Abandoned personal property" means any personal property which is left unattended on commercial premises after the termination of the tenancy and which is not removed by the tenant or a person who has*** ~~*[a perfected lien on, or perfected security]*~~ ***an ownership interest in*** ~~*[,]*~~ ***the personal property within 14 days after*** ~~*[the later of]*~~ ***the date on which the landlord*** ~~*[:*~~

~~*1. Mailed,]*~~ ***mailed, by certified mail, return receipt requested, notice of the landlord's intention to dispose of the personal property, as required by*** ~~*[subparagraph (1) of]*~~ ***paragraph (a) of subsection 1 of section 16 of this act*** ~~*[; or*~~

~~*2. Provided notice to a person who has a perfected lien on, or a perfected security interest in, the personal property that the personal property has been left on the commercial premises, as required by subparagraph (2) of paragraph (a) of subsection 1 of section 16 of this act.]*~~

Sec. 4. *"Action" includes a counterclaim, crossclaim, third-party claim or any other proceeding in which rights are determined.*

Sec. 4.5. *"Commercial premises" means any real property other than premises as defined in NRS 118A.140.*

Sec. 5. *"Court" means the district court, justice court or other court of competent jurisdiction situated in the county or township wherein the commercial premises are located.*

Sec. 6. *"Landlord" means a person who provides commercial premises for use by another person pursuant to a rental agreement.*

Sec. 7. *"Owner" means one or more persons, jointly or severally, in whom is vested:*

1. All or part of the legal title to a commercial premises, except a trustee under a deed of trust who is not in possession of the commercial premises; or

2. All or part of the beneficial ownership, and a right to present use and enjoyment of the commercial premises.

Sec. 8. *"Person" includes a government, a governmental agency and a political subdivision of a government.*

Sec. 9. *"Rent" means all periodic payments to be made to the landlord for occupancy of commercial premises, including, without limitation, all reasonable and actual late fees set forth in the rental agreement.*

Sec. 10. *"Rental agreement" means an agreement to lease or sublease commercial premises for a term less than life which provides for the periodic payment of rent.*

Sec. 11. *"Security deposit" means any advance of money, other than a deposit for a rental application or a payment in advance of rent, that is intended primarily to secure performance under a ~~[lease of commercial premises.]~~ rental agreement.*

Sec. 12. *"Tenant" means a person who has the right to possess commercial premises pursuant to a rental agreement.*

Sec. 13. *The provisions of sections 2 to 24, inclusive, of this act apply only to the relationship between landlords and tenants of commercial premises.*

Sec. 14. *1. A landlord or a landlord's agent may not interrupt or cause the interruption of utility service paid for directly to the utility company by a tenant unless the interruption results from construction, bona fide repairs or an emergency.*

2. A landlord may not remove:

(a) A door, window or attic hatchway cover;

(b) A lock, latch, hinge, hinge pin, doorknob or other mechanism connected to a door, window or attic hatchway cover; or

(c) Furniture, fixtures or appliances furnished by the landlord,

↳ from commercial premises unless the landlord removes the item for a bona fide repair or replacement. If a landlord removes any of the items

listed in this subsection for a bona fide repair or replacement, the repair or replacement must be promptly performed.

3. A landlord may not intentionally prevent a tenant from entering the commercial premises except by judicial process unless the exclusion results from:

(a) Construction, bona fide repairs or an emergency;

(b) Removing the contents of commercial premises abandoned by a tenant; or

(c) Changing the door locks of a tenant who is delinquent in paying at least part of the rent.

4. If a landlord or a landlord's agent changes the door lock of commercial premises leased to a tenant who is delinquent in paying rent, the landlord or agent must place a written notice on the front door of the commercial premises stating the name and the address or telephone number of the person or company from which the new key may be obtained. The new key is required to be provided only during the regular business hours of the tenant and only if the tenant pays the delinquent rent.

5. If a landlord or a landlord's agent violates this section, the tenant may:

(a) Recover possession of the commercial premises or terminate the ~~[lease;]~~ rental agreement; and

(b) Recover from the landlord an amount equal to the sum of the tenant's actual damages, one month's rent or $500, whichever is greater, reasonable attorney's fees and court costs, less any delinquent rents or other sums for which the tenant is liable to the landlord.

6. A ~~[lease]~~ rental agreement supersedes this section to the extent of any conflict.

Sec. 15. ***1. If a landlord locks a tenant out of ~~[leased]~~ commercial premises that is subject to a rental agreement in violation of section 14 of this act, the tenant may recover possession of the commercial premises as provided by this section.***

2. A tenant must file with the justice court of the township in which the commercial premises are located or with the district court of the county in which the commercial premises are located, whichever has jurisdiction over the matter, a verified complaint for reentry, specifying the facts of the alleged unlawful lockout by the landlord or the landlord's agent. The tenant must also state orally under oath to the court the facts of the alleged unlawful lockout.

3. If a tenant has complied with subsection 2 and if the court reasonably believes an unlawful lockout may have occurred, the court may issue, ex parte, a temporary writ of restitution that entitles the tenant to immediate and temporary possession of the commercial premises, pending a final hearing on the tenant's verified complaint for reentry.

4. A temporary writ of restitution must be served on the landlord or the landlord's agent in the same manner as a writ of restitution in a forcible detainer action. A sheriff or constable may use reasonable force in executing a temporary writ of restitution under this subsection.

5. A landlord is entitled to a hearing on a tenant's verified complaint for reentry. A temporary writ of restitution must notify the landlord of the right to a hearing. The hearing must be held not earlier than the first day and not later than the seventh day after the date the landlord requests a hearing.

6. If a landlord fails to request a hearing on a tenant's verified complaint for reentry before the eighth day after the date of service of the temporary writ of restitution on the landlord under subsection 4, a judgment for court costs may be rendered against the landlord.

7. A party may appeal from the court's judgment at the hearing on the verified complaint for reentry in the same manner as a party may appeal a judgment in an action for forcible detainer.

8. If a writ of restitution is issued, the writ supersedes a temporary writ of restitution.

9. If the landlord or the person on whom a writ of restitution is served fails to immediately comply with the writ or later disobeys the writ, the failure is grounds for contempt of court against the landlord or the person on whom the writ was served, under chapter 22 of NRS. If the writ is disobeyed, the tenant or the tenant's attorney may file in the court in which the reentry action is pending an affidavit stating the name of the person who has disobeyed the writ and describing the acts or omissions constituting the disobedience. On receipt of an affidavit, the court shall issue an order to show cause, directing the person to appear on a designated date and show cause why the person should not be adjudged in contempt of court. If the court finds, after considering the evidence at the hearing, that the person has directly or indirectly disobeyed the writ, the court may commit the person to jail without bail until the person purges himself or herself of the contempt in a manner and form as the court may direct. If the person disobeyed the writ before receiving the order to show cause but has complied with the writ after receiving the order, the court may find the person in contempt and punish the person under chapter 22 of NRS.

10. This section does not affect a tenant's right to pursue a separate cause of action under section 14 of this act.

11. If a tenant in bad faith files a sworn complaint for reentry resulting in a writ of restitution being served on the landlord or landlord's agent, the landlord may in a separate cause of action recover from the tenant an amount equal to actual damages, one month's rent or $500, whichever is greater, reasonable attorney's fees, and costs of court, less any sums for which the landlord is liable to the tenant.

12. The fee for filing a verified complaint for reentry is the same as that for filing a civil action in the court in which the verified complaint is filed. The court may defer payment of the tenant's filing fees and service costs for the verified complaint for reentry and writ of restitution. Court costs may be waived only if the tenant files an affidavit under NRS 12.015.

13. This section does not affect the rights of a landlord or tenant in a forcible detainer, unlawful detainer or forcible entry and detainer action.

Sec. 16. ***1. Except as otherwise provided in subsection 3, a landlord who leases or subleases any commercial premises under a rental agreement that has been terminated for any reason may, in accordance with the following provisions, dispose of any abandoned personal property, regardless of its character, left on the commercial premises without incurring any civil or criminal liability:***

(a) The landlord may dispose of the abandoned personal property and recover his or her reasonable costs out of the abandoned personal property or the value thereof if the ~~*[conditions set forth in subparagraphs (1) and (2) are satisfied:*~~

~~*(1) The]*~~ ***landlord has notified the tenant in writing of the landlord's intention to dispose of the abandoned personal property and 14 days have elapsed since the notice was mailed to the tenant. The notice must be mailed, by certified mail, return receipt requested, to the tenant at the tenant's present address, and if that address is unknown, then at the tenant's last known address.***

~~*[(2) The landlord has taken reasonable steps to:*~~

~~*(I) Determine whether the tenant has subjected the abandoned personal property to a perfected lien or security interest; and*~~

~~*(II) If the landlord determines that the tenant has subjected the abandoned personal property to a perfected lien or security interest, notify the holder of the perfected lien or the security interest that the abandoned personal property has been left on the commercial premises.*~~

~~*➡ The landlord shall be deemed to have taken the reasonable steps required by subparagraph (2) if the landlord has reviewed the results of a current search of the records in which a financing statement must be filed in order to perfect a lien or security interest pursuant to chapter 104 of NRS for a financing statement naming the tenant as the debtor of a debt secured by the abandoned personal property and, if such a financing statement is found, mailed to any secured party named on the financing statement at the address indicated on the financing statement, by certified mail, return receipt requested, a written notice stating that the abandoned personal property has been left on the premises.]*~~

(b) The landlord may charge and collect the reasonable and actual costs of inventory, moving and safe storage, if necessary, before releasing the abandoned personal property to the tenant or his or her authorized representative rightfully claiming the abandoned personal property within the appropriate period set forth in paragraph (a).

(c) Vehicles must be disposed of in the manner provided in chapter 487 of NRS for abandoned vehicles.

2. A tenant of commercial premises is presumed to have abandoned the premises if:

(a) Goods, equipment or other property, in an amount substantial enough to indicate a probable intent to abandon the commercial premises, is being or has been removed from the commercial premises; and

(b) The removal is not within the normal course of business of the tenant.

3. If a written agreement between a landlord and a ~~[secured party]~~ person who has ~~[a perfected lien on, or a perfected security]~~ an ownership interest in ~~[,]~~ any abandoned personal property of the tenant contains provisions which relate to the removal and disposal of abandoned personal property, the provisions of the agreement determine the rights and obligations of the landlord and the ~~[secured party]~~ person with respect to the removal and disposal of the abandoned personal property.

4. Any dispute relating to the amount of the costs claimed by the landlord pursuant to paragraph (b) of subsection 1 may be resolved using the procedure provided in subsection 7 of NRS 40.253.

Sec. 17. *1. A landlord shall refund a security deposit to a tenant not later than 60 days after the date on which the tenant surrenders the commercial premises and provides notice to the landlord or the landlord's agent of the mailing address of the tenant pursuant to section 21 of this act.*

2. A claim of a tenant to a security deposit to which the tenant is entitled takes priority over the claim of any creditor of the landlord, including a trustee in bankruptcy.

Sec. 18. *1. Before returning a security deposit, a landlord may deduct from the deposit damages and charges for which the tenant is legally liable under the ~~[lease]~~ rental agreement or damages and charges that result from a breach of the ~~[lease.]~~ rental agreement.*

2. A landlord may not retain any portion of a security deposit to cover normal wear and tear. For the purposes of this subsection, "normal wear and tear" means deterioration that results from the intended use of the commercial premises, including breakage or malfunction because of age or deteriorated condition, but the term does not include deterioration that results from negligence, carelessness, accident or abuse of the commercial premises, equipment, or chattels by the tenant or by a guest or invitee of the tenant.

3. If a landlord retains all or part of a security deposit under this section, the landlord shall give to the tenant the balance of the security deposit, if any, together with a written description and itemized list of all deductions. The landlord is not required to give the tenant a description and itemized list of deductions if:

(a) The tenant owes rent when the tenant surrenders possession of the commercial premises; and

(b) No controversy exists concerning the amount of rent owed.

Sec. 19. ***1. Except as otherwise provided in subsection 4, if an owner's interest in commercial premises is terminated by sale, assignment, death, appointment of a receiver, bankruptcy or otherwise, the new owner is liable with respect to the security deposit pursuant to sections 2 to 24, inclusive, of this act from the date title to the premises is acquired, regardless of whether an acknowledgment is given to the tenant under subsection 2.***

2. Except as otherwise provided in subsection 1, a person who no longer owns an interest in the commercial premises remains liable for a security deposit received while the person was the owner until the new owner delivers to the tenant a signed statement acknowledging that the new owner has received and is responsible for the tenant's security deposit and specifying the exact dollar amount of the deposit.

3. The amount of a security deposit for which a new owner is liable pursuant to this section is the greater of:

(a) The amount provided in the tenant's ~~[lease;]~~ rental agreement; or

(b) The amount provided in an estoppel certificate prepared by the owner at the time the ~~[lease]~~ rental agreement was executed or prepared by the new owner at the time the commercial premises is transferred.

4. Subsection 1 does not apply to a person who acquires title to the premises by foreclosure.

Sec. 20. ***A landlord shall keep accurate records of all security deposits.***

Sec. 21. ***1. A landlord is not obligated to return a security deposit to a tenant or give the tenant a written description of damages and charges until the tenant provides to the landlord in writing a mailing address to which the security deposit or written description are to be sent.***

2. A tenant does not forfeit the right to a refund of a security deposit or the right to receive a description of damages and charges for failing to give a mailing address to the landlord.

Sec. 22. ***1. A tenant may not withhold payment of any portion of the last month's rent on grounds that a security deposit is security for unpaid rent.***

2. A tenant who violates this section is presumed to have acted in bad faith. A tenant who in bad faith violates this section is liable to the landlord for an amount equal to three times the rent wrongfully withheld and the landlord's reasonable attorney's fees in an action to recover the rent.

Sec. 23. ***1. A landlord who in bad faith retains a security deposit in violation of sections 2 to 24, inclusive, of this act is liable for an amount equal to the sum of $100, three times the portion of the deposit wrongfully withheld, and the tenant's reasonable attorney's fees incurred in an action to recover the deposit after the period prescribed for returning the deposit expires.***

2. A landlord who in bad faith does not provide a written description and itemized list of damages and charges in violation of sections 2 to 24, inclusive, of this act:

(a) Forfeits the right to withhold any portion of the security deposit or to bring suit against the tenant for damages to the commercial premises; and

(b) Is liable for the tenant's reasonable attorney's fees in an action to recover the deposit.

3. In an action brought by a tenant under sections 2 to 24, inclusive, of this act, the landlord has the burden of proving that the retention of any portion of a security deposit was reasonable.

4. Except as otherwise provided in subsection 1 of section 21 of this act, a landlord who fails to return a security deposit or to provide a written description and itemized list of deductions within 60 days after the date the tenant surrenders possession of the commercial premises is presumed to have acted in bad faith.

Sec. 24. ***1. A landlord may not assess a charge, excluding a charge for rent or physical damage to the commercial premises, to a tenant unless the amount of the charge or the method by which the charge is to be computed is stated in the ~~[lease,]~~ rental agreement, an exhibit or attachment that is part of the ~~[lease]~~ rental agreement or an amendment to the ~~[lease.]~~ rental agreement.***

2. This section does not affect the right of a landlord to assess a charge or obtain a remedy allowed under a statute or common law.

Sec. 25. NRS 118.171 is hereby amended to read as follows:

118.171 As used in NRS 118.171 to ~~[~~118.207,~~]~~ ***118.205,*** inclusive, unless the context otherwise requires:

1. ~~[~~"Abandoned personal property" means any personal property which is left unattended on any commercial premises after the termination of the tenancy and which is not removed by the tenant or a person who has a perfected lien on, or perfected security interest in, the personal property within 14 days after the later of the date on which the landlord:

(a) Mailed, by certified mail, return receipt requested, notice of the landlord's intention to dispose of the personal property, as required by subparagraph (1) of paragraph (a) of subsection 1 of NRS 118.207; or

(b) Provided notice to a person who has a perfected lien on, or a perfected security interest in, the personal property that the personal property has been left on the premises, as required by subparagraph (2) of paragraph (a) of subsection 1 of NRS 118.207.

2.~~]~~ "Real property" includes an apartment, a dwelling, a mobile home that is owned by a landlord and located on property owned by the landlord and commercial premises.

~~[~~3.~~]~~ ***2.*** "Rental agreement" means an agreement to lease or sublease real property for a term less than life which provides for the periodic payment of rent.

~~[4.]~~ ***3.*** "Tenant" means a person who has the right to possess real property pursuant to a rental agreement.

Sec. 26. NRS 40.253 is hereby amended to read as follows:

40.253 1. Except as otherwise provided in subsection 10, in addition to the remedy provided in NRS 40.2512 and 40.290 to 40.420, inclusive, when the tenant of any dwelling, apartment, mobile home, recreational vehicle or commercial premises with periodic rent reserved by the month or any shorter period is in default in payment of the rent, the landlord or the landlord's agent, unless otherwise agreed in writing, may serve or have served a notice in writing, requiring in the alternative the payment of the rent or the surrender of the premises:

(a) At or before noon of the fifth full day following the day of service; or

(b) If the landlord chooses not to proceed in the manner set forth in paragraph (a) and the rent is reserved by a period of 1 week or less and the tenancy has not continued for more than 45 days, at or before noon of the fourth full day following the day of service.

➥ As used in this subsection, "day of service" means the day the landlord or the landlord's agent personally delivers the notice to the tenant. If personal service was not so delivered, the "day of service" means the day the notice is delivered, after posting and mailing pursuant to subsection 2, to the sheriff or constable for service if the request for service is made before noon. If the request for service by the sheriff or constable is made after noon, the "day of service" shall be deemed to be the day next following the day that the request is made for service by the sheriff or constable.

2. A landlord or the landlord's agent who serves a notice to a tenant pursuant to paragraph (b) of subsection 1 shall attempt to deliver the notice in person in the manner set forth in paragraph (a) of subsection 1 of NRS 40.280. If the notice cannot be delivered in person, the landlord or the landlord's agent:

(a) Shall post a copy of the notice in a conspicuous place on the premises and mail the notice by overnight mail; and

(b) After the notice has been posted and mailed, may deliver the notice to the sheriff or constable for service in the manner set forth in subsection 1 of NRS 40.280. The sheriff or constable shall not accept the notice for service unless it is accompanied by written evidence, signed by the tenant when the tenant took possession of the premises, that the landlord or the landlord's agent informed the tenant of the provisions of this section which set forth the lawful procedures for eviction from a short-term tenancy. Upon acceptance, the sheriff or constable shall serve the notice within 48 hours after the request for service was made by the landlord or the landlord's agent.

3. A notice served pursuant to subsection 1 or 2 must:

(a) Identify the court that has jurisdiction over the matter; and

(b) Advise the tenant of the tenant's right to contest the matter by filing, within the time specified in subsection 1 for the payment of the rent or surrender of the premises, an affidavit with the court that has jurisdiction

over the matter stating that the tenant has tendered payment or is not in default in the payment of the rent.

4. If the tenant files such an affidavit at or before the time stated in the notice, the landlord or the landlord's agent, after receipt of a file-stamped copy of the affidavit which was filed, shall not provide for the nonadmittance of the tenant to the premises by locking or otherwise.

5. Upon noncompliance with the notice:

(a) The landlord or the landlord's agent may apply by affidavit of complaint for eviction to the justice court of the township in which the dwelling, apartment, mobile home or commercial premises are located or to the district court of the county in which the dwelling, apartment, mobile home or commercial premises are located, whichever has jurisdiction over the matter. The court may thereupon issue an order directing the sheriff or constable of the county to remove the tenant within 24 hours after receipt of the order. The affidavit must state or contain:

(1) The date the tenancy commenced.

(2) The amount of periodic rent reserved.

(3) The amounts of any cleaning, security or rent deposits paid in advance, in excess of the first month's rent, by the tenant.

(4) The date the rental payments became delinquent.

(5) The length of time the tenant has remained in possession without paying rent.

(6) The amount of rent claimed due and delinquent.

(7) A statement that the written notice was served on the tenant in accordance with NRS 40.280.

(8) A copy of the written notice served on the tenant.

(9) A copy of the signed written rental agreement, if any.

(b) Except when the tenant has timely filed the affidavit described in subsection 3 and a file-stamped copy of it has been received by the landlord or the landlord's agent, and except when the landlord is prohibited pursuant to NRS 118A.480, the landlord or the landlord's agent may, in a peaceable manner, provide for the nonadmittance of the tenant to the premises by locking or otherwise.

6. Upon the filing by the tenant of the affidavit permitted in subsection 3, regardless of the information contained in the affidavit, and the filing by the landlord of the affidavit permitted by subsection 5, the justice court or the district court shall hold a hearing, after service of notice of the hearing upon the parties, to determine the truthfulness and sufficiency of any affidavit or notice provided for in this section. If the court determines that there is no legal defense as to the alleged unlawful detainer and the tenant is guilty of an unlawful detainer, the court may issue a summary order for removal of the tenant or an order providing for the nonadmittance of the tenant. If the court determines that there is a legal defense as to the alleged unlawful detainer, the court shall refuse to grant either party any relief, and, except as otherwise provided in this subsection, shall require that any further proceedings be

conducted pursuant to NRS 40.290 to 40.420, inclusive. The issuance of a summary order for removal of the tenant does not preclude an action by the tenant for any damages or other relief to which the tenant may be entitled. If the alleged unlawful detainer was based upon subsection 5 of NRS 40.2514, the refusal by the court to grant relief does not preclude the landlord thereafter from pursuing an action for unlawful detainer in accordance with NRS 40.251.

7. The tenant may, upon payment of the appropriate fees relating to the filing and service of a motion, file a motion with the court, on a form provided by the clerk of the court, to dispute the amount of the costs, if any, claimed by the landlord pursuant to NRS ~~[118.207 or]~~ 118A.460 ***or section 16 of this act*** for the inventory, moving and storage of personal property left on the premises. The motion must be filed within 20 days after the summary order for removal of the tenant or the abandonment of the premises by the tenant, or within 20 days after:

(a) The tenant has vacated or been removed from the premises; and

(b) A copy of those charges has been requested by or provided to the tenant,

➥ whichever is later.

8. Upon the filing of a motion pursuant to subsection 7, the court shall schedule a hearing on the motion. The hearing must be held within 10 days after the filing of the motion. The court shall affix the date of the hearing to the motion and order a copy served upon the landlord by the sheriff, constable or other process server. At the hearing, the court may:

(a) Determine the costs, if any, claimed by the landlord pursuant to NRS ~~[118.207 or]~~ 118A.460 ***or section 16 of this act*** and any accumulating daily costs; and

(b) Order the release of the tenant's property upon the payment of the charges determined to be due or if no charges are determined to be due.

9. A landlord shall not refuse to accept rent from a tenant that is submitted after the landlord or the landlord's agent has served or had served a notice pursuant to subsection 1 if the refusal is based on the fact that the tenant has not paid collection fees, attorney's fees or other costs other than rent, a reasonable charge for late payments of rent or dishonored checks, or a security. As used in this subsection, "security" has the meaning ascribed to it in NRS 118A.240.

10. This section does not apply to the tenant of a mobile home lot in a mobile home park or to the tenant of a recreational vehicle lot in an area of a mobile home park in this State other than an area designated as a recreational vehicle lot pursuant to the provisions of subsection 6 of NRS 40.215.

Sec. 27. NRS 118.207 is hereby repealed.

TEXT OF REPEALED SECTION

118.207 Disposal of personal property abandoned by tenant on commercial premises; notice; procedure by landlord; releasing property to tenant; limitation on landlord's liability.

1. Except as otherwise provided in subsection 2, a landlord who leases or subleases any commercial premises under a rental agreement that has been terminated for any reason may, in accordance with the following provisions, dispose of any abandoned personal property, regardless of its character, left on the commercial premises without incurring any civil or criminal liability:

(a) The landlord may dispose of the abandoned personal property and recover his or her reasonable costs out of the abandoned personal property or the value thereof if the conditions set forth in subparagraphs (1) and (2) are satisfied:

(1) The landlord has notified the tenant in writing of the landlord's intention to dispose of the abandoned personal property and 14 days have elapsed since the notice was mailed to the tenant. The notice must be mailed, by certified mail, return receipt requested, to the tenant at the tenant's present address, and if that address is unknown, then at the tenant's last known address.

(2) The landlord has taken reasonable steps to:

(I) Determine whether the tenant has subjected the abandoned personal property to a perfected lien or security interest; and

(II) If the landlord determines that the tenant has subjected the abandoned personal property to a perfected lien or security interest, notify the holder of the perfected lien or the security interest that the abandoned personal property has been left on the premises.

➥ The landlord shall be deemed to have taken the reasonable steps required by subparagraph (2) if the landlord has reviewed the results of a current search of the records in which a financing statement must be filed in order to perfect a lien or security interest pursuant to chapter 104 of NRS for a financing statement naming the tenant as the debtor of a debt secured by the abandoned personal property and, if such a financing statement is found, mailed, to any secured party named on the financing statement at the address indicated on the financing statement, by certified mail, return receipt requested, a written notice stating that the abandoned personal property has been left on the premises.

(b) The landlord may charge and collect the reasonable and actual costs of inventory, moving and safe storage, if necessary, before releasing the abandoned personal property to the tenant or his or her authorized representative rightfully claiming the abandoned personal property within the appropriate period set forth in paragraph (a).

(c) Vehicles must be disposed of in the manner provided in chapter 487 of NRS for abandoned vehicles.

2. If a written agreement between a landlord and a secured party who has a perfected lien on, or a perfected security interest in, any abandoned personal property of the tenant contains provisions which relate to the

removal and disposal of abandoned personal property, the provisions of the agreement determine the rights and obligations of the landlord and the secured party with respect to the removal and disposal of the abandoned personal property.

3. Any dispute relating to the amount of the costs claimed by the landlord pursuant to paragraph (b) of subsection 1 may be resolved using the procedure provided in subsection 7 of NRS 40.253.

Assemblyman Atkinson moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 429.

Bill read second time.

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

Amendment No. 431.

AN ACT relating to manufactured housing; requiring a landlord of a manufactured home park to pay certain costs associated with moving a tenant's manufactured home under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires a landlord of a manufactured home park to pay certain costs associated with moving a tenant's manufactured home if the landlord closes or converts the park. (NRS 118B.130, 118B.177, 118B.180, 118B.183) ~~[Section 1 of this bill similarly requires a landlord of a manufactured home park to pay certain costs associated with moving a tenant's manufactured home if the tenant elects to move after a landlord raises cumulatively the rent on a manufactured home lot by 40 percent or more within 5 consecutive years. Section 1 also: (1) requires a tenant to provide written notice of his or her intention to move; and (2) gives the landlord the opportunity to reduce the rent before the landlord is required to pay such costs.~~

~~Existing law also authorizes a landlord to remove and dispose of a manufactured home and requires the landlord to pay to the tenant the fair market value of the manufactured home if the tenant chooses not to move the manufactured home under certain circumstances. (NRS 118B.130, 118B.177, 118B.180, 118B.183) Sections 1-5 of this bill require a landlord, under those circumstances, to pay to the tenant the fair market value of the manufactured home minus the reasonable cost of removing and disposing of the manufactured home or $5,000, whichever is greater.]~~ **Sections ~~[1-5 also]~~ 2-5 of this bill** require a landlord to pay costs associated with moving a tenant's manufactured home to a new location in this State or another state that is within 150 miles from the manufactured home park.

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

Section 1. (Deleted by amendment.)

Sec. 2. NRS 118B.130 is hereby amended to read as follows:

118B.130 1. A landlord may not change:

(a) An existing park to a park for older persons pursuant to federal law unless the tenants who do not meet those restrictions and may lawfully be evicted are moved to other parks at the expense of the landlord; or

(b) The restriction of a park for older persons pursuant to federal law unless the tenants are given the option of remaining in their spaces or moving to other parks at the expense of the landlord.

2. A tenant who elects to move pursuant to a provision of subsection 1 shall give the landlord notice in writing of the tenant's election to move within 75 days after receiving notice of the change in restrictions in the park.

3. At the time of providing notice of the change in restrictions in the park, the landlord shall provide to each tenant:

(a) The address and telephone number of the Division;

(b) Any list published by the Division setting forth the names of licensed transporters of manufactured homes approved by the Division; and

(c) Any list published by the Division setting forth the names of mobile home parks within ~~[100]~~ ***150*** miles that have reported having vacant spaces.

4. If a landlord is required to move a tenant to another park pursuant to subsection 1, the landlord shall pay:

(a) The cost of moving the tenant's manufactured home and its appurtenances to a new location in this State or another state within ~~[100]~~ ***150*** miles from the manufactured home park; or

(b) If the new location is more than ~~[100]~~ ***150*** miles from the manufactured home park, the cost of moving the manufactured home for the first ~~[100]~~ ***150*** miles,

➥ including fees for inspection, any deposits for connecting utilities and the cost of taking down, moving, setting up and leveling his or her manufactured home and its appurtenances in the new lot or park.

5. If the landlord is unable to move a shed, due to its physical condition, that belongs to a tenant who has elected to have the landlord move his or her manufactured home, the landlord shall pay the tenant $250 as reimbursement for the shed. Each tenant may receive only one payment of $250 even if more than one shed is owned by the tenant.

6. If the tenant chooses not to move the manufactured home, the manufactured home cannot be moved without being structurally damaged or there is no manufactured home park within ~~[100]~~ ***150*** miles that is willing to accept the manufactured home, the landlord:

(a) May remove and dispose of the manufactured home; and

(b) Shall pay to the tenant the fair market value of the manufactured home . ~~*[less the reasonable cost of removing and disposing of the manufactured home or $5,000, whichever is greater.]*~~

7. A landlord of a park in which restrictions have been or are being changed shall give written notice of the change to each:

(a) Tenant of the park who does not meet the new restrictions; and

(b) Prospective tenant before the commencement of the tenancy.

8. For the purposes of this section, the fair market value of a manufactured home must be determined as follows:

(a) A dealer licensed pursuant to chapter 489 of NRS who is a certified appraiser and who is selected jointly by the landlord or his or her agent and the tenant shall make the determination.

(b) If there are insufficient dealers licensed pursuant to chapter 489 of NRS who are certified appraisers available for the purposes of paragraph (a), a person who possesses the qualifications pursuant to the Appraiser Qualifications for Manufactured Homes Classified as Personal Property as set forth in section 8-3 of Valuation Analysis for Single Family One- to Four-Unit Dwellings, HUD Directive Number 4150.2 CHG-1, of the United States Department of Housing and Urban Development, and who is selected jointly by the landlord or his or her agent and the tenant shall make the determination.

(c) If there are insufficient persons available for the purposes of paragraphs (a) and (b) or if the landlord or his or her agent and the tenant cannot agree pursuant to paragraphs (a) and (b), the landlord or his or her agent or the tenant may request the Administrator to, and the Administrator shall, appoint a dealer licensed pursuant to chapter 489 of NRS or a certified appraiser who shall make the determination.

9. The landlord shall pay the costs associated with determining the fair market value of a manufactured home and the cost of removing and disposing of a manufactured home pursuant to subsection 6.

Sec. 3. NRS 118B.177 is hereby amended to read as follows:

118B.177 1. If a landlord closes a manufactured home park, or if a landlord is forced to close a manufactured home park because of a valid order of a state or local governmental agency or court requiring the closure of the manufactured home park permanently for health or safety reasons, the landlord shall pay the amounts required by subsections 3, 4 and 5.

2. At the time of providing notice of the closure of the park, a landlord shall provide to each tenant:

(a) The address and telephone number of the Division;

(b) Any list published by the Division setting forth the names of licensed transporters of manufactured homes approved by the Division; and

(c) Any list published by the Division setting forth the names of mobile home parks within ~~[100]~~ ***150*** miles that have reported having vacant spaces.

3. If the tenant chooses to move the manufactured home:

(a) The tenant shall, within 75 days after receiving notice of the closure, notify the landlord in writing of the tenant's election to move the manufactured home; and

(b) The landlord shall pay to the tenant:

(1) The cost of moving each tenant's manufactured home and its appurtenances to a new location in this State or another state within ~~[100]~~ ***150*** miles from the manufactured home park; or

(2) If the new location is more than ~~[100]~~ ***150*** miles from the manufactured home park, the cost of moving the manufactured home for the first ~~[100]~~ ***150*** miles,

➥ including fees for inspection, any deposits for connecting utilities and the cost of taking down, moving, setting up and leveling the manufactured home and its appurtenances in the new lot or park.

4. If the landlord is unable to move a shed, due to its physical condition, that belongs to a tenant who has elected to have the landlord move his or her manufactured home, the landlord shall pay the tenant $250 as reimbursement for the shed. Each tenant may receive only one payment of $250 even if more than one shed is owned by the tenant.

5. If the tenant chooses not to move the manufactured home, the manufactured home cannot be moved without being structurally damaged or there is no manufactured home park within ~~[100]~~ ***150*** miles that is willing to accept the manufactured home, the landlord:

(a) May remove and dispose of the manufactured home; and

(b) Shall pay to the tenant the fair market value of the manufactured home ~~*[less the reasonable cost of removing and disposing of the manufactured home or $5,000, whichever is greater.]*~~.

6. Written notice of any closure must be served timely on each:

(a) Tenant in the manner provided in NRS 40.280, giving the tenant at least 180 days after the date of the notice before the tenant is required to move his or her manufactured home from the lot.

(b) Prospective tenant by:

(1) Handing each prospective tenant or his or her agent a copy of the written notice; and

(2) Maintaining a copy of the written notice at the entrance of the manufactured home park.

7. For the purposes of this section, the fair market value of a manufactured home must be determined as follows:

(a) A dealer licensed pursuant to chapter 489 of NRS who is a certified appraiser and who is selected jointly by the landlord or his or her agent and the tenant shall make the determination.

(b) If there are insufficient dealers licensed pursuant to chapter 489 of NRS who are certified appraisers for the purposes of paragraph (a), a person who possesses the qualifications pursuant to the Appraiser Qualifications for Manufactured Homes Classified as Personal Property as set forth in section 8-3 of Valuation Analysis for Single Family One- to Four-Unit Dwellings, HUD Directive Number 4150.2 CHG-1, of the United States Department of Housing and Urban Development, and who is selected jointly by the landlord or his or her agent and the tenant shall make the determination.

(c) If there are insufficient persons available for the purposes of paragraphs (a) and (b) or if the landlord or his or her agent and the tenant cannot agree pursuant to paragraphs (a) and (b), the landlord or his or her agent or the tenant may request the Administrator to, and the Administrator shall, appoint a dealer licensed pursuant to chapter 489 of NRS or a certified appraiser who shall make the determination.

8. The landlord shall pay the costs associated with determining the fair market value of a manufactured home and the cost of removing and disposing of a manufactured home pursuant to subsection 5.

9. A landlord shall not increase the rent of a tenant after notice is served on the tenant as required by subsection 6.

10. If a landlord begins the process of closing a manufactured home park, the landlord shall comply with the provisions of NRS 118B.184 concerning the submission of a resident impact statement.

11. As used in this section, "timely" means not later than 3 days after the landlord learns of a closure.

Sec. 4. NRS 118B.180 is hereby amended to read as follows:

118B.180 1. A landlord may convert an existing manufactured home park into individual manufactured home lots for sale to manufactured home owners if the change is approved by the appropriate local zoning board, planning commission or governing body. In addition to any other reasons, a landlord may apply for such approval if the landlord is forced to close the manufactured home park because of a valid order of a state or local governmental agency or court requiring the closure of the manufactured home park for health or safety reasons.

2. The landlord may undertake a conversion pursuant to this section only if:

(a) The landlord gives notice in writing to the Division and each tenant within 5 days after the landlord files his or her application for the change in land use with the local zoning board, planning commission or governing body;

(b) The landlord offers, in writing, to sell the lot to the tenant at the same price the lot will be offered to the public and holds that offer open for at least 90 days or until the landlord receives a written rejection of the offer from the tenant, whichever occurs earlier;

(c) The landlord does not sell the lot to a person other than the tenant for 90 days after the termination of the offer required pursuant to paragraph (b) at a price or on terms that are more favorable than the price or terms offered to the tenant;

(d) If a tenant does not exercise his or her option to purchase the lot pursuant to paragraph (b), the landlord pays:

(1) The cost of moving the tenant's manufactured home and its appurtenances to a comparable location in this State or another state within ~~[100]~~ ***150*** miles from the manufactured home park; or

(2) If the new location is more than ~~[100]~~ ***150*** miles from the manufactured home park, the cost of moving the manufactured home for the first ~~[100]~~ ***150*** miles,

➥ including fees for inspection, any deposits for connecting utilities and the cost of taking down, moving, setting up and leveling his or her manufactured home and its appurtenances in the new lot or park;

(e) After the landlord is granted final approval of the change by the appropriate local zoning board, planning commission or governing body, notice in writing is served on each tenant in the manner provided in NRS 40.280, giving the tenant at least 180 days after the date of the notice before the tenant is required to move his or her manufactured home from the lot; and

(f) The landlord complies with the provisions of NRS 118B.184 concerning the submission of a resident impact statement.

3. At the time of providing notice of the conversion of the park pursuant to this section, a landlord shall provide to each tenant:

(a) The address and telephone number of the Division;

(b) Any list published by the Division setting forth the names of licensed transporters of manufactured homes approved by the Division; and

(c) Any list published by the Division setting forth the names of mobile home parks within ~~[100]~~ ***150*** miles that have reported having vacant spaces.

4. If the landlord is unable to move a shed, due to its physical condition, that belongs to a tenant who has elected to have the landlord move his or her manufactured home, the landlord shall pay the tenant $250 as reimbursement for the shed. Each tenant may receive only one payment of $250 even if more than one shed is owned by the tenant.

5. If a tenant chooses not to move the manufactured home, the manufactured home cannot be moved without being structurally damaged or there is no manufactured home park within ~~[100]~~ ***150*** miles that is willing to accept the manufactured home, the landlord:

(a) May remove and dispose of the manufactured home; and

(b) Shall pay to the tenant the fair market value of the manufactured home ~~*[less the reasonable cost of removing and disposing of the manufactured home or $5,000, whichever is greater.]*~~.

6. Notice sent pursuant to paragraph (a) of subsection 2 or an offer to sell a manufactured home lot to a tenant required pursuant to paragraph (b) of subsection 2 does not constitute notice of termination of the tenancy.

7. Upon the sale of a manufactured home lot and a manufactured home which is situated on that lot, the landlord shall indicate what portion of the purchase price is for the manufactured home lot and what portion is for the manufactured home.

8. For the purposes of this section, the fair market value of a manufactured home must be determined as follows:

(a) A dealer licensed pursuant to chapter 489 of NRS who is a certified appraiser and who is selected jointly by the landlord or his or her agent and the tenant shall make the determination.

(b) If there are insufficient dealers licensed pursuant to chapter 489 of NRS who are certified appraisers available for the purposes of paragraph (a), a person who possesses the qualifications pursuant to the Appraiser Qualifications for Manufactured Homes Classified as Personal Property as set forth in section 8-3 of Valuation Analysis for Single Family One- to Four-Unit Dwellings, HUD Directive Number 4150.2 CHG-1, of the United States Department of Housing and Urban Development, and who is selected jointly by the landlord or his or her agent and the tenant shall make the determination.

(c) If there are insufficient persons available for the purposes of paragraphs (a) and (b) or if the landlord or his or her agent and the tenant cannot agree pursuant to paragraphs (a) and (b), the landlord or his or her agent or the tenant may request the Administrator to, and the Administrator shall, appoint a dealer licensed pursuant to chapter 489 of NRS or a certified appraiser who shall make the determination.

9. The landlord shall pay the costs associated with determining the fair market value of a manufactured home and the cost of removing and disposing of a manufactured home pursuant to subsection 5.

10. The provisions of this section do not apply to a corporate cooperative park.

Sec. 5. NRS 118B.183 is hereby amended to read as follows:

118B.183 1. A landlord may convert an existing manufactured home park to any other use of the land if the change is approved by the appropriate local zoning board, planning commission or governing body. In addition to any other reasons, a landlord may apply for such approval if the landlord is forced to close the manufactured home park because of a valid order of a state or local governmental agency or court requiring the closure of the manufactured home park for health or safety reasons.

2. The landlord may undertake a conversion pursuant to this section only if:

(a) The landlord gives notice in writing to the Division and each tenant within 5 days after the landlord files his or her application for the change in land use with the local zoning board, planning commission or governing body;

(b) The landlord pays the amounts required by subsections 4, 5 and 6;

(c) After the landlord is granted final approval of the change by the appropriate local zoning board, planning commission or governing body, written notice is served on each tenant in the manner provided in NRS 40.280, giving the tenant at least 180 days after the date of the notice before the tenant is required to move his or her manufactured home from the lot; and

(d) The landlord complies with the provisions of NRS 118B.184 concerning the submission of a resident impact statement.

3. At the time of providing notice of the conversion of the park pursuant to this section, a landlord shall provide to each tenant:

(a) The address and telephone number of the Division;

(b) Any list published by the Division setting forth the names of licensed transporters of manufactured homes approved by the Division; and

(c) Any list published by the Division setting forth the names of mobile home parks within ~~[100]~~ ***150*** miles that have reported having vacant spaces.

4. If the tenant chooses to move the manufactured home:

(a) The tenant shall, within 75 days after receiving notice of the conversion, notify the landlord in writing of the tenant's election to move the manufactured home; and

(b) The landlord shall pay to the tenant:

(1) The cost of moving the tenant's manufactured home and its appurtenances to a new location in this State or another state within ~~[100]~~ ***150*** miles from the manufactured home park; or

(2) If the new location is more than ~~[100]~~ ***150*** miles from the manufactured home park, the cost of moving the manufactured home for the first ~~[100]~~ ***150*** miles,

➥ including fees for inspection, any deposits for connecting utilities and the cost of taking down, moving, setting up and leveling his or her manufactured home and its appurtenances in the new lot or park.

5. If the landlord is unable to move a shed, due to its physical condition, that belongs to a tenant who has elected to have the landlord move his or her manufactured home, the landlord shall pay the tenant $250 as reimbursement for the shed. Each tenant may receive only one payment of $250 even if more than one shed is owned by the tenant.

6. If the tenant chooses not to move the manufactured home, the manufactured home cannot be moved without being structurally damaged or there is no manufactured home park within ~~[100]~~ ***150*** miles that is willing to accept the manufactured home, the landlord:

(a) May remove and dispose of the manufactured home; and

(b) Shall pay to the tenant the fair market value of the manufactured home. ~~*[less the reasonable cost of removing and disposing of the manufactured home or $5,000, whichever is greater.]*~~

7. A landlord shall not increase the rent of any tenant:

(a) For 180 days before filing an application for a change in land use, permit or variance affecting the manufactured home park; or

(b) At any time after filing an application for a change in land use, permit or variance affecting the manufactured home park unless:

(1) The landlord withdraws the application or the appropriate local zoning board, planning commission or governing body denies the application; and

(2) The landlord continues to operate the manufactured home park after the withdrawal or denial.

8. For the purposes of this section, the fair market value of a manufactured home must be determined as follows:

(a) A dealer licensed pursuant to chapter 489 of NRS who is a certified appraiser and who is selected jointly by the landlord or his or her agent and the tenant shall make the determination.

(b) If there are insufficient dealers licensed pursuant to chapter 489 of NRS who are certified appraisers available for the purposes of paragraph (a), a person who possesses the qualifications pursuant to the Appraiser Qualifications for Manufactured Homes Classified as Personal Property as set forth in section 8-3 of Valuation Analysis for Single Family One- to Four-Unit Dwellings, HUD Directive Number 4150.2 CHG-1, of the United States Department of Housing and Urban Development, and who is selected jointly by the landlord or his or her agent and the tenant shall make the determination.

(c) If there are insufficient persons available for the purposes of paragraphs (a) and (b) or if the landlord or his or her agent and the tenant cannot agree pursuant to paragraphs (a) and (b), the landlord or his or her agent or the tenant may request the Administrator to, and the Administrator shall, appoint a dealer licensed pursuant to chapter 489 of NRS or a certified appraiser who shall make the determination.

9. The landlord shall pay the costs associated with determining the fair market value of a manufactured home and the cost of removing and disposing of a manufactured home pursuant to subsection 6.

10. The provisions of this section do not apply to a corporate cooperative park.

Sec. 6. **(Deleted by amendment.)**

Sec. 7. **(Deleted by amendment.)**

Sec. 8. This act becomes effective on July 1, 2011.

Assemblyman Atkinson moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 441.

Bill read second time.

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

Amendment No. 432.

AN ACT relating to contractors; ~~[providing a classification of licensing for certain persons who install and maintain thermal system insulation; requiring such persons to be licensed in that classification;]~~ requiring the State Contractors' Board to establish an advisory committee relating to ~~[this]~~ **the** classification ~~[.]~~ **of licensing for certain persons who install and maintain building shell insulation or thermal system insulation;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[The State Contractors' Board is required under existing law to adopt regulations to effect the classification and subclassification of contractors.~~

~~(NRS 624.215-624.220) Section 1 of this act requires the Board to adopt by regulation a classification of licensing for persons who install and maintain thermal system insulation. Section 1 also requires such persons to be licensed in that classification. Thus, those persons will be regulated by the Board and be subject to all the requirements governing licensed contractors, including disciplinary action.]~~

Under existing law, the **State Contractors'** Board is authorized to establish advisory committees in topical areas, as the Board deems necessary. (NRS 624.100) **Section 2** of this bill requires that Board to establish an advisory committee to make recommendations concerning persons who ~~[are licensed under the new classification.]~~ **install and maintain building shell insulation or thermal system insulation.**

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

Section 1. ~~[Chapter 624 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~***1. The Board shall adopt by regulation a classification of licensing for persons who install or maintain thermal system insulation in heating, ventilating, cooling, plumbing and refrigeration systems. A person who engages in such installation or maintenance must be licensed in this classification and may not be required to be licensed in any other classification.***~~

~~***2. As used in this section, "thermal system insulation" means a product that is used in a heating, ventilating, cooling, plumbing or refrigeration system to insulate any hot or cold surface, including, without limitation, a pipe, duct, valve, boiler, flue or tank, or equipment on or in a building.]***~~ **(Deleted by amendment.)**

Sec. 2. NRS 624.100 is hereby amended to read as follows:

624.100 1. The Board may appoint such committees and make such reasonable bylaws, rules of procedure and regulations as are necessary to carry out the provisions of this chapter.

2. ~~[The]~~ ***Except as otherwise provided in subsection 3, the*** Board may establish advisory committees composed of its members or employees, homeowners, contractors or other qualified persons to provide assistance with respect to fraud in construction, or in any other area that the Board considers necessary.

3. ***The Board shall establish an advisory committee to make recommendations to the Board concerning the classification of licensure of persons*** ~~*[having the classification of licensure for the installation and maintenance of]*~~ ***who install or maintain building shell insulation or thermal system insulation*** ~~*[as set forth in section 1 of this act,]*~~ ***including, without limitation, recommendations relating to training and continuing education.***

4. If ~~[the Board establishes]~~ an advisory committee ~~[,]~~ ***is established,*** the Board shall:

(a) Select five members for the committee from a list of volunteers approved by the Board; and

(b) Adopt rules of procedure for informal conferences of the committee.

~~[4.]~~ ***5.*** If ~~[the Board establishes]~~ an advisory committee ~~[,]~~ ***is established,*** the members:

(a) Serve at the pleasure of the Board.

(b) Serve without compensation, but must be reimbursed for travel expenses necessarily incurred in the performance of their duties. The rate must not exceed the rate provided for state officers and employees generally.

(c) Shall provide a written summary report to the Board, within 15 days after the final informal conference of the committee, that includes recommendations with respect to actions that are necessary to reduce and prevent the occurrence of fraud in construction, or on such other issues as requested by the Board.

~~[5.]~~ ***6.*** The Board is not bound by any recommendation made by an advisory committee.

7. As used in this section:

(a) "Building shell insulation" means a product that is used as part of the building which insulates a boundary between indoor and outdoor space or conditioned and unconditioned space, including, without limitation, walls, ceilings or floors.

(b) "Thermal system insulation" means a product that is used in a heating, ventilating, cooling, plumbing or refrigeration system to insulate any hot or cold surface, including, without limitation, a pipe, duct, valve, boiler, flue or tank, or equipment on or in a building.

Assemblyman Atkinson moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 503.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture, and Mining:

Amendment No. 315.

AN ACT relating to wildlife; imposing certain conservation fees; requiring a person who is not the holder of an annual hunting, trapping, fishing or combined hunting and fishing license to pay an annual conservation fee to access a wildlife management area; revising certain provisions governing the use of money in the Wildlife Obligated Reserve Account; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that, in addition to any fee charged and collected for an annual hunting, trapping, fishing or combined hunting and fishing license,

a $3 habitat conservation fee must be paid. The proceeds from this fee must be deposited in the Wildlife Obligated Reserve Account and must be used for wildlife habitat rehabilitation and restoration. (NRS 502.242) **Section 2** of this bill redesignates the habitat conservation fee as the conservation fee and sets the conservation fee at $5 for residents and $10 for nonresidents. In addition, **section 2** imposes an annual conservation fee of $5 for residents and $10 for nonresidents on any person who wishes to access a wildlife management area but is not the holder of a hunting, trapping, fishing or combined hunting and fishing license. **Section 2** also provides that, each year, not more than ~~[25]~~ **18** percent of the money ~~[in]~~ **credited to** the Wildlife Obligated Reserve Account **from any revenue received from those conservation fees** may be used to monitor wildlife and its habitat for the purposes of wildlife habitat rehabilitation and restoration. **Section 3** of this bill revises the authority of the Board of Wildlife Commissioners concerning the use of a wildlife management area by a person who pays the annual conservation fee.

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

Section 1. NRS 502.066 is hereby amended to read as follows:

502.066 1. The Department shall issue an apprentice hunting license to a person who:

(a) Is 12 years of age or older;

(b) Has not previously been issued a hunting license by the Department, another state, an agency of a Canadian province or an agency of any other foreign country, including, without limitation, an apprentice hunting license; and

(c) Except as otherwise provided in subsection 5, is otherwise qualified to obtain a hunting license in this State.

2. Except as otherwise provided in this subsection, the Department shall not impose a fee for the issuance of an apprentice hunting license. For each apprentice hunting license issued, the applicant or the mentor hunter for the applicant shall pay:

(a) Any service fee required by a license agent pursuant to NRS 502.040;

(b) The ~~[habitat]~~ conservation fee required by NRS 502.242; and

(c) Any transaction fee that is set forth in a contract of this State with a third-party electronic services provider for each online transaction that is conducted with the Department.

3. An apprentice hunting license authorizes the apprentice hunter to hunt in this State as provided in this section.

4. It is unlawful for an apprentice hunter to hunt in this State unless a mentor hunter accompanies and directly supervises the apprentice hunter at all times during a hunt. During the hunt, the mentor hunter shall ensure that:

(a) The apprentice hunter safely handles and operates the firearm or weapon used by the apprentice hunter; and

(b) The apprentice hunter complies with all applicable laws and regulations concerning hunting and the use of firearms.

5. A person is not required to complete a course of instruction in the responsibilities of hunters as provided in NRS 502.340 to obtain an apprentice hunting license.

6. The issuance of an apprentice hunting license does not:

(a) Authorize the apprentice hunter to obtain any other hunting license;

(b) Authorize the apprentice hunter to hunt any animal for which a tag is required pursuant to NRS 502.130; or

(c) Exempt the apprentice hunter from any requirement of this title.

7. The Commission may adopt regulations to carry out the provisions of this section.

8. As used in this section:

(a) "Accompanies and directly supervises" means maintains close visual and verbal contact with, provides adequate direction to and maintains the ability readily to assume control of any firearm or weapon from an apprentice hunter.

(b) "Apprentice hunter" means a person who obtains an apprentice hunting license pursuant to this section.

(c) "Mentor hunter" means a person 18 years of age or older who holds a hunting license issued in this State and who accompanies and directly supervises an apprentice hunter. The term does not include a person who holds an apprentice hunting license pursuant to this section.

Sec. 2. NRS 502.242 is hereby amended to read as follows:

502.242 1. In addition to any fee charged and collected for an annual hunting, trapping, fishing or combined hunting and fishing license pursuant to NRS 502.240, a ~~[~~habitat~~]~~ conservation fee ~~[~~of $3~~]~~ must be paid ~~[.]~~ ***in the amount of $5 for a resident and $10 for a nonresident.***

2. ***In order to access a wildlife management area, a person who is not the holder of an annual hunting, trapping, fishing or combined hunting and fishing license must pay an annual conservation fee in the amount of $5 for a resident and $10 for a nonresident.***

3. The Wildlife Obligated Reserve Account is hereby created in the State General Fund. Revenue from the ~~[~~habitat~~]~~ conservation fee must be accounted for separately, deposited with the State Treasurer for credit to the Wildlife Obligated Reserve Account and, except as otherwise provided in ***this subsection and*** NRS 502.294 and 502.310, used by the Department for the purposes of wildlife habitat rehabilitation and restoration. ***Each year, not more than*** ~~*[25]*~~ ***18 percent of the money*** ~~*[in]*~~ ***credited to the Wildlife Obligated Reserve Account from any revenue received pursuant to subsections 1 and 2 may be used to monitor wildlife and its habitat for those purposes.*** The interest and income earned on the money in the Wildlife Obligated Reserve Account, after deducting any applicable charges, must be credited to the Account.

~~[~~3.~~]~~ ***4.*** The money in the Wildlife Obligated Reserve Account remains in the Account and does not revert to the State General Fund at the end of any fiscal year.

Sec. 3. NRS 504.143 is hereby amended to read as follows:

504.143 1. To effectuate a coordinated and balanced program resulting in the maximum revival of wildlife in the State and in the maximum recreational advantages to the people of the State, the Commission has created and maintains state-owned wildlife management areas, and, in cooperation with the United States Fish and Wildlife Service, the Department of Interior and other federal agencies, has created and maintains other cooperative wildlife management areas.

2. ~~[~~The~~]~~ ***Except as otherwise provided in NRS 502.242, the*** Commission may permit hunting, fishing or trapping on or within, or access to, occupancy and use of, areas so created and maintained.

3. The Commission may by regulation:

(a) Establish, extend, shorten or abolish open seasons and closed seasons within such areas.

(b) Establish, change or abolish bag and creel limits and possession limits in such areas.

(c) Prescribe the manner and the means of taking wildlife in such areas.

(d) Establish, change or abolish restrictions in such areas based upon sex, maturity or other physical distinctions.

(e) Prescribe the manner of using such areas for a person who pays the annual fee to access such areas pursuant to NRS 502.242.

Sec. 4. This act becomes effective on July 1, 2011.

Assemblywoman Carlton moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Carlton moved that upon return from the printer, Assembly Bill No. 503 be rereferred to the Committee on Ways and Means.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 508.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 319.

AN ACT relating to motor vehicles; removing the exemption of mopeds from certain registration requirements; requiring a fee for the registration of mopeds; requiring drivers and passengers of mopeds to wear protective headgear; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law exempts mopeds from the requirement that every owner of a motor vehicle, trailer or semitrailer intended to be operated upon any highway in this State register the motor vehicle, trailer or semitrailer with the Department of Motor Vehicles. (NRS 482.205, 482.210) **Section 2** of this bill removes the exemption of mopeds from these registration requirements, thereby requiring a moped to be registered. **Section 4** of this bill requires the Department to issue a license plate upon the registration of a moped. **Section 11** of this bill requires that every moped be registered with the Department for a fee of $33. A person who does not register his or her moped is guilty of a misdemeanor. (NRS 482.555)

Section 14 of this bill requires drivers and passengers of mopeds to wear protective headgear securely fastened on the head which meets certain standards adopted by the Department. A driver or passenger of a moped who does not wear such protective headgear is guilty of a misdemeanor. (NRS 486.381)

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

Section 1. NRS 482.087 is hereby amended to read as follows:

482.087 "Passenger car" means a motor vehicle designed for carrying 10 persons or less, except a motorcycle or ~~[motor-driven cycle.]~~ ***a moped.***

Sec. 2. NRS 482.210 is hereby amended to read as follows:

482.210 1. The provisions of this chapter requiring the registration of certain vehicles do not apply to:

(a) Special mobile equipment.

(b) Implements of husbandry temporarily drawn, moved or otherwise propelled upon the highways.

(c) Any mobile home or commercial coach subject to the provisions of chapter 489 of NRS.

(d) Electric bicycles.

(e) Golf carts which are:

(1) Traveling upon highways properly designated by the appropriate city or county as permissible for the operation of golf carts; and

(2) Operating pursuant to a permit issued pursuant to this chapter.

(f) ~~[Mopeds.~~

~~(g)]~~ Towable tools or equipment as defined in NRS 484D.055.

~~[(h)]~~ ***(g)*** Any motorized conveyance for a wheelchair, whose operator is a person with a disability who is unable to walk about.

2. For the purposes of this section, "motorized conveyance for a wheelchair" means a vehicle which:

(a) Can carry a wheelchair;

(b) Is propelled by an engine which produces not more than 3 gross brake horsepower, has a displacement of not more than 50 cubic centimeters or produces not more than 2250 watts final output;

(c) Is designed to travel on not more than three wheels; and

(d) Can reach a speed of not more than 30 miles per hour on a flat surface with not more than a grade of 1 percent in any direction.

➥ The term does not include a tractor.

Sec. 3. NRS 482.255 is hereby amended to read as follows:

482.255 1. Upon receipt of a certificate of registration, the owner shall place it or a legible copy in the vehicle for which it is issued and keep it in the vehicle. If the vehicle is a motorcycle, ***moped,*** trailer or semitrailer, the owner shall carry the certificate in the tool bag or other convenient receptacle attached to the vehicle.

2. The owner or operator of a motor vehicle shall, upon demand, surrender the certificate of registration or the copy for examination to any peace officer, including a constable, or a justice of the peace or deputy of the Department.

3. No person charged with violating this section may be convicted if the person produces in court a certificate of registration which was previously issued to him or her and was valid at the time of the demand.

Sec. 4. NRS 482.265 is hereby amended to read as follows:

482.265 1. The Department shall furnish to every owner whose vehicle is registered two license plates for a motor vehicle other than a motorcycle ***or moped*** and one license plate for all other vehicles required to be registered hereunder. Upon renewal of registration, the Department may issue one or more license plate stickers, tabs or other suitable devices in lieu of new license plates.

2. The Director shall have the authority to require the return to the Department of all number plates upon termination of the lawful use thereof by the owner under this chapter.

3. Except as otherwise specifically provided by statute, for the issuance of each special license plate authorized pursuant to this chapter:

(a) The fee to be received by the Department for the initial issuance of the special license plate is $35, exclusive of any additional fee which may be added to generate funds for a particular cause or charitable organization;

(b) The fee to be received by the Department for the renewal of the special license plate is $10, exclusive of any additional fee which may be added to generate financial support for a particular cause or charitable organization; and

(c) The Department shall not design, prepare or issue a special license plate unless, within 4 years after the date on which the measure authorizing the issuance becomes effective, it receives at least 250 applications for the issuance of that plate.

Sec. 5. NRS 482.272 is hereby amended to read as follows:

482.272 Each license plate for a motorcycle ***or moped*** may contain up to six characters, including numbers and letters. Only one plate may be issued for a motorcycle ~~[.]~~ ***or moped.***

Sec. 6. NRS 482.275 is hereby amended to read as follows:

482.275 1. The license plates for a motor vehicle other than a motorcycle ***, moped*** or motor vehicle being transported by a licensed vehicle transporter must be attached thereto, one in the rear and, except as otherwise provided in subsection 2, one in the front. The license plate issued for all other vehicles required to be registered must be attached to the rear of the vehicle. The license plates must be so displayed during the current calendar year or registration period.

2. If the motor vehicle was not manufactured to include a bracket, device or other contrivance to display and secure a front license plate, and if the manufacturer of the motor vehicle provided no other means or method by which a front license plate may be displayed upon and secured to the motor vehicle:

(a) One license plate must be attached to the motor vehicle in the rear; and

(b) The other license plate may, at the option of the owner of the vehicle, be attached to the motor vehicle in the front.

3. The provisions of subsection 2 do not relieve the Department of the duty to issue a set of two license plates as otherwise required pursuant to NRS 482.265 or other applicable law and do not entitle the owner of a motor vehicle to pay a reduced tax or fee in connection with the registration or transfer of the motor vehicle. If the owner of a motor vehicle, in accordance with the provisions of subsection 2, exercises the option to attach a license plate only to the rear of the motor vehicle, the owner shall:

(a) Retain the other license plate; and

(b) Insofar as it may be practicable, return or surrender both plates to the Department as a set when required by law to do so.

4. Every license plate must at all times be securely fastened to the vehicle to which it is assigned so as to prevent the plate from swinging and at a height not less than 12 inches from the ground, measuring from the bottom of such plate, in a place and position to be clearly visible, and must be maintained free from foreign materials and in a condition to be clearly legible.

5. Any license plate which is issued to a vehicle transporter or a dealer, rebuilder or manufacturer may be attached to a vehicle owned or controlled by that person by a secure means. No license plate may be displayed loosely in the window or by any other unsecured method in any motor vehicle.

Sec. 7. NRS 482.3667 is hereby amended to read as follows:

482.3667 1. The Department shall establish, design and otherwise prepare for issue personalized prestige license plates and shall establish all necessary procedures not inconsistent with this section for the application and issuance of such license plates.

2. The Department shall issue personalized prestige license plates, upon payment of the prescribed fee, to any person who otherwise complies with the laws relating to the registration and licensing of motor vehicles or trailers for use on private passenger cars, motorcycles, ***mopeds,*** trucks or trailers.

3. Personalized prestige license plates are valid for 12 months and are renewable upon expiration. These plates may be transferred from one vehicle or trailer to another if the transfer and registration fees are paid as set out in this chapter.

4. In case of any conflict, the person who first made application for personalized prestige license plates and has continuously renewed them by payment of the required fee has priority.

5. The Department may limit by regulation the number of letters and numbers used and prohibit the use of inappropriate letters or combinations of letters and numbers.

6. The Department shall not assign to any person not holding the relevant office any letters and numbers denoting that the holder holds a public office.

Sec. 8. NRS 482.3824 is hereby amended to read as follows:

482.3824 1. Except as otherwise provided in NRS 482.38279, with respect to any special license plate that is issued pursuant to NRS 482.3667 to 482.3823, inclusive, and for which additional fees are imposed for the issuance of the special license plate to generate financial support for a charitable organization:

(a) The Director shall, at the request of the charitable organization that is benefited by the particular special license plate:

(1) Order the design and preparation of souvenir license plates, the design of which must be substantially similar to the particular special license plate; and

(2) Issue such souvenir license plates, for a fee established pursuant to NRS 482.3825, only to the charitable organization that is benefited by the particular special license plate. The charitable organization may resell such souvenir license plates at a price determined by the charitable organization.

(b) The Department may, except as otherwise provided in this paragraph and after the particular special license plate is approved for issuance, issue the special license plate for a trailer, motorcycle ***, moped*** or other type of vehicle that is not a passenger car or light commercial vehicle, excluding vehicles required to be registered with the Department pursuant to NRS 706.801 to 706.861, inclusive, upon application by a person who is entitled to license plates pursuant to NRS 482.265 or 482.272 and who otherwise complies with the requirements for registration and licensing pursuant to this chapter or chapter 486 of NRS. The Department may not issue a special license plate for such other types of vehicles if the Department determines that the design or manufacture of the plate for those other types of vehicles would not be feasible. In addition, if the Department incurs additional costs to manufacture a special license plate for such other types of vehicles, including, without limitation, costs associated with the purchase, manufacture or modification of dies or other equipment necessary to manufacture the special license plate for such other types of vehicles, those additional costs must be paid from private sources without any expense to the State of Nevada.

2. If, as authorized pursuant to paragraph (b) of subsection 1, the Department issues a special license plate for a trailer, motorcycle ***, moped*** or other type of vehicle that is not a passenger car or light commercial vehicle, the Department shall charge and collect for the issuance and renewal of such a plate the same fees that the Department would charge and collect if the other type of vehicle was a passenger car or light commercial vehicle. As used in this subsection, "fees" does not include any applicable registration or license fees or governmental services taxes.

3. As used in this section:

(a) "Additional fees" has the meaning ascribed to it in NRS 482.38273.

(b) "Charitable organization" means a particular cause, charity or other entity that receives money from the imposition of additional fees in connection with the issuance of a special license plate pursuant to NRS 482.3667 to 482.3823, inclusive. The term includes the successor, if any, of a charitable organization.

Sec. 9. NRS 482.384 is hereby amended to read as follows:

482.384 1. Upon the application of a person with a permanent disability, the Department may issue special license plates for a vehicle, including a motorcycle ~~[,]~~ ***or moped,*** registered by the applicant pursuant to this chapter. The application must include a statement from a licensed physician certifying that the applicant is a person with a permanent disability. The issuance of a special license plate to a person with a permanent disability pursuant to this subsection does not preclude the issuance to such a person of a special parking placard for a vehicle other than a motorcycle ***or moped*** or a special parking sticker for a motorcycle ***or moped*** pursuant to subsection 6.

2. Every year after the initial issuance of special license plates to a person with a permanent disability, the Department shall require the person to renew the special license plates in accordance with the procedures for renewal of registration pursuant to this chapter. The Department shall not require a person with a permanent disability to include with the application for renewal a statement from a licensed physician certifying that the person is a person with a permanent disability.

3. Upon the application of an organization which provides transportation for a person with a permanent disability, disability of moderate duration or temporary disability, the Department may issue special license plates for a vehicle registered by the organization pursuant to this chapter, or the Department may issue special parking placards to the organization pursuant to this section to be used on vehicles providing transportation to such persons. The application must include a statement from the organization certifying that:

(a) The vehicle for which the special license plates are issued is used primarily to transport persons with permanent disabilities, disabilities of moderate duration or temporary disabilities; or

(b) The organization which is issued the special parking placards will only use such placards on vehicles that actually transport persons with permanent disabilities, disabilities of moderate duration or temporary disabilities.

4. The Department may charge a fee for special license plates issued pursuant to this section not to exceed the fee charged for the issuance of license plates for the same class of vehicle.

5. Special license plates issued pursuant to this section must display the international symbol of access in a color which contrasts with the background and is the same size as the numerals and letters on the plate.

6. Upon the application of a person with a permanent disability or disability of moderate duration, the Department may issue:

(a) A special parking placard for a vehicle other than a motorcycle ~~[.]~~ ***or moped.*** Upon request, the Department may issue one additional placard to an applicant to whom special license plates have not been issued pursuant to this section.

(b) A special parking sticker for a motorcycle ~~[.]~~ ***or moped.***

➥ The application must include a statement from a licensed physician certifying that the applicant is a person with a permanent disability or disability of moderate duration.

7. A special parking placard issued pursuant to subsection 6 must:

(a) Have inscribed on it the international symbol of access which is at least 3 inches in height, is centered on the placard and is white on a blue background;

(b) Have an identification number and date of expiration of:

(1) If the special parking placard is issued to a person with a permanent disability, 10 years after the initial date of issuance; or

(2) If the special parking placard is issued to a person with a disability of moderate duration, 2 years after the initial date of issuance;

(c) Have placed or inscribed on it the seal or other identification of the Department; and

(d) Have a form of attachment which enables a person using the placard to display the placard from the rearview mirror of the vehicle.

8. A special parking sticker issued pursuant to subsection 6 must:

(a) Have inscribed on it the international symbol of access which complies with any applicable federal standards, is centered on the sticker and is white on a blue background;

(b) Have an identification number and a date of expiration of:

(1) If the special parking sticker is issued to a person with a permanent disability, 10 years after the initial date of issuance; or

(2) If the special parking sticker is issued to a person with a disability of moderate duration, 2 years after the initial date of issuance; and

(c) Have placed or inscribed on it the seal or other identification of the Department.

9. Before the date of expiration of a special parking placard or special parking sticker issued to a person with a permanent disability or disability of

moderate duration, the person shall renew the special parking placard or special parking sticker. If the applicant for renewal is a person with a disability of moderate duration, the applicant must include with the application for renewal a statement from a licensed physician certifying that the applicant is a person with a disability which limits or impairs the ability to walk, and that such disability, although not irreversible, is estimated to last longer than 6 months. A person with a permanent disability is not required to submit evidence of a continuing disability with the application for renewal.

10. The Department, or a city or county, may issue, and charge a reasonable fee for, a temporary parking placard for a vehicle other than a motorcycle ***or moped*** or a temporary parking sticker for a motorcycle ***or moped*** upon the application of a person with a temporary disability. Upon request, the Department, city or county may issue one additional temporary parking placard to an applicant. The application must include a certificate from a licensed physician indicating:

(a) That the applicant has a temporary disability; and

(b) The estimated period of the disability.

11. A temporary parking placard issued pursuant to subsection 10 must:

(a) Have inscribed on it the international symbol of access which is at least 3 inches in height, is centered on the placard and is white on a red background;

(b) Have an identification number and a date of expiration; and

(c) Have a form of attachment which enables a person using the placard to display the placard from the rearview mirror of the vehicle.

12. A temporary parking sticker issued pursuant to subsection 10 must:

(a) Have inscribed on it the international symbol of access which is at least 3 inches in height, is centered on the sticker and is white on a red background; and

(b) Have an identification number and a date of expiration.

13. A temporary parking placard or temporary parking sticker is valid only for the period for which a physician has certified the disability, but in no case longer than 6 months. If the temporary disability continues after the period for which the physician has certified the disability, the person with the temporary disability must renew the temporary parking placard or temporary parking sticker before the temporary parking placard or temporary parking sticker expires. The person with the temporary disability shall include with the application for renewal a statement from a licensed physician certifying that the applicant continues to be a person with a temporary disability and the estimated period of the disability.

14. A special or temporary parking placard must be displayed in the vehicle when the vehicle is parked by hanging or attaching the placard to the rearview mirror of the vehicle. If the vehicle has no rearview mirror, the placard must be placed on the dashboard of the vehicle in such a manner that the placard can easily be seen from outside the vehicle when the vehicle is parked.

15. Upon issuing a special license plate pursuant to subsection 1, a special or temporary parking placard, or a special or temporary parking sticker, the Department, or the city or county, if applicable, shall issue a letter to the applicant that sets forth the name and address of the person with a permanent disability, disability of moderate duration or temporary disability to whom the special license plate, special or temporary parking placard or special or temporary parking sticker has been issued and:

(a) If the person receives special license plates, the license plate number designated for the plates; and

(b) If the person receives a special or temporary parking placard or a special or temporary parking sticker, the identification number and date of expiration indicated on the placard or sticker.

➥ The letter, or a legible copy thereof, must be kept with the vehicle for which the special license plate has been issued or in which the person to whom the special or temporary parking placard or special or temporary parking sticker has been issued is driving or is a passenger.

16. A special or temporary parking sticker must be affixed to the windscreen of the motorcycle ~~[.]~~ ***or moped.*** If the motorcycle ***or moped*** has no windscreen, the sticker must be affixed to any other part of the motorcycle ***or moped*** which may be easily seen when the motorcycle ***or moped*** is parked.

17. Special or temporary parking placards, special or temporary parking stickers, or special license plates issued pursuant to this section do not authorize parking in any area on a highway where parking is prohibited by law.

18. No person, other than the person certified as being a person with a permanent disability, disability of moderate duration or temporary disability, or a person actually transporting such a person, may use the special license plate or plates or a special or temporary parking placard, or a special or temporary parking sticker issued pursuant to this section to obtain any special parking privileges available pursuant to this section.

19. Any person who violates the provisions of subsection 18 is guilty of a misdemeanor.

20. The Department may review the eligibility of each holder of a special parking placard, a special parking sticker or special license plates, or any combination thereof. Upon a determination of ineligibility by the Department, the holder shall surrender the special parking placard, special parking sticker or special license plates, or any combination thereof, to the Department.

21. The Department may adopt such regulations as are necessary to carry out the provisions of this section.

Sec. 10. NRS 482.451 is hereby amended to read as follows:

482.451 1. The Department shall, upon receiving an order from a court to suspend the registration of each motor vehicle that is registered to or owned by a person pursuant to NRS 484C.520, suspend the registration of

each such motor vehicle for 5 days and require the return to the Department of the license plates of each such motor vehicle.

2. If the registration of a motor vehicle of a person is suspended pursuant to this section, the person shall immediately return the certificate of registration and the license plates to the Department.

3. The period of suspension of the registration of a motor vehicle that is suspended pursuant to this section begins on the effective date of the suspension as set forth in the notice thereof.

4. The Department shall reinstate the registration of a motor vehicle that was suspended pursuant to this section and reissue the license plates of the motor vehicle only upon the payment of the fee for reinstatement of registration prescribed in subsection ~~[10]~~ ***11*** of NRS 482.480.

5. The suspension of the registration of a motor vehicle pursuant to this section does not prevent the owner of the motor vehicle from selling or otherwise transferring an interest in the motor vehicle.

Sec. 11. NRS 482.480 is hereby amended to read as follows:

482.480 There must be paid to the Department for the registration or the transfer or reinstatement of the registration of motor vehicles, trailers and semitrailers, fees according to the following schedule:

1. Except as otherwise provided in this section, for each stock passenger car and each reconstructed or specially constructed passenger car registered to a person, regardless of weight or number of passenger capacity, a fee for registration of $33.

2. Except as otherwise provided in subsection 3:

(a) For each of the fifth and sixth such cars registered to a person, a fee for registration of $16.50.

(b) For each of the seventh and eighth such cars registered to a person, a fee for registration of $12.

(c) For each of the ninth or more such cars registered to a person, a fee for registration of $8.

3. The fees specified in subsection 2 do not apply:

(a) Unless the person registering the cars presents to the Department at the time of registration the registrations of all the cars registered to the person.

(b) To cars that are part of a fleet.

4. For every motorcycle, a fee for registration of $33 and for each motorcycle other than a trimobile, an additional fee of $6 for motorcycle safety. The additional fee must be deposited in the State Highway Fund for credit to the Account for the Program for the Education of Motorcycle Riders.

5. ***For each moped, a fee for registration of $33.***

6. For each transfer of registration, a fee of $6 in addition to any other fees.

~~[6.]~~ ***7.*** Except as otherwise provided in subsection 7 of NRS 485.317, to reinstate the registration of a motor vehicle that is suspended pursuant to that section:

(a) A fee of $250 for a registered owner who failed to have insurance on the date specified by the Department; or

(b) A fee of $50 for a registered owner of a dormant vehicle who cancelled the insurance coverage for that vehicle or allowed the insurance coverage for that vehicle to expire without first cancelling the registration for the vehicle in accordance with subsection 3 of NRS 485.320,

➥ both of which must be deposited in the Account for Verification of Insurance which is hereby created in the State Highway Fund. The money in the Account must be used to carry out the provisions of NRS 485.313 to 485.318, inclusive.

~~[7.]~~ ***8.*** For every travel trailer, a fee for registration of $27.

~~[8.]~~ ***9.*** For every permit for the operation of a golf cart, an annual fee of $10.

~~[9.]~~ ***10.*** For every low-speed vehicle, as that term is defined in NRS 484B.637, a fee for registration of $33.

~~[10.]~~ ***11.*** To reinstate the registration of a motor vehicle that is suspended pursuant to NRS 482.451, a fee of $33.

Sec. 12. NRS 484B.467 is hereby amended to read as follows:

484B.467 1. Any parking space designated for persons who are handicapped must be indicated by a sign:

(a) Bearing the international symbol of access with or without the words "Parking," "Handicapped Parking," "Handicapped Parking Only" or "Reserved for the Handicapped," or any other word or combination of words indicating that the space is designated for persons who are handicapped;

(b) Stating "Minimum fine of $250 for use by others" or equivalent words; and

(c) The bottom of which must be not less than 4 feet above the ground.

2. In addition to the requirements of subsection 1, a parking space designated for persons who are handicapped which:

(a) Is designed for the exclusive use of a vehicle with a side-loading wheelchair lift; and

(b) Is located in a parking lot with 60 or more parking spaces,

➥ must be indicated by a sign using a combination of words to state that the space is for the exclusive use of a vehicle with a side-loading wheelchair lift.

3. If a parking space is designed for the use of a vehicle with a side-loading wheelchair lift, the space which is immediately adjacent and intended for use in the loading and unloading of a wheelchair into or out of such a vehicle must be indicated by a sign:

(a) Stating "No Parking" or similar words which indicate that parking in such a space is prohibited;

(b) Stating "Minimum fine of $250 for violation" or similar words indicating that the minimum fine for parking in such a space is $250; and

(c) The bottom of which must not be less than 4 feet above the ground.

4. An owner of private property upon which is located a parking space described in subsection 1, 2 or 3 shall erect and maintain or cause to be

erected and maintained any sign required pursuant to subsection 1, 2 or 3, whichever is applicable. If a parking space described in subsection 1, 2 or 3 is located on public property, the governmental entity having control over that public property shall erect and maintain or cause to be erected and maintained any sign required pursuant to subsection 1, 2 or 3, whichever is applicable.

5. A person shall not park a vehicle in a space designated for persons who are handicapped by a sign that meets the requirements of subsection 1, whether on public or privately owned property, unless the person is eligible to do so and the vehicle displays:

(a) A special license plate or plates issued pursuant to NRS 482.384;

(b) A special or temporary parking placard issued pursuant to NRS 482.384;

(c) A special or temporary parking sticker issued pursuant to NRS 482.384;

(d) A special license plate or plates, a special or temporary parking sticker, or a special or temporary parking placard displaying the international symbol of access issued by another state or a foreign country; or

(e) A special license plate or plates for a veteran with a disability issued pursuant to NRS 482.377.

6. Except as otherwise provided in this subsection, a person shall not park a vehicle in a space that is reserved for the exclusive use of a vehicle with a side-loading wheelchair lift and is designated for persons who are handicapped by a sign that meets the requirements of subsection 2, whether on public or privately owned property, unless:

(a) The person is eligible to do so;

(b) The vehicle displays the special license plate, plates or placard set forth in subsection 5; and

(c) The vehicle is equipped with a side-loading wheelchair lift.

➥ A person who meets the requirements of paragraphs (a) and (b) may park a vehicle that is not equipped with a side-loading wheelchair lift in such a parking space if the space is in a parking lot with fewer than 60 parking spaces.

7. A person shall not park in a space which:

(a) Is immediately adjacent to a space designed for use by a vehicle with a side-loading wheelchair lift; and

(b) Is designated as a space in which parking is prohibited by a sign that meets the requirements of subsection 3,

➥ whether on public or privately owned property.

8. A person shall not use a plate, sticker or placard set forth in subsection 5 to park in a space designated for persons who are handicapped unless he or she is a person with a permanent disability, disability of moderate duration or temporary disability, a veteran with a disability or the driver of a vehicle in which any such person is a passenger.

9. A person with a permanent disability, disability of moderate duration or temporary disability to whom a:

(a) Special license plate, or a special or temporary parking sticker, has been issued pursuant to NRS 482.384 shall not allow any other person to park the vehicle **,** ~~[or]~~ motorcycle ***or moped*** displaying the special license plate or special or temporary parking sticker in a space designated for persons who are handicapped unless the person with the permanent disability, disability of moderate duration or temporary disability is a passenger in the vehicle or on the motorcycle ~~[,]~~ ***or moped,*** or is being picked up or dropped off by the driver of the vehicle **,** ~~[or]~~ motorcycle ~~[,]~~ ***or moped,*** at the time that the vehicle **,** ~~[or]~~ motorcycle ***or moped*** is parked in the space designated for persons who are handicapped.

(b) Special or temporary parking placard has been issued pursuant to NRS 482.384 shall not allow any other person to park the vehicle which displays the special or temporary parking placard in a space designated for persons who are handicapped unless the person with the permanent disability, disability of moderate duration or temporary disability is a passenger in the vehicle, or is being picked up or dropped off by the driver of the vehicle, at the time that it is parked in the space designated for persons who are handicapped.

10. A person who violates any of the provisions of subsections 5 to 9, inclusive, is guilty of a misdemeanor and shall be punished:

(a) Upon the first offense, by a fine of $250.

(b) Upon the second offense, by a fine of $250 and not less than 8 hours, but not more than 50 hours, of community service.

(c) Upon the third or subsequent offense, by a fine of not less than $500, but not more than $1,000 and not less than 25 hours, but not more than 100 hours, of community service.

Sec. 13. NRS 485.317 is hereby amended to read as follows:

485.317 1. The Department shall verify that each motor vehicle which is registered in this State is covered by a policy of liability insurance as required by NRS 485.185.

2. Except as otherwise provided in this subsection, the Department may use any information to verify whether a motor vehicle is covered by a policy of liability insurance as required by NRS 485.185. The Department may not use the name of the owner of a motor vehicle as the primary means of verifying that a motor vehicle is covered by a policy of liability insurance.

3. If the Department is unable to verify that a motor vehicle is covered by a policy of liability insurance as required by NRS 485.185, the Department shall send a request for information by first-class mail to the registered owner of the motor vehicle. The owner shall submit all the information which is requested to the Department within 15 days after the date on which the request for information was mailed by the Department. If the Department does not receive the requested information within 15 days after it mailed the request to the owner, the Department shall send to the owner a notice of

suspension of registration by certified mail. The notice must inform the owner that unless the Department is able to verify that the motor vehicle is covered by a policy of liability insurance as required by NRS 485.185 within 10 days after the date on which the notice was sent by the Department, the owner's registration will be suspended pursuant to subsection 4.

4. The Department shall suspend the registration and require the return to the Department of the license plates of any vehicle for which the Department cannot verify the coverage of liability insurance required by NRS 485.185.

5. Except as otherwise provided in subsection 6, the Department shall reinstate the registration of the vehicle and reissue the license plates only upon verification of current insurance and payment of the fee for reinstatement of registration prescribed in paragraph (a) of subsection ~~[6]~~ ***7*** of NRS 482.480.

6. If a registered owner proves to the satisfaction of the Department that the vehicle was a dormant vehicle during the period in which the information provided pursuant to NRS 485.314 indicated that there was no insurance for the vehicle, the Department shall reinstate the registration and, if applicable, reissue the license plates. If such an owner of a dormant vehicle failed to cancel the registration for the vehicle in accordance with subsection 3 of NRS 485.320, the Department shall not reinstate the registration or reissue the license plates unless the owner pays the fee set forth in paragraph (b) of subsection ~~[6]~~ ***7*** of NRS 482.480.

7. If the Department suspends the registration of a motor vehicle pursuant to subsection 4 because the registered owner of the motor vehicle failed to have insurance on the date specified in the form for verification, and if the registered owner, in accordance with regulations adopted by the Department, proves to the satisfaction of the Department that the owner was unable to comply with the provisions of NRS 485.185 on that date because of extenuating circumstances, the Department may:

(a) Reinstate the registration of the motor vehicle and reissue the license plates upon payment by the registered owner of a fee of $50, which must be deposited in the Account for Verification of Insurance created by subsection ~~[6]~~ ***7*** of NRS 482.480; or

(b) Rescind the suspension of the registration without the payment of a fee.

➥ The Department shall adopt regulations to carry out the provisions of this subsection.

Sec. 14. NRS 486.231 is hereby amended to read as follows:

486.231 1. The Department shall adopt standards for ~~[protective]~~ ***:***

(a) Protective headgear for drivers and passengers of mopeds.

(b) Protective headgear and protective glasses, goggles or face shields ~~[to be worn by the]~~ ***for*** drivers and passengers of motorcycles and transparent windscreens for motorcycles.

2. Except as ***otherwise*** provided in this section, ~~[when]~~ ***the driver and passenger of*** any ~~[motorcycle,]~~ ***:***

(a) Motorcycle, except a trimobile **, ~~[~~or moped, is~~]~~** being driven on a highway **~~[~~, the driver and passenger~~]~~** shall wear protective headgear securely fastened on the head and protective glasses, goggles or face shields **~~[~~**meeting**]** ***which meet*** those standards. **~~[~~**Drivers and passengers of trimobiles**]~~**

(b) Trimobile being driven on a highway shall wear protective glasses, goggles or face shields which meet those standards.

(c) Moped being driven on a highway shall wear protective headgear securely fastened on the head which meets those standards.

3. When a motorcycle or a trimobile is equipped with a transparent windscreen **~~[~~**meeting**]** ***which meets*** those standards, the driver and passenger are not required to wear glasses, goggles or face shields.

4. When a motorcycle ***or moped*** is being driven in a parade authorized by a local authority, the driver and passenger are not required to wear the protective devices provided for in this section.

5. When a three-wheel motorcycle on which the driver and passengers ride within an enclosed cab is being driven on a highway, the driver and passengers are not required to wear the protective devices required by this section.

Sec. 15. NRS 486.241 is hereby amended to read as follows:

486.241 1. A person shall not sell, offer for sale or distribute any protective headgear, glasses, goggles or face shields for use by any drivers or passengers of motorcycles ***or mopeds*** or transparent windscreens for motorcycles unless the equipment is of a type and specification meeting the standards therefor adopted by the Department.

2. The provisions of this section do not prohibit the sale of protective headgear, glasses, goggles or face shields which comply with the rules and regulations adopted by the United States Department of Transportation.

Sec. 16. **This act becomes effective on July 1, 2012.**

Assemblywoman Dondero Loop moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 537.

Bill read second time.

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

Amendment No. 285.

AN ACT relating to health care practitioners; prohibiting certain health care practitioners from **~~[~~**participating in the procurement, purchase or consumption of**]** **knowingly procuring or administering** certain drugs that are not **~~[~~**labeled**]** **approved** in accordance with federal regulations; providing that such participation is grounds for disciplinary action or denial of licensure; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The **Federal Food, Drug and Cosmetic Act requires the** United States Food and Drug Administration ~~[requires that]~~ **to approve** certain prescription drugs **.** ~~[include a label which meets federal regulations for such labels. (21 C.F.R. Part 201)]~~ **(21 U.S.C. §§ 301 et seq.)** Existing law in this State authorizes certain health care practitioners, including physicians, physician assistants, dentists, advanced practitioners of nursing, osteopathic physicians, osteopathic physician assistants, podiatric physicians **~~[,]~~ and** optometrists **, ~~[and veterinarians,]~~** to prescribe and administer controlled substances and dangerous drugs under certain circumstances. (NRS 639.0125, 639.235) This bill prohibits those health care practitioners ~~[and pharmacists from aiding, assisting, employing or advising, directly or indirectly, any person in the procurement, purchase or consumption of]~~ **from knowingly procuring and administering** controlled substances and dangerous drugs that ~~[do not include a label as required]~~ **are not approved** under federal law **~~[.]~~ , unless the unapproved controlled substances and dangerous drugs were procured through a retail pharmacy, were procured through certain Canadian pharmacies or are considered marijuana used for medical purposes.** This bill further authorizes disciplinary action to be taken against health care practitioners for violations of the prohibition.

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

Section 1. NRS 630.306 is hereby amended to read as follows:

630.306 The following acts, among others, constitute grounds for initiating disciplinary action or denying licensure:

1. Inability to practice medicine with reasonable skill and safety because of illness, a mental or physical condition or the use of alcohol, drugs, narcotics or any other substance.

2. Engaging in any conduct:

(a) Which is intended to deceive;

(b) Which the Board has determined is a violation of the standards of practice established by regulation of the Board; or

(c) Which is in violation of a regulation adopted by the State Board of Pharmacy.

3. Administering, dispensing or prescribing any controlled substance, or any dangerous drug as defined in chapter 454 of NRS, to or for himself or herself or to others except as authorized by law.

4. Performing, assisting or advising the injection of any substance containing liquid silicone into the human body, except for the use of silicone oil to repair a retinal detachment.

5. Practicing or offering to practice beyond the scope permitted by law or performing services which the licensee knows or has reason to know that he or she is not competent to perform or which are beyond the scope of his or her training.

6. Performing, without first obtaining the informed consent of the patient or the patient's family, any procedure or prescribing any therapy which by the current standards of the practice of medicine is experimental.

7. Continual failure to exercise the skill or diligence or use the methods ordinarily exercised under the same circumstances by physicians in good standing practicing in the same specialty or field.

8. Habitual intoxication from alcohol or dependency on controlled substances.

9. Making or filing a report which the licensee or applicant knows to be false or failing to file a record or report as required by law or regulation.

10. Failing to comply with the requirements of NRS 630.254.

11. Failure by a licensee or applicant to report in writing, within 30 days, any disciplinary action taken against the licensee or applicant by another state, the Federal Government or a foreign country, including, without limitation, the revocation, suspension or surrender of a license to practice medicine in another jurisdiction.

12. Failure by a licensee or applicant to report in writing, within 30 days, any criminal action taken or conviction obtained against the licensee or applicant, other than a minor traffic violation, in this State or any other state or by the Federal Government, a branch of the Armed Forces of the United States or any local or federal jurisdiction of a foreign country.

13. Failure to be found competent to practice medicine as a result of an examination to determine medical competency pursuant to NRS 630.318.

14. Operation of a medical facility at any time during which:

(a) The license of the facility is suspended or revoked; or

(b) An act or omission occurs which results in the suspension or revocation of the license pursuant to NRS 449.160.

➥ This subsection applies to an owner or other principal responsible for the operation of the facility.

15. Failure to comply with the requirements of NRS 630.373.

16. Engaging in any act that is unsafe or unprofessional conduct in accordance with regulations adopted by the Board.

17. ~~*[Aiding, assisting, employing or advising, directly or indirectly, any person to procure, purchase or consume]*~~ ***Knowingly procuring or administering a controlled substance or a dangerous drug as defined in chapter 454 of NRS*** ~~*[for which a label required]*~~ ***that is not approved by the United States Food and Drug Administration*** ~~*[pursuant to 21 C.F.R. Part 201 is not included.]*~~ ***, unless the unapproved controlled substance or dangerous drug:***

(a) Was procured through a retail pharmacy licensed pursuant to chapter 639 of NRS;

(b) Was procured through a Canadian pharmacy which is licensed pursuant to chapter 639 of NRS and which has been recommended by the State Board of Pharmacy pursuant to subsection 4 of NRS 639.2328; or

(c) Is marijuana being used for medical purposes in accordance with chapter 453A of NRS.

Sec. 2. NRS 631.3475 is hereby amended to read as follows:

631.3475 The following acts, among others, constitute unprofessional conduct:

1. Malpractice;

2. Professional incompetence;

3. Suspension or revocation of a license to practice dentistry, the imposition of a fine or other disciplinary action by any agency of another state authorized to regulate the practice of dentistry in that state;

4. More than one act by the dentist or dental hygienist constituting substandard care in the practice of dentistry or dental hygiene;

5. Administering, dispensing or prescribing any controlled substance or any dangerous drug as defined in chapter 454 of NRS, if it is not required to treat the dentist's patient;

6. ~~*[Aiding, assisting, employing or advising, directly or indirectly, any person to procure, purchase or consume]*~~ ***Knowingly procuring or administering a controlled substance or a dangerous drug as defined in chapter 454 of NRS*** ~~*[for which a label required]*~~ ***that is not approved by the United States Food and Drug Administration*** ~~*[pursuant to 21 C.F.R. Part 201 is not included;]*~~ ***, unless the unapproved controlled substance or dangerous drug:***

(a) Was procured through a retail pharmacy licensed pursuant to chapter 639 of NRS;

(b) Was procured through a Canadian pharmacy which is licensed pursuant to chapter 639 of NRS and which has been recommended by the State Board of Pharmacy pursuant to subsection 4 of NRS 639.2328; or

(c) Is marijuana being used for medical purposes in accordance with chapter 453A of NRS;

7. Chronic or persistent inebriety or addiction to a controlled substance, to such an extent as to render the person unsafe or unreliable as a practitioner, or such gross immorality as tends to bring reproach upon the dental profession;

~~[7.]~~ ***8.*** Conviction of a felony or misdemeanor involving moral turpitude or which relates to the practice of dentistry in this State, or conviction of any criminal violation of this chapter;

~~[8.]~~ ***9.*** Conviction of violating any of the provisions of NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive; or

~~[9.]~~ ***10.*** Operation of a medical facility, as defined in NRS 449.0151, at any time during which:

(a) The license of the facility is suspended or revoked; or

(b) An act or omission occurs which results in the suspension or revocation of the license pursuant to NRS 449.160.

➥ This subsection applies to an owner or other principal responsible for the operation of the facility.

Sec. 3. NRS 632.320 is hereby amended to read as follows:

632.320 1. The Board may deny, revoke or suspend any license or certificate applied for or issued pursuant to this chapter, or take other disciplinary action against a licensee or holder of a certificate, upon determining that the licensee or certificate holder:

(a) Is guilty of fraud or deceit in procuring or attempting to procure a license or certificate pursuant to this chapter.

(b) Is guilty of any offense:

(1) Involving moral turpitude; or

(2) Related to the qualifications, functions or duties of a licensee or holder of a certificate,

➥ in which case the record of conviction is conclusive evidence thereof.

(c) Has been convicted of violating any of the provisions of NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive.

(d) Is unfit or incompetent by reason of gross negligence or recklessness in carrying out usual nursing functions.

(e) Uses any controlled substance, dangerous drug as defined in chapter 454 of NRS, or intoxicating liquor to an extent or in a manner which is dangerous or injurious to any other person or which impairs his or her ability to conduct the practice authorized by the license or certificate.

(f) Is a person with mental incompetence.

(g) Is guilty of unprofessional conduct, which includes, but is not limited to, the following:

(1) Conviction of practicing medicine without a license in violation of chapter 630 of NRS, in which case the record of conviction is conclusive evidence thereof.

(2) Impersonating any applicant or acting as proxy for an applicant in any examination required pursuant to this chapter for the issuance of a license or certificate.

(3) Impersonating another licensed practitioner or holder of a certificate.

(4) Permitting or allowing another person to use his or her license or certificate to practice as a licensed practical nurse, registered nurse or nursing assistant.

(5) Repeated malpractice, which may be evidenced by claims of malpractice settled against the licensee or certificate holder.

(6) Physical, verbal or psychological abuse of a patient.

(7) Conviction for the use or unlawful possession of a controlled substance or dangerous drug as defined in chapter 454 of NRS.

(h) Has willfully or repeatedly violated the provisions of this chapter. The voluntary surrender of a license or certificate issued pursuant to this chapter is prima facie evidence that the licensee or certificate holder has committed or expects to commit a violation of this chapter.

(i) Is guilty of aiding or abetting any person in a violation of this chapter.

(j) Has falsified an entry on a patient's medical chart concerning a controlled substance.

(k) Has falsified information which was given to a physician, pharmacist, podiatric physician or dentist to obtain a controlled substance.

(l) ***Has*** ~~*[aided, assisted, employed or advised, directly or indirectly, any person to procure, purchase or consume]*~~ ***knowingly procured or administered a controlled substance or a dangerous drug as defined in chapter 454 of NRS*** ~~*[for which a label required]*~~ ***that is not approved by the United States Food and Drug Administration*** ~~*[pursuant to 21 C.F.R. Part 201 is not included.]*~~ ***, unless the unapproved controlled substance or dangerous drug:***

(1) Was procured through a retail pharmacy licensed pursuant to chapter 639 of NRS;

(2) Was procured through a Canadian pharmacy which is licensed pursuant to chapter 639 of NRS and which has been recommended by the State Board of Pharmacy pursuant to subsection 4 of NRS 639.2328; or

(3) Is marijuana being used for medical purposes in accordance with chapter 453A of NRS.

(m) Has been disciplined in another state in connection with a license to practice nursing or a certificate to practice as a nursing assistant or has committed an act in another state which would constitute a violation of this chapter.

~~[(m)]~~ ***(n)*** Has engaged in conduct likely to deceive, defraud or endanger a patient or the general public.

~~[(n)]~~ ***(o)*** Has willfully failed to comply with a regulation, subpoena or order of the Board.

~~[(o)]~~ ***(p)*** Has operated a medical facility at any time during which:

(1) The license of the facility was suspended or revoked; or

(2) An act or omission occurred which resulted in the suspension or revocation of the license pursuant to NRS 449.160.

➥ This paragraph applies to an owner or other principal responsible for the operation of the facility.

2. For the purposes of this section, a plea or verdict of guilty or guilty but mentally ill or a plea of nolo contendere constitutes a conviction of an offense. The Board may take disciplinary action pending the appeal of a conviction.

Sec. 4. NRS 633.511 is hereby amended to read as follows:

633.511 The grounds for initiating disciplinary action pursuant to this chapter are:

1. Unprofessional conduct.

2. Conviction of:

(a) A violation of any federal or state law regulating the possession, distribution or use of any controlled substance or any dangerous drug as defined in chapter 454 of NRS;

(b) A felony relating to the practice of osteopathic medicine;

(c) A violation of any of the provisions of NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive;

(d) Murder, voluntary manslaughter or mayhem;

(e) Any felony involving the use of a firearm or other deadly weapon;

(f) Assault with intent to kill or to commit sexual assault or mayhem;

(g) Sexual assault, statutory sexual seduction, incest, lewdness, indecent exposure or any other sexually related crime;

(h) Abuse or neglect of a child or contributory delinquency; or

(i) Any offense involving moral turpitude.

3. The suspension of the license to practice osteopathic medicine by any other jurisdiction.

4. Malpractice or gross malpractice, which may be evidenced by a claim of malpractice settled against a practitioner.

5. Professional incompetence.

6. Failure to comply with the requirements of NRS 633.527.

7. Failure to comply with the requirements of subsection 3 of NRS 633.471.

8. Failure to comply with the provisions of NRS 633.694.

9. Operation of a medical facility, as defined in NRS 449.0151, at any time during which:

(a) The license of the facility is suspended or revoked; or

(b) An act or omission occurs which results in the suspension or revocation of the license pursuant to NRS 449.160.

➥ This subsection applies to an owner or other principal responsible for the operation of the facility.

10. Failure to comply with the provisions of subsection 2 of NRS 633.322.

11. Signing a blank prescription form.

12. ~~*[Aiding, assisting, employing or advising, directly or indirectly, any person to procure, purchase or consume]*~~ ***Knowingly procuring or administering a controlled substance or a dangerous drug as defined in chapter 454 of NRS*** ~~*[for which a label required]*~~ ***that is not approved by the United States Food and Drug Administration*** ~~*[pursuant to 21 C.F.R. Part 201 is not included.]*~~ ***, unless the unapproved controlled substance or dangerous drug:***

(a) Was procured through a retail pharmacy licensed pursuant to chapter 639 of NRS;

(b) Was procured through a Canadian pharmacy which is licensed pursuant to chapter 639 of NRS and which has been recommended by the State Board of Pharmacy pursuant to subsection 4 of NRS 639.2328; or

(c) Is marijuana being used for medical purposes in accordance with chapter 453A of NRS.

13. Attempting, directly or indirectly, by intimidation, coercion or deception, to obtain or retain a patient or to discourage the use of a second opinion.

~~[13.]~~ ***14.*** Terminating the medical care of a patient without adequate notice or without making other arrangements for the continued care of the patient.

~~[14.]~~ ***15.*** In addition to the provisions of subsection 3 of NRS 633.524, making or filing a report which the licensee knows to be false, failing to file a record or report that is required by law or willfully obstructing or inducing another to obstruct the making or filing of such a record or report.

~~[15.]~~ ***16.*** Failure to report any person the licensee knows, or has reason to know, is in violation of the provisions of this chapter or the regulations of the Board within 30 days after the date the licensee knows or has reason to know of the violation.

~~[16.]~~ ***17.*** Failure by a licensee or applicant to report in writing, within 30 days, any criminal action taken or conviction obtained against the licensee or applicant, other than a minor traffic violation, in this State or any other state or by the Federal Government, a branch of the Armed Forces of the United States or any local or federal jurisdiction of a foreign country.

~~[17.]~~ ***18.*** Engaging in any act that is unsafe in accordance with regulations adopted by the Board.

Sec. 5. NRS 635.130 is hereby amended to read as follows:

635.130 1. The Board, after notice and a hearing as required by law, and upon any cause enumerated in subsection 2, may take one or more of the following disciplinary actions:

(a) Deny an application for a license or refuse to renew a license.

(b) Suspend or revoke a license.

(c) Place a licensee on probation.

(d) Impose a fine not to exceed $5,000.

2. The Board may take disciplinary action against a licensee for any of the following causes:

(a) The making of a false statement in any affidavit required of the applicant for application, examination or licensure pursuant to the provisions of this chapter.

(b) Lending the use of the holder's name to an unlicensed person.

(c) If the holder is a podiatric physician, permitting an unlicensed person in his or her employ to practice as a podiatry hygienist.

(d) Habitual indulgence in the use of alcohol or any controlled substance which impairs the intellect and judgment to such an extent as in the opinion of the Board incapacitates the holder in the performance of his or her professional duties.

(e) Conviction of a crime involving moral turpitude.

(f) Conviction of violating any of the provisions of NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive.

(g) Conduct which in the opinion of the Board disqualifies the licensee to practice with safety to the public.

(h) The commission of fraud by or on behalf of the licensee regarding his or her license or practice.

(i) Gross incompetency.

(j) Affliction of the licensee with any mental or physical disorder which seriously impairs his or her competence as a podiatric physician or podiatry hygienist.

(k) False representation by or on behalf of the licensee regarding his or her practice.

(l) Unethical or unprofessional conduct.

(m) Willful or repeated violations of this chapter or regulations adopted by the Board.

(n) Willful violation of the regulations adopted by the State Board of Pharmacy.

(o) ~~*[Aiding, assisting, employing or advising, directly or indirectly, any person to procure, purchase or consume]*~~ ***Knowingly procuring or administering a controlled substance or a dangerous drug as defined in chapter 454 of NRS*** ~~*[for which a label required]*~~ ***that is not approved by the United States Food and Drug Administration*** ~~*[pursuant to 21 C.F.R. Part 201 is not included.]*~~ ***, unless the unapproved controlled substance or dangerous drug:***

(1) Was procured through a retail pharmacy licensed pursuant to chapter 639 of NRS;

(2) Was procured through a Canadian pharmacy which is licensed pursuant to chapter 639 of NRS and which has been recommended by the State Board of Pharmacy pursuant to subsection 4 of NRS 639.2328; or

(3) Is marijuana being used for medical purposes in accordance with chapter 453A of NRS.

(p) Operation of a medical facility, as defined in NRS 449.0151, at any time during which:

(1) The license of the facility is suspended or revoked; or

(2) An act or omission occurs which results in the suspension or revocation of the license pursuant to NRS 449.160.

➥ This paragraph applies to an owner or other principal responsible for the operation of the facility.

Sec. 6. NRS 636.295 is hereby amended to read as follows:

636.295 The following acts, conduct, omissions, or mental or physical conditions, or any of them, committed, engaged in, omitted, or being suffered by a licensee, constitute sufficient cause for disciplinary action:

1. Affliction of the licensee with any communicable disease likely to be communicated to other persons.

2. Commission by the licensee of a felony relating to the practice of optometry or a gross misdemeanor involving moral turpitude of which the licensee has been convicted and from which he or she has been sentenced by a final judgment of a federal or state court in this or any other state, the judgment not having been reversed or vacated by a competent appellate court and the offense not having been pardoned by executive authority.

3. Conviction of any of the provisions of NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive.

4. Commission of fraud by or on behalf of the licensee in obtaining a license or a renewal thereof, or in practicing optometry thereunder.

5. Habitual drunkenness or addiction to any controlled substance.

6. Gross incompetency.

7. Affliction with any mental or physical disorder or disturbance seriously impairing his or her competency as an optometrist.

8. Making false or misleading representations, by or on behalf of the licensee, with respect to optometric materials or services.

9. Practice by the licensee, or attempting or offering so to do, while in an intoxicated condition.

10. Perpetration of unethical or unprofessional conduct in the practice of optometry.

11. ~~*[Aiding, assisting, employing or advising, directly or indirectly, any person to procure, purchase or consume]*~~ ***Knowingly procuring or administering a controlled substance or a dangerous drug as defined in chapter 454 of NRS*** ~~*[for which a label required]*~~ ***that is not approved by the United States Food and Drug Administration*** ~~*[pursuant to 21 C.F.R. Part 201 is not included.]*~~ ***, unless the unapproved controlled substance or dangerous drug:***

(a) Was procured through a retail pharmacy licensed pursuant to chapter 639 of NRS;

(b) Was procured through a Canadian pharmacy which is licensed pursuant to chapter 639 of NRS and which has been recommended by the State Board of Pharmacy pursuant to subsection 4 of NRS 639.2328; or

(c) Is marijuana being used for medical purposes in accordance with chapter 453A of NRS.

12. Any violation of the provisions of this chapter or any regulations adopted pursuant thereto.

~~[12.]~~ ***13.*** Operation of a medical facility, as defined in NRS 449.0151, at any time during which:

(a) The license of the facility is suspended or revoked; or

(b) An act or omission occurs which results in the suspension or revocation of the license pursuant to NRS 449.160.

➥ This subsection applies to an owner or other principal responsible for the operation of the facility.

Sec. 7. ~~[NRS 638.140 is hereby amended to read as follows:~~

~~638.140 The following acts, among others, are grounds for disciplinary action:~~

~~1. Violation of a regulation adopted by the State Board of Pharmacy or the Nevada State Board of Veterinary Medical Examiners;~~

~~2. Habitual drunkenness;~~

~~3. Addiction to the use of a controlled substance;~~

~~4. Conviction of or a plea of nolo contendere to a felony related to the practice of veterinary medicine, or any offense involving moral turpitude;~~

~~5. Incompetence;~~

~~6. Negligence;~~

~~7. Malpractice pertaining to veterinary medicine as evidenced by an action for malpractice in which the holder of a license is found liable for damages;~~

~~8. Conviction of a violation of any law concerning the possession, distribution or use of a controlled substance or a dangerous drug as defined in chapter 454 of NRS;~~

~~9. Willful failure to comply with any provision of this chapter, a regulation, subpoena or order of the Board, the standard of care established by the American Veterinary Medical Association or an order of a court;~~

~~10. Prescribing, administering or dispensing a controlled substance to an animal to influence the outcome of a competitive event in which the animal is a competitor;~~

~~11.~~ ***Aiding, assisting, employing or advising, directly or indirectly, any person to procure, purchase or consume a controlled substance or a dangerous drug as defined in chapter 454 of NRS for which a label required by the United States Food and Drug Administration pursuant to 21 C.F.R. Part 201 is not included;***

12. ~~Willful failure to comply with a request by the Board for medical records within 14 days after receipt of a demand letter issued by the Board;~~

[~~12.~~**]** ***13.*** ~~Willful failure to accept service by mail or in person from the Board;~~

[~~13.~~**]** ***14.*** ~~Failure of a supervising veterinarian to provide immediate or direct supervision to licensed or unlicensed personnel if the failure results in malpractice or the death of an animal; and~~

[~~14.~~**]** ***15.*** ~~Failure of a supervising veterinarian to ensure that a licensed veterinarian is on the premises of a facility or agency when medical treatment is administered to an animal if the treatment requires direct or immediate supervision by a licensed veterinarian.~~**]** **(Deleted by amendment.)**

Sec. 8. **[**~~NRS 639.210 is hereby amended to read as follows:~~

~~639.210 The Board may suspend or revoke any certificate, license, registration or permit issued pursuant to this chapter, and deny the application of any person for a certificate, license, registration or permit, if the holder or applicant:~~

~~1. Is not of good moral character;~~

~~2. Is guilty of habitual intemperance;~~

~~3. Becomes or is intoxicated or under the influence of liquor, any depressant drug or a controlled substance, unless taken pursuant to a lawfully issued prescription, while on duty in any establishment licensed by the Board;~~

~~4. Is guilty of unprofessional conduct or conduct contrary to the public interest;~~

~~5. Is addicted to the use of any controlled substance;~~

~~6. Has been convicted of a violation of any law or regulation of the Federal Government or of this or any other state related to controlled substances, dangerous drugs, drug samples, or the wholesale or retail distribution of drugs;~~

~~7. Has been convicted of:~~

~~(a) A felony relating to holding a certificate, license, registration or permit pursuant to this chapter;~~

~~(b) A felony pursuant to NRS 639.550 or 639.555; or~~

~~(c) Other crime involving moral turpitude, dishonesty or corruption;~~

~~8. Has been convicted of violating any of the provisions of NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive;~~

~~9. Has willfully made to the Board or its authorized representative any false statement which is material to the administration or enforcement of any of the provisions of this chapter;~~

~~10. Has obtained any certificate, certification, license or permit by the filing of an application, or any record, affidavit or other information in support thereof, which is false or fraudulent;~~

~~11. Has violated any provision of the Federal Food, Drug and Cosmetic Act or any other federal law or regulation relating to prescription drugs;~~

~~12. Has violated, attempted to violate, assisted or abetted in the violation of or conspired to violate any of the provisions of this chapter or any law or regulation relating to drugs, the manufacture or distribution of drugs or the practice of pharmacy, or has knowingly permitted, allowed, condoned or failed to report a violation of any of the provisions of this chapter or any law or regulation relating to drugs, the manufacture or distribution of drugs or the practice of pharmacy committed by the holder of a certificate, license, registration or permit;~~

~~13.~~ ***Has aided, assisted, employed or advised, directly or indirectly, any person to procure, purchase or consume a controlled substance or a dangerous drug as defined in chapter 454 of NRS for which a label required by the United States Food and Drug Administration pursuant to 21 C.F.R. Part 201 is not included;***

14. Has failed to renew a certificate, license or permit by failing to ~~submit the application for renewal or pay the renewal fee therefor;~~

~~[~~14.~~]~~ ~~*15.* Has had a certificate, license or permit suspended or revoked in another state on grounds which would cause suspension or revocation of a certificate, license or permit in this State;~~

~~[~~15.~~]~~ ~~*16.* Has, as a managing pharmacist, violated any provision of law or regulation concerning recordkeeping or inventory in a store over which he or she presides, or has knowingly allowed a violation of any provision of this chapter or other state or federal laws or regulations relating to the practice of pharmacy by personnel of the pharmacy under his or her supervision;~~

~~[~~16.~~]~~ ~~*17.* Has repeatedly been negligent, which may be evidenced by claims of malpractice settled against him or her;~~

~~[17.] *18.* Has failed to maintain and make available to a state or federal officer any records in accordance with the provisions of this chapter or chapter 453 or 454 of NRS;~~

~~[18.] *19.* Has failed to file or maintain a bond or other security if required by NRS 639.515; or~~

~~[19.] *20.* Has operated a medical facility, as defined in NRS 449.0151, at any time during which:~~

~~(a) The license of the facility was suspended or revoked; or~~

~~(b) An act or omission occurred which resulted in the suspension or revocation of the license pursuant to NRS 449.160.~~

~~→ This subsection applies to an owner or other principal responsible for the operation of the facility.]~~ **(Deleted by amendment.)**

Assemblyman Atkinson moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 546.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 417.

AN ACT relating to children; making various changes to provisions governing early childhood care and education; providing for the establishment by statute of the Early Childhood Advisory Council; requiring certain training of persons who are employed in early childhood care; requiring annual reports concerning such training to be submitted to the Department of Education and the Legislative Committee on Education; requiring the Board for Child Care to adopt regulations establishing requirements for courses of training in child care for employees of a child care facility; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill makes various changes to the provisions governing early childhood care and education. The Nevada Early Childhood Advisory Council was created by an Executive Order of the Governor on September 11, 2009. By the terms of the Executive Order, the Council will cease to exist on July 31, 2011, if it is not continued by Executive Order. **Section 5** of this bill statutorily provides for the establishment of the Early Childhood Advisory Council by the Director of the Department of Health and Human Services. The statutory Council has substantially the same duties as the Council created by the Executive Order. **Section 13** of this bill provides that the Nevada Early Childhood Advisory Council created by the Governor shall be deemed to be the Council required to be established by the Director until such time as the Director revises the membership or duties of the Council. **Section 6** of this bill requires the Council, in consultation with the Department of Education, to establish goals for the training of persons who are employed in early childhood care in the Pre-Kindergarten Content

Standards developed by the Department of Education, assist in developing standards and qualifications for such training, develop standards for professional development~~,~~ **and** create or adopt a model for highly effective teachers for use as a resource in early childhood education~~.~~ **and study and develop recommendations for appropriate group sizes in early childhood education and care.** **Section 7** of this bill requires the Department of Education to develop the training module that must be used in such training. **Section 8** of this bill requires licensed child care facilities which receive certain government subsidies to ensure that each employee who provides child care services to children who are in early childhood receives approved training in the Pre-Kindergarten Content Standards. **Section 9** of this bill requires the Council to submit an annual report to the Department of Education and the Legislative Committee on Education concerning such training. **Section 12** of this bill requires the Board for Child Care to adopt regulations establishing requirements for courses of training in child care for employees of a child care facility. The regulations must provide for the annual completion of not less than ~~30~~ **24** hours of such training, at least 16 hours of which must be training relating to early childhood development and the Pre-Kindergarten Content Standards.

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

Section 1. Chapter 432A of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 9, inclusive, of this act.

Sec. 2. *"Council" means the Early Childhood Advisory Council established within the Department pursuant to section 5 of this act.*

Sec. 3. *"Nevada Registry" means the organization that operates the statewide system of career development and recognition created to:*

1. Acknowledge and encourage professional achievement in the early childhood care and education workforce in this State;

2. Establish a professional development system in this State in the field of early childhood care and education;

3. Approve and track all informal training in the field of early childhood care and education in this State; and

4. Act as a statewide clearinghouse for information concerning early childhood care and education.

Sec. 4. *"Pre-Kindergarten Content Standards" means the content standards developed by the Department of Education in conjunction with various other state agencies which describe appropriate outcomes for children who are completing their preschool development.*

Sec. 5. *The Director shall establish the Early Childhood Advisory Council within the Department and shall appoint such members to the Council as the Director determines appropriate. The Council shall:*

1. Work to strengthen state-level coordination and collaboration among the various sectors and settings of early childhood programs in this State.

2. Conduct periodic statewide assessments of needs relating to the quality and availability of programs and services for children who are in early childhood and identify opportunities for and barriers to coordination and collaboration among existing federally-funded and state-funded early childhood programs.

3. Develop recommendations for:

(a) Increasing the overall participation of children in existing federal, state and local programs for child care and early childhood education, including, without limitation, providing information on such programs to underrepresented and special populations;

(b) The establishment or improvement of core elements of the early childhood system in this State, including, without limitation, a statewide unified system for collecting data relating to early childhood programs;

(c) A statewide professional development system for teachers engaged in early childhood education; and

(d) The establishment of statewide standards for early childhood education in this State.

4. Assess the capacity and effectiveness of institutions of higher education in this State in developing teachers in the field of early childhood education.

5. Perform such other duties relating to early childhood education and programs as designated by the Director.

Sec. 6. ***The Council, in consultation with the Department of Education, shall, to the extent practicable:***

1. Establish goals for the training of all persons who are employed in early childhood care in the Pre-Kindergarten Content Standards;

2. Assist the Nevada Registry or its successor organization, or any other agency designated by the Director of the Department of Health and Human Services, in developing the qualifications required of persons who conduct training in the Pre-Kindergarten Content Standards and the approval of such training;

3. Develop standards for professional development in the Pre-Kindergarten Content Standards; ~~*[and]*~~

4. Create or adopt a model for highly effective teachers that can be used as a resource in early childhood education for teachers and caregivers of children ~~*[.]*~~ ***; and***

5. Study and develop recommendations for appropriate group sizes in early childhood education and care.

Sec. 7. ***1. The Department of Education shall, in consultation with persons who are qualified to conduct training in the Pre-Kindergarten Content Standards, develop the training module that must be used in such training.***

2. To the extent that money is available to pay for the training, the Department of Education shall arrange to have the training provided at no or reduced cost to the employees of child care facilities.

Sec. 8. ***Each child care facility which is licensed pursuant to this chapter or by a city or county [and] or which receives reimbursement from the Program for Child Care and Development administered by the Division of Welfare and Supportive Services of the Department pursuant to chapter 422A of NRS shall ensure that, [on or before January 1, 2012, or within 90 days after employment, whichever is later,] in accordance with the regulations adopted by the Board pursuant to paragraph (c) of subsection 1 of NRS 432A.077, each employee of the child care facility who provides child care services in the child care facility to children who are in early childhood receives training which is approved by the Nevada Registry or its successor organization, or any other agency designated by the Director, in the Pre-Kindergarten Content Standards.***

Sec. 9. ***The Council shall submit annually to the Department of Education and the Legislative Committee on Education a report concerning:***

1. The number of persons employed in early childhood care in this State, categorized by types of early childhood certification held, if any;

2. The status of the goals for the training of all such persons in the Pre-Kindergarten Content Standards; and

3. The money spent on the training of all such persons in the Pre-Kindergarten Content Standards.

Sec. 10. NRS 432A.020 is hereby amended to read as follows:

432A.020 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 432A.0205 to 432A.028, inclusive, ***and sections 2, 3 and 4 of this act*** have the meanings ascribed to them in those sections.

Sec. 11. NRS 432A.035 is hereby amended to read as follows:

432A.035 **[**The**]** ***Except as otherwise provided in section 8 of this act, the*** provisions of this chapter do not apply to the Program for Child Care and Development administered by the Division of Welfare and Supportive Services of the Department pursuant to chapter 422A of NRS.

Sec. 12. NRS 432A.077 is hereby amended to read as follows:

432A.077 1. The Board shall adopt:

(a) Licensing standards for child care facilities.

(b) In consultation with the State Fire Marshal, plans and requirements to ensure that each child care facility and its staff is prepared to respond to emergencies, including, without limitation:

(1) The conducting of fire drills on a monthly basis;

(2) The adoption of plans to respond to natural disasters and emergencies other than those involving fire; and

(3) The adoption of plans to provide for evacuation of child care facilities in an emergency.

(c) ***Regulations establishing the requirements for courses of training in child care for employees of a child care facility. The regulations must provide for continuing training in child care which must include, without limitation, the annual completion by each employee of not less than*** ~~*[30]*~~ ***24 hours of such training, not less than 16 hours of which must be training relating to early childhood development and the Pre-Kindergarten Content Standards which is approved by the Nevada Registry or its successor organization, or any other agency designated by the Director.***

(d) Such other regulations as it deems necessary or convenient to carry out the provisions of this chapter.

2. The Board shall require that the practices and policies of each child care facility provide adequately for the protection of the health and safety and the physical, moral and mental well-being of each child accommodated in the facility.

3. If the Board finds that the practices and policies of a child care facility are substantially equivalent to those required by the Board in its regulations, it may waive compliance with a particular standard or other regulation by that facility.

Sec. 12.5. **The Board for Child Care shall, on or before July 1, 2012, adopt the regulations required by paragraph (c) of subsection 1 of NRS 432A.077, as amended by section 12 of this act.**

Sec. 13. Notwithstanding the provisions of section 5 of this act, the Nevada Early Childhood Advisory Council created by the Governor by Executive Order on September 11, 2009, shall be deemed to be the Early Childhood Advisory Council required to be established by the Director of the Department of Health and Human Services pursuant to section 5 of this act until such time as the Director revises the membership or duties of the Council.

Sec. 14. 1. This section and sections 5 and 13 of this act become effective upon passage and approval.

2. Sections 1 to 4, inclusive, and 6 ~~[to 12, inclusive,]~~ **, 7, 9, 10, 12 and 12.5** of this act become effective on ~~[October]~~ **July** 1, 2011.

3. Sections 8 and 11 of this act become effective on July 1, 2012.

Assemblyman Bobzien moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Conklin moved that upon return from the printer, Assembly Bill No. 307 be rereferred to the Committee on Ways and Means.

Motion carried.

Assemblyman Conklin moved that the Assembly recess until 5 p.m.

Motion carried.

Assembly in recess at 12:11 p. m.

ASSEMBLY IN SESSION

At 5:15 p.m.
Mr. Speaker presiding.
Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Conklin moved that the Assembly resolve itself into a Committee of the Whole for the purpose of considering in work session the Governor's proposed K-12 budget, with Assemblyman Oceguera as Chairman of the Committee of the Whole.

Motion carried.

IN COMMITTEE OF THE WHOLE

Chair Oceguera presiding.
Quorum present.
Governor's proposed K-12 budget considered.

CHAIR OCEGUERA:

As you all know, tonight we are going into the Committee of the Whole. We did this on the first day of session, but I want to remind you what is different from what we do on the floor. Committee of the Whole operates under very similar rules of order as your committees, the only real difference being all of us function as one big committee. You should address me as Mr. Chair, not Mr. Speaker, and just like in a committee we will have witnesses.

In our budget committee work sessions, we often ask what the sense of the members is on a particular issue, and those votes are not binding. They are only for the benefit of the committee and the public to understand where we stand, and we will do that tonight in the Committee of the Whole as well.

In the Committee of the Whole we are bringing major budget discussions out of the subcommittees, out of the committees, and out onto the Assembly and Senate floors for an open and transparent debate on the Governor's K-12 (kindergarten through grade 12) education budget for all Nevadans to see.

The Committee of the Whole is also to help individual legislators who do not serve on the money committees to understand what the cuts to K-12 education proposed by the Governor are and have more input into the decisions that are made. Similarly, if you do not serve on a committee and a bill comes out of committee, you have to kind of read those bills and come to the floor and rely on your colleagues. That same thing happens in the budget. The Ways and Means Committee reviews the budget in subcommittee, then in full committee, and then a committee with joint Finance and Ways and Means, and those of you who do not serve on those committees sometimes do not get to hear that full testimony. We are not going to go through, you know, line by line, as has already been done in those committees, but it does offer those of you who have not heard some of these issues an opportunity to hear and to ask questions.

We have got some big decisions to make, and I think Nevadans know what their elected representatives are doing. Over the last three years, Nevada's schools have been cut by one-half billion dollars. The Governor's budget proposes to cut over $1 billion and with local revenue reductions will result in another $168 million cut to school budgets. If the Governor's budget stands, we will have contributed to an almost $1.7 billion cut to education in four years.

Tonight every one of us will take a stand. Will we decimate education funding or stop the bleeding?

We have the biggest economic crisis in our state's history, and I believe, and I think some experts and business across the state and the nation will tell us, continued cuts of this magnitude to education will cost us more in the long run, weakening our economy, causing us to have less and less support for education year in and year out. It seems to me to be a vicious spiral.

Two of Nevada's major business groups agree. The Las Vegas and Reno-Sparks Chambers of Commerce recognize the need for additional revenue to save education—they stand for additional revenue to save education.

TechAmerica, the most important advocacy organization for high-tech business in the nation, met with leaders from both the minority and the majority to discuss ways to entice companies to come to Nevada, but they told us before they consider investing in our state, they want to see us invest in ourselves first.

I do not think our current approach is working. We need to work with business and to create a structure that keeps in mind that businesses are suffering and balance it by stopping the crippling cuts to education so as not to lead to economic stagnation.

I hope you all remember that our state has one of the lowest tax rates in the nation, and we fund education at a level that is very close to last in the nation as well. I think we can do better. We can still be one of the lowest taxed states in the nation, but not starve our schools. I understand no one here wants to raise revenue, but by not considering revenue, we are sacrificing our future.

So as we begin these discussions and decide where we stand, I think we have to look within our hearts, forget about the politics and think about our kids and our future, think about our constituents and their kids and their future. I urge you to think back to the education you and those closest to you received and the role it played in the person you became today, an honorable legislator making historic decisions about your state and the millions of people who live here.

This session, we are deciding what kind of state we want to be.

With that, ladies and gentlemen, I would like to open up the overview from our Fiscal staff. I can only see the backs of their heads, but Rick is very recognizable so I see Rick's head and I think Julie's, so I think they are going to be the ones that are going to go through the K-12 budget overview.

RICK COMBS, ASSEMBLY FISCAL ANALYST, FISCAL ANALYSIS DIVISION:

Thank you, Mr. Chairman. For the record, Rick Combs, Assembly Fiscal Analyst. Today I have with me Mike Chapman, Principal Deputy Fiscal Analyst, and Julie Waller, Program Analyst. Julie is the one in our office who is responsible for the budgets for K-12 education.

What you have in front of you today is simply a summary of the Governor's recommended budget for K-12 education. It is updated to the extent we could for amendments that have been submitted since the original Governor's recommended budget was received, and I'm going to turn it over to Julie to let her go through the document with you.

JULIE WALLER, PROGRAM ANALYST, FISCAL ANALYSIS DIVISION:

Thank you, Rick. The budget accounts for K-12 education include six accounts: the Distributive School Account (DSA), the School Remediation Trust Fund, the Incentives for Licensed Educational Personnel, Other State Education Programs, the Educational Trust Fund, and the State Supplemental School Support Fund.

The table on the first page of the document compares state K-12 funding approved in the 2009 Legislative Session and as adjusted by the 26th Special Session (2010), with the K-12 education funding recommended in the Governor's budget for the 2011-2013 biennium prior to the submission of budget amendments. As you can see, the table reflects a reduction of state funding of 15 percent when compared to the funding approved by the 2009 Legislature and 11 percent when compared to the funding approved by the 26th Special Session.

As Rick mentioned, there have been 7 budget amendments submitted by the Administration that affect K-12 funding in the Governor's recommended budget that result in net General Fund increases of $42.4 million in fiscal year 2012 and $29.5 million in fiscal year 2013.

Attachment A at the back of your document is a table that details these amendments, while Attachment B is a summary of the DSA that also incorporates the budget amendments. A summary of the major K-12 funding reductions recommended in the Governor's budget is found in Attachment C.

The DSA is the budget through which the state distributes direct financial aid to the local school districts. Each session the Legislature determines the level of state aid for schools, or guaranteed basic support per pupil, through a formula called the "Nevada Plan," which considers the differences across districts in the costs of providing education as well as local wealth. The

DSA does not include the entire funding for K-12 education, but only represents the state's portion of school district and charter school operating funds.

Each school district's guaranteed level of state aid is determined by multiplying the basic support per pupil that is approved by the weighted enrollment. The Governor's budget includes a slight increase in the projected enrollment for the upcoming biennium from 422,570 students to 423,192 students in fiscal year 2012 and 424,460 students in fiscal year 2013.

The 2009 Legislature approved basic support per pupil of $5,251 in fiscal year 2010 and $5,395 for fiscal year 2011, which was reduced during the 26th Special Session to $5,186 for fiscal 2010 and $5,192 for fiscal year 2011 due to budget reductions. The funding reductions recommended by the Governor, as amended, result in average basic support per pupil of $4,877 in fiscal year 2012 and $4,878 per pupil for fiscal year 2013, which is a decrease of approximately $518 from the average basic support per pupil approved during the 2009 Session of $5,395 and a decrease of approximately $315 when compared to the funding approved during the 26th Special Session.

The specific recommendations resulting in reductions to basic support are as follows:

The Governor recommends a 5 percent reduction of funding for salaries for all state and for all school personnel effective July 1, 2011. The recommendation, inclusive of budget amendments, results in a General Fund reduction to the DSA of approximately $256.5 million over the biennium. It should be noted that the Legislature does not determine the level of salaries for school district and charter schools, but rather those are determined by each school district and charter school through collective bargaining. If the Governor's recommendation to reduce salaries for school personnel is approved, but school districts are unsuccessful in negotiating these reductions through collective bargaining, school districts and charter schools would need to reduce other expenditures as a result to compensate.

The second recommendation that impacts basic support per pupil is the recommendation to suspend funding for merit salary increases. The Governor's recommendation would result in General Fund savings totaling $142.6 million over the biennium. School district personnel and charter school personnel are eligible for a merit salary increase based on years of service and the attainment of additional education experience.

For the 2009-2011 biennium, the Governor had also recommended suspension of merit salary increases for all state employees and school personnel. The 2009 Legislature approved this recommendation for all state employees, except that the Legislature restored funding for merit increases for licensed education personnel for the attainment of additional education experience. This recommendation would also be subject to collective bargaining.

The third recommendation that impacts basic support per pupil is the Public Employees' Retirement System (PERS) equalization. The Executive Budget, as amended, recommends a reduction for school district and charter school employees of approximately $200.7 million over the biennium, representing an employee contribution of 5.3075 percent to the Public Employees' Retirement System.

By comparison, state employees who elect the employer-paid PERS option receive a salary reduction of 10.615 percent as their contribution to PERS, with the state then paying the full contribution. Presently, though school district and charter school employees participate in the employer-paid PERS, funding for salaries is not reduced in the DSA for the employee contribution to PERS. Just as with the other two recommendations impacting salaries, this would be subject to collective bargaining.

The last recommendation impacting basic support per pupil is a recommendation to reduce the guaranteed basic support funding of $238.2 million over the biennium which, based on the projected enrollment included in the budget, equates to a per pupil funding reduction of $286 in fiscal year 2012 and $276 per pupil in fiscal year 2013.

The next recommendation included in The Executive Budget relates to utilizing excess school district debt service reserves as local funding available for operating purposes. Originally the Governor's budget proposed utilizing $425 million as local funding, but the Administration submitted a budget amendment that reduces the excess debt service reserves transfer from $425 million to $301.9 million over the biennium, a reduction of $123.1 million. Based on this amendment, the projected transfer available from rural school districts would be $27.8 million

over the biennium, while the projected amounts for Clark and Washoe Counties would be $220.3 million and $53.8 million, respectively.

Fiscal staff is currently working with school district representatives analyzing and verifying the amounts that would be available from the debt service reserves should the Legislature ultimately decide to approve the Governor's recommendation.

The next items to be discussed are included in the Governor's budget for the DSA and are categorical funding but not part of the basic support guarantee.

The Governor's budget for special education includes a flat funding level at $121.25 million each year of the 2011-2013 biennium. Special education is funded based on per unit, and those units equate to a portion of the cost of a special education teacher. The DSA does not fund the total cost of a special education teacher through the special education unit. School districts and charter schools are able to fund the remainder of this cost through their funding through the DSA and through federal funding and other local school district revenues.

The Governor's recommendation relating to class-size reduction includes the same recommendations for salary reductions and results in a recommendation of $135.3 million in fiscal year 2012 and $136.3 million in fiscal year 2013. This funding level represents decreases of 6.2 percent and 6.6 percent, respectively, over the legislatively approved funding for the current biennium. The Executive Budget also includes a recommendation to transfer this class-size reduction funding to a new program called the Student Achievement Block Grant program, and that will be discussed later on in the document when we talk about the School Remediation Trust Fund.

The Executive Budget also provides funding for the Adult High School Diploma program, and each session the Legislature determines an amount of funding for these programs for the general public and for the inmates within prison facilities. The Executive Budget recommends approximately $33 million over the biennium for this program.

The Administration submitted a budget amendment to update the enrollment growth projections based on actual enrollment versus the projected enrollment for fiscal year 2010. The Governor's budget retains the funding for this program as a line item in the DSA as opposed to transferring it into the Student Achievement Block Grant program.

The Executive Budget recommends approximately $6.7 million for early childhood education programs. This represents a slight increase over the funding approved for the current biennium, and this funding is recommended for transfer to the Student Achievement Block Grant program, where it would become an optional rather than required program.

The Executive Budget recommends approximately $14.8 million to continue funding the Regional Professional Development Programs, including the Nevada Early Literacy Intervention Program and special administrator training programs. The Administration submitted a budget to apply the salary-related funding reductions, and that was approximately a $1 million reduction from the current level of $15 million for the Regional Professional Development Programs.

The next budget to be discussed is the School Remediation Trust Fund, and this is the budget in which the Governor recommends a new program for the upcoming biennium. That is the Student Achievement Block Grant, and that would combine the majority of categorical funding in four budget accounts—the DSA, the Remediation Trust Fund, the Incentives for Licensed Education Personnel, and Other State Education Programs— into a block grant with the idea of providing flexibility to school districts while increasing student achievement.

The Executive Budget, as amended, also recommends a 5.4 percent reduction of the funding recommended for transfer into the Student Achievement Block Grant program of $7.4 million in fiscal year 2013. The amendment also postpones the implementation of this block grant program until the second year of the biennium. The total amount of funding recommended for transfer is $161.6 million for fiscal year 2013.

According to the Administration, the Block Grant Program would provide districts and charter schools the flexibility to choose which programs to fund depending on the needs of their individual districts. However, schools would no longer be required to utilize the funding for specific programs designated by the state.

Included in this budget account is funding for full-day kindergarten. Since fiscal year 2007, the state has provided funding for 464.5 full-day kindergarten positions in approximately 128 elementary schools statewide.

The Executive Budget proposes a budget reduction of $4.5 million over the biennium for this program. Additionally, the salary-related budget reductions total approximately $6.7 million for the Full-Day Kindergarten program. Inclusive of these budget reductions and amendments, the Governor recommends approximately $41.7 million over the 2011-2013 biennium to fund the Full-Day Kindergarten program. This program is also recommended for transfer into the proposed Student Achievement Block Grant program in fiscal year 2013.

The Governor also recommends funding for a new Teacher Performance Pay program beginning in fiscal year 2013. Twenty million dollars is included in the budget for this purpose, and Assembly Bill 557 is the enacting legislation.

The 2007 Legislature had appropriated $10 million over the 2007-2009 biennium to support a performance-pay program. However, due to budget reductions, all this funding was subsequently eliminated. I would just note that during the work session held on March 31 in the K-12/Higher Education Joint Subcommittee, members of the Subcommittee generally expressed support for a Teacher Pay for Performance program, although there was concern expressed that perhaps this may not be the appropriate time to implement such a program given the magnitude of the cuts to K-12 education. Some members of the Subcommittee suggested perhaps the $20 million could be used to offset other K-12 budget reductions.

The next budget account is the State Supplemental School Support Fund. The Governor's recommendation to defer proceeds from Initiative Petition No. 1 of the 75th Special Session room tax fund to the General Fund would defer approximately $225 million. You may recall that I.P. No. 1 became law in 2009 and imposes an additional 3 percent tax on gross receipts from the rental of lodging in certain counties. For the current biennium, the initiative petition directed the funding to the General Fund, and effective July 1, 2011, the proceeds were to be directed to the State Supplemental School Support Fund to be distributed to school districts and charter schools to improve the achievement of students and to retain qualified teachers and nonadministrative employees.

I would note that the I.P. No. 1 room tax revenue for 2011 will be reforecast by the Economic Forum on May 2 so that funding level may be updated.

The next budget account for discussion is the Incentives for Licensed Educational Personnel. *Nevada Revised Statutes* (NRS) creates a grant fund for Incentives for Licensed Educational Personnel and requires each school district to establish a program of incentive pay for licensed educational personnel. The 1/5th Retirement Credit Purchase program was repealed and is grandfathered-in and will conclude in fiscal year 2013. The recommendations in The Executive Budget for this account reduce funding for the incentive grant awards in fiscal year 2012 by $1.9 million and eliminate the incentive grant awards beginning in fiscal year 2013, resulting in a total General Fund savings of $6.1 million over the biennium.

The Executive Budget recommends funding for the 1/5th Retirement Credit Purchase program in the amount of $13 million in fiscal year 2012 for retirement credits that are earned in fiscal year 2011 and $12.1 million in fiscal year 2013 for retirement credits earned in fiscal year 2012. And as I mentioned, fiscal year 2013 will be the last year for this program.

The Executive Budget as amended recommends General Fund support for the incentives at $4.2 million in fiscal year 2012 for eligible incentives earned in fiscal year 2011.

The last budget account in this K-12 education overview is the Other State Education Programs. This is an account that provides pass-through funds to school districts for various programs such as the Apprenticeship program, Educational Technology, Career and Technical Education, National Board Certification program for teachers and counselors, in addition to various other smaller programs.

The Executive Budget recommends a budget reduction totaling $2.1 million for the biennium prorated among all programs. In addition, the Governor recommends the funding for these programs also be transferred to the proposed Student Achievement Block Grant program where districts would decide which programs to fund to meet their needs.

And with that, I will turn it back to you.

CHAIR OCEGUERA:

Thank you, Julie. You did a great job trying to make the K-12 budget easily explainable in seven pages or less. I know it is hard to talk from down there in the well too, but we will go to

questions now, and I will try to help you if you cannot tell where they are coming from. I know it is challenging in the well. Questions? Mrs. Smith.

ASSEMBLYWOMAN SMITH:

Thank you, Mr. Chairman. I had a question I wanted to have Ms. Waller qualify on the record regarding class-size reduction and full-day kindergarten. You mentioned that the funding has been reduced and moved outside the Distributive School Account, but also in this budget, the requirements for class-size reduction and full-day kindergarten are eliminated.

JULIE WALLER:

Assemblywoman Smith, yes, you are correct. Under the proposal, the requirements to implement those programs would be implemented, and those programs could be an optional use of the funding in the Student Achievement Block Grant program.

CHAIR OCEGUERA:

Thank you, Mrs. Smith. Further questions for our Fiscal staff?

All right. Let me just give you a rundown of who we are going to hear from. We are going to hear from our Fiscal staff. Then we are going to hear from the Budget office. We'll hear from the Clark County and Washoe County School Districts and the Association of School Superintendents, and then we will hear school boards; we will have public comment, and then we will discuss some more some of these issues. So we will turn now to the Budget office, if I could have a representative from the Budget office.

Welcome, Mr. Clinger, Mrs. Gansert. It is usually not this quiet in Committee either. Who would like to start?

ANDREW CLINGER, DIRECTOR, DEPARTMENT OF ADMINISTRATION:

Thank you, Mr. Chairman. For the record, I am Andrew Clinger, Director of the Department of Administration and also state Budget Director.

I do not have prepared remarks. You can certainly ask questions. I guess the only thing that I would say at this point is that the Governor has presented what he thinks is a sound budget. Given the state's current economic conditions and the fiscal restraint that we had to show to balance the state budget, a lot of things in here we do not like either, but we had a lot of tough choices to make, and we felt that we made the best choices possible given the resources that we had to deal with. And so, Mr. Chairman, as I stated, I do not have any prepared remarks but certainly can answer questions that the Committee may have.

CHAIR OCEGUERA:

Thank you, Mr. Clinger. Questions from Mr. Clinger on the budget? All right; Mrs. Gansert, any further remarks?

HEIDI GANSERT, CHIEF OF STAFF, OFFICE OF THE GOVERNOR:

Thank you, Mr. Chair. Again for the record, Heidi Gansert. Mr. Clinger pretty much covered it, but when we put this budget together, you have to remember that we were in a hole in that we had lost about $450 million of ARRA (American Recovery and Reinvestment Act of 2009) funds; we had caseload growth of about $269 million; there was a loss of about $440 million of local revenue; and we had interest in the unemployment insurance of about $66 million, which added up to about $1.23 billion. So, it was very difficult to put this budget together. We went through line item by line item to do the best that we could to make sure that we could fund education as much as possible.

Some of the pieces of the budget that you have reviewed would be the reserves, the debt reserves, and there is $300 million in this budget that is based on debt reserves. That was an attempt really to mitigate some cuts to free up some money locally in the district of origin to make sure that they could use that money for operational expenses. I know that has been a sensitive issue, but again we tried to put forth a great effort to make sure that we could mitigate cuts and get as many dollars as possible to the classroom.

So this is a difficult budget. We understand that the cuts are hard, but we also think that we need to allow time for the economy to recover. And we did have some good news on Monday, which was yesterday of course, in that unemployment is still high in Nevada, but it has fallen a

bit. It is down to 13.2 percent. We also had job growth. This is the first time we have had job growth in 37 months. We have had job growth, and it is also the largest increase for one month I believe since 2005 as far as job growth.

So we have some indicators that are on the positive side in Nevada, and we believe that we need to allow time for an economic recovery. The budgets have been difficult, but we tried to put as much money as possible into education and it is a priority for the Governor. You will see, as dollars roll in, we are going to try to do as much as we can. We do anticipate that the Economic Forum will come on May 2, and with some of the positive indicators there will be some extra money above the forecast that was initially created on December 1.

So thank you and I welcome any questions.

ASSEMBLYMAN HANSEN:

Thank you Mr. Chairman. Heidi and Andrew, a question actually either of you could answer. Is it not true that the Governor was elected with an overwhelming mandate to make this budget fit, and that is exactly what you guys have done with this budget?

HEIDI GANSERT:

Thank you, Mr. Chair, to Assemblyman Hansen. The Governor believes that we need to allow the economy to recover, and so we built this budget without any additional tax revenue, although we did try to use bond reserves or allow bond reserves to be used in the districts of origin and some other pieces to reduce the cuts and create a very fair and reasonable budget given the situation that we are in.

ASSEMBLYMAN HANSEN:

Thank you.

CHAIR OCEGUERA:

Mr. Goicoechea.

ASSEMBLYMAN GOICOECHEA:

Thank you, Mr. Chair. I just need a little clarification on I.P. No. 1, the room tax. Again, the Governor is just continuing on the same program we put in place in 2009 and then also extended in the last special session I believe, or whenever it was.

HEIDI GANSERT:

Thank you, Mr. Chair to Assemblyman Goicoechea. Yes, this is a continuation. Initiative Petition No. 1 was basically an initiative petition to change statute. There was an advisory question on the budget, but I.P. No. 1 was never actually on the ballot, so I.P. No. 1 was again an initiative petition where you gather signatures and then you bring legislation directly to here. And basically, what happened last session is that this Legislature decided that they wanted to delay the funding to education and allow it to go to the General Fund for a couple years, so right now we are doing the same thing: we are allocating those monies to the General Fund; and then in two years they would go to education again, directly to education.

CHAIR OCEGUERA

Mrs. Carlton.

ASSEMBLYWOMAN CARLTON:

Thank you, Mr. Chairman, and along the same lines as the Minority Leader, I respectfully disagree. Initiative Petition No. 1 passed in Clark County with over 66 percent of the vote—that is two-thirds of the people saying "we want this money to go to education." And in Washoe County, 57 percent of the folks on that advisory question said that they wanted this money to go to education. Now we understood last time we were in a difficult position, but we made a promise to the voters who said that they wanted this to happen, and those votes in the Senate and Assembly both passed with two-thirds majorities: 35 to 7 in the Assembly and 16 to 5 in the Senate. The people have spoken, and their representatives have spoken that this money should go to education, and so I respectfully disagree on the comment that this is just furthering what we did in the past. We actually made a commitment to folks that this money would go to education in this biennium.

CHAIR OCEGUERA:
Mrs. Gansert.

HEIDI GANSERT:
Thank you, Mr. Chair. The initiative petition is separate from the advisory question that was on the ballot. The initiative petition actually went straight to the Legislature and required that money would go to education, but also the money was reappropriated in the first two years to the General Fund. So, again, this is a continuation of that. So the I.P., the initiative petition, is separate from the advisory question. But we agree that education is a priority, and because education makes up such a large percentage of the budget, in effect this helps to mitigate a lot of the cuts that are in the budget. But it would continue the reallocation during the near term to the General Fund instead of directly to the DSA budget. Thank you.

CHAIR OCEGUERA:
Mr. Hammond.

ASSEMBLYMAN HAMMOND:
Yes, Mrs. Gansert, I have had several emails from many constituents and many colleagues in the teaching profession regarding what will be happening with the pay for performance, in particular with step increases or with education increase. I recently got an email from the NSEA (Nevada State Education Association), which said that because of the supposed decrease in the amount of money that will be . . . basically our salaries will be decreased because they are not going to consider master's, master's plus 16, master's plus 32 increases that are, I guess, budget cuts for teachers would roughly be in the category of 20 percent decreases. Could you please help me to understand this to make sure that I can relay this to others who ask me questions? I take it that this is not a decrease, from what I have understood and from what I've read, and that our salaries will stay where they are at right now and then that in the future, prospectively, we will be looking at pay for performance. So will you go ahead and explain that for the record.

CHAIR OCEGUERA:
Mrs. Gansert.

ANDREW CLINGER:
Mr. Chairman, for the record, Andrew Clinger. Mr. Chairman, through you to Assemblyman Hammond, what we have included in the Governor's Executive Budget is a salary freeze when you look at the merit salary increases. This is not a reduction to the current salary a teacher or other school district employee is receiving; it is simply fr`eezing that salary where it is today. Typically in the Distributive School Account +budget, we budget a 2 percent increase for merit, longevity, and what they call movement on scale between the different salary schedules. We did not put that in The Executive Budget this time, so it is not a reduction to a current salary; it just holds them where they are at currently.

ASSEMBLYMAN HAMMOND:
Follow-up, Mr. Chairman?

CHAIR OCEGUERA:
Follow up.

ASSEMBLYMAN HAMMOND:
So, basically, those teachers who are finishing up their master's right now and maybe have incurred perhaps a student loan, they could rest assured that if they finish it up by May that they will be on that salary schedule for anybody who has a master's in order to recoup the cost of what they put into their education or what they put into their profession?

ANDREW CLINGER:
Mr. Chairman, through you to Assemblyman Hammond, that is correct, as long as they attain that before July 1 of 2011.

ASSEMBLYMAN HAMMOND:
Thank you.

CHAIR OCEGUERA:
Mrs. Smith.

ASSEMBLYWOMAN SMITH:
Thank you, Mr. Chairman. I wanted to correct the record on the I.P. No. 1 room tax dollars. If I remember from the hearing we had on this in one of our budget hearings, it is actually in statute after we adopted the petition that the money was to go to the General Fund for the first biennium and then to education. It was not a decision that we made—that is the way the petition was drafted. So I believe I remembered looking at that in statute when we were holding a hearing.

If I may follow up, Mr. Chairman, on Mr. Hammond's question. To be very clear, this budget takes about $141 million out of the teacher pay for education attainment and years of service, and it is replaced by $20 million in pay for performance the second year; $141 million is gone and replaced by $20 million.

These budgets are very difficult. The K-12 budget is really hard to talk about, I think, because it is in so many different facets and categories of the budget. One of the things I wanted to just ask Mr. Clinger—and we have been through this through many hearings, and I think it is good for this body to be able to put all of it together—that if I add up the basic support cut, the 5 percent teacher pay cut, the PERS (Public Employees' Retirement System) equalization cut, the $141 million cut, the cuts to the class-size reduction and full-day kindergarten, and the cuts to the categorical funding of career and technical education and others, and then I also factor in the cut to the districts with the use of the school construction dollars, I come up with about $1.1 billion or a little more. I just wanted to make sure we are in agreement that you can literally add up those line items, and that is what you come to.

ANDREW CLINGER:
Mr. Chairman, if I may respond. Mr. Chairman, through you to Assemblywoman Smith, I guess I would start by saying it depends on how you look at it. To go back to the merit increase suspension, you are correct, and it is actually on the last page of your document. It is the second line item in there. It shows a reduction of $142.6 million on that line item, but I guess what I would point out is that is actually additional money that we would have put in the DSA based on projected growth and merit and the other education funding that we did not put in. So it is not a cut from current levels: it is funding that would have been in there that we did not put in.

ASSEMBLYWOMAN SMITH:
May I respond, Mr. Chairman, before we go on to the next one?

CHAIR OCEGUERA:
Mrs. Smith.

ASSEMBLYWOMAN SMITH:
I guess the question is when is a cut a cut. But if you look at what we have been paying teachers and what has been in our process, that $141 million is salaries that would not be there now that used to be there for teachers, for years of service and for education attainment. So if you are anywhere in your education process and you do not get there by July 1, you may have been in the district for ten years, and you are not going to get that pay that has been in the budget previously.

ANDREW CLINGER:
Mr. Chair, through you to Assemblywoman Smith, not to be argumentative on this, but again, this is mechanically the way we build the Distributive School Account budget. We take the base salaries that the districts provide us for fiscal year 2010 and then we roll those up by 2 percent each year to account for the merit increases. So, again, it is not a salary cut from where they are at today, but it is a cut from where they would have been under the normal process if they continued on scale and movement, the slides, if you will.

ASSEMBLYWOMAN SMITH:

I think we are in agreement on that. It is just semantics to some degree. So the other items that I discussed, the 5 percent pay cut, the 5.3 percent PERS equalization cut, the reduction in class-size reduction, and the capital reserve money, we are on the same page on the totals of those cuts.

ANDREW CLINGER:

Mr. Chairman, through you to Assemblywoman Smith, no, and I will point to the use of the excess debt reserves: that is not a cut to the operating accounts. Again, what we are asking is that those funds be able to be transferred from the debt reserves into their operating to avoid, in this case, $302 million of additional cuts. So it is really cut avoidance in this case.

ASSEMBLYWOMAN SMITH:

May I continue Mr. Chairman?

CHAIR OCEGUERA:

Mrs. Smith. But we are not going to have a back and forth between you and him all night.

ASSEMBLYWOMAN SMITH:

Let me clarify this last one and then I will allow someone else the opportunity.

I would guess if you ask the districts, they would consider this $301 million a cut, because that money is being swept from their reserves, and it is replacing money that would normally have been given to them by the state in state school support in some fashion. So, again, that is what makes this budget hard to talk about, because there are so many different accounts and budgets and funding mechanisms. But I would say that the districts probably feel that this $301 million, Mr. Chairman, is a cut most any way you look at it, and I guess on the technical side, we agree, but I think it is a cut.

CHAIR OCEGUERA:

Mrs. Gansert.

HEIDI GANSERT:

Thank you, Mr. Chair. If I can just add: When we looked at the salary adjustments, 70 percent of the cuts to education are in salary adjustments, and what we were trying to do is treat school district employees the same as state employees, and to do that, the first thing you do is freeze what they are making. So while we talk about whether we cut $142 million or not, that actually would have been an increase, so we said, "We are going to freeze you exactly where you are like all the other state employees." And then we said, "The state employees right now have a furlough that is worth about 4.6 percent, we are going to do a salary adjustment or cut of 5 percent across the board, so whether you are a school district employee or a state employee, if you are a social worker or a teacher or you work in the cafeteria, it is all going to be 5 percent."

The other thing we did is when you look at the PERS contribution, the contribution for retirement, state employees right now contribute 50 percent, or half. We knew that was a big jump, so we said, "Well, how about if school district employees contribute 25 percent, half as much as a state employee, in an effort to put some money towards their PERS contribution?" Right now, the taxpayers pay all of the contributions for their retirement, and for state employees, each of them pays half of the share for the retirement contribution. So this is an incremental step for them; it is not exactly equal to state employees, but we were trying to move all school district employees into the same range as a state employee. Thank you.

CHAIR OCEGUERA:

Thank you, Mrs. Gansert. Mr. Hickey.

ASSEMBLYMAN HICKEY:

Thank you, Mr. Chairman. Through you to Mr. Clinger, in putting together this arguably very difficult budget, did you look at some of our neighboring states in the budget reductions that they have had? Did you study them? Are there some comparisons to what is going on, say to our neighbor to the west or up in Washington State? I am just curious.

ANDREW CLINGER:
Mr. Chairman, through you to Assemblyman Hickey, I am part of what is called the National Association of State Budget Officers, so we are always exchanging information and ideas on how to make budget reductions in these difficult times, because there are many states that are going through the same thing we are. I think unless you are in North Dakota, perhaps, every state is going through a similar situation to what Nevada is going through. I do not have necessarily anything specific that I can point to that we did in the budget, but we certainly do share ideas through our organization.

CHAIR OCEGUERA:
Mrs. Dondero Loop.

ASSEMBLYWOMAN DONDERO LOOP:
Thank you, Mr. Chair. I would like to know then, after going through this budget, where this puts us in the national average per pupil.

ANDREW CLINGER:
Mr. Chairman, through you to Assemblywoman Dondero Loop, it really depends on who you ask because in looking at the national rankings and depending on what your source is, you are going to get a different answer. It is difficult to do a ranking prospectively on fiscal years 2012 and 2013 compared to other states, because you do not have the comparable data to look at. The most recent data that we were able to pull out is from the National Center for Education Statistics (NCES), which put Nevada at 24th compared to other states. That same organization, when you look at graduation rates, actually puts Nevada at 50th, and the only reason we are not at 51st is because South Carolina did not provide data. Otherwise, I am confident we would have been 51st.

CHAIR OCEGUERA:
Mr. Kirner.

ASSEMBLYMAN KIRNER:
Thank you, Mr. Chair. Mr. Clinger, I am trying to get a handle around DSA, and so I could use your help here. I was looking in the "2011 Nevada Education Data Book," and it said that the 2007-2009 funding jumped 19.8 percent over the previous biennium, and in 2009-2011, it said that the DSA jumped another 10.1 percent, for a total of a 39.9 percent gain from the 2005-2007 biennium. That seems like a substantial gain. Are those numbers reliable from the data book?

ANDREW CLINGER:
Mr. Chairman, through you to Assemblyman Kirner, I am sure they are. I have not looked at those particular data. You can just go back and look at the basic support data, and if you go back and look at basic support per pupil adjusted for the number of pupils that we are serving, between 2007 and 2011, there was a 10.8 percent increase over that period of time. I do not have the specific data that you are referring to, but there has been a significant increase in basic support if you go back and look over time.

ASSEMBLYMAN KIRNER:
Follow-up, Mr. Chair?

CHAIR OCEGUERA:
Certainly.

ASSEMBLYMAN KIRNER:
So again, I am working with the DSA here. In your recommendation, the Governor's recommendation, you have moved class-size funding to the block grant. The block grant is not part of DSA, is that right?

ANDREW CLINGER:
That is correct. The block grant is not counted, and class-size reduction, even currently, is not counted as a piece of the DSA, or what we refer to as the basic support funding. In fact, if you look at all of the state and local funds that flow through to the districts, this would not count the federal funds they receive. But if you look at state and local funds that flow through, in fiscal year 2012, the funding per pupil is $7,012, a significantly different number than the basic support calculation.

CHAIR OCEGUERA:
Miss Woodbury.

ASSEMBLYWOMAN WOODBURY:
Thank you, Mr. Chair. Over the last decade we have seen huge growth in enrollment, especially in the south. I am wondering how our spending has been able to keep up with that enrollment.

ANDREW CLINGER:
Mr. Chairman, through you to Assemblywoman Woodbury, our enrollment growth from fiscal year 2007 to fiscal year 2011 was actually 2.25 percent, and over that same period of time, the basic support per pupil actually grew 10.8 percent, so we have actually outpaced the enrollment growth with the funding per pupil.

CHAIR OCEGUERA:
Mr. Sherwood.

ASSEMBLYMAN SHERWOOD:
Thank you, Mr. Chair. The testimony that you have given us so far, as I understand it, 70 percent of the reductions would be predicated upon collective bargaining concessions, is that right? About 70 percent?

ANDREW CLINGER:
Mr. Chair, through you to Assemblyman Sherwood, that is correct.

ASSEMBLYMAN SHERWOOD:
So the other 30 percent would be money that would come through the specific school districts, and if that is true more or less, each individual school district finds money in a different way, maybe in purchasing. I have heard stories from constituents who are teachers that are saying that they think they may be overpaying for photocopiers or computers or whatever. Just to understand the process: the Governor does not make the budget at the line items, right? And so if the district wants to come up with that 30 percent themselves somewhere else, or maybe come up with 50 percent and tell the specific unions that they work with, "Hey, we will give you concessions here because we do not need whatever from whichever account," is there flexibility for the individual school districts to do what they have to do from whatever account they choose to do it from?

ANDREW CLINGER:
Mr. Chairman, through you to Assemblyman Sherwood, that is correct. What the state provides is what is called the state basic support funding guarantee. We provide that funding to each school district, and then they set their own budget at the district level on how they are going to allocate those funds and what reductions they are going to make to meet the basic support guarantee that we provide.

ASSEMBLYMAN SHERWOOD:
Follow-up, Mr. Chair? I have heard from some constituents, and it has been troubling, where they are saying the school has already decided that they are eliminating nine positions, and we are losing the music program or the art program. How much flexibility do the districts have to work with the specific unions or the unions have on concessions, so that we do not just automatically default to we are losing the music program or we are cutting nine people?

ANDREW CLINGER:
Mr. Chairman, through you to Assemblyman Sherwood, it is up to each individual district on how they decide. Now, obviously, through collective bargaining and negotiations, they have to deal with the salary piece of this, but again, it is up to each individual district: the state, the Governor and the Legislature, really have no control over how they make these cuts or make the reductions that they have to make.

CHAIR OCEGUERA:
Mr. Sherwood, we are going to hear from the districts here very shortly, and I am sure they will tell us how these cuts will affect them. We will go with one more question, and then we will move on to the other presentations. Mr. Conklin.

ASSEMBLYMAN CONKLIN:
Thank you, Mr. Chairman. Hopefully, I do not have too many questions, but I just want some points of clarification. Mr. Clinger, you mentioned the NCES numbers, and I track those numbers, and there is a litany you choose from. One of them includes construction costs, which we should know significantly skews our data in the per-pupil expenditures, and I am just curious if the numbers you are looking at include those construction costs.

ANDREW CLINGER:
Mr. Chair, through you to Assemblyman Conklin, I am not sure if they do or not; I would have to get back to you on that.

ASSEMBLYMAN CONKLIN:
Part of the reason I ask this question is because sometimes we have a tendency to look at this in a vacuum, and we look at it and say we rank . . . quite frankly, as far as I am concerned, you can pick it; it does not matter whether we rank 21st or 51st, but the fact of the matter is this: We have been cutting this number, the amount of money we spend in education, for the last three years. Is that not true?

ANDREW CLINGER:
Mr. Chairman, through you to Assemblyman Conklin, that is true. However, when you look at the data from the Department of Education, and in fact there was an article published on the 17th in *The Nevada Appeal* that looked at total spending, and I know that article excluded capital expenditures, and we actually went back and looked at the comparable data for 2008 and 2009, and when you looked at 2009 compared to 2010, there actually was an increase. So while we have done budget reductions at the state level, the total funding to the districts actually has increased when you compare 2009 to 2010.

ASSEMBLYMAN CONKLIN:
And that was because of?

ANDREW CLINGER:
Mr. Conklin, that was primarily because of stimulus (ARRA) funds.

ASSEMBLYMAN CONKLIN:
So, now the budget is not only going to absorb the cut we are making here, which is roughly $1.1 billion, plus an additional loss of money from the ARRA funds. Is that what you are suggesting?

ANDREW CLINGER:
Mr. Chairman, through you to Assemblyman Conklin, there was $139 million of ARRA funds that went into fiscal year 2009. So actually when you compare 2010 to 2009, a majority of those ARRA funds went into fiscal year 2009. In fiscal year 2010, we actually got the Ed Jobs funds, which are $83.1 million, but part of that money is actually going to balance forward into fiscal year 2012. I think $36.8 million of the Ed Jobs funds will actually be available to the districts in fiscal year 2012.

ASSEMBLYMAN CONKLIN:
I guess what I am asking though, and you have already answered it, is we are still cutting education, as the Chairwoman of Ways and Means indicated: we are still cutting $1.1 billion, correct?

ANDREW CLINGER:
Mr. Chairman, through you to Assemblyman Conklin, I do not know that it is $1.1 billion; again, it is how you slice the numbers and look at it. Again, you can look at an increase and say you are cutting from an increase, and that is a cut, but really when you compare to what the districts had from one year to the next, all I am saying is that based on the data that the Department of Education has, when you look from 2009 to 2010, there is no decrease, and part of those federal funds that were available in 2011 will actually be available in 2012.

ASSEMBLYMAN CONKLIN:
So then we should expect no change in what the districts are doing, because there is no cut: that is what you are suggesting. I am trying to narrow it down.

ANDREW CLINGER:
Mr. Chairman, through you to Assemblyman Conklin, I am not saying there is no cut, and I do not think the Administration has ever said there is no cut. We recognize that there are reductions to the school districts, but again, given the restraints that we have had to deal with and the economic conditions of the state, we put forth what we think is a responsible budget.

ASSEMBLYMAN CONKLIN:
Thank you, Mr. Chair.

CHAIR OCEGUERA:
All right, let us move on. We appreciate the Budget office and Mrs. Gansert. Mr. Clinger, we really appreciate you coming over. I do not know that there will be more questions, but you might want to stick around. I know it is a long day, but let us move on now to the Washoe County School District and Dr. Morrison and Mr. Kramer.

As you heard, there were some questions about the local impacts. I assume that you will be discussing what the local impacts may be.

DR. HEATH MORRISON, SUPERINTENDENT, WASHOE COUNTY SCHOOL DISTRICT:
I will, Mr. Chair, thank you. Good evening. It is always a pleasure to come before this body. I remember my first opportunity to come before you last year during a special session, and we seem to be always on the same conversation, and that is budget cuts. Last year when I had the opportunity to be introduced to you and answer questions and try to articulate what we were trying to do in Washoe County School District, the second largest school district in the State of Nevada and the 56th largest in the country, some of the responses I had from many of our esteemed lawmakers were interesting. I had one person comment that I sounded more like a businessperson than a superintendent. I took that as a compliment; I hope that was the way it was intended.

Also, what I appreciated was that we did not try to present our discussions of the impact of the special session and the 6.9 percent reductions in terms of trying to make things seem worse than they were, trying to rattle the saber so to speak. We tried to talk about what the cuts would mean, how we would approach them, and then to talk about the fact that we would still try to improve results, and we have tried to live up to that promise.

As I come before you this evening and we look at the proposed budget that you are considering, which is one of the largest proportional cuts to K-12 education in the country in a state that does fund education on most surveys across the country either last or next to last, I cannot sit in front of you and say that this is not going to impact the strategic plan that I have had the opportunity to sit down with many of you and share about what we are trying to do in Washoe County School District. I cannot say that it is not going to add to unemployment, because as we look at how we are going to try to handle these budget challenges, we do look at the fact that we are going to have to separate from employees. And then I cannot say to you that it is not going to impact the 63,000 children that we have the honor and privilege of serving. We

are going to do our very best to make sure that it does not, but it is getting increasingly difficult to make that commitment.

For Washoe County School District, I understand the complexities of some of the questions, because what we deal with is the cuts as they come to us from the various avenues that we get funding. So we look at the reductions from the federal, state, and local level. And for Washoe County School District, we are looking at approximately a $75 million reduction this year and a $75 million reduction next year, some of that from the state, some of that from loss of local funding, some of that from loss of federal funding. And that comes after having to cut $37 million in last year's budget and cutting about $40 million the previous three years. So there has been a cycle of a continuation of cuts and reductions in Washoe County School District.

As the question becomes how that is going to impact us, what are we going to do, we have spent just about every day looking at how to handle this, how to make our commitments to our strategic plan, our employees, and most especially our children. We are going to do the things that we think are very responsible to start with, and that is that we have been very fiscally conservative; we have put in a budget freeze almost from the time we began this year; we have let positions go unfilled. For example, I lost my chief academic officer this year to be the new superintendent of one of our neighboring school districts. I am very proud of her, but we did not fill that position. We have tried to save as much money as possible to brace for the cuts that we knew were going to come over this biennium.

We will bring contingency funds to bear. Last year we brought down our fund balance by $8 million, and we are going to try to do that again by $3 million this year, but that available money that we have in our fund balance is dwindling, and that is one-time money.

We are going to request to our board of trustees that we continue to increase our class sizes in grades 1, 2, and 3 by the addition of 2 students like we did last year. That is going to mean 94 fewer teaching positions. And then we will once again recommend that we defer textbooks. It is not that we do not need the textbooks; it is not that they are not needed instructional tools; but if I have to choose between a quality teacher in a classroom or textbooks, I am always going to choose the teacher.

Last year we took the single largest reduction in the history of Washoe County School District in central services direct support to schools at almost $3 million, and we are going to increase that over $7 million this year. That means cuts to administrators, that means cuts to central services staff, that means cuts to local support staff, such as custodial support. We are going to try to do everything we can to keep the cuts away from the classroom.

That gets us about $35 million, and so with the threshold being $75 million for us this year and $75 million next year, that still leaves us $40 million in terms of how we are going to try to approach the budget reductions that we are challenged to do. What are the options? None of them are things that we think are going to enhance the quality of instruction, none of them are going to help us try to improve upon what we are doing, and that is our core commitment.

We could recommend to our board of trustees that we engage in 30 furlough days, but certainly at a time when other countries are increasing the instructional days for their children, decreasing them in the State of Nevada I do not think is going to make our children globally competitive. We could recommend to our board of trustees, because 90 percent of our costs are people, so we certainly could recommend that we could increase class sizes by 6, which would get us about $28 million, but that would mean we will be losing about 463 teachers, in addition to the 94 that were already proposed to cut with increasing classes by 2 in grades 1, 2, and 3. We would reduce administrators and other positions, and altogether, it would be about 500 positions in Washoe County School District.

So those are the kind of choices we are looking at; those are the kinds of things that we are going to have to consider as we look at that remaining $40 million, if there are not revenues brought to the equation, or if we are not successful in our contract negotiations with our 5 employee associations, and if we are not able to buffer some of that with concessions.

I had the opportunity yesterday to be part of a town hall meeting that was organized by Assemblyman Pat Hickey, and it was a very great opportunity to be with leaders from all across the state and talk about where we are and where we all want to go, whether we are native Nevadans or newly arrived Nevadans. We all have a love of the Silver State, and we all recognize the tie between education and economic development. There were some comments

made that I think are important to this conversation, because I think if we are going to have this conversation, all the facts need to be brought to bear, and we need to get past myths and what I call urban legends and deal with what we really know to be true.

I had one individual approach me before the town hall meeting started who said, "You know, I have heard if you school districts just cut all your administrators and did with fewer of them, you would balance your budget." I always say to that, "That sounds great and the talking points are wonderful, but where is your data because I know where mine comes from." Mr. Clinger referenced the National Center for Education Statistics, and in those data, if you look at administrators to pupils, which is the best mechanism to compare all 50 states and the District of Columbia, the national average is 230 students to one administrator. There have been a lot of conversations about Florida, and I think those are worthy conversations, but Florida's average is about 270 students to 1 administrator. The Nevada average is about 341 students to an administrator, and in Washoe County, it is 381 to 1. Will we make cuts in administration? Absolutely, but I promise you, that is not going to help us balance the budget.

I have heard a lot of conversations about how since 1959, 1960, our education budget has tripled. Well, I have looked at some of the statistics that are available and some of the sources that are being cited. What is interesting to me is that in 1959 and 1960, the per-pupil expenditure, if you look at adjusted dollars, was about $3,100 for Nevada, which was about $200 above the national average at the time. Compare that to 2006-2007, which is the time when most of the rankings are current, and the national average is about $10,600, and the Nevada average is about $8,200. So we have dropped some $2,000 below the national average. In 2006-2007 was before Nevada had started into serious budget reductions. Again, I remind you that in Washoe County, we cut $40 million from our budget in the 3 years prior to my arrival, we cut $37 million last year, and we stand on the precipice of cutting $75 million this year.

I have great respect for Assemblyman Hansen, but yesterday I heard the discussion of how can we go against the will of the people? The people clearly elected our Governor, he ran on no new revenue, and he has introduced a budget that does not introduce new revenue. And I truly respect that—but here is what else I know: The great people in Nevada elected a Legislature of a different party, and they also elected a Legislature that is not veto proof. There is an expectation, I believe, amongst people of Nevada in the rural areas, the south, the north, urban, suburban, that there is compromise and there is a balanced approach to how we look at this challenge that we find ourselves in. Do we have the courage to look at cuts? There are going to be cuts; I have had no scenario, looking as the Superintendent of Washoe County School District this year, that is not going to involve horrific cuts to what we are trying to do. But can there be a more balanced approach so there is revenue and cuts?

I would say to you, for anyone that is concerned about new taxes, there are existing taxes in the sunsets: one of them is the Local School Support Tax. It is set at 2.6 percent now, and it is going to sunset to 2.2 percent. If just that one revenue source was kept at its current level, that would mean $111 million for K-12 education this upcoming year and $111 million in the following year. For Washoe County School District, that would be about $16 million to $17 million this year and $16 million to $17 million the following year. That is still $75 million subtracting $16 million or $17 million, but it would help. It would help mitigate the hard things that we are going to have to do in the here and now and help us prepare for a better future.

I have to say, on record, the last comment as I was leaving the town hall meeting yesterday was from a very good citizen who came up and said, "You must be so frustrated with our political leaders—every one of them." And I said, "I am absolutely not." I have said, and I mean this in every sincere way I can say it, to every political leader who had the courage to run for office, from our Governor to you to our local representatives, my sincere appreciation for the courage that you have shown. These are not easy times, and I always say, great leadership is not needed when times are good: great leadership is needed when times are very difficult. And they are about as difficult as we can possibly be in today.

I respect the Governor. I got into a heated discussion yesterday when someone said he must not care about education. Of course he cares about education. I had gotten to know the Governor when he was running for office; I had the pleasure of serving on his transition team; he has made education and economic development two of his highest priorities. I do not doubt at

all his commitment to education. He is facing a tough challenge; he has presented a budget that he believes is in the best interest of Nevada.

I have gotten to know so many of you on a personal level—from the north and the south, from the rural to the urban, the Washoe County delegation and delegations from all over our 17 districts—and I have had the chance to talk to you about your hopes and dreams for a better Nevada. I have been inspired by the fact that every single one of you see that to get that better Nevada, we are going to have to improve the quality of education, and we share that common love and that belief. I respect the hard decisions that you are going to have to make, and I want you to understand that just as our Governor is doing what he believes is the right thing, you are going to have to do what you believe to be the right things. I promise you that whatever is the budget, we are going to do the very best we can with what we have to live up to our commitment in Washoe County to be about every child by name and face to graduation.

With that, Mr. Kramer and I look forward to any questions you may have for us.

CHAIR OCEGUERA:

Thank you, Dr. Morrison. I just wanted to let you know that you said for the record, but everything you say is for the record. That is why that mike is on. We will go to some questions.

ASSEMBLYMAN HICKEY:

Thank you, Mr. Chairman, and through you to Dr. Morrison, I think I speak on behalf of not only people in Washoe County but in the state, I think we are very fortunate to have you and also Mr. Jones in southern Nevada at the head of the helm in this very difficult time. To your point about compromise with respect to trying to find the way to do the least amount of harm, one of the recommendations that you heard, since you referenced the town hall gathering yesterday, was to look in school district funding at doing possibly like Ohio had done in the past in suspending or exempting the prevailing wage prices on school projects. Now I know we are not building a lot of schools these days, so we are not talking about a whole lot, but when we talk about compromises, is that something that you would be willing to consider?

DR. MORRISON:

Mr. Chairman, through you to Assemblyman Hickey, and I do understand that I am on record, but let me tell you, I am fearful that we will not be doing a whole lot of school construction in Washoe County School District. Part of the proposed budget is the sweeping of the debt reserve funds to offset operating expenditures. I have tried to let everybody know in Washoe County the devastating impact that is going to have on our School District. Our School District has one way of generating capital funds, and that is the rollover bond. And this particular recommendation in the proposed budget targets those 12 school districts out of the 17 that have a rollover bond. We are one of those.

The only offsetting revenue that we have in Washoe County to do any capital construction needs is the GST, the Governmental Services Tax, and that recommendation has proposed that we take Governmental Services Tax from two school districts only, even though every school district gets Governmental Services Tax. It proposes taking 80 percent of Clark County's, but it proposes taking 100 percent of Washoe's. Again, the only way we have to generate capital funds is through our rollover bond revenue and through GST, and right now both of those would be very difficult for us to move forward with.

The recommendation to go from 100 percent debt reserve to 10 percent, we believe is going to impact our ability to go out and bond. And so we might be able to do one more bond sale, and we will have to make a decision at that time whether we move forward with desperately needed projects that we have planned; we have over $600 million in projects that we have identified with aging schools in Washoe County School District, but we are going to have to make a decision. Do we use whatever bonds that we have available to move forward with those projects, or do we hold them in reserve so that when unexpected problems occur—a boiler blows up, a HVAC (heating, ventilation, and air conditioning) system needs to be replaced, a roof needs reinforcement—that we have monies to do that? I do not even know where to begin to comment on the prevailing wage and school construction because again, if the budget that is before you is adopted as is, I do not believe that we are going to be doing a whole lot of school construction over the next six to eight years.

CHAIR OCEGUERA:
Thank you. Mr. Conklin.

ASSEMBLYMAN CONKLIN:
Thank you, Mr. Chair. Dr. Morrison, it is interesting that we have gone a little bit down this line, but let us talk a little bit about the bond reserve and about the conditions under which many of the Washoe County schools are in. We had some delightful testimony in one of our Ways and Means hearings, on a slightly different subject, about teachers and how powerful the teachers impacted kids' lives. One of the little girls who testified, I want to say she was 8 or 9 years old, gave us a little history of her class, and while she was admiring how much she enjoyed class and her teachers, she was also talking about how the roof in the classroom leaks on their paperwork on their desks. I think it would be important for this body, because a lot of them did not hear that testimony, to know what the conditions currently are in Washoe County and, while you may not be doing construction on new schools, how you might be using that money.

DR. MORRISON:
Mr. Chairman, through you to Assemblyman Conklin, we have 102 schools in Washoe County School District. We have a lot of capital needs: we have many aging schools, and so there are constant needs for HVAC replacement, roof repairs—basic maintenance needs that are incredibly important. We have schools that desperately need renovation: they are aging, they are not at the level that is worthy of the children that we have the honor of educating. We have schools like, for example, Robert Mitchell, right in the heart of Sparks. It is a beautiful school with good things happening, but it needs to be renovated and brought up to bear for our current conditions. There is a huge need to infuse technology. We have two schools that I do not believe the traditional renovations that we do that can range between $2.5 million and $4 million are enough. These schools, Sierra Vista and Sun Valley Elementary School, are at such a level of need that it is probably better in the long run, and a better use of taxpayer dollars, rather than to renovate them, to bulldoze them down and build brand new schools. Not only would that be great for the children of Sierra Vista and Sun Valley, and it would put 200 construction workers back to work in Sun Valley and 200 construction workers back to work in Reno. Those are the things that we would like to do in terms of what we are committed to in our rollover bond campaign.

I do appreciate the desire to try to find additional revenue to offset the cuts; I have to say that, but again, the impact on Washoe County when this is our one way to do capital projects, is more impactful on our school district than any of the other school districts, and I know it has an impact on the 12 that have a rollover bond.

CHAIR OCEGUERA:
Mrs. Kirkpatrick.

ASSEMBLYWOMAN KIRKPATRICK:
Thank you, Mr. Chairman. First I want to commend Mr. Morrison, because since I met you, you have been dealing with cuts, cuts, cuts. You have not had the opportunity to even slow down and think about anything else but cuts, so I commend you for staying and not leaving our state. And that would bring me to my point: I have a couple of different ones.

I worry about the class size of the younger kids. I'll use a personal experience of my own. I babysit a little girl who is in second grade who is currently struggling just to keep up with the rest of the class. In working with her, and I know that there are seven ways to teach a child, but I am worried about what the class sizes might look like when we continue to make these cuts and what will happen to her as a second grader already struggling. How much farther is she going to get behind? Because I think the quality of education has to really be measured, and I feel like we are setting her up for failure time and time again because we keep making choices that do not allow her to get that extra time. We are, as a family, as a neighborhood, working with her and several kids in her classroom. But I feel like we just keep setting them up for failure, and I worry about the quality. I could stick 35 kindergartners in a classroom and hope that they learn something when they leave. But second grade is supposed to be the height of one of the grades

on what sets their future. So if you could talk a little bit about that, because that is something I am going to have to go home and explain to my constituents.

DR. MORRISON:

Gladly. Mr. Chair, through you to the Assemblywoman, I am one of the biggest fans of early childhood. I think that is where we get it right and we put a child on a path to graduation, because graduation truly begins in kindergarten. Or we get it wrong, and we spend an exorbitant amount of money trying to provide interventions and support, and then too often we fail to get those children to graduation, and we could have gotten it right at the very beginning.

Our state is changing dramatically and rapidly. Since 2003-2004 when our free and reduced meals for our children in poverty served 31.2 percent of our over 400,000 children, today it stands at 41.3 percent and it is growing. Our English as a second language (ESL) learners were 13.5 percent in 2003-2004, and they are at 18.1 percent today. The reality is that the children we have the honor and privilege of teaching are coming with more challenges—absolutely able to learn, absolutely wanting to learn. I have never walked into a kindergarten class or first or second grade where you do not find little faces looking at you, and they want to soak up everything that quality teacher is providing.

But here is the reality in our state. Quality Counts 2011, which is one of the most amazing surveys of all 50 states and the District of Columbia, formed a lot of the data that we used on the Blue Ribbon Task Force to make our recommendations for improvements all across our 17 school districts, ranks Nevada as having the 51st chance for success for children. That means before they ever come into a public education setting, before they start kindergarten—and I say kindergarten because we do not do a whole lot with pre-K (pre-kindergarten), and that is part of the issue—our children have the 51st chance for success. And, yes, I understand 51st out of 50 states, but that does include the District of Columbia. That is based on two primary areas: It is based on the educational attainment of the parent, and we are in a state where a number of our citizens do not have a high school diploma, and so many parents of our children do not have a high school diploma. The other factor it is based on is commitment to early childhood: it is a commitment to pre-K, a commitment to full-day kindergarten, a commitment to keeping class sizes in grades 1 and 2 low so that the proverbial adage that children learn to read in grades kindergarten, 1, and 2 can occur, and then they read to learn later. I think we have got to get it right; we spend a whole lot more money down the road.

The United Way did a survey 3 years ago, and it found that for every $1 we spend on early childhood across the country, we save $17 down the road. So I appreciate your commitment to early childhood; we have a moral obligation to these children, and it is going to be a cost savings in the long run if we get it right, and we are not having to provide interventions and support.

ASSEMBLYMAN SHERWOOD:

Thank you, Mr. Chair, and Dr. Morrison. Thank you for coming. And to the last time that you spoke and they said you sound like a businessman, take that as a compliment. This time I have to tell you that you sound a little bit like a politician, and that is meant as a compliment as well.

To get back to Mr. Hickey's question about the prevailing wage, and so for the sake of argument, let us say that we came up with $660 million in new taxes to fund the capital projects that you have described. If you could save 30 percent of that by not paying prevailing wage, that is about $180 million less that you would have to spend, would you be supportive, if the money were there for the capital projects, of saying, "In my school district, as an astute businessman, I just refuse to pay the extra 30 percent." Would you be open to that?

DR. MORRISON:

Mr. Chairman, through you to the Assemblyman, I hope I do not offend anyone when I say this, but let me try not to sound like a politician, because if I do not know something, I am going to say I do not know. I do not understand enough about the prevailing wage; I'll be honest, I have never studied it to give you probably the answer that you would want to have. What I will say is that I believe in not creating artificial challenges. I am very much a free market type of person, and so if we could bid projects and let all of the individuals who are going to bid come forward with the best bid, then as long as we get quality, we would usually choose the lowest bid

and try to save money because the more money we could save the more projects we could do. I would be very open to that. But I truly do not know enough about the prevailing wage issue. I will certainly look at it, and especially if we are able to go out and do further projects and if this becomes a reality. But again, I just do not know enough about it to give you a competent answer that you deserve. But we certainly can look into it.

ASSEMBLYMAN SHERWOOD:
Great. Thank you.

CHAIR OCEGUERA:
Miss Neal.

ASSEMBLYWOMAN NEAL:
Thanks, Mr. Chair. Dr. Morrison, I have a question. You brought up some issues that are of deep concern to me. You started talking about the per-pupil funding and what you studied from the 1950s and 1960s about the progressive increase. My concerns are that when I looked at the adequacy study, the findings showed that even in 2006, we were 59 percent below that and we needed to increase. You described cuts that took place from 2007, 2008, and 2009, and those were very significant. One of the things in that study stated that we were at risk because we had failed to fund English Language Learners (ELL) and at-risk students appropriately. When you characterize that for me, that tells me right now that we were not doing a good job then, that those students were always at risk of losing the appropriate kind of education that we needed to give them. So what are your solutions in order to deal with the situation right now? Because to me this is very negative and it is disturbing, because my constituents represent a large majority. And you have seen the shift in this district where a huge component is ELL and at-risk students, and those students are underserved and they are not getting the appropriate education that they need. So address that for me about the negative implications with this 2011 and 2012 that we can expect to see within those school districts.

DR. MORRISON:
Mr. Chairman, through you to the Assemblywoman, I know one of the questions that came up, and Mr. Clinger cited the National Center for Education Statistics and the per-pupil expenditure, I believe he said we were ranked 40th, and then there was a question whether that included capital funds. It does include capital funds where we rank 40th. If you take out capital funds, I think we rank 45th, and the last data that was available on those was from the year 2004-2005. It is very difficult, I get asked the question all the time, "What is the actual per-pupil expenditure?" There are probably 100 different surveys that you can use. Some look at just the funding from the state, some look at state and local, some look at state, local, federal, and some look at state, local, federal, capital budgets. It is really all over the place. What I know is that since I have come to this great state, I have been engaged in looking at the cuts, and no matter what the ultimate budget is, we will be cutting again this upcoming year and the year after. I think before I look at you and say, "What can you as lawmakers do?" we have to look in the mirror first. I am a big believer, and I am going back to my business roots, but Jim Collins, who wrote the book *Good to Great,* says when things are good, you look out the window, and when things are bad, you look in the mirror.

In public education, we have to look at what we failed to do as Nevada has seen a seismic shift in the population of children that we serve. And we studied this at length in the Blue Ribbon Task Force, and if you go to our website on the Blue Ribbon Task Force, there is a graph that shows graduation rates from about 17 years ago that were well above the national average, and then as the national graduation rates have slightly increased, we have plummeted. That has accompanied a dramatic shift in the number of children that we serve that are highly mobile, they speak English as a second language, and they come to us in poverty. Let me tell you as I sit before you, there is no excuse for that. Every child can learn; every child can learn at high levels: It is about the courage and commitment we bring to educating them. We have not adjusted the way we deliver instruction in this state to the level to meet the changing students that we have.

When people say run your school district like a business, I say well, what business, because that is very important to me who we would model. And I look at the medical business. A doctor does not take every patient that walks in with a headache and gives him aspirin. They diagnose, they run tests, they individualize the cure to make sure that at the end of the day, that patient is well. For some patients, it is an aspirin and it comes with a very low cost. For other patients, it is huge, very intensive surgery and medicine that comes with great cost. If you think about the fact that when a child comes to us in poverty, there are some increased costs that accompany that, and we are having a huge rise in poverty.

When children come to us speaking English as a second language, then not only do you have to teach them the three Rs, but you have to also teach them English, and that comes with additional costs. We have to do a better job changing our methodologies; we have to do a better job because too often in public education across the country, to our great shame for the children who come to school with less, we have given less at school. We have given them not always the very best teachers, not always the very best facilities, nor the very best tools, and we have to change that. But we also have to understand that as we have more and more children who come to us with these challenges, if the desire is to get every child by name and face to graduation, there are going to be increased costs. We have to justify that, and then we have to show results.

I will say I like to sound like a businessman is in our strategic plan, which many of you have had the opportunity to see, and thank you for letting me come and share that with you, where we have set targets; we have asked to be accountable to the great citizens of Washoe County; we want to have people hold us responsible for results for all children. And so last year, we were able to increase graduation rates by 7 percent, and we were able to see some good jumps with our African-American/Latino students, but the reality is in Washoe County School District today, we are graduating four out of every ten African-American/Latino students. We have to do a whole lot better with whatever funds we have available to us.

CHAIR OCEGUERA:
Mr. Munford.

ASSEMBLYMAN MUNFORD:
Thank you, Mr. Chair. Since I have been in the Legislature—this is my fourth session—I have had the opportunity to visit many of your high schools, not all of them, I think four or five. In every one I went into, mostly junior and senior classes, I noticed there was not really a problem when it came to class sizes. They seemed to be fairly reasonable, something that I myself would figure quite a luxury. Where is your class size problem? To me, it did not seem it was in the high school or secondary level. Is it maybe in the middle schools or maybe in the elementary schools? I did not see a problem, and I visited four or five of your high schools, and I did not see a problem at all in terms of numbers.

DR. MORRISON:
Mr. Chair, through you to the Assemblyman, we have class sizes right now that we are proud of. We have tried to work very hard to keep our class sizes at the forefront of providing our teachers a load of students that is reasonable, to provide the core content and core knowledge to be able to differentiate and be able to scaffold instruction to meet the individual needs of the child. Our highest class sizes are at the high school. Right now our high school classes average about 28-29. Our middle schools average about the same and our elementary schools are slightly below that. We certainly do not want to increase those. I know there is a lot of data out there about our class sizes, how they impact the quality of instruction, and I do believe that you get the best bang for your buck so to speak when you keep class sizes low at the early grade levels. So I compliment leaders in Nevada that recognized that many years ago and had the courage to put forward monies to introduce full-day kindergarten to some schools and to keep class sizes at a reasonable level in grades 1, 2, and 3.

The fear that I have as the Superintendent of Schools of Washoe County School District is that if it indeed is going to be a $75 million cut, we are going to do everything we can, and the last resort would be increasing class sizes. But again, 90 percent of our costs are people, and so there is how much you pay your people and how many people you have, and we are going through the process of contract negotiations with our five employee associations. If you

remember last year after the Special Session, Washoe County School District was one of the first school districts in the country that was able to successfully come to contract agreements with our five employee associations, and it was able to help us not have to increase class sizes at the secondary level. If our cut is going to be $75 million, I do not believe we will be able to balance our budget without increasing class sizes, and so that is not something we want to do—it is something we may have to do. I would love to walk our high schools with you again, because I can tell you, I just visited one of our high schools the other day and I was counting seats and bodies. It is not only what is the appropriate load for a teacher, I was at Spanish Springs High School actually looking to see physically how we can fit 36, 37, 38 kids in this class. I know it is not good for instruction, but I was just looking at the physical logistics of being able to do it. And I know my colleague and good friend Dwight Jones in Clark County is looking at similar situations as well.

CHAIR OCEGUERA:
Mr. Hardy.

ASSEMBLYMAN HARDY:
Thank you, Mr. Chairman. My mind is going everywhere right now, but I am going to ask a question that has to do with the DSA budget and the 5 percent reduction in teacher salaries. I have been receiving a number of emails, in the hundreds, of how teachers are taking somewhere between an $8,000 and $11,000 a year cut with a 5 percent reduction. Now that does not compute in any way, shape, or form, and I am not a mathematician. But the reason I am asking the question is our information states, ". . . school districts and charter schools are unable to reduce salaries by that amount through collective bargaining, the school districts and charter schools would need to reduce other expenditures as a result." Now my question is, why are the collective bargaining units so unwilling to let others keep their jobs and take a reduction, because it does not appear to me that, in these discussions, we are taking salary reductions because of collective bargaining. Is that correct?

DR. MORRISON:
Mr. Chair, through you to the Assemblyman, I can only speak for Washoe County School District, and I have gone through one budget cycle with my employee associations and I am currently going through the next round of creating a budget. And I can only speak from my experience with our five employee associations, and that has not been the case. Last year four of my five bargaining units had contracts. After the special session I went to them and I asked if we could engage in contract renegotiations. They could have said no—they did not—they said yes. They could have gone into the negotiations and said, "Well, we tried, but we were not able to." We were able to generate over $11 million in savings to help defray the $37 million that we had to cut. I can only speak from my experience having gone through one budget session with my employee groups; I did not see collective bargaining as a problem; I did not see anything but cooperation and support. Again, we are in the early stages of contract negotiations with our five bargaining units this year. They have been incredibly collaborative. I am meeting with them tomorrow. They are our partners: our employee associations helped create our strategic plan. One of the best days of my superintendency was when our teachers association called me because they had been invited to a national conference and they presented our strategic plan—not mine, not the board of trustees, ours. Some of the major groups that look at reforms across the country have said that in Washoe County School District we have some of the most aggressive reforms happening in the country. That is happening with our employees, not against our employees. And I think that is part of the reason, despite facing some very difficult budget challenges, we have had some initial successes, and I hope that is what is going to carry us through these very tough budget times. Again, in my experience, and I have done this for one year, that has not been the issue.

If I can address the other part to that, though, I think part of why you get some conflicting data is that you have teachers at different levels. You have some teachers who are new, some teachers who are veteran teachers, some teachers who would be in line for longevity increases, some teachers who would be in line for additional money for educational attainment, and so depending on what would occur—if you did what was in the proposed budget that you are

considering—the average teacher's salary in Nevada is about $51,000. If you did the 5 percent reduction and the 25 percent PERS, that would be about a $6,000 reduction from the $51,000 salary. If they were in line to get a step increase based on longevity and educational attainment, their cut could be considerably more. And that is why you are hearing figures anywhere from 10 percent to 15 percent to 20 percent—National Board certification and other things.

CHAIR OCEGUERA:
Miss Bustamante Adams.

ASSEMBLYWOMAN BUSTAMANTE ADAMS:
Thank you, Mr. Chairman. Mr. Morrison, thank you for your presentation. I have a comment and then a question. In reference to Miss Neal's student body that she was referring to, I know that you used the word challenges. In referring to those students, as a businessperson, I would ask you to refer to their challenges as opportunities because we live in a global environment, and it could be a competitive advantage for us here as a state. But my question to you is: You talked about the impact that these cuts would have as far as administrators, support staff, and deferred textbooks, but I did not hear you mention any impact to things such as the music program, the GATE (Gifted and Talented Education) program. If you can elaborate on that for me.

DR. MORRISON:
Absolutely. Mr. Chairman, through you to the Assemblywoman, first of all, let me say I look at every child that we have the privilege of teaching as an opportunity, and so I share your common vocabulary. Every child is unique, and some children come and they are ahead of where you would expect them—other children come behind. Our obligation is to get them all to the finish line. We are a state that is nowhere near where it needs to be in graduating children, and we do rank very close to last if not last in the country. So there is a huge need for us to improve the quality of education because we need to do that to have the educated workforce to bring businesses here; we need to do it because it is going to save money for our state in the long run; and, most importantly, we need to do it for 440,000 reasons, and that is the number of children we have in Nevada.

As we look at our budget, I am proud of the fact that last year as we had to address a $37 million challenge, and I was very cognizant of and appreciate the question, "Do you look at what other school districts are doing?" I have colleagues all over the country, we talk all the time, and I ask how they are balancing their budget.

I have to share a quick story. I was in Denver recently at U.S. Secretary of Education Arne Duncan's Advancing Student Achievement Through Labor-Management Collaboration Conference, and I was there with our teacher association president and our board chair. I was at a table with some of my colleague superintendents, and everybody was commiserating around budgets, and then they looked and said, "Hey, as long as Heath is here, with everything happening in Nevada, we cannot say anything." So I guess I got to win that particular debate that was going on at that superintendent table.

But we all talk about how we are addressing budgets. A lot of school districts have made cuts into things like art, music, P.E. (physical education), libraries, gifted. We did not do that last year; I would be very hesitant to do that again, but again with a $75 million challenge, we would. I have looked at, and Mr. Kramer, our outstanding CFO (chief financial officer) has given me very good cost estimates. If we reduced our music, P.E., and gifted by 25 percent—huge cuts, and we are not funding them at what we should already, that would generate about $8 million. So will we look at it? Yes, because what I have said since I began this budget exercise this year looking at a $75 million reduction, unless it is federally mandated or state mandated, everything is on the table. So we will look at making cuts in those programs if we have to. We will look at increasing class sizes if we have to. We will even look at closing schools if we have to. Everything is going to be brought to bear because when any citizen in Washoe County School District, any taxpayer, says, "Superintendent, have you looked at . . . ?" I want to be able to say yes.

We have a very aggressive community survey going on right now; we have had over 2,500 responses since we sent it out last week, and I have been watching with great interest the

recommendations that have been coming in. What we have is a committee so that when our citizens give us recommendations, we say, "Yes we can do that, and it is something we might be able to do this year or yes, we could do that, cannot do it this year but will look at it in the future." Or if we cannot do it, we are saying, "Here is why we cannot do it, but thank you for your input." We are looking at everything and we will continue to look at everything. There are no sacred cows in this budget.

CHAIR OCEGUERA:
Mr. Anderson.

ASSEMBLYMAN ANDERSON:
Thank you, Mr. Chairman. Dr. Morrison, with the proposed changes, what would a starting teacher's salary look like in our state?

DR. MORRISON:
Mr. Chair, through you to the Assemblyman, I can only speak for Washoe County. The average starting teacher's salary I believe is about $37,000. The average teacher's salary in the state of Nevada I know is about $51,000.

CHAIR OCEGUERA:
Mr. Hammond.

ASSEMBLYMAN HAMMOND:
Thank you, Mr. Chair. I hope I articulate this correctly. My day job is also a teacher, and for the last 12 years I have walked around the halls and talked to my colleagues in the teacher's lounge. The per-pupil average comes up often. Many colleagues say, "If we just fund this at the national average, we will be all right." We are above the national average, and I hear the same arguments from some of my colleagues here as well. Is it not true that there are some states that actually spend less than we do per pupil and are they not getting the graduation rates higher than we are? Point of clarification: I think when you mentioned the ranking, you said 44th or 45th, but in fact Mr. Clinger quoted 24th. Talking about that, I think almost every state below us that spends less per pupil actually has higher graduation rates. What I am concerned about is not necessarily the money we are spending, but it is the reforms, the reforms I believe you also are proposing, as well as Mr. Jones. I think the reforms are necessary, and I am looking forward to those and I think you are a big proponent of those. Would they not have a bigger impact than perhaps the per-pupil average spending?

DR. MORRISON:
Mr. Chair, through you to the Assemblyman, again, the danger when you start putting out the per-pupil number is I am going to have five that show a per-pupil at this rate, and you are going to show me five that have a per-pupil at a different rate, and what does that really show us consistently? The Education Alliance of Washoe County School District created a white paper that looked at this very topic, that looked at funding, that looked at education in terms of an investment for a business model for keeping businesses and attracting businesses to our state, and they looked at a number of different surveys and information trying to compare what states spend comparable to what we spend in Nevada, what states spend less, what states spend more, and what is the cost-benefit of that. I think, pretty consistently, the only two states that show up on most statistics as spending less than Nevada, on a consistent basis for per-pupil, are Utah and Idaho. Usually it is Nevada-Utah-Idaho, Idaho-Nevada-Utah: it is pretty much neck and neck. I think you can look at a lot of different factors about per pupil, and you can look at the students that we serve; you can look at the realities of our states.

What I say often is that our education system in Nevada has produced the workers that we have needed in Nevada up to this point. There have been two states in the country that have created a middle-class standard of living for the majority of its citizens without having a college education citizenry. Truth be told they have not had to have a high school educated workforce as well, and that is Michigan with the automobile industry and Nevada with the gaming industry. That is not a criticism: that is a reflection of where we have been. I look at where we need to go, as I know you do as well.

I certainly think we need to look at funding. I think you cannot just look at reforms without looking at the funding, but I do not think that you can look at reforms without looking at the funding. As I said before, I think this is going to require a balanced approach. I think certainly there are things that have to change about education in Nevada. I think there are some excellent reforms that have been introduced. You have shown tremendous courage and foresight in some of the things that you have passed, but if they come without additional funding and just cuts, I worry if they are going to be successful. If you see fit to just do the funding and do not look at fundamentally changing some of the ways we go about the business, then I share your concern: I worry about whether we are going to increase the productivity and the results here in Nevada.

I believe we have to look at the funding; we have to look at the way we are doing things; we have to look at the courage of having reforms. I am very proud of the reforms we have put in our Washoe County strategic plan: they are aggressive, they are comparable to anybody else in the country in terms of what they are trying to do. We have done that with our people, and we created our strategic plan not with the expectation we were going to get any more money from the state over the next few years, but also with our current funding we are hoping not to get significantly less. So I believe we need the reforms, but I also believe we need the funding.

ASSEMBLYMAN HAMMOND:

Thank you for your answer. The reason I bring this up though is that we have had story after story of students who talk about how the roof is leaking or they are worried about their teacher leaving, and I have heard story after story from students who will tell you the same thing. Year after year we keep getting more technology, more technology than perhaps we can use in the classroom. Every teacher gets a SMART Board, and many of those SMART Boards sit in corners unused because of a lack of knowledge of how to use them. A lot of our money is going to things that we are not even using, and that is why I am concerned about per pupil; we could actually spend that money a little bit more wisely in the classroom.

DR. MORRISON:

Mr. Chair, through you to the Assemblyman, I realize that this is an interesting conversation about technology. We are, for the most part, and I am looking around this room and, except for Ms. Neal, who might be a little younger than me, we are in the world of being digital immigrants—that is our world. We get a smartphone, and the phone is a lot smarter than most of us. Our children of today, from the time they come into kindergarten, are digital natives. They understand technology. If you see two students at the local mall, I promise you they are sitting next to each other and they are texting. They are texting each other; why they cannot talk, I do not know, but that is the world of our children today. If we do not adjust to that, we are going to miss the same opportunity that we missed in Nevada as our student population started to change—we did not meet their needs, and now we are playing catch-up. If we do not get in front of the technological needs of our children, I fear that we are going to miss that opportunity again. Again, I always look in the mirror first before I look out the window. I think too often we put tools in front of our teachers and say, "Here is this wonderful SMART Board, it is great, have at it," and then we fail to provide the professional development that our teachers need. I think when you put a great teacher in a classroom, you give him tools—whether that is an appropriate textbook or a SMART Board—then you see amazing things happen. We need quality teachers. We do need to invest in technology, but if we do the investment in technology, we have to provide the professional development that goes with the tool. Otherwise, that SMART Board just becomes an expensive white board.

ASSEMBLYMAN HAMMOND:

This is where I think reforms are important, especially when you give them model empowerment schools to let the stakeholders talk about what is necessary in their particular schools. Year after year, principals will tell me that they all of a sudden will receive extra funding at the end of the year; they are not told where the money comes from, so they do not know where. It might be a block grant from the federal government; it may not be. But all of a sudden they will have money, and they are told they need to buy computers. The retort is, "We just got computers last year; can we buy textbooks?" and they are told no. I think the reforms

are necessary, especially in the area of flexibility to let the individual schools or areas talk about what their needs are, and that is where I think we are going to get the most out of reforms.

DR. MORRISON:
Mr. Chair, through you to the Assemblyman, we completely agree on that point.

CHAIR OCEGUERA:
I have seven lights on. I am going to take those comments, and then we are going to move on and let another part of the state talk. Mr. Kirner.

ASSEMBLYMAN KIRNER:
Thank you, Mr. Chairman. I am going to make a comment first. I think the strategic plan that we have in Washoe County is a wonderful thing, and I appreciate the effort you put into that and the accountability that comes with that. But I would like to focus you back on the Governor's recommendation on his budget, specifically the block grant. His intention I think is to provide flexibility to the district. I would like to get your perspective on the block grant.

DR. MORRISON:
Absolutely. Mr. Chairman, through you to the Assemblyman, I appreciate that very shortly after the election, the Governor requested to meet with the 17 school superintendents, and he was very honest with us about the challenges that he was facing in trying to put together a budget. He gave us a pretty good indication that there were going to be significant cuts, and he requested what things we would need to try to mitigate the cuts as best as we could. I remember very clearly all 17 of us talked about asking for additional flexibility. I am sure it has been frustrating for the Governor when in the proposed budget that you have, there is a concept of having a block grant where all additional funds outside of the DSA would go—into class-size reduction, full-day kindergarten, gifted—they all go into a block grant, and then it becomes the purview of the school district to use those funds at the local level to best determine how to meet the needs of our children.

This is one of those areas where you would think there is an amazing opportunity for agreement, let us just do it and move on. So, why would any superintendent come before you and say, "Not so fast." And I am going to say to you respectfully, Mr. Kirner, not so fast. It has nothing to do with the proposed budget; I am really trying to do this without offending anybody, but it comes with the nature of politicians and the political process. Right now there are budgets for reduced class size in grades 1, 2, and 3. There are budgets for full-day kindergarten for many of our schools. You, as political leaders, when you run for office again will have to say either you were willing to fund those or you made reductions to those programs. That becomes very difficult, because as many of you who have attended the Stand Up for Education meetings led by our parent leaders for education in northern Nevada know, we have a lot of citizens who care about education; they have been very vocal about things such as reduced class size and gifted programs, and you have to say either yes, I supported a budget that kept them at their current level, or I supported a budget that reduced those things that you, as citizens and parents, enjoy.

My concern, and I think I speak for 16 other school superintendents, is when you put it into a block grant, and already in this budget that block grant has been reduced by $19 million, in the next budget it will be reduced again because you get to say you reduced the block grant, but the school district got to decide what to do with it. We are putting everything in a bucket, but we are just making the bucket really small. And so you get to say that you did not vote against class-size reduction; you did not vote against full-day kindergarten; you did not vote against gifted; you just voted to reduce money that is discretionary money for the school districts. We have to stand in front of groups of people and say yes, we reduced full-day kindergarten, or yes, we reduced class size, but those are the realities that we have presented. To me, the biggest reason why we are not in total support of that block grant is for that reason: it becomes a very easy target in this budget cycle that has already reduced it by $19 million and future budgets.

We put out suggestions that if you were somehow able to keep the money in early childhood and then we had discretion within that, I would love to be able to say, "There are some areas of my school district that as much as I would like to have reduced class sizes, I might consider increasing those class sizes at the early grade levels by some so that I could do more full-day

kindergarten, more pre-K at my schools more impacted by poverty, mobility, and English as a second language. I would like the flexibility, but on the record, I am worried about when it is a block grant, when it is one bucket, that bucket getting reduced this upcoming legislative session and legislative sessions to come."

CHAIR OCEGUERA:
Mr. Hambrick.

ASSEMBLYMAN HAMBRICK:
Thank you, Mr. Chairman. Doctor, you have been talking in the past several minutes about how the educators are going to have to get into the digital world to match what these youngsters are doing. I think we are all amazed at what these kids can do in kindergarten sometimes. But as we go forward, I am also concerned, when the Governor had his State-of-the-State message, he brought up a subject that we are all kind of sensitive about, which is social promotion. We need to start having great teachers and we need to let these teachers get the administration away and get them running full steam, and they are going to have fun doing it, but we have got to let these kids know that we expect excellence from them as well. I do know the stats for Washoe County in the social promotion area, but I would like to have you address for a few moments if you would, the social promotion aspect of these reforms you are coming forward with.

DR. MORRISON:
Mr. Chairman, through you to the Assemblyman, I share the Governor's passion for wanting to end social promotion. I think he was absolutely right to identify the early years in looking at grades 2 and 3 as benchmark years. If we have children leaving grades 2 and 3 not reading at level, then the likelihood that we are going to graduate those children diminishes precipitously. I think there is a lot of research out there later on that talks about what are the ramifications and cost benefits of social promotion when it comes to an eighth grader per se. A lot of times it is not the educational attainment of the child. You have an eighth grader whose grades may not be very good, but they are just not doing homework, not doing their assignments, but you look at their state test score, and they got a very high score. We have to figure out why that is, and then we have to work in conjunction with the parent, and then we have to decide if it is better for the child if we give that child a better chance to go on to graduation if we move them from eighth grade to ninth grade as opposed to keeping them in eighth grade.

I think it is a much different conversation at the early childhood years at grades 1, 2, and 3, and I share the Governor's passion for that. The Governor cited Florida as a benchmark state for ending social promotion, and I have said before that I think we can learn a lot from Florida and we should learn a lot from Florida. But here is the issue: just by saying we are going to end social promotion does not mean that we are going to have smarter kids by grade 3. It means that we are going to have to either do more proactive things to get kids to be able to read at level by grade 2, or we are going to have to be ready to provide a lot of interventions and support so that we can meet their needs when they are not reading at grade level by grade 2. Remember, that survey I shared with you says that according to Quality Counts 2011, our children start already behind—51st in the country. So they come to us with a lot of needs—opportunities, but challenges.

When I look at Florida and I say, okay, they ended social promotion; what did they do? Florida has one of the highest commitments of full-day kindergarten in the country; we have the 50th commitment in the country. Florida has the second-best commitment to pre-K in the country; we have the 51st highest commitment to pre-K. Those opportunities to help children learn to get where they need to at the years they learn the very most, we are missing that opportunity. If we are going to get serious about social promotion, I can guarantee we are going to try to do that in Washoe County. Even last year, cutting $37 million, we increased our full-day kindergarten programs, and we increased our pre-K through grants and other mechanisms. That is what we have to do. I think we all share that passion; we all understand why it is important, so I think we need to stop social promotion, but we need to do the things that are going to provide our teachers the mechanisms to be able to put students in the third grade reading at grade level.

CHAIR OCEGUERA:
Mr. Goedhart.

ASSEMBLYMAN GOEDHART:
Thank you, Mr. Chair. Speaking as a parent whose youngest is 24, so it has probably been several years since my children both graduated from high school, and I do have one attending UNLV. You are an outstanding superintendent, and we are fortunate in Nye County to have an outstanding superintendent too, but he let me know that he is going to be retiring shortly, so we are going to really miss him. Even with all of that, with our kids going to small rural schools, we only have a few grades with 20 to 30 kids per class, we could see dramatically the difference between a good educator and a bad educator. We had a good educator; the kids were excited; they were coming home with the homework. They had an underperforming educator, and the kids just stagnated, and we made sure that those kids did not get behind during that grade level. We saw such a difference that the educator makes, and if we are truly going to put our kids first, if they are truly going to be our future, then we have to do a better job not protecting underperforming and nonperforming teachers. It sounds cold, but guess what, the alternative is even worse. And that is failing our mission to have our kids have a super education by motivated teachers that can perform. And in some of those classes to where those kids were with a nonperforming teacher, their whole lesson was to teach the rest of the kids. And I know the motto is, "Leave no kid behind," but how about "Leave no child unchallenged," even if that means granting them vouchers to schools that could have accelerated programs for kids that are really excelling in certain areas? When we talk about education, to talk about education absent the true meaningful needed reforms, we are not going to go ahead and fix a broke system, we are going to fail to fix a broken system. I want to know what your thoughts are on that.

DR. MORRISON:
Mr. Chair, through you to the Assemblyman, I think we agree on two out of your three points, and we can talk mostly about the point we might have some disagreement on. First of all, let us start by acknowledging your outstanding superintendent. I have great regard for, I call him "The General" but he reminds me he was a Colonel; he is the president of our Superintendents' Association, so I do call him "The General," and he will be missed. He has been a true leader in Nevada and a friend and a colleague, so we share that regard for the Superintendent in Nye County, General Roberts.

We share also a sincere agreement about the need to have quality teachers in our classroom. The number one data says what makes a difference for our children is having a quality teacher. Three years of a great teacher eliminates any achievement gap that is out there, and so we have to do the things that we need to do to make sure that we have quality teachers. Our second goal in our strategic plan in Washoe County School District is all about human capital. It is about how we recruit, it is about how we hire better. We are trying to use a business model from Southwest Airlines about hiring for attitude rather than just what is on a resume. We are looking at creating professional growth systems; we have identified what we need to do to support our teachers when they struggle; and yes, we are looking at what we need to do to separate quicker when we have a teacher that simply is not going to be able to meet the needs of our children. Putting a quality teacher in front of every child is something that we have to do.

The area I think we have some disagreement about is on vouchers. Where I absolutely concur and agree with the Governor, and we have had many of these conversations in my office, is that you want to create a level of competition. I believe you create that level of competition through quality charter schools, and we have eight charter schools in Washoe County. We do a lot to support our charter schools, and we want them to be very good schools. We also are in the process of doing something else the Governor has recommended in his reform package and that is to move toward open enrollment. We want to create academy and signature programs at high schools; academies of biomedical; academies of geothermal; academies of business, finance, and entrepreneurship; academies that focus on CTE (career and technical education), career technology, and have children be able to choose which school best fits their needs, and we believe that public competition is going to create very good benefits for our school district.

I do not agree with the concept of a voucher for several very important reasons. If you are going to have competition, you have to have competition on a level playing field, and I do not

believe vouchers create a level playing field. First of all, in northern Nevada, most of our private schools cost about $10,000 per year. If you are going to give the per-pupil, in Washoe County it is currently $5,200. It is going to go down in the proposed budget to under $5,000, and so you are going to ask a family in poverty to make up that difference between less than $5,000 that we are going to give them in a voucher and the $10,000 it is going to cost to go to a private school. That $5,000 may as well be $50,000. It is not going to level the playing field.

The other issue I have is so you are going to have a private school leader competing with a public school leader, and both want the child to come to their school. Both are going to talk about the quality of their schools, both are going to talk about the excellent education, and both are going to talk about the safety of the school. Well here is what does not make it level: The child decides to go to the private school on a voucher and that child is a little hard to love, and the parent is a little harder to love. They are hard to educate; they are a little disruptive; they do not come ready to learn. The private school before a week can say, "That is it—we do not want you anymore. You are not contributing to the success of our school." And where do they send them? Back to the public school who does not have a choice, who must accept them, and, Assemblyman, we want to accept them. Taking public dollars means you take the public, and if you do not want to do that, then you cannot say you believe in vouchers.

The other part is there is a cost-benefit with vouchers. Later that private school might want that child, the public school principal might want him, but then we find out the child has special needs. We find out that the child speaks English as a second language. We find out that the child has other learning needs, and it is going to cost about $20,000 to educate that child. They still get the voucher, which in Washoe County today would be $5,200; if you adopt the budget that you are considering, it is going to drop below that. You do not get any more money at the private school, so they can say no, we do not want that child, and they are okay to do that. The public school has to take that child, and we want to take that child. So we are going to end up taking more children who are more costly to educate, while private schools can take less costly students to educate, offer more programs than the public school, and again, that level playing field, that fair competition, does not happen under a voucher system.

And then there are the budgetary realities that you cannot offer the voucher to children who are not getting it today: you have to offer it to all children who are currently being served in private education. Most cost estimates say that will require an additional $100 million, and I do not know at this time when we are looking at trying to find more dollars for public education where we are going to come up with $100 million for a voucher system.

So those are my primary objections. But competition under open enrollment, competition with quality charters, I think we agree on that 100 percent.

ASSEMBLYMAN GOEDHART
Thank you.

CHAIR OCEGUERA:
Mr. Hansen.

ASSEMBLYMAN HANSEN:
Thank you, Mr. Chairman. Heath, you are a real dynamo. I have got to tell you, Washoe County is very lucky to have you; we have had some great discussions. A couple of things we have not talked about in the Governor's budget that I think you may be in agreement on are the concept of performance pay versus the current practice of automatically increasing somebody's pay based on educational attainment levels. That, and also you kind of glossed over the whole post-probationary tenure issue. Would you elaborate a little bit on where you would like to see Washoe County go on those issues?

DR. MORRISON:
Absolutely, Mr. Chairman, through you to the Assemblyman, I am excited about a lot of the conversations we have engaged in on the Blue Ribbon Task Force across the State of Nevada as I have watched what the Legislature has looked at, what the Governor has proposed. I think there are a lot of areas that are going to purport for a better educational system to come. One of the areas of agreement is various teacher associations across Nevada have given support to

looking at the binary evaluation system. I think this is one of the major reforms that is not getting enough credit for being a major reform.

Currently we have an evaluation system in our state that is satisfactory or unsatisfactory. That does not help our teachers in terms of their professional growth, and it does not allow us to look and say, "If we are going to give more money to what we deem to be an effective educator, how do you do it?" Because right now we can either say a teacher is satisfactory or unsatisfactory. People say look at test scores. Well right now, 60 percent of our teachers across the Silver State teach a subject that is not currently tested by state tests. So how are you going to measure their effectiveness?

The first step that you have considered, and that we are moving forward with it appears, is to change the evaluation system from satisfactory to unsatisfactory to a four-tiered system: highly effective, effective, minimally effective, and ineffective. That is going to open up the doors to truly have those kinds of conversations. How do you compensate more our highly effective teachers? I think that is going to be an amazing conversation. Right now in Washoe County School District, we applied for what is known as the Teacher Incentive Fund (TIF). There were 63 of these grants given across the country; we got the 10th highest ranked grant in the country; we are working in partnership with our teacher association, and we are looking at—we stay away from the term "merit pay"—but we look at pay for performance using student test results, using how do you compensate for teachers who go to schools that are hard to staff, how do you compensate teachers who fill hard-to-staff roles such as special education or math or science? We are looking at all of those, and we have some amazing conversations and there are more to come.

Washoe County School District presented a BDR (bill draft request) for your consideration on the probationary time period for teachers, and we recommended that that time period go from one year, which it basically currently is in statute, to three years. We have said that puts us in alignment with 36 other states. We are excited about that, because we believe that is going to give us more time to truly evaluate employees fairly, make sure that we are giving due consideration to keeping the highest quality teachers so that as they continue in their professional careers, and as we do more to train them and to give them tools, that we are going to be making investments. That is really what a teacher is: it is an investment. People think that you sound like you are being soft when you say, "Listen, it should not be easy to separate from a teacher, but it should not be exceptionally difficult." There has to be a fair mechanism where we can reward our most highly effective teachers and where we can separate from our teachers who are truly not at the level that they need to be. But we hire these people, we have invested in them, we have to make sure that we give them every opportunity to get better, but I think where everybody agrees is if we have provided support, if we have provided intervention, if the teacher is simply not at the level he needs to be, then we have to find a way to separate from that teacher. But it has to be a fair, transparent system.

ASSEMBLYMAN HANSEN:
Thank you very much. Those are areas where actually you are in agreement with the Governor's recommendations on reforms. Thank you very much—excellent.

CHAIR OCEGUERA:
Mrs. Benitez-Thompson.

ASSEMBLYWOMAN BENITEZ-THOMPSON
Thank you, Mr. Chair. So when we talk about cuts and what cuts are and how cuts are defined and how much cuts add up to and when is a cut a cut, just to be clear, I think there is a lot of fancy footwork around these numbers, and some might even argue a sleight of hand. For the residents of Washoe County and for those who have children going into the Washoe County School District, you will face $75 million worth of cuts over the biennium if the Governor's budget passes as is, correct?

DR. MORRISON:
Mr. Chairman, through you to the Assemblywoman, yes, we would face a $75 million reduction this year and a $75 million reduction next year. Again, to be totally clear, that is not

because of state funding only: it is loss of federal, state, and local funding. You make up a loss by 100 percent of all the Local School Support Tax, but you make up one-third of the loss of local property tax. We take two-thirds of that loss. We are seeing a lot of our reductions through loss of local revenue. At the state level, the cuts are in excess of $600 million to the DSA; it is in excess of $350 million with the debt reserve being drawn down to 10 percent and swept; it is a $120 million repurposing of the room tax money; and it is a $19 million reduction in the categoricals that would be put under the block grant, so it is in excess of a $1 billion cut.

CHAIR OCEGUERA:
Mrs. Smith.

ASSEMBLYWOMAN SMITH:
Thank you, Mr. Chairman. Dr. Morrison, thank you. As usual, you have brought everything to a level that is very real to all of us, and as you well know and you stated it several times, you can state the numbers any way you want to state them. But I was looking in the document that the staff worked off of tonight, and in looking at the per pupil, the basic support that the state provides, I think that is a very important number for us to look at. One of the points I wanted to make, and I think you said this in the beginning of your remarks, is that we have never really grown in the boom times. When I look in our own document, the per-pupil support has stayed pretty stagnant: it started to go up a little bit and then went back down in these last cuts. I think that is what I heard you state: that over time, when we were doing well, we did not do well in this area. The total amount we spend on education has gone up because enrollment exploded, and I am not sure that was ever stated tonight. If you look at the amount of money the state has spent budget over budget, you see large growth in what we spent because we had explosive growth. But when you look at our obligation on the basic support, it has stayed very stagnant and then gone back down. Correct?

DR. MORRISON:
Mr. Chairman, through you to the Assemblywoman, I believe that to be the case. I think again, as you look at spending per pupil and you look at different charts, someone is going to have a chart that looks a little bit different, but again, I look at the chart provided by the National Center for Education Statistics. Again, in 1959-1960, which is the time most people are saying that education funding has tripled since that time, on adjusted dollars, a little over $3,100. In the year 2006-2007, which is the last number that they have, it was about $8,200, so not quite tripling but close. But again, a reminder that in 1959-1960, we were some $200 above the national average; in 2006-2007, with the national average being over $10,000, we were some $2,000 below. From 2006 to currently, I know in Washoe County we have reduced our budget three years prior to my arrival by $40 million, $37 million last year, and looking at $75 million currently. I look at the work of noted economist, Jeremy Aguero, where he said when you really look at the budget that is being considered by the Legislature and you look at the total amount of money provided by the state and local funding, it is actually a reduction of some $700 per pupil, taking it down past $7,000. So comparing our national average currently today, it is a little over $10,000; even if you look at state and local funding, we are still now some $3,000 below the national average. I think there is always a conversation as to how much money is the appropriate amount of money, but I believe if you look at most statistics, you see the DSA and contributions over the last several years going down.

ASSEMBLYWOMAN SMITH:
If I may just end, Mr. Speaker, with a couple final thoughts. I like to really bring this discussion back all the time to the fact that we are not talking about a discussion here of adding education funding, we are talking about serious cuts, and even if you look at the items that Mr. Clinger and I discussed, when is a cut a cut, the items that are agreed upon that are cuts were still over $800 million. If you add the school construction dollars, which you remarked about and, as you know, is a very important issue to me, I want your opinion about whether that is a cut. I heard one of my colleagues say earlier that we have a mandate from the last election on no new taxes, and yet we do not seem to honor the will of the voters on this issue or I.P. No. 1. And I

feel very passionate about that: if you have that opinion in one place, we should have it across the board. So I would like your opinion on whether that is a cut for you.

DR. MORRISON:

Mr. Chairman, through you to the Assemblywoman, I think the semantics of whether it is a cut, here is what I know: it hurts Washoe County School District. I hear the term we have to live within our means and, if that is true, then you should be looking in the budget that is $5.33 billion, because that is what the Economic Forum has given us for a budget. The budget you are looking at is in excess of $5.33 billion, and so I think there is an agreement that additional revenue is needed; the question is, where does it come from? I get asked all the time, "How can you oppose this concept of the debt reserve when it is going to mean increased reductions in K-12 funding; it means you are going to have to layoff more teachers." Has it really come, in the State of Nevada, that we have to choose between having a quality classroom and a quality teacher? I hope not. I know we are challenged, but I fail to believe that is the choice that we are at. We cannot be at that level.

I can tell you that the debt reserve issue for Washoe County School District, and I believe we are a little different, and I can only speak for Washoe County, but remember it is the only way we have to generate capital revenue. That and our GST (Governmental Services Tax): those are the two ways. Because the budget takes it from 100 percent debt reserve all the way down to 10 percent, we believe, and we have had many conversations, I know you have heard from Marty Johnson, who gives us amazing counsel on this, that we believe that is going to keep us from being able to bond over the next six to eight years. We are going to have to replenish our debt reserve to be able to go out and do additional bonding, so we are going to have to stop many of the projects we have planned; we are going to have offset the loss of the GST, and again, I do not know why when 17 school districts get GST, we are taking it from 2—Clark and Washoe—and why we are taking 100 percent from Washoe and 80 percent from Clark. That does not make sense to me. I have heard that somehow we are going to get some of those monies back, or we will get all of those monies back, but we have not yet seen the mechanisms for how that would happen. I know it impacts Washoe County. If I somehow get to see the actual information that would show how that money is going to get funneled back, then perhaps it is not a cut; it is still impactful.

I hear a lot about the will of the voters, and I have to speak to that. In 2002, the citizens of Washoe County School District allowed us to go forward with a rollover bond campaign, and that money has been put to excellent use. We have built new schools, we have refurbished aging schools, we have invested in technology, we have done a quality job, and I compliment those individuals and this gentleman sitting next to me and our board of trustees for being good stewards of the public dollars. But those monies were to move forward with capital project needs. As we look at having to renew that rollover bond, quite frankly if this budget is adopted and that debt reserve occurs, I am not sure that we would even be able to go out and ask to have that put on the election cycle again, because we would not have the ability to go out and do any bonding for six to eight years. But even if we decided that we want to at least keep this going, I do not know how we explain to the voters, and I have tried, trust me, in town hall meetings and meeting groups of citizens to explain it, that while the actual bond itself is not touched, it is the debt reserve. It used to be at 100 percent, but we are sweeping it down. They hear that, and you have lost them at, "Well, let me explain it to you." All they know is it feels to them like we did not do what was the will of the people. And so, I hope as you have to make the courageous decisions that you are making, I can simply speak for Washoe County, whether it is a cut, whether it is not a cut, it is devastating to our school district.

CHAIR OCEGUERA:

Thank you, Dr. Morrison. I appreciate you spending part of your evening with us; it was very informative.

Let us move to Clark County. Mrs. Haldeman, do you want to kick us off?

JOYCE HALDEMAN, ASSOCIATE SUPERINTENDENT, COMMUNITY AND GOVERNMENT RELATIONS CLARK COUNTY SCHOOL DISTRICT:

Our superintendent could not be here tonight; Superintendent Jones will actually be here tomorrow. He will be presenting on the Senate side for their Committee of the Whole. I think if he were here, and tomorrow when he is asked what I think will be similar questions, you would hear from him answers that pretty much mirror what you just heard from Superintendent Morrison. I think they have talked a lot; they have a similar reform agenda. Almost every question that was asked by members of the Assembly here today, I think you would have seen a similar response from him.

In the interest of time, what I am going to suggest that what we do is have Jeff Weiler, who is with me, talk about the budget cut impacts that we will have in Clark County School District as a result of this proposed budget. We also have with us Pat Zamora, who is a financial advisor, and I think it would be good if we spent a little bit of time talking about the impact of the debt reserve fund being taken and how it will affect us in Clark County, because those are two things that might be a little different than what you heard from Washoe County. With that, if I may, I think you would like to hear from Mr. Weiler.

JEFF WEILER, CHIEF FINANCIAL OFFICER, CLARK COUNTY SCHOOL DISTRICT:

I believe you have in the NELIS system, and there are copies of this outside and it is on our website as well, what we presented to our board. We had to present a tentative budget to our board for adoption on April 6, and it speaks to the process we have gone through going back several months now knowing the financial challenges we face. We have done online surveys; we actually did an online survey where we asked citizens and other interested parties to actually come up with budget cuts that totaled what we project we will need to cut; we actually gave them options. That was very interesting; we have taken that input that is reflected in the presentation as well.

We had school meetings, town hall meetings, we reviewed the input with our board several times, and we project, with all of the various budget numbers you have heard, that we in Clark County will be short $400 million next year. We will have revenue sources of $1.8 billion, and we will have expenditures without any cuts of $2.1 billion, plus contractual roll-ups, which are step increases and the PERS rate increase, of about $75 million. The total, which is on page 3 of the attachment, is just over $400 million.

On page 4 of the presentation, you will see the items that we presented to our board as ways the Superintendent recommended meeting the $411 million deficit. You can see it starts with consolidating school bell times. There is more detail in the backup; I won't refer to that, but you can certainly look at that: about 125 of our schools saving about $10 million. We have several items in here, items 2 as well as items 6, 7, and 8 that would require negotiations with our bargaining units, but we put them in there as part of this. One is passing along half of the cost of the PERS increase to employees. We are reducing administrative office budgets, which are non-school-based budgets by 20 percent. This is in addition to the 12 percent that reduced those budgets last year. That is about $48 million.

We are reducing textbook allocations to schools. We are cutting several specialist positions that we have, and again, we are also proposing freezing salary steps and educational increments. Those have to be bargained though, as well as passing along a portion of the health insurance cost to employees and, on top of that, reducing salaries.

Finally, we unfortunately had to propose increases in class size, and initially we targeted that at the elementary level, grades 1 to 3, by 3 kids, increasing it by 5 in grades 4 and 5, and then at the secondary level by 7. We subsequently came back, and this is on page 5 if you are looking at the presentation, revised recommendations because of feedback we got as we presented it. We made some changes in there; some of the same things are in there. You will see the yellow items that are actually what we changed; we actually changed from a salary reduction of about 7.8 percent to proposed furlough days of between 8 and 12 days, depending upon the type of employee and whether they work a 9-month contract or a 12-month contract: obviously work less months, less furlough days; more months, more furlough days. Again, that also would have to be bargained, so we proposed that, but we cannot just automatically build that in as we go forward. And even with that, we reduced the class size increase to 3 across the board, which

was still a reduction of $70 million, and it leaves us $69 million approximately that we still have to identify.

In total, we have assumed in our budget recommendations $166 million in concessions from our bargaining groups. Those concessions alone save about 2,400 jobs. Without those concessions, to meet a cut of $400 million, we would have to cut about 5,400 staff positions. As it is, unfortunately, it is still necessary for us to reduce about 1,800 employees: teachers, support staff, and administrators across the board. And just so you know, our total budget for next year, again if we cut $400 million and go through this as it is proposed, would actually be less than it was in 2007 in total. We have added students in that time, we have had contractual roll-ups, we have had salary increases, and things like that. That is just in real dollars, not adjusted for inflation or anything, just to keep things in perspective.

You have also heard about the bond debt service reserve. In our case because our rollover authority has expired, the reserve requirement statutorily is actually not as applicable. In our case, we actually need our debt service reserve to meet our mortgage payment, our principal and interest on the bonds we have issued, over the next five years. If any of that is taken, that puts us in a position of either having to raise the property tax rate for debt service, extend our bonds for longer periods of time, which is paying property tax longer, or at some point in time, our debt service rate would start going down if it was not continued, and this would actually slow that from happening as well.

PAT ZAMORA, NEVADA STATE BANK:

Good evening, my name is Pat Zamora, I work for Nevada State Bank Public Finance and we are the financial advisor for the Clark County School District. One of the things I wanted to add is really the concept of what the debt service reserve is not and what it is. First of all, it is not any kind of guarantee to bondholders, any kind of security on bonds for the bondholders, or any kind of lien against any assets of the school district. The debt service reserve is essentially a resource that prevents the fluctuation of the property tax rate from year to year as the assessed value changes, and especially as the assessed value decreases, which is what we experienced today. I think that is a very important feature of the debt service reserve. One of the other features, although it is not the primary feature of the debt service reserve, is it provides an asset that bondholders' rating agencies know will be there, and essentially the rating that is given by a rating agency to a bond represents the likelihood of repayment. If that money is not there, the likelihood of repayment is somewhat reduced.

The Clark County School District issued some refinancing bonds this past March, and through that process, one of the rating agencies downgraded the District's rating based on essentially what I will call the background noise, or what is happening at the Legislature and the Governor's budget proposal, that the debt service reserve would be reduced. So it does have an impact; it has an impact going forward. Any reduction of the reserve reduces money that has already previously been collected and will be used for future debt service payments, and that money somehow has to be replaced. Thank you.

JOYCE HALDEMAN:

Mr. Speaker, if I could.

CHAIR OCEGUERA:

Certainly.

JOYCE HALDEMAN:

Joyce Haldeman for the record again. I know Superintendent Morrison spoke about this, and you will hear about it from the other districts too as they come forth, the fact that we have developed a vote of trust is extremely important to us. I just want to read to you a sentence that we used on our campaign materials in 1998 when we sold this bond to the public. The District prepared a document, and on the front page of that document, the end of the first paragraph said, "The bonds can be used only for the construction and equipage of new schools and bus yards, the renovation of existing schools, or the purchase of land. By law, the funds cannot be used to pay administrators, teachers, or other non-construction related costs." We had a number of people who worked on that building program in the bond campaign, some of them sitting in this

very chamber, who made that promise, and it was a question that was frequently asked. We guaranteed them that by law, the money would not be used for anything except for school construction, renovation, and the purchase of land. What we are talking about doing here today is a direct violation of that promise to the voters. In addition to the financial damage that it will do to the District, the potential of increasing property taxes in Clark County, if those monies are swept, I think that we have also damaged the voter trust, and I wonder if we will ever get them to support another bond campaign. I cannot overestimate to you how important that is to us that we maintain that voter trust. Thank you.

VICE CHAIRWOMAN SMITH:
Assemblywoman Kirkpatrick.

ASSEMBLYWOMAN KIRKPATRICK:
Thank you, Madam Chair. I just want to say that I was one of those people who walked door to door, and I was one of those people who gave my commitment. You know, I do not care who was running for Governor, I always said those funds were not up for grabs as far as I was concerned. Those funds came at a time when there was no trust; those funds came at a time when we had to work really hard, when we did not have schools, when kids were on double sessions, when my kindergartner went to school at 1:00 in the afternoon until 6:00 at night. So on that note, I will not support that, no matter what. I would rather go home with nothing than to support that, because I spent a lot of hours on that. My entire family, my kindergartner's first words were, "Please vote for this: my mom said." Door to door, in strollers, in the rain, in the heat—I will not give on that particular issue. I have been very clear with all of the Governor's choices from day one.

Here is my biggest concern. In Clark County, we voted for that; we stood our ground; we wanted new schools; we wanted to refurbish the schools. So here in Clark County, we are going to get penalized again, with our property tax more than likely having to go up, because we voted for something in 1996 to better our community. I am concerned because I believe that property tax can be anywhere between 20 cents and 30 cents on the assessed valuation, and at the same time, I live in North Las Vegas. North Las Vegas is having some financial difficulties, and who is to say that if their property taxes do not go up. My constituents keep paying, paying, and paying over again. I do not know where they are going to get money to do that. They now have to choose between getting their kids to school, because from my understanding and my constituents, transportation is something that Clark County is having to look at as a cut. I told my constituents, "I get it." The state is taking their money; we have put them in a box; what do you want from them? But to get those kids to school sometimes, we have created a failure situation again, and I keep saying it is a failure because we are setting these kids up for failure. Parents are working two and three jobs to get their kids to school, to put clothes on their back, to help feed them, and we keep setting them up for failure.

I guess what I want to hear from you, because I need to be able to go back and tell my constituents that we did not keep our word on the bond; however, the School District kept their word because they did build all of the schools, they did refurbish those schools, and they did their parts. But as a state legislator, we did not do our part. We did not keep that word. For one, I need to tell them how much their property taxes are going up. If you have been in Clark County, in my district our property tax rose 3 percent last time, so we did not get a break, even though the average home in my district is valued at $45,000. So people are upside down in their homes.

I just want to put it on the record what we are asking constituents to do, and let us be honest about this. I have to go home and tell my constituents all these things. Property taxes are going to go up if we take their bond money; transportation could be an issue of discussion, so how they get their kids to school when gas is $4.00 a gallon—I do not know what we expect. And representing 11 schools in my district, they all have very different issues. The average school in my district is already over 749 students, with my high school in my district having 3,127 students. If we cut salaries, which seems to be the topic of discussion here—we have to cut salaries—well, here is the thing: we are talking about cutting bodies. So 45 students in a high school math class; how many more students are we going to have to add, because if you take those 1,800 bodies and you cut them from 351 schools, where are we going to put these

people? Are we going to be back to all these things that we told voters that we would not have to do if we invested, and the voters invested, and now we sock it to them?

VICE CHAIR SMITH:
I am not sure if there was a question in there or not.

ASSEMBLYWOMAN KIRKPATRICK:
There was really a question because I want to know how much the property tax that we have a choice to do, and I also want to know how many more students we are going to have to put in these classes. Sorry it was a long question, but folks who know me know that . . .

VICE CHAIR SMITH:
Thank you, Assemblywoman Kirkpatrick. Mr. Weiler, can you answer the property tax question?

JEFF WEILER:
We have done some projections; I know the Governor's staff has done projections. In fact, we were just meeting with your staff earlier today, and I believe they will be doing some numbers for you on that. It depends on a lot of things, primarily how those other revenues, the property tax, you know the values, how they increase or decrease, as well as our other two sources of revenue, the room tax and Real Property Transfer Tax, which have been done a lot and are very volatile.

We have used fairly conservative assumptions, and we think without a debt service reserve, with none of it there, which is one possibility I guess, that our property tax rates could go up as much as 20 cents. But again, you will probably get verified numbers on that, because you have to start projecting property tax and those other revenue sources out three to five years, which is very challenging to do, as you can imagine. But that is the ballpark we are in; again, you will hear some other numbers perhaps that may be a little more solid as your staff verifies the numbers we have provided them.

JOYCE HALDEMAN:
Madam Chairwoman, I wanted to put on the record too as you started out, we were very successful with the building program. We promised a total of 88 schools; we ended up building 111 of those. Ten of those were replacement schools, which we went into old neighborhoods where schools were falling apart, and it was more cost-effective to tear them down and replace them; so in old troubled neighborhoods, there are brand new schools. It makes a huge difference in the way students learn. We exceeded the renovations that we promised; we were able to purchase the property that we said we were going to; in every measure of that bond issue we exceeded the expectations for the voters. It does feel a little punitive as we were successful and careful caretakers of that money, that now the debt reserve that is designed to help us repay that debt has the potential of being taken away from us, and then we have to figure how we are going to meet that obligation. For us, you have heard me say this before, this is a short-term solution for the state, but for Clark County it is a long-term headache that we will have a hard time dealing with.

VICE CHAIR SMITH:
I believe that we also have Marty Johnson in Las Vegas, who after this presentation can answer some questions on the debt reserve. He represents, as a financial consultant, 13 of the districts, and we have heard in committee prior to this that if the property tax has to go above the $3.64 amount, that that money can be forced to be paid back to the other local government or municipality that loses it. So we will have Mr. Johnson address your questions as well.

ASSEMBLYWOMAN KIRKPATRICK:
Madam Chair, may I just follow up with one other question. I want to know though if we have to start laying off these employees, how much bigger our schools are going to get. Because if you are already at 750 in an elementary school, there are a lot of challenges that come with even trying to feed them all lunch. And at a high school of over 3,000, what can we expect? I think I need to tell my constituents what is at stake.

JOYCE HALDEMAN:
Madam Chair, through you to Assemblywoman Kirkpatrick, the school sizes are not going to change. In other words, the kids who are zoned to a school will probably remain the same. As you know, we instituted an open enrollment policy so the empty seats get filled up by children who choose to go there. But the class sizes are the things that are really going to be suffering. We already have the largest class sizes in the state. When you hear the presentation that the Nevada Association of School Superintendents will give you, one of the columns on that chart will show what their existing class sizes are. We already start out right now at class sizes that are larger than anybody else in the state. When we talk about increasing class sizes—the number that we are looking at—we will have class sizes that are probably verging on unmanageable. In some of our schools that were built after the class-size reduction act was passed, those classrooms were built to hold children, first, second, and third graders, less than 20 in that classroom. Now as we are expanding that and we are getting close to 25 and 30, there physically is not enough room in those classrooms to bunch those kids inside. One of the uses of the GST money that we are now looking at having taken away from us is to modernize and renovate those classrooms so they can accommodate the number of children we are trying to put into them. So the class-size issue is a problem.

One of things I hope people will recognize is when we talk about raising class size, because it seems like such an easy way to deal with the budget, what we are talking about is laying off teachers. And so there is a corresponding teacher who is put out on the streets every single time we increase class size. And that is what this about.

VICE CHAIR SMITH:
Thank you. Mr. Sherwood.

ASSEMBLYMAN SHERWOOD:
Thank you for the work that you are doing in Clark County where my children attend public schools, and thank you, through you, to the teachers that do a fabulous job. A comment was made about the funding—if the reserves had to be tapped, what that would do for bonding. What would happen on the bonding size if you were to say, going forward, all the projects that we do, we will not do them at prevailing wage, so we will save 20 percent, plus or minus? Would it be easier to raise money if the folks that were bonding that money knew that you were not going to waste 20 percent of it because you were not using prevailing wage?

PAT ZAMORA:
Through the Chair to the Assemblyman, really it does not affect the amount of bonding that would be produced. What it really affects is the amount of projects that could be completed.

ASSEMBLYMAN SHERWOOD:
So you could do more projects with the same amount of money?

JEFF WEILER:
Yes.

ASSEMBLYMAN SHERWOOD:
Okay. Thank you.

VICE CHAIRWOMAN SMITH:
Mr. Hickey.

ASSEMBLYMAN HICKEY:
Thank you, Madam Chair. Mrs. Haldeman, I thought I heard you say bond proceeds were being used in the Governor's budget, and my understanding was that in the Governor's recommended budget he is actually talking about revenues from the bond reserves. Could you clarify that?

JOYCE HALDEMAN:
Madam Chair, through you to Assemblyman Hickey, if I said bond proceeds, that was a misstatement. I meant the debt reserve fund. Thank you.

VICE CHAIRWOMAN SMITH:
Mr. Bobzien.

ASSEMBLYMAN BOBZIEN:
Thank you, Madam Chair; a question for Ms. Haldeman. Earlier this year, the Assembly Education Committee had the opportunity to go down and spend the day with you, and we saw some wonderful programs that the Clark County School District is doing, and obviously the reform discussion runs through our proceedings this evening. We heard earlier about empowerment schools, and we had the occasion to tour an empowerment school, and I remember back as we are thinking about these cuts in context of cuts that we have already made and we have been making the last couple of years, one of the first cuts we made was the $9 million reduction in the 2009 Session for empowerment schools. Nonetheless, the Clark County School District has soldiered on with empowerments schools. One of the things that we heard, though, from that empowerment principal, was that the money she has the flexibility to decide resourcing with is about time and people: without the money, less time, less people, less positive outcomes for students. Could you talk a little about how much money is involved in empowerment schools, and particularly at a time we are talking about further cuts. To make every school an empowerment school costs more money. If you could just give us a picture on that.

JOYCE HALDEMAN:
Madam Chair, through you to Assemblyman Bobzien, Rebecca Johnson, the principal of the school that we toured will be so happy to know that you remembered the two things that she wanted you to take away from the school tour, and that is if you want to make a difference in student achievement, you need time and you need people: those are the two elements. It is interesting as we watched our empowerment schools—that is what they do. When they have the flexibility, they figure out a way to extend the number of minutes that they have with students. If it is not with all students, it is with the students that need it the most, and they figure out a way to get more people on campus to help with those children, because it is people who teach children. Time and people really is the equation if you want to make a difference in student achievement.

The school you toured was one of our original empowerment schools. When we first started out with that model, they were given $600 more per student. Each of our four original empowerment schools also had a business partner that provided $50,000 a year for a period of time—I think it was three or four years. As we have gone through the budget cuts, we have had to reduce the amount of money that we have been able to do. The additional empowerment schools that we brought on, we brought on with a lesser amount of money per pupil. It is interesting, though, even as we have added some empowerment schools that are coming with no funding—they just have the flexibility that they can use with their funding—they are still trying to manipulate their budget so they can have more time and more people as they work with it.

The budget cuts have impacted our empowerment school program. They are receiving the same amount of cuts as the rest of the schools have in the district, so they are reducing their staff. The principal that you are talking about, Mrs. Johnson, I am anxious to find out what she is doing with her program because she has found a very successful program that she is able to teach students in small groups, and she did it by leveraging the funding she had for additional bodies on campus. I have actually wondered about her, wondering if she is still going to be able to use the model that has been so successful and has resulted in extraordinary student achievement. Let me have Mr. Weiler finish the answer to you about our funding.

JEFF WEILER:
Thank you, Madam Chair, through you to Assemblyman Bobzien, we started off with an investment or a budget of $5 million for our empowerment schools back when they started the original four, and then we were able to leverage that with private foundation monies, as you may recall, in the amount of about $14 million. The private money is finished at the end of this year. We have used it for several years and were able to expand the number of empowerment schools. We still have the $5 million, the original empowerment money, budgeted; we are not proposing

cutting that, though we are having to look at how we can spread that across more schools and still have a benefit. So hopefully that answers your question.

CHAIR OCEGUERA:
Mr. Livermore.

ASSEMBLYMAN LIVERMORE:
Thank you, Mr. Chairman. My question goes to Mrs. Haldeman. Can you further clarify how the reserve funds were funded? I believe it was a legislative mandate in 1996 to create that was it not?

JOYCE HALDEMAN:
Mr. Chair, through you to Assemblyman Livermore, in the 1997 Session when the Clark County School District received the ability to use two additional funding sources as a part of our school construction, at the same time, there were some other requirements that were placed on the use of those bonds. One of them was the development of a committee that we, to this day, still call the A.B. 353 committee, even though that is not the correct name of it, but that was the number of the bill in 1997 that brought that through.

The other was what was considered at the time to be unusually high debt reserves, and it was because they wanted to make sure that there was a guarantee to the bondholders that these dollars would be paid back. So, yes, that has been in place since 1997, and it has afforded us well because we have had no problem in issuing the bonds; we have had a very high bond rating as we have gone through this process; it has been a very successful process for us. And now as we are entering the end of our bond program, it is necessary for us to use those debt reserves to pay the actual mortgage, if you will, of the bond proceeds that we have borrowed.

CHAIR OCEGUERA:
Further questions? Mr. Sherwood.

ASSEMBLYMAN SHERWOOD:
Thank you, Mr. Chair. This is a little more long-term question, but I could not help but think of the question that the Chair asked at the beginning: Remember the education that you had that brought you here to this Assembly? I grew up in King County in Washington State, and King County has 1.875 million residents in their county. Clark County, where I live now and my children go to school, they have 1.865 million, so comparable size. In King County one of the differences, and this is the birthplace of Microsoft, very high tech, very well educated, but one of the differences is, and it was touched on by Dr. Morrison when he talked about public competition and not really wanting to embrace the voucher model. In King County there are 17 school districts, and it is the same size as Clark County. In Clark County there is one school district, and I understand the history, and I have had LCB (Legislative Counsel Bureau) look at the research, and I get it that there was a reason for that at one time when we were sparsely populated, et cetera. The folks who I represent in Henderson, when we have a real holistic conversation about education, those conversations invariably lead to Henderson would like to have its own school district, and these are sometimes off-the-record conversations and sometimes on-the-record conversations at the highest levels in the municipality that I primarily represent. We would like to have our own school district. And I understand there are some issues relative to economies of scale on things like driving the bus and shared facilities. Assuming that we can work through those and change the *Constitution*, and it is a long-term thing and I know that it is not the purpose of this particular hearing, but we need to have the conversation at some point. What are your thoughts as far as bringing public competition into the teaching arena by having multiple school districts within specifically Clark County?

JOYCE HALDEMAN:
Mr. Chair, through you to the Assemblyman, this is a conversation I have not had with my new superintendent, so I want you to know that I am going to be expressing my opinion and the opinion that existed of the former superintendent, because I do not know how he feels about this. But we have had that discussion many, many times in the Clark County School District about whether it would be better to split the school district up, and I think a lot of people are concerned

about the size of the district, and one of the reasons we have moved into the areas that we have now with area superintendents is so there is a decision maker that is accessible and closer to the schools in the area, and I think a lot of people really do like the area.

Some people think that the school district is adamantly opposed to a discussion about splitting up the school district and, again, I cannot speak for the new superintendent—maybe he is, I do not know if he is or not. But the conversation that we have had that always stops us in that conversation is a conversation about how would you do it, because we are not opposed to it if, in fact, we know that it is going to improve student achievement. If there is a way to do it that you do not automatically create a district that then is disadvantaged compared to the other districts, and if you can still do it in a way that is cost-effective. Those are the three criteria that we have always looked at, and frankly, when you sit down and start deciding how you would draw the lines, it is pretty difficult to do it in such a way that you do not create a district that would be a lesser-than district. And so when you talk about creating competition, that is an important thing, and we recognize that that does give a lot of advantages to a lot of things. But if you create a district that nobody wants to teach in and that people do not want to send their children to school in that district, and they choose to move to a home that is on the other side of the street of that district, then you have created some problems in a community that are more far reaching than whether or not you split the district.

And one of the other things that I think we always have to keep in mind is the economies of scale partly, but other things also: it is not going to save money to split the school district. And so if the goal is to save money, then that is probably not the way that you would want to spend your money. If you are looking at ways to spend extra money and you want to make a difference in student achievement, I would say take a look at class size. In our current system, I think that is the thing that would make the biggest difference in improving student achievement is improving the size of classes.

So, that is a conversation that has been had in this body before, and every single time it has been had, I think that the brakes have been put on it because those three criteria that I mentioned are very difficult to meet.

ASSEMBLYMAN SHERWOOD:
Okay, let us continue the conversation at another time, hopefully. Thank you.

CHAIR OCEGUERA:
Mr. Hardy.

ASSEMBLYMAN CRESENT HARDY:
Thank you, Mr. Chairman. Miss Haldeman, my colleagues from 40 and 25 brought up a question for me to ask. Did I hear you say that the bond monies that were allocated for school construction were all entirely used?

JOYCE HALDEMAN:
Mr. Speaker, through you to Assemblyman Hardy, no, what you heard me say is that we have completed the promises made to the voters. We still have projects that are outstanding. We have some exciting projects in fact that we are finishing up, and then we have renovation dollars that will still be completing the rest of the projects, probably within the next year or two.

ASSEMBLYMAN HARDY:
If I may, Mr. Chair, that does not answer my question. Were the dollars that were allocated through the bond, have they been used for construction—the entire money that was appropriated to the bond?

JOYCE HALDEMAN:
Mr. Speaker, through you to Assemblyman Hardy, are you asking if we have money left in the construction fund?

ASSEMBLYMAN HARDY:
Do you have monies left from that bond?

JOYCE HALDEMAN:
Yes. I said that currently we have some projects in the works and some renovation projects that are on the books that have not yet been completed.

ASSEMBLYMAN HARDY:
Okay. The reason I ask the question is that I am next going to ask is do the monies that come out of the capital reserves fund—is that a violation of the voters' trust when it comes from reserves?

JOYCE HALDEMAN:
Mr. Speaker, through you to Assemblyman Hardy, I will let one of these two gentlemen address that, because there are some legal ramifications if you take the money from the bond fund and use it for other purposes, and they have to do with federal issues.

JEFF WEILER:
Mr. Chairman, through you to Assemblyman Hardy, we had this discussion earlier today with staff at LCB about what is legal, and I believe what Ms. Haldeman was referring to was when the building program, which included all of this: the three revenue sources, the requirement for reserve, and the project listing that we committed, at least as the district, that we would not use that for operating purposes. And that was a question that was asked at the time.

Legally, obviously the laws can be changed, and that is obviously what has been proposed, to allow the debt service reserves to be used for something else, and I think it is sort of two different things: there is the legal and then there is the public perception and what was presented to the voters.

ASSEMBLYMAN HARDY:
If I may follow up, Mr. Chair, about 2 1/2 years ago you had $1.8 billion in that capital improvement projects fund, is that correct?

JEFF WEILER:
Between the debt service reserve as well, yes, that is probably about right.

ASSEMBLYMAN HARDY:
Thank you. I guess then I am a little bit confused, because a lot of that money that was used out of that fund was utilized for computers and things other than construction projects. Is that the same or is it not?

JEFF WEILER:
Mr. Speaker, through you to Assemblyman Hardy, we do, and we have the authority legally to do this, equip schools when we build them, when we do renovations, and things like that, and that equipment does include computers, desk, and chairs and other instructional equipment as well. If that is the question.

CHAIR OCEGUERA:
In my business, they call it FF&E (furniture, fixtures and equipment), right? The same is true in the school district?

JEFF WEILER:
Yes sir.

CHAIR OCEGUERA:
So if you build something, you are able to furnish it, put desks—in my case in the fire department, we would put beds, desks, chairs, those kind of things.

ASSEMBLYMAN HARDY:
Thank you, Mr. Chairman. I am not sure that entirely answers my question, but I guess we will continue to look at that. I will talk to you off record. Thank you.

CHAIR OCEGUERA:
This will be the final question, and then we will move on. Mrs. Smith.

ASSEMBLYWOMAN SMITH:

Thank you, Mr. Chairman. I just wanted to hopefully add some clarification to the last discussion. When we heard the bill this morning in committee that would accommodate this idea of using the debt reserve, the District brought the flyer that was used in the last bond campaign for the committee members, and on the campaign brochure, and I hope I did not miss this when we were changing places, I hope you had not already said this, but it actually says that by law, the funds cannot be used to pay administrators, teachers, or other nonconstruction related costs, which is exactly what this budget proposes to do and what was put in black and white to the voters. So I wanted to share that with the members, because we were provided this information, and this is what people like Mrs. Kirkpatrick went door-to-door with. Thank you.

CHAIR OCEGUERA:

Thank you very much. I appreciate your spending part of your evening with us. Let us move on to the Association of School Superintendents. Who would like to go first?

WILLIAM E. ROBERTS, SUPERINTENDENT ,NYE COUNTY SCHOOL DISTRICT:

Good evening, Mr. Chair, distinguished body. For the record, my name is William E. Roberts, Superintendent, Nye County School District, President of the Nevada Association of School Superintendents, and Lieutenant Colonel, U.S. Army, (Retired).

I know you people in here have been working long and hard, the hour is late and the tooth is long, so everything Dr. Morrison said I agree with.

I have had the privilege of being a classroom teacher, a coach, athletic director, vice principal, principal of three schools, and a superintendent in Nevada. I get up everyday and thank God that I live in this state, in this country. I would like to bring to your attention that in a recent Assembly Ways and Means/Senate Finance Joint Subcommittee on K-12/Higher Education, the superintendents of Nevada's 17 districts were asked to provide additional information related to the proposed budget cuts. We prepared a document that my colleague will speak to in a moment. The superintendents were asked to respond to the following questions based on the dollars that would be available if the Governor's proposed budget were to be passed by the Legislature:

> 1. Will school districts' class sizes increase at the elementary, middle, and high school levels? If so, what will be the class sizes in the future?
>
> 2. Will staff be reduced? What are the staffing levels before and after reductions if they are necessary?
>
> 3. If the Governmental Services Tax is taken from the district, what will be the dollar impact to your district?
>
> 4. If the Governor's recommended budget is enacted and the budget cuts take place, what cuts will districts make to balance their budgets?

A survey was conducted of all 17 school districts in an attempt to answer the above questions. Please note that the districts were asked to use the following assumptions when answering the questions. You know, the military is always big on assumptions, so we have to go with that.

First, no concessions would be given by bargaining units. As Dr. Morrison has said and others across the state, the collective bargaining agreements by each district each come up with different concessions or no concessions. Some discussions regarding the issues have been held with the board of trustees. As you know, the timeline in Nevada, May 18, is when the school districts have to file their budgets with the state Department of Education and Taxation. The Governmental Services Tax estimates are from the projected revenue of each district for fiscal year (FY) 2011-12, and we used the numbers provided by the Administrative Services Division on March 15, 2011. These numbers include both the school operating and the bond portions of the General Services Tax. Please note that the Clark County School District also provided information about the amount of money their district would lose in the I.P. No. 1 money

scheduled to go to the districts in FY 2011 if it is diverted from the State General Fund, which has already been spoken to this evening.
Also attached is a survey of the 17 school districts in March, which reflected the budget reductions that the districts have taken since 2008. There are many nuances to K-12 budgeting and its complicated process. There is no one survey that will be perfect, and each district may account for various areas slightly different and some greatly. Nevertheless, we hope these surveys will give you a broad picture of the issues facing Nevada's school districts.

I want to thank you all for your continued work, your willingness to serve our community and our citizens, and I would like to thank Mr. Goedhart for his kind words—appreciate that. We all work very hard in Nye County. We have some wonderful teachers, administrators, citizens, boards of trustees, and I am really grateful that I get to be a part of this. I am going to turn it over to my colleague from Lyon County, but before I go, I would like to let you know that the graduation rate in Nye County is right at 79 percent; it should be better, but we are still working; and our dropout rate is down to 0.8 percent, so things are not all bad in Nevada. Thank you.

CAROLINE MCINTOSH, SUPERINTENDENT, LYON COUNTY SCHOOL DISTRICT:

It is my pleasure to be here this evening, also in the capacity of the Nevada Association of School Superintendents. My colleague Dr. Roberts talked to you about the assumptions that were made for this survey, and if you have this on NELIS, you will see it has many columns. What we have asked the superintendents to do in districts is to look at the average class size currently and what would happen with the budget cuts and with the reductions: how would those be increased? If you look along and follow, of course our good neighbors in Clark and Washoe are going to feel the brunt of this the most, and they will be close to 40 for the high school class sizes. As has already been explained, the rooms probably will not even fit 40 students.

The current staff and the staff after the cuts is another area of great consideration: we mean people. And people and time are what make the difference, as we have already heard as far as the empowerment schools, but it is for every school. And our people are being reduced with the proposals.

And then the loss of the Governmental Services Tax—the proposal on that. What we focus on when we talk to our constituents and parents are the program cuts that we are looking at in each of the districts and considering in lieu of what will happen with this budget. I want to give a great compliment to the Lyon County School District Board of Trustees. They have spent 10 of the last 11 weeks meeting to really solicit input from the public about where they feel the cuts should come from: it is a lot of dedication. They have looked at consolidation and closure, because in Lyon County we also have a tremendous enrollment reduction at this time because of our unemployment. They have looked at other programming that directly affects students, and it will not affect in a good way. It will be less services for our students who are most needy. They are looking at not replacing buses again, for the third year, looking at the possibility of a four-day week, and of course, salary reductions.

These are hard considerations. I look at what my colleagues have put in their cuts; we have already done this in many of our districts several years ago. So they are easy cuts at this time. For instance, if you could look through . . . it will be either a reduction or an elimination of textbook funds, all of the fine arts classes, and in some districts they will be reducing the librarians and library time. They are looking at co-curricular activities for a reduction. Again, they will be looking at closures and consolidations just as we are, and most of all, looking at increasing class size.

The additional cuts are of interest because we do not know at this time, but we also have that deadline in NRS Chapter 391 to let our certified staff know, so it is almost a worst-case scenario that we have to anticipate at this time.

As a superintendent, I had the best of days and the worst of days this afternoon. I was able to attend a ceremony at Dayton High School for one of the high school students who has been accepted to Harvard. This is Erica Garcia—her parents did not attend college—it was quite a ceremony. We were so proud to be part of that. That was in between delivering RIF (reduction in force) notices to those teachers that are affected. Again, Lyon County does have the additional complication with declining enrollment, but we also have to anticipate if we are not successful in our bargaining.

So, on the best side, our students are achieving and they are achieving at high rates and going on to be very productive citizens, and that is a direct reflection on our wonderful staff and also our school board, the commitment. But it really burdens us to have to read the letter explaining why they are being reduced and when their last check will be and about their health insurance. Those are very painful conversations, and they have already begun.

We at first identified 74 certified positions and, thankfully, we did have some attrition. We will be delivering 57 notices in reduction finishing tomorrow. That will be 37 elementary and 20 in secondary. And those are going to increase our class sizes, and that is not good news for our students. So, again, it is great pride in Lyon County with an 86 percent graduation rate and a 0.3 percent in dropout. We are very proud of the commitment of our staff, but these are troublesome times for us. We are looking to make sure that we increase our economy and a skilled workforce in Lyon County so that our unemployment is no longer an issue.

I will certainly entertain any questions. This document is on NELIS for you.

CHAIR OCEGUERA:

Thank you for your testimony. Let us wait until the end here and we will take questions.

DR. ROBERTS:

In Nye County we tried to do a lot of things this year in preparation for this tsunami that is upon us. We have already not filled a number of positions of people who have retired that we have not replaced, we have consolidated jobs, and we have closed a school in Pahrump, with the understanding that we have some empty classrooms and a loss of student population, as well: 234 fewer on opening day. So we made the difficult decision, and all the teachers and staff at that school that we closed were riffed. So they are now part of the reassignment operation that is going to go on in the next few weeks. But ultimately there will be people within that line losing jobs.

An interesting note: As part of our bond process that we passed in 2007 by the voters of the all the communities—as you know, Nye County is about 7 towns spread over 18,400 square miles roughly, about the size of Belgium, a little bit bigger—and we passed a bond measure in those communities with the understanding we wanted to replace schools mostly, and now we have an issue in the Town of Tonopah where we have spent a few hundred thousand dollars on engineering and architectural designs, committee's involvement with the town, and now we are about to go out for bid for the replacement elementary school and we have to put that on hold until we find out what the future holds. So the citizens may not get the school that we have been working so hard to produce; even though the monies were approved, we might not be able to make the mortgage payment. We will have to wait and see the decisions that come out of this body and the budget that is set in that regard.

You know, water is a very precious resource in southern Nevada, as in all Nevada. We made a conscious effort to finally AstroTurf our football field because we were burning over a million gallons of water a month just to keep the fields green so the kids could play football and soccer. We cut our water consumption by over a million gallons a month, and our bill went up $15,000 because the water company raised our rates. If we had not done that, it would have gone from $50,000 a year to $150,000 a year just for water. The board was very proactive in getting it done, and now we need to Astroturf everything else, I believe.

The costs associated with education continue to rise: power, water, sewer, fuel. You know our buses travel over 6,000 miles a day and we only have 100 buses. It is a huge area. You know in Nevada you can either not provide transportation or you provide transportation: you cannot charge people to ride the bus. We have had several citizens say one of the ways we can save money is to not provide busing. I did not think it was a good idea, because most of the kids would not come to school having an hour each way drive out in the rural areas.

And when you layoff employees in these small towns like Beatty, Amargosa, Gabbs, Tonopah, Round Mountain, Duckwater, there are no other jobs for those college-educated professionals to go to, they have to leave town. So now you have lost your volunteer fire department, your coaches, your EMTs (emergency medical technicians) in a lot of cases, and their homes go empty. I think right now there are over 4,000 vacant homes in Pahrump because the teachers, when they are laid off, they pack up and go. Then they are not paying their

property taxes and on and on it goes—they stop buying in stores. We have to pay unemployment for those teachers as well. So it is a vicious cycle.

I respect what you are doing. I think you are certainly honorable citizens. We will do the best we can with what we have, as Dr. Morrison said. We will educate every child to the best of our ability; we do not like crowded classrooms, but we will do what we have to do. I will entertain any questions.

CHAIR OCEGUERA:

We will take the questions at the end. Questions for the superintendents? They might be getting worn out. Mrs. Smith.

ASSEMBLYWOMAN SMITH:

Thank you, Mr. Speaker. Not a question, but a comment for all of our members to acknowledge Dr. Roberts. He is leaving us, leaving Nye County, and while we have this entire body here, I want to thank you, Dr. Roberts, for the work you have done, both in Nye County and as the President of the Association. You have been so available, even though you always have to drive and commute to participate in what we are doing, and I have never heard you complain. You always provide the testimony that the body asks you for, and you work with our Fiscal staff as requested. And so I just want to thank you and wish you well, and I am sure the whole body would wish you well in your next endeavors. Thank you, Mr. Chairman.

DR. ROBERTS:

Thank you, Assemblywoman Smith. Maybe I will run for office and be one of you one day.

CHAIR OCEGUERA:

Mr. Hogan.

ASSEMBLYMAN JOSEPH HOGAN:

Thank you, Mr. Chairman. I just have a comment also. I put in six years on the Ways and Means Committee. Each biennium we go through this terribly painful process of making unreasonable cuts in budgets that really should not be cut at all. I wanted to commend our leadership for selecting such a massive space to use. We need to contain all of our legislators and all of our witnesses, but it is very fortunate because it can also contain the elephant in the room. I think it is obvious to most of us that the elephant in the room is the fiction that we have a spending problem more than we have a revenue problem. Especially for someone who is enjoying his mid-70s after years in the military, years doing all sorts of interesting things, to see a body of such brilliant people and experienced people trying to solve problems that have been misanalyzed and being surprised when we cannot come up with neat solutions that go right to the heart of the problem and get it fixed.

It seems to me that when we look at a terrible revenue shortage that is voluntary, we choose not to require and to raise taxes from some of our most able businesses in the state, and we suffer the terribly painful results. We might be talking about the lack of fire protection in the coming years—there are some dangerous problems coming up; the lack of crucial health care services that we will experience over the next year or two; and certainly, and perhaps more important than anything else, the decline of our prospects of having success in our higher education and our K-12.

I think it drives us sometimes to look for favorite ideas that we have played with, and while we look away from the lack of revenue, we may think, “Oh, I know what it is: it is collective bargaining. We have to stop that.” Or it is observing the prevailing wage, which has been the law of the land for a long time here. Maybe we ought to break up the school districts. I think those are just ventures into fantasy: they are possible, but there is not much support for those ideas. It would be much better for us to recognize the elephant, identify what the problem is, and really try to direct ourselves to that problem. So many people I have talked to, teachers, school administrators, and my constituents up and down the street, seem to know that: that is in fact the central problem. We can work a long time and a long day and never quite get it resolved unless we can get ourselves redirected to identifying the real problem and addressing that seriously. There are political reasons to shy away, but I do not think that is what we should be doing.

I, for one, do not relish the idea of inflicting on my constituents in Clark County the problems that will follow very shortly if this budget is adopted that will make their lives much more difficult, whether it is in education, and particularly if it is health care, because the results are so dire and so quick to come about. I do not want to continue on too long with this, but I think it would be good if we soon reach a time—not six months from now or three months from now—but much sooner than that, and conclude that the truth is that we have a terrible problem of lack of revenue, and that is what we ought to be addressing. Thank you, Mr. Chairman.

CHAIR OCEGUERA:
Thank you, Mr. Hogan. Mr. Livermore.

ASSEMBLYMAN LIVERMORE:
Thank you, Mr. Chairman. I would like to direct this question if I can to the Superintendent of Schools from Lyon County. Can you tell me the unemployment rate for Lyon County?

CAROLINE MCINTOSH:
Mr. Chairman, through you to Assemblyman Livermore, we have gone down from 19 percent to 18.6 percent; we are the highest in the state.

ASSEMBLYMAN LIVERMORE:
Are you not in the discussion stage of consolidating two schools into one?

CAROLINE MCINTOSH:
That was the proposal; we brought forth many proposals after those 10 meetings in 11 weeks, and honestly, I do not know that our communities could withstand that right now because of our 5 communities. That is dependent upon what the final decision is from the Legislature.

ASSEMBLYMAN LIVERMORE:
I only ask that question because my colleague from the south basically talked about a revenue problem, not an expenditure problem. This is what the Governor is trying to do; the Governor is trying to restore the economy. If you are going to tax people out of their businesses and out of their homes, how do you restore the economy and be able to fill those homes that are foreclosed and those schools that are empty in Lyon County?

CAROLINE MCINTOSH:
Assemblyman Livermore, my job is to create a skilled workforce so that we are going to be inviting businesses and they know that we are anxious and we have a skilled workforce there, and that is where I need to focus and hope that this body can help us in other ways in bringing industry to Lyon County. But I certainly appreciate your question, because we will have 3 percent declining enrollment this year and we had 3 percent last year; we will be over 11 percent in four years, and that is where the consolidation is, especially in Silver Springs.

CHAIR OCEGUERA:
Thank you. There are no further questions. I thank you all for being here tonight; I appreciate it. We have one more on the local impacts to school boards. Mrs. Merrill, thank you for being here at this late hour. Please proceed.

DR. DOTTY MERRILL, EXECUTIVE DIRECTOR, NEVADA ASSOCIATION OF SCHOOL BOARDS:
I am Dotty Merrill, representing the Nevada Association of School Boards. On the screen you will see Marty Johnson in Las Vegas. My role this evening is to pull together some of the pieces that you have heard throughout the presentations tonight and share some information with you about the Governor's proposal in the State of the State Address, and now as embodied in Assembly Bill 561, regarding what is called the debt service reserve fund maintained by school districts having rollover bonds. So Mr. Johnson and I will try to provide a kind of short duet for you sharing some information, and with your permission, Mr. Chair, I will begin, and then Mr. Johnson has additional information and comments. He is also available to respond to your questions.

Part of the document that you received this evening that I am going to be referring to you will find on page 3 and continuing over to the top of the 10-page document that you received from

your Legislative Counsel Bureau staff. You have heard a lot tonight mentioned about rollover bonds, but there may be some of you who, although you know those words, may not really know what that is all about, so we are going to give you a kind of quick big picture first.

School districts go to the voters in their counties with a plan for improving the educational environment, which may entail school construction, specific revitalization, and modernization of already existing schools. During Ms. Haldeman's testimony, you heard the very specific language in the bond question that was included for the voters in the 1998 election in Clark County. If the question is approved by the voters, the taxpayers continue paying property taxes based on the same school district debt rate that existed prior to the election. Approval of the question allows the district to issue bonds, and in some cases transfer money, for pay-as-you-go for up to a ten-year period. Issuance of the bonds is conditioned upon the ability to repay the bonds within the existing tax rate.

When the rollover bond concept was passed by the Legislature, there were concerns that the taxpayers' interest needed to be protected and that a mechanism should be implemented to ensure that school districts would not require a tax rate increase to repay these bonds. As a result, the Legislature included in Assembly Bill No. 353, previously mentioned from the 1997 Session, the requirement that "each district issuing rollover bonds must retain and reserve an amount equal to the principal and interest payment for the following fiscal year." This reserve generally comes from local property taxes and is held in the debt service reserve fund to ensure that the district can pay its principal and interest payments as required. Some districts have also used, and plan to use, bond proceeds to meet the reserve requirement. Debt service funds are created to account for the cash flows related to the bonds, which are repaid solely from the property taxes. In other words, revenues from the property tax rate levied to support these voter-approved bonds are deposited into the debt service fund, and the payments on the bonds are made from the debt service fund.

Certain school districts have voter approval to transfer monies from the debt service fund in excess of those required to pay debt service and maintain the reserve for capital projects. So among Nevada school districts, four have voter approval to only issue bonds under the rollover statute. Those are Lyon, Nye, Storey, and Washoe. Six other districts have voter approval to issue bonds and transfer for pay-as-you-go under the rollover statute, and those districts are Carson City, Churchill, Douglas, Humboldt, Pershing and White Pine. Clark is in a unique position, and you have already heard that described previously.

Although the proposal regarding the debt service reserve funds has had several different iterations, the current proposal embodied in Assembly Bill 561 is to sweep all funds from Clark and Washoe debt service reserve accounts, except for 10 percent, thereby taking 90 percent from all of the funds available on July 1 of this year. For the remaining counties having rollover bonds, the Governor's proposal would take 75 percent of the funds available on July 1, leaving only 25 percent for the purpose of repaying the principal and interest. Again, it should be emphasized that this proposal takes money that has been approved by the taxpayers and accumulated for the improvement of school facilities and their districts. You heard several examples: upgrading technology connections so that all classrooms can continue to use computers in instruction and enrichment activities; replacing a worn-out heating or air conditioning system so that the classroom temperature can be maintained at a comfortable level that will enable children to learn and to achieve.

In the State-of-the-State Address, the Governor proposed to sweep 50 percent of the debt service reserve funds across Nevada school districts and stated that these debt service reserve fund sweeps would total $425 million. That is proven, however, to be a higher number than is available from this single source at the 50 percent. Earlier in the session, another proposal was presented which involved taking all debt service reserve funds down to an 8 percent balance, and in addition taking the Governmental Services Tax from Clark and Washoe. According to the revised proposal, it appears that approximately $301 million would be collected. The proposal in Assembly Bill 561 has now shifted from maintaining a 50 percent requirement to a 10 percent requirement for Washoe and Clark and 25 percent for the remaining counties having rollover bonds. With information that is still uncertain about property tax projections, it is not clear what this sweep of debt service reserve funds would yield.

So, you might ask, even though it is five minutes after nine, what is the big deal here? That is not just a rhetorical question, because it is a big deal. Many of Nevada's school districts have facilities that are 100 years old. Even facilities not as old as that need refurbishments, including updated heating and air conditioning systems, repairs to their cement walls, and other modernization. If school facilities are not maintained and repaired appropriately, when the Governmental Services Tax is also swept, there are simply not funds available for making even emergency repairs. Please note that we are not talking about what some people might call "frills." We are talking about the basics like boilers, emergency repairs to roofs, air conditioning, et cetera.

So what are the broad results of this proposal looking across Nevada? School districts will have to defer their planned revitalization projects, but they cannot defer their debt payments. Some districts may discover that the remaining funds are not enough to pay the principal and interest owing. Such a small remaining balance at either 10 percent or 25 percent leaves a slim margin for error and factors that cannot be controlled by school districts. Here are some of those factors, potentially:

- What if property tax collection rates are less than anticipated?
- What if there is a future decline in assessed value?
- What if there are fluctuations in net proceeds?

When school districts defer needed repairs, what happens is that if there are catastrophic system failures, then what results are higher emergency repair costs in the future.

We also asked the question, "How will these funds be repaid?" There is no repayment mechanism in the language of Assembly Bill 561, and we are concerned about the economic conditions that will be required to repay this money in anything short of ten years. And voter trust will be impaired, which will make it difficult, as Miss Haldeman and others have mentioned, if not impossible, to pass school bond questions in the future. As has been noted during bond campaigns, voters always ask whether the funds will be used for paying salaries and operations. Up to now, school districts have been able to respond, "No." Now school districts will have to say that the funds are intended for school facilities; however, there is no guarantee that that will be the case.

Most importantly, school facility improvements, extending technology access, improving the physical plant by replacing roofs or boilers, making it possible for children with hearing problems to hear their teachers, and other improvements will be postponed, which means that students will lack the environment they need to learn and achieve.

On behalf of the Nevada Association of School Boards, we respectfully submit that this is a bad idea and unwise. To use an analogy, this is like buying groceries today with money needed next month to pay your mortgage. This is a one-time fix for the state's budget; however, school districts, schools, and local communities they serve will feel the negative impact of losing these funds long into the future. Sweeping these funds will create a hole that will need to be filled in the next budget cycle and will eliminate the ability to use these funds to improve school facilities as they were originally intended to do. In the meantime, thousands of boys and girls across Nevada will suffer with conditions that make instruction more challenging for their teachers, and that will make learning less likely for them.

CHAIR OCEGUERA:

Thank you, Miss Merrill. Mr. Johnson, can you hear us, and do you have some comments?

MARTY JOHNSON, MEMBER, COMMITTEE ON LOCAL GOVERNMENT FINANCE, REPRESENTING THE NEVADA ASSOCIATION OF SCHOOL BOARDS:

I would like to reiterate a couple of points just because I think that they are very important, and then I would like to very quickly walk you through an example of what the impact of this might be.

First of all, there is the question of where does this reserve come from. I know that there have been a number of questions tonight and discussion on that. The reserve account that we are talking about comes from the property tax revenues that are paid by voters that approve bond questions. Occasionally you will see a school district that will put some bond proceeds into that

reserve account in order to get it to the required level, but that is where the money comes from. When the voters approve a question, they approve the levy of the tax rate that gets levied each year to repay those bonds, and out of the additional revenue over and above what is necessary for debt service, that reserve gets funded. So this money comes from the taxpayers as a result of that question.

In terms of what this money goes for and what it is used for, I have worked on bond questions in almost every school district in this state over the last 20 years, and as both Miss Haldeman from Clark County and Miss Merrill mentioned, we always get the question, "Is this money going to be used for operations?" Up until now, we have always been able to say no. I am concerned that the discussion that we are having now is going to impair the voters' trust of what this money is being used for to make it very difficult for us to pass bonds again. As you heard from the folks in Washoe County School District, for some school districts, and especially in Washoe's case, this is the only source of money they have to maintain their facilities. The General Fund is not designed to remodel, modernize, or construct, if necessary, facilities for school districts. That is not what it is designed for: it is designed for operations. So the ability to issue bonds, the ability to get voter approval, is extremely important.

Now to very quickly walk you through an example of what the impact of this might be, we will use Nye County School District. As Dr. Roberts mentioned, they received voter approval in 2006 for a rollover bond question. Since that time, they have generated the required reserve from some net proceeds money that has come in. Where we have had money over and above that reserve, we have used it to pay off debt early and try to be good stewards of the taxpayer money in making sure that we are able to only have the bonds outstanding that are necessary.

For 2012, the assessed value in Nye County is going to drop about 30 percent. If you look at what that is going to do to the school district's tax revenues in terms of repaying the bonds, there are going to be some issues. Annual debt service right now for the school district runs between $7.5 million and $8.1 million over the next few years. Property tax revenues, assuming that the advanced payment of net proceeds gets continued, will be right around $7 million a year. So there is going to be a shortfall between property tax revenues and debt service, and that, again, depending on net proceeds, is going to run anywhere from $500,000 to slightly over $1 million. Assembly Bill 561 as written will result in the Nye County School District having a debt service fund balance, or reserve account balance, on July 1, 2011, of just over $2 million. With that, in 2012, 2013, and 2014, if things do not change with the assessed value in Nye County, or if gold does not go up to $2,000 an ounce, it is very likely that they will be in a position where the debt service reserve has run out, and they will be, as Clark discussed earlier, in the position of needing to raise the tax rate.

The additional complication that could come in Nye County is that there are two areas of that county that are basically at the $3.64 tax rate limit, and in NRS Chapter 361, there is a section that talks about if a school district bond issue is deemed to be responsible for the tax rate exceeding the $3.64 limit, if certain findings are made, the school district can be required to pay the governments that have to lower their tax rate to accommodate the increase of the school district's tax rate.

Tax rates for bonds take a priority over operating rates in the State of Nevada, which is one of the reasons the general obligation bonds are such a good deal for the investors. They are very certain that they are going to get repaid. So in Nye County School District's case, if they were to have to raise their tax rate, it could be, that again under circumstances, that they would have to pay Tonopah and Amargosa and perhaps other entities, because the tax rate may go up in other areas because of this assessed value drop, out of their general fund to compensate those local governments for lowering their tax rate. Again, certainly an unintended consequence, but it is something that we need to take into account and look at as we are looking at sweeping these monies that, and specifically in Nye County School District's case, are meant to repay bonds, and that was the intent under which the voters approved that question and paid those property taxes: to repay those bonds.

With that, if you have any questions, I would be happy to address them.

CHAIR OCEGUERA:

Okay. Are there questions from the body for the school boards? Seems like there were a lot of questions about this earlier; maybe he just filled you in on it—or not. All right, I guess there are no questions. Thank you very much. Thank you in Las Vegas, Mr. Johnson, for hanging with us by yourself there all night. And Miss Merrill, thank you very much as well.

We will move to public comment. Is there anyone from the public still up and wishing to comment? Mr. Lawrence.

GEOFFREY LAWRENCE, DEPUTY DIRECTOR OF POLICY, NEVADA POLICY RESEARCH INSTITUTE (NPRI):

Thank you, Mr. Speaker. Since the hour is late, I will try and keep it brief. I know we have talked about a number of things tonight. There are a number of ways of measuring per-pupil K-12 expenditures that we have all talked about; I know Dr. Morrison addressed those. As you are aware, the basic support per pupil that is guaranteed through the "Nevada Plan" includes only a portion of the local revenues received by school districts. When total operational spending is considered, Nevada has known a triple per-pupil funding on an inflation-adjusted basis according to the U.S. Department of Education, as Dr. Morrison mentioned, and now spends more than $8,000 per pupil.

However, when we talk about education funding, spending alone is not really the goal. The goal is to prepare children for the future and to endow them with the skills to compete in a global economy. We spend money to accomplish this goal, but national data indicates that the way in which we spend money matters more than the amount of money spent. A simple regression analysis shows that there is no meaningful correlation nationwide between per-pupil state spending amounts and student achievement. As I am sure you all know, Washington, D.C. spends the most on a per-student basis and yet yields some of the worst results in terms of student performance. On the other hand, Utah, our neighbor to the east, is among the lowest spending states and yet boasts some of the highest test scores.

While spending levels do not correlate well with student performance, numerous studies have shown that the degree of structural reform within the educational system correlates very strongly with student achievement. For instance, *Report Card on American Education*, published by the American Legislative Exchange Council, identifies specific areas of reform that have been shown to dramatically improve student achievement. They include open enrollment, the presence of alternative teacher certification programs, grading the performance of individual schools and teachers, and a degree of school choice.

With regard to school choice, The *Report Card* considers several different vehicles for expanding school choice. I know there have been proposals here to amend the *Nevada Constitution* in order to allow a voucher program, and while this is an aggressive approach, I do not believe it is necessary to amend the *Constitution* in order to expand the universe of school choice options. For example, this goal could be accomplished through the liberalization of charter school laws and, additionally, NPRI has modeled the impact of a public education tax credit scholarship program similar to Florida's Step Up for Students program, which is a tuition tax-credit program primarily for low-income students there. The analysis showed that such a program would save $25 million over its first two years and about $1 billion over the first ten years because the eligibility expands gradually beginning first with those students in K through 3rd grade. In addition, the program would result in an increase in per-pupil funding for students who choose to remain within the traditional public schools because the scholarship amount would be indexed to the marginal cost of educating one student, which is typically lower than the average amount. Finally, the program would dramatically expand the educational options of students, which statistical analyses indicate leads to an increase in student performance.

Analyses of choice programs in Florida, Milwaukee, and other jurisdictions have also shown that traditional public schools, when exposed to competition, have elevated student performance levels. The question that I think is often asked is whether the quality of Nevada's public schools can be improved with an increase in funding. Historical data indicates that this has not been the case in the past. While we have nearly tripled real per-pupil funding levels, student achievement has in fact declined over that period. Nationwide data shows that aggressive reform that brings the educational system into the twenty-first century is imperative if states are to improve student

achievement. I am not aware of any analysis sophisticated enough to model the impact of funding levels on achievement in a specifically post-reform environment. However, my intuitive sense is that spending levels can and should impact results once the educational delivery system is modified so that education dollars are spent more effectively. Yet I believe that reform alone would dramatically improve the quality of K-12 education in Nevada regardless of funding levels, and that the most constructive conversation that lawmakers should have from the perspective of the students should focus on how to implement the reforms that I have mentioned.

Thank you, and I would be happy to answer any questions.

CHAIR OCEGUERA:

Thank you, Mr. Lawrence. We have a couple questions.

ASSEMBLYWOMAN DONDERO LOOP:

I am the teacher who is going to answer a couple of questions. Thank you, Mr. Chair. I was just wondering if you have ever taught or been in a classroom.

GEOFFREY LAWRENCE:

No, I have not, although I can do statistical analyses, and the reason analysts rely on statistical analyses is they give you a 30,000-foot view of what is going on across the country. There are limitations, I should tell you, to every statistical analysis: that is that statistical analyses can be used like a regression can be used to support some theory, but they do not necessarily prove a theory conclusively. They just kind of show you what the general trend is. To say that aggressive school reform in Nevada would dramatically improve results, I do not think anyone can say that with 100 percent surety. However, from all the data that is in front of us, it seems to suggest that that is the case.

ASSEMBLYWOMAN DONDERO LOOP:

May I follow-up, Mr. Chair? For me, I taught 30 years, and I have 3 kids—I do not know if you have kids— but statistics do not work with humans usually, and I can tell you that I probably cannot do a whole lot of statistical analyses except to tell you that when you have a lot of little kids in front of you that all come from different walks of life that are all over this country, the analysis has to be right in that classroom, and we have to fund that classroom, and a lot of research shows that.

GEOFFREY LAWRENCE:

I guess if I can respond, I would say that the purpose of expanding the universe of school choice specifically would be to cater to the diverse needs of individual students, with recognition that every student does have a unique set of gifts and talents and limitations.

CHAIR OCEGUERA:

Thank you. Mr. Conklin.

ASSEMBLYMAN CONKLIN:

Thank you, Mr. Chairman. Mr. Lawrence, I have a couple of questions; I am just curious because you seem a little bit in your testimony to contradict yourself, and let me tell you where at least I find the contradiction.

The first thing you said is you mentioned a single variable regression analysis, very simple. If you took basic regression in undergrad, that is the first model you learn to prove. And you said that there is no correlation between spending and test scores. And yet, later on, you said intuitively it makes sense that there would be an outcome, and I am going to assume intuitively means something like this: it is hard to learn if you do not have a book, and today we have books online, but you have to have access, and usually access costs money. To learn you have to be able to get to school, so we have to transport someone. Intuitively, it makes sense that you need some money for people to be able to learn, correct? And I think that was what you were saying.

The problem I have is this: I cannot remember the last time I saw somebody actually use a single variable or a simple regression analysis for statistical studies, because things are too complicated. We know that you might in a simple regression analysis get no correlation when, in fact, all the problems with your result are in the error term because you have not gleaned them

out yet. And so, the recognition is still there that theoretically we still agree that you have to spend money to get achievement, and just because your statistical model proves that your theory is wrong, it does not really mean your theory is wrong: it could just mean that your model is wrong. There are a lot of studies out there, especially now with all kinds of new multivariate regression analyses and everything else that they have at their disposal, that I think would suggest that there is a correlation, and it seemed odd to me that you made both of those statements at once. Your theory is that you do need money because without money, you are not going to have any achievement, but at the same time, there is no correlation.

GEOFFREY LAWRENCE:

I think the point I was making, Mr. Conklin, was that on a very simple level, if you are just looking at state-by-state per-pupil spending amounts, there really is not a correlation, and I think the reason for that is that every state's educational system is structured differently. It would take an extremely complex and sophisticated model to be able to measure all the facets of that educational delivery system for each state.

However, the point that I was making about funding was that if you have structured the educational delivery system so that dollars are spent on a more cost-effective basis in terms of performance, then of course you should be able to purchase greater results with more dollars. Looking back at historical data for Nevada alone, we have dramatically increased spending over the years, and we have not seen that increase in results. The question that comes to my mind is what we are doing wrong because that increased investment should yield some higher graduation rates, for instance, or higher test scores, and that makes me think that it is the delivery system itself that is nonfunctional.

ASSEMBLYMAN CONKLIN:

Mr. Chairman, if I may follow up. I think there could be some validity to that, but the problem is as we get back to the whole problem with an error term and not having gleaned out all the information to know whether that is in fact the truth or not. Because intuitively, and you have already agreed that the spending should have an outcome, we do not know what the other factors are. The other factors could be that we have a lot of people entering and leaving our system before we can ever have an opportunity to affect the outcomes—the transiency rate—which I think we would agree occurs in Las Vegas. There is a litany of potential outcomes like that.

The other thing that we might consider is sometimes it is not necessarily the growth rate or the money that we actually put into the system, it might be the fact that we have to compete in a nationwide market for students, for technology, for advancements in the classroom. Test rates grow as students achieve, and if we are constantly falling behind, and I will use numbers that came from the same chart that you have used in your own policy research from NCES (National Center for Education Statistics); in 1960, we were 14.7 percent above the national average in per-pupil expenditure, and in 2008, we are 20.5 percentage points below the national average. In spite of the fact, and I agree with you, that the amount of money we spend has grown exponentially. So the fact of the matter is we simply are not keeping pace. And it is not because everybody wants to spend more: things just cost more. It is no different than health care. The price of health care, I think we would agree, is just ballooning; it does not operate at this complete aggregated amount of inflationary rate: it has its own rate, and we have to compete in that environment. Every time we fall farther behind, all the resources that we want are going to someone else including, I might add, the best and brightest of the teachers—God forgive me for saying that because I say we have some really good ones in Nevada, too. But we are always going to be in that competitive environment, and if we are not willing to pay, then there is, I think, a rational outcome to that.

GEOFFREY LAWRENCE:

Mr. Speaker, through you to Assemblyman Conklin, from the numbers that I have seen, I think that teacher pay in Nevada is actually competitive nationwide: I think it is near the national median, so that is true. With regard to keeping up with what other states are spending, I would say the counter argument may be that those numbers suggest that other states also have a dysfunctional educational system, and the additional investment is not yielding the results that

they are looking for either. I would say that the educational establishment nationwide has failed to adapt technological advancements in an effective manner that should ultimately reduce costs, because you have options out there like online charter schools, for instance, that eliminate the costs of the student having to go back and forth to the school every day. And some of those have been very effective in terms of producing well-qualified students. There are states that allow an online charter school for instance and states that do not. Like you said, there are a lot of things going on, and it is very difficult to develop a model that reflects really every concept.

ASSEMBLYMAN CONKLIN:
So then if that is the case, we cannot adequately make a model that reflects all of that, and we cannot adequately say that funding does not matter.

GEOFFREY LAWRENCE:
Mr. Conklin, I would say that we also cannot conclusively make the counter argument either.

ASSEMBLYMAN CONKLIN:
But at least, according to your own admission, we can intuitively conclude that, which is better than not statistically disprove it.

CHAIR OCEGUERA:
All right, do we have other questions? Mrs. Kirkpatrick.

ASSEMBLYWOMAN KIRKPATRICK:
Thank you, Mr. Chairman. I do not know if mine is a question or more of a comment, but here is the thing: As an elected official, I am here to worry about Nevada kids. We can compare to Florida, we can compare to Utah, we can compare to Washington, or all the other states that I have heard here tonight. But when I go home at night or when I am at my job, I have to worry about the Nevada kids, and the cuts that we keep making. We keep taking the tools out of their toolbox, so there is going to come a time when they have nothing to work with. As a parent, as a person with my youngest 18, I still work the concession stands in my neighborhood; I still help the Girl Scouts in their schooling (they are here today).

I think that we have to quit trying to compete with everybody else and quit saying what is better in Florida, what is better in Utah, because things are different. None of those states that we talk about have a 24-hour town; none of those states rely on discretionary income; none of those states have kids that are constantly moving from one part of the state to another or one part of the city to another. We need to make a Nevada model: the Nevada kids that I represent. You tell me about Utah—I go to Utah. They have a whole different culture there of how that works. We can talk about Florida. They have a whole different culture of the kind of kids there. I am not into the models because, to me, I cannot explain whatever model you and Mr. Conklin were talking about to anybody in my district, but I can explain to them about the cuts and the choices that I have to make as an elected official, which my word to them was that I would make sure that they had all the tools in their toolbox to get a good education.

Do I agree that we have to make some changes? Absolutely, but at the same time, I implore all of you in this room to come up with a model for Nevada. We can compare ourselves to everybody else, we can put fancy formulas in place, but the only way I see it is we keep kicking, whether it be dollars . . . When I was in high school, it was $1.85 for minimum wage. I could not buy a loaf of bread for that in two hours of working. So I think we really have to get back to what we are talking about: we are talking the tools out of the tool chest and setting our kids up for failure. Whatever model that is, let us come up with it and do what is best for Nevada kids.

GEOFFREY LAWRENCE:
Mr. Speaker, through you to Assemblywoman Kirkpatrick, the reason that we base our models on what other states have done is just to give us an idea of what ideas may work here and what may not. One of the reasons we like Florida as a model is because in a lot of ways it resembles Nevada in terms of the composition of the student body; they have roughly the same proportion of English as a second language students; both states over the past 12 years have increased per-pupil spending at 11 percent, the same rate. So there are a lot of things that kind of make Florida a control for us and allow us to just look at the impact of reform there. And I

think, at least the data from test scores indicates, that there is a lot of merit to those reforms and those could be applied successfully here in Nevada. The states are referred to as "laboratories of democracy" for that reason. We can look at what other states have done successfully and where they have failed. I think there is value there, if that answers your question.

ASSEMBLYWOMAN KIRKPATRICK:

Mr. Chairman, can I just follow up, because I go back to us priding ourselves in Nevada on being a unique state. We pride ourselves on having 17 very different counties across the state. I do not know that Florida uses that discussion within its model; I do not know that any other states talk about the uniqueness of their state, as Nevada has always been very proud to talk about that. I care about Mr. Ellison's district, I care about Mr. Goicoechea district, and I care about Mr. Livermore's district. I do not know that in Florida that your elected officials are accessible; I do not know much about Florida because I choose to make Nevada my home, and I choose to do what is right for Nevada kids at the end of the day. Maybe there are pieces and little things we can do a little bit at a time, but I am a little offended that if Nevada is so horrible and Florida is so great, then everybody needs to pack their bags and move on. That is exactly how I feel. We are in Nevada, we are unique, and we need to make a model for our state.

GEOFFREY LAWRENCE:

Mrs. Kirkpatrick, I am not saying that Nevada is evil and Florida is the home of all things good, but I think there are some good ideas that have worked in Florida that could potentially improve Nevada and make it a more attractive place for the future. I think we are all concerned about the quality of education in the state, but I think that, as Mr. Conklin said, under the right circumstances, funding levels can matter, but the data suggests that without reform, funding level is somewhat irrelevant.

ASSEMBLYWOMAN KIRKPATRICK:

Mr. Chairman, my last point please. What I would like to see tomorrow is all the cuts that Florida has made in the last three years within their education, and I would also like to see for myself how much all the reforms cost. If we are going to compare apples to apples, I want to be able to go back to my constituents and specifically tell them how much Florida has cut in the last three years, if we are comparing it, and how much the reforms cost, because I have seen things that say reform costs money. I just want to see that in black and white for my constituents.

CHAIR OCEGUERA:

See, when you work this late, you have Mr. Lawrence and Mrs. Kirkpatrick working together on an assignment. You do not need to answer; let us go to another question. Mrs. Smith.

ASSEMBLYWOMAN SMITH:

Thank you, Mr. Chairman, perhaps more of a comment. We started out listening to Mr. Clinger tonight talking about statistics and where we rank and how you can look at many different reports and develop your own opinion, and I really think that is what we have here. You can look at this a myriad of ways. If you look at Washington, D.C. and Utah, and you throw out the two anomalies, and you look at the rest of the country, you do see that money matters. We have all seen the report that the Education Alliance recently put together that is their opinion, with very respected people who have worked on that report and put that information together. So you can certainly make the case either way. Florida, in fact, spent about $1.5 billion on their reform, and my thought is, you cannot pick and choose only the pieces of reform that do not cost anything and say that this is what we should do. I am the first to tell you that we do need reform, and we are working on reform, but we also need to adequately fund our education system. I am not of the opinion that you can build a statistical model and decide that our education system needs to look like any other business, because we are not about making widgets: we are about educating children. We have schools that take all children. It does not matter if they are rich or they are poor, if they come to school fed, or if they come to school having spent spring break in Europe because they have those opportunities. We educate all of these children who come to our school, and I just think that we really need to keep that in mind. I appreciate your efforts and I appreciate you being here with us tonight and

offering your information. We can always have a difference of opinion in this body, and that is a good thing. Thank you, Mr. Chairman.

CHAIR OCEGUERA:
Mr. Hammond, last question.

ASSEMBLYMAN HAMMOND:
Actually, the statistics that Assemblywoman Smith just gave, she just said again there are only two other states that spend less than we do but get better results, and I am looking at statistics from another chart, and I see that there are about 27 other states that spend less than we do and get better graduation rates than we do here in our state. I want you to perhaps address that as well. What have you seen in your studies?

MR. LAWRENCE:
That is a good question. I do not want to say something inaccurately, and I do not know the answer to that in terms of states that get better results with fewer dollars.

CHAIR OCEGUERA:
I lied. Mrs. Smith, do you have the answer to that question?

ASSEMBLYWOMAN SMITH:
No, I do not have the answer. I wanted to correct Mr. Hammond. I did not say anything other than the fact that if you took the lowest state Mr. Lawrence referenced and the highest state and removed them and talked about the rest of the states, let us talk about funding mattering. I did not say anything about the number of states that fund less than we do; I was just talking about what I think are the two outliers in the discussion.

CHAIR OCEGUERA:
Thank you, Mr. Lawrence; we appreciate your testimony. We have spent the last four and a half hours going over the proposed Governor's budget on K-12 education. It seems to me that there are some decisions to be made. As we do in Committee, I would like to get a flavor of the body and see where we are at on some of these decisions. So I guess I will start at the top.

In the Distributive School Account, I would like to know: Does the Committee wish to decrease the basic per-pupil support by $238.2 million as recommended in the Governor's budget? That would be the first question. It is a simple red and green button. If you would like to support the Governor's recommended budget, you would press a green. If you would like something else, press a red.

I guess that gives us a pretty good indication. Let me just pose it a different way. Let me think about this. Let us pose it this way:

Would you be willing to support some cuts, which would be a green, or no cuts at all, which would be a red?

The question is would you be willing to support some cuts or no cuts at all?

ASSEMBLYWOMAN SMITH:
Mr. Chairman, may I clarify? We are referring to your first question which was the $238 million per-pupil expenditure; that is the decision?

CHAIR OCEGUERA:
Yes, that is correct. I was referencing the basic per-pupil support.

ASSEMBLYMAN CONKLIN:
Mr. Chairman, can I also chime in? This is two options, so we either have to decide that red is some cuts and green is no cuts, do you see what I am saying? Could we rephrase the question so that we understand what we are voting for in this sense? If you are for some cuts, but you do not know what those are and it is negotiable, that is a green button. If you are just a no on cuts period, that is a red button.

CHAIR OCEGUERA:
That is exactly what I was trying to say. Thank you, Mr. Conklin.

[There were 25 yays and 17 nays]

Thank you. This gives us an idea. Let us go on to what I think would be the second question, or the third category. Does the Committee wish to decrease the K-12 budget by $256.6 million for a 5 percent reduction to school employees' salary as recommended in the Governor's budget?

If you wish to decrease the budget by the Governor's recommendation, that would be a green. If you want to do something else, that will be a red.

[There were 16 yays and 26 nays]

Mr. Conklin, do you want to phrase another option on that one for me?

ASSEMBLYMAN CONKLIN:

Thank you, Mr. Chairman. I think what we are trying to do is find out if there is room for discussion somewhere, and I think the appropriate question would be, I guess, instead of saying the Governor's budget, say "Would you be willing to support some cuts, or some salary reductions, just not the one that is proposed, or is it simply no cuts at all." A green button if you support some reduction in this category but not the one proposed, and a red would be you do not support any cuts to this budget item.

The previous go at this was Gov. Rec. but there is a bunch of people in there who are not willing to go for that. So what we are trying to find out is if there is room for discussion. If there is no room for discussion, then what is the point of even meeting at all? What we are trying to glean out here is if there is room for some discussion and I think, and Mr. Chairman, you can correct me if I am wrong, what we are trying to do is put a question out there that finds out if people are willing to talk on this issue.

CHAIR OCEGUERA:

That is exactly right.

ASSEMBLYMAN CONKLIN:

If I could restate the question if you would be willing, Mr. Chairman: Would you be willing to support some cuts to this budget item, not at the level that has been proposed in the Governor's budget, or are you not willing to cut this budget item at all? A green button would mean you are willing to talk about this one.

[There were 18 yays, 23 nays, and one excused]

ASSEMBLYMAN CONKLIN:

So just for clarification, all the people who are red are saying, "We do not accept the Governor's proposal; we want no cuts to this budget item." (Laughter.) Now I have clarified the question.

[There were 18 yays, 16 nays, 7 not voting, and one excused]

And just for further clarification . . . I am not sure what not voting means; I guess they do not want to participate in the discussion.

CHAIR OCEGUERA:

Let us start over on this question. The first question that we posed under the second category was, "Does the Committee wish to decrease the K-12 budget by $256.6 million for a 5 percent school employee salary reduction as recommended in the Governor's budget?" You have two options: Yes, I want the Governor's recommended budget, or no, I do not.

Then we tried to pose the question to say is there some room or some latitude: something short of the Governor's budget or you absolutely do not think there should be any cuts at all. Does that make it clear?

ASSEMBLYMAN GOEDHART:

Thank you Mr. Chairman. It seemed like the way the last question was posed to us was, "Do you want slightly less cuts than what the Governor has proposed, or do you want no cuts at all?"

How about for us who want the cuts the Governor has proposed. That does not seem to be an option. It is either cutting slightly less or you are cutting nothing, and neither one seems to fall within the feelings of some of my colleagues here.

CHAIR OCEGUERA:
I understand why you are confused. Mr. Conklin.

ASSEMBLYMAN CONKLIN:
Thank you, Mr. Chairman. Mr. Goedhart, and yes, because we are in the Committee of the Whole I can call you that; feel free to call me something appropriate. I think what we are trying to figure out is whether there is room to move at all. The previous question was which do you prefer, and now we are asking a different question. If neither of those two options is an option for you, then basically the suggestion is that you are not willing to engage in a budget debate at all. And this is the budget committee; we are talking about the budget. Somehow we have to find enough votes to move a budget out, and I realize that everybody has got their priorities and I understand that. I do not know, Mr. Chairman, how you best want to indicate that. Maybe those who do not want to have a budget discussion at all can put on their abstention light, and that is your choice. But somewhere we have to figure out where the room to have a discussion and find some compromise is going to be. That is the nature of this body—finding a compromise.

CHAIR OCEGUERA:
Correct. The point is if we are going to have 8 votes on these decision items and they are going to be all 26 to 16, what is the point? We were looking for alternative questions to see if there was room on any of these eight decision items that we have in front of us.

ASSEMBLYMAN STEWART:
Thank you, Mr. Chairman. I think it is too early to be making these definite decisions. We have the Economic Forum coming up in a couple of weeks; we have some revenues that are improving; we have some of the suggestions of five qualifications that the Republican Caucus made. There is room for discussion down the line based on some of these factors that have not come in yet or are being settled. So I think it is too soon to be saying that there is no room for talk. Thank you.

ASSEMBLYWOMAN SMITH:
Thank you, Mr. Chairman. I just want to clarify for the body that we are on the same track that we would be in whether we were doing this in a subcommittee or whether we were doing this in a Committee of the Whole. We cannot begin closing the budgets unless we have some idea of where people are leaning on these issues, which is why we are where we are tonight. These are not, by any means, binding votes, as the Chairman indicated. We are simply looking for areas that we have some room for discussion and some room for compromise, which includes Mr. Stewart's remarks about other things that need to be part of the discussion. So this exercise is simply that: it is a discussion and "How are you feeling about this? Do you think you can live with this particular cut or can you live with something in between or not live with any cuts?"

And I think to answer Mr. Goedhart's question, I understand your point, or possibly your frustration, but we also took the first vote and saw the greens and the reds and the yeas and the nays, so I think we fully understand where people are when you see that first vote. The second vote simply gives us an idea of which of these decision points have some room for compromise. That is all we are trying to get to; we are not on any different track than we would ever be. We just really need to know where the discussion needs to continue as we start closing budgets with the Economic Forum and with all the policy bills passing. Thank you.

CHAIR OCEGUERA:
Thank you, Mrs. Smith, and quite frankly, if we do not close these budgets now, we are not going to get done on time. This is when we close budgets; we are closing them already in committee. Just trying to get an idea so that we can close them down.

ASSEMBLYWOMAN CARLTON:

Thank you, Mr. Chairman, and Mrs. Smith covered it, but I looked at the second vote as, "Do I have wiggle room on this issue; am I willing to compromise?" It is not an either/or, it is a "Are we willing to sit down and negotiate on this issue?" Each one of us has our own thresholds for negotiation, so the first question, I believe, is totally separate from the second. We are taking the temperature on the first question, and on the second is, "Is this something we can talk about or do we need to move on to something else?" You cannot have a negotiation without two sides.

CHAIR OCEGUERA:

Correct, and with eight decision points, there may be some that we will say, "That one obviously is off the table" and there may be some come up with a mixed vote that we say, "All right, these are ones that we can talk about." Mr. Hammond.

ASSEMBLYMAN HAMMOND:

Thank you, Mr. Chair. My question is that you keep talking about whether we are willing to compromise and how much and so forth, but I would rather deal with the tangible. What are the compromises? I think as a caucus we have put forth a couple of things that we would like to go to the table with, and I think that is where we would like to talk; we would like to be at the table talking about those things. I do not know if we are taking votes right now that will count for anything later on. There are too many things out there, too many variables, as my colleague Mr. Stewart has talked about.

CHAIR OCEGUERA:

Mr. Hammond, I understand your frustration. However, we will not be able to close the budget: that is just the way it works. You have to close the budget in a systematic order to get it done. Mr. Goicoechea.

ASSEMBLYMAN GOICOECHEA:

Thank you, Mr. Chair. In all fairness to my caucus, at this point I know we are just going to be voting Governor's recommendation until we actually get into some negotiations down the road. We have talked about the five reforms that we were willing to look at, and in exchange for that we are willing to look at the sunset taxes. Until we get to that conversation, it does not matter how we vote here; the bottom line is my caucus will be going Gov. Rec. So it is not going to give us the wiggle room you are really looking for.

CHAIR OCEGUERA:

I would not say I am looking for wiggle room. If you do not want to put wiggle room out there, that is fine with me. Let us go with Mrs. Smith for a second.

ASSEMBLYWOMAN SMITH:

Thank you, Mr. Chairman. As the chairman of the other committee, I have to remind everyone that we are on a schedule like all schedules, and to be done, we do have to start these discussions now, and we do need to understand that if in a world where you had what you needed, are you talking about liking or not liking some of these cuts, I guess is what I would say. There are some of the areas that I do not love, but they are areas I can talk about. I do not want to make any cuts to education, but I know we are going to have to make cuts, and we have already started closing budgets with cuts in every single budget. That has not been pleasant for me to vote Gov. Rec. every time we vote, but we have had to do it. Here we are on the biggest part of the budget that we have to start making some decisions on or we will not be done in time; they are important decisions as well. So we need to have some understanding of whether there are pieces of this budget or decision points in here that you feel you can compromise on at some point in the discussion. It has already been indicated there is nothing binding here tonight. If we hold everything off until some point in two weeks or three weeks, we are going to be in trouble trying to close this budget, because the mechanics will not allow us to get there. We really do have to have these very difficult discussions, and that is what we are here for.

CHAIR OCEGUERA:

I agree, and Mr. Goicoechea, I will let you speak again. As far as the five reforms, quite frankly, I have a bill on every one of those reforms. As far as cuts, as Mrs. Smith just said, I am closing budgets at Gov. Rec. that I do not want to do. Those are votes that I do not want to do, but I am doing it because I know it has to be done. When I came in to describe a PERS bill to your caucus, they said, "What do you like about this?" and I said, "Nothing. This is what you wanted." Those bills are out there, we are willing to have that discussion, but we still have to close the budget. Mr. Goicoechea.

ASSEMBLYMAN GOICOECHEA:

Thank you, Mr. Chair, for recognizing me a second time. I know my caucus feels the same way. We know we have to close these budgets; there is nothing in this budget that we like, but the bottom line is until we have the dialogue and discussion about the reforms and the revenue package, we will continue to maintain our position, which is the Governor's recommended budget.

ASSEMBLYMAN SHERWOOD:

Thank you, Mr. Chair. The two sides of this, as was mentioned by Miss Carlton, are what taxes would you increase? Just for the sake of this argument. It is almost a moot point, because of where our leader has us right now and we are behind that 100 percent. What would you say on the other side? The rest of that question should be, "Would you be willing to entertain not cutting as much if we raise taxes on cigarettes, if we raise taxes on water?" We could do a hundred of those and see where we are at, but in the absence of you telling us which taxes you are going to raise, it is in the abstract, right? So why are we even asking the questions unless you want to tell us which taxes you want to raise?

CHAIR OCEGUERA:

I do not think that is the way it works at all, Mr. Sherwood. I think what happens is, you close the budget, you find out what the number is. If we close some budgets that are not at Gov. Rec., then there will be a gap. We may get money through Economic Forum, we may not—we do not know. On May 2 we will know that. Concurrently with what we are doing now, we are having hearings on the revenue side on different revenue options. After May 2 we will know what the number is, and we will say it is whatever, $1 billion, $500 million, $750 million, $100 million, I do not know—whatever it is—and we would then have to figure out what revenue source would work. Mr. Conklin.

ASSEMBLYMAN CONKLIN:

Thank you, Mr. Chair. I think that is exactly right. I think the point of this discussion is to decide amongst this body what is acceptable. To many people in this body, the proposal that is here is not, and I do not think you can have a discussion about "let's just raise revenue for the sake of raising it and then we will spend it." What we really need to do is decide the acceptable level of funding for critical services like K-12, Higher Education, and Health and Human Services. We realize there are going to be cuts and they are going to be painful, but for some people, those cuts are too deep. What we need to have is an honest, sincere discussion about what is a reasonable expectation, and then once we decide on funding levels that get us to some common goal, then we can decide on how to fund that gap. But it only makes sense to make some fundamental decisions about what state we want to live in. What kind of school do you want your children and your children's children and your constituents' children to go to? What kind of opportunities do you want them to have? How many homeless people do you want to have on your street? How many county hospitals do you want to go unfunded because we do not have an indigent accident fund? These are questions we have to answer.

The question really becomes, "If the budget that is before you is acceptable . . . will somebody please tell me when it becomes unacceptable?" That is the discussion we need to have, because for many people here, the budget that is currently being presented is not acceptable. I am not telling you it has to be 100 percent of what it was last time; we know we cannot get there either, but we need to talk about some of this stuff—we have to have an honest discussion—and all the other things which are going to come along with it. As the Chair said,

there is a bill on everything out there, and those are painful for everyone here. It does not go far enough for some, it goes too far for others, but that is the nature of this business. It is a compromise, and we are here to do the people's work, do it to the best of our ability; we are going to respect each other, and we are going to have a difference of opinion, but we cannot hold this off any longer or we will be here until July 22, like we were in 2003, and I have to tell you, that is going to be really painful.

CHAIR OCEGUERA:

Thank you, Mr. Conklin. Some of the other questions are going to come up; these are not mysteries. Do we wish to eliminate the class-size reduction? Do we wish to eliminate full-day K? Do we wish to do the I.P. funding per Governor's Recommendation? These are not trick questions; they are just questions that have to be answered. Mr. Daly.

ASSEMBLYMAN DALY:

Thank you, Mr. Chairman. We are still on the question about cutting teachers' salaries, right? I would just say this. If our goal is to attract and retain the best teachers we can for our classrooms, cutting pay, in my opinion, is taking the state in the absolute wrong direction. If you are a bright, young, new student shopping for a state or a place to work, and you look at Nevada ranked 50th in the nation and we pay below the national average, what self-respecting educator is going to pick the 50th thing on their shopping list? I think our previous education budgets and the best efforts we could make have been the equivalent of putting band aids on bullet wounds. So if education is our patient and the Legislature is the doctor, we have a duty I think to first do no harm. If we are going to continue down that path, we cannot cut our way to a better outcome in our education system. I cannot in good conscience support pay cuts for educators in the State of Nevada. If I did, I would not be able to look myself in the mirror in the morning without wanting to cut my throat for selling out the state, the students, and the people that we are trying to help. Thank you.

CHAIR OCEGUERA:

Thank you, Mr. Daly. Mr. Goicoechea.

ASSEMBLYMAN GOICOECHEA:

Thank you, Mr. Chair. I am trying to hurry along, because I know where we are and how the votes are going to shake out. I would make a motion to move the Governor's recommended budget.

CHAIR OCEGUERA:

The motion is to move the Governor's recommended budget on the following items:

1. Does the Committee wish to decrease the basic per-pupil support by $238.2 million as recommended by the Governor's budget?

2. Does the Committee wish to decrease the K-12 budget by $256.6 million for a 5 percent school employee salary reduction as recommended in the Governor's budget?

3. Does the Committee wish to decrease the K-12 budget by $200.9 million for a 5.3 percent pay reduction for school employees for retirement contributions as recommended in the Governor's budget?

4. Does the Committee wish to decrease the K-12 budget by $141 million in cuts to teacher pay for education attainment and years of services as recommended in the Governor's budget?

5. Does the Committee wish to eliminate the requirement for class-size reduction and move the funding out of the Distributive School Account and allocate to districts after a 5.4 reduction based on the district enrollment as recommended in the Governor's budget?

6. Does the Committee wish to eliminate the requirement for full-day kindergarten and move the funding out of the Distributive School Account and allocate to districts after a 5.4 reduction based on district enrollment as recommended by the Governor's budget?

7. Does the Committee wish to use the $300.9 million of school district debt services reserves for operating purposes as recommended in the Governor's budget?

8. Does the Committee wish to credit $221.5 million of I.P. No. 1 room tax revenue to the General Fund rather to the State Supplemental School Support Fund, which was required in the petition, as recommended in the Governor's budget?

Would that be your motion, Mr. Goicoechea?

ASSEMBLYMAN GOICOECHEA:
Yes, I believe that would be correct.

CHAIR OCEGUERA:
Discussion on the motion? Mr. Conklin.

ASSEMBLYMAN CONKLIN:
Thank you, Mr. Chairman. I am disappointed. There were many of those items I feel like I am willing to compromise on and discuss. Unfortunately, the nature of the motion is to throw them all up at once, so therefore I will be voting no. If I may, also just so that I feel better about it: Cuts of this magnitude in their totality are completely unacceptable to me. My answer is no now and, again, I am willing to discuss it, but I am not willing to hang in the balance the children of my district and their education over Chapter 40 (of *Nevada Revised Statutes)*. That is not what this is about. This is a budget discussion on whether or not we should be funding the education of our children and the future of our state. I will be voting no on this motion.

CHAIR OCEGUERA:
Thank you, Mr. Conklin. Mr. Hickey.

ASSEMBLYMAN HICKEY:
Thank you, Mr. Chairman. I am going to be voting yes on this, but I would like to say, especially to the point of the Majority Leader to his earlier comments about the question of what is an acceptable level of funding, and as tonight's discussion relates to education, I for one am a member of the Ways and Means Committee on the Education Subcommittee who actually feels we ought to be apportioning a larger amount of the overall budget toward education. But we have not made decisions. To tell you personally, as a priority, I would rather see some decreases in Health and Human Services and Public Safety, and to that point, I have a bill before that committee to actually to direct more monies toward education after the Economic Forum. But that is not to the point.

I think for a lot of us, we do not want this to be black and white, but until some of the questions our caucus leader raised have been seriously discussed, then as I said, I will be a yes on the measure before us.

ASSEMBLYWOMAN KIRKPATRICK:
Thank you, Mr. Chairman. You know, I am a little disappointed because I am a pretty reasonable person within this chamber. I do not look at one person's party one way or another; I am all about being in Nevada. I am a statesman, I look at what is best for the rurals, I look at what is best for the south, what is best for northern Nevada, and I have to tell you, I am going back to Nevada being unique. And the unique thing about Nevada is we can agree to disagree, but at the end of the day, we will all walk out and do what is best for the state. My concern is by not having this discussion . . . I am not on Ways and Means, but I tell you what, I have to go home and explain to my constituents what the top six people decided in this room, and I think it is unfair to all the new legislators that are in this room to let that happen. I want to have a voice

this time; I want to be heard; I want my constituents to know the hard choices I have to make. Listen, I do not like any of these cuts, and I am sure not voting for the debt bond. I am pretty clear about that: I have been clear since day one, because that was not what I was promised. But I am willing to look at all the other stuff. I am wiling to say to my district, "You know, we had an open discussion, we talked about it, here are some of the things I am willing to bend on. I know you do not like it, but at the end of the day, these were our choices. Let's close down this school in your district, let's close down that school in your district."

I tell you what: I have a map. I can figure out how we can consolidate the whole state and how we can make this work. But this is an open discussion that we are supposed to be having. This is all of us as colleagues, this is all of us as freshmen, and this is all of us as veterans talking about what is best for the state. I am not ashamed to tell my constituents that I had some really hard choices. I am not ashamed to tell my constituents that there were some negotiations out there. I get all that, and believe me, my constituents do not really care about all of the other policy changes that we did; they do not care about the 685 bills that we passed between both houses in the last couple of weeks. They want to know, what are we going to do about education? They want to know, what is going to be in their district, what can they expect when school starts in August? I think it is a disservice to all of us, and I am disappointed that we do all not want to have this public discussion. I have nothing to gain out of this whole thing except fighting for my constituents. So I ask all of you, let us have these discussions, let us debate it publicly, because when any one of us goes home to our constituents, we can say we stood up. I do not want the core group making the decisions for me this time because I want to know what I have to tell my residents.

CHAIR OCEGUERA:
Thank you, Mrs. Kirkpatrick. Mr. Bobzien.

ASSEMBLYMAN BOBZIEN:
Thank you, Mr. Chairman, I want to echo the comments of Mrs. Kirkpatrick. Tonight I am thinking of my constituents, and I am thinking of one mother that spent some time with me at Mamie Towles Elementary School in my district a couple weeks back. She had a concern, based on her previous years' experience with one of her children in a class of third graders that had, at the beginning of the school year, well more than 30 kids in the school, and there was some fast footwork that the principal had to put in place. They found some money and were able to bring on an additional teacher, and they got the class size down. And she knows that for those two weeks, she knew that her child was not learning, and she is panicked about what is going to happen with these cuts. Now, for the last year, during the campaign and ever since then and right up to the session, I have been having people pleading with me, "Do not cut education any more," and I have had to tell them that times are tough, some cuts are going to happen, but I am not going to vote for this motion, to vote for this recommendation, at this level of severity, and go back to my district and tell that mother, "Get ready, your kid's going to have a really big class next school year." I am not going to support that motion, but I do know that we have to have some cuts; I do want to have a discussion, so as such, I will be voting against this motion.

CHAIR OCEGUERA:
Thank you, Mr. Bobzien. Mr. Horne.

ASSEMBLYMAN HORNE:
Thank you, Mr. Chairman. I am equally as upset. Like Mr. Bobzien, I have told people that this was going to be a very painful session, and while I hated doing it, I had to tell them that there are going to be some cuts to education. And tonight we have just been told the Governor's way or no way, and that is not how things are supposed to work here. I am upset that there is going to be a long line of promises broken because, just starting tonight, I told my own 5-year-old that I would be home before she went to sleep. I can tell you that is not going to happen, and I am going to hear it in the morning. When I finally get home in Las Vegas and there will be little kids' birthday parties because this is the birthday season; when I go to my kids' classmates parties, the parents are going to ask me what is going on up here. I can tell you that in both of my kids' classes . . . Chloe's kindergarten class has 30 kids in her class, and there are almost that

many in my son's second-grade class. We are in an area where twice a year we have an official raising of funds and bringing school supplies for the school. The parents do this: reams of paper, books, and all kinds of supplies. The parents bring these to the school so the school can function throughout the year, and those are just the official ones. It does not count the times in mid-semester when they ask parents who can afford it to bring additional supplies because they are running low. This is in a middle and upper-middle class neighborhood where a lot of parents can afford to do that. And I think about the other neighborhoods that have school districts in which the parents cannot contribute even a fraction of that.

We heard earlier tonight Dr. Morrison say, "If I had to choose between a quality teacher or textbooks, I will choose the teacher every time." It is amazing that we have gotten to a point where we would ask a superintendent to make that choice in the first place. And so tonight we have, I cannot even call it a debate because it is not a debate; we are not having the discussion we are supposed to be having on where we could find middle ground, because with that motion, it says there is no middle ground: you have to do it this way or no way at all. I am disheartened by that, and it looks like we are going to be here for the very long haul. I will close by saying that those of you who have taken that position, a lot of you come from areas of our state that are taking from two of the largest counties of the state, but yet you will not help move this state forward yourself, and I find it very discouraging, Mr. Chairman.

CHAIR OCEGUERA:
Thank you, Mr. Horne. Mr. Grady.

ASSEMBLYMAN GRADY:
I, too, sit here a little bit frustrated tonight, because I do not feel that we even started the conversation. In all due respect, you came in here with some points that you wanted us to consider. I would have hoped that you would have gotten together with the leadership on our side and said, "What points can we bring forward to discuss?" I agree completely with Miss Kirkpatrick: I do not want the core group choosing what we should do, but I think leadership on both sides should be able to sit down and say, "How can we phrase some questions, how can we put together something that our Committee can look at?" We did not know, other than this piece of paper, until today what you were going to bring forward. We have never seen any compromises, any discussion. We were just told, "Here it is. Vote on a piece of paper that is not even a bill." I would really hope that you and our minority leader and whoever you choose can sit down as early as tomorrow morning and put together some points that we can discuss, that we can talk about, and quit just pushing buttons that we know we are not going anywhere with tonight. Thank you.

CHAIR OCEGUERA:
Mr. Grady, I appreciate your comments, but I just take exception. This is the sheet that we would use normally and this is how we close budgets. You are on Ways and Means. These are the decision points that would be in that Committee. I did not alter them, I did not change them, I did not make them something that they were not. I just brought you what they were and asked where we are going to be on those. I take your point though about sitting down with the Minority Leader and working on those, but those decision points are not going to change: those are budget decision points. Again, I will take your advice to sit down with the Minority Leader on those, but I do not see them changing. I do not see that as a surprise. We got these to you 24 hours in advance; everyone in this body got them at the exact same time. I appreciate that. Mr. Ellison.

ASSEMBLYMAN ELLISON:
Thank you, Mr. Chairman. There is not a person in this room right now, I can swear, that does not support education—not a person. If there is, please stand up. There is not a one in here. Do we care about education with all our heart and soul, because that is our future? But I also care about the largest unemployment in the state of Nevada. Right now there are people losing their homes, their jobs—they have no place to go—and if we put another burden on these people, are they going to lose their homes and then be on the street? No sir, Mr. Chairman. I am hoping that you and Mr. Goicoechea can sit down and discuss the issues that you need to do. The

5 percent cut on education that the Governor proposed I thought was a fair thing, because it put the money back into the districts. So I support the Governor's proposal, and I am hoping that the two can sit down and talk. Thank you.

CHAIR OCEGUERA:
Thank you, Mr. Ellison. Miss Bustamante Adams.

ASSEMBLYWOMAN BUSTAMANTE ADAMS:
Thank you, Mr. Chairman. I am speaking as part of the freshman class and not from my colleagues, but just on my own. On Saturday I got to hear testimony in Ways and Means, and I went there because I wanted to understand the process. I wanted to hear the testimony myself so that I could go back to my constituents. I was grateful that I got to do that because I may never get the opportunity to sit on Ways and Means, so I was grateful that we were having the discussion. I got to hear the same thing that the leadership was hearing, Mr. Grady, and that excited me. I want for us to be able to talk openly about the decision points. I do not want it to come down from leadership. I want something different for myself, and I want to be able to explain it, on my own without having talking points, and I thought that was what we were going to be able to do here. I want to hear the suggestions from the other side, and I am disappointed. I think we are doing a disservice to the Nevadans by not having the discussion in the open. Thank you.

CHAIR OCEGUERA:
Thank you, Miss Bustamante Adams. Mr. Anderson.

ASSEMBLYMAN ANDERSON:
Thank you, Mr. Chairman. I will be standing in opposition to this motion, first and foremost because two weeks ago, I had a town hall. I had nearly 50 people show up—Republicans, Democrats, everyone—and I sat there and we had a real conversation about what was going on in the session. I told them where we were at with the budget, and not one person—Republican, Democrat, or anyone—said, "Do not raise my taxes." This is about education; education is so important. This is not 1864. We cannot expect that we are going to lower taxes and businesses are going to come in and set up shop and create jobs. This is the twenty-first century; we live in a globalized world, and we are not going to create jobs by lowering an already low tax burden. If you need evidence, look at the fact that high tech states with better education systems have lower unemployment rates.

So the decision is not about the budget: it is about creating jobs. If we do not fund education where it needs to be at and compete with the rest of the states and other countries, we are going to get caught in the middle, neither winning the race to the bottom nor the race to the top. So with that, I stand in opposition. Thank you, Mr. Chairman.

CHAIR OCEGUERA:
Thank you, Mr. Anderson. Mr. Kirner.

ASSEMBLYMAN KIRNER:
Thank you, Mr. Chair. I feel that we are a bunch of boxes that are boxing ourselves in the corner. I do not think Mr. Clinger or the Governor put together a budget just to see how much we could fight over it. I think, and I am kind of agreeing with Mr. Ellison, we all appreciate education. I certainly appreciate education—I have benefitted by it. I would like to see us increase our spending on it. If there is a way to find more money that does not involve taxes, because that is the issue, you will not get it past the Governor; let us talk about it. I think there is room to talk, but I think there has to be some give and take. At this point, I do not see a plan coming forward. You say, "Here is the plan." Now we have someplace on the table we can start talking. I think we have to talk—I really, really do. And I think if we can figure out a way to do that without raising taxes, I am for it. If we want to spend less money on the prisons, okay. If we want to spend less money in Health and Human Services, okay. But it is a zero-sum game right now, and I do not know how you get around that. Like I said, I do not think the Governor presented a budget that was designed to be anything but the best he could do with the money that he had, and that is kind of where I am sitting, sir.

CHAIR OCEGUERA:

Thank you, Mr. Kirner. I want to just mention the "Where is the plan?" mantra. The Governor proposes a budget—we do not propose a budget. The Legislature does not propose a budget; we do not propose an alternate budget; we do not propose an alternate plan. The Governor proposes the budget, we look at it, and we make decisions based on points in that budget. We say, we like this, we do not like this, and generally we do not change a lot. And, quite frankly, this time we are probably not going to change a lot. There is no other plan; we are doing it as we have always done it and how it is mandated to us: the Governor presents a budget, we take that budget, and then we modify it.

ASSEMBLYMAN KIRNER:

Mr. Chair, I do not disagree with what you are saying. We are not going to create the budget. But if we are sitting here thinking, "What room is there to move?" that means you are looking for some kind of a modification, and so I am willing to say let us sit down and figure it out, but at the end of the day, it is a zero-sum game.

CHAIR OCEGUERA:

Thank you, Mr. Kirner. Miss Dondero Loop.

ASSEMBLYWOMAN DONDERO LOOP:

Thank you, Mr. Chairman. With all due respect, I am not on Ways and Means, and I received this budget just like everybody else, and I looked through it, and I just have to say that when we talk about people losing those jobs, those are teachers that will lose those jobs, and so I am going to vote for jobs, and I am going to vote to make Nevada stronger, and I am going to vote to value our kids and our future in this state. I think that is the only way we can do it, and if it means we have to compromise, then we will talk about that. But to not want to compromise, to only choose what is on this piece of paper, is not what we came here tonight to do, and I think that is exactly what you were doing, Mr. Chair, was asking us all how we would be willing to compromise by voting. Thank you.

CHAIR OCEGUERA:

Mr. Hardy.

ASSEMBLYMAN HARDY:

Thank you, Mr. Speaker. We all talked about hard decisions that we have to make. Over two years ago I made the toughest decisions I have ever made in my life in one of the toughest times I have ever had in my life. I have laid off over 200 employees in the last 2 1/2 to 3 years—very difficult. You cannot do anything worse than that. These people did not desire it, did not deserve it, or anything else—it was based on the economy. The time is tough; yes it is. But we talk about issues; we have been talking about making jobs in this state; and we wanted to take off one of the issues I believe is a job creator. We will talk about Chapter 40—that creates jobs that pay taxes. When developers are leaving this state and not going to come back because of Chapter 40, we need to look at those types of issues. We have talked about prevailing wage as one of those issues that we need to discuss. None of us wants to really talk about that issue because maybe it fits into our mantra of whoever supports us. But I am a contractor; I have watched over the years that prevailing wage steal from the state, time and time again. How many more schools could we have developed? What kind of hole would we have not been in if we had not paid those kind of wages? I have heard discussions about how that brings up a better, higher class. I am here to tell you it does not. I pay my employees well, and most of the noncollective parties or whatever it is (do not want to use the word union, but I just did) nonorganized labor, continue to pay their employees well. All those issues that unions were put in place to do, such as safety and all the other issues, there out there in the law books. We need to look at those kinds of things—they are protected. The salary: let us go back to being a competitive state. Why are we the highest-paid state, I think there are maybe two or three others ahead of us based on prevailing wage, when we are the lowest when we talk about the lowest in the country for education? Those monies could be put back into education where they need to be.

There are a number of other issues that are on the table out there. I think we need the major reforms, but we have not talked about those yet either. My employees have to work hard and negotiate for their job, and I get to evaluate them based on their performance. Why do not educators, and I want to be very clear about this, and administrators have to make sure that they are based on performance pay. You talk about teachers, but I believe they have been penalized over the years for the lack of administration and supervision with the proper skills. These kinds of issues needed to be discussed weeks ago, they have been out there for a long time. When are we going to start discussing them and make real decisions that will save the money, billions of dollars I believe? Thank you.

CHAIR OCEGUERA:

Thank you, Mr. Hardy. I am going to take two more and then we are going to call for the question. Mrs. Mastroluca.

ASSEMBLYWOMAN APRIL MASTROLUCA:

Thank you, Mr. Chairman. Listening to this conversation, I have jotted down notes, and everyone has different points. We all came into this building a few months ago with ideals of what we expected to accomplish. But the reality is, this is a democracy, and being a democracy means that we have discussion and we go back and forth, and sometimes we have to give up things that we wanted, and sometimes everyone gets a little something that they really wanted. I cannot vote Governor recommended budget because this is a democracy. I have respect for the Governor and the office that he sits in, but it is not his choice to decide what our budget looks like. That is why we are here. I cannot just blindly vote Gov. Rec., Gov. Rec., Gov. Rec., Gov. Rec., and go home, because if that is the reason that you think you are supposed to be here, then we could put anyone in your seat. You are here because we are supposed to have discussions, and we are supposed to talk about the issues.

We are talking about making choices; we are talking about are we going to choose supporting business or are we going to choose supporting education? Are we going to choose supporting education, or are we going to choose health care? These are not all or nothing discussions; this is not a zero-end game. We have to give and take on each one of these issues, because none of us are ever going to agree on what is the number one priority. We can all say education is the number one priority, but there is always someone in the crowd that says, "Yeah, but . . . " This is not the time for "yeah, but . . . "; this is called compromise.

So many of our families are hurting and so many of our constituents are hurting, and we have always talked about how when you do not have enough money at home, what do you do? You go back and you look at your budget, and you cut the things out that you do not need. You cut out the cable, you cut out the extra activities that you do, you cut a little bit here and you cut a little bit there. And we are willing to do that. But, sometimes cutting just is not enough, and that is why my husband goes and gets a second job and that is why my daughter works and that is why I work two jobs, because cutting just is not enough sometimes.

So we are asking our families to do this; I think that we need to step up and do the same. We can only cut ourselves so far out of this. We are not talking about increasing spending in education. I have heard that at least a dozen times in this room. We are not standing up saying that we want to spend $100 billion on education, money that we have never spent before. We are saying we cannot continue to cut our way out and expect results. I do not want to be the person that has to apologize to kids and tell them I am really sorry that you did not get the education you deserved, but we just did not have enough money. We are all going to have to go back to our constituents and say that if you all vote Gov. Rec., Gov. Rec., Gov. Rec., and I am not willing to do that.

I have a daughter going to college in the fall; she is going to go to UNLV. She wanted to go to school for social work; she recognizes that she will now have to go out of state for social work because there is not going to be a social work program here. I have a son that is a freshman in high school. He lives and breathes for band. I cannot guarantee that he is going to have a band program next year, and it is not just him: it is the 300 other kids in that school that live and breathe for band. We have to look beyond ourselves. This is not about us; this is about the people that we serve; and I ask you, and I beg of you, to think about the people that you serve and think about the people that we all have to go home and answer to and tell them that we

worked together to come up with a compromise to do what we thought was best, not just pushing a button and voting Gov. Rec., Gov. Rec., Gov. Rec.

CHAIR OCEGUERA:
Thank you, Mrs. Mastroluca. Last person: Mrs. Smith.

ASSEMBLYWOMAN SMITH:
Thank you, Mr. Chairman. I think everyone in the chambers knows how I feel about education funding: it is pretty clear. But like my colleague Mr. Conklin, I was ready to vote tonight to indicate the areas where I thought I could compromise on cuts, because I know we have to make cuts. We have been making cuts every day. I heard my colleague say there is nothing about this budget we like, but we are going to vote for it anyway. This is only a zero-sum game, if we make it that.

I want to really just talk about the process. This is our job; this is what we are doing. This document you worked off of tonight is the same document that was the budget overview when this session opened. This is not new information. These are the major decision points that were in the K-12 budget when we got here, and these are the major decisions that we have been elected to make. I heard we want, we want, we want; well, when do I get what I want? I have put out reforms; I have sponsored bills; we have passed bills; we have a bill that this body passed that talks about evaluating principals, about bringing principals into the same system teachers are in. We have made major steps toward the educator evaluation process and probationary status and post probationary status. We have done those things in good faith.

I am telling you: we all know that our constituents, the public, expect us to work together and find compromise: they do not expect us to stay in our corners. This is the time, my colleagues, for discussion. This is how we make decisions. We need to figure out how much money we think we need so we can figure out what those paths are. Until we come to an agreement on what we want to cut in the education budget, how do we know what kind of revenue we would need? We are doing things in the right order, and this is how and where the decisions are made, and that is what the public expects of us.

I am surprised, I guess, because I have believed that the time has come for us to start having these discussions and that we owe it to the people who we represent to have those discussions honestly, and we have an opportunity to do this in the open. Again, these decisions that we have to make are no surprise: we have been discussing them for weeks, Mr. Chairman. I have put out the things that I am willing to compromise on as an individual, and I want to know when do I get what I want. Thank you.

CHAIR OCEGUERA:
Thank you, Mrs. Smith. Mr. Goicoechea has made a motion, and Mr. Stewart seconded the motion, that the body vote Gov. Rec. on the eight points. All those in favor vote green, and all those opposed vote red.

[There were 16 yays and 26 nays.]

ASSEMBLYMAN CONKLIN:
Mr. Chairman, I think it is perfectly clear from the board where people are standing. I would like to know if maybe you would entertain an alternate motion. I suppose an alternate motion would be of those who voted no on the previous motion, how many of those would be willing to compromise on some of the points in the original motion, if you would be able to entertain such a motion.

CHAIR OCEGUERA:
I would; however, I do not believe we would be able to do that on the board. We would have to do a show of hands or standing or something. I think it is an appropriate motion. Of those of you who voted no, are there members who are willing to compromise? Do we have second? Second. Discussion on that motion? Mr. Aizley.

ASSEMBLYMAN PAUL AIZLEY:
Thank you, Mr. Chairman. I just want to say that I do not see this as a zero-sum game when the taking of the debt service reserves is going to increase the taxes in Clark County. I do not see how anybody can call it a zero-sum game. We have had more than one testimony from the school people saying that if the debt service money is swept, then Clark County will have to raise its taxes. So that is not a zero-sum game. Thank you.

CHAIR OCEGUERA:
Thank you, Mr. Aizley. Mr. Sherwood.

ASSEMBLYMAN SHERWOOD:
This feels like an episode of the Twilight Zone, seriously. On March 3, our leader put out some things that we would compromise on, and they were given short shrift, and now we have talked about it for four hours and somehow we do not want to compromise. This is disingenuous at best. Are you kidding? As far as when do I get what I want, really? How many bills did we get out, Debbie? The compromise and what do you want and everything else is convenient when we have a forum here and we can try and paint these guys as hating kids, but this is a farce.

CHAIR OCEGUERA:
All right, Mr. Sherwood. I appreciate your comments. However, let us name the five bills that you wish to have available. I believe that the construction defect bill—I have that bill—it is still alive. The PERS reform—I have that bill—it is still alive. Prevailing wage—we have that bill—it is still alive. Tell me your other reforms, because I think I answered all those questions. I do not know if we have a 288 bill; there is a 288 bill on the other side. Mrs. Kirkpatrick.

ASSEMBLYWOMAN KIRKPATRICK:
Thank you, Mr. Chairman. Here is the thing. I do not think anybody in this room, and the emotions are fine, I think that at the end of this night, and I think that Mr. Conklin was just trying to say, let us go back and tell our constituents emotions are high tonight, education is important, there are a lot of other issues, but let us just say we are willing to come back and have these discussions again. I do not know about anybody else in this room, but I never mentioned taxes once tonight. What I did say is, as a statesman, I am going to do what is best for the entire state. I am going to think of each and every one of you in this room when we make choices. And if we want to play D.C. politics, well here it is. That is not what makes Nevada unique. What makes Nevada unique is that we can have an open debate; we can get along later; we can compromise; at the end of the day, we all care about this entire state. I do not want to be in D.C. politics. I am in the Nevada Legislature because I care about Nevada.

I think that to say Mr. Conklin's motion was disingenuous is really somebody who does not understand the process. I am not a mean person, but if you push me in a corner and you tell me I cannot represent my constituents and I cannot go home tonight and say that I am willing to compromise . . . listen, I do not like a lot of these. I am willing to compromise. Do I agree that cutting teachers any more is pretty painful? Yes. Do I think that maybe we ought to talk about PERS equalization? Absolutely. I will tell you what: if we are going call out specific names on the floor, I am going to call some names out too, because in Government Affairs, we worked in a bipartisan manner to get things done. In Taxation, we worked in a bipartisan manner to get things done. On the Energy Subcommittee, we worked in a bipartisan manner to get things done. We can sit here and call names all night long, and I am going to win at the end of the day, because people are not going to like what I am going to say.

Let us talk about all the good things that we have done so far. Let us talk about the willingness to compromise. I think Mr. Conklin was absolutely right as his job as the majority leader to try and bring us all back together to do what is best for our state. Mr. Chairman, I do support having that discussion, because I think this institution is going to get lost when we start making it personal. First of all, in committee, I would never refer to my roommate as Debbie, because that is disrespectful to the institution—period. And I think that is disrespectful to everybody here. I address Mr. Ellison as Mr. Ellison; Mr. Goicoechea—I have been calling him that for five years—I have never called him Pete unless I have been in his office, because that is

not the institution. I am here because I respect the institution, and I think that for you freshmen, this is your first time, if you do not respect the institution, do not come back, because you are doing a disservice to the state. I think the majority leader was absolutely right, and if we are not here to compromise, let's go home today, because I cannot do anything different.

And if this is about bills, and this is about hostage, I do not play that game. I am going to win that game at the end if that is what it is about. I have never done that; I have never held anybody's bill hostage; I have never failed to give a fair hearing. I think it is disingenuous in this institution to mark everybody with that saying. If you come with a good bill, you are going to get a fair hearing, but if you come with a stupid bill, we have to evaluate our time. It is about priorities. I have said that to the people on the Senate side before when they said they were going to hear every single bill. I will tell you what: why do you not ask people on Government Affairs or Taxation about sitting in their chairs for 8 hours and 17 minutes last week trying to hear all of our colleagues' bills to decide which ones were the best policy for the state.

I am a policy person. Want to talk policy? Let us have a policy discussion. You want to insult people, you want to violate the institution? Let's talk, because I am ready. I am tired of having closed door conversations. Let's have it right here in the public, because I can debate all of you. So if you do not respect the institution, go home and stay home, because I love Nevada, I respect the institution, and I respect each and every one of you for your opinion in this room.

CHAIR OCEGUERA:
Mr. Hansen.

ASSEMBLYMAN HANSEN:
Thanks, Mr. Chairman. I come from an industry that has 80 percent unemployment. To ask somebody to have a 5 percent pay cut: I have news for you—80 percent of the people who are unemployed in construction would kill to have only a 5 percent pay cut at the moment. So I think we need to look at the bigger picture, and that is while we all agree that we would love to spend more on education, it is not there. The economy that existed in 2005 no longer exists. The base to go after, that revenue, is not there anymore. We have 1 in 17 houses in foreclosure; we have 1 in 7 houses vacant. To go after property taxes, sales taxes, or whatever is going to hit the small people, the little businessman who is just struggling to stay alive. When I got elected, one of the things I was very clearly told was to learn to live within your means, and right now our means are way down and we are going to have to make some tough adjustments. Very few people are going to get laid off, and to have minor pay cuts is not going to be that horrible compared to what everybody else in these industries are facing: 14 percent unemployment overall in the state.

I think also it is very disingenuous to say we are not talking taxes if we do not accept the Governor's recommendations. The fact is, if we do not accept the Governor's recommendations, the only other alternative is to raise revenue through some form of taxation. If we are going to be completely honest in this body, we need to recognize that for those of us who are supporting the Governor's recommendation, what we are really saying is that we do not support additional taxes on people that are already struggling just to keep their heads above water.

With that, out of all of the Republicans . . . the Republicans in the Assembly have been more willing to compromise than our fellow colleagues on the Senate side. We have tried hard to work with these things. You mentioned construction defects: that was my bill–A.B. 285. I was told that the leadership, you, had worked out a deal where that bill, my bill, was going to stay alive; in fact, it is dead. So if we want to have an open discussion and agree to compromise, it has to be done in a state of complete honesty, and in the absence of that, I do not feel real comfortable compromising on some of these things. At this point, I am going to support the motion for Gov. Rec.—I do not know what the new motion is going to be. But until we have the taxes that are going to be raised and who exactly is going to get paid, I do not think we are going to be able to go forward at this point. Thank you very much.

CHAIR OCEGUERA:
Let us go to Mr. Hammond.

ASSEMBLYMAN HAMMOND:
Yes, Mr. Chair. If I am not mistaken, the motion is to have a vote of the subgroup that voted no, and I was wondering if that is appropriate in the Committee of the Whole.

CHAIR OCEGUERA:
I think you can split a question. Mr. Conklin?

ASSEMBLYMAN CONKLIN:
Thank you, Mr. Chairman. I do believe you can split a question, and all we are trying to do is get a sense of where people are. The votes are not binding in any way; we are just trying to get a sense. That is the way we started the whole evening.

CHAIR OCEGUERA:
Yes, it would be similar to being in committee and just having a show of hands on an issue where you are not taking a vote; you are just trying to get a sense of where people are at. Let us go to Mr. Kirner.

ASSEMBLYMAN KIRNER:
Thank you, Mr. Chair. I think that this is a process. And I do not know if we have the old vote that we did along party lines—is that still available? If it is, you could ask your question and say if anyone is willing to have further discussions, they can hit the yellow button, and then you can see how it changes. I do not know if we have that.

CHAIR OCEGUERA:
As I told you, I just had them create a deal that they could flip it up there. I think it was 26-16 if I recall.

ASSEMBLYMAN KIRNER:
You have a good memory, sir. While you are thinking about that, if I could speak to my colleague Miss Kirkpatrick's comments, I have to say I think she has been imminently fair in her committees. I have certainly benefited from that myself, so I give her kudos. I think that she has been a star in that respect, and I appreciate that very much. I think we all like Nevada; I think we all love Nevada. I think we all want the best for Nevada. We are just coming at it from different perspectives, and the task is how can we can get those perspectives turned around that we are all at least singing off the same kumbaya sheet, and that is not easy. And we are finding that out right here tonight. I do not know where we go; we seem to be at a stalemate here for the moment, Mr. Chair. Anyway, that is my two cents worth.

CHAIR OCEGUERA:
Thank you, Mr. Kirner. Mr. Carrillo.

ASSEMBLYMAN RICHARD CARRILLO:
Thank you, Mr. Chair. It is kind of ironic that we are having this meeting tonight, this Committee of the Whole. I got an email from one of my constituents today. It was a story called The Blueberry Story. I am not going to go into all the details of it, but what it came down to was that you had an individual who was a businessman who could not believe how schools could run the business or run the school like a business: they would be out of business—there is no way the schools would operate. One teacher posed a question to the businessman, and she asked him, "If you get a bad batch of blueberries that come in a shipment, what do you do with them?" He said, "Well, if they are bad, we send them back. That is good business." But these kids that these teachers have to deal with everyday, the students, the ones that they love and take care of and make sure that they do have an education—they cannot send them back. They are there for the long haul: all these teachers are. We cannot turn our backs on the teachers. It does not matter if they are ADD or ADHD or whatever acronym you want to throw in front of it, they have to take them. And to my colleague Mr. Hansen, I am aware of the 80 percent unemployment rate. I deal with it every day. I have a lot of my union brothers and sisters that are part of that 80 percent; I can totally respect that. By the same aspect, you cannot run a school like a business: it is just not going to work. You have to make sure you take care of every

teacher, every student, and make sure all their needs are taken care of, because they are our future. Thank you, Mr. Chair.

CHAIR OCEGUERA:
Thank you, Mr. Carrillo. Mr. Bobzien.

ASSEMBLYMAN BOBZIEN:
Thank you, Mr. Chairman. As I understand the motion, and certainly that last vote was an indication, and what we have heard, I think it is pretty clear where people are right now. We are just past day 70 here. We are closing budgets; we have already begun closing other budgets; now is the time. But if this is where we are tonight, and Mr. Conklin's motion, as I understand it, is just to say—this is very simple; this is not a farce; this is not a joke—this is simply: We are 42 people in this chamber; are we agreeing tonight to keep talking? We are not asking anyone to bump off of their position; we are just asking, "Are you open to talking?" And so, as such, I am going to support that motion, and I sure hope that if nothing else this evening, that motion can pass unanimously.

CHAIR OCEGUERA:
I do not think that motion can pass unanimously, because I do not think everybody would vote on that one, but maybe we could get a motion that would pass unanimously. Mr. Horne.

ASSEMBLYMAN HORNE:
Thank you, Mr. Chairman. I am sorry to belabor, but I could not go without speaking first of all to Mr. Hansen's concerns about unemployment and Chapter 40. As you know and I know, I have been around for the Chapter 40 debate for quite some time. To go and tear up Chapter 40 today, and a lot of those jobs are not coming back, and it has nothing to do with Chapter 40. We all know what it is about, and it is not like we did not give the bills a hearing. I mentioned that today in my committee: 117 bills referred in my committee, over 90 heard, 80 processed. Bills that went on the board that did not get passed were both Democratic bills and Republican bills. Three of the bills were mine, the Chairman's bills, and I take exception with Mr. Sherwood questioning whether or not we are processing their pieces of legislation. I am a member of two other committees, but I think they will tell you in my committee, people come to me and I tell them right to their face, "No, that bill is not going to happen." People come to me and I tell them, "I have a problem with the bill, but I am not going to stand in its way." Mr. Frierson and others in committee helped Mr. Goicoechea with a bill. I have gone to Mr. Goicoechea and said, "Your bill has a problem; we can make this work." I talked to Mr. Kite about one of his bills and said, "We can get this passed; you have a hang-up right here; if you are willing to do that, we will move your bill."

So, for Mr. Sherwood to stand up on this floor and make those suggestions is insulting. I am very offended by it, because typically I am not one to throw out the freshman card, but you have to be a member of this body for a little while before you start accusing people of messing with your bills, or not hearing the process and not compromising, calling this procedure a farce. Many of us on both sides of the aisle have been here too long and worked too hard and have stayed here . . . this is your first night making it to 11:00. Do you know how many times we have done this, those of us who have been here for a while? It is not a farce, it is not a game, it is not a show on TV. This is real life.

There are people at home in all of our districts listening to this right now on the Internet or watching it on the Internet, and they are wondering what is going on. Right now, we have a motion about who is going to stand up and be willing to compromise. There is stuff in this thing that I do not like, and if you are here long enough, there are going to be other things you are going to plug your nose and you are going to push the green button. It is going to happen if you are here any long period of time; it happens. And this happens to be one of those things for me. There is stuff in here that I do not like, but I am willing to compromise. And I say that today, and I will get calls, and I will get emails asking, "You are not going to compromise on this are you? You said you were going to compromise on that." There have been sessions when I have gone home and I have had to explain my votes because I have had to compromise. But that is part of the gig: that is what you signed up for. So to sit here and number one, say we are not

going to compromise, or to sit here and say that this is a farce, you have not paid attention for the limited amount of time you have been here. Thank you, Mr. Chair.

CHAIR OCEGUERA:
Thank you, Mr. Horne. Mr. Livermore.

ASSEMBLYMAN LIVERMORE:
Thank you, Mr. Chairman. Everybody knows I served 12 years on the Carson City Board of Supervisors, and my last 3 years in that seat, we recognized the economy was not what it was at that point in time, and we started making adjustments. We started controlling the budget. We had to prepare a balanced budget also, but some of the decisions were not of the magnitude of here; I will recognize that. But the decisions are still the same. When you sit in that chair, you raise people's taxes or you cut their services; it is still the issue that you are dealing with. We started trimming local government, and one of the things that this institution has not done in the past session or the special session, they kicked the can down the road to us here today. You had some benefit of ARRA funds that came to you to shore up education, and why I say that is this decision should have been implemented and discussed and the elements of that over the last couple of . . . at least when this body has met during the special session and the regular session. I have to tell you that from the business community that I come from, from the people that I know, my neighbors . . . in fact, there are people that I know in that are in their seniors lives when they should be retiring and enjoying the fruits of their benefits are worried about how they are going to stay in their homes, and they are worried about where they are going to get groceries to put on the table; they are worried about the $4 gas that is coming to be more of a realty. Why I say this is that we, today, have an opportunity to reflect to what the reality of the economy is today and to really look at how we can work and how we can compromise.

I do not think that the Governor's request is that exceptionally hard, and I think Mr. Hickey talked about it from his point of view about his employees. I attended a Builders Association of Western Nevada installation dinner in January, and the Governor was the speaker at that time. I was just there to witness the installation and the building community that I knew, but there were so many contractors, so many individuals in that room that no longer not only had a job, they did not have their company. One of the biggest builders in Carson City that has built a lot of big buildings is no longer the name of his company. He has a job, but he had to merge it with another company in order to sustain itself. So individuals have made tough choices, and I am just saying that as individuals make tough choices, it is this body that needs to make this tough choice. I would love to be able to turn whatever assets I have over for children, because I have always been, maybe not in the element of school, but in parks and recreation and sports programming and those benefits; I have been a champion of young people.

My wife today still is a teacher's aide at a charter school, and she goes to work every Wednesday, Thursday, and Friday and deals with first and second graders. She understands the difficulties that these young children are coming from when they come to school with no lunches and things like that. But that is the family element. If the family element cannot afford bread and peanut butter and jelly, how are we going to ask them to afford additional taxes to pay this potential education? And it is not again, Mr. Chairman, I am very supportive of education. I am a benefit of that and my children are a benefit of that . . . all went to the public school system, all went through college, and me and my wife paid that fully. But today, I guess I plead to my colleagues in this institution here to at least be able to have some dialogue about where we need to go, what we need to fund, and what reality is in the issue that we face in this economy today. Thank you.

CHAIR OCEGUERA:
Thank you, Mr. Livermore. I would say two things: I agree with a lot of what you said. I agree that we have kicked the can down the road on a number of occasions, but I cannot agree with you that we did not in the last session and the last special session make a lot of cuts. We took that responsibility very seriously and did a lot of cuts. Did we kick the can down the road on the revenue side by taking ARRA money and doing those kinds of things? Could not agree with you more. Miss Diaz.

ASSEMBLYWOMAN OLIVIA DIAZ:

Thank you, Mr. Chairman. I am just perplexed that we just had this Committee of the Whole, we had the different representatives from the school districts come and testify in front of us, give us the realistic information, the data that we need to make an informed decision, and I have been hearing we do share common ground. I have been hearing we want education reform. From one of us who works in the trenches in the education field, you cannot have reform if you are not going to fund it adequately. We have been hearing a lot in the Education Committee about Florida and the wonders that Florida is doing with the similar demographics and population that the state of Nevada has, yet we are not willing to step up to the plate and fund as Florida has funded. I have heard that we want to end social promotion, but then we are saying to cut full-day kindergarten. We are being very regressive in these measures that we are taking, and if we are seeking reform without really putting our brain into it, I think we are defeating the whole purpose of being here.

I know that all of our constituents elected us because we are intelligent people, and we are here to represent their best interest, and I cannot go home saying that we could not find middle ground; that we have to go forward with these Governor's recommendations that I know will not do much good, at least not in Clark County, not with the populations that I serve day to day. Maybe we are running on fumes and on emotions right now because we have not been well fed and it is late. But really think about it. I think there is lots of commonalities: we just have to find how we can meet each other without impacting the future of our state, which I hold deeply to my heart, and it is the children. I am a product of public education, and I want the children that are coming behind us to have the same opportunities that I had once. I have heard it tonight from all different representatives from different school districts, that if we continue forward with this agenda, we are not going to offer that to our children, so I will leave you with those words. Thank you.

CHAIR OCEGUERA:

Thank you, Ms. Diaz. We are going to have two more and that is it. There is a motion on the floor. So we will go with Mr. Ellison.

ASSEMBLYMAN ELLISON:

Thank you, Mr. Chairman. You know, we did have a dialogue tonight, and it was mostly the teachers. We are talking about the whole Governor's budget: where was the business community and the people at large? We did not have that tonight. We had the school district—that is all we had in here speaking. With respect for Miss Kirkpatrick and some of the others in the room I have the highest regards for, who I consider my friends and my colleagues, but I can tell you when our representative, Mr. Goicoechea, was pushed in a corner when he said let us wait and talk about this, that did not happen. I think we threw him under the bus, you pushed him a corner, and said this is what it is going to be or it is going to be nothing. You cannot blame just Republicans, because we are on one side; the Democrats are on the other side. I say that you take nothing, and you put Mr. Goicoechea, the Chairman, and the Governor together and talk about stuff that could be deducted and changed for instead of where we are going right now. But, really, tonight we heard from teachers; we did not hear from corporations; we did not hear from businesses; we did not hear about anything else in that Governor's budget other than education. That is why I am saying we did not have a full dialogue. That is the way I feel. Thank you.

CHAIR OCEGUERA:

Thank you, Mr. Ellison. Last comment, Mrs. Smith.

ASSEMBLYWOMAN SMITH:

First I want to say that no one in this body in any one party owns the pain we feel about jobs or the economy. We all know people out of work. I have told the story countless times about my son-in-law who is now in his sixth state in two years working out of state to take care of his family. I want him to come home. So none of us get to own that.

Those of us who have been here for a few years do feel the pain of what we have been doing. To Mr. Livermore, we have probably kicked the can down the road some, but we have also

eliminated hundreds of millions of dollars from the budget, and we have eliminated hundreds and hundreds of jobs. In fact, this budget kicks the can down the road by about $1 billion, and that is a fact. So those are the tough decisions we are faced with.

Tonight we were not talking about taxes, we were talking about the K-12 budget and, again, closing it in or discussing it in a work session in the same way we would have. What I would like to say is this is the beginning, this is not the end. We are a little more than half-way through this process; we are not at a stalemate, because this was the first tough discussion we have had, right? The first discussion we have had, and there will be more. We were sent here to make very difficult decisions.

We cannot call each other disingenuous because we disagree. I have been called that twice in the last week over a difference of opinion on this floor. That should not happen just because we have a difference of opinion. We need to respect each other, and we need to continue working together. We have a long row to hoe in the next several weeks, and this is the first of many difficult discussions. It is not a farce; it is not a train wreck as some people out there are calling us. We are human beings who have passion about what we believe in, about the state that we dearly love, and the constituents who we represent. So I ask that we all take this discussion tonight for what it was worth: a very informative discussion for people who had not heard this budget before. I need to reiterate: it is not a 5 percent cut. You heard it yourself: it was 5 and 5 and 5 and then some. So that was the point of having this discussion tonight: to make sure that all of our members knew where we stood with this K-12 budget.

So let us take a deep breath. Let us remember who we are and why we came here, and let us come back and do this again. I am willing to compromise; I have said it over and over and over, and I have demonstrated it. To my colleague, I thought I probably made it sound like I was being facetious about when do I get what I want; I was referring to this budget, because I feel like I am giving up plenty in this budget. I know I have to cut this K-12 budget; I know I have to cut veterans' services; I know I have to cut Family-to-Family; I know I have to eliminate hundreds of jobs. We all have to do that, and we will do this together.

So, I ask Mr. Chairman, that if we are going to take some final position, we do that. I am willing to stand up on this floor right now and say I am willing to compromise, are you? And then let us take a deep breath, let us get something to eat, and let us come back, because Ways and Means meets at 7:30 tomorrow morning. Thank you, Mr. Speaker.

CHAIR OCEGUERA:

Thank you, Mrs. Smith. I said that was the last one, but Mr. Stewart, I have seen your light go on and off all night and you have not spoken. So I am going to take a risk here, and I am going to call on you.

ASSEMBLYMAN STEWART:

Thank you, Mr. Chairman, I have been undecided of what to say, but I just want the Democratic leadership to know that I respect them: the Assistant Majority Leader, the Majority Leader, and you. I think you have conducted yourselves very well tonight in a very trying difficult circumstance, and I think we have actually been quite agreeable in a disagreeable situation. I know we all love Nevada, I know you love Nevada, I know Mr. Goicoechea loves Nevada, and all those who have spoken love Nevada. I, for one, am willing to continue talking as the Chairman of Ways and Means has said, and I think as we talk, we will get a little more quiet and perhaps tomorrow will be a brighter day. Thank you, Mr. Chairman.

CHAIR OCEGUERA:

Thank you, Mr. Stewart. There is a motion on the floor. The motion I believe is for those of you who voted no on the previous motion, is there room to compromise? So those who voted no on the previous motion, if you would stand if you are willing to compromise.

Okay. I am willing to entertain any more motions. Mr. Conklin.

ASSEMBLYMAN CONKLIN:

Mr. Chair, if I may, just a couple of remarks. Maybe there is another motion. I do not want to belabor the point because I know it is late, but I will also say I know it gets heated sometimes. We are all passionate; we are not in a place we want to be. That is not just here at 11:30 on a

Tuesday night trying to find out where we go from here, but you know, times are tough: we all recognize that. I know there have been some remarks that some people have taken personal, and for that, on behalf of everybody to everybody else, I apologize. It is not in the nature of this body. To my colleague Mr. Stewart, as always, you are gracious and I appreciate that, and I will let you know that there is enormous mutual respect for all of your leadership team from all of ours, too. I know Pete's being awfully quiet over there, but that means you, too.

Mr. Speaker, if I may, maybe we need to try a compromise motion, one that just says if you are willing to compromise what we have got to move somewhere. It is not going to be easy, but we need to know who in this body is willing to stand up and say, "I am willing to compromise." I do not know if that can be placed in a motion, or stand, or board or what, instead of limiting. Maybe nobody wants to do that. I will leave it to my colleague to the right.

CHAIR OCEGUERA:
Mr. Goicoechea.

ASSEMBLYMAN GOICOECHEA:
Thank you, Mr. Chair. You know, at this point, I think we can stay here another 30 or 40 minutes. There is no doubt that everyone in this body is willing to look for a solution. There are just some questions we need answered, and I know there are some questions on your side you need answered. Then we get to the real game, and there are some questions on the other side of this building that need to be answered by the other body. So it is not something we are going to resolve in the next 35 minute here with, I am sorry, a warm and fuzzy motion. The bottom line is we have some work to do. Thank you.

Exhibit A is the agenda. Exhibit B is the attendance roster.
Exhibit C

ASSEMBLY COMMITTEE OF THE WHOLE
WORK SESSION ON GOVERNOR'S BUDGET PROPOSAL FOR K-12 EDUCATION

K-12 EDUCATION 1–26, Volume I

Overview
The budget accounts for K-12 education include the Distributive School Account (DSA), the School Remediation Trust Fund, Incentives for Licensed Education Personnel, Other State Education Programs, the Educational Trust Fund and the State Supplemental School Support Fund.

The table below compares state K-12 education funding approved in the 2009 Legislative Session, and as adjusted by the 26th Special Session (2010), with the Governor's recommended state K-12 education funding for the 2011-13 biennium (prior to the submission of budget amendments):

K-12 Education State Funding	(millions) Leg Approved			(millions) 26th Special Session			(millions) Gov Recommend			% Change Gov Rec to Leg App	% Change Gov Rec to 26th SS
	2010	2011	2009-11	2010	2011	2009-11	2012	2013	2011-13		
DSA (Total State Share) [1]	1,360	1,431	2,791	1,332	1,318	2,650	1,036	1,018	2,054	-26%	-22%
Remediation Trust Fund [1]	26	25	51	26	25	51	170	191	361	608%	608%
Licensed Teacher Incentives [1]	-	25	25	-	25	25	13	12	25	1%	0%
Other State Eduation Programs [1]	10	9	19	10	9	19	-	-	-	-100%	-100%
Total State Funding K-12 Education	$ 1,396	$ 1,490	$2,886	$1,368	$1,377	$2,745	$1,219	$1,221	$ 2,440	-15%	-11%

[1] Comparisons are impacted by transfers recommended in The Executive Budget within K-12 budgets.

K-12 Budget Amendments – Between March 23, 2011, and March 28, 2011, the Administration submitted seven budget amendments affecting the Governor's recommendations for K-12 funding that result in net General Fund increases of $42.4 million for FY 2012 and $29.5 million for FY 2013. A discussion of the amendments is incorporated into the pertinent sections of this document and Attachment A is a table detailing the amendments. Attachment B reflects a summary of the DSA (prepared by the Executive Budget Office [EBO]) that also reflects the

applicable budget amendments. A summary of major K-12 funding reductions recommended in The Executive Budget, as amended, is included as Attachment C.

Distributive School Account

The DSA is the budget through which the State distributes direct financial aid to local school districts. The Legislature determines the level of state aid for schools, and each district's and charter school's share is developed through a formula called the "Nevada Plan," which allows for differences across districts in the costs of providing education and in local wealth. It is important to recognize that the DSA budget does not include the entire funding for K-12 education, but rather includes only the State's portion of the school district and charter school operating funds.

Enrollment

Each school district's guaranteed level of funding is determined by multiplying the basic support per pupil by weighted enrollment. Weighted enrollment equals a full count of pupils enrolled in grades 1 through 12, net of transfers, and includes children with disabilities enrolled in special education programs within a district or charter school, and six-tenths of the count of pupils enrolled in kindergarten or programs for three- and four-year-olds with disabilities. Handicapped preschoolers and kindergarten pupils are only counted as six-tenths of a pupil because they typically attend school for half a day or less. The following chart compares audited weighted enrollment numbers by fiscal year and the percent of increase each year over the preceding year:

FY 2004 Actual	FY 2005 Actual	FY 2006 Actual	FY 2007 Actual	FY 2008 Actual	FY 2009 Actual	FY 2010 Actual	FY 2011 Proj.	FY 2012 Gov. Rec.	FY 2013 Gov. Rec.
373,498	387,834	400,101	413,260	420,830	422,112	421,387	422,570	423,192	424,460
4.14%	3.84%	3.16%	3.29%	1.83%	0.30%	-0.17%	0.28%	0.15%	0.30%

Basic Support Per Pupil

The 2009 Legislature approved Basic Support per pupil of $5,251 for FY 2010 and $5,395 for FY 2011, which was reduced to $5,186 and $5,192 per pupil, respectively, as a result of budget reductions approved by the Legislature during the 26th Special Session. The Executive Budget, as amended, recommends guaranteed basic support of $4,877 per pupil for FY 2012 and $4,878 for FY 2013. The chart below compares the increases and decreases of the statewide average guaranteed basic support funding by fiscal year since 2004:

FY 2004 Act.	FY 2005 Act.	FY 2006 Act.	FY 2007 Act.	FY 2008 Act.	FY 2009 Act.	FY 2010 Act.**	FY 2011 26th SS	FY 2012 Gov. Rec.	FY 2013 Gov. Rec.	FY 2012 Amend. Gov Rec.	FY 2012 Amend Gov Rec.
$4,298	$4,433	$4,490	$4,695	$5,125	$5,212	$5,186	$5,192	$4,918	$4,918	$4,877	$4,878
$311	$135	$57	$209	$426	$87	($26)	$6	($274)	$0	($41)	$1

** As a result of an approved 6.9% funding budget reduction in the 26th Special Session, the basic support per pupil was reduced $65 per pupil from $5,251 to $5,186 in FY 2010 and $203 per pupil from $5,395 to $5,192 in FY 2011.

The guaranteed basic support per pupil should not be confused with expenditures per pupil. As stated earlier, other resources not considered within the Nevada Plan are also available to cover schools' operating costs. For example, in FY 2010, the statewide average basic support for Nevada was $5,186 per pupil; however, according to the Education State Rankings 2010-2011 CQ Press, 2011, the average expenditure per pupil in Nevada was $7,951 that year (excluding capital outlay and debt service).

Recommendations Resulting in Budget Reductions to Basic Support Per Pupil

As noted above, the funding reductions recommended by the Governor, as amended, result in average per pupil basic support of $4,877 and $4,878 per pupil for FY 2012 and FY 2013, respectively, which is a decrease of approximately $518 from the average per-pupil basic support of $5,395 approved by the 2009 Legislature and a decrease of approximately $315 from the average per-pupil basic support of $5,192, as adjusted by the 26th Special Session. The specific funding recommendations resulting in reductions to basic support per pupil are outlined as follows:

A. Five Percent Reduction of Funding for Salaries

Consistent with the salary reduction recommendation for state employees, the Governor recommends a 5 percent reduction of funding for salaries for school employees effective July 1, 2011. The recommendation, inclusive of budget amendments, results in a General Fund reduction to the DSA of $127.0 million in FY 2012 and $129.5 million in FY 2013.

School district and charter school salaries are not determined by the Legislature, but rather are determined by each school district and charter school. Although the Governor's recommendation may have an impact on the funding level for salaries of school district and charter school personnel, the actual salary impact is uncertain since the employee groups are subject to collective bargaining. If the Governor's recommendation to reduce salaries for school personnel is approved by the Legislature, but school districts and charter schools are unable to reduce salaries by that amount through collective bargaining, the school districts and charter schools would need to reduce other expenditures as a result.

Although funding for salaries for the current biennium was reduced 4 percent, much of this reduction was addressed by the districts through means other than salary reductions.

B. Suspend Funding for Merit Salary Increases

The Executive Budget recommends the suspension of funding for merit salary increases for the 2011-13 biennium, resulting in General Fund savings of $47.2 million in FY 2012 and $95.4 million in FY 2013.

For the 2009-11 biennium, the Governor recommended the suspension of merit salary increases for all state employees and school personnel. School district and charter school personnel are eligible for a merit increase each year based on years of service and attaining additional education experience. Merit increases are, therefore, the primary mechanism for recognizing experience and the acquisition of additional qualifications. The 2009 Legislature approved the Governor's proposal and suspended merit salary increases for all state employees, except that the Legislature restored funding for merit increases for licensed educators who obtain additional education experience. This recommendation also reduces funding for school districts and charter schools for employee compensation that will be subject to collective bargaining.

C. PERS Equalization

The Executive Budget, as amended, recommends a reduction in funding for school district and charter school employees of approximately $100.2 million in FY 2012 and $100.5 million in FY 2013 representing an employee contribution of 5.3075 percent, to the Public Employees' Retirement System.

By comparison, state employees who elect the employer-paid PERS option receive a salary reduction of 10.615 percent as their contribution to PERS with the State paying the full PERS contribution. Presently, though school district and charter school employees participate in the employer-paid PERS, funding for salaries is not reduced in the DSA for the employee contribution to PERS. Just as with salaries, this recommended reduction in compensation would be subject to collective bargaining.

D. General Budget Reduction to Basic Support Per Pupil

The Executive Budget recommends reductions in guaranteed basic support funding totaling $121.0 million in FY 2012 and $117.2 million in FY 2013, which, based on projected enrollment, equates to a per pupil funding reduction of $286 and $276 for FY 2012 and FY 2013, respectively. The Governor's amended basic support per pupil of $4,877 for FY 2012 and $4,878 for FY 2013 reflects the proposed reductions. The EBO indicates that the reduction amounts were determined based upon general budget reduction targets.

Recommendation to Utilize Excess School District Debt Service Reserves

The Executive Budget, as originally recommended, proposed to utilize school district debt service reserves totaling $425.0 million as local funding available for operating purposes over the 2011-13 biennium. The 2009 Legislature, during the 26th Special Session, approved the use of a total of $45 million of Clark County School District capital projects funds as local funds available for operating purposes during the 2009-11 biennium.

During the K-12/Higher Education Joint Subcommittee hearing on February 24, 2011, the EBO acknowledged discrepancies between the estimates of excess debt service reserves available for transfer used during the construction of the budget and the total amount of debt service reserves proposed for transfer in the Governor's recommended budget. On March 28, 2011, the EBO submitted a budget amendment that reduces the excess debt service reserve transfer recommended in The Executive Budget from $425.0 million to $301.9 million over the 2011-13 biennium, a reduction of $123.1 million. Based on the amendment, the projected debt service reserves available for transfer from rural school districts would be $27.8 million over the biennium, while the projected amounts for both Clark and Washoe County School Districts would be $220.3 million and $53.8 million, respectively.

In collaboration with school district representatives, Fiscal staff is in the process of analyzing supporting documentation provided by the EBO and all available information to verify the amount of excess debt service reserves that would be available for operating purposes, should the Legislature ultimately decide to approve the Governor's recommendation. Fiscal staff will advise of the results of its analysis prior to closing the budget.

The following sections describe recommendations included in The Executive Budget, as amended, for categorical funding included in the DSA, but not part of the basic support guarantee:

Special Education

Nevada provides state funding for special education based on special education program units, which are defined by NRS 387.1211 as organized instructional units in which a licensed, full-time teacher is providing an instructional program that meets minimum standards prescribed by the State Board of Education. To qualify for a full apportionment, a unit must have operated the full school day (330 minutes) for at least nine of the school months within a school year. For each year of the 2009-11 biennium, the State is funding 3,049 special education units at $39,768 each, for a total cost of $121.25 million each year.

For the upcoming biennium, the Governor's recommendation for special education units, remains flat at 3,049 units at a cost of $39,768 each or $121.25 million each year of the 2011-13 biennium. It should be noted that the amount school districts receive per special education unit from the DSA does not cover the entire cost of a special education teacher, but rather covers only a portion of the cost. The remainder of the cost of providing special education programs is covered by per-pupil basic support guaranteed by the DSA, other school district revenues and federal funds earmarked for special education.

Class Size Reduction

During the 21 years that the Class Size Reduction (CSR) program has been implemented in the State, funding totaling $1.7 billion has been approved to support additional teachers to reduce

pupil-teacher ratios. To finance salaries and fringe benefits of teachers hired to meet the required ratios of 16:1 in first and second grades and 19:1 in third grade, the 2009 Legislature appropriated a total of $144.3 million for FY 2010 and $145.9 million for FY 2011.

The Executive Budget, as amended, includes funding for CSR totaling $135.3 million (inclusive of the recommended funding reductions related to salaries) for FY 2012, and $136.3 million for FY 2013, representing decreases of 6.2 percent and 6.6 percent, respectively, over legislatively approved funding of $144.3 million for FY 2010 and $145.9 million for FY 2011. The Administration submitted a budget amendment to make technical corrections to the recommended CSR funding. The Executive Budget, as amended, also recommends the transfer of all CSR funding for FY 2013 ($136.3 million) to the proposed Student Achievement Block Grant (SABG) described in more detail on page 5 of this document.

Adult High School Diploma Program

Each session the Legislature determines an amount of funding for Adult High School Diploma (AHSD) programs for the general public and for inmates within prison facilities. For the 2011-13 biennium, The Executive Budget originally recommended funding of $21.6 million for FY 2012 and $23.0 million for FY 2013 (inclusive of the recommended salary-related funding reductions).

The Executive Budget, as amended, recommends $16.3 million in FY 2012 and $16.7 million in FY 2013 to support the AHSD programs for the upcoming biennium. The Administration submitted a budget amendment to update enrollment growth projections based on actual enrollment versus projected enrollment for FY 2010. The Governor's budget retains the funding for the AHSD program as a line item in the DSA.

Early Childhood Education

The Executive Budget recommends $3.34 million in FY 2012 and $3.35 million in FY 2013 to continue the Early Childhood Education (ECE) program, which represents a 0.30 percent increase over funding approved for the 2009-11 biennium. Additionally, The Executive Budget, as amended, recommends transferring $3.35 million in FY 2013 to the proposed SABG program, where ECE programs would become optional.

Regional Professional Development Programs

The 2009 Legislature approved the consolidation of the four existing professional development regions to three (Northwestern, Northeastern and Southern) with a budget of $7.9 million each year of the 2009-11 biennium. The approved funding included $100,000 each fiscal year designated to provide additional administrator training.

The Executive Budget, as amended, recommends General Funds of $7.4 million each year of the 2011-13 biennium to continue the Regional Professional Development Programs (RPDPs), including the Nevada Early Literacy Intervention Program (NELIP), and special administrator training programs. The Administration submitted a budget amendment to apply the salary-related reductions to the RPDPs. Additionally, the Governor recommends transferring all funding for the RPDPs from the DSA to the School Remediation Trust Fund account (with no change in purpose) in order to preserve the DSA budget account for apportionment funding.

School Remediation Trust Fund

A. Recommendation for a New Student Achievement Block Grant

The Executive Budget recommends a new SABG program for the 2011-13 biennium. Under the Governor's proposal, the SABG program would combine funding for the majority of categorical programs included in four budgets – DSA (BA 2610); Remediation Trust Fund (BA 2615); Incentives for Licensed Educational Personnel (BA 2616); and, Other State Education Programs (BA 2699) – into a block grant with the goal of providing flexibility to school districts, while increasing student achievement.

The Executive Budget, as amended, also recommends a 5.4 percent General Fund reduction for the SABG program of $7.4 million in FY 2013, and postpones the implementation of the SABG program until July 1, 2012. Recommended funding transfers (net of proposed budget reductions) total $161.6 million in FY 2013

The Governor's recommendation, as amended, would transfer the following program funding to the SABG in the second year of the 2011-13 biennium (FY 2013):

Original Budget Account	General Fund Programs Recommended for Transfer to the Student Achievement Block Grant	Gov Rec FY 2012	Gov Rec FY 2013	Total 2011-13 Biennium	Amended* Gov Rec FY 2013	Total Amended* 2011-13 Biennium
2610	Class Size Reduction (CSR)	134,348,070	135,858,088	270,206,158	134,783,440	134,783,440
2610	CSR At-Risk Kindergarten	1,499,962	1,506,080	3,006,042	1,494,023	1,494,023
2610	Educational Technology for Gifted & Talented	171,060	175,004	346,064	152,420	152,420
2610	Early Childhood Education	3,343,791	3,353,814	6,697,605	3,353,814	3,353,814
2610	Special Elementary Counseling	850,000	850,000	1,700,000	850,000	850,000
2610	School Library Media Specialist	18,798	18,798	37,596	18,798	18,798
2610	Special Transportation	128,542	128,542	257,084	128,542	128,542
2615	Full Day Kindergarten	21,141,740	20,621,415	41,763,155	20,621,415	20,621,415
2616	Incentives for Licensed Education Personned	4,193,250	-	4,193,250	-	-
2699	Educational Technology	1,912,241	1,912,241	3,824,482	1,912,241	1,912,241
2699	Career & Technical Education	3,543,822	3,543,822	7,087,644	3,543,822	3,543,822
2699	Counselor Certification	668,742	668,742	1,337,484	668,742	668,742
2699	Speech Pathologist	526,785	526,785	1,053,570	526,785	526,785
2699	LEA Library Books	449,142	449,142	898,284	449,142	449,142
2699	Other Program Funding	855,179	462,850	1,318,029	462,850	462,850
	5.4 % Reduction to Student Achievement Block Grant	(11,330,650)	(7,374,874)	(18,705,524)	(7,374,874)	(7,374,874)
	Total Transfer to the Student Achievement Block Grant	$ 162,320,474	$ 162,700,449	$ 325,020,923	$ 161,591,160	$ 161,591,160

* Budget Amendment 237, eliminates the 5.4 percent budget reduction to the SABG for FY 2012 and postpones the implementation of the SABG program to FY 2013.

The Administration has indicated that the SABG would provide districts and charter schools the flexibility to choose which programs to fund to meet their specific needs, which may include existing programs; however, schools would no longer be required to utilize the funding for specific programs designated by the State.

B. Recommendations to Reduce Funding for Full-Day Kindergarten

Since FY 2007, state funding has been provided to support 464.5 full-day kindergarten positions in 128 elementary schools statewide. Schools selected are determined to be at-risk based upon a free and reduced lunch count of pupils of at least 55.1 percent of the student enrollment. School districts are not required to offer full-day kindergarten and parents may request their child attend for less than a full-day.

The Executive Budget proposes General Fund budget reductions of $1.98 million for FY 2012 and $2.51 million for FY 2013 for the State Full-Day Kindergarten program. Additionally, the Governor recommends salary-related budget reductions (5 percent salary, merit increase suspension and PERS equalization) totaling $3.1 million in FY 2012 and $3.6 million in FY 2013. Inclusive of the proposed budget reductions, the Governor recommends General Funds of $21.1 million in FY 2012 and $20.6 million in FY 2013 to continue support of the State Full-Day Kindergarten program. The Executive Budget, as amended, also recommends the transfer of state funding for the State Full-Day Kindergarten program ($20.6 million) to the proposed SABG in FY 2013.

C. Recommendation for a New Teacher Performance Pay Program

The Executive Budget recommends a General Fund appropriation of $20 million in FY 2013 to support a new Teacher Performance Pay program effective July 1, 2012. Assembly Bill 557 is the enacting legislation for the Governor's proposal.

Although the 2007 Legislature appropriated $10.0 million over the 2007-09 biennium to support performance pay programs, as outlined in Assembly Bill 3 (2007), due to budget reductions, all funding was subsequently eliminated. The 2005 Legislature also appropriated funding for performance pay programs. Section 69 of Assembly Bill 580 (2005) appropriated $10.0 million to the Department of Education to grant to school

districts that adopted a performance pay program and enhanced compensation for the recruitment, retention and mentoring of licensed personnel.

During the March 31, 2011, work session of the K-12/Higher Education Joint Subcommittee, members of the Subcommittee expressed support for a Teacher Performance Pay program although several members expressed concern that given the magnitude of the proposed budget reductions to K-12 Education for the 2011-13 biennium, it may not be the appropriate time to fund such a program. Some members of the Subcommittee suggested the $20 million of recommended General Funds could instead be used to offset other K-12 budget reductions.

State Supplemental School Support Fund

Recommendation to Defer Proceeds from the IP 1 Room Tax to the General Fund

The State Supplemental School Support Fund was created by Initiative Petition 1 (IP 1), which became law in 2009 pursuant to Article 4, Section 35 of the Nevada Constitution. Initiative Petition 1 imposes an additional 3 percent tax on the gross receipts from the rental of transient lodging in certain counties as specified in the legislation. For the period of July 1, 2009, through June 30, 2011, the proceeds of this tax must be credited to the State General Fund. Per NRS 387.191, beginning on July 1, 2011, the proceeds must be credited to the State Supplemental School Support Fund to be distributed to school districts and charter schools to improve the achievement of students and to retain qualified teachers and non-administrative employees.

The Governor recommends the proceeds from the IP 1 Room Tax revenue, budgeted at $107.7 million for FY 2012 and $113.8 for FY 2013, be directed to the General Fund through the 2011-13 biennium after which time the revenues would be credited to the State Supplemental School Support Fund. The IP 1 Room Tax revenue for FY 2011 will be reforecast by the Economic Forum on May 2, 2011. The May 2 forecast for FY 2011 will be used to update the projected revenues for FY 2012 and FY 2013.

Incentives for Licensed Educational Personnel

Nevada Revised Statutes 391.166 creates a Grant Fund for Incentives for Licensed Educational Personnel and requires each school district to establish a program of incentive pay for licensed educational personnel designed to attract and retain those employees. The 1/5 Retirement Credit Purchase program, under grandfathered provisions, will conclude in FY 2013

The Governor recommends a General Fund reduction of $5.1 million in FY 2012 and $10.3 million in FY 2013 based on the amount of funding projected to be needed for 1/5 Retirement Credit Purchase costs in each year of the 2011-13 biennium. In addition, The Executive Budget reduces funding for the Incentive Grant awards in FY 2012 by $1.9 million and eliminates the Incentive Grant awards beginning in FY 2013 resulting in a General Fund savings of $6.1 million.

Inclusive of the funding reductions of $3.2 million in FY 2012 and $4.2 million in FY 2013 based on projected costs, The Executive Budget recommends funding for the 1/5 Retirement Credit Purchase program in the amount $13.0 million in FY 2012 for retirement credits earned in FY 2011 and $12.1 million in FY 2013 for retirement credits earned in FY 2012. The Executive Budget, as amended, recommends General Fund support for the Incentives for Licensed Education Personnel at $4.2 million in FY 2012 (only) for eligible incentives earned in FY 2011.

Other State Education Programs

The 2009 Legislature approved General Funds totaling $10.3 million in FY 2010 and $9.4 million in FY 2011 to provide pass-through funds to school districts for the Apprenticeship program, Educational Technology, Library Database, Career and Technical Education (CTE), Public Broadcasting, the National Board Certification program for teachers and counselors, and the Speech Pathologist increment, in addition to various other smaller programs.

The Executive Budget recommends budget reductions resulting in General Fund savings totaling $1.1 million in FY 2012 and $1.0 million in FY 2013, prorated among all programs. The Executive Budget, as amended, recommends the transfer of program funds totaling $7.56 million in FY 2013 to the proposed SABG program, and the transfer of $1.3 million over the 2011-13 biennium to other state agencies to better align funding with program goals.

On motion of Assemblyman Conklin, the committee did rise and report back to the Assembly.

ASSEMBLY IN SESSION

At 11:25 p.m.
Mr. Speaker presiding.
Quorum present.

Assemblyman Conklin moved that upon return from the printer, Assembly Bills Nos. 212, 221, and 374 be taken from the General File and placed on the Chief Clerk's desk.
Motion carried.

Assemblyman Conklin moved that Assembly Bills Nos. 150, 318, 329, 393, 403, 455, 477, 535, and 551 be taken from the General File and placed on the General File for the next legislative day.
Motion carried.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Resolution No. 8.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Aizley, the privilege of the floor of the Assembly Chamber for this day was extended to former Assemblyman Roger Bremner.

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Ruby Caliendo.

On request of Assemblywoman Benitez-Thompson, the privilege of the floor of the Assembly Chamber for this day was extended to Angela Foremaster and former Assemblyman Bud Garfinkle.

On request of Assemblyman Bobzien, the privilege of the floor of the Assembly Chamber for this day was extended to former Assemblyman Tod Bedrosian.

On request of Assemblywoman Carlton, the privilege of the floor of the Assembly Chamber for this day was extended to former Assemblyman Douglas Bache.

On request of Assemblyman Daly, the privilege of the floor of the Assembly Chamber for this day was extended to former Assemblymen Bernie Anderson and Artie Valentine.

On request of Assemblywoman Diaz, the privilege of the floor of the Assembly Chamber for this day was extended to Jon Herring, Tyra Tripp, Lameisha Tripp-Herring, Nicole Tripp-Herring, and Alexa Tripp-Herring.

On request of Assemblywoman Dondero Loop, the privilege of the floor of the Assembly Chamber for this day was extended to Thalia Dondero and Annie Shaver.

On request of Assemblyman Ellison, the privilege of the floor of the Assembly Chamber for this day was extended to former Assemblyman John Carpenter.

On request of Assemblyman Goicoechea, the privilege of the floor of the Assembly Chamber for this day was extended to former Assemblyman Robert Weise.

On request of Assemblyman Grady, the privilege of the floor of the Assembly Chamber for this day was extended to former Assemblywoman Patty Cafferatta and the following students and chaperones from Dayton Elementary School: Kassandra Acosta, Alexander Spencer, Ali Alfano, Russ Alfano, Alyssa Anderson, Brittny Anderson, David Anderson, Alessandra Bartucci, Autumn Blattman, Dallas Boone, Catherine Bowling, Elizabeth Bounds, Jacqueline Canas, Jasmine Canas, Morgan Claypool, Kourtney Collins, Kennidy Creswell, Larrissa Cruzan, Faith Delfin, Madison deWet, Elvia Diaz, Shelby Donovan, Alyssa Eissenbeiss, Hanna Elissa, Kennedy Evins, Kristin Fukagawa, Cameron George, Rachel Hadley, Shay Hamblin, Laurel Hunt, Jonathon Joyner, Hannah Johnson, Jared Logan, Harrison Masters, Sydney Mills, Danielle Myers, Stephanie Parra, Kerra Pinter, Shalia Powell, Lily Powers, Cassidy Ramirez, Madison Reid, Ashley Reutzel, Zack Scott, Michael Selmi, Angela Sikora, Olivia Smihula, Shea Starbuck, Cheyanne Strong, Katie Turner, Gretchen Voelker, Tess Voelker, Caroline Vosburg, Oakley Workman, Anne Jolly, Maria Sauter, Kathy Robson, Maria Bowling, Chad Bowling, Jonelle Elissa, Tammy Johnson, Lauryn Bailey, Jessica Matthews, Tyler Peterson, and Alyssa Rainey.

On request of Assemblyman Hammond, the privilege of the floor of the Assembly Chamber for this day was extended to Tomas Hammond and former Assemblyman Chad Christensen.

On request of Assemblyman Hansen, the privilege of the floor of the Assembly Chamber for this day was extended to former Assemblyman Brooks Holcomb and the following students and chaperones from Whitehead Elementary School: Makenna Alford, Maicaila Anderson,

Zoe Bloom, Sue Bowen, Alexandra Boyd, Brian Davis, Syra Ellison, Madison Eng, Samantha Estrada, David Flores, Gillian Grant, Jayden Hauder, Jared Key, Rhyann Kindrick, Tristan Morrell, Randy Nemedez, Andrew Quispe, Matthew Romine, Frank Rowe, Ciana Saldano, Josh Salgado, Ciana Sedano, Jocelyne Serafin, Rebecca Sheehe, Hayli Spencer, Brooke Stokes, Larry Tongol, Alan Villa, Zachary Virtue, Monte Abel, Jocelyn Aiello, Hope Avila, Kaiden Bennett, Michael Bonnell, Jasmine Braun, Rachel Bronk, Lorenzo Calhoun, Isaac Contreras, Jalene Cruz, Alondra Ferreira, Connor Gray, Zachary Grow, Lexxie Hall, Jordynn Haynes, Logan Helsing, Carlos Hernandez, Samantha Hernandez, Desmond La Counte, Kyler Lerma, Jordan Leyva, Skye Matuzak, Righard Moler, Rebecca Mooney, Avery Orvis, Mark Palmer, Laura Pine, Madison Richards, Ashley Satz, Cole Shockey, Emily Simi, Jacquelin Estrada, Ed Kindrick, Scott Hauder, Carol Coltrin, Heather Bloom, Jamie Boyd, Crystal Anderson, Liza Nemedez, Tiffini Hall, Heather Matuzak, Jim Leslie, Roger Mooney, and Kim Moler.

On request of Assemblyman Hickey, the privilege of the floor of the Assembly Chamber for this day was extended to former Assemblymen David Humke.

On request of Assemblyman Hogan, the privilege of the floor of the Assembly Chamber for this day was extended to Jennifer Webb-Cook.

On request of Assemblywoman Kirkpatrick, the privilege of the floor of the Assembly Chamber for this day was extended to Theresa Malone.

On request of Assemblyman Kirner, the privilege of the floor of the Assembly Chamber for this day was extended to Don Riemenschnitter, Jackie Riemenschnitter, Trevor Riemenschnitter, Lynn Riemenschnitter, and former Assemblyman Joe Elliott.

On request of Assemblyman Livermore, the privilege of the floor of the Assembly Chamber for this day was extended to former Assemblywoman Maureen Bower, former Assemblyman Harold Jacobsen, and Alice Jacobsen.

On request of Assemblyman Munford, the privilege of the floor of the Assembly Chamber for this day was extended to former Assemblyman Louis Toomin.

On request of Assemblywoman Neal, the privilege of the floor of the Assembly Chamber for this day was extended to former Senator Joseph Neal.

On request of Assemblyman Oceguera, the privilege of the floor of the Assembly Chamber for this day was extended to Speaker Emeritus Joe Dini and former Chief Clerk Mouryne Dini.

On request of Assemblywoman Pierce, the privilege of the floor of the Assembly Chamber for this day was extended to former Assemblyman Bob Benkovich.

On request of Assemblyman Segerblom, the privilege of the floor of the Assembly Chamber for this day was extended to former Assemblywoman Gene Segerblom and Robin Liggitt.

On request of Assemblywoman Smith, the privilege of the floor of the Assembly Chamber for this day was extended to former Assemblyman Bob Price and Nancy Price.

On request of Assemblyman Stewart, the privilege of the floor of the Assembly Chamber for this day was extended to Ruben Murillo, Lorretta Harper, Jennifer Webb-Cook, and Teresa Boucher.

On request of Assemblywoman Woodbury, the privilege of the floor of the Assembly Chamber for this day was extended to Anna Hobbs.

Assemblyman Conklin moved that the Assembly adjourn until Wednesday, April 20, 2011, at 11 a.m.

Motion carried.

Assembly adjourned at 11:29 a.m.

Approved: JOHN OCEGUERA
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

The

Journal of the Assembly

OF THE

SEVENTY-SIXTH SESSION

OF THE

LEGISLATURE OF THE STATE OF NEVADA

2011

BEGUN ON MONDAY, THE SEVENTH DAY OF FEBRUARY, AND ENDED ON MONDAY, THE SIXTH DAY OF JUNE

VOLUME 2

THE SEVENTY-THIRD DAY—THE SEVENTY-EIGHTH DAY

SEE VOLUME 1 FOR TABLE OF CONTENTS
SEE VOLUME 6 FOR INDEX

ARRANGEMENT AND CONTENTS OF VOLUME 2

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ASSEMBLY PROCEEDINGS 1153

THE SEVENTY-THIRD DAY

CARSON CITY (Wednesday), April 20, 2011

Assembly called to order at 11:41 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Pastor Gary Gryte.

Our Heavenly Father, we ask Your presence with us as we represent the people of the great state of Nevada.

May we respect each other as much as we respect ourselves. May we care for those we stand for as much as You do. May we honor the seat we warm with fairness, with caring, justice, and compassion.

Care for our families today wherever they are. Care for them so we can be content at heart and do our jobs in peace.

We look with anticipation to the wonderful ways You are going to answer our prayer today, for it is in the name of Jesus we ask.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Conklin moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which were referred Assembly Bills Nos. 253, 254, 255, 289, 300, 433, 538, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

KELVIN ATKINSON, *Chair*

Mr. Speaker:

Your Committee on Education, to which was referred Assembly Bill No. 290, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DAVID P. BOBZIEN, *Chair*

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Assembly Bills Nos. 61, 114, 466, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MARILYN K. KIRKPATRICK, *Chair*

Mr. Speaker:

Your Committee on Health and Human Services, to which was referred Assembly Bill No. 154, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Health and Human Services, to which was referred Assembly Bill No. 350, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

APRIL MASTROLUCA, *Chair*

Mr. Speaker:

Your Committee on Judiciary, to which were referred Assembly Bills Nos. 6, 56, 196, 213, 259, 279, 291, 321, 346, 389, 396, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, Your Committee on Judiciary, to which was referred Assembly Bill No. 72, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Judiciary, to which were referred Assembly Bills Nos. 78, 401, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Judiciary, to which was referred Assembly Bill No. 249, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

WILLIAM C. HORNE, *Chair*

Mr. Speaker:

Your Committee on Natural Resources, Agriculture, and Mining, to which was referred Assembly Bill No. 427, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, without recommendation, and rerefer to the Committee on Ways and Means.

MAGGIE CARLTON, *Chair*

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Assembly Bill No. 192, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DEBBIE SMITH, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 19, 2011

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bill No. 565.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

SENATE CHAMBER, Carson City, April 20, 2011

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 7.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

By Senators Horsford, Breeden, Brower, Cegavske, Copening, Denis, Gustavson, Halseth, Hardy, Kieckhefer, Kihuen, Lee, Leslie, Manendo, McGinness, Parks, Rhoads, Roberson, Schneider, Settelmeyer, and Wiener; Assemblymen Smith, Aizley, Anderson, Atkinson, Benitez-Thompson, Bobzien, Brooks, Bustamante Adams, Carlton, Carrillo, Conklin, Daly, Diaz, Dondero Loop, Ellison, Flores, Frierson, Goedhart, Goicoechea, Grady, Hambrick, Hammond, Hansen, Hardy, Hickey, Hogan, Horne, Kirkpatrick, Kirner, Kite, Livermore, Mastroluca, McArthur, Munford, Neal, Oceguera, Ohrenschall, Pierce, Segerblom, Sherwood, Stewart, and Woodbury.

Senate Concurrent Resolution No. 7—Memorializing Milton D. Glick, President of the University of Nevada, Reno.

WHEREAS, The members of the Nevada Legislature note with great sorrow the passing of Milton Glick, President of the University of Nevada, Reno, and one of Nevada's finest educators and leaders, on April 16, 2011; and

WHEREAS, Born in Memphis, Tennessee, in 1937, Dr. Glick grew up in Rock Island, Illinois, and it soon became apparent that education was to be his passion, as he graduated with a bachelor's degree in chemistry from Augustana College in Rock Island and earned his doctorate at the University of Wisconsin in Madison, followed by postdoctoral studies at Cornell University in Ithaca, New York; and

WHEREAS, Dr. Glick was on the faculty at Wayne State University in Detroit, Michigan, Iowa State University in Ames, the College of Arts and Science at the University of Missouri in Columbia and Arizona State University in Tempe, which reinforced his enduring belief in the power of higher education; and

WHEREAS, At his inauguration as the 15th President of the University of Nevada, Reno, in 2006, Dr. Glick stated that "The next Comstock Lode is not in the mines of Nevada. . . . It is in the minds of Nevadans," thereby signaling to all Nevadans that he had the leadership and commitment to take the University to new heights and national recognition; and

WHEREAS, Despite economic challenges, President Glick fostered a culture of excellence and led the University to unprecedented growth through campus expansion and construction, increased research funding, the recruitment of a record number of National Merit Scholarship students and the elevation of the University to Tier 1 status in the prestigious annual rankings of *U. S. News & World Report*; and

WHEREAS, The efforts of this talented leader and devoted educator resulted last year in the University graduating its largest class ever, marking a 66 percent increase in the number of baccalaureate degrees awarded over the last 10 years; and

WHEREAS, Dr. Glick's mantra was that "Nevada needs more education, not less. It's about what we want our children and grandchildren to inherit," and when asked about the future of education in the face of severe budget

cuts, he said, "I still believe that what we do at our University will determine the quality of life for all Nevadans"; and

WHEREAS, As the heart and soul of the University of Nevada, Reno, Dr. Glick always put the students' needs first, whether it was by participating in a walk-a-thon, rooting for the Wolf Pack or telling a story, and he always had a twinkle in his eye and optimism for the future of Nevada through education; and

WHEREAS, The absence of this beloved figure with his trademark hat and ever-present sense of humor will forever alter the aura of the campus of the University of Nevada, Reno; now, therefore, be it

RESOLVED BY THE SENATE OF THE STATE OF NEVADA, THE ASSEMBLY CONCURRING, That the members of the 76th Nevada Legislature offer their deepest condolences to Dr. Glick's wife Peggy, son David and his wife Jennifer, son Sander and his wife Laura, and grandchildren Toby, Nina and Elijah; and be it further

RESOLVED, That the remarkable legacy which Dr. Glick leaves through the lives he touched and through living his belief that education is the pathway to a better future for the Silver State is appreciated and lauded by all residents of this State; and be it further

RESOLVED, That the Secretary of the Senate prepare and transmit a copy of this resolution to Dr. Glick's beloved wife Peggy.

Assemblywoman Smith moved the adoption of the resolution.

Remarks by Assemblymen Smith and Bobzien.

Resolution adopted unanimously.

NOTICE OF EXEMPTION

April 15, 2011

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Senate Bill No. 360.

MARK KRMPOTIC
Fiscal Analysis Division

Assemblyman Conklin moved that Assembly Bills Nos. 6, 56, 61, 72, 78, 114, 154, 192, 196, 213, 249, 253, 254, 255, 259, 279, 289, 290, 291, 300, 321, 346, 350, 389, 396, 401, 427, 433, 466, and 538, just reported out of committee, be placed on the Second Reading File.

Motion carried.

Assemblyman Conklin moved that Assembly Bill No. 508 be taken from the General File and placed on the Chief Clerk's Desk.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 6.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 444.

SUMMARY—Authorizes courts to allow certain victims of sex trafficking or involuntary servitude who have been convicted of engaging in or soliciting prostitution to ~~[seek new trials and]~~ have their judgments of conviction vacated. (BDR 14-366)

AN ACT relating to criminal procedure; authorizing courts to allow certain victims of sex trafficking or involuntary servitude who have been convicted of engaging in or soliciting prostitution to ~~[seek new trials and]~~ have their judgments of conviction vacated; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that it is a crime for anyone to engage in or solicit prostitution, except in a licensed house of prostitution. (NRS 201.354) ~~[Existing law also provides that if a defendant is convicted of a crime, the court may grant a new trial to the defendant, under certain circumstances, if the defendant makes a motion for a new trial within a certain period after the verdict or finding of guilt. (NRS 176.515)]~~ This bill allows a **court to grant a motion to vacate a judgment if the** defendant ~~[who]~~ was convicted of engaging in or soliciting prostitution **.** ~~[, but whose]~~ **and the defendant's** participation in the offense was the result of having been a victim of sex trafficking or involuntary servitude **.** ~~[, to make a motion for a new trial beyond the time limitations set forth in existing law. If the court grants such a motion, the court must vacate the judgment entered against the defendant and must dismiss the accusatory pleading.]~~

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

Section 1. NRS 176.515 is hereby amended to read as follows:

176.515 1. The court may grant a new trial to a defendant if required as a matter of law or on the ground of newly discovered evidence.

2. If trial was by the court without a jury **,** the court may vacate the judgment if entered, take additional testimony and direct the entry of a new judgment.

3. Except as otherwise provided in ~~*[subsection 5 and]*~~ NRS 176.0918, a motion for a new trial based on the ground of newly discovered evidence may be made only within 2 years after the verdict or finding of guilt.

4. A ~~*[Except as otherwise provided in subsection 5, a]*~~ motion for a new trial based on any other grounds must be made within 7 days after the verdict or finding of guilt or within such further time as the court may fix during the 7-day period.

5. The court may ~~*[waive the time limitations set forth in subsections 3 and 4 and may]*~~ ***grant a motion*** ~~*[for a new trial]*~~ ***to vacate a judgment if:***

(a) The judgment is a conviction for a violation of NRS 201.354, for engaging in prostitution or solicitation for prostitution, provided that the defendant was not alleged to be a customer of a prostitute;

(b) The participation of the defendant in the offense was the result of the defendant having been a victim of:

(1) Trafficking in persons as described in the Trafficking Victims Protection Act of 2000, 22 U.S.C. §§ 7101 et seq.; or

(2) Involuntary servitude as described in NRS 200.463; and

(c) The defendant makes a motion under this subsection with due diligence after the defendant has ceased being a victim of trafficking or involuntary servitude or has sought services for victims of such trafficking or involuntary servitude.

6. In deciding whether to grant a motion made pursuant to subsection 5, the court shall take into consideration any reasonable concerns for the safety of the defendant, family members of the defendant or other victims that may be jeopardized by the bringing of such a motion.

7. If the court grants a motion made pursuant to subsection 5, the court:

(a) Shall vacate the judgment and dismiss the accusatory pleading; and

(b) May take any additional action that the court deems appropriate under the circumstances.

Assemblyman Ohrenschall moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 56.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 65.

AN ACT relating to the Office of the Attorney General; authorizing the Attorney General, acting through the Medicaid Fraud Control Unit, to issue a subpoena to obtain certain documents, records or materials; authorizing the Attorney General to recover and retain certain costs and expenses that are incurred pursuant to an investigation or prosecution by the Unit; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes the Medicaid Fraud Control Unit within the Office of the Attorney General as the agency responsible for the investigation and prosecution of violations or offenses relating to the State Plan for Medicaid. (NRS 228.410) ~~[This bill authorizes the Attorney General, acting through the Medicaid Fraud Control Unit, to issue a subpoena to obtain certain documents, records or materials that are relevant to investigations or prosecutions by the Unit. Additionally, a person who willfully fails or refuses to comply with such a subpoena is guilty of a misdemeanor.~~

~~This bill also]~~ **Section 2 of this bill** authorizes the Attorney General to take appropriate legal action to recover any reasonable costs or expenses that are incurred pursuant to an investigation or prosecution by the Unit. ~~[This bill]~~ **Section 2** further authorizes the Attorney General to retain a certain

amount of the costs and expenses that are recovered, and requires the Attorney General to place any amount recovered in excess of that which the Attorney General is authorized to retain in the State General Fund for the State Plan for Medicaid.

Section 1 of this bill authorizes the Attorney General, acting through the chief executive of the Medicaid Fraud Control Unit, to issue a subpoena to obtain certain documents, records or materials relevant to an investigation or prosecution by the Unit in a civil action to recover the reasonable costs or expenses incurred pursuant to the investigation or prosecution. Additionally, a person who willfully fails or refuses to comply with such a subpoena is guilty of a misdemeanor.

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

Section 1. **Chapter 228 of NRS is hereby amended by adding thereto a new section to read as follows:**

1. In carrying out the duties and responsibilities under NRS 228.410, the Attorney General, acting through the chief executive of the Medicaid Fraud Control Unit or his or her designee, may issue a subpoena for documents, records or materials.

2. The Attorney General may use any documents, records or materials produced pursuant to a subpoena issued under this section in the course of a civil action brought pursuant to NRS 228.410.

3. Any person who willfully fails or refuses to comply with a subpoena issued pursuant to this section is guilty of a misdemeanor.

4. A subpoena issued pursuant to this section must include a copy of the provisions of subsections 1, 2 and 3.

~~[Section 1.]~~ ***Sec. 2.*** NRS 228.410 is hereby amended to read as follows:

228.410 1. The Attorney General has primary jurisdiction to investigate and prosecute violations of NRS 422.540 to 422.570, inclusive, and any fraud in the administration of the Plan or in the provision of medical assistance pursuant to the Plan. The provisions of this section notwithstanding, the Department of Health and Human Services and the Division of Health Care Financing and Policy of the Department of Health and Human Services shall enforce the Plan and any regulations adopted pursuant thereto.

2. For this purpose, the Attorney General shall establish within his or her office the Medicaid Fraud Control Unit. The Unit must consist of a group of qualified persons, including, without limitation, an attorney, an auditor and an investigator who, to the extent practicable, have expertise in nursing, medicine and the administration of medical facilities.

3. The Attorney General, acting through the Medicaid Fraud Control Unit:

(a) Is the single state agency responsible for the investigation and prosecution of violations of NRS 422.540 to 422.570, inclusive;

(b) ***May conduct any investigation or prosecution authorized pursuant to 42 U.S.C. § 1396b(q);***

(c) Shall review reports of abuse or criminal neglect of patients in medical facilities which receive payments under the Plan and, when appropriate, investigate and prosecute the persons responsible;

~~[(c)]~~ ***(d)*** May review and investigate reports of misappropriation of money from the personal resources of patients in medical facilities that receive payments under the Plan and, when appropriate, shall prosecute the persons responsible;

~~[(d)]~~ ***(e)*** Shall cooperate with federal investigators and prosecutors in coordinating state and federal investigations and prosecutions involving fraud in the provision or administration of medical assistance pursuant to the Plan, and provide those federal officers with any information in his or her possession regarding such an investigation or prosecution; and

~~[(e)]~~ ***(f)*** Shall protect the privacy of patients and establish procedures to prevent the misuse of information obtained in carrying out the provisions of this section ~~[.]~~ ***and section 1 of this act.***

4. When acting pursuant to ***this section or*** NRS 228.175 ***,*** ~~[or this section,]~~ the Attorney General may commence an investigation and file a criminal action without leave of court, and has exclusive charge of the conduct of the prosecution.

5. ~~*[If the Attorney General has reasonable cause to believe that a person is in possession, custody or control of any documents, records or other materials relevant to an investigation or prosecution conducted pursuant to this section, the Attorney General, acting through the Medicaid Fraud Control Unit, may issue a subpoena for the documents, records or materials. A subpoena issued pursuant to this subsection must:*~~

~~*(a) Be served upon the person in the manner required by law;*~~

~~*(b) Describe the documents, records or materials to be produced with sufficient definiteness so that the documents, records or materials are reasonably identifiable;*~~

~~*(c) Be limited to documents, records or materials that are relevant to an investigation or prosecution conducted pursuant to this section;*~~

~~*(d) Specify a reasonable time within which the person must produce the documents, records or materials; and*~~

~~*(e) Specify a place for the production of the documents, records or materials.*~~

~~*6.]*~~ ***The Attorney General may, by appropriate legal action, recover any reasonable costs or expenses incurred in conducting an investigation or prosecution pursuant to this section*** ~~*[.]*~~ ***or section 1 of this act. The Attorney General may retain the costs and expenses recovered pursuant to this subsection up to an amount not exceeding, in the aggregate, three times the amount of any money paid by this State which matches federal***

grant money for the Medicaid Fraud Control Unit. Costs and expenses recovered by the Attorney General in excess of the amount retained by the Attorney General must be deposited in the State General Fund for credit to the appropriate account for the Plan.

~~*[7. Any person who willfully fails or refuses to comply with a subpoena issued pursuant to subsection 5 is guilty of a misdemeanor.*~~

~~*8.]*~~ ***6.*** As used in this section:

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

(b) "Plan" means the State Plan for Medicaid established pursuant to NRS 422.271.

~~[Sec. 2.]~~ ***Sec. 3.*** This act becomes effective on July 1, 2011.

Assemblyman Ohrenschall moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 61.

Bill read second time.

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

Amendment No. 12.

SUMMARY—Creates a ~~[permanent]~~ **temporary** entity to study issues relating to substance abuse in this State. (BDR 18-290)

AN ACT relating to substance abuse; creating the Substance Abuse Working Group **temporarily** within the Office of the Attorney General to study issues relating to substance abuse in this State; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

In 2007, the Governor established by executive order the Working Group on Methamphetamine Use in Nevada. The Working Group was charged with studying the impact of methamphetamine use in this State, including its impact on law enforcement, correctional facilities, social services and community services, and with preparing a report of its findings and recommendations. The 2007 Working Group completed the report of its findings and recommendations. Since then, the Governor has provided for the continuation of the Working Group by amending the original executive order in 2008 and again in 2009. The current Working Group continues until December 31, 2010.

Section 2 of this bill creates a ~~[permanent]~~ Substance Abuse Working Group within the Office of the Attorney General to study similar issues with respect to substance abuse generally in this State ~~[.]~~ **until June 30, 2015.** **Section 2** also provides that the Attorney General serves as the ex officio Chair of the Working Group and appoints the other nine members, who serve without compensation and are not entitled to per diem or travel expenses. **Section 3** of this bill requires the Working Group to hold meetings at least every 3 months. **Section 4** of this bill specifies issues for the Working Group

to study and requires the Working Group to submit a report of its findings and recommendations to each regular session of the Legislature.

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

Section 1. Chapter 228 of NRS is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this act.

Sec. 2. ***1. The Substance Abuse Working Group is hereby created within the Office of the Attorney General.***

2. The Working Group consists of the Attorney General and nine members appointed by the Attorney General.

3. The Attorney General is the ex officio Chair of the Working Group.

4. The Working Group shall annually elect a Vice Chair and Secretary from among its members.

5. Each member who is appointed to the Working Group serves a term of 2 years. Members may be reappointed for additional terms of 2 years. Any vacancy occurring in the membership of the Working Group must be filled not later than 30 days after the vacancy occurs.

6. The members of the Working Group serve without compensation and are not entitled to the per diem and travel expenses provided for state officers and employees generally.

7. Each member of the Working Group who is an officer or employee of this State or a political subdivision of this State must be relieved from his or her duties without loss of regular compensation so that the officer or employee may prepare for and attend meetings of the Working Group and perform any work necessary to carry out the duties of the Working Group in the most timely manner practicable. A state agency or political subdivision of this State shall not require an officer or employee who is a member of the Working Group to make up the time the officer or employee is absent from work to carry out duties as a member of the Working Group or use annual leave or compensatory time for the absence.

8. The Attorney General shall provide such administrative support to the Working Group as is necessary to carry out the duties of the Working Group.

Sec. 3. ***1. The Substance Abuse Working Group created by section 2 of this act shall meet at least once every 3 months at the times and places specified by a call of the Chair and may meet at such further times as deemed necessary by the Chair.***

2. The Chair of the Working Group, or in the absence of the Chair, the Vice Chair of the Working Group, shall preside at each meeting of the Working Group.

3. A member of the Working Group may designate a person to represent him or her at a meeting of the Working Group if it is impractical for the member of the Working Group to attend the meeting. A representative who has been so designated:

(a) Shall be deemed to be a member of the Working Group for the purpose of determining a quorum at the meeting; and

(b) May vote on any matter that is voted on by the regular members of the Working Group at the meeting.

Sec. 4. ***1. The Substance Abuse Working Group created by section 2 of this act shall study issues relating to substance abuse in the State of Nevada, including, without limitation:***

(a) The effect of substance abuse on law enforcement, prisons and other correctional facilities;

(b) The sources and manufacturers of substances which are abused;

(c) Methods and resources to prevent substance abuse;

(d) Methods and resources to prevent the manufacture, trafficking and sale of substances which are abused;

(e) The effectiveness of criminal and civil penalties in preventing substance abuse;

(f) The effectiveness of criminal and civil penalties in preventing the manufacture, trafficking and sale of substances which are abused;

(g) Resources available to assist substance abusers to rehabilitate and recover from the effects of abuse;

(h) Programs available to educate youth about the effects of substance abuse;

(i) Programs available to educate family and friends of substance abusers about the manner in which to provide support and assistance to substance abusers; and

(j) The effect of substance abuse on the economy.

2. On or before January 15 of each odd-numbered year, the Working Group shall submit a report of its findings and recommendations to the Director of the Legislative Counsel Bureau for distribution to the next regular session of the Legislature.

Sec. 5. This act becomes effective on July 1, 2011**~~.~~ , and expires by limitation on June 30, 2015.**

Assemblywoman Kirkpatrick moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 72.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 14.

AN ACT relating to securities; designating certain uses of a certification or professional designation as unethical or dishonest practices in the securities business; requiring the filing of certain forms when a sales representative terminates association with a broker-dealer; revising activities for which the Administrator of the Securities Division of the Office of the Secretary of State may deny a license or impose certain limitations or disciplinary actions

upon a licensee; revising certain registration and filing requirements for certain securities; increasing the penalty for the putting off, circulation or publication of any false or misleading writing, statement or intelligence regarding a security that is publicly traded; prohibiting certain activities in an investigation, proceeding or prosecution; increasing certain fees; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1 of this bill provides that a person engages in unethical or dishonest practices in the securities business if the person uses a certification or professional designation in certain specified ways.

Section 2 of this bill increases the annual licensing fee for a representative of an investment adviser from $110 to $125 and requires licensing of branch offices of investment advisers in the same manner as branch offices of broker-dealers.

Existing law requires a person licensed as a sales representative or the broker-dealer on whose behalf the sales representative is acting to promptly notify the Administrator of the Securities Division of the Office of the Secretary of State when the sales representative terminates association with the broker-dealer. (NRS 90.380) **Section 3** of this bill specifies that the sales representative or the broker-dealer must promptly file with the Administrator a Uniform Termination Notice for Securities Industry Registration (Form U-5).

Existing law authorizes the Administrator to deny a license or impose certain limitations or disciplinary actions upon a licensee if, within the preceding 10 years, the applicant or licensee has been convicted of certain felonies or misdemeanors. (NRS 90.420) **Section 4** of this bill includes among the specified felonies and misdemeanors crimes which involve moral turpitude. **Section 4** also authorizes the Administrator to take the described actions if the applicant or licensee: (1) has been convicted of the specified felonies at any point in time and the specified misdemeanors within the preceding 10 years; or (2) is or has been the subject of certain orders prohibiting the person from serving in certain capacities.

Existing law exempts from certain registration and filing requirements certain governmental securities except for securities payable solely from revenues to be received from an enterprise unless certain conditions are met. (NRS 90.520) **Section 5** of this bill specifies that the enterprise must be a private industrial or commercial enterprise.

Existing law exempts from certain registration and filing requirements certain specified securities if certain documents, including a notice on Form NF or Form N-9, as prescribed by the Administrator, are filed with the Administrator before the initial offering of the securities in this State. (NRS 90.565) **Section 6** of this bill establishes the effective period of a notice filed on Form NF or Form N-9 and a procedure for its renewal.

Existing law requires an issuer of securities to file with the Administrator a fee of $500 within 15 days after the first sale of the security in this State if

the Administrator exempts that security from certain registration and filing requirements. (NRS 90.567) **Section 7** of this bill requires the issuer to: (1) file any other document which the Administrator may require in addition to the $500 fee; and (2) pay an additional fee of $250 if a filing is up to 10 days late and $500 if a filing is more than 10 days late.

Existing law makes the putting off, circulation or publication of any false or misleading writing, statement or intelligence regarding a security that is publicly traded a gross misdemeanor. (NRS 205.440) **Sections 8 and 12** of this bill make such conduct a category B felony instead.

Existing law prohibits certain activities in an investigation, proceeding or prosecution with respect to a violation of any securities laws, regulations or orders issued thereunder. (NRS 90.605) **Section 9** of this bill prohibits the willful making of a materially false or fictitious statement or representation with the intent to effectuate certain concealments, delays or hindrances impeding the investigation, proceeding or prosecution.

Section 10 of this bill increases the fee for a request to the Administrator for a waiver or a no-action letter from $200 to $500.

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

Section 1. Chapter 90 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A person engages in unethical or dishonest practices in the securities business if, without limitation, the person uses a certification or professional designation that:

(a) Indicates or implies that the person has special certification or training in advising or providing services to older persons or retirees in connection with the offer, sale or purchase of securities or in the provision of advice as to the value of or advisability of investing in, purchasing or selling securities, either directly or indirectly, through publications or writings or by issuing or publishing analyses or reports related to securities if the person does not have such special certification or training;

(b) The person has not earned or is otherwise ineligible to use;

(c) Is nonexistent;

(d) The person conferred upon himself or herself;

(e) Indicates or implies a level of occupational qualifications obtained through education, training or experience that the person using the certification or professional designation has not obtained; or

(f) Was obtained from a certifying or designating organization that, except as otherwise provided in subsection 2:

(1) Is primarily engaged in the business of instruction in sales or marketing;

(2) Does not have reasonable standards or procedures for assuring the competency of its certificate holders or designees;

(3) Does not have reasonable standards or procedures for monitoring and disciplining its certificate holders or designees for conduct that is improper or unethical; or

(4) Does not have reasonable requirements for continuing education for its certificate holders or designees in order to maintain the certificate or designation.

2. There is a rebuttable presumption that paragraph (f) of subsection 1 does not include a certification or professional designation that:

(a) Does not primarily apply to sales or marketing; and

(b) Was conferred by a certifying or designating organization that has been accredited by:

(1) The American National Standards Institute;

(2) The National Commission for Certifying Agencies; or

(3) An organization that is on the list provided by the United States Department of Education entitled "Accrediting Agencies Recognized for Title IV Purposes." ~~*[A copy of the list may be obtained at the Internet address http://www2.ed.gov/admins/finaid/accred/accreditation_pg9.html.]*~~

3. In determining whether a combination of words or an acronym standing for a combination of words constitutes a certification or professional designation indicating or implying that a person has special certification or training in advising or providing services to older persons or retirees, factors to be considered will include, without limitation:

(a) The use of one or more words such as "elder," "retirement," "senior" or similar words combined with one or more words such as "chartered," "certified," "registered," "adviser," "consultant," "planner," or "specialist" or similar words in the name of the certification or professional designation; and

(b) The manner in which those words are combined.

4. For the purposes of this section, a title of a job within an organization that is licensed or registered by a financial services regulatory agency of this State, any other state or the Federal Government is not a certification or professional designation if the title is not used in a manner that would confuse or mislead a reasonable consumer and the title:

(a) Indicates seniority or standing within the organization; or

(b) Specifies a person's area of specialization within the organization.

5. As used in this section:

(a) "Financial services regulatory agency" includes, without limitation, an agency that regulates broker-dealers, investment advisers or investment companies as defined in the Investment Company Act of 1940, 15 U.S.C. § 80a-3.

(b) "Older person" has the meaning ascribed to it in NRS 200.5092.

Sec. 2. NRS 90.360 is hereby amended to read as follows:

90.360 1. An applicant for licensing shall pay a nonrefundable licensing fee, due annually in the following amounts:

(a) Broker-dealer, $300.

(b) Sales representative, $125.

(c) Investment adviser, $300.

(d) Representative of an investment adviser, ~~[$110.]~~ ***$125.***

2. The Administrator by regulation shall require licensing of branch offices. A broker-dealer ***or investment adviser*** who desires to obtain a branch office license must, in addition to complying with any other requirements established by the Administrator for such a license, submit an application for the license and pay a fee of $100. If any change occurs in the information set forth in an application made pursuant to this subsection, the applicant shall, within 30 days after the change, file an amendment to the application and pay a fee of $50. A license obtained pursuant to this subsection expires on December 31 of each year. The license must be renewed annually on or before December 31 by paying a fee of $100.

3. For the purpose of this section, a "branch office" means any place of business in this State other than the principal office in the state of the broker-dealer ~~[,]~~ ***or investment adviser,*** from which one or more sales representatives ***or representatives of an investment adviser*** transact business.

Sec. 3. NRS 90.380 is hereby amended to read as follows:

90.380 1. Unless a proceeding under NRS 90.420 has been instituted, the license of any broker-dealer, sales representative, investment adviser or representative of an investment adviser becomes effective 30 days after an application for licensing has been filed and is complete, including any amendment, if all requirements imposed pursuant to NRS 90.370 and 90.375 have been satisfied. An application or amendment is complete when the applicant has furnished information responsive to each applicable item of the application. The Administrator may authorize an earlier effective date of licensing.

2. The license of a broker-dealer, sales representative, investment adviser, representative of an investment adviser or transfer agent is effective until terminated by revocation, suspension, expiration or withdrawal.

3. The license of a sales representative is only effective with respect to transactions effected on behalf of the broker-dealer or issuer for whom the sales representative is licensed.

4. A person shall not at any one time act as a sales representative for more than one broker-dealer or for more than one issuer, unless the Administrator by regulation or order authorizes multiple licenses.

5. If a person licensed as a sales representative terminates association with a broker-dealer or issuer or ceases to be a sales representative, the sales representative and the broker-dealer or issuer on whose behalf the sales representative was acting shall promptly ~~[notify]~~ ***file with*** the Administrator ~~[.]~~ ***a Uniform Termination Notice for Securities Industry Registration (Form U-5).***

6. The Administrator by regulation may authorize one or more special classifications of licenses as a broker-dealer, sales representative, investment adviser, representative of an investment adviser or transfer agent to be issued

to applicants subject to limitations and conditions on the nature of the activities that may be conducted by persons so licensed.

7. The license of a broker-dealer, sales representative, investment adviser, representative of an investment adviser or transfer agent expires if:

(a) The statement required pursuant to NRS 90.375 is not submitted when it is due; or

(b) Any annual fee required by NRS 90.360 is not paid when it is due.

8. A license that has expired may be reinstated retroactively if the licensed person:

(a) Submits the statement required pursuant to NRS 90.375; and

(b) Pays any fee required by NRS 90.360, plus a fee for reinstatement in the amount of $50,

➥ within 30 days after the date of expiration. If the license is not reinstated within that time, it shall be deemed to have lapsed as of the date of expiration, and the licensed person must thereafter submit a new application for licensing if the licensed person desires to be relicensed.

Sec. 4. NRS 90.420 is hereby amended to read as follows:

90.420 1. The Administrator by order may deny, suspend or revoke any license, fine any licensed person, limit the activities governed by this chapter that an applicant or licensed person may perform in this State, bar an applicant or licensed person from association with a licensed broker-dealer or investment adviser or bar from employment with a licensed broker-dealer or investment adviser a person who is a partner, officer, director, sales representative, investment adviser or representative of an investment adviser, or a person occupying a similar status or performing a similar function for an applicant or licensed person, if the Administrator finds that the order is in the public interest and that the applicant or licensed person or, in the case of a broker-dealer or investment adviser, any partner, officer, director, sales representative, investment adviser, representative of an investment adviser, or person occupying a similar status or performing similar functions or any person directly or indirectly controlling the broker-dealer or investment adviser, or any transfer agent or any person directly or indirectly controlling the transfer agent:

(a) Has filed an application for licensing with the Administrator which, as of its effective date, or as of any date after filing in the case of an order denying effectiveness, was incomplete in a material respect or contained a statement that was, in light of the circumstances under which it was made, false or misleading with respect to a material fact;

(b) Has violated or failed to comply with a provision of this chapter as now or formerly in effect or a regulation or order adopted or issued under this chapter;

(c) Is the subject of an adjudication or determination after notice and opportunity for hearing, within the last 5 years by a securities agency or administrator of another state or a court of competent jurisdiction that the person has violated the Securities Act of 1933, the Securities Exchange Act

of 1934, the Investment Advisers Act of 1940, the Investment Company Act of 1940, the Commodity Exchange Act or the securities law of any other state, but only if the acts constituting the violation of that state's law would constitute a violation of this chapter had the acts taken place in this State;

(d) ~~[Within the last 10 years has]~~ ***Has*** been convicted of a felony or ***, within the previous 10 years has been convicted of a*** misdemeanor ***,*** which the Administrator finds:

(1) Involves the purchase or sale of a security, taking a false oath, making a false report, bribery, perjury, burglary, robbery or conspiracy to commit any of the foregoing offenses;

(2) Arises out of the conduct of business as a broker-dealer, investment adviser, depository institution, insurance company or fiduciary; ~~[or]~~

(3) Involves the larceny, theft, robbery, extortion, forgery, counterfeiting, fraudulent concealment, embezzlement, fraudulent conversion or misappropriation of money or securities or conspiracy to commit any of the foregoing offenses; ***or***

(4) Involves moral turpitude;

(e) Is or has been permanently or temporarily enjoined by any court of competent jurisdiction, unless the order has been vacated, from acting as an investment adviser, representative of an investment adviser, underwriter, broker-dealer or as an affiliated person or employee of an investment company, depository institution or insurance company or from engaging in or continuing any conduct or practice in connection with any of the foregoing activities or in connection with the purchase or sale of a security;

(f) Is or has been the subject of an order of the Administrator, unless the order has been vacated, denying, suspending or revoking the person's license as a broker-dealer, sales representative, investment adviser, representative of an investment adviser or transfer agent;

(g) Is or has been the subject of any of the following orders which were issued within the last 5 years, unless the order has been vacated:

(1) An order by the securities agency or administrator of another state, Canadian province or territory or by the Securities and Exchange Commission or a comparable regulatory agency of another country, entered after notice and opportunity for hearing, denying, suspending or revoking the person's license as a broker-dealer, sales representative, investment adviser, representative of an investment adviser or transfer agent;

(2) A suspension or expulsion from membership in or association with a member of a self-regulatory organization;

(3) ***An order by a self-regulatory organization that prohibits the person from serving, indefinitely or for a specified period, as a principal or in a supervisory capacity within a business or organization which is a member of a self-regulatory organization;***

(4) An order of the United States Postal Service relating to fraud;

~~[(4)]~~ ***(5)*** An order to cease and desist entered after notice and opportunity for hearing by the Administrator, the securities agency or

administrator of another state, Canadian province or territory, the Securities and Exchange Commission or a comparable regulatory agency of another country, or the Commodity Futures Trading Commission; or

~~[(5)]~~ ***(6)*** An order by the Commodity Futures Trading Commission denying, suspending or revoking registration under the Commodity Exchange Act;

(h) Has engaged in unethical or dishonest practices in the securities business;

(i) Is insolvent, either in the sense that liabilities exceed assets or in the sense that obligations cannot be met as they mature, but the Administrator may not enter an order against a broker-dealer or investment adviser under this paragraph without a finding of insolvency as to the broker-dealer or investment adviser;

(j) Has failed to pay a tax as required pursuant to the provisions of chapter 363A of NRS;

(k) Is determined by the Administrator in compliance with NRS 90.430 not to be qualified on the basis of lack of training, experience and knowledge of the securities business; or

(l) Has failed reasonably to supervise a sales representative, employee or representative of an investment adviser.

2. The Administrator may not institute a proceeding on the basis of a fact or transaction known to the director when the license became effective unless the proceeding is instituted within 90 days after issuance of the license.

3. If the Administrator finds that an applicant or licensed person is no longer in existence or has ceased to do business as a broker-dealer, sales representative, investment adviser, representative of an investment adviser or transfer agent or is adjudicated mentally incompetent or subjected to the control of a committee, conservator or guardian or cannot be located after reasonable search, the Administrator may by order deny the application or revoke the license.

Sec. 5. NRS 90.520 is hereby amended to read as follows:

90.520 1. As used in this section:

(a) "Guaranteed" means guaranteed as to payment of all or substantially all of principal and interest or dividends.

(b) "Insured" means insured as to payment of all or substantially all of principal and interest or dividends.

2. Except as otherwise provided in subsections 4 and 5, the following securities are exempt from NRS 90.460 and 90.560:

(a) A security, including a revenue obligation, issued, insured or guaranteed by the United States, an agency or corporate or other instrumentality of the United States, an international agency or corporate or other instrumentality of which the United States and one or more foreign governments are members, a state, a political subdivision of a state, or an agency or corporate or other instrumentality of one or more states or their political subdivisions, or a certificate of deposit for any of the foregoing, but

this exemption does not include a security payable solely from revenues to be received from ~~[an]~~ ***a private industrial or commercial*** enterprise unless the:

(1) Payments are insured or guaranteed by the United States, an agency or corporate or other instrumentality of the United States, an international agency or corporate or other instrumentality of which the United States and one or more foreign governments are members, a state, a political subdivision of a state, or an agency or corporate or other instrumentality of one or more states or their political subdivisions, or by a person whose securities are exempt from registration pursuant to paragraphs (b) to (e), inclusive, or (g), or the revenues from which the payments are to be made are a direct obligation of such a person;

(2) Security is issued by this State or an agency, instrumentality or political subdivision of this State; or

(3) Payments are insured or guaranteed by a person who, within the 12 months next preceding the date on which the securities are issued, has received a rating within one of the top four rating categories of either Moody's Investors Service, Inc., or Standard and Poor's Ratings Services.

(b) A security issued, insured or guaranteed by Canada, a Canadian province or territory, a political subdivision of Canada or of a Canadian province or territory, an agency or corporate or other instrumentality of one or more of the foregoing, or any other foreign government or governmental combination or entity with which the United States maintains diplomatic relations, if the security is recognized as a valid obligation by the issuer, insurer or guarantor.

(c) A security issued by and representing an interest in or a direct obligation of a depository institution if the deposit or share accounts of the depository institution are insured by the Federal Deposit Insurance Corporation, the National Credit Union Share Insurance Fund or a successor to an applicable agency authorized by federal law.

(d) A security issued by and representing an interest in or a direct obligation of, or insured or guaranteed by, an insurance company organized under the laws of any state and authorized to do business in this State.

(e) A security issued or guaranteed by a railroad, other common carrier, public utility or holding company that is:

(1) Subject to the jurisdiction of the Surface Transportation Board;

(2) A registered holding company under the Public Utility Holding Company Act of 1935 or a subsidiary of a registered holding company within the meaning of that act;

(3) Regulated in respect to its rates and charges by a governmental authority of the United States or a state; or

(4) Regulated in respect to the issuance or guarantee of the security by a governmental authority of the United States, a state, Canada, or a Canadian province or territory.

(f) Equipment trust certificates in respect to equipment leased or conditionally sold to a person, if securities issued by the person would be exempt pursuant to this section.

(g) A security listed or approved for listing upon notice of issuance on the New York Stock Exchange, ~~[the American Stock Exchange,]~~ ***NYSE Amex Equities,*** the Chicago Stock Exchange, the Pacific Stock Exchange or other exchange designated by the Administrator, any other security of the same issuer which is of senior or substantially equal rank, a security called for by subscription right or warrant so listed or approved, or a warrant or right to purchase or subscribe to any of the foregoing.

(h) A security designated or approved for designation upon issuance or notice of issuance for inclusion in the national market system by the ~~[Financial Industry Regulatory Authority,]~~ ***NASDAQ Stock Market,*** any other security of the same issuer which is of senior or substantially equal rank, a security called for by subscription right or warrant so designated, or a warrant or a right to purchase or subscribe to any of the foregoing.

(i) An option issued by a clearing agency registered under the Securities Exchange Act of 1934, other than an off-exchange futures contract or substantially similar arrangement, if the security, currency, commodity or other interest underlying the option is:

(1) Registered under NRS 90.470, 90.480 or 90.490;

(2) Exempt pursuant to this section; or

(3) Not otherwise required to be registered under this chapter.

(j) A security issued by a person organized and operated not for private profit but exclusively for a religious, educational, benevolent, charitable, fraternal, social, athletic or reformatory purpose, or as a chamber of commerce, or trade or professional association if at least 10 days before the sale of the security the issuer has filed with the Administrator a notice setting forth the material terms of the proposed sale and copies of any sales and advertising literature to be used and the Administrator by order does not disallow the exemption within the next 5 full business days.

(k) A promissory note, draft, bill of exchange or banker's acceptance that evidences an obligation to pay cash within 9 months after the date of issuance, exclusive of days of grace, is issued in denominations of at least $50,000 and receives a rating in one of the three highest rating categories from a nationally recognized statistical rating organization, or a renewal of such an obligation that is likewise limited, or a guarantee of such an obligation or of a renewal.

(l) A security issued in connection with an employees' stock purchase, savings, option, profit-sharing, pension or similar employees' benefit plan.

(m) A membership or equity interest in, or a retention certificate or like security given in lieu of a cash patronage dividend issued by, a cooperative organized and operated as a nonprofit membership cooperative under the cooperative laws of any state if not traded to the general public.

(n) A security issued by an issuer registered as an open-end management investment company or unit investment trust under section 8 of the Investment Company Act of 1940 if:

(1) The issuer is advised by an investment adviser that is a depository institution exempt from registration under the Investment Advisers Act of 1940 or that is currently registered as an investment adviser, and has been registered, or is affiliated with an adviser that has been registered, as an investment adviser under the Investment Advisers Act of 1940 for at least 3 years next preceding an offer or sale of a security claimed to be exempt pursuant to this paragraph, and the issuer has acted, or is affiliated with an investment adviser that has acted, as investment adviser to one or more registered investment companies or unit investment trusts for at least 3 years next preceding an offer or sale of a security claimed to be exempt under this paragraph; or

(2) The issuer has a sponsor that has at all times throughout the 3 years before an offer or sale of a security claimed to be exempt pursuant to this paragraph sponsored one or more registered investment companies or unit investment trusts the aggregate total assets of which have exceeded $100,000,000.

3. For the purpose of paragraph (n) of subsection 2, an investment adviser is affiliated with another investment adviser if it controls, is controlled by, or is under common control with the other investment adviser.

4. The exemption provided by paragraph (n) of subsection 2 is available only if the person claiming the exemption files with the Administrator a notice of intention to sell which sets forth the name and address of the issuer and the securities to be offered in this State and pays a fee:

(a) Of $500 for the initial claim of exemption and the same amount at the beginning of each fiscal year thereafter in which securities are to be offered in this State, in the case of an open-end management company; or

(b) Of $300 for the initial claim of exemption in the case of a unit investment trust.

5. An exemption provided by paragraph ~~*[(a), (b),]*~~ (c), ***(d),*** (e), (f), (i) ~~*[,]*~~ or (k) ~~*[or (n)]*~~ of subsection 2 is available only if, within the 12 months immediately preceding the use of the exemption, a notice of claim of exemption has been filed with the Administrator and a nonrefundable fee of $300 has been paid.

Sec. 6. NRS 90.565 is hereby amended to read as follows:

90.565 ***1.*** An offering of securities is exempt from the provisions of NRS 90.460 and 90.560 if:

~~**[**1.**]**~~ ***(a)*** The securities are set forth in subparagraph (2) of paragraph (b) of section 18 of the Securities Act of 1933, 15 U.S.C. § 77r(b)(2); and

~~**[**2.**]**~~ ***(b)*** Before the initial offering in this State of the securities:

~~**[**(a)**]**~~ ***(1)*** A copy of the issuer's federal registration statement is filed with the Securities and Exchange Commission; or

~~[~~(b)~~]~~ ***(2)*** A notice ~~[on Form NF or Form N-9, as prescribed by the Administrator,]~~ ***filing*** is filed with the Administrator with a fee of $500.

2. A notice filing pursuant to subparagraph (2) of paragraph (b) of subsection 1 is effective for 1 year commencing on the later of:

(a) The date the notice filing is filed with the Administrator; or

(b) The effective date specified in the issuer's federal registration statement that is filed with the Securities and Exchange Commission.

3. On or before the expiration of a notice filing, an issuer may renew the notice filing by:

(a) Paying a renewal fee of $500; and

(b) Filing with the Administrator:

(1) A copy of those records filed by the issuer with the Securities and Exchange Commission pursuant to rule or order under this chapter; or

(2) A notice filing. This requirement may be satisfied by reference to a notice filing that was previously filed with the Administrator.

4. The renewal of a notice filing becomes effective upon the expiration of the notice filing being renewed.

5. As used in this section, "notice filing" means a notice on Form NF or Form N-9, as prescribed by the Administrator, to be filed with the Administrator.

Sec. 7. NRS 90.567 is hereby amended to read as follows:

90.567 1. If, pursuant to NRS 90.540, the Administrator by regulation or order exempts from the provisions of NRS 90.460 and 90.560 an offer to sell or the sale of a security ~~[by an issuer to persons who are or the issuer believes are accredited investors,]~~ ***and the offer to sell or the sale of the security complies with the requirements of Regulation D of the Securities and Exchange Commission, 17 C.F.R. §§ 230.501 to 230.506, inclusive, except for 17 C.F.R. § 230.504,*** the issuer shall, within 15 days after the first sale in this State, file with the Administrator a fee of $500 ~~[.]~~ ***and any other document which the Administrator by regulation or order may require.***

2. ~~[As used in this section, "accredited investor" has the meaning ascribed to it in 17 C.F.R. § 230.501(a).]~~ ***In addition to the fee set forth in subsection 1, an issuer shall pay an additional fee of:***

(a) ~~*[$250]*~~ ***Two hundred fifty dollars for any filing that is filed 1 to 10 days after the date required by subsection 1; or***

(b) ~~*[$500]*~~ ***Five hundred dollars for any filing that is filed more than 10 days after the date required by subsection 1.***

Sec. 8. NRS 90.580 is hereby amended to read as follows:

90.580 1. Without limiting the general applicability of NRS 90.570, a person shall not:

(a) Quote a fictitious price with respect to a security;

(b) Effect a transaction in a security which involves no change in the beneficial ownership of the security for the purpose of creating a false or misleading appearance of active trading in a security or with respect to the market for the security;

(c) Enter an order for the purchase of a security with the knowledge that an order of substantially the same size and at substantially the same time and price for the sale of the security has been or will be entered by or for the same or affiliated person for the purpose of creating a false or misleading appearance of active trading in a security or with respect to the market for the security;

(d) Enter an order for the sale of a security with knowledge that an order of substantially the same size and at substantially the same time and price for the purchase of the security has been or will be entered by or for the same or affiliated person for the purpose of creating a false or misleading appearance of active trading in a security or with respect to the market for the security; ~~[or]~~

(e) Employ any other deceptive or fraudulent device, scheme or artifice to manipulate the market in a security ~~[.]~~ ***; or***

(f) Put off, circulate or publish any false or misleading writing, statement or intelligence regarding a security that is publicly traded.

2. Transactions effected in compliance with, or conduct which does not violate, the applicable provisions of the Securities Exchange Act of 1934 and the rules and regulations of the Securities and Exchange Commission thereunder are not violations of subsection 1.

Sec. 9. NRS 90.605 is hereby amended to read as follows:

90.605 In any investigation, proceeding or prosecution with respect to any violation of a provision of this chapter, a regulation adopted pursuant to this chapter, an order denying, suspending or revoking the effectiveness of registration or an order to cease and desist issued by the Administrator, a person shall not willfully:

1. ***Make any materially false, fictitious or fraudulent statement or representation;***

2. Offer or procure to be offered into evidence, as genuine, any book, paper, document or record if the person knows that the book, paper, document or record has been forged or fraudulently altered; or

~~[2.]~~ ***3.*** Destroy, alter, erase, obliterate or conceal, or cause to be destroyed, altered, erased, obliterated or concealed, any book, paper, document or record, with the intent to:

(a) Conceal any violation of any provision of this chapter, a regulation adopted pursuant to this chapter, an order denying, suspending or revoking the effectiveness of registration or an order to cease and desist issued by the Administrator;

(b) Protect or conceal the identity of any person who has violated any provision of this chapter, a regulation adopted pursuant to this chapter, an order denying, suspending or revoking the effectiveness of registration or an order to cease and desist issued by the Administrator; or

(c) Delay or hinder the investigation or prosecution of any person for any violation of any provision of this chapter, a regulation adopted pursuant to

this chapter, an order denying, suspending or revoking the effectiveness of registration or an order to cease and desist issued by the Administrator.

Sec. 10. NRS 90.715 is hereby amended to read as follows:

90.715 1. Except as otherwise provided in this section, the Division shall interpret strictly the provisions of this chapter and the regulations adopted pursuant thereto and shall not waive the enforcement of any such provision.

2. Subject to the provisions of this section and at the sole discretion of the Administrator, the Division may:

(a) Grant a waiver of the enforcement of any provision of this chapter or the regulations adopted pursuant thereto if the Administrator determines that the waiver is appropriate under the circumstances and is clearly within the authority of the Division to grant.

(b) Issue a no-action letter relating to a proposed transaction. Such a letter must not be issued in any case in which the issue presented may be resolved through a careful reading of the relevant provisions of this chapter or the regulations adopted pursuant thereto or through an interpretation of those provisions by competent counsel.

3. A request for a waiver or no-action letter must be submitted in writing to the office of the Administrator, accompanied by a fee of ~~[$200.]~~ ***$500.***

4. Except under extraordinary circumstances, the Division shall not respond to any request:

(a) Involving the antifraud provisions of this chapter or the regulations adopted pursuant thereto; or

(b) Relating to a transaction that has been consummated.

5. Unless otherwise specified in writing by the Division, a waiver or no-action letter is limited to the specific security, case, matter or transaction at hand and has no precedential value in any other context.

6. As used in this section, "no-action letter" means a written communication issued by the Division by which a person is advised that a transaction carried out under a set of assumed facts will not result in a recommendation by the staff of the Division that an enforcement action be taken.

Sec. 11. NRS 205.435 is hereby amended to read as follows:

205.435 ~~[An]~~ ***Unless a greater penalty is imposed by a specific statute, an*** officer, agent or other person in the service of a joint-stock company or corporation, domestic or foreign, who, willfully and knowingly with the intent to defraud:

1. Sells, pledges or issues, or causes to be sold, pledged or issued, or signs or executes or causes to be signed or executed, with the intent to sell, pledge or issue, or cause to be sold, pledged or issued, any certificate or instrument purporting to be a certificate or evidence of ownership of any share of that company or corporation, or any conveyance or encumbrance of real or personal property, contract, bond or evidence of debt, or writing purporting to be a conveyance or encumbrance of real or personal property,

contract, bond or evidence of debt of that company or corporation, without being first duly authorized by the company or corporation, or contrary to the charter or laws under which the company or corporation exists, or in excess of the power of the company or corporation, or of the limit imposed by law or otherwise upon its power to create or issue stock or evidence of debt; or

2. Reissues, sells, pledges or disposes of, or causes to be reissued, sold, pledged or disposed of, any surrendered or cancelled certificate or other evidence of the transfer of ownership of any such share,

➥ is guilty of a category C felony and shall be punished as provided in NRS 193.130. In addition to any other penalty, the court shall order the person to pay restitution.

Sec. 12. NRS 205.440 is hereby amended to read as follows:

205.440 Every person who, with intent to affect the market price of any ~~[security or]~~ property, shall put off, circulate or publish any false or misleading writing, statement or intelligence, shall be guilty of a gross misdemeanor.

Sec. 13. 1. This section and sections 1 ~~[and 3 to]~~ **, 4, 9, 11 and** 12 ~~[, inclusive,]~~ of this act become effective upon passage and approval.

2. ~~[Section]~~ **Sections** 2 **, 3, 5 to 8, inclusive, and 10** of this act ~~[becomes]~~ **become** effective on July 1, 2011.

~~[3. Section 3 of this act expires by limitation on the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:~~

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

~~(b) Are in arrears in the payment for the support of one or more children,~~

~~➥ are repealed by the Congress of the United States.]~~

Assemblyman Ohrenschall moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 78.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 451.

AN ACT relating to business associations; excluding certain nonprofit organizations from the definition of "business"; ~~[imposing a fine on certain business entities that transact business in this State without qualifying to do business in this State under certain circumstances;]~~ revising provisions relating to certain filings with the Secretary of State by certain business associations; making various technical corrections to various provisions relating to business associations; ~~[requiring and increasing certain fees;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law defines "business" for the purposes of statutes governing state business licenses. (NRS 76.020) **Section 1** of this bill amends the definition to exclude certain nonprofit organizations.

~~[Sections 2 and 3 of this bill provide for a fine of not less than $1,000 but not more than $10,000 upon a business entity that fails to obtain or renew a state business license before conducting business in this State within 30 days of receiving notice of such failure and authorize the Secretary of State to instruct a district attorney or the Attorney General, or both, to institute proceedings to recover the penalty, fine and certain costs and fees in a court of competent jurisdiction. Finally, sections 2 and 3 authorize the Secretary of State to adopt regulations to administer the provisions of sections 2 and 3.]~~

Existing law provides for a fine against certain business associations purporting to do business in this State that willfully fail or neglect to comply with certain requirements for qualification to do business in this State. (NRS 78.047, 80.055, 82.5234, 86.213, 86.548, 87.445, 87.5405, 87A.237, 87A.610, 87A.632, 87A.652, 88.352, 88.600, 88.6062, 88.6087, 88A.215, 88A.750, 89.215) **Sections 4, 6, 8, 9 and 11-24** of this bill eliminate the element of ~~[willfulness]~~ **neglect** from these provisions.

Sections 5, 7 and 10 of this bill revise the list of items that certain business associations must file with the Secretary of State.

~~[Section 27 of this bill requires the Secretary of State to charge a fee of $50 for each duplicate certificate issued and increases the fee for certifying certain documents from $20 to $30.]~~

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

Section 1. NRS 76.020 is hereby amended to read as follows:

76.020 1. Except as otherwise provided in subsection 2, "business" means:

(a) Any person, except a natural person, that performs a service or engages in a trade for profit;

(b) Any natural person who performs a service or engages in a trade for profit if the person is required to file with the Internal Revenue Service a Schedule C (Form 1040), Profit or Loss From Business Form, or its equivalent or successor form, a Schedule E (Form 1040), Supplemental Income and Loss Form, or its equivalent or successor form, or a Schedule F (Form 1040), Profit or Loss From Farming Form, or its equivalent or successor form, for that activity; or

(c) Any entity organized pursuant to this title, including, without limitation, those entities required to file with the Secretary of State, whether or not the entity performs a service or engages in a business for profit.

2. The term does not include:

(a) A governmental entity.

(b) A nonprofit religious, charitable, fraternal or other organization that qualifies as a tax-exempt organization pursuant to 26 U.S.C. § 501(c).

(c) A ***natural*** person who operates a business from his or her **[**~~home~~**]** ***personal residence*** and whose net earnings from that business are not more than 66 2/3 percent of the average annual wage, as computed for the preceding calendar year pursuant to chapter 612 of NRS and rounded to the nearest hundred dollars.

(d) A natural person whose sole business is the rental of four or fewer dwelling units to others.

(e) A business whose primary purpose is to create or produce motion pictures. As used in this paragraph, "motion pictures" has the meaning ascribed to it in NRS 231.020.

(f) A business organized pursuant to chapter 82 or 84 of NRS.

(g) A nonprofit organization without shares of stock formed pursuant to chapter 81 of NRS.

(h) A foreign nonprofit organization without shares of stock registered pursuant to chapter 80 of NRS.

Sec. 2. **[**~~NRS 76.110 is hereby amended to read as follows:~~

~~76.110~~ ***1.*** ~~If a person fails to obtain a state business license and pay the fee required pursuant to NRS 76.100 before conducting a business in this State and the person is:~~

[~~1.~~**]** ***(a)*** ~~An entity required to file an annual list with the Secretary of State pursuant to this title, the person:~~

[~~(a)~~**]** ***(1)*** ~~Shall pay a penalty of $100 in addition to the annual state business license fee;~~

[~~(b)~~**]** ***(2)*** ~~Shall be deemed to have not complied with the requirement to file an annual list with the Secretary of State; and~~

[~~(c)~~**]** ***(3)*** ~~Is subject to all applicable provisions relating to the failure to file an annual list, including, without limitation, the provisions governing default and revocation of its charter or right to transact business in this State, except that the person is required to pay the penalty set forth in~~ **[**~~paragraph (a).~~**]** ***subparagraph (1).***

[~~2.~~**]** ***(b)*** ~~Not an entity required to file an annual list with the Secretary of State, the person shall pay a penalty~~ **[**~~in the amount~~**]** ~~of $100 in addition to the annual state business license fee.~~

2. A person who fails to obtain a state business license pursuant to this section within 30 days after receiving notice of failure to obtain a state business license from the Secretary of State is subject to a fine of not less than $1,000 but not more than $10,000. The penalty and fine set forth in this section are to be recovered in a court of competent jurisdiction.

3. When the Secretary of State is advised that a person is subject to the fine described in subsection 2, the Secretary of State may, as soon as practicable, instruct the district attorney of the county in which the person's principal place of business is located or the Attorney General, or both, to institute proceedings to recover the penalty and fine. If the district

~~***attorney or the Attorney General prevails in a proceeding to recover the penalty and fine set forth in this section, the district attorney or the Attorney General is entitled to recover the costs of the proceeding, including, without limitation, the cost of any investigation and reasonable attorney's fees.***~~

~~***4. The Secretary of State may adopt regulations to administer the provisions of this section.]***~~ **(Deleted by amendment.)**

Sec. 3. **[**~~NRS 76.130 is hereby amended to read as follows:~~

~~76.130 1. A person who applies for renewal of a state business license shall submit a fee in the amount of $100 to the Secretary of State:~~

~~(a) If the person is an entity required to file an annual list with the Secretary of State pursuant to this title, at the time the person submits the annual list to the Secretary of State, unless the person submits a certificate or other form evidencing the dissolution of the entity; or~~

~~(b) If the person is not an entity required to file an annual list with the Secretary of State pursuant to this title, on the last day of the month in which the anniversary date of issuance of the state business license occurs in each year, unless the person submits a written statement to the Secretary of State, at least 10 days before that date, indicating that the person will not be conducting a business in this State after that date.~~

~~2. The Secretary of State shall, 90 days before the last day for filing an application for renewal of the state business license of a person who holds a state business license, provide to the person a notice of the state business license fee due pursuant to this section and a reminder to file the application for renewal required pursuant to this section. Failure of any person to receive a notice does not excuse the person from the penalty imposed by law.~~

~~3. If a person fails to submit the annual state business license fee required pursuant to this section in a timely manner and the person is:~~

~~(a) An entity required to file an annual list with the Secretary of State pursuant to this title, the person:~~

~~(1) Shall pay a penalty of $100 in addition to the annual state business license fee;~~

~~(2) Shall be deemed to have not complied with the requirement to file an annual list with the Secretary of State; and~~

~~(3) Is subject to all applicable provisions relating to the failure to file an annual list, including, without limitation, the provisions governing default and revocation of its charter or right to transact business in this State, except that the person is required to pay the penalty set forth in subparagraph (1).~~

~~(b) Not an entity required to file an annual list with the Secretary of State, the person shall pay a penalty~~ **[**~~in the amount~~**]** ~~of $100 in addition to the annual state business license fee. The Secretary of State shall provide to the person a written notice that:~~

~~(1) Must include a statement indicating the amount of the fees and penalties required pursuant to this section and the costs remaining unpaid.~~

~~(2) May be provided electronically, if the person has requested to receive communications by electronic transmission, by electronic mail or other electronic communication.~~

~~4. A person who fails to renew a state business license pursuant to this section within 30 days after receiving notice of failure to renew a state business license from the Secretary of State is subject to a fine of not less than $1,000 but not more than $10,000. The penalty and fine set forth in this section are to be recovered in a court of competent jurisdiction.~~

~~5. When the Secretary of State is advised that a person is subject to the fine described in subsection 4, the Secretary of State may, as soon as practicable, instruct the district attorney of the county in which the person's principal place of business is located or the Attorney General, or both, to institute proceedings to recover the penalty and fine. If the district attorney or the Attorney General prevails in a proceeding to recover the penalty and fine set forth in this section, the district attorney or the Attorney General is entitled to recover the costs of the proceeding, including, without limitation, the cost of any investigation and reasonable attorney's fees.~~

~~6. The Secretary of State may adopt regulations to administer the provisions of this section.]~~ **(Deleted by amendment.)**

Sec. 4. NRS 78.047 is hereby amended to read as follows:

78.047 1. Every person, other than a corporation organized and existing pursuant to the laws of another state, territory, the District of Columbia, a possession of the United States or a foreign country, who is purporting to do business in this State as a corporation and who willfully fails ~~[or neglects]~~ to file with the Secretary of State articles of incorporation is subject to a fine of not less than $1,000 but not more than $10,000, to be recovered in a court of competent jurisdiction.

2. When the Secretary of State is advised that a person is subject to the fine described in subsection 1, the Secretary of State may, as soon as practicable, instruct the district attorney of the county in which the person's principal place of business is located or the Attorney General, or both, to institute proceedings to recover the fine. If the district attorney or the Attorney General prevails in a proceeding to recover the fine described in subsection 1, the district attorney or the Attorney General is entitled to recover the costs of the proceeding, including, without limitation, the cost of any investigation and reasonable attorney's fees.

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

Sec. 5. NRS 80.010 is hereby amended to read as follows:

80.010 1. Before commencing or doing any business in this State, each corporation organized pursuant to the laws of another state, territory, the District of Columbia, a possession of the United States or a foreign country that enters this State to do business must:

(a) File in the Office of the Secretary of State of this State:

(1) ~~[A certificate of corporate existence issued not more than 90 days before the date of filing by an authorized officer of the jurisdiction of its incorporation setting forth the filing of records and instruments related to the articles of incorporation, or the governmental acts or other instrument or authority by which the corporation was created. If the certificate is in a language other than English, a translation, together with the oath of the translator and his or her attestation of its accuracy, must be attached to the certificate.~~

~~(2)]~~ The information required pursuant to NRS 77.310. The street address of the registered agent is the registered office of the corporation in this State.

~~[(3)]~~ ***(2)*** A statement signed by an officer of the corporation setting forth:

(I) A general description of the purposes of the corporation; ~~[and]~~

(II) The authorized stock of the corporation and the number and par value of shares having par value and the number of shares having no par value ~~[.]~~ ***;***

(III) A declaration of the existence of the corporation and the name of the jurisdiction of its incorporation, or the governmental acts or other instrument or authority by which the corporation was created; and

(IV) A declaration that the corporation is in good standing in the jurisdiction of its incorporation or creation, as applicable.

(b) Lodge in the Office of the Secretary of State a copy of the record most recently filed by the corporation in the jurisdiction of its incorporation setting forth the authorized stock of the corporation, the number of par-value shares and their par value, and the number of no-par-value shares.

2. The Secretary of State shall not file the records required by subsection 1 for any foreign corporation whose name is not distinguishable on the records of the Secretary of State from the names of all other artificial persons formed, organized, registered or qualified pursuant to the provisions of this title that are on file in the Office of the Secretary of State and all names that are reserved in the Office of the Secretary of State pursuant to the provisions of this title, unless the written, acknowledged consent of the holder of the name on file or reserved name to use the same name or the requested similar name accompanies the articles of incorporation.

3. For the purposes of this section and NRS 80.012, a proposed name is not distinguishable from a name on file or reserved solely because one or the other names contains distinctive lettering, a distinctive mark, a trademark or trade name, or any combination thereof.

4. The name of a foreign corporation whose charter has been revoked, which has merged and is not the surviving entity or whose existence has otherwise terminated is available for use by any other artificial person.

5. The Secretary of State shall not accept for filing the records required by subsection 1 or NRS 80.110 for any foreign corporation if the name of the corporation contains the words “engineer,” “engineered,” “engineering,”

"professional engineer," "registered engineer" or "licensed engineer" unless the State Board of Professional Engineers and Land Surveyors certifies that:

(a) The principals of the corporation are licensed to practice engineering pursuant to the laws of this State; or

(b) The corporation is exempt from the prohibitions of NRS 625.520.

6. The Secretary of State shall not accept for filing the records required by subsection 1 or NRS 80.110 for any foreign corporation if the name of the corporation contains the words "architect," "architecture," "registered architect," "licensed architect," "registered interior designer," "registered interior design," "residential designer," "registered residential designer," "licensed residential designer" or "residential design" unless the State Board of Architecture, Interior Design and Residential Design certifies that:

(a) The principals of the corporation are holders of a certificate of registration to practice architecture or residential design or to practice as a registered interior designer, as applicable, pursuant to the laws of this State; or

(b) The corporation is qualified to do business in this State pursuant to NRS 623.349.

7. The Secretary of State shall not accept for filing the records required by subsection 1 or NRS 80.110 for any foreign corporation if it appears from the records that the business to be carried on by the corporation is subject to supervision by the Commissioner of Financial Institutions, unless the Commissioner certifies that:

(a) The corporation has obtained the authority required to do business in this State; or

(b) The corporation is not subject to or is exempt from the requirements for obtaining such authority.

8. The Secretary of State shall not accept for filing the records required by subsection 1 or NRS 80.110 for any foreign corporation if the name of the corporation contains the word "accountant," "accounting," "accountancy," "auditor" or "auditing" unless the Nevada State Board of Accountancy certifies that the foreign corporation:

(a) Is registered pursuant to the provisions of chapter 628 of NRS; or

(b) Has filed with the Nevada State Board of Accountancy under penalty of perjury a written statement that the foreign corporation is not engaged in the practice of accounting and is not offering to practice accounting in this State.

9. The Secretary of State may adopt regulations that interpret the requirements of this section.

Sec. 6. NRS 80.055 is hereby amended to read as follows:

80.055 1. Every corporation which willfully fails ~~[or neglects]~~ to comply with the provisions of NRS 80.010 to 80.040, inclusive, is subject to a fine of not less than $1,000 but not more than $10,000, to be recovered in a court of competent jurisdiction.

2. Except as otherwise provided in subsection 3, every corporation which fails or neglects to comply with the provisions of NRS 80.010 to 80.040, inclusive, may not commence or maintain any action or proceeding in any court of this State until it has fully complied with the provisions of NRS 80.010 to 80.040, inclusive.

3. An action or proceeding may be commenced by such a corporation if an extraordinary remedy available pursuant to chapter 31 of NRS is all or part of the relief sought. Such an action or proceeding must be dismissed without prejudice if the corporation does not comply with the provisions of NRS 80.010 to 80.040, inclusive, within 45 days after the action or proceeding is commenced.

4. When the Secretary of State is advised that a corporation is doing business in contravention of NRS 80.010 to 80.040, inclusive, the Secretary of State may, as soon as practicable, instruct the district attorney of the county where the corporation has its principal place of business or the Attorney General, or both, to institute proceedings to recover any applicable fine provided for in this section. If the district attorney or the Attorney General prevails in a proceeding to recover the fine described in subsection 1, the district attorney or the Attorney General is entitled to recover the costs of the proceeding, including, without limitation, the cost of any investigation and reasonable attorney's fees.

5. The failure of a corporation to comply with the provisions of NRS 80.010 to 80.040, inclusive, does not impair the validity of any contract or act of the corporation, or prevent the corporation from defending any action, suit or proceeding in any court of this State.

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

Sec. 7. NRS 80.110 is hereby amended to read as follows:

80.110 1. Each foreign corporation doing business in this State shall, on or before the last day of the first month after the filing of **[**~~its certificate of corporate existence~~**]** ***the records required by this subsection or NRS 80.010*** with the Secretary of State, and annually thereafter on or before the last day of the month in which the anniversary date of its qualification to do business in this State occurs in each year, file with the Secretary of State a list, on a form furnished by the Secretary of State, that contains:

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

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

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

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

(a) A declaration under penalty of perjury that the foreign corporation has complied with the provisions of chapter 76 of NRS and which acknowledges that pursuant to NRS 239.330, it is a category C felony to knowingly offer any false or forged instrument for filing with the Office of the Secretary of State.

(b) A statement as to whether the foreign corporation is a publicly traded company. If the corporation is a publicly traded company, the corporation must list its Central Index Key. The Secretary of State shall include on the Secretary of State's Internet website the Central Index Key of a corporation provided pursuant to this subsection and instructions describing the manner in which a member of the public may obtain information concerning the corporation from the Securities and Exchange Commission.

3. Upon filing:

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

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

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

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

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

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

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

Sec. 8. NRS 82.5234 is hereby amended to read as follows:

82.5234 1. Every foreign nonprofit corporation which is doing business in this State and which willfully fails ~~[or neglects]~~ to qualify to do business in this State in accordance with the laws of this State is subject to a fine of not less than $1,000 but not more than $10,000, to be recovered in a court of competent jurisdiction.

2. Except as otherwise provided in subsection 3, every foreign nonprofit corporation which is doing business in this State and which fails or neglects to qualify to do business in this State in accordance with the laws of this State may not commence or maintain any action or proceeding in any court of this State until it has qualified to do business in this State.

3. An action or proceeding may be commenced by such a corporation if an extraordinary remedy available pursuant to chapter 31 of NRS is all or part of the relief sought. Such an action or proceeding must be dismissed without prejudice if the corporation does not qualify to do business in this State within 45 days after the action or proceeding is commenced.

4. When the Secretary of State is advised that a foreign nonprofit corporation is subject to the fine described in subsection 1, the Secretary of State may, as soon as practicable, instruct the district attorney of the county where the foreign nonprofit corporation has its principal place of business or the Attorney General, or both, to institute proceedings to recover the fine. If the district attorney or the Attorney General prevails in a proceeding to recover the fine described in subsection 1, the district attorney or the Attorney General is entitled to recover the costs of the proceeding, including, without limitation, the cost of any investigation and reasonable attorney's fees.

5. The failure of a foreign nonprofit corporation to qualify to do business in this State in accordance with the laws of this State does not impair the validity of any contract or act of the corporation, or prevent the corporation from defending any action, suit or proceeding in any court of this State.

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

Sec. 9. NRS 86.213 is hereby amended to read as follows:

86.213 1. Every person, other than a foreign limited-liability company, who is purporting to do business in this State as a limited-liability company and who willfully fails ~~[or neglects]~~ to file with the Secretary of State articles of organization is subject to a fine of not less than $1,000 but not more than $10,000, to be recovered in a court of competent jurisdiction.

2. When the Secretary of State is advised that a person is subject to the fine described in subsection 1, the Secretary of State may, as soon as practicable, instruct the district attorney of the county in which the person's principal place of business is located or the Attorney General, or both, to institute proceedings to recover the fine. If the district attorney or the Attorney General prevails in a proceeding to recover the fine described in subsection 1, the district attorney or the Attorney General is entitled to recover the costs of the proceeding, including, without limitation, the cost of any investigation and reasonable attorney's fees.

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

Sec. 10. NRS 86.544 is hereby amended to read as follows:

86.544 Before transacting business in this State, a foreign limited-liability company must register with the Secretary of State. In order to register, a foreign limited-liability company must submit to the Secretary of State an application for registration as a foreign limited-liability company, signed by a manager of the company or, if management is not vested in a manager, a member of the company. The application for registration must set forth:

1. The name of the foreign limited-liability company and, if different, the name under which it proposes to register and transact business in this State;

2. The ~~[state]~~ ***jurisdiction*** and date of its formation;

3. ***A declaration of the existence of the foreign limited-liability company;***

4. A declaration that the foreign limited-liability company is in good standing in the jurisdiction of its formation;

5. The information required pursuant to NRS 77.310;

~~[4.]~~ ***6.*** A statement that the Secretary of State is appointed the agent of the foreign limited-liability company for service of process if the authority of the registered agent has been revoked, or if the registered agent has resigned or cannot be found or served with the exercise of reasonable diligence;

~~[5.]~~ ***7.*** The address of the office required to be maintained in the state of its organization by the laws of that state or, if not so required, of the principal office of the foreign limited-liability company;

~~[6.]~~ ***8.*** The name and business address of each manager or, if management is not vested in a manager, each member;

~~[7.]~~ ***9.*** The address of the office at which is kept a list of the names and addresses of the members and their capital contributions, together with an undertaking by the foreign limited-liability company to keep those records until the registration in this State of the foreign limited-liability company is cancelled or withdrawn; and

~~[8.]~~ ***10.*** If the foreign limited-liability company has one or more series of members and if the debts or liabilities of a series are enforceable against the assets of that series only and not against the assets of the company generally or another series, a statement to that effect.

Sec. 11. NRS 86.548 is hereby amended to read as follows:

86.548 1. Every foreign limited-liability company transacting business in this State which willfully fails ~~[or neglects]~~ to register with the Secretary of State in accordance with the provisions of NRS 86.544 is subject to a fine of not less than $1,000 but not more than $10,000, to be recovered in a court of competent jurisdiction.

2. Every foreign limited-liability company transacting business in this State which fails or neglects to register with the Secretary of State in accordance with the provisions of NRS 86.544 may not commence or maintain any action, suit or proceeding in any court of this State until it has registered with the Secretary of State.

3. The failure of a foreign limited-liability company to register with the Secretary of State does not impair the validity of any contract or act of the foreign limited-liability company, or prevent the foreign limited-liability company from defending any action, suit or proceeding in any court of this State.

4. When the Secretary of State is advised that a foreign limited-liability company is subject to the fine described in subsection 1, the Secretary of State may, as soon as practicable, instruct the district attorney of the county where the foreign limited-liability company has its principal place of business or the Attorney General, or both, to institute proceedings to recover the fine. If the district attorney or the Attorney General prevails in a proceeding to recover the fine described in subsection 1, the district attorney or the Attorney General is entitled to recover the costs of the proceeding, including, without limitation, the cost of any investigation and reasonable attorney's fees.

5. A foreign limited-liability company, by transacting business in this State without registering with the Secretary of State, appoints the Secretary of State as its agent for service of process with respect to causes of action arising out of the transaction of business in this State by the foreign limited-liability company.

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

Sec. 12. NRS 87.445 is hereby amended to read as follows:

87.445 1. Every person, other than a foreign registered limited-liability partnership, who is purporting to do business in this State as a registered limited-liability partnership and who willfully fails ~~[or neglects]~~ to file with the Secretary of State a certificate of registration is subject to a fine of not less than $1,000 but not more than $10,000, to be recovered in a court of competent jurisdiction.

2. When the Secretary of State is advised that a person is subject to the fine described in subsection 1, the Secretary of State may, as soon as practicable, instruct the district attorney of the county in which the person's principal place of business is located or the Attorney General, or both, to institute proceedings to recover the fine. If the district attorney or the Attorney General prevails in a proceeding to recover the fine described in subsection 1, the district attorney or the Attorney General is entitled to recover the costs of the proceeding, including, without limitation, the cost of any investigation and reasonable attorney's fees.

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

Sec. 13. NRS 87.5405 is hereby amended to read as follows:

87.5405 1. Every foreign registered limited-liability partnership which is doing business in this State and which willfully fails ~~[or neglects]~~ to register with the Secretary of State pursuant to NRS 87.440 to 87.500, inclusive, and 87.541 to 87.544, inclusive, is subject to a fine of not less than

$1,000 but not more than $10,000, to be recovered in a court of competent jurisdiction.

2. Every foreign registered limited-liability partnership which is doing business in this State and which fails or neglects to register with the Secretary of State pursuant to NRS 87.440 to 87.500, inclusive, and 87.541 to 87.544, inclusive, may not commence or maintain any action, suit or proceeding in any court of this State until it has registered with the Secretary of State pursuant to NRS 87.440 to 87.500, inclusive, and 87.541 to 87.544, inclusive.

3. The failure of a foreign registered limited-liability partnership to register in this State does not impair the validity of any contract or act of the foreign registered limited-liability partnership, or prevent the foreign registered limited-liability partnership from defending any action, suit or proceeding in any court of this State.

4. When the Secretary of State is advised that a foreign registered limited-liability partnership is subject to the fine described in subsection 1, the Secretary of State may, as soon as practicable, instruct the district attorney of the county in which the foreign registered limited-liability partnership's principal place of business is located or the Attorney General, or both, to institute proceedings to recover the fine. If the district attorney or the Attorney General prevails in a proceeding to recover the fine described in subsection 1, the district attorney or the Attorney General is entitled to recover the costs of the proceeding, including, without limitation, the cost of any investigation and reasonable attorney's fees.

5. A foreign registered limited-liability partnership, by transacting business in this State without registration, appoints the Secretary of State as its agent for service of process with respect to causes of action arising out of the transaction of business in this State by the foreign registered limited-liability partnership.

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

Sec. 14. NRS 87A.237 is hereby amended to read as follows:

87A.237 1. Every person, other than a foreign limited partnership, who is purporting to do business in this State as a limited partnership and who willfully fails ~~[or neglects]~~ to file with the Secretary of State a certificate of limited partnership is subject to a fine of not less than $1,000 but not more than $10,000, to be recovered in a court of competent jurisdiction.

2. When the Secretary of State is advised that a person, other than a foreign limited partnership, is subject to the fine described in subsection 1, the Secretary of State may, as soon as practicable, instruct the district attorney of the county in which the person's principal place of business is located or the Attorney General, or both, to institute proceedings to recover the fine. If the district attorney or the Attorney General prevails in a proceeding to recover the fine described in subsection 1, the district attorney or the Attorney General is entitled to recover the costs of the proceeding,

including, without limitation, the cost of any investigation and reasonable attorney's fees.

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

Sec. 15. NRS 87A.610 is hereby amended to read as follows:

87A.610 1. Every foreign limited partnership transacting business in this State which willfully fails ~~[or neglects]~~ to register with the Secretary of State in accordance with the provisions of NRS 87A.540 or 88.575 is subject to a fine of not less than $1,000 but not more than $10,000, to be recovered in a court of competent jurisdiction.

2. Every foreign limited partnership transacting business in this State which fails or neglects to register with the Secretary of State in accordance with the provisions of NRS 87A.540 or 88.575 may not commence or maintain any action, suit or proceeding in any court of this State until it has registered with the Secretary of State.

3. The failure of a foreign limited partnership to register with the Secretary of State does not impair the validity of any contract or act of the foreign limited partnership or prevent the foreign limited partnership from defending any action, suit or proceeding in any court of this State.

4. When the Secretary of State is advised that a foreign limited partnership is subject to the fine described in subsection 1, the Secretary of State may, as soon as practicable, instruct the district attorney of the county where the foreign limited partnership has its principal place of business or the Attorney General, or both, to institute proceedings to recover any applicable fine provided for in this section. If the district attorney or the Attorney General prevails in a proceeding to recover a fine pursuant to this section, the district attorney or the Attorney General is entitled to recover the costs of the proceeding, including, without limitation, the cost of any investigation and reasonable attorney's fees.

5. A limited partner of a foreign limited partnership is not liable as a general partner of the foreign limited partnership solely by reason of having transacted business in this State without registration.

6. A foreign limited partnership, by transacting business in this State without registering with the Secretary of State, appoints the Secretary of State as its agent for service of process with respect to causes of action arising out of the transaction of business in this State.

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

Sec. 16. NRS 87A.632 is hereby amended to read as follows:

87A.632 1. Every person, other than a limited-liability limited partnership formed pursuant to an agreement governed by the laws of another state, who is purporting to do business in this State as a registered limited-liability limited partnership and who willfully fails ~~[or neglects]~~ to file with the Secretary of State a certificate of registration is subject to a fine of not

less than $1,000 but not more than $10,000, to be recovered in a court of competent jurisdiction.

2. When the Secretary of State is advised that a person is subject to the fine described in subsection 1, the Secretary of State may, as soon as practicable, instruct the district attorney of the county in which the person's principal place of business is located or the Attorney General, or both, to institute proceedings to recover the fine. If the district attorney or the Attorney General prevails in a proceeding to recover the fine described in this section, the district attorney or the Attorney General is entitled to recover the costs of the proceeding, including, without limitation, the cost of any investigation and reasonable attorney's fees.

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

Sec. 17. NRS 87A.652 is hereby amended to read as follows:

87A.652 1. Every limited-liability limited partnership, formed pursuant to an agreement governed by the laws of another state, which is purporting to transact business in this State as a foreign registered limited-liability limited partnership and which willfully fails ~~[or neglects]~~ to register with the Secretary of State in accordance with the provisions of NRS 87A.540 or 88.575 is subject to a fine of not less than $1,000 but not more than $10,000, to be recovered in a court of competent jurisdiction.

2. Every limited-liability limited partnership, formed pursuant to an agreement governed by the laws of another state, which is purporting to transact business in this State as a foreign registered limited-liability limited partnership and which fails or neglects to register with the Secretary of State in accordance with the provisions of NRS 87A.540 or 88.575 may not commence or maintain any action, suit or proceeding in any court of this State until it has registered in this State.

3. The failure of a limited-liability limited partnership, formed pursuant to an agreement governed by the laws of another state and purporting to do business in this State as a foreign registered limited-liability limited partnership, to register with the Secretary of State in accordance with the provisions of NRS 87A.540 or 88.575 does not impair the validity of any contract or act of the limited-liability limited partnership or prevent the limited-liability limited partnership from defending any action, suit or proceeding in any court of this State.

4. When the Secretary of State is advised that a limited-liability limited partnership, formed pursuant to an agreement governed by the laws of another state, is subject to the fine described in subsection 1, the Secretary of State may, as soon as practicable, instruct the district attorney of the county where the limited-liability limited partnership has its principal place of business or the Attorney General, or both, to institute proceedings to recover the fine. If the district attorney or the Attorney General prevails in a proceeding to recover the fine described in subsection 1, the district attorney or the Attorney General is entitled to recover the costs of the proceeding,

including, without limitation, the cost of any investigation and reasonable attorney's fees.

5. A limited partner of a limited-liability limited partnership, formed pursuant to an agreement governed by the laws of another state, is not liable as a general partner of the limited-liability limited partnership solely by reason of having transacted business in this State without registration.

6. A limited-liability limited partnership, formed pursuant to an agreement governed by the laws of another state, by transacting business in this State without registering with the Secretary of State in accordance with the provisions of NRS 87A.540 or 88.575, appoints the Secretary of State as its agent for service of process with respect to causes of action arising out of the transaction of business in this State.

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

Sec. 18. NRS 88.352 is hereby amended to read as follows:

88.352 1. Every person, other than a foreign limited partnership, who is purporting to do business in this State as a limited partnership and who willfully fails ~~[or neglects]~~ to file with the Secretary of State a certificate of limited partnership is subject to a fine of not less than $1,000 but not more than $10,000, to be recovered in a court of competent jurisdiction.

2. When the Secretary of State is advised that a person, other than a foreign limited partnership, is subject to the fine described in subsection 1, the Secretary of State may, as soon as practicable, instruct the district attorney of the county in which the person's principal place of business is located or the Attorney General, or both, to institute proceedings to recover the fine. If the district attorney or the Attorney General prevails in a proceeding to recover the fine described in subsection 1, the district attorney or the Attorney General is entitled to recover the costs of the proceeding, including, without limitation, the cost of any investigation and reasonable attorney's fees.

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

Sec. 19. NRS 88.600 is hereby amended to read as follows:

88.600 1. Every foreign limited partnership transacting business in this State which willfully fails ~~[or neglects]~~ to register with the Secretary of State in accordance with the provisions of NRS 87A.540 or 88.575 is subject to a fine of not less than $1,000 but not more than $10,000, to be recovered in a court of competent jurisdiction.

2. Every foreign limited partnership transacting business in this State which fails or neglects to register with the Secretary of State in accordance with the provisions of NRS 87A.540 or 88.575 may not commence or maintain any action, suit or proceeding in any court of this State until it has registered in this State.

3. The failure of a foreign limited partnership to register with the Secretary of State does not impair the validity of any contract or act of the

foreign limited partnership or prevent the foreign limited partnership from defending any action, suit or proceeding in any court of this State.

4. When the Secretary of State is advised that a foreign limited partnership is subject to the fine described in subsection 1, the Secretary of State may, as soon as practicable, instruct the district attorney of the county where the foreign limited partnership has its principal place of business or the Attorney General, or both, to institute proceedings to recover the fine. If the district attorney or the Attorney General prevails in a proceeding to recover the fine described in subsection 1, the district attorney or the Attorney General is entitled to recover the costs of the proceeding, including, without limitation, the cost of any investigation and reasonable attorney's fees.

5. A limited partner of a foreign limited partnership is not liable as a general partner of the foreign limited partnership solely by reason of having transacted business in this State without registration.

6. A foreign limited partnership, by transacting business in this State without registering with the Secretary of State, appoints the Secretary of State as its agent for service of process with respect to causes of action arising out of the transaction of business in this State.

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

Sec. 20. NRS 88.6062 is hereby amended to read as follows:

88.6062 1. Every person, other than a limited-liability limited partnership formed pursuant to an agreement governed by the laws of another state, who is purporting to do business in this State as a registered limited-liability limited partnership and who willfully fails ~~[or neglects]~~ to file with the Secretary of State a certificate of registration is subject to a fine of not less than $1,000 but not more than $10,000, to be recovered in a court of competent jurisdiction.

2. When the Secretary of State is advised that a person is subject to the fine described in subsection 1, the Secretary of State may, as soon as practicable, instruct the district attorney of the county in which the person's principal place of business is located or the Attorney General, or both, to institute proceedings to recover the fine. If the district attorney or the Attorney General prevails in a proceeding to recover the fine described in this section, the district attorney or the Attorney General is entitled to recover the costs of the proceeding, including, without limitation, the cost of any investigation and reasonable attorney's fees.

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

Sec. 21. NRS 88.6087 is hereby amended to read as follows:

88.6087 1. Every limited-liability limited partnership, formed pursuant to an agreement governed by the laws of another state, which is purporting to transact business in this State as a foreign registered limited-liability limited partnership and which willfully fails ~~[or neglects]~~ to register with the Secretary of State in accordance with the provisions of NRS 87A.540 or

88.575 is subject to a fine of not less than $1,000 but not more than $10,000, to be recovered in a court of competent jurisdiction.

2. Every limited-liability limited partnership, formed pursuant to an agreement governed by the laws of another state, which is purporting to transact business in this State as a foreign registered limited-liability limited partnership and which fails or neglects to register with the Secretary of State in accordance with the provisions of NRS 87A.540 or 88.575 may not commence or maintain any action, suit or proceeding in any court of this State until it has registered in this State.

3. The failure of a limited-liability limited partnership, formed pursuant to an agreement governed by the laws of another state and purporting to do business in this State as a foreign registered limited-liability limited partnership, to register with the Secretary of State in accordance with the provisions of NRS 87A.540 or 88.575 does not impair the validity of any contract or act of the limited-liability limited partnership or prevent the limited-liability limited partnership from defending any action, suit or proceeding in any court of this State.

4. When the Secretary of State is advised that a limited-liability limited partnership, formed pursuant to an agreement governed by the laws of another state, is subject to the fine described in subsection 1, the Secretary of State may, as soon as practicable, instruct the district attorney of the county where the limited-liability limited partnership has its principal place of business or the Attorney General, or both, to institute proceedings to recover the fine. If the district attorney or the Attorney General prevails in a proceeding to recover the fine described in subsection 1, the district attorney or the Attorney General is entitled to recover the costs of the proceeding, including, without limitation, the cost of any investigation and reasonable attorney's fees.

5. A limited partner of a limited-liability limited partnership, formed pursuant to an agreement governed by the laws of another state, is not liable as a general partner of the limited-liability limited partnership solely by reason of having transacted business in this State without registration.

6. A limited-liability limited partnership, formed pursuant to an agreement governed by the laws of another state, by transacting business in this State without registering with the Secretary of State in accordance with the provisions of NRS 87A.540 or 88.575, appoints the Secretary of State as its agent for service of process with respect to causes of action arising out of the transaction of business in this State.

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

Sec. 22. NRS 88A.215 is hereby amended to read as follows:

88A.215 1. Every person, other than a foreign business trust, who is purporting to do business in this State as a business trust and who willfully fails ~~[or neglects]~~ to file with the Secretary of State a certificate of trust is

subject to a fine of not less than $1,000 but not more than $10,000, to be recovered in a court of competent jurisdiction.

2. When the Secretary of State is advised that a person, other than a foreign business trust, is subject to the fine described in subsection 1, the Secretary of State may, as soon as practicable, instruct the district attorney of the county in which the person's principal place of business is located or the Attorney General, or both, to institute proceedings to recover the fine. If the district attorney or the Attorney General prevails in a proceeding to recover the fine described in subsection 1, the district attorney or the Attorney General is entitled to recover the costs of the proceeding, including, without limitation, the cost of any investigation and reasonable attorney's fees.

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

Sec. 23. NRS 88A.750 is hereby amended to read as follows:

88A.750 1. Every foreign business trust transacting business in this State which willfully fails ~~[or neglects]~~ to register with the Secretary of State pursuant to the provisions of NRS 88A.710 is subject to a fine of not less than $1,000 but not more than $10,000, to be recovered in a court of competent jurisdiction.

2. Every foreign business trust transacting business in this State which fails or neglects to register with the Secretary of State pursuant to the provisions of NRS 88A.710 may not commence or maintain any action, suit or proceeding in any court of this State until it has registered with the Secretary of State.

3. The failure of a foreign business trust to register with the Secretary of State does not impair the validity of any contract or act of the foreign business trust or prevent the foreign business trust from defending any action, suit or proceeding in any court of this State.

4. When the Secretary of State is advised that a foreign business trust is subject to the fine described in subsection 1, the Secretary of State may, as soon as practicable, instruct the district attorney of the county where the foreign business trust has its principal place of business or the Attorney General, or both, to institute proceedings to recover the fine. If the district attorney or the Attorney General prevails in a proceeding to recover the fine described in subsection 1, the district attorney or the Attorney General is entitled to recover the costs of the proceeding, including, without limitation, the cost of any investigation and reasonable attorney's fees.

5. A foreign business trust, by transacting business in this State without registering the Secretary of State, appoints the Secretary of State as its agent for service of process with respect to causes of action arising out of the transaction of business in this State.

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

Sec. 24. NRS 89.215 is hereby amended to read as follows:

89.215 1. Every person who is purporting to do business in this State as a professional association and who willfully fails ~~[or neglects]~~ to file with the Secretary of State articles of association is subject to a fine of not less than $1,000 but not more than $10,000, to be recovered in a court of competent jurisdiction.

2. When the Secretary of State is advised that a person is subject to the fine described in subsection 1, the Secretary of State may, as soon as practicable, instruct the district attorney of the county in which the person's principal place of business is located or the Attorney General, or both, to institute proceedings to recover the fine. If the district attorney or the Attorney General prevails in a proceeding to recover the fine described in subsection 1, the district attorney or the Attorney General is entitled to recover the costs of the proceeding, including, without limitation, the cost of any investigation and reasonable attorney's fees.

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

Sec. 25. NRS 104.9526 is hereby amended to read as follows:

104.9526 1. The Secretary of State shall adopt and publish rules to effectuate this article. The filing-office rules must be:

(a) Consistent with this article; and

(b) Adopted in accordance with the provisions of chapter 233B of NRS.

2. To keep the filing-office rules and the practices of the filing office in harmony with the rules and practices of filing offices in other jurisdictions that enact substantially this part, and to keep the technology used by the filing office compatible with the technology used by filing offices in other jurisdictions that enact substantially this part, the Secretary of State, so far as is consistent with the purposes, policies, and provisions of this article, in adopting, amending, and repealing filing-office rules, shall:

(a) Consult with filing offices in other jurisdictions that enact substantially this part;

(b) Consult the most recent version of the Model Rules promulgated by the International Association of ~~[~~Corporation~~]~~ ***Commercial*** Administrators or any successor organization; and

(c) Take into consideration the rules and practices of, and the technology used by, filing offices in other jurisdictions that enact substantially this part.

Sec. 26. NRS 104.9527 is hereby amended to read as follows:

104.9527 The Secretary of State shall report biennially on or before the first Monday of February in each odd-numbered year to the Governor and Legislature on the operation of the filing office. The report must contain a statement of the extent to which:

1. The filing-office rules are not in harmony with the rules of filing offices in other jurisdictions that enact substantially this part and the reasons for these variations; and

2. The filing-office rules are not in harmony with the most recent version of the Model Rules promulgated by the International Association of

~~[Corporation]~~ ***Commercial*** Administrators, or any successor organization, and the reasons for these variations.

Sec. 27. ~~[NRS 225.140 is hereby amended to read as follows:~~

~~225.140 1. Except as otherwise provided in subsection 2, in addition to other fees authorized by law, the Secretary of State shall charge and collect the following fees:~~

~~For certifying to a copy of any law, joint resolution, transcript of record or other paper on file or of record with the Secretary of State, including, but not limited to, a document required to be filed pursuant to title 24 of NRS, and use of the State Seal, for each impression~~ **[**~~$20~~**]** ***$30***

~~For each passport or other document signed by the Governor and attested by the Secretary of State $10~~

For each duplicate certificate issued by the Secretary of State $50

~~2. The Secretary of State:~~

~~(a) Shall charge a reasonable fee for searching records and documents kept in his or her office, including, but not limited to, records and documents that are stored on a computer database.~~

~~(b) May charge or collect any filing or other fees for services rendered by him or her to the State of Nevada, any local governmental agency or agency of the Federal Government, or any officer thereof in his or her official capacity or respecting his or her office or official duties.~~

~~(c) May not charge or collect a filing or other fee for:~~

~~(1) Attesting extradition papers or executive warrants for other states.~~

~~(2) Any commission or appointment issued or made by the Governor, either for the use of the State Seal or otherwise.~~

~~(d) May charge a reasonable fee, not to exceed:~~

~~(1) One thousand dollars, for providing service within 1 hour after the time service is requested;~~

~~(2) Five hundred dollars, for providing service more than 1 hour but within 2 hours after the time the service is requested; and~~

~~(3) One hundred twenty-five dollars, for providing any other special service, including, but not limited to, providing service more than 2 hours but within 24 hours after the time the service is requested, accepting documents filed by facsimile machine and other use of new technology.~~

~~(e) Shall charge a person, for each check or other negotiable instrument returned to the Office of the Secretary of State because the person had insufficient money or credit with the drawee to pay the check or other instrument or because the person stopped payment on the check or other instrument:~~

~~(1) A fee of $25; and~~

~~(2) If the check or other instrument that was returned had been presented for the payment of a filing fee for more than one entity, an additional fee in an amount equal to the actual cost incurred by the Office of~~

~~the Secretary of State to perform the following actions as a result of the returned check or instrument:~~

~~(I) Reversing the status of the entities in the records of the Office of the Secretary of State; and~~

~~(II) Recouping any fees charged for services rendered by the Office of the Secretary of State to the entities, including, without limitation, fees charged for providing service pursuant to paragraph (d), providing copies or issuing certificates.~~

~~→ The Secretary of State shall, by regulation, establish procedures for the imposition of the fees authorized by this paragraph and the manner in which a fee authorized by subparagraph (2) will be calculated.~~

~~(f) May charge a reasonable fee for searching for and cancelling or removing, if requested, any filing that has been submitted to him or her but not yet processed.~~

~~3. The Secretary of State shall post a schedule of the fees authorized to be charged pursuant to this section in a conspicuous place at each office at which such fees are collected.]~~ **(Deleted by amendment.)**

Sec. 28. This act becomes effective on July 1, 2011.

Assemblyman Ohrenschall moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 114.

Bill read second time.

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

Amendment No. 129.

AN ACT relating to water; revising the amount of the fee for issuing and recording a permit to change the point of diversion or place of use only of an existing water right for irrigational purposes; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law sets forth a schedule of fees that the State Engineer is required to collect for providing various services relating to the appropriation of water for beneficial uses in Nevada. In 2009, a fee of $200 for issuing and recording a permit to change the point of diversion or place of use only of an existing water right for irrigational purposes was eliminated and the following fee became applicable to such a permit: (1) a fee of $250 for issuing and recording a permit to change an existing water right for any purpose other than for watering livestock or wildlife purposes or for certain uses concerning the generation of hydroelectric power; and (2) an additional fee of $3 for each acre-foot of water or fraction thereof approved in the permit by the State Engineer. (Chapter 250, Statutes of Nevada 2009, p. 1014; NRS 533.435) This bill reinstates and increases to $500 the flat fee that had been eliminated in 2009 for issuing and recording a permit to change the

point of diversion or place of use only of an existing water right for irrigational purposes. Thus, under this bill, a person who is issued such a permit is required to pay a flat fee of $500 rather than a fee of $250 plus an additional fee of $3 for each acre-foot of water or fraction thereof approved in the permit by the State Engineer.

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

Section 1. NRS 533.435 is hereby amended to read as follows:

533.435 1. The State Engineer shall collect the following fees:

For examining and filing an application for a permit to appropriate water $300.00

This fee includes the cost of publication, which is $50.

For reviewing a corrected application or map, or both, in connection with an application for a permit to appropriate water 100.00

For examining and acting upon plans and specifications for construction of a dam 1,000.00

For examining and filing an application for each permit to change the point of diversion, manner of use or place of use of an existing right 200.00

This fee includes the cost of the publication of the application, which is $50.

For issuing and recording each permit to appropriate water for any purpose, except for generating hydroelectric power which results in nonconsumptive use of the water or watering livestock or wildlife purposes 300.00

plus $3 per acre-foot approved or fraction thereof.

[For issuing and recording each permit to change an existing right whether temporary or permanent for any purpose, except] Except for generating hydroelectric power which results in nonconsumptive use of the water, for watering livestock or wildlife purposes which change the point of diversion or place of use only [,] or for irrigational purposes which change the point of diversion or place of use only, for issuing and recording each permit to change an existing right whether temporary or permanent for any purpose 250.00

plus $3 per acre-foot approved or fraction thereof.

For issuing and recording each permit to change the point of diversion or place of use only of an existing right whether temporary or permanent for irrigational purposes 500.00

For issuing and recording each permit to appropriate or change the point of diversion or place of use of an

existing right only whether temporary or permanent for watering livestock or wildlife purposes $200.00
plus $50 for each second-foot of water approved or fraction thereof.
For issuing and recording each permit to appropriate or change an existing right whether temporary or permanent for water for generating hydroelectric power which results in nonconsumptive use of the water 400.00
plus $50 for each second-foot of water approved or fraction thereof.
For issuing a waiver in connection with an application to drill a well 100.00
For filing a secondary application under a reservoir permit 250.00
For approving and recording a secondary permit under a reservoir permit 450.00
For reviewing each tentative subdivision map 150.00
plus $1 per lot.
For reviewing and approving each final subdivision map 100.00
For storage approved under a dam permit for privately owned nonagricultural dams which store more than 50 acre-feet $400.00
plus $1 per acre-foot storage capacity. This fee includes the cost of inspection and must be paid annually.
For filing proof of completion of work 50.00
For filing proof of beneficial use 50.00
For filing proof of resumption of a water right 300.00
For filing any protest 25.00
For filing any application for extension of time within which to file proofs, for each year for which the extension of time is sought 100.00
For reviewing a cancellation of a water right pursuant to a petition for review 300.00
For examining and filing a report of conveyance filed pursuant to paragraph (a) of subsection 1 of NRS 533.384 ..... 100.00
plus $20 per conveyance document
For filing any other instrument 10.00
For making a copy of any document recorded or filed in the Office of the State Engineer, for the first page $1.00
For each additional page ..... .20
For certifying to copies of documents, records or maps, for each certificate 5.00
For each blueprint copy of any drawing or map, per square foot 5.00
The minimum charge for a blueprint copy, per print 3.00

For colored mylar plots 10.00

2. When fees are not specified in subsection 1 for work required of the Office of the State Engineer, the State Engineer shall collect the actual cost of the work.

3. Except as otherwise provided in this subsection, all fees collected by the State Engineer under the provisions of this section must be deposited in the State Treasury for credit to the State General Fund. All fees received for blueprint copies of any drawing or map must be kept by the State Engineer and used only to pay the costs of printing, replacement and maintenance of printing equipment. Any publication fees received which are not used by the State Engineer for publication expenses must be returned to the persons who paid the fees. If, after exercising due diligence, the State Engineer is unable to make the refunds, the State Engineer shall deposit the fees in the State Treasury for credit to the State General Fund. The State Engineer may maintain, with the approval of the State Board of Examiners, a checking account in any bank or credit union qualified to handle state money to carry out the provisions of this subsection. The account must be secured by a depository bond satisfactory to the State Board of Examiners to the extent the account is not insured by the Federal Deposit Insurance Corporation, the National Credit Union Share Insurance Fund or a private insurer approved pursuant to NRS 678.755.

Sec. 2. This act becomes effective on July 1, 2011.

Assemblywoman Bustamante Adams moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 154.

Bill read second time.

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

Amendment No. 89.

AN ACT relating to the protection of children; establishing provisions which set forth certain rights of children who are placed in foster homes; requiring notice of those rights to children placed in foster homes; establishing a procedure for children who are placed in foster homes to report alleged violations of those rights; ~~[prohibiting retribution against a child who makes such a report; providing a penalty;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Sections 3-5 of this bill establish certain rights of children who are placed in foster homes. **Section 6** of this bill requires a ~~[licensing authority]~~ **provider of family foster care** which places a child in a foster home to inform the child of his or her rights and provide the child with a written copy

of those rights. **Section 6** also requires each group foster home which provides care to more than six children to post a written copy of those rights in the group foster home. **Section 7** of this bill authorizes a ~~[person licensed to operate a]~~ **provider of family** foster ~~[home]~~ **care** to place reasonable restrictions on the rights of a child based upon the time, place and manner of a child's exercise of those rights if such restrictions are necessary to preserve the order or safety of the foster home. **Section 8** of this bill ~~[establishes a procedure for a child to report an alleged violation of his or her rights and requires certain actions to be taken by the licensee of the foster home if the licensee determines that such a violation has occurred.]~~ **authorizes a child placed in foster care who believes that his or her rights as set forth in this bill have been violated to raise and redress a grievance with any of a number of persons or institutions responsible for the child.**

Section 9 of this bill prohibits an employee of a school district from disclosing to any person who is not employed by the school district any information relating to a pupil who is placed in foster care.

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

Section 1. Chapter ~~[424]~~ **432** of NRS is hereby amended by adding thereto the provisions set forth as sections ~~[2]~~ **1.3** to 8, inclusive, of this act.

Sec. 1.3. As used in sections 1.3 to 8, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 1.5, 1.7 and 1.9 of this act have the meanings ascribed to them in those sections.

Sec. 1.5. "Foster home" has the meaning ascribed to it in NRS 424.014.

Sec. 1.7. "Group foster home" has the meaning ascribed to it in NRS 424.015.

Sec. 1.9. "Provider of family foster care" has the meaning ascribed to it in NRS 424.017.

Sec. 2. ***It is the policy of this State that every child placed in a foster home by ~~[a licensing authority]~~ an agency which provides child welfare services have the rights set forth in sections 3, 4 and 5 of this act.***

Sec. 3. ***A child placed in a foster home by ~~[a licensing authority]~~ an agency which provides child welfare services has the right:***

1. To receive information concerning his or her rights set forth in this section and sections 4 and 5 of this act.

2. To be treated with dignity and respect.

3. To fair and equal access to services, placement, care, treatment and benefits.

4. To receive adequate, healthy, appropriate and accessible food.

5. To receive adequate, appropriate and accessible clothing and shelter.

6. To receive appropriate medical care, including, without limitation:

(a) Dental, vision and mental health services;

(b) Medical and psychological screening, assessment and testing; and

(c) Referral to and receipt of medical, emotional, psychological or psychiatric evaluation and treatment as soon as practicable after the need for such services has been identified.

7. To be free from:

(a) Abuse or neglect, as defined in NRS 432B.020;

(b) Corporal punishment, as defined in NRS 388.5225;

(c) Unreasonable searches of his or her personal belongings or other unreasonable invasions of privacy;

(d) The administration of psychotropic medication unless the administration is consistent with NRS 432B.197 and the policies established pursuant thereto; and

(e) Discrimination or harassment on the basis of his or her actual or perceived race, ethnicity, ancestry, national origin, color, religion, sex, sexual orientation, gender identity, mental or physical disability or exposure to the human immunodeficiency virus.

8. To attend religious services of his or her choice or to refuse to attend religious services.

9. Except for placement in a ~~[treatment]~~ facility, as defined in NRS 432B.6072, not to be locked in any room, building or premise or to be subject to other physical restraint or isolation.

10. Except as otherwise prohibited by the agency which provides child welfare services:

(a) To send and receive unopened mail; and

(b) To maintain a bank account and manage personal income, consistent with the age and developmental level of the child.

11. To complete an identification kit, including, without limitation, photographing , ~~[and fingerprinting,]~~ and include the identification kit and his or her photograph in a file maintained by the licensee of the foster home ~~[,]~~ and the agency which provides child welfare services and any ~~[caseworker of the child.]~~ employee thereof who provides child welfare services to the child.

12. To communicate with other persons, including, without limitation, the right:

(a) To communicate regularly, but not less often than once each month, with ~~[his or her caseworker;]~~ an employee of the agency which provides child welfare services who provides child welfare services to the child;

(b) To communicate confidentially with the agency which provides child welfare services to the child concerning his or her care;

(c) To report any alleged violation of his or her rights pursuant to section 8 of this act without being threatened or punished;

~~[(c)]~~ (d) Except as otherwise prohibited by a court order, to contact a family member, social worker, attorney, advocate for children receiving foster care services or guardian ad litem appointed by a court or probation officer; and

~~[(d)]~~ ***(e) Except as otherwise prohibited by a court order, to contact and visit his or her siblings.***

Sec. 4. ***With respect to the placement of a child in a foster home by ~~[a licensing authority,]~~ an agency which provides child welfare services, the child has the right:***

1. To live in a safe, healthy, stable and comfortable environment, including, without limitation, the right:

(a) If safe and appropriate, to remain in his or her home, be placed in the home of a relative or be placed in a home within his or her community;

(b) To be placed in an appropriate foster home best suited to meet the unique needs of the child, including, without limitation, any disability of the child;

(c) To be placed in a foster home where the licensee, employees and residents of the foster home who are 18 years of age or older have submitted to an investigation of their background and personal history in compliance with NRS 424.031; and

(d) To be placed with his or her siblings, whenever possible, if his or her siblings are also placed outside the home.

2. To receive and review information concerning his or her placement, including, without limitation, the right:

(a) To receive information concerning any plan for his or her permanent placement adopted pursuant to NRS 432B.553;

(b) To receive information concerning any changes made to his or her plan for permanent placement; and

(c) If the child is 12 years of age or older, to review the plan for his or her permanent placement.

3. To attend and participate in a court hearing which affects the child, to the extent authorized by law and appropriate given the age and experience of the child.

Sec. 5. ***With respect to the education and vocational training of a child placed in a foster home by ~~[a licensing authority,]~~ an agency which provides child welfare services, the child has the right:***

1. To receive fair and equal access to an education, including, without limitation, the right:

(a) To receive an education as required by law;

(b) To have stability in and minimal disruption to his or her education when the child is placed in a foster home;

(c) To attend the school and remain in the scholastic activities that he or she was enrolled in before placement in a foster home, to the extent practicable and if in the best interests of the child;

(d) To have educational records transferred in a timely manner from the school that he or she was enrolled in before placement in a foster home to a new school, if any;

(e) Not to be identified as a foster child to other students at his or her school by an employee of a school district, including, without limitation, a school administrator , ~~for~~ teacher ~~,~~ or instructional aide;

(f) To receive any educational screening, assessment or testing required by law;

(g) To be referred to and receive educational evaluation and services as soon as practicable after the need for such services has been identified, including, without limitation, access to special education and special services to meet the unique needs of a child with educational or behavioral disabilities or impairments that adversely affect the child's educational performance;

(h) To have access to information regarding relevant educational opportunities, including, without limitation, course work for vocational and postsecondary educational programs and financial aid for postsecondary education, once the child is 16 years of age or older; and

(i) To attend a class or program concerning independent living for which he or she is qualified that is offered by the ~~licensing~~ agency which provides child welfare services or another agency or contractor of the State.

2. To participate in extracurricular, cultural and personal enrichment activities which are consistent with the age and developmental level of the child.

3. To work and to receive vocational training, to the extent permitted by statute and consistent with the age and developmental level of the child.

4. To have access to transportation, if practicable, to allow the child to participate in extracurricular, cultural, personal and work activities.

Sec. 6. *1. ~~A licensing authority~~ A provider of family foster care that places a child in a foster home shall:*

(a) Inform the child of his or her rights set forth in sections 3, 4 and 5 of this act;

(b) Provide the child with a written copy of those rights; and

(c) Provide an additional written copy of those rights to the child upon request.

2. A group foster home shall post a written copy of the rights set forth in sections 3, 4 and 5 of this act in a conspicuous place inside the group foster home.

~~[3. A written copy of the rights set forth in sections 3, 4 and 5 of this act which is provided to a child or posted at a group foster home must include a telephone number or other contact information that the child may use to notify the licensing authority of any alleged violation of his or her rights.]~~

Sec. 7. *~~[1. A licensee of a foster home shall ensure that the rights set forth in sections 3, 4 and 5 of this act for children placed in the foster home are protected and that, except as otherwise provided in this section, the licensee or an employee of the foster home does not restrict the ability of a child to exercise those rights.~~*

~~2.]~~ ***A ~~[licensee of a]~~ provider of family foster ~~[home]~~ care may impose reasonable restrictions on the time, place and manner in which a child may exercise his or her rights set forth in sections 3, 4 and 5 of this act if the ~~[licensee]~~ provider of family foster care determines that such restrictions are necessary to preserve the order, discipline or safety of the foster home.***

~~[3. A licensing authority may adopt regulations relating to the reasonable restrictions imposed by a licensee of a foster home pursuant to subsection 2.]~~

Sec. 8. ~~[1.]~~ ***If a child believes that his or her rights set forth in sections 3, 4 and 5 of this act have been violated, the child may ~~[report the alleged violation to:~~***

~~(a) The licensee or an employee of the foster home;~~

~~(b) The licensing authority; or~~

~~(c) Any other person, including, without limitation, a]~~ ***raise and redress a grievance with, without limitation:***

1. A provider of foster care;

2. An employee of a family foster home, as defined in NRS 424.013, group foster home or specialized foster home;

3. An agency which provides provide child welfare services to the child, and any employee thereof;

4. A juvenile court with jurisdiction over the child ~~[;~~ ~~a]~~ ;

5. A guardian ad litem for the child ; or ~~[an]~~

6. An attorney for the child.

~~[2. A report submitted pursuant to subsection 1 must include the right that was allegedly violated and may include the circumstances surrounding the alleged violation.~~

~~3. If a child reports an alleged violation of his or her rights to an employee of a foster home, to the licensing authority or to any other person pursuant to subsection 1, the employee, licensing authority or other person shall, as soon as practicable, notify the licensee of the foster home of the alleged violation.~~

~~4. The licensee of a foster home shall investigate whether a violation alleged pursuant to subsection 1 has occurred and, if the licensee determines that such a violation has occurred:~~

~~(a) Correct the violation and notify the child and the licensing authority of the manner in which the violation was corrected; or~~

~~(b) If the violation cannot be corrected, take all reasonable action to ameliorate the violation and notify the child and the licensing authority of the reasons for the failure to correct the violation.~~

~~5. A licensee or an employee of a foster home, a licensing authority or any other person who receives a report of an alleged violation pursuant to subsection 1 shall keep the report and any information relating to the report confidential, except that:~~

~~(a) An employee of a foster home, a licensing authority or any other person who received the report may provide any necessary information to the~~

~~*licensee of the foster home to correct the alleged violation and to ensure the health and safety of the child; and*~~

~~*(b) The licensee of the foster home shall communicate with the licensing authority concerning the manner in which any violation was corrected or all action that was taken to ameliorate the violation and the reasons for the failure to correct the violation as required by subsection 4.*~~

~~*6. A person, including, without limitation, a licensee or employee of a foster home, shall not threaten, punish or take other retribution against a child who makes a report pursuant to subsection 1.]*~~

Sec. 9. Chapter 391 of NRS is hereby amended by adding thereto a new section to read as follows:

An employee of a school district, including, without limitation, a teacher, an administrator or an instructional aide, shall not disclose to any person who is not employed by the school district the fact that a pupil is a child who has been placed in a foster home or any related information.

Assemblywoman Bustamante Adams moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 192.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 200.

AN ACT relating to county recorders; providing **authorization** for the collection and disposition of an additional fee for certain recorded documents; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires a county recorder to charge and collect a fee of $1 for recording a document, instrument, paper, notice, deed, conveyance, map, chart, survey or any other writing other than an originally signed copy of a certificate of marriage. (NRS 247.305) ~~[This bill requires a county recorder to charge an additional $2 fee]~~ **Section 2 of this bill authorizes a board of county commissioners to adopt by ordinance an additional fee of not more than $3** for each such recording and provides that such fees must be used to provide legal services for abused and neglected children.

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

Section 1. **NRS 247.110 is hereby amended to read as follows:**

247.110 1. When a document authorized, entitled or required by law to be recorded is deposited in the county recorder's office for recording, the county recorder shall:

(a) Endorse upon it the time when it was received, noting:

(1) The year, month, day, hour and minute of its reception;

(2) The document number; and

(3) The amount of fees collected for recording the document.

(b) Record the document without delay, together with the acknowledgments, proofs and certificates, written upon or annexed to it, with the plats, surveys, schedules and other papers thereto annexed, in the order in which the papers are received for recording.

(c) Note at the upper right corner of the record and upon the document, except a map, so recorded the exact time of its reception and the name of the person at whose request it was recorded.

(d) Upon request, place a stamp or other notation upon one copy of the document presented at the time of recording to reflect the information endorsed upon the original pursuant to subparagraphs (1) and (2) of paragraph (a) and as evidence that the county recorder received the original, and return the copy to the person who presented it.

2. In addition to the information described in paragraph (a) of subsection 1, a county recorder may endorse upon a document the book and page where the document is recorded.

3. Except as otherwise provided in this section, subsection ~~[4]~~ ***5*** of NRS 247.305 and NRS 111.366 to 111.3697, inclusive, a document, except a map, certificate or affidavit of death, military discharge or document regarding taxes that is issued by the Internal Revenue Service of the United States Department of the Treasury, that is submitted for recording must be on a form authorized by NRS 104.9521 for the type of filing or must:

(a) Be on white, 20-pound paper that is 8 1/2 inches by 11 inches in size.

(b) Have a margin of 1 inch on the left and right sides and at the bottom of each page.

(c) Have a space of 3 inches by 3 inches at the upper right corner of the first page and have a margin of 1 inch at the top of each succeeding page.

(d) Not be on sheets of paper that are bound together at the side, top or bottom.

(e) Not contain printed material on more than one side of each page.

(f) Not have any documents or other materials physically attached to the paper.

(g) Not contain:

(1) Colored markings to highlight text or any other part of the document;

(2) A stamp or seal that overlaps with text or a signature on the document, except in the case of a validated stamp or seal of a professional engineer or land surveyor who is licensed pursuant to chapter 625 of NRS;

(3) Text that is smaller than a 10-point Times New Roman font and is printed in any ink other than black; or

(4) More than nine lines of text per vertical inch.

4. The provisions of subsection 3 do not apply to a document submitted for recording that has been filed with a court and which conforms to the formatting requirements established by the court.

5. A document is recorded when the information required pursuant to this section is placed on the document and is entered in the record of the county recorder.

~~[Section 1.]~~ ***Sec. 2.*** NRS 247.305 is hereby amended to read as follows:

247.305 1. If another statute specifies the fee to be charged for a service, county recorders shall charge and collect only the fee specified. Otherwise, unless prohibited by NRS 375.060, county recorders shall charge and collect the following fees:

(a) For recording any document, for the first page, $10.

(b) For each additional page, $1.

(c) For recording each portion of a document which must be separately indexed, after the first indexing, $3.

(d) For copying any record, for each page, $1.

(e) For certifying, including certificate and seal, $4.

(f) For a certified copy of a certificate of marriage, $10.

(g) For a certified abstract of a certificate of marriage, $10.

(h) For a certified copy of a certificate of marriage or for a certified abstract of a certificate of marriage, the additional sum of $5 for the Account for Aid for Victims of Domestic Violence in the State General Fund. The fees collected for this purpose must be paid over to the county treasurer by the county recorder on or before the fifth day of each month for the preceding calendar month, and must be credited to that Account. The county treasurer shall, on or before the 15th day of each month, remit those fees deposited by the recorder to the State Controller for credit to that Account.

2. Except as otherwise provided in this subsection and NRS 375.060, a county recorder may charge and collect, in addition to any fee that a county recorder is otherwise authorized to charge and collect, an additional fee not to exceed $3 for recording a document, instrument, paper, notice, deed, conveyance, map, chart, survey or any other writing. A county recorder may not charge the additional fee authorized in this subsection for recording the originally signed copy of a certificate of marriage described in NRS 122.120. On or before the fifth day of each month, the county recorder shall pay the amount of fees collected by him or her pursuant to this subsection to the county treasurer for credit to the account established pursuant to NRS 247.306.

3. Except as otherwise provided in this subsection and NRS 375.060, a county recorder shall charge and collect, in addition to any fee that a county recorder is otherwise authorized to charge and collect, an additional fee of $1 ~~*[$3]*~~ for recording a document, instrument, paper, notice, deed, conveyance, map, chart, survey or any other writing. A county recorder shall not charge the additional fee authorized in this subsection for recording the originally

signed copy of a certificate of marriage described in NRS 122.120. On or before the fifth day of each month, the county recorder shall pay the amount of fees collected by him or her pursuant to this subsection to the county treasurer. On or before the 15th day of each month, the county treasurer shall remit the money received by him or her pursuant to this subsection ~~*[in the following amounts for each fee received:*~~

~~*(a) Two dollars to the organization operating a program for legal services as set forth in NRS 19.031 to be used to provide legal services for abused and neglected children.*~~

~~*(b) One dollar]*~~ to the State Treasurer for credit to the Account to Assist Persons Formerly in Foster Care established pursuant to NRS 432.017.

4. ***Except as otherwise provided in this subsection and NRS 375.060, a board of county commissioners may, in addition to any fee that a county recorder is otherwise authorized to charge and collect, impose by ordinance a fee of not more than $3 for recording a document, instrument, paper, notice, deed, conveyance, map, chart, survey or any other writing. A county recorder shall not charge the additional fee authorized by this subsection for recording the originally signed copy of a certificate of marriage described in NRS 122.120. On or before the fifth day of each month, the county recorder shall pay the amount of fees collected by him or her pursuant to this subsection to the county treasurer. On or before the 15th day of each month, the county treasurer shall remit the money received by him or her pursuant to this subsection to the organization operating the program for legal services for the indigent that receives the fees charged pursuant to NRS 19.031 to be used to provide legal services for abused and neglected children.***

5. Except as otherwise provided in this subsection, subsection ~~[5]~~ ***6*** or by specific statute, a county recorder may charge and collect, in addition to any fee that a county recorder is otherwise authorized to charge and collect, an additional fee not to exceed $25 for recording any document that does not meet the standards set forth in subsection 3 of NRS 247.110. A county recorder shall not charge the additional fee authorized by this subsection for recording a document that is exempt from the provisions of subsection 3 of NRS 247.110.

~~[5.]~~ ***6.*** Except as otherwise provided in subsection ~~[6,]~~ ***7,*** a county recorder shall not charge or collect any fees for any of the services specified in this section when rendered by the county recorder to:

(a) The county in which the county recorder's office is located.

(b) The State of Nevada or any city or town within the county in which the county recorder's office is located, if the document being recorded:

(1) Conveys to the State, or to that city or town, an interest in land;

(2) Is a mortgage or deed of trust upon lands within the county which names the State or that city or town as beneficiary;

(3) Imposes a lien in favor of the State or that city or town; or

(4) Is a notice of the pendency of an action by the State or that city or town.

~~[6.]~~ ***7.*** A county recorder shall charge and collect the fees specified in this section for copying any document at the request of the State of Nevada, and any city or town within the county. For copying, and for his or her certificate and seal upon the copy, the county recorder shall charge the regular fee.

~~[7.]~~ ***8.*** If the amount of money collected by a county recorder for a fee pursuant to this section:

(a) Exceeds by $5 or less the amount required by law to be paid, the county recorder shall deposit the excess payment with the county treasurer for credit to the county general fund.

(b) Exceeds by more than $5 the amount required by law to be paid, the county recorder shall refund the entire amount of the excess payment.

~~[8.]~~ ***9.*** Except as otherwise provided in subsection 2, 3 ***, 4*** or ~~[7.]~~ ***8*** or by an ordinance adopted pursuant to the provisions of NRS 244.207, county recorders shall, on or before the fifth working day of each month, account for and pay to the county treasurer all such fees collected during the preceding month.

~~[9.]~~ ***10.*** For the purposes of this section, "State of Nevada," "county," "city" and "town" include any department or agency thereof and any officer thereof in his or her official capacity.

~~[Sec. 2.]~~ ***Sec. 3.*** This act becomes effective on July 1, 2011.

Assemblywoman Smith moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 196.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 204.

SUMMARY—Revises provisions governing the collection of fines, administrative assessments, fees and restitution owed by certain convicted persons. (BDR ~~[18-557)]~~ **14-557)**

AN ACT relating to the State Controller; ~~[requiring]~~ **authorizing a county treasurer to enter into a cooperative agreement with the Office of** the State Controller ~~[to collect]~~ **for the purpose of assigning the responsibility of collecting** fines, administrative assessments, fees and restitution from ~~[persons convicted of]~~ certain criminal ~~[offenses;]~~ **defendants; making various changes relating to the collection of fines, administrative assessments, fees and restitution from certain criminal defendants; making various changes relating to debt collection between this State and the Federal Government;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that if a fine, administrative assessment, fee or restitution imposed upon a defendant is delinquent: (1) the defendant is liable for a collection fee; (2) the entity responsible for collecting the delinquent amount may report the delinquency to credit reporting agencies, may contract with a collection agency and may request that the court take appropriate action; and (3) the court may request that a prosecuting attorney undertake collection efforts, may order the suspension of the driver's license of the defendant and may, in the case of a delinquent fine or administrative assessment, order that the defendant be confined in the appropriate prison, jail or detention facility. (NRS 176.064)

~~[This bill provides that if a defendant is convicted of a felony or gross misdemeanor and ordered to pay a fine, administrative assessment, fee or restitution, the State Controller is responsible for: (1) collecting the fine, administrative assessment, fee or restitution; and (2) distributing the fine, administrative assessment, fee or restitution to the entity entitled to receive it. Sections 1 and 2 of this bill require: (1) each district court, the Chief of the Division of Parole and Probation of the Department of Public Safety and the Director of the Department of Corrections to provide, upon request and in the manner prescribed by the State Controller, necessary information to the State Controller regarding the amount of any fine, administrative assessment, fee or restitution owed by a person convicted of a felony or gross misdemeanor; and (2) each district court, the Department of Public Safety, the Department of Corrections and any other state or local agency involved in the collection of fines, administrative assessments, fees or restitution to collaborate with the State Controller.]~~ **Sections 7 and 11 of this bill require the district court to forward to the county treasurer the necessary information for the collection of the debt of a criminal defendant. If a county is unable to collect the debt, sections 7, 11 and 14 of this bill authorize the county treasurer to enter into a cooperative agreement with the Office of the State Controller for the purpose of assigning to the Office of the State Controller the responsibility for collecting the debt.**

Under existing law, a judgment entered by the court ordering a defendant to pay a fine, administrative assessment or restitution constitutes a lien. (NRS 176.275) Section 8 of this bill requires a district court judge to inform a defendant at the time of sentencing of the provisions of NRS 176.275, and that if the lien is not satisfied, collection efforts may be undertaken against the defendant.

Sections 9 and 12 of this bill require a defendant to pay costs and fees associated with the efforts to collect a debt.

Section 14 authorizes the Office of the State Controller to enter into a cooperative agreement with a governmental entity for the purpose of establishing the Office of the State Controller as the collection agent for the governmental entity.

Section 15 of this bill authorizes the State Controller or his or her designee to enter into a reciprocal agreement with the Federal Government for the collection and offset of indebtedness.

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

Section 1. ~~[Chapter 227 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~***1. The State Controller shall:***~~

~~***(a) Collect any fine, administrative assessment, fee or restitution imposed upon a defendant convicted of a felony or gross misdemeanor pursuant to chapter 176 of NRS; and***~~

~~***(b) Distribute a fine, administrative assessment, fee or restitution collected pursuant to subsection 1 to the entity that is entitled to receive the fine, administrative assessment, fee or restitution.***~~

~~***2. To carry out the provisions of subsection 1, the State Controller shall:***~~

~~***(a) Collaborate with the appropriate district court, the Department of Public Safety, the Department of Corrections and any other state or local agency involved in the collection of fines, administrative assessments, fees or restitution; and***~~

~~***(b) Use any lawful means necessary to collect the fines, administrative assessments, fees and restitution, including, without limitation, taking any or all of the actions set forth in NRS 176.064.]***~~ **(Deleted by amendment.)**

Sec. 2. ~~[NRS 176.064 is hereby amended to read as follows:~~

~~176.064 1. If a fine, administrative assessment, fee or restitution is imposed upon a defendant pursuant to this chapter, whether or not the fine, administrative assessment, fee or restitution is in addition to any other punishment, and the fine, administrative assessment, fee or restitution or any part of it remains unpaid after the time established by the court for its payment, the defendant is liable for a collection fee, to be imposed by the court at the time it finds that the fine, administrative assessment, fee or restitution is delinquent, of:~~

~~(a) Not more than $100, if the amount of the delinquency is less than $2,000.~~

~~(b) Not more than $500, if the amount of the delinquency is $2,000 or greater, but is less than $5,000.~~

~~(c) Ten percent of the amount of the delinquency, if the amount of the delinquency is $5,000 or greater.~~

~~2. [A]~~ ***The State Controller or a*** ~~state or local entity that is [responsible for collecting]~~ ***involved in the collection of*** ~~a delinquent fine, administrative assessment, fee or restitution may, in addition to attempting to collect the fine, administrative assessment, fee or restitution through any other lawful means, take any or all of the following actions:~~

~~(a) Report the delinquency to reporting agencies that assemble or evaluate information concerning credit.~~

~~(b) Request that the court take appropriate action pursuant to subsection 3.~~

~~(c) Contract with a collection agency licensed pursuant to NRS 649.075 to collect the delinquent amount and the collection fee. The collection agency must be paid as compensation for its services an amount not greater than the amount of the collection fee imposed pursuant to subsection 1, in accordance with the provisions of the contract.~~

~~3. The court may, on its own motion or at the request of~~ ***the State Controller or*** ~~a state or local entity that is~~ **[**~~responsible for collecting~~**]** ***involved in the collection of*** ~~the delinquent fine, administrative assessment, fee or restitution, take any or all of the following actions, in the following order of priority if practicable:~~

~~(a) Request that a prosecuting attorney undertake collection of the delinquency, including, without limitation, the original amount and the collection fee, by attachment or garnishment of the defendant's property, wages or other money receivable.~~

~~(b) Order the suspension of the driver's license of the defendant. If the defendant does not possess a driver's license, the court may prohibit the defendant from applying for a driver's license for a specified period. If the defendant is already the subject of a court order suspending or delaying the issuance of the defendant's driver's license, the court may order the additional suspension or delay, as appropriate, to apply consecutively with the previous order. At the time the court issues an order suspending the driver's license of a defendant pursuant to this paragraph, the court shall require the defendant to surrender to the court all driver's licenses then held by the defendant. The court shall, within 5 days after issuing the order, forward to the Department of Motor Vehicles the licenses, together with a copy of the order. At the time the court issues an order pursuant to this paragraph delaying the ability of a defendant to apply for a driver's license, the court shall, within 5 days after issuing the order, forward to the Department of Motor Vehicles a copy of the order. The Department of Motor Vehicles shall report a suspension pursuant to this paragraph to an insurance company or its agent inquiring about the defendant's driving record, but such a suspension must not be considered for the purpose of rating or underwriting.~~

~~(c) For a delinquent fine or administrative assessment, order the confinement of the person in the appropriate prison, jail or detention facility, as provided in NRS 176.065 and 176.075.~~

~~4. Money collected from a collection fee imposed pursuant to subsection 1 must be distributed in the following manner:~~

~~(a) Except as otherwise provided in paragraph (d), if the money is collected by or on behalf of a municipal court, the money must be deposited in a special fund in the appropriate city treasury. The city may use the money~~

~~in the fund only to develop and implement a program for the collection of fines, administrative assessments, fees and restitution.~~

~~(b) Except as otherwise provided in paragraph (d), if the money is collected by or on behalf of a justice court or district court, the money must be deposited in a special fund in the appropriate county treasury. The county may use the money in the special fund only to develop and implement a program for the collection of fines, administrative assessments, fees and restitution.~~

~~(c) Except as otherwise provided in paragraph (d), if the money is collected by~~ **[**~~a state entity,~~**]** ***the State Controller,*** ~~the money must be deposited in an account, which is hereby created in the State Treasury. The~~ **[**~~Court Administrator~~**]** ***State Controller*** ~~may use the money in the account only to develop and implement a program for the collection of fines, administrative assessments, fees and restitution in this State.~~

~~(d) If the money is collected by a collection agency, after the collection agency has been paid its fee pursuant to the terms of the contract, any remaining money must be deposited in the state, city or county treasury, whichever is appropriate, to be used only for the purposes set forth in paragraph (a), (b) or (c)~~ **.** **[**~~of this subsection.~~**]**

5. To carry out the provisions of this section:

(a) Each district court, the Chief of the Division and the Director of the Department of Corrections shall, upon the request of and in the manner prescribed by the State Controller, provide to the State Controller such information in their possession regarding the amount of any fine, administrative assessment, fee or restitution owed by a person convicted of a felony or gross misdemeanor as determined necessary by the State Controller.

(b) Each district court, the Department of Public Safety, the Department of Corrections and any other state or local agency involved in the collection of fines, administrative assessments, fees or restitution shall collaborate with the State Controller.] **(Deleted by amendment.)**

Sec. 3. **[**~~NRS 176.0916 is hereby amended to read as follows:~~

~~176.0916 1. If the Division is supervising a probationer or parolee pursuant to an interstate compact and the probationer or parolee is or has been convicted in another jurisdiction of violating a law that prohibits the same or similar conduct as an offense listed in subsection 4 of NRS 176.0913, the Division shall arrange for a biological specimen to be obtained from the probationer or parolee.~~

~~2. After a biological specimen is obtained from a probationer or parolee pursuant to this section, the Division shall:~~

~~(a) Provide the biological specimen to the forensic laboratory that has been designated by the county in which the probationer or parolee is residing to conduct or oversee genetic marker testing for the county pursuant to NRS 176.0917; and~~

~~(b) Submit the name, social security number, date of birth and any other information identifying the probationer or parolee to the Central Repository~~ **[**~~.~~**]** ***for Nevada Records of Criminal History.***

~~3. Except as otherwise authorized by federal law or by specific statute, a biological specimen obtained pursuant to this section, the results of a genetic marker analysis and any information identifying or matching a biological specimen with a person must not be shared with or disclosed to any person other than the authorized personnel who have possession and control of the biological specimen, results of a genetic marker analysis or information identifying or matching a biological specimen with a person, except pursuant to:~~

~~(a) A court order; or~~

~~(b) A request from a law enforcement agency during the course of an investigation.~~

~~4. A person who violates any provision of subsection 3 is guilty of a misdemeanor.~~

~~5. A probationer or parolee, to the extent of his or her financial ability, shall pay the sum of $150 to the~~ **[**~~Division~~**]** ***State Controller*** ~~as a fee for obtaining the biological specimen and for conducting the analysis to determine the genetic markers of the biological specimen. Except as otherwise provided in subsection 6, the fee required pursuant to this subsection must be collected from a probationer or parolee at the time the biological specimen is obtained from the probationer or parolee.~~

~~6. A probationer or parolee may arrange to make monthly payments of the fee required pursuant to subsection 5. If such arrangements are made, the~~ **[**~~Division~~**]** ***State Controller*** ~~shall provide a probationer or parolee with a monthly statement that specifies the date on which the next payment is due.~~

~~7. Any unpaid balance for a fee required pursuant to subsection 5 is a charge against the~~ **[**~~Division.~~**]** ***State Controller.***

~~8. The~~ **[**~~Division~~**]** ***State Controller*** ~~shall deposit money that is collected pursuant to this section in the Fund for Genetic Marker Testing, which is hereby created in the State General Fund. The money deposited in the Fund for Genetic Marker Testing must be used to pay for the actual amount charged to the Division for obtaining biological specimens from probationers and parolees, and for conducting an analysis to determine the genetic markers of the specimens.~~**]** **(Deleted by amendment.)**

Sec. 4. **[**~~NRS 176A.430 is hereby amended to read as follows:~~

~~176A.430 1. The court shall order as a condition of probation or suspension of sentence, in appropriate circumstances, that the defendant make full or partial restitution to the person or persons named in the order, at the times and in the amounts specified in the order unless the court finds that restitution is impracticable. Such an order may require payment for medical or psychological treatment of any person whom the defendant has injured. In appropriate circumstances, the court shall include as a condition of probation or suspension of sentence that the defendant execute an assignment of wages~~

~~earned while on probation or subject to the conditions of suspension of sentence to the [Division] *State Controller* for restitution.~~

~~2. All money received by the [Division] *State Controller* for restitution for:~~

~~(a) One victim may; and~~

~~(b) More than one victim must,~~

~~➥ be deposited with the State Treasurer for credit to the Restitution Trust Fund. All payments from the Fund must be paid as other claims against the State are paid.~~

~~3. If restitution is not required, the court shall set forth the circumstances upon which it finds restitution impracticable in its order of probation or suspension of sentence.~~

~~4. Failure to comply with the terms of an order for restitution is a violation of a condition of probation or suspension of sentence unless the defendant's failure has been caused by economic hardship resulting in the defendant's inability to pay the amount due. The defendant is entitled to a hearing to show the existence of such a hardship.~~

~~5. If, within 3 years after the defendant has been discharged from probation, the [Division] *State Controller* has not located the person to whom the restitution was ordered, the money paid by the defendant must be deposited with the State Treasurer for credit to the Fund for the Compensation of Victims of Crime.]~~ **(Deleted by amendment.)**

Sec. 5. ~~[NRS 213.126 is hereby amended to read as follows:~~

~~213.126 1. Unless complete restitution was made while the parolee was incarcerated, the Board shall impose as a condition of parole, in appropriate circumstances, a requirement that the parolee make restitution to the person or persons named in the statement of parole conditions, including restitution to a governmental entity for expenses related to extradition, at the times specified in the statement unless the Board finds that restitution is impracticable. The amount of restitution must be the amount set by the court pursuant to NRS 176.033. In appropriate circumstances, the Board shall include as a condition of parole that the parolee execute an assignment of wages earned by the parolee while on parole to the [Division] *State Controller* for restitution.~~

~~2. All money received by the [Division] *State Controller* for restitution for:~~

~~(a) One victim may; and~~

~~(b) More than one victim must,~~

~~➥ be deposited in the State Treasury for credit to the Restitution Trust Fund which is hereby created.~~

~~3. The [Division] *State Controller* shall make pro rata payments from the money received from the parolee to each person to whom the restitution was ordered pursuant to NRS 176.033. Such a payment must be made:~~

~~(a) If the money received from the parolee in a single payment is $200 or more or if the total accumulated amount received from the parolee is $200 or more, whenever money is received from the parolee.~~

~~(b) If the money received from the parolee in a single payment is less than $200 or if the total accumulated amount received from the parolee is less than $200, at the end of each year until the parolee has paid the entire restitution owed.~~

~~→ Any money received from the parolee that is remaining at the end of each year must be paid at that time in pro rata payments to each person to whom the restitution was ordered. A final pro rata payment must be made to such persons when the parolee pays the entire restitution owed.~~

~~4. A person to whom restitution was ordered pursuant to NRS 176.033 may at any time file an application with the~~ **[**Division**]** ~~***State Controller*** requesting the~~ **[**Division**]** ~~***State Controller*** to make a pro rata payment from the money received from the parolee. If the~~ **[**Division**]** ~~***State Controller*** finds that the applicant is suffering a serious financial hardship and is in need of financial assistance, the~~ **[**Division**]** ~~***State Controller*** shall pay to the applicant his or her pro rata share of the money received from the parolee.~~

~~5. All payments from the Fund must be paid as other claims against the State are paid.~~

~~6. If restitution is not required, the Board shall set forth the circumstances upon which it finds restitution impracticable in its statement of parole conditions.~~

~~7. Failure to comply with a restitution requirement imposed by the Board is a violation of a condition of parole unless the parolee's failure was caused by economic hardship resulting in his or her inability to pay the amount due. The defendant is entitled to a hearing to show the existence of that hardship.~~

~~8. If, within 3 years after the parolee is discharged from parole, the~~ **[**Division**]** ~~***State Controller*** has not located the person to whom the restitution was ordered, the money paid to the~~ **[**Division**]** ~~***State Controller*** by the parolee must be deposited in the Fund for the Compensation of Victims of Crime.~~**]** **(Deleted by amendment.)**

Sec. 6. **Chapter 176 of NRS is hereby amended by adding thereto the provisions set forth as sections 7, 8 and 9 of this act.**

Sec. 7. ***1. If a fine, administrative assessment, fee or restitution is imposed pursuant to this chapter upon a defendant who pleads guilty or guilty but mentally ill or is found guilty or guilty but mentally ill of a felony or gross misdemeanor, the district court entering the judgment of conviction shall forward to the county treasurer or other office assigned by the county to make collections the information necessary to collect the fine, administrative assessment, fee or restitution. The county treasurer or other office assigned by the county to make collections is responsible for such collection efforts and has the authority to collect the fine, administrative assessment, fee or restitution.***

2. If the county treasurer or other office assigned by the county to make collections is unable to collect the fine, administrative assessment, fee or restitution after 60 days, the county treasurer may assign to the Office of the State Controller the responsibility for collection of the fine, administrative assessment, fee or restitution through a cooperative agreement pursuant to section 14 of this act, so long as the Office of the State Controller is willing and able to make such collection efforts.

3. If the county treasurer and the Office of the State Controller enter into a cooperative agreement pursuant to section 14 of this act, the county treasurer or other county office assigned by the county to make collections shall forward to the Office of the State Controller the necessary information. For the purposes of this section, the information necessary to collect the fine, administrative assessment, fee or restitution shall be considered and limited to:

(a) The name of the defendant;

(b) The date of birth of the defendant;

(c) The social security number of the defendant;

(d) The last known address of the defendant; and

(e) The nature and the amount of money owed by the defendant.

4. If the Office of the State Controller is successful in collecting the fine, administrative assessment, fee or restitution, the money collected must be returned to the originating county, minus the costs and fees actually incurred in collecting the fine, administrative assessment, fee or restitution pursuant to section 9 of this act.

5. Any money collected pursuant to subsection 4 must be deposited in the State Treasury, pursuant to NRS 176.265.

6. Any record created pursuant to subsection 3 that contains personal identifying information shall not be considered a public record pursuant to NRS 239.010 and must be treated pursuant to NRS 239.0105.

7. Unless otherwise prohibited by law, the entity responsible for collecting the fine, administrative assessment, fee or restitution pursuant to this section, has the authority to compromise the amount to be collected for the purpose of satisfying the judgment.

Sec. 8. If a district court imposes a fine, administrative assessment, fee or restitution upon a defendant who pleads guilty or guilty but mentally ill or is found guilty or guilty but mentally ill of a felony or gross misdemeanor, the district court judge shall advise the defendant at the time of sentencing that:

1. The judgment constitutes a lien, pursuant to NRS 176.275; and

2. If the defendant does not satisfy the lien, collection efforts may be undertaken against the defendant pursuant to the laws of this State.

Sec. 9. 1. A defendant who pleads guilty or guilty but mentally ill or is found guilty or guilty but mentally ill who owes a fine, administrative assessment, fee or restitution, pursuant to section 7 of this act, must be assessed by and pay to the county treasurer or other office assigned by the

county to make collections the following costs and fees if the county treasurer or other office assigned by the county to make collections is successful in collecting the fine, administrative assessment, fee or restitution:

(a) The costs and fees actually incurred in collecting the fine, administrative assessment, fee or restitution; and

(b) A fee payable to the county treasurer in the amount of 2 percent of the amount of the fine, administrative assessment, fee or restitution assigned to the county treasurer or other office assigned by the county to make collections.

2. The total amount of the costs and fees required to be collected pursuant to subsection 1 must not exceed 35 percent of the amount of the fine, administrative assessment, fee or restitution or $50,000, whichever is less.

Sec. 10. **Chapter 178 of NRS is hereby amended by adding thereto the provisions set forth as sections 11 and 12 of this act.**

Sec. 11. 1. If a district court orders a defendant to pay for expenses incurred by the county or State in providing the defendant with an attorney pursuant to NRS 178.3975 or makes an execution on the property of the defendant pursuant to NRS 178.398, the district court entering the judgment shall forward to the county treasurer or other office assigned by the county to make collections the information necessary to collect the fee. The county treasurer or other office assigned by the county to make collections is responsible for such collection efforts and has the authority to collect the fee.

2. If the county treasurer or other office assigned by the county to make collections is unable to collect the fee after 60 days, the county treasurer may assign to the Office of the State Controller the responsibility for collection of the fee through a cooperative agreement pursuant to section 14 of this act, so long as the Office of the State Controller is willing and able to make such collection efforts.

3. If the county treasurer and the Office of the State Controller enter into a cooperative agreement pursuant to section 14 of this act, the county treasurer or other county office assigned by the county to make collections shall forward to the Office of the State Controller the necessary information. For purposes of this section, the information necessary to collect the fee shall be considered and limited to:

(a) The name of the defendant;

(b) The date of birth of the defendant;

(c) The social security number of the defendant;

(d) The last known address of the defendant; and

(e) The nature and the amount of money owed by the defendant.

4. If the Office of the State Controller is successful in collecting the fee, the money collected must be returned to the originating county, minus the costs and fees actually incurred in collecting the fee.

5. Any money collected must be paid to the county or state public defender's office which bore the expense and which was not reimbursed by another governmental agency, pursuant to NRS 178.3975.

6. Any record created pursuant to subsection 3 that contains personal identifying information shall not be considered a public record pursuant to NRS 239.010 and must be treated pursuant to NRS 239.0105.

7. Unless otherwise prohibited by law, the entity responsible for collecting the fee pursuant to this section, has the authority to compromise the amount to be collected for the purpose of satisfying the judgment.

Sec. 12. 1. A defendant who owes a fee pursuant to section 11 of this act, must be assessed by and pay to the county treasurer or other office assigned by the county to make collections, the following costs and fees if the county treasurer or other office assigned by the county to make collections is successful in collecting the fee:

(a) The costs and fees actually incurred in collecting the fee; and

(b) A fee payable to the county treasurer in the amount of 2 percent of the amount of the fee assigned to the county treasurer or other office assigned by the county to make collections.

2. The total amount of the costs and fees required to be collected pursuant to subsection 1 must not exceed 35 percent of the amount of the fee or $50,000, whichever is less.

Sec. 13. **Chapter 353 of NRS is hereby amended by adding thereto the provisions set forth as sections 14 and 15 of this act.**

Sec. 14. The Office of the State Controller may act as the collection agent for any governmental entity pursuant to a cooperative agreement entered into between the Office of the State Controller and the governmental entity.

Sec. 15. The State Controller or his or her designee may enter into a reciprocal agreement with the Federal Government for the collection and offset of indebtedness, pursuant to which the State will offset from state tax refunds and from payments otherwise due to vendors and contractors providing goods or services to the departments, agencies or institutions of this State, non tax related debt owed to the Federal Government, and the Federal Government will offset from federal payments to vendors and taxpayers debt owed to the State of Nevada.

~~[Sec. 6.]~~ ***Sec. 16.*** This act becomes effective on July 1, 2011.

Assemblyman Ohrenschall moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 213.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 152.

AN ACT relating to gaming; authorizing the Nevada Gaming Commission to adopt regulations relating to the issuance of a preliminary finding of suitability; revising provisions relating to investigations and the initiation of complaints by the State Gaming Control Board; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the Nevada Gaming Commission to require a finding of suitability of a person under certain circumstances. (NRS 463.162) **Section 1** of this bill authorizes the Commission to adopt regulations relating to the issuance of a preliminary finding of suitability.

Existing law requires the State Gaming Control Board to make investigations and to initiate a hearing by filing a complaint with the Commission if the Board is satisfied that a license, registration, finding of suitability, pari-mutuel license or prior approval by the Commission of any transaction for which approval was required or permitted should be limited, conditioned, suspended or revoked. (NRS 463.310) **Section 2** of this bill clarifies that the Board may, after an investigation, initiate a hearing by filing a complaint with the Commission if the Board is satisfied that a person or entity which is licensed, registered **, found suitable** or found **preliminarily** suitable or which previously obtained approval for which Commission approval was required or permitted should be fined.

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

Section 1. Chapter 463 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Commission may, with the advice and assistance of the Board, adopt regulations governing the issuance of a preliminary finding of suitability to a person.

2. The regulations adopted by the Commission pursuant to this section must:

(a) Provide that a person must demonstrate to the satisfaction of the Commission that the person has the suitability to become involved as a licensee but has not otherwise entered into a position or transaction which would require licensing pursuant to this chapter.

(b) Provide that a preliminary finding of suitability expires not more than 2 years after issuance by the Commission but may be renewed for additional periods of not more than 2 years as the Commission deems appropriate.

(c) Set forth standards for a person to be issued a preliminary finding of suitability that are as stringent as the standards for a person to be issued a nonrestricted license.

(d) Establish the fees for a person to apply for, to be investigated for and to hold a preliminary finding of suitability.

(e) Provide that no person may be issued a preliminary finding of suitability unless the person agrees that, for the duration of the period in which the person holds the preliminary finding of suitability, the person will not seek or in any way engage in a corporate acquisition opposed by management.

(f) Define "preliminary finding of suitability" as the term is used in this section.

3. As used in this section:

(a) "Acquire control" or "acquiring control" means any act or conduct by a person whereby the person obtains control, whether accomplished through the ownership of equity or voting securities, ownership of rights to acquire equity or voting securities, by management or consulting agreements or other contract, by proxy or power of attorney, by statutory mergers, by consummation of a tender offer, by acquisition of assets, or otherwise.

(b) "Control" means the possession, direct or indirect, of the power to direct or cause the direction of the management and policies of a person.

(c) "Corporate acquisition opposed by management" means an attempt to acquire control of a publicly traded corporation that is an affiliated company by means of a tender offer that is opposed by the board of directors of the affiliated company.

(d) "Tender offer" means a public offer by a person other than the issuer to purchase voting securities of a publicly traded corporation that is an affiliated company, made directly to security holders for the purpose of acquiring control of the affiliated company.

(e) "Voting security" means a security the holder of which is entitled to vote for the election of a member or members of the board of directors or board of trustees of a corporation or a comparable person or persons in the case of a partnership, trust, or other form of business organization other than a corporation.

Sec. 2. NRS 463.310 is hereby amended to read as follows:

463.310 1. The Board shall make appropriate investigations:

(a) To determine whether there has been any violation of this chapter or chapter 462, 464, 465 or 466 of NRS or any regulations adopted thereunder.

(b) To determine any facts, conditions, practices or matters which it may deem necessary or proper to aid in the enforcement of any such law or regulation.

(c) To aid in adopting regulations.

(d) To secure information as a basis for recommending legislation relating to this chapter or chapter 462, 464, 465 or 466 of NRS.

(e) As directed by the Commission.

2. If, after any investigation the Board is satisfied that ~~[a]~~ ***:***

(a) A license, registration, finding of suitability, ***preliminary finding of suitability,*** pari-mutuel license or prior approval by the Commission of any transaction for which the approval was required or permitted under the

provisions of this chapter or chapter 462, 464 or 466 of NRS should be limited, conditioned, suspended or revoked ~~[, it]~~ ***; or***

(b) A person or entity which is licensed, registered , found suitable or found preliminarily suitable pursuant to this chapter or chapter 464 of NRS or which previously obtained approval for any act or transaction for which Commission approval was required or permitted under the provisions of this chapter or chapter 464 of NRS should be fined,

➥ ***the Board*** shall initiate a hearing before the Commission by filing a complaint with the Commission in accordance with NRS 463.312 and transmit therewith a summary of evidence in its possession bearing on the matter and the transcript of testimony at any investigative hearing conducted by or on behalf of the Board.

3. Upon receipt of the complaint of the Board, the Commission shall review ~~[it]~~ ***the complaint*** and all matter presented in support thereof, and shall conduct further proceedings in accordance with NRS 463.3125 to 463.3145, inclusive.

4. After the provisions of subsections 1, 2 and 3 have been complied with, the Commission may:

(a) Limit, condition, suspend or revoke the license of any licensed gaming establishment or the individual license of any licensee without affecting the license of the establishment;

(b) Limit, condition, suspend or revoke any registration, finding of suitability, pari-mutuel license, or prior approval given or granted to any applicant by the Commission;

(c) Order a licensed gaming establishment to keep an individual licensee from the premises of the licensed gaming establishment or not to pay the licensee any remuneration for services or any profits, income or accruals on the investment of the licensee in the licensed gaming establishment; and

(d) Fine each person or entity **,** or both, ~~[who was]~~ ***which is*** licensed, registered or found suitable pursuant to this chapter or chapter 464 of NRS or ~~[who]~~ ***which*** previously obtained approval for any act or transaction for which Commission approval was required or permitted under the provisions of this chapter or chapter 464 of NRS:

(1) Not less than $25,000 ~~[nor]~~ ***and not*** more than $250,000 for each separate violation of any regulation adopted pursuant to NRS 463.125 which is the subject of an initial or subsequent complaint; or

(2) Except as otherwise provided in subparagraph (1) **,** ~~[of this paragraph,]~~ not more than $100,000 for each separate violation of the provisions of this chapter or chapter 464 or 465 of NRS or of the regulations of the Commission which is the subject of an initial complaint and not more than $250,000 for each separate violation of the provisions of this chapter or chapter 464 or 465 of NRS or of the regulations of the Commission which is the subject of any subsequent complaint.

➥ All fines must be paid to the State Treasurer for deposit in the State General Fund.

5. For the second violation of any provision of chapter 465 of NRS by any licensed gaming establishment or individual licensee, the Commission shall revoke the license of the establishment or person.

6. If the Commission limits, conditions, suspends or revokes any license or imposes a fine, or limits, conditions, suspends or revokes any registration, finding of suitability, pari-mutuel license or prior approval, it shall issue its written order therefor after causing to be prepared and filed its written decision upon which the order is based.

7. Any such limitation, condition, revocation, suspension or fine so made is effective until reversed upon judicial review, except that the Commission may stay its order pending a rehearing or judicial review upon such terms and conditions as it deems proper.

8. Judicial review of any such order or decision of the Commission may be had in accordance with NRS 463.315 to 463.318, inclusive.

Assemblyman Ohrenschall moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 249.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 103.

AN ACT relating to court reporters; making various changes pertaining to the appointment, duties and work product of court reporters in the district courts and justice courts of this State; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1 of this bill provides that a business organization appointed to provide to a district court the services of a certified court reporter must be licensed by the Certified Court Reporters' Board of Nevada. (NRS 3.320) **Section 2** of this bill clarifies that an official reporter pro tempore of a district court is appointed rather than employed and, like the official reporter he or she replaces, does not have a fixed term of employment. (NRS 3.320, 3.340) **Section 3** of this bill states that prima facie evidence of the testimony and proceedings in a district court is provided by the transcript and not the report of the official reporter. (NRS 3.360) **Section 4** of this bill makes various changes with respect to the compensation of the official reporter of a district court. (NRS 3.370) **Section 5** of this bill provides that, when sound recording equipment is used to record proceedings in a district court and a transcript is subsequently made: (1) the person who transcribes the recording shall subscribe to an oath that he or she has truly and correctly transcribed the proceedings as recorded; and (2) the person who operates the sound recording equipment shall subscribe to an oath that the sound recording is a true and accurate recording of the proceedings and, in the event of an error, malfunction or other problem relating to the sound recording equipment or

the sound recording, report that error, malfunction or problem to the court. (NRS 3.380) **Section 6** of this bill states that, with regard to proceedings in a justice court, compensation for the preparation of a transcript is to be deposited with the certified court reporter and not with the deputy clerk of the court. (NRS 4.410) **Section 7** of this bill provides that ~~[,]~~ **: (1) the sound recording of each proceeding in justice court must be preserved until at least 1 year, instead of 30 days, after the time for filing an appeal expires; and (2)** with respect to certain criminal proceedings in a justice court, sound recordings must be preserved for a period of at least 8 years. (NRS 4.420)

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

Section 1. NRS 3.320 is hereby amended to read as follows:

3.320 1. The judge or judges of any district court may appoint, subject to the provisions of this chapter and other laws as to the qualifications and examinations of the appointee, one certified court reporter, to be known as official reporter of the court or department and to hold office during the pleasure of the judge appointing the official reporter. The appointee may be any business organization ***licensed by the Board*** if the person representing ~~[it,]~~ ***the business organization,*** who actually performs the reporting service, is a certified court reporter.

2. The official reporter, or any one of them if there are two or more, shall:

(a) At the request of either party or of the court in a civil action or proceeding, and on the order of the court, the district attorney or the attorney for the defendant in a criminal action or proceeding, make a record of all the testimony, the objections made, the rulings of the court, the exceptions taken, all arraignments, pleas and sentences of defendants in criminal cases, and all statements and remarks made by the district attorney or judge, and all oral instructions given by the judge; and

(b) ~~[If]~~ ***When*** directed by the court or requested by either party, within such reasonable time after the trial of the case as may be designated by law or, in the absence of any law relating thereto, by the court, ~~[write out the record, or such specific portions thereof as may be requested, in plain and legible longhand, or by typewriter or other printing machine.]~~ ***transcribe the record into a written transcript.*** The reporter shall certify ~~[to that copy as being]~~ ***that the action or proceeding was*** correctly reported and transcribed and, when directed by the law or court, shall file ~~[it]~~ ***the written transcript*** with the clerk of the court.

3. As used in this section, "Board" means the Certified Court Reporters' Board of Nevada, created by NRS 656.040.

Sec. 2. NRS 3.340 is hereby amended to read as follows:

3.340 The official reporter of any district court shall attend to the duties of office in person except when excused for good and sufficient reason by

order of the court, which order shall be entered upon the minutes of the court. Employment in his or her professional capacity elsewhere shall not be deemed a good and sufficient reason for such excuse. When the official reporter of any court has been excused in the manner provided in this section, the court may designate an official reporter pro tempore who shall perform the same duties and receive the same compensation during the term of his or her ~~[employment]~~ ***appointment*** as the official reporter.

Sec. 3. NRS 3.360 is hereby amended to read as follows:

3.360 The ~~[report]~~ ***transcript*** of the official reporter, or official reporter pro tempore, of any court, duly appointed and sworn, when transcribed and certified as being a correct transcript of the testimony and proceedings in the case, is prima facie evidence of such testimony and proceedings.

Sec. 4. NRS 3.370 is hereby amended to read as follows:

3.370 1. Except as otherwise provided in subsection 3, for his or her services the official reporter or reporter pro tempore is entitled to the following compensation:

(a) For being available to report civil and criminal testimony and proceedings when the court is sitting during traditional business hours on any day except Saturday or Sunday, $170 per day, to be paid by the county as provided in subsection 4.

(b) For being available to report civil and criminal testimony and proceedings when the court is sitting beyond traditional business hours or on Saturday or Sunday:

(1) If the reporter has been available to report for at least 4 hours, $35 per hour for each hour of availability; or

(2) If the reporter has been available to report for fewer than 4 hours, a pro rata amount based on the daily rate set forth in paragraph (a),

➥ to be paid by the county as provided in subsection 4.

(c) For transcription:

(1) Except as otherwise provided in subparagraph (2), for the original draft and any copy to be delivered:

(I) Within 24 hours after it is requested, $7.50 per page for the original draft and one copy, and $2 per page for each additional copy;

(II) Within 48 hours after it is requested, $5.62 per page for the original draft and one copy, and $1.50 per page for each additional copy;

(III) Within 4 days after it is requested, $4.68 per page for the original draft and one copy, and $1.25 per page for each additional copy; or

(IV) More than 4 days after it is requested, $3.55 per page for the original draft and one copy, and 55 cents per page for each additional copy.

(2) For civil litigants who are ordering the original draft and are represented by a nonprofit legal corporation or a program for pro bono legal assistance, for the original draft and any copy to be delivered:

(I) Within 24 hours after it is requested, $5.50 per page and $1.10 per page for each additional copy;

(II) Within 48 hours after it is requested, $4.13 per page and 83 cents per page for each additional copy;

(III) Within 4 days after it is requested, $3.44 per page and 69 cents per page for each additional copy; or

(IV) More than 4 days after it is requested, $2.75 per page and 55 cents per page for each additional copy.

(3) For any party other than the party ordering the original draft, for the copy of the draft to be delivered:

(I) Within 24 hours after it is requested, $1.10 per page;

(II) Within 48 hours after it is requested, 83 cents per page;

(III) Within 4 days after it is requested, 69 cents per page; or

(IV) More than 4 days after it is requested, 55 cents per page.

(d) For reporting all civil matters, in addition to the compensation provided in paragraphs (a) and (b), $30 for each hour or fraction thereof actually spent, to be taxed as costs pursuant to subsection 5.

(e) For providing an instantaneous translation of testimony into English which appears on a computer that is located at a table in the courtroom where the attorney who requested the translation is seated:

(1) Except as otherwise provided in this subparagraph, in all criminal matters in which a party requests such a translation, in addition to the compensation provided pursuant to paragraphs (a) and (b), $140 for the first day and $90 per day for each subsequent day from the party who makes the request. This additional compensation must be paid by the county as provided pursuant to subsection 4 only if the court issues an order granting the translation service to the prosecuting attorney or to an indigent defendant who is represented by a county or state public defender.

(2) In all civil matters in which a party requests such a translation, in addition to the compensation provided pursuant to paragraphs (a), (b) and (d), $140 for the first day and $90 per day for each subsequent day, to be paid by the party who requests the translation.

(f) For providing a diskette containing testimony prepared from a translation provided pursuant to paragraph (e):

(1) Except as otherwise provided in this subparagraph, in all criminal matters in which a party requests the diskette and the reporter agrees to provide the diskette, in addition to the compensation provided pursuant to paragraphs (a), (b) and (e), $1.50 per page of the translation contained on the diskette from the party who makes the request. This additional compensation must be paid by the county as provided pursuant to subsection 4 only if the court issues an order granting the diskette to the prosecuting attorney or to an indigent defendant who is represented by a county or state public defender.

(2) In all civil matters in which a party requests the diskette and the reporter agrees to provide the diskette, in addition to the compensation provided pursuant to paragraphs (a), (b), (d) and (e), $1.50 per page of the translation contained on the diskette, to be paid by the party who requests the diskette.

2. For the purposes of subsection 1, a page is a sheet of paper 8 1/2 by 11 inches ~~[.]~~ ***and does not include a condensed transcript.*** The left margin must not be more than 1 1/2 inches from the left edge of the paper. The right margin must not be more than three-fourths of an inch from the right edge of the paper. Each sheet must be numbered on the left margin and must contain at least 24 lines of type. The first line of each question and of each answer may be indented not more than five spaces from the left margin. The first line of any paragraph or other material may be indented not more than 10 spaces from the left margin. There must not be more than one space between words or more than two spaces between sentences. The type size must not be larger than 10 characters per inch. The lines of type may be double spaced or one and one-half spaced.

3. If the court determines that the services of more than one reporter are necessary to deliver transcripts on a daily basis in a criminal proceeding, each reporter is entitled to receive:

(a) The compensation set forth in paragraphs (a) and (b) of subsection 1 and subparagraph (1) of paragraph (e) of subsection 1, as appropriate; and

(b) Compensation of $7.50 per page for the original draft and one copy, and $2 per page for each additional copy for transcribing a proceeding of which the transcripts are ordered by the court to be delivered on or before the start of the next day the court is scheduled to conduct business.

4. The compensation specified in paragraphs (a) and (b) of subsection 1, the compensation for transcripts in criminal cases ordered by the court to be made, the compensation for transcripts in civil cases ordered by the court pursuant to NRS 12.015, the compensation for transcripts for parents or guardians or attorneys of parents or guardians who receive transcripts pursuant to NRS 432B.459, the compensation in criminal cases that is ordered by the court pursuant to subparagraph (1) of paragraph (e) and subparagraph (1) of paragraph (f) of subsection 1 and the compensation specified in subsection 3 must be paid out of the county treasury upon the order of the court. When there is no official reporter in attendance and a reporter pro tempore is appointed, his or her reasonable expenses for traveling and detention must be fixed and allowed by the court and paid in the same manner. The respective district judges may, with the approval of the respective board or boards of county commissioners within the judicial district, fix a monthly salary to be paid to the official reporter in lieu of per diem. The salary, and also actual traveling expenses in cases where the reporter acts in more than one county, must be prorated by the judge on the basis of time consumed by work in the respective counties and must be paid out of the respective county treasuries upon the order of the court.

5. Except as otherwise provided in subsection 4, in civil cases, the compensation prescribed in paragraph (d) of subsection 1 and for transcripts ordered by the court to be made must be paid by the parties in equal proportions, and either party may, at the party's option, pay the entire compensation. In either case, all amounts so paid by the party to whom costs

are awarded must be taxed as costs in the case. The compensation for transcripts and copies ordered by the parties must be paid by the party ordering them. No reporter may be required to perform any service in a civil case until his or her compensation has been paid to him or her **.** ~~[or deposited with the clerk of the court.]~~

6. Where a transcript is ordered by the court or by any party, the compensation for ~~[it]~~ ***the transcript*** must be paid to the ~~[clerk of the court and by the clerk paid to the]~~ reporter upon the furnishing of the transcript.

7. ~~[The testimony and proceedings in an uncontested divorce action need not be transcribed unless requested by a party or ordered by the court.]~~

If a proceeding is recorded and a transcript is requested, a copy of any sound recording must, if requested, be provided with the transcript. The cost for providing the sound recording must not exceed the actual cost of production and must be paid by the party who requests the sound recording.

Sec. 5. NRS 3.380 is hereby amended to read as follows:

3.380 1. The judge or judges of any district court may, with the approval of the board of county commissioners of any one or more of the counties comprising such district, in addition to the appointment of a court reporter as in this chapter provided, enter an order for the installation of sound recording equipment for use in any of the instances recited in NRS 3.320, for the recording of any civil and criminal proceedings, testimony, objections, rulings, exceptions, arraignments, pleas, sentences, statements and remarks made by the district attorney or judge, oral instructions given by the judge and any other proceedings occurring in civil or criminal actions or proceedings, or special proceedings whenever and wherever and to the same extent as any of such proceedings have heretofore under existing statutes been recorded by the official reporter or any special reporter or any reporter pro tempore appointed by the court.

2. For the purpose of operating such sound recording equipment, the court or judge may appoint or designate the official reporter or a special reporter or reporter pro tempore or the county clerk or clerk of the court or deputy clerk. The person so operating such sound recording equipment shall subscribe to an oath that he or she will well and truly operate the equipment so as to record all of the matters and proceedings.

3. The court may then designate the person operating such equipment or any other competent person to ~~[read]~~ ***listen to*** the recording and to transcribe ~~[it]~~ ***the recording*** into ~~[typewriting.]~~ ***written text.*** The person ~~[transcribing]~~ ***who:***

(a) Transcribes the recording shall subscribe to an oath that he or she has truly and correctly transcribed ~~[it.]~~ ***the proceedings as recorded.***

(b) Operates the sound recording equipment as described in subsection 2 shall:

(1) Subscribe to an oath that the sound recording is a true and accurate recording of the proceedings; and

(2) In the event of an error, malfunction or other problem relating to the sound recording equipment or the sound recording, report that error, malfunction or problem to the court.

4. The transcript may be used for all purposes for which transcripts have heretofore been received and accepted under then existing statutes, including transcripts of testimony and transcripts of proceedings as constituting bills of exceptions or part of the bill of exceptions on appeals in all criminal cases and transcripts of the evidence or proceedings as constituting the record on appeal in civil cases and including transcripts of preliminary hearings before justices of the peace and other committing magistrates, and are subject to correction in the same manner as transcripts under existing statutes.

5. In civil and criminal cases when the court has ordered the use of such sound recording equipment, any party to the action, at the party's own expense, may provide a certified court reporter to make a record of and transcribe all the matters of the proceeding. In such a case, the record prepared by sound recording is the official record of the proceedings, unless it fails or is incomplete because of equipment or operational failure, in which case the record prepared by the certified court reporter shall be deemed, for all purposes, the official record of the proceedings.

Sec. 6. NRS 4.410 is hereby amended to read as follows:

4.410 1. If the person designated to transcribe the proceedings is:

(a) Regularly employed as a public employee, the person is not entitled to additional compensation for preparing the transcript.

(b) Not regularly employed as a public employee and not a certified court reporter, the person is entitled to such compensation for preparing the transcript as the board of county commissioners determines.

(c) A certified court reporter, the person is entitled to the same compensation as set forth in NRS 3.370.

2. The compensation for transcripts and copies must be paid by the party ordering them. In a civil case, the preparation of the transcript need not commence until the compensation has been deposited with the ~~[deputy clerk of the court.]~~ ***court reporter.***

Sec. 7. NRS 4.420 is hereby amended to read as follows:

4.420 ~~[The]~~

1. Except as otherwise provided in this section:

(a) The sound recording of each proceeding in justice court must be preserved until at least ~~[30 days]~~ ***1 year*** after the time for filing an appeal expires.

(b) With respect to a proceeding in justice court that involves a misdemeanor for which enhanced penalties may be imposed, a gross misdemeanor or a felony, the sound recording of the proceeding must be preserved for at least 8 years after the time for filing an appeal expires.

2. If no appeal is taken, the justice of the peace may order the destruction of the recording at any time after ~~[that date.]~~ ***the date specified in subsection 1.***

3. If there is an appeal to the district court, the sound recording must be preserved until at least 30 days after final disposition of the case on appeal, but the justice of the peace may order the destruction of the recording at any time after that date.

Sec. 8. This act becomes effective upon passage and approval.

Assemblyman Ohrenschall moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 253.

Bill read second time.

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

Amendment No. 218.

AN ACT relating to occupational safety; revising certain fines for willful ~~[or repeated]~~ violations of the Nevada Occupational Safety and Health Act; authorizing citations and fines for violation of a settlement agreement; providing for a survey of salaries of safety and mechanical inspectors; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the assessment of certain fines and punishments for violations of the Nevada Occupational Safety and Health Act. (NRS 618.625-618.715)

Sections 1-4 of this bill include within the scope of behavior that may trigger certain fines or punishments the violation of any provision of a settlement agreement entered into that relates to the Nevada Occupational Safety and Health Act ~~[.]~~ **and authorize the Division of Industrial Relations of the Department of Business and Industry to take certain actions to enforce such a settlement agreement.**

Section 2 of this bill increases the maximum and minimum fines for willfully ~~[or repeatedly]~~ violating any requirement of the Nevada Occupational Safety and Health Act. **Section 4** of this bill revises the punishment for a willful violation of the Nevada Occupational Safety and Health Act that results in the death of an employee by revising the fine that may be assessed for each such violation.

Section 5 of this bill requires the Department of Personnel to complete a survey of the salaries of safety and mechanical inspectors and report its findings to the Director of the Legislative Counsel Bureau by July 1, 2012.

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

Section 1. NRS 618.465 is hereby amended to read as follows:

618.465 1. If, upon inspection or investigation, the Administrator or the Administrator's authorized representative believes that an employer has violated a requirement of this chapter, ~~[or]~~ any standard, rule or order

adopted or issued pursuant to this chapter, ***or any provision of a settlement agreement entered into relating to this chapter,*** the Division shall with reasonable promptness issue a citation to the employer. Each citation must be in writing and describe with particularity the nature of the violation, including a reference to the section of this chapter ***,*** ~~[or]~~ the provision of the standard, rule, regulation or order ***, or the provision of the settlement agreement*** alleged to have been violated. In addition the citation must fix a reasonable time for the abatement of the violation. The Administrator may prescribe procedures for the issuance of a notice in lieu of a citation with respect to:

(a) Minor violations which have no direct or immediate relationship to safety or health; and

(b) Violations which are not serious and which the employer agrees to correct within a reasonable time.

2. Each citation issued under this section, or a copy or copies thereof, must be prominently posted as prescribed in regulations adopted by the Administrator at or near each place a violation referred to in the citation occurred.

3. No citation may be issued under this section after 6 months following the occurrence of any violation.

Sec. 1.3. **NRS 618.515 is hereby amended to read as follows:**

618.515 If any person disobeys an order of the Division, ***any provision of a settlement agreement entered into relating to this chapter, or*** a subpoena issued by ~~[it]~~ ***the Division*** or one of its representatives, refuses to permit an inspection or refuses to testify as a witness to any matter regarding which the person may be lawfully interrogated, ~~[then]~~ the district judge of the county in which the person resides, on application of the Administrator or the Administrator's representative, shall compel obedience by attachment proceedings as for contempt, as in the case of disobedience of the requirements of subpoenas issued from the court on a refusal to testify therein.

Sec. 1.7. **NRS 618.525 is hereby amended to read as follows:**

618.525 1. The Division may prosecute, defend and maintain actions in the name of the Division for the enforcement of the provisions of this chapter ***or any settlement agreement entered into relating to this chapter,*** and is entitled to all extraordinary writs ***or other relief*** provided by the Constitution of the State of Nevada, the statutes of this State and the Nevada Rules of Civil Procedure in connection therewith for the enforcement thereof.

2. Verification of any pleading, affidavit or other paper required may be made by the Division.

3. In any action or proceeding or in the prosecution of any appeal by the Division, no bond or undertaking may be required to be furnished by the Division.

Sec. 2. NRS 618.635 is hereby amended to read as follows:

618.635 Any employer who willfully ~~[or repeatedly]~~ violates any requirements of this chapter, any standard, rule, regulation or order promulgated or prescribed pursuant to this chapter, ***or any provision of a settlement agreement entered into relating to this chapter*** may be assessed an administrative fine of not more than ~~[~~$70,000~~]~~ ~~*[$120,000 for each violation, but]*~~ ***$100,000 and*** not less than ~~[~~$5,000~~]~~ ***$8,000*** for each willful violation.

Sec. 3. NRS 618.645 is hereby amended to read as follows:

618.645 Any employer who has received a citation for a serious violation of any requirement of this chapter, ~~[or]~~ any standard, rule, regulation or order promulgated or prescribed pursuant to this chapter, ***or any provision of a settlement agreement entered into relating to this chapter*** must be assessed an administrative fine of not more than $7,000 for each such violation. If a violation is specifically determined to be of a nonserious nature an administrative fine of not more than $7,000 may be assessed.

Sec. 4. NRS 618.685 is hereby amended to read as follows:

618.685 Any employer who willfully violates any requirement of this chapter, ~~[or]~~ any standard, rule, regulation or order promulgated or prescribed pursuant to this chapter, ***or any provision of a settlement agreement entered into relating to this chapter,*** where the violation causes the death of any employee, shall be punished:

1. For a first offense, ~~*[an employer who has more than 25 employees,]*~~ by a fine of not more than ~~[~~$50,000~~]~~ ~~*[$250,000]*~~ ***$100,000 and not less than $50,000,*** or ~~*[:*~~

~~*(a) For a first offense,]*~~ by imprisonment in the county jail for not more than 6 months , ~~*[; or*~~

~~*(b) For a second or subsequent offense, by imprisonment in the county jail for not more than 1 year,*~~

~~*]*~~ or by both fine and imprisonment.

2. For a second or subsequent offense, ~~*[an employer who has 25 or fewer employees,]*~~ by a fine of not more than ~~[~~$100,000~~]~~ ***$250,000 and not less than*** ~~*[$25,000,]*~~ ***$50,000,*** or ~~*[:*~~

~~*(a) For a first offense,]*~~ by imprisonment in the county jail for not more than ~~*[6 months; or*~~

~~*(b) For a second or subsequent offense, by imprisonment in the county jail for not more than]*~~ 1 year,

~~*[*~~ ~~*]*~~ or by both fine and imprisonment.

Sec. 5. 1. The Department of Personnel shall conduct a survey of the salaries of safety and mechanical inspectors employed by the Division of Industrial Relations of the Department of Business and Industry, including, without limitation, salaries for similar positions within the private sector.

2. The Department of Personnel shall seek to obtain relevant information from public and private employers as part of the survey. Any such information obtained by the Department may be used only for the purpose of conducting the survey.

3. The Department of Personnel shall complete the survey and submit a copy of its findings and recommendations on or before July 1, 2012, to the Director of the Legislative Counsel Bureau for distribution to the Interim Finance Committee.

Sec. 6. This act becomes effective on ~~[July 1, 2011.]~~ **January 1, 2012.**

Assemblyman Atkinson moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 254.

Bill read second time.

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

Amendment No. 223.

AN ACT relating to occupational safety; **revising provisions governing the grounds for the issuance of a citation for certain occupational safety and health violations;** providing for the issuance of a citation for certain occupational safety and health violations ~~[in the absence of the observation of the violation]~~ **upon a determination** by the Administrator of the Division of Industrial Relations of the Department of Business and Industry or the Administrator's authorized representative ~~[.]~~ **that any employee has access to a hazard;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that if, upon inspection or investigation, the Administrator of the Division of Industrial Relations of the Department of Business and Industry or the Administrator's authorized representative believes an employer is in violation of the Nevada Occupational Safety and Health Act, the Division shall issue a citation to the employer for the violation. (NRS 618.465)

This bill provides that the Administrator or the authorized representative may find a violation to have occurred based upon ~~[either: (1) the observation of the violation by the Administrator or authorized representative during an inspection; or (2) an investigation by]~~ **a determination of** the Administrator or authorized representative that ~~[demonstrates the violation has occurred using depositions of witnesses, interviews or other reasonable evidence in the absence of the observation of the violation by the Administrator or authorized representative.]~~ **any employee has access to a hazard. This bill also includes within the scope of behavior for which a citation may be issued the violation of any provision of a settlement agreement entered into that relates to the Nevada Occupational Safety and Health Act.**

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

Section 1. NRS 618.465 is hereby amended to read as follows:

618.465 1. If, upon inspection or investigation, the Administrator or the Administrator's authorized representative believes that an employer has violated a requirement of this chapter, ~~[or]~~ any standard, rule or order adopted or issued pursuant to this chapter, ***or any provision of a settlement agreement entered into relating to this chapter,*** the Division shall with reasonable promptness issue a citation to the employer. Each citation must be in writing and describe with particularity the nature of the violation, including a reference to the section of this chapter**,** ~~[or]~~ the provision of the standard, rule, regulation or order ***, or the provision of the settlement agreement*** alleged to have been violated. In addition the citation must fix a reasonable time for the abatement of the violation. The Administrator may prescribe procedures for the issuance of a notice in lieu of a citation with respect to:

(a) Minor violations which have no direct or immediate relationship to safety or health; and

(b) Violations which are not serious and which the employer agrees to correct within a reasonable time.

2. ***A citation issued under this section may be based upon*** ~~[:~~

~~*(a) The observation of a violation by]*~~ ***a determination of the Administrator or the Administrator's authorized representative*** ~~*[during an inspection; or*~~

~~*(b) An investigation by the Administrator or the Administrator's authorized representative that relies upon depositions of witnesses, interviews or other reasonable evidence to demonstrate the existence of a violation in the absence of the observation of the violation by the Administrator or the Administrator's authorized representative.]*~~ ***that any employee has access to a hazard.***

3. Each citation issued under this section, or a copy or copies thereof, must be prominently posted as prescribed in regulations adopted by the Administrator at or near each place a violation referred to in the citation occurred.

~~[3.]~~ ***4.*** No citation may be issued under this section after 6 months following the occurrence of any violation.

5. The Administrator may adopt regulations to carry out the provisions of this section.

Sec. 2. **This act becomes effective on January 1, 2012.**

Assemblyman Atkinson moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 255.

Bill read second time.

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

Amendment No. 222.

AN ACT relating to occupational safety; requiring the Division of Industrial Relations of the Department of Business and Industry to provide certain persons with specified information and notifications relating to an investigation of an accident which results in the death or **, under certain circumstances, the** injury of an employee; requiring the Division to **use its best efforts to** interview certain persons during an investigation of an accident which results in the death of an employee; ~~[requiring the Division to allow certain persons to participate in certain meetings relating to an accident which results in the death of an employee;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the Administrator of the Division of Industrial Relations of the Department of Business and Industry to inspect and investigate places of employment and conditions, equipment and structures therein. (NRS 618.325) Existing law also requires the Division to investigate certain accidents that result in the death or injury of employees. (NRS 618.378) **Section 1** of this bill requires the Division, after an accident which results in the death **of an employee** or ~~[injury of an employee,]~~ **the hospitalization of three or more employees,** to provide to the injured employees, the immediate families of the injured or deceased employees and the representatives of the injured or deceased employees a written description of their rights regarding an investigation of the accident. **Section 1** also requires the Division to provide such persons with notice of certain events related to an investigation of the accident or proceedings concerning the accident.

With regard to an accident which results in the death of an employee, existing law requires the Division and the Occupational Safety and Health Review Board to provide specified information and notifications to, and under certain circumstances to enter into discussions with, the immediate family of the deceased employee after a citation is issued regarding the accident. (NRS 618.480, 618.605) **Section 3** of this bill requires the Division to **use its best efforts to** interview the immediate family of the deceased employee during an investigation of the fatal accident to obtain information relevant to the investigation. ~~[Section 3 also requires the Division to allow the immediate family of the deceased employee to participate in certain meetings related to the accident.]~~

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

Section 1. Chapter 618 of NRS is hereby amended by adding thereto a new section to read as follows:

1. If an accident occurs in the course of employment which is fatal to ~~*[or injures]*~~ ***one or more employees*** ~~*[,]*~~ ***or which results in the hospitalization of three or more injured employees, the Division shall, as soon as practicable:***

(a) Provide to each injured employee, the immediate family of each deceased or injured employee and each representative of each deceased or injured employee a written description of the rights of such persons with regard to an investigation of the accident; and

(b) Notify each injured employee, the immediate family of each deceased or injured employee and each representative of each deceased or injured employee of:

(1) The commencement by the Division of any investigation of the accident;

(2) The result of any informal conference between the employer and the Division;

(3) The finalization of any agreement between an employer and the Division which formally settles an issue related to the accident;

~~***[(3)]***~~ ***(4) The issuance of any citation under the provisions of this chapter related to the accident;***

~~***[(4)]***~~ ***(5) The receipt by the Division of notice from an employer that the employer wishes to contest or appeal any action or decision of the Division which relates to the accident; and***

~~***[(5)]***~~ ***(6) The completion by the Division and, if applicable, the Board of any investigation of the accident and any proceeding related to the accident.***

2. As used in this section, "representative of each deceased or injured employee" means:

(a) A person previously identified to the Division as an authorized representative of the employee bargaining unit of a labor organization which has a collective bargaining relationship with the employer of the employee and represents the employee.

(b) An attorney acting on behalf of the employee.

(c) A person designated by a court to act as the official representative for the employee or the estate of the employee.

Sec. 2. NRS 618.315 is hereby amended to read as follows:

618.315 1. The Division has authority over working conditions in all places of employment except as limited by subsection 2.

2. The authority of the Division does not extend to working conditions which:

(a) Exist in household domestic service;

(b) Exist in motor vehicles operating on public highways of this State; or

(c) Are regulated pursuant to the Federal Mine Safety and Health Act of 1977 **,** ~~[(]~~ 30 U.S.C. §§ 801 et seq. **,** ~~[),]~~ the Federal Safety ~~[Appliances]~~ ***Appliance*** Act ~~[(45]~~ ***, 49*** U.S.C. §§ ~~[1]~~ ***20301*** et seq. **,** ~~[)]~~ or the Federal Railroad Safety Act of 1970 ~~[(45]~~ ***, 49*** U.S.C. §§ ~~[421]~~ ***20101*** et seq. ~~[).]~~ ***, and any amendments thereto.***

3. The Division may:

(a) Declare and prescribe which safety devices, safeguards or other means of protection are well adapted to render employees safe as required by lawful

order, state standards or regulations or federal standards, as adopted by the Division.

(b) Fix and adopt such reasonable standards and prescribe, modify and enforce such reasonable orders for the adoption, installation, use, maintenance and operation of safety devices, safeguards and other means or methods of protection, which must be as nearly uniform as practicable, as may be necessary to carry out all laws and lawful orders relative to the protection of the lives, safety and health of employees.

(c) Adopt such reasonable standards for the construction, repair and maintenance of places of employment as render those places safe and healthful.

(d) Require the performance of any other act which the protection of the lives, safety and health in places of employment reasonably demands.

(e) ~~[~~Provide~~]~~ ***Except as otherwise provided in NRS 618.480, provide*** the method and frequency of making investigations, examinations and inspections.

(f) Prepare, provide and regulate forms of notices, publications and blank forms deemed proper and advisable to carry out the provisions of this chapter, and to charge to employers the printing costs for those publications.

(g) Furnish blank forms upon request.

(h) Provide for adequate notice to each employer or employee of his or her right to administrative review of any action or decision of the Division as set forth in NRS 618.475 and 618.605 and to judicial review.

(i) Consult with the Health Division of the Department of Health and Human Services with respect to occupational health matters in chapter 617 of NRS.

(j) Appoint and fix the compensation of advisers who shall assist the Division in establishing standards of safety and health. The Division may adopt and incorporate in its general orders such safety and health recommendations as it may receive from advisers.

Sec. 3. NRS 618.480 is hereby amended to read as follows:

618.480 1. ~~[~~If, after~~]~~ ***During*** an investigation of an accident occurring in the course of employment which is fatal to one or more employees, ***the Division shall use its best efforts to interview the immediate family of each deceased employee to obtain any information relevant to the investigation, including, without limitation, information which the deceased employee shared with the immediate family.***

2. ~~*[Except as otherwise provided in this subsection, the Division shall allow the immediate family of each deceased employee to participate in any meeting relating to the accident. This subsection does not apply to a meeting if:*~~

~~*(a) The meeting relates to the investigation of the accident and occurs before the investigation is completed by the Division; or*~~

~~*(b) Each person who participates in the meeting, in any manner, is an employee of the Division.*~~

~~3.]~~ ***If, after the investigation of the accident,*** the Division issues a citation under the provisions of this chapter, the Division shall offer to enter into a discussion with the immediate family of each deceased employee within a reasonable time after the Division issues the citation.

~~[2.]~~ ~~*[4.]*~~ ***3.*** During the discussion ~~[,]~~ ***described in subsection*** ~~*[3,]*~~ ***2,*** the Division shall provide each family with:

(a) Information regarding the citation and abatement process;

(b) Information regarding the means by which the family may obtain a copy of the final incident report and abatement decision of the Division; and

(c) Any other information that the Division deems relevant and necessary to inform the family of the outcome of the investigation by the Division.

Sec. 4. **This act becomes effective on January 1, 2012.**

Assemblyman Atkinson moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 259.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 179.

AN ACT relating to legal services; requiring a portion of certain existing fees to be used for certain programs for legal services; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires certain fees to be charged and collected in civil actions and provides that such fees must only be used for court staffing, capital costs, debt service, renovation, furniture, fixtures, equipment, technology and, in counties whose population is less than 100,000 (currently counties other than Clark and Washoe Counties), for court appointed special advocate programs. (NRS 19.0302) **Section 1** of this bill **authorizes such fees to also be used to support legal services for the indigent in counties whose population is less than 100,000. Section 1 also** provides that **, in counties whose population is 100,000 or more, (currently Clark and Washoe Counties)** $20 of each fee, collected on the commencement or transfer of any action in district court or upon the filing of any first paper by a defendant, must be submitted to a program for legal services ~~[.]~~ **for the operation of programs for the indigent.**

Existing law also requires certain fees to be charged and collected at the time of recording a notice of default and election to sell. (NRS 107.080) **Section 2** of this bill provides that ~~[$15]~~ **$10** of each fee, collected at the time of recording a notice of default and election to sell, must be submitted to a program for legal services ~~[.]~~ **for the operation of programs for the indigent.**

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

Section 1. NRS 19.0302 is hereby amended to read as follows:

19.0302 1. Except as otherwise provided by specific statute and in addition to any other fee required by law, each clerk of the court or county clerk, as appropriate, shall charge and collect the following fees:

(a) On the commencement of any action or proceeding in the district court, other than those listed in paragraphs (c), (e) and (f), or on the transfer of any action or proceeding from a district court of another county, to be paid by the party commencing the action, proceeding or transfer……...$99

(b) On the appearance of any defendant or any number of defendants answering jointly, to be paid upon the filing of the first paper in the action by the defendant or defendants ……$99

(c) On the filing of a petition for letters testamentary, letters of administration or a guardianship, which fee does not include the court fee prescribed by NRS 19.020, to be paid by the petitioner:

(1) Where the stated value of the estate is $200,000 or more……$352

(2) Where the stated value of the estate is more than $20,000 but less than $200,000……...$99

(3) Where the stated value of the estate is $20,000 or less, no fee may be charged or collected.

(d) On the filing of a motion for summary judgment or a joinder Thereto……...…$200

(e) On the commencement of an action defined as a business matter pursuant to the local rules of practice and on the answer or appearance of any party in any such action or proceeding, to be paid by the party commencing, answering or appearing in the action or proceeding thereto……...$1,359

(f) On the commencement of:

(1) An action for a constructional defect pursuant to NRS 40.600 to 40.695, inclusive; or

(2) Any other action defined as "complex" pursuant to the local rules of practice,

➥ and on the answer or appearance of any party in any such action or proceeding, to be paid by the party commencing, answering or appearing in the action or proceeding……$349

(g) On the filing of a third-party complaint, to be paid by the filing Party……...$135

(h) On the filing of a motion to certify or decertify a class, to be paid by the filing party……$349

(i) For the issuance of any writ of attachment, writ of garnishment, writ of execution or any other writ designed to enforce any judgment of the Court……$10

2. ~~[Fees]~~ ***Except as otherwise provided in subsection 4, fees*** collected pursuant to this section must be deposited into a special account administered by the county and maintained for the benefit of the court. The money in that account must be used only:

(a) To offset the costs for adding and maintaining new judicial departments, including, without limitation, the cost for additional staff;

(b) To reimburse the county for any capital costs incurred for maintaining any judicial departments that are added by the 75th Session of the Nevada Legislature; and

(c) If any money remains in the account in a fiscal year after satisfying the purposes set forth in paragraphs (a) and (b), to:

(1) Acquire land on which to construct additional facilities for the district court or a regional justice center that includes the district court;

(2) Construct or acquire additional facilities for the district court or a regional justice center that includes the district court;

(3) Renovate or remodel existing facilities for the district court or a regional justice center that includes the district court;

(4) Acquire furniture, fixtures and equipment necessitated by the construction or acquisition of additional facilities or the renovation of an existing facility for the district court or a regional justice center that includes the district court;

(5) Acquire advanced technology;

(6) Pay debt service on any bonds issued pursuant to subsection 3 of NRS 350.020 for the acquisition of land or facilities or the construction or renovation of facilities for the district court or a regional justice center that includes the district court;

(7) In a county whose population is less than 100,000, support court appointed special advocate programs for children, at the discretion of the judges of the judicial district; ~~[or]~~

(8) ***In a county whose population is less than 100,000, support legal services to the indigent and to be used by the organization operating the program for legal services that receives the fees charged pursuant to NRS 19.031 for the operation of programs for the indigent; or***

(9) Be carried forward to the next fiscal year.

3. Except as otherwise provided by specific statute, all fees prescribed in this section are payable in advance if demanded by the clerk of the court or county clerk.

4. Each clerk of the court or county clerk shall, on or before the fifth day of each month, account for and pay to the county treasurer ~~[all]~~ ***:***

(a) ~~*[An]*~~ ***In a county whose population is 100,000 or more, an amount equal to $20 of each fee collected pursuant to paragraphs (a) and (b) of subsection 1 during the preceding month. The county treasurer shall remit quarterly to the organization operating*** ~~*[a]*~~ ***the program for legal services*** ~~*[as set forth in]*~~ ***that receives the fees charged pursuant to NRS 19.031*** ~~*[all the money received from the clerk of the court or county clerk pursuant to this subsection.]*~~ ***for the operation of programs for the indigent all the money received from the clerk of the court or county clerk pursuant to this paragraph.***

(b) All remaining fees collected pursuant to this section during the preceding month.

Sec. 2. NRS 107.080 is hereby amended to read as follows:

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

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

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

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

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

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

(c) The beneficiary, the successor in interest of the beneficiary or the trustee first executes and causes to be recorded in the office of the recorder of the county wherein the trust property, or some part thereof, is situated a notice of the breach and of the election to sell or cause to be sold the property to satisfy the obligation; and

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

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

the address of the trust property. The notice of default and election to sell must:

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

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

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

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

(b) Posting a similar notice particularly describing the property, for 20 days successively, in three public places of the township or city where the property is situated and where the property is to be sold;

(c) Publishing a copy of the notice three times, once each week for 3 consecutive weeks, in a newspaper of general circulation in the county where the property is situated; and

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

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

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

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

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

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

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

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

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

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

9. If the successful bidder fails to record the trustee's deed upon sale pursuant to paragraph (b) of subsection 8, the successful bidder:

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

(b) Is liable in a civil action for any actual damages caused by the failure to comply with the provisions of subsection 8 and for reasonable attorney's fees and the costs of bringing the action.

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

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

(b) A fee of ~~[~~$50~~]~~ ~~*[$35]*~~ ***$40*** for deposit in the Account for Foreclosure Mediation, which is hereby created in the State General Fund. The Account must be administered by the Court Administrator, and the money in the Account may be expended only for the purpose of supporting a program of foreclosure mediation established by Supreme Court Rule.

~~[~~**~~—~~**~~]~~ ***(c) A fee of ~~[$15]~~ $10 to be paid over to the county treasurer on or before the fifth day of each month for the preceding calendar month. The county recorder may direct that 1.5 percent of the fees collected by the county recorder pursuant to this paragraph be transferred into a special account for use by the office of the county recorder. The county treasurer shall remit quarterly to the organization operating ~~[a]~~ the program for legal services ~~[as set forth in]~~ that receives the fees charged pursuant to NRS 19.031*** ~~*[all the money received from the county recorder pursuant to*~~

~~this paragraph.]~~ ***for the operation of programs for the indigent all the money received from the county recorder pursuant to this paragraph.***

11. The fees collected pursuant to ~~[this subsection]~~ ***paragraphs (a) and (b) of subsection 10*** must be paid over to the county treasurer by the county recorder on or before the fifth day of each month for the preceding calendar month, and, except as otherwise provided in this subsection, must be placed to the credit of the State General Fund or the Account ***for Foreclosure Mediation*** as prescribed pursuant to ~~[this]~~ subsection ~~[.]~~ ***10.*** The county recorder may direct that 1.5 percent of the fees collected by the county recorder be transferred into a special account for use by the office of the county recorder. The county treasurer shall, on or before the 15th day of each month, remit the fees deposited by the county recorder pursuant to this subsection to the State Controller for credit to the State General Fund or the Account as prescribed in ~~[this]~~ subsection ~~[.~~

~~11.]~~ ***10.***

12. The beneficiary, the successor in interest of the beneficiary or the trustee who causes to be recorded the notice of default and election to sell shall not charge the grantor or the successor in interest of the grantor any portion of any fee required to be paid pursuant to subsection 10.

~~[12.]~~ ***13.*** As used in this section, "residential foreclosure" means the sale of a single family residence under a power of sale granted by this section. As used in this subsection, "single family residence":

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

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

Sec. 3. This act becomes effective on July 1, 2011.

Assemblyman Ohrenschall moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 279.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 258.

AN ACT relating to gaming; ~~[authorizing]~~ **requiring** the Nevada Gaming Commission to adopt regulations pertaining to independent testing laboratories; authorizing independent testing laboratories to inspect and certify gaming devices, equipment and systems; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the State Gaming Control Board to inspect every gaming device which is manufactured, sold or distributed: (1) for use in this State, before the gaming device is put into play; and (2) in this State for use outside this State, before the gaming device is shipped from this State. The Board may also inspect every gaming device which is offered for play within

this State by a state gaming licensee. Additionally, the Board may inspect various gaming equipment and systems which are manufactured, sold or distributed for use in this State and may determine, charge and collect an inspection fee from each gaming manufacturer, seller or distributor. (NRS 463.670)

This bill ~~[authorizes]~~ **requires** the Nevada Gaming Commission to adopt regulations providing for the registration of independent testing laboratories, which may be utilized by the Board to inspect and certify gaming devices, equipment and systems, and any components thereof, and providing for the standards and procedures for the revocation of registration of such independent testing laboratories. Such regulations must establish uniform protocols and procedures that the Board and independent testing laboratories must follow during the inspection and certification of gaming devices, equipment and systems, and any components thereof. This bill also authorizes the Commission to determine, charge and collect inspection fees from independent testing laboratories.

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

Section 1. NRS 463.670 is hereby amended to read as follows:

463.670 1. The Legislature finds and declares as facts:

(a) That the inspection of gaming devices, associated equipment, cashless wagering systems, mobile gaming systems and interactive gaming systems is essential to carry out the provisions of this chapter **.** ~~[; and]~~

(b) That ***the*** inspection of gaming devices, associated equipment, cashless wagering systems, mobile gaming systems and interactive gaming systems is greatly facilitated by the opportunity to inspect components before assembly and to examine the methods of manufacture.

(c) That the interest of this State in the inspection of gaming devices, associated equipment, cashless wagering systems, mobile gaming systems and interactive gaming systems must be balanced with the interest of this State in maintaining a competitive gaming industry in which games can be efficiently and expeditiously brought to the market.

2. ***The Commission may, with the advice and assistance of the Board, adopt and implement procedures that preserve and enhance the necessary balance between the regulatory and economic interests of this State which are critical to the vitality of the gaming industry of this State.***

3. The Board may inspect every gaming device which is manufactured, sold or distributed:

(a) For use in this State, before the gaming device is put into play.

(b) In this State for use outside this State, before the gaming device is shipped out of this State.

~~[3.]~~ ***4.*** The Board may inspect every gaming device which is offered for play within this State by a ***state gaming*** licensee.

~~[4.]~~ ***5.*** The Board may inspect all associated equipment, every cashless wagering system, every mobile gaming system and every interactive gaming system which is manufactured, sold or distributed for use in this State before the equipment or system is installed or used by a ***state gaming*** licensee and at any time while the ***state gaming*** licensee is using the equipment or system.

~~[5.]~~ ***6.*** In addition to all other fees and charges imposed by this chapter, the Board may determine, charge and collect an inspection fee from each manufacturer, seller ***,*** ~~[or]~~ distributor ***or independent testing laboratory*** which must not exceed the actual cost of inspection and investigation.

7. The Commission ~~*[may]*~~ ***shall adopt regulations which:***

(a) Provide for the registration of independent testing laboratories, specify the form of the application required for such registration and establish the fees required for the application, the investigation of the applicant and the registration of the applicant.

(b) Authorize the Board to utilize independent testing laboratories for the inspection and certification of any gaming device, associated equipment, cashless wagering system, mobile gaming system or interactive gaming system, or any components thereof.

(c) Establish uniform protocols and procedures which the Board and independent testing laboratories must follow during an inspection performed pursuant to subsection 3 or 5, and which independent testing laboratories must follow during the certification of any gaming device, associated equipment, cashless wagering system, mobile gaming system or interactive gaming system, or any components thereof, for use in this State or for shipment from this State.

(d) Allow an application for the registration of an independent testing laboratory to be granted upon the independent testing laboratory's completion of an inspection performed in compliance with the uniform protocols and procedures established pursuant to paragraph (c) and satisfaction of such other requirements that the Board may establish.

(e) Provide the standards and procedures for the revocation of the registration of an independent testing laboratory.

8. As used in this section, unless the context otherwise requires, "independent testing laboratory" means a private laboratory that is registered by the Commission to inspect and certify gaming devices, associated equipment, cashless wagering systems, mobile gaming systems and interactive gaming systems, and any components thereof, and to perform such other services as the Board and Commission may request.

Sec. 1.5. **The Nevada Gaming Commission shall adopt the regulations required to be adopted pursuant to the amendatory provisions of this act before October 1, 2011.**

Sec. 2. This act becomes effective:

1. Upon passage and approval, for the purpose of adopting regulations; and

2. On October 1, 2011, for all other purposes.

Assemblyman Ohrenschall moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 289.

Bill read second time.

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

Amendment No. 286.

AN ACT relating to dietetics; creating the State Board of Dietetics; prescribing the powers and duties of the Board; providing for the membership of the Board; providing for the licensure of dietitians; ~~[providing for the registration of dietetic technicians;]~~ prohibiting a person from engaging in the practice of dietetics without a license ~~[or certificate of registration]~~ issued by the Board; setting forth the grounds for disciplinary action against a licensed dietitian **_ ;** ~~[or registered dietetic technician;]~~ providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill provides for the licensing and regulation of the practice of dietetics by the State Board of Dietetics. The practice of dietetics is the performance of acts of assessment, evaluation, diagnosis, counseling, intervention, monitoring or treatment of a person relating to nutrition, food, biology, and behavior to achieve and maintain proper nourishment and care of the health of the person.

Sections 11-19 of this bill create the State Board of Dietetics and prescribe the powers and duties of the Board and include provisions concerning: (1) the membership of the Board; (2) the meetings of the Board; (3) the compensation of Board members; (4) a waiver of liability for actions taken by members or employees of the Board within the scope of their duties; and (5) the authority of the Board to adopt certain regulations.

Sections 2-10 and 20-31 of this bill regulate the activities of persons who engage in the practice of dietetics and include provisions concerning: (1) applications for and renewals of a license to engage in the practice of dietetics **_ ;** ~~[or a certificate as a registered dietetic technician;]~~ and (2) the duties and scope of practice of a licensed dietitian **_ .** ~~[or a registered dietetic technician.]~~

Sections 18 and 33 of this bill require the Board to charge and collect certain fees relating to the issuance of licenses ~~[or certificates of registration]~~ and to carry out its other duties.

Section 23 of this bill authorizes the Board to issue a provisional license to a person who does not meet all the qualifications for licensure under certain circumstances. **Section 24** of this bill authorizes the Board to issue a temporary license to a person for the limited purpose of treating patients in this State for a limited period under certain circumstances. ~~[Section 25 of this bill authorizes the Board to issue a reciprocal license to a person who is~~

~~licensed to engage in the practice of dietetics in another state under certain circumstances.]~~

Sections 34-44 of this bill govern disciplinary proceedings against a licensed dietitian ~~[or a registered dietetic technician]~~ and authorize the Board to suspend or revoke a license ~~[or certificate of registration]~~ or deny an application for a license ~~[or certificate of registration]~~ under certain circumstances. **Section 45** of this bill prohibits a person who is not licensed ~~[or registered]~~ pursuant to the provisions of this bill from acting or holding himself or herself out as a licensed dietitian**.** ~~[or registered dietetic technician.]~~ **Section 46** of this bill provides that a violation of any provision of this bill is a misdemeanor and, in addition to any criminal penalty that may be imposed, authorizes the Board to impose a civil penalty for each violation.

Sections 47-51 and 58-60 of this bill include licensed dietitians in the definition of "provider of health care" to ensure that licensed dietitians comply with the same requirements for standards of care, medical records and medical devices as other providers of health care such as doctors or nurses.

Sections 52-54 of this bill require a licensed dietitian to report suspected incidents of abuse or neglect of an older or vulnerable person, and require a report to be forwarded to the Board if a licensed dietitian is suspected of abuse or neglect of an older or vulnerable person.

Section 63 of this bill authorizes the Governor, for the initial appointments to the Board, to appoint persons who are not licensed dietitians but who meet the qualifications for licensure. **Section 64** of this bill requires the Board to grant a license to engage in the practice of dietetics to a person who does not meet the qualifications for licensure but who was engaged in the practice of dietetics in this State before 2012 and meets certain other requirements.

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

Section 1. Title 54 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections ~~[2]~~ **1.5** to 46, inclusive, of this act.

Sec. 1.5. ***The Legislature hereby declares that the practice of dietetics is a learned profession affecting the safety, health and welfare of the public and is subject to regulation to protect the public from the practice of dietetics by unqualified and unlicensed persons and from unprofessional conduct by persons licensed to practice dietetics. The Legislature further declares that the purpose of the State Board of Dietetics is to regulate the practice of dietetics and to enforce the provisions of this chapter.***

Sec. 2. ***As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 3 to 8, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 3. ***"Board" means the State Board of Dietetics.***

Sec. 4. *"Licensed dietitian" means a person licensed pursuant to this chapter to engage in the practice of dietetics or to provide nutrition services~~[.]~~ , including, without limitation, medical nutrition therapy.*

Sec. 4.5. "Medical nutrition therapy" means the use of nutrition services by a licensed dietitian to manage, treat or rehabilitate a disease, illness, injury or medical condition of a patient.

Sec. 5. *"Nutrition services" means the performance of acts designated by the Board which are within the practice of dietetics.*

Sec. 6. *1. "Practice of dietetics" means the performance of any act in the nutrition care process, including, without limitation, assessment, evaluation, diagnosis, counseling, intervention, monitoring and treatment , of a person which requires substantial specialized judgment and skill based on the knowledge, application and integration of the principles derived from the sciences of food, nutrition, management, communication, biology, behavior, physiology and social science to achieve and maintain proper nourishment and care of the health of the person.*

2. The term does not include acts of medical diagnosis.

Sec. 7. ~~*["Registered dietetic technician" means a person who engages in the practice of dietetics under the supervision of a licensed dietitian and is registered pursuant to this chapter.]*~~ **(Deleted by amendment.)**

Sec. 8. *"Registered dietitian" means a person who is ~~[certified]~~ registered as a ~~[registered]~~ dietitian by the Commission on Dietetic Registration of the American Dietetic Association.*

Sec. 9. *1. The provisions of this chapter do not apply to:*

(a) Any person who is licensed or registered in this State as a physician pursuant to chapter 630, 630A or 633 of NRS, dentist, nurse, dispensing optician, optometrist, practitioner of respiratory care, physical therapist, podiatric physician, psychologist, marriage and family therapist, chiropractor, athletic trainer, perfusionist, doctor of Oriental medicine in any form, medical laboratory director or technician or pharmacist who:

(1) Practices within the scope of that license or registration;

(2) Does not represent that he or she is a licensed dietitian ~~[.]~~ or registered dietitian ; ~~[or registered dietetic technician;]~~ and

(3) ~~[Engages in the practice of dietetics]~~ Provides nutrition information incidental to the practice for which he or she is licensed or registered.

(b) A student enrolled in an educational program accredited by the Commission on Accreditation for Dietetics Education of the American Dietetic Association, if the student engages in the practice of dietetics under the supervision of a licensed dietitian or registered dietitian as part of that educational program.

(c) A registered dietitian employed by the Armed Forces of the United States, the United States Department of Veterans Affairs or any division or department of the Federal Government in the discharge of his or her

official duties, including, without limitation, the practice of dietetics or providing nutrition services.

(d) A person who furnishes nutrition information or markets food, food materials or dietary supplements and provides nutrition information related to that marketing, if the person is not engaged in the practice of dietetics and does not provide nutrition services.

(e) A person who provides services relating to weight loss or weight control through a program reviewed by and in consultation with a licensed dietitian or physician or a dietitian licensed or registered in another state which has equivalent licensure requirements as this State, as long as the person does not change the services or program without the approval of the person with whom he or she is consulting.

2. As used in this section, "nutrition information" means information relating to the principles of nutrition and the effect of nutrition on the human body, including, without limitation:

(a) Food preparation;

(b) Food included in a normal daily diet;

(c) Essential nutrients required by the human body and recommended amounts of essential nutrients, based on nationally established standards;

(d) The effect of nutrients on the human body and the effect of deficiencies in or excess amounts of nutrients in the human body; and

(e) Specific foods or supplements that are sources of essential nutrients.

Sec. 10. ***1. The purpose of licensing dietitians*** ~~*[and registering dietetic technicians]*~~ ***is to protect the public health, safety and welfare of the people of this State.***

2. Any license ~~*[or certificate of registration]*~~ ***issued pursuant to this chapter is a revocable privilege.***

Sec. 11. ***1. The State Board of Dietetics, consisting of five members appointed by the Governor, is hereby created.***

2. The Governor shall appoint to the Board:

(a) Four members who are licensed dietitians and have been actively engaged in the practice of dietetics for not less than 5 years immediately preceding their appointment.

(b) One member who is a representative of the general public. This member must not be:

(1) A licensed dietitian ~~*[, registered dietitian or registered dietetic technician;]*~~ ***or***

(2) The spouse or the parent or child, by blood, marriage or adoption, of a licensed dietitian ~~*[, registered dietitian or registered dietetic technician.]*~~

3. Each member of the Board serves a term of 3 years. If a vacancy occurs during a member's term, the Governor shall appoint a person qualified pursuant to this section to replace that member for the remainder of the unexpired term.

4. No member of the Board may serve more than two consecutive terms. For the purposes of this subsection, service of 2 or more years in filling an unexpired term constitutes a term.

5. The Governor may remove any member of the Board for neglect of duty or for misfeasance, malfeasance or nonfeasance in office.

Sec. 12. *1. The Board shall operate on the basis of a fiscal year commencing on July 1 and terminating on June 30.*

2. At the first meeting of each fiscal year, the Board shall elect from its members a Chair and a Vice Chair.

3. The Board may appoint an Executive Director who is not a member of the Board. The Executive Director shall perform administrative and such other duties as the Board may direct and is entitled to receive compensation as set by the Board.

4. The Board may:

(a) Maintain offices in as many localities in the State as it finds necessary to carry out the provisions of this chapter; and

(b) Employ such attorneys, investigators and other professional consultants and clerical personnel as necessary to the discharge of its duties.

Sec. 13. *1. The Board shall meet at least two times a year and may meet at other times at the call of the Chair or upon the written request of the Executive Director or two or more members of the Board.*

2. The Chair shall preside over meetings of the Board and perform duties prescribed by law or assigned by the Board. The Vice Chair shall perform the duties of the Chair during any absence of the Chair.

3. The Chair may appoint such advisory committees as the Chair determines appropriate to carry out the duties of the Board.

4. A concurrence of a majority of the members of the Board is necessary to render a decision.

Sec. 14. *1. The compensation of the members of the Board must be fixed by the Board, but may not exceed $150 for each day spent by each member in the discharge of his or her official duties. The Board may choose not to compensate its members.*

2. While engaged in the discharge of his or her official duties, each member and employee of the Board is entitled to receive a per diem allowance and travel expenses at a rate fixed by the Board. The rate must not exceed the rate provided for state officers and employees generally.

3. All compensation, per diem allowances and travel expenses of the members and employees of the Board must be paid out of the money of the Board.

Sec. 15. *A member of the Board or an employee or agent of the Board is not liable in a civil action for any act performed in good faith and within the scope of the duties of the Board pursuant to this chapter.*

Sec. 16. *1. Except as otherwise provided in subsection 3, all money received by the Board pursuant to this chapter must be deposited in banks,*

credit unions or savings and loan associations in this State. The money may be drawn on by the Board for payment of all expenses incurred in the administration of this chapter.

2. If the Board delegates to a hearing officer its authority to take disciplinary action pursuant to this chapter, the Board may deposit all money collected from the assessment of costs and the imposition of fines and penalties in banks, credit unions or savings and loan associations in this State.

3. If the Board does not delegate to a hearing officer its authority to take disciplinary action pursuant to this chapter, the Board shall deposit all money collected from the assessment of costs and the imposition of fines and penalties with the State Treasurer for credit to the State General Fund, and may present a claim to the State Board of Examiners for recommendation to the Interim Finance Committee if money is needed to pay any costs incurred by the Board in connection with the disciplinary action.

Sec. 17. ***1. The Board shall make and keep a complete record of all its proceedings, including, without limitation:***

(a) A file of all applications for licenses ~~*[or certificates of registration]*~~ ***pursuant to this chapter, together with the action of the Board upon each application;***

(b) A register of all licensed dietitians in this State; ***and***

(c) ~~*[A register of all registered dietetic technicians in this State; and*~~

~~*(d)]*~~ ***Documentation of any disciplinary action taken by the Board against a licensee*** ***.*** ~~*[or holder of a certificate.]*~~

2. The Board shall maintain in its main office a public docket or other record in which it shall record, from time to time as made, the rulings or decisions upon all complaints filed with the Board and all investigations instituted by it, upon or in connection with which any hearing has been held or in which the licensee ~~*[or holder of a certificate]*~~ ***charged has made no defense.***

~~*[3. At least semiannually, the Board shall publish a list of the names of all applicants whose applications were denied within the immediately preceding year and all licensees and holders of a certificate who were the subject of disciplinary action within the immediately preceding year, together with such other information relating to the enforcement of the provisions of this chapter as the Board determines may be of interest to the public.]*~~

Sec. 18. ***1. The Board shall:***

(a) Adopt regulations establishing reasonable standards:

(1) For the denial, renewal, suspension and revocation of, and the placement of conditions, limitations and restrictions upon, a license to engage in the practice of dietetics ***.*** ~~*[or a certificate of registration as a registered dietetic technician.]*~~

(2) Of professional conduct for the practice of dietetics.

(b) Investigate and determine the eligibility of an applicant for a license ~~[or certificate]~~ pursuant to this chapter.

(c) Carry out and enforce the provisions of this chapter and the regulations adopted pursuant thereto.

2. The Board shall adopt regulations establishing reasonable:

(a) Qualifications for the issuance of a license ~~[or certificate]~~ pursuant to this chapter.

(b) Standards for the continuing professional competence of licensees . ~~[or holders of a certificate.]~~ The Board may evaluate licensees ~~[or holders of a certificate]~~ periodically for compliance with those standards.

3. The Board shall adopt regulations establishing a schedule of reasonable fees and charges for:

(a) Investigating licensees ~~[, holders of a certificate]~~ and applicants for a license ~~[or certificate]~~ pursuant to this chapter;

(b) Evaluating the professional competence of licensees : ~~[and holders of a certificate;]~~

(c) Conducting hearings pursuant to this chapter;

(d) Duplicating and verifying records of the Board; and

(e) Surveying, evaluating and approving schools and courses of dietetics,

➥ and may collect the fees established pursuant to this subsection.

4. The Board may adopt such other regulations as it determines necessary:

(a) For its own government; and

(b) To carry out the provisions of this chapter relating to the practice of dietetics.

Sec. 19. *The Board may:*

1. Accept gifts or grants of money to pay for the costs of administering the provisions of this chapter.

2. Enter into contracts with other public agencies and accept payment from those agencies to pay the expenses incurred by the Board in carrying out the provisions of this chapter relating to the practice of dietetics.

Sec. 20. *1. An applicant for a license to engage in the practice of dietetics in this State must submit to the Board a completed application on a form prescribed by the Board. The application must include, without limitation, written evidence that the applicant:*

(a) Is 21 years of age or older.

(b) Is of good moral character.

(c) Has completed a course of study and holds a bachelor's degree or higher in human nutrition, nutrition education, food and nutrition, dietetics, food systems management or an equivalent course of study approved by the Board from a college or university that:

(1) Was accredited, at the time the degree was received, by a regional accreditation body in the United States which is recognized by the Council

for Higher Education Accreditation , or its successor organization, and the United States Department of Education; or

(2) Is located in a foreign country if the application includes the documentation required by section 21 of this act.

(d) Has completed not less than 1,200 hours of training and experience within the United States in the practice of dietetics under the direct supervision of a licensed dietitian, registered dietitian or a person who holds a doctorate degree in human nutrition, nutrition education, food and nutrition, dietetics or food systems management from a college or university that is:

(1) Accredited by a regional accreditation body in the United States which is recognized by the Council for Higher Education Accreditation , or its successor organization, and the United States Department of Education; or

(2) Located in a foreign country if the application includes the documentation required by section 21 of this act.

(e) Has successfully completed the Registration Examination for Dietitians administered by the Commission on Dietetic Registration of the American Dietetic Association.

(f) Meets such other reasonable requirements as prescribed by the Board.

2. Each applicant must remit the applicable fee required pursuant to this chapter with the application for a license to engage in the practice of dietetics in this State.

3. Each applicant shall submit to the Central Repository for Nevada Records of Criminal History two complete sets of fingerprints for submission to the Federal Bureau of Investigation for its report. The Central Repository for Nevada Records of Criminal History shall determine whether the applicant has been convicted of a crime listed in paragraph (a) of subsection 1 of NRS 449.188 and immediately inform the Board of whether the applicant has been convicted of such a crime.

Sec. 21. *1. If an applicant for a license to engage in the practice of dietetics is a graduate of a college or university located in a foreign country, the applicant must include with his or her application a written statement or other proof from the Council for Higher Education Accreditation or its successor organization that the degree is equivalent to a degree issued by a college or university accredited by a regional accreditation body in the United States which is recognized by the Council for Higher Education Accreditation , or its successor organization, and the United States Department of Education.*

2. If an applicant for a license to engage in the practice of dietetics completed his or her hours of training and experience under the supervision of a person who holds a doctorate degree conferred by a college or university located in a foreign country, the applicant must include with his or her application a written statement or other proof from

the Council for Higher Education Accreditation or its successor organization that the degree held by the person who supervised the training and experience is equivalent to a degree issued by a college or university accredited by a regional accreditation body in the United States which is recognized by the Council for Higher Education Accreditation , or its successor organization, and the United States Department of Education.

Sec. 22. *1. A person who has the education and experience required by section 20 of this act but who has not passed the examination required for licensure may engage in the practice of dietetics under the direct supervision of a licensed dietitian who is professionally and legally responsible for the applicant's performance.*

2. A person shall not engage in the practice of dietetics pursuant to subsection 1 for a period of more than 1 year.

Sec. 23. *1. Upon application and payment of the applicable fee required pursuant to this chapter, the Board may grant a provisional license to engage in the practice of dietetics in this State to an applicant who provides evidence to the Board that the applicant has completed a course of study and holds a bachelor's degree or higher in human nutrition, nutrition education, food and nutrition, dietetics, food systems management or an equivalent course of study approved by the Board from a college or university that:*

(a) Was accredited, at the time the degree was received, by a regional accreditation body in the United States which is recognized by the Council for Higher Education Accreditation , or its successor organization, and the United States Department of Education; or

(b) Is located in a foreign country if the application includes the documentation required by section 21 of this act.

2. A provisional license is valid for 1 year after the date of issuance. A provisional license may be renewed for not more than 6 months if the applicant submits evidence satisfactory to the Board for the failure of the applicant to obtain a license to engage in the practice of dietetics during the time the applicant held the provisional license.

3. A person who holds a provisional license may engage in the practice of dietetics only under the supervision of a licensed dietitian.

Sec. 24. *1. Upon application and payment of the applicable fee required pursuant to this chapter, the Board may grant a temporary license to engage in the practice of dietetics in this State to a person who holds a corresponding license ~~[or certificate]~~ in another jurisdiction if:*

(a) The corresponding license ~~[or certificate]~~ is in good standing; and

(b) The requirements for licensure in the other jurisdiction are substantially equal to the requirements for licensure in this State.

2. A temporary license may be issued for the limited purpose of authorizing the licensee to treat patients in this State.

3. A temporary license is valid for the 10-day period designated on the license.

Sec. 25. ~~[*Upon application and payment of the appropriate fee required pursuant to this chapter, the Board may grant a license to engage in the practice of dietetics in this State to a person who holds a current license to engage in the practice of dietetics in the District of Columbia or any state or territory of the United States if the applicant furnishes to the Board proof that the applicant:*~~

~~*1. Is a registered dietitian; or*~~

~~*2. Has successfully completed the Registration Examination for Dietitians administered by the Commission on Dietetic Registration of the American Dietetic Association.*~~*]* **(Deleted by amendment.)**

Sec. 26. *1. In addition to any other requirements set forth in this chapter:*

(a) An applicant for the issuance of a license to engage in the practice of dietetics in this State shall include the social security number of the applicant in the application submitted to the Board.

(b) An applicant for the issuance or renewal of a license to engage in the practice of dietetics in this State shall submit to the Board the statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520. The statement must be completed and signed by the applicant.

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

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

(b) A separate form prescribed by the Board.

3. A license to engage in the practice of dietetics may not be issued or renewed by the Board if the applicant:

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

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

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

Sec. 27. *1. A licensed dietitian shall provide nutrition services to assist a person in achieving and maintaining proper nourishment and care of his or her body, including, without limitation:*

(a) Assessing the nutritional needs of a person and determining resources for and constraints in meeting those needs by obtaining, verifying and interpreting data;

(b) Determining the metabolism of a person and identifying the food, nutrients and supplements necessary for growth, development, maintenance or attainment of proper nourishment of the person;

(c) Considering the cultural background and socioeconomic needs of a person in achieving or maintaining proper nourishment;

(d) Identifying and labeling nutritional problems of a person;

(e) Recommending the appropriate method of obtaining proper nourishment, including, without limitation, orally, intravenously or through a feeding tube;

(f) Providing counseling, advice and assistance concerning health and disease with respect to the nutritional intake of a person;

(g) Establishing priorities, goals and objectives that meet the nutritional needs of a person and are consistent with the resources of the person, including, without limitation, providing instruction on meal preparation;

(h) Treating nutritional problems of a person and identifying patient outcomes to determine the progress made by the person;

(i) Planning activities to change the behavior, risk factors, environmental conditions or other aspects of the health and nutrition of a person, a group of persons or the community at large;

(j) Developing, implementing and managing systems to provide care related to nutrition; ~~[and]~~

(k) Evaluating and maintaining appropriate standards of quality in the services provided ~~[.]~~ ;

(l) Accepting and transmitting verbal and electronic orders from a physician consistent with an established protocol to implement medical nutrition therapy; and

(m) Ordering medical laboratory tests relating to the therapeutic treatment concerning the nutritional needs of a patient when authorized to do so by a written protocol prepared or approved by a physician.

2. A licensed dietitian may use medical nutrition therapy to manage, treat or rehabilitate a disease, illness, injury or medical condition of a patient, including, without limitation:

(a) Interpreting data and recommending the nutritional needs of the patient through methods such as diet, feeding tube, intravenous solutions or specialized oral feedings;

(b) Determining the interaction between food and drugs prescribed to the patient; and

(c) Developing and managing operations to provide food, care and treatment programs prescribed by a physician, physician assistant, dentist, advanced practitioner of nursing or podiatric physician that monitor or alter the food and nutrient levels of the patient.

3. A licensed dietitian shall not provide medical diagnosis of the health of a person.

~~*[4. As used in this section, "medical nutrition therapy" means the use of nutrition services by a licensed dietitian to manage, treat or rehabilitate a disease, illness, injury or medical condition of a patient.]*~~

Sec. 28. ~~*[Any person who wishes to apply for a certificate of registration as a registered dietetic technician in this State must:*~~

~~*1. Furnish the Board with satisfactory proof that the person:*~~

~~*(a) Is of good moral character; and*~~

~~*(b) Possesses an associates degree or higher in dietetics or dietetic technology from a school accredited by the Commission on Accreditation for Dietetics Education of the American Dietetic Association.*~~

~~*2. Submit all information required to complete an application for such a certificate of registration, on a form approved by the Board.*~~

~~*3. Pay to the Board the appropriate fee required pursuant to this chapter.]*~~ **(Deleted by amendment.)**

Sec. 29. ***1. Except as otherwise provided in subsection 2, the Board may waive any requirement of section 20*** ~~*[,]*~~ ***or 23*** ~~*[or 28]*~~ ***of this act for an applicant who proves to the satisfaction of the Board that his or her education and experience are substantially equivalent to the education and experience required by the respective section.***

2. The Board may waive the requirement of an examination that is set forth in section 20 of this act in accordance with regulations adopted by the Board that prescribe the circumstances under which the Board may waive the requirement of the examination.

Sec. 30. ~~*[1. The holder of a certificate of registration as a registered dietetic technician may be employed as a registered dietetic technician in this State only in the office of a licensed dietitian.*~~

~~*2. A registered dietetic technician must be directly supervised by a licensed dietitian in the performance of all duties. A registered dietetic technician under the direct supervision of a licensed dietitian may assist in the implementation or monitoring of nutrition services.*~~

~~*3. A licensed dietitian must be available to provide consultation, in person, by phone or by electronic means, to a registered dietetic technician at all times when the registered dietetic technician is performing duties relating to the practice of dietetics.*~~

~~*4. A licensed dietitian must be present a sufficient number of hours each week in the office in which a registered dietetic technician is employed to provide supervision to and review the work of the registered dietetic technician.]*~~ **(Deleted by amendment.)**

Sec. 31. ***1. A license to engage in the practice of dietetics*** ~~*[or a certificate of registration as a registered dietetic technician]*~~ ***expires 2 years after the date of issuance.***

2. The Board ~~*[shall]*~~ ***may renew a license*** ~~*[or certificate]*~~ ***if the applicant:***

(a) Submits a completed written application and the appropriate fee required pursuant to this chapter;

(b) Submits documentation of completion of such continuing training and education as required by regulations adopted by the Board;

(c) Has not committed any act which is grounds for disciplinary action, unless the Board determines that sufficient restitution has been made or the act was not substantially related to the practice of dietetics;

(d) Submits information that the credentials of the applicant are in good standing; and

(e) Submits all other information required to complete the renewal.

3. The Board shall require a licensed dietitian who fails to submit an application for the renewal of his or her license within 2 years after the date of the expiration of the license to take the examination required by section 20 of this act before renewing the license.

Sec. 32. *The Board shall act upon an application for a license ~~[or certificate of registration]~~ submitted pursuant to this chapter without unnecessary delay. If an applicant is found qualified, the applicant must be issued a license to engage in the practice of dietetics . ~~[or a certificate of registration as a registered dietetic technician.]~~*

Sec. 33. *1. The Board shall adopt regulations establishing reasonable fees for:*

(a) The examination of an applicant for a license ; ~~[or certificate of registration;]~~

(b) The issuance of a license ; ~~[or certificate of registration;]~~

(c) The issuance of a provisional license;

(d) The issuance of a temporary license;

(e) ~~[~~The issuance of a reciprocal license;

~~(f)~~] The renewal of a license ; ~~[or certificate of registration;~~

~~(g)~~ (f) The late renewal of a license ; ~~[or certificate of registration;~~

~~(h)~~ (g) The reinstatement of a license ~~[or certificate of registration]~~ which has been suspended or revoked; and

~~[(i)~~ (h) The issuance of a duplicate license ~~[or certificate of registration]~~ or for changing the name on a license . ~~[or certificate of registration.]~~

2. The fees must be set in such an amount as to reimburse the Board for the cost of carrying out the provisions of this chapter.

Sec. 34. *1. The Board may deny, refuse to renew, revoke or suspend any license ~~[or certificate of registration]~~ applied for or issued pursuant to this chapter, or take such other disciplinary action against a licensee ~~[or holder of a certificate]~~ as authorized by regulations adopted by the Board, upon determining that the licensee : ~~[or certificate holder:]~~*

(a) Is guilty of fraud or deceit in procuring or attempting to procure a license ~~[or certificate]~~ pursuant to this chapter.

(b) Is guilty of any offense:

(1) Involving moral turpitude; or

(2) Relating to the qualifications, functions or duties of a licensee . ~~[or holder of a certificate.]~~

(c) Uses any controlled substance, dangerous drug as defined in chapter 454 of NRS, or intoxicating liquor to an extent or in a manner which is dangerous or injurious to any other person or which impairs his or her ability to conduct the practice authorized by the license . ~~[or certificate.]~~

(d) Is guilty of unprofessional conduct, which includes, without limitation:

(1) Impersonating an applicant or acting as proxy for an applicant in any examination required pursuant to this chapter for the issuance of a license . ~~[or certificate.]~~

(2) Impersonating another licensed dietitian . ~~[or holder of a certificate.]~~

(3) Permitting or allowing another person to use his or her license ~~[or certificate]~~ to engage in the practice of dietetics . ~~[or to practice as a registered dietetic technician.]~~

(4) Repeated malpractice, which may be evidenced by claims of malpractice settled against the licensee . ~~[or certificate holder.]~~

(5) Physical, verbal or psychological abuse of a patient.

(6) Conviction for the use or unlawful possession of a controlled substance or dangerous drug as defined in chapter 454 of NRS.

(e) Has willfully or repeatedly violated any provision of this chapter.

(f) Is guilty of aiding or abetting any person in violating any provision of this chapter.

(g) Has been disciplined in another state in connection with the practice of dietetics or has committed an act in another state which would constitute a violation of this chapter.

(h) Has engaged in conduct likely to deceive, defraud or endanger a patient or the general public.

(i) Has willfully failed to comply with a regulation, subpoena or order of the Board.

2. In addition to any criminal or civil penalty that may be imposed pursuant to this chapter, the Board may assess against and collect from a licensee ~~[or holder of a certificate]~~ all costs incurred by the Board in connection with any disciplinary action taken against the licensee , ~~[or holder,]~~ including, without limitation, costs for investigators and stenographers, attorney's fees and other costs of the hearing.

3. For the purposes of this section, a plea or verdict of guilty or guilty but mentally ill or a plea of nolo contendere constitutes a conviction of an offense. The Board may take disciplinary action pending the appeal of a conviction.

Sec. 35. *1. If the Board receives a copy of a court order issued pursuant to NRS 425.540 that provides for the suspension of all professional, occupational and recreational licenses, certificates and permits issued to a person who is the holder of a license ~~[or certificate]~~*

issued pursuant to this chapter, the Board shall deem the license ~~[or certificate]~~ issued to that person to be suspended at the end of the 30th day after the date on which the court order was issued unless the Board receives a letter issued to the holder of the license ~~[or certificate]~~ by the district attorney or other public agency pursuant to NRS 425.550 stating that the holder of the license ~~[or certificate]~~ has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

2. The Board shall reinstate a license ~~[or certificate]~~ issued pursuant to this chapter that has been suspended by a district court pursuant to NRS 425.540 if:

(a) The Board receives a letter issued by the district attorney or other public agency pursuant to NRS 425.550 to the person whose license ~~[or certificate]~~ was suspended stating that the person whose license ~~[or certificate]~~ was suspended has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560; and

(b) The person whose license ~~[or certificate]~~ was suspended pays the appropriate fee required pursuant to this chapter.

Sec. 36. *1. Before suspending or revoking any license ~~[or certificate]~~ or taking other disciplinary action against a licensee , ~~[or holder of a certificate,]~~ the Board shall cause an administrative complaint to be filed against the licensee . ~~[or holder of the certificate.]~~ The Board shall notify the licensee ~~[or holder of the certificate]~~ in writing of the charges against him or her, accompanying the notice with a copy of the administrative complaint.*

2. Written notice may be served by delivering it personally to the licensee , ~~[or holder of the certificate,]~~ or by mailing it by registered or certified mail to the last known residential address of the licensee . ~~[or holder of the certificate.]~~

3. If the licensee , ~~[or holder of the certificate,]~~ after receiving a copy of the administrative complaint pursuant to subsection 1, submits a written request, the Board shall furnish the licensee ~~[or holder of the certificate]~~ with a copy of each communication, report and affidavit in the possession of the Board which relates to the matter in question.

4. As soon as practicable after the filing of the administrative complaint, the Board shall hold a hearing on the charges at such time and place as the Board prescribes. If the Board receives a report pursuant to subsection 5 of NRS 228.420, the hearing must be held within 30 days after receiving the report. If requested by the licensee , ~~[or holder of the certificate,]~~ the hearing must be held within the county in which the licensee ~~[or holder of the certificate]~~ resides.

Sec. 37. *The Board may delegate its authority to conduct hearings pursuant to section 36 of this act concerning the discipline of a licensee ~~[or holder of a certificate]~~ to a hearing officer. The hearing officer has the powers of the Board in connection with such hearings, and shall report to*

the Board his or her findings of fact and conclusions of law within 30 days after the final hearing on the matter. The Board may take action based upon the report of the hearing officer, refer the matter to the hearing officer for further hearings or conduct its own hearings on the matter.

Sec. 38. ***The Board may:***

1. Issue subpoenas for the attendance of witnesses and the production of books, papers and documents;

2. Administer oaths when taking testimony in any matter relating to the duties of the Board; and

3. Adopt a seal which must be judicially noticed by the courts of this State.

Sec. 39. ***1. The district court in and for the county in which any hearing is held by the Board may compel the attendance of witnesses, the giving of testimony and the production of books, papers and documents as required by any subpoena issued by the Board.***

2. In case of the refusal of any witness to attend or testify or produce any books, papers or documents required by a subpoena, the Board may report to the district court in and for the county in which the hearing is pending, by petition setting forth:

(a) That due notice has been given of the time and place of attendance of the witness or the production of books, papers or documents;

(b) That the witness has been subpoenaed in the manner prescribed by this chapter; and

(c) That the witness has failed and refused to attend or produce the books, papers or documents required by the subpoena before the Board in the cause or proceeding named in the subpoena, or has refused to answer questions propounded to him or her in the course of the hearing,

↪ and ask an order of the court compelling the witness to attend and testify or produce the books, papers or documents before the Board.

3. The court, upon petition of the Board, shall enter an order directing the witness to appear before the court at a time and place to be fixed by the court in the order, the time to be not more than 10 days after the date of the order, to show cause why the witness has not attended or testified or produced the books, papers or documents before the Board. A certified copy of the order must be served upon the witness.

4. If it appears to the court that the subpoena was regularly issued by the Board, the court shall enter an order that the witness appear before the Board at the time and place fixed in the order and testify or produce the required books, papers or documents. Upon failure to obey the order, the witness must be dealt with as for contempt of court.

Sec. 40. ***1. The Board shall render a decision on any administrative complaint within 60 days after the final hearing thereon. For the purposes of this subsection, the final hearing on a matter delegated to a hearing officer pursuant to section 37 of this act is the final hearing conducted by***

the hearing officer unless the Board conducts a hearing with regard to the administrative complaint.

2. The Board shall notify the licensee ~~[or holder of the certificate]~~ of its decision in writing by certified mail, return receipt requested. The decision of the Board becomes effective on the date the licensee ~~[or holder of the certificate]~~ receives the notice or on the date the Board receives a notice from the United States Postal Service stating that the licensee ~~[or holder of the certificate]~~ refused to accept delivery or could not be located.

Sec. 41. *1. Any person aggrieved by a final order of the Board is entitled to judicial review of the Board's order as provided by law.*

2. Every order of the Board which limits the practice of dietetics or suspends or revokes a license ~~[or certificate]~~ is effective from the date the Board issues the order until the date the order is modified or reversed by a final judgment of the court. The court shall not stay the order of the Board pending a final determination by the court.

3. The district court shall give a petition for judicial review of the Board's order priority over other civil matters which are not expressly given priority by law.

Sec. 42. *1. Any licensee ~~[or holder of a certificate]~~ whose license ~~[or certificate]~~ was revoked by the Board may apply for reinstatement of the license ~~[or certificate]~~ pursuant to the provisions of chapter 622A of NRS.*

2. In addition to the requirements for reinstatement of the license ~~[or certificate]~~ pursuant to chapter 622A of NRS, the Board may reinstate the license ~~[or certificate]~~ upon payment of the applicable fee required pursuant to this chapter.

Sec. 43. *1. Except as otherwise provided in this section and NRS 239.0115, any records or information obtained during the course of an investigation by the Board and any record of the investigation are confidential.*

2. Any complaint or other document filed by the Board to initiate disciplinary action and all documents and information considered by the Board when determining whether to impose disciplinary action are public records.

3. This section does not prevent or prohibit the Board from communicating or cooperating with another licensing board or any agency that is investigating a licensee, ~~[or holder of a certificate,]~~ including a law enforcement agency.

Sec. 44. *If the Board, based on evidence satisfactory to it, believes that any person has violated or is about to violate any provision of this chapter, the terms of any license, ~~[or certificate,]~~ or any order, decision, demand or requirement, or any part thereof, the Board may bring an action, in the name of the Board, in the district court in and for the county in which the person resides, against the person to enjoin the person from continuing the violation or engaging in any act that constitutes such a violation. The court may enter an order or judgment granting such injunctive relief as it*

determines proper, but no such injunctive relief may be granted without at least 5 days' notice to the opposite party.

Sec. 45. ***If a person is not licensed to engage in the practice of dietetics*** ~~*[or registered as a registered dietetic technician]*~~ ***pursuant to this chapter, or if a person's license to engage in the practice of dietetics*** ~~*[or registration as a registered dietetic technician]*~~ ***has been suspended or revoked by the Board, the person shall not:***

1. Engage in the practice of dietetics;

2. Use in connection with his or her name the words or letters "L.D.," "licensed dietitian," "L.N.," "licensed nutritionist," ~~*["R.D.T." or "registered dietetic technician,"]*~~ ***or any other letters, words or insignia indicating or implying that he or she is licensed to engage in the practice of dietetics, or in any other way, orally, or in writing or print, or by sign, directly or by implication, use the word "dietetics" or "nutritionist" or represent himself or herself as licensed or qualified to engage in the practice of dietetics in this State; or***

3. List or cause to have listed in any directory, including, without limitation, a telephone directory, his or her name or the name of his or her company under the heading "Dietitian" or "Nutritionist" or any other term that indicates or implies that he or she is licensed or qualified to engage in the practice of dietetics in this State.

Sec. 46. ***1. A person who violates any provision of this chapter or any regulation adopted pursuant thereto is guilty of a misdemeanor.***

2. In addition to any criminal penalty that may be imposed pursuant to subsection 1, the Board may, after notice and hearing, impose a civil penalty of not more than $100 for each such violation. For the purposes of this subsection, each day on which a violation occurs constitutes a separate offense, except that the aggregate civil penalty that may be imposed against a person pursuant to this subsection may not exceed $10,000.

Sec. 47. NRS 629.031 is hereby amended to read as follows:

629.031 Except as otherwise provided by a specific statute:

1. "Provider of health care" means a physician licensed pursuant to chapter 630, 630A or 633 of NRS, physician assistant, dentist, licensed nurse, dispensing optician, optometrist, practitioner of respiratory care, registered physical therapist, podiatric physician, licensed psychologist, licensed marriage and family therapist, licensed clinical professional counselor, chiropractor, athletic trainer, perfusionist, doctor of Oriental medicine in any form, medical laboratory director or technician, pharmacist **,** ***licensed dietitian*** or a licensed hospital as the employer of any such person.

2. For the purposes of NRS 629.051, 629.061 and 629.065, the term includes a facility that maintains the health care records of patients.

Sec. 48. NRS 7.095 is hereby amended to read as follows:

7.095 1. An attorney shall not contract for or collect a fee contingent on the amount of recovery for representing a person seeking damages in

connection with an action for injury or death against a provider of health care based upon professional negligence in excess of:

(a) Forty percent of the first $50,000 recovered;

(b) Thirty-three and one-third percent of the next $50,000 recovered;

(c) Twenty-five percent of the next $500,000 recovered; and

(d) Fifteen percent of the amount of recovery that exceeds $600,000.

2. The limitations set forth in subsection 1 apply to all forms of recovery, including, without limitation, settlement, arbitration and judgment.

3. For the purposes of this section, "recovered" means the net sum recovered by the plaintiff after deducting any disbursements or costs incurred in connection with the prosecution or settlement of the claim. Costs of medical care incurred by the plaintiff and general and administrative expenses incurred by the office of the attorney are not deductible disbursements or costs.

4. As used in this section:

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

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

Sec. 49. NRS 41A.017 is hereby amended to read as follows:

41A.017 "Provider of health care" means a physician licensed under chapter 630 or 633 of NRS, dentist, licensed nurse, dispensing optician, optometrist, registered physical therapist, podiatric physician, licensed psychologist, chiropractor, doctor of Oriental medicine, medical laboratory director or technician, ***licensed dietitian*** or a licensed hospital and its employees.

Sec. 50. NRS 42.021 is hereby amended to read as follows:

42.021 1. In an action for injury or death against a provider of health care based upon professional negligence, if the defendant so elects, the defendant may introduce evidence of any amount payable as a benefit to the plaintiff as a result of the injury or death pursuant to the United States Social Security Act, any state or federal income disability or worker's compensation act, any health, sickness or income-disability insurance, accident insurance that provides health benefits or income-disability coverage, and any contract or agreement of any group, organization, partnership or corporation to provide, pay for or reimburse the cost of medical, hospital, dental or other health care services. If the defendant elects to introduce such evidence, the

plaintiff may introduce evidence of any amount that the plaintiff has paid or contributed to secure the plaintiff's right to any insurance benefits concerning which the defendant has introduced evidence.

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

(a) Recover any amount against the plaintiff; or

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

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

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

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

6. If the court finds that the judgment debtor has exhibited a continuing pattern of failing to make the periodic payments as specified pursuant to subsection 5, the court shall find the judgment debtor in contempt of court and, in addition to the required periodic payments, shall order the judgment debtor to pay the judgment creditor all damages caused by the failure to make such periodic payments, including, but not limited to, court costs and attorney's fees.

7. Following the occurrence or expiration of all obligations specified in the periodic payment judgment, any obligation of the judgment debtor to

make further payments ceases and any security given pursuant to subsection 4 reverts to the judgment debtor.

8. As used in this section:

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

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

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

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

Sec. 51. NRS 200.471 is hereby amended to read as follows:

200.471 1. As used in this section:

(a) "Assault" means:

(1) Unlawfully attempting to use physical force against another person; or

(2) Intentionally placing another person in reasonable apprehension of immediate bodily harm.

(b) "Officer" means:

(1) A person who possesses some or all of the powers of a peace officer;

(2) A person employed in a full-time salaried occupation of fire fighting for the benefit or safety of the public;

(3) A member of a volunteer fire department;

(4) A jailer, guard or other correctional officer of a city or county jail;

(5) A justice of the Supreme Court, district judge, justice of the peace, municipal judge, magistrate, court commissioner, master or referee, including a person acting pro tempore in a capacity listed in this subparagraph; or

(6) An employee of the State or a political subdivision of the State whose official duties require the employee to make home visits.

(c) "Provider of health care" means a physician, a perfusionist or a physician assistant licensed pursuant to chapter 630 of NRS, a practitioner of respiratory care, a homeopathic physician, an advanced practitioner of homeopathy, a homeopathic assistant, an osteopathic physician, a physician assistant licensed pursuant to chapter 633 of NRS, a podiatric physician, a podiatry hygienist, a physical therapist, a medical laboratory technician, an

optometrist, a chiropractor, a chiropractor's assistant, a doctor of Oriental medicine, a nurse, a student nurse, a certified nursing assistant, a nursing assistant trainee, a dentist, a dental hygienist, a pharmacist, an intern pharmacist, an attendant on an ambulance or air ambulance, a psychologist, a social worker, a marriage and family therapist, a marriage and family therapist intern, a clinical professional counselor, a clinical professional counselor intern ***, a licensed dietitian*** ***[, a registered dietetic technician]*** and an emergency medical technician.

(d) "School employee" means a licensed or unlicensed person employed by a board of trustees of a school district pursuant to NRS 391.100.

(e) "Sporting event" has the meaning ascribed to it in NRS 41.630.

(f) "Sports official" has the meaning ascribed to it in NRS 41.630.

(g) "Taxicab" has the meaning ascribed to it in NRS 706.8816.

(h) "Taxicab driver" means a person who operates a taxicab.

(i) "Transit operator" means a person who operates a bus or other vehicle as part of a public mass transportation system.

2. A person convicted of an assault shall be punished:

(a) If paragraph (c) or (d) does not apply to the circumstances of the crime and the assault is not made with the use of a deadly weapon or the present ability to use a deadly weapon, for a misdemeanor.

(b) If the assault is made with the use of a deadly weapon or the present ability to use a deadly weapon, for a category B felony by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, or by a fine of not more than $5,000, or by both fine and imprisonment.

(c) If paragraph (d) does not apply to the circumstances of the crime and if the assault is committed upon an officer, a provider of health care, a school employee, a taxicab driver or a transit operator who is performing his or her duty or upon a sports official based on the performance of his or her duties at a sporting event and the person charged knew or should have known that the victim was an officer, a provider of health care, a school employee, a taxicab driver, a transit operator or a sports official, for a gross misdemeanor, unless the assault is made with the use of a deadly weapon or the present ability to use a deadly weapon, then for a category B felony by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, or by a fine of not more than $5,000, or by both fine and imprisonment.

(d) If the assault is committed upon an officer, a provider of health care, a school employee, a taxicab driver or a transit operator who is performing his or her duty or upon a sports official based on the performance of his or her duties at a sporting event by a probationer, a prisoner who is in lawful custody or confinement or a parolee, and the probationer, prisoner or parolee charged knew or should have known that the victim was an officer, a provider of health care, a school employee, a taxicab driver, a transit operator or a sports official, for a category D felony as provided in NRS 193.130,

unless the assault is made with the use of a deadly weapon or the present ability to use a deadly weapon, then for a category B felony by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, or by a fine of not more than $5,000, or by both fine and imprisonment.

Sec. 52. NRS 200.5093 is hereby amended to read as follows:

200.5093 1. Any person who is described in subsection 4 and who, in a professional or occupational capacity, knows or has reasonable cause to believe that an older person has been abused, neglected, exploited or isolated shall:

(a) Except as otherwise provided in subsection 2, report the abuse, neglect, exploitation or isolation of the older person to:

(1) The local office of the Aging and Disability Services Division of the Department of Health and Human Services;

(2) A police department or sheriff's office;

(3) The county's office for protective services, if one exists in the county where the suspected action occurred; or

(4) A toll-free telephone service designated by the Aging and Disability Services Division of the Department of Health and Human Services; and

(b) Make such a report as soon as reasonably practicable but not later than 24 hours after the person knows or has reasonable cause to believe that the older person has been abused, neglected, exploited or isolated.

2. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that the abuse, neglect, exploitation or isolation of the older person involves an act or omission of the Aging and Disability Services Division, another division of the Department of Health and Human Services or a law enforcement agency, the person shall make the report to an agency other than the one alleged to have committed the act or omission.

3. Each agency, after reducing a report to writing, shall forward a copy of the report to the Aging and Disability Services Division of the Department of Health and Human Services and the Unit for the Investigation and Prosecution of Crimes.

4. A report must be made pursuant to subsection 1 by the following persons:

(a) Every physician, dentist, dental hygienist, chiropractor, optometrist, podiatric physician, medical examiner, resident, intern, professional or practical nurse, physician assistant licensed pursuant to chapter 630 or 633 of NRS, perfusionist, psychiatrist, psychologist, marriage and family therapist, clinical professional counselor, clinical alcohol and drug abuse counselor, alcohol and drug abuse counselor, athletic trainer, driver of an ambulance, advanced emergency medical technician ***, licensed dietitian*** or other person providing medical services licensed or certified to practice in this State, who examines, attends or treats an older person who appears to have been abused, neglected, exploited or isolated.

(b) Any personnel of a hospital or similar institution engaged in the admission, examination, care or treatment of persons or an administrator, manager or other person in charge of a hospital or similar institution upon notification of the suspected abuse, neglect, exploitation or isolation of an older person by a member of the staff of the hospital.

(c) A coroner.

(d) Every person who maintains or is employed by an agency to provide personal care services in the home.

(e) Every person who maintains or is employed by an agency to provide nursing in the home.

(f) Every person who operates, who is employed by or who contracts to provide services for an intermediary service organization as defined in NRS 427A.0291.

(g) Any employee of the Department of Health and Human Services.

(h) Any employee of a law enforcement agency or a county's office for protective services or an adult or juvenile probation officer.

(i) Any person who maintains or is employed by a facility or establishment that provides care for older persons.

(j) Any person who maintains, is employed by or serves as a volunteer for an agency or service which advises persons regarding the abuse, neglect, exploitation or isolation of an older person and refers them to persons and agencies where their requests and needs can be met.

(k) Every social worker.

(l) Any person who owns or is employed by a funeral home or mortuary.

5. A report may be made by any other person.

6. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that an older person has died as a result of abuse, neglect or isolation, the person shall, as soon as reasonably practicable, report this belief to the appropriate medical examiner or coroner, who shall investigate the cause of death of the older person and submit to the appropriate local law enforcement agencies, the appropriate prosecuting attorney, the Aging and Disability Services Division of the Department of Health and Human Services and the Unit for the Investigation and Prosecution of Crimes his or her written findings. The written findings must include the information required pursuant to the provisions of NRS 200.5094, when possible.

7. A division, office or department which receives a report pursuant to this section shall cause the investigation of the report to commence within 3 working days. A copy of the final report of the investigation conducted by a division, office or department, other than the Aging and Disability Services Division of the Department of Health and Human Services, must be forwarded within 30 days after the completion of the report to the:

(a) Aging and Disability Services Division;

(b) Repository for Information Concerning Crimes Against Older Persons created by NRS 179A.450; and

(c) Unit for the Investigation and Prosecution of Crimes.

8. If the investigation of a report results in the belief that an older person is abused, neglected, exploited or isolated, the Aging and Disability Services Division of the Department of Health and Human Services or the county's office for protective services may provide protective services to the older person if the older person is able and willing to accept them.

9. A person who knowingly and willfully violates any of the provisions of this section is guilty of a misdemeanor.

10. As used in this section, "Unit for the Investigation and Prosecution of Crimes" means the Unit for the Investigation and Prosecution of Crimes Against Older Persons in the Office of the Attorney General created pursuant to
NRS 228.265.

Sec. 53. NRS 200.50935 is hereby amended to read as follows:

200.50935 1. Any person who is described in subsection 3 and who, in a professional or occupational capacity, knows or has reasonable cause to believe that a vulnerable person has been abused, neglected, exploited or isolated shall:

(a) Report the abuse, neglect, exploitation or isolation of the vulnerable person to a law enforcement agency; and

(b) Make such a report as soon as reasonably practicable but not later than 24 hours after the person knows or has reasonable cause to believe that the vulnerable person has been abused, neglected, exploited or isolated.

2. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that the abuse, neglect, exploitation or isolation of the vulnerable person involves an act or omission of a law enforcement agency, the person shall make the report to a law enforcement agency other than the one alleged to have committed the act or omission.

3. A report must be made pursuant to subsection 1 by the following persons:

(a) Every physician, dentist, dental hygienist, chiropractor, optometrist, podiatric physician, medical examiner, resident, intern, professional or practical nurse, perfusionist, physician assistant licensed pursuant to chapter 630 or 633 of NRS, psychiatrist, psychologist, marriage and family therapist, clinical professional counselor, clinical alcohol and drug abuse counselor, alcohol and drug abuse counselor, athletic trainer, driver of an ambulance, advanced emergency medical technician ***, licensed dietitian*** or other person providing medical services licensed or certified to practice in this State, who examines, attends or treats a vulnerable person who appears to have been abused, neglected, exploited or isolated.

(b) Any personnel of a hospital or similar institution engaged in the admission, examination, care or treatment of persons or an administrator, manager or other person in charge of a hospital or similar institution upon notification of the suspected abuse, neglect, exploitation or isolation of a vulnerable person by a member of the staff of the hospital.

(c) A coroner.

(d) Every person who maintains or is employed by an agency to provide nursing in the home.

(e) Any employee of the Department of Health and Human Services.

(f) Any employee of a law enforcement agency or an adult or juvenile probation officer.

(g) Any person who maintains or is employed by a facility or establishment that provides care for vulnerable persons.

(h) Any person who maintains, is employed by or serves as a volunteer for an agency or service which advises persons regarding the abuse, neglect, exploitation or isolation of a vulnerable person and refers them to persons and agencies where their requests and needs can be met.

(i) Every social worker.

(j) Any person who owns or is employed by a funeral home or mortuary.

4. A report may be made by any other person.

5. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that a vulnerable person has died as a result of abuse, neglect or isolation, the person shall, as soon as reasonably practicable, report this belief to the appropriate medical examiner or coroner, who shall investigate the cause of death of the vulnerable person and submit to the appropriate local law enforcement agencies and the appropriate prosecuting attorney his or her written findings. The written findings must include the information required pursuant to the provisions of NRS 200.5094, when possible.

6. A law enforcement agency which receives a report pursuant to this section shall immediately initiate an investigation of the report.

7. A person who knowingly and willfully violates any of the provisions of this section is guilty of a misdemeanor.

Sec. 54. NRS 200.5095 is hereby amended to read as follows:

200.5095 1. Reports made pursuant to NRS 200.5093, 200.50935 and 200.5094, and records and investigations relating to those reports, are confidential.

2. A person, law enforcement agency or public or private agency, institution or facility who willfully releases data or information concerning the reports and investigation of the abuse, neglect, exploitation or isolation of older persons or vulnerable persons, except:

(a) Pursuant to a criminal prosecution;

(b) Pursuant to NRS 200.50982; or

(c) To persons or agencies enumerated in subsection 3,

➥ is guilty of a misdemeanor.

3. Except as otherwise provided in subsection 2 and NRS 200.50982, data or information concerning the reports and investigations of the abuse, neglect, exploitation or isolation of an older person or a vulnerable person is available only to:

(a) A physician who is providing care to an older person or a vulnerable person who may have been abused, neglected, exploited or isolated;

(b) An agency responsible for or authorized to undertake the care, treatment and supervision of the older person or vulnerable person;

(c) A district attorney or other law enforcement official who requires the information in connection with an investigation of the abuse, neglect, exploitation or isolation of the older person or vulnerable person;

(d) A court which has determined, in camera, that public disclosure of such information is necessary for the determination of an issue before it;

(e) A person engaged in bona fide research, but the identity of the subjects of the report must remain confidential;

(f) A grand jury upon its determination that access to such records is necessary in the conduct of its official business;

(g) Any comparable authorized person or agency in another jurisdiction;

(h) A legal guardian of the older person or vulnerable person, if the identity of the person who was responsible for reporting the alleged abuse, neglect, exploitation or isolation of the older person or vulnerable person to the public agency is protected, and the legal guardian of the older person or vulnerable person is not the person suspected of such abuse, neglect, exploitation or isolation;

(i) If the older person or vulnerable person is deceased, the executor or administrator of his or her estate, if the identity of the person who was responsible for reporting the alleged abuse, neglect, exploitation or isolation of the older person or vulnerable person to the public agency is protected, and the executor or administrator is not the person suspected of such abuse, neglect, exploitation or isolation; or

(j) The older person or vulnerable person named in the report as allegedly being abused, neglected, exploited or isolated, if that person is not legally incompetent.

4. If the person who is reported to have abused, neglected, exploited or isolated an older person or a vulnerable person is the holder of a license or certificate issued pursuant to chapters 449, 630 to 641B, inclusive, or 654 of NRS, ***or sections ~~[2]~~ 1.5 to 46, inclusive, of this act, the*** information contained in the report must be submitted to the board that issued the license.

Sec. 55. NRS 218G.400 is hereby amended to read as follows:

218G.400 1. Except as otherwise provided in subsection 2, each board created by the provisions of NRS 590.485 and chapters 623 to 625A, inclusive, 628, 630 to 644, inclusive, 648, 654 and 656 of NRS ***and sections ~~[2]~~ 1.5 to 46, inclusive, of this act*** shall:

(a) If the revenue of the board from all sources is less than $50,000 for any fiscal year, prepare a balance sheet for that fiscal year on the form provided by the Legislative Auditor and file the balance sheet with the Legislative Auditor and the Chief of the Budget Division of the Department of Administration on or before December 1 following the end of that fiscal

year. The Legislative Auditor shall prepare and make available a form that must be used by a board to prepare such a balance sheet.

(b) If the revenue of the board from all sources is $50,000 or more for any fiscal year, engage the services of a certified public accountant or public accountant, or firm of either of such accountants, to audit all its fiscal records for that fiscal year and file a report of the audit with the Legislative Auditor and the Chief of the Budget Division of the Department of Administration on or before December 1 following the end of that fiscal year.

2. In lieu of preparing a balance sheet or having an audit conducted for a single fiscal year, a board may engage the services of a certified public accountant or public accountant, or firm of either of such accountants, to audit all its fiscal records for a period covering two successive fiscal years. If such an audit is conducted, the board shall file the report of the audit with the Legislative Auditor and the Chief of the Budget Division of the Department of Administration on or before December 1 following the end of the second fiscal year.

3. The cost of each audit conducted pursuant to subsection 1 or 2 must be paid by the board that is audited. Each such audit must be conducted in accordance with generally accepted auditing standards, and all financial statements must be prepared in accordance with generally accepted principles of accounting for special revenue funds.

4. Whether or not a board is required to have its fiscal records audited pursuant to subsection 1 or 2, the Legislative Auditor shall audit the fiscal records of any such board whenever directed to do so by the Legislative Commission. When the Legislative Commission directs such an audit, the Legislative Commission shall also determine who is to pay the cost of the audit.

5. A person who is a state officer or employee of a board is guilty of nonfeasance if the person:

(a) Is responsible for preparing a balance sheet or having an audit conducted pursuant to this section or is responsible for preparing or maintaining the fiscal records that are necessary to prepare a balance sheet or have an audit conducted pursuant to this section; and

(b) Knowingly fails to prepare the balance sheet or have the audit conducted pursuant to this section or knowingly fails to prepare or maintain the fiscal records that are necessary to prepare a balance sheet or have an audit conducted pursuant to this section.

6. In addition to any other remedy or penalty, a person who is guilty of nonfeasance pursuant to this section forfeits the person's state office or employment and may not be appointed to a state office or position of state employment for a period of 2 years following the forfeiture. The provisions of this subsection do not apply to a state officer who may be removed from office only by impeachment pursuant to Article 7 of the Nevada Constitution.

Sec. 56. NRS 284.013 is hereby amended to read as follows:

284.013 1. Except as otherwise provided in subsection 4, this chapter does not apply to:

(a) Agencies, bureaus, commissions, officers or personnel in the Legislative Department or the Judicial Department of State Government, including the Commission on Judicial Discipline;

(b) Any person who is employed by a board, commission, committee or council created in chapters 590, 623 to 625A, inclusive, 628, 630 to 644, inclusive, 648, 652, 654 and 656 of NRS ~~[,]~~ ***and sections*** ~~*[2]*~~ ***1.5 to 46, inclusive, of this act;*** or

(c) Officers or employees of any agency of the Executive Department of the State Government who are exempted by specific statute.

2. Except as otherwise provided in subsection 3, the terms and conditions of employment of all persons referred to in subsection 1, including salaries not prescribed by law and leaves of absence, including, without limitation, annual leave and sick and disability leave, must be fixed by the appointing or employing authority within the limits of legislative appropriations or authorizations.

3. Except as otherwise provided in this subsection, leaves of absence prescribed pursuant to subsection 2 must not be of lesser duration than those provided for other state officers and employees pursuant to the provisions of this chapter. The provisions of this subsection do not govern the Legislative Commission with respect to the personnel of the Legislative Counsel Bureau.

4. Any board, commission, committee or council created in chapters 590, 623 to 625A, inclusive, 628, 630 to 644, inclusive, 648, 652, 654 and 656 of NRS ***and sections*** ~~*[2]*~~ ***1.5 to 46, inclusive, of this act*** which contracts for the services of a person, shall require the contract for those services to be in writing. The contract must be approved by the State Board of Examiners before those services may be provided.

Sec. 57. NRS 353A.025 is hereby amended to read as follows:

353A.025 1. The head of each agency shall periodically review the agency's system of internal accounting and administrative control to determine whether it is in compliance with the uniform system of internal accounting and administrative control for agencies adopted pursuant to subsection 1 of NRS 353A.020.

2. On or before July 1 of each even-numbered year, the head of each agency shall report to the Director whether the agency's system of internal accounting and administrative control is in compliance with the uniform system adopted pursuant to subsection 1 of NRS 353A.020. The reports must be made available for inspection by the members of the Legislature.

3. For the purposes of this section, "agency" does not include:

(a) A board created by the provisions of NRS 590.485 and chapters 623 to 625A, inclusive, 628, 630 to 644, inclusive, 648, 654 and 656 of NRS ~~[,]~~ ***and sections*** ~~*[2]*~~ ***1.5 to 46, inclusive, of this act.***

(b) The Nevada System of Higher Education.

(c) The Public Employees' Retirement System.

(d) The Housing Division of the Department of Business and Industry.

(e) The Colorado River Commission of Nevada.

4. The Director shall, on or before the first Monday in February of each odd-numbered year, submit a report on the status of internal accounting and administrative controls in agencies to the:

(a) Director of the Legislative Counsel Bureau for transmittal to the:

(1) Senate Standing Committee on Finance; and

(2) Assembly Standing Committee on Ways and Means;

(b) Governor; and

(c) Legislative Auditor.

5. The report submitted by the Director pursuant to subsection 4 must include, without limitation:

(a) The identification of each agency that has not complied with the requirements of subsections 1 and 2;

(b) The identification of each agency that does not have an effective method for reviewing its system of internal accounting and administrative control; and

(c) The identification of each agency that has weaknesses in its system of internal accounting and administrative control, and the extent and types of such weaknesses.

Sec. 58. NRS 372.7285 is hereby amended to read as follows:

372.7285 1. In administering the provisions of NRS 372.325, the Department shall apply the exemption to the sale of a medical device to a governmental entity that is exempt pursuant to that section without regard to whether the person using the medical device or the governmental entity that purchased the device is deemed to be the holder of title to the device if:

(a) The medical device was ordered or prescribed by a provider of health care, within his or her scope of practice, for use by the person to whom it is provided;

(b) The medical device is covered by Medicaid or Medicare; and

(c) The purchase of the medical device is made pursuant to a contract between the governmental entity that purchases the medical device and the person who sells the medical device to the governmental entity.

2. As used in this section:

(a) "Medicaid" means the program established pursuant to Title XIX of the Social Security Act, 42 U.S.C. §§ 1396 et seq., to provide assistance for part or all of the cost of medical care rendered on behalf of indigent persons.

(b) "Medicare" means the program of health insurance for aged persons and persons with disabilities established pursuant to Title XVIII of the Social Security Act, 42 U.S.C. §§ 1395 et seq.

(c) "Provider of health care" means a physician licensed pursuant to chapter 630, 630A or 633 of NRS, perfusionist, dentist, licensed nurse, dispensing optician, optometrist, practitioner of respiratory care, registered physical therapist, podiatric physician, licensed psychologist, licensed audiologist, licensed speech pathologist, licensed hearing aid specialist,

licensed marriage and family therapist, licensed clinical professional counselor, chiropractor ***, licensed dietitian*** or doctor of Oriental medicine in any form.

Sec. 59. NRS 374.731 is hereby amended to read as follows:

374.731 1. In administering the provisions of NRS 374.330, the Department shall apply the exemption to the sale of a medical device to a governmental entity that is exempt pursuant to that section without regard to whether the person using the medical device or the governmental entity that purchased the device is deemed to be the holder of title to the device if:

(a) The medical device was ordered or prescribed by a provider of health care, within his or her scope of practice, for use by the person to whom it is provided;

(b) The medical device is covered by Medicaid or Medicare; and

(c) The purchase of the medical device is made pursuant to a contract between the governmental entity that purchases the medical device and the person who sells the medical device to the governmental entity.

2. As used in this section:

(a) "Medicaid" means the program established pursuant to Title XIX of the Social Security Act, 42 U.S.C. §§ 1396 et seq., to provide assistance for part or all of the cost of medical care rendered on behalf of indigent persons.

(b) "Medicare" means the program of health insurance for aged persons and persons with disabilities established pursuant to Title XVIII of the Social Security Act, 42 U.S.C. §§ 1395 et seq.

(c) "Provider of health care" means a physician licensed pursuant to chapter 630, 630A or 633 of NRS, perfusionist, dentist, licensed nurse, dispensing optician, optometrist, practitioner of respiratory care, registered physical therapist, podiatric physician, licensed psychologist, licensed audiologist, licensed speech pathologist, licensed hearing aid specialist, licensed marriage and family therapist, licensed clinical professional counselor, chiropractor ***, licensed dietitian*** or doctor of Oriental medicine in any form.

Sec. 60. NRS 442.003 is hereby amended to read as follows:

442.003 As used in this chapter, unless the context requires otherwise:

1. "Advisory Board" means the Advisory Board on Maternal and Child Health.

2. "Department" means the Department of Health and Human Services.

3. "Director" means the Director of the Department.

4. "Fetal alcohol syndrome" includes fetal alcohol effects.

5. "Health Division" means the Health Division of the Department.

6. "Obstetric center" has the meaning ascribed to it in NRS 449.0155.

7. "Provider of health care or other services" means:

(a) A clinical alcohol and drug abuse counselor who is licensed, or an alcohol and drug abuse counselor who is licensed or certified, pursuant to chapter 641C of NRS;

(b) A physician or a physician assistant who is licensed pursuant to chapter 630 or 633 of NRS and who practices in the area of obstetrics and gynecology, family practice, internal medicine, pediatrics or psychiatry;

(c) A licensed nurse;

(d) A licensed psychologist;

(e) A licensed marriage and family therapist;

(f) A licensed clinical professional counselor;

(g) A licensed social worker; ~~[or]~~

(h) ***A licensed dietitian; or***

(i) The holder of a certificate of registration as a pharmacist.

Sec. 61. NRS 608.0116 is hereby amended to read as follows:

608.0116 "Professional" means pertaining to an employee who is licensed or certified by the State of Nevada for and engaged in the practice of law or any of the professions regulated by chapters 623 to 645, inclusive, 645G and 656A of NRS ~~[.]~~ ***and sections ~~[2]~~ 1.5 to 46, inclusive, of this act.***

Sec. 62. Section 26 of this act is hereby amended to read as follows:

Sec. 26. 1. In addition to any other requirements set forth in this chapter ~~[:~~

~~(a) An applicant for the issuance of a license to engage in the practice of dietetics in this State shall include the social security number of the applicant in the application submitted to the Board.~~

~~(b) An~~**]** **,** ***an*** applicant for the issuance or renewal of a license to engage in the practice of dietetics in this State shall submit to the Board the statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520. The statement must be completed and signed by the applicant.

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

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

(b) A separate form prescribed by the Board.

3. A license to engage in the practice of dietetics may not be issued or renewed by the Board if the applicant:

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

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

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

order to determine the actions that the applicant may take to satisfy the arrearage.

Sec. 63. Notwithstanding the provisions of section 11 of this act, the Governor may, for the initial appointments to the State Board of Dietetics, appoint four members who are not licensed dietitians but who meet the qualifications for licensure.

Sec. 64. Notwithstanding the provisions of section 20 of this act, the State Board of Dietetics shall grant a license to engage in the practice of dietetics in this state without examination to a person who:

1. Was engaged in the practice of dietetics in this State on or before January 1, 2012;

2. Submits an application for a license to the Board on or before January 1, 2013; and

3. Presents proof that the person:

(a) Is a registered dietitian; or

(b) Meets the education and experience requirements set forth in section 20 of this act.

Sec. 65. 1. This section and sections 11 and 63 of this act become effective upon passage and approval.

2. Sections 1 to 10, inclusive, 12 to 61, inclusive, and 64 of this act become effective on July 1, 2011, for the purpose of adopting regulations and carrying out any other administrative tasks, and on January 1, 2012, for all other purposes.

3. Section 62 of this act becomes effective on the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

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

(b) Are in arrears in the payment for the support of one or more children,

➥ are repealed by the Congress of the United States.

4. Sections 35 and 62 of this act expire by limitation on the date 2 years after the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

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

(b) Are in arrears in the payment for the support of one or more children,

➥ are repealed by the Congress of the United States.

Assemblywoman Mastroluca moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 290.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 419.

AN ACT relating to education; ~~[requiring the board of trustees of each school district to administer the practice test of the high school proficiency examination to all pupils enrolled in grade 10;]~~ authorizing the principal of a high school **or the principal's designee** to postpone the administration of the high school proficiency examination in the subject areas of mathematics and science for a pupil who is not academically ready in those subject areas; **authorizing the board of trustees of a school district to administer the practice test of the high school proficiency examination to pupils enrolled in high school;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the high school proficiency examination is administered to pupils enrolled in high school in the subject areas of reading, mathematics, science and writing. (NRS 389.015, 389.550) Also under existing law, unless a pupil satisfies certain alternative criteria, passage of the high school proficiency examination in its entirety is required for receipt of a standard high school diploma. (NRS 389.805) Existing administrative regulations of the State Board of Education set forth the times for the administration of the high school proficiency examination beginning with grade 10. (NAC 389.051) ~~[Section 3 of this bill requires the board of trustees of each school district to administer the practice test of the high school proficiency examination to all pupils enrolled in grade 10 during the first month of the fall semester of the school year.]~~ **Section 4** of this bill authorizes the principal of a high school **or the principal's designee** to postpone the administration of the high school proficiency examination in the subject area of mathematics or science, or both, for a pupil enrolled in grade 10 for not more than 1 year if: (1) the principal **or the principal's designee** and the pupil's teacher who provides instruction in the applicable subject area determine that the pupil is not academically ready to take the examination, ~~[as demonstrated by the pupil's performance on the practice test of the high school proficiency examination;]~~ **based upon a determination that the pupil is not achieving at least 79 percent competency in the applicable subject area;** and (2) the parent or legal guardian of the pupil agrees in writing that the pupil is not academically ready for that subject area of the examination. If the administration of the examination is postponed, the pupil's academic plan for high school must be revised to ensure that: (1) the pupil is enrolled in or scheduled to enroll in the appropriate course work **for his or her grade level and receives the necessary preparation** to ~~[prepare]~~ **enable** the pupil ~~[for]~~ **to take** the subject area of the high school proficiency examination which was postponed; and (2) the pupil participates in the statewide program to prepare pupils for the high school proficiency

examination or enrolls in a course of study offered by the board of trustees of the school district designed to assist pupils with passing the high school proficiency examination.

Effective on July 1, 2011, existing law authorizes the board of trustees of each school district to require the administration of district-wide tests, examinations and assessments that are in addition to any other test, examination or assessment that is required by state or federal law. (NRS 389.006) Section 4.5 of this bill authorizes the board of trustees of each school district to administer the practice test of the high school proficiency examination to pupils enrolled in high school.

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

Section 1. NRS 388.205 is hereby amended to read as follows:

388.205 1. The board of trustees of each school district shall adopt a policy for each public school in the school district in which ninth grade pupils are enrolled to develop a 4-year academic plan for each of those pupils. The academic plan must set forth the specific educational goals that the pupil intends to achieve before graduation from high school. The plan may include, without limitation, the designation of a career pathway and enrollment in dual credit courses, career and technical education courses, advanced placement courses and honors courses.

2. The policy must require each pupil enrolled in ninth grade and the pupil's parent or legal guardian to:

(a) Work in consultation with a school counselor to develop an academic plan for the pupil;

(b) Sign the academic plan; and

(c) Review the academic plan at least once each school year in consultation with a school counselor and revise the plan if necessary.

3. If a pupil enrolls in a high school after ninth grade, an academic plan must be developed for that pupil with appropriate modifications for the grade level of the pupil.

4. ***If the administration of the high school proficiency examination in the subject area of mathematics or science, or both, is postponed for a pupil pursuant to section 4 of this act, the pupil's academic plan must be revised in consultation with the pupil's teacher who provides instruction in the applicable subject area and the pupil's parent or legal guardian as set forth in section 4 of this act.***

5. An academic plan for a pupil must be used as a guide for the pupil and the parent or legal guardian of the pupil to plan, monitor and manage the pupil's educational and occupational development and make determinations of the appropriate courses of study for the pupil. If a pupil does not satisfy all the goals set forth in the academic plan, the pupil is eligible to graduate and receive a high school diploma if the pupil otherwise satisfies the requirements for a diploma.

Sec. 2. Chapter 389 of NRS is hereby amended by adding thereto the provisions set forth as sections 3 and 4 of this act.

Sec. 3. ~~[*1. The board of trustees of each school district shall administer the practice test of the high school proficiency examination, as prescribed by the Department, to all pupils enrolled in grade 10 in the school district during the first month of the fall semester of the school year.*~~

~~*2. If a pupil transfers to a high school in this State from a school outside of this State after the practice test is administered pursuant to subsection 1, the principal of the high school to which the pupil transfers shall ensure that the pupil takes the practice test of the high school proficiency examination within the first month of the pupil's transfer to determine the placement of the pupil in the appropriate courses of study at the high school.]*~~ **(Deleted by amendment.)**

Sec. 4. *1. The principal of a high school , or the principal's designee, may postpone, for not more than 1 year, the administration of the high school proficiency examination in the subject area of mathematics or science, or both, for a pupil enrolled in grade 10 at the high school if:*

(a) The principal , or the principal's designee, and the pupil's teacher who provides instruction in the applicable subject area determine that the pupil is not academically ready to take the high school proficiency examination in the subject area of mathematics or science, based upon ~~[the pupil's performance in the subject area on the practice test of the high school proficiency examination administered pursuant to section 3 of this act; and]~~ a determination that the pupil is not achieving at least 79 percent competency in the applicable subject area. If the high school in which the pupil is enrolled administers the practice test of the high school proficiency examination, the results of the pupil on that test may be included as one of the factors to determine the pupil's readiness.

(b) The parent or legal guardian of the pupil agrees in writing with the determination of the principal , or the principal's designee, and the teacher that the pupil is not academically ready to take the high school proficiency examination in the subject area of mathematics or science, or both.

2. If the administration of the mathematics or science subject area of the high school proficiency examination is postponed for a pupil pursuant to subsection 1, the principal of the school , or the principal's designee, shall provide the pupil and his or her parent or legal guardian a copy of the informational pamphlet concerning the high school proficiency examination developed by the Department pursuant to NRS 389.0173.

3. If the administration of the mathematics or science subject area of the high school proficiency examination is postponed for a pupil pursuant to subsection 1, the academic plan of the pupil developed pursuant to NRS 388.205 must be revised to:

(a) Ensure that the pupil is enrolled in or scheduled to enroll in the course work for his or her grade level and receives the necessary preparation to ~~[prepare]~~ enable the pupil to take ~~[, not later than 1 year~~

~~*after the postponement is made,]*~~ ***the subject area of the high school proficiency examination for which the examination is postponed; and***

(b) Require the pupil to participate in the statewide program to prepare pupils for the high school proficiency examination established pursuant to NRS 389.0175 or enroll in the course of study designed to assist pupils with passing the high school proficiency examination prescribed by the State Board pursuant to NRS 389.045, or both.

4. On or before July 1 of each year, the board of trustees of each school district shall submit a report to the Department and the Legislative Committee on Education indicating:

(a) The number of pupils for whom the administration of the high school proficiency examination is postponed in the immediately preceding school year; and

(b) A notation indicating whether the administration was postponed for the subject area of mathematics or science, or both.

Sec. 4.5. **NRS 389.006 is hereby amended to read as follows:**

389.006 1. In addition to any other test, examination or assessment required by state or federal law, the board of trustees of each school district may require the administration of district-wide tests, examinations and assessments **, *including, without limitation, the practice test of the high school proficiency examination to pupils enrolled in high school,*** that the board of trustees determines are vital to measure the achievement and progress of pupils. In making this determination, the board of trustees shall consider any applicable findings and recommendations of the Legislative Committee on Education.

2. The tests, examinations and assessments required pursuant to subsection 1 must be limited to those which can be demonstrated to provide a direct benefit to pupils or which are used by teachers to improve instruction and the achievement of pupils.

3. The board of trustees of each school district and the State Board shall periodically review the tests, examinations and assessments administered to pupils to ensure that the time taken from instruction to conduct a test, examination or assessment is warranted because it is still accomplishing its original purpose.

Sec. 5. NRS 389.015 is hereby amended to read as follows:

389.015 1. The board of trustees of each school district shall administer examinations in all public schools of the school district. The governing body of a charter school shall administer the same examinations in the charter school. The examinations administered by the board of trustees and governing body must determine the achievement and proficiency of pupils in:

(a) Reading;

(b) Mathematics; and

(c) Science.

2. The examinations required by subsection 1 must be:

(a) Administered before the completion of grades 4, 7, 10 and 11 ~~[.]~~ ***, except for a pupil enrolled in grade 10 for whom the administration of the high school proficiency examination in the subject area of mathematics or science, or both, is postponed pursuant to section 4 of this act.***

(b) Administered in each school district and each charter school at the same time during the spring semester. The time for the administration of the examinations must be prescribed by the State Board.

(c) Administered in each school in accordance with uniform procedures adopted by the State Board. The Department shall monitor the compliance of school districts and individual schools with the uniform procedures.

(d) Administered in each school in accordance with the plan adopted pursuant to NRS 389.616 by the Department and with the plan adopted pursuant to NRS 389.620 by the board of trustees of the school district in which the examinations are administered. The Department shall monitor the compliance of school districts and individual schools with:

(1) The plan adopted by the Department; and

(2) The plan adopted by the board of trustees of the applicable school district, to the extent that the plan adopted by the board of trustees of the school district is consistent with the plan adopted by the Department.

(e) Scored by a single private entity that has contracted with the State Board to score the examinations. The private entity that scores the examinations shall report the results of the examinations in the form and by the date required by the Department.

3. Not more than 14 working days after the results of the examinations are reported to the Department by a private entity that scored the examinations, the Superintendent of Public Instruction shall certify that the results of the examinations have been transmitted to each school district and each charter school. Not more than 10 working days after a school district receives the results of the examinations, the superintendent of schools of each school district shall certify that the results of the examinations have been transmitted to each school within the school district. Except as otherwise provided in this subsection, not more than 15 working days after each school receives the results of the examinations, the principal of each school and the governing body of each charter school shall certify that the results for each pupil have been provided to the parent or legal guardian of the pupil:

(a) During a conference between the teacher of the pupil or administrator of the school and the parent or legal guardian of the pupil; or

(b) By mailing the results of the examinations to the last known address of the parent or legal guardian of the pupil.

➥ If a pupil fails the high school proficiency examination, the school shall notify the pupil and the parents or legal guardian of the pupil of each subject area that the pupil failed as soon as practicable but not later than 15 working days after the school receives the results of the examination.

4. If a pupil fails to demonstrate at least adequate achievement on the examination administered before the completion of grade 4, 7 or 10, the pupil

may be promoted to the next higher grade, but the results of the pupil's examination must be evaluated to determine what remedial study is appropriate. If such a pupil is enrolled at a school that has failed to make adequate yearly progress or in which less than 60 percent of the pupils enrolled in grade 4, 7 or 10 in the school who took the examinations administered pursuant to this section received an average score on those examinations that is at least equal to the 26th percentile of the national reference group of pupils to which the examinations were compared, the pupil must, in accordance with the requirements set forth in this subsection, complete remedial study that is determined to be appropriate for the pupil.

5. Except as otherwise provided in subsection 6, if a pupil fails to pass the high school proficiency examination, the pupil must not be graduated unless he or she:

(a) Is able, through remedial study, to pass the proficiency examination; or

(b) Passes the subject areas of mathematics and reading tested on the proficiency examination, has at least a 2.75 grade point average on a 4.0 grading scale and satisfies the alternative criteria prescribed by the State Board pursuant to NRS 389.805,

➥ but the pupil may be given a certificate of attendance, in place of a diploma, if the pupil has reached the age of 18 years.

6. A pupil who transfers during grade 12 to a school in this State from a school outside this State because of the military transfer of the parent or legal guardian of the pupil may receive a waiver from the requirements of subsection 5 if, in accordance with the provisions of NRS 392C.010, the school district in which the pupil is enrolled:

(a) Accepts the results of the exit or end-of-course examinations required for graduation in the local education agency in which the pupil was previously enrolled;

(b) Accepts the results of a national norm-referenced achievement examination taken by the pupil; or

(c) Establishes an alternative test for the pupil which demonstrates proficiency in the subject areas tested on the high school proficiency examination, and the pupil successfully passes that test.

7. The State Board shall prescribe standard examinations of achievement and proficiency to be administered pursuant to subsection 1. The high school proficiency examination must include the subjects of reading, mathematics and science and, except for the writing portion prescribed pursuant to NRS 389.550, must be developed, printed and scored by a nationally recognized testing company in accordance with the process established by the testing company. The examinations on reading, mathematics and science prescribed for grades 4, 7 and 10 must be selected from examinations created by private entities and administered to a national reference group, and must allow for a comparison of the achievement and proficiency of pupils in grades 4, 7 and 10 in this State to that of a national reference group of pupils in grades 4, 7 and 10. The questions contained in the examinations and the approved

answers used for grading them are confidential, and disclosure is unlawful except:

(a) To the extent necessary for administering and evaluating the examinations.

(b) That a disclosure may be made to a:

(1) State officer who is a member of the Executive or Legislative Branch to the extent that it is necessary for the performance of his or her duties;

(2) Superintendent of schools of a school district to the extent that it is necessary for the performance of his or her duties;

(3) Director of curriculum of a school district to the extent that it is necessary for the performance of his or her duties; and

(4) Director of testing of a school district to the extent that it is necessary for the performance of his or her duties.

(c) That specific questions and answers may be disclosed if the Superintendent of Public Instruction determines that the content of the questions and answers is not being used in a current examination and making the content available to the public poses no threat to the security of the current examination process.

(d) As required pursuant to NRS 239.0115.

Sec. 6. This act becomes effective on July 1, 2011.

Assemblyman Bobzien moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 291.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 447.

AN ACT relating to estates; making certain agreements between an heir finder and an apparent heir relating to the recovery of property in an estate void and unenforceable under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill provides that an agreement between an heir finder and an apparent heir relating to the recovery of property in an estate **for which the public administrator petitioned for letters of administration** is void and unenforceable if the agreement is entered into during the period beginning with the death of the person whose estate is in probate until ~~[12]~~ **6** months ~~[after the filing of a petition for letters of administration.]~~ **thereafter.**

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

Section 1. Chapter 139 of NRS is hereby amended by adding thereto a new section to read as follows:

1. An agreement between an heir finder and an apparent heir, the primary purpose of which is to locate, recover or assist in the recovery of an estate ~~*[,]*~~ ***for which the public administrator has petitioned for letters of administration, is void and unenforceable if the agreement is entered into during the period beginning with the death of the person whose estate is in probate until*** ~~*[12]*~~ ***6 months*** ~~*[after the filing of a petition for letters of administration.]*~~ ***thereafter.***

2. As used in this section, "heir finder" means a person who, for payment of a fee, assignment of a portion of any interest in a decedent's estate or other consideration, provides information, assistance, forensic genealogy research or other efforts related to another person's right to or interest in a decedent's estate. The term does not include:

(a) A person acting in the capacity of a personal representative or guardian ad litem;

(b) A person appointed to perform services by a probate court in which a proceeding in connection with a decedent's estate is pending; or

(c) An attorney providing legal services to a decedent's family member if the attorney has not agreed to pay to any other person a portion of the fees received from the family member or the family member's interest in the decedent's estate.

Sec. 2. The provisions of this act apply to agreements described in section 1 of this act that are entered into on or after July 1, 2011.

Sec. 3. This act becomes effective on July 1, 2011.

Assemblyman Ohrenschall moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 300.

Bill read second time.

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

Amendment No. 472.

ASSEMBLY BILL NO. 300—ASSEMBLYMEN FRIERSON, ATKINSON, HORNE, SMITH, OCEGUERA; **BROOKS,** BUSTAMANTE ADAMS, CONKLIN, DIAZ, OHRENSCHALL AND SEGERBLOM

AN ACT relating to real property; revising provisions providing for mediation in certain actions for foreclosure; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law sets forth procedures governing foreclosures on real property upon default. A trustee under a deed of trust, commonly referred to as a lender, has the power to sell the property to which a deed of trust applies, subject to certain restrictions. (NRS 107.080, 107.085) Existing law sets forth additional restrictions on the lender's power of sale with respect to owner-occupied housing by providing a grantor of a deed of trust or the

person who holds the title of record, commonly referred to as a homeowner, with the right to request mediation under which he or she may receive a loan modification. (NRS 107.086)

Sections 7-10 of this bill revise the procedures concerning such a mediation. Specifically, **section 7**: (1) requires a mediator to complete and submit a statement that includes the findings of the mediator; (2) authorizes the homeowner to petition the court for an order imposing sanctions against the lender; and (3) creates a rebuttable presumption that the court will impose sanctions against the lender under certain circumstances which include, without limitation, the failure of the lender to attend the mediation.

Section 8 of this bill authorizes either party to the mediation to petition for judicial review if the party is dissatisfied with the findings ~~[or recommendations]~~ of the mediator. **Section 9** of this bill requires, under certain circumstances, a foreclosure to take place within 90 days after the specific date by which the homeowner is required to vacate the property pursuant to an agreement reached by the parties to such a mediation. **Section 10** of this bill sets forth certain requirements governing an agreement reached by the parties to such a mediation that authorizes a ~~["short sale"]~~ **sale** of the property ~~[.]~~ **in which the sale price would be insufficient to pay to the lender the entire outstanding balance of the lien upon the trust property and the costs of the sale.**

Section 13 of this bill prohibits a lender from assessing any fee to a homeowner for participating in such a mediation or any subsequent court action.

Section 6 of this bill establishes additional duties of the Mediation Administrator, including, without limitation, collecting and compiling statistics on the participation of lenders in such mediations.

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

Section 1. Chapter 107 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 10, inclusive, of this act.

Sec. 2. ***As used in NRS 107.086 and sections 2 to 10, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3, 4 and 5 of this act have the meanings ascribed to them in those sections.***

Sec. 3. ***"Mediation Administrator" means the entity so designated pursuant to subsection 8 of NRS 107.086.***

Sec. 4. ***"Noncommercial lender" means a lender which makes a loan secured by a deed of trust on owner-occupied housing and which is not a bank, financial institution or other entity regulated pursuant to title 55 or 56 of NRS.***

Sec. 5. ***"Owner-occupied housing" means housing that is occupied by an owner as the owner's primary residence. The term does not include any time share or other property regulated under chapter 119A of NRS.***

Sec. 6. ***1. The Mediation Administrator shall collect and compile statistics on the participation of beneficiaries of deeds of trust or their representatives in mediation conducted pursuant to NRS 107.086 and shall document, by beneficiary, information concerning such mediation, including, without limitation:***

(a) The number of mediations in which the beneficiary of the deed of trust or a representative was a participant;

(b) Whether the parties to the mediation reached an agreement ~~*[,]*~~ ***as determined by the mediator; and***

(c) Whether the mediator found that the beneficiary of the deed of trust or the representative complied with the requirements of the mediation as set forth in NRS 107.086, including, without limitation, whether the beneficiary or the representative:

(1) Attended the mediation;

(2) Brought the requisite documents to the mediation;

(3) Had authority to negotiate a loan modification or access to a person with the authority required by subsection 4 of NRS 107.086; and

(4) Participated in the mediation in good faith.

2. The Mediation Administrator shall post the statistics maintained pursuant to subsection 1 on its Internet website.

Sec. 7. ***1. After the conclusion of the mediation conducted pursuant to NRS 107.086 or if the beneficiary of the deed of trust or a representative fails to attend such a mediation, the mediator shall complete and submit to the Mediation Administrator a statement that includes the findings of the mediator.***

2. If the statement of the mediator includes a finding by the mediator that the beneficiary of the deed of trust or the representative failed to attend the mediation, failed to participate in the mediation in good faith, did not bring to the mediation each document required by subsection 4 of NRS 107.086 or did not have the authority or access to a person with the authority required by subsection 4 of NRS 107.086 ~~*[:*~~

~~*(a) The]*~~ ***, the Mediation Administrator shall not issue a certificate to foreclose*** ~~*[; and*~~

~~*(b) No additional late fees or interest on the loan may be assessed to the grantor or the person who holds the title of record.]*~~

3. The statement of the mediator must document the conduct of the beneficiary of the deed of trust and the representative, if any, and include details concerning the conduct that would be sufficient to enable a judge considering the issue on judicial review to ascertain the circumstances and make a ruling.

4. If the grantor or the person who holds the title of record wishes to pursue sanctions as a result of the conduct of the beneficiary of the deed of trust or the representative, the grantor or the person who holds the title of record may petition the court for an order imposing sanctions against the beneficiary of the deed of trust or the representative.

5. If the court finds that the beneficiary of the deed of trust or the representative failed to attend the mediation, failed to participate in the mediation in good faith, did not bring to the mediation each document required by subsection 4 of NRS 107.086 or did not have the authority or access to a person with the authority required by subsection 4 of NRS 107.086, there is a rebuttable presumption that the court will impose sanctions against the beneficiary of the deed of trust or the representative.

6. In determining whether to impose sanctions against the beneficiary of the deed of trust or the representative, the court shall consider:

(a) Whether the conduct of the beneficiary of the deed of trust or the representative was intentional;

(b) Whether the beneficiary of the deed of trust or the representative has engaged in a pattern of similar conduct;

(c) The record of the beneficiary of the deed of trust or the representative in mediations conducted pursuant to NRS 107.086 as set forth on the Internet website of the Mediation Administrator; and

(d) The pattern, as a whole, of the beneficiary of the deed of trust or the representative with regard to participation in mediations conducted pursuant to NRS 107.086.

7. The court may issue an order imposing such sanctions against the beneficiary of the deed of trust or the representative as the court determines appropriate, including, without limitation:

(a) Requiring a loan modification ~~*[in the manner determined proper by the court;]*~~ ***if a loan modification was agreed to by the parties to a mediation conducted pursuant to NRS 107.086 and the loan modification is reflected in the statement of the mediator;***

(b) Requiring further mediation and requiring the beneficiary of the deed of trust or the representative to pay:

(1) The fee for mediation services described in paragraph (e) of subsection 8 of NRS 107.086 for any subsequent mediation of the grantor or the person who holds the title of record; and

(2) The attorney's fees and costs of the grantor or the person who holds the title of record for any such subsequent mediation; ~~*[and]*~~

(c) Monetary sanctions which may include, without limitation ~~*[, the]*~~ ***:***

(1) The payment of sums to the grantor or the person who holds the title of record which may be applied by the grantor or the person who holds the title of record to reduce the principal of the loan ~~*[.]*~~ ***; and***

(2) The interest and fees that accrued on the loan after the date on which the statement of the mediator was submitted to the Mediation Administrator pursuant to subsection 1 if the statement included any findings described in subsection 2; and

(d) Such other relief as the court deems appropriate.

8. The court shall set forth written findings concerning any order issued by the court pursuant to subsection 7.

Sec. 8. *If a party to a mediation conducted pursuant to NRS 107.086 is dissatisfied with the findings ~~[or recommendations]~~ of the mediator, the party may file a petition for judicial review. The court shall:*

1. Review the statement of the mediator required pursuant to section 7 of this act and any briefs of the parties to the mediation;

2. Hold a hearing at which the parties to the mediation may present evidence; and

3. Order such relief as may be appropriate.

Sec. 9. *If the parties to a mediation conducted pursuant to NRS 107.086 agree that the grantor or the person who holds the title of record is required to vacate the property as of a date certain and the Mediation Administrator has issued a certificate to foreclose, foreclosure must take place not later than 90 days after the date indicated in the agreement as the date by which the grantor or the person who holds the title of record is required to vacate the property ~~[.]~~ unless otherwise agreed to by the parties to the mediation.*

Sec. 10. *1. If the parties to a mediation conducted pursuant to NRS 107.086 agree to a ~~[short]~~ sale ~~[,]~~ in which the sale price would be insufficient to pay to the beneficiary of the deed of trust the entire outstanding balance of the lien upon the trust property and the costs of the sale, the statement of the mediator required pursuant to section 7 of this act must include, without limitation:*

(a) The date by which the beneficiary of the deed of trust will provide the grantor or the person who holds the title of record with ~~[the short sale amount agreed upon;]~~ an agreed-upon price at which the property will be listed for sale, which must include the costs of the sale;

(b) The date by which the property will be ~~[placed on the market]~~ listed for sale;

(c) A specified period during which the property will be ~~[on the market;]~~ listed for sale; and

(d) A provision indicating that the beneficiary of the deed of trust has a specified period within which to decide whether to accept an offer to purchase the property. The specified period must not be more than ~~[30]~~ 60 days after the date on which such an offer is communicated to the beneficiary of the deed of trust.

2. Any ~~[option for a short sale agreed to by the parties to the mediation]~~ agreement made pursuant to this section must include a release of the deficiency, if any, owed by the grantor or the person who holds the title of record.

3. If the ~~[short sale]~~ close of escrow is not completed within the period allowed by the agreement ~~[,]~~ after the acceptance of an offer to purchase the property, the beneficiary of the deed of trust may submit a request to the Mediation Administrator to issue a certificate to foreclose ~~[.~~

~~3.]~~ unless such failure to close escrow is a result of the action or inaction of the beneficiary of the deed of trust.

4. If the grantor or the person who holds the title of record believes that ~~[the]~~ :

(a) The beneficiary of the deed of trust failed to comply with the terms of the agreement for the ~~[short]~~ sale, the grantor or the person who holds the title of record may file a petition for judicial review within ~~[15]~~ 30 days after the expiration of the period set forth in ~~[the agreement.~~

~~4. As used in this section, "short sale" means sale of property by the grantor or the person who holds the title of record for an amount less than the outstanding balance owed on the loan secured by a deed of trust on such property, where, before the sale, the beneficiary of the deed of trust agrees to accept less than the outstanding balance on the loan in full or partial satisfaction of the loan and the proceeds of the sale are paid to the beneficiary of the deed of trust.]~~ the statement of the mediator pursuant to paragraph (d) of subsection 1; or

(b) Escrow did not close because of the action or inaction of the beneficiary of the deed of trust, the grantor or the person who holds the title of record may file a petition for judicial review within 30 days after the date on which escrow was required to close.

Sec. 11. NRS 107.080 is hereby amended to read as follows:

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

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

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

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

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

(b) In the case of any trust agreement which concerns owner-occupied housing as defined in ~~[~~NRS 107.086,~~]~~ ***section 5 of this act,*** the grantor, the person who holds the title of record, a beneficiary under a subordinate deed of trust or any other person who has a subordinate lien or encumbrance of record on the property has, for a period that commences in the manner and subject to the requirements described in subsection 3 and expires 5 days

before the date of sale, failed to make good the deficiency in performance or payment;

(c) The beneficiary, the successor in interest of the beneficiary or the trustee first executes and causes to be recorded in the office of the recorder of the county wherein the trust property, or some part thereof, is situated a notice of the breach and of the election to sell or cause to be sold the property to satisfy the obligation; and

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

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

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

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

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

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

(b) Posting a similar notice particularly describing the property, for 20 days successively, in three public places of the township or city where the property is situated and where the property is to be sold;

(c) Publishing a copy of the notice three times, once each week for 3 consecutive weeks, in a newspaper of general circulation in the county where the property is situated; and

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

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

(a) The trustee or other person authorized to make the sale does not substantially comply with the provisions of this section or any applicable provision of NRS 107.086 and 107.087 ~~[.]~~ ***and sections 2 to 10, inclusive, of this act;***

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

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

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

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

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

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

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

9. If the successful bidder fails to record the trustee's deed upon sale pursuant to paragraph (b) of subsection 8, the successful bidder:

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

(b) Is liable in a civil action for any actual damages caused by the failure to comply with the provisions of subsection 8 and for reasonable attorney's fees and the costs of bringing the action.

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

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

(b) A fee of $50 for deposit in the Account for Foreclosure Mediation, which is hereby created in the State General Fund. The Account must be administered by the Court Administrator, and the money in the Account may be expended only for the purpose of supporting a program of foreclosure mediation established by Supreme Court Rule.

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

11. The beneficiary, the successor in interest of the beneficiary or the trustee who causes to be recorded the notice of default and election to sell shall not charge the grantor or the successor in interest of the grantor any portion of any fee required to be paid pursuant to subsection 10.

12. As used in this section, "residential foreclosure" means the sale of a single family residence under a power of sale granted by this section. As used in this subsection, "single family residence":

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

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

Sec. 12. NRS 107.085 is hereby amended to read as follows:

107.085 1. With regard to a transfer in trust of an estate in real property to secure the performance of an obligation or the payment of a debt, the provisions of this section apply to the exercise of a power of sale pursuant to NRS 107.080 only if:

(a) The trust agreement becomes effective on or after October 1, 2003, and, on the date the trust agreement is made, the trust agreement is subject to the provisions of § 152 of the Home Ownership and Equity Protection Act of 1994, 15 U.S.C. § 1602(aa), and the regulations adopted by the Board of Governors of the Federal Reserve System pursuant thereto, including, without limitation, 12 C.F.R. § 226.32; or

(b) The trust agreement concerns owner-occupied housing as defined in ~~[NRS 107.086.]~~ ***section 5 of this act.***

2. The trustee shall not exercise a power of sale pursuant to NRS 107.080 unless:

(a) In the manner required by subsection 3, not later than 60 days before the date of the sale, the trustee causes to be served upon the grantor or the person who holds the title of record a notice in the form described in subsection 3; and

(b) If an action is filed in a court of competent jurisdiction claiming an unfair lending practice in connection with the trust agreement, the date of the sale is not less than 30 days after the date the most recent such action is filed.

3. The notice described in subsection 2 must be:

(a) Served upon the grantor or the person who holds the title of record:

(1) Except as otherwise provided in subparagraph (2), by personal service or, if personal service cannot be timely effected, in such other manner as a court determines is reasonably calculated to afford notice to the grantor or the person who holds the title of record; or

(2) If the trust agreement concerns owner-occupied housing as defined in ~~[~~NRS 107.086:~~]~~ ***section 5 of this act:***

(I) By personal service;

(II) If the grantor or the person who holds the title of record is absent from his or her place of residence or from his or her usual place of business, by leaving a copy with a person of suitable age and discretion at either place and mailing a copy to the grantor or the person who holds the title of record at his or her place of residence or place of business; or

(III) If the place of residence or business cannot be ascertained, or a person of suitable age or discretion cannot be found there, by posting a copy in a conspicuous place on the trust property, delivering a copy to a person there residing if the person can be found and mailing a copy to the grantor or the person who holds the title of record at the place where the trust property is situated; and

(b) In substantially the following form, with the applicable telephone numbers and mailing addresses provided on the notice and, except as otherwise provided in subsection 4, a copy of the promissory note attached to the notice:

NOTICE

YOU ARE IN DANGER OF LOSING YOUR HOME!

Your home loan is being foreclosed. In not less than 60 days your home will be sold and you will be forced to move. For help, call:

Consumer Credit Counseling _____

The Attorney General _____

The Division of Financial Institutions _____

Legal Services _____

Your Lender _____

Nevada Fair Housing Center _____

4. The trustee shall cause all social security numbers to be redacted from the copy of the promissory note before it is attached to the notice pursuant to paragraph (b) of subsection 3.

5. This section does not prohibit a judicial foreclosure.

6. As used in this section, "unfair lending practice" means an unfair lending practice described in NRS 598D.010 to 598D.150, inclusive.

Sec. 13. NRS 107.086 is hereby amended to read as follows:

107.086 1. In addition to the requirements of NRS 107.085, the exercise of the power of sale pursuant to NRS 107.080 with respect to any trust agreement which concerns owner-occupied housing is subject to the provisions of this section ~~[.]~~ ***and sections 2 to 10, inclusive, of this act.***

2. The trustee shall not exercise a power of sale pursuant to NRS 107.080 unless the trustee:

(a) Includes with the notice of default and election to sell which is mailed to the grantor or the person who holds the title of record as required by subsection 3 of NRS 107.080:

(1) Contact information which the grantor or the person who holds the title of record may use to reach a person with authority to negotiate a loan modification on behalf of the beneficiary of the deed of trust;

(2) Contact information for at least one local housing counseling agency approved by the United States Department of Housing and Urban Development; and

(3) A form upon which the grantor or the person who holds the title of record may indicate an election to enter into mediation or to waive mediation and one envelope addressed to the trustee and one envelope addressed to the Mediation Administrator, which the grantor or the person who holds the title of record may use to comply with the provisions of subsection 3;

(b) Serves a copy of the notice upon the Mediation Administrator; and

(c) Causes to be recorded in the office of the recorder of the county in which the trust property, or some part thereof, is situated:

(1) The certificate provided to the trustee by the Mediation Administrator pursuant to subsection 3 or ~~[6]~~ ***5*** which provides that no mediation is required in the matter; or

(2) The certificate provided to the trustee by the Mediation Administrator pursuant to subsection ~~[7]~~ ***6*** which provides that mediation has been completed in the matter.

3. The grantor or the person who holds the title of record shall, not later than 30 days after service of the notice in the manner required by NRS 107.080, complete the form required by subparagraph (3) of paragraph (a) of subsection 2 and return the form to the trustee by certified mail, return receipt requested. If the grantor or the person who holds the title of record indicates on the form an election to enter into mediation, the trustee shall notify the beneficiary of the deed of trust and every other person with an interest as defined in NRS 107.090, by certified mail, return receipt requested, of the election of the grantor or the person who holds the title of record to enter into

mediation and file the form with the Mediation Administrator, who shall assign the matter to a senior justice, judge, hearing master or other designee and schedule the matter for mediation. No further action may be taken to exercise the power of sale until the completion of the mediation. If the grantor or the person who holds the title of record indicates on the form an election to waive mediation or fails to return the form to the trustee as required by this subsection, the trustee shall execute an affidavit attesting to that fact under penalty of perjury and serve a copy of the affidavit, together with the waiver of mediation by the grantor or the person who holds the title of record, or proof of service on the grantor or the person who holds the title of record of the notice required by subsection 2 of this section and subsection 3 of NRS 107.080, upon the Mediation Administrator. Upon receipt of the affidavit and the waiver or proof of service, the Mediation Administrator shall provide to the trustee a certificate which provides that no mediation is required in the matter.

4. Each mediation required by this section must be conducted by a senior justice, judge, hearing master or other designee pursuant to the rules adopted pursuant to subsection 8. The beneficiary of the deed of trust or a representative shall attend the mediation. The grantor or a representative shall attend the mediation if the grantor elected to enter into mediation, or the person who holds the title of record or a representative shall attend the mediation if the person who holds the title of record elected to enter into mediation. The beneficiary of the deed of trust shall bring to the mediation the original or a certified copy of the deed of trust, the mortgage note and each assignment of the deed of trust or mortgage note. If the beneficiary of the deed of trust is represented at the mediation by another person, that person must have authority to negotiate a loan modification on behalf of the beneficiary of the deed of trust or have access at all times during the mediation to a person with such authority.

5. ~~[If the beneficiary of the deed of trust or the representative fails to attend the mediation, fails to participate in the mediation in good faith or does not bring to the mediation each document required by subsection 4 or does not have the authority or access to a person with the authority required by subsection 4, the mediator shall prepare and submit to the Mediation Administrator a petition and recommendation concerning the imposition of sanctions against the beneficiary of the deed of trust or the representative. The court may issue an order imposing such sanctions against the beneficiary of the deed of trust or the representative as the court determines appropriate, including, without limitation, requiring a loan modification in the manner determined proper by the court.~~

~~6.]~~ If the grantor or the person who holds the title of record elected to enter into mediation and fails to attend the mediation, the Mediation Administrator shall provide to the trustee a certificate which states that no mediation is required in the matter.

~~[7.]~~ ***6.*** If the mediator determines that the parties, while acting in good faith, are not able to agree to a loan modification, the mediator shall prepare and submit to the Mediation Administrator a recommendation that the matter be terminated. The Mediation Administrator shall provide to the trustee a certificate which provides that the mediation required by this section has been completed in the matter.

7. A beneficiary of the deed of trust or a representative shall not assess any fee, however described, to the grantor or the person who holds the title of record for participating in the mediation or any subsequent court action, unless specifically ordered by a court.

8. The Supreme Court shall adopt rules necessary to carry out the provisions of this section ~~[.]~~ ***and sections 2 to 10, inclusive, of this act.*** The rules must, without limitation, include provisions:

(a) Designating an entity to serve as the Mediation Administrator pursuant to this section. The entities that may be so designated include, without limitation, the Administrative Office of the Courts, the District Court of the county in which the property is situated or any other judicial entity.

(b) Ensuring that mediations occur in an orderly and timely manner.

(c) Requiring each party to a mediation to provide such information as the mediator determines necessary.

(d) Establishing procedures to protect the mediation process from abuse and to ensure that each party to the mediation acts in good faith.

(e) Establishing a total fee of not more than $400 that may be charged and collected by the Mediation Administrator for mediation services pursuant to this section and providing that ***, except as otherwise provided in section 7 of this act,*** the responsibility for payment of the fee must be shared equally by the parties to the mediation.

9. Except as otherwise provided in subsection 11, the provisions of this section ***and sections 2 to 10, inclusive, of this act*** do not apply if:

(a) The grantor or the person who holds the title of record has surrendered the property, as evidenced by a letter confirming the surrender or delivery of the keys to the property to the trustee, the beneficiary of the deed of trust or the mortgagee, or an authorized agent thereof; or

(b) A petition in bankruptcy has been filed with respect to the grantor or the person who holds the title of record under chapter 7, 11, 12 or 13 of Title 11 of the United States Code and the bankruptcy court has not entered an order closing or dismissing the case or granting relief from a stay of foreclosure.

10. A noncommercial lender is not excluded from the application of this section ~~[.]~~ ***and sections 2 to 10, inclusive, of this act.***

11. The Mediation Administrator and each mediator who acts pursuant to this section ***and sections 2 to 10, inclusive, of this act*** in good faith and without gross negligence are immune from civil liability for those acts.

~~[12. As used in this section:~~

~~(a) "Mediation Administrator" means the entity so designated pursuant to subsection 8.~~

~~(b) "Noncommercial lender" means a lender which makes a loan secured by a deed of trust on owner-occupied housing and which is not a bank, financial institution or other entity regulated pursuant to title 55 or 56 of NRS.~~

~~(c) "Owner-occupied housing" means housing that is occupied by an owner as the owner's primary residence. The term does not include any time share or other property regulated under chapter 119A of NRS.~~**]**

Sec. 14. NRS 107.095 is hereby amended to read as follows:

107.095 1. The notice of default required by NRS 107.080 must also be sent by registered or certified mail, return receipt requested and with postage prepaid, to each guarantor or surety of the debt. If the address of the guarantor or surety is unknown, the notice must be sent to the address of the trust property. Failure to give the notice, except as otherwise provided in subsection 3, releases the guarantor or surety from his or her obligation to the beneficiary, but does not affect the validity of a sale conducted pursuant to NRS 107.080 or the obligation of any guarantor or surety to whom the notice was properly given.

2. Failure to give the notice of default required by NRS 107.090, except as otherwise provided in subsection 3, releases the obligation to the beneficiary of any person who has complied with NRS 107.090 and who is or may otherwise be held liable for the debt or other obligation secured by the deed of trust, but such a failure does not affect the validity of a sale conducted pursuant to NRS 107.080 or the obligation of any person to whom the notice was properly given pursuant to this section or to NRS 107.080 or 107.090.

3. A guarantor, surety or other obligor is not released pursuant to this section if:

(a) The required notice is given at least 15 days before the later of:

(1) The expiration of the 15- or 35-day period described in paragraph (a) of subsection 2 of NRS 107.080;

(2) In the case of any trust agreement which concerns owner-occupied housing as defined in **[**~~NRS 107.086,~~**]** ***section 5 of this act,*** the expiration of the period described in paragraph (b) of subsection 2 of NRS 107.080; or

(3) Any extension of the applicable period by the beneficiary; or

(b) The notice is rescinded before the sale is advertised.

Sec. 15. This act becomes effective on July 1, 2011.

Assemblyman Atkinson moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 321.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 445.

AN ACT relating to the use of force; revising the provisions governing justifiable homicide; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing case law, there is no duty to retreat before using deadly force if the person using deadly force is not the original aggressor and reasonably believes that he or she is about to be killed or seriously injured. (*Culverson v. State*, 106 Nev. 484 (1990)) This bill provides that under the defense of justifiable homicide there is no duty to retreat if the person using deadly force: (1) is not the original aggressor; (2) has a right to be present at the location where deadly force is used; and (3) is not **actively** engaged in **conduct in furtherance of** criminal activity at the time deadly force is used.

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

Section 1. NRS 200.120 is hereby amended to read as follows:

200.120 ***1.*** Justifiable homicide is the killing of a human being in necessary self-defense, or in defense of habitation, property or person, against one who manifestly intends or endeavors, by violence or surprise, to commit a felony, or against any person or persons who manifestly intend and endeavor, in a violent, riotous, tumultuous or surreptitious manner, to enter the habitation of another for the purpose of assaulting or offering personal violence to any person dwelling or being therein.

2. A person is not required to retreat before using deadly force as provided in subsection 1 if the person:

(a) Is not the original aggressor;

(b) Has a right to be present at the location where deadly force is used; and

(c) Is not actively engaged in conduct in furtherance of criminal activity at the time deadly force is used.

Assemblyman Ohrenschall moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 346.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 323.

AN ACT relating to real property; providing for a cause of action against a public agency which delays certain actions after adopting a resolution of intent to exercise eminent domain; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The Nevada Supreme Court has held that a governmental entity may be liable for precondemnation damages if it: (1) has taken official action

amounting to an announcement of its intent to acquire the real property by eminent domain; and (2) following such action, has "acted improperly." Two examples given by the Court of circumstances in which a governmental entity acted improperly are when it: (1) unreasonably delayed commencing the eminent domain proceeding; or (2) engaged in other improper or oppressive conduct. The Court further held that the determination of whether a governmental entity has unreasonably delayed the commencement of an eminent domain proceeding or engaged in other oppressive conduct is a question of fact to be determined by the fact finder. (*Buzz Stew, LLC v. City of North Las Vegas*, 124 Nev. Adv. Op. 21, 181 P.3d 670 (2008))

This bill, which is patterned after the provisions of California Code of Civil Procedure § 1245.260, creates a statutory cause of action where a governmental entity: (1) has adopted a resolution which announces its intent to acquire property; and (2) has not commenced an eminent domain proceeding to acquire the property within ~~[~~180~~]~~ **365** days after the adoption of the resolution or has commenced such a proceeding but, within ~~[~~180~~]~~ **365** days after commencing the action, has not served the complaint and summons relating to the proceeding. If the action is successful, the governmental entity may be required to do either or both of the following: (1) take the property and pay just compensation for it; or (2) pay damages for any interference with the possession and use of the property which resulted from the adoption of the resolution. An action is exempt from any statutory requirement to present a claim to a governmental entity before the commencement of an action against the governmental entity, and the action must be commenced within 15 years after the adoption of the resolution. After the commencement of an action, the governmental entity may rescind the resolution or abandon the taking of the property only under the same circumstances and subject to the same consequences as the abandonment of an eminent domain proceeding.

Under this bill, in lieu of an action for inverse condemnation or if the statute of limitations has expired, the owner of the property may obtain a writ of mandate to compel the governmental entity to rescind the resolution or commence an eminent domain proceeding to acquire the property.

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

Section 1. Chapter 37 of NRS is hereby amended by adding thereto a new section to read as follows:

1. If a public agency has adopted a resolution of necessity but has not commenced an eminent domain proceeding to acquire the property within ~~[180]~~ 365 days after the date of the adoption of the resolution, or has commenced such a proceeding but has not within ~~[180]~~ 365 days after the commencement of the proceeding served the complaint and the summons relating to the proceeding, the owner of the property may, by an action in inverse condemnation, do either or both of the following:

(a) Require the public agency to take the property and pay just compensation therefor.

(b) Recover damages from the public agency for any interference with the possession and use of the property resulting from the adoption of the resolution of necessity.

2. No claim need be presented against a public agency under NRS 41.036, 244.250, 268.020 or any other statute requiring the presentment of claim to a public agency as a prerequisite to commencement or maintenance of an action under subsection 1, but any such action must be commenced within 15 years after the date on which the public agency adopted the resolution of necessity.

3. After the owner of the property has commenced an action under this section, the public entity may rescind the resolution of necessity and abandon the taking of the property only under the same circumstances and subject to the same conditions and consequences as the abandonment of an eminent domain proceeding pursuant to NRS 37.180.

4. Commencement of an action under this section does not affect any authority of a public agency to commence an eminent domain proceeding, take possession of the property pursuant to NRS 37.100 and 37.170, or abandon the eminent domain proceeding pursuant to NRS 37.180.

5. In lieu of bringing an action under subsection 1 or if the limitations period set forth in subsection 2 has expired, the owner of the property may obtain a writ of mandate to compel the public agency, within such time as the court deems appropriate, to rescind the resolution of necessity or to commence an eminent domain proceeding to acquire the property.

6. As used in this section:

(a) "Public agency" means an agency or political subdivision of this State.

(b) "Resolution of necessity" means a resolution which:

(1) Is adopted by a public agency authorized by NRS 37.0095 to exercise the power of eminent domain; and

(2) Announces the intent of the public agency to acquire property.

Assemblyman Ohrenschall moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 350.

Bill read second time.

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

Amendment No. 274.

AN ACT relating to protection of children; requiring a court that orders a child to be placed with someone other than a parent to retain jurisdiction over the child after the child reaches the age of 18 years in certain circumstances; requiring an agency which provides child welfare services to continue to

provide services **and financial support** to such a child while the child remains under the jurisdiction of the court; requiring the agency which provides child welfare services and such a child to enter into a written agreement; requiring the agency which provides child welfare services to develop a plan for such a child to assist the child in transitioning to independent living; revising various provisions relating to a child placed with someone other than a parent to clarify the application of those provisions to persons who remain in foster care beyond the age of 18 years; revising provisions governing the placement of children who are taken into protective custody or placed with someone other than a parent; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law gives a juvenile court exclusive jurisdiction over proceedings concerning a child in need of protection in this State, except if the child is subject to the jurisdiction of an Indian tribe pursuant to the Indian Child Welfare Act. (NRS 432B.410) The juvenile court may take actions to protect a child from abuse and neglect, including ordering a child to be placed into the custody of a person or entity other than a parent. (NRS 432B.550) **Section 18** of this bill requires the juvenile court that has jurisdiction over a child who was placed with a person other than a parent to continue to retain jurisdiction over the child when the child reaches the age of 18 years if the child so requests. **Section 18** provides that jurisdiction over the child will terminate when the child reaches 21 years of age unless certain conditions occur first.

Section 16 of this bill requires the juvenile court to refer a child to an attorney when the child is 17 years of age if the court determines that the child is not likely to be returned to the custody of a parent before reaching 18 years of age. **Section 16** requires the juvenile court to request that the attorney assist the child in deciding whether to remain under the jurisdiction of the court. **Section 17** of this bill requires the agency which provides child welfare services to meet with the child at least 120 days before the child reaches 18 years of age to determine whether the child intends to remain under the jurisdiction of the court. However, the child is allowed to change his or her mind any time before reaching 18 years of age. In addition, **section 18** requires the child and the agency which provides child welfare services to enter into a written agreement which must be filed with the juvenile court that ~~[acknowledges]~~ **includes provisions stating** some of the conditions and consequences of the child remaining under the jurisdiction of the juvenile court. **Section 18** further requires the agency which provides child welfare services to continue to provide ~~[the same]~~ services **and financial support** to the child ~~[that the child was entitled to receive before reaching 18 years of age.]~~ **while the child remains under the jurisdiction of the court. Section 18 also establishes a procedure for resolving issues involving a child who remains under the jurisdiction of the court. The agency which provides child welfare services and the child are required to attempt to resolve**

any issue before taking the issue to court. If the agency which provides child welfare services decides to recommend that jurisdiction over the child be terminated, section 18 requires the agency to provide notice to the child and an opportunity for the child to have an informal administrative review of the decision. If the agency and the child are unable to reach an agreement, section 18 authorizes the child or the attorney of the child to request a hearing before the court.

Section 19 of this bill requires the agency which provides child welfare services to develop a written plan to assist a child who remains under the jurisdiction of the juvenile court in transitioning to independent living and provides other duties of the agency which provides child welfare services with respect to a child who remains under the jurisdiction of the juvenile court. **Section 19** also requires the agency which provides child welfare services to conduct an exit interview with such a child before the jurisdiction of the court is terminated to determine whether the child requires any additional services. **Section 20** of this bill revises the definition of "child" in existing law to clarify that a child who remains under the jurisdiction of the juvenile court after reaching 18 years of age is not included within that term for purposes of certain other provisions relating to the protection of children. **Section 21** of this bill similarly revises the definition of "custodian" in existing law to provide that the term does not include a custodian of such a child for purposes of certain other provisions relating to the protection of children.

Section 22 of this bill establishes the order of priority in which to place a child who is taken into protective custody and allows the child to be placed with certain persons who are not related to the child but with whom the child has developed a significant emotional and positive relationship. **Section 25** of this bill establishes the order of preference when placing a child with someone other than with a parent.

Sections 1-13 ~~[,]~~ and 23 ~~[and 24]~~ of this bill make various changes so that the provisions of NRS relating to a child who is in foster care are consistent and apply to a person who remains in foster care under the jurisdiction of a court after attaining 18 years of age in the same manner as a child in foster care who is less than 18 years of age.

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

Section 1. NRS 424.013 is hereby amended to read as follows:

424.013 "Family foster home" means a family home in which one to six children ***who are*** under 18 years of age ***or who remain under the jurisdiction of a court pursuant to section 18 of this act and who are*** not related within the first degree of consanguinity or affinity to the person or persons maintaining the home are received, cared for and maintained, for compensation or otherwise, including the provision of permanent free care. The term includes a family home in which such a child is received, cared for

and maintained pending completion of proceedings for the adoption of the child by the person or persons maintaining the home.

Sec. 2. NRS 424.015 is hereby amended to read as follows:

424.015 "Group foster home" means a natural person, partnership, firm, corporation or association who provides full-time care for 7 to 15 children who are:

1. Under 18 years of age ~~[,]~~ ***or who remain under the jurisdiction of a court pursuant to section 18 of this act;***

2. Not related within the first degree of consanguinity or affinity to any natural person maintaining or operating the home; and

3. Received, cared for and maintained for compensation or otherwise, including the provision of permanent free care.

Sec. 3. NRS 424.031 is hereby amended to read as follows:

424.031 1. The licensing authority or a person or entity designated by the licensing authority shall obtain from appropriate law enforcement agencies information on the background and personal history of each applicant for a license to conduct a foster home, prospective employee of that applicant or of a person who is licensed to conduct a foster home, and resident of a foster home who is 18 years of age or older, ***other than a resident who remains under the jurisdiction of a court pursuant to section 18 of this act,*** to determine whether the person investigated has been arrested for or convicted of any crime.

2. The licensing authority or its approved designee may charge each person investigated pursuant to this section for the reasonable cost of that investigation.

Sec. 4. NRS 424.033 is hereby amended to read as follows:

424.033 1. Each applicant for a license to conduct a foster home, prospective employee of that applicant or of a person who is licensed to conduct a foster home, or resident of a foster home who is 18 years of age or older ***, other than a resident who remains under the jurisdiction of a court pursuant to section 18 of this act,*** must submit to the licensing authority or its approved designee:

(a) A complete set of fingerprints and written permission authorizing the licensing authority or its approved designee to forward those fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report to enable the licensing authority or its approved designee to conduct an investigation pursuant to NRS 424.031; and

(b) Written permission to conduct a child abuse and neglect screening.

2. For each person who submits the documentation required pursuant to subsection 1, the licensing authority or its approved designee shall conduct a child abuse and neglect screening of the person in every state in which the person has resided during the immediately preceding 5 years.

3. The licensing authority or its approved designee may exchange with the Central Repository or the Federal Bureau of Investigation any information respecting the fingerprints submitted.

4. The Division shall assist the licensing authority of another state that is conducting a child abuse and neglect screening of a person who has resided in this State by providing information which is necessary to conduct the screening if the person who is the subject of the screening has signed a written permission authorizing the licensing authority to conduct a child abuse and neglect screening. The Division may charge a fee for providing such information in an amount which does not exceed the actual cost to the Division to provide the information.

5. When a report from the Federal Bureau of Investigation is received by the Central Repository, it shall immediately forward a copy of the report to the licensing authority or its approved designee.

Sec. 5. NRS 424.039 is hereby amended to read as follows:

424.039 1. A licensing authority or its approved designee may, in accordance with the procedures set forth in 28 C.F.R. §§ 901 et. seq., conduct a preliminary Federal Bureau of Investigation Interstate Identification Index name-based check of the records of criminal history of a resident who is 18 years of age or older of a foster home in which the licensing authority wishes to place a child in an emergency situation ***, other than a resident who remains under the jurisdiction of a court pursuant to section 18 of this act,*** to determine whether the person investigated has been arrested for or convicted of any crime.

2. Upon request of a licensing authority that wishes to place a child in a foster home in an emergency situation, or upon request of the approved designee of the licensing authority, a resident who is 18 years of age or older of the foster home in which the licensing authority wishes to place the child ***, other than a resident who remains under the jurisdiction of a court pursuant to section 18 of this act,*** must submit to the licensing authority or its approved designee a complete set of fingerprints and written permission authorizing the licensing authority or its approved designee to forward those fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report. The licensing authority or its approved designee shall forward the fingerprints to the Central Repository for Nevada Records of Criminal History within the time set forth in federal law or regulation.

3. If a resident who is 18 years of age or older of a foster home in which a licensing authority places a child in an emergency situation ***, other than a resident who remains under the jurisdiction of a court pursuant to section 18 of this act,*** refuses to provide a complete set of fingerprints to the licensing authority or its approved designee upon request pursuant to subsection 2, the licensing authority must immediately remove the child from the foster home.

Sec. 6. NRS 432.010 is hereby amended to read as follows:

432.010 As used in this chapter, except as otherwise defined by specific statute or unless the context otherwise requires:

1. "Administrator" means the Administrator of the Division.

2. "Agency which provides child welfare services" has the meaning ascribed to it in NRS 432B.030.

3. "Child" means a person ***who is*** less than 18 years of age or ~~[, if in school, until graduation from high school.]~~ ***who remains under the jurisdiction of a court pursuant to section 18 of this act.***

4. "Department" means the Department of Health and Human Services.

5. "Director" means the Director of the Department.

6. "Division" means the Division of Child and Family Services of the Department.

7. "Maintenance" means general expenses for care such as board, shelter, clothing, transportation and other necessary or incidental expenses, or any of them, or monetary payments therefor.

8. "Special services" means medical, hospital, psychiatric, surgical or dental services, or any combination thereof.

Sec. 7. NRS 432A.0245 is hereby amended to read as follows:

432A.0245 ***1.*** ***"***Child care institution" means a facility which provides care and shelter during the day and night and provides developmental guidance to 16 or more children who do not routinely return to the homes of their parents or guardians. Such an institution may also provide, without limitation:

~~[1.]~~ ***(a)*** Education to the children according to a curriculum approved by the Department of Education;

~~[2.]~~ ***(b)*** Services to children who have been diagnosed as severely emotionally disturbed as defined in NRS 433B.080, including, without limitation, services relating to mental health and education; or

~~[3.]~~ ***(c)*** Emergency shelter to children who have been placed in protective custody pursuant to chapter 432B of NRS.

2. As used in this section, "child" includes a person who is less than 18 years of age or who remains under the jurisdiction of a court pursuant to section 18 of this act.

Sec. 8. NRS 432A.160 is hereby amended to read as follows:

432A.160 1. Except as otherwise provided in this section, the Bureau may issue a provisional license, effective for a period not exceeding 1 year, to a child care facility which:

(a) Is in operation at the time of adoption of standards and other regulations pursuant to the provisions of this chapter, if the Bureau determines that the facility requires a reasonable time under the particular circumstances, not to exceed 1 year from the date of the adoption, within which to comply with the standards and other regulations;

(b) Has failed to comply with the standards and other regulations, if the Bureau determines that the facility is in the process of making the necessary changes or has agreed to effect the changes within a reasonable time; or

(c) Is in the process of applying for a license, if the Bureau determines that the facility requires a reasonable time within which to comply with the standards and other regulations.

2. The provisions of subsection 1 do not require the issuance of a license or prevent the Bureau from refusing to renew or from revoking or suspending any license in any instance where the Bureau considers that action necessary for the health and safety of the occupants of any facility or the clients of any outdoor youth program.

3. A provisional license must not be issued pursuant to this section unless the Bureau has completed an investigation into the qualifications and background of the applicant and the employees of the applicant pursuant to NRS 432A.170 to ensure that the applicant and each employee of the applicant, or every resident of the child care facility ***who is 18 years of age or older, other than a resident who remains under the jurisdiction of a court pursuant to section 18 of this act,*** or participant in any outdoor youth program who is 18 years of age or older, has not been convicted of a crime listed in subsection 2 of NRS 432A.170 and has not had a substantiated report of child abuse or neglect made against him or her.

Sec. 9. NRS 432A.170 is hereby amended to read as follows:

432A.170 1. The Bureau may, upon receipt of an application for a license to operate a child care facility, conduct an investigation into the:

(a) Buildings or premises of the facility and, if the application is for an outdoor youth program, the area of operation of the program;

(b) Qualifications and background of the applicant or the employees of the applicant;

(c) Method of operation for the facility; and

(d) Policies and purposes of the applicant.

2. The Bureau shall secure from appropriate law enforcement agencies information on the background and personal history of every applicant, licensee or employee of an applicant or licensee, or every resident of a child care facility ***who is 18 years of age or older, other than a resident who remains under the jurisdiction of a court pursuant to section 18 of this act,*** or participant in an outdoor youth program who is 18 years of age or older, to determine whether the person has been convicted of:

(a) Murder, voluntary manslaughter or mayhem;

(b) Any other felony involving the use of a firearm or other deadly weapon;

(c) Assault with intent to kill or to commit sexual assault or mayhem;

(d) Sexual assault, statutory sexual seduction, incest, lewdness, indecent exposure or any other sexually related crime;

(e) Abuse or neglect of a child or contributory delinquency;

(f) A violation of any federal or state law regulating the possession, distribution or use of any controlled substance or any dangerous drug as defined in chapter 454 of NRS;

(g) Abuse, neglect, exploitation or isolation of older persons or vulnerable persons, including, without limitation, a violation of any provision of NRS 200.5091 to 200.50995, inclusive, or a law of any other jurisdiction that prohibits the same or similar conduct; or

(h) Any offense involving fraud, theft, embezzlement, burglary, robbery, fraudulent conversion or misappropriation of property within the immediately preceding 7 years.

3. The Bureau shall request information concerning every applicant, licensee or employee of an applicant or licensee, or every resident of a child care facility ***who is 18 years of age or older, other than a resident who remains under the jurisdiction of a court pursuant to section 18 of this act,*** or participant in an outdoor youth program who is 18 years of age or older, from the Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child established pursuant to NRS 432.100 to determine whether there has been a substantiated report of child abuse or neglect made against any of them.

4. The Bureau may charge each person investigated pursuant to this section for the reasonable cost of that investigation.

5. The information required to be obtained pursuant to subsections 2 and 3 must be requested concerning an:

(a) Employee of an applicant or licensee, resident of a child care facility ***who is 18 years of age or older, other than a resident who remains under the jurisdiction of a court pursuant to section 18 of this act,*** or participant in an outdoor youth program who is 18 years of age or older not later than 3 days after the employee is hired, the residency begins or the participant begins participating in the program, and then at least once every 6 years thereafter.

(b) Applicant at the time that an application is submitted for licensure, and then at least once every 6 years after the license is issued.

Sec. 10. NRS 432A.175 is hereby amended to read as follows:

432A.175 1. Every applicant for a license to operate a child care facility, licensee and employee of such an applicant or licensee, and every resident of a child care facility ***who is 18 years of age or older, other than a resident who remains under the jurisdiction of a court pursuant to section 18 of this act,*** or participant in an outdoor youth program who is 18 years of age or older, shall submit to the Bureau, or to the person or agency designated by the Bureau, to enable the Bureau to conduct an investigation pursuant to NRS 432A.170, a:

(a) Complete set of fingerprints and a written authorization for the Bureau or its designee to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report;

(b) Written statement detailing any prior criminal convictions; and

(c) Written authorization for the Bureau to obtain any information that may be available from the Statewide Central Registry for the Collection of

Information Concerning the Abuse or Neglect of a Child established pursuant to NRS 432.100.

2. If an employee of an applicant for a license to operate a child care facility or licensee, or a resident of a child care facility ***who is 18 years of age or older, other than a resident who remains under the jurisdiction of a court pursuant to section 18 of this act,*** or participant in an outdoor youth program who is 18 years of age or older, has been convicted of any crime listed in subsection 2 of NRS 432A.170 or has had a substantiated report of child abuse or neglect filed against him or her, the Bureau shall immediately notify the applicant or licensee, who shall then comply with the provisions of NRS 432A.1755.

3. An applicant for a license to operate a child care facility or licensee shall notify the Bureau within 2 days after receiving notice that:

(a) The applicant, licensee or an employee of the applicant or licensee, or a resident of the child care facility ***who is 18 years of age or older, other than a resident who remains under the jurisdiction of a court pursuant to section 18 of this act,*** or participant in an outdoor youth program who is 18 years of age or older, or a facility or program operated by the applicant or licensee, is the subject of a lawsuit or any disciplinary proceeding; or

(b) The applicant or licensee, an employee, a resident or participant has been charged with a crime listed in subsection 2 of NRS 432A.170 or is being investigated for child abuse or neglect.

Sec. 11. NRS 432A.1755 is hereby amended to read as follows:

432A.1755 1. Upon receiving information pursuant to NRS 432A.175 from the Central Repository for Nevada Records of Criminal History or the Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child established pursuant to NRS 432.100 or evidence from any other source that an employee of an applicant for a license to operate a child care facility or a licensee, or a resident of a child care facility ***who is 18 years of age or older, other than a resident who remains under the jurisdiction of a court pursuant to section 18 of this act,*** or participant in an outdoor youth program who is 18 years of age or older has been convicted of a crime listed in subsection 2 of NRS 432A.170 or has had a substantiated report of child abuse or neglect made against him or her, the applicant or licensee shall terminate the employment of the employee or remove the resident from the facility or participant from the outdoor youth program after allowing the employee, resident or participant time to correct the information as required pursuant to subsection 2.

2. If an employee, resident or participant believes that the information provided to the applicant or licensee pursuant to subsection 1 is incorrect, the employee, resident or participant must inform the applicant or licensee immediately. The applicant or licensee shall give any such employee, resident or participant 30 days to correct the information.

3. During any period in which an employee, resident or participant seeks to correct information pursuant to subsection 2, it is within the discretion of

the applicant or licensee whether to allow the employee, resident or participant to continue to work for or reside at the child care facility or participate in the outdoor youth program, as applicable.

Sec. 12. NRS 432A.1785 is hereby amended to read as follows:

432A.1785 1. Each applicant for a license to operate a child care facility and licensee shall maintain records of the information concerning its employees and any residents of the child care facility ***who are 18 years of age or older, other than residents who remain under the jurisdiction of a court pursuant to section 18 of this act,*** or participants in any outdoor youth program who are 18 years of age or older that is collected pursuant to NRS 432A.170 and 432A.175, including, without limitation:

(a) Proof that the applicant or licensee submitted fingerprints to the Central Repository for its report; and

(b) The written authorization to obtain information from the Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child established pursuant to NRS 432.100.

2. The records maintained pursuant to subsection 1 must be made available for inspection by the Bureau at any reasonable time, and copies thereof must be furnished to the Bureau upon request.

Sec. 13. NRS 432A.190 is hereby amended to read as follows:

432A.190 1. The Bureau may deny an application for a license to operate a child care facility or may suspend or revoke such a license upon any of the following grounds:

(a) Violation by the applicant or licensee or an employee of the applicant or licensee of any of the provisions of this chapter or of any other law of this State or of the standards and other regulations adopted thereunder.

(b) Aiding, abetting or permitting the commission of any illegal act.

(c) Conduct inimical to the public health, morals, welfare and safety of the people of the State of Nevada in the maintenance and operation of the child care facility for which a license is issued.

(d) Conduct or practice detrimental to the health or safety of the occupants or employees of the child care facility, or the clients of the outdoor youth program.

(e) Conviction of any crime listed in subsection 2 of NRS 432A.170 committed by the applicant or licensee or an employee of the applicant or licensee, or by a resident of the child care facility or participant in the outdoor youth program who is 18 years of age or older.

(f) Failure to comply with the provisions of NRS 432A.178.

(g) Substantiation of a report of child abuse or neglect made against the applicant or licensee.

(h) Conduct which is found to pose a threat to the health or welfare of a child or which demonstrates that the applicant or licensee is otherwise unfit to work with children.

(i) Violation by the applicant or licensee of the provisions of NRS 432A.1755 by continuing to employ a person, allowing a resident ***who is 18***

years of age or older, other than a resident who remains under the jurisdiction of a court pursuant to section 18 of this act, to continue to reside in the child care facility or allowing a participant in an outdoor youth program to continue to participate in the program if the employee, or the resident or participant who is 18 years of age or older, has been convicted of a crime listed in subsection 2 of NRS 432A.170 or has had a substantiated report of child abuse or neglect made against him or her.

2. In addition to the provisions of subsection 1, the Bureau may revoke a license to operate a child care facility if, with respect to that facility, the licensee that operates the facility, or an agent or employee of the licensee:

(a) Is convicted of violating any of the provisions of NRS 202.470;

(b) Is ordered to but fails to abate a nuisance pursuant to NRS 244.360, 244.3603 or 268.4124; or

(c) Is ordered by the appropriate governmental agency to correct a violation of a building, safety or health code or regulation but fails to correct the violation.

3. The Bureau shall maintain a log of any complaints that it receives relating to activities for which the Bureau may revoke the license to operate a child care facility pursuant to subsection 2. The Bureau shall provide to a child care facility:

(a) A summary of a complaint against the facility if the investigation of the complaint by the Bureau either substantiates the complaint or is inconclusive;

(b) A report of any investigation conducted with respect to the complaint; and

(c) A report of any disciplinary action taken against the facility.

➥ The facility shall make the information available to the public pursuant to NRS 432A.178.

4. In addition to any other disciplinary action, the Bureau may impose an administrative fine for a violation of any provision of this chapter or any regulation adopted pursuant thereto. The Bureau shall afford to any person so fined an opportunity for a hearing. Any money collected for the imposition of such a fine must be credited to the State General Fund.

5. On or before February 1 of each odd-numbered year, the Bureau shall submit to the Director of the Legislative Counsel Bureau a written report setting forth, for the previous biennium:

(a) Any complaints included in the log maintained by the Bureau pursuant to subsection 3; and

(b) Any disciplinary actions taken by the Bureau pursuant to subsection 2.

Sec. 14. Chapter 432B of NRS is hereby amended by adding thereto the provisions set forth as sections 15 to 19, inclusive, of this act.

Sec. 15. ***As used in sections 15 to 19, inclusive, of this act, "child" means a person who is:***

1. Under the age of 18 years; and

2. Over the age of 18 years and who remains under the jurisdiction of the court pursuant to section 18 of this act.

Sec. 16. *1. A court shall refer a child who is in the custody of an agency which provides child welfare services to an attorney in the county who provides legal services without a charge to abused or neglected children if the court determines that the child:*

(a) Has reached the age of 17 years; and

(b) Is not likely to be returned to the custody of his or her parent before reaching the age of 18 years.

2. The court shall request the attorney to whom such a child is referred to counsel the child regarding the legal consequences of remaining under the jurisdiction of the court after reaching 18 years of age and assist the child in deciding whether to remain under the jurisdiction of the court.

Sec. 17. *1. At least 120 days before the date on which a child who is in the custody of an agency which provides child welfare services reaches the age of 18 years, the agency which provides child welfare services shall meet with the child to determine whether the child intends to request that the court retain jurisdiction over the child pursuant to section 18 of this act after the child reaches the age of 18 years.*

2. If the child indicates during the meeting held pursuant to subsection 1 that the child does not intend to request that the court retain jurisdiction over the child, the agency which provides child welfare services shall recommend that the court terminate jurisdiction over the child when the child reaches the age of 18 years.

3. Notwithstanding a determination made by a child during a meeting held pursuant to subsection 1, any time before reaching the age of 18 years, the child may:

(a) Inform the agency which provides child welfare services that the child intends to request that the court continue jurisdiction over the child pursuant to section 18 of this act, and the agency shall revise its recommendation to the court accordingly; or

(b) Request that the court retain jurisdiction over the child pursuant to section 18 of this act, and the court shall accept jurisdiction.

4. A child who enters into an agreement with an agency which provides child welfare services before the child reaches the age of 18 years to allow the child to live independently is not prohibited from requesting that the court retain jurisdiction over the child pursuant to section 18 of this act, and such a child is entitled to the same rights and protections set forth in sections 15 to 19, inclusive, of this act as provided to any other child.

Sec. 18. *1. A court which orders a child to be placed other than with a parent and which has jurisdiction over the child when the child reaches the age of 18 years shall retain jurisdiction over the child if the child so requests.*

2. Except as otherwise provided in this section, jurisdiction over a child that is retained pursuant to subsection 1 continues until:

(a) The agency which provides child welfare services, the child and the attorney of the child agree to terminate the jurisdiction after a hearing held pursuant to subsection 5 or, if the parties do not reach an agreement during such a hearing, the court determines that ~~[the]~~ :

(1) The child has achieved the goals set forth in the plan developed pursuant to section 19 of this act;

~~[~~ ~~(b) The court determines that the]~~

(2) The child is not making a good faith effort to achieve the goals set forth in the plan developed pursuant to section 19 of this act;

~~[(c)]~~ or

(3) The circumstances of the child have changed in such a manner that it is infeasible for the child to achieve the goals set forth in the plan developed pursuant to section 19 of this act;

(b) The child requests that jurisdiction be terminated; or

~~[(d)]~~ (c) The child reaches of the age of 21 years,

➥ whichever occurs first.

3. If the court that retains jurisdiction over a child pursuant to this section transfers jurisdiction to another court in this State, the court which accepts jurisdiction must retain jurisdiction over the case for the period provided pursuant to this section.

4. A child who requests that the court retain jurisdiction over the child pursuant to this section must, upon reaching the age of 18 years, enter into a written agreement with the agency which provides child welfare services. The agreement, which must be filed with the court, must ~~[acknowledge that:]~~ include, without limitation, the following provisions, which must specify that:

(a) The child voluntarily requested that the court retain jurisdiction over the child;

(b) While under the jurisdiction of the court, the child is entitled to continue to receive services from the agency which provides child welfare services ~~[;]~~ and to receive financial support in the form of payments made to the child or to another person or governmental entity as designated in the plan developed pursuant to section 19 of this act in an amount not to exceed the amount paid for a child who is in foster care;

(c) While under the jurisdiction of the court, the child will no longer be under the legal custody of the agency which provides child welfare services, and the proceedings concerning the child conducted pursuant to NRS 432B.410 to 432B.590, inclusive, will terminate; ~~[and]~~

(d) The child may, at any time, request that jurisdiction over the child be terminated ~~[.]~~ ; and

(e) If there is an issue concerning the child while under the jurisdiction of the court, the child and the agency which provides child welfare services agree to attempt to resolve the issue before requesting a hearing before the court to address the issue.

5. If an issue arises concerning a child who remains under the jurisdiction of the court , ~~[or the contract entered into pursuant to subsection 4,]~~ the child, the agency which provides child welfare services or the attorney assigned to the case may request a hearing before the court to address the issue. Before requesting such a hearing, the child and the agency which provides child welfare services must attempt to resolve the issue.

6. If the agency which provides child welfare services has decided to request that the court terminate jurisdiction over the child, the agency which provides child welfare services must send a notice to the child and the attorney of the child informing the child and the attorney of the child of its decision and that the child has 15 days after receipt of the notice in which to request an informal administrative review of that decision. If, during the administrative review, a resolution is not reached, the child or the attorney of the child may request a hearing before the court pursuant to subsection 5.

7. A child ~~[who remains]~~ , while under the jurisdiction of the court pursuant to this section , is entitled to continue to receive ~~[the same services that the child was eligible to receive before reaching the age of 18 years, and]~~ services and financial support from the agency which provides child welfare services . ~~[shall ensure that the child may access such services.~~

~~7.]~~ Such financial support must consist of payments made to the child or to another person or governmental entity as designated in the plan developed pursuant to section 19 of this act in an amount not to exceed the amount paid for a child in foster care.

8. The court may issue any order which it deems appropriate or necessary to ensure:

(a) That the agency which provides child welfare services provides the services and financial support to which the child is entitled to receive; and

(b) That the child who remains under the jurisdiction of the court is working towards achieving the goals of the plan developed pursuant to section 19 of this act.

Sec. 19. *1. If the court retains jurisdiction over a child pursuant to section 18 of this act, the agency which provides child welfare services shall develop a written plan to assist the child in transitioning to independent living. ~~[Such]~~ Except as otherwise provided in subsection 2, such a plan must include, without limitation, the following goals:*

(a) That the child save enough money to pay for his or her monthly expenses for at least 3 months;

(b) ~~[That]~~ If the child has not graduated from high school or obtained a general equivalency diploma, that the child ~~[complete]~~ remain enrolled in high school or a program to obtain a general equivalency diploma ~~[;]~~ until graduation or completion of the program;

(c) If the child has graduated from high school or obtained a general equivalency diploma, that the child:

(1) Enroll in a program of postsecondary or vocational education;

(2) Enroll or participate in a program or activity designed to promote or remove obstacles to employment; or

(3) Obtain or actively seek employment which is at least 80 hours per month;

(d) That the child secure housing;

~~*[(d)]*~~ ***(e) That the child have adequate income to meet his or her monthly expenses;***

~~*[(e)]*~~ ***(f) That the child identify an adult who will be available to provide support to the child; and***

~~*[(f)]*~~ ***(g) If applicable, that the child have established appropriate supportive services to address any mental health or developmental needs of the child.***

2. If a child is not capable of achieving one or more of the goals set forth in paragraphs (a) to (g), inclusive, of subsection 1, the agency which provides child welfare services shall develop the written plan with goals which are appropriate for the child based upon the needs of the child.

3. During the period in which the court retains jurisdiction over the child, the agency which provides child welfare services shall:

(a) Monitor the plan developed pursuant to ~~*[subsection]*~~ ***subsections 1 and 2 and adjust the plan as necessary;***

(b) Contact the child by telephone at least once each month and in person at least quarterly;

(c) Ensure that the child meets with a person who will provide guidance to the child and make the child aware of the services which will be available to the child; and

(d) Conduct a meeting with the child at least 30 days, but not more than 45 days, before the jurisdiction of the court is terminated to determine whether the child requires any additional guidance.

Sec. 20. NRS 432B.040 is hereby amended to read as follows:

432B.040 "Child" means a person under the age of 18 years ~~[.]~~ ***or*** ~~*[, if in school, until graduation from high school. The term does not include a child]*~~ ***who*** ~~*[continues]*~~ ***remains under the jurisdiction of the court pursuant to section 18 of this act .*** ~~*[after the child reaches the age of 18 years.]*~~

Sec. 21. NRS 432B.060 is hereby amended to read as follows:

432B.060 "Custodian" means a person or a governmental organization, other than a parent or legal guardian, who has been awarded legal custody of a child. ***The term does not include a person or governmental organization who continues to provide services to a child that remains under the jurisdiction of a court pursuant to section 18 of this act.***

Sec. 22. NRS 432B.390 is hereby amended to read as follows:

432B.390 1. An agent or officer of a law enforcement agency, an officer of the local juvenile probation department or the local department of juvenile services, or a designee of an agency which provides child welfare services:

(a) May place a child in protective custody without the consent of the person responsible for the child's welfare if the agent, officer or designee has reasonable cause to believe that immediate action is necessary to protect the child from injury, abuse or neglect.

(b) Shall place a child in protective custody upon the death of a parent of the child, without the consent of the person responsible for the welfare of the child, if the agent, officer or designee has reasonable cause to believe that the death of the parent of the child is or may be the result of an act by the other parent that constitutes domestic violence pursuant to NRS 33.018.

2. When an agency which provides child welfare services receives a report pursuant to subsection 2 of NRS 432B.630, a designee of the agency which provides child welfare services shall immediately place the child in protective custody.

3. If there is reasonable cause to believe that the death of a parent of a child is or may be the result of an act by the other parent that constitutes domestic violence pursuant to NRS 33.018, a protective custody hearing must be held pursuant to NRS 432B.470, whether the child was placed in protective custody or with a relative. If an agency other than an agency which provides child welfare services becomes aware that there is reasonable cause to believe that the death of a parent of a child is or may be the result of an act by the other parent that constitutes domestic violence pursuant to NRS 33.018, that agency shall immediately notify the agency which provides child welfare services and a protective custody hearing must be scheduled.

4. An agency which provides child welfare services shall request the assistance of a law enforcement agency in the removal of a child if the agency has reasonable cause to believe that the child or the person placing the child in protective custody may be threatened with harm.

5. Before taking a child for placement in protective custody, the person taking the child shall show his or her identification to any person who is responsible for the child and is present at the time the child is taken. If a person who is responsible for the child is not present at the time the child is taken, the person taking the child shall show his or her identification to any other person upon request. The identification required by this subsection must be a single card that contains a photograph of the person taking the child and identifies the person as a person authorized pursuant to this section to place a child in protective custody.

6. A child placed in protective custody pending an investigation and a hearing held pursuant to NRS 432B.470 must be placed **,** ~~[in a hospital, if the child needs hospitalization, or in a shelter, which may include, without limitation, a foster home or other home or facility which provides care for those children,]~~ except as otherwise provided in NRS 432B.3905 ~~[.]~~ ***, in the following order of priority:***

(a) In a hospital, if the child needs hospitalization.

(b) ~~*[With a parent of the child, if the agency which provides child welfare services reasonably believes that the parent did not participate in the alleged injury, abuse or neglect.*~~

~~*(c)]*~~ ***With a person who is related within the fifth degree of consanguinity or a fictive kin, and who is suitable and able to provide proper care and guidance for the child, regardless of whether the relative or fictive kin resides within this State.***

~~*[(d) With a fictive kin who is suitable and able to provide proper care and guidance for the child, regardless of whether the fictive kin resides within this State.*~~

~~*(e)]*~~ ***(c) In a foster home that is licensed pursuant to chapter 424 of NRS.***

~~*[(f)]*~~ ***(d) In any other licensed shelter that provides care to such children.***

7. Whenever possible, a child placed pursuant to subsection 6 must be placed together with any siblings of the child. Such a child must not be placed in a jail or other place for detention, incarceration or residential care of persons convicted of a crime or children charged with delinquent acts.

~~**[**7.**]**~~ ***8.*** A person placing a child in protective custody pursuant to subsection 1 shall:

(a) Immediately take steps to protect all other children remaining in the home or facility, if necessary;

(b) Immediately make a reasonable effort to inform the person responsible for the child's welfare that the child has been placed in protective custody; ***and***

(c) ~~**[**Give preference in placement of the child to any person related within the fifth degree of consanguinity to the child who is suitable and able to provide proper care and guidance for the child, regardless of whether the relative resides within this State; and~~

~~(d)**]**~~ As soon as practicable, inform the agency which provides child welfare services and the appropriate law enforcement agency, except that if the placement violates the provisions of NRS 432B.3905, the person shall immediately provide such notification.

~~**[**8.**]**~~ ***9.*** If a child is placed with any person who resides outside this State, the placement must be in accordance with NRS 127.330.

10. As used in this section, "fictive kin" means a person who is not related by blood to a child but who has a significant emotional and positive relationship with the child.

Sec. 23. NRS 432B.391 is hereby amended to read as follows:

432B.391 1. An agency which provides child welfare services or its approved designee may, in accordance with the procedures set forth in 28 C.F.R. §§ 901 et. seq., conduct a preliminary Federal Bureau of Investigation Interstate Identification Index name-based check of the records of criminal history of a resident who is 18 years of age or older of a home in which the agency which provides child welfare services wishes to place a child in an

emergency situation ***, other than a resident who remains under the jurisdiction of a court pursuant to section 18 of this act,*** to determine whether the person investigated has been arrested for or convicted of any crime.

2. Upon request of an agency which provides child welfare services that wishes to place a child in a home in an emergency situation, or upon request of the approved designee of the agency which provides child welfare services, a resident who is 18 years of age or older of the home in which the agency which provides child welfare services wishes to place the child ***, other than a resident who remains under the jurisdiction of a court pursuant to section 18 of this act,*** must submit to the agency which provides child welfare services or its approved designee a complete set of fingerprints and written permission authorizing the agency which provides child welfare services or its approved designee to forward those fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report. The agency which provides child welfare services or its approved designee shall forward the fingerprints to the Central Repository for Nevada Records of Criminal History within the time set forth in federal law or regulation.

3. If a resident who is 18 years of age or older of a home in which an agency which provides child welfare services places a child in an emergency situation ***, other than a resident who remains under the jurisdiction of a court pursuant to section 18 of this act,*** refuses to provide a complete set of fingerprints to the agency which provides child welfare services or its approved designee upon request pursuant to subsection 2, the agency which provides child welfare services must immediately remove the child from the home.

Sec. 24. ~~[NRS 432B.468 is hereby amended to read as follows:~~

~~432B.468 1. The court shall retain jurisdiction to enforce, modify or terminate a guardianship established pursuant to NRS 432B.4665 until the child reaches 18 years of age~~ **[**.**]** ***or for the period specified in section 18 of this act, whichever is later.***

~~2. Any person having a direct interest in a guardianship established pursuant to NRS 432B.4665 may move to enforce, modify or terminate an order concerning the guardianship.~~

~~3. The court shall issue an order directing the appropriate agency which provides child welfare services to file a report and make a recommendation in response to any motion to enforce, modify or terminate an order concerning a guardianship established pursuant to NRS 432B.4665. The agency must submit the report to the court within 45 days after receiving the order of the court.~~

~~4. Any motion to enforce, modify or terminate an order concerning a guardianship established pursuant to NRS 432B.4665 must comply with the provisions set forth in chapter 159 of NRS for motions to enforce, modify or terminate orders concerning guardianships.~~

~~5. A successor guardian may be appointed in accordance with the procedures set forth in chapter 159 of NRS.]~~ **(Deleted by amendment.)**

Sec. 25. NRS 432B.550 is hereby amended to read as follows:

432B.550 1. If the court finds that a child is in need of protection, it may, by its order, after receipt and review of the report from the agency which provides child welfare services:

(a) Permit the child to remain in the temporary or permanent custody of the parents of the child or a guardian with or without supervision by the court or a person or agency designated by the court, and with or without retaining jurisdiction of the case, upon such conditions as the court may prescribe;

(b) Place the child in the temporary or permanent custody of a relative **, *a fictive kin*** or other person the court finds suitable to receive and care for the child with or without supervision, and with or without retaining jurisdiction of the case, upon such conditions as the court may prescribe; or

(c) Place the child in the temporary custody of a public agency or institution authorized to care for children, the local juvenile probation department, the local department of juvenile services or a private agency or institution licensed by the Department of Health and Human Services or a county whose population is 100,000 or more to care for such a child.

➥ In carrying out this subsection, the court may, in its sole discretion and in compliance with the requirements of chapter 159 of NRS, consider an application for the guardianship of the child. If the court grants such an application, it may retain jurisdiction of the case or transfer the case to another court of competent jurisdiction.

2. If, pursuant to subsection 1, a child is placed other than with a parent:

(a) The parent retains the right to consent to adoption, to determine the child's religious affiliation and to reasonable visitation, unless restricted by the court. If the custodian of the child interferes with these rights, the parent may petition the court for enforcement of the rights of the parent.

(b) The court shall set forth good cause why the child was placed other than with a parent.

3. If, pursuant to subsection 1, the child is to be placed with a relative **~~[.]~~** ***or fictive kin,*** the court may consider, among other factors, whether the child has resided with a particular relative ***or fictive kin*** for 3 years or more before the incident which brought the child to the court's attention.

4. Except as otherwise provided in this subsection, a copy of the report prepared for the court by the agency which provides child welfare services must be sent to the custodian and the parent or legal guardian. If the child was delivered to a provider of emergency services pursuant to NRS 432B.630 and the location of the parent is unknown, the report need not be sent to that parent.

5. In determining the placement of a child pursuant to this section, if the child is not permitted to remain in the custody of the parents of the child or guardian:

(a) It must be presumed to be in the best interests of the child to be placed together with the siblings of the child.

(b) Preference must be given to placing the child ~~[with]~~ ***in the following order:***

(1) With any person related within the fifth degree of consanguinity to the child ***or a fictive kin, and*** who is suitable and able to provide proper care and guidance for the child, regardless of whether the relative ***or fictive kin*** resides within this State.

~~[~~**~~.~~**~~]~~ ***(2) In a foster home that is licensed pursuant to chapter 424 of NRS.***

6. Any search for a relative with whom to place a child pursuant to this section must be completed within 1 year after the initial placement of the child outside of the home of the child. If a child is placed with any person who resides outside of this State, the placement must be in accordance with NRS 127.330.

~~[6.]~~ ***7.*** Within 60 days after the removal of a child from the home of the child, the court shall:

(a) Determine whether:

(1) The agency which provides child welfare services has made the reasonable efforts required by paragraph (a) of subsection 1 of NRS 432B.393; or

(2) No such efforts are required in the particular case; and

(b) Prepare an explicit statement of the facts upon which its determination is based.

8. As used in this section, "fictive kin" means a person who is not related by blood to a child but who has a significant emotional and positive relationship with the child.

Sec. 26. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 27. This act becomes effective upon passage and approval.

Assemblywoman Mastroluca moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 389.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 356.

AN ACT relating to the Open Meeting Law; requiring a public body to ~~[allot an equal amount of time for certain testimony]~~ **make a reasonable effort to allow the expression of certain opinions** at a public meeting; making the provisions of chapter 241 of NRS applicable to a nonprofit corporation that has the power of eminent domain; ~~[requiring meetings conducted by common-interest communities to comply with the Open Meeting Law;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1 of this bill requires a public body to ~~[allot an equal amount of time for testimony in favor of and in opposition to an]~~ **make a reasonable effort to allow the expression of competing opinions concerning any** agenda item at a public meeting. ~~[Section 1 also requires a public body to allot an equal amount of time for the rebuttal of such testimony.]~~

Section 2 of this bill requires a nonprofit corporation that has the power of eminent domain to comply with the provisions of chapter 241 of NRS.

~~[Section 3 of this bill requires that meetings of common-interest communities must comply with the Open Meeting Law. The Commission for Common-Interest Communities and Condominium Hotels is responsible for investigating and enforcing violations of the Open Meeting Law by common-interest communities.]~~

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

Section 1. Chapter 241 of NRS is hereby amended by adding thereto a new section to read as follows:

~~*[To the extent that persons have requested to testify in favor of and in opposition to an]*~~ ***A public body shall make a reasonable effort to allow the expression of competing opinions concerning any item on the agenda for a meeting of*** ~~*[a]*~~ ***the public body .*** ~~*[, the public body shall allot an equal amount of time at the meeting for:*~~

~~*1. Testimony in favor of and in opposition to the item; and*~~

~~*2. Rebuttal to such testimony.*~~

~~*➡ As used in this section, "testimony" includes, without limitation, any presentation, explanation or oral response.]*~~

Sec. 2. NRS 241.015 is hereby amended to read as follows:

241.015 As used in this chapter, unless the context otherwise requires:

1. "Action" means:

(a) A decision made by a majority of the members present during a meeting of a public body;

(b) A commitment or promise made by a majority of the members present during a meeting of a public body;

(c) If a public body may have a member who is not an elected official, an affirmative vote taken by a majority of the members present during a meeting of the public body; or

(d) If all the members of a public body must be elected officials, an affirmative vote taken by a majority of all the members of the public body.

2. "Meeting":

(a) Except as otherwise provided in paragraph (b), means:

(1) The gathering of members of a public body at which a quorum is present to deliberate toward a decision or to take action on any matter over which the public body has supervision, control, jurisdiction or advisory power.

(2) Any series of gatherings of members of a public body at which:

(I) Less than a quorum is present at any individual gathering;

(II) The members of the public body attending one or more of the gatherings collectively constitute a quorum; and

(III) The series of gatherings was held with the specific intent to avoid the provisions of this chapter.

(b) Does not include a gathering or series of gatherings of members of a public body, as described in paragraph (a), at which a quorum is actually or collectively present:

(1) Which occurs at a social function if the members do not deliberate toward a decision or take action on any matter over which the public body has supervision, control, jurisdiction or advisory power.

(2) To receive information from the attorney employed or retained by the public body regarding potential or existing litigation involving a matter over which the public body has supervision, control, jurisdiction or advisory power and to deliberate toward a decision on the matter, or both.

3. Except as otherwise provided in this subsection, "public body" means:

(a) Any administrative, advisory, executive or legislative body of the State or a local government which expends or disburses or is supported in whole or in part by tax revenue or which advises or makes recommendations to any entity which expends or disburses or is supported in whole or in part by tax revenue, including, but not limited to, any board, commission, committee, subcommittee or other subsidiary thereof and includes an educational foundation as defined in subsection 3 of NRS 388.750 and a university foundation as defined in subsection 3 of NRS 396.405; ~~[and]~~

(b) A limited-purpose association that is created for a rural agricultural residential common-interest community as defined in subsection 6 of NRS 116.1201 ~~[.]~~ ***; and***

(c) A nonprofit corporation organized or existing under the provisions of chapter 82 of NRS that has the authority to exercise the power of eminent domain pursuant to subsection 2 of NRS 37.0095.

➥ "Public body" does not include the Legislature of the State of Nevada.

4. "Quorum" means a simple majority of the constituent membership of a public body or another proportion established by law.

Sec. 3. **(Deleted by amendment.)**

Sec. 4. **(Deleted by amendment.)**

Sec. 5. **(Deleted by amendment.)**

Sec. 6. **(Deleted by amendment.)**

Sec. 7. **(Deleted by amendment.)**

Sec. 8. **(Deleted by amendment.)**

Sec. 9. **(Deleted by amendment.)**

Sec. 10. **(Deleted by amendment.)**

Sec. 11. **(Deleted by amendment.)**

~~[~~

~~TEXT OF REPEALED SECTION~~

~~116.3109 Quorum.~~

~~1. Except as otherwise provided in this section and NRS 116.31034, and except when the governing documents provide otherwise, a quorum is present throughout any meeting of the association if the number of members of the association who are present in person or by proxy at the beginning of the meeting equals or exceeds 20 percent of the total number of voting members of the association.~~

~~2. If the governing documents of an association contain a quorum requirement for a meeting of the association that is greater than the 20 percent required by subsection 1 and, after proper notice has been given for a meeting, the members of the association who are present in person or by proxy at the meeting are unable to hold the meeting because a quorum is not present at the beginning of the meeting, the members who are present in person at the meeting may adjourn the meeting to a time that is not less than 48 hours or more than 30 days from the date of the meeting. At the subsequent meeting:~~

~~(a) A quorum shall be deemed to be present if the number of members of the association who are present in person or by proxy at the beginning of the subsequent meeting equals or exceeds 20 percent of the total number of voting members of the association; and~~

~~(b) If such a quorum is deemed to be present but the actual number of members who are present in person or by proxy at the beginning of the subsequent meeting is less than the number of members who are required for a quorum under the governing documents, the members who are present in person or by proxy at the subsequent meeting may take action only on those matters that were included as items on the agenda of the original meeting.~~

~~→ The provisions of this subsection do not change the actual number of votes that are required under the governing documents for taking action on any particular matter.~~

~~3. Unless the governing documents specify a larger percentage, a quorum is deemed present throughout any meeting of the executive board if persons entitled to cast 50 percent of the votes on that board are present at the beginning of the meeting.~~**]**

Assemblyman Ohrenschall moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 396.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 257.

SUMMARY— **[**~~Provides immunity from civil liability to local governmental entities that engage in cooperative training exercises under certain circumstances.~~**]** **Revises provisions relating to industrial insurance involving certain employees who are injured during certain cooperative governmental activities.** (BDR **[**~~3-1002~~**]** **53-1002)**

AN ACT relating to ~~[civil actions; providing immunity from civil liability to local governmental entities that engage in cooperative training exercises under certain circumstances;]~~ **industrial insurance; revising provisions involving certain employees who are injured during certain cooperative governmental activities;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Section 1 of this bill provides immunity from civil liability to a local governmental entity and its officers, employees and volunteers who engage in a cooperative training exercise with officers, employees and volunteers of another local governmental entity or this State unless: (1) the officer, employee or volunteer made a specific promise or representation to a person who relied upon the promise or representation to the person's detriment; or (2) the conduct of the officer, employee or volunteer affirmatively caused the harm.]~~

Section 2.5 of this bill provides that when an employee of a state or local government employer is injured by accident sustained during the course of employment while participating in certain cooperative governmental activities, industrial insurance extends to the government employer of the injured employee and any act or failure to act which creates liability on the part of any of the government employers is deemed to be the act or failure to act of the government employer of the injured employee.

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

Section 1. ~~— [Chapter 41 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~*1. A local governmental entity is not liable for the negligent acts or omissions of its officers, employees or volunteers who are engaged in a cooperative training exercise with officers, employees or volunteers of another local governmental entity or this State, nor are the individual officers, employees or volunteers thereof, unless:*~~

~~*(a) The officer, employee or volunteer made a specific promise or representation to a natural person who relied upon the promise or representation to the person's detriment; or*~~

~~*(b) The conduct of the officer, employee or volunteer affirmatively caused the harm.*~~

~~*2. For the purposes of this section, "local governmental entity" means a county, an incorporated city, an unincorporated town, a township, a school district or any other public district or agency designed to perform local governmental functions.]*~~ **(Deleted by amendment.)**

Sec. 2. ~~[NRS 41.0307 is hereby amended to read as follows:~~

~~— 41.0307 — As used in NRS 41.0305 to 41.039, inclusive~~ **[:] ,** ~~*and section 1 of this act:*~~

~~1. "Employee" includes an employee of a:~~

~~(a) Part-time or full-time board, commission or similar body of the State or a political subdivision of the State which is created by law.~~

~~(b) Charter school.~~

~~(c) University school for profoundly gifted pupils described in chapter 392A of NRS.~~

~~2. "Employment" includes any services performed by an immune contractor.~~

~~3. "Immune contractor" means any natural person, professional corporation or professional association which:~~

~~(a) Is an independent contractor with the State pursuant to NRS 333.700; and~~

~~(b) Contracts to provide medical services for the Department of Corrections.~~

~~As used in this subsection, "professional corporation" and "professional association" have the meanings ascribed to them in NRS 89.020.~~

~~4. "Public officer" or "officer" includes:~~

~~(a) A member of a part-time or full-time board, commission or similar body of the State or a political subdivision of the State which is created by law.~~

~~(b) A public defender and any deputy or assistant attorney of a public defender or an attorney appointed to defend a person for a limited duration with limited jurisdiction.~~

~~(c) A district attorney and any deputy or assistant district attorney or an attorney appointed to prosecute a person for a limited duration with limited jurisdiction.~~ **(Deleted by amendment.)**

Sec. 2.5. **NRS 616A.020 is hereby amended to read as follows:**

616A.020 1. The rights and remedies provided in chapters 616A to 616D, inclusive, of NRS for an employee on account of an injury by accident sustained arising out of and in the course of the employment shall be exclusive, except as otherwise provided in those chapters, of all other rights and remedies of the employee, his or her personal or legal representatives, dependents or next of kin, at common law or otherwise, on account of such injury.

2. The terms, conditions and provisions of chapters 616A to 616D, inclusive, of NRS for the payment of compensation and the amount thereof for injuries sustained or death resulting from such injuries shall be conclusive, compulsory and obligatory upon both employers and employees coming within the provisions of those chapters.

3. The exclusive remedy provided by this section to a principal contractor extends, with respect to any injury by accident sustained by an employee of any contractor in the performance of the contract, to every architect, land surveyor or engineer who performs services for:

(a) The contractor;

(b) The owner of the property; or

(c) Any such beneficially interested persons.

4. The exclusive remedy provided by this section applies to the owner of a construction project who provides industrial insurance coverage for the project by establishing and administering a consolidated insurance program pursuant to NRS 616B.710 to the extent that the program covers the employees of the contractors and subcontractors who are engaged in the construction of the project.

5. ***When an employee of a state or local government employer is injured by accident sustained during the course of employment while participating in an activity which is carried out cooperatively by the state or local government employer with another state or local government employer, the exclusive remedy provided by this section extends to the state or local government employer of the injured employee and any act or failure to act which creates liability on the part of any of the government employers participating in the activity shall be deemed to be the act or failure to act of the government employer of the injured employee for the purposes of the rights and remedies provided in chapters 616A to 616D, inclusive, of NRS.***

6. If an employee receives any compensation or accident benefits under chapters 616A to 616D, inclusive, of NRS, the acceptance of such compensation or benefits shall be in lieu of any other compensation, award or recovery against his or her employer under the laws of any other state or jurisdiction and such employee is barred from commencing any action or proceeding for the enforcement or collection of any benefits or award under the laws of any other state or jurisdiction.

Sec. 3. This act becomes effective on July 1, 2011.

Assemblyman Ohrenschall moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 401.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 360.

AN ACT relating to constructional defects; revising the definition of "constructional defect"; revising provisions governing attorney's fees in claims concerning constructional defects; revising the statutes of limitation and repose relating to certain actions concerning constructional defects; **making an appropriation;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that a defect in the design, construction, manufacture, repair or landscaping of a new residence, of an alteration of or addition to an existing residence, or of an appurtenance, which is done in violation of law, including in violation of local codes or ordinances, is a

constructional defect. (NRS 40.615) **Section 1** of this bill provides that there is a rebuttable presumption that workmanship which exceeds the standards set forth in the applicable law, including any applicable local codes or ordinances, is not a constructional defect.

Existing law provides that in a claim for damages as the result of a constructional defect, reasonable attorney's fees may be recovered as damages. (NRS 40.655) **Section 2** of this bill provides that: (1) the court shall award to the prevailing party reasonable attorney's fees, which must be an element of costs and awarded as costs; and (2) the amount of any attorney's fees awarded must be determined by and approved by the court. **Additionally, section 2 authorizes any party to petition the court to determine the reasonableness of attorney's fees to be reimbursed to the claimant if: (1) the contractor has made satisfactory repairs in response to a notice of constructional defect; and (2) the only issue remaining is the amount of the reasonable attorney's fees to be reimbursed to the claimant.**

Existing law sets forth the statute of limitations for various actions. (NRS 11.190) **Section 4** of this bill provides for a statute of limitations of 3 years for an action for damages for certain deficiencies, injury or wrongful death caused by a defect in construction if the defect is a result of willful misconduct or was fraudulently concealed.

Existing law contains certain periods of limitation, known as statutes of repose, in which certain actions for damages for certain deficiencies, injury or wrongful death caused by a defect in construction must be commenced. These statutes of repose apply to both commercial and residential construction. (NRS 11.202-11.206) **Sections 3 and 5-8** of this bill exclude residential construction from the existing statutes of repose and provide a new statute of repose relating specifically to residential construction.

Section 9 of this bill provides that the amendatory provisions of the bill relating to claims for constructional defects governed by NRS 40.600 to 40.695, inclusive, apply to claims that arise on or after October 1, 2011, and the amendatory provisions of the remaining sections of the bill apply to actions based upon construction that occurs on or after October 1, 2011.

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

Section 1. NRS 40.615 is hereby amended to read as follows:

40.615 ***1.*** **"**Constructional defect" means a defect in the design, construction, manufacture, repair or landscaping of a new residence, of an alteration of or addition to an existing residence, or of an appurtenance **.** ~~[and]~~

2. The term includes, without limitation, the design, construction, manufacture, repair or landscaping of a new residence, of an alteration of or addition to an existing residence, or of an appurtenance:

~~[1.]~~ ***(a)*** Which is done in violation of law, including, without limitation, in violation of local codes or ordinances ~~[;~~

~~2.]~~ ***, except as otherwise provided in subsection 3;***

(b) Which proximately causes physical damage to the residence, an appurtenance or the real property to which the residence or appurtenance is affixed;

~~[3.]~~ ***(c)*** Which is not completed in a good and workmanlike manner in accordance with the generally accepted standard of care in the industry for that type of design, construction, manufacture, repair or landscaping; or

~~[4.]~~ ***(d)*** Which presents an unreasonable risk of injury to a person or property.

3. There exists a rebuttable presumption that the term does not include the design, construction, manufacture, repair or landscaping of a new residence, of an alteration of or addition to an existing residence, or of an appurtenance which is done in violation of law, including, without limitation, in violation of local codes or ordinances, if the workmanship of the design, construction, manufacture, repair or landscaping exceeds the standards set forth in the applicable law, including, without limitation, the applicable local codes or ordinances.

Sec. 2. NRS 40.655 is hereby amended to read as follows:

40.655 1. Except as otherwise provided in NRS 40.650, in a claim governed by NRS 40.600 to 40.695, inclusive, the claimant may recover only the following ***costs and*** damages to the extent proximately caused by a constructional defect:

(a) Any reasonable attorney's fees;

(b) The reasonable cost of any repairs already made that were necessary and of any repairs yet to be made that are necessary to cure any constructional defect that the contractor failed to cure and the reasonable expenses of temporary housing reasonably necessary during the repair;

(c) The reduction in market value of the residence or accessory structure, if any, to the extent the reduction is because of structural failure;

(d) The loss of the use of all or any part of the residence;

(e) The reasonable value of any other property damaged by the constructional defect;

(f) Any additional costs reasonably incurred by the claimant, including, but not limited to, any costs and fees incurred for the retention of experts to:

(1) Ascertain the nature and extent of the constructional defects;

(2) Evaluate appropriate corrective measures to estimate the value of loss of use; and

(3) Estimate the value of loss of use, the cost of temporary housing and the reduction of market value of the residence; and

(g) Any interest provided by statute.

2. ***The court shall award to the prevailing party reasonable attorney's fees, which must be an element of costs and awarded as costs.*** The amount

of any attorney's fees awarded pursuant to this section must be ***determined by and*** approved by the court.

3. If a contractor complies with the provisions of NRS 40.600 to 40.695, inclusive, the claimant may not recover from the contractor, as a result of the constructional defect, anything other than that which is provided pursuant to NRS 40.600 to 40.695, inclusive. ***If a contractor makes satisfactory repairs in response to a notice of a constructional defect pursuant to NRS 40.600 to 40.695, inclusive, and the only issue remaining is the amount of reasonable attorney's fees to be reimbursed to the claimant, any party may petition the court to determine the reasonableness of the fees.***

4. This section must not be construed as impairing any contractual rights between a contractor and a subcontractor, supplier or design professional.

5. As used in this section, "structural failure" means physical damage to the load-bearing portion of a residence or appurtenance caused by a failure of the load-bearing portion of the residence or appurtenance.

Sec. 3. Chapter 11 of NRS is hereby amended by adding thereto a new section to read as follows:

1. [No] Except as otherwise provided in subsection 2, no action may be commenced against the owner, occupier or any person performing or furnishing the design, planning, supervision or observation of construction, or the construction of a residence more than [7] 6 years after the substantial completion of the residence, for the recovery of damages for:

(a) Any deficiency in the design, planning, supervision or observation of construction, or the construction of the residence;

(b) Injury to real or personal property caused by any such deficiency; or

(c) Injury to or the wrongful death of a person caused by any such deficiency.

2. If a deficiency in the design, planning, supervision or observation of construction, or the construction of a residence is discovered during the sixth year after the substantial completion of the residence, the period set forth in subsection 1 is extended 2 years after the discovery of the deficiency.

3. Except as otherwise provided in subsection [3,] 4, for the purposes of this section, the date of substantial completion of a residence shall be deemed to be the date on which:

(a) The final building inspection of the residence is conducted;

(b) A notice of completion is issued for the residence; or

(c) A certificate of occupancy is issued for the residence,

whichever occurs later.

[3.] 4. If none of the events described in subsection [2] 3 occurs, the date of substantial completion of a residence must be determined by the rules of the common law.

[4.] 5. The provisions of this section do not apply to:

(a) A claim for indemnity or contribution.

(b) An action brought against any person on account of a defect in a product.

~~*[5.]*~~ ***6. As used in this section, "residence" has the meaning ascribed to it in NRS 40.630.***

Sec. 4. NRS 11.190 is hereby amended to read as follows:

11.190 Except as otherwise provided in NRS 125B.050 and 217.007, actions other than those for the recovery of real property, unless further limited by specific statute, may only be commenced as follows:

1. Within 6 years:

(a) An action upon a judgment or decree of any court of the United States, or of any state or territory within the United States, or the renewal thereof.

(b) An action upon a contract, obligation or liability founded upon an instrument in writing, except those mentioned in the preceding sections of this chapter.

2. Within 4 years:

(a) An action on an open account for goods, wares and merchandise sold and delivered.

(b) An action for any article charged on an account in a store.

(c) An action upon a contract, obligation or liability not founded upon an instrument in writing.

(d) An action against a person alleged to have committed a deceptive trade practice in violation of NRS 598.0903 to 598.0999, inclusive, but the cause of action shall be deemed to accrue when the aggrieved party discovers, or by the exercise of due diligence should have discovered, the facts constituting the deceptive trade practice.

3. Within 3 years:

(a) An action upon a liability created by statute, other than a penalty or forfeiture.

(b) An action for waste or trespass of real property, but when the waste or trespass is committed by means of underground works upon any mining claim, the cause of action shall be deemed to accrue upon the discovery by the aggrieved party of the facts constituting the waste or trespass.

(c) An action for taking, detaining or injuring personal property, including actions for specific recovery thereof, but in all cases where the subject of the action is a domestic animal usually included in the term "livestock," which has a recorded mark or brand upon it at the time of its loss, and which strays or is stolen from the true owner without the owner's fault, the statute does not begin to run against an action for the recovery of the animal until the owner has actual knowledge of such facts as would put a reasonable person upon inquiry as to the possession thereof by the defendant.

(d) Except as otherwise provided in NRS 112.230 and 166.170, an action for relief on the ground of fraud or mistake, but the cause of action in such a case shall be deemed to accrue upon the discovery by the aggrieved party of the facts constituting the fraud or mistake.

(e) An action pursuant to NRS 40.750 for damages sustained by a financial institution or other lender because of its reliance on certain fraudulent conduct of a borrower, but the cause of action in such a case shall be deemed to accrue upon the discovery by the financial institution or other lender of the facts constituting the concealment or false statement.

(f) An action against the owner, occupier or any person performing or furnishing the design, planning, supervision or observation of construction, or the construction of a residence, for the recovery of damages for:

(1) Any deficiency in the design, planning, supervision or observation of construction, or the construction of the residence which is the result of his or her willful misconduct or which he or she fraudulently concealed;

(2) Injury to real or personal property caused by any such deficiency; or

(3) Injury to or the wrongful death of a person caused by any such deficiency.

➥ The cause of action in such a case shall be deemed to accrue upon the discovery by the aggrieved party of the deficiency. As used in this paragraph, "residence" has the meaning ascribed to it in NRS 40.630.

4. Within 2 years:

(a) An action against a sheriff, coroner or constable upon liability incurred by acting in his or her official capacity and in virtue of his or her office, or by the omission of an official duty, including the nonpayment of money collected upon an execution.

(b) An action upon a statute for a penalty or forfeiture, where the action is given to a person or the State, or both, except when the statute imposing it prescribes a different limitation.

(c) An action for libel, slander, assault, battery, false imprisonment or seduction.

(d) An action against a sheriff or other officer for the escape of a prisoner arrested or imprisoned on civil process.

(e) Except as otherwise provided in ***this section and*** NRS 11.215, an action to recover damages for injuries to a person or for the death of a person caused by the wrongful act or neglect of another. The provisions of this paragraph relating to an action to recover damages for injuries to a person apply only to causes of action which accrue after March 20, 1951.

(f) An action to recover damages under NRS 41.740.

5. Within 1 year:

(a) An action against an officer, or officer de facto to recover goods, wares, merchandise or other property seized by the officer in his or her official capacity, as tax collector, or to recover the price or value of goods, wares, merchandise or other personal property so seized, or for damages for the seizure, detention or sale of, or injury to, goods, wares, merchandise or other personal property seized, or for damages done to any person or property in making the seizure.

(b) An action against an officer, or officer de facto for money paid to the officer under protest, or seized by the officer in his or her official capacity, as a collector of taxes, and which, it is claimed, ought to be refunded.

Sec. 5. NRS 11.202 is hereby amended to read as follows:

11.202 1. ~~[An]~~ ***Except as otherwise provided in section 3 of this act, an*** action may be commenced against the owner, occupier or any person performing or furnishing the design, planning, supervision or observation of construction, or the construction of an improvement to real property at any time after the substantial completion of such an improvement, for the recovery of damages for:

(a) Any deficiency in the design, planning, supervision or observation of construction or the construction of such an improvement which is the result of his or her willful misconduct or which he or she fraudulently concealed;

(b) Injury to real or personal property caused by any such deficiency; or

(c) Injury to or the wrongful death of a person caused by any such deficiency.

2. The provisions of this section do not apply in an action brought against:

(a) The owner or keeper of any hotel, inn, motel, motor court, boardinghouse or lodging house in this State on account of his or her liability as an innkeeper.

(b) Any person on account of a defect in a product.

Sec. 6. NRS 11.203 is hereby amended to read as follows:

11.203 1. Except as otherwise provided in NRS 11.202 and 11.206, ***and section 3 of this act,*** no action may be commenced against the owner, occupier or any person performing or furnishing the design, planning, supervision or observation of construction, or the construction of an improvement to real property more than 10 years after the substantial completion of such an improvement, for the recovery of damages for:

(a) Any deficiency in the design, planning, supervision or observation of construction or the construction of such an improvement which is known or through the use of reasonable diligence should have been known to him or her;

(b) Injury to real or personal property caused by any such deficiency; or

(c) Injury to or the wrongful death of a person caused by any such deficiency.

2. Notwithstanding the provisions of NRS 11.190 and subsection 1 of this section, if an injury occurs in the 10th year after the substantial completion of such an improvement, an action for damages for injury to property or person, damages for wrongful death resulting from such injury or damages for breach of contract may be commenced within 2 years after the date of such injury, irrespective of the date of death, but in no event may an action be commenced more than 12 years after the substantial completion of the improvement.

3. The provisions of this section do not apply to a claim for indemnity or contribution.

Sec. 7. NRS 11.204 is hereby amended to read as follows:

11.204 1. Except as otherwise provided in NRS 11.202, 11.203 and 11.206, ***and section 3 of this act,*** no action may be commenced against the owner, occupier or any person performing or furnishing the design, planning, supervision or observation of construction, or the construction, of an improvement to real property more than 8 years after the substantial completion of such an improvement, for the recovery of damages for:

(a) Any latent deficiency in the design, planning, supervision or observation of construction or the construction of such an improvement;

(b) Injury to real or personal property caused by any such deficiency; or

(c) Injury to or the wrongful death of a person caused by any such deficiency.

2. Notwithstanding the provisions of NRS 11.190 and subsection 1 of this section, if an injury occurs in the eighth year after the substantial completion of such an improvement, an action for damages for injury to property or person, damages for wrongful death resulting from such injury or damages for breach of contract may be commenced within 2 years after the date of such injury, irrespective of the date of death, but in no event may an action be commenced more than 10 years after the substantial completion of the improvement.

3. The provisions of this section do not apply to a claim for indemnity or contribution.

4. For the purposes of this section, "latent deficiency" means a deficiency which is not apparent by reasonable inspection.

Sec. 8. NRS 11.205 is hereby amended to read as follows:

11.205 1. Except as otherwise provided in NRS 11.202, 11.203 and 11.206, ***and section 3 of this act,*** no action may be commenced against the owner, occupier or any person performing or furnishing the design, planning, supervision or observation of construction, or the construction of an improvement to real property more than 6 years after the substantial completion of such an improvement, for the recovery of damages for:

(a) Any patent deficiency in the design, planning, supervision or observation of construction or the construction of such an improvement;

(b) Injury to real or personal property caused by any such deficiency; or

(c) Injury to or the wrongful death of a person caused by any such deficiency.

2. Notwithstanding the provisions of NRS 11.190 and subsection 1 of this section, if an injury occurs in the sixth year after the substantial completion of such an improvement, an action for damages for injury to property or person, damages for wrongful death resulting from such injury or damages for breach of contract may be commenced within 2 years after the date of such injury, irrespective of the date of death, but in no event may an

action be commenced more than 8 years after the substantial completion of the improvement.

3. The provisions of this section do not apply to a claim for indemnity or contribution.

4. For the purposes of this section, "patent deficiency" means a deficiency which is apparent by reasonable inspection.

Sec. 8.5. **1. There is hereby appropriated from the State General Fund to the Interim Finance Committee the sum of $250,000 to contract, through competitive bidding, with a qualified independent consultant:**

(a) To review the provisions of Nevada law relating to actions to recover damages resulting from constructional defects; and

(b) To make recommendations to the Nevada Legislature regarding the long-term effects of the provisions of the Nevada Revised Statutes pertaining to actions to recover damages resulting from constructional defects, including, without limitation:

(1) The definition of a constructional defect set forth in NRS 40.615;

(2) The length and effect of the statutes of repose for actions to recover damages resulting from constructional defects; and

(3) The recovery of attorney's fees in actions to recover damages resulting from constructional defects.

2. Any remaining balance of the appropriation made by subsection 1 to the Interim Finance Committee must not be committed for expenditure after June 30, 2013, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 20, 2013, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 20, 2013.

Sec. 9. The amendatory provisions of:

1. Sections 1 and 2 of this act apply to any claim that arises on or after October 1, 2011.

2. Sections 3 to 8, inclusive, of this act apply to actions based upon the design, planning, supervision or observation of construction, or the construction of a residence that occurs on or after October 1, 2011.

Assemblyman Ohrenschall moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 427.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture, and Mining:

Amendment No. 297.

AN ACT relating to programs for recycling; enacting provisions requiring the payment of deposits and refunds on certain beverage containers sold in this State; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill establishes a program for requiring deposits to be paid and then refunded on certain recyclable beverage containers sold in this State. Under **section 10** of this bill, every beverage container, with certain exceptions, has a refund value of 5 cents. **Section 11** of this bill requires every beverage container sold in this State to be clearly labeled with that refund value and ~~[as being recyclable and originally sold in this State.]~~ **with the word "Nevada" or the abbreviation "NV." Section 12** of this bill requires a consumer to deposit the refund value of each beverage container when purchasing a filled container ~~[,]~~ and ~~[section]~~ **requires a dealer who receives that deposit to submit the amount of the deposit to the Director of the State Department of Conservation and Natural Resources for deposit in the Beverage Container Recycling Fund. Section 12 also authorizes a consumer to return the beverage container to a redemption center and requires the Division of Environmental Protection of the Department to adopt regulations for the certification of those redemption centers. Section 13** of this bill provides for the refunding of ~~[that]~~ **the** value **of the empty beverage container** to the consumer ~~[and the eventual return of empty beverage containers to bottlers.]~~ **by a redemption center. Section 14** of this bill prohibits a person from attempting to return for a refund more than a certain number of empty beverage containers that the person knows or has reason to know were not originally sold in this State. **Section 15** of this bill ~~[provides for the separate accounting of money received as a deposit for a beverage container and requires certain surplus money to be transferred to the Division of Environmental Protection of the State Department of Conservation and Natural Resources for use in]~~ **creates the Beverage Container Recycling Fund and requires the money in the Fund to be used for** recycling and recycling promotion and education programs. **Section 16** of this bill requires certain reports to be made to the ~~[Division,]~~ **Director of the Department,** and **section 17** of this bill requires the Division to adopt regulations necessary to carry out the provisions of this bill.

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

Section 1. Chapter 444A of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 16, inclusive, of this act.

Sec. 2. ***As used in sections 2 to 16, inclusive, of this act, the words and terms described in sections 3 to ~~[9,]~~ 9.5, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 3. ***"Beverage" means beer and other malt beverages, bottled water, mineral water, soda water , bottled or canned tea, bottled or canned energy drinks, flavored water and ~~[similar]~~ any other carbonated ~~[soft]~~ or***

noncarbonated drinks intended for human consumption. The term does not include milk or wine.

Sec. 4. *"Beverage container" means any sealable bottle, can, jar or carton that is primarily composed of glass, metal or plastic or any combination thereof and is produced for the purpose of containing a beverage [.] for a single use.*

Sec. 5. *[**"Bottler" means any person who fills beverage containers for sale to distributors or dealers. The term includes any person who produces a beverage and fills beverage containers with that beverage for sale to distributors or dealers.**]* **(Deleted by amendment.)**

Sec. 6. *"Consumer" means a person who purchases a beverage in a beverage container for use or consumption with no intent to resell the beverage.*

Sec. 7. *"Dealer" means a person who engages in the sale of beverages in beverage containers. The term includes the operator of a vending machine that sells beverages.*

Sec. 7.5. "Director" means the Director of the State Department of Conservation and Natural Resources.

Sec. 8. *"Distributor" means a person who engages in the sale of beverages in beverage containers to a dealer. [The term includes a bottler.]*

Sec. 9. *"Division" means the Division of Environmental Protection of the State Department of Conservation and Natural Resources.*

Sec. 9.5. "Redemption center" means a facility that is certified by the Division pursuant to section 12 of this act to accept beverage containers from consumers.

Sec. 10. *1. Except as otherwise provided in subsection 2, every beverage container sold or offered for sale in this State has a refund value of 5 cents.*

2. The following beverage containers do not have a refund value:

(a) A beverage container sold by a distributor for use by a common carrier in the conduct of interstate passenger service; and

(b) A beverage container sold by a distributor for use by a gaming establishment, saloon, restaurant or resort that demonstrates to the satisfaction of the State Environmental Commission that:

(1) Of the beverage containers sold or given away by the gaming establishment, saloon, restaurant or resort, a percentage not less than that determined by the Division pursuant to subsections 3 and 4 contain beverages that will be consumed on the premises; and

(2) The gaming establishment, saloon, restaurant or resort has on the premises a program for recycling beverage containers.

3. The Division shall adopt regulations prescribing the method for determining the percentage of beverage containers sold or given away by a gaming establishment, saloon, restaurant or resort required for the exemption pursuant to paragraph (b) of subsection 2.

4. The regulations adopted pursuant to subsection 3 must provide for consideration by the Division of the size and nature of the gaming establishment, saloon, restaurant or resort and the purposes of sections 2 to 16, inclusive, of this act.

Sec. 11. ***A beverage container may not be sold in this State unless the beverage container is clearly labeled:***

1. [As being reusable;

2.] With the refund value of the beverage container; and

[3. As being originally sold in this State as a filled beverage container.]

2. With the word "Nevada" or the abbreviation "NV."

Sec. 12. ***1. For every filled beverage container that a consumer purchases from a dealer, the consumer shall deposit the refund value of the beverage container with the dealer.***

2. Within 10 days after the end of each month, a dealer who receives a deposit from a consumer pursuant to subsection 1 shall submit the amount of the deposit to the Director for deposit pursuant to the provisions of section 15 of this act.

3. A consumer who deposits the refund value of a beverage container pursuant to subsection 1 may return the beverage container to a redemption center pursuant to section 13 of this act.

4. The Division shall adopt regulations concerning the issuance and renewal of certificates for redemption centers and the administration and enforcement of the provisions of sections 2 to 16, inclusive, of this act. The regulations must include, without limitation, provisions setting forth:

(a) The requirements for the issuance and renewal of those certificates;

(b) The fees, if any, for the issuance and renewal of those certificates;

(c) The manner in which deposits, refunds of deposits and reimbursements for deposits paid by redemption centers must be made from the Beverage Container Recycling Fund created by section 15 of this act; and

(d) Any other requirements specified by the Division to carry out the provisions of sections 2 to 16, inclusive, of this act.

Sec. 13. ***1. Except as otherwise provided in subsections [4] 2 and [5,] 3, a [dealer] redemption center shall:***

(a) Accept from any person during normal business hours any empty beverage container of the type, size and brand sold by [the] a dealer [at any time during the preceding 60 days;] in this State; and

(b) [Except as otherwise prescribed in this paragraph, pay] Pay the person the refund value of each empty beverage container so returned. [To pay the person the refund value as required by this paragraph, the dealer may use money from the Deposit Transaction Account of the dealer. The dealer may refuse to pay the person the refund value as required by this paragraph if the amount of money necessary to pay the person exceeds the amount of money in the Deposit Transaction Account of the dealer.

~~2. Except as otherwise provided in subsections 4 and 5, a distributor shall:~~

~~(a) Accept from a dealer, during normal business hours and at the location at which the dealer normally obtains filled beverage containers from the distributor, any empty beverage container of the type, size and brand sold by the distributor at any time during the preceding 60 days; and~~

~~(b) Pay the dealer a handling fee of 1 cent per beverage container.~~

~~3. Except as otherwise provided in subsections 4 and 5, a bottler shall:~~

~~(a) Accept from a distributor or dealer, during normal business hours and at the location at which the distributor or dealer normally obtains filled beverage containers from the bottler, any empty reusable beverage container of the type, size and brand sold by the bottler at any time during the preceding 60 days; and~~

~~(b) Pay the distributor or dealer a handling fee of 1 cent per beverage container.~~

~~4.~~ **4.** ***A ~~[dealer, distributor or bottler]~~ redemption center may refuse to accept a beverage container which contains material foreign to the normal contents of the beverage container other than water, soap or any similar cleaning material or solution.***

~~[5.]~~ **3.** ***A ~~[dealer, distributor or bottler]~~ redemption center may refuse to accept empty beverage containers that the ~~[dealer, distributor or bottler]~~ redemption center reasonably believes were not originally sold in this State as filled beverage containers.***

Sec. 14. ***A person may not offer to return at one time to a ~~[dealer, distributor or bottler]~~ redemption center more than 250 empty beverage containers that the person knows or has reason to know were not originally sold in this State as filled beverage containers.***

Sec. 15. ***1. ~~[Every dealer shall maintain a separate account designated as the Deposit Transaction Account.]~~ The Beverage Container Recycling Fund is hereby created in the State Treasury as a special revenue fund.***

2. All money received by a dealer pursuant to section 12 of this act must be deposited in the ~~[Deposit Transaction Account of the dealer and held in trust for the State until such time as it is disposed of pursuant to this section or section 13 of this act.~~

~~3. Any income earned on the amount in the Deposit Transaction Account of a dealer is the property of the dealer and may be transferred to a private account of the dealer at any time after the income has been accounted for, for the purpose of deeming deposit amounts abandoned pursuant to subsection 4.~~

~~4. On the last day of each month, any amount of money that is or must be in the Deposit Transaction Account of a dealer and that exceeds the sum of:~~

~~(a) Income earned on the amount in the Deposit Transaction Account during that month; and~~

~~(b) The total amount of refund values received by the dealer during that month and the two preceding months,~~

~~→ shall be deemed abandoned deposit amounts.~~

~~5. Except as otherwise provided in subsection 6, not later than the 10th day of the following month, each dealer shall provide to the Division, in the manner prescribed by the Division, an amount equal to the amount deemed abandoned pursuant to subsection 4.~~

~~6. If the amount required to be provided to the Division by a dealer in a given month exceeds the amount in the Deposit Transaction Account of the dealer:~~

~~(a) The dealer may apply to the Division for relief from the requirement of subsection 5; and~~

~~(b) The Division may grant such relief upon a determination that the dealer is not at fault for the fact that the amount required to be provided to the Division exceeds the amount in the Deposit Transaction Account.~~

~~7. Notwithstanding any provision of law to the contrary, any money received by the Division pursuant to subsection 5 must be:~~

~~(a) Deposited in the State Treasury;~~

~~(b) Accounted for separately in the State General Fund; and~~

~~(c) Used]~~ ***State Treasury for credit to the Fund. The Director may apply for and accept any gift, donation, bequest, grant or other source of money for use by the Fund. Any money so received must be deposited in the State Treasury for credit to the Fund.***

3. The Fund is a continuing fund without reversion. The money in the Fund must be invested as the money in other state funds is invested. The interest and income earned on the money in the Fund, after deducting any applicable charges, must be credited to the Fund. Claims against the Fund must be paid as other claims against the State are paid.

4. The Director shall administer the Fund. The money in the Fund, after deducting any costs incurred by the Division in administering the provisions of sections 2 to 16, inclusive, of this act, must be used by the Division solely for recycling programs and programs promoting recycling and education concerning recycling.

Sec. 16. ***Not later than the 10th day of each month, each dealer and redemption center shall , as applicable, report to the ~~[Division,]~~ Director, in the manner prescribed by the ~~[Division:]~~ Director:***

1. The amount deposited with the dealer pursuant to section 12 of this act during the immediately preceding month;

2. The amount refunded to a consumer pursuant to section 13 of this act during the immediately preceding month ; and ~~[during the immediately preceding 3 months;]~~

3. ~~[Any income earned on money in the Deposit Transaction Account of the dealer during the immediately preceding month;~~

~~4. The balance in the Deposit Transaction Account of the dealer as of the close of business on the last business day of the immediately preceding month; and~~

~~5.]~~ ***Any other information required by the ~~[Division.]~~ Director.***

Sec. 17. The Division of Environmental Protection of the State Department of Conservation and Natural Resources shall, on or before December 31, ~~[2011,]~~ **2012,** adopt any regulations required or necessary to carry out the provisions of this act.

Sec. 18. This act becomes effective:

1. Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

2. On January 1, ~~[2012,]~~ **2013,** for all other purposes.

Assemblywoman Carlton moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 433.

Bill read second time.

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

Amendment No. 280.

AN ACT relating to employment practices; making it unlawful for public employers to make rules or regulations that prohibit or prevent an employee from engaging in politics or becoming a candidate for public office with certain exceptions; prohibiting any employer from taking any adverse employment action against an employee because the employee has become a candidate for any public office with certain exceptions; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law makes it unlawful for a private employer to make rules or regulations that prohibit or prevent an employee from engaging in politics or becoming a candidate for public office. (NRS 613.040) A violation of that prohibition by an employer is punishable by a fine of not more than $5,000. In addition, the costs of the proceeding to recover the fine are recoverable by the Attorney General. (NRS 613.050) The employee is also authorized to bring a separate lawsuit for damages for such a violation. (NRS 613.070) This bill makes it unlawful for public employers and labor organizations, in addition to private employers, to engage in such unlawful activity and also makes it unlawful for any public or private employer or labor organization to take any adverse employment action against an employee as a result of the employee becoming a candidate for public office. With respect to public employees, this bill makes an exception where necessary to meet requirements of federal law, such as the Hatch Act, 5 U.S.C. §§ 1501-1508, which imposes restrictions on certain political activities by state and local governmental employees.

WHEREAS, Every eligible person has a right to participate in the functions of government; and

WHEREAS, Participating as a candidate in an election for public office and participating in politics are at the core of government; and

WHEREAS, It is the policy of the State of Nevada to encourage participation in government; and

WHEREAS, Anything which tends to prevent a person from so participating is contrary to the policy of this State; now, therefore,

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

Section 1. NRS 613.040 is hereby amended to read as follows:

613.040 ~~[It]~~

1. Except as necessary to meet requirements of federal law as it pertains to a particular public employee, it shall be unlawful for any person ~~[, firm or corporation doing business or employing labor in the State of Nevada to]~~ ***who employs or has under his or her direction and control any person for wages or under a contract of hire and for any labor organization referring a person to an employer for employment:***

(a) To make any rule or regulation prohibiting or preventing any employee from engaging in politics or becoming a candidate for any public office in this state.

(b) To take any adverse employment action against an employee who becomes a candidate for any public office in this State because the employee became a candidate for public office.

2. As used in this section ~~*[, "person" means:]*~~ ***:***

(a) "Adverse employment action" includes, without limitation, requiring an employee to take an unpaid leave of absence during any period of his or her campaign for public office.

(b) "Person" means:

~~*[(a)]*~~ ***(1) A natural person;***

~~*[(b)]*~~ ***(2) Any form of business or social organization and any other nongovernmental legal entity, including, without limitation, a corporation, partnership, association, trust or agency or unincorporated organization; or***

~~*[(c)]*~~ ***(3) A government, governmental agency or political subdivision of a government.***

Assemblyman Atkinson moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 466.

Bill read second time.

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

Amendment No. 242.

AN ACT relating to groundwater; requiring the State Engineer to define, by regulation, the term "environmentally sound" for the purpose of making certain determinations relating to interbasin transfers of groundwater; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

When determining whether an application for an interbasin transfer of groundwater must be rejected, existing law requires the State Engineer to consider whether the proposed interbasin transfer is environmentally sound as it relates to the basin from which the water is exported. (NRS 533.370) This bill requires the State Engineer to define, by regulation, the term "environmentally sound" for the purpose of making that determination.

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

Section 1. NRS 533.370 is hereby amended to read as follows:

533.370 1. Except as otherwise provided in this section and NRS 533.345, 533.371, 533.372 and 533.503, the State Engineer shall approve an application submitted in proper form which contemplates the application of water to beneficial use if:

(a) The application is accompanied by the prescribed fees;

(b) The proposed use or change, if within an irrigation district, does not adversely affect the cost of water for other holders of water rights in the district or lessen the efficiency of the district in its delivery or use of water; and

(c) The applicant provides proof satisfactory to the State Engineer of the applicant's:

(1) Intention in good faith to construct any work necessary to apply the water to the intended beneficial use with reasonable diligence; and

(2) Financial ability and reasonable expectation actually to construct the work and apply the water to the intended beneficial use with reasonable diligence.

2. Except as otherwise provided in this subsection and subsections 3 and 11 and NRS 533.365, the State Engineer shall approve or reject each application within 1 year after the final date for filing a protest. The State Engineer may:

(a) Postpone action upon written authorization to do so by the applicant or, if an application is protested, by the protestant and the applicant.

(b) Postpone action if the purpose for which the application was made is municipal use.

(c) In areas where studies of water supplies have been determined to be necessary by the State Engineer pursuant to NRS 533.368 or where court actions are pending, withhold action until it is determined there is unappropriated water or the court action becomes final.

3. Except as otherwise provided in subsection 11, the State Engineer shall approve or reject, within 6 months after the final date for filing a

protest, an application filed to change the point of diversion of water already appropriated when the existing and proposed points of diversion are on the same property for which the water has already been appropriated under the existing water right or the proposed point of diversion is on real property that is proven to be owned by the applicant and is contiguous to the place of use of the existing water right. The State Engineer may:

(a) Postpone action upon written authorization to do so by the applicant or, if the application is protested, by the protestant and the applicant.

(b) In areas where studies of water supplies have been determined to be necessary by the State Engineer pursuant to NRS 533.368 or where court actions are pending, withhold action until it is determined there is unappropriated water or the court action becomes final.

4. If the State Engineer does not act upon an application within 1 year after the final date for filing a protest, the application remains active until acted upon by the State Engineer.

5. Except as otherwise provided in subsection 11, where there is no unappropriated water in the proposed source of supply, or where its proposed use or change conflicts with existing rights or with protectable interests in existing domestic wells as set forth in NRS 533.024, or threatens to prove detrimental to the public interest, the State Engineer shall reject the application and refuse to issue the requested permit. If a previous application for a similar use of water within the same basin has been rejected on those grounds, the new application may be denied without publication.

6. In determining whether an application for an interbasin transfer of groundwater must be rejected pursuant to this section, the State Engineer shall consider:

(a) Whether the applicant has justified the need to import the water from another basin;

(b) If the State Engineer determines that a plan for conservation of water is advisable for the basin into which the water is to be imported, whether the applicant has demonstrated that such a plan has been adopted and is being effectively carried out;

(c) Whether the proposed action is environmentally sound as it relates to the basin from which the water is exported;

(d) Whether the proposed action is an appropriate long-term use which will not unduly limit the future growth and development in the basin from which the water is exported; and

(e) Any other factor the State Engineer determines to be relevant.

7. If a hearing is held regarding an application, the decision of the State Engineer must be in writing and include findings of fact, conclusions of law and a statement of the underlying facts supporting the findings of fact. The written decision may take the form of a transcription of an oral ruling. The rejection or approval of an application must be endorsed on a copy of the original application, and a record must be made of the endorsement in the records of the State Engineer. The copy of the application so endorsed must

be returned to the applicant. Except as otherwise provided in subsection 12, if the application is approved, the applicant may, on receipt thereof, proceed with the construction of the necessary works and take all steps required to apply the water to beneficial use and to perfect the proposed appropriation. If the application is rejected, the applicant may take no steps toward the prosecution of the proposed work or the diversion and use of the public water while the rejection continues in force.

8. If:

(a) The State Engineer receives an application to appropriate any of the public waters, or to change the point of diversion, manner of use or place of use of water already appropriated;

(b) The application involves an amount of water exceeding 250 acre-feet per annum;

(c) The application involves an interbasin transfer of groundwater; and

(d) Within 7 years after the date of last publication of the notice of application, the State Engineer has not granted the application, denied the application, held an administrative hearing on the application or issued a permit in response to the application,

➥ the State Engineer shall notice a new period of 45 days in which a person who is a successor in interest to a protestant or an affected water right owner may file with the State Engineer a written protest against the granting of the application. Such notification must be entered on the Internet website of the State Engineer and must, concurrently with that notification, be mailed to the board of county commissioners of the county of origin.

9. Except as otherwise provided in subsection 10, a person who is a successor in interest to a protestant or an affected water right owner who wishes to protest an application in accordance with a new period of protest noticed pursuant to subsection 8 shall, within 45 days after the date on which the notification was entered and mailed, file with the State Engineer a written protest that complies with the provisions of this chapter and with the regulations adopted by the State Engineer, including, without limitation, any regulations prescribing the use of particular forms or requiring the payment of certain fees.

10. If a person is the successor in interest of an owner of a water right or an owner of real property upon which a domestic well is located and if the former owner of the water right or real property on which a domestic well is located had previously filed a written protest against the granting of an application, the successor in interest must be allowed to pursue that protest in the same manner as if the successor in interest were the former owner whose interest he or she succeeded. If the successor in interest wishes to pursue the protest, the successor in interest must notify the State Engineer on a form provided by the State Engineer.

11. The provisions of subsections 1 to 6, inclusive, do not apply to an application for an environmental permit.

12. The provisions of subsection 7 do not authorize the recipient of an approved application to use any state land administered by the Division of State Lands of the State Department of Conservation and Natural Resources without the appropriate authorization for that use from the State Land Registrar.

13. ***The State Engineer shall, by regulation, define the term "environmentally sound" for the purpose of paragraph (c) of subsection 6.***

14. As used in this section:

(a) "County of origin" means the county from which groundwater is transferred or proposed to be transferred.

(b) "Domestic well" has the meaning ascribed to it in NRS 534.350.

Sec. 2. The State Engineer shall **[**~~, on~~**]** **:**

1. On or before December 31, 2011, **begin the regulatory process to** adopt any regulations which are required by **[**~~or necessary to carry out~~**]** the provisions of this act.

2. On or before December 31, 2012, adopt any regulations which are required by the provisions of this act.

3. If those regulations are not adopted on or before December 31, 2012, submit a report to the 77th Session of the Nevada Legislature concerning the progress made toward the adoption of those regulations and provide an estimate of the additional time needed to adopt those regulations.

Sec. 3. This act becomes effective:

1. Upon passage and approval for the purpose of adopting regulations; and

2. On January 1, **[**~~2012,~~**]** **2013,** for all other purposes.

Assemblywoman Bustamante Adams moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 538.

Bill read second time.

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

Amendment No. 440.

AN ACT relating to pawnbrokers; revising the rate of interest that may be charged by pawnbrokers; revising the minimum time a pawnbroker must hold certain property; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill increases the maximum rate of interest a pawnbroker may charge under certain circumstances from 10 percent to **[**~~15~~**]** **13** percent. This bill also decreases the required minimum period of time for which a pawnbroker must hold personal property received in pledge from 120 days to 90 days after the date of pledge.

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

Section 1. NRS 646.050 is hereby amended to read as follows:

646.050 1. A pawnbroker may charge and receive interest at the rate of ~~[~~10~~]~~ ~~*[15]*~~ ***13*** percent a month for money loaned on the security of personal property actually received in pledge, and a person shall not ask or receive a higher rate of interest or discount on any such loan, or on any actual or pretended sale or redemption of personal property. For any loan made, a pawnbroker may make an initial charge of $5 in addition to interest at the authorized rate.

2. All personal property must be held for redemption for at least ~~[~~120~~]~~ ***90*** days after the date of pledge with any pawnbroker.

3. A pawnbroker shall give to the person securing the loan a printed receipt clearly showing the amount loaned and rate of interest, together with a description of the pledged property. The receipt must be marked in such a manner that the amounts of principal and interest paid by the person securing the loan can be clearly designated. Each payment must be entered upon the receipt, and each entry must designate how much of the payment is being credited to principal and how much to interest, with dates of payments shown thereon.

4. A pawnbroker shall not charge more than $3 per day for the storage of a motor vehicle which is collateral for a loan.

Assemblyman Atkinson moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Conklin moved that upon return from the printer, Assembly Bills Nos. 401 and 427 be rereferred to the Committee on Ways and Means.

Motion carried.

Assemblyman Conklin moved that Assembly Bill No. 546 be taken from the General File and rereferred to the Committee on Ways and Means.

Motion carried

Assemblyman Conklin moved that Assembly Bill No. 299 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 12:29 p. m.

ASSEMBLY IN SESSION

At 12:35 p.m.
Mr. Speaker presiding.
Quorum present.

GENERAL FILE AND THIRD READING

Assembly Bill No. 9.
Bill read third time.
Roll call on Assembly Bill No. 9:
YEAS—40.
NAYS—Goedhart, Kite—2.
Assembly Bill No. 9 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 150.
Bill read third time.
Remarks by Assemblyman Bobzien.
Roll call on Assembly Bill No. 150:
Yeas—42.
NAYS—None.
Assembly Bill No. 150 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Assembly Bill No. 181.
Bill read third time.
Remarks by Assemblyman Horne.
Roll call on Assembly Bill No. 181:
YEAS—42.
NAYS—None.
Assembly Bill No. 181 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 215.
Bill read third time.
Roll call on Assembly Bill No. 215:
YEAS—42.
NAYS—None.
Assembly Bill No. 215 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 227.
Bill read third time.

Remarks by Assemblymen Hambrick, Carlton, and Kirkpatrick.

Roll call on Assembly Bill No. 227:

YEAS—40.

NAYS—Carlton, Carrillo—2.

Assembly Bill No. 227 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 267.

Bill read third time.

Remarks by Assemblyman Ohrenschall.

Roll call on Assembly Bill No. 267:

YEAS—25.

NAYS—Ellison, Goedhart, Goicoechea, Grady, Hambrick, Hammond, Hansen, Hardy, Hickey, Kirkpatrick, Kirner, Kite, Livermore, McArthur, Sherwood, Stewart, Woodbury—17.

Assembly Bill No. 267 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 269.

Bill read third time.

Roll call on Assembly Bill No. 269:

YEAS—39.

NAYS—Hardy, Kirner, McArthur—3.

Assembly Bill No. 269 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 292.

Bill read third time.

Remarks by Assemblyman Horne.

Roll call on Assembly Bill No. 292:

YEAS—41.

NAYS—Ohrenschall.

Assembly Bill No. 292 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 318.

Bill read third time.

Remarks by Assemblywoman Mastroluca.

Roll call on Assembly Bill No. 318:

YEAS—26.

NAYS—Ellison, Goedhart, Goicoechea, Grady, Hambrick, Hammond, Hansen, Hardy, Hickey, Kirner, Kite, Livermore, McArthur, Sherwood, Stewart, Woodbury—16.

Assembly Bill No. 318 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 329.

Bill read third time.

Remarks by Assemblymen Goicoechea, Horne and Bobzien.

Roll call on Assembly Bill No. 329:

YEAS—35.

NAYS—Atkinson, Brooks, Carlton, Carrillo, Flores, Horne, Ohrenschall—7.

Assembly Bill No. 329 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Conklin moved that Assembly Bill No. 368 be taken from the General File and placed at the bottom of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 393.

Bill read third time.

Remarks by Assemblywoman Dondero Loop.

Roll call on Assembly Bill No. 393:

YEAS—42.

NAYS—None.

Assembly Bill No. 393 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 398.

Bill read third time.

Remarks by Assemblyman Ohrenschall.

Roll call on Assembly Bill No. 398:

YEAS—42.

NAYS—None.

Assembly Bill No. 398 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 403.

Bill read third time.

Remarks by Assemblywoman Kirkpatrick.

Roll call on Assembly Bill No. 403:

YEAS—26.

NAYS—Ellison, Goedhart, Goicoechea, Grady, Hambrick, Hammond, Hansen, Hardy, Hickey, Kirner, Kite, Livermore, McArthur, Sherwood, Stewart, Woodbury—16.

Assembly Bill No. 403 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 429.
Bill read third time.
Remarks by Assemblymen Ohrenschall and Anderson.
Roll call on Assembly Bill No. 429:
YEAS—26.
NAYS—Ellison, Goedhart, Goicoechea, Grady, Hambrick, Hammond, Hansen, Hardy, Hickey, Kirner, Kite, Livermore, McArthur, Sherwood, Stewart, Woodbury—16.
Assembly Bill No. 429 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Conklin moved that Assembly Bill No. 441 be taken from the General File and placed at the bottom of General File.
Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 455.
Bill read third time.
Remarks by Assemblymen Frierson and Livermore.
Roll call on Assembly Bill No. 455:
YEAS—42.
NAYS—None.
Assembly Bill No. 455 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 477.
Bill read third time.
Remarks by Assemblywoman Kirkpatrick.
Roll call on Assembly Bill No. 477:
YEAS—42.
NAYS—None.
Assembly Bill No. 477 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Assembly Bill No. 535.
Bill read third time.
Roll call on Assembly Bill No. 535:
YEAS—42.
NAYS—None.
Assembly Bill No. 535 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Assembly Bill No. 537.
Bill read third time.

Remarks by Assemblyman Ohrenschall.
Roll call on Assembly Bill No. 537:
YEAS—41.
NAYS—Kite.
Assembly Bill No. 537 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 551.
Bill read third time.
Remarks by Assemblywoman Flores.
Roll call on Assembly Bill No. 551:
YEAS—42.
NAYS—None.
Assembly Bill No. 551 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 1:18 p.m.

ASSEMBLY IN SESSION

At 1:20 p.m.
Mr. Speaker presiding.
Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Conklin moved that Assembly Bills Nos. 368 and 441 be taken from the General File and placed on the General File for the next legislative day.
Motion carried.

Assemblyman Conklin moved that the Assembly recess until 4:45 p.m..
Motion carried.

Assembly in recess at 1:24 p.m.

ASSEMBLY IN SESSION

At 4:57 p.m.
Mr. Speaker presiding.
Quorum present.

Mr. Speaker appointed Assemblymen Frierson and Kirner as a committee to invite the Senate to meet in Joint Session with the Assembly to hear an address by United States Representative Shelley Berkley.

The members of the Senate appeared before the Bar of the Assembly.

Mr. Speaker invited the Members of the Senate to chairs in the Assembly.

IN JOINT SESSION

At 5:06 p.m.
Mr. Speaker presiding.

The Secretary of the Senate called the Senate roll.
All present except Senator Schneider, who was excused.

The Chief Clerk of the Assembly called the Assembly roll.
All present.

Mr. Speaker appointed a Committee on Escort consisting of Senator Horsford and Assemblywoman Smith to wait upon Representative Berkley and escort her to the Assembly Chamber.

The Committee on Escort in company with The Honorable Shelley Berkley, United States Representative from Nevada, appeared before the Bar of the Assembly.

The Committee on Escort escorted the Representative to the rostrum.

Mr. Speaker welcomed Representative Berkley and invited her to deliver her message.

Shelley Berkley, United States Representative, delivered her message as follows:

MESSAGE TO THE LEGISLATURE OF NEVADA
SEVENTY-SIXTH SESSION, 2011

Speaker Oceguera, Majority Leader Horsford, Speaker pro Tempore Smith, Minority Leader Goicoechea, and Minority Leader Mike McGinness. I thank you very much for giving me the opportunity to speak with you this evening. I know that you are very, very busy right now, and taking time out of your very busy schedules to listen to me is greatly appreciated. I know we have this wonderful tradition of your federal officials coming, one at a time, and speaking to our Legislature. I think it is a lovely tradition, and I hope it continues for many, many years into the future.

I want to acknowledge the guests, in addition to the assemblymen and state senators, that are here today. I want to particularly thank the members of our judiciary for coming over to the Legislative Branch and, of course, the constitutional officers. You honor me with your presence tonight. I thank you very much. I would be remiss if I did not personally thank the Governor for taking time from his busy schedule to be here. I appreciate the courtesy very, very much.

Before I begin my remarks, I think it would be very appropriate to acknowledge the men and women from Nevada that are serving in our Armed Forces overseas. I don't believe in a moment of silence or a prayer at this time because everybody acknowledges our fighting men and women in their own way. But I think it is important that the leaders of this great state, since we are here together, acknowledge the extraordinary work that our Armed Forces do every day for the rest of us.

I also would be remiss if I didn't acknowledge the passing of President Glick. It is a most unfortunate loss, not only for UNR, but for higher education, education in general, and for the entire state of Nevada. He will be sorely missed, and I am very sorry that he is gone.

I have been your representative in Congress for 13 years now. I first spoke with you as a member of Congress 13 years ago. It has been 28 years since I served as an assemblywoman in this body. I sat right over there where Ms. Flores is sitting, and I had my seven-month-old son Max with me. Now, like most people, I tell time by the birth of my children and their ages. Max is now 28 years old, and we are waiting for word that he passed the bar, ladies and gentlemen of the judiciary. I am most anxious to get him off my payroll and on to someone else's.

Because I am a colleague in fashion, because we are all public servants here, and because I have served in this body, I fully appreciate and respect the work that you are doing. These are not easy times, and you are doing amazing work in a very, very short period of time. I understand the challenges that are facing all of us throughout our nation, and particularly here in our beloved state of Nevada.

We have the highest unemployment rate in the country. We have the highest mortgage foreclosure rate in the country. People who never missed a day of work have lost their jobs. People that have never missed a monthly mortgage payment are losing their homes. They are looking to us for help or suggestions or solutions, and as public officials and leaders of this state and this nation, it is our obligation to do exactly that.

For me, the single most important issue right now is jobs, jobs, jobs. There is nothing more important than getting our economy moving and getting our fellow citizens back to work. We need to get our fiscal house in order, and we need to prepare for our nation's future.

There are three issues, in my mind, that are essential to accomplishing these goals: education, infrastructure, energy independence. I would like to spend a couple of minutes on each of those items, if I may.

Education—most of the people in this room know me well, but for those that don't, let me tell you of my own history. My father has a ninth grade education; my mother graduated high school. But in our family, they knew that the difference between success and failure was that their children got a good education. When I was growing up, my parents didn't care if I was pretty or popular—I would like to think I was both—but they cared that I got good grades. I'm the first person in my family to go to college, and if it wasn't for the university and community college system here in this great state, I guarantee that I wouldn't be standing here in front of you today. I know that my story is not dissimilar to so many people sitting here as well. I see so many of us that either graduated from UNLV, UNR, the community college system, or at the very least took classes at one of our community colleges.

Our Nevada children are no longer competing with students from Missouri and Minnesota and Montana. Our children are competing with the Indians and children from China, who are investing in their future by investing billions of dollars in their education system. Low taxes, which we are very proud of in this state; good weather; and good location in the western United States are no longer enough to attract industry and new business to our state.

If we are going to diversify our economy, which we must—we've been talking about it for 30 years—if we are going to do that, we have to invest in ourselves. Businesses coming to Nevada need and want a well-educated and well-trained workforce. They are not going to come here if we don't deliver that. That is why I fought drastic cuts in Pell Grants and in job training programs. I couldn't have gotten through college without grants and scholarships and working on the side, and I suspect that many of the students that go to our universities and community colleges are in the same position today that I was when I was growing up. To take Pell Grants away from students that have all the right abilities to get a good education and make something of themselves, I think, would be a terrible mistake for this country.

Now I am very careful not to criticize the people in this room. I know you spent hours last night—just last night alone—and many, many hours and days and weeks discussing these issues. But in my mind, gutting our education system is shortchanging our children, and almost as important as that, it is undermining our ability to diversify our economy. If we are going to climb our way out of this economic mess that has not only taken over the state of Nevada in a disproportionately harsh way but the entire country, we are going to need to figure out new ways of doing things.

If I could for a moment wax poetic, our very democracy depends on a well-educated electorate making informed decisions at the ballot box. That well-educated electorate starts with

our classrooms, and those classrooms start with adequate funding so that our kids can get the best possible education this state can have.

Infrastructure—this nation has an aging and crumbling infrastructure. It was no accident that the levies didn't hold in New Orleans. It was no accident that the bridge collapsed in Minnesota. It was a catastrophic loss of life, and billions and billions of taxpayers' dollars went down the drain and are now being used to fix these infrastructure projects. We are either going to pay now or we are going to pay later, but if we pay now, we actually create an infrastructure that will take this country through the twenty-first century, and we will have something to show for it at the end. In addition to new roads and bridges and dams and levies throughout the United States and here in the state of Nevada, we will also be creating jobs—good paying construction jobs—hundreds of thousands of them so we can get our people back to work. That is the importance of infrastructure.

Renewable energy—we must end our dependence on foreign oil, and there are three reasons why we have to do this. It is an economic necessity. It is an environmental necessity. It is a national security imperative. Nevada has an abundance of sun and wind and geothermal. We could be the epicenter of renewable energy production. We could be a net exporter to the rest of the western United States if we invest our dollars in renewable energy. I believe we can create an entire green economy based on green jobs.

Prior to me serving here in the Nevada Legislature, I was in-house counsel at Southwest Gas Corporation. I know a little bit—a little bit—about energy. We have to diversify our energy options. I am not foolish enough to suggest that we will never be dependent on oil, but certainly we can harness the sun and wind and geothermal to be part of a more diverse energy portfolio.

So when Congress voted to end loan guarantees for solar power projects, I voted no. And the reason I voted no to end these loan guarantees is because it is bad for Nevada. Our state is home to some of the biggest solar energy projects in the United States. If we end these loan guarantees in Washington, the Tonopah solar project, which is just about to get started, will come to a screeching halt. What does that do? Not only don't we create the solar energy that we could use, but we are also going to be losing 600 jobs. The state of Nevada can't afford to lose one job right now. The idea that we would be losing 600 jobs would be an anathema to me, and that is why I voted against ending that loan guarantee program for solar projects. We need it here in the state of Nevada; it is important for our future.

The Department of Energy is working with private energy companies to develop a battery-powered car that can go 300 miles without a charge. They are being tested and being manufactured right here in the United States. If we pull the plug on research and development funding, they are not going to be tested and they are not going to be manufactured here. Now we keep talking about expanding our manufacturing base. We don't manufacture enough things here in the United States. This is tailor made for us, and I guarantee if we end those research and development dollars—if we take away the funding—that these projects are going to maybe dry up here in the United States. I bet dollars to doughnuts the Chinese and the Koreans are going to develop these batteries. And you know what? We are going to be buying these batteries from them. We shouldn't have to do that. Let's keep these research and development dollars.

The owners of a Nevada company that sells and installs energy-efficient products like solar screens and insulation for water heaters came to my office recently. This is what they told me. They said that their business is going gangbusters. They are selling a lot of product, and they are hiring a lot people. But if we end the tax credits for consumers—for people like you and me that want to put solar screens on our windows so that we lower the cost of energy in our homes or if we want to wrap our heating elements and save hundreds of dollars on a monthly basis—if we end those tax credits, their business is going to dry up. They are going to have to close, and they are going to have to lay off all of these workers that they hired. This is the future and this is the future of our state. That is why I fight so hard to keep these tax credits, to make sure that these projects are built, and to make sure that consumers can lower the cost of their monthly energy bills and keep these businesses local and keep them open. That is why I think it is so important for us to do that.

Energy independence, in my mind, is a national security imperative. It is incomprehensible to me that a super power like the United States of America is so dependent on the Saudis and the Venezuelans and the Nigerians to have our energy needs met. These countries are not our

friends. They do not wish us well, and the longer we remain dependent on the Saudis and the Venezuelans and the Nigerians—and so many other countries that are dictatorial terrorist regimes that happen to be sitting on a lot of oil—the worse off this nation is going to be. The sooner we become energy independent—as soon as we harness the sun, wind, geothermal, biomass, and so many other possibilities that we have now—the sooner our children aren't going to have to be holding hands with the Saudi royal family pretending they are friends when the reality is they are the biggest exporters of terrorism and the biggest financers of terrorism on the planet. We are so desperate for that oil that we pretend they are our friends and allies. Shame on us. Let's start moving toward energy independence.

There are a number of issues that we are addressing in our nation's capital, and I would like to share some of them with you. There is a movement afoot to restart Yucca Mountain. If anybody in this room doesn't know what that means, I will refresh your memory. That means shipping a minimum of 77,000 tons of radioactive, toxic nuclear waste that has a radioactive shelf life of approximately 300 years across 43 states to be buried in a hole in the Nevada desert where we have groundwater issues, seismic activity, and volcanic activity. Now, that cost of reopening Yucca Mountain and using it as a national repository when we can and we do have an alternative of dry cast storage onsite so it doesn't have to be moved and it is perfectly safe where it is—the very cost of that is $100 billion. I would suggest to the people in Washington—and we all are interested in lowering our deficit—but if you want to seriously lower the deficit, let's save $100 billion right off the bat and end Yucca Mountain once and for all.

Medicare—the House passed a bill that I voted against that would end Medicare and replace it with a voucher system. Our most vulnerable citizens would be required to purchase insurance from a private insurance company. What would that mean? Our seniors would be dependent on the whims of the insurance companies. How many among us reach the age of 65 without a preexisting condition? What insurance company is going to insure a senior citizen that has a preexisting condition? And what happens when that voucher outpaces the cost of their health care? Do they remove themselves from their dialysis machine and go quietly away to die?

The estimated cost per senior of moving to a voucher system is $6,000 a year for that senior. A third of the seniors that we collectively represent in this state—a third of them—are on a fixed income, which means the only income they have is their social security check. From that check, they pay their rent, they pay for their medication, they pay their energy bills and for their food. Where are they going to get $6,000 to pay for additional health care costs? The health and well-being of our seniors cannot and should not be a partisan issue. It doesn't matter if we are Republicans or Democrats or Independents; we are all getting old, and we are all going to get sick. What we need to do is fix, not destroy, this nation's Medicare system.

The Ryan budget that I just voted against reopened the doughnut hole. For those of you who don't know, we are trying to make prescription medication affordable for our seniors. If the doughnut hole is reopened, if that legislation becomes law today, 26,000 of our Nevada seniors will pay more for their prescription medication just on day one. That number will increase as time goes on. Why would we want to do this to our senior citizens? Are we really that anxious to balance our budget on the backs of the most vulnerable among us? I don't think so. I don't think anybody here in this room would want to do that.

Social security—I believe we have to protect social security, not privatize it. We have so many of our seniors that depend on it, and frankly, I am not about to entrust Wall Street with our seniors' retirement savings so that they can do to social security what they did to the housing market and bring this nation to the brink of financial disaster. I am not going to do it.

Medicaid—I voted against block granting Medicaid funds to the states. Nevada is already facing a huge shortfall in our budget. This proposal could possibly slash $6.9 billion in health benefits over the next ten years. If that happens, we would be forced to remove 136 Nevadans from our Medicaid rolls, and we would be closing our nursing homes. That is unacceptable, and I suspect it is unacceptable to everybody in this room.

Veterans—I am the daughter of a World War II veteran. I am the wife of a Vietnam-era veteran. My father served in the Navy. My husband served nine and a half years in the Army. We have a responsibility and an obligation to those that sacrifice much on behalf of the rest of us. A very small percentage of our fellow citizens stand up and answer the call. For those that do, I think when they return, we have an obligation to provide the services—health services,

education services, housing services—that we promised them when they left. When they come back, those things need to be assured—that we are there for them as they were there for us.

I could never support legislation that cuts the housing voucher program for our homeless vets. Six hundred Nevada veterans are off the streets and living in housing because they qualified for a housing voucher from the VA. I will not cut that program. There are hundreds more of our fellow Nevadans on the streets tonight that should not be, and we need to fund those programs, not eliminate them. It is that important.

Our veterans wait for much, but what they won't be waiting for much longer is the VA medical complex that is being built in North Las Vegas. It is one of the first new constructions of a VA facility in the United States of America. It is on 147 acres; three buildings, a full service hospital, a long-term care facility, and an outpatient clinic. The VA will be hiring, or is in the process of hiring, a thousand employees to staff those three facilities. It is on time, it is on budget, and in the year 2006, it was the single largest earmark in our federal budget. And no, I am not giving it back.

My friends and colleagues, we have been through a lot together. There are people in this room that I have known for a better part of my life, others that I have admired from afar, others that I worked very closely with, and I have the highest regard for everybody serving, particularly at this most challenging time.

Our nation is facing many challenges. This state certainly is. But I believe our best years are ahead of us. There is no doubt in my mind about that. But the challenge is how do we get from here to there, and this is how I think we should do it: by investing in our future; by empowering the middle class by getting people back to work; by keeping our promises to our seniors and our veterans and our children and getting our fiscal house in order; by harnessing technology and the entrepreneurial spirit that has marked the United States of America, particularly an amazing state in the middle of nowhere—the state of Nevada. If we do these simple things, we will remind ourselves and show the world why the United States is the great nation that we are and that we intend to remain a super power and the great nation that we are and a light on to the other nations for many, many, many generations to come.

I thank each and every one of you for your friendship and your service to the people of the state of Nevada. It is a privilege for me to serve, and it is a privilege for me to speak with you this evening. Thank you very much.

Senator Kihuen moved that the Senate and Assembly in Joint Session extend a vote of thanks to Representative Berkley for her timely, able, and constructive message.

Seconded by Assemblywoman Benitez-Thompson.

Motion carried unanimously.

The Committee on Escort escorted Representative Berkley to the Bar of the Assembly.

Senator Halseth moved that the Joint Session be dissolved.

Seconded by Assemblyman Kite.

Motion carried.

Joint Session dissolved at 5:31 p.m.

ASSEMBLY IN SESSION

At 5:33 a.m.

Madam Speaker presiding.

Quorum present.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bill No. 565.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Carlton, the privilege of the floor of the Assembly Chamber for this day was extended to Will Foley.

On request of Assemblyman Conklin, the privilege of the floor of the Assembly Chamber for this day was extended to Juanita Oard and the following students and chaperones from Liberty Baptist Academy: Kimberly Crawford, Michelle Crawford, Bryan Crawford, Milah Sarmiento, Johnna Gutierrez, Lilyana Rosales, Jacqueline Haigh, Karisa Gonzales, Angel Williams, Djimon Osuigwe, Miche'le Osuigwe, Chrissy Webb, Thomas Webb, Berlyn Webb, Tierra Webb, Brendan Webb, Stephanie Webb, Marissa Webb, Akili Porter, Dominic Ramirez, Gabriel Wells, Alec Wells, and Jonathan Mahlum.

On request of Assemblywoman Flores, the privilege of the floor of the Assembly Chamber for this day was extended to Ivet Santiago.

On request of Assemblyman Grady, the privilege of the floor of the Assembly Chamber for this day was extended to the following students and chaperones from Riverview Elementary School: Denali Casarez, Megan Clark, Savannah Clark, Alana Cuddeback, Katherine Darragh, Michelle Dawes, Grace Edison, Ashley Gonsalves, Daniel Gonzales, Jocelyn Hurtado, Matthew McGifford, Jordan Meshberger, Thomas Miller, Aidyn Ohl, Sarah Patterson Robledo, Bryce Ramirez, Jayson Ramos, Noah Ramos, Chance Schlachta, Justin Schmidt, Tyler Soto, Jesse Tschetter, Felicia Villa, Bion Wells, Marco Yanez Meza, Jose Montanez, Zach Hutchinson, Camille Armstrong, Joshua Arnett, Adam Burrows, Alondra Castaneda Ledesma, Steven Cibrian, Sada Cornwell, Jacob Evans, Madsen Evans, Kaylee Fletcher, Delaney Frusteri, Dane Hamblin, Nathaniel Harrison, Meghan Jones, Jason Logan, Jessi Matlock, Kendrick Mcllvaine, Alyssa Medeiros, Elisio Medina, Jennifer Miller, Robert Olivera, Caleigh Onstott, Miah Perry, Isaiah Ramos, Celeste Roberts, Samantha Sharpe, Alejandro Vega Blanco, Brendan Vlaminck, Juan Ashmore; and the following students and chaperones from Fernley High School: Tyler Artrup, Latisha Ashe, Antonio Bennett, Nicholas Collins, Blake Gane, Jacqueline Herzig, Lindsay Llumin, Guadalupe Ortega-Flores, Bryce Pasco, Brittany Penner, Dylan Salisbury, Molinda Shipley, Brenda Arriaga, Timothy Jones, Adam Madison, Brittany Neese, Paige Touchstone, Danielle Warmer, Cody Willis, Estrella Bachtle, Kyla Rotton, Michaella Fulenwider, Cody Geil-Crader,

Sharlene Hazen, Shannon Ward, Jessica Kinsey, Jerome Kleve, Casey Scheller, and Rebecca Miller.

On request of Assemblyman Hammond, the privilege of the floor of the Assembly Chamber for this day was extended to Tomas Hammond and Ann Moody.

On request of Assemblyman Hardy, the privilege of the floor of the Assembly Chamber for this day was extended to Deanna Zalewski and Katie Bowen.

On request of Assemblywoman Mastroluca, the privilege of the floor of the Assembly Chamber for this day was extended to Gina Robison-Billups.

On request of Assemblyman Stewart, the privilege of the floor of the Assembly Chamber for this day was extended to Torrey Barber, Nels Brown, and Bridget Zick.

On request of Assemblywoman Woodbury, the privilege of the floor of the Assembly Chamber for this day was extended to Kae Pohe.

Assemblyman Conklin moved that the Assembly adjourn until Friday, April 22, 2011, at 11 a.m., and that it do so in memory of Eric Kvam with our thoughts and prayers to Jean and Bob Kvam and the rest of her family.

Motion carried.

Assembly adjourned at 5:40 p.m.

Approved: JOHN OCEGUERA
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE SEVENTY-FIFTH DAY

CARSON CITY (Friday), April 22, 2011

Assembly called to order at 11:45 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Pastor Gary Gryte.

Our Heavenly Father, we ask Your presence with us today. May we make You proud of the way we, Your creatures, treat each other. Give us, please, of Your Spirit to know just how to say things and to do them. Bless us with Your warmth, and love, as we thank You in the name of Jesus.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Conklin moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which were referred Assembly Bills Nos. 31, 274, 352, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

KELVIN ATKINSON, *Chair*

Mr. Speaker:

Your Committee on Education, to which was referred Assembly Bill No. 171, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DAVID P. BOBZIEN, *Chair*

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Assembly Bills Nos. 37, 42, 73, 130, 145, 146, 198, 228, 238, 330, 400, 413, 454, 472, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Government Affairs, to which were referred Assembly Bills Nos. 410, 544, 545, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MARILYN K. KIRKPATRICK, *Chair*

Mr. Speaker:

Your Concurrent Committee on Government Affairs, to which was referred Assembly Bill No. 474, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MARILYN K. KIRKPATRICK, *Chair*

Mr. Speaker:

Your Committee on Health and Human Services, to which were referred Assembly Bills Nos. 29, 110, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Health and Human Services, to which was referred Assembly Bill No. 362, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Health and Human Services, to which was referred Assembly Bill No. 316, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended and rerefer to the Committee on Ways and Means.

APRIL MASTROLUCA, *Chair*

Mr. Speaker:

Your Committee on Judiciary, to which was referred Assembly Bill No. 244, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Judiciary, to which were referred Assembly Bills Nos. 57, 128, 282, 408, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Judiciary, to which were referred Assembly Bills Nos. 226, 294, 552, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Judiciary, to which were referred Assembly Bills Nos. 246, 317, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Judiciary, to which was referred Senate Bill No. 86, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

WILLIAM C. HORNE, *Chair*

Mr. Speaker:

Your Committee on Legislative Operations and Elections, to which were referred Assembly Bills Nos. 260, 501, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

TICK SEGERBLOM, *Chair*

Mr. *Speaker:*

Your Committee on Taxation, to which was referred Assembly Bill No. 46, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MARILYN K. KIRKPATRICK, *Chair*

Mr. Speaker:

Your Committee on Transportation, to which were referred Assembly Bills Nos. 328, 384, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MARILYN DONDERO LOOP, *Chair*

MOTIONS, RESOLUTIONS AND NOTICES

NOTICE OF EXEMPTION

April 20, 2011

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Senate Bill No. 347.

MARK KRMPOTIC
Fiscal Analysis Division

April 22, 2011

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Assembly Bill No. 279.

RICK COMBS
Fiscal Analysis Division

Assemblyman Conklin moved that Assembly Bills Nos. 29, 31, 37, 42, 46, 57, 73, 110, 128, 130, 145, 146, 171, 198, 226, 228, 238, 244, 246, 260, 274, 282, 294, 316, 317, 328, 330, 352, 362, 384, 400, 408, 410, 413, 454, 472, 474, 501, 544, 545, 552; Senate Bill No. 86, just reported out of committee, be placed on the Second Reading File.

Motion carried.

Assemblyman Conklin moved that Assembly Bills Nos. 114, 255, 259, 279, 300, and 466 be taken from the General File and rereferred to the Committee on Ways and Means.

Motion carried..

Assemblyman Conklin moved that Assembly Bill No. 350 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

Assemblyman Conklin moved that Assembly Bill No. 78 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

Assemblyman Conklin moved that Assembly Bill No. 29 be taken from the Second Reading File and placed on the Chief Clerk's desk.

Motion carried.

Assemblyman Conklin moved that Assembly Bill No. 237 be taken from the Chief Clerk's desk and placed at the bottom of the General File.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 31.

Bill read second time.

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

Amendment No. 443.

AN ACT relating to contractors; revising an exemption for certain repairs or maintenance of property from the provisions governing contractors; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the licensing and regulation of contractors by the State Contractors' Board (chapter 624 of NRS) and imposes criminal and civil penalties for engaging in the business or acting in the capacity of a contractor without having an active contractor's license. (NRS 624.710, 624.750) Existing law also sets forth exemptions from the provisions of chapter 624 of NRS, including an exemption that applies under certain circumstances for work to repair or maintain property the value of which is less than $1,000, including labor and materials. (NRS 624.031) This bill ~~[reduces]~~ **revises** that exemption by making it applicable for work to repair or maintain property the value of which is less than ~~[$500,]~~ **$1,000,** including labor and materials ~~[.]~~ **, aggregated for all work performed for a person and any member of his or her immediate family in the immediately preceding 12 months.**

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

Section 1. NRS 624.031 is hereby amended to read as follows:

624.031 The provisions of this chapter do not apply to:

1. Work performed exclusively by an authorized representative of the United States Government, the State of Nevada, or an incorporated city, county, irrigation district, reclamation district, or other municipal or political corporation or subdivision of this State.

2. An officer of a court when acting within the scope of his or her office.

3. Work performed exclusively by a public utility operating pursuant to the regulations of the Public Utilities Commission of Nevada on construction, maintenance and development work incidental to its business.

4. An owner of property who is building or improving a residential structure on the property for his or her own occupancy and not intended for sale or lease. The sale or lease, or the offering for sale or lease, of the newly built structure within 1 year after its completion creates a rebuttable presumption for the purposes of this section that the building of the structure was performed with the intent to sell or lease that structure. An owner of property who requests an exemption pursuant to this subsection must apply to the Board for the exemption. The Board shall adopt regulations setting forth the requirements for granting the exemption.

5. Any work to repair or maintain property the value of which is less than $1,000, ~~*[$500,]*~~ including labor and materials, ***aggregated for all work performed for a person and any member of his or her immediate family in the immediately preceding 12 months,*** unless:

(a) A building permit is required to perform the work;

(b) The work is of a type performed by a plumbing, electrical, refrigeration, heating or air-conditioning contractor;

(c) The work is of a type performed by a contractor licensed in a classification prescribed by the Board that significantly affects the health, safety and welfare of members of the general public;

(d) The work is performed as a part of a larger project:

(1) The value of which is $500 or more; or

(2) For which contracts of less than $500 have been awarded to evade the provisions of this chapter; or

(e) The work is performed by a person who is licensed pursuant to this chapter or by an employee of that person.

6. The sale or installation of any finished product, material or article of merchandise which is not fabricated into and does not become a permanent fixed part of the structure.

7. The construction, alteration, improvement or repair of personal property.

8. The construction, alteration, improvement or repair financed in whole or in part by the Federal Government and conducted within the limits and boundaries of a site or reservation, the title of which rests in the Federal Government.

9. An owner of property, the primary use of which is as an agricultural or farming enterprise, building or improving a structure on the property for his or her use or occupancy and not intended for sale or lease.

10. Construction oversight services provided to a long-term recovery group by a qualified person within a particular geographic area that is described in a proclamation of a state of emergency or declaration of disaster by the State or Federal Government, including, without limitation, pursuant to NRS 414.070. A long-term recovery group may reimburse such reasonable expenses as the qualified person incurs in providing construction oversight services to that group. Except as otherwise provided in this subsection, nothing in this subsection authorizes a person who is not a licensed contractor to perform the acts described in paragraphs (a) and (b) of subsection 1 of NRS 624.700. As used in this subsection:

(a) "Construction oversight services" means the coordination and oversight of labor by volunteers.

(b) "Long-term recovery group" means a formal group of volunteers coordinating response and recovery efforts related to a state of emergency or disaster that is proclaimed or declared by the State or Federal Government.

(c) "Qualified person" means a person who possesses the abilities, education, experience, knowledge, skills and training that a long-term recovery group has identified as being necessary to provide construction oversight services for a project to be performed by that group.

Assemblyman Atkinson moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 37.

Bill read second time.

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

Amendment No. 57.

AN ACT relating to State Government; deleting the provisions that require the offices of all state officers, departments, boards, commissions and agencies to remain open during a certain period; **requiring such offices to post their days and hours of operation; requiring advance notice of any change in days or hours of operation;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the offices of all state officers, departments, boards, commissions and agencies are required to be open for business at least from 8 a.m. to 12 p.m. and from 1 p.m. to 5 p.m. every day except Saturdays, Sundays and legal holidays, unless otherwise required for the efficient transaction of business and the convenience of the persons with whom business is transacted. Any of those offices that are staffed by more than one person are also required to remain open during the noon hour of each working day. (NRS 281.110) **Sections 1-6** of this bill delete the requirement that those offices remain open during those hours. **Section 1 requires additionally that the days and hours of operation of the office be posted at the office. Section 1 further provides that, if the days or hours of operation of the office change, the new days and hours of operation must be, at least 30 days before the change becomes effective: (1) posted at the office; (2) posted on the website of the office, if any; or (3) otherwise noticed publicly.**

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

Section 1. NRS 281.110 is hereby amended to read as follows:

281.110 1. ~~[Unless required for the efficient transaction of business and the convenience of the persons with whom business is transacted, the]~~ ***The*** offices of all state officers, departments, boards, commissions and agencies must ~~[:~~

~~(a) Maintain]~~ ***maintain*** not less than a 40-hour workweek.

~~[(b) Be open for the transaction of business at least from 8 a.m. until 12 p.m. and from 1 p.m. until 5 p.m. every day of the year, with the exception of Saturdays, Sundays and legal holidays.]~~

2. Variable workweek scheduling may be required in those agencies where coverage is needed on Saturdays, Sundays and legal holidays or on other days or during other hours, as necessary.

3. The offices of all state officers, departments, boards, commissions and agencies ~~[that are open on the days and during the hours set forth in paragraph (b) of subsection 1 must remain open during the noon hour of each~~

~~working day if any such office has more than one person on its staff.~~**]** ***must physically post the days and hours of operation at the office. If the days or hours of operation for the office change, the new days and hours of operation must be:***

(a) Posted physically at the office;

(b) Posted on the website of the office, if any; or

(c) Otherwise noticed publicly,

↪ at least 30 days before the change becomes effective.

Sec. 2. NRS 321.030 is hereby amended to read as follows:

321.030 The State Land Registrar shall keep an office at the seat of government **.** ~~**[**, which office must be open for the transaction of business on the days and during the hours established pursuant to NRS 281.110.**]**~~

Sec. 3. NRS 360.070 is hereby amended to read as follows:

360.070 The Nevada Tax Commission shall ~~**[**:~~

~~1. Keep**]**~~ ***keep*** its office at Carson City **.** ~~**[**, Nevada; and~~

~~2. Be in general session and open for the transaction of business during the usual hours and days in which public offices are kept open.**]**~~

Sec. 4. NRS 532.070 is hereby amended to read as follows:

532.070 ~~**[**1.**]**~~ The State Engineer shall keep his or her office at the State Capital.

~~**[**2. The State Engineer shall keep his or her office open to the public on the days and during the hours established pursuant to NRS 281.110.**]**~~

Sec. 5. NRS 607.040 is hereby amended to read as follows:

607.040 ~~**[**1.**]**~~ The Labor Commissioner must be provided with properly furnished offices at the capital in Carson City, Nevada.

~~**[**2. The offices of the Labor Commissioner must be open for business during the hours and on the days established pursuant to NRS 281.110.**]**~~

Sec. 6. Section 2 of chapter 169, Statutes of Nevada 2009, at page 617, is hereby amended to read as follows:

Sec. 2. This act becomes effective on July 1, 2009 **.** ~~**[**, and expires by limitation on June 30, 2011.**]**~~

Sec. 7. 1. This section and section 6 of this act become effective upon passage and approval.

2. Sections 1 to 5, inclusive, of this act become effective on July 1, 2011.

Assemblywoman Bustamonte Adams moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 42.

Bill read second time.

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

Amendment No. 58.

SUMMARY—Authorizes a county to ~~[dispose of]~~ **lease** certain real property acquired from the Federal Government in certain circumstances without obtaining an appraisal. (BDR 20-187)

AN ACT relating to counties; authorizing a county to ~~[sell,]~~ lease ~~[or otherwise dispose of]~~ certain real property acquired directly from the Federal Government in certain circumstances without obtaining an appraisal; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, a board of county commissioners is authorized to sell, lease or otherwise dispose of real property owned by the county for the purposes of redevelopment or economic development without first offering the real property to the public and for less than its fair market value if the board: (1) obtains an appraisal of the real property; and (2) adopts a resolution finding that it is in the best interest of the public to sell, lease or otherwise dispose of the real property on those terms. (NRS 244.2815) **Section 2** of this bill ~~[creates an exception to the requirement for]~~ **authorizes the board of county commissioners of a county whose population is less than 45,000 (currently Churchill, Esmeralda, Eureka, Humboldt, Lander, Lincoln, Mineral, Nye, Pershing, Storey and White Pine Counties) to lease real property without** obtaining an appraisal if: (1) the real property was acquired by the county from the Federal Government; and (2) the terms and conditions under which the real property was acquired ~~[restrict]~~ **prohibit** the ~~[use or]~~ sale of the real property ~~[.]~~ **and provide for the reversion of the title to the real property to the Federal Government upon its demand. The board is required to comply with all other requirements of existing law applicable to such a lease, including the requirement for the adoption of a resolution that the lease is in the best interest of the public.**

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

Section 1. NRS 244.2795 is hereby amended to read as follows:

244.2795 1. Except as otherwise provided in NRS 244.189, 244.276, 244.279, ***244.2815,*** 244.2825, 244.2835, 244.284, 244.287, 244.290, 278.479 to 278.4965, inclusive, and subsection 3 of NRS 496.080, except as otherwise required by federal law, except as otherwise required pursuant to a cooperative agreement entered into pursuant to NRS 277.050 or 277.053 or an interlocal agreement in existence on or before October 1, 2004, except if the board of county commissioners is entering into a joint development agreement for real property owned by the county to which the board of county commissioners is a party, except for a lease of residential property with a term of 1 year or less, except for the sale or lease of real property to a public utility, as defined in NRS 704.020, to be used for a public purpose, except for the sale or lease of real property to the State or another governmental entity and except for the sale or lease of real property larger

than 1 acre which is approved by the voters at a primary or general election or special election, the board of county commissioners shall, when offering any real property for sale or lease:

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

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

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

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

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

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

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

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

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

(a) The sale or lease is void; and

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

Sec. 2. NRS 244.2815 is hereby amended to read as follows:

244.2815 1. A board of county commissioners may sell, lease or otherwise dispose of real property for the purposes of redevelopment or economic development:

(a) Without first offering the real property to the public; and

(b) For less than fair market value of the real property.

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

(a) ~~[Obtain]~~ ***Except as otherwise provided in subsection 3, obtain*** an appraisal of the real property pursuant to NRS 244.2795 ; ~~[unless:~~

~~*(1) The real property was acquired by the county directly from the Federal Government; and*~~

~~*(2) The terms and conditions under which the real property was acquired restrict the use or sale of the real property;]~~ and

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

(1) Without offering the real property to the public; and

(2) For less than fair market value of the real property.

3. ***The board of county commissioners of a county whose population is less than 45,000 may lease real property pursuant to this section without obtaining the appraisal otherwise required pursuant to subsection 2 if:***

(a) The real property was acquired by the county directly from the Federal Government; and

(b) The terms and conditions under which the real property was acquired prohibit the sale of the real property and provide for the reversion of the title to the real property to the Federal Government upon demand by the Federal Government.

4. As used in this section:

(a) "Economic development" means:

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

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

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

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

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

➥ to create and retain opportunities of employment for the residents of the county.

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

Sec. 3. NRS 244.2825 is hereby amended to read as follows:

244.2825 1. ~~[A]~~ ***Unless the provisions of NRS 244.2815 apply, a*** board of county commissioners may transfer real property which was acquired by the county directly from the Federal Government to a person without complying with the provisions of NRS 244.281 if the board of county commissioners determines that:

(a) The property is part of an original mining townsite;

(b) The person and the person's predecessors in interest, if any, have continuously claimed, possessed and occupied such property for at least the 25 years immediately preceding the date of the transfer;

(c) The person's claim of right to possession of the property is based upon a written instrument issued to the person or the person's predecessors in interest by a person who claimed a right to possess the property; and

(d) The person or the person's predecessors in interest have paid all taxes that have been assessed against the property for the period during which the person and the person's predecessors in interest have claimed, possessed and occupied the property.

2. The ~~*[Unless the provisions of NRS 244.2815 apply, the]*~~ board of county commissioners may sell real property which was acquired by the county directly from the Federal Government to a person without complying with the provisions of NRS 244.281 if the board of county commissioners determines that the requirements set forth in paragraphs (a) and (b) of subsection 1 apply to the property. To establish a price for a sale pursuant to this subsection, a board of county commissioners shall obtain an appraisal of the property from a person who is certified to appraise real estate pursuant to chapter 645C of NRS. The price of property sold pursuant to this subsection must be equal to the sum of the appraised value of the property plus the greater of:

(a) One hundred dollars; or

(b) The balance of the state, county and municipal taxes that are due and owing on the land for the 5 years immediately preceding the date of the sale.

3. For purposes of this section, a person shall be deemed to have continuously possessed and occupied real property if during the time the person claims that the person and the person's predecessors in interest, if any, have possessed and occupied the real property, the real property has been:

(a) Usually inhabited, cultivated or improved by the person or the person's predecessors in interest;

(b) Protected by a substantial enclosure erected by the person or the person's predecessors in interest; or

(c) Used by the person or the person's predecessors in interest for the production of fuel, timber, ore or minerals, for husbandry or pasturage or for any other habitual use that the board of county commissioners determines to be indicative of possession and occupancy.

4. Before submitting documents to the county recorder to record a transfer or sale of property to a person pursuant to this section, the board of county commissioners shall:

(a) Charge and collect from the person to whom the real property is being transferred or sold a payment in an amount equal to the sum of:

(1) If applicable, the sales price determined pursuant to subsection 2; and

(2) The total cost to the county of:

(I) Acquiring the property from the Federal Government; and

(II) Conveying the property to the person; and

(b) Submit the money collected pursuant to this section to the county treasurer.

5. As used in this section, "original mining townsite" means real property owned by the Federal Government upon which improvements were made:

(a) Because a mining operation was located near the property; and

(b) Based upon the belief that:

(1) The property had been or would be acquired from the Federal Government by the entity that operated the mine; or

(2) The person who made the improvement had a valid claim for acquiring the property from the Federal Government.

Sec. 4. This act becomes effective upon passage and approval.

Assemblywoman Bustamante Adams moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 46.

Bill read second time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 70.

AN ACT relating to taxation; clarifying the inapplicability of certain partial abatements of property taxes to various assessments relating to the adjudication of water rights and management of water resources; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires a partial abatement of property taxes. (NRS 361.4722, 361.4723, 361.4724) Under existing law, a board of county commissioners is required to cause certain assessments relating to water resources to be levied on real property, including the court costs which may be assessed against the participants in certain proceedings for the adjudication of water rights, the budgetary expenses of certain stream systems or water districts which may be assessed against the property served, and the salaries of well supervisors and other assistants employed by the State Engineer which may be assessed against the property in certain groundwater basins. (NRS 533.190, 533.285, 534.040) This bill clarifies that the assessments relating to water resources are not ~~[and have never been]~~ subject to those partial abatements of property taxes.

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

Section 1. Chapter 361 of NRS is hereby amended by adding thereto a new section to read as follows:

"Ad valorem taxes" does not include any assessments levied pursuant to NRS 533.190, 533.285 or 534.040.

Sec. 2. NRS 361.471 is hereby amended to read as follows:

361.471 As used in NRS 361.471 to 361.4735, inclusive, ***and section 1 of this act,*** unless the context otherwise requires, the words and terms

defined in NRS 361.4712, 361.4715 and 361.4721 ***and section 1 of this act*** have the meanings ascribed to them in those sections.

Sec. 3. The amendatory provisions of this act:

1. Are intended to ~~[:~~

~~(a) Clarify the original intent of the Legislature when it enacted and subsequently amended the provisions of NRS 361.4722, 361.4723 and 361.4724; and~~

~~(b) Clarify]~~ **clarify** rather than change the operation of NRS 361.4722, 361.4723 and 361.4724 with respect to the application of the partial abatements of ad valorem taxes set forth in those sections; and

2. ~~[Apply retroactively to July 1, 2005.]~~ **Must not be applied in a manner that affects any calculations made to carry out the provisions of NRS 361.471 to 361.4735, inclusive, and any regulations adopted pursuant to those provisions for any fiscal year ending before July 1, 2011.**

Sec. 4. This act becomes effective upon passage and approval.

Assemblywoman Kirkpatrick moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 57.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 358.

AN ACT relating to crimes; revising provisions relating to the registration of offenders convicted of a crime against a child and of sex offenders; **adding a member to the Advisory Committee to Study Laws Concerning Sex Offender Registration;** requiring notification of certain agencies after changes in a sex offender's location or length of stay in a jurisdiction; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that a record of registration as an offender (a person convicted of a crime against a child) or as a sex offender must contain certain information identifying the offender or sex offender and also provides that a sex offender must notify certain law enforcement agencies of any address change where he or she resides, is a student or is employed. (NRS 179D.150, 179D.470) **Section 3** of this bill requires an offender or sex offender who has no fixed residence to provide the address or certain details of the location where the person habitually sleeps to be included in a record of registration.

Section 5 of this bill expands the duty of a sex offender to notify certain law enforcement agencies ~~[to include notification after any change in location, temporary shelter or place where the sex offender habitually sleeps, or]~~ after staying in a jurisdiction longer than ~~[45]~~ **30** days under certain circumstances. **Section 5 also requires a sex offender who has no fixed address to notify law enforcement at least every 30 days if there are any**

changes in the sex offender's temporary shelter or place where the sex offender habitually sleeps.

Section 4.3 of this bill adds a member who is a mental health professional to the Advisory Committee to Study Laws Concerning Sex Offender Registration.

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

Section 1. NRS 179A.071 is hereby amended to read as follows:

179A.071 "Record of registration" has the meaning ascribed to it in NRS ~~[179D.150.]~~ ***179D.070.***

Sec. 2. NRS 179B.090 is hereby amended to read as follows:

179B.090 "Record of registration" ~~[means a record of registration that contains the information required by NRS 179D.150.]~~ ***has the meaning ascribed to it in NRS 179D.070.***

Sec. 3. Chapter 179D of NRS is hereby amended by adding thereto a new section to read as follows:

A record of registration must include, if the information is available:

1. Information identifying the offender or sex offender, including, but not limited to:

(a) The name of the offender or sex offender and all aliases that the offender or sex offender has used or under which he or she has been known;

(b) A complete physical description of the offender or sex offender, a current photograph of the offender or sex offender and the fingerprints and palm prints of the offender or sex offender;

(c) The date of birth and the social security number of the offender or sex offender;

(d) The identification number from a driver's license or an identification card issued to the offender or sex offender by this State or any other jurisdiction and a photocopy of such driver's license or identification card;

(e) A report of the analysis of the genetic markers of the specimen obtained from the offender or sex offender pursuant to NRS 176.0913; and

(f) Any other information that identifies the offender or sex offender.

2. Except as otherwise provided in subsection 3, information concerning the residence of the offender or sex offender, including, but not limited to:

(a) The address at which the offender or sex offender resides;

(b) The length of time the offender or sex offender has resided at that address and the length of time the offender or sex offender expects to reside at that address;

(c) The address or location of any other place where the offender or sex offender expects to reside in the future and the length of time the offender or sex offender expects to reside there; and

(d) The length of time the offender or sex offender expects to remain in the county where the offender or sex offender resides and in this State.

3. If the offender or sex offender has no fixed residence, the address of any dwelling that is providing the offender or sex offender temporary shelter, or any other location where the offender or sex offender habitually sleeps, including, but not limited to, the cross streets, intersection, direction and identifiable landmarks of the city, county, state and zip code of that location.

4. Information concerning the offender's or sex offender's occupations, employment or work or expected occupations, employment or work, including, but not limited to, the name, address and type of business of all current and expected future employers of the offender or sex offender.

5. Information concerning the offender's or sex offender's volunteer service or expected volunteer service in connection with any activity or organization within this State, including, but not limited to, the name, address and type of each such activity or organization.

6. Information concerning the offender's or sex offender's enrollment or expected enrollment as a student in any public or private educational institution or school within this State, including, but not limited to, the name, address and type of each such educational institution or school.

7. Information concerning whether:

(a) The offender or sex offender is, expects to be or becomes enrolled as a student at an institution of higher education or changes the date of commencement or termination of the offender or sex offender's enrollment at an institution of higher education; or

(b) The offender or sex offender is, expects to be or becomes a worker at an institution of higher education or changes the date of commencement or termination of the offender or sex offender's work at an institution of higher education,

➥ including, but not limited to, the name, address and type of each such institution of higher education.

8. The license plate number and a description of all motor vehicles registered to or frequently driven by the offender or sex offender.

9. The level of registration and community notification of the offender or sex offender.

10. The criminal history of the offender or sex offender, including, without limitation:

(a) The dates of all arrests and convictions of the offender or sex offender;

(b) The status of parole, probation or supervised release of the offender or sex offender;

(c) The status of the registration of the offender or sex offender; and

(d) The existence of any outstanding arrest warrants for the offender or sex offender.

11. The following information for each offense for which the offender or sex offender has been convicted:

(a) The court in which the offender or sex offender was convicted;

(b) The text of the provision of law defining each offense;

(c) The name under which the offender or sex offender was convicted;

(d) The name and location of each penal institution, school, hospital, mental facility or other institution to which the offender or sex offender was committed;

(e) The specific location where the offense was committed;

(f) The age, the gender, the race and a general physical description of the victim; and

(g) The method of operation that was used to commit the offense, including, but not limited to:

(1) Specific sexual acts committed against the victim;

(2) The method of obtaining access to the victim, such as the use of enticements, threats, forced entry or violence against the victim;

(3) The type of injuries inflicted on the victim;

(4) The types of instruments, weapons or objects used;

(5) The type of property taken; and

(6) Any other distinctive characteristic of the behavior or personality of the offender or sex offender.

12. Any other information required by federal law.

Sec. 4. NRS 179D.070 is hereby amended to read as follows:

179D.070 "Record of registration" means a record of registration that contains the information required by ~~[~~NRS 179D.150.~~]~~ ***section 3 of this act.***

Sec. 4.3. **NRS 179D.132 is hereby amended to read as follows:**

179D.132 1. The Advisory Committee to Study Laws Concerning Sex Offender Registration is hereby created.

2. The Committee consists of the following members:

(a) The Attorney General or the Attorney General's designee;

(b) One member of the Assembly appointed by the Speaker of the Assembly;

(c) One member of the Senate appointed by the Majority Leader of the Senate;

(d) One member appointed by the Nevada Sheriffs' and Chiefs' Association, or a successor organization;

(e) One member appointed by the Nevada District Attorneys Association, or a successor organization;

(f) One member who is a public defender, appointed by the governing body of the State Bar of Nevada;

(g) One member appointed by the American Civil Liberties Union, or a successor organization; ~~[~~and~~]~~

(h) ***One member who is a mental health professional, appointed by the Attorney General; and***

(i) Any member appointed by an organization that has been authorized by the Attorney General to appoint a member of the Committee pursuant to NRS 179D.134.

3. The Attorney General or the Attorney General's designee is the Chair of the Committee.

4. Each member who is appointed to the Committee serves a term of 2 years. Except as otherwise provided in subsection 3 of NRS 179D.134:

(a) Members may be reappointed for additional terms of 2 years in the same manner as the original appointments; and

(b) Any vacancy occurring in the membership of the Committee must be filled in the same manner as the original appointment not later than 30 days after the vacancy occurs.

5. The Committee shall meet at least twice each year and may meet at such further times as deemed necessary by the Chair.

6. A majority of the members of the Committee constitutes a quorum for the transaction of business, and a majority of those members present at any meeting is sufficient for any official action taken by the Committee.

7. The Committee shall comply with the provisions of chapter 241 of NRS, and all meetings of the Committee must be conducted in accordance with that chapter.

8. For each day or portion of a day during which a member of the Committee who is a Legislator attends a meeting of the Committee or is otherwise engaged in the business of the Committee, except during a regular or special session of the Legislature, the Legislator is entitled to receive the:

(a) Compensation provided for a majority of the members of the Legislature during the first 60 days of the preceding regular session;

(b) Per diem allowance provided for state officers generally; and

(c) Travel expenses provided pursuant to NRS 218A.655.

➥ The compensation, per diem allowances and travel expenses of the members of the Committee who are Legislators must be paid from the Legislative Fund.

9. While engaged in the business of the Committee, to the extent of legislative appropriation, the members of the Committee who are not Legislators are entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

10. A member of the Committee who is an officer or employee of this State or a political subdivision of this State must be relieved from his or her duties without loss of regular compensation so that he or she may prepare for and attend meetings of the Committee and perform any work necessary to carry out the duties of the Committee in the most timely manner practicable. A state agency or political subdivision of this State shall not require an officer or employee who is a member of the Committee to:

(a) Make up the time the member is absent from work to carry out his or her duties as a member of the Committee; or

(b) Take annual leave or compensatory time for the absence.

11. The Attorney General shall provide the Committee with such staff as is necessary to carry out the duties of the Committee.

Sec. 4.7. **NRS 179D.134 is hereby amended to read as follows:**

179D.134 1. An organization which is concerned with state and federal laws concerning the registration of sex offenders and which wishes to appoint a member to the Committee pursuant to paragraph ~~[(h)]~~ ***(i)*** of subsection 2 of NRS 179D.132 may apply to the Attorney General, or the Attorney General's designee, for authorization to appoint a member to the Committee. At the Attorney General's discretion, the Attorney General may authorize the organization to appoint a member to the Committee.

2. At any time after the Attorney General has authorized an organization to appoint a member to the Committee, the Attorney General may revoke the organization's authorization to appoint a member to the Committee.

3. If, after receiving authorization to appoint a member to the Committee, an organization ceases to exist or has its authorization to appoint a member to the Committee revoked by the Attorney General, any member of the Committee appointed by the organization may complete the term to which the member was appointed, and upon the completion of that term, the organization, or a successor organization, may not appoint a member to the Committee.

Sec. 5. NRS 179D.470 is hereby amended to read as follows:

179D.470 1. If a sex offender changes the address ~~*[or location]*~~ at which he or she resides, ~~*[obtains temporary shelter or habitually sleeps,]*~~ including moving from this State to another jurisdiction, ~~[or]~~ changes the primary address at which ~~[the sex offender]~~ ***he or she*** is a student or worker ~~[,]~~ ***or remains in a jurisdiction longer than*** ~~*[45]*~~ ***30 days after initially reporting a stay of less than*** ~~*[45]*~~ ***30 days, the sex offender shall,*** not later than 48 hours after ~~[changing such an address, the sex offender shall]~~ ***such a change in status,*** provide ***notice of the change in status, including, without limitation,*** the new address ~~*[or location,]*~~ in person, to the local law enforcement agency in whose jurisdiction the sex offender now resides ~~*[, has temporary shelter or habitually sleeps]*~~ and, in person or in writing, to the local law enforcement agency in whose jurisdiction the sex offender formerly resided ~~*[, had temporary shelter or habitually slept]*~~ and shall provide all other information that is relevant to updating the record of registration, including, but not limited to, any change in the sex offender's name, occupation, employment, work, volunteer service or driver's license and any change in the license number or description of a motor vehicle registered to or frequently driven by the sex offender.

2. Upon receiving a change of address ~~*[or location]*~~ from a sex offender, the local law enforcement agency shall immediately forward the new address ~~*[or location]*~~ and any updated information to the Central Repository and:

(a) If the sex offender has changed an address ~~*[or location]*~~ within this State, the Central Repository shall immediately provide notification concerning the sex offender to the local law enforcement agency in whose

jurisdiction the sex offender is now residing ~~[, has temporary shelter or habitually sleeps]~~ or is a student or worker and shall notify the local law enforcement agency in whose jurisdiction the sex offender last resided ~~[, had temporary shelter or habitually slept]~~ or was a student or worker; or

(b) If the sex offender has changed an address ~~[or location]~~ from this State to another jurisdiction, the Central Repository shall immediately provide notification concerning the sex offender to the appropriate law enforcement agency in the other jurisdiction and shall notify the local law enforcement agency in whose jurisdiction the sex offender last resided or was a student or worker.

3. In addition to any other requirement pursuant to this section and upon notification of the requirements of this subsection, any sex offender who has no fixed residence shall at least every 30 days notify the local law enforcement agency in whose jurisdiction the sex offender resides if there are any changes in the address of any dwelling that is providing the sex offender temporary shelter or any changes in location where the sex offender habitually sleeps. The court may dismiss any criminal charges filed for failure to comply with this subsection if the sex offender immediately updates his or her record of registration.

Sec. 6. NRS 391.314 is hereby amended to read as follows:

391.314 1. If a superintendent has reason to believe that cause exists for the dismissal of a licensed employee and the superintendent is of the opinion that the immediate suspension of the employee is necessary in the best interests of the pupils in the district, the superintendent may suspend the employee without notice and without a hearing. Notwithstanding the provisions of NRS 391.312, a superintendent may suspend a licensed employee who has been officially charged but not yet convicted of a felony or a crime involving moral turpitude or immorality. If the charge is dismissed or if the employee is found not guilty, the employee must be reinstated with back pay, plus interest, and normal seniority. The superintendent shall notify the employee in writing of the suspension.

2. Within 5 days after a suspension becomes effective, the superintendent shall begin proceedings pursuant to the provisions of NRS 391.312 to 391.3196, inclusive, to effect the employee's dismissal. The employee is entitled to continue to receive his or her salary and other benefits after the suspension becomes effective until the date on which the dismissal proceedings are commenced. The superintendent may recommend that an employee who has been charged with a felony or a crime involving immorality be dismissed for another ground set forth in NRS 391.312.

3. If sufficient grounds for dismissal do not exist, the employee must be reinstated with full compensation, plus interest.

4. A licensed employee who furnishes to the school district a bond or other security which is acceptable to the board as a guarantee that the employee will repay any amounts paid to him or her pursuant to this subsection as salary during a period of suspension is entitled to continue to

receive his or her salary from the date on which the dismissal proceedings are commenced until the decision of the board or the report of the hearing officer, if the report is final and binding. The board shall not unreasonably refuse to accept security other than a bond. An employee who receives salary pursuant to this subsection shall repay it if the employee is dismissed or not reemployed as a result of a decision of the board or a report of a hearing officer.

5. A licensed employee who is convicted of a crime which requires registration pursuant to NRS 179D.010 to 179D.550, inclusive, ***and section 3 of this act,*** or is convicted of an act forbidden by NRS 200.508, 201.190, 201.265, 201.540, 201.560 or 207.260 forfeits all rights of employment from the date of his or her arrest.

6. A licensed employee who is convicted of any crime and who is sentenced to and serves any sentence of imprisonment forfeits all rights of employment from the date of his or her arrest or the date on which his or her employment terminated, whichever is later.

7. A licensed employee who is charged with a felony or a crime involving immorality or moral turpitude and who waives his or her right to a speedy trial while suspended may receive no more than 12 months of back pay and seniority upon reinstatement if the employee is found not guilty or the charges are dismissed, unless proceedings have been begun to dismiss the employee upon one of the other grounds set forth in NRS 391.312.

8. A superintendent may discipline a licensed employee by suspending the employee with loss of pay at any time after a hearing has been held which affords the due process provided for in this chapter. The grounds for suspension are the same as the grounds contained in NRS 391.312. An employee may be suspended more than once during the employee's contract year, but the total number of days of suspension may not exceed 20 in 1 contract year. Unless circumstances require otherwise, the suspensions must be progressively longer.

Sec. 7. NRS 179D.150 is hereby repealed.

Sec. 8. This act becomes effective upon passage and approval.

TEXT OF REPEALED SECTION

179D.150 Contents. A record of registration must include, if the information is available:

1. Information identifying the offender or sex offender, including, but not limited to:

(a) The name of the offender or sex offender and all aliases that the offender or sex offender has used or under which he or she has been known;

(b) A complete physical description of the offender or sex offender, a current photograph of the offender or sex offender and the fingerprints and palm prints of the offender or sex offender;

(c) The date of birth and the social security number of the offender or sex offender;

(d) The identification number from a driver's license or an identification card issued to the offender or sex offender by this State or any other jurisdiction and a photocopy of such driver's license or identification card;

(e) A report of the analysis of the genetic markers of the specimen obtained from the offender or sex offender pursuant to NRS 176.0913; and

(f) Any other information that identifies the offender or sex offender.

2. Information concerning the residence of the offender or sex offender, including, but not limited to:

(a) The address at which the offender or sex offender resides;

(b) The length of time the offender or sex offender has resided at that address and the length of time the offender or sex offender expects to reside at that address;

(c) The address or location of any other place where the offender or sex offender expects to reside in the future and the length of time the offender or sex offender expects to reside there; and

(d) The length of time the offender or sex offender expects to remain in the county where the offender or sex offender resides and in this State.

3. Information concerning the offender's or sex offender's occupations, employment or work or expected occupations, employment or work, including, but not limited to, the name, address and type of business of all current and expected future employers of the offender or sex offender.

4. Information concerning the offender's or sex offender's volunteer service or expected volunteer service in connection with any activity or organization within this State, including, but not limited to, the name, address and type of each such activity or organization.

5. Information concerning the offender's or sex offender's enrollment or expected enrollment as a student in any public or private educational institution or school within this State, including, but not limited to, the name, address and type of each such educational institution or school.

6. Information concerning whether:

(a) The offender or sex offender is, expects to be or becomes enrolled as a student at an institution of higher education or changes the date of commencement or termination of the offender or sex offender's enrollment at an institution of higher education; or

(b) The offender or sex offender is, expects to be or becomes a worker at an institution of higher education or changes the date of commencement or termination of the offender or sex offender's work at an institution of higher education,

➥ including, but not limited to, the name, address and type of each such institution of higher education.

7. The license plate number and a description of all motor vehicles registered to or frequently driven by the offender or sex offender.

8. The level of registration and community notification of the offender or sex offender.

9. The criminal history of the offender or sex offender, including, without limitation:

(a) The dates of all arrests and convictions of the offender or sex offender;

(b) The status of parole, probation or supervised release of the offender or sex offender;

(c) The status of the registration of the offender or sex offender; and

(d) The existence of any outstanding arrest warrants for the offender or sex offender.

10. The following information for each offense for which the offender or sex offender has been convicted:

(a) The court in which the offender or sex offender was convicted;

(b) The text of the provision of law defining each offense;

(c) The name under which the offender or sex offender was convicted;

(d) The name and location of each penal institution, school, hospital, mental facility or other institution to which the offender or sex offender was committed;

(e) The specific location where the offense was committed;

(f) The age, the gender, the race and a general physical description of the victim; and

(g) The method of operation that was used to commit the offense, including, but not limited to:

(1) Specific sexual acts committed against the victim;

(2) The method of obtaining access to the victim, such as the use of enticements, threats, forced entry or violence against the victim;

(3) The type of injuries inflicted on the victim;

(4) The types of instruments, weapons or objects used;

(5) The type of property taken; and

(6) Any other distinctive characteristic of the behavior or personality of the offender or sex offender.

11. Any other information required by federal law.

Assemblyman Ohrenschall moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 73.

Bill read second time.

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

Amendment No. 138.

AN ACT relating to water; authorizing the State Engineer or any assistant or authorized agent of the State Engineer to enter certain ~~[premises]~~ **land** to investigate and carry out the duties of the State Engineer; ~~[requiring the State Engineer to cancel a permit to appropriate water for a beneficial use if the holder of the permit fails to file certain information within a certain period after the date of the notice to file that information;]~~ revising provisions

relating to the forfeiture of certain water rights; removing provisions requiring the State Engineer to adopt regulations establishing a program to allow a public water system to receive a credit for adding a new customer to the system; ~~[authorizing a public water system to receive such a credit under certain circumstances;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, if an owner or proprietor appropriates underground water through the use of a well, the State Engineer or any assistant or authorized agent of the State Engineer is authorized to enter the premises of the owner or proprietor where such a well is situated to investigate and carry out the duties of the State Engineer in the administration of the provisions of chapter 534 of NRS governing underground water and wells. (NRS 534.130) However, existing law does not confer similar authority upon the State Engineer or any assistant or authorized agent of the State Engineer to enter the ~~[premises]~~ **land** of an owner or proprietor for the purpose of carrying out the provisions of chapter 533 of NRS governing vested water rights and rights to appropriate public water for a beneficial use. **Section 1** of this bill specifically confers such authority upon the State Engineer or any assistant or authorized agent of the State Engineer for the purpose of carrying out the provisions of chapter 533 of NRS.

~~[Existing law requires the State Engineer to notify a holder of a permit to appropriate water for a beneficial use if the holder of the permit fails to file with the State Engineer proof of an application of water to the beneficial use and any required map for that appropriation. Existing law further provides that, if the holder of the permit fails to file the required affidavit and map with the State Engineer within 30 days after the mailing of the notice, the State Engineer is required to cancel the permit. (NRS 533.410) Section 2 of this bill requires the State Engineer to cancel the permit if the holder of the permit fails to file the required affidavit and map within 30 days after the date of the notice rather than 30 days after the mailing of the notice.]~~

Under existing law, the State Engineer is authorized to inspect at any time the construction of a dam for which he or she has issued a permit to appropriate, store and use the water to be impounded or diverted by the dam. (NRS 535.010) Existing law also requires the State Engineer to make inspections of dams from time to time. (NRS 535.030) In addition to any such authorized or required inspections, and similarly to the authority conferred in section 1, section 5 of this bill specifically confers authority upon the State Engineer or any assistant or authorized agent of the State Engineer to enter the land of any owner or proprietor where any dam or other obstruction is situated to investigate and carry out the duties of the State Engineer pursuant to chapter 535 of NRS.

Existing law provides for the forfeiture of a right to use beneficially all or any part of underground water for the purpose for which the underground water is acquired or claimed. Existing law also authorizes the State Engineer to extend the amount of time required to work the forfeiture. (NRS 534.090)

Section 3 of this bill ~~[provides]~~ **clarifies** that groundwater rights for which a certificate of beneficial use has been issued, instead of groundwater rights held under a permit, are subject to the forfeiture procedure. Permitted rights are lost through the process of cancellation. (NRS 533.395) In addition, **section 3** requires the State Engineer to declare a water right forfeited for nonuse if the State Engineer grants an extension of time to the owner of the water right and, before the expiration of that extension of time, proof of resumption of beneficial use or another request for an extension of time is not filed in the Office of the State Engineer.

Existing law requires the State Engineer to adopt regulations establishing a program that allows a public water system to receive a credit for adding a new customer to the public water system in any area that the State Engineer has designated as a groundwater basin and in which the State Engineer has denied one or more applications for a municipal use of groundwater. Before adopting those regulations, existing law requires the State Engineer to hold a public hearing within the basin to which the regulations will apply or within the county in which a major portion of the groundwater basin lies. (NRS 534.350) **Section 4** of this bill deletes the requirement for the State Engineer to adopt those regulations and to hold a public hearing before adopting the regulations. ~~[In lieu of adopting the regulations, section 4 sets forth directly in NRS the requirements for a public water system to receive a credit for adding a new customer to the public water system in a designated groundwater basin.]~~

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

Section 1. Chapter 533 of NRS is hereby amended by adding thereto a new section to read as follows:

The State Engineer or any assistant or authorized agent of the State Engineer may enter the ~~[premises]~~ land of any owner or proprietor where any water ~~[right or water user]~~ is ~~[situated]~~ being diverted or used pursuant to this chapter at any reasonable hour of the day to investigate and carry out the duties of the State Engineer pursuant to this chapter.

Sec. 2. ~~[NRS 533.410 is hereby amended to read as follows:~~

~~533.410 If any holder of a permit from the State Engineer fails, before the date set for filing in the permit or the date set by any extension granted by the State Engineer, to file with the State Engineer proof of application of water to beneficial use, and the accompanying map, if a map is required, the State Engineer shall advise the holder of the permit, by registered or certified mail, that the permit is held for cancellation. If the holder, within 30 days after the~~ **[**~~mailing~~**]** ***~~date~~*** ~~of~~ **[**~~this~~**]** ***~~the~~*** ~~notice, fails to file with the State Engineer the required affidavit and map, if a map is required, or an application for an extension of time to file the instruments, the State Engineer shall cancel the permit. For good cause shown, upon application made before the expiration of the 30-day period, the State Engineer may grant an~~

~~extension of time in which to file the instruments.]~~ **(Deleted by amendment.)**

Sec. 3. NRS 534.090 is hereby amended to read as follows:

534.090 1. Except as otherwise provided in this section, failure for 5 successive years after April 15, 1967, on the part of the holder of any right, whether it is an adjudicated right, an unadjudicated right or a ~~[~~permitted~~]~~ right ~~[,]~~ ***for which a certificate has been issued pursuant to NRS 533.425,*** and further whether the right is initiated after or before March 25, 1939, to use beneficially all or any part of the underground water for the purpose for which the right is acquired or claimed, works a forfeiture of both undetermined rights and determined rights to the use of that water to the extent of the nonuse. If the records of the State Engineer or any other documents specified by the State Engineer indicate at least 4 consecutive years, but less than 5 consecutive years, of nonuse of all or any part of a water right which is governed by this chapter, the State Engineer shall notify the owner of the water right, as determined in the records of the Office of the State Engineer, by registered or certified mail that the owner has 1 year after the date of the notice in which to use the water right beneficially and to provide proof of such use to the State Engineer or apply for relief pursuant to subsection 2 to avoid forfeiting the water right. If, after 1 year after the date of the notice, proof of ***resumption of*** beneficial use is not ~~[sent to]~~ ***filed in*** the ***Office of the*** State Engineer, the State Engineer shall, unless the State Engineer has granted a request to extend the time necessary to work a forfeiture of the water right, declare the right forfeited within 30 days. Upon the forfeiture of a right to the use of groundwater, the water reverts to the public and is available for further appropriation, subject to existing rights. If, upon notice by registered or certified mail to the owner of record whose right has been declared forfeited, the owner of record fails to appeal the ruling in the manner provided for in NRS 533.450, and within the time provided for therein, the forfeiture becomes final. The failure to receive a notice pursuant to this subsection does not nullify the forfeiture or extend the time necessary to work the forfeiture of a water right.

2. The State Engineer may, upon the request of the holder of any right described in subsection 1, extend the time necessary to work a forfeiture under that subsection if the request is made before the expiration of the time necessary to work a forfeiture. The State Engineer may grant, upon request and for good cause shown, any number of extensions, but a single extension must not exceed 1 year. In determining whether to grant or deny a request, the State Engineer shall, among other reasons, consider:

(a) Whether the holder has shown good cause for the holder's failure to use all or any part of the water beneficially for the purpose for which the holder's right is acquired or claimed;

(b) The unavailability of water to put to a beneficial use which is beyond the control of the holder;

(c) Any economic conditions or natural disasters which made the holder unable to put the water to that use;

(d) Any prolonged period in which precipitation in the basin where the water right is located is below the average for that basin or in which indexes that measure soil moisture show that a deficit in soil moisture has occurred in that basin; and

(e) Whether the holder has demonstrated efficient ways of using the water for agricultural purposes, such as center-pivot irrigation.

➥ The State Engineer shall notify, by registered or certified mail, the owner of the water right, as determined in the records of the Office of the State Engineer, of whether the State Engineer has granted or denied the holder's request for an extension pursuant to this subsection. ***If the State Engineer grants an extension pursuant to this subsection and, before the expiration of that extension, proof of resumption of beneficial use or another request for an extension is not filed in the Office of the State Engineer, the State Engineer shall declare the water right forfeited within 30 days after the expiration of the extension granted pursuant to this subsection.***

3. If the failure to use the water pursuant to subsection 1 is because of the use of center-pivot irrigation before July 1, 1983, and such use could result in a forfeiture of a portion of a right, the State Engineer shall, by registered or certified mail, send to the owner of record a notice of intent to declare a forfeiture. The notice must provide that the owner has at least 1 year after the date of the notice to use the water beneficially or apply for additional relief pursuant to subsection 2 before forfeiture of the owner's right is declared by the State Engineer.

4. A right to use underground water whether it is vested or otherwise may be lost by abandonment. If the State Engineer, in investigating a groundwater source, upon which there has been a prior right, for the purpose of acting upon an application to appropriate water from the same source, is of the belief from his or her examination that an abandonment has taken place, the State Engineer shall so state in the ruling approving the application. If, upon notice by registered or certified mail to the owner of record who had the prior right, the owner of record of the prior right fails to appeal the ruling in the manner provided for in NRS 533.450, and within the time provided for therein, the alleged abandonment declaration as set forth by the State Engineer becomes final.

Sec. 4. NRS 534.350 is hereby amended to read as follows:

534.350 1. ~~[The State Engineer shall adopt regulations establishing a program that allows a]~~ ***A*** public water system ~~[to]~~ ***may*** receive credits, as provided in this section, for the addition of new customers to the system. The ~~[program]~~ ***granting of a credit pursuant to this section*** must be limited to public water systems in areas:

(a) Designated as groundwater basins by the State Engineer pursuant to the provisions of NRS 534.030; and

(b) ~~[In which the State Engineer has denied one or more applications for any municipal uses of groundwater]~~ ~~[.]~~ *[; and*

(c)] ***For which the State Engineer has issued an order for granting a credit pursuant to this section.***

2. ~~[Before]~~ *[At least 30 days before the State Engineer]* ~~[adopts any regulations]~~ *[issues an order granting a credit* pursuant to this section] ~~[regarding any particular groundwater basin, the State Engineer shall hold a public hearing:~~

~~(a) Within the basin to which the regulations will apply if adequate facilities to hold a hearing are available within that basin; or~~

~~(b) In all other cases, within the county where the major portion of that basin lies,~~

~~➞ to take testimony from any interested persons regarding the proposed regulations.]~~ *[, the public water system requesting the credit shall submit to the State Engineer a written confirmation indicating that each customer of the public water system has been notified of the request by the public water system. The written confirmation must include the response, if any, the public water system received from each of those customers.*

~~3.]~~ ~~[~~Upon adoption of the regulations required by this section regarding a particular groundwater basin, a~~]~~ ***A*** public water system which provides service in ~~[that]~~ ***a groundwater*** basin is entitled to receive a credit for each customer who is added to the system ~~[after the adoption of those regulations]~~ and:

(a) Voluntarily ceases to draw water from a domestic well located within that basin; or

(b) Is the owner of a lot or other parcel of land, other than land used or intended solely for use as a location for a domestic well, which:

(1) Is located within that basin;

(2) Was established as a separate lot or parcel before July 1, 1993;

(3) Was approved by a local governing body or planning commission for service by an individual domestic well before July 1, 1993; and

(4) Is subject to a written agreement which was voluntarily entered into by the owner with the public water system pursuant to which the owner agrees not to drill a domestic well on the land and the public water system agrees that it will provide water service to the land. Any such agreement must be acknowledged and recorded in the same manner as conveyances affecting real property are required to be acknowledged and recorded pursuant to chapter 111 of NRS.

~~[4.]~~ ***3.*** If a county requires, by ordinance, the dedication to the county of a right to appropriate water from a domestic well which is located on a lot or other parcel of land that was established as a separate lot or parcel on or after July 1, 1993, the county may, by relinquishment to the State Engineer, allow the right to appropriate water to revert to the source of the water. The State Engineer shall not accept a relinquishment of a right to appropriate water pursuant to this subsection unless the right is in good standing as determined

by the State Engineer. A right to appropriate water that is dedicated and relinquished pursuant to this subsection:

(a) Remains appurtenant only to the parcel of land in which it is located as specified on the parcel map; and

(b) Maintains its date of priority established pursuant to NRS 534.080.

~~[5.]~~ ***4.*** If an owner of a parcel of land specified in subsection ~~[4]~~ ***3*** becomes a new customer of a public water system for that parcel of land, the public water system is entitled to receive a credit in the same manner as the addition of any other customer to the public water system pursuant to this section.

~~[6.]~~ ***5.*** The State Engineer may require a new customer, who voluntarily ceases to draw water from a domestic well as provided in paragraph (a) of subsection ~~[3]~~ ***2*** or whose right to appropriate water is dedicated pursuant to subsection ~~[4,]~~ ***3,*** to plug that well.

~~[7.]~~ ***6.*** A credit granted pursuant to this section:

(a) Must be sufficient to enable the public water system to add one service connection for a single-family dwelling to the system, except that the credit may not exceed the increase in water consumption attributable to the additional service connection or 2 acre-feet per year, whichever is less.

(b) May not be converted to an appropriative water right.

~~[8.]~~ ***7.*** This section does not:

(a) Require a public water system to extend its service area.

(b) Authorize any increase in the total amount of groundwater pumped in a groundwater basin.

(c) Affect any rights of an owner of a domestic well who does not voluntarily comply with the provisions of this section.

~~[9.]~~ ***8.*** As used in this section:

(a) "Domestic well" means a well used for culinary and household purposes in:

(1) A single-family dwelling; and

(2) An accessory dwelling unit for a single-family dwelling if provided for in an applicable local ordinance,

➥ including the watering of a garden, lawn and domestic animals and where the draught does not exceed 2 acre-feet per year.

(b) "Public water system" has the meaning ascribed to it in NRS 445A.840.

Sec. 5. **Chapter 535 of NRS is hereby amended by adding thereto a new section to read as follows:**

In addition to any inspection conducted pursuant to NRS 535.010 or 535.030, the State Engineer or any assistant or authorized agent of the State Engineer may enter the land of any owner or proprietor where any dam or other obstruction is situated at any reasonable hour of the day to investigate and carry out the duties of the State Engineer pursuant to this chapter.

Sec. 6. **The Legislature hereby declares that:**

1. It has examined the past and present practice of the State Engineer with respect to the forfeiture of water rights on and after March 15, 1947, and finds that the State Engineer has applied the provisions of Nevada law relating to the forfeiture of water rights in a manner consistent with the provisions of subsection 1 of NRS 534.090, as amended by section 3 of this act.

2. The amendatory provisions of subsection 1 of section 3 of this act are intended to clarify rather than change the existing application of NRS 534.090 relating to the forfeiture of water rights and to promote thereby stability and consistency in the administration of chapters 533 and 534 of NRS.

~~[Sec. 5.]~~ ***Sec. 7.*** This act becomes effective upon passage and approval.

Assemblywoman Bustamante Adams moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 110.

Bill read second time.

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

Amendment No. 462.

AN ACT relating to public welfare; requiring the Department of Health and Human Services to establish and administer the Kinship Guardianship Assistance Program; requiring the Department to ~~[include in certain]~~ **adopt a** state ~~[plans provisions relating to]~~ **plan for the administration of** the Program; authorizing agencies which provide child welfare services to enter into agreements to provide assistance under the Program; prescribing the requirements for receiving assistance pursuant to the Program; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Federal law authorizes states to establish programs to provide financial incentives to certain relatives who become the legal guardians of children in foster care. (42 U.S.C. 671 and 673)

Section 5 of this bill requires the Department of Health and Human Services to establish and administer the Kinship Guardianship Assistance Program in accordance with the Federal law to provide assistance to a relative of a child who is seeking appointment as the legal guardian of the child under certain circumstances. **Section 5** also requires the Department to ~~[include the Program in]~~ **adopt** a state plan ~~[adopted by the Department relating to child and family services.]~~ **for the administration of the Program.** **Sections 6-9** of this bill prescribe the requirements of the Program and set forth the conditions for the provision of assistance including, without limitation, the criteria for a child and a relative to receive assistance, the

content of any agreements for assistance and the duties of agencies which provide child welfare services that provide assistance pursuant to the Program.

Existing law provides that a person who obtains or attempts to obtain public assistance through fraudulent means is guilty of a category E felony and shall pay restitution. (NRS 422A.700) The Program is considered public assistance for purposes of imposing a penalty pursuant to that section.

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

Section 1. Chapter ~~[422A]~~ **432B** of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 9, inclusive, of this act.

Sec. 2. ***As used in sections 2 to 9, inclusive, of this act, unless the context otherwise requires, ~~[the words and terms defined in sections 3 and 4 of this act have the meanings ascribed to them in those sections.]~~ "Program" means the Kinship Guardianship Assistance Program established and administered by the Department pursuant to section 5 of this act.***

Sec. 3. ~~*["Agency which provides child welfare services" has the meaning ascribed to it in NRS 432B.030.]*~~ **(Deleted by amendment.)**

Sec. 4. ~~*["Program" means the Kinship Guardianship Assistance Program established and administered by the Department pursuant to section 5 of this act.]*~~ **(Deleted by amendment.)**

Sec. 5. ***1. The Department, through a division of the Department designated by the Director, shall establish and administer the Kinship Guardianship Assistance Program to provide assistance pursuant to the provisions of sections 2 to 9, inclusive, of this act and 42 U.S.C. 671 and 673.***

2. The Department shall ~~[include in]~~ adopt a state plan ~~[adopted pursuant to NRS 422A.260 relating to child and family services provisions]~~ for the administration of the Program.

3. ~~[To the extent that money is available for that purpose and in accordance with any requirements prescribed by the Department, an]~~ An agency which provides child welfare services may enter into an agreement to provide assistance to a relative of a child pursuant to the Program. Such an agreement may be entered into with a relative who is located outside the State of Nevada. If a guardianship for the child is established in the other state, the agency which provides child welfare services must comply with any order of the court of the state in which the child resides concerning the guardianship.

Sec. 6. ***1. As a condition to the provision of assistance pursuant to the Program:***

~~[1.]~~ (a) A child must:

~~[(a)]~~ (1) Have been removed from his or her home:

~~[(1)]~~ ***(I) Pursuant to a written agreement voluntarily entered by the parent or guardian of the child and an agency which provides child welfare services; or***

~~[(2)]~~ ***(II) By a court which has determined that it is in the best interests of the child for the child to remain in protective custody or to be placed in temporary or permanent custody outside his or her home;***

~~[(b)]~~ ***(2) For not less than 6 consecutive months, have been eligible to receive maintenance pursuant to Part E of Title IV of the Social Security Act, 42 U.S.C. 670 et seq., while residing with the relative of the child;***

~~[(c)]~~ ***(3) Not have as an option for permanent placement the return to the home or the adoption of the child;***

~~[(d)]~~ ***(4) Demonstrate a strong attachment to the relative;***

~~[(e)]~~ ***(5) If the child is 14 years of age or older, be consulted regarding the guardianship arrangement; and***

~~[(f)]~~ ***(6) Meet any other requirements for eligibility set forth in 42 U.S.C. 671 and 673.***

~~[2.]~~ ***(b) A relative of the child must:***

~~[(a)]~~ ***(1) Demonstrate a strong commitment to caring for the child permanently;***

~~[(b)]~~ ***(2) Be a provider of family foster care as defined in NRS 424.017;***

(3) Enter into ~~[an]~~ ***a written agreement for assistance with an agency which provides child welfare services before the relative is appointed as the legal guardian of the child;***

~~[(c)]~~ ***(4) Be appointed as the legal guardian of the child by a court of competent jurisdiction and comply with any requirements imposed by the court; and***

~~[(d)]~~ ***(5) Meet any other requirements for eligibility set forth in 42 U.S.C. 671 and 673.***

2. If the sibling of a child who is eligible for assistance pursuant to the Program is not eligible for such assistance, the sibling may be placed with the child who is eligible for assistance upon approval of the agency which provides child welfare services and the relative. In such a case, payments may be made for the sibling so placed as if the sibling is eligible for the Program.

Sec. 7. ***1. An agreement for assistance entered into pursuant to the Program must include, without limitation:***

(a) The amount of assistance provided under the agreement for each eligible child, which must not exceed the amount that the agency which provides child welfare services would provide to a foster parent if the child had been placed in foster care;

(b) The manner in which the assistance will be provided;

(c) The manner in which the agency which provides child welfare services may periodically adjust the amount of assistance, in consultation with the relative, based on the circumstances of the relative and the child;

(d) Any additional services or assistance that the child or relative may be eligible to receive under the agreement and a description of those services or assistance;

(e) The procedure by which the relative may apply for additional services or assistance, as needed; and

(f) ~~[To the extent that money is available for that purpose, a provision for the payment of the total cost of nonrecurring expenses associated with the appointment of the relative as the legal guardian of the child, not to exceed $2,000; and~~

~~(g)]~~ Any other requirements set forth in 42 U.S.C. 671 and 673.

2. The agency which provides child welfare services shall provide a copy of the agreement to the relative before he or she is appointed as the legal guardian of the child.

3. An agreement for assistance entered into pursuant to the Program remains in effect even if the relative changes the state of his or her residence.

4. An agreement made pursuant to this section does not affect the eligibility of the child to receive federal assistance for his or her adoption if the child is later adopted.

Sec. 8. ***1. An agency which provides child welfare services shall, before entering into an agreement for assistance pursuant to the Program, obtain from appropriate law enforcement agencies information on the background and personal history of each relative of a child who seeks assistance pursuant to the Program and each resident of the home of such relative who is 18 years of age or older, to determine whether the person investigated has been arrested for or convicted of any crime.***

2. The relative and each resident of the home of such relative must submit to the agency which provides child welfare services or its approved designee:

(a) A complete set of fingerprints and written permission authorizing the agency or its approved designee to forward those fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report to enable the agency or its approved designee to conduct an investigation pursuant to this subsection; and

(b) Written permission to conduct a child abuse and neglect screening.

Sec. 9. ***If a child is appointed a legal guardian who receives assistance pursuant to the Program, an agency which provides child welfare services shall document in the ~~[records]~~ case plan maintained for the child:***

1. The steps taken by the agency which provides child welfare services to determine that adoption or returning the child to his or her home is not an appropriate placement for the child.

2. The reason that the child was separated from any siblings during placement, if applicable.

3. The reasons that a permanent placement with a relative is in the best interests of the child.

4. That the child meets the requirements for eligibility set forth in section 6 of this act.

5. The efforts made by the agency which provides child welfare services to discuss adoption of the child by the relative as an alternative to appointment as the legal guardian of the child and the reason that the relative has chosen not to pursue adoption.

6. The efforts made by the agency which provides child welfare services to discuss with the natural parent of the child the agreement to provide assistance to a relative or the reason that the agency was unable to discuss the agreement with the natural parent of the child, as applicable.

Sec. 10. NRS 232.320 is hereby amended to read as follows:

232.320 1. The Director:

(a) Shall appoint, with the consent of the Governor, administrators of the divisions of the Department, who are respectively designated as follows:

(1) The Administrator of the Aging and Disability Services Division;

(2) The Administrator of the Health Division;

(3) The Administrator of the Division of Welfare and Supportive Services;

(4) The Administrator of the Division of Child and Family Services;

(5) The Administrator of the Division of Health Care Financing and Policy; and

(6) The Administrator of the Division of Mental Health and Developmental Services.

(b) Shall administer, through the divisions of the Department, the provisions of chapters 63, 424, 425, 427A, 432A to 442, inclusive, 446 to 450, inclusive, 458A and 656A of NRS, NRS 127.220 to 127.310, inclusive, ~~*[sections 2 to 9, inclusive, of this act,]*~~ 422.001 to 422.410, inclusive, 422.580, 432.010 to 432.133, inclusive, 444.003 to 444.430, inclusive, and 445A.010 to 445A.055, inclusive, ***sections 2 to 9, inclusive, of this act*** and all other provisions of law relating to the functions of the divisions of the Department, but is not responsible for the clinical activities of the Health Division or the professional line activities of the other divisions.

(c) Shall administer any state program for persons with developmental disabilities established pursuant to the Developmental Disabilities Assistance and Bill of Rights Act of 2000, 42 U.S.C. 15001 et seq.

(d) Shall, after considering advice from agencies of local governments and nonprofit organizations which provide social services, adopt a master plan for the provision of human services in this State. The Director shall revise the plan biennially and deliver a copy of the plan to the Governor and the Legislature at the beginning of each regular session. The plan must:

(1) Identify and assess the plans and programs of the Department for the provision of human services, and any duplication of those services by federal, state and local agencies;

(2) Set forth priorities for the provision of those services;

(3) Provide for communication and the coordination of those services among nonprofit organizations, agencies of local government, the State and the Federal Government;

(4) Identify the sources of funding for services provided by the Department and the allocation of that funding;

(5) Set forth sufficient information to assist the Department in providing those services and in the planning and budgeting for the future provision of those services; and

(6) Contain any other information necessary for the Department to communicate effectively with the Federal Government concerning demographic trends, formulas for the distribution of federal money and any need for the modification of programs administered by the Department.

(e) May, by regulation, require nonprofit organizations and state and local governmental agencies to provide information regarding the programs of those organizations and agencies, excluding detailed information relating to their budgets and payrolls, which the Director deems necessary for the performance of the duties imposed upon him or her pursuant to this section.

(f) Has such other powers and duties as are provided by law.

2. Notwithstanding any other provision of law, the Director, or the Director's designee, is responsible for appointing and removing subordinate officers and employees of the Department, other than:

(a) The Executive Director of the Nevada Indian Commission who is appointed pursuant to NRS 233A.055; and

(b) The State Public Defender of the Office of State Public Defender who is appointed pursuant to NRS 180.010.

Sec. 11. This act becomes effective on July 1, 2011.

Assemblywoman Mastroluca moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 128.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 372.

AN ACT relating to smoking; prohibiting the smoking of tobacco on the property of the Nevada System of Higher Education **~~[~~.~~]~~ except in certain designated smoking areas;** providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[The Nevada Clean Indoor Air Act was proposed by an initiative petition and approved by voters at the 2006 General Election. (NRS 202.2483) The Act]~~ **Existing law** generally prohibits the smoking of tobacco in certain locations, such as within indoor places of employment **~~[,]~~ and** within buildings or office space owned or occupied by the Nevada System of Higher

Education . ~~[and within school buildings and on school property. This bill expands the Act to prohibit]~~ **(NRS 202.2483) This bill generally prohibits** the smoking of tobacco on any property or campus owned or occupied by the Nevada System of Higher Education. **This bill also provides that the Nevada System of Higher Education may designate certain areas where smoking may be permitted, if the areas are separate from normal pedestrian access and entrances of buildings.**

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

Section 1. NRS 202.2483 is hereby amended to read as follows:

202.2483 1. Except as otherwise provided in subsection 3, smoking tobacco in any form is prohibited within indoor places of employment including, but not limited to, the following:

(a) Child care facilities;

(b) Movie theatres;

(c) Video arcades;

(d) Government buildings and public places;

(e) Malls and retail establishments;

(f) All areas of grocery stores; and

(g) All indoor areas within restaurants.

2. Without exception, smoking tobacco in any form is prohibited within ~~[:~~ ~~*(a) Within]*~~ school buildings and on school property.

~~[~~ ~~*(b) On any property or campus owned or occupied by any component of the Nevada System of Higher Education and used for any purpose related to the System.]*~~

3. Smoking tobacco is not prohibited in:

(a) Areas within casinos where loitering by minors is already prohibited by state law pursuant to NRS 463.350;

(b) Stand-alone bars, taverns and saloons;

(c) Strip clubs or brothels;

(d) Retail tobacco stores;

(e) Private residences, including private residences which may serve as an office workplace, except if used as a child care, an adult day care or a health care facility; and

(f) The area of a convention facility in which a meeting or trade show is being held, during the time the meeting or trade show is occurring, if the meeting or trade show:

(1) Is not open to the public;

(2) Is being produced or organized by a business relating to tobacco or a professional association for convenience stores; and

(3) Involves the display of tobacco products.

4. In areas or establishments where smoking is not prohibited by this section, nothing in state law shall be construed to prohibit the owners of said

establishments from voluntarily creating nonsmoking sections or designating the entire establishment as smoke free.

5. Nothing in state law shall be construed to restrict local control or otherwise prohibit a county, city or town from adopting and enforcing local tobacco control measures that meet or exceed the minimum applicable standards set forth in this section.

6. "No Smoking" signs or the international "No Smoking" symbol shall be clearly and conspicuously posted in every public place and place of employment where smoking is prohibited by this section. Each public place and place of employment where smoking is prohibited shall post, at every entrance, a conspicuous sign clearly stating that smoking is prohibited. All ashtrays and other smoking paraphernalia shall be removed from any area where smoking is prohibited.

7. Health authorities, police officers of cities or towns, sheriffs and their deputies shall, within their respective jurisdictions, enforce the provisions of this section and shall issue citations for violations of this section pursuant to NRS 202.2492 and 202.24925.

8. No person or employer shall retaliate against an employee, applicant or customer for exercising any rights afforded by, or attempts to prosecute a violation of, this section.

9. For the purposes of this section, the following terms have the following definitions:

(a) "Casino" means an entity that contains a building or large room devoted to gambling games or wagering on a variety of events. A casino must possess a nonrestricted gaming license as described in NRS 463.0177 and typically uses the word 'casino' as part of its proper name.

(b) "Child care facility" has the meaning ascribed to it in NRS 432A.024.

(c) "Completely enclosed area" means an area that is enclosed on all sides by any combination of solid walls, windows or doors that extend from the floor to the ceiling.

(d) "Government building" means any building or office space owned or occupied by:

(1) Any component of the Nevada System of Higher Education and used for any purpose related to the System;

(2) The State of Nevada and used for any public purpose; or

(3) Any county, city, school district or other political subdivision of the State and used for any public purpose.

(e) "Health authority" has the meaning ascribed to it in NRS 202.2485.

(f) "Incidental food service or sales" means the service of prepackaged food items including, but not limited to, peanuts, popcorn, chips, pretzels or any other incidental food items that are exempt from food licensing requirements pursuant to subsection 2 of NRS 446.870.

(g) "Place of employment" means any enclosed area under the control of a public or private employer which employees frequent during the course of employment including, but not limited to, work areas, restrooms, hallways,

employee lounges, cafeterias, conference and meeting rooms, lobbies and reception areas.

(h) "Public places" means any enclosed areas to which the public is invited or in which the public is permitted.

(i) "Restaurant" means a business which gives or offers for sale food, with or without alcoholic beverages, to the public, guests or employees, as well as kitchens and catering facilities in which food is prepared on the premises for serving elsewhere.

(j) "Retail tobacco store" means a retail store utilized primarily for the sale of tobacco products and accessories and in which the sale of other products is merely incidental.

(k) "School building" means all buildings on the grounds of any public school described in NRS 388.020 and any private school as defined in NRS 394.103.

(l) "School property" means the grounds of any public school described in NRS 388.020 and any private school as defined in NRS 394.103.

(m) "Stand-alone bar, tavern or saloon" means an establishment devoted primarily to the sale of alcoholic beverages to be consumed on the premises, in which food service is incidental to its operation, and provided that smoke from such establishments does not infiltrate into areas where smoking is prohibited under the provisions of this section. In addition, a stand-alone bar, tavern or saloon must be housed in either:

(1) A physically independent building that does not share a common entryway or indoor area with a restaurant, public place or any other indoor workplaces where smoking is prohibited by this section; or

(2) A completely enclosed area of a larger structure, such as a strip mall or an airport, provided that indoor windows must remain shut at all times and doors must remain closed when not actively in use.

(n) "Video arcade" has the meaning ascribed to it in paragraph (d) of subsection 3 of NRS 453.3345.

10. Any statute or regulation inconsistent with this section ***, unless such statute or regulation meets or exceeds the minimum applicable standards set forth in this section,*** is null and void.

11. The provisions of this section are severable. If any provision of this section or the application thereof is declared by a court of competent jurisdiction to be invalid or unconstitutional, such declaration shall not affect the validity of the section as a whole or any provision thereof other than the part declared to be invalid or unconstitutional.

Sec. 2. **Chapter 396 of NRS is hereby amended by adding thereto a new section to read as follows:**

1. Except as otherwise provided in subsection 2, smoking tobacco in any form is prohibited on any property or campus owned or occupied by any component of the System and used for any purpose related to the System.

2. The System may designate certain outside areas, that are separate from areas of normal pedestrian use or ingress and egress from buildings, where smoking tobacco may be permitted.

3. A person who violates the provisions of this section is guilty of a misdemeanor.

4. The police department of the System shall prepare, sign and serve written citations on persons accused of violating this section.

Assemblyman Ohrenschall moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 130.

Bill read second time.

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

Amendment No. 131.

AN ACT relating to affordable housing; allowing affordable housing entities to participate in a program of joint self-insurance; exempting such a program of joint self-insurance from the Nevada Insurance Code; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, any two or more public agencies or nonprofit medical facilities may enter into a cooperative agreement to establish a self-insurance reserve or purchase certain kinds of insurance. (NRS 277.055) **Section 1** of this bill allows any two or more affordable housing entities to establish and participate in a program to jointly self-insure and purchase certain kinds of insurance and establishes provisions to govern such a program. **Section 1** also: (1) exempts such a program from the Nevada Insurance Code; (2) requires certain information relating to the program to be submitted to the Commissioner of Insurance; and (3) authorizes the Commissioner to **order an examination,** issue a cease and desist order **or hold a hearing** regarding ~~[the program to stop]~~ any violation of **section 1 of the program** or ~~[to stop a program from being operated]~~ **the operation of the program** while in an unsafe financial condition.

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

Section 1. Chapter 315 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection 3, any two or more affordable housing entities may establish and participate in a program to jointly self-insure and jointly purchase insurance or reinsurance for coverage under a plan of:

(a) Casualty insurance, as that term is defined in NRS 681A.020, except for workers' compensation and employer's liability coverage;

(b) Marine and transportation insurance, as that term is defined in NRS 681A.050;

(c) Property insurance, as that term is defined in NRS 681A.060;

(d) Surety insurance, as that term is defined in NRS 681A.070; or

(e) Insurance for any combination of the kinds of insurance listed in paragraphs (a) to (d), inclusive.

2. A program established pursuant to subsection 1 must be administered by an entity which is organized as a nonprofit corporation, limited-liability company, partnership or trust, whether organized under the laws of this State or another state or operating in another state. A majority of the board of directors or other governing body of the entity administering the program must be affiliated with one or more of the affordable housing entities participating in the program.

3. This section does not apply to an affordable housing entity that individually self-insures or participates in a risk pooling arrangement, including a risk retention group or a risk purchasing group, with respect to the kinds of insurance set forth in subsection 1.

4. Except as otherwise provided in this section or by specific statute:

(a) A program established pursuant to subsection 1 and the entity administering the program:

(1) Shall be deemed not to be providing coverage which constitutes insurance; and

(2) Are not subject to the provisions of title 57 of NRS; and

(b) The entity administering a program established pursuant to subsection 1 shall be deemed not to be engaging in the transaction of insurance.

5. The entity administering a program established pursuant to subsection 1 shall provide any affordable housing entity that seeks to participate in the program with a written notice, in 10-point type or larger, before the affordable housing entity begins participating in the program, that the program is not regulated by the Commissioner and that, if the program or the entity administering the program is found insolvent, a claim under the program is not covered by the Nevada Insurance Guaranty Association Act.

6. The entity administering a program established pursuant to subsection 1 shall submit to the Commissioner:

(a) Within 105 days after the end of the program's fiscal year:

(1) An annual financial statement for the program audited by a certified public accountant; and

(2) An annual actuarial analysis for the program prepared by an actuary ~~[,]~~ ***who meets the qualification standards for issuing statements of actuarial opinion in the United States established by the American Academy of Actuaries or its successor organization; and***

(b) Within 30 days after:

(1) Filing with any other regulatory body, a claims audit report relating to the entity or the program, a copy of the claims audit report filed with the other regulatory body;

(2) Issuance by any other regulatory body of a report of examination relating to the entity or the program, a copy of the report of examination issued by the other regulatory body;

(3) The effective date of a plan of financing, management and operation for the entity or the program or any material change in such a plan, a copy of the plan or material change; and

(4) The effective date of any material change in the scope of regulation of the entity or the program by any other state in which the entity operates, a statement of the material change.

7. The Commissioner may order an examination of a program established pursuant to subsection 1 or the entity administering the program based upon any credible evidence that the program or entity is in violation of this section or is operating or being operated while in an unsafe financial condition. Such an examination must be administered in accordance with NRS 679B.230 to 679B.300, inclusive, and any regulations adopted pursuant thereto.

8. If the Commissioner determines that a program established pursuant to subsection 1 or the entity administering the program is in violation of this section or is operating or being operated while in an unsafe financial condition, the Commissioner may issue and serve upon the entity administering the program an order to cease and desist from the violation or from administering or in any way operating the program.

~~*[8.]*~~ *9. The Commissioner may hold a hearing, without a request by any party, to determine whether a program established pursuant to subsection 1 or the entity administering the program is in violation of this section or is operating or being operated while in an unsafe financial condition. A person aggrieved by any act, threatened act or failure of the Commissioner to act, or by any report, rule, regulation or order of the Commissioner relating to this section, may request a hearing. Any hearing held pursuant to this subsection must be held in accordance with NRS 679B.310 to 679B.370, inclusive, and any regulations adopted pursuant thereto.*

10. The provisions of this section must be liberally construed to grant affordable housing entities maximum flexibility to jointly self-insure and jointly purchase insurance or reinsurance to the extent that a program established pursuant to subsection 1 is being administered and otherwise operated in a safe financial condition and in a sound manner.

~~*[9.]*~~ *11. Each entity administering a program established pursuant to subsection 1 shall, on or before January 15 of each odd-numbered year, submit a report to the Director of the Legislative Counsel Bureau for transmittal to the Legislature. The report must include, without limitation,*

a list of the affordable housing entities participating in the program and any other information the Director deems relevant.

12. As used in this section:

(a) "Affordable housing" means housing projects in which some of the dwelling units may be purchased or rented, with or without government assistance, on a basis that is affordable to persons of low income.

(b) "Affordable housing entity" means:

(1) A housing authority created under the laws of this State or another jurisdiction and any agency or instrumentality of a housing authority, including, but not limited to, a legal entity created to enter into an agreement which complies with NRS 277.055;

(2) A nonprofit corporation organized under the laws of this State or another state that is engaged in providing affordable housing; or

(3) A general or limited partnership or limited-liability company which is engaged in providing affordable housing and which is affiliated with a housing authority described in subparagraph (1) or a nonprofit corporation described in subparagraph (2) if the housing authority or nonprofit corporation:

(I) Has, or has the right to acquire, a financial or ownership interest in the partnership or limited-liability company;

(II) Has the power to direct the management or policies of the partnership or limited-liability company; or

(III) Has entered into a contract to lease, manage or operate the affordable housing owned by the partnership or limited-liability company.

(c) "Commissioner" means the Commissioner of Insurance.

Sec. 2. NRS 315.150 is hereby amended to read as follows:

315.150 Unless the context otherwise requires, the definitions contained in NRS 315.160 to 315.300, inclusive, govern the construction of NRS 315.140 to 315.7813, inclusive ~~[.]~~ ***, and section 1 of this act.***

Sec. 3. NRS 315.360 is hereby amended to read as follows:

315.360 Any housing authority created and existing prior to July 1, 1975, pursuant to the Housing Authorities Law of 1943 or the Housing Law of 1951 continues in existence for the purposes of and has all of the powers granted by NRS 315.140 to 315.7813, inclusive ~~[.]~~ ***, and section 1 of this act.***

Sec. 4. NRS 679A.160 is hereby amended to read as follows:

679A.160 Except as otherwise provided by specific statute, no provision of this Code applies to:

1. Fraternal benefit societies, as identified in chapter 695A of NRS, except as stated in chapter 695A of NRS.

2. Hospital, medical or dental service corporations, as identified in chapter 695B of NRS, except as stated in chapter 695B of NRS.

3. Motor clubs, as identified in chapter 696A of NRS, except as stated in chapter 696A of NRS.

4. Bail agents, as identified in chapter 697 of NRS, except as stated in NRS 680B.025 to 680B.039, inclusive, and chapter 697 of NRS.

5. Risk retention groups, as identified in chapter 695E of NRS, except as stated in chapter 695E of NRS.

6. Captive insurers, as identified in chapter 694C of NRS, with respect to their activities as captive insurers, except as stated in chapter 694C of NRS.

7. Health and welfare plans arising out of collective bargaining under chapter 288 of NRS, except that the Commissioner may review the plan to ensure that the benefits are reasonable in relation to the premiums and that the fund is financially sound.

8. Programs established pursuant to subsection 1 of section 1 of this act and the entities administering those programs, except as stated in section 1 of this act.

Sec. 5. NRS 679A.165 is hereby amended to read as follows:

679A.165 A person who is required by statute to obtain insurance or any other type of security as a condition of licensure or conducting business must obtain the insurance or other security in the manner set forth in NRS 277.067, 277.069 or 277.0695 ***or section 1 of this act*** or from an insurer who is licensed or otherwise allowed to transact insurance under this title.

Assemblywoman Bustamante Adams moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 145.

Bill read second time.

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

Amendment No. 59.

SUMMARY—Requires ~~[a copy of an ordinance proposing the]~~ **the posting of certain notices of a proposed** annexation of an area by an unincorporated town ~~[to be sent to each owner of real property in the area]~~ under certain circumstances. (BDR 21-11)

AN ACT relating to unincorporated towns; requiring a copy of an ordinance proposing the annexation of an area by an unincorporated town to be sent to each owner of real property in the area under certain circumstances; **requiring a notice of the proposed annexation to be posted on the Internet website, if any, established and maintained by the town board or board of county commissioners proposing the annexation;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the annexation of areas requiring certain services by an unincorporated town whose population is less than 25,000 and which is located in a county whose population is less than 400,000 (currently counties other than Clark County). Such an annexation is carried out by the adoption of an ordinance by the town board or the board of county commissioners. (NRS 269.650) This bill requires a town board or board of county

commissioners that proposes to adopt such an ordinance to send a copy of the ordinance to each owner of real property in the area proposed to be annexed ~~[.]~~ **and to post a notice of the proposed annexation on the Internet website, if any, established and maintained by the town board or board of county commissioners.**

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

Section 1. Chapter 269 of NRS is hereby amended by adding thereto a new section to read as follows:

If a town board or board of county commissioners proposes to adopt an ordinance that provides for the annexation of an area by an unincorporated town pursuant to NRS 269.650, the town board or board of county commissioners shall, at the time the title and summary of the proposed ordinance are published in a newspaper pursuant to NRS 269.155 ~~*[, send]*~~ ***:***

1. Send a copy of the proposed ordinance by certified mail, return receipt requested, to each owner of real property in the area proposed to be annexed ~~*[.]*~~ ***; and***

2. Post a notice of the proposed annexation on the Internet website, if any, established and maintained by the town board or board of county commissioners.

Sec. 2. This act becomes effective on July 1, 2011.

Assemblywoman Bustamante Adams moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 146.

Bill read second time.

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

Amendment No. 132.

AN ACT relating to the Office for Consumer Health Assistance; expanding the definition of "consumer" to include more situations in which the Office may render assistance; expanding the authority of the Director of the Office to adopt regulations; authorizing the Director to appoint a designee to mediate, arbitrate or resolve by alternative means certain disputes between patients and hospitals; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes the Office for Consumer Health Assistance in the Office of the Governor to provide assistance to consumers in obtaining information or other assistance relating to a variety of medical issues. (NRS 223.550, 223.560) **Section 1** of this bill adds to the definition of "consumer" a person who is in need of information or other assistance regarding his or

her health care services or disputes in billing related to his or her medical claims.

Existing law authorizes the Director of the Office to adopt regulations relating to the duties the Director is required to perform and the annual report the Director must file with the Governor and the Director of the Legislative Counsel Bureau. (NRS 223.570) **Existing law also authorizes the Director of the Office to hear, mediate, arbitrate or resolve by alternative means disputes between patients and hospitals. (NRS 223.575) Section 2** of this bill expands ~~[this]~~ **the Director's** regulatory authority to authorize the Director to adopt regulations to ~~[carry out any provisions relating to the Office, which would allow, for example, the adoption of regulations addressing]~~ **establish** procedures for hearing **such** disputes between patients and hospitals.

~~[Existing law authorizes the Director to hear, mediate, arbitrate or resolve by alternative means of dispute resolution disputes between patients and hospitals. (NRS 223.575)]~~ **Section 4** of this bill authorizes the Director to appoint a designee to hear, mediate, arbitrate or resolve such disputes in his or her place.

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

Section 1. NRS 223.510 is hereby amended to read as follows:

223.510 "Consumer" means a natural person who:

1. Has or is in need of coverage under a health care plan;

2. Is in need of information or other assistance regarding a prescription drug program; ~~[or]~~

3. May need information concerning purchasing prescription drugs from Canadian pharmacies ~~[.]~~ ***; or***

4. Is in need of information or other assistance regarding his or her health care services or disputes in billing related to his or her medical claims.

Sec. 2. NRS 223.560 is hereby amended to read as follows:

223.560 ***1.*** The Director shall:

~~[1.]~~ ***(a)*** Respond to written and telephonic inquiries received from consumers and injured employees regarding concerns and problems related to health care and workers' compensation;

~~[2.]~~ ***(b)*** Assist consumers and injured employees in understanding their rights and responsibilities under health care plans, including, without limitation, the Public Employees' Benefits Program, and policies of industrial insurance;

~~[3.]~~ ***(c)*** Identify and investigate complaints of consumers and injured employees regarding their health care plans, including, without limitation, the Public Employees' Benefits Program, and policies of industrial insurance and assist those consumers and injured employees to resolve their complaints, including, without limitation:

~~[(a)]~~ ***(1)*** Referring consumers and injured employees to the appropriate agency, department or other entity that is responsible for addressing the specific complaint of the consumer or injured employee; and

~~[(b)]~~ ***(2)*** Providing counseling and assistance to consumers and injured employees concerning health care plans, including, without limitation, the Public Employees' Benefits Program, and policies of industrial insurance;

~~[4.]~~ ***(d)*** Provide information to consumers and injured employees concerning health care plans, including, without limitation, the Public Employees' Benefits Program, and policies of industrial insurance in this State;

~~[5.]~~ ***(e)*** Establish and maintain a system to collect and maintain information pertaining to the written and telephonic inquiries received by the Office for Consumer Health Assistance;

~~[6.]~~ ***(f)*** Take such actions as are necessary to ensure public awareness of the existence and purpose of the services provided by the Director pursuant to this section;

~~[7.]~~ ***(g)*** In appropriate cases and pursuant to the direction of the Governor, refer a complaint or the results of an investigation to the Attorney General for further action;

~~[8.]~~ ***(h)*** Provide information to and applications for prescription drug programs for consumers without insurance coverage for prescription drugs or pharmaceutical services;

~~[9.]~~ ***(i)*** Establish and maintain an Internet website which includes:

~~[(a)]~~ ***(1)*** Information concerning purchasing prescription drugs from Canadian pharmacies that have been recommended by the State Board of Pharmacy for inclusion on the Internet website pursuant to subsection 4 of NRS 639.2328;

~~[(b)]~~ ***(2)*** Links to websites of Canadian pharmacies which have been recommended by the State Board of Pharmacy for inclusion on the Internet website pursuant to subsection 4 of NRS 639.2328; and

~~[(c)]~~ ***(3)*** A link to the website established and maintained pursuant to NRS 439A.270 which provides information to the general public concerning the charges imposed and the quality of the services provided by the hospitals and surgical centers for ambulatory patients in this State; and

~~[10.]~~ ***(j)*** Assist consumers with filing complaints against health care facilities and health care professionals. As used in this subsection, "health care facility" has the meaning ascribed to it in NRS 162A.740.

2. The Director may adopt regulations to carry out the provisions of ~~*[NRS 223.500]*~~ ***NRS 223.560 to 223.580, inclusive.***

Sec. 3. NRS 223.570 is hereby amended to read as follows:

223.570 1. The Director, within the limits of available money:

(a) Shall, to carry out the provisions of this section and NRS 223.560 and 223.580, employ at least two persons who have experience in the field of workers' compensation, including, without limitation, persons who have experience in administering claims or programs related to policies of

industrial insurance, representing employees in contested claims relating to policies of industrial insurance or advocating for the rights of injured employees; and

(b) May, in addition to the persons required to be employed pursuant to paragraph (a), employ:

(1) Such persons in the unclassified service of the State as the Director determines to be necessary to carry out the provisions of this section and NRS 223.560 and 223.580, including, without limitation, a provider of health care, as that term is defined in NRS 449.581.

(2) Such additional personnel as may be required to carry out the provisions of this section and NRS 223.560 and 223.580, who must be in the classified service of the State.

➥ A person employed pursuant to the authority set forth in this subsection must be qualified by training and experience to perform the duties for which the Director employs that person.

2. The Director may:

(a) To the extent not otherwise prohibited by law, obtain such information from consumers, injured employees, health care plans, prescription drug programs and policies of industrial insurance as the Director determines to be necessary to carry out the provisions of this section and NRS 223.560 and 223.580.

(b) ~~[Adopt such regulations as the Director determines to be necessary to carry out the provisions of this section and NRS 223.560 and 223.580.~~

~~(c)]~~ Apply for any available grants, accept any gifts, grants or donations and use any such gifts, grants or donations to aid the Office for Consumer Health Assistance in carrying out its duties pursuant to ~~[subsections 8 and 9]~~ ***paragraphs (h) and (i) of subsection 1*** of NRS 223.560.

3. The Director and the Director's employees shall not have any conflict of interest relating to the performance of their duties pursuant to this section and NRS 223.560 and 223.580. For the purposes of this subsection, a conflict of interest shall be deemed to exist if the Director or employee, or any person affiliated with the Director or employee:

(a) Has direct involvement in the licensing, certification or accreditation of a health care facility, insurer or provider of health care;

(b) Has a direct ownership interest or investment interest in a health care facility, insurer or provider of health care;

(c) Is employed by, or participating in, the management of a health care facility, insurer or provider of health care; or

(d) Receives or has the right to receive, directly or indirectly, remuneration pursuant to any arrangement for compensation with a health care facility, insurer or provider of health care.

Sec. 4. NRS 223.575 is hereby amended to read as follows:

223.575 1. The Bureau for Hospital Patients is hereby created within the Office for Consumer Health Assistance in the Office of the Governor.

2. The Director:

(a) Is responsible for the operation of the Bureau, which must be easily accessible to the clientele of the Bureau.

(b) Shall appoint and supervise such additional employees as are necessary to carry out the duties of the Bureau. The employees of the Bureau are in the unclassified service of the State.

(c) On or before February 1 of each year, shall submit a written report to the Governor, and to the Director of the Legislative Counsel Bureau concerning the activities of the Bureau for Hospital Patients for transmittal to the appropriate committee or committees of the Legislature. The report must include, without limitation, the number of complaints received by the Bureau, the number and type of disputes heard, mediated, arbitrated or resolved through alternative means of dispute resolution by the Director and the outcome of the mediation, arbitration or alternative means of dispute resolution.

3. The Director ***or the Director's designee*** may, upon request made by either party, hear, mediate, arbitrate or resolve by alternative means of dispute resolution disputes between patients and hospitals. The Director ***or the Director's designee*** may decline to hear a case that in the Director's opinion is trivial, without merit or beyond the scope of his or her jurisdiction. The Director ***or the Director's designee*** may hear, mediate, arbitrate or resolve through alternative means of dispute resolution disputes regarding:

(a) The accuracy or amount of charges billed to a patient;

(b) The reasonableness of arrangements made ***for a patient to pay any bill for medical services, including, without limitation, arrangements to pay hospital bills made*** pursuant to paragraph (c) of subsection 1 of NRS 439B.260; and

(c) Such other matters related to the charges for care provided to a patient as the Director ***or the Director's designee*** determines appropriate for arbitration, mediation or other alternative means of dispute resolution.

➥ The Director's designee must be an employee of the State and, except for the purposes of this subsection, must not be employed by, or otherwise associated with, the Bureau or the Office for Consumer Health Assistance.

4. The decision of the Director ***or the Director's designee*** is a final decision for the purpose of judicial review.

5. Each hospital, other than federal and state hospitals, with 49 or more licensed or approved hospital beds shall pay an annual assessment for the support of the Bureau. On or before July 15 of each year, the Director shall notify each hospital of its assessment for the fiscal year. Payment of the assessment is due on or before September 15. Late payments bear interest at the rate of 1 percent per month or fraction thereof.

6. The total amount assessed pursuant to subsection 5 for a fiscal year must not be more than $100,000 adjusted by the percentage change between January 1, 1991, and January 1 of the year in which the fees are assessed, in the Consumer Price Index (All Items) published by the United States Department of Labor.

7. The total amount assessed must be divided by the total number of patient days of care provided in the previous calendar year by the hospitals subject to the assessment. For each hospital, the assessment must be the result of this calculation multiplied by its number of patient days of care for the preceding calendar year.

Sec. 5. NRS 223.580 is hereby amended to read as follows:

223.580 On or before February 1 of each year, the Director shall submit a written report to the Governor, and to the Director of the Legislative Counsel Bureau for transmittal to the appropriate committee or committees of the Legislature. The report must include, without limitation:

1. A statement setting forth the number and geographic origin of the written and telephonic inquiries received by the Office for Consumer Health Assistance and the issues to which those inquiries were related;

2. A statement setting forth the type of assistance provided to each consumer and injured employee who sought assistance from the Director, including, without limitation, the number of referrals made to the Attorney General pursuant to ***paragraph (g) of*** subsection ~~[7]~~ ***1*** of NRS 223.560;

3. A statement setting forth the disposition of each inquiry and complaint received by the Director; and

4. A statement setting forth the number of external reviews conducted by external review organizations pursuant to NRS 695G.241 to 695G.310, inclusive, and the disposition of each of those reviews as reported pursuant to NRS 695G.310.

Sec. 6. NRS 453.3639 is hereby amended to read as follows:

453.3639 1. Except as otherwise provided in subsection 3, a person who is located within or outside this State shall not, via the Internet, fill or refill a prescription drug if:

(a) The person has reasonable cause to believe that the prescription is being filled or refilled for a person in this State; and

(b) The prescription drug has not been lawfully imported into the United States.

2. Except as otherwise provided in subsection 3, a person who is located within or outside this State shall not, via the Internet, fill or refill a prescription drug if:

(a) The person has reasonable cause to believe that the prescription is being filled or refilled for a person in this State; and

(b) The prescription was not delivered to the person in accordance with all applicable state and federal laws, regulations and standards.

3. The provisions of this section do not prohibit a Canadian pharmacy which is licensed by the Board and which has been recommended by the Board pursuant to subsection 4 of NRS 639.2328 for inclusion on the Internet website established and maintained pursuant to ***paragraph (i) of*** subsection ~~[9]~~ ***1*** of NRS 223.560 from providing prescription drugs through mail order service to residents of Nevada in the manner set forth in NRS 639.2328 to 639.23286, inclusive.

4. A person shall not knowingly aid another person in any act or transaction that violates any provision of this section.

5. Except as otherwise provided in subsection 6, a person who violates any provision of this section is guilty of a category C felony and shall be punished as provided in NRS 193.130.

6. A person who violates any provision of this section is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 3 years and a maximum term of not more than 15 years, and may be further punished by a fine of not more than $100,000, if the substance or drug involved:

(a) Is classified in schedule I; or

(b) Proximately causes substantial bodily harm to or the death of the intended recipient of the substance or drug or any other person.

7. The court shall not grant probation to or suspend the sentence of a person punished pursuant to subsection 6.

8. A person may be prosecuted, convicted and punished for a violation of this section whether or not the person is prosecuted, convicted or punished for violating any other specific statute based upon the same act or transaction.

Sec. 7. NRS 639.230 is hereby amended to read as follows:

639.230 1. A person operating a business in this State shall not use the letters "Rx" or "RX" or the word "drug" or "drugs," "prescription" or "pharmacy," or similar words or words of similar import, without first having secured a license from the Board.

2. Each license must be issued to a specific person and for a specific location and is not transferable. The original license must be displayed on the licensed premises as provided in NRS 639.150. The original license and the fee required for reissuance of a license must be submitted to the Board before the reissuance of the license.

3. If the owner of a pharmacy is a partnership or corporation, any change of partners or corporate officers must be reported to the Board at such a time as is required by a regulation of the Board.

4. Except as otherwise provided in subsection 6, in addition to the requirements for renewal set forth in NRS 639.180, every person holding a license to operate a pharmacy must satisfy the Board that the pharmacy is conducted according to law.

5. Any violation of any of the provisions of this chapter by a managing pharmacist or by personnel of the pharmacy under the supervision of the managing pharmacist is cause for the suspension or revocation of the license of the pharmacy by the Board.

6. The provisions of this section do not prohibit a Canadian pharmacy which is licensed by the Board and which has been recommended by the Board pursuant to subsection 4 of NRS 639.2328 for inclusion on the Internet website established and maintained pursuant to ***paragraph (i) of*** subsection ~~[9]~~ ***1*** of NRS 223.560 from providing prescription drugs through mail order

service to residents of Nevada in the manner set forth in NRS 639.2328 to 639.23286, inclusive.

Sec. 8. NRS 639.2328 is hereby amended to read as follows:

639.2328 1. Every pharmacy located outside Nevada that provides mail order service to or solicits or advertises for orders for drugs available with a prescription from a resident of Nevada must be licensed by the Board.

2. To be licensed or to renew a license, such a pharmacy must:

(a) Be licensed as a pharmacy, or the equivalent, by the state or country in which its dispensing facilities are located.

(b) Comply with all applicable federal laws, regulations and standards.

(c) Submit an application in the form furnished by the Board.

(d) Provide the following information to the Board:

(1) The name and address of the owner;

(2) The location of the pharmacy;

(3) The name of the pharmacist who is the managing pharmacist; and

(4) Any other information the Board deems necessary.

(e) Pay the fee required by regulation of the Board.

(f) Submit evidence satisfactory to the Board that the facility, records and operation of the pharmacy comply with the laws and regulations of the state or country in which the pharmacy is located.

(g) Submit certification satisfactory to the Board that the pharmacy complies with all lawful requests and directions from the regulatory board or licensing authority of the state or country in which the pharmacy is located relating to the shipment, mailing or delivery of drugs.

(h) Be certified by the Board pursuant to NRS 639.23288 if the pharmacy operates an Internet pharmacy.

3. In addition to the requirements of subsection 2, the Board may require such a pharmacy to be inspected by the Board.

4. The Board shall notify the Office for Consumer Health Assistance each time the Board licenses a Canadian pharmacy pursuant to this section and recommend that the Office for Consumer Health Assistance include each such pharmacy on the Internet website established and maintained pursuant to ***paragraph (i) of*** subsection ~~[9]~~ ***1*** of NRS 223.560.

Sec. 9. NRS 639.23284 is hereby amended to read as follows:

639.23284 1. Every pharmacy located outside Nevada that provides mail order service to a resident of Nevada:

(a) Shall report to the Board any change of information that appears on its license and pay the fee required by regulation of the Board.

(b) Shall make available for inspection all pertinent records, reports, documents or other material or information required by the Board.

(c) As required by the Board, must be inspected by the Board or:

(1) The regulatory board or licensing authority of the state or country in which the pharmacy is located; or

(2) The Drug Enforcement Administration.

(d) As required by the Board, shall provide the following information concerning each prescription for a drug that is shipped, mailed or delivered to a resident of Nevada:

(1) The name of the patient;

(2) The name of the prescriber;

(3) The number of the prescription;

(4) The date of the prescription;

(5) The name of the drug;

(6) The symptom or purpose for which the drug is prescribed, if requested by the patient pursuant to NRS 639.2352; and

(7) The strength and quantity of the dose.

2. In addition to complying with the requirements of subsection 1, every Canadian pharmacy which is licensed by the Board and which has been recommended by the Board pursuant to subsection 4 of NRS 639.2328 for inclusion on the Internet website established and maintained pursuant to ***paragraph (i) of*** subsection ~~[9]~~ ***1*** of NRS 223.560 that provides mail order service to a resident of Nevada shall not sell, distribute or furnish to a resident of this State:

(a) A controlled substance;

(b) A prescription drug that has not been approved by the federal Food and Drug Administration;

(c) A generic prescription drug that has not been approved by the federal Food and Drug Administration;

(d) A prescription drug for which the federal Food and Drug Administration has withdrawn or suspended its approval; or

(e) A quantity of prescription drugs at one time that includes more drugs than are prescribed to the patient as a 3-month supply of the drugs.

Sec. 10. This act becomes effective on July 1, 2011.

Assemblywoman Bustamante Adams moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 171.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 420.

AN ACT relating to education; revising provisions governing the membership of a committee to form a charter school and the governing body of a charter school; revising provisions for the process of review of an application to form a charter school; authorizing the governing body of a charter school to set a salary for the attendance of its members at meetings of the governing body; revising the requirements for a charter school to be eligible for an exemption from annual performance audits and to receive certain money for facilities; **revising provisions governing the employment**

of licensed employees by a charter school; revising various other provisions governing charter schools; repealing the Subcommittee on Charter Schools; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1 of this bill revises the membership of a committee to form a charter school and revises the process for review of an application to form a charter school by the Department of Education.

Section 2 of this bill revises the procedure for the review of an application to form a charter school if the proposed sponsor is the State Board of Education.

Section 3 of this bill provides that if the sponsor of a charter school denies a request for an amendment of a written charter of the charter school, the sponsor must provide written notice to the governing body which sets forth the reasons for the denial.

Section 3.5 of this bill provides that the sponsor of a charter school may revoke the written charter before the expiration of the charter if the sponsor determines that the charter school failed to comply with the material terms and conditions of the written charter.

Section 5 of this bill authorizes the Department to request certain information from a charter school, regardless of whether that information is required by specific statute, and provides that if the Department requests such information, the Department shall include in the request a mechanism by which the Department will pay or reimburse the charter school for the requested information, if the provision of the information will incur any costs for the charter school.

Section 6 of this bill revises the membership of the governing body of a charter school and authorizes the governing body, upon a majority vote of members, to set a salary for the attendance of its members at meetings of the governing body, not to exceed $80 per meeting per month.

Existing law prescribes the requirement for a charter school to be exempt from an annual performance audit and undergo a performance audit every 3 years and to be eligible for available money from legislative appropriations or otherwise for facilities. A charter school is eligible if at least 75 percent of the pupils enrolled in the charter school who are required to take the high school proficiency examination have passed that examination. (NRS 386.5515) **Section 7** of this bill revises this eligibility requirement to require that at least 75 percent of the pupils enrolled in the charter school in grade 12 in the immediately preceding school year who have satisfied the course work requirements for graduation have passed the high school proficiency examination.

Existing law provides that the pupils enrolled in charter schools must be included in the count of pupils for purposes of the apportionments and allowances from the State Distributive School Account and provides for the reimbursement of administrative costs to the sponsor of a charter school. (NRS 386.570) **Section 9** of this bill requires the State Board to prescribe a

process which ensures that all charter schools, regardless of the sponsor, have information of all sources of funding for the public schools provided through the Department. **Section 9** also changes the percentage of administrative costs that the State Board or a college or university may receive for sponsorship after the first year of operation of a charter school from 1.5 percent to 1 percent.

Existing law requires a school district to grant a leave of absence to an employee of the school district, not to exceed 3 years, to accept employment with a charter school sponsored by the school district. The school district is required to grant such an employee's request to return to his or her former teaching position or a comparable teaching position within the school district after the approved leave of absence is complete. (NRS 386.595) Section 9.7 of this bill removes the provision which specifies that the school district which is the sponsor of the charter school shall grant a leave of absence, so that a school district, regardless of sponsor, shall grant such a leave of absence for its licensed employees. Section 9.7 also removes the provision which provides that the employee may return to his or her former teaching position and instead authorizes the employee to return to a comparable teaching position. Section 9.7 further requires that upon the request of a governing body of a charter school, the board of trustees of a school district, with the permission of the licensed employee who is seeking employment with the charter school, transmit to the governing body a copy of the employment record of the employee that is maintained by the school district. Section 9.7 also requires that upon request of the board of trustees of a school district, the governing body of a charter school, with the permission of the licensed employee who is granted a leave of absence from the school district, transmit to the school district a copy of the employment record of the employee maintained by the charter school. Finally, section 9.7 authorizes the school district to conduct an investigation of any misconduct of the licensed employee who was granted a leave of absence for employment with a charter school and who requests to return to employment with the school district.

Under existing law, a parent may homeschool a child if the parent submits to the superintendent of schools of the school district in which the child resides a notice of intent to homeschool the child. (NRS 392.700) **Section 10** of this bill requires ~~[the parent of a homeschooled child who seeks admittance to public school to submit a request to the superintendent of schools of the school district in which the child resides to withdraw the notice of intent to homeschool. Section 10 also requires]~~ a charter school **,** to **the extent practicable, to** notify the school district in which the child resides if the child who is or was homeschooled enrolls in the charter school **[.] and provides that the child may be counted for the purposes of the calculation of basic support whether or not the charter school provides the notice.**

Section 11 of this bill repeals the Subcommittee on Charter Schools.

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

Section 1. NRS 386.520 is hereby amended to read as follows:

386.520 1. A committee to form a charter school must consist of ~~[at least three teachers, as defined in subsection 4.]~~ ***:***

(a) ~~[Two members]~~ One member who ~~[are educational personnel]~~ is a teacher or other person licensed pursuant to chapter 391 of NRS ~~[,]~~ or who previously held such a license and is retired, as long as his or her license was held in good standing;

(b) One member who:

(1) Satisfies the qualifications of paragraph (a); or

(2) Is a school administrator with a license issued by another state or who previously held such a license and is retired, as long as his or her license was held in good standing;

(c) One parent or legal guardian who is not a teacher or employee of the proposed charter school; and

~~[(c)]~~ (d) Two members who possess knowledge and expertise in one or more of the following areas:

(1) Accounting;

(2) Financial services;

(3) Law; or

(4) Human resources.

2. In addition to the ~~[teachers]~~ ***members*** who serve ~~[,]~~ ***pursuant to subsection 1,*** the committee ***to form a charter school*** may ~~[consist of:]~~ ***include, without limitation, not more than four additional members as follows:***

(a) Members of the general public;

(b) Representatives of nonprofit organizations and businesses; or

(c) Representatives of a college or university within the Nevada System of Higher Education.

~~[~~**~~]~~** ***3.*** A majority of the persons ~~[described in paragraphs (a), (b) and (c)]~~ who serve on the committee ***to form a charter school*** must be residents of this State at the time that the application to form the charter school is submitted to the Department.

~~[2.]~~ ***4.*** Before a committee to form a charter school may submit an application to the board of trustees of a school district, ~~[the Subcommittee on Charter Schools,]~~ the State Board or a college or university within the Nevada System of Higher Education, it must submit the application to the Department. The application must include all information prescribed by the Department by regulation and:

(a) A written description of how the charter school will carry out the provisions of NRS 386.500 to 386.610, inclusive.

(b) A written description of the mission and goals for the charter school. A charter school must have as its stated purpose at least one of the following goals:

(1) Improving the opportunities for pupils to learn;

(2) Encouraging the use of effective methods of teaching;

(3) Providing an accurate measurement of the educational achievement of pupils;

(4) Establishing accountability of public schools;

(5) Providing a method for public schools to measure achievement based upon the performance of the schools; or

(6) Creating new professional opportunities for teachers.

(c) The projected enrollment of pupils in the charter school.

(d) The proposed dates ~~[of]~~ ***for accepting applications for*** enrollment ~~[for]~~ ***in the initial year of operation of*** the charter school.

(e) The proposed system of governance for the charter school, including, without limitation, the number of persons who will govern, the method ~~[of selecting]~~ ***for nominating and electing*** the persons who will govern and the term of office for each person.

(f) The method by which disputes will be resolved between the governing body of the charter school and the sponsor of the charter school.

(g) The proposed curriculum for the charter school and, if applicable to the grade level of pupils who are enrolled in the charter school, the requirements for the pupils to receive a high school diploma, including, without limitation, whether those pupils will satisfy the requirements of the school district in which the charter school is located for receipt of a high school diploma.

(h) The textbooks that will be used at the charter school.

(i) The qualifications of the persons who will provide instruction at the charter school.

(j) Except as otherwise required by NRS 386.595, the process by which the governing body of the charter school will negotiate employment contracts with the employees of the charter school.

(k) A financial plan for the operation of the charter school. The plan must include, without limitation, procedures for the audit of the programs and finances of the charter school and guidelines for determining the financial liability if the charter school is unsuccessful.

(l) A statement of whether the charter school will provide for the transportation of pupils to and from the charter school. If the charter school will provide transportation, the application must include the proposed plan for the transportation of pupils. If the charter school will not provide transportation, the application must include a statement that the charter school will work with the parents and guardians of pupils enrolled in the charter school to develop a plan for transportation to ensure that pupils have access to transportation to and from the charter school.

(m) The procedure for the evaluation of teachers of the charter school, if different from the procedure prescribed in NRS 391.3125. If the procedure is different from the procedure prescribed in NRS 391.3125, the procedure for the evaluation of teachers of the charter school must provide the same level of protection and otherwise comply with the standards for evaluation set forth in NRS 391.3125.

(n) The time by which certain academic or educational results will be achieved.

(o) The kind of school, as defined in subsections 1 to 4, inclusive, of NRS 388.020, for which the charter school intends to operate.

(p) A statement of whether the charter school will enroll pupils who are in a particular category of at-risk pupils before enrolling other children who are eligible to attend the charter school pursuant to NRS 386.580 and the method for determining eligibility for enrollment in each such category of at-risk pupils served by the charter school.

~~[3.]~~ ***5.*** The Department shall review an application to form a charter school to determine whether it is ***substantially*** complete ~~[.]~~ ***and compliant.*** If an application proposes to convert an existing public school, homeschool or other program of home study into a charter school, the Department shall ~~[deny the application.]~~ ***provide written notice to the applicant that the application is ineligible for consideration by the proposed sponsor.***

6. The Department shall provide written notice to the applicant of its ~~[approval or denial of]~~ ***determination whether*** the application ~~[.]~~ ***is substantially complete and compliant.*** If the Department ~~[denies]~~ ***determines that*** an application ~~[,]~~ ***is not substantially complete and compliant,*** the Department shall include in the written notice the ~~[reason for the denial]~~ ***basis for that determination*** and the deficiencies in the application. ***The staff designated by the Department shall meet with the applicant to confer on the method to correct the identified deficiencies.*** The applicant must be granted 30 days after receipt of the written notice to correct any deficiencies identified in the written notice and resubmit the application.

~~[4.]~~ ***7.*** As used in subsection 1, "teacher" means a person who:

(a) Holds a current license to teach issued pursuant to chapter 391 of NRS ~~[;]~~ ***or who previously held such a license and is retired, as long as his or her license was held in good standing;*** and

(b) Has at least 2 years of experience as an employed teacher.

➥ The term does not include a person who is employed as a substitute teacher.

Sec. 2. NRS 386.525 is hereby amended to read as follows:

386.525 1. Upon ~~[approval of an application]~~ ***determination*** by the Department ~~[,]~~ ***that an application is substantially complete and compliant,*** a committee to form a charter school may submit the application to the board of trustees of the school district in which the proposed charter school will be located, a college or university within the Nevada System of Higher Education or ~~[directly to the Subcommittee on Charter Schools.]~~ ***the State***

Board. If the board of trustees of a school district, a college or a university, as applicable, receives an application to form a charter school, the board of trustees or the institution, as applicable, shall consider the application at a meeting that must be held not later than 45 days after the receipt of the application, or a period mutually agreed upon by the committee to form the charter school and the board of trustees of the school district or the institution, as applicable, and ensure that notice of the meeting has been provided pursuant to chapter 241 of NRS. The board of trustees, the college, the university or the ~~[~~Subcommittee on Charter Schools,~~]~~ ***State Board,*** as applicable, shall review an application to determine whether the application:

(a) Complies with NRS 386.500 to 386.610, inclusive, and the regulations applicable to charter schools; and

(b) Is complete in accordance with the regulations of the Department.

2. The Department shall assist the board of trustees of a school district, the college or the university, as applicable, in the review of an application. The board of trustees, the college or the university, as applicable, may approve an application if it satisfies the requirements of paragraphs (a) and (b) of subsection 1. The board of trustees, the college or the university, as applicable, shall provide written notice to the applicant of its approval or denial of the application.

3. If the board of trustees, the college or the university, as applicable, denies an application, it shall include in the written notice the reasons for the denial and the deficiencies in the application. The applicant must be granted 30 days after receipt of the written notice to correct any deficiencies identified in the written notice and resubmit the application.

4. If the board of trustees, the college or the university, as applicable, denies an application after it has been resubmitted pursuant to subsection 3, the applicant may submit a written request ***to the State Board*** for sponsorship by the State Board ~~[~~to the Subcommittee on Charter Schools created pursuant to NRS 386.507~~]~~ not more than 30 days after receipt of the written notice of denial. Any request that is submitted pursuant to this subsection must be accompanied by the application to form the charter school.

5. If the ~~[~~Subcommittee on Charter Schools~~]~~ ***State Board*** receives an application pursuant to subsection 1 or 4, it shall ~~[~~hold~~]~~ ***consider the application at*** a meeting ~~[~~to consider the application. The meeting~~]~~ ***which*** must be held not later than 45 days after receipt of the application. Notice of the meeting must be posted in accordance with chapter 241 of NRS. The ~~[~~Subcommittee~~]~~ ***State Board*** shall review the application in accordance with the factors set forth in paragraphs (a) and (b) of subsection 1. The ~~[~~Subcommittee~~]~~ ***State Board*** may approve an application if it satisfies the requirements of paragraphs (a) and (b) of subsection 1.

~~[~~6. The Subcommittee on Charter Schools shall transmit the application and the recommendation of the Subcommittee for approval or denial of the application to the State Board. Not more than 14 days after the date of the

~~meeting of the Subcommittee pursuant to subsection 5, the State Board shall hold a meeting to consider the recommendation of the Subcommittee. Notice of the meeting must be posted in accordance with chapter 241 of NRS. The State Board shall review the application in accordance with the factors set forth in paragraphs (a) and (b) of subsection 1. The State Board may approve an application if it satisfies the requirements of paragraphs (a) and (b) of subsection 1.~~] Not more than 30 days after the meeting, the State Board shall provide written notice of its determination to the applicant.

[~~7.~~] ***6.*** If the State Board denies ***or fails to act upon*** an application, [~~it~~] ***the denial or failure to act must be based upon a finding that the applicant failed to adequately address objective criteria established by regulation of the Department or the State Board. The State Board*** shall include in the written notice the reasons for the denial ***or the failure to act*** and the deficiencies in the application. ***The staff designated by the Department shall meet with the applicant to confer on the method to correct the identified deficiencies.*** The applicant must be granted 30 days after receipt of the written notice to correct any deficiencies identified in the written notice and resubmit the application.

[~~8.~~] ***7.*** If the State Board denies an application after it has been resubmitted pursuant to subsection [~~7,~~] ***6,*** the applicant may, not more than 30 days after the receipt of the written notice from the State Board, appeal the final determination to the district court of the county in which the proposed charter school will be located.

[~~9.~~] ***8.*** On or before January 1 of each odd-numbered year, the Superintendent of Public Instruction shall submit a written report to the Director of the Legislative Counsel Bureau for transmission to the next regular session of the Legislature. The report must include:

(a) A list of each application to form a charter school that was submitted to the board of trustees of a school district, the State Board, a college or a university during the immediately preceding biennium;

(b) The educational focus of each charter school for which an application was submitted;

(c) The current status of the application; and

(d) If the application was denied, the reasons for the denial.

Sec. 3. NRS 386.527 is hereby amended to read as follows:

386.527 1. If the State Board, the board of trustees of a school district or a college or university within the Nevada System of Higher Education approves an application to form a charter school, it shall grant a written charter to the applicant. The State Board, the board of trustees, the college or the university, as applicable, shall, not later than 10 days after the approval of the application, provide written notice to the Department of the approval and the date of the approval. If the board of trustees approves the application, the board of trustees shall be deemed the sponsor of the charter school.

2. If the State Board approves the application:

(a) The State Board shall be deemed the sponsor of the charter school.

(b) Neither the State of Nevada, the State Board nor the Department is an employer of the members of the governing body of the charter school or any of the employees of the charter school.

3. If a college or university within the Nevada System of Higher Education approves the application:

(a) That institution shall be deemed the sponsor of the charter school.

(b) Neither the State of Nevada, the State Board nor the Department is an employer of the members of the governing body of the charter school or any of the employees of the charter school.

4. The governing body of a charter school may request, at any time, a change in the sponsorship of the charter school to an entity that is authorized to sponsor charter schools pursuant to NRS 386.515. The State Board shall adopt:

(a) An application process for a charter school that requests a change in the sponsorship of the charter school, which must not require the applicant to undergo the requirements of an initial application to form a charter school; and

(b) Objective criteria for the conditions under which such a request may be granted.

5. Except as otherwise provided in subsection 7, a written charter must be for a term of 6 years unless the governing body of a charter school renews its initial charter after 3 years of operation pursuant to subsection 2 of NRS 386.530. A written charter must include all conditions of operation set forth in subsection ~~[2]~~ ***4*** of NRS 386.520 and include the kind of school, as defined in subsections 1 to 4, inclusive, of NRS 388.020 for which the charter school is authorized to operate. If the State Board or a college or university within the Nevada System of Higher Education is the sponsor of the charter school, the written charter must set forth the responsibilities of the sponsor and the charter school with regard to the provision of services and programs to pupils with disabilities who are enrolled in the charter school in accordance with the Individuals with Disabilities Education Act, 20 U.S.C. 1400 et seq., and NRS 388.440 to 388.520, inclusive. As a condition of the issuance of a written charter pursuant to this subsection, the charter school must agree to comply with all conditions of operation set forth in NRS 386.550.

6. The governing body of a charter school may submit to the sponsor of the charter school a written request for an amendment of the written charter of the charter school. Such an amendment may include, without limitation, the expansion of instruction and other educational services to pupils who are enrolled in grade levels other than the grade levels of pupils currently approved for enrollment in the charter school **.** ~~[if the expansion of grade levels does not change the kind of school, as defined in NRS 388.020, for which the charter school is authorized to operate.]~~ If the proposed amendment complies with the provisions of this section, NRS 386.500 to 386.610, inclusive, and any other statute or regulation applicable to charter

schools, the sponsor may amend the written charter in accordance with the proposed amendment. ~~[If a charter school wishes to expand the instruction and other educational services offered by the charter school to pupils who are enrolled in grade levels other than the grade levels of pupils currently approved for enrollment in the charter school and the expansion of grade levels changes the kind of school, as defined in NRS 388.020, for which the charter school is authorized to operate, the governing body of the charter school must submit a new application to form a charter school. If such an application is approved, the charter school may continue to operate under the same governing body and an additional governing body does not need to be selected to operate the charter school with the expanded grade levels.]~~ ***If the sponsor denies the request for an amendment, the sponsor shall provide written notice to the governing body of the charter school setting forth the reasons for the denial.***

7. The State Board shall adopt objective criteria for the issuance of a written charter to an applicant who is not prepared to commence operation on the date of issuance of the written charter. The criteria must include, without limitation, the:

(a) Period for which such a written charter is valid; and

(b) Timelines by which the applicant must satisfy certain requirements demonstrating its progress in preparing to commence operation.

➥ A holder of such a written charter may apply for grants of money to prepare the charter school for operation. A written charter issued pursuant to this subsection must not be designated as a conditional charter or a provisional charter or otherwise contain any other designation that would indicate the charter is issued for a temporary period.

8. The holder of a written charter that is issued pursuant to subsection 7 shall not commence operation of the charter school and is not eligible to receive apportionments pursuant to NRS 387.124 until the sponsor has determined that the requirements adopted by the State Board pursuant to subsection 7 have been satisfied and that the facility the charter school will occupy has been inspected and meets the requirements of any applicable building codes, codes for the prevention of fire, and codes pertaining to safety, health and sanitation. Except as otherwise provided in this subsection, the sponsor shall make such a determination 30 days before the first day of school for the:

(a) Schools of the school district in which the charter school is located that operate on a traditional school schedule and not a year-round school schedule; or

(b) Charter school,

➥ whichever date the sponsor selects. The sponsor shall not require a charter school to demonstrate compliance with the requirements of this subsection more than 30 days before the date selected. However, it may authorize a charter school to demonstrate compliance less than 30 days before the date selected.

Sec. 3.5. **NRS 386.535 is hereby amended to read as follows:**

386.535 1. The sponsor of a charter school may revoke the written charter of the charter school before the expiration of the charter if the sponsor determines that:

(a) The charter school, its officers or its employees have failed to comply with:

(1) The ***material*** terms and conditions of the written charter;

(2) Generally accepted standards of accounting and fiscal management; or

(3) The provisions of NRS 386.500 to 386.610, inclusive, or any other statute or regulation applicable to charter schools;

(b) The charter school has filed for a voluntary petition of bankruptcy, is adjudicated bankrupt or insolvent, or is otherwise financially impaired such that the charter school cannot continue to operate; or

(c) There is reasonable cause to believe that revocation is necessary to protect the health and safety of the pupils who are enrolled in the charter school or persons who are employed by the charter school from jeopardy, or to prevent damage to or loss of the property of the school district or the community in which the charter school is located.

2. Before the sponsor revokes a written charter, the sponsor shall provide written notice of its intention to the governing body of the charter school. The written notice must:

(a) Include a statement of the deficiencies or reasons upon which the action of the sponsor is based;

(b) Except as otherwise provided in subsection 4, prescribe a period, not less than 30 days, during which the charter school may correct the deficiencies, including, without limitation, the date on which the period to correct the deficiencies begins and the date on which that period ends;

(c) Prescribe the date on which the sponsor will make a determination regarding whether the charter school has corrected the deficiencies, which determination may be made during the public hearing held pursuant to subsection 3; and

(d) Prescribe the date on which the sponsor will hold a public hearing to consider whether to revoke the charter.

3. Except as otherwise provided in subsection 4, not more than 90 days after the notice is provided pursuant to subsection 2, the sponsor shall hold a public hearing to make a determination regarding whether to revoke the written charter. If the charter school corrects the deficiencies to the satisfaction of the sponsor within the time prescribed in paragraph (b) of subsection 2, the sponsor shall not revoke the written charter of the charter school. The sponsor may not include in a written notice pursuant to subsection 2 any deficiency which was included in a previous written notice and which was corrected by the charter school, unless the deficiency recurred after being corrected.

4. The sponsor of a charter school and the governing body of the charter school may enter into a written agreement that prescribes different time periods than those set forth in subsections 2 and 3.

Sec. 4. NRS 386.540 is hereby amended to read as follows:

386.540 1. The Department shall adopt regulations that prescribe:

(a) The process for submission of an application by the board of trustees of a school district to the Department for authorization to sponsor charter schools and the contents of the application;

(b) The process for submission of an application to form a charter school to the Department, the board of trustees of a school district, the ~~[Subcommittee on Charter Schools]~~ ***State Board*** and a college or university within the Nevada System of Higher Education, and the contents of the application;

(c) The process for submission of an application to renew a written charter; ~~[and]~~

(d) The criteria and type of investigation that must be applied by the board of trustees, ~~[the Subcommittee on Charter Schools,]~~ the State Board and a college or university within the Nevada System of Higher Education in determining whether to approve an application to form a charter school ***,*** ~~[or]~~ an application to renew a written charter ~~[.]~~ ***or a request for an amendment of a written charter; and***

(e) The process for submission of an amendment of a written charter pursuant to NRS 386.527 and the contents of the application.

2. The Department may adopt regulations as it determines are necessary to carry out the provisions of NRS 386.500 to 386.610, inclusive, including, without limitation, regulations that prescribe the:

(a) Procedures for accounting and budgeting;

(b) Requirements for performance audits and financial audits of charter schools on an annual basis for charter schools that do not satisfy the requirements of subsection 1 of NRS 386.5515; and

(c) Requirements for performance audits every 3 years and financial audits on an annual basis for charter schools that satisfy the requirements of subsection 1 of NRS 386.5515.

Sec. 5. NRS 386.545 is hereby amended to read as follows:

386.545 1. The Department and the board of trustees of a school district shall:

(a) Upon request, provide information to the general public concerning the formation and operation of charter schools; and

(b) Maintain a list available for public inspection that describes the location of each charter school.

2. The sponsor of a charter school shall:

(a) Provide reasonable assistance to an applicant for a charter school and to a charter school in carrying out the provisions of NRS 386.500 to 386.610, inclusive;

(b) Provide technical and other reasonable assistance to a charter school for the operation of the charter school;

(c) Provide information to the governing body of a charter school concerning the availability of money for the charter school, including, without limitation, money available from the Federal Government; and

(d) Provide timely access to the electronic data concerning the pupils enrolled in the charter school that is maintained pursuant to NRS 386.650.

3. If the board of trustees of a school district is the sponsor of a charter school, the sponsor shall:

(a) Provide the charter school with an updated list of available substitute teachers within the school district.

(b) Provide access to school buses for use by the charter school for field trips. The school district may charge a reasonable fee for the use of the school buses.

(c) If the school district offers summer school or Internet-based credit recovery classes, allow the pupils enrolled in the charter school to participate if space is available. The school district shall apply the same fees, if any, for participation of the pupils enrolled in the charter school as it applies to pupils enrolled in the school district.

4. The Department shall provide appropriate information, education and training for charter schools and the governing bodies of charter schools concerning the applicable provisions of title 34 of NRS and other laws and regulations that affect charter schools and the governing bodies of charter schools.

5. If the Department prescribes a process for charter schools to report certain information, the Department may request the identified information regardless if that information is required to be submitted by charter schools pursuant to a specific statute. Upon such a request, a charter school shall provide the information if the Department includes a detailed description of the requested information and the mechanism by which the Department will pay or reimburse the charter school for the requested information, if the provision of the information will incur any costs for the charter school.

Sec. 6. NRS 386.549 is hereby amended to read as follows:

386.549 1. The governing body of a charter school ~~[:~~

~~(a) Must]~~ ***must*** consist of:

~~[(1) At least]~~ [three~~]~~ ~~[two teachers, as defined in subsection 5; or~~

~~(2)]~~ [Two teachers,] ~~[One teacher, as defined in subsection 5, and one person]~~

(a) One member who is licensed pursuant to chapter 391 of NRS or who previously held such a license and is retired, as long as his or her license was held in good standing;

(b) One member who ~~[previously held a license to teach pursuant to chapter 391 of NRS]~~ ***:***

(1) Satisfies the qualifications of paragraph (a); or

(2) Is a school administrator with a license issued by another state or who previously held such a license and is retired, as long as his or her license was held in good standing***.*** ~~[~~, including, without limitation, a retired teacher.

~~(b) Must consist of at least one]~~

(c) One parent or legal guardian of a pupil enrolled in the charter school who is not a teacher or an administrator at the charter school.

~~[(c) May]~~ ~~[~~consist of,~~]~~

(d) Two members who possess knowledge and experience in one or more of the following areas:

(1) Accounting;

(2) Financial services;

(3) Law; or

(4) Human resources.

2. In addition to the members who serve pursuant to subsection 1, the governing body of a charter school may include, without limitation, parents and representatives of nonprofit organizations and businesses. Not more than two persons who serve on the governing body may represent the same organization or business or otherwise represent the interests of the same organization or business. A majority of the members of the governing body must reside in this State. If the membership of the governing body changes, the governing body shall provide written notice to the sponsor of the charter school within 10 working days after such change.

~~[2.]~~ ***3.*** A person may serve on the governing body only if the person submits an affidavit to the Department indicating that the person:

(a) Has not been convicted of a felony relating to serving on the governing body of a charter school or any offense involving moral turpitude.

(b) Has read and understands material concerning the roles and responsibilities of members of governing bodies of charter schools and other material designed to assist the governing bodies of charter schools, if such material is provided to the person by the Department.

~~[3.]~~ ***4.*** The governing body of a charter school is a public body. It is hereby given such reasonable and necessary powers, not conflicting with the Constitution and the laws of the State of Nevada, as may be requisite to attain the ends for which the charter school is established and to promote the welfare of pupils who are enrolled in the charter school.

~~[4.]~~ ***5.*** The governing body of a charter school shall, during each calendar quarter, hold at least one regularly scheduled public meeting in the county in which the charter school is located. ***Upon an affirmative vote of a majority of the membership of the governing body, each member is entitled to receive a salary of not more than $80 for attendance at each meeting, as fixed by the governing body, not to exceed payment for more than one meeting per month.***

~~[5.]~~ ***6.*** As used in subsection 1, "teacher" means a person who:

(a) Holds a current license to teach issued pursuant to chapter 391 of NRS ~~[.]~~ ***or who previously held such a license and is retired, as long as his or her license was held in good standing;*** and

(b) Has at least 2 years of experience as an employed teacher.

➥ The term does not include a person who is employed as a substitute teacher.

Sec. 7. NRS 386.5515 is hereby amended to read as follows:

386.5515 1. To the extent money is available from legislative appropriation or otherwise, a charter school may apply to the Department for money for facilities if:

(a) The charter school has been operating in this State for at least 5 consecutive years and is in good financial standing;

(b) Each financial audit and each performance audit of the charter school required by the Department contains no major notations, corrections or errors concerning the charter school for at least 5 consecutive years;

(c) The charter school has met or exceeded adequate yearly progress as determined pursuant to NRS 385.3613 or has demonstrated improvement in the achievement of pupils enrolled in the charter school, as indicated by annual measurable objectives determined by the State Board, for the majority of the years of its operation;

(d) The charter school offers instruction on a daily basis during the school week of the charter school on the campus of the charter school; and

(e) At least 75 percent of the pupils enrolled in ***grade 12 in*** the charter school ~~[who are required to take]~~ ***in the immediately preceding school year who have completed the required course work for graduation have passed*** the high school proficiency examination ***,*** ~~[have passed that examination,]~~ if the charter school enrolls pupils at a high school grade level.

2. A charter school that satisfies the requirements of subsection 1 shall submit to a performance audit as required by the Department one time every 3 years. The sponsor of the charter school and the Department shall not request a performance audit of the charter school more frequently than every 3 years without reasonable evidence of noncompliance in achieving the educational goals and objectives of the charter school based upon the annual report submitted to the State Board pursuant to NRS 386.610. If the charter school no longer satisfies the requirements of subsection 1 or if reasonable evidence of noncompliance in achieving the educational goals and objectives of the charter school exists based upon the annual report, the charter school shall, upon written notice from the sponsor, submit to an annual performance audit. Notwithstanding the provisions of paragraph (b) of subsection 1, such a charter school:

(a) May, after undergoing the annual performance audit, reapply to the sponsor to determine whether the charter school satisfies the requirements of paragraphs (a), (c), (d) and (e) of subsection 1.

(b) Is not eligible for any available money pursuant to subsection 1 until the sponsor determines that the charter school satisfies the requirements of that subsection.

3. A charter school that does not satisfy the requirements of subsection 1 shall submit a quarterly report of the financial status of the charter school if requested by the sponsor of the charter school.

Sec. 8. NRS 386.560 is hereby amended to read as follows:

386.560 1. The governing body of a charter school may contract with the board of trustees of the school district in which the charter school is located ***or in which a pupil enrolled in the charter school resides*** or the Nevada System of Higher Education for the provision of facilities to operate the charter school or to perform any service relating to the operation of the charter school, including, without limitation, transportation, the provision of health services for the pupils who are enrolled in the charter school and the provision of school police officers.

2. A charter school may use any public facility located within the school district in which the charter school is located. A charter school may use school buildings owned by the school district only upon approval of the board of trustees of the school district and during times that are not regular school hours.

3. The board of trustees of a school district may donate surplus personal property of the school district to a charter school that is located within the school district.

4. Except as otherwise provided in this subsection, upon the request of a parent or legal guardian of a pupil who is enrolled in a charter school, the board of trustees of the school district in which the pupil resides shall authorize the pupil to participate in a class that is not available to the pupil at the charter school or participate in an extracurricular activity, ~~[excluding]~~ ***including*** sports, at a public school within the school district if:

(a) Space for the pupil in the class or extracurricular activity is available; and

(b) The parent or legal guardian demonstrates to the satisfaction of the board of trustees that the pupil is qualified to participate in the class or extracurricular activity.

➥ If the board of trustees of a school district authorizes a pupil to participate in a class or extracurricular activity, ~~[excluding]~~ ***including*** sports, pursuant to this subsection, the board of trustees is not required to provide transportation for the pupil to attend the class or activity. The provisions of this subsection do not apply to a pupil who is enrolled in a charter school and who desires to participate on a part-time basis in a program of distance education provided by the board of trustees of a school district pursuant to NRS 388.820 to 388.874, inclusive. Such a pupil must comply with NRS 388.858.

5. ~~[Upon the request of a parent or legal guardian of a pupil who is enrolled in a charter school, the board of trustees of the school district in which the pupil resides shall authorize the pupil to participate in sports at the~~

~~public school that he or she would otherwise be required to attend within the school district, or upon approval of the board of trustees, any public school within the same zone of attendance as the charter school if:~~

~~(a) Space is available for the pupil to participate; and~~

~~(b) The parent or legal guardian demonstrates to the satisfaction of the board of trustees that the pupil is qualified to participate.~~

~~→ If the board of trustees of a school district authorizes a pupil to participate in sports pursuant to this subsection, the board of trustees is not required to provide transportation for the pupil to participate.~~

~~6.~~**]** The board of trustees of a school district may revoke its approval for a pupil to participate in a class, extracurricular activity or sports at a public school pursuant to **[**~~subsections 4 and 5~~**]** ***subsection 4*** if the board of trustees or the public school determines that the pupil has failed to comply with applicable statutes, or applicable rules and regulations of the board of trustees, the public school or the Nevada Interscholastic Activities Association. If the board of trustees so revokes its approval, neither the board of trustees nor the public school is liable for any damages relating to the denial of services to the pupil.

Sec. 9. NRS 386.570 is hereby amended to read as follows:

386.570 1. Each pupil who is enrolled in a charter school, including, without limitation, a pupil who is enrolled in a program of special education in a charter school, must be included in the count of pupils in the school district for the purposes of apportionments and allowances from the State Distributive School Account pursuant to NRS 387.121 to 387.126, inclusive, unless the pupil is exempt from compulsory attendance pursuant to NRS 392.070. A charter school is entitled to receive its proportionate share of any other money available from federal, state or local sources that the school or the pupils who are enrolled in the school are eligible to receive. If a charter school receives special education program units directly from this State, the amount of money for special education that the school district pays to the charter school may be reduced proportionately by the amount of money the charter school received from this State for that purpose. ***The State Board shall prescribe a process which ensures that all charter schools, regardless of the sponsor, have information about all sources of funding for the public schools provided through the Department, including local funds pursuant to NRS 387.1235.***

2. All money received by the charter school from this State or from the board of trustees of a school district must be deposited in an account with a bank, credit union or other financial institution in this State. The governing body of a charter school may negotiate with the board of trustees of the school district and the State Board for additional money to pay for services which the governing body wishes to offer.

3. Upon completion of each school quarter, the sponsor of a charter school may request reimbursement from the governing body of the charter school for the administrative costs associated with sponsorship for that

school quarter if the sponsor provided administrative services during that school quarter. The request must include an itemized list of those costs. Unless a delay is granted pursuant to subsection 9, upon receipt of such a request, the governing body shall pay the reimbursement to the board of trustees of the school district if the board of trustees sponsors the charter school, to the Department if the State Board sponsors the charter school or to the college or university within the Nevada System of Higher Education if that institution sponsors the charter school. If a governing body fails to pay the reimbursement pursuant to this subsection or pursuant to a plan approved by the Superintendent of Public Instruction in accordance with subsection 9, the charter school shall be deemed to have violated its written charter and the sponsor may take such action to revoke the written charter pursuant to NRS 386.535 as it deems necessary. If the board of trustees of a school district is the sponsor of a charter school, the amount of money that may be paid to the sponsor pursuant to this subsection for administrative expenses in 1 school year must not exceed:

(a) For the first year of operation of the charter school, 2 percent of the total amount of money apportioned to the charter school during the year pursuant to NRS 387.124, as adjusted by the final computation of apportionment pursuant to subsection 4 of NRS 387.1243.

(b) For any year after the first year of operation of the charter school, 1 percent of the total amount of money apportioned to the charter school during the year pursuant to NRS 387.124, as adjusted by the final computation of apportionment pursuant to subsection 4 of NRS 387.1243.

4. If the State Board or a college or university within the Nevada System of Higher Education is the sponsor of a charter school, the amount of money that may be paid to the Department or to the institution, as applicable, pursuant to subsection 3 for administrative expenses in 1 school year must not exceed:

(a) For the first year of operation of the charter school, 2 percent of the total amount of money apportioned to the charter school during the year pursuant to NRS 387.124, as adjusted by the final computation of apportionment pursuant to subsection 4 of NRS 387.1243.

(b) For any year after the first year of operation of the charter school, ~~[1.5]~~ ***1*** percent of the total amount of money apportioned to the charter school during the year pursuant to NRS 387.124, as adjusted by the final computation of apportionment pursuant to subsection 4 of NRS 387.1243.

5. To determine the amount of money for distribution to a charter school in its first year of operation, the count of pupils who are enrolled in the charter school must initially be determined 30 days before the beginning of the school year of the school district, based on the number of pupils whose applications for enrollment have been approved by the charter school. The count of pupils who are enrolled in the charter school must be revised on the last day of the first school month of the school district in which the charter school is located for the school year, based on the actual number of pupils

who are enrolled in the charter school. Pursuant to subsection 5 of NRS 387.124, the governing body of a charter school may request that the apportionments made to the charter school in its first year of operation be paid to the charter school 30 days before the apportionments are otherwise required to be made.

6. If a charter school ceases to operate as a charter school during a school year, the remaining apportionments that would have been made to the charter school pursuant to NRS 387.124 for that year must be paid on a proportionate basis to the school districts where the pupils who were enrolled in the charter school reside.

7. The governing body of a charter school may solicit and accept donations, money, grants, property, loans, personal services or other assistance for purposes relating to education from members of the general public, corporations or agencies. The governing body may comply with applicable federal laws and regulations governing the provision of federal grants for charter schools. The State Board may assist a charter school that operates exclusively for the enrollment of pupils who receive special education in identifying sources of money that may be available from the Federal Government or this State for the provision of educational programs and services to such pupils.

8. If a charter school uses money received from this State to purchase real property, buildings, equipment or facilities, the governing body of the charter school shall assign a security interest in the property, buildings, equipment and facilities to the State of Nevada.

9. The governing body of a charter school may submit to the Superintendent of Public Instruction a written request to delay a quarterly payment of a reimbursement for the administrative costs that a charter school owes pursuant to this section. The written request must be in the form prescribed by the Superintendent and must include, without limitation, documentation that a financial hardship exists for the charter school and a plan for the payment of the reimbursement. The Superintendent may approve or deny the request and shall notify the governing body and the sponsor of the charter school of the approval or denial of the request.

Sec. 9.5. **NRS 386.590 is hereby amended to read as follows:**

386.590 1. Except as otherwise provided in this subsection, at least 70 percent of the teachers who provide instruction at a charter school must be licensed teachers. If a charter school is a vocational school, the charter school shall, to the extent practicable, ensure that at least 70 percent of the teachers who provide instruction at the school are licensed teachers, but in no event may more than 50 percent of the teachers who provide instruction at the school be unlicensed teachers.

2. A governing body of a charter school shall employ:

(a) If the charter school offers instruction in kindergarten or grade 1, 2, 3, 4, 5, 6, 7 or 8, a licensed teacher to teach pupils who are enrolled in those

grades. If required by subsection 3 or 4, such a teacher must possess the qualifications required by 20 U.S.C. 6319(a).

(b) If the charter school offers instruction in grade 9, 10, 11 or 12, a licensed teacher to teach pupils who are enrolled in those grades for the subjects set forth in subsection 4. If required by subsection 3 or 4, such a teacher must possess the qualifications required by 20 U.S.C. 6319(a).

(c) In addition to the requirements of paragraphs (a) and (b):

(1) If a charter school specializes in arts and humanities, physical education or health education, a licensed teacher to teach those courses of study.

(2) If a charter school specializes in the construction industry or other building industry, licensed teachers to teach courses of study relating to the industry if those teachers are employed full-time.

(3) If a charter school specializes in the construction industry or other building industry and the school offers courses of study in computer education, technology or business, licensed teachers to teach those courses of study if those teachers are employed full-time.

3. A person who is initially hired by the governing body of a charter school on or after January 8, 2002, to teach in a program supported with money from Title I must possess the qualifications required by 20 U.S.C. 6319(a). For the purposes of this subsection, a person is not "initially hired" if the person has been employed as a teacher by another school district or charter school in this State without an interruption in employment before the date of hire by his or her current employer.

4. A teacher who is employed by a charter school, regardless of the date of hire, must, on or before July 1, 2006, possess the qualifications required by 20 U.S.C. 6319(a) if the teacher teaches one or more of the following subjects:

(a) English, reading or language arts;
(b) Mathematics;
(c) Science;
(d) Foreign language;
(e) Civics or government;
(f) Economics;
(g) Geography;
(h) History; or
(i) The arts.

5. Except as otherwise provided in NRS 386.588, a charter school may employ a person who is not licensed pursuant to the provisions of chapter 391 of NRS to teach a course of study for which a licensed teacher is not required pursuant to subsections 2, 3 and 4 if the person has:

(a) A degree, a license or a certificate in the field for which the person is employed to teach at the charter school; and

(b) At least 2 years of experience in that field.

6. Except as otherwise provided in NRS 386.588, a charter school shall employ such administrators for the school as it deems necessary. A person employed as an administrator must possess:

(a) A valid teacher's license issued pursuant to chapter 391 of NRS with an administrative endorsement;

(b) A master's degree in school administration, public administration or business administration; or

(c) At least 5 years of experience in school administration, public administration or business administration and a baccalaureate degree.

7. Except as otherwise provided in subsection 8, the portion of the salary or other compensation of an administrator employed by a charter school that is derived from public funds must not exceed the salary or other compensation, as applicable, of the highest paid administrator in a comparable position in the school district in which the charter school is located. For purposes of determining the salary or other compensation of the highest paid administrator in a comparable position in the school district, the salary or other compensation of the superintendent of schools of that school district must not be included in the determination.

8. If the salary or other compensation paid to an administrator employed by a charter school from public funds exceeds the maximum amount prescribed in subsection 7, the sponsor of the charter school shall conduct an audit of the salary or compensation. The audit must include, without limitation, a review of the reasons set forth by the governing body of the charter school for the salary or other compensation and the interests of the public in using public funds to pay that salary or compensation. If the sponsor determines that the payment of the salary or other compensation from public funds is justified, the sponsor shall provide written documentation of its determination to the governing body of the charter school and to the Department. If the sponsor determines that the payment of the salary or other compensation from public funds is not justified, the governing body of the charter school shall reduce the salary or compensation paid to the administrator from public funds to an amount not to exceed the maximum amount prescribed in subsection 7.

9. A charter school shall not employ a person pursuant to this section if the person's license to teach or provide other educational services has been revoked or suspended in this State or another state.

10. On or before November 15 of each year, a charter school shall submit to the Department, in a format prescribed by the Superintendent of Public Instruction, the following information for each ***person who is*** licensed ~~[employee]~~ ***pursuant to chapter 391 of NRS and*** who is employed by the governing body on October 1 of that year:

(a) The amount of salary ***or compensation*** of the ~~[employee,]~~ ***licensed person,*** including, without limitation, verification of compliance with subsection 7, if applicable to that ~~[employee;]~~ ***person;*** and

(b) The designated assignment, as that term is defined by the Department, of the ~~[employee.]~~ ***licensed person.***

Sec. 9.7. **NRS 386.595 is hereby amended to read as follows:**

386.595 1. All employees of a charter school shall be deemed public employees.

2. The governing body of a charter school may make all decisions concerning the terms and conditions of employment with the charter school and any other matter relating to employment with the charter school. In addition, the governing body may make all employment decisions with regard to its employees pursuant to NRS 391.311 to 391.3197, inclusive, unless a collective bargaining agreement entered into by the governing body pursuant to chapter 288 of NRS contains separate provisions relating to the discipline of licensed employees of a school.

3. ***Upon the request of the governing body of a charter school, the board of trustees of a school district shall, with the permission of the licensed employee who is seeking employment with the charter school, transmit to the governing body a copy of the employment record of the employee that is maintained by the school district. The employment record must include, without limitation, each evaluation of the licensed employee conducted by the school district and any disciplinary action taken by the school district against the licensed employee.***

4. Except as otherwise provided in this subsection, if the written charter of a charter school is revoked or if a charter school ceases to operate as a charter school, the ***licensed*** employees of the charter school must be reassigned to employment within the school district in accordance with the applicable collective bargaining agreement. A school district is not required to reassign ~~[an]~~ ***a licensed*** employee of a charter school pursuant to this subsection if the employee:

(a) Was not granted a leave of absence by the school district to ~~[teach]~~ ***accept employment*** at the charter school pursuant to subsection ~~[4; or]~~ ***5;***

(b) Was granted a leave of absence by the school district and did not submit a written request to return to employment with the school district in accordance with subsection ~~[4.~~

~~4.]~~ ***5; or***

(c) Does not comply with or is otherwise not eligible to return to employment pursuant to subsection 6, including, without limitation, the refusal of the licensed employee to allow the school district to obtain the employment record of the employee that is maintained by the charter school.

5. The board of trustees of a school district ~~[that is a sponsor of a charter school]~~ shall grant a leave of absence, not to exceed 3 years, to any ***licensed*** employee who is employed by the board of trustees who requests such a leave of absence to accept employment with ~~[the]~~ ***a*** charter school. After the first school year in which ~~[an]~~ ***a licensed*** employee is on a leave of absence, the employee may return to ~~[his or her former]~~ ***a comparable*** teaching

position with the board of trustees. After the third school year, ~~[an]~~ ***a licensed*** employee shall either submit a written request to return to a comparable teaching position or resign from the position for which the employee's leave was granted. The board of trustees shall grant a written request to return to a comparable position pursuant to this subsection even if the return of the ***licensed*** employee requires the board of trustees to reduce the existing workforce of the school district. ***The board of trustees is not required to accept the return of the licensed employee if the employee does not comply with or is otherwise not eligible to return to employment pursuant to subsection 6, including, without limitation, the refusal of the licensed employee to allow the school district to obtain the employment record of the employee that is maintained by the charter school.*** The board of trustees may require that a request to return to a ***comparable*** teaching position submitted pursuant to this subsection be submitted at least 90 days before the employee would otherwise be required to report to duty.

~~[5. An]~~

6. Upon the request of the board of trustees of a school district, the governing body of a charter school shall, with the permission of the licensed employee who is granted a leave of absence from the school district pursuant to this section, transmit to the school district a copy of the employment record of the employee that is maintained by the charter school before the return of the employee to employment with the school district pursuant to subsection 4 or 5. The employment record must include, without limitation, each evaluation of the licensed employee conducted by the charter school and any disciplinary action taken by the charter school against the licensed employee. Before the return of the licensed employee, the board of trustees of the school district may conduct an investigation into any misconduct of the licensed employee during the leave of absence from the school district and take any appropriate disciplinary action as to the status of the person as an employee of the school district, including, without limitation:

(a) The dismissal of the employee from employment with the school district; or

(b) Upon the employee's return to employment with the school district, documentation of the disciplinary action taken against the employee into the employment record of the employee that is maintained by the school district.

7. If a school district conducts an investigation pursuant to subsection 6:

(a) The licensed employee is not entitled to return to employment with the school district until the investigation is complete; and

(b) The investigation must be conducted within a reasonable time.

8. A licensed employee who is on a leave of absence from a school district pursuant to this section:

(a) Shall contribute to and be eligible for all benefits for which the employee would otherwise be entitled, including, without limitation, participation in the Public Employees' Retirement System and accrual of time for the purposes of leave and retirement.

(b) Continues, while the employee is on leave, to be covered by the collective bargaining agreement of the school district only with respect to any matter relating to his or her status or employment with the district.

➥ The time during which such an employee is on a leave of absence and employed in a charter school does not count toward the acquisition of permanent status with the school district.

~~[6.]~~ ***9.*** Upon the return of a teacher to employment in the school district, the teacher is entitled to the same level of retirement, salary and any other benefits to which the teacher would otherwise be entitled if the teacher had not taken a leave of absence to teach in a charter school.

~~[7.]~~ ***10.*** An employee of a charter school who is not on a leave of absence from a school district is eligible for all benefits for which the employee would be eligible for employment in a public school, including, without limitation, participation in the Public Employees' Retirement System.

~~[8.]~~ ***11.*** For all employees of a charter school:

(a) The compensation that a teacher or other school employee would have received if he or she were employed by the school district must be used to determine the appropriate levels of contribution required of the employee and employer for purposes of the Public Employees' Retirement System.

(b) The compensation that is paid to a teacher or other school employee that exceeds the compensation that the employee would have received if he or she were employed by the school district must not be included for the purposes of calculating future retirement benefits of the employee.

~~[9.]~~ ***12.*** If the board of trustees of a school district in which a charter school is located manages a plan of group insurance for its employees, the governing body of the charter school may negotiate with the board of trustees to participate in the same plan of group insurance that the board of trustees offers to its employees. If the employees of the charter school participate in the plan of group insurance managed by the board of trustees, the governing body of the charter school shall:

(a) Ensure that the premiums for that insurance are paid to the board of trustees; and

(b) Provide, upon the request of the board of trustees, all information that is necessary for the board of trustees to provide the group insurance to the employees of the charter school.

Sec. 10. NRS 392.700 is hereby amended to read as follows:

392.700 1. If the parent of a child who is subject to compulsory attendance wishes to homeschool the child, the parent must file with the superintendent of schools of the school district in which the child resides a written notice of intent to homeschool the child. The Department shall

develop a standard form for the notice of intent to homeschool. The form must not require any information or assurances that are not otherwise required by this section or other specific statute. The board of trustees of each school district shall, in a timely manner, make only the form developed by the Department available to parents who wish to homeschool their child.

2. The notice of intent to homeschool must be filed before beginning to homeschool the child or:

(a) Not later than 10 days after the child has been formally withdrawn from enrollment in public school; or

(b) Not later than 30 days after establishing residency in this State.

3. The purpose of the notice of intent to homeschool is to inform the school district in which the child resides that the child is exempt from the requirement of compulsory attendance.

4. If the name or address of the parent or child as indicated on a notice of intent to homeschool changes, the parent must, not later than 30 days after the change, file a new notice of intent to homeschool with the superintendent of schools of the school district in which the child resides.

5. A notice of intent to homeschool must include only the following:

(a) The full name, age and gender of the child;

(b) The name and address of each parent filing the notice of intent to homeschool;

(c) A statement signed and dated by each such parent declaring that the parent has control or charge of the child and the legal right to direct the education of the child, and assumes full responsibility for the education of the child while the child is being homeschooled;

(d) An educational plan for the child that is prepared pursuant to subsection 12;

(e) If applicable, the name of the public school in this State which the child most recently attended; and

(f) An optional statement that the parent may sign which provides:

I expressly prohibit the release of any information contained in this document, including, without limitation, directory information as defined in 20 U.S.C. 1232g(a)(5)(A), without my prior written consent.

6. Each superintendent of schools of a school district shall accept notice of intent to homeschool that is filed with the superintendent pursuant to this section and meets the requirements of subsection 5, and shall not require or request any additional information or assurances from the parent who filed the notice.

7. The school district shall provide to a parent who files a notice a written acknowledgment which clearly indicates that the parent has provided notification required by law and that the child is being homeschooled. The written acknowledgment shall be deemed proof of compliance with Nevada's compulsory school attendance law. The school district shall retain a copy of the written acknowledgment for not less than 15 years. The written acknowledgment may be retained in electronic format.

8. The superintendent of schools of a school district shall process a written request for a copy of the records of the school district, or any information contained therein, relating to a child who is being or has been homeschooled not later than 5 days after receiving the request. The superintendent of schools may only release such records or information:

(a) To a person or entity specified by the parent of the child, or by the child if the child is at least 18 years of age, upon suitable proof of identity of the parent or child; or

(b) If required by specific statute.

9. If a child who is or was homeschooled seeks admittance or entrance to any school in this State, the school may use only commonly used practices in determining the academic ability, placement or eligibility of the child. ~~*[The parent of the child shall notify the superintendent of schools of the school district in which the child resides that the parent requests that the notice of intent to homeschool filed pursuant to this section be withdrawn.]*~~ ***If the child enrolls in a charter school, the charter school shall , to the extent practicable, notify the board of trustees of the school district in which the child resides of the child's enrollment in the charter school. Regardless of whether the charter school provides such notification to the board of trustees, the charter school may count the child who is enrolled for the purposes of the calculation of basic support pursuant to NRS 387.1233.*** A homeschooled child seeking admittance to public high school must comply with NRS 392.033.

10. A school or organization shall not discriminate in any manner against a child who is or was homeschooled.

11. Each school district shall allow homeschooled children to participate in the high school proficiency examination administered pursuant to NRS 389.015 and all college entrance examinations offered in this State, including, without limitation, the ~~[Scholastic Aptitude Test,]~~ ***SAT,*** the ~~[American College Test,]~~ ***ACT,*** the Preliminary ~~[Scholastic Aptitude Test]~~ ***SAT*** and the National Merit Scholarship Qualifying Test. Each school district shall ensure that the homeschooled children who reside in the school district have adequate notice of the availability of information concerning such examinations on the Internet website of the school district maintained pursuant to NRS 389.004.

12. The parent of a child who is being homeschooled shall prepare an educational plan of instruction for the child in the subject areas of English, including reading, composition and writing, mathematics, science and social studies, including history, geography, economics and government, as appropriate for the age and level of skill of the child as determined by the parent. The educational plan must be included in the notice of intent to homeschool filed pursuant to this section. If the educational plan contains the requirements of this section, the educational plan must not be used in any manner as a basis for denial of a notice of intent to homeschool that is otherwise complete. The parent must be prepared to present the educational

plan of instruction and proof of the identity of the child to a court of law if required by the court. This subsection does not require a parent to ensure that each subject area is taught each year that the child is homeschooled.

13. No regulation or policy of the State Board, any school district or any other governmental entity may infringe upon the right of a parent to educate his or her child based on religious preference unless it is:

(a) Essential to further a compelling governmental interest; and

(b) The least restrictive means of furthering that compelling governmental interest.

14. As used in this section, "parent" means the parent, custodial parent, legal guardian or other person in this State who has control or charge of a child and the legal right to direct the education of the child.

Sec. 11. NRS 386.507 is hereby repealed.

Sec. 12. The Legislative Counsel shall, in preparing supplements to the Nevada Administrative Code, appropriately change any references to an officer, agency or other entity whose name is changed or whose duties are transferred pursuant to the provisions of this act to refer to the appropriate officer, agency or other entity.

Sec. 13. This act becomes effective on July 1, 2011.

TEXT OF REPEALED SECTION

386.507 Subcommittee on Charter Schools: Appointment of members; terms. The Subcommittee on Charter Schools of the State Board is hereby created. The President of the State Board shall appoint three members of the State Board to serve on the Subcommittee. Except as otherwise provided in this section, the members of the Subcommittee serve terms of 2 years. If a member is not reelected to the State Board during his or her service on the Subcommittee, the term of the member on the Subcommittee expires when his or her membership on the State Board expires. Members of the Subcommittee may be reappointed.

Assemblyman Bobzien moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 198.

Bill read second time.

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

Amendment No. 379.

AN ACT relating to the Nevada Rural Housing Authority; revising the definition of "local government" to include the Authority for the purpose of loans from a local government to the Authority; revising the **[**~~manner in which~~**]** **requirements for eligibility to serve as** a commissioner of the Authority **;** **[**~~is appointed;~~**]** authorizing the Authority to receive a loan from a local government; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, before a local government may make an interfund loan or loan of money to another local government, the governing body of the local government that wishes to make the loan must determine at a public hearing that a sufficient amount of unrestricted money is available for the loan and that the loan will not compromise the economic viability of the fund from which the money is loaned. The local government must also establish at the public hearing: (1) the amount of time the money will be on loan from the fund; (2) the terms and conditions for repaying the loan; and (3) the rate of interest, if any, to be charged for the loan. (NRS 354.6118) For the purpose of making such a loan, the term "local government" does not include the Nevada Rural Housing Authority. (NRS 354.474) Existing law confers upon the Nevada Rural Housing Authority the authority to engage in various activities relating to the purposes for which the Authority was created, including, without limitation, the authority to enter into agreements or other transactions with any governmental agency or other source to further those purposes. (NRS 315.983)

Section 1 of this bill revises the definition of "local government" to include the Nevada Rural Housing Authority for the sole purpose of loans from a local government to the Authority in accordance with existing law. **Section 3** of this bill expands the authorized actions of the Nevada Rural Housing Authority to include receipt by the Authority of such a loan of money from a local government.

Existing law provides for the appointment of five commissioners to serve as members of the Nevada Rural Housing Authority. Of those five commissioners, one commissioner must be appointed jointly by the Nevada League of Cities and the Nevada Association of Counties and must be a recipient of assistance from the Authority. ~~[That commissioner must be selected from a list of at least five nominees submitted to the Authority by an organization that represents tenants of housing projects or, if such an organization does not exist, by persons who receive assistance from the Authority.]~~ If ~~[the]~~ **that** commissioner ceases to receive assistance from the Authority, he or she must be replaced by a person who receives such assistance. (NRS 315.977) **Section 2** of this bill revises the requirements for appointing that commissioner by providing ~~[that he or she must be selected from a list of three eligible nominees submitted to the Authority by the Executive Director of the Authority and by providing]~~ that, if the commissioner no longer receives assistance from the Authority, he or she may continue to serve as a commissioner for the remainder of the unexpired term for which he or she was appointed if he or she resides within the area of operation of the Authority. ~~[Section 5 of this bill ensures that the commissioner who was appointed by the Nevada League of Cities and the Nevada Association of Counties before July 1, 2011, may continue to serve as a commissioner for the remainder of his or her term.]~~

Existing law authorizes the Authority to operate in any area of this State which is not included within the corporate limits of a city or town having a population of 100,000 or more. **(NRS 315.9835) Section 4** of this bill authorizes the Authority to provide services in any area of the State if the Authority has contracted with the State or a local government to provide those services in that area. **Section 4 specifies that the provision of those services does not include the making of a mortgage loan.**

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

Section 1. NRS 354.474 is hereby amended to read as follows:

354.474 1. Except as otherwise provided in subsections 2 and 3, the provisions of NRS 354.470 to 354.626, inclusive, apply to all local governments. For the purpose of NRS 354.470 to 354.626, inclusive:

(a) "Local government" means every political subdivision or other entity which has the right to levy or receive money from ad valorem or other taxes or any mandatory assessments, and includes, without limitation, counties, cities, towns, boards, school districts and other districts organized pursuant to chapters 244A, 309, 318 and 379 of NRS, NRS 450.550 to 450.750, inclusive, and chapters 474, 541, 543 and 555 of NRS, and any agency or department of a county or city which prepares a budget separate from that of the parent political subdivision.

(b) "Local government" ***includes the Nevada Rural Housing Authority for the purpose of loans of money from a local government to the Nevada Rural Housing Authority in accordance with NRS 354.6118. The term*** does not include the Nevada Rural Housing Authority ~~[.]~~ ***for any other purpose.***

2. An irrigation district organized pursuant to chapter 539 of NRS shall fix rates and levy assessments as provided in NRS 539.667 to 539.683, inclusive. The levy of such assessments and the posting and publication of claims and annual financial statements as required by chapter 539 of NRS shall be deemed compliance with the budgeting, filing and publication requirements of NRS 354.470 to 354.626, inclusive, but any such irrigation district which levies an ad valorem tax shall comply with the filing and publication requirements of NRS 354.470 to 354.626, inclusive, in addition to the requirements of chapter 539 of NRS.

3. An electric light and power district created pursuant to chapter 318 of NRS shall be deemed to have fulfilled the requirements of NRS 354.470 to 354.626, inclusive, for a year in which the district does not issue bonds or levy an assessment if the district files with the Department of Taxation a copy of all documents relating to its budget for that year which the district submitted to the Rural Utilities Service of the United States Department of Agriculture.

Sec. 2. NRS 315.977 is hereby amended to read as follows:

315.977 1. The Nevada Rural Housing Authority, consisting of five commissioners, is hereby created.

2. The commissioners must be appointed as follows:

(a) Two commissioners must be appointed by the Nevada League of Cities.

(b) Two commissioners must be appointed by the Nevada Association of Counties.

(c) One commissioner must be appointed jointly by the Nevada League of Cities and the Nevada Association of Counties. This commissioner must be a current recipient of assistance from the Authority and must be selected from a list of at least five ~~*[three]*~~ eligible nominees submitted for this purpose by an organization which represents tenants of housing projects operated by the Authority. If no such organization exists, the commissioner must be selected from a list of nominees submitted for this purpose from persons who currently receive assistance from the Authority. ~~*[the Executive Director.]*~~ If during his or her term the commissioner ~~[must be replaced by a person who is a recipient of assistance.]~~ ***may continue to serve as a commissioner for the remainder of the unexpired term for which he or she was appointed if he or she resides within the area of operation of the Authority.***

3. After the initial terms, the term of office of a commissioner is 4 years or until his or her successor takes office.

4. A majority of the commissioners constitutes a quorum, and a vote of the majority is necessary to carry any question.

5. If either of the appointing entities listed in subsection 2 ceases to exist, the pertinent appointments required by subsection 2 must be made by the successor in interest of that entity or, if there is no successor in interest, by the other appointing entity.

Sec. 3. NRS 315.983 is hereby amended to read as follows:

315.983 1. Except as otherwise provided in NRS 354.474 and 377.057, the Authority:

(a) Shall be deemed to be a public body corporate and politic, and an instrumentality, local government and political subdivision of the State, exercising public and essential governmental functions, and having all the powers necessary or convenient to carry out the purposes and provisions of NRS 315.961 to 315.99874, inclusive, but not the power to levy and collect taxes or special assessments.

(b) Is not an agency, board, bureau, commission, council, department, division, employee or institution of the State.

2. The Authority may:

(a) Sue and be sued.

(b) Have a seal.

(c) Have perpetual succession.

(d) Make and execute contracts and other instruments necessary or convenient to the exercise of its powers.

(e) Deposit money it receives in any insured state or national bank, insured credit union, insured savings and loan association, or in the Local

Government Pooled Long-Term Investment Account created by NRS 355.165 or the Local Government Pooled Investment Fund created by NRS 355.167.

(f) Adopt bylaws, rules and regulations to carry into effect the powers and purposes of the Authority.

(g) Create a nonprofit organization which is exempt from taxation pursuant to 26 U.S.C. 501(c)(3) and which has as its principal purpose the development of housing projects.

(h) Enter into agreements or other transactions with, and accept grants from and cooperate with, any governmental agency or other source in furtherance of the purposes of NRS 315.961 to 315.99874, inclusive.

(i) ***Enter into an agreement with a local government to receive a loan of money from the local government in accordance with NRS 354.6118.***

(j) Acquire real or personal property or any interest therein, by gift, purchase, foreclosure, deed in lieu of foreclosure, lease, option or otherwise.

Sec. 4. NRS 315.9835 is hereby amended to read as follows:

315.9835 The State Authority may ***:***

1. Except as otherwise provided in subsection 2, operate in any area of the State which is not included within the corporate limits of a city or town having a population of 100,000 or more.

2. Provide services in any area of the State if the State Authority has contracted with the State or a local government to provide those services in that area. As used in this subsection, "services" does not include the making of a mortgage loan pursuant to NRS 315.9981 to 315.99874, inclusive.

Sec. 5. ~~[Notwithstanding the provisions of paragraph (c) of subsection 2 of NRS 315.977, as amended by section 2 of this act, the commissioner of the Nevada Rural Housing Authority who was appointed pursuant to that paragraph before July 1, 2011, and who is otherwise qualified to serve as a commissioner of the Nevada Rural Housing Authority on that date may continue to serve in that capacity for the remainder of the unexpired term for which he or she was appointed.]~~ **(Deleted by amendment.)**

Sec. 6. This act becomes effective on July 1, 2011.

Assemblywoman Bustamante Adams moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 226.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 352.

AN ACT relating to property; revising various provisions governing landlords and tenants; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law generally authorizes a landlord to have a tenant removed from rental property if the tenant defaults on rental payments and continues to occupy the property. (NRS 40.253) **Section 1** of this bill ~~[revises the period in which a tenant is removed from rental property after the sheriff or constable receives an order of eviction from the court. Existing law also provides that a holdover tenant who occupies rental property that is then sold as a residential foreclosure may be removed from the property after receiving adequate notice of the change in ownership of the property, as prescribed by law. (NRS 40.255) Section 2 of this bill authorizes such a removal of a holdover tenant when the tenant occupies rental property that is then sold as a residential short sale.]~~ **requires a landlord to advise a tenant of certain information in a notice before applying for a court order to evict the tenant.**

Additionally, existing law provides tenants with certain remedies if a landlord is required to provide certain essential services and fails to do so, or if the landlord commits certain other acts that interfere with the tenant's use of the rental property. (NRS 118A.380, 118A.390) **Section 6** of this bill ~~[extends certain remedies to tenants when a landlord is required to provide]~~ **includes a functioning door lock among** essential items or services ~~[but fails to do so.]~~ **that a landlord must provide a tenant.** **Section 7** of this bill authorizes a tenant to recover immediate possession of rental property if a landlord takes possession of the property in violation of NRS 118A.480, which prohibits a landlord from taking possession of the property unless the landlord pursues an available legal remedy or the tenant surrenders possession of or abandons the property.

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

Section 1. NRS 40.253 is hereby amended to read as follows:

40.253 1. Except as otherwise provided in subsection 10, in addition to the remedy provided in NRS 40.2512 and 40.290 to 40.420, inclusive, when the tenant of any dwelling, apartment, mobile home, recreational vehicle or commercial premises with periodic rent reserved by the month or any shorter period is in default in payment of the rent, the landlord or the landlord's agent, unless otherwise agreed in writing, may serve or have served a notice in writing, requiring in the alternative the payment of the rent or the surrender of the premises:

(a) At or before noon of the fifth full day following the day of service; or

(b) If the landlord chooses not to proceed in the manner set forth in paragraph (a) and the rent is reserved by a period of 1 week or less and the tenancy has not continued for more than 45 days, at or before noon of the fourth full day following the day of service.

➥ As used in this subsection, "day of service" means the day the landlord or the landlord's agent personally delivers the notice to the tenant. If personal service was not so delivered, the "day of service" means the day the notice is

delivered, after posting and mailing pursuant to subsection 2, to the sheriff or constable for service if the request for service is made before noon. If the request for service by the sheriff or constable is made after noon, the "day of service" shall be deemed to be the day next following the day that the request is made for service by the sheriff or constable.

2. A landlord or the landlord's agent who serves a notice to a tenant pursuant to paragraph (b) of subsection 1 shall attempt to deliver the notice in person in the manner set forth in paragraph (a) of subsection 1 of NRS 40.280. If the notice cannot be delivered in person, the landlord or the landlord's agent:

(a) Shall post a copy of the notice in a conspicuous place on the premises and mail the notice by overnight mail; and

(b) After the notice has been posted and mailed, may deliver the notice to the sheriff or constable for service in the manner set forth in subsection 1 of NRS 40.280. The sheriff or constable shall not accept the notice for service unless it is accompanied by written evidence, signed by the tenant when the tenant took possession of the premises, that the landlord or the landlord's agent informed the tenant of the provisions of this section which set forth the lawful procedures for eviction from a short-term tenancy. Upon acceptance, the sheriff or constable shall serve the notice within 48 hours after the request for service was made by the landlord or the landlord's agent.

3. A notice served pursuant to subsection 1 or 2 must:

(a) Identify the court that has jurisdiction over the matter; and

(b) Advise the tenant ~~[of]~~ ***:***

(1) Of the tenant's right to contest the matter by filing, within the time specified in subsection 1 for the payment of the rent or surrender of the premises, an affidavit with the court that has jurisdiction over the matter stating that the tenant has tendered payment or is not in default in the payment of the rent ~~[.]~~ ***;***

(2) That if the court determines that the tenant is guilty of an unlawful detainer, the court may issue a summary order for removal of the tenant or an order providing for the nonadmittance of the tenant, directing the sheriff or constable of the county to remove the tenant within 24 hours after receipt of the order; and

(3) That, pursuant to NRS 118A.390, a tenant may seek relief if a landlord unlawfully removes the tenant from the premises or excludes the tenant by blocking or attempting to block the tenant's entry upon the premises or willfully interrupts or causes or permits the interruption of an essential service required by the rental agreement or chapter 118A of NRS.

4. If the tenant files such an affidavit at or before the time stated in the notice, the landlord or the landlord's agent, after receipt of a file-stamped copy of the affidavit which was filed, shall not provide for the nonadmittance of the tenant to the premises by locking or otherwise.

5. Upon noncompliance with the notice:

(a) The landlord or the landlord's agent may apply by affidavit of complaint for eviction to the justice court of the township in which the dwelling, apartment, mobile home or commercial premises are located or to the district court of the county in which the dwelling, apartment, mobile home or commercial premises are located, whichever has jurisdiction over the matter. The court may thereupon issue an order directing the sheriff or constable of the county to remove the tenant within ~~[not less than]~~ 24 ~~[hours and not more than 48]~~ hours after receipt of the order. The affidavit must state or contain:

(1) The date the tenancy commenced.

(2) The amount of periodic rent reserved.

(3) The amounts of any cleaning, security or rent deposits paid in advance, in excess of the first month's rent, by the tenant.

(4) The date the rental payments became delinquent.

(5) The length of time the tenant has remained in possession without paying rent.

(6) The amount of rent claimed due and delinquent.

(7) A statement that the written notice was served on the tenant in accordance with NRS 40.280.

(8) A copy of the written notice served on the tenant.

(9) A copy of the signed written rental agreement, if any.

(b) Except when the tenant has timely filed the affidavit described in subsection 3 and a file-stamped copy of it has been received by the landlord or the landlord's agent, and except when the landlord is prohibited pursuant to NRS 118A.480, the landlord or the landlord's agent may, in a peaceable manner, provide for the nonadmittance of the tenant to the premises by locking or otherwise.

6. Upon the filing by the tenant of the affidavit permitted in subsection 3, regardless of the information contained in the affidavit, and the filing by the landlord of the affidavit permitted by subsection 5, the justice court or the district court shall hold a hearing, after service of notice of the hearing upon the parties, to determine the truthfulness and sufficiency of any affidavit or notice provided for in this section. If the court determines that there is no legal defense as to the alleged unlawful detainer and the tenant is guilty of an unlawful detainer, the court may issue a summary order for removal of the tenant or an order providing for the nonadmittance of the tenant. If the court determines that there is a legal defense as to the alleged unlawful detainer, the court shall refuse to grant either party any relief, and, except as otherwise provided in this subsection, shall require that any further proceedings be conducted pursuant to NRS 40.290 to 40.420, inclusive. The issuance of a summary order for removal of the tenant does not preclude an action by the tenant for any damages or other relief to which the tenant may be entitled. If the alleged unlawful detainer was based upon subsection 5 of NRS 40.2514, the refusal by the court to grant relief does not preclude the landlord

thereafter from pursuing an action for unlawful detainer in accordance with NRS 40.251.

7. The tenant may, upon payment of the appropriate fees relating to the filing and service of a motion, file a motion with the court, on a form provided by the clerk of the court, to dispute the amount of the costs, if any, claimed by the landlord pursuant to NRS 118.207 or 118A.460 for the inventory, moving and storage of personal property left on the premises. The motion must be filed within 20 days after the summary order for removal of the tenant or the abandonment of the premises by the tenant, or within 20 days after:

(a) The tenant has vacated or been removed from the premises; and

(b) A copy of those charges has been requested by or provided to the tenant,

➥ whichever is later.

8. Upon the filing of a motion pursuant to subsection 7, the court shall schedule a hearing on the motion. The hearing must be held within 10 days after the filing of the motion. The court shall affix the date of the hearing to the motion and order a copy served upon the landlord by the sheriff, constable or other process server. At the hearing, the court may:

(a) Determine the costs, if any, claimed by the landlord pursuant to NRS 118.207 or 118A.460 and any accumulating daily costs; and

(b) Order the release of the tenant's property upon the payment of the charges determined to be due or if no charges are determined to be due.

9. A landlord shall not refuse to accept rent from a tenant that is submitted after the landlord or the landlord's agent has served or had served a notice pursuant to subsection 1 if the refusal is based on the fact that the tenant has not paid collection fees, attorney's fees or other costs other than rent, a reasonable charge for late payments of rent or dishonored checks, or a security. As used in this subsection, "security" has the meaning ascribed to it in NRS 118A.240.

10. This section does not apply to the tenant of a mobile home lot in a mobile home park or to the tenant of a recreational vehicle lot in an area of a mobile home park in this State other than an area designated as a recreational vehicle lot pursuant to the provisions of subsection 6 of NRS 40.215.

Sec. 2. ~~[NRS 40.255 is hereby amended to read as follows:~~

~~40.255 1. Except as otherwise provided in subsections 2 and 7, in any of the following cases, a person who holds over and continues in possession of real property or a mobile home after a 3-day written notice to quit has been served upon the person may be removed as prescribed in NRS 40.290 to 40.420, inclusive:~~

~~(a) Where the property or mobile home has been sold under an execution against the person, or against another person under whom the person claims, and the title under the sale has been perfected;~~

~~(b) Where the property or mobile home has been sold upon the foreclosure of a mortgage, or under an express power of sale contained therein, executed~~

~~by the person, or by another person under whom the person claims, and the title under the sale has been perfected;~~

~~(c) Where the property or mobile home has been sold under a power of sale granted by NRS 107.080 to the trustee of a deed of trust executed by the person, or by another person under whom the person claims, and the title under such sale has been perfected; or~~

~~(d) Where the property or mobile home has been sold by the person, or by another person under whom the person claims, and the title under the sale has been perfected.~~

~~2. If the property has been sold as a residential foreclosure **[,] *or residential short sale,*** a tenant or subtenant in actual occupation of the premises, other than a person whose name appears on the mortgage or deed, who holds over and continues in possession of real property or a mobile home in any of the cases described in paragraph (b) or (c) of subsection 1 ***or where the property or mobile home has been sold as a residential short sale*** may be removed as prescribed in NRS 40.290 to 40.420, inclusive, after receiving a notice of the change of ownership of the real property or mobile home and after the expiration of a notice period beginning on the date the notice was received by the tenant or subtenant and expiring:~~

~~(a) For all periodic tenancies with a period of less than 1 month, after not less than the number of days in the period; and~~

~~(b) For all other periodic tenancies or tenancies at will, after not less than 60 days.~~

~~3. During the notice period described in subsection 2:~~

~~(a) The new owner has the rights, obligations and liabilities of the previous owner or landlord pursuant to chapter 118A of NRS under the lease or rental agreement which the previous owner or landlord entered into with the tenant or subtenant regarding the property; and~~

~~(b) The tenant or subtenant continues to have the rights, obligations and liabilities that the tenant or subtenant had pursuant to chapter 118A of NRS under the lease or rental agreement which the tenant or subtenant entered into with the previous owner or landlord regarding the property.~~

~~4. The notice described in subsection 2 must contain a statement:~~

~~(a) Providing the contact information of the new owner to whom rent should be remitted;~~

~~(b) Notifying the tenant or subtenant that the lease or rental agreement the tenant or subtenant entered into with the previous owner or landlord of the property continues in effect through the notice period described in subsection 2; and~~

~~(c) Notifying the tenant or subtenant that failure to pay rent to the new owner or comply with any other term of the agreement or applicable law constitutes a breach of the lease or rental agreement and may result in eviction proceedings.~~

~~5. If the property has been sold as a residential foreclosure in any of the cases described in paragraph (b) or (c) of subsection 1 **[,] *or if the property***~~

~~***has been sold as a residential short sale,*** no person may enter a record of eviction for a tenant or subtenant who vacates a property during the notice period described in subsection 2.~~

~~6. If the property has been sold as a residential foreclosure in any of the cases described in paragraphs (b) or (c) of subsection 1 **[**,**]** ***or if the property has been sold as a residential short sale,*** nothing in this section shall be deemed to prohibit:~~

~~(a) The tenant from vacating the property at any time before the expiration of the notice period described in subsection 2 without any obligation to the new owner of a property purchased pursuant to a ***residential*** foreclosure sale **,[**or**]** trustee's sale **[**;**]** or ***residential short sale; or***~~

~~(b) The new owner of a property purchased pursuant to a ***residential*** foreclosure sale **, [**or**]** trustee's sale ***or residential short sale*** from:~~

~~(1) Negotiating a new purchase, lease or rental agreement with the tenant or subtenant; or~~

~~(2) Offering a payment to the tenant or subtenant in exchange for vacating the premises on a date earlier than the expiration of the notice period described in subsection 2.~~

~~7. This section does not apply to the tenant of a mobile home lot in a mobile home park.~~

~~8. As used in this section **[**, "residential foreclosure"**]** .:~~

~~***(a) "Residential foreclosure"*** means the sale of a single family residence pursuant to NRS 40.430 or under a power of sale granted by NRS 107.080.~~

~~***(b) "Residential short sale" means the sale of a single family residence by a borrower for an amount less than the outstanding balance owed to the lender on the loan secured by such property, where the lender or assignee of the lender agrees before the sale to accept less than the outstanding balance owed on the loan in full or partial satisfaction of the loan, and the borrower pays the proceeds from the sale to the lender or assignee of the lender.***~~

~~**➥** As used in this subsection, "single family residence" means a structure that is comprised of not more than four units.**]**~~ **(Deleted by amendment.)**

Sec. 3. ~~**[**Chapter 118A of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~***"Essential item or service" includes:***~~

~~***1. Furniture, appliances or a functioning door lock; and***~~

~~***2. Heat, air-conditioning, running water, hot water, electricity, gas or another similar service.]***~~ **(Deleted by amendment.)**

Sec. 4. ~~**[**NRS 118A.020 is hereby amended to read as follows:~~

~~118A.020 As used in this chapter, unless the context otherwise requires, the ***words and*** terms defined in NRS 118A.030 to 118A.170, inclusive, ***and section 3 of this act*** have the meanings ascribed to them in those sections.**]**~~ **(Deleted by amendment.)**

Sec. 5. ~~**[**NRS 118A.090 is hereby amended to read as follows:~~

~~118A.090 "Exclude" means to evict or to prohibit entry by locking doors or by otherwise blocking or attempting to block entry, or to make a dwelling unit uninhabitable by interrupting or causing the interruption of [electric, gas, water or other] *any* essential [services.] *item or service.]*~~ **(Deleted by amendment.)**

Sec. 6. NRS 118A.380 is hereby amended to read as follows:

118A.380 1. If the landlord is required by the rental agreement or this chapter to supply heat, air-conditioning, running water, hot water, electricity, gas, ***a functioning door lock*** or another ~~*[any]*~~ essential ***item or*** service and the landlord willfully or negligently fails to do so, causing the premises to become unfit for habitation, the tenant shall give written notice to the landlord specifying the breach. If the landlord does not adequately remedy the breach, or use his or her best efforts to remedy the breach within 48 hours, except a Saturday, Sunday or legal holiday, after it is received by the landlord, the tenant may, in addition to any other remedy:

(a) Procure reasonable amounts of such essential ***items or*** services during the landlord's noncompliance and deduct their actual and reasonable cost from the rent;

(b) Recover actual damages, including damages based upon the lack of use of the premises or the diminution of the fair rental value of the dwelling unit;

(c) Withhold any rent that becomes due during the landlord's noncompliance without incurring late fees, charges for notice or any other charge or fee authorized by this chapter or the rental agreement, until the landlord has attempted in good faith to restore the essential ***items or*** services; or

(d) Procure other housing which is comparable during the landlord's noncompliance, and the rent for the original premises fully abates during this period. The tenant may recover the actual and reasonable cost of that other housing which is in excess of the amount of rent which is abated.

2. If the tenant proceeds under this section, the tenant may not proceed under NRS 118A.350 and 118A.360 as to that breach.

3. The rights of the tenant under this section do not arise until the tenant has given written notice as required by subsection 1, except that the tenant may, without having given that notice:

(a) Recover damages as authorized under paragraph (b) of subsection 1 if the landlord:

(1) Admits to the court that the landlord had knowledge of the lack of such essential ***items or*** services; or

(2) Has received written notice of the uninhabitable condition caused by such a lack from a governmental agency authorized to inspect for violations of building, housing or health codes.

(b) Withhold rent under paragraph (c) of subsection 1 if the landlord:

(1) Has received written notice of the condition constituting the breach from a governmental agency authorized to inspect for violations of building, housing or health codes; and

(2) Fails to remedy or attempt in good faith to remedy the breach within the time prescribed in the written notice of that condition from the governmental agency.

4. The rights of the tenant under paragraph (c) of subsection 1 do not arise unless the tenant is current in the payment of rent at the time of giving written notice pursuant to subsection 1.

5. If such a condition was caused by the deliberate or negligent act or omission of the tenant, a member of his or her household or other person on the premises with his or her consent, the tenant has no rights under this section.

Sec. 7. NRS 118A.390 is hereby amended to read as follows:

118A.390 1. If the landlord unlawfully removes the tenant from the premises or excludes the tenant by blocking or attempting to block the tenant's entry upon the premises ***,*** ~~[or]~~ willfully interrupts or causes or permits the interruption of any essential ***item or*** service required by the rental agreement or this chapter ~~[,]~~ ***or otherwise recovers possession of the dwelling unit in violation of NRS 118A.480,*** the tenant may recover immediate possession pursuant to subsection 4, proceed under NRS 118A.380 or terminate the rental agreement and, in addition to any other remedy, recover the tenant's actual damages, receive an amount not greater than ~~[$1,000]~~ ***$2,500*** to be fixed by the court, or both.

2. In determining the amount, if any, to be awarded under subsection 1, the court shall consider:

(a) Whether the landlord acted in good faith;

(b) The course of conduct between the landlord and the tenant; and

(c) The degree of harm to the tenant caused by the landlord's conduct.

3. If the rental agreement is terminated pursuant to subsection 1, the landlord shall return all prepaid rent and security recoverable under this chapter.

4. Except as otherwise provided in subsection 5, the tenant may recover immediate possession of the premises from the landlord by filing a verified complaint for expedited relief for the unlawful removal or exclusion of the tenant from the premises ***,*** ~~[or]~~ the willful interruption of ***any*** essential ~~[services.]~~ ***item or service or the recovery of possession of the dwelling unit in violation of NRS 118A.480.***

5. A verified complaint for expedited relief:

(a) Must be filed with the court within 5 judicial days after the date of the unlawful act by the landlord, and the verified complaint must be dismissed if it is not timely filed. If the verified complaint for expedited relief is dismissed pursuant to this paragraph, the tenant retains the right to pursue all other available remedies against the landlord.

(b) May not be filed with the court if an action for summary eviction or unlawful detainer is already pending between the landlord and tenant, but the tenant may seek similar relief before the judge presiding over the pending action.

6. The court shall conduct a hearing on the verified complaint for expedited relief ~~[within]~~ ***not later than*** 3 judicial days after the filing of the verified complaint for expedited relief. Before or at the scheduled hearing, the tenant must provide proof that the landlord has been properly served with a copy of the verified complaint for expedited relief. Upon the hearing, if it is determined that the landlord has violated any of the provisions of subsection 1, the court may:

(a) Order the landlord to restore to the tenant the premises or essential ***items or*** services, or both;

(b) Award damages pursuant to subsection 1; and

(c) Enjoin the landlord from violating the provisions of subsection 1 and, if the circumstances so warrant, hold the landlord in contempt of court.

7. The payment of all costs and official fees must be deferred for any tenant who files a verified complaint for expedited relief. After any hearing and not later than final disposition of the filing or order, the court shall assess the costs and fees against the party that does not prevail, except that the court may reduce them or waive them, as justice may require.

Sec. 8. NRS 118A.480 is hereby amended to read as follows:

118A.480 The landlord shall not recover or take possession of the dwelling unit by action or otherwise, including willful diminution or interruption or causing or permitting the diminution or interruption of any essential ***item or*** service required by the rental agreement or this chapter, except:

1. By an action for possession or other civil action or summary proceeding in which the issue of right of possession is determined;

2. When the tenant has surrendered possession of the dwelling unit to the landlord; or

3. When the tenant has abandoned the dwelling unit as provided in NRS 118A.450.

Sec. 9. NRS 118A.510 is hereby amended to read as follows:

118A.510 1. Except as otherwise provided in subsection 3, the landlord may not, in retaliation, terminate a tenancy, refuse to renew a tenancy, increase rent or decrease essential ***items or*** services required by the rental agreement or this chapter, or bring or threaten to bring an action for possession if:

(a) The tenant has complained in good faith of a violation of a building, housing or health code applicable to the premises and affecting health or safety to a governmental agency charged with the responsibility for the enforcement of that code;

(b) The tenant has complained in good faith to the landlord or a law enforcement agency of a violation of this chapter or of a specific statute that imposes a criminal penalty;

(c) The tenant has organized or become a member of a tenant's union or similar organization;

(d) A citation has been issued resulting from a complaint described in paragraph (a);

(e) The tenant has instituted or defended against a judicial or administrative proceeding or arbitration in which the tenant raised an issue of compliance with the requirements of this chapter respecting the habitability of dwelling units;

(f) The tenant has failed or refused to give written consent to a regulation adopted by the landlord, after the tenant enters into the rental agreement, which requires the landlord to wait until the appropriate time has elapsed before it is enforceable against the tenant; or

(g) The tenant has complained in good faith to the landlord, a government agency, an attorney, a fair housing agency or any other appropriate body of a violation of NRS 118.010 to 118.120, inclusive, or the Fair Housing Act of 1968, 42 U.S.C. 3601 et seq., or has otherwise exercised rights which are guaranteed or protected under those laws.

2. If the landlord violates any provision of subsection 1, the tenant is entitled to the remedies provided in NRS 118A.390 and has a defense in any retaliatory action by the landlord for possession.

3. A landlord who acts under the circumstances described in subsection 1 does not violate that subsection if:

(a) The violation of the applicable building, housing or health code of which the tenant complained was caused primarily by the lack of reasonable care by the tenant, a member of his or her household or other person on the premises with his or her consent;

(b) The tenancy is terminated with cause;

(c) A citation has been issued and compliance with the applicable building, housing or health code requires alteration, remodeling or demolition and cannot be accomplished unless the tenant's dwelling unit is vacant; or

(d) The increase in rent applies in a uniform manner to all tenants.

➥ The maintenance of an action under this subsection does not prevent the tenant from seeking damages or injunctive relief for the landlord's failure to comply with the rental agreement or maintain the dwelling unit in a habitable condition as required by this chapter.

Assemblyman Ohrenschall moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 228.

Bill read second time.

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

Amendment No. 409.

SUMMARY— ~~[~~Revises provisions governing~~]~~ **Directs the Legislative Commission to conduct an interim study on** contracts for public works. (BDR ~~[~~28-582~~)]~~ **S-582)**

AN ACT relating to public works; ~~[~~requiring a public body to use a standard form construction contract that is endorsed by national associations representing industry professionals for a public work;~~]~~ **directing the Legislative Commission to conduct an interim study of the feasibility of standard form contracts for public works at the state and local levels;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, a public body is required to include certain provisions in a contract for a public work. (NRS 338.150, 338.153, 338.155) This bill ~~[~~requires a public body~~]~~ **directs the Legislative Commission** to **conduct an interim study of the feasibility of the** use **of** a standard form construction contract ~~[~~which has been endorsed by national associations representing industry professionals~~]~~ for each contract for a **state or local** public work.

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

Section 1. ~~[~~Chapter 338 of NRS is hereby amended by adding thereto a new section to read as follows:

A contract for a public work must be a standard form construction contract which includes terms, conditions and agreements endorsed by at least one national association that primarily represents the interests of public owners and at least one national association that primarily represents the interests of private contractors, provided that:

1. A public body shall make any modifications necessary to conform with the laws and regulations of this State;

2. A public body may make any reasonably necessary modifications for project specific considerations; and

3. The terms, conditions and agreements of a contract between a subcontractor and a contractor must be consistent with the terms, conditions and agreements of the contract for a public work entered into between the contractor and a public body pursuant to this section.] **(Deleted by amendment.)**

Sec. 2. **1. The Legislative Commission shall appoint a committee to conduct an interim study concerning the feasibility of using standard form construction contracts for public works by state and local governments.**

2. The committee appointed by the Legislative Commission pursuant to subsection 1 must be composed of six Legislators as follows:

(a) Three members appointed by the Majority Leader of the Senate, at least one of whom must be appointed from the membership of the Senate Standing Committee on Government Affairs during the immediately preceding session of the Legislature; and

(b) Three members appointed by the Speaker of the Assembly, at least one of whom must be appointed from the membership of the Assembly Standing Committee on Government Affairs during the immediately preceding session of the Legislature.

3. The study must include, without limitation:

(a) A review of:

(1) The laws of this State governing public works; and

(2) The use of standardized contracts in other states and localities;

(b) Construction contract clauses recommended for inclusion; and

(c) Any other matters which the Legislative Commission deems relevant to the consideration of the issues.

4. In conducting the study, the committee shall consider the recommendations and testimony from experts in construction and public works contracts, including, without limitation:

(a) National associations primarily representing the interests of public owners or private contractors;

(b) The Commission to Study Governmental Purchasing created by NRS 332.215;

(c) Representatives of management and labor organizations;

(d) The State Public Works Board; and

(e) Local government public works officials.

5. The Legislative Commission shall submit a report of the results of the study and any recommendations for legislation to the 77th Session of the Nevada Legislature.

Sec. 3. **This act becomes effective on July 1, 2011.**

Assemblyman Hickey moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 238.

Bill read second time.

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

Amendment No. 247.

AN ACT relating to local government finance; revising provisions concerning the refunding of municipal securities related to infrastructure projects **[**,**]** **in certain counties;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Since October 1, 1999, a county has been authorized, as part of a lending project under the County Bond Law, to acquire securities issued by a

municipality located wholly or partially within the county: (1) to undertake one or more infrastructure projects; or (2) to refund those securities. In the latter case, a county's authority is limited to acquiring only those securities issued to refund municipal securities for infrastructure projects that were previously acquired by the county. (NRS 244A.0343, 244A.064) This bill eliminates this limitation on a county's authority **in a county whose population is 100,000 or more but less than 700,000 (currently Washoe County)** and thereby allows **such** a county to acquire securities that were issued by a municipality to refund municipal securities issued previously for infrastructure projects regardless of whether those securities are held by the county or another entity. However, ~~[the]~~ **such a** county may only acquire those municipal securities issued for purposes of refunding if the initial securities for the infrastructure projects were issued by the municipality on or after October 1, 1999.

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

Section 1. NRS 244A.0343 is hereby amended to read as follows:

244A.0343 "Lending project" means **:**

1. In a county whose population is 100,000 or more but less than 700,000, the acquisition of municipal securities issued by a municipality located wholly or partially within the county acquiring the municipal securities for one or more infrastructure projects or for the refunding of municipal securities issued on or before October 1, 1999, for one or more infrastructure projects or any combination thereof.

2. In all other counties, the acquisition of municipal securities issued by a municipality located wholly or partially within the county acquiring the municipal securities for one or more infrastructure projects or for the refunding of municipal securities previously acquired as part of a lending project by a county ~~*[issued on or after October 1, 1999,]*~~ for one or more infrastructure projects or any combination thereof.

Sec. 2. NRS 244A.064 is hereby amended to read as follows:

244A.064 In connection with any lending project, a county may:

1. Require additional security or credit enhancement for payment of municipal securities acquired as it deems prudent.

2. Make contracts and execute all necessary or desirable instruments or documents not in conflict with the requirements of the County Bond Law.

3. Provide by ordinance for its standards, policies and procedures for financing lending projects.

4. Acquire and hold municipal securities and execute the rights of the holder of those municipal securities.

5. Sell or otherwise dispose of municipal securities unless the county is limited by any agreement that is related to those securities.

6. ~~[Refund] [any] *[:*~~

~~*(a) Any county general obligations issued for a lending project;*~~

~~*(b) Any municipal securities issued on or after October 1, 1999, for one or more infrastructure projects; or*~~

~~*(c) Any combination of paragraphs (a) and (b),*~~

~~.~~ ~~if~~] ***If*** the county and the municipality agree to the disposition of any savings resulting from the refunding ~~[.]~~ ***:***

(a) In a county whose population is 100,000 or more but less than 700,000, refund:

(1) Any county general obligations issued for a lending project;

(2) Any municipal securities issued on or after October 1, 1999, for one or more infrastructure projects; or

(3) Any combination of subparagraphs (1) and (2).

(b) In all other counties, refund any county general obligations issued for a lending project.

7. Require payment by a municipality that participates in a lending project of the fees and expenses of the county in connection with the lending project.

8. Secure the payment of county general obligations issued for a lending project with a pledge of revenues of the lending project. If the revenues of a lending project are formally pledged to the county bonds issued to finance a lending project, the board may treat the revenues of the lending project financed by an issue of county general obligation bonds as pledged revenues pursuant to subsection 3 of NRS 350.020.

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

Assemblywoman Bustamante Adams moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 244.

Bill read second time and ordered to third reading.

Assembly Bill No. 246.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 446.

SUMMARY— ~~[Requires the association of a common-interest community to make available to]~~ **Authorizes** candidates for membership on the executive board **of an association of a common-interest community to obtain** ~~[its]~~ **a** list of **the addresses of** units' owners under certain circumstances. (BDR 10-1067)

AN ACT relating to common-interest communities; ~~[requiring the association of a common-interest community to make available to]~~ **authorizing** candidates for membership on the executive board ~~[the association's]~~ **of an association of a common-interest community to obtain a** list of **the addresses of** units' owners under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law ~~[provides that, under certain circumstances, the association of a common-interest community must make available to a unit's owner the books, records and papers of the association. However, the association is not required to make available to a unit's owner the records of the association which relate to another unit's owner. (NRS 116.31175)]~~ **authorizes a candidate for election as a member of the executive board of an association of a common-interest community to request that the association send a candidate informational statement to the units' owners. (NRS 116.31034)** This bill ~~[requires]~~ **authorizes a candidate who has submitted a nomination form for election as a member of the executive board to request that** the association or its agent ~~[to make available to a candidate for membership on the executive board, at no charge to the candidate, the]~~ **either: (1) send the candidate informational statement; or (2) provide to the candidate a** list of ~~[units' owners maintained by the association or its agent if the candidate submits: (1) a written request for that list; and]~~ **the addresses of each unit in the common-interest community so that the candidate may send campaign material directly to units' owners.**

Under this bill, if the members of the association are owners of time shares within a time share plan, the list provided to the candidate must be a list of the mailing addresses of the delegates or representatives who exercise the voting rights of those owners or, if there are no such delegates or representatives, the mailing address of the association. If the candidate is provided the mailing address of the association, the association must send the campaign material of the candidate upon the candidate's compliance with certain requirements.

This bill further provides that if a candidate requests a list of the addresses to send his or her campaign material directly to units' owners: (1) the list must not include the names of the units' owners or the name of any tenant of a unit's owner; and (2) **the candidate must provide** a written statement that the candidate is requesting the list ~~[to obtain information to allow the candidate to distribute]~~ **for the purpose of distributing** his or her campaign material directly to the units' owners and that the candidate will not make any other use of the information.

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

Section 1. NRS 116.31034 is hereby amended to read as follows:

116.31034 1. Except as otherwise provided in subsection 5 of NRS 116.212, not later than the termination of any period of declarant's control, the units' owners shall elect an executive board of at least three members, all of whom must be units' owners. The executive board shall elect the officers of the association. Unless the governing documents provide otherwise, the officers of the association are not required to be units' owners. The members

of the executive board and the officers of the association shall take office upon election.

2. The term of office of a member of the executive board may not exceed 3 years, except for members who are appointed by the declarant. Unless the governing documents provide otherwise, there is no limitation on the number of terms that a person may serve as a member of the executive board.

3. The governing documents of the association must provide for terms of office that are staggered in such a manner that, to the extent possible, an equal number of members of the executive board are elected at each election. The provisions of this subsection do not apply to:

(a) Members of the executive board who are appointed by the declarant; and

(b) Members of the executive board who serve a term of 1 year or less.

4. Not less than 30 days before the preparation of a ballot for the election of members of the executive board, the secretary or other officer specified in the bylaws of the association shall cause notice to be given to each unit's owner of the unit's owner's eligibility to serve as a member of the executive board. Each unit's owner who is qualified to serve as a member of the executive board may have his or her name placed on the ballot along with the names of the nominees selected by the members of the executive board or a nominating committee established by the association.

5. Before the secretary or other officer specified in the bylaws of the association causes notice to be given to each unit's owner of his or her eligibility to serve as a member of the executive board pursuant to subsection 4, the executive board may determine that if, at the closing of the prescribed period for nominations for membership on the executive board, the number of candidates nominated for membership on the executive board is equal to or less than the number of members to be elected to the executive board at the election, then the secretary or other officer specified in the bylaws of the association will cause notice to be given to each unit's owner informing each unit's owner that:

(a) The association will not prepare or mail any ballots to units' owners pursuant to this section and the nominated candidates shall be deemed to be duly elected to the executive board unless:

(1) A unit's owner who is qualified to serve on the executive board nominates himself or herself for membership on the executive board by submitting a nomination to the executive board within 30 days after the notice provided by this subsection; and

(2) The number of units' owners who submit such a nomination causes the number of candidates nominated for membership on the executive board to be greater than the number of members to be elected to the executive board.

(b) Each unit's owner who is qualified to serve as a member of the executive board may nominate himself or herself for membership on the

executive board by submitting a nomination to the executive board within 30 days after the notice provided by this subsection.

6. If the notice described in subsection 5 is given and if, at the closing of the prescribed period for nominations for membership on the executive board described in subsection 5, the number of candidates nominated for membership on the executive board is equal to or less than the number of members to be elected to the executive board, then:

(a) The association will not prepare or mail any ballots to units' owners pursuant to this section;

(b) The nominated candidates shall be deemed to be duly elected to the executive board not later than 30 days after the date of the closing of the period for nominations described in subsection 5; and

(c) The association shall send to each unit's owner notification that the candidates nominated have been elected to the executive board.

7. If the notice described in subsection 5 is given and if, at the closing of the prescribed period for nominations for membership on the executive board described in subsection 5, the number of candidates nominated for membership on the executive board is greater than the number of members to be elected to the executive board, then the association shall:

(a) Prepare and mail ballots to the units' owners pursuant to this section; and

(b) Conduct an election for membership on the executive board pursuant to this section.

8. Each person who is nominated as a candidate for ~~[a member of]~~ ***membership on*** the executive board pursuant to subsection 4 or 5 must:

(a) Make a good faith effort to disclose any financial, business, professional or personal relationship or interest that would result or would appear to a reasonable person to result in a potential conflict of interest for the candidate if the candidate were to be elected to serve as a member of the executive board; and

(b) Disclose whether the candidate is a member in good standing. For the purposes of this paragraph, a candidate shall not be deemed to be in "good standing" if the candidate has any unpaid and past due assessments or construction penalties that are required to be paid to the association.

➥ The candidate must make all disclosures required pursuant to this subsection in writing to the association with his or her candidacy information. Except as otherwise provided in this subsection, the association shall distribute the disclosures, on behalf of the candidate, to each member of the association with the ballot or, in the event ballots are not prepared and mailed pursuant to subsection 6, in the next regular mailing of the association. The association is not obligated to distribute any disclosure pursuant to this subsection if the disclosure contains information that is believed to be defamatory, libelous or profane.

9. ~~*[Notwithstanding the provisions of NRS 116.31175 and except as otherwise provided in this subsection, upon the written request of a person*~~

~~*who is a candidate for membership on the executive board and at no charge to the candidate, the association or its agent must make available to the candidate, for the purpose of obtaining information to allow the candidate to communicate campaign material directly to units' owners, the list of units' owners maintained by the association or its agent for review at the business office of the association or a designated business location not to exceed 60 miles from the physical location of the common interest community and during the regular working hours of the association. A written request pursuant to this subsection must be accompanied by a written statement signed by the candidate which states that the candidate is making the request to obtain information to allow the candidate to communicate campaign material directly to units' owners and that the candidate will not make any other use of the information. The association or its agent may refuse a written request submitted pursuant to this subsection only if the candidate does not provide the statement required by this subsection.*~~

~~*10.]*~~ Unless a person is appointed by the declarant:

(a) A person may not be a member of the executive board or an officer of the association if the person, the person's spouse or the person's parent or child, by blood, marriage or adoption, performs the duties of a community manager for that association.

(b) A person may not be a member of the executive board of a master association or an officer of that master association if the person, the person's spouse or the person's parent or child, by blood, marriage or adoption, performs the duties of a community manager for:

(1) That master association; or

(2) Any association that is subject to the governing documents of that master association.

10. ~~*[11.]*~~ An officer, employee, agent or director of a corporate owner of a unit, a trustee or designated beneficiary of a trust that owns a unit, a partner of a partnership that owns a unit, a member or manager of a limited-liability company that owns a unit, and a fiduciary of an estate that owns a unit may be an officer of the association or a member of the executive board. In all events where the person serving or offering to serve as an officer of the association or a member of the executive board is not the record owner, the person shall file proof in the records of the association that:

(a) The person is associated with the corporate owner, trust, partnership, limited-liability company or estate as required by this subsection; and

(b) Identifies the unit or units owned by the corporate owner, trust, partnership, limited-liability company or estate.

11. ~~*[12.]*~~ Except as otherwise provided in subsection 6 or NRS 116.31105, the election of any member of the executive board must be conducted by secret written ballot in the following manner:

(a) The secretary or other officer specified in the bylaws of the association shall cause a secret ballot and a return envelope to be sent, prepaid by United States mail, to the mailing address of each unit within the common-interest

community or to any other mailing address designated in writing by the unit's owner.

(b) Each unit's owner must be provided with at least 15 days after the date the secret written ballot is mailed to the unit's owner to return the secret written ballot to the association.

(c) A quorum is not required for the election of any member of the executive board.

(d) Only the secret written ballots that are returned to the association may be counted to determine the outcome of the election.

(e) The secret written ballots must be opened and counted at a meeting of the association. A quorum is not required to be present when the secret written ballots are opened and counted at the meeting.

(f) The incumbent members of the executive board and each person whose name is placed on the ballot as a candidate for ~~[a member of]~~ ***membership on*** the executive board may not possess, be given access to or participate in the opening or counting of the secret written ballots that are returned to the association before those secret written ballots have been opened and counted at a meeting of the association.

12. ~~*[13.]*~~ An association shall not adopt any rule or regulation that has the effect of prohibiting or unreasonably interfering with a candidate in the candidate's campaign for election as a member of the executive board, except that the candidate's campaign may be limited to 90 days before the date that ballots are required to be returned to the association. ~~[A]~~

13. A candidate ***who has submitted a nomination form for election as a member of the executive board*** may request that ~~[the secretary or other officer specified in the bylaws of]~~ the association ~~[send, 30 days]~~ ***or its agent either:***

(a) Send before the date of the election and at the association's expense, to the mailing address of each unit within the common-interest community or to any other mailing address designated in writing by the unit's owner a candidate informational statement. The candidate informational statement:

~~[(a)]~~ ***(1)*** Must be no longer than a single, typed page;

~~[(b)]~~ ***(2)*** Must not contain any defamatory, libelous or profane information; and

~~[(c)]~~ ***(3)*** May be sent with the secret ballot mailed pursuant to subsection 11 ~~*[12]*~~ or in a separate mailing ~~[.~~

~~• The]~~ ***; or***

(b) To allow the candidate to communicate campaign material directly to the units' owners, provide to the candidate, in paper format at a cost not to exceed 25 cents per page for the first 10 pages and 10 cents per page thereafter, in the format of a compact disc at a cost of not more than $5 or by electronic mail at no cost:

(1) A list of the mailing address of each unit, which must not include the names of the units' owners or the name of any tenant of a unit's owner; or

(2) If the members of the association are owners of time shares within a time share plan created pursuant to chapter 119A of NRS and:

(I) The voting rights of those owners are exercised by delegates or representatives pursuant to NRS 116.31105, the mailing address of the delegates or representatives.

(II) The voting rights of those owners are not exercised by delegates or representatives, the mailing address of the association established pursuant to NRS 119A.520. If the mailing address of the association is provided to the candidate pursuant to this sub-subparagraph, the association must send to each owner of a time share within the time share plan the campaign material provided by the candidate. If the campaign material will be sent by mail, the candidate who provides the campaign material must provide to the association a separate copy of the campaign material for each owner and must pay the actual costs of mailing before the campaign material is mailed. If the campaign material will be sent by electronic transmission, the candidate must provide to the association one copy of the campaign material in an electronic format.

➥ The information provided pursuant to this paragraph must not include the name of any unit's owner or any tenant of a unit's owner. If a candidate who makes a request for the information described in this paragraph fails or refuses to provide a written statement signed by the candidate which states that the candidate is making the request to allow the candidate to communicate campaign material directly to units' owners and that the candidate will not use the information for any other purpose, the association or its agent may refuse the request.

14. An association and its directors, officers, employees and agents are immune from criminal or civil liability for any act or omission which arises out of the publication or disclosure of any information related to any person and which occurs in the course of carrying out any duties required pursuant to ~~[this]~~ subsection ~~[.]~~ ***13.***

~~[~~13.~~]~~ ~~*[14.]*~~ ***15.*** Each member of the executive board shall, within 90 days after his or her appointment or election, certify in writing to the association, on a form prescribed by the Administrator, that the member has read and understands the governing documents of the association and the provisions of this chapter to the best of his or her ability. The Administrator may require the association to submit a copy of the certification of each member of the executive board of that association at the time the association registers with the Ombudsman pursuant to NRS 116.31158.

Sec. 2. This act becomes effective on July 1, 2011.

Assemblyman Ohrenschall moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 260.

Bill read second time.

The following amendment was proposed by the Committee on Legislative Operations and Elections:

Amendment No. 97.

AN ACT relating to the Legislature; requiring newly elected Legislators to attend training before the beginning of their first legislative session; providing a **monetary** penalty for failure to attend the training sessions; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 3 of this bill requires newly elected Legislators to attend training before the beginning of their first legislative session. The Speaker of the Assembly and the Majority Leader of the Senate are required to specify the dates of the training and to indicate which training sessions are mandatory. **Section 4** of this bill provides that a Legislator who does not attend a mandatory training session without being excused must pay a penalty during the regular legislative session equal to one day of salary for each training session that was missed, to be deducted from the salary otherwise payable to the Legislator during the regular session.

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

Section 1. Chapter 218A of NRS is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this act.

Sec. 2. ***For the purposes of sections 3 and 4 of this act*** ***[:***

~~*1. The]*~~ ***the Speaker of the Assembly*** ~~*[is:*~~

~~*(a) For the period preceding a general election, the member of the Assembly who served in that position for the preceding session or the person designated in the interim as his or her replacement; and*~~

~~*(b) For the period beginning on the date of the general election, the Speaker designate for the ensuing session.*~~

~~*2. The Majority Leader of the Senate is:*~~

~~*(a) For the period preceding a general election, the Senator who served in that position for the preceding session or the person designated in the interim as his or her replacement; and*~~

~~*(b) For the period beginning on the date of the general election, the Majority Leader designate for the ensuing session.]*~~ ***, the Majority Leader of the Senate, the Minority Leader of the Assembly and the Minority Leader of the Senate are:***

1. For the period that begins immediately following a regular session of the Legislature until the day of the next general election, the members of the Legislature who served in those positions during that regular session or the persons designated as replacements in those positions; and

2. For the period that begins on the day next after the general election until the commencement of the ensuing regular session of the Legislature, the persons designated for those positions for the ensuing session.

Sec. 3. ***1. A Legislator who is elected to the Assembly or the Senate who has not previously served in either House of the Legislature shall attend the training required pursuant to this section unless his or her attendance is excused pursuant to subsection 6.***

2. A member of the Assembly who is required to attend training pursuant to this section shall attend each training session designated as mandatory by the Speaker of the Assembly. A member of the Senate who is required to attend training pursuant to this section shall attend each training session designated as mandatory by the Majority Leader of the Senate.

3. The training required pursuant to this section must include:

(a) Legislative procedure and protocol;

(b) Overviews of the state budget and the budgetary process;

(c) Briefings on policy issues relevant to the State; and

(d) Such other matters as are deemed appropriate by the Speaker of the Assembly , ~~[and]~~ the Majority Leader of the Senate , the Minority Leader of the Assembly and the Minority Leader of the Senate for their respective Houses.

4. The Director of the Legislative Counsel Bureau shall provide staff support for the training required pursuant to this section.

5. The training required pursuant to this section must not exceed a total of 10 days and must be conducted between the day ~~[of]~~ next after the general election and the ~~[start]~~ commencement of the ensuing regular session of the Legislature. The dates for the training must be determined by the Speaker of the Assembly and the Majority Leader of the Senate and posted on the public website of the Nevada Legislature on ~~[the]~~ an Internet website not later than 90 days before the first day on which training will be conducted.

6. The Speaker of the Assembly or the Majority Leader of the Senate may excuse a Legislator from attending a training session otherwise required pursuant to this section in case of illness, injury, emergency or other good cause as determined by the Speaker or Majority Leader.

Sec. 4. ***1. A Legislator who fails to attend a training session designated as mandatory pursuant to section 3 of this act, unless excused by the Speaker of the Assembly or the Majority Leader of the Senate, as applicable, shall pay a penalty equal to one day of salary for each mandatory training session which he or she failed to attend. The penalty must be withheld from the salary otherwise payable to the Legislator pursuant to NRS 218A.630.***

2. A Legislator may appeal a penalty imposed pursuant to subsection 1 to the Assembly or Senate, as ~~[appropriate.]~~ applicable. The Assembly or Senate, or a committee appointed to hear the appeal, may affirm the penalty, reduce the amount of the penalty or excuse the penalty. Each House shall determine the procedure for such an appeal.

Sec. 5. NRS 218A.635 is hereby amended to read as follows:

218A.635 1. Except as otherwise provided in subsections 2 and 4, each Senator, Assemblywoman and Assemblyman is entitled to receive the compensation provided for a majority of the members of the Legislature during the first 60 days of the preceding session, and the per diem allowance and travel expenses provided by law, for each day of attendance at a presession orientation conference ***or a training session conducted pursuant to section 3 of this act*** or at a conference, meeting, seminar or other gathering at which the Legislator officially represents the State of Nevada or its Legislature.

2. A nonreturning Legislator must not be paid the compensation or per diem allowance and travel expenses provided in subsection 1 for attendance at a conference, meeting, seminar or other gathering unless:

(a) It is conducted by a statutory committee or a committee of the Legislature and the Legislator is a member of that committee; or

(b) The Majority Leader of the Senate or Speaker of the Assembly designates the Legislator to attend because of the Legislator's knowledge or expertise.

3. For the purposes of this section, "nonreturning Legislator" means a Legislator who, in the year that the Legislator's term of office expires:

(a) Has not filed a declaration or an acceptance of candidacy within the time allowed for filing for election as a Senator, Assemblywoman or Assemblyman;

(b) Has failed to win nomination as a candidate for the Senate or the Assembly at the primary election; or

(c) Has withdrawn as a candidate for the Senate or the Assembly.

4. This section does not apply:

(a) During a regular or special session of the Legislature; or

(b) To any Senator, Assemblywoman or Assemblyman who is otherwise entitled to receive a salary and the per diem allowance and travel expenses.

Sec. 6. NRS 218A.640 is hereby amended to read as follows:

218A.640 A Legislator who attends and is compensated for attending a:

1. Session or presession orientation conference of the Legislature ~~[.]~~ ***or a training session conducted pursuant to section 3 of this act;***

2. Meeting of an interim legislative committee; or

3. Meeting of the Legislative Commission or its Audit Subcommittee,

➥ is not entitled to receive an additional day's salary or compensation for any other such meeting or conference the Legislator attends in that day.

Sec. 7. NRS 218A.645 is hereby amended to read as follows:

218A.645 1. The per diem expense allowance and the travel and telephone expenses of Senators, Assemblymen and Assemblywomen elected or appointed and in attendance at any session or presession orientation conference of the Legislature ***or training session conducted pursuant to section 3 of this act*** must be allowed in the manner set forth in this section.

2. For initial travel from the Legislator's home to Carson City, Nevada, to attend a session or presession orientation conference of the Legislature ~~[,]~~

or a training session conducted pursuant to section 3 of this act, and for return travel from Carson City, Nevada, to the Legislator's home upon adjournment sine die of a session or termination of a presession orientation conference of the Legislature ~~[,]~~ ***or termination of a training session conducted pursuant to section 3 of this act,*** each Senator, Assemblyman and Assemblywoman is entitled to receive:

(a) A per diem expense allowance, not to exceed the maximum rate established by the Federal Government for the Carson City area, for 1 day's travel to and 1 day's travel from the session ***, training session*** or conference.

(b) Travel expenses.

3. In addition to the per diem and travel expenses authorized by subsection 2, each Senator, Assemblyman and Assemblywoman is entitled to receive a supplemental allowance which must not exceed:

(a) A total of $10,000 during each regular session of the Legislature for:

(1) The Legislator's actual expenses in moving to and from Carson City for the session;

(2) Travel to and from the Legislator's home or temporary residence or for traveling to and from legislative committee and subcommittee meetings or hearings or for individual travel within the State which relates to legislative business;

(3) If the Legislator rents furniture for the Legislator's temporary residence rather than moving similar furniture from the Legislator's home, the cost of renting that furniture not to exceed the amount that it would have cost to move the furniture to and from the Legislator's home; and

(4) If:

(I) The Legislator's home is more than 50 miles from Carson City; and

(II) The Legislator maintains temporary quarters in or near Carson City for which the Legislator has entered into a lease or other agreement for occupancy during a regular legislative session,

➥ the cost of such additional housing, paid at the end of each month during the legislative session, beginning the month of the first day of the legislative session and ending the month of the adjournment sine die of the legislative session, in an amount that is the fair market rent for a one bedroom unit in Carson City as published by the United States Department of Housing and Urban Development prorated for the number of days of the month that the Legislator actually maintained the temporary quarters in or near Carson City. For the purposes of this subparagraph, any day before the first day of the legislative session or after the day of the adjournment sine die of the legislative session may not be counted as a day for which the Legislator actually maintained such temporary quarters; and

(b) A total of $1,200 during each special session of the Legislature for travel to and from the Legislator's home or temporary residence or for traveling to and from legislative committee and subcommittee meetings or

hearings or for individual travel within the State which relates to legislative business.

4. Each Senator, Assemblyman and Assemblywoman is entitled to receive a per diem expense allowance, not to exceed the maximum rate established by the Federal Government for the Carson City area, for each day that the Legislature is in session or in a presession orientation conference ~~[.]~~ ***or a training session conducted pursuant to section 3 of this act,*** and for each day that the Legislator attends a meeting of a standing committee of which the Legislator is a member when the Legislature has adjourned for more than 4 days.

5. Each Senator, Assemblyman and Assemblywoman who maintains temporary quarters in or near Carson City for which the Legislator has entered into a lease or other agreement for continuous occupancy for the duration of a legislative session is entitled to receive a lodging allowance equal to that portion of the expense allowance which the Legislative Commission designates by rule as being allocated to lodging, for not more than 14 days in each period in which:

(a) The Legislature has adjourned until a time certain; and

(b) The Senator, Assemblyman or Assemblywoman is not entitled to a per diem expense allowance pursuant to subsection 4.

6. In addition to the per diem expense allowance authorized by subsection 4 and the lodging allowance authorized by subsection 5, each Senator, Assemblyman and Assemblywoman who maintains temporary quarters in or near Carson City for which the Legislator has entered into a lease or other agreement for continuous occupancy for the duration of a legislative session is entitled to receive a lodging allowance equal to that portion of the expense allowance which the Legislative Commission designates by rule as being allocated to lodging, for not more than 17 days in each period in which:

(a) The Legislature has adjourned for more than 4 days; and

(b) The Senator, Assemblyman or Assemblywoman must obtain temporary lodging in a location that a standing committee of which the Legislator is a member is meeting.

7. Each Senator, Assemblyman and Assemblywoman is entitled to receive a lodging allowance equal to that portion of the expense allowance which the Legislative Commission designates by rule as being allocated to lodging, for not more than 6 days in each period in which:

(a) The Legislature has adjourned for more than 4 days; and

(b) The Senator, Assemblyman or Assemblywoman must obtain temporary lodging in a location that a standing committee of which the Legislator is a member is meeting,

➥ if the Senator, Assemblyman or Assemblywoman is not entitled to the per diem expense allowance authorized by subsection 4 or the lodging allowances authorized by subsections 5 and 6.

8. Each Senator, Assemblyman and Assemblywoman is entitled to receive a telephone allowance of not more than $2,800 for the payment of tolls and charges incurred by the Legislator in the performance of official business during each regular session of the Legislature and not more than $300 during each special session of the Legislature.

9. An employee of the Legislature assigned to serve a standing committee is entitled to receive the travel expenses and per diem allowance provided for state officers and employees generally if the employee is required to attend a hearing of the committee outside Carson City.

10. Claims for per diem expense allowances authorized by subsection 4 and lodging allowances authorized by subsections 5, 6 and 7 must be paid once each week during a legislative session and upon completion of a presession orientation conference ~~[.]~~ ***or a training session conducted pursuant to section 3 of this act.***

11. A claim for travel expenses authorized by subsection 2 or 3 must not be paid unless the Senator, Assemblyman or Assemblywoman submits a signed statement affirming:

(a) The date of the travel; and

(b) The places of departure and arrival and, if the travel is by private conveyance, the actual miles traveled. If the travel is not by private conveyance, the claim must include a receipt or other evidence of the expenditure.

12. Travel expenses authorized by subsections 2 and 3 are limited to:

(a) If the travel is by private conveyance, a rate equal to the standard mileage reimbursement rate for which a deduction is allowed for the purposes of federal income tax. If two or more Legislators travel in the same private conveyance, the Legislator who provided or arranged for providing the transportation is presumed entitled to reimbursement.

(b) If the travel is not by private conveyance, the actual amount expended.

➥ Transportation must be by the most economical means, considering total cost, time spent in transit and the availability of state-owned automobiles.

Assemblyman Segerblom moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 274.

Bill read second time.

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

Amendment No. 441.

AN ACT relating to insurance; establishing provisions regarding the payment of proceeds of any benefit under a policy of life insurance or a policy of group life insurance; requiring certain disclosures by an insurer before offering to pay the proceeds of a policy of life insurance or a policy of group life insurance in the form of a retained asset account; requiring that

any balance remaining in a retained asset account be returned to the beneficiary if the beneficiary does not use the account **or provide to the insurer a written directive concerning the account** in a ~~[3]~~ **5** -year period; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, an insurer is required to pay the proceeds of any benefit under a policy of life insurance or a policy of group life insurance within 30 days after the death of the insured and, if the insurer fails to do so, to pay interest on the proceeds from the date of death to the date of payment. (NRS 688A.410, 688B.190) ~~[Section 1 of this bill requires an insurer to pay the proceeds of any benefit under a policy of life insurance in the form of a lump-sum payment unless the beneficiary agrees to receive the proceeds in another form.]~~ **Section 1** ~~[also]~~ **of this bill** prohibits an insurer from offering to pay the proceeds in the form of a retained asset account unless certain information is disclosed to the beneficiary. Additionally, **section 1** provides that ~~[the insurer or third-party administrator of a retained asset account owes a fiduciary duty to the beneficiary and that]~~ any balance remaining in a retained asset account must be returned to the beneficiary if the beneficiary does not use the account **or provide to the insurer a written directive concerning the account** in a ~~[3]~~ **5** -year period. Finally, **section 1** provides that any violation of **section 1** is an unfair trade practice. **Section 2** of this bill contains similar provisions relating to policies of group life insurance.

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

Section 1. Chapter 688A of NRS is hereby amended by adding thereto a new section to read as follows:

1. ~~*[An insurer shall pay the proceeds of any benefits under a policy of life insurance in the form of a lump-sum payment unless the beneficiary agrees to receive the proceeds in another form.*~~

~~*2.]*~~ ***An insurer shall not offer to pay the proceeds of any benefits under a policy of life insurance in the form of a retained asset account unless , at the time that the claim is made, the insurer provides the beneficiary with*** ~~*[a*~~ ***clear and comprehensive disclosure regarding retained asset accounts and other options for the payment of the proceeds, including, without limitation:***

~~*(a) A statement that the beneficiary can access the entire proceeds in a retained asset account by depositing a single check or draft; and*~~

~~*(b) Complete and accurate information regarding:*~~

~~*(1) Custody of the account;*~~

~~*(2) Any delays or limitations on accessing funds;*~~

~~*(3) Fees;*~~

~~*(4) Interest rates; and*~~

~~*(5) Whether the proceeds are insured by the Federal Deposit Insurance Corporation.*~~

~~*3. If a beneficiary chooses to receive payment of the proceeds of any benefits under a policy of life insurance in the form of a retained asset account, the insurer or other third-party administrator of the retained asset account has a fiduciary duty and relationship to the beneficiary.*~~] ***written information concerning the settlement options available under the policy and how the beneficiary may obtain specific details regarding those options.***

2. An insurer shall, before a beneficiary chooses to receive payment of the proceeds of any benefits under a policy of life insurance in the form of a retained asset account or, if no option is provided, before a retained asset account is established for a beneficiary, provide to the beneficiary:

(a) Written disclosure that the payment of the full benefit amount is accomplished by delivering to the beneficiary a draft book or checkbook, as applicable, for the retained asset account;

(b) Written disclosure that the beneficiary may access the full benefit amount, including interest, of the retained asset account using one draft from the draft book or one check from the checkbook, as applicable;

(c) A statement indicating whether other settlement options are preserved until the entire balance is withdrawn from the retained asset account or the balance of the account drops below a minimum balance required by the insurer;

(d) A statement identifying the retained asset account as either a draft account or a checking account and an explanation of how the account works;

(e) Information concerning the services provided for the retained asset account and contact information for the beneficiary to request and obtain more details about those services;

(f) A description of any fees that may be assessed with regard to the retained asset account;

(g) The frequency with which the beneficiary will receive statements showing the current balance of the retained asset account, interest credited to the account, any drafts or checks, as applicable, written and any other activity on the account;

(h) The minimum interest rate to be credited to the retained asset account and how the actual interest rate will be determined;

(i) A statement that the interest earned on the retained asset account may be taxable;

(j) A statement that the money held in the retained asset account is not guaranteed by the Federal Deposit Insurance Corporation; and

(k) A statement indicating whether the money held in the retained asset account is guaranteed by a health and life guaranty association of a state and the contact information for the National Organization of Life and Health Insurance Guaranty Associations, or its successor organization, to learn about coverage limitations on the account.

3. If a beneficiary receives payment of the proceeds of any benefits under a policy of life insurance in the form of a retained asset account, the insurer shall provide the beneficiary with a supplemental contract that clearly discloses the rights of the beneficiary and the obligations of the insurer with regard to the supplemental contract and the retained asset account.

4. If a beneficiary ~~[chooses to receive]~~ receives payment of the proceeds of any benefits under a policy of life insurance in the form of a retained asset account, the insurer or other third-party administrator of the retained asset account shall return any balance in the retained asset account to the beneficiary if the account becomes inactive. A retained asset account shall be deemed to be inactive for purposes of this subsection if the beneficiary does not use the account or provide to the insurer a written directive concerning the account during any ~~[3]~~ continuous 5 -year period.

5. Any marketing or use of a retained asset account by an insurer or third-party administrator in violation of this section constitutes an unfair trade practice for the purposes of chapter 686A of NRS.

6. As used in this section, "retained asset account" means any mechanism by which the ~~[payment]~~ settlement of ~~[the]~~ proceeds ~~[of any benefits]~~ payable under a policy of life insurance ~~[, including, without limitation, the payment of any cash surrender value,]~~ is accomplished by the insurer or an entity acting on behalf of the insurer depositing the proceeds into an account with draft- or check-writing privileges where the proceeds are retained by the insurer pursuant to a supplementary contract not involving annuity benefits.

Sec. 2. Chapter 688B of NRS is hereby amended by adding thereto a new section to read as follows:

1. ~~[An insurer shall pay the proceeds of any benefits under a policy of group life insurance in the form of a lump-sum payment unless the beneficiary agrees to receive the proceeds in another form.~~

~~2.~~] An insurer shall not offer to pay the proceeds of any benefits under a policy of group life insurance in the form of a retained asset account unless , at the time that the claim is made, the insurer provides the beneficiary with ~~[a clear and comprehensive disclosure regarding retained asset accounts and other options for the payment of the proceeds, including, without limitation:~~

~~(a) A statement that the beneficiary can access the entire proceeds in a retained asset account by depositing a single check or draft; and~~

~~(b) Complete and accurate information regarding:~~

~~(1) Custody of the account;~~

~~(2) Any delays or limitations on accessing funds;~~

~~(3) Fees;~~

~~(4) Interest rates; and~~

~~(5) Whether the proceeds are insured by the Federal Deposit Insurance Corporation.~~

~~*3. If a beneficiary chooses to receive payment of the proceeds of any benefits under a policy of group life insurance in the form of a retained asset account, the insurer or other third-party administrator of the retained asset account has a fiduciary duty and relationship to the beneficiary.*~~] ***written information concerning the settlement options available under the policy and how the beneficiary may obtain specific details regarding those options.***

2. An insurer shall, before a beneficiary chooses to receive payment of the proceeds of any benefits under a policy of group life insurance in the form of a retained asset account or, if no option is provided, before a retained asset account is established for a beneficiary, provide to the beneficiary:

(a) Written disclosure that the payment of the full benefit amount is accomplished by delivering to the beneficiary a draft book or checkbook, as applicable, for the retained asset account;

(b) Written disclosure that the beneficiary may access the full benefit amount, including interest, of the retained asset account using one draft from the draft book or one check from the checkbook, as applicable;

(c) A statement indicating whether other settlement options are preserved until the entire balance is withdrawn from the retained asset account or the balance of the account drops below a minimum balance required by the insurer;

(d) A statement identifying the retained asset account as either a draft account or a checking account and an explanation of how the account works;

(e) Information concerning the services provided for the retained asset account and contact information for the beneficiary to request and obtain more details about those services;

(f) A description of any fees that may be assessed with regard to the retained asset account;

(g) The frequency with which the beneficiary will receive statements showing the current balance of the retained asset account, interest credited to the account, any drafts or checks, as applicable, written and any other activity on the account;

(h) The minimum interest rate to be credited to the retained asset account and how the actual interest rate will be determined;

(i) A statement that the interest earned on the retained asset account may be taxable;

(j) A statement that the money held in the retained asset account is not guaranteed by the Federal Deposit Insurance Corporation; and

(k) A statement indicating whether the money held in the retained asset account is guaranteed by a health and life guaranty association of a state and the contact information for the National Organization of Life and Health Insurance Guaranty Associations, or its successor organization, to learn about coverage limitations on the account.

3. If a beneficiary receives payment of the proceeds of any benefits under a policy of group life insurance in the form of a retained asset account, the insurer shall provide the beneficiary with a supplemental contract that clearly discloses the rights of the beneficiary and the obligations of the insurer with regard to the supplemental contract and the retained asset account.

4. If a beneficiary ~~[chooses to receive]~~ receives payment of the proceeds of any benefits under a policy of group life insurance in the form of a retained asset account, the insurer or other third-party administrator of the retained asset account shall return any balance in the retained asset account to the beneficiary if the account becomes inactive. A retained asset account shall be deemed to be inactive for purposes of this subsection if the beneficiary does not use the account or provide to the insurer a written directive concerning the account during any ~~[3]~~ continuous 5 -year period.

5. Any marketing or use of a retained asset account by an insurer or third-party administrator in violation of this section constitutes an unfair trade practice for the purposes of chapter 686A of NRS.

6. As used in this section, "retained asset account" means any mechanism by which the ~~[payment]~~ settlement of ~~[the]~~ proceeds ~~[of any benefits]~~ payable under a policy of group life insurance ~~[, including, without limitation, the payment of any cash surrender value,]~~ is accomplished by the insurer or an entity acting on behalf of the insurer depositing the proceeds into an account with draft- or check-writing privileges where the proceeds are retained by the insurer pursuant to a supplementary contract not involving annuity benefits.

Assemblyman Atkinson moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 282.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 359.

Assembly Bill No. 282—Assemblymen Oceguera, Bobzien, Smith, Conklin, Dirkpatric; Anderson, Benitez-Thompson, Brooks, **DALY,** Dondero Loop, Ellison, Flores, Frierson, **GOEDHART, GOICOECHEA, HAMBRICK,** Hansen, **HARDY, HICKEY,** Horne, **KIRNER, KITE,** Livermore, **MCARTHUR,** Munford, Neal, Stewart and Woodbury.

AN ACT relating to firearms; **~~[~~**~~authorizing certain members or veterans of the Armed Forces of the United States, a reserve component thereof or the National Guard, who are at least 18 but less than 21 years of age, to obtain a permit to carry a concealed firearm;~~**~~]~~** revising provisions concerning permits to carry concealed semiautomatic firearms; revising provisions governing the renewal of a permit to carry a concealed firearm; revising provisions concerning the confidentiality of information relating to permits to carry

concealed firearms; revising provisions governing the possession ~~[and discharge]~~ of firearms in state parks; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, a person who wishes to carry a concealed firearm must obtain a permit to carry the firearm **.** ~~[, and a person who applies for such a permit must be at least 21 years of age.]~~ (NRS 202.3657) As part of the application process to obtain a permit, an applicant must undergo an investigation by a sheriff to determine if the applicant is eligible for a permit. **Such an investigation must include a report from the Federal Bureau of Investigation.** (NRS 202.366) **Section 2** of this bill additionally requires an applicant for the renewal of a permit to undergo an investigation by the sheriff. ~~[Section 1 of this bill provides an exception to the standard age requirement for permits and authorizes certain members or veterans of the Armed Forces of the United States, a reserve component thereof or the National Guard, who are at least 18 but less than 21 years of age, to obtain a permit.]~~ **Section 2 also specifies that an investigation conducted by the sheriff for an initial application or a renewal application must include a report from the National Instant Criminal Background Check System. Section 4 of this bill revises the fee for the renewal of a permit from $25 to the amount necessary to obtain the reports required as part of the investigation by the sheriff.**

Existing law also provides that a qualified applicant for a permit to carry a concealed firearm may obtain a permit for revolvers, for one or more specific semiautomatic firearms, or for revolvers and one or more specific semiautomatic firearms. (NRS 202.3657) If the application for a permit involves semiautomatic firearms, the applicant must state the make, model and caliber of each semiautomatic firearm for which the applicant is seeking to obtain a permit. (NRS 202.366) Additionally, to receive and renew a permit involving semiautomatic firearms, an applicant or permittee must demonstrate competence with each semiautomatic firearm to which the application pertains. (NRS 202.3657, 202.3677) **Section 1** of this bill provides that: (1) a qualified applicant for a permit to carry a concealed firearm may obtain one permit for all semiautomatic firearms that the applicant seeks to carry instead of being required to obtain a permit for each specific semiautomatic firearm; and (2) an applicant or permittee may demonstrate competence with semiautomatic firearms in general rather than with each specific semiautomatic firearm.

Existing law further provides that information in an application for a permit to carry a concealed firearm and all information relating to the investigation of an applicant for such a permit is confidential. (NRS 202.3662) However, the Nevada Supreme Court recently held in *Reno Newspapers, Inc. v. Haley*, 126 Nev. Adv. Op. 23, 234 P.3d 922 (2010), that the identity of a holder of a permit to carry a concealed firearm and any postpermit records of investigation, suspension or revocation are not

confidential and are therefore public records. **Section 3** of this bill provides that the identity and any information acquired during the investigation of a holder of a permit to carry a concealed firearm are confidential, as are any records regarding the suspension, restoration or revocation of such a permit.

Existing law also allows the Administrator of the Division of State Parks of the State Department of Conservation and Natural Resources to adopt regulations, including, without limitation, prohibitions and restrictions on activities within parks or recreational facilities within the jurisdiction of the Division. (NRS 407.0475) Existing administrative regulations allow a person to carry a concealed firearm in a state park if the person complies with existing laws concerning the carrying of concealed weapons but prohibit a person from discharging a firearm in a state park. (NAC 407.105) Any person who violates a regulation adopted by the Administrator is guilty of a misdemeanor. (NRS 407.0475) While existing law prohibits the discharge of a firearm under various circumstances, it also provides certain defenses for violating such provisions by allowing a person to make sufficient resistance to prevent the occurrence of certain offenses. (NRS 202.280-202.290, 193.230-193.250)

Section 5 of this bill prohibits the Administrator from adopting any regulation concerning the possession ~~[or discharge]~~ of firearms in state parks or recreational facilities which is more restrictive than the laws of this State relating to: (1) the possession ~~[or discharge]~~ of firearms; and (2) engaging in lawful resistance to prevent an offense against a person or property. **Section 5** also voids any regulation which conflicts with such laws.

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

Section 1. NRS 202.3657 is hereby amended to read as follows:

202.3657 1. Any person who is a resident of this State may apply to the sheriff of the county in which he or she resides for a permit on a form prescribed by regulation of the Department. Any person who is not a resident of this State may apply to the sheriff of any county in this State for a permit on a form prescribed by regulation of the Department. Application forms for permits must be furnished by the sheriff of each county upon request.

2. Except as otherwise provided in this section, the sheriff shall issue a permit for revolvers, ~~[one or more specific]~~ ***for*** semiautomatic firearms, or for revolvers and ~~[one or more specific]~~ semiautomatic firearms, as applicable, to any person who is qualified to possess the firearm or firearms to which the application pertains under state and federal law, who submits an application in accordance with the provisions of this section and who:

(a) Is 21 years of age or older;

(b) Is not prohibited from possessing a firearm pursuant to NRS 202.360; and

(c) Demonstrates competence with revolvers, ~~[each specific]~~ semiautomatic ~~[firearm to which the application pertains,]~~ ***firearms,*** or

revolvers and ~~[each such]~~ semiautomatic ~~[firearm,]~~ ***firearms,*** as applicable, by presenting a certificate or other documentation to the sheriff which shows that the applicant:

(1) Successfully completed a course in firearm safety approved by a sheriff in this State; or

(2) Successfully completed a course in firearm safety offered by a federal, state or local law enforcement agency, community college, university or national organization that certifies instructors in firearm safety.

➥ Such a course must include instruction in the use of revolvers, ~~[each]~~ semiautomatic ~~[firearm to which the application pertains,]~~ ***firearms,*** or revolvers and ~~[each such]~~ semiautomatic ~~[firearm]~~ ***firearms*** and in the laws of this State relating to the use of a firearm. A sheriff may not approve a course in firearm safety pursuant to subparagraph (1) unless the sheriff determines that the course meets any standards that are established by the Nevada Sheriffs' and Chiefs' Association or, if the Nevada Sheriffs' and Chiefs' Association ceases to exist, its legal successor.

3. ~~*[Notwithstanding the provisions of paragraph (a) of subsection 2, a person who is at least 18 years of age but less than 21 years of age is eligible for a permit pursuant to this section if the person meets the other requirements for eligibility pursuant to subsection 2 and:*~~

~~*(a) Is a member of the Armed Forces of the United States, a reserve component thereof or the National Guard; or*~~

~~*(b) Was discharged or released from service in the Armed Forces of the United States, a reserve component thereof or the National Guard under honorable conditions.*~~

~~*➥ A person who is eligible for a permit pursuant to this subsection is not exempt from any age requirements imposed by law which govern the purchase of firearms or ammunition.*~~

~~*4.]*~~ The sheriff shall deny an application or revoke a permit if the sheriff determines that the applicant or permittee:

(a) Has an outstanding warrant for his or her arrest.

(b) Has been judicially declared incompetent or insane.

(c) Has been voluntarily or involuntarily admitted to a mental health facility during the immediately preceding 5 years.

(d) Has habitually used intoxicating liquor or a controlled substance to the extent that his or her normal faculties are impaired. For the purposes of this paragraph, it is presumed that a person has so used intoxicating liquor or a controlled substance if, during the immediately preceding 5 years, the person has been:

(1) Convicted of violating the provisions of NRS 484C.110; or

(2) Committed for treatment pursuant to NRS 458.290 to 458.350, inclusive.

(e) Has been convicted of a crime involving the use or threatened use of force or violence punishable as a misdemeanor under the laws of this or any

other state, or a territory or possession of the United States at any time during the immediately preceding 3 years.

(f) Has been convicted of a felony in this State or under the laws of any state, territory or possession of the United States.

(g) Has been convicted of a crime involving domestic violence or stalking, or is currently subject to a restraining order, injunction or other order for protection against domestic violence.

(h) Is currently on parole or probation from a conviction obtained in this State or in any other state or territory or possession of the United States.

(i) Has, within the immediately preceding 5 years, been subject to any requirements imposed by a court of this State or of any other state or territory or possession of the United States, as a condition to the court's:

(1) Withholding of the entry of judgment for a conviction of a felony; or

(2) Suspension of sentence for the conviction of a felony.

(j) Has made a false statement on any application for a permit or for the renewal of a permit.

4. ~~[5.]~~ The sheriff may deny an application or revoke a permit if the sheriff receives a sworn affidavit stating articulable facts based upon personal knowledge from any natural person who is 18 years of age or older that the applicant or permittee has or may have committed an offense or engaged in any other activity specified in subsection 3 ~~[4]~~ which would preclude the issuance of a permit to the applicant or require the revocation of a permit pursuant to this section.

5. ~~[6.]~~ If the sheriff receives notification submitted by a court or law enforcement agency of this or any other state, the United States or a territory or possession of the United States that a permittee or an applicant for a permit has been charged with a crime involving the use or threatened use of force or violence, the conviction for which would require the revocation of a permit or preclude the issuance of a permit to the applicant pursuant to this section, the sheriff shall suspend the person's permit or the processing of the person's application until the final disposition of the charges against the person. If a permittee is acquitted of the charges, or if the charges are dropped, the sheriff shall restore his or her permit without imposing a fee.

6. ~~[7.]~~ An application submitted pursuant to this section must be completed and signed under oath by the applicant. The applicant's signature must be witnessed by an employee of the sheriff or notarized by a notary public. The application must include:

(a) The name, address, place and date of birth, social security number, occupation and employer of the applicant and any other names used by the applicant;

(b) A complete set of the applicant's fingerprints taken by the sheriff or his or her agent;

(c) A front-view colored photograph of the applicant taken by the sheriff or his or her agent;

(d) If the applicant is a resident of this State, the driver's license number or identification card number of the applicant issued by the Department of Motor Vehicles;

(e) If the applicant is not a resident of this State, the driver's license number or identification card number of the applicant issued by another state or jurisdiction;

(f) ~~[~~The make, model and caliber of each semiautomatic firearm to which the application pertains, if any;

~~(g)~~] ~~*[If the applicant is applying for a permit to carry a concealed firearm pursuant to subsection 3, proof of the applicant's status as a member of the Armed Forces of the United States, a reserve component thereof or the National Guard, or proof of the applicant's discharge or release from such service under honorable conditions;*~~

~~*(g)]*~~ ***Whether the application pertains to semiautomatic firearms;***

~~*[(h)]*~~ ***(g)*** Whether the application pertains to revolvers;

(h) ~~*[(i)]*~~ A nonrefundable fee in the amount necessary to obtain the ~~[report]~~ ***reports*** required pursuant to subsection 1 of NRS 202.366; and

(i) ~~*[(j)]*~~ A nonrefundable fee set by the sheriff not to exceed $60.

Sec. 2. NRS 202.366 is hereby amended to read as follows:

202.366 1. Upon receipt by a sheriff of an application for a permit, ***including an application for the renewal of a permit pursuant to NRS 202.3677,*** the sheriff shall conduct an investigation of the applicant to determine if the applicant is eligible for a permit. In conducting the investigation, the sheriff shall forward a complete set of the applicant's fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report concerning the criminal history of the applicant. ***The investigation also must include a report from the National Instant Criminal Background Check System.*** The sheriff shall issue a permit to the applicant unless the applicant is not qualified to possess a handgun pursuant to state or federal law or is not otherwise qualified to obtain a permit pursuant to NRS 202.3653 to 202.369, inclusive, or the regulations adopted pursuant thereto.

2. To assist the sheriff in conducting the investigation, any local law enforcement agency, including the sheriff of any county, may voluntarily submit to the sheriff a report or other information concerning the criminal history of an applicant.

3. Within 120 days after a complete application for a permit is submitted, the sheriff to whom the application is submitted shall grant or deny the application. If the application is denied, the sheriff shall send the applicant written notification setting forth the reasons for the denial. If the application is granted, the sheriff shall provide the applicant with a permit containing a colored photograph of the applicant and containing such other information as may be prescribed by the Department. The permit must be in substantially the following form:

NEVADA CONCEALED FIREARM PERMIT

County…….. Permit Number ……..
Expires…… Date of Birth
Height……. Weight
Name……. Address
City ……. Zip

Photograph

Signature…….
Issued by…….
Date of Issue ……..

~~[Make, model and caliber of each authorized semiautomatic firearm, if any]~~ ***Semiautomatic firearms authorized…….. Yes…….....No***

Revolvers authorized……. Yes …….....No

4. Unless suspended or revoked by the sheriff who issued the permit, a permit expires 5 years after the date on which it is issued.

5. As used in this section, "National Instant Criminal Background Check System" means the national system created by the federal Brady Handgun Violence Prevention Act, Public Law 103-159.

Sec. 3. NRS 202.3662 is hereby amended to read as follows:

202.3662 1. Except as otherwise provided in this section and NRS 202.3665 and 239.0115:

(a) An application for a permit, and all information contained within that application; ~~[and]~~

(b) All information provided to a sheriff or obtained by a sheriff in the course of the investigation of an applicant ~~[,]~~ ***or permittee;***

(c) The identity of the permittee; and

(d) Any records regarding the suspension, restoration or revocation of a permit,

➥ are confidential.

2. Any records regarding an applicant or permittee may be released to a law enforcement agency for the purpose of conducting an investigation or prosecution.

3. Statistical abstracts of data compiled by a sheriff regarding permits applied for or issued pursuant to NRS 202.3653 to 202.369, inclusive, including, but not limited to, the number of applications received and permits issued, may be released to any person.

Sec. 4. NRS 202.3677 is hereby amended to read as follows:

202.3677 1. If a permittee wishes to renew his or her permit, the permittee must ~~[complete]~~ ***:***

(a) Complete and submit to the sheriff who issued the permit an application for renewal of the permit ~~[.]~~ ***; and***

(b) Undergo an investigation by the sheriff pursuant to NRS 202.366 to determine if the permittee is eligible for a permit.

2. An application for the renewal of a permit must:

(a) Be completed and signed under oath by the applicant;

(b) Contain a statement that the applicant is eligible to receive a permit pursuant to NRS 202.3657; and

(c) Be accompanied by a nonrefundable fee ~~[of $25.]~~ ***in the amount necessary to obtain the reports required pursuant to subsection 1 of NRS 202.366.***

➥ If a permittee fails to renew his or her permit on or before the date of expiration of the permit, the application for renewal must include an additional nonrefundable late fee of $15.

3. No permit may be renewed pursuant to this section unless the permittee has demonstrated continued competence with revolvers, with ~~[each]~~ semiautomatic ~~[firearm to which the application pertains,]~~ ***firearms,*** or with revolvers and ~~[each such]~~ semiautomatic ~~[firearm,]~~ ***firearms,*** as applicable, by successfully completing a course prescribed by the sheriff renewing the permit.

Sec. 5. NRS 407.0475 is hereby amended to read as follows:

407.0475 1. The Administrator shall adopt such regulations as he or she finds necessary for carrying out the provisions of this chapter and other provisions of law governing the operation of the Division. ~~[The]~~ ***Except as otherwise provided in subsection 2, the*** regulations may include prohibitions and restrictions relating to activities within any of the park or recreational facilities within the jurisdiction of the Division.

2. Any regulations relating to the conduct of persons within the park or recreational facilities must:

(a) Be directed toward one or both of the following:

(1) Prevention of damage to or misuse of the facility.

(2) Promotion of the inspiration, use and enjoyment of the people of this State through the preservation and use of the facility.

(b) Apply separately to each park, monument or recreational area and be designed to fit the conditions existing at that park, monument or recreational area.

(c) Not establish restrictions on the possession ~~*[or discharge]*~~ ***of firearms within the park or recreational facility which are more restrictive than the laws of this State relating to:***

(1) The possession ~~*[or discharge]*~~ ***of firearms; or***

(2) Engaging in lawful resistance to prevent an offense against a person or property.

➥ ***Any regulation which violates the provisions of this paragraph is void.***

3. Any person whose conduct violates any regulation adopted pursuant to subsection 1, and who refuses to comply with the regulation upon request by any ranger or employee of the Division who has the powers of a peace officer pursuant to NRS 289.260, is guilty of a misdemeanor.

Assemblyman Ohrenschall moved the adoption of the amendment.

Amendment adopted.

The following amendment was proposed by Assemblyman Hansen.

Amendment No. 454.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 12:16 p.m.

ASSEMBLY IN SESSION

At 1:24 p. m.
Mr. Speaker presiding.
Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Conklin moved that Amendment No. 454 to Assembly Bill No. 282 be placed on the Chief Clerk's desk.

Assemblymen Goicoechea, Hansen, and Stewart requested a roll call vote on the motion to place Amendment No. 454 to Assembly Bill No. 282 on the Chief Clerk's Desk.

Roll call on Amendment No. 454 to Assembly Bill No. 282 being placed on the Chief Clerk's desk:

YEAS—26.

NAYS—Ellison, Goedhart, Goicoechea, Grady, Hambrick, Hammond, Hansen, Hardy, Hickey, Kirner, Kite, Livermore, McArthur, Sherwood, Stewart, Woodbury—16.

Motion carried.

Bill ordered reprinted, engrossed, and to General File.

Assemblyman Conklin moved that Assembly Bill No. 545 be taken from the Second Reading File and placed at the top of the Second Reading File.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 545.

Bill read second time.

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

Amendment No. 399.

SHORT FORM AMENDMENT

Sections 42, 43, 46 and 47 of this act are the only sections affected by this amendment.

Section 42 of A.B. No. 545 is hereby amended as follows:

Sec. 42. NRS 248.100 is hereby amended to read as follows:

248.100 1. The sheriff shall:

(a) Except in a county whose population is ~~[~~400,000~~]~~ ~~*[700,000]*~~ ***100,000*** or more, attend in person, or by deputy, all sessions of the district court in his or her county.

(b) Obey all the lawful orders and directions of the district court in his or her county.

(c) Except as otherwise provided in subsection 2, execute the process, writs or warrants of courts of justice, judicial officers and coroners, when delivered to the sheriff for that purpose.

2. The sheriff may authorize the constable of the appropriate township to receive and execute the process, writs or warrants of courts of justice, judicial officers and coroners.

Section 43 of A.B. No. 545 is hereby amended as follows:

Sec. 43. NRS 252.070 is hereby amended to read as follows:

252.070 1. All district attorneys may appoint deputies, who are authorized to transact all official business relating to those duties of the office set forth in NRS 252.080 and 252.090 to the same extent as their principals and perform such other duties as the district attorney may from time to time direct. The appointment of a deputy district attorney must not be construed to confer upon that deputy policymaking authority for the office of the district attorney or the county by which the deputy district attorney is employed.

2. District attorneys are responsible on their official bonds for all official malfeasance or nonfeasance of the deputies. Bonds for the faithful performance of their official duties may be required of deputies by district attorneys.

3. All appointments of deputies under the provisions of this section must be in writing and must, together with the oath of office of the deputies, be recorded in the office of the recorder of the county within which the district attorney legally holds and exercises his or her office. Revocations of those appointments must also be recorded as provided in this section. From the time of the recording of the appointments or revocations therein, persons shall be deemed to have notice of the appointments or revocations.

4. Deputy district attorneys of counties whose population is less than 100,000 may engage in the private practice of law. In any other county, except as otherwise provided in NRS 7.065 and this subsection, deputy district attorneys shall not engage in the private practice of law. An attorney appointed to prosecute a person for a limited duration with limited jurisdiction may engage in private practice which does not present a conflict with his or her appointment.

5. Any district attorney may, subject to the approval of the board of county commissioners, appoint such clerical, investigational and operational staff as the execution of duties and the operation of his or her office may require. The compensation of any person so appointed must be fixed by the board of county commissioners.

6. In a county whose population is ~~[~~400,000~~]~~ ~~*[700,000]*~~ ***100,000*** or more, deputies are governed by the merit personnel system of the county.

Section 46 of A.B. No. 545 is hereby amended as follows:

Sec. 46. NRS 260.040 is hereby amended to read as follows:

260.040 1. The compensation of the public defender must be fixed by the board of county commissioners. The public defender of any two or more counties must be compensated and be permitted private civil practice of the

law as determined by the boards of county commissioners of those counties, subject to the provisions of subsection 4 of this section and NRS 7.065.

2. The public defender may appoint as many deputies or assistant attorneys, clerks, investigators, stenographers and other employees as the public defender considers necessary to enable him or her to carry out his or her responsibilities, with the approval of the board of county commissioners. An assistant attorney must be a qualified attorney licensed to practice in this State and may be placed on a part-time or full-time basis. The appointment of a deputy, assistant attorney or other employee pursuant to this subsection must not be construed to confer upon that deputy, assistant attorney or other employee policymaking authority for the office of the public defender or the county or counties by which the deputy, assistant attorney or other employee is employed.

3. The compensation of persons appointed under subsection 2 must be fixed by the board of county commissioners of the county or counties so served.

4. The public defender and his or her deputies and assistant attorneys in a county whose population is less than 100,000 may engage in the private practice of law. Except as otherwise provided in this subsection, in any other county, the public defender and his or her deputies and assistant attorneys shall not engage in the private practice of law except as otherwise provided in NRS 7.065. An attorney appointed to defend a person for a limited duration with limited jurisdiction may engage in private practice which does not present a conflict with his or her appointment.

5. The board of county commissioners shall provide office space, furniture, equipment and supplies for the use of the public defender suitable for the conduct of the business of his or her office. However, the board of county commissioners may provide for an allowance in place of facilities. Each of those items is a charge against the county in which public defender services are rendered. If the public defender serves more than one county, expenses that are properly allocable to the business of more than one of those counties must be prorated among the counties concerned.

6. In a county whose population is ~~[400,000]~~ ~~*[700,000]*~~ ***100,000*** or more, deputies are governed by the merit personnel system of the county.

Section 47 of A.B. No. 545 is hereby amended as follows:

Sec. 47. NRS 3.310 is hereby amended to read as follows:

3.310 1. Except as otherwise provided in this subsection, the judge of each district court may appoint a bailiff for the court in counties polling 4,500 or more votes. In counties polling less than 4,500 votes, the judge may appoint a bailiff with the concurrence of the sheriff. Subject to the provisions of subsections 2, 4 and 10, in a county whose population is ~~[400,000]~~ ~~*[700,000]*~~ ***100,000*** or more, the judge of each district court may appoint a deputy marshal for the court instead of a bailiff. In each case, the bailiff or deputy marshal serves at the pleasure of the judge he or she serves.

2. In all judicial districts where there is more than one judge, there may be a number of bailiffs or deputy marshals at least equal to the number of judges, and in any judicial district where a circuit judge has presided for more than 50 percent of the regular judicial days of the prior calendar year, there may be one additional bailiff or deputy marshal, each bailiff or deputy marshal to be appointed by the joint action of the judges. If the judges cannot agree upon the appointment of any bailiff or deputy marshal within 30 days after a vacancy occurs in the office of bailiff or deputy marshal, then the appointment must be made by a majority of the board of county commissioners.

3. Each bailiff or deputy marshal shall:

(a) Preserve order in the court.

(b) Attend upon the jury.

(c) Open and close court.

(d) Perform such other duties as may be required of him or her by the judge of the court.

4. The bailiff or deputy marshal must be a qualified elector of the county and shall give a bond, to be approved by the district judge, in the sum of $2,000, conditioned for the faithful performance of his or her duty.

5. The compensation of each bailiff or deputy marshal for his or her services must be fixed by the board of county commissioners of the county and his or her salary paid by the county wherein he or she is appointed, the same as the salaries of other county officers are paid.

6. The board of county commissioners of the respective counties shall allow the salary stated in subsection 5 as other salaries are allowed to county officers, and the county auditor shall draw his or her warrant for it, and the county treasurer shall pay it.

7. The provisions of this section do not:

(a) Authorize the bailiff or deputy marshal to serve any civil or criminal process, except such orders of the court which are specially directed by the court or the presiding judge thereof to him or her for service.

(b) Except in a county whose population is ~~[~~400,000~~]~~ ~~*[700,000]*~~ ***100,000*** or more, relieve the sheriff of any duty required of him or her by law to maintain order in the courtroom.

8. If a deputy marshal is appointed for a court pursuant to subsection 1, each session of the court must be attended by the deputy marshal.

9. For good cause shown, a deputy marshal appointed for a court pursuant to subsection 1 may be assigned temporarily to assist other judicial departments or assist with court administration as needed.

10. A person appointed to be a deputy marshal for a court pursuant to subsection 1 must be certified by the Peace Officers' Standards and Training Commission as a category I peace officer not later than 18 months after appointment.

Assemblywoman Bustamante Adams moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 294.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 355.

AN ACT relating to gaming; ~~[revising certain definitions relating to mobile gaming]~~ **clarifying that** for ~~[the]~~ purposes of **regulation under** the Nevada Gaming Control Act ~~[, revising the method of paying certain fees received from the operation of]~~ **, the term "slot machine" does not include any item used for** mobile gaming; revising provisions relating to the location of a computer system associated with mobile gaming; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Existing law provides that mobile gaming may only be conducted in public areas of an establishment which holds a nonrestricted gaming license. (NRS 463.0176) Section 1 of this bill authorizes mobile gaming to be conducted in any area of an establishment.]~~ **Section 2** of this bill clarifies that for purposes of regulation under the Nevada Gaming Control Act, the term "slot machine" does not include any item used for mobile gaming.

~~[Existing law provides that all revenue which is received from any game or gaming device that is operated on the premises of a licensee must be attributed to and counted as part of the gross revenue of the licensee. (NRS 463.370) Section 3 of this bill provides that any gross revenue received through the operation of mobile gaming must be attributed to the licensed operator of the mobile gaming system instead of the licensed gaming establishment.]~~ **Section 4** of this bill clarifies that a computer system associated with mobile gaming may be located outside a licensed gaming establishment but must be located within this State.

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

Section 1. ~~[NRS 463.0176 is hereby amended to read as follows:~~

~~463.0176 "Mobile gaming" means the conduct of gambling games through communications devices operated solely in [public areas of] an establishment which holds a nonrestricted gaming license and which operates at least 100 slot machines and at least one other game by the use of communications technology that allows a person to transmit information to a computer to assist in the placing of a bet or wager and corresponding information related to the display of the game, game outcomes or other similar information. For the purposes of this [section:~~

~~1. "Communications~~**] *section, "communications*** ~~technology" means any method used and the components employed by an establishment to facilitate the transmission of information, including, without limitation, transmission and reception by systems based on wireless network, wireless fidelity, wire, cable, radio, microwave, light, optics or computer data networks.~~ **[**~~The term does not include the Internet.~~

~~2. "Public areas" does not include rooms available for sleeping or living accommodations.~~**]] (Deleted by amendment.)**

Sec. 2. NRS 463.0191 is hereby amended to read as follows:

463.0191 "Slot machine" means any mechanical, electrical or other device, contrivance or machine which, upon insertion of a coin, token or similar object, or upon payment of any consideration, is available to play or operate, the play or operation of which, whether by reason of the skill of the operator in playing a gambling game which is presented for play by the machine or application of the element of chance, or both, may deliver or entitle the person playing or operating the machine to receive cash, premiums, merchandise, tokens or any thing of value, whether the payoff is made automatically from the machine or in any other manner. ***The term does not include any mechanical, electrical or other device, contrivance or machine used for mobile gaming.***

Sec. 3. ~~**[**NRS 463.370 is hereby amended to read as follows:~~

~~463.370 1. Except as otherwise provided in NRS 463.373, the Commission shall charge and collect from each licensee a license fee based upon all the gross revenue of the licensee as follows:~~

~~(a) Three and one-half percent of all the gross revenue of the licensee which does not exceed $50,000 per calendar month;~~

~~(b) Four and one-half percent of all the gross revenue of the licensee which exceeds $50,000 per calendar month and does not exceed $134,000 per calendar month; and~~

~~(c) Six and three-quarters percent of all the gross revenue of the licensee which exceeds $134,000 per calendar month.~~

~~2. Unless the licensee has been operating for less than a full calendar month, the Commission shall charge and collect the fee prescribed in subsection 1, based upon the gross revenue for the preceding calendar month, on or before the 24th day of the following month. Except for the fee based on the first full month of operation, the fee is an estimated payment of the license fee for the third month following the month whose gross revenue is used as its basis.~~

~~3. When a licensee has been operating for less than a full calendar month, the Commission shall charge and collect the fee prescribed in subsection 1, based on the gross revenue received during that month, on or before the 24th day of the following calendar month of operation. After the first full calendar month of operation, the Commission shall charge and collect the fee based on the gross revenue received during that month, on or before the 24th day of the following calendar month. The payment of the fee~~

~~due for the first full calendar month of operation must be accompanied by the payment of a fee equal to three times the fee for the first full calendar month. This additional amount is an estimated payment of the license fees for the next 3 calendar months. Thereafter, each license fee must be paid in the manner described in subsection 2. Any deposit held by the Commission on July 1, 1969, must be treated as an advance estimated payment.~~

~~4.~~ **[**All**]** ~~**Except as otherwise provided in subsection 5, all** revenue received from any game or gaming device which is operated on the premises of a licensee, regardless of whether any portion of the revenue is shared with any other person, must be attributed to the licensee for the purposes of this section and counted as part of the gross revenue of the licensee. Any other person, including, without limitation, an operator of an inter-casino linked system, who is authorized to receive a share of the revenue from any game, gaming device or inter-casino linked system that is operated on the premises of a licensee is liable to the licensee for that person's proportionate share of the license fees paid by the licensee pursuant to this section and shall remit or credit the full proportionate share to the licensee on or before the 24th day of each calendar month. The proportionate share of an operator of an inter-casino linked system must be based on all compensation and other consideration received by the operator of the inter-casino linked system, including, without limitation, amounts that accrue to the meter of the primary progressive jackpot of the inter-casino linked system and amounts that fund the reserves of such a jackpot, subject to all appropriate adjustments for deductions, credits, offsets and exclusions that the licensee is entitled to take or receive pursuant to the provisions of this chapter. A licensee is not liable to any other person authorized to receive a share of the licensee's revenue from any game, gaming device or inter-casino linked system that is operated on the premises of the licensee for that person's proportionate share of the license fees to be remitted or credited to the licensee by that person pursuant to this section.~~

~~5.~~ ~~***An operator of a mobile gaming system that receives gross revenue from the operation of a mobile gaming system on the premises of a licensed gaming establishment shall count such revenue as part of the operator's gross revenue, and such gross revenue must not be attributed to the licensed gaming establishment for the purposes of this section or counted as part of the gross revenue of the licensed gaming establishment. A licensed gaming establishment that operates a mobile gaming system on the premises shall count such gross revenue as part of the licensed gaming establishment's gross revenue for the purposes of this section, and such gross revenue must not be attributed to the manufacturer of the mobile gaming system for the purposes of this section or counted as part of the gross revenue of the manufacturer of the mobile gaming system.***~~

~~***6. A person who operates a mobile gaming system and a sports pool or race book at the establishment of another nonrestricted licensee pursuant to subsection 3 of NRS 463.245 may combine, on a single form approved by***~~

the Board, the payment of license fees due pursuant to this section for all of those operations.

7. ~~An operator of an inter-casino linked system shall not enter into any agreement or arrangement with a licensee that provides for the operator of the inter-casino linked system to be liable to the licensee for less than its full proportionate share of the license fees paid by the licensee pursuant to this section, whether accomplished through a rebate, refund, charge back or otherwise.~~

[6.**]** ~~***8.*** Any person required to pay a fee pursuant to this section shall file with the Commission, on or before the 24th day of each calendar month, a report showing the amount of all gross revenue received during the preceding calendar month. Each report must be accompanied by:~~

~~(a) The fee due based on the revenue of the month covered by the report; and~~

~~(b) An adjustment for the difference between the estimated fee previously paid for the month covered by the report, if any, and the fee due for the actual gross revenue earned in that month. If the adjustment is less than zero, a credit must be applied to the estimated fee due with that report.~~

[7.**]** ~~***9.*** If the amount of license fees required to be reported and paid pursuant to this section is later determined to be greater or less than the amount actually reported and paid, the Commission shall:~~

~~(a) Charge and collect the additional license fees determined to be due, with interest thereon until paid; or~~

~~(b) Refund any overpayment to the person entitled thereto pursuant to this chapter, with interest thereon.~~

~~➥ Interest pursuant to paragraph (a) must be computed at the rate prescribed in NRS 17.130 from the first day of the first month following the due date of the additional license fees until paid. Interest pursuant to paragraph (b) must be computed at one-half the rate prescribed in NRS 17.130 from the first day of the first month following the date of overpayment until paid.~~

[8.**]** ~~***10.*** Failure to pay the fees provided for in this section shall be deemed a surrender of the license at the expiration of the period for which the estimated payment of fees has been made, as established in subsection 2.~~

[9.**]** ~~***11.*** Except as otherwise provided in NRS 463.386, the amount of the fee prescribed in subsection 1 must not be prorated.~~

[10.**]** ~~***12.*** Except as otherwise provided in NRS 463.386, if a licensee ceases operation, the Commission shall:~~

~~(a) Charge and collect the additional license fees determined to be due with interest computed pursuant to paragraph (a) of subsection~~ **[**7;**]** ~~***9;*** or~~

~~(b) Refund any overpayment to the licensee with interest computed pursuant to paragraph (b) of subsection~~ **[**7,**]** ~~***9,***~~

~~➥ based upon the gross revenue of the licensee during the last 3 months immediately preceding the cessation of operation, or portions of those last 3 months.~~

~~[11.] *13.* If in any month, the amount of gross revenue is less than zero, the licensee may offset the loss against gross revenue in succeeding months until the loss has been fully offset.~~

~~[12.] *14.* If in any month, the amount of the license fee due is less than zero, the licensee is entitled to receive a credit against any license fees due in succeeding months until the credit has been fully offset.]~~ **(Deleted by amendment.)**

Sec. 4. NRS 463.730 is hereby amended to read as follows:

463.730 1. Except as otherwise provided in subsection 2, the Commission may, with the advice and assistance of the Board, adopt regulations governing the operation of mobile gaming and the licensing of:

(a) An operator of a mobile gaming system;

(b) A manufacturer, seller or distributor of a mobile gaming system; and

(c) A manufacturer of equipment associated with mobile gaming.

2. The Commission may not adopt regulations pursuant to this section until the Commission first determines that:

(a) Mobile gaming systems are secure and reliable, and provide reasonable assurance that players will be of lawful age and communicating only from areas of licensed gaming establishments that have been approved by the Commission for that purpose; and

(b) Mobile gaming can be operated in a manner which complies with all applicable laws.

3. The regulations adopted by the Commission pursuant to this section must:

(a) Provide that gross revenue received by a licensed gaming establishment or the operator or the manufacturer of a mobile gaming system from the operation of mobile gaming is subject to the same license fee provisions of NRS 463.370 as the other games and gaming devices operated at the licensed gaming establishment.

(b) Provide that a mobile communications device which displays information relating to the game to a participant in the game as part of a mobile gaming system is subject to the same fees and taxes applicable to slot machines as set forth in NRS 463.375 and 463.385.

(c) Set forth standards for the ~~[location and]~~ security of the computer system ***and its location, which may be outside a licensed gaming establishment but must be within this State,*** and for approval of hardware and software used in connection with mobile gaming.

(d) Define "mobile gaming system," "operator of a mobile gaming system ," ~~*[" and]*~~ "equipment associated with mobile gaming" and "public area" as the terms are used in this chapter.

Assemblyman Ohrenschall moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 316.

Bill read second time.

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

Amendment No. 386.

AN ACT relating to persons with disabilities; requiring the Aging and Disability Services Division of the Department of Health and Human Services to designate a standard protocol for ~~[the assessment and evaluation of]~~ **measuring outcomes and assessing and evaluating** persons with autism **through the age of 21 years** who receive services through certain public programs; requiring certain state and local governmental agencies that provide services to persons with autism to submit reports to the Division; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1 of this bill requires the Aging and Disability Services Division of the Department of Health and Human Services, in cooperation **and guidance** with the **Department of Education, representatives of the school districts in this State and the** Nevada Autism Task Force, to prescribe a statewide standard for **measuring outcomes and** assessing and evaluating ~~[whether a person is a person]~~ **persons** with autism **through the age of 21 years** for the purposes of receiving services through certain public programs in this State. **Section 1** also requires the Division to designate, as part of the statewide standard, a ~~[nationally recognized]~~ protocol for determining whether a person is a person with autism. **Section 1** further requires the Division to collect certain information relating to persons with autism and to document the services provided to and the progress of those persons.

Section 3 of this bill requires the board of trustees of a school district or the governing body of a charter school to conduct an initial evaluation of each pupil with autism and to conduct a reevaluation once every 3 years thereafter in accordance with the Individuals with Disabilities Education Act, 20 U.S.C. 1400 et seq., and the regulations prescribed by the State Board of Education.

Sections ~~[6,]~~ 8 and 13 of this bill require ~~[school districts and charter schools,]~~ **: (1)** the Health Division of the Department and the Division of Mental Health and Developmental Services of the Department to use the statewide standard prescribed by the Aging and Disability Services Division pursuant to **section 1** to determine whether a person is a person with autism ~~[. Sections 3 and 8 of this bill require]~~ **; and (2) that** certain evaluations **be conducted** to monitor the progress of persons with autism receiving services through ~~[school districts and charter schools and]~~ the **Health Division and the** Division of Mental Health and Developmental Services.

Sections 4, 9, 12 and 14 of this bill require ~~[school districts and charter schools,]~~ **the Department of Education,** the Health Division, the Division of Mental Health and Developmental Services and the Department of

Employment, Training and Rehabilitation to submit to the Aging and Disability Services Division information relating to persons with autism.

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

Section 1. Chapter 427A of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Division, in cooperation ~~[with]~~ and guidance with the Department of Education, representatives of the school districts in this State and the Nevada Autism Task Force created by section 40 of chapter 348, Statutes of Nevada 2007, or its successor organization, shall prescribe by regulation a statewide standard for measuring outcomes and assessing and evaluating persons with autism through the age of 21 years who receive services through the State or a local government or an agency thereof. The regulations must designate a ~~[nationally recognized]~~ protocol which includes an assessment instrument for determining whether a person is a person with autism, including, without limitation, the Autism Diagnostic Observation Schedule or other ~~[nationally recognized tool]~~ appropriate instrument for assessment and diagnosis, which must be used by personnel employed by the State or a local government or an agency thereof who provide assessments, interventions and diagnoses of persons with autism through the age of 21 years and by the persons with whom the State or a local government or an agency thereof contracts to provide assessments, interventions and diagnoses of persons with autism ~~[.]~~ through the age of 21 years.

2. The ~~[nationally recognized]~~ protocol designated pursuant to subsection 1 must be used upon intake of a person suspected of having autism or at any later time if a person is suspected of having autism after intake. The results of an assessment must be provided to the parent or legal guardian of the person, if applicable.

3. The Division shall prescribe the form and content of reports relating to persons with autism through the age of 21 years that must be reported to the Division pursuant to sections 4, 9, 12 and 14 of this act. Except as otherwise provided in section 4 of this act, the Division shall ensure that the information is reported in a manner which:

(a) Allows the Division to document the services provided to and monitor the progress of each person with autism through the age of 21 years who receives services from the State or ~~[a local government or]~~ an agency thereof; and

(b) Ensures that information reported for each person who receives services which identifies the person is kept confidential ~~[.]~~ , consistent with the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. 1232g, and any other applicable state and federal privacy laws.

4. The Division shall prepare annually a summary of the reports submitted pursuant to sections 4, 9, 12 and 14 of this act and make the

summary publicly available. The Division shall ensure that information contained in the summary does not identify a person who received services.

Sec. 2. Chapter 388 of NRS is hereby amended by adding thereto the provisions set forth as sections 3 and 4 of this act.

Sec. 3. ***1. The board of trustees of a school district or the governing body of a charter school shall*** ~~***[, at intake,]***~~ ***conduct an initial evaluation of each pupil with autism*** ~~***[to evaluate the cognitive, communicative, social, emotional and behavioral condition and adaptive skill level of the pupil]***~~ ***in accordance with the Individuals with Disabilities Education Act, 20 U.S.C. 1400 et seq., and the regulations prescribed by the State Board pursuant to NRS 388.520 and shall , once every 3 years thereafter, conduct a*** ~~***[follow-up evaluation to assess the progress of the pupil from the time of the previous evaluation.]***~~ ***reevaluation in accordance with the Individuals with Disabilities Education Act and the regulations of the State Board. The individualized education program for the pupil must be reviewed, and amended*** ~~***[, if]***~~ ***as appropriate,*** ~~***[to reflect the results of an evaluation conducted pursuant to this subsection.]***~~ ***in compliance with the Individuals with Disabilities Education Act and the regulations of the State Board.***

2. The board of trustees of a school district or the governing body of a charter school shall ensure that each person who conducts an evaluation of a pupil with autism is provided with technical assistance and training to improve the accuracy and efficiency in conducting such evaluations.

~~***[3. The board of trustees of a school district or the governing body of a charter school shall use the statewide standard for assessing and evaluating persons with autism prescribed by the Aging and Disability Services Division of the Department of Health and Human Services pursuant to section 1 of this act.]***~~

Sec. 4. ***1. The*** ~~***[board of trustees of a school district or the governing body of a charter school]***~~ ***Department of Education shall report annually to the Aging and Disability Services Division of the Department of Health and Human Services information relating to pupils with autism. The information must:***

(a) Be submitted in the form required by the Aging and Disability Services Division; and

(b) Include the total number of pupils with autism who are enrolled in ~~***[the school district or charter school,]***~~ ***public schools in this State, including all pupils*** ~~***[known to have autism but not receiving services, pupils with autism receiving early intervening services and pupils]***~~ ***with autism who have an individualized education program.***

2. A pupil with autism who is designated as a pupil with more than one physical or mental impairment or disability must be included as a pupil with autism for the purposes of reporting information pursuant to this section.

3. The reporting made pursuant to this section must comply with the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. 1232g, and any other applicable state and federal privacy laws.

Sec. 5. NRS 388.440 is hereby amended to read as follows:

388.440 As used in NRS 388.440 to 388.5317, inclusive ~~[:]~~ ***, and sections 3 and 4 of this act:***

1. "Gifted and talented pupil" means a person under the age of 18 years who demonstrates such outstanding academic skills or aptitudes that the person cannot progress effectively in a regular school program and therefore needs special instruction or special services.

2. "Pupil who receives early intervening services" means a person enrolled in kindergarten or grades 1 to 12, inclusive, who is not a pupil with a disability but who needs additional academic and behavioral support to succeed in a regular school program.

3. "Pupil with a disability" means a person under the age of 22 years who deviates either educationally, physically, socially or emotionally so markedly from normal patterns that the person cannot progress effectively in a regular school program and therefore needs special instruction or special services.

Sec. 6. ~~[NRS 388.470 is hereby amended to read as follows:~~

~~388.470 1. Before any child is placed in a special program for pupils with disabilities or gifted and talented pupils:~~

~~(a) A consultation must be held with the child's parents or guardian.~~

~~(b) An examination must be conducted for the purpose of finding the extent to which the child deviates from normal growth and development patterns.~~

~~***2.*** The examination ***conducted pursuant to paragraph (b) of subsection 1*** must be conducted in accordance with standards prescribed by the State Board.~~

~~[2.]~~ ***The evaluations conducted pursuant to section 3 of this act of pupils who have autism must be conducted in accordance with the statewide standard for assessing and evaluating persons with autism prescribed by the Aging and Disability Services Division of the Department of Health and Human Services pursuant to section 1 of this act.***

~~***3.*** A psychiatrist may be consulted in any specific case when the board of trustees of a school district deems it necessary.~~

~~[3.]~~ ***4.*** The board of trustees of a school district or the governing body of a charter school shall not place a child or authorize the placement of a child in a program for pupils with disabilities solely because the child is a disciplinary problem in school.

~~[4.]~~ ***5.*** Pursuant to the provisions of NRS 392C.010, a child with a disability who transfers to a school in this State from a school inside or outside this State because of the military transfer of the parent or legal guardian of the child must initially be provided services that are comparable to the services the child received at his or her previous school under his or

~~her current individualized education program until the placement of the child is determined pursuant to this section.~~] **(Deleted by amendment.)**

Sec. 7. Chapter 433 of NRS is hereby amended by adding thereto the provisions set forth as sections 8 and 9 of this act.

Sec. 8. ***1. For a client under the age of 22 years who may have autism, the Division shall use the statewide standard for measuring outcomes and assessing and evaluating persons with autism through the age of 21 years prescribed*** ~~*[by the Aging and Disability Services Division of the Department]*~~ ***pursuant to section 1 of this act to determine whether the client is a person with autism. The Division shall ensure that the treatment, training and other services provided to a client with autism are based upon the results of the evaluation conducted pursuant to this subsection.***

2. The Division shall conduct an evaluation upon intake of a client with autism to evaluate the cognitive, communicative, social and emotional condition and adaptive skill level of the client and shall once every 3 years conduct a follow-up evaluation to assess the progress of the client from the time of the previous evaluation. The treatment of the client must be adjusted, if appropriate, to reflect the results of an evaluation conducted pursuant to this subsection.

Sec. 9. ***1. The Division shall report annually to the Aging and Disability Services Division of the Department information relating to clients with autism. The information must:***

(a) Be submitted in the form required by the Aging and Disability Services Division;

(b) Include the information required by the Aging and Disability Services Division pursuant to section 1 of this act; and

(c) Include the total number of clients with autism who are receiving treatment, training or other services from the Division . ~~*[; and*~~

~~*(d) Include information concerning the progress of clients with autism, based upon the evaluation conducted pursuant to section 8 of this act.]*~~

2. A client with autism who is designated as a client with more than one physical or mental impairment or disability must be included as a client with autism for the purposes of reporting information pursuant to this section.

Sec. 10. Chapter 442 of NRS is hereby amended by adding thereto the provisions set forth as sections 11 and 12 of this act.

Sec. 11. ***As used in this section and NRS 442.750 and section 12 of this act, "early intervention services" has the meaning ascribed to it in 20 U.S.C. 1432.***

Sec. 12. ***1. The Health Division shall report annually to the Aging and Disability Services Division of the Department information relating to children with autism. The information must:***

(a) Be submitted in the form required by the Aging and Disability Services Division;

(b) Include the information required by the Aging and Disability Services Division pursuant to section 1 of this act;

(c) Include the total number of children with autism and the total number of children who may have autism who are enrolled in early intervention services through the Health Division; and

(d) Include the total number of hours and the type of early intervention services received by each child with autism.

2. A child with autism who is designated as a child with more than one physical or mental impairment or disability must be included as a child with autism for the purposes of reporting information pursuant to this section.

3. The Health Division shall review the information submitted to the Aging and Disability Services Division pursuant to this section and any other data collected by the Health Division which demonstrates the ongoing outcomes of specific programs and treatments for children with autism.

Sec. 13. NRS 442.750 is hereby amended to read as follows:

442.750 1. The Health Division shall ensure that the personnel employed by the Health Division who provide early intervention services to children with autism and the persons with whom the Health Division contracts to provide early intervention services to children with autism possess the knowledge and skills necessary to serve children with autism, including, without limitation:

(a) The screening of a child for autism at the age levels and frequency recommended by the American Academy of Pediatrics, or its successor organization;

(b) The procedure for evaluating children who demonstrate behaviors ~~[which]~~ ***that*** are consistent with autism ~~[;]~~ ***, which procedure must require the use of the statewide standard for measuring outcomes and assessing and evaluating persons with autism through the age of 21 years prescribed*** ~~*[by the Aging and Disability Services Division of the Department]*~~ ***pursuant to section 1 of this act;***

(c) The procedure for enrolling a child in early intervention services upon determining that the child has autism;

(d) Methods of providing support to children with autism and their families; and

(e) The procedure for developing an individualized family service plan in accordance with Part C of the Individuals with Disabilities Education Act, 20 U.S.C. 1431 et seq., or other appropriate plan for the child.

2. The Health Division shall ensure that the personnel employed by the Health Division to provide early intervention services to children with autism and the persons with whom the Health Division contracts to provide early intervention services to children with autism:

(a) Possess the knowledge and understanding of the scientific research and support for the methods and approaches for serving children with autism and

the ability to recognize the difference between an approach or method that is scientifically validated and one that is not;

(b) Possess the knowledge to accurately describe to parents and guardians the research supporting the methods and approaches, including, without limitation, the knowledge necessary to provide an explanation that a method or approach is experimental if it is not supported by scientific evidence;

(c) Immediately notify a parent or legal guardian if a child is identified as being at risk for a diagnosis of autism and refer the parent or legal guardian to the appropriate professionals for further evaluation and simultaneously refer the parent or legal guardian to any appropriate early intervention services and strategies; and

(d) Provide the parent or legal guardian with information on evidence-based treatments and interventions that may assist the child in the child's development and advancement.

3. The Health Division shall ensure that the personnel employed by the Health Division who provide early intervention screenings to children and the persons with whom the Health Division contracts to provide early intervention screenings to children perform screenings of children for autism at the age levels and frequency recommended by the American Academy of Pediatrics, or its successor organization.

4. The Health Division shall ensure that:

(a) For a child who may have autism, the personnel employed by the Health Division who provide early intervention screenings to children and the persons with whom the Health Division contracts to provide early intervention screenings to children use the ~~*[nationally recognized]*~~ ***protocol designated*** ~~*[by the Aging and Disability Services Division of the Department]*~~ ***pursuant to section 1 of this act for determining whether a child has autism.***

(b) An evaluation of the cognitive, communicative, social, emotional and behavioral condition and adaptive skill level of a child with autism is conducted to determine the condition of the child upon concluding early intervention services and the progress made by the child from the time of his or her initial screening.

Sec. 14. Chapter 615 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Department shall report annually to the Aging and Disability Services Division of the Department of Health and Human Services information relating to persons with autism who receive vocational rehabilitation services. The information must:

(a) Be submitted in the form required by the Aging and Disability Services Division;

(b) Include the information required by the Aging and Disability Services Division pursuant to section 1 of this act;

(c) Include the total number of persons with autism who are receiving vocational rehabilitation services from the Division;

(d) Include information concerning the types of vocational rehabilitation services provided to persons with autism, the effectiveness of those services and the reasons for the ineffectiveness of those services, if applicable; and

(e) Include information concerning the technical assistance and training provided to personnel of the Division who work with persons with autism to improve the effectiveness of vocational rehabilitation services.

2. A person with autism who is designated as a person with more than one physical or mental impairment or disability must be included as a person with autism for the purposes of reporting information pursuant to this section.

Sec. 15. This act becomes effective on July 1, 2011.

Assemblywoman Mastroluca moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Mastroluca moved that upon return from the printer, Assembly Bill No. 316 be rereferred to the Committee on Ways and Means.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 317.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 354.

SUMMARY—Revises provisions governing ~~[mediation and]~~ arbitration of certain claims relating to residential property. (BDR 3-540)

AN ACT relating to civil actions; revising provisions relating to the ~~[submission]~~ **commencement** of **civil actions concerning** certain claims relating to residential property ~~[for mediation or arbitration; revising procedures relating to mediation or]~~ **after the completion of nonbinding** ~~[arbitration of such claims; revising the qualifications required for inclusion by the Real Estate Division of the Department of Business and Industry on a list of mediators and arbitrators available for mediation and]~~ arbitration of such claims; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires certain claims relating to residential property to be submitted for mediation or arbitration with the Real Estate Division of the Department of Business and Industry by filing a written claim with the Division as a prerequisite to filing a civil action based on those claims. **(NRS 38.310, 38.320)** Existing law further ~~[requires a person who is served with such a claim to file a written answer with the Division within 30 days after the person was served. (NRS 38.310, 38.320) Section 1 of this bill requires the Division to: (1) find a person to be in default if the person is served with~~

~~such a claim and fails to file a written answer with the Division within 30 days; and (2) appoint an arbitrator for the claim. Section 1 further requires the arbitrator appointed by the Division to set and give notice of a hearing to allow an opportunity for the person who failed to file a written answer to prove that the failure to file was a result of excusable neglect. Section 1 also sets forth the procedures governing the arbitration if: (1) the arbitrator determines the failure to file was not a result of excusable neglect; (2) the person who failed to file the answer does not appear at the hearing; or (3) the arbitrator determines the failure to file was a result of excusable neglect.~~

~~Section 4 of this bill requires: (1) the Division to send to the parties the written claim filed with the Division a list of mediators and arbitrators; and (2) the parties to notify the Division of, among other things, their selection of a mediator or arbitrator within a specific period. Existing law~~**]** authorizes, under certain circumstances, any party to nonbinding arbitration to commence a civil action concerning the claim which was submitted for arbitration within 30 days after a decision and award have been served upon the parties. (NRS 38.330) **Section 4 of this bill** requires such a decision and award to be both final and dispositive of any and all issues of the claim which were submitted to nonbinding arbitration before such a party may commence a civil action.

[~~Existing law requires the Division to establish and maintain a list of mediators and arbitrators who the Division determines have received training and experience in the resolution of disputes concerning residential property within a common-interest community and who are available for mediation and arbitration of claims arising from such disputes. (NRS 38.340) Section 5 of this bill mandates rather than authorizes the Division to require a mediator or arbitrator to present proof of that training and experience before the Division includes the mediator or arbitrator on the list and also requires the training to: (1) include at least 8 hours of continuing education approved by the Division; and (2) be completed during the 1-year period before the initial inclusion of the mediator or arbitrator on the list and each year thereafter.~~**]**

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

Section 1. **[**~~Chapter 38 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~***1. If the person upon whom a copy of the written claim was served pursuant to subsection 3 of NRS 38.320 fails to file a written answer with the Division within the period required pursuant to subsection 4 of that section, the Division shall find the person to be in default and appoint an arbitrator from the list maintained by the Division pursuant to NRS 38.340. Any arbitrator appointed by the Division pursuant to this subsection must be available within the geographic area.***~~

~~***2. An arbitrator appointed by the Division pursuant to subsection 1 shall:***~~

(a) Set a time and place for a hearing to allow an opportunity for the person upon whom a copy of the written claim was served to prove that his or her failure to file a written answer with the Division was the result of excusable neglect; and

(b) Give notice of the hearing to the claimant and the person upon whom a copy of the written claim was served not less than 5 days before the date of the hearing.

3. If the arbitrator determines, at the hearing conducted pursuant to subsection 2, that the person upon whom a copy of the written claim was served did not prove that his or her failure to file a written answer with the Division was the result of excusable neglect or if that person does not appear at the hearing, the arbitrator shall:

(a) Allow the claimant to prove the written claim; and

(b) Decide the controversy upon the evidence produced by the claimant.

4. If the arbitrator determines, at the hearing conducted pursuant to subsection 2, that the person upon whom a copy of the written claim was served has proven his or her failure to file a written answer with the Division was the result of excusable neglect, the parties shall proceed with arbitration of the claim pursuant to the provisions of this section and NRS 38.300 to NRS 38.360, inclusive.] **(Deleted by amendment.)**

Sec. 2. ~~[~~NRS 38.300 is hereby amended to read as follows:

38.300 As used in NRS 38.300 to 38.360, inclusive, ***and section 1 of this act,*** unless the context otherwise requires:

1. "Assessments" means:

(a) Any charge which an association may impose against an owner of residential property pursuant to a declaration of covenants, conditions and restrictions, including any late charges, interest and costs of collecting the charges; and

(b) Any penalties, fines, fees and other charges which may be imposed by an association pursuant to paragraphs (j) to (n), inclusive, of subsection 1 of NRS 116.3102 or subsections 10, 11 and 12 of NRS 116B.420.

2. "Association" has the meaning ascribed to it in NRS 116.011 or 116B.030.

3. "Civil action" includes an action for money damages or equitable relief. The term does not include an action in equity for injunctive relief in which there is an immediate threat of irreparable harm, or an action relating to the title to residential property.

4. "Division" means the Real Estate Division of the Department of Business and Industry.

5. ***"Geographic area" means an area within 150 miles from any residential property or association which is the subject of a written claim submitted pursuant to NRS 38.320.***

6. **"**Residential property" includes, but is not limited to, real estate within a planned community subject to the provisions of chapter 116 of NRS or real estate within a condominium hotel subject to the provisions of chapter 116B

~~of NRS. The term does not include commercial property if no portion thereof contains property which is used for residential purposes.~~**] (Deleted by amendment.)**

Sec. 3. ~~[NRS 38.320 is hereby amended to read as follows:~~

~~38.320 1. Any civil action described in NRS 38.310 must be submitted for mediation or arbitration by filing a written claim with the Division. The claim must include:~~

~~(a) The complete names, addresses and telephone numbers of all parties to the claim;~~

~~(b) A specific statement of the nature of the claim;~~

~~(c) A statement of whether the person wishes to have the claim submitted to a mediator or to an arbitrator and, if the person wishes to have the claim submitted to an arbitrator, whether the person agrees to binding arbitration; and~~

~~(d) Such other information as the Division may require.~~

~~2. The written claim must be accompanied by a reasonable fee as determined by the Division.~~

~~3. Upon the filing of the written claim, the claimant shall serve a copy of the claim in the manner prescribed in Rule 4 of the Nevada Rules of Civil Procedure for the service of a summons and complaint. The claim so served must be accompanied by a statement explaining the procedures for mediation and arbitration set forth in NRS 38.300 to 38.360, inclusive~~ **[.] *, and section 1 of this act.***

~~4. Upon being served pursuant to subsection 3, the person upon whom a copy of the written claim was served shall, within 30 days after the date of service, file a written answer with the Division. The answer must be accompanied by a reasonable fee as determined by the Division.~~**] (Deleted by amendment.)**

Sec. 4. NRS 38.330 is hereby amended to read as follows:

38.330 1. ~~*[Upon the filing of the written answer pursuant to subsection 4 of NRS 38.320, the Division shall send the list of mediators and arbitrators maintained by the Division pursuant to NRS 38.340 to all parties named in the written claim filed pursuant to NRS 38.320. Except as otherwise provided by subsection 4, within 10 days after receipt of the list, the parties shall submit written notice to the Division, signed by the parties, which states whether the parties agreed to mediation or arbitration and includes, without limitation:*~~

~~*(a) The name of a mutually agreed upon mediator or arbitrator, as appropriate, from the list; or*~~

~~*(b) A statement indicating that the parties participated in the process to select a mediator or arbitrator but failed to agree upon a mediator or arbitrator from the list.*~~

~~*2. Any mediator or arbitrator selected pursuant to this subsection must be available within the geographic area.*~~

~~2.]~~ If all parties named in a written claim filed pursuant to NRS 38.320 agree to have the claim submitted for mediation, the parties shall reduce the agreement to writing ~~[.]~~ and shall select a mediator from the list of mediators maintained by the Division pursuant to NRS 38.340. Any mediator selected must be available within the geographic area. If the ~~[notice submitted by the parties pursuant to subsection 1 indicates that the parties participated in the process to select a mediator but the]~~ parties fail ~~[failed]~~ to agree upon a mediator, the Division shall appoint a mediator from the list of mediators maintained by the Division. Any mediator appointed must be available within the geographic area. Unless otherwise provided by an agreement of the parties, mediation must be completed within 60 days after the parties agree to mediation. Any agreement obtained through mediation conducted pursuant to this section must, within 20 days after the conclusion of mediation, be reduced to writing by the mediator and a copy thereof provided to each party. The agreement may be enforced as any other written agreement. Except as otherwise provided in this section, the parties are responsible for all costs of mediation conducted pursuant to this section.

2. ~~[3.]~~ If all the parties named in the claim do not agree to mediation , the parties shall select an arbitrator from the list of arbitrators maintained by the Division pursuant to NRS 38.340. Any arbitrator selected must be available within the geographic area. If ~~[and if the notice submitted by the parties pursuant to subsection 1 indicates that the parties participated in the process to select an arbitrator but]~~ the parties fail ~~[failed]~~ to agree upon an arbitrator, the Division shall appoint an arbitrator from the list maintained by the Division. Any arbitrator appointed must be available within the geographic area. Upon appointing an arbitrator, the Division shall provide the name of the arbitrator to each party. An arbitrator shall, not later than 5 days after the arbitrator's selection or appointment pursuant to this subsection, ~~[section or section 1 of this act,]~~ provide to the parties an informational statement relating to the arbitration of a claim pursuant to this section. The written informational statement:

(a) Must be written in plain English;

(b) Must explain the procedures and applicable law relating to the arbitration of a claim conducted pursuant to this section, including, without limitation, the procedures, timelines and applicable law relating to confirmation of an award pursuant to NRS 38.239, vacation of an award pursuant to NRS 38.241, judgment on an award pursuant to NRS 38.243, and any applicable statute or court rule governing the award of attorney's fees or costs to any party; and

(c) Must be accompanied by a separate form acknowledging that the party has received and read the informational statement, which must be returned to the arbitrator by the party not later than 10 days after receipt of the informational statement.

3. ~~[4. If, for any reason, a party named in a written claim filed pursuant to NRS 38.320 does not select a mediator or arbitrator from the list sent by~~

~~*the Division within the period required for submitting notice pursuant to subsection 1, that party shall be deemed to have waived the right to participate in the selection of a mediator or arbitrator, and the other party:*~~

~~*(a) Has the exclusive right to select a mediator or arbitrator from the list maintained by the Division; and*~~

~~*(b) Shall within 5 days after the period required by subsection 1, notify the Division, in writing, of that selection and the fact that the other party did not participate in the selection of a mediator or arbitrator.*~~

~~"~~ ~~*Any mediator or arbitrator selected pursuant to this subsection must be within the geographic area.*~~

~~*5. Upon the selection of a mediator or arbitrator pursuant to subsection 4, the Division shall notify each party of the name of the mediator or arbitrator selected.*~~

~~*6.]*~~ The Division may provide for the payment of the fees for a mediator or an arbitrator selected or appointed pursuant to this section ~~*[for section 1 of this act]*~~ from the Account for Common-Interest Communities and Condominium Hotels created by NRS 116.630, to the extent that:

(a) The Commission for Common-Interest Communities and Condominium Hotels approves the payment; and

(b) There is money available in the account for this purpose.

4. ~~*[7.]*~~ Except as otherwise provided in this section and except where inconsistent with the provisions of NRS 38.300 to 38.360, inclusive, ~~*[and section 1 of this act,]*~~ the arbitration of a claim pursuant to this section must be conducted in accordance with the provisions of NRS 38.231, 38.232, 38.233, 38.236 to 38.239, inclusive, 38.242 and 38.243. At any time during the arbitration of a claim relating to the interpretation, application or enforcement of any covenants, conditions or restrictions applicable to residential property or any bylaws, rules or regulations adopted by an association, the arbitrator may issue an order prohibiting the action upon which the claim is based. An award must be made within 30 days after the conclusion of arbitration, unless a shorter period is agreed upon by the parties to the arbitration.

5. ~~*[8.]*~~ If all the parties have agreed to nonbinding arbitration, any party to the nonbinding arbitration may, within 30 days after a ***final*** decision and award ***which are dispositive of any and all issues of the claim which were submitted to nonbinding arbitration*** have been served upon the parties, commence a civil action in the proper court concerning the claim which was submitted for arbitration. Any complaint filed in such an action must contain a sworn statement indicating that the issues addressed in the complaint have been arbitrated pursuant to the provisions of NRS 38.300 to 38.360, inclusive ~~*[, and section 1 of this act.]*~~ If such an action is not commenced within that period, any party to the arbitration may, within 1 year after the service of the award, apply to the proper court for a confirmation of the award pursuant to NRS 38.239.

6. ~~[9.]~~ If all the parties agree in writing to binding arbitration, the arbitration must be conducted in accordance with the provisions of this chapter. An award procured pursuant to such binding arbitration may be vacated and a rehearing granted upon application of a party pursuant to the provisions of NRS 38.241.

7. ~~[10.]~~ If, after the conclusion of binding arbitration, a party:

(a) Applies to have an award vacated and a rehearing granted pursuant to NRS 38.241; or

(b) Commences a civil action based upon any claim which was the subject of arbitration,

➥ the party shall, if the party fails to obtain a more favorable award or judgment than that which was obtained in the initial binding arbitration, pay all costs and reasonable attorney's fees incurred by the opposing party after the application for a rehearing was made or after the complaint in the civil action was filed.

8. ~~[11.]~~ Upon request by a party, the Division shall provide a statement to the party indicating the amount of the fees for a mediator or an arbitrator selected or appointed pursuant to this section .

9. As used in this section, "geographic area" means an area within 150 miles from any residential property or association which is the subject of a written claim submitted pursuant to NRS 38.320. ~~[or section 1 of this act.]~~

Sec. 5. ~~[~~NRS 38.340 is hereby amended to read as follows:

38.340 For the purposes of NRS 38.300 to 38.360, inclusive, ***and section 1 of this act,*** the Division shall establish and maintain:

1. A list of mediators and arbitrators who are available for mediation and arbitration of claims. The list must include mediators and arbitrators who, as determined by the Division, have received training and experience in mediation or arbitration and in the resolution of disputes concerning associations, including, without limitation, the interpretation, application and enforcement of covenants, conditions and restrictions pertaining to residential property and the articles of incorporation, bylaws, rules and regulations of an association. In establishing and maintaining the list, the Division may use lists of qualified persons maintained by any organization which provides mediation or arbitration services. Before including a mediator or arbitrator on a list established and maintained pursuant to this section, the Division ~~[~~may~~]~~ ***shall*** require the mediator or arbitrator to present proof satisfactory to the Division that the mediator or arbitrator has received the training and experience required for mediators or arbitrators pursuant to this section. ***The training required pursuant to this section must include, without limitation, at least 8 hours of continuing education which is approved by the Division and which includes at least 6 hours of courses in the resolution of disputes relating to residential property and at least 2 hours of courses in ethics. The continuing education courses must be completed during the 1 year period immediately preceding the initial inclusion of the mediator or arbitrator on the list and annually thereafter.***

~~2. A document which contains a written explanation of the procedures for mediating and arbitrating claims pursuant to NRS 38.300 to 38.360, inclusive.~~ ~~[.]~~ ~~*, and section 1 of this act.]*~~ **(Deleted by amendment.)**

Sec. 6. ~~[~~NRS 38.360 is hereby amended to read as follows:

~~38.360 1. The Division shall administer the provisions of NRS 38.300 to 38.360, inclusive, *and section 1 of this act,* and may adopt such regulations as are necessary to carry out those provisions.~~

~~2. All fees collected by the Division pursuant to the provisions of NRS 38.300 to 38.360, inclusive, *and section 1 of this act* must be accounted for separately and may only be used by the Division to administer the provisions of NRS 38.300 to 38.360, inclusive.~~ ~~[.]~~ ~~*, and section 1 of this act.]*~~ **(Deleted by amendment.)**

Sec. 7. ~~[~~NRS 116.630 is hereby amended to read as follows:

~~116.630 1. There is hereby created the Account for Common-Interest Communities and Condominium Hotels in the State General Fund. The Account must be administered by the Administrator.~~

~~2. Except as otherwise provided in subsection 3, all money received by the Commission, a hearing panel or the Division pursuant to this chapter or chapter 116B of NRS, including, without limitation, the fees collected pursuant to NRS 116.31155 and 116B.620, must be deposited into the Account.~~

~~3. If the Commission imposes a fine or penalty, the Commission shall deposit the money collected from the imposition of the fine or penalty with the State Treasurer for credit to the State General Fund. If the money is so deposited, the Commission may present a claim to the State Board of Examiners for recommendation to the Interim Finance Committee if money is required to pay attorney's fees or the costs of an investigation, or both.~~

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

~~5. The money in the Account must be used solely to defray:~~

~~(a) The costs and expenses of the Commission and the Office of the Ombudsman;~~

~~(b) If authorized by the Commission or any regulations adopted by the Commission, the costs and expenses of subsidizing proceedings for mediation and arbitration conducted pursuant to NRS 38.300 to 38.360, inclusive~~ ~~[;]~~ ~~*, and section 1 of this act;* and~~

~~(c) If authorized by the Legislature or by the Interim Finance Committee if the Legislature is not in session, the costs and expenses of administering the Division.~~~~]~~ **(Deleted by amendment.)**

Assemblyman Ohrenschall moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 328.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 251.

AN ACT relating to motor vehicles; ~~providing an enhanced penalty for motorists who seriously injure or cause the death of a vulnerable highway user; revising provisions related to the duties required of a person involved in a serious accident involving a vehicle;~~ **providing that a person who, while violating certain rules of the road, causes a collision with a pedestrian or person riding a bicycle has committed reckless driving;** providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~Section 1 of this bill provides for an additional penalty to be imposed on a person convicted of a violation of certain traffic laws if the person was the proximate cause of substantial bodily injury to or the death of a vulnerable highway user. The additional penalty includes completion of a course of traffic safety, performance of community service, a fine and the revocation of a person's driver's license for 1 year. The court must suspend the fine and revocation pending completion of the course of traffic safety and community service. The term "vulnerable highway user" is defined as a pedestrian, a person performing highway construction or maintenance, a person riding an animal, a person operating a farm tractor, or a person on a skateboard, roller skates, a bicycle or an electric bicycle who is on or near a highway.~~

~~Existing law requires a person involved in an accident involving a vehicle resulting in injury or death to any person to report certain information to the other driver and any investigating police officer, to provide reasonable assistance to any person injured in the accident and, if no police officer is present, to report the accident to the nearest office of a police authority. (NRS 484E.030) Section 35 of this bill requires the driver of a vehicle to report an accident involving, and provide assistance to, the rider of a bicycle.~~ **Existing law provides that certain conduct by a driver of a vehicle constitutes reckless driving. (NRS 484B.653) Section 31 of this bill provides that a person who, while violating certain rules of the road relating to bicycles, pedestrians, crosswalks, school crossing guards, school zones or speeding, is the proximate cause of a collision with a pedestrian or person riding a bicycle has committed reckless driving.**

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

Section 1. ~~Chapter 484B of NRS is hereby amended by adding thereto a new section to read as follows:~~

1. A person who is convicted of a violation of NRS 484B.150, 484B.163, 484B.200 to 484B.217, inclusive, 484B.223, 484B.227, 484B.280, 484B.283, 484B.300, 484B.303, 484B.317, 484B.327 to 484B.353, inclusive, 484B.363, 484B.403, 484B.580, 484B.587, 484B.600 to 484B.613, inclusive, 484B.650, 484B.653, 484B.657, 484C.110 or

~~*484C.120 and as a result of the violation proximately causes the death of or substantial bodily harm to a vulnerable highway user, shall, in addition to the term of imprisonment or amount of the fine, or both, that the court imposes for the primary offense, be punished by:*~~

~~*(a) A fine of not more than $12,500;*~~

~~*(b) The revocation of his or her driver's license for 1 year;*~~

~~*(c) The performance of not less than 50 hours or more than 200 hours of community service; and*~~

~~*(d) Completion, at the person's expense, of a course of traffic safety approved by the Department.*~~

~~*2. Subsection 1 does not create a separate offense, but provides an additional penalty for the primary offense, imposition of which is contingent upon the finding of the prescribed fact, and is to be imposed in addition to the penalty which may be imposed pursuant to NRS 484B.130.*~~

~~*3. The court imposing the penalties required pursuant to subsection 1 shall suspend the fine and the revocation of the driver's license of the person on the condition that the person presents proof to the court, within the time specified by the court, of completion of the community service and the course of traffic safety.*~~

~~*4. If the person is already subject to an order requiring completion, at the person's expense, of a course of traffic safety approved by the Department, the court shall allow the completion of one such course to satisfy the requirements of this section.*~~

~~*5. If the court issues an order revoking the driver's license of the driver pursuant to this section, the court shall require the driver to surrender all driver's licenses then held by the driver. The court shall, within 5 days after issuing the order, forward a copy of the order to the Department.*~~

~~*6. If the person is already subject to any other order suspending or revoking his or her driver's license, the court shall order the additional period of revocation to apply consecutively with the previous order.*~~

~~*7. As used in this section, "vulnerable highway user" means a pedestrian, a person performing highway construction or maintenance, a person riding an animal, a person operating a farm tractor, or a person riding on or operating something other than a motor vehicle, including, without limitation:*~~

~~*(a) A skateboard;*~~

~~*(b) Roller skates;*~~

~~*(c) A bicycle; and*~~

~~*(d) An electric bicycle;*~~

~~*who is on or near a highway.]*~~ **(Deleted by amendment.)**

Sec. 2. ~~[NRS 484B.130 is hereby amended to read as follows:~~

~~484B.130 1. Except as otherwise provided in subsections 2 and 6, a person who is convicted of a violation of a speed limit, or of NRS 484B.150, 484B.163, 484B.200 to 484B.217, inclusive, 484B.223, 484B.227, 484B.300, 484B.303, 484B.317, 484B.320, 484B.327, 484B.330, 484B.403,~~

~~484B.587, 484B.600, 484B.603, 484B.650, 484B.653, 484B.657, 484C.110 or 484C.120, that occurred:~~

~~(a) In an area designated as a temporary traffic control zone; and~~

~~(b) At a time when the workers who are performing construction, maintenance or repair of the highway or other work are present, or when the effects of the act may be aggravated because of the condition of the highway caused by construction, maintenance or repair, including, without limitation, reduction in lane width, reduction in the number of lanes, shifting of lanes from the designated alignment and uneven or temporary surfaces, including, without limitation, modifications to road beds, cement treated bases, chip seals and other similar conditions,~~

~~→ shall be punished by imprisonment or by a fine, or both, for a term or an amount equal to and in addition to the term of imprisonment or amount of the fine, or both, that the court imposes for the primary offense. Any term of imprisonment imposed pursuant to this subsection runs consecutively with the sentence prescribed by the court for the crime. This subsection does not create a separate offense, but provides an additional penalty for the primary offense, whose imposition is contingent upon the finding of the prescribed fact~~ **[.]** ~~***and is to be imposed in addition to the penalty which may be imposed pursuant to section 1 of this act.***~~

~~2. The additional penalty imposed pursuant to subsection 1 must not exceed a total of $1,000, 6 months of imprisonment or 120 hours of community service.~~

~~3. Except as otherwise provided in subsection 5, a governmental entity that designates an area or authorizes the designation of an area as a temporary traffic control zone in which construction, maintenance or repair of a highway or other work is conducted, or the person with whom the governmental entity contracts to provide such service, shall cause to be erected:~~

~~(a) A sign located before the beginning of such an area stating "DOUBLE PENALTIES IN WORK ZONES" to indicate a double penalty may be imposed pursuant to this section;~~

~~(b) A sign to mark the beginning of the temporary traffic control zone; and~~

~~(c) A sign to mark the end of the temporary traffic control zone.~~

~~4. A person who otherwise would be subject to an additional penalty pursuant to this section is not relieved of any criminal liability because signs are not erected as required by subsection 3 if the violation results in injury to any person performing highway construction or maintenance or other work in the temporary traffic control zone or in damage to property in an amount equal to $1,000 or more.~~

~~5. The requirements of subsection 3 do not apply to an area designated as a temporary traffic control zone:~~

~~(a) Pursuant to an emergency which results from a natural or other disaster and which threatens the health, safety or welfare of the public; or~~

~~(b) On a public highway where the posted speed limit is 25 miles per hour or less and that provides access to or is appurtenant to a residential area.~~

~~6. A person who would otherwise be subject to an additional penalty pursuant to this section is not subject to an additional penalty if the violation occurred in a temporary traffic control zone for which signs are not erected pursuant to subsection 5, unless the violation results in injury to any person performing highway construction or maintenance or other work in the temporary traffic control zone or in damage to property in an amount equal to $1,000 or more.~~**] (Deleted by amendment.)**

Sec. 3. ~~**[**NRS 484B.150 is hereby amended to read as follows:~~

~~484B.150 1. It is unlawful for a person to drink an alcoholic beverage while the person is driving or in actual physical control of a motor vehicle upon a highway.~~

~~2. Except as otherwise provided in this subsection, it is unlawful for a person to have an open container of an alcoholic beverage within the passenger area of a motor vehicle while the motor vehicle is upon a highway. This subsection does not apply to a motor vehicle which is designed, maintained or used primarily for the transportation of persons for compensation, or to the living quarters of a house coach or house trailer.~~

~~3. A person who violates any provision of this section may be subject to the additional~~ **[**~~penalty~~**]** ~~***penalties*** set forth in NRS 484B.130~~ **[.]** ~~***and section 1 of this act.***~~

~~4. As used in this section:~~

~~(a) "Alcoholic beverage" has the meaning ascribed to it in NRS 202.015.~~

~~(b) "Open container" means a container which has been opened or the seal of which has been broken.~~

~~(c) "Passenger area" means that area of a vehicle which is designed for the seating of the driver or a passenger.~~**] (Deleted by amendment.)**

Sec. 4. ~~**[**NRS 484B.163 is hereby amended to read as follows:~~

~~484B.163 1. A person shall not drive a vehicle when it is so loaded, or when there are in the front seat such number of persons, exceeding three, as to obstruct the view of the driver to the front or sides of the vehicle or as to interfere with the driver's control over the driving mechanism of the vehicle.~~

~~2. A passenger in a vehicle shall not ride in such position as to interfere with the driver's view ahead or to the sides, or to interfere with the driver's control over the driving mechanism of the vehicle.~~

~~3. Except as otherwise provided in NRS 484D.440, a vehicle must not be operated upon any highway unless the driver's vision through any required glass equipment is normal.~~

~~4. A person who violates any provision of this section may be subject to the additional~~ **[**~~penalty~~**]** ~~***penalties*** set forth in NRS 484B.130~~ **[.]** ~~***and section 1 of this act.]***~~ **(Deleted by amendment.)**

Sec. 5. ~~**[**NRS 484B.200 is hereby amended to read as follows:~~

~~484B.200 1. Upon all highways of sufficient width a vehicle must be driven upon the right half of the highway, except as follows:~~

~~(a) When overtaking and passing another vehicle proceeding in the same direction under the laws governing such movements;~~

~~(b) When the right half of the highway is closed to traffic;~~

~~(c) Upon a highway divided into three lanes for traffic under the laws applicable thereon;~~

~~(d) Upon a highway designated and posted for one-way traffic; or~~

~~(e) When the highway is not of sufficient width.~~

~~2. A person who violates any provision of this section may be subject to the additional [~~penalty~~] *penalties* set forth in NRS 484B.130 [.] *and section 1 of this act]*~~ **(Deleted by amendment.)**

Sec. 6. ~~[~~NRS 484B.203 is hereby amended to read as follows:

~~484B.203 1. Drivers of vehicles proceeding in opposite directions shall pass each other keeping to the right, and upon highways having width for not more than one line of traffic in each direction, each driver shall give to the other at least one-half of the paved portion of the highway as nearly as possible.~~

~~2. A person who violates any provision of this section may be subject to the additional [~~penalty~~] *penalties* set forth in NRS 484B.130 [.] *and section 1 of this act]*~~ **(Deleted by amendment.)**

Sec. 7. ~~[~~NRS 484B.207 is hereby amended to read as follows:

~~484B.207 1. The driver of a vehicle overtaking another vehicle proceeding in the same direction shall pass to the left thereof at a safe distance and shall not again drive to the right side of the highway until safely clear of the overtaken vehicle.~~

~~2. Except when overtaking and passing on the right is permitted, the driver of an overtaken vehicle shall give way to the right in favor of the overtaking vehicle upon observing the overtaking vehicle or hearing a signal. The driver of an overtaken vehicle shall not increase the speed of the vehicle until completely passed by the overtaking vehicle.~~

~~3. A person who violates any provision of this section may be subject to the additional [~~penalty~~] *penalties* set forth in NRS 484B.130 [.] *and section 1 of this act]*~~ **(Deleted by amendment.)**

Sec. 8. ~~[~~NRS 484B.210 is hereby amended to read as follows:

~~484B.210 1. The driver of a vehicle may overtake and pass upon the right of another vehicle only under the following conditions:~~

~~(a) When the driver of the vehicle overtaken is making or signaling to make a left turn.~~

~~(b) Upon a highway with unobstructed pavement which is not occupied by parked vehicles and which is of sufficient width for two or more lines of moving vehicles in each direction.~~

~~(c) Upon a highway with unobstructed pavement which is not marked as a traffic lane and which is not occupied by parked vehicles, if the vehicle that is overtaking and passing another vehicle:~~

~~(1) Does not travel more than 200 feet in the section of pavement not marked as a traffic lane; or~~

~~(2) While being driven in the section of pavement not marked as a traffic lane, does not travel through an intersection or past any private way that is used to enter or exit the highway.~~

~~(d) Upon any highway on which traffic is restricted to one direction of movement, where the highway is free from obstructions and of sufficient width for two or more lines of moving vehicles.~~

~~2. The driver of a vehicle may overtake and pass another vehicle upon the right only under conditions permitting such movement in safety.~~

~~3. The driver of a vehicle shall not overtake and pass another vehicle upon the right when such movement requires driving off the paved portion of the highway.~~

~~4. A person who violates any provision of this section may be subject to the additional [~~penalty~~] *penalties* set forth in NRS 484B.130 [.] *and section 1 of this act]*~~ **(Deleted by amendment.)**

Sec. 9. ~~[NRS 484B.213 is hereby amended to read as follows:~~

~~484B.213 1. A vehicle must not be driven to the left side of the center of a two-lane, two-directional highway and overtaking and passing another vehicle proceeding in the same direction, unless such left side is clearly visible and is free of oncoming traffic for a sufficient distance ahead to permit such overtaking and passing to be completely made without interfering with the safe operation of any vehicle approaching from the opposite direction or any vehicle overtaken.~~

~~2. A vehicle must not be driven to the left side of the highway at any time:~~

~~(a) When approaching the crest of a grade or upon a curve in the highway where the driver's view is obstructed within such distance as to create a hazard in the event another vehicle might approach from the opposite direction.~~

~~(b) When approaching within 100 feet or traversing any intersection or railroad grade crossing.~~

~~(c) When the view is obstructed upon approaching within 100 feet of any bridge, viaduct or tunnel.~~

~~3. Subsection 2 does not apply upon a one-way highway.~~

~~4. A person who violates any provision of this section may be subject to the additional [~~penalty~~] *penalties* set forth in NRS 484B.130 [.] *and section 1 of this act]*~~ **(Deleted by amendment.)**

Sec. 10. ~~[NRS 484B.217 is hereby amended to read as follows:~~

~~484B.217 1. The Department of Transportation with respect to highways constructed under the authority of chapter 408 of NRS, and local authorities with respect to highways under their jurisdiction, may determine those zones of highways where overtaking and passing to the left or making a left-hand turn would be hazardous, and may by the erection of official traffic-control devices indicate such zones. When such devices are in place and clearly visible to an ordinarily observant person, every driver of a vehicle shall obey the directions thereof.~~

~~2. Except as otherwise provided in subsections 3 and 4, a driver shall not drive on the left side of the highway within such zone or drive across or on the left side of any pavement striping designed to mark such zone throughout its length.~~

~~3. A driver may drive across a pavement striping marking such zone to an adjoining highway if the driver has first given the appropriate turn signal and there will be no impediment to oncoming or following traffic.~~

~~4. Except where otherwise provided, a driver may drive across a pavement striping marking such a zone to make a left-hand turn if the driver has first given the appropriate turn signal in compliance with NRS 484B.413, if it is safe and if it would not be an impediment to oncoming or following traffic.~~

~~5. A person who violates any provision of this section may be subject to the additional [penalty] *penalties* set forth in NRS 484B.130 [.] *and section 1 of this act.]*~~ **(Deleted by amendment.)**

Sec. 11. ~~[NRS 484B.223 is hereby amended to read as follows:~~

~~484B.223 1. If a highway has two or more clearly marked lanes for traffic traveling in one direction, vehicles must:~~

~~(a) Be driven as nearly as practicable entirely within a single lane; and~~

~~(b) Not be moved from that lane until the driver has given the appropriate turn signal and ascertained that such movement can be made with safety.~~

~~2. Upon a highway which has been divided into three clearly marked lanes, a vehicle must not be driven in the extreme left lane at any time. A vehicle on such a highway must not be driven in the center lane except:~~

~~(a) When overtaking and passing another vehicle where the highway is clearly visible and the center lane is clear of traffic for a safe distance;~~

~~(b) In preparation for a left turn; or~~

~~(c) When the center lane is allocated exclusively to traffic moving in the direction in which the vehicle is proceeding and a sign is posted to give notice of such allocation.~~

~~3. If a highway has been designed to provide a single center lane to be used only for turning by traffic moving in both directions, the following rules apply:~~

~~(a) A vehicle may be driven in the center turn lane only for the purpose of making a left-hand turn onto or from the highway.~~

~~(b) A vehicle must not travel more than 200 feet in a center turn lane before making a left-hand turn from the highway.~~

~~(c) A vehicle must not travel more than 50 feet in a center turn lane after making a left-hand turn onto the highway before merging with traffic.~~

~~4. If a highway has been designed to provide a single right lane to be used only for turning, a vehicle must:~~

~~(a) Be driven in the right turn lane only for the purpose of making a right turn; and~~

~~(b) While being driven in the right turn lane, not travel through an intersection.~~

~~5. A person who violates any provision of this section may be subject to the additional [penalty] *penalties* set forth in NRS 484B.130 [.] *and section 1 of this act,*~~ **(Deleted by amendment.)**

Sec. 12. ~~[NRS 484B.227 is hereby amended to read as follows:~~

~~484B.227 1. Every vehicle driven upon a divided highway must be driven only upon the right-hand roadway and must not be driven over, across or within any dividing space, barrier or section or make any left turn, semicircular turn or U-turn, except through an opening in the barrier or dividing section or space or at a crossover or intersection established by a public authority.~~

~~2. A person who violates any provision of this section may be subject to the additional [penalty] *penalties* set forth in NRS 484B.130 [.] *and section 1 of this act,*~~ **(Deleted by amendment.)**

Sec. 12.3. **NRS 483.460 is hereby amended to read as follows:**

483.460 1. Except as otherwise provided by specific statute, the Department shall revoke the license, permit or privilege of any driver upon receiving a record of his or her conviction of any of the following offenses, when that conviction has become final, and the driver is not eligible for a license, permit or privilege to drive for the period indicated:

(a) For a period of 3 years if the offense is:

(1) A violation of subsection ~~[5]~~ ***6*** of NRS 484B.653.

(2) A third or subsequent violation within 7 years of NRS 484C.110 or 484C.120.

(3) A violation of NRS 484C.110 or 484C.120 resulting in a felony conviction pursuant to NRS 484C.400 or 484C.410.

(4) A violation of NRS 484C.430 or a homicide resulting from driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance or resulting from any other conduct prohibited by NRS 484C.110, 484C.130 or 484C.430.

➥ The period during which such a driver is not eligible for a license, permit or privilege to drive must be set aside during any period of imprisonment and the period of revocation must resume when the Department is notified pursuant to NRS 209.517 or 213.12185 that the person has completed the period of imprisonment or that the person has been placed on residential confinement or parole.

(b) For a period of 1 year if the offense is:

(1) Any other manslaughter, including vehicular manslaughter as described in NRS 484B.657, resulting from the driving of a motor vehicle or felony in the commission of which a motor vehicle is used, including the unlawful taking of a motor vehicle.

(2) Failure to stop and render aid as required pursuant to the laws of this State in the event of a motor vehicle accident resulting in the death or bodily injury of another.

(3) Perjury or the making of a false affidavit or statement under oath to the Department pursuant to NRS 483.010 to 483.630, inclusive, or pursuant to any other law relating to the ownership or driving of motor vehicles.

(4) Conviction, or forfeiture of bail not vacated, upon three charges of reckless driving committed within a period of 12 months.

(5) A second violation within 7 years of NRS 484C.110 or 484C.120 and the driver is not eligible for a restricted license during any of that period.

(6) A violation of NRS 484B.550.

(c) For a period of 90 days, if the offense is a first violation within 7 years of NRS 484C.110 or 484C.120.

2. The Department shall revoke the license, permit or privilege of a driver convicted of violating NRS 484C.110 or 484C.120 who fails to complete the educational course on the use of alcohol and controlled substances within the time ordered by the court and shall add a period of 90 days during which the driver is not eligible for a license, permit or privilege to drive.

3. When the Department is notified by a court that a person who has been convicted of a first violation within 7 years of NRS 484C.110 has been permitted to enter a program of treatment pursuant to NRS 484C.320, the Department shall reduce by one-half the period during which the person is not eligible for a license, permit or privilege to drive, but shall restore that reduction in time if notified that the person was not accepted for or failed to complete the treatment.

4. The Department shall revoke the license, permit or privilege to drive of a person who is required to install a device pursuant to NRS 484C.460 but who operates a motor vehicle without such a device:

(a) For 3 years, if it is his or her first such offense during the period of required use of the device.

(b) For 5 years, if it is his or her second such offense during the period of required use of the device.

5. A driver whose license, permit or privilege is revoked pursuant to subsection 4 is not eligible for a restricted license during the period set forth in paragraph (a) or (b) of that subsection, whichever applies.

6. In addition to any other requirements set forth by specific statute, if the Department is notified that a court has ordered the revocation, suspension or delay in the issuance of a license pursuant to title 5 of NRS, NRS 176.064 or 206.330, chapters 484A to 484E, inclusive, of NRS or any other provision of law, the Department shall take such actions as are necessary to carry out the court's order.

7. As used in this section, "device" has the meaning ascribed to it in NRS 484C.450.

Sec. 12.5. **NRS 483.490 is hereby amended to read as follows:**

483.490 1. Except as otherwise provided in this section, after a driver's license has been suspended or revoked for an offense other than a second violation within 7 years of NRS 484C.110, and one-half of the period during

which the driver is not eligible for a license has expired, the Department may, unless the statute authorizing the suspension prohibits the issuance of a restricted license, issue a restricted driver's license to an applicant permitting the applicant to drive a motor vehicle:

(a) To and from work or in the course of his or her work, or both; or

(b) To acquire supplies of medicine or food or receive regularly scheduled medical care for himself, herself or a member of his or her immediate family.

➥ Before a restricted license may be issued, the applicant must submit sufficient documentary evidence to satisfy the Department that a severe hardship exists because the applicant has no alternative means of transportation and that the severe hardship outweighs the risk to the public if the applicant is issued a restricted license.

2. A person who has been ordered to install a device in a motor vehicle pursuant to NRS 484C.460:

(a) Shall install the device not later than 21 days after the date on which the order was issued; and

(b) May not receive a restricted license pursuant to this section until:

(1) After at least 1 year of the period during which the person is not eligible for a license, if the person was convicted of:

(I) A violation of NRS 484C.430 or a homicide resulting from driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance or resulting from any other conduct prohibited by NRS 484C.110, 484C.130 or 484C.430; or

(II) A violation of NRS 484C.110 that is punishable as a felony pursuant to NRS 484C.410 or 484C.420;

(2) After at least 180 days of the period during which the person is not eligible for a license, if the person was convicted of a violation of subsection ~~[5]~~ ***6*** of NRS 484B.653; or

(3) After at least 45 days of the period during which the person is not eligible for a license, if the person was convicted of a first violation within 7 years of NRS 484C.110.

3. If the Department has received a copy of an order requiring a person to install a device in a motor vehicle pursuant to NRS 484C.460, the Department shall not issue a restricted driver's license to such a person pursuant to this section unless the applicant has submitted proof of compliance with the order and subsection 2.

4. After a driver's license has been revoked or suspended pursuant to title 5 of NRS, the Department may issue a restricted driver's license to an applicant permitting the applicant to drive a motor vehicle:

(a) If applicable, to and from work or in the course of his or her work, or both; or

(b) If applicable, to and from school.

5. After a driver's license has been suspended pursuant to NRS 483.443, the Department may issue a restricted driver's license to an applicant permitting the applicant to drive a motor vehicle:

(a) If applicable, to and from work or in the course of his or her work, or both;

(b) To receive regularly scheduled medical care for himself, herself or a member of his or her immediate family; or

(c) If applicable, as necessary to exercise a court-ordered right to visit a child.

6. A driver who violates a condition of a restricted license issued pursuant to subsection 1 or by another jurisdiction is guilty of a misdemeanor and, if the license of the driver was suspended or revoked for:

(a) A violation of NRS 484C.110, 484C.210 or 484C.430;

(b) A homicide resulting from driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance or resulting from any other conduct prohibited by NRS 484C.110, 484C.130 or 484C.430; or

(c) A violation of a law of any other jurisdiction that prohibits the same or similar conduct as set forth in paragraph (a) or (b),

➥ the driver shall be punished in the manner provided pursuant to subsection 2 of NRS 483.560.

7. The periods of suspensions and revocations required pursuant to this chapter and NRS 484C.210 must run consecutively, except as otherwise provided in NRS 483.465 and 483.475, when the suspensions must run concurrently.

8. Whenever the Department suspends or revokes a license, the period of suspension, or of ineligibility for a license after the revocation, begins upon the effective date of the revocation or suspension as contained in the notice thereof.

Sec. 12.7. **NRS 484B.270 is hereby amended to read as follows:**

484B.270 1. The driver of a motor vehicle shall not:

(a) Intentionally interfere with the movement of a person lawfully riding a bicycle or an electric bicycle; or

(b) Overtake and pass a person riding a bicycle or an electric bicycle unless the driver can do so safely without endangering the person riding the bicycle or electric bicycle.

2. The driver of a motor vehicle shall yield the right-of-way to any person riding a bicycle or an electric bicycle on the pathway or lane. The driver of a motor vehicle shall not enter, stop, stand, park or drive within a pathway or lane provided for bicycles or electric bicycles except:

(a) When entering or exiting an alley or driveway;

(b) When operating or parking a disabled vehicle;

(c) To avoid conflict with other traffic;

(d) In the performance of official duties;

(e) In compliance with the directions of a police officer; or

(f) In an emergency.

3. Except as otherwise provided in subsection 2, the driver of a motor vehicle shall not enter or proceed through an intersection while driving within a pathway or lane provided for bicycles or electric bicycles.

4. The driver of a motor vehicle shall:

(a) Exercise due care to avoid a collision with a person riding a bicycle or an electric bicycle; and

(b) Give an audible warning with the horn of the vehicle if appropriate and when necessary to avoid such a collision.

5. ***If, while violating any provision of subsections 1 to 4, inclusive, the driver of a motor vehicle is the proximate cause of a collision with a person riding a bicycle, the driver is subject to the additional penalty set forth in subsection 4 of NRS 484B.653.***

6. The operator of a bicycle or an electric bicycle shall not:

(a) Intentionally interfere with the movement of a motor vehicle; or

(b) Overtake and pass a motor vehicle unless the operator can do so safely without endangering himself or herself or the occupants of the motor vehicle.

Sec. 13. NRS 484B.280 is hereby amended to read as follows:

484B.280 ***1.*** A driver of a motor vehicle shall:

~~[1.]~~ ***(a)*** Exercise due care to avoid a collision with a pedestrian;

~~[2.]~~ ***(b)*** Give an audible warning with the horn of the vehicle if appropriate and when necessary to avoid such a collision; and

~~[3.]~~ ***(c)*** Exercise proper caution upon observing a pedestrian on or near a highway, street or road or in or near a school crossing zone marked in accordance with NRS 484B.363 or a marked or unmarked crosswalk.

2. ~~*[A person who violates]*~~ ***If, while violating any provision of this section*** ~~*[may be]*~~ ***, the driver of a motor vehicle is the proximate cause of a collision with a pedestrian, the driver is subject to the additional penalty set forth in*** ~~*[section 1 of this act.]*~~ ***subsection 4 of NRS 484B.653.***

Sec. 14. NRS 484B.283 is hereby amended to read as follows:

484B.283 ***1.*** Except as otherwise provided in NRS 484B.287, 484B.290 and 484B.350:

~~[1.]~~ ***(a)*** When official traffic-control devices are not in place or not in operation the driver of a vehicle shall yield the right-of-way, slowing down or stopping if need be so to yield, to a pedestrian crossing the highway within a crosswalk when the pedestrian is upon the half of the highway upon which the vehicle is traveling, or when the pedestrian is approaching so closely from the opposite half of the highway as to be in danger.

~~[2.]~~ ***(b)*** A pedestrian shall not suddenly leave a curb or other place of safety and walk or run into the path of a vehicle which is so close that it is impossible for the driver to yield.

~~[3.]~~ ***(c)*** Whenever a vehicle is stopped at a marked crosswalk or at an unmarked crosswalk at an intersection, the driver of any other vehicle approaching from the rear shall not overtake and pass the stopped vehicle until the driver has determined that the vehicle being overtaken was not stopped for the purpose of permitting a pedestrian to cross the highway.

~~[~~4.~~]~~ ***(d)*** Whenever signals exhibiting the words "Walk" or "Don't Walk" are in place, such signals indicate as follows:

~~[~~(a)~~]~~ ***(1)*** While the "Walk" indication is illuminated, pedestrians facing the signal may proceed across the highway in the direction of the signal and must be given the right-of-way by the drivers of all vehicles.

~~[~~(b)~~]~~ ***(2)*** While the "Don't Walk" indication is illuminated, either steady or flashing, a pedestrian shall not start to cross the highway in the direction of the signal, but any pedestrian who has partially completed the crossing during the "Walk" indication shall proceed to a sidewalk, or to a safety zone if one is provided.

~~[~~(c)~~]~~ ***(3)*** Whenever the word "Wait" still appears in a signal, the indication has the same meaning as assigned in this section to the "Don't Walk" indication.

~~[~~(d)~~]~~ ***(4)*** Whenever a signal system provides a signal phase for the stopping of all vehicular traffic and the exclusive movement of pedestrians, and "Walk" and "Don't Walk" indications control pedestrian movement, pedestrians may cross in any direction between corners of the intersection offering the shortest route within the boundaries of the intersection when the "Walk" indication is exhibited, and when signals and other official traffic-control devices direct pedestrian movement in the manner provided in this section and in NRS 484B.307.

2. ~~*[A driver who violates]*~~ ***If, while violating paragraph (a) or (c) of subsection 1*** ~~*[may be]*~~ ***, the driver of a motor vehicle is the proximate cause of a collision with a pedestrian, the driver is subject to the additional penalty set forth in*** ~~*[section 1 of this act.]*~~ ***subsection 4 of NRS 484B.653.***

Sec. 15. ~~[~~NRS 484B.300 is hereby amended to read as follows:

~~484B.300 1. It is unlawful for any driver to disobey the instructions of any official traffic control device placed in accordance with the provisions of chapters 484A to 484E, inclusive, of NRS, unless at the time otherwise directed by a police officer.~~

~~2. No provision of chapters 484A to 484E, inclusive, of NRS for which such devices are required may be enforced against an alleged violator if at the time and place of the alleged violation the device is not in proper position and sufficiently legible to be seen by an ordinarily observant person. Whenever a particular provision of chapters 484A to 484E, inclusive, of NRS does not state that such devices are required, the provision is effective even though no devices are erected or in place.~~

~~3. Whenever devices are placed in position approximately conforming to the requirements of chapters 484A to 484E, inclusive, of NRS, such devices are presumed to have been so placed by the official act or direction of a public authority, unless the contrary is established by competent evidence.~~

~~4. Any device placed pursuant to the provisions of chapters 484A to 484E, inclusive, of NRS and purporting to conform to the lawful requirements pertaining to such devices is presumed to comply with the~~

~~requirements of chapters 484A to 484E, inclusive, of NRS unless the contrary is established by competent evidence.~~

~~5. A person who violates any provision of subsection 1 may be subject to the additional~~ **[**penalty**]** ~~***penalties*** set forth in NRS 484B.130~~ **[.]** ~~***and section 1 of this act.]***~~ **(Deleted by amendment.)**

Sec. 16. ~~**[**NRS 484B.303 is hereby amended to read as follows:~~

~~484B.303 1. Whenever official traffic control devices are erected indicating that no right or left turn is permitted, it is unlawful for any driver of a vehicle to disobey the directions of any such devices.~~

~~2. A person who violates any provision of this section may be subject to the additional~~ **[**penalty**]** ~~***penalties*** set forth in NRS 484B.130~~ **[.]** ~~***and section 1 of this act.]***~~ **(Deleted by amendment.)**

Sec. 17. ~~**[**NRS 484B.327 is hereby amended to read as follows:~~

~~484B.327 1. It is unlawful for any person to remove any barrier or sign stating that a highway is closed to traffic.~~

~~2. It is unlawful to pass over a highway that is marked, signed or barricaded to indicate that it is closed to traffic. A person who violates any provision of this subsection may be subject to the additional~~ **[**penalty**]** ~~***penalties*** set forth in NRS 484B.130~~ **[.]** ~~***and section 1 of this act.]***~~ **(Deleted by amendment.)**

Sec. 18. ~~**[**NRS 484B.330 is hereby amended to read as follows:~~

~~484B.330 1. It is unlawful for a driver of a vehicle to fail or refuse to comply with any signal of an authorized flagger serving in a traffic control capacity in a clearly marked area of highway construction or maintenance or any other area which has been designated as a temporary traffic control zone.~~

~~2. A district attorney shall prosecute all violations of subsection 1 which occur in his or her jurisdiction and which result in injury to any person performing highway construction or maintenance or performing other work within an area designated as a temporary traffic control zone unless the district attorney has good cause for not prosecuting the violation. In addition to any other penalty, if a driver violates any provision of subsection 1 and the violation results in injury to any person performing highway construction or maintenance or performing other work within an area designated as a temporary traffic control zone, or in damage to property in an amount of not less than $1,000, the driver shall be punished by a fine of not less than $1,000 or more than $2,000, and ordered to perform 120 hours of community service.~~

~~3. A person who violates any provision of subsection 1 may be subject to the additional~~ **[**penalty**]** ~~***penalties*** set forth in subsection 1 of NRS 484B.130~~ **[.]** ~~***and section 1 of this act.***~~

~~4. As used in this section, "authorized flagger serving in a traffic control capacity" means:~~

~~(a) An employee of the Department of Transportation or of a contractor performing highway construction or maintenance or performing other work within an area designated as a temporary traffic control zone for the~~

~~Department of Transportation while the employee is carrying out the duties of his or her employment;~~

~~(b) An employee of any other governmental entity or of a contractor performing highway construction or maintenance or performing other work within an area designated as a temporary traffic control zone for the governmental entity while the employee is carrying out the duties of his or her employment; or~~

~~(c) Any other person employed by a private entity performing highway construction or maintenance or performing other work within an area designated as a temporary traffic control zone while the person is carrying out the duties of his or her employment if the person has satisfactorily completed training as a flagger approved or recognized by the Department of Transportation.~~**]** **(Deleted by amendment.)**

Sec. 19. NRS 484B.350 is hereby amended to read as follows:

484B.350 1. The driver of a vehicle:

(a) Shall stop in obedience to the direction or traffic-control signal of a school crossing guard; and

(b) Shall not proceed until the highway is clear of all persons, including, without limitation, the school crossing guard.

2. A person who violates **[**~~any of the provisions of this section~~**]** ***subsection 1*** is guilty of a misdemeanor.

3. ~~*[A driver who violates]*~~ ***If, while violating subsection 1*** ~~*[may be]*~~ ***, the driver of a motor vehicle is the proximate cause of a collision with a pedestrian or a person riding a bicycle, the driver is subject to the additional penalty set forth in*** ~~*[section 1 of this act.]*~~ ***subsection 4 of NRS 484B.653.***

4. As used in this section, "school crossing guard" means a volunteer or paid employee of a local authority, local law enforcement agency or school district whose duties include assisting pupils to cross a highway.

Sec. 20. **[**~~NRS 484B.353 is hereby amended to read as follows:~~

~~484B.353 1. Except as otherwise provided in subsection 2, the driver of any vehicle, when meeting or overtaking, from either direction, any school bus, equipped with signs and signals required by law, which has stopped to receive or discharge any pupil and is displaying a flashing red light signal visible from the front and rear, shall bring the vehicle to an immediate stop and shall not attempt to overtake or proceed past the school bus until the flashing red signal ceases operation.~~

~~2. The driver of a vehicle upon a divided highway need not stop upon meeting or passing a school bus which is positioned in the other roadway. The driver of a vehicle need not stop upon meeting or passing a school bus where traffic is controlled by a traffic officer.~~

~~3. Any person who violates any of the provisions of this section is guilty of a misdemeanor and:~~

~~(a) For a third or any subsequent offense within 2 years after the most recent offense, shall be punished by a fine of not more than $1,000 and the driver's license of the person must be suspended for not more than 1 year.~~

~~(b) For a second offense within 1 year after the first offense, shall be punished by a fine of not less than $250 nor more than $500 and the driver's license of the person must be suspended for 6 months.~~

~~(c) For a first offense or any subsequent offense for which a punishment is not provided for in paragraph (a) or (b), shall be punished by a fine of not less than $250 nor more than $500.~~

~~*4. A person who violates any of the provisions of this section may be subject to the additional penalty set forth in section 1 of this act.]*~~ **(Deleted by amendment.)**

Sec. 21. NRS 484B.363 is hereby amended to read as follows:

484B.363 1. A person shall not drive a motor vehicle at a speed in excess of 15 miles per hour in an area designated as a school zone except:

(a) On a day on which school is not in session;

(b) During the period from a half hour after school is no longer in operation to a half hour before school is next in operation;

(c) If the zone is designated by an operational speed limit beacon, during the hours when the pupils of the school are in class and the yellow lights of the speed limit beacon are not flashing in the manner which indicates that the speed limit is in effect; or

(d) If the zone is not designated by an operational speed limit beacon, during the times when the sign designating the school zone indicates that the speed limit is not in effect.

2. A person shall not drive a motor vehicle at a speed in excess of 25 miles per hour in an area designated as a school crossing zone except:

(a) On a day on which school is not in session;

(b) During the period from a half hour after school is no longer in operation to a half hour before school is next in operation;

(c) If the zone is designated by an operational speed limit beacon, during the hours when the pupils of the school are in class and the yellow lights of the speed limit beacon are not flashing in the manner which indicates that the speed limit is in effect; or

(d) If the zone is not designated by an operational speed limit beacon, during the times when the sign designating the school zone indicates that the speed limit is not in effect.

3. The governing body of a local government or the Department of Transportation shall designate school zones and school crossing zones. An area must not be designated as a school zone if imposing a speed limit of 15 miles per hour would be unsafe because of higher speed limits in adjoining areas.

4. Each such governing body and the Department shall provide signs to mark the beginning and end of each school zone and school crossing zone which it respectively designates. Each sign marking the beginning of such a

zone must include a designation of the hours when the speed limit is in effect or that the speed limit is in effect when children are present.

5. With respect to each school zone and school crossing zone in a school district, the superintendent of the school district or his or her designee, in conjunction with the Department of Transportation and the governing body of the local government that designated the school zone or school crossing zone and after consulting with the principal of the school and the agency that is responsible for enforcing the speed limit in the zone, shall determine the times when the speed limit is in effect.

6. ~~*[A person who violates]*~~ ***If, while violating subsection 1 or 2*** ~~*[may be]*~~ ***, the driver of a motor vehicle is the proximate cause of a collision with a pedestrian or a person riding a bicycle, the driver is subject to the additional penalty set forth in*** ~~*[section 1 of this act.]*~~ ***subsection 4 of NRS 484B.653.***

7. As used in this section, "speed limit beacon" means a device which is used in conjunction with a sign and equipped with two or more yellow lights that flash alternately to indicate when the speed limit in a school zone or school crossing zone is in effect.

Sec. 22. ~~**[**NRS 484B.403 is hereby amended to read as follows:~~

~~484B.403 1. A U-turn may be made on any road where the turn can be made with safety, except as prohibited by this section and by the provisions of NRS 484B.227 and 484B.407.~~

~~2. If an official traffic-control device indicates that a U-turn is prohibited, the driver shall obey the directions of the device.~~

~~3. The driver of a vehicle shall not make a U-turn in a business district, except at an intersection or on a divided highway where an appropriate opening or crossing place exists.~~

~~4. Notwithstanding the foregoing provisions of this section, local authorities and the Department of Transportation may prohibit U-turns at any location within their respective jurisdictions.~~

~~5. A person who violates any provision of this section may be subject to the additional~~ [penalty] ~~**]** ***penalties*** set forth in NRS 484B.130 **[.]** ***and section 1 of this act.]*** **(Deleted by amendment.)**

Sec. 23. ~~**[**NRS 484B.580 is hereby amended to read as follows:~~

~~484B.580 1. It is unlawful for a person to:~~

~~(a) Proceed or travel through an administrative roadblock or a temporary roadblock without subjecting himself or herself to the traffic control established at the roadblock.~~

~~(b) Disobey the lawful orders or directions of a police officer at an administrative roadblock or a temporary roadblock.~~

~~2. A person who unlawfully proceeds through an administrative roadblock or a temporary roadblock shall be punished:~~

~~(a) If the person is the direct cause of a death or substantial bodily harm to any person, or damage to property in excess of $1,000, for a category B felony by imprisonment in the state prison for a minimum term of not less~~

~~than 1 year and a maximum term of not more than 6 years, or by a fine of not more than $5,000, or by both fine and imprisonment.~~

~~(b) If no death, substantial bodily harm or damage to property in excess of $1,000 occurs, for a gross misdemeanor.~~

~~***3. A person who violates subsection 1 may be subject to the additional penalty set forth in section 1 of this act.]*** **(Deleted by amendment.)**~~

Sec. 24. ~~**[**NRS 484B.587 is hereby amended to read as follows:~~

~~484B.587 1. When official traffic control devices are erected giving notice thereof, a person shall not drive a vehicle onto or from any controlled-access highway except at those entrances and exits which are indicated by such devices.~~

~~2. Except if required by an emergency, a person shall not drive a vehicle on a controlled-access highway:~~

~~(a) Upon any portion of the highway that lies outside of a marked traffic lane or marked entrance or exit lane; or~~

~~(b) Across any solid white line that separates an entrance or exit lane from a marked traffic lane.~~

~~3. A person who violates any provision of this section may be subject to the additional **[**penalty**]** ***penalties*** set forth in NRS 484B.130 **[**.**]** ***and section 1 of this act.]*** **(Deleted by amendment.)**~~

Sec. 25. NRS 484B.600 is hereby amended to read as follows:

484B.600 1. It is unlawful for any person to drive or operate a vehicle of any kind or character at:

(a) A rate of speed greater than is reasonable or proper, having due regard for the traffic, surface and width of the highway, the weather and other highway conditions.

(b) Such a rate of speed as to endanger the life, limb or property of any person.

(c) A rate of speed greater than that posted by a public authority for the particular portion of highway being traversed.

(d) In any event, a rate of speed greater than 75 miles per hour.

2. ***If, while violating any provision of subsection 1, the driver of a motor vehicle is the proximate cause of a collision with a pedestrian or a person riding a bicycle, the driver is subject to the additional penalty set forth in subsection 4 of NRS 484B.653.***

3. A person who violates any provision of ~~**[**this section**]**~~ ***subsection 1*** may be subject to the additional penalty ~~***[penalties]***~~ set forth in NRS 484B.130 . ~~***[and section 1 of this act.]***~~

Sec. 26. ~~**[**NRS 484B.603 is hereby amended to read as follows:~~

~~484B.603 1. The fact that the speed of a vehicle is lower than the prescribed limits does not relieve a driver from the duty to decrease speed when approaching and crossing an intersection, when approaching and going around a curve, when approaching a hill crest, when traveling upon any narrow or winding highway, or when special hazards exist or may exist with respect to pedestrians or other traffic, or by reason of weather or other~~

~~highway conditions, and speed must be decreased as may be necessary to avoid colliding with any person, vehicle or other conveyance on or entering a highway in compliance with legal requirements and the duty of all persons to use due care.~~

~~2. Any person who fails to use due care as required by subsection 1 may be subject to the additional [~~penalty~~] *~~penalties~~* set forth in NRS 484B.130 [~~.~~] *~~and section 1 of this act.~~]* (Deleted by amendment.)~~

Sec. 27. ~~[~~NRS 484B.607 is hereby amended to read as follows:~~

~~484B.607 1. Upon approaching an authorized emergency vehicle which is stopped and is making use of flashing lights meeting the requirements of subsection 3 of NRS 484A.480 or a tow car which is stopped and is making use of flashing amber warning lights meeting the requirements of NRS 484B.748, the driver of the approaching vehicle shall, in the absence of other direction given by a peace officer:~~

~~(a) Decrease the speed of the vehicle to a speed that is:~~

~~(1) Reasonable and proper, pursuant to the criteria set forth in subsection 1 of NRS 484B.600; and~~

~~(2) Less than the posted speed limit, if a speed limit has been posted;~~

~~(b) Proceed with caution;~~

~~(c) Be prepared to stop; and~~

~~(d) If possible, drive in a lane that is not adjacent to the lane in which the emergency vehicle or tow car is stopped, unless roadway, traffic, weather or other conditions make doing so unsafe or impossible.~~

~~2. A person who violates subsection 1 is guilty of a misdemeanor.~~

~~*3. A person who violates subsection 1 may be subject to the additional penalty set forth in section 1 of this act.]* (Deleted by amendment.)~~

Sec. 28. ~~[~~NRS 484B.610 is hereby amended to read as follows:~~

~~484B.610 1. Except as otherwise provided in subsection 2 and pursuant to the power granted in NRS 269.185, the town board or board of county commissioners may, by ordinance, limit the speed of motor vehicles in any unincorporated town in the county as may be deemed proper.~~

~~2. The Department of Transportation may establish the speed limits for motor vehicles on highways within the boundaries of any unincorporated town which are constructed and maintained under the authority granted by chapter 408 of NRS.~~

~~3. A person who violates any speed limit established pursuant to this section may be subject to the additional [~~penalty~~] *~~penalties~~* set forth in NRS 484B.130 [~~.~~] *~~and section 1 of this act.~~]* (Deleted by amendment.)~~

Sec. 29. ~~[~~NRS 484B.613 is hereby amended to read as follows:~~

~~484B.613 1. The Department of Transportation may establish the speed limits for motor vehicles on highways which are constructed and maintained by the Department of Transportation under the authority granted to it by chapter 408 of NRS.~~

~~2. Except as otherwise provided by federal law, the Department of Transportation may establish a speed limit on such highways not to exceed 75 miles per hour and may establish a lower speed limit:~~

~~(a) Where necessary to protect public health and safety.~~

~~(b) For trucks, overweight and oversized vehicles, trailers drawn by motor vehicles and buses.~~

~~3. A person who violates any speed limit established pursuant to this section may be subject to the additional~~ **[**~~penalty~~**]** ~~***penalties*** set forth in NRS 484B.130~~ **[**~~.~~**]** ~~***and section 1 of this act.)***~~ **(Deleted by amendment.)**

Sec. 30. ~~**[**NRS 484B.650 is hereby amended to read as follows:~~

~~484B.650 1. A driver commits an offense of aggressive driving if, during any single, continuous period of driving within the course of 1 mile, the driver does all the following, in any sequence:~~

~~(a) Commits one or more acts of speeding in violation of NRS 484B.363 or 484B.600.~~

~~(b) Commits two or more of the following acts, in any combination, or commits any of the following acts more than once:~~

~~(1) Failing to obey an official traffic control device in violation of NRS 484B.300.~~

~~(2) Overtaking and passing another vehicle upon the right by driving off the paved portion of the highway in violation of NRS 484B.210.~~

~~(3) Improper or unsafe driving upon a highway that has marked lanes for traffic in violation of NRS 484B.223.~~

~~(4) Following another vehicle too closely in violation of NRS 484B.127.~~

~~(5) Failing to yield the right of way in violation of any provision of NRS 484B.250 to 484B.267, inclusive.~~

~~(c) Creates an immediate hazard, regardless of its duration, to another vehicle or to another person, whether or not the other person is riding in or upon the vehicle of the driver or any other vehicle.~~

~~2. A driver may be prosecuted and convicted of an offense of aggressive driving in violation of subsection 1 whether or not the driver is prosecuted or convicted for committing any of the acts described in paragraphs (a) and (b) of subsection 1.~~

~~3. A driver who commits an offense of aggressive driving in violation of subsection 1 is guilty of a misdemeanor and:~~

~~(a) For the first offense, shall be punished:~~

~~(1) By a fine of not less than $250 but not more than $1,000; or~~

~~(2) By both fine and imprisonment in the county jail for not more than 6 months.~~

~~(b) For the second offense, shall be punished:~~

~~(1) By a fine of not less than $1,000 but not more than $1,500; or~~

~~(2) By both fine and imprisonment in the county jail for not more than 6 months.~~

~~(c) For the third and each subsequent offense, shall be punished:~~

~~(1) By a fine of not less than $1,500 but not more than $2,000; or~~

~~(2) By both fine and imprisonment in the county jail for not more than 6 months.~~

~~4. In addition to any other penalty pursuant to subsection 3:~~

~~(a) For the first offense within 2 years, the court shall order the driver to attend, at the driver's own expense, a course of traffic safety approved by the Department and may issue an order suspending the driver's license of the driver for a period of not more than 30 days.~~

~~(b) For a second or subsequent offense within 2 years, the court shall issue an order revoking the driver's license of the driver for a period of 1 year.~~

~~5. To determine whether the provisions of paragraph (a) or (b) of subsection 4 apply to one or more offenses of aggressive driving, the court shall use the date on which each offense of aggressive driving was committed.~~

~~6. If the driver is already the subject of any other order suspending or revoking his or her driver's license, the court shall order the additional period of suspension or revocation, as appropriate, to apply consecutively with the previous order.~~

~~7. If the court issues an order suspending or revoking the driver's license of the driver pursuant to this section, the court shall require the driver to surrender to the court all driver's licenses then held by the driver. The court shall, within 5 days after issuing the order, forward the driver's licenses and a copy of the order to the Department.~~

~~8. If the driver successfully completes a course of traffic safety ordered pursuant to this section, the Department shall cancel three demerit points from his or her driving record in accordance with NRS 483.448 or 483.475, as appropriate, unless the driver would not otherwise be entitled to have those demerit points cancelled pursuant to the provisions of that section.~~

~~9. This section does not preclude the suspension or revocation of the driver's license of the driver, or the suspension of the future driving privileges of a person, pursuant to any other provision of law.~~

~~10. A person who violates any provision of subsection 1 may be subject to the additional~~ **[**penalty**]** ~~***penalties*** set forth in NRS 484B.130~~ **[.]** ~~***and section 1 of this act.]*** **(Deleted by amendment.)**

Sec. 31. NRS 484B.653 is hereby amended to read as follows:

484B.653 1. It is unlawful for a person to:

(a) Drive a vehicle in willful or wanton disregard of the safety of persons or property.

(b) Drive a vehicle in an unauthorized speed contest on a public highway.

(c) Organize an unauthorized speed contest on a public highway.

➥ A violation of paragraph (a) or (b) of this subsection or subsection 1 of NRS 484B.550 constitutes reckless driving.

2. ***If, while violating the provisions of subsections 1 to 4, inclusive, of NRS 484B.270, NRS 484B.280, paragraph (a) or (c) of subsection 1 of NRS 484B.283, NRS 484B.350, subsection 1 or 2 of NRS 484B.363 or***

subsection 1 of NRS 484B.600, the driver of a motor vehicle is the proximate cause of a collision with a pedestrian or a person riding a bicycle, the violation constitutes reckless driving.

3. A person who violates paragraph (a) of subsection 1 is guilty of a misdemeanor and:

(a) For the first offense, shall be punished:

(1) By a fine of not less than $250 but not more than $1,000; or

(2) By both fine and imprisonment in the county jail for not more than 6 months.

(b) For the second offense, shall be punished:

(1) By a fine of not less than $1,000 but not more than $1,500; or

(2) By both fine and imprisonment in the county jail for not more than 6 months.

(c) For the third and each subsequent offense, shall be punished:

(1) By a fine of not less than $1,500 but not more than $2,000; or

(2) By both fine and imprisonment in the county jail for not more than 6 months.

~~[3.]~~ ***4.*** A person who violates paragraph (b) or (c) of subsection 1 ***or commits a violation which constitutes reckless driving pursuant to subsection 2*** is guilty of a misdemeanor and:

(a) For the first offense:

(1) Shall be punished by a fine of not less than $250 but not more than $1,000;

(2) Shall perform not less than 50 hours, but not more than 99 hours, of community service; and

(3) May be punished by imprisonment in the county jail for not more than 6 months.

(b) For the second offense:

(1) Shall be punished by a fine of not less than $1,000 but not more than $1,500;

(2) Shall perform not less than 100 hours, but not more than 199 hours, of community service; and

(3) May be punished by imprisonment in the county jail for not more than 6 months.

(c) For the third and each subsequent offense:

(1) Shall be punished by a fine of not less than $1,500 but not more than $2,000;

(2) Shall perform 200 hours of community service; and

(3) May be punished by imprisonment in the county jail for not more than 6 months.

~~[4.]~~ ***5.*** In addition to any fine, community service and imprisonment imposed upon a person pursuant to subsection ~~[3,]~~ ***4,*** the court:

(a) Shall issue an order suspending the driver's license of the person for a period of not less than 6 months but not more than 2 years and requiring the person to surrender all driver's licenses then held by the person;

(b) Within 5 days after issuing an order pursuant to paragraph (a), shall forward to the Department any licenses, together with a copy of the order;

(c) For the first offense, may issue an order impounding, for a period of 15 days, any vehicle that is registered to the person who violates paragraph (b) or (c) of subsection 1 if the vehicle is used in the commission of the offense; and

(d) For the second and each subsequent offense, shall issue an order impounding, for a period of 30 days, any vehicle that is registered to the person who violates paragraph (b) or (c) of subsection 1 if the vehicle is used in the commission of the offense.

~~[5.]~~ ***6.*** Unless a greater penalty is provided pursuant to subsection 4 of NRS 484B.550, a person who does any act or neglects any duty imposed by law while driving or in actual physical control of any vehicle in willful or wanton disregard of the safety of persons or property, if the act or neglect of duty proximately causes the death of or substantial bodily harm to another person, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years and by a fine of not less than $2,000 but not more than $5,000.

~~[6.]~~ ***7.*** A person who violates any provision of this section may be subject to the additional penalty ~~*[penalties]*~~ set forth in NRS 484B.130 ~~*[and section 1 of this act]*~~ unless the person is subject to the penalty provided pursuant to subsection 4 of NRS 484B.550.

~~[7.]~~ ***8.*** As used in this section, "organize" means to plan, schedule or promote, or assist in the planning, scheduling or promotion of, an unauthorized speed contest on a public highway, regardless of whether a fee is charged for attending the unauthorized speed contest.

Sec. 32. ~~[~~NRS 484B.657 is hereby amended to read as follows:

484B.657 1. A person who, while driving or in actual physical control of any vehicle, proximately causes the death of another person through an act or omission that constitutes simple negligence is guilty of vehicular manslaughter and shall be punished for a misdemeanor.

2. A person who commits an offense of vehicular manslaughter may be subject to the additional ~~[~~penalty~~]~~ ***penalties*** set forth in NRS 484B.130 ~~[.]~~ ***and section 1 of this act.***

3. Upon the conviction of a person for a violation of the provisions of subsection 1, the court shall notify the Department of the conviction.

4. Upon receipt of notification from a court pursuant to subsection 3, the Department shall cause an entry of the conviction to be made upon the driving record of the person so convicted.~~]~~ **(Deleted by amendment.)**

Sec. 33. ~~[~~NRS 484C.110 is hereby amended to read as follows:

484C.110 1. It is unlawful for any person who:

(a) Is under the influence of intoxicating liquor;

(b) Has a concentration of alcohol of 0.08 or more in his or her blood or breath; or

~~(c) Is found by measurement within 2 hours after driving or being in actual physical control of a vehicle to have a concentration of alcohol of 0.08 or more in his or her blood or breath,~~

~~➥ to drive or be in actual physical control of a vehicle on a highway or on premises to which the public has access.~~

~~2. It is unlawful for any person who:~~

~~(a) Is under the influence of a controlled substance;~~

~~(b) Is under the combined influence of intoxicating liquor and a controlled substance; or~~

~~(c) Inhales, ingests, applies or otherwise uses any chemical, poison or organic solvent, or any compound or combination of any of these, to a degree which renders the person incapable of safely driving or exercising actual physical control of a vehicle,~~

~~➥ to drive or be in actual physical control of a vehicle on a highway or on premises to which the public has access. The fact that any person charged with a violation of this subsection is or has been entitled to use that drug under the laws of this State is not a defense against any charge of violating this subsection.~~

~~3. It is unlawful for any person to drive or be in actual physical control of a vehicle on a highway or on premises to which the public has access with an amount of a prohibited substance in his or her blood or urine that is equal to or greater than:~~

Prohibited substance	Urine Nanograms per milliliter	Blood Nanograms per milliliter
(a) Amphetamine	500	100
(b) Cocaine	150	50
(c) Cocaine metabolite	150	50
(d) Heroin	2,000	50
(e) Heroin metabolite:		
(1) Morphine	2,000	50
(2) 6-monoacetyl morphine	10	10
(f) Lysergic acid diethylamide	25	10
(g) Marijuana	10	2
(h) Marijuana metabolite	15	5
(i) Methamphetamine	500	100
(j) Phencyclidine	25	10

~~4. If consumption is proven by a preponderance of the evidence, it is an affirmative defense under paragraph (c) of subsection 1 that the defendant consumed a sufficient quantity of alcohol after driving or being in actual physical control of the vehicle, and before his or her blood or breath was tested, to cause the defendant to have a concentration of alcohol of 0.08 or more in his or her blood or breath. A defendant who intends to offer this defense at a trial or preliminary hearing must, not less than 14 days before~~

~~the trial or hearing or at such other time as the court may direct, file and serve on the prosecuting attorney a written notice of that intent.~~

~~5. A person who violates any provision of this section may be subject to the additional [~~penalty~~] *~~penalties~~* set forth in NRS 484B.130 **[**.**]** *~~and section 1 of this act.~~* **(Deleted by amendment.)**

Sec. 34. ~~[NRS 484C.120 is hereby amended to read as follows:~~

~~484C.120 1. It is unlawful for any person who:~~

~~(a) Is under the influence of intoxicating liquor;~~

~~(b) Has a concentration of alcohol of 0.04 or more but less than 0.08 in his or her blood or breath; or~~

~~(c) Is found by measurement within 2 hours after driving or being in actual physical control of a commercial motor vehicle to have a concentration of alcohol of 0.04 or more but less than 0.08 in his or her blood or breath,~~

~~→ to drive or be in actual physical control of a commercial motor vehicle on a highway or on premises to which the public has access.~~

~~2. It is unlawful for any person who:~~

~~(a) Is under the influence of a controlled substance;~~

~~(b) Is under the combined influence of intoxicating liquor and a controlled substance; or~~

~~(c) Inhales, ingests, applies or otherwise uses any chemical, poison or organic solvent, or any compound or combination of any of these, to a degree which renders the person incapable of safely driving or exercising actual physical control of a commercial motor vehicle,~~

~~→ to drive or be in actual physical control of a commercial motor vehicle on a highway or on premises to which the public has access. The fact that any person charged with a violation of this subsection is or has been entitled to use that drug under the laws of this State is not a defense against any charge of violating this subsection.~~

~~3. It is unlawful for any person to drive or be in actual physical control of a commercial motor vehicle on a highway or on premises to which the public has access with an amount of a prohibited substance in his or her blood or urine that is equal to or greater than:~~

	~~Urine~~	~~Blood~~
	~~Nanograms~~	~~Nanograms~~
~~Prohibited substance~~	~~per milliliter~~	~~per milliliter~~
~~(a) Amphetamine~~	~~500~~	~~100~~
~~(b) Cocaine~~	~~150~~	~~50~~
~~(c) Cocaine metabolite~~	~~150~~	~~50~~
~~(d) Heroin~~	~~2,000~~	~~50~~
~~(e) Heroin metabolite:~~		
~~(1) Morphine~~	~~2,000~~	~~50~~
~~(2) 6-monoacetyl morphine~~	~~10~~	~~10~~
~~(f) Lysergic acid diethylamide~~	~~25~~	~~10~~
~~(g) Marijuana~~	~~10~~	~~2~~

~~(h) Marijuana metabolite15 5~~

~~(i) Methamphetamine 500 100~~

~~(j) Phencyclidine 25 10~~

~~4. If consumption is proven by a preponderance of the evidence, it is an affirmative defense under paragraph (c) of subsection 1 that the defendant consumed a sufficient quantity of alcohol after driving or being in actual physical control of the commercial motor vehicle, and before his or her blood or breath was tested, to cause the defendant to have a concentration of alcohol of 0.04 or more in his or her blood or breath. A defendant who intends to offer this defense at a trial or preliminary hearing must, not less than 14 days before the trial or hearing or at such other time as the court may direct, file and serve on the prosecuting attorney a written notice of that intent.~~

~~5. A person who violates any provision of this section may be subject to the additional [~~penalty~~] *penalties* set forth in NRS 484B.130 [.] *and section 1 of this act*.~~

~~6. As used in this section:~~

~~(a) "Commercial motor vehicle" means a motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle:~~

~~(1) Has a gross combination weight rating of 26,001 or more pounds which includes a towed unit with a gross vehicle weight rating of more than 10,000 pounds;~~

~~(2) Has a gross vehicle weight rating of 26,001 or more pounds;~~

~~(3) Is designed to transport 16 or more passengers, including the driver; or~~

~~(4) Regardless of size, is used in the transportation of materials which are considered to be hazardous for the purposes of the federal Hazardous Materials Transportation Act, 49 U.S.C. 5101 et. seq., and for which the display of identifying placards is required pursuant to 49 C.F.R. Part 172, Subpart F.~~

~~(b) The phrase "concentration of alcohol of 0.04 or more but less than 0.08 in his or her blood or breath" means 0.04 gram or more but less than 0.08 gram of alcohol per 100 milliliters of the blood of a person or per 210 liters of his or her breath.]~~ **(Deleted by amendment.)**

Sec. 35. ~~[NRS 484E.030 is hereby amended to read as follows:~~

~~484E.030 1. The driver of any vehicle involved in an accident resulting in injury to or death of any person *, including, without limitation, a person riding a bicycle,* or damage to any vehicle or other property which is driven or attended by any person shall:~~

~~(a) Give his or her name, address and the registration number of the vehicle he or she is driving, and shall upon request and if available exhibit his or her license to operate a motor vehicle to any person injured in such accident or to the driver or occupant of or person attending any vehicle or other property damaged in such accident;~~

~~(b) *If the accident involved a bicycle, report the percentage of liability for the accident which is attributable to the driver of the vehicle and to the rider of the bicycle or, if the percentage of liability is not known, report the circumstances of the accident;*~~

~~*(c)* Give such information and upon request manually surrender such license to any police officer at the scene of the accident or who is investigating the accident; and~~

~~**[**(c)**]** *(d)* Render to any person injured in such accident reasonable assistance, including the carrying, or the making of arrangements for the carrying, of such person to a physician, surgeon or hospital for medical or surgical treatment if it is apparent that such treatment is necessary, or if such carrying is requested by the injured person.~~

~~2. If no police officer is present, the driver of any vehicle involved in such accident after fulfilling all other requirements of subsection 1 and NRS 484E.010, insofar as possible on his or her part to be performed, shall forthwith report such accident to the nearest office of a police authority or of the Nevada Highway Patrol and submit thereto the information specified in subsection 1.**]** **(Deleted by amendment.)**

Assemblywoman Dondero Loop moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 330.

Bill read second time.

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

Amendment No. 246.

AN ACT relating to government contracts; declaring privatization contracts to be public records; requiring governmental entities to submit certain information to the Chief of the Budget Division of the Department of Administration relating to the use of privatization contracts; requiring state agencies and local governments to include certain information relating to privatization contracts in the tentative budget of the state agency or local government; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, all public books and records of a governmental entity, the contents of which are not otherwise declared by law to be confidential or which the governmental entity determines pursuant to a balancing test must not be disclosed, must be open at all times during office hours for inspection and copying. (NRS 239.010) **Section 1** of this bill declares to be a public record any privatization contract, defined **in section 3 of this bill** as a contract executed by or on behalf of a governmental entity which authorizes a private entity to provide public services that are **: (1)** substantially similar to **the services performed by the public employees of the governmental**

entity; and **(2)** in lieu of **the** services otherwise required to be provided by the governmental entity.

On or before September 1 of each even-numbered year, existing law requires all departments, institutions and other agencies of the Executive Department of the State Government to submit to the Chief of the Budget Division of the Department of Administration information regarding any existing contracts the department, institution or agency has with consultants or temporary employment services, the proposed expenditures for such contracts in the next 2 fiscal years and the reasons for the use of such consultants or services. (NRS 353.210) **Section 7** of this bill requires that if such contracts are privatization contracts, the department, institution or agency must also submit a copy of each of the privatization contracts together with information regarding the duration and number of such contracts, as well as an analysis of the privatization contracts which includes a comparison of the use of the persons employed under the privatization contracts with the costs if the services were provided by regular full-time employees of the department, institution or agency. **Section 7** further requires the information regarding contracts entered into by the department, institution or agency to be made open to public inspection. **Section 8** of this bill requires a local government to provide the same disclosures regarding any contracts it has entered into while preparing a tentative budget, and to make such information open to public inspection. Because the budgetary process of local governments is required to be used by many other units of government, the provisions of **section 8** also require the disclosures required regarding contracts a government agency has entered into to be provided while preparing a tentative budget by the following entities: (1) transportation districts; (2) districts for the support of public parks; (3) consolidated, district or town libraries; (4) county hospital districts; and (5) county fire protection districts.

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

Section 1. Chapter 239 of NRS is hereby amended by adding thereto a new section to read as follows:

Any privatization contract executed by or on behalf of a governmental entity is a public record and must be open to public inspection during the regular business hours of the governmental entity.

Sec. 2. NRS 239.001 is hereby amended to read as follows:

239.001 The Legislature hereby finds and declares that:

1. The purpose of this chapter is to foster democratic principles by providing members of the public with access to inspect and copy public books and records to the extent permitted by law;

2. The provisions of this chapter must be construed liberally to carry out this important purpose; ~~[and]~~

3. Any exemption, exception or balancing of interests which limits or restricts access to public books and records by members of the public must be construed narrowly ~~[.]~~ ***; and***

4. The use of private entities in the provision of public services must not deprive members of the public access to inspect and copy books and records relating to the provision of those services.

Sec. 3. NRS 239.005 is hereby amended to read as follows:

239.005 As used in this chapter, unless the context otherwise requires:

1. "Actual cost" means the direct cost related to the reproduction of a public record. The term does not include a cost that a governmental entity incurs regardless of whether or not a person requests a copy of a particular public record.

2. "Committee" means the Committee to Approve Schedules for the Retention and Disposition of Official State Records.

3. "Division" means the Division of State Library and Archives of the Department of Cultural Affairs.

4. "Governmental entity" means:

(a) An elected or appointed officer of this State or of a political subdivision of this State;

(b) An institution, board, commission, bureau, council, department, division, authority or other unit of government of this State or of a political subdivision of this State;

(c) A university foundation, as defined in NRS 396.405; or

(d) An educational foundation, as defined in NRS 388.750, to the extent that the foundation is dedicated to the assistance of public schools.

5. "Privatization contract" means a contract executed by or on behalf of a governmental entity which authorizes a private entity to provide public services that are ~~*[substantially]*~~ ***:***

(a) Substantially similar to the services provided by the public employees of the governmental entity; and ~~*[in]*~~

(b) In lieu of the services otherwise authorized or required to be provided by the governmental entity.

Sec. 4. NRS 244A.252 is hereby amended to read as follows:

244A.252 1. A board of county commissioners may by ordinance, but not as in a case of emergency, create one or more transportation districts in the unincorporated area of the county. The board of county commissioners is ex officio the governing body of any district created pursuant to this section and may:

(a) Organize and maintain the district.

(b) Establish, by ordinance, regulations:

(1) For the administration of its internal affairs.

(2) For the employment of professional, technical, clerical and other personnel necessary to carry out its duties.

(3) For the establishment and alteration of the boundaries of the district.

(4) Providing for the use of revenue received by the district.

(c) Hold meetings as the governing body of a district in conjunction with its meetings as the board of county commissioners without posting a separate agenda or posting additional notices of the meetings within the district.

(d) Cause a special or general district election to be held in the same manner as provided for other such elections in title 24 of NRS for the purpose of submitting a question pursuant to paragraph (b) of subsection 1 of NRS 244.3351 or paragraph (b) of subsection 1 of NRS 278.710, or both, or cause the question or questions to be submitted at a primary or general state election.

2. A special election may be held only if the board of county commissioners determines, by a unanimous vote, that an emergency exists. The determination made by the board is conclusive unless it is shown that the board acted with fraud or a gross abuse of discretion. An action to challenge the determination made by the board must be commenced within 15 days after the board's determination is final. As used in this subsection, "emergency" means any unexpected occurrence or combination of occurrences which requires immediate action by the board of county commissioners to prevent or mitigate a substantial financial loss to the district or county or to enable the board to provide an essential service to the residents of the county.

3. The budget of a district created pursuant to this section must comply with the provisions of NRS 354.470 to 354.626, inclusive ~~[.]~~ ***, and section 8 of this act.***

4. All persons employed to perform the functions of a district are employees of the county for all purposes.

Sec. 5. NRS 244A.789 is hereby amended to read as follows:

244A.789 1. The budget of a district for the support of public parks must comply with the provisions of NRS 354.470 to 354.626, inclusive, ***and section 8 of this act*** but need not be separately prepared and may be included within the county budget. The district is not entitled to any share of revenue from the supplemental city-county relief tax.

2. The governing body may submit to the registered voters of the district at a primary or general election:

(a) A proposal to issue general obligation bonds of the district to finance the acquisition, construction, equipment and improvement of one or more park projects within the district, or outside the district if the governing body finds that the park project will benefit the residents of the district, but the amount of general obligation bonds or other securities so issued may not exceed 10 percent of the assessed valuation of the taxable property in the district. The ballot question for such a proposal must contain the principal amount of the general obligation bonds to be issued, the purpose of the issuance of the bonds and the estimate established by the governing body of:

(1) The duration of the levy of property tax that will be used to pay the general obligations; and

(2) The average annual increase, if any, in the amount of property taxes that an owner of a new home with a fair market value of $100,000 will pay for debt service on the general obligation bonds to be issued.

(b) A proposal to levy a tax ad valorem pursuant to NRS 354.5982 for:

(1) Any of the purposes described in paragraph (a);

(2) Maintenance of public parks located within the district;

(3) Maintenance of public parks located outside the district if the governing body finds that the parks benefit the residents of the district; or

(4) Any combination of those purposes.

3. The ballot question for a proposal submitted to the registered voters pursuant to paragraph (b) of subsection 2 must contain the rate of the proposed additional property tax stated in dollars and cents per $100 assessed valuation, the purpose of the proposed additional property tax, the duration of the proposed additional property tax and an estimate established by the governing body of the increase in the amount of property taxes that an owner of a new home with a fair market value of $100,000 will pay per year as a result of the passage of the question.

4. As used in this section, "park project" has the meaning ascribed to it in NRS 244A.039.

5. If the proposal to issue bonds is approved by the voters, the county may issue bonds of the district as provided in chapter 350 of NRS.

Sec. 6. NRS 268.442 is hereby amended to read as follows:

268.442 1. The governing body of a city may by ordinance, but not as in a case of emergency, create one or more transportation districts in the incorporated area of the city. The governing body of the city is ex officio the governing body of any district created pursuant to this section and may:

(a) Organize and maintain the district.

(b) Establish, by ordinance, regulations:

(1) For the administration of its internal affairs.

(2) For the employment of professional, technical, clerical and other personnel necessary to carry out its duties.

(3) For the establishment and alteration of the boundaries of the district.

(4) Providing for the use of revenue received by the district.

(c) Hold meetings as the governing body of a district in conjunction with its meetings as the governing body of the city without posting a separate agenda or posting additional notices of the meetings within the district.

2. The budget of a district created pursuant to this section must comply with NRS 354.470 to 354.626, inclusive ~~[.]~~ ***, and section 8 of this act.***

3. All persons employed to perform the functions of a district are employees of the city for all purposes.

Sec. 7. NRS 353.210 is hereby amended to read as follows:

353.210 1. Except as otherwise provided in subsection 6, on or before September 1 of each even-numbered year, all departments, institutions and other agencies of the Executive Department of the State Government, and all agencies of the Executive Department of the State Government receiving

state money, fees or other money under the authority of the State, including those operating on money designated for specific purposes by the Nevada Constitution or otherwise, shall prepare, on blanks furnished them by the Chief, and submit to the Chief:

(a) The number of positions within the department, institution or agency that have been vacant for at least 12 months, the number of months each such position has been vacant and the reasons for each such vacancy **.** ~~[,]~~

(b) Any existing contracts the department, institution or agency has with ~~[consultants]~~ ***persons*** or temporary employment services, the proposed expenditures for such contracts in the next 2 fiscal years and the reasons for the use of such ~~[consultants]~~ ***persons*** or services **.** ~~[; and]~~ ***If such contracts include any privatization contracts, a copy of each of those privatization contracts together with:***

(1) A statement specifying the duration of the privatization contracts;

(2) The number of privatization contracts proposed for the next 2 fiscal years and the estimated expenditures for the privatization contracts; and

(3) An analysis of each of the privatization contracts, which includes, without limitation:

(I) For the preceding, current and next fiscal years, the annual amount required to perform each of the privatization contracts; and

(II) For the preceding and current fiscal years, the number of persons the department, institution or agency employed pursuant to the privatization contracts, reflected as the equivalent full-time position if the persons were regularly employed by the department, institution or agency, including the equivalent hourly wage and the cost of benefits for each job classification.

(c) Estimates of ~~[their]~~ expenditure requirements ~~[,]~~ ***of the department, institution or agency,*** together with all anticipated income from fees and all other sources, for the next 2 fiscal years compared with the corresponding figures of the last completed fiscal year and the estimated figures for the current fiscal year.

2. The Chief shall direct that one copy of the forms submitted pursuant to subsection 1, accompanied by every supporting schedule and any other related material, be delivered directly to the Fiscal Analysis Division of the Legislative Counsel Bureau on or before September 1 of each even-numbered year.

3. The Budget Division of the Department of Administration shall give advance notice to the Fiscal Analysis Division of the Legislative Counsel Bureau of any conference between the Budget Division of the Department of Administration and personnel of other state agencies regarding budget estimates. A Fiscal Analyst of the Legislative Counsel Bureau or his or her designated representative may attend any such conference.

4. The estimates of expenditure requirements submitted pursuant to subsection 1 must be classified to set forth the data of funds, organizational

units, and the character and objects of expenditures, and must include a mission statement and measurement indicators for each program. The organizational units may be subclassified by functions and activities, or in any other manner at the discretion of the Chief.

5. If any department, institution or other agency of the Executive Department of the State Government, whether its money is derived from state money or from other money collected under the authority of the State, fails or neglects to submit estimates of its expenditure requirements as provided in this section, the Chief may, from any data at hand in the Chief's office or which the Chief may examine or obtain elsewhere, make and enter a proposed budget for the department, institution or agency in accordance with the data.

6. Agencies, bureaus, commissions and officers of the Legislative Department, the Public Employees' Retirement System and the Judicial Department of the State Government shall submit to the Chief for his or her information in preparing the proposed executive budget the budgets which they propose to submit to the Legislature.

7. The information provided by a department, institution or agency pursuant to paragraph (b) of subsection 1 is a public record and must be open to public inspection.

8. As used in this section, "privatization contract" means a contract executed by or on behalf of a department, institution or agency which authorizes a private entity to provide public services which are ~~*[substantially]*~~ ***:***

(a) Substantially similar to the services performed by the public employees of the department, institution or agency; and ~~*[in]*~~

(b) In lieu of the services otherwise authorized or required to be provided by the department, institution or agency.

Sec. 8. Chapter 354 of NRS is hereby amended by adding thereto a new section to read as follows:

1. In preparing a tentative budget pursuant to NRS 354.596, the governing body of a local government shall prepare and include a list of any existing contracts the local government has with persons or temporary employment services, the proposed expenditures for such contracts in the next 2 fiscal years and the reasons for the use of such persons or services. If such contracts include privatization contracts, the local government must include in the list:

(a) The duration of such contracts;

(b) The number of privatization contracts proposed for the next 2 fiscal years and the estimated expenditures for such contracts; and

(c) A summary of the number of persons the local government proposes to employ pursuant to each contract, reflected as their equivalent full-time positions if the persons were employed regularly by the local government, and their equivalent hourly wage.

2. The list prepared pursuant to this section is a public record and must be open to public inspection.

3. As used in this section, "privatization contract" means a contract executed by or on behalf of a local government which authorizes a private entity to provide public services which are ~~*[substantially]*~~ ***:***

(a) Substantially similar to the services provided by the public employees of the local government; and ~~*[in]*~~

(b) In lieu of the services otherwise authorized or required to be provided by the local government.

Sec. 9. NRS 354.474 is hereby amended to read as follows:

354.474 1. Except as otherwise provided in subsections 2 and 3, the provisions of NRS 354.470 to 354.626, inclusive, ***and section 8 of this act*** apply to all local governments. For the purpose of NRS 354.470 to 354.626, inclusive ~~[:]~~ ***, and section 8 of this act:***

(a) "Local government" means every political subdivision or other entity which has the right to levy or receive money from ad valorem or other taxes or any mandatory assessments, and includes, without limitation, counties, cities, towns, boards, school districts and other districts organized pursuant to chapters 244A, 309, 318 and 379 of NRS, NRS 450.550 to 450.750, inclusive, and chapters 474, 541, 543 and 555 of NRS, and any agency or department of a county or city which prepares a budget separate from that of the parent political subdivision.

(b) "Local government" does not include the Nevada Rural Housing Authority.

2. An irrigation district organized pursuant to chapter 539 of NRS shall fix rates and levy assessments as provided in NRS 539.667 to 539.683, inclusive. The levy of such assessments and the posting and publication of claims and annual financial statements as required by chapter 539 of NRS shall be deemed compliance with the budgeting, filing and publication requirements of NRS 354.470 to 354.626, inclusive, ***and section 8 of this act,*** but any such irrigation district which levies an ad valorem tax shall comply with the filing and publication requirements of NRS 354.470 to 354.626, inclusive, ***and section 8 of this act*** in addition to the requirements of chapter 539 of NRS.

3. An electric light and power district created pursuant to chapter 318 of NRS shall be deemed to have fulfilled the requirements of NRS 354.470 to 354.626, inclusive, ***and section 8 of this act*** for a year in which the district does not issue bonds or levy an assessment if the district files with the Department of Taxation a copy of all documents relating to its budget for that year which the district submitted to the Rural Utilities Service of the United States Department of Agriculture.

Sec. 10. NRS 354.476 is hereby amended to read as follows:

354.476 As used in NRS 354.470 to 354.626, inclusive, ***and section 8 of this act,*** unless the context otherwise requires, the words and terms defined in

NRS 354.479 to 354.578, inclusive, have the meanings ascribed to them in those sections.

Sec. 11. NRS 354.626 is hereby amended to read as follows:

354.626 1. No governing body or member thereof, officer, office, department or agency may, during any fiscal year, expend or contract to expend any money or incur any liability, or enter into any contract which by its terms involves the expenditure of money, in excess of the amounts appropriated for that function, other than bond repayments, medium-term obligation repayments and any other long-term contract expressly authorized by law. Any officer or employee of a local government who willfully violates NRS 354.470 to 354.626, inclusive, ***and section 8 of this act*** is guilty of a misdemeanor and upon conviction thereof ceases to hold his or her office or employment. Prosecution for any violation of this section may be conducted by the Attorney General or, in the case of incorporated cities, school districts or special districts, by the district attorney.

2. Without limiting the generality of the exceptions contained in subsection 1, the provisions of this section specifically do not apply to:

(a) Purchase of coverage and professional services directly related to a program of insurance which require an audit at the end of the term thereof.

(b) Long-term cooperative agreements as authorized by chapter 277 of NRS.

(c) Long-term contracts in connection with planning and zoning as authorized by NRS 278.010 to 278.630, inclusive.

(d) Long-term contracts for the purchase of utility service such as, but not limited to, heat, light, sewerage, power, water and telephone service.

(e) Contracts between a local government and an employee covering professional services to be performed within 24 months following the date of such contract or contracts entered into between local government employers and employee organizations.

(f) Contracts between a local government and any person for the construction or completion of public works, money for which has been or will be provided by the proceeds of a sale of bonds, medium-term obligations or an installment-purchase agreement and that are entered into by the local government after:

(1) Any election required for the approval of the bonds or installment-purchase agreement has been held;

(2) Any approvals by any other governmental entity required to be obtained before the bonds, medium-term obligations or installment-purchase agreement can be issued have been obtained; and

(3) The ordinance or resolution that specifies each of the terms of the bonds, medium-term obligations or installment-purchase agreement, except those terms that are set forth in subsection 2 of NRS 350.165, has been adopted.

➥ Neither the fund balance of a governmental fund nor the equity balance in any proprietary fund may be used unless appropriated in a manner provided by law.

(g) Contracts which are entered into by a local government and delivered to any person solely for the purpose of acquiring supplies, services and equipment necessarily ordered in the current fiscal year for use in an ensuing fiscal year and which, under the method of accounting adopted by the local government, will be charged against an appropriation of a subsequent fiscal year. Purchase orders evidencing such contracts are public records available for inspection by any person on demand.

(h) Long-term contracts for the furnishing of television or FM radio broadcast translator signals as authorized by NRS 269.127.

(i) The receipt and proper expenditure of money received pursuant to a grant awarded by an agency of the Federal Government.

(j) The incurrence of obligations beyond the current fiscal year under a lease or contract for installment purchase which contains a provision that the obligation incurred thereby is extinguished by the failure of the governing body to appropriate money for the ensuing fiscal year for the payment of the amounts then due.

(k) The receipt by a local government of increased revenue that:

(1) Was not anticipated in the preparation of the final budget of the local government; and

(2) Is required by statute to be remitted to another governmental entity.

(l) An agreement authorized pursuant to NRS 277A.370.

Sec. 12. NRS 379.025 is hereby amended to read as follows:

379.025 1. Except as otherwise provided in subsection 2, the trustees of any consolidated, county, district, town or other public library, and their successors, shall:

(a) Establish, supervise and maintain a library.

(b) Appoint, evaluate the performance of and, if necessary, dismiss a librarian or, in the case of a consolidated library district, an executive director.

(c) Hold and possess the property and effects of the library in trust for the public.

(d) In the case of a county library, submit annual budgets to the board of county commissioners, containing detailed estimates of the amount of money necessary for the operation and management of the library for the next succeeding year.

(e) In the case of a consolidated, district or town library, prepare annual budgets in accordance with NRS 354.470 to 354.626, inclusive ~~[.]~~ ***, and section 8 of this act.***

(f) In the case of a consolidated library district:

(1) Administer any separate account established pursuant to NRS 354.603.

(2) Annually submit a budget to the board of county commissioners and governing body of the city for joint review and recommendation, which must contain detailed priorities and estimates of the amount of money necessary for the operation and management of the consolidated library district for the next succeeding year. Unless a majority of the members of the board of county commissioners and a majority of the members of the governing body of the city reject the budget within 21 days after it is submitted to them, the trustees shall cause copies of the final budget to be submitted to the board of county commissioners for attachment to the copy of the final budget for the county which is filed pursuant to NRS 354.59801, and to the governing body of the city for attachment to the copy of the final budget for the city which is filed pursuant to NRS 354.59801. If the budget is so rejected, the trustees shall resubmit a revised budget for joint review pursuant to this subparagraph.

(3) Submit quarterly reports to the board of county commissioners and governing body of the city concerning the budget and the programs of the library, and provide any additional information requested by either governing body as soon as is reasonably practicable after receiving the request.

(g) In the case of a district library, administer any separate account established pursuant to NRS 354.603.

(h) Establish bylaws and regulations for the management of the library and their own management.

(i) Manage all the property, real and personal, of the library.

(j) Acquire and hold real and personal property, by gift, purchase or bequest, for the library.

(k) Administer any trust declared or created for the library.

(l) Maintain or defend any action in reference to the property or affairs of the library.

2. The trustees may:

(a) Make purchases and secure rooms.

(b) Authorize the merger or, subject to the limitations in NRS 379.0221, the consolidation of a town or city library with a county library district.

(c) Invest the money in the appropriate library fund in accordance with the provisions of chapter 355 of NRS.

(d) Do all acts necessary for the orderly and efficient management and control of the library.

3. The trustees shall, as a primary goal of the consolidated library district, provide the library facilities, resources and trained staff to meet the informational needs of all residents of the district.

Sec. 13. NRS 450.650 is hereby amended to read as follows:

450.650 The board of trustees of each county hospital district shall prepare annual budgets in accordance with NRS 354.470 to 354.626, inclusive ~~[.]~~ ***, and section 8 of this act.***

Sec. 14. NRS 474.190 is hereby amended to read as follows:

474.190 1. Subject to the provisions of subsection 3, the board of directors of each county fire protection district shall prepare annual budgets in accordance with NRS 354.470 to 354.626, inclusive ~~[.]~~ ***, and section 8 of this act.***

2. The budget of a district must be based on estimates of the amount of money that will be needed to defray the expenses of the district and to meet unforeseen emergencies and the amount of a fire protection tax sufficient, together with the revenue which will result from application of the rate to the net proceeds of minerals, to raise such sums.

3. The amount of money to be raised for the purpose of establishing, equipping and maintaining the district with fire-fighting facilities must not in any 1 year exceed 1 percent of the assessed value of the property described in NRS 474.200 and any net proceeds of minerals derived from within the boundaries of the district.

Sec. 15. NRS 474.510 is hereby amended to read as follows:

474.510 1. The board of fire commissioners shall prepare an annual budget in accordance with the provisions of NRS 354.470 to 354.626, inclusive, ***and section 8 of this act,*** for each district organized in accordance with NRS 474.460.

2. Each budget must be based on estimates of the amount of money which will be needed to defray the expenses of the district and to meet unforeseen emergencies and the amount of a fire protection tax sufficient, together with the revenue which will result from application of the rate to the net proceeds of minerals, to raise such sums.

3. At the time of making the levy of county taxes for the year, the board of county commissioners shall levy the tax provided by subsection 2, upon all property, both real and personal, subject to taxation within the boundaries of the district. Any tax levied on interstate or intercounty telephone lines, power lines and other public utility lines as authorized in this section must be based upon valuations established by the Nevada Tax Commission pursuant to the provisions of NRS 361.315 to 361.330, inclusive.

4. The amount of tax to be collected for the purposes of this section must not exceed, in any 1 year, 1 percent of the value of the property described in subsection 3 and any net proceeds of minerals derived from within the boundaries of the district.

5. If levied, the tax must be entered upon the assessment roll and collected in the same manner as state and county taxes. Taxes may be paid in four approximately equal installments at the times specified in NRS 361.483, and the same penalties as specified in NRS 361.483 must be added for failure to pay the taxes.

6. For the purposes of NRS 474.460 to 474.540, inclusive, the treasurer of the district shall keep two separate funds for each district, one to be known as the district fire protection operating fund and one to be known as the district emergency fund. The money collected to defray the expenses of any district organized pursuant to NRS 474.460 must be deposited in the district

fire protection operating fund, and the money collected to meet unforeseen emergencies must be deposited in the district emergency fund. The district emergency fund must be used solely for emergencies and must not be used for regular operating expenses. The money deposited in the district emergency fund must not exceed the sum of $1,000,000. Any interest earned on the money in the district emergency fund that causes the balance in that fund to exceed $1,000,000 must be credited to the district fire protection operating fund.

7. For the purposes of subsection 6, an emergency includes, without limitation, any event that:

(a) Causes widespread or severe damage to property or injury to or the death of persons within the district;

(b) As determined by the district fire chief, requires immediate action to protect the health, safety and welfare of persons who reside within the district; and

(c) Requires the district to provide money to obtain a matching grant from an agency of the Federal Government to repair damage caused by a natural disaster that occurred within the district.

Sec. 16. This act becomes effective on July 1, 2011.

Assemblywoman Bustamante Adams moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 352.

Bill read second time.

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

Amendment No. 427.

AN ACT relating to trade practices; ~~[providing that certain persons may bring a civil action for various deceptive trade practices or other violations;]~~ providing that various actions related to certain persons with an inability to reasonably protect their rights or interests constitute a deceptive trade practice; allowing equitable relief for certain actions related to consumer fraud; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law defines activities that constitute deceptive trade practices and provides for the imposition of civil and criminal penalties against persons who engage in deceptive trade practices. (Chapter 598 of NRS) ~~[Section 1 of this bill provides that certain persons may bring a civil action for damages for deceptive trade practices and for certain other violations.]~~ **Section 3** of this bill provides that it is a deceptive trade practice knowingly to take advantage of certain persons with an inability reasonably to protect their rights or interests. **Section 10** of this bill allows equitable relief for various actions involving consumer fraud.

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

Section 1. ~~[Chapter 598 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~*1. Except as otherwise provided in subsection 2, in addition to any other remedy or penalty, if a person suffers damage as a result of a deceptive trade practice or a violation of this chapter or any regulation adopted pursuant thereto, that person may commence a civil action against any other person who engaged in the act or violation to recover statutory damages of up to $5,000 per act or violation.*~~

~~*2. A person may not be held liable in any civil action brought pursuant to this section if the person proves, by a preponderance of evidence, that the act or violation:*~~

~~*(a) Was not intentional; and*~~

~~*(b) Resulted from a bona fide error, notwithstanding the maintenance of procedures reasonably adapted to avoid any such error.*~~

~~*3. For the purposes of this section, a bona fide error includes, without limitation, clerical errors, calculation errors, computer malfunction and programming errors and printing errors, except that an error of legal judgment with respect to a person's obligations under this chapter is not a bona fide error.]*~~ **(Deleted by amendment.)**

Sec. 2. ~~[NRS 598.0903 is hereby amended to read as follows:~~

~~598.0903 As used in NRS 598.0903 to 598.0999, inclusive, *and section 1 of this act,* unless the context otherwise requires, the words and terms defined in NRS 598.0905 to 598.0947, inclusive, have the meanings ascribed to them in those sections.]~~ **(Deleted by amendment.)**

Sec. 3. NRS 598.092 is hereby amended to read as follows:

598.092 A person engages in a "deceptive trade practice" when in the course of his or her business or occupation he or she:

1. Knowingly fails to identify goods for sale or lease as being damaged by water.

2. Solicits by telephone or door to door as a lessor or seller, unless the lessor or seller identifies himself or herself, whom he or she represents and the purpose of his or her call within 30 seconds after beginning the conversation.

3. Knowingly states that services, replacement parts or repairs are needed when no such services, replacement parts or repairs are actually needed.

4. Fails to make delivery of goods or services for sale or lease within a reasonable time or to make a refund for the goods or services, if he or she allows refunds.

5. Advertises or offers an opportunity for investment and:

(a) Represents that the investment is guaranteed, secured or protected in a manner which he or she knows or has reason to know is false or misleading;

(b) Represents that the investment will earn a rate of return which he or she knows or has reason to know is false or misleading;

(c) Makes any untrue statement of a material fact or omits to state a material fact which is necessary to make another statement, considering the circumstances under which it is made, not misleading;

(d) Fails to maintain adequate records so that an investor may determine how his or her money is invested;

(e) Fails to provide information to an investor after a reasonable request for information concerning his or her investment;

(f) Fails to comply with any law or regulation for the marketing of securities or other investments; or

(g) Represents that he or she is licensed by an agency of the State to sell or offer for sale investments or services for investments if he or she is not so licensed.

6. Charges a fee for advice with respect to investment of money and fails to disclose:

(a) That he or she is selling or offering to lease goods or services and, if he or she is, their identity; or

(b) That he or she is licensed by an agency of any state or of the United States to sell or to offer for sale investments or services for investments or holds any other license related to the service he or she is providing.

7. Notifies any person, by any means, as a part of an advertising plan or scheme, that he or she has won a prize and that as a condition of receiving the prize he or she must purchase or lease goods or services.

8. Knowingly misrepresents the legal rights, obligations or remedies of a party to a transaction.

9. Fails, in a consumer transaction that is rescinded, cancelled or otherwise terminated in accordance with the terms of an agreement, advertisement, representation or provision of law, to promptly restore to a person entitled to it a deposit, down payment or other payment or, in the case of property traded in but not available, the agreed value of the property or fails to cancel within a specified time or an otherwise reasonable time an acquired security interest. This subsection does not apply to a person who is holding a deposit, down payment or other payment on behalf of another if all parties to the transaction have not agreed to the release of the deposit, down payment or other payment.

10. Fails to inform customers, if he or she does not allow refunds or exchanges, that he or she does not allow refunds or exchanges by:

(a) Printing a statement on the face of the lease or sales receipt;

(b) Printing a statement on the face of the price tag; or

(c) Posting in an open and conspicuous place a sign at least 8 by 10 inches in size with boldface letters,

➥ specifying that no refunds or exchanges are allowed.

11. Knowingly and willfully violates NRS 597.7118 or 597.7125.

12. Knowingly takes advantage of another person's inability reasonably to protect his or her own rights or interests in a consumer transaction when such an inability is due to illiteracy , or to a mental or physical infirmity or another similar condition which manifests itself as an incapability to understand the language or terms of any agreement . ~~*[or as another similar condition.]*~~

Sec. 4. ~~[NRS 598.0955 is hereby amended to read as follows:~~

~~598.0955 1. The provisions of NRS 598.0903 to 598.0999, inclusive,~~ ***and section 1 of this act*** ~~do not apply to:~~

~~(a) Conduct in compliance with the orders or rules of, or a statute administered by, a federal, state or local governmental agency.~~

~~(b) Publishers, including outdoor advertising media, advertising agencies, broadcasters or printers engaged in the dissemination of information or reproduction of printed or pictorial matter who publish, broadcast or reproduce material without knowledge of its deceptive character.~~

~~(c) Actions or appeals pending on July 1, 1973.~~

~~2. The provisions of NRS 598.0903 to 598.0999, inclusive,~~ ***and section 1 of this act*** ~~do not apply to the use by a person of any service mark, trademark, certification mark, collective mark, trade name or other trade identification which was used and not abandoned prior to July 1, 1973, if the use was in good faith and is otherwise lawful except for the provisions of NRS 598.0903 to 598.0999, inclusive~~ **[.]** ~~*, and section 1 of this act.]*~~

(Deleted by amendment.)

Sec. 5. ~~[NRS 598.096 is hereby amended to read as follows:~~

~~598.096 When the Commissioner, Director or Attorney General has cause to believe that any person has engaged or is engaging in any deceptive trade practice, he or she may:~~

~~1. Request the person to file a statement or report in writing under oath or otherwise, on such forms as may be prescribed by the Commissioner, Director~~

~~or Attorney General, as to all facts and circumstances concerning the sale or advertisement of property by the person, and such other data and information as the Commissioner, Director or Attorney General may deem necessary.~~

~~2. Examine under oath any person in connection with the sale or advertisement of any property.~~

~~3. Examine any property or sample thereof, record, book, document, account or paper as he or she may deem necessary.~~

~~4. Make true copies, at the expense of the Consumer Affairs Division of the Department of Business and Industry, of any record, book, document, account or paper examined pursuant to subsection 3, which copies may be offered into evidence in lieu of the originals thereof in actions brought pursuant to NRS 598.097 and 598.0979.~~

~~5. Pursuant to an order of any district court, impound any sample of property which is material to the deceptive trade practice and retain the property in his or her possession until completion of all proceedings as~~

~~provided in NRS 598.0903 to 598.0999, inclusive~~ **[**.**]** ~~**, *and section 1 of this act.***~~ An order may not be issued pursuant to this subsection unless:

~~(a) The Commissioner, Director or Attorney General and the court give the accused full opportunity to be heard; and~~

~~(b) The Commissioner, Director or Attorney General proves by clear and convincing evidence that the business activities of the accused will not be impaired thereby.~~**]** **(Deleted by amendment.)**

Sec. 6. **[**~~NRS 598.0971 is hereby amended to read as follows:~~

~~598.0971 1. If, after an investigation, the Commissioner has reasonable cause to believe that any person has been engaged or is engaging in any deceptive trade practice in violation of NRS 598.0903 to 598.0999, inclusive, ***and section 1 of this act,*** the Commissioner may issue an order directed to the person to show cause why the Commissioner should not order the person to cease and desist from engaging in the practice. The order must contain a statement of the charges and a notice of a hearing to be held thereon. The order must be served upon the person directly or by certified or registered mail, return receipt requested.~~

~~2. If, after conducting a hearing pursuant to the provisions of subsection 1, the Commissioner determines that the person has violated any of the provisions of NRS 598.0903 to 598.0999, inclusive, ***and section 1 of this act,*** or if the person fails to appear for the hearing after being properly served with the statement of charges and notice of hearing, the Commissioner may make a written report of his or her findings of fact concerning the violation and cause to be served a copy thereof upon the person and any intervener at the hearing. If the Commissioner determines in the report that such a violation has occurred, he or she may order the violator to:~~

~~(a) Cease and desist from engaging in the practice or other activity constituting the violation;~~

~~(b) Pay the costs of conducting the investigation, costs of conducting the hearing, costs of reporting services, fees for experts and other witnesses, charges for the rental of a hearing room if such a room is not available to the Commissioner free of charge, charges for providing an independent hearing officer, if any, and charges incurred for any service of process, if the violator is adjudicated to have committed a violation of NRS 598.0903 to 598.0999, inclusive~~ **[**~~;~~**]** ~~**, *and section 1 of this act;*** and~~

~~(c) Provide restitution for any money or property improperly received or obtained as a result of the violation.~~

~~3. The order must be served upon the person directly or by certified or registered mail, return receipt requested. The order becomes effective upon service in the manner provided in this subsection.~~

~~3. Any person whose pecuniary interests are directly and immediately affected by an order issued pursuant to subsection 2 or who is aggrieved by the order may petition for judicial review in the manner provided in chapter 233B of NRS. Such a petition must be filed within 30 days after the service of the order. The order becomes final upon the filing of the petition.~~

~~4. If a person fails to comply with any provision of an order issued pursuant to subsection 2, the Commissioner may, through the Attorney General, at any time after 30 days after the service of the order, cause an action to be instituted in the district court of the county wherein the person resides or has his or her principal place of business requesting the court to enforce the provisions of the order or to provide any other appropriate injunctive relief.~~

~~5. If the court finds that:~~

~~(a) The violation complained of is a deceptive trade practice;~~

~~(b) The proceedings by the Commissioner concerning the written report and any order issued pursuant to subsection 2 are in the interest of the public; and~~

~~(c) The findings of the Commissioner are supported by the weight of the evidence,~~

~~↵ the court shall issue an order enforcing the provisions of the order of the Commissioner.~~

~~6. Except as otherwise provided in NRS 598.0974, an order issued pursuant to subsection 5 may include:~~

~~(a) A provision requiring the payment to the Commissioner of a penalty of not more than $5,000 for each act amounting to a failure to comply with the Commissioner's order; or~~

~~(b) Such injunctive or other equitable or extraordinary relief as is determined appropriate by the court.~~

~~7. Any aggrieved party may appeal from the final judgment, order or decree of the court in a like manner as provided for appeals in civil cases.~~

~~8. Upon the violation of any judgment, order or decree issued pursuant to subsection 5 or 6, the Commissioner, after a hearing thereon, may proceed in accordance with the provisions of NRS 598.0999.~~**] (Deleted by amendment.)**

Sec. 7. **[**~~NRS 598.0975 is hereby amended to read as follows:~~

~~598.0975 1. Except as otherwise provided in subsection 3 and in subsection 1 of NRS 598.0999, all fees, civil penalties and any other money collected pursuant to the provisions of NRS 598.0903 to 598.0999, inclusive~~ **[**~~:~~**]**~~,~~ ***and section 1 of this act:***

~~(a) In an action brought by the Attorney General, Commissioner or Director, must be deposited in the State General Fund and may only be used to offset the costs of administering and enforcing the provisions of NRS 598.0903 to 598.0999, inclusive~~ **[**~~.~~**]**~~,~~ ***and section 1 of this act.***

~~(b) In an action brought by the district attorney of a county, must be deposited with the county treasurer of that county and accounted for separately in the county general fund.~~

~~2. Money in the account created pursuant to paragraph (b) of subsection 1 must be used by the district attorney of the county for:~~

~~(a) The investigation and prosecution of deceptive trade practices against elderly persons or persons with disabilities; and~~

~~(b) Programs for the education of consumers which are directed toward elderly persons or persons with disabilities, law enforcement officers, members of the judicial system, persons who provide social services and the general public.~~

~~3. The provisions of this section do not apply to:~~

~~(a) Criminal fines imposed pursuant to NRS 598.0903 to 598.0999, inclusive~~ **~~[~~**~~;~~**~~]~~** ***~~, and section 1 of this act;~~*** ~~or~~

~~(b) Restitution ordered pursuant to NRS 598.0903 to 598.0999, inclusive,~~ ***~~and section 1 of this act~~*** ~~in an action brought by the Attorney General. Money collected for restitution ordered in such an action must be deposited by the Attorney General and credited to the appropriate account of the Consumer Affairs Division of the Department of Business and Industry or the Attorney General for distribution to the person for whom the restitution was ordered.~~**~~]~~** **(Deleted by amendment.)**

Sec. 8. **~~[~~**~~NRS 598.0999 is hereby amended to read as follows:~~

~~598.0999 1. Except as otherwise provided in NRS 598.0974, a person who violates a court order or injunction issued pursuant to the provisions of NRS 598.0903 to 598.0999, inclusive,~~ ***~~and section 1 of this act,~~*** ~~upon a complaint brought by the Commissioner, the Director, the district attorney of any county of this State or the Attorney General shall forfeit and pay to the State General Fund a civil penalty of not more than $10,000 for each violation. For the purpose of this section, the court issuing the order or injunction retains jurisdiction over the action or proceeding. Such civil penalties are in addition to any other penalty or remedy available for the enforcement of the provisions of NRS 598.0903 to 598.0999, inclusive~~ **~~[~~**~~.~~**~~]~~** ***~~, and section 1 of this act.~~***

~~2. Except as otherwise provided in NRS 598.0974, in any action brought pursuant to the provisions of NRS 598.0903 to 598.0999, inclusive,~~ ***~~and section 1 of this act,~~*** ~~if the court finds that a person has willfully engaged in a deceptive trade practice, the Commissioner, the Director, the district attorney of any county in this State or the Attorney General bringing the action may recover a civil penalty not to exceed $5,000 for each violation. The court in any such action may, in addition to any other relief or reimbursement, award reasonable attorney's fees and costs.~~

~~3. A natural person, firm, or any officer or managing agent of any corporation or association who knowingly and willfully engages in a deceptive trade practice:~~

~~(a) For the first offense, is guilty of a misdemeanor.~~

~~(b) For the second offense, is guilty of a gross misdemeanor.~~

~~(c) For the third and all subsequent offenses, is guilty of a category D felony and shall be punished as provided in NRS 193.130.~~

~~➥ The court may require the natural person, firm, or officer or managing agent of the corporation or association to pay to the aggrieved party damages on all profits derived from the knowing and willful engagement in a~~

~~deceptive trade practice and treble damages on all damages suffered by reason of the deceptive trade practice.~~

~~4. Any offense which occurred within 10 years immediately preceding the date of the principal offense or after the principal offense constitutes a prior offense for the purposes of subsection 3 when evidenced by a conviction, without regard to the sequence of the offenses and convictions.~~

~~5. If a person violates any provision of NRS 598.0903 to 598.0999, inclusive, *and section 1 of this act,* 598.100 to 598.2801, inclusive, 598.305 to 598.395, inclusive, 598.405 to 598.525, inclusive, 598.741 to 598.787, inclusive, or 598.840 to 598.966, inclusive, fails to comply with a judgment or order of any court in this State concerning a violation of such a provision, or fails to comply with an assurance of discontinuance or other agreement concerning an alleged violation of such a provision, the Commissioner or the district attorney of any county may bring an action in the name of the State of Nevada seeking:~~

~~(a) The suspension of the person's privilege to conduct business within this State; or~~

~~(b) If the defendant is a corporation, dissolution of the corporation.~~

~~➥ The court may grant or deny the relief sought or may order other appropriate relief.~~

~~6. If a person violates any provision of NRS 228.500 to 228.640, inclusive, fails to comply with a judgment or order of any court in this State concerning a violation of such a provision, or fails to comply with an assurance of discontinuance or other agreement concerning an alleged violation of such a provision, the Attorney General may bring an action in the name of the State of Nevada seeking:~~

~~(a) The suspension of the person's privilege to conduct business within this State; or~~

~~(b) If the defendant is a corporation, dissolution of the corporation.~~

~~➥ The court may grant or deny the relief sought or may order other appropriate relief.~~ ***]*** **(Deleted by amendment.)**

Sec. 9. ~~[~~NRS 11.190 is hereby amended to read as follows:

~~11.190 Except as otherwise provided in NRS 125B.050 and 217.007, actions other than those for the recovery of real property, unless further limited by specific statute, may only be commenced as follows:~~

~~1. Within 6 years:~~

~~(a) An action upon a judgment or decree of any court of the United States, or of any state or territory within the United States, or the renewal thereof.~~

~~(b) An action upon a contract, obligation or liability founded upon an instrument in writing, except those mentioned in the preceding sections of this chapter.~~

~~2. Within 4 years:~~

~~(a) An action on an open account for goods, wares and merchandise sold and delivered.~~

~~(b) An action for any article charged on an account in a store.~~

~~(c) An action upon a contract, obligation or liability not founded upon an instrument in writing.~~

~~(d) An action against a person alleged to have committed a deceptive trade practice in violation of NRS 598.0903 to 598.0999, inclusive, *and section 1 of this act,* but the cause of action shall be deemed to accrue when the aggrieved party discovers, or by the exercise of due diligence should have discovered, the facts constituting the deceptive trade practice.~~

~~3. Within 3 years:~~

~~(a) An action upon a liability created by statute, other than a penalty or forfeiture.~~

~~(b) An action for waste or trespass of real property, but when the waste or trespass is committed by means of underground works upon any mining claim, the cause of action shall be deemed to accrue upon the discovery by the aggrieved party of the facts constituting the waste or trespass.~~

~~(c) An action for taking, detaining or injuring personal property, including actions for specific recovery thereof, but in all cases where the subject of the action is a domestic animal usually included in the term "livestock," which has a recorded mark or brand upon it at the time of its loss, and which strays or is stolen from the true owner without the owner's fault, the statute does not begin to run against an action for the recovery of the animal until the owner has actual knowledge of such facts as would put a reasonable person upon inquiry as to the possession thereof by the defendant.~~

~~(d) Except as otherwise provided in NRS 112.230 and 166.170, an action for relief on the ground of fraud or mistake, but the cause of action in such a case shall be deemed to accrue upon the discovery by the aggrieved party of the facts constituting the fraud or mistake.~~

~~(e) An action pursuant to NRS 40.750 for damages sustained by a financial institution or other lender because of its reliance on certain fraudulent conduct of a borrower, but the cause of action in such a case shall be deemed to accrue upon the discovery by the financial institution or other lender of the facts constituting the concealment or false statement.~~

~~4. Within 2 years:~~

~~(a) An action against a sheriff, coroner or constable upon liability incurred by acting in his or her official capacity and in virtue of his or her office, or by the omission of an official duty, including the nonpayment of money collected upon an execution.~~

~~(b) An action upon a statute for a penalty or forfeiture, where the action is given to a person or the State, or both, except when the statute imposing it prescribes a different limitation.~~

~~(c) An action for libel, slander, assault, battery, false imprisonment or seduction.~~

~~(d) An action against a sheriff or other officer for the escape of a prisoner arrested or imprisoned on civil process.~~

~~(e) Except as otherwise provided in NRS 11.215, an action to recover damages for injuries to a person or for the death of a person caused by the~~

~~wrongful act or neglect of another. The provisions of this paragraph relating to an action to recover damages for injuries to a person apply only to causes of action which accrue after March 20, 1951.~~

~~(f) An action to recover damages under NRS 41.740.~~

~~5. Within 1 year:~~

~~(a) An action against an officer, or officer de facto to recover goods, wares, merchandise or other property seized by the officer in his or her official capacity, as tax collector, or to recover the price or value of goods, wares, merchandise or other personal property so seized, or for damages for the seizure, detention or sale of, or injury to, goods, wares, merchandise or other personal property seized, or for damages done to any person or property in making the seizure.~~

~~(b) An action against an officer, or officer de facto for money paid to the officer under protest, or seized by the officer in his or her official capacity, as a collector of taxes, and which, it is claimed, ought to be refunded.~~**]** **(Deleted by amendment.)**

Sec. 10. NRS 41.600 is hereby amended to read as follows:

41.600 1. An action may be brought by any person who is a victim of consumer fraud.

2. As used in this section, "consumer fraud" means:

(a) An unlawful act as defined in NRS 119.330;

(b) An unlawful act as defined in NRS 205.2747;

(c) An act prohibited by NRS 482.36655 to 482.36667, inclusive;

(d) An act prohibited by NRS 482.351; or

(e) A deceptive trade practice as defined in NRS 598.0915 to 598.0925, inclusive.

3. If the claimant is the prevailing party, the court shall award the claimant:

(a) Any damages that the claimant has sustained; ~~[and]~~

(b) ***Any equitable relief that the court deems appropriate; and***

(c) The claimant's costs in the action and reasonable attorney's fees.

4. Any action brought pursuant to this section is not an action upon any contract underlying the original transaction.

Sec. 11. ~~[~~NRS 645B.189 is hereby amended to read as follows:

~~645B.189 1. If, in carrying on his or her business, a mortgage broker uses an advertisement that is designed, intended or reasonably likely to solicit money from private investors, the mortgage broker shall include in each such advertisement a statement of disclosure in substantially the following form:~~

~~Money invested through a mortgage broker is not guaranteed to earn any interest or return and is not insured.~~

~~2. A mortgage broker shall include in each advertisement that the mortgage broker uses in carrying on his or her business any statements of disclosure required pursuant to the regulations adopted by the Commissioner or required pursuant to an order of the Commissioner entered in accordance with subsections 7 and 8 of NRS 645B.185.~~

~~3. Each mortgage broker who has received an initial license within the past 12 months shall submit any proposed advertisement that the mortgage broker intends to use in carrying on his or her business to the Commissioner for approval.~~

~~4. In addition to the requirements set forth in this chapter, each advertisement that a mortgage broker uses in carrying on his or her business must comply with the requirements of:~~

~~(a) NRS 598.0903 to 598.0999, inclusive, *and section 1 of this act* concerning deceptive trade practices; and~~

~~(b) Any applicable federal statute or regulation concerning deceptive advertising and the advertising of interest rates.~~

~~5. If a mortgage broker violates any provision of NRS 598.0903 to 598.0999, inclusive, *and section 1 of this act* concerning deceptive trade practices or any federal statute or regulation concerning deceptive advertising or the advertising of interest rates, in addition to any sanction or penalty imposed by state or federal law upon the mortgage broker for the violation, the Commissioner may take any disciplinary action set forth in subsection 2 of NRS 645B.670 against the mortgage broker.~~

~~6. The Commissioner may adopt any regulations that are necessary to carry out the provisions of this section.~~] **(Deleted by amendment.)**

Sec. 12. This act becomes effective on July 1, 2011.

Assemblyman Atkinson moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 362.

Bill read second time.

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

Amendment No. 481.

AN ACT relating to education; establishing the Interim Task Force on Out-of-School-Time Programs; requiring the Task Force to prescribe standards for out-of-school-time programs and to make certain recommendations relating to out-of-school-time programs; exempting an out-of-school-time program from licensure and regulation as a child care facility; authorizing an out-of-school-time program to report certain information to the Bureau of Services for Child Care of the Division of Child and Family Services of the Department of Health and Human Services; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 2 of this bill defines an "out-of-school-time program" as a program that operates for 10 or more hours per week, **is offered on a continuing basis,** provides supervision of children **who are of school age** and provides regularly scheduled, structured and supervised activities where learning opportunities take place during times when a child is not in school.

~~[Section 3 of this bill authorizes but does not require an out-of-school-time program to report certain information to the Bureau of Services for Child Care of the Division of Child and Family Services of the Department of Health and Human Services.]~~ **Section 5** of this bill exempts an out-of-school-time program from the licensing requirements for and regulation as a child care facility by excluding an out-of-school-time program from the definition of a "child care facility." **Sections 6-8** of this bill ensure that the existing definition of "child care facility" is not changed for certain other purposes.

Section 9 of this bill establishes the Interim Task Force on Out-of-School-Time Programs and requires the Task Force to prescribe standards for out-of-school-time programs and make certain other recommendations concerning out-of-school-time programs. **Section 9** also requires the Task Force to submit a report of its recommendations to the Governor and to the Director of the Legislative Counsel Bureau for transmittal to the 77th Session of the Nevada Legislature.

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

Section 1. Chapter 432A of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. ***1. "Out-of-school-time program" means a program that operates for 10 or more hours per week, is offered on a continuing basis, provides supervision of children who are of school age and provides regularly scheduled, structured and supervised activities where learning opportunities take place:***

~~[1.]~~ (a) Before or after school;

~~[2.]~~ (b) During the summer or other seasonal breaks in the school calendar; or

~~[3.]~~ (c) Between sessions for children who attend a school which operates on a year-round calendar.

2. The term does not include programs for children which have a single focus or activity, which may include, without limitation, religious education, instruction in music, participation in a sport, tutoring or participation in a club.

Sec. 3. ***~~[An out-of-school-time program may report to the Bureau such information as the program determines would be helpful to the Bureau in carrying out its duties pursuant to this chapter.]~~*** **(Deleted by amendment.)**

Sec. 4. NRS 432A.020 is hereby amended to read as follows:

432A.020 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 432A.0205 to 432A.028, inclusive, ***and section 2 of this act*** have the meanings ascribed to them in those sections.

Sec. 5. NRS 432A.024 is hereby amended to read as follows:

432A.024 1. "Child care facility" means:

(a) An establishment operated and maintained for the purpose of furnishing care on a temporary or permanent basis, during the day or

overnight, to five or more children under 18 years of age, if compensation is received for the care of any of those children;

(b) An on-site child care facility;

(c) A child care institution; or

(d) An outdoor youth program.

2. "Child care facility" does not include:

(a) The home of a natural parent or guardian, foster home as defined in NRS 424.014 or maternity home;

(b) A home in which the only children received, cared for and maintained are related within the third degree of consanguinity or affinity by blood, adoption or marriage to the person operating the facility; ~~[or]~~

(c) A home in which a person provides care for the children of a friend or neighbor for not more than 4 weeks if the person who provides the care does not regularly engage in that activity ~~[.]~~ ***; or***

(d) A location at which an out-of-school-time program is operated.

Sec. 6. NRS 202.2483 is hereby amended to read as follows:

202.2483 1. Except as otherwise provided in subsection 3, smoking tobacco in any form is prohibited within indoor places of employment including, but not limited to, the following:

(a) Child care facilities;

(b) Movie theatres;

(c) Video arcades;

(d) Government buildings and public places;

(e) Malls and retail establishments;

(f) All areas of grocery stores; and

(g) All indoor areas within restaurants.

2. Without exception, smoking tobacco in any form is prohibited within school buildings and on school property.

3. Smoking tobacco is not prohibited in:

(a) Areas within casinos where loitering by minors is already prohibited by state law pursuant to NRS 463.350;

(b) Stand-alone bars, taverns and saloons;

(c) Strip clubs or brothels;

(d) Retail tobacco stores;

(e) Private residences, including private residences which may serve as an office workplace, except if used as a child care, an adult day care or a health care facility; and

(f) The area of a convention facility in which a meeting or trade show is being held, during the time the meeting or trade show is occurring, if the meeting or trade show:

(1) Is not open to the public;

(2) Is being produced or organized by a business relating to tobacco or a professional association for convenience stores; and

(3) Involves the display of tobacco products.

4. In areas or establishments where smoking is not prohibited by this section, nothing in state law shall be construed to prohibit the owners of said establishments from voluntarily creating nonsmoking sections or designating the entire establishment as smoke free.

5. Nothing in state law shall be construed to restrict local control or otherwise prohibit a county, city or town from adopting and enforcing local tobacco control measures that meet or exceed the minimum applicable standards set forth in this section.

6. "No Smoking" signs or the international "No Smoking" symbol shall be clearly and conspicuously posted in every public place and place of employment where smoking is prohibited by this section. Each public place and place of employment where smoking is prohibited shall post, at every entrance, a conspicuous sign clearly stating that smoking is prohibited. All ashtrays and other smoking paraphernalia shall be removed from any area where smoking is prohibited.

7. Health authorities, police officers of cities or towns, sheriffs and their deputies shall, within their respective jurisdictions, enforce the provisions of this section and shall issue citations for violations of this section pursuant to NRS 202.2492 and 202.24925.

8. No person or employer shall retaliate against an employee, applicant or customer for exercising any rights afforded by, or attempts to prosecute a violation of, this section.

9. For the purposes of this section, the following terms have the following definitions:

(a) "Casino" means an entity that contains a building or large room devoted to gambling games or wagering on a variety of events. A casino must possess a nonrestricted gaming license as described in NRS 463.0177 and typically uses the word 'casino' as part of its proper name.

(b) "Child care facility" has the meaning ascribed to it in NRS ~~[432A.024.]~~ ***441A.030.***

(c) "Completely enclosed area" means an area that is enclosed on all sides by any combination of solid walls, windows or doors that extend from the floor to the ceiling.

(d) "Government building" means any building or office space owned or occupied by:

(1) Any component of the Nevada System of Higher Education and used for any purpose related to the System;

(2) The State of Nevada and used for any public purpose; or

(3) Any county, city, school district or other political subdivision of the State and used for any public purpose.

(e) "Health authority" has the meaning ascribed to it in NRS 202.2485.

(f) "Incidental food service or sales" means the service of prepackaged food items including, but not limited to, peanuts, popcorn, chips, pretzels or any other incidental food items that are exempt from food licensing requirements pursuant to subsection 2 of NRS 446.870.

(g) "Place of employment" means any enclosed area under the control of a public or private employer which employees frequent during the course of employment including, but not limited to, work areas, restrooms, hallways, employee lounges, cafeterias, conference and meeting rooms, lobbies and reception areas.

(h) "Public places" means any enclosed areas to which the public is invited or in which the public is permitted.

(i) "Restaurant" means a business which gives or offers for sale food, with or without alcoholic beverages, to the public, guests or employees, as well as kitchens and catering facilities in which food is prepared on the premises for serving elsewhere.

(j) "Retail tobacco store" means a retail store utilized primarily for the sale of tobacco products and accessories and in which the sale of other products is merely incidental.

(k) "School building" means all buildings on the grounds of any public school described in NRS 388.020 and any private school as defined in NRS 394.103.

(l) "School property" means the grounds of any public school described in NRS 388.020 and any private school as defined in NRS 394.103.

(m) "Stand-alone bar, tavern or saloon" means an establishment devoted primarily to the sale of alcoholic beverages to be consumed on the premises, in which food service is incidental to its operation, and provided that smoke from such establishments does not infiltrate into areas where smoking is prohibited under the provisions of this section. In addition, a stand-alone bar, tavern or saloon must be housed in either:

(1) A physically independent building that does not share a common entryway or indoor area with a restaurant, public place or any other indoor workplaces where smoking is prohibited by this section; or

(2) A completely enclosed area of a larger structure, such as a strip mall or an airport, provided that indoor windows must remain shut at all times and doors must remain closed when not actively in use.

(n) "Video arcade" has the meaning ascribed to it in paragraph (d) of subsection 3 of NRS 453.3345.

10. Any statute or regulation inconsistent with this section is null and void.

11. The provisions of this section are severable. If any provision of this section or the application thereof is declared by a court of competent jurisdiction to be invalid or unconstitutional, such declaration shall not affect the validity of the section as a whole or any provision thereof other than the part declared to be invalid or unconstitutional.

Sec. 7. NRS 441A.030 is hereby amended to read as follows:

441A.030 ***1.*** **"**Child care facility" **[**~~has the meaning ascribed to it in NRS 432A.024.~~**]** ***means:***

(a) An establishment operated and maintained for the purpose of furnishing care on a temporary or permanent basis, during the day or

overnight, to five or more children under 18 years of age, if compensation is received for the care of any of those children;

(b) An on-site child care facility as defined in NRS 432A.0275;

(c) A child care institution as defined in NRS 432A.0245; or

(d) An outdoor youth program as defined in NRS 432A.028.

2. "Child care facility" does not include:

(a) The home of a natural parent or guardian, foster home as defined in NRS 424.014 or maternity home;

(b) A home in which the only children received, cared for and maintained are related within the third degree of consanguinity or affinity by blood, adoption or marriage to the person operating the facility; or

(c) A home in which a person provides care for the children of a friend or neighbor for not more than 4 weeks if the person who provides the care does not regularly engage in that activity.

Sec. 8. NRS 444.065 is hereby amended to read as follows:

444.065 1. Except as otherwise provided in subsection 2, as used in NRS 444.065 to 444.120, inclusive, "public swimming pool" means any structure containing an artificial body of water that is intended to be used collectively by persons for swimming or bathing, regardless of whether a fee is charged for its use.

2. The term does not include any such structure at:

(a) A private residence if the structure is controlled by the owner or other authorized occupant of the residence and the use of the structure is limited to members of the family of the owner or authorized occupant of the residence or invited guests of the owner or authorized occupant of the residence.

(b) A family foster home as defined in NRS 424.013.

(c) A child care facility, as defined in NRS ~~[~~432A.024,~~]~~ ***441A.030,*** furnishing care to 12 children or less.

(d) Any other residence or facility as determined by the State Board of Health.

(e) Any location if the structure is a privately owned pool used by members of a private club or invited guests of the members.

Sec. 9. 1. There is hereby created the Interim Task Force on Out-of-School-Time Programs. The Task Force is composed of the following ~~[~~nine~~]~~ ***12*** members:

(a) A representative of the Bureau of Services for Child Care of the Division of Child and Family Services of the Department of Health and Human Services, appointed by the Administrator of the Division;

(b) A representative of local governmental agencies that provide public services for children, appointed by the Nevada Association of Counties or its successor organization;

(c) A representative of the Nevada System of Higher Education, appointed by the Board of Regents of the University of Nevada;

(d) A representative of the public schools in this State, appointed by the State Board of Education;

(e) A representative of a national nonprofit organization that provides services to children, appointed by the Legislative Commission;

(f) A representative of a nonprofit organization that is located in Nevada and provides services to children, appointed by the Legislative Commission;

(g) ***A representative of a nonprofit organization that is located in Nevada and provides support to an out-of-school-time program, appointed by the Legislative Commission;***

(h) A representative of a private, for profit organization that is located in Nevada and provides services to children, appointed by the Legislative Commission;

(i) A representative of an agency that provides resources and referrals to out-of-school-time programs, appointed by the Legislative Commission;

(j) A representative of a faith-based organization that provides services to children, appointed by the Legislative Commission; and

~~[(h)]~~ ***(k)*** Two members who are parents of children in this State, appointed by the Legislative Commission.

2. The Administrator of the Division of Child and Family Services of the Department of Health and Human Services, the Nevada Association of Counties, the Board of Regents of the University of Nevada, the State Board of Education and the Legislative Commission shall appoint the members of the Task Force as soon as practicable after July 1, 2011. A vacancy on the Task Force must be filled in the same manner as the original appointment.

3. The Task Force shall meet on or before October 1, 2011, and at its first meeting the members of the Task Force shall elect a Chair from among the members. A majority of the members of the Task Force constitutes a quorum for the transaction of business, and a majority of those members present at any meeting is sufficient for any official action taken by the Task Force.

4. The Task Force shall meet at least once every 3 months and at the call of the Chair or a majority of the members of the Task Force.

5. Each member of the Task Force serves without compensation. Each member of the Task Force who is an officer or employee of the State or a local government must be relieved from his or her duties without loss of his or her regular compensation to prepare for and attend meetings of the Task Force and perform any work necessary to carry out the duties of the Task Force in the most timely manner practicable. A state agency or local government shall not require an officer or employee who is a member of the Task Force to make up the time the member is absent from work to carry out his or her duties as a member and shall not require the member to take annual vacation or compensatory time for the absence.

6. The Bureau of Services for Child Care of the Division of Child and Family Services of the Department of Health and Human Services shall provide administrative support to the Task Force ~~[.]~~ ***and may accept assistance from a nonprofit organization in providing such support.***

7. The Task Force shall:

(a) Prescribe standards for out-of-school-time programs;

(b) Make recommendations concerning out-of-school-time programs and the implementation of the standards prescribed by the Task Force, including, without limitation, recommendations for a pilot program for the standards; and

(c) Make recommendations concerning whether out-of-school-time programs should be licensed and regulated by the Bureau of Services for Child Care.

8. The Task Force shall, on or before June 30, 2012, submit a report to the Governor and to the Director of the Legislative Counsel Bureau for transmittal to the 77th Session of the Nevada Legislature. The report must include, without limitation:

(a) A full and detailed description of the standards for out-of-school-time programs prescribed by the Task Force;

(b) Recommendations concerning the establishment of a pilot program for the standards prescribed by the Task Force;

(c) Recommendations concerning whether out-of-school-time programs should be licensed and regulated by the Bureau of Services for Child Care; and

(d) Any other recommendations for legislation relating to out-of-school-time programs.

9. ***An out-of-school-time program may register with the Bureau of Services for Child Care or other entity designated by the Bureau. By registering with the Bureau, the out-of-school-time program agrees to comply with the standards established by the Task Force and to participate in any pilot project established pursuant to subsection 8.***

10. As used in this section, "out-of-school-time program" has the meaning ascribed to it in section 2 of this act.

Sec. 10. 1. This act becomes effective on July 1, 2011.

2. Section 9 of this act expires by limitation on June 30, ~~[~~2012.~~]~~ **2013.**

Assemblywoman Mastroluca moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 384.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 318.

SUMMARY— ~~[~~Repeals~~]~~ **Revises** provisions governing certain duties of engineers who drive locomotives. (BDR 58-978)

AN ACT relating to railroads; ~~[~~repealing~~]~~ **exempting an engineer who is driving a locomotive in a quiet zone established pursuant to federal regulations from** provisions requiring the ringing of ~~[~~a~~]~~ **the** bell or **the**

sounding of ~~[a]~~ **the** whistle of ~~[a]~~ **the** locomotive **;** ~~[under certain circumstances;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The Federal Railroad Administration of the United States Department of Transportation prescribes standards for sounding locomotive horns when locomotives approach and pass through public highway-rail grade crossings. The Federal Railroad Administration also provides standards for the creation and maintenance of quiet zones within which locomotive horns need not be sounded. (49 C.F.R. Part 222)

Under existing Nevada law, an engineer who drives a locomotive is guilty of a misdemeanor if he or she fails to ring the bell or sound the whistle of the locomotive at least 80 rods from any place where the railway crosses a traveled road or street. (NRS 705.430) This bill ~~[repeals]~~ **exempts from** this state law requirement ~~[, which means that an engineer who drives a locomotive would be required to follow the federal law relating to circumstances for sounding the horn of a locomotive.]~~ **an engineer who drives a locomotive through a quiet zone established pursuant to federal regulations.**

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

Section 1. ~~[NRS 705.430 is hereby repealed.]~~ **(Deleted by amendment.)**

Sec. 2. **NRS 705.430 is hereby amended to read as follows:**

705.430 ~~[Every]~~

1. Except as otherwise provided in subsection 2, every engineer driving a locomotive on any railway who ~~[shall fail]~~ ***fails*** to ring the bell or sound the whistle ***or horn*** upon ~~[such]~~ ***the*** locomotive ~~[,]~~ or ***to*** cause the ~~[same]~~ ***bell, whistle or horn*** to be rung or sounded ~~[,]~~ at least 80 rods from any place where ~~[such]~~ ***the*** railway crosses a traveled road or street ~~[, where such road or street]~~ ***that*** is customarily used by the public for the purpose of travel **,** ~~[(except in cities where other regulations are required),]~~ or ***who fails*** to continue the ringing of ~~[such]~~ ***the*** bell or ***the*** sounding of ~~[such]~~ ***the*** whistle ***or horn*** until ~~[such]~~ ***the*** locomotive ~~[shall have]~~ ***has*** crossed ~~[such]~~ ***the*** road or street, ~~[shall be]~~ ***is*** guilty of a misdemeanor.

2. The provisions of subsection 1 do not apply in any quiet zone established pursuant to regulations of the Federal Railroad Administration of the United States Department of Transportation.

3. As used in this section, "quiet zone" has the meaning ascribed to it in 49 C.F.R. 222.9.

~~[~~

~~TEXT OF REPEALED SECTION~~

~~705.430 Penalty for unlawful failure to ring bell or sound whistle at crossing. Every engineer driving a locomotive on any railway who shall fail to ring the bell or sound the whistle upon such locomotive, or cause the~~

~~same to be rung or sounded, at least 80 rods from any place where such railway crosses a traveled road or street, where such road or street is customarily used by the public for the purpose of travel (except in cities where other regulations are required), or to continue the ringing of such bell or sounding of such whistle until such locomotive shall have crossed such road or street, shall be guilty of a misdemeanor.]~~

Assemblywoman Dondero Loop moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 400.

Bill read second time.

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

Amendment No. 396.

AN ACT relating to unincorporated towns; requiring the election of **the** members of ~~[a]~~ **certain** town advisory ~~[board]~~ **boards** in a county whose population is ~~[400,000]~~ **700,000** or more; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the board of county commissioners of a county whose population is ~~[400,000]~~ **700,000** or more (currently Clark County), when enacting an ordinance to establish an unincorporated town, may choose to either appoint the members of the town advisory board or to allow the registered voters of the unincorporated town to elect the members of the town advisory board. (NRS 269.576) This bill requires the members of a town advisory board for an unincorporated town **that is** in a county whose population is ~~[400,000]~~ **700,000 or more (currently Clark County) and that is located 25 miles or more from an incorporated city whose population is 500,000** or more **(currently Las Vegas)** to be elected by the registered voters of the unincorporated town.

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

Section 1. NRS 269.563 is hereby amended to read as follows:

269.563 1. The board of county commissioners of a county whose population is ~~[400,000]~~ ***700,000*** or more may provide by ordinance for the formation of an unincorporated town in an area that contains no residents if all of the owners of land within the boundaries of the proposed unincorporated town so request in writing. The written request of the owners must include the statement that the owners consent to be taxed for the services to be listed in the ordinance. If any owner withdraws his or her consent before adoption of the ordinance creating the unincorporated town, the owner's property must be excluded in fixing the boundaries of the town.

2. The ordinance must contain clear designation of the boundaries of the unincorporated town and the boundaries of any area which may be annexed into the unincorporated town, a listing of services to be provided, the number of members to serve on the town advisory board and the conditions that must be satisfied before appointment ***or election*** of the first town advisory board. These conditions may include, without limitation, the number of residents, the level of services being provided and the extent of improvements in place.

Sec. 2. NRS 269.576 is hereby amended to read as follows:

269.576 1. Except as appointment ***or election*** may be deferred pursuant to NRS 269.563 ~~[,]~~ ***and except as otherwise provided in subsection 6,*** the board of county commissioners of any county whose population is ~~[400,000]~~ ***700,000*** or more shall, in each ordinance which establishes an unincorporated town pursuant to NRS 269.500 to 269.625, inclusive, provide for:

(a) Appointment by the board of county commissioners or the ~~*[The]*~~ election by the registered voters of the unincorporated town of three or five qualified electors who are residents of the unincorporated town to serve as the town advisory board. If the ordinance provides for appointment by the board of county commissioners, in making such appointments, the board of county commissioners shall consider:

(1) The results of any poll conducted by the town advisory board; and

(2) Any application submitted to the board of county commissioners by persons who desire to be appointed to the town advisory board in response to an announcement made by the town advisory board.

(b) A term of 2 years for members of the town advisory board.

(c) Election of a chair from among the members of the town advisory board for a term of 2 years, and, if a vacancy occurs in the office of chair, for the election of a chair from among the members for the remainder of the unexpired term. The ordinance must also provide that a chair is not eligible to succeed himself or herself for a term of office as chair.

2. ~~[~~The~~]~~ ***Except as otherwise provided in subsection 6, the*** members of a town advisory board serve at the pleasure of the board of county commissioners. If a ~~[~~member is removed,~~]~~ ***vacancy occurs on the town advisory board,*** the board of county commissioners shall appoint a new member to serve out the remainder of the unexpired term ***.*** ~~[~~of the member who was removed.~~]~~

3. The board of county commissioners shall provide notice of the expiration of the term of a member of and any vacancy on a town advisory board to the residents of the unincorporated town by mail, newsletter or newspaper at least 30 days before the expiration of the term or filling the vacancy.

4. The duties of the town advisory board are to:

(a) Assist the board of county commissioners in governing the unincorporated town by acting as liaison between the residents of the town and the board of county commissioners; and

(b) Advise the board of county commissioners on matters of importance to the unincorporated town and its residents.

5. The board of county commissioners may provide by ordinance for compensation for the members of the town advisory board.

6. If an unincorporated town is established in a county whose population is 700,000 or more and is located 25 miles or more from an incorporated city whose population is 500,000 or more:

(a) The board of county commissioners shall by ordinance provide for the election by the registered voters of the unincorporated town of three or five qualified electors who are residents of the unincorporated town to serve as the town advisory board. If there are fewer qualified electors who are residents of the unincorporated town who file for election to the town advisory board than there are seats on the town advisory board, the board of county commissioners shall appoint as many new members as are necessary to fill the seats left vacant after the election.

(b) The members of the town advisory board of the unincorporated town do not serve at the pleasure of and may not be removed by the board of county commissioners.

(c) If a vacancy occurs on the town advisory board, the board of county commissioners shall appoint a new member to serve out the remainder of the unexpired term.

Sec. 3. The amendatory provisions of this act do not affect the current term of appointment or election for any person who, on October 1, 2011, is a member of a town advisory board in a county whose population is ~~[400,000]~~ **700,000** or more.

Assemblywoman Bustamante Adams moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 408.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 450.

AN ACT relating to the administration of justice; restricting the use of restraints on pregnant females who are in confinement; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Sections 1 and 2 of this bill ~~[permit only the least restrictive restraints which are necessary to ensure safety and security to be used on a prisoner when a state, local or private correctional institution or facility knows that a prisoner is in the second or third trimester of pregnancy. Additionally, sections 1 and 2]~~ prohibit the use of restraints on a prisoner who is in labor, delivering a baby or recuperating from delivery unless the prisoner presents a risk of harm or flight. If restraints are used on a prisoner who is in labor,

delivering a baby or recuperating from delivery, the restraints used must be the least restrictive restraints which are necessary to ensure safety and security.

Sections 3 and 4 of this bill provide for the same ~~[~~limitations and~~]~~ prohibitions **and limitations** on the use of restraints on pregnant children confined in a state, local or private facility or institution for the detention of children.

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

Section 1. Chapter 209 of NRS is hereby amended by adding thereto a new section to read as follows:

1. ~~*[Only the least restrictive restraints which are necessary to ensure safety and security may be used on an offender when a facility or institution at which the offender is confined has actual or constructive knowledge that the offender is in the second or third trimester of pregnancy.*~~

~~*2.]*~~ ***No restraints of any kind may be used on an offender who is in labor, delivering her baby or recuperating from delivery unless there are compelling reasons to believe that the offender presents:***

(a) A serious and immediate threat of harm to herself, staff or others; or

(b) A substantial flight risk and cannot be reasonably confined by other means.

~~*[3.]*~~ ***2. If an offender who is in labor, delivering her baby or recuperating from delivery is restrained, only the least restrictive restraints which are necessary to ensure safety and security may be used.***

~~*[4. As used in this section, the term "facility or institution" includes a private facility or institution.]*~~

Sec. 2. Chapter 211 of NRS is hereby amended by adding thereto a new section to read as follows:

1. ~~*[Only the least restrictive restraints which are necessary to ensure safety and security may be used on a prisoner when a jail or detention facility at which the prisoner is confined has actual or constructive knowledge that the prisoner is in the second or third trimester of pregnancy.*~~

~~*2.]*~~ ***No restraints of any kind may be used on a prisoner who is in labor, delivering her baby or recuperating from delivery unless there are compelling reasons to believe that the prisoner presents:***

(a) A serious and immediate threat of harm to herself, staff or others; or

(b) A substantial flight risk and cannot be reasonably confined by other means.

~~*[3.]*~~ ***2. If a prisoner who is in labor, delivering her baby or recuperating from delivery is restrained, only the least restrictive restraints which are necessary to ensure safety and security may be used.***

Sec. 3. Chapter 62B of NRS is hereby amended by adding thereto a new section to read as follows:

1. ***~~[Only the least restrictive restraints which are necessary to ensure safety and security may be used on a child in the custody of a public or private institution or agency when the institution or agency has actual or constructive knowledge that the child is in the second or third trimester of pregnancy.~~***

~~2.]~~ ***No restraints of any kind may be used on a child who is in labor, delivering her baby or recuperating from delivery unless there are compelling reasons to believe that the child presents:***

(a) A serious and immediate threat of harm to herself, staff or others; or

(b) A substantial flight risk and cannot be reasonably confined by other means.

~~[3.]~~ ***2. If a child who is in labor, delivering her baby or recuperating from delivery is restrained, only the least restrictive restraints which are necessary to ensure safety and security may be used.***

Sec. 4. Chapter 63 of NRS is hereby amended by adding thereto a new section to read as follows:

1. ***~~[Only the least restrictive restraints which are necessary to ensure safety and security may be used on a child in a facility when the facility has actual or constructive knowledge that the child is in the second or third trimester of pregnancy.~~***

~~2.]~~ ***No restraints of any kind may be used on a child who is in labor, delivering her baby or recuperating from delivery unless there are compelling reasons to believe that the child presents:***

(a) A serious and immediate threat of harm to herself, staff or others; or

(b) A substantial flight risk and cannot be reasonably confined by other means.

~~[3.]~~ ***2. If a child who is in labor, delivering her baby or recuperating from delivery is restrained, only the least restrictive restraints which are necessary to ensure safety and security may be used.***

Assemblyman Ohrenschall moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 410.

Bill read second time.

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

Amendment No. 397.

AN ACT relating to water; requiring that protests against the granting of certain applications relating to water rights by a government, governmental agency or political subdivision of a government be verified or signed by the person in charge of the government, agency or political subdivision; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Under existing law, any interested person, including a governmental entity, is authorized to file a written protest with the State Engineer against the granting of an application for a permit to appropriate water or to change the place of diversion, the manner of use or the place of use of water already appropriated. (NRS 533.010, 533.325, 533.365) In addition, any person, including a governmental entity, who may be adversely affected by a project for the recharge, storage and recovery of water is authorized under existing law to file a written protest with the State Engineer against the granting of an application for a permit to operate the project. (NRS 534.014, 534.250, 534.270)

This bill requires that any protest which is filed by a government, governmental agency or political subdivision against the granting of an application for a permit to change the place of diversion, the manner of use or the place of use of water already appropriated within the same basin or for a permit to operate a project for the recharge, storage and recovery of water be verified or signed by the director, administrator, chief, head or other person in charge of that government, governmental agency or political subdivision. However, this bill does not change the requirements under existing law for a protest by a government, governmental agency or political subdivision against the granting of an application for a permit to appropriate water or an application that involves an interbasin transfer of groundwater. (NRS 533.365)

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

Section 1. NRS 533.365 is hereby amended to read as follows:

533.365 1. Any person interested may, within 30 days after the date of last publication of the notice of application, file with the State Engineer a written protest against the granting of the application, setting forth with reasonable certainty the grounds of such protest, which ***, except as otherwise provided in subsection 2,*** must be verified by the affidavit of the protestant, or an agent or attorney thereof.

2. ***If the application is for a permit to change the place of diversion, manner of use or place of use of water already appropriated within the same basin, a protest filed against the granting of such an application by a government, governmental agency or political subdivision of a government must be verified by the affidavit of:***

(a) Except as otherwise provided in paragraph (b), the director, administrator, chief, head or other person in charge of the government, governmental agency or political subdivision; or

(b) If the governmental agency or political subdivision is a division or other part of a department, the director or other person in charge of that department ~~[,]~~ ***in this State, including, without limitation:***

(1) The ~~*[Secretary of Agriculture,]*~~ ***Forest Supervisor for the Humboldt-Toiyabe National Forest, if the protest is filed by the United States Forest Service;***

(2) The ~~*[Secretary of the Interior,]*~~ ***State Director of the Nevada State Office of the Bureau of Land Management, if the protest is filed by the Bureau of Land Management*** ~~*[or]*~~ ***;***

(3) The Regional Director of the Pacific Southwest Region, if the protest is filed by the United States Fish and Wildlife Service;

~~*[(3)]*~~ ***(4) The Director of the State Department of Conservation and Natural Resources, if the protest is filed by any division of that Department; or***

~~*[(4)]*~~ ***(5) The chair of the board of county commissioners, if the protest is filed by a county.***

3. On receipt of a protest ~~[,]~~ ***that complies with the requirements of subsection 1 or 2,*** the State Engineer shall advise the applicant whose application has been protested of the fact that the protest has been filed with the State Engineer, which advice must be sent by certified mail.

~~[3.]~~ ***4.*** The State Engineer shall consider the protest, and may, in his or her discretion, hold hearings and require the filing of such evidence as the State Engineer may deem necessary to a full understanding of the rights involved. The State Engineer shall give notice of the hearing by certified mail to both the applicant and the protestant. The notice must state the time and place at which the hearing is to be held and must be mailed at least 15 days before the date set for the hearing.

~~[4.]~~ ***5.*** Each applicant and each protestant shall, in accordance with a schedule established by the State Engineer, provide to the State Engineer and to each protestant and each applicant information required by the State Engineer relating to the application or protest.

~~[5.]~~ ***6.*** If the State Engineer holds a hearing pursuant to subsection ~~[3,]~~ ***4,*** the State Engineer shall render a decision on each application not later than 240 days after the later of:

(a) The date all transcripts of the hearing become available to the State Engineer; or

(b) The date specified by the State Engineer for the filing of any additional information, evidence, studies or compilations requested by the State Engineer. The State Engineer may, for good cause shown, extend any applicable period.

~~[6.]~~ ***7.*** The State Engineer shall adopt rules of practice regarding the conduct of a hearing held pursuant to subsection ~~[3.]~~ ***4.*** The rules of practice must be adopted in accordance with the provisions of NRS 233B.040 to 233B.120, inclusive, and codified in the Nevada Administrative Code. The technical rules of evidence do not apply at such a hearing.

~~[7.]~~ ***8.*** The provisions of this section do not prohibit the noticing of a new period of 45 days in which a person may file with the State Engineer a

written protest against the granting of the application, if such notification is required to be given pursuant to subsection 8 of NRS 533.370.

Sec. 2. NRS 534.270 is hereby amended to read as follows:

534.270 1. Upon receipt of an application for a permit to operate a project, the State Engineer shall endorse on the application the date it was received and keep a record of the application. The State Engineer shall conduct an initial review of the application within 45 days after receipt of the application. If the State Engineer determines in the initial review that the application is incomplete, the State Engineer shall notify the applicant. The application is incomplete until the applicant files all the information requested in the application. The State Engineer shall determine whether the application is correct within 180 days after receipt of a complete application. The State Engineer may request additional information from the applicant. The State Engineer may conduct such independent investigations as are necessary to determine whether the application should be approved or rejected.

2. If the application is determined to be complete and correct, the State Engineer, within 30 days after such a determination or a longer period if requested by the applicant, shall cause notice of the application to be given once each week for 2 consecutive weeks in a newspaper of general circulation in the county or counties in which persons reside who could reasonably be expected to be affected by the project. The notice must state:

(a) The legal description of the location of the proposed project;

(b) A brief description of the proposed project including its capacity;

(c) That any person who may be adversely affected by the project may file a written protest with the State Engineer within 30 days after the last publication of the notice;

(d) The date of the last publication;

(e) That the grounds for protesting the project are limited to whether the project would be in compliance with subsection 2 of NRS 534.250;

(f) The name of the applicant; and

(g) That a protest must:

(1) State the name and mailing address of the protester;

(2) Clearly set forth the reason why the permit should not be issued; and

(3) Be signed by the protester or the protester's agent or attorney ~~[.]~~ ***or, if the protester is a government, governmental agency or political subdivision of a government, be approved and signed in the manner specified in paragraph (g) of subsection 3.***

3. A protest to a proposed project:

(a) May be made by any person who may be adversely affected by the project;

(b) Must be in writing;

(c) Must be filed with the State Engineer within 30 days after the last publication of the notice;

(d) Must be upon a ground listed in subsection 2 of NRS 534.250;

(e) Must state the name and mailing address of the protester;

(f) Must clearly set forth the reason why the permit should not be issued; and

(g) ~~[~~Must~~]~~ ***Except as otherwise provided in this paragraph, must*** be signed by the protester or the protester's agent or attorney. ***If the protester is a government, governmental agency or political subdivision of a government, the protest must be:***

(1) Except as otherwise provided in subparagraph (2), approved and signed by the director, administrator, chief, head or other person in charge of the government, governmental agency or political subdivision; or

(2) If the governmental agency or political subdivision is a division or other part of a department, approved and signed by the director or other person in charge of that department ~~*[,]*~~ ***in this State, including, without limitation:***

(I) The ~~*[Secretary of Agriculture,]*~~ ***Forest Supervisor for the Humboldt-Toiyabe National Forest, if the protest is filed by the United States Forest Service;***

(II) The ~~*[Secretary of the Interior,]*~~ ***State Director of the Nevada State Office of the Bureau of Land Management, if the protest is filed by the Bureau of Land Management*** ~~*[or]*~~ ***;***

(III) The Regional Director of the Pacific Southwest Region, if the protest is filed by the United States Fish and Wildlife Service;

~~*[(III)]*~~ ***(IV) The Director of the State Department of Conservation and Natural Resources, if the protest is filed by any division of that Department; or***

~~*[(IV)]*~~ ***(V) The chair of the board of county commissioners, if the protest is filed by a county.***

4. Upon receipt of a protest, the State Engineer shall advise the applicant by certified mail that a protest has been filed.

5. Upon receipt of a protest, or upon the motion of the State Engineer, the State Engineer may hold a hearing. Not less than 30 days before the hearing, the State Engineer shall send by certified mail notice of the hearing to the applicant and any person who filed a protest.

6. The State Engineer shall either approve or deny each application within 1 year after the final date for filing a protest, unless the State Engineer has received a written request from the applicant to postpone making a decision or, in the case of a protested application, from both the protester and the applicant. The State Engineer may delay action on the application pursuant to paragraph (c) of subsection 2 of NRS 533.370.

7. Any person aggrieved by any decision of the State Engineer made pursuant to subsection 6 may appeal that decision to the district court pursuant to NRS 533.450.

Sec. 3. This act becomes effective on July 1, 2011.

Assemblywoman Bustamante Adams moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 413.

Bill read second time.

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

Amendment No. 175.

AN ACT relating to public works; making various changes relating to the withholding of retainage on progress payments for public works contracts; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires a public body to withhold as retainage at least 10 percent of the progress payments owed to a contractor on a public works project during the first half of the project. (NRS 338.515) Similarly, contractors and subcontractors may withhold as retainage not more than 10 percent of progress payments to their subcontractors and suppliers during the first half of the public works project. (NRS 338.555, 338.595) **Sections 1, 3 and 5** of this bill revise the maximum amount of retainage that may be withheld during the first half of the project to 5 percent of the progress payment. **Sections 1, 3 and 5** also provide that, except under limited circumstances, the amount of retainage may not exceed 2.5 percent of progress payments during the second half of a public works project.

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

Section 1. NRS 338.515 is hereby amended to read as follows:

338.515 1. Except as otherwise provided in NRS 338.525, a public body and its officers or agents awarding a contract for a public work shall pay or cause to be paid to a contractor the progress payments due under the contract within 30 days after the date the public body receives the progress bill or within a shorter period if the provisions of the contract so provide. Not more than ~~[~~90~~]~~ ***95*** percent of the amount of any progress payment may be paid until 50 percent of the work required by the contract has been performed. ~~[~~Thereafter,~~]~~

2. After 50 percent of the work required by the contract has been performed, the public body may pay any of the remaining progress payments without withholding additional retainage if, in the opinion of the public body, satisfactory progress is being made in the work.

~~[~~2.~~]~~ ***If the public body continues to withhold retainage from remaining progress payments:***

(a) If the public body does not withhold any amount pursuant to NRS 338.525:

(1) The public body may not withhold more than 2.5 percent of the amount of any progress payment; and

~~[(b) Except as otherwise provided in NRS 338.525, before]~~

(2) Before withholding any amount pursuant to ~~[paragraph (a),]~~ subparagraph (1), the public body must pay to the contractor 50 percent of the amount of any retainage that was withheld from progress payments pursuant to subsection 1 ~~[.]~~ ; or

(b) If the public body withholds any amount pursuant to NRS 338.525:

(1) The public body may not withhold more than 5 percent of the amount of any progress payment; and

(2) The public body may continue to retain the amount of any retainage that was withheld from progress payments pursuant to subsection 1.

3. Except as otherwise provided in NRS 338.525, a public body shall identify in the contract and pay or cause to be paid to a contractor the actual cost of the supplies, materials and equipment that:

(a) Are identified in the contract;

(b) Have been delivered and stored at a location, and in the time and manner, specified in a contract by the contractor or a subcontractor or supplier for use in a public work; and

(c) Are in short supply or were specially made for the public work,

➥ within 30 days after the public body receives a progress bill from the contractor for those supplies, materials or equipment.

~~[3.]~~ ***4.*** A public body shall pay or cause to be paid to the contractor at the end of each quarter interest for the quarter on any amount withheld by the public body pursuant to NRS 338.400 to 338.645, inclusive, at a rate equal to the rate quoted by at least three insured banks, credit unions or savings and loan associations in this State as the highest rate paid on a certificate of deposit whose duration is approximately 90 days on the first day of the quarter. If the amount due to a contractor pursuant to this subsection for any quarter is less than $500, the public body may hold the interest until:

(a) The end of a subsequent quarter after which the amount of interest due is $500 or more;

(b) The end of the fourth consecutive quarter for which no interest has been paid to the contractor; or

(c) The amount withheld under the contract is due pursuant to NRS 338.520,

➥ whichever occurs first.

~~[4.]~~ ***5.*** If the Labor Commissioner has reason to believe that a worker is owed wages by a contractor or subcontractor, the Labor Commissioner may require the public body to withhold from any payment due the contractor under this section and pay the Labor Commissioner instead, an amount equal to the amount the Labor Commissioner believes the contractor owes to the worker. This amount must be paid by the Labor Commissioner to the worker

if the matter is resolved in the worker's favor, otherwise it must be returned to the public body for payment to the contractor.

Sec. 2. NRS 338.530 is hereby amended to read as follows:

338.530 1. If a public body receives:

(a) A progress bill or retainage bill, fails to give a contractor a written notice of any withholding in the manner set forth in subsection 2 of NRS 338.525, and does not pay the contractor within 30 days after receiving the progress bill or retainage bill; or

(b) A contractor's written notice of the correction of a condition set forth pursuant to subsection 2 of NRS 338.525 as the reason for the withholding, signed by an authorized agent of the contractor, and fails to:

(1) Pay the amount of the progress payment or retainage payment that was withheld from the contractor within 30 days after the public body receives the next progress bill or retainage bill; or

(2) Object to the scope and manner of the correction, within 30 days after the public body receives the notice of correction, in a written statement that sets forth the reason for the objection and is signed by an authorized agent of the public body,

➥ the public body shall pay to the contractor, in addition to the entire amount of the progress bill or retainage bill or any unpaid portion thereof, interest from the 30th day on the amount delayed, at a rate equal to the amount provided for in subsection ~~[3]~~ ***4*** of NRS 338.515, until payment is made to the contractor.

2. If the public body objects pursuant to subparagraph (2) of paragraph (b) of subsection 1, it shall pay to the contractor an amount equal to the value of the corrections to which the public body does not object.

Sec. 3. NRS 338.555 is hereby amended to read as follows:

338.555 1. If a public body and a contractor enter into a contract for a public work, the contractor may withhold as retainage not more than ~~[10]~~ ***5*** percent from the amount of any progress payment due under a subcontract which is made before 50 percent of the work has been completed under the subcontract. ~~[Thereafter]~~

2. After 50 percent of the work required by the contract has been performed, the contractor shall pay any additional progress payments due under the subcontract without withholding any additional retainage if, in the opinion of the contractor, satisfactory progress is being made in the work under the subcontract, and the payment must be equal to that paid by the public body to the contractor for the work performed by the subcontractor.

~~[2.]~~ ***If the contractor continues to withhold retainage from remaining progress payments:***

(a) If the contractor does not withhold any amount pursuant to NRS 338.560:

(1) The contractor may not withhold more than 2.5 percent of the amount of any progress payment; and

~~*[(b) Except as otherwise provided in NRS 338.560, before*~~

(2) Before withholding any amount pursuant to ~~[paragraph (a),]~~ subparagraph (1), the contractor must pay to the subcontractor 50 percent of the amount of any retainage that was withheld from progress payments pursuant to subsection 1 ~~[.]~~ ; or

(b) If the contractor withholds any amount pursuant to NRS 338.560:

(1) The contractor may not withhold more than 5 percent of the amount of any progress payment; and

(2) The contractor may continue to retain the amount of any retainage that was withheld from progress payments pursuant to subsection 1.

3. If the contractor receives a payment of interest earned on the retainage or an amount withheld from a progress payment, the contractor shall, within 10 days after he or she receives the money, pay to each subcontractor or supplier that portion of the interest received from the public body which is attributable to the retainage or amount withheld from a progress payment by the contractor to the subcontractor or supplier.

Sec. 4. NRS 338.560 is hereby amended to read as follows:

338.560 1. A contractor may withhold from a progress payment or retainage payment an amount sufficient to pay:

(a) The expenses the contractor reasonably expects to incur as a result of the failure of his or her subcontractor or supplier to comply with the subcontract or applicable building code, law or regulation.

(b) An amount withheld from payment to the contractor by a public body pursuant to subsection ~~[4]~~ ***5*** of NRS 338.515 for a claim for wages against the subcontractor.

2. A contractor shall, within 10 days after the contractor receives:

(a) A progress payment or retainage payment from the public body for an amount that is less than the amount set forth in the applicable progress bill or retainage bill; or

(b) A progress bill or retainage bill from his or her subcontractor or supplier,

➥ give a written notice to his or her subcontractor or supplier of any amount that will be withheld pursuant to this section.

3. The written notice must:

(a) Set forth:

(1) The amount of the progress payment or retainage payment that will be withheld from his or her subcontractor or supplier; and

(2) A detailed explanation of the reason the contractor will withhold that amount, including, without limitation, a specific reference to the provision or section of the subcontract, or documents related thereto, or applicable building code, law or regulation with which his or her subcontractor or supplier has failed to comply; and

(b) Be signed by an authorized agent of the contractor.

4. The contractor shall pay to his or her subcontractor or supplier the amount withheld by the public body or the contractor within 10 days after:

(a) The contractor receives a written notice of the correction of the condition that is the reason for the withholding, signed by an authorized agent of the subcontractor or supplier; or

(b) The public body pays to the contractor the amount withheld,

➥ whichever occurs later.

Sec. 5. NRS 338.595 is hereby amended to read as follows:

338.595 1. If a subcontractor and another subcontractor or supplier enter into a subcontract for a public work, the subcontractor may withhold as retainage not more than ~~[10]~~ ***5*** percent from the amount of any progress payment due under a subcontract which is made before 50 percent of the work has been completed under the subcontract. ~~[The]~~

2. After 50 percent of the work required by the subcontractor or supplier has been performed, the subcontractor shall pay any additional progress payments due under the subcontract without withholding any additional retainage if, in the opinion of the subcontractor, satisfactory progress is being made in the work under the subcontract. The payment must be equal to that paid by the contractor to the subcontractor for the work performed or supplies provided by his or her subcontractor or supplier.

~~[2.]~~ ***If the subcontractor continues to withhold retainage from remaining progress payments:***

(a) If the subcontractor does not withhold any amount pursuant to NRS 338.600:

(1) The subcontractor may not withhold more than 2.5 percent of the amount of any progress payment; and

~~[~~ ~~*(b) Except as otherwise provided in NRS 338.600, before*~~

(2) Before withholding any amount pursuant to ~~[paragraph (a),]~~ subparagraph (1), the subcontractor must pay to the subcontractor or supplier 50 percent of the amount of any retainage that was withheld from progress payments pursuant to subsection 1 ~~[.]~~ ; or

(b) If the subcontractor withholds any amount pursuant to NRS 338.600:

(1) The subcontractor may not withhold more than 5 percent of the amount of any progress payment; and

(2) The subcontractor may continue to retain the amount of any retainage that was withheld from progress payments pursuant to subsection 1.

3. If the subcontractor receives a payment of interest earned on the retainage or an amount withheld from a progress payment, the subcontractor shall, within 10 days after receiving the money, pay to each of his or her subcontractors or suppliers that portion of the interest received from the contractor which is attributable to the retainage or amount withheld from a progress payment by the subcontractor to his or her subcontractor or supplier.

Sec. 6. **This act becomes effective on October 1, 2011, and expires by limitation on July 1, 2015.**

Assemblywoman Bustamante Adams moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 454.

Bill read second time.

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

Amendment No. 263.

SUMMARY—~~[Removes prospective expiration of]~~ **Revises** certain provisions relating to land use planning. (BDR 22-1119)

AN ACT relating to land use planning; **extending the period within which certain parcel maps must be recorded in certain counties;** removing the prospective expiration of certain provisions concerning tentative maps and final maps of certain subdivisions of land; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prescribes certain requirements for the proposed dividing of land into five or more units for the purpose of transfer or development, unless otherwise exempted. (NRS 278.320-278.460) The initial action in the process of dividing such land is the submission of a tentative map of the proposed subdivision, and the concluding action is the recordation of an approved final map. (NRS 278.330, 278.460) A subdivider whose tentative map of a proposed subdivision has been approved by the appropriate planning authority must present a final map covering the entire subdivision, or the first of a series of successive final maps covering portions of the subdivision, within 4 years after the approval of the tentative map, with certain exceptions, or proceedings concerning the subdivision are terminated. (NRS 278.360) Additionally, if a subdivider is presenting a series of final maps, each successive map must be presented within 2 years after the previous final map in the series was recorded, unless the planning authority grants an extension of not more than 2 additional years. (NRS 278.360)

These deadlines of 4 years and 2 years were extended from 2 years and 1 year, respectively, during the 2009 Legislative Session, and those changes are scheduled to expire on June 30, 2013, after which the deadlines will revert to 2 years and 1 year, respectively. (Section 3, chapter 59, Statutes of Nevada 2009, p. 165) ~~[This]~~ **Section 2 of this** bill removes that prospective expiration so that: (1) the deadline for presenting a final map or the first in a series of successive maps will remain at 4 years after the approval of the tentative map; (2) the deadline for presenting one of a series of successive final maps will remain at 2 years after the presentation of the previous map; and (3) the possible duration of an extension to the deadlines for presenting one of a series of successive maps will remain at 2 years.

Existing law requires a person who proposes to divide any land for transfer or development into four lots or less to submit a parcel map showing the proposed division to the appropriate planning commission or local governing body for approval. (NRS 278.461, 278.464) If the parcel map is approved, the person must cause the map to be recorded in the office of the county recorder within 1 year after the approval, unless the governing body establishes by ordinance a longer period, which may not exceed 2 years. (NRS 278.468) Section 1 of this bill extends that period to 3 years, and authorizes the governing body to grant a 1-year extension, for a parcel map prepared in a county whose population is less than 100,000 (currently counties other than Clark and Washoe Counties) if the parcel map shows land totaling 50 acres or more that is subject to a conservation easement preserving or protecting open space, a floodplain or agricultural lands.

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

Section 1. **NRS 278.468 is hereby amended to read as follows:**

278.468 1. If a parcel map is approved or deemed approved pursuant to NRS 278.464, the preparer of the map shall:

(a) ~~[Cause]~~ ***Except as otherwise provided in subsection 2, cause*** the approved map to be recorded in the office of the county recorder within 1 year after the date the map was approved or deemed approved, unless the governing body establishes by ordinance a longer period, not to exceed 2 years, for recording the map. The map must be accompanied by a written statement signed by the treasurer of the county in which the land to be divided is located indicating that all property taxes on the land for the fiscal year have been paid.

(b) Pay a fee of $17 for the first sheet of the map plus $10 for each additional sheet to the county recorder for filing and indexing.

2. ***In a county whose population is less than 100,000, if the parcel map shows an area totaling 50 acres or more that is subject to a conservation easement, the preparer of the map shall cause the approved map to be recorded in the office of the county recorder within 3 years after the date the map was approved or deemed approved, unless the governing body grants an extension of time for recording the map, which may not exceed 1 year. As used in this subsection, "conservation easement" means an easement that permanently preserves or protects open space, a floodplain or agricultural land from being parceled, subdivided or otherwise developed in a manner incompatible with the preservation or protection of the open space, floodplain or agricultural land.***

3. Upon receipt of a parcel map, the county recorder shall file the map in a suitable place. The county recorder shall keep proper indexes of parcel maps by the name of grant, tract, subdivision or United States subdivision.

~~[3.]~~ ***4.*** A county recorder who records a parcel map pursuant to this section shall, within 7 working days after he or she records the parcel map, provide to the county assessor at no charge:

(a) A duplicate copy of the parcel map and any supporting documents; or

(b) Access to the digital parcel map and any digital supporting documents.

The map and supporting documents must be in a form that is acceptable to the county recorder and the county assessor.

~~[Section 1.]~~ ***Sec. 2.*** Section 3 of chapter 59, Statutes of Nevada 2009, at page 165, is hereby amended to read as follows:

Sec. 3. ~~[1.]~~ This act becomes effective upon passage and approval.

~~[2. Section 2 of this act expires by limitation on June 30, 2013.]~~

~~[Sec. 2.]~~ ***Sec. 3.*** This act becomes effective on upon passage and approval.

Assemblywoman Bustamante Adams moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 472.

Bill read second time.

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

Amendment No. 264.

AN ACT relating to youth shelters; repealing provisions relating to the approval of youth shelters by a county; revising provisions relating to immunity from civil liability; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, a county may enact an ordinance to designate a youth shelter as an approved youth shelter if the youth shelter meets certain requirements. (NRS 244.428) An approved youth shelter and its director, employees, agents or volunteers are then immune from civil liability for certain acts or omissions relating to runaway or homeless youth. (NRS 244.429)

Section 4 of this bill repeals the authority of a county to approve youth shelters. **Section 2** of this bill grants immunity from civil liability for certain acts or omissions relating to runaway or homeless youth to a youth shelter and to its director, employees, agents or volunteers. ~~[if the youth shelter complies with the regulations of the town or city in which it is located.]~~

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

Section 1. NRS 244.421 is hereby amended to read as follows:

244.421 As used in NRS 244.421 to 244.429, inclusive, unless the context otherwise requires, the words and terms defined in NRS ~~[244.422]~~

244.423 to 244.427, inclusive, have the meanings ascribed to them in those sections.

Sec. 2. NRS 244.429 is hereby amended to read as follows:

244.429 ~~**[**If a**]** **[**county designates a**]** **[**youth shelter**]** **[**as an approved youth shelter pursuant to an**]** *[satisfies all applicable requirements imposed by every* ordinance adopted*]* **[**pursuant to NRS 244.428,**]** *[by the city or town in which the youth shelter is located,* the**]** **[**approved**]**~~ ***A*** youth shelter and its director, employees, agents or volunteers are immune from civil liability based upon any act or failure to act while admitting, releasing or caring for a runaway or homeless youth, unless the act or failure to act was the result of the gross negligence or intentional or reckless misconduct of the ~~**[**approved**]**~~ youth shelter or its director, employees, agents or volunteers.

Sec. 3. NRS 432B.220 is hereby amended to read as follows:

432B.220 1. Any person who is described in subsection 4 and who, in his or her professional or occupational capacity, knows or has reasonable cause to believe that a child has been abused or neglected shall:

(a) Except as otherwise provided in subsection 2, report the abuse or neglect of the child to an agency which provides child welfare services or to a law enforcement agency; and

(b) Make such a report as soon as reasonably practicable but not later than 24 hours after the person knows or has reasonable cause to believe that the child has been abused or neglected.

2. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that the abuse or neglect of the child involves an act or omission of:

(a) A person directly responsible or serving as a volunteer for or an employee of a public or private home, institution or facility where the child is receiving child care outside of the home for a portion of the day, the person shall make the report to a law enforcement agency.

(b) An agency which provides child welfare services or a law enforcement agency, the person shall make the report to an agency other than the one alleged to have committed the act or omission, and the investigation of the abuse or neglect of the child must be made by an agency other than the one alleged to have committed the act or omission.

3. Any person who is described in paragraph (a) of subsection 4 who delivers or provides medical services to a newborn infant and who, in his or her professional or occupational capacity, knows or has reasonable cause to believe that the newborn infant has been affected by prenatal illegal substance abuse or has withdrawal symptoms resulting from prenatal drug exposure shall, as soon as reasonably practicable but not later than 24 hours after the person knows or has reasonable cause to believe that the newborn infant is so affected or has such symptoms, notify an agency which provides child welfare services of the condition of the infant and refer each person who is responsible for the welfare of the infant to an agency which provides child welfare services for appropriate counseling, training or other services.

A notification and referral to an agency which provides child welfare services pursuant to this subsection shall not be construed to require prosecution for any illegal action.

4. A report must be made pursuant to subsection 1 by the following persons:

(a) A physician, dentist, dental hygienist, chiropractor, optometrist, podiatric physician, medical examiner, resident, intern, professional or practical nurse, physician assistant licensed pursuant to chapter 630 or 633 of NRS, perfusionist, psychiatrist, psychologist, marriage and family therapist, clinical professional counselor, clinical alcohol and drug abuse counselor, alcohol and drug abuse counselor, clinical social worker, athletic trainer, advanced emergency medical technician or other person providing medical services licensed or certified in this State.

(b) Any personnel of a hospital or similar institution engaged in the admission, examination, care or treatment of persons or an administrator, manager or other person in charge of a hospital or similar institution upon notification of suspected abuse or neglect of a child by a member of the staff of the hospital.

(c) A coroner.

(d) A member of the clergy, practitioner of Christian Science or religious healer, unless the person has acquired the knowledge of the abuse or neglect from the offender during a confession.

(e) A social worker and an administrator, teacher, librarian or counselor of a school.

(f) Any person who maintains or is employed by a facility or establishment that provides care for children, children's camp or other public or private facility, institution or agency furnishing care to a child.

(g) Any person licensed to conduct a foster home.

(h) Any officer or employee of a law enforcement agency or an adult or juvenile probation officer.

(i) An attorney, unless the attorney has acquired the knowledge of the abuse or neglect from a client who is or may be accused of the abuse or neglect.

(j) Any person who maintains, is employed by or serves as a volunteer for an agency or service which advises persons regarding abuse or neglect of a child and refers them to persons and agencies where their requests and needs can be met.

(k) Any person who is employed by or serves as a volunteer for ~~[an approved]~~ ***a*** youth shelter. As used in this paragraph, ~~[~~"approved~~]~~ **"** youth shelter" has the meaning ascribed to it in NRS ~~[~~244.422.~~]~~ ***244.427.***

(l) Any adult person who is employed by an entity that provides organized activities for children.

5. A report may be made by any other person.

6. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that a child has died as a result of

abuse or neglect, the person shall, as soon as reasonably practicable, report this belief to an agency which provides child welfare services or a law enforcement agency. If such a report is made to a law enforcement agency, the law enforcement agency shall notify an agency which provides child welfare services and the appropriate medical examiner or coroner of the report. If such a report is made to an agency which provides child welfare services, the agency which provides child welfare services shall notify the appropriate medical examiner or coroner of the report. The medical examiner or coroner who is notified of a report pursuant to this subsection shall investigate the report and submit his or her written findings to the appropriate agency which provides child welfare services, the appropriate district attorney and a law enforcement agency. The written findings must include, if obtainable, the information required pursuant to the provisions of subsection 2 of NRS 432B.230.

Sec. 4. NRS 244.422 and 244.428 are hereby repealed.

Sec. 5. This act becomes effective on July 1, 2011.

TEXT OF REPEALED SECTIONS

244.422 "Approved youth shelter" defined. "Approved youth shelter" means a youth shelter that has been designated as approved by a county pursuant to an ordinance adopted pursuant to NRS 244.428.

244.428 Designation by ordinance; contents of ordinance; regulations.

1. The board of county commissioners of any county may provide by ordinance for the designation of a youth shelter operated within the county as an approved youth shelter.

2. If a board of county commissioners has adopted an ordinance pursuant to subsection 1, a youth shelter that is located in that county and seeking to be designated as an approved youth shelter may apply to the board of county commissioners for such a designation.

3. An ordinance adopted by a board of county commissioners pursuant to subsection 1 must:

(a) Prescribe the requirements for designation of a youth shelter as an approved youth shelter, including, without limitation:

(1) A requirement that the youth shelter provide necessary services;

(2) The form and manner of the application for designation or renewal of a designation as an approved youth shelter;

(3) An application fee in an amount not to exceed the actual cost to the county for reviewing the application; and

(4) A requirement that an applicant must comply with the provisions of an ordinance adopted pursuant to this section and with all applicable federal, state and local laws and ordinances pertaining to shelters for the homeless.

(b) Provide for reasonable inspections of an approved youth shelter to confirm that the youth shelter is complying with the provisions of an ordinance adopted to carry out the provisions of this section.

(c) Provide for the revocation of a designation as an approved youth shelter for failure to comply with the provisions of an ordinance adopted to carry out the provisions of this section.

(d) Require an approved youth shelter to conduct an interview to determine whether a youth is a runaway or homeless youth and is qualified to receive the necessary services of the approved youth shelter.

(e) Upon admission of a runaway or homeless youth to a shelter, require:

(1) A reasonable, bona fide attempt to notify the parent, guardian or custodian of the runaway or homeless youth concerning the whereabouts of the runaway or homeless youth as soon as practicable, except in circumstances of suspected abuse or neglect;

(2) The notification of state and local law enforcement agencies concerning the whereabouts of the runaway or homeless youth; and

(3) A licensed professional to perform an evaluation of the youth to determine:

(I) The reasons why the youth is a runaway or homeless youth;

(II) Whether the youth is a victim of abuse or neglect; and

(III) Whether the youth needs immediate medical care or counseling.

(f) Require an approved youth shelter to return or facilitate the return of a runaway or homeless youth to the parent, guardian or custodian who was notified of the whereabouts of the runaway or homeless youth pursuant to subparagraph (1) of paragraph (e) if the parent, guardian or custodian so requests.

(g) Provide for the liability of a parent, guardian or custodian of a runaway or homeless youth for any expenses or costs incurred by the approved youth shelter for providing services to the runaway or homeless youth only if the services of the shelter were obtained through fraud or misrepresentation.

(h) Except as otherwise provided in NRS 239.0115, require the information or records obtained by an approved youth shelter to remain confidential, unless the use or disclosure of the information or records is necessary to:

(1) Locate a parent, guardian or custodian of a runaway or homeless youth;

(2) Comply with the duty to report abuse or neglect of a child pursuant to NRS 432B.220;

(3) Notify state and local law enforcement agencies or the clearinghouse; or

(4) Seek appropriate assistance for a runaway or homeless youth from public and private agencies.

4. In a county where the board of county commissioners has adopted an ordinance pursuant to subsection 1, the board of county commissioners may establish, by ordinance, other regulations as are necessary to carry out the provisions of this section.

5. As used in this section:

(a) "Abuse or neglect" means abuse or neglect of a child as defined in NRS 432B.020.

(b) "Clearinghouse" has the meaning ascribed to it in NRS 432.150.

(c) "Licensed professional" includes, without limitation:

(1) A social worker;

(2) A registered nurse;

(3) A physician;

(4) A psychologist;

(5) A teacher; or

(6) Any other class of persons who are identified in an ordinance adopted by a county who hold a professional license in this State and who are trained to recognize indications of abuse or neglect.

Assemblywoman Bustamante Adams moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 474.

Bill read second time.

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

Amendment No. 411.

AN ACT relating to governmental administration; creating the Sunset Subcommittee of the Legislative Commission; providing for its membership; requiring the Sunset Subcommittee to review certain boards and commissions in this State to determine the need for the termination, consolidation, modification or continuation of those boards and commissions; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes the Legislative Commission and provides for its powers and duties, which consist of, in part, investigating and inquiring into subjects upon which the Legislature may act by the enactment or amendment of statutes, governmental problems, important issues of public policy or questions of statewide interest. (NRS 218E.150, 218E.175) Existing law also provides for certain standing subcommittees of the Legislative Commission to carry out ongoing duties, such as the Audit Subcommittee and the Budget Subcommittee. (NRS 218E.240, 218E.255) Finally, existing law requires the Legislative Commission to conduct reviews of existing agencies to determine whether each agency should be terminated, consolidated with another agency or continued. (NRS 232B.010-232B.100)

Section 2 of this bill creates the Sunset Subcommittee of the Legislative Commission and sets forth its membership. **Section 3** of this bill specifies the Sunset Subcommittee's primary duties, which are: (1) to conduct reviews of all boards and commissions in this State which are not provided for in the Constitution of this State or established by an executive order of the

Governor and determine whether each board or commission should be terminated, modified, consolidated with another agency or continued; (2) to make recommendations for improving the boards or commissions which are to be modified, consolidated or continued; and (3) to determine whether any tax exemptions, abatements or money set aside for a board or commission should be terminated, modified or continued. **Section 3** also requires the Sunset Subcommittee to assess each board or commission reviewed for the cost of conducting the review.

Section 4 of this bill requires each board and commission to submit certain information about itself and how it operates to the Sunset Subcommittee and authorizes the Sunset Subcommittee to direct the Legislative Counsel Bureau to assist the Sunset Subcommittee in investigating, reviewing and analyzing the information submitted. **Section 5** of this bill requires the Sunset Subcommittee to hold public hearings to receive commentary on whether a board or commission should be terminated, modified, consolidated or continued. ~~[and to accept testimony from members of the general public, any person regulated by the board or commission and representatives or members of the board or commission.]~~ **Section 6** of this bill requires the Sunset Subcommittee to make recommendations for direct legislative action to carry out its recommendations regarding the termination, modification, consolidation or continuation of a board or commission. ~~[Finally, section 7 of this bill provides the administrative details of how the existence of a board or commission will be terminated.]~~

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

Section 1. Chapter 232B of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 7, inclusive, of this act.

Sec. 2. ***1. The Sunset Subcommittee of the Legislative Commission, consisting of nine members, is hereby created. The membership of the Sunset Subcommittee consists of:***

(a) Three members of the Legislature appointed by the Majority Leader of the Senate, at least one of whom must be a member of the minority political party;

(b) Three members of the Legislature appointed by the Speaker of the Assembly, at least one of whom must be a member of the minority political party; and

(c) Three members of the general public appointed by the Chair of the Legislative Commission from among the names of nominees submitted by the Governor pursuant to subsection 2.

2. The Governor shall, at least 30 days before the beginning of the term of any member appointed pursuant to paragraph (c) of subsection 1, or within 30 days after such a position on the Sunset Subcommittee becomes vacant, submit to the Legislative Commission the names of at least three persons qualified for membership on the Sunset Subcommittee. The Chair

of the Legislative Commission shall appoint a new member or fill the vacancy from the list, or request a new list. The Chair of the Legislative Commission may appoint any qualified person who is a resident of this State to the position described in paragraph (c) of subsection 1.

3. Each member of the Sunset Subcommittee serves at the pleasure of the appointing authority.

4. The members of the Sunset Subcommittee shall elect a Chair from one House of the Legislature and a Vice Chair from the other House. Each Chair and Vice Chair holds office for a term of 2 years commencing on July 1 of each odd-numbered year. If a vacancy occurs in the Office of Chair or Vice Chair, the vacancy must be filled in the same manner as the original selection for the remainder of the unexpired term.

[4.] 5. The membership of any member of the Sunset Subcommittee who is a Legislator and who is not a candidate for reelection or who is defeated for reelection terminates on the day next after the general election.

[5.] 6. A vacancy on the Sunset Subcommittee must be filled in the same manner as the original appointment.

[6.] 7. The Sunset Subcommittee shall meet at the times and places specified by a call of the Chair. Five members of the Sunset Subcommittee constitute a quorum, and a quorum may exercise any power or authority conferred on the Sunset Subcommittee.

[7.] 8. For each day or portion of a day during which a member of the Sunset Subcommittee who is a Legislator attends a meeting of the Sunset Subcommittee or is otherwise engaged in the business of the Sunset Subcommittee, except during a regular or special session of the Legislature, the Legislator is entitled to receive the:

(a) Compensation provided for a majority of the members of the Legislature during the first 60 days of the preceding regular session;

(b) Per diem allowance provided for state officers generally; and

(c) Travel expenses provided pursuant to NRS 218A.655.

➥ The compensation, per diem allowances and travel expenses of the members of the Sunset Subcommittee who are Legislators must be paid from the Legislative Fund.

[8.] 9. While engaged in the business of the Sunset Subcommittee the members of the Subcommittee who are not Legislators are entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

Sec. 3. *1. The Sunset Subcommittee of the Legislative Commission shall conduct a review of each board and commission in this State which is not provided for in the Constitution of this State or established by an executive order of the Governor to determine whether the board or commission should be terminated, modified, consolidated with another board or commission or continued. Such a review must include, without limitation:*

(a) An evaluation of the major policies and programs of the board or commission, including, without limitation, an examination of other programs or services offered in this State to determine if any other provided programs or services duplicate those offered by the board or commission;

(b) Any recommendation for improvements in the policies and programs offered by the board or commission; and

(c) A determination of whether any statutory tax exemptions, abatements or money set aside to be provided to the board or commission should be terminated, modified or continued.

2. The Sunset Subcommittee shall review:

(a) Not less than 20 boards and commissions specified in subsection 1 each year; and

(b) Each of those boards and commissions not less than once every 10 years.

3. For each review of a board or commission that the Sunset Subcommittee conducts, the Sunset Subcommittee shall submit a written assessment to the board or commission setting forth the costs of the review. In determining the amount of an assessment pursuant to this subsection, the Sunset Subcommittee shall consider, based upon the information provided by the board or commission pursuant to section 4 of this act, whether any additional analysis or evaluation is required to review the board or commission because of the specialized nature of the board or commission. As soon as practicable after a board or commission receives a written assessment pursuant to this subsection, the board or commission shall pay the amount set forth in the written assessment to the Sunset Subcommittee.

4. Any action taken by the Sunset Subcommittee concerning a board or commission pursuant to sections 2 to 7, inclusive, of this act is in addition or supplemental to any action taken by the Legislative Commission pursuant to NRS 232B.010 to 232B.100, inclusive.

Sec. 4. *1. Each board and commission subject to review by the Sunset Subcommittee of the Legislative Commission shall submit information to the Sunset Subcommittee on a form prescribed by the Sunset Subcommittee. The information must include, without limitation:*

(a) The name of the board or commission;

(b) The *name of each member of the board or commission;*

(c) The address of the Internet website established and maintained by the board or commission, if any;

(d) The name and contact information of the executive director of the board or commission, if any;

(e) A list of the members of the staff of the board or commission;

(f) The *authority by which the board or commission was created;*

~~[(e)]~~ (g) The governing structure of the board or commission, including, without limitation, information concerning the method, terms,

qualifications and conditions of appointment and removal of the members of the board or commission;

(h) The duties of the board or commission;

~~[(d)]~~ (i) The operating budget of the board or commission;

~~[(e)]~~ (j) A statement setting forth the income and expenses of the board or commission for at least ~~[5]~~ 3 years immediately preceding the date on which the board or commission submits the form required by this subsection, including the balances of any fund or account maintained by or on behalf of the board or commission;

~~[(f)]~~ (k) The most recent audit conducted of the board or commission, if any;

(l) The dates of the immediately preceding six meetings held by the board or commission;

(m) A statement of the objectives and programs of the board or commission;

~~[(g)]~~ (n) A conclusion concerning the effectiveness of the objectives and programs of the board or commission;

~~[(h)]~~ (o) Any recommendations for statutory changes which are necessary for the board or commission to carry out its objectives and programs; and

~~[(i)]~~ (p) Such other information as the Sunset Subcommittee may require.

2. The Sunset Subcommittee may direct the Legislative Counsel Bureau to assist in its research, investigations, review and analysis of the information submitted by each board and commission pursuant to subsection 1.

Sec. 5. *1. The Sunset Subcommittee of the Legislative Commission shall conduct public hearings for the purpose of obtaining comments on, and may require the Legislative Counsel Bureau to submit reports on, the need for the termination, modification, consolidation or continued operation of a board or commission.*

2. ~~[At any hearing held pursuant to this section, information may be presented by:~~

~~(a) A member of the general public;~~

~~(b) Any person who is regulated by the board or commission; and~~

~~(c) A representative or member of the board or commission.~~

~~3.]~~ The Sunset Subcommittee shall consider any report submitted to it by the Legislative Counsel Bureau.

~~[4.]~~ 3. A board or commission has the burden of proving that there is a public need for its continued existence.

Sec. 6. *1. If the Sunset Subcommittee of the Legislative Commission determines to recommend the termination of a board or commission, its recommendation must include suggestions for appropriate direct legislative action, if any, which is made necessary or desirable by the termination of the board or commission.*

2. If the Sunset Subcommittee determines to recommend the consolidation, modification or continuation of a board or commission, its recommendation must include suggestions for appropriate direct legislative action, if any, which would make the operation of the board or commission or its successor more efficient or effective.

3. On or before June 30, 2012, the Sunset Subcommittee shall make all its initial recommendations pursuant to this section, if any. The Sunset Subcommittee shall make all subsequent recommendations pursuant to this section, if any, on or before June 30 of each even-numbered year occurring thereafter.

Sec. 7. ~~***[1. A board or commission may continue in existence until July 1 of the year immediately succeeding the effective date of its termination for the purpose of winding up its affairs, unless the board or commission has been consolidated with another board or commission.***~~

~~***2. The powers and duties of a board or commission are not abrogated or otherwise limited during the period between its termination and the following July 1, but no board or commission may enter into or let any contract the performance of which extends beyond July 1 of the year immediately following the year in which it is terminated.***~~

~~***3. The Director of the Department of Administration is responsible for disposing of any property of a terminated board or commission. All assets and liabilities of a board or commission which has been consolidated with another board or commission must be taken over by the successor board or commission. Money in the State Treasury which is held in a special fund for a board or commission which has been terminated reverts to the State General Fund on July 1 of the year immediately following the year in which the board or commission is terminated.]***~~ **(Deleted by amendment.)**

Sec. 8. NRS 232B.010 is hereby amended to read as follows:

232B.010 As used in ~~[this chapter,]~~ ***NRS 232B.010 to 232B.100, inclusive,*** unless the context otherwise requires, "agency" means any public agency which the Legislature has designated to be the subject of a review by the Legislative Commission.

Sec. 9. NRS 232B.080 is hereby amended to read as follows:

232B.080 1. The Legislative Commission shall conduct public hearings for the purpose of obtaining comments on, and may require the Legislative Counsel Bureau to submit reports on, the need for the continued operation of an agency, and its efficiency and effectiveness.

2. At any hearing held ~~[under this chapter,]~~ ***pursuant to NRS 232B.010 to 232B.100, inclusive,*** information may be presented by:

(a) Members of the general public;

(b) Any person who is regulated by the agency; and

(c) Representatives of the agency.

3. The Legislative Commission shall consider any report submitted to it by the Legislative Counsel Bureau.

4. An agency has the burden of proving that there is a public need for its continued existence or regulatory function.

Sec. 10. **1. On or before August 1, 2011, the Governor shall submit to the Legislative Commission the names of at least three nominees who are qualified for membership on the Sunset Subcommittee of the Legislative Commission pursuant to subsection 2 of section 2 of this act.**

2. On or before September 1, 2011:

(a) The Majority Leader of the Senate shall appoint three members of the Sunset Subcommittee pursuant to paragraph (a) of subsection 1 of section 2 of this act.

(b) The Speaker of the Assembly shall appoint three members of the Sunset Subcommittee pursuant to paragraph (b) of subsection 1 of section 2 of this act.

(c) The Chair of the Legislative Commission shall appoint three members of the general public from among the names of the nominees submitted by the Governor pursuant to subsection 1.

~~[Sec. 10.]~~ ***Sec. 11.*** This act becomes effective on July 1, 2011.

Assemblywoman Bustamante Adams moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to the Concurrent Committee on Ways and Means.

Assembly Bill No. 501.

Bill read second time.

The following amendment was proposed by the Committee on Legislative Operations and Elections:

Amendment No. 475.

SUMMARY— ~~[Establishes a moratorium on the execution of sentences of death and provides]~~ **Provides** for a study of issues regarding the death penalty. (BDR S-1103)

AN ACT relating to the death penalty; ~~[establishing a moratorium on the execution of sentences of death;]~~ providing for a study of issues regarding the death penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Section 1 of this bill establishes a moratorium on the execution of sentences of death until July 1, 2013. The moratorium does not prohibit any proceeding or prosecution seeking a sentence of death, but bars any execution from being carried out until July 1, 2013.~~

~~Section 2 of this]~~ **This** bill requires the Audit Division of the Legislative Counsel Bureau to conduct a staff study on the fiscal costs of the death penalty in Nevada. The study must include, without limitation, an examination and analysis of the costs of prosecuting and adjudicating capital cases compared to noncapital cases. The Legislative Auditor is required to

submit a written report of findings to the Director of the Legislative Counsel Bureau on or before January 31, 2013.

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

Section 1. ~~[1. Notwithstanding the provisions of any law, rule of court or order issued by a court of competent jurisdiction, a moratorium on the execution of all sentences of death is hereby established until July 1, 2013, and the sentence of any person sentenced to death before, on or after the effective date of this act must not be executed until July 1, 2013.~~

~~2. Notwithstanding the provisions of any law, rule of court or order issued by a court of competent jurisdiction:~~

~~(a) If, before the effective date of this act, a court has issued a warrant of execution of a sentence of death that appoints a week within which the judgment of death is to be executed which is before July 1, 2013, the court shall, not later than 60 days after the effective date of this act, issue a new warrant of execution of the sentence of death appointing a week within which the judgment of death is to be executed which is on or after July 1, 2013.~~

~~(b) On or after the effective date of this act, a court shall not issue a warrant of execution of a sentence of death that appoints a week within which the judgment of death is to be executed which is before July 1, 2013.~~

~~3. The provisions of this section must not be construed to:~~

~~(a) Affect any procedures regarding charging, prosecution or sentencing with respect to any offense committed before, on or after the effective date of this act;~~

~~(b) Prevent any person from being sentenced to death before, on or after the effective date of this act;~~

~~(c) Constitute the granting of a commutation or pardon to a person sentenced to death before, on or after the effective date of this act;~~

~~(d) Alter or amend the sentence of any person sentenced to death before, on or after the effective date of this act; or~~

~~(e) Affect any appeal, petition for a writ of habeas corpus or other request for judicial relief filed before, on or after the effective date of this act.]~~ **(Deleted by amendment.)**

Sec. 2. 1. The Legislative Commission shall direct the Audit Division of the Legislative Counsel Bureau to conduct a staff study of the fiscal costs associated with the death penalty in this State.

2. The study conducted pursuant to this section must include an examination and analysis concerning the costs of prosecuting and adjudicating capital murder cases as compared to noncapital murder cases, including, without limitation, the costs relating to the death penalty borne by the State of Nevada and by the local governments in this State at each stage of the proceedings in capital murder cases, including pretrial costs, trial costs, appellate and postconviction costs and costs of incarceration such as:

(a) The costs of legal counsel involved in the prosecution and defense of a capital murder case for all pretrial, trial and postconviction proceedings; and

(b) Additional procedural costs involved in capital murder cases as compared to noncapital murder cases, including, without limitation, costs relating to:

(1) Processing of bonds, including investigative costs of prosecutors, police and other staff;

(2) Investigation of a case before a person is charged with a crime, including costs for investigation by the prosecution and the defense;

(3) Pretrial motions;

(4) Extradition;

(5) Psychiatric and medical evaluations;

(6) Expert witnesses;

(7) Juries;

(8) Sentencing proceedings;

(9) Appellate and postconviction proceedings, including motions, writs of certiorari and state and federal petitions for postconviction relief;

(10) Requests for clemency;

(11) Incarceration of persons awaiting trial in capital murder cases and persons sentenced to death; and

(12) Execution of a sentence of death, including costs of facilities and staff.

3. On or before January 31, 2013, the Legislative Auditor shall submit a written report of any findings to the Director of the Legislative Counsel Bureau for transmittal to the 77th Session of the Nevada Legislature.

Sec. 3. This act becomes effective upon passage and approval **. [**~~and expires by limitation on June 30, 2013.~~**]**

Assemblyman Segerblom moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 544.

Bill read second time.

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

Amendment No. 265.

SUMMARY—Provides for uniformity in the **[**~~definitions~~**]** **naming** of group homes and similar facilities. (BDR 20-675)

AN ACT relating to group homes; requiring, under certain circumstances, that local governments adopt **[**~~definitions~~**]** **names** for group homes and similar facilities which are the same as **[**~~or substantially similar to~~**]** the **[**~~definitions~~**]** **names** used in state law; **[**~~requiring, under certain circumstances, the use of the terms so defined;~~**]** **clarifying that the names so adopted are solely for purposes of reference and are not definitions for regulatory purposes;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing state law defines the terms "child care institution," "facility for transitional living for released offenders," "group foster home," "halfway house for recovering alcohol and drug abusers," "home for individual residential care" and "residential facility for groups." (NRS 424.015, 432A.0245, 449.0055, 449.008, 449.0105, 449.017) Existing county and city ordinances do not necessarily use the same terms or define them in the same way.

This bill requires that each county and city ~~[: (1)]~~ adopt ~~[definitions for]~~ **an ordinance using** the preceding terms ~~[which are the same as, or substantially similar to, the definitions of those terms as set forth in state law; and (2) use the terms so defined.]~~ **to describe the applicable facilities, homes, houses and institutions.** However, a county or city is not required to ~~[adopt or use a definition for]~~ **include** a **specified** term **in the ordinance** if no facility of the type corresponding to the term exists in the county or city, or if the county's or city's ordinances do not otherwise, by whatever name, refer to a facility of the type corresponding to the term.

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

Section 1. Chapter 244 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in ~~[subsection 2,]~~ subsections 2 and 3, each board of county commissioners shall ~~[, for consistency with state law:~~

~~(a) Adopt]~~ adopt an ordinance ~~[defining]~~ using the following terms ~~[in the following manner, or in a manner substantially similar thereto:~~

~~(1)]~~ to describe the following types of facilities, homes, houses and institutions:

(a) Child care institution, as that term is ~~[defined]~~ used in NRS 432A.0245.

~~[(2)]~~ (b) Facility for transitional living for released offenders, as that term is ~~[defined]~~ used in NRS 449.0055.

~~[(3)]~~ (c) Group foster home, as that term is ~~[defined]~~ used in NRS 424.015.

~~[(4)]~~ (d) Halfway house for recovering alcohol and drug abusers, as that term is ~~[defined]~~ used in NRS 449.008.

~~[(5)]~~ (e) Home for individual residential care, as that term is ~~[defined]~~ used in NRS 449.0105.

~~[(6)]~~ (f) Residential facility for groups, as that term is ~~[defined]~~ used in NRS 449.017.

~~[~~ ~~(b) If it defines a term pursuant to paragraph (a), ensure that the county government and the ordinances of the county use the term when referring to the type of facility, home, house or institution so defined.]~~

2. Subsection 1 requires the board of county commissioners to use the specified terms solely for the purpose of referring to the named facilities,

homes, houses and institutions and does not require the board to adopt the State's definition for the purpose of regulating or imposing any requirement with respect to such a facility, home, house or institution.

3. A board of county commissioners is not required to [define or use] include a term set forth in subsection 1 in the ordinance if:

(a) A facility, home, house or institution of the type corresponding to the term does not exist in the county; or

(b) The county's ordinances do not otherwise, by whatever name, refer to a facility, home, house or institution of the type corresponding to the term.

Sec. 2. Chapter 268 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in [subsection 2,] subsections 2 and 3, the governing body of each city shall [, for consistency with state law:

(a) Adopt] adopt an ordinance [defining] using the following terms [in the following manner, or in a manner substantially similar thereto:

(1)] to describe the following types of facilities, homes, houses and institutions:

(a) Child care institution, as that term is [defined] used in NRS 432A.0245.

[(2)] (b) Facility for transitional living for released offenders, as that term is [defined] used in NRS 449.0055.

[(3)] (c) Group foster home, as that term is [defined] used in NRS 424.015.

[(4)] (d) Halfway house for recovering alcohol and drug abusers, as that term is [defined] used in NRS 449.008.

[(5)] (e) Home for individual residential care, as that term is [defined] used in NRS 449.0105.

[(6)] (f) Residential facility for groups, as that term is [defined] used in NRS 449.017.

[(b) If it defines a term pursuant to paragraph (a), ensure that the city government and the ordinances of the city use the term when referring to the type of facility, home, house or institution so defined.]

2. Subsection 1 requires the governing body of the city to use the specified terms solely for the purpose of referring to the named facilities, homes, houses and institutions and does not require the governing body to use the State's definition for the purpose of regulating or imposing any requirement with respect to such a facility, home, house or institution.

3. The governing body of a city is not required to [define or use] include a term set forth in subsection 1 in the ordinance if:

(a) A facility, home, house or institution of the type corresponding to the term does not exist in the city; or

(b) The city's ordinances do not otherwise, by whatever name, refer to a facility, home, house or institution of the type corresponding to the term.

Sec. 3. This act becomes effective on July 1, 2011.

Assemblywoman Bustamante Adams moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 552.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 374.

AN ACT relating to genetic marker analysis; imposing an administrative assessment upon a defendant convicted of any crime; requiring that a biological specimen be obtained from a person arrested for a felony ~~[,]~~ **or a sexual offense;** providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 2 of this bill imposes an additional administrative assessment of $1 for every $10 in fines or fees imposed on a person convicted of a misdemeanor, gross misdemeanor or felony. **Section 2** also provides that the money collected from the assessments must be used to defray the costs associated with obtaining biological specimens and genetic marker analysis.

Under existing law, if a defendant is convicted of a felony or certain other specified offenses, the court, as part of the defendant's sentence, must order that a biological specimen be obtained from the defendant and that the specimen be used for analysis to determine the genetic markers of the specimen. (NRS 176.0911-176.0917) **Section 3** of this bill requires that a biological specimen be obtained if a person is arrested for a felony or a sexual offense ~~[,]~~ **punishable as a misdemeanor. Section 3** also provides that if the person is convicted of the felony ~~[on]~~ **or** the sexual offense, the specimen must be kept, but if the person is not convicted, the specimen and all records relating thereto must be destroyed and expunged.

Existing law prohibits a person from sharing or disclosing certain information relating to another person's biological specimen or genetic marker analysis and makes such conduct a misdemeanor. (NRS 176.0913) **Sections 3 and 8** of this bill increase the penalty for such conduct from a misdemeanor to a ~~[gross misdemeanor with a maximum fine of $2,500.]~~ **category C felony.**

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

Section 1. Chapter 176 of NRS is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this act.

Sec. 2. ***1. In addition to any other administrative assessment imposed, when a defendant pleads guilty, is found guilty or enters a plea of nolo contendere to a misdemeanor, gross misdemeanor or felony, including the violation of any municipal ordinance, the justice or judge of the justice,***

municipal or district court, as applicable, shall include in the sentence the sum of $1 for every $10 or fraction thereof upon every fine or fee imposed and collected by the courts as an administrative assessment for obtaining a biological specimen and conducting genetic marker analysis and shall render a judgment against the defendant for the assessment. If a defendant is sentenced to perform community service in lieu of a fine, the sentence must include the administrative assessment required pursuant to this subsection.

2. The money collected for an administrative assessment for the provision of genetic marker analysis must not be deducted from the fine imposed by the justice or judge but must be taxed against the defendant in addition to the fine. The money collected for such an administrative assessment must be stated separately on the court's docket and must be included in the amount posted for bail. If bail is forfeited, the administrative assessment included in the bail pursuant to this subsection must be disbursed pursuant to subsection 3. If the defendant is found not guilty or the charges are dismissed, the money deposited with the court must be returned to the defendant. If the justice or judge cancels a fine because the fine has been determined to be uncollectible, any balance of the fine and the administrative assessment remaining unpaid shall be deemed to be uncollectible, and the defendant is not required to pay it. If a fine is determined to be uncollectible, the defendant is not entitled to a refund of the fine or administrative assessment he or she has paid, and the justice or judge shall not recalculate the administrative assessment.

3. If the justice or judge permits the fine and administrative assessment for the provision of genetic marker analysis to be paid in installments, the payments must be applied in the following order:

(a) To pay the unpaid balance of an administrative assessment imposed pursuant to NRS 176.059;

(b) To pay the unpaid balance of an administrative assessment for the provision of court facilities pursuant to NRS 176.0611;

(c) To pay the unpaid balance of an administrative assessment for the provision of specialty court programs pursuant to NRS 176.0613;

(d) To pay the unpaid balance of an administrative assessment for the provision of genetic marker analysis pursuant to this section; and

(e) To pay the fine.

4. The money collected for an administrative assessment for the provision of genetic marker analysis must be paid by the clerk of the court to the county treasurer on or before the fifth day of each month for the preceding month for credit to the fund for genetic marker analysis pursuant to NRS 176.0915.

Sec. 3. ***1. If a person is arrested for a felony*** ~~*for a sexual offense, and a court or magistrate makes a determination that probable cause exists for the person's arrest,*~~ ***pursuant to a warrant, the law enforcement agency making the arrest shall:***

(a) Submit the name, social security number, date of birth and any other information identifying the person to the Central Repository for Nevada Records of Criminal History; and

(b) Upon booking the person into a city or county jail or detention facility, and before the person is released from custody, obtain a biological specimen from the person through a cheek swab pursuant to the provisions of this section so that the specimen can be used for an analysis to determine the genetic markers of the specimen. The biological specimen may be collected by any authorized agent of a law enforcement agency.

2. If ~~[the]~~ a person is arrested for a felony without a warrant, ~~[the biological specimen obtained must not be submitted]~~ the law enforcement agency making the arrest shall:

(a) Submit the name, social security number, date of birth and any other information identifying the person to the Central Repository for Nevada Records of Criminal History;

(b) Upon booking the person into a city or county jail or detention facility, and before the person is released from custody, obtain a biological specimen from the person through a cheek swab pursuant to the provisions of this section so that the specimen can be used for an analysis to determine the genetic markers of the specimen. The biological specimen may be collected by any authorized agent of a law enforcement agency; and

(c) Not submit the biological specimen for genetic marker analysis pursuant to subsection ~~[3]~~ 4 until a court or magistrate makes a determination that probable cause existed for the person's arrest.

3. If the person is arrested for a sexual offense that is punishable as a misdemeanor, upon booking the person into a city or county jail or detention facility, and before the person is released from custody, the law enforcement agency making the arrest shall obtain a biological specimen from the person through a cheek swab pursuant to the provisions of this section so that the specimen can be used for an analysis to determine the genetic markers of the specimen. The law enforcement agency obtaining the biological specimen shall provide the biological specimen to the forensic laboratory that has been designated in the county in which the person was arrested to conduct or oversee genetic marker analysis for the county pursuant to NRS 176.0917 and shall specifically direct the forensic laboratory to hold the biological specimen in a separate storage area pending notification from:

(a) The Central Repository for Nevada Records of Criminal History indicating that the person from whom the biological specimen was obtained has been convicted; or

(b) A court or magistrate indicating that the person from whom the biological specimen was obtained has failed to appear for a scheduled hearing.

➥ Upon receipt of such notification, the forensic laboratory shall proceed with any genetic marker analysis pursuant to subsection 4.

4. The law enforcement agency obtaining the biological specimen shall provide the specimen to the forensic laboratory that has been designated by the county in which the person was arrested to conduct or oversee genetic marker analysis for the county pursuant to NRS 176.0917. Each designated laboratory is authorized to contract with individuals or organizations for services to perform genetic marker analysis. The identification characteristics resulting from the genetic marker analysis must be stored and maintained by the forensic laboratory in CODIS and only may be made available as provided in section 4 of this act.

[4.] 5. Any cost that is incurred to obtain a biological specimen from a person pursuant to this section is a charge against the county in which the person was arrested and must be paid as provided in NRS 176.0915.

[5.] 6. A law enforcement agency shall not obtain a biological specimen from a person who has previously submitted such a specimen for an arrest or conviction of a prior offense unless the law enforcement agency, court or magistrate determines that an additional specimen is necessary.

[6.] 7. A court or magistrate shall [make] :

(a) Make the provision of a biological specimen a condition of any person being admitted to bail or released on the person's own recognizance [.]

7.] ; and

(b) Require the biological specimen to be provided to the forensic laboratory that has been designated by the county in which the person was arrested to conduct or oversee genetic marker analysis for the county pursuant to NRS 176.0917.

➥ Upon receipt of the biological specimen, the forensic laboratory shall proceed with any genetic marker analysis pursuant to subsection 4.

8. The Attorney General or a district attorney may petition a district court for an order requiring a person under this section to:

(a) Provide a biological specimen; or

(b) Provide a biological specimen by alternative means if the person will not cooperate.

➥ Nothing in this subsection shall be construed to prevent the collection of a biological specimen by order of a court of competent jurisdiction or the collection of a biological specimen of persons required to provide such a specimen under this section.

[8.] 9. The detention, arrest or conviction of a person based upon a match in CODIS or other information in CODIS is not invalidated if the biological specimen was obtained or placed in CODIS by mistake, provided that the forensic laboratory can demonstrate that a good faith effort has been made to comply with all laws and regulations governing the inclusion of such information in CODIS.

~~[9.]~~ ***10.*** ***Upon completion of any genetic marker analysis, the forensic laboratory shall inform the Central Repository for Nevada Records of Criminal History of the existence of such information pursuant to this section.***

~~[10.]~~ ***11.*** ***The Central Repository for Nevada Records of Criminal History shall include an indication on the criminal history record regarding the collection of a biological specimen, but may not include the results of the genetic marker analysis or any other information relating to the forensic laboratory's records.***

~~[11.]~~ ***12.*** ***A person whose genetic marker analysis has been included in the Central Repository for Nevada Records of Criminal History and CODIS pursuant to this section may make a written request to the Central Repository that it be automatically expunged on the grounds:***

(a) That the conviction on which the authority for keeping the biological specimen or the result of the genetic marker analysis has been reversed and the case dismissed; or

(b) That the arrest which led to the inclusion of the biological specimen or the result of the genetic marker analysis has:

(1) Resulted in a felony or sexual offense charge that has been resolved by a dismissal, nolle prosequi, successful completion of a preprosecution diversion program or a conditional discharge or acquittal; or

(2) Not resulted in any additional criminal charges for a felony or sexual offense within 10 years after the arrest.

~~[12.]~~ ***13. Within 90 days after receiving a written request pursuant to subsection 12, the Central Repository for Nevada Records of Criminal History shall forward such request and documentation to the forensic laboratory holding the biological specimen.***

14. ***Except as otherwise provided in subsection*** ~~[13,]~~ ***15, the forensic laboratory holding the biological specimen shall automatically purge all records and identifiable information pertaining to the person and destroy all specimens from the person upon receipt and confirmation of a written request that such data be expunged pursuant to this section, and:***

(a) A certified copy of the court order reversing and dismissing the conviction; or

(b) For biological specimens included pursuant to arrest:

(1) A certified copy of the dismissal, nolle prosequi, successful completion of a preprosecution diversion program or a conditional discharge, or acquittal; or

(2) A sworn affidavit that no felony or sexual offense charges arising out of the arrest have been filed within ~~[1 year]~~ ***10 years after the arrest.***

~~[13.]~~ ***15.*** ***The forensic laboratory shall not expunge a person's biological specimen and genetic marker analysis if the person has a prior felony or sexual offense conviction, a new felony or sexual offense arrest***

or a pending felony or sexual offense charge for which collection of a biological specimen is authorized pursuant to this section.

~~[14.]~~ 16. When a person's biological specimen and genetic marker analysis are expunged pursuant to this section, the forensic laboratory shall ensure that the person's biological specimen and genetic marker analysis are expunged from the Central Repository for Nevada Records of Criminal History and CODIS.

~~[15.]~~ 17. Except as otherwise authorized by federal law or specific statute, a biological specimen obtained pursuant to this section, the results of a genetic marker analysis and any information identifying or matching a biological specimen with a person must not knowingly be shared with or knowingly disclosed to any person other than the authorized personnel who have possession and control of the biological specimen, results of a genetic marker analysis or information identifying or matching a biological specimen with a person, except pursuant to:

(a) A court order; or

(b) A request from a law enforcement agency during the course of an investigation.

~~[16.]~~ 18. A person who violates any provision of subsection ~~[15]~~ 17 is guilty of a ~~[gross misdemeanor and shall be punished by imprisonment in the county jail for not more than 1 year, or by a fine of not more than $2,500, or by both fine and imprisonment.~~

~~17.]~~ category C felony and shall be punished as provided in NRS 193.130.

19. For the purposes of this section:

(a) "Sexual offense" means any of the following offenses:

(1) Murder of the first degree committed in the perpetration or attempted perpetration of sexual assault or of sexual abuse or sexual molestation of a child less than 14 years of age pursuant to paragraph (b) of subsection 1 of NRS 200.030.

(2) Sexual assault pursuant to NRS 200.366.

(3) Statutory sexual seduction pursuant to NRS 200.368.

(4) Battery with intent to commit sexual assault pursuant to subsection 4 of NRS 200.400.

(5) An offense involving the administration of a drug to another person with the intent to enable or assist the commission of a felony pursuant to NRS 200.405, if the felony is an offense listed in this section.

(6) An offense involving the administration of a controlled substance to another person with the intent to enable or assist the commission of a crime of violence pursuant to NRS 200.408, if the crime of violence is an offense listed in this section.

(7) Abuse of a child pursuant to NRS 200.508, if the abuse involved sexual abuse or sexual exploitation.

(8) An offense involving pornography and a minor pursuant to NRS 200.710 to 200.730, inclusive.

(9) Incest pursuant to NRS 201.180.

(10) Solicitation of a minor to engage in acts constituting the infamous crime against nature pursuant to NRS 201.195.

(11) Open or gross lewdness pursuant to NRS 201.210.

(12) Indecent or obscene exposure pursuant to NRS 201.220.

(13) Lewdness with a child pursuant to NRS 201.230.

(14) Sexual penetration of a dead human body pursuant to NRS 201.450.

(15) Luring a child or a person with mental illness pursuant to NRS 201.560, if punished as a felony.

(16) Any other offense that has an element involving a sexual act or sexual conduct with another.

(17) An attempt or conspiracy to commit an offense listed in subparagraphs (1) to (16), inclusive.

(18) An offense that is determined to be sexually motivated pursuant to NRS 175.547 or 207.193.

(19) An offense committed in another jurisdiction that, if committed in this State, would be an offense listed in this section. This subparagraph includes, without limitation, an offense prosecuted in:

(I) A tribal court.

(II) A court of the United States or the Armed Forces of the United States.

(20) An offense of a sexual nature committed in another jurisdiction, whether or not the offense would be an offense listed in this section, if the person who committed the offense resides or has resided or is or has been a student or worker in any jurisdiction in which the person is or has been required by the laws of that jurisdiction to register as a sex offender because of the offense. This subparagraph includes, without limitation, an offense prosecuted in:

(I) A tribal court.

(II) A court of the United States or the Armed Forces of the United States.

(III) A court having jurisdiction over juveniles.

(b) "Sexual offense" does not include an offense involving consensual sexual conduct if the victim was:

(1) An adult, unless the adult was under the custodial authority of the offender at the time of the offense; or

(2) At least 13 years of age and the offender was not more than 4 years older than the victim at the time of the commission of the offense.

Sec. 4. *1. If information related to a biological specimen or genetic marker analysis contained in CODIS is requested, the forensic laboratory shall comply with all applicable federal law and specific statutes and regulations governing the release of such information. In addition, the identity and authority of the requester must be verified. All requests must be directed through the forensic laboratory and the CODIS administrator.*

2. To minimize duplication in collection of biological specimens and genetic marker analysis, a forensic laboratory may make information available to local, state and federal law enforcement agencies, the Department of Corrections, city or county jails or any detention facility to verify whether a biological specimen has been collected from a person. Information provided under this subsection must not include any results of genetic marker analysis.

Sec. 5. NRS 176.0611 is hereby amended to read as follows:

176.0611 1. A county or a city, upon recommendation of the appropriate court, may, by ordinance, authorize the justices or judges of the justice or municipal courts within its jurisdiction to impose for not longer than 50 years, in addition to the administrative assessments imposed pursuant to NRS 176.059 and 176.0613, ***and section 2 of this act,*** an administrative assessment for the provision of court facilities.

2. Except as otherwise provided in subsection 3, in any jurisdiction in which an administrative assessment for the provision of court facilities has been authorized, when a defendant pleads guilty or guilty but mentally ill or is found guilty or guilty but mentally ill of a misdemeanor, including the violation of any municipal ordinance, the justice or judge shall include in the sentence the sum of $10 as an administrative assessment for the provision of court facilities and render a judgment against the defendant for the assessment. If the justice or judge sentences the defendant to perform community service in lieu of a fine, the justice or judge shall include in the sentence the administrative assessment required pursuant to this subsection.

3. The provisions of subsection 2 do not apply to:

(a) An ordinance regulating metered parking; or

(b) An ordinance that is specifically designated as imposing a civil penalty or liability pursuant to NRS 244.3575 or 268.019.

4. The money collected for an administrative assessment for the provision of court facilities must not be deducted from the fine imposed by the justice or judge but must be taxed against the defendant in addition to the fine. The money collected for such an administrative assessment must be stated separately on the court's docket and must be included in the amount posted for bail. If bail is forfeited, the administrative assessment included in the amount posted for bail pursuant to this subsection must be disbursed in the manner set forth in subsection 6 or 7. If the defendant is found not guilty or the charges are dismissed, the money deposited with the court must be returned to the defendant. If the justice or judge cancels a fine because the fine has been determined to be uncollectible, any balance of the fine and the administrative assessment remaining unpaid shall be deemed to be uncollectible and the defendant is not required to pay it. If a fine is determined to be uncollectible, the defendant is not entitled to a refund of the fine or administrative assessment the defendant has paid and the justice or judge shall not recalculate the administrative assessment.

5. If the justice or judge permits the fine and administrative assessment for the provision of court facilities to be paid in installments, the payments must be applied in the following order:

(a) To pay the unpaid balance of an administrative assessment imposed pursuant to NRS 176.059;

(b) To pay the unpaid balance of an administrative assessment for the provision of court facilities pursuant to this section;

(c) To pay the unpaid balance of an administrative assessment for the provision of specialty court programs pursuant to NRS 176.0613; ~~[and]~~

(d) ***To pay the unpaid balance of an administrative assessment for obtaining a biological specimen and conducting genetic marker analysis pursuant to section 2 of this act; and***

(e) To pay the fine.

6. The money collected for administrative assessments for the provision of court facilities in municipal courts must be paid by the clerk of the court to the city treasurer on or before the fifth day of each month for the preceding month. The city treasurer shall deposit the money received in a special revenue fund. The city may use the money in the special revenue fund only to:

(a) Acquire land on which to construct additional facilities for the municipal courts or a regional justice center that includes the municipal courts.

(b) Construct or acquire additional facilities for the municipal courts or a regional justice center that includes the municipal courts.

(c) Renovate or remodel existing facilities for the municipal courts.

(d) Acquire furniture, fixtures and equipment necessitated by the construction or acquisition of additional facilities or the renovation of an existing facility for the municipal courts or a regional justice center that includes the municipal courts. This paragraph does not authorize the expenditure of money from the fund for furniture, fixtures or equipment for judicial chambers.

(e) Acquire advanced technology for use in the additional or renovated facilities.

(f) Pay debt service on any bonds issued pursuant to subsection 3 of NRS 350.020 for the acquisition of land or facilities or the construction or renovation of facilities for the municipal courts or a regional justice center that includes the municipal courts.

➥ Any money remaining in the special revenue fund after 5 fiscal years must be deposited in the municipal general fund for the continued maintenance of court facilities if it has not been committed for expenditure pursuant to a plan for the construction or acquisition of court facilities or improvements to court facilities. The city treasurer shall provide, upon request by a municipal court, monthly reports of the revenue credited to and expenditures made from the special revenue fund.

7. The money collected for administrative assessments for the provision of court facilities in justice courts must be paid by the clerk of the court to the county treasurer on or before the fifth day of each month for the preceding month. The county treasurer shall deposit the money received to a special revenue fund. The county may use the money in the special revenue fund only to:

(a) Acquire land on which to construct additional facilities for the justice courts or a regional justice center that includes the justice courts.

(b) Construct or acquire additional facilities for the justice courts or a regional justice center that includes the justice courts.

(c) Renovate or remodel existing facilities for the justice courts.

(d) Acquire furniture, fixtures and equipment necessitated by the construction or acquisition of additional facilities or the renovation of an existing facility for the justice courts or a regional justice center that includes the justice courts. This paragraph does not authorize the expenditure of money from the fund for furniture, fixtures or equipment for judicial chambers.

(e) Acquire advanced technology for use in the additional or renovated facilities.

(f) Pay debt service on any bonds issued pursuant to subsection 3 of NRS 350.020 for the acquisition of land or facilities or the construction or renovation of facilities for the justice courts or a regional justice center that includes the justice courts.

➥ Any money remaining in the special revenue fund after 5 fiscal years must be deposited in the county general fund for the continued maintenance of court facilities if it has not been committed for expenditure pursuant to a plan for the construction or acquisition of court facilities or improvements to court facilities. The county treasurer shall provide, upon request by a justice court, monthly reports of the revenue credited to and expenditures made from the special revenue fund.

8. If money collected pursuant to this section is to be used to acquire land on which to construct a regional justice center, to construct a regional justice center or to pay debt service on bonds issued for these purposes, the county and the participating cities shall, by interlocal agreement, determine such issues as the size of the regional justice center, the manner in which the center will be used and the apportionment of fiscal responsibility for the center.

Sec. 6. NRS 176.0613 is hereby amended to read as follows:

176.0613 1. The justices or judges of the justice or municipal courts shall impose, in addition to an administrative assessment imposed pursuant to NRS 176.059 and 176.0611, ***and section 2 of this act,*** an administrative assessment for the provision of specialty court programs.

2. Except as otherwise provided in subsection 3, when a defendant pleads guilty or guilty but mentally ill or is found guilty or guilty but mentally ill of a misdemeanor, including the violation of any municipal ordinance, the

justice or judge shall include in the sentence the sum of $7 as an administrative assessment for the provision of specialty court programs and render a judgment against the defendant for the assessment. If a defendant is sentenced to perform community service in lieu of a fine, the sentence must include the administrative assessment required pursuant to this subsection.

3. The provisions of subsection 2 do not apply to:

(a) An ordinance regulating metered parking; or

(b) An ordinance which is specifically designated as imposing a civil penalty or liability pursuant to NRS 244.3575 or 268.019.

4. The money collected for an administrative assessment for the provision of specialty court programs must not be deducted from the fine imposed by the justice or judge but must be taxed against the defendant in addition to the fine. The money collected for such an administrative assessment must be stated separately on the court's docket and must be included in the amount posted for bail. If bail is forfeited, the administrative assessment included in the bail pursuant to this subsection must be disbursed pursuant to subsection 6 or 7. If the defendant is found not guilty or the charges are dismissed, the money deposited with the court must be returned to the defendant. If the justice or judge cancels a fine because the fine has been determined to be uncollectible, any balance of the fine and the administrative assessment remaining unpaid shall be deemed to be uncollectible and the defendant is not required to pay it. If a fine is determined to be uncollectible, the defendant is not entitled to a refund of the fine or administrative assessment the defendant has paid and the justice or judge shall not recalculate the administrative assessment.

5. If the justice or judge permits the fine and administrative assessment for the provision of specialty court programs to be paid in installments, the payments must be applied in the following order:

(a) To pay the unpaid balance of an administrative assessment imposed pursuant to NRS 176.059;

(b) To pay the unpaid balance of an administrative assessment for the provision of court facilities pursuant to NRS 176.0611;

(c) To pay the unpaid balance of an administrative assessment for the provision of specialty court programs; ~~[and]~~

(d) ***To pay the unpaid balance of an administrative assessment for obtaining a biological specimen and conducting genetic marker analysis pursuant to section 2 of this act; and***

(e) To pay the fine.

6. The money collected for an administrative assessment for the provision of specialty court programs in municipal court must be paid by the clerk of the court to the city treasurer on or before the fifth day of each month for the preceding month. On or before the 15th day of that month, the city treasurer shall deposit the money received for each administrative assessment with the State Controller for credit to a special account in the State General Fund administered by the Office of Court Administrator.

7. The money collected for an administrative assessment for the provision of specialty court programs in justice courts must be paid by the clerk of the court to the county treasurer on or before the fifth day of each month for the preceding month. On or before the 15th day of that month, the county treasurer shall deposit the money received for each administrative assessment with the State Controller for credit to a special account in the State General Fund administered by the Office of Court Administrator.

8. The Office of Court Administrator shall allocate the money credited to the State General Fund pursuant to subsections 6 and 7 to courts to assist with the funding or establishment of specialty court programs.

9. Money that is apportioned to a court from administrative assessments for the provision of specialty court programs must be used by the court to:

(a) Pay for the treatment and testing of persons who participate in the program; and

(b) Improve the operations of the specialty court program by any combination of:

(1) Acquiring necessary capital goods;

(2) Providing for personnel to staff and oversee the specialty court program;

(3) Providing training and education to personnel;

(4) Studying the management and operation of the program;

(5) Conducting audits of the program;

(6) Supplementing the funds used to pay for judges to oversee a specialty court program; or

(7) Acquiring or using appropriate technology.

10. As used in this section:

(a) "Office of Court Administrator" means the Office of Court Administrator created pursuant to NRS 1.320; and

(b) "Specialty court program" means a program established by a court to facilitate testing, treatment and oversight of certain persons over whom the court has jurisdiction and who the court has determined suffer from a mental illness or abuses alcohol or drugs. Such a program includes, without limitation, a program established pursuant to NRS 176A.250, 176A.280 or 453.580.

Sec. 7. NRS 176.0911 is hereby amended to read as follows:

176.0911 As used in NRS 176.0911 to 176.0917, inclusive, ***and sections 2, 3 and 4 of this act,*** unless the context otherwise requires, "CODIS" means the Combined DNA Indexing System operated by the Federal Bureau of Investigation.

Sec. 8. NRS 176.0913 is hereby amended to read as follows:

176.0913 1. If a defendant is convicted of an offense listed in subsection 4, the court, at sentencing, shall order that:

(a) The name, social security number, date of birth and any other information identifying the defendant be submitted to the Central Repository for Nevada Records of Criminal History; and

(b) A biological specimen be obtained from the defendant pursuant to the provisions of this section and that the specimen be used for an analysis to determine the genetic markers of the specimen.

2. If the defendant is committed to the custody of the Department of Corrections, the Department of Corrections shall arrange for the biological specimen to be obtained from the defendant. The Department of Corrections shall provide the specimen to the forensic laboratory that has been designated by the county in which the defendant was convicted to conduct or oversee genetic marker testing for the county pursuant to NRS 176.0917.

3. If the defendant is not committed to the custody of the Department of Corrections, the Division shall arrange for the biological specimen to be obtained from the defendant. The Division shall provide the specimen to the forensic laboratory that has been designated by the county in which the defendant was convicted to conduct or oversee genetic marker testing for the county pursuant to NRS 176.0917. Any cost that is incurred to obtain a biological specimen from a defendant pursuant to this subsection is a charge against the county in which the defendant was convicted and must be paid as provided in NRS 176.0915.

4. Except as otherwise provided in subsection 5, the provisions of subsection 1 apply to a defendant who is convicted of:

(a) A felony;

(b) A crime against a child as defined in NRS 179D.0357;

(c) A sexual offense as defined in NRS 179D.097;

(d) Abuse or neglect of an older person or a vulnerable person pursuant to NRS 200.5099;

(e) A second or subsequent offense for stalking pursuant to NRS 200.575;

(f) An attempt or conspiracy to commit an offense listed in paragraphs (a) to (e), inclusive;

(g) Failing to register with a local law enforcement agency as a convicted person as required pursuant to NRS 179C.100, if the defendant previously was:

(1) Convicted in this State of committing an offense listed in paragraph (a), (d), (e) or (f); or

(2) Convicted in another jurisdiction of committing an offense that would constitute an offense listed in paragraph (a), (d), (e) or (f) if committed in this State;

(h) Failing to register with a local law enforcement agency after being convicted of a crime against a child as required pursuant to NRS 179D.450; or

(i) Failing to register with a local law enforcement agency after being convicted of a sexual offense as required pursuant to NRS 179D.450.

5. A court shall not order a biological specimen to be obtained from a defendant who has previously submitted such a specimen ***pursuant to section 3 of this act or*** for conviction of a prior offense unless the court determines that an additional sample is necessary.

6. Except as otherwise authorized by federal law or by specific statute, a biological specimen obtained pursuant to this section, the results of a genetic marker analysis and any information identifying or matching a biological specimen with a person must not be shared with or disclosed to any person other than the authorized personnel who have possession and control of the biological specimen, results of a genetic marker analysis or information identifying or matching a biological specimen with a person, except pursuant to:

(a) A court order; or

(b) A request from a law enforcement agency during the course of an investigation.

7. A person who violates any provision of subsection 6 is guilty of a ~~*[gross misdemeanor]* **[.]** *[and shall be punished by imprisonment in the county jail for not more than 1 year, or by a fine of not more than $2,500, or by both fine and imprisonment.]*~~ ***category C felony and shall be punished as provided in NRS 193.130.***

Sec. 9. NRS 176.0915 is hereby amended to read as follows:

176.0915 1. If a biological specimen is obtained from a ~~**[**defendant**]**~~ ***person*** pursuant to NRS 176.0913 ~~**[**,**]**~~ ***or section 3 of this act, and the person is convicted of the offense for which the biological specimen was obtained,*** the court, in addition to any other penalty, shall order the ~~**[**defendant,**]**~~ ***person,*** to the extent of the ~~**[**defendant's**]**~~ ***person's*** financial ability, to pay the sum of $150 as a fee for obtaining the specimen and for conducting the analysis to determine the genetic markers of the specimen. The fee:

(a) Must be stated separately in the judgment of the court or on the docket of the court;

(b) Must be collected from the ~~**[**defendant**]**~~ ***person*** before or at the same time that any fine imposed by the court is collected from the ~~**[**defendant;**]**~~ ***person;*** and

(c) Must not be deducted from any fine imposed by the court.

2. All money that is collected pursuant to subsection 1 must be paid by the clerk of the court to the county treasurer on or before the fifth day of each month for the preceding month.

3. The board of county commissioners of each county shall by ordinance create in the county treasury a fund to be designated as the fund for genetic marker testing. The county treasurer shall deposit money that is collected pursuant to subsection 2 in the fund for genetic marker testing. The money must be accounted for separately within the fund.

4. Each month, the county treasurer shall use the money deposited in the fund for genetic marker testing to pay for the actual amount charged to the county for obtaining a biological specimen from a ~~**[**defendant**]**~~ ***person*** pursuant to NRS 176.0913 ~~**[**,**]**~~ ***or section 3 of this act.***

5. The board of county commissioners of each county may apply for and accept grants, gifts, donations, bequests or devises which the board of county

commissioners shall deposit with the county treasurer for credit to the fund for genetic marker testing.

6. If money remains in the fund after the county treasurer makes the payments required by subsection 4, the county treasurer shall pay the remaining money each month to the forensic laboratory that is designated by the county pursuant to NRS 176.0917 to conduct or oversee genetic marker testing for the county. A forensic laboratory that receives money pursuant to this subsection shall use the money to cover any expense related to genetic marker testing.

Sec. 10. NRS 176.0917 is hereby amended to read as follows:

176.0917 1. The board of county commissioners of each county shall designate a forensic laboratory to conduct or oversee for the county any genetic marker testing that is ~~[ordered or arranged]~~ ***required*** pursuant to NRS 176.0913 or 176.0916 ~~[.]~~ ***or section 3 of this act.***

2. The forensic laboratory designated by the board of county commissioners pursuant to subsection 1:

(a) Must be operated by this State or one of its political subdivisions; and

(b) Must satisfy or exceed the standards for quality assurance that are established by the Federal Bureau of Investigation for participation in CODIS.

Sec. 11. NRS 179.225 is hereby amended to read as follows:

179.225 1. If the punishment of the crime is the confinement of the criminal in prison, the expenses must be paid from money appropriated to the Office of the Attorney General for that purpose, upon approval by the State Board of Examiners. After the appropriation is exhausted, the expenses must be paid from the Reserve for Statutory Contingency Account upon approval by the State Board of Examiners. In all other cases, they must be paid out of the county treasury in the county wherein the crime is alleged to have been committed. The expenses are:

(a) If the prisoner is returned to this State from another state, the fees paid to the officers of the state on whose governor the requisition is made;

(b) If the prisoner is returned to this State from a foreign country or jurisdiction, the fees paid to the officers and agents of this State or the United States; or

(c) If the prisoner is temporarily returned for prosecution to this State from another state pursuant to this chapter or chapter 178 of NRS and is then returned to the sending state upon completion of the prosecution, the fees paid to the officers and agents of this State,

➥ and the per diem allowance and travel expenses provided for state officers and employees generally incurred in returning the prisoner.

2. If a person is returned to this State pursuant to this chapter or chapter 178 of NRS and is convicted of, or pleads guilty, guilty but mentally ill or nolo contendere to, the criminal charge for which the person was returned or a lesser criminal charge, the court shall conduct an investigation of the financial status of the person to determine the ability to make restitution. In

conducting the investigation, the court shall determine if the person is able to pay any existing obligations for:

(a) Child support;

(b) Restitution to victims of crimes; and

(c) Any administrative assessment required to be paid pursuant to NRS 62E.270, 176.059, 176.0611, 176.0613 and 176.062 ~~[.]~~ ***and section 2 of this act.***

3. If the court determines that the person is financially able to pay the obligations described in subsection 2, it shall, in addition to any other sentence it may impose, order the person to make restitution for the expenses incurred by the Attorney General or other governmental entity in returning the person to this State. The court shall not order the person to make restitution if payment of restitution will prevent the person from paying any existing obligations described in subsection 2. Any amount of restitution remaining unpaid constitutes a civil liability arising upon the date of the completion of the sentence.

4. The Attorney General may adopt regulations to carry out the provisions of this section.

Sec. 12. NRS 179A.075 is hereby amended to read as follows:

179A.075 1. The Central Repository for Nevada Records of Criminal History is hereby created within the Records and Technology Division of the Department.

2. Each agency of criminal justice and any other agency dealing with crime or delinquency of children shall:

(a) Collect and maintain records, reports and compilations of statistical data required by the Department; and

(b) Submit the information collected to the Central Repository in the manner approved by the Director of the Department.

3. Each agency of criminal justice shall submit the information relating to records of criminal history that it creates or issues, and any information in its possession relating to the genetic markers of a biological specimen of a person ~~[who is convicted of an offense listed in subsection 4 of]~~ ***from whom a biological specimen is obtained pursuant to*** NRS 176.0913 ~~[.]~~ ***or section 3 of this act,*** to the Division. The information must be submitted to the Division:

(a) Through an electronic network;

(b) On a medium of magnetic storage; or

(c) In the manner prescribed by the Director of the Department,

➥ within the period prescribed by the Director of the Department. If an agency has submitted a record regarding the arrest of a person who is later determined by the agency not to be the person who committed the particular crime, the agency shall, immediately upon making that determination, so notify the Division. The Division shall delete all references in the Central Repository relating to that particular arrest.

4. The Division shall, in the manner prescribed by the Director of the Department:

(a) Collect, maintain and arrange all information submitted to it relating to:

(1) Records of criminal history; and

(2) The genetic markers of a biological specimen of a person ~~[who is convicted of an offense listed in subsection 4 of]~~ ***from whom a biological specimen is obtained pursuant to*** NRS 176.0913 ~~[.]~~ ***or section 3 of this act.***

(b) When practicable, use a record of the personal identifying information of a subject as the basis for any records maintained regarding him or her.

(c) Upon request, provide the information that is contained in the Central Repository to the State Disaster Identification Team of the Division of Emergency Management of the Department.

5. The Division may:

(a) Disseminate any information which is contained in the Central Repository to any other agency of criminal justice;

(b) Enter into cooperative agreements with repositories of the United States and other states to facilitate exchanges of information that may be disseminated pursuant to paragraph (a); and

(c) Request of and receive from the Federal Bureau of Investigation information on the background and personal history of any person whose record of fingerprints the Central Repository submits to the Federal Bureau of Investigation and:

(1) Who has applied to any agency of the State of Nevada or any political subdivision thereof for a license which it has the power to grant or deny;

(2) With whom any agency of the State of Nevada or any political subdivision thereof intends to enter into a relationship of employment or a contract for personal services;

(3) Who has applied to any agency of the State of Nevada or any political subdivision thereof to attend an academy for training peace officers approved by the Peace Officers' Standards and Training Commission;

(4) For whom such information is required to be obtained pursuant to NRS 427A.735 and 449.179; or

(5) About whom any agency of the State of Nevada or any political subdivision thereof is authorized by law to have accurate personal information for the protection of the agency or the persons within its jurisdiction.

➥ To request and receive information from the Federal Bureau of Investigation concerning a person pursuant to this subsection, the Central Repository must receive the person's complete set of fingerprints from the agency or political subdivision and submit the fingerprints to the Federal Bureau of Investigation for its report.

6. The Central Repository shall:

(a) Collect and maintain records, reports and compilations of statistical data submitted by any agency pursuant to subsection 2.

(b) Tabulate and analyze all records, reports and compilations of statistical data received pursuant to this section.

(c) Disseminate to federal agencies engaged in the collection of statistical data relating to crime information which is contained in the Central Repository.

(d) Investigate the criminal history of any person who:

(1) Has applied to the Superintendent of Public Instruction for a license;

(2) Has applied to a county school district, charter school or private school for employment; or

(3) Is employed by a county school district, charter school or private school,

➥ and notify the superintendent of each county school district, the governing body of each charter school and the Superintendent of Public Instruction, or the administrator of each private school, as appropriate, if the investigation of the Central Repository indicates that the person has been convicted of a violation of NRS 200.508, 201.230, 453.3385, 453.339 or 453.3395, or convicted of a felony or any offense involving moral turpitude.

(e) Upon discovery, notify the superintendent of each county school district, the governing body of each charter school or the administrator of each private school, as appropriate, by providing the superintendent, governing body or administrator with a list of all persons:

(1) Investigated pursuant to paragraph (d); or

(2) Employed by a county school district, charter school or private school whose fingerprints were sent previously to the Central Repository for investigation,

➥ who the Central Repository's records indicate have been convicted of a violation of NRS 200.508, 201.230, 453.3385, 453.339 or 453.3395, or convicted of a felony or any offense involving moral turpitude since the Central Repository's initial investigation. The superintendent of each county school district, the governing body of a charter school or the administrator of each private school, as applicable, shall determine whether further investigation or action by the district, charter school or private school, as applicable, is appropriate.

(f) Investigate the criminal history of each person who submits fingerprints or has fingerprints submitted pursuant to NRS 427A.735, 449.176 or 449.179.

(g) On or before July 1 of each year, prepare and present to the Governor a printed annual report containing the statistical data relating to crime received during the preceding calendar year. Additional reports may be presented to the Governor throughout the year regarding specific areas of crime if they are approved by the Director of the Department.

(h) On or before July 1 of each year, prepare and submit to the Director of the Legislative Counsel Bureau for submission to the Legislature, or to the

Legislative Commission when the Legislature is not in regular session, a report containing statistical data about domestic violence in this State.

(i) Identify and review the collection and processing of statistical data relating to criminal justice and the delinquency of children by any agency identified in subsection 2 and make recommendations for any necessary changes in the manner of collecting and processing statistical data by any such agency.

7. The Central Repository may:

(a) In the manner prescribed by the Director of the Department, disseminate compilations of statistical data and publish statistical reports relating to crime or the delinquency of children.

(b) Charge a reasonable fee for any publication or special report it distributes relating to data collected pursuant to this section. The Central Repository may not collect such a fee from an agency of criminal justice, any other agency dealing with crime or the delinquency of children which is required to submit information pursuant to subsection 2 or the State Disaster Identification Team of the Division of Emergency Management of the Department. All money collected pursuant to this paragraph must be used to pay for the cost of operating the Central Repository.

(c) In the manner prescribed by the Director of the Department, use electronic means to receive and disseminate information contained in the Central Repository that it is authorized to disseminate pursuant to the provisions of this chapter.

8. As used in this section:

(a) "Personal identifying information" means any information designed, commonly used or capable of being used, alone or in conjunction with any other information, to identify a person, including, without limitation:

(1) The name, driver's license number, social security number, date of birth and photograph or computer-generated image of a person; and

(2) The fingerprints, voiceprint, retina image and iris image of a person.

(b) "Private school" has the meaning ascribed to it in NRS 394.103.

Sec. 13. NRS 179D.150 is hereby amended to read as follows:

179D.150 A record of registration must include, if the information is available:

1. Information identifying the offender or sex offender, including, but not limited to:

(a) The name of the offender or sex offender and all aliases that the offender or sex offender has used or under which he or she has been known;

(b) A complete physical description of the offender or sex offender, a current photograph of the offender or sex offender and the fingerprints and palm prints of the offender or sex offender;

(c) The date of birth and the social security number of the offender or sex offender;

(d) The identification number from a driver's license or an identification card issued to the offender or sex offender by this State or any other jurisdiction and a photocopy of such driver's license or identification card;

(e) A report of the analysis of the genetic markers of the specimen obtained from the offender or sex offender pursuant to NRS 176.0913 ~~[,]~~ ***or section 3 of this act;*** and

(f) Any other information that identifies the offender or sex offender.

2. Information concerning the residence of the offender or sex offender, including, but not limited to:

(a) The address at which the offender or sex offender resides;

(b) The length of time the offender or sex offender has resided at that address and the length of time the offender or sex offender expects to reside at that address;

(c) The address or location of any other place where the offender or sex offender expects to reside in the future and the length of time the offender or sex offender expects to reside there; and

(d) The length of time the offender or sex offender expects to remain in the county where the offender or sex offender resides and in this State.

3. Information concerning the offender's or sex offender's occupations, employment or work or expected occupations, employment or work, including, but not limited to, the name, address and type of business of all current and expected future employers of the offender or sex offender.

4. Information concerning the offender's or sex offender's volunteer service or expected volunteer service in connection with any activity or organization within this State, including, but not limited to, the name, address and type of each such activity or organization.

5. Information concerning the offender's or sex offender's enrollment or expected enrollment as a student in any public or private educational institution or school within this State, including, but not limited to, the name, address and type of each such educational institution or school.

6. Information concerning whether:

(a) The offender or sex offender is, expects to be or becomes enrolled as a student at an institution of higher education or changes the date of commencement or termination of the offender or sex offender's enrollment at an institution of higher education; or

(b) The offender or sex offender is, expects to be or becomes a worker at an institution of higher education or changes the date of commencement or termination of the offender or sex offender's work at an institution of higher education,

➥ including, but not limited to, the name, address and type of each such institution of higher education.

7. The license plate number and a description of all motor vehicles registered to or frequently driven by the offender or sex offender.

8. The level of registration and community notification of the offender or sex offender.

9. The criminal history of the offender or sex offender, including, without limitation:

(a) The dates of all arrests and convictions of the offender or sex offender;

(b) The status of parole, probation or supervised release of the offender or sex offender;

(c) The status of the registration of the offender or sex offender; and

(d) The existence of any outstanding arrest warrants for the offender or sex offender.

10. The following information for each offense for which the offender or sex offender has been convicted:

(a) The court in which the offender or sex offender was convicted;

(b) The text of the provision of law defining each offense;

(c) The name under which the offender or sex offender was convicted;

(d) The name and location of each penal institution, school, hospital, mental facility or other institution to which the offender or sex offender was committed;

(e) The specific location where the offense was committed;

(f) The age, the gender, the race and a general physical description of the victim; and

(g) The method of operation that was used to commit the offense, including, but not limited to:

(1) Specific sexual acts committed against the victim;

(2) The method of obtaining access to the victim, such as the use of enticements, threats, forced entry or violence against the victim;

(3) The type of injuries inflicted on the victim;

(4) The types of instruments, weapons or objects used;

(5) The type of property taken; and

(6) Any other distinctive characteristic of the behavior or personality of the offender or sex offender.

11. Any other information required by federal law.

Sec. 14. NRS 179D.443 is hereby amended to read as follows:

179D.443 When an offender convicted of a crime against a child or a sex offender registers with a local law enforcement agency as required pursuant to NRS 179D.445, 179D.460 or 179D.480, or updates the registration as required pursuant to NRS 179D.447:

1. The offender or sex offender shall provide the local law enforcement agency with the following:

(a) The name of the offender or sex offender and all aliases that the offender or sex offender has used or under which the offender or sex offender has been known;

(b) The social security number of the offender or sex offender;

(c) The address of any residence or location at which the offender or sex offender resides or will reside;

(d) The name and address of any place where the offender or sex offender is a worker or will be a worker;

(e) The name and address of any place where the offender or sex offender is a student or will be a student;

(f) The license plate number and a description of all motor vehicles registered to or frequently driven by the offender or sex offender; and

(g) Any other information required by federal law.

2. If the offender or sex offender has not previously provided a biological specimen pursuant to NRS 176.0913 or 176.0916, ***or section 3 of this act,*** the offender or sex offender shall provide a biological specimen to the local law enforcement agency. The local law enforcement agency shall provide the specimen to the forensic laboratory that has been designated by the county in which the offender or sex offender resides, is present or is a worker or student to conduct or oversee genetic marker testing for the county pursuant to NRS 176.0917.

3. The local law enforcement agency shall ensure that the record of registration of the offender or sex offender includes, without limitation:

(a) A complete physical description of the offender or sex offender, a current photograph of the offender or sex offender and the fingerprints and palm prints of the offender or sex offender;

(b) The text of the provision of law defining each offense for which the offender or sex offender is required to register;

(c) The criminal history of the offender or sex offender, including, without limitation:

(1) The dates of all arrests and convictions of the offender or sex offender;

(2) The status of parole, probation or supervised release of the offender or sex offender;

(3) The status of the registration of the offender or sex offender; and

(4) The existence of any outstanding arrest warrants for the offender or sex offender;

(d) A report of the analysis of the genetic markers of the specimen obtained from the offender or sex offender;

(e) The identification number from a driver's license or an identification card issued to the offender or sex offender by this State or any other jurisdiction and a photocopy of such driver's license or identification card; and

(f) Any other information required by federal law.

Sec. 15. NRS 211.245 is hereby amended to read as follows:

211.245 1. If a prisoner fails to make a payment within 10 days after it is due, the district attorney for a county or the city attorney for an incorporated city may file a civil action in any court of competent jurisdiction within this State seeking recovery of:

(a) The amount of reimbursement due;

(b) Costs incurred in conducting an investigation of the financial status of the prisoner; and

(c) Attorney's fees and costs.

2. A civil action brought pursuant to this section must:

(a) Be instituted in the name of the county or city in which the jail, detention facility or alternative program is located;

(b) Indicate the date and place of sentencing, including, without limitation, the name of the court which imposed the sentence;

(c) Include the record of judgment of conviction, if available;

(d) Indicate the length of time served by the prisoner and, if the prisoner has been released, the date of his or her release; and

(e) Indicate the amount of reimbursement that the prisoner owes to the county or city.

3. The county or city treasurer of the county or incorporated city in which a prisoner is or was confined shall determine the amount of reimbursement that the prisoner owes to the city or county. The county or city treasurer may render a sworn statement indicating the amount of reimbursement that the prisoner owes and submit the statement in support of a civil action brought pursuant to this section. Such a statement is prima facie evidence of the amount due.

4. A court in a civil action brought pursuant to this section may award a money judgment in favor of the county or city in whose name the action was brought.

5. If necessary to prevent the disposition of the prisoner's property by the prisoner, or the prisoner's spouse or agent, a county or city may file a motion for a temporary restraining order. The court may, without a hearing, issue ex parte orders restraining any person from transferring, encumbering, hypothecating, concealing or in any way disposing of any property of the prisoner, real or personal, whether community or separate, except for necessary living expenses.

6. The payment, pursuant to a judicial order, of existing obligations for:

(a) Child support or alimony;

(b) Restitution to victims of crimes; and

(c) Any administrative assessment required to be paid pursuant to NRS 62E.270, 176.059, 176.0611, 176.0613 and 176.062, ***and section 2 of this act,***

➥ has priority over the payment of a judgment entered pursuant to this section.

Sec. 16. NRS 249.085 is hereby amended to read as follows:

249.085 On or before the 15th day of each month, the county treasurer shall report to the State Controller the amount of the administrative assessments paid by each justice court for the preceding month pursuant to NRS 176.059 and 176.0613 ~~[.]~~ ***and section 2 of this act.***

Sec. 17. The amendatory provisions of this act apply to a person arrested on or after July 1, 2012.

Sec. 18. 1. This section and sections 1, 2, 5, 6, 7, 11, 15 and 16 of this act become effective on July 1, 2011.

2. Sections 3, 4, 8, 9, 10, 12, 13, 14 and 17 of this act become effective on July 1, 2012.

Assemblyman Ohrenschall moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Senate Bill No. 86.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 109.

Senate Bill No. 86—~~[Senator]~~ **SENATORS** Leslie **; BREEDEN, COPENING, ROBERSON, SCHNEIDER, SETTELMEYER AND PARKS**

Prefiled January 7, 2011

JOINT SPONSORS: ASSEMBLYMEN HORNE; AIZLEY, ANDERSON, ATKINSON, BOBZIEN, CONKLIN, FLORES, FRIERSON, HARDY, KIRKPATRICK, OCEGUERA, OHRENSCHALL, PIERCE, SEGERBLOM AND SMITH

AN ACT relating to eminent domain; removing the authorization of a person who is not a public agency to exercise the power of eminent domain to acquire real property for mining, smelting and related activities; eliminating the use of the power of eminent domain to acquire real property for pipelines of the beet sugar industry; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the use of eminent domain to acquire real property for certain public uses, including mining, smelting and related activities and pipelines of the beet sugar industry. (NRS 37.010) This bill removes the authorization of a person who is not a public agency to exercise the power of eminent domain for the purposes of mining, smelting and related activities. This bill also eliminates an obsolete provision that authorized the use of the power of eminent domain to acquire real property for pipelines of the beet sugar industry.

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

Section 1. NRS 37.0095 is hereby amended to read as follows:

37.0095 1. Except as otherwise provided in subsection 2, only a public agency may exercise the power of eminent domain pursuant to the provisions of this chapter.

2. Except as otherwise provided in NRS 37.0097, the power of eminent domain may be exercised by a person who is not a public agency pursuant to NRS 37.230 and paragraphs ~~[(f), (h), (j), (m)]~~ ***(g), (i), (k)*** and ~~[(p)]~~ ***(n)*** of subsection 1 of NRS 37.010.

3. As used in this section, "public agency" means an agency or political subdivision of this State or the United States.

Sec. 2. NRS 37.010 is hereby amended to read as follows:

37.010 1. Subject to the provisions of this chapter and the limitations in subsections 2 and 3, the right of eminent domain may be exercised in behalf of the following public uses:

(a) Federal activities. All public purposes authorized by the Government of the United States.

(b) State activities. Public buildings and grounds for the use of the State, the Nevada System of Higher Education and all other public purposes authorized by the Legislature.

(c) County, city, town and school district activities. Public buildings and grounds for the use of any county, incorporated city or town, or school district, reservoirs, water rights, canals, aqueducts, flumes, ditches or pipes for conducting water for the use of the inhabitants of any county, incorporated city or town, for draining any county, incorporated city or town, for raising the banks of streams, removing obstructions therefrom, and widening, deepening or straightening their channels, for roads, streets and alleys, and all other public purposes for the benefit of any county, incorporated city or town, or the inhabitants thereof.

(d) Bridges, toll roads, railroads, street railways and similar uses. Wharves, docks, piers, chutes, booms, ferries, bridges, toll roads, byroads, plank and turnpike roads, roads for transportation by traction engines or locomotives, roads for logging or lumbering purposes, and railroads and street railways for public transportation.

(e) Ditches, canals, aqueducts for smelting, domestic uses, irrigation and reclamation. Reservoirs, dams, water gates, canals, ditches, flumes, tunnels, aqueducts and pipes for supplying persons, mines, mills, smelters or other works for the reduction of ores, with water for domestic and other uses, for irrigating purposes, for draining and reclaiming lands, or for floating logs and lumber on streams not navigable.

(f) **[**~~Mining, smelting and related activities. Mining, smelting and related activities as follows:~~

~~(1) Mining and related activities, which are recognized as the paramount interest of this State.~~

~~(2) Roads, railroads, tramways, tunnels, ditches, flumes, pipes, reservoirs, dams, water gates, canals, aqueducts and dumping places to facilitate the milling, smelting or other reduction of ores, the working, reclamation or dewatering of mines, and for all mining purposes, outlets, natural or otherwise, for the deposit or conduct of tailings, refuse, or water from mills, smelters, or other work for the reduction of ores from mines, mill dams, pipelines, tanks or reservoirs for natural gas or oil, an occupancy in common by the owners or possessors of different mines, mills, smelters or other places for the reduction of ores, or any place for the flow, deposit or conduct of tailings or refuse matter and the necessary land upon which to~~

~~erect smelters and to operate them successfully, including the deposit of fine flue dust, fumes and smoke.~~

~~(g)~~ Byroads. Byroads leading from highways to residences and farms.

~~[(h)]~~ ***(g)*** Public utilities. Lines for telegraph, telephone, electric light and electric power and sites for plants for electric light and power.

~~[(i)]~~ ***(h)*** Sewerage. Sewerage of any city, town, settlement of not less than 10 families or any public building belonging to the State or college or university.

~~[(j)]~~ ***(i)*** Water for generation and transmission of electricity. Canals, reservoirs, dams, ditches, flumes, aqueducts and pipes for supplying and storing water for the operation of machinery to generate and transmit electricity for power, light or heat.

~~[(k)]~~ ***(j)*** Cemeteries, public parks. Cemeteries or public parks.

~~[(l) Pipelines of beet sugar industry. Pipelines to conduct any liquids connected with the manufacture of beet sugar.~~

~~(m)~~ ***(k)*** Pipelines for petroleum products, natural gas. Pipelines for the transportation of crude petroleum, petroleum products or natural gas, whether interstate or intrastate.

~~[(n)]~~ ***(l)*** Aviation. Airports, facilities for air navigation and aerial rights-of-way.

~~[(o)]~~ ***(m)*** Monorails. Monorails and any other overhead or underground system used for public transportation.

~~[(p)]~~ ***(n)*** Video service providers. Video service providers that are authorized pursuant to chapter 711 of NRS to operate a video service network. The exercise of the power of eminent domain may include the right to use the wires, conduits, cables or poles of any public utility if:

(1) It creates no substantial detriment to the service provided by the utility;

(2) It causes no irreparable injury to the utility; and

(3) The Public Utilities Commission of Nevada, after giving notice and affording a hearing to all persons affected by the proposed use of the wires, conduits, cables or poles, has found that it is in the public interest.

~~[(q)]~~ ***(o)*** Redevelopment. The acquisition of property pursuant to NRS 279.382 to 279.685, inclusive.

2. Notwithstanding any other provision of law and except as otherwise provided in this subsection, the public uses for which private property may be taken by the exercise of eminent domain do not include the direct or indirect transfer of any interest in the property to another private person or entity. Property taken by the exercise of eminent domain may be transferred to another private person or entity in the following circumstances:

(a) The entity that took the property transfers the property to a private person or entity and the private person or entity uses the property primarily to benefit a public service, including, without limitation, a utility, railroad, public transportation project, pipeline, road, bridge, airport or facility that is owned by a governmental entity.

(b) The entity that took the property leases the property to a private person or entity that occupies an incidental part of an airport or a facility that is owned by a governmental entity and, before leasing the property:

(1) Uses its best efforts to notify the person from whom the property was taken that the property will be leased to a private person or entity that will occupy an incidental part of an airport or facility that is owned by a governmental entity; and

(2) Provides the person from whom the property was taken with an opportunity to bid or propose on any such lease.

(c) The entity that took the property:

(1) Took the property in order to acquire property that was abandoned by the owner, abate an immediate threat to the safety of the public or remediate hazardous waste; and

(2) Grants a right of first refusal to the person from whom the property was taken that allows that person to reacquire the property on the same terms and conditions that are offered to the other private person or entity.

(d) The entity that took the property exchanges it for other property acquired or being acquired by eminent domain or under the threat of eminent domain for roadway or highway purposes, to relocate public or private structures or to avoid payment of excessive compensation or damages.

(e) The person from whom the property is taken consents to the taking.

3. The entity that is taking property by the exercise of eminent domain has the burden of proving that the taking is for a public use.

4. For the purposes of this section, an airport authority or any public airport is not a private person or entity.

Sec. 3. NRS 279.471 is hereby amended to read as follows:

279.471 1. Except as otherwise provided in this subsection, an agency may exercise the power of eminent domain to acquire property for a redevelopment project only if the agency adopts a resolution that includes a written finding by the agency that a condition of blight exists for each individual parcel of property to be acquired by eminent domain. An agency may exercise the power of eminent domain to acquire a parcel of property that is not blighted for a redevelopment project if the agency adopts a resolution that includes a written finding by the agency that a condition of blight exists for at least two-thirds of the property within the redevelopment area at the time the redevelopment area was created.

2. In addition to the requirement set forth in subsection 1, an agency may exercise the power of eminent domain to acquire property for a redevelopment project only if:

(a) The property sought to be acquired is necessary to carry out the redevelopment plan;

(b) The agency has adopted a resolution of necessity that complies with the requirements set forth in subsection 3; and

(c) The agency has complied with the provisions of NRS 279.4712.

3. A resolution of necessity required pursuant to paragraph (b) of subsection 2 must set forth:

(a) A statement that the property will be acquired for purposes of redevelopment as authorized pursuant to paragraph ~~[(q)]~~ ***(o)*** of subsection 1 of NRS 37.010 and subsection 2 of NRS 279.470;

(b) A reasonably detailed description of the property to be acquired;

(c) A finding by the agency that the public interest and necessity require the acquisition of the property;

(d) A finding by the agency that acquisition of the property will be the option for redevelopment that is most compatible with the greatest public good and the least private injury; and

(e) A finding by the agency that acquisition of the property is necessary for purposes of redevelopment.

4. After an agency adopts a resolution pursuant to subsection 1 or 2, the resolution so adopted and the findings set forth in the resolution are final and conclusive and are not subject to judicial review unless credible evidence is adduced to suggest that the resolution or the findings set forth therein were procured through bribery or fraud.

Sec. 4. This act becomes effective upon passage and approval.

Assemblyman Ohrenschall moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Conklin moved that Assembly Bill No. 154 be taken from its position on the General File and placed at the top of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 154.

Bill read third time.

The following amendment was proposed by Assemblyman Frierson:

Amendment No. 491.

AN ACT relating to the protection of children; establishing provisions which set forth certain rights of children who are placed in foster homes; requiring notice of those rights to children placed in foster homes; establishing a procedure for children who are placed in foster homes to report alleged violations of those rights; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Sections 3-5 of this bill establish certain rights of children who are placed in foster homes. **Section 6** of this bill requires a provider of family foster care which places a child in a foster home to inform the child of his or her rights and provide the child with a written copy of those rights. **Section 6** also requires each group foster home which provides care to more than six

children to post a written copy of those rights in the group foster home. **Section 7** of this bill authorizes a provider of family foster care to place reasonable restrictions on the rights of a child based upon the time, place and manner of a child's exercise of those rights if such restrictions are necessary to preserve the order or safety of the foster home. **Section 8** of this bill authorizes a child placed in foster care who believes that his or her rights as set forth in this bill have been violated to raise and redress a grievance with any of a number of persons or institutions responsible for the child.

Section 9 of this bill prohibits an employee of a school district from disclosing to any person who is not employed by the school district any information relating to a pupil who is placed in foster care.

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

Section 1. Chapter 432 of NRS is hereby amended by adding thereto the provisions set forth as sections 1.3 to 8, inclusive, of this act.

Sec. 1.3. ***As used in sections 1.3 to 8, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 1.5, 1.7 and 1.9 of this act have the meanings ascribed to them in those sections.***

Sec. 1.5. ***"Foster home" has the meaning ascribed to it in NRS 424.014.***

Sec. 1.7. ***"Group foster home" has the meaning ascribed to it in NRS 424.015.***

Sec. 1.9. ***"Provider of family foster care" has the meaning ascribed to it in NRS 424.017.***

Sec. 2. ***It is the policy of this State that every child placed in a foster home by an agency which provides child welfare services have the rights set forth in sections 3, 4 and 5 of this act.***

Sec. 3. ***A child placed in a foster home by an agency which provides child welfare services has the right:***

1. To receive information concerning his or her rights set forth in this section and sections 4 and 5 of this act.

2. To be treated with dignity and respect.

3. To fair and equal access to services, placement, care, treatment and benefits.

4. To receive adequate, healthy, appropriate and accessible food.

5. To receive adequate, appropriate and accessible clothing and shelter.

6. To receive appropriate medical care, including, without limitation:

(a) Dental, vision and mental health services;

(b) Medical and psychological screening, assessment and testing; and

(c) Referral to and receipt of medical, emotional, psychological or psychiatric evaluation and treatment as soon as practicable after the need for such services has been identified.

7. To be free from:

(a) Abuse or neglect, as defined in NRS 432B.020;

(b) Corporal punishment, as defined in NRS 388.5225;

(c) Unreasonable searches of his or her personal belongings or other unreasonable invasions of privacy;

(d) The administration of psychotropic medication unless the administration is consistent with NRS 432B.197 and the policies established pursuant thereto; and

(e) Discrimination or harassment on the basis of his or her actual or perceived race, ethnicity, ancestry, national origin, color, religion, sex, sexual orientation, gender identity, mental or physical disability or exposure to the human immunodeficiency virus.

8. To attend religious services of his or her choice or to refuse to attend religious services.

9. Except for placement in a facility, as defined in NRS 432B.6072, not to be locked in any room, building or premise or to be subject to other physical restraint or isolation.

10. Except as otherwise prohibited by the agency which provides child welfare services:

(a) To send and receive unopened mail; and

(b) To maintain a bank account and manage personal income, consistent with the age and developmental level of the child.

11. To complete an identification kit, including, without limitation, photographing, and include the identification kit and his or her photograph in a file maintained by the licensee of the foster home and the agency which provides child welfare services and any employee thereof who provides child welfare services to the child.

12. To communicate with other persons, including, without limitation, the right:

(a) To communicate regularly, but not less often than once each month, with an employee of the agency which provides child welfare services who provides child welfare services to the child;

(b) To communicate confidentially with the agency which provides child welfare services to the child concerning his or her care;

(c) To report any alleged violation of his or her rights pursuant to section 8 of this act without being threatened or punished;

(d) Except as otherwise prohibited by a court order, to contact a family member, social worker, attorney, advocate for children receiving foster care services or guardian ad litem appointed by a court or probation officer; and

(e) Except as otherwise prohibited by a court order, to contact and visit his or her siblings.

Sec. 4. *With respect to the placement of a child in a foster home by an agency which provides child welfare services, the child has the right:*

1. To live in a safe, healthy, stable and comfortable environment, including, without limitation, the right:

(a) If safe and appropriate, to remain in his or her home, be placed in the home of a relative or be placed in a home within his or her community;

(b) To be placed in an appropriate foster home best suited to meet the unique needs of the child, including, without limitation, any disability of the child;

(c) To be placed in a foster home where the licensee, employees and residents of the foster home who are 18 years of age or older have submitted to an investigation of their background and personal history in compliance with NRS 424.031; and

(d) To be placed with his or her siblings, whenever possible, and as required by law, if his or her siblings are also placed outside the home.

2. To receive and review information concerning his or her placement, including, without limitation, the right:

(a) To receive information concerning any plan for his or her permanent placement adopted pursuant to NRS 432B.553;

(b) To receive information concerning any changes made to his or her plan for permanent placement; and

(c) If the child is 12 years of age or older, to review the plan for his or her permanent placement.

3. To attend and participate in a court hearing which affects the child, to the extent authorized by law and appropriate given the age and experience of the child.

Sec. 5. *With respect to the education and vocational training of a child placed in a foster home by an agency which provides child welfare services, the child has the right:*

1. To receive fair and equal access to an education, including, without limitation, the right:

(a) To receive an education as required by law;

(b) To have stability in and minimal disruption to his or her education when the child is placed in a foster home;

(c) To attend the school and remain in the scholastic activities that he or she was enrolled in before placement in a foster home, to the extent practicable and if in the best interests of the child;

(d) To have educational records transferred in a timely manner from the school that he or she was enrolled in before placement in a foster home to a new school, if any;

(e) Not to be identified as a foster child to other students at his or her school by an employee of a school district, including, without limitation, a school administrator, teacher or instructional aide;

(f) To receive any educational screening, assessment or testing required by law;

(g) To be referred to and receive educational evaluation and services as soon as practicable after the need for such services has been identified, including, without limitation, access to special education and special services to meet the unique needs of a child with educational or behavioral

disabilities or impairments that adversely affect the child's educational performance;

(h) To have access to information regarding relevant educational opportunities, including, without limitation, course work for vocational and postsecondary educational programs and financial aid for postsecondary education, once the child is 16 years of age or older; and

(i) To attend a class or program concerning independent living for which he or she is qualified that is offered by the agency which provides child welfare services or another agency or contractor of the State.

2. To participate in extracurricular, cultural and personal enrichment activities which are consistent with the age and developmental level of the child.

3. To work and to receive vocational training, to the extent permitted by statute and consistent with the age and developmental level of the child.

4. To have access to transportation, if practicable, to allow the child to participate in extracurricular, cultural, personal and work activities.

Sec. 6. ***1. A provider of family foster care that places a child in a foster home shall:***

(a) Inform the child of his or her rights set forth in sections 3, 4 and 5 of this act;

(b) Provide the child with a written copy of those rights; and

(c) Provide an additional written copy of those rights to the child upon request.

2. A group foster home shall post a written copy of the rights set forth in sections 3, 4 and 5 of this act in a conspicuous place inside the group foster home.

Sec. 7. ***A provider of family foster care may impose reasonable restrictions on the time, place and manner in which a child may exercise his or her rights set forth in sections 3, 4 and 5 of this act if the provider of family foster care determines that such restrictions are necessary to preserve the order, discipline or safety of the foster home.***

Sec. 8. ***If a child believes that his or her rights set forth in sections 3, 4 and 5 of this act have been violated, the child may raise and redress a grievance with, without limitation:***

1. A provider of foster care;

2. An employee of a family foster home, as defined in NRS 424.013, group foster home or specialized foster home;

3. An agency which provides child welfare services to the child, and any employee thereof;

4. A juvenile court with jurisdiction over the child;

5. A guardian ad litem for the child; or

6. An attorney for the child.

Sec. 9. Chapter 391 of NRS is hereby amended by adding thereto a new section to read as follows:

An employee of a school district, including, without limitation, a teacher, an administrator or an instructional aide, shall not disclose to any person who is not employed by the school district the fact that a pupil is a child who has been placed in a foster home or any related information.

Assemblyman Frierson moved the adoption of the amendment.

Remarks by Assemblyman Frierson.

Amendment adopted.

Bill ordered reprinted, reengrossed, and to third reading.

Assemblyman Conklin moved that the Assembly recess until 2:15 p.m.

Motion carried.

Assembly in recess at 1:54 p.m.

ASSEMBLY IN SESSION

At 2:29 p. m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Conklin moved that the Assembly resolve itself into a Committee of the Whole for the purpose of considering, in work session, the Governor's proposed higher education budget, with Assemblyman Oceguera acting as Chairman of the Committee of the Whole.

Motion carried.

IN COMMITTEE OF THE WHOLE

Chairman Oceguera presiding.

Quorum present.

Governor's proposed higher education budget considered.

CHAIR OCEGUERA:

Like earlier in the week, we will do a couple of things. I think we are going to have the Fiscal staff come up first, and then the university system, some students, some public comment. Mrs. Smith, did you have a comment before we got started here?

ASSEMBLYWOMAN SMITH:

Thank you, Mr. Chairman. I do not see our staff here yet, so I thought while we are waiting for them to come in, I might just remind the body that this is the usual process that we follow for resolving the budget, that we are on the same track that we are normally in at this time considering the same information. We would just normally be doing this in a small committee, and this, again, will give the entire body the opportunity to see and hear at least some of the information that only the money committees usually have to consider. The document that you have been provided is the same information that the money committees have been reviewing in our hearings, and this, again, is just a bigger venue for this information.

CHAIR OCEGUERA:

I would like to give a few comments myself. As you know, we are in the Committee of the Whole. We did this on Tuesday, and I wanted to let the public watching and listening to the Committee of the Whole for the first time to know how it works. The Committee of the Whole operates under a very similar set of rules as the regular committees, the only real difference

being that the entire Assembly functions as one big committee. Just like we do in committee, we will be having witnesses. Legislators and witnesses would address me, again, as the Chair instead of the Speaker. In our budget committee work sessions, we often ask what the sense of the membership is on a particular issue, and these votes are not binding. They are only for the benefit of the Committee and the public to understand where we stand. With the Committee of the Whole, we are bringing the major budget discussions out of the subcommittees and committees and onto the Assembly and Senate floors for an open and transparent debate.

Today, we are listening to the Governor's higher education budget. We have got big decisions, again, to make, and Nevadans, I believe, have the right to know what their elected representatives are doing, and who is doing what. The Committee of the Whole is also to help individual legislators who do not serve on the money committees to understand what the cuts to higher education proposed by the Governor are and to have more input on the decisions that are made. As I said in Tuesday's Committee of the Whole, this session we are deciding what kind of state we want to be. The Governor's budget recommends a cut of 27 percent to higher education when you include the funds we've received under the American Recovery and Reinvestment Act of 2009 (ARRA) in the last biennium. That's about $300 million.

Like many of you, I was born in Nevada, and I was raised here. I have a degree from Truckee Meadows Community College and, from Western Nevada Community College. I received my master's degree in public administration from UNLV (University of Nevada, Las Vegas) and my law degree from the University of Nevada, Las Vegas, Boyd School of Law. Nevada's higher education system made me who I am. It is real simple. I do not think I would be sitting here today if not for the great education I received in our colleges and universities. I know how important it is, and I want all Nevadans to have that kind of access that I had.

I am a little troubled by these cuts and the impact they would have on our state and our students. Again, as I stated in the K-12 hearing, we have heard from the economic development experts, university representatives, and businesses that we simply cannot afford the cuts of this size to our university system. It would not pull ourselves out of this economic crisis and then attract 21st century businesses. To create jobs and economic growth, first you need a qualified workforce, and we rely on our universities for that. A $300+ million cut to higher education will only, among other things, get us higher tuition and shut out students who could not afford to go to school. These cuts would also mean the elimination and reduction of critical programs or departments like Engineering and Computer Science that provide technologically skilled workers to our high-tech businesses in Nevada and those that are considering moving here. There is also a very real threat of campus closings and retraining opportunities, particularly in our community colleges. I want Nevada to continue to have a great higher education system and I believe these cuts would do irreparable harm.

But before we begin, I think we should thank the witnesses who have had to endure—they are going back-to-back. They just did the Senate; now they are doing the Assembly. They are having a pretty long day of testimony. We appreciate them being here. We appreciate their testimony. We appreciate those students that will be here as well. We thank them for being involved and thank them for being engaged. Let us begin with our Fiscal staff.

RICK COMBS, ASSEMBLY FISCAL ANALYST, FISCAL ANALYSIS DIVISION, LEGISLATIVE COUNSEL BUREAU:

We are here today to present our document on the Governor's budget proposal for higher education. Just to point out, the first document under the exhibits in Nevada Electronic Legislative Information System (NELIS) was prepared by our staff (Exhibit C). It is entitled, "Nevada System of Higher Education." The second document (Exhibit D) is a cover letter from the System to the last round of questions that they received from our office as a result of the K-12 Higher Education Subcommittee hearing of Ways and Means and Senate Finance. The third document (Exhibit E) is their detailed response to those questions. In its hard form, it is thick, but it is on NELIS in electronic form for you. We have referenced this document in the document that we prepared a number of times, so I wanted you to know where that was in case you were following along and wanted to look in there.

The document that we will be going through (Exhibit C) is very table or chart-intensive. Alex [Alex Haartz, Program Analyst, Fiscal Analysis Division] is going to do his best to go through

and make sure that you understand the numbers that we have placed in those tables and charts. We have done our best to reflect the difference between the recommended budget for the upcoming biennium and the current budget that we are in. There is a number of different ways that you can look at this information, and we have tried to present it in a number of those ways so that you can see from different perspectives what the level of recommended decrease is.

With that, I am going to introduce, to my far right, Brian Burke, who is a senior program analyst in our office. To my immediate right is Alex Haartz. He is a program analyst in our office who is responsible for the System of Higher Education budgets. With that, I will turn it over to Alex to go through the document with you.

ALEX HAARTZ, PROGRAM ANALYST, FISCAL ANALYSIS DIVISION, LEGISLATIVE COUNSEL BUREAU:

Thank you. The document before you (Exhibit C), which is about 10 pages, can be broken into two parts overall. The first part is a brief overview of the Nevada System of Higher Education funding, both as approved by the 2009 Legislature as well as the Governor's recommended budget for the upcoming biennium. The second part of the document reflects information as to how the Nevada System of Higher Education has identified from a strategy standpoint how they would address meeting reductions required by the Governor's recommended budget.

Going back to the first part, the first page and the first table provides a biennium-to-biennium funding comparison as approved—as you will see in the first column—by the 2009 Legislature. The numbers of importance there, really in terms of thinking about the Governor's recommended budget, is the General Fund and the student fees and tuition, and then the federal ARRA funds. The Governor recommends funding that is less for the General Fund amount by approximately $259 million. Student fees are relatively comparable, especially when the surcharges approved by the Board of Regents for the current biennium are included. And then there are the federal ARRA funds and property tax revenues. I point that out to you because to be able to provide you with an apples-to-apples comparison, we have come up with a term that we refer to as "governmental support." That starts down at the bottom of the first page.

If you turn the page to page number 2, there is a biennium-to-biennium comparison of recommended governmental support. In the 2009 Legislature, the Legislature approved a General Fund appropriation of approximately $1 billion for the biennium, which was evenly divided as $500 million per year. The 2009 Legislature also approved almost $185 million in ARRA State Fiscal Education Stabilization funding. As you will see, there was no property tax revenues included or built into the budget for 2009, but in order to be able to provide you that comparison, that then allows us to talk about governmental support for the upcoming biennium as contained in The Executive Budget. In the second column, you will see that the General Fund appropriation recommended for the 2011-2013 biennium is approximately $741 million. There are no ARRA funds; those funds have expired. There is $121 million in property tax revenues derived from Washoe and Clark counties budgeted for UNR (University of Nevada, Reno) and UNLV. One of the distinctions in this comparison is that as budgeted and approved by the 2009 Legislature, the ARRA funds were additive to the budget. They were in addition to the General Fund approved by yourselves. For the 2011-2013 biennium, the property tax revenues that are included in The Executive Budget are not additive in nature in so much as that for every $1 of property tax revenues included, the budget reduces General Fund by one dollar$1.

The next aspect that I need to explain to you is a set of actions taken by the 26th Special Session (2010). In order to implement budget reductions, some of you will recall the Nevada System of Higher Education's budgets were reduced by 6.9 percent in fiscal year (FY) 2009-10 and FY 2010-11. The General Fund, which had started at $500 million for each year of the biennium, in FY 2009-10 was reduced by $11.5 million and in FY 2010-11 was reduced by $34.5 million.

The second action approved by the 26th Special Session (2010) was to actually swap how the federal ARRA funds were budgeted. Like the General Fund, which had been evenly budgeted at $500 million, the $184.8 million was also evenly split between the two fiscal years, $92.4 million in each year. In reducing the General Fund appropriation, the 26th Special Session (2010) also moved all of the federal funds from FY 2010-11 into FY 2009-10, so $92.4 million

was moved over, and an equal amount of General Fund was moved to FY 2010-11, which effectively made FY 2010-11 an entirely General Fund-funded budget for the Nevada System of Higher Education's 26 state-supported operating budgets. The reason I point that out to you is the end result was when you take those two actions into account, the total funding for the Nevada System of Higher Education (NSHE) is $557.9 million.

If you turn the page to the first of relatively busy tables [page 3], you will see the first column, which is entitled, "FY 2011 General Fund (Leg. Approved Adjusted for 26th Spec. Sess.)." That column reflects the budget as approved by both the 2009 Legislature and the 26th Special Session (2010) as the funding for reach of the NSHE accounts. At the top of the table are the main instructional accounts: UNR, UNLV, Nevada State College, Great Basin College, etc. Those are commonly referred to as the instructional accounts. The next series are the professional schools and the Desert Research Institute (DRI), and then the other institution accounts. Down at the bottom of that at the total funding, you will see the $557.9 million. I point that out to you because that number has been used at the subcommittee level for the K-12/Higher Education Subcommittee as well as by the System of Higher Education as their starting point. It is what they are referencing as, "This is where we have to cut from." If you look at the next column in, "FY 2012 Governmental Support (Gen. Fund + Prop. Taxes) (Gov. Rec.)," the total amount recommended in The Executive Budget is $466.4 million. That is a $91.5 million reduction from FY 2010-11. For FY 2012-13, the total amount of funding recommended by the Governor is $395 million, of which $335 million is General Fund appropriation, and almost $61 million is property tax revenues. That is the $162.5 million reduction you have previously heard and will likely hear the Chancellor talk about today as well.

Now I would like to talk about, briefly, the budget reduction strategies. In the K-12/Higher Education Subcommittee, the Subcommittee requested that the System provide information on what the impact of the budget reductions would be for both the first year as well as the second year. They asked the System to provide the information in the form of templates that standardize the information and reflect the full amount of the budget reductions. In the larger document that Mr. Combs referenced (Exhibit E), beginning on page 37, there are budget reduction templates that you can look at for each of the institutions that lays out the various cuts that are proposed. The NSHE was asked to provide two scenarios, and as you go through this document, two scenarios are referenced. The first scenario is provides information on what would be cut, and how would you implement it if primarily operating reductions were used as a strategy. The second scenario dealt with primarily using closures and consolidations of campuses and institutions as the primary strategy to implement the budget reductions contained in The Executive Budget. I will be speaking to both of those as I move through the document.

The first scenario, which, again, is based upon a $91.5 million reduction in the first year and a $162.5 million reduction in the second year, primarily looks at reducing operating expenditures. By operating expenditures, those are cutting costs in the instructional, academic support, student support, operations and maintenance, student services areas, as the institutions have already been doing. If you turn to the next page, which is page 4 of the document, there is an even busier table which, again, the left-hand column anchors to the $557.9 million, which, again, represents the funding in the current fiscal year. The second column shows the Governor's recommended funding, the $466 million. The third column represents the budget reductions that would be required for each of the state-supported operating budgets. The fourth column, which is entitled, "FY 2012 SCENARIO #1," that represents the budget reduction amounts that would be required for each of the accounts.

I will use UNR as an example; $18.4 million is shown in the first year. If you move across the table, it reflects for 2013, $39.8 million. There are several actions taking place in the table, which I wish to bring to your attention. The first one is that UNR, as a series of budgets, is proposing several different approaches to addressing the budget reductions. The first is that they are reducing some budgets more than what the Governor's recommended budget would otherwise require. As an example, if you look at the Cooperative Extension budget, which is about the sixth row down, you will see that the Governor's budget would recommend a reduction of $1.457 million. The preliminary plan submitted is $5.7 million, which means that that budget account is being cut by $4.3 million more than what otherwise be suggested. The reason being is that UNR is proposing that certain budgets be cut disproportionately more than

others and that those funds be, in effect, shifted to offset the reductions that would otherwise be required. An example of where a budget is not being reduced as much is that first UNR account; that is the main instructional account. The second action UNR is proposing for their budgets is to not cut the full amount in the first year. If you look at the "FY 2012 NET Difference" column, you will see $1.262 million that they are otherwise short; however, if you look at 2013, you will see that they are cutting by an additional $1.26 million. Their strategy, as proposed in the budget-reduction strategies, is to use a net approach for the biennium and to spread the cuts out over two years. Other budgets, to some extent or another, are doing that, but the bottom line is that over the biennium, the Nevada System of Higher Education is proposing to reduce their budgets by the $162.5 million.

This table incorporates, in these reductions, the 5 percent salary reduction you have heard about, the merit freeze, the elimination of longevity. Those amounts are already included in the total reductions. Also included in the total reductions is approximately $71 million of general operating reductions in the first year and $149 million of general operating reductions in the second year.

If you turn the page to page 5, I would like to talk a little bit about Scenario 2. Scenario 2 was a request by the [SubCommittee] Committee to also explore what is the impact of closing and consolidating institutions. The three consolidations that were considered, for which information has been provided, is the consolidation of Great Basin College and Western Nevada College into Truckee Meadows Community College, Nevada State College into the College of Southern Nevada (CSN) and UNLV, and then DRI into UNR and UNLV. The information presented reflects nominal savings in the sense that they do not reach the $162.5 million. In fact, the initial savings that are presented in the budget materials reflect about $12.41 million, and those are mainly in administrative savings. The consolidations do not project reductions to the academic infrastructure in so much as that [of] the instructional infrastructure. Students would still be taking courses. There would still be the services there, but it is mainly an administrative savings. I would also note that within the first scenario, which is the general operating reductions, both the College of Southern Nevada and Western Nevada College identified closure of satellite and rural campus locations for savings of approximately $2.6 million as part of their overall budget reduction strategies. Combined, that's about $15 million.

The next section of the document covers summary tables which we have put together to assist you in understanding what the budget-reduction materials presented indicate in terms of reductions to the academic infrastructure to student access and capacity as well as staffing and employment by the Nevada System of Higher Education. In the middle of page 5 is the first summary table, which attempts to organize and summarize for you the academic infrastructure impacts that have been identified for Scenario 1 in the budget reduction materials. It is fairly straightforward, as you will see. The main effect is, in each year, the reduction of course sections, which reflects a reduction in the number of courses and classes that would be offered. In the first year, it is approximately 2,313. In the second year, it is 2,373, at least based on the information contained in the preliminary plans—and I will stress that these are preliminary. These have not yet been approved by the Board of Regents. Until the total funding level is known, it is uncertain as to what the actual impacts will be. And not to minimize—there are academic degrees that are proposed to be eliminated; there are academic programs that are also proposed to be eliminated and reorganizations and restructurings. With regard to this table, if you turn to the last page, page 10 of your document, there is an attachment, Attachment A. There is information there in a bullet form that provides a quick summary of some of the impacts identified by each of the institutions. This is not meant to be inclusive or exclusive. These are just some of the impacts that have been identified to put some context to the academic infrastructure reductions that were identified in Table 1.

With regard to impacts to students and student access and capacity, if you turn to page 6, Table 2 provides information on the projected impacts to access. One of the points I would like to make here is that the table reflects student full-time equivalents. Student full-time equivalent is a student who, generally thought to go to school full-time, takes 15 academic credits in a semester or 30 credits in a year. It is a measure of counting credits. It is not necessarily a measure of counting individual students. Counting individual students, we talk about headcount, and I'll point out the distinction to you in a moment. For FY 2010-11, the Nevada System of

Higher Education, the seven teaching institutions, have projected that they will serve 69,023 full-time equivalent students in the current fiscal/academic year. Based on the budget reductions contained in The Executive Budget, the institutions project that they would be able to serve approximately 4,700 full-time students less in FY 2011-12. Down at the bottom of the table, you will see a section that says, "Student Head Count Impact." Based on the information provided, it is projected that approximately 11,600 unique students would not be able to access either classes or enroll or somehow be impacted, [so] that they would no longer be able to be served. In FY 2012--13, the projected impact is approximately 7,900 student full-time equivalents, or approximately 19,000 unduplicated students.

Table 3, in terms of staffing impacts, if you turn to page 7, the Nevada System of Higher Education has also indicated that they will be cutting positions, eliminating full-time employees as well as part-time employees. Again, the same analogy applies when we were talking about headcount and student full-time equivalents (STFE) as full-time employee impact and position impact. Currently, based upon the funding of approximately $558 million in the current fiscal year, and then the total funding that has been authorized by the Legislature, there are 7,163 full-time equivalents in the state-supported operating budgets. That will decrease by approximately 714 employees as projected, and in the second year, the employment projection is projected to decrease by almost 1,100 full-time employees. The equivalent information for headcount position impact is shown below. The bottom half of the table for Scenario 1 provides information in terms of what do these employees do. Where are they mainly organized? The higher education budgets are divided into instructional areas, research, public service, academic support, student services, and so on. You can see that based upon their current employee count, as well as where they project the reductions will need to occur, approximately 50 percent of the reductions will occur in the instructional area, but also, that's where 50 percent of their employees generally are, so it appears to be proportional for both FY 2011-12 and FY 2012-13. On the right-hand side of the table is information for Scenario 2. Otherwise, Scenario 2 information really has not been presented because there was not an impact projected to the student FTEs and to the academic infrastructure other than along the lines of administrative services and not the instructional component. Under the Scenario 2, there is approximately 103 full-time equivalents positions that would be expected to be eliminated at the closure and consolidation level that is provided in the informational packet.

The Subcommittee has heard the Nevada System of Higher Education talk about some of the challenges that they are confronted with implementing budget reductions of this magnitude. Two issues that they have brought forward that are talked about at the bottom of page 7 in terms of funding and time constraints deal with how employees are hired and the accreditation requirements that are imposed upon the institutions. The first is that generally, professional employees are required to be given 12 months of notice, so the Nevada System of Higher Education is not generally able, as they have reported, to terminate a professional employee or a faculty member on the first day of the fiscal year. As you will see later on in the document, there were reductions that occur in FY 2012-13 that are not able to occur in FY 2011-12. Accreditation requirements also typically require that students who are in academic programs be given a reasonable amount of time to complete their academic studies and graduate or to transition to a new academic program. While that is not necessarily identified in terms of what that time frame is, it is generally thought to be at least a year and possibly up to two to three years depending on unique circumstances.

If you turn to page 8, one of the strategies that the Nevada System of Higher Education has brought forward is the concept of bridge or transition funding. The table at the top of page 8 provides you with some information that shows you the amount of bridge or transition funding that the institutions have identified in their budget reduction plans that would be necessary to allow them to meet both the employee reduction as well as the transitioning of students into either new academic programs or helping them get to graduation. The funding that is noted in the reduction plans, the bridge funding, is not thought to be General Fund, but it is other funds that the institutions have. It could be student registration fees that are being reallocated away from general improvement or capital improvement. It could be other non-state funds.

One of the other strategies that has been identified or talked about at the Subcommittee level in terms of offsetting the recommended budget reductions is an increase in student registration

fees, which would typically occur in the form of surcharges. The Subcommittee has requested that the Nevada System of Higher Education provide information on what a 13 percent surcharge would look like in the first year—and how much would that generate—and then an additional 13 percent in the second year. I would note that the Board of Regents have not approved at this time or provided direction overall with regard to the imposition of a surcharge for FY 2011-12 or FY 2012-13. They have requested information on what a 10 percent, a 13 percent, and a 15 percent would look like, but it has not been approved.

In Table 4, we wanted to provide you some information that showed you where students are today in terms of the per credit hour registration fee that they pay, and that is the column entitled, "2011-2013 Biennium Approved . . . Per Credit Hour . . . Fee." The university undergraduate is currently paying $156.75. A student at Nevada State College is paying $113.25, and a lower division community college student is paying $69.25. These are the fee revenue amounts, or the per-credit-hour fees, for which student registration fee revenues are contained in The Executive Budget. The second column represents the FY 2011-12—what the fee increase would be at a 13 percent per credit hour surcharge. Essentially, $20.38 would be added on for the university undergraduate, and in FY 2011-12, if a surcharge of 13 percent was approved by the Board of Regents, a student would pay $177.13. Moving to your right two columns, you can see the impact of the additional 13 percent, and the total per-credit hour would be slightly over $200 per-credit hour at the university undergraduate level.

One of the points I would inform you of is that the budget reduction strategies that are provided by the Nevada System of Higher Education—although not approved by the Board of Regents—take these enhanced revenues into account and have the effect of offsetting the reductions that are contained in the budgets. Going back to Table 2 and Table 3 in terms of access for students as well as employee reductions, those two impacts have already been mitigated by the inclusion of the surcharge revenues. If the Board of Regents does not approve surcharges, you could expect that those student access numbers would increase and the number of employees would likely increase as well. One of the issues that the K-12/Higher Education Subcommittee also discussed several times was how do the fees charged to Nevada students compare with the fees charged with the western region comprised of the WICHE Western Interstate Commission for Higher Education (WICHE) region. And are they at the median? How much would they have to increase so that students in Nevada essentially pay the median for the western region? If the 13+ percent surcharges were approved by the Board of Regents, then that revenue was incorporated into the budgets to offset budget reductions. At the university level, students at UNR and UNLV would be, at FY 2012-13, essentially at the median for what is being charged in the current academic year. Subject to other states charging, changing their fees and their tuition amounts, we may hold a relative position. We may improve. We may [see] a little bit decrease, but this amount of surcharge clearly makes the fees paid by Nevada students more comparable to the western region. At the community college level, it would actually increase a little bit above the western region median.

On Table 5 on page 9, this provides you with information on how much would a 13 percent surcharge generate and count towards offsetting the General Fund reductions contained in The Executive Budget. The top half of the table shows FY 2011-12, so again, I'll use the first column; 13 percent would generate approximately $27.2 million as projected. Part of this strategy put forward and espoused by the system is that with any surcharge, there should be a set-aside or a carve-out for student financial aid of approximately 15 percent. Off the $27 million, approximately $4 million would be set aside to provide student financial aid. Enrollment losses are also projected to occur as a result of the increased fees; that is almost $4.9 million in a year. Then there are some other identified revenue increases as a result of truing up the budget to FY 2010-11 revenues versus FY 2009-10. The net impact of a 13 percent increase in the first fiscal year would be approximately $19.3 million of additional fee revenue. The table for FY 2012-13 works the same way and, as you will see, generates about $39.7 million.

As you go through the budget reduction templates, there is also information that looks at the impact on nonresident tuition revenues and students, and there is actually projected to be a decrease of approximately $1 million to $2.5 million in each year of lost nonresident tuition, which, again, would be worked to offset the student registration fee revenues that is projected.

On the last page, again, a point back to Attachment A, which provides those specific examples of impacts identified by each of the institutions.

CHAIR OCEGUERA:

All right, that is the document? Or there is more? That is it? Okay. Questions from the Committee? Mr. Ohrenschall?

ASSEMBLYMAN OHRENSCHALL:

Thank you very much, Mr. Chairman. I just recently graduated from one of our professional schools in December of 2009, and before I graduated, many of my classmates expressed their worries to me about the cuts and whether they would be able to afford to finish. One question I have with these proposed 13 percent increases, which I guess total to 26 percent, are there any figures as to how many students will not be able to afford to go to school anymore based on these increases?

ALEX HAARTZ:

That information is not specifically identified in the budget reduction templates. There has been a lot of discussion about price elasticity and how many students would be projected to be lost. That is probably a question best answered by the Chancellor's Office when they present.

ASSEMBLYMAN OHRENSCHALL:

Thank you. Thank you, Mr. Chairman.

CHAIR OCEGUERA:

Ms. Neal?

ASSEMBLYWOMAN NEAL:

Thanks, Mr. Chair. I have a question on the two charts. You discussed the mitigation of the loss, and you referred to the table that is on page 4, and then you referred to the table that is on page 9. What I see in the columns specifically for UNR, if you go under the reduction proposed under Scenario 1 for their loss proposed, that $18 million.? Even if they do the surcharge, they are only going to get, in 2012, $7 million back. Then when you go down to 2013, you see a $16 million recovery. Although you claim it is a mitigation, I do not see how this loss is actually being recovered, because what it looks like to me is that higher education faculty and student access basically is being gutted. And that the students will have very limited access because now the fees are increased, so your participation of certain groups is not even going to be in existence because you cannot afford to go. I recall students specifically not being able to pay for books, and they were at CSN, which took a $50 million cut, and I do not see that being recovered here. I am just wondering—and I know I said a whole lot—when you vetted this, did you recommend to the Governor and help him to understand that his economic development agenda may fail because this is actually taking the nuts and bolts out of how you are going to move forward with that agenda?

CHAIR OCEGUERA:

Thank you, Ms. Neal. I think that question is better suited for the university system. Our nonpartisan staff did not vet anything. It is a great question, and I think we ought to hold that question for the university guys. Our guys do not necessarily have the answers to that. I will hold that question for the university folks. And, Ms. Neal, we will have the Governor's staff here in a moment that you can ask that question as well.

Other questions? Mr. Conklin?

ASSEMBLYMAN CONKLIN:

Thank you, Mr. Chair. Just a question and a comment, if I may since this is kind of informal and we are in Committee. The question is on page 6. I am looking through Table 2, and I just want to make sure that I understand: The preliminary total enrollments, the STFEs for 2011, 69,023, those are the number of full-time equivalents? In other words, there are actually more students than that, correct? But those are the number of—and I do not know how they define it, whether it is 16 units or 18 units or who knows, but I am sure there is some calculation—total

FTEs that are serviced, not the number of students that are actually enrolled. That number is much higher, correct?

ALEX HAARTZ:
That is correct.

ASSEMBLYMAN CONKLIN:
Okay. A follow-up, Mr. Chair?
The projected impact to capacity is not necessarily, again, how many people will be enrolled. It is the number of FTEs that they could serve. That is not a demand question. That is a capacity question. Is that correct, based on this budget?

ALEX HAARTZ:
That is correct. The information provided addresses capacity. It does not address demand.

ASSEMBLYMAN CONKLIN:
I guess the reason I bring that up is because some times it gets confusing, and my colleague, Mr. Ohrenschall, brought up a question of price elasticity—and I know that it is not a part of this document—but to my colleague, one of the UNLV economists did a small white paper for the Committee [Assembly Committee on Ways and Means] on this subject. There is intermittent evidence of price elasticity's for schools, but what they did uncover in a lot of the research is that more often than not, the decision to go or change based on price is not really a matter of price but a matter of perceived value. That perceived value is being impacted by this budget, not only in what you see here—available classes—but why the number of FTEs is dropping, which I think the universities might suggest to you is a matter of the most talented people we have will leave as a result of [what] amounts to a perceived lack of support for our institutions. That is probably something that you should ask them because I think that is far more damaging than an actual small change in price—although these prices have a significant change; I am not saying I am in support of them. But from an elasticity standpoint, I think we should be far more concerned about the perceived quality of that education. Thank you, Mr. Chair.

CHAIR OCEGUERA:
Thank you, Mr. Conklin.
I was just getting my calculator out here and working on your numbers. On Table 4 on page 8, we are talking an undergraduate per-credit fee from $156 to $200 over the biennium. I assume you have to take that $43.40 times 15, 16, 17 credits to figure out how much the increase will be. Similarly, in the community college level, I'm seeing that just over $1,000 to over $2,000, depending on what category you are in of increase for one year of school. Does that sound right?

ALEX HAARTZ:
That would be the correct way to approach it.

CHAIR OCEGUERA:
And then a different question on the two ways that the NSHE had given us to look at these cuts. On the table on page 7, it says that the FTE impact of Scenario 1 would be 1,088 positions impacted, and the FTE impacts for the Scenario 2 would only be 103 positions impacted?

ALEX HAARTZ:
That is correct, Mr. Chairman. Part of the reason being is that as you are aware, the scenarios are different in approach. The first looks at operating expenditures, which are day-to-day expenditures. Then the second scenario, Scenario 2, they were asked to provide information that primarily used closures and consolidations as the main approach, which, based on the information provided, generally avoids impact to the instructional area and looks to—as you will see on the bottom of the table for Scenario 2, you can see where the approximately 103 positions are being eliminated. They are not being eliminated in instruction. There are a few positions being eliminated in research, but they are mainly in the academic support, student support services, and institutional support where they have been identified. The information, being preliminary, is not as extensive for the closure and consolidation information.

CHAIR OCEGUERA:

Further questions from our Fiscal staff? I am not seeing any. Gentlemen, thank you for your hard work.

Let us go with the Governor's staff, now. Welcome, Mrs. Gansert and Mr. Clinger. You can proceed.

HEIDI GANSERT, CHIEF OF STAFF, OFFICE OF THE GOVERNOR:

Thank you, Mr. Speaker. With me I have Andrew Clinger from the Budget Office.

I think we are all in agreement that education is very important. When we put this budget together, it was very, very difficult, and we talked about this partly on Tuesday night. To start with, we had lost the ARRA dollars of one-shot money. There was an increase in caseload growth for Medicaid, and also local revenues were down significantly, about $440 million. When we put this together, we had to balance K-12 and corrections and health [and] human services and higher education. As many of you, also, I am a graduate of the University of Nevada [UNR]. The Governor is a graduate of the University of Nevada. We have had many people who have graduated from UNLV and the law school and so forth, and so we are very supportive of the entire university system. But at this time, we are facing a very strong fiscal decline, and so we had to make some significant cuts.

One thing that we did do is when we put this budget together, we tied some property tax dollars to the System of Higher Education because we believe that there is a strong nexus between economic development and the Higher System. It was something that was a little bit different than before. Instead of using the 9 cents that was reallocated from the 2009 Legislative Session to go to General Fund, we put it straight towards the university system to UNR and UNLV. Another thing we did was we proposed an economic development bill with the Speaker here and the Majority Leader and the Minority Leaders in an effort to create a knowledge fund so that we can also tie some of the activities within economic development directly to the university system.

These cuts are difficult. We did have some good news on Monday, which we talked about on Tuesday night also, in that unemployment is declining and also that employment is increasing. We found that employment went up for the first time after 37 months this last month.

When we were first talking to the university system about the budget and about what we could do for them given that they were expecting some cuts—we did not know the level at the time—they asked for greater autonomy in their budget. They asked for some things very specifically. They wanted flexibility among budget accounts, control over the tuition so they could differentiate it. They wanted to make sure they could also set aside a portion of increased tuition to help people with financial aid to help the students, and we were in total agreement with that. They also wanted a stabilization account, and they wanted to be removed from the Public Works Board oversight. In addition, we talked at length about accountability with them, and I know when the Chancellor comes down, he is going to talk about some of the many things that they are doing with which we also agree. All of those pieces, all those things that the System of Higher Education wanted, we put into Senate Bill 434. We agree with them. We believe there should be more autonomy, and we believe that when the budget is tight and when dollars are short that they do need that flexibility.

In looking at the cost of tuition and fees versus what the taxpayers are covering, if you look nationwide, you will see that there is actually a decline in the taxpayers' subsidies for higher education. Right now, tuition and fees, according to the figures that we have, cover about 27 percent of the cost of an education, whereas the rest, the 73 percent, is covered by the taxpayers. It is also important to note, when you look at our budget, our budget is only a piece of the total funding for higher education. I do not have the numbers, but I know there is a lot of federal support and a lot of grants and so forth that go towards the System of Higher Education. Also, I think the Fiscal Division pointed out that our tuition is fairly low for the western states. If you look at the comparison with WICHE, we are about 20 percent less than the average.

As far as the decisions on the budget, those decisions will be made by the Regents. I know that each of the presidents have submitted plans, and I can tell you that this administration supports keeping all the institutions open. We believe they are all important. We believe out in the rural counties, in particular, there have been discussions about closures. The original budget

that was proposed by the different presidents, all of them included keeping them open and just having cuts within their budgets but not any closures. We think they are critical both for economic development in the urban areas but also in the rural areas. We thank you for being able to talk to you about this budget today, and I have Andrew with me if you have any specific questions about the budget. Thank you.

CHAIR OCEGUERA:
Thank you, Mrs. Gansert. Mr. Conklin?

ASSEMBLYMAN CONKLIN:
Thank you, Mr. Chair. Mrs. Gansert, you said in the beginning of your remarks that—and I'm assuming that you are speaking on behalf of the Governor—the exact words you said was that you believe there was a strong tie between economic development and higher education—I'm assuming attainment—and I think that makes practical sense. I think that is sound. I wonder why you believe it, though, and you do not know it. What I am wondering is why do you choose the term "believe" instead of "know"? I think there is ample evidence out there that it is true. Would you agree with that?

HEIDI GANSERT:
Yes. We do believe; we do know that there is a strong tie with economic development. That is why we looked towards the knowledge fund.

ASSEMBLYMAN CONKLIN:
And I totally agree with this, but what is bothering me is here. We recognize that educational attainment is tied to future economic growth for our state, and yet, we are cutting. In fact, the only thing we are considering is cutting. If you accept that spending that money equates to growth, then cutting that money equates to decline. You said "believe." I am telling you I can prove it. There are 80 years worth of economic data and studies that demonstrate that is the case. If that is the case, what commitment do we have to growth if we are cutting this budget?

HEIDI GANSERT:
We know that there is a tie with economic growth and the university system. I think we all agree, whether you choose "believe" or "know." That is one of the reasons we tied the knowledge fund, when we were doing the economic development department and division and the mission of that department, we made sure that we included the System of Higher Education.

In this budget, we had to balance a lot of different priorities; K-12, we talked about that on Tuesday night. Health and human services: I mentioned that the Medicaid caseload is up significantly. It is up $269 million. We also lost one-shot ARRA money, and then in looking at the local property tax and the local funds that go into the Distributive School Account (DSA), we were down about $440 million. I think there was a strong effort made to mitigate cuts, but at the same time, there was only so much money within the budget.

ASSEMBLYMAN CONKLIN:
Mr. Chairman, if I may? Just a follow-up or an observation or a question if you choose to answer it. The reality is this is that these cuts are going to cost us way more than finding some alternatives, because these cuts cost future growth. There is no doubt about it, and in fact, there is a lot of economic research out there that suggests that it is not about the revenue that we have so much as it is about we spend that money in future growth. I guess I want you to think about that. I wish the Governor was here because I really want him to think about that. It is not what how much money we have; it is what you do with it that counts. I got to tell you, cutting this budget is going to be painful, and it is going to be painful next year. It is going to be more painful the following year. It is going to continue along the line because for every person that does not get that education, we have stunted their growth. We have stunted their economic future, and when we stunt their economic future, we are stunting our own. It is almost unacceptable to me. That is my two cents. Thank you.

CHAIR OCEGUERA:
Thank you, Mr. Conklin. Any response from the Governor's Office? Or leave it at that?

HEIDI GANSERT:
Mr. Clinger can go over the add-backs that we had created and if you would like. Again, we believe it is a priority. We know it is a priority, and we are working hard to do the best with what we have. Thank you.

ANDREW CLINGER, DIRECTOR, DEPARTMENT OF ADMINISTRATION, OFFICE OF THE GOVERNOR::
Mr. Chairman, through you to Assemblyman Conklin. I just want to point out that while we made cuts in the Governor's The Executive Budget, budget, we did also add over $1 billion in revenue. It is not just about cuts. As you know, we got $5.3 billion from the Economic Forum, and then we added another $1 billion to that.

ASSEMBLYMAN CONKLIN:
Mr. Chairman?
In all due respect, I do not think you added revenue. I think we are taking revenue from other places. There is nothing just new, just taken. Unless I missed something? Is there actual new revenue that we have added in The Executive Budget?

ANDREW CLINGER:
Mr. Chairman, through you to Assemblyman Conklin. Some of these are continuations. The property tax, for example, was set to sunset, so whether you say that is new or not, that is additional revenue that if we let the law sunset, we would not have had. It is in addition to the Economic Forum revenues. We got $5.33 billion from the Economic Forum, and to that we added $1 billion in new revenue. Not new taxes, necessarily, but new revenue.

ASSEMBLYMAN CONKLIN:
Let us clarify one point. It may be new to us. It is not new in the sense of "we -have-added-it" new. It had to come from somewhere else. We can dissect this any way we want, but the fact of the matter is, if it is a policy decision, just as Mrs. Gansert has already indicated, we have made a policy decision—if you want to call it new revenue, I will grant you that even though we all know it is not—to take it from somewhere else and put it in this budget. That is fine. But it is not new revenue in the sense of adding revenue to our budget.

CHAIR OCEGUERA:
Okay, we are done with that debate. Let us go to Ms. Neal, who will go to back to her initial question.

ASSEMBLYWOMAN NEAL:
I actually ended up having two more.

CHAIR OCEGUERA:
You got some new ones?

ASSEMBLYWOMAN NEAL:
Yes.

CHAIR OCEGUERA:
Okay, go ahead.

ASSEMBLYWOMAN NEAL:
Thanks, Mr. Chair. Two points I wanted to address. You started off speaking about the unemployment and the drop in unemployment. You did not say what that number was. That it came down from 14 percent to what? Because I know for a fact that even if it came down to 14 percent, I know for Hispanics, it was somewhere around 16 percent unemployment. For African-Americans, it was 20 percent for that specific group. I was really trying to figure out where you were going out for that, number one.
And the second point that you brought up was that you were giving the higher education institutions autonomy. To me, it seems like you are passing the buck and you are letting them fluster on their own, and you are leaving them without the ability to leverage their own position.

The way that that money looks that is being taken away: they do not really have much capacity to do anything. How are you helping them with the decision of autonomy when the budget cuts leave them without staff, leave them without student access?

HEIDI GANSERT:

Thank you. As far as the unemployment figure, it is down to about 13.2 percent, which is still very high, probably still the highest in the nation. It came down from 13.6 percent the prior month, and it was over 14 percent before that. As far as job growth, we have not had any job growth since I believe it was January of 2005, right around there. Although the numbers are not great, they are moving in a positive direction.

Concerning the Regents, the Regents are almost a separate branch, to tell you the truth, of government. They oversee the System of Higher Education, and what they have asked for years—and members who have been on Ways and Means for a number of years can confirm—is for more autonomy with tuition. Typically, tuition has gone through the General Fund and then back, in part, to the institution, so they want to be able to keep any increases in tuition. We said, "Sure, that is fine." They wanted to be able to differentiate tuition. As a matter of fact, several of their colleges did that. The College of Engineering at UNR increased their tuition for higher-level classes by about 50 percent. The School of Nursing, Architecture, and Physical Therapy at UNLV all increased their tuition 200 percent. They actually doubled their tuition because they had such incredible demand for those programs. They did that during the interim. I think some of them were approved around September of 2010. The Regents get to actually approve their budgets and decide how they are going to spend their money.

Some of the other things we talked about were accountability. The Chancellor, when he comes down—there are some incredible things with accountability because our graduation rates have not been as high as we would all like them to be. They are really working on those, and we appreciate what they are doing. Thank you.

CHAIR OCEGUERA:

More, Ms. Neal?

ASSEMBLYWOMAN NEAL:

Thank you, Mr. Chair. I hear what you just said, and although the Regents have the prowess to deal with that issue, you specifically stated, "Okay, the students are not graduating that they need to be. We are doing remediation within colleges and universities." But you still did not address the issue of the fact that when you give them that autonomy to increase these surcharges, it has a negative impact upon the students who can actually stay in school or apply to get into school. That is a real issue, and that goes back to the first point that I made to the wrong people, fiscal staff, which was you are putting forth a plan like trying to build a car and you do not have any nuts or bolts. You are putting forth a plan that completely strips the capacity and the ability to function within an economic development environment because where is your staff. Where are the employees coming from that are going to drive this bus? If they are not working, you have completely taken the full-time employees and made them part-time employees within this budget. They cannot even function. I am just trying to figure out how this overall plan is going to work for the state when you do not have the pieces.

HEIDI GANSERT:

Thank you. The cuts before you—if you look at the ARRA funds, it was about a 7 percent cut from the Special Session numbers for NSHE, and it is about 17 percent. There have been some discussions about what are the true cuts. The cuts are very difficult. We wish we did not have to make the cuts, but we do not have more funding at this time to be able to reinstate some of those. We recognize that they are difficult. We recognize there is going to be some tuition increases or some that have been proposed but not yet approved by the Regents. When the Regents asked us for the autonomy, they also were asking because they did want to be able to raise tuition and take more responsibility as far as the funding model for the System of Higher Education. These are very difficult times, and at this point, we do not have resources to add back to this budget. We are in agreement that it is a priority, but we also recognize that we do

not have any funds to add back. It is going to be difficult, and we trust the Regents will make good decisions for the System. Thank you.

CHAIR OCEGUERA:
Thank you. Mrs. Smith?

ASSEMBLYWOMAN SMITH:
Thank you, Mr. Chairman. I have a couple of things. I wanted to go back to the added revenue and just clarify. Mr. Clinger and I debated when a cut is a cut the other evening, so I guess now we can talk about when revenue is not revenue. I do not perceive revenue as using school debt reserves, using the Initiative Petition 1 (I.P. 1) room tax money that was designated for something else, and securitizing our insurance premium tax and creating debt in the future as revenue. I wanted to make sure that this body—because the discussion is fairly new to a lot of the members—know that is what we are talking about here when we are talking about added revenue is that we are talking about this form of the budget solution between the $5.3 billion and the $5.8 billion.

ANDREW CLINGER:
Mr. Chairman, through you to Assemblywoman Smith. Maybe a better term is "a combination of revenue and resources," because we tried to use the existing resources that we had to live within our means to put a budget together. There is a mix of revenue items. For example, net proceeds and minerals. Extending the sunset on that, I would argue, that is a tax revenue that we added to the budget beyond what the Economic Forum gave us. Letting the school districts use the debt reserves for operating purposes, I agree, that is not revenue. I guess a term for that would be "resources."

ASSEMBLYWOMAN SMITH:
I will give you that. I will give you "resources" instead of "revenue." A different "r" word.

The other question I had—and I suppose more appropriately for Mrs. Gansert—is one of my big concerns in this process we are in of cutting the budgets to the degree we are and eliminating programs is the long-term effects and whether you analyzed how long it takes to recover from elimination of the number of programs we are talking about eliminating from these campuses and then how it impacts the investments that others have made. I look at those institutions on UNR's campus, for example, the new molecular science building, that has had so much private investment—mostly private investment in that building—and how those investors feel when they see they have made an investment in this campus, and we are pulling out our investment. I am worried about the long-term effects and how that was considered in developing the budget.

HEIDI GANSERT:
In looking at the cuts, again, they were very difficult. But we also recognize that if we allow our economy to recover—the property tax, the 9- cent redirect will go up—and they will receive the benefit of that. We also recognize that these are not the only dollars that the university system has—and we have not talked about that at length—but we know there is other dollars they get that will help them support themselves.

We think there probably is some room to tighten their belts. We understand that they have had cuts over the last few years. When you look at the personnel adjustments, I think that accounts for about 35 percent of the total cut: matching them up to the state employees, which they were unable to do last time. And the Regents and the Chancellor worked to make sure that the new contracts moving forward had some room so that they did not have to actually give people notice, but they could adjust how much people were paid. Some of it can be taken care of internally. We believe that we are continuing to invest, but we also recognize that the Regents may choose to allow the students to invest more, and they have had some proposals as far as tuition increases. Thank you.

CHAIR OCEGUERA:
Mr. Bobzien?

ASSEMBLYMAN BOBZIEN:

Thank you, Mr. Chairman. To Mrs. Gansert, again, on the 9-cent diversion and certainly the notion of the economic impact that the institutions have. I can certainly tell you that in my district, the economic impact is going to be if folks are laid off and not buying goods and not paying taxes because they cannot—then there is this whole conversation on the side about the multiplier from that—but I guess specific to the notion of confining that to the continuation of the 9-cent diversion from Washoe and Clark but not looking at the other counties themselves. If I understand the Governor's position, it is the idea that, "Well, we are already continuing what was already done. Of course, that was supposed to be temporary, so here we are. We are going to roll it over." But particularly in the UNR case, this is a statewide institution. It is the land-grant institution, and just as there is an impact to Washoe County that may, in your view, justifies the 9 cents being diverted to support that campus, there is an impact across all of the other counties that are not brought into that discussion. Whether it is the College of Agriculture, whether it is continuing education, whether it is the research teams that go out from different programs across the campus to all corners of the state—I have been with them. I have seen what they do. This institution operates statewide, not to mention the fact that the students who benefit from this education that the state is supporting come from all these different counties. They do not just come from Washoe. They do not just come from Clark. Why are not we taking a look at a similar approach to those other counties?

HEIDI GANSERT:

When we put this budget together, again, we had to weigh a variety of things. Part of the budget was health and human services. In the Health and Human Services Department, we looked at who should provide certain services and maybe some services that the state was providing before that maybe the counties could. We continue the redirection from Clark and Washoe because that was what was approved by the Legislative Session in 2009, but at the same time and in another area of the budget, we were also pushing down services or asking them to provide service or reimburse the state for services to some of these rural counties. We did not know really how much they could afford. We recognize that economic development is not only important to the urban areas but also the rural areas and that those institutions are extremely important and vital. In no way would we ever support the closure of any of those—and I am not sure if I had mentioned that before because that was off the table, and then it sounds like it may have been put on the table again. We want to make sure that those institutions stay open. When the different presidents provided their information for Scenario 1 that was presented, none of them were "close." We think they are vital. We did look at them because we were weighing the cost to them in Health and Human Services that were new expenditures that they had not had in the past.

CHAIR OCEGUERA:

Mr. Bobzien?

ASSEMBLYMAN BOBZIEN:

With a follow-up, Mr. Chairman. Thank you. Again, not going to the health and human services because we are closing or we are work sessioning the higher education budget this evening, but as I understand it, already a lot of those were services that the two counties were already providing. Again, the way I see this and what is behind this proposal is that the constituents that I represent get to shoulder the burden for a statewide institution that impacts across the state. I think it is unfortunate that we are not looking at all of the options.

CHAIR OCEGUERA:

Okay, let us go to Mr. Ohrenschall.

ASSEMBLYMAN OHRENSCHALL:

Thank you very much, Mr. Chairman. There is a figure in the work session document that was a particular concern to me. There is a projection that under these cuts, by 2013 over 19,000 students who would have pursued their degrees would no longer be able to. My question to whichever witness would like to answer it is, does the Governor have any plan for what these Nevadans would do since they would not be able to pursue their degrees here at home?

HEIDI GANSERT:
Thank you. Mr. Chair to Mr. Ohrenschall. As far as the students go, what I have seen in the past—and this is just a personal observation—is as tuition has increased, the demand for enrollment has still gone up. As a matter of fact, I think it may be at record levels because in the recession, people go back to school. In some of the discussions that we had with the Chancellor and some of the staff, we talked about their partnering with other institutions as far as online education, and if there are other alternatives to make sure that if there are students out there that want to attend an institution of higher education or if there are individuals who are looking to finish degrees, that they have alternatives beyond what we are currently able to provide. We want to make sure that the supply is there. It is kind of a supply and demand question. I think the demand is out there, and I believe that the Regents will be facing that dilemma as far as tuition and whether they can partner with other institutions or expand online learning or how best to provide that. But we have seen, even with the budget cuts, that enrollment typically has gone up. Thank you.

ASSEMBLYMAN OHRENSCHALL:
May I have a follow-up, Mr. Chairman.

CHAIR OCEGUERA:
Follow up.

ASSEMBLYMAN OHRENSCHALL:
Thank you very much. I am looking at Table 3, and it looks like under these proposed cuts, our institutions of higher learning will lose hundreds of professors. To me, that represents a great brain drain here in our state. The Majority Leader earlier mentioned a study that has been performed that when you lose quality teachers, sometimes that hurts demand among students more than a price increase. That is another fear I have, that by losing the quality of our teacher—by having this brain drain—that will also hurt demand here in our state. Thank you.

CHAIR OCEGUERA:
Okay, thank you, Mr. Ohrenschall. Let us go to Mr. Hammond.

ASSEMBLYMAN HAMMOND:
Yes, I just wanted to ask—and this could be for either one of you. I remember hearing the State of the State Address by the Governor. He did mention several times that your staff looked at and compared some of the numbers, the tuition figures, with other universities here in the west. I know that you have covered that. If could you kind of explain your thought process to the tuition that you saw at the other universities and perhaps address what I would call a concerted effort by many of the western states to try and reign in their budget deficits in regards to higher education? I see that in almost every state that is close to us—from Utah, Arizona, California, Washington, Idaho, and possibly Oregon—many of those states are also trying to balance their budgets, and they are having significant reductions in higher education. I wanted to kind of get your thought on that. I know my colleagues have expressed this passion for the brain drain that may occur here if these budgets go through, and I understand their concern. I would hate to see us lose those professors. I do not know where they would go, because right now, it does not look like they are going to find a job almost anywhere. It would be very difficult. It is a very competitive job as it is. Very many PhDs (Doctors of Philosophy) are out there wandering around without finding a job in universities. Anyway, if you can address that for me, I would appreciate it.

HEIDI GANSERT:
hank you. Through the Chair to Mr. Hammond. If you were to look at the WICHE Benchmarks 2010, which are online, you would find that Nevada is about 20 percent below the WICHE average. I think that was actually mentioned by Fiscal staff, too. Our tuition is relatively low to comparable institutions in the West. Nationally, if you were to look, there is a lot of pressure on university budgets except for natural-resource states. I think there are some states out there that still have some money, such as Texas and Wyoming, because they are natural-resource states.

he other thing that you can find—and I mentioned it earlier—is the trend is down as far as the public subsidy of higher education. Fees and tuition are covering more and more of the cost of an education. Even our neighboring state, California, has made some significant adjustments. The trend nationally is for less public dollars and more tuition and fees. If you were look, again, at our tuition, according to the WICHE Benchmarks 2010, we are about 20 percent below the average. That is before the tuition increases that have been proposed, and there have been some that not been approved but have been proposed to the Board of Regents. Thank you.

CHAIR OCEGUERA:
Mr. Grady?

ASSEMBLYMAN GRADY:
Thank you, Mr. Chairman. Just a little food for thought from my colleague from Sparks on the rural Washoe County issue: Maybe we ought to be looking at all the in-state tuition that folks that are living on the eastern side of the Sierras in California coming in here, getting in-state tuition, and paying no taxes, which, in the rurals, we do pay some taxes. I would guess if we looked at the figures of our reciprocal agreement with California, we are bringing in a lot more California students than we are sending out of Nevada to California schools.

CHAIR OCEGUERA:
Thank you, Mr. Grady. Mr. Hickey?

ASSEMBLYMAN HICKEY:
Thank you, Mr. Speaker. To that point: I sit on the Education Subcommittee, and we reviewed the WICHE figures. In fact, California was mentioned. It is a fact that California has recently dealt with their budget deficit by turning to more out-of-state and more foreign students because of the full or the higher tuitions that those students are required to pay. I would also remind us—because I think we constantly have to remember—that what is going on in Nevada is not in a vacuum. The president of the university system in California was recently quoted as saying, "As the core budget shrinks, so must the university." I am sure that is an equally painful realization that that story the higher education system is facing, but nonetheless, it is reality. That is my comment. Maybe it is a question. I am not exactly sure that it is.

CHAIR OCEGUERA:
It sounded like a comment to me. Mr. Anderson?

ASSEMBLYMAN ANDERSON:
Thank you, Mr. Chairman. Good afternoon, Mrs. Gansert. I think there is a general consensus among economists that the decline of Nevada's economy and our budget, for that matter, results because of our lack of economic diversity, specifically our downturn in our gaming industry brought on by a larger national recession, etc., etc. No other state needs economic diversification like we do. I think we all understand that. If this is our problem, and higher education, by your own admission, is linked to economic diversification and is inseparable, that means no other state needs economic diversification like we do. Of course, realizing that higher education is not something that you can just put money into one biennium and expect that it is going to be going full steam ahead the next biennium, you have got reputations that need to be developed over years. It is sort of like a redwood tree, right? You cannot put a seed in and expect that is going to be 100 feet tall two years from then. Getting to my question, how does this budget lead us to economic prosperity and a diversified economy in the future to make sure that this does not happen again?

HEIDI GANSERT:
Thank you. Through the Chair to Mr. Anderson. The one place in the budget where we added dollars was for economic development, and we have been very pleased to work with leadership in both houses on A.B. 449, which is a new model for economic development. Within that plan, we actually included a knowledge fund and we are looking towards that funding for now. We wanted to make sure that the System of Higher Education had input and that there was an alignment. We talk about a state plan within that bill. There is alignment as

far as workforce development and the System of Higher Education so that we can create greater diversity in this state. We do agree that we do need to diversify and that economic development is key to that. Thank you.

ASSEMBLYMAN ANDERSON:
A follow-up, Mr. Chair?

CHAIR OCEGUERA:
Mr. Anderson.

ASSEMBLYMAN ANDERSON:
I understand that we are working on that and working together on that, and I think that is great, but what company is going to come in here and take a risk if they see us doing this to ourselves biennium after biennium and destroying our state's reputation for higher education and losing faculty? There is going to be no faculty that cultivates those funds in the knowledge fund by the time we get done because none of these professors are going to take a risk on Nevada.

HEIDI GANSERT:
Thank you. We have a great level of interest from other companies, outside companies and companies within Nevada, in expanding here. We are confident that we are looking to turn the corner here. Again, that is why we created or diverted the property tax towards the System of Higher Education because we want them to benefit as the state recovers. It has been very difficult. There is no disagreement on that. Thank you.

CHAIR OCEGUERA:
Thank you, Mrs. Gansert. Mrs. Benitez-Thompson?

ASSEMBLYWOMAN BENITEZ-THOMPSON:
Thank you, Mr. Chair. Mine is both a question and a comment, and I thank you for your feedback. As a parent, I know that my number one job is to worry all the time about my kids: worry about what they are doing; worry about their future—and that actually comprises about 90 percent of my time; and I worry about their education enormously. I am wondering how we explain this budget to Nevada families and to parents out there who might not have a job, whose houses are underwater—and maybe they are staying in the community because they have family ties, but if their kids are not going to get a decent education in K-12—and if they have no hope of getting a good education in the university system, I am just wondering about how we make the case that Nevada is the right place to raise your children?

HEIDI GANSERT:
Thank you. We believe that we need to allow our economy to recover. When you talk about the K-12 system, the Governor has introduced many reforms to try to help improve our education, from ending social promotion to more accountabilities in the schools. The Chancellor will come down and talk about accountability in the university system. Things will be changing and the money will be tighter, but I believe in Nevada. We believe in Nevada. We can improve our educational system and that our higher education system will be able to provide its core mission, some of the core duties that it needs to provide ongoing even with these budget cuts.

ASSEMBLYWOMAN BENITEZ-THOMPSON:
A follow-up, Chair? I guess I am still left with little confidence, and I think the parents in Nevada should have little confidence in this budget. By the time the economy turns around—and Nevada is going to be the last state to do that—my daughter and my son have been through a couple of years of school in first, second, third grade, and they are never going to get to make up all that education and all that time in the classroom that was lost with too many students. By the time the students who are in university right now, by the time the university turns around and we can hopefully reinvest in them one day, that educational time is lost. I think we are talking about opportunity cost of education here, and we are talking about those specific individuals never getting that time back. I think so far in Nevada, we have been digging a hole in our education budget, but we have been digging with a shovel. With this budget, we are digging with a backhoe.

CHAIR OCEGUERA:
Ms. Diaz?

ASSEMBLYWOMAN DIAZ:
Thank you, Mr. Chair. I just wanted to follow up on my colleague, Mr. Ohrenschall's, question. I do not think it was adequately answered. His concern—and I share this same concern as well. I'm on this side over here. In FY 2011-12, it is forecasted that 11,638 students will not be able to be served due to the impact and the severity of these budget cuts, and in FY 2012-13, it escalates to 19,025 students. His question and my question is, what are those students going to be doing if these universities and college systems and campuses cannot cater and cannot offer these courses because these sections have to be cancelled, because professors have to be let go, because there will be no room to service these kids to offer them an education? Both of us represent districts that are socioeconomically not able to afford increases in their tuition. His worry and my concern is that not only are we closing the doors in their faces in terms of access to education, but we are also kind of taunting, "If we do maybe have the space, you might not be able to afford." I know that it was very hard for myself to put myself through school. What are we going to do with these children that are not going to be able to access higher education?

HEIDI GANSERT:
Thank you. Through the Chair to Ms. Diaz. Again, as the budget has been cut in the past, the enrollments actually increased. These are projections. I know that there will be some cutbacks as far as what they can offer. In our discussions with the Chancellor and with his staff, we have talked about or we are hopeful that they will create some partnerships. As I mentioned earlier, too, 35 percent of the cut has to do with personnel adjustments and salary adjustments. Those are projections. We hope that the university system will be able to provide an education to anyone who wants access and that they can partner if they cannot directly provide it. These are difficult cuts, but we do believe that there should be access.

ASSEMBLYWOMAN DIAZ:
A follow-up if I may, Chair?

CHAIR OCEGUERA:
Certainly.

ASSEMBLYWOMAN DIAZ:
So if they go through with the closure of campuses, if they cannot have staff to offer the classes, how can you partner up? How can we offer courses? How can we put these people that have a need and a desire to go to school? How can we meet those needs? I am not really seeing that in tough times, enrollment is going to increase when we do not have the ability to offer that to them. I am not making the connection between enrollment increasing when we are facing tough decisions on our campus and probably will not be able to offer those courses for them.

HEIDI GANSERT:
Thank you. The Regents are going to have to make the decisions, but we believe that all the institutions should stay open. We believe there should be access. I know in the model that they are looking at as far as tuition increases is they are also looking at taking 15 percent off the top, and I believe they already passed a resolution or changed their bylaws to be able to do that, to create more financial aid. It is going to be difficult, but we have also observed during this decline, when budgets have been cut, that there has been increased enrollment. There are students who do want to go to college, and they find a way to do it. These are difficult choices, but we are very supportive of the institution and believe the Regents will be able to find a way to keep the institutions open. I think that was proposed in Scenario 1 originally. Thank you.

CHAIR OCEGUERA:
Okay. Mrs. Kirkpatrick?

ASSEMBLYWOMAN KIRKPATRICK:

Thank you, Mr. Chairman. Mrs. Gansert and Mr. Clinger, I get and I totally understand that other states are making all those changes. When we looked at the WICHE exchange, did we compare all the different things? I will give you an example. In Utah, at SUU (Southern Utah University), yes, their rates are more expensive—not by much, honestly; it is a little over $600—but the students have the opportunity to have 28 kids in the classroom because of the way that they specialize and they are set up. In Arizona, the tuition is a little bit higher, but they have the ability to get all of their classes, and online is not as big. At both of those schools, they have been renting books for a very long time, which is something new that Nevada has barely started doing. But at the community college, say, in southern Nevada, you are paying the same amount for the amount of credits, but you are being forced to take an online class, which, I get technology and all, but I do not know that that is beneficial for the long run. When we compared everything, did we compare all the way across the board? I think that when you just compare tuitions, it is like going to Ross or going to Nordstroms: Can you get the same outfit there, or is it last year's season? I am just wondering if we compared it all the way across when we made those assumptions.

HEIDI GANSERT:

Thank you, Mr. Chair. Through you to Ms. Kirkpatrick. We did not look at the cost of attendance. A lot of people refer to the term "cost of attendance." We looked at the tuition and fees, and relooking at this chart for the WICHE benchmarks, it looks like we are twelfth out of fifteenth, so towards the bottom. We are one of the least expensive institutions and about 20 percent below average, but we looked at the tuition and fees—which are represented in this; I can provide this to you—versus the cost of attendance.

ASSEMBLYWOMAN KIRKPATRICK:

If I could just follow up? I do not disagree that we are cheaper, but at the same time, I am concerned that at CSN, you have 60 kids in a class, and the quality of your education is a little bit different than when you are at SUU, where you are paying a little bit more for 28 kids in a class. I get raising tuition, and I know that some of our out-of-state kids pay about $16,000 a year, which is a lot, and quite frankly, that helps subsidize Nevada kids. But at the same, what kind of an education are they getting for that and will they look to these schools that have the smaller classrooms?

CHAIR OCEGUERA:

Mrs. Pierce?

ASSEMBLYWOMAN PIERCE:

Thank you, Mr. Chairman. Mrs. Gansert, a moment ago you referenced a couple of states which apparently do not have budget deficits, and you referred to them as "natural-resource states." I think you mentioned Texas and Wyoming. Mrs. Gansert, just between you and me, I have heard a rumor that there are gold mines somewhere in Nevada.

CHAIR OCEGUERA:

Okay. Mrs. Mastroluca?

ASSEMBLYWOMAN MASTROLUCA:

Thanks for letting me follow that, Mr. Chair. Mrs. Gansert, one of the comments made earlier--and you referenced it after the Fiscal staff—talked about that our tuition rates are low compared to the other WICHE states. The Governor's budget, I believe, is a proposal of a 13 percent increase in tuition. I am just wondering, how many other states have had a jump to a 13 percent increase in one year and then a 13 percent increase the year after that? I understand that maybe we need to look at rates if we are not competing or if we are not at the same level as everyone else, but to go to 13 percent in one year? Let us look at the calendar: We are talking about 13 percent in the next eight weeks. That is a pretty significant jump.

HEIDI GANSERT:
Thank you. To the Chair to Mrs. Mastroluca. The Governor's budget does not contemplate tuition increases. That is actually up to the Regents. Basically, we provide the basic funding, and then they decide whether there is going to be tuition increases or not. If you were to look at the data throughout the country, there is a lot of tuition increases right now, especially in our neighbor, in California. You can actually attend Nevada as an out-of-state student for less than you can attend a UC (University of California) school. Our tuition is low, but the trend nationally is, again, as I mentioned earlier, that there would be more tuition and fees versus state subsidies for education.

ASSEMBLYWOMAN MASTROLUCA:
May I follow up?

CHAIR OCEGUERA:
Certainly.

ASSEMBLYWOMAN MASTROLUCA:
And I apologize, I did recognize that that was the Regents' choice. But I would still challenge you: Can you name another state that has had a 13 percent tuition increase?

HEIDI GANSERT:
I can get that data to you. I have actually read about it, and there are states that have contemplated tuition increases even greater, but I do not have it on me.

ASSEMBLYWOMAN MASTROLUCA:
Thank you.

CHAIR OCEGUERA:
Mr. Hansen?

ASSEMBLYMAN HANSEN:
Thanks, Mr. Chairman. We had testimony in the Education Committee by Chancellor Klaich that approximately 40 percent of the kids coming out of Nevada schools who go on to higher education have to take remedial classes. Do you have any idea what the cost is to that, and do you have any justification for the taxpayers why they would have to pay twice for the same education?

HEIDI GANSERT:
Mr. Chair, if I can, I would like to defer that to the university system. I do not have those numbers. Thank you.

CHAIR OCEGUERA:
All right. Any other questions? Mr. Ellison?

ASSEMBLYMAN ELLISON:
Thank you, Mr. Speaker. I did not know if I misunderstood, but you said there was new revenue. What I consider revenue is if you are taking from one area and you move to another. I do not care if you call them new or old or whatever. There is still revenue that went into the university system. Can you tell me what those revenues were that you were talking about?

ANDREW CLINGER:
Mr. Chairman, through you to Mr. Ellison. The revenue that the Governor included in The Executive Budget to go directly to the Nevada System of Higher Education was the 9- cent property tax in Clark County and Washoe County. In the current biennium, those funds went directly into the state. What we are proposing in the Governor's budget is that those funds be dedicated just for higher education and that continue in future biennia. In addition to those redirections into the Nevada System of Higher Education, in total, the Governor's The Executive Budget includes over $1 billion—and I will not use the word "revenue" but "resources"—to help balance the budget. If you look at The Executive Budget and you compare what the Governor

has proposed to the current budget, it is a $1.4 billion decrease, and that is after adding $1 billion in new resources.

ASSEMBLYMAN ELLISON:
A follow-up, Mr. Chairman?

CHAIR OCEGUERA:
Yes.

ASSEMBLYMAN ELLISON:
During one of the Governor's speeches, he also said that they were going to look at some other newer ideas like tuitions that would be kept inside the university system. Is that kind of stuff still being considered?

HEIDI GANSERT:
Thank you. When we talked to the university system, there were a number of things that could be considered autonomy that they requested. One was that when they raise tuition, they keep it at the institution. They asked for flexibility amongst budget accounts. They asked to be able to increase their tuition and in different ways, so if you have a higher-cost program like a nursing program, they could differentiate it and make it greater than, say, a liberal arts program. Senate Bill 434, which we proposed, actually grants them all that authority that they asked us.

ASSEMBLYMAN ELLISON:
Thank you.

CHAIR OCEGUERA:
All right. I am going to take two final questions, and then we are going to move on. Let us go to Mrs. Carlton.

ASSEMBLYWOMAN CARLTON:
Thank you, Mr. Chairman. To Mr. Hansen's comment about having to pay twice, being a mother who paid tuition for two daughters who went to CSN and to UNLV--one who did have to work a little bit on some of the classes she was not as good at as she thought she was—it is not free to the taxpayers. We pay tuition on those classes, so it is not like the taxpayers are being double-dinged on that.

CHAIR OCEGUERA:
Thank you, Mrs. Carlton. Mrs. Dondero Loop?

ASSEMBLYWOMAN DONDERO LOOP:
Thank you, Mr. Chairman. I just have, actually, sort of a comment. I just know that the relationship between economic stability and education has been proven over and over and over again. I have put three children through college, and I know that your kids, I think, are just getting ready to start that process. Some of us choose to have our kids stay in state, and some of us need to have our kids stay in state because we cannot afford dorms and things like that, so they stay at home. But I can tell you that schools in general, in my opinion, when the economy is down, become a place that people go;. K-12 kids find stability there. College students—many people go back to school. I think when the economy is down and you are down in that hole, you do not hand people a shovel. You hand them a ladder. The ladder in this case would be to allow people who need to further their education to provide themselves jobs. Thank you.

HEIDI GANSERT:
We are in agreement, because we have seen that enrollment goes up when times get more difficult. People do go back to school. We have tried to mitigate the cuts and do the best that we can in this budget.

CHAIR OCEGUERA:
All right. Thank you, Mrs. Gansert and Mr. Clinger. We are going to cut it off there. We appreciate you being over here today. Let us move, then, to Mr. Satre.

Mr. Satre, welcome. I know you have been sitting here all day, so I will try to get you in and out.

PHIL SATRE, CHAIRMAN OF THE BOARD, NV ENERGY, INC.:

I want to thank the Chairman. I want to thank Majority Leader Conklin, Minority Leader Goicoechea, and all of the members of this Assembly. My name is Phil Satre, and I am here today to ask for your support of the Nevada System of Higher Education and to consider alternatives to The Executive Budget proposed by the Governor.

I have lived and worked in northern and southern Nevada for the better part of the last 36 years. During that period, it has been clear to me that both UNR and UNLV have been on a consistent upward trajectory. The current budget reductions now proposed will have a long-term and, in my view, possibly permanent negative impact on higher education in this state and set back many years of progress that the System of Higher Education has made.

So why do I care? One of the reasons that I care is that I am chairing the Chancellor's Business Roundtable, a group formed by the Chancellor last fall of business people from both ends of the state. I guess you can say it is my job. But I have other jobs. I currently serve as the chairman of the board of two Nevada-based New York Stock Exchanged public companies. One is NV Energy, and the other is International Game Technology (IGT). I also serve as a director of Nordstrom, Inc., and of course, Nordstrom has substantial operations in Las Vegas where we compete with Ross with our Nordstrom Rack store. Prior to my role at these companies that I just referenced, I spent 25 years at Harrah's, now Caesars Entertainment, and for most of those years, I was the chairman, the president, or the chief executive officer (CEO)—or all of those, depending upon the time frame—until I retired in January of 2005. The companies that I am involved with and have been involved with have a substantial stake in Nevada's future. We have, in the aggregate, over 7,000 employees in this state, and our employees send their children to Nevada schools both K-12 and postsecondary. These businesses hire many of our employees from Nevada's high schools, from Nevada's community colleges, and from Nevada's universities. Without question, these businesses all have a significant stake in the state's future and, in particular, the Nevada System for Higher Education. Let me give you a few examples of how those stakes are represented.

I was CEO of Harrah's when we made, along with Bill Harrah's widow, Verna, the naming gift of $5 million for the William F. Harrah College of Hotel Administration at UNLV in 1989. It was a breakthrough gift for UNLV. I am very proud that Bill Harrah's name is on that hotel school, now one of the nation's best hotel schools. I am also proud that so many of the graduates that populate our state's largest industry graduated from that school.

Turning to IGT, IGT and former chairman Chuck Mathewson provided $10 million for the naming gift that enabled the construction of the building that I think is magnificent and state-of-the-art, the Mathewson-IGT Knowledge Center on the campus of the University of Nevada, Reno. More recently, NV Energy has made gifts of over $1 million to UNR and to UNLV for renewable energy programs, including gifts to the UNR College of Engineering, to support faculty positions, to research renewable energy, and provided funds for workforce development efforts. We have also made gifts to Truckee Meadows Community College, the Desert Research Institute, and Great Basin Community College. All of the initiatives funded by NV Energy gifts are critical to the future economic development in the State of Nevada.

Finally, like so many of the businesses that prospered here, or the individuals that have prospered here, my wife and I have also felt an obligation to support these universities personally and have contributed over $1 million for scholarships and grants to NSHE schools, because we have been inspired, inspired by the leadership of these institutions, inspired by their missions, and inspired by the students who want to go to these institutions. When gifts of this magnitude are made either by individuals or by corporations or by foundations or others, I believe there is an implicit expectation of continued state support of those institutions. Without that implicit promise of sustainable support, I think it would be difficult, if not impossible, to continue private support.

The companies I have mentioned have been in Nevada for decades; in the case of NV Energy, for over 100 years. We are all here for the long term, and we are all committed to Nevada. We are proud that we have been part of building this university system in partnership with this state.

We are proud that we have its graduates in our executive suites, among our managers and supervisors, and on our front lines, and that our children attend these colleges and universities. We want to help build, as we have for over 20 years, a university system that will serve Nevada's future.

We are realists. We have been through this financial crisis with the state, with the individuals in this room, and with other businesses. When the financial crisis took root in 2008 and 2009, our revenues and our profits dropped, in some cases precipitously. We had to make painful decisions, decisions to curtail programs, to curtail employee compensation and benefits, to cut back on capital spending, and to eliminate jobs—unfortunately, lots of jobs. Our businesses had to change to meet the challenges of the recession. But we knew that we could not make cuts that were so deep that we disabled our competitiveness and thwarted our ability to rebuild our businesses and renew our businesses when the economy recovers. Had we and other businesses in the private sector in this state gone too far in cutting jobs, in cutting back on capital improvements, and in cutting back on programs, I think Nevada's economic recovery would be in even greater jeopardy today.

But I believe that is just what the full impact of the reductions in this The Executive Budget will do to the Nevada System of Higher Education, placing the quality of higher education at too great a risk for our future. It will not make our state stronger. It will not make us ready to recover. It will make us weaker, and it will extend the period required to recover from the economic downturn in this state.

To use a metaphor from my days at Harrah's, all of you in this room have been dealt a hand when it comes to the fiscal year (FY) 2011-12 and FY 2012-13 budgets. I am sure for all of you, for Governor Sandoval, and for your colleagues in the Senate, it feels like your hands are tied, particularly with the obligation to present a balanced budget. However, rather than let that be a foregone conclusion—that we cannot afford a vibrant economy, a vibrant educational system, and a better Nevada—I ask that you recognize that all of you have been elected by your constituents to use your intellects and your resourcefulness to decide what Nevada's future will be.

In business, we no doubt had more latitude to invest on the promise of future revenues, but that does not mean you cannot recognize judgment and creativity. Although I was not a part of the process or the decision-making, as a businessman, I would endorse the position taken by the Las Vegas Chamber of Commerce, a group of people representing businesses large and small, who said, "Additional tax revenue may be necessary, particularly when linked to significant and meaningful reform that will fix systemic problems in our state." I think the Nevada System of Higher Education is prepared to meet that challenge of significant and meaningful reform. I think it will happen in other parts of our state.

I know that point-of-view is shared by some other members of the Chancellor's Business Roundtable that were able to present this morning at the Senate, and we are going to provide you with their testimony. They could not be there this afternoon, but I want to mention them because they were present this morning: Kirk Clausen from Wells Fargo Bank, a company that has made significant contributions to the educational system; Glenn Christenson, who is the head of the Nevada Development Authority in southern Nevada, the economic development authority for that particular part of our state, and also the chairman of the College of Southern Nevada Foundation; and Michael Saltman, who, along with his company, The Vista Group, has been very involved with UNLV. Mr. Chairman, that concludes my remarks.

CHAIR OCEGUERA:

Thank you, Mr. Satre. Let us see if there are some questions. Mr. Hickey?

ASSEMBLYMAN HICKEY:

Thank you, Mr. Chairman, and thank you, Mr. Satre, for all that you have done for this state, including our university system. You mentioned the reforms that were outlined and tied to the suggestion that revenues may need to be found. Would you care, as a business person, to comment in a little more detail about the extent of those reforms and where they are needed and what they would look like to you?

PHIL SATRE:

In term of the—are you—excuse me, Mr. Chairman, I know I am supposed to say, "Mr. Satre, responding to Mr. Hickey's responses," and I apologize for not doing that for the record.

Could I ask you to clarify, Mr. Hickey, whether you are referencing reforms in general? Or reforms for the Nevada System of Higher Education?

ASSEMBLYMAN HICKEY:

I believe the reforms—through you, Mr. Chairman. I believe the reforms the Chamber was referencing had to do with the local governments and their collective bargaining positions, some reforms to the pension system and the state, and including reforms to education that the Blue Ribbon panel [Blue Ribbon Education Reform Task Force] and others have outlined.

PHIL SATRE:

Mr. Hickey, Mr. Satre responding to you for the record. My understanding is that it was a reference to just what you characterized, fixing what the Chamber referred to as the Public Employees' Retirement System to reduce what they felt was about $10 billion of unfunded liability, discontinuing state retiree health insurance subsidies through the Public Employees' Benefits Plan, reforming collective bargaining, transforming K-12 education, and then their reference to higher education was "retooling" higher education. I am happy to address that to some extent, but I know that the dialogue that we have had with the Chancellor about "retooling" are things that he is going to cover in his remarks later. Many of them have to do with taking steps to be more efficient on the campuses, taking steps to revise the funding formula for the campuses, taking steps to, I think, look at seriously—as you have discussed today—our fee structure and how competitive that is with other WICHE states.

CHAIR OCEGUERA:

Thank you. Let us go to Mrs. Benitez-Thompson.

ASSEMBLYWOMAN BENITEZ-THOMPSON:

Thank you, Mr. Chair. Mr. Satre, thank you for your comments. I am a social worker by profession. I am not a business person, so I appreciate your insight. I came across an article I thought that you might comment on, because my thought is that our education system, especially our universities, for the state are the equivalent to research and development functions within companies. Booz & Company. did a study—and this was from 2008, just as the recession was starting to take hold—and I wanted you to react to their findings. They said that: "More than two-thirds of the companies included in this year's Global Initiative 1000 maintained or increased research and development (R&D) spending in 2008, and even though a third of the companies reported a financial loss for the year, we found no correlation between financial losses and reductions in R&D spending. Furthermore, our analysis revealed that innovation investment is increasingly viewed as essential to corporate strategy: more than 90 percent of executives we surveyed said innovation is critical as they prepare for the upturn . . . " If that held true for Nevada, would it not make sense that the last thing we would want to do is severely cut our funding to our state's R&D arm, which are universities and education?

PHIL SATRE:

Mr. Chairman, Mr. Satre responding to Mrs. Benitez-Thompson. I would respond this way. From really the experience that we had at one of the companies that I am involved with, and that is International Game Technology, we have a very big research and development function. It is around $200 million a year. That is a lot of money to spend on R&D. If we had cut that two years ago or three years ago at the beginning of this recession and pulled that all the way back, we would be dead in the water right now. If we are going to compete with other companies around the world—which is how we compete with companies from the U.S. (United States), companies from Japan, companies from Australia and elsewhere—we have to continue to invest in research and development. We have to continue to hire the best and the brightest minds that we can to work in our studios and to work in our research and development effort. Part of the reason why I think the company supports the Mathewson-IGT Knowledge Center is that IGT depends upon our university system here in Nevada for a good portion of our talent that we need

to do that. If the university systems pull back on that talent, we will go elsewhere, and we cannot see how they can afford to do that.

CHAIR OCEGUERA:
Thank you. Mrs. Dondero Loop?

ASSEMBLYWOMAN DONDERO LOOP:
Thank you, Mr. Chairman. Mr. Satre, I would just like a clarification because I think what we are hearing from you is that universities attract economic development and that you are saying that the businesses want to have a funded education system, specifically higher education. Is that correct?

PHIL SATRE:
I guess I was not very clear. That is correct.

ASSEMBLYWOMAN DONDERO LOOP:
Thank you. You were very clear. I just wanted to hear it again. It was good news to my ears.

CHAIR OCEGUERA:
All right. I am not seeing any further questions. Thank you.

PHIL SATRE:
Thank you, Mr. Chairman. I appreciate the opportunity to address the Committee as a Whole.

CHAIR OCEGUERA:
Thank you, Mr. Satre. We appreciate you being here. All right, let us move on now to the Chancellor, Mr. Klaich.

DAN KLAICH, CHANCELLOR, NEVADA SYSTEM OF HIGHER EDUCATION:
Mr. Chairman, I guess, for the afternoon. Majority Leader Conklin and Minority Leader Goicoechea. Ladies and gentlemen of the Assembly. Thank you very much for entertaining us this afternoon and giving us the opportunity to discuss the budget of the Nevada System of Higher Education and to respond to your questions. I would like to, before I start that discussion, thank the Speaker in this chamber for cancelling your session yesterday afternoon and allowing so many of you to attend the memorial service for Dr. Milton Glick. I can assure you it meant a great deal to Mrs. Glick and Dr. Glick's family to have so many of you from this body there. Thank you for that courtesy and for the fitting tribute you paid to Dr. Glick's service to the state.

I would like to start my comments by acknowledging what you all know, that Nevada is in the midst of possibly the worst economic crisis that we have ever faced. We all know we must balance our budget, and we all know that there will be significant budget reductions and spending cuts required and painful sacrifice that is appropriate to be shared by all Nevadans. Having said that, our challenge is to navigate these difficult waters in a way that will preserve core services, including education, and serve our state well in recovery. I am here today to talk to you about how those of us in higher education propose to do that with your help.

Like most Nevadans in both public and private sectors, public higher education arrives here today after more than three years of budget reductions. Over that time, while enrollments and fees have increased and salaries have been frozen and reduced by furloughs, the System's General Fund support has been cut by almost 20 percent. Throughout that time, our presidents, working closely with their faculty and students and under the supervision of the Board of Regents, have implemented budget reduction plans aimed at protecting faculty and classes for students. Cuts have been made in capital, equipment, maintenance, support services, administration, to protect these critical classroom functions. And in the process of protecting faculty to the best of our ability, we have worked hard to protect research. Ironically, one of the results of these plans aimed at preserving access and quality to the student educational experience is that it has left many Nevadans thinking that there has been no impact at all on our colleges and universities. But in fact, with State General Fund appropriations now down almost 20 percent and statewide enrollments up, we have eliminated almost 9 percent of our state-funded positions. Like many Nevadans, we have been forced to do more with less. With the

loss of star faculty and matching funds required for research grants, our research and development has fallen by 11 percent in the last two years.

Let me just make a comment apropos of some of the questions I heard and comment with respect to the Desert Research Institute (DRI) figures that Dr. Wells [Stephen Wells, President, DRI] indicated to me about star faculty leaving; DRI has lost 23 of its best faculty over this budget reduction simply because they are great and they have the ability to move around. There was a comment about there not being any jobs. It is a tough time in this market, I understand, but the superstars are mobile. In the case of DRI, those folks have left now with $15 million of their own research grants and probably two to one multipliers on the students and graduates that they support—just one example. I mention these not to stand in front of you and complain but to emphasize that we are not reviewing the cuts we are here to talk about today on a clean slate but rather from the vantage point of 3.5 years of painful reductions that all Nevadans have seen.

Against this backdrop of continuing budget reductions, the Board of Regents and I have prepared a strategic plan for aligning the goals of the system with the goals of the state. We have given you all copies of those plans probably more times than you want to see, and they are contained in the materials that I am sure are on your system. I am not going to bore you today nor take the time at this late hour to go through that plan in its entirety, but I would like to tell you about some of the hallmarks of it and why we think it is important to your deliberations today. We are committed to more graduates and less time, to more sponsored research, to market-based fees as you have seen before, to creating differential fees for select programs with the authority to direct the spending of those fees where they are generated. We would like to see the creation of a stabilization fund for the inevitable day when this cycle returns. We have in place a continuous process for review of efficiency and effectiveness to assure that every dollar of taxpayer money that you entrust to us will be spent once and wisely. We would like to establish structures that align the goals of state higher education and private business to assist the economic development and diversification effort, and we have assisted in A.B. 449, the economic development bill, that is a bipartisan effort moving through your house right now. We will insist on more intense partnerships with our partners in public education K-12. Every element of this plan must and will be built on recognized and well-communicated metrics for reporting to the Governor, to this Legislature, to the Board of Regents, and the citizens of Nevada. We are committed to holding ourselves accountable to well-defined and rigorous metrics.

Our plan is not business-as-usual. Our plan is a significant commitment to reform in higher education in academics, in finance, and in administration. Students in the state will see a very different system of higher education than how we operated.

First, I would like to repeat what you have already heard: we ask you, during the upcoming interim, to commit to a study of our funding formula. Bring the Governor, the Legislature, higher education together. We must recognize that we have different missions for different institutions in this system, and we must fund them appropriately and differently. We must let the data indicate if there are inequities or disparities without reason in our funding and correct them. Funding based solely on enrollment without regard to performance in critical areas, such as student completion, should be a thing of the past in Nevada. Reform and funding must go hand-in-hand. Every policy on funding and budgeting should be analyzed to support a more entrepreneurial structure that recognizes the fact that higher education must, over time in Nevada like elsewhere in the United States, become more self-sustaining and not suffer the loss of State General Funds when it does by attracting more out-of-state students.

In this context of reform and change to which we have committed our future, we come here to discuss with you whether or not the budget before you advances that reform in the interest of higher education and, by extension, the interest of the state.

I believe that it does not. In the materials that you have before you, we have provided budget templates, as Mr. Haartz indicated before, for every institution in the system. I apologize; my remarks here I will be repeating some of the comments and questions that have already been directed to either Mr. Haartz or Mrs. Gansert, but I would like to repeat for emphasis. Those plans, in response to The Executive Budget, reduce support from its current General Fund levels of $162 million by the end of this biennium. Let me tell you briefly what this budget reduction means to our institutions and to your constituents who want to go to college. The proposed

budget reductions will dramatically impact higher education and, in particular, as many of your questions have highlighted, access. We believe that it is important that you understand that the cuts to the levels proposed in The Executive Budget will result in an entirely new model for higher education in Nevada, one that we believe is not in the best interest of this state either in the short-term or the long-term. In the short-term, it will lead to greater unemployment—we will lay people off—and will withdraw critical dollars from the state economy, dollars which are multiplied when they move into the state economy, worsening and prolonging Nevada's economic depression, not assisting in its recovery. In the long run, this model will reduce access and opportunity to thousands of Nevadans either by limiting enrollment or pricing higher education out of their reach and thereby limiting the educated workforce that we need to move our economy forward to recruit and retain businesses here in Nevada.

One of the cornerstones of our reform plan that I talked to you about a minute before is our commitment to Complete College America consortium. That consortium is dedicated to producing more graduates with degrees and certificates of value here in Nevada and across the country. It is a consortium that is committed to what I refer to as the "case method," copy and steal everything, where we look around the country at the best practices that we can find in higher education and bring them here to Nevada rather than reinventing the wheel. With this budget, our continued participation in the consortium and our goal to produce more graduates will be in jeopardy along with the potential for a number of grants to assist us in this effort.

From your constituents, you all know that in enrollment in the system has effectively been capped for years as a result of reduced available classes that have filled up and fee increases. The cuts that we are facing today will multiply our enrollment challenges. Our colleges and universities report that faculty and staff cuts will cap enrollments across the state at an unprecedented level. Students—and these are students including those clearly qualified to enter our institutions, so we are not talking about students who are not qualified and do not want to go to college—will be turned away in far greater numbers than ever before. This will be not only true at our universities but at our state college and our community college, critically impacting the access mission of those institutions that has traditionally been what I call part of their DNA. We will develop strategies to deal with this change at our colleges that may include admissions testing, the requirements of diplomas while trying to be sensitive to the needs of our diverse student population, but the underlying reality is we will be turning Nevadans away. We simply cannot serve everyone at the level of cuts with any promise of quality.

We must be particularly mindful in this effort—and your questions have already indicated that you are mindful—of low income and first-generation students who are disproportionally students of color. With this budget, however, we can no longer pretend that any student who is qualified will be accepted into one of our institutions and will have access to classes, support services, financial aid, and, ultimately, a degree. Priority registration in our institutions, together with the aid and the opportunity to complete a degree or a certificate within a reasonable period of time, will be given to full-time students.

We will also have to seriously evaluate the transfer mission of our community colleges in light of this new reality. We can no longer guarantee that every student who qualifies for a transfer from our community colleges will have a seat in our universities or our state college. If we promise students a reasonably smooth path to a degree, we must avoid upper-division bottlenecks that could result from unlimited transfers. In addition to these limits on student access, we will offer classes at fewer locations; in particular, our rural locations will suffer as our colleges will focus their limited resources on serving the greatest number of students in the areas where they are. We will do our best with technology to continue to provide offerings, but live classes will diminish significantly.

Mr. Haartz talked about the numbers, but let me reinforce. We anticipate a drop in enrollment in excess of 15 percent system-wide this biennium based on program elimination, faculty layoffs, site closures, fewer number of courses offered, increased fees, and inadequate tutoring and support services. Until resources improve, that reduction will be a cap on enrollment. We anticipate that more than 20,000—and your figures were about 19,000, give or take—more than 8,000 full-time equivalent students who wish to take advantage of higher education in this state will be turned away. In response to the question on this side, those are

students who will either leave the state to attend and may never return or will simply never go to college.

Research and workforce grants in the state will, in all likelihood, continue to decline as resources for matching funds dry up and as our best and most entrepreneurial faculty—as I indicated with respect to the DRI example, the same example could be told that UNR and UNLV are cherry-picked by other institutions across the nation. We have consistently advised that this selective destruction of our best faculty has already begun and should be expected to accelerate. The impact will not only limit economic expansion that innovative research can foster but will negatively impact our leveraging capacity by reducing the revenues that our research institutions will generate to help themselves produce their own budgetary support. We pledge our best efforts, nonetheless, to work with private businesses in the state to work with the state's economic development infrastructure, but we want to be clear that fully supporting new business initiatives while retrenching across the board to the levels recommended is simply not possible.

VICE CHAIR SMITH:

Mr. Klaich? Do you prefer to get through your report before taking questions, or would you like questions along the way?

DAN KLAICH:

I would prefer to finish. I have got maybe three minutes.

VICE CHAIR SMITH:

Very good, thank you.

DAN KLAICH:

You know that many of the difficult decisions that we are being forced to make will bring out constituent voices. You have heard them already, I am sure. We have heard them already. They will object to center program institutional closures, consolidations. I am sure you are hearing those voices. Every action we are taking is taken with the strong awareness that we are losing or reducing a program valuable to Nevada. We have no more good or easy choices to make.

Throughout this process, I have promised to be honest with you. I have told you that I will not say anything that we are not prepared to do, and I will not put anything on the table that we are not prepared to follow through on. I have outlined what the presidents are planning to do and what they will do with the cuts that we see before us. Diminishing and cutting higher education is bad for Nevada, and I hope that we can work together to avoid or significantly mitigate these impacts. However, with the funds that appear to be available today, we simply believe that these steps outlined above are essential.

Two final points I would like to make, Madam Chair. I understand that this is a hearing to talk about the Nevada System of Higher Education budget and not taxes, but I would like to make a brief comment regarding the potential for new funding since you already brought that point up today yourselves. The Board of Regents at its last meeting passed a unanimous resolution calling for additional revenue into this budget, and somehow, it seems to me that the discussion of whether or not there should be additional taxes in Nevada has gotten wound up with sunsets on existing taxes. While I have outlined dramatic, long-term, negative impacts of these budget cuts on higher education—and I am sure you have heard the same and very persuasive arguments from my partners in K-12 and from health and human services—we are talking about a budget that is built on giving a tax cut in the next biennium to the largest businesses in this state by allowing existing tax rates to sunset. To make matters even worse, the businesses now paying those taxes to Nevada will be denied federal deductions for those taxes paid, so we will be shipping a portion of them off to Washington, D.C., never to see them again. In short, while we have huge budget cuts to critical Nevada services, we will be giving large tax breaks to Nevada's biggest companies and sending a portion of those dollars to the feds. I just do not see how this is good policy or it helps ordinary Nevadans secure the critical services, including education, that they want and need. I do believe that there are revenue solutions out there, and I hope that you consider all possibilities while you seek to balance this budget.

In closing, to let you know what I think we should do, I would like to present a four-point plan for funding higher education this biennium, which I think fairly embodies the shared sacrifice that we have all talked so much about. Implementation of this four-point plan can assist in mitigating the worst of the impacts that I outlined above with respect to these budget reductions, and it will require your action and support.

Firstly, we ask that the dollars allocated to the System for this biennium be appropriated equally in each year of the biennium. Averaging or smoothing those appropriations in this fashion will reduce the target reduction for FY 2012-13 from $395 million, as you have heard from staff, to $430 million, a net positive change of over 7 percent in our budget without costing one dime to the taxpayers of the State of Nevada.

Secondly, we will ask students and their families to pay a greater share of the cost of higher education. We have heard a lot about the level of fees and tuition in Nevada, and most of that discussion has focused on the fact that fees are low in comparison to neighboring institutions. Keep in mind that that is the culmination of a long-standing policy not only of the Board of Regents but this Legislature, which is embodied in statute, and also keep in mind that while we are a low-fee state, we are a very low-financial-aid state. Decoupling fees and letting them float while keeping financial aid low is going to, again, hurt the neediest of Nevadans. Nonetheless, we ask students and their families to pay a greater share. Most of the institutional plans submitted to the Board of Regents for meeting the recommended budgets show increases in student fees of 13 percent in each year of the biennium with a carve-out of 15 percent of those amounts for need-based financial aid.

Thirdly, we commit in our entire public education system, including all teaching institutions, to implement permanent operating reductions in an amount at least equal to the contributions that we are asking students to make.

Finally, we ask that the State of Nevada infuse additional General Fund support in our budget in an amount proportionate to the two amounts discussed above. Included in this plan, as you have heard from staff, is also a reduction across the board of salaries that is recommended by the budget.

Taken together, I believe that this plan represents a reasonable sharing of the burden of the current economic crisis among students and their families, faculty, our colleges and universities, and the State of Nevada. If this plan is implemented, we will protect higher education to the greatest extent that can be expected in these times. We will promise continued academic and financial reform that will produce a greater efficiency in all our operations, resetting the financial and social compact among the state, the Legislature, and the students of Nevada.

I close by saying that we came today with an earnest request that you hear us, that you believe us, and that you partner with us to save our children and our grandchildren's opportunity for college, for a brighter future, for those very same opportunities that all of us sitting here have enjoyed and profit from. Thank you very much, Madam Chair.

VICE CHAIRWOMAN SMITH:
Thank you, Mr. Klaich. I have a question from Mr. Conklin.

ASSEMBLYMAN CONKLIN:
Thank you, Madam Chair. Mr. Klaich, I appreciate your staying with us to the late hour. I know it has been a long day for you since your first meeting started at 8 a.m. (But I assure you, so did ours.)

DAN KLAICH:
I understand.

ASSEMBLYMAN CONKLIN:
We appreciate having you here. One of my colleagues left on my desk an interesting chart of the NSHE budget and state-supported portion of that budget over the last decade (Exhibit F). A couple of things jumped out at me on this. And just for full disclosure, I am also a product of the NSHE system, getting my master's degree in economics at UNLV, so certainly I am a big supporter of our education system. One of the things that jumped out at me on this chart is, you can look year over year, there are bumps in the road, clearly, but over the last decade, the

amount of support that the state portion of the university system support has declined. It has gone from 70.3 percent down to 61.6 percent. While that in and of itself might be a good thing or a bad thing—and I am not sure I want to get into that—what is interesting is that that is coupled with two things. The actual amount of dollars is going up; I think we know that. But the price of an education is going up, too. Everyone is spending more. There is more technology. Everything is more expensive. When I got my first master's degree, the average cost of my books was probably $70; the last time I got it, it seemed like it was $150. Everything is going up exponentially relative to education, but the amount of money that you get from outside the state support is growing even faster.

The question is this. At the end of the road this year, we are going to make a 25 percent cut in that state support, and what I noticed about this is every time we made a jump in how much we gave the university system, there was a subsequent jump and more so in how much other funding you get. It begs the question, is there money that you get from the mere fact that we make investments, and how much of that do you expect to lose? You spoke of it earlier; we heard about it from other folks. Your brightest faculty members, you may pay them $250,000 a year or $150,000 or it does not matter what you pay them, but they bring with them, so to speak, an endowment, which is much greater than what it costs you to have them here. I almost wonder if we are expecting a much bigger decline in the amount of money that you have relative to that loss of money that is not accounted on any spreadsheet we have that is associated with the loss of revenue that you are going to sustain as a result of losing critical people and other matching funds, whether it is public or private or anything else.

DAN KLAICH:

Mr. Chair to Mr. Conklin. I think your question goes to a whole bunch of very critical points, and I will try and be succinct as possible given the hour. To the direct dollar point, which I do not think was your main point, I think that studies indicate that for every dollar $1 that you, the taxpayers of Nevada, invest in the Nevada System of Higher Education, the multiplier return to the state is in excess of $5. For every job that is created, 1.6 jobs are created. By definition, those would go away. I think the reputational value and the reputational risk that we are involved in right here—particularly at the research institutions, where a bit more than the colleges—we compete in a national market. I do not think that Nevada wants the national reputation of a state that does not value higher education. That will make it more difficult for us to recruit star faculty, retain star faculty, and, just as importantly, to recruit and retain the best students here in Nevada that we want to keep here in Nevada.

You mention longitudinal data, and I believe it is data that Mr. Hansen prepared and that he was very kind to share with us in advance. I appreciate that courtesy, Mr. Hansen. I have a difficulty, though, with longitudinal data. It can tell a story, but I would suggest that it could probably tell just about any story you want to tell. I am not sure the extent to which it is very relevant for a couple of reasons. We will provide you with inflation-adjusted, per-capita spending on students in higher education in Nevada over the last couple of decades, and I think you will find that it has not changed; it might possibly have declined slightly. But longitudinal data does not really help us a lot when we are where we are. We are here today facing a $162 million cut to our budget, and to say what has happened over the last 10 years or 20 years sets aside the fact that there is a long-term compact that is implicit in whatever has occurred to that time, and we cannot just pull one piece out and say that the compact is intact. I hope I have touched on the major points that you asked, Mr. Conklin. If not, I am sure you will follow up.

ASSEMBLYMAN CONKLIN:

I am going to ask again. I agree with you on the longitudinal data. The issue is this, though: clearly, there is a growth in the amount of money you are getting from other sources.

DAN KLAICH:

Correct.

ASSEMBLYMAN CONKLIN:

I want to know, is that growth tied to the investment that we make in NSHE? Will there be some corresponding losses as a result of our lack of investment?

DAN KLAICH:
Let me do the best I can. With respect to research grants, I think the answer to your question is going to be, "Yes." For example, you provided us certain matching funds, most of which has had to have been reverted in prior rounds of budget cuts. More and more under current administration guidelines, any grants that we are given require matching funds, and as those matching funds disappear or dry up, we simply lose the ability to compete for federal research grants and contracts. I would say the answer is "yes" on that point. Self-supporting budgets, we actually have grown those budgets over time, and I cannot tell you that those are directly related or not to levels of state funding. Certainly, if we had to pull money out of those to backfill for state funds, we would lose our ability to further enhance those support services on campus that the state simply cannot provide. Those would be two examples where I think the answer to your question would be, "Yes."

CHAIR OCEGUERA:
Mr. Hambrick?

ASSEMBLYMAN HAMBRICK:
Thank you, Mr. Chairman. Chancellor, I know being in the well can be daunting sometimes, but we seem to be going down the well with questions dealing with finance. I am going to make more of a request rather than a question. In order for this body to get a complete picture—and you just mentioned some other sources—I am wondering if we could get, in the next several days, a listing of all the endowments and other funding that you have available so we can compare it not only to the dollar amount that the Governor is trying to either give or not give to you, but in order to see what the university system has unto itself so we can balance these things off. I am not sure if many of us have ever seen that entire spreadsheet.

DAN KLAICH:
I appreciate that question, Mr. Hambrick. We have provided that summary information to your staff, and we will work with them to be sure that it gets out to all the members. If it is not in sufficient detail, we will provide additional detail.

ASSEMBLYMAN HAMBRICK:
Thank you, Chancellor. Thank you, Mr. Chairman.

CHAIR OCEGUERA:
Let us go to Mr. Hickey.

ASSEMBLYMAN HICKEY:
Thank you, Mr. Chairman. Thank you, Mr. Klaich. In the interest of disclosure, because I am going to be talking about a community college, I do teach at Western Nevada College. I have been happy to hear you throughout this process, as difficult as it is, to welcome the flexibility and autonomy that are included in a new way of budgeting for you. Flexibility obviously gives you the ability to do what you think is best for your institutions, and the autonomy comes from being able to have more money and manage it much as private institutions might, at least to some degree. Being able to keep some of the tuition or fee increases and manage it yourselves is an example of having more autonomy and less strings. But to my point of strings, one of the things that we have done is bounce you around a little bit with regards to your own planning with respect to these budget cuts. Am I not correct that the university presidents came forward with a plan that did not necessarily include closures or mergers or breakups and consolidation, but this body has asked you to consider that? My question is, what is your personal preference? Even given the severity of the cuts, do the Regents really favor the suggestion from some in this larger body that we ought to be closing places given the cuts?

DAN KLAICH:
Mr. Hickey, although you may not have intended, I think that is a very easy question. I do not favor closing any institution. Clearly, all the data would demonstrate that we need more graduates in Nevada. We need more graduates with certificates of value moving into our

workforce, more associate degrees, more baccalaureate degrees, and more master's degrees. The question is really, what can we afford? That, of course, is the very difficult question that you are facing. I think with the plan I have put in front of you, if we can find a way to all make our relative and respective contributions, we can avoid those worst-case decisions.

ASSEMBLYMAN HICKEY:
Just a brief follow-up if I may, Mr. Chairman? Is it not the case that the presidents came forward with a plan, given the severity of the original budgets, that would reduce costs, and they were not the ones calling for closures? They have a plan that would deal with these cuts and all the accompanying difficulties.

DAN KLAICH:
I am sorry. I did not understand your question. Like you, Mr. Hickey, we are planning on multiple fronts. I understand that you are trying to plan while things continually move, and the presidents brought forth plans based on cuts to the full level of the Governor recommended reductions. At the same time, the Board directed the Chancellor's staff to bring forward additional recommendations on what possible savings could be generated by closures or mergers or consolidations so that all of those could be looked at at the same time.

CHAIR OCEGUERA:
Mr. Brooks?

ASSEMBLYMAN BROOKS:
Thank you, Mr. Chair. I thank you for your presentation. I just wanted to kind of talk a little bit about some of the things that were mentioned here. In this particular plan that I know that is being looked over based off the Governor's recommendations, is it not a possibility or a reality that something is going to have to be shut down? To try and cut across the board may not be the answer. I just want to clarify that if the Governor's recommendations—what we are following—the reality of it is we may have to shut down some institutions.

DAN KLAICH:
Thank you very much, Mr. Chair. Dan Klaich to Mr. Brooks. I think the answer to your answer has to be, "Yes." It is not, "Is something going to close?" It is, "What is going to close?" You can look at a rural site in Nevada where folks are not able to otherwise get higher education. That is a closure. You could look at combining programs or fully eliminating programs at our universities, and that is a closure. You could look at turning away students at our community colleges, and that is certainly closing the door. I understand the testimony that you heard from representatives of the administration. I will partner with anybody who comes down the road and I will do everything to work, but with these cuts, we cannot maintain enrollments at the levels that demand indicates. Yes, there will be closures. No question.

ASSEMBLYMAN DALY:
Thank you, Mr. Speaker. My question is fairly straightforward and simple, and I suspect I may know the answer already, but I, like many of my colleagues, ran a platform to try to improve education. I spoke the other night and I said, "I think we have a duty to first do no harm." To coin a phrase from another one of my colleagues, if the budget, the Governor-recommended budget as proposed goes forward, will it do anything to improve education and the Nevada System of Higher Education in this state? I think a simple yes or no answer would suffice and speak volumes as to the discussion here tonight. Thank you.

DAN KLAICH:
Not in the short run, Mr. Daly.

CHAIR OCEGUERA:
Thank you. Mr. Kirner?

ASSEMBLYMAN KIRNER:
Thank you, Mr. Chair. Chancellor, I am going through some things in my head here. You had mentioned, and I would not disagree with you, that we will need more graduates going

forward, particularly if we want to attract quality businesses to the state. I have heard, and so I would ask you to correct me, that we graduate from the university system—I am not worried about graduation rates at the community colleges but at the university level—about 50 percent, give or take, I think it is after six years. Then I heard on top of that that only half of those—so that would be 25 percent of our students who start—six years later have a job. Am I clear enough in my question? I guess what I want to know is, are those kind of numbers accurate? I guess where I am headed with this thing is, is access the real issue? Or is the issue how do we get these young people—and I say "young people," but I do know that the average age is probably a little bit older—are we getting these people through school?

DAN KLAICH:

Mr. Chair to Mr. Kirner. I am not going to sit here to you and say to you that our graduation rates are acceptable. I will tell you that over the past five years, our graduation numbers have increased significantly not simply as a result of enrollment growth. Our year-to-year persistent levels are going up. We are doing better and we are committed to better graduation rates, but I am not going to tell you that they are acceptable. I have clearly indicated to the presidents of each of our institutions that their graduation rates are unacceptable and that their performance is going to be graded in part on improving those. That is exactly one of the reasons for our participation in the Complete College America consortium, and we have set specific goals with respect to additional degree attainment in each of our institutions.

With respect to the portion of your question regarding employment after graduation, I do not have that data from Division Department of Employment, Training and Rehabilitation (DETR), but if we can get it, we will provide it to your staff. I am sorry, I just do not have that data.

CHAIR OCEGUERA:

Mr. Ohrenschall?

ASSEMBLYMAN OHRENSCHALL:

Thank you very much, Mr. Chairman. Like you and the Majority Leader, I am also a product of our Nevada System of Higher Education. I think two of the proudest days of my life were when I graduated from UNLV and when I graduated with my law degree. I am troubled by the projection that 19,000 students might not have that opportunity. I have two questions for the Chancellor. First of all, of those 19,000 students, do you have any guess as to how many might have the resources to go out of state to pursue their education? My second question is sort of a follow-up from the Majority Leader's question. I know that private fundraising is important to all of our institutions in NSHE. Is it your experience that when a state dramatically slashes its support for its public institutions, does private support fall as well when they see that the government is turning its back on the institutions? Thank you.

DAN KLAICH:

Thank you very much. Mr. Chairman to Mr. Ohrenschall. I will not try to improve on what I think was the excellent testimony of Mr. Satre with respect to the second half of your question. I think that he indicated very clearly that in private giving, including corporate giving, that there is an implied promise of sustain, and putting that at risk by reducing state funding is extremely serious. I think in addition to Mr. Satre's testimony, we simply cannot expect private donors to backfill as state dollars leave. That is not what private donors do. I am convinced that there are not a lot of just real altruists out there that just have money that they want to give us. They want to do things with their money. They want to find programs and add a measure of excellence. I think the answer to the second half of your question is, "Yes."

With respect to the first half of your question, I guess you put your finger on what I think is the most difficult part of the testimony that I have given here today, and that is closing the doors. I did not work through college, and I am not going to sit here and tell any of you that I had to do one, two, or three jobs to get through college. The reason for that is that my dad, who grew up in Mr. Goicoechea's district and worked in the copper mines in McGill, got away, got a college education at a public institution, and broke the cycle of poverty in our family. I am fearful that for those 19,000 students that we turn away, we will not be able to break that cycle of poverty. It kills me to say that, but my choice is to come to you today, saying that we will continue to

take everyone that comes to our door and continually water down the quality of education that they get or extend the time to their degree, which we know decreases the likelihood that they will ever get that degree. That's the Sophie's Choice we are here talking to you about today, Mr. Ohrenschall. I choose quality.

ASSEMBLYMAN OHRENSCHALL:
Thank you, Chancellor. Thank you, Mr. Chairman. I, too, I look at these proposed cuts, and I believe that they do a tremendous disservice to our constituents.

CHAIR OCEGUERA:
Mr. Hansen?

ASSEMBLYMAN HANSEN:
Thank you, Mr. Chairman. Chancellor Klaich, excellent presentation as always. On the budget graph that I gave you and passed out to my colleagues, just for the record, that is from the Legislative Counsel Bureau, not me. It does dispute the point that as our subsidy levels from the government go down, the private sector also goes down. For example, for the [fiscal] year 2010-2011, ours dropped down to $493 million, yet the total budget for higher education spending in Nevada went up to $802 million, a difference of over $300 million. If you jump back to, say, 2005-2006, we supplied $603 million, and your total budget was only $795 million. In fact, you guys have that huge ability to raise money outside of what we are providing. If you look at your UNR budget, too, for 2009-2010, 2010-2011, your budget last year actually went up even though we have been getting the impression that it has been going substantially down. It, in fact, went up quite a bit, even though our portion went down. Your ability to raise money outside of what we provide is apparently substantial, and certainly, these numbers conflict with what you have suggested. In fact, as we have gone down, yours have gone up from outside sources.

DAN KLAICH:
Mr. Chairman to Mr. Hansen. In a good part, I do not disagree with a number of the things you have said. We do have the ability—and I think it is clear that it differentiates the Nevada System of Higher Education from some other agencies—to get additional funding sources, and we have relied on those additional funding sources, particularly as state funds have declined. We have significantly increased fees over the past four years. Fee increases have averaged in the nature of 50 percent lower or higher depending on the institution on and the level. Yes, we have raised fees. Our self-supporting income in some areas—for example, dorms—has increased. We have that ability. I agree. Again, what we are talking about is we do not have that unlimited ability, particularly with cuts of this magnitude in this short period of time.

ASSEMBLYMAN HANSEN:
A follow-up, Mr. Chair?

CHAIR OCEGUERA:
Certainly.

ASSEMBLYMAN HANSEN:
An earlier question I asked to Heidi and Andrew was, right now, you testified, as I recall, in education that about 40 percent of kids from Nevada high schools that go on to college end up needing remedial courses. Obviously, the taxpayers already paid once for that. How much is the costs to have taxpayers pick up the tab on that for that remediation?

DAN KLAICH:
I am told by staff—as they had a little bit of time to scramble, Mr. Hansen, before I got down here—that the cost of providing that remediation at our community colleges is about $2 million per year for recent high school graduates. There is a significant additional cost as you have identified.

ASSEMBLYMAN HANSEN:
That, you said, is just for community colleges? Or is that for all of the Nevada System of Higher Education?

DAN KLAICH:
I think we discontinued about four years ago funding remedial education at the universities. The state does not fund any developmental courses at the universities anymore.

ASSEMBLYMAN HANSEN:
Very good. Thank you.

ASSEMBLYMAN CONKLIN:
Mr. Chairman?

CHAIR OCEGUERA:
Mr. Conklin?

ASSEMBLYMAN CONKLIN:
I request a point of order. We should not be referring to people's first names, Committee or otherwise. Mister or misses Mrs. is fine, but we know sometimes things get personal. We need to keep our etiquette.

ASSEMBLYMAN HANSEN:
Mr. Chairman, I apologize for that.

CHAIR OCEGUERA:
Point of order. All right. We are going to do three more, and then we are going to let Mr. Klaich up. Let us go to Mr. Ellison.

ASSEMBLYMAN ELLISON:
Thank you, Mr. Chairman. Thank you. I have enjoyed your presentation. There was a lot of good information that came out of there. In the rural areas right now, it has got the highest graduation rates out there right now. You could not ask for better. When they are getting out of there, they have got high paying jobs guaranteed. You cannot say that with most places, is that correct? So why would others take something to look at something that is working, putting money back into the system with a high graduation rate and guaranteed positions at high-paying jobs? That was one of my questions.

The other thing that I wanted to ask you is, we just got a couple of emails, and we are looking all over the country right now. They are raising tuition all across the nation right now. It is not just Nevada, and it is not a Nevada problem. It is the country's problem. Maybe you can address that, too? Thank you, again. I enjoyed your presentation.

DAN KLAICH:
Mr. Chairman, through you to Mr. Ellison. First of all, thanks for shining the light on Great Basin College. We appreciate it. It is a wonderful institution, and it does a great job of moving students through. As you indicated, for our community colleges, it has a tight community and the best graduation rate of the community colleges in our state and better than the national average, I might also add.

You are blessed with a pretty decent economy out in northeast Nevada, some of the students coming out of those classes do have jobs right away. That is not the case throughout Nevada, and of course, we are serving diverse communities where many students have to come back to retool. We are trying to balance those. As Mrs. Gansert said, the Governor is also involved in a balancing act.

With respect to raising tuition, I believe I tried to be straight with you. We think that if you look at the long-term horizon, the likelihood is that public higher education is going to have to move to a more self-sustaining model, and that includes higher tuition and fees. That is a national phenomenon, and you are correct in pointing that out to me.

CHAIR OCEGUERA:
Mr. Livermore?

ASSEMBLYMAN LIVERMORE:

Mr. Chancellor, thank you for being here today. I want to pose this question to you. About six weeks ago, the Board of Regents voted to take off the table the closure of any campus. From this building came a request several weeks later to revisit that position. If the presidents, who know their facilities and know their operations, are able to continue with the funding levels recommended in the Governor's budget here, then why continue with closure, mergers, or other reductions discussions? Why not give them the flexibility to not only take care of their campus within our community but look at the community itself and reach out and find a community portion?

CHAIR OCEGUERA:

Chancellor, I will take that one. That question has been asked and answered, actually, I think. You will all get the opportunity tonight to say how you feel about that one way or the other in the decision points that we have. You will have the opportunity to say which one you think we should suggest to the higher education system.

Mrs. Benitez-Thompson?

ASSEMBLYWOMAN BENITEZ-THOMPSON:

Thank you, Mr. Chair. I just want to make sure that we really are crystallizing, for the record, for hopefully the thousands of people who are listening and watching on the legislative website for people who might have missed the debate, without argument and without doubt, with this budget, qualified students who want to attend and enroll into our higher education system will not be able to get in. Without doubt, our best and brightest professors will be leaving the state because they are going to be recruited by other university systems who are going to get them better resources, better institutions to study at, and with those professors go their research projects and their grants and monies for those research projects out the door. I just want to make sure that the public is understanding this because when I think about it, I think Nevada can do better. I think we can do better. I do not think that this is our answer. I do not want there to be any confusion out there when this is said and done about what this budget will do to education in the State of Nevada.

DAN KLAICH:

I got to tell you, I really appreciate that question for a number of reasons. The answer to your first question, will qualified students be turned away? Yes. The answer to your second question, some of our best and brightest faculty, their grants, and their grad students—will we lose them? I will tell you, for sure, they are at risk, and historically, I can tell you we have already lost many at all of our institutions. I would like to say, "Yes, we are going to lose them," but I cannot foresee the future. I can tell you we have already lost some, and the best are at risk. I guess the last point you made that I really feel so very strongly about and why I have tried to be so obnoxiously graphic today is that I do not want to wake up on July 1 or August 1 or some other date and have a parent call me or a student call me and say, "Why did you not tell me?" I want to ring that bell here and in the Board of Regents and everywhere else that yes, they will be turned away. They will not get classes. I think Nevadans deserve to know that, and that is part of the reason I framed my testimony in the way I did today, Mrs. Benitez-Thompson.

CHAIR OCEGUERA:

Okay. I said we were going to have three more, and now I have two more members with their lights on. The question before the body is should those people be let to talk. Let us let the Chancellor up.

We do have the university presidents that are in the audience. Are there any members that may have a question of the university presidents? If you turn your light on if there is a specific question that you think you need a university president to answer, they have sat here all day. You do not have to, but if there is a specific question? Okay, perfect.

I have a number of people on my sign-in sheet for the Committee of the Whole but not a whole lot saying they want to speak—a whole lot of question marks. Is there anyone from the general public that would like to make public comment?

Good evening, ladies. Either one can go first.

LAEL PIKEL, STUDENT, UNIVERSITY OF NEVADA, RENO:

Good evening. My name is Lael Pikel, and I am a student of UNR's School of Social Work. I am also a native Nevadan born and raised here right over there in Washoe Valley. I am here today to say that as a student, I am willing to accept an increase in the cost of tuition if the revenue generated from that increase will stay within the university system and if businesses are willing to share in the sacrifice through an increase in taxes. Further, I recognize that higher education is a powerful, incredibly valuable, and commonly understated means of combating poverty and achieving social and economic developmental goals. Education and economic growth are inextricably linked, and I believe that it is imperative to invest in education in order to invest in the future of our state. As a student who is willing to accept tuition increases and a native Nevadan, I am asking you to consider diversifying revenue through tax increases. Thank you.

MARY CABALES, STUDENT, UNIVERSITY OF NEVADA, RENO:

Good afternoon. My name is Mary Cabales. I am a social work student at the University of Nevada, Reno. I am also the vice president of the Undergraduate Students Social Work Association. I intern for the Washoe County Department of Social Services' Child Protective Services, and I am also a local resident of Sparks, Nevada. My parents have valued education very highly. They stressed the importance of attending school to obtain a fulfilling career. Education will definitely prepare people for successful jobs. That is just common sense. Governor Sandoval's proposed budget will clearly affect the future of our state. Yes, we are facing a budget crisis that leads to dramatic cuts to our education system, but if it is at all possible to not cut at the maximum level, then the value of our education and the success of our state will take over.

As a social work student and future advocate for the vulnerable population of our community, I would like to express my deepest feelings on how important and beneficial social work is for the entire state, both here in the north and the south. Social services are in dire need now because of the economic situation, the lack of funding, and the continuing increase in our unemployment rates. Both programs here at UNR and UNLV have the highest potential to create social workers for our state and its people. I would like for you guys to consider our plea to save education and give Nevada a brighter future that it deserves. Thank you.

CHAIR OCEGUERA:

Thank you, ladies. We appreciate you staying here. Are there questions? All right, I do not see any questions. Thank you very much.

Public testimony? Any other public testimony? There are a couple more people coming down from the gallery.

For the record, too, I see Regent Knecht is sitting in the back. He is going to submit his testimony for the record. I know he testified on the other side. I appreciate you sitting here and listening, but his testimony will be on the record as soon as we get it.

All right, go ahead.

LISA GIANOLI, BUDGET MANAGER, FINANCE DEPARTMENT, REPRESENTING WASHOE COUNTY:

Mr. Chairman and members of the Assembly. We just wanted to get on the record and explain the whole history of this tax diversion that is included in the funding of the higher education budget. I kind of was going to just take you back to 2007. The capital facilities money was diverted from Washoe and Clark counties at the level of 3 cents in 2007 because there was a need for infrastructure in the highway system throughout the state. That diversion started, actually, with just Clark being focused on, and then Washoe was brought into it near the end of the session. That tax was to be brought across to the State Highway Fund over a five-year period in 20 percent increments. We went along with that. Then, of course, in the 2009 Session, we went through the entire 5 cents being diverted and along with 4 cents in operating to get through the biennium with the understanding that would be sunset. Here we are today with the potential of that money being diverted permanently from the county. I think the understanding of how much of an impact that is to Washoe County is significant. It is a tremendous amount of money. It is cutting into essential services that we are mandated by law

to provide, and I just feel that needs to be put on the record as a part of this discussion. Thank you.

CHAIR OCEGUERA:
Go ahead.

CONSTANCE BROOKS, SENIOR MANAGEMENT ANALYST, CLARK COUNTY:
Thank you, Mr. Chair, members of the Assembly Committee of the Whole. Given the late hour, my remarks will be very brief. We felt it important to get on the record what the monetary impact would be for Clark County and, in particular, for the 900,000 residents that we have in unincorporated Clark County. Over the biennium, the 9-cent diversion of property tax revenue would be approximately $117 million. Of that 9 cents, 4 cents is dedicated toward services for the indigent in the Social Services Department as well as within Child Welfare. In particular, with social services, as you can imagine, there is a significant increase in the demand for services as a result of the economic crisis that we are all facing. While we understand and value shared sacrifice, we would like for you to fully understand what we have faced as a result of the previous 9-cent diversion and what we will face in the coming months and years. With that, I am available for any questions. Thank you.

CHAIR OCEGUERA:
Questions from the body? All right, you are getting off easy. I do not see any questions.
Any further public comment? All right, I am not seeing any further public comment.
I guess there are several questions before the body from the decision points in the presentation that you received on the work session. The first question, I believe, before the body is, does the Committee wish to decrease the state's support for higher education by 27.3 percent, or $320 million, as proposed in the Governor's recommended BBudget? A green button would be, "Yes, you do." A red button would be, "No, you do not."

[There were 16 yays and 26 nays]

All right, perfect. Thank you. The second question before the body, then, would be: The Governor's budget is recommending to redirect $121.3 million in property tax revenue from only Clark and Washoe counties for the 2011-2013 biennium to support UNLV and UNR. These redirected property taxes would replace or supplant higher education funding from the General Fund. Do you support the Governor's recommendation to redirect these funds? A green would be, "Yes." A red would be, "No."

[There were 16 yays, 25 nays, and one not voting]

All right. The third question before the body: If there has to be cuts—and the NSHE has had two proposals. They have said they are considering two ways to deal with the proposed higher education budget cuts. The first, as we heard, would be to reduce the expenditures and operating expenditures across all institutions in instructional, student services, and academic support. The second scenario would be to consider closure and/or consolidation of some of the institutions in order to preserve core academic programs where they are most needed. Obviously, the Board of Regents makes these decisions, but does the Committee wish to express their support for the Board of Regents for Scenario 1 or Scenario 2? Scenario 1 being cuts across the board; that would be the green light. Scenario 2 being consolidation and/or closures being the red light.

[There were 17 votes for Scenario 1 and 25 votes for Scenario 2.]

The fourth question would be: To address these cuts, the Board of Regents is considering an increase in students' fees and tuitions. The range is a low of 10 percent and a high of 15 percent. As just stated before, the Board of Regents makes these decisions, but does the Committee wish to express support for an increase in fees and tuitions? A green light would be an increase in fees, and a red light would be not increasing fees.

ASSEMBLYMAN CONKLIN:
Mr. Chairman, just for clarification: a green light is an increase in fees but not a specific amount?

CHAIR OCEGUERA:
The range that was presented before us today was between 10 percent and 15 percent.

[There were 18 votes for increasing fees and 24 votes for not increasing fees.] green (increase in fees), 24 red (not increasing fees)

Okay. The last question before us tonight: Does the Committee support the Governor's recommendation to reduce personnel costs by cutting salaries and/or laying off part-time employees to address part of the overall budget reduction at NSHE? A green light would be Governor Recommended. A red light would be something other.

[There were 16 votes for following the Governor's recommendation and 26 votes for something other than the Governor's recommendation]

Okay, that gives us an idea. Mr. Conklin?

Exhibit A is the Agenda. Exhibit B is the Attendance Roster.

Exhibit C

ASSEMBLY COMMITTEE OF THE WHOLE
WORK SESSION ON GOVERNOR'S BUDGET PROPOSAL FOR HIGHER EDUCATION

Agency: Nevada System of Higher Education Date: April 22, 2011
Budget Pages: NSHE 1–113, Volume

Biennium Funding Comparison
The table below compares the total funding approved by the 2009 Legislature to the total funding recommended in The Executive Budget for the 2011-13 biennium for the Nevada System of Higher education's (NSHE) 26 state-supported operating budgets. The primary funding sources are State General Fund appropriations and student registration fees and non-resident tuition. Additionally, the 2009 Legislature budgeted $184.8 million in one-time federal American Recovery and Reinvestment Act (ARRA) Education Stabilization funding to offset reduced General Fund appropriations. The ARRA funding was distributed among the seven teaching institutions. For the 2011-13 biennium, The Executive Budget eliminates the ARRA funding.

Funding Source	2009-11 Leg. Approved (Millions)	2011-13 Governor Rec. (Millions)	2011-13 Dollar Change (Millions)	Percent Change
State General Fund[a.]	$1,000.1	$740.7	($259.5)	-25.9%
Student Fees/Tuition Revenue[b.]	$391.8	$444.7	$52.9	13.5%
Federal Funds	$5.1	$5.7	$0.6	11.8%
Federal ARRA Funds[c.]	$184.8	$0.0	($184.8)	-100.0%
Property Tax Revenues[d.]	$0.0	$121.3	$121.3	New
Other Sources	$2.0	$5.3	$3.3	165.0%

Interagency Recharge Transfers[e]	$30.4	$0.0	($30.4)	-100.0%
Subtotal	**$1,614.2**	**$1,317.7**	**($296.5)**	-18.4%
Less Interagency Transfers	$30.4	$0.0	($30.4)	-100.0%
Net Total	**$1,583.8**	**$1,317.7**	**($266.1)**	**-16.8%**

Notes:

a. 2009-11 legislatively approved General Fund total does not include 26th Special Session (2010) reduction of 6.9% totaling $46.02 million ($11.51 million in FY 2010 and $34.51 million in FY 2011, excluding WICHE). If included, 2009-11 General Fund appropriation level would be $954.1 million and the 2011-13 biennium General Fund difference would be -$213.5 million or -22.4%.

b. 2009-11 Student Fees/Tuition total excludes $26.42 million in student Registration Fee Surcharges ($7.15 million in FY 2010 and $19.27 million in FY 2011) approved by the Board of Regents after the 2009 Legislature adjourned. If included, Fees and Tuition revenue level would be $418.2 million and the 2011-13 biennium difference would be $26.4 million or 6.3%.

c. American Recovery and Reinvestment Act (ARRA) State Fiscal Stabilization Education Funds.

d. Existing property tax revenues from Clark and Washoe Counties pursuant to A.B. 595 of the 2007 Session and A.B. 543 of the 2009 Session reallocated from the State General Fund and Highway Fund.

e. $30.4 million in UNR and UNLV recharge revenues shown as interagency transfers in the 2009 Appropriations Report. For the 2011-13 biennium, the Governor's recommended budget incorporates NSHE's proposal to no longer use recharge process for operations and maintenance and to not reflect recharge transfers as revenues.

27.3 Percent Decrease in Governmental Support Recommended

As shown in the table on the following page, The Executive Budget recommends a decrease of 27.3 percent or $323.0 million in Governmental Support to $862.0 million for the 2011-13 biennium. Governmental Support represents General Fund appropriations, federal ARRA and property tax receipts. As noted, federal ARRA funds are not available in the upcoming biennium.

Biennium-to-Biennium Comparison of Approved and Recommended Governmental Support				
Governmental Support Revenue Type	**2009-11 Leg. Approved Governmental Support (Millions)**	**2011-13 Governor Rec. Governmental Support (Millions)**	**2011-13 Dollar Change Governmental Support (Millions)**	**Percent Change**
General Fund Appropriation	$1,000.1	$740.7	($259.5)	-25.9%
ARRA State Fiscal Stabilization Fund (SFSF)-Education	$184.8	$0.0	($184.8)	-100.0%
Property Tax	$0.0	$121.3	$121.3	New
TOTALS	**$1,184.9**	**$862.0**	**($323.0)**	**-27.3%**

The Executive Budget recommends $121.3 million in property tax revenues for the 2011-13 biennium in the University of Nevada, Reno (UNR) and the University of Nevada, Las Vegas (UNLV) main instructional budgets. However, as shown below, unlike the ARRA funds which were additive to the budget, the addition of property tax revenues eliminates General Fund appropriation on a dollar-for-dollar basis. As a result, the addition of property tax

revenues provides no net gain to the NSHE budgets in the 2011-13 biennium.

Institution	FY 2012 General Fund (Gov. Rec.)	FY 2012 Property Tax (Gov. Rec.)	FY 2013 General Fund (Gov. Rec.)	FY 2013 Property Tax (Gov. Rec.)
UNR	$(11,379,450)	$11,379,450	$(11,475,637)	$11,475,637
UNLV	$(49,066,646)	$49,066,646	$(49,346,811)	$ 49,346,811
TOTALS	**$ (60,446,096)**	**$60,446,096**	**$(60,822,448)**	**$ 60,822,448**

26th Special Session Adjusted Funding Comparison

The 26th Special Session (2010) of the Legislature approved two actions pertaining to the Governmental Support funding received by the NSHE for the 2009-11 biennium. First, the $92.4 million in federal ARRA funds budgeted for FY 2011 were transferred to FY 2010 and a corresponding amount of General Fund appropriations were transferred back to FY 2011. Secondly, a 6.9 percent reduction was applied to each year, which for FY 2011, reduced Governmental Support funding by $34.5 million to $557.9 million. The following table shows the 2011-13 funding levels contained in The Executive Budget compared to the NSHE's 26th Special Session adjusted FY 2011 budget.

When compared to the 26th Special Session adjusted FY 2011 funding level, The Executive Budget recommends Governmental Support reductions of $91.5 million or 16.4 percent in FY 2012 and $162.5 million or 29.1 percent in FY 2013.

Nevada System of Higher Education (NSHE)
2011-13 Biennium Governor Recommended Total Governmental Support Compared to FY 2011 26th Special Session Adjusted General Fund Support

NSHE State Supported Operating Budgets	FY 2011 General Fund (Leg. Approved Adjusted for 26th Spec Sess.)	FY 2012 Governmental Support (Gen. Fund + Prop. Taxes) (Gov. Rec.)	% Change FY 2012 / FY 2011	FY 2013 Governmental Support (Gen. Fund + Prop. Taxes) (Gov. Rec.)	% Change FY 2013 / FY 2011
UNR	$ 117,925,883	$ 95,632,792	-18.9%	$ 81,409,408	-31.0%
UNLV	$ 145,967,488	$ 125,413,961	-14.1%	$ 106,525,137	-27.0%
NSC	$ 13,021,396	$ 9,040,401	-30.6%	$ 7,602,701	-41.6%
GBC	$ 16,510,575	$ 13,941,066	-15.6%	$ 11,793,317	-28.6%
CSN	$ 91,430,100	$ 75,944,918	-16.9%	$ 64,667,849	-29.3%
TMCC	$ 35,748,021	$ 29,890,760	-16.4%	$ 25,418,350	-28.9%
WNC	$ 18,472,126	$ 14,941,033	-19.1%	$ 12,621,694	-31.7%
Instructional Accts Subtotal	**$ 439,075,589**	**$ 364,804,931**	**-16.9%**	**$ 310,038,456**	**-29.4%**
DRI	$ 8,239,230	$ 7,349,634	-10.8%	$ 6,216,806	-24.5%
Medical School	$ 30,018,348	$ 26,308,025	-12.4%	$ 21,869,839	-27.1%
Law School	$ 7,762,242	$ 6,524,974	-15.9%	$ 5,500,387	-29.1%
Dental School	$ 8,179,238	$ 6,384,372	-21.9%	$ 5,281,478	-35.4%
Other Institutions Subtotal	**$ 54,199,058**	**$ 46,567,005**	**-14.1%**	**$ 38,868,510**	**-28.3%**
Special Projects	$ 2,234,034	$ 1,937,241	-13.3%	$ 1,625,089	-27.3%
UNR IC Athletics	$ 5,328,304	$ 4,534,454	-14.9%	$ 3,817,347	-28.4%
UNR Statewide	$ 5,229,267	$ 4,245,788	-18.8%	$ 3,556,866	-32.0%
System Administration	$ 4,877,471	$ 4,389,715	-10.0%	$ 3,729,794	-23.5%
UNLV IC Athletics	$ 7,465,366	$ 6,457,744	-13.5%	$ 5,424,714	-27.3%
UNLV Statewide	$ 1,233,971	$ 1,054,642	-14.5%	$ 892,178	-27.7%
Ag Experiment Station	$ 5,565,671	$ 4,384,526	-21.2%	$ 3,653,870	-34.3%
Cooperative Extension	$ 7,678,549	$ 6,220,844	-19.0%	$ 5,264,522	-31.4%
System Computing	$ 18,715,545	$ 16,459,778	-12.1%	$ 14,048,281	-24.9%
Nat. Direct Student Loan	$ 41,132	$ 35,653	-13.3%	$ 29,853	-27.4%
University Press	$ 614,656	$ 537,892	-12.5%	$ 456,855	-25.7%
Business Center North	$ 2,139,664	$ 1,805,133	-15.6%	$ 1,529,380	-28.5%
Business Center South	$ 1,839,433	$ 1,566,041	-14.9%	$ 1,332,134	-27.6%
State Public Health Lab	$ 1,702,580	$ 1,434,393	-15.8%	$ 1,216,092	-28.6%
Non-Formula Accts Subtotal	**$ 64,665,643**	**$ 55,063,844**	**-14.8%**	**$ 46,576,975**	**-28.0%**
TOTAL FUNDING	**$ 557,940,290**	**$ 466,435,780**	**-16.4%**	**$ 395,483,941**	**-29.1%**

Preliminary Budget Reduction Strategies

As requested by the K-12/Higher Education Joint Subcommittee, the NSHE provided updated preliminary budget reduction plans based upon two scenarios. Scenario #1 utilized operating expenditure reductions, while Scenario #2 utilized institution closures and consolidations as the primary strategies to achieve the budget reductions recommended in The Executive Budget.

Scenario #1 – Reductions in Operating Expenditures: Beginning on page 37 of the NSHE's response binder, which is available in the NELIS system for this meeting, budget reduction templates and narrative information is provided on the preliminary plans to reduce expenditures in the instructional, student services, academic support, institutional support and operations and maintenance (O&M) areas. As discussed later in this document, the budget reduction scenarios incorporate potential revenues that would be generated through a student registration fee surcharge of 13.0 percent in FY 2012 and an additional 13.0 percent in FY 2013. Surcharges have not been approved by the Board of Regents.

As shown in the table below, with the exception of UNR's budgets, two UNLV budgets, System Administration and University Press, the reduction amounts in Scenario #1 equal the reductions contained in The Executive Budget. The University of Nevada, Reno is proposing two different approaches to implement the budget reductions. First, UNR is proposing to disproportionately reduce General Fund appropriations for some budgets while limiting the reduction in other budgets. Secondly, in aggregate, UNR is proposing to take two years to fully implement the budget reductions. As shown in the "UNR Total" row, in FY 2012 UNR's cumulative budget reductions are $1.26 million less than recommended in The Executive Budget. However, UNR proposes additional reductions of $1.26 million in FY 2013 to meet the full biennium reduction. The proposed reductions are:

2011-13 Biennium Budget Reductions for NSHE State Supported Operating Budgets: Reduction Scenario #1

NSHE Budget Account	FY 2011 26th Special Session Adjusted Budgets (100% GF)	FY 2012 Gov. Support (GF & Prop Tax) (Gov Rec)	FY 2012 Change From FY 2011 (26th SS)	FY 2012 SCENARIO #1 Reduction (Proposed)	FY 2012 NET Difference	FY 2013 Gov Support (GF & Prop. Tax) (Gov Rec)	FY 2013 Change From FY 2011 (26th SS)	FY 2013 SCENARIO #1 Reduction (Proposed)	FY 2013 NET Difference
UNR	117,925,883	95,632,792	(22,293,091)	(18,440,407)	3,852,684	81,409,408	(36,516,475)	(39,851,074)	(3,334,599)
MED	30,018,348	26,308,025	(3,710,323)	(1,789,925)	1,920,398	21,869,839	(8,148,509)	(1,748,620)	6,399,889
UNR Athletics	5,328,304	4,534,454	(793,850)	(646,329)	147,521	3,817,347	(1,510,957)	(1,553,971)	(43,014)
UNR Statewide	5,229,267	4,245,788	(983,479)	(1,292,887)	(309,408)	3,556,866	(1,672,401)	(2,333,998)	(661,597)
Ag. Exp. Station	5,565,671	4,384,526	(1,181,145)	(1,280,536)	(99,391)	3,653,870	(1,911,801)	(2,542,598)	(630,797)
Coop. Ext.	7,678,549	6,220,844	(1,457,705)	(5,764,550)	(4,306,845)	5,264,522	(2,414,027)	(5,641,278)	(3,227,251)
BCN	2,139,664	1,805,133	(334,531)	(337,386)	(2,855)	1,529,380	(610,284)	(679,961)	(69,677)
SPH Lab	1,702,580	1,434,393	(268,187)	(207,531)	60,656	1,216,092	(486,488)	(182,202)	304,286
UNR TOTAL	**175,588,266**	**144,565,955**	**(31,022,311)**	**(29,759,551)**	**1,262,760**	**122,317,324**	**(53,270,942)**	**(54,533,702)**	**(1,262,760)**
UNLV	145,967,488	125,413,961	(20,553,527)	(20,161,140)	392,387	106,525,137	(39,442,351)	(39,212,428)	229,923
UNLV Athletics	7,465,366	6,457,744	(1,007,622)	(1,007,622)	0	5,424,714	(2,040,652)	(2,040,652)	0
UNLV Statewide	1,233,971	1,054,642	(179,329)	(571,716)	(392,387)	892,178	(341,793)	(571,716)	(229,923)
LAW	7,762,242	6,524,974	(1,237,268)	(1,237,268)	0	5,500,387	(2,261,855)	(2,261,855)	0
DENTAL	8,179,238	6,384,372	(1,794,866)	(1,794,866)	0	5,281,478	(2,897,760)	(2,897,760)	0
BCS	1,839,433	1,566,041	(273,392)	(273,392)	0	1,332,134	(507,299)	(507,299)	0
UNLV TOTAL	**172,447,738**	**147,401,734**	**(25,046,004)**	**(25,046,004)**	**0**	**124,956,028**	**(47,491,710)**	**(47,491,710)**	**0**
NSC	13,021,396	9,040,401	(3,980,995)	(3,980,995)	0	7,602,701	(5,418,695)	(5,418,695)	0
GBC	16,510,575	13,941,066	(2,569,509)	(2,569,509)	0	11,793,317	(4,717,258)	(4,717,258)	0
CSN	91,430,100	75,944,918	(15,485,182)	(15,485,182)	0	64,667,849	(26,762,251)	(26,762,251)	0
TMCC	35,748,021	29,890,760	(5,857,261)	(5,857,261)	0	25,418,350	(10,329,671)	(10,329,671)	0
WNC	18,472,126	14,941,033	(3,531,093)	(3,531,093)	0	12,621,694	(5,850,432)	(5,850,432)	0
DRI	8,239,230	7,349,634	(889,596)	(889,596)	0	6,216,806	(2,022,424)	(2,022,424)	0
Other Institutions TOTAL	**183,421,448**	**151,107,812**	**(32,313,636)**	**(32,313,636)**	**0**	**128,320,717**	**(55,100,731)**	**(55,100,731)**	**0**
System Admin	4,877,471	4,389,715	(487,756)	(380,123)	107,633	3,729,794	(1,147,677)	(1,059,616)	88,061
Special Proj.	2,234,034	1,937,241	(296,793)	(296,793)	0	1,625,089	(608,945)	(608,945)	0
SCC	18,715,545	16,459,778	(2,255,767)	(2,255,762)	5	14,048,281	(4,667,264)	(4,667,259)	5
Univ. Press	614,656	537,892	(76,764)	(184,397)	(107,633)	456,855	(157,801)	(245,862)	(88,061)
NDSL-Perkins	41,132	35,653	(5,479)	(5,479)	0	29,853	(11,279)	(11,279)	0
TOTAL	**26,482,838**	**23,360,279**	**(3,122,559)**	**(3,122,554)**	5	**19,889,872**	**(6,592,966)**	**(6,592,961)**	5
NSHE TOTAL	**557,940,290**	**466,435,780**	**(91,504,510)**	**(90,241,745)**	**1,262,765**	**395,483,941**	**(162,456,349)**	**(163,719,104)**	**(1,262,755)**

Note: The Budget Reduction template for System Computing Center (SCC) is understated by $5.00 in each year.

Scenario #2 – Closure and/or Consolidation of Institutions: Beginning on page 113 of the NSHE's response binder, information on the projected cost savings generated through staffing (FTE) reductions as a result of three consolidations (GBC and WNC into TMCC; NSC into CSN and UNLV; and, DRI into UNR and UNLV) is provided. The initial information provided indicates that the consolidations, in aggregate, generate projected biennium savings of $12.41 million. Not included in the Scenario #2 reduction total, but included in the Scenario #1 budget reduction templates as operating expenditure reductions for CSN and WNC, is the closure of 15 satellite campus locations. Those projected savings total an additional $2.57 million over the biennium.

Budget Reduction Impact Summary Tables

The following tables summarize the projected impacts identified by the NSHE on academic infrastructure (Table 1), student access and capacity (Table 2) and NSHE staffing (Table 3) based upon the Governmental Support funding levels contained in The Executive Budget.

TABLE 1 – Academic Infrastructure Impacts: As shown in Table 1, under Scenario #1, the Governmental Support funding reductions contained in The Executive Budget are projected to require, by FY 2013, the elimination of 38 academic colleges, schools, departments, or centers; 23 programs; 46 academic degrees; and, at least 2,373 course sections. No academic impact is identified as a result of the consolidations identified under Scenario #2. Attachment A provides examples of the preliminary academic infrastructure reductions identified by the NSHE institutions.

TABLE 1
Projected Impact of the 2011-13 Biennium Recommended Governmental Support Funding Level on NSHE Academic Infrastructure, Degrees and Courses: Budget Reduction Scenario #1

NSHE Institution	FY 2012 Academic Colleges, Schools, Departments or Centers Closed	FY 2012 Academic Programs Eliminated or Suspended	FY 2012 Academic Degrees Eliminated	FY 2012 Course Sections Eliminated	FY 2013 Academic Colleges, Schools, Departments or Centers Closed	FY 2013 Academic Programs Eliminated or Suspended	FY 2013 Academic Degrees Eliminated	FY 2013 Course Sections Eliminated
UNR	11	8	8	not specified	11	8	8	not specified
UNLV	12	8	36	600	12	8	36	600
NSC	-	-	-	130	-	-	-	130
GBC	-	5	-	120	-	5	-	180
CSN	1	1	1	1,028	8	1	1	1,028
TMCC	-	1	1	435	-	1	1	435
WNC	5	-	-	not specified	7	-	-	not specified
TOTALS	**29**	**23**	**46**	**2,313**	**38**	**23**	**46**	**2,373**

Note: Course section decreases reflect Fall and Spring semesters only. Course section eliminations identified by UNLV in March 22, 2011, budget hearing testimony.

TABLE 2 – Student Access and Capacity Impacts: As shown in Table 2, under Scenario #1, the NSHE's overall capacity to serve student full-time equivalents (SFTE) is projected to decrease by 4,737 SFTE, or 6.9 percent, in FY 2012, and 7,891 SFTE, or 11.4 percent, in FY 2013. When SFTEs are converted to unduplicated, unique students (head count), the projected total number of students able to be served decreases by 11,638 in FY 2012 and 19,025 in FY 2013.

While capacity is projected to decrease at all seven teaching institutions, capacity is projected to decrease the greatest, in percentage terms, at WNC (40.4 percent) and NSC (13.5 percent) when the reductions are fully implemented in FY 2013. In terms of the total number of SFTE, the deceases are projected to be greatest at CSN (2,478) and UNLV (2,104). As shown, UNR's reduction plan does not impact student capacity in FY 2012 as a result of using non-state revenues to fund the FY 2012 instructional reductions and "bridge" (postpone) to FY 2013 the reductions which would otherwise occur in FY 2012.

According to the NSHE, since only consolidations are considered under Scenario #2, no additional impact to the institutions' ability to directly serve students is anticipated.

TABLE 2
Projected Impact of Scenario #1 Reductions on NSHE Student Enrollment (SFTE) Capacity Based Upon the 2011-13 Biennium Recommended Governmental Support Funding Level

NSHE Institution	FY 2011 Preliminary Total Enrollments (SFTEs)	FY 2012 Projected Impact to Capacity (SFTEs)	% Change FY 2012 / FY 2011	FY 2013 Projected Impact to Capacity (SFTEs)	% Change FY 2013 / FY 2011
UNR	13,219	0	0.0%	(1,253)	-9.5%
UNLV	19,636	(1,967)	-10.0%	(2,104)	-10.7%
NSC	1,924	(220)	-11.4%	(260)	-13.5%
GBC	1,952	(113)	-5.8%	(207)	-10.6%
CSN	22,190	(1,498)	-6.7%	(2,478)	-11.2%
TMCC	7,176	(406)	-5.7%	(406)	-5.7%
WNC	2,926	(533)	-18.2%	(1,183)	-40.4%
SFTE Impact		**(4,737)**		**(7,891)**	
TOTALS	**69,023**	**64,286**		**61,132**	
Percentage Change		**-6.9%**		**-11.4%**	
Student Head Count Impact		**(11,638)**		**(19,025)**	

Note: SFTEs rounded to the nearest whole number.

Related to the issue of the projected decrease in student access, the Joint Subcommittee requested that in addition to the above academic capacity information, the NSHE provide for each institution the number of unduplicated new and continuing students who were known to have been unable to register for a course for FY 2009, FY 2010, FY 2011 and the projections for FY 2012 and FY 2013. This information is under Tab Q5 and begins on page 158 of the NSHE's response binder.

TABLE 3 – Staffing Impacts: In Table 3, (following page) the projected impacts to NSHE staffing levels, by institution and by functional areas (instruction, academic support, student services, etc.) are shown for each scenario. Under Scenario #1, the number of FTEs in the state-supported operating budgets projected to be reduced is approximately 714 FTE in FY 2012 and 1,089 FTE in FY 2013. The largest eliminations of staff are projected to occur at UNLV, UNR and CSN, respectively. Full-time equivalent eliminations in the instruction functional area would account for 54 percent and 50 percent of the total reductions in FY 2012 and FY 2013, respectively.

Due to the large number of part-time positions utilized by the NSHE, the projected number of positions to be eliminated in FY 2012 is 1,050 and in FY 2013 is 1,497.

Under Scenario #2, the consolidations are projected to result in a net reduction of 103.5 FTEs being eliminated in FY 2013 in functional areas other than instruction.

TABLE 3
Projected Impact of the 2011-13 Biennium Recommended Governmental Support Funding Level on NSHE Staffing (FTE) Levels by Functional Area

SCENARIO #1				SCENARIO #2			
NSHE Institution	FY 2011 Approved Positions (FTE)	FY 2012 Projected Position Eliminations (FTE)	FY 2013 Projected Position Eliminations (FTE)	NSHE Institution	FY 2011 Approved Positions (FTE)	FY 2012 Projected NET Position Eliminations (FTE)	FY 2013 Projected NET Position Eliminations (FTE)
UNR Cumulative	1,797.32	(129.41)	(290.46)	UNR Cumulative	1,797.32	0.00	0.00
UNLV Cumulative	2,233.37	(289.70)	(341.60)	UNLV Cumulative	2,233.37	0.00	0.00
NSC	145.25	(27.50)	(31.50)	NSC	145.25	0.00	(37.25)
GBC	246.42	(19.00)	(35.75)	GBC	246.42	0.00	(16.74)
CSN	1,658.14	(105.65)	(169.76)	CSN	1,658.14	0.00	0.00
TMCC	569.58	(71.00)	(71.00)	TMCC	569.58	0.00	0.00
WNC	300.21	(49.63)	(89.82)	WNC	300.21	0.00	(16.00)
DRI	58.83	(4.33)	(16.83)	DRI	58.83	0.00	(33.50)
Other Budgets	153.70	(17.46)	(42.10)	Other Budgets	153.70	0.00	0.00
FTE Impact		**(713.68)**	**(1,088.82)**	**FTE Impact**		**0.00**	**(103.49)**
FTE TOTALS	**7,162.82**	**6,449.14**	**6,074.00**	**FTE TOTALS**	**7,162.82**	**7,162.82**	**7,059.33**
Position Impact		(1,050.00)	(1,497.00)				
Functional Areas				**Functional Areas**			
Instruction	3,730.03	(385.80)	(543.84)	Instruction	3,730.03	0.00	0.00
Research	128.54	(6.81)	(33.91)	Research	128.54	0.00	(10.00)
Public Srvc	114.81	(52.62)	(54.26)	Public Srvc	114.81	0.00	0.00
Academic Supt	707.66	(74.45)	(111.21)	Academic Supt	707.66	0.00	(21.99)
Student Srvcs	599.66	(63.55)	(91.64)	Student Srvcs	599.66	0.00	(13.65)
Institutional Supt	931.99	(78.90)	(139.90)	Institutional Supt	931.99	0.00	(53.85)
O&M	949.83	(51.55)	(114.06)	O&M	949.83	0.00	(4.00)
FTE Impact		**(713.68)**	**(1,088.82)**	**FTE Impact**		**0.00**	**(103.49)**
TOTALS	**7,162.82**	**6,449.14**	**6,074.00**	**TOTALS**	**7,162.82**	**7,162.82**	**7,059.33**
Percentage Change		**-10.0%**	**-15.2%**	**Percentage Change**		**0.0%**	**-1.4%**

Note: FY 2011 FTEs shown as approved by the Board of Regents

Funding and Time Constraints to Implementing Budget Reductions

To implement the operating reductions required by the recommended General Fund appropriation funding levels contained in The Executive Budget, the NSHE has identified several operational challenges. Absent a declaration of financial exigency, the NSHE has a contractual obligation to provide professional employees with a 12-month notification of employment termination. Additionally, institution accreditation requirements generally require students be provided a reasonable amount of time to graduate or change academic programs before the program is eliminated or suspended. Several NSHE institutions have identified the need for "bridge" or "transition" funding in FY 2012 and/or FY 2013 in order to implement the General Fund appropriation reductions given the requirements noted above. As identified, bridge funding does not represent General Fund and appears to be non-state, one-time funds or reallocated student fees collected for capital and general improvement purposes. The following amounts are identified:

One-Time Bridge and Transition Funding Identified under Scenario #1 Reductions as Needed to Implement 2011-13 Biennium Budget Reductions		
NSHE Institution	FY 2012 Bridge Funding	FY 2013 Bridge Funding
UNR (all budgets)	$ 12,378,752	$ -
UNLV	$ 5,713,896	$ 7,650,351
NSC	$ -	$ -
CSN	$ 920,743	$ 3,076,328
WNC	$ 322,556	$ -
GBC	$ -	$ -
TMCC	$ -	$ -
Univ. Press	$ 90,000	$ -
TOTAL	**$ 19,425,947**	**$ 10,726,679**

Fee Surcharges to Offset Operating Reductions

Included in the institutions' Scenario #1 budget reduction templates are projected revenues representing a 13.0 percent registration fee increase (surcharge) in FY 2012, and an additional 13.0 percent in FY 2013 beyond the amounts previously approved by the Board of Regents and contained in The Executive Budget. However, the Board of Regents has taken no specific action or given specific direction regarding a surcharge. If approved by the Board of Regents, the additional registration fee revenues are projected to raise approximately $19.32 million in FY 2012 and $39.75 million in FY 2013 net of both a 15.0 percent set-aside for financial aid and projected enrollment losses. Table 4 below shows the current per credit hour registration fees and the impact of the surcharges proposed by the institutions.

TABLE 4
2011-13 Biennium Approved NSHE Per Credit Hour Registration Fee Contained in The Executive Budget and the Impact of a 13.0% Surcharge in FY 2012 and an Additional 13% in FY 2013 on NSHE Per Credit Hour Registration Fees

NSHE Institution Level	2011-13 Biennium BoR Approved Per Credit Hour Fee (Gov. Rec.)	FY 2012 13% Per Credit Hour Surcharge	FY 2012 Total Per Credit Hour Charge (as Presented)	FY 2013 +13% (26% Cumulative) Per Credit Hour Surcharge	FY 2013 Total Per Credit Hour Charge (as presented)
University					
Undergraduate	$156.75	$20.38	$177.13	$43.40	$200.15
Graduate	$239.50	$31.14	$270.64	$66.32	$305.82
State College	$113.25	$14.72	$127.97	$31.36	$144.61
Community College					
Upper Division	$113.25	$14.72	$127.97	$31.36	$144.61
Lower Division	$69.25	$9.00	$78.25	$19.18	$88.43

Table 5 shows the projected additional fee revenue for each teaching institution as reflected in the budget reduction templates.

TABLE 5
Projected Student Registration Fee Revenues Resulting From Surcharges of 13% in FY 2012 and +13% in FY 2013 as Incorporated in NSHE Budget Reduction Scenario #1

NSHE Institution	FY 2012 +13% Projected Surcharge Revenues	FY 2012 Financial Aid Set-Aside (15% of 13%)	FY 2012 Identified Fee Losses (enrollment driven)	FY 2012 Other Identified Registration Fee Revenues	FY 2012 Projected NET Operating Fee Revenues
UNR	$ 7,782,838	$ (1,167,426)	$ (350,000)	$ -	$ 6,265,412
UNLV	$ 9,647,059	$ (1,447,059)	$ (2,500,000)	$ -	$ 5,700,000
NSC	$ 800,750	$ (120,113)	$ (475,662)	$ 544,348	$ 749,323
GBC	$ 529,947	$ (79,492)	$ (75,000)	$ -	$ 375,455
CSN	$ 5,914,240	$ (887,136)	$ (799,555)	$ 378,779	$ 4,606,328
TMCC	$ 1,791,735	$ (268,760)	$ (367,993)	$ 100,000	$ 1,254,982
WNC	$ 783,218	$ (117,483)	$ (301,023)	$ -	$ 364,712
TOTALS	**$ 27,249,787**	**$ (4,087,469)**	**$ (4,869,233)**	**$ 1,023,127**	**$ 19,316,212**

FY 2013

NSHE Institution	FY 2013 +13% Projected Surcharge Revenues	FY 2013 Financial Aid Set-Aside (15% of 13%)	FY 2013 Identified Fee Losses (enrollment driven)	FY 2013 Other Identified Registration Fee Revenues	FY 2013 Projected NET Operating Fee Revenues
UNR	$ 16,577,445	$ (2,486,617)	$ (695,076)	$ -	$ 13,395,752
UNLV	$ 19,294,118	$ (2,894,118)	$ (4,750,000)	$ -	$ 11,650,000
NSC	$ 1,705,598	$ (217,464)	$ (562,146)	$ 544,348	$ 1,470,336
GBC	$ 1,128,787	$ (169,318)	$ (160,000)	$ -	$ 799,469
CSN	$ 12,597,332	$ (1,889,600)	$ (2,182,959)	$ 378,779	$ 8,903,552
TMCC	$ 3,816,395	$ (572,459)	$ (826,654)	$ 200,000	$ 2,617,282
WNC	$ 1,668,225	$ (250,234)	$ (507,625)	$ -	$ 910,366
TOTALS	**$ 56,787,900**	**$ (8,479,810)**	**$ (9,684,460)**	**$ 1,123,127**	**$ 39,746,757**

Exhibit D

Daniel J. Klaich
Chancellor
Nevada System of Higher Education

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MEMORANDUM

DATE: April 5, 2011

TO: NSHE Board of Regents
James Dean Leavitt, Chair
Jason Geddes, Vice Chair

Joint Senate and Assembly Subcommittee on Higher Education
Senator Steven Horsford, Co-Chair
Assemblywoman Debbie Smith, Co-Chair

FROM: Daniel J. Klaich, Chancellor

CC: Hon. Brian Sandoval, Governor
NSHE Presidents

RE: NSHE Budget Reduction Plans

At the regularly scheduled meeting of the Board of Regents on March 11, and at the budget hearing of the Joint Subcommittee on March 22, both the Board and the Subcommittee, among other questions, requested budget reduction plans showing the full extent of cuts recommended by the Governor on a common template. The standardized budget reduction plans from each institution are attached along with the responses to your other questions. I have also attached to this memorandum a blank template together with a brief overview of the basis on which the template was constructed. I hope that this blank template will guide and assist you in your review of the campus budgets. In addition to filling out the template and because of the unique nature of each of the institutions, we did ask the campuses to attach additional information in narrative form which they believe was necessary or helpful to explain their respective budget reduction plan. We hope that this information will respond to two of your concerns regarding the draft plans, namely specificity and completeness.

Both the presidents and I have indicated on a consistent basis that the proposed budget reductions will dramatically impact higher education and, in particular, access. We believe that it is important that you understand that budget cuts to the level proposed in the executive budget will result in an entirely new business model for higher education in Nevada. We want to be

clear in this transmittal that we do not believe that the recommendations, driven by the magnitude of the cuts, are in the short-term or long-term best interest of the State of Nevada. In the short term it will lead to greater unemployment and withdraw critical dollars from the State economy. The Presidents and I believe these factors and other intangibles associated with downsizing higher education will worsen and prolong Nevada's economic depression - not assist in its recovery. In the long run, as you will see, the plan will reduce access and opportunity to thousands of Nevadans either by limiting enrollment or pricing higher education out of reach. Again, both of these results will have negative long-term effects on our economy and the quality of life we all seek to secure.

One of the cornerstones of the NSHE's plan for higher education has been its commitment, along with that of the Governor, to the Complete College America consortium. That group is dedicated to producing a greater number of graduates and certificate completers in Nevada and across the country. While it is difficult to predict the future of this critical effort before our budget is finalized, should the level of cuts recommended in the executive budget come to be, it is clear that our continued participation in the consortium and its laudable and important goals will have to be re-evaluated. Our consideration for millions of dollars directed at areas of critical reforms will be impacted should we be unable to commit resources to this consortium.

We must be honest that enrollment in the System has been capped for years as classes have filled and fees have increased. It is time to be even more forthright about our ability to serve the Nevadans who want to avail themselves of higher education and the promise of a better life that comes with it. With budget reductions at the level displayed in these plans NSHE institutions will cap enrollment across the System. Enrollment caps are very difficult to implement particularly for the first time. I will work with our Presidents, faculty and students to bring recommendations to the Board that are fundamentally fair. We must be particularly mindful of low income and first generation students who are disproportionately students of color.

With this budget, we can no longer pretend that any student who is qualified to be accepted by our institutions will have access to classes, support services, financial aid, or a degree. In order to protect the integrity of our educational enterprise, we will guarantee only the following: Students who are admitted or enrolled at our institutions who attend full-time, maintain at least a 2.0 GPA, follow a course of study that will lead to a degree or certificate within the prescribed required credits will be guaranteed early registration, priority for need-based financial aid, and the opportunity to complete a degree or certificate within a reasonable time.

We can no longer guarantee admission to our universities or to the state college to any Nevada student who meets the minimum qualifications. In this biennium, with this budget, students will be turned away due to limited resources. We will use the resources given to NSHE by the state to educate the students we can with excellence, but we will no longer pretend that we either can or should try to accommodate every qualified student.

We can no longer guarantee enrollment at our community colleges for all who come to our door. The access mission of our community colleges will no longer be a priority for the state. Degree or certificate seeking students will be given first preference, followed by vocational technical program enrollees in areas critical to the workforce needs of the state. We will develop strategies to deal with this change that will include admissions testing and the requirement of a high school diploma, while still being sensitive to the diverse needs of our student population.

We must seriously evaluate the transfer mission of our community colleges in light of the above two statements. We can no longer guarantee that every student who qualifies to transfer from our community colleges to the universities or to the state college will be able to do so. If we promise our students a reasonably smooth path to degree, we must avoid upper division bottlenecks that could result from unlimited transfers. This is another significant change in our policy and may have a very negative impact on students, particularly those who cannot afford to begin their studies full time at one of our universities. Again, we are forced to prioritize our limited resources to focus on those full-time, degree seeking students. Implementation of this change will require discussion among faculty and students before making final recommendations to the Board.

We will offer classes at fewer locations. In particular our rural locations will suffer as the NSHE focuses limited resources on serving the greatest number of students. We will do our best with technology to continue to provide some offerings, but "live" classes will diminish significantly.

This business model will require that we fully evaluate policies as they impact the many part-time students in our System who, because of their personal and family circumstances, cannot attend full-time. Naturally, we will do our best to accommodate these worthy students, many working and supporting families as they improve their skills, but they will be impacted as restricted resources require tighter enrollment management and planning.

We anticipate a drop in enrollment in excess 15% over the biennium, based on program elimination, site closures, fewer numbers of classes offered, increased fees, and inadequate tutoring and support services. Until resources improve this drop will be a cap on future enrollment. We anticipate that more than 20,000 qualified students (more than 8300 FTE's) who wish to take advantage of higher education will be turned away, students who will likely leave to attend postsecondary institutions in other states and who will be unlikely to return to Nevada.

We cannot guarantee adequate financial aid for students based on need, but will work hard to provide such aid for as many students as possible. Again, priority will be given to full-time, degree-seeking and certificate-seeking students.

Research and workforce grants in the state will in all likelihood decline as resources for matching funds dry up and as our best and most entrepreneurial faculty are "cherry picked" by other institutions across the nation. As we have consistently advised policymakers, this selective destruction of our best faculty – being picked off by institutions and states where the future seems more stable and supportive - has already begun and should be expected to accelerate. The impact will not only limit the expansion that innovative research can foster, but will negatively impact our leveraging capability by reducing the revenues that our research institutions can generate to help themselves produce budget support. The loss of tenured faculty from UNLV and UNR will also decrease access to upper division course work and graduate programs. We pledge our best efforts to work with private businesses and the State economic development infrastructure, but we want to be clear that supporting new business initiatives while retrenching across the board is an oxymoron. We will work closely with all interested parties to align our programs wherever possible to provide such support.

We know that many of the difficult decisions we are forced to make will bring out constituent voices who object to center, program and institutional closures and consolidations. Every such action is taken with a strong awareness that we are losing a program valuable to Nevada that may

never return. There are no good choices here. While we will continue to do our best to protect our core missions, let me be clear that our institutions are at risk and now under siege, slowly being dismantled.

Throughout this process, I have promised to be honest with you. I have told you that we will not say something or put something before you that we are not prepared to do. This memorandum tells you clearly what we are required to do given the funding levels being discussed. The Presidents and I know that the picture and plan for higher education laid out in this memorandum is bad for Nevada and hope that we can work together to avoid or at a minimum mitigate these impacts. However, with the funds that appear to be available, we believe that these steps are essential if we are to maintain quality in the education we offer Nevadans.

Exhibit E

Nevada System of Higher Education

Budget Hearing Follow-up

Responses to LCB Memo Dated March 22, 2011

System Administration · University of Nevada, Reno · University of Nevada, Las Vegas · College of Southern Nevada · Great Basin College · Truckee Meadows Community College · Western Nevada College · Desert Research Institute · Nevada State College

Original Document on File at the LCB Research Library

Committee of the Whole
Date: 4/22/2011
Exhibit C
Submitted by: NSHE
Page 1 of 208

NEVADA SYSTEM OF HIGHER EDUCATION

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Document Prepared by the Finance Department
Office of the Chancellor

STATE OF NEVADA
LEGISLATIVE COUNSEL BUREAU

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MEMORANDUM

DATE: March 27, 2011

TO: Daniel Klaich, Chancellor
Nevada System of Higher Education

FROM: Alex Haartz, Program Analyst
Fiscal Analysis Division

SUBJECT: **March 22, 2011, Budget Hearing Follow-up**

Chancellor Klaich, thank you for your testimony at the March 22, 2011, budget hearing. As you will recall, during the hearing, the Subcommittee identified specific issues, including 2011-13 biennium budget reduction plans, for which additional information was requested. I would appreciate your assistance in obtaining responses to the following questions.

1. NSHE System Efficiency Improvements: During the hearing, the Board of Regents' Efficiency and Effectiveness Initiative was cited along with the System's request that any General Fund appropriation-supported cost savings generated through efficiencies be retained by the institutions for purposes of funding instructional costs. This office would appreciate receiving a copy of the analysis to be presented to the Board of Regents in order to better understand the magnitude of potential General Fund appropriation savings and how those savings might offset reductions to the instructional and student services functional areas.

2. Budget Reduction Scenarios: Utilizing a standardized template, the Subcommittee requested that the NSHE provide two budget reduction scenarios for each institution (and budget account). Narrative information explaining the information contained in the templates as well as the benefits and drawbacks of each scenario was also requested. The first scenario should expand upon the preliminary budget reduction plans already developed. To minimize the impacts to academic/instructional areas, the second scenario should utilize the closure and/or consolidation of NSHE institutions as the primary strategy to achieve the recommended General Fund appropriation reductions.

   In order to understand the full impact of the Governor's recommended budget reductions, the Subcommittee requested the scenarios meet the following criteria:

   - The General Fund appropriation reductions identified by each institution should total to the General Fund reductions recommended by the Governor;

- If new registration fee surcharge revenues are proposed to offset General Fund reductions, the template should clearly account for the new revenues. The associated percentage increase should also be clearly stated. Likewise, if additional student fee revenues are projected as a result of enrollment projection changes when compared to the enrollment revenues included in The Executive Budget, these additional revenues should also be clearly identified;
- If existing academic departments, programs and degrees are proposed to be eliminated to meet the budgeted reductions, each should be clearly identified. For each proposed academic or instructional reduction, clearly identify the projected number of student FTEs impacted as well as the projected number of professional and classified FTE impacted. The number of part-time instructional staff and graduate assistants impacted also should be identified;
- If existing administrative and support infrastructure and functions are proposed to be eliminated to meet the budgeted reductions, each should be clearly identified. Identify the number of professional and classified FTE impacted;
- If satellite locations are proposed for closure, identify the associated number of staff FTEs and student FTEs projected to be impacted.

In addition to the two scenarios, the Subcommittee indicated that if NSHE identified a third scenario, information on that scenario should also be provided.

3. Reform Plan for Administrative, Operational and Academic/Curricular Areas: The Subcommittee requested that the NSHE provide a plan to reform the administrative, operational and academic/curricular areas of the NSHE institutions. To the extent appropriate, reform strategies should be incorporated into the scenarios.

4. Alignment of NSHE Workforce Development Efforts with State Economic Development Goals: The Subcommittee requested that information be provided on the workforce development activities NSHE institutions are currently undertaking and how those efforts align with the economic development goals being discussed by the Governor and the 2011 Legislature.

5. Projected Impacts to Student Access: The testimony provided by the NSHE institution Presidents indicated that the General Fund appropriation funding levels contained in The Executive Budget would result in reduced access overall and reduced availability of classes in particular. To better understand the projected impact of the Governor's recommended budget on prospective and current students in the 2011-13 biennium, the Subcommittee requested that the NSHE provide information which quantifies current access limits encountered by students and the access limits or impacts projected to occur at the funding levels recommended by the Governor.

   To the extent that data is available for FY 2009, FY 2010 and FY 2011, for each teaching institution, please provide the total number of unduplicated students for two broad categories of students: new students who were unable to register for a particular course; and enrolled, continuing students who were unable to register as a result of the particular course or course sections already reaching the maximum number of registrants. Additionally, if available, please provide the total number of instances in which unsuccessful

   course registrations occurred for FY 2009, FY 2010 and FY 2011. For each institution, please portray the information in the table format shown below with accompanying narrative or notes which explain the information. Finally, if possible, please quantify the projected impacts that the Governor's recommended budget reductions will have on graduation rates and the average length of time to graduation.

INSTITUTION					
Access Impact	FY 2009 Actual (Total)	FY 2010 Actual (Total)	FY 2011 Actual (Total)	FY 2012 Projected (Total)	FY 2013 Projected (Total)
Unduplicated Number of New Students Unable to Register for a Course.					
Unduplicated Number of Existing/Continuing Students Unable to Register for a Course.					
Total Number of Instances in Which a Failed Course Registration Occurred.				n/a	n/a

6. Per Student FTE Funding: The Subcommittee requested the General Fund appropriation funding level per student FTE for each NSHE institution. For each NSHE instructional budget account (excluding the professional schools), please provide this information for FY 2010 (actual), FY 2011 (projected) and as recommended in The Executive Budget for FY 2012 and FY 2013. Additionally, please provide this same information based upon the total funding contained in the budget. Finally, for the same time period and for each institution, please provide the total instruction functional area expenditures by student FTE. For UNR and UNLV, the Subcommittee requested that the information be separated for undergraduate and graduate student FTE.

7. Reorganization and Funding of Intercollegiate Athletics, Statewide Programs and Business Centers: The Subcommittee requested that the NSHE prepare scenarios for UNR and UNLV through which the existing budget accounts for intercollegiate athletics, statewide programs and the business centers would be eliminated and the recommended funding incorporated into each university's main instructional budget. The requested scenarios should identify any proposed change to the expenditure levels recommended in The Executive Budget for each of the aforementioned areas.

8. UNR Preliminary Budget Reduction Plan: The Subcommittee heard testimony that UNR's preliminary budget reduction plan included reducing General Fund appropriations to the Cooperative Extension by amounts greater than recommended by the Governor's budget to mitigate the General Fund appropriation reductions budgeted for the School of Medicine. The Subcommittee requested additional information to understand the implications of UNR's preliminary plan. For both the Cooperative Extension and the Medical School, please provide information that explains the projected impacts of the budget reductions at the levels recommended by the Governor as compared to the reduction levels contained in UNR's preliminary plan.

9. Interim Funding Formula Study: As requested by the Subcommittee, please provide information on the estimated cost of an interim study of the funding formula and a copy of the suggested draft bill language to implement such a study.

10. Private Sector Funding Received by Great Basin College (GBC): During the discussion of Great Basin College's preliminary budget reduction plan, the mining industry's support of GBC's career and technical education programs was mentioned. The Subcommittee requested information on the types of funding and amounts being provided to GBC in support of those programs.

11. NSHE Health Sciences System Funding: The Subcommittee requested information on the organizational structure and an accounting of the funding and expenditures of the Health Sciences System (HSS). Please also provide an overview of the HSS's accomplishments to date as well as any future objectives.

Thank you in advance for your assistance. I would appreciate receipt of the requested information no later than Tuesday, April 5, 2011. Please also provide a copy of your responses to Cathy Gregg at the Budget Division.

cc: Andrew Clinger, Director, Department of Administration
Cathy Gregg, Budget Analyst, Budget Division
Mark Stevens, Vice Chancellor of Finance, NSHE
Larry Eardley, Assistant Vice Chancellor of Finance, NSHE
Vic Redding, Budget Officer, NSHE
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Nevada System of Higher Education

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March 4, 2011

TO: Board of Regents

FROM: Vice Chancellor Bart Patterson

CC: Chancellor Klaich
NSHE Presidents
NSHE Business Officers
NSHE Faculty Senate Chairs

RE: Efficiency and Effectiveness Preliminary Recommendations

The purpose of this Report is to provide the Board with the status of the Efficiency and Effectiveness Review, to ask the Board to take action on certain recommendations identified in the conclusion of the Report and to obtain the Board's input on issues and priorities as we go forward. Along with the recommendations, I have added a list of concerns that the Board should consider before taking action.

Review

Data requests were submitted to all institutions in the fall of 2010, followed by on-site visits with key institution and business center officials and employees in the areas under review. In addition, outside discussions were held with the Nevada Department of Personnel and the Nevada Purchasing Division. Research was conducted into similar reviews and initiatives in other states. Outside consultants have been retained on a limited basis to vet information and recommendations, including Guy Hobbs of Hobbs Ong, Brian Gordon and Jeremy Aguero of Applied Analysis[1], and Tom Akers of Akers & Associates[2]. In addition, Gary Ghiggeri, former Nevada Senate fiscal analyst, was hired on a part-time basis to provide critical assistance with this initiative.

This review comes at a time of great uncertainty for higher education, with the Governor recommending significant reductions in state appropriations to higher education.[3] In

[1] The Hobbs Ong/Applied Analysis initial report is referenced as Attachment 9.
[2] The Akers & Associates initial report is referenced as Attachment 5.
[3] The Business Center North operating budget for FY 2010-11 is $2,139,664. The Governor's Budget proposes a 28.5% reduction over the biennium in the Business Center North budget compared with FY 2010-11, which amounts to a funding reduction of $944,815. The Business Center South operating budget

addition, all of these business operation areas have already experienced significant budget reductions since 2007. It is difficult to fathom how NSHE and its institutions, including the business centers and operations, can continue to do business in the same manner given the level of previous reductions and the proposed additional reductions.

Based on the comments and recommendations of the Regents, the Chancellor's Office will more fully evaluate the top recommendations and seek to establish projected savings from the initiatives.

At the outset, it is important to note that the departments under review are working hard with less staff. This review assumes that further reductions in staffing cannot be absorbed without operational changes.

Ongoing Efforts

The institutions and business centers have undertaken various efficiency and effectiveness measures in the last few years. Many of those initiatives were recently reported to the Legislature and are included as Attachment 1 and are also found on the NSHE website, pages 13-54 at http://www.nevada.edu/er/NSHE030311.pdf.

Overall Structure of Business Operations

Originally UNR, UNLV and the then Community College Division maintained their own business operations. In 1977, the legislature, as part of the appropriations act, directed the Board of Regents to establish one or two business centers and authorized transfers of positions and funds from all institutions and operations in order to accomplish the new structure. In response, the Board eliminated the Community College Division and established a two business center model based at UNLV and UNR.

The structure has challenges. The business centers were created to provide multi-institution services, but the employees report within the administrative structure of the two universities. This creates difficulty if there are disputes involving other institution customers, and creates at least the perception that favoritism/priority may be given to university customers. Other institutions are not involved in decisions about staffing and support of the Business Centers. For example, UNR reduced Business Center North staffing by about 23% FTE between FY 08 and FY 11 without any apparent input from impacted institutions. In addition, the multi business center model makes it challenging to implement multi-institution/system-wide initiatives, such as strategic purchasing, or to maintain consistency in application of classified employment rules, such as classification functions.

for FY 2010-11 is $1,839,443. The Governor's Budget proposes an overall 27.6% reduction over the biennium in the Business Center South budget compared with FY 2010-11, which amounts to a funding reduction of $780,691. CSN is not separately budgeted as a business center, but the Governor's proposed budget represents a 29.3% reduction from FY 2010-11.

While the business center model has largely continued in the north with BCN serving UNR, TMCC, WNC, GBC, DRI and the System Office, the business center concept has disintegrated in the south. CSN began establishing its own classified employee and purchasing functions in approximately 1996, so the only formal responsibilities that BCS maintains in these areas is for NSC, which is a relatively small part of the overall number of transactions performed by BCS. BCS continues to handle payroll functions for all southern Nevada institutions, and also maintains the primary administration of benefit programs for the southern Nevada higher education institutions.[4]

There is no easy resolution of these issues. The Chancellor's Office is not currently structured to undertake large scale business operations, and the creation of such a structure could potentially increase administrative costs. The System could likely undertake additional administrative oversight responsibility without much, if any, additional staffing in Payroll and limited functional areas of Human Resources and Purchasing. Alternatives could include some form of dual reporting of business centers to the Chancellor's Office, or phasing changes in operation of certain business operations. As another alternative to structural changes, NSHE could create more formalized policies pertaining to staffing of business centers, including addressing issues and disputes involving non-university customers, and system-wide initiatives, such as strategic purchasing.

In addition to the issue of structure, NSHE will also have to address related issues. For example, the business center functions are largely state supported, but provide services to non-state funded programs and employees as well. While both BCN and BCS report assessing a certain portion of costs to non state funded programs, strong consideration should be given to more directly costing and assessing a portion of business operation costs to non state funded operations to recover costs incurred for services provided to those non-state funded operations. Consideration will also need to be given to the use of such funds.

An additional complication related to efficiency and effectiveness relates to allocation of "savings." Although no specific cost savings assessments have been performed pertaining to any potential recommendations, any final plan should address the issue of an appropriate allocation of savings, with potential retention of some portion of "savings" to build the effectiveness of the business operations.

Payroll

The NSHE payroll function is administered through two payroll offices: one at Business Center North and one at Business Center South. The Business Center North payroll office has seven employees including one professional employee and six classified employees; of the seven employees, six are funded with General Fund dollars at BCN and one is funded with non-general fund dollars at UNR. There have been no reductions or increases to the personnel assigned to the payroll function since 2007. Business Center

[4] BCS and BCN also perform other functions for NSHE/other institutions such as risk management and workers compensation. Those areas are not included in this Report.

North issued 154,560 payroll checks in fiscal year 2010 which is a decrease of 1,954 payroll checks from the number issued in 2007 (156,514). The current total annual budget for BCN payroll office as of 7/1/10 is $482,862 in state funds and $60,514 in non-state funds.

The Business Center South payroll office has six employees (the department is budgeted for seven employees but has never been fully staffed) including one professional employee and five classified employees; of the seven budgeted positions, three are funded through the BCS general fund budget, 2.5 FTE are funded with UNLV general fund dollars, and 1.5 FTE are funded with non general fund dollars. Similar to BCN, there have been no reductions or increase in personnel assigned to the payroll function since 2007. Business Center South issued 163,742 payroll checks (includes direct deposit) in fiscal year 2010 which is a decrease of 1,503 for the number issued in fiscal year 2007 (165,245). The current total budget for BCS payroll office for FY 2011 is $445,860 with $171,890 from UNLV General Fund, $195,884 from BCS General Fund and $78,086 from UNLV Institutional (Other Funds).

The personnel identified as part of the payroll function do not include the oversight provided to these operations by the Controller's Office at each institution.

Payroll Personnel - FY 2011

	BCN/UNR General Fund	BCN/UNR Other Fund	BCS/UNLV General Fund	BCS/UNLV Other Fund	CSN General Fund [a]	CSN Other Fund [a]	Total General Fund	Total Other Fund	Total FTE's
Professional	1.00	-	1.00	-			2.00	-	6.00
Classified	5.00	1.00	4.50	1.50			9.50	2.50	11.00
Total	6.00	1.00	5.50	1.50	-	-	11.50	2.50	14.00
Total All Funds	7.00		7.00		-		14.00		

[a] CSN estimates related to staff that perform payroll related functions is included in the Human Resources schedule so that there is consistency in reporting as other institutions included these types of compensation functions in the human resources area. The chart also does not include institution personnel that may have some payroll related responsibilities at other institutions. The chart reflects seven budgeted positions for BCS, but the department has never been fully staffed and functions with six employees.

In addition to the business center staff, institution personnel are involved in the payroll function in terms of preparing and transmitting data that comprises the payroll. The payroll units review and audit the data for accuracy. Most of this data is created and updated through use of the HRMS software system. The HRMS software is limited in functionality. Significant payroll functions are paper based. For example, original signatures are required on many payroll documents, such as any "exception pay," and payroll may require such documents to be physically delivered. There is inconsistency between the offices on whether scanned documents are acceptable. Some institutions reported differences in the way payroll is administered between the offices, including the difficulty of administering one check where an employee is jointly employed by a southern and northern institution.

Although employees are encouraged to implement automatic deposit, and there is a self serve feature for employees to obtain monthly remittance advices and W-2's on-line, a significant number of employees still insist upon delivery or mailing of these documents. Legal restrictions may present challenges in mandating electronic receipt of these documents.

Payroll Recommendations

1. Centralize Payroll Operations

   NSHE is continuing to investigate consolidation of payroll operations. No clear advantages were presented of the benefit of maintaining two separate payroll offices. Checks may be printed locally if an institution has the necessary equipment or batched for overnight shipping to the institution. The advantages of a single payroll operation likely include consistency of processing and reporting, and possible reduction or repurposing of personnel. Further study is required as to what, if any, additional costs for equipment and facilities may be required to achieve a consolidated office.

   As an alternative, the System may consider whether it could process payroll through a third party provider, recognizing that an external provider may not provide the same audit function and level of service currently performed by the payroll offices. In addition, there would be challenges in processing "on demand" checks.

2. Emphasize shift to electronic transactions

   a. Eliminate delivery of remittance advices and replace with mandatory self-serve option.
   b. Take further steps to encourage or require direct deposit.[5]
   c. Encourage use of self-serve for W-2's.
   d. Where feasible, develop electronic means to process transactions.

   Mandatory direct deposit will require a change in state law, see NRS 608.120, and a change in federal law, unless agreements are obtained to pay by direct deposit at the time of hire. However, encouraging direct deposit by, among other things, only making checks available on-site at a central campus location may reduce the number of paper payroll checks issued.[6] Failure to provide a paper copy of W-2's upon request may be contrary to federal law, but again, employees can be encouraged to obtain their W-2's through the self serve portal. Enhancements to

[5] As part of the Iowa Efficiency Report in 2009, the report estimated that the cost of issuing paper checks for those employees that did not sign up for direct deposit was $139 per employee, not including the cost of courier service to overnight the checks to the employees' location.
[6] UNLV/BCS indicates that its change to a central site location to pick up checks (instead of hand delivery) resulted in an increase in the use of direct deposit with over 75% of payroll processed by direct deposit in FY 2010 compared to about 55% in FY 2007.

the self serve portal design and content may be one way of encouraging these changes. Alternatives for payment such as debit cards for student and casual labor may be more attractive options for these categories of workers, although such programs may likewise face the same statutory/legal barriers as discussed in connection with direct deposit of checks.

3. Reduce the audit function performed by payroll

   NSHE could require the institutions to be responsible for the accuracy of inputting HRMS and other payroll data, thereby minimizing the payroll review. This could create additional risks of improper payment or withholdings.

Other more specific ideas for consideration in the Payroll area are found in Attachment 2.

Human Resources

Each of the institutions, UNSOM and the System Office have Human Resources Departments. In addition, in the area of classified employee matters, NSHE has three written delegation agreements with the Nevada Department of Personnel to perform classified employment functions, including Business Center North, Business Center South and CSN.

Human resource departments perform a variety of functions, including, among other duties, recruitment, hiring, training, compensation, benefits, grievances, discipline and other aspects of employee relations. The specific classified employee matters that have been delegated include recruitment, testing, training, classification, compensation, and record keeping.

In the case of professional personnel, most of the applicable employment policies are those established by the Board of Regents in the NSHE Code, Board Handbook and the NSHE Procedure & Guidelines Manual. Other policies may also be found in the each institution's bylaws and business procedures. There is some degree of discretion involved in interpreting the various laws and policies.

For classified employment, the employment rules and regulations are governed by state law and regulation, and are largely administered and interpreted by the Nevada Department of Personnel. There is little room for interpretation of these rules and regulations without consulting the Department of Personnel.

Human resource functions are often viewed as core institutional departments. In addition, certain human resource functions have significant "in person" requirements, particularly in the areas of recruitment, counseling and handling grievances/discipline. Consequently, it would be difficult to effectively centralize many of these human resource functions.

At the same time, much of the processing of human resource transactions is paper driven, with an extensive system of signature approvals for many transactions. NSHE uses the

HRMS software system for most employment related transactions. The HRMS system lacks a number of transaction and reporting tools, such as electronic workflow and signature capability, that could lead to greater efficiencies and less reliance on paper based transactions. NSHE will be limited in more efficiently processing transactions without changing to a more robust software system. In addition, many benefits transactions require interaction with the Public Employee Benefits Program and the Public Employee Retirement System. For example, PEBP continues to require submission of original forms for enrollment and any change in enrollment. Increases in efficiencies and reduction in paper driven processes in these areas will require cooperation of these state agencies.

Some initiatives have already been implemented by many institutions on a piecemeal basis to address the software system limitations. All institutions have some form of software to utilize for on-line recruiting. Some institutions have implemented or are reviewing implementation of electronic new hire "on-boarding" of employees. In addition, the System Office is pursuing a contract that will be available to all institutions for an electronic leave system as a temporary solution.

NSHE currently has three delegation agreements (BCN, BCS and CSN) with State Personnel by which various classified employee responsibilities are undertaken on behalf of the State, and NSC has requested a delegation agreement. Of these delegations, BCN provides a variety of classified employment and benefit functions for UNR, GBC, WNC, TMCC and the System Office. In the south, BCS provides some classified employment functions for NSC, in addition to UNLV. BCS also provides some benefit functions for NSC and CSN, in addition to UNLV.

The Business Center North/UNR Human Resources Office has 29.10 employees of which 7.70 FTE are professional employees and 21.40 FTE are classified employees. This is a reduction in staff from 2007 of 10.75 employees of which 6.75 FTE were professional employees (4.55 General Fund and 2.20 non-general fund) and 4.0 FTE were classified employees (2.0 General Fund and 2.0 non-general fund). This does not include nine human resources employees(2 professional and seven classified) for the School of Medicine. The current total annual budget as of 7/1/2010 for BCN/UNR human resources office (excluding the School of Medicine) is $1,152,000 in UNR General Fund; $829,000 in BCN General Fund; $261,000 in non state funds to support BCN human resources; and $233,000 in non state funds to support UNR human resources.

The Business Center South/UNLV Human Resources Office has 20 employees of which 11.0 FTE are professional employees and 9.0 are classified employees. This is a reduction in staff from 2007 of 5.0 employees of which 2.0 FTE were professional employees (General Fund) and 3.0 FTE were classified employees. The current total budget for BCS/UNLV human resources office for FY 2011 is $1,012,767 in UNLV General Fund, and $801,395 in the BCS General Fund.

The CSN Human Resources Office has 17.0 employees of which 7.0 FTE are professional employees and 10.00 FTE are classified employees. This is a reduction in

staff from 2007 of 3.0 employees of which 2.0 were professional employees and 1.0 was a classified employee. The current total budget for CSN human resources office for FY 2011 is $1,475,000.

See summary table below for business center operations.[7] As there are so many interrelated functions, a comparison chart of the human resources personnel at all NSHE institutions is referenced as Attachment 3. The Comparison Chart is based on Fall 2010 employee headcount data collected by the System Office and the Human Resource personnel identified are intended to reflect budgeted positions.

Human Resources Personnel – FY 2011

	BCN/UNR General Fund	BCN/UNR Other Fund	BCS/UNLV General Fund	BCS/UNLV Other Fund	CSN General Fund	CSN Other Fund	Total General Fund	Total Other Fund	Total FTE's
Professional	4.95	2.75	11.00	-	7.00	-	22.95	2.75	25.70
Classified	17.61	3.79	9.00	-	10.00	-	36.61	3.79	40.40
Total	**22.56**	**6.54**	**20.00**	**-**	**17.00**	**-**	**59.56**	**6.54**	**66.10**
Total All Funds	**29.10**		**20.00**		**17.00**		**66.10**		

Human Resources Personnel - Position Reductions 2007-2011

	BCN/UNR General Fund	BCN/UNR Other Fund	BCS/UNLV General Fund	BCS/UNLV Other Fund	CSN General Fund	CSN Other Fund	Total General Fund	Total Other Fund	Total FTE's
Professional	4.55	2.20	2.00	-	2.00	-	8.55	2.20	10.75
Classified	2.00	2.00	2.00	1.00	1.00	-	5.00	3.00	8.00
Total	**6.55**	**4.20**	**4.00**	**1.00**	**3.00**	**-**	**13.55**	**5.20**	**18.75**
Total All Funds	**10.75**		**5.00**		**3.00**		**18.75**		

Human Resources Recommendations

1. Create a Unified Single Delegation Agreement

To increase consistency and create a more unified approach to interacting with State Personnel, NSHE is developing a single delegation agreement with the State for classified employment matters. The delegation agreement will be under the overall auspices of the Chancellor's Office, with sub-delegation of duties to institutions and business centers.

[7] The BCN/UNR personnel numbers do not include nine human resources staff for the School of Medicine. In addition, these charts are merely the number of positions identified in a central human resources office and caution should be exercised in comparing only the number of human resources personnel. Any assessment of staffing needs would require a detailed comparison of functions performed within each human resources unit. For example, at some institutions, academic departments may perform certain human resources functions, while at other institutions these functions may be more centralized, thereby requiring more staff.

2. Consider Consolidation of Limited Human Resource Functions

Further consideration should be given to whether certain employment functions can be approached more efficiently and effectively through centralized administration. The functions for further review include the following areas:

a. Testing. Administer classified tests and scoring on at least a geographic basis with locations in the south and north.
b. Training. Develop and administer certain required classified and professional electronic training modules, and centrally create other training modules for use by the institutions.
c. Classification. Centralization of the classification function for classified employees should be further considered, which could improve consistency and create a stronger case for NSHE specific classifications.
d. Benefits. Benefit administration could be considered for centralization, in order to improve consistency and interact in a more unified way with PEBP, PERS and supplemental benefit vendors at a leadership level. NSHE should consider developing a position to provide leadership in this area, or assign responsibilities to existing employees. At the very least, certain types of benefit information should be centrally posted by NSHE for all employees with links to available on-line resources (PERS, PEBP, etc.). At the same time, consideration should be given as to whether business centers should continue to be involved in all benefit forms/transactions submitted to PEBP and supplemental benefit vendors.
e. Recruitment. While most recruitment functions appear best served at the institution level, certain aspects of classified recruitment could be more effectively performed at the NSHE/business center/institution level if NSHE received authority from the State to have more flexibility over the recruitment process.
f. Employee relations. Discipline functions are typically more effectively administered at the institution level. If NSHE received authority to develop its own classified employment discipline system, NSHE would have to examine carefully the most effective organizational structure for addressing these functions.. Some thought should be given to creating trained pools of investigators and hearing officers in each geographic area to assist in the handling of disciplinary matters for all institutions.
g. Compensation. Further consideration should be given as to whether institution staff, after approval to hire by the appropriate business center, should be authorized to complete creation of an employment record for a classified employee without mandatory review by business centers.

3. Reduce Redundancy Between Business Center Human Resource Functions and Institution HR Personnel

There remains some level of confusion (at least at the institution level) between the responsibilities of the business center and those of the institution human

resource personnel. In many situations, institution human resource personnel may work up the entirety of a classified employment transaction, such as a recruitment, new hire, classification or adjustment to pay, and then the entirety of the transaction may be reviewed again by the business center. Serious consideration should be given to whether many classified employment transactions should simply be administered at the institution level, with audit of a limited number of transactions. At the very least, there should be a clear understanding as to what matters are handled by institution personnel and which matters are handled by business center personnel.

4. Improve Efficiency in Transactions

A number of ideas should be pursued to reduce the number of personnel dedicated to processing transactions.

a. Eliminate Annual Contracts. Classified employees do not have contracts as employment is governed by state law and regulation. Student employees likewise do not have contracts. Classified employee and student employment compensation is established through a Payroll Action Form (PAF), which is merely an accounting/budget document with position and compensation. Employment of full-time and adjunct professional employees is largely governed by the NSHE Code and/or Board policy. Moreover, there is little significance to fiscal year contracts. Strong consideration should be given to eliminating professional contracts, or having professional employees sign one contract upon hire, with all renewals or changes (e.g. title, duties, and compensation) handled by letter (electronic) renewal. Further consideration should be given as to whether adjunct faculty employment can be processed without any contract at all. If the requirement of annual and adjunct contracts was eliminated, there would be a significant reduction in employee time devoted to processing employment contracts.

b. Review signature/approval requirements. Human resource documents should be reviewed as to whether signature is required, and the levels of approval that are required. Consideration should be given to eliminating signature requirements and reducing the levels of approval where appropriate.

c. Leave and Time/Attendance Software. The leave approval and accounting process is time consuming. DRI, TMCC and UNLV have developed electronic leave programs that extend to some employee/departments. The System Office and UNLV are planning to pilot an inexpensive leave and time and attendance module that may serve as a bridge until an integrated software program is implemented that will interface with payroll.

Other more specific ideas for consideration in the Human Resources area are identified in Attachment 4.

Purchasing

NSHE purchasing is a function of the exercise of contract authority, which has been delegated to the Chancellor by the Board of Regents. The Chancellor has, in turn, delegated a level of contracting authority to the presidents. The Board has adopted certain broad purchasing policies, but the most detailed requirements are found in the NSHE Procedures and Guidelines under the authority of the Chancellor. In addition, institutions and business centers may have adopted more specific purchasing policies and procedures.

NSHE purchasing is largely decentralized. Many individuals/departments have authority to make purchases with use of a purchasing card (typically up to $2000 per transaction) and subject to any monthly account expenditure limits. In addition, departments/units largely make their own purchasing decisions under $50,000, which is the threshold at which a formal bid process is required unless a competitive exception is granted. For amounts over $25,000, two informal quotations are required. For amounts above $10,000 and below $25,000, one informal quotation is required.[8]

The use of purchasing cards is critical to efficient purchasing, but such use also creates challenges for effective implementation of other objectives, such as strategic purchasing, supply chain inclusion and local purchasing programs.[9] In addition, there is a challenge in integrating p-card purchasing into strategic purchasing objectives because purchasing card programs are administered by the controller's office, not the purchasing department, at every institution except UNLV. CSN is still in the process of implementing a purchasing card program.

There are three purchasing centers within NSHE: BCN, BCS and CSN. The purchasing centers interact with departments/institutions in several primary ways. For all transactions in which a purchasing card is not used, each department/institution generates a purchase requisition which the business center processes and then issues a purchase order.[10] The purchasing center does not handle the payables/billing function, which function typically remains in the controller's office. For purchases over $50,000 (or construction projects over $100,000), the purchasing center is responsible for administering the formal bid procurement process, or reviewing any requests for competitive exception. In some areas, the purchasing center may have adopted a large scale contract that requires (or at least encourages) departments to make purchases under that contract. For example, UNLV has a contract with OfficeMax for office supplies, and the departments may save money if

[8] There are some differences in the bid thresholds at the institutions depending on the type of contract. Construction projects of $100,000 or more require a formal bid, projects between $25,000 and $100,000 require three informal quotations.

[9] An audit by the State of Nevada's internal auditors of the State Purchasing Division estimated "freed-up" administrative time of $380,000 if all state agencies fully utilized a purchasing card. This estimate was based on the State of Michigan's estimate of a cost of $7 more per transaction for non p-card transactions.

[10] For smaller purchases that are not purchased through p-card, the transaction may be processed as a payment request without the need for a formal purchase order.

they routinely make office purchases under that contract.[11] Likewise, BCN/UNR has contracts with companies for office supplies, lab supplies, computer equipment, phone services and the like that provide for savings. In addition, each of the business centers frequently joinder onto other state and local government contracts, as well as national or regional consortium agreements. The Business Center North purchasing department has ten employees including one professional position and nine classified positions; of the ten positions, 7.56 are funded with general fund dollars at BCN and 2.44 positions are funded with "soft" dollars (1.44 at UNR and 1.0 at BCN). Compared to FY 2007, this is a reduction of two general fund supported FTE. Business Center North processed 5,294 purchase orders with a dollar volume of $123,894,713[12] (average of $23,403 per purchase order) and awarded 70 bids with a dollar volume of $14,932,157 (average of $213,317 per bid awarded) in FY 2010. The current annual budget for the BCN/UNR Purchasing Department as of 7/1/2010 is $728,212 in state funds, $145,000 in UNR/DRI funds ($29,409 from DRI) and $71,000 in non state funds.

The Business Center South purchasing department has sixteen employees including seven professional positions and nine classified positions; of the sixteen positions, 12.53 are funded with general fund dollars and 3.47 are funded with "soft" dollars (UNLV). Compared to FY 2007, this is a reduction of four general fund supported FTE (2.0 FTE each at BCS and UNLV). Business Center South processed 3,943 purchase orders with a dollar value of $54,381,714 (average of $13,792 per purchase order), and awarded 36bids/rfps with a dollar volume of $40,539,546 (average of $1,126,098per bid/rfp). The current FY 2011 budget for the BCS/UNLV Purchasing Department is $918,271 in UNLV General Fund, $185,885 in the BCS General Fund and $190,247 in non-state funds. In addition, UNLV also is responsible for administration of the P-Card at UNLV (at other institutions the Controller's Office has this responsibility). The dollar volume of P-Card transactions processed through the Purchasing Department was $14,661,000 in FY 2010. UNLV's purchasing department is also responsible for the administration of a fully automated requisitioning application, MUNIS.

The CSN purchasing department has five employees including one professional position and four classified positions (all positions are supported with general fund dollars). Compared to FY 2007, this is a reduction of two general fund supported FTE. CSN processed 4,097purchase orders in FY 2010 (average of $9,843per purchase order) and also awarded nine bids in FY 2010 (average of $156,420 per bid). CSN is still in the process of implementing a purchasing card program. The current FY 2011 budget for the CSN Purchasing Department is $423,000.[13]

A comparison chart of the purchasing centers is below.

[11] State Purchasing also develops statewide contracts for various commodities, such as office supplies. While NSHE may buy from such contracts, this is an example of the type of contract that may benefit from a multi-jurisdictional type of state contract during the bid phase.

[12] The annual dollar volume of purchase orders has limited utility as this number may vary significantly from year to year depending on the number of large construction contracts or multi-year contracts.

[13] CSN's average dollar amount per purchase order is lower as Limited Purchase Orders are still used for some purchases as the purchasing card program is still being implemented.

Purchasing Personnel - FY 2011

	BCN/UNR General Fund	BCN/UNR Other Fund	BCS/UNLV General Fund	BCS/UNLV Other Fund	CSN General Fund	CSN Other Fund	Total General Fund	Total Other Fund	Total FTE's
Professional	1.00	-	6.00	1.00	1.00	-	8.00	1.00	9.00
Classified	6.56	2.44	6.53	2.47	4.00	-	17.09	4.91	22.00
Total	7.56	2.44	12.53	3.47	5.00	-	25.09	5.91	31.00
Total All Funds	10.00		16.00		5.00		31.00		

Purchasing Personnel - Position Reductions 2007-2011

	BCN/UNR General Fund	BCN/UNR Other Fund	BCS/UNLV General Fund	BCS/UNLV Other Fund	CSN General Fund	CSN Other Fund	Total General Fund	Total Other Fund	Total FTE's
Professional	(1.00)	-	(2.00)	-	(1.00)	-	(4.00)	-	(4.00)
Classified	(1.00)	-	(2.00)	-	(1.00)	-	(4.00)	-	(4.00)
Total	(2.00)	-	(4.00)	-	(2.00)	-	(8.00)	-	(8.00)
Total All Funds	(2.00)		(4.00)		(2.00)		(8.00)		

In addition to the purchasing centers, each institution typically has business office staff that assist with and review purchase requisitions prior to submission to the purchasing center for issuance of a purchasing order.

The interaction between business centers and the institutions they serve is generally good, but it appears that limited focus has been given to working with each institution to identify contracts that may reduce costs. There is no formal interaction among the NSHE purchasing centers (although interaction has greatly increased based in part on the supply chain inclusion program and this efficiency and effectiveness initiative), nor is there formal interaction with the State Purchasing Division on strategic purchasing/planning. The business centers do informally consult each other on existing contracts, and can also consider existing state and local governmental contracts to "buy off" those contracts if favorable pricing has been obtained. However, there are currently no system-wide purchasing contracts in place except in the area of software and supplemental benefits. Recently a system-wide software task force has developed, and library personnel are talking regularly about ways to more effectively purchase library resources that may be used system-wide. These are positive developments. In addition, purchasing units and institutions can consistently look to purchase from other applicable national, state and local contracts to reduce staff time devoted to new RFP's and preparation and negotiation of contracts.

Significant components of the procurement process are paper based, although BCS has been implementing pieces of an electronic procurement system through a Munis software system. For other business centers, they must rely on the Advantage software that is currently in use for NSHE financial accounts. The Advantage software is very limited in capability and reporting tools, and is not truly designed to function as purchasing software. BCS has implemented some portions of a software system that helps manage contracts called Munis, but there is no complete electronic procurement system in place anywhere in NSHE. This means that the registration of vendors, administration of bids and contracts, reviewing p-card statements, and processing purchase requisitions and

purchase orders are all largely paper based processes. There is no centralized electronic database of vendors, although UNLV is working on a solution. There is no electronic payables system in place, although UNLV is close to developing a solution that seeks to use the Munis software in combination with the Advantage software to initiate electronic payments.

Purchasing Recommendations

1. Consider consolidating bid procurement

Administration of bids is a specialized activity and in many cases requires a significant level of expertise for certain types of bids (e.g. construction bids, technology contracts). Further consideration should be given as to whether the system and its institutions may become more efficient and effective by centralizing bid procurements and development of other large scale contracts that would also benefit from system-wide strategic purchasing initiatives.

As an alternative, NSHE could develop policies designed to require collaboration between business centers and other state and local entities, initiate more system-wide planning and interaction for large scale purchasing, and adopt strategic purchasing initiatives applicable to each business center/institution to more closely manage departmental/unit spending.

2. Consider decentralizing issuance of purchase orders

It appears that most purchase requisitions have already gone through business office/controller review at the institution level, and the business center functions as essentially an audit to issue the purchase order. Consideration should be given as to whether purchase orders should continue to be the form of purchasing authorization, and if so, whether non business center institutions should be given the authority to issue their own purchase orders for transactions under the bid requirement level (currently $50,000). Any such authority could come with an overlay that addresses strategic purchasing initiatives. In addition, consideration would have to be given about other responsibilities that would flow from such a policy change, such as terms of the contract, obtaining business license and insurance information, and the like.

3. Improve efficiency and effectiveness of transactions

NSHE critically needs a more robust financial system. UNLV is developing an interface to accomplish electronic payables through ACH transactions and UNR is working on an e-payables project to interface with the banking contract, but this is only a part of a complete financial system that would allow for e-procurement, consistency in data, ease in issuing financial reports, e-payables, and a host of other business related functions.

4. Look to external sources to improve efficiencies

A number of possible alternatives exist that could save money, including:

a. Converting fixed price maintenance contracts to time and materials contracts, typically with the same vendor or an equivalent vendor, with responsibility for management of the program shifting to an outside vendor. The State has a contract with The Remi Group to offer 26% reduction in equipment maintenance costs based on such a program. NSHE is currently exploring where that contract may be effectively implemented.[14]

b. Hire outside consultants to examine spending stream and identify savings.[15]

c. Hire cost auditors on a contingency basis to identify overcharging on contracts.[16]

d. Review and implement where feasible recommendations of outside consultants. The initial report of Akers & Associates pertaining to measures that may be considered is included as Attachment 5.

5. Emphasize strategic sourcing[17]

[14] The State of Indiana and the University of New Mexico are examples of other entities that have entered into a similar contract with The Remi Group. Initial reviews of such programs are positive. In addition, The Remi Group has a contract with the federal government. BCN has already initiated the program and has identified initial savings, largely in lab equipment maintenance. UNLV is still investigating where the program may be effective.

[15] The purpose of a spend analysis system is to extract, cleanse, classify, enrich and integrate different data from existing systems in order to pursue strategic procurement opportunities and targeted savings in key commodity and service areas. One of six "Drive to Excellence" initiatives launched by Minnesota's Governor Tim Pawlenty in April, 2005, included the Sourcing Initiative which called for a new organizational approach to gain leverage for all the state's purchases. Since then, the project has reduced costs of goods and services by over $250 million. The State of Minnesota contracted with TruSource (TrueSource has since been acquired by Procuri.) Again, absent a robust financial system, effective implementation of these types of measures within NSHE may be difficult. There would also likely be upfront costs for consultant services unless contingent fee options are available.

[16] State Division of Purchasing contracted with Chartwell Advisory Group to audit office supply contracts as entered into by the State of Nevada (effective March 1, 2010 through February 28, 2012). The purpose was to audit payments made by the State to determine discrepancies in paid amounts versus the contracted amounts. This is a revenue contract which did not require the Board of Examiners approval and was exempt from competitive bidding since it was for professional services (NAC 333.150). The net recovered amount (after the 35% recovery fee assessed by Chartwell as of January 21, 2011) for 2 of the 3 vendors is $227,140. The third vendor is currently still in review. The benefit realized from this type of contract is maximized to the extent NSHE has system-wide contracts for commodities such as office supplies.

[17] It will be difficult to quantify projected savings from such initiatives. In several high profile (and expensive) efficiency and effectiveness reviews that have been conducted elsewhere (e.g. University of

a. Increase strategic planning among business centers and with state/local purchasing agents to develop system-wide contracts on common purchases (e.g. office supplies, computers, furniture, telecommunications, lab supplies and equipment).
b. Draft and negotiate contracts that permit other institutions to later buy off the contracts at reduced price points for volume.
c. Pre-approve services consultants at negotiated rates.
d. Although BCN and BCS already post contracts and opportunities on web sites, NSHE should consider developing a web portal to advertise business contracts system-wide to increase end purchaser knowledge of suppliers under contract, and enhance local and MWDBE spending.
e. Link to applicable State of Nevada contracts and contracts of other governmental purchasing entities.
f. Create incentives to purchasing off of system-wide contracts (or disincentives for purchasing off contract).
g. Consider ways in which P-Card use can be increased, but tailored to require or limit purchases to take advantage of negotiated contracts (e.g. office supplies). One way would be to increase individual transaction limits to $5,000.
h. Consider policies that require more standardization in purchasing (e.g. computers, telecommunications, certain software, etc.).
i. Develop contract negotiators and procurement specialists in key areas as a system-wide resource.
j. Develop policies to address strategic purchasing policies to address aggregate spend issues (small purchases that do not individually meet bid thresholds but cumulatively constitute significant expenditures).

6. Invest portion of contract savings in strategic sourcing initiatives, recognizing that any such investment would have to look carefully at the return on investment given that it is likely that any expenditure reductions will primarily be utilized to support academic programs.

When funds are available, NSHE would be well served to dedicate more resources to contract management, negotiation and strategic sourcing, resources that may provide a significant return on investment.

Other more specific ideas for consideration in the Purchasing area are identified in Attachment 6.

California, University of North Carolina) estimates have projected, upon full implementation of such initiatives, ongoing savings of approximately 10% from total commodity and services spending (but excluding utilities, leases, travel and employee reimbursements). NSHE would likely need to hire outside expertise to evaluate our spending in order to develop confidence in savings projections. In addition, NSHE may be wise to be more conservative in its estimates, particularly given the lack of a robust e-procurement and financial system. In addition, institutions have already taken, in some form, many of these steps to reduce commodity and services contracts. For example, UNLV has identified several hundred thousand dollars in savings through various changes in purchasing contracts over the last biennium, which would mean that further savings in those particular areas is unlikely.

Administrative Structure

NSHE typically has very low administrative costs in terms of comparing the percentage of resources devoted to non-instructional areas. See Attachment 7. Further analysis of the levels of administration and supervisor/employee/student ratios could be examined in later phases of review.

Other Areas Identified to Improve Efficiencies

A number of areas were identified that could improve efficiencies in a variety of areas, including:

1. Electronic signatures. Develop and emphasize use of electronic signatures. Full adoption of these strategies may require legislative action.
2. Many documents are still hand-delivered. Prior to implementation of electronic processes, scanned documents should be acceptable to conduct most business operations.
3. Review administrative approval levels. All institutions should examine what approvals are required, whether signature is required, and clarification of the acceptability of faxed/scanned documents in lieu of original.
4. Internal Audit. The Board should consider working with internal audit to include materiality as factor in audit findings and should also consider cost/risk as a significant factor in making recommendations. The Board should consider whether audits should be more operational and less compliance driven.
5. Reporting. Evaluation of what reports are truly necessary, although creation of a centralized data warehouse may obviate the need for each institution to run its own reports.

Other more specific ideas for consideration are identified in Attachment 8. In addition, the outside consultants, Hobbs Ong and Applied Analysis, have also identified a number of additional areas for review and consideration in their initial review of the recommendations. See Attachment 9.

Specific Initiatives Requiring Legislative Action

1. In general, restructuring of business operations will require flexibility in the budget authorization bill to move funds and retain/allocate savings between institutions.
2. Mandatory direct deposit will require a change in state law. See NRS 608.120.
3. Statutory change to permit bid of architectural services.
4. Elimination of certain reports will require consultation with the legislature.
5. Exemptions of projects from Public Works Board management.
6. Clarification or elimination of any state approval of use of electronic signatures.
7. Changing performance bond requirements may require revising/amending NRS 339.025 for Public Works projects. It appears to be permissive at the discretion of the State Purchasing Administrator under NRS 333.360.

Request for Board Approval of the Following Immediate Recommendations

The Chancellor requests Board approval of the following initial steps:

1. Approval to further investigate consolidation of payroll operations, and if feasible, bring forward a specific proposal to the Board of Regents in June.
2. Approval to seek legislative authorization to reallocate budgeted funds between functions and institutions pertaining to the business operations under review.
3. Direction to develop policies to be presented to the Board to eliminate annual contracts effective FY 2012 for professional faculty, including adjunct faculty.
    a. Option A – No contracts
    b. Option B – One time contract upon initial hire
4. Direction to the Chancellor to develop strategic purchasing policies to optimize leverage of system's purchasing dollars.
5. Direction to the Chancellor to develop a single classified delegation agreement with the State.
6. Direction to the Chancellor to further study and bring forward to the Board a specific proposal to centralize bid procurement, decentralize purchase orders, and further enhance effective use of p-cards.
7. Direction to develop policies to encourage electronic transactions including electronic signature.
8. Direction to the Chancellor as to what, if any, legislative measures to pursue.
9. Direction to the Chancellor to further investigate and provide recommendations on changes to the structure of NSHE human resources operations.
10. Direction to continue investigation of efficiency measures based on the priorities indicated by the Board.

Concerns with Recommendations

While all institutions are supportive of some of the recommendations and many support all of the primary recommendations, significant concerns were expressed by some institutional personnel about any structural/reorganization changes. The primary concerns include the following:

1. Concern that the relatively small budgets at issue are not significant given the magnitude of proposed budget cuts and that System/Institutional personnel time could be better invested focusing on other areas;
2. Disagreement with certain criticisms of the current structure of business operations;
3. Lack of data to demonstrate cost savings and lack of specific proposals from which to develop cost data;
4. Lack of comparative data measuring NSHE business operations against other higher education or public agency business operations and recognizing that NSHE administrative staffing cost may already be below average;
5. Concern that System may have to add staffing to accomplish recommendations;

6. Concern whether any kind of dual reporting to System and an institution is workable;
7. Concern that most recommendations cannot be achieved without implementation of new finance and human resource ERP systems, concern about the timing of any such implementation in the immediate future, and concern over implementation costs (including campus costs); and
8. Skepticism about whether any savings can be realized from structural changes or strategic sourcing, and objection to directing any savings toward strategic sourcing/technology initiatives given the significant budget reductions proposed by the Governor.

List of Attachments

1. NSHE Efficiency Report to Legislature
2. Other Payroll Ideas
3. System-Wide HR Report
4. Other Human Resources Ideas
5. Akers Outside Consultant Initial Report
6. Other Purchasing Ideas
7. Chancellor's Administrative Costs Report
8. Other Ideas
9. Hobbs Ong/Applied Analysis Outside Consultant Initial Report

Other Payroll Ideas

1. Have SCS develop the time summary reports in excel format on Xnet (the reports are currently available in PDF format).
2. Allow NSHE institutions to transmit electronic files to Payroll via email to reduce delays and "transactions lost in transit" this would not only include hourly time transactions but also copies of documents for exception based transactions.
3. Allow NSHE institutions to upload payroll batch files for review by Payroll.
4. Institute an electronic Time and Attendance System with the capability to interface with HRMS either real time or via batch upload. Departments are already able to do this at some institutions.
5. Pay casual labor and students through debit cards.

NSHE Employee Report - Fall 2010	UNLV	UNR	NSC	CSN	GBC	TMCC	WNC	DRI	SYS ADMIN	Total
A contracts										
Full-time	1138	1109	56	221	58	119	62	180	133	3076
Part-time	32	0	0	0	0	0	3	14		49
B contracts (incl B+ contracts)										
Full-time	715	542	39	509	68	162	64	0		2099
Part-time	10	0	0	0	0	0	4	0		14
Post/Doc Scholars										
Full-time	36	68	0	0	0	0	0	12		116
Part-time	0	11	0	0	0	0	0	0		
Medical/Dental Residents	0	262	0	0	0	0	0	0		262
Letters of Appointment with Benefits										
Full-time	0	91	13	68	0	0	1	0		173
Part-time	154	5	5	0	0	0	4	0		168
Letters of Appointment										
Full-time	0	8	0	0	0	25	0	1	10	34
Part-time	656	611	75	1023	265	488	419	1		3548
Classified										
Full-time	1008	1129	35	420	79	144	75	0	58	2948
Part-time	47	120	0	16	4	2	13	0		202
Temporary Classified/Casual Labor										
Full-time	0	12	0	0	4	0	0	0	1	17
Part-time	798	529	16	143	0	4	5	166		1661
Technical (DRI only)										
Full-time	0	0	0	0	0	0	0	75		75
Part-time	0	0	0	0	0	0	0	0		
Graduate/Research Assistants	927	976	0	0	0	0	0	50		1953
Student workers	1234	1462	31	388	37	67	132	0	13	3364

Notes
Full-time employees include all those with FTE of .5 or above.

The following tabs are based on the data reported by the NSHE institutions to the System Office in the fall of 2010

NSHE HR Report - Fall 2010	UNLV	UNR	NSC	CSN	GBC	TMCC	WNC	DRI	SYS ADMIN	Total
A-Contracts (FT)	1138	1109	56	221	58	119	62	180	133	3076
A-Contracts (PT)	32	0	0	0	0	0	3	14	0	49
B-Contracts (FT)	715	542	39	509	68	162	64	0	0	2099
B-Contracts (PT)	10	0	0	0	0	0	4	0	0	14
Post Docs (FT)	36	68	0	0	0	0	0	12	0	116
Post Docs (PT)	0	11	0	0	0	0	0	0	0	11
Medical/Dental Residents	0	262	0	0	0	0	0	0	0	262
LOB (FT)	0	91	13	68	0	0	1	0	0	173
LOB (PT)	154	5	5	0	0	0	4	0	0	168
LOA (FT)	0	8	0	0	0	25	0	1	0	34
LOA (PT)	656	611	75	1023	265	488	419	1	10	3548
Classified (FT)	1008	1129	35	420	79	144	75	0	58	2948
Classified (PT)	47	120	0	16	4	2	13	0	0	202
Temp/Casual Labor (FT)	0	12	0	0	4	4	0	0	0	17
Temp/Casual Labor (PT)	798	529	16	143	0	0	5	166	1	1661
Technical-DRI (FT)	0	0	0	0	0	0	0	75	0	75
Graduate/Research Assistants	927	976	0	0	0	0	0	50	0	1953
Student workers	1234	1462	31	388	37	67	132	0	13	3364
Total	**6755**	**6935**	**270**	**2788**	**515**	**1011**	**782**	**499**	**215**	**19770**

Notes

Full-time employees include all those with FTE of .5 or above.

Human Resources	UNLV	UNR	NSC	CSN	GBC	TMCC	WNC	DRI	NSHE-SA	Total
Total Employees Served by HR	6755[a]	6935[b]	270	2788	515	1011	782	499	215	19,770
Number of HR Positions	20[c]	38[d]	4	17	4	6	5	4	2	100

a. Does not include benefit eligible employees served at CSN and NSC, and does not include classified employees served at NSC

b. Includes UNSOM employees; does not include classified and benefit eligible employees at TMCC, GBC, WNC, DRI who may receive some BCN services

c. Of the 20 positions; 9 positions are funded by BCS

d. Of the 38 positions 9.96 positions are funded by BCN; and 9 are located in UNSOM HR;

*BCN-HR	UNR	GBC	TMCC	WNC	DRI	SYS ADMIN	Total
Classified (FT)	1129	79	144	75	0	58	1485
Classified (PT)	120	4	2	13	0	0	139
Temp/Casual Labor (FT)	12	4	4	0	0	0	20
Temp/Casual Labor (PT)	529	0	0	5	0	1	535
Total Employees Served	1790	87	150	93	0	59	2179
% of employees served by campus	82%	4%	7%	4%	0	3%	100%

*BCN-HR primarily assists the campuses with the recruitment, records, and employee relations functions

BCS-HR	UNLV	NSC	Total
A-Contracts (FT)	1138	0	1138
A-Contracts (PT)	32	0	32
B-Contracts (FT)	715	0	715
B-Contracts (PT)	10	0	10
Post Docs	36	0	36
LOB (PT)	154	0	154
LOA (PT)	656	0	656
Classified (FT)	1008	*35	1043
Classified (PT)	47	0	47
Temp/Casual Labor (FT)	0	0	0
Temp/Casual Labor (PT)	798	0	798
Technical-DRI (FT)	0	0	0
Graduate/Research Assistants	927	0	927
Student workers	1234	0	1234
	6755	35	6790
	99.5%	0.5%	100%

*BCS Assists CSN and NSC On Benefits, and NSC On Classified Recruitments

BCN Benefits	UNR	GBC	TMCC	WNC	DRI	SYS ADMIN	Total
A-Contracts (FT)	1109	58	119	62	180	133	1661
A-Contracts (PT)	0	0	0	3	14	0	17
B-Contracts (FT)	542	68	162	64	0	0	836
B-Contracts (PT)	0	0	0	4	0	0	4
Post Docs (FT)	68	0	0	0	12	0	80
Post Docs (PT)	11	0	0	0	0	0	11
Medical/Dental Residents	262	0	0	0	0	0	262
LOB (FT)	91	0	0	1	0	0	92
LOB (PT)	5	0	0	4	0	0	9
Classified (FT)	1129	79	144	75	0	58	1485
Technical-DRI (FT)	0	0	0	0	75	0	75
	3217	205	425	213	281	191	4532

BCS Benefits	UNLV	NSC	CSN	Total
A-Contracts (FT)	1138	56	221	1415
A-Contracts (PT)	32	0	0	32
B-Contracts (FT)	715	39	509	1263
B-Contracts (PT)	10	0	0	10
Post Docs	36	0	0	36
LOB (FT)	0	13	68	81
LOB (PT)	154	5	0	159
Classified (FT)	1008	35	420	1463
	3093	148	1218	4459

Other Human Resources Ideas

1. Online benefits enrollment.
2. Data Warehousing for all institutions – NSC and other smaller entities with NSHE do not have the resources to create and support this function.
3. NSHE licensing for CUPAHR (College and University Professional Association for Human Resources) Data on Demand – this may be more cost effective than individual institutions purchasing.
4. NSHE Purchasing contract for recruitment advertising – leverage system-wide needs for local and national advertising; e.g., Las Vegas Review Journal, The Chronicle of Higher Ed, and improve outreach under affirmative action/equal opportunity programs.
5. Scanning and imaging employee records. Reduce the need for paper retention of and transmittal of records.
6. System-wide training initiatives – Consolidate purchasing power to offer training on campus; e.g., Investigations training, managerial training, etc.
7. Provide smaller institutions and System Office with the option to centralize the EEO function to ensure investigations are completed in a consistent manner and to ensure the development of consistent affirmative action plans.
8. Centralize NRAT (Non-Resident Alien Tax) to provide one source of expert advice and common purchase of associated Winstar software. If this idea is pursued, we will have to address issues associated with the importance of on-site review of legal documentation and in-person counseling.
9. Equity/compensation of staff should be centralized to ensure consistency between institutions (cited examples of institutions recruiting away staff of other institutions for similar jobs at a higher compensation).
10. New employee orientation via the web.
11. Establish a position in the System office to work on PERS/PEBP issues; Benefit Director/Coordinator.
12. Develop better website links between employees and benefit vendors (RPA, Short term disability, Life).
13. Develop on-line training programs, such sexual harassment training.
14. Evaluations. Consider significant changes in employee evaluations to stream-line the way evaluations are conducted and to eliminate the requirement of annual professional evaluations, and/or change the format of evaluations to provide more effective and timely feedback.
15. Consider the value of continuing to establish salary schedules.
16. Standardize more business practices based on "best practices."
17. Develop category for non classified employees that work in soft funded positions.

Per review of existing NSHE procurement policies, procedures, and automated systems, the following "preliminary" recommendations are proposed:

Item No.	Recommendation	Benefit/Savings
1.	Re-register non-MUNIS vendors/suppliers	Eliminate duplicate maintenance of vendor tables through out the system.
2.	Allow other business units to use on-line registration system.	Capture consistent data.
3.	Review products/services for possible outsourcing opportunities.	Printing, travel, contract labor, and project management internal staff resources can be reduced or re-assigned.
4.	Set-up web-based contract listing by government entity.	Use joiner clause to save on bidding costs. May lead to volume discounts.
5.	Create preferred vendor catalog list on-line	Can reduce supplier sourcing costs and support negotiated prices in-advance.
6.	Implement supply chain inclusion sourcing on-line tools.	Can reduce overall diversity initiative expenses by using pre-developed state-wide tools.
7.	Develop centralized commodity coding system by using "key descriptor" field. Business units would not be able to modify.	Can assist with management reporting and sourcing/bidding.
8.	Review and evaluate the optimum number of suppliers to have under system-wide contracts.	Will reduce overall costs to maintained supplier relations by consolidating large spend items with

Item No.	Recommendation	Benefit/Savings
		fewer vendors.
9.	Require larger suppliers to implement "supply chain inclusion" programs. This 2nd Tier contracting can support our local small businesses.	Ensure that local small businesses are not locked out of the strategic purchasing initiatives implemented.
10.	Further review and analyze how streamlining the "formal" procurement function into one Purchasing Profit Center can reduce costs or improve operations. Each business would be charged for the services provided.	Can reduce the number of purchasing centers by one or two.
11.	Appoint an Advisory Group from the private sector. The business leaders would oversee the implementation process of the initiatives approved.	Ensure the strategy is implemented effectively.

Other Purchasing Ideas

1. Establish a central committee/group to determine which software should be utilized by NSHE. Also, establish a process where software that is developed at one institution is utilized to address similar work at other institutions. Have software used by institutions licensed and maintained centrally.
2. Use open source when feasible.
3. Streamline "sole-source" policies.
4. Increase the purchasing limits in the two main purchasing areas in order to help limit staff requirements.
    a. Commodities/Non-Construction
        i. Currently NSHE requires:
            1. $25,000 to $50,000 (2 informal written quotes)
            2. Over $50,000 (formal sealed bids)
        ii. Suggested changes to:
            1. $25,000 to $100,000 (3 informal written quotes)
            2. Over $100,000 (formal sealed bids)
    b. Construction Work
        i. Currently NSHE requires:
            1. $25,000 to $100,000 (3 informal written quotes)
            2. Over $100,000 (formal sealed bids)
        ii. Suggested changes to:
            1. $75,000 to $150,000 (3 informal written quotes)
            2. Over $150,000 (formal sealed bids). Note: This may require a change in NRS 338 regarding bid of public works.
5. Increase purchase amount requiring issuance of a purchase order from $2,000 to $5,000 (and correspondingly increase p-card transaction limit to $5,000) , particularly if purchasing card programs can be expanded to process these smaller dollar transactions. This could create additional risk exposure for improper financial transactions.
6. Develop system-wide purchase of anti-virus software and centralized team to apply patches.
7. Develop a consulting pool available statewide.
8. Statutory change to permit bid of architectural services.
9. Review competitive exception policies.
10. Consider adding responsibilities to business center operations. If the business center operations continue in the current form, consideration should be given as to whether those operations should have added responsibilities. For example, the current system makes the purchasing center responsible to issue purchase orders, but the institution is responsible for handling payables. Consideration should be given to whether the business center should centrally handle more business office functions.
11. Standardize more business practices based on "best practices."
12. Seek "Most Favored Nations" clauses in contracts.

13. Legal departments of institutions should work together to standardize certain contract language such as athletic coach contracts, and develop more specific expertise such as in tax and research compliance.

There has been a lot of discussion lately regarding higher education staffing and administration across the country. Sometimes the discussion has been productive but most often it has been the victim of incomplete analysis or misleading statistical manipulation. Such is the case with the recent "report" prepared by the Goldwater Institute and referenced by the Nevada Policy Research Institute (NPRI) that I am sure you all recently received and which was used to accuse our two State Universities of administrative bloat. While the report NPRI cited did in fact deal with that exact subject, the actual hard data in the report did not condemn Nevada higher education as was intimated. It is noteworthy when an independent third party uses empirical data that shines a favorable light on the Nevada System of Higher Education, and it is particularly significant when that same third party does so while attempting to make a very critical case against staffing and administration levels in U.S. higher education.

You have undoubtedly heard me say, probably many times, that the Nevada System of Higher Education is a lean organization and wondered how we actually rank nationally. The data in the Goldwater report, which are directly from the US Department of Education, speak for themselves.

If you have not yet seen the report, it is at (http://www.goldwaterinstitute.org/article/4941). While there are many innuendos and false conclusions in the narrative, the substance of the report is located in the appendices. I would call your attention to one in particular, and reiterate that it is directly from the Goldwater study:

2007 Full Time Employees Per 100 Students (Table A5 pages 7 of 8 and 8 of 8)

Employees/ 100 Students	Total Employees	Admin. Employees	Instruction/ Research/ Service Employees	Clerical Employees	Other Employees
UNR	17.0	4.2	5.6	2.9	4.4
UNLV	11.7	3.8	3.4	1.7	2.8
National Average	24.3	9.4	7.0	3.4	4.4
UNR as a % of National Avg.	70%	45%	80%	85%	100%
UNLV as a % of National Avg.	48%	40%	49%	50%	64%

In every category Nevada's Universities fall below – often well below – the national average for staffing to student ratios. The data for both universities, and UNLV in particular, undeniably show we are running our institutions with fewer employees. In fact, from that same table, UNR ranks the 28th leanest and UNLV the 19th leanest of the 198 institutions studied. But is this a necessarily good thing? Is it good to have fewer employees involved in instruction and research, for example? Is it good to have fewer employees in place to serve students in all the ways that contribute to higher success rates?

This conversation began with the issue of 'administrative bloat' and the Goldwater Institute's assertion that public subsidies to higher education, both state and federal, have enabled huge increases in administrative services that do not serve the students well. This is an impossible assertion to support in Nevada. Additionally, even though our Nevada numbers fall well below national averages in the administrative ratio above, I want to take exception to the report definitions which are constructed to report "administration" as high as possible. In the Goldwater study, 'Admin' includes such things as academic advisors, student counselors, and reference librarians. While I philosophically disagree that these are 'administration,' regardless of what you call them, they are, in today's world, essential to student success. We are significantly lagging in student support personnel. I am able to report that prior to recent budget cuts Nevada universities had, over the course of many years, slowly been closing this gap on necessary student support personnel crucial to student success although I am not optimistic that any progress will be made in this area in the near future. While the Goldwater and NPRI analysis condemned UNR and UNLV for incremental progress in this area, increasing the availability of these professionals to our students is not 'administrative bloat' – this is giving our students the resources they need to succeed.

Let me bring one final point to your attention. The data set that the Goldwater study uses is for fiscal year 2006-07. This was a special year for us in that it was the last fully funded year before the State of Nevada began budget cuts. Since then the NSHE and all State agencies have undergone a series of debilitating cuts that have changed the picture drastically. I am sure that updated data would undoubtedly show an even bleaker picture for NSHE as we have consistently made every effort to protect the instruction function – at the expense of other areas including student support.

Do not take this letter as saying that our ratios and operations can't be improved. The Board of Regents has mandated a comprehensive Efficiency and Effectiveness initiative, the purpose of which is to find places where we can save costs in our support services and reallocate those resources to the students – both in the classroom and in support areas.

I again reaffirm my commitment to you that not only is the Nevada System of Higher Education a lean organization, but that we are fully committed to spending our scarce resources in ways that achieve the maximum benefit to our students and our state. Every dollar we receive from the State of Nevada is added to the fees paid by students to provide the best educational experience possible. I hope that these facts, as opposed to recent spin, will assist you as you consider the very difficult decisions ahead for you and Nevada. The Nevada System of Higher Education stands ready to assist you and the state in our economic recovery, and I would welcome the opportunity to discuss any of these issues with your further.

Sincerely,

Daniel J. Klaich, Chancellor

Other Specific Ideas

1. Review efficiency of Board meetings regarding number of required institution personnel.
2. Develop culture of savings, including assessment of what communications/materials can be sent via electronic delivery, such as annual reports, promotional materials and holiday greetings.
3. Further consider whether campus police departments should be consolidated.
4. Consider designing a bonus plan or incentives for employees that develop cost cutting/efficiency ideas that are implemented.
5. Clarify and expand authority of NSHE to perform construction and remodeling work outside of Public Works Board, recognizing that some institutions may not have that expertise.
6. Look at whether savings and better benefits could be achieved if NSHE pursued other health insurance options for employees and retirees.
7. SCS should investigate a single data center model with disaster prevention/back up and perhaps various applications externally hosted.
8. Convert to 100% of electronic deposit for payroll and travel reimbursement. Mandate the use of electronic notification for payments.
9. Eliminate State Bonding requirements from State Contracts; the cost of the "bond" is funded by the using agency since the contractor adds this amount into the contract cost. The purchase of the performance and payment bonds should be at the discretion of the agencies and dependent on the size of the project.
10. Eliminate the following reports currently required by the System Office/Legislature:
    a. Transfer of Expenses from Non State to State Budgets after May 1st.
    b. State budget transfers over $100,000.
    c. Quarterly self-supporting budget revisions and additions.
    d. Quarterly fiscal exception reports.
    e. Quarterly All Funds Report.
11. Change current requirements for specific reports; update to require self-supporting budgets at $100,000 instead of the long standing threshold of $25,000 (Board Handbook Title 4, Chapter 9, Section 2).
12. SPWB exemption for projects, at the option of the institution where it has the expertise (SPWB would be the building official but the institution would have the authority and responsibility for the projects).
13. Reduce master plan updates (Board Handbook Title 4, Chapter 14).
14. Eliminate use of credit cards for paying registration fees (or institute a fee). Rely on other electronic options (debit, checking account, installment payment vendor, etc.), with the institution being able to keep accrued savings. Alternatively, charge a fee for use of credit cards.
15. Eliminate the current requirement for everyone to review and sign their monthly (non-cellular) phone bill. One alternative may be to develop taxable cell phone allowance policies.
16. SCS should develop as a "best practices" organization to convey knowledge and methods to institutions.

17. SCS and institutions should look seriously at cloud computing and other efficiency options, such as a centralized help desk, and leveraging hardware purchases, software and computer/network security.
18. Record retention. NSHE should adopt its own record retention policy and implement a system so that documents are routinely destroyed in accordance with the policy.
19. Develop a Centralized fringe benefit pool. DRI currently operates in this manner which allows grant funds to be more fully applied to administrative costs.
20. Common, system-wide chart of accounts should be developed.
21. Revisit Inventory Control and Sensitive Equipment Policies to raise thresholds.
22. Review surplus property disposition rules.

Hobbs, Ong & Associates, Inc.

APPLIED ANALYSIS

March 3, 2011

Mr. Bart Patterson, Vice Chancellor of Administrative and Legal Affairs
Nevada System of Higher Education
5550 W. Flamingo Road, Suite C-1
Las Vegas, Nevada 89103

SENT VIA EMAIL: (Bart_Patterson@nshe.nevada.edu)

RE: Review of Efficiency and Effectiveness Preliminary Recommendations

Dear Mr. Patterson:

Per your request, Hobbs, Ong & Associates and Applied Analysis have jointly reviewed the Nevada System of Higher Education (NSHE) *Efficiency and Effectiveness Preliminary Recommendations* memorandum dated February 16, 2011. Overall, we found the document to be carefully prepared, well presented and an excellent example of fiscal responsibility. As we discussed in our recent telephone call, we do have a few recommendations and general comments regarding the memorandum and the underlying effort. This letter summarizes these recommendations and comments.

First, we believe the effort undertaken should be extended to other administrative and shared services within the university system. The memorandum focuses primarily on payroll, human resources and purchasing. To the extent appropriate, we would recommend extending this effort to include finance and internal audit, information technology and systems, fleet services (automobiles), building and grounds maintenance, legal, and other similar shared or organization-wide NSHE functions. In our experience these other areas may contain similar opportunities for efficiency and savings.

Second, we believe the report would be strengthened by including a review and analysis of generally comparable higher education systems. Respecting that NSHE is unique in any number of ways, exploring how administrative and shared services are provided in other states, caseload comparisons, allocation methodologies as well as average costs of services would provide a meaningful benchmark for the relative efficiency of NSHE and where other opportunities might exist.

Third, we would recommend that additional effort be directed toward measuring the fiscal implications of the strategies outlined in the memorandum. Not only would this provide greater meaningfulness to the overall conclusions, but it will also provide an order-of-magnitude ranking allowing recommendations to be compared against one another in terms of potential cost savings.

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Importantly, we would expect that this costing exercise may reflect additional expenses during the implementation phase of some strategies. As such, preparing fiscal estimates that reflect near-term costs/savings as well as long-term benefits over a five or ten-year horizon may be necessary to achieve the desired end.

Finally, the memorandum tends not to consider the possibility of outsourcing all or parts of the services being considered. Perhaps these services can be provided at a lower cost internally; however, we believe the overall conclusions would be more robust if supported by comparisons to: (1) what cost NSHE currently incurs in providing the services, (2) what the cost would be if the efficiency measures recommended were undertaken, and (3) what the cost would be to have the private sector provide the service. Beyond just the private sector, consideration should also be given to consolidating selected services with other public sector entities where positive economies could be achieved. Clearly, this would be an extension of the previous recommendation to measure the fiscal implication of the strategies.

In addition to general conclusions above, we had a few specific thoughts regarding the memorandum's findings. They are listed below.

1. Developing a system in which payroll processing is streamlined and/or consolidated. We understand there are two payroll cycles for classified employees per month, while professional employees are remunerated once per month, on a different date. The resulting three pay cycles per month may provide an opportunity to align timing within the month or reduce one or two of the cycles altogether. While there may be operational or legal challenges in achieving this, it should be considered. Outsourcing the payroll function to third parties and/or other agencies should also be considered.

2. Consider centralizing selected functions within human resources that make financial and operational sense, including areas such as benefits and training.

3. With a recommended review of information technology systems included above, automation across all functions should be closely examined and considered. While some do not provide for such opportunities, activities like on-line training courses (e.g., administrative functions or employee awareness videos) could reduce overall travel times and eliminating schedule challenges with coordinating large groups of employees.

4. Technology-related grant opportunities should be sought out as a potential cost mitigation factor if investments are required in this area. The nature of such opportunities should be carefully considered to ensure one-time grants do not result in longer-run fiscal commitments.

We very much appreciate the opportunity to assist you with this important project. Should you have any questions or should you require anything further from us, please do not hesitate to contact Guy Hobbs at (702) 733-7223 or Jeremy Aguero at (702) 967-3333.

Respectfully yours,

Guy Hobbs, Managing Director
Hobbs, Ong & Associates

Jeremy Aguero, Principal
Applied Analysis

QUESTION 2

Budget Reduction Scenarios: Utilizing a standardized template, the Subcommittee requested that the NSHE provide two budget reduction scenarios for each institution (and budget account). Narrative information explaining the information contained in the templates as well as the benefits and drawbacks of each scenario was also requested. The first scenario should expand upon the preliminary budget reduction plans already developed. To minimize the impacts to academic/instructional areas, the second scenario should utilize the closure and/or consolidation of NSHE institutions as the primary strategy to achieve the recommended General Fund appropriation reductions.

In order to understand the full impact of the Governor's recommended budget reductions, the Subcommittee requested the scenarios meet the following criteria.

- *The General Fund appropriation reductions identified by each institution should total to the General Fund reductions recommended by the Governor;*
- *If new registration fee surcharge revenues are proposed to offset General Fund reductions, the template should clearly account for the new revenues. The associated percentage increase should also be clearly stated. Likewise, if additional student fee revenues are projected as a result of enrollment projection changes when compared to the enrollment revenues included in The Executive Budget, these additional* revenues *should also be clearly justified.*
- *If existing academic departments, programs and degrees are proposed to be eliminated to meet the budgeted reductions, each should be clearly identified. For each proposed academic or instructional reduction, clearly identify the projected number of student FTEs impacted as well as the projected number of professional and classified FTE impacted. The number of part-time instructional staff and graduate assistants impacted also should be identified;*
- *If existing administrative and support infrastructure and functions are proposed to be eliminated to meet the budgeted reductions, each should be clearly identified. Identify the number of professional and classified FTE impacted;*
- *If satellite locations are proposed for closure, identify the associated number of staff FTEs and student FTEs projected to be impacted.*

In addition to the two scenarios, the Subcommittee indicated that if NSHE identified a third scenario, information on that scenario should also be provided.

RESPONSE

Please refer to attached templates and narratives.

MEMORANDUM

DATE: April 5, 2011

TO: Daniel Klaich, Chancellor

FROM: Vic Redding, Sr. Fiscal Officer

RE: Budget Reduction Templates

At your request we developed a standard template for the campuses to follow in reporting budget reduction plans to the Board of Regents and the Joint Education Subcommittees. There were minor differences reflecting the different missions of institutions within the System, but by and large the majority of the template is identical. There is one template per appropriation area. For your convenience in reviewing these templates, information is displayed in the following manner:

First, the current FY 11 general fund is indicated, followed by the Governor's recommendation for general fund by year, which results in a net reduction of the respective budget. This amount is the reduction that is shown at the top of the template.

The template assumes a 13% increase in registration fees in each year of the biennium, which is netted by a 15% reduction for need-based financial aid. FY 11 projected enrollments are used as the basis for this calculation, with slight adjustments for anticipated enrollment trends. To the extent that there is any additional revenue items included in a campus budget reduction plan, they are included in this section of the template as well. This section also includes a revenue reduction to the extent enrollments are projected to decrease due to these cuts with a corresponding loss of fee income.

The next section of the template displays the reduction in specific detail by function. Per your instructions, we have demonstrated in this section impacts on students and employees broken down between categories that you requested.

The final section of the template identifies sources of 'bridge' funding identified by the campuses to meet these cuts, recognizing that it will be impossible to realize the full amount of the cuts effective July 1, 2011. These sources differ by campus.

In addition to this template, which we have tried to ensure stays in a common format for your review, each campus provided a narrative that projects detail on specific campus impacts. As these impacts are unique to the campuses, we did not provide a specific format for campus responses.

Institution:

	FY 12 Funds	FTE Reduction Students	Headcount Reduction Students	FTE Reduction Employees	Headcount Reduction Employees	FY 13 Funds	FTE Reduction Students	Headcount Reduction Students	FTE Reduction Employees	Headcount Reduction Employees
FY 11 General Fund	$ -					$ -				
Projected General Fund	$ -					$ -				
Reduction	**$ -**					**$ -**				
Revenues (show as positive)										
Student Fee Surcharge	$ -	-				$ -	-			
Carve Out for 15% Fin Aid	$ -	-				$ -	-			
Adult Budgeted Registration Fee Revenue	$ -	-				$ -	-			
Non - Resident tuition	$ -	-				$ -	-			
Other Revenues	$ -	-				$ -	-			
New Revenues	$ -	-				$ -	-			
Loss of Enrollment/ Fees	$ -	-				$ -	-			
Target amount for cuts	**$ -**					**$ -**				
PROPOSED CUTS										
Instruction										
Research										
Public Service										
Academic Support										
Student Services										
Institutional Support										
O&M										
Cuts	$ -	-				$ -	-			
	$ -	-				$ -	-			
Projected reduction in Enrollment/ Headcount			0		0			0		0
Projected reduction in staffing/ layoffs					0					0

Proposed Transition Plan (see narrative for additional detail)

"bridge" one-time funds

	$ -	-	
	$ -	-	
	$ -	-	
Expenditures	$ -	-	
	$ -	-	
	$ -	-	

Institution: UNIVERSITY OF NEVADA, RENO	FY 12 Funds	FTE Reduction Students	Headcount Reduction Students	FTE Reduction Employees	Headcount Reduction Employees	FY 13 Funds	FTE Reduction Students	Headcount Reduction Students	FTE Reduction Employees	Headcount Reduction Employees
FY 11 General Fund	$ 117,925,883					$ 117,925,883				
Projected General Fund	99,485,476					78,074,809				
Reduction	**$ (18,440,407)**					**$ (39,851,074)**				
Revenues (show as positive)										
Student Fee Surcharge	$ 7,780,838					$ 16,577,445				
Carve Out for 15% Fin Aid	$ (1,167,426)					$ (2,486,617)				
Add'l Budgeted Registration Fee Revenue										
Non - Resident tuition										
Other Revenues										
New Revenues	$ 6,615,412.00					$ 14,090,828				
Loss of Enrollment/ fees	$ (350,000.00)					$ (695,076.00)				
Target amount for cuts:	**$ (12,174,595)**					**$ (26,455,322)**				
PROPOSED CUTS										
5% Pay Reduction/ changes in benefit costs	$ (4,942,201)					$ (4,942,201)				
Instruction										
ACADEMIC DEPARTMENT/UNIT CLOSURES										
Nutrition Department	(537,250)			(4.04)	-5	(537,250)	-165.2	-205	(4.04)	-5
Theater Department	(615,220)			(5.00)	-5	(615,220)	-83.4	-105	(5.00)	-5
Dance Program	(279,742)			(2.00)	-2	(279,742)	-129.4	-158	(2.00)	-2
French Degree Program	(464,676)			(5.00)	-5	(464,676)	-86.6	-112	(5.00)	-5
Philosophy Degree Program	(461,000)			(3.00)	-3	(461,000)	-15.1	-196	(3.00)	-3
Mathematics/Statistics	(1,045,393)			(11.00)	-11	(1,045,393)	-58.1	-72	(11.00)	-11
Educational Leadership	(801,955)			(6.00)	-6	(801,955)	-147.7	-192	(6.00)	-6
Educational Psych, Counseling	(1,075,617)			(8.28)	-10	(1,075,617)	-205.1	-266	(8.28)	-10
Educational Specialties	(1,423,692)			(13.00)	-13	(1,423,692)	-226.8	-295	(13.00)	-13
COLLEGE OF AGRICULTURE, NATURAL RESOURCES AND BIOTECHNOLGY										
Convert A contract to B contract - CABNR						(270,529)				
Close remaining faculty positions in Animal Biotech						(183,440)			(1.17)	-3
Close Natural Resource Env. Sci Dept Chair						(72,903)			(0.30)	
Close Instructional Support						(81,734)			(0.25)	-1
Eliminate Accounting Position						(62,854)			(1.00)	-1
COLLEGE OF LIBERAL ARTS										
Reduce College of Lib. Arts (CLA) Temp Instructors						(116,910)				

Institution: UNIVERSITY OF NEVADA, RENO	FY 12 Funds	FTE Reduction Students	Headcount Reduction Students	FTE Reduction Employees	Headcount Reduction Employees	FY 13 Funds	FTE Reduction Students	Headcount Reduction Students	FTE Reduction Employees	Headcount Reduction Employees
Eliminate salary savings vacant positions (CLA)						(200,000)				
Reduce Department Operating (CLA)						(55,516)				
Eliminate Core Curriculum (COA's (CLA)						(9,058)				
Eliminate State funding for Latino Research Ctr.						(59,731)				
Eliminate state funding for Basque Studies Doctoral Program						(31,860)				
Eliminate Graduate Assistants - Speech Communications						(42,000)				
Foreign Languages Classified						(26,923)			(0.53)	-1
Reduce Admin of School of the Arts (CLA)						(193,439)			(1.00)	-1
Reduce Gender, Race, Identity Program						(135,455)			(1.00)	-1
Black Rock Press						(121,725)			(1.00)	-1
COLLEGE OF BUSINESS										
Eliminate Faculty Position - Economics						(164,907)			(1.00)	-1
REYNOLDS SCHOOL OF JOURNALISM										
Eliminate Faculty Position	(115,837)			(1.00)	-1	(115,837)			(1.00)	-1
Reduce Graduate Assistants						(71,685)				
COLLEGE OF EDUCATION										
Eliminate state funding Dir. Child and Family Resource Center	(123,948)					(123,948)				
Position reduction Learning Resource Ctr	(51,418)			(1.00)	-1	(51,418)			(1.00)	-1
Eliminate funding WCSD field based instructor	(60,529)					(60,529)				
Reduce College operating	(10,000)					(18,000)				
Eliminate Student Advising Ctr						(159,764)			(1.00)	-1
Eliminate Graduate Assistants						(32,000)				
COLLEGE OF ENGINEERING										
Reduce Temporary Instruction funding						(152,824)				
COLLEGE OF SCIENCE										
Close faculty position						(189,829)			(1.00)	-1
Reduce College operating						(100,000)				
Close Faculty position - Geography	(79,596)			(1.00)	-1	(79,596)			(1.00)	-1
DIVISION OF HEALTH SCIENCES										
Eliminate State Funding for Center for Substance Abuse Technology						(274,051)				
GRADUATE SCHOOL										
Reduce funding for Interdisciplinary Graduate Programs	(300,000)					(300,000)				

Institution: UNIVERSITY OF NEVADA, RENO	FY 12 Funds	FTE Reduction Students	Headcount Reduction Students	FTE Reduction Employees	Headcount Reduction Employees	FY 13 Funds	FTE Reduction Students	Headcount Reduction Students	FTE Reduction Employees	Headcount Reduction Employees
PROVOST										
Reduce Core Curriculum						(51,211)				
Reduce Temporary Instruction funding						(700,000)				
Position Management						(3,471,138)			(35.00)	-35
Research										
Eliminate state funding VPR Research Support						(71,420)				
Public Service										
Eliminate State funding for KUNR						(123,251)				
Academic Support										
Close Dean's Office - CABNR	(161,419)			(1.00)	-1	(161,419)			(1.00)	-1
Close Dean's Office - Education	(247,788)			(2.00)	-2	(247,788)			(2.00)	-2
Close Special Collections Unit, Library						(436,138)			(4.28)	-5
Close Assessment Office						(441,803)			(3.03)	-4
Eliminate Admin Support - College of Business						(101,573)			(2.00)	-2
Reduce Library Materials (Book) Budget	(50,251)					(350,000)				
Eliminate vacant positions (Library)						(189,879)			(3.08)	-4
Eliminate state funding positions (Library)						(102,745)				
Reduce Advising Center Classified to .53						(44,322)			(0.47)	-1
Eliminate state funding for Office of International Students and Scholars						(188,287)				
Eliminate funding for graduate school positions						(27,180)			(0.40)	
Shift funding to grant (Academy for the Environment)						(46,443)				
Salary Savings VP Health Science	(96,193)					(96,193)				
Eliminate Outreach Support	(140,435)			(1.00)	-1	(140,435)			(1.00)	-1
Student Services									(2.00)	-2
Eliminate Assoc. VP Student Success Svcs and support staff						(213,343)				
Eliminate Recruitment coordinator						(76,124)			(1.00)	-1
Eliminate Academic Intervention coordinator						(80,883)			(1.00)	-1
Eliminate Disability Resource professional						(72,974)			(1.00)	-1
Eliminate Classified position Admissions Office						(43,552)			(1.00)	-1
Eliminate Admissions Hourly and Student workers						(329,475)				
Reduce Native American Retention coordinator to .53 FTE						(31,391)			(0.47)	-1
Reduce Student Conduct Classified to .53 FTE						(23,640)			(0.47)	-1
Eliminate funding for OPS Recruiter						(82,654)				

Institution: UNIVERSITY OF NEVADA, RENO	FY 12 Funds	FTE Reduction Students	Headcount Reduction Students	FTE Reduction Employees	Headcount Reduction Employees	FY 13 Funds	FTE Reduction Students	Headcount Reduction Students	FTE Reduction Employees	Headcount Reduction Employees
Reduce VPSS Division operating						(142,979)				
Eliminate state funding for New Student Initiatives						(123,260)				
Eliminate state-funding for Director Tutoring						(36,633)				
Transfer portion of AVP Student Life to soft funds						(22,206)				
Reduce funding Athletic Advising and Compliance						(50,000)				
Eliminate State Funding Lombardi Rec Ctr.						(58,829)				
Instructional Support										
Eliminate Director Institutional Analysis						(155,130)			(1.00)	-1
Eliminate Classified Position VPAE office						(77,111)			(1.00)	-1
Eliminate Director Facilities Planning						(92,524)			(0.88)	-1
Eliminate Employee Assistance Program and reduce HR operating						(38,364)				
Eliminate Vacant HR position						(76,835)			(1.00)	-1
Eliminate Vacant Police positions						(184,147)			(2.00)	-2
Eliminate state funding for Police positions						(140,898)				
Reduce Information Technology Operating/Wages						(75,000)				
Eliminate vacant positions (IT)						(87,895)			(1.75)	-2
Eliminate state funding for IT positions						(246,440)				
Eliminate state funding for VPDAR positions						(497,329)				
Eliminate state funding for Grants position						(80,381)				
Eliminate operating budget VPR						(60,100)				
Eliminate 4 positions Controller's Office						(257,474)			(4.00)	-4
Eliminate position - Mail Services						(40,861)			(1.00)	-1
Reduce Business and Finance Operating						(42,230)				
Partial Offload Assoc. VP Business and Finance						(24,276)				
Offload Campus Card operations to soft funds						(5,462)				
Faculty Senate Reductions						(165,477)			(1.00)	-1
President's Office						(218,041)				
O&M										
Eliminate Vacant positions Facilities Services						(902,000)			(17.00)	-17
Terminate probationary employees - Facilities Services						(381,000)			(16.00)	-16
Outsource Custodial Services - net savings						(575,000)			(25.00)	-25
Operating reductions - Facilities Services						(859,000)				
Reduce Standby and eliminate OT						(113,000)				
Eliminate staff communications devices						(25,000)				
Eliminate state funding for Environmental Health and Safety						(73,024)				

Institution: UNIVERSITY OF NEVADA, RENO	FY 12 Funds	FTE Reduction Students	Headcount Reduction Students	FTE Reduction Employees	Headcount Reduction Employees	FY 13 Funds	FTE Reduction Students	Headcount Reduction Students	FTE Reduction Employees	Headcount Reduction Employees
Facilities Services position reductions						(169,000)			(2.00)	-2
Reduce Vehicle Fleet by half						(165,000)				
New Space	757,334					716,649				
Fringe Adjustment	151,831					2,236,385				
Cuts	(12,174,995)					(26,455,321)				
	-					-				
Projected reduction in Enrollment/ Headcount		0	0				-3253.3	-1601		
Projected reduction in staffing/ layoffs				-64.32	-67				-202.32	-232
Proposed Transition Plan (see narrative for additional detail)										
"Bridge" one-time funds										
Institutional Balances	$ 7,113,752									
	$ 7,113,752									
Expenditures										
Nutrition Department	(537,250)									
Theater Department	(615,220)									
Dance Program	(279,742)									
French Degree Program	(464,676)									
Philosophy Degree Program	(461,000)									
Mathematics/Statistics	(1,045,393)									
Educational Leadership	(681,455)									
Educational Psych. Counseling	(1,107,617)									
Educational Specialties	(1,423,691)									
Close Dean's Office - CABNR	(161,419)									
Close Dean's Office - Education	(247,788)									
Total	(7,113,752)									

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Institution: University of Nevada School of Medicine	FY 12 Funds	FTE Reduction Students	Headcount Reduction Students	FTE Reduction Employees	Headcount Reduction Employees	FY 13 Funds	FTE Reduction Students	Headcount Reduction Students	FTE Reduction Employees	Headcount Reduction Employees
FY 11 General Fund	30,018,348					30,018,348				
Projected General Fund	28,228,423					28,269,728				
Reduction	**(1,789,925)**					**(1,748,620)**				
Revenues: (show as positive)										
Student Fee Surcharge	135,000					170,000				
Carve Out for 15% Fin Aid	(20,250)					(25,500)				
Add'l Budgeted Registration Fee Revenue	-					-				
Non - Resident tuition	105,000					245,000				
Other Revenues	-									
New Revenues	219,750					389,500				
Loss of Enrollment/ fees										
Target amount for cuts:	**(1,570,175)**					**(1,359,120)**				
PROPOSED CUTS										
5% Pay Reduction/ changes in benefit costs	(999,300)					(999,300)				
Instruction										
Area Health Education Center - Elko	(46,568)	-	-	-	-	(46,568)	-	-	-	-
Area Health Education Center - High Sierra/Las Vegas	(50,000)	-	-	-	-	(50,000)	-	-	-	-
Center Education Health Services Organization	(49,568)	-	-	-	-	(49,568)	-	-	-	-
Lou Ruvo Alzheimers	(190,363)	-	-	-	-	(190,363)	-	-	-	-
Basic Sciences	(223,964)	-	-	-	-	(418,376)	-	-	-	-
Clinical Programs	(264,165)	-	-	-	-	(264,165)	-	-	-	-
Research										
Public Service										
Nevada Health Services Corp	(116,202)	-	-	0.96	1	(116,202)	-	-	0.96	1
Chronic Fatigue Syndrome	(165,000)	-	-	-	-	(165,000)	-	-	-	-
Pediatric Genetics	(62,868)	-	-	1	1	(62,868)	-	-	1	1
Academic Support										
Office of Rural Health	(234,090)	-	-	2	2	(234,090)	-	-	2	2
Rural Health Initiatives	(14,000)	-	-	-	-	(14,000)	-	-	-	-
Student Services										

Institutional Support

O & M

UNSOM Equipment	200,563							200,563	
Recharge Adjustment	531,234							531,234	
New Space	123,193							119,845	
Fringe	(9,077)							399,738	
Cuts	(1,570,175)							(1,359,120)	
	-							-	
Projected reduction in Enrollment/ Headcount		0	0					0	0
Projected reduction in staffing/ layoffs				3.96	4				3.96 4

Proposed Transation Plan (see narrative for additional detail)
No bridge funding is required

5% registration fee increase proposed for each year of the biennium (note: this is in addition to the 15% increase previously approved by the Board of Regents

Non-resident averaging methodology will be eliminated beginning FY 2012.

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Institution: INTERCOLLEGIATE ATHLETICS	FY 12 Funds	FTE Reduction Students	Headcount Reduction Students	FTE Reduction Employees	Headcount Reduction Employees	[redacted]	FY 13 Funds	FTE Reduction Students	Headcount Reduction Students	FTE Reduction Employees	Headcount Reduction Employees
FY 11 General Fund	5,328,304						5,328,304				
Projected General Fund	4,681,975						3,774,333				
Reduction	**(646,329)**						**(1,553,971)**				
Revenues (show as positive)											
Student Fee Surcharge											
Carve Out for 15% Fin Aid											
Add'l Budgeted Registration Fee Revenue											
Non - Resident Tuition											
Other Revenues											
New Revenues	$ -						$ -				
Loss of Enrollment/ fees											
Target amount for cuts:	**(646,329)**						**(1,553,971)**				
PROPOSED CUTS											
5% Pay Reduction/ changes in benefit costs	(64,693)						(64,693)				
Instruction											
Research											
Public Service											
Academic Support											
Student Services											
Scholarship Reductions							(800,000)				
Position Reductions	(177,000)			-3	-3		(315,000)		-4	-4	-4
Operating Reductions - Lawlor/Parking charges	(385,000)						(385,000)				
Institutional Support											
O & M											
ICA Equipment	33,374						33,374				
Fringe	531						30,889				

Recharge Adjustment	(53,541)							(53,541)		
Cuts	(646,329)							(1,553,971)		
	-							-		
Projected reduction in Enrollment/ Headcount		0	0					0	0	0
Projected reduction in staffing/ layoffs				.3	.3				.4	.4

Proposed Transition Plan (see narrative for additional detail)

"Bridge" one-time funds		
Institutional Balances	$ 177,000	
	$ 177,000	
Expenditures		
Administrative Faculty Positions	$ 177,000	
	$ 177,000	

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Institution: STATEWIDE PROGRAMS	FY 12 Funds	FTE Reduction Students	Headcount Reduction Students	FTE Reduction Employees	Headcount Reduction Employees		FY 13 Funds	FTE Reduction Students	Headcount Reduction Students	FTE Reduction Employees	Headcount Reduction Employees	
FY 11 General Fund	$5,229,267						$ 5,229,267					
Projected General Fund	3,936,380						$ 2,895,269					
Reduction	**$ (1,292,887)**						**$ (2,333,998)**					
Revenues (show as positive)												
Student Fee Surcharge	$ -											
Carryforward Fees to Aid	$ -											
Add'l Budgeted Registration Fee Revenue	$ -											
Non - Resident tuition	$ -											
Other Revenues	$ -											
New Revenues	$ -						$ -					
Loss of Enrollment/ fees	$ -											
Target amount for cuts:	**$ (1,292,887)**						**$ (2,333,998)**					
PROPOSED CUTS												
5% Pay Reduction / changes in benefit costs	(140,376)						(140,376)					
Instruction												
Research												
Center for Research Design and Analysis - eliminated	(125,599)			-	-		(125,599)			-	-	
Nevada Bureau of Mines	(15,000)			-	-		(1,100,000)			12.16	18	
Research and Education Planning Center	(15,000)			-	-		(15,000)			-	-	
Basque Studies - eliminate state funding	(519,522)						(519,522)					
Center for Justice Studies	(65,673)						(65,673)					
Public Service												
Small Business Development Center	(218,563)			0.36	2		(218,563)					Check
Academic Support												
Provost Office Statewide Support	(84,027)			-	-		(84,027)			-	-	
Student Services												
Institutional Support												
O & M												
Statewide Equipment	62,006						62,006					
Fringe	8,488						67,377					
Recharge Adjustment	(194,621)						(194,621)					

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Institution: AGRICULTURAL EXPERIMENT STATION

	FY 12 Funds	FTE Reduction Students	Headcount Reduction Students	FTE Reduction Employees	Headcount Reduction Employees		FY 13 Funds	FTE Reduction Students	Headcount Reduction Students	FTE Reduction Employees	Headcount Reduction Employees
FY 11 General Fund	5,565,671						5,565,671				
Projected General Fund	4,285,135						3,023,073				
Reduction	**(1,280,536)**						**(2,542,598)**				
Revenues (show as positive)											
Student Fee Surcharge											
Carve Out for 15% Fin Aid											
Add'l Budgeted Registration Fee Revenue											
Non - Resident tuition											
Other Revenues											
New Revenues	-						-				
Loss of Enrollment/ fees											
Target amount for cuts:	**(1,280,536)**						**(2,542,598)**				
PROPOSED CUTS											
5% Pay Reduction / changes in benefit costs	(222,926)						(222,926)				
Instruction											
Research											
Reduce NAES Administration							(535,442)			(3.75)	-4
Eliminate Nutrition Department	(446,617)			(1.74)			(446,617)			(1.74)	
Convert Faculty salaries to B contract							(457,381)				
Close remaining faculty positions in Animal Biotech	(123,193)			(0.88)			(123,193)			(0.88)	
Eliminate vacant NRES Dept. Chair position	(131,720)			(0.55)			(131,720)			(0.55)	
Eliminate Post-Doctoral position - Biochemistry	(54,610)			(1.00)	-1		(54,610)			(1.00)	-1
Eliminate basic research funding - Biochemistry							(187,000)				
Eliminate Classified position	(18,154)						(18,154)			(1.00)	
Reduce Lab Animal Care Operating	(1,400)						(1,400)				
Increase Farm Manager											
Eliminate Vacant Positions - NAES Admin							(143,380)			(1.50)	-2
Public Service											
Academic Support											
Student Services											

Institutional Support										
Eliminate Development Director	(50,197)			-0.5	-1		(50,197)		(0.50)	-1
O &M										
AES Equipment	62,680						62,680			
Fringe	12,054						72,995			
Recharge Adjustment	(166,166)						(166,166)			
Reserves	(140,287)						(140,287)			
Cuts	(1,280,536)						(2,542,598)			
	-						-			
Projected reduction in Enrollment/ Headcount		0	0				1,400	0	0	
Projected reduction in staffing/ layoffs				-4.67	-7				-10.92	-8
Proposed Transition Plan (see narrative for additional detail)										
"Bridge" one-time funds										
Institutional balances	569,000									
	$ 569,000									
Expenditures										
Nutrition and Animal Biotechnology	569,000									
	569,000									

Institution: COOPERATIVE EXTENSION SERVICE	FY 12 Funds	FTE Reduction Students	Headcount Reduction Students	FTE Reduction Employees	Headcount Reduction Employees	FY 13 Funds	FTE Reduction Students	Headcount Reduction Students	FTE Reduction Employees	Headcount Reduction Employees
FY 11 General Fund	$ 7,678,549					$ 7,678,549				
Projected General Fund	$ 1,913,999					$ 2,037,271				
Reduction	**$ (5,764,550)**					**$ (5,641,278)**				
Revenues (show as positive)						$ -				
						$ -				
						$ -				
						$ -				
New Revenues	$ -					$ -				
Loss of Enrollment/ fees	$ -					$ -				
Target amount for cuts:	**$ (5,764,550)**					**$ (5,641,278)**				
PROPOSED CUTS										
52% Pay Reduction/ changes in benefit costs	$ (343,066)					$ (343,066)				
Instruction										
Research										
Public Service										
State Specialists	(671,934)			5.41	14	(671,934)			5.41	14
Southern Area	(1,526,826)			16.12	20	(1,526,826)			16.12	20
Western Area	(856,270)			7.56	9	(856,270)			7.56	9
Central Area	(946,615)			11.51	12	(946,615)			11.51	12
Academic Support										
Student Services										
Institutional Support										
UNCE Administration	(1,498,355)			12.5	13	(1,498,355)			12.5	13
O & M										
CES Equipment	88,918					88,918				
Fringe	5,715					128,987				
Recharge Adjustment	(16,117)					(16,117)				
Cuts	(5,764,550)					(5,641,278)				
	$ -					$ -				

Projected reduction in Enrollment/Headcount		0	0					0	0			
Projected reduction in staffing/layoffs.				53.1	68					53.1	68	
Proposed Transition Plan (see narrative for additional detail)												
"Bridge" one-time funds, Institutional Balances	$ 4,000,000											
	$ 4,000,000											
EXPENDITURES CES Faculty Positions	4,000,000											
Total	4,000,000											

Institution: BUSINESS CENTER NORTH	FY 12	FTE Reduction Students	Headcount Reduction Students	FTE Reduction Employees	Headcount Reduction Employees	FY 13	FTE Reduction Students	Headcount Reduction Students	FTE Reduction Employees	Headcount Reduction Employees
	Funds					Funds				
FY 11 General Fund	2,159,664					2,159,664				
Projected General Fund	1,802,378					1,435,703				
Reduction	**(357,286)**					**(679,961)**				
Revenues (Enter as positive) Student Fees Surcharge Carve Out for 15% Fin Aid Add'l Budgeted Registration Fee Revenue New Tuition Fee Revenue Other Revenues	(51,929)									
New Revenues	-					-				
Loss of Enrollment/ Fees										
Target amount for cuts	**(357,286)**					**(679,961)**				
PROPOSED CUTS										
3% Fee Reduction/ changes to benefit costs	(40,218)					(40,218)				
Instruction										
Research										
Public Service										
Academic Support										
Student Services										
Institutional Support										
eliminate state funding - BCN HR	(180,892)					(424,958)			-3	-3
eliminate state funding - BCN Payroll	(46,464)					(92,928)				
Eliminate state funding - BCN Purchasing	(68,731)					(137,463)			-1	-1
Reduce Operating	(51,000)					(66,000)				
O & M										
BCN Equipment	27,349					27,349				
Fringe	3,714					36,724				
Cuts	(357,286)					(679,961)				
	-					-				
Projected reduction in Enrollment/ Headcount		0	0				0	0		
Projected reduction in staffing/ layoffs				0	0				-4	-4
Proposed Transition Plan (see narrative for additional detail)										
No bridge funding required										

Institution: STATE HEALTH LABORATORY

	FY 12 Funds	FTE Reduction Students	Headcount Reduction Students	FTE Reduction Employees	Headcount Reduction Employees	FY 13 Funds	FTE Reduction Students	Headcount Reduction Students	FTE Reduction Employees	Headcount Reduction Employees
FY 11 General Fund	$ 1,702,580					$ 1,702,580				
Projected General Fund	$ 1,495,049					$ 1,520,378				
Reduction	**$ (207,531)**					**$ (182,202)**				
Revenues (show as positive)										
Other Revenues - Newborn Screening	$ 113,170.00					$ 113,170.00				
New Revenues	$ 113,170.00					$ 113,170.00				
Loss of Enrollment/ fees										
Target amount for cuts:	**$ (94,361)**					**$ (69,032)**				
PROPOSED CUTS										
5% Pay Reduction/ changes in benefit costs	(26,081)					(26,081)				
Instruction										
Research										
Public Service										
Reduce operating by performing tests for Synthetic Organic Compounds (SOC's), Trihalomethanes (THM's), and HPV High Risk analysis on-site rather than sending to a reference laboratory.	(62,000)					(62,000)				
Offload salary to grant	(12,956)					(12,956)				
Academic Support										
Student Services										
Institutional Support										

O&M

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Budget reduction templates from the University of Nevada, Reno

The connection between the University of Nevada, Reno and the citizens of the state of Nevada has always been strong. For more than 130 years, the University has served the state in graduating quality students, providing K-12 teacher preparation, supplying important educational outreach initiatives to Nevada's communities, offering applied research focused on solving practical problems, and serving as a major economic engine. The University has shared in the state's good times and tough times, and during this great recession is again sharing in the state's challenges and pain. Nonetheless, we have managed to make important strides in providing our citizens with results. Consider these recent accomplishments by the University:

- Record enrollment – 17,679 students, the largest ever, in 2010;
- Record number of graduates in the past year – 3,109;
- A 66 percent increase in the number of baccalaureate degrees awarded over the past decade;
- A record number of National Merit Scholars on campus – 38 in fall 2010;
- An 80 percent freshman retention rate, 5 percent above the national average.

This progress is now at great risk.

On March 22, 2011, the Joint Subcommittee on Education of the Senate Committee on Finance and the Assembly Committee on Ways and Means directed the Nevada System of Higher Education to provide specific budget reductions identified in the governor's budget recommendation totaling $162 million, of which the University of Nevada, Reno would provide specific budget reductions of $58.8 million. To reach the $58.8 million reduction, the University is assuming plans will be implemented for a 5 percent salary reduction as called for in the governor's budget, which saves $6 million annually, and $14 million in new revenue from increased tuition and fees, as determined by the Board of Regents.

This leaves $38 million in additional reductions to be identified. On March 7, the University announced $25 million in proposed budget reductions, many in support units where affected individuals have been or will soon be given notice. The remaining reductions are in academic units and these proposals are currently moving through a formal curricular review process. Even with these $25 million in proposed reductions, $13.8 million more remained to be identified and reported to the Joint Subcommittee by April 5, 2011.

Earlier budget reductions from last year were enacted with great pain and consequence, and the additional proposed reductions announced today mean that the University of Nevada, Reno is an institution much further at risk. Throughout these many months of budget reductions, the University has attempted to protect student success and the research capabilities of our campus. We continue to place a premium on both of these areas. However, the proposed budget reductions announced today dramatically reduce the quality of the University's core instructional and research capabilities. This latest $13.8 million proposed reduction greatly alters the University's trajectory in all aspects of its mission. More of the University's core instructional, research and service functions will be eliminated, curtailing overall quality. The institution will no longer be able to support its students with a broad range of quality

degree programs in key areas to the state, and the reduction in course offerings will impede the ability of students to graduate in a timely fashion. For example, 1,600 students are directly affected by these proposed reductions. And, many more will be indirectly affected.

Further impacting student success, important support services will be further curtailed. At this critical juncture in our state's history, where families are at risk and improved graduation and retention rates remain a top priority, it is of utmost importance that we provide academic and financial support for our students, many of whom are first-generation college students. The proposed cuts announced today jeopardize the promise to all students that the University has the necessary resources committed for their ultimate success and graduation.

As Nevada's oldest institution of higher learning, this proposed round of budget reductions will ensure long-term harm to the University's aging infrastructure as much-needed maintenance and repair work will go unmet. The cuts mean that the campus' deferred maintenance will soar well beyond the $300 million already identified.

The reduction proposals announced today were identified after consultation with a faculty committee, the membership of which was determined with Faculty Senate input. The faculty committee developed a set of principles by which this latest round of proposed reductions was determined, and those principles are attached along with the specific budget reduction proposals. There is an important distinction between the budget reductions announced today and those announced in March: those announced today will be subject to future curricular review only if reductions of this magnitude are necessary following the determination of the state budget and related budgetary decisions by the Nevada Board of Regents.

The specific plan for the fiscal year's $58.8 million in reductions includes:

- Permanent elimination of 318 positions
- 1,600 students directly affected by proposed reductions in program and degree areas listed below

Consolidation of four colleges into two:

- College of Agriculture, Biotechnology and Natural Resources into College of Science
- College of Education into College of Liberal Arts

Elimination of majors/minors:

- Educational Leadership
- Educational Psychology, Counseling and Human Development
- Educational Specialties
- Nutrition
- Philosophy
- French

- Theater
- Dance

Elimination or significantly downsize (note: * signifies elimination):

- Cooperative Extension
- Nevada Bureau of Mines and Geology
- Center for Research Design and Analysis *
- Nevada Small Business Development Center
- Business Center North
- Intercollegiate Athletics
- Hydrology Graduate Program
- Atmospheric Science Graduate Program
- Mathematics/Statistics
- Student Services including reductions in Disability Resource Center, Center for Student Cultural Diversity, Student Success Services, Student Conduct, Recruitment, and Admissions and Records. Also, additional student services will move to fee-based support.
- University of Nevada School of Medicine
- University Assessment Office *
- Faculty Senate
- Temporary Instructor Funding
- Office of the Provost/Core Curriculum staffing
- Office of the President
- Special Collections Library staffing*
- Institutional Analysis
- Library Materials Budget
- Custodial Services

Elimination of all state funding:

- Basque Studies
- International Students and Scholars
- Center for Justice Studies
- Child and Family Research Center
- Lombardi Wellness Center
- Center for Substance Abuse Technology
- New Student Initiatives Program
- Latino Research Center
- Black Rock Press

If these proposed budget reductions are fully implemented, the University's budget will have been reduced by more than $100 million over two bienniums or four years. Our campus will have eliminated

more than 700 budgeted positions and more than 30 degree programs, and more than 50 services and programs will have been eliminated or sharply reduced.

It has taken more than a century to build the University of Nevada, Reno into an institution of service to the state. The University has always explored new ways to become more efficient, effective and responsive to the needs of its citizenry. Unfortunately, should the current level of proposed budget reductions stand, it will take years, if not decades, to recapture the University's quality and momentum during a time of increased economic and intellectual competition within the country and the world.

Institution: UNLV	FY 12 Funds	FTE Reduction Students	Headcount Reduction Students	FTE Reduction Employees	Headcount Reduction Employees	FY 13 Funds	FTE Reduction Students	Headcount Reduction Students	FTE Reduction Employees	Headcount Reduction Employees
FY 11 General Fund	145,967,488					145,967,488				
Projected General Fund (includes property tax revenue projection)	125,413,961					106,525,137				
Reduction	**(20,553,527)**					**(39,442,351)**				
Revenues (show as positive)										
Program Elimination										
Assess 15% UG reg fee incr net	9,647,059					19,294,118				
Carve Out for 15% Fin Aid reg fee is net	(1,447,059)					(2,894,118)				
Reg fee declines re: Provost cuts	(2,500,000)					(4,750,000)				
Continued decline in non res full pays	(1,500,000)					(2,000,000)				
Loss of Non Res as a Result of Provost Cuts	(542,000)					(1,232,563)				
New Revenues	3,658,000					8,417,437				
Target amount for cuts:	**(16,895,527)**					**(31,024,914)**				
PROPOSED CUTS							-	-		
Unemployment increase to 0.8%	(575,000)	-	-			(575,000)				
Instruction										
General Fund Reductions for Differential Fees	583,687	-	-	-		1,467,373			-	-
Tenured Faculty 5% salary cut	2,750,000	-		-		2,750,000				
Allied Health Sci: Athletic Training	322,000	60.5	71	3.0	3	322,000	60.5	71	3.0	3
Allied Health Sci: CLS (bal of 6.9%)	83,917	35.7	32	1.0	1	83,917	50.2	44	2.0	2
Allied Health Sci: Nuclear Medicine	208,000	36.5	50	2.0	2	208,000	36.5	50	2.0	2
Allied Health Sci: Nutrition	351,300	126.0	160	4.0	4	351,300	126.0	160	4.0	4
Business: Restructure MIS Dept	205,600	40.8	52	2.0	2	205,000	40.8	52	2.0	2
Business: Restructure Mkt	461,000	84.4	102	4.0	4	461,000	84.4	102	4.0	4
Business: Restructure Mgt	607,000	103.1	134	5.0	5	607,000	103.1	134	5.0	5
Business: Other Curriculum Recog	675,000	33.8	43	5.0	5	675,000	33.8	43	5.0	5
Business: Elim Fac: Forensics, MBA Real Estate	200,000	-	-	2.0	2	200,000	-	-	2.0	2
Community Health: Health Promotion Program	257,269	20.4	35	2.0	2	257,269	20.4	35	2.0	2
Education: College Restructure to 3 Departments	1,371,094	-	-	7.0	7	1,371,094	-	-	7.0	7
Education: Ed Ldrship Balance FY 12 Program Elimination	442,000	95.0	115	4.0	4	442,000	95.0	115	4.0	4
Education: Sp Ldrship Balance FY 12 Program Elimination	231,000	204.7	127	2.0	2	231,000	401.7	244	2.0	2
Engineering: Elimination of Open Faculty Lines	698,000	-	-	6.0	6	698,000	-	-	6.0	6
Engineering:Elimination of Informatics Program	547,000	66.0	66	3.0	3	547,000	66.0	66	3.0	3
Engineering: Elimination of Construction Mgt	451,000	60.4	83	4.0	4	451,000	60.4	83	4.0	4
Fine Arts: Elimination of Artists in Residence	338,000	-	-	5.0	5	338,000	-	-	5.0	5
Fine Arts: Elimination of Photography Program	236,000	26.7	31	2.0	2	236,000	26.7	31	2.0	2
Fine Arts: Elimination of Gerontology Program	80,576	3.3	9	1.0	1	80,576	3.3	9	1.0	1

Institution: UNLV

	FY 12 Funds	FTE Reduction Students	Headcount Reduction Students	FTE Reduction Employees	Headcount Reduction Employees	FY 13 Funds	FTE Reduction Students	Headcount Reduction Students	FTE Reduction Employees	Headcount Reduction Employees
Fine Arts: Elimination of Sr. Adult Theatre	120,000	2.1	7	1.0	1	120,000	2.1	7	1.0	1
Fine Arts: Reduction in Faculty in Dance, Arch, & Theatre	233,000	-	-	3.0	3	233,000	-	-	3.0	3
Fine Arts: Printmaking	121,500	1.0	1	1.0	1	121,500	1.0	1	1.0	1
Hotel: Elimination of Rec Sp Mgt	539,000	150.3	175	4.0	4	539,000	150.3	175	4.0	4
Hotel: Curriculum Restructing	480,000	196.9	252	4.0	4	480,000	96.9	122	4.0	4
Hotel: Reduction in Faculty in Tourism & Convention	239,400	71.4	94	2.0	2	239,400	71.4	94	2.0	2
Hotel: Reduction in Instructional Operating	153,500	-	-	-	-	153,500	-	-	-	-
Lib Arts: Women's Research Inst	55,000	-	-	1.0	1	55,000	-	-	1.0	1
Lib Arts: Elimination of Women's Studies	510,000	20.7	26	5.0	5	510,000	20.7	26	5.0	5
Lib Arts: Elimination of Philosophy	1,010,000	72.0	86	11.0	11	1,010,000	72.0	86	11.0	11
Lib Arts: Professional Writing	349,000	1.0	1	4.0	4	349,000	1.0	1	4.0	4
Sciences: Eliminate all but one M.S. Track in Life Science	277,000	1.6	4	3.0	3	277,000	1.6	4	3.0	3
Sciences: Eliminate all but one MS Track in Chemistry	215,000	3.3	6	2.0	2	215,000	3.3	6	2.0	2
Sciences: Eliminate all but one MS Track in Geoscience	546,000	15.1	23	4.0	4	546,000	15.1	23	4.0	4
Sciences: Eliminate all but one MS Track in Math	97,000	20.0	34	1.0	1	97,000	20.0	34	1.0	1
Sciences: Eliminate all but one MS Track in Physics	183,000	4.0	7	3.0	3	183,000	4.0	7	3.0	3
Urban Affairs: Eliminate BSW in Social Work	436,500	155.3	239	6.0	6	436,500	155.3	239	6.0	6
Urban Affairs: Eliminate Environmental Program	525,000	84.7	109	5.2	6	525,000	84.7	109	5.2	6
Urban Affairs: Eliminate EDL to SEPA	762,000	146.0	192	6.0	6	762,000	146.0	192	6.0	6
Urban Affairs: Combine Journalism/Comm Studies	320,000	-	-	3.0	3	320,000	-	-	3.0	3
Provost: Omnibus Additional Savings/Opportunity Savin	544,115					554,115				
Reduction in Graduate Assistants	566,644	24.8	33	33.0	33	1,133,287	50.0	66	66.0	66
Transfer to Provost	(266,644)	-		-		(722,000)	-		-	-
Offset for Provost FY 12 Reductions	(13,271,817)					(5,886,420)				
(assume 20% of cuts in FY12, 65% in FY13, 100% by FY14)										
Instruction Sub-total	5,329,385	1,967.5	2,399	166.2	167	13,893,211	2,104.2	2,431	200.2	201
Research										
Public Service										
Overcut in SW Programs Appropriation	(392,387)					(229,923)				
Academic Support										
Business College Administrative Restructure	524,000			8.0	8	524,000			8.0	8
Hotel: Reduction in Classified Support Staff	63,777			1.0	1	63,777			1.0	1
Library: Reduction in Library Support Staff	441,200			7.0	7	441,200			7.0	7
Library: Reduction in Librarians	441,200			4.0	4	441,200			4.0	4
Sciences: Reductions in Dean's Office Operating	17,000			-	-	17,000			-	-
OIT: Academic Computer Replacement	275,000			-	-	275,000			-	-
Ed Outreach: Move Positions to Self-supporting	320,000			3.5	4	320,000			3.5	4
College Reorganization	2,165,545			22.0	22	2,165,545			22.0	22
Offset for Provost FY 12 Reductions (20% in FY 12, 65% is	(3,163,623)					(1,384,085)				
Academic Support Sub-total	1,065,906	-	-	45.5	46	2,845,444	-	-	45.5	46

Institution: UNLV

	FY 12 Funds	FTE Reduction Students	Headcount Reduction Students	FTE Reduction Employees	Headcount Reduction Employees	FY 13 Funds	FTE Reduction Students	Headcount Reduction Students	FTE Reduction Employees	Headcount Reduction Employees
Student Services										
Reductions to Campus Life	280,967			5.0	5	280,967			5.0	5
Reductions to Enrollment Services	744,890			8.0	8	744,890			8.0	8
Student Wellness: Move to Self-funded	155,160			2.0	2	155,160			2.0	2
University Police Reductions	239,080			2.0	2	239,080			2.0	2
Reductions to SA Admin	261,769			2.0	2	261,769			2.0	2
Academic Success Center	386,000	-		6.3	7	386,000	-		6.3	7
Assume 75% of cuts available in FY12; 100% FY13	(486,053)									
Student Services Sub-total	1,581,813	-		25.3	26	2,067,866	-		25.3	26
Institutional Support										
President's Office	325,035	-		1.0	1	325,035	-		1.0	1
Legal Counsel	58,375	-		-	-	58,375	-		-	-
VP F&B: Operating	100,000					100,000				
TMC/ICA Box Office	89,000	-		1.0	1	89,000	-		1.0	1
Controller's Office	181,000	-		4.0	4	181,000	-		4.0	4
Assoc VP Administration	30,000	-		-	-	30,000	-		-	-
Human Resources	150,402			2.5	3	150,402			2.5	3
Purchasing	83,898			1.0	1	83,898			1.0	1
BCS Appropriation Offset for cuts	273,292					457,299				
VP Advance: Reduction to Marketing	132,811			2.0	2	132,811			2.0	2
VP Advance: Reduction to Public Affairs	112,737			1.0	1	112,737			1.0	1
Reprographics: Move Position to Self-supporting	57,184			1.0	1	57,184			1.0	1
VP Advance: Reduction to Alumni	63,777			1.0	1	63,777			1.0	1
VP Advance: Development Move to Self-supporting	143,747			1.0	1	143,747			1.0	1
Assume 75% of cuts available in FY12; 100% FY13	(314,934)									
Institutional Support Sub-total	1,491,385	-		15.5	16	1,990,325	-		15.5	16
O & M										
Risk Management	170,000	-		2.0	2	170,000	-		2.0	2
Planning & Construction	85,000	-		4.0	4	85,000	-		4.0	4
Facilities	867,803	-		14.0	14	867,803	-		14.0	14
Util, Repair, & Plant Maintenance	1,453,379	-		-	-	1,453,379	-		-	-
Dir Athletics - Oper & Maint	231,458	-		-	-	231,458	-		-	-
Assume 75% of cuts available in FY12; 100% FY13	(701,910)									
O&M Sub-total	2,105,730	-	-	20.0	20	2,807,640	-		20.0	20
Cuts						23,374,563				
Cuts Above or (Below) Target	11,181,631					(7,650,351)				
	(5,713,896)									

Institution: UNLV

	FY 12 Funds	FTE Reduction Students	Headcount Reduction Students	FTE Reduction Employees	Headcount Reduction Employees	FY 13 Funds	FTE Reduction Students	Headcount Reduction Students	FTE Reduction Employees	Headcount Reduction Employees
Projected reduction in Enrollment		1,967	2,399				2,104	2,431		
Projected reduction in staffing/ layoffs				272.5	275				306.5	309
Proposed Transition Plan (see narrative for additional detail)										
"Bridge" one-time funds	$ 3,413,896					$ 5,350,351				
Program Elimination Fee Net	2,300,000					2,300,000				
	5,713,896					7,650,351				

Note: The reductions specified above represent current plans, but these could change based on many factors, including final cuts levels, action by the Board of Regents, faculty/staff departures, support required for students in impacted programs, the outcome of the curricular review process, the final outcome of academic reorganizations, etc.

Assumptions

Budget Reduction Phased in Assumptions.
For the Provost's Area, on average: 20% of the cuts achieved in FY 12; 65% of the cuts achieved in FY 13; 100% of the cuts achieved by FY 14
For all other areas, on average: 75% of the cuts achieved in FY 12; 100% of the cuts achieved in FY 13.
FTE Reduction Students: Assumes that the loss of a student will result in the associated FTE plus the FTE of non-majors (including service credits) where the elimination of the department would result in lost FTE.
The rough estimate of FTE loss that have been projected in the revenue (optimistically) is 660 for FY 12 and 1,060 for FY 13
The losses in Non-Resident Tuition, in addition to those that have been experienced over the last several years, are assumed to be 10% of the FTE loss.
The enrollment reductions estimated above are optimistic and are likely to be greater than the estimate.
There will likely be restricted enrollment at the upper division undergraduate level as a result of limited upper division seat availability as a result of these reductions and previous reductions.
We will need to support students in impacted programs through all of FY 12, and in most cases through FY 13 as well. This will require an individual discussion with each impacted student and an appropriate agreement. This is important, but also required through our accreditation association.
Headcount Reduction Students: This lists current majors in each impacted program
FTE Reduction Students: This lists FTE for majors and service courses offered by impacted programs

Institution: UNLV Intercollegiate Athletics	FY 12 Funds	FTE Reduction Students	Headcount Reduction Students	FTE Reduction Employees	Headcount Reduction Employees	FY 13 Funds	FTE Reduction Students	Headcount Reduction Students	FTE Reduction Employees	Headcount Reduction Employees
FY 11 General Fund	7,465,366					7,465,366				
Projected General Fund	6,457,744					5,424,714				
Reduction	**(1,007,622)**					**(2,040,652)**				
Target amount for cuts:	**(1,007,622)**					**(2,040,652)**				
PROPOSED CUTS										
Student Services										
Eliminate 2 sports	500,000			3.0	3	1,000,000			6.0	6
20% cuts to Administrative Staffing	500,000			3.0	3	1,000,000			6.0	6
Merge Facilities and Grounds	12,456					45,486				
ALL FUNCTIONS										
Unemployment ins. - double FY11 rate	(4,834)					(4,834)				
Cuts	1,007,622			6.0	6	2,040,652			12.0	12
Projected reduction in staffing/layoffs				6.0	6				12.0	12.0

Proposed Transition Plan (see narrative for additional detail)

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Institution: UNLV Statewide Programs

	FY 12 Funds	FTE Reduction Students	Headcount Reduction Students	FTE Reduction Employees	Headcount Reduction Employees	FY 13 Funds	FTE Reduction Students	Headcount Reduction Students	FTE Reduction Employees	Headcount Reduction Employees
FY 11 General Fund	1,233,971					1,233,971				
Projected General Fund	1,054,642					892,178				
Reduction	**(179,329)**					**(341,793)**				
Target amount for cuts:	**(179,329)**					**(341,793)**				
PROPOSED CUTS										
Unemployment increase to 0.8%	(3,417)	-	-			(3,417)	-	-		
Public Service										
UNLV Museum	290,863	-	-	3.0	3	290,863	-	-	3.0	3
NV Small Business	123,058	-	-	1.2	2	123,058	-	-	1.2	2
Continuing Education	86,570	-	-	0.6	1	86,570	-	-	0.6	1
So NV Writing Project	36,845	-	-	-	-	36,845	-	-	-	-
KUNV Radio	34,380	-	-	0.4	1	34,380	-	-	0.4	1
Cuts	571,716					571,716				
	392,387					229,923				
Projected reduction in Enrollment		-	-				-	-		
Projected reduction in staffing/ layoffs				5.2	7				5.2	7

Notes:
This appropriation was overcut compared to reduction target to lessen the cuts by the VPR in the UNLV approriation.

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Institution: School of Dental Medicine

	FY 12 Funds	FTE Reduction Students	Headcount Reduction Students	FTE Reduction Employees	Headcount Reduction Employees	FY 13 Funds	FTE Reduction Students	Headcount Reduction Students	FTE Reduction Employees	Headcount Reduction Employees
FY 11 General Fund	8,179,238					8,179,238				
Projected General Fund	6,384,372					5,281,478				
Reduction	**(1,794,866)**					**(2,897,760)**				
Revenues (show as positive)										
Tuition & fee increases and surcharges	1,664,118	26.5% increase over current BOR approved				1,664,118	25.8% increase over current BOR approved			
Carve Out for 15% Fin Aid	(249,618)					(249,618)				
Add'l Budgeted Registration Fee Revenue	-					-				
Non - Resident tuition	-					-				
	-					-				
Other Revenues	-					-				
New Revenues	1,414,500					1,414,500				
Loss of Enrollment/ fees	-					-				
Target amount for cuts:	**(380,366)**					**(1,483,260)**				
Unemployment Ins - double FY11 rate	(40,429)	-		-		(40,429)				
PROPOSED CUTS										
Student Services										
Salary & Fringe Benefits	233,248	-	-	2.0	2	1,336,142	-	-	10.90	11
Operating cut	187,547					187,547				
Cuts	380,366					1,483,260				
Balance	0					0				
Projected reduction in Enrollment		-	-				-	-		
Projected reduction in staffing/ layoffs				2.0	2				10.90	11

Institution: Boyd School of Law	FY 12 Funds	FTE Reduction Students	Headcount Reduction Students	FTE Reduction Employees	Headcount Reduction Employees	FY 13 Funds	FTE Reduction Students	Headcount Reduction Students	FTE Reduction Employees	Headcount Reduction Employees
FY 11 General Fund	7,762,242					7,762,242				
Projected General Fund	6,524,974					5,500,387				
Reduction	**(1,237,268)**					**(2,261,855)**				
Revenues (show as positive)										
Tuition & fee increases	1,669,881	27.5% increase over current BOR approved				3,133,577	65% increase over current BOR approved			
Carve Out for 30% Fin Aid	(500,964)					(940,073)				
Note: Law's fee proposal includes 30% to Financial Aid	-					-				
	-					-				
	-					-				
Other Revenues										
New Revenues	1,168,917					2,193,504				
Loss of Enrollment/ fees	-					-				
Target amount for cuts:	**(68,351)**					**(68,351)**				
Unemployment Ins. - double FY11 rate	(28,781)	-		-		(28,781)				
PROPOSED CUTS										
Instruction										
Operating reduction	97,132	-		-		97,132	-		-	
Cuts	68,351					68,351				
Balance	(0)					(0)				
Projected reduction in Enrollment		-	-				-	-		
Projected reduction in staffing/ layoffs				-	-				-	-

Institution: Business Center South	FY 12 Funds	FTE Reduction Students	Headcount Reduction Students	FTE Reduction Employees	Headcount Reduction Employees	FY 13 Funds	FTE Reduction Students	Headcount Reduction Students	FTE Reduction Employees	Headcount Reduction Employees
FY 11 General Fund	1,839,433					1,839,433				
Projected General Fund	1,566,041					1,332,134				
Reduction	(273,392)					(507,299)				
Target amount for cuts:	(273,392)					(507,299)				
PROPOSED CUTS										
Unemployment	(4,862)					(4,862)				
Institutional Support										
Operating	11,145					48,719				
Controllers Office - Accounting Staff	267,109	-	-	4.0	4	267,109	-		4.0	4
Human Resources - Personnel Staff	-	-	-			196,333	-		3.0	3
O & M	-	-	-	-		-	-		-	
	-	-	-	-		-	-		-	
Cuts	273,392					507,299				
	-					-				
Projected reduction in Enrollment		-	-				-	-		
Projected reduction in staffing/ layoffs				4.0	4				7.0	7
Proposed Transation Plan (see narrative for additional detail)										

Note: There are no positions identified in BCS for elimination. Therefore there will be 7 FTE moved to the UNLV appropriation funding requiring a larger cut in that area.

UNLV

Cumulative Budget Reduction Impact Summary

Overall Context

Approximately 77% of our total expenditures are in salary and benefits and an additional 9% are fixed costs for budget items like utilities, facilities operating, leases and property insurance. The remaining 14% of our budget is in operating funds that support critical campus and departmental services. Thus, the major impact of cuts has been on positions. It is also important to understand that while there are budget cuts, there are also fixed cost increases to address above and beyond the budget cuts, including utility costs; some benefit adjustments (e.g. unemployment insurance doubled for FY11); faculty tenure and promotion increases; and other adjustments that cannot be avoided. For UNLV it is also important to note that while enrollment has not declined overall (over the past few years it has basically been stable, but there was a drop in FY11 vs FY10 due to program eliminations), there has been a reduction in non-resident tuition income, which has the impact of an additional budget cut.

Cumulative State General Fund Impacts

The cumulative state general fund reductions off the FY07 base budget and through the current FY11 budget are approximately $50M for UNLV (~27%). These reductions have been addressed in several ways, with the largest proportion coming from reductions in expenditures and therefore impacts on positions. A summary of those cumulative cuts and the way the campus has addressed them is highlighted below.

All dollars in Millions	Cumulative Cuts off FY07	% of Total
Campus-wide Budget Reductions	$26.1	53%
Budget reductions for other appropriations	$3.1	6%
Unpaid leave	$4.0	8%
Net fee increase - main campus	$11.0	22%
Net fee increase - Law and Dental	$2.9	6%
Backfill with non- state funds	$2.5	5%
	$49.6	100%

The current budget cuts defined by the Governor would be an additional $47.5M in base cuts by FY13.

Overall Impact of Cuts on Positions

In total UNLV has eliminated nearly 200 state funded positions during the period of FY08-FY11, and is keeping additional state funded positions vacant, to force additional savings. When you consider all funding sources, UNLV has eliminated ~540 positions (406 of which were occupied at some point during this period). We have eliminated approximately 190 of these positions through measures such as a voluntary separation incentive programs, notices of non-reappointment and layoffs. We project an additional 330+ positions impacted by the FY12/FY13 budget cuts. The position cuts up to this point have impacted about 14% of our staffing, and the proposed FY12/FY13 cuts will add another 7% to that total, bringing cumulative staffing reductions up to over 21%.

Summary of Academic Area Impacts to Date

The impacts of the cumulative budget reductions to date have taken a toll on all aspects of the campus programs and services. A total of eight (8) departments were eliminated, many faculty positions eliminated or forced vacant, our part-time instruction budget was reduced by about one-quarter, and we saw a reduction of approximately 1,000 class sections over what were offered several years ago, in part offset by larger class sizes. We find ourselves in a very difficult position because we do not have the resources needed to gain revenue by growing enrollment, but we cannot afford any significant reduction in enrollment, as this will have additional revenue (and therefore budget) consequences. We anticipate that many faculty may leave UNLV due to program loss, increasing workloads, and lack of merit or cost of living pay increases, and it will be even more difficult to recruit talent to Nevada. We have already experienced aggressive recruitment by other institutions, focused on some of our best faculty. Our current and potential future faculty and staff understand that there are difficult financial times in many other states, but they are waiting to see if higher education is identified as a priority for the future of the state of Nevada.

The Law School has had to limit all positions/faculty to the minimum, including library support, and have to rely on significant fee increases (94% increase in just 2 years) to allow them to maintain core programs. The School of Dental Medicine has taken a similar approach, although they have relied much less on fee increases, given they started at a relatively high level for public institutions. The School of Dental Medicine has had to limit faculty and staff to a minimum, and eliminate some of the outreach programs.

Summary Impacts for Non-Academic Cuts to Date

There are far less business and other service support staff existing for transaction processing, which has lead to longer processing times, and likely some additional future audit comments. We also see significant impact in our ability to maintain a reasonable research infrastructure: something highlighted in our recent accreditation report. Our "institutional support" costs as a percent of total expenditures (a proxy for administrative overhead) have dropped to the 5% range – well below peers and less than ½ of what it was a decade ago. We have, in general, minimum student services programs remaining, and we will not be able to maintain facilities as we have in the past. The Athletic programs have taken reductions, but also shifted some costs to self-supporting, to the point where there are revenue shortfalls arising in those areas as well. The Athletic program must make fundamental changes in what they support, in order to maintain a balanced budget going forward, and this is prior to any FY12/FY13 cuts.

Summary of Cumulative General Fund Reductions by VP Area Reductions – Protection of Academic/Instructional Programs

The budget reductions were not allocated across-the-board, as the President gave consistent priority to the academic/instructional areas of the campus. However, these cuts have severely impacted a support staff level that was already very lean. The cumulative state general fund reductions by Cabinet area up through FY11 ranged from a low of 12.9% for the Provost to a high of 45.3% for the President's office. We do not believe it is feasible to continue to put the greatest cuts on the non-academic programs, and therefore for the FY12/FY13 budget cuts we will have to take a much larger weight against academic programs.

VP/Appropriations Area	Percentage Allocation
President's Office	45.3%
Provost	12.9%
VP Research	17.4%
VP Fin & Bus	34.0%
VP Student Affairs	27.9%
LAW	19.5%
Athletics	19.4%
SW Pgms	19.2%
SDM	20.0%
BCS	19.4%

Impact on Grants and Sponsored Projects of Budget Cuts

General fund reductions have had an impact on the university's ability to be competitive for grants and contracts. Grant awards have gone down from $106,787,336 in FY 2007 to $63,344,515 (projected) in FY 2011 or a reduction of approximately 40.7% in grant awards.

Impact of Budget Cuts on Students and the State.

Much of the impact of the positions cut as a result of the budget reductions to date have been positions that support students and their needs. The lack of these positions at UNLV historically and the reductions to the limited number that were in place make these impacts even more pronounced. The situation will only get worse with the additional cuts necessary from the FY12/FY13 budgets. A summary of these impacts is noted below:

- To date, UNLV has attempted to serve students and maintain access, thus enrollment has only declined slightly – mostly a result of the elimination of graduate and undergraduate degree programs. Freshman enrollment and success/retention has been rising, creating an increased demand for upper division seats. The greatest impact of the cuts is that upper division class size has increased, making it difficult to provide the more individualized instruction students expect from their majors, and making it more difficult for UNLV to support transfer students.
- As noted above, fewer class sections mean that classes are larger (and at facilities maximums) providing less individual attention to students, which can result in lower student performance. Fewer sections can also have the impact of making it more difficult for students to enroll in the classes they need to complete their degree programs, impacting retention and graduation rates.
- Elimination of 36 additional degree programs will greatly limit the options for our students, and have a near

term impact on the students in these majors.

- The reductions to date, and those we project in the near future, will further limit our ability to support an educated workforce for Nevada, and contribute to the overall economic prosperity for the state.
- Reductions in academic advisors will result in less advising and lower quality advising taking place either because a student will attempt to self-advise or because advisors simply will not be available. Lack of advising demonstrably results in student errors in course taking resulting in longer time to graduation, failure to retain, and increased expense in taking unnecessary courses.
- Reductions in the number of faculty will result in fewer courses being offered (especially at the upper division and graduate levels, where tenure/tenure track faculty are critical to the delivery of the courses) leading to increased time to graduation as students are unable to get into the courses they need.
- Cuts to the libraries will cause increased wait times for materials and will result in fewer books and serials being purchased and, therefore, available for our students.
- Cuts in Information Technology could lead to computer lab closures that make it difficult for students to complete their work in a timely manner.
- Support services and programs that foster academic success for new students and currently enrolled students at UNLV will be severely limited or eliminated, negatively impacting retention and graduation rates.
- Support services and programs for students preparing to graduate from UNLV will be severely limited or eliminated.
- Nevada already ranks very low in per student funding and these budget reductions and significant fee increases have further impacted these low rankings. Nevada students and their families, that would normally choose to attend a Nevada university/college, will choose to attend other places where these conditions do not exist. The significant fee increases of late, combined with the increasing number of "first generation" students may well have an adverse impact on access. Research has shown the implications of significant fee increases to include the following:
    - low-income students are more price sensitive than higher-income students
    - grants are a much more effective form of financial aid for lower-income students than are loans
    - grants and loans for higher-income students mainly affect choice, not access

Institution: Nevada State College

	FY 12 Funds		FTE Reduction Students	Headcount Reduction Students	FTE Reduction Employees	Headcount Reduction Employees	FY 13 Funds		FTE Reduction Students	Headcount Reduction Students	FTE Reduction Employees	Headcount Reduction Employees
FY 11 General Fund	$	13,021,396.00					$	13,021,396.00				
Projected General Fund	$	9,040,401.00					$	7,602,701.00				
Reduction	**$**	**(3,980,995.00)**					**$**	**(5,418,695.00)**				
Revenues (show as positive)												
Student Fee Surcharge	$	800,750.00					$	1,705,598.00				
Carve Out for 15% Fin Aid	$	(120,113.00)					$	(217,464.00)				
Add'l Budgeted Registration Fee Revenue	$	544,348.00					$	544,348.00				
Non - Resident tuition	$	216,428.00					$	249,102.00				
Other Revenues	$	97,497.00					$	99,141.00				
New Revenues	$	1,538,910.00					$	2,380,725.00				
Loss of Enrollment/ fees	$	(475,662.00)	220	330			$	(562,146.00)	260	390		
Target amount for cuts	**$**	**(2,917,747.00)**	**220**	**330**			**$**	**(3,600,116.00)**	**260**	**390**		
PROPOSED CUTS												
5% Pay Reduction/ changes in benefit costs	$	(509,893.00)					$	(509,893.00)				
Instruction												
PTI Increase	$	516,973.00					$	516,973.00				
Vacant Positions eliminated (include number)												
Professional Academic	$	(655,077.00)	160	240	8	8	$	(655,077.00)	160	240	8	8
PCN 0228 Asst Professor - Biology												
PCN 0230 Asst Professor - Business												
PCN 0229 Asst Professor - Humanities												
PCN 0072 Asst Professor - Mathematics												
PCN 0095 Asst Professor - Criminal Justice												
PCN 0227 Asst Professor - Educational Technology												
PCN 0100 Asst Professor - Spec Ed												
PCN 0155 Asst Professor - Speech Pathology												
Filled Positions eliminated												
Professional Academic	$	(268,977.00)	60	90	3	3	$	(440,577.00)	100	150	5	5
PCN 0156 Asst Professor - Chemisty												
PCN 0047 Asst Professor - Med/Surg												
PCN 0151 Asst Professor - Pediatric												
PCN 0145 Asst Professor - Comm Nursing (FY13)												
PCN 0080 Asst Professor - Maternity (FY13)												
Professional Administrative	$	(135,151.00)			2.5	3	$	(135,151.00)			2.5	3
PCN 0010 Lab Coordinator												
PCN 0222 Education Project Coordinator												
PCN 1000 NSC/WNC Northern NV Program Coordinator (0.5)												
Zero-Based Budgeting/Reorganization	$	(35,474.00)					$	(107,815.00)				
	$	(577,706.00)	220	330	13.5	14	$	(821,647.00)	260	390	15.5	16
Research												

Institution: Nevada State College

	FY 12 Funds	FTE Reduction Students	Headcount Reduction Students	FTE Reduction Employees	Headcount Reduction Employees	FY 13 Funds	FTE Reduction Students	Headcount Reduction Students	FTE Reduction Employees	Headcount Reduction Employees
Public Service										
Academic Support										
Vacant Position-eliminated										
Professional Administrative										
PCN 0026 Librarian	$	(78,000.00)		1	1	$	(78,000.00)		1	1
Filled Position-eliminated										
Classified	$	(46,118.00)		1	1	$	(46,118.00)		1	1
PCN 0102 Library Tech										
	$	(158,349.00)				$	(158,349.00)			
Transfer Instructional Technology to Distance Education Fee	$	(30,658.00)		0		$	(93,178.00)		0	
Zero-Based Budgeting/Reorganization	$	(313,125.00)		2	2	$	(375,645.00)		2	2
Student Services										
Vacant Positions-eliminated										
Professional Administrative	$	(87,940.00)		1	1	$	(200,606.00)		3	3
PCN 0205 Admissions Director										
PCN 0206 Student Advisor (FY13)										
PCN 0024 Coordinator - Financial Aid (FY13)										
Classified	$	(40,825.00)		1	1	$	(40,825.00)		1	1
PCN 0174 Records Asst										
Filled Positions-eliminated										
Professional Administrative	$	(398,251.00)		6	6	$	(398,251.00)		6	6
PCN 0110 Administrative Coordinator										
PCN 0195 RNSA Coordinator										
PCN 0085 Student Advisor										
PCN 0113 Student Advisor										
PCN 0200 Systems Analyst										
PCN 0082 Registrar										
Transfer Student Academic Center to Student Success Fee	$	(150,924.00)				$	(150,924.00)			
Transfer Student Services to General Improvement Fee	$	(248,727.00)				$	(248,727.00)			
Zero-Based Budgeting/Reorganization	$	(33,212.00)				$	(150,946.00)			
	$	(959,879.00)		8	8	$	(1,140,279.00)		10	10
Institutional Support										
Vacant Positions-eliminated										
Professional Administrative	$	(120,900.00)		1	1	$	(120,900.00)		1	1
PCN 0025 Budget Director										
Classified	$	(50,081.00)		1	1	$	(50,081.00)		1	1
PCN 0061 Admin Asst										
Filled Positions-eliminated										
Professional Administrative	$	(77,896.00)		1	1	$	(77,896.00)		1	1
PCN 0106 Coordinator - Inst Research										
Classified	$	(45,618.00)		1	1	$	(45,618.00)		1	1
PCN 0163 Admin Asst										
Zero-Based Budgeting/Reorganization	$	(102,923.00)				$	(318,466.00)			
	$	(397,418.00)		4	4	$	(612,961.00)		4	4
O & M										

Institution: Nevada State College	FY 12	FTE Reduction Students	Headcount Reduction Students	FTE Reduction Employees	Headcount Reduction Employees	FY 13	FTE Reduction Students	Headcount Reduction Students	FTE Reduction Employees	Headcount Reduction Employees
	Funds					Funds				
Additional Lease Cost	$	75,775.00				$	119,253.00			
Zero-Based Budgeting/Reorganization	$	(235,503.00)				$	(258,944.00)			
	$	(159,726.00)				$	(139,691.00)			
Cuts	$	(2,917,747.00)				$	(3,600,116.00)			
	$	-				$	-			
Projected reduction in Enrollment/ Headcount			220	330			260	390		
Projected reduction in staffing/ layoffs				27.5	28				31.5	32
Proposed Transaction Plan (see narrative for additional detail)										
"Bridge" one-time funds										
Capital Improvement Fees	$	-								
Central Assessment Fees	$	-								
Indirect Cost Recovery Reserves	$	-								
Expenditures	$	-								
A	$	-								
B	$	-								
C	$	-								
	$	-								

Introductory Note on Process

It should be noted that the summary of impacts as listed below is based on one possible scenario developed by the NSC administration (based on preliminary recommendations from the Executive Budget Committee) in response to the Governor's proposed budget reductions. The NSC Executive Budget Committee and the Faculty Senate are currently evaluating all possible scenarios through a zero-based budgeting approach and an abbreviated curricular review process, respectively. It is possible that the actual reductions and positions eliminated will be different than what is presented here; however, the actual dollar amount of the reduction would remain the same.

The NSC executive budget committee drafted guiding principles in 2008 when the first set of budget cuts occurred. As a top priority, these guiding principles protect instruction and student support services. **To that end, the first round of budget cuts in 2008 eliminated seven administrative positions** (Vice President Multicultural Affairs, Associate Vice President CLASS, Dean Business, Dean Fine Arts, Director Applied Sciences, Director Center for Teaching and Learning, and Director Community Based Learning) and **reallocated $887,256 from administrative personnel costs to instruction and student support. All but one of these administrative positions was filled and required layoffs.** Additionally, **37 positions were completely eliminated during FY08-FY11** (10 teaching faculty, 15.5 administrative faculty, and 11.5 classified staff).

Due to the governor's proposed cuts for the upcoming biennium, the Nevada State College (NSC) Administration, in conjunction with the Executive Budget Committee, have agreed to address the proposed budget reductions for FY 2011-12 & 2012-13 by freezing all staff and faculty positions that are currently vacant and/or will become vacant after June 30, 2011. The result of implementing this strategy is that **NSC will lose 13 teaching faculty positions, 14.5 administrative faculty positions and 4 classified positions as of July 1, 2011**. The loss of such a large number of staff and faculty positions will force NSC to significantly reduce, if not eliminate, a vast array of course offerings and student/support services currently afforded to our students and their parents/guardians as they navigate through the college experience.

Impacts on Student Success

The Division of Enrollment Management and Student Services (EMSS) has ten staff positions that will be negatively impacted by the implementation of this "freezing plan." The ten positions include: three full-time Academic Advisors; one Admissions Director; one Admissions Recruiter; one Student Financial Aid Coordinator; one Administrative Coordinator for a middle-school mentoring/tutoring program; one Admissions & Records Specialist; one Coordinator for New Student Orientation/NSSA Business Manager; and one System Analyst. Each of these positions plays a crucial role in addressing the needs and concerns of NSC students.

As a result of the loss of the five positions in advising and recruitment, serious consequences to the effectiveness of our Centralized Academic Advising Center (CAAC) can be expected, including impacts on student retention, persistence, and graduation rates. Since the establishment of the CAAC two years

ago, NSC's retention rate has increased by thirteen percent. The current cuts significantly impede the staffing in the CAAC and place NSC's retention rate at risk.

The majority of NSC students depend on student financial aid and scholarships to assist them in meeting the cost of attending college. The number of NSC students submitting FASFAs has increased each of the past two years. This factor has contributed to an increased number of students contacting the Student Financial Aid and Scholarship Services (SFASS) Office for assistance and direction in navigating through the FASFA process. The SFASS has four full-time professional staff positions, of which one is vacant with an ongoing search until the "freezing plan" was proposed. The loss of this position (25% of its professional staff) decreases NSC's ability to provide effective and efficient service to current and future students.

The Coordinator of New Student Orientation/NSSA Business Manager is responsible for developing and organizing freshmen and transfer orientation sessions designed to address the specific needs of NSC's student population. This position is pivotal to easing the transition and increasing the success rate of new students. In addition, this position provides NSSA with sound financial and business guidance. As such, new and currently enrolled students benefit from this key position which will be eliminated.

The Administrative Coordinator of the Crossroads Program directs a very visible and important middle-school mentoring and tutoring program for 200 students in Area Two of the Clark County School District. This program provides a gateway to students who would not ordinarily consider higher education as a viable option. The program offers resources and incentives to address academic and social challenges long before the students reach high school, while increasing their chances of graduating from high school and going to college. Without this critical position, these deserving students will not receive the level of service they require and have come to expect.

Currently, the Institutional Research Coordinator position (under institutional support) is the primary and official staff member designated to produce and distribute all official student data reports for NSC. Because of the crucial need for data mining and data analysis, a System Analyst position was recently funded that provides student services with data to develop, implement, and assess reports and programs directly impacting student recruitment, admissions, retention, persistence, graduation and post-graduation placement of NSC students. Since the System Analyst position is now frozen, much of the functionality of institutional research will be absorbed by the Provost directly with assistance from academic faculty. The loss of these two IR positions negatively impacts NSCs ability to analyze data and make critical decisions relating to the overall direction of the College. The absence of these positions will put NSC's ability to produce accurate and timely data reports for the purpose of making informed decisions at risk.

Efforts to Protect Instruction

In addition to protecting the instructional budget, NSC has also engaged in a variety of activities to expand student access and increase student retention rates. First, as enrollment has increased at NSC (40% increase in FTE in the last two years), the additional fee revenue has been allocated to hiring new

part-time instructors (PTIs). While the use of part-time instructors is not ideal, this is the most cost effective way of increasing the number of students that we serve and ensuring that students progress in their degrees in a timely fashion. Concurrently, we have instituted a wide variety of quality control measures to ensure that our part time instructors deliver the highest quality learning experience. For example, we have completely revised our PTI hiring procedures to include teaching demonstrations, systematic review of sample assignments and group interviews. In addition, we have instituted online and in person professional development sessions, peer reviews of part-time faculty, course assignment guidelines, curricular guidelines, and detailed teaching reviews every semester for both online and in person courses.

Second, we have systematically increased our average class sizes. Between Fall 2008 and Fall 2010, class section enrollments have gone up 25%, bringing the average class size to 23.5, directly equivalent to the class sizes at the more established institutions (Office of Academic and Student Affairs, 2011). This increase is actually an underestimate, as enrollment at NSC has continued to rise since Fall 2010.

Third, the faculty workload of the full-time faculty at NSC has increased substantially. Between Fall 2008 and Fall 2010, our full-time faculty have increased their credit hours taught by 13%, from 11.4 to 12.8 (Office of Academic and Student Affairs, 2011). Note that this is higher than the NSHE-required 12 credit hour workload at the state college. If you examine this time period from the perspective of student credit hours being taught, the increase is an even more impressive 33.9% increase, from 214.9 to 287.8 (Office of Academic and Student Affairs, 2011). Again, quality-control is vital to a successful transition in this area, and NSC has made great efforts to ensure faculty have a variety of professional development activities to stay at the top of their fields. These steps to increase PTI instruction, increase class sizes, and increase faculty workload, all with protective steps to maintain rigor and caliber, will allow us to continue to provide access to quality instruction despite the heavy reductions in our budget.

Cuts Taken to Date, Impacts Felt to Date

For discussion of reliance on PTI instruction and faculty workload see "Efforts to Protect Instruction" and for discussion of reduced student support see "Impacts on Student Success."

Numerous steps have been taken to reduce costs in business operations activities. Nine support positions have been eliminated in the areas of Controller, Information Technology, Human Resources, and Facilities while assuming the additional responsibility of student cashiering which was transferred from CSN. Basic support functions such as campus security and janitorial services have been reduced by 30%. NSC has taken great pride in providing state of the art technology and appropriate upgrades to its students, faculty, and staff but is now in a "maintenance" mode. Efficiency efforts have created, over the past five years, cost savings approaching $1 million which were utilized to address funding reductions.

Works Cited

Office of Academic and Student Affairs. (2011). *NSHE Faculty Workload Report 2010.* Nevada System of Higher Education.

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OVERVIEW OF ANTICIPATED AND PRIOR STATE FUNDING REDUCTIONS
Desert Research Institute, March 28, 2011

Anticipated Impacts of FY 2012 and FY 2013 Reductions

The positions and support dollars that DRI is returning to the State for FYs 2012 and 2013 (see attached template) will have the following key impacts:

- $341,626 in Applied Research Initiative (ARI) funding in FY 2012; this will mean that all of the ARI state funding for DRI will have been returned; this is used to provide critical matching funding for federal grants and contracts and leveraging joint projects with industry partners. Loss of these funds will reduce DRI's effective matching process, especially in areas related to renewable energy.
- Funding for research support positions, totaling $54,501 in FY 2012 and an additional $747,201 in FY 2013; research support positions are primarily divisional positions that are essential for the development and submission of the grant and contract proposals.
- $329,174 in library support fund in FY 2012; library operations housed on the DRI campuses have been shown to be an effective means of providing direct support to the research faculty. Reductions will impact research effectiveness.
- $104,650 in FY 2012 for state funding for the Truckee River Study; these funds provide partial support for a position and provide support for leveraging and matching federal grant and contracts. Loss of this support will terminate one of DRI's longest state-supported programs (since the 1960s on monitoring water quality of Truckee River).
- Funding for administrative support totaling $96,201 in FY 2012 and $335,086 in FY 13; this will reduce core operational support for the DRI research mission and negatively impact DRI's effectiveness related to innovation.
- Funding for O&M operations and utilities totaling $82,755 in FY 2012 and $136,557 in FY 2013; this will impact the ability to cover the additional costs of atypical weather in a given year (very hot and/or very cold temperatures).
- In total, 16.83 FTE positions will be returned to the State over fiscal years 2012 and 2013. This is a loss of funds for approximately one third of DRI's approximately 58 state-funded administrative and research support positions.

These areas are critical to the DRI core research mission. So, in order to protect our mission to the best of our capabilities, DRI will need to replace many of these lost state revenues with internally generated funds (indirect cost recovery and other internal funds). To do so will require significant reductions in other internally generated funded administrative positions (10 or more non-state funded research and institutional support positions, totaling over $828,000 in FY 2013); and in operational and research support (totaling over $1.4 million in FY 2013). These internal reductions will not only critically reduce the ability of DRI to provide an effective level of core operational support, but will dramatically reduce the ability of DRI to innovate and provide intellectual capacity for current and future DRI research-based economic development in Nevada.

State Budget Reductions Made From FY 2008 through FY 2011

History and Impacts
The following table shows the mandatory state budget reductions for DRI for fiscal years 2008 through 2011.

STATE FUNDED BUDGET REDUCTIONS

DESCRIPTION OF REDUCTIONS	FISCAL YEAR 2008	FISCAL YEAR 2009	FISCAL YEAR 2010	FISCAL YEAR 2011	FOUR-YEAR TOTAL
Capital Funding Reductions					
CRB Building Courtyard Construction Funds	364,000				364,000
Higher Education Capital Construction (HECC)		100,000			100,000
Total, Capital Funding	**$364,000**	**$100,000**	**$0**	**$0**	**$464,000**
Research, Operating or Personnel Reductions					
REGIA, General, and Property Insurance Assessment		224,575	146,170		370,745
State-funded Merit		23,922			23,922
Administrative and Divisional Operating and Wages		76,400	18,491		94,891
Positions - Divisional			109,009		109,009
Positions - Administrative		169,508	**	**	169,508
Cloud Seeding Program			597,997		597,997
Leases (Sierra Nevada College and Cloud Seeding)			151,980		151,980
Operations and Maintenance (O&M)		88,600	250,939	175,000	514,539
Furlough Reductions			289,885		289,885
Property Budget (Fire, Safety, Engineering)				8,394	8,394
Applied Research Initiative (ARI) Funding				326,299	326,299
Total, Research, Operating or Personnel	**$0**	**$583,005**	**$1,564,471**	**$509,693**	**$2,657,169**

** Held Vacant for Furlough Reductions

This table shows that, since FY 2008, DRI has returned $464,000 in capital funding and nearly $2.7 million in research, operating or personnel funding. Our FY 2011 state funded operating budget is over 18.5% less than our legislatively approved FY 2009 budget.

Efforts to Protect the Core DRI Research Mission

When the mandatory state budget reductions began in 2008, DRI made a strategic decision to minimize the impact of the reductions on our research efforts. This is because research is our fundamental mission and the primary generator of revenues. Based on the need to preserve our research mission, the following actions were taken:

- In FY 2008, DRI gave back capital funding monies only ($364,000).
- In FY 2009, of the total $583,005 returned, $358,430 of the reductions was administrative (positions, operating dollars or salaries).
- In FY 2010, of the total $1,564,471 returned, $820,304 of the reductions was administrative (positions, operating dollars, salaries or facilities operations and maintenance). DRI also returned all state funding for the cloud seeding program and returned all state funding for the rental space in the Sierra Nevada College Center for Environmental Sciences (this will reduce our capability for collaborative program development with UC-Davis, SNC and a variety of local, Tahoe regional, state and federal agencies). While DRI has been able to find external funding for the next two fiscal years, funding has not been identified to replace the lost space in the Sierra Nevada College building.
- In FY 2011, of the total $509,863 returned, $183,394 was administrative (operations and maintenance). DRI also returned one half of its state applied research initiative (ARI) funding. However, all of these returned ARI funds were replaced with internally generated funds (indirect cost recovery).

In summary, over fiscal years 2008 through 2011, more than half (51.3%) of the returned state funding was administrative. About 31.5% was programmatic, and the balance (17.2%) was capital or other. With the exception of the Sierra Nevada College leased space all of the programmatic dollars returned have been replaced with either internal or external non-state funds. However, in spite of these efforts, the direct and indirect impacts of these reductions on DRI have been substantial:

- DRI has lost thirty four (34) faculty or staff since FY 2008, including the elimination of six (6) positions that were state funded, and the transfer of four (4) Cloud Seeding Program positions to private and other non-state funding. Positions eliminated include a vice presidential position, a facilities supervisor, and other productive research support positions.
- Twenty three (23) of the individuals who have left or will leave the State of Nevada by the end of FY 2011 are research faculty. This has resulted in considerably less research generated revenue for DRI, and could result in over $20 million in lost grant and contract revenue by the end of FY 2011. The two major reasons they have given for their departures are (1) the lack of perceived financial security due to the state fiscal challenges, and (2) the demands of obtaining funding in a soft money environment.
- Where possible, other support staff members have taken on the responsibilities of the departing individuals. When this is not possible, DRI has reduced its research and operational support services. The fact that all faculty and staff not funded by grants and contracts must take mandatory furlough days has placed an additional strain on their workloads.
- The elimination of state funding for the Sierra Nevada College lease has reduced the collaborative capabilities of DRI with UNR, UC Davis and a variety of governmental and private entities in the Lake Tahoe Region. Not only has this reduction eliminated a central research staging area for the DRI and UNR research faculty at the lake, it has also reduced DRI's effectiveness in conducting research on Lake Tahoe water quality issues.
- The state-provided Applied Research Initiative (ARI) funds make available critical matching funds for a variety of federal grant and contract proposals. For example, the federal Department of Energy now requires up to a fifty percent match for their research grants. The necessity of using other internal funds to replace these lost resources reduces our capacity to provide other types of research support - in addition to reducing general research support funding, the reallocation of internal funding to replace eliminated state funding reduces the capability of DRI to provide funding to a variety of critical research support areas that includes new faculty startup packages and essential research equipment and supplies.

Taken in their totality, these state reductions have dramatically reduced the ability of DRI to innovate and provide intellectual capacity for current and future research-based economic development in Nevada. Also, given the fact that there is a return of more than four dollars in federal or private funding for every state dollar invested into DRI, reducing state funding for DRI has had and will continue to have a direct and negative impact on the Nevada economy.

Institution: College of Southern Nevada	FY 12 Funds		FTE Reduction Students	Headcount Reduction Students	FTE Reduction Employees	Headcount Reduction Employees	FY 13 Funds		FTE Reduction Students	Headcount Reduction Students	FTE Reduction Employees	Headcount Reduction Employees
FY 11 General Fund	$	91,430,100					$	91,430,100				
Projected General Fund	$	75,544,918					$	66,667,869				
Reduction	**$**	**(15,485,182)**					**$**	**(24,762,231)**				
Revenues (show as positive)												
Student Fee - 3% Increase	$	1,514,240					$	12,157,332				
Carve Out for 15% Fin Aid	$	(882,136)					$	(1,389,400)				
Add'l Budgeted Registration Fee Revenue	$	376,779					$	376,779				
Non - Resident Tuition	$	734,704					$	1,296,304				
Other Revenues	$	6,160,597					$	12,382,815				
Less of Enrollment/ Fees	$	(799,555)					$	(2,181,999)				
Target amount for cuts	**$**	**(10,344,179)**					**$**	**(14,542,199)**				
PROPOSED CUTS												
2% Per Evaluator/ Changes in benefit costs	$	(1,717,168)					$	(165,342)				
Instruction												
PTI Reduction - Silver & Centers (proportionately identified by site)	$	-	-	-	0	-	$	(300,000)	-	-	0	(20.86)	(104.00)
Academic Departmental Support	$	-	-	-	0	-	$	(108,200)	-	-	0	(7.00)	(7.00)
Academic Teaching Assistants/Guest Lecturers	$	-	-	-	0	-	$	(60,000)	-	-	0	-	-
Closure Moapa Valley/Apprenticeship/Add'l ATA	$	(2,150,000)	(438.30)	(339.00)	-	-	$	(2,150,000)	(438.30)	(339.00)	-	-	-
Closure Moapa Site	$	-	-	-	-	-	$	-	(51.85)	(13.00)	-	(2.00)	(1.00)
Nursing	$	-	-	-	0	-	$	(147,354)	(48.00)	(9.00)	-	(2.00)	(2.00)
School of Applied Technologies - Reduction in PTI	$	(86,400)	(19.56)	(19.00)	(19.00)	(46.00)	$	(86,400)	(19.56)	(19.00)	(19.00)	(3.00)	(83.00)
School of Arts & Letters - Reduction in PTI	$	(176,000)	(24.65)	(14.00)	(13.00)	(83.00)	$	(176,000)	(24.65)	(14.00)	(13.00)	(3.00)	(83.00)
School of Business, Hosp, & Public Services - Reduction in PTI	$	(166,000)	(33.20)	(8.00)	(17.00)	(83.00)	$	(166,000)	(33.20)	(8.00)	(17.00)	(3.00)	(83.00)
School of Education, Social Sciences - Reduction in PTI	$	(54,000)	(10.65)	(2.00)	(5.00)	(27.00)	$	(54,000)	(10.65)	(2.00)	(5.00)	(1.00)	(27.00)
School of Health Sciences - Reduction in PTI	$	(116,000)	(23.20)	(4.00)	(11.00)	(58.00)	$	(116,000)	(23.20)	(4.00)	(11.00)	(2.00)	(58.00)
School of Science & Math - Reduction in PTI	$	(10,000)	(33.63)	(54)	(2.00)	-	$	(10,000)	(33.63)	(54)	(2.00)	(1.00)	(1.00)
Mathematics Department	$	-	-	0	-	-	$	(62,109)	(34.00)	(45)	(1.00)	(1.00)	(1.00)
Massage Therapy Program	$	(81,892)	-	0	(1.00)	(1.00)	$	(133,389)	(36.80)	(218)	(1.00)	(1.00)	(1.00)
Culinary Arts Bakery Program	$	(75,000)	(34.00)	(45)	(1.00)	(1.00)	$	(75,000)	(34.00)	(45)	(1.00)	(1.00)	(1.00)
Animation Program	$	(75,393)	(1.60)	(6)	(1.00)	(1.00)	$	(75,393)	(1.60)	(6)	(1.00)	(1.00)	(1.00)
Computer Graphics Program	$	(93,179)	(34.00)	(45)	(1.00)	(1.00)	$	(93,179)	(34.00)	(45)	(1.00)	(1.00)	(1.00)
Automotive Program	$	(76,056)	(34.00)	(45)	(1.00)	(1.00)	$	(76,056)	(34.00)	(45)	(1.00)	(1.00)	(1.00)
Ornamental Horticulture - Garden Center	$	-	-	0	-	-	$	(112,000)	-	0	-	(2.00)	(2.00)
Ornamental Horticulture - Garden Center	$	-	-	0	-	-	$	(45,176)	-	0	-	-	-
Step Up Program	$	(11,482)	-	0	-	-	$	(11,482)	-	0	-	-	-
Law Enforcement Training Academy Program	$	(1,000,000)	-	0	(1.00)	(1.00)	$	(1,000,000)	-	0	(1.00)	(1.00)	(1.00)
Learning Assessment Lab/Testing Supporting	$	(43,276)	-	0	-	-	$	(77,276)	-	0	-	-	-
Student Performance	$	-	-	0	-	-	$	(143,000)	-	0	-	-	-
Departmental Operating Support Reduction - 10%/15%	$	(175,784)	-	0	-	-	$	(286,923)	-	0	-	-	-
Technical Technologies	$	(125,000)	-	0	-	-	$	(125,000)	-	0	-	-	-
Instructional Technology	$	(350,000)	-	0	-	-	$	(600,000)	-	0	-	-	-
Eliminate Vacant Classified Positions	$	(177,941)	-	0	(4.00)	-	$	(177,941)	-	0	-	(4.00)	-
Research													
Public Service													

| | | |

| | | |

Budget Reduction Plan, FY 2011-12 and FY 2012-13

Prior Cuts

Since FY 2007-08, CSN has addressed budget cuts through the implementation of student surcharges, reduction in operating budgets, elimination of positions through attrition, reduction of services and support to students through availability of libraries and laboratories, as well as through limited closure of extended operational sites. These cuts were realized at the same time enrollment demand increased and excess registration fees were available to mitigate some of the effects. The College also modified the minimum number of students required for each class, increasing the floor and eliminating sections with low enrollments.

Background

- The plan responds to directive of the Legislature and the Board of Regents and describes the impacts the Governor's recommended budget would have on the College and our students.
- The plan further diminishes the access mission of the College.
- The plan includes a combination of strategies to reduce FTE students, staffing, reduces services, cuts programs, and changes pricing.
- The plan includes an additional reduction associated with the loss of FTE over the biennium.
- As CSN, like many two-year colleges, has a full 50% of sections taught by part-time faculty, and thus are not as hindered by longer-term contractual obligations as many four-year institutions, we are able to cut large numbers of sections instead of resorting to closing entire programs. This strategy not only allows us to quickly trim sections if necessary, but allows us to quickly build back program capacity as soon as funding improves.

Premise

This plan makes required cuts in the access mission of CSN; although limited program reductions may be recommended as part of college operating reductions, as a general premise, CSN's mission of quality instruction and our commitment to keeping high-quality full-time faculty takes precedence over the access mission, which requires a large number of part-time faculty. The Governor's recommended cut in state support for CSN is $27 million – 29.3% budget cut for the biennium: FY 2011-12: ($15,485,182), and FY 2012-13: ($26,762,251).

The reduction plan outlines a number of strategies to address the magnitude of the reduction and includes:

- Increase in registration fees by 13% per year with a 15% carve out for financial aid;
- Increase in non-resident tuition of 13% per year;
- Accounts for additional student registration fees above those reported in the 2009-2011 budget request to accommodate for FY 2010-11 projected actual enrollment levels, a minimal increase;
- Closure/mothball of sites and centers – only distance education would be offered to students residing outside of the Las Vegas Valley;
- Reduction of course offerings and reduction in availability of sections to students, which would result in increased time for graduation;
- Reduction of enrollment – by approximately 2,478 FTE in FY 2013 and an estimated loss of 9,275 headcount, for 12,336 seats on top of the estimated 5,000 students we already turned away in Fall 2010;
- Reduction of sections of approximately 514 or 10% per semester.
- Elimination of positions as summarized below. CSN has targeted vacant or frozen positions to minimize layoffs.

Position Summary Reduction:

Position Type	2010-11 Budgeted FTE	% of Whole	Reduction	Reallocated	Adjusted	% of Whole
Academic FT	509.87	30.8%	9.40	1.4	501.87	33.5%
Academic PT	460.99	27.8%	83.0	0	377.99	25.2%
Administrative	218.90	13.2%	34.0	3.0	187.90	12.6%
Classified	468.38	28.2%	43.25	4.25	429.38	28.7%
Total	1,658.14	100.%	169.65	8.65	1,497.14	100.00

*4.00 FTE of reassignment to be determined in Workforce & Economic Development

Sites/Centers:

CSN would close the following sites and centers at the Governor's Recommended Budget levels for the 2011-2013 biennium:

Boulder City Center: 2012-13
Lincoln County: 2011-12
Mesquite Center: 2012-13
Moapa/Overton Site: 2012-13
Nellis AFB Center: 2012-13
Green Valley High Tech Center: 2012-13
Palo Verde High Tech Center: 2012-13
Western High Tech Center: 2012-13

Impacts of Reductions by Function:

Instruction: The instructional reduction results in the loss of approximately 1,498 FTE and 5,384 headcount in FY 2011-12 for FY 2012-13 the loss of FTE is 2,478 and 9,275. This will lead to increased time to graduation, decreased program viabilities, and an inability to quickly respond to future increases in student demand. Operating funding will be cut and will directly impact resources in the classroom, labs, and teaching environment. Workstation replacement for faculty will be eliminated and equipment will not be replaced - CSN already

has a 4 year rotation cycle for computers and this will undoubtedly be increased. Without the ability to train students on the latest technology our ability to offer trained workers to employers is greatly diminished. The Ornamental Horticulture program will eliminate the nursery operation and will purely move to an academic base program only, eliminating the hands-on experiential learning environment for students. Closure of the Massage Therapy program will eliminate 1 FTE faculty position and (4) part time faculty, and 24 FTE student enrollments.

Academic Support: The greatest impact will be the loss of access through administration of our sites and centers, those locations are noted above. Reduction in operating support and travel for staff will be implemented between 15%-20% over the biennium. In addition, a reduction of $150,000 in the library acquisition and database support will make it harder for the college to maintain specialized accreditation for our many programs, as well as make it more difficult to meet the ever-increasing prices of online databases. The public function of the Nicholas J. Horn Theatre will be eliminated, and CSN will use the theatre solely for its educational program, eliminating a venue for public, theatre style events in North Las Vegas. Elimination of additional academic staffing positions will hamper communication and interaction with CCSD programs, particularly dual-credit; and increased workload for academic management.

Student Affairs: Vacant position eliminations will impact support personnel in counseling and student support operations, and the elimination of one interpreter (CSN has been unable to fill this vacancy due to high demand). Operating reductions will be implemented across the board between 15-20% over the biennium, and will most significantly impact our disability student support services. Testing and assessment services will be moved to non-state revenue sources and will result in increased costs to students for these services. Equipment replacement and technology will be eliminated in the 2nd year of the biennium.

Institutional Support: Already sparsely staffed, CSN will further reduce staffing: 3 Police Officers, 2 positions in the Diversity Office, 1 General Counsel, 1 position in campus relations, 4 positions in Human Resources, 3 positions in Financial Services, and reductions in the institutions technology management, contract security services, institutional membership, audit function, and human resource technology support. These reductions are made in favor of the instructional and student support mission.

Operations & Maintenance: Vacant position eliminations will further reduce services. O&M expenditures related to operation of the sites and centers will be eliminated, along with reduction in daily campus operations support including maintenance, custodial, and deferred and preventive maintenance. CSN will seek Board of Regents flexibility for use of the Capital Improvement fee in order to reallocate critical deferred maintenance activities to this non-state source. Use of these funds, however, will result in deferral of maintenance and renovation funding. These reductions are in favor of the instructional and student support mission.

Institution: Great Basin College	FY 12	FTE Reduction Students	Headcount Reduction Students	FTE Reduction Employees	Headcount Reduction Employees	FY 13	FTE Reduction Students	Headcount Reduction Students	FTE Reduction Employees	Headcount Reduction Employees
	Funds					Funds				
FY 11 General Fund	$ 16,301,375.00					$ 16,301,375.00				
Projected General Fund	$ 13,941,066.00					$ 11,793,317.00				
Reduction	**$ (2,360,309.00)**					**$ (4,717,258.00)**				
Revenues (show as positive)										
Student Fee Surcharge	$ 326,047.00					$ 1,328,787.00				
Carve Out for 15% Fin Aid	$ (70,482.05)					$ (369,318.05)				
Add'l Out-of-State Tuition Fee Revenue	$ -					$ -				
Non - Resident tuition	$ -					$ -				
Other Revenues	$ -					$ -				
New Revenues	$ 450,454.95					$ 969,468.95				
Loss of Enrollment/ fees	$ (75,000.00)					$ (260,000.00)				
Target amount for cuts	**$ (2,194,054.05)**					**$ (3,917,789.05)**				
PROPOSED CUTS										
3% Pay Reduction / Changes to benefit costs	$ (243,646.00)					$ (487,292.00)				
Instruction										
FTI Reduction	$ (100,000.00)	-70	-135	-3	-20	$ (200,000.00)	-140.0	-265	-3	-20
Operating***	$ (85,936.21)	0		0		$ (85,936.21)	0		0	
Move Facilitators to Self-Supporting**	-	0		0		$ (150,000.00)	0		0	
Move Testing to Self-Supporting**						$ (55,000.00)				
Move Academic Success Center to Self-Supporting**	$ -	0		0		$ (65,300.00)	0		-1	-1
Vacant Positions Eliminated (12) 1 Classified, 11 Profess.	$ (602,400.00)	-42.7	-83	-8		$ (957,100.00)	-66.7	-129	-12	
Admin, Assist., Nursing, Mathematics, General Ed., English, CTE, Criminal Justice, Art, Life Sciences, Social Sciences, Business										
Research										
Public Service										
Academic Support										
Extended Studies and Distance Education	$ (184,000.00)	0		-2		$ (184,000.00)	0		-2	
Vacant Positions Eliminated (2) 1 Professional										
Director, 1 Program Coordinator										
Centers - Eliminate 1 vacant position - 1 Professional Assistant Manager	$ (61,000.00)			-1		$ (61,000.00)			-1	
Reduce Centers - 1 professional position						$ (61,800.00)			-1	-1
Reduce Library - 1 professional/classified position*						$ (61,800.00)			-1	-1
Move Library Positions to Self-Supporting**						$ (70,000.00)			-0.75	-1
Library - Eliminate 1 vacant position - 1 Classified - Library Asst.	$ (48,400.00)	0		-1		$ (48,400.00)	0		-1	
Operating - Library	$ (20,828.50)					$ (20,828.50)				
Operating***	$ (57,290.81)					$ (57,290.81)				
Student Services										
Advising/Career Center/Enrollment* 1 Prof. position	$ (21,500.00)	0		0		$ (124,900.00)	0		-1	-1
Recruitment/Student Life/Housing 1.5 Prof. position (1.5 to self-supp)	$ (12,400.00)	0		0		$ (110,500.00)	0		-1.5	-2
Student Life - Eliminate 1 vacant position - Prof.						$ (61,800.00)			-1	-1
Environmental Health/Safety - .5 Prof. position to self-supporting						$ (46,400.00)			-0.5	-1
Operating***	$ (17,187.24)					$ (17,187.24)				
Institutional Support										
Computer Services - Eliminate 1 vacant position - 1 professional - Computer Services Tech	$ (105,200.00)	0		-1		$ (105,200.00)	0		-1	
Human Resources - Eliminate 1 vacant position - 1 professional - Payroll	$ (88,500.00)	0		-1		$ (88,500.00)	0		-1	
Media Services - 1 professional						$ (102,100.00)			-1	-1
Supply Chain - 1 classified position						$ (63,800.00)			-1	-1
Operating***	$ (97,665.29)	0		0		$ (91,665.29)	0		0	

O&M

Eliminate vacant positions (2) 1 professional, 1 classified Grounds Supervisor, Custodial	$	(104,500.00)	0		-2		$	(104,500.00)	0		-2	
Operating ***	$	(300,000.00)	0		0		$	(300,000.00)	0		0	
Building & Grounds - 3 classified positions Maintenance/Custodial/Admin.	$	-	0		0		$	(155,960.00)	0		-3	-3
Cuts	$	(2,154,564.00)	-				$	(1,567,789.00)				
Projected reduction in Enrollment/ Headcount			-112.7	-218					-206.7	-384		
Projected reduction in staffing/ layoffs					-19	-20					-33.25	-34

Proposed Transition Plan (see narrative for additional detail)

"Bridge" one-time funds		
Capital Improvement Fees	$	-
General improvement Fees	$	-
Indirect Cost Recovery Reserves	$	-
	$	-
Expenditures		
A	$	-
B	$	-
C	$	-

* Under Christian Becker
** Short recurring funds from General Improvement Fees, Tech Fees and Lab fees for these expenditures
*** Actual areas to cut operating in is still being reviewed

Impacts of Budget Reductions at Great Basin College

Great Basin College has planned for $7.3 million in budget reductions over the next biennium. The consequences of these cuts can be illustrated in a variety of ways. However, the most dramatic illustration is the chilling effect it will have on students' access to higher education in rural Nevada. The cuts will lower GBC's capacity to teach, and more than 1,300 full time students will lose access to the training and academic opportunities they need to advance their position and contributions to Nevada's society.

The loss of students' access to higher education is already evident. "Caps" on enrollments and elimination of programs for FY2011 resulted in 2,379 failed registrations for prospective students, the equivalent of approximately ninety-five sections or 2,379 class seats. A failed registration is when a student tried to register for a class and was unable to get in. Students may or may not elect to be put on a wait list. These numbers will compound as budget reductions continue.

For FY2012 we estimate that the $2.6M cuts will require the elimination of at least one hundred twenty more sections. One hundred twenty sections equates to approximately 3,000 seats. For FY2013 an additional sixty sections or another 1,500 seats will be eliminated. For the three year period the budget reduction would result in a total loss of 6,879 seats.

For FY2012 the sixteen vacant positions are split between nine administrative/support and seven teaching faculty. The sixteen positions are also split between thirteen professional and three classified.

For FY2013 the eighteen positions are composed of fourteen filled and four vacant. The eighteen positions are split between fourteen administrative/support and four teaching faculty. The eighteen positions are also split between thirteen professional and five classified.

In the period FY2008 through FY2011, significant budget cuts have already been implemented. Those reductions have been disproportionately focused on the support functions of Great Basin College. Instruction was unaffected by reductions until FY2011. Even then, reductions to instruction were at a smaller percentage than other areas. This allowed the college to protect the instructional function as much as possible. Even the cuts planned for FY2012 and FY2013 have fewer positions eliminated in the instruction area than all other areas of the college. Operating budgets for all areas will be reviewed and an overall reduction of approximately $1 Million is anticipated. Items such as grant-in-aid and student access will not be reduced.

The former structure of Administrative Services included the following professional positions: Vice President of Administrative Services, Director of Budget and Finance, Controller, and Director of Human Resources. The current structure has a Chief Business Officer and Controller. This has resulted in a savings of approximately $250,000 in salary and fringe.

In addition, the Controller's Office was reorganized. The reorganization included downgrading the Controller's position from a rank 6 to a 5, reclassifying a vacant classified position from a Accountant Technician II (grade 32) to an Accounting Assistant I (grade 23) and a Accountant Technician I (grade 30) to a professional Student Accounts Specialist (rank 3). In addition, another position was reclassified from

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PAHRUMP VALLEY CENTER
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WINNEMUCCA CENTER
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an Accounting Assistant IV (grade 29) to an Accounting Assistant III (grade 27). This reorganization better serves the business needs of Great Basin College and provides better service to the students and other customers of the Controller's office by providing better customer service with the resources available. This restructuring has provided a salary and fringe savings of $43,300. Due to budget reductions, a part-time Administrative Aid position was eliminated. There are longer wait times for assistance for customers at the Controller's office.

Budget reductions have required the elimination of one position in Computer Services in FY2012. Media Services will have one position eliminated in FY2013. This will result in longer wait times for employees, students, and other partners for service in these areas.

In Operations and Maintenance there were previously three professional positions, Facilities Officer, Director of Buildings and Grounds, and Grounds Supervisor. Currently only the Facilities Officer and Director of Buildings and Grounds positions are filled. The Grounds Supervisor position, which has been vacant since June 2010, will be eliminated in FY2012. One and one-half custodial positions were eliminated in FY2011 and another two positions remain vacant. A vacant maintenance position was reclassified to a custodial position to better serve the needs of the college and resulted in a salary & fringe savings of $18,400. In addition, the operating budgets for maintenance and repairs have reduced over the past three years by $507,000. This impacted the ability to perform maintenance and obtain needed supplies and equipment. In addition, the amount of deferred maintenance increased. The anticipated budget cuts for FY2012 and FY2013 include the elimination of three additional classified positions in Buildings and Grounds along with further reductions in operating funds. All of these reductions have resulted in challenges to the care and maintenance of college facilities.

In Student Services, one position was reclassified from classified to professional. Plus days were eliminated on B contracts. Two professional positions will be converted to B contracts from A contracts in FY2012. The changes result in a savings of $46,600. However, students will be impacted as they will wait longer for advising and other services and advising may no longer be one-on-one. Due to the budget reductions in FY2011, mental health counseling service, which is essential for success for many students, has been eliminated. Two other professional positions will be moved 100% to self-supporting budgets in FY2013. In FY2011 Student Services was heavily involved in the iNtegrate implementation.

In Academic Support, one Dean and one Administrative Assistant position have remained vacant since 2008. In addition, other full-time and part-time administrative positions have been kept vacant. With the budget cuts in FY2012 many of these vacant positions will be eliminated. The vacancies have required that a wide range of tasks be distributed among remaining staff, creating workloads that are difficult to manage properly. Additionally, there are reductions in tutoring services, library and open labs with reduction in hours that students can utilize these services.

In instruction, two teaching faculty positions were eliminated in FY2011. Eight programs were restructured, suspended or eliminated:

- Battle Mountain Dual Credit Diesel – Eliminated
- Broadcast Technology – Eliminated
- Fire Science – Suspended
- Sonography (Ultrasound) – Suspended
- Underground Miner Training – Eliminated
- Agriculture – Restructured
- EMS – Restructured
- PEX - Restructured

The nursing program enrollment cap was reduced. Other programs, such as Diesel, Electrical, Welding, Mill Maintenance, and Instrumentation have added enrollment caps. Budget reductions have resulted in fewer classes and reduced course offerings, and a reduction in student/faculty interaction.

With the proposed budget cuts for FY2012 and FY2013 services to students will be impacted with a reduction in staffing at the library and possible further reductions in hours that open labs, the library and Academic Success Center are available for students to utilize. Students will also see more reductions in one-on-one advising and the student life department, which supports student success by developing and coordinating programs that improve and support academic learning outside the classroom, will be eliminated. With the proposed reduction in staffing in the Career Center/Advising and Enrollment, students will have a longer wait before they can met with an advisor and GBC may need to look at doing group advising. With the proposed reductions in instruction, fewer classes and reduced course offerings will be available for students.

Institution: Truckee Meadows Community College

	FY 12	FTE Reduction Students	Headcount Reduction Students	FTE Reduction Employees	Headcount Reduction Employees	FY 13	FTE Reduction Students	Headcount Reduction Students	FTE Reduction Employees	Headcount Reduction Employees
	Funds					Funds				
FY 11 General Fund	35,748,021					35,748,021				
Projected General Fund	29,890,760					25,418,350				
Reduction	**(5,857,261)**					**(10,329,671)**				
Revenues (show as positive)										
Student Fee Surcharge	1,791,735					3,816,395				
Carve Out for 15% Fin Aid	(268,760)					(572,459)				
Addt'l Budgeted Registration Fee Revenue	100,000					200,000				
Non - Resident tuition	100,000					200,000				
Reserve for tuition refund, indirect, etc.						93,000				
Changes to self support - Eng 101						52,000				
New Revenues	1,722,975					4,830,936				
Loss of Enrollment/ Fees	(367,993)					(826,654)				
Target amount for cuts	**(4,502,279)**					**(6,066,728)**				
PROPOSED CUTS										
5% Pay Reduction/ changes in benefit costs	(978,000)	-	-	-	-	(1,482,140)	-	-	-	-
Instruction										
FT Instructor Reductions	(650,000)	(19)	(983)	(28)	(140)	(650,000)	(19)	(983)	(28)	(140)
FT Temporary Instructor to PT - TBD	-	-	-	-	-	(200,000)	-	-	-	-
Reduce Drafting Instructor	(91,352)	(2)	(2)	(1)	(1)	(91,352)	(2)	(2)	(1)	(1)
Reduce Math classes, moved to self-support	(115,000)	(99)	(854)	(5)	(25)	(115,000)	(99)	(854)	(5)	(25)
Reduce Allied Health - reduction in cohorts	(195,281)	(72)	(65)	(9)	(43)	(195,281)	(72)	(65)	(9)	(43)
Operating funds	(111,366)	-	-	-	-	(111,366)	-	-	-	-
Reduce Regional Training Center	(50,000)	(23)	(56)	(2)	(10)	(50,000)	(23)	(56)	(2)	(10)
Research	-					-				
Public Service	-	-	-	-	-	-	-	-	-	-
Academic Support										
Operating funds	(23,000)	-	-	-	-	(23,000)	-	-	-	-
Student Services										
Reduce Classified staff	(100,000)	-	-	(2)	(2)	(100,000)	-	-	(2)	(2)
Reduce Admissions & Records Asst. Director	(80,000)	-	-	(1)	(1)	(80,000)	-	-	(1)	(1)
Reduce Advising/Student Services Specialist	(160,000)	-	-	(2)	(1)	(160,000)	-	-	(2)	(1)
Reduce financial aid professional	(80,000)	-	-	(1)	(1)	(80,000)	-	-	(1)	(1)
Operating funds	(23,163)	-	-	-	-	(23,163)	-	-	-	-
Institutional Support										
Reduce Accountant - Controllers	(80,000)	-	-	(1)	(1)	(80,000)	-	-	(1)	(1)
Reduce Assistant Director - PIO	(80,000)	-	-	(1)	(1)	(80,000)	-	-	(1)	(1)
Reduce Director - Diversity	(80,000)	-	-	(1)	(1)	(80,000)	-	-	(1)	(1)
Reduce IT Operations - Manager	(80,000)	-	-	(1)	(1)	(80,000)	-	-	(1)	(1)

Institution: Truckee Meadows Community College

	FY 12 Funds	FTE Reduction Students	Headcount Reduction Students	FTE Reduction Employees	Headcount Reduction Employees	FY 13 Funds	FTE Reduction Students	Headcount Reduction Students	FTE Reduction Employees	Headcount Reduction Employees
Operating funds	(72,500)	-	-			(122,000)				
O & M										
Reduce Telecommunications classified staff	(100,000)	-	-	(2)	(2)	(100,000)	-	-	(2)	(2)
Reduce Custodians	(350,000)	-	-	(7)	(7)	(350,000)	-	-	(7)	(7)
Reduce Maintenance personnel	(150,000)	-	-	(2)	(2)	(150,000)	-	-	(2)	(2)
Operating funds	(179,279)	-	-	-	-	(679,279)	-	-	-	-
Reduction in staffing/layoffs(estimate 5-10)	(500,000)	-	-	(5)	(5)	(1,000,000)	-	-	(5)	(5)
TOTAL CUTS	(4,513,071)	(409)	(1,479)	(73)	(244)	(6,066,711)	(409)	(1,979)	(73)	(244)
Net	(10,792)					17				

TMCC
Truckee Meadows
Community College

TRUCKEE MEADOWS COMMUNITY COLLEGE
2012-2013 Biennium Budget Reduction of $10.3 Million

Beginning with budget reductions in fiscal year 2007-08, Truckee Meadows Community College has sustained a $7.4 million, 18+% reduction in the state operating budget. For the 2011-2013 biennium the college is faced with an additional $10.3 million, 28.9% cut to the state operating funds.

To date the college has focused on keeping budget cuts away from the classroom to minimize direct impact on students. Positions in support areas have been kept vacant as employees depart. Five Academic Divisions managed by five Deans have been condensed into the School of Sciences and School of Liberal Arts, managed by two Deans, and the School of Business and Entrepreneurship, managed by an Associate Dean. We further reduced senior management by combining two positions—the Vice President of Academic Affairs and the Vice President of Student Services—into one position, the Vice President of Academic Affairs and Student Services.

The cuts have had serious impact on the entire college: students, staff, faculty and the community the college serves. The new cuts are more serious as the majority of the non-academic area cuts are in place, and instruction will be further reduced. The latest reductions come at a time when, over the last few years, the college has experienced the greatest demand in its history for enrollment in transfer programs and workforce training. This reduction will have a negative impact on our workforce programs, which must be reduced because several of these programs are the College's most high-cost programs.

In evaluating efficiencies and changes, including budget cuts, the college has in place both an Administrative Review Process and a Program Review Process. These tools have been in place and were useful in making cuts and changes from 2007 to the present. For the cuts currently proposed, the college is also using a Curricular Review Committee. The committee meetings have been open to the college, and all proceedings are posted on the College's website.

As reflected in the template for budget reductions, there will be approximately 2,000 unduplicated students who cannot enroll at TMCC as a direct result of these cuts. The college is eliminating 32 full-time positions: 13 classified positions, 8 professional administrative positions, an estimated 6 faculty positions, and 5 employee separations remain under review so the final categories are not yet determined. The college will be reducing the number of part-time faculty by 218 in for-credit courses.

The college is reducing a portion of each allied health program, eliminating 72 student fte and 9 (rounded) faculty fte. The reductions are: one-third of the nursing program, 44 student fte and 4 faculty fte; one half of the dental hygiene program, 12 student fte and 3.4 faculty fte; one half of the dental assisting program 5 student fte and 1 faculty fte; and one half of the radiologic technology program, 10 student fte and 1 faculty fte. The college is eliminating mental health services degree program with the following emphases: Mental Health Technical, Substance Abuse Counselor, and Developmental Disabilities Technician. The college is also collaborating with College of Southern Nevada to merge the two Veterinarian Technology programs.

TMCC, as the pilot iNtegrate college for the student information system, has collaborated with Western Nevada College and Great Basic College in numerous areas for implementation of a shared instance. TMCC is working with WNC and GBC to determine specifics for TMCC to provide web services for WNC and GBC.

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Institution: Western Nevada College

		FY 12 Funds	FTE Reduction Students	Headcount Reduction Students	FTE Reduction Employees	Headcount Reduction Employees		FY 13 Biennial Funds	FTE Reduction Students	Headcount Reduction Students	FTE Reduction Employees	Headcount Reduction Employees
FY 11 General Fund	$	18,472,126					$	18,472,126				
Projected General Fund	$	14,941,033					$	12,621,694				
Reduction	**$**	**(3,531,093)**					**$**	**(5,850,432)**				
Revenues (show as positive)												
Student Fee Surcharge	$	783,218					$	1,668,225				
Carve Out for 15% Fin Aid	$	(117,483)					$	(250,234)				
Add'l Budgeted Registration Fee Revenue	$	-					$	-				
Non - Resident tuition	$	-					$	-				
Other Revenues	$	-					$	-				
New Revenues	$	665,735					$	1,417,991				
Loss of Enrollment/ fees	$	(301,023)					$	(507,625)				
Target amount for cuts:	**$**	**(3,166,381)**					**$**	**(4,940,066)**				
PROPOSED CUTS												
5% Pay Reduction/ changes in benefit costs	$	(332,490)					$	(332,490)				
Instruction												
LOA Reductions (15% in FY 12/Addl. 10% in FY 13	$	(331,439)	-303.52	-759	-15.18	n/a	$	(530,302)	-485.62	-1214	-24.28	n/a
Buyouts (3 Prof. - Acad. Fac.)	$	(293,514)	-60.00	-150	-3.00	-3	$	(293,514)	-60.00	-150	-3.00	-3
English (2), Accounting												
Emergency Hire, Contract non-renewal (2 Prof. - Acad. Fac.)	$	(147,565)	-40.00	-100	-2.00	-2	$	(147,565)	-40.00	-100	-2.00	-2
Nursing, English												
LOA Rural Center Closure (Fernley, Hawthorne, Lovelock, Smith Valley, Yerington)	$	(187,813)	-128.99	-322	-8.60	n/a	$	(187,813)	-128.99	-322	-8.60	n/a
LOA Fallon/Douglas Closure/Reduction							$	(478,180)	-328.42	-821	-21.89	n/a
Curriculum Review (7 Prof. - Acad. Fac.)							$	(690,581)	-140.00	-350	-7.00	-7
Musical Theater, COT, Bookkeeping, El. Ed., Remedial Ed.												
Research												
Public Service												
Academic Support												
Buyouts (2 Classified)	$	(126,896)			-2.00	-2	$	(126,896)			-2.00	-2
Emergency Hire Contract non-renewal (1 Prof. - Admin. Fac.)	$	(37,054)			-0.53	-1	$	(37,054)			-0.53	-1
Result of Curriculum/Admin Review (1 Classified - Theater)							$	(35,951)			-0.75	-1
Elimination of Professional Development Funds	$	(88,500)					$	(88,500)				
Reduction in Library Acquisition Fund	$	(50,000)					$	(50,000)				
Rural Center Closure (2 Classified)	$	(83,608)			-1.02	-2	$	(83,608)			-1.02	-2
Student Services												
Buyouts (1 Prof. - Admin Fac. and 2 Classified)	$	(233,412)			-3.00	-3	$	(233,412)			-3.00	-3
Counseling (2), Fin. Aid												
Emergency Hire Contract non-renewal (1 Prof. - Admin. Fac.)	$	(74,263)			-1.00	-1	$	(74,263)			-1.00	-1
Fin. Aid												
Transfer 2 Prof. - Admin Fac. to non-state funds (GIP)							$	(153,980)			-2.00	-2
Student Life and Fin. Aid												
Institutional Support												

Buyouts (3 Prof. - Admin. Fac)	$	(344,470)		-3.00	-3	$	(344,470)		-3.00	-3
Retain Community Ed. Development										
Emergency Hire Contract non-renewal (4 Prof. - Admin. Fac)	$	(278,465)		-4.00	-4	$	(278,465)		-4.00	-4
Bus. Ofc., Budget, Marketing, IR										
Result of Curriculum/Admin Review (3 Prof. - Admin. Fac, 4 Classified)	$	(213,320)		-3.75	-4	$	(303,120)		-4.75	-5
Library, Print Services, Computer Lab, IR, President's office										
Reduction in Travel Funds	$	(13,430)				$	(13,430)			
Reduction in Institution Operating Funds	$	(183,702)				$	(183,702)			
O.R.H										
Close Rural Satellite Campus (Fernley, Hawthorne, Lovelock, Smith Valley, Yerington)	$	(15,468)				$	(15,468)			
Close Fallon/Douglas Campuses	$	-				$	(84,177)			
Utilities	$	(100,000)				$	(100,000)			
Emergency Hire Contract non-renewal (1 Prof. - Admin. Fac)	$	(93,835)		-1.00	-1	$	(93,835)		-1.00	-1
Transfer of 2 Prof. - Admin. Fac to CIP	$	(168,576)		-1.55	-2					
Facility Director & EH&S Personnel										
Cuts	$	(3,397,820)				$	(4,960,776)			
	$	231,439				$	20,711			
Projected reduction in Enrollment/ Headcount			-532.51	-1331				-1183.04	-2958	
Projected reduction in staffing/ layoffs.				49.63	-28				89.83	-37
Proposed Transition Plan (see narrative for additional detail)										
"Bridge" one-time funds										
Capital Improvement Fees FY12 Only	$	168,576								
General Improvement Fees FY13 Only	$	153,980								
	$	322,556								
Expenditures										
CIP - Facility Director & EH&S Personnel	$	168,576								
GIP - Student Life and Fin. Aid	$	153,980								
	$	322,556								

Western Nevada College
Office of the President

The attached spreadsheet details the means by which Western Nevada College will achieve a total general fund budget cut of 31.7%, over the course of the next biennium.

The total general fund reduction in dollars over the biennium is $5,850,432, on a base general fund budget in 2011 of $18,472,126. Because we do not anticipate that the college will be able to hold its current enrollment with this level of cut, the college assumes a loss of approximately 200 FTE, and therefore an additional loss of revenue of $301,023 in FY12 and a total of $507,625 in biennium.

The college budget reduction plan makes use of a variety of approaches designed to attempt to avoid irreparable harm to the college's mission and its students, but rather to leave a viable core institutional base at all sites, from which the college can recover in future years, when the state may be assumed to be in better circumstances.

1) The first cut is a substantial institution-wide effort to implement zero-based budgeting and reduce general operating costs. This effort, given departmental cooperation across all functions, is projected to generate approximately $400,000 in savings.

2) The college will close, or reduce services, at seven satellites over the biennium, obtaining about $1,000,000 in savings. During the first year, the five rural sites (Fernley, Lovelock, Hawthorne, Smith Valley, Yerington) will be closed and we anticipated that they will be replaced with IAV facilities managed by the high schools. This will allow us to continue to support rural high school students' pursuit of higher education. We are currently negotiating agreements with school districts to do this. In the second year of the biennium, we will close or reduce services at the Fallon and Douglas campuses. We have begun efforts to locate financial and other resources within local communities, to soften the impact of these steps.

3) We have conducted a buyout effort with all full-time faculty and staff, and anticipate about $750,000 in savings from this effort.

4) We expect to achieve a savings of about $300,000 from the 5% salary cut to all employees. This savings is not as large as might be anticipated because many of our employees volunteered for or were mandated to participate in the 4.6% furlough program last year.

5) We project approximately a $700,000 increase in revenue from a 13% increase in student surcharge fees in each of the biennial years. Approximately $100,000 of this will be directed to the governor's requested 15% financial aid set aside.

6) We will reduce class sections by decreasing the LOA and overload budgets by 15% in the first year and an additional 10% in the second year. This will save a little over $500,000 over the two years of the biennium, but will have a significant impact on the number of class sections offered and subsequently on the availability of courses to students.

7) We will eliminate a number of currently funded student activities from our GIP budget and replace these with essential core student services functions. A similar replacement of CIP initiatives with essential Facilities and Environmental Health and Safety staff, will along with the GIP change save about $300,000 in the second year. These transfers will require board of regents approval.

8) Curricular and support review processes, currently underway, are slated to save about $750,000. These funds will be generated by personnel layoffs across faculty, administration and staff, program elimination, and reduction in services to students and our service area.

Institution: System Administration	FY 12	FTE Reduction Students	Headcount Reduction Students	FTE Reduction Employees	Headcount Reduction Employees	FY 13	FTE Reduction Students	Headcount Reduction Students	FTE Reduction Employees	Headcount Reduction Employees
	Funds					Funds				
FY 11 General Fund	$ 4,877,471.00					$ 4,877,471.00				
Projected General Fund	$ 4,339,713.00					$ 3,729,794.00				
Reduction	**$ (487,756.00)**					**$ (1,147,677.00)**				
Revenues, (show as positive)										
Overcut to University Press	$ 107,631.00					$ 88,061.00				
Establish Operating Pool Assessment	$ -					$ 50,000.00				
	$ -					$ -				
	$ -									
New Revenues	$ 107,631.00					$ 138,061.00				
Target amount for cuts:	**$ (380,125.00)**					**$ (1,009,616.00)**				
PROPOSED CUTS										
Public Service										
Nevada Industry Excellence	$ (135,178.00)			1.5	2	$ (274,506.00)			3	3
Institutional Support										
Position actions - do not refill position vacancies, place positions on grant or non-state funding, and eliminate existing positions (salary + fringe)	$ (43,866.00)			0.65	1	$ (134,174.00)			3.1	4
Reduce operating/travel costs	$ (174,583.00)					$ (401,640.00)				
O & M										
Reduce rent and O&M costs	$ (26,472.00)					$ (59,296.00)				
Cuts	$ (380,123.00)					$ (1,009,616.00)				
	$ -					$ -				
Projected reduction in Enrollment/ Headcount		0	0				0	0		
Projected reduction in staffing/ layoffs				2.15	3				6.1	7

System Administration
Budget Reduction Narrative

General Fund support recommended in the Executive Budget for the System Administration budget totals $4,389,715 in FY 2012 and $3,729,794 in FY 2013. This represents a reduction of $487,756 in FY 2012 compared to FY 2011 approved amounts, and an additional reduction of $659,921 in FY 2013. From FY 2011 to FY 2013, General Fund support is reduced by a total of $1,147,677 which represents a decrease of 23.5 percent.

The additional revenues and expenditure reductions that are recommended to bring the System Administration budget into balance based on the reduction in General Fund support, as recommended in the 2011-13 Executive Budget is outlined below:

Additional Revenues

The System Administration budget utilizes an overcut to the University Press of $117,633 in FY 2012 and $88,061 in FY 2013 to offset a portion of the recommended reductions during the 2011-13 biennium. In addition, an assessment for managing the Operating Pool totaling $50,000 is recommended to support the Banking and Investments office.

Expense Reductions

The following expenditure reductions are recommended:

- The Nevada Industry Excellence (NVIE) program is reduced by 25% in FY 2012 and 50% in FY 2013. This represents reductions of $135,178, representing 1.5 FTE positions in FY 2012, and $274,506 in FY 2013, impacting a total 3.0 positions.

  In addition, a total 0.65 FTE in FY 2012 and 3.1 FTE in FY 2013 are also recommended to be reduced. Total funding reductions from these actions total $43,890 in FY 2012 and $314,174 in FY 2013. These actions reflect not refilling vacant positions, placing positions on grant or non-state funding and eliminating positions that are currently filled.

- Travel and operating costs are reduced by $174,583 in FY 2012 and $401,640. These savings represent specific as well as across-the-board reductions to travel and operating. In FY 2013, the external audit fee is reduced, consultant costs are decreased and Regents awards are suspended. In addition, most all operating line items are reduced across-the-board by 10 percent.

- Lease payments for the Las Vegas System Office and O&M costs for the Reno Office are reduced by $26,472 in FY 2012 and $19,296 in FY 2013.

Institution: System Computing Services

	FY 12 Funds	FTE Reduction Students	Headcount FTE Reduction Students	Headcount FTE Reduction Employees	Headcount Reduction Employees	FY 13 Funds	FTE Reduction Students	Headcount FTE Reduction Students	Headcount FTE Reduction Employees	Headcount Reduction Employees
FY 11 General Fund	$ 18,713,340.00					$ 18,713,340.00				
Projected General Fund	$ 16,459,278.00					$ 14,048,281.00				
Reduction	**$ (2,255,762.00)**					**$ (4,667,259.00)**				
Revenues (show as positive)										
Student Fee Surcharge	$ -					$ -				
Carryi Out for 15% Fin Aid	$ -					$ -				
Add'l Out-of-State Tuition Fee Revenue	$ -					$ -				
Non - Resident tuition	$ -					$ -				
Other Revenues	$ -					$ -				
New Revenues	$ -					$ -				
Loss of Enrollment/Fees	$ -					$ -				
Target amount for cuts	**$ (2,255,762.00)**					**$ (4,667,259.00)**				
PROPOSED CUTS										
Instruction										
Research										
Public Service										
Academic Support										
Student Services										
Institutional Support										
*System Computing Services										
Vacant Professional Administrative	$ (566,320.00)			-6		$ (577,464.00)			-6	
Vacant Classified	$ (344,241.00)			-5		$ (350,554.00)			-5	
Filled Professional Administrative	$ -					$ (1,132,765.00)			-11	-11
Filled Classified	$ -					$ (751,862.00)			-9	-9
Operations - Network Connections	$ (136,333.00)					$ (554,700.00)				
Operations - Hardware Maintenance/Support	$ (172,998.00)					$ (240,046.00)				
Operations - Software Licensing/Support	$ (68,333.00)					$ (68,333.00)				
Operations - UNIX IT Staff Support	$ (118,500.00)					$ (118,500.00)				
Operations - Security Assessment	$ -					$ (50,000.00)				
Operations - Office/Maintenance Expendables	$ (72,210.00)					$ (69,210.00)				
Operations - Vehicle Fleet Savings	$ (29,334.00)					$ (29,334.00)				
Operations - Network Analysis for Infrast	$ (50,000.00)					$ (50,000.00)				
Operations - Travel	$ (100,000.00)					$ (100,000.00)				
O & M										
Cuts	$ (2,255,762.00)					$ (4,667,259.00)				
	$ -					$ -				
Projected reduction in Enrollment/ Headcount		0	0				0	0		
Projected reduction in staffing/ layoffs				-11	0				-31	-20

System Computing Services
Preliminary Proposal

Staffing

•9.5% reduction in work force in FY 12
•Additional 20% reduction in work force in FY 13

•With reduction in staff, productivity falls and burnout increases--long hours, too much work, and not enough time to accomplish all the work which needs to be completed; increase in stress related illnesses and absences
•Not able to maintain current level of service to institutions. Service will be reduced and response time to requests will be longer
•Additional overtime support will be required to support troubleshooting of hardware and software, to cover equipment and network outages
•Reduction in ability to support current or improvements in service on behalf of institutions and support of special services such as support to Board of Regents meetings
•Only regulatory enhancements will be made to legacy HR, Financial and data warehouse
•Difficult to provide new services

Network Connections

•FY 12: Elimination of 24 T-1 leased line network connections
Elimination of one (1) DS 3 leased line network connection
Eliminate financial support for nine remaining Coop Extension last mile connectivity. Other 10 Coop Extension facilities are paying the last mile connectivity
•FY 13: Eliminate Cenic Northern Commodity Internet
Eliminate Cenic high speed internet research Internet II

Hardware Maintenance/Support

•Acceleration of decommissioning of equipment
•Legacy services will not be available
•Data warehouse workload production will be transferred to the data warehouse test platform to facilitate a consolidation effort to conserve operating costs
•Maintenance intervals on building UPS, heat exchangers, etc. will be extended from quarterly to semi-annual checks
•Low level equipment will be removed from maintenance contracts with more reliance on spares

Software Support/Maintenance

•Reduction in labor saving tools, which lead to analyst work efficiencies, will be replaced with older labor intensive techniques
•Institutions no longer able to run batch jobs during work day which leads to reduced institutional efficiency

Security Assessment

•Since security remediation takes time, the third party consultant who conducted a security assessment of the IT infrastructure, access control, physical security, remote access, vulnerability management,

policy review, and comparison against security capabilities maturity model in FY 10, recommended this type of audit be conducted every other year.

Office/Maintenance Expendables

- Reduction in paper, computer supplies, postage, cell phone service and maintenance, building maintenance
- Elimination of off-site storage

Offsite Tape Vault Storage

- Time necessary to recall tapes from tape vault is significantly extended

Network Infrastructure Parts/Pieces

- Network services will be subject to more frequent and longer lasting outages

Travel

- With limited travel funds
    - Response time to unanticipated outages and equipment failures of the network will increase which lowers the level of preventative maintenance
    - Untrained staff will be troubleshooting increasingly sophisticated systems
    - Lack of face-to-face communication between a supervisor and employee

NSHE Special Projects	FY 12 Funds	FTE Reduction Students	Headcount Reduction Students	FTE Reduction Employees	Headcount Reduction Employees	FY 13 Funds	FTE Reduction Students	Headcount Reduction Students	FTE Reduction Employees	Headcount Reduction Employees
FY 11 General Fund	$2,294,034.00					$ 2,294,034.00				
Projected General Fund	$ 1,837,241.00					$ 1,625,088.00				
Reduction	$ (296,793.00)					$ (608,945.00)				
Target amount for cuts	$ (296,793.00)					$ (608,945.00)				
PROPOSED CUTS										
Research										
1 Professional	$ (54,533.60)			-0.31	1	$ (94,222.68)			-0.5	1
1 Classified/Technologists	$ (54,346.19)			-1	1	$ (54,346.19)			-1	1
Note: One professional position reduced to .50 FTE						Note: One professional position reduced to .50 FTE				
Funds. One classified position eliminated						Funds. One classified position eliminated				
Operating	$ (185,913.21)					$ (460,376.13)				
Cuts	$ (296,793.00)					$ (608,945.00)				
	$ -					$ -				
							0	0		
Projected reduction in staffing/ layoffs				-1.31	2				-1.5	2
Footnote:						Footnote:				
Research Grant Matching Funds						Research Grant Matching Funds				
Grant matching reduction of 3.65 FTE not show in State Budget						Grant matching reduction of 8.5 FTE not show in State Budget				

Impact of Proposed Cuts to the FY2012 & FY2013 Allocations of Special Projects Matching Funds

The annual allocation of Special Project Matching Funds to the Nevada System of Higher Education (NSHE) has proven to be one of the most prudent and lucrative investments made by the State of Nevada.

These allocations have been used with great success to leverage federal grant funding in support of research at NSHE institutions and have made it possible for NSHE to successfully compete for large federal grants requiring the grantee to provide matching funds. Successful grants are awarded to the System, and the funds are subsequently distributed to NSHE's colleges and universities. This combination of State and federal grant funds has been crucial to the expansion of the academic R&D enterprise and improving student education in science and technology.

Past, current, and future reductions to these funds have not been, nor will they ever be, reductions to the operating funds of any NSHE administrative unit. Rather, the reductions have been to the direct investment of matching funds used to leverage federal grant funding in support of research at NSHE institutions. Both State and federal funds are linked, and the loss of one results in the corresponding loss of the other. If committed matching funds on an active project are reduced, then federal funds must be returned to the funding agency. The amount returned will at least equal the amount of matching funds lost but may be two to three times what is lost, depending upon the grant program. This situation is especially problematic because not only is the project damaged or curtailed, the reputation and future competitiveness of NSHE and State of Nevada will suffer.

When the matching fund allocation is reduced, the only way to prevent the return of federal funds or for NSHE to apply for future grants is for NSHE institutions to provide the matching funds. Since the institutions are also facing massive reductions, it will be extremely difficult for them to maintain current projects or to apply for new ones.

Proposed cuts to the NSHE matching fund allocation for the next biennium will result in an overall 30% reduction since Fiscal Year 2010. In terms of dollars lost, these cuts are devastating. The total loss of funding attributable to the current round of proposed cuts can be estimated conservatively as twice the total proposed reduction **($694,102 x 2 = $1,388,204)**. But dollar amounts alone do not adequately describe the negative effects of this funding loss.

The participation of faculty in multi-disciplinary and inter-disciplinary collaborative research activities, plus the involvement of undergraduate and graduate students in EPSCoR programs have been critical to producing cutting-edge science for the real-world solutions to critical issues relevant to Nevada. In the coming years,

Nevada's colleges and universities will focus on areas that require research to address the needs associated with alternative and renewable energy, climate change, education, human health, technology (including informatics), urban and renewable sustainability, and water resources and policy. All these research areas directly impact the economic well-being and societal needs of the State of Nevada. Without the prospect of adequate funding to achieve these research goals, higher education and economic recovery in the State of Nevada will be severely impeded.

University of Nevada Press

	FY 12 Funds		FTE Reduction Students	Headcount Reduction Students	FTE Reduction Employees	Headcount Reduction Employees	FY 13 Funds		FTE Reduction Students	Headcount Reduction Students	FTE Reduction Employees	Headcount Reduction Employees
FY 11 General Fund	$	614,656.00					$	614,656.00				
Projected General Fund	$	430,259.00					$	368,794.00				
Reduction	**$**	**(184,397.00)**					**$**	**(245,862.00)**				
Target amount for cuts:	**$**	**(184,397.00)**					**$**	**(245,862.00)**				
PROPOSED CUTS												
5% Pay Reduction/ changes in benefit costs	$	(2,025.00)					$	(2,025.00)				
Public Service												
Administration												
Operating-shipping	$	(6,000.00)					$	(11,000.00)				
Operating-program fees/book refunds	$	(6,050.00)					$	(6,250.00)				
Operating-royalties	$	(3,405.00)					$	(3,405.00)				
Operating-phone/memberships/vehicle	$	(1,922.16)					$	(2,327.76)				
Operating-travel							$	(1,900.00)				
Professional-fringe adjustment	$	11,443.00					$	11,443.00				
Warehouse												
Classified-position outsourced	$	(54,579.07)			-1	-1	$	(54,579.07)			-1	-1
Operating-CDC warehouse fees	$	71,350.00					$	71,550.00				
Operating-supplies/equipm/phone	$	(3,024.76)					$	(3,024.76)				
Operating-shipping	$	(7,000.00)					$	(7,000.00)				
Order Fulfillment												
Classified-position outsourced	$	(59,565.20)			-1	-1	$	(59,565.20)			-1	-1
Operational-program fees	$	-					$	(2,000.00)				
Editorial												
Professional,-Administrative	$	(85,148.41)			-1	-1	$	(85,148.41)			-1	-1
Operating-Freelance cost	$	28,716.00					$	24,316.00				
Marketing												
Part-time LOA	$	11,419.40									-0.5	-0.5
Operating-Advertising	$	(10,500.00)					$	(12,500.00)				
Operating-Catalog	$	(3,000.00)					$	(3,000.00)				
Operating-travel	$	(4,550.00)					$	(4,850.00)				
Operating-Subscr/training/supplies	$	(300.00)					$	(300.00)				
Operating-commissions	$	(1,200.00)					$	(1,200.00)				
Production												
Operating-Printing	$	-					$	(26,820.00)				
Operating-Independent Contractors							$	(2,000.00)				
Operating-cover art	$	(3,400.00)					$	(3,400.00)				
Operating-travel	$	(1,500.00)					$	(2,000.00)				
Operating-Book files	$	1,800.00					$	1,300.00				
Operating-Subscr/training/supplies	$	(750.00)					$	(850.00)				
Acquisitions												
Operating - travel	$	(5,350.00)					$	(6,450.00)				
Operating - reader fees	$	(2,050.00)					$	(2,500.00)				
Operating-memberships							$	(150.00)				
O & M												
Move Inventory to Chicago Distribution	$	(47,765.00)					$	(47,765.00)				
Cuts	$	(184,397.00)					$	(245,862.00)				
	$	-					$	-				
Projected reduction in staffing/ layoffs					-3	-3					-3.5	-3.5
Proposed Transition Plan (see narrative for additional detail)												
"Bridge" one-time funds												
Press funds reserve	$	90,000.00										
	$	-										
	$	90,000.00										
Expenditures												
Anticipated retirement contributions from layoffs	$	(90,000.00)										
	$	-										
	$	(90,000.00)										

University of Nevada Press

Budget Reductions FY 12-13

The University of Nevada Press is the book publishing arm of the Nevada System of Higher Education. It was founded in 1961 to publish scholarly and general interest works about the state and the region and that reflect the academic strengths of the campuses.

The attached budget reduction summary for 2012 and 2013 document significant proposed decreases:

Fiscal Year	Exec Budget	Total Funding	Reduction over Exec Budget
FY 2011	$614,656		
FY 2012	$537,892	$430,259	$107,633
FY 2013	$456,855	$368,794	$ 88,061

In this scenario, the press's general fund amount is reduced by 40 percent in FY 2012 and by 50 percent in FY 2013. Since 2009, the press's state funds will have been reduced 61 percent, from $$945,603 to $368,794.

To make these targets the press has undertaken a number of changes. Most important, the press is in the process of outsourcing its warehousing and order fulfillment operations. By contracting with Chicago Distribution Services (CDC), the press will pay CDC a percentage of sales for distribution services, eliminating two FTE Classified positions as of June 2011 and reducing O & M for the Stead warehouse.

In the Editorial departments, the press will not be replacing its retiring managing editor with another FTE. The loss of this administrative faculty position is very problematic because professional editing is a critical component of publication quality. Although the press can outsource certain functions, such as copyediting and proofreading on a project by project basis, the overall quality of the program may be impacted by the lack of managerial oversight of standards and consistency.

By 2013, because of the overall diminishing lack of support, we anticipate a significant reduction in the number of titles published, and have projected commensurately reduced production, marketing, and related costs.

The reduced funding level poses challenges to maintaining both the quality and quantity of the press's books. Book publishing requires specialized skills in book acquisition, editing, design and production, marketing and sales, business and administration, and, increasingly in information technology. Without the funding to hire dedicated personnel in these areas, we remain concerned about our ability to maintain quality and competitiveness.

CONSOLIDATE GBC, TMCC, AND WNC
Institutional Response

Merger Overview

A savings of $7.9 million by merging Great Basin College, Truckee Meadows Community College and Western Nevada College cannot be achieved without closing Great Basin College and Western Nevada College.

The projected $7.9 million in savings includes a significant technical error: the treatment of vacancies as "savings." These vacancies have been planned as permanent, to cover the anticipated budget cuts at each college. The colleges had no plans to refill them. Assuming that the accreditation challenges of the proposed merged institution—which could take eight to ten years—could be resolved, reinstating the required human infrastructure to operate all three colleges would provide a total savings approximately $3 million.

The creation of the merged college would decrease costs in one staffing category: the very highest levels of administrative infrastructure. However, significant positions would need to be established at each site to ensure operational and fiduciary accountability, including but not limited to:

- Academic Provost
- Chief Information Officer
- Admission and Records Director
- Facilities Services Director
- Financial Aid Director

The staff cost savings is substantially limited, due to the sheer size and complexity of the area served. The state of Nevada occupies approximately 109,000 square miles. The merged institution would serve over 80,000 square miles, nearly 75% of the entire state. In order to do so, the merged college would require leadership at each site.

Additionally, each college serves the unique workforce development needs of its various social and business communities, as community colleges do across the country. Local employers have worked for four decades to ensure that their community college provides the specific skill sets needed. Local corporations, foundations and corporate donors support each institution with gifts; each of the three colleges is undergoing a Major Gifts Campaign to increase private support. Structure to preserve this community outreach, involvement and responsiveness is required to ensure successful partnerships throughout three quarters of the state. There would be no cost savings in salaries for advancement and related services, because these functions would become even more critical for a newly formed, merged college.

Questions to be addressed in the Merger
1. Accreditation – Northwest Commission on Colleges and Universities and special accreditation groups for instructional programs at each of the existing colleges would require a new accreditation process for a merged college—as identified above, this long-term process

could take eight to ten years. GBC and WNC provide baccalaureate degrees in a number of areas. Accreditation in those areas would be an immediate concern.

2. Professional Specialized Accreditation – Fourteen existing programs at the three colleges have required professional program accreditation. Significant research will be required to determine the process to merge or change program accreditation.

3. Financial Aid for Students – Students are currently eligible for financial aid through the institution in which they are enrolled. The cost savings of the proposed elimination of staff will not be significant, because federal regulations require full financial aid services at each college site which distributes funds with a staff that provide, as a minimum, management of all financial aid, customer service and financial aid application processing. Further, the financial aid staff at the main campus of the merged institutions would very likely be required to increase staff to process the significant coordination issues related to merging the financial aid application process.

The timeline for a transition would not be immediate, because the financial aid award year begins January, which means that applications and processing is already significantly underway for the 2011-2012 award year. Changing the entire process midstream would be a serious disservice to students. The process of changing the system with the federal government could begin no later than July 2011 for implementation in January 2012 for the fall 2012 and spring 2013 academic year at the earliest.

4. Grants and Contracts – All grants and contracts would likewise need to be negotiated with external entities to reflect the new administrative structure. At the current time, only TMCC has an established federal F&A rate.

6. Faculty – Faculty members at each institution have the same salary schedule and are governed by the same Board of Regents' policy and procedures, which would be helpful in the establishment of a merged institution. However, of the existing institutions, only TMCC engages in a collective bargaining process. The merged College would either need to engage its entire faculty membership in collective bargaining or eliminate collective bargaining. Eliminating collective bargaining would be a considerable and time-consuming challenge.

The role of faculty in defining the merged college and handling the change within parameters will be problematic. Faculty members are currently participating in the Curricular Review Process and will continue to be active participants in the future.

7. Cost Savings from a Critical Mass – Although a merger may create advantages that would yield savings by creating a critical mass of faculty in needed areas, the level of decreased responsiveness based on distance between institutions will erode any benefit or cost savings. These details are being explored at each institution through a Curricular Review and Support Review Process that has an effective deadline of April 8, 2011, the date of the NSHE Special Board of Regents meeting.

8. Distance Education Benefits – The merger of the three institutions would not result in substantial savings in the area of distance education. There could be three possible areas of savings:

1. **Licensing**: synchronize and standardize software solutions to obtain additional efficiencies. Each college has chosen a different online model, and this merger would incur more cost to make a transition for compatibility, negating any possible savings.
2. **Staffing**: possible slight reduction of cost
3. **Curriculum efficiencies**: realize limited cost savings because, for each college, DE enrollments represent a high level of enrollment efficiency. Any changes to the current approach would require a significant level of research and analysis. Distance education classes represent *the most rapidly growing type of student enrollment* at each of the three colleges. This growth would make "streamlining" curriculum a poor choice, because the three colleges do not currently offer enough sections to meet growing student demand. In addition to online course delivery, there is also a significant amount of course delivery through interactive video (IAV) to rural communities. This important platform of delivery is currently 20% of all GBC's FTE.

Delivery Options—no cost savings
A merger would neither adversely impact the possible modalities of delivery nor improve delivery. As concerns the ability to develop and deliver technology-enhanced instruction, all three colleges have been part of the interactive video (IAV) network since its inception under SB204 and AB606 special legislative funding in the mid-1990s. All three colleges currently offer courses/degrees via the Internet and are part of the NSHE IAV network (NevadaNet) with multiple IAV-equipped classrooms. In addition, all three colleges reside within the KNPB Channel 5 service area, which raises the option of telecourse delivery should the need arise.

Needed Student Support Services—no cost savings
In addition to instruction, student support services are required to accompany each course, including advising, financial aid, tutoring capacity, and many other support services. The three colleges provide these services through face-to-face meetings, online and via IAV for distance education students. There would be no cost savings for student support services in a merger.

9. iNtegrate Student Services Module Interface – In considering this, it is helpful that each of these institutions is in the same instance and would therefore, with some work, be able to transition into a new institutional identification within the software as currently configured.

10. Pahrump Campus – GBC currently has a presence with CSN in Pahrump, Nevada. With a merged Northern Nevada college, the courses and campus in Pahrump would be moved back into CSN completely. However, it is possible that CSN would close the remote center due to budget reductions.

11. College Foundations – Expecting one foundation to cover 80% of the state equates to closing two college foundations and losing the support of valuable donor relationships that have been developed over several decades. The donors would not likely transfer their support to an unknown merged College because, in simplest fundraising terms, people give to people whom they know and trust. Further, each of the institution's foundations is a separate 501c3 entity,

which is governed locally by Boards of Trustees who would be required by incorporation bylaws to vote in support of a merged foundation entity. It is entirely possible that the Foundation Boards of Trustees would choose to cease any fundraising efforts if control of GBC, WNC and TMCC operations were merged.

12. Transition Planning - A planning team could be composed of presidents, faculty and staff representatives of GBC, TMCC, and WNC. The team could be charged with preparing a plan and a timeline for the Board of Regents. This effort would require a NSHE team leader to coordinate and direct the team.

13. Merge Two Colleges – The cost savings for merging only two colleges has been explored, and the savings are extremely limited given the total costs to merge, which includes all aspects of both colleges, including:

- Access to instruction
- Services to students
- Facilities infrastructure
- Inability to raise public and private funds.

14. Student Services

As noted above, student support services are required to accompany all courses, including advising, financial aid, tutoring, etc. There would be no cost savings for student support services in a merger. Not contemplated at the level of support required are services for specialized populations, such as veterans, disabled students, re-entry students, and others.

GBC SUBMISSION

Great Basin College
Potential Administrative Cost Saving Plans
Amended Saving Summary

Merge WNC and GBC with TMCC		**GBC** Est	
Academic Support Function GBC	FTE	Savings	NOTES
VP Academic Affairs	10.24	977,224	
VP, Exec Asst, Mgr, Inst. Dsgn, Director, Coordinator, Deans (2), Classified			
Sub Total	10.24	977,224	
Student Services Function GBC			
VP Student Services	2.00	251,319	
VP, Exec Asst			
Sub Total	2.00	251,319	
Institutional Support Function GBC			
President's Office	2.00	301,896	
Pres, Exec Asst, operating			
Controller's Officer	3.00	166,095	
Controller, Specialist, Class			
VP Administrative Services	1.50	180,933	
VP, Exec Asst			
Legal Counsel	0.25	42,385	
NSHE Chief Counsel			
Human Resources	1.75	120,535	
Director, Class			
Sub Total	8.50	811,844	
Sub-Total Savings	20.74	**2,040,387**	
The following additional positions would be needed to ensure efficient and effective campus operation:			
CTE Program Director	1.00	121,709	Prof (rank 6) for size of programs currently
Dean (or similar) of Student Services	1.00	121,709	Prof (rank 6)
Campus Director, assistant	2.00	153,353	Prof (rank 6), Exec. Assist. For Elko Campus
Charge-back Legal Assistance		45,000	
Savings Estimated	16.74	**1,598,617**	

WNC SUBMISSION

Western Nevada College
Potential Administrative Cost Saving Plans
Amended Saving Summary

Merge WNC and GBC with TMCC		**WNC** Est	
Academic Support Function WNC	FTE	Savings	NOTES
VP Academic Affairs	2.00	242,217	
VP, Exec Asst,			
Sub Total	2.00	242,217	
Institutional Support Function WNC			
President's Office	2.75	370,331	
Pres, Exec Asst, Clas, wages, operating			
VP Finance-/Controller's Office	4.00	363,941	
Eliminate department except three pos			
Budget Office	1.00	68,844	
Budget Officer			
VP Finance & Administration	2.00	270,155	
VP, Exec Asst, oper			
Development Office			
VP, Exec Asst, oper,			
Dean Fallon Campus-Rural Centers	1.00	172,406	
Dean, Exec Asst			
Informational Services	3.25	154,806	
Webmaster, PIO, PTI, Class			
Institutional Research Support	2.00	162,164	
Director, Prog Analyst, Class, oper			
VP-Human Resource & General Counsel	2.00	281,272	
Director, Exec Asst, Asst Dir			
Sub Total	18.00	1,843,918	
Operation and Maintenance Function WNC			
Administrative	1.00	127,613	
Director			
Sub-Total Savings	21.00	**2,213,749**	
The following additional positions would be needed to ensure efficient and effective campus operation:			
Campus director, assistant	2.00	153,353	Prof (rank 6), Exec Assist
Facilities manager	1.00	58,603	Prof (rank 3)
Campus coordinator, assistant (Fallon)	2.00	116,103	Prof (rank 4), Adm Assistant IV
Charge-back Legal Assistance		75,000	
Savings Estimated	16.00	Page 810,690	

CONSOLIDATE NSC TO CSN AND UNLV
Institutional Response

To more efficiently and effectively manage enrollment growth and to produce desirable educational and economic outcomes for Nevada, NSHE educates Nevada's citizens via three types of institutions (or educational settings): community colleges, a state college, and universities. No single institution can provide all things to all students. Some students are better served in one educational setting than another.

By design, these institutions have different missions, admissions standards, and cost structures (due in large part to variation in salaries, teaching loads, and academic and student support services). Each institution serves a unique student market that varies by academic and career goals, academic preparation and aptitude.

CSN, as a comprehensive community college with an open-door admissions policy, offers remedial and developmental education, general education, workforce development, vocational and technical training, and associates degrees that provide seamless transfer to the state college and universities.

UNLV, as a comprehensive research university with an increasingly selective admissions policy, offers education through the doctoral level. It makes significant contributions to new knowledge, economic development, and the culture of the state.

NSC, as a comprehensive state college with a broad admissions policy (minimum 2.0 GPA), offers education at the baccalaureate level in specific, regional niches with limited professional graduate degrees. As such, the college opened in 2002 with 13 four-year degree programs with a special emphasis in the areas of nursing and teaching. Students majoring in nursing and teaching make up over 50 percent of NSC's total enrollment, and roughly one-third of NSC's students are majoring in degree programs within the School of Liberal Arts & Sciences (LAS). (The largest programs by student enrollment in LAS are biotechnology, business, and psychology.)

There are several possible ways to merge NSC into CSN and UNLV. Each way comes with its own set of unique and complex considerations.

For example, one possible way to merge NSC into CSN and UNLV is to move NSC's bachelor's degrees (B.S. and B.A.) to UNLV, and move NSC's two bachelor's of applied science degrees (B.A.S. in Management and Criminal Justice) to CSN.

When the term or concept of "moving degrees" is used, we are assuming that the students will follow the degrees. The cost to the students who go to UNLV will be higher. The cost to the students who go to CSN will be lower at the lower division level, but the same as the upper division level. The cost per student to the State (in terms of state support) under the current formula would be higher at UNLV and lower at CSN.

Moving academic programs to CSN would only include the identified programs that fit within the CSN mission and align with the policies of the Board of Regents for community colleges.

Thus, BAS degrees would move to CSN, and the CSN academic master plan would need to be revised accordingly. (While the BAS programs are more academically aligned with CSN's vocational mission, NSC enrolls a relatively small number of students in its BAS programs. Therefore, moving these BAS programs to CSN will result, in the short term, in minimal students actually transferring to the community college. It is assumed that the majority of students would transfer to UNLV.)

All other general bachelor's degrees would move to UNLV, such as English, business, psychology, and biology. For those programs that move to UNLV, the matter of whether the faculty from NSC will follow the program would need to be considered.

A second possible way to merge NSC into CSN and UNLV is to move, in addition to the BAS programs, teacher education and nursing degrees to CSN, in keeping with the policy allowing professionally-oriented degrees at community colleges if the need is demonstrated.

CSN is located in Henderson with a mission to serve that community in partnership with the local high school and could expand its programs in that area through existing partnerships. The land and buildings owned by NSC could conceivably (but not necessarily immediately) supplement and support the CSN programs in Henderson. The current NSC rental sites could be closed. If such a merger were to occur, there would be no need for two presidents, two vice presidents in each area of student services, finance, and academic affairs, two HR Directors, two Financial Aid Directors, two physical plant directors, etc. (While there would be no need for two sets of executive administrators under the current proposal, the elimination of these positions at NSC would not result in immediate savings given the tenured status of several executives. Barring the possibility of buyouts or other measures as provided in NSHE code, tenured executives would continue on either UNLV's or CSN's payroll in a teaching capacity.) In addition to the ongoing compensation for NSC's reassigned executives, it is likely that, depending on the model developed, some new mid-level management positions would need to be created for the Henderson campuses.

Key Policy Questions:

- Is this model described the best model if NSC were to cease to be an independent institution?

- Are the cost savings sufficient when considering the complexity of the short- and long-term impacts on students, CSN and UNLV? (This scenario assumes that all current students and faculty continue, an assumption that may not be correct.)

Additional questions that need to be addressed if this merger were to be considered:

1. Accreditation – With such a merger, both CSN and UNLV would be continuing accredited institutions and accreditation changes would occur under their existing accreditation and the filing of substantive change documents. NSC would have to relinquish its accreditation and "go under" the accreditation umbrella of the others. Final decisions could be made only after consultation with NWCCU. However, if this merger

were to occur, it would be critical that students at NSC be protected in relation to their degrees from an accredited institution. NSC is scheduled to gain full accreditation status Summer 2011 and if this is granted, their students would have credits and degrees from an accredited institution. If a decision is made that puts that institutional accreditation in jeopardy as early as July 2011, further conversation with Northwest Commission on Colleges and Universities would be essential.

2. Henderson - The "Henderson branch" would remain as unit within CSN with a focus on awarding the applied baccalaureate degrees transferred from NSC, but that unit would not have separate institutional accreditation. This would allow closing the rented space in downtown Henderson that NSC currently utilizes and the use of the CSN Henderson campus and the NSC buildings and land in a more efficient manner. Because Congress was involved in the conveyance of NSC's campus acreage (and because Congress is specific in citing "Nevada State College" within federal legislation conveying the property for educational use), the Department of the Interior would need to sign off on CSN's use of the acreage.

3. Faculty Workload - Questions would need to be addressed to ensure that the current CSN faculty maintain their community college workload and salary status under the Board's community college policies even if they teach some upper division courses, with some recognition of a difference. GBC has managed a faculty workload policy well and may serve as a model. Current NSC faculty are under the state college policies related to salary schedules, merit, and workload. If it is assumed that the state college policies would disappear, how the current NSC faculty would transition to the community college or university schedules would need to be addressed. Elements of workload differences are largely accommodated already at CSN.

4. Tuition and Fees - Student tuition and fees are currently different at NSC and CSN for lower division coursework. Upper-division course work at CSN is that same as upper and lower-division work at NSC. The current model of fees where students pay a lower division rate and an upper division rate would appear to work and is outlined in existing Board policy. The UNLV tuition and fee model would prevail at both levels for students in BA/BS degree programs.

5. Professional Accreditation - Some NSC programs have professional program accreditation. Coordination will be required to determine which program accreditations can or should be continued and to work with the national accrediting associations. The Nevada State Nursing Board would need to be notified that one institution will be awarding both an associate degree in nursing and a bachelor's degree if that was the decision.

6. Financial Aid for Students – Students are eligible for financial aid through the institution in which they are enrolled. Some transition period would be required if NSC were to cease to exist. All financial aid would be given then by the institution selected to continue.

7. Grants and Contracts – All grants and contracts would likewise need to be negotiated with external entities to reflect the new administrative structure. At the current time, only NSC and UNLV have an established federal F&A rate. All three institutions have grants and contracts with state and federal entities.

8. Foundations – It seems logical that the NSC Foundation would dissolved if the College is no longer a separate entity, but with representation from the NSC Foundation included in other Foundation boards. It also seems logical that current and pending pledges to the NSC Foundation could be jeopardy in the event NSC ceases to exist.

9. iNtegrate Student Services Module interface – CSN and NSC are in the same instance and would therefore, with some work, be able to transition smoothly into the new institutional identification within the software as currently configured.

10. Faculty –The role of faculty in defining the merger and handling the change within parameters will be critical and have to be defined with input from faculty. Faculty salary schedules are different and adjunct faculty salaries vary by institution. How would faculty plan and shape this merger?

11. Transition Planning - Should such an effort be led by a planning team composed of the presidents and representatives of CSN, NSC, and UNLV with the responsibility to bring a plan and a timeline to the Board of Regents with the potential implementation date of July 1, 2012? The planning team may have alternative recommendations for the same amount of savings outside of this scenario that the Board will wish to consider. From CSN's perspective, this transition plan is the most essential element of this narrative, for it is in this process that personnel, salary schedule, accreditation, and pricing issues would be addressed. Faculty lines, faculty members per se, and the mix of staff employees would need review, not for qualifications, but for need. The number of students involved in a CSN transition would be small.

12. A review by CSN and NSC of the projected potential administrative cost savings indicates some differences in projected needs as compared with those numbers. UNLV has not been incorporated into these projections at this time. While projected differences do exist, when taking into account the five NSC administrators with academic rank and tenure, the projected overall savings amount of $4.3 million is a reasonable approximation, falling within a range of $3.5 million-$4.9 million.

NSHE
Potential Administrative Cost Saving Plans
FY 2011 Budgets

Merge NSC with CSN

Academic Support Function NSC	FTE	Est Savings
Provost Office Provost, Class, wages, Oper	2.00	337,507
Instruction Technology Manager, Designer, Oper	1.75	153,349
Dean Education Dean, Assoc Dean	1.00	157,060
Dean Liberal Arts Dean, Assoc Dean	2.00	335,195
Dean Nursing Dean	1.00	174,135
Library Director	1.00	86,060
Sub Total	8.75	1,243,306
Student Services Function NSC		
VP Student Enrollment Management Vice Provost, IR Analyst, wages	1.65	269,343
Student Financial Services Director, Assoc Director	2.00	190,060
Registrar All Funding	7.00	434,513
Student Recruitment Advisor/Counselor, Wages, Travel	2.00	107,460
Sub Total	12.65	1,001,376
Institutional Support Function NSC		
President's Office Pres, Exec Asst, Clas, wages, operating	2.00	493,274
VP Finance/Administration Vice President, Class, Wages, Oper	2.00	392,720
Institutional Research	0.35	34,813

Research Analyst, oper		
Controller Office	3.00	257,051
Controller, class (2.00), operating		
Human Resources	3.00	300,279
Dir, Asst Dir, Clas, operating		
College Relations	1.00	147,502
Assoc VP		
Student Cashier Office	1.00	91,650
Spec Asst to VP		
Development	0.50	67,600
Director		
Office Information Technology	2.00	188,877
Dir, clas, oper		
Sub Total	14.85	1,973,766
Operation and Maintenance Function NSC		
Administrative Services	1.00	111,020
Interim Director		
Sub Total	1.00	111,020
Total Savings	37.25	4,329,468

Consolidation of DRI within UNR and UNLV

In response to the summary on the possible consolidation of DRI with UNR and UNLV provided to the Board at the March 11, 2011 meeting, DRI prepared the following response. This overview focuses on the advantages of DRI as an autonomous institution. No similar overview has been requested from UNR and UNLV on the potential advantages of such a consolidation. The original financial analysis that was provided to the Board is also attached.

1. What are DRI's unique attributes and operational functions compared to universities?

i. ***Faculty.*** DRI is an entrepreneurial-academic organization that functions with faculty who are not tenured, receive no state support for their salaries, and live on self-generated (soft) money. They chose to come to DRI to build careers in this competitive and entrepreneurial work environment. At DRI, researchers include those with Ph.D., M.S., and B.S. degrees; universities typically do not recognize "faculty" unless they have a Ph.D. Non-tenured, or soft-money, faculty do not share the same rights, privileges, or stature in universities as do tenured or tenure-track colleagues and are typically treated as "second class citizens."

A profound and unique option at DRI is more flexible requirements for faculty to be employed via an associate track (associate track faculty are required to hold only a Bachelor's degree but may hold higher degrees). This track provides scientific, technical, and operational support to DRI projects. *There is no equivalent track at universities.* Associate track faculty would face some of the most significant changes in employment status via restructuring, likely resulting in conversion to classified positions or leaving.

II. ***Administrative support structure. DRI's central and distributed administrative functions*** differ from universities in our ability to respond quickly, nimbly, and flexibly to sponsors' needs and deadlines. Business staff process proposals, reports, and other materials usually within the same day, as opposed to periods of 1-2 weeks (or more) at universities. DRI's business culture requires strong sponsor contact and completion of work products in a timely and financially responsible fashion. This would be more difficult in a university with teaching as a primary mission, not research product delivery.

DRI's flat organizational structure promotes interdisciplinary research and facilitates building teams of faculty in complex, integrated project activities intersecting all three DRI research divisions (Atmospheric Sciences, Earth and Ecosystem Sciences, and Hydrologic Sciences). This differs from a university setting that focuses on individual scientific and engineering disciplines linked to tenure. The size and focus of DRI result in faculty access to division directors, vice presidents, and the president in a manner that cannot be achieved at larger institutions. DRI's research environment is very flexible – facilitating new initiatives, intellectual risk taking, and creativity.

2. In the end what would be lost if DRI were to be merged into universities?

- ***Focus and identity.*** DRI is known on a regional, national, and international level for the quality of its research. Restructuring DRI into the two universities will necessarily result in loss of that "branding" and associated recognition.
- ***Competitive edge.*** DRI aggressively develops high quality projects for multiple sponsors – ranging from National Science Foundation to Department of Defense,

the California Energy Commission and California Air Resources Board, and industry organizations such as the Electric Power Research Institute. In the case of California, funding DRI as part of another state's university would be extremely difficult. In the case of organizations such as EPRI, loss of rapid responsiveness from a merger would significantly limit DRI's competitive edge.

- ***Fostering talent and providing graduate student training.*** Many DRI scientists need graduate students to assist in their projects and enjoy mentoring these students. DRI provides support to these students at no cost to the State of Nevada.
- ***Economic engine for Nevada.*** The vast majority of DRI's funding is from federal, state (non-Nevada), private and international grants and contracts with only 1.1% of the NSHE state budget for DRI operating support. The direct return on investment (no multiplier) Nevada receives from its allocation is $5 for every State $1.

Legislative Origin and Unique Culture

DRI was created nearly 52 years ago by the Nevada legislature as a freestanding institution to provide for the welfare of the state by performing excellent research and fostering state-based talent. This action resulted in the following mandate for DRI:

NRS 396.795 Establishment: To contribute more effectively to the security of the nation and to promote the general welfare of the State of Nevada and its citizens through the development of educational and scientific research, the board of regents may establish for educational and scientific research a facility within the system to be known as the desert research institute. (Added to NRS by 1959, 285; A 1981, 900; 1993, 354)

NRS 396.7951 Purposes: The primary purposes of the institute are to:

1. Foster and conduct fundamental scientific, economic, social or educational investigations and applied research for industry, governmental or private agencies or individuals;
2. Encourage and foster a desire in students and faculty to conduct research;
3. Discover and develop talent for conducting research;
4. Acquire and disseminate knowledge related to the projects undertaken; and
5. Promote all research within the system generally.

(Added to NRS by 1959, 286; A 1969, 1439; 1993, 354)

NRS 396.020 Provides: The System of:

1. Universities;
2. State colleges;
3. Community colleges;
4. Administrative services;
5. Research facilities, including, without limitation:
   (a) The Desert Research Institute;
   (b) The Ethics Institute; and
   (c) The Center for the Analysis of Crime Statistics, established within the Department of Criminal Justice at the University of Nevada, Las Vegas; and
6. Departments within the Public Service Division, administered under the direction of the Board of Regents is hereby collectively known as the Nevada System of Higher Education. The System is comprised of such branches and facilities as the Board of Regents deems appropriate."

During the past 10 years, DRI's strategic planning efforts have focused the following perspectives on the institute's unique culture that are fundamental to the culture, success, and longevity of the institution:

- ***Scientific freedom.*** DRI supports efforts to obtain funding for the broadest spectrum of scientific fields. The institute is dynamic, and individual faculty regularly reinvent themselves to stay competitive and remain funded.
- ***Team environment.*** Open collaboration and supporting mechanisms for teamwork encourage long-term commitment. Mentoring is both formal and informal at all levels.
- ***Shared accountability.*** Support staff and administration enable faculty to stay on track and move forward.
- ***Horizontal structure.*** DRI's organizational structure is significantly less hierarchical than universities and other organizations of its size. Personnel have a voice that is heard at the highest levels.
- ***NSHE component.*** DRI has access to teaching opportunities and graduate students while maintaining academic freedom as part of an academic system.
- ***Research history.*** DRI has a long, widely recognized track record conducting research on critical issues of concern to Nevada, the region, the U.S., and world. Topics range from the impacts of nuclear testing to ecological responses to climate change.

Assessment

There are profound differences related to DRI's handling of contracts and grants when compared to the universities that challenge the assumption of the transfer of all grants and contracts at DRI to the universities. These differences described below are based upon personal knowledge/experiences of administrators at DRI who have also served in the university financial administration. These key operational differences include the following:

1. One fundamental understanding is that the contracts and grants are awarded to DRI, and thus, any changes proposed, must be requested and approved by the Agency/Sponsor. It cannot be assumed that all Agencies and Sponsors will approve such requests. In addition, many of our contracts state that the contract/agreement is "non-transferable." Also, federal agencies fund DRI through our registration with the CCR and our DUNS number. DRI's DUNS number is different than UNR's or UNLV's. Even though DRI is all part of NSHE, in terms of contracts and grants the Agency/Sponsors' view each institution as completely separate entities. The only way these grants could be transferred is if the grant is "terminated" and then "re-issued" to the new institution, assuming the Agency/Sponsor agrees to this process, and if the PI for the project is relocating to one of the other campuses. The administrative burden to the other institutions alone to do this for all the contracts and grants that DRI currently administers would be exceptionally challenging.

2. In addition, DRI's DUNS number is associated with a CAGE Code which signifies a certain level of facility security that none of the other NSHE institutions possess. This higher level of security is required for a significant portion of our DOD and DOE contracts. So, in order for those sponsors to even consider reissuing those contracts to UNR or UNLV, UNR and UNLV would have to increase their security and require certain positions to have DOE and DOD security clearances (a nontrivial step), strengthen their IT security, and hire a security officer as well as address additional security issues.

3. In scenario one there is a discussion of renegotiating DRI's ICR rate, however, there is no discussion regarding DRI's fringe benefit rate. UNLV and UNR do not have a negotiated fringe benefit rate and do not include sick and annual leave as fringe benefits charged to G&C's. These institutions also do not have funded sick and annual leave pools like DRI. These items serve as critical benefit to DRI employees and yet they are not addressed in this scenario.

4. The two universities do not charge payroll to contract and grants similar to DRI. Specifically, these institutions do not use time sheets to reflect actual effort performed by the employees; rather, these institutions prepare contracts in advance, estimating the time personnel will work on a given project, similar to the approach used at other state universities. Such an approach would not work for DRI because of the variability in individuals' effort from month to month (i.e., multiple contracts). If DRI were merged into the universities, a more complicated methodology would be required, involving two systems for payroll charges.

5. DRI is accepting an ever-increasing number of contracts with publication restrictions and export control requirements, which are ones a University, would typically not accept. In the area of Export Control compliance, DRI's processes are mature and robust in comparison to the other campuses. This degree of development and rigor related to Export Control compliance cannot be taken lightly as there are severe civil and criminal penalties associated with non-compliance. Neither UNLV nor UNR have procedures that are currently set up to handle this level of Export Control.

6. The assumption that all contracts and grants would be preserved in a consolidation process is invalid due to fact that DRI conducts classified research that requires Key Management Personnel (KMP) Security Clearance. In this requirement the senior management official (DRI President) and his/her deputy (Executive VP of Research) must be cleared to the level of the Facility Security Clearance (FCL); other officials within the organization who can control or influence management decisions must also be cleared or formally excluded from classified access and program oversight. Note: The DRI FCL and its designated KMP are cleared at the Top Secret level for DOD and at the Q level for DOE. Persons holding a DOE Q clearance are subject to unannounced random drug testing to confirm the absence of illegal drugs in their system. All cleared persons are required to attend annual security training. The proposed elimination of DRI administrative positions in the financial model of scenario one removes the KMP structure, which would violate the conditions for the continuation of DRI security programs.

7. In addition to point two above, the following summarizes a few additional critical considerations in merging the DRI security programs into the universities. It is important to note that this information is specific to security functions and does not attempt to address the complexities related to a transfer or modification of the actual contracts with DOD and DOE. A preliminary appraisal presents the following areas of interest. Facility Security Clearance (FCL): Both locations (UNR/UNLV) will be required to obtain a FCL in order to perform classified work for the Government, or a single security office could be placed in the System office to service all of NSHE at an additional cost to the System Office. The FCL application is a qualification process whereby an organization is evaluated for eligibility to conduct work on national defense programs. A summary of the five essential elements of an FCL follows:
    a. **Sponsorship** – Federal agency sponsorship is based on the Government's need for services involving access to classified information, and an organization's ability to

provide the services and to meet and maintain federal eligibility requirements. Both universities will need to qualify for sponsorship.

b. **Security Agreement** – Each organization must agree to maintain a system of specified government controls consistent with the National Industrial Security Program and establish a security program providing policy management and conformance. The Government shall have the right to perform inspections of each organization's procedures, methods and facilities at prescribed intervals. The cost of establishing the security program is the responsibility of the organization (See Personnel Security Clearance and Security Program Management below).
c. **Certificate Pertaining to Foreign Interests** – Each organization must execute the certificate as one of several means in the identification and assessment by the Government of the sources of power that affect the organization. The Government is interested in matters pertaining to foreign ownership, control or influence (FOCI) in the management of operations. Importantly; an organization determined to be under FOCI is ineligible for an FCL, or an existing FCL shall be suspended or revoked unless security measures are taken as necessary to remove the possibility of adverse impact on classified contracts.
d. **Organization** - The Government applies the FOCI assessment standard to other offices or organizations related to the one applying for a FCL; as an example the parent-subordinate relationship existing between the NSHE Chancellor and the NSHE component entities. In this case, the Chancellor's Office would be assessed for FOCI issues under the new FCL.
e. **Personnel Security Clearance (PCL):** Both locations must implement separate systems of security clearance management for DOD and DOE. Security clearance management is one component of the security program. The DRI security office has oversight of 44 security clearances associated with the DOD and DOE contracts and another 37 security access credentials where a clearance is not required. Initial clearance investigation costs are approximately $3,700 each, and reinvestigations (required every 5 years) are $2,500. Clearances are presently funded by the government departments. However, federal budget reductions could place this burden on contractors in the future.
f. **Initial and Random Drug Testing Program:** Both locations must establish a drug testing program in accordance with section 10 CFR 707, Workplace Substance Abuse Programs at DOE Sites and the Guidelines for Federal Workplace Drug Testing Programs. Persons holding a security clearance with DOE must be initially tested and thereafter, randomly tested to confirm the absence of illegal drugs in their system. The costs associated with management of the current program are unavailable at this time.
g. **Foreign Travel and Foreign National Contact Reports:** Both locations must establish a means of tracking and documenting foreign travel by cleared U.S. personnel and foreign national contacts. All reports are submitted to the Government agency counterintelligence (CI) office for disposition. The CI coordination effort is one component of the security program.
h. **Security Program Management:** Both locations must establish and manage separate security programs for DOD and DOE. The requirements of each are similar in many areas but are governed by departmental directives specific to each agency. Following is a sampling of key components associated with program management and the associated requirements:
    i. **Administration** – Write plans, policies and procedures; perform program self-assessments; host audits and inspections by the Government; prepare and

submit reports and surveys; ensure compliance with contract security specifications; manage an operations security (OPSEC) program and be available for recall after hours to address urgent security matters.

ii. **Classified Material Access, Control and Accountability** – Initiate security clearance processing; conduct security briefings/debriefings; manage classified material access, document control and certified destruction; investigate and document security incidents; manage secured areas and classified computer operations when activated.

iii. **Foreign National Visits and Assignments** – Provide security support to the FOCI program; coordinate visits and work assignments for foreign nationals in relation to the federal contracts; write security plans and risk assessments related to foreign national assignments; serve as liaison with federal agency security offices.

iv. **Training and Security/Safety Education** – Administer a program of training meeting contract and federal specification; maintain training records on all assigned persons; coordinate safety and radiological training as needed; submit training and attendance reports.

8. Another key aspect of DRI's operation that invalidates an assumption of the transfer of all contracts and grants is related to a very unique classification of research faculty. This unique component to DRI that has existed for the majority of its history is the more flexible requirements for faculty to be employed at DRI via an associate track. The associate track provides scientific, technical, and operational support to DRI projects and programs, and the associate track faculty are required to hold only a Bachelor's degree, but may hold higher degrees. There is no equivalent track in universities. Most DRI scientists in the associate track hold Master's or Bachelor's level degrees, and yet they are classified as faculty and they are just as productive in many cases as faculty with PhDs. These faculty are critical to the success of the research programs and hold a unique role. They would face some of the most significant changes in employment status, likely resulting in conversion to classified or leaving NSHE entirely.

9. In addition to the numerous operational differences that invalidate the assumption that all of DRI's contracts and grants can be transferred into the universities, a fiscal analysis of consolidating DRI into the universities illustrates that all of the following (best case) conditions would have to be fulfilled for a net savings of $2,877,915:

a. There is no loss in DRI research faculty due to the transition;
b. No incentive funds (offer of tenure, research support packages, etc.) are required to encourage the research faculty to stay at DRI;
c. There is no loss in ICR (at the FY 2011 budgeted level of $12.5 million) due to faculty attrition, loss of federal initiative funding, etc;
d. The full savings identified by the NSHE ($4.7 million) will be realized;
e. There are no additional operational costs incurred for management of either DRI campus;
f. The consolidation will begin on July 1, 2012; DRI (or its equivalent) will be state funded at the governor's recommended FY 12 level ($7.4 million) rather than the FY 13 level ($6.3 million); and
The consolidated unit will garner the operational savings identified by DRI for FY 2012 ($1,200,000).

As soon as these conditions fail, there is no net savings and, in fact, net losses are incurred. For example if the following conditions occur (which are most likely given the statement that several key research faculty will leave DRI should consolidation be implemented), a net loss of $3,835,085 will occur with the consolidation:

a. There is a 30% loss in DRI research faculty due to the transition, with a 30% loss in grant and contract revenue and ICR when compared to the FY 2011 budgeted level ($3,756,000);
b. There is a reduction in ICR funding due to overall reductions in the funding of federal initiatives, etc., mandatory grant and contract renegotiations, etc. ($750,000);
c. Some incentive funds (offer of tenure, research support packages, etc.) are required to encourage the research faculty to stay at DRI ($1,000,000 cost);
d. The full savings identified by the NSHE ($4.7 million) will be realized;
e. There will be additional operational costs incurred for management of the DRI campuses ($500,000 cost);
f. The consolidation will begin on July 1, 2012; DRI (or its equivalent) will be state funded at the midpoint between the governor's recommended FY 12 level ($7.4 million) and the FY 13 level ($6.3 million), i.e., at $6.8 million for FY 2013; and
g. The consolidated unit will garner the operational savings identified by DRI for FY 2012 ($1,200,000).

If any of the identified revenue reductions or costs increases, then the net loss will also increase. Also, please note that these assumptions do not assume a change in the OMB circular (from the current A122 for non-profit institutions to the A21 for higher education institutions). If that were to occur on any existing or future grants, the potentials for additional losses in indirect cost recovery significantly increase.

10. The consolidation of DRI into the universities provided in scenario one assumes ideal conditions in which private donations would be transferred into the universities with continued support. The conditions for transfer are not ideal, requiring court action and legal expenses. For example:

a. DRI has 14 endowments worth approximately $26.7 million, of which seven (worth $1.3 million) were established by living donors and seven (worth $25.4 million) were established by donors now deceased and without living relatives. Thus, for the bulk of DRI's endowments, court action and the attendant costs and delays are required to change the designated beneficiary from DRI to other NSHE institutions; endowment funds in Nevada are managed under the Uniform Prudent Management of Institutional Funds Act (UPMIFA), which requires this court action. There is no way of estimating the court costs, however, one can easily envision that it would be expensive given the language of the largest gift was specific in its language: "to the Desert Research Institute."
b. In assuming a division of faculty between UNLV and UNR, there is also an assumption that DRI faculty only function at the location of the campus and therefore there would be no issue in the assignment of faculty to UNR and UNLV, respectively. The assumption is not valid given as many as twenty faculty in Reno will travel regularly to Las Vegas working on research projects and as many as five in Las Vegas will travel to Reno to work on projects originating on this campus.

11. DRI is a statewide entity and operates seamlessly across the state of Nevada. DRI faculty, whether they are located on DRI's Reno or Las Vegas campus work collaboratively on projects that originate at one or the other campus. For example, several faculty from Reno work on projects funded through a principle investigator in Las Vegas. Dividing the faculty into the two universities would create a great divide between northern- and southern-based faculty in which collaboration between these two groups would largely cease to exist. Contracts and grants based upon the talent pool available from both locations would be severely impaired and could easily be lost. For example, large programs funded by DOE and DOD that depend upon the state-wide talent pool of DRI would either cease to exist or be considerably reduced in scope, size, and content, resulting in a loss of significant research revenue.

12. In scenario one it is assumed that research faculty are not eligible for tenure and are on contracts that generally have to be self-supported. This is valid as all faculty at DRI are on soft-money without tenure. However, unlike the universities, DRI's business model supports soft money research positions through ICR (overhead) in way that does not occur in universities. Thus, any faculty not offered tenure at a university (an additional cost to NSHE and the State of Nevada) would lose a critical set of support mechanism for innovation and creativity.

13. At DRI, overhead derived from research project funding is reinvested in the research faculty at DRI in order nurture and retain faculty as well as support their ability to innovate. In soft-money positions and without tenure at the universities, DRI faculty would lose much valued and critical support such as:
    a. The loss of matching funds for federal agency contract and grants that DRI Is providing via overhead [and Applied Research Initiative (ARI) state funding as long as it lasts] would result in fewer opportunities to secure grants and contracts.
    b. Start-up packages for faculty recruitment – These are funds to attract bright scientists, allowing them to build new labs, initiate new programs, purchase new equipment, or hire graduate students. Such start-ups funds are rarely, if ever provided, to soft-money positions in universities.
    c. Sabbaticals – DRI self-funds ~3 per year for faculty to initiate new research directions and/or acquire new skill sets. The sabbaticals are funded at about $300K per year and are highly valued by our faculty. Sabbaticals are not provided to non-tenure or tenure-track positions in universities.
    d. Senior faculty support for innovation – DRI provides additional funds to individual senior faculty for innovation and creativity, given that the vast majority of the work time is billable to contracts and grants. They have no place to bill for creative endeavors that enhance their reputation and research product. State-funded faculty at universities have time covered for such activities. For example, such investments at DRI have led to two Small Business Innovation Research grants as well as funding from DOE and California for an innovative demand response energy technology.
    e. Institutional Research and Development (IR&D) funding through DRI's internal Research Affairs Council, and small amounts of seed funds in the Office of the Executive Vice President for Research (EVPR), are made available for data collection and analysis. This front-end support can lead to winning future large projects. In addition, the divisions have IR&D funding; the Division of Hydrological Sciences spent $162K in this area in FY10.
    f. Proposal development funding – The EVPR and the division executive directors provide funds from DRI's overhead that support proposal development by the faculty. For

example, one division invested $332K on proposal development during the last fiscal year.

g. Short-term faculty research bridge funding – Both the EVPR and each research division have funds available for bridging when faculty members are in between finishing one project and receiving funds for a new project. Such funds are not available to soft-money positions in universities.

NSHE
Potential Administrative Cost Saving Plans
FY 2011 Budgets

Merge DRI with UNR and UNLV

Research Function	FTE	Est Savings
Sub Total	10.00	1,546,709
Academic Support Function		
Sub Total	1.00	117,354
Institutional Support Function		
Sub Total	19.50	2,635,688
Operation and Maintenance Function		
Sub Total	3.00	373,709
Total Savings	33.50	4,673,460

QUESTION 3

Reform Plan for Administrative, Operational and Academic/Curricular Areas: ***The Subcommittee requested that the NSHE provide a plan to reform the administrative, operational and academic/curricular areas of the NSHE institutions. To the extent appropriate, reform strategies should be incorporated into the scenarios.***

RESPONSE

Administrative and Operational Reforms are described in Question 1 as part of the NSHE Efficiency and Effectiveness Initiative. The following three reforms are included in the *NSHE Plan for Colleges and Universities* and have been discussed with legislative committees during this legislative session:

1. Student Tuition and Fee Changes
    a. All new fees paid by in-state students and tuition for out-of-state students should remain at each institution and not be allocated in support of the state supported operating budget (SB451) – this will also be a matter for the funding formula study to review.
    b. Differential fees are in place to support high cost or high demand programs to supplement what is currently generated by existing state support (SB449).
    c. Legislature and Board will consider potential reset of the state and student responsibility within the state funding formula.

    In addition to these tuition and fee reforms, the Board of Regents in 2010 revised its policy concerning the establishment of tuition and fees, effectively removing its longstanding philosophy for low fees and is moving toward market rate pricing, while trying to protect access. In the fall, the Chancellor will convene an ad hoc committee made up of institutional representatives, students and parents to consider and make recommendations on tuition policy, access, affordability and other matters related to student success.

2. Rainy Day Fund – The creation of an NSHE Stabilization Fund with a combination of state appropriations and unspent end-of year funds within the NSHE state-supported operating budget (SB434).

3. Funding Formula Study –NSHE has requested the 2011 Legislature to direct an interim funding formula study that would consider the formula in the context of creating new incentives for institutional behavior that reward outcomes rather than inputs and other such matters. For example, funding for course completion, degrees awarded, institutional retention of tuition and fees, and external grants gained are positive outcomes that should be considered.

4. Nevada Research and Business Alliance – The Board of Regents has asked for legislative funding and direction for a Nevada Research and Business Alliance. Representatives from business, government and higher education would collaborate to establish a state-wide vision for long-term research, technology and workforce development priorities in this state and direct new monies into research and technology transfer to support the economic growth of the state. (SB395 and AB449)

In addition, the implementation of the iNtegrate Project within NSHE represents a significant operational reform. Oracle's PeopleSoft Enterprise Campus Solutions 9.0 is helping NSHE institutions more effectively manage the entire student lifecycle – from recruiting and admissions to student services– in a flexible, secure environment. The Student Services Module within the integrated system, which will be fully implemented Systemwide by Fall 2011, provides access to personalized, easily navigated information with enhanced data security. It also improves efficiency through self-service capabilities for students, faculty, and staff. With this implementation, institutions and System Administration will have access to a shared directory of student information (and employee data in the next phase) and to applications that need the data, minimizing data inaccuracies and the need to reenter data. The second phase of the iNtegrate Project will add finance, grants management, business, and human resources functionality, providing the same advantages in these areas for increased productivity and accuracy.

Academic Reforms are a key part of the *NSHE Plan for Nevada's Colleges and Universities: Combining Excellence and Austerity to Attain Success* (September 2010). These reforms have been outlined previously by NSHE but in response to this question, we will take this opportunity to underscore their importance and, in most cases, their dramatic impact.

1. Accelerated Degree Programs will be established with financial incentives and academic support for cohorts of students to finish certificates and degrees quickly, a reform area that will yield quick results.

2. Credit Limitations on Degrees will be set by the Board of Regents in order to reduce cost and time to degree for students and reduce the cost to the state. Hopefully, it also means more certificate and degree completers. This is set to be approved by the Board in June 2011.

3. Low-Yield Programs will be subject to regular and predictable review if low numbers of graduates and few service courses exist then such programs will be subject to elimination. This reform effort has been a key ingredient in the difficult decisions related to the budget cuts.

4. Redesigned Courses at each institution will include remedial and general education courses. New models for instruction and learning will be employed where research indicates that greater student learning and success at less cost or less time are achieved through alternate methods. A project examining remedial mathematics is already underway in partnership with the Education Commission of the States (ECS).

5. Incentives for Decreased Time to Degree are being considered, including targeted use of fees to build incentives for students to complete college sooner, such as guaranteed fee levels up to a certain number of credits or penalties for students who drop or repeat classes. (The study on these incentives will begin in fall 2011.)

6. Part-time Faculty are critically important to our instructional mission, and our institutions are putting in place appropriate quality assurance mechanisms for these faculty, including prescribed course content, mandated end-of-course tests, in-class observations of part-time faculty instruction, and required student evaluations of all faculty. This reform initiative will raise student and public confidence in all instruction within NSHE institutions.

7. Articulation and Transfer is one of our most important reform areas for improvement with putting in place continual quality assurance programs that monitor student success in transfer and create faculty conversations between institutions where large numbers of students can be expected to transfer. Required advising and orientation for students will decrease student enrollment in courses that are inappropriate for their final degree or certificate goals.

8. Financial Aid has been too little and often too late for students. Our reform will focus on early efforts in high school to get students to apply for financial aid in their senior year, ensuring that all students who qualify for federal financial assistance apply, and continuing to set aside dollars for financial aid for the neediest students as fees and tuition costs rise.

In addition to these academic reforms, Nevada signed on to be a member of the Complete College America initiative where the State has to commit to specific annual goals for graduating more students through 2020. Complete College America set a goal that by 2020 six out of ten young adults in the United States will have a college degree or certificate of value. Nevada is one of 28 states committed to achieving this goal. NSHE and private higher education institutions are asked to graduate collectively an additional 1,064 students every year through 2020 (a compounding increase over time). Complete College America has identified essential steps to enhance student success and significantly boost completions – and challenged states to deploy policies and practices that have proven successful in other states, including uniformly measuring success, performance funding, reducing time to degree, and transforming the delivery of remediation.

All of these efforts will result in a more efficient and effective higher education experience for students, one that supports their success. These plans are in place and in most cases, already underway. However, base support for faculty and staff has to be in place to carry out these initiatives. Sudden and dramatic budget cuts will delay these efforts.

QUESTION 4

Alignment of NSHE Workforce Development Efforts with State Economic Development Goals: ***The Subcommittee requested that information be provided on the workforce development activities NSHE institutions are currently undertaking and how those efforts align with the economic development goals being discussed by the Governor and the 2011 Legislature.***

RESPONSE

The following summaries include the workforce development activities that are currently being undertaken at NSHE's seven teaching institutions. We are not aware of details related to the Governor's economic development goals in any level of specificity that would enable us to align current workforce development activities with those goals in a meaningful analysis. However, in some cases the institutions did attempt to make such an alignment when possible.

University of Nevada, Las Vegas

Academic Success Center
ASC helps students (future employees) understand majors offered and the link to careers; become knowledgeable about career fields, job outlook, work conditions, salaries and benefits; find jobs while attending college; and, enroll and complete Internships and job shadow in career fields of future interest.

Allied Health, School of
The School of Allied Health Sciences prepares a variety of health care workers: nutritionists/dieticians, athletic trainers, clinical laboratory workers, and technicians to operate body imaging equipment: x-rays, ultrasounds, magnetic resonance imaging and nuclear medicine. Job opportunities in all of these professions are expected to increase with healthcare reform. Graduates generally find employment within three months of graduation.

Business, College of
UNLV's Business College develops accountants, bankers, economists, entrepreneurs, financiers, information technology specialists, marketers, real estate agents and managers of all sorts. Our evening and Executive MBA programs provide key avenues for technical experts to get the management training they need to lead their organizations and generate value. Our Small Business Development Center and Center for Entrepreneurship help aspiring entrepreneurs develop solid business plans and locate financing to open their businesses.

Community Health Sciences, School of
The School of Community Health Sciences prepares individuals to become effective public health practitioners, researchers, and teachers who will identify public health problems and needs, develop effective mechanisms to address those needs, and promote appropriate services to be available for the protection of human health. Graduates specialize in health promotion, health care administration, health sciences, and public health.

Dental Medicine, School of
The School of Dental Medicine serves Clark County and the state of Nevada in oral health care, health services, research, and scholarly activities. Graduates provide comprehensive oral health care by diagnosing disease and treating patients.

Education, College of
The College of Education works with students pursuing post-secondary career and technical licensure - which is an extension of workforce education. The college contributes to the field of workforce education/economics by extending programs to those who are already gainfully employed in Southern Nevada, but also to those who are seeking to become licensed teachers as well.

Engineering, College of
The Howard Hughes College of Engineering offers the following disciplines: Civil Engineering, Computer Engineering, Computer Science, Construction Management, Informatics, Electrical Engineering, Entertainment Engineering and Mechanical Engineering. Graduates are employed by government agencies and local industries such as CDoT, Nevada Department of Transportation, civil and construction consulting companies, NV Energy, Southwest Gas, water districts, local construction companies, JT3, NSTec, BallyTech, International Gaming and Technology, and casinos. Graduates of the college find jobs in gaming technology, construction, water resources, transportation, energy and utility industry, nuclear and defense industries, and local, state, and federal government.

Fine Arts, College of
The College of Fine Arts (CFA) prepares graduates for the many entertainment venues in Las Vegas with students working as film makers, jazz musicians, dancers, artists, theater designers, and landscape architects as well as many other opportunities. UNLV answers the need for the growth of the entertainment industry in Nevada.

Hotel Administration, College of
There are approximately 11,600 alumni who graduated from the William F. Harrah College of Hotel Administration. 72% of UNLV's alumni were employed at graduation with 90% of the positions considered career related. 46.5% or 5,400 of the 11,600 alumni have a home address in the state of Nevada. 72% of UNLV's alumni were employed at graduation with 90% of the positions considered career related. 73% of UNLV's alumni indicated their post graduation employment was in southern Nevada. The positions ranged from line level to middle management.

William S. Boyd School of Law
The Boyd School of Law is the only law school in the state of Nevada and offers three programs: a part-time evening program, a part-time day program, and a full-time day program. Graduates of the programs are taught a combination of skills that stress ethics, professionalism, community service and dispute avoidance/dispute resolution.

Liberal Arts, College of
UNLV's College of Liberal Arts, is centrally involved in work force development for our region and State in that UNLV teaches a large proportion of the courses that satisfy general education requirements. These courses enable students to develop the analytical thinking and communication skills required of all members of Nevada's workforce requiring higher education degrees ranging from business people, to scientists and engineers, government workers, journalists, and hotel and gaming administrators. UNLV's research reputation is very important for economic diversity in that the research reputation of a local university is hugely important in attracting businesses thinking of relocation to Nevada. The College of Liberal Arts plays increasingly central roles in work force development in the state of Nevada.

Libraries
The Business Librarian developed and facilitates workshops for ExporTech program participants from the local business community, provides individual research assistance to community members enrolled in Nevada Small Business Development Center, developed and maintains the Small Business Information Gateway for local business needs, and developed a print library resources guide for the business community which is widely distributed locally. The Dean of Libraries makes regular presentations and workshops for local business leaders on how to make use of quality business information available through the Libraries' online databases and to offer workshops and consultations from expert librarians.

Nursing, School of
The School of Nursing prepares nurses for entry level positions (BSN) – these graduates find employment within three months of graduation. We also provide graduate education to nurses for advanced practice roles (MS, DNP, and Ph.D.). Graduates find employment as Family Nurse Practitioners, Nursing Educators, and nursing leaders in clinical settings and industry.

Research, Office of Renewable Energy
UNLV and NV Energy developed a Solar and Renewable Energy minor program with NV Energy providing a $500,000 donation to help establish this program. The goal of the program is to position Nevada and UNLV as leaders in the field of alternative energy through the support of excellent educational programs that advance understanding of the field, build the state's workforce, and stimulate the state and local economy.

A new Graduate Certificate in Solar and Renewable Energy was recently approved for Spring 2011. The goal of this certificate program is to provide a specialized qualification for career professionals in the energy industry, professionals from other fields seeking entry into the clean energy field, or currently enrolled graduate students seeking an added specialization. It will also meet increasing demands for highly skilled decision-makers and leaders with interdisciplinary training in solar and renewable energy technologies and policies.

Sciences, College of
UNLV's Colleges of Sciences, along with the College of Engineering, has initiated high-technology workforce goals. Here, the interest is in developing students trained in high-tech areas such as the biosciences (bioengineering, biochemistry, biophysics, biomedical, etc) and in renewable energy (solar, geothermal, wind, storage, etc.). These graduates would tie-in to the

economic development goals set forth in legislative bills such as AB449, which would help to jump-start these areas through targeted investments in the research universities and in business. Besides helping to create these new business entities, we would be providing much of their workforces.

Urban Affairs

The College of Urban Affairs programs are integral to aid students in their entrance to the work force. Public Administration offers their undergraduate degree on-line and is directed towards public employees who need a degree for career advancement. The MPA program permits career advancement and aids individuals in moving into management positions. The Greenspun School of Journalism produces graduates who are prepared as broadcast, online, and print journalists as well as specialists in integrated marketing communication (advertising and public relations) and media studies. Criminal Justice graduates are trained for careers in the criminal justice field such as law enforcement and corrections, among others.

Perhaps the clearest examples of work force development are Social Work and Marriage and Family Therapy (MFT). Social Work produces approximately 100 social workers per year. More than 60% of MFT graduates work in community agencies and the largest providers of mental healthcare in the state are MFT graduates. Finally, it should be observed that communication skills are an essential part of any job and the Communication Studies program serves as the basis for oral and written communication skills.

University of Nevada, Reno

Alignment of NSHE Workforce Development Efforts with State Economic Development Goals

Colleges and departments at the University of Nevada, Reno engage in numerous educational , research and outreach activities that impact the lives of Nevada's citizenry. This enrichment may be in the form of training and education for a current or new job or career, may be in the form of a program or experience that is personally enriching, or may be a service that would not otherwise be available to them or their family members. Serving the personal and educational needs of Nevadans is an important part of ensuring that the state has a well-prepared and innovative work force; in addition, businesses hoping to locate here will look carefully at the educational programs and services available to keep its work force up to date and fulfilled. In addition to being actively involved in assisting the many agencies and organizations working on the state's economic development efforts, the University recognizes that the education and development of the state's workforce provided by academic programs must continue to be of high quality, responsive to the needs of the state and any changing needs identified as the state moves forward. The following are examples of how the University's current programs prepare Nevada's workforce:

Biotechnology Industry

Students receiving a B.S. in Biochemistry and Molecular Biology or a B.S. /M.S. in Biotechnology create a workforce pool for the biotechnology industry. Such a pool needs to be in place before these high tech industries can be attracted to the state. Numerous Biochemistry and Molecular Biology M.S. and Ph.D. recipients contribute to the local workforce in

biotechnology firms like the Hamilton Company, Nutritional Research Corp. and Charles River Laboratories International, Inc.

State of Nevada Agriculture and Natural Resources Management
B.S. and M.S. graduates of programs in the Natural Resources and Environmental Science programs provide a work force for U.S. and Nevada natural resource and environmental agencies as well as for private companies and non-governmental organizations. These graduates, whether in private or public employment, are involved in restoration and mitigation activities associated with mining, ranching, Bureau of Land Management, Natural Resources Conservation Service, Nevada Department of Wildlife, Nevada Division of Environmental Protection, U.S. Forest Service, Nevada Division of Forestry and NV Energy within the state of Nevada.

The Veterinary Sciences program prepares students for admission to veterinary school. Three students each year can be supported through a resident contract program with various western veterinary schools which provides financial assistance to these students. One condition of this support is that they must return and practice in Nevada for four years. This adds to the workforce and provides important veterinary services to the state.

Health Care, Nutrition and Veterinary Science
Many of the University's programs prepare Nevada students to go on to different health professional schools including medical school, pharmacy school, and dental school, thus contributing to the health professional workforce of the state. Other programs in nutrition, nursing, social work, public health, and aging populate the health and human service networks that serve our communities. In addition to serving Nevada's citizens, these health and human service professionals and the services they provide are part of the fabric of socially responsive, healthy communities needed to attract new businesses, professional services, and industries to the state.

Business, Gaming
Students who graduate with degrees from the University's College of Business provide a wide range of skills essential to all Nevada businesses, from 21st century knowledge based economy to legacy industries. Knowledge of business processes such as contracting, marketing, financing, management and accounting is critical to the future success and growth of all business types. Great ideas, inventions, and discoveries cannot be translated into economic activity unless a workforce educated and trained in basic and advanced business processes is in place.

Engineering, Technology, Renewable Energy
The College of Engineering educates engineers and computer scientists who will play critical roles in the expansion of business and industry in Nevada. Graduates are typically employed by city, state and federal agencies, private industry and in many cases they start their own companies. The college prepares students in all of the majors for the challenges of developing and or expanding a business or product line through a senior design capstone course that stresses innovation and entrepreneurship, which includes development of a business plan.

Particularly related to the state's economic development in renewable energy, the College of Engineering also offers a renewable energy minor within Electrical and Biomedical Engineering

department and participates with other colleges in a University-wide minor in renewable energy. Plans are underway for the development of a professional certificate program in renewable energy targeting the enhancement of the background of professionals needing enhanced knowledge in the area of renewable energy.

Education

The University's programs prepare individuals for various positions in the state's educational institutions. These include teachers (preschool through high school), administrators, counselors, and human development and family specialists. In addition, there are advanced programs and educational opportunities for the state's professional educational work force.

Outreach

In addition to educational programs, the University's colleges, departments and offices are heavily engaged in outreach to Nevada entities and individuals. For instance, many academic programs engage students in internships and other supervised experiences in the community. These programs provide supervised students who assist in such activities as providing services to individuals and families through the Early Childhood Autism and Psychological Services Center, offering Spanish translator/interpreter services in local public agencies, and providing student interns or volunteers to Nevada's public schools and nonprofit agencies.

The University's colleges and departments also continue to provide programs of interest to the public. Speakers on topics of interest to community members have been offered through the College of Liberal Arts Great Conversations series, with public sessions in both Reno and Las Vegas, as well as the College of Science Discover Science Lecture series. These are just two of many such events offered which enrich the lives of Nevada's workforce.

The School of the Arts engages in extensive outreach to the community, enhancing quality of life through performances and exhibitions, and preparing majors for careers in the arts and arts education. The arts bring on the order of 75 guest artists to the Reno area each year, and faculty and students participate in community arts organizations such as the Reno Philharmonic Orchestra, Chamber Orchestra, and Artown. The economic impact has recently been calculated at more than $13 Million annually in northern Nevada. The School's public events range in attendance from 235 to more than 7,000 community members.

In addition, research and outreach services are provided to the state through the many outreach centers and programs, such as the Latino Research Center, School of Social Research and Justice Studies, Nevada Center for Excellence in Disabilities, and Nevada Small Business Development Center.

Economic Impact of Health Research

Investment: Funding sources for overall research and development (2007)

Source of R&D Funding	Investment	State Rank
Federal Government	$230,000,000	41
Industry	$516,000,000	33
Universities	$35,000,000	43
Non-profit	$4,000,000	44
Other *	$9,000,000	45
Total	$794,000,000	42

* Other represents funding from state and local governments and funding for Federally Funded Research and Development Centers from non-federal sources.

Source: National Science Foundation, National Patterns of R&D Resources, 2008

Population (2008)

Nevada	Residents	State Rank
Population, July 1, 2008	2,615,772	35

Source: U.S. Census Bureau, Annual Population Estimates, 2009

Economic Impact: Statistics for research-driven health industries (2008)

Industry	Employment	Annual Salary
Pharmaceutical	427	$44,595
Medical Device	1,002	$42,752
Research, Testing, and Laboratories	3,365	$58,119
Overall Private Sector	1,096,830	$41,808

Source: Battelle and Biotechnology Industry Organization (BIO), BIO State Bioscience Initiatives, 2010

Highlights from local economic impact studies

A 2007 study by FamiliesUSA, *In Your Own Backyard*, shows that NIH funding for Nevada generated $41,000,000 of business activity and 283 new jobs. The report also highlights why global health matters to Nevada.

The University of Nevada, Reno (UNR) had an economic impact of $611.3 million in 1999-2000. The University directly employed 5,700 people and induced nearly 10,800 jobs in the local economy.

According to a report from BIO and Battelle, Nevada legislation included $5.4 million for a Biotechnology and Genomics Research Facility at UNR and $10.15 million for start-up research expenditures at the Nevada Cancer Institute.

Nevada State College

Through accessible education and training programs and by actively meeting with and soliciting input from the local business community and emerging industry clusters, Nevada State College is an integral component within the Nevada System of Higher Education's broader workforce development and economic diversification strategies. Nevada State College's primary focus is producing qualified human capital for Nevada's business interests as quickly and efficiently as possible. Our mission is to successfully put people into the workforce, which means that, given Nevada's hard-hit economy, considerable attention is now spent retooling unemployed and dislocated workers. Nevada's unemployment rate demands that we increase our efforts and become more strategic in our actions.

Nevada State College has developed and refined academic programs, procured equipment, and established facilities that provide access, education, and training for established as well as up-and-coming industries. For example, our physical and life sciences division teaches students using the state-of-the-art equipment employed by leading biotechnology firms such as Genentech and Amgen, and our nursing program has expanded its reach to sophisticated medical equipment. Our recently constructed Finance Center, complete with a 38-foot stock ticker and 12 high-definition LCD displays, provides live financial information and a compelling real-world learning environment found nowhere else in Nevada. Later this year, the college will implement a cutting-edge lecture capture system to help promote the success of and increase access for students in challenging nursing and science courses and invigorate online courses with dynamic multimedia content. Supporting these and other efforts is a series of academic workforce initiatives designed to address several of the developmental areas targeted in the Nevada Science and Technology Plan approved by the Board of Regents. Listed below is a brief synopsis of each initiative.

Biotechnology/Biomedicine

- As part of the IDeA Network of Biomedical Research Excellence (INBRE) governed by UNR, Nevada State College recently offered the first training session in an extended program that certifies future biomedical professionals in the use of an advanced Beckman Coulter Capillary Electrophoresis (CE) device. The training sessions, scheduled to run twice annually for at least five years, help address unmet demand in the biomedical industry and, according to the CE Program Manager at Beckman Coulter, provide undergraduate students with a level of access that is unmatched at any college or institution in the country.

- NSC also is leveraging INBRE support to provide training in the use of an advanced Flow Cytometer device. Though training will be provided mainly to NSC students, members of the Nevada Cancer Institute also will use the equipment to pursue essential research efforts. The mutually beneficial relationship will give the Cancer Institute access to previously

unavailable resources while opening the door to planned internship opportunities for NSC students.

Nursing

- The NSC nursing program has worked diligently to provide exceptional training to a wide range of students and consequently address a statewide shortage of qualified professionals. The success and impact of our program hinges largely on the development of specialized degree tracks that vastly improve student access to a Bachelor of Science in Nursing. In addition to our traditional, four-year BSN track, the college also offers: 1) a 1-year accelerated track for students who already possess a bachelor's degree, 2) a part-time track for students who face outside obligations (e.g., work, family) that can be completed in eight consecutive semesters, and 3) a fully online RN to BSN track that serves licensed nurses who have earned an associate's degree from an accredited nursing program.

Climate Change

- NSC was awarded a grant of $400,000 across five years to facilitate the professional development of in-service middle school teachers in the Las Vegas/Henderson and Reno/Sparks regions. As such, NSC will host a summer institute for in-service teachers on the latest climate change science and will organize additional on-site training sessions at area middle schools.

- As part of our degree program in Environmental & Resource Science, NSC students develop the expertise needed to address a water shortage concerns in Southern Nevada. Guided field experiences (e.g., regular trips to the Las Vegas Wash to assess soil samples and measure vegetation quality) provide students with an opportunity to hone crucial practical skills while they apply disciplinary expertise acquired in the classroom.

Education

- The School of Education offers Alternative Route to Licensure (ARL) coursework for individuals earning an initial teaching license in NV. The individuals are recruited by the CCSD school district due to their expertise in a critical need content area such as science, math, or special education. Most of the individuals recruited through ARL, a collaborative program between CCSD and local colleges and universities, are seeking a second career due to job loss or career changes. The courses they take at NSC meet licensure requirements in secondary education math or science and K-12 special education. The coursework taken by ARL students at NSC have been approved for state licensure in a specified teaching area as well as for recertification or retraining needs for practicing teachers. The same is true for pedagogy and content courses offered in the NSC PB initial licensure program, known as the Teacher Education Program (TEP).

Speech Pathology

- In close collaboration with the Nevada Coalition on Related Special Education Services, NSC has played an important role in addressing shortage and retraining needs of speech and language, school-based, pathologists. Nevada State College prepares speech pathologists at the undergraduate and post-baccalaureate (PB) level as well as offers courses for recertification credits. NSC's undergraduate program in speech and language pathology is one of three in the nation that leads to licensure and school-based practice upon graduation.

Nevada school districts continue to face a shortage of speech and language pathologists and the NSC Speech and Language Pathology program offers courses that meet initial licensure retraining needs for new and practicing SLP's across the state.

Business

- Truckee Meadows Community College and NSC are jointly developing a fast-track online degree programs in business and management to cohorts of community college students who have earned an associate's degree in business or criminal justice. This innovative, cross-state agreement establishes a seamless transition between the two institutions on several levels (curricular format, advising) while providing educational and career advancement to a traditionally underserved student population.

- A planned partnership with the City of Las Vegas is designed to give working professionals an opportunity to purse degrees in Business and Public Administration through online offerings and courses taught on-site in training facilities at City Hall.

College of Southern Nevada

Current workforce development activities in CSN's Division of Workforce and Economic Development target three specific areas:

- Assessment, gap fill and retooling for displaced workers in Southern Nevada.
- Adult basic skills targeting the 20% of the workforce without a high school diploma
- Workforce technical programs for career entry and continuing education for incumbent workers.

CSN's Workforce Division also provides customized training to support local businesses and industry based on demand. This element of workforce education responds with program development based the "just in time" skills training needs of local industry.

Finally, the Workforce Division continues to drill for data utilizing an economic modeling tool to forecast industry labor needs in the short and long term. Based on this data programs are vetted for development based on cost recovery, sustainability, and employment prospects for program completers.

Additional details on CSN's efforts in these areas are as follows:

Assessment, gap fill and retooling for displaced workers in Southern Nevada
CSN's Division of Workforce offers a work skill assessment that is utilized nationally to determine skill levels and occupational matches based on the assessment results. Additionally, gaps in skill levels are addressed through an on-line remediation program that expedites learning delivery and results.

Additional courses have been revamped and implemented to address the needs of displaced workers in job readiness, computer skills and job search skills. Courses have been utilized by DETR and other agencies.

Adult basic skills targeting the approximately 20% of the workforce without a high school diploma

Clark County Workforce Ages 25 and above	2009 Population	Less Than High School	High School Diploma	College Degree
Total	1,238,507	216,338	666,917	355,252

Our GED classes have been redeveloped to target specific knowledge gap fill and broken out by subject area. Students are able to receive targeted instruction. Due to the high volume of students coming in needed basic skills before entering GED preparation courses, additional support classes in basic skills have been developed.

The English as a Second Language population requires courses in language learning and much of the population also needs the GED preparation. Efforts in meeting the needs of the ESL population have been to target employment goals. Pilot of a course blending customer service skills and ESL has been successfully received and an additional pilot is being conducted.

Workforce technical programs for career entry and continuing education for incumbent workers
CSN's Workforce Division offers a number of workforce programs developed with employer input on competencies and certifications required. Examples of programs range from healthcare programs to industrial programs.

- Patient Care Technician (Dialysis)
- Health Unit Coordinator
- Certified Nursing Assistant
- EKG
- Facilities Technicians
- Welding
- Building Energy Auditor
- OSHA Trainer

Incumbent workers receive training and certification required to continue their jobs and enhance skill levels:

- CPR/ PALS
- Lifeguard Certification
- IV Certification for LPN's
- Ultrasound-Guided PICC Placement
- EMT Basic and Intermediate Refresher
- Disaster Site Worker Train-the-Trainer
- Forklift Operator Train-the-Trainer
- OSHA Hazwoper Train-the-Trainer

- Customer Service
- Supervisor / Manager Series

Great Basin College

1. Efforts on Economic Development must focus on favorable investment climate, tax structure, labor force and Nevada's unique resources for solar and geothermal power.
    a. GBC: WORKFORCE DEVELOPMENT
        i. GBC is heavily engaged in workforce development in many areas. Most notably is the Maintenance Training Cooperative (MTC). MTC partners with local business and industry in providing scholarships and training in Electrical, Diesel, Welding, Industrial Millwright and Instrumentation technologies. Over 60 students receive scholarships for these Career and Technical Education (CTE) training programs, with enrollments of up to 120 students. The scholarships also provide an opportunity for students to work one or two days each week at their sponsor company in their field of study. Students are often preferred candidates for jobs at their sponsor company once their training is completed. The CTE programs are "accelerated program." Students complete their studies in a forty-eight week period and are awarded either a Certificate of Achievement or an Associate of Applied Science in their discipline. The training opportunities are open to all students, not just MTC scholarship students. The job placement rate for CTE students is 94%, generally in well paid jobs.

        ii. In addition to the MTC program, GBC has developed partnerships with local companies to train their existing workforce. In 2006, Newmont Gold Corporation and GBC partnered to develop a "skills standard assessment" that would establish a baseline skill level for maintenance personnel. The initiative took 6 months to establish and the first employee was assessed in December, 2006. The assessment is called the Recognition of Prior Learning (RPL), and is currently being used to assess Mobile Maintenance Technicians and Industrial Millwright Technicians. Newmont Gold Corporation and Barrick Gold of North America have assessed over 1,200 employees using this model. Once an employee has been assessed, a customized training plan is developed outlining the skills classes each employee needs to improve their proficiency. The assessment data has resulted in the development of many classes. To date, the program has helped enhance the skills of 950 employees. The RPL is also used to assess GBC technical students to determine their level of technical competence at the end of their own course of training

        iii. GBC Education Program is another example of workforce development. In response to critical shortages and challenges in recruiting and retaining elementary education, GBC developed bachelor degree programs in education. The program has graduated more than 200 teachers. Most have been hired in rural Nevada school districts. Because GBC contributed to

"home grown" educators, school districts enjoy talented and dedicated teachers who are committed to careers in rural Nevada communities.

iv. Health Care Programs. Qualified health care professionals are in high demand in rural Nevada. GBC has for many years had a quality RN Nursing program that has supplied a significant proportion of the needs for rural Nevada hospitals and other health care facilities. In recent years GBC developed a Bachelor of Science in Nursing program (BSN) to provide higher levels of training for registered nurses. The training provides RN's with advanced knowledge of health care provision, most of it focused on the unique demands of a rural setting. The most recent additions to health care programs are in Radiology Technology and Human Services. Both of these programs are providing much needed trained professionals for high demand jobs.

b. Renewable energy
The Great Basin College service area enjoys an abundance of renewable energy resources. All of GBC's CTE programs have components with applications in most renewable energy systems. GBC has responded to these opportunities by training students enrolled in existing programs in skills related to renewable energies. GBC is also developing programs specific to the renewable energy opportunities in the service are. Most notable are current opportunities available in solar energy in Nye County. GBC is developing curriculum with solar energy stakeholders in that part of its service area.

2. Nevada Jobs Unlimited
   a. A public private partnership
   GBC's MTC program, described above, is an excellent example of the sort of public/private partnerships of Nevada Jobs Unlimited.

   b. Growing jobs within existing Nevada businesses
   GBC's CTE programs continue to develop a workforce for the existing Nevada mining industry. Students enter into one of the five CTE programs and have an excellent chance of obtaining employment once their training is complete. These programs are in high demand and with good reason. Entry level employment for these graduates range from $45,000 to $60,000 per year. Many students enter these technical programs with little or no technical skills. GBC's CTE programs provide the necessary training for students to become successful and gain the necessary skills to be employed in a high-demand high-skill job. Programs in these fields provide a trained workforce for many types of industries, not just mining, and increase the attractiveness for new industries to locate here.

3. Expanded Broadband Access
   a. GBC: Distance Learning Technologies
   GBC already demands more than 50% of the Nevada System of Higher Education (NSHE) broadband. GBC is heavily engaged in providing instruction using interactive video (IAV) and online instruction technologies. The expansion of

broadband access in rural Nevada communities will dramatically increase higher education opportunities for thousands of rural Nevada residents.

b. Health care provision/training
Many rural Nevada residents, especially military veterans, are reliant on broadband technologies for health care in what is referred to as "telemedicine." Clinics in rural Nevada link to hospitals throughout the region to provide diagnosis and treatment to place-bound patients in remote communities. GBC has been a partner in this area of health care provision.

4. Nevada Retrofit Initiative
   a. GBC: Solar hot water systems, Pahrump
   Great Basin College partnered with Valley Electric Cooperative in Pahrump to train displaced workers in the installation and maintenance of solar hot water heating systems in the Pahrump Valley.

   b. Weatherization programs
   GBC developed weatherization programs to train students in weatherizing homes and businesses across rural Nevada.

5. Rural Manufacturing Workforce Development
   a. GBC: Dream It Do It
   GBC has partnered with the Elko County Economic Diversification Authority (ECEDA) in this program. The program begins with students in secondary education and provides them with a path of study that can lead to good and satisfying work in manufacturing. GBC, through its dual credit and associate level training programs, can assist students in gaining these skills.

   b. GBC: Partnerships with state agencies
   GBC has partnerships with DETR and JOIN, providing training opportunities in Career and Technical Education and Health Sciences.

   c. Existing Programs with Future Potential
   Programs delivered by GBC that assist the development of a trained workforce for the mining industry will train a workforce for many industries. Mechanical and electric training programs benefit the attractiveness of the region for a wide range of industrial and manufacturing jobs. The current mining industry can serve as the basis to launch future manufacturing opportunities

Truckee Meadows Community College

Workforce Training in Renewable Energy and Energy Efficiency

Upon passage of SB152 in 2008, TMCC organized the Northern Nevada Green Jobs Training Coalition, in compliance with the new state law. The group is comprised of TMCC employees, labor organization officials, and community service representatives. The Coalition also extended

an invitation for Great Basin College to join the group since the labor organizations also represented the entire northern tier of the state. College of Southern Nevada also participated in our first grant application for weatherization funding from the Department of Employment Training and Rehabilitation (DETR).

Since its inception in June 2009, the Coalition has advised the college as we pursued grant funding for training that falls under SB152's jurisdiction, as well as any closely related grant opportunities not directly related to federal stimulus funds. To date, the college has received five grants:

1. DETR Low-income Weatherization grant (ARRA)
2. Community Services Agency (CSA) Energy Efficiency grant (Exxon Mobil)
3. Solar Energy Institute Instructor Training (NSF)
4. NSOE Nevada Retrofit Initiative (DOE)
5. Geothermal Plant Operator (DOE)

At this time, TMCC has trained 79 basic weatherization installers under the DETR weatherization and ExxonMobil grants. Twelve students completed intermediate weatherization training under the DETR grant, consisting of five returning students and seven incumbent workers. Three of the returning students have advanced to the current series of courses leading to national certification as residential energy auditors. At least two other individuals from the original group have returned to TMCC to pursue the Renewable Energy AAS degree emphasis. By December 2010, the college trained over 110 individuals in energy efficiency technologies, from basic weatherization to certified residential auditors.

TMCC partnered with Nevadaworks to train students in energy efficiency and sustainable energy techniques. Conducted by industry professionals the training is designed to help local businesses and organizations perform on-going energy efficiency audits of their physical plants and understand the advantages and savings derived from implementing sustainable energy technologies. Students who completed the 45-hour course received three credits from TMCC. Of the 24 students originally enrolled, 17 completed the course and earned passing grades, two officially withdrew prior to the conclusion, and the remainder failed to meet the course requirements.

Complementary to the programs developed with funding from DETR and ExxonMobil, the College has also been selected to provide workforce development training for the Nevada Retrofit Initiative. Funded by a grant obtained by the Nevada State Office of Energy, NRI has set the ambitious goal of retrofitting 5% of all single-family residences in the state with energy saving technologies that meet the Home Performance with Energy Star (HPwES) standards by 2021. To help achieve this objective, the College may train as many as 200 individuals as energy auditors, contractors, and verifiers between 2011 and 2015.

Besides the training directly funded by these grants, the College has leveraged these resources to develop traditional curriculum as part of its renewable energy, HVAC, and architecture programs. For example, a full-time instructor attended solar photovoltaic and thermal training funded by the National Science Foundation and provided by the Solar Energy Institute. As a

result of his upgraded skills, the instructor is updating our existing solar energy curriculum and developing a new course in solar thermal technologies that will enhance our Renewable Energy and HVAC emphases. Energy efficiency workforce development courses have been adapted as credit courses for Renewable Energy, HVAC, Architecture, and Construction Technologies. The College is also developing plans to market certification training and professional workshops to contractors throughout the western United States utilizing the facilities developed under these grants. If successful, TMCC will become a major training center in energy efficiency technologies in the United States.

TMCC has received a U.S. Department of Energy Grant to develop training for Geothermal Plant Operators. The Certificate of Achievement for Geothermal Plant Operator (GPO) will serve a demand for highly-trained professionals needed in the growing geothermal energy industry in Nevada, nationally, and internationally. This program will allow graduates to enter the workforce prepared to begin working immediately and provides a critical cost saving solution to the shortage of qualified Geothermal Plant Operators needed to address the world's increasing demand for clean energy such as geothermal power. This program would be the first of its kind in the United States and only the second worldwide. Courses are being prepared for Fall 2011.

Renewable Energy Emphasis in Construction Technologies AAS

TMCC is now offering twelve new or revised courses that cover the solar, wind, geothermal, and energy efficiency sectors of renewable energy. In January 2009, TMCC launched a Renewable Energy emphasis as part of the Construction Technologies Degree.

The following table includes the number of students enrolled in courses specific to renewable energy and all courses within the emphasis including supporting courses. The headcount is duplicated when students register from more than one renewable or supporting course.

Headcount of Students Enrolled in Renewable Energy Courses

Semester	Number of Majors	Renewable Energy	All Classes
Fall 2009	28	95	138
Fall 2010	42	112	178

Nevada Retrofit Initiative

In his State of the State address, Governor Sandoval specifically identified the Nevada Retrofit Initiative as "a ground-breaking partnership with higher education, nonprofits, and local banks for the construction and financing of residential energy efficiency retrofits." TMCC is the primary higher education partner for training energy auditors in this effort. Under this initiative, TMCC will train 80 auditors over a three-year period. These individuals will be available to perform the necessary analysis work in homes across northern Nevada to increase energy efficiency and subsequently qualify for special low-interest financing.

Number of Auditors to be Trained	**2011**	**2012**	**2013**
	40	30	10

The goal of the Nevada Retrofit Initiative is to implement Home Performance with Energy Start (HPwES) and ultimately retrofit at least 5% of all single-family residences in Nevada by 2021. Overall, the Nevada State Office of Energy projects the creation/preservation of nearly 500 jobs in northern Nevada in the construction, auditing, and finance industries, as well as an economic impact of $44 million.

Manufacturing

TMCC offers a variety of training programs that support of the emerging manufacturing industry in Nevada, including machining, production systems, drafting, fabrication, and industrial systems.

The machining program trains students in both manual and computer numeric controlled (CNC) machining techniques. These are critical skills for a large variety of industries, from slot machine manufacturers to biomedical equipment. Our fabrication emphasis trains students in multiple processes from welding, sheet metal, and machining.

The production systems program focuses on training workers to manage the assembly line environment. It focuses on quality control, just-in-time materials supplies, and computer aided manufacturing process. The Industrial Systems Certificate of Achievement trains technicians who maintain and operate the sophisticated automated equipment in a modern manufacturing facility. More than 260 students per year enroll in these manufacturing-related programs.

Transportation

TMCC trains automotive and diesel mechanics to the Automotive Service Excellence master technician level established by the National Automotive Technicians Education Foundation (NATEF). Beyond automotive dealers and repair shops, a large variety of industries require qualified transportation mechanics, such as construction, distribution, and utilities. TMCC trains 240 students per year in transportation programs.

Diesel technicians are especially valuable in northern Nevada's strong distribution and logistics industries. With its centralized location, the region is well suited for on-going growth in this industry. Technicians trained by TMCC help maintain the equipment used in distribution and manufacturing plants and are critical for maintenance of over-the-road vehicles that carry products and materials from warehouses in the area to points across the western United States.

Computer Technologies

The Computer technology department provides degrees and certificate programs that are responsive to two main driving forces: the latest trends in computer technologies, and the demands of students and regional employers.

Employment data nationally and for the state predict there will be strong demand (41% projected increase) for Computer Specialists (labor code 151000) through 2018. These specialists include computer programmers, software engineers, computer support specialists, network administrators, and others. The CT Department teaches courses leading to degrees in all of these areas.

Logistics Management

Governor Sandoval stated: "Finally, we need to improve ground connections by linking Las Vegas to Phoenix via Interstate 11 and to Southern California via high-speed rail. Both are critical for transportation and logistics, as well as tourism. "…..We are uniquely situated for logistics and transportation."

This statement shows the important role that logistics continues to plan in northern Nevada. Logistics management is a fast-growing business field nationally and internationally. In the Reno area, the expected growth is about 30 percent over the next 10 years. Careers in logistics include positions in purchasing, manufacturing, distribution, and transportation. Logistics management is well suited for students who enjoy solving mysteries, international travel and working on the front lines building relationships with industry partners. The degree options at TMCC allow the student to incrementally increase their knowledge base and are designed for either the working adult or the traditional student. Students may earn a Certificate of Achievement in Logistics Management, an Associates of Arts with an emphasis in Logistics Management, and an Associate of Applied Science in Logistics Management.

Entrepreneurship

Governor Sandoval stated: "For businesses already operating in Nevada, we want you to know that our focus is on your growth. Roughly 80 percent of new jobs will be created by local businesses, and we need every one of them to put Nevadans back to work."

This statement emphasizes the need for locally grown entrepreneurs as well as well-trained business professionals to meet the demands of the new jobs that will be created by existing local companies, companies moving into northern Nevada as well as those new enterprises resulting from nurturing local entrepreneurship.

In the "Rise of the Creative Class" Richard Florida discusses and elaborates on the ways in which creative workers are changing the economy. He goes on to stress how the entrepreneurial spirit and endeavors create economic growth. Among cities that have been successful in this are Austin, TX, Seattle, WA and Sacramento, CA. Sacramento's focus on creativity and creating a community that supports creativity now has them listed as one of the top ten places to live in the US by Kiplinger's magazine. Included in the top 10 are all cities that Florida rates as high on the Creativity index. TMCC's entrepreneurship program makes it easier and more affordable for residents of Reno/Sparks to obtain the skills and knowledge that they need to be successful. Create or Die has become the new credo of businesses. The development of this program provides another path to developing creativity in the workplace and provides another tool to grow employees. Students may earn a Certificate of Achievement in Entrepreneurship or an Associates of Arts with an emphasis in Entrepreneurship.

Business

Truckee Meadows Community College provides business studies courses that reflect leading edge practices in use in the community. The required courses include Business, Accounting, Economics, Marketing, Management, and elective courses from a number business disciplines. The degree offerings enable students to enter the business arena at a number of different levels or

to transfer to a four-year institution to achieve a Baccalaureate degree. Students may earn a Certificate of Achievement in Business, an Associates of Arts with an emphasis in Business, or an Associate of Applied Science in Business.

Western Nevada College

- Provide customized training for employers in WNC service area. Employers primarily come from the manufacturing, energy, and healthcare sectors. Training topics include a variety of machine tooling, computer technology, industrial safety, and leadership customized for the size and needs of the company.

- Act as a training partner with Nevada Industry Excellence to administer Train Employees now grants received through NCED.

- Maintain representation with manufacturing community through participation in the Carson Area Manufacturers Forum. This activity included working with the group to establish a 15 credit training program which specifically addresses the needs of the manufacturing community.

- Providing input to NNDA on the Dream It Do It initiative as well as input to the NNDA Workforce and Education committee on improving the pipeline of skilled workers from WNC.

- Provide non-credit training for the community to improve employment skills as demand requires within the service area.

- Provide OSHA training for construction companies and individuals who need to improve their employability skills within the WNC service area.

The following are workforce development initiatives originating from the WNC Fallon Campus:

- Specialty Crop Institute – The SCI provides workshops and seminars dealing with such topics as season extension techniques (hoop houses), orchard and berry production, cut flower production, organic farming, viticulture, marketing and strategically planning for small farm businesses, and a variety of other subjects to assist the small farmer. More than 1,000 people have received training in 16 workshops over the past 2 ½ years.

- Industrial Safety Program - The ISP courses include the following; 10-hour Construction Safety, 30-hour Construction Safety, Lockout-Tag out, Confined Space, Forklift Training, 1st Aid/CPR/AED Training, 40 hour Hazwoper, 8-hour Hazwoper Refresher, Manual Lifting, Ergonomics Awareness, and Workplace Violence Prevention.

- Advanced Truck Driving School – The partnership of WNC and the Advanced Truck School has prepared more than 90 individuals to successfully complete the CDL licensure process and become truck drivers over the past 2 years.

- Geothermal Entry-level Training – WNC partnered with Churchill County Social Services to conduct the Geothermal Entry-level Training program in the spring and summer of 2010. This program trained nearly 45 individuals to enter the geothermal industry in Churchill County or the drilling industries throughout the country.

- Workforce Academy – The Workforce Academy provides pre-employment training for individuals attempting to enter the job market with an emphasis on work ethic. Job Connect , JOIN, Vocational Rehabilitation and other agencies partner with WNC to assist students in Churchill, Lyon, and Pershing counties to enter and be successful in the world of work. Over the past 3 years, WNC has conducted more than 30 workshops for nearly 300 people.

- Job Club – As a partner with Churchill and Lyon counties, WNC offers this class to people who are searching for jobs. Students learn how to search and apply for jobs on the web, and learn positive interview techniques. This program has been in existence for the past year.

- Computer Applications – For many years, WNC has provided hands-on instruction in various computer applications designed to prepare individuals for the workplace. Most specifically we provide training in MS Word, Excel, Access, Powerpoint, Basic Internet, Outlook Express, Publisher, and Quickbooks.

- Information Protection Manager – The IPM program prepares students and businesses to ensure the security of privacy information when collected and disposed of. This short-term course has been offered at the Fallon campus for the past year.

- Welding Technology – This credit bearing program prepares students for American Welding Society certification for testing. Welding courses have been a part of the Fallon Campus curriculum for 35 years, and has become an important part of our onsite contract training at various companies.

QUESTION 5

Projected Impacts to Student Access: *The testimony provided by the NSHE institution Presidents indicated that the General Fund appropriation funding levels contained in The Executive Budget would result in reduced access overall and reduced availability of classes in particular. To better understand the projected impact of the Governor's recommended budget on prospective and current students in the 2011-13 biennium, the Subcommittee requested that the NSHE provide information which quantifies current access limits encountered by students and the access limits or impacts projected to occur at the funding levels recommended by the Governor.*

To the extent that data is available for FY 2009, FY 2010 and FY 2011, for each teaching institution, please provide the total number of unduplicated students for two broad categories of students: new students who were unable to register for a particular course; and enrolled, continuing students who were unable to register as a result of the particular course or course sections already reaching the maximum number of registrants. Additionally, if available, please provide the total number of instances in which unsuccessful course registrations occurred for FY 2009, FY 2010 and FY 2011. For each institution, please portray the information in the table format shown below with accompanying narrative or notes which explain the information. Finally, if possible, please quantify the projected impacts that the Governor's recommended budget reductions will have on graduation rates and the average length of time to graduation.

INSERT INSTITUTION NAME HERE					
Access Impact	FY 2009 Actual (Total)	FY 2010 Actual (Total)	FY 2011 Actual (Total)	FY2012 Projected (Total)	FY2013 Projected (Total)
Unduplicated Number of New Students Unable to Register for a Course.					
Unduplicated Number of Existing/Continuing Students Unable to Register for a Course.					
Total Number of Instances in Which a Failed Course Registration Occurred.				n/a	n/a

RESPONSE

For the purposes of this response, each institution provided figures, to the extent available, based on academic year, rather than fiscal year. Therefore, you will see that adjustment in each column heading of the tables to follow.

Any assumptions that the institutions made in providing the requested figures have been documented in the narrative. There are a number of factors that may contribute to a student's inability to access a desired section that vary by institution, including but not limited to, the number of sections offered, popularity of the course or program, the day and time the section is offered, etc. Failure to enroll in a particular section does not mean that the student did not enroll in an alternate section. One cannot assume that the number of students who could not access a particular section could enroll in no alternate courses.

University of Nevada, Las Vegas

UNIVERSITY OF NEVADA LAS VEGAS (UNLV)					
Access Impact	2008-09 Actual (Total)	2009-10 Actual (Total)	2010-11 Actual (Total)	2011-12 Projected (Total)	2012-13 Projected (Total)
Unduplicated Number of New Students Unable to Register for a Course *(Waitlisted but could not register).*	180	129	377	**N/A**	**N/A**
Unduplicated Number of Existing/Continuing Students Unable to Register for a Course *(Waitlisted but could not register).*	457	450	1,027	**N/A**	**N/A**
Total Number of Instances in Which a Failed Course Registration Occurred.	67,198	55,105	368,486	n/a	n/a

Prior to the installation of the iNtegrate (PeopleSoft) student services module, the former Student Information System only recorded one (1) course registration attempt per student per each day. Consequently, the difference between AY09 and AY10 is significant.

The data do not include the Summer Terms.

The waitlist data include only those students who requested to be waitlisted. When students register in the iNtegrate System, typically, they only view the course sections that are open. Thus, unless they are aggressively seeking to enroll in a particular section of a course, they tend not to select the waitlist option. Conversely, if a student has specific time requirements for taking classes (e.g., course schedule constraints, work, personal commitments, etc.), rather than select the waitlist option, s/he may opt to enroll in another class to ensure a final confirmed schedule.

The impact for AY 12 and AY 13 cannot be projected until the extent of the program and faculty elimination is known. What is known is that the change shown in student access to course registration over the last two academic years indicates a significant impact.

Projected impacts of reduced course offerings on student retention and graduation rates
We anticipate that the program eliminations and faculty losses resulting from the Governor's recommended budget reductions will result in a lower number of students being retained and an increase in the time needed to complete a degree. For those who persist to a degree, another year will be likely added to their time.

The reduction in offerings available has and will continue to increase the competition among students to meet course requirements. More students will wait at least one semester and up to a year to enroll in a required course, depending on their academic level. While departments have historically accommodated students nearing graduation by providing needed courses, the flexibility available for these late adjustments is no longer possible with the current and proposed reductions.

Competition among new students to meet their pre-major course requirements will increase as the number of course offerings available declines. Upper division and graduate students have even less flexibility because the courses offered at the higher levels are staggered to ensure that the number of faculty in the discipline can provide full coverage of the subject matter to meet

program requirements. There are also few, if any options, for meeting upper division requirements at another local institution, and none for graduate students.

These delays will affect students who already have less flexibility in their schedules: student with limited financial resources, who carry student loans, who work, and who are supporting a family. As the time required to complete a degree is extended, the cost of attendance increases, both in terms of higher tuition rates and the financial opportunity costs of extended college attendance. The likelihood that students will experience changes in marital status, become parents, and lose external financial support increases with time in college. Older students who already have household and financial obligations are more likely to drop out when there are interruptions in their schedules.

University of Nevada, Reno

UNIVERSITY OF NEVADA, RENO					
Access Impact	FY 2009 Actual (Total)	FY 2010 Actual (Total)	FY 2011 Actual (Total)	FY 2012 Projected (Total)	FY 2013 Projected (Total)
Unduplicated Number of New Students* Unable to Register for a Course.	229	331	363	400	1,500
Unduplicated Number of Existing/Continuing Students **Unable to Register for a Course.	1,099	951	1,056	1,200	4,500
Total Number of Instances in Which a Failed Course Registration Occurred.	1,328	1,282	1,419	1,600	6,000

The number of unduplicated failed course registrations remained fairly constant from Fiscal 2009 through Fiscal 2011. We do expect the number to increase somewhat as a result of earlier budget reductions associated with the elimination of Animal Biotechnology, Resource Economics, and Supply Chain Management. The uptick in failed course registrations is expected to increase dramatically for Fiscal 2013 as the elimination of courses, and entire academic departments stemming from the funding levels included in the Governor's recommended budget, are fully realized.

It is unclear what the impact of the Governor's recommended budget reductions will have upon graduation rates. It is likely that graduation rates will decline, at least in the short-term, as students who were admitted as part of prior year cohorts opt to leave the university as a result of program elimination. Time to degree should be expected to increase somewhat as a result of the loss of course options in academic units contributing to the Core Curriculum requirements.

Nevada State College

NEVADA STATE COLLEGE					
Access Impact	2008-09 Actual (Total)	2009-10 Actual (Total)	2010-11 Actual (Total)	2011-12 Projected (Total)	2012-13 Projected (Total)
Unduplicated Number of New Students Unable to Register for a Course.	471	681	838	1,339	1,583
Unduplicated Number of Existing/Continuing Students Unable to Register for a Course.	1,043	1,281	1,576	1,833	2,100
Total Number of Instances in Which a Failed Course Registration Occurred.	4,845	6,734	9,599	n/a	n/a

The table above, Figure 1, and Figure 2 demonstrate the increasing trend of unsuccessful registration attempts at Nevada State College and the number of unduplicated students who were unable to register for a full course for each academic year. Based on a linear projection of the trend that has existed in the previous three academic years (2009-11) plus the anticipated reduction in FTE due to projected budget cuts, NSC projects a total of 3,683 unduplicated new and continuing students who will be unable to register for classes in AY 2013 because demand for NSC courses will exceed capacity. NSC has already maximized every available resource to accommodate additional students despite significant budget cuts in the last several years, and we have increased the average number of students per section by 22 percent in the last two years. Despite all of those efforts, the College is simply unable to meet the student demand.

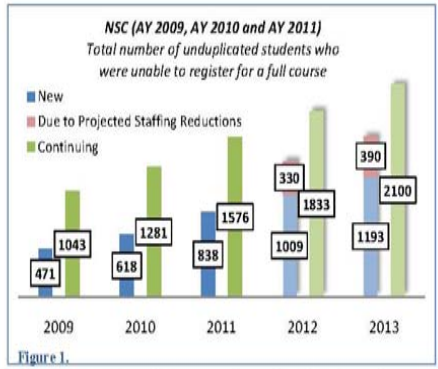


Figure 1.

Figure 2.

In order to meet the Governor's recommended budget reduction, NSC will be forced to freeze an additional 32 positions on campus. This additional reduction in staffing will result in an increase in unsuccessful student enrollment attempts, and we project that we will be unable to accommodate 260 new student FTE over and above what would have occurred without additional budget cuts (see Figure 1).

As the average length of time to graduate depends on the availability of classes, the disruption in the normal sequencing of course

offerings due to budget cuts will have a significant impact on graduation rates. Given that the average NSC student enrolls in 9.5 credits per semester (based on 2008 -2010 data), NSC's average enrollment to FTE is a ratio of 1.6. The projected reduction in FTE of 220 and 260 in 2012 and 2013, respectively, will shift this ratio to 1.8 and will decrease the average number of credits per student to 8.2. This reduction translates to an increased length of time to graduation of 12.2 months (2 – 3 semesters). This trend will also impact continuing students as they would discover that many of the required courses remaining for degree completion will not be offered as traditionally sequenced (i.e., during a traditional Fall, Spring & Summer scheduling cycle) therefore forcing an extension of their time to graduation at NSC as well.

College of Southern Nevada

COLLEGE OF SOUTHERN NEVADA					
Access Impact	2008-09 Actual (Total)	2009-10 Actual (Total)	2010-11 Actual (Total)	2011-12 Projected (Total)	2012-13 Projected (Total)
Unduplicated Number of New Students Unable to Register for a Course.	5,476	5,493	6,090	6,273	6,461
Unduplicated Number of Existing/Continuing Students Unable to Register for a Course.	26,778	27,438	26,404	26,668	26,935
Total Number of Instances in Which a Failed Course Registration Occurred.	348,959	344,659	328,376	n/a	n/a

All "actual" figures above are based on SIS student data as of the final census date. AY 2010-11 data contains Fall 2010 final data and Spring 2011 mid-term census data.

Methodology

Students counted in rows one and two attempted to enroll at least one time into any class. These figures do not take into consideration whether or not the student was successful in enrolling into a different section of the same class or a different class altogether. Students who were not able to enroll into any class may also be included here.

For example: In AY 2008-09, there were 3,486 (64%) of the 5,476 new "attempt" students who were able to enroll in any class. The remaining 1,990 students did not enroll in any class during that fiscal year. The table below shows the comparison of attempts to successful enrollments.

	AY 2008-09 Actual			AY 2009-10 Actual			AY 2010-11 Actual		
	Total Attempts	Enrolled in any class	% of Tot Attempts Enrolled	Total Attempts	Enrolled in any class	% of Tot Attempts Enrolled	Total Attempts	Enrolled in any class	% of Tot Attempts Enrolled
New	5,476	3,486	64%	5,493	3,211	58%	6,090	3,832	63%
Retuning	26,778	22,755	85%	27,438	22,416	82%	26,404	21,265	81%

The values in the third row simply count the number of unique attempts on any unique offering, or "section", of a class. These counts are unduplicated by class sections, so multiple attempts for a specific class section are only counted once. Attempts made for the same course (discipline and level) but different sections are counted once per section.

Future attempts will depend heavily on the number of sections offered and the number and proportion of new and returning students. In addition, new enrollment methods in the PeopleSoft student system will most likely affect attempt patterns beginning in AY2011-12.

Great Basin College

GREAT BASIN COLLEGE					
Access Impact	2008-09 Actual (Total)	2009-10 Actual (Total)	2010-11 Actual (Total)	2011-12 Projected (Total)	2012-13 Projected (Total)
Unduplicated Number of New Students Unable to Register for a Course.	n/a	n/a	n/a	Below	Below
Unduplicated Number of Existing/Continuing Students Unable to Register for a Course.	n/a	n/a	n/a	3,000	4,500
Total Number of Instances in Which a Failed Course Registration Occurred.	1,576	2,220	2,379	n/a	n/a

For FY 2009, FY 2010, FY 2011 (academic years), only the total number of students who attempted to enroll in a course is available. In the current Student Information System, we cannot determine if the people who attempted to enroll are new or continuing students. Likewise, we cannot determine for the academic year if the number reflects duplicated students. The projected totals for FY 2012 and FY 2013 academic years are based on the potential loss of faculty, classes, sections, etc. in light of the Governor's recommended budget reductions. It is difficult to quantify the projected impact on graduation rates and the average length of time to graduation; however, we have seen this past fall and spring that an increase in student fees correlates to students taking fewer credits (more students are attending college; however, FTE has decreased). This along with decreased course offerings, will increase time to degree and graduation rates.

Truckee Meadows Community College

TRUCKEE MEADOWS COMMUNITY COLLEGE					
Access Impact	2008-09 Actual (Total)	2009-10 Actual (Total)	2010-11 Actual (Total)	2011-12 Projected (Total)	2012-13 Projected (Total)
Unduplicated Number of New Students Unable to Register for a Course.	1,346	1,338	3,060	3,917	4,774
Unduplicated Number of Existing/Continuing Students Unable to Register for a Course.	6,338	6,383	8,227	9,172	10,116
Total Number of Instances in Which a Failed Course Registration Occurred.	27,638	28,035	28,513	n/a	n/a

Methodology Notes
Academic Year (AY) = Fall term + Spring term

Unduplicated Number of Students Unable to Register for a Course represents a count of students who attempted to get into a particular course (for e.g. CH 201), but were unable to register for any section of that particular course. If a student attempted to get into a particular section of the course, was not able to get into that section, but ended up enrolling in another section of the same course, such student was NOT counted as being unable to get into the course, since they ended up enrolling in the course.

NEW students unable to register for a course are only counted once for a fiscal year, even if they had unsuccessful enrollment attempts in fall AND spring terms (i.e. a student is NEW in the fall and unable to register for a course in the fall; the same student is now CONTINUING in the spring and unable to register for a course; such student only counted once as NEW for the fiscal year count)

Total Number of Instances in Which a Failed Course Registration Occurred represents a count of unsuccessful enrollment attempts unduplicated to the course (i.e. a student attempted to register for section 1 of CH 201 and was unable, attempted to register for section 2 of CH 201 and was unable, etc. this was counted as one instance of a failed course registration.

Projected figures for AY12 and AY13 were derived based on the rate of change in the data for AY09, AY10 and AY11.

There is a spike in applicants of almost 100% in Fall 2010. This results in a spike in the number of new applicants with unsuccessful enrollment attempts. The spike in applicants is a result of PS conversion and the requirement for many students to apply who in the past, had not been required to reapply in order to attend TMCC.

Please note that this document details that as the budget is reduced and course sections will have to be eliminated, the number of students who will not be able to get into college courses will grow dramatically. Overall and well into the future, the impact on students who choose to attend TMCC will be that they have a much greater challenge in meeting their education and career goals. This impact on students will directly affect the level of educational and skill attainment which will then negatively affect the development of our local and regional workforce which anchors the economy.

Western Nevada College

WESTERN NEVADA COLLEGE					
Access Impact	2008-09 Actual (Total)	2009-10 Actual (Total)	2010-11 Actual (Total)	2011-12 Projected (Total)	2012-13 Projected (Total)
Unduplicated Number of New Students Unable to Register for a Course.	336	507	540	556	573
Unduplicated Number of Existing/Continuing Students Unable to Register for a Course.	198	304	343	353	364
Total Number of Instances in Which a Failed Course Registration Occurred.	1,201	2,853	3,769	n/a	n/a

At a minimum, WNC projects to lose 7% of our projected enrollment due to the reduction in class sections available to students. Academic year includes fall and spring only.

QUESTION 6

Per Student FTE Funding: ***The Subcommittee requested the General Fund appropriation funding level per student FTE for each NSHE institution. For each NSHE instructional budget account (excluding the professional schools), please provide this information for FY 2010 (actual), FY 2011 (projected), and as recommended in The Executive Budget for FY 2012 and FY 2013. Additionally, please provide this same information based upon the total funding contained in the budget. Finally, for the same time period and for each institution, please provide the total instruction functional area expenditures by student FTE. For UNR and UNLV, the Subcommittee requested that the information be separated for undergraduate and graduate student FTE.***

RESPONSE

While NSHE budgets, as recommended in the Executive Budget, are not based on the current funding formula, in past biennia the formula has been utilized to determine the allocation of funds to each of the institutions. Therefore, while not directly utilized, the formula has greatly influenced the funding levels as recommended in the 2011-13 Executive Budget.

It should be noted that the funding formula does not determine funding levels based on a specific dollar amount being generated for each FTE student. Rather, there is a separate formula for each of five different functional areas (instruction, academic support, student services, institutional support and operation & maintenance of plant). For instruction, funding is determined by the number and types of courses being taught at each institution and whether each of the courses represents a clinical, high, medium or low cost (for example, an English course may be low cost, while an Engineering course may be high cost). Two institutions with the same number of FTE students could have different per student FTE funding as generated by the formula based on the programs and resulting courses being taught. If one institution provided only low cost programs and the other only high cost programs, the funding available by FTE student would, and should, be different.

Based on the way funding is determined by the current formula, it is difficult to draw any conclusions as to whether a specific institution is adequately or inadequately funded based solely on funding per student FTE. However, as requested, information is provided in the attached schedule on total funding per FTE student, General Fund support per FTE student and instructional amounts per FTE student for FY 2010 (actual), FY 2011 (projected) and as recommended in the Executive Budget for FY 2012 and FY 2013. Please note that the Executive Budget does not break out total expenditures recommended by functional area. Historically, NSHE has determined the allocation of funds by functional area after the legislatively approved budget is finalized. Therefore, the instruction cost per student FTE is not provided for FY 2012 or FY 2013.

The request also indicated that the information provided for UNLV and UNR should be separated for undergraduate and graduate FTE. Funding is neither provided by the Legislature nor budgeted by the Board of Regents based on these criteria. In addition, expense data within

the financial system is not identified based on whether a cost is provided to a graduate or undergraduate student. Therefore, information is not readily available, nor easily determined, to break out instructional costs by graduate and undergraduate student FTE.

This issue was discussed by representatives of UNLV, UNR and the System Office. While a methodology was discussed for allocating these costs, it was not endorsed since factors related to undergraduate and graduate students are not directly utilized in allocating funds nor are expenses tracked in this fashion within the financial system. The conclusion to this discussion was that development of this type of information would require a large set of assumptions which could bring into question the credibility of the information that was developed. It should be noted that information is provided for UNLV and UNR breaking out the number of undergraduate and graduate FTE students at each institution.

Nevada System of Higher Education
Funding per Full-Time Equivalent Student (FTE) Student
State Supported Operating Budget
Fiscal Years 2010 through 2013

	FY 2010	FY 2011	FY 2012	FY 2013
University of Nevada, Las Vegas	**Actual**	**Budgeted**	**Exec Budget**	**Exec Budget**
All Funding Sources-State Supported Operating Budget (1)	$243,198,018	$246,123,984	$218,094,832	$199,774,132
Funding per FTE Student	$12,108	$12,534	$11,107	$10,174
General Fund Support (2)	$151,930,620	$145,967,488	$125,413,961	$106,525,137
Funding per FTE Student	$7,564	$7,434	$6,387	$5,425
Instruction Funding	$127,753,140	$130,044,866		
Funding per FTE Student	$6,360	$6,623		
Undergraduate FTE Students	16,978	16,597	16,597	16,597
Graduate FTE Students	3,108	3,039	3,039	3,039
Total FTE Students (4)	20,086	19,636	19,636	19,636
University of Nevada, Reno				
All Funding Sources-State Supported Operating Budget (1)	$174,880,681	$178,329,116	$146,802,658	$132,295,864
Funding per FTE Student	$13,694	$13,490	$11,105	$10,008
General Fund Support (2)	$121,032,008	$117,925,883	$95,632,792	$81,409,408
Funding per FTE Student	$9,477	$8,921	$7,234	$6,159
Instruction Funding	$81,713,748	$81,791,696		
Funding per FTE Student	$6,398	$6,187		
Undergraduate FTE Students	10,920	11,303	11,303	11,303
Graduate FTE Students	1,851	1,916	1,916	1,916
Total FTE Students (4)	12,771	13,219	13,219	13,219
Nevada State College				
All Funding Sources-State Supported Operating Budget (1)	$16,625,330	$16,164,734	$13,041,412	$11,638,630
Funding per FTE Student	$9,632	$8,402	$6,778	$6,049
General Fund Support (3)	$13,121,290	$13,021,396	$9,040,401	$7,602,701
Funding per FTE Student	$7,602	$6,768	$4,699	$3,952
Instruction Funding	$7,027,718	$6,060,322		
Funding per FTE Student	$4,072	$3,150		
Number of FTE Students (4)	1,726	1,924	1,924	1,924

(1) The funding sources within the state supported operating budget include General Fund support, tuition and fees charged to students, investment income, and other miscellaneous revenues.
(2) Includes ARRA funds in FY 2010 and property tax revenues as recommended in the Executive Budget in FY 2012 and FY 2013.
(3) Includes ARRA funds in FY 2010
(4) FY 2012 & FY 2013 FTE enrollments based on preliminary annual FTE enrollment for FY 2011.

Nevada System of Higher Education
Funding per Full-Time Equivalent Student (FTE) Student
State Supported Operating Budget
Fiscal Years 2010 through 2013

	FY 2010	FY 2011	FY 2012	FY 2013
College of Southern Nevada	**Actual**	**Budgeted**	**Exec Budget**	**Exec Budget**
All Funding Sources-State Supported Operating Budget (1)	$131,435,327	$130,843,839	$117,044,219	$105,688,364
Funding per FTE Student	$5,967	$5,897	$5,275	$4,763
General Fund Support (3)	$95,791,740	$91,430,100	$75,944,918	$64,667,849
Funding per FTE Student	$4,349	$4,120	$3,422	$2,914
Instruction Funding	$70,203,982	$69,314,962		
Funding per FTE Student	$3,187	$3,124		
Number of FTE Students (4)	22,027	22,190	22,190	22,190
Truckee Meadows Comm College				
All Funding Sources-State Supported Operating Budget (1)	$48,064,801	$47,987,023	$42,194,961	$37,661,214
Funding per FTE Student	$6,578	$6,687	$5,880	$5,248
General Fund Support (3)	$37,289,646	$35,748,021	$29,890,760	$25,418,350
Funding per FTE Student	$5,103	$4,982	$4,165	$3,542
Instruction Funding	$23,275,828	$23,856,601		
Funding per FTE Student	$3,185	$3,324		
Number of FTE Students (4)	7,307	7,176	7,176	7,176
Western Nevada College				
All Funding Sources-State Supported Operating Budget (1)	$23,327,369	$22,391,921	$19,748,785	$17,511,125
Funding per FTE Student	$8,077	$7,653	$6,749	$5,985
General Fund Support* (3)	$19,251,676	$18,472,126	$14,941,033	$12,621,694
Funding per FTE Student	$6,666	$6,313	$5,106	$4,314
Instruction Funding	$9,329,981	$10,080,885		
Funding per FTE Student	$3,231	$3,445		
Number of FTE Students (4)	2,888	2,926	2,926	2,926
Great Basin College				
All Funding Sources-State Supported Operating Budget (1)	$19,842,495	$19,613,999	$17,332,602	$15,187,998
Funding per FTE Student	$9,951	$10,048	$8,879	$7,781
General Fund Support (3)	$16,961,405	$16,510,575	$13,941,066	$11,793,317
Funding per FTE Student	$8,506	$8,458	$7,142	$6,042
Instruction Funding	$9,308,320	$8,763,508		
Funding per FTE Student	$4,668	$4,490		
Number of FTE Students (4)	1,994	1,952	1,952	1,952

(1) The funding sources within the state supported operating budget include General Fund support, tuition and fees charged to students, investment income, and other miscellaneous revenues.
(2) Includes ARRA funds in FY 2010 and property tax revenues as recommended in the Executive Budget in FY 2012 and FY 2013.
(3) Includes ARRA funds in FY 2010
(4) FY 2012 & FY 2013 FTE enrollments based on preliminary annual FTE enrollment for FY 2011.

QUESTION 7

Reorganization and Funding of Intercollegiate Athletics, Statewide Programs and Business Centers: ***The Subcommittee requested that the NSHE prepare scenarios for UNR and UNLV through which the existing budget accounts for intercollegiate athletics, statewide programs and the business centers would be eliminated and the recommended funding incorporated into each university's main instructional budget. The requested scenarios should identify any proposed change to the expenditure levels recommended in The Executive Budget for each of the aforementioned areas.***

RESPONSE

The University of Nevada, Las Vegas (UNLV) and the University of Nevada, Reno (UNR) have submitted budget reduction plans for fiscal years 2012 and 2013. The templates provided for each budget account within NSHE are included in the response to question number 2. Institutions were not restricted to amounts recommended in the Executive Budget when developing General Fund support amounts within the templates that identify the budget reductions that would be necessary based on the Governor's funding recommendations in FY 2012 and FY 2013. Both UNR and UNLV reviewed each budget account under their responsibility and recommended General Fund amounts for each budget account in each year of the biennium.

The attached schedule compares the General Fund appropriations recommended in the Executive Budget in FY 2012 and FY 2013 to the amounts recommended in the budget reduction templates developed by each institution for the main instructional accounts as well as for athletics, statewide programs and the business centers. If the four accounts for each institution were combined the amounts that would need to be appropriated are provided for the two scenarios which are included in the columns titled Exec Budget – Gen Fund and Template – Gen Fund.

Nevada System of Higher Education
General Fund Support
Comparison of Executive Budget to Budget Reduction Templates
Instruction Accounts, Athletics, Statewide Programs and Business Centers
Fiscal Years 2012 and 2013

	General Fund	Fiscal Year 2011-12			Fiscal Year 2012-13		
	Oper Budget	Exec Budget	Template		Exec Budget	Template	
University of Nevada, Las Vegas	FY 2011	Gen Fund	Gen Fund	Difference	Gen Fund	Gen Fund	Difference
UNLV Instruction	$145,967,488	$125,413,961	$125,806,348	$392,387	$106,525,137	$106,755,060	$229,923
Intercollegiate Athletics	$7,465,366	$6,457,744	$6,457,744	$0	$5,424,714	$5,424,714	$0
Statewide Programs	$1,233,971	$1,054,642	$662,255	-$392,387	$892,178	$662,255	-$229,923
Business Center South	$1,839,433	$1,566,041	$1,566,041	$0	$1,332,134	$1,332,134	$0
Total	$156,506,258	$134,492,388	$134,492,388	$0	$114,174,163	$114,174,163	$0

	General Fund	Fiscal Year 2011-12			Fiscal Year 2012-13		
	Oper Budget	Exec Budget	Template		Exec Budget	Template	
University of Nevada, Reno	FY 2011	Gen Fund	Gen Fund	Difference	Gen Fund	Gen Fund	Difference
UNR Instruction	$117,925,883	$95,632,792	$99,485,476	$3,852,684	$81,409,408	$78,074,809	-$3,334,599
Intercollegiate Athletics	$5,328,304	$4,534,454	$4,681,975	$147,521	$3,817,347	$3,774,333	-$43,014
Statewide Programs	$5,229,267	$4,245,788	$3,936,380	-$309,408	$3,556,866	$2,895,269	-$661,597
Business Center North	$2,139,664	$1,805,133	$1,802,278	-$2,855	$1,529,380	$1,459,703	-$69,677
Total	$130,623,118	$106,218,167	$109,906,109	$3,687,942	$90,313,001	$86,204,114	-$4,108,887

QUESTION 8

UNR Preliminary Budget Reduction Plan: ***The Subcommittee heard testimony that UNR's preliminary budget reduction plan included reducing General Fund appropriations to the Cooperative Extension by amounts greater than recommended by the Governor's budget to mitigate the General Fund appropriation reductions budgeted for the School of Medicine. The Subcommittee requested additional information to understand the implications of UNR's preliminary plan. For both the cooperative Extension and the Medical School, please provide information that explains the projected impacts on the budget reductions at the levels recommended by the Governor as compared to the reduction levels contained in UNR's preliminary plan.***

RESPONSE

The following table and narrative explains the impacts on the budget reduction for the Cooperative Extension and the Medical School at the levels recommended by the Governor as compared to the levels contained in UNR's preliminary plan.

	Revised General Fund Reduction	
Budget Area	Governor's General Fund Reduction Recommendation	UNR's General Fund Proposed Reduction
University of Nevada School of Medicine	$8,148,509	$1,748,620
Cooperative Extension	$2,414,027	$5,641,278

School of Medicine: Since the budget reductions started in 2008, the University of Nevada, Reno has taken a strategic approach to budget reduction to prioritize programs to protect by disproportionately reducing or closing other programs. The University of Nevada School of Medicine is the only public medical school in the State. Nevada ranks 47th among states in the number of physicians per 100,000 population and the Medical School has a mission to educate physicians who likely will remain in Nevada to add to the medical workforce of the State. Secondly, teaching programs of the university have been given the top priority position for the University, including a broad range of bachelor's degree programs, a limited number of graduate programs, and medical and graduate-medical education. These programs have been affected by budget reductions to a lesser extent than other programs throughout the budget-cutting process because of the priority mission of teaching at the University. The medical school is especially sensitive to budget reductions. The University wishes to preserve medical education, graduate medical education, basic and clinical research, and clinical services for citizens. In order to protect these core functions of the medical school, a budget reduction much less than that contained in the Executive Budget is required.

Cooperative Extension: The University of Nevada Cooperative Extension is an important, traditional part of the Land Grant mission of the University serving communities throughout Nevada, rural and urban. The total budget for Cooperative Extension exceeds $19 million from federal, state, county, and self-supporting resources. Our Land Grant connection requires that state funds match federal funds at least one-for-one; the current allocation of federal funds is $1,153,230 and the allocation of state funds is $7,678,549. The University has chosen to reduce state funds to Cooperative Extension disproportionately because: 1) the federal match requirement can be met with far less overmatch than currently exists and maintain the Land Grant status, 2) the basic core of Extension can be preserved by keeping all county extension educators in place to maintain the cooperative agreements between each county and the University, manage county contributions and volunteers, and keep the core 4-H and educational programs viable for the foreseeable future, and 3) maintain a small specialist staff to support the six statutory program areas of horticulture, youth and families, agriculture, natural resources, economic development, and nutrition. The greatest loss of capacity will be among subject-matter specialists supporting county extension educators.

Rationale: During these unprecedented times of budget reductions, the University is forced into a position of choosing among important, productive programs to maintain core functions of each. The medical school has less flexibility in budget to maintain the central teaching, research and service functions than does Extension. Thus, the University has chosen to reduce the budget to the medical school by less that than recommended in the Executive Budget and to reduce the budget to Extension by more than recommended in the Executive Budget.

QUESTION 9

Interim Funding Formula Study: *As requested by the Subcommittee, please provide information on the estimated cost of an interim study of the funding formula and a copy of the suggested draft bill language to implement such a study.*

RESPONSE

The last legislative interim study of the higher education funding formula was authorized by the 1999 Legislature through passage of Senate Bill 443. A General Fund appropriation of $150,000 was approved by SB 443 (1999) for costs related to the study, which largely consisted of consultant costs. It seems reasonable that a General Fund appropriation of this amount would provide the funding necessary to hire any consultants who may be necessary to assist the legislative interim study committee in its review of the funding formula.

As Chancellor Klaich indicated it is NSHE's opinion that in order for the study to have the necessary independence and credibility it must be under the control of a legislatively authorized committee with staff support provided by the Legislative Counsel Bureau as was the case when the funding formula was last studied in 1999 and 2000. Therefore, it may be helpful for the subcommittee to also request input from Fiscal Analysis Division staff concerning the level of funding that would be necessary to conduct the interim study.

A copy of the suggested language for the bill draft that would authorize a legislative interim study of the higher education funding formula is attached.

BILL DRAFT INSTRUCTIONS
NSHE Formula Study

The following is language suggested for a measure creating an interim study of the funding formula of the Nevada System of Higher Education:

Section 1.

1. The Committee to Study the Funding of Higher Education, consisting of 12 voting members and 4 nonvoting members, is hereby created.
2. The following persons shall serve as voting members of the Committee:
   (a) Three members of the Senate, appointed by the Majority Leader of the Senate;
   (b) Three members of the Assembly, appointed by the Speaker of the Assembly;
   (c) Three members of the Board of Regents, appointed by the Chairman of that board; and
   (d) Three members appointed by the Governor.
3. The Governor shall appoint the following persons to serve as the nonvoting members of the Committee:
   (a) One person who is employed in the Budget Division of the Department of Administration; and
   (b) Three persons who are employed by the Nevada System of Higher Education.
4. The Chairman of the Legislative Commission shall designate one of the members as Chairman of the Committee.
5. The Director of the Legislative Counsel Bureau shall provide the necessary professional staff and a secretary for the Committee.
6. For each day or portion of a day during which they attend a meeting of the Committee or are otherwise engaged in the business of the Committee:
   (a) The voting members of the Committee who are Legislators are entitled to receive the compensation provided for a majority of the members of the Legislature during the first 60 days of the preceding regular session plus the per diem allowance provided for state officers and employees generally and the travel expenses provided pursuant to NRS 218.2207.
   (b) The voting members of the Committee who are members of the Board of Regents are entitled to receive travel expenses and a per diem allowance at the rates established in NRS 396.070.
   (c) The voting members of the Committee appointed by the Governor are entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

Sec. 2. The Committee shall:

1. Compare the existing method of funding higher education in Nevada with the methods used in other states;
2. Determine whether the other methods would be appropriate and useful in Nevada where by different missions of the universities, state college, community college and research institute are appropriately considered in the funding of public higher education in Nevada;
4. Review the funding of remediation in the context of instructional delivery methods;
5. Consider the retention of resident registration fees and non-resident tuition outside of the state supported operating budget;
6. Consider funding in the context of completed courses in contrast to the current method of funding enrollments; and

7. Consider rewarding institutions for achieving defined goals for graduating students (performance funding).

Sec. 3. The Committee may hold public hearings at such times and places as it deems necessary to afford the general public and representatives of governmental agencies and of organizations interested in higher education an opportunity to present relevant information and recommendations.

Sec. 4. The Committee may employ such educational and financial consultants as it deems necessary for this study.

Sec. 5. The Committee may accept and use all gifts and grants which it receives to further its work.

Sec. 6.

1. There is hereby appropriated from the state general fund to the Legislative Commission the sum of $150,000 for the purpose of conducting a study of the funding of higher education as provided in this act.
2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after December 31, 2012, and reverts to the state general fund as soon as all payments of money committed have been made.

Sec. 7. The Committee shall submit to the Legislative Commission a report of its findings and recommendations for legislation before the commencement of the 77th (2013) session of the Legislature.

Sec. 8. This act becomes effective on July 1, 2011, and expires by limitation on January 1, 2013.

QUESTION 10

Private Sector Funding Received by Great Basin College (GBC): During the discussion of Great Basin College's preliminary budget reduction plan, the mining industry's support of GBC's career and technical education programs was mentioned. The Subcommittee requested information on the types of funding and amounts being provided to GBC in support of those programs.

RESPONSE

Northeastern Nevada Regional Hospital in Elko provided funding for 2 years for a nursing instructor position. This position including salary and fringe is $73,000 per year. This funding allowed us to continue expanding our nursing program and provided not only the local hospital but other health care organizations in our service area with well qualified candidates for employment.

The mining industry has supported GBC's Career and Technical Education programs for many years. We provide the necessary skills to students so that the mining industry can hire better qualified employees in various maintenance areas, such as mill maintenance, electrical and instrumentation and diesel maintenance.

GBC provides contract workforce training to various companies. GBC has worked with companies such as Newmont, Barrick, Round Mountain Gold, Cashman Equipment Company and Boart Longyear to provide training to their employees. The contract training supports 4 teaching faculty positions, with $314,600 in salary and benefits.

GBC works with employment related agencies such as JOIN, NevadaWorks and Workforce Connections to provide training and retraining for people looking to enhance their job skills and employability. Our CDL program is one program that has provided opportunities of employment to these students upon completion. Our CDL program has 2 instructors, one based in Elko and one based in Pahrump to provide training to our entire service area. This program is a self-supporting program without state funding and the 2 instructors and a part-time administrative assistant have a salary and fringe cost of $141,000.

The Maintenance Training Cooperative (MTC) program was established in 1993 by local industries to provide scholarships to technical students. Past and present MTC Scholarship providers include Newmont, Barrick, Placer Dome, Pioneer Equipment Company, Eklund Drilling, Al Park Petroleum and D&D Tire to name a few. Over $5.4 million dollars in scholarships and equipment has been awarded with an average of 60-70 scholarships per year. Here is a partial breakdown of scholarships since 1999:

COMPANY	YEAR	AMOUNT	NUMBER OF STUDENTS
BARRICK	1999	40,975.13	15
	2000	34,493.82	10
	2001	39,055.39	18
	2002	15,337.25	7
	2003	17,900.00	6
	2004	18,000.00	6
	2005	13,500.00	5
	2006	62,000.00	17
	2007	162,000.00	40
	2008	73,805.00	32
	2009	122,750.00	26
Estimate	2010	125,000.00	25
	SUB T0TAL	**724,816.59**	**207**
NEWMONT	1999	14,840.00	7
	2000	13,380.50	5
	2001	14,497.25	5
	2002	14,750.00	5
	2003	15,000.00	6
	2004	39,262.00	16
	2005	61,500.00	21
	2006	136,353.25	32
	2007	122,500.00	26
	2008	73,347.00	31
	2009	145,000.00	31
Estimate	2010	160,000.00	32
	SUB TOTAL	**810,430.00**	**217**
ROUND MOUNTAIN	1999	5,878.00	3
	2000	5,928.75	2
	2001	6,115.00	2
	2002	5,174.92	4
	2003	12,597.64	4
	2004	20,475.00	5
	2005	23,240.29	7
	2006	7,482.00	3
	2007	3,788.11	2
	2008	2,871.75	1
	2009	4,490.00	1
Estimate	2010	10,000.00	2
	SUB TOTAL	**108,041.46**	**36**

SANDVICK	2004	9,000.00	4
	2005	3,000.00	1
	2007	18,000.00	3
	2008	9,488.00	3
	2009	18,000.00	3
		57,488.00	**14**
	OVER ALL TOTAL	**1,700,776.05**	**474**

QUESTION 11

NSHE Health Sciences System Funding: The Subcommittee requested information on the organizational structure and an accounting of the funding and expenditures of the Health Sciences System (HSS). Please also provide an overview of the HSS's accomplishments to date as well as any future objectives.

RESPONSE

Overview

Health sciences education within NSHE is governed by the Board of Regents (through its Health Sciences Committee, whose mission is to "*... promote quality education, research, patient care and community health across health care disciplines, driven by access, quality, value and the needs of the people of the State of Nevada," Board of Regents, Aug. 2009).* The System's efforts are coordinated by the Executive Vice Chancellor of Health Sciences (EVCHS) who reports directly to the Chancellor. The EVCHS' role is to coordinate and facilitate comprehensive system-wide planning in the health sciences, facilitate and support cooperation among NSHE institutions and between NSHE institutions and external partners in education, research and provision by:

- "Promoting a Systems Approach: Work to promote a systems view/approach to enhancing NSHE's ability to meet Nevada's health care needs through education, research and training;
- Promoting Efficiency & Effectiveness: Work to increase effectiveness and efficiency of NSHE health sciences program;
- Promoting Program Development: Work to foster further development of NSHE health sciences programs;
- Promoting Collaborative Opportunities: Work to foster enhanced internal and external collaboration" (Board of Regents, Aug. 2009).

Current Organizational Structure

- The HSS currently funds 3 full-time equivalent (FTE) professional staff, .25 FTE letter of appointment (LOA) and 1 FTE classified staff member who also serves as the assistant to the chancellor and as office manager of the system office (organization chart attached).

Funding Structure-Historical

- Since its inception, the NSHE Health Sciences System (HSS) has received no state appropriations for operations. The following is a historical summary:
  - FY 2006/07: In the first year of HSS operations, staff hired to work on the HSS were paid from the System Administration's Self Supporting account. A transfer of $167,500 from the Board of Regents' Self Supporting account into the HSS Self Supporting account was used to pay startup operating expenses (non-salary).
  - FY 2007/08: HSS was funded with $1,500,000 investment income from the NSHE Banking and Investments operating reserve. The distribution was approved at the August 2007 Board of Regents meeting.
  - FY 2008/09 to Present: HSS has maintained its own Self Supporting account. Since its inception, HSS has received a total of $11.2M in private and federal funding: 1) $9.3M in private funding (includes a $5M gift from the Lincy Foundation in 2008, of which $1.8M was designated for HSS operations; the remaining $3.2M is donor directed to support health sciences related initiatives); and 2) $1.9M in federal earmarks.

Funding Structure-Current Operations (FY 2010/11)

Category	Budgeted
Salaries	760,640
Fringe Benefits	144,644
Travel	20,000
Host	5,000
Operations	106,000
Total	**1,036,284**

- Cash balance on hand to support HSS operations as of March 2011: $1,373,733
- Remaining encumbrances (4/1-6/30/11): $360,335
- Anticipated cash balance for FY2011/12: $1,013,398

Accomplishments and Activities

1. Of the total non-state funds (private and federal) HSS has generated since 2006, HSS has spent or encumbered **$6,967,097** on the following **major** initiatives.

2. Public Health Ph.D. Program: HSS participated in the development of a collaborative program led by the two research institutions (UNLV and UNR); program was designed in response to public needs; program meets students' and State's needs efficiently and effectively.

3. Doctor of Nursing Practice Program: HSS assisted in the development of a collaborative program led by the two research institutions (UNLV and UNR); program was designed in response to public needs; program meets students' and State's needs efficiently and effectively.

4. Developed a strategic, comprehensive communications plan: Produce and distribute monthly e-newsletters which have received strong participation from institutions to highlight accomplishments in health sciences on each campus. Distribution of the newsletter, electronic push pages, and press releases is significant and covers all aspects of public, private health stakeholders in Nevada.

5. CIP Highlights (Detail attached). HSS has been charged with System-level management of planning and development of three CIP projects, totaling $104.13M in project costs and 161,000 square feet, to promote interdisciplinary health sciences program growth and development in Las Vegas and Reno:

    - ACADEMIC, CLINICAL, TRAINING AND RESEARCH CENTER: The design is 100% complete and considered "shovel ready" pending funding. It is 2011 Regents CIP request priority #3.

    - HSS CLINICAL SIMULATION CENTER OF LAS VEGAS: Opened fall 2009 and is actively utilized by UNLV & NSC Nursing, and UNSOM.

    - PENNINGTON MEDICAL EDUCATION LEARNING LABORATORY: Under construction; 90 % completed; due to open July 1, 2011. This project is a combination of state funding and private philanthropy.

6. Shadow Lane Campus Area Planning Project
Goal: Develop programmatic and facilities plan for the development of an inter-institutional, interdisciplinary health center for the Shadow Lane campus area to promote programmatic synergy across NSHE programs and provide much-needed educational, research, administrative and clinical space. **Status:** Temporary funding provided for staff and training required to open the Clinical Simulation Center of Las Vegas. In addition, a Master Planning Committee was formed and met several times to discuss programmatic, research and facilities needs. Consultants were hired and presented a comprehensive plan to the committee on various scenarios of space development and utilization. In addition, consultants were hired to establish a practical method to plan and manage the Shadow Lane Campus, accounting for the investment, operational support and overhead and the availability of funds to achieve capital improvement goals. The affected institutional business officers reviewed and approved the analysis.

7. NSHE Nursing Project
   Goals: a) Promote interaction/collaboration among NSHE nursing programs and with external stakeholders state-wide, to improve student success in relation to state-wide nursing education. **Status:** Facilitated the formation of the NV Nursing Educational Practice Alliance (NNEPA). Convened by HSS to foster improved state-wide collaboration in nursing education and practice with the goal of addressing the nursing workforce capacity of Nevada; NNEPA has developed and approved its Charter, has elected officers. This group meets regularly and is working on choosing and implementing a statewide student clinical placement system and facilitating a uniform state-wide student nurse clinical orientation program.

b) NSHE Nursing Leadership Team. **Status:** Facilitated the formation of the NSHE Nursing Leadership Team. This team meets regularly to discuss system-wide nursing education issues and identify strategic solutions. Continue the recently initiated effort to engage the NSHE institutions in a joint strategic planning on how the current resources can be leveraged to expand and strengthen the educational and research mission. This group worked together and as a result UNLV and NSC announced a joint RN to BSN program; UNLV and UNR developed a joint DNP program.

8. Health Research Development Project
   Goal: Develop infrastructure to support inter-institutional and interdisciplinary research collaborations, i.e., health research within NSHE institutions and with external partners.

   - Work collaboratively with NSHE institutions to enhance the Institutional Review Board (IRB) process, in order to facilitate inter-institutional (internal and external) and interdisciplinary collaborations. **Status:** Conducted needs assessment on resources spent at all NSHE institutions on the IRB process. Assembled an IRB Task Force to review streamlining of processes. Facilitated an agreement between UNR and UNLV and a subsequent MOU on a collaborative process.

   - The HSS created a research initiative in which $250,000 was used to fund five Inter-institutional Biomedical Research grants among our institutions and includes our research partners of Nevada Cancer Institute and the Whittemore Peterson Institute for Neuro-Immune Disease. **Status:** Funds expended. HSS will continue to monitor and analyze progress of the funded grants and identify funding opportunities for program continuation and continue to foster external collaboration.

- Developed and conducted a faculty research interest survey for the purpose of identifying research interests. **Status**: Registered faculty now receive personalized research announcements according to their research interests. A searchable database is currently being worked on by the EPSCOR Office which will allow NSHE faculty to find potential internal research partners to collaborate on grants.

9. American Recovery and Reinvestment Act (ARRA) Federal Funding Project Goal: Coordinate system-wide health sciences education-related efforts in response to opportunities created by the Federal ARRA funds to promote development of Health and Technology Education and pursue health workforce development opportunities throughout Nevada. **Status:**

    - Convened an NSHE-wide Health Information Technology (HIT) Task Force to develop a web-based HIT educational program(s) that can be shared by multiple institutions within the System and across the state.

    - Supported CSN's successful application to the Community Consortia to Education IT Professionals in Health Care.

    - Playing a leading role in the State application (through the Workforce Investment Board) to the Health Resource and Service Administration for a grant to increase the primary care health care workforce in Nevada.

10. NSHE-wide Health Sciences Programmatic Strategic Planning Project

    Status: Consultant was hired to lead the NSHE-wide strategic planning effort with special focus on the School of Medicine and the establishment of an Academic Health Center in Las Vegas. HSS and the consultant worked extensively with UNSOM in strategic planning for the expansion of graduate medical education (GME) in collaboration with Nevada Hospital Association and its members and the VA Hospital. Extensive conversations with external stakeholders have taken place, i.e., met with hospital CEO's. Report presented to the Board of Regents in September 2009.

11. UMC/NSHE Academic Joint Venture

    Status: As a follow-up to a request from former Clark County Commission Chair Reid to former Chancellor Rogers to investigate ways to transform UMC into a "true teaching hospital"; HSS has led the NSHE effort to investigate ways to strengthen the academic relationship between UMC and the University of

Nevada School of Medicine (UNSOM) and other NSHE health sciences programs and schools.

In January of 2010, Chairman Leavitt, Chancellor Klaich, Chancellor Emeritus Rogers and Clark County Commissioner Reid participated in a press conference at which they announced an effort to investigate the potential opportunities for enhancing the relationship between the Nevada System of Higher Education and University Medical Center of Southern Nevada (UMC), and related opportunities for transforming UMC into a more robust academic health center. Chancellor Klaich asked Executive Vice Chancellor Trevisan to serve as the lead in coordinating NSHE's involvement in these efforts.

The Clark County Commissioners, sitting as the Board of Hospital Trustees, took action to establish two new groups to help enhance UMC's partnership with NSHE and to make changes to the current UMC governance structure.

UMC Joint Venture Working Group—the first new group is called the UMC Joint Venture Working Group board. Its purpose is to help oversee the efforts to enhance the joint venture between Clark County/UMC and NSHE. The participants from NSHE participating in this Working Group include: Executive Vice Chancellor for HSS, Dean of University of Nevada School of Medicine (UNSOM), CFO of UNSOM, and Dean of UNLV School of Dental Medicine. In addition, the Clark County Manager, Clark County CFO, UMC CEO, the UMC Chief of Medical Staff and the CEO of the Nevada Cancer Institute (NVCI) were also asked to participate. This group is chaired by the CEO of NVCI (Dr. John Ruckdeschel).

UMC Hospital Advisory Board—the second new group is called the UMC Hospital Advisory Board and its purpose is to serve as a new hospital governing board. The members of this group will be appointed by the Clark County Commissioners. Members of the community, not currently serving in an elected office, were invited to apply for one of the eleven positions on this new Advisory Board. Over 100 individuals applied for this Board. The County Commissioners finalized the membership of the Advisory Board on August 18, 2010. The Executive Vice Chancellor of HSS serves on the board as an ex-officio member.

Two-project concurrent study was initiated. Project 1 was a joint venture between NSHE and Clark County/UMC and it involves an analysis of "Transitioning of hospital to Academic Health Center (AHC) and recommendation of potential governance structure options." Project 2 involved an "Update

existing analyses of UMC's financial operations and operational efficiencies with a focus on comparison to similarly situated academic medical center." NSHE HSS and UNSOM representatives were involved in the solicitation and selection of the consultant (FTI) hired to conduct both studies and helped to draft the scope of work.

FTI reported on the outcome of the projects on February 2, 2011. One of the three major recommendations was to support the strengthening of the academic relationship between UMC, UNSOM and NSHE. At the moment discussions are taking place regarding the details of the academic relationship and how this effort will intertwine with the other important and critical administrative organizational and financial changes that need to be implemented in order to make the future of UMC viable.

12. Activities: NSHE is being/has been represented by the Executive Vice Chancellor on the following local and state-wide initiatives and committees:

Nevada Academy of Health
Health Care Reform Policy Council, State Senate of Nevada
Convener, Electronic Health Records Nevada Statewide Initiative
Governor's Health Information Technology Blue Ribbon Task Force
Nevada Advisory Committee to Prevent Infections in Health Facilities
Planning Committee and Speaker, Office of the Attorney General Health Care Summit
Nevada Department of Employment, Training & Rehabilitation, Workforce Solutions Unit
Governor's Workforce Investment Board: Health Care Sector Council (Chairman)

13. University of Nevada Health Sciences Center Foundation (UNHSCF): UNHSCF trustees and the HSS leadership have decided to change their approach to providing fund raising and support and will work on a project-by-project basis with existing institutional foundations. In the spirit of efficiency and effectiveness and reevaluating the function of the HSS Foundation, its trustees voted to dissolve the Foundation on April 19, 2010. The Nevada Board of Regents approved this action on June 4, 2010. In accordance with the provisions of the University of Nevada Health Sciences Center Foundation (hereinafter "UNHSCF" or the "Foundation") Articles of Incorporation, Article XVI, the UNHSCF Bylaws, Article VII.E and Nevada Revised Statutes 82.451, the Foundation ordered all current obligations and liabilities of the Foundation be

immediately paid and all assets distributed exclusively for and in accordance with the charitable and educational purposes of the Foundation.

Future Objectives:

- Support the expansion of the University of Nevada School of Medicine (UNSOM) throughout Nevada emphasizing class size growth, expanded hospital relationships with clinical service and graduate medical education growth, and enhanced basic and clinical research. The current opportunity to enhance the relationship between NSHE, UNSOM, UNLV School of Dental Medicine and the University Medical Center, in Las Vegas, represents one example of possible expansions of education, research and clinical services in medicine, nursing, dentistry, social work, and public health, as well as with other community partnerships. This enhanced relationship and mission integration with UMC is the single most important issue facing health sciences within the System at the current time and should be the focus for the most intense effort of the Committee (see UMC/NSHE Joint Venture above).

- Develop a Shadow Lane Campus programmatic strategic plan in collaboration with UNLV, UNR, NSC, and CSN to identify program needs and collaborative opportunities in the areas of education, training, research and clinical services.

- Develop a Shadow Lane Campus facilities plan in collaboration with UNLV, UNR, NSC, and CSN to support the functions identified in the programmatic strategic plan (including an analysis of actual space requirements, and program placement to best maximize space utilization and facilities development). This plan will also include investigation of potential adjacent property acquisition and/or partnership opportunities.

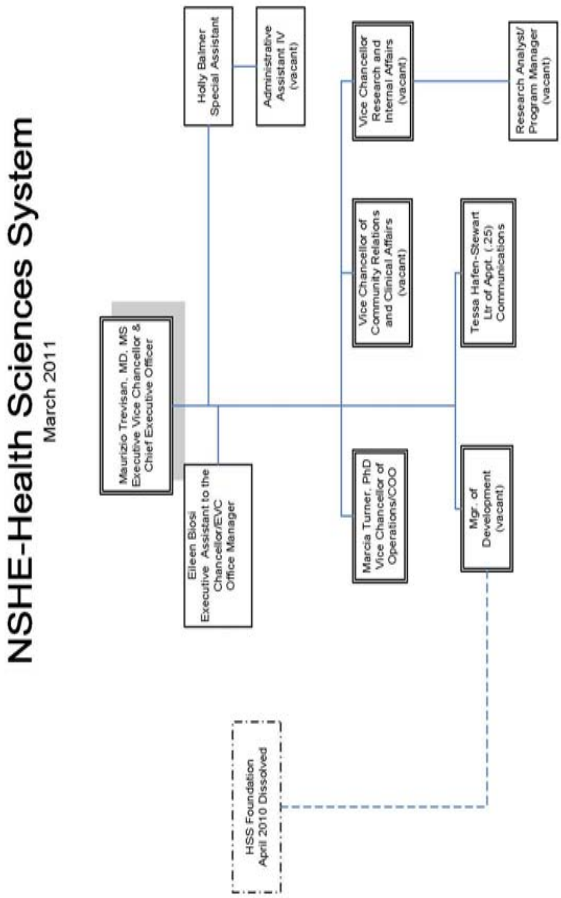
- Develop a financial funding plan (federal, state and philanthropy resources) to support the programmatic and strategic master plans, and related management and governance support plans.

- Expanding applied, translational and clinical research collaboration between the NSHE research institutions, and with other regional research universities, based on mutually agreed upon specializations or fields (e.g., support for neurodegenerative diseases, geriatrics, molecular medicine, biomedical engineering, novel chemotherapeutic treatments, etc.).

- Developing a mutually agreed upon roadmap for critical faculty and clinical staffing to support the education, research, and clinical service directions of NSHE, and plans for developing resources to implement the roadmap.

- Encouraging faculty in the research institutions to identify a set of core health care policy initiatives for which inter-institutional, inter-disciplinary programs can be developed. Such issues could include: early intervention, elder care, health care in immigrant communities, health care infrastructure, and developing statewide databases. Interactions between academic departments, community health programs, and centers, such as the UNLV Lincy Institute; the Brookings Mountain West Initiative; the UNR Sanford Center for Aging; and the Center for the Application of Substance Abuse Technologies, can support these efforts and should be encouraged and maximized.

- Promoting collaboration through sponsoring meetings, workshops and conferences between the various governmental, non-profit, and private health care entities to promote broader regional and state-wide collaboration, to exchange results from clinical studies and research efforts, and to develop a more vigorous biomedical and health care economy.


NSHE-Health Sciences System
March 2011
Maurizio Trevisan, MD, MS
Executive Vice Chancellor &
Chief Executive Officer
Holly Balmer
Special Assistant
Administrative
Assistant IV
(vacant)
Eileen Biosi
Executive Assistant to the
Chancellor/EVC
Office Manager
Marcia Turner, PhD
Vice Chancellor of
Operations/COO
Vice Chancellor of
Community Relations
and Clinical Affairs
(vacant)
Vice Chancellor
Research and
Internal Affairs
(vacant)
Tessa Hafen-Stewart
Ltr of Appt. (.25)
Communications
Research Analyst/
Program Manager
(vacant)
Mgr. of
Development
(vacant)
HSS Foundation
April 2010 Dissolved
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NEVADA SYSTEM OF HIGHER EDUCATION

HEALTH SCIENCES SYSTEM

HEALTH SCIENCES SYSTEM
CAPITAL IMPROVEMENTS PROJECTS

2011 OVERVIEW

PROJECT:
ACADEMIC, CLINICAL, TRAINING AND RESEARCH CENTER
(SPWB CIP 2007 C-91; 2009 C-06)
STATUS:
100% DESIGNED, 2011 Regents CIP Request Priority #3

Total Project:

- $50.93

(as of 8/10)

Planning & Design:

- State: $4,47m

Construction & FFE

- Total: $46.64m
- State: $24.78m
- Match: $21.68m

Note:

- $29,48m was funded by the State in the 2007 CIP for construction and FFE, but funds were reverted due to State budget shortfalls.

- **Building Size:**
  - The HSS Academic, Clinical, Training and Research Center (ACTC) Project is planned as a 72,000 GSF building.
- **Occupants:**
  - The project will support the relocation of the entire UNLV Nursing program from the UNLV Maryland Campus as well as the expansion of UNSOM educational and operations space in Las Vegas.
- **Function:**
  - Specific program space will be dedicated to classrooms, wet lab research and support space, clinical research space, student and faculty space.
- **Status:**
  - The design for ACTC is 100% complete, and considered "shovel ready" pending funding.

HEALTH SCIENCES SYSTEM

ACADEMIC, CLINICAL, TRAINING AND RESEARCH CENTER

Located on the Shadow Lane Campus in Las Vegas

1st Floor Design

- SUPPORT - SHARED
- UNLV SON - CLASSROOMS
- UNLV SON - SUPPORT
- UNSOM - CLASSROOMS
- CIRCULATION/ COLLABORATIVE

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HEALTH SCIENCES SYSTEM
ACADEMIC, CLINICAL, TRAINING AND RESEARCH CENTER
NEVADA SYSTEM OF HIGHER EDUCATION
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HEALTH SCIENCES SYSTEM
ACADEMIC, CLINICAL, TRAINING AND RESEARCH CENTER
NEVADA SYSTEM OF HIGHER EDUCATION
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PROJECT:
HSS CLINICAL SIMULATION CENTER OF LAS VEGAS
(SPWB CIP 2007 C-89)
STATUS:
OPENED FALL 2009

Total Project Cost:

- State funding $15.75 M

- **Square Feet:**
  - The NSHE HSS Shadow Lane Clinical Simulation Center of Las Vegas involved the renovation of approximately 31,000 gsf of space within an existing building on the Shadow Lane Campus.
- **Occupants:**
  - This project houses the clinical skills and simulation educational programs in Las Vegas for the University of Nevada School of Medicine, the UNLV School of Nursing and the NSC School of Nursing.
- **Function:**
  - This project supports interdisciplinary, inter-institutional clinical skills and simulation education. The Center includes highly technical computerized mannequins used to simulate emergent and life-threatening clinical scenarios, and provide students the opportunity to become proficient in skills sets along the continuum of health services from drawing blood to laparoscopic surgical procedures, among other skills and simulations. The Center includes a mock-hospital with 6 high-tech simulation rooms and 12 hospital skills rooms; three distinct surgical skills areas; a 12 room "mock doctor's office" patient simulation area; two 24- person skills demonstration classrooms; an 80-person lecture hall and other support services.
- **Status:**
  - The Shadow Lane Clinical Simulation Center opened in the Fall of 2009 and is actively utilized by UNLV & NSC Nursing, and UNSOM

HEALTH SCIENCES SYSTEM

CLINICAL SIMUILATION CENTER OF LAS VEGAS
Located in Shadow Lane Campus Building "B"

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HEALTH SCIENCES SYSTEM
CLINICAL SIMUILATION CENTER OF LAS VEGAS
Located in Shadow Lane Campus Building "B"
NEVADA SYSTEM OF HIGHER EDUCATION
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HEALTH SCIENCES SYSTEM

CLINICAL SIMUILATION CENTER OF LAS VEGAS
Located in Shadow Lane Campus Building "B"

HEALTH SCIENCES SYSTEM
CLINICAL SIMUILATION CENTER OF LAS VEGAS
Located in Shadow Lane Campus Building "B"
NEVADA SYSTEM OF HIGHER EDUCATION
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PROJECT:
PENNINGTON MEDICAL EDUCATION LEARNING LABORATORY
(SPWB CIP 2007 C-90; 2009 C-05)
STATUS:
UNDER CONSTRUCTION, 90 % COMPLETED; DUE TO OPEN
July 1st 2011

Total Project Cost:
- $37,494,151

State Funding:
- $2,388,144 (Design)
- $24,012,007 (Construction and FF&E)

Matching Funds:
- $11,094,000

- **Square Feet:**
  - The Medical Education Learning Lab Project is an approximately 58,000 gsf building.
- **Occupants:**
  - It will include the University of Nevada School of Medicine and the UNR Orvis School of Nursing.
- **Function:**
  - Specific program spaces include a new anatomy laboratory and lecture hall, a patient simulation center and standardized patient teaching labs, classrooms, support space, student and faculty space. This facility is intended to work in concert with the other buildings in the UNR Health Sciences Precinct.
- **Status:**
  - The project is currently under construction and approximately 90 % completed. The building is slated for completion and occupancy in July of 2011.

HEALTH SCIENCES SYSTEM/UNIVERSITY OF NEVADA, RENO
PENNINGTON MEDICAL EDUCATION BUILDING
Located within "Health Sciences Precinct"
on the UNR Campus
N
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HEALTH SCIENCES SYSTEM/UNIVERSITY OF NEVADA, RENO
PENNINGTON MEDICAL EDUCATION BUILDING
NEVADA SYSTEM OF HIGHER EDUCATION
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CAUTION
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On motion of Assemblyman Conklin, the committee did rise and report back to the Assembly.

ASSEMBLY IN SESSION

At 5:48 p.m.
Mr. Speaker presiding.
Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Conklin moved that upon return from the printer, Assembly Bill No. 274 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

Assemblyman Conklin moved that Assembly Bills Nos. 6, 56, 61, 72, 192, 196, 213, 237, 249, 253, 254, 289, 290, 291, 299, 321, 346, 368, 389, 396, 433, 441, and 538 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

NOTICE OF WAIVER

A Waiver requested by Assemblyman Oceguera and Senator Horsford.
For: R-1282 (AJR No. 9)
To Waive:

Subsection 1 of Joint Standing Rule No. 14 (2 BDRs from Assemblymen and 4 BDRs from Senators requested by 8th day).
Subsection 1 of Joint Standing Rule No. 14.2 (dates for introduction of BDRs requested by individual legislators and committees).
Subsection 1 of Joint Standing Rule No. 14.3 (out of final committee of house of origin by 68th day).
Subsection 2 of Joint Standing Rule No. 14.3 (out of house of origin by 79th day).
Subsection 3 of Joint Standing Rule No. 14.3 (out of final committee of 2nd house by 103rd day).
Subsection 4 of Joint Standing Rule No. 14.3 (out of 2nd house by 110th day).

Has been granted effective: Friday, April 22, 2011.

SENATOR STEVEN HORSFORD
Majority Leader

ASSEMBLYMAN JOHN OCEGUERA
Speaker

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Carlton, the privilege of the floor of the Assembly Chamber for this day was extended to Grace Foley.

On request of Assemblyman Conklin, the privilege of the floor of the Assembly Chamber for this day was extended to James Woolsey.

On request of Assemblyman Grady, the privilege of the floor of the Assembly Chamber for this day was extended to Cady Cordes.

On request of Assemblyman Hansen, the privilege of the floor of the Assembly Chamber for this day was extended to the following students and chaperones from Marvin Moss Elementary School: Naomi Alvarez, Jessenia Araiza, Ana Ayala, Jose Barrera, Ty Carmack, Taesha Crain, Tyler Fairchild, Savannah Franz, Ana Gil, Andrew Gorum, Fay Guerrero, Sarah Kerney, Sam Legott, Bryan Oaxaca, Kaitlin Maher, Ibeth Molina, Adam Moore, Aylianna Partida, Nathaniel Pascual, Rueben Ruiz, Alexia Sanchez, Kameron Soubiea, Natasha Spalka, Heather Velazquez, Monica Villa, Jovannah Lefler-Beck, Kendyl Perkins, Kenia Aguirre, Taylor Anderson, Stephanee Baldwin, Alexander Contreras Ortega, Morgan Bennett, Garrett Davidson, Liberty Fleming, Alejandre Garcia, Brennan Gilmore, Trey Harry, Meredith Hoppe, Mikayla Hunt, Caitlyn Jones, Kendall Kantor, Aidan Keppel, Daniel Makoutz, Javonna Malizia, Moises Martinez Camarena, Coard McKim, Thomas Obacka, Manmit Parmar, Daniela Serratos Segura, Megan Sewell, Amy Jo Sitkoff, Jakob Sprague, Darius Vandyke, Dakotah Walters, Justin Wolcott, Hannah Anderson, Audrey Bautista, Gage Bennett, Teagan Ciesynski, Trinton Cook, Reece Davis, Tanner Dimmitt, Ryan Durbin, Sadi Floyd , Autumn Hicks, Nicholas Howe, Alesah Jim, Kevin Looc, Konstantina Mason, Ronalisa Nena, Shelby Petersen, Tyler Scott, Carolina Serrano, Donte Smith, Caleb Springmeyer, Kye Steiner, Trinty Sublett, Monica Valdez, Alyssa Wellesley, Taeshaun Crain, Christopher Mason, Michaela Gamboa, and Ashley Haynes.

On request of Assemblyman Kirner, the privilege of the floor of the Assembly Chamber for this day was extended to Linda Law.

On request of Assemblyman Livermore, the privilege of the floor of the Assembly Chamber for this day was extended to Kristie M. Traver and Brighton Traver.

Assemblyman Conklin moved that the Assembly adjourn until Monday, April 25, 2011, at 11 a.m.

Motion carried.

Assembly adjourned at 5:54 p.m.

Approved: JOHN OCEGUERA
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE SEVENTY-EIGHTH DAY

CARSON CITY (Monday) April 25, 2011

Assembly called to order at 11:30 a.m.
Mr. Speaker presiding.
Roll called.
All present.
Prayer by the Chaplain, Rajan Zed.

Om
bhur bhuvah svah
tat Savitur varenyam
bhargo devasya dhimahi
dhiyo you nah prachodayat

We meditate on the transcendental Glory of the Deity Supreme, who is inside the heart of the earth, inside the life of the sky and inside the soul of the Heaven. May He stimulate and illuminate our minds.

Asato ma sad gamaya
Tamaso ma jyotir gamaya
Mrityor mamrtam gamaya

Lead me from the unreal to the Real. Lead me from darkness to Light. Lead me from death to immortality.

Anapekshah shuchirdaksha
udaaseeno gatavyathah
Sarvaarambhaparityaagee
yo madbhaktah sa me priyah

Speaking of true devotees, Lord says: He is detached, pure, efficient, impartial, never anxious, selfless in all his undertakings; he is my devotee, very dear to me. O Lord, as devoted public officials, guide us to these values.

Trividham narakasyedam
dvaaram naashanamaatmanah
Kaamah krodhastathaa lobhah
Tasmaadetattrayam tyajet

There are three gates to this self-destructive hell: lust, anger, and greed. Please help us, O Lord, to renounce these three.

am saha naavavatu
Saha nau bhunaktu
Saha viiryan karavaavahai
Tejasvi naavadhiitamastu
Maa vidhvishhaavahai

May we be protected together.
May we be nourished together.
May we work together with great vigor.
May our study be enlightening.
May no obstacle arise between us.

Om Shanti, Shanti, Shanti.

Peace, Peace, Peace be unto all.

Om.

AMEN.

Pledge of allegiance to the Flag.

Assemblywoman Kirkpatrick moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker

Your Committee on Commerce and Labor, to which were referred Assembly Bills Nos. 141, 202, 273, 283, 308, 380, 416, 432, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

KELVIN ATKINSON, *Chair*

Mr. Speaker:

Your Committee on Education, to which was referred Assembly Bill No. 117, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DAVID P. BOBZIEN, *Chair*

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Assembly Bills Nos. 45, 59, 68, 179, 276, 402, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Government Affairs, to which was referred Assembly Bill No. 469, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended and rerefer to the Committee on Ways and Means.

MARILYN K. KIRKPATRICK, *Chair*

Mr. Speaker:

Your Committee on Judiciary, to which was referred Assembly Bill No. 564, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Judiciary, to which were referred Assembly Bills Nos. 13, 107, 135, 149, 161, 219, 258, 284, 463, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

WILLIAM C. HORNE, *Chair*

Mr. Speaker:

Your Committee on Taxation, to which were referred Assembly Bills Nos. 191, 245, 505, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MARILYN K. KIRKPATRICK, *Chair*

Mr. Speaker:

Your Committee on Transportation, to which were referred Assembly Bills Nos. 247, 511, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MARILYN DONDERO LOOP, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 22, 2011

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 30, Amendment No. 76; Assembly Bill No. 144, Amendment No. 51, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 106, 144, 154, 209, 248, 281, 284, 304, 309, 392, 406, 417, 488, 495.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 10, 15, 24, 26, 38, 40, 53, 57, 66, 81, 110, 112, 127, 130, 142, 152, 159, 182, 187, 194, 196, 198, 200, 218, 230, 238, 245, 251, 256, 257, 259, 260, 261, 268, 273, 277, 288, 294, 318, 361, 376, 393, 402, 403, 411.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Joint Resolution No. 8.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblyman Oceguera and Senator Horsford:

Assembly Joint Resolution No. 9—Urging Congress to enact the Unemployment Insurance Solvency Act of 2011.

Resolution read.

Assemblyman Conklin moved that all rules be suspended, reading so far had considered second reading, rules further suspended, Assembly Joint Resolution No. 9 be declared an emergency measure under the Constitution and placed on third reading and final passage.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Joint Resolution No. 9.

Resolution read third time.

Remarks by Assemblyman Conklin.

Roll call on Assembly Joint Resolution No. 9:

YEAS—41.

NAYS—McArthur.

Assembly Joint Resolution No. 9 having received a constitutional majority, Mr. Speaker declared it passed.

Resolution ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Conklin moved that Assembly Joint Resolution No. 9 be immediately transmitted to the Senate.

Motion carried.

Senate Joint Resolution No. 8.

Assemblyman Conklin moved that the resolution be referred to the Committee on Legislative Operations and Elections.

Motion carried.

Assemblyman Conklin moved that Assembly Bills Nos. 13, 45, 59, 68, 107, 117, 135, 141, 149, 161, 179, 191, 202, 219, 245, 247, 258, 273, 276, 283, 284, 308, 380, 402, 416, 432, 463, 469, 505, 511, and 564, just reported out of committee, be placed on the Second Reading File.

Motion carried.

NOTICE OF EXEMPTION

April 22, 2011

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Senate Bills Nos. 113, 212 and 375.

MARK KRMPOTIC
Fiscal Analysis Division

April 25, 2011

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Assembly Bill No. 171.

RICK COMBS
Fiscal Analysis Division

April 25, 2011

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Senate Bill No. 231.

MARK KRMPOTIC
Fiscal Analysis Division

Assemblyman Conklin moved that Assembly Bills Nos. 128, 171, 330, and 552 be taken from the General File and rereferred to the Committee on Ways and Means.

Motion carried.

Assemblyman Conklin moved that Assembly Bill No. 29 be taken from the Chief Clerk's desk and placed at the top of the Second Reading File.

Motion carried.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 11:51 a.m.

ASSEMBLY IN SESSION

At 11:53 a.m.

Speaker pro Tempore presiding.

Quorum present.

By the Assembly Committee on Legislative Operations and Elections and the Senate Committee on Legislative Operations and Elections:

Assembly Concurrent Resolution No. 8—Making a formal request for the Governor to establish an open, fair and public process to fill the vacancy in the Office of United States Senator.

WHEREAS, The upcoming vacancy in one of Nevada's seats in the United States Senate and the appointment of a temporary replacement is a matter of critical importance requiring careful deliberation and full transparency with the public; and

WHEREAS, The circumstances leading to the upcoming vacancy compel the need for public confidence in the process and knowledge that public, not political, interests are the sole factor in any decision regarding the selection of a replacement; and

WHEREAS, The effective date of resignation and vacancy lends time to establish a public process that ensures accountability while still providing the State of Nevada with the representation it needs in a timely manner; and

WHEREAS, When State Senator William J. Raggio resigned, the Board of County Commissioners of Washoe County, empowered to fill the vacancy, presented and conducted an open, fair and public process that ensured public confidence in the selection of his replacement; and

WHEREAS, Several factors in making any appointment need to be weighed in full, and fair public scrutiny, including whether the appointment of an honorable caretaker with no political motivations or electoral ambitions, may be in the best interests of all Nevadans; and

WHEREAS, Any appointment that creates a vacancy in another office which necessitates a subsequent special election will cost Nevadans hundreds of thousands of dollars of taxpayer money at a time when severe cuts to education and essential services are under consideration; and

WHEREAS, The United States Senate seat belongs to the people of Nevada, who are best served by a process in which they have as much knowledge and input as possible into the choice of the person who will represent them in the Senate; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the Governor is hereby formally requested by the Legislature to develop and release an open, fair and public process for the purpose of making an appointment to fill the upcoming vacancy in the United States Senate; and be it further

RESOLVED, That the Governor should propose a timeline of not less than 1 week for any qualified Nevadans to apply and formally submit their names for consideration for appointment as a temporary replacement, and that any such appointment should be made only from those making such requests; and be it further

RESOLVED, That the information for those who have formally requested consideration for appointment be made available to the public for a period of not less than 1 week for public comment to be received before any appointment is made; and be it further

RESOLVED, That the official position of the State Legislature is that the people of Nevada deserve an open, fair and public process that is free from political calculations and partisan ambitions, and that the Governor should refrain from making any appointment until such a process is presented and conducted; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to Governor Brian Sandoval as soon as practicable.

Assemblyman Oceguera moved the adoption of the resolution.

Remarks by Assemblyman Oceguera, Stewart, Hansen, Bobzien, Brooks, and Conklin.

Resolution adopted and ordered transmitted to the Senate.

Assemblyman Conklin moved to immediately transmit Assembly Concurrent Resolution No. 8 to the Senate.

Motion carried.

Madam Speaker pro Tempore announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 12:01 p.m.

ASSEMBLY IN SESSION

At 12:02 p.m.
Mr. Speaker presiding.
Quorum present.

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 10.
Assemblyman Conklin moved that the bill be referred to the Committee on Health and Human Services.
Motion carried.

Senate Bill No. 15.
Assemblyman Conklin moved that the bill be referred to the Committee on Judiciary.
Motion carried.

Senate Bill No. 24.
Assemblyman Conklin moved that the bill be referred to the Committee on Judiciary.
Motion carried.

Senate Bill No. 26.
Assemblyman Conklin moved that the bill be referred to the Committee on Judiciary.
Motion carried.

Senate Bill No. 38.
Assemblyman Conklin moved that the bill be referred to the Committee on Ways and Means.
Motion carried.

Senate Bill No. 40.
Assemblyman Conklin moved that the bill be referred to the Committee on Government Affairs.
Motion carried.

Senate Bill No. 53.
Assemblyman Conklin moved that the bill be referred to the Committee on Health and Human Services.
Motion carried.

Senate Bill No. 57.
Assemblyman Conklin moved that the bill be referred to the Committee on Judiciary.
Motion carried.

Senate Bill No. 66.

Assemblyman Conklin moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 81.

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

Motion carried.

Senate Bill No. 106.

Assemblyman Conklin moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 110.

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

Motion carried.

Senate Bill No. 112.

Assemblyman Conklin moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 127.

Assemblyman Conklin moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 130.

Assemblyman Conklin moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 142.

Assemblyman Conklin moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 144.

Assemblyman Conklin moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 152.

Assemblyman Conklin moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 154.

Assemblyman Conklin moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 159.

Assemblyman Conklin moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 182.

Assemblyman Conklin moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 187.

Assemblyman Conklin moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 194.

Assemblyman Conklin moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 196.

Assemblyman Conklin moved that the bill be referred to the Committee on Education.

Motion carried.

Senate Bill No. 198.

Assemblyman Conklin moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 200.

Assemblyman Conklin moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 209.

Assemblyman Conklin moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 218.

Assemblyman Conklin moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 230.

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

Motion carried.

Senate Bill No. 238.

Assemblyman Conklin moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 245.

Assemblyman Conklin moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 248.

Assemblyman Conklin moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 251.

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

Motion carried.

Senate Bill No. 256.

Assemblyman Conklin moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 257.

Assemblyman Conklin moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 259.

Assemblyman Conklin moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 260.

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

Motion carried.

Senate Bill No. 261.

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

Motion carried.

Senate Bill No. 268.

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

Motion carried.

Senate Bill No. 273.

Assemblyman Conklin moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 277.

Assemblyman Conklin moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 281.

Assemblyman Conklin moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 284.

Assemblyman Conklin moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 288.

Assemblyman Conklin moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 294.

Assemblyman Conklin moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 304.

Assemblyman Conklin moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

Senate Bill No. 309.

Assemblyman Conklin moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

Senate Bill No. 318.

Assemblyman Conklin moved that the bill be referred to the Committee on Education.

Motion carried.

Senate Bill No. 361.

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

Motion carried.

Senate Bill No. 376.

Assemblyman Conklin moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 392.

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

Motion carried.

Senate Bill No. 393.

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

Motion carried.

Senate Bill No. 402.

Assemblyman Conklin moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 403.

Assemblyman Conklin moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 406.

Assemblyman Conklin moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 411.

Assemblyman Conklin moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 417.

Assemblyman Conklin moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

Senate Bill No. 488.

Assemblyman Conklin moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 495.

Assemblyman Conklin moved that the bill be referred to the Committee on Taxation.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 29.

Bill read second time

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

Amendment No. 502.

SUMMARY—Revises provisions governing county hospitals **[.]** **and requires certain hospitals to report information concerning the transfers of patients between hospitals to the Legislative Committee on Health Care.** (BDR 40-343)

AN ACT relating to **[**~~public hospitals; authorizing the boards of hospital trustees of certain public hospitals to fix~~**]** **health care; increasing** the compensation of members of hospital advisory boards; revising provisions governing the staff of physicians at public hospitals; **requiring certain hospitals to report information concerning the transfers of patients between hospitals to the Legislative Committee on Health Care;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes certain boards of hospital trustees of public hospitals to appoint advisory boards and limits the compensation for the service of members of advisory boards to not more than $100 per month. (NRS 450.175) Section 1 of this bill **[**~~repeals the $100 per month~~**]** **increases the** limit on compensation **[**~~and provides that members of a hospital advisory board may receive as compensation for their services~~**]** **to** an amount **[**~~fixed by the board of hospital trustees.~~**]** **not to exceed $1,000 per month.**

Existing law requires the board of hospital trustees of a public hospital to organize a staff of physicians composed of each regularly practicing physician, podiatric physician and dentist in the county who requests staff membership and prohibits the board from discriminating against a physician, podiatric physician or dentist. (NRS 450.440, 450.430) Section 3 of this bill provides that the staff of physicians, podiatric physicians and dentists may be required to be affiliated with the University of Nevada School of Medicine or the University of Nevada, Las Vegas, School of Dental Medicine. **If so required, the physician, podiatric physician or dentist who requests staff membership must meet the standards in the regulations of the board of hospital trustees and hold and maintain a faculty or clinical appointment with one of the two Universities. An exception applies, however, if the board of hospital trustees enters into a contract with a physician or group of physicians to be the exclusive provider of certain services. Section 2 of this bill further provides that if a physician loses privileges**

at a hospital because the physician no longer holds a faculty or clinical appointment with one of the Universities, that action shall not be deemed to be an adverse action against the physician.

Hospitals in this State are required to provide emergency services and care, and it is unlawful for a hospital or a physician working in a hospital emergency room to refuse to accept or treat a patient in need of emergency services and care. (NRS 439B.410) Section 4 of this bill requires certain hospitals located in larger counties to provide a report of certain information to the Legislative Committee on Health Care concerning the transfer of patients from the hospital to another hospital and the availability of specialty medical services in the hospital. Such a report must be made quarterly beginning on October 15, 2011, and cover the period from July 1, 2011, through September 30, 2012.

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

Section 1. NRS 450.175 is hereby amended to read as follows:

450.175 1. In counties where the board of county commissioners is the board of hospital trustees, the board of hospital trustees may appoint a hospital advisory board which shall exercise powers and duties delegated to the advisory board by the board of hospital trustees.

2. Members of a hospital advisory board must be appointed by a majority vote of the board of hospital trustees and shall serve at the pleasure of the board.

3. Members of the hospital advisory board may receive compensation for their services ~~[~~of no more than $100 per month.~~]~~ ***in an amount*** ~~*[fixed by the board of hospital trustees.]*~~ ***not to exceed $1,000 per month.***

Sec. 2. NRS 450.430 is hereby amended to read as follows:

450.430 1. ~~[In]~~ ***Except as otherwise provided in NRS 450.440, in*** the management of the public hospital, no discrimination may be made against physicians, podiatric physicians or dentists licensed under the laws of this state or licensed practitioners of the allied health professions, and all such physicians, dentists, podiatric physicians and practitioners have privileges in treating patients in the hospital in accordance with their training and ability, except that practitioners ~~*[:*~~

~~*(a) If the board of hospital trustees organizes the staff of physicians in accordance with subsection 2 of NRS 450.440, the board of hospital trustees may require a physician, podiatric physician or dentist to be affiliated with the University of Nevada School of Medicine or the University of Nevada, Las Vegas, School of Dental Medicine.*~~

~~*(b) Practitioners]*~~ of the allied health professions may not be members of the staff of physicians described in NRS 450.440. Practitioners of the allied health professions are subject to the bylaws and regulations established by the board of hospital trustees.

2. The patient has the right to employ, at the patient's own expense, his or her own physician, if that physician is a member of the hospital staff, or the patient's own nurse, and when acting for any patient in the hospital, the physician employed by the patient has charge of the care and treatment of the patient, and the nurses in the hospital shall comply with the directions of the physician concerning that patient, subject to the regulations established by the board of hospital trustees.

3. If a physician loses privileges at a hospital because the physician no longer holds a faculty or clinical appointment with the University of Nevada School of Medicine or the University of Nevada, Las Vegas, School of Dental Medicine, as required pursuant to NRS 450.440, that action shall not be deemed to be an adverse action by the hospital against the physician.

Sec. 3. NRS 450.440 is hereby amended to read as follows:

450.440 1. ~~[The]~~ ***Except as otherwise provided in subsection 2, the*** board of hospital trustees shall organize a staff of physicians composed of each regular practicing physician, podiatric physician and dentist in the county in which the hospital is located who requests staff membership and meets the standards set forth in the regulations prescribed by the board of hospital trustees.

2. ***The board of hospital trustees may , after consulting with the chief of staff of the hospital and the deans of the University of Nevada School of Medicine and the University of Nevada, Las Vegas, School of Dental Medicine, organize a staff of physicians composed solely of physicians, podiatric physicians and dentists who are affiliated with the University of Nevada School of Medicine or the University of Nevada, Las Vegas, School of Dental Medicine who request staff membership and meet the*** ~~*[standards set forth in the regulations prescribed by the board of hospital trustees. If]*~~ ***requirements set forth in subsection 3.***

3. Except as otherwise provided in subsection 4, if the board of hospital trustees ~~*[organizes]*~~ ***decides to organize the staff of physicians in accordance with*** ~~*[this subsection,]*~~ ***subsection 2, a physician, podiatric physician or dentist who requests staff membership must:***

(a) Meet the standards set forth in the regulations prescribed by the board of hospital trustees; and

(b) ~~*[Obtain a letter from]*~~ ***Hold a faculty or clinical appointment with the University of Nevada School of Medicine or the University of Nevada, Las Vegas, School of Dental Medicine*** ~~*[indicating that he or she is affiliated with that school;]*~~ ***and***

~~*[(c) Maintain an affiliation with the University of Nevada School of Medicine or the University of Nevada, Las Vegas, School of Dental Medicine]*~~ ***maintain that appointment while he or she is on the staff of physicians.***

~~*[3.]*~~ ***4. If the board of hospital trustees decides to organize the staff of physicians in accordance with subsection 2, the board of hospital trustees may enter into a contract with a physician or group of physicians who do***

not meet the requirements of subsection 3 if the physician or group of physicians will be the exclusive provider of certain services for the hospital. Such services may include, without limitation, radiology, pathology, emergency medicine and neonatology services.

5. The provisions of subsections 2 and 3 shall not be deemed to prohibit a physician, podiatric physician or dentist who is on the staff of physicians from being affiliated with another institution of higher education.

6. The staff shall organize in a manner prescribed by the board so that there is a rotation of service among the members of the staff to give proper medical and surgical attention and service to the indigent sick, injured or maimed who may be admitted to the hospital for treatment.

~~[3.]~~ ~~*[4.]*~~ ***7.*** The board of hospital trustees or the board of county commissioners may offer the following assistance to members of the staff to attract and retain them:

(a) Establishment of clinic or group practice;

(b) Malpractice insurance coverage under the hospital's policy of professional liability insurance;

(c) Professional fee billing; and

(d) The opportunity to rent office space in facilities owned or operated by the hospital, as the space is available, if this opportunity is offered to all members of the staff on the same terms and conditions.

Sec. 4. **1. Each hospital located in a county whose population is 700,000 or more which is licensed to have more than 70 beds shall provide to the Legislative Committee on Health Care a report concerning the transfer of patients from one hospital to another hospital. Such information must include:**

(a) The number of patients who are transferred from the hospital to another hospital;

(b) The number of patients who were received by the hospital and who were transferred from another hospital;

(c) The reason for each transfer of a patient to another hospital;

(d) The availability of specialty services and care in the hospital; and

(e) Whether each patient who was transferred from the hospital had insurance or some other guaranteed form of payment for services.

2. Each hospital subject to the provisions of subsection 1 shall provide a report to the Legislative Committee on Health Care with the information required at least once every 3 months, and the reports must include information from July 1, 2011, through September 30, 2012. The first report must be made by October 15, 2011, and must include information from July 1, 2011, through September 30, 2011. Subsequent reports must include information for the period since the last report.

3. The information reported pursuant to this section must be made available to each person or entity that provides information pursuant to this section to the extent that it is not required by law to be kept confidential.

4. The information reported pursuant to this section must be maintained and reported in a manner consistent with the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191.

5. As used in this section, "specialty services" includes, without limitation:

(a) Cardiology services;

(b) Gastroenterological services;

(c) General surgical services;

(d) Neurosurgical services;

(e) Ophthalmology services;

(f) Oral and maxillofacial surgical services;

(g) Orthopedic services;

(h) Otolaryngology services; and

(i) Urological services.

~~[Sec. 4.]~~ *Sec. 5.* This act becomes effective on July 1, 2011.

Assemblywoman Mastroluca moved the adoption of the amendment.

Amendment adopted.

Bill ordered to third reading.

Assembly Bill No. 13.

Bill read second time

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 513.

SUMMARY—Revises provisions relating to certain offenses committed by juveniles**.** ~~[involving hunting activities or target practice.]~~ (BDR 5-470)

AN ACT relating to juveniles; making it discretionary rather than mandatory for a peace officer or probation officer to take a child into custody for an unlawful act involving the possession, use or threatened use of a firearm **;** ~~[while engaged in hunting activities or target practice;]~~ providing for the disposition of cases involving the killing or possession of certain animals; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, **a peace officer or probation officer may take into custody any child who the officer has probable cause to believe is violating or has violated any state or local law, ordinance, or rule or regulation having the force of law, but** if ~~[a]~~ **the** peace officer or probation officer has probable cause to believe that a child is committing or has committed an unlawful act that involves the possession, use or threatened use of a firearm, the officer is required to take the child into custody. (NRS **62C.010,** 62C.060) **Section 1** of this bill makes it discretionary rather than mandatory for a peace officer or probation officer to take a child into custody for an unlawful act involving the possession, use or threatened use of a firearm **.** ~~[while engaged in hunting activities or target practice.]~~

Existing law prohibits a person from killing or aiding and abetting another person to kill bighorn sheep, mountain goats, elk, deer, pronghorn antelopes, mountain lions or black bears except under certain circumstances. Existing law further prohibits a person from possessing such animals if the person knows or should have known that the animal was killed in violation of existing law. (NRS 501.376) **Section 2** of this bill provides for the disposition of cases in which a child has been adjudicated delinquent for an unlawful act involving the killing or possession of such animals in violation of NRS 501.376.

Section 4 of this bill makes these new provisions effective on March 1, 2012, which is the start of a new year for licenses for hunting, fishing and trapping.

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

Section 1. NRS 62C.060 is hereby amended to read as follows:

62C.060 1. ~~[If a peace officer or probation officer has probable cause to believe that a child is committing or has committed an unlawful act that involves]~~ ~~[the]~~ ~~*[:*~~

~~*(a) The* possession, use or threatened use of a firearm, *other than an unlawful act described in paragraph (b),* the officer shall take the child into custody.~~

~~*(b) The possession, use or threatened use of a firearm while engaged in hunting activities or any activities involving the development or practice of shooting skills, including, without limitation, target practice, the officer may take the child into custody.*~~

~~2.]~~ If a child is taken into custody for an unlawful act ~~[described in this section,]~~ ***that involves the possession, use or threatened use of a firearm,*** the child must not be released before a detention hearing is held pursuant to NRS 62C.040.

~~[3.]~~ ***2.*** At the detention hearing, the juvenile court shall, if the child was taken into custody for:

(a) Carrying or possessing a firearm while on the property of the Nevada System of Higher Education, a private or public school or child care facility, or while in a vehicle of a private or public school or child care facility, order the child to:

(1) Be evaluated by a qualified professional; and

(2) Submit to a test to determine whether the child is using any controlled substance.

(b) Committing an unlawful act involving a firearm other than the act described in paragraph (a), determine whether to order the child to be evaluated by a qualified professional.

~~[4.]~~ ***3.*** If the juvenile court orders the child to be evaluated by a qualified professional or to submit to a test to determine whether the child is using any controlled substance, the evaluation or the results from the test must be

completed not later than 14 days after the detention hearing. Until the evaluation or the test is completed, the child must be:

(a) Detained at a facility for the detention of children; or

(b) Placed under a program of supervision in the home of the child that may include electronic surveillance of the child.

~~[5.]~~ ***4.*** If a child is evaluated by a qualified professional pursuant to this section, the statements made by the child to the qualified professional during the evaluation and any evidence directly or indirectly derived from those statements may not be used for any purpose in a proceeding which is conducted to prove that the child committed a delinquent act or criminal offense. The provisions of this subsection do not prohibit the district attorney from proving that the child committed a delinquent act or criminal offense based upon evidence obtained from sources or by means that are independent of the statements made by the child to the qualified professional during the evaluation.

~~[6.]~~ ***5.*** As used in this section, "child ~~[:~~

~~*(a) "Child]*~~ care facility" has the meaning ascribed to it in paragraph (a) of subsection 5 of NRS 202.265.

~~*[(b) "Hunting activities" includes:*~~

~~*(1) Searching for, pursuing or attracting any wildlife for the purpose and with the means of capturing, injuring or killing that wildlife; and*~~

~~*(2) Every attempt to capture, injure or kill wildlife, and every act of assistance to any other person in capturing, injuring or killing that wildlife.]*~~

Sec. 2. Chapter 62E of NRS is hereby amended by adding thereto a new section to read as follows:

If a child is adjudicated delinquent for an unlawful act involving the killing or possession of certain animals in violation of NRS 501.376, the juvenile court may do any or all of the following:

1. Order the child to pay a fine. If the juvenile court orders the child to pay a fine, the juvenile court shall order the child to pay an administrative assessment pursuant to NRS 62E.270. If, because of financial hardship, the child is unable to pay the fine, the juvenile court may order the child to perform community service.

2. Order the child or the parent or guardian of the child, or both, to pay a civil penalty pursuant to NRS 501.3855.

3. Order that any license issued to the child pursuant to chapter 502 of NRS be revoked by the Department of Wildlife. The juvenile court shall order the child to surrender to the court any license issued to the child pursuant to chapter 502 of NRS then held by the child and, not later than 5 days after issuing the order, forward to the Department of Wildlife any license surrendered by the child and a copy of the order.

4. Order that the child must not receive a license to hunt, fish or trap within the 2 years immediately following the date of the order or until the child is 18 years of age, whichever is later.

5. Order the child placed on probation and impose such conditions as the juvenile court deems proper.

Sec. 3. NRS 502.118 is hereby amended to read as follows:

502.118 Upon receipt of a copy of an order of the juvenile court, entered pursuant to NRS 62E.660 **[**,**]** ***or section 2 of this act*** to revoke the license ***of a child*** to hunt **[**of a child,**]** ***, fish or trap,*** the Department shall revoke the license. The revocation of the license **[**to hunt**]** shall be deemed effective as of the date of the order. The Department shall retain the copy of the order.

Sec. 4. This act becomes effective on March 1, 2012.

Assemblyman Ohrenschall moved the adoption of the amendment.

Amendment adopted.

Bill ordered to third reading.

Assembly Bill No. 45.

Bill read second time

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

Amendment No. 498.

AN ACT relating to district attorneys; revising requirements relating to attendance at meetings and at the county seat of certain district attorneys; requiring district attorneys to perform certain legal duties for the boards of county commissioners; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

[Sections 2 and 3 of this bill require**]** **Existing law requires** the district attorney in each county where, at the preceding general election, the total votes cast for the office of Representative in the Congress of the United States **[**did not exceed**]** **exceeded** 2,500 (currently **all counties other than** Esmeralda **, [**and**]** Eureka **, Lander, Lincoln, Mineral, Pershing and Storey** Counties) to **[**: (1) attend in person all regular and special meetings of the board of county commissioners; and (2) spend not less than 52 days,**]** **keep an office open on all days** excluding Saturdays, Sundays and nonjudicial days **[**, each year**]** at the county seat during business hours. A district attorney who does not satisfy these requirements without prior approval from the board of county commissioners is guilty of a misdemeanor. **Section 3 of this bill requires all district attorneys to keep an office open on all days excluding Saturdays, Sundays and nonjudicial days at the county seat during business hours but allows the board of county commissioners of a county whose population is 9,000 or less (currently Esmeralda, Eureka, Lander, Lincoln, Mineral, Pershing and Storey Counties) to issue an order that reduces the days and hours during which the office must be kept open.**

Existing law requires that a district attorney give his or her advice, when required, to members of the board of county commissioners upon matters relating to their duties. **Section 4** of this bill requires each district attorney

also to perform legal duties for the board of county commissioners, such as reviewing contracts, drafting ordinances, providing legal advice relating to federal, state and local law, and drawing legal papers on behalf of the board.

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

Section 1. NRS 244.235 is hereby amended to read as follows:

244.235 1. As provided in NRS 252.170, the district attorney shall attend the ~~[~~sittings~~]~~ ***meetings*** of the board of county commissioners ~~[~~when engaged in~~]~~ ***relating to the*** auditing ***of*** accounts and claims brought against the county, and shall oppose such accounts and claims as the district attorney ~~[~~may deem illegal, unjust or extortionate.~~]~~ ***deems appropriate.***

2. As provided in NRS 252.180, the district attorney shall not be allowed to present any claim, account or demand for allowance against the county, or in any way to advocate the relief asked on the claim or demand made by another.

Sec. 2. ~~[NRS 252.050 is hereby amended to read as follows:~~

~~252.050 1. In counties where, at the preceding general election, the total votes cast for the office of Representative in the Congress of the United States exceeded 2,500, except as otherwise provided in subsection [5,] 6, district attorneys shall keep an office at the county seat of their county, which must be kept open at least from 9 a.m. to 12 m. and 1 p.m. to 5 p.m. on all days except Saturdays, Sundays and nonjudicial days. Notwithstanding the provisions of this section, the board of county commissioners of any county may, by an order regularly made and entered in the record of its proceedings, extend the days and hours during which the office of the district attorney must be kept open for the transaction of public business. The board of county commissioners may authorize the district attorney to rent, equip and operate, at public expense, one or more branch offices in the county.~~

~~2. In counties in which the county seat is not the principal center of population, the county commissioners may authorize the district attorney to rent, equip and operate, at public expense, a branch office at the county's principal center of population. Except as otherwise provided in subsection [5,] 6, the branch office must be kept open for the transaction of public business on the days and during the hours specified in subsection 1, but the requirements thereof do not apply to a district attorney when called away from the branch office by official duties.~~

~~3. Except as otherwise provided in subsection [5,] 6, any district attorney violating the provisions of subsection 1 or 2 is guilty of a misdemeanor.~~

~~4. If any district attorney is absent from his or her office [,] during the times he or she is required to be present pursuant to subsection 1 or 5, except:~~

~~(a) When called away from his or her office by official duties;~~

~~(b) When expressly permitted so to do by the board of county commissioners or a majority of the members thereof in writing; or~~

~~(c) When the district attorney first makes provision to leave his or her office open for the transaction of public business on the days and during the hours prescribed in subsection 1 *or 5* and in charge of a deputy qualified to act in his or her absence,~~

~~→ there must be withheld from his or her monthly salary that proportion thereof as the number of days of the absence bears to the number of days of the month in which the absence occurs. This amount must be withheld from the salary of the district attorney for the next succeeding month by order of the board of county commissioners, but no order in the premises may be made without first giving the district attorney reasonable notice and an opportunity to appear before the board and defend the charge against him or her.~~

~~[~~4.~~]~~ ***~~5.~~*** ~~Notwithstanding any other provision of subsection 1, 2 or [~~3,~~]~~ ***~~4, and~~*** ~~except as otherwise provided in subsection [~~5,~~]~~ ***~~6,~~*** ~~the district attorney in each county [~~having a population of 700 or less,~~]~~ ***~~where, at the preceding general election, the total votes cast for the office of Representative in the Congress of the United States did not exceed 2,500,~~*** ~~regardless of where the district attorney resides or where he or she keeps his or her office, shall:~~

~~(a) [~~Attend~~]~~ ***~~Except as otherwise provided in this subsection and NRS 252.170, attend in person~~*** ~~all meetings, regular or special, of the board of county commissioners [~~.~~]~~ ***~~; and~~***

~~(b) Spend the hours from 9 a.m. to *12 m. and 1 p.m. to* 5 p.m. of not less than [~~1 day~~]~~ ***~~52 days, excluding Saturdays, Sundays and nonjudicial days,~~*** ~~each [~~week~~]~~ ***~~year~~*** ~~at the county seat, and shall make himself or herself available to the county officers *and commissioners on those days and* during those hours. The district attorney shall select the [~~day of the week~~]~~ ***~~days~~*** ~~for his or her attendance at the county seat *that are required pursuant to this paragraph* and [~~shall thereafter spend that day each week at the county seat.~~

~~5.~~]~~ ***~~notify the county officers and commissioners, in writing, of such days at least 15 days before his or her attendance at the county seat.~~***

~~→ *A district attorney who violates a provision of this subsection is guilty of a misdemeanor unless the district attorney obtains prior approval from the board of county commissioners.*~~

~~***6.*** Any office of a district attorney may deviate from the hours of operation required pursuant to [~~this section~~]~~ ***~~subsection 1 or 2~~*** ~~if the board of county commissioners approves the plan for the deviation submitted by the office. Such a plan must be fiscally neutral or result in cost savings.~~]~~ **(Deleted by amendment.)**

Sec. 3. NRS 252.050 is hereby amended to read as follows:

252.050 1. ~~[~~In counties where, at the preceding general election, the total votes cast for the office of Representative in the Congress of the United States exceeded 2,500,~~]~~ ***Except as otherwise provided in subsection 3, each*** district ~~[~~attorneys~~]~~ ***attorney*** shall keep an office at the county seat of their county, which must be kept open at least from 9 a.m. to 12 m. and 1 p.m. to 5 p.m. on all days except Saturdays, Sundays and nonjudicial days.

Notwithstanding the provisions of this section, the board of county commissioners of any county may, by an order regularly made and entered in the record of its proceedings, extend the days and hours during which the office of the district attorney must be kept open for the transaction of public business. The board of county commissioners may authorize the district attorney to rent, equip and operate, at public expense, one or more branch offices in the county.

2. In counties in which the county seat is not the principal center of population, the county commissioners may authorize the district attorney to rent, equip and operate, at public expense, a branch office at the county's principal center of population. The branch office must be kept open for the transaction of public business on the days and during the hours specified in subsection 1, but the requirements thereof do not apply to a district attorney when called away from the branch office by official duties.

3. ~~[Any]~~ ***In a county whose population is less than 9,000, the board of county commissioners of the county may, by an order regularly made and entered in the record of its proceedings, reduce the days and hours during which the office of the district attorney must be kept open for the transaction of public business.***

4. Except as otherwise provided in subsection 3, any district attorney violating the provisions of subsection 1 or 2 is guilty of a misdemeanor.

~~*[4.]*~~ If any district attorney is absent from his or her office , ~~*[during the times he or she is required to be present pursuant to subsection 1 or 5,]*~~ except:

(a) When called away from his or her office by official duties;

(b) When expressly permitted so to do by the board of county commissioners or a majority of the members thereof in writing; or

(c) When the district attorney first makes provision to leave his or her office open for the transaction of public business on the days and during the hours prescribed in subsection 1 ~~*[or 5]*~~ and in charge of a deputy qualified to act in his or her absence,

➥ there must be withheld from his or her monthly salary that proportion thereof as the number of days of the absence bears to the number of days of the month in which the absence occurs. This amount must be withheld from the salary of the district attorney for the next succeeding month by order of the board of county commissioners; but no order in the premises may be made without first giving the district attorney reasonable notice and an opportunity to appear before the board and defend the charge against him or her.

~~[~~4.~~]~~ ~~*[5. Notwithstanding any other provision of this section, the district attorney in each county]*~~ ~~[~~having a population of 700 or less,~~]~~ ~~*[where, at the preceding general election, the total votes cast for the office of Representative in the Congress of the United States did not exceed 2,500,*~~ regardless of where the district attorney resides or where he or she keeps his or her office, shall:

~~(a)~~ **[**Attend**]** ~~*[Except as otherwise provided in this subsection and NRS 252.170, attend in person*~~ all meetings, regular or special, of the board of ~~county commissioners~~**]** **[**.**]** ~~*[; and*~~

~~(b) Spend the hours from 9 a.m. *to 12 m. and 1 p.m.* to 5 p.m. of not less than~~**]** **[**1 day**]** ~~*[52 days, excluding Saturdays, Sundays and nonjudicial days,* each~~**]** **[**week**]** ~~*[year* at the county seat, and shall make himself or herself available to the county officers *and commissioners on those days and* during those hours. The district attorney shall select the~~**]** **[**day of the week**]** ~~*[days* for his or her attendance at the county seat *that are required pursuant to this paragraph* and~~**]** **[**shall thereafter spend that day each week at the county seat.**]** ~~*[notify the county officers and commissioners, in writing, of such days at least 15 days before his or her attendance at the county seat.*~~

~~*→ A district attorney who violates a provision of this subsection is guilty of a misdemeanor unless the district attorney obtains prior approval from the board of county commissioners.]*~~

Sec. 4. NRS 252.170 is hereby amended to read as follows:

252.170 ***1.*** The district attorney ~~[,]~~ ***shall,*** when not in attendance ~~[on]~~ ***at*** the sittings of the district court as criminal prosecutor, ~~[shall]~~ attend the ~~[sittings]~~ ***meetings*** of the board of county commissioners ***.*** ~~[, when engaged in]~~ ***When attending meetings of the board of county commissioners relating to the*** auditing ***of*** accounts and claims brought against the county, ~~[and in all cases]~~ ***the district attorney shall*** oppose such accounts or claims as the district attorney ~~[may deem illegal or unjust, and shall, at]~~ ***deems appropriate.***

2. ~~*[The district attorney shall perform legal duties for the board of county commissioners, including:]*~~ ***Additional duties of the district attorney include, without limitation:***

(a) Reviewing all contracts under consideration by the board of county commissioners;

(b) Drafting ordinances and amendments thereto;

(c) Providing advice relating to the interpretation or application of county ordinances;

(d) Providing advice relating to the impact of federal or state law on the county;

(e) Drawing all legal papers on behalf of the board of county commissioners; and

(f) At all times, ~~[give]~~ ***giving*** his or her advice ***, including written legal opinions,*** when required ***,*** to the members of the board of county commissioners upon matters relating to their duties.

Sec. 5. ~~**[**1. This section and sections 1, 2 and 4 of this act become effective upon passage and approval.~~

~~2. Section 2 of this act expires by limitation on June 30, 2011.~~

~~3. Section 3 of this act becomes effective on July 1, 2011.~~**]** **(Deleted by amendment.)**

Assemblywoman Bustamante Adams moved the adoption of the amendment.

Amendment adopted.

Bill ordered to third reading.

Assembly Bill No. 59.

Bill read second time.

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

Amendment No. 137.

AN ACT relating to the Open Meeting Law; requiring a public body to take certain actions if the Attorney General finds that the public body has violated the Open Meeting Law; authorizing the Attorney General to issue subpoenas during investigations of such violations; revising the definition of "public body" for the purposes of the Open Meeting Law; requiring a public body to include certain notifications on an agenda for a public meeting; **excluding a meeting held to consider an applicant for employment from certain notice requirements;** making members of a public body subject to a civil penalty for violations; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes the Open Meeting Law which requires, except in certain limited situations, that all meetings of public bodies be open and public. It further requires that all persons be allowed to attend any meeting of these public bodies. (NRS 241.020) Existing law makes any action of a public body in violation of the Open Meeting Law void, and requires the Attorney General to investigate and prosecute any violation of the Open Meeting Law. (NRS 241.036, 241.040) If the Attorney General finds that a public body has taken an action which violates the Open Meeting Law, **section 2** of this bill requires the public body to include an item on the next agenda posted for a meeting of the public body acknowledging the finding of the Attorney General regarding such a violation. **Section 2** also provides that such acknowledgment is not an admission of wrongdoing on the part of the public body for the purposes of a civil action, criminal prosecution or injunctive relief. **Section 3** of this bill authorizes the Attorney General to issue subpoenas for the production of documents, records or materials in the course of his or her investigation of any violation of the Open Meeting Law and makes failure or refusal to comply with such a subpoena a misdemeanor.

Section 4 of this bill revises the definition of "public body" for purposes of the Open Meeting Law to identify the manner in which an entity must be created to be considered a public body and to clarify that a public body consists of at least two members. **Section 4** also excludes proceedings of a public body that are judicial or quasi-judicial in nature from the requirements of the Open Meeting Law **[.] , unless the public body in question is also a regulatory body.**

Section 5 of this bill adds certain notifications that must be included on an agenda for a meeting of a public body.

Under existing law, if a public body holds a meeting to consider the character, alleged misconduct, professional competence, or physical or mental health of a person, it must first provide written notice of that fact and, if such a meeting will be closed, must allow the attendance of certain individuals. Existing law also provides that casual or tangential references to a person or the person's name during a closed meeting do not constitute consideration of the character, alleged misconduct, professional competence, or physical or mental health of the person. (NRS 241.033) Section 6 of this bill provides that a meeting to consider an applicant for employment does not require prior notice to be given to the applicant.

Existing law makes each member of a public body who attends a meeting where action is taken in violation of the Open Meeting Law with knowledge of the fact that the meeting is in violation guilty of a misdemeanor. (NRS 241.040) **Section ~~[6]~~ 7** of this bill further makes each such member who attends such a meeting subject to a civil penalty in an amount not to exceed $500**.** ~~**[regardless of knowledge of the violation.]**~~

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

Section 1. Chapter 241 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. ***1. If the Attorney General makes findings of fact and conclusions of law that a public body has taken action in violation of any provision of this chapter, the public body must include an item on the next agenda posted for a meeting of the public body which acknowledges the findings of fact and conclusions of law. The opinion of the Attorney General must be treated as supporting material for the item on the agenda for the purposes of NRS 241.020.***

2. The inclusion of an item on the agenda for a meeting of a public body pursuant to subsection 1 is not an admission of wrongdoing for the purposes of a civil action, criminal prosecution or injunctive relief.

Sec. 3. ***1. The Attorney General shall investigate and prosecute any violation of this chapter.***

2. In any investigation conducted pursuant to subsection 1, the Attorney General may issue subpoenas for the production of any relevant documents, records or materials.

3. A person who willfully fails or refuses to comply with a subpoena issued pursuant to this section is guilty of a misdemeanor.

Sec. 4. NRS 241.015 is hereby amended to read as follows:

241.015 As used in this chapter, unless the context otherwise requires:

1. "Action" means:

(a) A decision made by a majority of the members present during a meeting of a public body;

(b) A commitment or promise made by a majority of the members present during a meeting of a public body;

(c) If a public body may have a member who is not an elected official, an affirmative vote taken by a majority of the members present during a meeting of the public body; or

(d) If all the members of a public body must be elected officials, an affirmative vote taken by a majority of all the members of the public body.

2. "Meeting":

(a) Except as otherwise provided in paragraph (b), means:

(1) The gathering of members of a public body at which a quorum is present to deliberate toward a decision or to take action on any matter over which the public body has supervision, control, jurisdiction or advisory power.

(2) Any series of gatherings of members of a public body at which:

(I) Less than a quorum is present at any individual gathering;

(II) The members of the public body attending one or more of the gatherings collectively constitute a quorum; and

(III) The series of gatherings was held with the specific intent to avoid the provisions of this chapter.

(b) Does not include a gathering or series of gatherings of members of a public body, as described in paragraph (a), at which a quorum is actually or collectively present:

(1) Which occurs at a social function if the members do not deliberate toward a decision or take action on any matter over which the public body has supervision, control, jurisdiction or advisory power.

(2) To receive information from the attorney employed or retained by the public body regarding potential or existing litigation involving a matter over which the public body has supervision, control, jurisdiction or advisory power and to deliberate toward a decision on the matter, or both.

3. Except as otherwise provided in this subsection, "public body" means:

(a) Any administrative, advisory, executive or legislative body of the State or a local government ***consisting of at least two persons*** which expends or disburses or is supported in whole or in part by tax revenue or which advises or makes recommendations to any entity which expends or disburses or is supported in whole or in part by tax revenue, including, but not limited to, any board, commission, committee, subcommittee or other subsidiary thereof and includes an educational foundation as defined in subsection 3 of NRS 388.750 and a university foundation as defined in subsection 3 of NRS 396.405 ~~[; and]~~ ***, if the administrative , advisory, executive or legislative body is created by:***

(1) The Constitution of this State;

(2) Any statute of this State;

(3) A city charter and any city ordinance which has been filed or recorded as required by the applicable law;

(4) The Nevada Administrative Code;

(5) A resolution or other formal designation by such a body created by a statute of this State or an ordinance of a local government;

(6) An executive order issued by the Governor; or

(7) A resolution or order by the governing body ~~[or the executive officer]~~ of a political subdivision of this State;

(b) ***Any board, commission or committee consisting of at least two persons appointed by:***

(1) The Governor ~~[, the executive officer of a political subdivision of this State]~~ or a public officer who is under the direction of the Governor , ~~[or the executive officer of a political subdivision of this State,]~~ if the board, commission or committee has at least two members who are not ~~[on the staff of the Governor, the executive officer or the public officer who made the appointment;]~~ employees of the Executive Department of the State Government;

(2) An entity in the Executive Department of the State Government consisting of members appointed by the Governor, if the board, commission or committee otherwise meets the definition of a public body pursuant to this subsection; or

(3) A public officer who is under the direction of an agency or other entity in the Executive Department of the State Government consisting of members appointed by the Governor, if the board, commission or committee has at least two members who are not employed by the public officer or entity; and

(c) A limited-purpose association that is created for a rural agricultural residential common-interest community as defined in subsection 6 of NRS 116.1201.

➥ "Public body" does not include the Legislature of the State of Nevada ~~.~~ ***or an entity , other than a regulatory body as defined in NRS 622.060, which would otherwise be considered a public body when such entity is engaged in proceedings that are judicial or quasi-judicial in nature.***

4. "Quorum" means a simple majority of the constituent membership of a public body or another proportion established by law.

Sec. 5. NRS 241.020 is hereby amended to read as follows:

241.020 1. Except as otherwise provided by specific statute, all meetings of public bodies must be open and public, and all persons must be permitted to attend any meeting of these public bodies. A meeting that is closed pursuant to a specific statute may only be closed to the extent specified in the statute allowing the meeting to be closed. All other portions of the meeting must be open and public, and the public body must comply with all other provisions of this chapter to the extent not specifically precluded by the specific statute. Public officers and employees responsible

for these meetings shall make reasonable efforts to assist and accommodate persons with physical disabilities desiring to attend.

2. Except in an emergency, written notice of all meetings must be given at least 3 working days before the meeting. The notice must include:

(a) The time, place and location of the meeting.

(b) A list of the locations where the notice has been posted.

(c) An agenda consisting of:

(1) A clear and complete statement of the topics scheduled to be considered during the meeting.

(2) A list describing the items on which action may be taken and clearly denoting that action may be taken on those items ~~[.]~~ ***by placing the term "for possible action" next to the appropriate item.***

(3) A period devoted to comments by the general public, if any, and discussion of those comments. No action may be taken upon a matter raised under this item of the agenda until the matter itself has been specifically included on an agenda as an item upon which action may be taken pursuant to subparagraph (2).

(4) If any portion of the meeting will be closed to consider the character, alleged misconduct or professional competence of a person, the name of the person whose character, alleged misconduct or professional competence will be considered.

(5) If, during any portion of the meeting, the public body will consider whether to take administrative action against a person, the name of the person against whom administrative action may be taken.

(6) Notification that:

(I) Items on the agenda may be taken out of order;

(II) The public body may combine two or more agenda items for consideration; and

(III) The public body may remove an item from the agenda or delay discussion relating to an item on the agenda at any time.

(7) Any restrictions on comments by the general public. Any such restrictions must be reasonable and may restrict the time, place and manner of the comments, but may not restrict comments based upon viewpoint.

3. Minimum public notice is:

(a) Posting a copy of the notice at the principal office of the public body or, if there is no principal office, at the building in which the meeting is to be held, and at not less than three other separate, prominent places within the jurisdiction of the public body not later than 9 a.m. of the third working day before the meeting; and

(b) Providing a copy of the notice to any person who has requested notice of the meetings of the public body. A request for notice lapses 6 months after it is made. The public body shall inform the requester of this fact by enclosure with, notation upon or text included within the first notice sent. The notice must be:

(1) Delivered to the postal service used by the public body not later than 9 a.m. of the third working day before the meeting for transmittal to the requester by regular mail; or

(2) If feasible for the public body and the requester has agreed to receive the public notice by electronic mail, transmitted to the requester by electronic mail sent not later than 9 a.m. of the third working day before the meeting.

4. If a public body maintains a website on the Internet or its successor, the public body shall post notice of each of its meetings on its website unless the public body is unable to do so because of technical problems relating to the operation or maintenance of its website. Notice posted pursuant to this subsection is supplemental to and is not a substitute for the minimum public notice required pursuant to subsection 3. The inability of a public body to post notice of a meeting pursuant to this subsection as a result of technical problems with its website shall not be deemed to be a violation of the provisions of this chapter.

5. Upon any request, a public body shall provide, at no charge, at least one copy of:

(a) An agenda for a public meeting;

(b) A proposed ordinance or regulation which will be discussed at the public meeting; and

(c) Subject to the provisions of subsection 6, any other supporting material provided to the members of the public body for an item on the agenda, except materials:

(1) Submitted to the public body pursuant to a nondisclosure or confidentiality agreement which relates to proprietary information;

(2) Pertaining to the closed portion of such a meeting of the public body; or

(3) Declared confidential by law, unless otherwise agreed to by each person whose interest is being protected under the order of confidentiality.

➥ The public body shall make at least one copy of the documents described in paragraphs (a), (b) and (c) available to the public at the meeting to which the documents pertain. As used in this subsection, "proprietary information" has the meaning ascribed to it in NRS 332.025.

6. A copy of supporting material required to be provided upon request pursuant to paragraph (c) of subsection 5 must be:

(a) If the supporting material is provided to the members of the public body before the meeting, made available to the requester at the time the material is provided to the members of the public body; or

(b) If the supporting material is provided to the members of the public body at the meeting, made available at the meeting to the requester at the same time the material is provided to the members of the public body.

➥ If the requester has agreed to receive the information and material set forth in subsection 5 by electronic mail, the public body shall, if feasible, provide the information and material by electronic mail.

7. A public body may provide the public notice, information and material required by this section by electronic mail. If a public body makes such notice, information and material available by electronic mail, the public body shall inquire of a person who requests the notice, information or material if the person will accept receipt by electronic mail. The inability of a public body, as a result of technical problems with its electronic mail system, to provide a public notice, information or material required by this section to a person who has agreed to receive such notice, information or material by electronic mail shall not be deemed to be a violation of the provisions of this chapter.

8. As used in this section, "emergency" means an unforeseen circumstance which requires immediate action and includes, but is not limited to:

(a) Disasters caused by fire, flood, earthquake or other natural causes; or

(b) Any impairment of the health and safety of the public.

Sec. 6. **NRS 241.033 is hereby amended to read as follows:**

241.033 1. ~~[A]~~ ***Except as otherwise provided in subsection 7, a*** public body shall not hold a meeting to consider the character, alleged misconduct, professional competence, or physical or mental health of any person or to consider an appeal by a person of the results of an examination conducted by or on behalf of the public body unless it has:

(a) Given written notice to that person of the time and place of the meeting; and

(b) Received proof of service of the notice.

2. The written notice required pursuant to subsection 1:

(a) Except as otherwise provided in subsection 3, must be:

(1) Delivered personally to that person at least 5 working days before the meeting; or

(2) Sent by certified mail to the last known address of that person at least 21 working days before the meeting.

(b) May, with respect to a meeting to consider the character, alleged misconduct, professional competence, or physical or mental health of a person, include an informational statement setting forth that the public body may, without further notice, take administrative action against the person if the public body determines that such administrative action is warranted after considering the character, alleged misconduct, professional competence, or physical or mental health of the person.

(c) Must include:

(1) A list of the general topics concerning the person that will be considered by the public body during the closed meeting; and

(2) A statement of the provisions of subsection 4, if applicable.

3. The Nevada Athletic Commission is exempt from the requirements of subparagraphs (1) and (2) of paragraph (a) of subsection 2, but must give written notice of the time and place of the meeting and must receive proof of service of the notice before the meeting may be held.

4. If a public body holds a closed meeting or closes a portion of a meeting to consider the character, alleged misconduct, professional competence, or physical or mental health of a person, the public body must allow that person to:

(a) Attend the closed meeting or that portion of the closed meeting during which the character, alleged misconduct, professional competence, or physical or mental health of the person is considered;

(b) Have an attorney or other representative of the person's choosing present with the person during the closed meeting; and

(c) Present written evidence, provide testimony and present witnesses relating to the character, alleged misconduct, professional competence, or physical or mental health of the person to the public body during the closed meeting.

5. Except as otherwise provided in subsection 4, with regard to the attendance of persons other than members of the public body and the person whose character, alleged misconduct, professional competence, physical or mental health or appeal of the results of an examination is considered, the chair of the public body may at any time before or during a closed meeting:

(a) Determine which additional persons, if any, are allowed to attend the closed meeting or portion thereof; or

(b) Allow the members of the public body to determine, by majority vote, which additional persons, if any, are allowed to attend the closed meeting or portion thereof.

6. A public body shall provide a copy of any record of a closed meeting prepared pursuant to NRS 241.035, upon the request of any person who received written notice of the closed meeting pursuant to subsection 1.

7. For the purposes of this section ~~[, casual]~~ ***:***

(a) A meeting held to consider an applicant for employment is not subject to the notice requirements otherwise imposed by this section.

(b) Casual or tangential references to a person or the name of a person during a closed meeting do not constitute consideration of the character, alleged misconduct, professional competence, or physical or mental health of the person.

~~[Sec. 6.]~~ ***Sec. 7.*** NRS 241.040 is hereby amended to read as follows:

241.040 1. Each member of a public body who attends a meeting of that public body where action is taken in violation of any provision of this chapter, with knowledge of the fact that the meeting is in violation thereof, is guilty of a misdemeanor.

2. Wrongful exclusion of any person or persons from a meeting is a misdemeanor.

3. A member of a public body who attends a meeting of that public body at which action is taken in violation of this chapter is not the accomplice of any other member so attending.

4. ***In addition to any criminal penalty imposed pursuant to this section, each member of a public body who attends a meeting of that public body***

where action is taken in violation of any provision of this chapter, ~~[regardless of]~~ and who participates in such action with knowledge of the violation, is subject to a civil penalty in an amount not to exceed $500. The Attorney General ~~[shall investigate and prosecute any violation of this chapter.]~~ ***may recover the penalty in a civil action brought in the name of the State of Nevada in any court of competent jurisdiction. Such an action must be commenced within 1 year after the date of the action taken in violation of this chapter.***

~~[Sec. 7.]~~ ***Sec. 8.*** This act becomes effective on July 1, 2011.

Assemblywoman Bustamante Adams moved the adoption of the amendment.

Amendment adopted.

Bill ordered to third reading.

Assembly Bill No. 68.

Bill read second time.

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

Amendment No. 377.

SUMMARY—Revises provisions governing the sale or lease of real property by **counties and** cities. (BDR 21-401)

AN ACT relating to ~~[cities;]~~ **local governments;** exempting certain leases of real property from requirements relating to appraisal and auction; ~~[reducing the number of independent appraisals of fair market value required in certain circumstances for the sale or lease of real property by cities;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law sets forth requirements for the sale or lease of real property by **counties and by** incorporated cities. In accordance with these requirements, the **board of county commissioners of a county or the** governing body of a city is required, with limited exceptions, to obtain two independent appraisals of the fair market value of the real property and to sell or lease the property at publication. (NRS **244.2795, 244.281, 244.283,** 268.059, 268.061, 268.062) ~~[Section]~~ **Sections 1 and 6** of this bill ~~[authorizes]~~ **authorize** a **county or** city to lease real property without satisfying such requirements if the real property is less than 25,000 square feet and the **board of county commissioners or** governing body **of a city** adopts a resolution stating that the lease is in the best interest of the **county or** city. ~~[Section 2 of this bill, in situations in which an appraisal is required, reduces from two to one the number of independent appraisals of the fair market value of real property that a city is required to obtain before offering real property for sale or lease.]~~

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

Section 1. Chapter 268 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The governing body of a city may offer any city-owned building or any portion thereof or any other real property for lease without complying with the provisions of NRS 268.059, 268.061 and 268.062 if:

(a) The area of the building space or other real property is less than 25,000 square feet; and

(b) The governing body adopts a resolution stating that it is in the best interest of the city to lease the property:

(1) Without offering the property to the public; and

(2) For less than the fair market value of the building space or other real property, if applicable.

2. The governing body shall:

(a) Cause to be published at least once, in a newspaper qualified under chapter 238 of NRS that is published in the county in which the city-owned building or portion thereof or the other real property is located, a notice setting forth a description of the city-owned building or portion thereof or the other real property proposed to be leased in such a manner as to identify it; and

(b) Hold a public hearing on the matter not less than 10 or more than 20 days after the date of publication of the notice.

3. A lease of a city-owned building or any portion thereof or any other real property pursuant to this section may be made on such terms and conditions as the governing body of the city deems proper. The duration of such a lease must not exceed 3 years and may include an extension for not more than an additional 2 years.

Sec. 2. NRS 268.059 is hereby amended to read as follows:

268.059 1. Except as otherwise provided in NRS 268.048 to 268.058, inclusive, 278.479 to 278.4965, inclusive, and subsection ~~[3]~~ ***4*** of NRS 496.080, ***and section 1 of this act,*** except as otherwise required by federal law, except as otherwise required pursuant to a cooperative agreement entered into pursuant to NRS 277.050 or 277.053 or an interlocal agreement in existence on October 1, 2004, except if the governing body is entering into a joint development agreement for real property owned by the city to which the governing body is a party, except for a lease of residential property with a term of 1 year or less, except for the sale or lease of real property to a public utility, as defined in NRS 704.020, to be used for a public purpose, except for the sale or lease of real property to the State or another governmental entity and except for the sale or lease of real property larger than 1 acre which is approved by the voters at a primary or general election, primary or general city election or special election, the governing body shall, when offering any real property for sale or lease:

(a) Except as otherwise provided in this paragraph, obtain two independent appraisals ~~*[Obtain an independent appraisal]*~~ of the real property before selling or leasing it. If the governing body holds a public

hearing on the matter of the fair market value of the real property, one independent appraisal of the real property is sufficient before selling or leasing it. The appraisal or appraisals, as applicable, must be based on the zoning ~~[fair market value]~~ of the real property as set forth in the master plan for the city and must have been prepared not more than 6 ~~[12]~~ months before the date on which real property is offered for sale or lease.

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

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

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

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

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

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

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

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

(a) The sale or lease is void; and

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

Sec. 3. NRS 268.061 is hereby amended to read as follows:

268.061 1. Except as otherwise provided in this subsection and NRS 268.048 to 268.058, inclusive, 268.063, 278.479 to 278.4965, inclusive, and subsection ~~[3]~~ ***4*** of NRS 496.080, ***and section 1 of this act,*** except as otherwise provided by federal law, except as otherwise required pursuant to a cooperative agreement entered into pursuant to NRS 277.050 or 277.053 or an interlocal agreement in existence on October 1, 2004, except if the governing body is entering into a joint development agreement for real property owned by the city to which the governing body is a party, except for a lease of residential property with a term of 1 year or less, except for the sale or lease of real property to a public utility, as defined in NRS 704.020, to be used for a public purpose and except for the sale or lease of real property

larger than 1 acre which is approved by the voters at a primary or general election, primary or general city election or special election:

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

(b) Before the governing body may sell or lease any real property as provided in paragraph (a), it shall:

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

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

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

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

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

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

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

(d) If the real property is appraised at $1,000 or more, the governing body may:

(1) Lease the real property; or

(2) Sell the real property for:

(I) Cash; or

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

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

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

resolution that the sale or lease will be in the best interest of the city and the real property is a:

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

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

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

(2) The State or another governmental entity if:

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

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

(f) A governing body that disposes of real property pursuant to paragraph (e) is not required to offer to reconvey the real property to the person from whom the real property was received or acquired by donation or dedication.

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

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

(a) The sale or lease is void; and

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

Sec. 4. NRS 268.062 is hereby amended to read as follows:

268.062 1. Except as otherwise provided in this section and NRS 268.048 to 268.058, inclusive, 268.063, 278.479 to 278.4965, inclusive, and subsection ~~[3]~~ ***4*** of NRS 496.080, ***and section 1 of this act,*** except as otherwise required by federal law, except as otherwise required pursuant to a cooperative agreement entered into pursuant to NRS 277.050 or 277.053 or

an interlocal agreement in existence on October 1, 2004, except if the governing body is entering into a joint development agreement for real property owned by the city to which the governing body is a party, except for a lease of residential property with a term of 1 year or less, except for the sale or lease of real property to a public utility, as defined in NRS 704.020, to be used for a public purpose and except for the sale or lease of real property larger than 1 acre which is approved by the voters at a primary or general election, the governing body shall, in open meeting by a majority vote of the members and before ordering the sale or lease at auction of any real property, adopt a resolution declaring its intention to sell or lease the property at auction. The resolution must:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) The sale or lease is void; and

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

Sec. 5. ~~[NRS 268.063 is hereby amended to read as follows:~~

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

~~(a) Without first offering the real property to the public; and~~

~~(b) For less than fair market value of the real property.~~

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

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

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

~~(1) Without offering the property to the public; and~~

~~(2) For less than fair market value of the real property.~~

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

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

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

~~4. As used in this section:~~

~~(a) "Economic development" means:~~

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

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

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

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

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

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

~~(b) "Redevelopment" has the meaning ascribed to it in NRS 279.408.]~~ **(Deleted by amendment.)**

Sec. 6. **Chapter 244 of NRS is hereby amended by adding thereto a new section to read as follows:**

1. The board of county commissioners may offer any county-owned building or any portion thereof or any other real property for lease without complying with the provisions of NRS 244.2795, 244.281 and 244.283 if:

(a) The area of the building space or other real property is less than 25,000 square feet; and

(b) The board of county commissioners adopts a resolution stating that it is in the best interest of the county to lease the property:

(1) Without offering the property to the public; and

(2) For less than the fair market value of the building space or other real property, if applicable.

2. The board of county commissioners shall:

(a) Cause to be published at least once, in a newspaper qualified under chapter 238 of NRS that is published in the county in which the county-owned building or portion thereof or the other real property is located, a notice setting forth a description of the county-owned building or portion thereof or the other real property proposed to be leased in such a manner as to identify it; and

(b) Hold a public hearing on the matter not less than 10 or more than 20 days after the date of publication of the notice.

3. A lease of a county-owned building or any portion thereof or any other real property pursuant to this section may be made on such terms and conditions as the board of county commissioners deems proper. The duration of such a lease must not exceed 3 years and may include an extension for not more than an additional 2 years.

Sec. 7. **NRS 244.2795 is hereby amended to read as follows:**

244.2795 1. Except as otherwise provided in NRS 244.189, 244.276, 244.279, 244.2825, 244.2835, 244.284, 244.287, 244.290, 278.479 to 278.4965, inclusive, and subsection 3 of NRS 496.080, ***and section 6 of this act,*** except as otherwise required by federal law, except as otherwise required pursuant to a cooperative agreement entered into pursuant to NRS 277.050 or 277.053 or an interlocal agreement in existence on or before October 1, 2004, except if the board of county commissioners is entering into a joint development agreement for real property owned by the county to which the board of county commissioners is a party, except for a lease of residential property with a term of 1 year or less, except for the sale or lease of real property to a public utility, as defined in NRS 704.020, to be used for a public purpose, except for the sale or lease of real property to the State or another governmental entity and except for the sale or lease of real property larger than 1 acre which is approved by the voters at a primary or general election or special election, the board of county commissioners shall, when offering any real property for sale or lease:

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

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

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

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

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

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

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

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

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

(a) The sale or lease is void; and

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

Sec. 8. **NRS 244.281 is hereby amended to read as follows:**

244.281 1. Except as otherwise provided in this subsection and NRS 244.189, 244.276, 244.279, 244.2815, 244.2825, 244.2835, 244.284, 244.287, 244.290, 278.479 to 278.4965, inclusive, and subsection 3 of NRS 496.080, ***and section 6 of this act,*** except as otherwise required by federal law, except as otherwise required pursuant to a cooperative agreement entered into pursuant to NRS 277.050 or 277.053 or an interlocal agreement in existence on or before October 1, 2004, except if the board of county commissioners is entering into a joint development agreement for real property owned by the county to which the board of county commissioners is a party, except for a lease of residential property with a term of 1 year or less, except for the sale or lease of real property to a public utility, as defined in NRS 704.020, to be used for a public purpose and except for the sale or lease of real property larger than 1 acre which is approved by the voters at a primary or general election or special election:

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

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

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

(b) Before the board of county commissioners may sell or lease any real property as provided in paragraph (a), it shall:

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

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

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

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

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

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

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

(d) If the property is appraised at $1,000 or more, the board of county commissioners may:

(1) Lease the property; or

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

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

(1) A person who owns real property located adjacent to the real property to be sold or leased if the board has determined by resolution that the sale will be in the best interest of the county and the real property is a:

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

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

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

(2) The State or another governmental entity if:

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

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

(f) A board of county commissioners that disposes of real property pursuant to paragraph (d) is not required to offer to reconvey the real property to the person from whom the real property was received or acquired by donation or dedication.

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

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

(a) The sale or lease is void; and

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

3. As used in this section, "flood control facility" has the meaning ascribed to it in NRS 244.276.

Sec. 9. **NRS 244.283 is hereby amended to read as follows:**

244.283 1. When the board of county commissioners determines that the lease of real property belonging to the county for industrial, commercial, residential or recreational purposes is necessary or desirable, the board may lease such real property, whether acquired by purchase, dedication or otherwise. Such a lease must not be in contravention of any condition in a gift or devise of real property to the county.

2. Except as otherwise provided in NRS 244.279 ~~[,]~~ ***and section 6 of this act,*** before ordering the lease of any property the board shall, in open meeting by a majority vote of the members, adopt a resolution declaring its intention to lease the property. The resolution must:

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

(b) Specify the minimum rental, and the terms upon which it will be leased.

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

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

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

(b) Publishing the resolution not less than once a week for 2 successive weeks before the meeting in a newspaper of general circulation published in the county, if any such newspaper is published therein.

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

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

6. A person may not make an oral bid unless, at least 5 days before the meeting held for receiving and considering bids, the person submits to the board written notice of the person's intent to make an oral bid and a statement establishing the person's financial responsibility to the satisfaction of the board.

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

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

9. Any resolution of acceptance of any bid made by the board must authorize and direct the chair to execute a lease and to deliver it upon performance and compliance by the lessee with all the terms or conditions of the lessee's contract which are to be performed concurrently therewith.

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

11. This section does not apply to leases of real property made pursuant to NRS 244.288, 334.070 or 338.177.

~~[Sec. 6.]~~ ***Sec. 10.*** This act becomes effective upon passage and approval.

Assemblywoman Bustamante Adams moved the adoption of the amendment.

Amendment adopted.

Bill ordered to third reading.

Assembly Bill No. 107.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 322.

SUMMARY—Requires the adoption of certain policies and procedures ~~[regarding]~~ **governing** the ~~[eyewitness]~~ identification of criminal suspects. (BDR 14-614)

AN ACT relating to criminal procedure; requiring the adoption of certain policies and procedures ~~[relating to]~~ **governing** the identification of criminal suspects; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[This]~~ **Section 1 of this** bill requires each law enforcement agency to adopt policies and procedures governing **certain** identification procedures conducted to determine whether an eyewitness to a crime is able to identify a suspect as the perpetrator of the crime. ~~[Such]~~ **Specifically, such** identification procedures include live lineups, photo lineups and show-ups. ~~[Section 13 of this bill requires the adoption of policies and procedures that are generally applicable to all identification procedures. Section 14 of this bill requires the adoption of policies and procedures that are specifically applicable to live lineups and photo lineups, in which a suspect or the picture of a suspect is included in a live display or a photo display of a number of other persons. Section 15 of this bill requires the adoption of policies and procedures that are specifically applicable to show-ups, in which a suspect is presented before a witness for positive identification. Section 16 of this bill requires the adoption of policies and procedures that are specifically applicable to the completion of an identification procedure. Section 17 of this bill provides that evidence of failure to comply with any of the policies and procedures required by this bill is admissible in court to challenge the eyewitness identification of a suspect. Section 18 of this bill requires the Peace Officers' Standards and Training Commission to train peace officers in the policies and procedures required by this bill.]~~

Section 2 of this bill requires the Advisory Commission on the Administration of Justice, for two scheduled meetings of the Commission, to include as an item on the agenda a discussion of the progress of law enforcement agencies in adopting such policies and procedures. Section 2 also requires a representative of the Nevada Sheriffs' and Chiefs' Association to appear at those meetings to report on the progress of law enforcement agencies in adopting such policies and procedures.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN

SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Delete existing sections 1 through 22 of this bill and replace with the following new sections 1 and 2:

Section 1. **Chapter 171 of NRS is hereby amended by adding thereto a new section to read as follows:**

1. Each law enforcement agency shall adopt policies and procedures governing the use of live lineups, photo lineups and show-ups.

2. As used in this section:

(a) "Live lineup" means an identification procedure in which a group of persons, including the suspect, is displayed to an eyewitness to determine whether the eyewitness identifies the suspect as the perpetrator of a crime.

(b) "Photo lineup" means an identification procedure in which an array of photographs, including a photograph of the suspect, is displayed to an eyewitness in hard copy or by digital image to determine whether the eyewitness identifies the suspect as the perpetrator of a crime.

(c) "Show-up" means an identification procedure in which the suspect appears individually for possible identification by the eyewitness as the perpetrator of a crime.

Sec. 2. **1. The Advisory Commission on the Administration of Justice shall, for each of two separate meetings held by the Commission, include as an item on the agenda a discussion of the progress of law enforcement agencies in this State in adopting policies and procedures as required by section 1 of this act. The meetings must be held not later than:**

(a) April 1, 2012, for the first meeting; and

(b) October 1, 2012, for the second meeting.

2. A representative of the Nevada Sheriffs' and Chiefs' Association or its successor organization shall attend each meeting required by subsection 1 to provide a report concerning the progress of law enforcement agencies in this State in adopting such policies and procedures.

Assemblyman Ohrenschall moved the adoption of the amendment.

Amendment adopted.

Bill ordered to third reading.

Assembly Bill No. 117.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 484.

AN ACT relating to education; authorizing the board of trustees of a school district and the governing body of a charter school to request a waiver from the required minimum number of school days in a school year during an economic hardship; **setting forth certain provisions governing a furlough program of employees of school districts and charter schools as the**

program relates to the Public Employees' Retirement System; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, each school district is required to schedule and provide annually a minimum of 180 days of school in the schools of the school district and a charter school is required to schedule and provide at least as many days of instruction as are required of other public schools in the school district in which the charter school is located. (NRS 386.550, 388.090) **Section 2** of this bill authorizes the board of trustees of a school district and the governing body of a charter school to request a waiver of not more than 10 school days from the required minimum number of school days for a school year during an economic hardship to avoid the layoff of teachers and other educational personnel employed by the school district or charter school. A request for a waiver must be reviewed by the Superintendent of Public Instruction and, if approved, transmitted to the Interim Finance Committee, which makes the final determination of whether to grant a waiver. For purposes of requesting a wavier from the required minimum school days, the circumstances in which an economic hardship exists for a school district or charter school are identical to the circumstances in which an economic hardship exists under existing law for a school district or charter school to request a wavier from the required minimum expenditures for textbooks, instructional supplies, instructional software and instructional hardware. (NRS 387.2065)

The 2009 Session of the Legislature enacted provisions requiring furlough leave of certain state employees and set forth provisions relating to the furlough program and the manner in which the program is carried out as it relates to the Public Employees' Retirement System. (Chapter 391, Statutes of Nevada 2009, p. 2160) Section 7 of this bill sets forth the intent of the Legislature in the establishment of a program certified by the board of trustees of a school district or the governing body of a charter school whereby employees of school districts and charter schools who are members of the Public Employees' Retirement System and who take furlough leave due to extreme fiscal need be held harmless in the accumulation of retirement service credit and reported salary. Section 7 further sets forth provisions concerning the furlough leave as it relates to the Public Employees' Retirement System in a manner similar to the furlough program of state employees.

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

Section 1. NRS 386.550 is hereby amended to read as follows:

386.550 1. A charter school shall:

(a) Comply with all laws and regulations relating to discrimination and civil rights.

(b) Remain nonsectarian, including, without limitation, in its educational programs, policies for admission and employment practices.

(c) Refrain from charging tuition or fees, levying taxes or issuing bonds.

(d) Comply with any plan for desegregation ordered by a court that is in effect in the school district in which the charter school is located.

(e) Comply with the provisions of chapter 241 of NRS.

(f) Except as otherwise provided in this paragraph, schedule and provide annually at least as many days of instruction as are required of other public schools located in the same school district as the charter school is located. The governing body of a charter school may submit a written request to the Superintendent of Public Instruction for a waiver from providing the days of instruction required by this paragraph. ***A request for a waiver from the required minimum number of school days for a charter school that experiences an economic hardship must be submitted pursuant to section 2 of this act and not this paragraph.*** The Superintendent of Public Instruction may grant ~~[such]~~ a request ***submitted pursuant to this paragraph*** if the governing body demonstrates to the satisfaction of the Superintendent that:

(1) Extenuating circumstances exist to justify the waiver; and

(2) The charter school will provide at least as many hours or minutes of instruction as would be provided under a program ~~[consisting]~~ ***:***

(I) Consisting of 180 ***school*** days ~~[.]~~ ***; or***

(II) Consisting of the number of school days for the school year if a reduction in the required minimum number of school days is granted to the charter school pursuant to section 2 of this act.

(g) Cooperate with the board of trustees of the school district in the administration of the achievement and proficiency examinations administered pursuant to NRS 389.015 and the examinations required pursuant to NRS 389.550 to the pupils who are enrolled in the charter school.

(h) Comply with applicable statutes and regulations governing the achievement and proficiency of pupils in this State.

(i) Provide instruction in the core academic subjects set forth in subsection 1 of NRS 389.018, as applicable for the grade levels of pupils who are enrolled in the charter school, and provide at least the courses of study that are required of pupils by statute or regulation for promotion to the next grade or graduation from a public high school and require the pupils who are enrolled in the charter school to take those courses of study. This paragraph does not preclude a charter school from offering, or requiring the pupils who are enrolled in the charter school to take, other courses of study that are required by statute or regulation.

(j) If the parent or legal guardian of a child submits an application to enroll in kindergarten, first grade or second grade at the charter school, comply with NRS 392.040 regarding the ages for enrollment in those grades.

(k) Refrain from using public money to purchase real property or buildings without the approval of the sponsor.

(l) Hold harmless, indemnify and defend the sponsor of the charter school against any claim or liability arising from an act or omission by the governing body of the charter school or an employee or officer of the charter school. An action at law may not be maintained against the sponsor of a charter school for any cause of action for which the charter school has obtained liability insurance.

(m) Provide written notice to the parents or legal guardians of pupils in grades 9 to 12, inclusive, who are enrolled in the charter school of whether the charter school is accredited by the Commission on Schools of the Northwest ~~[Association of Schools and of Colleges and Universities.]~~ ***Accreditation Commission.***

(n) Adopt a final budget in accordance with the regulations adopted by the Department. A charter school is not required to adopt a final budget pursuant to NRS 354.598 or otherwise comply with the provisions of chapter 354 of NRS.

(o) If the charter school provides a program of distance education pursuant to NRS 388.820 to 388.874, inclusive, comply with all statutes and regulations that are applicable to a program of distance education for purposes of the operation of the program.

2. A charter school shall not provide instruction through a program of distance education to children who are exempt from compulsory attendance authorized by the State Board pursuant to subsection 1 of NRS 392.070. As used in this subsection, "distance education" has the meaning ascribed to it in NRS 388.826.

Sec. 2. Chapter 388 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The board of trustees of a school district or the governing body of a charter school that experiences an economic hardship may submit a written request to the Superintendent of Public Instruction on a form prescribed by the Department for a waiver of not more than 10 days of the required minimum number of school days in a school year to avoid, during the economic hardship, the layoff of teachers and other educational personnel employed by the school district or charter school.

2. Upon receipt of a written request pursuant to subsection 1, the Superintendent of Public Instruction shall consider the request and determine whether an economic hardship exists for the school district or charter school and whether a wavier of the required number of school days is necessary to avoid, during the economic hardship, the layoff of teachers and other educational personnel employed by the school district or charter school. The Superintendent of Public Instruction may request additional information from the applicant in making the determination. If the Superintendent of Public Instruction determines that an economic hardship exists for the applicant and that a waiver of the required number of school days is necessary to avoid, during the economic hardship, the layoff of teachers and other educational personnel employed by the

applicant, the Superintendent shall forward the written request to the Interim Finance Committee, including the basis for the Superintendent's determination and any recommendations for the number of school days that may be waived, which must not exceed 10 school days.

3. Upon receipt of a written request from the Superintendent of Public Instruction pursuant to subsection 2, the Interim Finance Committee shall consider the request and determine whether an economic hardship exists for the school district or charter school and whether a waiver of the required minimum number of school days is necessary to avoid, during the economic hardship, the layoff of teachers and other educational personnel employed by the school district or charter school. The Interim Finance Committee may request additional information from the applicant in making the determination. If the Interim Finance Committee grants a waiver, the Committee shall by resolution set forth:

(a) The grounds for its determination; and

(b) The number of school days that may be waived for the school year by the school district or charter school, which must not exceed 10 school days.

4. If the Interim Finance Committee grants a waiver pursuant to subsection 3 and subsequently the economic hardship to the school district or charter school is mitigated because the actual revenue attributable to the school district or charter school exceeds projections or the actual expenses incurred by the school district or charter school are less than anticipated, the school district or charter school must add accordingly school days to the school year for which the wavier was granted.

5. For purposes of this section, an economic hardship exists for a school district or charter school if:

(a) Projections of revenue do not meet or exceed the revenue anticipated at the time the basic support guarantees are established for the fiscal year pursuant to NRS 387.122; or

(b) The school district or charter school incurs unforeseen expenses, including, without limitation, expenses related to a natural disaster.

6. A waiver granted pursuant to this section does not affect any right or remedy available pursuant to the provisions of chapter 288 of NRS, any obligation of the board of trustees of a school district or the governing body of a charter school pursuant to chapter 288 of NRS or any contract negotiated by the board of trustees of a school district or the governing body of a charter school pursuant to chapter 288 of NRS.

Sec. 3. NRS 388.090 is hereby amended to read as follows:

388.090 1. Except as otherwise provided in this section ~~[.]~~ ***and section 2 of this act,*** boards of trustees of school districts shall schedule and provide a minimum of 180 days of free school in the districts under their charge.

2. Except for an alternative schedule described in subsection 3, the Superintendent of Public Instruction may, upon application by the board of trustees of a school district, authorize the school district to provide a program of instruction based on an alternative schedule if the number of minutes of

instruction to be provided is equal to or greater than the number of minutes of instruction that would be provided in a program of instruction consisting of 180 school days ~~[.]~~ ***or consisting of the number of school days for the school year if a reduction in the required minimum number of school days is granted to the school district pursuant to section 2 of this act.*** The Superintendent of Public Instruction shall notify the board of trustees of the school district of the approval or denial of the application not later than 30 days after the Superintendent of Public Instruction receives the application. An alternative schedule proposed pursuant to this subsection must be developed in accordance with chapter 288 of NRS. If a school district is located in a county whose population is 100,000 or more, the board of trustees of the school district may not submit an application pursuant to this subsection unless the proposed alternative schedule of the school district:

(a) Will apply only to a rural portion or a remote portion of the county in which the school district is located, as defined by the State Board pursuant to subsection 9; or

(b) Is designed solely for the purpose of providing regular professional development to educational personnel and such professional development is focused on analyzing and discussing measures of the performance of pupils and identifying appropriate instructional strategies to improve the achievement of pupils.

3. The Superintendent of Public Instruction may, upon application by the board of trustees of a school district, authorize a reduction of not more than 15 school days in that particular district to establish or maintain an alternative schedule consisting of a 12-month school program if the board of trustees demonstrates that the proposed alternative schedule for the program provides for a number of minutes of instruction that is equal to or greater than that which would be provided under a program consisting of 180 school days ~~[.]~~ ***or consisting of the number of school days for the school year if a reduction in the required minimum number of school days is granted to the school district pursuant to section 2 of this act.*** Before authorizing a reduction in the number of required school days pursuant to this subsection, the Superintendent of Public Instruction must find that the proposed alternative schedule will be used to alleviate problems associated with a growth in enrollment or overcrowding.

4. The Superintendent of Public Instruction may, upon application by a board of trustees, authorize the addition of minutes of instruction to any scheduled day of free school if days of free school are lost because of any interscholastic activity. Not more than 5 days of free school so lost may be rescheduled in this manner. The provisions of this subsection do not apply to an alternative schedule approved pursuant to subsection 2.

5. The number of minutes of instruction required for a particular group of pupils in a program of instruction based on an alternative schedule approved pursuant to this section must be determined by multiplying the appropriate minimum daily period of instruction established by the State Board by

regulation for that particular group of pupils by 180 ~~[.]~~ ***or by the number of school days for the school year if a reduction in the required minimum number of school days is granted to the school district pursuant to section 2 of this act.***

6. Each school district shall schedule at least 3 contingent days of school, or its equivalent if the school district operates under an alternative schedule authorized pursuant to this section, in addition to the number of days required by this section, which must be used if a natural disaster, inclement weather or an accident necessitates the closing of a majority of the facilities within the district. The 3 contingent days of school, or its equivalent, may be scheduled as:

(a) Full days of school;

(b) An equivalent number of minutes of instruction added to any scheduled day of instruction, except that the minutes added must not be less than 30 minutes per school day; or

(c) Any combination thereof.

7. If more than 3 days of free school or minutes of instruction equaling 3 days of free school, or the equivalent if the school district operates under an alternative schedule authorized pursuant to this section, are lost because a natural disaster, inclement weather or an accident necessitates the closing of a majority of the facilities within a school district, the Superintendent of Public Instruction, upon application by the school district, may permit the additional days or equivalent minutes of instruction lost to be counted as school days in session. The application must be submitted in the manner prescribed by the Superintendent of Public Instruction.

8. The Superintendent of Public Instruction may, upon application by the board of trustees of a school district, authorize additional days or minutes of instruction for a program of remedial education that is fully paid for through the school district, including, without limitation, the provision of transportation. If the Superintendent of Public Instruction authorizes such additional days or minutes, the board of trustees may adopt a policy prescribing the minimum number of days of attendance or the minimum number of minutes of attendance for a pupil who is determined to need such remedial education. If the board of trustees adopts such a policy, the policy must include, without limitation, the criteria for determining that a pupil be enrolled in the program of remedial education, the procedure pursuant to which parents and guardians will be notified of the pupil's progress throughout the school year and a process for appealing a determination regarding a pupil's need for remedial education.

9. The State Board shall adopt regulations:

(a) Providing procedures for changing schedules of instruction to be used if a natural disaster, inclement weather or an accident necessitates the closing of a particular school within a school district.

(b) Defining a rural portion of a county and a remote portion of a county for the purposes of subsection 2.

Sec. 4. NRS 388.537 is hereby amended to read as follows:

388.537 1. The board of trustees of a school district may, subject to the approval of the Superintendent of Public Instruction, operate an alternative program for the education of pupils at risk of dropping out of school, including pupils who are enrolled in kindergarten or grades 1 to 12, inclusive.

2. The board of trustees of a school district may submit to the Department, in the form prescribed by the Department, a plan to operate an alternative program.

3. The Superintendent of Public Instruction shall review each plan to operate an alternative program submitted to the Department and approve or deny the plan. Approval by the Superintendent constitutes approval of each component of the plan for the alternative program.

4. If a plan for an alternative program is denied by the Superintendent of Public Instruction, the board of trustees of a school district may appeal the decision of the Superintendent to the State Board. The State Board may approve or deny the plan for the alternative program upon appeal.

5. An alternative program may include:

(a) A shorter school day or an opportunity for pupils to attend a longer school day than that regularly provided in the school district. The alternative program must provide for a number of minutes of instruction that is equal to or greater than that which would be provided under a program ~~[consisting]~~ ***:***

(1) Consisting of 180 school days ~~[.]~~ ***; or***

(2) Consisting of the number of school days for the school year if a reduction in the required minimum number of school days is granted to the school district pursuant to section 2 of this act.

(b) An opportunity for pupils to attend classes of instruction during any part of the calendar year.

(c) A comprehensive curriculum that includes elective classes of instruction and career and technical education.

(d) An opportunity for pupils to obtain academic credit through experience gained at work or while engaged in other activities.

(e) An opportunity for pupils to satisfy either:

(1) The requirements for a regular high school diploma; or

(2) The requirements for an adult standard diploma.

(f) The provision of child care for the children of pupils.

(g) The transportation of pupils to and from classes of instruction.

(h) The placement of pupils for independent study pursuant to NRS 389.155, if the board of trustees of the school district determines that the pupil would benefit from such placement.

6. The board of trustees of a school district may operate an alternative program pursuant to this section through a program of distance education pursuant to NRS 388.820 to 388.874, inclusive.

Sec. 5. NRS 388.842 is hereby amended to read as follows:

388.842 1. A program of distance education may include, without limitation, an opportunity for pupils to participate in the program:

(a) For a shorter school day or a longer school day than that regularly provided for in the school district or charter school, as applicable; and

(b) During any part of the calendar year.

2. If a program of distance education is provided for pupils on a full-time basis, the program must include at least as many hours or minutes of instruction as would be provided under a program ~~[consisting]~~ ***:***

(a) Consisting of 180 ***school*** days ~~[.]~~ ***; or***

(b) Consisting of the number of school days for the school year if a reduction in the required minimum number of school days is granted to the school district or charter school pursuant to section 2 of this act.

Sec. 6. NRS 218E.405 is hereby amended to read as follows:

218E.405 1. Except as otherwise provided in subsection 2, the Interim Finance Committee may exercise the powers conferred upon it by law only when the Legislature is not in regular or special session.

2. During a regular or special session, the Interim Finance Committee may also perform the duties imposed on it by subsection 5 of NRS 284.115, NRS 284.1729, subsection 2 of NRS 321.335, NRS 322.007, subsection 2 of NRS 323.020, NRS 323.050, subsection 1 of NRS 323.100, subsection 3 of NRS 341.090, NRS 341.142, subsection 6 of NRS 341.145, NRS 353.220, 353.224, 353.2705 to 353.2771, inclusive, 353.288, 353.335, 353C.226, ***387.2065, section 2 of this act,*** paragraph (b) of subsection 4 of NRS 407.0762, NRS 428.375, 439.620, 439.630, 445B.830 and 538.650. In performing those duties, the Senate Standing Committee on Finance and the Assembly Standing Committee on Ways and Means may meet separately and transmit the results of their respective votes to the Chair of the Interim Finance Committee to determine the action of the Interim Finance Committee as a whole.

3. The Chair of the Interim Finance Committee may appoint a subcommittee consisting of six members of the Committee to review and make recommendations to the Committee on matters of the State Public Works Board that require prior approval of the Interim Finance Committee pursuant to subsection 3 of NRS 341.090, NRS 341.142 and subsection 6 of NRS 341.145. If the Chair appoints such a subcommittee:

(a) The Chair shall designate one of the members of the subcommittee to serve as the chair of the subcommittee;

(b) The subcommittee shall meet throughout the year at the times and places specified by the call of the chair of the subcommittee; and

(c) The Director of the Legislative Counsel Bureau or the Director's designee shall act as the nonvoting recording secretary of the subcommittee.

Sec. 7. **1. It is the intent of the Legislature that if the board of trustees of a school district or the governing body of a charter school certifies a furlough program whereby employees of the school district or charter school who are members of the Public Employees' Retirement System and who take furlough leave pursuant to the program due to**

extreme fiscal need be held harmless in the accumulation of retirement service credit and reported salary pursuant to chapter 286 of NRS.

2. Except as otherwise required as a result of NRS 286.537 and notwithstanding the provisions of NRS 286.481, if an employee of a school district or charter school who participates in the Public Employees' Retirement System is required to take furlough leave pursuant to a furlough program certified by the board of trustees of the school district or the governing body of the charter school, the employee is entitled to receive full service credit for the time taken as furlough leave in the same manner as service credit is computed pursuant to NRS 286.501 if:

(a) The employee does not take more than 96 hours of furlough leave in a school year; and

(b) The board of trustees of the school district or the governing body of the charter school certifies to the Public Employees' Retirement System that the school district or charter school is participating in a furlough program and that the furlough leave which is reported for the employee is taken in accordance with the requirements of that program.

3. In any month in which a day of furlough leave is taken, an employee is entitled to receive full-time service credit in the same manner as service credit is computed pursuant to NRS 286.501 for the furlough leave in accordance with the normal workday for the employee. An employee who is less than full-time is entitled to service credit in the same manner as service credit is computed pursuant to NRS 286.501 and in the same manner and to the same extent as though the employee had worked the hours taken as furlough leave.

4. When a member is on furlough leave pursuant to this section as certified by the board of trustees of the school district or the governing body of the charter school, the board of trustees or the governing body must:

(a) Include all information required by the Public Employees' Retirement System on the board of trustees' or governing body's regular monthly retirement report as provided in NRS 286.460; and

(b) Pay all required employer and employee contributions to the Public Employees' Retirement System based on the compensation that would have been paid to the member but for the member's participation in the program. The board of trustees of the school district and the governing body of the charter school may recover from the employee the amount of the employee contributions set forth in NRS 286.410.

5. Except as otherwise required by this section, the terms and conditions of any furlough program certified by the board of trustees of the school district or the governing body of a charter school must be negotiated pursuant to chapter 288 of NRS.

6. Service credit under a furlough program certified by the board of trustees of a school district or the governing body of a charter school must be computed according to the school year.

7. As used in this section, "member" has the meaning ascribed to it in NRS 286.050.

~~[Sec. 7.]~~ ***Sec. 8.*** **1.** This **section and sections 1 to 6, inclusive, of this** act ~~[becomes]~~ **become** effective on July 1, 2011.

2. Section 7 of this act becomes effective on July 1, 2011, and expires by limitation on June 30, 2013.

Assemblyman Bobzien moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 135.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 321.

AN ACT relating to probation; ~~[prohibiting a court from ordering a term of imprisonment for certain]~~ **revising provisions concerning** violations of probation; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes a court, upon determining that a person has violated a condition of probation, to: (1) continue or revoke the probation or suspension of sentence; (2) order a term of residential confinement; (3) order a program of regimental discipline; (4) cause the sentence imposed to be executed; or (5) modify the original sentence. (NRS 176A.630) This bill ~~[prohibits a court from ordering]~~ **provides that a court may not revoke the probation and suspend the sentence of** such a probationer ~~[to serve a term of imprisonment for violating a condition of probation]~~ **and cause the sentence imposed to be executed** unless ~~[the probationer has been convicted of another crime while on probation or]~~ the court ~~[determines that the imprisonment is necessary to protect the community from further criminal activity by the probationer.]~~ **makes certain findings and states those findings on the record. This bill further: (1) provides that a court may not revoke the probation and suspend the sentence of such a probationer and cause the sentence imposed to be executed solely based on the probationer's failure to pay an administrative assessment or certain fees and expenses; and (2) authorizes the court to provide for the forfeiture of certain credits for good behavior of the probationer or extend the period of probation of the probationer if the probationer willfully fails to pay those assessments, fees or expenses.**

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

Section 1. NRS 176A.630 is hereby amended to read as follows:

176A.630 ***1.*** If the probationer is arrested, by or without warrant, in another judicial district of this state, the court which granted the probation may assign the case to the district court of that district, with the consent of that court. The court retaining or thus acquiring jurisdiction shall cause the defendant to be brought before it, consider the standards adopted pursuant to NRS 213.10988 and the recommendation, if any, of the Chief Parole and Probation Officer. Upon determining that the probationer has violated a condition of probation, the court shall, if practicable, order the probationer to make restitution for any necessary expenses incurred by a governmental entity in returning the probationer to the court for violation of the probation. ~~[~~The~~]~~ ***Except as otherwise provided in*** ~~*[subsection 2,]*~~ ***subsections 2 and 3, the*** court may:

~~[~~1.~~]~~ ***(a)*** Continue or revoke the probation or suspension of sentence;

~~[~~2.~~]~~ ***(b)*** Order the probationer to a term of residential confinement pursuant to NRS 176A.660;

~~[~~3.~~]~~ ***(c)*** Order the probationer to undergo a program of regimental discipline pursuant to NRS 176A.780;

~~[~~4.~~]~~ ***(d)*** Cause the sentence imposed to be executed; or

~~[~~5.~~]~~ ***(e)*** Modify the original sentence imposed by reducing the term of imprisonment and cause the modified sentence to be executed. The court shall not make the term of imprisonment less than the minimum term of imprisonment prescribed by the applicable penal statute. If the Chief Parole and Probation Officer recommends that the sentence of a probationer be modified and the modified sentence be executed, the Chief Parole and Probation Officer shall provide notice of the recommendation to any victim of the crime for which the probationer was convicted who has requested in writing to be notified and who has provided a current address to the Division. The notice must inform the victim that he or she has the right to submit documents to the court and to be present and heard at the hearing to determine whether the sentence of a probationer who has violated a condition of probation should be modified. The court shall not modify the sentence of a probationer and cause the sentence to be executed until it has confirmed that the Chief Parole and Probation Officer has complied with the provisions of this ~~[~~subsection.~~]~~ ***paragraph.*** The Chief Parole and Probation Officer must not be held responsible when such notification is not received by the victim if the victim has not provided a current address. All personal information, including, but not limited to, a current or former address, which pertains to a victim and which is received by the Division pursuant to this ~~[~~subsection~~]~~ ***paragraph*** is confidential.

2. The court ~~*[shall not order the probationer to serve a term of imprisonment for violating a condition of probation unless:*~~

~~*(a) The probationer has been convicted of a violation of any federal, state or local law, except a minor traffic offense, which was committed while the probationer was on probation; or*~~

~~*(b) The]*~~ ***may not revoke the probation and the suspension of the sentence of the probationer and cause the sentence imposed to be executed unless the court finds on the basis of the circumstances of the original crime and the conduct of the probationer while he or she was on probation that*** ~~*[imprisonment]*~~ ***:***

(a) Imprisonment is necessary to protect the community from further criminal activity by the probationer ~~*[.]*~~ ***;***

(b) The probationer is in need of treatment which can most effectively be provided if he or she is imprisoned;

(c) The seriousness of the violation or the totality of the violations by the probationer warrant revocation of probation and suspension of the sentence of the probationer and execution of the sentence imposed; or

(d) The violation demonstrates that the probationer cannot be supervised by a parole and probation officer pursuant to the practices and policies governing probation established by the Division.

3. The court may not revoke the probation and the suspension of the sentence of the probationer and cause the sentence imposed to be executed solely based on the probationer's failure to pay an administrative assessment, a fee described in NRS 176.0915 or the expenses of his or her defense. If the court determines that a probationer willfully failed to pay an administrative assessment, a fee described in NRS 176.0915 or the expenses of his or her defense, the court may:

(a) Pursuant to NRS 176A.635, provide for the forfeiture of all or part of the credits for good behavior earned by the probationer pursuant to NRS 176A.500; or

(b) Extend the period of probation of the probationer.

4. If the court revokes probation and the suspension of the sentence of the probationer and causes the sentence imposed to be executed, the court shall state on the record the court's findings pursuant to subsection 2 that support the reasons for such revocation and execution of the sentence.

Assemblyman Ohrenschall moved the adoption of the amendment.

Amendment adopted.

Bill ordered to third reading.

Assembly Bill No. 141.

Bill read second time.

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

Amendment No. 284.

AN ACT relating to occupational diseases; expanding the frequency with which certain volunteer firefighters must submit to physical examinations to receive workers' compensation coverage for certain occupational diseases; **revising provisions relating to the procedure for scheduling such physical examinations under certain circumstances;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, an employee who contracts an occupational disease arising out of and in the course of his or her employment is generally entitled to receive benefits for workers' compensation. (Chapter 617 of NRS) Specifically, if an employee has been employed for 2 years or more as a full-time salaried firefighter, arson investigator or police officer or has acted for 2 years or more as a volunteer firefighter who is entitled to benefits for workers' compensation, any disease of the lungs caused by exposure to heat, smoke, fumes, tear gas or any other noxious gases arising out of and in the course of employment is an occupational disease for which the employee is entitled to receive workers' compensation. To receive coverage for such an occupational disease, the employee must submit to a physical examination upon initial employment, upon commencement of the coverage, once every even-numbered year until the employee is 40 years of age or older and on an annual basis thereafter during his or her employment. (NRS 617.455) **Section 1** of this bill requires a volunteer firefighter ~~[who]~~ **to submit to a physical examination upon employment, commencement of coverage and once every 3 years after commencement of coverage until the volunteer firefighter** is ~~[40]~~ **50** years of age or older ~~[to submit to the physical examination]~~ **and** once every 2 years **thereafter** instead of on an annual basis.

Existing law provides similar coverage for a volunteer firefighter who contracts a disease of the heart and who, for 5 years or more, has served continuously as a volunteer firefighter in Nevada. To receive coverage for such an occupational disease, the volunteer firefighter is required to submit to a physical examination upon initial employment, once every 3 years after the initial examination until he or she reaches the age of 50 years and once each year if he or she is 50 years of age or older. (NRS 617.457) **Section 2** of this bill requires a volunteer firefighter ~~[who]~~ **to submit to a physical examination upon employment, upon commencement of coverage and once every 3 years after commencement of the coverage until the volunteer firefighter** is 50 years of age or older ~~[to submit to the physical examination]~~ **and** once every 2 years **thereafter** instead of once each year. **Section 2 also requires employers to follow certain procedures when scheduling physical examinations for volunteer firefighters.**

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

Section 1. NRS 617.455 is hereby amended to read as follows:

617.455 1. Notwithstanding any other provision of this chapter, diseases of the lungs, resulting in either temporary or permanent disability or death, are occupational diseases and compensable as such under the provisions of this chapter if caused by exposure to heat, smoke, fumes, tear gas or any other noxious gases, arising out of and in the course of the employment of a person who, for 2 years or more, has been:

(a) Employed in this State in a full-time salaried occupation of fire fighting or the investigation of arson for the benefit or safety of the public;

(b) Acting as a volunteer firefighter in this State and is entitled to the benefits of chapters 616A to 616D, inclusive, of NRS pursuant to the provisions of NRS 616A.145; or

(c) Employed in a full-time salaried occupation as a police officer in this State.

2. Except as otherwise provided in subsection 3, each employee who is to be covered for diseases of the lungs pursuant to the provisions of this section shall submit to a physical examination, including a thorough test of the functioning of his or her lungs and the making of an X-ray film of the employee's lungs, upon employment, upon commencement of the coverage, once every ~~[even-numbered year]~~ ***2 years*** until the employee is 40 years of age or older and thereafter on an annual basis during his or her employment.

3. ~~[A thorough test of the functioning of the lungs is not required for a volunteer firefighter. *A]*~~ ***Each volunteer firefighter who is to be covered for diseases of the lungs pursuant to the provisions of this section shall submit to:***

(a) A physical examination upon employment and upon commencement of the coverage; and

(b) The making of an X-ray film of the volunteer firefighter's lungs once every 3 years after the physical examination that is required upon commencement of the coverage,

➥ until the volunteer firefighter reaches the age of 50 years. Each volunteer firefighter who is ~~*[40]*~~ ***50 years of age or older shall submit to*** ~~*[the]*~~ ***a physical examination*** ~~*[required pursuant to subsection 2]*~~ ***once every 2 years during his or her employment. As used in this subsection, "physical examination" includes the making of an X-ray film of the volunteer firefighter's lungs but excludes a thorough test of the functioning of his or her lungs.***

4. All physical examinations required pursuant to ~~[subsection]~~ ***subsections*** 2 ***and 3*** must be paid for by the employer.

5. A disease of the lungs is conclusively presumed to have arisen out of and in the course of the employment of a person who has been employed in a full-time continuous, uninterrupted and salaried occupation as a police officer, firefighter or arson investigator for 5 years or more before the date of disablement.

6. Failure to correct predisposing conditions which lead to lung disease when so ordered in writing by the examining physician after ~~[the annual or biennial]~~ ***a physical*** examination ***required pursuant to subsection 2 or 3*** excludes the employee from the benefits of this section if the correction is within the ability of the employee.

7. A person who is determined to be:

(a) Partially disabled from an occupational disease pursuant to the provisions of this section; and

(b) Incapable of performing, with or without remuneration, work as a firefighter, police officer or arson investigator,

➥ may elect to receive the benefits provided under NRS 616C.440 for a permanent total disability.

Sec. 2. NRS 617.457 is hereby amended to read as follows:

617.457 1. Notwithstanding any other provision of this chapter, diseases of the heart of a person who, for 5 years or more, has been employed in a full-time continuous, uninterrupted and salaried occupation as a firefighter, arson investigator or police officer in this State before the date of disablement are conclusively presumed to have arisen out of and in the course of the employment.

2. Notwithstanding any other provision of this chapter, diseases of the heart, resulting in either temporary or permanent disability or death, are occupational diseases and compensable as such under the provisions of this chapter if caused by extreme overexertion in times of stress or danger and a causal relationship can be shown by competent evidence that the disability or death arose out of and was caused by the performance of duties as a volunteer firefighter by a person entitled to the benefits of chapters 616A to 616D, inclusive, of NRS pursuant to the provisions of NRS 616A.145 and who, for 5 years or more, has served continuously as a volunteer firefighter in this State by continuously maintaining an active status on the roster of a volunteer fire department.

3. Except as otherwise provided in subsection 4, each employee who is to be covered for diseases of the heart pursuant to the provisions of this section shall submit to a physical examination, including an examination of the heart, upon employment, upon commencement of coverage and thereafter on an annual basis during his or her employment.

4. ~~[A]~~ ***During the period in which a volunteer firefighter is continuously on active status on the roster of a volunteer fire department, a*** physical examination for ~~[a]~~ ***the*** volunteer firefighter is required ~~[upon initial]~~ ***:***

(a) Upon employment ***;***

(b) Upon commencement of coverage; and ~~[once]~~

(c) Once every 3 years after the ~~[initial]~~ ***physical*** examination ***that is required pursuant to paragraph (b),***

➥ until the firefighter reaches the age of 50 years. Each volunteer firefighter who is 50 years of age or older shall submit to a physical examination once ~~[each year.]~~ ***every 2 years during his or her employment.***

5. The employer of the volunteer firefighter is responsible for scheduling the physical examination. ***The employer shall mail to the volunteer firefighter a written notice of the date, time and place of the physical examination at least 10 days before the date of the physical examination and shall obtain, at the time of mailing, a certificate of mailing issued by the United States Postal Service.***

6. Failure to submit to a physical examination that is scheduled by his or her employer pursuant to subsection 5 excludes the volunteer firefighter from the benefits of this section.

7. The chief of a volunteer fire department may require an applicant to pay for any physical examination required pursuant to this section if the applicant:

(a) Applies to the department for the first time as a volunteer firefighter; and

(b) Is 50 years of age or older on the date of his or her application.

8. The volunteer fire department shall reimburse an applicant for the cost of a physical examination required pursuant to this section if the applicant:

(a) Paid for the physical examination in accordance with subsection 7;

(b) Is declared physically fit to perform the duties required of a firefighter; and

(c) Becomes a volunteer with the volunteer fire department.

9. Except as otherwise provided in subsection 7, all physical examinations required pursuant to subsections 3 and 4 must be paid for by the employer.

10. Failure to correct predisposing conditions which lead to heart disease when so ordered in writing by the examining physician subsequent to ~~[the annual *or biennial]*~~ ***a physical*** examination ***required pursuant to subsection 3 or 4*** excludes the employee from the benefits of this section if the correction is within the ability of the employee.

11. A person who is determined to be:

(a) Partially disabled from an occupational disease pursuant to the provisions of this section; and

(b) Incapable of performing, with or without remuneration, work as a firefighter, arson investigator or police officer,

➥ may elect to receive the benefits provided under NRS 616C.440 for a permanent total disability.

12. Claims filed under this section may be reopened at any time during the life of the claimant for further examination and treatment of the claimant upon certification by a physician of a change of circumstances related to the occupational disease which would warrant an increase or rearrangement of compensation.

~~[Sec. 3. This act becomes effective on July 1, 2011.]~~

Assemblyman Atkinson moved the adoption of the amendment.

Amendment adopted.

Bill ordered to third reading.

Assembly Bill No. 149.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 474.

AN ACT relating to malpractice; revising provisions relating to the affidavit of a medical expert which is required to be filed in medical and dental malpractice actions; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires a district court to dismiss an action for medical malpractice or dental malpractice if the action is filed without an affidavit of a medical expert that supports the allegations in the action. (NRS 41A.071) This bill authorizes the plaintiff's attorney in such an action to file the affidavit of a medical expert at a later time under certain circumstances. **This bill also authorizes the defendant to file a responsive pleading within 20 days after receiving the affidavit.**

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

Section 1. NRS 41A.071 is hereby amended to read as follows:

41A.071 ~~[If]~~

1. Except as otherwise provided in subsection 2, if an action for medical malpractice or dental malpractice is filed in the district court, the district court shall dismiss the action, without prejudice, if the action is filed without an affidavit, supporting the allegations contained in the action, submitted by a medical expert who practices or has practiced in an area that is substantially similar to the type of practice engaged in at the time of the alleged malpractice.

2. The plaintiff's attorney in such an action may file the affidavit required pursuant to subsection 1 ~~*[at a later time]*~~ ***not later than the period of limitation prescribed by NRS 41A.097 if the substance of the affidavit was incorporated into the body of the complaint and its absence was caused by a clerical error,*** ~~*[or the attorney could not consult with an expert and prepare the affidavit before filing the action without causing the action to be impaired or barred by the statute of limitations or repose, or other limitations prescribed by law. If the attorney must submit the affidavit late, the attorney shall file an affidavit concurrently with the service of the first pleading in the action stating the reason for failing to comply with subsection 1 and the attorney shall consult with an expert and file the affidavit required pursuant to subsection 1 not later than 45 days after filing the action.]*** ***mistake, inadvertence, surprise or excusable neglect. The claim for medical malpractice or dental malpractice shall be deemed to be served upon the defendant when the defendant has received personal service of a copy of:***

(a) The summons and the complaint; and

(b) The affidavit required pursuant to subsection 1.

3. If, as authorized pursuant to subsection 2, the affidavit required pursuant to subsection 1 is filed after the action for medical malpractice or dental malpractice is filed in district court, the defendant may file a responsive pleading within 20 days after the affidavit is filed.

Assemblyman Ohrenschall moved the adoption of the amendment.

Amendment adopted.

Bill ordered to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Conklin moved that Assembly Bill No. 161 be taken from the Second Reading File and placed on the Chief Clerk's desk.

Motion carried.

Assemblyman Horne moved that Assembly Bill No. 258 be taken from the Second Reading File and placed on the Chief Clerk's desk.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 179.

Bill read second time.

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

Amendment No. 494.

SUMMARY—Revises provisions relating to disciplinary action against a ~~[state]~~ **public** employee. (BDR 23-841)

AN ACT relating to ~~[state]~~ **public** personnel; requiring that certain procedures be followed before taking disciplinary action against a ~~[state]~~ **public** employee; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, an appointing authority may dismiss or demote a permanent classified employee if the appointing authority considers that the dismissal or demotion will serve the good of the public service, and the appointing authority may suspend a permanent employee without pay for disciplinary purposes for up to 30 days. (NRS 284.385) The employee may then request a hearing to determine whether the dismissal, demotion or suspension was reasonable. (NRS 284.390)

~~[Section 1 of this bill requires an appointing authority to provide appropriate training, warnings and notice of a policy and of the procedure for disciplinary action before taking disciplinary action against an employee. Section 1 also requires the appointing authority to assign one supervisor to conduct a fact-finding investigation and a second supervisor to determine whether substantial evidence of the allegation exists based on the investigation, if the accused employee disputes the allegation that would form the basis of a disciplinary action.]~~ **Section 1.5 of this bill requires an appointing authority to provide each employee of the appointing authority with a copy of a policy approved by the Personnel Commission that explains certain information relating to disciplinary action. Section 2 of this bill requires an appointing authority to consult with the Attorney General or, if the appointing authority is part of the Nevada**

System of Higher Education, its general counsel, regarding any proposed disciplinary action before imposing the disciplinary action. Section 3 of this bill requires certain investigations relating to disciplinary action against a public employee to be completed within 90 days after the employee is given notice of the allegations or investigation and provide for an extension of that time period.

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

Section 1. (Deleted by amendment.)

Sec. 1.5. **NRS 284.383 is hereby amended to read as follows:**

284.383 1. The Commission shall adopt by regulation a system for administering disciplinary measures against a state employee in which, except in cases of serious violations of law or regulations, less severe measures are applied at first, after which more severe measures are applied only if less severe measures have failed to correct the employee's deficiencies.

2. The system adopted pursuant to subsection 1 must provide that a state employee is entitled to receive a copy of any findings or recommendations made by an appointing authority or the representative of the appointing authority, if any, regarding proposed disciplinary action.

3. An appointing authority shall provide each permanent classified employee of the appointing authority with a copy of a policy approved by the Commission that explains prohibited acts, possible violations and penalties and a fair and equitable process for taking disciplinary action against such an employee.

Sec. 2. NRS 284.385 is hereby amended to read as follows:

284.385 1. An ~~*[After making the determinations required by section 1 of this act, an]*~~ appointing authority may:

(a) Dismiss or demote any permanent classified employee when the appointing authority considers that the good of the public service will be served thereby.

(b) Except as otherwise provided in NRS 284.148, suspend without pay, for disciplinary purposes, a permanent employee for a period not to exceed 30 days.

2. ***Before a permanent classified employee is dismissed, involuntarily demoted or suspended, the appointing authority must consult with the Attorney General or, if the employee is employed by the Nevada System of Higher Education, the appointing authority's general counsel, regarding the proposed discipline.***

3. A dismissal, involuntary demotion or suspension does not become effective until the employee is notified in writing of the dismissal, involuntary demotion or suspension and the reasons therefor. The notice may be delivered personally to the employee or mailed to the employee at the employee's last known address by registered or certified mail, return receipt

requested. If the notice is mailed, the effective date of the dismissal, involuntary demotion or suspension shall be deemed to be the date of delivery or if the letter is returned to the sender, 3 days after mailing.

~~[3.]~~ ***4.*** No employee in the classified service may be dismissed for religious or racial reasons.

Sec. 3. NRS 284.387 is hereby amended to read as follows:

284.387 ***1.*** An employee who is the subject of an internal administrative investigation that could lead to disciplinary action against the employee pursuant to NRS 284.385 must be:

~~[1.]~~ ***(a)*** Provided notice in writing of the allegations against the employee before the employee is questioned regarding the allegations; and

~~[2.]~~ ***(b)*** Afforded the right to have a lawyer or other representative of the employee's choosing present with the employee at any time that the employee is questioned regarding those allegations. The employee must be given not less than 2 business days to obtain such representation, unless the employee waives the employee's right to be represented. ~~*[The employee shall be deemed to have waived his or her right to be represented unless the employee states his or her desire to have a lawyer or other representative present after the employee is provided notice of the allegations. Such a statement need not be in any specific form or in writing.]*~~

2. An internal administrative investigation that could lead to disciplinary action against an employee pursuant to NRS 284.385 and any determination made as a result of such an investigation must be completed and the employee notified of any disciplinary action within 90 days after the employee is provided notice of the allegations pursuant to paragraph (a) of subsection 1. If the appointing authority cannot complete the investigation and make a determination within 90 days after the employee is provided notice of the allegations pursuant to paragraph (a) of subsection 1, the appointing authority may request an extension of not more than 60 days from the Director upon showing good cause for the delay. No further extension may be granted unless approved by the Governor.

Sec. 4. This act becomes effective on July 1, 2011.

Assemblywoman Bustamante Adams moved the adoption of the amendment.

Amendment adopted.

Bill ordered to third reading.

Assembly Bill No. 191.

Bill read second time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 314.

AN ACT relating to taxation; revising provisions governing the partial abatement of certain taxes; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, a person who intends to locate or expand a business in Nevada may apply to the Commission on Economic Development for a partial abatement of one or more of the taxes imposed on the new or expanded business pursuant to chapter 361 (property tax), 363B (business tax) or 374 (local school support tax) of NRS. (NRS 360.750, 361.0687, 363B.120, 374.357). This bill provides that a business which makes a capital investment of at least $500,000 in a ~~[research]~~ program at the University of Nevada, Reno, ~~[or]~~ the University of Nevada, Las Vegas, **or the Desert Research Institute** for the support of research **, development or training** related to the field of endeavor of the business and which meets certain other requirements is eligible to apply for a partial abatement of property ~~[or]~~ **taxes,** business taxes **~~[, or both.]~~ and governmental services taxes. In addition, this bill provides that a business which makes a capital investment of at least $250,000 in the Nevada State College or a community college within the Nevada System of Higher Education in support of college certification or research or training related to the field of endeavor of the business and which meets certain other requirements is also eligible to apply for a partial abatement of property taxes, business taxes and governmental services taxes.**

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

Section 1. The Legislature hereby finds that each exemption provided by this act from any ad valorem tax on property or excise tax on the sale, storage, use or consumption of tangible personal property sold at retail:

1. Will achieve a bona fide social or economic purpose and that the benefits of the exemption are expected to exceed any adverse effect of the exemption on the provision of services to the public by the State or a local government that would otherwise receive revenue from the tax from which the exemption would be granted; and

2. Will not impair adversely the ability of the State or a local government to pay, when due, all interest and principal on any outstanding bonds or any other obligations for which revenue from the tax from which the exemption would be granted was pledged.

Sec. 2. **Chapter 360 of NRS is hereby amended by adding thereto a new section to read as follows:**

1. A person who intends to locate or expand a business in this State may apply to the Commission on Economic Development pursuant to this section for a partial abatement of one or more of the taxes imposed on the new or expanded business pursuant to chapter 361, 363B or 371 of NRS.

2. The Commission on Economic Development shall approve an application for a partial abatement pursuant to this section if the Commission makes the following determinations:

(a) The business is consistent with:

(1) The State Plan for Industrial Development and Diversification that is developed by the Commission pursuant to NRS 231.067; and

(2) Any guidelines adopted pursuant to the State Plan.

(b) The applicant has executed an agreement with the Commission which must:

(1) Comply with the requirements of NRS 360.755;

(2) Require the business to submit to the Department the reports required by paragraph (c) of subsection 1 of NRS 218D.355;

(3) State the agreed terms of the partial abatement, which must comply with the requirements of subsection 4;

(4) State that the business will, after the date on which a certificate of eligibility for the abatement is issued pursuant to subsection 5, continue in operation in this State for a period specified by the Commission, which must be at least 5 years, and will continue to meet the eligibility requirements set forth in this subsection; and

(5) Bind the successors in interest of the business for the specified period.

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

(d) The business does not receive:

(1) Any funding from a governmental entity, other than any private activity bonds as defined in 26 U.S.C. § 141; or

(2) Any real or personal property from a governmental entity at no cost or at a reduced cost.

(e) The business meets the following requirements:

(1) The business makes a capital investment of at least $500,000 in a program of the University of Nevada, Reno, the University of Nevada, Las Vegas, or the Desert Research Institute to be used in support of research, development or training related to the field of endeavor of the business.

(2) The business will employ 15 or more full-time employees for the duration of the abatement.

(3) The business will employ two or more graduate students from the program in which the capital investment is made on a part-time basis for the duration of the abatement.

(4) The average hourly wage that will be paid by the business to its employees in this State is at least 125 percent of the average statewide hourly wage as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year and:

(I) The business will provide a health insurance plan for all employees that includes an option for health insurance coverage for dependents of the employees; and

(II) The cost to the business for the benefits the business provides to its employees in this State will meet the minimum requirements for benefits established by the Commission by regulation pursuant to subsection 9.

(5) The business submits with its application for a partial abatement:

(I) A letter of support from the institution at which the program operates, which is signed by the chief administrative officer of the institution and the director or chair of the program or the appropriate department, and which includes, without limitation, a summary of the financial and other resources the business will provide to the program and an agreement that the institution will provide to the Commission periodic reports, at such times and containing such information as the Commission may require, regarding the use of those resources; and

(II) A letter of support which is signed by the chair of the board of directors of the regional economic development authority within whose jurisdiction the institution is located and which includes, without limitation, a summary of the role the business will play in diversifying the economy and, if applicable, in achieving the broader goals of the regional economic development authority for economic development and diversification.

(f) In lieu of meeting the requirements of paragraph (e), the business meets the following requirements:

(1) The business makes a capital investment of at least $250,000 in the Nevada State College or a community college within the Nevada System of Higher Education to be used in support of college certification or in support of research or training related to the field of endeavor of the business.

(2) The business will employ 15 or more full-time employees for the duration of the abatement.

(3) The business will employ two or more students from the college in which the capital investment is made on a part-time basis for the duration of the abatement.

(4) The average hourly wage that will be paid by the business to its employees in this State is at least 125 percent of the average statewide hourly wage as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year and:

(I) The business will provide a health insurance plan for all employees that includes an option for health insurance coverage for dependents of the employees; and

(II) The cost to the business for the benefits the business provides to its employees in this State will meet the minimum requirements for benefits established by the Commission by regulation pursuant to subsection 9.

(5) The business submits with its application for a partial abatement:

(I) A letter of support from the college in which the capital investment is made, which is signed by the chief administrative officer of

the college and which includes, without limitation, a summary of the financial and other resources the business will provide to the college and an agreement that the college will provide to the Commission periodic reports, at such times and containing such information as the Commission may require, regarding the use of those resources; and

(II) A letter of support which is signed by the chair of the board of directors of the regional economic development authority within whose jurisdiction the college is located and which includes, without limitation, a summary of the role the business will play in diversifying the economy and, if applicable, in achieving the broader goals of the regional economic development authority for economic development and diversification.

3. Notwithstanding the provisions of subsection 2, the Commission on Economic Development:

(a) Shall not consider an application for a partial abatement pursuant to this section unless the Commission has requested a letter of acknowledgment of the request for the abatement from any affected county, school district, city or town.

(b) May, if the Commission determines that such action is necessary:

(1) Approve an application for a partial abatement pursuant to this section by a business that does not meet the requirements set forth in paragraph (e) or (f) of subsection 2; or

(2) Add additional requirements that a business must meet to qualify for a partial abatement pursuant to this section.

4. If the Commission on Economic Development approves an application for a partial abatement pursuant to this section:

(a) The total amount of the abatement must not exceed 50 percent of the amount of the capital investment by the business;

(b) The duration of the abatement must be for 5 years;

(c) Any abatement of:

(1) The property taxes imposed on a business pursuant to chapter 361 of NRS must not exceed 50 percent of the taxes on personal property payable by the business each year;

(2) The tax imposed on a business pursuant to chapter 363B of NRS must not exceed 50 percent of the amount of the tax otherwise due from the business pursuant to NRS 363B.110 during each year; and

(3) The governmental services tax imposed on a business pursuant to chapter 371 of NRS must not exceed 50 percent of the amount of the tax otherwise due from the business pursuant to that chapter during each year; and

(d) The abatement applies only to the business for which the abatement was approved pursuant to this section and the property used in connection with that business.

5. If the Commission on Economic Development approves an application for a partial abatement pursuant to this section, the

Commission shall immediately forward a certificate of eligibility for the abatement to:

(a) The Department;

(b) The Nevada Tax Commission;

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

(d) If the partial abatement is from the governmental services tax imposed pursuant to chapter 371 of NRS, the Department of Motor Vehicles.

6. An applicant for a partial abatement pursuant to this section or an existing business whose partial abatement is in effect shall, upon the request of the Executive Director of the Commission on Economic Development, furnish the Executive Director with copies of all records necessary to verify that the applicant meets the requirements of subsection 2.

7. If a business whose partial abatement has been approved pursuant to this section and is in effect ceases to meet the requirements set forth in subsection 2 or ceases operation before the time specified in the agreement described in paragraph (b) of subsection 2, the business shall:

(a) If the partial abatement was from the property tax imposed pursuant to chapter 361 of NRS, repay to the county treasurer;

(b) If the partial abatement was from the tax imposed on a business pursuant to chapter 363B of NRS, repay to the Department; and

(c) If the partial abatement was from the governmental services tax imposed pursuant to chapter 371 of NRS, repay to the Department of Motor Vehicles,

➥ the amount of the exemption that was allowed pursuant to this section before the failure of the business to comply unless the Nevada Tax Commission determines that the business has substantially complied with the requirements of this section. Except as otherwise provided in NRS 360.232 and 360.320, the business shall, in addition to the amount of the exemption required to be paid pursuant to this subsection, pay interest on the amount due at the rate most recently established pursuant to NRS 99.040 for each month, or portion thereof, from the last day of the month following the period for which the payment would have been made had the partial abatement not been approved until the date of payment of the tax.

8. A county treasurer:

(a) Shall deposit any money that he or she receives pursuant to subsection 7 in one or more of the funds established by a local government of the county pursuant to NRS 354.6113 or 354.6115; and

(b) May use the money deposited pursuant to paragraph (a) only for the purposes authorized by NRS 354.6113 and 354.6115.

9. The Commission on Economic Development:

(a) Shall adopt regulations relating to the minimum level of benefits that a business must provide to its employees to qualify for a partial abatement pursuant to this section; and

(b) May adopt such other regulations as the Commission determines to be necessary to carry out the provisions of this section.

10. The Nevada Tax Commission:

(a) Shall adopt regulations regarding any security that a business is required to post to qualify for a partial abatement pursuant to this section; and

(b) May adopt such other regulations as the Nevada Tax Commission determines to be necessary to carry out the provisions of this section.

11. An applicant for a partial abatement pursuant to this section who is aggrieved by a final decision of the Commission on Economic Development may petition for judicial review in the manner provided in chapter 233B of NRS.

Sec. 3. **NRS 360.225 is hereby amended to read as follows:**

360.225 1. During the course of an investigation undertaken pursuant to NRS 360.130 of a person claiming:

(a) A partial abatement of property taxes pursuant to NRS 361.0687;

(b) An exemption from taxes pursuant to NRS 363B.120;

(c) A deferral of the payment of taxes on the sale of capital goods pursuant to NRS 372.397 or 374.402; ~~[or]~~

(d) An abatement of taxes on the gross receipts from the sale, storage, use or other consumption of eligible machinery or equipment pursuant to NRS 374.357 ~~[.]~~ ***; or***

(e) A partial abatement of taxes pursuant to section 2 of this act,

➥ the Department shall investigate whether the person meets the eligibility requirements for the abatement, partial abatement, exemption or deferral that the person is claiming.

2. If the Department finds that the person does not meet the eligibility requirements for the abatement, exemption or deferral which the person is claiming, the Department shall report its findings to the Commission on Economic Development and take any other necessary actions.

~~[Sec. 2.]~~ ***Sec. 4.*** NRS 360.750 is hereby amended to read as follows:

360.750 1. A person who intends to locate or expand a business in this State may apply to the Commission on Economic Development ***pursuant to this section*** for a partial abatement of one or more of the taxes imposed on the new or expanded business pursuant to chapter 361, 363B or 374 of NRS.

2. The Commission on Economic Development shall approve an application for a partial abatement ***pursuant to this section*** if the Commission makes the following determinations:

(a) The business is consistent with:

(1) The State Plan for Industrial Development and Diversification that is developed by the Commission pursuant to NRS 231.067; and

(2) Any guidelines adopted pursuant to the State Plan.

(b) The applicant has executed an agreement with the Commission which must:

(1) Comply with the requirements of NRS 360.755;

(2) State that the business will, after the date on which a certificate of eligibility for the abatement is issued pursuant to subsection 4, continue in operation in this State for a period specified by the Commission, which must be at least 5 years, and will continue to meet the eligibility requirements set forth in this subsection; and

(3) Bind the successors in interest of the business for the specified period.

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

(d) Except as otherwise provided in NRS 361.0687, if the business is a new business in a county whose population is 100,000 or more or a city whose population is 60,000 or more, the business meets at least two of the following requirements:

(1) The business will have 75 or more full-time employees on the payroll of the business by the fourth quarter that it is in operation.

(2) Establishing the business will require the business to make a capital investment of at least $1,000,000 in this State.

(3) The average hourly wage that will be paid by the new business to its employees in this State is at least 100 percent of the average statewide hourly wage as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year and:

(I) The business will provide a health insurance plan for all employees that includes an option for health insurance coverage for dependents of the employees; and

(II) The cost to the business for the benefits the business provides to its employees in this State will meet the minimum requirements for benefits established by the Commission by regulation pursuant to subsection 8.

(e) Except as otherwise provided in NRS 361.0687, if the business is a new business in a county whose population is less than 100,000 or a city whose population is less than 60,000, the business meets at least two of the following requirements:

(1) The business will have 15 or more full-time employees on the payroll of the business by the fourth quarter that it is in operation.

(2) Establishing the business will require the business to make a capital investment of at least $250,000 in this State.

(3) The average hourly wage that will be paid by the new business to its employees in this State is at least 100 percent of the average statewide hourly wage or the average countywide hourly wage, whichever is less, as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year and:

(I) The business will provide a health insurance plan for all employees that includes an option for health insurance coverage for dependents of the employees; and

(II) The cost to the business for the benefits the business provides to its employees in this State will meet the minimum requirements for benefits established by the Commission by regulation pursuant to subsection 8.

(f) If the business is an existing business, the business meets at least two of the following requirements:

(1) The business will increase the number of employees on its payroll by 10 percent more than it employed in the immediately preceding fiscal year or by six employees, whichever is greater.

(2) The business will expand by making a capital investment in this State in an amount equal to at least 20 percent of the value of the tangible property possessed by the business in the immediately preceding fiscal year. The determination of the value of the tangible property possessed by the business in the immediately preceding fiscal year must be made by the:

(I) County assessor of the county in which the business will expand, if the business is locally assessed; or

(II) Department, if the business is centrally assessed.

(3) The average hourly wage that will be paid by the existing business to its new employees in this State is at least the amount of the average hourly wage required to be paid by businesses pursuant to subparagraph (2) of either paragraph (a) or (b) of subsection 2 of NRS 361.0687, whichever is applicable, and:

(I) The business will provide a health insurance plan for all new employees that includes an option for health insurance coverage for dependents of the employees; and

(II) The cost to the business for the benefits the business provides to its new employees in this State will meet the minimum requirements for benefits established by the Commission by regulation pursuant to subsection 8.

(g) In lieu of meeting the requirements of paragraph (d), (e) or (f), ~~*[, (f) or (h),]*~~ if the business furthers the development and refinement of intellectual property, a patent or a copyright into a commercial product, the business meets at least two of the following requirements:

(1) The business will have 10 or more full-time employees on the payroll of the business by the fourth quarter that it is in operation.

(2) Establishing the business will require the business to make a capital investment of at least $500,000 in this State.

(3) The average hourly wage that will be paid by the new business to its employees in this State is at least the amount of the average hourly wage required to be paid by businesses pursuant to subparagraph (2) of either paragraph (a) or (b) of subsection 2 of NRS 361.0687, whichever is applicable, and:

(I) The business will provide a health insurance plan for all employees that includes an option for health insurance coverage for dependents of the employees; and

(II) The cost to the business for the benefits the business provides to its employees in this State will meet with minimum requirements established by the Commission by regulation pursuant to subsection 8.

~~[~~ ~~(h) In lieu of meeting the requirements of paragraph (d), (e), (f) or (g), the business meets the following requirements:~~

~~(1) The business makes a capital investment of at least $500,000 in a research program at the University of Nevada, Reno, or the University of Nevada, Las Vegas, to be used in support of research related to the field of endeavor of the business.~~

~~(2) The business will employ 15 or more full-time employees for the duration of the abatement.~~

~~(3) The business will employ two or more graduate students from the university research program on a part-time basis for the duration of the abatement.~~

~~(4) The average hourly wage that will be paid by the business to its employees in this State is at least 125 percent of the average statewide hourly wage as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year and:~~

~~(I) The business will provide a health insurance plan for all employees that includes an option for health insurance coverage for dependents of the employees; and~~

~~(II) The cost to the business for the benefits the business provides to its employees in this State will meet the minimum requirements for benefits established by the Commission by regulation pursuant to subsection 8.~~

~~(5) The business does not receive:~~

~~(I) Any funding from a governmental entity, other than any private activity bonds as defined in 26 U.S.C. § 141; or~~

~~(II) Any real or personal property from a governmental entity at no cost or at a reduced cost.~~

~~(6) The business will submit to the Department the reports required by paragraph (c) of subsection 1 of NRS 218D.355.~~

~~(7) The business submits with its application for a partial abatement:~~

~~(I) A letter of support from the University at which the research program operates, which is signed by the President of the University and the director or chair of the research program or the appropriate department and which includes, without limitation, a summary of the financial and other resources the business will provide to the research program; and~~

~~(II) A letter of support which is signed by the chair of the board of directors of the regional economic development authority within whose jurisdiction the University is located and which includes, without limitation, a summary of the role the business will play in diversifying the economy and,~~

~~*if applicable, in achieving the broader goals of the regional economic development authority for economic development and diversification.*~~

~~➥ *Any partial abatement which is approved for a business that meets the requirements of this paragraph does not apply to any taxes imposed pursuant to chapter 374 of NRS and must not exceed a term of 5 years.]*~~

3. Notwithstanding the provisions of subsection 2, the Commission on Economic Development:

(a) Shall not consider an application for a partial abatement ***pursuant to this section*** unless the Commission has requested a letter of acknowledgment of the request for the abatement from any affected county, school district, city or town.

(b) May, if the Commission determines that such action is necessary:

(1) Approve an application for a partial abatement ***pursuant to this section*** by a business that does not meet the requirements set forth in paragraph (d), (e), (f) or (g) ~~*[, (g) or (h)]*~~ of subsection 2;

(2) Make the requirements set forth in paragraph (d), (e), (f) or (g) of subsection 2 more stringent; or

(3) Add additional requirements that a business must meet to qualify for a partial abatement ~~[.]~~ ***pursuant to this section.***

4. If the Commission on Economic Development approves an application for a partial abatement ~~[.]~~ ***pursuant to this section,*** the Commission shall immediately forward a certificate of eligibility for the abatement to:

(a) The Department;

(b) The Nevada Tax Commission; and

(c) If the partial abatement is from the property tax imposed pursuant to chapter 361 of NRS, the county treasurer.

5. An applicant for a partial abatement pursuant to this section or an existing business whose partial abatement is in effect shall, upon the request of the Executive Director of the Commission on Economic Development, furnish the Executive Director with copies of all records necessary to verify that the applicant meets the requirements of subsection 2.

6. If a business whose partial abatement has been approved pursuant to this section and is in effect ceases:

(a) To meet the requirements set forth in subsection 2; or

(b) Operation before the time specified in the agreement described in paragraph (b) of subsection 2,

➥ the business shall repay to the Department or, if the partial abatement was from the property tax imposed pursuant to chapter 361 of NRS, to the county treasurer, the amount of the exemption that was allowed pursuant to this section before the failure of the business to comply unless the Nevada Tax Commission determines that the business has substantially complied with the requirements of this section. Except as otherwise provided in NRS 360.232 and 360.320, the business shall, in addition to the amount of the exemption required to be paid pursuant to this subsection, pay interest on the amount due at the rate most recently established pursuant to NRS 99.040 for each

month, or portion thereof, from the last day of the month following the period for which the payment would have been made had the partial abatement not been approved until the date of payment of the tax.

7. A county treasurer:

(a) Shall deposit any money that he or she receives pursuant to subsection 6 in one or more of the funds established by a local government of the county pursuant to NRS 354.6113 or 354.6115; and

(b) May use the money deposited pursuant to paragraph (a) only for the purposes authorized by NRS 354.6113 and 354.6115.

8. The Commission on Economic Development:

(a) Shall adopt regulations relating to the minimum level of benefits that a business must provide to its employees if the business is going to use benefits paid to employees as a basis to qualify for a partial abatement ~~[,]~~ ***pursuant to this section;*** and

(b) May adopt such other regulations as the Commission on Economic Development determines to be necessary to carry out the provisions of this section and NRS 360.755.

9. The Nevada Tax Commission:

(a) Shall adopt regulations regarding:

(1) The capital investment that a new business must make to meet the requirement set forth in paragraph (d), (e) or (g) of subsection 2; and

(2) Any security that a business is required to post to qualify for a partial abatement pursuant to this section.

(b) May adopt such other regulations as the Nevada Tax Commission determines to be necessary to carry out the provisions of this section and NRS 360.755.

10. An applicant for ~~[an]~~ ***a partial*** abatement ***pursuant to this section*** who is aggrieved by a final decision of the Commission on Economic Development may petition for judicial review in the manner provided in chapter 233B of NRS.

Sec. 5. **NRS 360.755 is hereby amended to read as follows:**

360.755 1. If the Commission on Economic Development approves an application by a business for a partial abatement pursuant to NRS 360.750 ~~[,]~~ ***or section 2 of this act,*** the agreement with the Commission must provide that the business:

(a) Agrees to allow the Department to conduct audits of the business to determine whether the business is in compliance with the requirements for the partial abatement; and

(b) Consents to the disclosure of the audit reports in the manner set forth in this section.

2. If the Department conducts an audit of the business to determine whether the business is in compliance with the requirements for the partial abatement, the Department shall, upon request, provide the audit report to the Commission on Economic Development.

3. Until the business has exhausted all appeals to the Department and the Nevada Tax Commission relating to the audit, the information contained in the audit report provided to the Commission on Economic Development:

(a) Is confidential proprietary information of the business;

(b) Is not a public record; and

(c) Must not be disclosed to any person who is not an officer or employee of the Commission on Economic Development unless the business consents to the disclosure.

4. After the business has exhausted all appeals to the Department and the Nevada Tax Commission relating to the audit:

(a) The audit report provided to the Commission on Economic Development is a public record; and

(b) Upon request by any person, the Executive Director of the Commission on Economic Development shall disclose the audit report to the person who made the request, except for any information in the audit report that is protected from disclosure pursuant to subsection 5.

5. Before the Executive Director of the Commission on Economic Development discloses the audit report to the public, the business may submit a request to the Executive Director to protect from disclosure any information in the audit report which, under generally accepted business practices, would be considered a trade secret or other confidential proprietary information of the business. After consulting with the business, the Executive Director shall determine whether to protect the information from disclosure. The decision of the Executive Director is final and is not subject to judicial review. If the Executive Director determines to protect the information from disclosure, the protected information:

(a) Is confidential proprietary information of the business;

(b) Is not a public record;

(c) Must be redacted by the Executive Director from any audit report that is disclosed to the public; and

(d) Must not be disclosed to any person who is not an officer or employee of the Commission on Economic Development unless the business consents to the disclosure.

Sec. 6. **NRS 231.0685 is hereby amended to read as follows:**

231.0685 The Commission on Economic Development shall, on or before January 15 of each odd-numbered year, prepare and submit to the Director of the Legislative Counsel Bureau for transmission to the Legislature a report concerning the abatements from taxation that the Commission approved pursuant to NRS 274.310, 274.320, 274.330 or 360.750 ~~[.]~~ ***or section 2 of this act.*** The report must set forth, for each abatement from taxation that the Commission approved in the 2-year period immediately preceding the submission of the report:

1. The dollar amount of the abatement;

2. The location of the business for which the abatement was approved;

3. If applicable, the number of employees that the business for which the abatement was approved employs or will employ;

4. Whether the business for which the abatement was approved is a new business or an existing business; and

5. Any other information that the Commission determines to be useful.

~~[Sec. 3.]~~ ***Sec. 7.*** ~~[1. The amendatory provisions of this act apply only to an abatement from taxation applied for on or after July 1, 2011.~~

~~2.]~~ Notwithstanding the ~~[amendatory]~~ provisions of section 2 of this act, no person is entitled to any partial abatement of taxes pursuant to those ~~[amendatory]~~ provisions after June 30, 2021.

~~[Sec. 4.]~~ ***Sec. 8.*** **1.** This act becomes effective on July 1, 2011**. ~~[~~**~~, and expires]~~

2. Sections 2, 3, 5 and 6 of this act expire by limitation on June 30, 2021.

Assemblywoman Kirkpatrick moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 202.

Bill read second time.

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

Amendment No. 438.

ATKINSON, CONKLIN, Kirner, Hardy**, ~~[AND]~~** Hickey **; AND KIRKPATRICK**

SUMMARY—**~~[~~**~~Establishes the Fund for Economic Development to provide assistance in paying for electricity costs incurred by~~]~~** **Provides for the partial abatement of certain property taxes for** certain new manufacturing businesses in this State. (BDR 58-652)

AN ACT relating to energy **~~[~~**~~assistance; establishing the Fund for Economic Development; requiring certain retail customers of public utilities to pay an economic development energy charge in an amount determined by the Public Utilities Commission of Nevada and approved by the Interim Finance Committee; requiring that money collected from the economic development energy charge be remitted to the Public Utilities Commission and deposited in the State Treasury for credit to the Fund; requiring the Commission on Economic Development to administer the Fund and to use the money in the Fund to establish a program to encourage the development of new manufacturing businesses in this State by assisting such businesses in paying for certain electricity costs incurred by those businesses; requiring the Commission on Economic Development to establish an annual plan to carry out the program and to make certain reports concerning the program;~~]~~ **; providing for the partial abatement of certain property taxes for certain new manufacturing businesses in this State; providing that eligibility for the partial abatement of certain property taxes is limited to certain new manufacturing businesses that renovate an existing building or other**

structure; revising provisions governing eligibility for a partial abatement of taxes for a building or other structure that is determined to meet the equivalent of the silver level or higher pursuant to the Green Building Rating System; requiring the ~~[Public Utilities Commission and the Commission on Economic Development]~~ **Director of the Office of Energy** to adopt certain regulations; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Existing law provides the Commission on Economic Development with certain powers and duties relating to economic development in this State, including, without limitation, promoting and developing Nevada business, industry and commerce and developing the State Plan for Industrial Development and Diversification. (NRS 231.064, 231.067)~~

~~Section 11 of this bill requires certain retail customers who purchase electricity for consumption in this State to pay an economic development energy charge on each kilowatt hour of electricity purchased in an amount established by the Public Utilities Commission of Nevada and approved by the Interim Finance Committee. Section 13 of this bill requires the Public Utilities Commission, after deducting an administrative fee, to deposit the money collected from the economic development energy charge in the State Treasury for credit to the Fund for Economic Development created by section 14 of this bill. Section 15]~~ **Section 18** of this bill requires the ~~[Commission on Economic Development to use the money distributed from the Fund]~~ **Director of the Office of Energy** to establish ~~[a program to encourage the development of]~~ **regulations for granting a partial abatement of certain property taxes for** new manufacturing businesses in this State ~~[by providing assistance to eligible manufacturers in paying for certain electricity costs. Section 15]~~ **which renovate an existing building or other structure which meets certain energy efficiency standards. Section 18** sets forth the criteria for eligibility for ~~[assistance from the Fund,]~~ **the partial abatement of such taxes,** including, without limitation, that the applicant: (1) be a new manufacturing business in this State; ~~[and]~~ (2) employ at least 25 full-time employees at the new manufacturing business for the entire period during which the applicant will receive ~~[assistance from the Fund. Section 15 requires the Commission on Economic Development to enter into an agreement with each eligible applicant and specifies certain provisions which the agreement must contain. Section 15 provides that the amount of assistance an applicant may receive from the Fund must not exceed 100 percent of the cost incurred by the applicant's new manufacturing business for electricity during its first year of operation in this State. Section 15 further requires an applicant who receives assistance from the Fund to repay to the Fund any such assistance received if at any time the Commission on Economic Development determines that the applicant has violated a provision of the agreement entered into between the Commission and the applicant. Section 16 of this bill requires the Commission on Economic~~

~~Development to establish an annual plan to implement the program required by section 15 and to provide an annual report concerning the program to the Governor and to the Director of the Legislative Counsel Bureau for transmittal to the Legislative Commission and the Interim Finance Committee.~~

~~Section 18 of this bill provides that the provisions of this bill governing the economic development energy charge and the Fund expire on June 30, 2015. Section 17 of this bill provides that if any money remains uncommitted and unencumbered in the Fund on June 30, 2015, the Public Utilities Commission is required to establish a plan for the distribution of the money and present the plan to the Interim Finance Committee for approval.~~**] the partial abatement; and (3) pay an average hourly wage that is at least 100 percent of the average statewide hourly wage or average countywide hourly wage, whichever is less, excluding management and administrative employees. Section 18 prescribes the maximum amount of the partial abatement, provides that the partial abatement is not available for any taxes imposed for public education and limits the partial abatement to not more than 1 year in duration. This new program is patterned after existing provisions which provide for a similar partial abatement of certain taxes for buildings which meet certain standards under the Green Building Rating System. (NRS 701A.100, 701A.110) Section 20 of this bill provides that an applicant for a partial abatement of taxes under the existing program is not eligible for a partial abatement of taxes for the renovation of an existing building or other structure.**

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

Section 1. **(Deleted by amendment.)**

Sec. 2. **(Deleted by amendment.)**

Sec. 3. **(Deleted by amendment.)**

Sec. 4. **(Deleted by amendment.)**

Sec. 5. **(Deleted by amendment.)**

Sec. 6. **(Deleted by amendment.)**

Sec. 7. **(Deleted by amendment.)**

Sec. 8. **(Deleted by amendment.)**

Sec. 9. **(Deleted by amendment.)**

Sec. 10. **(Deleted by amendment.)**

Sec. 11. **(Deleted by amendment.)**

Sec. 12. **(Deleted by amendment.)**

Sec. 13. **(Deleted by amendment.)**

Sec. 14. **(Deleted by amendment.)**

Sec. 15. **(Deleted by amendment.)**

Sec. 16. **(Deleted by amendment.)**

Sec. 17. **(Deleted by amendment.)**

Sec. 18. **Chapter 701A of NRS is hereby amended by adding thereto a new section to read as follows:**

1. Except as otherwise provided in this section, the Director of the Office of Energy shall grant a partial abatement from the portion of taxes imposed pursuant to chapter 361 of NRS, other than any taxes imposed for public education, on an existing building or other structure which is renovated for use by a manufacturer if:

(a) The building or other structure is determined after the renovation to meet the equivalent of the silver level or higher by an independent contractor authorized to make that determination in accordance with the Green Building Rating System adopted by the Director pursuant to NRS 701A.100.

(b) The applicant:

(1) Is a manufacturer who intends to locate a new manufacturing business in this State;

(2) Employs at least 25 full-time employees at the new manufacturing business in this State during the entire period in which the applicant will receive the tax abatement; and

(3) The average hourly wage that will be paid by the manufacturer to its employees in this State is at least 100 percent of the average statewide hourly wage or the average countywide hourly wage, whichever is less, excluding management and administrative employees, as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year.

(c) No funding is provided by any governmental entity in this State for the acquisition, design, construction or renovation of the building or other structure or for the acquisition of any land therefore. For the purpose of this paragraph:

(1) Private activity bonds must not be considered funding provided by a governmental entity.

(2) The term "private activity bond" has the meaning ascribed to it in 26 U.S.C. § 141.

(d) The manufacturer:

(1) Submits an application for the abatement to the Director. If such an application is submitted for a project that has not been completed on the date of that submission and there is a significant change in the scope of the project after that date, the application must be amended to include the change or changes.

(2) Except as otherwise provided in this subparagraph, provides to the Director, within 48 months after applying for the abatement, proof that the building or other structure meets the equivalent of the silver level or higher, as determined by an independent contractor authorized to make that determination in accordance with the Green Building Rating System adopted by the Director pursuant to NRS 701A.100. The Director may, for good cause shown, extend the period for providing such proof.

(3) Files a copy of each application and amended application submitted to the Director pursuant to subparagraph (1) with the:

(I) Chief of the Budget Division of the Department of Administration;

(II) Department of Taxation;

(III) County assessor;

(IV) County treasurer;

(V) Commission on Economic Development;

(VI) Board of county commissioners; and

(VII) City manager and city council, if any.

2. As soon as practicable after the Director receives an application and proof required by subsection 1, the Director shall determine whether the building or other structure is eligible for the abatement and, if so, forward a certificate of eligibility for the abatement to the:

(a) Department of Taxation;

(b) County assessor;

(c) County treasurer; and

(d) Commission on Economic Development.

3. As soon as practicable after receiving a copy of:

(a) An application pursuant to subparagraph (3) of paragraph (d) of subsection 1:

(1) The Chief of the Budget Division shall publish a fiscal note that indicates an estimate of the fiscal impact of the partial abatement on the State; and

(2) The Department of Taxation shall publish a fiscal note that indicates an estimate of the fiscal impact of the partial abatement on each affected local government, and forward a copy of the fiscal note to each affected local government.

(b) A certificate of eligibility pursuant to subsection 2, the Department of Taxation shall forward a copy of the certificate to each affected local government.

4. The partial abatement:

(a) Must be for a duration not to exceed 1 year, and in an annual amount that equals, for a building or other structure that meets the equivalent of:

(1) The silver level, 25 percent of the portion of the taxes imposed pursuant to chapter 361 of NRS, other than any taxes imposed for public education, that would otherwise be payable for the building or other structure, excluding the associated land;

(2) The gold level, 30 percent of the portion of the taxes imposed pursuant to chapter 361 of NRS, other than any taxes imposed for public education, that would otherwise be payable for the building or other structure, excluding the associated land; or

(3) The platinum level, 35 percent of the portion of the taxes imposed pursuant to chapter 361 of NRS, other than any taxes imposed for public

education, that would otherwise be payable for the building or other structure, excluding the associated land.

(b) Does not apply during any period in which the owner of the building or other structure is receiving another abatement or exemption pursuant to this chapter or NRS 361.045 to 361.159, inclusive, from the taxes imposed pursuant to chapter 361 of NRS.

(c) Terminates upon any determination by the Director that the building or other structure has ceased to meet the equivalent of the silver level or higher. The Director shall provide notice and a reasonable opportunity to cure any noncompliance issues before making a determination that the building or other structure has ceased to meet that standard. The Director shall immediately provide notice of each determination of termination to the:

(1) Department of Taxation, who shall immediately notify each affected local government of the determination;

(2) County assessor;

(3) County treasurer; and

(4) Commission on Economic Development.

5. The Director shall adopt regulations:

(a) Establishing the qualifications and methods to determine eligibility for the abatement;

(b) Prescribing such forms as will ensure that all information and other documentation necessary to make an appropriate determination is filed with the Director; and

(c) Prescribing the criteria for determining when there is a significant change in the scope of a project for the purposes of subparagraph (1) of paragraph (d) of subsection 1,

➥ and the Department of Taxation shall adopt such additional regulations as it determines to be appropriate to carry out the provisions of this section.

6. As used in this section:

(a) "Building or other structure" does not include any building or other structure for which the principal use is as a residential dwelling, even if the building or other structure is used for more than four families.

(b) "Director" means the Director of the Office of Energy appointed pursuant to NRS 701.150.

(c) "Manufacturer" means a person engaged primarily in manufacturing or processing which changes raw or unfinished materials into another form or creates another product.

(d) "Taxes imposed for public education" means:

(1) Any ad valorem tax authorized or required by chapter 387 of NRS;

(2) Any ad valorem tax authorized or required by chapter 350 of NRS for the obligations of a school district, including, without limitation, any ad valorem tax necessary to carry out the provisions of subsection 5 of NRS 350.020; and

(3) Any other ad valorem tax for which the proceeds thereof are dedicated to the public education of pupils in kindergarten through grade 12.

Sec. 19. NRS 701A.100 is hereby amended to read as follows:

701A.100 1. The Director of the Office of Energy shall adopt a Green Building Rating System for the purposes of determining the eligibility of a building or other structure for a tax abatement pursuant to NRS 701A.110 ~~[.]~~ ***and section 18 of this act.***

2. The Green Building Rating System must include standards and ratings equivalent to the standards and ratings provided pursuant to the Leadership in Energy and Environmental Design Green Building Rating System, except that the standards adopted by the Director:

(a) Except as otherwise provided in paragraphs (b) and (c), must not include:

(1) Any standard that has not been included in the Leadership in Energy and Environmental Design Green Building Rating System for at least 2 years; or

(2) Standards for homes;

(b) Must provide reasonable exceptions based on the size of the area occupied by the building or other structure; and

(c) Must require a building or other structure to obtain:

(1) At least 3 points of credit for energy conservation to meet the equivalent of the silver level;

(2) At least 5 points of credit for energy conservation to meet the equivalent of the gold level; and

(3) At least 8 points of credit for energy conservation to meet the equivalent of the platinum level.

3. As used in this section, "home" means a building or other structure for which the principal use is as a residential dwelling for not more than four families.

Sec. 20. NRS 701A.110 is hereby amended to read as follows:

701A.110 1. Except as otherwise provided in this section, the Director shall grant a partial abatement from the portion of the taxes imposed pursuant to chapter 361 of NRS, other than any taxes imposed for public education, on a building or other structure that is determined to meet the equivalent of the silver level or higher by an independent contractor authorized to make that determination in accordance with the Green Building Rating System adopted by the Director pursuant to NRS 701A.100, if:

(a) No funding is provided by any governmental entity in this State for the acquisition, design or construction of the building or other structure or for the acquisition of any land therefor. For the purposes of this paragraph:

(1) Private activity bonds must not be considered funding provided by a governmental entity.

(2) The term "private activity bond" has the meaning ascribed to it in 26 U.S.C. § 141.

(b) The owner of the property:

(1) Submits an application for the partial abatement to the Director. If such an application is submitted for a project that has not been completed on the date of that submission and there is a significant change in the scope of the project after that date, the application must be amended to include the change or changes.

(2) Except as otherwise provided in this subparagraph, provides to the Director, within 48 months after applying for the partial abatement, proof that the building or other structure meets the equivalent of the silver level or higher, as determined by an independent contractor authorized to make that determination in accordance with the Green Building Rating System adopted by the Director pursuant to NRS 701A.100. The Director may, for good cause shown, extend the period for providing such proof.

(3) Files a copy of each application and amended application submitted to the Director pursuant to subparagraph (1) with the:

(I) Chief of the Budget Division of the Department of Administration;

(II) Department of Taxation;

(III) County assessor;

(IV) County treasurer;

(V) Commission on Economic Development;

(VI) Board of county commissioners; and

(VII) City manager and city council, if any.

2. As soon as practicable after the Director receives the application and proof required by subsection 1, the Director shall determine whether the building or other structure is eligible for the abatement and, if so, forward a certificate of eligibility for the abatement to the:

(a) Department of Taxation;

(b) County assessor;

(c) County treasurer; and

(d) Commission on Economic Development.

3. As soon as practicable after receiving a copy of:

(a) An application pursuant to subparagraph (3) of paragraph (b) of subsection 1:

(1) The Chief of the Budget Division shall publish a fiscal note that indicates an estimate of the fiscal impact of the partial abatement on the State; and

(2) The Department of Taxation shall publish a fiscal note that indicates an estimate of the fiscal impact of the partial abatement on each affected local government, and forward a copy of the fiscal note to each affected local government.

(b) A certificate of eligibility pursuant to subsection 2, the Department of Taxation shall forward a copy of the certificate to each affected local government.

4. The partial abatement:

(a) Must be for a duration of not more than 10 years and in an annual amount that equals, for a building or other structure that meets the equivalent of:

(1) The silver level, 25 percent of the portion of the taxes imposed pursuant to chapter 361 of NRS, other than any taxes imposed for public education, that would otherwise be payable for the building or other structure, excluding the associated land;

(2) The gold level, 30 percent of the portion of the taxes imposed pursuant to chapter 361 of NRS, other than any taxes imposed for public education, that would otherwise be payable for the building or other structure, excluding the associated land; or

(3) The platinum level, 35 percent of the portion of the taxes imposed pursuant to chapter 361 of NRS, other than any taxes imposed for public education, that would otherwise be payable for the building or other structure, excluding the associated land.

(b) Does not apply during any period in which the owner of the building or other structure is receiving another abatement or exemption pursuant to this chapter or NRS 361.045 to 361.159, inclusive, from the taxes imposed pursuant to chapter 361 of NRS.

(c) Terminates upon any determination by the Director that the building or other structure has ceased to meet the equivalent of the silver level or higher. The Director shall provide notice and a reasonable opportunity to cure any noncompliance issues before making a determination that the building or other structure has ceased to meet that standard. The Director shall immediately provide notice of each determination of termination to the:

(1) Department of Taxation, who shall immediately notify each affected local government of the determination;

(2) County assessor;

(3) County treasurer; and

(4) Commission on Economic Development.

(d) Must not be for an existing building or other structure that is renovated.

5. The Director shall adopt regulations:

(a) Establishing the qualifications and methods to determine eligibility for the abatement;

(b) Prescribing such forms as will ensure that all information and other documentation necessary to make an appropriate determination is filed with the Director; and

(c) Prescribing the criteria for determining when there is a significant change in the scope of a project for the purposes of subparagraph (1) of paragraph (b) of subsection 1,

➥ and the Department of Taxation shall adopt such additional regulations as it determines to be appropriate to carry out the provisions of this section.

6. As used in this section:

(a) "Building or other structure" does not include any building or other structure for which the principal use is as a residential dwelling for not more than four families.

(b) "Director" means the Director of the Office of Energy appointed pursuant to NRS 701.150.

(c) "Taxes imposed for public education" means:

(1) Any ad valorem tax authorized or required by chapter 387 of NRS;

(2) Any ad valorem tax authorized or required by chapter 350 of NRS for the obligations of a school district, including, without limitation, any ad valorem tax necessary to carry out the provisions of subsection 5 of NRS 350.020; and

(3) Any other ad valorem tax for which the proceeds thereof are dedicated to the public education of pupils in kindergarten through grade 12.

Sec. 21. **An application for a partial abatement of taxes requested pursuant to NRS 701A.110 submitted on or after the effective date of this section must not be granted if the application is for a partial abatement of taxes for an existing building or other structure which is being renovated.**

Sec. 22. **The Director of the Office of Energy shall, on or before October 1, 2011, adopt regulations to carry out the amendatory provisions of sections 18 and 20 of this act.**

~~[Sec. 18.]~~ *Sec. 23.* 1. This **section and sections 20, 21 and 22 of this act become effective upon passage and approval.**

2. Sections 1 to 19, inclusive, of this act ~~[becomes]~~ **become** effective:

(a) Upon passage and approval for the purpose of adopting regulations and carrying out any other preparatory administrative tasks necessary to implement the provisions of this act; and

(b) On October 1, 2011, for all other purposes.

~~[2. Sections 1 to 16, inclusive, of this act expire by limitation on June 30, 2015.]~~

Assemblyman Conklin moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 219.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 351.

SUMMARY—Provides that ~~[certain]~~ unredeemed **slot machine** wagering ~~[instruments]~~ **vouchers** escheat to the State. (BDR 10-811)

AN ACT relating to unclaimed property; providing that ~~[certain]~~ unredeemed **slot machine** wagering ~~[instruments]~~ **vouchers** escheat to the State; requiring the Nevada Gaming Commission to adopt regulations relating to unredeemed **slot machine** wagering ~~[instruments;]~~ **vouchers;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prescribes the process of the disposition of unclaimed personal property. (Chapter 120A of NRS) Existing law also provides that such provisions of law do not apply to unredeemed gaming chips or tokens. (NRS 120A.135) **Section ~~[3]~~ 1.3** of this bill specifies that with regard to unclaimed property, a gaming chip or token does not include a **slot machine** wagering ~~[instrument.]~~ **voucher. Section 1.3 defines "slot machine wagering voucher" as a printed wagering instrument that has a fixed dollar wagering value that can only be used to acquire an equivalent value of cashable credits or cash. Section ~~[4]~~ 1.7** of this bill provides that ~~[a]~~ **unless the Nevada Gaming Commission specifies a shorter period of time in which a slot machine wagering voucher must be redeemed, upon the expiration date printed on a slot machine wagering voucher or 30 days after the slot machine wagering voucher is issued, whichever period is less, any value remaining on an unredeemed slot machine** wagering ~~[instrument]~~ **voucher** is presumed to be abandoned ~~[if it is unclaimed by the apparent owner within 1 year after the wager is placed, unless the Nevada Gaming Commission specifies a different period in which the wagering instrument must be redeemed.]~~ **and subject to the provisions of law regarding the disposition of unclaimed personal property. Section 1.7 also provides that all slot machine wagering vouchers that are presumed abandoned must be reported to and escheat to the State on a quarterly basis, and that the State of Nevada may retain 75 percent of the value of any such slot machine wagering voucher and the gaming establishment which issued the slot machine wagering voucher may retain 25 percent of the value of the slot machine wagering voucher.**

Section 6 of this bill requires the Commission to adopt regulations that prescribe the procedures which gaming licensees must follow regarding the retention and tracking of **slot machine** wagering ~~[instruments]~~ **vouchers** and the payment of the **respective percentage of the** value of **such** unredeemed **slot machine** wagering ~~[instruments]~~ **vouchers** to this State **~~[.]~~ and to gaming establishments.**

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

Section 1. Chapter 120A of NRS is hereby amended by adding thereto ~~[a new section to read as follows:~~

~~*"Wagering instrument" has the meaning ascribed to it in NRS 463.01967.]~~ **the provisions set forth as sections 1.3 and 1.7 of this act.**

Sec. 1.3. *"**Slot machine wagering voucher" means a printed wagering instrument that has a fixed dollar wagering value that can only be used to acquire an equivalent value of cashable credits or cash. As used in this section, "wagering instrument" has the meaning ascribed to it in NRS 463.01967.***

Sec. 1.7. ***1. Unless the Nevada Gaming Commission specifies by regulation a shorter period of time in which a slot machine wagering voucher must be redeemed, upon the expiration date printed on a slot machine wagering voucher issued in this State or 30 days after a wager is placed, whichever period is less, any value remaining on an unredeemed slot machine wagering voucher is presumed abandoned and subject to the provisions of this chapter.***

2. If a slot machine wagering voucher is issued in this State and the gaming establishment which issued the slot machine wagering voucher does not obtain and maintain in its records the name and address of the owner of the slot machine wagering voucher, the address of the owner of the slot machine wagering voucher shall be deemed to be the address of the Office of the State Treasurer in Carson City.

3. All slot machine wagering vouchers presumed abandoned under this section must be reported to and escheat to this State on a quarterly basis.

4. This State may retain 75 percent of the value of any slot machine wagering voucher presumed abandoned under this section, and the gaming establishment which issued the slot machine wagering voucher may retain 25 percent of the value of the slot machine wagering voucher.

Sec. 2. NRS 120A.020 is hereby amended to read as follows:

120A.020 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 120A.025 to 120A.120, inclusive, ***and section*** ~~*[1]*~~ ***1.3 of this act*** have the meanings ascribed to them in those sections.

Sec. 3. NRS 120A.135 is hereby amended to read as follows:

120A.135 1. The provisions of this chapter do not apply to gaming chips or tokens which are not redeemed at an establishment.

2. As used in this section:

(a) "Establishment" has the meaning ascribed to it in NRS 463.0148.

(b) "Gaming chip or token" means any object which may be redeemed at an establishment for cash or any other representative of value ~~[.]~~ ~~*[,]*~~ ***other than a slot machine wagering*** ~~*[instrument.]*~~ ***voucher.***

Sec. 4. ~~[NRS 120A.500 is hereby amended to read as follows:~~

~~120A.500 1. Except as otherwise provided in subsection 6, property is presumed abandoned if it is unclaimed by the apparent owner during the time set forth below for the particular property:~~

~~(a) A traveler's check, 15 years after issuance;~~

~~(b) A money order, 7 years after issuance;~~

~~(c) Any stock or other equity interest in a business association or financial organization, including a security entitlement under NRS 104.8101 to 104.8511, inclusive, 3 years after the earlier of the date of the most recent dividend, stock split or other distribution unclaimed by the apparent owner, or the date of the second mailing of a statement of account or other notification or communication that was returned as undeliverable or after the~~

~~holder discontinued mailings, notifications or communications to the apparent owner;~~

~~(d) Any debt of a business association or financial organization, other than a bearer bond or an original issue discount bond, 3 years after the date of the most recent interest payment unclaimed by the apparent owner;~~

~~(e) A demand, savings or time deposit, including a deposit that is automatically renewable, 3 years after the earlier of maturity or the date of the last indication by the owner of interest in the property, but a deposit that is automatically renewable is deemed matured for purposes of this section upon its initial date of maturity, unless the owner has consented to a renewal at or about the time of the renewal and the consent is in writing or is evidenced by a memorandum or other record on file with the holder;~~

~~(f) Except as otherwise provided in NRS 120A.520, any money or credits owed to a customer as a result of a retail business transaction, 3 years after the obligation accrued;~~

~~(g) Any amount owed by an insurer on a life or endowment insurance policy or an annuity that has matured or terminated, 3 years after the obligation to pay arose or, in the case of a policy or annuity payable upon proof of death, 3 years after the insured has attained, or would have attained if living, the limiting age under the mortality table on which the reserve is based;~~

~~(h) Any property distributable by a business association or financial organization in a course of dissolution, 1 year after the property becomes distributable;~~

~~(i) Any property received by a court as proceeds of a class action and not distributed pursuant to the judgment, 1 year after the distribution date;~~

~~(j) Except as otherwise provided in NRS 607.170 and 703.375, any property held by a court, government, governmental subdivision, agency or instrumentality, 1 year after the property becomes distributable;~~

~~(k) Any wages or other compensation for personal services, 1 year after the compensation becomes payable;~~

~~(l) A deposit or refund owed to a subscriber by a utility, 1 year after the deposit or refund becomes payable;~~

~~(m) Any property in an individual retirement account, defined benefit plan or other account or plan that is qualified for tax deferral under the income tax laws of the United States, 3 years after the earliest of the date of the distribution or attempted distribution of the property, the date of the required distribution as stated in the plan or trust agreement governing the plan or the date, if determinable by the holder, specified in the income tax laws of the United States by which distribution of the property must begin in order to avoid a tax penalty;~~ **[**and**]**

~~(n)~~ ***Any wagering instrument, 1 year after the wager is placed, unless the Nevada Gaming Commission specifies by regulation a different period in which the wagering instrument must be redeemed; and***

~~*(c)* All other property, 3 years after the owner's right to demand the property or after the obligation to pay or distribute the property arises, whichever first occurs.~~

~~2. At the time that an interest is presumed abandoned under subsection 1, any other property right accrued or accruing to the owner as a result of the interest, and not previously presumed abandoned, is also presumed abandoned.~~

~~3. Property is unclaimed if, for the applicable period set forth in subsection 1, the apparent owner has not communicated, in writing or by other means reflected in a contemporaneous record prepared by or on behalf of the holder, with the holder concerning the property or the account in which the property is held and has not otherwise indicated an interest in the property. A communication with an owner by a person other than the holder or its representative who has not in writing identified the property to the owner is not an indication of interest in the property by the owner.~~

~~4. An indication of an owner's interest in property includes:~~

~~(a) The presentment of a check or other instrument of payment of a dividend or other distribution made with respect to an account or underlying stock or other interest in a business association or financial organization or, in the case of a distribution made by electronic or similar means, evidence that the distribution has been received;~~

~~(b) Owner-directed activity in the account in which the property is held, including a direction by the owner to increase, decrease or change the amount or type of property held in the account;~~

~~(c) The making of a deposit to or withdrawal from a bank account; and~~

~~(d) The payment of a premium with respect to a property interest in an insurance policy, but the application of an automatic premium loan provision or other nonforfeiture provision contained in an insurance policy does not prevent a policy from maturing or terminating if the insured has died or the insured or the beneficiary of the policy has otherwise become entitled to the proceeds before the depletion of the cash surrender value of a policy by the application of those provisions.~~

~~5. Property is payable or distributable for purposes of this chapter notwithstanding the owner's failure to make demand or present an instrument or document otherwise required to obtain payment.~~

~~6. The following property clearly designated as such must not be presumed abandoned because of inactivity or failure to make a demand:~~

~~(a) An account or asset managed through a guardianship;~~

~~(b) An account blocked at the direction of a court;~~

~~(c) A trust account established to address a special need;~~

~~(d) A qualified income trust account;~~

~~(e) A trust account established for tuition purposes;~~

~~(f) A trust account established on behalf of a client; and~~

~~(g) An account or fund established to meet the costs of burial.~~**] (Deleted by amendment.)**

Sec. 5. ~~[NRS 120A.530 is hereby amended to read as follows:~~

~~120A.530 Except as otherwise provided in this chapter or by other statute of this State, property that is presumed abandoned, whether located in this or another state, is subject to the custody of this State if:~~

~~1. The last known address of the apparent owner, as shown on the records of the holder, is in this State;~~

~~2. The records of the holder do not reflect the identity of the person entitled to the property and it is established that the last known address of the person entitled to the property is in this State;~~

~~3. The records of the holder do not reflect the last known address of the apparent owner and it is established that:~~

~~(a) The last known address of the person entitled to the property is in this State; or~~

~~(b) The holder is domiciled in this State or is a government or governmental subdivision, agency or instrumentality of this State and has not previously paid or delivered the property to the state of the last known address of the apparent owner or other person entitled to the property;~~

~~4. The last known address of the apparent owner, as shown on the records of the holder, is in a state that does not provide for the escheat or custodial taking of the property and the holder is domiciled in this State or is a government or governmental subdivision, agency or instrumentality of this State;~~

~~5. The last known address of the apparent owner, as shown on the records of the holder, is in a foreign country and the holder is domiciled in this State or is a government or governmental subdivision, agency or instrumentality of this State;~~

~~6. The transaction out of which the property arose occurred in this State, the holder is domiciled in a state that does not provide for the escheat or custodial taking of the property and the last known address of the apparent owner or other person entitled to the property is unknown or is in a state that does not provide for the escheat or custodial taking of the property;~~ **[**~~or~~**]**

~~7. The property is a traveler's check or money order purchased in this State or the issuer of the traveler's check or money order has its principal place of business in this State and the issuer's records show that the instrument was purchased in a state that does not provide for the escheat or custodial taking of the property or do not show the state in which the instrument was purchased~~ **[**~~.~~**]** ***~~; or~~***

~~8. The property is a wagering instrument that was issued in this State.~~] **(Deleted by amendment.)**

Sec. 6. Chapter 463 of NRS is hereby amended by adding thereto a new section to read as follows:

The Commission shall adopt regulations prescribing procedures which licensees must follow for the retention and tracking of slot machine wagering ~~*[instruments]*~~ ***vouchers and for the payment of the respective percentage of the value of unredeemed slot machine wagering***

~~*[instruments]*~~ ***vouchers to this State and to such licensees as required by chapter 120A of NRS regarding the disposition of unclaimed property.***

Sec. 6.5. **The Nevada Gaming Commission shall adopt the regulations required to be adopted pursuant to the amendatory provisions of this act on or before October 1, 2011.**

Sec. 7. This act becomes effective ~~[on July 1, 2011.]~~ **upon passage and approval.**

Assemblyman Ohrenschall moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 245.

Bill read second time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 312.

AN ACT relating to taxation; authorizing a veteran to transfer to his or her spouse the exemption from the governmental services tax to which the veteran would otherwise be entitled; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, a veteran is entitled, with respect to the registration of a vehicle and to the extent of $2,000 determined valuation, to an exemption from the governmental services tax that would otherwise be due and payable on the vehicle. (NRS 371.103) **If a veteran has incurred a permanent service-connected disability, existing law authorizes such an exemption in the amount of $20,000 for a veteran with a total disability, $15,000 for a veteran with a disability of 80 to 99 percent and $10,000 for a veteran with a disability of 60 to 79 percent. (NRS 371.104)** This bill allows such a person, by filing an affidavit with the Department of Motor Vehicles, to transfer ~~[that]~~ **the** tax exemption to his or her spouse. If such a transfer is made: (1) the spouse is entitled to the exemption in the same manner as the veteran would have been entitled to the exemption; (2) the transferred exemption may not be claimed by the veteran while the transfer is in force; (3) the veteran may, by affidavit, revoke the transfer of the exemption; and (4) the transferred exemption terminates upon the earlier of **the termination of the marriage,** the veteran's death or the revocation of the transfer.

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

Section 1. NRS 371.103 is hereby amended to read as follows:

371.103 1. Vehicles, to the extent of $2,000 determined valuation, registered by any actual bona fide resident of the State of Nevada who:

(a) Has served a minimum of 90 days on active duty, who was assigned to active duty at some time between April 21, 1898, and June 15, 1903, or between April 6, 1917, and November 11, 1918, or between December 7,

1941, and December 31, 1946, or between June 25, 1950, and May 7, 1975, or between September 26, 1982, and December 1, 1987, or between October 23, 1983, and November 21, 1983, or between December 20, 1989, and January 31, 1990, or between August 2, 1990, and April 11, 1991, or between December 5, 1992, and March 31, 1994, or between November 20, 1995, and December 20, 1996;

(b) Has served a minimum of 90 continuous days on active duty none of which was for training purposes, who was assigned to active duty at some time between January 1, 1961, and May 7, 1975;

(c) Has served on active duty in connection with carrying out the authorization granted to the President of the United States in Public Law 102-1; or

(d) Has served on active duty in connection with a campaign or expedition for service in which a medal has been authorized by the Government of the United States, regardless of the number of days served on active duty,

➥ and who received, upon severance from service, an honorable discharge or certificate of satisfactory service from the Armed Forces of the United States, or who, having so served, is still serving in the Armed Forces of the United States, is exempt from taxation.

2. ***In lieu of claiming the exemption from taxation set forth in subsection 1 in his or her name, a veteran may transfer the exemption to his or her current spouse. To transfer the exemption, the veteran must file an affidavit of transfer with the Department in the county where the exemption would otherwise have been claimed. The affidavit of transfer must be made before the county assessor or a notary public. If a veteran makes such a transfer:***

(a) The spouse of the veteran is entitled to the exemption in the same manner as if the spouse were the veteran;

(b) The veteran is not entitled to the exemption for the duration of the transfer;

(c) The transfer expires upon the earlier of:

(1) The termination of the marriage;

(2) The death of the veteran; or

~~[(2)]~~ ***(3) The revocation of the transfer by the veteran as described in paragraph (d); and***

(d) The veteran may, at any time, revoke the transfer of the exemption by filing with the Department in the county where the exemption is claimed an affidavit made before the county assessor or a notary public.

3. For the purpose of this section, the first $2,000 determined valuation of vehicles in which ~~[such]~~ a person ***described in subsection 1 or 2*** has any interest shall be deemed to belong to that person.

~~[3. A]~~

4. Except as otherwise provided in subsection 5, a person claiming the exemption shall file annually with the Department in the county where the exemption is claimed an affidavit declaring that he or she is an actual bona

fide resident of the State of Nevada who meets all the other requirements of subsection 1 ***or 2, as applicable,*** and that the exemption is claimed in no other county in this State. The affidavit must be made before the county assessor or a notary public. After the filing of the original affidavit ~~[,]~~ ***of exemption and after the transfer of the exemption, if any, pursuant to subsection 2,*** the county assessor shall mail a form for:

(a) The renewal of the exemption; and

(b) The designation of any amount to be credited to the Gift Account for Veterans' Homes established pursuant to NRS 417.145,

➥ to the person ***who claimed the exemption*** each year following a year in which the exemption was allowed for that person. The form must be designed to facilitate its return by mail by the person claiming the exemption.

~~[4.]~~ ***5.*** Persons in actual military service are exempt during the period of such service from filing annual affidavits of exemption and the Department shall grant exemptions to those persons on the basis of the original affidavits filed. In the case of any person who has entered the military service without having previously made and filed an affidavit of exemption, the affidavit may be filed in his or her behalf during the period of such service by any person having knowledge of the facts.

~~[5.]~~ ***6.*** Before allowing any veteran's exemption pursuant to the provisions of this chapter, the Department shall require proof of status of the veteran ~~[,]~~ ***or, if a transfer has been made pursuant to subsection 2, proof of status of the veteran to whom the person claiming the exemption is married,*** and for that purpose shall require production of an honorable discharge or certificate of satisfactory service or a certified copy thereof, or such other proof of status as may be necessary.

~~[6.]~~ ***7.*** If any person files a false affidavit or produces false proof to the Department, and as a result of the false affidavit or false proof a tax exemption is allowed to a person not entitled to the exemption, the person is guilty of a gross misdemeanor.

~~[7.]~~ ***8.*** Beginning with the 2005-2006 Fiscal Year, the monetary amounts in subsections 1 and ~~[2]~~ ***3*** must be adjusted for each fiscal year by adding to each amount the product of the amount multiplied by the percentage increase in the Consumer Price Index (All Items) from December 2003 to the December preceding the fiscal year for which the adjustment is calculated.

Sec. 2. **NRS 371.104 is hereby amended to read as follows:**

371.104 1. A bona fide resident of the State of Nevada who has incurred a permanent service-connected disability and has been honorably discharged from the Armed Forces of the United States, or his or her surviving spouse, is entitled to a veteran's exemption from the payment of governmental services taxes on vehicles of the following determined valuations:

(a) If he or she has a disability of 100 percent, the first $20,000 of determined valuation.

(b) If he or she has a disability of 80 to 99 percent, inclusive, the first $15,000 of determined valuation.

(c) If he or she has a disability of 60 to 79 percent, inclusive, the first $10,000 of determined valuation.

2. ***In lieu of claiming the exemption from taxation set forth in subsection 1 in his or her name, a veteran may transfer the exemption to his or her current spouse. To transfer the exemption, the veteran must file an affidavit of transfer with the Department in the county where the exemption would otherwise have been claimed. The affidavit of transfer must be made before the county assessor or a notary public. If a veteran makes such a transfer:***

(a) The spouse of the veteran is entitled to the exemption in the same manner as if the spouse were the veteran;

(b) The veteran is not entitled to the exemption for the duration of the transfer;

(c) The transfer expires upon the earlier of:

(1) The termination of the marriage;

(2) The death of the veteran; or

(3) The revocation of the transfer by the veteran as described in paragraph (d); and

(d) The veteran may, at any time, revoke the transfer of the exemption by filing with the Department in the county where the exemption is claimed an affidavit made before the county assessor or a notary public.

3. For the purpose of this section, the first $20,000 of determined valuation of vehicles in which ~~[an applicant]~~ ***a person described in subsection 1 or 2*** has any interest shall be deemed to belong entirely to that person.

~~[3.]~~ ***4.*** A person claiming the exemption shall file annually with the Department in the county where the exemption is claimed an affidavit declaring that he or she is a bona fide resident of the State of Nevada who meets all the other requirements of subsection 1 ***or 2, as applicable,*** and that the exemption is claimed in no other county within this State. After the filing of the original affidavit ~~[,]~~ ***of exemption and after the transfer of the exemption, if any, pursuant to subsection 2,*** the county assessor shall mail a form for:

(a) The renewal of the exemption; and

(b) The designation of any amount to be credited to the Gift Account for Veterans' Homes established pursuant to NRS 417.145,

➥ to the person ***who claimed the exemption*** each year following a year in which the exemption was allowed for that person. The form must be designed to facilitate its return by mail by the person claiming the exemption.

~~[4.]~~ ***5.*** Before allowing any exemption pursuant to the provisions of this section, the Department shall require proof of the ~~[applicant's]~~ ***veteran's*** status, and for that purpose shall require production of:

(a) A certificate from the Department of Veterans Affairs that the veteran has incurred a permanent service-connected disability, which shows the percentage of that disability; and

(b) Any one of the following:

(1) An honorable discharge;

(2) A certificate of satisfactory service; or

(3) A certified copy of either of these documents.

~~[5.]~~ ***6.*** A surviving spouse claiming an exemption pursuant to this section must file with the Department in the county where the exemption is claimed an affidavit declaring that:

(a) The surviving spouse was married to and living with the veteran with a disability for the 5 years preceding his or her death;

(b) The veteran with a disability was eligible for the exemption at the time of his or her death ~~[;]~~ ***or, if not for a transfer of the exemption pursuant to subsection 2, would have been eligible for the exemption at the time of his or her death;*** and

(c) The surviving spouse has not remarried.

➥ The affidavit required by this subsection is in addition to the certification required pursuant to subsections ~~[3 and 4.]~~ ***4 and 5.*** After the filing of the original affidavit required by this subsection, the county assessor shall mail a form for renewal of the exemption to the person each year following a year in which the exemption was allowed for that person. The form must be designed to facilitate its return by mail by the person claiming the exemption.

~~[6.]~~ ***7.*** If a tax exemption is allowed under this section, the ~~[claimant is]~~ ***veteran and his or her current spouse are*** not entitled to an exemption under NRS 371.103.

~~[7.]~~ ***8.*** If any person makes a false affidavit or produces false proof to the Department, and as a result of the false affidavit or false proof the person is allowed a tax exemption to which he or she is not entitled, the person is guilty of a gross misdemeanor.

~~[8.]~~ ***9.*** Beginning with the 2005-2006 Fiscal Year, the monetary amounts in subsections 1 and ~~[2]~~ ***3*** must be adjusted for each fiscal year by adding to each amount the product of the amount multiplied by the percentage increase in the Consumer Price Index (All Items) from December 2003 to the December preceding the fiscal year for which the adjustment is calculated.

~~[Sec. 2.]~~ ***Sec. 3.*** This act becomes effective on July 1, 2011.

Assemblyman Munford moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 247.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 252.

SUMMARY— ~~[Revises the circumstances under which a person is exempt from obtaining a license to drive a road machine,]~~ **Authorizes an agricultural user to apply to the Motor Carrier Division of the Department of Motor Vehicles for the issuance of a license plate and decal to operate a** farm tractor or **motorized** implement of husbandry on a highway ~~[,]~~ **in this State under certain circumstances.** (BDR 43-300)

AN ACT relating to vehicles; ~~[requiring]~~ **authorizing an agricultural user to apply to** the **Motor Carrier Division of the** Department of Motor Vehicles ~~[to issue a decal exempting a person from obtaining a license]~~ **for the issuance of a license plate and decal** to operate a ~~[road machine,]~~ farm tractor or **motorized** implement of husbandry on a highway **in this State** under certain circumstances; requiring the ~~[decal]~~ **license plate** to be displayed on the ~~[road machine,]~~ farm tractor or **motorized** implement of husbandry in ~~[the]~~ **a certain** manner **;** ~~[specified by the Department;]~~ authorizing the Department to issue a ~~[new]~~ **replacement license plate or** decal upon the payment of a fee if a **license plate or** decal is lost or destroyed; ~~[revising the circumstances under which a person is exempt from obtaining a license to drive a road machine, farm tractor or implement of husbandry on a highway;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, ~~[certain persons are exempt from obtaining a driver's license or permit to operate a vehicle on a highway in this State. This exemption includes, without limitation, any person while temporarily driving a road machine, farm tractor or implement of husbandry on a highway. (NRS 483.240) Section 7 of this bill revises the circumstances under which the person may claim such an exemption by requiring the person to ensure that: (1) a policy of liability insurance which includes a certain amount of coverage for bodily injury and property damage is in effect; (2) a decal issued by the Department of Motor Vehicles is attached to the road machine, farm tractor or implement of husbandry; and (3) during the period in which the person drives the road machine, farm tractor or implement of husbandry on the highway, an emblem for slow-moving vehicles is displayed on the road machine, farm tractor or implement of husbandry, the vehicular hazard-warning lamps for the road machine, farm tractor or implement of husbandry are displayed or any other warning device required by the Department is displayed on the road machine, farm tractor or implement of husbandry. Section 1 of this bill authorizes a person who wishes to obtain a decal exempting him or her from obtaining a license to operate a road machine, farm tractor or implement of husbandry on a highway to submit a notice of that fact to the Department. Such a notice must include a fee of $20 and evidence satisfactory to the Department that the person is the holder of a policy of liability insurance which includes a certain amount of coverage for bodily injury and property damage. Section 1 requires the decal to be displayed on the road machine, farm tractor or implement of husbandry in the~~

~~manner specified by the Department and~~] **every owner of a motor vehicle, trailer or semitrailer that is intended to be operated upon any highway in this State is required, before operating the motor vehicle, trailer or semitrailer, to apply to the Department of Motor Vehicles to register the motor vehicle, trailer or semitrailer. (NRS 482.205) Existing law exempts an implement of husbandry from the registration requirement if the implement of husbandry is temporarily drawn, moved or otherwise propelled upon a highway. (NRS 482.210) This bill authorizes a person who is an agricultural user and who wishes to obtain a license plate and decal to operate a farm tractor or motorized implement of husbandry on the highways of this State to submit an application to the Motor Carrier Division of the Department of Motor Vehicles. An "agricultural user" is defined to mean a person who owns or operates a farm tractor or motorized implement of husbandry for a certain type of agricultural use. This bill requires the Department to issue a license plate and decal for the farm tractor or motorized implement of husbandry as soon as practicable after the Department receives the application, applicable fee and appropriate evidence of insurance. This bill also authorizes an agricultural user to submit an application for the renewal of a license plate and decal for a farm tractor or motorized implement of husbandry. An application for renewal must include the applicable fee and appropriate evidence of insurance. Finally, this bill** authorizes the Department to issue a new **license plate or** decal **for a farm tractor or motorized implement of husbandry** if the **license plate or** decal is lost or destroyed.

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

Section 1. Chapter ~~[483]~~ **482** of NRS is hereby amended by adding thereto a new section to read as follows:

Notwithstanding any provision of this chapter to the contrary:

1. Any ~~*[person]*~~ ***agricultural user who wishes to obtain a*** ~~*[decal exempting him or her from obtaining a]*~~ ***license plate and decal to operate a*** ~~*[road machine, farm tractor or implement of husbandry pursuant to NRS 483.240 may submit a written notice of that fact to]*~~ ***farm tractor or motorized implement of husbandry on the highways of this State may submit an application to the Motor Carrier Division of the Department.*** ~~*[The written notice must include a fee of $20]*~~ ***Each application must be made upon the appropriate form furnished by the Department. The application must include a nonrefundable fee of $10.50 and evidence satisfactory to the Department that the*** ~~*[person]*~~ ***agricultural user is the holder of a policy of liability insurance which provides at least $300,000 in coverage for bodily injury and property damage resulting from any single accident caused by the*** ~~*[person]*~~ ***agricultural user while*** ~~*[driving]*~~ ***operating the*** ~~*[road machine,]*~~ ***farm tractor or motorized implement of husbandry. As***

soon as practicable after receiving the ~~[notice,]~~ application, fee and evidence of insurance, the Department shall issue the license plate and decal to the ~~[person.]~~ agricultural user to affix to the farm tractor or motorized implement of husbandry. A decal issued pursuant to this subsection expires on December 31 of the year in which the Department issues the decal. The license plate and decal are not transferable and must be surrendered or returned to the Department within 60 days after:

(a) A transfer of ownership or interest in the farm tractor or motorized implement of husbandry occurs; or

(b) The decal expires pursuant to this subsection and the agricultural user fails to submit an application for renewal pursuant to subsection 2.

2. An application for the renewal of a license plate and decal issued pursuant to subsection 1 must be made upon the appropriate form furnished by the Department. The application for renewal must include a nonrefundable fee of $10 and evidence satisfactory to the Department that the agricultural user is the holder of a policy of liability insurance specified in subsection 1. As soon as practicable after receiving the application for renewal, fee and evidence of insurance, the Department shall issue a new decal to affix to the license plate. A decal issued pursuant to this subsection expires on December 31 of the year in which the Department issues the decal.

3. A ~~[decal]~~ license plate issued pursuant to subsection 1 must be displayed on the ~~[road machine,]~~ farm tractor or motorized implement of husbandry in ~~[the]~~ such a manner ~~[specified by the Department.]~~ that the license plate is easily visible from the rear of the farm tractor or motorized implement of husbandry. If the license plate is lost or destroyed, the Department may issue a replacement plate upon the payment of a fee of 50 cents. If the decal is lost or destroyed, the Department may, upon the payment of the fee specified in subsection ~~[1,]~~ 2, issue a ~~[new]~~ replacement decal for the ~~[road machine,]~~ farm tractor or motorized implement of husbandry.

4. As used in this section, "agricultural user" means any person who owns or operates a farm tractor or motorized implement of husbandry specified in subsection 1 for an agricultural use. As used in this subsection, "agricultural use" has the meaning ascribed to it in NRS 361A.030.

Sec. 2. **(Deleted by amendment.)**

Sec. 3. **(Deleted by amendment.)**

Sec. 4. **(Deleted by amendment.)**

Sec. 5. **(Deleted by amendment.)**

Sec. 6. **(Deleted by amendment.)**

Sec. 7. **(Deleted by amendment.)**

Sec. 8. **(Deleted by amendment.)**

Sec. 9. **(Deleted by amendment.)**

Sec. 10. **(Deleted by amendment.)**

Sec. 11. **(Deleted by amendment.)**

Sec. 12. **(Deleted by amendment.)**

Assemblywoman Dondero Loop moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 273.

Bill read second time.

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

Amendment No. 489.

SUMMARY—Revises provisions governing deficiencies existing after foreclosure sales. **[.]** **and sales in lieu of foreclosure sales.** (BDR 3-561)

AN ACT relating to real property; revising provisions governing the amount which a person holding a junior lien on real property may recover in a civil action under certain circumstances; prohibiting certain persons holding a junior lien on certain residential property from bringing a civil action under certain circumstances; revising provisions governing the amount of a deficiency judgment after the foreclosure of a mortgage or a deed of trust; **limiting the amount of certain judgments against guarantors, sureties or other obligors of obligations secured by real property under certain circumstances;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, a judgment creditor or a beneficiary of a deed of trust may obtain, after a hearing, a deficiency judgment after a foreclosure sale or trustee's sale if it appears from the sheriff's return or the recital of consideration in the trustee's deed that there is a deficiency of the proceeds of the sale and a balance remaining due the judgment creditor or beneficiary of the deed of trust. **Existing law requires a judgment creditor or beneficiary of a deed of trust to bring an action for such a deficiency judgment within 6 months after the foreclosure sale or trustee's sale.** For an obligation secured by a mortgage or deed of trust on or after October 1, 2009, a court may not award a deficiency judgment to the judgment creditor or the beneficiary of the deed of trust if: (1) the creditor or beneficiary is a financial institution; (2) the real property is a single-family dwelling and the debtor or grantor was the owner of the property; (3) the debtor or grantor used the loan to purchase the property; (4) the debtor or grantor occupied the property continuously after obtaining the loan; and (5) the debtor or grantor did not refinance the loan. (NRS 40.455) **[Section]**

Sections 3 , 3.3 and 5.7 of this bill **enact similar provisions to govern deficiency judgments sought by junior lienholders after a foreclosure sale, a trustee's sale or any sale or deed in lieu of a foreclosure sale or trustee's sale. Section 3** provides that, if **[these]** **the** circumstances **prohibiting a deficiency judgment after a foreclosure sale or trustee's sale under current law** exist with respect to a junior lienholder, the creditor

may not bring a civil action to recover the debt owed to it after a foreclosure sale ~~[, short]~~ **, a trustee's sale or a** sale or deed in lieu of a foreclosure sale ~~[.]~~ **or trustee's sale.**

Existing law authorizes a creditor under an obligation secured by a junior mortgage or deed of trust to bring an action to obtain a personal judgment against the debtor only if the action is commenced within 6 years after the date of the debtor's default. (NRS 11.190) Under sections 3.3 and 5.7 of this bill, if the real property securing such an obligation is the subject of a foreclosure sale, a trustee's sale or a sale or deed in lieu of such a sale, the creditor may bring an action to obtain a personal judgment against the debtor only if the action is brought within 6 months after the foreclosure sale, the trustee's sale or the sale in lieu of a foreclosure sale or trustee's sale.

Under existing law, the amount of a deficiency judgment after a foreclosure sale or a trustee's sale may not exceed the lesser of: (1) the amount of the indebtedness minus the fair market value of the foreclosed property at the time of the sale; or (2) the amount of the indebtedness minus the amount for which the foreclosed property actually sold. (NRS 40.459) **Section 5** of this bill provides that, for a deficiency judgment sought by a secured creditor after a foreclosure sale **,** ~~[or]~~ trustee's sale ~~[,]~~ **or sale in lieu of a foreclosure sale or trustee's sale,** the amount of the deficiency judgment must be reduced by the amount of any insurance proceeds received by, or payable to, the creditor. **Section 2** of this bill enacts a corresponding provision for money judgments sought against a debtor by a junior lienholder after a foreclosure sale, ~~[short]~~ **a trustee's sale or a** sale or deed in lieu of a foreclosure sale ~~[.]~~ **or trustee's sale.**

Sections 2 and 5 also limit the recovery of a creditor who acquired the right to obtain payment for an obligation secured by the real property from another person who owned that obligation. If the creditor is seeking a deficiency judgment after a foreclosure sale **,** ~~[or]~~ a trustee's sale ~~[,]~~ **or a sale in lieu of a foreclosure sale or trustee's sale, section 5** provides that the creditor may not a receive an amount which exceeds the lesser of: (1) the consideration paid for the obligation minus the fair market value of the property at the time of the foreclosure sale, with interest from the date of sale and reasonable costs; or (2) the consideration paid for the obligation minus the amount for which the property actually sold, with interest from the date of sale and reasonable costs. If the creditor is a junior lienholder who filed a civil action to obtain a money judgment against the debtor, **section 2** provides that the creditor may not receive an amount greater than the consideration paid for the obligation, with interest from the date ~~[of the default]~~ **on which the person acquired the right to obtain payment** and reasonable costs.

Section 5.5 of this bill limits the amount of a judgment against a guarantor, surety or other obligor, other than a mortgagor or grantor of a deed of trust, in an action commenced before a foreclosure sale or

trustee's sale to enforce the obligation to pay, satisfy or purchase all or part of an obligation secured by a mortgage or other lien on real property. Under section 5.5, the amount of the judgment may not exceed the lesser of: (1) the amount of the indebtedness minus the fair market value of the real property at the time of the commencement of the action; or (2) if a foreclosure sale or a trustee's sale is completed before the date on which judgment is entered, the amount of the indebtedness minus the amount for which the foreclosed property actually sold.

Section 6 of this bill provides that the amendatory provisions of this bill apply only prospectively to obligations secured by a mortgage, deed of trust or other encumbrance upon real property on or after ~~[July 1, 2011.]~~ **the effective date of this bill.**

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

Section 1. Chapter 40 of NRS is hereby amended by adding thereto the provisions set forth as sections ~~[2 and 3]~~ **1.2 to 3.3, inclusive,** of this act.

Sec. 1.2. ***As used in sections 1.2 to 3.3, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 1.4, 1.6 and 1.8 of this act have the meanings ascribed to them in those sections.***

Sec. 1.4. ***"Foreclosure sale" has the meaning ascribed to it in NRS 40.462.***

Sec. 1.6. ***"Mortgage or other lien" has the meaning ascribed to it in NRS 40.433.***

Sec. 1.8. ***"Sale in lieu of a foreclosure sale" means a sale of real property pursuant to an agreement between a person to whom an obligation secured by a mortgage or other lien on real property is owed and the debtor of that obligation in which the sales price of the real property is insufficient to pay the full outstanding balance of the obligation and the costs of the sale. The term includes, without limitation, a deed in lieu of a foreclosure sale.***

Sec. 2. ***1. If a person to whom an obligation secured by a junior mortgage or lien on real property is owed ~~[files]~~ :***

(a) Files a civil action to obtain a money judgment against the debtor under that obligation after a foreclosure sale or a sale in lieu of a foreclosure sale ~~[,]~~ ; and

(b) Such action is not barred by NRS 40.430,

➥ in determining the amount owed by the debtor, the court shall not include the amount of any proceeds received by, or payable to, the person pursuant to an insurance policy to compensate the person for losses incurred with respect to the property or the default on the obligation.

2. If : ~~[a person:]~~

(a) ~~[Acquired]~~ A person acquired the right to enforce an obligation secured by a junior mortgage or lien on real property from a person who previously held that right; ~~[and]~~

(b) ~~[Files]~~ The person files a civil action to obtain a money judgment against the debtor after a foreclosure sale or a sale in lieu of a foreclosure sale ~~[,]~~ ; and

(c) Such action is not barred by NRS 40.430,

➥ the court shall not render judgment for more than the amount of the consideration paid for that right, plus interest from the date ~~[of the default]~~ on which the person acquired the right and reasonable costs.

3. As used in this section ~~[,~~

~~(a) "Foreclosure sale" has the meaning ascribed to it in NRS 40.462.~~

~~(b) "Sale in lieu of a foreclosure sale" includes, without limitation, a short sale and a deed in lieu of a foreclosure sale.]~~ , "obligation secured by a junior mortgage or lien on real property" includes, without limitation, an obligation which is not currently secured by a mortgage or lien on real property if the obligation:

(a) Is incurred by the debtor under an obligation which was secured by a mortgage or lien on real property; and

(b) Has the effect of reaffirming the obligation which was secured by a mortgage or lien on real property.

Sec. 3. ***1. A person to whom an obligation ~~[described in paragraph (c) of subsection 2 of NRS 40.462]~~ secured by a junior mortgage or lien on real property is owed may not bring any action to enforce that obligation ~~[, even if the proceeds of]~~ after a foreclosure sale of the real property which secured that obligation or a sale in lieu of a foreclosure sale ~~[are insufficient and a balance remains due the person,]~~ if:***

(a) The person is a financial institution;

(b) The real property which secured the obligation is a single-family dwelling and the debtor or grantor was the owner of the real property at the time of the foreclosure sale or sale in lieu of a foreclosure sale;

(c) The debtor or grantor used the amount of the obligation to purchase the real property;

(d) The debtor or grantor continuously occupied the real property as the debtor's or grantor's principal residence after securing the obligation; and

(e) The debtor or grantor did not refinance the obligation after securing it.

2. As used in this section ~~[:~~

~~(a) "Financial]~~ , "financial institution" has the meaning ascribed to it in NRS 363A.050.

~~[(b) "Foreclosure sale" has the meaning ascribed to it in NRS 40.462.~~

~~(c) "Sale in lieu of a foreclosure sale" includes, without limitation, a short sale and a deed in lieu of a foreclosure sale.]~~

Sec. 3.3. A civil action not barred by NRS 40.430 or section 3 of this act by a person to whom an obligation secured by a junior mortgage or lien on real property is owed to obtain a money judgment against the debtor after a foreclosure sale of the real property or a sale in lieu of a foreclosure

sale may only be commenced within 6 months after the date of the foreclosure sale or sale in lieu of a foreclosure.

Sec. 4. ~~[NRS 40.451 is hereby amended to read as follows:~~

~~40.451 As used in NRS 40.451 to 40.463, inclusive, *and sections 2 and 3 of this act,* "indebtedness" means the principal balance of the obligation secured by a mortgage or other lien on real property, together with all interest accrued and unpaid prior to the time of foreclosure sale, all costs and fees of such a sale, all advances made with respect to the property by the beneficiary, and all other amounts secured by the mortgage or other lien on the real property in favor of the person seeking the deficiency judgment. Such amount constituting a lien is limited to the amount of the consideration paid by the lienholder.]~~ **(Deleted by amendment.)**

Sec. 5. NRS 40.459 is hereby amended to read as follows:

40.459 ***1.*** After the hearing, the court shall award a money judgment against the debtor, guarantor or surety who is personally liable for the debt. The court shall not render judgment for more than:

~~[1.]~~ ***(a)*** The amount by which the amount of the indebtedness which was secured exceeds the fair market value of the property sold at the time of the sale, with interest from the date of the sale; ~~[or~~

~~2.]~~ ***(b)*** The amount which is the difference between the amount for which the property was actually sold and the amount of the indebtedness which was secured, with interest from the date of sale ~~[.]~~ ***; or***

(c) If the person seeking the judgment acquired the right to obtain the judgment from a person who previously held that right, the amount by which the amount of the consideration paid for that right exceeds the fair market value of the property sold at the time of sale or the amount for which the property was actually sold, whichever is greater, with interest from the date of sale and reasonable costs,

➥ whichever is the lesser amount.

2. For the purposes of this section, the "amount of the indebtedness" does not include any amount received by, or payable to, the judgment creditor or beneficiary of the deed of trust pursuant to an insurance policy to compensate the judgment creditor or beneficiary for any losses incurred with respect to the property or the default on the debt.

Sec. 5.5. **NRS 40.495 is hereby amended to read as follows:**

40.495 1. The provisions of NRS 40.475 and 40.485 may be waived by the guarantor, surety or other obligor only after default.

2. Except as otherwise provided in subsection ~~[4,]~~ ***5,*** a guarantor, surety or other obligor, other than the mortgagor or grantor of a deed of trust, may waive the provisions of NRS 40.430. If a guarantor, surety or other obligor waives the provisions of NRS 40.430, an action for the enforcement of that person's obligation to pay, satisfy or purchase all or part of an indebtedness or obligation secured by a mortgage or lien upon real property may be maintained separately and independently from:

(a) An action on the debt;

(b) The exercise of any power of sale;

(c) Any action to foreclose or otherwise enforce a mortgage or lien and the indebtedness or obligations secured thereby; and

(d) Any other proceeding against a mortgagor or grantor of a deed of trust.

3. If the obligee maintains an action to foreclose or otherwise enforce a mortgage or lien and the indebtedness or obligations secured thereby, the guarantor, surety or other obligor may assert any legal or equitable defenses provided pursuant to the provisions of NRS 40.451 to 40.463, inclusive.

4. ***If, before a foreclosure sale of real property, the obligee commences an action against a guarantor, surety or other obligor, other than the mortgagor or grantor of a deed of trust, to enforce an obligation to pay, satisfy or purchase all or part of an indebtedness or obligation secured by a mortgage or lien upon the real property, the court:***

(a) Must hold a hearing and take evidence presented by either party concerning the fair market value of the property as of the date of the commencement of the action. Notice of such hearing must be served upon all defendants who have appeared in the action and against whom a judgment is sought, or upon their attorneys of record, at least 15 days before the date set for the hearing.

(b) After the hearing, the court shall award a money judgment against the debtor, guarantor or surety who is personally liable for the debt. The court must not render judgment for more than:

(1) The amount by which the amount of the indebtedness exceeds the fair market value of the property as of the date of the commencement of the action; or

(2) If a foreclosure sale is concluded before a judgment is entered, the amount that is the difference between the amount for which the property was actually sold and the amount of the indebtedness which was secured,

➥ whichever is the lesser amount.

5. The provisions of NRS 40.430 may not be waived by a guarantor, surety or other obligor if the mortgage or lien:

(a) Secures an indebtedness for which the principal balance of the obligation was never greater than $500,000;

(b) Secures an indebtedness to a seller of real property for which the obligation was originally extended to the seller for any portion of the purchase price;

(c) Is secured by real property which is used primarily for the production of farm products as of the date the mortgage or lien upon the real property is created; or

(d) Is secured by real property upon which:

(1) The owner maintains the owner's principal residence;

(2) There is not more than one residential structure; and

(3) Not more than four families reside.

6. As used in this section, "foreclosure sale" has the meaning ascribed to it in NRS 40.462.

Sec. 5.7. **NRS 11.190 is hereby amended to read as follows:**

11.190 Except as otherwise provided in NRS 125B.050 and 217.007, ***and section 3.3 of this act,*** actions other than those for the recovery of real property, unless further limited by specific statute, may only be commenced as follows:

1. Within 6 years:

(a) An action upon a judgment or decree of any court of the United States, or of any state or territory within the United States, or the renewal thereof.

(b) An action upon a contract, obligation or liability founded upon an instrument in writing, except those mentioned in the preceding sections of this chapter.

2. Within 4 years:

(a) An action on an open account for goods, wares and merchandise sold and delivered.

(b) An action for any article charged on an account in a store.

(c) An action upon a contract, obligation or liability not founded upon an instrument in writing.

(d) An action against a person alleged to have committed a deceptive trade practice in violation of NRS 598.0903 to 598.0999, inclusive, but the cause of action shall be deemed to accrue when the aggrieved party discovers, or by the exercise of due diligence should have discovered, the facts constituting the deceptive trade practice.

3. Within 3 years:

(a) An action upon a liability created by statute, other than a penalty or forfeiture.

(b) An action for waste or trespass of real property, but when the waste or trespass is committed by means of underground works upon any mining claim, the cause of action shall be deemed to accrue upon the discovery by the aggrieved party of the facts constituting the waste or trespass.

(c) An action for taking, detaining or injuring personal property, including actions for specific recovery thereof, but in all cases where the subject of the action is a domestic animal usually included in the term "livestock," which has a recorded mark or brand upon it at the time of its loss, and which strays or is stolen from the true owner without the owner's fault, the statute does not begin to run against an action for the recovery of the animal until the owner has actual knowledge of such facts as would put a reasonable person upon inquiry as to the possession thereof by the defendant.

(d) Except as otherwise provided in NRS 112.230 and 166.170, an action for relief on the ground of fraud or mistake, but the cause of action in such a case shall be deemed to accrue upon the discovery by the aggrieved party of the facts constituting the fraud or mistake.

(e) An action pursuant to NRS 40.750 for damages sustained by a financial institution or other lender because of its reliance on certain fraudulent conduct of a borrower, but the cause of action in such a case shall

be deemed to accrue upon the discovery by the financial institution or other lender of the facts constituting the concealment or false statement.

4. Within 2 years:

(a) An action against a sheriff, coroner or constable upon liability incurred by acting in his or her official capacity and in virtue of his or her office, or by the omission of an official duty, including the nonpayment of money collected upon an execution.

(b) An action upon a statute for a penalty or forfeiture, where the action is given to a person or the State, or both, except when the statute imposing it prescribes a different limitation.

(c) An action for libel, slander, assault, battery, false imprisonment or seduction.

(d) An action against a sheriff or other officer for the escape of a prisoner arrested or imprisoned on civil process.

(e) Except as otherwise provided in NRS 11.215, an action to recover damages for injuries to a person or for the death of a person caused by the wrongful act or neglect of another. The provisions of this paragraph relating to an action to recover damages for injuries to a person apply only to causes of action which accrue after March 20, 1951.

(f) An action to recover damages under NRS 41.740.

5. Within 1 year:

(a) An action against an officer, or officer de facto to recover goods, wares, merchandise or other property seized by the officer in his or her official capacity, as tax collector, or to recover the price or value of goods, wares, merchandise or other personal property so seized, or for damages for the seizure, detention or sale of, or injury to, goods, wares, merchandise or other personal property seized, or for damages done to any person or property in making the seizure.

(b) An action against an officer, or officer de facto for money paid to the officer under protest, or seized by the officer in his or her official capacity, as a collector of taxes, and which, it is claimed, ought to be refunded.

Sec. 6. The amendatory provisions of this act apply only to an obligation secured by a mortgage, deed of trust or other encumbrance upon real property on or after ~~[July 1, 2011.]~~ **the effective date of this act.**

Sec. 7. This act becomes effective ~~[on July 1, 2011.]~~ **upon passage and approval.**

Assemblyman Kirkpatrick moved the adoption of the amendment.

Amendment adopted.

Bill ordered to third reading.

Assembly Bill No. 276.

Bill read second time.

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

Amendment No. 495.

SUMMARY—Requires the State Controller to make **certain** data ~~[concerning certain accounts]~~ available for public inspection on an Internet website established and maintained by the State Controller. (BDR 18-371)

AN ACT relating to financial administration; requiring the State Controller to make **certain** data ~~[concerning certain accounts]~~ available for public inspection on an Internet website established and maintained by the State Controller; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes the Office of the State Controller and sets forth his or her duties concerning various financial provisions of the State. (Chapter 227 of NRS) As part of those duties, the State Controller is required annually to digest, prepare and report to the Governor and the Legislature: (1) a complete statement of the condition of the revenue, taxable funds, resources, income and property of the State and the amount of the expenditures for the preceding fiscal year; (2) a full and detailed statement of the public debt; (3) a tabular statement showing separately the whole amount of each appropriation made by law, the amount paid under each of those appropriations and the unexpended balance of those appropriations; and (4) a tabular statement showing the amount of revenue collected from each county for the preceding year. (NRS 227.110) **Section 1** of this bill requires the State Controller to make available for public inspection, on an Internet website established and maintained by him or her, **current** data ~~[concerning all expenditures accounts and revenue accounts, including, without limitation, certain accounts exceeding $100,000,000. The data must be disaggregated by county unless otherwise specified by the State Controller and must be prepared for each calendar quarter or other period specified by the State Controller occurring within a biennium. For each expenditures account and revenue account, the State Controller is required to make available for public inspection on the Internet website: (1) a brief description of the account; (2) an identification of the source of all data concerning the account; (3) a table setting forth the amounts received in and expended from the account; (4) a graph displaying those amounts; (5) the most recent date on which the State Controller made the data available and the next expected date for making that data available; (6) a comparison of certain amounts; and (7) a statement by the State Controller indicating whether or not any data have been corrected or adjusted. Section 2 of this bill requires the State Controller to make those data available for public inspection on the Internet website concerning each expenditures account and revenue account for the current biennium, the 2007-2009 biennium and any earlier biennium specified by the State Controller.]~~ **maintained in the records of the State Controller concerning the expenditures and revenues of this State, including, without limitation: (1) a table displaying all revenues received during each month from certain sources; (2) a table displaying all expenditures made each month for certain purposes; (3) a graph displaying certain cumulative expenditures by month during the current biennium and the**

immediately preceding biennium; and (4) for each source of revenue totaling more than $100,000,000 as set forth in the legislatively approved budget for a biennium, the total amount projected in that budget to be received during that biennium and a graph displaying the cumulative revenue by month for that biennium and the immediately preceding biennium. Section 2 of this bill deletes by amendment provisions which, if enacted, would have required the State Controller to make available for public inspection financial data for certain preceding biennia. Section 3 of this bill will, if enacted, make this bill become effective upon passage and approval for the purpose of performing any preparatory administrative tasks necessary to carry out the provisions of this bill, and on July 1, 2012, for all other purposes.

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

Section 1. Chapter 227 of NRS is hereby amended by adding thereto a new section to read as follows:

~~[1.]~~ ***In addition to any record required to be open to inspection pursuant to NRS 227.290 or 239.010, the State Controller shall, on an Internet website established and maintained by him or her, make available for public inspection current data*** ~~[concerning all expenditures accounts and revenue accounts, including, without limitation, each expenditures account and revenue account consisting of an amount which is]~~ ***maintained in the records of the State Controller concerning the expenditures and revenues of this State, including, without limitation:***

1. A table displaying all revenues received during each month from:

(a) Fees;

(b) Fines;

(c) Interest;

(d) Licensing revenue;

(e) Taxes; and

(f) Transfers from the Federal Government;

2. A table displaying all expenditures made each month for:

(a) Education;

(b) Government, including, without limitation, the operation of the courts of this State;

(c) Health and social services;

(d) Law enforcement;

(e) Programs for housing, industrial insurance and unemployment insurance;

(f) Public safety;

(g) Recreation and resource development;

(h) The regulation of businesses; and

(i) Transportation;

3. For each category of expenditures specified in subsection 2, a graph displaying cumulative expenditures by month for the current biennium and the immediately preceding biennium; and

4. For each source of revenue totaling more than $100,000,000 as set forth in the legislatively approved budget for a biennium ~~*f. Any data made available pursuant to this section must be disaggregated by county, unless the State Controller determines that such disaggregation is not practicable, in which case the data must be prepared on a statewide basis or disaggregated using a geographic unit specified by the State Controller.*~~

~~*2. For each calendar quarter or other period specified by the State Controller pursuant to subsection 3 occurring within a biennium, the State Controller shall, for each expenditures account and revenue account, make available on the website established and maintained pursuant to subsection 1:*~~

~~*(a) A brief description of the account;*~~

~~*(b) An identification of the source of all data concerning the account;*~~

~~*(c) A table setting forth the amounts received in and expended from the account;*~~

~~*(d) A graph displaying the amounts set forth in paragraph (c);*~~

~~*(e) The most recent date on which the State Controller made data available regarding the account and the next expected date for making such data available;*~~

~~*(f) A comparison of the amounts received and expended to each corresponding budgeted amount approved by the Legislature for the applicable biennium; and*~~

~~*(g) A statement by the State Controller indicating whether or not any data regarding the account have been corrected or adjusted.*~~

~~*3. The State Controller shall ensure that all data required to be made available pursuant to this section:*~~

~~*(a) Except as otherwise provided in this paragraph, is prepared for each calendar quarter occurring within the biennium for which the State Controller makes the data available pursuant to this section. If the State Controller determines that providing data concerning an expenditures account or revenue account for a calendar quarter is not practicable, the State Controller may specify a different period for preparing that data.*~~

~~*(b) Is made available on the Internet website established and maintained by the State Controller pursuant to this section before the expiration of the calendar quarter immediately following the calendar quarter or other period for which the data is prepared pursuant to paragraph (a).*~~

~~*4. As used in this section:*~~

~~*(a) "Expenditures account" means any account in which an expenditure is accounted for and which is set forth in a chart of accounts maintained by the State Controller.*~~

~~*(b) "Revenue account" means any account in which revenue is accounted for and which is set forth in a chart of accounts maintained by the State Controller.]*~~ ***:***

(a) The total amount projected in that budget to be received during that biennium; and

(b) A graph displaying the cumulative revenue by month for that biennium and the immediately preceding biennium.

Sec. 2. ~~[As soon as practicable after July 1, 2011, the State Controller shall, for the 2007-2009 biennium, the 2009-2011 biennium and any earlier biennium specified by the State Controller, make available for public inspection on the Internet website established and maintained by the State Controller pursuant to section 1 of this act all data required to be prepared pursuant to that section for each expenditures account and revenue account specified in that section.]~~ **(Deleted by amendment.)**

Sec. 3. This act becomes effective:

1. Upon passage and approval for the purpose of ~~[adopting any regulations and]~~ performing any ~~[other]~~ preparatory administrative tasks necessary to carry out the provisions of this act; and

2. On July 1, ~~[2011,]~~ **2012,** for all other purposes.

Assemblywoman Bustamante Adams moved the adoption of the amendment.

Amendment adopted.

Bill ordered to third reading.

Assembly Bill No. 283.

Bill read second time.

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

Amendment No. 428.

SUMMARY—Revises provisions relating to ~~[registration with the Nationwide Mortgage Licensing System and Registry.]~~ **mortgage loans.** (BDR 54-830)

AN ACT relating to mortgage loans; revising provisions governing the requirement for certain mortgage agents, mortgage bankers, mortgage brokers and other employees to register with the Nationwide Mortgage Licensing System and Registry; **revising provisions governing continuing education requirements for certain licensees; providing certain investors who deposit money with a mortgage broker with an exemption from criminal and civil liability for the acts or omissions of the mortgage broker; revising provisions governing the employment or association of mortgage agents;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The federal Secure and Fair Enforcement for Mortgage Licensing Act of 2008 requires that a person who originates residential mortgage loans be licensed as a loan originator and requires that such a loan originator be

registered with the Nationwide Mortgage Licensing System and Registry. (12 U.S.C. § 5103) Existing law in Nevada prescribes the requirements for a license as a mortgage agent, mortgage banker, mortgage broker or a qualified employee who is a residential mortgage loan originator, which include, without limitation, registration with the Nationwide Mortgage Licensing System and Registry. (NRS 645B.0137, 645E.200) **Section ~~[1]~~ 6** of this bill provides that such a person is not required to register **or renew** with the Nationwide Mortgage Licensing System and Registry **, or provide reports of financial condition to the Registry,** if: (1) the person is not a residential mortgage loan originator or the supervisor of a residential mortgage loan originator; and (2) the person is not required to register pursuant to the federal Act. **Section 6 also provides that such a person who voluntarily registers or renews with the Registry shall comply with all requirements of the federal Act.**

Under existing law, the Commissioner of Mortgage Lending is required to adopt such regulations as necessary to carry out the provisions of the federal Act. (NRS 645F.293) **Section ~~[2]~~ 7** of this bill provides that the regulations must not require registration of a person who is exempt pursuant to **section ~~[1.]~~ 6.**

Sections 1, 2 and 4 of this bill revise provisions governing continuing education requirements for persons who are exempt pursuant to section 6 and who have not voluntarily registered or renewed with the Registry. Section 3 of this bill exempts certain investors who deposit money with a mortgage broker from criminal and civil liability for the acts or omissions of the mortgage broker. Section 5 of this bill revises provisions governing the employment of or association with a mortgage agent by a mortgage broker, mortgage banker or person who holds a certificate of exemption issued by the Commissioner of Mortgage Lending. Section 8 of this bill repeals certain provisions governing mortgage bankers which are included within the amendatory provisions of section 5.

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

Section 1. **NRS 645B.0138 is hereby amended to read as follows:**

645B.0138 1. A course of continuing education that is required pursuant to this chapter must meet the requirements set forth by the Commissioner by regulation.

2. The Commissioner shall adopt regulations:

(a) Relating to the requirements for courses of continuing education, including, without limitation, regulations relating to the providers and instructors of such courses, records kept for such courses, approval and revocation of approval of such courses, monitoring of such courses and disciplinary action taken regarding such courses.

(b) Allowing for the participation of representatives of the mortgage lending industry pertaining to the creation of regulations regarding such courses.

(c) Ensuring compliance with the requirements for registration with the Registry and any other applicable federal law.

3. The regulations adopted by the Commissioner pursuant to subsection 2 must not require a mortgage agent, mortgage banker or mortgage broker or an employee of a mortgage banker or mortgage broker who, pursuant to subsection 1 of section 6 of this act, is not required to register or renew with the Registry and who has not voluntarily registered or renewed with the Registry to complete any continuing education relating to residential mortgage loans.

Sec. 2. **NRS 645B.051 is hereby amended to read as follows:**

645B.051 1. Except as otherwise provided in ~~[this section,]~~ ***subsection 2,*** in addition to the requirements set forth in NRS 645B.050, to renew a license as a mortgage broker:

(a) If the licensee is a natural person, the licensee must submit to the Commissioner satisfactory proof that the licensee attended at least 10 hours of certified courses of continuing education during the 12 months immediately preceding the date on which the license expires.

(b) If the licensee is not a natural person, the licensee must submit to the Commissioner satisfactory proof that each natural person who supervises the daily business of the licensee attended at least 10 hours of certified courses of continuing education during the 12 months immediately preceding the date on which the license expires.

2. ~~[The Commissioner may provide by regulation that if a person attends more than 10 hours of certified courses of continuing education during a 12-month period, the extra hours may be used to satisfy the requirement for the immediately following 12-month period and for that immediately following 12-month period only.]~~ ***In lieu of the continuing education requirements set forth in paragraph (a) or (b) of subsection 1, a licensee or any natural person who supervises the daily business of the licensee who, pursuant to subsection 1 of section 6 of this act, is not required to register or renew with the Registry and who has not voluntarily registered or renewed with the Registry must submit to the Commissioner satisfactory proof that he or she attended at least 5 hours of certified courses of continuing education during the 12 months immediately preceding the date on which the license expires. The hours of continuing education required by this subsection must include:***

(a) At least 3 hours relating to the laws and regulations of this State; and

(b) At least 2 hours relating to ethics.

3. As used in this section, "certified course of continuing education" means a course of continuing education which relates to the mortgage

industry or mortgage transactions and which meets the requirements set forth by the Commissioner by regulation pursuant to NRS 645B.0138.

Sec. 3. **NRS 645B.175 is hereby amended to read as follows:**

645B.175 1. Except as otherwise provided in this section, all money received by a mortgage broker and his or her mortgage agents from an investor to acquire ownership of or a beneficial interest in a loan secured by a lien on real property must:

(a) Be deposited in:

(1) An insured depository financial institution; or

(2) An escrow account which is controlled by a person who is independent of the parties and subject to instructions regarding the account which are approved by the parties.

(b) Be kept separate from money:

(1) Belonging to the mortgage broker in an account appropriately named to indicate that the money does not belong to the mortgage broker.

(2) Received pursuant to subsection 4.

2. Except as otherwise provided in this section, the amount held in trust pursuant to subsection 1 must be released:

(a) Upon completion of the loan, including proper recordation of the respective interests or release, or upon completion of the transfer of the ownership or beneficial interest therein, to the debtor or the debtor's designee less the amount due the mortgage broker for the payment of any fee or service charge;

(b) If the loan or the transfer thereof is not consummated, to each investor who furnished the money held in trust; or

(c) Pursuant to any instructions regarding the escrow account.

3. The amount held in trust pursuant to subsection 1 must not be released to the debtor or the debtor's designee unless:

(a) The amount released is equal to the total amount of money which is being loaned to the debtor for that loan, less the amount due the mortgage broker for the payment of any fee or service charge; and

(b) The mortgage broker has provided a written instruction to a title agent or title insurer requiring that a lender's policy of title insurance or appropriate title endorsement, which names as an insured each investor who owns a beneficial interest in the loan, be issued for the real property securing the loan.

4. Except as otherwise provided in this section, all money paid to a mortgage broker and his or her mortgage agents by a person in full or in partial payment of a loan secured by a lien on real property, must:

(a) Be deposited in:

(1) An insured depository financial institution; or

(2) An escrow account which is controlled by a person who is subject to instructions regarding the account which are approved by the parties.

(b) Be kept separate from money:

(1) Belonging to the mortgage broker in an account appropriately named to indicate that it does not belong to the mortgage broker.

(2) Received pursuant to subsection 1.

5. Except as otherwise provided in this section, the amount held in trust pursuant to subsection 4:

(a) Must be released, upon the deduction and payment of any fee or service charge due the mortgage broker, to each investor who owns a beneficial interest in the loan in exact proportion to the beneficial interest that the investor owns in the loan; and

(b) Must not be released, in any proportion, to an investor who owns a beneficial interest in the loan, unless the amount described in paragraph (a) is also released to every other investor who owns a beneficial interest in the loan.

6. An investor may waive, in writing, the right to receive one or more payments, or portions thereof, that are released to other investors in the manner set forth in subsection 5. A mortgage broker or mortgage agent shall not act as the attorney-in-fact or the agent of an investor with respect to the giving of a written waiver pursuant to this subsection. Any such written waiver applies only to the payment or payments, or portions thereof, that are included in the written waiver and does not affect the right of the investor to:

(a) Receive the waived payment or payments, or portions thereof, at a later date; or

(b) Receive all other payments in full and in accordance with the provisions of subsection 5.

7. Upon reasonable notice, any mortgage broker described in this section shall:

(a) Account to any investor or debtor who has paid to the mortgage broker or his or her mortgage agents money that is required to be deposited in a trust account pursuant to this section; and

(b) Account to the Commissioner for all money which the mortgage broker and his or her mortgage agents have received from each investor or debtor and which the mortgage broker is required to deposit in a trust account pursuant to this section.

8. Money received by a mortgage broker and his or her mortgage agents pursuant to this section from a person who is not associated with the mortgage broker may be held in trust for not more than 45 days before an escrow account must be opened in connection with the loan. If, within this 45-day period, the loan or the transfer therefor is not consummated, the money must be returned within 24 hours. If the money is so returned, it may not be reinvested with the mortgage broker for at least 15 days.

9. If a mortgage broker or a mortgage agent receives any money pursuant to this section, the mortgage broker or mortgage agent, after the deduction and payment of any fee or service charge due the mortgage broker, shall not release the money to:

(a) Any person who does not have a contractual or legal right to receive the money; or

(b) Any person who has a contractual right to receive the money if the mortgage broker or mortgage agent knows or, in light of all the surrounding facts and circumstances, reasonably should know that the person's contractual right to receive the money violates any provision of this chapter or a regulation adopted pursuant to this chapter.

10. If a mortgage broker maintains any accounts described in subsection 1 or subsection 4, the mortgage broker shall, in addition to the annual financial statement audited pursuant to NRS 645B.085, submit to the Commissioner each 6 calendar months a financial statement concerning those trust accounts.

11. The Commissioner shall adopt regulations concerning the form and content required for financial statements submitted pursuant to subsection 10.

12. Any duty, responsibility or obligation of a mortgage broker pursuant to this chapter is not delegable or transferable to an investor, and, if an investor only provides money to acquire ownership of or a beneficial interest in a loan secured by a lien on real property, no criminal or civil liability may be imposed on the investor for any act or omission of a mortgage broker.

Sec. 4. **NRS 645B.430 is hereby amended to read as follows:**

645B.430 1. A license as a mortgage agent issued pursuant to NRS 645B.410 expires 1 year after the date the license is issued, unless it is renewed. To renew a license as a mortgage agent, the holder of the license must submit to the Commissioner each year, on or before the date the license expires:

(a) An application for renewal;

(b) Except as otherwise provided in this section, satisfactory proof that the holder of the license as a mortgage agent attended at least 10 hours of certified courses of continuing education during the 12 months immediately preceding the date on which the license expires; and

(c) A renewal fee set by the Commissioner of not more than $170.

2. ***In lieu of the continuing education requirement set forth in paragraph (b) of subsection 1, the holder of a license as a mortgage agent who, pursuant to subsection 1 of section 6 of this act, is not required to register or renew with the Registry and who has not voluntarily registered or renewed with the Registry must submit to the Commissioner satisfactory proof that he or she attended at least 5 hours of certified courses of continuing education during the 12 months immediately preceding the date on which the license expires. The hours of continuing education required by this subsection must include:***

(a) At least 3 hours relating to the laws and regulations of this State; and

(b) At least 2 hours relating to ethics.

3. If the holder of the license as a mortgage agent fails to submit any item required pursuant to subsection 1 ***or 2*** to the Commissioner each year on or before the date the license expires, the license is cancelled. The Commissioner may reinstate a cancelled license if the holder of the license submits to the Commissioner:

(a) An application for renewal;

(b) The fee required to renew the license pursuant to this section; and

(c) A reinstatement fee of $75.

~~[3.]~~ ***4.*** To be issued a duplicate copy of a license as a mortgage agent, a person must make a satisfactory showing of its loss and pay a fee of $10.

~~[4.]~~ ***5.*** To change the mortgage broker with whom the mortgage agent is associated, a person must pay a fee of $10.

~~[5.]~~ ***6.*** Money received by the Commissioner pursuant to this section is in addition to any fee that must be paid to the Registry and must be deposited in the Fund for Mortgage Lending created by NRS 645F.270.

~~[6. The Commissioner may provide by regulation that any hours of a certified course of continuing education attended during a 12-month period, but not needed to satisfy a requirement set forth in this section for the 12-month period in which the hours were taken, may be used to satisfy a requirement set forth in this section for a later 12-month period.]~~

7. As used in this section, "certified course of continuing education" has the meaning ascribed to it in NRS 645B.051.

Sec. 5. **NRS 645B.450 is hereby amended to read as follows:**

645B.450 1. A person licensed as a mortgage agent pursuant to the provisions of NRS 645B.410 may not be associated with or employed by more than one ***licensed or registered*** mortgage broker ***or mortgage banker or person who holds a certificate of exemption pursuant to NRS 645B.016*** at the same time.

2. A mortgage broker ***, mortgage banker or person who holds a certificate of exemption pursuant to NRS 645B.016*** shall not associate with or employ a person as a mortgage agent or authorize a person to be associated with the mortgage broker ***, mortgage banker or person who holds a certificate of exemption pursuant to NRS 645B.016*** as a mortgage agent if the mortgage agent is not licensed with the Division pursuant to NRS 645B.410. ***Before allowing a mortgage agent to act on its behalf, a mortgage broker, mortgage banker or person who holds a certificate of exemption pursuant to NRS 645B.016, must:***

(a) Enter its sponsorship of the mortgage agent with the Registry; or

(b) If the mortgage agent is not required to be registered with the Registry, notify the Division of its sponsorship of the mortgage agent.

3. If a mortgage agent terminates his or her association or employment with a mortgage broker ***, mortgage banker or person who holds a certificate of exemption pursuant to NRS 645B.016*** for any reason, the mortgage broker ***, mortgage banker or person who holds a certificate of exemption***

pursuant to NRS 645B.016 shall, not later than the third business day following the date of termination:

(a) ~~[~~Deliver~~]~~ ***Remove its sponsorship of the mortgage agent from the Registry; or***

(b) If the mortgage agent is not required to be registered with the Registry, deliver to the ***Division and to the*** mortgage agent ~~[~~or send by certified mail to~~]~~ ***at*** the last known residence address of the mortgage agent a written statement which ~~[~~advises the mortgage agent that the termination is being reported to the Division; and

~~(b) Deliver or send by certified mail to the Division:~~

~~(1) The license or license number of the mortgage agent;~~

~~(2) A written statement of the circumstances surrounding the termination; and~~

~~(3) A copy of the written statement that the mortgage broker delivers or mails to the mortgage agent pursuant to paragraph (a).~~] ***includes the name, address and license number of the mortgage agent and a statement of the circumstances of the termination.***

~~[Section 1.]~~ ***Sec. 6.*** Chapter 645F of NRS is hereby amended by adding thereto a new section to read as follows:

1. A mortgage agent, mortgage banker or mortgage broker or an employee of a ~~[mortgage agent,]~~ mortgage banker or mortgage broker is not required to register or renew with the Registry , or provide reports of financial condition to the Registry, if the mortgage agent, mortgage banker, mortgage broker or employee:

(a) Is not a residential mortgage loan originator or the supervisor of a residential mortgage loan originator; and

(b) Is not required to register pursuant to the provisions of the federal Secure and Fair Enforcement for Mortgage Licensing Act of 2008.

2. A mortgage agent, mortgage banker or mortgage broker or an employee of a mortgage banker or mortgage broker who, pursuant to subsection 1, is not required to register or renew with the Registry and who voluntarily registers or renews with the Registry shall comply with all requirements of the federal Secure and Fair Enforcement for Mortgage Licensing Act of 2008, and any regulations adopted pursuant thereto.

3. As used in this section, "residential mortgage loan originator" has the meaning ascribed to it in NRS 645B.01325.

~~[Sec. 2.]~~ ***Sec. 7.*** NRS 645F.293 is hereby amended to read as follows:

645F.293 1. The Commissioner shall adopt regulations to carry out the provisions of the federal Secure and Fair Enforcement for Mortgage Licensing Act of 2008.

2. The regulations must include, without limitation:

(a) A method by which to allow for reporting regularly violations of the relevant provisions of chapter 645B or 645E of NRS, enforcement actions and other relevant information to the Registry; and

(b) A process whereby a person may challenge information reported to the Registry by the Commissioner.

3. The regulations must not require a mortgage agent, mortgage banker or mortgage broker or an employee of a ~~[mortgage agent,]~~ mortgage banker or mortgage broker to register with the Registry if the mortgage agent, mortgage banker, mortgage broker or employee is exempt from registration pursuant to subsection 1 of section ~~[1]~~ 6 of this act.

Sec. 8. **NRS 645E.292 is hereby repealed.**

~~[Sec. 3.]~~ ***Sec. 9.*** This act becomes effective upon passage and approval.

TEXT OF REPEALED SECTION

645E.292 Duties of mortgage banker upon termination of mortgage agent. If a mortgage agent terminates his or her association or employment with a mortgage banker for any reason, the mortgage banker shall, not later than 3 business days following knowledge of the date of termination:

1. Deliver to the mortgage agent or send by certified mail to the last known residence address of the mortgage agent a written statement which advises the mortgage agent that the termination is being reported to the Division; and

2. Deliver or send by certified mail to the Division:

(a) The license or license number of the mortgage agent;

(b) A written statement of the circumstances surrounding the termination; and

(c) A copy of the written statement that the mortgage banker delivers or mails to the mortgage agent pursuant to subsection 1.

Assemblyman Kirkpatrick moved the adoption of the amendment.

Amendment adopted.

Bill ordered to third reading.

Assembly Bill No. 284.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 324.

AN ACT relating to real property; revising provisions governing the recording of assignments of mortgages and deeds of trust; revising provisions governing the exercise of the power of sale under a deed of trust; revising provisions concerning the crimes of mortgage lending fraud and making a false representation concerning title to real property; providing civil and criminal penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under exiting law, the assignment of a mortgage or the beneficial interest in a deed of trust may be recorded. (NRS 106.210, 107.070) **Section 1** of this bill requires such an assignment to be recorded in the office of the county

recorder of the county in which the real property is located **.** ~~[within 60 days after the assignment.]~~

Sections 4, 7 and 8 of this bill increase from $500 to $1,000 the civil liability of a mortgagee or trustee or beneficiary under a deed of trust who fails to discharge the mortgage or deed of trust within 21 days after the obligation secured by mortgage or deed of trust has been satisfied.

Section 6 of this bill prescribes certain duties of a trustee under a deed of trust and provides for a civil action against a trustee under certain circumstances.

~~[~~Sections~~]~~ **Section 9** ~~[and 11]~~ of this bill ~~[require]~~ **requires** a notice of default and election to sell real property subject to a deed of trust to include ~~[:~~ ~~(1)]~~ an affidavit setting forth certain information concerning the deed of trust **,** ~~[and]~~ the amounts due ~~[; and (2) a statement under penalty of perjury that the person executing and recording the notice of default and election to sell has actual]~~ **, the** possession of the note and the deed of trust and ~~[has]~~ the authority to foreclose. **Section 9** also provides for a civil action against a person who exercises the power of sale under a deed of trust without complying with the provisions of law governing the exercise of that power.

Existing law authorizes certain persons to request a statement of the amount necessary to discharge a debt secured by a deed of trust. (NRS 107.210) **Section 12** of this bill adds to the information required to be provided in this statement: (1) the identity of the trustee, any trustee's agent, the current holder of the note, the beneficiary of record and the servicers of the debt; and (2) if the debt is in default, the amount in default, the principal, interest, default fees and the cost and fees associated with the exercise of a power of sale.

Section 13 of this bill revises provisions relating to the crime of mortgage lending fraud by: (1) providing that a person who commits mortgage lending fraud is subject to a civil penalty of not more than $5,000; and (2) authorizing the owner or the holder of the beneficial interest in the real property to bring a civil action for damages suffered because of the conduct and for attorney's fees and costs.

Section 14 of this bill revises the crime of making a false representation concerning title and increases the penalty for such a crime from a gross misdemeanor to a category C felony. If the person engages in a pattern of making false representations concerning title, the person is guilty of a category B felony. In addition, a person who commits this crime is subject to a civil penalty of not more than $5,000, and the owner or the holder of the beneficial interest in the real property may bring a civil action for damages suffered because of the false representation and for attorney's fees and costs.

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

Section 1. NRS 106.210 is hereby amended to read as follows:

106.210 1. Any assignment of a mortgage of real property, or of a mortgage of personal property or crops recorded prior to March 27, 1935, and any assignment of the beneficial interest under a deed of trust ~~[may]~~ ***must*** be recorded ~~[,]~~ ***in the office of the recorder of the county in which the property is located,*** ~~*[within 60 days after the assignment]*~~ and from the time any of the same are so filed for record shall operate as constructive notice of the contents thereof to all persons. ~~*[The assignment is not effective to provide notice of its contents]*~~ ***A mortgage of real property, or a mortgage of personal property or crops recorded prior to March 27, 1935, which has been assigned may not be enforced unless and until*** ~~*[it]*~~ ***the assignment is recorded*** ~~*[.]*~~ ***pursuant to this subsection. If the beneficial interest under a deed of trust has been assigned, the trustee under the deed of trust may not exercise the power of sale pursuant to NRS 107.080 unless and until the assignment is recorded pursuant to this subsection.***

2. Each such filing or recording ~~[shall]~~ ***must*** be properly indexed by the recorder.

Sec. 2. NRS 106.220 is hereby amended to read as follows:

106.220 1. Any instrument by which any mortgage or deed of trust of, lien upon or interest in real property is subordinated or waived as to priority, ~~[may,]~~ ***must,*** in case it concerns only one or more mortgages or deeds of trust of, liens upon or interests in real property, together with, or in the alternative, one or more mortgages of, liens upon or interests in personal property or crops, the instruments or documents evidencing or creating which have been recorded prior to March 27, 1935, be recorded ~~[,]~~ ***in the office of the recorder of the county in which the property is located,*** ~~*[within 60 days after the instrument is executed]*~~ and from the time any of the same are so filed for record ~~[shall operate]~~ ***operates*** as constructive notice of the contents thereof to all persons. ***The instrument is not enforceable under this chapter or chapter 107 of NRS unless and until it is recorded.***

2. Each such filing or recording ~~[shall]~~ ***must*** be properly indexed by the recorder.

Sec. 3. NRS 106.280 is hereby amended to read as follows:

106.280 Every certificate of discharge of a recorded mortgage, and the proof or acknowledgment thereof, ~~[shall]~~ ***must*** be recorded at full length, and a reference ~~[shall]~~ ***must*** be made to the ***county*** book containing such record in the minutes of the discharge of such mortgage made by the recorder upon the record thereof.

Sec. 4. NRS 106.290 is hereby amended to read as follows:

106.290 1. Within 21 calendar days after receiving written notice that a debt secured by a mortgage has been paid or otherwise satisfied or discharged, the mortgagee shall cause a discharge of the mortgage to be recorded pursuant to NRS 106.260 or 106.270 if the mortgagor, the mortgagor's heirs or assigns have fully performed the conditions of the mortgage.

2. If a mortgagee fails to comply with the provisions of this section, the mortgagee is liable in a civil action to the mortgagor, the mortgagor's heirs or assigns for:

(a) The sum of ~~[$500;]~~ ***$1,000;***

(b) Any actual damages caused by the failure of the mortgagee to comply with the provisions of this section; and

(c) ~~[A reasonable]~~ ***Reasonable*** attorney's ~~[fee]~~ ***fees*** and the costs of bringing the action.

3. Except as otherwise provided in this subsection, if a mortgagee fails to cause a discharge of the mortgage to be recorded pursuant to subsection 1 within 75 calendar days, a title insurer may prepare and cause to be recorded a release of the mortgage. At least 30 calendar days before the recording of a release pursuant to this subsection, the title insurer shall mail, by first-class mail, postage prepaid, notice of the intention to record the release of the mortgage to the mortgagor and mortgagee, or their successors in interest, at the last known address of each such person. A release prepared and recorded pursuant to this subsection shall be deemed a discharge of the mortgage. The title insurer shall not cause a release to be recorded pursuant to this subsection if the title insurer receives written instructions to the contrary from the mortgagor, the mortgagee or a successor in interest.

4. The release prepared pursuant to subsection 3 must set forth:

(a) The name of the mortgagor;

(b) The name of the mortgagee;

(c) The recording reference to the mortgage;

(d) A statement that the debt secured by the mortgage has been paid in full or otherwise satisfied or discharged;

(e) The date and amount of payment or other satisfaction or discharge; and

(f) The name and address of the title insurer issuing the release.

5. A release prepared and recorded pursuant to subsection 3 does not relieve a mortgagee of the requirements imposed by subsections 1 and 2.

6. In addition to any other remedy provided by law, a title insurer who improperly causes to be recorded a release of a mortgage pursuant to this section is liable in a civil action for actual damages and for a reasonable attorney's fee and the costs of bringing the action to any person who is injured because of the improper recordation of the release.

7. Any person who willfully violates this section is guilty of a misdemeanor.

8. As used in this section, "title insurer" has the meaning ascribed to it in NRS 692A.070.

Sec. 5. NRS 106.360 is hereby amended to read as follows:

106.360 1. A borrower may execute an instrument encumbering the borrower's real property to secure future advances from a lender within a mutually agreed maximum amount of principal. ***The instrument or an amendment to the instrument is enforceable only if the instrument or the amendment is recorded in the office of the county recorder of the county in***

which the real property is located and the party seeking to enforce the instrument or the amendment is an original party to the instrument or amendment or the current assignee of record.

2. The instrument must state clearly:

(a) That it secures future advances; and

(b) The maximum amount of principal to be secured.

3. The maximum amount of advances of principal to be secured by the instrument may increase or decrease from time to time by amendment of the instrument.

Sec. 6. Chapter 107 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The trustee under a deed of trust must be:

(a) An attorney licensed to practice law in this State;

(b) A title insurer or title agent authorized to do business in this State pursuant to chapter 692A of NRS; or

(c) [An association or corporation engaged in the business of acting as trustee under deeds of trust in this State.] A person licensed pursuant to chapter 669 of NRS or a person exempt from the provisions of chapter 669 of NRS pursuant to paragraph (a) or (h) of subsection 1 of NRS 669.080.

2. A trustee under a deed of trust must not be the beneficiary of the deed of trust [.] for the purposes of exercising the power of sale pursuant to NRS 107.080.

3. A trustee under a deed of trust must not:

(a) Lend its name or its corporate capacity to any person who is not qualified to be the trustee under a deed of trust pursuant to subsection 1.

(b) Act individually or in concert with any other person to circumvent the requirements of subsection 1.

4. A [trustee under a deed of trust may resign at its own election, and the] beneficiary of record may replace [the] its trustee with another trustee. The [resignation] appointment of a new trustee is not effective until the [resignation] substitution of trustee is recorded in the office of the recorder of the county in which the real property is located . [and 30 days after the trustee provided written notice of its resignation to the beneficiary. If a trustee is not appointed in the deed of trust, or upon the resignation, incapacity, disability, absence or death of the trustee, or the election of the beneficiary to replace the trustee, the beneficiary of record must appoint a trustee and record in the office of the recorder of the county in which the real property is located a document indicating the appointment of the trustee. The appointment is not effective until the document is recorded.]

5. The trustee does not have a fiduciary obligation to the grantor or any other person having an interest in the property which is subject to the deed of trust. The trustee shall act impartially and in good faith with respect to the deed of trust and shall act in accordance with the laws of this State. A rebuttable presumption that a trustee has acted impartially and in good faith exists if the trustee acts in compliance with the provisions of

NRS 107.080. In performing acts required by NRS 107.080, the trustee incurs no liability for any good faith error resulting from reliance on information provided by the beneficiary regarding the nature and the amount of the default under the obligation secured by the deed of trust if the trustee corrects the good faith error not later than 20 days after discovering the error.

6. If, in an action brought by a grantor, a person who holds title of record or a beneficiary in the district court in and for the county in which the real property is located, the court finds that the trustee did not comply with this section, any other provision of this chapter or any applicable provision of chapter 106 or 205 of NRS, the court must award to the grantor, the person who holds title of record or the beneficiary:

(a) Damages of $5,000 or treble the amount of actual damages, whichever is greater;

(b) An injunction enjoining the exercise of the power of sale until the beneficiary, the successor in interest of the beneficiary or the trustee complies with the requirements of subsections 2, 3 and 4; and

(c) ~~*[Both the damages described in paragraph (a) and the injunction described in paragraph (b); and*~~

~~*(d)]*~~ ***Reasonable attorney's fees and costs*** ~~*[.]*~~ ***,***

➥ unless the court finds good cause for a different award.

Sec. 7. NRS 107.077 is hereby amended to read as follows:

107.077 1. Within 21 calendar days after receiving written notice that a debt secured by a deed of trust made on or after October 1, 1991, has been paid or otherwise satisfied or discharged, the beneficiary shall deliver to the trustee or the trustor the original note and deed of trust, if the beneficiary is in possession of those documents, and a properly executed request to reconvey the estate in real property conveyed to the trustee by the grantor. If the beneficiary delivers the original note and deed of trust to the trustee or the trustee has those documents in his or her possession, the trustee shall deliver those documents to the grantor.

2. Within 45 calendar days after a debt secured by a deed of trust made on or after October 1, 1991, is paid or otherwise satisfied or discharged, and a properly executed request to reconvey is received by the trustee, the trustee shall cause to be recorded a reconveyance of the deed of trust.

3. If the beneficiary fails to deliver to the trustee a properly executed request to reconvey pursuant to subsection 1, or if the trustee fails to cause to be recorded a reconveyance of the deed of trust pursuant to subsection 2, the beneficiary or the trustee, as the case may be, is liable in a civil action to the grantor, his or her heirs or assigns in the sum of ~~[$500,]~~ ***$1,000,*** plus ~~[a]~~ reasonable attorney's ~~[fee]~~ ***fees*** and the costs of bringing the action, and the beneficiary or the trustee is liable in a civil action to any party to the deed of trust for any actual damages caused by the failure to comply with the provisions of this section and for ~~[a]~~ reasonable attorney's ~~[fee]~~ ***fees*** and the costs of bringing the action.

4. Except as otherwise provided in this subsection, if a reconveyance is not recorded pursuant to subsection 2 within:

(a) Seventy-five calendar days after the payment, satisfaction or discharge of the debt, if the payment, satisfaction or discharge was made on or after October 1, 1993; or

(b) Ninety calendar days after the payment, satisfaction or discharge of the debt, if the payment, satisfaction or discharge was made before October 1, 1993,

➥ a title insurer may prepare and cause to be recorded a release of the deed of trust. At least 30 calendar days before the recording of a release pursuant to this subsection, the title insurer shall mail, by first-class mail, postage prepaid, notice of the intention to record the release of the deed of trust to the trustee, trustor and beneficiary of record, or their successors in interest, at the last known address of each such person. A release prepared and recorded pursuant to this subsection shall be deemed a reconveyance of a deed of trust. The title insurer shall not cause a release to be recorded pursuant to this subsection if the title insurer receives written instructions to the contrary from the trustee, the trustor, the owner of the land, the holder of the escrow or the owner of the debt secured by the deed of trust or his or her agent.

5. The release prepared pursuant to subsection 4 must set forth:

(a) The name of the beneficiary;

(b) The name of the trustor;

(c) The recording reference to the deed of trust;

(d) A statement that the debt secured by the deed of trust has been paid in full or otherwise satisfied or discharged;

(e) The date and amount of payment or other satisfaction or discharge; and

(f) The name and address of the title insurer issuing the release.

6. A release prepared and recorded pursuant to subsection 4 does not relieve a beneficiary or trustee of the requirements imposed by subsections 1 and 2.

7. A trustee may charge a reasonable fee to the trustor or the owner of the land for services relating to the preparation, execution or recordation of a reconveyance or release pursuant to this section. A trustee shall not require the fees to be paid before the opening of an escrow, or earlier than 60 calendar days before the payment, satisfaction or discharge of the debt secured by the deed of trust. If a fee charged pursuant to this subsection does not exceed $100, the fee is conclusively presumed to be reasonable.

8. In addition to any other remedy provided by law, a title insurer who improperly causes to be recorded a release of a deed of trust pursuant to this section is liable for actual damages and for a reasonable attorney's fee and the costs of bringing the action to any person who is injured because of the improper recordation of the release.

9. Any person who willfully violates this section is guilty of a misdemeanor.

Sec. 8. NRS 107.078 is hereby amended to read as follows:

107.078 1. If a deed of trust made on or after October 1, 1995, authorizes the grantor to discharge in part the debt secured by the deed of trust and the deed of trust authorizes a partial reconveyance of the estate in real property in consideration of a partial discharge, the beneficiary shall, within 21 calendar days after receiving notice that the debt secured by the deed of trust has been partially discharged, deliver to the trustee a properly executed request for a partial reconveyance of the estate in real property conveyed to the trustee by the grantor.

2. Within 45 calendar days after a debt secured by a deed of trust made on or after October 1, 1995, is partially discharged and a properly executed request for a partial reconveyance is received by the trustee, the trustee shall cause to be recorded a partial reconveyance of the deed of trust.

3. If the beneficiary fails to deliver to the trustee a properly executed request for a partial reconveyance pursuant to subsection 1, or if the trustee fails to cause to be recorded a partial reconveyance of the deed of trust pursuant to subsection 2, the beneficiary or the trustee, as the case may be, is liable in a civil action to the grantor, the grantor's heirs or assigns in the amount of ~~[$500,]~~ ***$1,000,*** plus ~~[a]~~ reasonable attorney's ~~[fee]~~ ***fees*** and the costs of bringing the action, and the beneficiary or trustee is liable in a civil action to any party to the deed of trust for any actual damages caused by the failure to comply with the provisions of this section and for ~~[a]~~ reasonable attorney's ~~[fee]~~ ***fees*** and the costs of bringing the action.

4. Except as otherwise provided in this subsection, if a partial reconveyance is not recorded pursuant to subsection 2 within 75 calendar days after the partial satisfaction of the debt and if the satisfaction was made on or after October 1, 1995, a title insurer may prepare and cause to be recorded a partial release of the deed of trust. At least 30 calendar days before the recording of a partial release pursuant to this subsection, the title insurer shall mail, by first-class mail, postage prepaid, notice of the intention to record the partial release of the deed of trust to the trustee, trustor and beneficiary of record, or their successors in interest, at the last known address of each such person. A partial release prepared and recorded pursuant to this subsection shall be deemed a partial reconveyance of a deed of trust. The title insurer shall not cause a partial release to be recorded pursuant to this subsection if the title insurer receives written instructions to the contrary from the trustee, trustor, owner of the land, holder of the escrow or owner of the debt secured by the deed of trust or his or her agent.

5. The release prepared pursuant to subsection 4 must set forth:

(a) The name of the beneficiary;

(b) The name of the trustor;

(c) The recording reference to the deed of trust;

(d) A statement that the debt secured by the deed of trust has been partially discharged;

(e) The date and amount of partial payment or other partial satisfaction or discharge;

(f) The name and address of the title insurer issuing the partial release; and

(g) The legal description of the estate in real property which is reconveyed.

6. A partial release prepared and recorded pursuant to subsection 4 does not relieve a beneficiary or trustee of the requirements imposed by subsections 1 and 2.

7. A trustee may charge a reasonable fee to the trustor or the owner of the land for services relating to the preparation, execution or recordation of a partial reconveyance or partial release pursuant to this section. A trustee shall not require the fees to be paid before the opening of an escrow or earlier than 60 calendar days before the partial payment or partial satisfaction or discharge of the debt secured by the deed of trust. If a fee charged pursuant to this subsection does not exceed $100, the fee is conclusively presumed to be reasonable.

8. In addition to any other remedy provided by law, a title insurer who improperly causes to be recorded a partial release of a deed of trust pursuant to this section is liable for actual damages and for a reasonable attorney's fee and the costs of bringing the action to any person who is injured because of the improper recordation of the partial release.

9. Any person who willfully violates this section is guilty of a misdemeanor.

Sec. 9. NRS 107.080 is hereby amended to read as follows:

107.080 1. Except as otherwise provided in NRS ***106.210,*** 107.085 and 107.086, if any transfer in trust of any estate in real property is made after March 29, 1927, to secure the performance of an obligation or the payment of any debt, a power of sale is hereby conferred upon the trustee to be exercised after a breach of the obligation for which the transfer is security.

2. The power of sale must not be exercised, however, until:

(a) Except as otherwise provided in paragraph (b), in the case of any trust agreement coming into force:

(1) On or after July 1, 1949, and before July 1, 1957, the grantor, the person who holds the title of record, a beneficiary under a subordinate deed of trust or any other person who has a subordinate lien or encumbrance of record on the property has, for a period of 15 days, computed as prescribed in subsection 3, failed to make good the deficiency in performance or payment; or

(2) On or after July 1, 1957, the grantor, the person who holds the title of record, a beneficiary under a subordinate deed of trust or any other person who has a subordinate lien or encumbrance of record on the property has, for a period of 35 days, computed as prescribed in subsection 3, failed to make good the deficiency in performance or payment ~~[;]~~ .

(b) In the case of any trust agreement which concerns owner-occupied housing as defined in NRS 107.086, the grantor, the person who holds the title of record, a beneficiary under a subordinate deed of trust or any other person who has a subordinate lien or encumbrance of record on the property

has, for a period that commences in the manner and subject to the requirements described in subsection 3 and expires 5 days before the date of sale, failed to make good the deficiency in performance or payment ~~[;]~~ .

(c) The beneficiary, the successor in interest of the beneficiary or the trustee first executes and causes to be recorded in the office of the recorder of the county wherein the trust property, or some part thereof, is situated a ~~[:~~

~~*(1) A]*~~ notice of the breach and of the election to sell or cause to be sold the property to satisfy the obligation ~~[;]~~ ~~[and]~~ ~~[~~

~~*(2) A]*~~ ***which, except as otherwise provided in this paragraph, includes a notarized affidavit of authority to exercise the power of sale*** ~~*[which:*~~

~~*(I) States the identity of]*~~ ***stating, based on personal knowledge and under the penalty of perjury:***

(1) The full name and business address of the trustee or the trustee's personal representative or assignee, the current holder of the note secured by the deed of trust, the current beneficiary of record and the servicers of the obligation or debt secured by the deed of trust;

~~*[*~~ ~~*(II) Describes the]*~~

(2) The full name and last known business address of every prior known beneficiary of the deed of trust;

(3) That the beneficiary under the deed of trust, the successor in interest of the beneficiary or the trustee is in actual or constructive possession of the note secured by the deed of trust;

(4) That the trustee has the authority to exercise the power of sale with respect to the property pursuant to the instruction of the beneficiary of record and the current holder of the note secured by the deed of trust;

(5) The amount in default, the principal amount of the obligation or debt secured by the deed of trust ~~*[, the interest accrued and unpaid on the obligation or debt secured by the deed of trust,]*~~ ***, a good faith estimate of all fees imposed and to be imposed because of the default and the costs and fees charged to the debtor in connection with the exercise of the power of sale; and***

~~*[*~~ ~~*(III) The full name and address of record of the current beneficiary and every prior beneficiary under the deed of trust; and*~~

~~*(IV)]*~~

(6) The date, recordation number or other unique designation of the instrument that conveyed the interest of each beneficiary and a description of the instrument that conveyed the interest of each beneficiary . ~~*[; and*~~

~~*(3) A statement, based on personal knowledge and under penalty of perjury, that:*~~

~~*(I) Contains the full name and address of the current beneficiary of record and the current holder of the note secured by the deed of trust;*~~

~~*(II) The beneficiary, the successor in interest of the beneficiary or the trustee is in actual physical possession of the note secured by the deed of trust; and*~~

~~*(III) The beneficiary, the successor in interest of the beneficiary or the trustee has authority to exercise the power of sale with respect to the property pursuant to the instruction of the beneficiary of record and the current holder of the note secured by the deed of trust; and]*~~

➥ The affidavit described in this paragraph is not required for the exercise of the trustee's power of sale with respect to any trust agreement which concerns a time share within a time share plan created pursuant to chapter 119A of NRS if the power of sale is being exercised for the initial beneficiary under the deed of trust or an affiliate of the initial beneficiary.

(d) Not less than 3 months have elapsed after the recording of the notice. ~~*[, the affidavit and the statement pursuant to paragraph (c).]*~~

3. The 15- or 35-day period provided in paragraph (a) of subsection 2, or the period provided in paragraph (b) of subsection 2, commences on the first day following the day upon which the notice of default and election to sell is ~~*[and the affidavit and the statement described in paragraph (c) of subsection 2 are]*~~ recorded in the office of the county recorder of the county in which the property is located and a copy of the notice of default and election to sell is ~~*[and the affidavit and the statement described in paragraph (c) of subsection 2 are]*~~ mailed by registered or certified mail, return receipt requested and with postage prepaid to the grantor or, to the person who holds the title of record on the date the notice of default and election to sell is ~~*[and the affidavit and statement described in paragraph (c) of subsection 2 are]*~~ recorded, and, if the property is operated as a facility licensed under chapter 449 of NRS, to the State Board of Health, at their respective addresses, if known, otherwise to the address of the trust property. The notice of default and election to sell must:

(a) Describe the deficiency in performance or payment and may contain a notice of intent to declare the entire unpaid balance due if acceleration is permitted by the obligation secured by the deed of trust, but acceleration must not occur if the deficiency in performance or payment is made good and any costs, fees and expenses incident to the preparation or recordation of the notice ~~*[, the affidavit and the statement]*~~ and incident to the making good of the deficiency in performance or payment are paid within the time specified in subsection 2; and

(b) If the property is a residential foreclosure, comply with the provisions of NRS 107.087.

4. The trustee, or other person authorized to make the sale under the terms of the trust deed or transfer in trust, shall, after expiration of the 3-month period following the recording of the notice of breach and election to sell, and before the making of the sale, give notice of the time and place thereof by recording the notice of sale and by:

(a) Providing the notice to each trustor, any other person entitled to notice pursuant to this section and, if the property is operated as a facility licensed under chapter 449 of NRS, the State Board of Health, by personal service or by mailing the notice by registered or certified mail to the last known address

of the trustor and any other person entitled to such notice pursuant to this section;

(b) Posting a similar notice particularly describing the property, for 20 days successively, in three public places of the township or city where the property is situated and where the property is to be sold;

(c) Publishing a copy of the notice three times, once each week for 3 consecutive weeks, in a newspaper of general circulation in the county where the property is situated; and

(d) If the property is a residential foreclosure complying with the provisions of NRS 107.087.

5. Every sale made under the provisions of this section and other sections of this chapter vests in the purchaser the title of the grantor and any successors in interest without equity or right of redemption. A sale made pursuant to this section ~~[may]~~ ***must*** be declared void by any court of competent jurisdiction in the county where the sale took place if:

(a) The trustee or other person authorized to make the sale does not substantially comply with the provisions of this section or any applicable provision of NRS 107.086 and 107.087;

(b) Except as otherwise provided in subsection 6, an action is commenced in the county where the sale took place within 90 days after the date of the sale; and

(c) A notice of lis pendens providing notice of the pendency of the action is recorded in the office of the county recorder of the county where the sale took place within 30 days after commencement of the action.

6. If proper notice is not provided pursuant to subsection 3 or paragraph (a) of subsection 4 to the grantor, to the person who holds the title of record on the date the notice of default and election to sell is ~~[and the affidavit and the statement described in paragraph (c) of subsection 2 are]~~ recorded, to each trustor or to any other person entitled to such notice, the person who did not receive such proper notice may commence an action pursuant to subsection 5 within 120 days after the date on which the person received actual notice of the sale.

7. ***If, in an action brought by the grantor or the person who holds title of record in the district court in and for the county in which the real property is located, the court finds that the beneficiary, the successor in interest of the beneficiary or the trustee did not comply with any requirement of subsection 2, 3 or 4, the court must award to the grantor or the person who holds title of record:***

(a) Damages of $5,000 or treble the amount of actual damages, whichever is greater;

(b) An injunction enjoining the exercise of the power of sale until the beneficiary, the successor in interest of the beneficiary or the trustee complies with the requirements of subsections 2, 3 and 4; and

(c) ~~*[Both the damages described in paragraph (a) and the injunction described in paragraph (b); and*~~

~~*(d)]*~~ ***Reasonable attorney's fees and costs*** ~~*[.]*~~ ***.***

➥ ***unless the court finds good cause for a different award. The remedy provided in this subsection is in addition to the remedy provided in subsection 5.***

8. The sale of a lease of a dwelling unit of a cooperative housing corporation vests in the purchaser title to the shares in the corporation which accompany the lease.

~~**[**8.**]**~~ ***9.*** After a sale of property is conducted pursuant to this section, the trustee shall:

(a) Within 30 days after the date of the sale, record the trustee's deed upon sale in the office of the county recorder of the county in which the property is located; or

(b) Within 20 days after the date of the sale, deliver the trustee's deed upon sale to the successful bidder. Within 10 days after the date of delivery of the deed by the trustee, the successful bidder shall record the trustee's deed upon sale in the office of the county recorder of the county in which the property is located.

~~**[**9.**]**~~ ***10.*** If the successful bidder fails to record the trustee's deed upon sale pursuant to paragraph (b) of subsection ~~**[**8.**]**~~ ***9,*** the successful bidder:

(a) Is liable in a civil action to any party that is a senior lienholder against the property that is the subject of the sale in a sum of up to $500 and for reasonable attorney's fees and the costs of bringing the action; and

(b) Is liable in a civil action for any actual damages caused by the failure to comply with the provisions of subsection ~~**[**8**]**~~ ***9*** and for reasonable attorney's fees and the costs of bringing the action.

~~**[**10.**]**~~ ***11.*** The county recorder shall, in addition to any other fee, at the time of recording a notice of default and election to sell ~~*[and the affidavit and statement described in paragraph (c) of subsection 2]*~~ collect:

(a) A fee of $150 for deposit in the State General Fund.

(b) A fee of $50 for deposit in the Account for Foreclosure Mediation, which is hereby created in the State General Fund. The Account must be administered by the Court Administrator, and the money in the Account may be expended only for the purpose of supporting a program of foreclosure mediation established by Supreme Court Rule.

➥ The fees collected pursuant to this subsection must be paid over to the county treasurer by the county recorder on or before the fifth day of each month for the preceding calendar month, and, except as otherwise provided in this subsection, must be placed to the credit of the State General Fund or the Account as prescribed pursuant to this subsection. The county recorder may direct that 1.5 percent of the fees collected by the county recorder be transferred into a special account for use by the office of the county recorder. The county treasurer shall, on or before the 15th day of each month, remit the fees deposited by the county recorder pursuant to this subsection to the State Controller for credit to the State General Fund or the Account as prescribed in this subsection.

~~[~~11.~~]~~ ***12.*** The beneficiary, the successor in interest of the beneficiary or the trustee who causes to be recorded the notice of default and election to sell ~~*[and the affidavit and statement described in paragraph (c) of subsection 2]*~~ shall not charge the grantor or the successor in interest of the grantor any portion of any fee required to be paid pursuant to subsection ~~[~~10.~~*

12.*~~]~~ ***11.***

13. As used in this section ~~[~~, "residential~~]~~ ***:***

(a) "Residential foreclosure" means the sale of a single family residence under a power of sale granted by this section. As used in this subsection, "single family residence":

~~[~~(a)~~]~~ ***(1)*** Means a structure that is comprised of not more than four units.

~~[~~(b)~~]~~ ***(2)*** Does not include any time share or other property regulated under chapter 119A of NRS.

(b) "Trustee" means the trustee of record.

Sec. 10. ~~[~~NRS 107.086 is hereby amended to read as follows:

~~107.086 1. In addition to the requirements of NRS 107.085, the exercise of the power of sale pursuant to NRS 107.080 with respect to any trust agreement which concerns owner-occupied housing is subject to the provisions of this section.~~

~~2. The trustee shall not exercise a power of sale pursuant to NRS 107.080 unless the trustee:~~

~~(a) Includes with the notice of default and election to sell~~ ***, the affidavit and the statement required by NRS 107.080*** ~~which~~ ~~[~~is~~]~~ ***are*** ~~mailed to the grantor or the person who holds the title of record as required by subsection 3 of~~ ~~[~~NRS 107.080:~~]~~ ***that section:***

~~(1) Contact information which the grantor or the person who holds the title of record may use to reach a person with authority to negotiate a loan modification on behalf of the beneficiary of the deed of trust;~~

~~(2) Contact information for at least one local housing counseling agency approved by the United States Department of Housing and Urban Development; and~~

~~(3) A form upon which the grantor or the person who holds the title of record may indicate an election to enter into mediation or to waive mediation and one envelope addressed to the trustee and one envelope addressed to the Mediation Administrator, which the grantor or the person who holds the title of record may use to comply with the provisions of subsection 3;~~

~~(b) Serves a copy of the notice upon the Mediation Administrator; and~~

~~(c) Causes to be recorded in the office of the recorder of the county in which the trust property, or some part thereof, is situated:~~

~~(1) The certificate provided to the trustee by the Mediation Administrator pursuant to subsection 3 or 6 which provides that no mediation is required in the matter; or~~

~~(2) The certificate provided to the trustee by the Mediation Administrator pursuant to subsection 7 which provides that mediation has been completed in the matter.~~

~~3. The grantor or the person who holds the title of record shall, not later than 30 days after service of the notice in the manner required by NRS 107.080, complete the form required by subparagraph (3) of paragraph (a) of subsection 2 and return the form to the trustee by certified mail, return receipt requested. If the grantor or the person who holds the title of record indicates on the form an election to enter into mediation, the trustee shall notify the beneficiary of the deed of trust and every other person with an interest as defined in NRS 107.090, by certified mail, return receipt requested, of the election of the grantor or the person who holds the title of record to enter into mediation and file the form with the Mediation Administrator, who shall assign the matter to a senior justice, judge, hearing master or other designee and schedule the matter for mediation. No further action may be taken to exercise the power of sale until the completion of the mediation. If the grantor or the person who holds the title of record indicates on the form an election to waive mediation or fails to return the form to the trustee as required by this subsection, the trustee shall execute an affidavit attesting to that fact under penalty of perjury and serve a copy of the affidavit, together with the waiver of mediation by the grantor or the person who holds the title of record, or proof of service on the grantor or the person who holds the title of record of the notice required by subsection 2 of this section and subsection 3 of NRS 107.080, upon the Mediation Administrator. Upon receipt of the affidavit and the waiver or proof of service, the Mediation Administrator shall provide to the trustee a certificate which provides that no mediation is required in the matter.~~

~~4. Each mediation required by this section must be conducted by a senior justice, judge, hearing master or other designee pursuant to the rules adopted pursuant to subsection 8. The beneficiary of the deed of trust or a representative shall attend the mediation. The grantor or a representative shall attend the mediation if the grantor elected to enter into mediation, or the person who holds the title of record or a representative shall attend the mediation if the person who holds the title of record elected to enter into mediation. The beneficiary of the deed of trust shall bring to the mediation the original or a certified copy of the deed of trust, the mortgage note and each assignment of the deed of trust or mortgage note. If the beneficiary of the deed of trust is represented at the mediation by another person, that person must have authority to negotiate a loan modification on behalf of the beneficiary of the deed of trust or have access at all times during the mediation to a person with such authority.~~

~~5. If the beneficiary of the deed of trust or the representative fails to attend the mediation, fails to participate in the mediation in good faith or does not bring to the mediation each document required by subsection 4 or does not have the authority or access to a person with the authority required by subsection 4, the mediator shall prepare and submit to the Mediation Administrator a petition and recommendation concerning the imposition of sanctions against the beneficiary of the deed of trust or the representative.~~

~~The court may issue an order imposing such sanctions against the beneficiary of the deed of trust or the representative as the court determines appropriate, including, without limitation, requiring a loan modification in the manner determined proper by the court.~~

~~6. If the grantor or the person who holds the title of record elected to enter into mediation and fails to attend the mediation, the Mediation Administrator shall provide to the trustee a certificate which states that no mediation is required in the matter.~~

~~7. If the mediator determines that the parties, while acting in good faith, are not able to agree to a loan modification, the mediator shall prepare and submit to the Mediation Administrator a recommendation that the matter be terminated. The Mediation Administrator shall provide to the trustee a certificate which provides that the mediation required by this section has been completed in the matter.~~

~~8. The Supreme Court shall adopt rules necessary to carry out the provisions of this section. The rules must, without limitation, include provisions:~~

~~(a) Designating an entity to serve as the Mediation Administrator pursuant to this section. The entities that may be so designated include, without limitation, the Administrative Office of the Courts, the district court of the county in which the property is situated or any other judicial entity.~~

~~(b) Ensuring that mediations occur in an orderly and timely manner.~~

~~(c) Requiring each party to a mediation to provide such information as the mediator determines necessary.~~

~~(d) Establishing procedures to protect the mediation process from abuse and to ensure that each party to the mediation acts in good faith.~~

~~(e) Establishing a total fee of not more than $400 that may be charged and collected by the Mediation Administrator for mediation services pursuant to this section and providing that the responsibility for payment of the fee must be shared equally by the parties to the mediation.~~

~~9. Except as otherwise provided in subsection 11, the provisions of this section do not apply if:~~

~~(a) The grantor or the person who holds the title of record has surrendered the property, as evidenced by a letter confirming the surrender or delivery of the keys to the property to the trustee, the beneficiary of the deed of trust or the mortgagee, or an authorized agent thereof; or~~

~~(b) A petition in bankruptcy has been filed with respect to the grantor or the person who holds the title of record under chapter 7, 11, 12 or 13 of Title 11 of the United States Code and the bankruptcy court has not entered an order closing or dismissing the case or granting relief from a stay of foreclosure.~~

~~10. A noncommercial lender is not excluded from the application of this section.~~

~~11. The Mediation Administrator and each mediator who acts pursuant to this section in good faith and without gross negligence is immune from civil liability for those acts.~~

~~12. As used in this section:~~

~~(a) "Mediation Administrator" means the entity so designated pursuant to subsection 8.~~

~~(b) "Noncommercial lender" means a lender which makes a loan secured by a deed of trust on owner-occupied housing and which is not a bank, financial institution or other entity regulated pursuant to title 55 or 56 of NRS.~~

~~(c) "Owner-occupied housing" means housing that is occupied by an owner as the owner's primary residence. The term does not include any time share or other property regulated under chapter 119A of NRS.~~**] (Deleted by amendment.)**

Sec. 11. ~~[NRS 107.095 is hereby amended to read as follows:~~

~~107.095 1. The notice of default~~ ***, the affidavit and the statement*** ~~required by NRS 107.080 must also be sent by registered or certified mail, return receipt requested and with postage prepaid, to each guarantor or surety of the debt. If the address of the guarantor or surety is unknown, the notice~~ ***, affidavit and statement*** ~~must be sent to the address of the trust property. Failure to~~ [give~~]~~ ***send*** ~~the notice,~~ ***affidavit and statement,*** ~~except as otherwise provided in subsection 3, releases the guarantor or surety from his or her obligation to the beneficiary, but does not affect the validity of a sale conducted pursuant to NRS 107.080 or the obligation of any guarantor or surety to whom the notice was properly given.~~

~~2. Failure to give the notice of default required by NRS 107.090, except as otherwise provided in subsection 3, releases the obligation to the beneficiary of any person who has complied with NRS 107.090 and who is or may otherwise be held liable for the debt or other obligation secured by the deed of trust, but such a failure does not affect the validity of a sale conducted pursuant to NRS 107.080 or the obligation of any person to whom the notice was properly given pursuant to this section or to NRS 107.080 or 107.090.~~

~~3. A guarantor, surety or other obligor is not released pursuant to this section if:~~

~~(a) The required notice is given at least 15 days before the later of:~~

~~(1) The expiration of the 15- or 35-day period described in paragraph (a) of subsection 2 of NRS 107.080;~~

~~(2) In the case of any trust agreement which concerns owner-occupied housing as defined in NRS 107.086, the expiration of the period described in paragraph (b) of subsection 2 of NRS 107.080; or~~

~~(3) Any extension of the applicable period by the beneficiary; or~~

~~(b) The notice is rescinded before the sale is advertised.~~**] (Deleted by amendment.)**

Sec. 12. NRS 107.210 is hereby amended to read as follows:

107.210 Except as otherwise provided in NRS 107.230 and 107.240, the beneficiary of a deed of trust secured on or after October 1, 1995, shall, within 21 days after receiving a request from a person authorized to make such a request pursuant to NRS 107.220, cause to be mailed, postage prepaid, or sent by facsimile machine to that person a statement of the amount necessary to discharge the debt secured by the deed of trust. The statement must set forth:

1. ***The identity of the trustee or the trustee's personal representative or assignee, the current holder of the note secured by the deed of trust, the beneficiary of record and the servicers of the obligation or debt secured by the deed of trust;***

2. The amount of money necessary to discharge the debt secured by the deed of trust on the date the statement is prepared by the beneficiary; ~~[and~~

~~2.]~~ ***3.*** The information necessary to determine the amount of money required to discharge the debt on a per diem basis for a period, not to exceed 30 days, after the statement is prepared by the beneficiary ~~[.]~~ ***; and***

4. If the debt is in default, the amount in default, the principal amount of the obligation or debt secured by the deed of trust, the interest accrued and unpaid on the obligation or debt secured by the deed of trust, all fees imposed because of the default and the costs and fees charged to the debtor in connection with the exercise of the power of sale.

Sec. 13. NRS 205.372 is hereby amended to read as follows:

205.372 1. A person who ~~[, with the intent to defraud]~~ ***is*** a participant in a mortgage lending transaction ~~[:]~~ ***and who:***

(a) Knowingly makes a false statement or misrepresentation concerning a material fact or ~~[deliberately]~~ ***knowingly*** conceals or fails to disclose a material fact;

(b) Knowingly uses or facilitates the use of a false statement or misrepresentation made by another person concerning a material fact or ~~[deliberately]~~ ***knowingly*** uses or facilitates the use of another person's concealment or failure to disclose a material fact;

(c) Receives any proceeds or any other money in connection with a mortgage lending transaction that the person knows resulted from a violation of paragraph (a) or (b);

(d) Conspires with another person to violate any of the provisions of paragraph (a), (b) or (c); or

(e) Files or causes to be filed with a county recorder any document that the person knows to include a misstatement, misrepresentation or omission concerning a material fact,

➥ commits the offense of mortgage lending fraud which is a category C felony and, upon conviction, shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 10 years, or by a fine of not more than $10,000, or by both fine and imprisonment.

2. A person who engages in a pattern of mortgage lending fraud or conspires or attempts to engage in a pattern of mortgage lending fraud is guilty of a category B felony and, upon conviction, shall be punished by imprisonment in the state prison for a minimum term of not less than 3 years and a maximum term of not more than 20 years, or by a fine of not more than $50,000, or by both fine and imprisonment.

3. Each mortgage lending transaction in which a person violates any provision of subsection 1 constitutes a separate violation.

4. Except as otherwise provided in this subsection, if a lender or any agent of the lender is convicted of the offense of mortgage lending fraud in violation of this section, the mortgage lending transaction with regard to which the fraud was committed may be rescinded by the borrower within 6 months after the date of the conviction if the borrower gives written notice to the lender and records that notice with the recorder of the county in which the mortgage was recorded. A mortgage lending transaction may not be rescinded pursuant to this subsection if the lender has transferred the mortgage to a bona fide purchaser.

5. The Attorney General may investigate and prosecute a violation of this section.

6. ***In addition to the criminal penalties imposed for a violation of this section, any person who violates this section is subject to a civil penalty of not more than $5,000 for each violation. This penalty must be recovered in a civil action, brought in the name of the State of Nevada by the Attorney General. In such an action, the Attorney General may recover reasonable attorney's fees and costs.***

7. The owner or holder of the beneficial interest in real property which is the subject of mortgage lending fraud may bring a civil action in the district court in and for the county in which the real property is located to recover any damages suffered by the owner or holder of the beneficial interest plus reasonable attorney's fees and costs.

8. As used in this section:

(a) "Bona fide purchaser" means any person who purchases a mortgage in good faith and for valuable consideration and who does not know or have reasonable cause to believe that the lender or any agent of the lender engaged in mortgage lending fraud in violation of this section.

(b) "Mortgage lending transaction" means any transaction between two or more persons for the purpose of making or obtaining, attempting to make or obtain, or assisting another person to make or obtain a loan that is secured by a mortgage or other lien on residential real property. The term includes, without limitation:

(1) The solicitation of a person to make or obtain the loan;

(2) The representation or offer to represent another person to make or obtain the loan;

(3) The negotiation of the terms of the loan;

(4) The provision of services in connection with the loan; and

(5) The execution of any document in connection with making or obtaining the loan.

(c) "Participant in a mortgage lending transaction" includes, without limitation:

(1) A borrower as defined in NRS 598D.020;

(2) An escrow agent as defined in NRS 645A.010;

(3) A foreclosure consultant as defined in NRS 645F.320;

(4) A foreclosure purchaser as defined in NRS 645F.330;

(5) An investor as defined in NRS 645B.0121;

(6) A lender as defined in NRS 598D.050;

(7) A loan modification consultant as defined in NRS 645F.365;

(8) A mortgage agent as defined in NRS 645B.0125;

(9) A mortgage banker as defined in NRS 645E.100; and

(10) A mortgage broker as defined in NRS 645B.0127.

(d) "Pattern of mortgage lending fraud" means one or more violations of a provision of subsection 1 committed in two or more mortgage lending transactions which have the same or similar ~~[intents,]~~ ***purposes,*** results, accomplices, victims or methods of commission, or are otherwise interrelated by distinguishing characteristics.

Sec. 14. NRS 205.395 is hereby amended to read as follows:

205.395 ***1.*** Every person who ~~[shall maliciously or fraudulently execute or file for record any instrument, or put forward any claim by which the right or title of another to any real property is, or purports to be, transferred, encumbered or clouded, shall be guilty of a gross misdemeanor.]~~ ***:***

(a) Claims an interest in, or a lien or encumbrance against, real property in a document that is recorded in the office of the county recorder in which the real property is located and who knows or has reason to know that the document is forged or groundless, contains a material misstatement or false claim or is otherwise invalid;

(b) Executes or notarizes a document purporting to create an interest in, or a lien or encumbrance against, real property, that is recorded in the office of the county recorder in which the real property is located and who knows or has reason to know that the document is forged or groundless, contains a material misstatement or false claim or is otherwise invalid; or

(c) Causes a document described in paragraph (a) or (b) to be recorded in the office of the county recorder in which the real property is located and who knows or has reason to know that the document is forged or groundless, contains a material misstatement or false claim or is otherwise invalid,

↪ has made a false representation concerning title.

2. A person who makes a false representation concerning title in violation of subsection 1 is guilty of a category C felony and shall be punished as provided in NRS 193.130.

3. A person who engages in a pattern of making false representations concerning title is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 3 years and a maximum term of not more than 20 years, or by a fine of not more than $50,000, or by both fine and imprisonment.

4. In addition to the criminal penalties imposed for a violation of this section, any person who violates this section is subject to a civil penalty of not more than $5,000 for each violation. This penalty must be recovered in a civil action, brought in the name of the State of Nevada by the Attorney General. In such an action, the Attorney General may recover reasonable attorney's fees and costs.

5. Except as otherwise provided in this subsection, the owner or holder of the beneficial interest in real property which is the subject of a false representation concerning title may bring a civil action in the district court in and for the county in which the real property is located to recover any damages suffered by the owner or holder of the beneficial interest plus reasonable attorney's fees and costs. The owner or holder of the beneficial interest in the real property must, before bringing a civil action pursuant to this subsection, send a written request to the person who made the false representation to record a document which corrects the false representation. If the person records such a document not later than 20 days after the date of the written request, the owner or holder of the beneficial interest may not bring a civil action pursuant to this subsection.

6. As used in this section, "pattern of making false representations concerning title" means one or more violations of a provision of subsection 1 committed in two or more transactions:

(a) Which have the same or similar pattern, purposes, results, accomplices, victims or methods of commission, or are otherwise interrelated by distinguishing characteristics;

(b) Which are not isolated incidents within the preceding 4 years; and

(c) In which the aggregate loss or intended loss is more than $250.

Sec. 14.5. **The amendatory provisions of:**

1. Section 1 of this act apply only to an assignment of a mortgage of real property, or of a mortgage of personal property or crops recorded before March 27, 1935, and any assignment of the beneficial interest under a deed of trust, which is made on or after July 1, 2011.

2. Section 2 of this act apply only to an instrument by which any mortgage or deed of trust of, lien upon or interest in real property is subordinated or waived as to priority which is made on or after July 1, 2011.

3. Section 5 of this act apply only to an instrument encumbering a borrower's real property to secure future advances from a lender within a mutually agreed maximum amount of principal, or an amendment to such an instrument, which is made on or after July 1, 2011.

4. Section 9 of this act apply only to a notice of default and election to sell which is recorded pursuant to NRS 107.080, as amended by section 9 of this act, on or after July 1, 2011.

Sec. 15. This act becomes effective on July 1, 2011.

Assemblyman Ohrenschall moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 308.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 429.

AN ACT relating to mortgage lending; revising provisions governing certain mortgage lending professionals to be consistent with certain federal law governing the provision of mortgage assistance relief services; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law regulates the activities of certain mortgage lending professionals who provide counseling, assistance and advice to homeowners whose homes are subject to an outstanding notice of the pendency of an action for foreclosure. (NRS 645F.300-645F.450) The Federal Trade Commission similarly regulates the activities of persons who provide mortgage assistance relief services. (16 C.F.R. Part 322) This bill revises Nevada law to provide protections for homeowners consistent with the protections provided pursuant to the regulations adopted by the Federal Trade Commission.

Section 2 of this bill prohibits a person who performs any covered service for compensation, a foreclosure consultant or a loan modification consultant from requesting or receiving any compensation before a homeowner executes a written agreement that incorporates an offer of mortgage assistance.

Section 3 of this bill requires a person who performs any covered service for compensation, a foreclosure consultant or a loan modification consultant to maintain certain records for not less than 24 months. **Section 3** provides that such records are subject to inspection and audit by the Commissioner of Mortgage Lending. **Section 3** also requires a person who performs any covered service for compensation, a foreclosure consultant or a loan modification consultant to take reasonable steps to ensure that any of his or her employees or independent contractors comply with the laws and regulations governing persons who perform covered services for compensation, foreclosure consultants and loan modification consultants.

Section 4 of this bill requires a person who performs any covered service for compensation, a foreclosure consultant or a loan modification consultant to make certain disclosures in connection with any commercial communication relating to the provision of any covered service.

Section 5 of this bill requires a person who performs any covered service for compensation, a foreclosure consultant or a loan modification consultant to provide certain notices to a homeowner at the time the homeowner is presented with a written agreement incorporating an offer of mortgage assistance obtained from the homeowner's lender or servicer.

Section 6 of this bill prohibits a person who knows or reasonably should know that a person who performs any covered service for compensation, a foreclosure consultant or a loan modification consultant is not in compliance with the laws and regulations governing covered services from providing substantial assistance or support to the person who performs any covered service for compensation, the foreclosure consultant or the loan modification consultant.

Section 8 of this bill extends to the employees of an attorney at law the exemption from regulation as a foreclosure consultant or foreclosure purchaser that is currently provided under certain circumstances to an attorney at law.

Section 9 of this bill prohibits a person who performs any covered service for compensation, a foreclosure consultant or a loan modification consultant from making certain express or implied representations relating to the provision of covered services, including any representation that: (1) a homeowner cannot or should not contact or communicate with his or her lender; or (2) the covered service is affiliated with or endorsed by the Federal Government, the State of Nevada or any department, agency or political subdivision thereof. **Section 9** also prohibits a person who performs any covered service, a foreclosure consultant or a loan modification consultant from obtaining or attempting to obtain from a homeowner a waiver of any provision of this bill or existing law. Any such waiver is void and unenforceable. A violation of any provision of **section 9** constitutes mortgage lending fraud and is punishable as a category C felony.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 645F of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 6, inclusive, of this act.

Sec. 2. ***A person who performs any covered service for compensation, a foreclosure consultant and a loan modification consultant shall not claim, demand, charge, collect or receive any compensation before a homeowner has executed a written agreement with the lender or servicer incorporating the offer of mortgage assistance obtained from the lender or servicer by the person who performs any covered service for compensation, the foreclosure consultant or the loan modification consultant.***

Sec. 3. ***1. A person who performs any covered service for compensation, a foreclosure consultant and a loan modification consultant shall keep each of the following records for a period of not less than 24 months after the date the record is created:***

(a) Each contract or other agreement between the person who performs any covered service for compensation, foreclosure consultant or loan modification consultant and a homeowner.

(b) A copy of each written communication between the person who performs any covered service for compensation, foreclosure consultant or loan modification consultant and a homeowner which occurred before the date on which the homeowner entered into a contract for covered services.

(c) A copy of every document or telephone recording created in connection with the requirements of subsection 2.

(d) The file of each homeowner, which must include, without limitation, the name of the homeowner, his or her telephone number, the amount of money paid by the homeowner and a description of the covered services purchased by the homeowner.

(e) For each covered service, a copy of every materially different sales script, training material, commercial communication or any other marketing material, including, without limitation, any material published on an Internet website.

(f) A copy of each disclosure provided to a homeowner pursuant to section 5 of this act.

2. A person who performs any covered service for compensation, a foreclosure consultant and a loan modification consultant shall:

(a) Take reasonable steps to ensure that all employees and independent contractors of the person who performs any covered service for compensation, foreclosure consultant or loan modification consultant comply with the provisions of NRS 645F.300 to 645F.450, inclusive, and sections 2 to 6, inclusive, of this act and any regulations adopted pursuant thereto.

(b) If the person who performs any covered service for compensation, foreclosure consultant or loan modification consultant is engaged in the telemarketing of covered services, perform random, blind recording and testing of the oral representations made by persons engaged in sales or other customer service functions.

(c) Establish a procedure for receiving and responding to all complaints of homeowners.

(d) Record the number and nature of complaints of homeowners regarding transactions involving an employee or independent contractor of the person who performs any covered service for compensation, foreclosure consultant or loan modification consultant.

(e) Investigate promptly and fully each complaint received from a homeowner.

(f) Take corrective action with respect to any employee or independent contractor whom the person who performs any covered service for compensation, foreclosure consultant or loan modification consultant determines is not complying with the provisions of NRS 645F.300 to

645F.450, inclusive, and sections 2 to 6, inclusive, of this act and any regulations adopted pursuant thereto.

(g) Maintain any information necessary to demonstrate compliance with the requirements of this subsection.

3. All records kept pursuant to this section are subject to inspection and audit by the Commissioner and authorized representatives of the Commissioner.

Sec. 4. *1. A person who performs any covered service for compensation, a foreclosure consultant and a loan modification consultant shall:*

(a) Include with each general commercial communication for any covered service the following disclosures printed in at least 12-point type:

(1) "[Name of company] is not associated with the government, and our service is not approved by the government or your lender."

(2) In any case in which the person who performs any covered service for compensation, the foreclosure consultant or the loan modification consultant makes an express or implied representation that homeowners will receive covered services:

"Even if you accept this offer and use our service, your lender may not agree to change your loan."

(b) Include with each commercial communication which is specific to a homeowner the following disclosures printed in at least 12-point type:

(1) "You may stop doing business with us at any time. You may accept or reject the offer we obtain from your lender [or servicer]. If you reject the offer, you do not have to pay us. If you accept the offer, you will have to pay us [insert total amount or method of calculating the total amount] for our services."

(2) "[Name of company] is not associated with the government, and our service is not approved by the government or your lender."

(3) In any case in which the person who performs any covered service for compensation, the foreclosure consultant or the loan modification consultant makes an express or implied representation that the homeowner will receive covered services:

"Even if you accept this offer and use our service, your lender may not agree to change your loan."

(c) Include with any commercial communication relating to a covered service in which the person who performs any covered service for compensation, foreclosure consultant or loan modification consultant represents expressly or by implication that a homeowner should temporarily or permanently discontinue payments, in whole or in part, on any mortgage or lien on a residence in foreclosure a clear and prominent statement, in close proximity to the express or implied representation and printed in at least 12-point type, which provides that:

"If you stop paying your mortgage, you could lose your home and damage your credit rating."

2. The disclosures required by paragraphs (a) and (b) of subsection 1 must be made in a clear and prominent manner and:

(a) In a written communication, the disclosures must appear together and be preceded by the heading "IMPORTANT NOTICE," printed in at least 14-point bold type; and

(b) In an oral communication, the audio component of the required disclosures must be preceded by the statement "Before using this service, consider the following information" and, if the oral communication is made by telephone, must be made at the beginning of the communication.

3. As used in this section, "total amount" means all amounts the homeowner must pay to purchase, receive and use all covered services that are subject to the contract for covered services, including, without limitation, all fees and charges.

Sec. 5. ***1. A person who performs any covered service for compensation, a foreclosure consultant and a loan modification consultant shall, at the time the person who performs any covered service for compensation, the foreclosure consultant or the loan modification consultant provides a homeowner with a written agreement between the homeowner and the homeowner's lender or servicer incorporating the offer of mortgage assistance obtained from the homeowner's lender or servicer:***

(a) Provide the following notice printed in at least 12-point type to the homeowner:

"This is an offer of mortgage assistance we obtained from your lender [or servicer]. You may accept or reject the offer. If you reject the offer, you do not have to pay us. If you accept the offer, you will have to pay us [insert total amount or method of calculating the total amount] for our services."

➥ The notice must be made in a clear and prominent manner on a separate written page and be preceded by the heading "IMPORTANT NOTICE: BEFORE BUYING THIS SERVICE, CONSIDER THE FOLLOWING INFORMATION" printed in at least 14-point bold type.

(b) Provide the homeowner with a notice printed in at least 12-point type from the homeowner's lender or servicer which includes a complete description of all material differences between the terms, conditions and limitations which apply to the homeowner's current mortgage loan and the terms, conditions and limitations which will apply to the homeowner's mortgage loan if he or she accepts the offer of the lender or servicer, including, without limitation, the differences between the mortgage loans with regard to the:

(1) Principal balance;

(2) Contract interest rate, including the maximum rate and any adjustable rates;

(3) Amount and number of scheduled periodic payments;

(4) Monthly amounts owed for principal, interest, taxes and mortgage insurance;

(5) Amount of any delinquent payments owing or outstanding; and

(6) Term.

➥ The notice required by this paragraph must be made in a clear and prominent manner on a separate written page and be preceded by the heading "IMPORTANT INFORMATION FROM [name of lender or servicer] ABOUT THIS OFFER" printed in at least 14-point bold type.

2. If the offer obtained from the lender or servicer by the person who performs any covered service for compensation, the foreclosure consultant or the loan modification consultant is a trial mortgage loan modification, the notice required by paragraph (b) of subsection 1 must include notice to the homeowner:

(a) That the homeowner may not qualify for a permanent mortgage loan modification; and

(b) Setting forth the likely amount of scheduled periodic payments and arrears, payments and fees the homeowner would owe if the homeowner failed to qualify for a permanent mortgage loan modification.

3. As used in this section, "total amount" has the meaning ascribed to it in section 4 of this act.

Sec. 6. ***A person who knows or reasonably should know that another person who performs any covered service for compensation, a foreclosure consultant or a loan modification consultant is in violation of any provision of NRS 645F.300 to 645F.450, inclusive, and sections 2 to 6, inclusive, of this act and any regulations adopted pursuant thereto shall not provide substantial assistance or support to the person who performs any covered service for compensation, foreclosure consultant or loan modification consultant.***

Sec. 7. NRS 645F.300 is hereby amended to read as follows:

645F.300 As used in NRS 645F.300 to 645F.450, inclusive, ***and sections 2 to 6, inclusive, of this act,*** unless the context otherwise requires, the words and terms defined in NRS 645F.310 to 645F.370, inclusive, have the meanings ascribed to them in those sections.

Sec. 8. NRS 645F.380 is hereby amended to read as follows:

645F.380 The provisions of NRS 645F.300 to 645F.450, inclusive, ***and sections 2 to 6, inclusive, of this act*** do not apply to, and the terms "foreclosure consultant" and "foreclosure purchaser" do not include:

1. An attorney at law rendering services in the performance of his or her duties as an attorney at law ~~[,]~~ ***and his or her employees,*** unless the attorney at law ~~[is]~~ ***or his or her employees are*** rendering those services in the course and scope of his or her employment by or other affiliation with a ~~[mortgage broker or mortgage agent;]~~ ***person who is licensed or required to be licensed pursuant to NRS 645F.390;***

2. A provider of debt-management services registered pursuant to chapter 676A of NRS while providing debt-management services pursuant to chapter 676A of NRS;

3. A person or the authorized agent of a person acting under the provisions of a program sponsored by the Federal Government, this State or a local government, including, without limitation, the Department of Housing and Urban Development, the Federal Home Loan Mortgage Corporation, the Federal National Mortgage Association or the Federal Home Loan Bank ~~[;]~~ ***System;***

4. A person who holds or is owed an obligation secured by a mortgage or other lien on a residence in foreclosure if the person performs services in connection with this obligation or lien and the obligation or lien did not arise as the result of or as part of a proposed foreclosure reconveyance;

5. Any person doing business under the laws of this State or of the United States relating to banks, trust companies, savings and loan associations, industrial loan and thrift companies, regulated lenders, credit unions, insurance companies, or a mortgagee which is a United States Department of Housing and Urban Development approved mortgagee and any subsidiary or affiliate of those persons, and any agent or employee of those persons while engaged in the business of those persons;

6. A person, other than a person who is licensed pursuant to NRS 645F.390, who is licensed pursuant to chapter 692A or any chapter of title 54 of NRS while acting under the authority of the license;

7. A nonprofit agency or organization that offers credit counseling or advice to a homeowner of a residence in foreclosure or a person in default on a loan; or

8. A judgment creditor of the homeowner whose claim accrued before the recording of the notice of the pendency of an action for foreclosure against the homeowner pursuant to NRS 14.010 or the recording of the notice of default and election to sell pursuant to NRS 107.080.

Sec. 9. NRS 645F.400 is hereby amended to read as follows:

645F.400 1. A person who performs any covered service, a foreclosure consultant and a loan modification consultant shall not:

(a) Claim, demand, charge, collect or receive any compensation except in accordance with ~~[NRS 645F.394.]~~ ***the terms of a contract for covered services.***

(b) Claim, demand, charge, collect or receive any fee, interest or other compensation for any reason which is not fully disclosed to the homeowner.

(c) Take ***or acquire, directly or indirectly,*** any wage assignment, lien on real or personal property, assignment of a homeowner's equity ~~[or other]~~ ***, any*** interest in a residence ~~[in foreclosure]~~ or other security for the payment of compensation. Any such ***assignment or*** security is void and unenforceable.

(d) Receive any consideration from any third party in connection with a covered service provided to a homeowner unless the consideration is first fully disclosed to the homeowner.

(e) ~~[Acquire, directly or indirectly, any interest in the residence in foreclosure of a homeowner with whom the foreclosure consultant has contracted to perform a covered service.~~

~~(f)]~~ Accept a power of attorney from a homeowner for any purpose, other than to inspect documents as provided by law.

~~[(g)]~~ ***(f) Make any representation, express or implied, that a homeowner cannot or should not contact or communicate with his or her lender or servicer.***

~~[(h)]~~ ***(g) Misrepresent any aspect of any covered service.***

~~[(i)]~~ ***(h) Make any representation, express or implied, that a covered service is affiliated with, associated with or endorsed or approved by:***

(1) The Federal Government, the State of Nevada or any department, agency or political subdivision thereof;

(2) Any governmental plan for homeowner assistance;

(3) Any nonprofit housing counselor agency or program;

(4) The maker, holder or servicer of a homeowner's mortgage loan; or

(5) Any other person, entity or program.

~~[(j)]~~ ***(i) Make any representation, express or implied, about the benefits, performance or efficacy of any covered service unless, at the time the representation is made, the person who performs any covered service, the foreclosure consultant or the loan modification consultant possesses and relies upon competent and reliable evidence which substantiates that the representation is true. As used in this paragraph, "competent and reliable evidence" means tests, analyses, research, studies or other evidence based on the expertise of professionals in the relevant area that have been conducted and evaluated in an objective manner by persons qualified to do so using procedures generally accepted in the profession to yield accurate and reliable results.***

~~[(k)]~~ ***(j) Obtain or attempt to obtain any waiver of the provisions of NRS 645F.300 to 645F.450, inclusive, and sections 2 to 6, inclusive, of this act or any regulations adopted pursuant thereto. Any such waiver is void and unenforceable.***

2. In addition to any other penalty, a violation of any provision of this section shall be deemed to constitute mortgage lending fraud for the purposes of
NRS 205.372.

Sec. 10. NRS 645F.430 is hereby amended to read as follows:

645F.430 A foreclosure purchaser who engages in any conduct that operates as a fraud or deceit upon a homeowner in connection with a transaction that is subject to the provisions of NRS 645F.300 to 645F.450, inclusive, ***and sections 2 to 6, inclusive, of this act,*** including, without limitation, a foreclosure reconveyance, is guilty of a gross misdemeanor and shall be punished by imprisonment in the county jail for not more than 1

year, or by a fine of not more than $50,000, or by both fine and imprisonment.

Sec. 11. NRS 645F.440 is hereby amended to read as follows:

645F.440 1. In addition to the penalty provided in NRS 645F.430 and except as otherwise provided in subsection 5, if a foreclosure purchaser engages in any conduct that operates as a fraud or deceit upon a homeowner in connection with a transaction that is subject to the provisions of NRS 645F.300 to 645F.450, inclusive, ***and sections 2 to 6, inclusive, of this act,*** including, without limitation, a foreclosure reconveyance, the transaction in which the foreclosure purchaser acquired title to the residence in foreclosure may be rescinded by the homeowner within 2 years after the date of the recording of the conveyance.

2. To rescind a transaction pursuant to subsection 1, the homeowner must give written notice to the foreclosure purchaser and a successor in interest to the foreclosure purchaser, if the successor in interest is not a bona fide purchaser, and record that notice with the recorder of the county in which the property is located. The notice of rescission must contain:

(a) The name of the homeowner, the foreclosure purchaser and any successor in interest who holds title to the property; and

(b) A description of the property.

3. Within 20 days after receiving notice pursuant to subsection 2:

(a) The foreclosure purchaser and the successor in interest, if the successor in interest is not a bona fide purchaser, shall reconvey to the homeowner title to the property free and clear of encumbrances which were created subsequent to the rescinded transaction and which are due to the actions of the foreclosure purchaser; and

(b) The homeowner shall return to the foreclosure purchaser any consideration received from the foreclosure purchaser in exchange for the property.

4. If the foreclosure purchaser has not reconveyed to the homeowner title to the property within the period described in subsection 3, the homeowner may bring an action to enforce the rescission in the district court of the county in which the property is located.

5. A transaction may not be rescinded pursuant to this section if the foreclosure purchaser has transferred the property to a bona fide purchaser.

6. As used in this section, "bona fide purchaser" means any person who purchases an interest in a residence in foreclosure from a foreclosure purchaser in good faith and for valuable consideration and who does not know or have reasonable cause to believe that the foreclosure purchaser engaged in conduct which violates subsection 1.

Sec. 12. NRS 645F.450 is hereby amended to read as follows:

645F.450 The rights, remedies and penalties provided pursuant to the provisions of NRS 645F.300 to 645F.450, inclusive, ***and sections 2 to 6, inclusive, of this act*** are cumulative and do not abrogate and are in addition to any other rights, remedies and penalties that may exist at law or in equity,

including, without limitation, any criminal penalty that may be imposed pursuant to NRS 645F.430.

Sec. 13. NRS 645F.394 is hereby repealed.

Sec. 14. This act becomes effective on July 1, 2011.

TEXT OF REPEALED SECTION

645F.394 Foreclosure consultants, loan modification consultants and persons performing covered services for compensation: Deposits and trust accounts; commingling; records; inspection and audit.

1. All money paid to a person who performs any covered service for compensation, a foreclosure consultant or a loan modification consultant by a person in full or partial payment of covered services to be performed:

(a) Must be deposited in a separate checking account located in a federally insured depository financial institution or credit union in this State which must be designated a trust account;

(b) Must be kept separate from money belonging to the person who performs any covered service for compensation, the foreclosure consultant or the loan modification consultant; and

(c) Must not be withdrawn by the person who performs any covered service for compensation, foreclosure consultant or loan modification consultant until the completion of every covered service as agreed upon in the contract for covered services.

2. The person who performs any covered service for compensation, the foreclosure consultant or the loan modification consultant shall keep records of all money deposited in a trust account pursuant to subsection 1. The records must clearly indicate the date and from whom he or she received money, the date deposited, the dates of withdrawals, and other pertinent information concerning the transaction, and must show clearly for whose account the money is deposited and to whom the money belongs. The person who performs any covered service for compensation, the foreclosure consultant or the loan modification consultant shall balance each separate trust account at least monthly and provide to the Commissioner, on a form provided by the Commissioner, an annual accounting which shows an annual reconciliation of each separate trust account. All such records and money are subject to inspection and audit by the Commissioner and authorized representatives of the Commissioner.

3. Each person who performs any covered service for compensation, each foreclosure consultant and each loan modification consultant shall notify the Commissioner of the names of the banks and credit unions in which he or she maintains trust accounts and specify the names of the accounts on forms provided by the Commissioner.

4. As used in this section, "completion of every covered service" means:

(a) Successful results with respect to what the performance of each covered service was intended to yield for the homeowner, as described in the contract for covered services; or

(b) If the performance of one or more covered service has an unsuccessful result with respect to what the performance of that covered service was intended to yield for the homeowner, a showing that every reasonable effort was made, under the particular circumstances, to obtain successful results,

➥ as verified in a written statement provided to the homeowner.

Assemblyman Atkinson moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 380.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 435.

AN ACT relating to energy; revising the prospective expiration of the Wind Energy Systems Demonstration Program and the Waterpower Energy Systems Demonstration Program; providing for the expiration of the Solar Energy Systems Incentive Program; revising provisions governing the Solar Program, the Wind Program and the Waterpower Program; ~~[providing that incentives awarded to participants in the Solar Program and Wind Program on or after January 1, 2013, must be awarded through a reverse auction mechanism established by the Public Utilities Commission of Nevada by regulation;]~~ revising provisions governing the amount of incentives which a utility must pay to participants in the Solar Program, the Wind Program and the Waterpower Program; ~~[repealing the requirement that the installation of certain solar energy systems and wind energy systems be deemed a public work under certain circumstances;]~~ **revising provisions relating to net metering;** requiring the **Public Utilities** Commission **of Nevada** to adopt regulations; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that the Wind Energy Systems Demonstration Program and the Waterpower Energy Systems Demonstration Program will expire on June 30, 2011. (NRS 701B.400-701B.890; chapter 509, Statutes of Nevada 2007, p. 2999) **Sections 49-51 and 54** of this bill revise the prospective expiration dates of these programs and provide that the Wind Program, the Waterpower Program and the Solar Energy Systems Incentive Program will expire on December 31, 2021.

Section 13 of this bill provides that, for the period beginning July 1, 2010, and ending December 31, 2012, a utility is not required to award an incentive under the Solar Program if the payment of the incentive would cause the total amount of incentives paid by all utilities for the installation of solar energy systems and distributed generation systems would exceed $140,000,000. **Section 26** of this bill prohibits the Public Utilities Commission of Nevada from authorizing the payment of an incentive for the installation of a wind energy system under the Wind Program if, for the same period, the amount of

the incentive would cause the total amount of incentives paid by all utilities for the installation of wind energy systems and distributed generation systems to exceed $30,000,000.

~~[Section 52 of this bill repeals the requirement that the installation of certain solar energy systems and wind energy systems be deemed public works for certain purposes.]~~

Sections 1, 3-12, 14-25, 27-43 and 47 of this bill become effective on January 1, 2013, and revise provisions governing the Solar Program, the Wind Program and the Waterpower Program. ~~[Section 5 provides that incentives for participation in the Wind Program must be awarded pursuant to a reverse auction mechanism established by the Commission by regulation.]~~ **Section 5** ~~[also]~~ provides limits on the total amount of an incentive which may be awarded to a participant in the Wind Program. **Section 5** additionally provides that a utility is not required to award an incentive if such an award would cause the total amount of incentives awarded pursuant to the Wind Program, the Solar Program and the Waterpower Program in a program year by all utilities in this State to exceed one-half of 1 percent of the total revenues received by all utilities in this State from retail customers during the immediately preceding program year. **Section 9** imposes the same requirements for the payment of incentives pursuant to the Solar Program. **Section 37** provides the same cap for the award of incentives pursuant to the Waterpower Program. **Sections 14 and 29** provide that to be eligible for an incentive under the Solar Program or Wind Program, a renewable energy system must meet the requirements for net metering. **Sections 11, 22 and 35 expand the Solar Program, Wind Program and Waterpower Program to include Indian tribes and tribal organizations.**

Existing law requires a utility to offer net metering until the cumulative capacity of all net metering systems within the service area of the utility is equal to 1 percent of the utility's peak capacity. (NRS 704.773) **Section 45** of this bill requires a utility to offer net metering until the cumulative capacity of all net metering systems in this State is equal to ~~[1]~~ **3** percent of the total peak capacity of all utilities in this State.

~~[The portfolio standard requires a provider of electric service to generate, acquire or save a certain amount of energy from portfolio energy systems or energy efficiency measures. Not more than 25 percent of the electricity a provider generates, acquires or saves to comply with the portfolio standard may be based on energy efficiency measures. (NRS 704.7821) Section 46 of this bill provides that any surplus portfolio energy credits derived from energy efficiency measures in 1 year may be applied to reduce a deficiency in portfolio energy credits in future years under certain circumstances.]~~

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 701.180 is hereby amended to read as follows:

701.180 The Director shall:

1. Acquire and analyze information relating to energy and to the supply, demand and conservation of its sources, including, without limitation:

(a) Information relating to the Solar Energy Systems Incentive Program created pursuant to NRS 701B.240 and the Wind Energy Systems ~~[Demonstration]~~ ***Incentive*** Program created pursuant to 701B.580, including, without limitation, information relating to:

(1) The development of distributed generation systems in this State pursuant to participation in the Solar Energy Systems Incentive Program;

(2) The use of carbon-based energy in residential and commercial applications due to participation in the Programs; and

(3) The average cost of generation on a kilowatt-hour basis for residential and commercial applications due to participation in the Programs; and

(b) Information relating to any money distributed pursuant to NRS 702.270.

2. Review and evaluate information which identifies trends and permits forecasting of the energy available to the State. Such forecasts must include estimates on:

(a) The level of demand for energy in the State for 5-, 10- and 20-year periods;

(b) The amount of energy available to meet each level of demand;

(c) The probable implications of the forecast on the demand and supply of energy; and

(d) The sources of renewable energy and other alternative sources of energy which are available and their possible effects.

3. Study means of reducing wasteful, inefficient, unnecessary or uneconomical uses of energy and encourage the maximum utilization of existing sources of energy in the State.

4. Solicit and serve as the point of contact for grants and other money from the Federal Government, including, without limitation, any grants and other money available pursuant to any program administered by the United States Department of Energy, and other sources to cooperate with the Commissioner and the Authority:

(a) To promote energy projects that enhance the economic development of the State;

(b) To promote the use of renewable energy in this State;

(c) To promote the use of measures which conserve or reduce the demand for energy or which result in more efficient use of energy;

(d) To develop a comprehensive program for retrofitting public buildings in this State with energy efficiency measures; and

(e) If the Commissioner determines that it is feasible and cost-effective, to enter into contracts with researchers from the Nevada System of Higher Education for the design of energy efficiency and retrofit projects to carry out

the comprehensive program for retrofitting public buildings in this State developed pursuant to paragraph (d).

5. Coordinate the activities and programs of the Office of Energy with the activities and programs of the Authority, the Consumer's Advocate and the Public Utilities Commission of Nevada, and with other federal, state and local officers and agencies that promote, fund, administer or operate activities and programs related to the use of renewable energy and the use of measures which conserve or reduce the demand for energy or which result in more efficient use of energy.

6. If requested to make a determination pursuant to NRS 111.239 or 278.0208, make the determination within 30 days after receiving the request. If the Director needs additional information to make the determination, the Director may request the information from the person making the request for a determination. Within 15 days after receiving the additional information, the Director shall make a determination on the request.

7. Carry out all other directives concerning energy that are prescribed by the Governor.

Sec. 2. NRS 701.180 is hereby amended to read as follows:

701.180 The Director shall:

1. Acquire and analyze information relating to energy and to the supply, demand and conservation of its sources, including, without limitation ~~[:~~

~~(a) Information relating to the Solar Energy Systems Incentive Program created pursuant to NRS 701B.240 and the Wind Energy Systems Incentive Program created pursuant to 701B.580, including, without limitation, information relating to:~~

~~(1) The development of distributed generation systems in this State pursuant to participation in the Solar Energy Systems Incentive Program;~~

~~(2) The use of carbon-based energy in residential and commercial applications due to participation in the Programs; and~~

~~(3) The average cost of generation on a kilowatt-hour basis for residential and commercial applications due to participation in the Programs; and~~

~~(b) Information~~**] , *information*** relating to any money distributed pursuant to NRS 702.270.

2. Review and evaluate information which identifies trends and permits forecasting of the energy available to the State. Such forecasts must include estimates on:

(a) The level of demand for energy in the State for 5-, 10- and 20-year periods;

(b) The amount of energy available to meet each level of demand;

(c) The probable implications of the forecast on the demand and supply of energy; and

(d) The sources of renewable energy and other alternative sources of energy which are available and their possible effects.

3. Study means of reducing wasteful, inefficient, unnecessary or uneconomical uses of energy and encourage the maximum utilization of existing sources of energy in the State.

4. Solicit and serve as the point of contact for grants and other money from the Federal Government, including, without limitation, any grants and other money available pursuant to any program administered by the United States Department of Energy, and other sources to cooperate with the Commissioner and the Authority:

(a) To promote energy projects that enhance the economic development of the State;

(b) To promote the use of renewable energy in this State;

(c) To promote the use of measures which conserve or reduce the demand for energy or which result in more efficient use of energy;

(d) To develop a comprehensive program for retrofitting public buildings in this State with energy efficiency measures; and

(e) If the Commissioner determines that it is feasible and cost-effective, to enter into contracts with researchers from the Nevada System of Higher Education for the design of energy efficiency and retrofit projects to carry out the comprehensive program for retrofitting public buildings in this State developed pursuant to paragraph (d).

5. Coordinate the activities and programs of the Office of Energy with the activities and programs of the Authority, the Consumer's Advocate and the Public Utilities Commission of Nevada, and with other federal, state and local officers and agencies that promote, fund, administer or operate activities and programs related to the use of renewable energy and the use of measures which conserve or reduce the demand for energy or which result in more efficient use of energy.

6. If requested to make a determination pursuant to NRS 111.239 or 278.0208, make the determination within 30 days after receiving the request. If the Director needs additional information to make the determination, the Director may request the information from the person making the request for a determination. Within 15 days after receiving the additional information, the Director shall make a determination on the request.

7. Carry out all other directives concerning energy that are prescribed by the Governor.

Sec. 3. Chapter 701B of NRS is hereby amended by adding thereto the provisions set forth as sections 4, 5 and 6 of this act.

Sec. 4. ***The provisions of this section and NRS 701B.410 to 701B.650, inclusive, and section 5 of this act apply to the Wind Energy Systems Incentive Program.***

Sec. 5. ***1. The*** ~~*[incentives awarded by a utility to applicants for participation in the Wind Program must be awarded through a reverse auction mechanism established by the Commission by regulation. The regulations establishing the reverse auction mechanism must include, without limitation, requirements that:*~~

~~*(a) The opening of bids by the utility be done in a public setting; and*~~

~~*(b) The Regulatory Operations Staff of the Commission and a representative of the Bureau of Consumer Protection in the Office of the Attorney General attend the bid opening and attest to the results.]*~~ ***Commission shall adopt regulations establishing an incentive for participation in the Wind Program.***

2. Each utility shall determine the number and the timing of application cycles during a program year but must conduct at least one application cycle for each category during each program year. ~~*[A utility shall award incentives during an application cycle to applicants in reverse order of requested incentive amounts.]*~~

3. The total amount of an incentive awarded to an applicant must not exceed the lesser of 50 percent of the total construction costs set forth in the application submitted by the applicant or 50 percent of the weighted average cost of actual construction costs for wind energy systems that received an incentive during the immediately preceding program year. Each utility shall publish the weighted average cost of actual construction costs for wind energy systems that received an incentive for a program year not later than January 31 of the following program year.

4. A utility is not required to award an incentive if such an award would cause the total amount of incentives awarded in a program year to participants in the Wind Program, the Solar Energy Systems Incentive Program created by NRS 701B.240 and the Waterpower Energy Systems Incentive Program created by NRS 701B.820 to exceed one-half of 1 percent of the total revenues received by all utilities in this State from retail customers in this State during the immediately preceding program year. For each program year, the Commission shall determine the capacity each utility must allocate to each program.

~~*[5. As used in this section, "reverse auction mechanism" means a process for the awarding of incentives in which bids for incentives from the Wind Program are solicited by a utility in the form of the proposed total incentive amount for a wind energy system expressed in dollars per watt of capacity.]*~~

Sec. 6. ***The provisions of this section and NRS 701B.710 to 701B.880, inclusive, apply to the Waterpower Energy Systems Incentive Program.***

Sec. 7. NRS 701B.100 is hereby amended to read as follows:

701B.100 "Program year" means ~~[the period of July 1 to June 30 of the following]~~ ***a calendar*** year.

Sec. 8. NRS 701B.200 is hereby amended to read as follows:

701B.200 The Commission shall adopt regulations necessary to carry out the provisions of NRS 701B.010 to 701B.290, inclusive, including, without limitation, regulations that ~~[~~:

~~1. Establish the type of incentives available to participants in the Solar Program and the level or amount of those incentives, except that the level or amount of an incentive available in a particular program year must not be based upon whether the incentive is for unused capacity reallocated from a~~

~~past program year pursuant to paragraph (b) of subsection 2 of NRS 701B.260. The regulations must provide that the level or amount of the incentives must decline over time as the cost of solar energy systems and distributed generation systems decline.~~

~~2. Establish~~**]** ***establish*** the requirements for a utility's annual plan for carrying out and administering the Solar Program. A utility's annual plan must include, without limitation:

[~~(a)~~**]** ***1.*** A detailed plan for advertising the Solar Program;

[~~(b)~~**]** ***2.*** A detailed budget and schedule for carrying out and administering the Solar Program;

[~~(c)~~**]** ***3.*** A detailed account of administrative processes and forms that will be used to carry out and administer the Solar Program, including, without limitation, a description of the application process and copies of all applications and any other forms that are necessary to apply for and participate in the Solar Program;

[~~(d)~~**]** ***4.*** A detailed account of the procedures that will be used for inspection and verification of a participant's solar energy system and compliance with the Solar Program;

[~~(e)~~**]** ***5.*** A detailed account of training and educational activities that will be used to carry out and administer the Solar Program; and

[~~(f)~~**]** ***6.*** Any other information required by the Commission.

~~**[**3. Authorize a utility to recover the reasonable costs incurred in carrying out and administering the installation of distributed generation systems pursuant to paragraph (b) of subsection 1 of NRS 701B.260.**]**~~

Sec. 9. NRS 701B.220 is hereby amended to read as follows:

701B.220 ***1.*** In adopting regulations for the Solar Program,

~~*[1. The incentives awarded by a utility to applicants for participation in the Solar Program must be awarded through a reverse auction mechanism established by]*~~ the Commission shall adopt regulations establishing an incentive for participation in the Solar Program. ~~*[by regulation. The regulations establishing the reverse auction mechanism must include, without limitation, requirements that:*~~

~~*(a) The opening of bids by the utility be done in a public setting; and*~~

~~*(b) The Regulatory Operations Staff of the Commission and a representative of the Bureau of Consumer Protection in the Office of the Attorney General attend the bid opening and attest to the results.]*~~

2. Each utility shall determine the number and the timing of application cycles during a program year but must conduct at least one application cycle for each category during each program year. ~~*[A utility shall award incentives during an application cycle to applicants in reverse order of requested incentive amounts, except that not less than 25 percent of the total amount of incentives awarded during a program year must be awarded to private residential property and small business property applicants.]*~~

3. The total amount of an incentive awarded to an applicant must not exceed the lesser of 50 percent of the total construction costs set forth in the application submitted by the applicant or 50 percent of the weighted average cost of actual construction costs for solar energy systems that received an incentive during the immediately preceding program year. Each utility shall publish the weighted average cost of actual construction costs for solar energy systems that received an incentive for a program year not later than January 31 of the following program year.

4. A utility is not required to award an incentive if such an award would cause the total amount of incentives awarded in a program year to participants in the Solar Program, the Wind Energy Systems Incentive Program created by NRS 701B.580 and the Waterpower Energy Systems Incentive Program created by NRS 701B.820 to exceed one-half of 1 percent of the total revenues received by all utilities in this State from retail customers in this State during the immediately preceding program year. For each program year, the Commission shall determine the capacity each utility must allocate to each program.

~~*[5. As used in this section, "reverse auction mechanism" means a process for the awarding of incentives in which bids for incentives from the Solar Program are solicited by a utility in the form of the proposed total incentive amount for a solar energy system expressed in dollars per watt of capacity.]*~~

Sec. 10. NRS 701B.230 is hereby amended to read as follows:

701B.230 1. Each year on or before the date established by the Commission, a utility shall file with the Commission its annual plan for carrying out and administering the Solar Program within its service area for a program year. ***A utility may file the plan as part of a combined annual plan for carrying out and administering the Solar Program, the Wind Energy Systems Incentive Program created by NRS 701B.580 and the Waterpower Energy Systems Incentive Program created by NRS 701B.820 in its service area for the program year.***

2. The Commission shall:

(a) Review each annual plan filed by a utility for compliance with the requirements established by regulation of the Commission; and

(b) Approve each annual plan with such modifications and upon such terms and conditions as the Commission finds necessary or appropriate to facilitate the Solar Program.

3. A utility shall carry out and administer the Solar Program within its service area in accordance with the utility's annual plan as approved by the Commission.

4. A utility may recover its reasonable and prudent costs, including, without limitation, customer incentives~~,~~ ~~*[and administrative costs,]*~~ that are associated with carrying out and administering the Solar Program within its service area by seeking recovery of those costs in an appropriate proceeding before the Commission pursuant to NRS 704.110.

Sec. 11. NRS 701B.240 is hereby amended to read as follows:

701B.240 1. The Solar Energy Systems Incentive Program is hereby created.

2. The Solar Program ~~[must have]~~ ***is limited to*** ~~[three]~~ ***five*** categories ***of participants*** as follows:

(a) School property;

(b) Public and other property; ~~[and]~~

(c) Private residential property ***;***

(d) Property owned by an Indian tribe or tribal organization; and ~~[small]~~

(e) Small business property.

3. To be eligible to participate in the Solar Program, a person must:

(a) Meet the qualifications established by the Commission pursuant to NRS 701B.210;

(b) Submit an application to a utility and be selected by the ~~[Commission]~~ ***utility*** for inclusion in the Solar Program pursuant to NRS 701B.250 and 701B.255;

(c) When installing the solar energy system, use an installer who has been issued a classification C-2 license with the appropriate subclassification by the State Contractors' Board pursuant to the regulations adopted by the Board; and

(d) If the person will be participating in the Solar Program in the category of school property or public and other property, provide for the public display of the solar energy system, including, without limitation, providing for public demonstrations of the solar energy system and for hands-on experience of the solar energy system by the public.

Sec. 12. NRS 701B.255 is hereby amended to read as follows:

701B.255 1. After reviewing an application submitted pursuant to NRS 701B.250 and ensuring that the applicant meets the qualifications and requirements to be eligible to participate in the Solar Program, a utility may ***, in accordance with the provisions of NRS 701B.220 and any regulations adopted pursuant thereto,*** select the applicant for participation in the Solar Program.

2. Not later than 30 days after the date on which the utility selects an applicant, the utility shall provide written notice of the selection to the applicant.

3. After the utility selects an applicant to participate in the Solar Program, the utility may approve the solar energy system proposed by the applicant. Upon the utility's approval of the solar energy system:

(a) The utility shall provide to the applicant notice of the approval and the amount of incentive for which the solar energy system is eligible; and

(b) The applicant may install and energize the solar energy system.

4. ***An applicant for participation in the Solar Program in the category of private residential property*** ~~[and]~~ ***, property owned by an Indian tribe or tribal organization or small business property must complete the installation and energizing of the solar energy system within 12 months after issuance of the notice required by paragraph (a) of subsection 3,***

unless the utility grants the applicant an extension of the time within which to complete the installation and energizing of the solar energy system for a period not to exceed an additional ~~*[12]*~~ ***6 months. If the applicant has not completed the installation and energizing of his or her solar energy system within the time provided in this subsection, the notice of approval is void, and the applicant loses his or her right to receive the incentive payment provided in the notice. The applicant may submit a new application and may receive an incentive payment pursuant to a new notice of approval issued by the utility for a new application cycle if the solar energy system has not been installed and energized before the date of issuance of the new notice of approval. The incentive for which the applicant is eligible is the lesser of the average incentive awarded to participants in the applicant's category in the current program year or the amount of the incentive which the applicant was authorized to receive pursuant to the original notice of approval.***

5. An applicant for participation in the Solar Program in the category of school property or public and other property must complete the installation and energizing of the solar energy system within 18 months after issuance of the notice required by paragraph (a) of subsection 3, unless the utility grants the applicant an extension of the time within which to complete the installation and energizing of the solar energy system for a period not to exceed an additional 12 months. If the applicant has not completed the installation and energizing of his or her solar energy system within the time provided in this subsection, the notice of approval is void, and the applicant loses his or her right to receive the incentive payment provided in the notice. The applicant may submit a new application and may receive an incentive payment pursuant to a new notice of approval issued by the utility for a new application cycle if the solar energy system has not been installed and energized before the date of issuance of the new notice of approval. The incentive for which the applicant is eligible is the incentive in effect at the time the new notice of approval is issued.

6. Upon the completion of the installation and energizing of the solar energy system, the participant must submit to the utility an incentive claim form and any supporting information, including, without limitation, a verification of the cost of the project and a calculation of the expected system output.

~~[~~5.~~]~~ ***7.*** Upon receipt of the incentive claim form and verification that the solar energy system is properly connected, the utility shall issue an incentive payment to the participant.

~~[6. The amount of the incentive for which an applicant is eligible must be determined on the date on which the applicant is selected for participation in the Solar Program, except that an applicant forfeits eligibility for that amount of incentive if the applicant withdraws from participation in the Solar Program or does not complete the installation of the solar energy system within 12 months after the date on which the applicant is selected for~~

~~participation in the Solar Program. An applicant who forfeits eligibility for the incentive for which the applicant was originally determined to be eligible may become eligible for an incentive only on the date on which the applicant completes the installation of the solar energy system, and the amount of the incentive for which such an applicant is eligible must be determined on the date on which the applicant completes the installation of the solar energy system.~~**]**

Sec. 13. NRS 701B.260 is hereby amended to read as follows:

701B.260 1. Except as otherwise provided in this section, the Commission **[**~~may approve, for:~~

~~(a) The program year beginning July 1, 2009,~~**]** ***:***

(a) May approve solar energy systems **[**~~:~~

~~(1) Totaling 2,000 kilowatts~~**]** ***totaling not more than 200 megawatts*** of capacity for **[**~~school property;~~

~~(2) Totaling 760 kilowatts of capacity for public and other property; and~~

~~(3) Totaling 1,000 kilowatts of capacity for private residential property and small business property; and~~

~~(b) Each program year for the period beginning July 1, 2010, and ending on June 30, 2021, an additional 9 percent of the sum of the total allocated capacities of all the categories described in paragraph (a) which must be approved for distributed generation systems.~~

~~2. If~~**]** ***the State;***

(b) Shall prescribe the capacity ***which is*** allocated to **[**~~any~~**]** ***each service area within the State for a program year;***

(c) Shall prescribe the capacity which is allocated to each category for a program year **[**~~is not fully subscribed by participants in that category, the Commission may, in any combination it deems appropriate:~~

~~(a) Reallocate any of the unused capacity in that category to any of the other categories; or~~

~~(b) Reallocate any of the unused capacity in that category to future program years within the same category.~~

~~3. To promote the installation of solar energy systems on as many school properties as possible, the Commission may not approve for use in the Solar Program a solar energy system having a generating capacity of more than 50 kilowatts if the solar energy system is or will be installed on school property on or after July 1, 2007, unless the Commission determines that approval of a solar energy system with a greater generating capacity is more practicable for a particular school property.~~

~~4. The Commission shall not authorize the payment of an~~**]** ***; and***

(d) Shall establish requirements for the capacity of solar energy systems which may be approved for each category, including, without limitation, the minimum and maximum generating capacity of a solar energy system installed on property other than residential property, which must be determined based on the nature of the business and property for which the solar energy system is installed.

2. A utility is not required to award an incentive for the installation of a solar energy system or distributed generation system if ~~[~~:

~~(a) For~~] ***, for*** the period beginning July 1, 2010, and ending ~~[June 30, 2013,~~] ***December 31, 2012,*** inclusive, the payment of the incentive would cause the total amount of incentives paid by ~~[a utility~~] ***all utilities*** for the installation of solar energy systems and distributed generation systems to exceed ~~[$78,260,000; and~~

~~(b) For the period beginning July 1, 2010, and ending June 30, 2021, the payment of the incentive would cause the total amount of incentives paid by a utility for the installation of solar energy systems and distributed generation systems to exceed $255,270,000.~~] ***$140,000,000.***

Sec. 14. NRS 701B.280 is hereby amended to read as follows:

701B.280 ~~[If]~~ ***To be eligible for an incentive through the Solar Program,*** a solar energy system ~~[used by a participant in the Solar Program meets~~] ***must meet*** the requirements ~~[of NRS 704.766 to 704.775, inclusive, the participant is entitled to participate~~] ***for participation*** in net metering pursuant to the provisions of NRS 704.766 to 704.775, inclusive.

Sec. 15. NRS 701B.350 is hereby amended to read as follows:

701B.350 1. The Renewable Energy School Pilot Program is hereby created. The goal of the Program is to encourage the development of and determine the feasibility for the integration of renewable energy systems on school properties.

2. The Commission shall adopt regulations for the Program. Such regulations shall include, but not be limited to:

(a) A time frame for implementation of the Program;

(b) The allowed renewable energy systems and combinations of such renewable energy systems on school property;

(c) The amount of capacity that may be installed at each school property that participates in the Program;

(d) A process by which a school district may apply for participation in the Program;

(e) Requirements for participation by a school district;

(f) The type of transactions allowed between a renewable energy system generator, a school district and a utility;

(g) Incentives which may be provided to a school district or school property to encourage participation; and

(h) Such other parameters as determined by the Commission and are consistent with the development of renewable energy systems at school properties.

3. The Program shall be limited to 10 school properties. Not more than 6 school properties from any one school district may participate in the Program.

4. The Commission shall adopt the regulations necessary to implement the Program not later than March 1, 2008.

5. The Commission shall prepare a report detailing the results of the Program and shall submit the report to the Legislature by December 1, 2008.

6. As used in this section:

(a) "Commission" means the Public Utilities Commission of Nevada.

(b) "Owned, leased or occupied" includes, without limitation, any real property, building or facilities which are owned, leased or occupied under a deed, lease, contract, license, permit, grant, patent or any other type of legal authorization.

(c) "Renewable energy system" has the meaning ascribed to it in NRS 704.7815.

(d) "School district" has the meaning ascribed to it in NRS 395.0075.

(e) "School property" means any real property, building or facilities which are owned, leased or occupied by a public school as defined in NRS 385.007.

(f) "Utility" ~~[has the meaning ascribed to it in NRS 701B.180.]~~ ***means a public utility that supplies electricity in this State.***

Sec. 16. NRS 701B.410 is hereby amended to read as follows:

701B.410 As used in NRS ~~[701B.400]~~ ***701B.410*** to 701B.650, inclusive, ***and sections 4 and 5 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 701B.420 to 701B.560, inclusive, have the meanings ascribed to them in those sections.

Sec. 17. NRS 701B.430 is hereby amended to read as follows:

701B.430 "Applicant" means a person who is applying to participate in the Wind ~~[Demonstration]~~ Program.

Sec. 18. NRS 701B.440 is hereby amended to read as follows:

701B.440 "Category" means one of the categories of participation in the Wind ~~[Demonstration]~~ Program as set forth in NRS 701B.580.

Sec. 19. NRS 701B.470 is hereby amended to read as follows:

701B.470 "Participant" means a person who has been selected by a utility to participate in the Wind ~~[Demonstration]~~ Program.

Sec. 20. NRS 701B.490 is hereby amended to read as follows:

701B.490 "Program year" means ~~[the period of July 1 to June 30 of the following]~~ ***a calendar*** year.

Sec. 21. NRS 701B.550 is hereby amended to read as follows:

701B.550 "Wind ~~[Demonstration]~~ Program" or "Program" means the Wind Energy Systems ~~[Demonstration]~~ ***Incentive*** Program created by NRS 701B.580.

Sec. 22. NRS 701B.580 is hereby amended to read as follows:

701B.580 1. The Wind Energy Systems ~~[Demonstration]~~ ***Incentive*** Program is hereby created.

2. The Program must have ~~[four]~~ ***six*** categories as follows:

(a) School property;

(b) Other public property;

(c) Private residential property ~~[and small]~~ ***;***

(d) Small business property;

(e) Property owned by an Indian tribe or tribal organization; and

~~[(d)]~~ ***(f)*** Agricultural property.

3. To be eligible to participate in the Program, a person must:

(a) Meet the qualifications established by the Commission pursuant to NRS 701B.590;

(b) ***Submit an application for participation in the Program to a utility;***

(c) When installing the wind energy system, use an installer who has been issued a classification C-2 license with the appropriate subclassification by the State Contractors' Board pursuant to the regulations adopted by the Board; and

~~[(c)]~~ ***(d)*** If the person will be participating in the Program in the category of school property or other public property, provide for the public display of the wind energy system, including, without limitation, providing for public demonstrations of the wind energy system and for hands-on experience of the wind energy system by the public.

Sec. 23. NRS 701B.590 is hereby amended to read as follows:

701B.590 The Commission shall adopt regulations necessary to carry out the provisions of ~~[the Wind Energy Systems Demonstration Program Act,]~~ ***NRS 701B.410 to 701B.650, inclusive, and sections 4 and 5 of this act,*** including, without limitation, regulations that establish:

1. The ~~[capacity goals for the Program, which must be designed to meet the goal of the Legislature of the installation of not less than 5 megawatts of wind energy systems in this State by 2012 and the goals for each category of the Program.~~

~~2. A system of incentives that are based on rebates that decline as the capacity goals for the Program and the goals for each category of the Program are met. The rebates must be based on predicted energy savings.~~

~~3. The procedure for claiming incentives, including, without limitation, the form and content of the incentive claim form.]~~ ***qualifications and requirements an applicant must meet to be eligible to participate in the Wind Program in each particular category of:***

(a) School property;

(b) Other public property;

(c) Private residential property ~~*[and small]*~~ ***;***

(d) Small business property;

(e) Property owned by an Indian tribe or tribal organization; and

~~*[(d)]*~~ ***(f) Agricultural property.***

2. The requirements for a utility's annual plan for carrying out and administering the Wind Program. A utility's annual plan must include, without limitation:

(a) A detailed plan for advertising the Program;

(b) A detailed budget and schedule for carrying out and administering the Program;

(c) A detailed account of the administrative processes and forms that are necessary to apply for and participate in the Program;

(d) A detailed account of the procedures that will be used for inspection of a participant's wind energy system and verification of a participant's compliance with the Program;

(e) A detailed account of training and educational activities that will be used to carry out and administer the Program; and

(f) Any other information required by the Commission.

Sec. 24. NRS 701B.600 is hereby amended to read as follows:

701B.600 1. Each utility shall carry out and administer the Wind ~~[~~Demonstration~~]~~ Program within its service area in accordance with its annual plan as approved by the Commission pursuant to NRS 701B.610.

2. A utility may recover its reasonable and prudent costs, including, without limitation, customer incentives ~~[and administrative costs,]~~ that are associated with carrying out and administering the Program within its service area by seeking recovery of those costs in an appropriate proceeding before the Commission pursuant to NRS 704.110.

Sec. 25. NRS 701B.610 is hereby amended to read as follows:

701B.610 1. ~~[On or before February 1, 2008, and on or before February 1 of each year thereafter,]~~ ***Each year on or before a date established by the Commission,*** each utility shall file with the Commission its annual plan for carrying out and administering the Wind ~~[~~Demonstration~~]~~ Program within its service area for the following program year. ***A utility may file the plan as part of a combined annual plan for carrying out and administering the Wind Program, the Solar Energy Systems Incentive Program created by NRS 701B.240 and the Waterpower Energy Systems Incentive Program created by NRS 701B.820 in its service area for the following program year.***

2. ~~[On or before July 1, 2008, and on or before July 1 of each year thereafter,]~~ ***Within 150 days after a utility files its annual plan for administering the Wind Program,*** the Commission shall:

(a) Review the annual plan filed by each utility for compliance with the requirements established by regulation; and

(b) Approve the annual plan with such modifications and upon such terms and conditions as the Commission finds necessary or appropriate to facilitate the Program.

Sec. 26. NRS 701B.615 is hereby amended to read as follows:

701B.615 1. An applicant who wishes to participate in the Wind ~~[~~Demonstration~~]~~ Program must submit an application to a utility.

2. After reviewing an application submitted pursuant to subsection 1 and ensuring that the applicant meets the qualifications and requirements to be eligible to participate in the Program, a utility may select the applicant for participation in the Program.

3. Not later than 30 days after the date on which the utility selects an applicant, the utility shall provide written notice of the selection to the applicant.

4. After the utility selects an applicant to participate in the Program, the utility may approve the wind energy system proposed by the applicant. Upon the utility's approval of the wind energy system:

(a) The utility shall provide to the applicant notice of the approval and the amount of incentive for which the wind energy system is eligible; and

(b) The applicant may install and energize the wind energy system.

5. Upon the completion of the installation and energizing of the wind energy system, the participant must submit to the utility an incentive claim form and any supporting information, including, without limitation, a verification of the cost of the project and a calculation of the expected system output.

6. Upon receipt of the incentive claim form and verification that the wind energy system is properly connected, the utility shall issue an incentive payment to the participant.

7. The amount of the incentive for which an applicant is eligible must be determined on the date on which the applicant is selected for participation in the Wind ~~[~~Demonstration~~]~~ Program, except that an applicant forfeits eligibility for that amount of incentive if the applicant withdraws from participation in the Program or does not complete the installation of the wind energy system within 12 months after the date on which the applicant is selected for participation in the Program. An applicant who forfeits eligibility for the incentive for which the applicant was originally determined to be eligible may become eligible for an incentive only on the date on which the applicant completes the installation of the wind energy system, and the amount of the incentive for which such an applicant is eligible must be determined on the date on which the applicant completes the installation of the wind energy system.

8. The Commission shall not authorize the payment of an incentive for the installation of a wind energy system if, for the period beginning July 1, 2010, and ending December 31, 2012, inclusive, the payment of the incentive would cause the total amount of incentives paid by all utilities for the installation of wind energy systems and distributed generation systems to exceed $30,000,000.

Sec. 27. NRS 701B.615 is hereby amended to read as follows:

701B.615 1. An applicant who wishes to participate in the Wind Program must submit an application to a utility.

2. After reviewing an application submitted pursuant to subsection 1 and ensuring that the applicant meets the qualifications and requirements to be eligible to participate in the Program, a utility may select the applicant for participation in the Program.

3. Not later than 30 days after the date on which the utility selects an applicant, the utility shall provide written notice of the selection to the applicant.

4. After the utility selects an applicant to participate in the Program, the utility may approve the wind energy system proposed by the applicant. Upon the utility's approval of the wind energy system:

(a) The utility shall provide to the applicant notice of the approval and the amount of incentive for which the wind energy system is eligible; and

(b) The applicant may install and energize the wind energy system.

5. ***An applicant for participation in the Wind Program must complete the installation and energizing of the wind energy system within 12 months after issuance of the notice required by paragraph (a) of subsection 4*** ~~[.]~~ ***, unless the utility grants the applicant an extension of the time within which to complete the installation and energizing of the wind energy system for a period not to exceed an additional 6 months. If the applicant has not completed the installation and energizing of his or her wind energy system within the time provided in this subsection, the notice of approval is void, and the applicant loses his or her right to receive the incentive payment provided in the notice. The applicant may submit a new application and may receive an incentive payment pursuant to a new notice of approval issued by the utility for a new application cycle if the wind energy system has not been installed and energized before the date of issuance of the new notice of approval. The incentive for which the applicant is eligible is the lesser of the average incentive awarded to participants in the applicant's category in the current program year or the amount of the incentive which the applicant was authorized to receive pursuant to the original notice of approval.***

6. Upon the completion of the installation and energizing of the wind energy system, the participant must submit to the utility an incentive claim form and any supporting information, including, without limitation, a verification of the cost of the project and a calculation of the expected system output.

~~[6.]~~ ***7.*** Upon receipt of the incentive claim form and verification that the wind energy system is properly connected, the utility shall issue an incentive payment to the participant.

~~[7.]~~ ***8.*** The amount of the incentive for which an applicant is eligible must be determined on the date on which the applicant is selected for participation in the Wind Program ***.*** ~~[, except that an applicant forfeits eligibility for that amount of incentive if the applicant withdraws from participation in the Program or does not complete the installation of the wind energy system within 12 months after the date on which the applicant is selected for participation in the Program. An applicant who forfeits eligibility for the incentive for which the applicant was originally determined to be eligible may become eligible for an incentive only on the date on which the applicant completes the installation of the wind energy system, and the amount of the incentive for which such an applicant is eligible must be determined on the date on which the applicant completes the installation of the wind energy system.~~

~~8. The Commission shall not authorize the payment of an incentive for the installation of a wind energy system if, for the period beginning July 1, 2010, and ending December 31, 2012, inclusive, the payment of the incentive would cause the total amount of incentives paid by all utilities for the installation of wind energy systems and distributed generation systems to exceed $30,000,000.~~**]**

Sec. 27.5. **NRS 701B.625 is hereby amended to read as follows:**

701B.625 1. The installation of a wind energy system on property owned or occupied by a public body pursuant to NRS **[**~~701B.400~~**]** ***701B.410*** to 701B.650, inclusive, ***and sections 4 and 5 of this act*** shall be deemed to be a public work for the purposes of chapters 338 and 341 of NRS, regardless of whether the installation of the wind energy system is financed in whole or in part by public money.

2. The amount of any incentive issued by a utility relating to the installation of a wind energy system on property owned or occupied by a public body may not be used to reduce the cost of the project to an amount which would exempt the project from the requirements of NRS 338.020 to 338.090, inclusive.

3. As used in this section, "public body" means the State or a county, city, town, school district or any public agency of this State or its political subdivisions.

Sec. 28. NRS 701B.640 is hereby amended to read as follows:

701B.640 1. After a participant installs a wind energy system included in the Wind **[**~~Demonstration~~**]** Program, the Commission shall issue portfolio energy credits for use within the system of portfolio energy credits adopted by the Commission pursuant to NRS 704.7821 and 704.78213 equal to the actual or estimated kilowatt-hour production of the wind energy system.

2. All portfolio energy credits issued for a wind energy system installed pursuant to the Wind **[**~~Demonstration~~**]** Program must be assigned to and become the property of the utility administering the Program.

Sec. 29. NRS 701B.650 is hereby amended to read as follows:

701B.650 **[**~~If~~**]** ***To be eligible for an incentive through the Wind Program,*** a wind energy system **[**~~used by a participant in the Wind Program meets~~**]** ***must meet*** the requirements **[**~~of NRS 704.766 to 704.775, inclusive, the participant is entitled to participate~~**]** ***for participation*** in net metering pursuant to the provisions of NRS 704.766 to 704.775, inclusive.

Sec. 30. NRS 701B.710 is hereby amended to read as follows:

701B.710 As used in NRS **[**~~701B.700~~**]** ***701B.710*** to 701B.880, inclusive, ***and section 6 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 701B.720 to 701B.810, inclusive, have the meanings ascribed to them in those sections.

Sec. 31. NRS 701B.720 is hereby amended to read as follows:

701B.720 "Applicant" means a person who is applying to participate in the Waterpower **[**~~Demonstration~~**]** Program.

Sec. 32. NRS 701B.740 is hereby amended to read as follows:

701B.740 "Participant" means a person who has been selected by a utility to participate in the Waterpower ~~[~~Demonstration~~]~~ Program.

Sec. 33. NRS 701B.760 is hereby amended to read as follows:

701B.760 "Program year" means ~~[~~the period of July 1 to June 30 of the following~~]~~ ***a calendar*** year.

Sec. 34. NRS 701B.810 is hereby amended to read as follows:

701B.810 "Waterpower ~~[~~Demonstration~~]~~ Program" or "Program" means the Waterpower Energy Systems ~~[~~Demonstration~~]~~ ***Incentive*** Program created by NRS 701B.820.

Sec. 35. NRS 701B.820 is hereby amended to read as follows:

701B.820 1. The Waterpower Energy Systems ~~[~~Demonstration~~]~~ ***Incentive*** Program is hereby created.

2. The Waterpower ~~[~~Demonstration~~]~~ Program is created for ~~[~~agricultural~~]~~ ***:***

(a) Indian tribes and tribal organizations that are customers of a utility; and

(b) Agricultural uses.

3. To be eligible to participate in the Waterpower ~~[~~Demonstration~~]~~ Program, a person must meet the qualifications established pursuant to subsection 4, apply to a utility and be selected by the utility for inclusion in the Waterpower ~~[~~Demonstration~~]~~ Program.

4. The Commission shall adopt regulations providing for the qualifications an applicant must meet to qualify to participate in the Waterpower ~~[~~Demonstration~~]~~ Program.

Sec. 36. NRS 701B.830 is hereby amended to read as follows:

701B.830 Each utility is responsible for the administration and delivery of the Waterpower ~~[~~Demonstration~~]~~ Program as approved by the Commission.

Sec. 37. NRS 701B.840 is hereby amended to read as follows:

701B.840 The Commission shall adopt regulations that establish:

1. The capacity goals for the ***Waterpower*** Program, which must be designed to meet the goal of the Legislature of the installation of not less than 500 kilowatts of waterpower energy systems in this State by ~~[~~2012~~]~~ ***2016*** and the goals for each category of the Program.

2. A system of incentives that are based on rebates that decline as the capacity goals for the ***Waterpower*** Program and the goals for each category of the Program are met. The rebates must be based on predicted energy savings. ***A utility is not required to award an incentive if such an award would cause the total amount of incentives awarded in a program year to participants in the Waterpower Program, the Solar Energy Systems Incentive Program created by NRS 701B.240 and the Wind Energy Systems Incentive Program created by NRS 701B.580 to exceed one-half of 1 percent of the total revenues received by all utilities in this State from retail customers in this State during the immediately preceding program***

year. For each program year, the Commission shall determine the capacity each utility must allocate to each program.

3. The procedure for claiming incentives, including, without limitation, the form and content of the incentive claim form.

Sec. 38. NRS 701B.850 is hereby amended to read as follows:

701B.850 1. ~~[On or before February 21, 2008, and on or before February 1 of each subsequent year,]~~ ***Each year on or before a date established by the Commission,*** each utility shall file with the Commission ~~[for approval an]~~ ***its*** annual plan for ~~[the administration and delivery of]~~ ***carrying out and administering*** the Waterpower ~~[Demonstration]~~ Program ***in its service area*** for the ***following*** program year ***.*** ~~[beginning July 1, 2008, and each subsequent year thereafter.]~~ ***A utility may file the plan as part of a combined annual plan for carrying out and administering the Waterpower Program, the Solar Energy Systems Incentive Program created by NRS 701B.240 and the Wind Energy Systems Incentive Program created by NRS 701B.580 in its service area for the following program year.***

2. ~~[On or before July 1, 2008, and on or before each July 1 of each subsequent year,]~~ ***Within 150 days after a utility files its annual plan for administering the Waterpower Program,*** the Commission shall ~~[review]~~ ***:***

(a) Review the annual plan for compliance with the requirements ~~[set forth]~~ ***established*** by regulation ~~[of the Commission.]~~ ***; and***

(b) Approve the annual plan with such modifications and upon such terms and conditions as the Commission finds necessary or appropriate to facilitate the Program.

Sec. 39. NRS 701B.860 is hereby amended to read as follows:

701B.860 Each utility may recover its reasonable and prudent costs, including, without limitation, customer incentives, ~~*[and administrative costs,]*~~ that are associated with carrying out and administering the Waterpower ~~[Demonstration]~~ Program within its service area by seeking recovery of those costs in an appropriate proceeding before the Commission pursuant to NRS 704.110.

Sec. 40. NRS 701B.865 is hereby amended to read as follows:

701B.865 1. An applicant who wishes to participate in the Waterpower ~~[Demonstration]~~ Program must submit an application to a utility.

2. After reviewing an application submitted pursuant to subsection 1 and ensuring that the applicant meets the qualifications and requirements to be eligible to participate in the Program, a utility may select the applicant for participation in the Program.

3. Not later than 30 days after the date on which the utility selects an applicant, the utility shall provide written notice of the selection to the applicant.

4. After the utility selects an applicant to participate in the Program, the utility may approve the waterpower energy system proposed by the applicant. Upon the utility's approval of the waterpower energy system:

(a) The utility shall provide to the applicant notice of the approval and the amount of incentive for which the waterpower energy system is eligible; and

(b) The applicant may construct the waterpower energy system.

5. Upon the completion of the construction of a waterpower energy system, the participant must submit to the utility an incentive claim form and any supporting information, including, without limitation, a verification of the cost of the project and a calculation of the expected system output.

6. Upon receipt of the incentive claim form and verification that the waterpower energy system is properly connected, the utility shall issue an incentive payment to the participant.

7. The amount of the incentive for which an applicant is eligible must be determined on the date on which the applicant is selected for participation in the Waterpower ~~[~~Demonstration~~]~~ Program, except that an applicant forfeits eligibility for that amount of incentive if the applicant withdraws from participation in the Program or does not complete the construction of the waterpower energy system within 12 months after the date on which the applicant is selected for participation in the Program. An applicant who forfeits eligibility for the incentive for which the applicant was originally determined to be eligible may become eligible for an incentive only on the date on which the applicant completes the construction of the waterpower energy system, and the amount of the incentive for which such an applicant is eligible must be determined on the date on which the applicant completes the construction of the waterpower energy system.

Sec. 41. NRS 701B.870 is hereby amended to read as follows:

701B.870 1. After a participant installs a waterpower energy system included in the Waterpower ~~[~~Demonstration~~]~~ Program, the Commission shall issue portfolio energy credits for use within the system of portfolio energy credits adopted by the Commission pursuant to NRS 704.7821 and 704.78213 equal to the actual or estimated kilowatt-hour production of the waterpower energy system of the participant.

2. All portfolio energy credits issued for a waterpower energy system installed pursuant to the Waterpower ~~[~~Demonstration~~]~~ Program are assigned to and become the property of the utility administering the Program.

Sec. 42. NRS 701B.880 is hereby amended to read as follows:

701B.880 If the waterpower energy system used by a participant in the Waterpower ~~[~~Demonstration~~]~~ Program meets the requirements of NRS 704.766 to 704.775, inclusive, the participant is entitled to participate in net metering pursuant to the provisions of NRS 704.766 to 704.775, inclusive.

Sec. 43. NRS 701B.924 is hereby amended to read as follows:

701B.924 1. The State Public Works Board shall, within 90 days after June 9, 2009, determine the specific projects to weatherize and retrofit public buildings, facilities and structures, including, without limitation, traffic-control systems, and to otherwise use sources of renewable energy to serve those buildings, facilities and structures pursuant to the provisions of this

section and NRS 701B.921. The projects must be prioritized and selected on the basis of the following criteria:

(a) The length of time necessary to commence the project.

(b) The number of workers estimated to be employed on the project.

(c) The effectiveness of the project in reducing energy consumption.

(d) The estimated cost of the project.

(e) Whether the project is able to be powered by or to otherwise use sources of renewable energy.

(f) Whether the project has qualified for participation in one or more of the following programs:

(1) The Solar Energy Systems Incentive Program created by NRS 701B.240;

(2) The Renewable Energy School Pilot Program created by NRS 701B.350;

(3) The Wind Energy Systems ~~[Demonstration]~~ ***Incentive*** Program created by NRS 701B.580;

(4) The Waterpower Energy Systems ~~[Demonstration]~~ ***Incentive*** Program created by NRS 701B.820; or

(5) An energy efficiency or energy conservation program offered by a public utility, as defined in NRS 704.020, pursuant to a plan approved by the Public Utilities Commission of Nevada pursuant to NRS 704.741.

2. The board of trustees of each school district shall, within 90 days after June 9, 2009, determine the specific projects to weatherize and retrofit public buildings, facilities and structures, including, without limitation, traffic-control systems, and to otherwise use sources of renewable energy to serve those buildings, facilities and structures pursuant to the provisions of this section and NRS 701B.921. The projects must be prioritized and selected on the basis of the following criteria:

(a) The length of time necessary to commence the project.

(b) The number of workers estimated to be employed on the project.

(c) The effectiveness of the project in reducing energy consumption.

(d) The estimated cost of the project.

(e) Whether the project is able to be powered by or to otherwise use sources of renewable energy.

(f) Whether the project has qualified for participation in one or more of the following programs:

(1) The Solar Energy Systems Incentive Program created by NRS 701B.240;

(2) The Renewable Energy School Pilot Program created by NRS 701B.350;

(3) The Wind Energy Systems ~~[Demonstration]~~ ***Incentive*** Program created by NRS 701B.580;

(4) The Waterpower Energy Systems ~~[Demonstration]~~ ***Incentive*** Program created by NRS 701B.820; or

(5) An energy efficiency or energy conservation program offered by a public utility, as defined in NRS 704.020, pursuant to a plan approved by the Public Utilities Commission of Nevada pursuant to NRS 704.741.

3. The Board of Regents of the University of Nevada shall, within 90 days after June 9, 2009, determine the specific projects to weatherize and retrofit public buildings, facilities and structures, including, without limitation, traffic-control systems, and to otherwise use sources of renewable energy to serve those buildings, facilities and structures pursuant to the provisions of this section and NRS 701B.921. The projects must be prioritized and selected on the basis of the following criteria:

(a) The length of time necessary to commence the project.

(b) The number of workers estimated to be employed on the project.

(c) The effectiveness of the project in reducing energy consumption.

(d) The estimated cost of the project.

(e) Whether the project is able to be powered by or to otherwise use sources of renewable energy.

(f) Whether the project has qualified for participation in one or more of the following programs:

(1) The Solar Energy Systems Incentive Program created by NRS 701B.240;

(2) The Renewable Energy School Pilot Program created by NRS 701B.350;

(3) The Wind Energy Systems ~~[Demonstration]~~ ***Incentive*** Program created by NRS 701B.580;

(4) The Waterpower Energy Systems ~~[Demonstration]~~ ***Incentive*** Program created by NRS 701B.820; or

(5) An energy efficiency or energy conservation program offered by a public utility, as defined in NRS 704.020, pursuant to a plan approved by the Public Utilities Commission of Nevada pursuant to NRS 704.741.

4. As soon as practicable after an entity described in subsections 1, 2 and 3 selects a project, the entity shall proceed to enter into a contract with one or more contractors to perform the work on the project. The request for proposals and all contracts for each project must include, without limitation:

(a) Provisions stipulating that all employees of the contractors and subcontractors who work on the project must be paid prevailing wages pursuant to the requirements of chapter 338 of NRS;

(b) Provisions requiring that each contractor and subcontractor employed on each such project:

(1) Employ a number of persons trained as described in paragraph (b) of subsection 3 of NRS 701B.921 that is equal to or greater than 50 percent of the total workforce the contractor or subcontractor employs on the project; or

(2) If the Director of the Department determines in writing, pursuant to a request submitted by the contractor or subcontractor, that the contractor or subcontractor cannot reasonably comply with the provisions of subparagraph (1) because there are not available a sufficient number of such trained

persons, employ a number of persons trained as described in paragraph (b) of subsection 3 of NRS 701B.921 or trained through any apprenticeship program that is registered and approved by the State Apprenticeship Council pursuant to chapter 610 of NRS that is equal to or greater than 50 percent of the total workforce the contractor or subcontractor employs on the project;

(c) A component pursuant to which persons trained as described in paragraph (b) of subsection 3 of NRS 701B.921 must be classified and paid prevailing wages depending upon the classification of the skill in which they are trained; and

(d) A component that requires each contractor or subcontractor to offer to employees working on the project, and to their dependents, health care in the same manner as a policy of insurance pursuant to chapters 689A and 689B of NRS or the Employee Retirement Income Security Act of 1974.

5. The State Public Works Board, each of the school districts and the Board of Regents of the University of Nevada shall each provide a report to the Interim Finance Committee which describes the projects selected pursuant to this section and a report of the dates on which those projects are scheduled to be completed.

Sec. 44. NRS 701B.924 is hereby amended to read as follows:

701B.924 1. The State Public Works Board shall, within 90 days after June 9, 2009, determine the specific projects to weatherize and retrofit public buildings, facilities and structures, including, without limitation, traffic-control systems, and to otherwise use sources of renewable energy to serve those buildings, facilities and structures pursuant to the provisions of this section and NRS 701B.921. The projects must be prioritized and selected on the basis of the following criteria:

(a) The length of time necessary to commence the project.

(b) The number of workers estimated to be employed on the project.

(c) The effectiveness of the project in reducing energy consumption.

(d) The estimated cost of the project.

(e) Whether the project is able to be powered by or to otherwise use sources of renewable energy.

(f) Whether the project has qualified for participation in ~~[one or more of the following programs:~~

~~(1) The Solar Energy Systems Incentive Program created by NRS 701B.240;~~

~~(2)~~] ***:***

(1) The Renewable Energy School Pilot Program created by NRS 701B.350;

~~[(3) The Wind Energy Systems Incentive Program created by NRS 701B.580;~~

~~(4) The Waterpower Energy Systems Incentive Program created by NRS 701B.820; or~~

~~(5)~~] ***or***

(2) An energy efficiency or energy conservation program offered by a public utility, as defined in NRS 704.020, pursuant to a plan approved by the Public Utilities Commission of Nevada pursuant to NRS 704.741.

2. The board of trustees of each school district shall, within 90 days after June 9, 2009, determine the specific projects to weatherize and retrofit public buildings, facilities and structures, including, without limitation, traffic-control systems, and to otherwise use sources of renewable energy to serve those buildings, facilities and structures pursuant to the provisions of this section and NRS 701B.921. The projects must be prioritized and selected on the basis of the following criteria:

(a) The length of time necessary to commence the project.

(b) The number of workers estimated to be employed on the project.

(c) The effectiveness of the project in reducing energy consumption.

(d) The estimated cost of the project.

(e) Whether the project is able to be powered by or to otherwise use sources of renewable energy.

(f) Whether the project has qualified for participation in ~~[one or more of the following programs:~~

~~(1) The Solar Energy Systems Incentive Program created by NRS 701B.240;~~

~~(2)~~**]** ***:***

(1) The Renewable Energy School Pilot Program created by NRS 701B.350;

~~[(3) The Wind Energy Systems Incentive Program created by NRS 701B.580;~~

~~(4) The Waterpower Energy Systems Incentive Program created by NRS 701B.820; or~~

~~(5)~~**]** ***or***

(2) An energy efficiency or energy conservation program offered by a public utility, as defined in NRS 704.020, pursuant to a plan approved by the Public Utilities Commission of Nevada pursuant to NRS 704.741.

3. The Board of Regents of the University of Nevada shall, within 90 days after June 9, 2009, determine the specific projects to weatherize and retrofit public buildings, facilities and structures, including, without limitation, traffic-control systems, and to otherwise use sources of renewable energy to serve those buildings, facilities and structures pursuant to the provisions of this section and NRS 701B.921. The projects must be prioritized and selected on the basis of the following criteria:

(a) The length of time necessary to commence the project.

(b) The number of workers estimated to be employed on the project.

(c) The effectiveness of the project in reducing energy consumption.

(d) The estimated cost of the project.

(e) Whether the project is able to be powered by or to otherwise use sources of renewable energy.

(f) Whether the project has qualified for participation in ~~[one or more of the following programs:~~

~~(1) The Solar Energy Systems Incentive Program created by NRS 701B.240;~~

~~(2)~~] ***:***

(1) The Renewable Energy School Pilot Program created by NRS 701B.350;

~~[(3) The Wind Energy Systems Incentive Program created by NRS 701B.580;~~

~~(4) The Waterpower Energy Systems Incentive Program created by NRS 701B.820; or~~

~~(5)~~] ***or***

(2) An energy efficiency or energy conservation program offered by a public utility, as defined in NRS 704.020, pursuant to a plan approved by the Public Utilities Commission of Nevada pursuant to NRS 704.741.

4. As soon as practicable after an entity described in subsections 1, 2 and 3 selects a project, the entity shall proceed to enter into a contract with one or more contractors to perform the work on the project. The request for proposals and all contracts for each project must include, without limitation:

(a) Provisions stipulating that all employees of the contractors and subcontractors who work on the project must be paid prevailing wages pursuant to the requirements of chapter 338 of NRS;

(b) Provisions requiring that each contractor and subcontractor employed on each such project:

(1) Employ a number of persons trained as described in paragraph (b) of subsection 3 of NRS 701B.921 that is equal to or greater than 50 percent of the total workforce the contractor or subcontractor employs on the project; or

(2) If the Director of the Department determines in writing, pursuant to a request submitted by the contractor or subcontractor, that the contractor or subcontractor cannot reasonably comply with the provisions of subparagraph (1) because there are not available a sufficient number of such trained persons, employ a number of persons trained as described in paragraph (b) of subsection 3 of NRS 701B.921 or trained through any apprenticeship program that is registered and approved by the State Apprenticeship Council pursuant to chapter 610 of NRS that is equal to or greater than 50 percent of the total workforce the contractor or subcontractor employs on the project;

(c) A component pursuant to which persons trained as described in paragraph (b) of subsection 3 of NRS 701B.921 must be classified and paid prevailing wages depending upon the classification of the skill in which they are trained; and

(d) A component that requires each contractor or subcontractor to offer to employees working on the project, and to their dependents, health care in the same manner as a policy of insurance pursuant to chapters 689A and 689B of NRS or the Employee Retirement Income Security Act of 1974.

5. The State Public Works Board, each of the school districts and the Board of Regents of the University of Nevada shall each provide a report to the Interim Finance Committee which describes the projects selected pursuant to this section and a report of the dates on which those projects are scheduled to be completed.

Sec. 45. NRS 704.773 is hereby amended to read as follows:

704.773 1. A utility shall offer net metering, as set forth in NRS 704.775, to the customer-generators operating within its service area until the cumulative capacity of all such net metering systems ***in this State*** is equal to ~~[1.]~~ ***3*** percent of the ~~[utility's]~~ ***total*** peak capacity ~~[.]~~ ***of all utilities in this State.***

2. If the net metering system of a customer-generator who accepts the offer of a utility for net metering has a capacity of not more than 100 kilowatts, the utility:

(a) Shall offer to make available to the customer-generator an energy meter that is capable of registering the flow of electricity in two directions.

(b) May, at its own expense and with the written consent of the customer-generator, install one or more additional meters to monitor the flow of electricity in each direction.

(c) Shall not charge a customer-generator any fee or charge that would increase the customer-generator's minimum monthly charge to an amount greater than that of other customers of the utility in the same rate class as the customer-generator.

3. If the net metering system of a customer-generator who accepts the offer of a utility for net metering has a capacity of more than 100 kilowatts, the utility:

(a) May require the customer-generator to install at its own cost:

(1) An energy meter that is capable of measuring generation output and customer load; and

(2) Any upgrades to the system of the utility that are required to make the net metering system compatible with the system of the utility.

(b) Except as otherwise provided in paragraph (c), may charge the customer-generator any applicable fee or charge charged to other customers of the utility in the same rate class as the customer-generator, including, without limitation, customer, demand and facility charges.

(c) Shall not charge the customer-generator any standby charge.

➥ At the time of installation or upgrade of any portion of a net metering system, the utility must allow a customer-generator governed by this subsection to pay the entire cost of the installation or upgrade of the portion of the net metering system.

4. The Commission shall adopt regulations prescribing the form and substance for a net metering tariff and a standard net metering contract. The regulations must include, without limitation:

(a) The particular provisions, limitations and responsibilities of a customer-generator which must be included in a net metering tariff with regard to:

(1) Metering equipment;

(2) Net energy metering and billing; and

(3) Interconnection,

➥ based on the allowable size of the net metering system.

(b) The particular provisions, limitations and responsibilities of a customer-generator and the utility which must be included in a standard net metering contract.

(c) A timeline for processing applications and contracts for net metering applicants.

(d) Any other provisions the Commission finds necessary to carry out the provisions of NRS 704.766 to 704.775, inclusive.

Sec. 46. ~~[~~NRS 704.7828 is hereby amended to read as follows:

704.7828 1. The Commission shall adopt regulations to carry out and enforce the provisions of NRS 704.7801 to 704.7828, inclusive. The regulations adopted by the Commission may include any enforcement mechanisms which are necessary and reasonable to ensure that each provider of electric service complies with its portfolio standard. Such enforcement mechanisms may include, without limitation, the imposition of administrative fines.

2. If a provider exceeds the portfolio standard for any calendar year, the Commission shall authorize the provider to carry forward to subsequent calendar years for the purpose of complying with the portfolio standard for those subsequent calendar years any excess kilowatt-hours of electricity that the provider generates, acquires or saves from portfolio energy systems or efficiency measures. ***Any surplus portfolio energy credits derived from energy efficiency measures may be applied to reduce a deficiency in portfolio energy credits caused by the inability of a developer of a renewable energy system that has contracted to sell renewable energy to the provider to construct and energize its renewable energy system within the time or in the amount agreed to by the developer and the provider.***

3. If a provider does not comply with its portfolio standard for any calendar year and the Commission has not exempted the provider from the requirements of its portfolio standard pursuant to NRS 704.7821 or 704.78213, the Commission:

(a) Shall require the provider to carry forward to subsequent calendar years the amount of the deficiency in kilowatt-hours of electricity that the provider does not generate, acquire or save from portfolio energy systems or efficiency measures during a calendar year in violation of its portfolio standard; and

(b) May impose an administrative fine against the provider or take other administrative action against the provider, or do both.

~~4. The Commission may impose an administrative fine against a provider based upon:~~

~~(a) Each kilowatt-hour of electricity that the provider does not generate, acquire or save from portfolio energy systems or efficiency measures during a calendar year in violation of its portfolio standard; or~~

~~(b) Any other reasonable formula adopted by the Commission.~~

~~5. In the aggregate, the administrative fines imposed against a provider for all violations of its portfolio standard for a single calendar year must not exceed the amount which is necessary and reasonable to ensure that the provider complies with its portfolio standard, as determined by the Commission.~~

~~6. If the Commission imposes an administrative fine against a utility provider:~~

~~(a) The administrative fine is not a cost of service of the utility provider;~~

~~(b) The utility provider shall not include any portion of the administrative fine in any application for a rate adjustment or rate increase; and~~

~~(c) The Commission shall not allow the utility provider to recover any portion of the administrative fine from its retail customers.~~

~~7. All administrative fines imposed and collected pursuant to this section must be deposited in the State General Fund.~~**] (Deleted by amendment.)**

Sec. 47. NRS 338.1908 is hereby amended to read as follows:

338.1908 1. The governing body of each local government shall, by July 28, 2009, develop a plan to retrofit public buildings, facilities and structures, including, without limitation, traffic-control systems, and to otherwise use sources of renewable energy to serve those buildings, facilities and structures. Such a plan must:

(a) Be developed with input from one or more energy retrofit coordinators designated pursuant to NRS 338.1907, if any.

(b) Include a list of specific projects. The projects must be prioritized and selected on the basis of the following criteria:

(1) The length of time necessary to commence the project.

(2) The number of workers estimated to be employed on the project.

(3) The effectiveness of the project in reducing energy consumption.

(4) The estimated cost of the project.

(5) Whether the project is able to be powered by or otherwise use sources of renewable energy.

(6) Whether the project has qualified for participation in one or more of the following programs:

(I) The Solar Energy Systems Incentive Program created by NRS 701B.240;

(II) The Renewable Energy School Pilot Program created by NRS 701B.350;

(III) The Wind Energy Systems ~~[Demonstration]~~ ***Incentive*** Program created by NRS 701B.580; or

(IV) The Waterpower Energy Systems ~~[Demonstration]~~ ***Incentive*** Program created by NRS 701B.820.

(c) Include a list of potential funding sources for use in implementing the projects, including, without limitation, money available through the Energy Efficiency and Conservation Block Grant Program as set forth in 42 U.S.C. § 17152 and grants, gifts, donations or other sources of money from public and private sources.

2. The governing body of each local government shall transmit the plan developed pursuant to subsection 1 to the Nevada Energy Commissioner and to any other entity designated for that purpose by the Legislature.

3. As used in this section:

(a) "Local government" means each city or county that meets the definition of "eligible unit of local government" as set forth in 42 U.S.C. § 17151 and each unit of local government, as defined in subsection 11 of NRS 338.010, that does not meet the definition of "eligible entity" as set forth in 42 U.S.C. § 17151.

(b) "Renewable energy" means a source of energy that occurs naturally or is regenerated naturally, including, without limitation:

(1) Biomass;

(2) Fuel cells;

(3) Geothermal energy;

(4) Solar energy;

(5) Waterpower; and

(6) Wind.

➥ The term does not include coal, natural gas, oil, propane or any other fossil fuel, or nuclear energy.

(c) "Retrofit" means to alter, improve, modify, remodel or renovate a building, facility or structure to make that building, facility or structure more energy-efficient.

Sec. 48. NRS 338.1908 is hereby amended to read as follows:

338.1908 1. The governing body of each local government shall, by July 28, 2009, develop a plan to retrofit public buildings, facilities and structures, including, without limitation, traffic-control systems, and to otherwise use sources of renewable energy to serve those buildings, facilities and structures. Such a plan must:

(a) Be developed with input from one or more energy retrofit coordinators designated pursuant to NRS 338.1907, if any.

(b) Include a list of specific projects. The projects must be prioritized and selected on the basis of the following criteria:

(1) The length of time necessary to commence the project.

(2) The number of workers estimated to be employed on the project.

(3) The effectiveness of the project in reducing energy consumption.

(4) The estimated cost of the project.

(5) Whether the project is able to be powered by or otherwise use sources of renewable energy.

(6) Whether the project has qualified for participation in ~~[one or more of the following programs:~~

~~(I) The Solar Energy Systems Incentive Program created by NRS 701B.240;~~

~~(II) The~~] ***the*** Renewable Energy School Pilot Program created by NRS 701B.350 **.** ~~[;~~

~~(III) The Wind Energy Systems Incentive Program created by NRS 701B.580; or~~

~~(IV) The Waterpower Energy Systems Incentive Program created by NRS 701B.820.~~]

(c) Include a list of potential funding sources for use in implementing the projects, including, without limitation, money available through the Energy Efficiency and Conservation Block Grant Program as set forth in 42 U.S.C. § 17152 and grants, gifts, donations or other sources of money from public and private sources.

2. The governing body of each local government shall transmit the plan developed pursuant to subsection 1 to the Nevada Energy Commissioner and to any other entity designated for that purpose by the Legislature.

3. As used in this section:

(a) "Local government" means each city or county that meets the definition of "eligible unit of local government" as set forth in 42 U.S.C. § 17151 and each unit of local government, as defined in subsection 11 of NRS 338.010, that does not meet the definition of "eligible entity" as set forth in 42 U.S.C. § 17151.

(b) "Renewable energy" means a source of energy that occurs naturally or is regenerated naturally, including, without limitation:

(1) Biomass;
(2) Fuel cells;
(3) Geothermal energy;
(4) Solar energy;
(5) Waterpower; and
(6) Wind.

➥ The term does not include coal, natural gas, oil, propane or any other fossil fuel, or nuclear energy.

(c) "Retrofit" means to alter, improve, modify, remodel or renovate a building, facility or structure to make that building, facility or structure more energy-efficient.

Sec. 49. Section 113 of chapter 509, Statutes of Nevada 2007, at page 2999, is hereby amended to read as follows:

Sec. 113. 1. This act becomes effective:

(a) Upon passage and approval for the purposes of adopting regulations and taking such other actions as are necessary to carry out the provisions of this act; and

(b) For all other purposes besides those described in paragraph (a):

(1) For this section and sections 1, 30, 32, 36 to 46, inclusive, 49, 51 to 61, inclusive, 107, 109, 110 and 111 of this act, upon passage and approval.

(2) For sections 1.5 to 29, inclusive, 43.5, 47, 51.3, 51.7, 108, 112 and 112.5 of this act, on July 1, 2007.

(3) For sections 62 to 106, inclusive, of this act, on October 1, 2007.

(4) For sections 31, 32.3, 32.5, 32.7, 33, 34 and 35 of this act, on January 1, 2009.

(5) For section 48 of this act, on January 1, 2010.

(6) For section 50 of this act, on January 1, 2011.

2. Sections ~~[62 to 106,]~~ ***63 to 75, inclusive, 77 to 82, inclusive, 85, 86, 88 to 94, inclusive, and 95 to 105,*** inclusive, of this act expire by limitation on ~~[June 30, 2011.]~~ ***December 31, 2021.***

Sec. 50. Section 13 of chapter 246, Statutes of Nevada 2009, at page 1002, is hereby amended to read as follows:

Sec. 13. 1. This act becomes effective on July 1, 2009.

2. Sections 2 and 3 of this act expire by limitation on ~~[June 30, 2011.]~~ ***December 31, 2021.***

Sec. 51. Section 21 of chapter 321, Statutes of Nevada 2009, at page 1410, is hereby amended to read as follows:

Sec. 21. 1. This section and sections 1 to 1.51, inclusive, 1.55 to 19.7, inclusive, and 19.9 to 20.9, inclusive, of this act become effective upon passage and approval.

2. Sections 1.51, 1.85, 1.87, 1.92, ~~[1.93,]~~ 1.95, 4.3 ***to 7, inclusive, 7.3*** to 9, inclusive, and 19.4 of this act expire by limitation on ~~[June 30, 2011.~~

~~3. Sections 1.53 and 19.8 of this act become effective on July 1, 2011.]~~ ***December 31, 2021.***

Sec. 52. 1. NRS 701B.010, 701B.020, 701B.030, 701B.040, 701B.050, 701B.055, 701B.060, 701B.070, 701B.080, 701B.090, 701B.100, 701B.110, 701B.120, 701B.130, 701B.140, 701B.150, 701B.160, 701B.170, 701B.180, 701B.200, 701B.210, 701B.220, 701B.230, 701B.240, 701B.250, 701B.255, **701B.265,** 701B.280 and 701B.290 are hereby repealed.

2. ~~[NRS 701B.265 and 701B.625 are hereby repealed.~~

~~3.]~~ NRS 701B.260 is hereby repealed.

~~[4.]~~ **3.** NRS 701B.400, 701B.615 and 701B.700 are hereby repealed.

~~[5.]~~ **4.** Sections 1.53 and 19.8 of chapter 321, Statutes of Nevada 2009, at pages 1372 and 1408, respectively, are hereby repealed.

Sec. 53. The Public Utilities Commission of Nevada shall adopt the regulations necessary to carry out the provisions of sections 1, 3 to 12, inclusive, 14 to 25, inclusive, 27 to 43, inclusive, and 47 of this act on or before July 1, 2012.

Sec. 54. 1. This section, sections 49, 50 and 51 and subsection ~~[5]~~ **4** of section 52 of this act become effective upon passage and approval.

2. Sections 13, 26, 45, **and** 46 ~~[and subsection 2 of section 52]~~ of this act become effective on July 1, 2011.

3. Sections 1, 3 to 12, inclusive, 14 to 25, inclusive, 27 to 43, inclusive, 47, subsection ~~[4]~~ **3** of section 52 and section 53 of this act become effective upon passage and approval for the purpose of adopting regulations and on January 1, 2013, for all other purposes.

4. Subsection ~~[3]~~ **2** of section 52 of this act becomes effective on December 31, 2012.

5. Sections 3 to 6, inclusive, 15 to 25, inclusive, 27 to 43, inclusive, and 47 of this act expire by limitation on December 31, 2021.

6. Sections 2, 44, 48 and subsection 1 of section 52 of this act become effective on January 1, 2022.

LEADLINES OF REPEALED SECTIONS OF NRS AND TEXT OF REPEALED SECTIONS OF STATUTES OF NEVADA

701B.010 Applicability.
701B.020 Definitions.
701B.030 "Applicant" defined.
701B.040 "Category" defined.
701B.050 "Commission" defined.
701B.055 "Distributed generation system" defined.
701B.060 "Institution of higher education" defined.
701B.070 "Owned, leased or occupied" defined.
701B.080 "Participant" defined.
701B.090 "Person" defined.
701B.100 "Program year" defined.
701B.110 "Public and other property" defined.
701B.120 "Public entity" defined.
701B.130 "School property" defined.
701B.140 "Small business" defined.
701B.150 "Solar energy system" defined.
701B.160 "Solar Program" defined.
701B.170 "Task Force" defined.
701B.180 "Utility" defined.
701B.200 Regulations: Establishment of incentives and requirements for utility's annual plan; exceptions; recovery of costs by utility.
701B.210 Regulations: Establishment of qualifications and requirements for participation; form and content of utility's master application.
701B.220 Regulations: Establishment of incentives for participation.
701B.230 Duty of utility to file annual plan; review and approval of annual plan by Commission; recovery of costs by utility.
701B.240 Creation of Solar Program; categories of participation; eligibility requirements.
701B.250 Application to participate; review of application by utility.

701B.255 Procedure for selection and notification of participants; authorization to install and energize solar energy system; submission of incentive claim form; determination of amount of incentive; withdrawal of participant; forfeiture of incentive.

701B.260 Capacity allocated to each category; reallocation of capacity; limitations on incentives.

701B.265 Installation of solar energy system deemed public work under certain circumstances.

701B.280 Participation in net metering.

701B.290 Issuance of portfolio energy credits.

701B.400 Short title.

701B.615 Procedure for selection and notification of participants; authorization to install and energize wind energy system; submission of incentive claim form; determination of amount of incentive; withdrawal of participant; forfeiture of incentive.

[~~701B.625 Installation of wind energy system deemed public work under certain circumstances.~~**]**

701B.700 Short title.

Section 1.53 of chapter 321, Statutes of Nevada 2009, at pages 1372-73.

Sec. 1.53. NRS 701.180 is hereby amended to read as follows:

701.180 The Director shall:

1. Acquire and analyze information relating to energy and to the supply, demand and conservation of its sources, including, without limitation:

(a) Information relating to the Solar Energy Systems Incentive Program created pursuant to NRS 701B.240 **[**~~and the Wind Energy Systems Demonstration Program created pursuant to 701B.580,~~**]** including, without limitation, information relating to:

(1) The development of distributed generation systems in this State pursuant to participation in the Solar Energy Systems Incentive Program;

(2) The use of carbon-based energy in residential and commercial applications due to participation in the **[**~~Programs;~~**]** ***Program;*** and

(3) The average cost of generation on a kilowatt-hour basis for residential and commercial applications due to participation in the **[**~~Programs;~~**]** ***Program;*** and

(b) Information relating to any money distributed pursuant to NRS 702.270.

2. Review and evaluate information which identifies trends and permits forecasting of the energy available to the State. Such forecasts must include estimates on:

(a) The level of demand for energy in the State for 5-, 10- and 20-year periods;

(b) The amount of energy available to meet each level of demand;

(c) The probable implications of the forecast on the demand and supply of energy; and

(d) The sources of renewable energy and other alternative sources of energy which are available and their possible effects.

3. Study means of reducing wasteful, inefficient, unnecessary or uneconomical uses of energy and encourage the maximum utilization of existing sources of energy in the State.

4. Solicit and serve as the point of contact for grants and other money from the Federal Government, including, without limitation, any grants and other money available pursuant to any program administered by the United States Department of Energy, and other sources to cooperate with the Commissioner and the Authority:

(a) To promote energy projects that enhance the economic development of the State;

(b) To promote the use of renewable energy in this State;

(c) To promote the use of measures which conserve or reduce the demand for energy or which result in more efficient use of energy;

(d) To develop a comprehensive program for retrofitting public buildings in this State with energy efficiency measures; and

(e) If the Commissioner determines that it is feasible and cost-effective, to enter into contracts with researchers from the Nevada System of Higher Education for the design of energy efficiency and retrofit projects to carry out the comprehensive program for retrofitting public buildings in this State developed pursuant to paragraph (d).

5. Coordinate the activities and programs of the Office of Energy with the activities and programs of the Authority, the Consumer's Advocate and the Public Utilities Commission of Nevada, and with other federal, state and local officers and agencies that promote, fund, administer or operate activities and programs related to the use of renewable energy and the use of measures which conserve or reduce the demand for energy or which result in more efficient use of energy.

6. Carry out all other directives concerning energy that are prescribed by the Governor.

Section 19.8 of chapter 321, Statutes of Nevada 2009, at pages 1408-09.

Sec. 19.8. Section 19.4 of this act is hereby amended to read as follows:

Sec. 19.4. Chapter 338 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The governing body of each local government shall, within 60 days after the effective date of this section, develop a plan to retrofit public buildings, facilities and structures, including, without limitation, traffic-control systems, and to otherwise use sources of renewable energy to serve those buildings, facilities and structures. Such a plan must:

(a) Be developed with input from one or more energy retrofit coordinators designated pursuant to NRS 338.1907, if any.

(b) Include a list of specific projects. The projects must be prioritized and selected on the basis of the following criteria:

(1) The length of time necessary to commence the project.

(2) The number of workers estimated to be employed on the project.

(3) The effectiveness of the project in reducing energy consumption.

(4) The estimated cost of the project.

(5) Whether the project is able to be powered by or otherwise use sources of renewable energy.

(6) Whether the project has qualified for participation in one or more of the following programs:

(I) The Solar Energy Systems Incentive Program created by NRS 701B.240; ***or***

(II) The Renewable Energy School Pilot Program created by NRS 701B.350 **. ~~[~~~~;~~**

~~(III) The Wind Energy Systems Demonstration Program created by NRS 701B.580; or~~

~~(IV) The Waterpower Energy Systems Demonstration Program created by NRS 701B.820.~~**]**

(c) Include a list of potential funding sources for use in implementing the projects, including, without limitation, money available through the Energy Efficiency and Conservation Block Grant Program as set forth in 42 U.S.C. § 17152 and grants, gifts, donations or other sources of money from public and private sources.

2. The governing body of each local government shall transmit the plan developed pursuant to subsection 1 to the Nevada Energy Commissioner and to any other entity designated for that purpose by the Legislature.

3. As used in this section:

(a) "Local government" means each city or county that meets the definition of "eligible unit of local government" as set forth in 42 U.S.C. § 17151 and each unit of local government, as defined in subsection 11 of NRS 338.010, that does not meet the definition of "eligible entity" as set forth in 42 U.S.C. § 17151.

(b) "Renewable energy" means a source of energy that occurs naturally or is regenerated naturally, including, without limitation:

(1) Biomass;

(2) Fuel cells;

(3) Geothermal energy;

(4) Solar energy;

(5) Waterpower; and

(6) Wind.

➥ The term does not include coal, natural gas, oil, propane or any other fossil fuel, or nuclear energy.

(c) "Retrofit" means to alter, improve, modify, remodel or renovate a building, facility or structure to make that building, facility or structure more energy-efficient.

Assemblyman Atkinson moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 402.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 245.

AN ACT relating to state financial administration; requiring a state agency to seek and obtain the approval of the State Board of Finance to enter into a contract to allow the agency to accept credit or debit cards or electronic transfers of money unless it is impracticable for the agency to enter into such a contract; authorizing the Director of the Department of Administration to enter into contracts for the benefit of all state agencies for the acceptance of credit or debit cards or electronic transfers of money, in which any state agency may participate; requiring a state agency that does not enter into such a contract or participate in a contract entered into by the Director of the Department of Administration to report periodically to the Legislative Commission and the Interim Finance Committee concerning the reasons for the failure; **requiring the administration of such contracts to be coordinated with the State Treasurer;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes a state agency to enter into a contract for the acceptance of credit cards, debit cards or electronic transfers of money by the agency, with the approval of the State Board of Finance. (NRS 353.1465) ~~[This]~~ **Section 1 of this** bill requires state agencies to seek and obtain such approval unless it is impracticable for the agency to enter into such a contract. A state agency may, in lieu of entering into such a contract on its own behalf, participate in a contract entered into by the Director of the Department of Administration for the benefit of all state agencies. ~~[This bill]~~ **Section 1** also authorizes the Director to enter into such contracts for the benefit of all state agencies, subject to the restrictions and procedures that currently apply to individual contracts. Finally, ~~[the bill]~~ **section 1** requires an agency that has not entered into such a contract or is not participating in an agreement entered into by the Director of the Department of Administration to report periodically to the Legislative Commission and the Interim Finance Committee concerning the reasons for the failure. **Section 3 of this bill requires that the administration of such contracts be coordinated with the State Treasurer to ensure that the State Treasurer can track and reconcile payments.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 353 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection 2, a state agency shall seek and obtain the approval of the State Board of Finance to enter into a

contract for the acceptance of credit cards, debit cards or electronic transfers of money pursuant to NRS 353.1465 unless it is impracticable for the agency to enter into such a contract.

2. The Director of the Department of Administration may enter into one or more contracts with issuers of credit cards or debit cards or operators of systems that provide for the electronic transfer of money to provide for the acceptance of credit cards, debit cards or electronic transfers of money by any state agency that chooses to participate in the contract. The Director must obtain approval of the State Board of Finance in the manner required pursuant to NRS 353.1465 for such a contract, and the contract is subject to the requirements of that section. If a state agency participates in such a contract, it is not required to seek and obtain approval to enter into a contract pursuant to subsection 1.

3. A state agency that has not entered into a contract pursuant to NRS 353.1465 or is not participating in a contract pursuant to subsection 2 shall report to the Legislative Commission and the Interim Finance Committee on or before July 1 of every even-numbered year concerning the reasons that the agency has failed to enter into or participate in such a contract, including any supporting financial information, and the efforts the agency is taking to allow it to enter into or participate in such a contract in the future.

Sec. 2. NRS 353.146 is hereby amended to read as follows:

353.146 As used in NRS 353.146 to 353.148, inclusive, ***and section 1 of this act,*** "state agency" means an agency, bureau, board, commission, department, division or any other unit of the Executive Department of the State Government.

Sec. 3. **NRS 353.1465 is hereby amended to read as follows:**

353.1465 1. Upon approval of the State Board of Finance, a state agency may enter into contracts with issuers of credit cards or debit cards or operators of systems that provide for the electronic transfer of money to provide for the acceptance of credit cards, debit cards or electronic transfers of money by the agency:

(a) For the payment of money owed to the agency for taxes, interest, penalties or any other obligation; or

(b) In payment for goods or services.

2. Before a state agency may enter into a contract pursuant to subsection 1, the agency must submit the proposed contract to the State Treasurer for his or her review and transmittal to the State Board of Finance. ***The agency shall coordinate the administration of the contract with the State Treasurer to ensure that the State Treasurer is able to track and reconcile payment information pursuant to the contract.***

3. Except as otherwise provided in subsection 4, if the issuer or operator charges the state agency a fee for each use of a credit card or debit card or for each electronic transfer of money, the state agency may require the cardholder or the person requesting the electronic transfer of money to pay a

convenience fee when appropriate and authorized. The total convenience fees charged by the state agency in a fiscal year must not exceed the total amount of fees charged to the state agency by the issuer or operator in that fiscal year.

4. A state agency that is required to pay a fee charged by the issuer or operator for the use of a credit card or debit card or for an electronic transfer of money may, pursuant to NRS 353.148, file a claim with the Director of the Department of Administration for reimbursement of the fees paid to the issuer or operator during the immediately preceding quarter.

5. The Director of the Department of Administration shall adopt regulations providing for the submission of payments to state agencies pursuant to contracts authorized by this section. The regulations must not conflict with a regulation adopted pursuant to NRS 360.092 or 360A.020.

6. As used in this section:

(a) "Cardholder" means the person or organization named on the face of a credit card or debit card to whom or for whose benefit the credit card or debit card is issued by an issuer.

(b) "Convenience fee" means a fee paid by a cardholder or person requesting the electronic transfer of money to a state agency for the convenience of using the credit card or debit card or the electronic transfer of money to make such payment.

(c) "Credit card" means any instrument or device, whether known as a credit card or credit plate or by any other name, issued with or without a fee by an issuer for the use of the cardholder in obtaining money, property, goods, services or anything else of value on credit.

(d) "Debit card" means any instrument or device, whether known as a debit card or by any other name, issued with or without a fee by an issuer for the use of the cardholder in depositing, obtaining or transferring funds.

(e) "Electronic transfer of money" has the meaning ascribed to it in NRS 463.01473.

(f) "Issuer" means a business organization, financial institution or authorized agent of a business organization or financial institution that issues a credit card or debit card.

~~[Sec. 3.]~~ ***Sec. 4.*** This act becomes effective on January 1, 2012.

Assemblywoman Bustamante Adams moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 416.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 433.

AN ACT relating to energy; revising provisions governing the Solar Energy Systems Incentive Program; ~~[revising the categories of participants in the Solar Program;]~~ revising provisions governing the Wind Energy Systems Demonstration Program; **revising provisions governing the payment of incentives to participants in the Solar Program and the Wind Program;** removing the prospective expiration of the Wind Program; ~~[revising provisions governing certain solar energy systems and wind energy systems which are deemed public works for certain purposes; revising provisions governing net metering systems; requiring the reallocation of certain capacity and incentives for participation in the Solar Program;]~~ requiring the Public Utilities Commission of Nevada to adopt certain regulations; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 4 of this bill revises provisions governing the incentives for participation in the Solar Energy Systems Incentive Program, requires the Public Utilities Commission of Nevada to review the incentives and authorizes the Commission to adjust the incentives not less frequently than annually. **Section ~~[5 of this bill]~~ 4** provides that the ~~[Solar Program is created to meet the Legislature's goal of not less than 400 megawatts of installed solar energy systems in this State on or before January 1, 2020. Sections 3 and 5 of this bill revise the categories of participants in the Solar Program to include commercial property, and section 7 of this bill revises the allocation of capacity to the different categories of participants in the Program. Section 6 of this bill removes the requirement that a participant in the Solar Program be approved by a utility before installing and energizing the solar energy system. Section 8 of this bill revises provisions concerning certain solar energy systems that are deemed public works and requires that the application for any such solar system include the identifying number assigned to the public work by the Labor Commissioner.~~

~~Sections 9 and 10 of this bill require the Commission to establish the categories of participation in the Wind Energy Systems Demonstration Program.]~~ **total amount of the incentive paid to a participant in the Solar Program in the category of private residential property must be paid upon proof that the participant has installed and energized the solar energy system, while the amount of the incentive paid to a participant in a category other than the category of private residential property must be paid over time and be based on the performance of the solar energy system and the amount of electricity generated by the solar energy system.**

Section 10 of this bill revises the capacity goals for the Wind **Energy Systems Demonstration** Program, which must be designed so that the total cost of the Wind Program does not exceed $30,000,000 per year through June 30, 2017. **Section 10** further provides that the ~~[incentives must be]~~ **total amount of the incentive paid to a participant in the Wind Program in the category of private residential property must be paid upon proof that**

the participant has installed and energized the wind energy system, while the amount of the incentive paid to a participant in a category other than the category of private residential property must be paid over time and based on the performance of and amount of electricity generated by the wind energy system. ~~[Section 13 of this bill revises provisions concerning certain wind energy systems that are deemed public works and requires that the application for any such wind energy system include the identifying number assigned to the public work by the Labor Commissioner.]~~ **Sections 20 ~~[23]~~ -22** of this bill remove the prospective expiration of the Wind Program.

~~[Section 15 of this bill revises provisions governing net metering systems to include a system that is intended primarily to offset part or all of a customer-generator's requirements for electricity on the property where the system is located or on property contiguous with such property and owned by the customer-generator. Section 16 of this bill increases the net metering cap from 1 percent of the utility's peak capacity to 5 percent. Section 17 of this bill revises provisions governing the requirements for safety and power quality standards applicable to net metering systems. Section 18 of this bill requires the Commission to adopt regulations specifying certain information that must be included in a bill for electrical service for a customer-generator.]~~

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. ~~[NRS 701B.100 is hereby amended to read as follows:~~

~~701B.100 "Program year" means [the period of July 1 to June 30 of the following] *a calendar* year.]~~ **(Deleted by amendment.)**

Sec. 2. ~~[NRS 701B.110 is hereby amended to read as follows:~~

~~701B.110 1. "Public and other property" means any real property, building or facilities which are owned, leased or occupied by:~~

~~(a) A public entity;~~

~~(b) A nonprofit organization that is recognized as exempt from taxation pursuant to section [501(c)(3)] *501(c)* of the Internal Revenue Code, 26 U.S.C. § [501(c)(3),] *501(c),* as amended; or~~

~~(c) A corporation for public benefit as defined in NRS 82.021.~~

~~2. The term includes, without limitation [, any] :~~

~~*(a) Any* real property, building or facilities which are owned, leased or occupied by:~~

~~[(a)] *(1)* A church; or~~

~~[(b)] *(2)* A benevolent, fraternal or charitable lodge, society or association.~~

~~[3. The term does not include school]~~

~~*(b) School* property.]~~ **(Deleted by amendment.)**

Sec. 3. NRS 701B.210 is hereby amended to read as follows:

701B.210 The Commission shall adopt regulations that establish:

1. The qualifications and requirements an applicant must meet to be eligible to participate in each applicable category of:

(a) School property;

(b) Public and other property; ~~[and]~~

(c) ~~*[(b)]*~~ Private residential property ***;*** and ~~[small]~~

(d) Small business

~~*[(c) Commercial]*~~ property; and

2. The form and content of the master application.

Sec. 4. NRS 701B.220 is hereby amended to read as follows:

701B.220 ***1.*** In adopting regulations for the Solar Program, the Commission shall adopt regulations establishing an incentive for participation in the Solar Program. ***The regulations must:***

(a) Provide that the total amount of the incentive paid to a participant in the category of private residential property must be paid upon proof that the participant has installed and energized the solar energy system;

(b) Provide that the amount of the incentive paid to a participant in a category other than the category of private residential property must be paid over time and be based on the performance of the solar energy system and the amount of electricity generated by the solar energy system;

~~*[(b) Provide that the amount of any incentive paid for a solar energy system which is installed on public and other property and which is owned by a private entity must be the incentive paid for a participant in the category of commercial property;]*~~

(c) Provide for a contract to be entered into between a participant and a utility, which must include, without limitation, provisions specifying:

(1) The amount of the incentive the participant will receive from the utility;

(2) ~~*[The]*~~ ***For a participant in a category other than the category of private residential property, the period in which the participant will receive an incentive from the utility*** ~~*[and provisions for the extension of that period;]*~~ ***, which must not exceed 5 years;***

(3) ~~*[The]*~~ ***For a participant in a category other than the category of private residential property, the frequency of payments of an incentive to the participant, which must be not more frequently than*** ~~*[quarterly]*~~ ***monthly and not less frequently than*** ~~*[annually;]*~~ ***quarterly; and***

(4) That any portfolio energy credits issued to the participant and attributable to the solar energy system during the period in which the participant will receive an incentive from the utility must be assigned to and become the property of the utility in the manner prescribed by NRS 701B.290; ~~*[and]*~~

(d) Establish reporting requirements for each utility that participates in the Solar Program, which must include, without limitation, periodic reports of the average cost of systems in each category, the cost to the utility of carrying out the Solar Program and the effect of the Solar Program on the rates paid by the customers of the utility ~~*[.]*~~ ***; and***

(e) Provide for a decline over time in the amount of the incentives for participation in the Solar Program as the cost of installing solar energy systems decreases.

2. The Commission shall review the incentives for participation in the Solar Program and may adjust the amount of the incentives not less frequently than annually.

Sec. 5. NRS 701B.240 is hereby amended to read as follows:

701B.240 1. The Solar Energy Systems Incentive Program is hereby created. ~~*[to meet the goal of the Legislature that not less than 400 megawatts of solar energy systems be installed in this State on or before January 1, 2020.]*~~

2. The Solar Program must have ~~**[**three**]**~~ ***four*** categories as follows:

(a) School property;

(b) Public and other property; ~~**[**and**]**~~

(c) ~~*[(b)]*~~ Private residential property ***;*** and ~~**[**small**]**~~

(d) Small business

~~*[(c) Commercial]*~~ property.

3. To be eligible to participate in the Solar Program, a person must:

(a) Meet the qualifications established by the Commission pursuant to NRS 701B.210;

(b) ~~*[Be a customer of a utility;*~~

~~*(c)]*~~ Submit an application to a utility and be selected by the Commission for inclusion in the Solar Program pursuant to NRS 701B.250 and 701B.255;

(c) ~~*[(d)]*~~ When installing the solar energy system, use an installer who has been issued a classification C-2 license with the appropriate subclassification by the State Contractors' Board pursuant to the regulations adopted by the Board; and

(d) ~~*[(e)]*~~ If the person will be participating in the Solar Program in the category of school property or public and other property, provide for the public display of the solar energy system, including, without limitation, providing for public demonstrations of the solar energy system and for hands-on experience of the solar energy system by the public.

Sec. 6. ~~**[**NRS 701B.255 is hereby amended to read as follows:~~

~~701B.255 1. After reviewing an application submitted pursuant to NRS 701B.250 and ensuring that the applicant meets the qualifications and requirements to be eligible to participate in the Solar Program, a utility may select the applicant for participation in the Solar Program.~~

~~2. Not later than 30 days after the date on which the utility selects an applicant, the utility shall provide written notice of the selection to the applicant.~~

~~3. After the utility selects an applicant to participate in the Solar Program, the utility may approve the solar energy system **[**proposed by**]** *of* the applicant. Upon the utility's approval of the solar energy system **[**:~~

(a) The**], *the*** utility shall provide to the applicant notice of the approval and the amount of incentive for which the solar energy system is eligible**. [**; and

(b) The applicant may install and energize the solar energy system.**]**

4. Upon the completion of the installation and energizing of the solar energy system, the participant must submit to the utility an incentive claim form and any supporting information, including, without limitation, a verification of the cost of the project and a calculation of the expected system output.

5. Upon receipt of the incentive claim form and verification that the solar energy system is properly connected, the utility shall issue an incentive payment to the participant.

6. The amount of the incentive for which an applicant is eligible must be determined on the date on which the applicant is selected for participation in the Solar Program, except that an applicant forfeits eligibility for that amount of incentive if the applicant withdraws from participation in the Solar Program or does not complete the installation of the solar energy system within 12 months after the date on which the applicant is selected for participation in the Solar Program. An applicant who forfeits eligibility for the incentive for which the applicant was originally determined to be eligible may become eligible for an incentive only on the date on which the applicant completes the installation of the solar energy system, and the amount of the incentive for which such an applicant is eligible must be determined on the date on which the applicant completes the installation of the solar energy system.**] (Deleted by amendment.)**

Sec. 7. **[**NRS 701B.260 is hereby amended to read as follows:

701B.260 1. Except as otherwise provided in this section, the Commission may approve, for:

(a) The program year beginning **[**July 1, 2009,**] *January 1, 2011,*** solar energy systems:

(1) Totaling **[**2,000**] *752*** kilowatts of capacity for **[**school property;

(2) Totaling 760 kilowatts of capacity for**]** public and other property; **[**and

(3)**] *(2)*** Totaling **[**1,000**] *1,500*** kilowatts of capacity for private residential property**;** and **[**small business**]**

(3) Totaling 1,500 kilowatts of capacity for commercial property; and

(b) Each program year for the period beginning **[**July 1, 2010,**] *January 1, 2012,*** and ending on **[**June 30, 2021,**] *December 31, 2019,*** an additional 9 percent of the sum of the total allocated capacities of all the categories described in paragraph (a) which must be approved for distributed generation systems.

2. If the capacity allocated to any category for a program year is not fully subscribed by participants in that category, the Commission may, in any combination it deems appropriate **[**:

~~(a) Reallocate~~**~~], reallocate~~** ~~any of the unused capacity in that category to any of the other categories.~~ **~~[~~**~~; or~~

~~(b) Reallocate any of the unused capacity in that category to future program years within the same category.~~

~~3. To promote the installation of solar energy systems on as many school properties as possible, the Commission may not approve for use in the Solar Program a solar energy system having a generating capacity of more than 50 kilowatts if the solar energy system is or will be installed on school property on or after July 1, 2007, unless the Commission determines that approval of a solar energy system with a greater generating capacity is more practicable for a particular school property.~~

~~4.~~**~~] 3.~~** ~~The Commission shall not authorize the payment of an incentive for the installation of a solar energy system or distributed generation system if:~~

~~(a) For the period beginning July 1, 2010, and ending June 30, 2013, inclusive, the payment of the incentive would cause the total amount of incentives paid by a utility for the installation of solar energy systems and distributed generation systems to exceed $78,260,000; and~~

~~(b) For the period beginning July 1, 2010, and ending June 30, 2021, the payment of the incentive would cause the total amount of incentives paid by a utility for the installation of solar energy systems and distributed generation systems to exceed $255,270,000.~~**~~]~~** **(Deleted by amendment.)**

Sec. 8. ~~**[**NRS 701B.265 is hereby amended to read as follows:~~

~~701B.265 1.~~ ~~**[**The~~**]** ***If a public body enters into a contract for the*** ~~installation of a solar energy system on property owned or occupied by~~ ~~**[**a~~**]** ***the*** ~~public body pursuant to NRS 701B.010 to 701B.290, inclusive,~~ ***the installation of the solar energy system*** ~~shall be deemed to be a public work~~ ~~**[**for the purposes of~~**]** ***and is subject to the applicable requirements of*** ~~chapters 338 and 341 of NRS, regardless of whether the installation of the solar energy system is financed in whole or in part by public money.~~

~~2. The amount of any incentive issued by a utility relating to the installation of a solar energy system on property owned or occupied by a public body may not be used to reduce the cost of the project to an amount which would exempt the project from the requirements of NRS 338.020 to 338.090, inclusive.~~

~~3.~~ ***An applicant who submits an application for participation in the Solar Program for a solar energy system installed on property owned or occupied by a public body shall include with the application the identifying number assigned to the project pursuant to NRS 338.013.***

4. ~~As used in this section, "public body" means the State or a county, city, town, school district or any public agency of this State or its political subdivisions.~~**~~]~~** **(Deleted by amendment.)**

Sec. 9. NRS 701B.580 is hereby amended to read as follows:

701B.580 1. The Wind Energy Systems Demonstration Program is hereby created.

2. The Program must have ~~[four]~~ ***five*** categories as follows:

(a) School property;

(b) Other public property;

(c) Private residential property ~~[and small]~~ ***;***

(d) Small business property; and

~~[(d)]~~ ***(e)*** Agricultural property.

3. To be eligible to participate in the Program, a person must:

(a) Meet the qualifications established by the Commission pursuant to NRS 701B.590; ~~*[and]*~~

(b) When installing the wind energy system, use an installer who has been issued a classification C-2 license with the appropriate subclassification by the State Contractors' Board pursuant to the regulations adopted by the Board ~~*[.]*~~ ; and

(c) If the person will be participating in the Program in the category of school property or other public property, provide for the public display of the wind energy system, including, without limitation, providing for public demonstrations of the wind energy system and for hands-on experience of the wind energy system by the public.

Sec. 10. NRS 701B.590 is hereby amended to read as follows:

701B.590 The Commission shall adopt regulations necessary to carry out the provisions of the Wind Energy Systems Demonstration Program Act, including, without limitation, regulations that establish:

1. ~~*[The categories of participation in the Program.*~~

~~2.]~~ The capacity goals for the Program, which must be designed ~~[to meet the goal of the Legislature of the installation of not less than 5 megawatts of wind energy systems in this State by 2012]~~ ***so that the total cost of the Program does not exceed $30,000,000 per year through June 30, 2017,*** and the ***capacity*** goals for each category of the Program.

2. ~~*[3.]*~~ A system of incentives that are based on rebates that decline as the ~~[capacity goals for the Program and the goals for each category of the Program are met. The rebates must be based on predicted energy savings.~~

~~3.]~~ ***cost of installing wind energy systems declines. The*** ~~*[rebates must be based on the performance of and amount of electricity generated by a wind energy system.]*~~ ***system must provide:***

(a) That the total amount of the incentive for a participant in the category of private residential property must be paid upon proof that the participant has installed and energized the wind energy system;

(b) That the amount of the incentive for a participant in a category other than the category of private residential property must be paid over time and be based on the performance of the wind energy system and the amount of electricity generated by the wind energy system; and

(c) For a contract to be entered into between a participant and a utility, which must include, without limitation, provisions specifying:

(1) The amount of the incentive the participant will receive from the utility;

(2) For a participant in a category other than the category of private residential property, the period in which the participant will receive an incentive from the utility, which must not exceed 5 years;

(3) For a participant in a category other than the category of private residential property, the frequency of payments of an incentive to the participant, which must be not more frequently than monthly and not less frequently than quarterly; and

(4) That any portfolio energy credits issued to the participant and attributable to the wind energy system during the period in which the participant will receive an incentive from the utility must be assigned to and become the property of the utility in the manner prescribed by NRS 701B.640.

3. Reporting requirements for each utility that participates in the Program, which must include, without limitation, periodic reports of the average cost of systems in each category, the cost to the utility of carrying out the Program and the effect of the Program on the rates paid by the customers of the utility.

4. The procedure for claiming incentives, including, without limitation, the form and content of the incentive claim form.

Sec. 11. ~~[NRS 701B.610 is hereby amended to read as follows:~~

~~701B.610 1. On or before February 1, 2008, and on or before February 1 of each year thereafter, each utility shall file with the Commission its annual plan for carrying out and administering the Wind Demonstration Program within its service area for the following [program] year.~~

~~2. On or before July 1, 2008, and on or before July 1 of each year thereafter, the Commission shall:~~

~~(a) Review the annual plan filed by each utility for compliance with the requirements established by regulation; and~~

~~(b) Approve the annual plan with such modifications and upon such terms and conditions as the Commission finds necessary or appropriate to facilitate the Program.]~~ **(Deleted by amendment.)**

Sec. 12. ~~[NRS 701B.615 is hereby amended to read as follows:~~

~~701B.615 1. An applicant who wishes to participate in the Wind Demonstration Program must submit an application to a utility.~~

~~2. After reviewing an application submitted pursuant to subsection 1 and ensuring that the applicant meets the qualifications and requirements to be eligible to participate in the Program, a utility may select the applicant for participation in the Program.~~

~~3. Not later than 30 days after the date on which the utility selects an applicant, the utility shall provide written notice of the selection to the applicant.~~

~~4. After the utility selects an applicant to participate in the Program, the utility may approve the wind energy system proposed by the applicant. Upon the utility's approval of the wind energy system:~~

~~(a) The utility shall provide to the applicant notice of the approval and the amount of incentive for which the wind energy system is eligible; and~~

~~(b) The applicant may install and energize the wind energy system.~~

~~5. Upon the completion of the installation and energizing of the wind energy system, the participant must submit to the utility an incentive claim form and any supporting information, including, without limitation, a verification of the cost of the project and a calculation of the expected system output.~~

~~6. Upon receipt of the incentive claim form and verification that the wind energy system is properly connected, the utility shall issue an incentive payment to the participant.~~

~~7. The~~ **[**amount of the**]** ~~incentive for which an applicant is eligible must be determined on the date on which the applicant is selected for participation in the Wind Demonstration Program, except that an applicant forfeits eligibility for that~~ **[**amount of**]** ~~incentive if the applicant withdraws from participation in the Program or~~ ***, except as otherwise provided in subsection 8,*** ~~does not complete the installation of the wind energy system within 12 months after the date on which the applicant is selected for participation in the Program. An applicant who forfeits eligibility for the incentive for which the applicant was originally determined to be eligible may become eligible for an incentive only on the date on which the applicant completes the installation of the wind energy system, and the amount of the incentive for which such an applicant is eligible must be determined on the date on which the applicant completes the installation of the wind energy system.~~

~~***8. An applicant may request from the utility not more than two extensions of the period in which he or she must complete installation of the wind energy system prescribed by subsection 7 if the applicant demonstrates that an extension is necessary because of unforeseen delays in obtaining any necessary permits or the unavailability of equipment or supplies necessary to complete the installation of the wind energy system. The period of any extension granted pursuant to this subsection must not exceed 6 months.]***~~ **(Deleted by amendment.)**

Sec. 13. ~~**[**NRS 701B.625 is hereby amended to read as follows:~~

~~701B.625 1.~~ **[**~~The~~**]** ~~***If a public body enters into a contract for the*** installation of a wind energy system on property owned or occupied by~~ **[**~~a~~**]** ~~***the*** public body pursuant to NRS 701B.400 to 701B.650, inclusive, ***the installation of the wind energy system*** shall be deemed to be a public work~~ **[**~~for the purposes~~**]** ~~***and is subject to the applicable requirements*** of chapters 338 and 341 of NRS, regardless of whether the installation of the wind energy system is financed in whole or in part by public money.~~

~~2. The amount of any incentive issued by a utility relating to the installation of a wind energy system on property owned or occupied by a public body may not be used to reduce the cost of the project to an amount which would exempt the project from the requirements of NRS 338.020 to 338.090, inclusive.~~

~~3. *An applicant who submits an application for participation in the Program for a wind energy system installed on property owned or occupied by a public body shall include with the application the identifying number assigned to the project pursuant to NRS 338.013.*~~

~~*4.* As used in this section, "public body" means the State or a county, city, town, school district or any public agency of this State or its political subdivisions.~~**] (Deleted by amendment.)**

Sec. 14. ~~[NRS 701B.924 is hereby amended to read as follows:~~

~~701B.924 1. The State Public Works Board shall, within 90 days after June 9, 2009, determine the specific projects to weatherize and retrofit public buildings, facilities and structures, including, without limitation, traffic control systems, and to otherwise use sources of renewable energy to serve those buildings, facilities and structures pursuant to the provisions of this section and NRS 701B.921. The projects must be prioritized and selected on the basis of the following criteria:~~

~~(a) The length of time necessary to commence the project.~~

~~(b) The number of workers estimated to be employed on the project.~~

~~(c) The effectiveness of the project in reducing energy consumption.~~

~~(d) The estimated cost of the project.~~

~~(e) Whether the project is able to be powered by or to otherwise use sources of renewable energy.~~

~~(f) Whether the project has qualified for participation in one or more of the following programs:~~

~~(1) The Solar Energy Systems Incentive Program created by NRS 701B.240;~~

~~(2) The Renewable Energy School Pilot Program created by NRS 701B.350;~~

~~(3) The Wind Energy Systems Demonstration Program created by NRS 701B.580; or~~

~~(4) [The Waterpower Energy Systems Demonstration Program created by NRS 701B.820; or~~

~~(5)] An energy efficiency or energy conservation program offered by a public utility, as defined in NRS 704.020, pursuant to a plan approved by the Public Utilities Commission of Nevada pursuant to NRS 704.741.~~

~~2. The board of trustees of each school district shall, within 90 days after June 9, 2009, determine the specific projects to weatherize and retrofit public buildings, facilities and structures, including, without limitation, traffic control systems, and to otherwise use sources of renewable energy to serve those buildings, facilities and structures pursuant to the provisions of this section and NRS 701B.921. The projects must be prioritized and selected on the basis of the following criteria:~~

~~(a) The length of time necessary to commence the project.~~

~~(b) The number of workers estimated to be employed on the project.~~

~~(c) The effectiveness of the project in reducing energy consumption.~~

~~(d) The estimated cost of the project.~~

~~(e) Whether the project is able to be powered by or to otherwise use sources of renewable energy.~~

~~(f) Whether the project has qualified for participation in one or more of the following programs:~~

~~(1) The Solar Energy Systems Incentive Program created by NRS 701B.240;~~

~~(2) The Renewable Energy School Pilot Program created by NRS 701B.350;~~

~~(3) The Wind Energy Systems Demonstration Program created by NRS 701B.580; or~~

~~(4) [The Waterpower Energy Systems Demonstration Program created by NRS 701B.820; or~~

~~(5)] An energy efficiency or energy conservation program offered by a public utility, as defined in NRS 704.020, pursuant to a plan approved by the Public Utilities Commission of Nevada pursuant to NRS 704.741.~~

~~3. The Board of Regents of the University of Nevada shall, within 90 days after June 9, 2009, determine the specific projects to weatherize and retrofit public buildings, facilities and structures, including, without limitation, traffic control systems, and to otherwise use sources of renewable energy to serve those buildings, facilities and structures pursuant to the provisions of this section and NRS 701B.921. The projects must be prioritized and selected on the basis of the following criteria:~~

~~(a) The length of time necessary to commence the project.~~

~~(b) The number of workers estimated to be employed on the project.~~

~~(c) The effectiveness of the project in reducing energy consumption.~~

~~(d) The estimated cost of the project.~~

~~(e) Whether the project is able to be powered by or to otherwise use sources of renewable energy.~~

~~(f) Whether the project has qualified for participation in one or more of the following programs:~~

~~(1) The Solar Energy Systems Incentive Program created by NRS 701B.240;~~

~~(2) The Renewable Energy School Pilot Program created by NRS 701B.350;~~

~~(3) The Wind Energy Systems Demonstration Program created by NRS 701B.580; or~~

~~(4) [The Waterpower Energy Systems Demonstration Program created by NRS 701B.820; or~~

~~(5)] An energy efficiency or energy conservation program offered by a public utility, as defined in NRS 704.020, pursuant to a plan approved by the Public Utilities Commission of Nevada pursuant to NRS 704.741.~~

~~4. As soon as practicable after an entity described in subsections 1, 2 and 3 selects a project, the entity shall proceed to enter into a contract with one or more contractors to perform the work on the project. The request for proposals and all contracts for each project must include, without limitation:~~

~~(a) Provisions stipulating that all employees of the contractors and subcontractors who work on the project must be paid prevailing wages pursuant to the requirements of chapter 338 of NRS;~~

~~(b) Provisions requiring that each contractor and subcontractor employed on each such project:~~

~~(1) Employ a number of persons trained as described in paragraph (b) of subsection 3 of NRS 701B.921 that is equal to or greater than 50 percent of the total workforce the contractor or subcontractor employs on the project; or~~

~~(2) If the Director of the Department determines in writing, pursuant to a request submitted by the contractor or subcontractor, that the contractor or subcontractor cannot reasonably comply with the provisions of subparagraph (1) because there are not available a sufficient number of such trained persons, employ a number of persons trained as described in paragraph (b) of subsection 3 of NRS 701B.921 or trained through any apprenticeship program that is registered and approved by the State Apprenticeship Council pursuant to chapter 610 of NRS that is equal to or greater than 50 percent of the total workforce the contractor or subcontractor employs on the project;~~

~~(c) A component pursuant to which persons trained as described in paragraph (b) of subsection 3 of NRS 701B.921 must be classified and paid prevailing wages depending upon the classification of the skill in which they are trained; and~~

~~(d) A component that requires each contractor or subcontractor to offer to employees working on the project, and to their dependents, health care in the same manner as a policy of insurance pursuant to chapters 689A and 689B of NRS or the Employee Retirement Income Security Act of 1974.~~

~~5. The State Public Works Board, each of the school districts and the Board of Regents of the University of Nevada shall each provide a report to the Interim Finance Committee which describes the projects selected pursuant to this section and a report of the dates on which those projects are scheduled to be completed.~~**]** **(Deleted by amendment.)**

Sec. 15. **[**~~NRS 704.771 is hereby amended to read as follows:~~

~~704.771 1. "Net metering system" means a facility or energy system for the generation of electricity that:~~

~~(a) Uses renewable energy as its primary source of energy to generate electricity;~~

~~(b) Has a generating capacity of not more than 1 megawatt;~~

~~(c) Is located on~~ **[**~~the customer generator's premises;~~**]** ***property owned by the customer-generator;***

~~(d)~~ **[**~~Operates in parallel~~**]** ***Is interconnected*** ~~with the utility's transmission and distribution facilities; and~~

~~(e) Is intended primarily to offset part or all of the customer-generator's requirements for electricity~~ **[**~~.~~**]** ***at the premises where the facility or energy system is located or on property contiguous with the premises and owned by the customer-generator.***

~~2. The term does not include a facility or energy system for the generation of electricity which has a generating capacity that exceeds the greater of:~~

~~(a) The limit on the demand that the class of customer of the customer-generator may place on the system of the utility; or~~

~~(b) One hundred~~ **[**~~fifty~~**]** ***twenty*** ~~percent of the~~ **[**~~peak demand of the customer.~~**]** ***customer's anticipated annual consumption of electricity.]*** **(Deleted by amendment.)**

Sec. 16. **[**~~NRS 704.773 is hereby amended to read as follows:~~

~~704.773 1. A utility shall offer net metering, as set forth in NRS 704.775, to the customer-generators operating within its service area until the cumulative capacity of all such net metering systems is equal to~~ **[**~~1~~**]** ~~.5 percent of the utility's peak capacity.~~

~~2. If the net metering system of a customer-generator who accepts the offer of a utility for net metering has a capacity of not more than 100 kilowatts, the utility:~~

~~(a) Shall offer to make available to the customer-generator an energy meter that is capable of registering the flow of electricity in two directions.~~

~~(b) May, at its own expense and with the written consent of the customer-generator, install one or more additional meters to monitor the flow of electricity in each direction.~~

~~(c) Shall not charge a customer-generator any fee or charge that would increase the customer-generator's minimum monthly charge to an amount greater than that of other customers of the utility in the same rate class as the customer-generator.~~

~~3. If the net metering system of a customer-generator who accepts the offer of a utility for net metering has a capacity of more than 100 kilowatts, the utility:~~

~~(a) May require the customer-generator to install at its own cost:~~

~~(1) An energy meter that is capable of measuring generation output and customer load; and~~

~~(2) Any upgrades to the system of the utility that are required to make the net metering system compatible with the system of the utility.~~

~~(b) Except as otherwise provided in paragraph (c), may charge the customer-generator any applicable fee or charge charged to other customers of the utility in the same rate class as the customer-generator, including, without limitation, customer, demand and facility charges.~~

~~(c) Shall not charge the customer-generator any standby charge.~~

~~➡ At the time of installation or upgrade of any portion of a net metering system, the utility must allow a customer-generator governed by this subsection to pay the entire cost of the installation or upgrade of the portion of the net metering system.~~

~~4. The Commission shall adopt regulations prescribing the form and substance for a net metering tariff and a standard net metering contract. The regulations must include, without limitation:~~

~~(a) The particular provisions, limitations and responsibilities of a customer-generator which must be included in a net metering tariff with regard to:~~

~~(1) Metering equipment;~~

~~(2) Net energy metering and billing; and~~

~~(3) Interconnection,~~

~~➥ based on the allowable size of the net metering system.~~

~~(b) The particular provisions, limitations and responsibilities of a customer-generator and the utility which must be included in a standard net metering contract.~~

~~(c) A timeline for processing applications and contracts for net metering applicants.~~

~~(d) Any other provisions the Commission finds necessary to carry out the provisions of NRS 704.766 to 704.775, inclusive.~~**]** **(Deleted by amendment.)**

Sec. 17. ~~**[**NRS 704.774 is hereby amended to read as follows:~~

~~704.774 1. A~~ **[**~~net metering system used by a~~**]** ~~customer-generator must~~ **[**~~meet~~**]** ~~***obtain a building permit issued by a local government or provide proof satisfactory to the utility that his or her net metering system meets*** all applicable safety and power quality standards established by:~~

~~(a) The National Electrical Code;~~

~~(b) Underwriters Laboratories Inc.; and~~

~~(c) The Institute of Electrical and Electronic Engineers.~~

~~2. A customer-generator ***who obtains a building permit issued by a local government or*** whose net metering system meets~~ **[**~~such~~**]** ~~***the*** safety and quality standards ***prescribed by subsection 1*** must not be required by the utility to:~~

~~(a) Comply with additional standards or requirements;~~

~~(b) Perform additional tests;~~

~~(c) Install additional controls; or~~

~~(d) Purchase additional liability insurance,~~

~~➥ arising solely from the status as a customer-generator.~~**]** **(Deleted by amendment.)**

Sec. 18. ~~**[**NRS 704.775 is hereby amended to read as follows:~~

~~704.775 1. The billing period for net metering must be a monthly period.~~

~~2. The net energy measurement must be calculated in the following manner:~~

~~(a) The utility shall measure, in kilowatt-hours, the net electricity produced or consumed during the billing period, in accordance with normal metering practices.~~

~~(b) If the electricity supplied by the utility exceeds the electricity generated by the customer-generator which is fed back to the utility during the billing period, the customer-generator must be billed for the net electricity supplied by the utility.~~

~~(c) If the electricity generated by the customer-generator which is fed back to the utility exceeds the electricity supplied by the utility during the billing period:~~

~~(1) Neither the utility nor the customer-generator is entitled to compensation for the electricity provided to the other during the billing period.~~

~~(2) The excess electricity which is fed back to the utility during the billing period is carried forward to the next billing period as an addition to the kilowatt-hours generated by the customer-generator in that billing period. If the customer-generator is billed for electricity pursuant to a time-of-use rate schedule, the excess electricity carried forward must be added to the same time-of-use period as the time-of-use period in which it was generated unless the subsequent billing period lacks a corresponding time-of-use period. In that case, the excess electricity carried forward must be apportioned evenly among the available time-of-use periods.~~

~~(3) Excess electricity may be carried forward to subsequent billing periods indefinitely, but a customer-generator is not entitled to receive compensation for any excess electricity that remains if:~~

~~(I) The net metering system ceases to operate or is disconnected from the utility's transmission and distribution facilities;~~

~~(II) The customer-generator ceases to be a customer of the utility at the premises served by the net metering system; or~~

~~(III) The customer-generator transfers the net metering system to another person.~~

~~(4) The value of the excess electricity must not be used to reduce any other fee or charge imposed by the utility.~~

~~3. If the cost of purchasing and installing a net metering system was paid for:~~

~~(a) In whole or in part by a utility, the electricity generated by the net metering system shall be deemed to be electricity that the utility generated or acquired from a renewable energy system for the purposes of complying with its portfolio standard pursuant to NRS 704.7801 to 704.7828, inclusive.~~

~~(b) Entirely by a customer-generator, the Commission shall issue to the customer generator portfolio energy credits for use within the system of portfolio energy credits adopted by the Commission pursuant to NRS 704.7821 and 704.78213 equal to the electricity generated by the net metering system.~~

~~4. A bill for electrical service is due at the time established pursuant to the terms of the contract between the utility and the customer-generator.~~

~~***5. The Commission shall adopt regulations specifying the information that must be included in a bill for electrical service for a customer-generator, which must include, without limitation:***~~

~~***(a) The amount of energy generated by the net metering system.***~~

~~***(b) The amount of excess electricity fed back to the utility during the billing period.***~~

~~*(c) The amount of any excess electricity to be carried forward to the next billing period, if any.*~~

~~*(d) The rate the customer generator received from the utility for electricity generated by the net metering system during the billing period.]*~~ **(Deleted by amendment.)**

Sec. 19. NRS 338.1908 is hereby amended to read as follows:

338.1908 1. The governing body of each local government shall, by July 28, 2009, develop a plan to retrofit public buildings, facilities and structures, including, without limitation, traffic-control systems, and to otherwise use sources of renewable energy to serve those buildings, facilities and structures. Such a plan must:

(a) Be developed with input from one or more energy retrofit coordinators designated pursuant to NRS 338.1907, if any.

(b) Include a list of specific projects. The projects must be prioritized and selected on the basis of the following criteria:

(1) The length of time necessary to commence the project.

(2) The number of workers estimated to be employed on the project.

(3) The effectiveness of the project in reducing energy consumption.

(4) The estimated cost of the project.

(5) Whether the project is able to be powered by or otherwise use sources of renewable energy.

(6) Whether the project has qualified for participation in one or more of the following programs:

(I) The Solar Energy Systems Incentive Program created by NRS 701B.240;

(II) The Renewable Energy School Pilot Program created by NRS 701B.350; ***or***

(III) The Wind Energy Systems Demonstration Program created by NRS 701B.580**.** ~~[~~~; or~~

~~(IV) The Waterpower Energy Systems Demonstration Program created by NRS 701B.820.]~~

(c) Include a list of potential funding sources for use in implementing the projects, including, without limitation, money available through the Energy Efficiency and Conservation Block Grant Program as set forth in 42 U.S.C. § 17152 and grants, gifts, donations or other sources of money from public and private sources.

2. The governing body of each local government shall transmit the plan developed pursuant to subsection 1 to the Nevada Energy Commissioner and to any other entity designated for that purpose by the Legislature.

3. As used in this section:

(a) "Local government" means each city or county that meets the definition of "eligible unit of local government" as set forth in 42 U.S.C. § 17151 and each unit of local government, as defined in subsection 11 of NRS 338.010, that does not meet the definition of "eligible entity" as set forth in 42 U.S.C. § 17151.

(b) "Renewable energy" means a source of energy that occurs naturally or is regenerated naturally, including, without limitation:

(1) Biomass;

(2) Fuel cells;

(3) Geothermal energy;

(4) Solar energy;

(5) Waterpower; and

(6) Wind.

➥ The term does not include coal, natural gas, oil, propane or any other fossil fuel, or nuclear energy.

(c) "Retrofit" means to alter, improve, modify, remodel or renovate a building, facility or structure to make that building, facility or structure more energy-efficient.

Sec. 20. Section 113 of chapter 509, Statutes of Nevada 2007, at page 2999, is hereby amended to read as follows:

Sec. 113. 1. This act becomes effective:

(a) Upon passage and approval for the purposes of adopting regulations and taking such other actions as are necessary to carry out the provisions of this act; and

(b) For all other purposes besides those described in paragraph (a):

(1) For this section and sections 1, 30, 32, 36 to 46, inclusive, 49, 51 to 61, inclusive, 107, 109, 110 and 111 of this act, upon passage and approval.

(2) For sections 1.5 to 29, inclusive, 43.5, 47, 51.3, 51.7, 108, 112 and 112.5 of this act, on July 1, 2007.

(3) For sections 62 to 106, inclusive, of this act, on October 1, 2007.

(4) For sections 31, 32.3, 32.5, 32.7, 33, 34 and 35 of this act, on January 1, 2009.

(5) For section 48 of this act, on January 1, 2010.

(6) For section 50 of this act, on January 1, 2011.

2. Sections ~~[62]~~ ***87*** to 106, inclusive, of this act expire by limitation on June 30, 2011.

Sec. 21. Section 13 of chapter 246, Statutes of Nevada 2009, at page 1002, is hereby amended to read as follows:

Sec. 13. 1. This act becomes effective on July 1, 2009.

2. ~~[Sections 2 and]~~ ***Section*** 3 of this act ~~[expire]~~ ***expires*** by limitation on June 30, 2011.

Sec. 22. Section 21 of chapter 321, Statutes of Nevada 2009, at page 1410, is hereby amended to read as follows:

Sec. 21. 1. This section and sections 1 to 1.51, inclusive, 1.55 to 19.7, inclusive, and 19.9 to 20.9, inclusive, of this act become effective upon passage and approval.

2. Sections ~~[1.51, 1.85, 1.87, 1.92, 1.93, 1.95, 4.3]~~ ***1.95 and 7.1*** to 9, inclusive, ~~[and 19.4]~~ of this act expire by limitation on June 30, 2011.

~~[3. Sections 1.53 and 19.8 of this act become effective on July 1, 2011.]~~

Sec. 23. ~~[Notwithstanding the provisions of NRS 701B.010 to 701B.290, inclusive:~~

~~1. Any capacity allocated to and any incentive authorized for an applicant for participation in the Solar Energy Systems Incentive Program created by NRS 701B.240 whose application was approved on or before April 26, 2010, and whose solar energy system was not installed and energized within 1 year after the date of approval of the application shall be deemed withdrawn.~~

~~2. Any capacity withdrawn pursuant to subsection 1 must be reallocated on May 1, 2011, and any incentives withdrawn pursuant to subsection 1 must be made available for such reallocated capacity at the levels that were available to participants in the Solar Program on April 26, 2010.~~**]** **(Deleted by amendment.)**

Sec. 23.5. **The Public Utilities Commission of Nevada shall adopt regulations to carry out the amendatory provisions of this act on or before July 1, 2012. The regulations must provide for the transition to the performance-based incentive required by NRS 701B.220, as amended by section 4 of this act and NRS 701B.590, as amended by section 10 of this act for participants in categories other than the category of private residential property in the Solar Energy Systems Incentive Program and the Wind Energy Systems Demonstration Program.**

Sec. 24. ~~[NRS 701B.140 and 701B.490 are hereby repealed.]~~ **(Deleted by amendment.)**

Sec. 25. 1. This section and sections 20 to ~~[23,]~~ **23.5,** inclusive, of this act become effective upon passage and approval.

2. Sections 1 to ~~[19,]~~ **18,** inclusive, and 24 of this act become effective ~~[on July 1, 2011.]~~ **upon passage and approval for the purpose of adopting regulations, and on January 1, 2013, for all other purposes.**

3. Section 19 of this act becomes effective on July 1, 2011.

~~[~~

~~TEXT OF REPEALED SECTIONS~~

~~701B.140 "Small business" defined. "Small business" means a business conducted for profit which employs 500 or fewer full-time or part-time employees.~~

~~701B.490 "Program year" defined. [Effective through June 30, 2011.] "Program year" means the period of July 1 to June 30 of the following year.~~**]**

Assemblyman Atkinson moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 432.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 434.

AN ACT relating to energy auditors; establishing the qualifications for an energy auditor; providing for the licensure of energy auditors by the Real Estate Division of the Department of Business and Industry; establishing the requirements with which an energy auditor must comply when conducting an energy audit; ~~[requiring the Director of the Office of Energy to register energy auditors; requiring the Director to issue a certificate to a homeowner upon the completion of an energy audit;]~~ repealing provisions that require the Nevada Energy Commissioner to establish a program for evaluating the energy consumption of residential property in this State; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Nevada Energy Commissioner to establish a program for evaluating energy consumption in residential property in this State and requires a seller to provide a copy of this evaluation to a purchaser of his or her property. (NRS 113.115, 701.250) This bill repeals those provisions. Instead, **section 5** of this bill provides for the licensure of energy auditors by the Real Estate Division of the Department of Business and Industry and establishes the training and qualifications an energy auditor must have to be licensed to conduct energy audits in this State. **Section 6** of this bill establishes the requirements for conducting an energy audit, **limited energy audit or energy assessment,** including, without limitation, the elements of the home which must be evaluated, the software and tools the energy auditor must use and the report the energy auditor must provide to the homeowner and the ~~[Office]~~ **United States Department** of Energy. ~~[Section 29 of this bill adds to the duties of the Director of the Office of Energy requirements to register energy auditors in this State and to provide a certificate to a homeowner who has had an energy audit as proof of that energy audit.]~~

Sections 7-28 of this bill are technical amendments required to carry out the administration of the licensure of the energy auditors, including making the provision of energy audits without a license a misdemeanor. In addition, **section 28** makes it a category E felony to attempt to obtain a license as an energy auditor through intentional misrepresentation, deceit or fraud.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 645D of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 6, inclusive, of this act.

Sec. 2. *"**Energy audit" means a consultation to improve the energy efficiency of a home conducted pursuant to section 6 of this act.***

Sec. 3. *"Energy auditor" means a person who is licensed pursuant to this chapter , or regulated by the Public Utilities Commission of Nevada, to conduct energy audits of homes.*

Sec. 4. *"License" means a license issued to an energy auditor pursuant to this chapter.*

Sec. 5. *1. The Administrator shall issue a license to any person who:*

(a) Is of good moral character, honesty and integrity;

(b) Holds a certification or accreditation from an organization approved by the Administrator;

(c) Has successfully completed not less than 40 hours of training and practice in the following areas:

(1) Building science and working with a home as a system, including, without limitation, training in making recommendations based on the proper loading order of improvements;

(2) The transfer of heat;

(3) Testing building performance;

(4) Air distribution and leakage;

(5) The calculation of gross and net areas;

(6) Energy terms and definitions;

(7) Concerns relating to combustion appliances;

(8) Envelope leakage, thermal bypass and thermal bridging;

(9) The presence or absence of insulation and, when observable, the quality of its installation;

(10) The recommended levels of insulation for different climate zones;

(11) Determinations of the efficiency of heating, ventilating and air-conditioning equipment from model numbers and default tables;

(12) The strengths and weaknesses, drivers and sensitivities of major types of heating, ventilating and air-conditioning systems;

(13) Estimations of the efficiency of household appliances based on their model numbers or age;

(14) Energy, power, heat-conductivity or resistance and temperature units and key conversion factors;

(15) Measuring building dimensions;

(16) Identification and documentation of inspected features of the home during an energy audit;

(17) Basics of specifications;

(18) Determination of the efficiency of windows and doors;

(19) Determination of the orientation of buildings and the characteristics of the shading around them;

(20) Defining the thermal boundary and making appropriate recommendations for changing it; and

(21) The basic concepts of measure interaction, expected life and bundling for optimal performance when the home is considered as a system and taking into consideration the need for savings;

(d) Has submitted proof that the person or his or her employer holds a policy of insurance that complies with the requirements of subsection 1 of NRS 645D.190; and

(e) ~~[Has submitted proof that the person is registered, or has applied for registration, with the Office of Energy pursuant to NRS 701.180; and~~

~~(f)~~] Has submitted all information required to complete an application for a license.

2. The Administrator may deny an application for a license to any person who:

(a) Has been convicted of, or entered a plea of guilty, guilty but mentally ill or nolo contendere to, forgery, embezzlement, obtaining money under false pretenses, larceny, extortion, conspiracy to defraud or any crime involving moral turpitude;

(b) Makes a false statement of a material fact on the application;

(c) Has had a license suspended or revoked pursuant to this chapter within the 10 years immediately preceding the date of application;

(d) Does not possess the training or certification required pursuant to subsection 1; or

(e) Has not submitted proof that the person or his or her employer holds a policy of insurance that complies with the requirements of subsection 1 of NRS 645D.190.

Sec. 6. ***1. ~~[When]~~ Except as otherwise provided in subsection 5, when conducting an energy audit, an energy auditor shall evaluate the entire home and must include, without limitation, in his or her evaluation:***

(a) A visual inspection, diagnostic overview and health and safety test of the energy features of the entire home;

(b) Documentation of the general condition of the home, including, without limitation:

(1) Envelope features and ages;

(2) Types, characteristics and ages of equipment;

(3) Characteristics of appliances and lighting; and

(4) Any anticipated remediation issues, including, without limitation, moisture or combustion appliance problems;

(c) An assessment of the performance and efficiency of the building airflow and indoor air quality and ventilation, including, without limitation:

(1) Any visible sources of indoor air pollution;

(2) The flow rate of exhaust fans and whether the clothes dryer vent ~~[to outdoors;]~~ is properly vented; and

(3) An evaluation of the connection of any attached garage to the home for possible air leaks;

(d) An assessment of the control of moisture in the home, including, without limitation:

(1) A visual identification of any moisture present from roof leaks, wall penetrations or door or window openings; and

(2) An identification of any potential areas where mold may grow;

(e) An estimation of U-factors and solar heat gain coefficients of the windows and doors;

(f) An evaluation of the efficiency of the heating and cooling of the home, including, without limitation, the performance and efficiency of any:

(1) Furnace;

(2) Air-conditioning system;

(3) Heat pump;

(4) Air duct system;

(5) Thermal insulation;

(6) Boiler;

(7) System for providing steam heat;

(8) Hot water heater; or

(9) Heating, ventilating and air-conditioning system;

(g) An analysis of the base load energy use and advice to clients on reduction strategies, including, without limitation, an examination of:

(1) The utility use and the billing history for the immediately preceding 12 months;

(2) The ~~[performance]~~ efficiency of major appliances;

(3) Lighting efficiency and alternatives; or

(4) ~~[Any clothes dryer vents;~~

~~(5) Any consumer electronics; or~~

~~(6)]~~ The energy used by any pool or spa; and

(h) Testing of combustion appliances in accordance with the standards issued by the American National Standards Institute ~~[and]~~ or the American Society for Testing and Materials.

2. After conducting an energy audit, an energy auditor shall prepare and provide to the homeowner and the ~~[Office]~~ United States Department of Energy a report based upon the energy audit that includes, without limitation:

(a) Any energy programs, incentives, regulations, energy costs or fuel types which apply to the homeowner ; ~~[, as well as any information concerning typical local energy consumption levels;]~~

(b) A specific recommendation that any combustion appliance which is post-retrofit be tested;

(c) A prioritization of health and safety hazards in the home and recommendations for improvements according to their urgency and importance ~~[;]~~ , in relation to any energy efficiency measures which have been installed;

(d) Suggestions for home repairs and renovations based on a loading order that will maximize cost effectiveness and feasibility using computer software approved by the United States Department of Energy;

(e) In addition to the provisions of paragraph (c), an identification of existing hazards and potential hazards which may develop, together with specific preventative measures; and

(f) ~~*[Details of measures]*~~ ***Measures to save energy and changes in the behavior of the homeowner to increase energy efficiency*** ~~*[.]*~~ ***, including the use of consumer electronics.***

3. An energy auditor shall not base an energy audit upon a single product line, the services of a contractor or his or her own convenience.

4. An energy auditor shall use ~~*[:*~~

~~*(a) Survey]*~~ ***survey and labeling software programs or rating tools for performing an energy audit which have been approved by the United States Department of Energy .*** ~~*[; or*~~

~~*(b) Rating tools which have been certified for accuracy by National Accreditation Procedures for Home Energy Rating Systems published by the National Association of State Energy Officers.]*~~

5. In lieu of an energy audit, an energy auditor may perform a limited energy audit or energy assessment of a home. If an energy auditor performs a limited energy audit or energy assessment, the energy auditor must comply with the requirements of subsections 2, 3 and 4. As used in this subsection:

(a) "Energy assessment" means an evaluation of one or more of the appliances or systems listed in paragraph (f) of subsection 1.

(b) "Limited energy audit" means an evaluation of a home which includes less than the entire home, but includes the provision of at least one of the services specified in paragraphs (a) to (e), inclusive, (g) or (h) of subsection 1.

Sec. 7. NRS 645D.010 is hereby amended to read as follows:

645D.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 645D.020 to 645D.080, inclusive, ***and sections 2, 3 and 4 of this act,*** have the meanings ascribed to them in those sections.

Sec. 8. NRS 645D.100 is hereby amended to read as follows:

645D.100 The provisions of this chapter do not apply to:

1. A federal or state employee, or an employee of a local government, who prepares or communicates an inspection report ***or energy audit*** as part of his or her official duties, unless a certificate ***or license*** is required as a condition of his or her employment.

2. A person appointed to evaluate real estate pursuant to chapter 152 of NRS or NRS 269.125, except as required by the appointing judge.

3. A board of appraisers acting pursuant to NRS 269.135.

4. A person licensed, certified or registered pursuant to chapter 645, 645C or 684A of NRS while performing an act within the scope of his or her license, certification or registration. For the purposes of this subsection, a person licensed, certified or registered pursuant to chapter 645C of NRS shall be deemed to be acting within the scope of his or her license, certification or

registration while performing an appraisal prescribed by federal law that requires a statement of visual condition and while preparing or communicating a report of such an appraisal.

5. A person who makes an evaluation of an improvement as an incidental part of his or her employment for which special compensation is not provided, if that evaluation is only provided to his or her employer for internal use within the place of employment.

6. A person who provides an estimate of cost, repair or replacement of any improvements upon real estate.

7. Any person who reviews plans, performs inspections, prepares inspection reports or examines any component of a structure or construction pursuant to NRS 278.570 or 278.575.

8. An independent registered architect or a licensed professional engineer while performing an inspection pursuant to NRS 116.4106.

Sec. 9. NRS 645D.110 is hereby amended to read as follows:

645D.110 1. The Division shall administer the provisions of this chapter and may employ legal counsel, investigators and other professional consultants necessary to discharge its duties pursuant to this chapter.

2. An employee of the Division shall not:

(a) Be employed by or have an interest in any business that prepares inspection reports ~~[,]~~ or ***energy audits;***

(b) Act as an inspector or as an agent for an inspector ~~[.]~~ ***; or***

(c) Act as an energy auditor or as an agent for an energy auditor.

Sec. 10. NRS 645D.120 is hereby amended to read as follows:

645D.120 The Division shall adopt:

1. Regulations prescribing the education and experience required to obtain a certificate.

2. Regulations prescribing a standard of practice and code of ethics for certified inspectors. Such regulations must establish a degree of care that must be exercised by a reasonably prudent certified inspector.

3. ***Regulations prescribing the education and experience required to obtain a license.***

4. Such other regulations as are necessary for the administration of this chapter.

Sec. 11. NRS 645D.130 is hereby amended to read as follows:

645D.130 1. The Division shall maintain a record of:

(a) Persons from whom it receives applications for a certificate ~~[,]~~ ***or license;***

(b) Investigations conducted by it that result in the initiation of formal disciplinary proceedings;

(c) Formal disciplinary proceedings; and

(d) Rulings or decisions upon complaints filed with it.

2. Except as otherwise provided in this section and NRS 645D.135, records kept in the office of the Division pursuant to this chapter are open to the public for inspection pursuant to regulations adopted by the Division. The

Division shall keep confidential, except as otherwise provided in NRS 239.0115 or unless otherwise ordered by a court, the criminal and financial records of an inspector ***, energy auditor*** or of an applicant for a certificate ~~[.]~~ ***or license.***

Sec. 12. NRS 645D.135 is hereby amended to read as follows:

645D.135 1. Except as otherwise provided in this section and NRS 239.0115, a complaint filed with the Division, all documents and other information filed with the complaint and all documents and other information compiled as a result of an investigation conducted to determine whether to initiate disciplinary action are confidential and may be disclosed in whole or in part only as necessary in the course of administering this chapter or to a licensing board or agency or any other governmental agency, including, without limitation, a law enforcement agency, that is investigating a person who holds a certificate ***or license*** issued pursuant to this chapter.

2. The complaint or other document filed by the Division to initiate disciplinary action and all documents and information considered by the Division when determining whether to impose discipline are public records.

Sec. 13. NRS 645D.160 is hereby amended to read as follows:

645D.160 1. Any person who, in this state, engages in the business of, acts in the capacity of, or advertises or assumes to act as an inspector without first obtaining a certificate pursuant to this chapter is guilty of a misdemeanor.

2. ***Any person who, in this state, engages in the business of, acts in the capacity of, or advertises or assumes to act as an energy auditor without first obtaining a license pursuant to this chapter is guilty of a misdemeanor.***

3. The Division may file a complaint in any court of competent jurisdiction for a violation of this section and assist in presenting the law or facts at any hearing upon the complaint.

~~[3.]~~ ***4.*** At the request of the Administrator, the Attorney General shall prosecute such a violation. Unless the violation is prosecuted by the Attorney General, the district attorney shall prosecute a violation that occurs in the county of the district attorney.

Sec. 14. NRS 645D.170 is hereby amended to read as follows:

645D.170 An application for a certificate ***or license*** must be in writing upon a form prepared and furnished by the Division. The application must include the following information:

1. The name, age and address of the applicant.

2. The place or places, including the street number, city and county, at which the applicant intends to maintain an office to conduct business as an inspector ~~[.]~~ ***or energy auditor.***

3. The business, occupation or other employment of the applicant during the 5 years immediately preceding the date of the application, and the location thereof.

4. The applicant's education and experience to qualify for a certificate ~~[.]~~ ***or license.***

5. Whether the applicant has ever been convicted of, is under indictment for, or has entered a plea of guilty, guilty but mentally ill or nolo contendere to:

(a) A felony and, if so, the nature of the felony.

(b) Forgery, embezzlement, obtaining money under false pretenses, larceny, extortion, conspiracy to defraud or any crime involving moral turpitude.

6. If the applicant is a member of a partnership or association or is an officer of a corporation, the name and address of the principal office of the partnership, association or corporation.

7. Any other information relating to the qualifications or background of the applicant that the Division requires.

8. All other information required to complete the application.

Sec. 15. NRS 645D.180 is hereby amended to read as follows:

645D.180 1. Each application for a certificate ***or license*** must be accompanied by the fee for the certificate ***or license*** and the fee to pay the costs of an investigation of the applicant's background.

2. Each applicant must, as part of the application and at his or her own expense:

(a) Arrange to have a complete set of fingerprints taken by a law enforcement agency or other authorized entity acceptable to the Division; and

(b) Submit to the Division:

(1) A completed fingerprint card and written permission authorizing the Division to submit the applicant's fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for a report on the applicant's background and to such other law enforcement agencies as the Division deems necessary; or

(2) Written verification, on a form prescribed by the Division, stating that the fingerprints of the applicant were taken and directly forwarded electronically or by another means to the Central Repository and that the applicant has given written permission to the law enforcement agency or other authorized entity taking the fingerprints to submit the fingerprints to the Central Repository for submission to the Federal Bureau of Investigation for a report on the applicant's background and to such other law enforcement agencies as the Division deems necessary.

3. The Division may:

(a) Require more than one complete set of fingerprints;

(b) Unless the applicant's fingerprints are directly forwarded pursuant to subparagraph (2) of paragraph (b) of subsection 2, submit those fingerprints to the Central Repository for submission to the Federal Bureau of Investigation and to such other law enforcement agencies as the Division deems necessary; and

(c) Request from each such agency any information regarding the applicant's background that the Division deems necessary.

Sec. 16. NRS 645D.190 is hereby amended to read as follows:

645D.190 1. The Administrator shall require each applicant for an original certificate ***or license*** and each applicant for renewal of a certificate ***or license*** to submit proof that the applicant or his or her employer holds a policy of insurance covering:

(a) Liability for errors or omissions in an amount of not less than $100,000; and

(b) General liability in an amount of not less than $100,000.

2. Each certified inspector ***, energy auditor*** or his or her employer shall maintain a policy of insurance that complies with the requirements of subsection 1.

Sec. 17. NRS 645D.195 is hereby amended to read as follows:

645D.195 1. In addition to any other requirements set forth in this chapter:

(a) A person who applies for the issuance of a certificate ***or license*** shall include the social security number of the applicant in the application submitted to the Administrator.

(b) A person who applies for the issuance or renewal of a certificate ***or license*** shall submit to the Administrator the statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520. The statement must be completed and signed by the applicant.

2. The Administrator shall include the statement required pursuant to subsection 1 in:

(a) The application or any other forms that must be submitted for the issuance or renewal of the certificate ~~[,]~~ ***or license;*** or

(b) A separate form prescribed by the Administrator.

3. A certificate ***or license*** may not be issued or renewed by the Administrator if the applicant:

(a) Fails to submit the statement required pursuant to subsection 1; or

(b) Indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.

4. If an applicant indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the Administrator shall advise the applicant to contact the district attorney or other public agency enforcing the order to determine the actions that the applicant may take to satisfy the arrearage.

Sec. 18. NRS 645D.210 is hereby amended to read as follows:

645D.210 1. If an application for a certificate ***or license*** is denied:

(a) The Division shall notify the applicant within 15 days after its decision; and

(b) The applicant may not reapply until he or she petitions the Division for leave to file another application. The Division may grant or deny that leave in its sole discretion.

2. If the applicant, within 30 days after receipt of the notice denying the application, files a written request containing allegations that, if true, qualify the applicant for a certificate ~~[,]~~ ***or license,*** the Administrator shall set the matter for a hearing before a hearing officer of the Division to be conducted within 60 days after receipt of the applicant's request. The decision of the hearing officer is a final decision for the purposes of judicial review.

Sec. 19. NRS 645D.220 is hereby amended to read as follows:

645D.220 The Division, upon the discovery of an error in the issuance of a certificate ***or license*** that is related to the qualifications or fitness of the holder thereof, may invalidate the certificate ***or license*** upon written notice to the holder. The holder shall surrender the certificate ***or license*** to the Division within 20 days after the notice is sent by the Division. A person whose certificate ***or license*** is invalidated pursuant to this section, and who has surrendered his or her certificate ~~[,]~~ ***or license,*** may request a hearing on the matter in the same manner as for the denial of an application pursuant to NRS 645D.210.

Sec. 20. NRS 645D.230 is hereby amended to read as follows:

645D.230 1. The Division shall issue a certificate ***or license*** to each eligible person in the form and size prescribed by the Division. A certificate ***or license*** must:

(a) Indicate the name and address of the inspector ***or energy auditor*** and the location of each place where he or she transacts business as an inspector ~~[,]~~ ***or energy auditor;*** and

(b) Contain any additional matter prescribed by the Division.

2. A certificate ***or license*** is valid for 2 years after the first day of the first calendar month immediately following the date it is issued.

3. If an inspector ***or energy auditor*** fails to apply for the renewal of his or her certificate ***or license*** and pay the fee for renewal before the certificate ***or license*** expires, and applies for renewal:

(a) Not later than 1 year after the date of expiration, he or she must pay a fee equal to 150 percent of the amount otherwise required for renewal.

(b) Later than 1 year after the date of expiration, he or she must apply in the same manner as for an original certificate ~~[.]~~ ***or license.***

4. The Division may:

(a) Create and maintain a secure website on the Internet through which each certificate ***or license*** issued pursuant to the provisions of this chapter may be renewed; and

(b) For each certificate ***or license*** renewed through the use of a website created and maintained pursuant to paragraph (a), charge a fee in addition to any other fee provided for pursuant to this chapter which must not exceed the actual cost to the Division for providing that service.

Sec. 21. NRS 645D.235 is hereby amended to read as follows:

645D.235 1. A certified inspector ***or energy auditor*** shall notify the Division in writing if he or she is convicted of, or enters a plea of guilty, guilty but mentally ill or nolo contendere to, a felony or any offense involving moral turpitude.

2. A certified inspector ***or energy auditor*** shall submit the notification required by subsection 1:

(a) Not more than 10 days after the conviction or entry of the plea of guilty, guilty but mentally ill or nolo contendere; and

(b) When submitting an application to renew a certificate ***or license*** issued pursuant to this chapter.

Sec. 22. NRS 645D.240 is hereby amended to read as follows:

645D.240 1. The following fees must be charged and collected by the Division:

For each application for a certificate ***or license*****……**$100
For the issuance or renewal of a certificate ~~*[or license]*~~.....250
For the issuance or renewal of a license…….500
For each penalty for a late renewal of a certificate ***or license*****……**125
For each change of name, address or association ……20
For each duplicate certificate ***or license*** where the original is lost or destroyed and an affidavit is made thereof…….20
For each reinstatement to active status of an inactive certificate ***or license*****…….**20
For each annual approval of a course of instruction offered in preparation for an original certificate ***or license*****……**100
For each original accreditation of a course of continuing education……100
For each renewal of accreditation of a course of continuing education….50

2. The Division shall adopt regulations which establish the fees to be charged and collected by the Division to pay the costs of:

(a) Any examination for a certificate ~~[,]~~ ***or license,*** including any costs which are necessary for the administration of such an examination.

(b) Any investigation of a person's background.

Sec. 23. NRS 645D.690 is hereby amended to read as follows:

645D.690 The expiration or revocation of a certificate ***or license*** by operation of law or by order or decision of a hearing officer or court of competent jurisdiction, or the voluntary surrender of a certificate ***or license*** by a certified inspector ***or energy auditor*** does not:

1. Prohibit the Division from initiating or continuing an investigation of, or action or disciplinary proceeding against, the certified inspector ***or energy auditor*** as authorized pursuant to the provisions of this chapter or the regulations adopted pursuant thereto; or

2. Prevent the imposition or collection of any fine or penalty authorized pursuant to the provisions of this chapter or the regulations adopted pursuant thereto against the certified inspector ~~[.]~~ ***or energy auditor.***

Sec. 24. NRS 645D.700 is hereby amended to read as follows:

645D.700 1. Grounds for disciplinary action against a certified inspector ***or energy auditor*** are:

(a) Unprofessional conduct;

(b) Professional incompetence; and

(c) A criminal conviction for a felony or any offense involving moral turpitude.

2. If grounds for disciplinary action against a certified inspector ***or energy auditor*** exist, the Division may, after providing the inspector ***or energy auditor*** with notice and an opportunity for a hearing, do one or more of the following:

(a) Revoke or suspend the certificate ~~[.]~~ ***or license.***

(b) Place conditions upon the certificate ***or license*** or upon the reissuance of a certificate ***or license*** revoked pursuant to this section.

(c) Deny the renewal of the certificate ~~[.]~~ ***or license.***

(d) Impose a fine of not more than $1,000 for each violation.

3. If a certificate ***or license*** is revoked by the Division, another certificate ***or license*** must not be issued to the same inspector ***or energy auditor*** for at least 1 year after the date of the revocation, or at any time thereafter except in the sole discretion of the Administrator, and then only if the inspector ***or energy auditor*** satisfies the requirements for an original certificate ~~[.]~~ ***or license.***

4. An order that imposes discipline and the findings of fact and conclusions of law supporting that order are public records.

Sec. 25. NRS 645D.703 is hereby amended to read as follows:

645D.703 In addition to any other remedy or penalty, the Administrator may:

1. Refuse to issue a certificate ***or license*** to a person who has failed to pay money which the person owes to the Division.

2. Refuse to renew, or suspend or revoke, the certificate ***or license*** of a person who has failed to pay money which the person owes to the Division.

Sec. 26. NRS 645D.705 is hereby amended to read as follows:

645D.705 1. If the Administrator receives a copy of a court order issued pursuant to NRS 425.540 that provides for the suspension of all professional, occupational and recreational licenses, certificates and permits issued to a certified inspector ~~[.]~~ ***or energy auditor,*** the Administrator shall deem the certificate ***or license*** issued to that person to be suspended at the end of the 30th day after the date on which the court order was issued unless the Administrator receives a letter issued to the certified inspector ***or energy auditor*** by the district attorney or other public agency pursuant to NRS 425.550 stating that the certified inspector ***or energy auditor*** has

complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

2. The Administrator shall reinstate a certificate ***or license*** that has been suspended by a district court pursuant to NRS 425.540 if the Administrator receives a letter issued by the district attorney or other public agency pursuant to NRS 425.550 to the person whose certificate ***or license*** was suspended stating that the person whose certificate ***or license*** was suspended has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

Sec. 27. NRS 645D.730 is hereby amended to read as follows:

645D.730 1. In addition to any other remedy or penalty, the Administrator may impose an administrative fine against any person who knowingly:

(a) Engages or offers to engage in any activity for which a certificate ***or license*** or any type of authorization is required pursuant to this chapter, or any regulation adopted pursuant thereto, if the person does not hold the required certificate ***or license*** or has not been given the required authorization; or

(b) Assists or offers to assist another person to commit a violation described in paragraph (a).

2. If the Administrator imposes an administrative fine against a person pursuant to this section, the amount of the administrative fine may not exceed the amount of any gain or economic benefit that the person derived from the violation or $5,000, whichever amount is greater.

3. In determining the appropriate amount of the administrative fine, the Administrator shall consider:

(a) The severity of the violation and the degree of any harm that the violation caused to other persons;

(b) The nature and amount of any gain or economic benefit that the person derived from the violation;

(c) The person's history or record of other violations; and

(d) Any other facts or circumstances that the Administrator deems to be relevant.

4. Before the Administrator may impose the administrative fine, the Administrator must provide the person with notice and an opportunity to be heard.

5. The person is entitled to judicial review of the decision of the Administrator in the manner provided by chapter 233B of NRS.

6. The provisions of this section do not apply to a person who engages or offers to engage in activities within the purview of this chapter if:

(a) A specific statute exempts the person from complying with the provisions of this chapter with regard to those activities; and

(b) The person is acting in accordance with the exemption while engaging or offering to engage in those activities.

Sec. 28. NRS 645D.900 is hereby amended to read as follows:

645D.900 1. A person who obtains or attempts to obtain a certificate ***or license*** by means of intentional misrepresentation, deceit or fraud is guilty of a category E felony and shall be punished as provided in NRS 193.130. In addition to any other penalty, the court may impose a fine of not more than $10,000.

2. A person who:

(a) Holds himself or herself out as a certified inspector ~~[,]~~ ***or energy auditor;***

(b) Uses in connection with his or her name the words "licensed," "registered," "certified" or any other title, word, letter or other designation intended to imply or designate that he or she is a certified inspector ~~[,]~~ ***or energy auditor;*** or

(c) Describes or refers to any inspection report ***or energy audit*** prepared by him or her as "certified" or "licensed" in this state, without first obtaining a certificate ***or license*** as provided in this chapter,

➥ is guilty of a gross misdemeanor.

Sec. 29. ~~[NRS 701.180 is hereby amended to read as follows:~~

~~701.180 The Director shall:~~

~~1. Acquire and analyze information relating to energy and to the supply, demand and conservation of its sources, including, without limitation:~~

~~(a) Information relating to the Solar Energy Systems Incentive Program created pursuant to NRS 701B.240 including, without limitation, information relating to:~~

~~(1) The development of distributed generation systems in this State pursuant to participation in the Solar Energy Systems Incentive Program;~~

~~(2) The use of carbon-based energy in residential and commercial applications due to participation in the Program; and~~

~~(3) The average cost of generation on a kilowatt-hour basis for residential and commercial applications due to participation in the Program; and~~

~~(b) Information relating to any money distributed pursuant to NRS 702.270.~~

~~2. Review and evaluate information which identifies trends and permits forecasting of the energy available to the State. Such forecasts must include estimates on:~~

~~(a) The level of demand for energy in the State for 5-, 10- and 20-year periods;~~

~~(b) The amount of energy available to meet each level of demand;~~

~~(c) The probable implications of the forecast on the demand and supply of energy; and~~

~~(d) The sources of renewable energy and other alternative sources of energy which are available and their possible effects.~~

~~3. Study means of reducing wasteful, inefficient, unnecessary or uneconomical uses of energy and encourage the maximum utilization of existing sources of energy in the State.~~

~~4. Solicit and serve as the point of contact for grants and other money from the Federal Government, including, without limitation, any grants and other money available pursuant to any program administered by the United States Department of Energy, and other sources to cooperate with the Commissioner and the Authority:~~

~~(a) To promote energy projects that enhance the economic development of the State;~~

~~(b) To promote the use of renewable energy in this State;~~

~~(c) To promote the use of measures which conserve or reduce the demand for energy or which result in more efficient use of energy;~~

~~(d) To develop a comprehensive program for retrofitting public buildings in this State with energy efficiency measures; and~~

~~(e) If the Commissioner determines that it is feasible and cost effective, to enter into contracts with researchers from the Nevada System of Higher Education for the design of energy efficiency and retrofit projects to carry out the comprehensive program for retrofitting public buildings in this State developed pursuant to paragraph (d).~~

~~5. Coordinate the activities and programs of the Office of Energy with the activities and programs of the Authority, the Consumer's Advocate and the Public Utilities Commission of Nevada, and with other federal, state and local officers and agencies that promote, fund, administer or operate activities and programs related to the use of renewable energy and the use of measures which conserve or reduce the demand for energy or which result in more efficient use of energy.~~

~~6. If requested to make a determination pursuant to NRS 111.239 or 278.0208, make the determination within 30 days after receiving the request. If the Director needs additional information to make the determination, the Director may request the information from the person making the request for a determination. Within 15 days after receiving the additional information, the Director shall make a determination on the request.~~

~~7.~~ ***Register a person who meets the qualifications set forth in section 5 of this act as an energy auditor in this State.***

8. Upon receipt of a report of an energy audit from an energy auditor submitted pursuant to subsection 2 of section 6 of this act, issue to the homeowner a certificate as proof of the completion of the energy audit by the energy auditor.

~~9. Carry out all other directives concerning energy that are prescribed by the Governor.~~~~]~~ **(Deleted by amendment.)**

Sec. 30. NRS 113.115 and 701.250 are hereby repealed.

Sec. 31. Any regulations adopted by the Nevada Energy Commissioner pursuant to NRS 701.250 are void. The Legislative Counsel shall remove those regulations from the Nevada Administrative Code as soon as practicable after ~~[July 1, 2011.]~~ **the effective date of this section.**

Sec. 32. The Real Estate Division of the Department of Business and Industry and the Director of the Office of Energy shall, on or before July 1,

2011, adopt any regulations which are required by or necessary to carry out the provisions of this act.

Sec. 33. 1. This ~~[act becomes]~~ **section and sections 30, 31 and 32 of this act become effective upon passage and approval.**

2. Sections 1 to 29, inclusive, of this act become effective on July 1, 2011.

~~[2.]~~ **3.** Section 17 of this act expires by limitation on the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

(a) Have failed to comply with a subpoena or warrant relating to a procedure to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or

(b) Are in arrears in the payment of the support of one or more children,

➥ are repealed by the Congress of the United States.

~~[3.]~~ **4.** Section 26 of this act expires by limitation on the date 2 years after the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

(a) Have failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or

(b) Are in arrears in the payment for the support of one or more children,

➥ are repealed by the Congress of the United States.

TEXT OF REPEALED SECTIONS

113.115 Seller to provide evaluation of energy consumption of property; limitations.

1. Except as otherwise provided in subsection 3, the seller shall have the energy consumption of the residential property evaluated pursuant to the program established in NRS 701.250.

2. Except as otherwise provided in subsection 4, before closing a transaction for the conveyance of residential property, the seller shall serve the purchaser with the completed evaluation required pursuant to subsection 1, if any, on a form to be provided by the Nevada Energy Commissioner, as prescribed in regulations adopted pursuant to NRS 701.250.

3. Subsection 1 does not apply to a sale or intended sale of residential property:

(a) By foreclosure pursuant to chapter 107 of NRS.

(b) Between any co-owners of the property, spouses or persons related within the third degree of consanguinity.

(c) By a person who takes temporary possession or control of or title to the property solely to facilitate the sale of the property on behalf of a person

who relocates to another county, state or country before title to the property is transferred to a purchaser.

(d) If the seller and purchaser agree to waive the requirements of subsection 1.

4. If an evaluation of a residential property was completed not more than 5 years before the seller and purchaser entered into the agreement to purchase the residential property, the seller may serve the purchaser with that evaluation.

701.250 Program to evaluate energy consumption of residential property.

1. The Commissioner shall adopt regulations establishing a program for evaluating the energy consumption of residential property in this State.

2. The regulations must include, without limitation:

(a) Standards for evaluating the energy consumption of residential property; and

(b) Provisions prescribing a form to be used pursuant to NRS 113.115, including, without limitation, provisions that require a portion of the form to provide information on programs created pursuant to NRS 702.275 and other programs of improving energy conservation and energy efficiency in residential property.

3. As used in this section:

(a) "Dwelling unit" means any building, structure or portion thereof which is occupied as, or designed or intended for occupancy as, a residence by one person who maintains a household or by two or more persons who maintain a common household.

(b) "Residential property" means any land in this State to which is affixed not less than one or more than four dwelling units.

Assemblyman Atkinson moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 463.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 361.

AN ACT relating to motor vehicles; providing an expedited process for the forfeiture of certain seized vehicles; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the seizure and forfeiture of certain vehicles, including vehicles which have or which contain a part that has an identification number or mark that has been falsely attached, removed, defaced, altered or obliterated. (NRS 482.540) **Sections 2 and 3 of this bill add certain vehicles which have been illegally altered in a manner that**

impairs the structural integrity of the vehicles to the vehicles which are subject to seizure and forfeiture.

Section ~~[1 of this bill]~~ 3 requires a court to schedule a hearing for the forfeiture of such a **seized** vehicle not later than 7 business days after an action for forfeiture is filed. **Section ~~[1]~~ 3** also requires the court to: (1) order **the release of the vehicle to** the owner of the vehicle **~~[~~, if the owner can be identified, to pay the cost of towing and storing the vehicle;~~]~~** or **to another person who the court determines is entitled to the vehicle if the court finds that an identification number or mark which was placed on the vehicle has not been falsely attached, removed, defaced, altered or obliterated and the vehicle has not been illegally altered in a manner that impairs the structural integrity of the vehicle; or** (2) **~~[~~declare~~]~~ order** the vehicle **~~[~~forfeited~~]~~ to be destroyed or otherwise disposed of** if **~~[~~the owner of the vehicle cannot after due diligence be found.~~]~~ there is no satisfactory evidence of ownership, an identification number or mark which was placed on the vehicle has been falsely attached, removed, defaced, altered or obliterated or the vehicle has been illegally altered in a manner that impairs the structural integrity of the vehicle.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. ~~[Chapter 482 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~*1. If a vehicle is seized pursuant to NRS 482.540, the Department may file a civil action for forfeiture of the vehicle:*~~

~~*(a) Pursuant to paragraph (c) of subsection 1 of NRS 4.370 in the justice court of the township where the vehicle which is the subject of the action was seized if the fair market value of the vehicle and the cost of towing and storing the vehicle does not exceed $10,000; or*~~

~~*(b) In the district court for the county where the vehicle which is the subject of the action was seized if the fair market value of the vehicle and the cost of towing and storing the vehicle exceeds $10,000.*~~

~~*2. Upon the filing of a civil action pursuant to subsection 1, the court shall schedule a date for a hearing. The hearing must be held not later than 7 business days after the action is filed. The court shall affix the date of the hearing on a form for that purpose and order a copy served by the sheriff, constable or other process server upon each claimant whose identity is known to the Department or who can be identified through the exercise of due diligence.*~~

~~*3. The court shall:*~~

~~*(a) Determine the actual cost incurred in towing and storing the vehicle; and*~~

~~*(b) If the court determines pursuant to subsection 2 of NRS 482.542 that the rightful owner of the vehicle:*~~

~~*(1) Cannot after due diligence be found, declare the vehicle forfeited; or*~~

~~*(2) Can be identified, order the owner of the vehicle to pay the cost of towing and storing the vehicle and order the person who is storing the vehicle to immediately release the vehicle to the owner.*~~

~~*4. As used in this section, "claimant" means any person who claims to have:*~~

~~*(a) Any right, title or interest of record in the property or proceeds subject to forfeiture;*~~

~~*(b) Any community property interest in the property or proceeds; or*~~

~~*(c) Had possession of the property or proceeds at the time of the seizure thereof by the plaintiff.]*~~ **(Deleted by amendment.)**

Sec. 2. NRS 482.540 is hereby amended to read as follows:

482.540 1. Any police officer, without a warrant, may seize and take possession of any vehicle:

(a) Which is being operated with improper registration;

(b) Which the ***police*** officer has probable cause to believe has been stolen;

(c) ***Which the police officer has probable cause to believe has been illegally altered in a manner that impairs the structural integrity of the vehicle;***

(d) On which any motor number, manufacturer's number or identification mark has been falsely attached, removed, defaced, altered or obliterated; or

~~[(d)]~~ ***(e)*** Which contains a part on which was placed or stamped by the manufacturer pursuant to federal law or regulation an identification number or other distinguishing number or mark that has been falsely attached, removed, defaced, altered or obliterated.

2. A law enforcement agency or an employee of the Department whose primary responsibility is to conduct investigations involving the theft of motor vehicles shall inspect any vehicle seized pursuant to paragraph ~~[(c) or]~~ (d) ***or (e)*** of subsection 1 to determine whether the number or mark in question on the vehicle or part from the vehicle has been falsely attached, removed, defaced, altered or obliterated and whether any person has presented satisfactory evidence of ownership of the vehicle. The agency or employee shall prepare a written report which sets forth the results of the inspection within 30 days after the vehicle is seized.

3. If the results of the report conclude that the number or mark in question has been falsely attached, removed, defaced, altered or obliterated and that there is no satisfactory evidence of ownership, the court shall declare ~~*[determines that the rightful owner of the vehicle cannot be identified and declares]*~~ the vehicle forfeited and ~~*[pursuant to section 1 of this act, the Department may]*~~ proceed in the manner set forth in ~~*[subsection 3 of]*~~ NRS 482.542.

4. A person must not be charged with any criminal act which caused a motor vehicle to be seized pursuant to paragraph ~~[(c) or]~~ (d) ***or (e)*** of subsection 1 until the report is completed pursuant to subsection 2.

5. As used in this section, "police officer" means:

(a) Any peace officer of the Department;

(b) Sheriffs of counties and officers of metropolitan police departments and their deputies; and

(c) Marshals and police officers of cities and towns.

Sec. 3. **NRS 482.542 is hereby amended to read as follows:**

482.542 1. Any vehicle seized pursuant to NRS 482.540 may be removed by ***a law enforcement agency or*** the Department to:

(a) A place designated for the storage of seized property.

(b) An appropriate place for disposal if that disposal is specifically authorized by statute.

2. If disposal of ~~[the]~~ ***a*** vehicle ***seized pursuant to NRS 482.540*** is not specifically authorized by statute, ~~[the vehicle is subject to forfeiture if it appears to the court having jurisdiction over the proceedings that the rightful owner of the vehicle cannot after due diligence be found.]~~ ***a law enforcement agency or the Department may file a civil action for forfeiture of the vehicle:***

(a) Pursuant to paragraph (c) of subsection 1 of NRS 4.370 in the justice court of the township where the vehicle which is the subject of the action was seized if the fair market value of the vehicle and the cost of towing and storing the vehicle does not exceed $10,000; or

(b) In the district court for the county where the vehicle which is the subject of the action was seized if the fair market value of the vehicle and the cost of towing and storing the vehicle equals or exceeds $10,000.

3. Upon the filing of a civil action pursuant to subsection 2, the court shall schedule a date for a hearing. The hearing must be held not later than 7 business days after the action is filed. The court shall affix the date of the hearing on a form for that purpose and order a copy served by the sheriff, constable or other process server upon each claimant whose identity is known to the law enforcement agency or Department or who can be identified through the exercise of due diligence.

4. The court shall:

(a) Order the release of the vehicle to the owner or to another person who the court determines is entitled to the vehicle if the court finds that:

(1) A motor number, manufacturer's number or identification mark which was placed on the vehicle has not been falsely attached, removed, defaced, altered or obliterated; and

(2) The vehicle has not been illegally altered in a manner that impairs the structural integrity of the vehicle; or

(b) Order the vehicle destroyed or otherwise disposed of as determined by the court, if the court finds that:

(1) There is no satisfactory evidence of ownership;

(2) A motor number, manufacturer's number or identification mark which was placed on the vehicle has been falsely attached, removed, defaced, altered or obliterated; or

(3) The vehicle has been illegally altered in a manner that impairs the structural integrity of the vehicle.

~~[3.]~~ ***5.*** If a court declares that a vehicle seized pursuant to NRS 482.540 is forfeited, ***a law enforcement agency or*** the Department may:

(a) Retain it for official use;

(b) Sell it; or

(c) Remove it for disposal.

~~[4. If at any time after a vehicle is seized pursuant to NRS 482.540 the rightful owner of the vehicle demands its return, the Department shall:~~

~~(a) Return the vehicle to the owner; or~~

~~(b) If the vehicle was declared forfeited by a court and subsequently sold or removed for disposal, pay to the owner the fair market value of the vehicle at the time of forfeiture.]~~

6. As used in this section, "claimant" means any person who claims to have:

(a) Any right, title or interest of record in the property or proceeds subject to forfeiture;

(b) Any community property interest in the property or proceeds; or

(c) Had possession of the property or proceeds at the time of the seizure thereof by a law enforcement agency or the Department.

~~[Sec. 3.]~~ ***Sec. 4.*** This act becomes effective on July 1, 2011.

Assemblyman Ohrenschall moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 469.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 410.

AN ACT relating to governmental administration; authorizing the leasing of unused state buildings ~~[, grounds and property]~~ to new businesses seeking to locate or expand in this State; authorizing local governments to enter into agreements with one another to advertise for contracts and make purchasing agreements together; requiring **certain** school districts to advertise for bids for the provision of certain services in the school district; authorizing local governments to award contracts based in part upon the best value offered; **exempting the leasing of certain state-owned property from certain appraisal and procedural requirements; authorizing the leasing of state-owned lands to new businesses seeking to locate or expand in this State;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law grants the Chief of the Buildings and Grounds Division of the Department of Administration the authority to manage all state buildings, grounds and properties not otherwise provided for by law, including

collecting rent from any state department, agency ~~[or institution]~~ **, board or commission** that is renting space in a state building or property. (NRS 331.070, 331.102) **Section 1** of this bill requires each state department, agency ~~[or institution]~~ **, board or commission** to submit an inventory of any ~~[state]~~ **state-owned** buildings ~~[, grounds or properties]~~ assigned to it ~~[which it is not actively using,]~~ **together with a statement of whether the building is used or unused** and requires **the Division of State Lands of the State Department of Conservation and Natural Resources, the Department of Transportation and the State Public Works Board to provide to** the Chief **an inventory of all real property owned by the State and to identify properties that are used, unused or planned for future use. Section 1 further requires the Chief** to compile those inventories into a list of ~~[unused state]~~ **all state-owned** buildings ~~[, grounds and properties. Section 1 further requires the Chief]~~ **and** to ~~[make]~~ **provide** that list ~~[available]~~ to the Commission on Economic Development **.** ~~[and to authorize]~~ **Finally, section 1 authorizes** the ~~[Commission]~~ **Chief** to lease the available ~~[state]~~ **state-owned** buildings ~~[, grounds and properties]~~ to new businesses seeking to locate or expand in this State ~~[. Section 1 also authorizes the Commission]~~ **and** to offer a discount on the first year of the lease to the business, but requires any lease to be for a term of at least ~~[10]~~ **5** years. **Section 2** of this bill authorizes the Chief to enter into any leases or arrangements to make use of state-owned buildings ~~[, grounds and properties]~~ for purposes other than economic development.

Existing law sets forth the procedures a local government must follow to advertise for bids for contracts or to enter into purchasing agreements. (NRS 332.039-332.225) **Section 4** of this bill authorizes local governments to enter into agreements with each other to mutually advertise for bids or enter into purchasing agreements or exercise authorized purchasing powers to maximize their efficiency and economy. **Section 7** of this bill revises the considerations a local government must take into account when considering bids, and requires the local government to consider which bid provides the best value rather than just which is lowest, where best value includes not only cost but also the greatest possible economy consistent with the quality and sustainability of the materials, supplies, equipment and services.

Section 5 of this bill requires county school districts **in counties whose population is less than 45,000 (currently Churchill, Esmeralda, Eureka, Humboldt, Lander, Lincoln, Mineral, Nye, Pershing, Storey and White Pine Counties)** to advertise for bids for persons not employed by the school district to provide services such as custodial services, maintenance and transportation at least once every 5 years, and **section 8** of this bill requires the school district to file an annual report with the Legislature or Interim Finance Committee about each contract awarded, or if no contract was awarded, the reasons for not awarding a contract and a comparison of the lowest responsive bid and the cost incurred by the school district in providing the service itself.

Existing law requires certain state lands to be appraised before those lands may be sold or leased and sets forth procedures for the manner in which the State Land Registrar must put land up for sale or lease. Certain leases and sales of land are exempted from these requirements and procedures by existing law. (NRS 321.007, 321.335) Sections 9 and 10 of this bill additionally exempt from those requirements and procedures land which is leased for the purpose of economic development and leases which involve less than 25,000 square feet of land. Section 11 of this bill authorizes land to be leased to a business seeking to locate or expand in this State for a discount for the first year in business and for a term of at least 10 years.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 331 of NRS is hereby amended by adding thereto a new section to read as follows:

1. In addition to any other requirement imposed on a state department, agency ~~[or institution]~~ , board or commission pursuant to this chapter, on or ~~[before]~~ after April 1 but not later than June 30 of each year ~~[, each]~~ :

(a) Each state department, agency ~~[or institution]~~ , board or commission shall submit to the Chief an inventory of ~~[any state]~~ all used and unused building space within state-owned buildings ~~[, grounds and properties]~~ assigned to the state department, agency ~~[or institution which the state department, agency or institution is not actively using.]~~ , board or commission; and

(b) The Division of State Lands of the State Department of Conservation and Natural Resources, the Department of Transportation and the State Public Works Board shall provide to the Chief an inventory of all real property owned by the State and identify which properties:

(1) Are being actively used;

(2) Are not being actively used; and

(3) For which future use is planned.

2. Based upon the inventories submitted pursuant to subsection 1 and any other information available to him or her, the Chief shall ~~[:~~

~~(a) Compile a list of all state buildings, grounds and properties which are not being actively used; and~~

~~(b) Make the list available]~~ provide a list of all state-owned buildings and lands to the Commission on Economic Development.

3. The Chief ~~[shall authorize the Commission on Economic Development to]~~ may enter into agreements to lease ~~[the state]~~ state-owned buildings ~~[, grounds and properties]~~ which are not being actively used or for which future use is planned to new businesses seeking to locate or expand in this State.

4. Any lease or agreement into which the ~~[Commission on Economic Development]~~ Chief enters pursuant to subsection 3:

(a) Must be for a term of at least ~~[10]~~ 5 years; ~~[and]~~

(b) Must be approved by the Executive Director of the Commission on Economic Development; and

(c) May include a discount to the business for the first year, including, without limitation, an offer to lease the ~~[state]~~ state-owned building ~~[, ground or property]~~ without the payment of rent for the first year the business is in this State.

Sec. 2. NRS 331.090 is hereby amended to read as follows:

331.090 ***1.*** The Chief may accept rent money from various departments ~~[, and]~~ agencies ***and nongovernmental entities*** that are occupying space in the various state-owned buildings. The rent money must be deposited in the Buildings and Grounds Operating Fund in the State Treasury.

2. Notwithstanding any other provision of law to the contrary, the Chief ~~[shall]~~ may make any necessary arrangements to enter into any leases or other agreements for the use of ~~[state]~~ state-owned buildings ~~[, grounds and properties]~~ for purposes other than economic development.

Sec. 3. Chapter 332 of NRS is hereby amended by adding thereto the provisions set forth as sections 4 and 5 of this act.

Sec. 4. ***1. A local government may enter into agreements with other local governments to mutually advertise for or request bids and enter into contracts pursuant to NRS 332.039 to 332.148, inclusive.***

2. A local government may enter into agreements with other local governments to combine their resources to enter into purchasing agreements or for any other purchasing decisions or powers authorized by this chapter.

Sec. 5. ***1. At least once every 5 years, each school district in ~~[this State]~~ a county whose population is less than 45,000 shall advertise for or request bids from persons who are not then employed by the school district to provide the following services:***

(a) Custodial services;

(b) Food service management;

(c) Ground maintenance;

(d) Facility maintenance; and

(e) Transportation services.

2. In addition to any other requirements set forth in this chapter, each advertisement or request for bids pursuant to this section must be conducted in such a manner as to ensure that any contract awarded does not violate the provisions of:

(a) A contract between the school district and a person not then employed by the school district to provide any of the services in subsection 1 which is in effect as of the date of the advertisement or request for bids; or

(b) A collective bargaining agreement between the school district and its employees which was in effect on or before July 1, 2011.

Sec. 6. NRS 332.025 is hereby amended to read as follows:

332.025 As used in this chapter, unless the context otherwise requires:

1. "Authorized representative" means a person designated by the governing body to be responsible for the development, award and proper administration of all purchases and contracts for a local government or a department, division, agency, board or unit of a local government made pursuant to this chapter.

2. "Chief administrative officer" means the person directly responsible to the governing body for the administration of that particular entity.

3. "Evaluator" means an authorized representative, officer, employee, representative, agent, consultant or member of a governing body who has participated in:

(a) The evaluation of bids;

(b) Negotiations concerning purchasing by a local government; or

(c) The review or approval of the award, modification or extension of a contract.

4. "Governing body" means the board, council, commission or other body in which the general legislative and fiscal powers of the local government are vested.

5. "Proprietary information" means:

(a) Any trade secret or confidential business information that is contained in a bid submitted to a governing body or its authorized representative on a particular contract; or

(b) Any other trade secret or confidential business information submitted to a governing body or its authorized representative by a bidder and designated as proprietary by the governing body or its authorized representative.

➥ As used in this subsection, "confidential business information" means any information relating to the amount or source of any income, profits, losses or expenditures of a person, including data relating to cost, price, or the customers of a bidder which is submitted in support of a bid. The term does not include the amount of a bid submitted to a governing body or its authorized representative.

6. "***Request for bids" includes, without limitation, an invitation to bid, a request for proposals, a request for statements of qualifications, a request for quotes or any other accepted method of solicitation that complies with the provisions of this chapter.***

7. "School district" means a county school district created pursuant to NRS 386.010.

~~[7.]~~ ***8.*** **"**Trade secret" has the meaning ascribed to it in NRS 600A.030.

Sec. 7. NRS 332.065 is hereby amended to read as follows:

332.065 1. If a governing body or its authorized representative has advertised for or requested bids in letting a contract, the governing body or its authorized representative must, except as otherwise provided in subsection 2, ***3 or 4,*** award the contract to the lowest responsive and responsible bidder ~~[.]~~ ***who meets the minimum requirements set forth in the advertisement or***

request. The lowest responsive and responsible bidder may be judged on the basis of:

(a) Price;

(b) Conformance to specifications;

(c) Qualifications;

(d) Past performance;

(e) Performance ***schedule*** or delivery date;

(f) Quality and utility of services, supplies, materials or equipment offered and the adaptability of those services, supplies, materials or equipment to the required purpose of the contract;

(g) ***The total cost of ownership of the goods to be supplied;***

(h) The purposes for which the goods to be supplied are required;

(i) Best value provided;

(j) The best interests of the public; and

~~[(h)]~~ ***(k)*** Such other criteria as may be set forth by the governing body or its authorized representative in the advertisement or request for bids, as applicable, that pertains to the contract.

2. ***An advertisement or request for bids must include minimum requirements that the lowest responsive and responsible bidder must substantially meet to be awarded a contract pursuant to the provisions of this chapter.***

3. The governing body or its authorized representative shall evaluate proposals and award the contract based on the criteria set forth in the request for proposals and is not required to select the lowest priced proposal. The contract terms and pricing are subject to negotiation.

4. The governing body or its authorized representative:

(a) Shall give preference to recycled products if:

(1) The product meets the applicable standards;

(2) The product can be substituted for a comparable nonrecycled product; and

(3) The product costs no more than a comparable nonrecycled product.

(b) May give preference to recycled products if:

(1) The product meets the applicable standards;

(2) The product can be substituted for a comparable nonrecycled product; and

(3) The product costs no more than 5 percent more than a comparable nonrecycled product.

(c) May purchase recycled paper products if the specific recycled paper product is:

(1) Available at a price which is not more than 10 percent higher than that of paper products made from virgin material;

(2) Of adequate quality; and

(3) Available to the purchaser within a reasonable period.

~~[3.]~~ ***5.*** If after the lowest responsive and responsible bidder has been awarded the contract, during the term of the contract he or she does not

supply goods or services in accordance with the bid specifications, or if he or she repudiates the contract, the governing body or its authorized representative may reaward the contract to the next lowest responsive and responsible bidder without requiring that new bids be submitted. Reawarding the contract to the next lowest responsive and responsible bidder is not a waiver of any liability of the initial bidder awarded the contract.

~~[4.]~~ ***6.*** As used in this section:

(a) "***Best value" means the greatest possible economy consistent with the grades, qualities or sustainability attributes of supplies, materials, equipment and services.***

(b) **"**Postconsumer waste" means a finished material which would normally be disposed of as a solid waste having completed its life cycle as a consumer item.

~~[(b)]~~ ***(c)*** **"**Recycled paper product" means all paper and wood-pulp products containing in some combination at least 50 percent of its total weight:

(1) Postconsumer waste; and

(2) Secondary waste,

➥ but does not include fibrous waste generated during the manufacturing process such as fibers recovered from wastewater or trimmings of paper machine rolls, wood slabs, chips, sawdust or other wood residue from a manufacturing process.

~~[(c)]~~ ***(d)*** **"**Secondary waste" means fragments of products or finished products of a manufacturing process which has converted a virgin resource into a commodity of real economic value.

(e) "Total cost of ownership" means the monetary and other costs associated with goods being supplied, including, without limitation:

(1) The history of maintenance or repair of the goods;

(2) The cost of routine maintenance and repair of the goods;

(3) Any warranties provided in connection with the goods;

(4) The cost of replacement parts for the goods; and

(5) The value of the goods as used goods when given in trade on a subsequent purchase.

Sec. 8. NRS 332.431 is hereby amended to read as follows:

332.431 1. Each local government that enters into a performance contract pursuant to NRS 332.300 to 332.440, inclusive, shall, on or before February 1 of each year, prepare and submit a report to the Director of the Legislative Counsel Bureau for transmittal to the Legislature if the Legislature is in session, or to the Interim Finance Committee if the Legislature is not in session.

2. The report required pursuant to subsection 1 must include, without limitation:

(a) The status of the construction and financing of the operating cost-savings measures described in the performance contract.

(b) The cumulative amount of operating cost-savings that have resulted from the operating cost-savings measures.

(c) The amount of operating cost-savings that are projected for the future.

(d) Any other information required by the Legislature or Interim Finance Committee.

3. Each school district in a county whose population is less than 45,000 shall, on or before February 1 of each year, prepare and submit to the Director of the Legislative Counsel Bureau for transmittal to the Legislature if the Legislature is in session, or to the Interim Finance Committee if the Legislature is not in session, a report which must include, without limitation:

(a) A list of all advertisements and requests for bids made pursuant to section 5 of this act;

(b) A summary of all contracts awarded, including, without limitation, the name of the person to whom the contract was awarded; and

(c) If a contract was not awarded for any services listed in section 5 of this act:

(1) An explanation of the reason for not awarding a contract; and

(2) A comparison of the lowest responsive and responsible bid or response received and the cost incurred by the school district to provide the service itself.

Sec. 9. **NRS 321.007 is hereby amended to read as follows:**

321.007 1. Except as otherwise provided in subsection 5, NRS 322.063, 322.065 or 322.075, except as otherwise required by federal law, except for land that is sold or leased to a public utility, as defined in NRS 704.020, to be used for a public purpose, except for land that is sold or leased to a state or local governmental entity, except for a lease which is part of a contract entered into pursuant to chapter 333 of NRS ***, except for a lease which is entered into for the purpose of economic development pursuant to chapter 322 of NRS, except for a lease which involves less than 25,000 square feet of land*** and except for land that is sold or leased pursuant to an agreement entered into pursuant to NRS 277.080 to 277.170, inclusive, when offering any land for sale or lease, the State Land Registrar shall:

(a) Except as otherwise provided in this paragraph, obtain two independent appraisals of the land before selling or leasing it. If the Interim Finance Committee grants its approval after discussion of the fair market value of the land, one independent appraisal of the land is sufficient before selling or leasing it. The appraisal or appraisals, as applicable, must have been prepared not more than 6 months before the date on which the land is offered for sale or lease.

(b) Notwithstanding the provisions of chapter 333 of NRS, select the one independent appraiser or two independent appraisers, as applicable, from the list of appraisers established pursuant to subsection 2.

(c) Verify the qualifications of each appraiser selected pursuant to paragraph (b). The determination of the State Land Registrar as to the qualifications of an appraiser is conclusive.

2. The State Land Registrar shall adopt regulations for the procedures for creating or amending a list of appraisers qualified to conduct appraisals of land offered for sale or lease by the State Land Registrar. The list must:

(a) Contain the names of all persons qualified to act as a general appraiser in the same county as the land that may be appraised; and

(b) Be organized at random and rotated from time to time.

3. An appraiser chosen pursuant to subsection 1 must provide a disclosure statement which includes, without limitation, all sources of income of the appraiser that may constitute a conflict of interest and any relationship of the appraiser with the owner of the land or the owner of an adjoining property.

4. An appraiser shall not perform an appraisal on any land offered for sale or lease by the State Land Registrar if the appraiser or a person related to the appraiser within the first degree of consanguinity or affinity has an interest in the land or an adjoining property.

5. If a lease of land is for residential property and the term of the lease is 1 year or less, the State Land Registrar shall obtain an analysis of the market value of similar rental properties prepared by a licensed real estate broker or salesperson when offering such a property for lease.

6. If land is sold or leased in violation of the provisions of this section:

(a) The sale or lease is void; and

(b) Any change to an ordinance or law governing the zoning or use of the land is void if the change takes place within 5 years after the date of the void sale or lease.

Sec. 10. **NRS 321.335 is hereby amended to read as follows:**

321.335 1. Except as otherwise provided in NRS 321.125, 322.063, 322.065 or 322.075, except as otherwise required by federal law, except for land that is sold or leased to a public utility, as defined in NRS 704.020, to be used for a public purpose, except for land that is sold or leased to a state or local governmental entity, except for a lease which is part of a contract entered into pursuant to chapter 333 of NRS ***, except for a lease which is entered into for the purpose of economic development pursuant to chapter 322 of NRS, except for a lease which involves less than 25,000 square feet of land*** and except for an agreement entered into pursuant to the provisions of NRS 277.080 to 277.170, inclusive, or a lease of residential property with a term of 1 year or less, after April 1, 1957, all sales or leases of any lands that the Division is required to hold pursuant to NRS 321.001, including lands subject to contracts of sale that have been forfeited, are governed by the provisions of this section.

2. Whenever the State Land Registrar deems it to be in the best interests of the State of Nevada that any lands owned by the State and not used or set apart for public purposes be sold or leased, the State Land Registrar may,

with the approval of the State Board of Examiners and the Interim Finance Committee, cause those lands to be sold or leased upon sealed bids, or oral offer after the opening of sealed bids for cash or pursuant to a contract of sale or lease, at a price not less than the highest appraised value for the lands plus the costs of appraisal and publication of notice of sale or lease.

3. Before offering any land for sale or lease, the State Land Registrar shall comply with the provisions of NRS 321.007.

4. After complying with the provisions of NRS 321.007, the State Land Registrar shall cause a notice of sale or lease to be published once a week for 4 consecutive weeks in a newspaper of general circulation published in the county where the land to be sold or leased is situated, and in such other newspapers as the State Land Registrar deems appropriate. If there is no newspaper published in the county where the land to be sold or leased is situated, the notice must be so published in a newspaper published in this State having a general circulation in the county where the land is situated.

5. The notice must contain:

(a) A description of the land to be sold or leased;

(b) A statement of the terms of sale or lease;

(c) A statement that the land will be sold pursuant to subsection 6; and

(d) The place where the sealed bids will be accepted, the first and last days on which the sealed bids will be accepted, and the time when and place where the sealed bids will be opened and oral offers submitted pursuant to subsection 6 will be accepted.

6. At the time and place fixed in the notice published pursuant to subsection 4, all sealed bids which have been received must, in public session, be opened, examined and declared by the State Land Registrar. Of the proposals submitted which conform to all terms and conditions specified in the notice published pursuant to subsection 4 and which are made by responsible bidders, the bid which is the highest must be finally accepted, unless a higher oral offer is accepted or the State Land Registrar rejects all bids and offers. Before finally accepting any written bid, the State Land Registrar shall call for oral offers. If, upon the call for oral offers, any responsible person offers to buy or lease the land upon the terms and conditions specified in the notice, for a price exceeding by at least 5 percent the highest written bid, then the highest oral offer which is made by a responsible person must be finally accepted.

7. The State Land Registrar may reject any bid or oral offer to purchase or lease submitted pursuant to subsection 6, if the State Land Registrar deems the bid or offer to be:

(a) Contrary to the public interest.

(b) For a lesser amount than is reasonable for the land involved.

(c) On lands which it may be more beneficial for the State to reserve.

(d) On lands which are requested by the State of Nevada or any department, agency or institution thereof.

8. Upon acceptance of any bid or oral offer and payment to the State Land Registrar in accordance with the terms of sale specified in the notice of sale, the State Land Registrar shall convey title by quitclaim or cause a patent to be issued as provided in NRS 321.320 and 321.330.

9. Upon acceptance of any bid or oral offer and payment to the State Land Registrar in accordance with the terms of lease specified in the notice of lease, the State Land Registrar shall enter into a lease agreement with the person submitting the accepted bid or oral offer pursuant to the terms of lease specified in the notice of lease.

10. The State Land Registrar may require any person requesting that state land be sold pursuant to the provisions of this section to deposit a sufficient amount of money to pay the costs to be incurred by the State Land Registrar in acting upon the application, including the costs of publication and the expenses of appraisal. This deposit must be refunded whenever the person making the deposit is not the successful bidder. The costs of acting upon the application, including the costs of publication and the expenses of appraisal, must be borne by the successful bidder.

11. If land that is offered for sale or lease pursuant to this section is not sold or leased at the initial offering of the contract for the sale or lease of the land, the State Land Registrar may offer the land for sale or lease a second time pursuant to this section. If there is a material change relating to the title, zoning or an ordinance governing the use of the land, the State Land Registrar must, as applicable, obtain a new appraisal or new appraisals of the land pursuant to the provisions of NRS 321.007 before offering the land for sale or lease a second time. If land that is offered for sale or lease pursuant to this section is not sold or leased at the second offering of the contract for the sale or lease of the land, the State Land Registrar may list the land for sale or lease at the appraised value with a licensed real estate broker, provided that the broker or a person related to the broker within the first degree of consanguinity or affinity does not have an interest in the land or an adjoining property.

Sec. 11. **Chapter 322 of NRS is hereby amended by adding thereto a new section to read as follows:**

1. Land may be leased pursuant to NRS 322.060 to a business seeking to locate or expand in this State for a discount to the business for the first year including, without limitation, an offer to lease the land without the payment of rent for the first year the business is in this State.

2. To lease property pursuant to this section, the following persons must approve the lease and establish the recommended amount of rent to be received for the property:

(a) The Administrator of the Division of State Lands of the State Department of Conservation and Natural Resources, as ex officio State Land Registrar;

(b) The Chief of the Buildings and Grounds Division of the Department of Administration; and

(c) The Executive Director of the Commission on Economic Development.

3. Any lease or agreement entered into pursuant to this section must be for a term of at least 10 years.

Sec. 12. **NRS 322.060 is hereby amended to read as follows:**

322.060 Subject to the provisions of NRS 321.335, leases or easements authorized pursuant to the provisions of NRS 322.050, and not made for the purpose of extracting oil, coal or gas or the utilization of geothermal resources from the lands leased, must be:

1. For such areas as may be required to accomplish the purpose for which the land is leased or the easement granted.

2. Except as otherwise provided in NRS 322.063, 322.065 and 322.067, ***and section 11 of this act,*** for such term and consideration as the Administrator of the Division of State Lands of the State Department of Conservation and Natural Resources, as ex officio State Land Registrar, may determine reasonable based upon the fair market value of the land.

3. Executed upon a form to be prepared by the Attorney General. The form must contain all of the covenants and agreements usual or necessary to such leases or easements.

~~[Sec. 9.]~~ ***Sec. 13.*** 1. Except as otherwise provided in subsection 2, each school district in ~~[this State]~~ **a county whose population is less than 45,000** shall advertise for or request bids from persons who are not then employed by the school district to provide the services listed in section 5 of this act on or before December 31, ~~[2011.]~~ **2013.**

2. If a school district **in a county whose population is less than 45,000** is subject to an existing contract for the provision of the services listed in section 5 of this act, the school district is not required to advertise for or request bids for the provision of those services until after the expiration of the existing contract.

~~[Sec. 10.]~~ ***Sec. 14.*** This act becomes effective on July 1, 2011.

Assemblywoman Bustamante Adams moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 505.

Bill read second time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 313.

AN ACT relating to governmental financial administration; requiring the Director of the Department of Administration to prepare and send a report of tax expenditures to the Governor and the Legislature; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill requires the Director of the Department of Administration to prepare and send a report of tax expenditures to the Governor and to the Legislature in November of each even-numbered year. A "tax expenditure" is defined as any law of this State that exempts, in whole or in part, certain persons, income, goods, services or property from the impact of established taxes. The report must include certain information regarding each such tax expenditure, including a description of the tax expenditure, the year the tax expenditure was enacted, the purpose of the tax expenditure, any subsequent amendments to the tax expenditure and **, to the extent that the pertinent information is available,** estimates of: (1) the fiscal impact of the tax expenditure on both the State and local governments; (2) the number of taxpayers benefitting from the tax expenditure; and (3) the revenue that would result from repeal of the tax expenditure.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 360 of NRS is hereby amended by adding thereto a new section to read as follows:

1. On or before November 10 of each even-numbered year, the Director of the Department of Administration shall submit a tax expenditure report to the Governor and the Director of the Legislative Counsel Bureau for transmittal to the Legislature and the appropriate interim committee or committees of the Legislature.

2. The report required pursuant to subsection 1 must provide, for each tax expenditure:

(a) A description of the tax expenditure;

(b) The year in which the tax expenditure was enacted;

(c) The purpose for which the tax expenditure was enacted;

(d) A summary of any amendments to the tax expenditure since it was enacted; [and]

(e) [Estimates] To the extent that the pertinent information is available, estimates of:

(1) The fiscal impact to this State and local governments of the tax expenditure during each fiscal year of the biennium in which the report is prepared;

(2) The revenue that would result from repeal of the tax expenditure; and

(3) The number of taxpayers receiving benefit from the tax expenditure [.] ; and

(f) A statement of:

(1) The pertinent information, if any, which is not available to prepare the estimates required by paragraph (e); and

(2) The reasons for the unavailability of that information.

3. Each state entity, county treasurer and county assessor shall respond fully and appropriately to any request for information made by the Director

of the Department of Administration for use in the report required by this section not later than 30 days after such a request is made.

4. As used in this section, "tax expenditure" means any law of this State that exempts, in whole or in part, certain persons, income, goods, services or property from the impact of established taxes, including, without limitation, tax abatements, tax credits, tax deductions, tax deferrals, tax exemptions, tax exclusions, tax subtractions and preferential tax rates.

Sec. 2. The initial report required by section 1 of this act must be submitted on or before November 10, 2012.

Sec. 3. This act becomes effective upon passage and approval.

Assemblyman Munford moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 511.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 320.

AN ACT relating to transportation; providing certain privileges to the owner or long-term lessee of a qualified plug-in electric drive vehicle; authorizing in this State the operation of, and **~~[~~the alternative licensure of~~]~~ a driver's license endorsement for** operators of, autonomous vehicles; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the Department of Transportation to adopt regulations to allow certified low emission and energy-efficient vehicles to be operated in a lane on a highway under its jurisdiction designated for the preferential use or exclusive use of high-occupancy vehicles. (NRS 484A.463) **Section ~~[~~1~~]~~ 6** of this bill defines the term "qualified plug-in electric drive vehicle" in a manner substantially similar to the definition used by the Internal Revenue Service for the purpose of the tax credit made available for the initial acquisition of such vehicles**. ~~[~~and~~]~~ Section 7 of this bill requires that, with limited exceptions, each local authority shall establish a parking program for qualified plug-in electric drive vehicles. Section 7** provides that the owner or long-term lessee of such a vehicle may: (1) apply to the **~~[~~Department of Motor Vehicles~~]~~ local authority** for a distinctive decal, label or other identifier that distinguishes the vehicle from other vehicles; and (2) while displaying the distinctive identifier, park the vehicle without the payment of a parking fee **at certain times** in **certain** public parking lots, parking areas and metered parking zones**. ~~[~~, and use the~~]~~ Section 10 of this bill authorizes the use of a qualified plug-in electric drive** vehicle in high-occupancy vehicle lanes irrespective of the occupancy of the vehicle, if the Department of Transportation has adopted the necessary

regulations. **Section 13 of this bill causes the provisions of this bill that pertain to qualified plug-in electric drive vehicles to expire by limitation ("sunset") as of January 1, 2018.**

Section ~~[5]~~ 8 of this bill requires the Department of Motor Vehicles to adopt regulations authorizing the operation of autonomous vehicles on highways within the State of Nevada. **Section ~~[5]~~ 8** defines an "autonomous vehicle" to mean a motor vehicle that uses artificial intelligence, sensors and global positioning system coordinates to drive itself without the active intervention of a human operator. **Section 2** of this bill requires the Department, by regulation, to establish **~~[~~**~~an alternative class of~~**~~]~~** **a** driver's license **endorsement** for the operation of an autonomous vehicle on the highways of this State.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. ~~[Chapter 482 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~*1. Upon the application of the owner or long-term lessee of a qualified plug-in electric drive vehicle, the Department shall issue to the owner or long-term lessee a distinctive decal, label or other identifier that clearly distinguishes the qualified plug-in electric drive vehicle from other vehicles.*~~

~~*2. The Department may charge a fee for the distinctive decal, label or other identifier issued pursuant to subsection 1 in an amount that is sufficient to cover the costs of issuing the distinctive decal, label or other identifier.*~~

~~*3. The driver of a qualified plug-in electric drive vehicle displaying the distinctive decal, label or other identifier issued pursuant to subsection 1 may:*~~

~~*(a) Operate the qualified plug-in electric drive vehicle in a lane designated for the use of high occupancy vehicles pursuant to NRS 484A.460, regardless of the number of occupants in the vehicle, if the Department of Transportation adopts regulations allowing such vehicles to be operated in such lanes in accordance with NRS 484A.463;*~~

~~*(b) Stop, stand or park the qualified plug-in electric drive vehicle in any metered parking zone without depositing a coin of United States currency of the designated denomination in the applicable parking meter; and*~~

~~*(c) Stop, stand or park the qualified plug-in electric drive vehicle in any public parking lot or parking area without paying a parking fee.*~~

~~*4. As used in this section, "qualified plug-in electric drive vehicle" means a motor vehicle that:*~~

~~*(a) Is equipped with four wheels;*~~

~~*(b) Is made by a manufacturer;*~~

~~*(c) Is manufactured primarily for use on public streets, roads and highways;*~~

~~*(d) Has a manufacturer's gross vehicle weight rating of less than 8,500 pounds;*~~

~~*(e) Can maintain a maximum rate of speed of at least 70 miles per hour; and*~~

~~*(f) Is propelled to a significant extent by an electric motor which draws electricity from a battery that:*~~

~~*(1) Has a capacity of not less than 4 kilowatt hours; and*~~

~~*(2) Can be recharged from a source of electricity that is external to the vehicle.]*~~ **(Deleted by amendment.)**

Sec. 2. Chapter 483 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Department shall by regulation establish ~~*[an alternative class of]*~~ ***a driver's license endorsement for the operation of an autonomous vehicle on the highways of this State. The*** ~~*[alternative class of]*~~ ***driver's license endorsement described in this subsection must, in its restrictions or lack thereof, recognize the fact that a person is not required to actively drive an autonomous vehicle.***

2. As used in this section, "autonomous vehicle" has the meaning ascribed to it in section ~~*[5]*~~ ***8 of this act.***

Sec. 3. NRS 483.230 is hereby amended to read as follows:

483.230 1. Except persons expressly exempted in NRS 483.010 to 483.630, inclusive, ***and section 2 of this act,*** a person shall not drive any motor vehicle upon a highway in this State unless such person has a valid license as a driver under the provisions of NRS 483.010 to 483.630, inclusive, ***and section 2 of this act*** for the type or class of vehicle being driven.

2. Any person licensed as a driver under the provisions of NRS 483.010 to 483.630, inclusive, ***and section 2 of this act*** may exercise the privilege thereby granted upon all streets and highways of this State and shall not be required to obtain any other license to exercise such privilege by any county, municipal or local board or body having authority to adopt local police regulations.

3. Except persons expressly exempted in NRS 483.010 to 483.630, inclusive, ***and section 2 of this act,*** a person shall not steer or exercise any degree of physical control of a vehicle being towed by a motor vehicle upon a highway unless such person has a license to drive the type or class of vehicle being towed.

4. A person shall not receive a driver's license until the person surrenders to the Department all valid licenses in his or her possession issued to the person by this or any other jurisdiction. Surrendered licenses issued by another jurisdiction shall be returned by the Department to such jurisdiction. A person shall not have more than one valid driver's license.

Sec. 4. NRS 483.620 is hereby amended to read as follows:

483.620 It is a misdemeanor for any person to violate any of the provisions of NRS 483.010 to 483.630, inclusive, ***and section 2 of this act***

unless such violation is, by NRS 483.010 to 483.630, inclusive, ***and section 2 of this act*** or other law of this State, declared to be a felony.

Sec. 5. Chapter 484A of NRS is hereby amended by adding thereto ~~[a new section to read as follows:]~~ the provisions set forth as sections 6, 7 and 8 of this act.

Sec. 6. "Qualified plug-in electric drive vehicle" means a motor vehicle that:

1. Is equipped with four wheels;

2. Is made by a manufacturer;

3. Is manufactured primarily for use on public streets, roads and highways;

4. Has a manufacturer's gross vehicle weight rating of less than 8,500 pounds;

5. Can maintain a maximum rate of speed of at least 70 miles per hour; and

6. Is propelled to a significant extent by an electric motor which draws electricity from a battery that:

(a) Has a capacity of not less than 4 kilowatt hours; and

(b) Can be recharged from a source of electricity that is external to the vehicle.

Sec. 7. 1. Except as otherwise provided in subsection 6, a local authority that has within its jurisdiction a public metered parking zone, parking lot or parking area for the use of which a fee is charged, shall by ordinance establish a parking program for qualified plug-in electric drive vehicles pursuant to this section.

2. Upon the application of the owner or long-term lessee of a qualified plug-in electric drive vehicle, the local authority or its designee shall issue to the owner or long-term lessee a distinctive decal, label or other identifier that clearly distinguishes the qualified plug-in electric drive vehicle from other vehicles.

3. The local authority may charge a fee for the distinctive decal, label or other identifier issued pursuant to subsection 2 in an amount not to exceed $10 annually.

4. Except as otherwise provided in subsection 5, the driver of a qualified plug-in electric drive vehicle displaying the distinctive decal, label or other identifier issued pursuant to subsection 2 may:

(a) Stop, stand or park the qualified plug-in electric drive vehicle in any public metered parking zone within the jurisdiction of the local authority without depositing a coin of United States currency of the designated denomination, or making payment using another acceptable method of payment, in the applicable parking meter; and

(b) Stop, stand or park the qualified plug-in electric drive vehicle in any public parking lot or parking area within the jurisdiction of the local authority without paying a parking fee.

5. In addition to the requirements set forth in this section, the local authority may by ordinance establish such other requirements as it determines necessary for the parking program for qualified plug-in electric drive vehicles, including, without limitation:

(a) Requiring that the driver of a qualified plug-in electric drive vehicle comply with any limits on the amount of time for stopping, standing or parking imposed on other drivers; and

(b) Requiring that the driver of a qualified plug-in electric drive vehicle pay applicable parking fees during certain special events or activities designated by the local authority, regardless of whether the vehicle displays a distinctive decal, label or other identifier issued pursuant to subsection 2.

6. The provisions of this section do not apply to any public metered parking zone, parking lot or parking area of an airport.

Sec. 8. 1. The Department shall adopt regulations authorizing the operation of autonomous vehicles on highways within the State of Nevada.

2. The regulations required to be adopted by subsection 1 must:

(a) Set forth requirements that an autonomous vehicle must meet before it may be operated on a highway within this State;

(b) Set forth requirements for the insurance that is required to test or operate an autonomous vehicle on a highway within this State;

(c) Establish minimum safety standards for autonomous vehicles and their operation;

(d) Provide for the testing of autonomous vehicles;

(e) Restrict the testing of autonomous vehicles to specified geographic areas; and

(f) Set forth such other requirements as the Department determines to be necessary.

3. As used in this section:

(a) "Artificial intelligence" means the use of computers and related equipment to enable a machine to duplicate or mimic the behavior of human beings.

(b) "Autonomous vehicle" means a motor vehicle that uses artificial intelligence, sensors and global positioning system coordinates to drive itself without the active intervention of a human operator.

(c) "Sensors" includes, without limitation, cameras, lasers and radar.

Sec. 9. **NRS 484A.010 is hereby amended to read as follows:**

484A.010 As used in chapters 484A to 484E, inclusive, of NRS, unless the context otherwise requires, the words and terms defined in NRS 484A.015 to 484A.320, inclusive, ***and section 6 of this act*** have the meanings ascribed to them in those sections.

~~[Sec. 6.]~~ ***Sec. 10.*** NRS 484A.463 is hereby amended to read as follows:

484A.463 1. To the extent not inconsistent with federal law, the Department of Transportation may, in consultation with the Federal Highway Administration and the United States Environmental Protection Agency,

adopt regulations establishing a program to allow a vehicle that is certified by the Administrator of the United States Environmental Protection Agency as a low emission and energy-efficient vehicle to be operated in a lane that is designated for the use of high-occupancy vehicles pursuant to NRS 484A.460.

2. As used in this section, "low emission and energy-efficient vehicle" has the meaning ascribed to it in 23 U.S.C. § 166(f)(3). ***The term includes, without limitation, a qualified plug-in electric drive vehicle .*** ~~*[, as that term is defined in section 1 of this act.]*~~

~~[Sec. 7.]~~ ***Sec. 11.*** NRS 484B.523 is hereby amended to read as follows:

484B.523 1. ~~[When]~~ ***Except as otherwise provided in section*** ~~*[1]*~~ ***7 of this act, when*** parking meters are erected by any local authority pursuant to an adopted ordinance giving notice thereof, it is unlawful for any person to stop, stand or park a vehicle in any metered parking zone for a period of time longer than designated by such parking meters upon a deposit of a coin of United States currency of the designated denomination.

2. Every vehicle shall be parked wholly within the metered parking space for which the meter shows parking privilege has been granted.

3. It is unlawful for any unauthorized person to remove, deface, tamper with, open, willfully break, destroy or damage any parking meter, or willfully to manipulate any parking meter in such a manner that the indicator will fail to show the correct amount of unexpired time before a violation occurs.

~~[Sec. 8.]~~ ***Sec. 12.*** **1.** The Department of Motor Vehicles shall adopt the regulations necessary to implement the provisions of **sections 2 and 8 of** this act on or before ~~[January]~~ **March** 1, 2012.

2. Each local authority to which the provisions of section 7 of this act apply shall adopt the ordinances necessary to implement the provisions of sections 6, 7, 9, 10 and 11 of this act on or before January 1, 2012.

3. As used in this section, "local authority" has the meaning ascribed to it in NRS 484A.115.

~~[Sec. 9.]~~ ***Sec. 13.*** **1.** This **section and section 12 of this act become effective upon passage and approval.**

2. Sections 5, 6, 7, 9, 10 and 11 of this act ~~[becomes]~~ **become** effective on January 1, 2012.

3. Sections 2, 3, 4 and 8 of this act become effective on March 1, 2012.

4. The following provisions expire by limitation on January 1, 2018:

(a) Sections 5, 6 and 7 of this act;

(b) The amendatory provisions of sections 9, 10 and 11 of this act; and

(c) Subsections 2 and 3 of section 12 of this act.

Assemblywoman Dondero Loop moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 564.

Bill read second time and ordered to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Conklin moved that Assembly Bill No. 258 be taken from the Chief Clerk's desk and placed on the Second Reading File.

Remarks by Assemblyman Conklin.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 258.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 225.

SUMMARY—Enacts provisions governing the licensing and operation of ~~[Internet poker.]~~ **interactive gaming.** (BDR 41-657)

AN ACT relating to gaming; requiring the Nevada Gaming Commission to adopt regulations relating to the licensing and operation of ~~[Internet poker;]~~ **interactive gaming;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes certain gaming establishments to obtain a license to operate interactive gaming. (NRS 463.750) This bill requires the Nevada Gaming Commission to establish by regulation certain provisions authorizing the licensing and operation of ~~[Internet poker]~~ **interactive gaming** under certain circumstances. **This bill further provides that a license to operate interactive gaming does not become effective until: (1) the passage of federal legislation authorizing interactive gaming; or (2) the United States Department of Justice notifies the Commission or the State Gaming Control Board that interactive gaming is permissible under federal law.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 463 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 7, inclusive, of this act.

Sec. 2. ***The Legislature hereby finds and declares that:***

1. ~~*[Internet poker is widely played throughout the world;*~~

~~*2. Laws governing Internet poker have been unclear;*~~

~~*3. Technology now exists to limit the conduct of Internet poker to the State of Nevada and other jurisdictions where Internet poker is not prohibited;*~~

~~*4. The use of such technology allows Internet poker to be offered by licensees in Nevada in compliance with all applicable laws;*~~

~~*5. As a leader in gaming regulation, the State of Nevada has the capability to ensure that Internet poker is operated honestly and*~~

~~*competitively and in compliance with all applicable laws, regulations and standards; and*~~

~~*6. Allowing licensed Internet poker sites to locate in and operate from the State of Nevada will benefit the economy of this State and assist in protecting consumers from criminal and corruptive influences that may be present in unlicensed and unregulated Internet poker sites.]*~~ ***The State of Nevada leads the nation in gaming regulation and enforcement, such that the State of Nevada is uniquely positioned to develop an effective and comprehensive regulatory structure related to interactive gaming.***

2. A comprehensive regulatory structure, coupled with strict licensing standards, will ensure the protection of consumers, prevent fraud, guard against underage and problem gambling and aid in law enforcement efforts.

3. To provide for licensed and regulated interactive gaming and to prepare for possible federal legislation, the State of Nevada must develop the necessary structure for licensure, regulation and enforcement.

Sec. 3. **(Deleted by amendment.)**

Sec. 4. **(Deleted by amendment.)**

Sec. 5. **(Deleted by amendment.)**

Sec. 6. **(Deleted by amendment.)**

Sec. 7. **(Deleted by amendment.)**

Sec. 8. **(Deleted by amendment.)**

Sec. 9. **(Deleted by amendment.)**

Sec. 10. **(Deleted by amendment.)**

Sec. 11. NRS 463.160 is hereby amended to read as follows:

463.160 1. Except as otherwise provided in subsection 4 and NRS 463.172, it is unlawful for any person, either as owner, lessee or employee, whether for hire or not, either solely or in conjunction with others:

(a) To deal, operate, carry on, conduct, maintain or expose for play in the State of Nevada any gambling game, gaming device, inter-casino linked system, mobile gaming system, slot machine, race book or sports pool;

(b) To provide or maintain any information service;

(c) To operate a gaming salon; ~~[or]~~

(d) To receive, directly or indirectly, any compensation or reward or any percentage or share of the money or property played, for keeping, running or carrying on any gambling game, slot machine, gaming device, mobile gaming system, race book or sports pool ~~[,]~~ ***; or***

(e) To operate, carry on, conduct, maintain or expose for play in or from the State of Nevada any interactive gaming system,

➥ without having first procured, and thereafter maintaining in effect, all federal, state, county and municipal gaming licenses as required by statute, regulation or ordinance or by the governing board of any unincorporated town.

2. The licensure of an operator of an inter-casino linked system is not required if:

(a) A gaming licensee is operating an inter-casino linked system on the premises of an affiliated licensee; or

(b) An operator of a slot machine route is operating an inter-casino linked system consisting of slot machines only.

3. Except as otherwise provided in subsection 4, it is unlawful for any person knowingly to permit any gambling game, slot machine, gaming device, inter-casino linked system, mobile gaming system, race book or sports pool to be conducted, operated, dealt or carried on in any house or building or other premises owned by the person, in whole or in part, by a person who is not licensed pursuant to this chapter, or that person's employee.

4. The Commission may, by regulation, authorize a person to own or lease gaming devices for the limited purpose of display or use in the person's private residence without procuring a state gaming license.

5. As used in this section, "affiliated licensee" has the meaning ascribed to it in NRS 463.430.

Sec. 12. NRS 463.750 is hereby amended to read as follows:

463.750 1. Except as otherwise provided in subsections ~~*[subsection]*~~ 2 and 3, ~~*[section 7 of this act,]*~~ the Commission ~~[may,]~~ ***shall*** with the advice and assistance of the Board, adopt regulations governing the licensing and operation of interactive gaming.

2. The ~~*[Except as otherwise provided in section 7 of this act, the]*~~ Commission may not adopt regulations governing the licensing and operation of interactive gaming until the Commission first determines that:

(a) ~~[Interactive gaming can be operated in compliance with all applicable laws;~~

~~(b)]~~ Interactive gaming systems are secure and reliable, and provide reasonable assurance that players will be of lawful age and communicating only from jurisdictions where it is lawful to make such communications; and

~~[(c)]~~ ***(b)*** Such regulations are consistent with the public policy of the State to foster the stability and success of gaming.

3. The regulations adopted by the Commission pursuant to this section must :

(a) Establish the investigation fees for:

(1) A license to operate interactive gaming;

(2) A license for a manufacturer of interactive gaming systems; and

(3) A license for a manufacturer of equipment associated with interactive gaming.

(b) Provide that:

(1) A ~~*[provide that a]*~~ person must hold a license for a manufacturer of interactive gaming systems to supply or provide any interactive gaming system, including, without limitation, any piece of proprietary software or hardware ~~*[.]*~~ ; and

(2) A person may be required by the Commission to hold a license for a manufacturer of equipment associated with interactive gaming.

(c) Set forth standards for the suitability of a person to be licensed as a manufacturer of interactive gaming systems or manufacturer of equipment associated with interactive gaming that are as stringent as the standards for a nonrestricted license.

(d) Provide that gross revenue received by an establishment from the operation of interactive gaming is subject to the same license fee provisions of NRS 463.370 as the games and gaming devices of the establishment.

(e) Set forth standards for the location and security of the computer system and for approval of hardware and software used in connection with interactive gaming.

(f) Define "equipment associated with interactive gaming," "interactive gaming system," "manufacturer of equipment associated with interactive gaming," "manufacturer of interactive gaming systems," "operate interactive gaming" and "proprietary hardware and software" as the terms are used in this chapter.

(g) Provide that any license to operate interactive gaming does not become effective until:

(1) A federal law authorizing interactive gaming is enacted; or

(2) The United States Department of Justice notifies the Board or Commission in writing that it is permissible under federal law to operate interactive gaming.

4. Except as otherwise provided in ~~[~~subsection 5,~~]~~ ***subsections 5 and 6,*** the Commission shall not approve a license for an establishment to operate interactive gaming unless:

(a) In a county whose population is 400,000 or more, the establishment is a resort hotel that holds a nonrestricted license to operate games and gaming devices.

(b) In a county whose population is more than 40,000 but less than 400,000, the establishment is a resort hotel that holds a nonrestricted license to operate games and gaming devices or the establishment:

(1) Holds a nonrestricted license for the operation of games and gaming devices;

(2) Has more than 120 rooms available for sleeping accommodations in the same county;

(3) Has at least one bar with permanent seating capacity for more than 30 patrons that serves alcoholic beverages sold by the drink for consumption on the premises;

(4) Has at least one restaurant with permanent seating capacity for more than 60 patrons that is open to the public 24 hours each day and 7 days each week; and

(5) Has a gaming area that is at least 18,000 square feet in area with at least 1,600 slot machines, 40 table games, and a sports book and race pool.

(c) In all other counties, the establishment is a resort hotel that holds a nonrestricted license to operate games and gaming devices or the establishment:

(1) Has held a nonrestricted license for the operation of games and gaming devices for at least 5 years before the date of its application for a license to operate interactive gaming;

(2) Meets the definition of group 1 licensee as set forth in the regulations of the Commission on the date of its application for a license to operate interactive gaming; and

(3) Operates either:

(I) More than 50 rooms for sleeping accommodations in connection therewith; or

(II) More than 50 gaming devices in connection therewith.

5. The Commission may:

(a) Issue a license to operate interactive gaming to an affiliate of an establishment if:

(1) The establishment satisfies the applicable requirements set forth in subsection 4; ~~[and]~~

(2) The affiliate is located in the same county as the establishment; and

(3) The establishment has held a nonrestricted license for at least 5 years before the date on which the application is filed; and

(b) Require an affiliate that receives a license pursuant to this subsection to comply with any applicable provision of this chapter.

6. ***The Commission may issue a license to operate interactive gaming to an applicant that meets any qualifications established by federal law regulating the licensure of interactive gaming.***

7. It is unlawful for any person, either as owner, lessee or employee, whether for hire or not, either solely or in conjunction with others, to operate interactive gaming:

(a) Until the Commission adopts regulations pursuant to this section; and

(b) Unless the person first procures, and thereafter maintains in effect, all appropriate licenses as required by the regulations adopted by the Commission pursuant to this section.

~~[7.]~~ ***8.*** A person who violates subsection ~~[6]~~ ***7*** is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 10 years or by a fine of not more than $50,000, or both. ~~*[The Commission may issue a license as an operator of Internet poker to a person or an affiliate of a person who has been licensed to operate Internet poker by a recognized regulatory body of another jurisdiction with licensing requirements that are similar to the licensing requirements of this State and who has successfully operated Internet poker pursuant to such a license for at least 2 years before the date on which the application for the license is submitted.*~~

~~*7. The Commission is authorized to enter into compacts with other jurisdictions where interactive gaming is not prohibited, setting forth the manner in which the State of Nevada and such other jurisdictions will regulate and share tax revenues from interactive gaming operations between*~~

~~*such jurisdictions and enforce criminal laws related to cheating, tax evasion or unlicensed interactive gaming, and authorizing the commingling of games and pots between such jurisdictions. Such compacts may be limited to Internet poker.]*~~

Sec. 13. **(Deleted by amendment.)**

Sec. 14. **(Deleted by amendment.)**

Sec. 15. This act becomes effective upon passage and approval.

Assemblyman Horne moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Conklin moved that Assembly Bill No. 374 be taken from the Chief Clerk's desk and placed at the bottom of the General File.

Motion carried.

Assemblyman Conklin moved that upon return from the printer, Assembly Bill No. 469 be rereferred to the Committee on Ways and Means.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 6.

Bill read third time.

Remarks by Assemblyman Hambrick.

Roll call on Assembly Bill No. 6:

YEAS—42.

NAYS—None.

Assembly Bill No. 6 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 1:03 p.m.

ASSEMBLY IN SESSION

At 1:07 p.m.

Mr. Speaker presiding.

Quorum present.

GENERAL FILE AND THIRD READING

Assembly Bill No. 31.

Bill read third time.

Remarks by Assemblyman Ohrenschall.
Roll call on Assembly Bill No. 31:
YEAS—42.
NAYS—None.
Assembly Bill No. 31 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 37.
Bill read third time.
Remarks by Assemblywoman Kirkpatrick.
Roll call on Assembly Bill No. 37:
YEAS—42.
NAYS—None.
Assembly Bill No. 37 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 42.
Bill read third time.
Remarks by Assemblyman Ellison.
Roll call on Assembly Bill No. 42:
YEAS—42.
NAYS—None.
Assembly Bill No. 42 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 46.
Bill read third time.
Roll call on Assembly Bill No. 46:
YEAS—42.
NAYS—None.
Assembly Bill No. 46 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 56.
Bill read third time.
Remarks by Assemblyman Frierson.
Roll call on Assembly Bill No. 56:
YEAS—42.
NAYS—None.
Assembly Bill No. 56 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 57.
Bill read third time.

Remarks by Assemblyman Frierson.

Roll call on Assembly Bill No. 57:

YEAS—41.

NAYS—Kite.

Assembly Bill No. 57 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 61.

Bill read third time.

Remarks by Assemblyman Ellison.

Roll call on Assembly Bill No. 61:

YEAS—42.

NAYS—None.

Assembly Bill No. 61 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 72.

Bill read third time.

Remarks by Assemblyman Kite.

Roll call on Assembly Bill No. 72:

YEAS—41.

NAYS—Goedhart.

Assembly Bill No. 72 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 73.

Bill read third time.

Remarks by Assemblywoman Benitez-Thompson.

Assemblyman Conklin moved that the following remarks be entered in the Journal.

Motion carried.

ASSEMBLYWOMAN BENITEZ-THOMPSON:

Because this is a water bill and we are seeking to really clarify the language and intent, I am going to read the entire summary here to make sure it is clear for the record.

Assembly Bill 73 authorizes the State Engineer to enter upon lands where water is being diverted or used, or dams or other obstructions are located, to investigate or carry out his duties. Entry is limited to reasonable hours of the day.

The bill clarifies that certificated rights are subject to forfeiture, and if an extension of the time to work a forfeiture is granted, the State Engineer may declare a water right forfeited 30 days after the extension expires. A legislative declaration states that these amendments to the forfeiture provisions are consistent with past practice and, to promote stability, clarify rather than change the application of the current law.

With respect to granting credit to public water systems for the abandonment of domestic wells, the bill deletes the requirement that the State Engineer had denied a municipal application for groundwater and eliminates the requirement for a public hearing before granting such credits.

Roll call on Assembly Bill No. 73:
YEAS—42.
NAYS—None.
Assembly Bill No. 73 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 110.
Bill read third time.
Remarks by Assemblywoman Pierce.
Roll call on Assembly Bill No. 110:
YEAS—42.
NAYS—None.
Assembly Bill No. 110 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 130.
Bill read third time.
Remarks by Assemblywoman Smith.
Roll call on Assembly Bill No. 130:
YEAS—42.
NAYS—None.
Assembly Bill No. 130 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 145.
Bill read third time.
Remarks by Assemblyman Goicoechea.
Roll call on Assembly Bill No. 145:
YEAS—42.
NAYS—None.
Assembly Bill No. 145 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 146.
Bill read third time.
Roll call on Assembly Bill No. 146:
YEAS—42.
NAYS—None.
Assembly Bill No. 146 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 154.
Bill read third time.

Remarks by Assemblyman Frierson.

Roll call on Assembly Bill No. 154:

YEAS—42.

NAYS—None.

Assembly Bill No. 154 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 192.

Bill read third time.

Roll call on Assembly Bill No. 192:

YEAS—32.

NAYS—Ellison, Goedhart, Goicoechea, Hambrick, Hansen, Kirner, Kite, Livermore, McArthur, Sherwood—10.

Assembly Bill No. 192 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 196.

Bill read third time.

Roll call on Assembly Bill No. 196:

YEAS—42.

NAYS—None.

Assembly Bill No. 196 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 198.

Bill read third time.

Remarks by Assemblymen Grady, Carlton and Kirkpatrick.

Roll call on Assembly Bill No. 198:

YEAS—40.

NAYS—Carlton, Daly—2.

Assembly Bill No. 198 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 213.

Bill read third time.

Remarks by Assemblyman Ohrenschall.

Roll call on Assembly Bill No. 213:

YEAS—42.

NAYS—None.

Assembly Bill No. 213 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 226.

Bill read third time.

Remarks by Assemblyman Frierson.
Roll call on Assembly Bill No. 226:
YEAS—42.
NAYS—None.
Assembly Bill No. 226 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 228.
Bill read third time.
Remarks by Assemblyman Hickey.
Roll call on Assembly Bill No. 228:
YEAS—42.
NAYS—None.
Assembly Bill No. 228 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 237.
Bill read third time.
Roll call on Assembly Bill No. 237:
YEAS—42.
NAYS—None.
Assembly Bill No. 237 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Assembly Bill No. 238.
Bill read third time.
Roll call on Assembly Bill No. 238:
YEAS—42.
NAYS—None.
Assembly Bill No. 238 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 244.
Bill read third time.
Roll call on Assembly Bill No. 244:
YEAS—42.
NAYS—None.
Assembly Bill No. 244 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Assembly Bill No. 246.
Bill read third time.

Roll call on Assembly Bill No. 246:

YEAS—42.

NAYS—None.

Assembly Bill No. 246 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 249.

Bill read third time.

Roll call on Assembly Bill No. 249:

YEAS—42.

NAYS—None.

Assembly Bill No. 249 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 253.

Bill read third time.

Roll call on Assembly Bill No. 253:

YEAS—27.

NAYS—Ellison, Goedhart, Goicoechea, Grady, Hambrick, Hammond, Hansen, Hardy, Kirner, Kite, Livermore, McArthur, Sherwood, Stewart, Woodbury—15.

Assembly Bill No. 253 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 254.

Bill read third time.

Remarks by Assemblywoman Carlton.

Assemblyman Conklin moved that the following remarks be entered in the Journal.

Motion carried.

ASSEMBLYWOMAN CARLTON:

Thank you, Mr. Speaker. I feel the need, with the controversy around this bill, to put a couple of things on the record.

Assembly Bill 254 provides that the administrator of the Division of Industrial Relations of the Department of Business and Industry or any authorized representative of the administrator may find a violation of the Nevada Occupational Safety and Health Act—OSHA—to have occurred based upon a determination that any employee has access to a hazard. The bill also includes within the scope of behavior for which a citation may be issued, the violation of any settlement agreement entered into that relates of the Nevada OSHA Act.

To make clear folks do understand what access is, access is a legal theory that exists in the federal and Nevada OSHA operations manual but has not been codified into federal or state statute or regulation. Access is one of four elements that a compliance officer must prove in order to propose an OSHA violation. The four elements are:

1. A hazardous condition exists.
2. There is actual or constructive employer knowledge of the hazard.
3. There is employee access to the hazard.
4. There is a regulation that governs that hazardous condition.

Placing access into Chapter 618 will give current OSHA policy the strength of law and make it a more compelling requirement for the Nevada OSHA review board and courts to consider

when hearing contested cases. Employee access is established if the safety officer witnesses, observes, or monitors the proximity or access of an employee to the hazard or potentially hazardous condition.

These statements should make everyone involved in this issue comfortable with where OSHA will stand if an employee has access to a hazard.

Roll call on Assembly Bill No. 254:

YEAS—31.

NAYS—Ellison, Goicoechea, Hambrick, Hammond, Hansen, Hickey, Kirner, Kite, Livermore, McArthur, Sherwood—11.

Assembly Bill No. 254 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 260.

Bill read third time.

Roll call on Assembly Bill No. 260:

YEAS—42.

NAYS—None.

Assembly Bill No. 260 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 282.

Bill read third time.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Conklin moved that Assembly Bill No. 282 be taken from General File and rereferred to the Committee on Ways and Means.

Motion carried.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 1:51 p.m.

ASSEMBLY IN SESSION

At 1:56 p.m.

Mr. Speaker presiding.

Quorum present.

Assemblyman Conklin moved that the motion to rerefer Assembly Bill No. 282 to the Committee on Ways and Means be reconsidered.

Motion carried.

Assemblyman Conklin moved that Assembly Bill No. 282 be taken from its position on the General File and placed at the bottom of the General File.

Motion carried.

Assembly Bill No. 289.

Bill read third time.

Remarks by Assemblywoman Mastroluca.

Roll call on Assembly Bill No. 289:

YEAS—30.

NAYS—Atkinson, Brooks, Goedhart, Hambrick, Hammond, Hansen, Kirkpatrick, Kirner, McArthur, Munford, Stewart, Woodbury—12.

Assembly Bill No. 289 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 290.

Bill read third time.

Roll call on Assembly Bill No. 290:

YEAS—39.

NAYS—Ellison, Goedhart, McArthur—3.

Assembly Bill No. 290 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 291.

Bill read third time.

Roll call on Assembly Bill No. 291:

YEAS—27.

NAYS—Ellison, Goedhart, Goicoechea, Grady, Hambrick, Hammond, Hansen, Hardy, Kirner, Kite, Livermore, McArthur, Sherwood, Stewart, Woodbury—15.

Assembly Bill No. 291 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 294.

Bill read third time.

Roll call on Assembly Bill No. 294:

YEAS—42.

NAYS—None.

Assembly Bill No. 294 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 299.

Bill read third time.

Remarks by Assemblyman Atkinson.

Roll call on Assembly Bill No. 299:

YEAS—26.

NAYS—Conklin, Ellison, Goedhart, Goicoechea, Grady, Hambrick, Hammond, Hansen, Hardy, Hickey, Kirner, Kite, Livermore, McArthur, Sherwood, Woodbury—16.

Assembly Bill No. 299 having failed to receive a two-thirds majority, Mr. Speaker declared it lost.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Conklin moved to reconsider the vote whereby Assembly Bill No. 299 was lost.

Motion carried.

Assemblyman Conklin moved that Assembly Bill No. 299 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 317.

Bill read third time.

Roll call on Assembly Bill No. 317:

YEAS—40.

NAYS—Goedhart, Kite—2.

Assembly Bill No. 317 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 321.

Bill read third time.

Remarks by Assemblyman Kite.

Roll call on Assembly Bill No. 321:

YEAS—39.

NAYS—Carlton, Carrillo, Pierce—3.

Assembly Bill No. 321 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 328.

Bill read third time.

Roll call on Assembly Bill No. 328:

YEAS—42.

NAYS—None.

Assembly Bill No. 328 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 2:15 p.m.

ASSEMBLY IN SESSION

At 2:17 p.m.

Mr. Speaker presiding.

Quorum present.

Assemblyman Conklin moved that all rules be suspended and the Assembly dispense with the reprinting of Assembly Bills Nos. 13, 29, 45, 59, 68, 107, 117, 135, 141, 149, 179, 258, 273, 276, 283, 284, 308, 463, and 564.

Motion carried.

Assemblyman Conklin moved that all rules be suspended and that Assembly Bills Nos. 13, 29, 45, 59, 68, 107, 117, 135, 141, 149, 179, 258, 273, 276, 283, 284, 308, 463, and 564 be declared emergency measures under the Constitution and placed on third reading and final passage.

Motion carried.

Assemblyman Conklin moved that the Assembly recess until 4:45 p.m.

Motion carried.

Assembly in recess at 2:21 p.m.

ASSEMBLY IN SESSION

At 5:01 p.m.

Mr. Speaker presiding.

Quorum present.

Mr. Speaker appointed Assemblymen Anderson and Hardy as a committee to invite the Senate to meet in Joint Session with the Assembly to hear an address by United States Representative Joe Heck.

The members of the Senate appeared before the Bar of the Assembly.

Mr. Speaker invited the members of the Senate to chairs in the Assembly.

IN JOINT SESSION

At 5:09 p.m.

President of the Senate presiding.

The Secretary of the Senate called the Senate roll.

All present.

The Chief Clerk of the Assembly called the Assembly roll.

All present.

The President of the Senate appointed a Committee on Escort consisting of Senator Hardy and Assemblywoman Diaz to wait upon Representative Heck and escort him to the Assembly Chamber.

The Committee on Escort in company with The Honorable Joe Heck, United States Representative from Nevada, appeared before the Bar of the Assembly.

The Committee on Escort escorted the Representative to the rostrum.

Mr. Speaker welcomed Representative Heck and invited him to deliver his message.

Joe Heck, United States Representative, delivered his message as follows:

MESSAGE TO THE LEGISLATURE OF NEVADA
SEVENTY-SIXTH SESSION, 2011

Governor Sandoval, Speaker Oceguera, Majority Leader Horsford, Minority Leaders Goicoechea and McGinness, distinguished constitutional officers, honorable members of the Judiciary, my fellow Nevadans. It is an honor and a privilege to stand here before you today as a former member of this legislative body and as your federal representative for the Third Congressional District.

As a doctor, I learned that you can't cure an illness until you understand the cause. The recession gripping Nevada is largely the result of a badly broken federal government, because far too often political expediency has trumped sound policy as decisions were made. That lack of leadership seeped into our daily lives and rotted America's economic foundations to its core.

Rebuilding our economy won't be easy, and it won't happen overnight. This is an especially difficult reality for Nevada because we have been hit harder than any other state. We must work together to get people back to work; we must work together to make sure our children have better opportunities than we do; and we must work together to maintain a strong national defense, because without our freedom, very few of the policy issues that our nation faces today will even matter.

I know firsthand that today's elections are far from unanimous. I represent the most populous district in the nation, more than 1 million people, and I won by two-thirds of 1 percent—1,922 votes. But I don't only represent the people that voted for me, I represent those who didn't and the ones who couldn't. Two months ago, just a few weeks into my term, two votes came up on the House Floor of whether or not to terminate two housing programs. These programs were very unpopular among many conservatives, and I received information telling me just how terrible these programs were and that they hadn't lived up to their potential. And the truth is they haven't.

I knew that many of the people who voted for me in November probably wanted me to vote to terminate these programs. I believe in cutting government waste, and I have been a vocal advocate of eliminating programs that have outlived their purpose or have lost sight of their original mission. But I also know that government has a limited role in helping people help themselves.

Now I have to admit, I was a bit surprised that I was the only Republican voting to protect these programs on one vote and only one of two on the other, and it has generated a bit of unfriendly criticism from some conservatives, and I understand that. Some asked if I regretted my vote, others if my vote was a mistake, but most wanted to know why I voted against my party. Seventeen thousand Nevadans are the reason that I voted against my party.

These two housing programs have helped more than 17,000 Nevadans stay in their homes. They help the very people the government should be helping; those who are trying to do the right thing: the folks who are trying hard to make their mortgages but because of the dire economy in Nevada might be teetering on the edge of foreclosure; our friends, our neighbors, and even family members who have lost their jobs through no fault of their own; Democrats, Independents, and yes, even Republicans who have come to my office asking for assistance.

I will continue to fight to cut government spending in Washington, but I will never lose sight of the fact that I was sent to Washington to fight for Nevada first, even if it means voting against the majority of my party and incurring the ire of some of those who voted for me. I don't only represent the people who voted for me; I represent those who didn't and those who couldn't.

I often recall what I learned early in my career as a doctor—that you can't cure an illness until you understand the cause. We will not cure the disease of foreclosure and unemployment until we understand the cause. Both parties have been guilty of overspending, and politicians from both sides have failed to prioritize, demand accountability, and make difficult decisions. They have failed to lead. To pretend otherwise simply perpetuates the status quo and guarantees an

America defined by debt instead of by greatness. It guarantees an America tied to the fortunes of other nations and binds our children and grandchildren to a debt that we can't pay. And it creates national security challenges that risk the very safety of our nation and our people. Thomas Jefferson warned against great undertakings on slender majorities. Rebuilding our economy is too great an undertaking to ignore this advice.

Both sides have sinned. We don't have to agree on everything, but we must view each idea, each suggestion, and each piece of legislation with an eye toward the future of our nation instead of the impact on the next election. The hundreds of constituents that I have met with since being sworn in told me that they want to get back on their path to the American dream, and that path begins with a good job—knowing that if they have a job and work hard, they can live their American dream.

Ninety-five percent of Nevada businesses are small businesses, and they employ 43 percent of Nevada's workers. Just under half of employed Nevadans work for small businesses. I used to own a small business myself, and I know many of you are small business owners as well. For those of you who are—or were—you know how gratifying it is to see an idea that you had and saw through was good enough not just to sustain, but to thrive, and you know how gratifying it was to offer someone a job and give him or her the opportunity to grow, to shine and earn, and be fulfilled.

When I visit with small business owners and ask them the number one reason they aren't hiring and ask what is preventing a recovery, nearly all say there is too much uncertainty at the moment—uncertainty in the economy, uncertainty in their government, and uncertainty about how they can compete in an evolving global economy. That's a showstopper for small businesses.

The number one rule of running a successful business is to assess your risk, plan for the worst, and hope for the best. Uncertainty increases risk and when risk increases, more small business owners say, "Maybe I'll wait to hire that new person until things clear up." What we need to do is cure the disease of uncertainty. When we do that, entrepreneurs will take risks, small business owners will hire that extra employee, add more space, and grow their businesses. The way to give them that certainty begins with a single word—*listen*.

Listen to the people who operate 95 percent of Nevada's businesses. They know what they need to get their businesses back on track and back to hiring. I put together an economic advisory council that had getting the answer to what's causing uncertainty as its singular goal. The council consists of the elements that constitute a small business: entrepreneurs, lenders, and labor, and includes people from all across the political spectrum. Despite a wide variety of personal and political views, the problem was easy to diagnose: a government that spends your money, gets in your way, regulates your business, raises your taxes, requires almost no accountability, and runs up a debt that its citizens cannot afford to pay. This group worries that if the government's spending continues at its current level, taxes will have to go up to sustain that spending. They worry about how new government regulations will affect their competitiveness; their ability to grow, thrive, and provide good jobs.

We must work together to address these causes of uncertainty our small business owners have said are preventing their recovery. Businesses openly support less government spending, which would alleviate their concern about immediate new taxes and future taxes to pay for debt-financed spending. Government has spent without accountability for years, under both Republicans and Democrats. If elected leaders choose to maintain or increase current spending levels, it is not a question of if taxes must go up, it's a question of when. Taxes will either be increased immediately to pay for the spending now, or will be increased in the future to pay for the interest on the money the government borrows, or both.

We must work together to return government spending to responsible levels. That means making difficult decisions to bring government in line with the private sector; it means demanding accountability and performance; and it means forcing government to do more with less. That's what our families have done. It is what our businesses have done, and it is what our government must do.

I applaud Governor Sandoval for having the courage to put forward a balanced budget that doesn't raise taxes, and I applaud those of you who have agreed to stand with him. Senator Horsford and Speaker Oceguera, I thank you for your willingness to work with Governor

Sandoval and Lt. Governor Krolicki to further enhance Nevada's economic development efforts. I want each of you to know that I will do all I can to help you make Nevada the most business friendly state in America.

Nevadans have talked about economic diversification for decades, and I would guess that Nevada's first governor, Henry Blasdel, and the first legislature probably talked about it as well. I am sure our state leaders thought they solved the issue when we moved from a one-industry economy—mining—to a two-industry economy with the addition of gaming and tourism. But as we have seen twice in the last decade, as important as mining and tourism are to our state's fiscal health, we must expand our horizons and look to the future. Many have talked about our state's potential to be a leader in renewable energy, and I agree. That is why I supported the continuation of the federal loan guarantees for renewable energy projects, so Nevada can continue to build and grow in this area. Projects from Eldorado to Amargosa Valley to Tonopah and beyond would bring desperately needed jobs to the surrounding communities.

But we must also look past the energy production side of the equation. We must have serious discussions about bringing the research and development, as well as the manufacturing components of this industry, to Nevada. That is where the sustainable, good-paying jobs will materialize. I will continue to support research and development tax credits and work to streamline the bureaucracy to access Nevada's lands that remain under federal control and to expedite the federal permitting process while protecting the environment and maintaining safety.

The recession has touched every corner of our nation—every region, every demographic, every industry, and every person; we have all felt the pain. But there are some reasons to be encouraged as we look at some success stories in other places. In fact, a number of states have begun to recover more quickly because they listened to their small business owners. They listened to the people who create jobs and they reduced government spending without increasing taxes. They did this to inspire confidence and establish predictability.

Between 2008 and 2009, Virginia lost nearly 150,000 jobs. Yet since early 2010, they have created nearly 100,000 new jobs. They're on the way back. Virginia's Governor Bob McDonnell was providing testimony before Congress January 26. During his testimony I asked him, "How did you do it? How is your state recovering so quickly from this recession?" Governor McDonnell explained that he worked with state legislators to close their entire $2 billion budget gap by reducing government spending without raising taxes. Yes, there were painful reductions to programs people cherished, but I would trade the criticism resulting from cutting or eliminating a handful of programs if it meant 100,000 more jobs in Nevada right now. People want a paycheck, not a government check.

In addition to the harm government overspending is having on our economy, government regulations are just as culpable. Government regulations are being created at a historic rate, and often without regard to the regulation's impact on the economy. That is why I am a cosponsor of the REINS Act, which requires any regulation with a fiscal impact of more than $100 million to come back before Congress for review. Small businesses are often left in the dark and don't know when a regulation is coming out or how they will be impacted by that new regulation until the last minute.

The new health care law is 2,700 pages; the U.S. tax code, 74,000 pages; the regulations recently released by the Department of Health and Human Services on the health care for just one section of the health care law, 500 pages. Now 500 pages are significant, but the biggest problem is the unknown. When businesses see that those 500 pages cover only 6 pages of the law, you can begin to understand why they're concerned. If that ratio holds true, health care regulations just from the health care law alone will total 225,000 pages, making the tax code look like a pamphlet.

Despite these challenges, we have an opportunity to remake Nevada for the future. That future is through education. You can't cure an illness until you understand the cause. We will not fulfill our economic potential as a state or a nation unless we fix our educational system. We will not successfully recruit high tech industries and research and development opportunities to Nevada without providing a world-class education for our children. Education will ensure our children have the tools they need to compete in the global economy.

As a member of the House Committee on Education and the Workforce, we have started debate on the reauthorization of the Elementary and Secondary Education Act. America's

educational system isn't doing our children justice. It has become stagnant and full of red tape. As many of you know, my undergraduate degree was in education. I first went to school thinking I was going to be a teacher. The people I studied with were deeply passionate about teaching our children. It isn't our teachers who are holding our students back, it is the system. The federal government's one-size-fits-all approach is a disservice to our children.

We must explore ways to give more local control over education. That is why I am committed to returning control to parents, teachers, and the states. Finding ways to provide increased local control will benefit our children, and Nevada's long-term economy. We must embrace and support career and technical education as well as science, technology, engineering, and math programs to prepare our students for the global marketplace.

I recently attended the first robotics competition at the Thomas and Mack Arena. High schools from around the world, including eight from Congressional District 3, competed. Two local schools, Cimarron Memorial and Boulder City, advance to the World Finals to be held in St. Louis, Missouri, next month. I was incredibly impressed by the ingenuity of these high school teams. We must ensure that all children have the same opportunities to harness their greatest potential. Those opportunities include the ability for parents to choose where their child is educated, whether it is public, charter, private, or home schools.

I've talked a lot tonight about sacrifice—about working together to do what is right. We could learn a lot from the men and women in our armed forces who lay it all on the line every day to protect our freedom. Every day they put aside their personalities, their ideologies, and their individual goals to advance the cause of our nation.

Last week I visited our troops in Iraq and Afghanistan. There I met two Las Vegans—two Marines—Lance Corporal Jacob Swanson and Hospital Corpsman Jose Padilla, at a dusty combat outpost outside the village of Marjeh in Afghanistan. I'm proud of them and all our serving men and women. I admire them and I know how much we all appreciate them. I'm proud to represent those who wear the uniform, past and present, their families and survivors. We can't lose sight of the fact that Nevada plays a key role in America's national defense. From Nellis to Fallon, Creech to Hawthorne, Nevada is critical to maintaining America's freedom.

And because in many ways we are an international symbol of capitalism's risk, reward, and success, we are a potential target. We must keep America safe, and more specifically we must keep Nevada safe. Never before has it been more clear that our freedom is what separates us from so many countries around the world, many of which would like to rob us of that freedom. As a member of the House Armed Services Committee and a member of the House Intelligence Committee, I am working to make sure that our local and national security is maintained and that our military men and women have the tools they need to get the job done.

When our parents talked about the American dream, part of that goal revolved around knowing that everyone—everyone—has the opportunity to improve their own life and create their own success. That is important to all of us, but what makes so many of us work so hard is the belief that we can give our children a better starting point than we had.

We have the chance, right now, to be an example for our children. We can show them that sometimes our problems are too big to hold grudges; they are too large to let personalities or ideologies get in the way. Sometimes they are so large, they can bring the greatest nation that the world has ever known to its knees. But our problems are never too big to tackle with hard work, discipline, and a willingness to tap the best of the American spirit. When we forego what is easy for what is right and when we accept responsibility instead of pointing fingers, we will have taken a significant step toward reviving our economy and putting Nevadans back to work. These are critical ingredients to ensuring our children have a better future.

Ladies and gentlemen, Governor Sandoval, thank you for allowing me to address you today. I sat in this Chamber as a senator a few years ago and recognize the extraordinary dedication that all of you have to Nevada and the extraordinary challenges that you all have lying ahead. From balancing the budget to ensuring a quality education for our children, from managing essential services to passing a fair redistricting plan that puts the people of Nevada above partisan politics, you have a lot of work ahead.

I look forward to working with each of you, regardless of party or ideology, to get our spending under control and our government back on track. I am honored to be your guest today and wish you the best of luck, the spirit of cooperation, and the dedication and discipline to do

what is right. The people of Nevada need your best, and I have every confidence that when the final bell sounds, you will have given them your best.

It is in that spirit of cooperation that we will return our state and our nation to prosperity, restore America's exceptionalism, and in words used by both a Democrat and Republican president, have our "rendezvous with destiny."

Senator Lee moved that the Senate and Assembly in Joint Session extend a vote of thanks to Representative Heck for his timely, able, and constructive message.

Seconded by Assemblyman Ellison.

Motion carried unanimously.

The Committee on Escort escorted Representative Heck to the Bar of the Assembly.

Senator Denis moved that the Joint Session be dissolved.

Seconded by Assemblyman Hogan.

Motion carried.

Joint Session dissolved at 5:36 p.m.

ASSEMBLY IN SESSION

At 6:02 p.m.

Mr. Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which were referred Assembly Bills Nos. 74, 542, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Commerce and Labor, to which was referred Assembly Bill No. 351, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

KELVIN ATKINSON, *Chair*

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Assembly Bills Nos. 1, 63, 76, 80, 98, 182, 242, 248, 360, 376, 404, 420, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Government Affairs, to which was referred Assembly Bill No. 406, has had the same under consideration, and begs leave to report the same back with the recommendation: Without recommendation and rerefer to Ways and Means.

MARILYN K. KIRKPATRICK, *Chair*

Mr. Speaker:

Your Committee on Health and Human Services, to which was referred Assembly Bill No. 536, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

APRIL MASTROLUCA, *Chair*

Mr. Speaker:

Your Committee on Legislative Operations and Elections, to which were referred Assembly Bills Nos. 132, 337; Assembly Joint Resolution No. 1, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

TICK SEGERBLOM, *Chair*

Mr. Speaker:

Your Committee on Transportation, to which was referred Assembly Bill No. 204, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Transportation, to which was referred Assembly Bill No. 277, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MARILYN DONDERO LOOP, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 25, 2011

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Joint Resolution No. 9; Senate Bill No. 368; Senate Joint Resolution No. 12.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolution No. 8.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 21, 99, 201, 213, 266, 267, 291, 292, 314, 315, 328, 331, 351, 356, 367, 377, 384, 385, 405, 414, 420, 487.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Conklin moved that Assembly Bills Nos. 1, 63, 74, 76, 80, 98, 132, 182, 204, 242, 248, 277, 337, 351, 360, 376, 404, 406, 420, 536, 542, Assembly Joint Resolution No 1, just reported out of committee, be placed on the Second Reading File.

Motion carried.

Assemblyman Conklin moved that, upon return from the printer, Assembly Bills Nos. 191, 202, 219, 245, 247, 258, 380, 402, 416, 432, 505, and 511 be rereferred to the Committee on Ways and Means.

Motion carried.

Assemblyman Conklin moved that Assembly Bills Nos. 117 and 282 be taken from the General File and placed at the bottom of the General File.

Motion carried.

Assemblyman Conklin moved that Assembly Bill No. 204 be taken from the Second Reading File and placed on the Chief Clerk’s desk.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 1.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 259.

AN ACT relating to state financial administration; requiring certain governmental entities to report financial information periodically to certain legislative bodies; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1 of this bill requires certain governmental entities of this State, beginning with the fourth quarter of Fiscal Year 2010-2011 and concluding with the third quarter of Fiscal Year 2012-2013, to report to the Interim Finance Committee within 60 days after the end of the immediately preceding fiscal quarter certain financial information, including the taxes and fees that: (1) were legally due to be paid to the entity; (2) the entity was able to collect; and (3) the entity did not collect or was otherwise unable to collect, to the extent that such information is available to the entity. **Section 2** of this bill requires the Commission on Economic Development **and the Office of Energy** to report to the Interim Finance Committee on the same time schedule regarding each tax or fee that the Commission **or Office, as applicable,** abated, exempted or otherwise waived and the duration of the applicable abatement, exemption or waiver. **Section 3** of this bill requires each occupational licensing board that regulates an occupation or profession pursuant to title 54 of NRS to report to the Interim Finance Committee and the Legislative Commission ~~[every 6 months]~~ **on or before December 1, 2011,** as to certain money, fees**,** ~~[and]~~ expenditures **~~[. The first report required of the occupational licensing boards must be filed within 60 days after June 30, 2011, and the last report required of the occupational licensing boards must be filed within 60 days after December 31, 2012.]~~ and assets.** All reports required to be filed pursuant to this bill must be submitted on a form provided by the Director of the Legislative Counsel Bureau.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. 1. Beginning on July 1, 2011, and extending through May 30, 2013, the following governmental entities shall, within 60 days after the end of the immediately preceding fiscal quarter, file with the Interim Finance Committee a report that complies with the requirements of subsection 2:

(a) The Department of Taxation.
(b) The State Gaming Control Board.
(c) The Department of Motor Vehicles.
(d) The Department of Employment, Training and Rehabilitation.
(e) The Department of Business and Industry.
(f) The Office of the State Controller.
(g) The Office of the Secretary of State.

2. Each report required to be filed pursuant to subsection 1 must be submitted on a form provided by the Director of the Legislative Counsel Bureau and include the following components:

(a) A statement of all taxes and fees that were legally due to be paid to the particular governmental entity in the immediately preceding fiscal quarter;

(b) A statement of the total of all taxes and fees that the particular governmental entity actually collected in the immediately preceding fiscal quarter;

(c) A statement of all taxes and fees that the particular governmental entity, in the immediately preceding fiscal quarter, failed to collect or otherwise did not collect as the result of an abatement, exemption or another reason, to the extent that such information is available to the governmental entity;

(d) A statement of:

(1) The total amount of all taxes and fees that remain legally due to be paid to the particular governmental entity for any past fiscal years up to and including the immediately preceding fiscal quarter of the current fiscal year; and

(2) Except if the entity is the Office of the State Controller, the portion of the total amount described in subparagraph (1) that the entity assigned to the State Controller for collection; and

(e) Such other information relating to the provisions of this section as may be requested by the Director of the Legislative Counsel Bureau.

3. In addition to the components set forth in subsection 2, the Department of Taxation shall include in its report filed pursuant to subsection 1 a list of the special districts to which an exemption from the requirements of the Local Government Budget and Finance Act for the filing of certain budget documents and audit reports was granted pursuant to NRS 354.475.

Sec. 2. 1. Beginning on July 1, 2011, and extending through May 30, 2013, the Commission on Economic Development **and the Office of Energy** shall, within 60 days after the end of the immediately preceding fiscal quarter, file with the Interim Finance Committee a report that complies with the requirements of subsection 2.

2. Each report required to be filed pursuant to subsection 1 must be submitted on a form provided by the Director of the Legislative Counsel Bureau and include a description of every abatement, exemption or other type of waiver that the Commission on Economic Development **and the Office of Energy** granted with respect to a tax or fee during the immediately preceding fiscal quarter. The description must include, without limitation:

(a) An estimate of the total amount of money the payment of which was abated, exempted or otherwise waived;

(b) The duration of the abatement, exemption or other type of waiver; and

(c) Such other information relating to the provisions of this section as may be requested by the Director of the Legislative Counsel Bureau.

Sec. 3. 1. ~~[~~Beginning on July~~]~~ **On or before December** 1, 2011, ~~[~~and extending through March 1, 2013,~~]~~ each occupational licensing board shall ~~[~~, within 60 days after the end of the immediately preceding two fiscal quarters ending on June 30 and December 31, respectively,~~]~~ file with the Interim Finance Committee and the Legislative Commission a report setting forth:

(a) The total amount of money that the occupational licensing board has on hand, including, without limitation ~~[~~, cash, certificates~~]~~ **:**

(1) Cash;

(2) Certificates of deposit ~~[~~, bonds~~]~~ **;**

(3) Bonds; and ~~[~~any~~]~~

(4) Any other sources of income ~~[~~;~~]~~ **, including, without limitation, lease payments;**

(b) A statement of the fees, if any, that the occupational licensing board increased during the immediately preceding 6 months, including the amount of any such increase;

(c) A statement of the fees, if any, that the occupational licensing board collected during the immediately preceding 6 months;

(d) A summary of the money that the occupational licensing board spent during the immediately preceding 6 months, including, without limitation, money spent on programs, office expenses and legal expenses **,** and money spent to hire and pay the compensation of outside consultants;

(e) A statement of all fees, if any, that the occupational licensing board, in the immediately preceding 6 months, failed to collect or otherwise did not collect as the result of a forbearance, an exemption or another reason, to the extent that such information is available to the occupational licensing board; ~~[~~and~~]~~

(f) **A listing of any capital assets held by the occupational licensing board, including, without limitation, buildings and land;**

(g) A current schedule of all fees that the occupational licensing board charges, including a notation setting forth the date on which, and the amount by which, each such fee was most recently changed; and

(h) Such other information relating to the provisions of this section as may be requested by the Director of the Legislative Counsel Bureau.

2. Each report required to be filed pursuant to subsection 1 must be submitted on a form provided by the Director of the Legislative Counsel Bureau.

3. As used in this section, "occupational licensing board" means an agency, board or commission that regulates an occupation or profession pursuant to title 54 of NRS.

Sec. 4. This act becomes effective upon passage and approval.

Assemblywoman Bustamante Adams moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 63.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 173.

AN ACT relating to the Office of the Attorney General; revising provisions governing the duties of, and services provided by, the Attorney General; revising the conditions under which certain cooperative agreements between various public agencies may be reviewed by the Attorney General; authorizing the Attorney General to designate a city attorney or district attorney to prosecute certain false claims; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1 of this bill authorizes the Attorney General to appoint a special deputy to provide legal advice to a state agency, board or commission that has the authority to regulate an occupation or profession if the Attorney General determines that it would be impracticable or uneconomical or constitute a conflict of interest for the Attorney General or a deputy attorney general to provide that service.

Existing law authorizes a district attorney to request the personal presence of the Attorney General or the presence of a deputy attorney general or special investigator to provide assistance in the presentation of a criminal case, but limits the reimbursement for providing such assistance to traveling expenses. (NRS 228.130) **Section 2** of this bill, with respect to the provision of such assistance **,** ~~**[**: (1) allows the Attorney General to charge a county for all the actual and necessary expenses incurred in providing such assistance; and (2)**]**~~ allows the Attorney General to appoint a special prosecutor under certain circumstances **[**,**]** **and provides different mechanisms for approving the compensation of the special prosecutor depending upon the severity of the crimes.** Under existing law, the Attorney General is prohibited from receiving any fee for the performance of any duty required of him or her by law, but money may be paid to his or her office pursuant to law or an agreement with an agency of the State for the performance of any duty or service by his or her office. (NRS 228.150) **Section 3** of this bill eliminates ~~**[**that**]**~~ **the** prohibition ~~**[**and specifically authorizes**]**~~ **against** the Attorney General ~~**[**to charge a district attorney or city attorney for the cost of providing a legal opinion.**]**~~ **receiving a fee for the performance of a duty required of the Attorney General by law.**

Existing law authorizes certain public agencies to enter into cooperative agreements with other public agencies for purposes such as the performance of certain governmental functions, the sale, exchange or lease of real property and the consolidation of governmental services. (Chapter 277 of NRS) Under existing law, if a public agency intends to enter into such a cooperative agreement for which it is reasonably foreseeable that the agency will have to expend more than $25,000, the agreement must first be

submitted to the Attorney General for a determination of whether the agreement comports with state law. (NRS 277.140) **Section 4** of this bill provides that a public agency is not required to submit such an agreement to the Attorney General, but may do so, and also provides that the Attorney General may charge the public agency for the cost of determining whether the agreement comports with state law. **Section 4 also provides that the Attorney General is not allowed to charge for that cost unless the determination is made within 30 days after the date on which the Attorney General receives the agreement.**

Existing law requires the Attorney General to investigate alleged false claims made against an officer, employee or agent of the State, a political subdivision of the State or certain contractors, grantees or other recipients of money from the State. The Attorney General is also authorized to bring a civil action against a person liable for such a false claim, and 33 percent of any recovery under such an action must be paid into the State General Fund for use by the Attorney General in investigating and prosecuting false claims. (NRS 357.070, 357.200) **Section 7** of this bill authorizes a district attorney or city attorney to accept a designation from the Attorney General to investigate a false claim and bring a civil action against a person liable for the false claim. **Section 17** of this bill provides that, if a district attorney or city attorney acts as a designee of the Attorney General in a false claim action, the portion of any recovery that would otherwise be paid into the State General Fund for use by the Attorney General must instead be paid into the general fund of the political subdivision which employs the designee.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 228 of NRS is hereby amended by adding thereto a new section to read as follows:

1. If the Attorney General:

(a) Has been designated as the legal adviser for a regulatory body; and

(b) Determines at any time that it is impracticable or uneconomical or could constitute a conflict of interest for the Attorney General or a deputy attorney general to provide legal advice to the regulatory body,

➥ the Attorney General may appoint a special deputy to provide legal advice to the regulatory body.

2. Compensation for a special deputy appointed pursuant to subsection 1 must be:

(a) Fixed by the Attorney General, subject to the approval of the State Board of Examiners; and

(b) Paid by the regulatory body for which the special deputy is appointed to provide legal advice.

3. The provisions of this section do not alter, limit or otherwise affect the authority of the Attorney General to:

(a) Appoint a special deputy or special deputy attorney general for the purposes specified in NRS 228.090; or

(b) Employ special counsel for the purposes specified in NRS 41.03435.

4. As used in this section, "regulatory body" has the meaning ascribed to it in NRS 622.060.

Sec. 2. NRS 228.130 is hereby amended to read as follows:

228.130 1. In all criminal cases where, in the judgment of the district attorney, the personal presence of the Attorney General or the presence of a deputy ***attorney general*** or special investigator is required in cases mentioned in subsection 2, before making a request upon the Attorney General for such assistance the district attorney must first present his or her reasons for making the request to the board of county commissioners of his or her county and have the board adopt a resolution joining in the request to the Attorney General.

2. In all criminal cases where ~~[help]~~ ***assistance*** is requested from the Attorney General's Office, as ~~[mentioned]~~ ***described*** in subsection 1, in the presentation of criminal cases before a committing magistrate, grand jury, or district court , the ~~[:~~

~~*(a) The Attorney General may charge the district attorney the cost of providing such assistance. Any such costs must be charged in a manner that is substantially similar to the manner for charging state agencies for services, as set forth in NRS 228.113.*~~

~~*(b) The]*~~ board of county commissioners of the county making such request shall, upon the presentation to the board of a duly verified claim setting forth the expenses incurred, pay from the general funds of the county the actual and necessary traveling expenses of the Attorney General ~~[,]~~ or his or her deputy ***attorney general*** or his or her special investigator ~~[,]~~ from Carson City, Nevada, to the place where such proceedings are held and return therefrom, and also pay the amount of money actually expended by such person for board and lodging from the date such person leaves until the date he or she returns to Carson City.

3. This section ~~[shall]~~ ***must*** not be construed as directing or requiring the Attorney General to appear in any proceedings mentioned in subsection 2, but in acting upon any such request the Attorney General may exercise his or her discretion, and his or her judgment in such matters ~~[shall be]~~ ***is*** final.

4. If the Attorney General:

(a) Is requested, pursuant to subsection 1, to provide assistance to a district attorney in the presentation of a criminal case before a committing magistrate, grand jury or district court; and

(b) Determines at any time before trial that it is impracticable or uneconomical or could constitute a conflict of interest for the Attorney General or a deputy attorney general to provide such assistance,

➥ the Attorney General may , with the concurrence of the board of county commissioners and the district attorney, appoint a special prosecutor to present the criminal case.

5. ~~[Compensation]~~ Except as otherwise provided in subsection 6, compensation for a special prosecutor appointed pursuant to subsection 4 must be ~~[:~~

~~(a) Fixed]~~ fixed by the Attorney General, subject to the approval of the State Board of Examiners . ~~[; and~~

~~(b) Paid by]~~

6. For the prosecution of a category A or B felony, compensation and other terms and conditions must be agreed upon by the Attorney General and the district attorney of the county for which the special prosecutor is appointed to provide assistance.

Sec. 3. NRS 228.150 is hereby amended to read as follows:

228.150 1. When requested, the Attorney General shall give his or her opinion, in writing, upon any question of law, to the Governor, the Secretary of State, the State Controller, the State Treasurer, the Director of the Department of Corrections, to the head of any state department, agency, board or commission, to any district attorney and to any city attorney of any incorporated city within the State of Nevada, upon any question of law relating to their respective offices, departments, agencies, boards or commissions.

2. Nothing contained in subsection 1 requires the Attorney General to give his or her written opinion to any city attorney concerning questions relating to the interpretation or construction of city ordinances.

3. ~~[The Attorney General is not entitled to receive any fee for the performance of any duty required of him or her by law, but money]~~ ***Money*** may be paid to ~~[his or her office or]~~ ***the Office of the Attorney General*** pursuant to law **,** or ***pursuant to*** an agreement with an agency of the State **,** for the performance of any duty or service ***provided*** by his or her office.

~~*[4. The Attorney General may charge a district attorney or city attorney the cost of providing a written opinion pursuant to this section. Any such costs must be charged in a manner that is substantially similar to the manner for charging state agencies for services, as set forth in NRS 228.113.]*~~

Sec. 4. NRS 277.140 is hereby amended to read as follows:

277.140 ~~[As conditions precedent to the entry into force of any]~~

1. Any agreement made pursuant to NRS 277.080 to 277.170, inclusive, for which it is reasonably foreseeable that a public agency will be required to expend more than $25,000:

~~[1. The agreement must]~~

(a) May be submitted to the Attorney General, who shall determine whether it is in proper form and compatible with the laws of this State. The Attorney General shall set forth in detail, in writing, addressed to the governing bodies of the public agencies concerned, any specific respects in which he or she finds that the proposed agreement fails to comply with the requirements of law. Any failure by the Attorney General to disapprove an agreement submitted under the provisions of this section within 30 days after its submission shall be deemed to constitute his or her approval.

~~[2. The agreement must]~~

(b) Must be recorded with the county recorder of each county in which a participating political subdivision of this State is located and filed with the Secretary of State.

2. The Attorney General may charge the cost of performing any determination made pursuant to subsection 1 to the public agency that submits the agreement to the Attorney General for review ~~[.]~~ ***, but only if the determination is made within 30 days after the date on which the Attorney General receives the agreement. Any such costs must be charged in a manner that is substantially similar to the manner for charging state agencies for services, as set forth in NRS 228.113.***

Sec. 5. NRS 277.150 is hereby amended to read as follows:

277.150 In the event that an agreement made pursuant to NRS 277.080 to 277.170, inclusive, deals in whole or in part with the provision of services of facilities over which an officer or agency of this State has constitutional or statutory powers of control, the agreement ~~[shall,]~~ ***must,*** as a condition precedent to its entry into force, be submitted to the state officer or agency having such power of control for approval or disapproval as to all matters within the jurisdiction of the state officer or agency in the same manner and subject to the same requirements as govern the action of the Attorney General under NRS 277.140. This requirement of submission and approval is in addition to and not in substitution for the ~~[requirement of]~~ ***authority for*** submission and approval by the Attorney General.

Sec. 6. NRS 357.050 is hereby amended to read as follows:

357.050 In a civil action pursuant to this chapter, the court may give judgment for not less than twice or more than three times the amount of damages sustained, and no civil penalty, if it finds that:

1. The person against whom the judgment is entered:

(a) Furnished all information known to the person concerning the act, within 30 days after becoming aware of the information, to the Attorney General ~~[,]~~ ***or a designee of the Attorney General pursuant to NRS 357.070;*** and

(b) Fully cooperated with any investigation of the act by the State or political subdivision; and

2. At the time the information was furnished, no criminal prosecution or civil or administrative proceeding had commenced with respect to the act and the person had no knowledge of the existence of any investigation with respect to the act.

Sec. 7. NRS 357.070 is hereby amended to read as follows:

357.070 ~~[The]~~

1. Except as otherwise provided in subsection 2, the Attorney General shall investigate any alleged liability pursuant to this chapter and may bring a civil action pursuant to this chapter against the person liable.

2. A district attorney or city attorney may accept a designation from the Attorney General to investigate any alleged liability pursuant to this

chapter and may bring a civil action pursuant to this chapter against the person liable.

Sec. 8. NRS 357.080 is hereby amended to read as follows:

357.080 1. Except as otherwise provided in this section and NRS 357.090 and 357.100, a private plaintiff may maintain an action pursuant to this chapter on his or her own account and that of the State if money, property or services provided by the State are involved, or on his or her own account and that of a political subdivision if money, property or services provided by the political subdivision are involved, or on his or her own account and that of both the State and a political subdivision if both are involved. After such an action is commenced, it may be dismissed only with leave of the court, taking into account the public purposes of this chapter and the best interests of the parties.

2. If a private plaintiff brings an action pursuant to this chapter, no other person may bring another action pursuant to this chapter based on the same facts.

3. An action may not be maintained by a private plaintiff pursuant to this chapter:

(a) Against a member of the Legislature or the Judiciary, an elected officer of the Executive Department of the State Government, or a member of the governing body of a political subdivision, if the action is based upon evidence or information known to the State or political subdivision at the time the action was brought.

(b) If the action is based upon allegations or transactions that are the subject of a civil action or an administrative proceeding for a monetary penalty to which the State or political subdivision is already a party.

4. A complaint filed pursuant to this section must be placed under seal and so remain for at least 60 days or until the Attorney General ***or a designee of the Attorney General pursuant to NRS 357.070*** has elected whether to intervene. No service may be made upon the defendant until the complaint is unsealed.

5. On the date the private plaintiff files a complaint, he or she shall send a copy of the complaint to the Attorney General by mail with return receipt requested. The private plaintiff shall send with each copy of the complaint a written disclosure of substantially all material evidence and information he or she possesses. ***If a district attorney or city attorney has accepted a designation from the Attorney General pursuant to NRS 357.070, the Attorney General shall forward a copy of the complaint to the district attorney or city attorney, as applicable.***

6. An action pursuant to this chapter may be brought in any judicial district in this State in which the defendant can be found, resides, transacts business or in which any of the alleged fraudulent activities occurred.

Sec. 9. NRS 357.100 is hereby amended to read as follows:

357.100 1. No action may be maintained pursuant to this chapter that is based upon the public disclosure of allegations or transactions in a criminal,

civil or administrative hearing, in an investigation, report, hearing or audit conducted by or at the request of a house of the Legislature, an auditor or the governing body of a political subdivision, or from the news media, unless the action is brought by the Attorney General ***, a designee of the Attorney General pursuant to NRS 357.070*** or an original source of the information.

2. As used in this section, "original source" means a person:

(a) Who has direct and independent knowledge of the information on which the allegations were based;

(b) Who voluntarily provided the information to the State or political subdivision before bringing an action based on the information; and

(c) Whose information provided the basis or caused the making of the investigation, hearing, audit or report that led to the public disclosure.

Sec. 10. NRS 357.110 is hereby amended to read as follows:

357.110 1. Within 60 days after receiving a complaint and disclosure, the Attorney General ***or a designee of the Attorney General pursuant to NRS 357.070*** may intervene and proceed with the action or, for good cause shown, move the court to extend the time for his or her election whether to proceed. The motion may be supported by affidavits or other submissions in chambers.

2. If the Attorney General ***or the Attorney General's designee*** elects to intervene, the complaint must be unsealed. If the Attorney General ***or the Attorney General's designee*** elects not to intervene, the private plaintiff may proceed and the complaint must be unsealed.

Sec. 11. NRS 357.120 is hereby amended to read as follows:

357.120 1. If the Attorney General ***or a designee of the Attorney General pursuant to NRS 357.070*** intervenes, the private plaintiff remains a party to an action pursuant to NRS 357.080.

2. The Attorney General ***or the Attorney General's designee*** may move to dismiss the action for good cause. The private plaintiff must be notified of the filing of the motion and is entitled to oppose it and present evidence at the hearing.

3. Except as otherwise provided in this subsection, the Attorney General ***or the Attorney General's designee*** may settle the action. If the Attorney General ***or the Attorney General's designee*** intends to settle the action, the Attorney General ***or the Attorney General's designee*** shall notify the private plaintiff of that fact. Upon the request of the private plaintiff, the court shall determine whether settlement of the action is consistent with the public purposes of this chapter and shall not approve the settlement of the action unless it determines that such settlement is consistent with the public purposes of this chapter.

Sec. 12. NRS 357.130 is hereby amended to read as follows:

357.130 1. If the Attorney General ***or a designee of the Attorney General pursuant to NRS 357.070*** elects not to intervene in an action pursuant to NRS 357.080, the private plaintiff has the same rights in conducting the action as the Attorney General ***or the Attorney General's***

designee would have had. A copy of each pleading or other paper filed in the action, and a copy of the transcript of each deposition taken, must be mailed to the Attorney General ***or the Attorney General's designee*** if the Attorney General ***or the Attorney General's designee*** so requests and pays the cost thereof.

2. Upon timely application, the Attorney General ***or the Attorney General's designee*** may intervene in an action in which he or she has previously declined to intervene, if the interest of the State or a political subdivision in recovery of the money or property involved is not being adequately represented by the private plaintiff.

3. If the Attorney General ***or the Attorney General's designee*** so intervenes, the private plaintiff retains primary responsibility for conducting the action and any recovery must be apportioned as if the Attorney General ***or the Attorney General's designee*** had not intervened.

Sec. 13. NRS 357.150 is hereby amended to read as follows:

357.150 1. The court may stay discovery by a private plaintiff for not more than 60 days if the Attorney General ***or a designee of the Attorney General pursuant to NRS 357.070*** shows that the proposed discovery would interfere with the investigation or prosecution of a civil or criminal matter arising out of the same facts, whether or not the Attorney General ***or the Attorney General's designee*** participates in the action.

2. The court may extend the stay upon a further showing that the Attorney General ***or the Attorney General's designee*** has pursued the civil or criminal investigation or proceeding with reasonable diligence and the proposed discovery would interfere with its continuation. Discovery may not be stayed for a total of more than 6 months over the objection of the private plaintiff, except for good cause shown by the Attorney General ~~[.]~~ ***or the Attorney General's designee.***

3. A showing made pursuant to this section must be made in chambers.

Sec. 14. NRS 357.160 is hereby amended to read as follows:

357.160 Upon a showing by the Attorney General ***or a designee of the Attorney General pursuant to NRS 357.070*** that unrestricted participation by a private plaintiff would interfere with or unduly delay the conduct of an action, or would be repetitious, irrelevant or solely for harassment, the court may limit the participation of the private plaintiff by, among other measures, limiting:

1. The number of witnesses he or she may call;
2. The length of the testimony of the witnesses; or
3. His or her cross-examination of witnesses.

Sec. 15. NRS 357.170 is hereby amended to read as follows:

357.170 1. An action pursuant to this chapter may not be commenced more than 3 years after the date on which the Attorney General ***or a designee of the Attorney General pursuant to NRS 357.070*** discovers, or reasonably should have discovered, the fraudulent activity or more than 6 years after the fraudulent activity occurred, but in no event more than 10 years after the

fraudulent activity occurred. Within those limits, an action may be based upon fraudulent activity that occurred before July 1, 2007.

2. In an action pursuant to this chapter, the standard of proof is a preponderance of the evidence. A finding of guilty or guilty but mentally ill in a criminal proceeding charging false statement or fraud, whether upon a verdict of guilty or guilty but mentally ill or a plea of guilty, guilty but mentally ill or nolo contendere, estops the person found guilty or guilty but mentally ill from denying an essential element of that offense in an action pursuant to this chapter based upon the same transaction as the criminal proceeding.

Sec. 16. NRS 357.180 is hereby amended to read as follows:

357.180 1. If the Attorney General ***, a designee of the Attorney General pursuant to NRS 357.070*** or a private plaintiff prevails in or settles an action pursuant to NRS 357.080, the private plaintiff is entitled to a reasonable amount for expenses that the court finds were necessarily incurred, including reasonable costs, attorney's fees and the fees of expert consultants and expert witnesses. Those expenses must be awarded against the defendant, and may not be allowed against the State or a political subdivision.

2. If the defendant prevails in the action, the court may award the defendant reasonable expenses and attorney's fees against the party or parties who participated in the action if it finds that the action was clearly frivolous or vexatious or brought solely for harassment.

Sec. 17. NRS 357.200 is hereby amended to read as follows:

357.200 ***1.*** If the Attorney General initiates an action pursuant to this chapter, 33 percent of any recovery must be paid into the State General Fund to the credit of a special account, for use by the Attorney General as appropriated or authorized by the Legislature in the investigation and prosecution of false claims.

2. If a designee of the Attorney General pursuant to NRS 357.070 initiates an action pursuant to this chapter, 33 percent of any recovery must be paid into the general fund of the political subdivision that employs the Attorney General's designee.

Sec. 18. NRS 357.210 is hereby amended to read as follows:

357.210 1. If the Attorney General ***or a designee of the Attorney General pursuant to NRS 357.070*** intervenes at the outset in an action pursuant to NRS 357.080, the private plaintiff is entitled, except as otherwise provided in NRS 357.220, to receive not less than 15 percent or more than 33 percent of any recovery, according to the extent of his or her contribution to the conduct of the action.

2. If the Attorney General ***or the Attorney General's designee*** does not intervene in the action at the outset, the private plaintiff is entitled, except as otherwise provided in NRS 357.220, to receive not less than 25 percent or more than 50 percent of any recovery, as the court determines to be reasonable.

Sec. 19. NRS 357.220 is hereby amended to read as follows:

357.220 1. If the action is one described in NRS 357.090, the present or former employee of the State or political subdivision is not entitled to any minimum percentage of any recovery, but the court may award him or her no more than 33 percent of the recovery if the Attorney General ***or a designee of the Attorney General pursuant to NRS 357.070*** intervenes in the action at the outset, or no more than 50 percent if the Attorney General ***or the Attorney General's designee*** does not intervene, according to the significance of his or her information, the extent of his or her contribution to the conduct of the action and the response to his or her efforts to report the false claim and gain recovery through other official channels.

2. If the private plaintiff is a present or former employee of the State or a political subdivision and benefited financially from the fraudulent activity, he or she is not entitled to any minimum percentage of any recovery, but the court may award the private plaintiff no more than 33 percent of the recovery if the Attorney General ***or the Attorney General's designee*** intervenes in the action at the outset, or no more than 50 percent if the Attorney General ***or the Attorney General's designee*** does not intervene, according to the significance of his or her information, the extent of his or her contribution to the conduct of the action, the extent of his or her involvement in the fraudulent activity, his or her attempts to avoid or resist the activity and the other circumstances of the activity.

Sec. 20. This act becomes effective on July 1, 2011.

Assemblywoman Bustamante Adams moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 76.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 139.

SUMMARY— ~~[Makes various changes concerning]~~ **Revises provisions concerning reinstatement of insurance under** the Public Employees' Benefits Program. (BDR 23-497)

AN ACT relating to the Public Employees' Benefits Program; revising provisions concerning reinstatement of insurance under the Program; ~~[authorizing the Board of the Program and certain advisory committees to meet in closed session under certain circumstances;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, a retired public officer or employee of the State or a local government, or his or her surviving spouse, who has cancelled insurance provided under the Public Employees' Benefits Program is

authorized to reinstate such insurance, other than life insurance, during the so-called late enrollment period, which occurs in each even-numbered year. (NRS 287.0205, 287.0475) **Sections 1 and 3** of this bill eliminate the right of biennial reinstatement for insurance provided under the Program. However, **section 3**, with certain exceptions, authorizes a retired public officer or employee of the State or a participating local government, or his or her surviving spouse, to reinstate insurance if the retired public officer or employee ~~[had]~~ **did not have** more than one period during which he or she was **not** covered under the Program on or after October 1, 2011 ~~.]~~ **, or on or after the date of his or her retirement, whichever is later.** **Section 3** also prohibits a public officer or employee who retired from a local governmental agency, or his or her surviving spouse, from reinstating health insurance under the Program if the Board of the Program has adopted regulations that exclude such persons from participation in the Program because they are eligible for health coverage from a health and welfare plan or trust that arose out of certain collective bargaining agreements or under certain federal laws.

~~[The Open Meeting Law requires all meetings of public bodies to be open and public unless otherwise provided by a specific statute. (NRS 241.020) However, a public body is authorized to hold a closed meeting, in relevant part, to consider the professional competence of a person, except in certain specified circumstances. (NRS 241.030) One such circumstance when a closed meeting is prohibited is if the person serves at the pleasure of a public body as a chief executive or administrative officer. (NRS 241.031) The Executive Officer of the Program is the chief administrative officer of the Program and serves at the pleasure of the Board. (NRS 287.0424) Section 2 of this bill provides an exception to the requirements of the Open Meeting Law to authorize the Board to conduct an annual review of the performance of the Executive Officer in closed session.~~

~~The Attorney General, who is charged with interpreting and enforcing the Open Meeting Law, has interpreted the Open Meeting Law to prohibit the use of a closed session to narrow down candidates for employment with a public body or to begin the selection process. (Nevada Open Meeting Law Manual § 9.04 (10th ed. 2005)) Section 2 creates an exception to this interpretation by authorizing any advisory committee appointed by the Board to recommend candidates for the position of Executive Officer to meet in closed session to deliberate on and select the final candidates for consideration by the Board.~~~~]~~

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 287.0205 is hereby amended to read as follows:

287.0205 1. A public officer or employee of any county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada who has retired pursuant to NRS 1A.350 or 1A.480, or 286.510 or 286.620, or is enrolled in

a retirement program provided pursuant to NRS 286.802, or the surviving spouse of such a retired public officer or employee who is deceased, may, ***except as otherwise provided in NRS 287.0475,*** in any even-numbered year, reinstate any insurance, except life insurance, that, at the time of reinstatement, is provided by the last public employer of the retired public officer or employee to the active officers and employees and their dependents of that public employer:

(a) Pursuant to NRS 287.010, 287.015, 287.020 or paragraph (b), (c) or (d) of subsection 1 of NRS 287.025; or

(b) Under the Public Employees' Benefits Program, if the last public employer of the retired officer or employee participates in the Public Employees' Benefits Program pursuant to paragraph (a) of subsection 1 of NRS 287.025.

2. Reinstatement pursuant to paragraph (a) of subsection 1 must be requested by:

(a) Giving written notice of the intent of the public officer or employee or surviving spouse to reinstate the insurance to the last public employer of the public officer or employee not later than January 31 of an even-numbered year;

(b) Accepting the public employer's current program or plan of insurance and any subsequent changes thereto; and

(c) Except as otherwise provided in subparagraph (2) of paragraph (b) of subsection 4 of NRS 287.023, paying any portion of the premiums or contributions of the public employer's program or plan of insurance, in the manner set forth in NRS 1A.470 or 286.615, which is due from the date of reinstatement and not paid by the public employer.

➥ The last public employer shall give the insurer notice of the reinstatement not later than March 31 of the year in which the public officer or employee or surviving spouse gives notice of the intent to reinstate the insurance.

3. Reinstatement pursuant to paragraph (b) of subsection 1 must be requested pursuant to NRS 287.0475.

4. Reinstatement of insurance pursuant to subsection 1 excludes claims for expenses for any condition for which medical advice, treatment or consultation was rendered within 12 months before reinstatement unless the reinstated insurance has been in effect more than 12 consecutive months.

5. The last public employer of a retired officer or employee who reinstates insurance, except life insurance, which was provided to the retired officer or employee and the retired officer's or employee's dependents at the time of retirement pursuant to NRS 287.010, 287.015, 287.020 or paragraph (b), (c) or (d) of subsection 1 of NRS 287.025 shall, for the purpose of establishing actuarial data to determine rates and coverage for such persons, commingle the claims experience of such persons with the claims experience of active and retired officers and employees and their dependents who participate in that group insurance, plan of benefits or medical and hospital service.

Sec. 2. ~~[NRS 287.0415 is hereby amended to read as follows:~~

~~287.0415 1. A majority of the members of the Board constitutes a quorum for the transaction of business.~~

~~2. The Governor shall designate one of the members of the Board to serve as the Chair.~~

~~3. The Board shall meet at least once every calendar quarter and at other times upon the call of the Chair.~~

~~4. The Board may meet in closed session:~~

~~(a) To discuss matters relating to personnel;~~

~~(b) With investment counsel to plan future investments or establish investment objectives and policies;~~

~~(c) With legal counsel to receive advice upon claims or suits by or against the Program;~~

~~(d) To prepare a request for a proposal or other solicitation for bids to be released by the Board for competitive bidding;~~ ~~[or]~~

~~(e) *To conduct an annual review of the performance of the Executive Officer; or*~~

~~*(f)* As otherwise provided pursuant to chapter 241 of NRS.~~

~~5. Except as otherwise provided in this subsection, if the Board causes a meeting to be transcribed by a court reporter who is certified pursuant to chapter 656 of NRS, the Board shall post a transcript of the meeting on its Internet website not later than 30 days after the meeting. The Board shall post a transcript of a closed session of the Board on its Internet website when the Board determines that the matters discussed no longer require confidentiality and, if applicable, the person whose character, conduct, competence or health was discussed in the closed session has consented to the posting.~~

~~6. The Board may appoint such advisory committees as it deems necessary to assist the Board in carrying out its duties pursuant to NRS 287.0402 to 287.049, inclusive.~~ ~~*If the Board appoints an advisory committee to evaluate applicants for the position of Executive Officer and recommend finalists to the Board, the advisory committee may meet in closed session to deliberate on and select the finalists.*~~

~~7. As used in this section, "request for a proposal" has the meaning ascribed to it in subsection 8 of NRS 333.020.~~~~]~~ **(Deleted by amendment.)**

Sec. 3. NRS 287.0475 is hereby amended to read as follows:

287.0475 1. ~~[A]~~ ***Except as otherwise provided in subsection 4, a*** retired public officer or employee or the surviving spouse of a retired public officer or employee who is deceased may ~~[, in any even-numbered year,]~~ reinstate any insurance under the Program, except life insurance, that, at the time of reinstatement, is provided by the Program if the retired public officer or employee ***:*** ~~[retired:]~~

(a) ***Retired:***

(1) Pursuant to NRS 1A.350 or 1A.480, or 286.510 or 286.620, from a participating state agency or was enrolled in a retirement program provided pursuant to NRS 286.802; or

~~[(b)]~~ ***(2)*** Pursuant to NRS 1A.350 or 1A.480, or 286.510 or 286.620, from employment with a county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State which is a participating local governmental agency at the time of the request for reinstatement ~~[.]~~ ***; and***

(b) Did not have more than one period during which the retired public officer or employee was not covered by insurance under the Program on or after October 1, 2011 ~~*[.]*~~ ***, or on or after the date of retirement of the public officer or employee, whichever is later.***

2. Reinstatement pursuant to subsection 1 must be requested by:

(a) Giving written notice to the Program of the intent of the public officer or employee or surviving spouse to reinstate the insurance not later than ~~[March 15 of an even numbered]~~ ***31 days before the commencement of the plan*** year;

(b) Accepting the Program's current plan of insurance and any subsequent changes thereto; and

(c) Except as otherwise provided in NRS 287.046, paying any portion of the premiums or contributions for coverage under the Program, in the manner set forth in NRS 1A.470 or 286.615, which are due from the date of reinstatement and not paid by the public employer.

3. Reinstatement of insurance excludes claims for expenses for any condition for which medical advice, treatment or consultation was rendered within 12 months before reinstatement unless the reinstated insurance has been in effect more than 12 consecutive months.

4. If a retired public officer or employee retired pursuant to NRS 1A.350 or 1A.480, or 286.510 or 286.620, from employment with a county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency, the retired public officer or employee, or the surviving spouse of such a retired public officer or employee who is deceased, may not reinstate health insurance pursuant to subsection 1 if he or she is excluded from participation in the Program pursuant to sub-subparagraph (III) of subparagraph (2) of paragraph (h) of subsection 2 of NRS 287.043.

Sec. 4. ~~[NRS 241.030 is hereby amended to read as follows:~~

~~241.030 1. Except as otherwise provided in this section and NRS 241.031 ,~~ **[**~~and~~**]** ~~241.033~~ **[,]** ~~*and 287.0415,* a public body may hold a closed meeting to:~~

~~(a) Consider the character, alleged misconduct, professional competence, or physical or mental health of a person.~~

~~(b) Prepare, revise, administer or grade examinations that are conducted by or on behalf of the public body.~~

~~(c) Consider an appeal by a person of the results of an examination that was conducted by or on behalf of the public body, except that any action on the appeal must be taken in an open meeting and the identity of the appellant must remain confidential.~~

~~2. A person whose character, alleged misconduct, professional competence, or physical or mental health will be considered by a public body during a meeting may waive the closure of the meeting and request that the meeting or relevant portion thereof be open to the public. A request described in this subsection:~~

~~(a) May be made at any time before or during the meeting; and~~

~~(b) Must be honored by the public body unless the consideration of the character, alleged misconduct, professional competence, or physical or mental health of the requester involves the appearance before the public body of another person who does not desire that the meeting or relevant portion thereof be open to the public.~~

~~3. A public body may close a meeting pursuant to subsection 1 upon a motion which specifies:~~

~~(a) The nature of the business to be considered; and~~

~~(b) The statutory authority pursuant to which the public body is authorized to close the meeting.~~

~~4. This chapter does not:~~

~~(a) Apply to judicial proceedings.~~

~~(b) Prevent the removal of any person who willfully disrupts a meeting to the extent that its orderly conduct is made impractical.~~

~~(c) Prevent the exclusion of witnesses from a public or private meeting during the examination of another witness.~~

~~(d) Require that any meeting be closed to the public.~~

~~(e) Permit a closed meeting for the discussion of the appointment of any person to public office or as a member of a public body.~~

~~5. The exceptions provided by this section, and electronic communication, must not be used to circumvent the spirit or letter of this chapter to act, outside of an open and public meeting, upon a matter over which the public body has supervision, control, jurisdiction or advisory powers.~~**] (Deleted by amendment.)**

Sec. 5. **[**~~NRS 241.031 is hereby amended to read as follows:~~

~~241.031 1. Except as otherwise provided in subsection 2~~ **[,]** ~~*and NRS 287.0415,* a public body shall not hold a closed meeting to consider the character, alleged misconduct or professional competence of:~~

~~(a) An elected member of a public body; or~~

~~(b) A person who is an appointed public officer or who serves at the pleasure of a public body as a chief executive or administrative officer or in a comparable position, including, without limitation, a president of a university, state college or community college within the Nevada System of Higher Education, a superintendent of a county school district, a county manager and a city manager.~~

~~2. The prohibition set forth in subsection 1 does not apply if the consideration of the character, alleged misconduct or professional competence of the person does not pertain to his or her role as an elected member of a public body or an appointed public officer or other officer~~

~~described in paragraph (b) of subsection 1, as applicable.]~~ **(Deleted by amendment.)**

Assemblywoman Bustamante Adams moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 80.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 248.

AN ACT relating to the Public Employees' Benefits Program; making various changes relating to the Program; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the Board of the Public Employees' Benefits Program is required to submit various reports concerning the administration and operation of the Program. (NRS 287.043, 287.04366) **Sections 3, 8 and 14** of this bill make the Executive Officer of the Program, rather than the Board, responsible for submitting such reports.

Under existing law, if a retired public officer or employee of the State or a local governmental agency, or the surviving spouse of such a retired officer or employee, who was formerly covered by health insurance provided under the Program, or under a plan offered by the local governmental employer, reinstates such insurance, the reinstated insurance excludes coverage for certain preexisting conditions during the first 12 months after such reinstatement. (NRS 287.0205, 287.0475) **Sections ~~[4]~~ 4.5 and 12** of this bill eliminate the exclusion for certain preexisting conditions as called for in the Patient Protection and Affordable Care Act. (Pub. L. No. 111-148, 124 Stat. 119) **Section 12** also prohibits a public officer or employee who retired from a local governmental agency, or his or her surviving spouse ~~[,]~~ **or domestic partner,** from reinstating health insurance under the Program if the Board has adopted regulations that exclude such persons from participation in the Program because they are eligible for health coverage from a health and welfare plan or trust that arose out of certain collective bargaining agreements or under certain federal laws.

Under existing law, a state agency is required to pay to the Program a certain amount to pay a portion of the cost of coverage under the Program for each state officer or employee of that state agency who participates in the Program. State officers and employees are required to pay the remaining portion of the costs of their coverage as well as the full amount of covering their dependents under the Program. The Board is authorized to allocate the money paid by the state agency between the costs of coverage for such

officers and employees and for their dependents. (NRS 287.044) **Section 9** of this bill clarifies the manner in which the Board may perform the allocation.

Existing law provides for the payment of a subsidy to cover a portion of the costs of coverage under the Program for certain retired state officers and employees. (NRS 287.046) **Section 10** of this bill clarifies that employees who are initially hired by the State on or after January 1, 2010, are not entitled to the subsidy for coverage under the Program if they retire with less than 15 years of service, **which must include state service and may include local governmental service,** with the exception of disabled retirees, or if they fail to maintain continuous coverage under the Program during retirement. **Section 6** of this bill clarifies the application of this provision to persons who retire from employment with local governmental agencies.

Existing law provides that if a state officer or employee or a dependent of a state officer or employee incurs medical costs that are payable under the Program, but for which a third person has the legal liability to pay, the Board is subrogated to the rights of the officer, employee or dependent and may commence, join or intervene in any legal action against the third person to enforce that legal liability. (NRS 287.0465) **Section 11** of this bill extends this provision to apply to any person who participates in the Program, including retired, as well as active, officers and employees of the State and their dependents and to active and retired officers and employees of local governments and their dependents who are covered under the Program.

Existing law provides that the surviving spouse and any surviving child of a police officer or firefighter who was killed in the line of duty are eligible to obtain or continue coverage under the Program or a benefits plan established by his or her local governmental employer under certain circumstances. The public employer of the police officer or firefighter, or the State of Nevada in the case of a volunteer firefighter, is required to pay the entire cost of the coverage for the surviving spouse for life and the entire cost of the coverage for any surviving child at least until the child reaches 18 years of age and until the child reaches 23 years of age so long as the child is a full-time student. (NRS 287.0477) **Sections 5 and 13** of this bill provide that neither the public employer nor the State is required to pay the cost of the coverage for the surviving domestic partner of such a police officer or firefighter.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 287 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. ***"Domestic partner" has the meaning ascribed to it NRS 122A.030.***

Sec. 3. ***1. The Executive Officer shall, submit a report regarding the administration and operation of the Program to the Board of the Public Employees' Benefits Program, Director of the Department of Administration, and to the Director of the Legislative Counsel Bureau for***

transmittal to the appropriate committees of the Legislature or, if the Legislature is not in regular session, to the Legislative Commission and the Interim Retirement and Benefits Committee of the Legislature created by NRS 218E.420. The report must include, without limitation:

(a) An audited financial statement of the Program Fund for the immediately preceding ~~[plan]~~ fiscal year. The statement must be prepared by an independent certified public accountant.

(b) An audited financial statement of the Retirees' Fund for the immediately preceding ~~[plan]~~ fiscal year. The statement must be prepared by an independent certified public accountant.

(c) A report of the utilization of the Program by participants during the immediately preceding plan year ~~[.]~~ , segregated by benefit, administrative cost, active employees and retirees, including, without limitation, an assessment of the actuarial accuracy of reserves.

(d) Material provided generally to participants or prospective participants in connection with enrollment in the Program for the current plan year, including, without limitation:

(1) Information regarding rates and the costs for participation in the Program paid by participants on a monthly basis; and

(2) A summary of the changes in the plan design for the current plan year from the plan design for the immediately preceding plan year.

2. The Executive Officer shall submit a biennial report to the Board of the Public Employees' Benefits Program, Director of the Department of Administration, and to the Director of the Legislative Counsel Bureau for transmittal to the appropriate committee or committees of the Legislature. The report must include, without limitation:

(a) An independent biennial certified actuarial valuation and report of the State's health and welfare benefits for current and future state retirees, which are provided for the purpose of developing the annual required contribution pursuant to the statements issued by the Governmental Accounting Standards Board.

(b) A biennial review of the Program to determine whether the Program complies with federal and state laws relating to taxes and employee benefits. The review must be conducted by an attorney who specializes in employee benefits.

Sec. 4. NRS 287.0205 is hereby amended to read as follows:

287.0205 1. A public officer or employee of any county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada who has retired pursuant to NRS 1A.350 or 1A.480, or 286.510 or 286.620, or is enrolled in a retirement program provided pursuant to NRS 286.802, or the surviving spouse of such a retired public officer or employee who is deceased, may, in any even-numbered year, reinstate any insurance, except life insurance, that, at the time of reinstatement, is provided by the last public employer of the

retired public officer or employee to the active officers and employees and their dependents of that public employer:

(a) Pursuant to NRS 287.010, 287.015, 287.020 or paragraph (b), (c) or (d) of subsection 1 of NRS 287.025; or

(b) Under the Public Employees' Benefits Program, if the last public employer of the retired officer or employee participates in the Public Employees' Benefits Program pursuant to paragraph (a) of subsection 1 of NRS 287.025.

2. Reinstatement pursuant to paragraph (a) of subsection 1 must be requested by:

(a) Giving written notice of the intent of the public officer or employee or surviving spouse to reinstate the insurance to the last public employer of the public officer or employee not later than January 31 of an even-numbered year;

(b) Accepting the public employer's current program or plan of insurance and any subsequent changes thereto; and

(c) Except as otherwise provided in ~~[subparagraph (2) of]~~ paragraph (b) of subsection 4 of NRS 287.023, paying any portion of the premiums or contributions of the public employer's program or plan of insurance, in the manner set forth in NRS 1A.470 or 286.615, which is due from the date of reinstatement and not paid by the public employer.

➥ The last public employer shall give the insurer notice of the reinstatement not later than March 31 of the year in which the public officer or employee or surviving spouse gives notice of the intent to reinstate the insurance.

3. Reinstatement pursuant to paragraph (b) of subsection 1 must be requested pursuant to NRS 287.0475.

4. ~~[Reinstatement]~~ ***If a plan is considered grandfathered under the Patient Protection and Affordable Care Act, Public Law 111-148, reinstatement*** of insurance pursuant to subsection 1 ~~[excludes]~~ ***may exclude*** claims for expenses for any condition for which medical advice, treatment or consultation was rendered within 12 months before reinstatement unless the reinstated insurance has been in effect more than 12 consecutive months.

5. The last public employer of a retired officer or employee who reinstates insurance, except life insurance, which was provided to the retired officer or employee and the retired officer's or employee's dependents at the time of retirement pursuant to NRS 287.010, 287.015, 287.020 or paragraph (b), (c) or (d) of subsection 1 of NRS 287.025 shall, for the purpose of establishing actuarial data to determine rates and coverage for such persons, commingle the claims experience of such persons with the claims experience of active and retired officers and employees and their dependents who participate in that group insurance, plan of benefits or medical and hospital service.

Sec. 4.5. **NRS 287.0205 is hereby amended to read as follows:**

287.0205 1. A public officer or employee of any county, school district, municipal corporation, political subdivision, public corporation or

other local governmental agency of the State of Nevada who has retired pursuant to NRS 1A.350 or 1A.480, or 286.510 or 286.620, or is enrolled in a retirement program provided pursuant to NRS 286.802, or the surviving spouse of such a retired public officer or employee who is deceased, may, in any even-numbered year, reinstate any insurance, except life insurance, that, at the time of reinstatement, is provided by the last public employer of the retired public officer or employee to the active officers and employees and their dependents of that public employer:

(a) Pursuant to NRS 287.010, 287.015, 287.020 or paragraph (b), (c) or (d) of subsection 1 of NRS 287.025; or

(b) Under the Public Employees' Benefits Program, if the last public employer of the retired officer or employee participates in the Public Employees' Benefits Program pursuant to paragraph (a) of subsection 1 of NRS 287.025.

2. Reinstatement pursuant to paragraph (a) of subsection 1 must be requested by:

(a) Giving written notice of the intent of the public officer or employee or surviving spouse to reinstate the insurance to the last public employer of the public officer or employee not later than January 31 of an even-numbered year;

(b) Accepting the public employer's current program or plan of insurance and any subsequent changes thereto; and

(c) Except as otherwise provided in paragraph (b) of subsection 4 of NRS 287.023, paying any portion of the premiums or contributions of the public employer's program or plan of insurance, in the manner set forth in NRS 1A.470 or 286.615, which is due from the date of reinstatement and not paid by the public employer.

➥ The last public employer shall give the insurer notice of the reinstatement not later than March 31 of the year in which the public officer or employee or surviving spouse gives notice of the intent to reinstate the insurance.

3. Reinstatement pursuant to paragraph (b) of subsection 1 must be requested pursuant to NRS 287.0475.

4. ~~[If a plan is considered grandfathered under the Patient Protection and Affordable Care Act, Public Law 111-148, reinstatement of insurance pursuant to subsection 1 may exclude claims for expenses for any condition for which medical advice, treatment or consultation was rendered within 12 months before reinstatement unless the reinstated insurance has been in effect more than 12 consecutive months.~~

~~5.]~~ The last public employer of a retired officer or employee who reinstates insurance, except life insurance, which was provided to the retired officer or employee and the retired officer's or employee's dependents at the time of retirement pursuant to NRS 287.010, 287.015, 287.020 or paragraph (b), (c) or (d) of subsection 1 of NRS 287.025 shall, for the purpose of establishing actuarial data to determine rates and coverage for such persons, commingle the claims experience of such persons with the claims experience

of active and retired officers and employees and their dependents who participate in that group insurance, plan of benefits or medical and hospital service.

Sec. 5. NRS 287.021 is hereby amended to read as follows:

287.021 1. Except as otherwise provided in subsection 3, the surviving spouse ***, surviving domestic partner*** and any surviving child of a police officer or firefighter who was:

(a) Employed by a local governmental agency that had established group insurance, a plan of benefits or medical and hospital service pursuant to NRS 287.010, 287.015, 287.020 or paragraph (b), (c) or (d) of subsection 1 of NRS 287.025; and

(b) Killed in the line of duty,

➥ may elect to accept or continue coverage under that group insurance, plan or medical and hospital service if the police officer or firefighter was a participant or would have been eligible to participate in the group insurance, plan or medical and hospital service on the date of the death of the police officer or firefighter. If the surviving spouse ***, surviving domestic partner*** or child elects to accept coverage under the group insurance, plan or medical and hospital service in which the police officer or firefighter would have been eligible to participate or to discontinue coverage under the group insurance, plan or medical and hospital service in which the police officer or firefighter was a participant, the spouse, ***domestic partner,*** child or legal guardian of the child must notify in writing the local governmental agency that employed the police officer or firefighter within 60 days after the date of death of the police officer or firefighter.

2. ~~[The]~~ ***Except as otherwise provided in this section and NRS 287.023, the*** local governmental agency that employed the police officer or firefighter shall pay the entire cost of the premiums or contributions for the group insurance, plan of benefits or medical and hospital service for the surviving spouse or child who meets the requirements set forth in subsection 1.

3. A surviving spouse ***or surviving domestic partner*** is eligible to receive coverage pursuant to this section for the duration of the life of the surviving spouse ~~[.]~~ ***or surviving domestic partner.*** A surviving child is eligible to receive coverage pursuant to this section until the child reaches ~~[:~~

~~(a) The]~~ ***the*** age of ~~[18]~~ ***26*** years ~~[, or~~

~~(b) The age of 23 years, if the child is enrolled as a full-time student in an accredited university, college or trade school.]~~ ***, unless the plan is grandfathered pursuant to the provisions of the Patient Protection and Affordable Care Act, Public Law 111-148.***

4. ***A local governmental agency is not required to pay the entire cost of the premiums or contributions pursuant to subsection 2 for a surviving domestic partner who meets the requirements set forth in subsection 1.***

5. As used in this section "police officer" has the meaning ascribed to it in NRS 617.135.

Sec. 6. NRS 287.023 is hereby amended to read as follows:

287.023 1. Whenever an officer or employee of the governing body of any county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada retires under the conditions set forth in NRS 1A.350 or 1A.480, or 286.510 or 286.620 and, during the period in which the person served as an officer or employee, was eligible to be covered or had dependents who were eligible to be covered by any group insurance, plan of benefits or medical and hospital service established pursuant to NRS 287.010, 287.015, 287.020 or paragraph (b), (c) or (d) of subsection 1 of NRS 287.025 or under the Public Employees' Benefits Program pursuant to paragraph (a) of subsection 1 of NRS 287.025, the officer or employee has the option upon retirement to cancel or continue any such coverage to the extent that such coverage is not provided to the officer or employee or a dependent by the Health Insurance for the Aged Act, 42 U.S.C. §§ 1395 et seq.

2. A retired person who continues coverage under the Public Employees' Benefits Program shall assume the portion of the premium or contribution costs for the coverage which the governing body or the State does not pay on behalf of retired officers or employees. A dependent of such a retired person has the option, which may be exercised to the same extent and in the same manner as the retired person, to cancel or continue coverage in effect on the date the retired person dies. The dependent is not required to continue to receive retirement payments from the Public Employees' Retirement System to continue coverage.

3. Notice of the selection of the option must be given in writing to the last public employer of the officer or employee within 60 days after the date of retirement or death, as the case may be. If no notice is given by that date, the retired officer or employee and any dependents shall be deemed to have selected the option to cancel the coverage for the group insurance, plan of benefits or medical and hospital service established pursuant to NRS 287.010, 287.015, 287.020 or paragraph (b), (c) or (d) of subsection 1 of NRS 287.025 or coverage under the Public Employees' Benefits Program pursuant to paragraph (a) of subsection 1 of NRS 287.025.

4. The governing body of any county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of this State:

(a) May pay the cost, or any part of the cost, of coverage established pursuant to NRS 287.010, 287.015 or 287.020 or paragraph (b), (c) or (d) of subsection 1 of NRS 287.025 for persons who continue that coverage pursuant to subsection 1, but it must not pay a greater portion than it does for its current officers and employees.

(b) Shall pay the same portion of the cost of coverage under the Public Employees' Benefits Program for ***retired*** persons who ~~[~~:

~~(1) Were initially hired before January 1, 2010, and who retire and~~] are covered under the Program ~~[pursuant to subsection 1 or who subsequently reinstate coverage under the Program pursuant to NRS 287.0205; or~~

~~(2) Are initially hired on or after January 1, 2010, and who retire with:~~

~~(I) At least 15 years of service credit, which must include local governmental service and may include state service, and who have participated in the Program on a continuous basis since their retirement from such employment; or~~

~~(II) At least 5 years of service credit, which must include local governmental service and may include state service, who do not have at least 15 years of service credit to qualify under sub-subparagraph (I) as a result of a disability for which disability benefits are received under the Public Employees' Retirement System or a retirement program for professional employees offered by or through the Nevada System of Higher Education.~~

~~➥~~ **~~]~~** as the State pays pursuant to **~~[~~**~~subsection 1 of~~**~~]~~** NRS 287.046 for persons retired with state service who participate in the **~~[~~**~~Public Employees' Benefits~~**~~]~~** Program.

5. The governing body of any county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of this State shall, for the purpose of establishing actuarial data to determine rates and coverage for persons who continue coverage for group insurance, a plan of benefits or medical and hospital service with the governing body pursuant to subsection 1, commingle the claims experience of those persons with the claims experience of active officers and employees and their dependents who participate in the group insurance, a plan of benefits or medical and hospital service.

Sec. 7. NRS 287.0402 is hereby amended to read as follows:

287.0402 As used in NRS 287.0402 to 287.049, inclusive, ***and sections 2 and 3 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 287.0404 to 287.04064, inclusive, ***and section 2 of this act*** have the meanings ascribed to them in those sections.

Sec. 8. NRS 287.043 is hereby amended to read as follows:

287.043 1. The Board shall:

(a) Establish and carry out a program to be known as the Public Employees' Benefits Program which:

(1) Must include a program relating to group life, accident or health insurance, or any combination of these; and

(2) May include:

(I) A plan that offers flexibility in benefits, and for which the rates must be based only on the experience of the participants in the plan and not in combination with the experience of participants in any other plan offered under the Program; or

(II) A program to reduce taxable compensation or other forms of compensation other than deferred compensation,

➥ for the benefit of all state officers and employees and other persons who participate in the Program.

(b) Ensure that the Program is funded on an actuarially sound basis and operated in accordance with sound insurance and business practices.

2. In establishing and carrying out the Program, the Board shall:

(a) For the purpose of establishing actuarial data to determine rates and coverage for active and retired state officers and employees and their dependents, commingle the claims experience of such active and retired officers and employees and their dependents for whom the Program provides primary health insurance coverage into a single risk pool.

(b) Except as otherwise provided in this paragraph, negotiate and contract pursuant to paragraph (a) of subsection 1 of NRS 287.025 with the governing body of any county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada that wishes to obtain exclusive group insurance for all of its active and retired officers and employees and their dependents, except as otherwise provided in sub-subparagraph (III) of subparagraph (2) of paragraph (h), by participation in the Program. The Board shall establish separate rates and coverage for active and retired officers and employees of those local governmental agencies and their dependents based on actuarial reports that commingle the claims experience of such active and retired officers and employees and their dependents for whom the Program provides primary health insurance coverage into a single risk pool.

(c) Except as otherwise provided in paragraph (d), provide public notice in writing of any proposed changes in rates or coverage to each participating public agency that may be affected by the changes. Notice must be provided at least 30 days before the effective date of the changes.

(d) If a proposed change is a change in the premium or contribution charged for, or coverage of, health insurance, provide written notice of the proposed change to all participants in the Program. The notice must be provided at least 30 days before the date on which a participant in the Program is required to select or change the participant's policy of health insurance.

(e) Purchase policies of life, accident or health insurance, or any combination of these, or, if applicable, a program to reduce the amount of taxable compensation pursuant to 26 U.S.C. § 125, from any company qualified to do business in this State or provide similar coverage through a plan of self-insurance established pursuant to NRS 287.0433 for the benefit of all eligible participants in the Program.

(f) Except as otherwise provided in this title, develop and establish other employee benefits as necessary.

(g) Investigate and approve or disapprove any contract proposed pursuant to NRS 287.0479.

(h) Adopt such regulations and perform such other duties as are necessary to carry out the provisions of NRS 287.010 to 287.245, inclusive, ***and sections 2 and 3 of this act,*** including, without limitation, the establishment of:

(1) Fees for applications for participation in the Program and for the late payment of premiums or contributions;

(2) Conditions for entry and reentry into and exit from the Program by local governmental agencies pursuant to paragraph (a) of subsection 1 of NRS 287.025, which:

(I) Must include a minimum period of 4 years of participation for entry into the Program;

(II) Must include a requirement that participation of any retired officers and employees of the local governmental agency whose last continuous period of enrollment with the Program began after November 30, 2008, terminates upon termination of the local governmental agency's contract with the Program; and

(III) May allow for the exclusion of active and retired officers and employees of the local governmental agency who are eligible for health coverage from a health and welfare plan or trust that arose out of collective bargaining under chapter 288 of NRS or a trust established pursuant to 29 U.S.C. § 186;

(3) Procedures by which a group of participants in the Program may leave the Program pursuant to NRS 287.0479 and conditions and procedures for reentry into the Program by those participants;

(4) Specific procedures for the determination of contested claims;

(5) Procedures for review and notification of the termination of coverage of persons pursuant to paragraph (b) of subsection 4 of NRS 287.023; and

(6) Procedures for the payments that are required to be made pursuant to paragraph (b) of subsection 4 of NRS 287.023.

~~[(i) Appoint an independent certified public accountant. The accountant shall:~~

~~(1) Provide an annual audit of the Program; and~~

~~(2) Report to the Board and the Interim Retirement and Benefits Committee of the Legislature created pursuant to NRS 218E.420.~~

~~(j) Appoint an attorney who specializes in employee benefits. The attorney shall:~~

~~(1) Perform a biennial review of the Program to determine whether the Program complies with federal and state laws relating to taxes and employee benefits; and~~

~~(2) Report to the Board and the Interim Retirement and Benefits Committee of the Legislature created pursuant to NRS 218E.420.]~~

3. ~~[The Board shall submit an annual report regarding the administration and operation of the Program to the Director of the Legislative Counsel Bureau for transmittal to the appropriate committees of the Legislature, or to the Legislative Commission when the Legislature is not in regular session, for acceptance or rejection not more than 6 months before the Board establishes rates and coverage for participants for the following plan year. The report must include, without limitation:~~

~~(a) Detailed financial results for the Program for the preceding plan year, including, without limitation, identification of the sources of revenue for the~~

~~Program and a detailed accounting of expenses which are segregated by each type of benefit offered by the Program, and administrative costs. The results must be provided separately concerning:~~

~~(1) Participants who are active and retired state officers and employees and their dependents;~~

~~(2) All participants in the Program other than those described in subparagraph (1); and~~

~~(3) Within the groups described in subparagraphs (1) and (2), active participants, retired participants for which the Program provides primary health insurance coverage and retired participants in the Program who are provided coverage for medical or hospital service, or both, by the Health Insurance for the Aged Act, 42 U.S.C. §§ 1395 et seq., or a plan that provides similar coverage.~~

~~(b) An assessment of actuarial accuracy and reserves for the current plan year and the immediately preceding plan year.~~

~~(c) A summary of the plan design for the current plan year, including, without limitation, information regarding rates and any changes in the vendors with which the Program has entered into contracts, and a comparison of the plan design for the current plan year to the plan design for the immediately preceding plan year. The information regarding rates provided pursuant to this paragraph must set forth the costs for participation in the Program paid by participants and employers on a monthly basis.~~

~~(d) A description of all written communications provided generally to all participants by the Program during the preceding plan year.~~

~~(e) A discussion of activities of the Board concerning purchasing coalitions.~~

~~4.~~] The Board may use any services provided to state agencies and shall use the services of the Purchasing Division of the Department of Administration to establish and carry out the Program.

~~[5.]~~ ***4.*** The Board may make recommendations to the Legislature concerning legislation that it deems necessary and appropriate regarding the Program.

~~[6.]~~ ***5.*** A participating public agency is not liable for any obligation of the Program other than indemnification of the Board and its employees against liability relating to the administration of the Program, subject to the limitations specified in NRS 41.0349.

~~[7.]~~ ***6.*** As used in this section, "employee benefits" includes any form of compensation provided to a public employee except federal benefits, wages earned, legal holidays, deferred compensation and benefits available pursuant to chapter 286 of NRS.

Sec. 9. NRS 287.044 is hereby amended to read as follows:

287.044 1. Except as otherwise provided in subsection 2, each participating state agency shall pay to the Program an amount specified by law for every state officer or employee who is employed by a participating

public agency on a permanent and full-time basis and elects to participate in the Program.

2. A member of the Senate or Assembly who elects to participate in the Program shall pay the entire premium or contribution for the member's insurance.

3. State officers and employees who elect to participate in the Program must authorize deductions from their compensation for the payment of premiums or contributions for the Program. Any deduction from the compensation of a state officer or employee for the payment of such a premium or contribution must be based on the actual amount of the premium or contribution after deducting any amount ~~[of the premium or contribution which is paid]~~ ***allocated by the Board*** pursuant to subsection ~~[1.]~~ ***6.***

4. If a state officer or employee chooses to cover any dependents, whenever this option is made available by the Board, except as otherwise provided in NRS 287.021 and 287.0477, the state officer or employee must pay the difference between the amount of the premium or contribution for the coverage for the state officer or employee and such dependents and ~~[the]~~ ***any*** amount ~~[paid by the participating state agency that employs the officer or employee.]~~ ***allocated by the Board pursuant to subsection 6.***

5. A participating state agency shall not pay any part of those premiums or contributions if the group life insurance or group accident or health insurance is not approved by the Board.

6. The Board may allocate the money paid to the Program pursuant to ~~[this section]~~ ***subsection 1*** between the cost of premiums and contributions for group insurance for each state officer or employee, except a member of the Senate or Assembly, and the dependents of each state officer or employee.

Sec. 10. NRS 287.046 is hereby amended to read as follows:

287.046 1. The Department of Administration shall establish an assessment that is to be used to pay for a portion of the cost of premiums or contributions for the Program for persons who have retired with state service ~~. [before January 1, 1994, or under the circumstances set forth in paragraph (a), (b) or (c) of subsection 3.]~~

2. The money assessed pursuant to subsection 1 must be deposited into the Retirees' Fund and must be based upon ~~[an]~~ ***a base*** amount approved by the Legislature each session to pay for a portion of the current and future health and welfare benefits for ~~[such retirees.]~~ ***persons who retired before January 1, 1994, or for persons who retire on or after January 1, 1994, as adjusted by subsection 3.*** Except as otherwise provided in subsection ~~[4,]~~ ***5,*** the portion to be paid to the Program from the Retirees' Fund on behalf of such persons must be equal to a portion of the cost for each retiree and the retiree's dependents who are enrolled in the plan, as defined for each year of the plan by the Program.

3. ~~[Adjustments]~~ ***Except as otherwise provided in subsection 4, adjustments*** to the portion ***of the amount approved by the Legislature***

pursuant to subsection 2 to be paid by the Retirees' Fund ~~[must be as follows:~~

~~(a) For]~~ ***for*** persons who retire on or after January 1, 1994, with state service ~~[:~~

~~(1)]~~ ***must be as follows:***

(a) For each year of service less than 15 years, excluding service purchased pursuant to NRS 1A.310 or 286.300, the portion paid by the Retirees' Fund must be reduced by an amount equal to 7.5 percent of the base funding level defined by the Legislature. In no event may the adjustment exceed 75 percent of the base funding level defined by the Legislature.

~~[(2)]~~ ***(b)*** For each year of service greater than 15 years, excluding service purchased pursuant to NRS 1A.310 or 286.300, the portion paid by the Retirees' Fund must be increased by an amount equal to 7.5 percent of the base funding level defined by the Legislature. In no event may the adjustment exceed 37.5 percent of the base funding level defined by the Legislature.

~~[(b) For persons who are]~~

4. No money may be paid by the Retirees' Fund on behalf of a retired person who is initially hired by the State on or after January 1, 2010, and who ~~[retire with at least 15 years of service credit, which must include state service and may include local governmental service, and who have]~~ ***:***

(a) Has not participated in the Program on a continuous basis since ~~[their]~~ retirement from such employment ~~[, for each year of service greater than 15 years, excluding service purchased pursuant to NRS 1A.310 or 286.300, the portion paid by the Retirees' Fund must be increased by an amount equal to 7.5 percent of the base funding level defined by the Legislature. In no event may the adjustment exceed 37.5 percent of the base funding level defined by the Legislature.~~

~~(c) For persons who are initially hired by the State on or after January 1, 2010, and who retire with at least 5 years of service credit, which must include state service and may include local governmental service, who do]~~ ***; or***

(b) Does not have at least 15 years of service ~~[credit to qualify under paragraph (b) as]~~ ***, which must include state service and may include local governmental service, unless the retired person does not have at least 15 years of service as*** a result of a disability for which disability benefits are received under the Public Employees' Retirement System or a retirement program for professional employees offered by or through the Nevada System of Higher Education, and ~~[who have]~~ ***has*** participated in the Program on a continuous basis since ~~[their]~~ retirement from such employment ***.*** ~~[:~~

~~(1) For each year of service less than 15 years, excluding service purchased pursuant to NRS 1A.310 or 286.300, the portion paid by the Retirees' Fund must be reduced by an amount equal to 7.5 percent of the base funding level defined by the Legislature. In no event may the~~

~~adjustment exceed 75 percent of the base funding level defined by the Legislature.~~

~~(2) For each year of service greater than 15 years, excluding service purchased pursuant to NRS 1A.310 or 286.300, the portion paid by the Retirees' Fund must be increased by an amount equal to 7.5 percent of the base funding level defined by the Legislature. In no event may the adjustment exceed 37.5 percent of the base funding level defined by the Legislature.~~

~~4.~~ ***5.*** If the amount calculated pursuant to subsection 3 exceeds the actual premium or contribution for the plan of the Program that the retired participant selects, the balance must be credited to the Program Fund.

~~5.~~ ***6.*** For the purposes of subsection ~~1:~~ ***3:***

(a) Credit for service must be calculated in the manner provided by chapter 286 of NRS.

(b) No proration may be made for a partial year of ~~state~~ service.

~~6.~~ ***7.*** The Department shall agree through the Board with the insurer for billing of remaining premiums or contributions for the retired participant and the retired participant's dependents to the retired participant and to the retired participant's dependents who elect to continue coverage under the Program after the retired participant's death.

Sec. 11. NRS 287.0465 is hereby amended to read as follows:

287.0465 1. If ~~an officer or employee of the State or a dependent of such an officer or employee~~ ***a member*** incurs an illness or injury for which medical services are payable under the plan for self-insurance established by the Board and the illness or injury is incurred under circumstances creating a legal liability in some person, other than the ~~officer, employee or dependent,~~ ***member,*** to pay all or part of the cost of those services, the Board is subrogated to the right of the ~~officer, employee or dependent~~ ***member*** to the extent of all such costs, and may join or intervene in any action by the ~~officer, employee or dependent~~ ***member*** or any ~~successors~~ ***successor*** in interest, to enforce that legal liability.

2. If ~~an officer, employee or dependent~~ ***a member*** or any ~~successors~~ ***successor*** in interest fail or refuse to commence an action to enforce that legal liability, the Board may commence an independent action, after notice to the ~~officer, employee or dependent~~ ***member*** or any ~~successors~~ ***successor*** in interest, to recover all costs to which it is entitled. In any such action by the Board, the ~~officer, employee or dependent~~ ***member*** may be joined as a third party defendant.

3. If the Board is subrogated to the rights of the ~~officer, employee or dependent~~ ***member*** or any ~~successors~~ ***successor*** in interest as provided in subsection 1, the Board has a lien upon the total proceeds of any recovery from the persons liable, whether the proceeds of the recovery are by way of a judgment or settlement or otherwise. Within 15 days after recovery by receipt of the proceeds of the judgment, settlement or other recovery, the ~~officer, employee or dependent~~ ***member*** or any successors in interest shall notify the

Board of the recovery and pay the Board the amount due to it pursuant to this section. The ~~[officer, employee or dependent]~~ ***member*** or any successors in interest are not entitled to double recovery for the same injury.

4. The ~~[officer, employee or dependent]~~ ***member*** or any successors in interest shall notify the Board in writing before entering any settlement or agreement or commencing any action to enforce the legal liability referred to in subsection 1.

5. As used in this section, "member" means:

(a) An active or retired officer or employee of the State or a dependent of such an officer or employee who is covered under the Program; and

(b) An active or retired officer or employee of a local governmental agency or a dependent of such an officer or employee who is covered under the Program.

Sec. 12. NRS 287.0475 is hereby amended to read as follows:

287.0475 1. A retired public officer or employee or the surviving spouse ***or surviving domestic partner*** of a retired public officer or employee who is deceased may, in any even-numbered year, reinstate any insurance under the Program, except life insurance, that, at the time of reinstatement, is provided by the Program if the retired public officer or employee retired:

(a) Pursuant to NRS 1A.350 or 1A.480, or 286.510 or 286.620, from a participating state agency or was enrolled in a retirement program provided pursuant to NRS 286.802; or

(b) Pursuant to NRS 1A.350 or 1A.480, or 286.510 or 286.620, from employment with a county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State which is a participating local governmental agency at the time of the request for reinstatement ~~[.]~~ ***, unless the retired public officer or employee is excluded from participation in the Program pursuant to sub-subparagraph (III) of subparagraph (2) of paragraph (h) of subsection 2 of NRS 287.043.***

2. Reinstatement pursuant to subsection 1 must be requested by:

(a) Giving written notice to the Program of the intent of the public officer or employee or surviving spouse ***or surviving domestic partner*** to reinstate the insurance not later than March 15 of an even-numbered year;

(b) Accepting the Program's current plan of insurance and any subsequent changes thereto; and

(c) Except as otherwise provided in NRS 287.046, paying any portion of the premiums or contributions for coverage under the Program, in the manner set forth in NRS 1A.470 or 286.615, which are due from the date of reinstatement and not paid by the public employer.

~~[3. Reinstatement of insurance excludes claims for expenses for any condition for which medical advice, treatment or consultation was rendered within 12 months before reinstatement unless the reinstated insurance has been in effect more than 12 consecutive months.]~~

Sec. 13. NRS 287.0477 is hereby amended to read as follows:

287.0477 1. Except as otherwise provided in subsection 4, the surviving spouse ***, surviving domestic partner*** and any surviving child of a police officer or firefighter who was employed by a participating public agency and who was killed in the line of duty may join or continue coverage under the Public Employees' Benefits Program or another insurer or employee benefit plan approved by the Board pursuant to NRS 287.0479 if the police officer or firefighter was a participant or would have been eligible to participate on the date of the death of the police officer or firefighter. If the surviving spouse ***, surviving domestic partner*** or child elects to join or discontinue coverage under the Public Employees' Benefits Program pursuant to this subsection, the spouse, ***domestic partner,*** child or legal guardian of the child must notify in writing the participating public agency that employed the police officer or firefighter within 60 days after the date of death of the police officer or firefighter.

2. Except as otherwise provided in subsection 4, the surviving spouse ***, surviving domestic partner*** and any surviving child of a volunteer firefighter who was killed in the line of duty and who was officially a member of a volunteer fire department in this State is eligible to join the Public Employees' Benefits Program. If such a spouse ***, domestic partner*** or child elects to join the Public Employees' Benefits Program, the spouse, ***domestic partner,*** child or legal guardian of the child must notify in writing the Board within 60 days after the date of death of the volunteer firefighter.

3. ~~[The]~~ ***Except as otherwise provided in this section, the*** participating public agency that employed the police officer or firefighter shall pay the entire cost of the premiums or contributions for the Public Employees' Benefits Program or another insurer or employee benefit plan approved by the Board pursuant to NRS 287.0479 for the surviving spouse or child who meets the requirements set forth in subsection 1. The State of Nevada shall pay the entire cost of the premiums or contributions for the Public Employees' Benefits Program for the surviving spouse or child who elects to join the Public Employees' Benefits Program pursuant to subsection 2.

4. A surviving spouse ***or surviving domestic partner*** is eligible to receive coverage pursuant to this section for the duration of the life of the surviving spouse ~~[.]~~ ***or surviving domestic partner.*** A surviving child is eligible to receive coverage pursuant to this section until the child reaches ~~[:~~

~~(a) The~~ ***the*** age of ~~[18]~~ ***26*** years ~~[, or~~

~~(b) The age of 23 years, if the child is enrolled as a full-time student in an accredited university, college or trade school.]~~

5. ***A participating public agency and the State of Nevada are not required to pay the entire cost of the premiums or contributions pursuant to subsection 3 for a surviving domestic partner who elects to join the Public Employees' Benefits Program pursuant to subsection 2.***

6. As used in this section "police officer" has the meaning ascribed to it in NRS 617.135.

Sec. 14. NRS 287.04366 is hereby repealed.

Sec. 15. 1. This section and sections 4 and 12 of this act become effective on July 1, 2011.

2. Sections 1, 2, 3, 5 to 11, inclusive, 13 and 14 of this act become effective on October 1, 2011.

3. Section 4 of this act expires by limitation on the date on which the provisions of the Patient Protection and Affordable Care Act, Public Law 111-148, cease to allow a grandfathered health plan to exclude claims for preexisting medical conditions.

4. Section 4.5 of this act becomes effective on the date on which the provisions of the Patient Protection and Affordable Care Act, Public Law 111-148, cease to allow a grandfathered health plan to exclude claims for preexisting medical conditions.

TEXT OF REPEALED SECTION

287.04366 Audits and reports. The Board shall provide to the Department of Administration and to the Interim Retirement and Benefits Committee of the Legislature, created by NRS 218E.420:

1. An annual audit of the Retirees' Fund to be conducted by an independent certified public accountant;

2. An annual report concerning the Retirees' Fund; and

3. An independent biennial certified actuarial valuation and report of the State's health and welfare benefits for current and future state retirees, which are provided for the purpose of developing the annual required contribution pursuant to the statements issued by the Governmental Accounting Standards Board.

Assemblywoman Bustamante Adams moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 98.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 128.

AN ACT relating to emergencies; enacting the Uniform Emergency Volunteer Health Practitioners Act, which allows a participating state to establish a system whereby medical and veterinary service providers from other states may register to provide volunteer medical and veterinary services in that state in the event of an emergency; allowing a participating state to determine how various licensing, liability and certain other state laws will apply to registered medical and veterinary service providers who provide such volunteer services in a state in which they are not licensed to practice; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the Division of Emergency Management of the Department of Public Safety is required to implement a program for emergency management in this State to be used during an emergency. (NRS 414.040) This bill enacts the Uniform Emergency Volunteer Health Practitioners Act, and **section 22** of this bill authorizes the Division to designate a registration system whereby health care practitioners from other states may register to provide volunteer health care and veterinary services in this State in certain emergency situations. **Section 21** of this bill authorizes the Division to limit, restrict and regulate the activities of such registered volunteers during such an emergency. **Section 23** of this bill provides that such registered volunteers may only provide volunteer health care or veterinary services if they are licensed and in good standing in their home state. **Section 25** of this bill limits the practice in this State by such a registered volunteer to only those services within the volunteer's scope of practice, unless specifically authorized to practice outside that scope by the Division. **Section 25** also authorizes licensing boards or other disciplinary authorities in this State to impose administrative sanctions upon such registered volunteers for certain conduct, to report such sanctions to the state in which the volunteer is licensed and to impose administrative sanctions upon a health practitioner licensed in this State for certain conduct in another state if the practitioner was volunteering in that state under this Uniform Act. **Section 27** of this bill authorizes the Division to adopt regulations to carry out this Uniform Act.

Existing law sets forth that health care providers licensed in this State who render emergency care or assistance in certain emergencies are not liable for civil damages for any act or omission unless that act or omission rises to the level of gross negligence. (NRS 41.504, 41.505) Under existing law, certain volunteers who work with a state or local public organization are considered, for the purposes of eligibility for benefits under industrial insurance, to be employees of that organization at a wage of $100 per month. (NRS 616A.130) **Section 28** of this bill limits the liability of registered volunteer health practitioners volunteering in this State to only those acts or omissions in the provision of health care or veterinary services that rise to the level of gross negligence. **Section 29** of this bill makes such registered volunteers eligible, in certain circumstances, for the same industrial insurance benefits as other volunteers in this State, and for the same occupational disease benefits as employees of this State.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Title 36 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 2 to 30, inclusive, of this act.

Sec. 2. ***Sections 2 to 30, inclusive, of this act may be cited as the Uniform Emergency Volunteer Health Practitioners Act.***

Sec. 3. *As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 4 to 19, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 4. *"Disaster relief organization" means an entity which provides emergency or disaster relief services that include health or veterinary services provided by volunteer health practitioners and which:*

1. Is designated or recognized as a provider of those services pursuant to a disaster response and recovery plan adopted by an agency of the Federal Government, the Governor or the Division; or

2. Regularly plans and conducts its activities in coordination with an agency of the Federal Government or the Division.

Sec. 5. *"Division" means the Division of Emergency Management of the Department of Public Safety.*

Sec. 6. *"Emergency" means an event or condition that is proclaimed an emergency or disaster pursuant to NRS 414.070.*

Sec. 7. *"Emergency declaration" means a declaration of emergency issued by a person or entity authorized to do so pursuant to the laws of this State.*

Sec. 8. *"Emergency Management Assistance Compact" means the interstate compact approved by Congress by Public Law 104-321, 110 Stat. 3877, and codified as NRS 415.010.*

Sec. 9. *"Entity" means a person other than an individual.*

Sec. 10. *"Health facility" means an entity licensed under the laws of this or another state to provide health or veterinary services.*

Sec. 11. *"Health practitioner" means ~~[an]~~ :*

1. A provider of health care, as that term is defined in NRS 629.031;

2. Any other individual licensed to provide health care pursuant to the provisions of Title 54 of NRS; or

3. An individual licensed in the professions under the laws of ~~[this or]~~ another state to provide health or veterinary services.

Sec. 12. *"Health services" means treatment, care, advice or guidance, or other services or supplies, related to the health or death of individuals or human populations, to the extent necessary to respond to an emergency, including, without limitation:*

1. The following, concerning the physical or mental condition or functional status of an individual or affecting the structure or function of the body:

(a) Preventive, diagnostic, therapeutic, rehabilitative, maintenance or palliative care; and

(b) Counseling, assessment, procedures or other services;

2. The sale or dispensing of a drug, a device, equipment or another item to an individual in accordance with a prescription; and

3. Funeral, cremation, cemetery or other mortuary services.

Sec. 13. *"Host entity" means an entity operating in this State which uses volunteer health practitioners to respond to an emergency.*

Sec. 14. *"License" means authorization by a state to engage in the provision of health or veterinary services that would be unlawful to provide without the authorization. The term includes authorization under the laws of this State for an individual to provide health or veterinary services based upon a national certification issued by a public or private entity.*

Sec. 15. *"Person" means an individual, corporation, business trust, trust, partnership, limited-liability company, association, joint venture, public corporation, government or governmental subdivision, agency, instrumentality or any other legal or commercial entity.*

Sec. 16. *"Scope of practice" means the extent of the authorization to provide health or veterinary services granted to a health practitioner by a license issued to the practitioner in the state in which the principal part of the practitioner's services are rendered, including, without limitation, any conditions imposed by the relevant licensing authority.*

Sec. 17. *"State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands or any territory or insular possession subject to the jurisdiction of the United States.*

Sec. 18. *"Veterinary services" means treatment, care, advice or guidance, or other services or supplies, related to the health or death of an animal or animal populations, to the extent necessary to respond to an emergency, including, without limitation:*

1. Diagnosis, treatment or prevention of an animal's disease, injury or other physical or mental condition by the prescription, administration or dispensing of vaccine, medicine, surgery or therapy;

2. Use of a procedure for reproductive management; and

3. Monitoring and treatment of animal populations for diseases that have spread or demonstrate the potential to spread to humans.

Sec. 19. *"Volunteer health practitioner" means a health practitioner who provides health or veterinary services, whether or not the practitioner receives compensation for those services. The term does not include a practitioner who receives compensation pursuant to a preexisting employment relationship with a host entity or affiliate which requires the practitioner to provide health services in this State, unless the practitioner is not a resident of this State and is employed by a disaster relief organization providing services in this State while an emergency declaration is in effect.*

Sec. 20. *Sections 2 to 30, inclusive, of this act apply to volunteer health practitioners who are registered with a registration system that complies with section 22 of this act and who provide health or veterinary services in this State for a host entity ~~[while]~~ :*

1. While an emergency declaration is in effect ~~[.]~~ ;

2. While participating in required training exercises to prepare for the declaration of an emergency; or

3. When responding to an event with the reasonable expectation that the event will be declared an emergency.

Sec. 21. *1. While an emergency declaration is in effect, the Division may by order limit, restrict or otherwise regulate:*

(a) The duration of practice by volunteer health practitioners;

(b) The geographical areas in which volunteer health practitioners may practice;

(c) The types of volunteer health practitioners who may practice; and

(d) Any other matters necessary to coordinate effectively the provision of health or veterinary services during the emergency.

2. An order issued pursuant to subsection 1 may take effect immediately, without prior notice or comment, and is not a regulation for the purposes of chapter 233B of NRS.

3. A host entity that uses volunteer health practitioners to provide health or veterinary services in this State shall:

(a) Consult with and coordinate its activities with the Division to the extent practicable to provide for the efficient and effective use of those volunteer health practitioners; and

(b) Comply with any laws other than sections 2 to 30, inclusive, of this act relating to the management of emergency health or veterinary services, including, without limitation, the provisions of chapter 414 of NRS.

Sec. 22. *1. To qualify as a registration system for volunteer health practitioners, a system must:*

(a) Accept applications for the registration of volunteer health practitioners before or during an emergency;

(b) Include information about the licensure and standing of health practitioners which is accessible by authorized persons;

(c) Be capable of confirming the accuracy of information concerning whether a health practitioner is licensed and in good standing before the practitioner provides health services or veterinary services pursuant to sections 2 to 30, inclusive, of this act; and

(d) Meet one of the following conditions:

(1) Be an emergency system for advance registration of volunteer health care practitioners established by a state and funded through the United States Department of Health and Human Services under Section 319I of the Public Health Service Act, 42 U.S.C. § 247d-7b, as amended;

(2) Be a local unit consisting of trained and equipped emergency response, public health and medical personnel formed pursuant to Section 2801 of the Public Health Service Act, 42 U.S.C. § 300hh, as amended;

(3) Be operated by a:

(I) Disaster relief organization;

(II) Licensing board;

(III) National or regional association of licensing boards or health practitioners;

(IV) Health facility that provides comprehensive inpatient and outpatient health care services, including, without limitation, a hospital; or

(V) Governmental entity; or

(4) Be designated by the Division as a registration system for the purposes of sections 2 to 30, inclusive, of this act.

2. While an emergency declaration is in effect, the Division, a person authorized to act on behalf of the Division or a host entity may confirm whether volunteer health practitioners utilized in this State are registered with a registration system that complies with subsection 1. Confirmation is limited to obtaining identities of the practitioners from the system and determining whether the system indicates that the practitioners are licensed and in good standing.

3. Upon the request of a person or entity in this State authorized to do so pursuant to subsection 2, or a similarly authorized person or entity in another state, a registration system located in this State must notify the person or entity of the identities of volunteer health practitioners and whether the practitioners are licensed and in good standing.

4. A host entity is not required to use the services of a volunteer health practitioner even if the practitioner is registered with a registration system which indicates that the practitioner is licensed and in good standing.

Sec. 23. ***1. Notwithstanding any other provision of law, while an emergency declaration is in effect, a volunteer health practitioner who is registered with a registration system that complies with section 22 of this act and who is licensed and in good standing in the state upon which the practitioner's registration is based may practice in this State to the extent authorized by sections 2 to 30, inclusive, of this act, as though the practitioner were licensed in this State.***

2. A volunteer health practitioner qualified under subsection 1 is not entitled to the protections of sections 2 to 30, inclusive, of this act if the practitioner is licensed in more than one state and any license of the practitioner is suspended, revoked or subject to an agency order limiting or restricting practice privileges, or has been voluntarily terminated under threat of sanction.

Sec. 24. ***1. Sections 2 to 30, inclusive, of this act do not affect credentialing or privileging standards of a health facility and do not preclude a health facility from waiving or modifying those standards while an emergency declaration is in effect.***

2. As used in this section:

(a) "Credentialing" means obtaining, verifying and assessing the qualifications of a health practitioner to provide treatment, care or services in or for a health facility.

(b) "Privileging" means the authorizing by an appropriate authority, such as a governing body, of a health practitioner to provide specific treatment, care or services at a health facility subject to limits based on factors that include, without limitation, the practitioner's license, education, training, experience, competence, health status and specialized skill.

Sec. 25. ***1. Subject to subsections 2 and 3, a volunteer health practitioner shall adhere to the scope of practice for a similarly licensed practitioner established by the licensing provisions, practice acts or other laws of this State.***

2. Except as otherwise provided in subsection 3, sections 2 to 30, inclusive, of this act do not authorize a volunteer health practitioner to provide services that are outside the practitioner's scope of practice, even if a similarly licensed practitioner in this State would be allowed to provide the services.

3. The Division may modify or restrict the health or veterinary services that volunteer health practitioners may provide pursuant to sections 2 to 30, inclusive, of this act. An order under this subsection may take effect immediately, without prior notice or comment, and is not a regulation for the purposes of chapter 233B of NRS.

4. A host entity may restrict the health or veterinary services that a volunteer health practitioner is allowed to provide pursuant to sections 2 to 30, inclusive, of this act.

5. A volunteer health practitioner does not engage in unauthorized practice unless the practitioner has reason to know of any limitation, modification or restriction under this section or that a similarly licensed practitioner in this State would not be allowed to provide the services. A volunteer health practitioner has reason to know of a limitation, modification or restriction or that a similarly licensed practitioner in this State would not be allowed to provide a service if:

(a) The practitioner actually knows that the limitation, modification or restriction exists or that a similarly licensed practitioner in this State would not be allowed to provide the service; or

(b) From all the facts and circumstances known to the practitioner at the relevant time, a reasonable person would conclude that the limitation, modification or restriction exists or that a similarly licensed practitioner in this State would not be allowed to provide the service.

6. In addition to the authority granted by the laws of this State other than sections 2 to 30, inclusive, of this act to regulate the conduct of health practitioners, a licensing board or other disciplinary authority in this State:

(a) May impose administrative sanctions upon a health practitioner licensed in this State for conduct outside of this State in response to an out-of-state emergency;

(b) May impose administrative sanctions upon a practitioner not licensed in this State for conduct in this State in response to an in-state emergency; and

(c) Shall report any administrative sanctions imposed upon a practitioner licensed in another state to the appropriate licensing board or other disciplinary authority in any other state in which the practitioner is known to be licensed.

7. In determining whether to impose administrative sanctions pursuant to subsection 6, a licensing board or other disciplinary authority shall consider the circumstances in which the conduct took place, including, without limitation, any exigent circumstances and the practitioner's scope of practice, education, training, experience and specialized skill.

Sec. 26. *1. Sections 2 to 30, inclusive, of this act do not limit any rights, privileges or immunities provided to volunteer health practitioners by laws other than sections 2 to 30, inclusive, of this act. Except as otherwise provided in subsection 2, sections 2 to 30, inclusive, of this act do not affect requirements for the use of health practitioners pursuant to the Emergency Management Assistance Compact.*

2. The Division, pursuant to the Emergency Management Assistance Compact, may incorporate into the emergency personnel of this State volunteer health practitioners who are not officers or employees of this State, a political subdivision of this State or a municipality or other local government within this State.

Sec. 27. *The Division may adopt regulations to carry out sections 2 to 30, inclusive, of this act. In doing so, the Division shall consult with the Governor and consider any pertinent rules or regulations promulgated by similarly empowered agencies in other states to promote uniformity in the application of sections 2 to 30, inclusive, of this act and make the emergency response systems in the various states reasonably compatible.*

Sec. 28. *1. Subject to subsection 3, a volunteer health practitioner who provides health or veterinary services pursuant to sections 2 to 30, inclusive, of this act is not liable for damages for an act or omission of the practitioner in providing those services.*

2. No person is vicariously liable for damages for an act or omission of a volunteer health practitioner if the practitioner is not liable for the damages under subsection 1.

3. This section does not limit the liability of a volunteer health practitioner for:

(a) Willful misconduct or wanton, grossly negligent, reckless or criminal conduct;

(b) An intentional tort;

(c) Breach of contract;

(d) A claim asserted by a host entity or by an entity located in this or another state which employs or uses the services of the practitioner; or

(e) An act or omission relating to the operation of a motor vehicle, vessel, aircraft or other vehicle.

4. A person who, pursuant to sections 2 to 30, inclusive, of this act, operates, uses or relies upon information provided by a volunteer health practitioner registration system is not liable for damages for an act or omission relating to that operation, use or reliance unless the act or omission constitutes an intentional tort, willful misconduct, or wanton, grossly negligent, reckless or criminal conduct.

5. In addition to the protections set forth in subsection 1, a volunteer health practitioner who provides health or veterinary services pursuant to sections 2 to 30, inclusive, of this act is entitled to all the rights, privileges or immunities provided by the laws of this State.

Sec. 29. *1. A volunteer health practitioner who dies or is injured as a result of providing health or veterinary services pursuant to sections 2 to 30, inclusive, of this act is deemed to be an employee as defined in ~~[NRS 616A.130]~~ section 31.5 of this act for the purposes of receiving benefits for the death or injury pursuant to chapters 616A to 616D, inclusive, of NRS if:*

(a) The practitioner is not otherwise eligible for such benefits for the injury or death under the laws of this or another state; and

(b) The practitioner or, in the case of death, the practitioner's personal representative, ~~[elects coverage]~~ files a claim for compensation under chapters 616A to 616D, inclusive, of NRS. ~~[by making a claim pursuant to those chapters.]~~

2. A volunteer health practitioner who dies or is injured as the result of an occupational disease arising from the provision of health or veterinary services pursuant to sections 2 to 30, inclusive, of this act is deemed to be an employee, as defined in NRS 617.070, for the purposes of receiving benefits for the death or injury under chapter 617 of NRS if:

(a) The practitioner is not otherwise eligible for such benefits for the injury or death under the laws of this or another state; and

(b) The practitioner or, in the case of death, the practitioner's personal representative, ~~[elects coverage]~~ files a claim for compensation under chapter 617 of NRS. ~~[by making a claim pursuant to that chapter.]~~

3. The Division of Industrial Relations of the Department of Business and Industry may adopt regulations, enter into agreements with other states, or take other measures to facilitate the receipt of benefits for injury or death under chapters 616A to 617, inclusive, of NRS by volunteer health practitioners who reside in other states and may waive or modify requirements for filing, processing and paying claims that unreasonably burden the practitioners. To promote uniformity in the application of sections 2 to 30, inclusive, of this act with other states that enact similar legislation, the Division of Industrial Relations shall consult with, and consider the practices for filing, processing and paying claims by, agencies having similar authority in other states.

4. As used in this section, "injury" means a physical injury or mental injury, as described in NRS 616C.180, or a disease for which an employee of this State who is injured or contracts the disease in the course of the employee's employment would be entitled to benefits under chapters 616A to 617, inclusive, of NRS.

Sec. 30. *In applying and construing this Uniform Act, consideration must be given to the need to promote uniformity of the law with respect to its subject matter among states that enact it.*

Sec. 31. NRS 414.040 is hereby amended to read as follows:

414.040 1. A Division of Emergency Management is hereby created within the Department of Public Safety. The Chief of the Division is appointed by and holds office at the pleasure of the Director of the Department of Public Safety. The Division is the State Agency for Emergency Management and the State Agency for Civil Defense for the purposes of the Compact ratified by the Legislature pursuant to NRS 415.010. The Chief is the State's Director of Emergency Management and the State's Director of Civil Defense for the purposes of that Compact.

2. The Chief may employ technical, clerical, stenographic and other personnel as may be required, and may make such expenditures therefor and for other expenses of his or her office within the appropriation therefor, or from other money made available to him or her for purposes of emergency management, as may be necessary to carry out the purposes of this chapter.

3. The Chief, subject to the direction and control of the Director, shall carry out the program for emergency management in this state. The Chief shall coordinate the activities of all organizations for emergency management within the State, maintain liaison with and cooperate with agencies and organizations of other states and of the Federal Government for emergency management and carry out such additional duties as may be prescribed by the Director.

4. The Chief shall assist in the development of comprehensive, coordinated plans for emergency management by adopting an integrated process, using the partnership of governmental entities, business and industry, volunteer organizations and other interested persons, for the mitigation of, preparation for, response to and recovery from emergencies or disasters. In adopting this process, the Chief shall conduct activities designed to:

(a) Eliminate or reduce the probability that an emergency will occur or to reduce the effects of unavoidable disasters;

(b) Prepare state and local governmental agencies, private organizations and other persons to be capable of responding appropriately if an emergency or disaster occurs by fostering the adoption of plans for emergency operations, conducting exercises to test those plans, training necessary personnel and acquiring necessary resources;

(c) Test periodically plans for emergency operations to ensure that the activities of state and local governmental agencies, private organizations and other persons are coordinated;

(d) Provide assistance to victims, prevent further injury or damage to persons or property and increase the effectiveness of recovery operations; and

(e) Restore the operation of vital community life-support systems and return persons and property affected by an emergency or disaster to a condition that is comparable to or better than what existed before the emergency or disaster occurred.

5. ***The Division shall perform the duties required pursuant to sections 2 to 30, inclusive, of this act.***

6. The Division shall perform the duties required pursuant to NRS 353.2753 at the request of a state agency or local government.

Sec. 31.5. **Chapter 616A of NRS is hereby amended by adding thereto a new section to read as follows:**

A volunteer health practitioner, as defined in section 19 of this act, who provides health or veterinary services pursuant to sections 2 to 30, inclusive, of this act, shall be deemed for the purposes of chapters 616A to 616D, inclusive, of NRS to be an employee of the host entity, as defined in section 13 of this act, or a registration system that qualifies pursuant to section 22 of this act, at the wage of $100 per month and, in the event of injury while the provisions of sections 2 to 30, inclusive, of this act apply to the volunteer health practitioner, is entitled to the benefits of those chapters.

Sec. 31.8. **NRS 616A.025 is hereby amended to read as follows:**

616A.025 As used in chapters 616A to 616D, inclusive, of NRS, unless the context otherwise requires, the words and terms defined in NRS 616A.030 to 616A.360, inclusive, ***and section 31.5 of this act*** have the meanings ascribed to them in those sections.

Sec. 32. ~~[NRS 616A.130 is hereby amended to read as follows:~~

~~616A.130 Persons who perform volunteer work in any formal program which is being conducted:~~

~~1. Within a state or local public organization;~~

~~2. By a federally assisted organization; [or]~~

~~3. *Pursuant to sections 2 to 30, inclusive, of this act; or*~~

~~*4.* By a private, incorporated, nonprofit organization which provides services to the general community,~~

~~* and who are not specifically covered by any other provisions of chapters 616A to 616D, inclusive, of NRS, while engaged in such volunteer work, may be deemed by an insurer, for the purposes of those chapters, as employees of that organization at a wage of $100 per month. Such persons are entitled to the benefits of those chapters when the organization approves coverage and complies with the provisions of those chapters and regulations adopted pursuant to them.]~~ **(Deleted by amendment.)**

Sec. 32.5. **NRS 616A.105 is hereby amended to read as follows:**

616A.105 "Employee" and "worker" are used interchangeably in chapters 616A to 616D, inclusive, of NRS and mean every person in the service of an employer under any appointment or contract of hire or apprenticeship, express or implied, oral or written, whether lawfully or unlawfully employed, and include, but not exclusively:

1. Aliens and minors.
2. All elected and appointed paid public officers.
3. Members of boards of directors of quasi-public or private corporations while rendering actual service for such corporations for pay.

4. Musicians providing music for hire, including members of local supporting bands and orchestras commonly known as house bands.

5. Volunteer health practitioners, as defined in section 19 of this act, who are providing health or veterinary services pursuant to sections 2 to 30, inclusive, of this act and are entitled to the benefits of chapters 616A to 616D, inclusive, of NRS pursuant to the provisions of section 29 of this act.

Sec. 32.8. **NRS 616B.031 is hereby amended to read as follows:**

616B.031 1. Except as otherwise provided in subsection 2, an insurer shall not issue a policy of industrial insurance to an employer that does not cover each employee of that employer who satisfies the definition of employee set forth in NRS 616A.105 to 616A.225, inclusive ~~.~~ ***, and section 31.5 of this act.***

2. If the employer is a contractor or subcontractor who is engaged in the construction of a project that is covered by a consolidated insurance program established pursuant to NRS 616B.710 to 616B.737, inclusive, an insurer may issue a policy of industrial insurance to that employer which does not cover an employee who:

(a) Is assigned to participate in the construction of the project that is covered by the consolidated insurance program; and

(b) Works exclusively at the site of the construction project that is covered by the consolidated insurance program.

Sec. 33. NRS 617.070 is hereby amended to read as follows:

617.070 "Employee" and "worker" are used interchangeably in this chapter and mean every person in the service of an employer under any appointment or contract of hire or apprenticeship, express or implied, oral or written, whether lawfully or unlawfully employed, and include, but not exclusively:

1. Aliens and minors.

2. All elected and appointed paid public officers.

3. Members of boards of directors of quasi-public or private corporations while rendering actual service for such corporations for pay.

4. Volunteer firefighters entitled to the benefits of chapters 616A to 616D, inclusive, of NRS pursuant to the provisions of NRS 616A.145.

5. Musicians providing music for hire, including members of local supporting bands and orchestras commonly known as house bands.

6. Volunteer health practitioners, as defined in section 19 of this act, who are providing health or veterinary services pursuant to sections 2 to 30, inclusive, of this act and are entitled to the benefits of chapters 616A to 616D, inclusive, of NRS pursuant to the provisions of section 29 of this act.

Sec. 33.5. **The Division of Emergency Management of the Department of Public Safety shall adopt any regulations necessary to implement the provisions of this act on or before October 1, 2011.**

Sec. 34. This act becomes effective upon passage and approval for the purpose of adopting regulations and on October 1, 2011, for all other purposes.

Assemblywoman Bustamante Adams moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 132.

Bill read second time.

The following amendment was proposed by the Committee on Legislative Operations and Elections:

Amendment No. 241.

AN ACT relating to elections; revising provisions governing the dates for certain city elections; ~~[revising deadlines for the submission of certain campaign contribution and expenditure reports relating to city elections;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Existing law authorizes the governing body of a city incorporated pursuant to general law to choose by ordinance whether to: (1) hold city elections on the statewide election cycle; or (2) hold a primary city election on the first Tuesday after the first Monday in April and hold a general city election on the first Tuesday after the first Monday in June of odd-numbered years. (NRS 293C.115, 293C.140, 293C.145, 293C.175) Sections 4-7 and 50 of this bill require that cities be on the statewide election cycle as of the year 2014. Sections 1, 3, 6-12, 18 and 19 of this bill amend various other dates relating to city elections, such as the date for filing declarations of candidacy. Section 48 of this bill provides that officials of affected cities who are elected in 2011 will hold office until the city elections are held in 2014, and that officials of such cities who are elected in 2013 will hold office until the city elections are held in 2016.]~~

Certain cities that are created by charters hold general municipal elections in June of odd-numbered years (Boulder City, Caliente, Elko, Henderson, Las Vegas, North Las Vegas and Yerington). **Sections 20-47** of this bill amend the charters of those cities to ~~[require that the cities hold primary and general city elections on the same dates as the statewide primary and general elections. The terms of office of officials of such cities who were elected in 2009 or who will be elected in 2011 (and the terms of office of municipal judges who were elected to 6-year terms in 2007) will be extended by 1 year to allow for the transition to the statewide election cycle.~~

~~Sections 13-17 of this bill make conforming changes to provisions relating to reporting campaign contributions and expenditures for city elections so that those reports are required to be submitted on the same dates as are required for statewide primary and general elections.]~~ **authorize the city councils of those cities to choose by ordinance whether to: (1) hold city elections on the state election cycle; or (2) continue holding the elections in June, as provided in their respective city charters.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. ~~[NRS 293.059 is hereby amended to read as follows:~~

~~293.059 "General city election" means an election held pursuant to NRS~~ **[**~~293C.115,~~**]** ~~293C.140 or 293C.145. The term includes a general municipal election held pursuant to the provisions of a special charter of an incorporated city.~~**]** **(Deleted by amendment.)**

Sec. 2. ~~[NRS 293.079 is hereby amended to read as follows:~~

~~293.079 "Primary city election" means an election held pursuant to NRS~~ **[**~~293C.115 or~~**]** ~~293C.175. The term includes a primary municipal election held pursuant to the provisions of a special charter of an incorporated city.~~**]** **(Deleted by amendment.)**

Sec. 3. ~~[NRS 293B.354 is hereby amended to read as follows:~~

~~293B.354 1. The county clerk shall, not later than April 15 of each year in which a general election is held, submit to the Secretary of State for approval a written plan for the accommodation of members of the general public who observe the delivery, counting, handling and processing of ballots at a polling place, receiving center or central counting place.~~

~~2. The city clerk shall, not later than~~ **[**~~January 1~~**]** ~~***April 15*** of each year in which a general city election is held, submit to the Secretary of State for approval a written plan for the accommodation of members of the general public who observe the delivery, counting, handling and processing of the ballots at a polling place, receiving center or central counting place.~~

~~3. Each plan must include:~~

~~(a) The location of the central counting place and of each polling place and receiving center;~~

~~(b) A procedure for the establishment of areas within each polling place and receiving center and the central counting place from which members of the general public may observe the activities set forth in subsections 1 and 2;~~

~~(c) The requirements concerning the conduct of the members of the general public who observe the activities set forth in subsections 1 and 2; and~~

~~(d) Any other provisions relating to the accommodation of members of the general public who observe the activities set forth in subsections 1 and 2 which the county or city clerk considers appropriate.~~**]** **(Deleted by amendment.)**

Sec. 4. ~~[NRS 293C.115 is hereby amended to read as follows:~~

~~293C.115~~ **[**~~1.~~**]** ~~The governing body of a city incorporated pursuant to general law~~ **[**~~may~~**]** ~~***shall*** by ordinance provide for a primary city election and a general city election on~~ **[**~~:~~

~~(a) The dates set forth for primary elections and general elections pursuant to the provisions of chapter 293 of NRS; or~~

~~(b) The~~**]** ~~***the*** dates set forth for primary city elections and general city elections pursuant to the provisions of this chapter.~~

~~[2. If a governing body of a city adopts an ordinance pursuant to paragraph (a) of subsection 1, the dates set forth in NRS 293.12755, in subsections 2 to 5, inclusive, of NRS 293.165, and in NRS 293.175, 293.177, 293.345 and 293.368 apply for purposes of conducting the primary city elections and general city elections of the city.~~

~~3. If a governing body of a city adopts an ordinance pursuant to subsection 1:~~

~~(a) The term of office of any elected city official may not be shortened as a result of the ordinance; and~~

~~(b) Each elected city official holds office until the end of his term and until his successor has been elected and qualified.]~~ **(Deleted by amendment.)**

Sec. 5. ~~[NRS 293C.140 is hereby amended to read as follows:~~

~~293C.140 1.~~ **[**Except as otherwise provided in NRS 293C.115, a**]** ~~***A*** general city election must be held in each city of population categories one and two on the first Tuesday after the first Monday in~~ **[**June**]** ~~***November*** of the first~~ **[**odd numbered**]** ~~***even-numbered*** year after incorporation, and~~ **[**on the same day every**]** ~~***at each successive interval of*** 2 years~~ **,** **[**thereafter as determined by law, ordinance or resolution,**]** ~~at which time there must be elected the elective city officers, the offices of which are required next to be filled by election. All candidates, except as otherwise provided in NRS 266.220, at the general city election must be voted upon by the electors of the city at large.~~

~~2.~~ **[**Unless the terms of office of city council members are extended by an ordinance adopted pursuant to NRS 293C.115, the**]** ~~***The*** terms of office are 4 years, which terms must be staggered. The council members elected to office immediately after incorporation shall decide, by lot, among themselves which of their offices expire at the next general city election, and thereafter the terms of office must be 4 years.~~ **[**unless the terms are extended by an ordinance adopted pursuant to NRS 293C.115.**]** ~~]~~ **(Deleted by amendment.)**

Sec. 6. ~~[NRS 293C.145 is hereby amended to read as follows:~~

~~293C.145 1.~~ **[**Except as otherwise provided in NRS 293C.115, a**]** ~~***A*** general city election must be held in each city of population category three on the first Tuesday after the first Monday in~~ **[**June**]** ~~***November*** of the first~~ **[**odd numbered**]** ~~***even-numbered*** year after incorporation, and~~ **[**on the same day every**]** ~~***at each successive interval of*** 2 years.~~ **[**thereafter, as determined by ordinance.**]**

~~2. There must be one mayor and three or five council members, as the city council shall provide by ordinance, for each city of population category three.~~ **[**Unless the terms of office of the mayor and the council members are extended by an ordinance adopted pursuant to NRS 293C.115, the**]** ~~***The*** terms of office of the mayor and the council members are 4 years, which terms must be staggered. The mayor and council members elected to office immediately after incorporation shall decide, by lot, among themselves which two of their offices expire at the next general city election, and

~~thereafter the terms of office must be 4 years.~~ **[**~~unless the terms are extended by an ordinance adopted pursuant to NRS 293C.115.~~**]** ~~If a city council thereafter increases the number of council members, it shall, by lot, stagger the initial terms of the additional members.~~

~~3. —~~**[**~~Except as otherwise provided in NRS 293C.115, a~~**]** ~~**A** candidate for any office to be voted for at the general city election must file a declaration of candidacy with the city clerk not~~ **[**~~less than 60 days nor more than 70 days before the day of the general city election.~~**]** ~~***earlier than the first Monday in March preceding the general city election and not later than 5 p.m. on the second Friday after the first Monday in March.*** The city clerk shall charge and collect from the candidate and the candidate must pay to the city clerk, at the time of filing the declaration of candidacy, a filing fee in an amount fixed by the city council by ordinance or resolution.~~

~~4. —Candidates for mayor must be voted upon by the electors of the city at large. Candidates for the city council must be voted upon by the electors of their respective wards to represent the wards in which they reside or by the electors of the city at large in accordance with the provisions of chapter 266 of NRS.~~**]** **(Deleted by amendment.)**

Sec. 7. ~~[NRS 293C.175 is hereby amended to read as follows:~~

~~293C.175 1. —~~**[**~~Except as otherwise provided in NRS 293C.115, a~~**]** ~~**A** primary city election must be held in each city of population category one, and in each city of population category two that has so provided by ordinance, on the~~ **[**~~first~~**]** ~~***second*** Tuesday~~ **[**~~after the first Monday~~**]** ~~in~~ **[**~~April~~**]** ~~***June*** of every year in which a general city election is to be held, at which time there must be nominated candidates for offices to be voted for at the next general city election.~~

~~2. —~~**[**~~Except as otherwise provided in NRS 293C.115, a~~**]** ~~**A** candidate for any office to be voted for at the primary city election must file a declaration of candidacy with the city clerk not~~ **[**~~less than 60 days or more than 70 days before the date of the primary city election.~~**]** ~~***earlier than the first Monday in March preceding the general city election and not later than 5 p.m. on the second Friday after the first Monday in March.*** The city clerk shall charge and collect from the candidate and the candidate must pay to the city clerk, at the time of filing the declaration of candidacy, a filing fee in an amount fixed by the governing body of the city by ordinance or resolution. The filing fees collected by the city clerk must be deposited to the credit of the general fund of the city.~~

~~3. —All candidates, except as otherwise provided in NRS 266.220, must be voted upon by the electors of the city at large.~~

~~4. —If, in a primary city election held in a city of population category one or two, one candidate receives more than a majority of votes cast in that election for the office for which he or she is a candidate, the candidate must be declared elected to the office and the candidate's name must not be placed on the ballot for the general city election. If, in the primary city election, no candidate receives a majority of votes cast in that election for the office for~~

~~which he or she is a candidate, the names of the two candidates receiving the highest number of votes must be placed on the ballot for the general city election.~~] **(Deleted by amendment.)**

Sec. 8. ~~[NRS 293C.185 is hereby amended to read as follows:~~

~~293C.185 1. Except as otherwise provided in NRS~~ [293C.115 and] ~~293C.190, a name may not be printed on a ballot to be used at a primary city election unless the person named has filed a declaration of candidacy or an acceptance of candidacy and has paid the fee established by the governing body of the city not earlier than~~ [70 days before the primary city election and not later than 5 p.m. on the 60th day before the primary city election.] ***~~the first Monday in March preceding the general city election and not later than 5 p.m. on the second Friday after the first Monday in March.~~***

~~2. A declaration of candidacy required to be filed by this section must be in substantially the following form:~~

~~DECLARATION OF CANDIDACY OF ..... FOR THE OFFICE OF .....~~

~~State of Nevada~~

~~City of~~

~~For the purpose of having my name placed on the official ballot as a candidate for the office of ....., I, ..., the undersigned do swear or affirm under penalty of perjury that I actually, as opposed to constructively, reside at ....., in the City or Town of ....., County of ....., State of Nevada; that my actual, as opposed to constructive, residence in the city, township or other area prescribed by law to which the office pertains began on a date at least 30 days immediately preceding the date of the close of filing of declarations of candidacy for this office; that my telephone number is ....., and the address at which I receive mail, if different than my residence, is .....; that I am a qualified elector pursuant to Section 1 of Article 2 of the Constitution of the State of Nevada; that if I have ever been convicted of treason or a felony, my civil rights have been restored by a court of competent jurisdiction; that if nominated as a candidate at the ensuing election I will accept the nomination and not withdraw; that I will not knowingly violate any election law or any law defining and prohibiting corrupt and fraudulent practices in campaigns and elections in this State; that I will qualify for the office if elected thereto, including, but not limited to, complying with any limitation prescribed by the Constitution and laws of this State concerning the number of years or terms for which a person may hold the office; and my name will appear on all ballots as designated in this declaration.~~

~~(Designation of name)~~

~~(Signature of candidate for office)~~

~~Subscribed and sworn to before me~~

~~this ..... day of the month of ..... of the year .....~~

~~Notary Public or other person~~
~~authorized to administer an oath~~

~~3. The address of a candidate that must be included in the declaration or acceptance of candidacy pursuant to subsection 2 must be the street address of the residence where the candidate actually, as opposed to constructively, resides in accordance with NRS 281.050, if one has been assigned. The declaration or acceptance of candidacy must not be accepted for filing if:~~

~~(a) The candidate's address is listed as a post office box unless a street address has not been assigned to the residence; or~~

~~(b) The candidate does not present to the filing officer:~~

~~(1) A valid driver's license or identification card issued by a governmental agency that contains a photograph of the candidate and the candidate's residential address; or~~

~~(2) A current utility bill, bank statement, paycheck, or document issued by a governmental entity, including a check which indicates the candidate's name and residential address, but not including a voter registration card issued pursuant to NRS 293.517.~~

~~4. The filing officer shall retain a copy of the proof of identity and residency provided by the candidate pursuant to paragraph (b) of subsection 3. Such a copy:~~

~~(a) May not be withheld from the public; and~~

~~(b) Must not contain the social security number or driver's license or identification card number of the candidate.~~

~~5. By filing the declaration or acceptance of candidacy, the candidate shall be deemed to have appointed the city clerk as his or her agent for service of process for the purposes of a proceeding pursuant to NRS 293C.186. Service of such process must first be attempted at the appropriate address as specified by the candidate in the declaration or acceptance of candidacy. If the candidate cannot be served at that address, service must be made by personally delivering to and leaving with the city clerk duplicate copies of the process. The city clerk shall immediately send, by registered or certified mail, one of the copies to the candidate at the specified address, unless the candidate has designated in writing to the city clerk a different address for that purpose, in which case the city clerk shall mail the copy to the last address so designated.~~

~~6. If the city clerk receives credible evidence indicating that a candidate has been convicted of a felony and has not had his or her civil rights restored by a court of competent jurisdiction, the city clerk:~~

~~(a) May conduct an investigation to determine whether the candidate has been convicted of a felony and, if so, whether the candidate has had his or her civil rights restored by a court of competent jurisdiction; and~~

~~(b) Shall transmit the credible evidence and the findings from such investigation to the city attorney.~~

~~7. The receipt of information by the city attorney pursuant to subsection 6 must be treated as a challenge of a candidate pursuant to subsections 4 and 5 of NRS 293C.186. If the ballots are printed before a court of competent jurisdiction makes a determination that a candidate has been convicted of a felony and has not had his or her civil rights restored by a court of competent jurisdiction, the city clerk must post a notice at each polling place where the candidate's name will appear on the ballot informing the voters that the candidate is disqualified from entering upon the duties of the office for which the candidate filed the declaration of candidacy or acceptance of candidacy.]~~

(Deleted by amendment.)

Sec. 9. ~~[NRS 293C.190 is hereby amended to read as follows:~~

~~293C.190 1. [Except as otherwise provided in NRS 293C.115, a] A vacancy occurring in a nomination for a city office after the close of filing and on or before 5 p.m. [of] on the [first] second Tuesday [after the first Monday in March in a year in which a general city election is held] in April must be filled by filing a nominating petition that is signed by at least 1 percent of the persons who are registered to vote and who voted for that office at the last preceding general city election. [Except as otherwise provided in NRS 293C.115, the] The petition must be filed not earlier than the [third] first Tuesday in [February] March and not later than the [third] fourth Tuesday [after the third Monday] in [March.] April. A candidate nominated pursuant to the provisions of this subsection may be elected only at a general city election, and the candidate's name must not appear on the ballot for a primary city election.~~

~~2. [Except as otherwise provided in NRS 293C.115, a] A vacancy occurring in a nomination for a city office after 5 p.m. [of] on the [first] second Tuesday [after the first Monday in March] in April and on or before 5 p.m. [of] on the [second] first Tuesday after the [second Monday in April] primary city election must be filled by the person who received the next highest vote for the nomination in the primary city election.~~

~~3. [Except to place a candidate nominated pursuant to subsection 1 on the ballot and except as otherwise provided in NRS 293C.115, no] No change may be made on the ballot for the general city election after 5 p.m. [of] on the [second] first Tuesday after the [second Monday in April of the year in which the general] primary city election . [is held.] If a nominee dies after that time and date, the nominee's name must remain on the ballot for the general city election and, if elected, a vacancy exists.~~

~~4. [Except as otherwise provided in NRS 293C.115, all] All designations provided for in this section must be filed on or before 5 p.m. on the [second] first Tuesday after the [second Monday in April of the year in which the general] primary city election . [is held.] The filing fee must be paid and an acceptance of the designation must be filed on or before 5 p.m. on that date.]~~

(Deleted by amendment.)

Sec. 10. ~~[NRS 293C.291 is hereby amended to read as follows:~~

~~293C.291 If a candidate whose name appears on the ballot at a primary city election or general city election dies after the applicable date set forth in [:~~

~~1.] NRS 293C.370 [; or~~

~~2. NRS 293.368, if the governing body of the city has adopted an ordinance pursuant to paragraph (a) of subsection 1 of NRS 293C.115,~~

~~→] but before the time of the closing of the polls on the day of the election, the city clerk shall post a notice of the candidate's death at each polling place where the candidate's name will appear on the ballot for the primary city election or general city election.] (Deleted by amendment.)~~

Sec. 11. ~~[NRS 293C.345 is hereby amended to read as follows:~~

~~293C.345 [Except as otherwise provided in NRS 293C.115, the] *The* city clerk shall mail to each registered voter in each mailing precinct and in each absent ballot mailing precinct, before 5 p.m. on the third Thursday in [March] *May* and before 5 p.m. on the fourth Tuesday in [May] *October* of any year in which a general city election is held, an official mailing ballot to be voted by the voter at the election.] (Deleted by amendment.)~~

Sec. 12. ~~[NRS 293C.370 is hereby amended to read as follows:~~

~~293C.370 [Except as otherwise provided in NRS 293C.115:]~~

~~1. Whenever a candidate whose name appears upon the ballot at a primary city election dies after 5 p.m. [of] *on* the [first] *second* Tuesday [after the first Monday] in [March,] *April,* the deceased candidate's name must remain on the ballot and the votes cast for the deceased candidate must be counted in determining the nomination for the office for which the decedent was a candidate.~~

~~2. If the deceased candidate on the ballot at the primary city election receives the number of votes required to receive the nomination to the office for which he or she was a candidate, the nomination is filled as provided in subsection 2 of NRS 293C.190.~~

~~3. Whenever a candidate whose name appears upon the ballot at a general city election dies after 5 p.m. [of] *on* the [second] *first* Tuesday after the [second Monday in April,] *primary city election,* the votes cast for the deceased candidate must be counted in determining the results of the election for the office for which the decedent was a candidate.~~

~~4. If the deceased candidate on the ballot at the general election receives the majority of the votes cast for the office, the deceased candidate shall be deemed elected and the office to which he or she was elected shall be deemed vacant at the beginning of the term for which he or she was elected. The vacancy created must be filled in the same manner as if the candidate had died after taking office for that term.] (Deleted by amendment.)~~

Sec. 13. ~~[NRS 294A.140 is hereby amended to read as follows:~~

~~294A.140 1. Every person who is not under the direction or control of a candidate for office at a primary election, primary city election, general election or general city election, of a group of such candidates or of any person involved in the campaign of that candidate or group who makes an~~

~~expenditure on behalf of the candidate or group which is not solicited or approved by the candidate or group, and every committee for political action, political party, committee sponsored by a political party and business entity which makes an expenditure on behalf of such a candidate or group of candidates shall, not later than January 15 of each year that the provisions of this subsection apply to the person, committee, political party or business entity, for the period from January 1 of the previous year through December 31 of the previous year, report each campaign contribution in excess of $100 received during the period and contributions received during the period from a contributor which cumulatively exceed $100. The provisions of this subsection apply to the person, committee, political party or business entity beginning the year of the general election or general city election for that office through the year immediately preceding the next general election or general city election for that office.~~

~~2. Every person, committee, political party or business entity described in subsection 1 which makes an expenditure on behalf of the candidate for office at a primary election [, primary city election,] or general election [or general city election] or on behalf of a group of such candidates shall, if the general election [or general city election] for the office for which the candidate or a candidate in the group of candidates seeks election is held on or after January 1 and before the July 1 immediately following that January 1, not later than:~~

~~(a) Seven days before the primary election [or primary city election] for that office, for the period from the January 1 immediately preceding the primary election [or primary city election] through 12 days before the primary election ; [or primary city election;]~~

~~(b) Seven days before the general election [or general city election] for that office, for the period from 11 days before the primary election [or primary city election] through 12 days before the general election ; [or general city election;] and~~

~~(c) July 15 of the year of the general election [or general city election] for that office, for the period from 11 days before the general election [or general city election] through June 30 of that year,~~

~~* report each campaign contribution in excess of $100 received during the period and contributions received during the period from a contributor which cumulatively exceed $100. The report must be completed on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the committee, political party or business entity under penalty of perjury.~~

~~3. The name and address of the contributor and the date on which the contribution was received must be included on the report for each contribution in excess of $100 and contributions which a contributor has made cumulatively in excess of $100 since the beginning of the current reporting period.~~

~~4. Every person, committee, political party or business entity described in subsection 1 which makes an expenditure on behalf of a candidate for office at a primary election, primary city election, general election or general city election or on behalf of a group of such candidates shall, if the general election or general city election for the office for which the candidate or a candidate in the group of candidates seeks election is held on or after July 1 and before the January 1 immediately following that July 1, not later than:~~

~~(a) Seven days before the primary election or primary city election for that office, for the period from the January 1 immediately preceding the primary election or primary city election through 12 days before the primary election or primary city election; and~~

~~(b) Seven days before the general election or general city election for that office, for the period from 11 days before the primary election or primary city election through 12 days before the general election or general city election,~~

~~➥ report each campaign contribution in excess of $100 received during the period and contributions received during the period from a contributor which cumulatively exceed $100. The report must be completed on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the committee, political party or business entity under penalty of perjury.~~

~~5. Except as otherwise provided in subsection 6, every person, committee, political party or business entity described in subsection 1 which makes an expenditure on behalf of a candidate for office at a special election or on behalf of a group of such candidates shall, not later than:~~

~~(a) Seven days before the special election for the office for which the candidate or a candidate in the group of candidates seeks election, for the period from the nomination of the candidate through 12 days before the special election; and~~

~~(b) Thirty days after the special election, for the remaining period through the special election,~~

~~➥ report each campaign contribution in excess of $100 received during the period and contributions received during the period from a contributor which cumulatively exceed $100. The report must be completed on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the committee, political party or business entity under penalty of perjury.~~

~~6. Every person, committee, political party or business entity described in subsection 1 which makes an expenditure on behalf of a candidate for office at a special election to determine whether a public officer will be recalled or on behalf of a group of candidates for offices at such special elections shall report each contribution in excess of $100 received during the period and contributions received during the period from a contributor which cumulatively exceed $100. The report must be completed on the form designed and provided by the Secretary of State pursuant to NRS 294A.373~~

~~and signed by the person or a representative of the committee, political party or business entity under penalty of perjury, 30 days after:~~

~~(a) The special election, for the period from the filing of the notice of intent to circulate the petition for recall through the special election; or~~

~~(b) If the special election is not held because a district court determines that the petition for recall is legally insufficient pursuant to subsection 6 of NRS 306.040, for the period from the filing of the notice of intent to circulate the petition for recall through the date of the district court's decision.~~

~~7. The reports of contributions required pursuant to this section must be filed with:~~

~~(a) If the candidate is elected from one county, the county clerk of that county;~~

~~(b) If the candidate is elected from one city, the city clerk of that city; or~~

~~(c) If the candidate is elected from more than one county or city, the Secretary of State.~~

~~8. A person or entity may file the report with the appropriate officer by regular mail, certified mail, facsimile machine or electronic means. A report shall be deemed to be filed with the officer:~~

~~(a) On the date that it was mailed if it was sent by certified mail; or~~

~~(b) On the date that it was received by the officer if the report was sent by regular mail, transmitted by facsimile machine or electronic means, or delivered personally.~~

~~9. Each county clerk or city clerk who receives a report pursuant to this section shall file a copy of the report with the Secretary of State within 10 working days after receiving the report.~~

~~10. Every person, committee, political party or business entity described in subsection 1 shall file a report required by this section even if the person, committee, political party or business entity receives no contributions.~~**]**

(Deleted by amendment.)

Sec. 14. ~~[NRS 294A.150 is hereby amended to read as follows:~~

~~294A.150 1. Except as otherwise provided in NRS 294A.283, every person or group of persons organized formally or informally, including a business entity, who advocates the passage or defeat of a question or group of questions on the ballot at a primary election, primary city election, general election or general city election and who receives or expends money in an amount in excess of $10,000 to advocate the passage or defeat of such question or group of questions shall, not later than January 15 of each year that the provisions of this subsection apply to the person, group of persons or business entity, for the period from January 1 of the previous year through December 31 of the previous year, report each campaign contribution in excess of $1,000 received during that period and contributions received during the period from a contributor which cumulatively exceed $1,000. The report must be completed on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the group or business entity under penalty of~~

~~perjury. The provisions of this subsection apply to the person, group of persons or business entity:~~

~~(a) Each year in which:~~

~~(1) An election or city election is held for each question for which the person, group of persons or business entity advocates passage or defeat; or~~

~~(2) A person, group of persons or business entity receives or expends money in excess of $10,000 to advocate the passage or defeat of a question or group of questions on the ballot at a primary election, primary city election, general election or general city election; and~~

~~(b) The year after each year described in paragraph (a).~~

~~2. If a question is on the ballot at a primary election [or primary city election] and the general election [or general city election] immediately following that primary election [or primary city election] is held on or after January 1 and before the July 1 immediately following that January 1, every person or group of persons organized formally or informally, including a business entity, who advocates the passage or defeat of the question or a group of questions that includes the question and who receives or expends money in an amount in excess of $10,000 to advocate the passage or defeat of such question or group of questions shall comply with the requirements of this subsection. If a question is on the ballot at a general election [or general city election] held on or after January 1 and before the July 1 immediately following that January 1, every person or group of persons organized formally or informally, including a business entity, who advocates the passage or defeat of the question or a group of questions that includes the question and who receives or expends money in an amount in excess of $10,000 to advocate the passage or defeat of such question or group of questions shall comply with the requirements of this subsection. A person, group of persons or business entity described in this subsection shall, not later than:~~

~~(a) Seven days before the primary election , [or primary city election,] for the period from the January 1 immediately preceding the primary election [or primary city election] through 12 days before the primary election ; [or primary city election;]~~

~~(b) Seven days before the general election , [or general city election,] for the period from 11 days before the primary election [or primary city election] through 12 days before the general election ; [or general city election;] and~~

~~(c) July 15 of the year of the general election [or general city election,] for the period from 11 days before the general election [or general city election] through June 30 of that year,~~

~~" report each campaign contribution in excess of $1,000 received during the period and contributions received during the period from a contributor which cumulatively exceed $1,000. The report must be completed on the form designed and provided by the Secretary of State pursuant to NRS 294A.373 and signed by the person or a representative of the group or business entity under penalty of perjury.~~

~~3. The name and address of the contributor and the date on which the contribution was received must be included on the report for each contribution in excess of $1,000 and contributions which a contributor has made cumulatively in excess of that amount since the beginning of the current reporting period.~~

~~4. If a question is on the ballot at a primary election or primary city election and the general election or general city election immediately following that primary election or primary city election is held on or after July 1 and before the January 1 immediately following that July 1, every person or group of persons organized formally or informally, including a business entity, who advocates the passage or defeat of the question or a group of questions that includes the question and who receives or expends money in an amount in excess of $10,000 to advocate the passage or defeat of such question or group of questions shall comply with the requirements of this subsection. Except as otherwise provided in NRS 294A.283, if a question is on the ballot at a general election or general city election held on or after July 1 and before the January 1 immediately following that July 1, every person or group of persons organized formally or informally, including a business entity, who advocates the passage or defeat of the question or a group of questions that includes the question and who receives or expends money in an amount in excess of $10,000 to advocate the passage or defeat of such question or group of questions shall comply with the requirements of this subsection. A person, group of persons or business entity described in this subsection shall, not later than:~~

~~(a) Seven days before the primary election or primary city election, for the period from the January 1 immediately preceding the primary election or primary city election through 12 days before the primary election or primary city election; and~~

~~(b) Seven days before the general election or general city election, for the period from 11 days before the primary election or primary city election through 12 days before the general election or general city election,~~

~~→ report each campaign contribution in excess of $1,000 received during the period and contributions received during the period from a contributor which cumulatively exceed $1,000. The report must be completed on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the group or business entity under penalty of perjury.~~

~~5. Except as otherwise provided in subsection 6, every person or group of persons organized formally or informally, including a business entity, who advocates the passage or defeat of a question or group of questions on the ballot at a special election and who receives or expends money in an amount in excess of $10,000 to advocate the passage or defeat of such question or group of questions shall, not later than:~~

~~(a) Seven days before the special election, for the period from the date that the question qualified for the ballot through 12 days before the special election; and~~

~~(b) Thirty days after the special election, for the remaining period through the special election,~~

~~→ report each campaign contribution in excess of $1,000 received during the period and contributions received during the period from a contributor which cumulatively exceed $1,000. The report must be completed on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the group or business entity under penalty of perjury.~~

~~6. Every person or group of persons organized formally or informally, including a business entity, who advocates the passage or defeat of a question or group of questions on the ballot at a special election to determine whether a public officer will be recalled and who receives or expends money in an amount in excess of $10,000 to advocate the passage or defeat of such question or group of questions shall report each of the contributions received on the form designed and provided by the Secretary of State pursuant to NRS 294A.373 and signed by the person or a representative of the group or business entity under penalty of perjury, 30 days after:~~

~~(a) The special election, for the period from the filing of the notice of intent to circulate the petition for recall through the special election; or~~

~~(b) If the special election is not held because a district court determines that the petition for recall is legally insufficient pursuant to subsection 6 of NRS 306.040, for the period from the filing of the notice of intent to circulate the petition for recall through the date of the district court's decision.~~

~~7. The reports required pursuant to this section must be filed with:~~

~~(a) If the question is submitted to the voters of one county, the county clerk of that county;~~

~~(b) If the question is submitted to the voters of one city, the city clerk of that city; or~~

~~(c) If the question is submitted to the voters of more than one county or city, the Secretary of State.~~

~~8. A person may mail or transmit the report to the appropriate officer by regular mail, certified mail, facsimile machine or electronic means. A report shall be deemed to be filed with the officer:~~

~~(a) On the date that it was mailed if it was sent by certified mail; or~~

~~(b) On the date that it was received by the officer if the report was sent by regular mail, transmitted by facsimile machine or electronic means, or delivered personally.~~

~~9. If the person or group of persons, including a business entity, is advocating passage or defeat of a group of questions, the reports must be itemized by question or petition.~~

~~10. Each county clerk or city clerk who receives a report pursuant to this section shall file a copy of the report with the Secretary of State within 10 working days after receiving the report.~~] **(Deleted by amendment.)**

Sec. 15. ~~[NRS 294A.210 is hereby amended to read as follows:~~

~~294A.210 1. Every person who is not under the direction or control of a candidate for an office at a primary election, primary city election, general election or general city election, of a group of such candidates or of any person involved in the campaign of that candidate or group who makes an expenditure on behalf of the candidate or group which is not solicited or approved by the candidate or group, and every committee for political action, political party, committee sponsored by a political party or business entity which makes an expenditure on behalf of such a candidate or group of candidates shall, not later than January 15 of each year that the provisions of this subsection apply to the person, committee, political party or business entity, for the period from January 1 of the previous year through December 31 of the previous year, report each expenditure made during the period on behalf of the candidate, the group of candidates or a candidate in the group of candidates in excess of $100 on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the committee, political party or business entity under penalty of perjury. The provisions of this subsection apply to the person, committee, political party or business entity beginning the year of the general election or general city election for that office through the year immediately preceding the next general election or general city election for that office.~~

~~2. Every person, committee, political party or business entity described in subsection 1 which makes an expenditure on behalf of a candidate for office at a primary election~~ [~~, primary city election,~~] ~~*or* general election~~ [~~or general city election~~] ~~or a group of such candidates shall, if the general election~~ [~~or general city election~~] ~~for the office for which the candidate or a candidate in the group of candidates seeks election is held on or after January 1 and before the July 1 immediately following that January 1, not later than:~~

~~(a) Seven days before the primary election~~ [~~or primary city election~~] ~~for that office, for the period from the January 1 immediately preceding the primary election~~ [~~or primary city election~~] ~~through 12 days before the primary election ;~~ [~~or primary city election;~~]

~~(b) Seven days before the general election~~ [~~or general city election~~] ~~for that office, for the period from 11 days before the primary election~~ [~~or primary city election~~] ~~through 12 days before the general election ;~~ [~~or general city election;~~] ~~and~~

~~(c) July 15 of the year of the general election~~ [~~or general city election~~] ~~for that office, for the period from 11 days before the general election~~ [~~or general city election~~] ~~through the June 30 of that year,~~

~~* report each expenditure made during the period on behalf of the candidate, the group of candidates or a candidate in the group of candidates in excess of~~

~~$100 on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the committee, political party or business entity under penalty of perjury.~~

~~3. Every person, committee, political party or business entity described in subsection 1 which makes an expenditure on behalf of a candidate for office at a primary election, primary city election, general election or general city election or on behalf of a group of such candidates shall, if the general election or general city election for the office for which the candidate or a candidate in the group of candidates seeks election is held on or after July 1 and before the January 1 immediately following that July 1, not later than:~~

~~(a) Seven days before the primary election or primary city election for that office, for the period from the January 1 immediately preceding the primary election or primary city election through 12 days before the primary election or primary city election; and~~

~~(b) Seven days before the general election or general city election for that office, for the period from 11 days before the primary election or primary city election through 12 days before the general election or general city election,~~

~~→ report each expenditure made during the period on behalf of the candidate, the group of candidates or a candidate in the group of candidates in excess of $100 on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the committee, political party or business entity under penalty of perjury.~~

~~4. Except as otherwise provided in subsection 5, every person, committee, political party or business entity described in subsection 1 which makes an expenditure on behalf of a candidate for office at a special election or on behalf of a group of such candidates shall, not later than:~~

~~(a) Seven days before the special election for the office for which the candidate or a candidate in the group of candidates seeks election, for the period from the nomination of the candidate through 12 days before the special election; and~~

~~(b) Thirty days after the special election, for the remaining period through the special election,~~

~~→ report each expenditure made during the period on behalf of the candidate, the group of candidates or a candidate in the group of candidates in excess of $100 on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the committee, political party or business entity under penalty of perjury.~~

~~5. Every person, committee, political party or business entity described in subsection 1 which makes an expenditure on behalf of a candidate for office at a special election to determine whether a public officer will be recalled or on behalf of a group of such candidates shall list each expenditure made on behalf of the candidate, the group of candidates or a candidate in the group of candidates in excess of $100 on the form designed and provided by the Secretary of State pursuant to NRS 294A.373 and signed by the person or~~

~~a representative of the committee, political party or business entity under penalty of perjury, 30 days after:~~

~~(a) The special election, for the period from the filing of the notice of intent to circulate the petition for recall through the special election; or~~

~~(b) If the special election is not held because a district court determines that the petition for recall is legally insufficient pursuant to subsection 6 of NRS 306.040, for the period from the filing of the notice of intent to circulate the petition for recall through the date of the district court's decision.~~

~~6. Expenditures made within the State or made elsewhere but for use within the State, including expenditures made outside the State for printing, television and radio broadcasting or other production of the media, must be included in the report.~~

~~7. The reports must be filed with:~~

~~(a) If the candidate is elected from one county, the county clerk of that county;~~

~~(b) If the candidate is elected from one city, the city clerk of that city; or~~

~~(c) If the candidate is elected from more than one county or city, the Secretary of State.~~

~~8. If an expenditure is made on behalf of a group of candidates, the reports must be itemized by the candidate. A person may mail or transmit the report to the appropriate officer by regular mail, certified mail, facsimile machine or electronic means. A report shall be deemed to be filed with the officer:~~

~~(a) On the date that it was mailed if it was sent by certified mail; or~~

~~(b) On the date that it was received by the officer if the report was sent by regular mail, transmitted by facsimile machine or electronic means, or delivered personally.~~

~~9. Each county clerk or city clerk who receives a report pursuant to this section shall file a copy of the report with the Secretary of State within 10 working days after receiving the report.~~

~~10. Every person, committee, political party or business entity described in subsection 1 shall file a report required by this section even if the person, committee, political party or business entity receives no contributions.~~**]**

(Deleted by amendment.)

Sec. 16. ~~[NRS 294A.220 is hereby amended to read as follows:~~

~~294A.220 1. Except as otherwise provided in NRS 294A.283, every person or group of persons organized formally or informally, including a business entity, who advocates the passage or defeat of a question or group of questions on the ballot at a primary election, primary city election, general election or general city election and who receives or expends money in an amount in excess of $10,000 to advocate the passage or defeat of such question or group of questions shall, not later than January 15 of each year that the provisions of this subsection apply to the person or group of persons, for the period from January 1 of the previous year through December 31 of the previous year, report each expenditure made during the period on behalf~~

~~of or against the question, the group of questions or a question in the group of questions on the ballot in excess of $1,000 on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the group or business entity under penalty of perjury. The provisions of this subsection apply to the person, group of persons or business entity:~~

~~(a) Each year in which:~~

~~(1) An election or city election is held for a question for which the person, group of persons or business entity advocates passage or defeat; or~~

~~(2) A person, group of persons or business entity receives or expends money in excess of $10,000 to advocate the passage or defeat of a question or group of questions on the ballot at a primary election, primary city election, general election or general city election; and~~

~~(b) The year after each year described in paragraph (a).~~

~~2. If a question is on the ballot at a primary election [or primary city election] and the general election [or general city election] immediately following that primary election [or primary city election] is held on or after January 1 and before the July 1 immediately following that January 1, every person or group of persons organized formally or informally, including a business entity, who advocates the passage or defeat of the question or a group of questions that includes the question and who receives or expends money in an amount in excess of $10,000 to advocate the passage or defeat of such question or group of questions shall comply with the requirements of this subsection. If a question is on the ballot at a general election [or general city election] held on or after January 1 and before the July 1 immediately following that January 1, every person or group of persons organized formally or informally, including a business entity, who advocates the passage or defeat of the question or a group of questions that includes the question and who receives or expends money in an amount in excess of $10,000 to advocate the passage or defeat of such question or group of questions shall comply with the requirements of this subsection. A person, group of persons or business entity described in this subsection shall, not later than:~~

~~(a) Seven days before the primary election , [or primary city election,] for the period from the January 1 immediately preceding the primary election [or primary city election] through 12 days before the primary election ; [or primary city election;]~~

~~(b) Seven days before the general election , [or general city election,] for the period from 11 days before the primary election [or primary city election] through 12 days before the general election ; [or general city election;] and~~

~~(c) July 15 of the year of the general election , [or general city election,] for the period from 11 days before the general election [or general city election] through the June 30 immediately preceding that July 15,~~

~~* report each expenditure made during the period on behalf of or against the question, the group of questions or a question in the group of questions on~~

~~the ballot in excess of $1,000 on the form designed and provided by the Secretary of State pursuant to NRS 294A.373 and signed by the person or a representative of the group or business entity under penalty of perjury.~~

~~3. If a question is on the ballot at a primary election or primary city election and the general election or general city election immediately following that primary election or primary city election is held on or after July 1 and before the January 1 immediately following that July 1, every person or group of persons organized formally or informally, including a business entity, who advocates the passage or defeat of the question or a group of questions that includes the question and who receives or expends money in an amount in excess of $10,000 to advocate the passage or defeat of such question or group of questions shall comply with the requirements of this subsection. Except as otherwise provided in NRS 294A.283, if a question is on the ballot at a general election or general city election held on or after July 1 and before the January 1 immediately following that July 1, every person or group of persons organized formally or informally, including a business entity, who advocates the passage or defeat of the question or a group of questions that includes the question and who receives or expends money in an amount in excess of $10,000 to advocate the passage or defeat of such question or group of questions shall comply with the requirements of this subsection. A person, group of persons or business entity described in this subsection shall, not later than:~~

~~(a) Seven days before the primary election or primary city election, for the period from the January 1 immediately preceding the primary election or primary city election through 12 days before the primary election or primary city election; and~~

~~(b) Seven days before the general election or general city election, for the period from 11 days before the primary election or primary city election through 12 days before the general election or general city election,~~

~~→ report each expenditure made during the period on behalf of or against the question, the group of questions or a question in the group of questions on the ballot in excess of $1,000 on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the group or business entity under penalty of perjury.~~

~~4. Except as otherwise provided in subsection 5, every person or group of persons organized formally or informally, including a business entity, who advocates the passage or defeat of a question or group of questions on the ballot at a special election shall, not later than:~~

~~(a) Seven days before the special election, for the period from the date the question qualified for the ballot through 12 days before the special election; and~~

~~(b) Thirty days after the special election, for the remaining period through the special election,~~

~~•~~ report each expenditure made during the period on behalf of or against the question, the group of questions or a question in the group of questions on the ballot in excess of $1,000 on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the group or business entity under penalty of perjury.

5. Every person or group of persons organized formally or informally, including a business entity, who advocates the passage or defeat of a question or group of questions on the ballot at a special election to determine whether a public officer will be recalled and who receives or expends money in an amount in excess of $10,000 to advocate the passage or defeat of such question or group of questions shall list each expenditure made during the period on behalf of or against the question, the group of questions or a question in the group of questions on the ballot in excess of $1,000 on the form designed and provided by the Secretary of State pursuant to NRS 294A.373 and signed by the person or a representative of the group or business entity under penalty of perjury, 30 days after:

(a) The special election, for the period from the filing of the notice of intent to circulate the petition for recall through the special election; or

(b) If the special election is not held because a district court determines that the petition for recall is legally insufficient pursuant to subsection 6 of NRS 306.040, for the period from the filing of the notice of intent to circulate the petition for recall through the date of the district court's decision.

6. Expenditures made within the State or made elsewhere but for use within the State, including expenditures made outside the State for printing, television and radio broadcasting or other production of the media, must be included in the report.

7. The reports required pursuant to this section must be filed with:

(a) If the question is submitted to the voters of one county, the county clerk of that county;

(b) If the question is submitted to the voters of one city, the city clerk of that city; or

(c) If the question is submitted to the voters of more than one county or city, the Secretary of State.

8. If an expenditure is made on behalf of a group of questions, the reports must be itemized by question or petition. A person may mail or transmit the report to the appropriate filing officer by regular mail, certified mail, facsimile machine or electronic means. A report shall be deemed to be filed with the filing officer:

(a) On the date that it was mailed if it was sent by certified mail; or

(b) On the date that it was received by the filing officer if the report was sent by regular mail, transmitted by facsimile machine or electronic means, or delivered personally.

~~9. Each county clerk or city clerk who receives a report pursuant to this section shall file a copy of the report with the Secretary of State within 10 working days after receiving the report.]~~ **(Deleted by amendment.)**

Sec. 17. ~~[NRS 294A.360 is hereby amended to read as follows:~~

~~294A.360 1. Every candidate for city office at a primary city election or general city election shall file the reports in the manner required by NRS 294A.120, 294A.128 and 294A.200 for other offices not later than January 15 of each year, for the period from January 1 of the previous year through December 31 of the previous year. The provisions of this subsection apply to the candidate:~~

~~(a) Beginning the year of the general city election for that office through the year immediately preceding the next general city election for that office; and~~

~~(b) Each year immediately succeeding a calendar year during which the candidate disposes of contributions pursuant to NRS 294A.160.~~

~~2. [~~Every candidate for city office at a primary city election or general city election, if the general city election for the office for which he or she is a candidate is held on or after January 1 and before the July 1 immediately following that January 1, shall file the reports in the manner required by NRS 294A.120, 294A.128 and 294A.200 for other offices not later than:

~~(a) Seven days before the primary city election for that office, for the period from the January 1 immediately preceding the primary city election through 12 days before the primary city election;~~

~~(b) Seven days before the general city election for that office, for the period from 11 days before the primary city election through 12 days before the general city election; and~~

~~(c) July 15 of the year of the general city election for that office, for the period from 11 days before the general city election through the June 30 of that year.~~

~~3.]~~ ~~Every candidate for city office at a primary city election or general city election [~~, if the general city election for the office for which he or she is a candidate is held on or after July 1 and before the January 1 immediately following that July 1,~~]~~ shall file the reports in the manner required by NRS 294A.120, 294A.128 and 294A.200 for other offices not later than:

~~(a) Seven days before the primary city election for that office, for the period from the January 1 immediately preceding the primary city election through 12 days before the primary city election; and~~

~~(b) Seven days before the general city election for that office, for the period from 11 days before the primary city election through 12 days before the general city election.~~

~~[~~4.~~]~~ ~~*3.* Except as otherwise provided in subsection [~~5,~~]~~ *4,* every candidate for city office at a special election shall so file those reports:~~

~~(a) Seven days before the special election, for the period from the candidate's nomination through 12 days before the special election; and~~

~~(b) Thirty days after the special election, for the remaining period through the special election.~~

~~[~~5.~~]~~ ~~4. Every candidate for city office at a special election to determine whether a public officer will be recalled shall so file those reports 30 days after:~~

~~(a) The special election, for the period from the filing of the notice of intent to circulate the petition for recall through the special election; or~~

~~(b) If the special election is not held because a district court determines that the petition for recall is legally insufficient pursuant to subsection 6 of NRS 306.040, for the period from the filing of the notice of intent to circulate the petition for recall through the date of the district court's decision.~~**]** **(Deleted by amendment.)**

Sec. 18. ~~[NRS 266.405 is hereby amended to read as follows:~~

~~266.405 1. In addition to the mayor and city council, there must be in each city of population category one or two a city clerk, a city treasurer, or if those offices are combined pursuant to subsection 4, a city clerk and treasurer, a municipal judge and a city attorney. The offices of city clerk, city treasurer, municipal judge and city attorney may be either elective or appointive offices, as provided by city ordinance. Except as otherwise provided in this subsection ,~~ **[**~~and unless the terms of those elected officers are extended by an ordinance adopted pursuant to NRS 293C.115,~~**]** ~~the elected officers shall hold their respective offices for 4 years and until their successors are elected and qualified. The cities of population category three may by ordinance provide that the mayor and city council members must be elected and shall hold office for 2 years .~~ **[**~~unless the terms of office of the mayor and city council members are extended by an ordinance adopted pursuant to NRS 293C.115.~~**]**

~~2. In each city of population category one or two, in which the officers are appointed pursuant to ordinance, the mayor, with the advice and consent of the city council, shall appoint all of the officers.~~

~~3. In cities of population category three, the mayor, with the advice and consent of the city council, may appoint any officers as may be deemed expedient.~~

~~4. The city council may provide by ordinance for the office of city clerk and the office of city treasurer to be combined into the office of city clerk and treasurer.~~**]** **(Deleted by amendment.)**

Sec. 19. ~~[NRS 267.110 is hereby amended to read as follows:~~

~~267.110 1. Any city having adopted a charter pursuant to the provisions of NRS 267.010 to 267.140, inclusive, has pursuant to the charter:~~

~~(a) All of the powers enumerated in the general laws of the State for the incorporation of cities.~~

~~(b) Such other powers necessary and not in conflict with the Constitution and laws of the State of Nevada to carry out the commission form of government.~~

~~2. The charter, when submitted, must:~~

~~(a) Fix the number of commissioners, their terms of office and their duties and compensation.~~

~~(b) Provide for all necessary appointive and elective officers for the form of government therein provided, and fix their salaries and emoluments, duties and powers.~~

~~(c) Fix, in accordance with the provisions of NRS 293C.140 and 293C.175 or with the provisions of NRS 293C.145~~ **~~[~~**, or with the provisions of paragraph (a) of subsection 1 of NRS 293C.115,**~~]~~** ~~the time for the first and subsequent elections for all elective officers. After the first election and the qualification of the officers who were elected, the old officers and all boards or offices and their emoluments must be abolished.~~**~~]~~** **(Deleted by amendment.)**

Sec. 20. Section 4 of the charter of Boulder City is hereby amended to read as follows:

Section 4. Number; selection ***;*** **~~[~~**~~and term;~~**~~]~~** recall.

1. **~~[~~**~~The~~**~~]~~** ***Except as otherwise provided in section 96, the*** City Council shall have four Council Members and a Mayor elected from the City at large in the manner provided in Article IX ~~*[.]*~~ , for terms of four years and until their successors have been elected and have taken office as provided in section 16 **~~[~~**~~, subject to recall as provided in section 111.5.~~**~~]~~** No Council Member shall represent any particular constituency or district of the City, and each Council Member shall represent the entire City. (Amd. 2; 6-4-1991; Add. 17; Amd. 1; 11-5-1996)

2. (Repealed by Amd. 1; 6-4-1991)

3. The Council Members and the Mayor are subject to recall as provided in section 111.5.

Sec. 21. Section 96 of the charter of Boulder City is hereby amended to read as follows:

Section 96. Conduct of **~~[~~**~~city~~**~~]~~** ***municipal*** elections.

1. All **~~[~~**~~city~~**~~]~~** ***municipal*** elections must be nonpartisan in character and must be conducted in accordance with the provisions of the general election laws of the State of Nevada and any ordinance regulations as adopted by the City Council which are consistent with law and this Charter. (1959 Charter)

2. All ~~*[The two Council Members elected at the general municipal election held in June 2009 shall continue in office until the election, and qualification thereafter, of their successors pursuant to subsection 4.*~~

~~*3. On the first Tuesday after the first Monday in June 2011, there must be elected by the qualified voters in the City, at a general municipal election to be held for that purpose, a Mayor and two Council Members, all of whom hold office until their successors have been elected and qualified pursuant to subsection 5.*~~

~~*4. On the first Tuesday after the first Monday in November 2014, and at each successive interval of 4 years, there must be elected by the qualified voters of the City, at a general municipal election to be held for that purpose,*~~

~~*two Council Members, both of whom hold office for a period of 4 years and until their successors have been elected and qualified.*~~

~~*5. On the first Tuesday after the first Monday in November 2016, and at each successive interval of 4 years, there must be elected by the qualified voters of the City, at a general municipal election to be held for that purpose, a Mayor and two Council Members, all of whom hold office for a period of 4 years until their successors have been elected and qualified.*~~

~~*6. Except as otherwise provided in subsections 2 and 3, all]*~~ full terms of office in the City Council are ~~[four]~~ ***4*** years, and Council Members must be elected at large without regard to precinct residency. ~~[Two]~~ ***Except as otherwise provided in subsection 8, two*** full-term Council members and the Mayor are to be elected in each year immediately preceding a federal presidential election, and two full-term Council members are to be elected in each year immediately following a federal presidential election. In each election, the candidates receiving the greatest number of votes must be declared elected to the vacant full-term positions. (Add. 17; Amd. 1; 11-5-1996)

~~[~~(a)~~]~~ ~~*[7.]*~~ ***3.*** In the event one or more ~~[two]~~ ***2***-year term positions on the Council will be available at the time of a municipal election as provided in section 12, candidates must file specifically for such position(s). Candidates receiving the greatest respective number of votes must be declared elected to the respective available ~~[two]~~ ***2***-year positions. (Add. 15; Amd. 2; 6-4-1991)

~~[3.] [8. A] [city]~~

4. Except as otherwise provided in subsection 8, a primary ***municipal*** election must be held on the first Tuesday after the first Monday in April of each odd-numbered year and a city general election must be held on the first Tuesday after the first Monday in June of each odd-numbered year.

~~[~~(a)~~]~~ ~~*[date fixed by the election laws of this State for statewide elections.*~~

~~*9.]*~~ ***5.*** A primary ***municipal*** election must not be held if no more than double the number of Council Members to be elected file as candidates. A primary ***municipal*** election must not be held for the office of Mayor if no more than two candidates file for that position. The primary ***municipal*** election must be held for the purpose of eliminating candidates in excess of a figure double the number of Council Members to be elected. (Add. 17; Amd. 1; 11-5-1996)

~~[~~(b)~~]~~ ~~*[10.]*~~ ***6.*** If, in the primary ~~[city]~~ ***municipal*** election, a candidate receives votes equal to a majority of voters casting ballots in that election, he or she shall be considered elected to one of the vacancies and his or her name shall not be placed on the ballot for the general ~~[city]~~ ***municipal*** election. (Add. 10; Amd. 7; 6-2-1981)

~~[~~(c)~~]~~ ~~*[11.]*~~ ***7.*** In each primary and general ***municipal*** election, voters ~~[shall be]~~ ***are*** entitled to cast ballots for candidates in a number equal to the number of seats to be filled in the ~~[city]~~ ***municipal*** elections. (Add. 11; Amd. 5; 6-7-1983)

~~[~~4.~~]~~ ~~*[12.]*~~ ***8. The City Council may by ordinance provide for a primary municipal election and general municipal election on the dates set forth for primary elections and general elections pursuant to the provisions of chapter 293 of NRS.***

9. If the City Council adopts an ordinance pursuant to subsection 8, the dates set forth in NRS 293.12755, in subsections 2 to 5, inclusive, of NRS 293.165 and in NRS 293.175, 293.177, 293.345 and 293.368 apply for the purposes of conducting the primary municipal elections and general municipal elections.

10. If the City Council adopts an ordinance pursuant to subsection 8, the term of office of any elected official may be shortened but may not be lengthened as a result of the ordinance.

11. The conduct of all municipal elections ~~[~~shall~~]~~ ***must*** be under the control of the City Council, which shall adopt by ordinance all regulations which it considers desirable and consistent with law and this Charter. Nothing in this Charter shall be construed as to deny or abridge the power of the City Council to provide for supplemental regulations for the prevention of fraud in such elections and for the recount of ballots in cases of doubt or fraud. (Add. 24; Amd. 1; 6-3-2003)

Sec. 22. Section 111.5 of the charter of Boulder City is hereby amended to read as follows:

Section 111.5. Recall of ***the Mayor and*** Council Members.

As provided by the general laws of this State, ***the Mayor and*** every member of the City Council ~~[~~is~~]~~ ***are*** subject to recall from office. (Add. 5; Amd. 5; 6-8-1971; Add. 24; Amd. 1; 6-3-2003)

Sec. 23. ~~[The Charter of the City of Caliente, being chapter 31, Statutes of Nevada 1971, at page 55, is hereby amended by adding thereto a new section to be designated as section 5.120, immediately following section 5.110, to read as follows:~~

~~***Sec. 5.120 Continuation of certain officers.***~~

~~***The Mayor and two Council Members elected at the general municipal election held on the first Tuesday after the first Monday in June 2009 shall continue in office until the election, and qualification thereafter, of their successors pursuant to subsection 3 of section 5.010.]***~~ **(Deleted by amendment.)**

Sec. 24. Section 2.010 of the Charter of the City of Caliente, being chapter 31, Statutes of Nevada 1971, as last amended by chapter 98, Statutes of Nevada 1977, at page 202, is hereby amended to read as follows:

Sec. 2.010 City Council: Qualifications; election; term of office; salary.

1. The legislative power of the City is vested in a City Council consisting of five Council Members, including the Mayor.

2. The Mayor and each Council Member ~~[~~shall~~]~~ ***must*** be:

(a) Bona fide residents of the City for at least 2 years immediately prior to their election.

(b) Qualified electors within the City.

3. All Council Members, including the Mayor, ~~[shall]~~ ***must*** be voted upon by the registered voters of the City at large and shall serve for terms of 4 years except as ***otherwise*** provided in ~~[subsection 3 of]~~ section ~~*[sections]*~~ 5.010 . ~~*[and 5.120.]*~~

4. The Mayor and Council Members shall receive a salary in an amount fixed by the City Council. Such salary ~~[shall]~~ ***must*** not be increased or diminished during the term of the recipient.

Sec. 25. Section 5.010 of the Charter of the City of Caliente, being chapter 31, Statutes of Nevada 1971, as amended by chapter 71, Statutes of Nevada 1975, at page 82, is hereby amended to read as follows:

Sec. 5.010 Municipal ~~*[General municipal]*~~ elections.

1. ***Except as otherwise provided in subsection 2:***

(a) On the ~~[1st]~~ ***first*** Tuesday after the ~~[1st]~~ ***first*** Monday in June 1973, there ~~[shall]~~ ***must*** be elected by the qualified voters of the City, at a general election to be held for that purpose, a Mayor and one Council Member who shall hold office for a period of 4 years and until their successors have been elected and qualified.

~~[2.]~~ ***(b)*** On the ~~[1st]~~ ***first*** Tuesday after the ~~[1st]~~ ***first*** Monday in June 1975, and at each successive interval of 4 years thereafter, ~~*[2011,]*~~ there ~~[shall]~~ ***must*** be elected by the qualified voters of the City **,** at a general ***municipal*** election to be held for that purpose **,** two Council Members ~~[,]~~ who shall hold office ~~[for a period of 4 years and]~~ until their successors have been elected and qualified .

~~[3.]~~ ***(c)*** On the ~~[1st]~~ ***first*** Tuesday after the ~~[1st]~~ ***first*** Monday in June 1975, there shall be elected by the qualified voters of the City at a general election to be held for that purpose one Council Member who shall hold office for a period of 2 years and until his or her successor has been elected and qualified.

~~[4.]~~ ~~*[pursuant to subsection 3.*~~

~~*2. On the first Tuesday after the first Monday in November 2014, and at each successive interval of 4 years, there must be elected by the qualified voters of the City, at a general municipal election to be held for that purpose, a Mayor and two Council Members who shall hold office until their successors have been elected and qualified.*~~

~~*3.]*~~ ***(d)*** On the ~~[1st]~~ ***first*** Tuesday after the ~~[1st]~~ ***first*** Monday in June 1977, ~~*[November 2016,]*~~ and at each successive interval of 4 years, there ~~[shall]~~ ***must*** be elected by the qualified voters of the City, at a general ***municipal*** election to be held for that purpose, a Mayor and two Council Members, who shall hold office for a period of 4 years and until their successors have been elected and qualified.

2. The City Council may by ordinance provide for a primary municipal election and general municipal election on the dates set forth for primary elections and general elections pursuant to the provisions of chapter 293 of NRS.

3. If the City Council adopts an ordinance pursuant to subsection 2, the dates set forth in NRS 293.12755, in subsections 2 to 5, inclusive, of NRS 293.165 and in NRS 293.175, 293.177, 293.345 and 293.368 apply for the purposes of conducting the primary municipal elections and general municipal elections.

4. If the City Council adopts an ordinance pursuant to subsection 2, the term of office of any elected official may be shortened but may not be lengthened as a result of the ordinance.

Sec. 26. ~~[The Charter of the City of Elko, being chapter 276, Statutes of Nevada 1971, at page 474, is hereby amended by adding thereto a new section to be designated as section 5.110, immediately following section 5.100, to read as follows:~~

~~***Sec. 5.110 Continuation of certain officers.***~~

~~***The two members of the City Council elected at the general municipal election held on the first Tuesday after the first Monday in June 2009 shall continue in office until the election, and qualification thereafter, of their successors pursuant to subsection 2 of section 5.010.]***~~ **(Deleted by amendment.)**

Sec. 27. Section 2.010 of the Charter of the City of Elko, being chapter 276, Statutes of Nevada 1971, as last amended by chapter 51, Statutes of Nevada 2001, at page 449, is hereby amended to read as follows:

Sec. 2.010 City Council: Qualifications; election; term of office; salary.

1. The legislative power of the City is vested in a City Council consisting of four members and the Mayor.

2. The members of the City Council must be:

(a) Bona fide residents of the City for at least 2 years before their election.

(b) Qualified electors within the City.

3. All members of the City Council must be voted upon by the registered voters of the City at large and ***, except as otherwise provided in*** ~~***[sections]***~~ ***section 5.010*** **,** ~~***[and 5.110,]***~~ shall serve for terms of 4 years.

4. The members of the City Council must receive a salary in an amount fixed by the City Council.

Sec. 28. Section 5.010 of the Charter of the City of Elko, being chapter 276, Statutes of Nevada 1971, as amended by chapter 51, Statutes of Nevada 2001, at page 463, is hereby amended to read as follows:

Sec. 5.010 Municipal ~~***[General municipal]***~~ elections.

1. ***Except as otherwise provided in subsection 2:***

(a) On the first Tuesday after the first Monday in June 1975, and at each successive interval of 4 years, ~~***[2011,]***~~ there must be elected by the qualified voters of the City, at a general ***municipal*** election to be held for that purpose, a Mayor and two members of the City Council, who shall hold office for a period of 4 years and until their successors have been elected and qualified ***.*** ~~***[pursuant to subsection 3.***~~

~~2.~~ ***(b)*** On the first Tuesday after the first Monday in June 1973, ~~***[November 2014,]***~~ and at each successive interval of 4 years thereafter, there

must be elected by the qualified voters of the City, at a general ***municipal*** election to be held for that purpose, two members of the City Council, who shall hold office for a period of 4 years and until their successors have been elected and qualified.

~~[3. On the first Tuesday after the first Monday in November 2016, and at each successive interval of 4 years, there must be elected by the qualified voters of the City, at a general municipal election to be held for that purpose, a Mayor and two members of the City Council who shall hold office for a period of 4 years and until their successors have been elected and qualified.]~~

2. The City Council may by ordinance provide for a primary municipal election and general municipal election on the dates set forth for primary elections and general elections pursuant to the provisions of chapter 293 of NRS.

3. If the City Council adopts an ordinance pursuant to subsection 2, the dates set forth in NRS 293.12755, in subsections 2 to 5, inclusive, of NRS 293.165 and in NRS 293.175, 293.177, 293.345 and 293.368 apply for the purposes of conducting the primary municipal elections and general municipal elections.

4. If the City Council adopts an ordinance pursuant to subsection 2, the term of office of any elected official may be shortened but may not be lengthened as a result of the ordinance.

Sec. 29. ~~[The Charter of the City of Henderson, being chapter 266, Statutes of Nevada 1971, at page 402, is hereby amended by adding thereto a new section to be designated as section 5.120, immediately following section 5.110, to read as follows:~~

~~Sec. 5.120 Continuation of certain officers.~~

~~1. The Mayor and the Council Members elected at the general municipal election held in June 2009 shall continue in office until the election, and qualification thereafter, of their successors pursuant to subsection 2 of section 5.020.~~

~~2. The Municipal Judge for Department 1 elected at the general municipal election held in June 2007 shall continue in office until the election, and qualification thereafter, of his or her successor pursuant to subsection 3 of section 5.020.~~

~~3. The Municipal Judge for Department 2 elected at the general municipal election held in June 2009 shall continue in office until the election, and qualification thereafter, of his or her successor pursuant to subsection 5 of section 5.020.~~

~~4. The Municipal Judge for Department 3 elected at the general municipal election held in June 2011 shall continue in office until the election, and qualification thereafter, of his or her successor pursuant to subsection 6 of section 5.020.]~~ **(Deleted by amendment.)**

Sec. 30. Section 2.010 of the Charter of the City of Henderson, being chapter 266, Statutes of Nevada 1971, as last amended by chapter 596, Statutes of Nevada 1995, at page 2206, is hereby amended to read as follows:

Sec. 2.010 City Council: Qualifications; election; term of office; salary.

1. The legislative power of the City is vested in a City Council consisting of four Council Members and the Mayor.

2. The Mayor must be:

(a) A bona fide resident of the territory which is established by the boundaries of the City for the 12 months immediately preceding the last day for filing a declaration of candidacy for the office.

(b) A qualified elector within the City.

3. Each Council Member must be:

(a) A bona fide resident of the territory which is established by the boundaries of the City for the 12 months immediately preceding the last day for filing a declaration of candidacy for the office.

(b) A qualified elector within the ward which he or she represents.

(c) A resident of the ward which he or she represents for at least 30 days immediately preceding the last day for filing a declaration of candidacy for the office, except that changes in ward boundaries pursuant to the provisions of section 1.040 do not affect the right of any elected Council Member to continue in office for the term for which he or she was elected.

4. All Council Members, including the Mayor, must be voted upon by the registered voters of the City at large and ***, except as otherwise provided in*** ~~*[sections]*~~ ***section 5.020 ,*** ~~*[and 5.120,]*~~ shall serve for terms of 4 years.

5. The Mayor and Council Members are entitled to receive a salary in an amount fixed by the City Council. The City Council shall not adopt an ordinance which increases or decreases the salary of the Mayor or the Council Members during the term for which they have been elected or appointed.

Sec. 31. Section 4.015 of the Charter of the City of Henderson, being chapter 231, Statutes of Nevada 1991, as last amended by chapter 209, Statutes of Nevada 2001, at page 970, is hereby amended to read as follows:

Sec. 4.015 Municipal Court.

1. There is a Municipal Court of the City which consists of at least one department. Each department must be presided over by a Municipal Judge and has such power and jurisdiction as is prescribed in, and is, in all respects which are not inconsistent with this Charter, governed by, the provisions of chapters 5 and 266 of NRS which relate to municipal courts.

2. The City Council may from time to time establish additional departments of the Municipal Court and shall appoint an additional Municipal Judge for each.

3. At the first municipal primary or general election which follows the appointment of an additional Municipal Judge to a newly created department of the Municipal Court, the successor to that Municipal Judge must be elected for a term of not more than 5 years, as determined by the City Council, in order that, as nearly as practicable, one-third of the number of Municipal Judges be elected every 2 years.

4. ~~[Each]~~ ***Except as otherwise provided in subsection 3, each*** Municipal Judge must be voted upon by the registered voters of the City at large ~~[.]~~ ***and, except as otherwise provided in*** ~~*[sections]*~~ ***section 5.020 ,*** ~~*[and 5.120,]*~~ ***shall serve for a term of 6 years.***

5. The respective departments of the Municipal Court must be numbered 1 through the appropriate Arabic number, as additional departments are approved by the City Council. A Municipal Judge must be elected for each department by number.

6. The Senior Municipal Judge is selected by a majority of the sitting judges for a term of 2 years. If no Municipal Judge receives a majority of the votes, the Senior Municipal Judge is the Municipal Judge who has continuously served as a Municipal Judge for the longest period.

Sec. 32. Section 5.010 of the Charter of the City of Henderson, being chapter 266, Statutes of Nevada 1971, as last amended by chapter 637, Statutes of Nevada 1999, at page 3565, is hereby amended to read as follows:

Sec. 5.010 Primary ***municipal*** election.

1. ~~[A]~~ ***Except as otherwise provided in section 5.020, a*** primary ***municipal*** election must be held on the Tuesday after the first Monday in April of each odd-numbered year, ~~*[date fixed by the election laws of this State for statewide elections,]*~~ at which time there must be nominated candidates for offices to be voted for at the next general municipal election.

2. A candidate for any office to be voted for at any primary municipal election must file a declaration of candidacy as provided by the election laws of this State.

3. All candidates for elective office must be voted upon by the registered voters of the City at large.

4. If in the primary election no candidate receives a majority of votes cast in that election for the office for which he or she is a candidate, the names of the two candidates receiving the highest number of votes must be placed on the ballot for the general election. If in the primary election, regardless of the number of candidates for an office, one candidate receives a majority of votes cast in that election for the office for which he or she is a candidate, he or she must be declared elected and no general election need be held for that office.

Sec. 33. Section 5.020 of the Charter of the City of Henderson, being chapter 266, Statutes of Nevada 1971, as last amended by chapter 209, Statutes of Nevada 2001, at page 971, is hereby amended to read as follows:

Sec. 5.020 General municipal election.

1. ***Except as otherwise provided in subsection 2:***

(a) A general ***municipal*** election must be held in the City on the first Tuesday after the first Monday in June of each odd-numbered year and on the same day every 2 years thereafter, at which time the registered voters of the City shall elect city officers to fill the available elective positions.

~~[2.]~~ ***(b)*** All candidates for the office of Mayor, Council Member and Municipal Judge must be voted upon by the registered voters of the City at

large. The term of office for members of the City Council and the Mayor is 4 years. Except as otherwise provided in subsection 3 of section 4.015 of this Charter, the term of office for a Municipal Judge is 6 years.

[3.**]** *[On the first Tuesday after the first Monday in June 2011, there must be elected by the qualified voters of the City, at a general municipal election to be held for that purpose:*

(a) Three Council Members who shall hold office until their successors have been elected and qualified pursuant to subsection 4.

(b) A Municipal Judge for Department 3 who shall hold office until his or her successor has been elected and qualified pursuant to subsection 6.

2. On the first Tuesday after the first Monday in November 2014, and at each successive interval of 4 years, there must be elected by the qualified voters of the City, at a general municipal election held for that purpose, a Mayor and Council Members who shall hold office for a period of 4 years until their successors have been elected and qualified.

3. On the first Tuesday after the first Monday in November 2014, and at each successive interval of 6 years, there must be elected by the qualified voters of the City, at a general municipal election held for that purpose, a Municipal Judge for Department 1 who shall hold office for a period of 6 years until his or her successor has been elected and qualified.

4. On the first Tuesday after the first Monday in November 2016, and at each successive interval of 4 years, there must be elected by the qualified voters of the City, at a general municipal election held for that purpose, three Council Members who shall hold office for a period of 4 years until their successors have been elected and qualified.

5.] ***(c)*** On the Tuesday after the first Monday in June 2001**,** *[November 2016,]* and every 6 years thereafter, there must be elected by the qualified voters of the City, at a general municipal election to be held for that purpose, a Municipal Judge for Department 1 *[2]* who will hold office until his or her successor has been elected and qualified.

[4.**]** *[6.]* ***(d)*** On the Tuesday after the first Monday in **[**June 2003**]** ***November 2018,*** and every 6 years thereafter, there must be elected by the qualified voters of the City, at a general municipal election to be held for that purpose, a Municipal Judge for Department 2 *[3]* who will hold office until his or her successor has been elected and qualified.

[5.**]** ***(e)*** On the Tuesday after the first Monday in June 2005**,** and every 6 years thereafter, there must be elected by the qualified voters of the City, at a general municipal election to be held for that purpose, a Municipal Judge for Department 3 who will hold office until his or her successor has been elected and qualified.

2. The City Council may by ordinance provide for a primary municipal election and general municipal election on the dates set forth for primary elections and general elections pursuant to the provisions of chapter 293 of NRS.

3. If the City Council adopts an ordinance pursuant to subsection 2, the dates set forth in NRS 293.12755, in subsections 2 to 5, inclusive, of NRS 293.165 and in NRS 293.175, 293.177, 293.345 and 293.368 apply for the purposes of conducting the primary municipal elections and general municipal elections.

4. If the City Council adopts an ordinance pursuant to subsection 2, the term of office of any elected official may be shortened but may not be lengthened as a result of the ordinance.

Sec. 34. ~~[The Charter of the City of Las Vegas, being chapter 517, Statutes of Nevada 1983, at page 1391, is hereby amended by adding thereto a new section to be designated as section 5.140, immediately following section 5.130, to read as follows:~~

~~*Sec. 5.140 Continuation of certain officers.*~~

~~*1. The Council Members from even-numbered wards elected at the general municipal election held in June 2009 shall continue in office until the general municipal election, and qualification thereafter, of their successors pursuant to subsection 2 of section 5.020.*~~

~~*2. The Municipal Judges for Departments 1, 4 and 6 elected at the general municipal election held in June 2009 shall continue in office until the general municipal election, and qualification thereafter, of their successors pursuant to subsection 3 of section 5.020.]*~~ **(Deleted by amendment.)**

Sec. 35. Section 1.140 of the Charter of the City of Las Vegas, being chapter 517, Statutes of Nevada 1983, as last amended by chapter 6, Statutes of Nevada 2001, at page 10, is hereby amended to read as follows:

Sec. 1.140 Elective offices.

1. The elective officers of the City consist of:

(a) A Mayor.

(b) One Council Member from each ward.

(c) Municipal Judges.

2. ~~[~~The~~]~~ ***Except as otherwise provided in*** ~~*[sections]*~~ ***section 5.020 ,*** ~~*[and 5.140,]*~~ ***the*** terms of office of the Mayor and Council Members are 4 years.

3. Except as otherwise provided in subsection 3 of section 4.010 ~~[of this Charter,]~~ ***and*** ~~*[sections]*~~ ***section 5.020 ,*** ~~*[and 5.140,]*~~ the term of office of a Municipal Judge is 6 years.

Sec. 36. Section 1.160 of the Charter of the City of Las Vegas, being chapter 517, Statutes of Nevada 1983, as last amended by chapter 338, Statutes of Nevada 2007, at page 1533, is hereby amended to read as follows:

Sec. 1.160 Elective offices: Vacancies. Except as otherwise provided in NRS 268.325:

1. A vacancy in the office of Mayor, Council Member or Municipal Judge must be filled by the majority vote of the entire City Council within 30 days after the occurrence of that vacancy. A person may be selected to fill a prospective vacancy before the vacancy occurs. In such a case, each member of the Council, except any member whose term of office expires before the occurrence of the vacancy, may participate in any action taken by the

Council pursuant to this section. The appointee must have the same qualifications as are required of the elective official, including, without limitation, any applicable residency requirement.

2. ~~[No]~~ ***Except as otherwise provided in section 5.010, no*** appointment extends beyond the first regular meeting of the City Council that follows the next general municipal election, at that election the office must be filled for the remainder of the unexpired term, or beyond the first regular meeting of the City Council after the Tuesday after the first Monday in the next succeeding June ~~*[November]*~~ in an odd-numbered ~~*[even-numbered]*~~ year, if no general municipal election is held in that year.

Sec. 37. Section 4.020 of the Charter of the City of Las Vegas, being chapter 517, Statutes of Nevada 1983, as last amended by chapter 338, Statutes of Nevada 2007, at page 1536, is hereby amended to read as follows:

Sec. 4.020 Municipal Court: Qualifications of Municipal Judges; salary; Master Judge; departments; Alternate Judges.

1. Each Municipal Judge shall devote his or her full time to the duties of his or her office and must be:

(a) A duly licensed member, in good standing, of the State Bar of Nevada, but this qualification does not apply to any Municipal Judge who is an incumbent when this Charter becomes effective as long as he or she continues to serve as such in uninterrupted terms.

(b) A qualified elector who has resided within the territory which is established by the boundaries of the City for a period of not less than 30 days immediately before the last day for filing a declaration of candidacy for the department for which he or she is a candidate.

(c) Voted upon by the registered voters of the City at large.

2. The salary of the Municipal Judges must be fixed by ordinance and be uniform for all departments of the Municipal Court. The salary may be increased during the terms for which the Judges are elected or appointed.

3. The Municipal Judges of the six departments shall elect a Master Judge from among their number. The Master Judge shall hold office for a term of 2 years commencing on July 1 of each ~~[odd-numbered year.]~~ ***year of a general municipal election.*** If a vacancy occurs in the position of Master Judge, the Municipal Judges shall elect a replacement for the remainder of the unexpired term. If two or more Municipal Judges receive an equal number of votes for the position of Master Judge, the candidates who have received the tie votes shall resolve the tie vote by the drawing of lots. The Master Judge:

(a) Shall establish and enforce administrative regulations for governing the affairs of the Municipal Court.

(b) Is responsible for setting trial dates and other matters which pertain to the Court calendar.

(c) Shall perform such other Court administrative duties as may be required by the City Council.

4. Alternate Judges in sufficient numbers may be appointed annually by the Mayor, each of whom:

(a) Must be a duly licensed member, in good standing, of the State Bar of Nevada and have such other qualifications as are prescribed by ordinance.

(b) Has all of the powers and jurisdiction of a Municipal Judge while acting as such.

(c) Is entitled to such compensation as may be fixed by the City Council.

5. Any Municipal Judge, other than an Alternate Judge, automatically forfeits his or her office if he or she ceases to be a resident of the City.

Sec. 38. Section 5.010 of the Charter of the City of Las Vegas, being chapter 517, Statutes of Nevada 1983, as last amended by chapter 637, Statutes of Nevada 1999, at page 3565, is hereby amended to read as follows:

Sec. 5.010 Primary municipal elections. ***Except as otherwise provided in section 5.020:***

1. On the Tuesday after the first Monday in April 2001, and at each successive interval of 4 years, a ~~*[A]*~~ primary municipal election must be held in the City at which time candidates for half of the offices of Council Member and for Municipal Judge, Department 2, must be nominated.

2. On the Tuesday after the first Monday in April 2003, and at each successive interval of 4 years, a primary municipal election must be held in the City at which time candidates for Mayor, for the other half of the offices of Council Member and for Municipal Judge, Department 1, must be nominated.

3. ~~*[on the date fixed by the election laws of this State for statewide elections.*~~

~~*2. In the primary municipal election:*~~

~~*(a)]*~~ The candidates for Council Members who are to be nominated as provided in subsections 1 and 2 must be nominated and voted for separately according to the respective wards. The candidates from each even-numbered ward must be nominated as provided in subsection 1, and the candidates from each odd-numbered ward must be nominated as provided in subsection 2.

4. ~~*[(b)]*~~ If the City Council has established an additional department or departments of the Municipal Court pursuant to section 4.010 ~~[of this Charter,]~~ and, as a result, more than one office of Municipal Judge is to be filled at any election, the candidates for those offices must be nominated and voted upon separately according to the respective departments.

5. ~~*[3.]*~~ Each candidate for the municipal offices which are provided for in subsections 1, 2 and 4 ~~*[municipal office]*~~ must file a declaration of candidacy with the City Clerk. All filing fees collected by the City Clerk must be paid into the City Treasury.

6. ~~*[4.]*~~ If, in the primary ***municipal*** election, regardless of the number of candidates for an office, one candidate receives a majority of votes which are cast in that election for the office for which he or she is a candidate, he or she must be declared elected for the term which commences on the day of the first regular meeting of the City Council next succeeding the meeting at

which the canvass of the returns is made, and no general election need be held for that office. If, in the primary ***municipal*** election, no candidate receives a majority of votes which are cast in that election for the office for which he or she is a candidate, the names of the two candidates who receive the highest number of votes must be placed on the ballot for the general election.

Sec. 39. Section 5.020 of the Charter of the City of Las Vegas, being chapter 517, Statutes of Nevada 1983, at page 1415, is hereby amended to read as follows:

Sec. 5.020 General municipal election.

1. ~~[~~A~~]~~ ~~*[On the first Tuesday after the first Monday in June 2011, there must be elected at a]*~~ ***Except as otherwise provided in subsection 2, a*** general municipal election must be held in the City on the Tuesday after the 1st Monday in June of each odd-numbered year and on the same day every 2 years thereafter, at which time there must be elected those officers whose offices are required to be filled by election in that year. ~~*[for that purpose:*~~

~~*(a) The Mayor and Council Members from odd-numbered wards who shall hold office until their successors have been elected and qualified pursuant to subsection 4.*~~

~~*(b) The Municipal Judges for Departments 2, 3 and 5 who shall hold office until their successors have been elected and qualified pursuant to subsection 5.]*~~

2. ~~*[On the first Tuesday after the first Monday in November 2014, and at each successive interval of 4 years, there must be elected, at a general municipal election held for that purpose, the Council Members from even-numbered wards who shall hold office for a period of 4 years and until their successors have been elected and qualified.*~~

~~*3. On the first Tuesday after the first Monday in November 2014, and at each successive interval of 6 years, there must be elected, at a general election to be held for that purpose, Municipal Judges for Departments 1, 4 and 6 who shall hold office for a period of 6 years and until their successors have been elected and qualified.*~~

~~*4. On the first Tuesday after the first Monday in November 2016, and at each successive interval of 4 years, there must be elected, at a general municipal election to be held for that purpose, the Mayor and Council Members from odd-numbered wards who shall hold office for a period of 4 years and until their successors have been elected and qualified.*~~

~~*5. On the first Tuesday after the first Monday in November 2018, and at each successive interval of 6 years, there must be elected, at a general municipal election to be held for that purpose, Municipal Judges for Departments 2, 3 and 5 who shall hold office for a period of 6 years and until their successors have been elected and qualified.*~~

~~*6.]*~~ ***The City Council may by ordinance provide for a primary municipal election and general municipal election on the dates set forth for***

primary elections and general elections pursuant to the provisions of chapter 293 of NRS.

3. If the City Council adopts an ordinance pursuant to subsection 2, the dates set forth in NRS 293.12755, in subsections 2 to 5, inclusive, of NRS 293.165 and in NRS 293.175, 293.177, 293.345 and 293.368 apply for the purposes of conducting the primary municipal elections and general municipal elections.

4. If the City Council adopts an ordinance pursuant to subsection 2, the term of office of any elected official may be shortened but may not be lengthened as a result of the ordinance.

5. All candidates for elective office, except the office of Council Member, must be voted upon by the registered voters of the City at large.

Sec. 40. ~~[The Charter of the City of North Las Vegas, being chapter 573, Statutes of Nevada 1971, at page 1210, is hereby amended by adding thereto a new section to be designated as section 5.100, immediately following section 5.090, to read as follows:~~

~~*Sec. 5.100 Continuation of certain officers.*~~

~~*1. The Mayor and two Council Members elected at the general municipal election held in June 2009 shall continue in office until the election, and qualification thereafter, of their successors pursuant to subsection 2 of section 5.010.*~~

~~*2. The Municipal Judge for Department 2 elected at the general municipal election held in June 2009 shall continue in office until the election, and qualification thereafter, of his or her successor pursuant to subsection 3 of section 5.010.]*~~ **(Deleted by amendment.)**

Sec. 40.5. **The Charter of the City of North Las Vegas, being chapter 573, Statutes of Nevada 1971, at page 1210, is hereby amended by adding thereto a new section to be designated as section 5.025, immediately following section 5.020, to read as follows:**

Sec. 5.025 City Council authorized to choose dates for primary and general elections; dates to be in accordance with this Charter or chapter 293 of NRS; effect upon terms of serving city officials.

1. The City Council may by ordinance provide for a primary municipal election and general municipal election on the dates set forth for primary elections and general elections pursuant to the provisions of chapter 293 of NRS.

2. If the City Council adopts an ordinance pursuant to subsection 1, the dates set forth in NRS 293.12755, in subsections 2 to 5, inclusive, of NRS 293.165 and in NRS 293.175, 293.177, 293.345 and 293.368 apply for the purposes of conducting the primary municipal election and general municipal election.

3. If the City Council adopts an ordinance pursuant to subsection 1, the term of office of any elected official may be shortened but may not be lengthened as a result of the ordinance.

Sec. 41. Section 2.010 of the Charter of the City of North Las Vegas, being chapter 573, Statutes of Nevada 1971, as last amended by chapter 499, Statutes of Nevada 2005, at page 2691, is hereby amended to read as follows:

Sec. 2.010 City Council: Qualifications; election; term of office; salary.

1. The legislative power of the City is vested in a City Council consisting of four Council Members and a Mayor.

2. The Mayor must be:

(a) A bona fide resident of the City for at least 6 months immediately preceding his or her election.

(b) A qualified elector within the City.

3. Each Council Member:

(a) Must be a qualified elector who has resided in the ward which he or she represents for at least 30 days immediately preceding the last day for filing a declaration of candidacy for his or her office.

(b) Must continue to live in the ward he or she represents, except that changes in ward boundaries made pursuant to section 1.045 ~~[of this Charter]~~ will not affect the right of any elected Council Member to continue in office for the term for which he or she was elected.

4. At the time of filing, if so required by an ordinance duly enacted, candidates for the office of Mayor and Council Member shall produce evidence in satisfaction of any or all of the qualifications provided in subsection 2 or 3, whichever is applicable.

5. Each Council Member must be voted upon only by the registered voters of the ward that he or she seeks to represent, and ***except as otherwise provided in sections 5.010 and*** ~~*[5.100,]*~~ ***5.025,*** his or her term of office is 4 years.

6. The Mayor must be voted upon by the registered voters of the City at large, and ***except as otherwise provided in sections 5.010 and*** ~~*[5.100,]*~~ ***5.025,*** his or her term of office is 4 years.

7. The Mayor and Council Members are entitled to receive a salary in an amount fixed by the City Council.

Sec. 42. Section 4.005 of the Charter of the City of North Las Vegas, being chapter 215, Statutes of Nevada 1997, as amended by chapter 73, Statutes of Nevada 2003, at page 484, is hereby amended to read as follows:

Sec. 4.005 Municipal Court.

1. There is a Municipal Court of the City which consists of at least one department. Each department must be presided over by a Municipal Judge and has such power and jurisdiction as is prescribed in, and is, in all respects which are not inconsistent with this Charter, governed by the provisions of chapters 5 and 266 of NRS which relate to municipal courts.

2. The City Council may, from time to time, by ordinance, establish additional departments of the Municipal Court and shall appoint an additional Municipal Judge for each additional department.

3. At the first municipal primary or municipal general election that follows the appointment of an additional Municipal Judge to a newly created

department of the Municipal Court, the successor to that Municipal Judge must be elected for an initial term of not more than 6 years, as determined by the City Council, in order that, as nearly as practicable, one-third of the number of Municipal Judges be elected every 2 years.

4. Except as otherwise provided by the ordinance establishing an additional department, each Municipal Judge must be voted upon by the registered voters of the City at large and ***, except as otherwise provided in sections 5.010 and*** ~~*[5.100,]*~~ ***5.025,*** holds office for a period of 6 years and until his or her successor has been elected and qualified.

5. The respective departments of the Municipal Court must be numbered 1 through the appropriate Arabic numeral, as additional departments are approved by the City Council. A Municipal Judge must be elected for each department by number.

Sec. 43. Section 5.010 of the Charter of the City of North Las Vegas, being chapter 573, Statutes of Nevada 1971, as last amended by chapter 499, Statutes of Nevada 2005, at page 2691, is hereby amended to read as follows:

Sec. 5.010 General municipal elections.

1. ***Except as otherwise provided in section 5.025:***

(a) On the Tuesday after the first Monday in June 1977, and at each successive interval of 4 years thereafter, there must be elected, at a general election to be held for that purpose, a Mayor and two Council Members who shall hold office for a period of 4 years and until their successors have been elected and qualified.

~~**[**2.**]**~~ ***(b)*** On the Tuesday after the first Monday in June 1975, and at each successive interval of 4 years thereafter, ~~*[2011,]*~~ there must be elected, at a general ***municipal*** election to be held for that purpose , two ~~*[:*~~

~~*(a) Two]*~~ Council Members, who shall hold office for a period of 4 years and until their successors have been elected and qualified .

~~**[**3.**]**~~ ~~*[pursuant to subsection 4.*~~

~~*(b) A Municipal Judge for Department 1 who shall hold office until his or her successor has been elected and qualified pursuant to subsection 5.*~~

~~*2. On the first Tuesday after the first Monday in November 2014, and at each successive interval of 4 years, there must be elected, at a general municipal election to be held for that purpose, a Mayor and two Council Members who shall hold office until their successors have been elected and qualified.*~~

~~*3. On the first Tuesday after the first Monday in November 2016, and at each successive interval of 6 years, there must be elected, at a general municipal election to be held for that purpose, a Municipal Judge for Department 2 who shall hold office until his or her successor has been elected and qualified.*~~

~~*4. On the first Tuesday after the first Monday in November 2016, and at each successive interval of 4 years, there must be elected, at a general municipal election to be held for that purpose, two Council Members who shall hold office until their successors have been elected and qualified.*~~

~~*5. On the first Tuesday after the first Monday in November 2018, and at each successive interval of 6 years, there must be elected, at a general municipal election to be held for that purpose, a Municipal Judge for Department 1 who shall hold office until his or her successor has been elected and qualified.*~~

~~*6.]*~~ ***2.*** In ~~[such]~~ a general ***municipal*** election:

(a) A candidate for the office of City Council Member must be elected only by the registered voters of the ward that he or she seeks to represent.

(b) Candidates for all other elective offices must be elected by the registered voters of the City at large.

Sec. 44. Section 5.020 of the Charter of the City of North Las Vegas, being chapter 573, Statutes of Nevada 1971, as last amended by chapter 9, Statutes of Nevada 2009, at page 17, is hereby amended to read as follows:

Sec. 5.020 Primary municipal elections; declaration of candidacy.

1. The City Council shall provide by ordinance for candidates for elective office to declare their candidacy and file the necessary documents. The seats for City Council Members must be designated by the numbers one through four, which numbers must correspond with the wards the candidates for City Council Members will seek to represent. A candidate for the office of City Council Member shall include in his or her declaration of candidacy the number of the ward which he or she seeks to represent. Each candidate for City Council must be designated as a candidate for the City Council seat that corresponds with the ward that he or she seeks to represent.

2. ~~[A]~~ ***Except as otherwise provided in section 5.025, a*** primary ***municipal*** election must be held on the Tuesday following the first Monday in April preceding the general ***municipal*** election, ~~*[date fixed by the election laws of this State for statewide elections,]*~~ at which time there must be nominated candidates for offices to be voted for at the next general ***municipal*** election. In the primary ***municipal*** election:

(a) A candidate for the office of City Council Member must be voted upon only by the registered voters of the ward that he or she seeks to represent.

(b) Candidates for all other elective offices must be voted upon by the registered voters of the City at large.

3. Except as otherwise provided in subsection 4, after the primary ***municipal*** election, the names of the two candidates who receive the highest number of votes must be placed on the ballot for the general ***municipal*** election.

4. If, regardless of the number of candidates for an office, one candidate receives a majority of the total votes cast for that office in the primary ***municipal*** election, he or she must be declared elected to that office and no general ***municipal*** election need be held for that office.

Sec. 45. ~~[The Charter of the City of Yerington, being chapter 465, Statutes of Nevada 1971, at page 901, is hereby amended by adding thereto a new section to be designated as section 5.110, immediately following section 5.100, to read as follows:~~

~~*Sec. 5.110 Continuation of certain officers.*~~

~~*The two Council Members elected at the general municipal election held in June 2009 shall continue in office until the election, and qualification thereafter, of their successors pursuant to subsection 2 of section 5.010.]*~~ **(Deleted by amendment.)**

Sec. 46. Section 2.010 of the Charter of the City of Yerington, being chapter 465, Statutes of Nevada 1971, as last amended by chapter 98, Statutes of Nevada 1977, at page 213, is hereby amended to read as follows:

Sec. 2.010 City Council: Qualifications; election; term of office; salary.

1. The legislative power of the City is vested in a City Council consisting of four Council Members.

2. The Council Members ~~[shall]~~ ***must*** be:

(a) Bona fide residents of the City for at least 6 months immediately preceding their election.

(b) Qualified electors in the City.

3. All Council Members ~~[shall]~~ ***must*** be voted upon by the registered voters of the City at large and ***, except as otherwise provided in*** ~~*[sections]*~~ ***section 5.010 ,*** ~~*[and 5.110,]*~~ shall serve for terms of 4 years.

4. The Council Members shall receive a salary in an amount fixed by the City Council.

Sec. 47. Section 5.010 of the Charter of the City of Yerington, being chapter 465, Statutes of Nevada 1971, at page 912, is hereby amended to read as follows:

Sec. 5.010 Municipal ~~*[General municipal]*~~ elections.

1. ***Except as otherwise provided in subsection 2:***

(a) On the ~~[1st]~~ ***first*** Tuesday after the ~~[1st]~~ ***first*** Monday in June 1975, and at each successive interval of 4 years, ~~*[2011]*~~ there ~~[shall]~~ ***must*** be elected by the qualified voters of the City ***,*** at a general ***municipal*** election to be held for that purpose ***,*** a Mayor and two Council Members, who shall hold office for a period of 4 years and until their successors have been elected and qualified. ~~*[pursuant to subsection 3.*~~

~~2.]~~ ***(b)*** On the ~~[1st]~~ ***first*** Tuesday after the ~~[1st]~~ ***first*** Monday in June 1977, ~~*[November 2014,]*~~ and at each successive interval of 4 years ~~*[,]*~~ thereafter, there ~~[shall]~~ ***must*** be elected by the qualified voters of the City ***,*** at a general ***municipal*** election to be held for that purpose ***,*** two Council Members, who shall hold office for a period of 4 years and until their successors have been elected and qualified.

~~*[3. On the first Tuesday after the first Monday in November 2016, and at each successive interval of 4 years, there must be elected by the qualified voters of the City, at a general municipal election to be held for that purpose, a Mayor and two Council Members, who shall hold office for a period of 4 years and until their successors have been elected and qualified.]*~~

2. The City Council may by ordinance provide for a primary municipal election and general municipal election on the dates set forth for primary

elections and general elections pursuant to the provisions of chapter 293 of NRS.

3. If the City Council adopts an ordinance pursuant to subsection 2, the dates set forth in NRS 293.12755, in subsections 2 to 5, inclusive, of NRS 293.165 and in NRS 293.175, 293.177, 293.345 and 293.368 apply for the purposes of conducting the primary municipal elections and general municipal elections.

4. If the City Council adopts an ordinance pursuant to subsection 2, the term of office of any elected official may be shortened but may not be lengthened as a result of the ordinance.

Sec. 48. ~~[Notwithstanding any other provision of law to the contrary, if a city incorporated pursuant to general law holds a general city election in:~~

~~1. June 2011, the elective city officers who are elected at such general city election shall continue in office until the election, and qualification thereafter, of their successors in the general city election to be held on the first Tuesday after the first Monday in November 2014.~~

~~2. June 2013, the elective city officers who are elected at such general city election shall continue in office until the election, and qualification thereafter, of their successors in the general city election to be held on the first Tuesday after the first Monday in November 2016.]~~ **(Deleted by amendment.)**

Sec. 49. ~~[Notwithstanding any other provision of law to the contrary, if the term of any elective city officer whose term of office expires in 2013, 2015 or 2017 is not otherwise extended or shortened pursuant to sections 1 to 48, inclusive, of this act, the person or entity designated by law to fill vacancies that occur on the city council of the city shall appoint the incumbent elective city officer to serve as city council member, mayor, municipal judge or other elective city officer, as applicable, in that office until his or her successor is elected and qualified at the general election in 2014, 2016 or 2018, as applicable, if that person is willing to serve in that capacity. If the person is not willing to serve in that capacity, the position must be filled in the same manner as if a vacancy occurred in the position.]~~ **(Deleted by amendment.)**

Sec. 50. ~~[1.]~~ This ~~[section and sections 20 to 49, inclusive, of this]~~ act ~~[become]~~ **becomes** effective upon passage and approval.

~~[2. Sections 1 to 12, inclusive, 18 and 19 of this act become effective on July 1, 2013.~~

~~3. Sections 13 to 17, inclusive, of this act become effective on January 16, 2014.]~~

Assemblywomen Flores moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 182.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 133.

AN ACT relating to inland ports; authorizing the creation of inland ports and inland port authorities under certain circumstances; requiring the Commission on Economic Development to develop a State Plan for Inland Ports; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Sections 10-13 of this bill authorize, upon approval by the Commission on Economic Development, the creation of an inland port and an inland port authority by one or more boards of county commissioners of counties or one or more governing bodies of incorporated cities, or both. **Section 14** of this bill sets forth the membership of a board of directors of an inland port authority.

Sections 19-27 of this bill set forth powers and duties of an inland port authority.

Section 31 of this bill requires the Commission on Economic Development to: (1) develop a State Plan for Inland Ports; and (2) set forth the requirements for the creation of an inland port.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Title 22 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 2 to 30, inclusive, of this act.

Sec. 2. ***This chapter may be known and cited as the Inland Port Authority Act.***

Sec. 3. ***As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 4 to 8, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 4. ***"Authority" means an inland port authority created pursuant to this chapter.***

Sec. 5. ***"Board" means the board of directors of an authority.***

Sec. 6. ***"Commission" means the Commission on Economic Development created by NRS 231.030.***

Sec. 7. ***"Inland port" means an area located away from traditional borders but having direct access to highway, railway and air transport facilities and, if applicable, intermodal facilities.***

Sec. 8. ***"Participating entity" means the board of county commissioners of a county or the governing body of an incorporated city.***

Sec. 9. ***The Legislature hereby finds and declares that the creation of an inland port:***

1. Is essential to:

(a) Develop and diversify the economy of the State;

(b) Provide employment opportunities for Nevadans; and

(c) Develop and expand transportation and commerce in this State.

2. Will facilitate commerce and economic development in this State through:

(a) Strategic investment in multimodal transportation assets; and

(b) Comprehensive planning, development, management and operation of facilities and supporting infrastructure for transportation, commercial processing and domestic and international trade.

Sec. 10. *1. Subject to the requirements set forth in this section and sections 11, 12 and 13 of this act, an inland port may be created only in a contiguous area that:*

(a) Includes ~~[:]~~ at least two of the following:

(1) A municipally owned airport with a runway of at least ~~[5,500]~~ 4,500 feet . ~~[;]~~

(2) A portion of a highway that is part of the National Highway System . ~~[; and]~~

(3) Operating assets of at least one Class I railroad as classified by the Surface Transportation Board.

(b) Does not include any residential property.

2. All areas within the boundaries of an inland port must be within the boundaries of the county or counties and incorporated city or cities, as applicable, of the one or more participating entities which apply to the Commission pursuant to section 11 of this act for the creation of the inland port.

Sec. 11. *1. One or more participating entities may apply to the Commission to create, operate and maintain an inland port and authority.*

2. A participating entity is eligible to apply to the Commission pursuant to subsection 1 if the county or incorporated city, as applicable, of the participating entity is located in whole or in part within the proposed boundaries of the inland port.

3. The Commission may approve the creation of an inland port and authority if the proposed inland port and authority conform to the State Plan for Inland Ports developed by the Commission pursuant to section 31 of this act.

Sec. 12. *1. If the Commission approves the creation of an inland port and authority pursuant to section 11 of this act, each participating entity shall hold at least two public hearings to discuss the creation of the inland port and authority.*

2. The participating entity shall give notice of the hearing by publication in a newspaper published in the county not later than 7 days before the hearing. The notice must include, without limitation:

(a) The date, time and place for the hearing;

(b) The boundaries of the proposed inland port, including, without limitation, a map of the proposed inland port; and

(c) The powers of the proposed authority.

Sec. 13. *If a participating entity obtains approval of the Commission for the creation of an inland port and authority pursuant to section 11 of this act, the participating entity shall create the inland port and authority by ordinance. The ordinance must include, without limitation:*

1. A description of the boundaries of the inland port;

2. The location of the principal office of the authority;

3. The name of the inland port and authority; and

4. The number of directors who will compose the board of the authority pursuant to section 14 of this act.

Sec. 14. *1. An authority must be governed by a board of directors with an odd-numbered membership set by the participating entity or entities. If there is more than one participating entity, the membership of the board of directors must be agreed to by all of the participating entities. The board of directors must be composed of:*

(a) ~~[Three directors appointed by the most populous city that is a participating entity, if any;~~

~~(b)]~~ One director appointed by each county that is a participating entity, if any;

~~[(c)]~~ (b) One director appointed by each city that is a participating entity , ~~[which is not described in paragraph (a),]~~ if any;

(c) If the authority includes a municipally owned airport described in subparagraph (1) of paragraph (a) of subsection 1 of section 10 of this act, one director appointed by:

(1) In a county whose population is 700,000 or more, the department of aviation of the county; or

(2) In a county whose population is less than 700,000, the governing body of the airport authority, if any, and if there is not an airport authority, by the governing body of the municipality which owns the airport; and

(d) Any other directors appointed in accordance with this section and as provided in an ordinance adopted by a participating entity pursuant to section 13 of this act.

2. Except as otherwise provided in this section, the directors described in subsection 1 must be appointed to terms of 4 years. The terms must be staggered in such a manner that, to the extent possible, the terms of one-half of the directors will expire every 2 years. The initial directors of the authority shall, at the first meeting of the board after their appointment, draw lots to determine which directors will initially serve terms of 2 years and which will serve terms of 4 years. A director may be reappointed.

3. A vacancy occurring during the term of a director must be filled by the appointing participating entity for the unexpired term as soon as is reasonably practicable.

Sec. 15. *1. A director of a board must reside within the boundaries of the participating entity that appoints him or her.*

2. The following persons are not eligible to be appointed to a board:

(a) An elected official of any governmental entity.

(b) An employee of a participating entity.

Sec. 16. *1. A majority of the board constitutes a quorum for the transaction of business. If a vacancy exists on the board, a majority of directors serving on the board constitutes a quorum.*

2. The board shall annually elect a chair and vice chair. The vice chair presides in the absence of the chair.

3. The board may elect any other officers that it considers appropriate.

4. Each director serves without compensation and, while engaged in the business of the board, is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

Sec. 17. *All meetings of an authority must be conducted in accordance with the provisions of chapter 241 of NRS.*

Sec. 18. *1. The governing body of a county, city or other governmental entity may convey title or rights and easements to any real property to an authority to effect any purpose of the authority.*

2. An authority may not exercise the power of eminent domain.

Sec. 19. *1. An authority may enter into an agreement that provides for the lease of rights-of-way, the granting of easements or the issuance of franchises, concessions, licenses or permits.*

2. Except as otherwise provided in ~~[subsection]~~ subsections 3 ~~[,]~~ and 4, with the consent of any county, city or other governmental entity, an authority may:

(a) Use streets, alleys, roads, highways and other public ways of the county, city or other governmental entity; and

(b) Relocate, raise, reroute, change the grade of or alter, at the expense of the authority:

(1) A street, alley, highway, road or railroad;

(2) Electric lines and facilities;

(3) Telegraph and telephone properties and facilities;

(4) Pipelines and facilities;

(5) Conduits and facilities; and

(6) Other property,

➥ *as necessary or useful in the construction, reconstruction, repair, maintenance and operation of the inland port.*

3. An authority may not alter:

(a) A highway that is part of the state highway system without the consent of the Department of Transportation.

(b) A railroad without the consent of the railroad company.

(c) A municipally owned airport.

4. If an inland port includes a municipally owned airport:

(a) An authority may not interfere with or exercise any control over commercial air transportation or commercial airlines that operate at the airport; and

(b) The airport authority, department of aviation or other existing governing body that owns or manages the airport retains such ownership or management control.

Sec. 20. *An authority may not provide retail utility services or duplicate a service or facility of another governmental entity.*

Sec. 21. *An authority may enter into an agreement with any person, including, without limitation, the United States or any other governmental entity, for any purpose of the authority.*

Sec. 22. *An authority may act jointly with any other person, private or public, inside or outside this State or the United States, in the performance of any power or duty under this chapter.*

Sec. 23. *An authority may purchase and pay premiums for insurance of any type in an amount considered necessary or advisable by the board.*

Sec. 24. *An authority may market, advertise and promote the use of the inland port that the authority constructs, owns, operates, regulates or maintains.*

Sec. 25. *An action against an authority must be brought in the county in which the principal office of the authority is located.*

Sec. 26. *1. An authority shall establish and maintain rates, rentals, fees, charges or other compensation that is commercially reasonable and nondiscriminatory for the use of the facilities owned, constructed, operated, regulated or maintained by the authority.*

2. An authority may accept any public or private funding, grant or donation.

Sec. 27. *Notwithstanding any provision of this chapter to the contrary, an authority may not develop, operate or maintain a toll road.*

Sec. 28. *1. If a participating entity wishes to withdraw from an authority with regard to which there is more than one participating entity, the participating entity shall:*

(a) Adopt an ordinance providing for the withdrawal;

(b) Obtain approval from the board; and

(c) Give notice to the other participating entity or entities of its intent to withdraw,

➥ at least 6 months before the date on which the withdrawal would be effective.

2. Upon the withdrawal of a participating entity from the authority pursuant to subsection 1:

(a) The boundaries of the inland port must be adjusted by the other participating entity or entities to comply with the provisions of section 10 of this act; or

(b) The authority must be dissolved pursuant to subsection 3 as soon as practicable.

3. An authority is dissolved if:

(a) The dissolution is approved by the board;

(b) The governing body of each participating entity agrees to the dissolution;

(c) All debts and other liabilities of the authority have been paid or discharged, or adequate provision has been made for the payment of all debts and other liabilities;

(d) There are no suits pending against the authority, or adequate provision has been made for the satisfaction of any judgment, order or decree that may be entered against the authority in any pending suit; and

(e) The authority has a commitment from another governmental entity to assume jurisdiction of all property of the authority.

Sec. 29. ***At the request of the Commission, an authority shall report to the Commission on all issues and activities necessary for the administration of the authority as well as issues and activities pertaining to compliance with any rules or regulations set forth by the Commission for the creation, operation or maintenance of inland ports pursuant to section 31 of this act.***

Sec. 30. ***This chapter shall be liberally construed in order to facilitate economic development, trade and commerce in the State of Nevada.***

Sec. 31. Chapter 231 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Commission on Economic Development shall:

(a) Develop a State Plan for Inland Ports. The Plan must include, without limitation:

(1) A comprehensive, long-term general plan for the physical development of inland ports which promotes, encourages and aids in the development of the economic interests of this State.

(2) Requirements for the creation of inland ports for the purposes of the Inland Port Authority Act which affect economic and industrial development.

(b) Promote, encourage and aid in the development of inland ports in this State.

(c) Identify sources of financing to assist local governments in developing or expanding inland ports.

(d) Encourage and assist local governments in planning and preparing projects for inland ports.

(e) Arrange by cooperative agreements with local governments to serve as the single agency in the State from which relocating or expanding businesses may obtain all required permits to operate in an inland port.

(f) Promote close cooperation between local governments, other public agencies and private persons that have an interest in creating, operating or maintaining inland ports in the State.

2. As used in this section, "inland port" has the meaning ascribed to it in section 7 of this act.

Sec. 32. NRS 231.020 is hereby amended to read as follows:

231.020 As used in NRS 231.020 to 231.139, inclusive, ***and section 31 of this act,*** unless the context otherwise requires, "motion pictures" includes feature films, movies made for broadcast on television and programs made for broadcast on television in episodes.

Sec. 33. This act becomes effective on July 1, 2011.

Assemblywoman Kirkpatrick moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Kirkpatrick moved that upon return from the printer, Assembly Bill No. 182 be placed on the Chief Clerk's desk.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 242.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 389.

SUMMARY—Requires **a** quasi-public organization ~~[to submit annual report to Legislative Commission detailing disposition and use of]~~ **that receives** money ~~[conveyed to organization by]~~ **from a** state agency ~~[.]~~ **to make available certain information.** (BDR 31-67)

AN ACT relating to state financial administration; requiring each quasi-public organization that receives money from a state agency to ~~[submit annually to the Legislative Commission a report detailing the disposition and use of that money; requiring that each state agency which conveys money to a quasi-public organization include an entry in the budget of the state agency summarizing that conveyance; providing an exception;]~~ **make available certain information;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires certain governmental entities to report quarterly to the Interim Finance Committee regarding the taxes and fees that were legally due to be paid to the governmental entity, the taxes and fees that the governmental entity was actually able to collect, and the taxes and fees that the governmental entity failed to collect or otherwise did not collect. (Chapter 238, Statutes of Nevada 2009, pp. 970-71) ~~[Section 5 of this]~~ **This** bill requires each quasi-public organization that receives money from a state agency in the form of a donation, gift, grant or other conveyance to ~~[report to the Legislative Commission, on or before September 1 of each year for the immediately preceding fiscal year, concerning the disposition and use of the money so received. Section 6 of this bill requires that each state agency which conveys money to a quasi-public organization include an entry in the~~

~~budget of the state agency summarizing that conveyance. Section 7 of this bill exempts from the preceding requirements any money that is conveyed by a state agency to a quasi-public organization in the form of a direct appropriation, if the money so conveyed is required to be used for a specific purpose as a condition of the appropriation. Section 3 of this~~ **: (1) make certain information concerning the organization available on an Internet website; and (2) provide copies of certain reports to the Director of the Legislative Counsel Bureau. This** bill defines the term "quasi-public organization" for the purposes of the bill to mean: (1) a nonprofit organization that qualifies for tax-exempt status under 26 U.S.C. § 501(c); or (2) any entity that is created by or pursuant to an interlocal agreement.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 353 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 7, inclusive, of this act.

Sec. 2. **(Deleted by amendment.)**

Sec. 3. **(Deleted by amendment.)**

Sec. 4. **(Deleted by amendment.)**

Sec. 5. ~~*[Except as otherwise provided in section 7 of this act:]*~~

1. ~~*[Each]*~~ ***If a quasi-public organization*** ~~*[that]*~~ ***receives money from a state agency in the form of a donation, gift, grant or other conveyance*** ~~*[shall, on or before September 1 of each year, file with the Legislative Commission a report that complies with the requirements of subsection 2.*~~

~~*2. Each report required to be filed pursuant to subsection 1 must:*~~

~~*(a) Be submitted on a document provided by]*~~ ***, the following information must be included on the Internet website of the quasi-public organization or, if the organization does not have a website, on the website of the state agency from which the organization received money in the form of a donation, gift, grant or other conveyance:***

(a) The names and terms of the persons on the board of directors or other governing body of the quasi-public organization;

(b) The most recent annual report of the quasi-public organization; and

(c) The mission statement or other statement of purpose of the quasi-public organization.

2. Except as otherwise provided in this subsection, if a quasi-public organization is required by law to submit a report to a state agency from which the organization receives money in the form of a donation, gift, grant or other conveyance, the organization shall also submit a copy of the report to the Director of the Legislative Counsel Bureau . ~~*[; and*~~

~~*(b) Include the following components:*~~

~~*(1) The name, address and phone number of each state agency from which the quasi-public organization received money during the immediately preceding fiscal year;*~~

~~*(2) The amount of money that the quasi-public organization received from each state agency during the immediately preceding fiscal year;*~~

~~*(3) For each separate donation, gift, grant or other conveyance of money that the quasi-public organization received from a state agency during the immediately preceding fiscal year, the specific purpose for which the quasi-public organization used that money during the immediately preceding fiscal year, including, without limitation:*~~

~~*(I) The particular goods, products and services that the quasi-public organization provided using the money so received;*~~

~~*(II) The nature and duration of any programs that the quasi-public organization conducted using the money so received;*~~

~~*(III) The number of persons and entities to whom the quasi-public organization provided goods, products and services using the money so received;*~~

~~*(IV) Whether the goods, products and services that the quasi-public organization provided using the money so received, or the programs that the quasi-public organization conducted using the money so received, were required to be provided or conducted, as applicable, pursuant to federal or state law;*~~

~~*(V) Whether the money so received was used by the quasi-public organization to replace or supplant funding available from other sources;*~~

~~*(VI) To the extent that the dissemination of such information is not prohibited by federal or state law, the identity of any persons who benefited from the money so received; and*~~

~~*(VII) The amount and nature of any administrative costs, including, without limitation, the salary and benefits of employees, that the quasi-public organization paid using the money so received; and*~~

~~*(4) Such other information as may be requested by]*~~ ***If the quasi-public organization prepares a summary annual report for submission to a state agency from which the organization receives money in the form of a donation, gift, grant or other conveyance, the organization may submit a copy of such summary annual report to the Director of the Legislative Counsel Bureau [.] in lieu of submitting any other report that is more frequent or specific in nature.***

3. As used in this section:

(a) "Quasi-public organization" means:

(1) A nonprofit religious, charitable, fraternal or other organization that qualifies as a tax-exempt organization pursuant to 26 U.S.C. § 501(c); or

(2) Any entity that is created by or pursuant to an interlocal agreement.

(b) "State agency" means an agency, bureau, board, commission, department, division or any other unit of the Executive Department of the State Government.

Sec. 6. (Deleted by amendment.)

Sec. 7. **(Deleted by amendment.)**

Sec. 8. This act becomes effective upon passage and approval.

Assemblywoman Bustamante Adams moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 248.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 390.

AN ACT relating to state financial administration; revising certain requirements for the proposed budget of the Executive Department of the State Government; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law specifies the contents of the proposed budget of the Executive Department of the State Government. (NRS 353.205) **Section 1** of this bill requires each proposed budget to include certain information regarding long-term performance goals and intermediate objectives of the Executive Department **, clarifies the provisions governing certain contents of the proposed budget** and requires the posting of certain information on various Internet websites maintained by the State. **Section 2** of this bill clarifies the provisions governing the information that state agencies are required to submit to the Budget Division of the Department of Administration to assist the Budget Division in preparing proposed executive budgets. (NRS 353.210)

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 353.205 is hereby amended to read as follows:

353.205 1. The proposed budget for the Executive Department of the State Government for each fiscal year must be set up in three parts:

(a) Part 1 must consist of a budgetary message by the Governor which ~~[outlines the financial policy of the Executive Department of the State Government for the next 2 fiscal years, describing in connection therewith the important features of the financial plan. It must also embrace a]~~ ***includes:***

(1) A general summary of the long-term performance goals of the Executive Department of the State Government for:

(I) Core governmental functions, including the education of pupils in kindergarten through grade 12, higher education, human services and public safety and health; and

(II) Other governmental services;

(2) An explanation of the means by which the proposed budget will provide adequate funding for those governmental functions and services

such that ratable progress will be made toward achieving those long-term performance goals;

(3) An outline of any other important features of the financial plan of the Executive Department of the State Government for the next 2 fiscal years; and

(4) A general summary of the proposed budget setting forth the aggregate figures of the proposed budget in such a manner as to show the balanced relations between the total proposed expenditures and the total anticipated revenues, together with the other means of financing the proposed budget for the next 2 fiscal years, contrasted with the corresponding figures for the last completed fiscal year and fiscal year in progress. The general summary of the proposed budget must be supported by explanatory schedules or statements, classifying the expenditures contained therein by organizational units, objects and funds, and the income by organizational units, sources and funds. ***The organizational units may be subclassified by functions and by agencies, bureaus or commissions, or in any other manner determined by the Chief.***

(b) Part 2 must embrace the detailed budgetary estimates both of expenditures and revenues as provided in NRS 353.150 to 353.246, inclusive. The information must be presented in a manner which sets forth separately the cost of continuing each program at the same level of service as the current year and the cost, by budgetary issue, of any recommendations to enhance or reduce that level of service. Revenues must be summarized by type, and expenditures must be summarized by ***program or budgetary account and by*** category of expense. Part 2 must include ~~[(a)]~~ ***:***

(1) The identification of each long-term performance goal of the Executive Department of the State Government for:

(I) Core governmental functions, including the education of pupils in kindergarten through grade 12, higher education, human services, and public safety and health; and

(II) Other governmental services,

➥ and of each intermediate objective for the next 2 fiscal years toward achieving those goals.

(2) An explanation of the means by which the proposed budget will provide adequate funding for those governmental functions and services such that those intermediate objectives will be met and progress will be made toward achieving those long-term performance goals.

(3) A mission statement and measurement indicators for each ~~[program. It must also include statements]~~ ***department, institution and other agency of the Executive Department of the State Government, which articulate the intermediate objectives and long-term performance goals each such department, institution and other agency is tasked with achieving and the particular measurement indicators tracked for each such department, institution and other agency to determine whether the department, institution or other agency is successful in achieving its intermediate***

objectives and long-term performance goals, provided in sufficient detail to assist the Legislature in performing an analysis of the relative costs and benefits of program budgets and in determining priorities for expenditures. If available, information regarding such measurement indicators must be provided for each of the previous 4 fiscal years. If a new measurement indicator is being added, a rationale for that addition must be provided. If a measurement indicator is being modified, information must be provided regarding both the modified indicator and the indicator as it existed before modification. If a measurement indicator is being deleted, a rationale for that deletion and information regarding the deleted indicator must be provided.

(4) Statements of the bonded indebtedness of the State Government, showing the requirements for redemption of debt, the debt authorized and unissued, and the condition of the sinking funds***.*** ~~[, and any]~~

(5) Any statements relative to the financial plan which the Governor may deem desirable, or which may be required by the Legislature.

(c) Part 3 must include a recommendation to the Legislature for the drafting of a general appropriation bill authorizing, by departments, institutions and agencies, and by funds, all expenditures of the Executive Department of the State Government for the next 2 fiscal years, and may include recommendations to the Legislature for the drafting of such other bills as may be required to provide the income necessary to finance the proposed budget and to give legal sanction to the financial plan if adopted by the Legislature.

2. Except as otherwise provided in NRS 353.211, as soon as each part of the proposed budget is prepared, a copy of the part must be transmitted to the Fiscal Analysis Division of the Legislative Counsel Bureau for confidential examination and retention.

3. Except for the information provided to the Fiscal Analysis Division of the Legislative Counsel Bureau pursuant to NRS 353.211, parts 1 and 2 of the proposed budget are confidential until the Governor transmits the proposed budget to the Legislature pursuant to NRS 353.230, regardless of whether those parts are in the possession of the Executive or Legislative Department of the State Government. Part 3 of the proposed budget is confidential until the bills which result from the proposed budget are introduced in the Legislature. ***As soon as practicable after the Governor transmits the proposed budget to the Legislature pursuant to NRS 353.230, the information required to be included in the proposed budget pursuant to subparagraphs (1), (2) and (3) of paragraph (b) of subsection 1 must be posted on the Internet websites maintained by the Governor, the Department of Administration and the Budget Division of the Department of Administration.***

Sec. 2. NRS 353.210 is hereby amended to read as follows:

353.210 1. Except as otherwise provided in subsection 6, on or before September 1 of each even-numbered year, all departments, institutions and

other agencies of the Executive Department of the State Government, and all agencies of the Executive Department of the State Government receiving state money, fees or other money under the authority of the State, including those operating on money designated for specific purposes by the Nevada Constitution or otherwise, shall prepare, on blanks furnished them by the Chief, and submit to the Chief:

(a) The number of ***full-time equivalent*** positions within the department, institution or agency ***;***

(b) The number of full-time equivalent positions within the department, institution or agency that have been vacant for at least 12 months, the number of months each such position has been vacant and the reasons for each such vacancy;

~~[(b)]~~ ***(c)*** Any existing contracts the department, institution or agency has with consultants or temporary employment services, the proposed expenditures for such contracts in the next 2 fiscal years and the reasons for the use of such consultants or services; and

~~[(c)]~~ ***(d)*** Estimates of their expenditure requirements, together with all anticipated income from fees and all other sources, for the next 2 fiscal years compared with the corresponding figures of the last completed fiscal year and the estimated figures for the current fiscal year.

2. The Chief shall direct that one copy of the forms submitted pursuant to subsection 1, accompanied by every supporting schedule and any other related material, be delivered directly to the Fiscal Analysis Division of the Legislative Counsel Bureau on or before September 1 of each even-numbered year.

3. The Budget Division of the Department of Administration shall give advance notice to the Fiscal Analysis Division of the Legislative Counsel Bureau of any conference between the Budget Division of the Department of Administration and personnel of other state agencies regarding budget estimates. A Fiscal Analyst of the Legislative Counsel Bureau or his or her designated representative may attend any such conference.

4. The estimates of expenditure requirements submitted pursuant to subsection 1 must be classified to set forth the data of funds, organizational units, and the character and objects of expenditures ~~[,]~~ ***by program or budgetary account and by category of expense,*** and must include a mission statement and measurement indicators ~~[for each program.]~~ ***in adequate detail to comply with the requirements of subparagraph (3) of paragraph (b) of subsection 1 of NRS 353.205.*** The organizational units may be subclassified by functions and ~~[activities,]~~ ***by agencies, bureaus or commissions,*** or in any other manner at the discretion of the Chief.

5. If any department, institution or other agency of the Executive Department of the State Government, whether its money is derived from state money or from other money collected under the authority of the State, fails or neglects to submit estimates of its expenditure requirements as provided in this section, the Chief may, from any data at hand in the Chief's office or

which the Chief may examine or obtain elsewhere, make and enter a proposed budget for the department, institution or agency in accordance with the data.

6. Agencies, bureaus, commissions and officers of the Legislative Department, the Public Employees' Retirement System and the Judicial Department of the State Government shall submit to the Chief for his or her information in preparing the proposed executive budget the budgets which they propose to submit to the Legislature.

Sec. 3. NRS 353.211 is hereby amended to read as follows:

353.211 1. On or before October 15 of each even-numbered year, the Chief shall provide to the Fiscal Analysis Division of the Legislative Counsel Bureau:

(a) Computerized budget files containing the actual data regarding revenues and expenditures for the previous year;

(b) The work programs for the current year; and

(c) Each agency's requested budget for the next 2 fiscal years.

2. On or before December 31 of each even-numbered year, the Chief shall provide to the Fiscal Analysis Division:

(a) Each agency's adjusted base budget by ***program or*** budgetary account for the next 2 fiscal years; and

(b) An estimated range of the costs for:

(1) Continuing the operation of State Government; and

(2) Providing elementary, secondary and higher public education,

➥ at the current level of service.

3. The information provided to the Fiscal Analysis Division pursuant to subsections 1 and 2 is open for public inspection.

4. The Governor may authorize or direct an agency to hold public hearings on a budget submitted pursuant to paragraph (c) of subsection 1 at any time after the material is provided pursuant to subsection 1.

Assemblywoman Bustamante Adams moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 277.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 316.

SUMMARY—Provides for ~~[the creation of alternative]~~ special license plates honoring ~~[service of]~~ female veterans. (BDR 43-810)

AN ACT relating to motor vehicles; requiring the Department of Motor Vehicles, with respect to special license plates for the support of outreach programs and services for veterans and their families, to make **such plates** available ~~[an alternative version of the plates indicating service as a]~~ **to**

female ~~[veteran;]~~ **veterans with an optional image representative of female veterans;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Director of the Department of Motor Vehicles to order the preparation of special license plates for the support of outreach programs and services for veterans and their families. These special license plates are available to veterans of the Army, Navy, Air Force, Marine Corps or Coast Guard of the United States, a reserve component thereof or the National Guard, or the spouse, parent or child of such a veteran. (NRS 482.3763) **Section 4** of this bill requires the Department to make **the plates** available **: (1)** to female veterans ~~[of the Army, Navy, Air Force, Marine Corps or Coast Guard of the United States, a reserve component thereof or the National Guard, an alternative version of the special license plates for the support of outreach programs and services for veterans and their families. Such alternative version must indicate specifically that the veteran is a female veteran.]~~ **; and (2) with an optional image representative of female veterans.** The fees for the initial issuance and renewal of the ~~[alternative]~~ **optional** version of the special license plates for the support of outreach programs and services for veterans and their families are the same as for the regular version.

Under existing law, new special license plates authorized by an act of the Legislature typically are subject to all of the following: (1) approval or disapproval by the Commission on Special License Plates; (2) the limitation on the number of separate designs of special license plates that may be issued by the Department at any one time; and (3) the requirement that the Department receive at least 1,000 applications for the issuance of the plate within 2 years after the effective date of the act of the Legislature. (NRS 482.367004, 482.367008, 482.36705) ~~[Sections 1-3 of this bill exempt the alternative]~~ **The optional** special license plates for female veterans **are exempt** from all three of ~~[those]~~ **the preceding** requirements **[.** ~~The rationale for those exemptions is that the alternative special license plates for female veterans are not an entirely separate design of special license plates but, instead,~~**]** **because the plates** are simply an ~~[alternate]~~ **optional** version of existing special license plates for veterans.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. ~~[NRS 482.367004 is hereby amended to read as follows:~~

~~482.367004 1. There is hereby created the Commission on Special License Plates consisting of five Legislators and three nonvoting members as follows:~~

~~(a) Five Legislators appointed by the Legislative Commission:~~

~~(1) One of whom is the Legislator who served as the Chair of the Assembly Standing Committee on Transportation during the most recent legislative session. That Legislator may designate an alternate to serve in~~

~~place of the Legislator when absent. The alternate must be another Legislator who also served on the Assembly Standing Committee on Transportation during the most recent legislative session.~~

~~(2) One of whom is the Legislator who served as the Chair of the Senate Standing Committee on Transportation during the most recent legislative session. That Legislator may designate an alternate to serve in place of the Legislator when absent. The alternate must be another Legislator who also served on the Senate Standing Committee on Transportation during the most recent legislative session.~~

~~(b) Three nonvoting members consisting of:~~

~~(1) The Director of the Department of Motor Vehicles, or a designee of the Director.~~

~~(2) The Director of the Department of Public Safety, or a designee of the Director.~~

~~(3) The Director of the Department of Cultural Affairs, or a designee of the Director.~~

~~2. Each member of the Commission appointed pursuant to paragraph (a) of subsection 1 serves a term of 2 years, commencing on July 1 of each odd-numbered year. A vacancy on the Commission must be filled in the same manner as the original appointment.~~

~~3. Members of the Commission serve without salary or compensation for their travel or per diem expenses.~~

~~4. The Director of the Legislative Counsel Bureau shall provide administrative support to the Commission.~~

~~5. The Commission shall approve or disapprove:~~

~~(a) Applications for the design, preparation and issuance of special license plates that are submitted to the Department pursuant to subsection 1 of NRS 482.367002;~~

~~(b) The issuance by the Department of special license plates that have been designed and prepared pursuant to NRS 482.367002; and~~

~~(c) Except as otherwise provided in subsection 6, applications for the design, preparation and issuance of special license plates that have been authorized by an act of the Legislature after January 1, 2007.~~

~~→ In determining whether to approve such an application or issuance, the Commission shall consider, without limitation, whether it would be appropriate and feasible for the Department to, as applicable, design, prepare or issue the particular special license plate. The Commission shall consider each application in the chronological order in which the application was received by the Department.~~

~~6. The provisions of paragraph (c) of subsection 5 do not apply with regard to special license plates that are issued pursuant to NRS *482.3763 or* 482.3785.~~

~~7. The Commission shall:~~

~~(a) Approve or disapprove any proposed change in the distribution of money received in the form of additional fees. As used in this paragraph,~~

~~"additional fees" means the fees that are charged in connection with the issuance or renewal of a special license plate for the benefit of a particular cause, fund or charitable organization. The term does not include registration and license fees or governmental services taxes.~~

~~(b) If it approves a proposed change pursuant to paragraph (a) and determines that legislation is required to carry out the change, request the assistance of the Legislative Counsel in the preparation of a bill draft to carry out the change.~~] **(Deleted by amendment.)**

Sec. 2. [~~NRS 482.367008 is hereby amended to read as follows:~~

~~482.367008 1. As used in this section, "special license plate" means:~~

~~(a) A license plate that the Department has designed and prepared pursuant to NRS 482.367002 in accordance with the system of application and petition described in that section;~~

~~(b) A license plate approved by the Legislature that the Department has designed and prepared pursuant to NRS 482.3747, 482.37903, 482.37905, 482.37917, 482.379175, 482.37918, 482.37919, 482.3792, 482.3793, 482.37933, 482.37934, 482.37935, 482.379355, 482.379365, 482.37937, 482.379375, 482.37938 or 482.37945; and~~

~~(c) Except for a license plate that is issued pursuant to NRS~~ ***482.3763 or*** ~~482.3785, a license plate that:~~

~~(1) Is approved by the Legislature after July 1, 2005; and~~

~~(2) Differs substantially in design from the license plates that are described in subsection 1 of NRS 482.270.~~

~~2. Notwithstanding any other provision of law to the contrary, the Department shall not, at any one time, issue more than 25 separate designs of special license plates. Whenever the total number of separate designs of special license plates issued by the Department at any one time is less than 25, the Department shall issue a number of additional designs of special license plates that have been authorized by an act of the Legislature or the application for which has been approved by the Commission on Special License Plates pursuant to subsection 5 of NRS 482.367004, not to exceed a total of 25 designs issued by the Department at any one time. Such additional designs must be issued by the Department in accordance with the chronological order of their authorization or approval.~~

~~3. Except as otherwise provided in this subsection, on October 1 of each year the Department shall assess the viability of each separate design of special license plate that the Department is currently issuing by determining the total number of validly registered motor vehicles to which that design of special license plate is affixed. The Department shall not determine the total number of validly registered motor vehicles to which a particular design of special license plate is affixed if:~~

~~(a) The particular design of special license plate was designed and prepared by the Department pursuant to NRS 482.367002; and~~

~~(b) On October 1, that particular design of special license plate has been available to be issued for less than 12 months.~~

~~4. Except as otherwise provided in subsection 6, if, on October 1, the total number of validly registered motor vehicles to which a particular design of special license plate is affixed is:~~

~~(a) In the case of special license plates designed and prepared by the Department pursuant to NRS 482.367002, less than 1,000; or~~

~~(b) In the case of special license plates authorized directly by the Legislature which are described in paragraph (b) of subsection 1, less than the number of applications required to be received by the Department for the initial issuance of those plates,~~

~~→ the Director shall provide notice of that fact in the manner described in subsection 5.~~

~~5. The notice required pursuant to subsection 4 must be provided:~~

~~(a) If the special license plate generates financial support for a cause or charitable organization, to that cause or charitable organization.~~

~~(b) If the special license plate does not generate financial support for a cause or charitable organization, to an entity which is involved in promoting the activity, place or other matter that is depicted on the plate.~~

~~6. If, on December 31 of the same year in which notice was provided pursuant to subsections 4 and 5, the total number of validly registered motor vehicles to which a particular design of special license plate is affixed is:~~

~~(a) In the case of special license plates designed and prepared by the Department pursuant to NRS 482.367002, less than 1,000; or~~

~~(b) In the case of special license plates authorized directly by the Legislature which are described in paragraph (b) of subsection 1, less than the number of applications required to be received by the Department for the initial issuance of those plates,~~

~~→ the Director shall, notwithstanding any other provision of law to the contrary, issue an order providing that the Department will no longer issue that particular design of special license plate. Such an order does not require existing holders of that particular design of special license plate to surrender their plates to the Department and does not prohibit those holders from renewing those plates.~~ **(Deleted by amendment.)**

Sec. 3. ~~[NRS 482.36705 is hereby amended to read as follows:~~

~~482.36705 1. Except as otherwise provided in subsection 2:~~

~~(a) If a new special license plate is authorized by an act of the Legislature after January 1, 2003, other than a special license plate that is authorized pursuant to NRS~~ ***482.3763 or*** ~~482.379375, the Legislature will direct that the license plate not be designed, prepared or issued by the Department unless the Department receives at least 1,000 applications for the issuance of that plate within 2 years after the effective date of the act of the Legislature that authorized the plate.~~

~~(b) In addition to the requirements set forth in paragraph (a), if a new special license plate is authorized by an act of the Legislature after July 1, 2005, the Legislature will direct that the license plate not be issued by the~~

~~Department unless its issuance complies with subsection 2 of NRS 482.367008.~~

~~(c) In addition to the requirements set forth in paragraphs (a) and (b), if a new special license plate is authorized by an act of the Legislature after January 1, 2007, the Legislature will direct that the license plate not be designed, prepared or issued by the Department unless the Commission on Special License Plates approves the application for the authorized plate pursuant to NRS 482.367004.~~

~~2. The provisions of subsection 1 do not apply with regard to special license plates that are issued pursuant to NRS~~ ***482.3763 or*** ~~482.3785.~~**] (Deleted by amendment.)**

Sec. 4. NRS 482.3763 is hereby amended to read as follows:

482.3763 1. The Director shall order the preparation of special license plates for the support of outreach programs and services for veterans and their families and establish procedures for the application for and issuance of the plates.

2. The Department shall, upon application therefor and payment of the prescribed fees, issue special license plates for the support of outreach programs and services for veterans and their families to:

(a) A veteran of the Army, Navy, Air Force, Marine Corps or Coast Guard of the United States, a reserve component thereof or the National Guard; ~~[or]~~

(b) ***A female veteran; or***

(c) The spouse, parent or child of a person described in paragraph (a) ~~[.]~~ ***or (b).***

➥ The

~~*[3. Except as otherwise provided in subsection 4, special license]*~~ plates ~~*[for the support of outreach programs and services for veterans and their families]*~~ must be inscribed with the word "VETERAN" and with the seal of the branch of the Armed Forces of the United States, ~~[or]~~ the seal of the National Guard ~~[.]~~ ***or an image representative of the female veterans,*** as applicable, requested by the applicant.

~~*[4. The Department shall, using any colors and designs which the Department deems appropriate, make available to female veterans of the Army, Navy, Air Force, Marine Corps or Coast Guard of the United States, a reserve component thereof or the National Guard, an alternative version of the special license plates for the support of outreach programs and services for veterans and their families. Such alternative version must indicate specifically that the veteran is a female veteran.*~~

~~*5.]*~~ A person may request that personalized prestige license plates issued pursuant to NRS 482.3667 be combined with special license plates for the support of outreach programs and services for veterans and their families if that person pays the fees for the personalized prestige license plates in addition to the fees for the special license plates for the support of outreach programs and services for veterans and their families pursuant to subsection 4.

3. ~~[7.~~

~~6.]~~ If, during a registration year, the holder of special plates issued pursuant to this section disposes of the vehicle to which the plates are affixed, the holder shall:

(a) Retain the plates and affix them to another vehicle which meets the requirements of this section if the holder pays the fee for the transfer of the registration and any registration fee or governmental services tax due pursuant to NRS 482.399; or

(b) Within 30 days after removing the plates from the vehicle, return them to the Department.

4. ~~[7.]~~ In addition to all other applicable registration and license fees and governmental services taxes, and to the special fee imposed pursuant to NRS 482.3764 for the support of outreach programs and services for veterans and their families, the fee for:

(a) The initial issuance of the special license plates is $35.

(b) The annual renewal sticker is $10.

5. ~~[8.]~~ If the special plates issued pursuant to this section are lost, stolen or mutilated, the owner of the vehicle may secure a set of replacement license plates from the Department for a fee of $10.

Sec. 5. **The Nevada Veterans' Services Commission, created by NRS 417.150, shall provide an image representative of female veterans to the Department of Motor Vehicles for the purposes of NRS 482.3763, as amended by section 4 of this act.**

Assemblywoman Dondero Loop moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 337.

Bill read second time.

The following amendment was proposed by the Committee on Legislative Operations and Elections:

Amendment No. 167.

AN ACT relating to campaign practices; requiring a notice of an alleged violation of provisions governing campaign practices to include certain information; requiring the Secretary of State to provide a copy of the notice and any accompanying information to the person alleged in the notice to have committed the violation; authorizing the person to respond ~~[within a certain period;]~~ **to such a notice;** authorizing the Secretary of State **to conduct an investigation based on such a notice in certain circumstances; authorizing the Secretary of State** or a designated officer or employee of the Secretary of State to subpoena witnesses and require the production of documents or records by subpoena when conducting ~~[certain investigations relating to campaign practices;]~~ **an investigation based on such a notice in certain circumstances;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law confers authority upon the Secretary of State to conduct investigations concerning alleged violations of chapter 294A of NRS governing campaign practices. Existing law also authorizes a person who believes that any provision of that chapter has been violated to notify the Secretary of State in writing. The notice must be signed by the person and include any information in support of the alleged violation. (NRS 294A.410) This bill specifies the information that must be included in the notice and requires the Secretary of State to provide a copy of the notice and any accompanying information to the person alleged in the notice to have committed the violation. **If, based on such a notice, the Secretary of State determines that reasonable suspicion exists that a violation has occurred, the Secretary of State is authorized to investigate the allegation.** This bill further provides that, **if the notice is received within 180 days after the general election, general city election or special election for the office or ballot question to which the notice pertains, the Secretary of State is authorized,** when conducting an investigation ~~[concerning an alleged violation of that chapter, the Secretary of State may]~~ **based on the notice, to** subpoena witnesses and require the production by subpoena of any books, papers, correspondence, memoranda, agreements or other documents or records ~~[which]~~ **in the possession of the person alleged in the notice to have committed the violation that** the Secretary of State or a designated officer or employee of the Secretary of State determines are relevant or material to the investigation**.** ~~[and not otherwise obtainable.]~~ Finally, this bill authorizes the Secretary of State or a designated officer or employee of the Secretary of State to apply to a court for an order compelling compliance if a person fails to testify or produce the required documents or records.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 294A.410 is hereby amended to read as follows:

294A.410 1. If it appears that the provisions of this chapter have been violated, the Secretary of State may:

(a) Conduct an investigation concerning the alleged violation and cause the appropriate proceedings to be instituted and prosecuted in the First Judicial District Court; or

(b) Refer the alleged violation to the Attorney General. The Attorney General shall investigate the alleged violation and institute and prosecute the appropriate proceedings in the First Judicial District Court without delay.

2. A person who believes that any provision of this chapter has been violated may notify the Secretary of State, in writing, of the alleged violation. The notice must be signed by the person alleging the violation and include ~~[any]~~ ***:***

(a) The full name and address of the person alleging the violation;

(b) A clear and concise statement of facts sufficient to establish that the alleged violation occurred;

(c) Any evidence substantiating the alleged violation;

(d) ~~*[A citation to the specific provision of this chapter alleged to have been violated;*~~

~~*(e)]*~~ ***A certification by the person alleging the violation that the facts alleged in the notice are true to the best knowledge and belief of that person; and***

~~*[(f)]*~~ ***(e) Any other*** information in support of the alleged violation.

3. As soon as practicable after receiving a notice of an alleged violation pursuant to subsection 2, the Secretary of State shall provide a copy of the notice and any accompanying information to the person alleged in the notice to have committed the violation. ~~*[Within 30 days after receiving the copy, the person may submit a response to the Secretary of State concerning the alleged violation. A]*~~ ***Any response submitted*** ~~*[pursuant to this subsection]*~~ ***to the notice must be accompanied by a short statement of the grounds, if any, for objecting to the alleged violation and include any evidence substantiating the objection.***

4. ~~*[When]*~~ ***If the Secretary of State determines, based on a notice of an alleged violation received pursuant to subsection 2, that reasonable suspicion exists that a violation of this chapter has occurred, the Secretary of State may conduct an investigation of the alleged violation.***

5. If a notice of an alleged violation is received pursuant to subsection 2 not later than 180 days after the general election, general city election or special election for the office or ballot question to which the notice pertains, the Secretary of State, when conducting an investigation of ~~*[an]*~~ ***the alleged violation*** ~~*[received]*~~ ***pursuant to subsection*** ~~*[2, the Secretary of State]*~~ ***4, may subpoena witnesses and require the production by subpoena of any books, papers, correspondence, memoranda, agreements or other documents or records*** ~~*[which]*~~ ***in the possession of the person alleged in the notice to have committed the violation that the Secretary of State or a designated officer or employee of the Secretary of State determines*** ~~*[:*~~

~~*(a) Are]*~~ ***are relevant or material to the investigation .*** ~~*[; and*~~

~~*(b) Are not otherwise obtainable.*~~

~~*5.]*~~ ***6. If a person fails to testify or produce*** ~~*[the]*~~ ***any documents or records*** ~~*[required by the Secretary of State or designated officer or employee,]*~~ ***in accordance with a subpoena issued pursuant to subsection 5, the Secretary of State or designated officer or employee may apply to the court for an order compelling compliance. A request for an order of compliance may be addressed to:***

(a) The district court in and for the county where service may be obtained on the person refusing to testify or produce the documents or records, if the person is subject to service of process in this State; or

(b) A court of another state having jurisdiction over the person refusing to testify or produce the documents or records, if the person is not subject to service of process in this State.

Assemblywoman Flores moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 351.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 288.

AN ACT relating to motor carriers; authorizing operators of taxicabs and operators of limousines to accept credit cards and debit cards for payment of rates, fares and charges; authorizing the prescribing of maximum fees that may be charged to customers of taxicabs and limousines for the convenience of payment by a credit card or debit card; prohibiting issuers of credit cards and debit cards ~~[in this State]~~ **and certain other persons** from prohibiting the collection of the convenience fees; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The Nevada Transportation Authority regulates common motor carriers of passengers, which include limousines and, in counties with a population of less than 400,000 (currently all counties other than Clark County), taxicabs. (NRS 706.166) The Taxicab Authority regulates taxicabs in counties with a population of 400,000 or more (currently Clark County). (NRS 706.8818)

Sections 2 and 3 of this bill authorize taxicab and limousine operators to accept payment by a credit card or debit card. **Section 2** authorizes the Nevada Transportation Authority to prescribe by regulation **or order** the maximum fees that a taxicab motor carrier or limousine operator within its jurisdiction may charge for the convenience of paying by using a credit card or debit card. **Section 3** authorizes the Taxicab Authority to prescribe by regulation **or order** the maximum fees that a certificate holder in a county whose population is 400,000 or more may charge for the convenience of paying by using a credit card or debit card. **Sections** ~~[9 and 10 of this bill]~~ **2 and 3 also** prohibit an issuer of a credit card or debit card ~~[who is located in this State]~~ **or certain other persons who facilitate the acceptance of a credit card or debit card** from prohibiting the collection by a taxicab or limousine operator of the convenience fee.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 706 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. *1. A taxicab motor carrier or an operator of a limousine may enter into a contract with an issuer of credit cards and debit cards to provide for the acceptance of credit cards or debit cards by the taxicab motor carrier or the operator of a limousine for the payment of rates, fares and charges owed to the taxicab motor carrier or the operator of a limousine.*

2. The Authority may prescribe by regulation or order the maximum fee that a taxicab motor carrier or an operator of a limousine may charge a customer for the convenience of using a credit card or debit card to make payment to the taxicab motor carrier or the operator of a limousine. In prescribing such fees, the Authority may consider the expenses incurred by the taxicab motor carrier or the operator of a limousine in accepting payment by a credit card or debit card, including, without limitation:

(a) Costs of required equipment and its installation;

(b) Administrative costs of processing credit card or debit card transactions; and

(c) Fees paid to issuers of credit cards or debit cards.

3. [For contracts between a taxicab motor carrier or an operator of a limousine and an issuer located outside this State, a taxicab motor carrier or an operator of a limousine may only charge a fee authorized by this section to the extent that the fee is allowed under the contract between the taxicab motor carrier or the operator of a limousine and the issuer of the credit card or debit card.] An issuer shall not, by contract or otherwise:

(a) Prohibit a taxicab motor carrier or an operator of a limousine from charging and collecting a fee authorized pursuant to subsection 2; or

(b) Require a taxicab motor carrier or an operator of a limousine to waive the right to charge and collect a fee authorized pursuant to subsection 2.

4. As used in this section, "issuer" [has the meaning ascribed to it in NRS 205.650.] means a business organization, financial institution or a duly authorized agency of a business organization or financial institution which:

(a) Issues a credit card or debit card; or

(b) Enters into a contract with a taxicab motor carrier, an operator of a limousine or other person to enable or facilitate the acceptance of a credit card or debit card.

Sec. 3. *1. A certificate holder may enter into a contract with an issuer of credit cards and debit cards to provide for the acceptance of credit cards or debit cards by the certificate holder for the payment of rates, fares and charges owed to the certificate holder.*

2. The Taxicab Authority may prescribe by regulation or order the maximum fee that a certificate holder may charge a customer for the convenience of using a credit card or debit card to make payment to the certificate holder. In prescribing such fees, the Taxicab Authority may

consider the expenses incurred by the certificate holder in accepting payment by a credit card or debit card, including, without limitation:

(a) Costs of required equipment and its installation;

(b) Administrative costs of processing credit card or debit card transactions; and

(c) Fees paid to issuers of credit cards or debit cards.

3. ~~[For contracts between a certificate holder and an issuer located outside this State, a certificate holder may only charge a fee authorized by this section to the extent that the fee is allowed under the contract between the certificate holder and the issuer of the credit card or debit card.]~~ An issuer shall not, by contract or otherwise:

(a) Prohibit a certificate holder from charging and collecting a fee authorized pursuant to subsection 2; or

(b) Require a certificate holder to waive the right to charge and collect a fee authorized pursuant to subsection 2.

4. As used in this section, "issuer" ~~[has the meaning ascribed to it in NRS 205.650.]~~ means a business organization, financial institution or a duly authorized agency of a business organization or financial institution which:

(a) Issues a credit card or debit card; or

(b) Enters into a contract with a certificate holder or other person to enable or facilitate the acceptance of a credit card or debit card.

Sec. 4. NRS 706.011 is hereby amended to read as follows:

706.011 As used in NRS 706.011 to 706.791, inclusive, ***and section 2 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 706.013 to 706.146, inclusive, have the meanings ascribed to them in those sections.

Sec. 5. NRS 706.756 is hereby amended to read as follows:

706.756 1. Except as otherwise provided in subsection 2, any person who:

(a) Operates a vehicle or causes it to be operated in any carriage to which the provisions of NRS 706.011 to 706.861, inclusive, ***and section 2 of this act*** apply without first obtaining a certificate, permit or license, or in violation of the terms thereof;

(b) Fails to make any return or report required by the provisions of NRS 706.011 to 706.861, inclusive, ***and section 2 of this act*** or by the Authority or the Department pursuant to the provisions of NRS 706.011 to 706.861, inclusive ~~[;]~~ ***, and section 2 of this act;***

(c) Violates, or procures, aids or abets the violating of, any provision of NRS 706.011 to 706.861, inclusive ~~[;]~~ ***, and section 2 of this act;***

(d) Fails to obey any order, decision or regulation of the Authority or the Department;

(e) Procures, aids or abets any person in the failure to obey such an order, decision or regulation of the Authority or the Department;

(f) Advertises, solicits, proffers bids or otherwise is held out to perform transportation as a common or contract carrier in violation of any of the provisions of NRS 706.011 to 706.861, inclusive ~~[.]~~ ***, and section 2 of this act;***

(g) Advertises as providing:

(1) The services of a fully regulated carrier; or

(2) Towing services,

➥ without including the number of the person's certificate of public convenience and necessity or contract carrier's permit in each advertisement;

(h) Knowingly offers, gives, solicits or accepts any rebate, concession or discrimination in violation of the provisions of this chapter;

(i) Knowingly, willfully and fraudulently seeks to evade or defeat the purposes of this chapter;

(j) Operates or causes to be operated a vehicle which does not have the proper identifying device;

(k) Displays or causes or permits to be displayed a certificate, permit, license or identifying device, knowing it to be fictitious or to have been cancelled, revoked, suspended or altered;

(l) Lends or knowingly permits the use of by one not entitled thereto any certificate, permit, license or identifying device issued to the person so lending or permitting the use thereof; or

(m) Refuses or fails to surrender to the Authority or Department any certificate, permit, license or identifying device which has been suspended, cancelled or revoked pursuant to the provisions of this chapter,

➥ is guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than $100 nor more than $1,000, or by imprisonment in the county jail for not more than 6 months, or by both fine and imprisonment.

2. Any person who, in violation of the provisions of NRS 706.386, operates as a fully regulated common motor carrier without first obtaining a certificate of public convenience and necessity or any person who, in violation of the provisions of NRS 706.421, operates as a contract motor carrier without first obtaining a permit is guilty of a misdemeanor and shall be punished:

(a) For a first offense within a period of 12 consecutive months, by a fine of not less than $500 nor more than $1,000. In addition to the fine, the person may be punished by imprisonment in the county jail for not more than 6 months.

(b) For a second offense within a period of 12 consecutive months and for each subsequent offense that is committed within a period of 12 consecutive months of any prior offense under this subsection, by a fine of $1,000. In addition to the fine, the person may be punished by imprisonment in the county jail for not more than 6 months.

3. Any person who, in violation of the provisions of NRS 706.386, operates or permits the operation of a vehicle in passenger service without

first obtaining a certificate of public convenience and necessity is guilty of a gross misdemeanor.

4. If a law enforcement officer witnesses a violation of any provision of subsection 2 or 3, the law enforcement officer may cause the vehicle to be towed immediately from the scene and impounded in accordance with NRS 706.476.

5. The fines provided in this section are mandatory and must not be reduced under any circumstances by the court.

6. Any bail allowed must not be less than the appropriate fine provided for by this section.

Sec. 6. NRS 706.881 is hereby amended to read as follows:

706.881 1. The provisions of NRS 706.8811 to 706.885, inclusive, ***and section 3 of this act,*** apply to any county:

(a) Whose population is 400,000 or more; or

(b) For whom regulation by the Taxicab Authority is not required, if the board of county commissioners of the county has enacted an ordinance approving the inclusion of the county within the jurisdiction of the Taxicab Authority.

2. Upon receipt of a certified copy of such an ordinance from a county for whom regulation by the Taxicab Authority is not required, the Taxicab Authority shall exercise its regulatory authority pursuant to NRS 706.8811 to 706.885, inclusive, ***and section 3 of this act,*** within that county.

3. Within any such county, the provisions of this chapter which confer regulatory authority over taxicab motor carriers upon the Nevada Transportation Authority do not apply.

Sec. 7. NRS 706.8811 is hereby amended to read as follows:

706.8811 As used in NRS 706.881 to 706.885, inclusive, ***and section 3 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 706.8812 to 706.8817, inclusive, have the meanings ascribed to them in those sections.

Sec. 8. NRS 706.885 is hereby amended to read as follows:

706.885 1. Any person who knowingly makes or causes to be made, either directly or indirectly, a false statement on an application, account or other statement required by the Taxicab Authority or the Administrator or who violates any of the provisions of NRS 706.881 to 706.885, inclusive, ***and section 3 of this act*** is guilty of a misdemeanor.

2. The Taxicab Authority or Administrator may at any time, for good cause shown and upon at least 5 days' notice to the grantee of any certificate or driver's permit, and after a hearing unless waived by the grantee, penalize the grantee of a certificate to a maximum amount of $15,000 or penalize the grantee of a driver's permit to a maximum amount of $500 or suspend or revoke the certificate or driver's permit granted by the Taxicab Authority or Administrator, respectively, for:

(a) Any violation of any provision of NRS 706.881 to 706.885, inclusive, ***and section 3 of this act*** or any regulation of the Taxicab Authority or Administrator.

(b) Knowingly permitting or requiring any employee to violate any provision of NRS 706.881 to 706.885, inclusive, ***and section 3 of this act*** or any regulation of the Taxicab Authority or Administrator.

➥ If a penalty is imposed on the grantee of a certificate pursuant to this section, the Taxicab Authority or Administrator may require the grantee to pay the costs of the proceeding, including investigative costs and attorney's fees.

3. When a driver or certificate holder fails to appear at the time and place stated in the notice for the hearing, the Administrator shall enter a finding of default. Upon a finding of default, the Administrator may suspend or revoke the license, permit or certificate of the person who failed to appear and impose the penalties provided in this chapter. For good cause shown, the Administrator may set aside a finding of default and proceed with the hearing.

4. Any person who operates or permits a taxicab to be operated in passenger service without a certificate of public convenience and necessity issued pursuant to NRS 706.8827, is guilty of a gross misdemeanor. If a law enforcement officer witnesses a violation of this subsection, the law enforcement officer may cause the vehicle to be towed immediately from the scene.

5. The conviction of a person pursuant to subsection 1 does not bar the Taxicab Authority or Administrator from suspending or revoking any certificate, permit or license of the person convicted. The imposition of a fine or suspension or revocation of any certificate, permit or license by the Taxicab Authority or Administrator does not operate as a defense in any proceeding brought under subsection 1.

Sec. 9. ~~[NRS 97A.210 is hereby amended to read as follows:~~

~~97A.210 ~~*1.*~~ No issuer may, by contract or otherwise, prohibit a merchant from offering a discount to a customer to induce the customer to pay by cash, check or similar means rather than by use of a credit card or a credit card account for the purchase of goods or services.~~

~~***2. No issuer located in this State may, by contract or otherwise, prohibit a taxicab motor carrier or an operator of a limousine from charging and collecting a fee authorized pursuant to subsection 2 of section 2 of this act, or a certificate holder from charging and collecting such a fee pursuant to subsection 2 of section 3 of this act, as applicable, for payment by a credit card.]***~~ **(Deleted by amendment.)**

Sec. 10. ~~[Chapter 657 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~***1. An issuer shall not, by contract or otherwise, prohibit a taxicab motor carrier or an operator of a limousine from charging and collecting a fee authorized pursuant to subsection 2 of section 2 of this act, or a***~~

~~*certificate holder from charging and collecting such a fee pursuant to subsection 2 of section 3 of this act, as applicable, for payment by a credit card or debit card.*~~

~~*2. As used in this section:*~~

~~*(a) "Credit card" means any instrument or device, whether known as a credit card or by any other name, that is issued with or without a fee by an issuer for the use of the cardholder in obtaining money, property, goods, services or anything else of value on credit.*~~

~~*(b) "Debit card" means any instrument or device, whether known as a debit card or by any other name, that is issued with or without a fee by an issuer for the use of the cardholder in obtaining money, property, goods, services or anything else of value, subject to the issuer removing money from the checking account or savings account of the cardholder.*~~

~~*(c) "Issuer" means a financial institution, business organization or authorized agent of a financial institution or business organization which:*~~

~~*(1) Is located in this State;*~~

~~*(2) Is licensed pursuant to the provisions of this title or title 56 of NRS; and*~~

~~*(3) Issues a credit card or debit card.]*~~ **(Deleted by amendment.)**

Assemblywoman Benitez-Thompson moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 360.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 261.

SUMMARY—Revises provisions governing the imposition of civil penalties for violations of city **or county** ordinances regarding the abatement of certain conditions and nuisances on property within the city ~~[.]~~ **or county.** (BDR 21-266)

AN ACT relating to ~~[cities;]~~ **local governments;** authorizing a city **or county** to collect civil penalties imposed for failure to abate certain conditions and nuisances on property within the city **or county** as a special assessment against the property under certain circumstances; revising provisions relating to the maximum amount of a civil penalty that may be imposed for failure to abate certain nuisances on property within the city **or county** under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, if an owner of property within a city fails to abate a dangerous or noxious condition, a chronic nuisance or, in larger counties, an abandoned nuisance on the property after being directed to do so, the owner

may be required to pay civil penalties as well as any costs incurred by the city to abate the condition or nuisance. In addition to any other reasonable means of recovering its abatement costs, the city is authorized to make those costs a special assessment against the property and collect the special assessment in the same manner as ordinary county taxes are collected. (NRS 268.4122-268.4126) **Existing law sets forth parallel authority for counties to abate chronic nuisances and public nuisances and provides that abatement costs for public nuisances must be received as a special assessment against the affected property. (NRS 244.3603, 244.3605)** This bill authorizes ~~[the]~~ **a** city **or county** to also collect any civil penalties imposed against the owner of the property as a special assessment against the property if the amount of the uncollected civil penalties after 12 months is more than $5,000.

Under existing law, the maximum civil penalty that is authorized to be imposed on an owner of property in ~~[the]~~ **a** city **or county** for failure to abate a chronic nuisance on the property is $500 per day. (NRS **244.3603,** 268.4124) ~~[Section]~~ **Sections 2 and 5** of this bill ~~[increases]~~ **increase** that maximum authorized civil penalty to $1,000 per day if the relevant property is nonresidential property. **Section 3** of this bill provides a maximum civil penalty that **a city** may ~~[be imposed]~~ **impose** for the failure to abate an abandoned nuisance of $1,000 per day against an owner of nonresidential property and $500 per day against an owner of residential property.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 268.4122 is hereby amended to read as follows:

268.4122 1. The governing body of a city may adopt by ordinance procedures pursuant to which the governing body or its designee may order an owner of property within the city to:

(a) Repair, safeguard or eliminate a dangerous structure or condition;

(b) Clear debris, rubbish, refuse, litter, garbage, abandoned or junk vehicles or junk appliances which are not subject to the provisions of chapter 459 of NRS; or

(c) Clear weeds and noxious plant growth,

➥ to protect the public health, safety and welfare of the residents of the city.

2. An ordinance adopted pursuant to subsection 1 must:

(a) Contain procedures pursuant to which the owner of the property is:

(1) Sent a notice, by certified mail, return receipt requested, of the existence on the property of a condition set forth in subsection 1 and the date by which the owner must abate the condition; and

(2) Afforded an opportunity for a hearing before the designee of the governing body and an appeal of that decision. The ordinance must specify whether all such appeals are to be made to the governing body or to a court of competent jurisdiction.

(b) Provide that the date specified in the notice by which the owner must abate the condition is tolled for the period during which the owner requests a hearing and receives a decision.

(c) Provide the manner in which the city will recover money expended for labor and materials used to abate the condition on the property if the owner fails to abate the condition.

(d) Provide for civil penalties for each day that the owner did not abate the condition after the date specified in the notice by which the owner was requested to abate the condition.

(e) If the county board of health, city board of health or district board of health in whose jurisdiction the incorporated city is located has adopted a definition of garbage, use the definition of garbage adopted by the county board of health, city board of health or district board of health, as applicable.

3. The governing body or its designee may direct the city to abate the condition on the property and may recover the amount expended by the city for labor and materials used to abate the condition if:

(a) The owner has not requested a hearing within the time prescribed in the ordinance adopted pursuant to subsection 1 and has failed to abate the condition on the property within the period specified in the notice;

(b) After a hearing in which the owner did not prevail, the owner has not filed an appeal within the time prescribed in the ordinance adopted pursuant to subsection 1 and has failed to abate the condition within the period specified in the order; or

(c) The governing body or a court of competent jurisdiction has denied the appeal of the owner and the owner has failed to abate the condition within the period specified in the order.

4. In addition to any other reasonable means ~~[of]~~ ***for*** recovering money expended by the city to abate the condition ~~[,]~~ ***and, except as otherwise provided in subsection 5, for collecting civil penalties imposed pursuant to the ordinance adopted pursuant to subsection 1,*** the governing body may make the expense ***and civil penalties*** a special assessment against the property upon which the condition is or was located. The special assessment may be collected at the same time and in the same manner as ordinary county taxes are collected, and is subject to the same penalties and the same procedure and sale in case of delinquency as provided for ordinary county taxes. All laws applicable to the levy, collection and enforcement of county taxes are applicable to such a special assessment.

5. ***Any civil penalties that have not been collected from the owner of the property may not be made a special assessment against the property pursuant to subsection 4 by the governing body unless:***

(a) At least 12 months have elapsed after the date specified in the notice by which the owner must abate the condition or the date specified in the order of the governing body or court by which the owner must abate the condition, whichever is later;

(b) The owner has been billed, served or otherwise notified that the civil penalties are due; and

(c) The amount of the uncollected civil penalties is more than $5,000.

6. As used in this section, "dangerous structure or condition" means a structure or condition that may cause injury to or endanger the health, life, property, safety or welfare of the general public or the occupants, if any, of the real property on which the structure or condition is located. The term includes, without limitation, a structure or condition that:

(a) Does not meet the requirements of a code or regulation adopted pursuant to NRS 268.413 with respect to minimum levels of health, maintenance or safety; or

(b) Violates an ordinance, rule or regulation regulating health and safety enacted, adopted or passed by the governing body of a city, the violation of which is designated as a nuisance in the ordinance, rule or regulation.

Sec. 2. NRS 268.4124 is hereby amended to read as follows:

268.4124 1. The governing body of a city may, by ordinance, to protect the public health, safety and welfare of the residents of the city, adopt procedures pursuant to which the city attorney may file an action in a court of competent jurisdiction to:

(a) Seek the abatement of a chronic nuisance that is located or occurring within the city;

(b) If applicable, seek the closure of the property where the chronic nuisance is located or occurring; and

(c) If applicable, seek penalties against the owner of the property within the city and any other appropriate relief.

2. An ordinance adopted pursuant to subsection 1 must:

(a) Contain procedures pursuant to which the owner of the property is:

(1) Sent notice, by certified mail, return receipt requested, by the city police or other person authorized to issue a citation, of the existence on the property of two or more nuisance activities and the date by which the owner must abate the condition to prevent the matter from being submitted to the city attorney for legal action; and

(2) Afforded an opportunity for a hearing before a court of competent jurisdiction.

(b) Provide that the date specified in the notice by which the owner must abate the condition is tolled for the period during which the owner requests a hearing and receives a decision.

(c) Provide the manner in which the city will recover money expended for labor and materials used to abate the condition on the property if the owner fails to abate the condition.

3. If the court finds that a chronic nuisance exists and emergency action is necessary to avoid immediate threat to the public health, welfare or safety, the court shall order the city to secure and close the property for a period not to exceed 1 year or until the nuisance is abated, whichever occurs first, and may:

(a) Impose a civil penalty ***:***

(1) If the property is nonresidential property, of not more than ***$1,000 per day; or***

(2) If the property is residential property, of not more than $500 per day ***,***

➥ for each day that the condition was not abated after the date specified in the notice by which the owner was required to abate the condition;

(b) Order the owner to pay the city for the cost incurred by the city in abating the condition;

(c) If applicable, order the owner to pay reasonable expenses for the relocation of any tenants who are affected by the chronic nuisance; and

(d) Order any other appropriate relief.

4. In addition to any other reasonable means authorized by the court for the recovery of money expended by the city to abate the chronic nuisance ~~[,]~~ ***and, except as otherwise provided in subsection 5, for the collection of civil penalties imposed pursuant to subsection 3,*** the governing body may make the expense ***and civil penalties*** a special assessment against the property upon which the chronic nuisance is or was located or occurring. The special assessment may be collected at the same time and in the same manner as ordinary county taxes are collected, and is subject to the same penalties and the same procedure and sale in case of delinquency as provided for ordinary county taxes. All laws applicable to the levy, collection and enforcement of county taxes are applicable to such a special assessment.

5. ***Any civil penalties that have not been collected from the owner of the property may not be made a special assessment against the property pursuant to subsection 4 by the governing body unless:***

(a) At least 12 months have elapsed after the date specified in the order of the court by which the owner must abate the chronic nuisance or, if the owner appeals that order, the date specified in the order of the appellate court by which the owner must abate the chronic nuisance, whichever is later;

(b) The owner has been billed, served or otherwise notified that the civil penalties are due; and

(c) The amount of the uncollected civil penalties is more than $5,000.

6. As used in this section:

(a) A "chronic nuisance" exists:

(1) When three or more nuisance activities exist or have occurred during any 30-day period on the property.

(2) When a person associated with the property has engaged in three or more nuisance activities during any 30-day period on the property or within 100 feet of the property.

(3) When the property has been the subject of a search warrant based on probable cause of continuous or repeated violations of chapter 459 of NRS.

(4) When a building or place is used for the purpose of unlawfully selling, serving, storing, keeping, manufacturing, using or giving away a controlled substance, immediate precursor or controlled substance analog.

(5) When a building or place was used for the purpose of unlawfully manufacturing a controlled substance, immediate precursor or controlled substance analog and:

(I) The building or place has not been deemed safe for habitation by a governmental entity; or

(II) All materials or substances involving the controlled substance, immediate precursor or controlled substance analog have not been removed from or remediated on the building or place by an entity certified or licensed to do so within 180 days after the building or place is no longer used for the purpose of unlawfully manufacturing a controlled substance, immediate precursor or controlled substance analog.

(b) "Controlled substance analog" has the meaning ascribed to it in NRS 453.043.

(c) "Immediate precursor" has the meaning ascribed to it in NRS 453.086.

(d) "Nuisance activity" means:

(1) Criminal activity;

(2) The presence of debris, litter, garbage, rubble, abandoned or junk vehicles or junk appliances;

(3) Excessive noise and violations of curfew; or

(4) Any other activity, behavior or conduct defined by the governing body to constitute a public nuisance.

(e) "Person associated with the property" means a person who, on the occasion of a nuisance activity, has:

(1) Entered, patronized or visited;

(2) Attempted to enter, patronize or visit; or

(3) Waited to enter, patronize or visit,

➥ a property or a person present on the property.

(f) "Residential property" means:

(1) Improved real estate that consists of not more than four residential units;

(2) Unimproved real estate for which not more than four residential units may be developed or constructed pursuant to any zoning regulations or any development plan applicable to the real estate; or

(3) A single-family residential unit, including, without limitation, a condominium, townhouse or home within a subdivision, if the unit is sold, leased or otherwise conveyed unit by unit, regardless of whether the unit is part of a larger building or parcel that consists of more than four units.

Sec. 3. NRS 268.4126 is hereby amended to read as follows:

268.4126 1. The governing body of each city which is located in a county whose population is 100,000 or more may, by ordinance, to protect the public health, safety and welfare of the residents of the city, adopt

procedures pursuant to which the city attorney may file an action in a court of competent jurisdiction to seek:

(a) The abatement of an abandoned nuisance that is located or occurring within the city;

(b) The repair, safeguarding or demolition of any structure or property where an abandoned nuisance is located or occurring within the city;

(c) Authorization for the city to take the actions described in paragraphs (a) and (b);

(d) Civil penalties against an owner of any structure or property where an abandoned nuisance is located or occurring within the city; and

(e) Any other appropriate relief.

2. An ordinance adopted pursuant to subsection 1 must:

(a) Contain procedures pursuant to which the owner of the property is:

(1) Sent notice, by certified mail, return receipt requested, by a person authorized by the city to issue a citation, of the existence on the property of two or more abandoned nuisance activities and the date by which the owner must abate the abandoned nuisance to prevent the matter from being submitted to the city attorney for legal action; and

(2) Afforded an opportunity for a hearing before a court of competent jurisdiction.

(b) Provide that the date specified in the notice by which the owner must abate the abandoned nuisance is tolled for the period during which the owner requests a hearing and receives a decision.

(c) Provide the manner in which the city will, if the owner fails to abate the abandoned nuisance, recover money expended for labor and materials used to:

(1) Abate the abandoned nuisance on the property; or

(2) If applicable, repair, safeguard or demolish a structure or property where the abandoned nuisance is located or occurring.

3. If the court finds that an abandoned nuisance exists, the court shall order the owner of the property to abate the abandoned nuisance or repair, safeguard or demolish any structure or property where the abandoned nuisance is located or occurring, and may:

(a) ***Impose a civil penalty:***

(1) If the property is nonresidential property, of not more than $1,000 per day; or

(2) If the property is residential property, of not more than $500 per day,

↪ for each day that the abandoned nuisance was not abated after the date specified in the notice by which the owner was required to abate the abandoned nuisance;

(b) If applicable, order the owner of the property to pay reasonable expenses for the relocation of any tenants who occupy the property legally and who are affected by the abandoned nuisance;

~~[(b)]~~ ***(c)*** If the owner of the property fails to comply with the order:

(1) Direct the city to abate the abandoned nuisance or repair, safeguard or demolish any structure or property where the abandoned nuisance is located or occurring; and

(2) Order the owner of the property to pay the city for the cost incurred by the city in taking the actions described in subparagraph (1); and

~~[(c)]~~ ***(d)*** Order any other appropriate relief.

4. In addition to any other reasonable means authorized by the court for the recovery of money expended by the city to abate the abandoned nuisance ~~[,]~~ ***and, except as otherwise provided in subsection 5, for the collection of civil penalties imposed pursuant to subsection 3,*** the governing body of the city may make the expense ***and civil penalties*** a special assessment against the property upon which the abandoned nuisance is or was located or occurring. The special assessment may be collected at the same time and in the same manner as ordinary county taxes are collected, and is subject to the same penalties and the same procedure and sale in case of delinquency as provided for ordinary county taxes. All laws applicable to the levy, collection and enforcement of county taxes are applicable to such a special assessment.

5. ***Any civil penalties that have not been collected from the owner of the property may not be made a special assessment against the property pursuant to subsection 4 by the governing body unless:***

(a) At least 12 months have elapsed after the date specified in the order of the court by which the owner must abate the abandoned nuisance or, if the owner appeals that order, the date specified in the order of the appellate court by which the owner must abate the abandoned nuisance, whichever is later;

(b) The owner has been billed, served or otherwise notified that the civil penalties are due; and

(c) The amount of the uncollected civil penalties is more than $5,000.

6. As used in this section:

(a) An "abandoned nuisance" exists on any property where a building or other structure is located on the property, the property is located in a city that is in a county whose population is 100,000 or more, the property has been vacant or substantially vacant for 12 months or more and:

(1) Two or more abandoned nuisance activities exist or have occurred on the property during any 12-month period; or

(2) A person associated with the property has caused or engaged in two or more abandoned nuisance activities during any 12-month period on the property or within 100 feet of the property.

(b) "Abandoned nuisance activity" means:

(1) Instances of unlawful breaking and entering or occupancy by unauthorized persons;

(2) The presence of graffiti, debris, litter, garbage, rubble, abandoned materials, inoperable vehicles or junk appliances;

(3) The presence of unsanitary conditions or hazardous materials;

(4) The lack of adequate lighting, fencing or security;

(5) Indicia of the presence or activities of gangs;

(6) Environmental hazards;

(7) Violations of city codes, ordinances or other adopted policy; or

(8) Any other activity, behavior, conduct or condition defined by the governing body of the city to constitute a threat to the public health, safety or welfare of the residents of or visitors to the city.

(c) "Person associated with the property" means a person who, on the occasion of an abandoned nuisance activity, has:

(1) Entered, patronized or visited;

(2) Attempted to enter, patronize or visit; or

(3) Waited to enter, patronize or visit,

➥ a property or a person present on the property.

(d) "Residential property" means:

(1) Improved real estate that consists of not more than four residential units;

(2) Unimproved real estate for which not more than four residential units may be developed or constructed pursuant to any zoning regulations or any development plan applicable to the real estate; or

(3) A single-family residential unit, including, without limitation, a condominium, townhouse or home within a subdivision, if the unit is sold, leased or otherwise conveyed unit by unit, regardless of whether the unit is part of a larger building or parcel that consists of more than four units.

Sec. 4. **NRS 244.3601 is hereby amended to read as follows:**

244.3601 1. Notwithstanding the abatement procedures set forth in NRS 244.360 or 244.3605, a board of county commissioners may, by ordinance, provide for a reasonable means to secure or summarily abate a dangerous structure or condition that at least three persons who enforce building codes, housing codes, zoning ordinances or local health regulations, or who are members of a local law enforcement agency or fire department, determine in a signed, written statement to be an imminent danger.

2. Except as otherwise provided in subsection 3, the owner of the property on which the structure or condition is located must be given reasonable written notice that is:

(a) If practicable, hand-delivered or sent prepaid by United States mail to the owner of the property; or

(b) Posted on the property,

➥ before the structure or condition is so secured. The notice must state clearly that the owner of the property may challenge the action to secure or summarily abate the structure or condition and must provide a telephone number and address at which the owner may obtain additional information.

3. If it is determined in the signed, written statement provided pursuant to subsection 1 that the structure or condition is an imminent danger and the result of the imminent danger is likely to occur before the notice and an opportunity to challenge the action can be provided pursuant to subsection 2, then the structure or condition which poses such an imminent danger that

presents an immediate hazard may be summarily abated. A structure or condition summarily abated pursuant to this section may only be abated to the extent necessary to remove the imminent danger that presents an immediate hazard. The owner of the structure or condition which is summarily abated must be given written notice of the abatement after its completion. The notice must state clearly that the owner of the property may seek judicial review of the summary abatement and must provide an address and telephone number at which the owner may obtain additional information concerning the summary abatement.

4. The costs of securing or summarily abating the structure or condition may be made a special assessment against the real property on which the structure or condition is located and may be collected pursuant to the provisions set forth in subsection 4 of NRS 244.360.

5. As used in this section:

(a) "Dangerous structure or condition" has the meaning ascribed to it in subsection ~~[5]~~ ***6*** of NRS 244.3605.

(b) "Imminent danger" means the existence of any structure or condition that could reasonably be expected to cause injury or endanger the life, safety, health or property of:

(1) The occupants, if any, of the real property on which the structure or condition is located; or

(2) The general public.

Sec. 5. **NRS 244.3603 is hereby amended to read as follows:**

244.3603 1. Each board of county commissioners may, by ordinance, to protect the public health, safety and welfare of the residents of the county, adopt procedures pursuant to which the district attorney may file an action in a court of competent jurisdiction to:

(a) Seek the abatement of a chronic nuisance that is located or occurring within the unincorporated area of the county;

(b) If applicable, seek the closure of the property where the chronic nuisance is located or occurring; and

(c) If applicable, seek penalties against the owner of the property within the unincorporated area of the county and any other appropriate relief.

2. An ordinance adopted pursuant to subsection 1 must:

(a) Contain procedures pursuant to which the owner of the property is:

(1) Sent a notice, by certified mail, return receipt requested, by the sheriff or other person authorized to issue a citation of the existence on the owner's property of nuisance activities and the date by which the owner must abate the condition to prevent the matter from being submitted to the district attorney for legal action; and

(2) Afforded an opportunity for a hearing before a court of competent jurisdiction.

(b) Provide that the date specified in the notice by which the owner must abate the condition is tolled for the period during which the owner requests a hearing and receives a decision.

(c) Provide the manner in which the county will recover money expended to abate the condition on the property if the owner fails to abate the condition.

3. If the court finds that a chronic nuisance exists and action is necessary to avoid serious threat to the public welfare or the safety or health of the occupants of the property, the court may order the county to secure and close the property until the nuisance is abated and may:

(a) Impose a civil penalty ***:***

(1) If the property is nonresidential property, of not more than ***$1,000 per day; or***

(2) If the property is residential property, of not more than $500 per day ***,***

➥ for each day that the condition was not abated after the date specified in the notice by which the owner was required to abate the condition;

(b) Order the owner to pay the county for the cost incurred by the county in abating the condition; and

(c) Order any other appropriate relief.

4. In addition to any other reasonable means authorized by the court for the recovery of money expended by the county to abate the chronic nuisance ~~[,]~~ ***and, except as otherwise provided in subsection 5, for the collection of civil penalties imposed pursuant to subsection 3,*** the board may make the expense ***and civil penalties*** a special assessment against the property upon which the chronic nuisance is located or occurring. The special assessment may be collected pursuant to the provisions set forth in subsection 4 of NRS 244.360.

5. ***Any civil penalties that have not been collected from the owner of the property may not be made a special assessment against the property pursuant to subsection 4 by the board unless:***

(a) At least 12 months have elapsed after the date specified in the order of the court by which the owner must abate the chronic nuisance or, if the owner appeals that order, the date specified in the order of the appellate court by which the owner must abate the chronic nuisance, whichever is later;

(b) The owner has been billed, served or otherwise notified that the civil penalties are due; and

(c) The amount of the uncollected civil penalties is more than $5,000.

6. As used in this section:

(a) A "chronic nuisance" exists:

(1) When three or more nuisance activities exist or have occurred during any 90-day period on the property.

(2) When a person associated with the property has engaged in three or more nuisance activities during any 90-day period on the property or within 100 feet of the property.

(3) When the property has been the subject of a search warrant based on probable cause of continuous or repeated violations of chapter 459 of NRS.

(4) When a building or place is used for the purpose of unlawfully selling, serving, storing, keeping, manufacturing, using or giving away a controlled substance, immediate precursor or controlled substance analog.

(5) When a building or place was used for the purpose of unlawfully manufacturing a controlled substance, immediate precursor or controlled substance analog and:

(I) The building or place has not been deemed safe for habitation by a governmental entity; or

(II) All materials or substances involving the controlled substance, immediate precursor or controlled substance analog have not been removed from or remediated on the building or place by an entity certified or licensed to do so within 180 days after the building or place is no longer used for the purpose of unlawfully manufacturing a controlled substance, immediate precursor or controlled substance analog.

(b) "Controlled substance analog" has the meaning ascribed to it in NRS 453.043.

(c) "Immediate precursor" has the meaning ascribed to it in NRS 453.086.

(d) "Nuisance activity" means:

(1) Criminal activity;

(2) The presence of debris, litter, garbage, rubble, abandoned or junk vehicles or junk appliances;

(3) Violations of building codes, housing codes or any other codes regulating the health or safety of occupants of real property;

(4) Excessive noise and violations of curfew; or

(5) Any other activity, behavior or conduct defined by the board to constitute a public nuisance.

(e) "Person associated with the property" means:

(1) The owner of the property;

(2) The manager or assistant manager of the property;

(3) The tenant of the property; or

(4) A person who, on the occasion of a nuisance activity, has:

(I) Entered, patronized or visited;

(II) Attempted to enter, patronize or visit; or

(III) Waited to enter, patronize or visit,

➥ the property or a person present on the property.

(f) "Residential property" means:

(1) Improved real estate that consists of not more than four residential units;

(2) Unimproved real estate for which not more than four residential units may be developed or constructed pursuant to any zoning regulations or any development plan applicable to the real estate; or

(3) A single-family residential unit, including, without limitation, a condominium, townhouse or home within a subdivision, if the unit is sold, leased or otherwise conveyed unit by unit, regardless of whether the unit is part of a larger building or parcel that consists of more than four units.

Sec. 6. **NRS 244.3605 is hereby amended to read as follows:**

244.3605 1. Notwithstanding the provisions of NRS 244.360 and 244.3601, the board of county commissioners of a county may, to abate public nuisances, adopt by ordinance procedures pursuant to which the board or its designee may order an owner of property within the county to:

(a) Repair, safeguard or eliminate a dangerous structure or condition;

(b) Clear debris, rubbish and refuse which is not subject to the provisions of chapter 459 of NRS;

(c) Clear weeds and noxious plant growth; or

(d) Repair, clear, correct, rectify, safeguard or eliminate any other public nuisance as defined in the ordinance adopted pursuant to this section,

➥ to protect the public health, safety and welfare of the residents of the county.

2. An ordinance adopted pursuant to subsection 1 must:

(a) Contain procedures pursuant to which the owner of the property is:

(1) Sent notice, by certified mail, return receipt requested, of the existence on the owner's property of a public nuisance set forth in subsection 1 and the date by which the owner must abate the public nuisance; and

(2) Afforded an opportunity for a hearing before the designee of the board and an appeal of that decision either to the board or to a court of competent jurisdiction, as determined by the ordinance adopted pursuant to subsection 1.

(b) Provide that the date specified in the notice by which the owner must abate the public nuisance is tolled for the period during which the owner requests a hearing and receives a decision.

(c) Provide the manner in which the county will recover money expended to abate the public nuisance on the property if the owner fails to abate the public nuisance.

(d) Provide for civil penalties for each day that the owner did not abate the public nuisance after the date specified in the notice by which the owner was required to abate the public nuisance.

3. The county may abate the public nuisance on the property and may recover the amount expended by the county for labor and materials used to abate the public nuisance if:

(a) The owner has not requested a hearing within the time prescribed in the ordinance adopted pursuant to subsection 1 and has failed to abate the public nuisance on the owner's property within the period specified in the notice;

(b) After a hearing in which the owner did not prevail, the owner has not filed an appeal within the time prescribed in the ordinance adopted pursuant to subsection 1 and has failed to abate the public nuisance within the period specified in the order; or

(c) The board or a court of competent jurisdiction has denied the appeal of the owner and the owner has failed to abate the public nuisance within the period specified in the order.

4. In addition to any other reasonable means ~~[of]~~ ***for*** recovering money expended by the county to abate the public nuisance ~~[,]~~ ***and, except as otherwise provided in subsection 5, for collecting civil penalties imposed pursuant to the ordinance adopted pursuant to subsection 1,*** the expense ~~[is]~~ ***and civil penalties are*** a special assessment against the property upon which the public nuisance is located, and this special assessment may be collected pursuant to the provisions set forth in subsection 4 of NRS 244.360.

5. ***Any civil penalties that have not been collected from the owner of the property are not a special assessment against the property pursuant to subsection 4 unless:***

(a) At least 12 months have elapsed after the date specified in the notice by which the owner must abate the public nuisance or the date specified in the order of the board or court by which the owner must abate the public nuisance, whichever is later;

(b) The owner has been billed, served or otherwise notified that the civil penalties are due; and

(c) The amount of the uncollected civil penalties is more than $5,000.

6. As used in this section, "dangerous structure or condition" means a structure or condition that is a public nuisance which may cause injury to or endanger the health, life, property or safety of the general public or the occupants, if any, of the real property on which the structure or condition is located. The term includes, without limitation, a structure or condition that:

(a) Does not meet the requirements of a code or regulation adopted pursuant to NRS 244.3675 with respect to minimum levels of health or safety; or

(b) Violates an ordinance, rule or regulation regulating health and safety enacted, adopted or passed by the board of county commissioners of a county, the violation of which is designated by the board as a public nuisance in the ordinance, rule or regulation.

~~[Sec. 4.]~~ ***Sec. 7.*** This act becomes effective upon passage and approval.

Assemblywoman Bustamante Adams moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 376.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 395.

AN ACT relating to tourism improvement districts; making various changes regarding the financing of certain local improvements with revenue pledged from sales and use taxes; **providing a procedure for the selection**

of subcontractors on certain contracts; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the governing body of any city or county to create a tourism improvement district (TID) and to pledge revenue from several sales and use taxes imposed in that district to finance certain projects within the district. The projects may be owned by the municipality, another governmental entity or any person and may be financed through the issuance of bonds or the entry into agreements for the reimbursement of the costs of the projects. (Chapter 271A of NRS) **Section 2** of this bill requires the independent auditing of claims made under agreements to provide such financing **.** ~~[and prohibits the use of such financing to pay various fees and costs.]~~ **Section 2** also prohibits the use of such financing **, with respect to a TID created on or after July 1, 2011, to pay various fees and costs and** for the relocation within ~~[a]~~ **the** TID of a retailer from another location within 3 miles outside of the boundary of the TID **,** and excludes the use for such financing of the tax revenue from such a retailer. **Section 3** of this bill ~~[requires certain contractors on funded projects to select their subcontractors by competitive bidding.]~~ **specifies the procedure required for the selection of subcontractors by contractors and developers who enter into certain construction contracts on financed projects or on property within a TID which benefits from financed infrastructure improvements. Section 4** of this bill requires **a municipality that creates a TID to prepare and submit to the Legislature** annual reports regarding ~~[projects within a TID.]~~ **the TID, and requires the Department of Taxation to prepare and submit to the Legislature and the municipality semiannual reports regarding businesses within a TID. Section 6** of this bill applies the prevailing wage provisions applicable to public works to construction contracts for **financed** projects within a TID to the same extent as if the contracts were awarded by the municipality and the projects constituted public works.

Existing law does not allow the creation of a TID unless the pertinent governing body makes a written finding at a public hearing, based upon reports from independent consultants, as to whether the proposed project and financing will have a positive fiscal effect on the provision of local governmental services. (NRS 271A.080) **Section 5** of this bill requires the selection of those independent consultants from a list provided by the Commission on Tourism.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 271A of NRS is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this act.

Sec. 2. ***The governing body of a municipality:***

1. Shall require the review of each claim submitted pursuant to any contract or other agreement made with the governing body to provide any financing or reimbursement pursuant to NRS 271A.120, by an independent auditor.

2. Shall not , with respect to any district created on or after July 1, 2011, provide any financing or reimbursement pursuant to NRS 271A.120 for:

(a) Any legal fees, accounting fees, costs of insurance, fees for legal notices or costs to amend any ordinances.

(b) Any project that includes the relocation on or after July 1, 2011, to ~~[a]~~ the district of any retail facilities of a retailer from another location outside of and within 3 miles of the boundary of the district. Each pledge of money pursuant to NRS 271A.070 shall be deemed to exclude any amounts attributable to any tangible personal property sold at retail, or stored, used or otherwise consumed, in the district during a fiscal year by a retailer who, on or after July 1, 2011, relocates any of its retail facilities to ~~[a]~~ the district from another location outside of and within 3 miles of the boundary of the district.

Sec. 3. *1. Except as otherwise provided in subsection 2, a contractor or developer who enters into a contract ~~[with an owner or lessee of any property included in the project]~~ for original construction or a contract for benefited construction shall:*

(a) ~~[Select each subcontractor who will perform any portion of the contract based on a process of competitive bidding approved by the governing body of the municipality;~~

~~(b) Ensure]~~ Advertise for at least 7 calendar days for bids on each subcontract for the performance of any portion of the contract;

(b) At least 2 business days before the first day of that advertisement, provide notice of that advertisement to the governing body of the municipality;

(c) Make available to all prospective bidders on the subcontract a written set of plans and specifications for the pertinent work;

(d) Provide public notice of the name and address of each person who submits a bid on the subcontract; and

(e) After closing the period for the solicitation of bids and receiving at least three timely and responsive bids, select any subcontractor from those timely and responsive bids that the contractor or developer, in his or her sole discretion, determines to be appropriate, except that the contractor or developer shall ensure that each subcontractor who will perform any portion of the contract is appropriately licensed pursuant to chapter 624 of NRS. ~~[; and~~

~~(c) Submit to the governing body of the municipality a list containing the name of each subcontractor who will perform any portion of the contract.]~~

2. The provisions of subsection 1 do not apply to:

(a) Any contract which is awarded by ~~[the]~~ a municipality; or

(b) Any project which is constructed or maintained by a governmental entity on any property while the governmental entity owns that property.

3. A governing body of a municipality that receives a notice of an advertisement for bids pursuant to paragraph (b) of subsection 1:

(a) Shall, upon such receipt, post notice of the advertisement on an Internet website maintained by the municipality; and

(b) May otherwise provide notice of the advertisement to local trade organizations and the general public.

4. As used in this section [, "contract"] :

(a) "Contract for benefited construction":

(1) Except as otherwise provided in subparagraphs (2) and (3), means any contract or other agreement for the construction, improvement, repair, demolition or reconstruction of any property which is located within a district and which benefits from any infrastructure improvements paid for in whole or in part:

(I) From the proceeds of bonds or notes issued pursuant to paragraph (a) of subsection 1 of NRS 271A.120; or

(II) Pursuant to an agreement for reimbursement entered into pursuant to paragraph (b) of subsection 1 of NRS 271A.120.

(2) Except as otherwise provided in subparagraph (3) and unless the work is paid for in whole or in part with any public funding, does not include any:

(I) Contract or other agreement for the improvement, repair, demolition or reconstruction of any project;

(II) Contract or other agreement with the original tenant of any leased property for any improvement of the property which is to be undertaken more than 60 months after the property is first made available for lease; or

(III) Contract or other agreement for the improvement of any leased property made with any tenant of the property other than the original tenant.

(3) Does not include any contract for original construction.

(b) "Contract for original construction" means any contract or other agreement for the construction, improvement, repair, demolition or reconstruction of any project that is paid for in whole or in part:

[(a)] (1) From the proceeds of bonds or notes issued pursuant to paragraph (a) of subsection 1 of NRS 271A.120; or

[(b)] (2) Pursuant to an agreement for reimbursement entered into pursuant to paragraph (b) of subsection 1 of NRS 271A.120.

(c) "Original tenant" means the first tenant of any leased property after the property is first made available for lease.

Sec. 4. *1. On or before [March] September 1 of each year, the governing body of a municipality that creates a district before, on or after July 1, 2011, shall prepare and submit to the Director of the Legislative Counsel Bureau for submission to the Legislature, or to the Legislative*

Commission when the Legislature is not in regular session, an annual report containing:

(a) A statement of the status of each project located or expected to be located in the district, and of any changes in that status since the last annual report.

(b) ~~[A projection of the tax revenue anticipated to be generated by each project located in the district.~~

~~(c) The number of jobs created, directly or indirectly, as a result of each project located in the district.~~

~~(d)]~~ An assessment of the financial impact of the district on the provision of local governmental services, including, without limitation, services for ~~[education,]~~ police protection and fire protection.

2. ~~[The governing body of a municipality that creates a district before, on or after July 1, 2011, shall require one or more of the projects located in the district to report to the Department of Taxation, on or before February 1 of each year, such information as the governing body deems to be necessary to determine the percentage of the tax revenue collected by the project from out-of-state customers during the immediately preceding calendar year. The projects required to make such a report must be selected by the governing body in such a manner as to ensure that the projects selected collectively generate not less than 50 percent of the tax revenue from the district. On or before March 1 of each year, the Department shall provide to the Fiscal Analysis Division of the Legislative Counsel Bureau:~~

~~(a) A statement of the tax revenue generated by each project located in each district for the immediately preceding calendar year; and~~

~~(b) The information reported to the Department pursuant to this subsection for the immediately preceding calendar year.]~~ If the governing body of a municipality creates a district before, on or after July 1, 2011, the Department of Taxation shall:

(a) On or before April 1 and October 1 of each year, prepare and submit to the Director of the Legislative Counsel Bureau for submission to the Legislature, or to the Legislative Commission when the Legislature is not in regular session, and to the governing body of the municipality a semiannual report which states:

(1) The amount of revenue from the taxable sales made each month by each business within the district;

(2) To the extent that the pertinent information is available, the portion of that revenue which is attributable to persons who are not residents of this State;

(3) The amount of the wages paid each month by each business within the district; and

(4) The number of full-time and part-time employees employed each month by each business within the district.

(b) Require each business within the district to report to the Department of Taxation, at such times as the Department may specify on a form

provided by the Department, such information as the Department determines to be necessary to carry out the provisions of paragraph (a).

3. Except as otherwise provided in [:

(a) Subsection]* subsection *2 or another specific statute, the Department of Taxation shall not disclose any information reported to the Department pursuant to subsection 2.

[(b) Subsection 2, this paragraph or another specific statute, any information obtained by the Fiscal Analysis Division pursuant to subsection 2 shall be deemed a work product that is confidential pursuant to NRS 218F.150. The Fiscal Analysis Division may analyze the information and issue written reports based on that information but shall not disclose any proprietary or confidential information obtained from the Department pursuant to subsection 2.]

4. As used in this section, [“tax revenue”] “taxable sales” means [revenue from sales and use taxes.] any sales that are taxable pursuant to chapter 372 of NRS.

Sec. 5. NRS 271A.080 is hereby amended to read as follows:

271A.080 The governing body of a municipality shall not adopt an ordinance pursuant to NRS 271A.070 unless:

1. If the ordinance:

(a) Creates a district, the governing body has determined that no retailers will have maintained or will be maintaining a fixed place of business within the district on or within the 120 days immediately preceding the date of the adoption of the ordinance; or

(b) Amends the boundaries of the district to add any additional area, the governing body has determined that no retailers will have maintained or will be maintaining a fixed place of business within that area on or within 120 days immediately preceding the date of the adoption of the ordinance.

2. The governing body has made a written finding at a public hearing that the project will benefit the district.

3. The governing body has made a written finding at a public hearing, based upon reports from independent consultants which were addressed to the governing body, to the board of county commissioners, if the governing body is not the board of county commissioners for the county in which the tourism ***improvement*** district is or will be located, and to the board of trustees of the school district in which the tourism improvement district is or will be located, as to whether the project and the financing thereof pursuant to this chapter will have a positive fiscal effect on the provision of local governmental services, after considering:

(a) The amount of the proceeds of all taxes and other governmental revenue projected to be received as a result of the properties and businesses expected to be located in the district;

(b) The use of any money proposed to be pledged pursuant to NRS 271A.070;

(c) Any increase in costs for the provision of local governmental services, including, without limitation, services for education, including operational and capital costs, and services for police protection and fire protection, as a result of the project and the development of land within the district; and

(d) Estimates of any increases in the proceeds from sales and use taxes collected by retailers located outside of the district and of any displacement of the proceeds from sales and use taxes collected by those retailers, as a result of the properties and businesses expected to be located in the district.

➥ ***The reports required from independent consultants pursuant to this subsection must be obtained from independent consultants selected by the governing body from a list of independent consultants provided by the Commission on Tourism. For the purposes of this subsection, the Commission shall, upon the request of a governing body, provide the governing body with a list of at least three qualified independent consultants, each of whom must be located outside of this State.***

4. The governing body has, at least 45 days before making the written finding required by subsection 3, provided to the board of trustees of the school district in which the tourism improvement district is or will be located:

(a) Written notice of the time and place of the meeting at which the governing body will consider making that written finding; and

(b) Each analysis prepared by or for or presented to the governing body regarding the fiscal effect of the project and the use of any money proposed to be pledged pursuant to NRS 271A.070 on the provision of local governmental services, including education.

➥ After the receipt of the notice required by this subsection and before the date of the meeting at which the governing body will consider making the written finding required by subsection 3, the board of trustees shall conduct a hearing regarding the fiscal effect on the school district, if any, of the project and the use of any money proposed to be pledged pursuant to NRS 271A.070, and may submit to the governing body of the municipality any comments regarding that fiscal effect. The governing body shall consider those comments when making any written finding pursuant to subsection 3 and shall consider those comments when considering the terms of any agreement pursuant to NRS 271A.110.

5. If the governing body is not the board of county commissioners for the county in which the tourism ***improvement*** district is or will be located, the governing body has, at least 45 days before making the written finding required by subsection 3, provided to the board of county commissioners in the county in which the tourism improvement district is or will be located:

(a) Written notice of the time and place of the meeting at which the governing body will consider making that written finding; and

(b) Each analysis prepared by or for or presented to the governing body regarding the fiscal effect of the project and the use of any money proposed

to be pledged pursuant to NRS 271A.070 on the provision of local governmental services.

➥ After the receipt of the notice required by this subsection and before the date of the meeting at which the governing body will consider making the written finding required by subsection 3, the board of county commissioners may conduct a hearing regarding the fiscal effect on local governmental services, if any, of the project and the use of any money proposed to be pledged pursuant to NRS 271A.070, and may submit to the governing body of the municipality any comments regarding that fiscal effect. The governing body may consider those comments when making any written finding pursuant to subsection 3 and shall consider those comments when considering the terms of any agreement pursuant to NRS 271A.110.

6. The governing body has determined, at a public hearing conducted at least 15 days after providing notice of the hearing by publication, that:

(a) As a result of the project:

(1) Retailers will locate their businesses as such in the district; and

(2) There will be a substantial increase in the proceeds from sales and use taxes remitted by retailers with regard to tangible personal property sold at retail, or stored, used or otherwise consumed, in the district; and

(b) A preponderance of that increase in the proceeds from sales and use taxes will be attributable to transactions with tourists who are not residents of this State.

7. The Commission on Tourism has determined, at a public hearing conducted at least 15 days after providing notice of the hearing by publication, that a preponderance of the increase in the proceeds from sales and use taxes identified pursuant to subsection 6 will be attributable to transactions with tourists who are not residents of this State.

8. The Governor has determined that the project and the use of any money proposed to be pledged pursuant to NRS 271A.070 will contribute significantly to economic development and tourism in this State. Before making that determination, the Governor:

(a) Must consider the fiscal effects of the pledge of money on educational funding, including any fiscal effects described in comments provided pursuant to subsection 4 by the school district in which the tourism improvement district is or will be located, and for that purpose may require the Department of Education or the Department of Taxation, or both, to provide an appropriate fiscal report; and

(b) If the Governor determines that the pledge of money will have a substantial adverse fiscal effect on educational funding, may require a commitment from the municipality for the provision of specified payments to the school district in which the tourism improvement district is or will be located during the term of the use of any money pledged pursuant to NRS 271A.070. The payments may be provided pursuant to agreements with owners of property within the district authorized by NRS 271A.110 or from sources other than the owners of property within the district. Such a

commitment by a municipality is not subject to the limitations of subsection 1 of NRS 354.626 and, notwithstanding any other law to the contrary, is binding on the municipality for the term of the use of any money pledged pursuant to NRS 271A.070.

9. If any property within the boundaries of the district is also included within the boundaries of any other tourism improvement district or any improvement district for which any money has been pledged pursuant to NRS 271.650, all of the governing bodies which created those districts have entered into an interlocal agreement providing for:

(a) The apportionment of any money pledged pursuant to NRS 271.650 and 271A.070 with respect to such property; and

(b) The priority of the application of that money between:

(1) Bonds issued pursuant to chapter 271 of NRS; and

(2) Bonds and notes issued, and agreements entered into, pursuant to NRS 271A.120.

➥ Any such agreement for the priority of the application of that money may be made irrevocable during the term of any bonds issued pursuant to chapter 271 of NRS to which all or any portion of that money is pledged, or during the term of any bonds or notes issued or any agreements entered into pursuant to NRS 271A.120 to which all or any portion of that money is pledged.

Sec. 6. NRS 271A.130 is hereby amended to read as follows:

271A.130 1. Except as otherwise provided in this section ~~[,]~~ ***and section 3 of this act and*** notwithstanding any other law to the contrary, any contract or other agreement relating to or providing for the construction, improvement, repair, demolition, reconstruction, other acquisition, equipment, operation or maintenance of any project financed in whole or in part pursuant to this chapter is exempt from any law requiring competitive bidding or otherwise specifying procedures for the award of contracts for construction or other contracts, or specifying procedures for the procurement of goods or services. The governing body of the municipality shall require a quarterly report on the demography of the workers employed by any contractor or subcontractor for each such project.

2. The provisions of subsection 1 do not apply to any project which is constructed or maintained by a governmental entity on any property while the governmental entity owns that property.

3. ~~[The provisions of NRS 338.010 to 338.090, inclusive, apply to]~~ ***A person who enters into*** any contract or other agreement for the construction, improvement, repair, demolition or reconstruction of any project that is paid for in whole or in part:

(a) From the proceeds of bonds or notes issued pursuant to paragraph (a) of subsection 1 of NRS 271A.120; or

(b) Pursuant to an agreement for reimbursement entered into pursuant to paragraph (b) of subsection 1 of NRS 271A.120,

➥ ~~[regardless of whether the project is publicly or privately owned.]~~ ***shall include in the contract or other agreement the contractual provisions and stipulations that are required to be included in a contract for a public work pursuant to the provisions of NRS 338.013 to 338.090, inclusive. The governing body of the municipality, the contractor who is awarded the contract or enters into the agreement to perform the construction, improvement, repair, demolition or reconstruction, and any subcontractor who performs any portion of the contract or agreement shall comply with the provisions of NRS 338.013 to 338.090, inclusive, in the same manner as if the governing body of the municipality had undertaken the project or had awarded the contract.***

4. The governing body of the municipality shall ensure that each contractor and developer to whom the provisions of section 3 of this act apply complies with those provisions.

Sec. 7. NRS 372.750 is hereby amended to read as follows:

372.750 1. Except as otherwise provided in this section or NRS 360.247 ~~[,]~~ ***or section 4 of this act,*** it is a misdemeanor for any member of the Tax Commission or officer, agent or employee of the Department to make known in any manner whatever the business affairs, operations or information obtained by an investigation of records and equipment of any retailer or any other person visited or examined in the discharge of official duty, or the amount or source of income, profits, losses, expenditures or any particular of them, set forth or disclosed in any return, or to permit any return or copy of a return, or any book containing any abstract or particulars of it to be seen or examined by any person not connected with the Department.

2. The Tax Commission may agree with any county fair and recreation board or the governing body of any county, city or town for the continuing exchange of information concerning taxpayers.

3. The Governor may, by general or special order, authorize the examination of the records maintained by the Department under this chapter by other state officers, by tax officers of another state, by the Federal Government, if a reciprocal arrangement exists, or by any other person. The information so obtained may not be made public except to the extent and in the manner that the order may authorize that it be made public.

4. Upon written request made by a public officer of a local government, the Executive Director shall furnish from the records of the Department, the name and address of the owner of any seller or retailer who must file a return with the Department. The request must set forth the social security number of the owner of the seller or retailer about which the request is made and contain a statement signed by the proper authority of the local government certifying that the request is made to allow the proper authority to enforce a law to recover a debt or obligation owed to the local government. Except as otherwise provided in NRS 239.0115, the information obtained by the local government is confidential and may not be used or disclosed for any purpose other than the collection of a debt or obligation owed to that local

government. The Executive Director may charge a reasonable fee for the cost of providing the requested information.

5. Successors, receivers, trustees, executors, administrators, assignees and guarantors, if directly interested, may be given information as to the items included in the measure and amounts of any unpaid tax or amounts of tax required to be collected, interest and penalties.

6. Relevant information that the Tax Commission has determined is not proprietary or confidential information in a hearing conducted pursuant to NRS 360.247 may be disclosed as evidence in an appeal by the taxpayer from a determination of tax due.

7. At any time after a determination, decision or order of the Executive Director or other officer of the Department imposing upon a person a penalty for fraud or intent to evade the tax imposed by this chapter on the sale, storage, use or other consumption of any vehicle, vessel or aircraft becomes final or is affirmed by the Commission, any member of the Commission or officer, agent or employee of the Department may publicly disclose the identity of that person and the amount of tax assessed and penalties imposed against that person.

Sec. 8. NRS 374.755 is hereby amended to read as follows:

374.755 1. Except as otherwise provided in this section or NRS 360.247 ~~[,]~~ ***or section 4 of this act,*** it is a misdemeanor for any member of the Nevada Tax Commission or officer, agent or employee of the Department to make known in any manner whatever the business affairs, operations or information obtained by an investigation of records and equipment of any retailer or any other person visited or examined in the discharge of official duty, or the amount or source of income, profits, losses, expenditures or any particular thereof, set forth or disclosed in any return, or to permit any return or copy thereof, or any book containing any abstract or particulars thereof to be seen or examined by any person not connected with the Department.

2. The Nevada Tax Commission may agree with any county fair and recreation board or the governing body of any county, city or town for the continuing exchange of information concerning taxpayers.

3. The Governor may, however, by general or special order, authorize the examination of the records maintained by the Department under this chapter by other state officers, by tax officers of another state, by the Federal Government, if a reciprocal arrangement exists, or by any other person. The information so obtained pursuant to the order of the Governor may not be made public except to the extent and in the manner that the order may authorize that it be made public.

4. Upon written request made by a public officer of a local government, the Executive Director shall furnish from the records of the Department, the name and address of the owner of any seller or retailer who must file a return with the Department. The request must set forth the social security number of the owner of the seller or retailer about which the request is made and contain

a statement signed by the proper authority of the local government certifying that the request is made to allow the proper authority to enforce a law to recover a debt or obligation owed to the local government. Except as otherwise provided in NRS 239.0115, the information obtained by the local government is confidential and may not be used or disclosed for any purpose other than the collection of a debt or obligation owed to that local government. The Executive Director may charge a reasonable fee for the cost of providing the requested information.

5. Successors, receivers, trustees, executors, administrators, assignees and guarantors, if directly interested, may be given information as to the items included in the measure and amounts of any unpaid tax or amounts of tax required to be collected, interest and penalties.

6. Relevant information that the Nevada Tax Commission has determined is not proprietary or confidential information in a hearing conducted pursuant to NRS 360.247 may be disclosed as evidence in an appeal by the taxpayer from a determination of tax due.

7. At any time after a determination, decision or order of the Executive Director or other officer of the Department imposing upon a person a penalty for fraud or intent to evade the tax imposed by this chapter on the sale, storage, use or other consumption of any vehicle, vessel or aircraft becomes final or is affirmed by the Commission, any member of the Commission or officer, agent or employee of the Department may publicly disclose the identity of that person and the amount of tax assessed and penalties imposed against that person.

Sec. 9. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 10. 1. This section and sections 5 and 9 of this act become effective upon passage and approval.

2. Sections 1 to 4, inclusive, 6, 7 and 8 of this act become effective on July 1, 2011.

Assemblywoman Bustamante Adams moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 404.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 244.

SUMMARY—Revises provisions regarding properties ~~[purchased or]~~ leased for use by the State. (BDR 27-381)

AN ACT relating to state buildings; requiring the Chief of the Buildings and Grounds Division of the Department of Administration to **negotiate and** approve any agreements to ~~[purchase or]~~ lease ~~[property]~~ **office rooms** for

use by certain state entities; requiring certain state entities to provide the Chief with an inventory of all **real** property used by the entity; requiring the Chief to post on an Internet website certain information regarding ~~[leases of]~~ **real** property ~~[for]~~ **owned or leased by the** State **;** ~~[use;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the Chief of the Buildings and Grounds Division of the Department of Administration is authorized to lease and equip office rooms outside of state buildings for the use of certain state officers and employees whenever sufficient space cannot be provided within state buildings. (NRS 331.110) **Section 1** of this bill requires that **,** ~~[, before certain]~~ **any agreement to lease office rooms for** state officers, departments, agencies, commissions or boards ~~[may enter into an agreement to purchase or lease property, such an agreement]~~ must be **negotiated,** approved **and overseen** by the Chief. **Section 1** also requires ~~[certain]~~ state officers, departments, agencies, commissions and boards to provide the Chief with an inventory of all ~~[properties, either]~~ **real property** leased ~~[or owned by]~~ **to** the State **,** ~~[,]~~ that ~~[are]~~ **is** used by the state officer, department, agency, commission or board. **Section 1** further requires the Chief to post, on an Internet website, a list of ~~[the properties]~~ **all real property** that ~~[are]~~ **is** leased **or owned** by the State, including a brief description of the property, its use and the terms of the agreement under which the property is leased by the State. **Sections 2, 3 and 4** of this bill extend the requirements of **section 1** to properties ~~[purchased or]~~ leased for use by the Gaming Control Board, the Department of Public Safety and the Department of Motor Vehicles, which are currently exempted from certain requirements relating to the lease or purchase of property. (NRS 463.100, 480.160, 481.055)

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 331.110 is hereby amended to read as follows:

331.110 1. ~~*[Except as otherwise provided in subsection 7, the Chief shall oversee any agreement to purchase or lease property for use by a state officer, department, agency, board or commission.*~~

~~2.]~~ Except as otherwise provided ~~[in subsection]~~ ~~[2,]~~ ~~*[7,]*~~ ***by law,*** the Chief may lease and equip office rooms outside of state buildings for the use of state officers **,** ~~[and employees,]~~ ***departments, agencies, boards and commissions*** whenever sufficient space ~~[for the officers and employees]~~ cannot be provided within state buildings **.** ***The Chief shall negotiate, approve and oversee any agreement to lease office rooms pursuant to this section*** , but no such lease may extend beyond the term of 1 year unless it is reviewed and approved by a majority of the members of the State Board of Examiners. The Attorney General shall approve each lease entered into pursuant to this subsection as to form and compliance with law.

~~[3.]~~ ***2.*** ***Notwithstanding any other provision of law*** ***,*** *~~[and except as otherwise provided in subsection 7,]~~* ***before the Chief enters into any lease for office rooms for any state officer, department, agency, board or commission*** ***,*** *~~[may purchase or lease property for use by that state officer, department, agency, board or commission, the agreement for purchase or lease must be approved by the Chief. In determining whether to approve such an agreement for purchase or lease,]~~* ***the Chief shall consider, without limitation:***

(a) The reasonableness of the terms of the agreement, including, without limitation, the cost; and

(b) The availability of space for use by the state officer, department, agency, board or commission in buildings that are owned by or leased to the State.

~~[4.]~~ ***3.*** *~~[No lease entered into pursuant to this section may extend beyond the term of 1 year unless it is reviewed and approved by a majority of the members of the State Board of Examiners. The Attorney General shall approve each lease entered into pursuant to this section as to form and compliance with law.~~*

~~5. Except as otherwise provided in subsection 7, each~~] ***Each*** ***state officer, department, agency, board and commission shall maintain and provide to the Chief an inventory of all real property*** *~~[owned by or]~~* ***leased to the State that is occupied by or otherwise used by the state officer, department, agency, board and commission. The Division of State Lands, Department of Transportation and State Public Works Board shall maintain and provide to the Chief an inventory of all real property owned by the State.***

~~[6.]~~ ***4.*** ***The Chief shall post on an Internet website maintained by the State a list of all*** *~~[properties]~~* ***real property owned or leased by the State. Each such listing shall include, without limitation, a brief description of:***

(a) The location, size and current use of the real property; and

(b) The terms of the lease, including, without limitation, the cost to the State.

[2.**]** *~~[7. The provisions of]~~* **[**subsection 1**]** *~~[this section do not apply to state officers and employees of boards that are exempt from the provisions of chapter 353 of NRS pursuant to NRS 353.005.]~~*

Sec. 2. NRS 463.100 is hereby amended to read as follows:

463.100 1. The Board shall keep its main office at Carson City, Nevada, in conjunction with the Commission in rooms provided by the Buildings and Grounds Division of the Department of Administration.

2. The Board may, in its discretion, maintain a branch office in Las Vegas, Nevada, or at any other place in this State as the Chair of the Board deems necessary for the efficient operation of the Board. *~~[The Chair of the Board may enter into such leases or other agreements as may be necessary to establish a branch office. The]~~* ***Any leases or agreements entered into***

pursuant to this subsection must be executed in accordance with the provisions of NRS 331.110.

Sec. 3. NRS 480.160 is hereby amended to read as follows:

480.160 1. The Department shall keep its main office at Carson City, Nevada, in rooms provided by the Buildings and Grounds Division of the Department of Administration.

2. The Department may maintain such branch offices throughout the State as the Director deems necessary for the efficient operation of the Department and the various divisions thereof. ~~[The Director may enter into such leases or other agreements as may be necessary to establish such branch offices. *The]*~~ ***Any leases or agreements entered into pursuant to this subsection must be executed in accordance with the provisions of NRS 331.110.***

Sec. 4. NRS 481.055 is hereby amended to read as follows:

481.055 1. The Department shall keep its main office at Carson City, Nevada, in rooms provided by the Buildings and Grounds Division of the Department of Administration.

2. The Department may maintain such branch offices throughout the State as the Director may deem necessary to the efficient operation of the Department and the various divisions thereof. ~~[The Director is authorized, on behalf of the Department, to enter into such leases or other agreements as may be necessary to the establishment of such branch offices. *The]*~~ ***Any leases or agreements entered into pursuant to this subsection must be executed in accordance with the provisions of NRS 331.110.***

Sec. 5. This act becomes effective on July 1, 2011.

Assemblywoman Bustamante Adams moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Conklin moved that Assembly Bill No. 406 be taken from the General File and placed at the bottom of the General File.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 420.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 262.

AN ACT relating to the Nevada National Guard; providing for the confidentiality of personal information in certain documents recorded with a county recorder by a member of the Nevada National Guard; revising provisions governing the termination of employment of a member of the

Nevada National Guard; prohibiting ~~[the commencement of civil actions against]~~ a member of the Nevada National Guard **from being served a summons for, or notice of, a civil action or administrative proceeding against him or her** during certain periods; **postponing such an action or proceeding during certain periods;** providing for a preference for certain employment with the government of this State for members of the Nevada National Guard; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the protection of personal information in recorded documents and for the access to such personal information by specified persons upon the death of the person whose personal information is at issue. (NRS 239B.030, 247.090) **Section 1** of this bill expressly provides for the confidentiality of personal information of a member of the Nevada National Guard contained in specified documents recorded with a county recorder, and allows access to that personal information by certain authorized persons.

Existing law prohibits the termination of the employment of a member of the Nevada National Guard and provides for the member's reinstatement after termination if the termination is because of certain active duty or service by the member. (NRS 412.139, 412.1395) **Sections 2 and 3** of this bill expand this prohibition against termination and this right of reinstatement to cover situations in which the termination of employment is because of the member's participation in required training, duty and meetings.

Existing law prohibits the arrest on civil process of a member of the Nevada National Guard while the member is at a location for military duty or traveling to or from that location. (NRS 412.154) **Section 4** of this bill **: (1)** prohibits the ~~[commencement]~~ **serving of a summons for, or notice** of **,** a civil action or **administrative** proceeding against ~~[the]~~ **a** member ~~[while]~~ **of the Nevada National Guard during any period in which** the member assembles for training or participates in field training, active duty **training** or active service **,** or travels to or from that duty, service or training ~~[.]~~ **; and (2) stays (postpones) the civil action or administrative proceeding against the member during that same period.**

Existing law provides a preference in hiring for certain public employment for veterans of the Armed Forces of the United States. (NRS 284.260) **Section 5** of this bill provides a similar preference for members of the Nevada National Guard.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 412 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in this subsection and NRS 239B.030 and 247.090, a county recorder shall ensure that any personal information of a member of the Nevada National Guard contained in any document which is related to the member's military service and is recorded, filed or otherwise submitted to the county recorder by or on behalf of the member is maintained in a confidential manner. The county recorder may disclose the personal information to any person designated in writing by the member or, upon the member's death, by a person authorized by subsection 2 of NRS 247.090 to inspect and copy the document containing the personal information.

2. As used in this section, "personal information" has the meaning ascribed to it in NRS 603A.040.

Sec. 2. NRS 412.139 is hereby amended to read as follows:

412.139 1. An employer may not terminate the employment of a member of the Nevada National Guard because the member ~~[is]~~ ***:***

(a) Assembles for training, participates in field training or active duty or otherwise meets as required pursuant to NRS 412.118; or

(b) Is ordered to active service or duty pursuant to NRS 412.122 or 412.124.

2. Any employer who violates subsection 1 is guilty of a misdemeanor.

3. In addition to any other remedy or penalty, the Labor Commissioner may impose against the employer an administrative penalty of not more than $5,000 for each such violation.

Sec. 3. NRS 412.1395 is hereby amended to read as follows:

412.1395 If the employment of a member of the Nevada National Guard is found to have been terminated as a result of the member ~~[being]~~ ***:***

1. Assembling for training, participating in field training or active duty or otherwise meeting as required pursuant to NRS 412.118; or

2. Being ordered to active service or duty pursuant to NRS 412.122 or 412.124,

➥ the member is entitled to be immediately reinstated to his or her position without loss of seniority or benefits, and to receive all wages and benefits lost as a result of the termination.

Sec. 4. NRS 412.154 is hereby amended to read as follows:

412.154 1. Members of the Nevada National Guard ordered into active service of the State pursuant to this chapter are not liable civilly or criminally for any act done by them in the performance of their duty. When an action or proceeding of any nature is commenced in any court by any person against any officer of the militia for any act done by the officer in his or her official capacity in the discharge of any duty pursuant to this chapter, or an alleged omission by the officer to do an act which it was his or her duty to perform, or against any person acting pursuant to the authority or order of such an officer, or by virtue of any warrant issued by the officer pursuant to law, the defendant:

(a) May have counsel of his or her own selection, with the cost of such counsel to be borne by the defendant; or

(b) Must be defended by the Attorney General in civil actions and by the State Judge Advocate in criminal actions, with the cost of such counsel to be paid out of the Reserve for Statutory Contingency Account upon approval by the State Board of Examiners unless the defendant was found to have been criminally negligent or to have acted wantonly or maliciously, in which case the cost of such counsel must be borne by the defendant,

➥ and may require the person instituting or prosecuting the action or proceeding to file security for the payment of costs that may be awarded to the defendant therein.

2. A defendant in whose favor a final judgment is rendered in an action or a final order is made in a special proceeding shall recover his or her costs.

3. No member of the Nevada National Guard may be arrested on any civil process while going to, remaining at, or returning from any place at which he or she is required to attend for military duty.

4. A person may not ~~[commence]~~ serve a summons for, or notice of, a civil action or administrative proceeding against a member of the Nevada National Guard , and any such action or proceeding must be postponed, stayed or delayed, during any period in which the member:

(a) Assembles for training, participates in field training or active duty training, or otherwise meets as required pursuant to NRS 412.118;

(b) ~~[Is ordered to]~~ Begins active service or duty upon the ordered date of reporting pursuant to NRS 412.122 or 412.124; or

(c) Is going to or returning from any duty, service or training specified in paragraph (a) or (b).

Sec. 5. NRS 284.260 is hereby amended to read as follows:

284.260 1. In establishing the lists of eligible persons, certain preferences must be allowed for ~~[~~veterans~~]~~ ***:***

(a) Veterans not dishonorably discharged from the Armed Forces of the United States. For veterans with disabilities, 10 points must be added to the passing grade achieved on the examination. For ex-servicemen and women who have not suffered disabilities, and for the widows and widowers of veterans, 5 points must be added to the passing grade achieved on the examination.

(b) Members of the Nevada National Guard. For a member of the Nevada National Guard who submits a letter of recommendation from the commanding officer of the member's unit, 5 points must be added to the passing grade achieved on the examination.

2. Any person qualifying for preference points pursuant to subsection 1 is entitled to have the points applied to any open competitive examination in the classified service, but only to one promotional examination.

3. For the purposes of this section, "veteran" has the meaning ascribed to "eligible veteran" in 38 U.S.C. § 4211.

Sec. 6. This act becomes effective on July 1, 2011.

Assemblywoman Bustamante Adams moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 536.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 522.

AN ACT relating to the protection of children; requiring an investigation of the criminal history of certain persons associated with certain facilities that provide residential services to children; requiring such a facility to terminate the employment of or remove from the facility certain persons based on the results of an investigation of the person's criminal history; requiring ~~[such a facility to maintain]~~ **the maintenance of** records concerning **the** employees and residents of the facility; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, certain types of facilities which provide residential services to children are required to obtain background investigations for holders of licenses, employees and certain residents of the facility, including, without limitation, foster homes and child care facilities. (NRS 424.031, 432A.170) Existing law does not require similar background investigations to be conducted for holders of licenses and employees of other types of facilities which provide residential services to children, including, without limitation, juvenile justice facilities, facilities that provide mental health treatment to children, and other medical and related facilities which provide residential services to children. (Chapters 62B and 433B of NRS, NRS 449.176, 449.179) This bill prescribes, to the extent applicable, standard requirements for background investigations, records of background investigations, supervision of persons pending background investigations and termination of the employment of persons who have committed certain crimes.

Sections 2-6 of this bill prohibit a person from having unsupervised contact with a child pending the outcome of his or her background investigation and require foster homes to terminate the employment of an employee or remove a resident who is over 18 years of age if the person has been convicted of a crime prescribed in **section 4**. **Sections 2-6** also require foster homes to maintain certain records relating to background investigations which are conducted for employees and residents of the homes. A background investigation must be conducted every 5 years after the initial investigation.

Sections 8-10 of this bill require child care facilities to maintain certain records for certain employees, residents and participants of the facilities and

prohibit unsupervised contact with a child pending the results of a background investigation. A background investigation must be conducted every 5 years after the initial investigation.

Sections 12-14 of this bill require **the employees of** public or private institutions and agencies to which a juvenile court commits a child to ~~[conduct]~~ **receive** background investigations **.** ~~[of all employees of the institution or agency.]~~ **Sections 12-14** also prohibit a person from having unsupervised contact with a child pending the outcome of his or her background investigation and require institutions and agencies to terminate the employment of employees who have been convicted of a crime prescribed in **section 12**. **Sections 12-14** further require ~~[institutions and agencies to maintain]~~ **the maintenance of** certain records relating to the background investigations which are conducted for employees. A background investigation must be conducted every 5 years after the initial investigation.

Sections 17-19 of this bill require certain facilities which provide residential mental health treatment to children to conduct background investigations of all employees of the facility. **Sections 17-19** also prohibit a person from having unsupervised contact with a child pending the outcome of his or her background investigation and require such facilities to terminate the employment of employees who have been convicted of a crime prescribed in **section 17**. **Sections 17-19** also require those facilities to maintain certain records relating to the background investigations which are conducted for employees. A background investigation must be conducted every 5 years after the initial investigation.

Under existing law, each applicant for a license to operate and each employee of a facility for intermediate care, facility for skilled nursing, residential facility for groups, agency to provide personal care services in the home or home for individual residential care must submit to a background investigation. (NRS 449.173-449.188) These provisions specifically exclude a facility for the treatment of abuse of alcohol or drugs under existing law. **Sections 20-24** of this bill include other medical facilities and facilities for the treatment of abuse of alcohol or drugs if those facilities provide residential services to children. **Sections 20-24** also amend provisions relating to unsupervised contact with children and the maintenance of records to be consistent with this bill.

Section 25 of this bill requires persons who are required to submit to background investigations pursuant to the amendatory provisions of this bill to submit to such investigations on or before October 1, 2011, and authorizes such persons to have contact with children without supervision pending the results of the investigation.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 424 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. ***1. Upon receiving information from the licensing authority or its designee pursuant to NRS 424.033 or evidence from any other source that an employee of an applicant for a license to conduct a foster home or a person who is licensed to conduct a foster home or a resident of an applicant or licensee who is 18 years of age or older has been convicted of a crime listed in NRS 424.031, the applicant or licensee shall terminate the employment of the employee or remove the resident from the foster home after allowing the employee or resident time to correct the information as required pursuant to subsection 2.***

2. If an employee or resident believes that the information provided pursuant to subsection 1 is incorrect, the employee or resident must inform the applicant or licensee immediately. An applicant or licensee that is so informed shall give the employee or resident 30 days to correct the information.

3. During the period in which an employee or resident seeks to correct information pursuant to subsection 2, it is within the discretion of the applicant or licensee whether to allow the employee or resident to continue to work for or reside at the foster home, as applicable, except that the employee or resident shall not have contact with a child in the foster home without supervision during any such period.

Sec. 3. ***1. Each applicant for a license to conduct a foster home and each person licensed to conduct a foster home shall maintain records of the information concerning its employees and any residents of the foster home who are 18 years of age or older that is collected pursuant to NRS 424.031 and 424.033 and section 2 of this act, including, without limitation:***

(a) A copy of the fingerprints that were submitted to the Central Repository for Nevada Records of Criminal History and a copy of the written authorization that was provided by the employee or resident;

(b) Proof that the fingerprints of the employee or resident were submitted to the Central Repository; and

(c) Any other documentation of the information collected pursuant to NRS 424.031 and 424.033 and section 2 of this act.

2. The records maintained pursuant to subsection 1 must be:

(a) Maintained for the period of the employee's employment with or resident's presence at the foster home; and

(b) Made available for inspection by the licensing authority or its approved designee at any reasonable time, and copies thereof must be furnished to the licensing authority upon request.

Sec. 4. NRS 424.031 is hereby amended to read as follows:

424.031 1. The licensing authority or a person or entity designated by the licensing authority shall obtain from appropriate law enforcement agencies information on the background and personal history of each

applicant for a license to conduct a foster home, ~~[prospective]~~ ***person who is licensed to conduct a foster home,*** employee of that applicant or ~~[of a person who is licensed to conduct a foster home,]~~ ***licensee,*** and resident of a foster home who is 18 years of age or older, to determine whether the person investigated has been arrested for or convicted of ~~[any crime.]~~ ***:***

(a) Murder, voluntary manslaughter or mayhem;

(b) Any other felony involving the use of a firearm or other deadly weapon;

(c) Assault with intent to kill or to commit sexual assault or mayhem;

(d) Sexual assault, statutory sexual seduction, incest, lewdness, indecent exposure or any other sexually related crime;

(e) Abuse or neglect of a child or contributory delinquency;

(f) A violation of any federal or state law regulating the possession, distribution or use of any controlled substance or any dangerous drug as defined in chapter 454 of NRS;

(g) Abuse, neglect, exploitation or isolation of older persons or vulnerable persons, including, without limitation, a violation of any provision of NRS 200.5091 to 200.50995, inclusive, or a law of any other jurisdiction that prohibits the same or similar conduct; or

(h) Any offense involving fraud, theft, embezzlement, burglary, robbery, fraudulent conversion or misappropriation of property within the immediately preceding 7 years.

2. The licensing authority or its approved designee may charge each person investigated pursuant to this section for the reasonable cost of that investigation.

3. Unless a preliminary Federal Bureau of Investigation Interstate Identification Index name-based check of the records of criminal history has been conducted pursuant to NRS 424.039, a person who is required to submit to an investigation pursuant to this section shall not have contact with a child in a foster home without supervision before the investigation of the background and personal history of the person has been conducted.

4. The licensing authority or its designee shall conduct an investigation of each employee and resident pursuant to this section at least once every 5 years after the initial investigation.

Sec. 5. NRS 424.033 is hereby amended to read as follows:

424.033 1. Each applicant for a license to conduct a foster home, ~~[prospective]~~ ***person who is licensed to conduct a foster home,*** employee of that applicant or ~~[of a person who is licensed to conduct a foster home,]~~ ***licensee,*** or resident of a foster home who is 18 years of age or older must submit to the licensing authority or its approved designee:

(a) A complete set of fingerprints and written permission authorizing the licensing authority or its approved designee to forward those fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report to enable the

licensing authority or its approved designee to conduct an investigation pursuant to NRS 424.031; and

(b) Written permission to conduct a child abuse and neglect screening.

2. For each person who submits the documentation required pursuant to subsection 1, the licensing authority or its approved designee shall conduct a child abuse and neglect screening of the person in every state in which the person has resided during the immediately preceding 5 years.

3. The licensing authority or its approved designee may exchange with the Central Repository or the Federal Bureau of Investigation any information respecting the fingerprints submitted.

4. The Division shall assist the licensing authority of another state that is conducting a child abuse and neglect screening of a person who has resided in this State by providing information which is necessary to conduct the screening if the person who is the subject of the screening has signed a written permission authorizing the licensing authority to conduct a child abuse and neglect screening. The Division may charge a fee for providing such information in an amount which does not exceed the actual cost to the Division to provide the information.

5. When a report from the Federal Bureau of Investigation is received by the Central Repository, it shall immediately forward a copy of the report to the licensing authority or its approved designee.

6. Upon receiving a report pursuant to this section, the licensing authority or its approved designee shall determine whether the person has been convicted of a crime listed in NRS 424.031.

7. The licensing authority shall immediately inform the applicant for a license to conduct a foster home or the person who is licensed to conduct a foster home whether an employee or resident of the foster home has been convicted of a crime listed in NRS 424.031.

8. The licensing authority may deny an application for a license to operate a foster home or may suspend or revoke such a license if the licensing authority determines that the applicant or licensee has been convicted of a crime listed in NRS 424.031 or has failed to terminate an employee or remove a resident of the foster home who is 18 years of age or older and has been convicted of any crime listed in NRS 424.031.

Sec. 6. NRS 424.090 is hereby amended to read as follows:

424.090 The provisions of NRS 424.020 to 424.090, inclusive, ***and sections 2 and 3 of this act*** do not apply to homes in which:

1. Care is provided only for a neighbor's or friend's child on an irregular or occasional basis for a brief period, not to exceed 90 days.

2. Care is provided by the legal guardian.

3. Care is provided for an exchange student.

4. Care is provided to enable a child to take advantage of educational facilities that are not available in his or her home community.

5. Any child or children are received, cared for and maintained pending completion of proceedings for adoption of such child or children, except as otherwise provided in regulations adopted by the Division.

6. Except as otherwise provided in regulations adopted by the Division, care is voluntarily provided to a minor child who is:

(a) Related to the caregiver by blood, adoption or marriage; and

(b) Not in the custody of an agency which provides child welfare services.

7. Care is provided to a minor child who is in the custody of an agency which provides child welfare services pursuant to chapter 432B of NRS if:

(a) The caregiver is related to the child within the fifth degree of consanguinity; and

(b) The caregiver is not licensed pursuant to the provisions of NRS 424.020 to 424.090, inclusive ~~[.]~~ ***, and sections 2 and 3 of this act.***

Sec. 7. NRS 432.0125 is hereby amended to read as follows:

432.0125 1. The Administrator shall appoint, with the approval of the Director, a chief of each of the bureaus in the Division. The chiefs are designated respectively as:

(a) The Superintendent of the Nevada Youth Training Center;

(b) The Superintendent of the Caliente Youth Center;

(c) The Chief of the Bureau of Services for Child Care; and

(d) The Chief of the Youth Parole Bureau.

2. The Administrator is responsible for the administration, through the Division, of the provisions of chapters 63 and 424 of NRS, NRS 127.220 to 127.310, inclusive, 432.010 to 432.085, inclusive, and 433B.010 to 433B.350, inclusive, ***and sections 17, 18 and 19 of this act*** and all other provisions of law relating to the functions of the Division, but is not responsible for the professional activities of the components of the Division except as specifically provided by law.

Sec. 8. NRS 432A.170 is hereby amended to read as follows:

432A.170 1. The Bureau may, upon receipt of an application for a license to operate a child care facility, conduct an investigation into the:

(a) Buildings or premises of the facility and, if the application is for an outdoor youth program, the area of operation of the program;

(b) Qualifications and background of the applicant or the employees of the applicant;

(c) Method of operation for the facility; and

(d) Policies and purposes of the applicant.

2. The Bureau shall secure from appropriate law enforcement agencies information on the background and personal history of every applicant, licensee or employee of an applicant or licensee, or every resident of a child care facility or participant in an outdoor youth program who is 18 years of age or older, to determine whether the person has been convicted of:

(a) Murder, voluntary manslaughter or mayhem;

(b) Any other felony involving the use of a firearm or other deadly weapon;

(c) Assault with intent to kill or to commit sexual assault or mayhem;

(d) Sexual assault, statutory sexual seduction, incest, lewdness, indecent exposure or any other sexually related crime;

(e) Abuse or neglect of a child or contributory delinquency;

(f) A violation of any federal or state law regulating the possession, distribution or use of any controlled substance or any dangerous drug as defined in chapter 454 of NRS;

(g) Abuse, neglect, exploitation or isolation of older persons or vulnerable persons, including, without limitation, a violation of any provision of NRS 200.5091 to 200.50995, inclusive, or a law of any other jurisdiction that prohibits the same or similar conduct; or

(h) Any offense involving fraud, theft, embezzlement, burglary, robbery, fraudulent conversion or misappropriation of property within the immediately preceding 7 years.

3. The Bureau shall request information concerning every applicant, licensee or employee of an applicant or licensee, or every resident of a child care facility or participant in an outdoor youth program who is 18 years of age or older, from ~~[the]~~ ***:***

(a) The Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report ~~***[,]***~~ ***pursuant to NRS 432A.175; and***

(b) The Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child established pursuant to NRS 432.100 to determine whether there has been a substantiated report of child abuse or neglect made against any of them.

4. The Bureau may charge each person investigated pursuant to this section for the reasonable cost of that investigation.

5. The information required to be obtained pursuant to subsections 2 and 3 must be requested concerning an:

(a) Employee of an applicant or licensee, resident of a child care facility or participant in an outdoor youth program who is 18 years of age or older not later than 3 days after the employee is hired, the residency begins or the participant begins participating in the program, and then at least once every ~~[6]~~ ***5*** years thereafter.

(b) Applicant at the time that an application is submitted for licensure, and then at least once every ~~[6]~~ ***5*** years after the license is issued.

6. A person who is required to submit to an investigation required pursuant to this section shall not have contact with a child in a child care facility without supervision before the investigation of the background and personal history of the person has been conducted.

Sec. 9. NRS 432A.1755 is hereby amended to read as follows:

432A.1755 1. Upon receiving information pursuant to NRS 432A.175 from the Central Repository for Nevada Records of Criminal History or the Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child established pursuant to NRS 432.100 or

evidence from any other source that an employee of an applicant for a license to operate a child care facility or a licensee, or a resident of a child care facility or participant in an outdoor youth program who is 18 years of age or older has been convicted of a crime listed in subsection 2 of NRS 432A.170 or has had a substantiated report of child abuse or neglect made against him or her, the applicant or licensee shall terminate the employment of the employee or remove the resident from the facility or participant from the outdoor youth program after allowing the employee, resident or participant time to correct the information as required pursuant to subsection 2.

2. If an employee, resident or participant believes that the information provided to the applicant or licensee pursuant to subsection 1 is incorrect, the employee, resident or participant must inform the applicant or licensee immediately. The applicant or licensee shall give any such employee, resident or participant 30 days to correct the information.

3. During any period in which an employee, resident or participant seeks to correct information pursuant to subsection 2, it is within the discretion of the applicant or licensee whether to allow the employee, resident or participant to continue to work for or reside at the child care facility or participate in the outdoor youth program, as applicable ~~[.]~~ ***, except that the employee, resident or participant shall not have contact with a child without supervision during such a period.***

Sec. 10. NRS 432A.1785 is hereby amended to read as follows:

432A.1785 1. Each applicant for a license to operate a child care facility and licensee shall maintain records of the information concerning its employees and any residents of the child care facility or participants in any outdoor youth program who are 18 years of age or older that is collected pursuant to NRS 432A.170 and 432A.175, including, without limitation:

(a) ***A copy of the fingerprints that were submitted to the Central Repository for Nevada Records of Criminal History;***

(b) Proof that the applicant or licensee submitted fingerprints to the Central Repository ***;*** ~~[for its report;]~~ and

~~[(b)]~~ ***(c)*** The written authorization to obtain information from the ***Central Repository and the*** Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child established pursuant to NRS 432.100.

2. The records maintained pursuant to subsection 1 must be ~~[made]~~ ***:***

(a) Maintained for the period of the employee's employment with or the resident's presence at the child care facility or the participant's presence in the outdoor youth program; and

(b) Made available for inspection by the Bureau at any reasonable time ~~[,]~~ and copies thereof must be furnished to the Bureau upon request.

Sec. 11. Chapter 62B of NRS is hereby amended by adding thereto the provisions set forth as sections ~~[12, 13 and]~~ **11.5 to** 14 **, inclusive,** of this act.

Sec. 11.5. As used in sections 11.5 to 14, inclusive, of this act, "licensing authority" means the governmental entity which licenses and

regulates a private institution to which a juvenile court commits a child, including without limitation, a facility for the detention of children.

Sec. 11.7. ***The provisions of sections 11.5 to 14, inclusive, of this act do not apply to a private institution to which a juvenile court commits a child, including without limitation, a facility for the detention of children, if the private institution is required to comply with similar requirements as a condition for licensure in this State.***

Sec. 12. ***1. A public ~~[or private]~~ institution or agency to which a juvenile court commits a child ~~[,]~~ or the licensing authority of a private institution to which a juvenile court commits a child, including, without limitation, a facility for the detention of children, shall secure from appropriate law enforcement agencies information on the background and personal history of each employee of the institution or agency to determine whether the employee has been convicted of:***

(a) Murder, voluntary manslaughter or mayhem;

(b) Any other felony involving the use of a firearm or other deadly weapon;

(c) Assault with intent to kill or to commit sexual assault or mayhem;

(d) Sexual assault, statutory sexual seduction, incest, lewdness, indecent exposure or any other sexually related crime;

(e) Abuse or neglect of a child or contributory delinquency;

(f) A violation of any federal or state law regulating the possession, distribution or use of any controlled substance or any dangerous drug as defined in chapter 454 of NRS;

(g) Abuse, neglect, exploitation or isolation of older persons or vulnerable persons, including, without limitation, a violation of any provision of NRS 200.5091 to 200.50995, inclusive, or a law of any other jurisdiction that prohibits the same or similar conduct; or

(h) Any offense involving fraud, theft, embezzlement, burglary, robbery, fraudulent conversion or misappropriation of property within the immediately preceding 7 years.

2. An employee of the public or private institution or agency must submit to the public institution or agency ~~[, to enable the institution or agency to conduct an investigation pursuant to subsection 1,]~~ or the licensing authority, as applicable, two complete sets of fingerprints and written authorization to forward those fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.

3. The public institution or agency or the licensing authority, as applicable may exchange with the Central Repository or the Federal Bureau of Investigation any information concerning the fingerprints submitted.

4. The public institution or agency or the licensing authority, as applicable, may charge an employee investigated pursuant to this section for the reasonable cost of that investigation.

5. When a report from the Federal Bureau of Investigation is received by the Central Repository, the Central Repository shall immediately forward a copy of the report to the public institution or agency [.] or the licensing authority, as applicable, for a determination of whether the employee has been convicted of a crime listed in subsection 1.

6. A person who is required to submit to an investigation required pursuant to this section shall not have contact with a child without supervision in a public or private institution or agency to which a juvenile court commits a child, including, without limitation, a facility for the detention of children, before the investigation of the background and personal history of the person has been conducted.

7. The public institution or agency or the licensing authority, as applicable, shall conduct an investigation of each employee of the institution or agency pursuant to this section at least once every 5 years after the initial investigation.

Sec. 13. *1. Upon receiving information from the Central Repository for Nevada Records of Criminal History pursuant to section 12 of this act or evidence from any other source that an employee of a public [or private] institution or agency to which a juvenile court commits a child [,] or the licensing authority of a private institution to which a juvenile court commits a child, including, without limitation, a facility for the detention of children, has been convicted of a crime listed in section 12 of this act [, the] :*

(a) The public institution or agency shall terminate the employment of the employee after allowing the employee time to correct the information as required pursuant to subsection 2 [.] ; or

(b) The licensing authority of the private institution shall inform the private institution of the receipt of the information or evidence, and the institution shall terminate the employment of the employee after allowing the employee time to correct the information as required pursuant to subsection 2.

2. If an employee believes that the information provided to the public institution or agency or the licensing authority by the Central Repository pursuant to [subsection 1] section 12 of this act is incorrect, the employee must inform [the] his or her employing institution or agency immediately. An institution or agency that is so informed shall give the employee a reasonable amount of time of not less than 30 days to correct the information.

3. During the period in which an employee seeks to correct information pursuant to subsection 2, it is within the discretion of the employing institution or agency whether to allow the employee to continue to work for the institution or agency, as applicable, except that the employee shall not have contact with a child in the institution or agency without supervision during such period.

Sec. 14. ***1. Each public ~~[or private]~~ institution or agency to which a juvenile court commits a child ~~[,]~~ and each licensing authority of a private institution to which a juvenile court commits a child, including, without limitation, a facility for the detention of children, and each licensing agency shall maintain accurate records of the information concerning an employee collected pursuant to sections 12 and 13 of this act for the period of the employee's employment with ~~[the]~~ his or her employing institution or agency, including, without limitation:***

(a) A copy of the fingerprints that were submitted to the Central Repository and a copy of the written authorization that was provided by the employee;

(b) Proof that the fingerprints of the employee were submitted to the Central Repository; and

(c) Any other documentation of the information collected pursuant to sections 12 and 13 of this act.

2. The records maintained pursuant to subsection 1 must be:

(a) Maintained for the period of the employee's employment with ~~[the]~~ his or her employing institution or agency; and

(b) Made available for inspection by the Division of Child and Family Services at any reasonable time, and copies thereof must be furnished to the Division upon request.

Sec. 15. NRS 179A.075 is hereby amended to read as follows:

179A.075 1. The Central Repository for Nevada Records of Criminal History is hereby created within the Records and Technology Division of the Department.

2. Each agency of criminal justice and any other agency dealing with crime or delinquency of children shall:

(a) Collect and maintain records, reports and compilations of statistical data required by the Department; and

(b) Submit the information collected to the Central Repository in the manner approved by the Director of the Department.

3. Each agency of criminal justice shall submit the information relating to records of criminal history that it creates or issues, and any information in its possession relating to the genetic markers of a biological specimen of a person who is convicted of an offense listed in subsection 4 of NRS 176.0913, to the Division. The information must be submitted to the Division:

(a) Through an electronic network;

(b) On a medium of magnetic storage; or

(c) In the manner prescribed by the Director of the Department,

➥ within the period prescribed by the Director of the Department. If an agency has submitted a record regarding the arrest of a person who is later determined by the agency not to be the person who committed the particular crime, the agency shall, immediately upon making that determination, so

notify the Division. The Division shall delete all references in the Central Repository relating to that particular arrest.

4. The Division shall, in the manner prescribed by the Director of the Department:

(a) Collect, maintain and arrange all information submitted to it relating to:

(1) Records of criminal history; and

(2) The genetic markers of a biological specimen of a person who is convicted of an offense listed in subsection 4 of NRS 176.0913.

(b) When practicable, use a record of the personal identifying information of a subject as the basis for any records maintained regarding him or her.

(c) Upon request, provide the information that is contained in the Central Repository to the State Disaster Identification Team of the Division of Emergency Management of the Department.

5. The Division may:

(a) Disseminate any information which is contained in the Central Repository to any other agency of criminal justice;

(b) Enter into cooperative agreements with repositories of the United States and other states to facilitate exchanges of information that may be disseminated pursuant to paragraph (a); and

(c) Request of and receive from the Federal Bureau of Investigation information on the background and personal history of any person whose record of fingerprints the Central Repository submits to the Federal Bureau of Investigation and:

(1) Who has applied to any agency of the State of Nevada or any political subdivision thereof for a license which it has the power to grant or deny;

(2) With whom any agency of the State of Nevada or any political subdivision thereof intends to enter into a relationship of employment or a contract for personal services;

(3) Who has applied to any agency of the State of Nevada or any political subdivision thereof to attend an academy for training peace officers approved by the Peace Officers' Standards and Training Commission;

(4) For whom such information is required to be obtained pursuant to NRS ***424.031,*** 427A.735 ***, 432A.170*** and 449.179 ~~[,]~~ ***and sections 12 and 17 of this act;*** or

(5) About whom any agency of the State of Nevada or any political subdivision thereof is authorized by law to have accurate personal information for the protection of the agency or the persons within its jurisdiction.

➥ To request and receive information from the Federal Bureau of Investigation concerning a person pursuant to this subsection, the Central Repository must receive the person's complete set of fingerprints from the agency or political subdivision and submit the fingerprints to the Federal Bureau of Investigation for its report.

6. The Central Repository shall:

(a) Collect and maintain records, reports and compilations of statistical data submitted by any agency pursuant to subsection 2.

(b) Tabulate and analyze all records, reports and compilations of statistical data received pursuant to this section.

(c) Disseminate to federal agencies engaged in the collection of statistical data relating to crime information which is contained in the Central Repository.

(d) Investigate the criminal history of any person who:

(1) Has applied to the Superintendent of Public Instruction for a license;

(2) Has applied to a county school district, charter school or private school for employment; or

(3) Is employed by a county school district, charter school or private school,

➥ and notify the superintendent of each county school district, the governing body of each charter school and the Superintendent of Public Instruction, or the administrator of each private school, as appropriate, if the investigation of the Central Repository indicates that the person has been convicted of a violation of NRS 200.508, 201.230, 453.3385, 453.339 or 453.3395, or convicted of a felony or any offense involving moral turpitude.

(e) Upon discovery, notify the superintendent of each county school district, the governing body of each charter school or the administrator of each private school, as appropriate, by providing the superintendent, governing body or administrator with a list of all persons:

(1) Investigated pursuant to paragraph (d); or

(2) Employed by a county school district, charter school or private school whose fingerprints were sent previously to the Central Repository for investigation,

➥ who the Central Repository's records indicate have been convicted of a violation of NRS 200.508, 201.230, 453.3385, 453.339 or 453.3395, or convicted of a felony or any offense involving moral turpitude since the Central Repository's initial investigation. The superintendent of each county school district, the governing body of a charter school or the administrator of each private school, as applicable, shall determine whether further investigation or action by the district, charter school or private school, as applicable, is appropriate.

(f) Investigate the criminal history of each person who submits fingerprints or has fingerprints submitted pursuant to NRS ***424.031,*** 427A.735, ***432A.170,*** 449.176 or 449.179 ~~[.]~~ ***or sections 12 or 17 of this act.***

(g) On or before July 1 of each year, prepare and present to the Governor a printed annual report containing the statistical data relating to crime received during the preceding calendar year. Additional reports may be presented to the Governor throughout the year regarding specific areas of crime if they are approved by the Director of the Department.

(h) On or before July 1 of each year, prepare and submit to the Director of the Legislative Counsel Bureau for submission to the Legislature, or to the Legislative Commission when the Legislature is not in regular session, a report containing statistical data about domestic violence in this State.

(i) Identify and review the collection and processing of statistical data relating to criminal justice and the delinquency of children by any agency identified in subsection 2 and make recommendations for any necessary changes in the manner of collecting and processing statistical data by any such agency.

7. The Central Repository may:

(a) In the manner prescribed by the Director of the Department, disseminate compilations of statistical data and publish statistical reports relating to crime or the delinquency of children.

(b) Charge a reasonable fee for any publication or special report it distributes relating to data collected pursuant to this section. The Central Repository may not collect such a fee from an agency of criminal justice, any other agency dealing with crime or the delinquency of children which is required to submit information pursuant to subsection 2 or the State Disaster Identification Team of the Division of Emergency Management of the Department. All money collected pursuant to this paragraph must be used to pay for the cost of operating the Central Repository.

(c) In the manner prescribed by the Director of the Department, use electronic means to receive and disseminate information contained in the Central Repository that it is authorized to disseminate pursuant to the provisions of this chapter.

8. As used in this section:

(a) "Personal identifying information" means any information designed, commonly used or capable of being used, alone or in conjunction with any other information, to identify a person, including, without limitation:

(1) The name, driver's license number, social security number, date of birth and photograph or computer-generated image of a person; and

(2) The fingerprints, voiceprint, retina image and iris image of a person.

(b) "Private school" has the meaning ascribed to it in NRS 394.103.

Sec. 16. Chapter 433B of NRS is hereby amended by adding thereto the provisions set forth as sections 17, 18 and 19 of this act.

Sec. 17. ***1. A division facility which provides residential treatment to children shall secure from appropriate law enforcement agencies information on the background and personal history of an employee of the facility to determine whether the employee has been convicted of:***

(a) Murder, voluntary manslaughter or mayhem;

(b) Any other felony involving the use of a firearm or other deadly weapon;

(c) Assault with intent to kill or to commit sexual assault or mayhem;

(d) Sexual assault, statutory sexual seduction, incest, lewdness, indecent exposure or any other sexually related crime;

(e) Abuse or neglect of a child or contributory delinquency;

(f) A violation of any federal or state law regulating the possession, distribution or use of any controlled substance or any dangerous drug as defined in chapter 454 of NRS;

(g) Abuse, neglect, exploitation or isolation of older persons or vulnerable persons, including, without limitation, a violation of any provision of NRS 200.5091 to 200.50995, inclusive, or a law of any other jurisdiction that prohibits the same or similar conduct; or

(h) Any offense involving fraud, theft, embezzlement, burglary, robbery, fraudulent conversion or misappropriation of property within the immediately preceding 7 years.

2. An employee must submit to the Division two complete sets of fingerprints and written authorization to forward those fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.

3. The Division may exchange with the Central Repository or the Federal Bureau of Investigation any information concerning the fingerprints submitted.

4. The Division may charge an employee investigated pursuant to this section for the reasonable cost of that investigation.

5. An employee who is required to submit to an investigation required pursuant to this section shall not have contact with a child in a division facility without supervision before the investigation of the background and personal history of the employee has been conducted.

6. The division facility shall conduct an investigation of each employee pursuant to this section at least once every 5 years after the initial investigation.

Sec. 18. *1. Upon receiving information from the Central Repository for Nevada Records of Criminal History pursuant to section 17 of this act or evidence from any other source that an employee of a division facility that provides residential treatment for children has been convicted of a crime listed in section 17 of this act, the administrative officer shall terminate the employment of the employee after allowing the employee time to correct the information as required pursuant to subsection 2.*

2. If an employee believes that the information provided to the division facility pursuant to subsection 1 is incorrect, the employee must inform the division facility immediately. A division facility that is so informed shall give the employee 30 days to correct the information.

3. During the period in which an employee seeks to correct information pursuant to subsection 2, it is within the discretion of the administrative officer whether to allow the employee to continue to work for the division facility, except that the employee shall not have contact with a child in the division facility without supervision during such period.

Sec. 19. *1. The Division shall maintain accurate records of the information concerning an employee of a division facility collected*

pursuant to sections 17 and 18 of this act for the period of the employee's employment with a division facility, including, without limitation:

(a) A copy of the fingerprints that were submitted to the Central Repository for Nevada Records of Criminal History and a copy of the written authorization that was provided by the employee;

(b) Proof that the fingerprints of the employee were submitted to the Central Repository for submission to the Federal Bureau of Investigation for its report; and

(c) Any other documentation of the information collected pursuant to sections 17 and 18 of this act.

2. The records maintained pursuant to subsection 1 must be maintained for the period of the employee's employment with the division facility.

Sec. 20. NRS 449.173 is hereby amended to read as follows:

449.173 ~~[The]~~

1. Except as otherwise provided in subsection 2, the provisions of NRS 449.176 to 449.188, inclusive, do not apply to any facility for the treatment of abuse of alcohol or drugs.

2. A facility for the treatment of abuse of alcohol or drugs must comply with the requirements of NRS 449.176 to 449.188, inclusive, if the facility for the treatment of abuse of alcohol or drugs provides residential services to children.

Sec. 21. NRS 449.176 is hereby amended to read as follows:

449.176 1. Each applicant for a license to operate a facility for intermediate care, facility for skilled nursing, residential facility for groups, agency to provide personal care services in the home or home for individual residential care ***or, if residential services are provided to children, a medical facility or facility for the treatment of abuse of alcohol or drugs*** shall submit to the Central Repository for Nevada Records of Criminal History two complete sets of fingerprints for submission to the Federal Bureau of Investigation for its report.

2. The Central Repository for Nevada Records of Criminal History shall determine whether the applicant has been convicted of a crime listed in paragraph (a) of subsection 1 of NRS 449.188 and immediately inform the administrator of the facility, agency or home, if any, and the Health Division of whether the applicant has been convicted of such a crime.

3. A person who holds a license to operate an agency, a facility or a home which provides residential services to children shall submit to the Central Repository for Nevada Records of Criminal History two complete sets of fingerprints for a report required by this section at least once every 5 years after the initial investigation.

Sec. 22. NRS 449.179 is hereby amended to read as follows:

449.179 1. Except as otherwise provided in subsection 2, within 10 days after hiring an employee or entering into a contract with an independent contractor, the administrator of, or the person licensed to operate, an agency

to provide personal care services in the home, an agency to provide nursing in the home, a facility for intermediate care, a facility for skilled nursing, a residential facility for groups or a home for individual residential care ***or, if residential services are provided to children, a medical facility or a facility for the treatment of abuse of alcohol or drugs*** shall:

(a) Obtain a written statement from the employee or independent contractor stating whether he or she has been convicted of any crime listed in NRS 449.188;

(b) Obtain an oral and written confirmation of the information contained in the written statement obtained pursuant to paragraph (a);

(c) Obtain from the employee or independent contractor two sets of fingerprints and a written authorization to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report; and

(d) Submit to the Central Repository for Nevada Records of Criminal History the fingerprints obtained pursuant to paragraph (c) ~~[.]~~ ***to obtain information on the background and personal history of each employee or independent contractor to determine whether the person has been convicted of any crime listed in NRS 449.188.***

2. The administrator of, or the person licensed to operate, an agency to provide personal care services in the home, an agency to provide nursing in the home, a facility for intermediate care, a facility for skilled nursing, a residential facility for groups or a home for individual residential care ***or, if residential services are provided to children, a medical facility or a facility for the treatment of abuse of alcohol or drugs*** is not required to obtain the information described in subsection 1 from an employee or independent contractor who provides proof that an investigation of his or her ~~[criminal]~~ ***background and personal*** history has been conducted by the Central Repository for Nevada Records of Criminal History within the immediately preceding 6 months and the investigation did not indicate that the employee or independent contractor had been convicted of any crime set forth in NRS 449.188.

3. The administrator of, or the person licensed to operate, an agency to provide personal care services in the home, an agency to provide nursing in the home, a facility for intermediate care, a facility for skilled nursing, a residential facility for groups or a home for individual residential care ***or, if residential services are provided to children, a medical facility or a facility for the treatment of abuse of alcohol or drugs*** shall ensure that the ~~[criminal]~~ ***information concerning the background and personal*** history of each employee or independent contractor who works at the agency or facility ~~[is investigated at]~~ ***:***

(a) Is completed as soon as practicable, and if residential services are provided to children, before the employee or independent contractor provides any care or services to a child in the agency, facility or home without supervision; and

(b) At least once every 5 years ~~[.]~~ ***thereafter.***

4. The administrator or person shall:

(a) If the agency, facility or home does not have the fingerprints of the employee or independent contractor on file, obtain two sets of fingerprints from the employee or independent contractor;

(b) Obtain written authorization from the employee or independent contractor to forward the fingerprints on file or obtained pursuant to paragraph (a) to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report; and

(c) Submit the fingerprints to the Central Repository for Nevada Records of Criminal History.

~~[4.]~~ ***5.*** Upon receiving fingerprints submitted pursuant to this section, the Central Repository for Nevada Records of Criminal History shall determine whether the employee or independent contractor has been convicted of a crime listed in NRS 449.188 and immediately inform the Health Division and the administrator of, or the person licensed to operate, the agency, facility or home at which the person works whether the employee or independent contractor has been convicted of such a crime.

~~[5.]~~ ***6.*** The Central Repository for Nevada Records of Criminal History may impose a fee upon an agency, a facility or a home that submits fingerprints pursuant to this section for the reasonable cost of the investigation. The agency, facility or home may recover from the employee or independent contractor not more than one-half of the fee imposed by the Central Repository. If the agency, facility or home requires the employee or independent contractor to pay for any part of the fee imposed by the Central Repository, it shall allow the employee or independent contractor to pay the amount through periodic payments.

Sec. 23. NRS 449.182 is hereby amended to read as follows:

449.182 ***1.*** Each agency to provide personal care services in the home, agency to provide nursing in the home, facility for intermediate care, facility for skilled nursing, residential facility for groups and home for individual residential care ***and, if residential services are provided to children, a medical facility and facility for the treatment of abuse of alcohol or drugs*** shall maintain ~~[accurate]~~ records of the information concerning its employees and independent contractors collected pursuant to NRS 449.179 ~~[and shall maintain a]~~ ***, including, without limitation:***

(a) A copy of the fingerprints ***that were*** submitted to the Central Repository for Nevada Records of Criminal History ~~[and proof]~~ ***and a copy of the written authorization that was provided by the employee;***

(b) Proof that ~~[it submitted two sets of]~~ ***the*** fingerprints ***of the employee were submitted*** to the Central Repository ~~[for its report. These]~~ ***; and***

(c) Any other documentation of the information collected pursuant to NRS 449.179.

2. The records ***maintained pursuant to subsection 1*** must be ~~[made]~~ ***:***

(a) Maintained for the period of the employee's employment with the agency, facility or home; and

(b) Made available for inspection by the Health Division at any reasonable time, and copies thereof must be furnished to the Health Division upon request.

Sec. 24. NRS 449.185 is hereby amended to read as follows:

449.185 1. Upon receiving information from the Central Repository for Nevada Records of Criminal History pursuant to NRS 449.179, or evidence from any other source, that an employee or independent contractor of an agency to provide personal care services in the home, an agency to provide nursing in the home, a facility for intermediate care, a facility for skilled nursing, a residential facility for groups or home for individual residential care ***or, if residential services are provided to children, a medical facility or facility for the treatment of abuse of alcohol or drugs*** has been convicted of a crime listed in paragraph (a) of subsection 1 of NRS 449.188, the administrator of, or the person licensed to operate, the agency, facility or home shall terminate the employment or contract of that person after allowing him or her time to correct the information as required pursuant to subsection 2.

2. If an employee or independent contractor believes that the information provided by the Central Repository is incorrect, the employee or independent contractor may immediately inform the agency, facility or home. An agency, facility or home that is so informed shall give the employee or independent contractor a reasonable amount of time of not less than 30 days to correct the information received from the Central Repository before terminating the employment or contract of the person pursuant to subsection 1.

3. An agency, facility or home that has complied with NRS 449.179 may not be held civilly or criminally liable based solely upon the ground that the agency, facility or home allowed an employee or independent contractor to work:

(a) Before it received the information concerning the employee or independent contractor from the Central Repository ~~[.]~~ ***, except that an employee or independent contractor shall not have contact with a child without supervision before such information is received;***

(b) During ~~[any]~~ ***the*** period required pursuant to subsection 2 to allow the employee or independent contractor to correct that information ~~[.]~~ ***, except that an employee or independent contractor shall not have contact with a child without supervision during such period;***

(c) Based on the information received from the Central Repository, if the information received from the Central Repository was inaccurate; or

(d) Any combination thereof.

➥ An agency, facility or home may be held liable for any other conduct determined to be negligent or unlawful.

Sec. 25. A person who is required to submit to an investigation of his or her background and personal history pursuant to NRS 424.031, as amended

by section 4 of this act, NRS 432A.170, as amended by section 8 of this act, NRS 449.176, as amended by section 21 of this act or NRS 449.179, as amended by section 22 of this act or section 12 or 17 of this act shall submit the documentation and fingerprints required to conduct such an investigation in accordance with the amendatory provisions of this act on or before October 1, 2011, and may have contact with a child without supervision pending the results of the investigation.

Sec. 26. This act becomes effective upon passage and approval for the purpose of conducting investigations pursuant to section 25 of this act and on October 1, 2011, for all other purposes.

Assemblywoman Pierce moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Mastroluca moved that upon return from the printer, Assembly Bill No. 536 be rereferred to the Committee on Ways and Means.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 542.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 439.

SUMMARY—Provides for the licensing and operation of **craft** distilleries in Nevada. (BDR 52-649)

AN ACT relating to alcoholic beverages; providing for the licensing and operation of **craft** distilleries in this State; setting forth the conditions under which spirits manufactured at such **craft** distilleries may be sold; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the operation of brew pubs and instructional wine-making facilities. (NRS 597.230, 597.245) Under existing law, facilities such as brew pubs and instructional wine-making facilities must be licensed, a fee is imposed for the license, and a person who engages in business in this State without having the appropriate permit or license for the business is guilty of a misdemeanor. (NRS 360.490, 369.180, 369.300)

This bill: (1) authorizes the operation of **craft** distilleries in Nevada; (2) sets forth the permissible scope of operation for those **craft** distilleries; (3) requires that the **craft** distilleries be licensed; and (4) imposes a licensing fee of $75.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 597 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A person may operate a craft distillery if the person:

(a) Obtains a license for the facility pursuant to chapter 369 of NRS;

(b) Complies with the requirements of this section; and

(c) Complies with any other applicable governmental requirements.

2. A person who operates a craft distillery pursuant to this section may:

(a) Manufacture spirits from agricultural raw materials through the process of distillation and ~~[rectify,]~~ blend, age, store and bottle the spirits so manufactured. The person operating the craft distillery shall ensure that:

(1) ~~[At least 50 percent of the agricultural raw materials used to manufacture the spirits are grown in this State;~~

~~(2)]~~ Not more than 10 percent of the spirits manufactured ~~[or rectified]~~ at the craft distillery are derived from neutral spirits manufactured by another distiller; and

~~[(3)]~~ (2) The craft distillery does not manufacture more than 10,000 cases of spirits in any calendar year.

(b) Sell and transport the spirits manufactured at the craft distillery to a person who holds a valid license to engage in business as a wholesale dealer of liquor.

(c) Export the spirits manufactured at the craft distillery to another state.

(d) On the premises of the craft distillery, serve samples of the spirits manufactured at the craft distillery. Any such samples must not exceed, per person, per day, 1 fluid ounce in volume of each type of spirit manufactured at the craft distillery.

(e) On the premises of the craft distillery, sell the spirits manufactured at the craft distillery at retail for consumption off premises. Any such spirits sold at retail for off-premises consumption must not exceed, per person, per day, 1.75 liters in volume of each type of spirit manufactured at the craft distillery.

~~[~~ ~~*(f) At one location not on the premises of the distillery:*~~

~~*(1) Serve the spirits manufactured at the distillery for consumption by the glass.*~~

~~*(2) Sell the spirits manufactured at the distillery at retail for consumption off premises. Any such spirits sold at retail for off-premises consumption must not exceed, per person, per day, 1.75 liters in volume of each type of spirit manufactured at the distillery.*~~

~~*(g) Within or without the boundaries of this State:*~~

~~*(1) Manufacture spirits under contract for another person or entity.*~~

~~*(2) Sell spirits manufactured under contract to a person who holds a valid and adequate license to engage in such activity. Spirits sold in accordance with this subparagraph may be sold in bulk, by the barrel or by the bottle.*~~

~~*(h) Charge a fee to other persons of legal age for the purpose of providing those persons with instruction and the opportunity to participate directly in the process of making whiskey on the premises of the distillery. The whiskey so made:*~~

~~*(1) Must not exceed, in volume:*~~

~~*(I) One 53-gallon barrel, per person, per year, for each person receiving such instruction.*~~

~~*(II) Two hundred 53-gallon barrels per year, for the distillery at which the instruction is provided.*~~

~~*(2) May be sold only to a person of legal age who has participated directly in the process of making whiskey on the premises of the distillery for the person's own household or personal use. That person may not sell the whiskey but may distribute the whiskey to any other person of legal age as a gift.]*~~ ***Spirits purchased on the premises of a craft distillery may not be resold by the purchaser or any retail liquor store.***

3. As used in this section:

(a) "Case of spirits" means 12 bottles each containing 750 milliliters of distilled spirits.

(b) "Distillation" means the process of producing or purifying spirituous liquor by successive evaporation and condensation.

~~*[(c) "Rectify" means to purify spirituous liquor by repeated or fractional distillation.]*~~

Sec. 2. NRS 597.200 is hereby amended to read as follows:

597.200 As used in NRS 597.190 to 597.250, inclusive, ***and section 1 of this act,*** unless the context otherwise requires:

1. "Alcoholic beverage" means any malt beverage or spirituous, vinous or malt liquor which contains 1 percent or more ethyl alcohol by volume.

2. "Brew pub" means an establishment which manufactures malt beverages and sells those malt beverages at retail pursuant to the provisions of NRS 597.230.

3. ~~*[*"Distillery"*]*~~ ***"Craft distillery" means an establishment which manufactures distilled spirits and is authorized to sell and distribute those distilled spirits pursuant to the provisions of section 1 of this act.***

4. **"**Engage in" includes participation in a business as an owner or partner, or through a subsidiary, affiliate, ownership equity or in any other manner.

~~**[**4.**]**~~ ***5.*** "Instructional wine-making facility" means an instructional wine-making facility operated pursuant to NRS 597.245.

~~**[**5.**]**~~ ***6.*** "Legal age" means the age at which a person is legally permitted to purchase an alcoholic beverage pursuant to NRS 202.020.

~~**[**6.**]**~~ ***7.*** "Malt beverage" means beer, ale, porter, stout and other similar fermented beverages of any name or description, brewed or produced from malt, wholly or in part.

~~**[**7.**]**~~ ***8.*** "Supplier" has the meaning ascribed to it in NRS 597.140.

~~**[**8.**]**~~ ***9.*** "Wine" has the meaning ascribed to it in NRS 369.140.

Sec. 3. NRS 597.210 is hereby amended to read as follows:

597.210 1. Except as otherwise provided in NRS 597.240 ~~[,]~~ ***and section 1 of this act,*** a person engaged in business as a supplier or engaged in the business of manufacturing, blending or bottling alcoholic beverages within or without this State shall not engage in the business of importing, wholesaling or retailing alcoholic beverages.

2. This section does not:

(a) Preclude any person engaged in the business of importing, wholesaling or retailing alcoholic beverages from owning less than 2 percent of the outstanding ownership equity in any organization which manufactures, blends or bottles alcoholic beverages.

(b) Prohibit a person engaged in the business of rectifying or bottling alcoholic beverages from importing neutral or distilled spirits in bulk only for the express purpose of rectification pursuant to NRS 369.415.

(c) Prohibit a person from operating a brew pub pursuant to NRS 597.230.

(d) Prohibit a person from operating an instructional wine-making facility pursuant to NRS 597.245.

(e) Prohibit a person from operating a craft distillery pursuant to section 1 of this act.

Sec. 4. NRS 597.220 is hereby amended to read as follows:

597.220 1. ~~[Any]~~ ***Except as otherwise provided in section 1 of this act, a*** person who is engaged in the business of importing or wholesaling alcoholic beverages in the State of Nevada shall not engage in the business of retailing alcoholic beverages in this state.

2. For the purposes of this section, a person who transfers or receives alcoholic beverages in the manner described in NRS 369.4865 must not be considered to be engaged in the business of wholesaling alcoholic beverages based solely upon those transfers.

Sec. 5. NRS 597.250 is hereby amended to read as follows:

597.250 The license of any person who violates the provisions of NRS 597.210, 597.220, 597.230 **,** ~~[or]~~ 597.245 ***or section 1 of this act*** must be suspended or revoked in the manner provided in chapter 369 of NRS.

Sec. 6. Chapter 369 of NRS is hereby amended by adding thereto a new section to read as follows:

As used in this chapter, ~~[“]~~ “craft distillery” has the meaning ascribed to it in NRS 597.200.

Sec. 7. NRS 369.180 is hereby amended to read as follows:

369.180 1. In addition to the limitations imposed by NRS 597.210 and 597.220, a person shall not:

(a) Import liquors into this State unless the person first secures an importer’s license or permit from this State.

(b) Engage in business as a wholesale dealer of wines and liquors in this State unless the person first secures a wholesale wine and liquor dealer’s license from this State.

(c) Engage in business as a wholesale dealer of beer in this State unless the person first secures a wholesale beer dealer's license from this State.

(d) Operate a winery in this State or export wine from this State unless the person first secures a wine-maker's license from this State.

(e) Operate an instructional wine-making facility in this State unless the person first secures a license for the instructional wine-making facility from this State.

(f) Operate a brewery in this State unless the person first secures a brewer's license from this State.

(g) Operate a brew pub in this State unless the person first secures a brew pub's license from this State.

(h) Operate a craft distillery in this State unless the person first secures a craft distiller's license from this State.

2. A person who holds a license for an instructional wine-making facility:

(a) May engage in any activity authorized by NRS 597.245.

(b) May not engage in any other activity for which a license is required pursuant to this chapter, unless the person holds the appropriate license for that activity.

3. ***A person who holds a license for a craft distillery:***

(a) May engage in any activity authorized by section 1 of this act.

(b) May not engage in any other activity for which a license is required pursuant to this chapter, unless the person holds the appropriate license for that activity.

4. As used in this section:

(a) "Brew pub" has the meaning ascribed to it in NRS 597.200.

(b) "Brewery" means an establishment which manufactures malt beverages but does not sell those malt beverages at retail.

(c) "Malt beverage" has the meaning ascribed to it in NRS 597.200.

Sec. 8. NRS 369.300 is hereby amended to read as follows:

369.300 The following is a schedule of fees to be charged for licenses:

Importer's wine, beer and liquor license	$500
Importer's beer license	150
Wholesale wine, beer and liquor license	250
Wholesale beer dealer's license	75
Wine-maker's license	75
License for an instructional wine-making facility	75
Brew pub's license	75
Brewer's license	75
~~*[Distiller's]*~~ ***Craft distiller's license***	***75***

Sec. 9. ~~[NRS 369.345 is hereby amended to read as follows:~~

~~369.345 1. No excise tax may be imposed upon wine produced on the premises of an instructional wine-making facility if the wine is used, consumed or disposed of on the premises of the facility or distributed to~~

~~persons for household or personal use in the manner authorized by NRS 597.245.~~

~~2. *No excise tax may be imposed upon whiskey produced on the premises of a distillery if the whiskey is used, consumed or disposed of on the premises of the facility or distributed to persons for household or personal use in the manner authorized by section 1 of this act.*~~

~~*3.* If a person pays the tax on any wine *or whiskey* which is exempt from the tax pursuant to this section, the person may obtain a credit or refund with respect to the tax so paid in the manner provided by the Department.]~~ **(Deleted by amendment.)**

Sec. 9.5. **NRS 369.382 is hereby amended to read as follows:**

369.382 Except as otherwise provided in NRS 369.386 and 369.415, ***and section 1 of this act,*** a supplier shall not engage in the business of importing, wholesaling or retailing alcoholic beverages in this State.

Sec. 10. ~~[NRS 369.490 is hereby amended to read as follows:~~

~~369.490 1. Except as otherwise provided in subsection 2, a person shall not directly or indirectly, himself or herself or by his or her clerk, agent or employee, offer, keep or possess for sale, furnish or sell, or solicit the purchase or sale of any liquor in this State, or transport or import or cause to be transported or imported any liquor in or into this State for delivery, storage, use or sale therein, unless the person:~~

~~(a) Has complied fully with the provisions of this chapter; and~~

~~(b) Holds an appropriate, valid license, permit or certificate issued by the Department.~~

~~2. Except as otherwise provided in subsection 3, the provisions of this chapter do not apply to a person:~~

~~(a) Entering this State with a quantity of alcoholic beverage for household or personal use which is exempt from federal import duty;~~

~~(b) Who imports 1 gallon or less of alcoholic beverage per month from another state for his or her own household or personal use;~~

~~(c) Who:~~

~~(1) Is a resident of this State;~~

~~(2) Is 21 years of age or older; and~~

~~(3) Imports 12 cases or less of wine per year for his or her own household or personal use; [or]~~

~~(d) Who is lawfully in possession of wine produced on the premises of an instructional wine making facility for his or her own household or personal use and who is acting in a manner authorized by NRS 597.245 [.]~~ ***; or***

(e) Who is lawfully in possession of whiskey produced on the premises of a distillery in the course of participating directly in the process of making whiskey for his or her own personal use and who is acting in a manner authorized by paragraph (h) of subsection 2 of section 1 of this act.

~~3. The provisions of subsection 2 do not apply to a supplier, wholesaler or retailer while he or she is acting in his or her professional capacity.~~

~~4. A person who accepts liquor shipped into this State pursuant to paragraph (b) or (c) of subsection 2 must be 21 years of age or older.~~**] (Deleted by amendment.)**

Sec. 11. This act becomes effective upon passage and approval.

Assemblywoman Benitez-Thompson moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 74.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 442.

AN ACT relating to insurance; requiring the Commissioner of Insurance to adopt regulations relating to electronic signatures, records and payments; revising provisions relating to the external review of adverse determinations **of health carriers; [**~~by enacting the National Association of Insurance Commissioners' Uniform Health Carrier External Review Model Act;~~**]** clarifying the circumstances under which an actuary is not liable for damages with respect to the actuary's opinion; authorizing the electronic transmission of fingerprints with an application for a license; revising provisions relating to the licensing of adjusters; revising provisions relating to surplus lines insurance; revising provisions relating to the use of credit information; requiring that certain policies of group insurance be filed with and approved by the Commissioner; revising provisions relating to annuities, pure endowment contracts and policies of life insurance; revising provisions relating to evidence of insurance for motor vehicles; revising provisions relating to disciplinary action by the Commissioner; revising and clarifying provisions relating to employee leasing companies; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides a set of procedures for the external review of an adverse determination by a managed care organization. (NRS 695G.241-695G.310) **Sections 2, 3, 8, 9, [**~~71-118,~~**] 79-118.8, 123-127 and 129-131** of this bill **amend the external review process to comply with the federal Patient Protection and Affordable Care Act (Public Law 111–148) and** enact **[**~~the National Association of Insurance Commissioner's Uniform Health Carrier External Review Model Act and revise various provisions of existing law to conform with the Model Act.~~**] other related provisions necessary to comply with the minimum standards prescribed by federal law.**

Existing law limits the liability of a qualified actuary for damages relating to the actuary's opinion regarding an insurer who offers life insurance. (NRS 681B.250) **Section 6** of this bill clarifies that this limitation of liability

applies not only for life insurance but for any opinion an actuary issues pursuant to chapter 681B of NRS or any regulations adopted thereto.

Existing law requires the Commissioner of Insurance to adopt regulations governing the use of certain electronic methods relating to insurance. (NRS 679B.136, 685A.210) **Sections 1 and 29** of this bill expand the electronic methods that the Commissioner can allow the use of for insurance transactions. Additionally, **sections 10, 11, 20, 44-47 and 122** of this bill allow for the fingerprints required to be submitted with an application for a license pursuant to the Nevada Insurance Code to be submitted electronically.

Existing law requires an applicant for a license as an insurance adjuster to be a resident of this State with certain exceptions. (NRS 684A.070) On December 9, 2009, the United States District Court for the District of Nevada held that the residency requirement to obtain a license as an insurance adjuster violates the Privileges and Immunities Clause of the United States Constitution. (*Reitz v. Kipper*, 674 F.Supp.2d 1194 (D. Nev. 2009)) **Sections 15-26** of this bill revise provisions relating to the licensing of insurance adjusters to remove the residency requirement. **Sections 15-26** also require that an applicant either pass an examination in this State before receiving a license as an insurance adjuster or, if not a resident of this State, be currently licensed in a state that requires an examination before licensure.

Existing law governs trade practices and frauds relating to the insurance business and gives the Commissioner exclusive jurisdiction to regulate trade practices in the insurance business. (Chapter 686A of NRS) **Section 30** of this bill requires an insurer that uses credit information to provide reasonable exceptions to their rates in certain circumstances.

Under existing law, an insurer may not market certain insurance products without first filing the product with the Commissioner and receiving the Commissioner's approval. (NRS 687B.120) **Section 35** of this bill also requires any group insurance policies to be issued pursuant to NRS 688B.030 or 689B.026 to be filed with and approved by the Commissioner before being marketed.

Under existing law, an employee leasing company is deemed to be the employer of its leased employees for the purposes of sponsoring and maintaining any benefit plans. (NRS 616B.691) In 2007, this section was amended to clarify that such a company is also deemed to be the employer for the purposes of the Employee Retirement Income Security Act of 1974 (ERISA). (Chapter 536, Statutes of Nevada 2007, p. 3339) On August 6, 2010, the United States District Court for the District of Nevada held that NRS 616B.691 was preempted by federal law to the extent that it declares the status of any benefit plans for purposes of ERISA. (*Payroll Solutions Group, Ltd. v. Nevada*, No. 02-CV-06-00927-JCM-RJJ (D. Nev. Aug. 6, 2010)) **Section 128** of this bill reverses the changes made to NRS 616B.691 during the 2007 Legislative Session. In addition, **section 128** clarifies that the provisions of subsection 1 of that section apply only for the purposes of

chapters 612 and 616A-617 of NRS. **Section 128** also clarifies that the provisions of subsection 2 of that section do not affect the existing employer-employee relationship between a leased employee and a client company.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 679B.136 is hereby amended to read as follows:

679B.136 1. The Commissioner shall adopt regulations governing:

(a) The use of electronic signatures, and the acceptance and transmission of electronic records **[**~~, in~~**]** ***and payments, including transactions involving claims and other*** transactions relating to insurance; and

(b) The electronic filing of forms and payment of fees, and the storage and reproduction of records, filed with the Division.

2. As used in this section:

(a) "Electronic" means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic or similar capabilities.

(b) "Electronic record" means a record created, generated, sent, communicated, received or stored by electronic means.

(c) "Electronic signature" means an electronic sound, symbol or process attached to or logically associated with a record and executed or adopted by a person with the intent to sign the record.

(d) "Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

(e) "Transaction" means an action or set of actions occurring between two or more persons relating to the transaction of business, commercial or governmental affairs.

Sec. 2. NRS 679B.240 is hereby amended to read as follows:

679B.240 To ascertain compliance with law, or relationships and transactions between any person and any insurer or proposed insurer, the Commissioner may, as often as he or she deems advisable, examine the accounts, records, documents and transactions relating to such compliance or relationships of:

1. Any insurance agent, solicitor, broker, surplus lines broker, general agent, adjuster, insurer representative, bail agent, motor club agent or any other licensee or any other person the Commissioner has reason to believe may be acting as or holding himself or herself out as any of the foregoing.

2. Any person having a contract under which the person enjoys in fact the exclusive or dominant right to manage or control an insurer.

3. Any insurance holding company or other person holding the shares of voting stock or the proxies of policyholders of a domestic insurer, to control the management thereof, as voting trustee or otherwise.

4. Any subsidiary of the insurer.

5. Any person engaged in this state in, or proposing to be engaged in this state in, or holding himself or herself out in this state as so engaging or

proposing, or in this state assisting in, the promotion, formation or financing of an insurer or insurance holding corporation, or corporation or other group to finance an insurer or the production of its business.

6. Any ~~[external]~~ ***independent*** review organization, as defined in NRS 695G.018.

Sec. 3. NRS 680C.110 is hereby amended to read as follows:

680C.110 1. In addition to any other fee or charge, the Commissioner shall collect in advance and receipt for, and persons so served must pay to the Commissioner, the fees required by this section.

2. A fee required by this section must be:

(a) If an initial fee, paid at the time of an initial application or issuance of a license, as applicable;

(b) If an annual fee, paid on or before March 1 of every year;

(c) If a triennial fee, paid on or before the time of continuation, renewal or other similar action in regard to a certificate, license, permit or other type of authorization, as applicable; and

(d) Deposited in the Fund for Insurance Administration and Enforcement created by NRS 680C.100.

3. The fees required pursuant to this section are not refundable.

4. The following fees must be paid by the following persons to the Commissioner:

(a) Associations of self-insured private employers, as defined in NRS 616A.050:

(1) Initial fee $1,300

(2) Annual fee $1,300

(b) Associations of self-insured public employers, as defined in NRS 616A.055:

(1) Initial fee $1,300

(2) Annual fee $1,300

(c) ~~[External]~~ ***Independent*** review organizations, as provided for in NRS 616A.469 or ~~[683A.371,]~~ ***section 8 of this act,*** or both:

(1) Initial fee $60

(2) Annual fee $60

(d) Insurers not otherwise provided for in this subsection:

(1) Initial fee $1,300

(2) Annual fee $1,300

(e) Producers of insurance, as defined in NRS 679A.117:

(1) Initial fee $60

(2) Triennial fee $60

(f) Accredited reinsurers, as provided for in NRS 681A.160:

(1) Initial fee $1,300

(2) Annual fee $1,300

(g) Intermediaries, as defined in NRS 681A.330:

(1) Initial fee $60

(2) Triennial fee $60

(h) Reinsurers, as defined in NRS 681A.370:
(1) Initial fee $1,300
(2) Annual fee $1,300
(i) Administrators, as defined in NRS 683A.025:
(1) Initial fee $60
(2) Triennial fee $60
(j) Managing general agents, as defined in NRS 683A.060:
(1) Initial fee $60
(2) Triennial fee $60
(k) Agents who perform utilization reviews, as defined in NRS 683A.376:
(1) Initial fee $60
(2) Annual fee $60
(l) Insurance consultants, as defined in NRS 683C.010:
(1) Initial fee $60
(2) Triennial fee $60
(m) Independent adjusters, as defined in NRS 684A.030:
(1) Initial fee $60
(2) Triennial fee $60
(n) Public adjusters, as defined in NRS 684A.030:
(1) Initial fee
(2) Triennial fee $60
(o) Associate adjusters, as defined in NRS 684A.030:
(1) Initial fee $60
(2) Triennial fee $60
(p) Motor vehicle physical damage appraisers, as defined in NRS 684B.010:
(1) Initial fee $60
(2) Triennial fee $60
(q) Brokers, as defined in NRS 685A.030:
(1) Initial fee $60
(2) Triennial fee $60
(r) Eligible surplus line insurers, as provided for in NRS 685A.070:
(1) Initial fee $1,300
(2) Annual fee $1,300
(s) Companies, as defined in NRS 686A.330:
(1) Initial fee $1,300
(2) Annual fee $1,300
(t) Rate service organizations, as defined in NRS 686B.020:
(1) Initial fee $1,300
(2) Annual fee $1,300
(u) Brokers of viatical settlements, as defined in NRS 688C.030:
(1) Initial fee $60
(2) Annual fee $60
(v) Providers of viatical settlements, as defined in NRS 688C.080:

(1) Initial fee $60
(2) Annual fee $60
(w) Agents for prepaid burial contracts subject to the provisions of chapter 689 of NRS:
(1) Initial fee $60
(2) Triennial fee $60
(x) Agents for prepaid funeral contracts subject to the provisions of chapter 689 of NRS:
(1) Initial fee $60
(2) Triennial fee $60
(y) Sellers of prepaid burial contracts subject to the provisions of chapter 689 of NRS:
(1) Initial fee $60
(2) Triennial fee $60
(z) Sellers of prepaid funeral contracts subject to the provisions of chapter 689 of NRS:
(1) Initial fee $60
(2) Triennial fee $60
(aa) Providers, as defined in NRS 690C.070:
(1) Initial fee $1,300
(2) Annual fee $1,300
(bb) Escrow officers, as defined in NRS 692A.028:
(1) Initial fee $60
(2) Triennial fee $60
(cc) Title agents, as defined in NRS 692A.060:
(1) Initial fee $60
(2) Triennial fee..... $60
(dd) Captive insurers, as defined in NRS 694C.060:
(1) Initial fee $250
(2) Annual fee $250
(ee) Fraternal benefit societies, as defined in NRS 695A.010:
(1) Initial fee $1,300
(2) Annual fee $1,300
(ff) Insurance agents for societies, as provided for in NRS 695A.330:
(1) Initial fee $60
(2) Triennial fee $60
(gg) Corporations subject to the provisions of chapter 695B of NRS:
(1) Initial fee $1,300
(2) Annual fee $1,300
(hh) Health maintenance organizations, as defined in NRS 695C.030:
(1) Initial fee $1,300
(2) Annual fee $1,300
(ii) Organizations for dental care, as defined in NRS 695D.060:

(1) Initial fee $1,300
(2) Annual fee $1,300
(jj) Purchasing groups, as defined in NRS 695E.100:
(1) Initial fee $250
(2) Annual fee $250
(kk) Risk retention groups, as defined in NRS 695E.110:
(1) Initial fee $250
(2) Annual fee $250
(ll) Prepaid limited health service organizations, as defined in NRS 695F.050:
(1) Initial fee $1,300
(2) Annual fee $1,300
(mm) Medical discount plans, as defined in NRS 695H.050:
(1) Initial fee $1,300
(2) Annual fee $1,300
(nn) Club agents, as defined in NRS 696A.040:
(1) Initial fee $60
(2) Triennial fee $60
(oo) Motor clubs, as defined in NRS 696A.050:
(1) Initial fee $1,300
(2) Annual fee $1,300
(pp) Bail agents, as defined in NRS 697.040:
(1) Initial fee $60
(2) Triennial fee $60
(qq) Bail enforcement agents, as defined in NRS 697.055:
(1) Initial fee $60
(2) Triennial fee $60
(rr) Bail solicitors, as defined in NRS 697.060:
(1) Initial fee $60
(2) Triennial fee $60
(ss) General agents, as defined in NRS 697.070:
(1) Initial fee $60
(2) Triennial fee $60

Sec. 3.5. **NRS 681A.022 is hereby amended to read as follows:**

681A.022 "Continuous care coverage" is the issuance of a policy of insurance for workers' compensation, as described in paragraph (c) of subsection 1 of NRS 681A.020, issued jointly with and supplemental to a policy for health insurance, as defined in NRS 681A.030, by one or more insurers covering the same **[**~~individual~~**]** ***employer*** for the same policy period.

Sec. 4. NRS 681A.040 is hereby amended to read as follows:

681A.040 ***1.*** **"**Life insurance" is insurance on human lives. The transaction of life insurance includes the granting of endowment benefits, additional incidental benefits in the event of death or dismemberment by accident or accidental means, additional incidental benefits in the event of the insured's disability, optional modes of settlement of proceeds of life

insurance, and provisions operating to safeguard contracts of life insurance against lapse.

2. The term includes a policy of life insurance which incorporates long-term care insurance if the policy of life insurance may incorporate the long-term care insurance pursuant to section 36 of this act.

Sec. 5. NRS 681B.200 is hereby amended to read as follows:

681B.200 As used in NRS 681B.200 to 681B.260, inclusive, "qualified actuary" means **[**~~a member in good standing of the American Academy of Actuaries, or a successor organization approved by the Commissioner who meets the requirements set forth in the organization's regulations.~~**]** ***a person who is qualified to sign the applicable statement of actuarial opinion in accordance with the qualification standards set by the American Academy of Actuaries for an actuary signing such a statement.***

Sec. 5.5. **NRS 681B.210 is hereby amended to read as follows:**

681B.210 Every insurer **[**~~offering life insurance~~**]** doing business in this state shall annually submit the opinion of a qualified actuary as to whether the reserves and related actuarial items held in support of the policies and contracts specified by the Commissioner by regulation are computed appropriately, are based on assumptions which satisfy contractual provisions, are consistent with prior reported amounts, and comply with applicable laws of this state. The Commissioner by regulation may further define or enlarge the scope of this opinion.

Sec. 6. NRS 681B.250 is hereby amended to read as follows:

681B.250 1. Except in a case of fraud or willful misconduct, a qualified actuary ***who is appointed by an insurer to issue an opinion pursuant to this chapter or any regulation adopted pursuant thereto*** is not liable for damages to any person other than an affected insurer or the Commissioner for any act, error, omission, decision or conduct with respect to the actuary's opinion.

2. Disciplinary action by the Commissioner against an actuary must be prescribed by regulation by the Commissioner.

Sec. 7. Chapter 683A of NRS is hereby amended by adding thereto the provisions set forth as sections 8 and 9 of this act.

Sec. 8. ***1. An independent review organization must be approved by the Commissioner to be eligible to be assigned to conduct external reviews.***

2. In order to be eligible for approval or reapproval by the Commissioner to conduct external reviews, an independent review organization:

(a) Except as otherwise provided in this section, must be accredited by a nationally recognized private accrediting entity which the Commissioner has determined has standards for the accreditation of independent review organizations that are equivalent to or exceed the minimum qualifications for independent review organizations established under section 9 of this act; and

(b) Must submit an application in accordance with subsection 4.

3. The Commissioner shall develop an application form for the initial approval and reapproval of an independent review organization to conduct external reviews.

4. An independent review organization wishing to be approved or reapproved to conduct external reviews must submit the application form and include with the form all documentation and information necessary for the Commissioner to determine if the independent review organization satisfies the minimum qualifications established under section 9 of this act.

5. The Commissioner may approve an independent review organization that is not accredited by a nationally recognized private accrediting entity if there are no acceptable nationally recognized private accrediting entities providing accreditation of independent review organizations.

6. The Commissioner may charge any applicable fee which an independent review organization must submit to the Commissioner with its application for initial approval or reapproval.

7. An approval or reapproval is effective for 2 years unless the Commissioner determines before its expiration that the independent review organization does not satisfy the minimum qualifications established under section 9 of this act.

8. Whenever the Commissioner determines that an independent review organization has lost its accreditation or no longer satisfies the minimum requirements established under section 9 of this act, the Commissioner shall terminate the approval of the independent review organization and remove the independent review organization from the list of independent review organizations approved to conduct external reviews that is maintained by the Commissioner pursuant to subsection 9.

9. The Commissioner shall maintain and periodically update a list of approved independent review organizations.

10. The Commissioner may adopt regulations to carry out the provisions of this section.

11. As used in this section, "independent review organization" has the meaning ascribed to it in NRS 695G.018.

Sec. 9. ***1. To be approved under section 8 of this act to conduct external reviews, an independent review organization shall have and maintain written policies and procedures that govern all aspects of both the standard external review process and the expedited external review process which include, without limitation:***

(a) A quality assurance mechanism which ensures:

(1) That an external review is conducted within the specified time frames and required notices are provided in a timely manner;

(2) The selection of qualified and impartial clinical reviewers to conduct external reviews on behalf of the independent review organization, suitable matching of reviewers to specific cases and that the independent review organization employs or contracts with an adequate number of clinical reviewers to meet this requirement;

(3) The confidentiality of medical and treatment records and clinical review criteria; and

(4) That a person employed by or under contract with the independent review organization adheres to the requirements of the external review process;

(b) A toll-free telephone service that is capable of accepting, recording or providing appropriate instruction relating to external reviews to incoming telephone callers 24 hours a day, 7 days a week; and

(c) An agreement to maintain and provide to the ~~[Commissioner]~~ Office for Consumer Health Assistance the information required pursuant to section 110 of this act.

2. A clinical reviewer assigned by an independent review organization to conduct an external review must be a physician or other appropriate health care provider who must:

(a) Be an expert in the treatment of the covered person's medical condition that is the subject of the external review;

(b) Be knowledgeable about the recommended health care service or treatment through recent or current actual clinical experience treating patients with the same or similar medical condition as the covered person;

(c) Hold a nonrestricted license in a state or territory of the United States and, if a physician, hold a current certification by a specialty board of the American Board of Medical Specialties in the area or areas appropriate to the subject of the external review; and

(d) Have no history of disciplinary actions or sanctions, including loss of staff privileges or participation restrictions, that have been taken or are pending by any hospital, governmental agency or unit, or regulatory body that raise a substantial question as to the clinical reviewer's physical, mental or professional competence or moral character.

3. In addition to the requirements set forth in subsection 1, an independent review organization may not own or control, be a subsidiary of or in any way be owned or controlled by, or exercise control with a health benefit plan, a national, state or local trade association of health benefit plans, or a national, state or local trade association of health care providers.

4. In addition to the requirements set forth in subsections 1, 2 and 3, to be approved pursuant to section 8 of this act to conduct an external review of a specific case, neither the independent review organization selected to conduct the external review nor a clinical reviewer assigned by the independent review organization to conduct the external review may have a material professional, familial or financial conflict of interest with any of the following:

(a) The health carrier that is the subject of the external review;

(b) The covered person whose treatment is the subject of the external review or the covered person's authorized representative;

(c) Any officer, director or management employee of the health carrier that is the subject of the external review;

(d) The health care provider, the health care provider's medical group or independent practice association recommending the health care service or treatment that is the subject of the external review;

(e) The facility at which the recommended health care service or treatment would be provided; or

(f) The developer or manufacturer of the principal drug, device, procedure or other therapy being recommended for the covered person whose treatment is the subject of the external review.

5. In determining whether an independent review organization or a clinical reviewer of the independent review organization has a material professional, familial or financial conflict of interest for purposes of subsection 4, the [Commissioner] Office for Consumer Health Assistance shall take into consideration situations where the independent review organization to be assigned to conduct an external review of a specific case or a clinical reviewer to be assigned by the independent review organization to conduct an external review of a specific case may have an apparent professional, familial or financial relationship or connection with a person described in subsection 4, but that the characteristics of that relationship or connection are such that they are not a material professional, familial or financial conflict of interest that results in the disapproval of the independent review organization or the clinical reviewer from conducting the external review.

6. The Commissioner shall initially review and periodically review the standards of a nationally recognized private accrediting entity for accreditation of independent review organizations to determine whether the entity's standards are equivalent to or exceed the minimum qualifications established in this section. The Commissioner may accept a review conducted by the National Association of Insurance Commissioners for the purpose of the determination under this subsection and subsection 7.

7. Upon request, a nationally recognized private accrediting entity shall make its current standards for the accreditation of independent review organizations available to the Commissioner or to the National Association of Insurance Commissioners in order for the Commissioner to determine if the entity's standards are equivalent to or exceed the minimum qualifications established in this section. The Commissioner may exclude any private accrediting entity that is not reviewed by the National Association of Insurance Commissioners.

8. An independent review organization must be unbiased. An independent review organization shall establish and maintain written procedures to ensure that it is unbiased in addition to any other procedures required under this section.

9. As used in this section, the words and terms defined in [sections 76, 80, 87, 88, 90, 91 and 92 of this act and NRS 695G.014 and 695G.018]

NRS 695G.012 to 695G.080, inclusive, and sections 71 to 101, inclusive, of this act, have the meanings ascribed to them in those sections.

Sec. 9.5. **NRS 683A.025 is hereby amended to read as follows:**

683A.025 1. Except as limited by this section, "administrator" means a person who:

(a) Directly or indirectly underwrites or collects charges or premiums from or adjusts or settles claims of residents of this State or any other state from within this State in connection with workers' compensation insurance, life or health insurance coverage or annuities, including coverage or annuities provided by an employer for his or her employees;

(b) Administers an internal service fund pursuant to NRS 287.010;

(c) Administers a trust established pursuant to NRS 287.015, under a contract with the trust;

(d) Administers a program of self-insurance for an employer;

(e) Administers a program which is funded by an employer and which provides pensions, annuities, health benefits, death benefits or other similar benefits for his or her employees; or

(f) Is an insurance company that is licensed to do business in this State or is acting as an insurer with respect to a policy lawfully issued and delivered in a state where the insurer is authorized to do business, if the insurance company performs any act described in paragraphs (a) to (e), inclusive, for or on behalf of another insurer **[.]** ***unless the insurers are affiliated and each insurer is licensed to do business in this State.***

2. "Administrator" does not include:

(a) An employee authorized to act on behalf of an administrator who holds a certificate of registration from the Commissioner.

(b) An employer acting on behalf of his or her employees or the employees of a subsidiary or affiliated concern.

(c) A labor union acting on behalf of its members.

(d) Except as otherwise provided in paragraph (f) of subsection 1, an insurance company licensed to do business in this State or acting as an insurer with respect to a policy lawfully issued and delivered in a state in which the insurer was authorized to do business.

(e) A producer of life or health insurance licensed in this State, when his or her activities are limited to the sale of insurance.

(f) A creditor acting on behalf of his or her debtors with respect to insurance covering a debt between the creditor and debtor.

(g) A trust and its trustees, agents and employees acting for it, if the trust was established under the provisions of 29 U.S.C. § 186.

(h) Except as otherwise provided in paragraph (c) of subsection 1, a trust and its trustees, agents and employees acting for it, if the trust was established pursuant to NRS 287.015.

(i) A trust which is exempt from taxation under section 501(a) of the Internal Revenue Code, 26 U.S.C. § 501(a), its trustees and employees, and a custodian, his or her agents and employees acting under a custodial account

which meets the requirements of section 401(f) of the Internal Revenue Code, 26 U.S.C. § 401(f).

(j) A bank, credit union or other financial institution which is subject to supervision by federal or state banking authorities.

(k) A company which issues credit cards, and which advances for and collects premiums or charges from credit card holders who have authorized it to do so, if the company does not adjust or settle claims.

(l) An attorney at law who adjusts or settles claims in the normal course of his or her practice or employment, but who does not collect charges or premiums in connection with life or health insurance coverage or with annuities.

3. As used in this section, "affiliated" means any insurer or other person that directly, or indirectly through one or more intermediaries, controls or is controlled by, or is under common control with, another insurer or other person.

Sec. 10. NRS 683A.160 is hereby amended to read as follows:

683A.160 ***1.*** Each applicant for a license as a managing general agent must submit with his or her application:

~~[1. A complete set of his or her fingerprints which the Commissioner may forward to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report;~~

~~2.]~~ ***(a)*** The appointment of the applicant as a managing general agent by each insurer or underwriter department to be so represented; and

~~[3.]~~ ***(b)*** The application and license fee specified in NRS 680B.010 and, in addition to any other fee or charge, all applicable fees required pursuant to NRS 680C.110.

2. Each applicant must, as part of his or her application and at the applicant's own expense:

(a) Arrange to have a complete set of his or her fingerprints taken by a law enforcement agency or other authorized entity acceptable to the Commissioner; and

(b) Submit to the Commissioner:

(1) A completed fingerprint card and written permission authorizing the Commissioner to submit the applicant's fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for a report on the applicant's background and to such other law enforcement agencies as the Commissioner deems necessary; or

(2) Written verification, on a form prescribed by the Commissioner, stating that the fingerprints of the applicant were taken and directly forwarded electronically or by another means to the Central Repository and that the applicant has given written permission to the law enforcement agency or other authorized entity taking the fingerprints to submit the fingerprints to the Central Repository for submission to the Federal Bureau of Investigation for a report on the applicant's background and to

such other law enforcement agencies as the Commissioner deems necessary.

3. The Commissioner may:

(a) Unless the applicant's fingerprints are directly forwarded pursuant to subparagraph (2) of paragraph (b) of subsection 2, submit those fingerprints to the Central Repository for submission to the Federal Bureau of Investigation and to such other law enforcement agencies as the Commissioner deems necessary;

(b) Request from each such agency any information regarding the applicant's background as the Commissioner deems necessary; and

(c) Adopt regulations concerning the procedures for obtaining this information.

Sec. 11. NRS 683A.251 is hereby amended to read as follows:

683A.251 1. The Commissioner shall prescribe the form of application by a natural person for a license as a resident producer of insurance. The applicant must declare, under penalty of refusal to issue, or suspension or revocation of, the license, that the statements made in the application are true, correct and complete to the best of his or her knowledge and belief. Before approving the application, the Commissioner must find that the applicant has:

(a) Attained the age of 18 years;

(b) Not committed any act that is a ground for refusal to issue, or suspension or revocation of, a license;

(c) Completed a course of study for the lines of authority for which the application is made, unless the applicant is exempt from this requirement;

(d) Paid all applicable fees prescribed for the license and a fee established by the Commissioner of not more than $15 for deposit in the Insurance Recovery Account, neither of which may be refunded; and

(e) Successfully passed the examinations for the lines of authority for which application is made, unless the applicant is exempt from this requirement.

2. A business organization must be licensed as a producer of insurance in order to act as such. Application must be made on a form prescribed by the Commissioner. Before approving the application, the Commissioner must find that the applicant has:

(a) Paid all applicable fees prescribed for the license and a fee established by the Commissioner of not more than $15 for deposit in the Insurance Recovery Account, neither of which may be refunded;

(b) Designated a natural person who is licensed as a producer of insurance and who is authorized to transact business on behalf of the business organization to be responsible for the organization's compliance with the laws and regulations of this State relating to insurance; and

(c) If the business organization has authorized a producer of insurance not designated pursuant to paragraph (b) to transact business on behalf of the business organization, submitted to the Commissioner on a form prescribed

by the Commissioner the name of each producer of insurance authorized to transact business on behalf of the business organization.

3. A natural person who is a resident of this State applying for a license must ~~[furnish a complete set of his or her fingerprints which the Commissioner may forward to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report. The Commissioner shall adopt]~~ ***, as part of his or her application and at the applicant's own expense:***

(a) Arrange to have a complete set of his or her fingerprints taken by a law enforcement agency or other authorized entity acceptable to the Commissioner; and

(b) Submit to the Commissioner:

(1) A completed fingerprint card and written permission authorizing the Commissioner to submit the applicant's fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for a report on the applicant's background and to such other law enforcement agencies as the Commissioner deems necessary; or

(2) Written verification, on a form prescribed by the Commissioner, stating that the fingerprints of the applicant were taken and directly forwarded electronically or by another means to the Central Repository and that the applicant has given written permission to the law enforcement agency or other authorized entity taking the fingerprints to submit the fingerprints to the Central Repository for submission to the Federal Bureau of Investigation for a report on the applicant's background and to such other law enforcement agencies as the Commissioner deems necessary.

4. The Commissioner may:

(a) Unless the applicant's fingerprints are directly forwarded pursuant to subparagraph (2) of paragraph (b) of subsection 3, submit those fingerprints to the Central Repository for submission to the Federal Bureau of Investigation and to such other law enforcement agencies as the Commissioner deems necessary;

(b) Request from each such agency any information regarding the applicant's background as the Commissioner deems necessary; and

(c) Adopt regulations concerning the procedures for obtaining this information.

~~[4.]~~ ***5.*** The Commissioner may require any document reasonably necessary to verify information contained in an application.

Sec. 12. NRS 683A.261 is hereby amended to read as follows:

683A.261 1. Unless the Commissioner refuses to issue the license under NRS 683A.451, the Commissioner shall issue a license as a producer of insurance to a person who has satisfied the requirements of NRS 683A.241 and 683A.251. A producer of insurance may qualify for a

license in one or more of the lines of authority permitted by statute or regulation, including:

(a) Life insurance on human lives, which includes benefits from endowments and annuities and may include additional benefits from death by accident and benefits for dismemberment by accident and for disability ~~[.]~~ ***income.***

(b) ~~[~~Health~~]~~ ***Accident and health*** insurance for sickness, bodily injury or accidental death, which may include benefits for disability ~~[.]~~ ***income.***

(c) Property insurance for direct or consequential loss or damage to property of every kind.

(d) Casualty insurance against legal liability, including liability for death, injury or disability and damage to real or personal property.

[(e)**]** ~~[~~Surety~~]~~ ***For the purposes of a producer of insurance, this line of insurance includes surety*** indemnifying financial institutions or providing bonds for fidelity, performance of contracts or financial guaranty.

~~[~~(f)~~]~~ ***(e)*** Variable annuities and variable life insurance, including coverage reflecting the results of a separate investment account.

~~[~~(g)~~]~~ ~~*[provided under variable annuities and variable life insurance.]*~~

(f) Credit insurance, including ***credit*** life, ***credit*** **[**~~disability,~~**]** ***accident and health, credit*** property, ***credit*** **[**unemployment,**]** involuntary unemployment, **[**mortgage life, mortgage guaranty, mortgage disability,**]** guaranteed ~~*[automobile]*~~ ***asset*** protection **,** ~~[~~of assets,~~]~~ and any other form of insurance offered in connection with an extension of credit that is limited to wholly or partially extinguishing the obligation which the Commissioner determines should be considered as limited-line credit insurance.

~~[~~(h)~~]~~ ***(g)*** Personal lines, consisting of automobile and motorcycle insurance and residential property insurance, including coverage for flood, of personal watercraft and of excess liability, written over one or more underlying policies of automobile or residential property insurance.

~~[~~(i)~~]~~ ***(h)*** Fixed annuities ***, including, without limitation, indexed annuities,*** as a limited line.

~~[~~(j)~~]~~ ***(i)*** Travel and baggage as a limited line.

~~[~~(k)~~]~~ ***(j)*** Rental car agency as a limited line.

~~[~~(l) Continuous care coverage, which includes health insurance, as set forth in paragraph (b), and may include insurance for workers' compensation.~~]~~

(k) Crop as a limited line.

2. A license as a producer of insurance remains in effect unless revoked, suspended or otherwise terminated if a request for a renewal is submitted on or before the date for the renewal specified on the license, all applicable fees for renewal and a fee established by the Commissioner of not more than $15 for deposit in the Insurance Recovery Account are paid for each license and each authorization to transact business on behalf of a business organization licensed pursuant to subsection 2 of NRS 683A.251, and any requirement for education or any other requirement to renew the license is satisfied by the

date specified on the license for the renewal. A producer of insurance may submit a request for a renewal of his or her license within 30 days after the date specified on the license for the renewal if the producer of insurance otherwise complies with the provisions of this subsection and pays, in addition to any fee paid pursuant to this subsection, a penalty of 50 percent of all applicable renewal fees, except for any fee required pursuant to NRS 680C.110. A license as a producer of insurance expires if the Commissioner receives a request for a renewal of the license more than 30 days after the date specified on the license for the renewal. A fee paid pursuant to this subsection is nonrefundable.

3. A natural person who allows his or her license as a producer of insurance to expire may reapply for the same license within 12 months after the date specified on the license for a renewal without passing a written examination or completing a course of study required by paragraph (c) of subsection 1 of NRS 683A.251, but a penalty of twice all applicable renewal fees, except for any fee required pursuant to NRS 680C.110, is required for any request for a renewal of the license that is received after the date specified on the license for the renewal.

4. A licensed producer of insurance who is unable to renew his or her license because of military service, extended medical disability or other extenuating circumstance may request a waiver of the time limit and of any fine or sanction otherwise required or imposed because of the failure to renew.

5. A license must state the licensee's name, address, personal identification number, the date of issuance, the lines of authority and the date of expiration and must contain any other information the Commissioner considers necessary. A resident producer of insurance shall maintain a place of business in this State which is accessible to the public and where the resident producer of insurance principally conducts transactions under his or her license. The place of business may be in his or her residence. The license must be conspicuously displayed in an area of the place of business which is open to the public.

6. A licensee shall inform the Commissioner of each change of location from which the licensee conducts business as a producer of insurance and each change of business or residence address, in writing or by other means acceptable to the Commissioner, within 30 days after the change. If a licensee changes the location from which the licensee conducts business as a producer of insurance or his or her business or residence address without giving written notice and the Commissioner is unable to locate the licensee after diligent effort, the Commissioner may revoke the license without a hearing. The mailing of a letter by certified mail, return receipt requested, addressed to the licensee at his or her last mailing address appearing on the records of the Division, and the return of the letter undelivered, constitutes a diligent effort by the Commissioner.

Sec. 12.5. **NRS 683A.367 is hereby amended to read as follows:**

683A.367 1. A person licensed as a producer of **[**~~continuous care coverage~~**]** ***insurance*** shall not sell, solicit or negotiate **[**~~insurance for workers' compensation~~**]** ***continuous care coverage*** unless **[**~~:~~

~~(a) The~~**]** ***the*** person is licensed as a producer of **[**~~casualty~~**]** **:**

(a) Casualty insurance; or

(b) **[**~~The policy of insurance for workers' compensation is sold jointly with and supplemental to a policy of health insurance covering the same individual for the same policy period.~~**]** ***Accident and health insurance and has received approval from the Commissioner to market continuous care coverage.***

2. A person who violates the provisions of subsection 1 is subject to an administrative fine pursuant to subsection 3 of NRS 683A.201.

Sec. 13. Chapter 684A of NRS is hereby amended by adding thereto the provisions set forth as sections 14, 15 and 16 of this act.

Sec. 14. ***As used in this Code, unless the context otherwise requires, the words and terms defined in NRS 684A.020 and 684A.030 and section 15 of this act have the meanings ascribed to them in those sections.***

Sec. 15. ***"Home state" means:***

1. The District of Columbia or any state or territory of the United States in which an adjuster maintains his or her principal place of residence or principal place of business and is licensed to act as an adjuster; or

2. If neither the state in which the adjuster maintains his or her principal place of residence nor the state in which the adjuster maintains his or her principal place of business has a licensing or examination requirement, a state:

(a) Which has an examination requirement;

(b) In which the adjuster is licensed; and

(c) Which the adjuster declares to be the home state.

Sec. 16. ***1. The provisions of NRS 683A.341 and 686A.310 apply to adjusters and associate adjusters.***

2. For the purposes of subsection 1, unless the context requires that a section apply only to producers of insurance or insurers, any reference in those sections to "producer of insurance" or "insurer" must be replaced by a reference to "adjuster or associate adjuster."

Sec. 17. NRS 684A.020 is hereby amended to read as follows:

684A.020 1. **[**~~As used in this Code, "adjuster"~~**]** ***"Adjuster"*** means any person who, for compensation as an independent contractor or for a fee or commission, investigates and settles, and reports to his or her principal relative to, claims:

(a) Arising under insurance contracts for property, casualty or surety coverage, on behalf solely of the insurer or the insured; or

(b) Against a self-insurer who is providing similar coverage, unless the coverage provided relates to a claim for industrial insurance.

2. For the purposes of this chapter:

(a) An associate adjuster, as defined in NRS 684A.030;

(b) An attorney at law who adjusts insurance losses from time to time incidental to the practice of his or her profession;

(c) An adjuster of ocean marine losses;

(d) A salaried employee of an insurer; or

(e) A salaried employee of a managing general agent maintaining an underwriting office in this state,

➥ is not considered an adjuster.

Sec. 18. NRS 684A.030 is hereby amended to read as follows:

684A.030 **[**~~As used in this Code:~~**]**

1. "Independent adjuster" means an adjuster representing the interests of an insurer or a self-insurer.

2. "Public adjuster" means an adjuster employed by and representing solely the financial interests of the insured named in the policy.

3. "Associate adjuster" means an employee of an adjuster who, under the direct supervision of the adjuster, assists in the investigation and settlement of insurance losses on behalf of his or her employer.

Sec. 19. NRS 684A.040 is hereby amended to read as follows:

684A.040 1. No person may act as, or hold himself or herself out to be, an adjuster or associate adjuster in this State unless then licensed as such under the applicable independent adjuster's license, public adjuster's license or associate adjuster's license, as the case may be, issued under the provisions of this chapter.

2. **[**~~For purposes of this chapter, the Commissioner may issue a limited license to an adjuster handling claims under a contract of one or more of the kinds of insurance defined in NRS 681A.010 to 681A.080, inclusive.~~

~~3.~~**]** Any person violating the provisions of this section is guilty of a gross misdemeanor.

[~~4.~~**]** ***3.*** A person who acts as an adjuster in this State without a license is subject to an administrative fine of not more than $1,000 for each violation.

Sec. 20. NRS 684A.070 is hereby amended to read as follows:

684A.070 1. For the protection of the people of this State, the Commissioner may not issue or continue any license as an adjuster except in compliance with the provisions of this chapter. Any person for whom a license is issued or continued must:

(a) Be at least 18 years of age;

(b) **[**~~Except as otherwise provided in subsection 2, be a resident of this State, and have resided therein for at least 90 days before his or her application for the license;~~

~~(c)~~**]** Be competent, trustworthy, financially responsible and of good reputation;

[~~(d)~~**]** ***(c)*** Never have been convicted of, or entered a plea of guilty, guilty but mentally ill or nolo contendere to, forgery, embezzlement, obtaining money under false pretenses, larceny, extortion, conspiracy to defraud or any crime involving moral turpitude;

~~[(e) Have had at least 2 years' recent experience with respect to the handling of loss claims of sufficient character reasonably to enable the person to fulfill the responsibilities of an adjuster;~~

~~(f) Pass]~~

(d) Unless exempted pursuant to NRS 684A.100 or 684A.105, pass all examinations required under this chapter; and

~~[(g)]~~ ***(e)*** Not be concurrently licensed as a producer of insurance for property, casualty or surety or a surplus lines broker, except as a bail agent.

2. ~~[The Commissioner may waive the residency requirement set forth in paragraph (b) of subsection 1 if the applicant is:~~

~~(a) An adjuster licensed under the laws of another state who has been brought to this State by a firm or corporation with whom the adjuster is employed that is licensed as an adjuster in this State to fill a vacancy in the firm or corporation in this State;~~

~~(b) An adjuster licensed in an adjoining state whose principal place of business is located within 50 miles from the boundary of this State; or~~

~~(c) An adjuster who is applying for a limited license pursuant to NRS 684A.155.~~

~~3.]~~ ***A natural person who is a resident of this State applying for a license must, as part of his or her application and at the applicant's own expense:***

(a) Arrange to have a complete set of his or her fingerprints taken by a law enforcement agency or other authorized entity acceptable to the Commissioner; and

(b) Submit to the Commissioner:

(1) A completed fingerprint card and written permission authorizing the Commissioner to submit the applicant's fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for a report on the applicant's background and to such other law enforcement agencies as the Commissioner deems necessary; or

(2) Written verification, on a form prescribed by the Commissioner, stating that the fingerprints of the applicant were taken and directly forwarded electronically or by another means to the Central Repository and that the applicant has given written permission to the law enforcement agency or other authorized entity taking the fingerprints to submit the fingerprints to the Central Repository for submission to the Federal Bureau of Investigation for a report on the applicant's background and to such other law enforcement agencies as the Commissioner deems necessary.

3. The Commissioner may:

(a) Unless the applicant's fingerprints are directly forwarded pursuant to subparagraph (2) of paragraph (b) of subsection 2, submit those fingerprints to the Central Repository for submission to the Federal

Bureau of Investigation and to such other law enforcement agencies as the Commissioner deems necessary;

(b) Request from each such agency any information regarding the applicant's background as the Commissioner deems necessary; and

(c) Adopt regulations concerning the procedures for obtaining this information.

4. A conviction of, or plea of guilty, guilty but mentally ill or nolo contendere by, an applicant or licensee for any crime listed in paragraph ~~[(d)]~~ ***(c)*** of subsection 1 is a sufficient ground for the Commissioner to deny a license to the applicant, or to suspend, revoke or limit the license of an adjuster pursuant to NRS 684A.210.

Sec. 21. NRS 684A.100 is hereby amended to read as follows:

684A.100 Each person who intends to apply for a license as an adjuster must, before applying for the license, personally take and pass to the Commissioner's satisfaction a written examination testing the applicant's qualifications and competence to act as an adjuster and his or her knowledge of pertinent provisions of this Code ~~[.]~~ ***unless:***

1. The person:

(a) Is not a resident of this State;

(b) Has passed an examination to become licensed as an adjuster in the person's home state; and

(c) Is currently licensed and in good standing in the person's home state as an adjuster; or

2. The person was licensed in this State as the same type of adjuster within the 24-month period immediately preceding the date of the application, unless the previous license was revoked or suspended or its continuation was refused by the Commissioner.

Sec. 22. NRS 684A.105 is hereby amended to read as follows:

684A.105 An adjuster whose license expires is exempt from retaking the examination required by NRS 684A.100 if ~~[the adjuster applies and is relicensed within 6 months after the date of expiration.]~~ ***:***

1. The adjuster:

(a) Is not a resident of this State;

(b) Has passed an examination to become licensed as an adjuster in the person's home state; and

(c) Is currently licensed and in good standing in the person's home state as an adjuster; or

2. The adjuster was licensed in this State as the same type of adjuster within the 24-month period immediately preceding the date of the application, unless the previous license was revoked or suspended or its continuation was refused by the Commissioner.

Sec. 23. NRS 684A.130 is hereby amended to read as follows:

684A.130 1. Each license issued under this chapter continues in force for 3 years unless it is suspended, revoked or otherwise terminated. A license may be renewed upon payment of all applicable fees for renewal to the

Commissioner and submission of the statement required pursuant to NRS 684A.143 if the licensee is a natural person. The statement, if required, must be submitted and all applicable fees must be paid on or before the last day of the month in which the license is renewable.

2. Any license not so renewed expires at midnight on the last day specified for its renewal. The Commissioner may accept a request for renewal received by the Commissioner within 30 days after the expiration of the license if the request is accompanied by:

(a) A fee for renewal of 150 percent of all applicable fees otherwise required, except for any fee required pursuant to NRS 680C.110; ~~[and]~~

(b) If the person requesting renewal is a natural person, the statement required pursuant to NRS 684A.143 ~~[.]~~ ***;***

(c) Proof of successful completion of any requirement for an examination unless exempt pursuant to NRS 684A.105; and

(d) If applicable, a request for a waiver of the time limit for renewal and of any fine or sanction otherwise required or imposed because of the failure of the licensee to renew his or her license because of military service, extended medical disability or other extenuating circumstance.

3. This section does not apply to temporary licenses issued under NRS 684A.150.

Sec. 24. NRS 684A.143 is hereby amended to read as follows:

684A.143 1. A natural person who applies for the issuance or renewal of a license shall submit to the Commissioner the statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520. The statement must be completed and signed by the applicant.

2. The Commissioner shall include the statement required pursuant to subsection 1 in:

(a) The application or any other forms that must be submitted for the issuance or renewal of the license; or

(b) A separate form prescribed by the Commissioner.

3. A license may not be issued or renewed by the Commissioner if the applicant is a natural person who:

(a) Fails to submit the statement required pursuant to subsection 1; or

(b) Indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.

4. If an applicant indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the Commissioner shall advise the applicant to contact the district attorney or other public agency enforcing the

order to determine the actions that the applicant may take to satisfy the arrearage.

5. As used in this section, "license" means:

(a) A license as an adjuster; ***and***

(b) A license as an associate adjuster**. ~~[~~~~; and~~**

~~(c) A limited license issued pursuant to NRS 684A.155.]~~

Sec. 25. NRS 684A.147 is hereby amended to read as follows:

684A.147 1. If the Commissioner receives a copy of a court order issued pursuant to NRS 425.540 that provides for the suspension of all professional, occupational and recreational licenses, certificates and permits issued to a person who is the holder of a license, the Commissioner shall deem the license issued to that person to be suspended at the end of the 30th day after the date on which the court order was issued unless the Commissioner receives a letter issued to the holder of the license by the district attorney or other public agency pursuant to NRS 425.550 stating that the holder of the license has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

2. The Commissioner shall reinstate a license that has been suspended by a district court pursuant to NRS 425.540 if the Commissioner receives a letter issued by the district attorney or other public agency pursuant to NRS 425.550 to the person whose license was suspended stating that the person whose license was suspended has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

3. As used in this section, "license" means:

(a) A license as an adjuster; ***and***

(b) A license as an associate adjuster**. ~~[~~~~; and~~**

~~(c) A limited license issued pursuant to NRS 684A.155.]~~

Sec. 26. NRS 684A.200 is hereby amended to read as follows:

684A.200 Nonresidents of this state who are granted licenses as adjusters pursuant to **~~[~~**~~subsection 2 of~~**]** NRS 684A.070 are also subject to NRS 683A.281.

Sec. 27. **~~[~~**~~NRS 685A.050 is hereby amended to read as follows:~~

~~685A.050 1. At the time of effecting any surplus lines insurance the broker shall execute an affidavit, in the form prescribed or accepted by the Commissioner, setting forth facts from which it can be determined whether such insurance is eligible for export under NRS 685A.040.~~

~~2. The broker shall file this affidavit with the report of coverage and any other information the Commissioner requires within 90 days after the insurance is so effected, as required under regulations adopted pursuant to NRS 685A.210.~~

~~***3. A broker that effectuates any surplus lines insurance for an out of state risk or exposure that includes any risk or exposure in this State shall report such transactions within 45 days after the end of each calendar quarter to the Commissioner on a form approved by the Commissioner.]***~~

(Deleted by amendment.)

Sec. 28. ~~[NRS 685A.170 is hereby amended to read as follows:~~

~~685A.170 1. Each broker shall on or before March 1 of each year file with the Commissioner~~ ***, or with a nonprofit organization of brokers in accordance with regulations adopted by the Commissioner pursuant to NRS 685A.210,*** ~~a statement verified by the broker of all surplus lines insurance transacted by the broker during the preceding calendar year. A statement must be filed whether or not the broker has transacted any business during the preceding year.~~

~~2. The statement must be on forms as prescribed and furnished by the Commissioner, and must contain such information as the Commissioner may reasonably require.~~

~~3. If a broker has filed any reports pursuant to NRS 685A.175, the annual statement must include any necessary reconciliation of the quarterly reports.~~] **(Deleted by amendment.)**

Sec. 29. NRS 685A.210 is hereby amended to read as follows:

685A.210 1. The Commissioner may adopt reasonable regulations, consistent with the provisions of this chapter, for any of the following purposes:

(a) Effectuation of the law;

(b) Establishment of procedures through which determination is to be made as to the eligibility of particular proposed coverages for export; ~~[and]~~

(c) Establishment of procedures for the operation of a nonprofit organization of brokers designed to assist brokers in complying with the provisions of this chapter ~~[.]~~ ***; and***

(d) The use of electronic signatures and the acceptance and transmission of electronic records and payments, including transactions involving claims and other transactions relating to surplus lines insurance.

2. Such regulations carry the penalty provided by NRS 679B.130.

Sec. 30. Chapter 686A of NRS is hereby amended by adding thereto a new section to read as follows:

1. Notwithstanding any other law or regulation, an insurer that uses credit information shall, upon receipt of a written request from an applicant or policyholder, provide reasonable exceptions to the insurer's rates, rating classifications, company or tier placement, or underwriting rules or guidelines for an applicant or policyholder who has experienced and whose credit information has been directly influenced by any of the following:

(a) A catastrophic event, as declared by the Federal or State Government;

(b) A serious illness or injury, or a serious illness or injury to an immediate family member;

(c) The death of a spouse, child or parent;

(d) Divorce or involuntary interruption of legally-owed alimony or support payments;

(e) Identify theft;

(f) Temporary loss of employment for a period of 3 months or more, if it results from involuntary termination;

(g) Military deployment overseas; or

(h) Other events, as determined by the insurer.

2. If an applicant or policyholder submits a request for an exception as set forth in subsection 1, an insurer may, in its sole discretion:

(a) Require the applicant or policyholder to provide reasonable written and independently verifiable documentation of the event;

(b) Require the applicant or policyholder to demonstrate that the event had direct and meaningful impact on the credit information of the applicant or policyholder;

(c) Require that such a request be made not more than 60 days after the date of the application for insurance or the policy renewal;

(d) Grant an exception despite the applicant or policyholder not providing the initial request for an exception in writing; or

(e) Grant an exception where the applicant or policyholder asks for consideration of repeated events or the insurer has considered this event previously.

3. An insurer is not out of compliance with any law or rule relating to underwriting, rating or rate filing as a result of granting an exception under this section. Nothing in this section shall be construed to provide an applicant or policyholder with a cause of action that does not exist in the absence of this section.

4. The insurer shall provide notice to each applicant and policyholder that reasonable exceptions are available and include information about how the applicant or policyholder may inquire further about such exceptions.

5. Within 30 days after the insurer's receipt of sufficient documentation of an event described in subsection 1, the insurer shall inform the applicant or policyholder of the outcome of the request for a reasonable exception. Such communication must be in writing or provided to the applicant or policyholder in the same medium as the request.

6. The Commissioner may adopt regulations to carry out the provisions of this section.

Sec. 31. NRS 686A.600 is hereby amended to read as follows:

686A.600 As used in NRS 686A.600 to 686A.730, inclusive, ***and section 30 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 686A.610 to 686A.660, inclusive, have the meanings ascribed to them in those sections.

Sec. 32. NRS 686A.670 is hereby amended to read as follows:

686A.670 The provisions of NRS 686A.600 to 686A.730, inclusive, ***and section 30 of this act*** do not apply to a contract of surety insurance issued pursuant to chapter 691B of NRS or any commercial or business policy.

Sec. 33. NRS 686B.030 is hereby amended to read as follows:

686B.030 1. Except as otherwise provided in subsection 2, NRS 686B.010 to 686B.1799, inclusive, apply to all kinds and lines of direct insurance written on risks or operations in this State by any insurer authorized to do business in this State, except:

(a) Ocean marine insurance;

(b) Contracts issued by fraternal benefit societies;

(c) Life insurance and credit life insurance;

(d) Variable and fixed annuities;

(e) ~~[~~Group and blanket health insurance and credit~~]~~ ***Credit*** health insurance;

(f) Property insurance for business and commercial risks;

(g) Casualty insurance for business and commercial risks other than insurance covering the liability of a practitioner licensed pursuant to chapters 630 to 640, inclusive, of NRS; **[**~~and~~**]**

(h) Surety insurance **[**~~.~~**]** ***; and***

(i) Health insurance offered through a group health plan maintained by a large employer.

2. The exclusions set forth in paragraphs (f) and (g) of subsection 1 extend only to issues related to the determination or approval of premium rates.

3. As used in this section, "large employer" has the meaning ascribed to it in 42 U.S.C. § 18024(b)(1).

Sec. 34. NRS 687A.037 is hereby amended to read as follows:

687A.037 "Member insurer" means any person, except a fraternal or nonprofit service corporation which:

1. Writes any kind of insurance to which this chapter applies, including the exchange of reciprocal or interinsurance agreements of indemnity.

2. Is ~~[~~licensed~~]~~ ***authorized*** to transact insurance in this state.

Sec. 35. NRS 687B.120 is hereby amended to read as follows:

687B.120 1. ***Except as otherwise provided in subsection 2:***

(a) No life or health insurance policy or contract, annuity contract form, policy form, health care plan or plan for dental care, whether individual, group or blanket, including those to be issued by a health maintenance organization, organization for dental care or prepaid limited health service organization, or application form where a written application is required and is to be made a part of the policy or contract, or printed rider or endorsement form or form of renewal certificate, or form of individual certificate or statement of coverage to be issued under group or blanket contracts, or by a health maintenance organization, organization for dental care or prepaid limited health service organization, may be delivered or issued for delivery in this state, unless the form has been filed with and approved by the Commissioner. ~~[~~This subsection does not apply to any special rider or endorsement which relates to the manner of distribution of benefits or to the reservation of rights and benefits under life or health insurance policies,

~~which special riders or endorsements are used at the request of the individual policyholder, contract holder or certificate holder.~~**]**

(b) As to group insurance policies effectuated and delivered outside this state but covering persons resident in this state, the group certificates to be delivered or issued for delivery in this state must be filed, for informational purposes only, with the Commissioner at the request of the Commissioner.

2. ***As to group insurance policies to be issued to a group approved pursuant to NRS 688B.030 or 689B.026, no policies of group insurance may be marketed to a resident or employer of this State unless the policy and any form or certificate to be issued pursuant to the policy has been filed with and approved by the Commissioner.***

3. Every **[**~~such~~**]** filing ***made pursuant to the provisions of subsection 1 or 2*** must be made not less than 45 days in advance of any **[**~~such~~**]** delivery **[**~~.~~**]** ***pursuant to subsection 1 or marketing pursuant to subsection 2.*** At the expiration of 45 days the form so filed shall be deemed approved unless prior thereto it has been affirmatively approved or disapproved by order of the Commissioner. Approval of any such form by the Commissioner constitutes a waiver of any unexpired portion of such waiting period. The Commissioner may extend by not more than an additional 30 days the period within which the Commissioner may so affirmatively approve or disapprove any such form, by giving notice to the insurer of the extension before expiration of the initial 45-day period. At the expiration of any such period as so extended, and in the absence of prior affirmative approval or disapproval, any such form shall be deemed approved. The Commissioner may at any time, after notice and for cause shown, withdraw any such approval.

[~~3.~~**]** ***4.*** Any order of the Commissioner disapproving any such form or withdrawing a previous approval must state the grounds therefor and the particulars thereof in such detail as reasonably to inform the insurer thereof. Any such withdrawal of a previously approved form is effective at the expiration of such a period, not less than 30 days after the giving of notice of withdrawal, as the Commissioner in such notice prescribes.

[~~4.~~**]** ***5.*** The Commissioner may, by order, exempt from the requirements of this section for so long as the Commissioner deems proper any insurance document or form or type thereof specified in the order, to which, in the opinion of the Commissioner, this section may not practicably be applied, or the filing and approval of which are, in the opinion of the Commissioner, not desirable or necessary for the protection of the public.

[~~5.~~**]** ***6.*** Appeals from orders of the Commissioner disapproving any such form or withdrawing a previous approval may be taken as provided in NRS 679B.310 to 679B.370, inclusive.

Sec. 36. Chapter 688A of NRS is hereby amended by adding thereto a new section to read as follows:

1. An annuity or policy of life insurance may incorporate long-term care insurance if:

(a) The long-term care insurance incorporated into the annuity or policy of life insurance complies with regulations adopted by the Commissioner.

(b) The Commissioner approves the incorporation of long-term care insurance into the annuity or policy of life insurance.

2. The Commissioner shall adopt regulations that define "long-term care insurance" for the purposes of this section.

Sec. 37. NRS 688A.020 is hereby amended to read as follows:

688A.020 ***1.*** For the purposes of this Code, an "annuity" is a contract under which obligations are assumed to make periodic payments for a specific term or terms or where the making or continuance of all or some such payments, or the amount of any such payment, is dependent upon continuance of human life, except payments made pursuant to optional modes of settlement under the authority of NRS 681A.040 **.** ~~[("life insurance" defined). Such a contract which includes extra benefits of the kinds set forth in NRS 681A.030 ("health insurance" defined) and NRS 681A.040 ("life insurance" defined) shall nevertheless be deemed to be an annuity if such extra benefits constitute a subsidiary or incidental part of the entire contract.]~~

2. The term includes an annuity contract which incorporates long-term care insurance if the annuity contract may incorporate the long-term care insurance pursuant to section 36 of this act.

Sec. 38. NRS 688A.165 is hereby amended to read as follows:

688A.165 ***1.*** No ***annuity contract, pure endowment contract or*** policy of life insurance, other than ~~[an industrial life insurance]~~ ***a replacement contract or*** policy, may be delivered or issued for delivery in this state unless it contains a provision, or a notice attached to the ***contract or*** policy, which, in substance, states that during a period of 10 days from the date the ***contract or*** policy is delivered to the ***contract or*** policy owner, it may be surrendered to the insurer together with a written request for cancellation of the ***contract or*** policy and in such event, the insurer will refund any premium paid therefor, including any ***contract or*** policy fees or other charges.

2. No annuity contract, pure endowment contract or policy of life insurance that is a replacement contract or policy may be delivered or issued for delivery in this State unless it contains a provision, or a notice attached to the contract or policy, which, in substance, states that during a period of 30 days after the date on which the contract or policy is delivered to the contract or policy owner, it may be surrendered to the insurer together with a written request for cancellation of the contract or policy and in such event, the insurer will refund any premium paid therefor, including any contract or policy fees or other charges.

3. This section does not apply to industrial life insurance policies.

Sec. 39. NRS 688A.180 is hereby amended to read as follows:

688A.180 1. No annuity or pure endowment contract, other than reversionary annuities (also called survivorship annuities) or group annuities and except as stated in this section, shall be delivered or issued for delivery

in this state unless it contains in substance each of the provisions specified in NRS ***688A.165 and*** 688A.190 to 688A.240, inclusive. Any of such provisions not applicable to single-premium annuities or single-premium pure endowment contracts shall not, to that extent, be incorporated therein.

2. This section does not apply to contracts for deferred annuities included in, or upon the lives of beneficiaries under, life insurance policies.

Sec. 40. NRS 688A.363 is hereby amended to read as follows:

688A.363 1. The minimum values, specified in NRS 688A.3631 to 688A.3637, inclusive, and 688A.366, of any paid-up annuity, cash surrender or death benefits available under an annuity contract must be based upon minimum nonforfeiture amounts as defined in this section.

2. ~~[With respect to contracts providing for flexible considerations, the]~~ ***The*** minimum nonforfeiture amount for any time at or before the commencement of any annuity payments is equal to an accumulation ***of 87.5 percent of the gross considerations*** up to such time at a rate of interest calculated pursuant to subsection 3, which must be decreased by the sum of:

(a) Any prior withdrawals from or partial surrenders of the contract, accumulated at a rate of interest calculated pursuant to subsection 3;

(b) An annual charge in the amount of $50, accumulated at rates of interest calculated pursuant to subsection 3;

(c) Any premium tax paid by the company for the contract, accumulated at rates of interest calculated pursuant to subsection 3; and

(d) The amount of any indebtedness to the company on the contract, including interest due and accrued.

~~[➥ The net considerations for a given contract year used to define the minimum nonforfeiture amount must be an amount that is equal to 87.5 percent of the gross considerations credited to the contract during that contract year.]~~

3. For the purpose of this section, the rate of interest used to determine the minimum nonforfeiture amounts must be an annual rate of interest determined as the lesser of 3 percent per annum or a rate specified in the contract if the rate is calculated in accordance with regulations adopted by the Commissioner, except that at no time may the resulting rate be less than 1 percent per annum.

4. The Commissioner may provide by regulation for further adjustments to the calculation of minimum nonforfeiture amounts for contracts that provide substantive participation in an equity index benefit or for other contracts that the Commissioner determines require adjustment. An adjustment to the calculation of the interest rate used to determine the minimum nonforfeiture amounts authorized under this subsection may not result in an interest rate of less than 1 percent per annum.

Sec. 41. NRS 688A.3633 is hereby amended to read as follows:

688A.3633 ***1.*** For contracts which provide cash surrender benefits, such benefits available before maturity shall not be less than the present

value as of the date of surrender of that portion of the maturity value of the paid-up annuity benefit which would be provided under the contract at maturity arising from considerations paid before the time of cash surrender, reduced by the amount appropriate to reflect any prior withdrawals from or partial surrenders of the contract, such present value being calculated on the basis of an interest rate of not more than 1 percent higher than the interest rate specified in the contract for accumulating the net considerations to determine such maturity value, decreased by the amount of any indebtedness to the company on the contract, including interest due and accrued, and increased by any existing additional amounts credited by the company to the contract. Any cash surrender benefit shall not be less than the minimum nonforfeiture amount at that time. The death benefit under such contracts shall be at least equal to the cash surrender benefit.

2. For annuity contracts issued on or after January 1, 2012, that provide cash surrender benefits:

(a) The cash surrender value on or past the maturity date must be equal to the amount used to determine the annuity benefits;

(b) A surrender charge may not be imposed on or past the maturity date of the annuity contract; and

(c) For annuity contracts with one or more renewable guaranteed periods, a new surrender charge schedule may be imposed for each new guaranteed period if:

(1) The surrender charge is zero at the end of each guaranteed period and remains zero for at least 30 days;

(2) The contract provides for continuation of the contract without surrender charges unless the contract holder specifically elects a new guaranteed period with a new surrender charge schedule; and

(3) The renewal period does not exceed 10 years and the maturity date complies with NRS 688A.3637.

3. An annuity contract that provides for flexible considerations may have separate surrender charge schedules associated with each consideration.

Sec. 42. NRS 688A.3637 is hereby amended to read as follows:

688A.3637 ***1.*** For the purpose of determining the benefits calculated under NRS 688A.3633 and 688A.3635 ~~[, in]~~ ***:***

(a) In the case of annuity contracts ***issued before January 1, 2012,*** under which an election may be made to have annuity payments commence at optional maturity dates, the maturity date shall be deemed to be the latest date for which election is permitted by the contract, but shall not be deemed to be later than the anniversary of the contract next following the annuitant's 70th birthday or the 10th anniversary of the contract, whichever is later.

(b) In the case of annuity contracts issued on or after January 1, 2012, the maturity date shall be deemed to be the latest date permitted by the contract, but shall not be deemed to be later than the anniversary of the

contract next following the annuitant's 70th birthday or the 10th anniversary of the contract, whichever is later.

2. For the purpose of determining the maturity date under this section for an annuity contract that provides for flexible considerations, the 10th anniversary of the contract is determined separately for each consideration.

Sec. 43. NRS 688C.200 is hereby amended to read as follows:

688C.200 1. Upon the filing of an application and payment of all applicable fees, the Commissioner shall investigate the applicant, and issue a license if the Commissioner finds that the applicant:

(a) If a provider of viatical settlements, has set forth a detailed plan of operation;

(b) Is competent and trustworthy and intends to act in good faith in the capacity for which the license is sought;

(c) Has a good reputation in business and, if a natural person, has had experience, training or education which qualifies the applicant in that capacity;

(d) If an organization, provides a certificate of good standing from the state of its domicile; and

(e) If a provider or broker of viatical settlements:

(1) Has included a plan to prevent fraud which satisfies the requirements of NRS 688C.490; and

(2) Has demonstrated evidence of financial responsibility through either:

(I) A surety bond executed and issued by an authorized surety in favor of the State of Nevada, continuous in form and in an amount as determined by the Commissioner, of not less than $250,000; or

(II) A deposit of cash, certificates of deposit, securities or any combination thereof in the amount of $250,000.

2. The Commissioner shall not issue a license to a nonresident unless a written designation of an agent for service of process, or an irrevocable written consent to the commencement of an action against the applicant by service of process upon the Commissioner, accompanies the application.

3. A provider or broker of viatical settlements shall furnish to the Commissioner new or revised information concerning partners, members, officers, holders of more than 10 percent of its stock, and designated employees within 30 days after a change occurs.

4. Notwithstanding any provision of this section to the contrary, the Commissioner shall accept as evidence of financial responsibility proof that financial instruments complying with the requirements of this section have been filed with a state where the applicant is licensed as a ***provider or*** broker of viatical settlements.

5. A surety bond issued for the purposes of this section must specifically authorize recovery by the Commissioner on behalf of any person in this State who sustained damages as a result of:

(a) Erroneous acts;

(b) Failure to act; or

(c) Conviction of:

(1) Fraud; or

(2) Unfair practices,

➥ by the provider or broker of viatical settlements.

6. The Commissioner may request evidence of financial responsibility as described in subparagraph (2) of paragraph (e) of subsection 1 at any time the Commissioner deems necessary.

Sec. 44. NRS 689.175 is hereby amended to read as follows:

689.175 1. The proposed seller, or the appropriate corporate officer of the proposed seller, shall apply in writing to the Commissioner for a seller's certificate of authority, showing:

(a) The proposed seller's name and address, and his or her occupations during the preceding 5 years;

(b) The name and address of the proposed trustee;

(c) The names and addresses of the proposed performers, specifying what particular services, supplies and equipment each performer is to furnish under the proposed prepaid contract; and

(d) Such other pertinent information as the Commissioner may reasonably require.

2. The application must be accompanied by:

(a) A copy of the proposed trust agreement and a written statement signed by an authorized officer of the proposed trustee to the effect that the proposed trustee understands the nature of the proposed trust fund and accepts it;

(b) A copy of each contract or understanding, existing or proposed, between the seller and performers relating to the proposed prepaid contract or items to be supplied under it;

(c) A certified copy of the articles of incorporation and the bylaws of any corporate applicant;

(d) A copy of any other document relating to the proposed seller, trustee, trust, performer or prepaid contract, as required by the Commissioner; ***and***

(e) ~~[~~A complete set of the fingerprints of the proposed seller, or the appropriate corporate officer of the proposed seller, and written permission authorizing the Commissioner to forward those fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report;

~~(f) A fee representing the amount charged by the Federal Bureau of Investigation for processing the fingerprints of the applicant; and~~

~~(g)]~~ The applicable fee established in NRS 680B.010, which is not refundable, and, in addition to any other fee or charge, all applicable fees required pursuant to NRS 680C.110.

3. A natural person who is a resident of this State must, as part of his or her application and at the applicant's own expense:

(a) Arrange to have a complete set of his or her fingerprints taken by a law enforcement agency or other authorized entity acceptable to the Commissioner; and

(b) Submit to the Commissioner:

(1) A completed fingerprint card and written permission authorizing the Commissioner to submit the applicant's fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for a report on the applicant's background and to such other law enforcement agencies as the Commissioner deems necessary; or

(2) Written verification, on a form prescribed by the Commissioner, stating that the fingerprints of the applicant were taken and directly forwarded electronically or by another means to the Central Repository and that the applicant has given written permission to the law enforcement agency or other authorized entity taking the fingerprints to submit the fingerprints to the Central Repository for submission to the Federal Bureau of Investigation for a report on the applicant's background and to such other law enforcement agencies as the Commissioner deems necessary.

4. The Commissioner may:

(a) Unless the applicant's fingerprints are directly forwarded pursuant to subparagraph (2) of paragraph (b) of subsection 3, submit those fingerprints to the Central Repository for submission to the Federal Bureau of Investigation and to such other law enforcement agencies as the Commissioner deems necessary; and

(b) Request from each such agency any information regarding the applicant's background as the Commissioner deems necessary.

Sec. 45. NRS 689.235 is hereby amended to read as follows:

689.235 1. To qualify for an agent's license, the applicant:

(a) Must file a written application with the Commissioner on forms prescribed by the Commissioner;

(b) Must have a good business and personal reputation; and

(c) Must not have been convicted of, or entered a plea of guilty, guilty but mentally ill or nolo contendere to, forgery, embezzlement, obtaining money under false pretenses, larceny, extortion, conspiracy to defraud or any crime involving moral turpitude.

2. The application must:

(a) Contain information concerning the applicant's identity, address, social security number and personal background and business, professional or work history.

(b) Contain such other pertinent information as the Commissioner may require.

(c) ~~[Be accompanied by a complete set of the fingerprints of the applicant and written permission authorizing the Commissioner to forward those~~

~~fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.~~

~~(d) Be accompanied by a fee representing the amount charged by the Federal Bureau of Investigation for processing the fingerprints of the applicant.~~

~~(e)~~] Be accompanied by the statement required pursuant to NRS 689.258.

~~[(f)~~] ***(d)*** Be accompanied by the applicable fee established in NRS 680B.010, which is not refundable, and, in addition to any other fee or charge, all applicable fees required pursuant to NRS 680C.110.

3. A conviction of, or plea of guilty, guilty but mentally ill or nolo contendere by, an applicant or licensee for any crime listed in paragraph (c) of subsection 1 is a sufficient ground for the Commissioner to deny a license to the applicant, or to suspend or revoke the agent's license pursuant to NRS 689.265.

4. A natural person who is a resident of this State must, as part of his or her application and at the applicant's own expense:

(a) Arrange to have a complete set of his or her fingerprints taken by a law enforcement agency or other authorized entity acceptable to the Commissioner; and

(b) Submit to the Commissioner:

(1) A completed fingerprint card and written permission authorizing the Commissioner to submit the applicant's fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for a report on the applicant's background and to such other law enforcement agencies as the Commissioner deems necessary; or

(2) Written verification, on a form prescribed by the Commissioner, stating that the fingerprints of the applicant were taken and directly forwarded electronically or by another means to the Central Repository and that the applicant has given written permission to the law enforcement agency or other authorized entity taking the fingerprints to submit the fingerprints to the Central Repository for submission to the Federal Bureau of Investigation for a report on the applicant's background and to such other law enforcement agencies as the Commissioner deems necessary.

5. The Commissioner may:

(a) Unless the applicant's fingerprints are directly forwarded pursuant to subparagraph (2) of paragraph (b) of subsection 4, submit those fingerprints to the Central Repository for submission to the Federal Bureau of Investigation and to such other law enforcement agencies as the Commissioner deems necessary; and

(b) Request from each such agency any information regarding the applicant's background as the Commissioner deems necessary.

Sec. 46. NRS 689.490 is hereby amended to read as follows:

689.490 1. The proposed seller, or the appropriate corporate officer of the seller, shall apply in writing to the Commissioner for a seller's permit, showing:

(a) The proposed seller's name and address and his or her occupations during the preceding 5 years;

(b) The name and address of the proposed trustee;

(c) The names and addresses of the proposed performers, specifying what particular services, supplies and equipment each performer is to furnish under the proposed prepaid contract; and

(d) Such other pertinent information as the Commissioner may reasonably require.

2. The application must be accompanied by:

(a) A copy of the proposed trust agreement and a written statement signed by an authorized officer of the proposed trustee to the effect that the proposed trustee understands the nature of the proposed trust fund and accepts it;

(b) A copy of each contract or understanding, existing or proposed, between the seller and performers relating to the proposed prepaid contract or items to be supplied under it;

(c) A certified copy of the articles of incorporation and the bylaws of any corporate applicant;

(d) A copy of any other document relating to the proposed seller, trustee, trust, performer or prepaid contract, as required by the Commissioner; ***and***

(e) ~~[~~A complete set of the fingerprints of the proposed seller, or the appropriate corporate officer of the seller, and written permission authorizing the Commissioner to forward those fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report;

~~(f) A fee representing the amount charged by the Federal Bureau of Investigation for processing the fingerprints of the applicant; and~~

~~(g)]~~ The applicable fee established in NRS 680B.010, which is not refundable, and, in addition to any other fee or charge, all applicable fees required pursuant to NRS 680C.110.

3. A natural person who is a resident of this State must, as part of his or her application and at the applicant's own expense:

(a) Arrange to have a complete set of his or her fingerprints taken by a law enforcement agency or other authorized entity acceptable to the Commissioner; and

(b) Submit to the Commissioner:

(1) A completed fingerprint card and written permission authorizing the Commissioner to submit the applicant's fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for a report on the applicant's background and to such other law enforcement agencies as the Commissioner deems necessary; or

(2) Written verification, on a form prescribed by the Commissioner, stating that the fingerprints of the applicant were taken and directly forwarded electronically or by another means to the Central Repository and that the applicant has given written permission to the law enforcement agency or other authorized entity taking the fingerprints to submit the fingerprints to the Central Repository for submission to the Federal Bureau of Investigation for a report on the applicant's background and to such other law enforcement agencies as the Commissioner deems necessary.

4. The Commissioner may:

(a) Unless the applicant's fingerprints are directly forwarded pursuant to subparagraph (2) of paragraph (b) of subsection 3, submit those fingerprints to the Central Repository for submission to the Federal Bureau of Investigation and to such other law enforcement agencies as the Commissioner deems necessary; and

(b) Request from each such agency any information regarding the applicant's background as the Commissioner deems necessary.

Sec. 47. NRS 689.520 is hereby amended to read as follows:

689.520 1. To qualify for an agent's license, the applicant:

(a) Must file a written application with the Commissioner on forms prescribed by the Commissioner; and

(b) Must not have been convicted of, or entered a plea of guilty, guilty but mentally ill or nolo contendere to, forgery, embezzlement, obtaining money under false pretenses, larceny, extortion, conspiracy to defraud or any crime involving moral turpitude.

2. The application must:

(a) Contain information concerning the applicant's identity, address, social security number, personal background and business, professional or work history.

(b) Contain such other pertinent information as the Commissioner may require.

(c) ~~[~~Be accompanied by a complete set of fingerprints and written permission authorizing the Commissioner to forward those fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.

~~(d) Be accompanied by a fee representing the amount charged by the Federal Bureau of Investigation for processing the fingerprints of the applicant.~~

~~(e)]~~ Be accompanied by the statement required pursuant to NRS 689.258.

~~[(f)]~~ ***(d)*** Be accompanied by the applicable fee established in NRS 680B.010, which is not refundable, and, in addition to any other fee or charge, all applicable fees required pursuant to NRS 680C.110.

3. A conviction of, or plea of guilty, guilty but mentally ill or nolo contendere by, an applicant or licensee for any crime listed in paragraph (b) of subsection 1 is a sufficient ground for the Commissioner to deny a license

to the applicant, or to suspend or revoke the agent's license pursuant to NRS 689.535.

4. A natural person who is a resident of this State must, as part of his or her application and at the applicant's own expense:

(a) Arrange to have a complete set of his or her fingerprints taken by a law enforcement agency or other authorized entity acceptable to the Commissioner; and

(b) Submit to the Commissioner:

(1) A completed fingerprint card and written permission authorizing the Commissioner to submit the applicant's fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for a report on the applicant's background and to such other law enforcement agencies as the Commissioner deems necessary; or

(2) Written verification, on a form prescribed by the Commissioner, stating that the fingerprints of the applicant were taken and directly forwarded electronically or by another means to the Central Repository and that the applicant has given written permission to the law enforcement agency or other authorized entity taking the fingerprints to submit the fingerprints to the Central Repository for submission to the Federal Bureau of Investigation for a report on the applicant's background and to such other law enforcement agencies as the Commissioner deems necessary.

5. The Commissioner may:

(a) Unless the applicant's fingerprints are directly forwarded pursuant to subparagraph (2) of paragraph (b) of subsection 4, submit those fingerprints to the Central Repository for submission to the Federal Bureau of Investigation and to such other law enforcement agencies as the Commissioner deems necessary; and

(b) Request from each such agency any information regarding the applicant's background as the Commissioner deems necessary.

Sec. 48. NRS 689A.745 is hereby amended to read as follows:

689A.745 1. Except as otherwise provided in subsection 4, each insurer that issues a policy of health insurance in this State shall establish a system for resolving any complaints of an insured concerning health care services covered under the policy. The system must be approved by the Commissioner in consultation with the State Board of Health.

2. A system for resolving complaints established pursuant to subsection 1 must include an initial investigation, a review of the complaint by a review board and a procedure for appealing a determination regarding the complaint. The majority of the members on a review board must be insureds who receive health care services pursuant to a policy of health insurance issued by the insurer.

3. The Commissioner or the State Board of Health may examine the system for resolving complaints established pursuant to subsection 1 at such times as either deems necessary or appropriate.

4. Each insurer that issues a policy of health insurance in this State that provides, delivers, arranges for, pays for or reimburses any cost of health care services through managed care shall provide a system for resolving any complaints of an insured concerning those health care services that complies with the provisions of NRS 695G.200 to 695G.310, ~~*[695G.230,]*~~ inclusive ~~[.]~~ ***, and sections 102 to 112, inclusive, of this act.***

Sec. 49. NRS 689B.026 is hereby amended to read as follows:

689B.026 1. Except as otherwise provided in this section, no policy of group health insurance may be delivered or issued for delivery in this state to a group which was formed for the purpose of purchasing one or more policies of group health insurance.

2. A policy of group health insurance may be delivered to a group described in subsection 1 if the Commissioner approves the issuance. The Commissioner shall not grant approval unless the Commissioner finds that:

(a) The benefits of the policy are reasonable in relation to the premiums charged; ~~[and]~~

(b) The group to which the policy is issued is organized and operated in a fiscally sound manner ~~[.]~~ ***; and***

(c) All policy rates and forms are filed with and approved by the Division before marketing to a resident or employer in this State.

3. ~~[Upon approval by the Commissioner, an insurer may exclude or limit the coverage in a policy issued pursuant to this section of any person as to whom evidence of insurability is not satisfactory to the insurer.]~~ ***The Commissioner shall use the provisions of this chapter and chapter 689C of NRS to review insurance products marketed to employers in this State. The Commissioner shall use the provisions of chapter 689A of NRS to review insurance products marketed to natural persons in this State.***

4. The provisions of this section apply to the offering in this state of a policy issued in another state.

Sec. 50. NRS 689B.0285 is hereby amended to read as follows:

689B.0285 1. Except as otherwise provided in subsection 4, each insurer that issues a policy of group health insurance in this State shall establish a system for resolving any complaints of an insured concerning health care services covered under the policy. The system must be approved by the Commissioner in consultation with the State Board of Health.

2. A system for resolving complaints established pursuant to subsection 1 must include an initial investigation, a review of the complaint by a review board and a procedure for appealing a determination regarding the complaint. The majority of the members on a review board must be insureds who receive health care services pursuant to a policy of group health insurance issued by the insurer.

3. The Commissioner or the State Board of Health may examine the system for resolving complaints established pursuant to subsection 1 at such times as either deems necessary or appropriate.

4. Each insurer that issues a policy of group health insurance in this State that provides, delivers, arranges for, pays for or reimburses any cost of health care services through managed care shall provide a system for resolving any complaints of an insured concerning the health care services that complies with the provisions of NRS 695G.200 to 695G.310, ~~*[695G.230,]*~~ inclusive ~~[.]~~ ***, and sections 102 to 112, inclusive, of this act.***

Sec. 51. NRS 689B.080 is hereby amended to read as follows:

689B.080 Any insurer authorized to write health insurance in this state, including a nonprofit corporation for hospital, medical or dental services that has a certificate of authority issued pursuant to chapter 695B of NRS, may issue blanket accident and health insurance. No blanket policy, except as provided in subsection ~~[4]~~ ***5*** of NRS 687B.120, may be issued or delivered in this state unless a copy of the form thereof has been filed in accordance with NRS 687B.120. Every blanket policy must contain provisions which in the opinion of the Commissioner are not less favorable to the policyholder and the individual insured than the following:

1. A provision that the policy, including endorsements and a copy of the application, if any, of the policyholder and the persons insured constitutes the entire contract between the parties, and that any statement made by the policyholder or by a person insured is in the absence of fraud a representation and not a warranty, and that no such statements may be used in defense to a claim under the policy, unless contained in a written application. The insured or the beneficiary or assignee of the insured has the right to make a written request to the insurer for a copy of an application, and the insurer shall, within 15 days after the receipt of a request at its home office or any branch office of the insurer, deliver or mail to the person making the request a copy of the application. If a copy is not so delivered or mailed, the insurer is precluded from introducing the application as evidence in any action based upon or involving any statements contained therein.

2. A provision that written notice of sickness or of injury must be given to the insurer within 20 days after the date when the sickness or injury occurred. Failure to give notice within that time does not invalidate or reduce any claim if it is shown that it was not reasonably possible to give notice and that notice was given as soon as was reasonably possible.

3. A provision that the insurer will furnish to the claimant or to the policyholder for delivery to the claimant such forms as are usually furnished by it for filing proof of loss. If the forms are not furnished before the expiration of 15 days after giving written notice of sickness or injury, the claimant shall be deemed to have complied with the requirements of the policy as to proof of loss upon submitting, within the time fixed in the policy for filing proof of loss, written proof covering the occurrence, the character and the extent of the loss for which claim is made.

4. A provision that in the case of a claim for loss of time for disability, written proof of the loss must be furnished to the insurer within 90 days after the commencement of the period for which the insurer is liable, and that subsequent written proofs of the continuance of the disability must be furnished to the insurer at such intervals as the insurer may reasonably require, and that in the case of a claim for any other loss, written proof of the loss must be furnished to the insurer within 90 days after the date of the loss. Failure to furnish such proof within that time does not invalidate or reduce any claim if it is shown that it was not reasonably possible to furnish proof and that the proof was furnished as soon as was reasonably possible.

5. A provision that all benefits payable under the policy other than benefits for loss of time will be payable immediately upon receipt of written proof of loss, and that, subject to proof of loss, all accrued benefits payable under the policy for loss of time will be paid not less frequently than monthly during the continuance of the period for which the insurer is liable, and that any balance remaining unpaid at the termination of that period will be paid immediately upon receipt of proof.

6. A provision that the insurer at its own expense has the right and opportunity to examine the person of the insured when and so often as it may reasonably require during the pendency of claim under the policy and also the right and opportunity to make an autopsy where it is not prohibited by law.

7. A provision, if applicable, setting forth the provisions of NRS 689B.035.

8. A provision for benefits for expense arising from care at home or health supportive services if that care or service was prescribed by a physician and would have been covered by the policy if performed in a medical facility or facility for the dependent as defined in chapter 449 of NRS.

9. A provision that no action at law or in equity may be brought to recover under the policy before the expiration of 60 days after written proof of loss has been furnished in accordance with the requirements of the policy and that no such action may be brought after the expiration of 3 years after the time written proof of loss is required to be furnished.

Sec. 51.3. **Chapter 689C of NRS is hereby amended by adding thereto a new section to read as follows:**

"Employee leasing company" has the meaning ascribed to it in NRS 616B.670.

Sec. 51.5. **NRS 689C.015 is hereby amended to read as follows:**

689C.015 Except as otherwise provided in this chapter, as used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 689C.017 to 689C.106, inclusive, ***and section 51.3 of this act*** have the meanings ascribed to them in those sections.

Sec. 51.7. **NRS 689C.065 is hereby amended to read as follows:**

689C.065 ***1.*** **"**Eligible employee" means a permanent employee who has a regular working week of 30 or more hours.

2. The term includes a sole proprietor**,** **[**~~or~~**]** a partner of a partnership **[**~~,~~**]** ***or an employee of an employee leasing company,*** if the sole proprietor**,** **[**~~or~~**]** partner ***or employee of the employee leasing company*** is included as an employee under a health benefit plan of a small employer.

Sec. 52. NRS 689C.156 is hereby amended to read as follows:

689C.156 1. As a condition of transacting business in this State with small employers, a carrier shall actively market to a small employer each health benefit plan which is actively marketed in this State by the carrier to any small employer in this State. The health insurance plans marketed pursuant to this section by the carrier must include, without limitation, a basic health benefit plan and a standard health benefit plan. A carrier shall be deemed to be actively marketing a health benefit plan when it makes available any of its plans to a small employer that is not currently receiving coverage under a health benefit plan issued by that carrier.

2. A carrier shall issue to a small employer any health benefit plan marketed in accordance with this section if the eligible small employer applies for the plan and agrees to make the required premium payments and satisfy the other reasonable provisions of the health benefit plan that are not inconsistent with NRS 689C.015 to 689C.355, inclusive, ***and section 51.3 of this act,*** and 689C.610 to 689C.980, inclusive, except that a carrier is not required to issue a health benefit plan to a self-employed person who is covered by, or is eligible for coverage under, a health benefit plan offered by another employer.

3. If a health benefit plan marketed pursuant to this section provides, delivers, arranges for, pays for or reimburses any cost of health care services through managed care, the carrier shall provide a system for resolving any complaints of an employee concerning those health care services that complies with the provisions of NRS 695G.200 to 695G.310, ~~*[695G.230,]*~~ inclusive **[**~~.~~**]** ***, and sections 102 to 112, inclusive, of this act.***

Sec. 53. NRS 690B.023 is hereby amended to read as follows:

690B.023 If insurance for the operation of a motor vehicle required pursuant to NRS 485.185 is provided by a contract of insurance, the insurer shall:

1. Provide evidence of insurance to the insured on a form approved by the Commissioner. The evidence of insurance must include:

(a) The name and address of the policyholder;

(b) The name and address of the insurer;

(c) ***Vehicle information, consisting of:***

(1) The year, make and complete identification number of the insured vehicle or vehicles; ***or***

(2) The word "Fleet" if the vehicle is covered under a fleet policy written on an any auto basis or blanket policy basis;

(d) The term of the insurance, including the day, month and year on which the policy:

(1) Becomes effective; and

(2) Expires;

(e) The number of the policy;

(f) A statement that the coverage meets the requirements set forth in NRS 485.185; and

(g) The statement "This card must be carried in the insured motor vehicle for production upon demand." The statement must be prominently displayed.

2. Provide new evidence of insurance if:

(a) The information regarding the insured vehicle or vehicles required pursuant to paragraph (c) of subsection 1 no longer is accurate;

(b) An additional motor vehicle is added to the policy;

(c) A new number is assigned to the policy; or

(d) The insured notifies the insurer that the original evidence of insurance has been lost.

Sec. 54. Chapter 690C of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Commissioner may refuse to renew or may suspend, limit or revoke a provider's certificate of registration if the Commissioner finds after a hearing thereon, or upon waiver of hearing by the provider, that the provider has:

(a) Violated or failed to comply with any lawful order of the Commissioner;

(b) Conducted business in an unsuitable manner;

(c) Willfully violated or willfully failed to comply with any lawful regulation of the Commissioner; or

(d) Violated any provision of this chapter.

➥ In lieu of such a suspension or revocation, the Commissioner may levy upon the provider, and the provider shall pay forthwith, an administrative fine of not more than $1,000 for each act or violation.

2. The Commissioner shall suspend or revoke a provider's certificate of registration on any of the following grounds if the Commissioner finds after a hearing thereon that the provider:

(a) Is in unsound condition, is being fraudulently conducted, or is in such a condition or is using such methods and practices in the conduct of its business as to render its further transaction of service contracts in this State currently or prospectively injurious to service contract holders or to the public.

(b) Refuses to be examined, or its directors, officers, employees or representatives refuse to submit to examination relative to its affairs, or to produce its books, papers, records, contracts, correspondence or other documents for examination by the Commissioner when required, or refuse to perform any legal obligation relative to the examination.

(c) Has failed to pay any final judgment rendered against it in this State upon any policy, bond, recognizance or undertaking as issued or guaranteed by it, within 30 days after the judgment became final or within 30 days after dismissal of an appeal before final determination, whichever date is the later.

3. The Commissioner may, without advance notice or a hearing thereon, immediately suspend the certificate of registration of any provider that has filed for bankruptcy or otherwise been deemed insolvent.

Sec. 55. NRS 690C.170 is hereby amended to read as follows:

690C.170 To be issued a certificate of registration, a provider must comply with one of the following:

1. Purchase a contractual liability insurance policy which insures the obligations of each service contract the provider issues, sells or offers for sale. The contractual liability insurance policy must be issued by an insurer ***which is not an affiliate of the provider and which is*** authorized to transact insurance in this state or pursuant to the provisions of chapter 685A of NRS ~~[.]~~ ***; or***

2. ~~[~~Maintain a reserve account and deposit with the Commissioner security as provided in this subsection. The reserve account must contain at all times an amount of money equal to at least 40 percent of the gross consideration received by the provider for any unexpired service contracts, less any claims paid on those unexpired service contracts. The Commissioner may examine the reserve account at any time. The provider shall also deposit with the Commissioner security in an amount that is equal to $25,000 or 5 percent of the gross consideration received by the provider for any unexpired service contracts, less any claims paid on the unexpired service contracts, whichever is greater. The security must be:

(a) A surety bond issued by a surety company authorized to do business in this state;

(b) Securities of the type eligible for deposit pursuant to NRS 682B.030;

(c) Cash;

(d) An irrevocable letter of credit issued by a financial institution approved by the Commissioner; or

(e) In any other form prescribed by the Commissioner.

3.~~]~~ Maintain, or be a subsidiary of a parent company that maintains, a net worth or stockholders' equity of at least $100,000,000. Upon request, a provider shall provide to the Commissioner a copy of the most recent Form 10-K report or Form 20-F report filed by the provider or parent company of the provider with the Securities and Exchange Commission within the previous year. If the provider or parent company is not required to file those reports with the Securities and Exchange Commission, the provider shall provide to the Commissioner a copy of the most recently audited financial statements of the provider or parent company. If the net worth or stockholders' equity of the parent company of the provider is used to comply with the requirements of this subsection, the parent company must guarantee

to carry out the duties of the provider under any service contract issued or sold by the provider.

Sec. 56. Chapter 691A of NRS is hereby amended by adding thereto a new section to read as follows:

The Commissioner may adopt regulations to carry out the provisions of this chapter.

Sec. 57. NRS 691A.020 is hereby amended to read as follows:

691A.020 1. **[**~~Each~~**]** ***Except as otherwise provided in subsection 3, each*** insurer which provides ***a policy for a personal line of*** property insurance covering ***a manufactured*** ~~***[homes]***~~ ***home or*** mobile **[**~~homes~~**]** ***home*** in Nevada ***that was manufactured within the immediately preceding 15 years*** shall offer ~~**[,]**~~ ***to an insured, on a form approved by the Commissioner and*** in addition to any other insurance, ***the option of purchasing*** insurance to pay the ~~**[market]**~~ ***replacement*** value of the ***manufactured home or*** mobile home in the event of a total loss of the ***manufactured home or*** mobile home ~~**[.]**~~ ***, including, without limitation, the*** ~~***[cost]***~~ ***reasonable costs for:***

(a) Transporting and installing the replacement manufactured home or mobile home; and

(b) Debris removal.

2. Nothing in this section requires any insurer to offer any insurance on ***manufactured homes or*** mobile homes at a premium which is not fair and adequate.

3. The provisions of this section do not apply to a policy of insurance placed on a manufactured home or a mobile home by a creditor or lender.

4. As used in this section ~~***[, "manufactured]***~~ ***:***

(a) "Manufactured home" has the meaning ascribed to it in NRS 489.113.

(b) "Replacement value" means the amount needed to repair, replace or rebuild a damaged or destroyed manufactured home or mobile home using new materials of similar kind and quality with no deduction for depreciation. The term does not include the value of land.

Sec. 58. NRS 692A.1041 is hereby amended to read as follows:

692A.1041 1. In addition to all other requirements set forth in this title and except as otherwise provided in subsection 4 and NRS 692A.1042, as a condition to doing business in this State, each title agent and title insurer shall deposit with the Commissioner and keep in full force and effect a corporate surety bond payable to the State of Nevada, in the amount set forth in subsection 3, which is executed by a corporate surety satisfactory to the Commissioner and which names as principals the title agency or title insurer and all escrow officers employed by or associated with the title agent or title insurer.

2. The bond must be in substantially the following form:

Know All Persons by These Presents, that ....., as principal, and ....., as surety, are held and firmly bound unto the State of Nevada for the use and benefit of any person who suffers damages because of a

violation of any of the provisions of chapter 692A of NRS, in the sum of ....., lawful money of the United States, to be paid to the State of Nevada for such use and benefit, for which payment well and truly to be made, and that we bind ourselves, our heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

The condition of that obligation is such that: Whereas, the Commissioner of Insurance of the Department of Business and Industry of the State of Nevada has issued the principal a license or certificate of authority as a title agent or title insurer, and the principal is required to furnish a bond, which is conditioned as set forth in this bond:

Now, therefore, if the principal, the principal's agents and employees, strictly, honestly and faithfully comply with the provisions of chapter 692A of NRS, and pay all damages suffered by any person because of a violation of any of the provisions of chapter 692A of NRS, or by reason of any fraud, dishonesty, misrepresentation or concealment of material facts growing out of any transaction governed by the provisions of chapter 692A of NRS, then this obligation is void; otherwise it remains in full force.

This bond becomes effective on the .....(day) of .....(month) of .....(year), and remains in force until the surety is released from liability by the Commissioner of Insurance or until this bond is cancelled by the surety. The surety may cancel this bond and be relieved of further liability hereunder by giving 60 days' written notice to the principal and to the Commissioner of Insurance of the Department of Business and Industry of the State of Nevada.

In Witness Whereof, the seal and signature of the principal hereto is affixed, and the corporate seal and the name of the surety hereto is affixed and attested by its authorized officers at ....., Nevada, this .....(day) of .....(month) of .....(year).

(Seal)
Principal
(Seal)
Surety
By
Attorney-in-fact

~~[~~Licensed resident~~]~~ ***Nevada licensed insurance*** agent

3. Each title agent and title insurer shall deposit a corporate surety bond that complies with the provisions of this section or a substitute form of security that complies with the provisions of NRS 692A.1042 in an amount that:

(a) Is not less than $20,000 or 2 percent of the average collected balance of the trust account or escrow account maintained by the title agent or title insurer pursuant to NRS 692A.250, whichever is greater; and

(b) Is not more than $250,000.

➥ The Commissioner shall determine the appropriate amount of the surety bond or substitute form of security that must be deposited initially by the title agent or title insurer based upon the expected average collected balance of the trust account or escrow account maintained by the title agent or title insurer pursuant to NRS 692A.250. After the initial deposit, the Commissioner shall, on an annual basis, determine the appropriate amount of the surety bond or substitute form of security that must be deposited by the title agent or title insurer based upon the average collected balance of the trust account or escrow account maintained by the title agent or title insurer pursuant to NRS 692A.250.

4. A title agent or title insurer may offset or reduce the amount of the surety bond or substitute form of security that the title agent or title insurer is required to deposit pursuant to subsection 3 by the amount of any of the following:

(a) Cash or securities deposited with the Commissioner in this State pursuant to NRS 680A.140 or 682B.015.

(b) Reserves against unpaid losses and loss expenses maintained pursuant to NRS 692A.150 or 692A.170.

(c) Unearned premium reserves maintained pursuant to NRS 692A.160 or 692A.170.

(d) Fidelity bonds maintained by the title agent or title insurer.

(e) Other bonds or policies of insurance maintained by the title agent or title insurer covering liability for economic losses to customers caused by the title agent or title insurer.

Sec. 59. NRS 692B.070 is hereby amended to read as follows:

692B.070 1. A written application for any permit required under NRS 692B.040 must be filed with the Commissioner. The application must include or be accompanied by:

(a) The name, type and purposes of the insurer, corporation, syndicate, association, firm or organization formed or proposed to be formed or financed;

(b) On forms furnished by the Commissioner, for each person associated or to be associated as incorporator, director, promoter, manager or in other similar capacity in the enterprise, or in the formation of the proposed insurer, corporation, syndicate, association, firm or organization, or in the proposed financing:

(1) The person's name, residential address and qualifications; ***and***

(2) The person's business background and experience for the preceding 10 years; ~~[and~~

~~(3) A complete set of the person's fingerprints which the Commissioner may forward to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report;]~~

(c) A full disclosure of the terms of all pertinent understandings and agreements existing or proposed among any persons or entities so associated or to be associated, and a copy of each such agreement;

(d) Executed quadruplicate originals of the articles of incorporation of a proposed domestic stock or mutual insurer;

(e) The original and one copy of the proposed bylaws of a proposed domestic stock or mutual insurer;

(f) The plan according to which solicitations are to be made and a reasonably detailed estimate of all organization and sales expenses to be incurred in the proposed organization and offering;

(g) A copy of any security, receipt or certificate proposed to be offered, and a copy of any proposed subscription agreement or application therefor;

(h) A copy of any prospectus, offering circular, advertising or sales literature or material proposed to be used;

(i) A copy of the proposed form of any escrow agreement required;

(j) A copy of:

(1) The articles of incorporation of any corporation, other than a proposed domestic insurer, proposing to offer its securities, certified by the public officer having custody of the original thereof;

(2) Any syndicate, association, firm, organization or other similar agreement, by whatever name called, if funds for any of the purposes referred to in subsection 1 of NRS 692B.040 are to be secured through the sale of any security, interest or right in or relative to such syndicate, association, firm or organization; and

(3) If the insurer is, or is to be, a reciprocal insurer, the power of attorney and of other agreements existing or proposed affecting subscribers, investors, the attorney-in-fact or the insurer;

(k) If the applicant is a natural person, the statement required pursuant to NRS 692B.193; and

(l) Such additional pertinent information as the Commissioner may reasonably require.

2. The application must be accompanied by a deposit of the fees required under NRS 680B.010 for the filing of the application and for issuance of the permit, if granted.

3. If the applicant is a natural person, the application must include the social security number of the applicant.

4. In lieu of a special filing thereof of information required by subsection 1, the Commissioner may accept a copy of any pertinent filing made with the Securities and Exchange Commission relative to the same offering.

5. Each person identified in paragraph (b) of subsection 1 who is a resident of this State must, as part of his or her application and at the person's own expense:

(a) Arrange to have a complete set of his or her fingerprints taken by a law enforcement agency or other authorized entity acceptable to the Commissioner; and

(b) Submit to the Commissioner:

(1) A completed fingerprint card and written permission authorizing the Commissioner to submit the person's fingerprints to the Central

Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for a report on the person's background and to such other law enforcement agencies as the Commissioner deems necessary; or

(2) Written verification, on a form prescribed by the Commissioner, stating that the fingerprints of the person were taken and directly forwarded electronically or by another means to the Central Repository and that the person has given written permission to the law enforcement agency or other authorized entity taking the fingerprints to submit the fingerprints to the Central Repository for submission to the Federal Bureau of Investigation for a report on the person's background and to such other law enforcement agencies as the Commissioner deems necessary.

6. The Commissioner may:

(a) Unless the person's fingerprints are directly forwarded pursuant to subparagraph (2) of paragraph (b) of subsection 5, submit those fingerprints to the Central Repository for submission to the Federal Bureau of Investigation and to such other law enforcement agencies as the Commissioner deems necessary; and

(b) Request from each such agency any information regarding the person's background as the Commissioner deems necessary.

Sec. 60. NRS 692B.190 is hereby amended to read as follows:

692B.190 1. No person may in this State solicit subscription to or purchase of any security covered by a solicitation permit issued under this chapter, unless then licensed therefor by the Commissioner.

2. Such a license may be issued only to natural persons, and the Commissioner shall not license any person found by the Commissioner to be:

(a) Dishonest or untrustworthy;

(b) Financially irresponsible;

(c) Of unfavorable personal or business history or reputation; or

(d) For any other cause, reasonably unsuited for fulfillment of the responsibilities of such a licensee.

3. The applicant for such a license must file a written application therefor with the Commissioner, on forms and containing inquiries as designated and required by the Commissioner. The application must include or be accompanied by:

(a) The social security number of the applicant;

(b) An endorsement by the holder of the permit under which the securities are proposed to be sold; ***and***

(c) ~~[~~A complete set of the fingerprints of the applicant on forms furnished by the Commissioner; and

~~(d)]~~ The application fee specified in NRS 680B.010.

4. The Commissioner ~~[~~:

~~(a) May forward the complete set of fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report; and~~

~~(b) Shall~~] ***shall*** promptly cause an investigation to be made of the identity and qualifications of the applicant.

5. The license, if issued, must be for the period of the permit, and must automatically be extended if the permit is extended.

6. The Commissioner shall revoke the license if at any time after issuance the Commissioner has found that the license was obtained through misrepresentation or concealment of facts, or that the licensee is no longer qualified therefor, or that the licensee has misrepresented the securities offered, or has otherwise conducted himself or herself in or with respect to transactions under the license in a manner injurious to the permit holder or to subscribers or prospects or the public.

7. This section does not apply to securities broker-dealers registered as such under the Securities Exchange Act of 1934, or with respect to securities the sale of which is underwritten, other than on a best efforts basis, by such a broker-dealer.

8. With respect to solicitation of subscriptions to or purchase of securities covered by a solicitation permit issued by the Commissioner, the license required by this section is in lieu of a license or permit otherwise required of the solicitor under any other law of this State.

9. An applicant who is a resident of this State must, as part of his or her application and at the applicant's own expense:

(a) Arrange to have a complete set of his or her fingerprints taken by a law enforcement agency or other authorized entity acceptable to the Commissioner; and

(b) Submit to the Commissioner:

(1) A completed fingerprint card and written permission authorizing the Commissioner to submit the applicant's fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for a report on the applicant's background and to such other law enforcement agencies as the Commissioner deems necessary; or

(2) Written verification, on a form prescribed by the Commissioner, stating that the fingerprints of the applicant were taken and directly forwarded electronically or by another means to the Central Repository and that the applicant has given written permission to the law enforcement agency or other authorized entity taking the fingerprints to submit the fingerprints to the Central Repository for submission to the Federal Bureau of Investigation for a report on the applicant's background and to such other law enforcement agencies as the Commissioner deems necessary.

10. The Commissioner may:

(a) Unless the applicant's fingerprints are directly forwarded pursuant to subparagraph (2) of paragraph (b) of subsection 9, submit those fingerprints to the Central Repository for submission to the Federal Bureau of Investigation and to such other law enforcement agencies as the Commissioner deems necessary; and

(b) Request from each such agency any information regarding the applicant's background as the Commissioner deems necessary.

Sec. 61. NRS 692C.370 is hereby amended to read as follows:

692C.370 For the purposes of this chapter, in determining whether or not an insurer's surplus as regards policyholders is reasonable in relation to the insurer's outstanding liabilities and adequate to its financial needs, the following factors among others must be considered:

1. The size of the insurer as measured by its assets, capital and surplus, reserves, premium writings, ***operating results,*** insurance in force and other appropriate criteria.

2. The extent to which the insurer's business is diversified among the several lines of insurance.

3. The number and size of risks insured in each line of business.

4. The extent of the geographical dispersion of the insurer's insured risks.

5. The nature and extent of the insurer's reinsurance program.

6. The quality, diversification and liquidity of the insurer's investment portfolio.

7. The recent past and projected future trend in the size of the insurer's surplus as regards policyholders.

8. The surplus as regards policyholders maintained by other comparable insurers.

9. The adequacy of the insurer's reserves.

10. The quality and liquidity of investments in ***affiliates or*** subsidiaries made pursuant to NRS 692C.180 to 692C.250, inclusive. The Commissioner may treat any such investment as a disallowed asset for purposes of determining the adequacy of surplus as regards policyholders whenever in the judgment of the Commissioner such investment so warrants.

11. The quality of the insurer's earnings and the extent to which the reported earnings of the insurer include extraordinary items. As used in this subsection, the term "extraordinary item" means a nonrecurring occurrence or event.

Sec. 62. ~~[NRS 692C.380 is hereby amended to read as follows:~~

~~692C.380 For purposes of NRS 692C.360 to 692C.400, inclusive, an extraordinary dividend or distribution includes any dividend or distribution of cash or other property, whose fair market value together with that of other dividends or distributions made within the preceding 12 months exceeds the [greater] *lesser* of:~~

~~1. Ten percent of the insurer's surplus as regards policyholders as of December 31 next preceding the dividend or distribution; or~~

~~2. The net gain from operations of the insurer, if the insurer is a life insurer, or the net income, not including realized capital gains if the insurer is not a life insurer, for the 12-month period ending December 31 next preceding the dividend or distribution,~~

~~➤ but does not include pro rata distributions of any class of the insurer's own securities.~~**] (Deleted by amendment.)**

Sec. 63. NRS 694C.330 is hereby amended to read as follows:

694C.330 Except as otherwise provided in this section, a captive insurer shall pay dividends out of, or make any other distributions from, its capital or surplus, or both, in accordance with the provisions set forth in NRS ***692C.370,*** 693A.140, 693A.150 and 693A.160. A captive insurer shall not pay dividends out of, or make any other distribution with respect to, its capital or surplus, or both, in violation of this section unless the captive insurer has obtained the prior approval of the Commissioner to make such a payment or distribution.

Sec. 64. NRS 694C.400 is hereby amended to read as follows:

694C.400 1. On or before March 1 of each year, a captive insurer shall submit to the Commissioner a report of its financial condition, as prepared by a certified public accountant. A captive insurer shall use generally accepted accounting principles and include any useful or necessary modifications or adaptations thereof that have been approved or accepted by the Commissioner for the type of insurance and kinds of insurers to be reported upon, and as supplemented by additional information required by the Commissioner. Except as otherwise provided in this section, each association captive insurer, agency captive insurer, rental captive insurer or sponsored captive insurer shall file its report in the form required by NRS **[**~~680A.265.~~**]** ***680A.270.*** The Commissioner shall adopt regulations designating the form in which pure captive insurers must report.

2. A pure captive insurer may apply, in writing, for authorization to file its annual report based on a fiscal year that is consistent with the fiscal year of the parent company of the pure captive insurer. If an alternative date is granted:

(a) The annual report is due not later than 60 days after the end of each such fiscal year; and

(b) The pure captive insurer shall file on or before March 1 of each year such forms as required by the Commissioner by regulation to provide sufficient detail to support its premium tax return filed pursuant to NRS 694C.450.

3. Any captive insurer failing, without just cause beyond the reasonable control of the captive insurer, to file its annual statement as required by subsection 1 shall pay a penalty of $100 for each day the captive insurer fails to file the report, but not to exceed an aggregate amount of $3,000, to be recovered in the name of the State of Nevada by the Attorney General.

4. Any director, officer, agent or employee of a captive insurer who subscribes to, makes or concurs in making or publishing, any annual or other statement required by law, knowing the same to contain any material statement which is false, is guilty of a gross misdemeanor.

Sec. 65. NRS 695B.380 is hereby amended to read as follows:

695B.380 1. Except as otherwise provided in subsection 4, each insurer that issues a contract for hospital or medical services in this State shall establish a system for resolving any complaints of an insured concerning health care services covered under the policy. The system must be approved by the Commissioner in consultation with the State Board of Health.

2. A system for resolving complaints established pursuant to subsection 1 must include an initial investigation, a review of the complaint by a review board and a procedure for appealing a determination regarding the complaint. The majority of the members on a review board must be insureds who receive health care services pursuant to a contract for hospital or medical services issued by the insurer.

3. The Commissioner or the State Board of Health may examine the system for resolving complaints established pursuant to subsection 1 at such times as either deems necessary or appropriate.

4. Each insurer that issues a contract specified in subsection 1 shall, if the contract provides, delivers, arranges for, pays for or reimburses any cost of health care services through managed care, provide a system for resolving any complaints of an insured concerning those health care services that complies with the provisions of NRS 695G.200 to 695G.310, ~~*[695G.230,]*~~ inclusive ~~[.]~~ ***, and sections 102 to 112, inclusive, of this act.***

Sec. 65.5. **NRS 695C.180 is hereby amended to read as follows:**

695C.180 1. **[**~~No~~**]** ***Except as otherwise provided in subsection 3, no*** schedule of charges for enrollee coverage for health care services or amendment thereto may be used in conjunction with any health care plan until a copy of **[**~~such~~**]** ***the*** schedule or amendment **[**~~thereto~~**]** has been filed with and approved by the Commissioner.

2. Such charges may be established in accordance with actuarial principles for various categories of enrollees. **[**~~However the~~**]** ***The*** charges **[**~~shall~~**]** ***must*** not be excessive, inadequate **[**~~nor~~**]** ***or*** unfairly discriminatory. A certification by a qualified actuary to the adequacy of the charges **[**~~shall~~**]** ***must*** accompany the filing along with adequate supporting information.

3. The provisions of this section do not apply to health insurance coverage offered through a group health plan maintained by a large employer. As used in this subsection, "large employer" has the meaning ascribed to it in 42 U.S.C. § 18024(b)(1).

Sec. 66. NRS 695C.260 is hereby amended to read as follows:

695C.260 Each health maintenance organization shall establish:

1. A system for resolving complaints which complies with the provisions of NRS 695G.200 to 695G.230, inclusive; and

2. A system for conducting external reviews of ~~[~~final~~]~~ adverse determinations that complies with the provisions of NRS 695G.241 to 695G.310, ***inclusive, and sections 102 to 112,*** inclusive ~~[~~.~~]~~ ***, of this act.***

Sec. 67. NRS 695C.330 is hereby amended to read as follows:

695C.330 1. The Commissioner may suspend or revoke any certificate of authority issued to a health maintenance organization pursuant to the provisions of this chapter if the Commissioner finds that any of the following conditions exist:

(a) The health maintenance organization is operating significantly in contravention of its basic organizational document, its health care plan or in a manner contrary to that described in and reasonably inferred from any other information submitted pursuant to NRS 695C.060, 695C.070 and 695C.140, unless any amendments to those submissions have been filed with and approved by the Commissioner;

(b) The health maintenance organization issues evidence of coverage or uses a schedule of charges for health care services which do not comply with the requirements of NRS 695C.1691 to 695C.200, inclusive, or 695C.207;

(c) The health care plan does not furnish comprehensive health care services as provided for in NRS 695C.060;

(d) The State Board of Health certifies to the Commissioner that the health maintenance organization:

(1) Does not meet the requirements of subsection 2 of NRS 695C.080; or

(2) Is unable to fulfill its obligations to furnish health care services as required under its health care plan;

(e) The health maintenance organization is no longer financially responsible and may reasonably be expected to be unable to meet its obligations to enrollees or prospective enrollees;

(f) The health maintenance organization has failed to put into effect a mechanism affording the enrollees an opportunity to participate in matters relating to the content of programs pursuant to NRS 695C.110;

(g) The health maintenance organization has failed to put into effect the system required by NRS 695C.260 for:

(1) Resolving complaints in a manner reasonably to dispose of valid complaints; and

(2) Conducting external reviews of ~~[~~final~~]~~ adverse determinations that comply with the provisions of NRS 695G.241 to 695G.310, ***inclusive, and sections 102 to 112,*** inclusive ~~[~~;~~]~~ ***, of this act;***

(h) The health maintenance organization or any person on its behalf has advertised or merchandised its services in an untrue, misrepresentative, misleading, deceptive or unfair manner;

(i) The continued operation of the health maintenance organization would be hazardous to its enrollees;

(j) The health maintenance organization fails to provide the coverage required by NRS 695C.1691; or

(k) The health maintenance organization has otherwise failed to comply substantially with the provisions of this chapter.

2. A certificate of authority must be suspended or revoked only after compliance with the requirements of NRS 695C.340.

3. If the certificate of authority of a health maintenance organization is suspended, the health maintenance organization shall not, during the period of that suspension, enroll any additional groups or new individual contracts, unless those groups or persons were contracted for before the date of suspension.

4. If the certificate of authority of a health maintenance organization is revoked, the organization shall proceed, immediately following the effective date of the order of revocation, to wind up its affairs and shall conduct no further business except as may be essential to the orderly conclusion of the affairs of the organization. It shall engage in no further advertising or solicitation of any kind. The Commissioner may, by written order, permit such further operation of the organization as the Commissioner may find to be in the best interest of enrollees to the end that enrollees are afforded the greatest practical opportunity to obtain continuing coverage for health care.

Sec. 68. NRS 695E.110 is hereby amended to read as follows:

695E.110 "Risk retention group" means any corporation or association with limited liability that is formed under the laws of any state, Bermuda or the Cayman Islands:

1. Whose primary activity consists of assuming and spreading all or any portion of the exposure of its ***corporation or association*** members to liability;

2. Which is organized primarily to conduct the activity described in subsection 1;

3. Which:

(a) Is chartered and licensed as a liability insurer and authorized to transact insurance under the laws of any state; or

(b) Before January 1, 1985, was chartered or licensed and authorized to transact insurance under the laws of Bermuda or the Cayman Islands and, before that date, had certified to the Commissioner of Insurance of at least one state that it satisfied the state's requirements for capitalization, except that such a group is considered to be a risk retention group only if it has been engaged in business continuously since that date and only for the purpose of continuing to provide insurance to cover product liability or completed operations liability;

4. Which does not exclude any person from membership in the group solely to provide for members of the group a competitive advantage over an excluded person;

5. Which has as its:

(a) ~~[~~Members~~]~~ ***Owners*** only persons who ~~[~~have an ownership interest in the group and who are provided insurance by~~]~~ ***comprise the membership of***

the risk retention group ~~[:]~~ ***and who are provided insurance by the risk retention group;*** or

(b) Sole owner an organization which has as its:

(1) Members only persons who comprise the membership of the risk retention group; and

(2) Owners only persons who comprise the membership of the risk retention group and who are provided insurance by the group;

6. Whose members are engaged in businesses or activities similar or related with respect to the liability to which they are exposed by virtue of any related, similar or common business, trade, product, services, premises or operations;

7. Whose activities do not include the provision of insurance other than:

(a) Liability insurance for assuming and spreading all or any portion of the liability of the members of the group; and

(b) Reinsurance with respect to the liability of any other risk retention group, or any member of such a group, that is engaged in a business or activity such that the other group or member meets the requirements of subsection 6 for membership in the risk retention group that provides reinsurance; and

8. The name of which includes the phrase "risk retention group."

Sec. 69. NRS 695F.230 is hereby amended to read as follows:

695F.230 1. Each prepaid limited health service organization shall establish a system for the resolution of written complaints submitted by enrollees and providers.

2. The provisions of subsection 1 do not prohibit an enrollee or provider from filing a complaint with the Commissioner or limit the Commissioner's authority to investigate such a complaint.

3. Each prepaid limited health service organization that issues any evidence of coverage that provides, delivers, arranges for, pays for or reimburses any cost of health care services through managed care shall provide a system for resolving any complaints of an enrollee or subscriber concerning those health care services that complies with the provisions of NRS 695G.200 to 695G.310, ~~*[695G.230,]*~~ inclusive ~~[.]~~ ***, and sections 102 to 112, inclusive, of this act.***

Sec. 70. Chapter 695G of NRS is hereby amended by adding thereto the provisions set forth as sections 71 to 112, inclusive, of this act.

Sec. 71. ~~***[***"Ambulatory review" means utilization review of health care services performed or provided in an outpatient setting.***]***~~ **(Deleted by amendment.)**

Sec. 72. ~~***[***"Best evidence" means evidence based on:***

1. Randomized clinical trials;

2. If randomized clinical trials are not available, cohort studies or case-control studies;

3. If the methods described in subsections 1 and 2 are not available, case-series; or~~

~~*4. If the methods described in subsections 1, 2 and 3 are not available, expert opinion.]*~~ **(Deleted by amendment.)**

Sec. 73. ~~*[“Case control study” means a retrospective evaluation of two groups of patients with different outcomes to determine which specific interventions the patients received.]*~~ **(Deleted by amendment.)**

Sec. 74. ~~*[“Case management” means a coordinated set of activities conducted for individual patient management of serious, complicated, protracted or other health conditions.]*~~ **(Deleted by amendment.)**

Sec. 75. ~~*[“Case series” means an evaluation of a series of patients with a particular outcome, without the use of a control group.]*~~ **(Deleted by amendment.)**

Sec. 76. ~~*[“Clinical review criteria” means the written screening procedures, decision abstracts, clinical protocols and practice guidelines used by a health carrier to determine the medical necessity and appropriateness of health care services.]*~~ **(Deleted by amendment.)**

Sec. 77. ~~*[“Cohort study” means a prospective evaluation of two groups of patients with only one group of patients receiving a specific intervention.]*~~ **(Deleted by amendment.)**

Sec. 78. ~~*[“Concurrent review” means utilization review conducted during a patient’s hospital stay or course of treatment.]*~~ **(Deleted by amendment.)**

Sec. 79. ~~*[“Covered benefits” or “benefits”]*~~ ***“Benefits”*** ***means those health care services to which a covered person is entitled under the terms of a health benefit plan.***

Sec. 80. ***“Covered person” means a policyholder, subscriber, enrollee or other person participating in a health benefit plan.***

Sec. 81. ~~*[“Discharge planning” means the formal process for determining, before discharge from a facility, the coordination and management of the care that a patient receives following discharge from the facility.]*~~ **(Deleted by amendment.)**

Sec. 82. ~~*[“Disclose” means to release, transfer or otherwise divulge protected health information to any person other than the person who is the subject of the protected health information.]*~~ **(Deleted by amendment.)**

Sec. 83. ~~*[“Emergency medical condition” means the sudden and, at the time, unexpected onset of a health condition or illness that requires immediate medical attention, where failure to provide medical attention would result in a serious impairment to bodily functions, serious dysfunction of a bodily organ or part or would place the person’s health in serious jeopardy.]*~~ **(Deleted by amendment.)**

Sec. 84. ~~*[“Emergency medical services” means health care items and services furnished or required to evaluate and treat an emergency medical condition.]*~~ **(Deleted by amendment.)**

Sec. 85. ~~*[“Evidence-based standard” means the conscientious, explicit and judicious use of the current best evidence based on the overall*~~

~~*systematic review of research in making decisions about the care of an individual patient.]*~~ **(Deleted by amendment.)**

Sec. 86. ~~*[“Expert opinion” means a belief or an interpretation by specialists with experience in a specific area about the scientific evidence pertaining to a particular service, intervention or therapy.]*~~ **(Deleted by amendment.)**

Sec. 87. ~~*[“Facility” means an institution providing health care services or a health care setting, including, but not limited to, hospitals and other licensed inpatient centers, ambulatory surgical or treatment centers, skilled nursing centers, residential treatment centers, diagnostic, laboratory and imaging centers, and rehabilitation and other therapeutic health settings.]*~~ **(Deleted by amendment.)**

Sec. 88. *“Health benefit plan” means a policy, contract, certificate or agreement offered or issued by a health carrier to provide, deliver, arrange for, pay for or reimburse any of the costs of health care services.*

Sec. 89. ~~*[“Health care professional” means a physician or other health care practitioner licensed, accredited or certified to perform specified health care services consistent with state law.]*~~ **(Deleted by amendment.)**

Sec. 90. ~~*[“Health care provider” or “provider of health care” or “provider” means a health care professional or a facility.]*~~ **(Deleted by amendment.)**

Sec. 91. *“Health care services” means services for the diagnosis, prevention, treatment, care or relief of a health condition, illness, injury or disease.*

Sec. 92. *“Health carrier” means an entity subject to the insurance laws and regulations of this State, or subject to the jurisdiction of the Commissioner, that contracts or offers to contract to provide, deliver, arrange for, pay for or reimburse any of the costs of health care services, including, without limitation, a sickness and accident health insurance company, a health maintenance organization, a nonprofit hospital and health service corporation or any other entity providing a plan of health insurance, health benefits or health care services.*

Sec. 93. ~~*[“Health information” means information or data, whether oral or recorded in any form or medium, and personal facts or information about events or relationships that relate to:*~~

~~*1. The past, present or future physical, mental or behavioral health or condition of a person or a member of the person’s family;*~~

~~*2. The provision of health care services to a person; or*~~

~~*3. Payment for the provision of health care services to a person.]*~~ **(Deleted by amendment.)**

Sec. 94. *“Medical or scientific evidence” means evidence found in the following sources:*

1. Peer-reviewed scientific studies published in or accepted for publication by medical journals that meet nationally recognized

requirements for scientific manuscripts and that submit most of their published articles for review by experts who are not part of the editorial staff;

2. Peer-reviewed medical literature, including literature relating to therapies reviewed and approved by a qualified institutional review board, biomedical compendia and other medical literature that meet the criteria of the National Library of Medicine of the National Institutes of Health for indexing in Index Medicus (MEDLINE) and Elsevier for indexing in Excerpta Medica (EMBASE);

3. Medical journals recognized by the Secretary of Health and Human Services pursuant to section 1861(t)(2) of the Social Security Act, 42 U.S.C. § 1395x;

4. The following standard reference compendia:

(a) AHFS Drug Information published by the American Society of Health-System Pharmacists;

(b) Drug Facts and Comparisons published by Wolter Kluwers Health;

(c) Accepted Dental Therapeutics published by the American Dental Association; and

(d) The United States Pharmacopoeia's Drug Quality and Information Program;

5. Findings, studies or research conducted by or under the auspices of the Federal Government and nationally recognized federal research institutes, including, without limitation:

(a) The Agency for Healthcare Research and Quality;

(b) The National Institutes of Health;

(c) The National Cancer Institute;

(d) The National Academy of Sciences of the National Academies;

(e) The Centers for Medicare and Medicaid Services;

(f) The Food and Drug Administration; and

(g) Any national board recognized by the National Institutes of Health for the purpose of evaluating the medical value of health care services; or

6. Any other source of medical or scientific evidence that is comparable to the sources listed in subsections 1 to 5, inclusive.

Sec. 95. ~~***[***"Prospective review" means utilization review conducted before an admission or a course of treatment.***]***~~ **(Deleted by amendment.)**

Sec. 96. ~~***[***"Protected health information" means health information:***

1. That identifies a person who is the subject of the information; or

2. With respect to which there is a reasonable basis to believe that the information could be used to identify a person.]~~ **(Deleted by amendment.)**

Sec. 97. ~~***[***"Randomized clinical trial" means a controlled, prospective study of patients that have been randomized into an experimental group and a control group at the beginning of the study with only the experimental group of patients receiving a specific intervention, which includes study of the groups for variables and anticipated outcomes over time.***]~~ **(Deleted by amendment.)**

Sec. 98. ~~*[“Retrospective review” means a review of medical necessity conducted after services have been provided to a patient, but does not include the review of a claim that is limited to an evaluation of reimbursement levels, veracity of documentation, accuracy of coding or adjudication for payment.]*~~ **(Deleted by amendment.)**

Sec. 99. ~~*[“Second opinion” means an opportunity or requirement to obtain a clinical evaluation by a provider other than the provider that originally made a recommendation for a proposed health care service to assess the clinical necessity and appropriateness of the proposed health care service.]*~~ **(Deleted by amendment.)**

Sec. 100. ~~*[1. “Utilization review” means a set of formal techniques designed to monitor the use of or evaluate the clinical necessity, appropriateness, efficacy or efficiency of health care services, procedures or settings. Techniques may include ambulatory review, prospective review, second opinion, certification, concurrent review, case management, discharge planning or retrospective review.*~~

~~*2. As used in this section, “certification” means a determination by a health carrier or utilization review organization that an admission, availability of care, continued stay or other health care service has been reviewed and, based on the information provided, satisfies the health carrier’s requirements for medical necessity, appropriateness, health care setting, level of care and effectiveness.]*~~ **(Deleted by amendment.)**

Sec. 101. *“Utilization review organization” means an entity designated by a health carrier to conduct utilization reviews.*

Sec. 102. *1. Except as* ***otherwise*** *provided in subsection 2, the provisions of* ***NRS 695G.200 to 695G.310, inclusive, and*** *sections 102 to 112, inclusive, of this act* ~~*[and NRS 695G.200 to 695G.230, inclusive,]*~~ *apply to all health carriers.*

2. The provisions of subsection 1 do not apply to:

(a) A policy or certificate that provides only coverage for:

(1) A specified disease or accident;

(2) Accidents;

(3) Credit dental;

(4) Disability income;

(5) Hospital indemnity;

(6) Long-term care insurance;

(7) Vision care; or

(8) Any other limited supplemental benefit;

(b) A Medicare supplement policy of insurance, as defined in regulations adopted by the Commissioner;

(c) Coverage under a plan through Medicare, Medicaid or the Federal Employees Health Benefits Program, FEHBP, 5 U.S.C. §§ 8901 et seq.;

(d) Any coverage issued under the Civilian Health and Medical Program of the Uniformed Services, CHAMPUS, 10 U.S.C. §§ 1071 et seq., and any coverage issued as supplemental to that coverage;

(e) Any coverage issued as supplemental to liability insurance;

(f) Workers' compensation or similar insurance;

(g) Automobile medical payment insurance; or

(h) Any insurance under which benefits are payable with or without regard to fault, whether written on a group, blanket or individual basis.

Sec. 103. *1. A health carrier shall notify the covered person in writing of the covered person's right to request an external review to be conducted pursuant to ~~[section 105, 106 or 107]~~ NRS 695G.241 to 695G.310, inclusive, and sections 102 to 112, inclusive, of this act and include the appropriate statements and information set forth in subsection 2 at the same time the health carrier sends written notice of an adverse determination upon completion of the health carrier's utilization review process set forth in NRS 683A.375 to 683A.379, inclusive, and the regulations adopted pursuant thereto.*

2. As part of the written notice required pursuant to subsection 1, a health carrier shall include the following, or substantially equivalent, language:

We have denied your request for the provision of or payment for a health care service or course of treatment. You may have the right to have our decision reviewed by health care professionals who have no association with us if our decision involved making a judgment as to the medical necessity, appropriateness, health care setting, level of care or effectiveness of the health care service or treatment you requested by submitting a request for external review to the Office ~~[of the Commissioner of Insurance.]~~ for Consumer Health Assistance.

3. The Commissioner may prescribe by regulation the form and content of the notice required pursuant to this section.

4. The health carrier shall include in the notice required pursuant to subsection 1 a statement informing the covered person that:

(a) If the covered person has a medical condition where the timeframe for completion of an expedited review of a grievance involving an adverse determination set forth in NRS 695G.200 to 695G.230, inclusive, would seriously jeopardize the life or health of the covered person or would jeopardize the covered person's ability to regain maximum function, the covered person or the covered person's authorized representative may, at the same time the covered person or the covered person's authorized representative files a request for an expedited review of a grievance involving an adverse determination as set forth in NRS 695G.210, file a request for an expedited external review to be conducted pursuant to NRS 695G.271 and section ~~[106 or]~~ 107 of this act if the adverse determination involves a denial of coverage based on a determination that the recommended or requested health care service or treatment is experimental or investigational and the covered person's treating physician certifies in writing that the recommended or requested health care service or treatment that is the subject of the adverse determination would be

significantly less effective if not promptly initiated, and the independent review organization assigned to conduct the expedited external review will determine whether the covered person will be required to complete the expedited review of the grievance before conducting the expedited external review; and

(b) The covered person or the covered person's authorized representative may file a grievance under the health carrier's internal grievance process as set forth in NRS 695G.200 to 695G.230, inclusive, but if the health carrier has not issued a written decision to the covered person or the covered person's authorized representative within 30 days after the date on which the covered person or the covered person's authorized representative filed the grievance with the health carrier and the covered person or the covered person's authorized representative has not requested or agreed to a delay, the covered person or the covered person's authorized representative may file a request for external review pursuant to ~~[section 105 of this act]~~ NRS 695G.251 and shall be considered to have exhausted the health carrier's internal grievance process.

5. In addition to the information required to be provided pursuant to subsection 1, the health carrier shall include a copy of the description of both the standard and expedited external review procedures the health carrier is required to provide pursuant to section 112 of this act, highlighting the provisions in the external review procedures that give the covered person or the covered person's authorized representative the opportunity to submit additional information and including any forms used to process an external review.

6. As part of any forms provided pursuant to subsection 3, the health carrier shall include an authorization form, or other document approved by the Commissioner that complies with the requirements of 45 C.F.R. § 164.508, by which the covered person, for purposes of conducting an external review, authorizes the health carrier and the covered person's treating health care provider to disclose protected health information, including medical records, concerning the covered person that are pertinent to the external review.

7. As used in this section, "protected health information" has the meaning ascribed to it in 45 C.F.R. § 160.103.

Sec. 104. ***1. Except for a request for an expedited external review as set forth in NRS 695G.271 or section ~~[106 or]~~ 107 of this act, all requests for external review must be made in writing to the ~~[Commissioner.]~~ Office for Consumer Health Assistance.***

2. The Commissioner may prescribe by regulation the form and content of requests for external review required to be submitted pursuant to this section.

3. A covered person or the covered person's authorized representative may submit a request for an external review of an adverse determination.

Sec. 105. ~~[1. Within 4 months after receipt of a notice of an adverse determination pursuant to section 103 of this act, a covered person or the covered person's authorized representative may file a request for external review with the Commissioner pursuant to this section.~~

~~2. Within 1 business day after receipt of a request for external review pursuant to subsection 1, the Commissioner shall send a copy of the request to the health carrier.~~

~~3. Within 5 business days after receipt of the copy of the request for external review from the Commissioner pursuant to subsection 2, the health carrier shall conduct and complete a preliminary review of the request to determine whether:~~

~~(a) The person is or was a covered person in the health benefit plan at the time the health care service was requested or, in the case of a retrospective review, was a covered person in the health benefit plan at the time the health care service was provided;~~

~~(b) The health care service that is the subject of the adverse determination would have been a covered service under the covered person's health benefit plan but for a determination by the health carrier that the health care service is not covered because it does not meet the health carrier's requirements for medical necessity, appropriateness, health care setting, level of care or effectiveness;~~

~~(c) The covered person has exhausted the health carrier's internal grievance process as set forth in NRS 695G.200 to 695G.230, inclusive, unless the covered person is not required to exhaust the health carrier's internal grievance process; and~~

~~(d) The covered person has provided all the information and forms required by the Commissioner to process an external review, including the release form provided pursuant to subsection 6 of section 103 of this act.~~

~~4. Within 1 business day after completion of the preliminary review, the health carrier shall notify the Commissioner and the covered person, and, if applicable, the covered person's authorized representative, in writing, whether the request is:~~

~~(a) Complete;~~

~~(b) Eligible for external review;~~

~~(c) Not complete, in which case the health carrier shall include in the notice the information or materials that are needed to make the request complete; or~~

~~(d) Not eligible for external review, in which case the health carrier shall include in the notice the reasons for its ineligibility.~~

~~5. The Commissioner may specify the form for the notice of initial determination pursuant to subsection 4 and any supporting information to be included in the notice.~~

~~6. The notice of initial determination must include a statement that a health carrier's initial determination that a request which is ineligible for external review may be appealed to the Commissioner.~~

~~*7. The Commissioner may determine that a request is eligible for external review pursuant to the provisions of subsection 3 and require that it be referred for external review notwithstanding a health carrier's initial determination pursuant to subsection 3 that the request is ineligible.*~~

~~*8. In making a determination pursuant to subsection 7, the Commissioner's decision must be made in accordance with the terms of the covered person's health benefit plan and is subject to all applicable provisions of sections 102 to 112, inclusive, of this act.*~~

~~*9. When the Commissioner receives a notice that a request is eligible for external review pursuant to subsection 4, within 1 business day after receipt of the notice, the Commissioner shall:*~~

~~*(a) Assign an independent review organization from the list of approved independent review organizations compiled and maintained by the Commissioner pursuant to section 8 of this act to conduct the external review;*~~

~~*(b) Notify the health carrier of the name of the assigned independent review organization; and*~~

~~*(c) Notify in writing the covered person and, if applicable, the covered person's authorized representative that the request is eligible for external review.*~~

~~*10. In reaching a decision, the assigned independent review organization is not bound by any decisions or conclusions reached during the health carrier's utilization review process as set forth in NRS 683A.375 to 683A.379, inclusive, or the health carrier's internal grievance process as set forth in NRS 695G.200 to 695G.230, inclusive.*~~

~~*11. The Commissioner shall include in the notice provided to the covered person and, if applicable, the covered person's authorized representative pursuant to subsection 9 a statement that the covered person or the covered person's authorized representative may submit in writing to the assigned independent review organization within 5 business days after receipt of the notice pursuant to subsection 9 additional information that the independent review organization shall consider when conducting the external review. The independent review organization may accept and consider additional information submitted after the 5 business days have elapsed.*~~

~~*12. Within 5 business days after receipt of the notice pursuant to subsection 9, the health carrier or utilization review organization shall provide to the assigned independent review organization any documents and information considered in making the adverse determination.*~~

~~*13. Except as otherwise provided in subsection 14, failure by the health carrier or utilization review organization to provide the documents and information within the time specified in subsection 12 must not delay the conduct of the external review.*~~

~~*14. If the health carrier or utilization review organization fails to provide the documents and information within the time specified in*~~

~~*subsection 12, the assigned independent review organization may terminate the external review and make a decision to reverse the adverse determination.*~~

~~*15. If the independent review organization elects to terminate the external review and reverse the adverse determination pursuant to subsection 14, the independent review organization shall, within 1 business day, notify the covered person, the covered person's authorized representative, if applicable, the health carrier and the Commissioner of that decision.*~~

~~*16. The assigned independent review organization shall review all the information and documents received pursuant to subsections 11 and 12.*~~

~~*17. The assigned independent review organization shall forward any information submitted by the covered person or the covered person's authorized representative pursuant to subsection 11 to the health carrier within 1 business day after receipt of the information.*~~

~~*18. Upon receipt of any information required to be forwarded pursuant to subsection 17, the health carrier may reconsider the adverse determination that is the subject of the external review.*~~

~~*19. Reconsideration by the health carrier of its adverse determination pursuant to subsection 18 must not delay or terminate the external review.*~~

~~*20. Except as otherwise provided in subsection 14, the external review may only be terminated before completion if the health carrier decides, upon completion of its reconsideration, to reverse its adverse determination and provide coverage or payment for the health care service that is the subject of the adverse determination.*~~

~~*21. If the health carrier reverses its adverse determination pursuant to subsection 20, the health carrier shall, within 1 business day, notify the covered person, the covered person's authorized representative, if applicable, the assigned independent review organization and the Commissioner in writing of its decision.*~~

~~*22. The assigned independent review organization shall terminate the external review upon receipt of the notice from the health carrier pursuant to subsection 21.*~~

~~*23. In addition to the documents and information provided pursuant to subsections 11 and 12, the assigned independent review organization, to the extent the information or documents are available and the independent review organization considers them appropriate, shall consider the following in reaching a decision:*~~

~~*(a) The covered person's medical records;*~~

~~*(b) The attending health care professional's recommendation;*~~

~~*(c) Consulting reports from appropriate health care professionals and other documents submitted by the health carrier, covered person, the covered person's authorized representative, if applicable, and the covered person's treating provider;*~~

~~*(d) The terms of coverage under the covered person's health benefit plan with the health carrier to ensure that the independent review organization's decision is not contrary to the terms of coverage under the health benefit plan;*~~

~~*(e) The most appropriate practice guidelines, which must include applicable evidence based standards, and may include any other practice guidelines developed by the Federal Government or any national or professional medical societies, boards and associations;*~~

~~*(f) Any applicable clinical review criteria developed and used by the health carrier or utilization review organization in making adverse determinations; and*~~

~~*(g) The opinion of the independent review organization's clinical reviewers after considering paragraphs (a) to (f), inclusive, to the extent that the materials described in those paragraphs are available and to the extent that the clinical reviewers consider those materials appropriate.*~~

~~*24. Within 45 days after receipt of the request for external review, the assigned independent review organization shall provide written notice of its decision to uphold or reverse the adverse determination to the covered person, the covered person's authorized representative, if applicable, the health carrier and the Commissioner.*~~

~~*25. The independent review organization shall include in the notice sent pursuant to subsection 24:*~~

~~*(a) A general description of the reason for the request for external review;*~~

~~*(b) The date the independent review organization was assigned by the Commissioner to conduct the external review;*~~

~~*(c) The date on which the external review was conducted;*~~

~~*(d) The date of the decision;*~~

~~*(e) The principal reason or reasons for the decision, including any applicable evidence based standards used as a basis for the decision;*~~

~~*(f) The rationale for the decision; and*~~

~~*(g) References to the evidence or documentation, including evidence based standards, considered in reaching the decision.*~~

~~*26. Upon receipt of a notice of a decision pursuant to subsection 24 reversing the adverse determination, the health carrier shall immediately approve the coverage that was the subject of the adverse determination.*~~

~~*27. The assignment by the Commissioner of an approved independent review organization to conduct an external review in accordance with this section must be done on a random basis among those approved independent review organizations qualified to conduct the particular external review based on the nature of the health care service that is the subject of the adverse determination and other circumstances, including concerns regarding conflicts of interest pursuant to subsection 4 of section 9 of this act.]*~~ **(Deleted by amendment.)**

Sec. 106. ~~[1. Except as otherwise provided in subsection 15, a covered person or the covered person's authorized representative may submit a request for an expedited external review pursuant to this section with the Commissioner at the time the covered person receives an adverse determination if:~~

~~(a) The adverse determination involves a medical condition of the covered person for which the timeframe for completion of an expedited internal review of a grievance involving an adverse determination set forth in NRS 695G.210 would seriously jeopardize the life or health of the covered person or would jeopardize the covered person's ability to regain maximum function; and~~

~~(b) The covered person or the covered person's authorized representative has filed a request for an expedited review of a grievance involving an adverse determination as set forth in NRS 695G.210.~~

~~2. Upon receipt of a request for an expedited external review, the Commissioner shall immediately send a copy of the request to the health carrier.~~

~~3. Immediately upon receipt of the copy of the request pursuant to subsection 2, the health carrier shall determine whether the request meets the requirements for review set forth in subsection 3 of section 105 of this act. The health carrier shall immediately notify the Commissioner and the covered person and, if applicable, the covered person's authorized representative of its determination regarding eligibility.~~

~~4. The Commissioner may specify the form for the notice of initial determination pursuant to subsection 3 and any supporting information to be included in the notice.~~

~~5. The notice of initial determination must include a statement that a health carrier's initial determination that a request which is ineligible for external review may be appealed to the Commissioner.~~

~~6. The Commissioner may determine that a request is eligible for external review pursuant to subsection 3 of section 105 of this act and require that it be referred for external review notwithstanding a health carrier's initial determination that the request is ineligible.~~

~~7. In making a determination pursuant to subsection 6, the Commissioner's decision must be made in accordance with the terms of the covered person's health benefit plan and is subject to all applicable provisions of the external review process.~~

~~8. Upon receipt of the notice that the request meets the requirements for review, the Commissioner shall immediately assign an independent review organization to conduct the expedited external review from the list of approved independent review organizations compiled and maintained by the Commissioner pursuant to section 8 of this act. The Commissioner shall immediately notify the health carrier of the name of the assigned independent review organization.~~

~~*9. In reaching a decision pursuant to subsection 12, the assigned independent review organization is not bound by any decisions or conclusions reached during the health carrier's utilization review process as set forth in NRS 683A.375 to 683A.379, inclusive, or the health carrier's internal grievance process as set forth in NRS 695C.200 to 695C.230, inclusive.*~~

~~*10. Upon receipt of the notice pursuant to subsection 8, the health carrier or utilization review organization shall provide or transmit any documents and information considered in making the adverse determination to the assigned independent review organization electronically or by telephone or facsimile or any other available expeditious method.*~~

~~*11. In addition to the documents and information provided or transmitted pursuant to subsection 10, the assigned independent review organization, to the extent the information or documents are available and the independent review organization considers them appropriate, shall consider the following in reaching a decision:*~~

~~*(a) The covered person's medical records;*~~

~~*(b) The attending health care professional's recommendation;*~~

~~*(c) Consulting reports from appropriate health care professionals and other documents submitted by the health carrier, covered person, the covered person's authorized representative or the covered person's treating provider;*~~

~~*(d) The terms of coverage under the covered person's health benefit plan with the health carrier to ensure that the independent review organization's decision is not contrary to the terms of coverage under the health benefit plan;*~~

~~*(e) The most appropriate practice guidelines, which must include applicable evidence based standards, and may include any other practice guidelines developed by the Federal Government or any national or professional medical societies, boards and associations;*~~

~~*(f) Any applicable clinical review criteria developed and used by the health carrier or utilization review organization in making adverse determinations; and*~~

~~*(g) The opinion of the independent review organization's clinical reviewers after considering paragraphs (a) to (f), inclusive, to the extent that the materials described in those paragraphs are available and to the extent that the clinical reviewers consider those materials appropriate.*~~

~~*12. As expeditiously as the covered person's medical condition or circumstances require, but in no event more than 72 hours after receipt of the request for an expedited external review that meets the requirements for review set forth in subsection 3 of section 105 of this act, the assigned independent review organization shall:*~~

~~*(a) Make a decision to uphold or reverse the adverse determination; and*~~

~~*(b) Notify the covered person, the covered person's authorized representative, if applicable, the health carrier and the Commissioner of the decision.*~~

~~*13. If the notice provided pursuant to subsection 12 was not in writing, within 48 hours after providing that notice, the assigned independent review organization shall:*~~

~~*(a) Provide written confirmation of the decision to the covered person, the covered person's authorized representative, if applicable, the health carrier and the Commissioner; and*~~

~~*(b) Include the information set forth in subsection 25 of section 105 of this act.*~~

~~*14. Upon receipt of a notice of a decision pursuant to subsection 12 reversing the adverse determination, the health carrier shall immediately approve the coverage that was the subject of the adverse determination.*~~

~~*15. An expedited external review may not be provided for retrospective adverse determinations.*~~

~~*16. The assignment by the Commissioner of an approved independent review organization to conduct an external review in accordance with this section must be done on a random basis among those approved independent review organizations qualified to conduct the particular external review based on the nature of the health care service that is the subject of the adverse determination and other circumstances, including concerns regarding conflicts of interest pursuant to subsection 4 of section 9 of this act.]*~~ **(Deleted by amendment.)**

Sec. 107. *1. Within 4 months after receipt of a notice of an adverse determination pursuant to section 103 of this act that involves a denial of coverage based on a determination that the health care service or treatment recommended or requested is experimental or investigational, a covered person or the covered person's authorized representative may file a request for external review with the ~~[Commissioner]~~ Office for Consumer Health Assistance pursuant to this section.*

2. A covered person or the covered person's authorized representative may make an oral request for an expedited external review of the adverse determination pursuant to section 103 of this act that involves a denial of coverage based on a determination that the health care service or treatment recommended or requested is experimental or investigational if the covered person's treating physician certifies, in writing, that the recommended or requested health care service or treatment that is the subject of the request would be significantly less effective if not promptly initiated.

3. Upon receipt of a request for an expedited external review pursuant to subsection 2, the ~~[Commissioner]~~ Office for Consumer Health Assistance shall immediately notify the health carrier.

4. Immediately upon notice of a request for an expedited external review pursuant to subsection 2, the health carrier shall determine whether the request meets the requirements for review set forth in subsection 12.

The health carrier shall immediately notify the ~~[Commissioner]~~ Office for Consumer Health Assistance and the covered person and, if applicable, the covered person's authorized representative, of its determination regarding eligibility.

5. The Commissioner may specify the form for the notice of initial determination pursuant to subsection 4 and any supporting information to be included in the notice.

6. The notice of initial determination required by subsection 4 must include a statement that a health carrier's initial determination that a request which is ineligible for external review may be appealed to the ~~[Commissioner.]~~ Office for Consumer Health Assistance.

7. The ~~[Commissioner]~~ Office for Consumer Health Assistance may determine that a request for an expedited external review is eligible for external review pursuant to subsection 12 and require that it be referred for expedited external review notwithstanding a health carrier's initial determination that the request is ineligible.

8. In making a determination pursuant to subsection 7, the ~~[Commissioner's]~~ decision of the Office for Consumer Health Assistance must be made in accordance with the terms of the covered person's health benefit plan and is subject to all applicable provisions of the external review process.

9. Upon receipt of the notice that the request for expedited external review meets the requirements for review, the ~~[Commissioner]~~ Office for Consumer Health Assistance shall immediately assign an independent review organization to conduct the expedited external review from the list of approved independent review organizations compiled and maintained by the Commissioner pursuant to section 8 of this act and notify the health carrier of the name of the assigned independent review organization.

10. Upon receipt of the notice pursuant to subsection 9, the health carrier or utilization review organization shall provide or transmit any documents and information considered in making the adverse determination to the assigned independent review organization electronically or by telephone or facsimile, or any other available expeditious method.

11. Except as otherwise provided in subsection 3, within 1 business day after receipt of a request for external review pursuant to subsection 1, the ~~[Commissioner]~~ Office for Consumer Health Assistance shall notify the health carrier.

12. Within 5 business days after receipt of the notice sent pursuant to subsection 11, the health carrier shall conduct and complete a preliminary review of the request to determine whether:

(a) The person is or was a covered person in the health benefit plan at the time the health care service or treatment was recommended or requested or, in the case of a retrospective review, was a covered person in

the health benefit plan at the time the health care service or treatment was provided;

(b) The recommended or requested health care service or treatment that is the subject of the adverse determination:

(1) Would be a covered benefit under the covered person's health benefit plan but for the health carrier's determination that the health care service or treatment is experimental or investigational for a particular medical condition; and

(2) Is not explicitly listed as an excluded benefit under the covered person's health benefit plan;

(c) The covered person's treating physician has certified that one of the following situations is applicable:

(1) Standard health care services or treatments have not been effective in improving the condition of the covered person;

(2) Standard health care services or treatments are not medically appropriate for the covered person; or

(3) There is no available standard health care service or treatment covered by the health carrier that is more beneficial than the recommended or requested health care service or treatment described in paragraph (d);

(d) The covered person's treating physician:

(1) Has recommended a health care service or treatment that the physician certifies, in writing, is likely to be more beneficial to the covered person, in the physician's opinion, than any available standard health care services or treatments; or

(2) Who is a licensed, board certified or board eligible physician qualified to practice in the area of medicine appropriate to treat the covered person's condition, has certified in writing that scientifically valid studies using accepted protocols demonstrate that the health care service or treatment requested by the covered person that is the subject of the adverse determination is likely to be more beneficial to the covered person than any available standard health care services or treatments;

(e) The covered person has exhausted the health carrier's internal grievance process as set forth in NRS 695G.200 to 695G.230, inclusive, unless the covered person is not required to exhaust the health carrier's internal grievance process; and

(f) The covered person has provided all the information and forms required by the ~~[Commissioner]~~ Office for Consumer Health Assistance to process an external review, including the release form provided pursuant to subsection 6 of section 103 of this act.

13. Within 1 business day after completion of the preliminary review, the health carrier shall notify the ~~[Commissioner]~~ Office for Consumer Health Assistance and the covered person, and, if applicable, the covered person's authorized representative, in writing, whether the request is:

(a) Complete;

(b) Eligible for external review;

(c) Not complete, in which case the health carrier shall include in the notice the information or materials that are needed to make the request complete; or

(d) Not eligible for external review, in which case the health carrier shall include in the notice the reasons for its ineligibility.

14. The Commissioner may specify the form for the notice of initial determination pursuant to subsection 13 and any supporting information to be included in the notice.

15. The notice of initial determination must include a statement informing the covered person and, if applicable, the covered person's authorized representative that a health carrier's initial determination that a request which is ineligible for external review may be appealed to the ~~[Commissioner.]~~ Office for Consumer Health Assistance.

16. The ~~[Commissioner]~~ Office for Consumer Health Assistance may determine that a request is eligible for external review pursuant to subsection 12 and require that it be referred for external review notwithstanding a health carrier's initial determination that the request is ineligible.

17. In making a determination pursuant to subsection 16, the ~~[Commissioner's]~~ decision of the Office for Consumer Health Assistance must be made in accordance with the terms of the covered person's health benefit plan and is subject to all applicable provisions of the external review process.

18. When a health carrier determines that a request is eligible for external review pursuant to subsection 12, the health carrier shall notify the ~~[Commissioner]~~ Office for Consumer Health Assistance and the covered person and, if applicable, the covered person's authorized representative.

19. Within 1 business day after receipt of the notice from the health carrier that the external review request is eligible for external review pursuant to subsection 18, the ~~[Commissioner]~~ Office for Consumer Health Assistance shall:

(a) Assign an independent review organization from the list of approved independent review organizations compiled and maintained by the Commissioner pursuant to section 8 of this act to conduct the external review;

(b) Notify the health carrier of the name of the assigned independent review organization; and

(c) Notify in writing the covered person and, if applicable, the covered person's authorized representative that the request is eligible for external review and provide the name of the assigned independent review organization.

20. The ~~[Commissioner]~~ Office for Consumer Health Assistance shall include in the notice provided to the covered person and, if applicable, the covered person's authorized representative pursuant to subsection 19 a

statement that the covered person or the covered person's authorized representative may submit in writing to the assigned independent review organization within 5 business days after receipt of the notice provided pursuant to subsection 19 additional information that the independent review organization shall consider when conducting the external review. The independent review organization may accept and consider additional information submitted after the 5 business days have elapsed.

21. Within 1 business day after receipt of the notice of assignment to conduct the external review pursuant to subsection 19, the assigned independent review organization shall:

(a) Select one or more clinical reviewers to conduct the external review, as it determines is appropriate; and

(b) Based on the opinion of the clinical reviewer, or opinions if more than one clinical reviewer has been selected to conduct the external review, make a decision to uphold or reverse the adverse determination.

22. In selecting clinical reviewers pursuant to paragraph (a) of subsection 21, the assigned independent review organization shall select health care professionals who meet the minimum qualifications described in section 9 of this act and through clinical experience in the past 3 years, are experts in the treatment of the covered person's condition and knowledgeable about the recommended or requested health care service or treatment.

23. The covered person, the covered person's authorized representative, if applicable, and the health carrier may not choose or control the choice of the health care professionals to be selected to conduct the external review.

24. In accordance with subsections 37 to 41, inclusive, each clinical reviewer shall provide a written opinion to the assigned independent review organization regarding whether the recommended or requested health care service or treatment should be covered.

25. In reaching an opinion, clinical reviewers are not bound by any decisions or conclusions reached during the health carrier's utilization review process as set forth in NRS 683A.375 to 683A.379, inclusive, or the health carrier's internal grievance process as set forth in NRS 695G.200 to 695G.230, inclusive.

26. Within 5 business days after receipt of the notice pursuant to subsection 19, the health carrier or utilization review organization shall provide to the assigned independent review organization any documents and information considered in making the adverse determination.

27. Except as otherwise provided in subsection 28, failure by the health carrier or utilization review organization to provide the documents and information within the time specified in subsection 26 must not delay the conduct of the external review.

28. If the health carrier or utilization review organization fails to provide the documents and information within the time specified in

subsection 26, the assigned independent review organization may terminate the external review and make a decision to reverse the adverse determination.

29. If the independent review organization elects to terminate the external review and reverse the adverse determination pursuant to subsection 28, the independent review organization shall immediately notify the covered person, the covered person's authorized representative, if applicable, the health carrier and the ~~[Commissioner.]~~ Office for Consumer Health Assistance.

30. Each clinical reviewer selected pursuant to subsection 21 shall review all the information and documents received pursuant to subsections 20 and 26.

31. The assigned independent review organization shall forward any information submitted by the covered person or the covered person's authorized representative pursuant to subsection 20 to the health carrier within 1 business day after receipt of the information.

32. Upon receipt of the information required to be forwarded pursuant to subsection 31, the health carrier may reconsider the adverse determination that is the subject of the external review.

33. Reconsideration by the health carrier of its adverse determination pursuant to subsection 32 must not delay or terminate the external review.

34. Except as otherwise provided in subsection 28, the external review may only be terminated before completion if the health carrier decides, upon completion of its reconsideration, to reverse its adverse determination and provide coverage or payment for the recommended or requested health care service or treatment that is the subject of the adverse determination.

35. If the health carrier reverses its adverse determination pursuant to subsection 28, the health carrier shall immediately notify the covered person, the covered person's authorized representative, if applicable, the assigned independent review organization and the ~~[Commissioner]~~ Office for Consumer Health Assistance in writing of its decision.

36. The assigned independent review organization shall terminate the external review upon receipt of the notice from the health carrier pursuant to subsection 35.

37. Except as otherwise provided in subsection 39, within 20 days after being selected in accordance with subsection 21 to conduct the external review, each clinical reviewer shall provide an opinion to the assigned independent review organization pursuant to subsection 41 regarding whether the recommended or requested health care service or treatment should be covered.

38. Except for an opinion provided pursuant to subsection 39, each clinical reviewer's opinion must be in writing and include the following:

(a) A description of the covered person's medical condition;

(b) A description of the indicators relevant to determine if there is sufficient evidence to demonstrate that the recommended or requested

health care service or treatment is more likely to be beneficial to the covered person than any available standard health care services or treatments and the adverse risks of the recommended or requested health care service or treatment would not be substantially increased over those of available standard health care services or treatments;

(c) A description and analysis of any medical or scientific evidence considered in reaching the opinion;

(d) A description and analysis of any evidence-based standards used as a basis for the opinion; and

(e) Information concerning whether the reviewer's rationale for the opinion is based on the provisions of subsection 41.

39. For an expedited external review, each clinical reviewer shall provide an opinion orally or in writing to the assigned independent review organization as expeditiously as the covered person's medical condition or circumstances requires, but in no event not more than 5 calendar days after being selected in accordance with subsection 21.

40. If the opinion provided pursuant to subsection 39 was not in writing, within 48 hours after providing that notice, the clinical reviewer shall provide written confirmation of the opinion to the assigned independent review organization and include the information required pursuant to subsection 38.

41. In addition to the documents and information provided pursuant to subsections 10 and 26, each clinical reviewer, to the extent the information or documents are available and the reviewer considers them appropriate, shall consider the following in reaching an opinion:

(a) The covered person's medical records;

(b) The attending health care professional's recommendation;

(c) Consulting reports from appropriate health care professionals and other documents submitted by the health carrier, covered person, the covered person's authorized representative or the covered person's treating provider;

(d) The terms of coverage under the covered person's health benefit plan with the health carrier to ensure that, but for the health carrier's determination that the recommended or requested health care service or treatment that is the subject of the opinion is experimental or investigational, the reviewer's opinion is not contrary to the terms of coverage under the health benefit plan; and

(e) Whether:

(1) The recommended or requested health care service or treatment has been approved by the Food and Drug Administration, if applicable, for the condition; or

(2) Medical or scientific evidence or evidence-based standards demonstrate that the expected benefits of the recommended or requested health care service or treatment is more likely to be beneficial to the covered person than any available standard health care services or

treatments and the adverse risks of the recommended or requested health care service or treatment would not be substantially increased over those of available standard health care services or treatments.

42. Except as otherwise provided in subsection 43, within 20 days after receipt of the opinion of each clinical reviewer pursuant to subsection 41, the assigned independent review organization, in accordance with subsection 45 or 46, shall make a decision and provide written notice of the decision to the covered person, the covered person's authorized representative, if applicable, the health carrier and the [Commissioner] Office for Consumer Health Assistance and include the information required pursuant to subsection 50.

43. For an expedited external review, within 48 hours after receipt of the opinion of each clinical reviewer pursuant to subsection 41, the assigned independent review organization, in accordance with subsection 45 or 46, shall make a decision and provide notice of the decision orally or in writing to the covered person, the covered person's authorized representative, if applicable, the health carrier and the [Commissioner.] Office for Consumer Health Assistance.

44. If the notice provided pursuant to subsection 43 was not in writing, within 48 hours after providing that notice, the assigned independent review organization shall provide written confirmation of the decision to the covered person, the covered person's authorized representative, if applicable, the health carrier and the [Commissioner] Office for Consumer Health Assistance and include the information required pursuant to subsection 50.

45. If a majority of the clinical reviewers recommend that the recommended or requested health care service or treatment should be covered, the independent review organization shall make a decision to reverse the health carrier's adverse determination.

46. If a majority of the clinical reviewers recommend that the recommended or requested health care service or treatment should not be covered, the independent review organization shall make a decision to uphold the health carrier's adverse determination.

47. If the clinical reviewers are evenly split as to whether the recommended or requested health care service or treatment should be covered, the independent review organization shall obtain the opinion of an additional clinical reviewer in order for the independent review organization to make a decision based on the opinions of a majority of the clinical reviewers pursuant to subsection 45 or 46.

48. The additional clinical reviewer selected pursuant to subsection 47 shall use the same information to reach an opinion as the clinical reviewers who have already submitted their opinions pursuant to subsection 41.

49. The selection of an additional clinical reviewer pursuant to subsection 47 must not extend the time within which the assigned

independent review organization is required to make a decision based on the opinions of the clinical reviewers pursuant to subsection 42.

50. The independent review organization shall include in the notice provided pursuant to subsection 42 or 44:

(a) A general description of the reason for the request for external review;

(b) The written opinion of each clinical reviewer, including the recommendation of each clinical reviewer as to whether the recommended or requested health care service or treatment should be covered and the rationale for the reviewer's recommendation;

(c) The date the independent review organization was assigned by the ~~[Commissioner]~~ Office for Consumer Health Assistance to conduct the external review;

(d) The date on which the external review was conducted;

(e) The date of the decision;

(f) The principal reason or reasons for the decision; and

(g) The rationale for the decision.

51. Upon receipt of a notice of a decision pursuant to subsection 42 or 44 reversing the adverse determination, the health carrier shall immediately approve coverage of the recommended or requested health care service or treatment that was the subject of the adverse determination.

52. The assignment by the ~~[Commissioner]~~ Office for Consumer Health Assistance of an approved independent review organization to conduct an external review in accordance with this section must be done on a random basis among those approved independent review organizations qualified to conduct the particular external review based on the nature of the health care service or treatment that is the subject of the adverse determination and other circumstances, including concerns regarding conflicts of interest pursuant to subsection 4 of section 9 of this act.

53. As used in this section:

(a) "Best evidence" means evidence based on:

(1) Randomized clinical trials;

(2) If randomized clinical trials are not available, cohort studies or case-control studies;

(3) If the methods described in subparagraphs (1) and (2) are not available, case series; or

(4) If the methods described in subparagraphs (1), (2) and (3) are not available, expert opinion.

(b) "Evidence-based standard" means the conscientious, explicit and judicious use of the current best evidence based on the overall systematic review of research in making decisions about the care of an individual patient.

(c) "Randomized clinical trial" means a controlled, prospective study of patients who have been randomized into an experimental group and a

control group at the beginning of the study with only the experimental group of patients receiving a specific intervention, which includes study of the groups for variables and anticipated outcomes over time.

Sec. 108. *[1. An external review decision is binding on the health carrier except to the extent the health carrier has other remedies available under federal or state law.*

2. An external review decision is binding on the covered person except to the extent the covered person has other remedies available under federal or state law.

3. A covered person or the covered person's authorized representative may not file a subsequent request for external review involving the same adverse determination for which the covered person has already received an external review decision.] **(Deleted by amendment.)**

Sec. 109. *[No independent review organization, clinical reviewer working on behalf of an independent review organization or employee, agent or contractor of an independent review organization is liable for damages to any person for any opinions rendered or acts or omissions performed within the scope of the organization's or person's duties under the law during or upon completion of an external review conducted pursuant to sections 102 to 112, inclusive, of this act, unless the opinion was rendered or act or omission performed in bad faith or involved gross negligence.]* **(Deleted by amendment.)**

Sec. 110. *1. An independent review organization assigned pursuant to NRS 695G.251 or 695G.271 or section [105, 106 or] 107 of this act to conduct an external review shall maintain written records, aggregated for each state and for each health carrier, on all requests for which it conducted an external review during a calendar year and, upon request, submit a report to the [Commissioner] Office for Consumer Health Assistance in a format specified by the Commissioner.*

2. The report must include, aggregated for each state and for each health carrier:

(a) The total number of requests for external review;

(b) The number of requests for external review resolved and, of those resolved, the number upholding the adverse determination and the number reversing the adverse determination;

(c) The average length of time for resolution;

(d) A summary of the types of coverages or cases for which an external review was sought;

(e) The number of external reviews that were terminated as the result of a reconsideration by the health carrier of its adverse determination after receipt of additional information from the covered person or the covered person's authorized representative pursuant to subsection [18 of section 105 of this act] 4 of NRS 695G.251 and subsection 32 of section 107 of this act; and

(f) Any other information the ~~[Commissioner]~~ Office for Consumer Health Assistance may request or require.

3. An independent review organization shall retain the written records required pursuant to this section for at least 3 years.

4. Each health carrier shall maintain written records, aggregated for each state and for each type of health benefit plan offered by the health carrier, on all requests for external review for which the health carrier receives notice from the ~~[Commissioner]~~ Office for Consumer Health Assistance and, upon request, submit a report to the ~~[Commissioner]~~ Office for Consumer Health Assistance in a format specified by the Commissioner.

5. The report must include, aggregated for each state and for each type of health benefit plan:

(a) The total number of requests for external review;

(b) Of the total number of requests for external review, the number of requests determined to be eligible for external review; and

(c) Any other information the ~~[Commissioner]~~ Office for Consumer Health Assistance may request or require.

6. A health carrier shall retain the written records required pursuant to this section for at least 3 years.

Sec. 111. ***~~[The health carrier against which a request for an external review or an expedited external review is filed shall pay the costs of the services provided by an independent review organization.]~~*** **(Deleted by amendment.)**

Sec. 112. ***1. A health carrier shall include a description of the external review procedures in or attached to the policy, certificate, membership booklet, outline of coverage or other evidence of coverage it provides to covered persons.***

2. The description required by subsection 1 must be in a format prescribed by the Commissioner.

3. The description required by subsection 1 must include a statement that informs the covered person of the right of the covered person to file a request for an external review of an adverse determination with the ~~[Commissioner.]~~ Office for Consumer Health Assistance. The statement may explain that external review is available when the adverse determination involves an issue of medical necessity, appropriateness, health care setting, level of care or effectiveness. The statement must include the telephone number and address of the ~~[Commissioner.]~~ Office for Consumer Health Assistance.

4. In addition to the requirements of subsection 3, the statement must inform the covered person that, when filing a request for an external review, the covered person will be required to authorize the release of any medical records of the covered person that may be required to be reviewed for the purpose of reaching a decision on the external review.

Sec. 113. NRS 695G.010 is hereby amended to read as follows:

695G.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS ~~[695G.020]~~ ***695G.012*** to 695G.080, ~~*[695G.070,]*~~ inclusive, ***and sections 71 to 101, inclusive, of this act*** have the meanings ascribed to them in those sections.

Sec. 114. NRS 695G.012 is hereby amended to read as follows:

695G.012 "Adverse determination" means a determination ~~[of a managed care organization to deny all or part of a service or procedure that is proposed or being provided to an insured on the basis that it is not medically necessary or appropriate or is experimental or investigational. The term does not include a determination of a managed care organization that such an allocation is not a covered benefit.]~~ ***by a health carrier or utilization review organization that an admission, availability of care, continued stay or other health care service that is a covered benefit has been reviewed and, based upon the information provided, does not meet the health carrier's requirements for medical necessity, appropriateness, health care setting, level of care or effectiveness, and the requested service or payment for the service is therefore denied, reduced or terminated.***

Sec. 115. NRS 695G.014 is hereby amended to read as follows:

695G.014 "Authorized representative" means ~~[a]~~ ***:***

1. A person ~~[who has obtained the consent of an insured]~~ ***to whom a covered person has given express written consent*** to represent ~~[him or her]~~ ***the covered person*** in an external review of a final adverse determination conducted pursuant to NRS 695G.241 to 695G.310, inclusive ~~[.]~~ ~~*[;]*~~ ***, and sections 102 to 112, inclusive, of this act;***

2. A person authorized by law to provide substituted consent for a covered person; or

3. A family member of a covered person or the covered person's treating provider only when the covered person is unable to provide consent.

Sec. 116. NRS 695G.018 is hereby amended to read as follows:

695G.018 ~~[~~"External~~]~~ ***"Independent*** review organization" means an ~~[organization]~~ ***entity*** that:

1. Conducts an ***independent*** external review of ~~[a final]~~ ***an*** adverse determination; and

2. Is certified by the Commissioner in accordance with ~~[NRS 683A.371.]~~ ***sections 8 and 9 of this act.***

Sec. 116.3. **NRS 695G.070 is hereby amended to read as follows:**

695G.070 "Provider of health care" means ~~[any]~~ ***:***

1. A physician ~~[, hospital]~~ or other ~~[person]~~ ***health care practitioner*** who is licensed or otherwise authorized in this State to furnish any health care service ~~[.]~~ ***; and***

2. An institution providing health care services or other setting in which health care services are provided, including, without limitation, a hospital, surgical center for ambulatory patients, facility for skilled

nursing, residential facility for groups, laboratory and any other such licensed facility.

Sec. 116.7. **NRS 695G.080 is hereby amended to read as follows:**

695G.080 1. "Utilization review" means the various methods that may be used **[**~~by a managed care organization~~**]** to review the amount and appropriateness of the provision of a specific health care service **.** **[**~~to an insured.~~**]**

2. The term does not include an external review of **[**~~a final~~**]** ***an*** adverse determination conducted pursuant to NRS 695G.241 to 695G.310, inclusive **[**~~.~~**]** ***, and sections 102 to 112, inclusive, of this act.***

Sec. 117. ~~**[**NRS 695G.210 is hereby amended to read as follows:~~

~~695G.210 1. **[**Except as otherwise provided in NRS 695G.300, a**]** A system for resolving complaints created pursuant to NRS 695G.200 must include, without limitation, an initial investigation, a review of the complaint by a review board and a procedure for appealing a determination regarding the complaint. The majority of the members of the review board must be insureds who receive health care services from the managed care organization.~~

~~2. Except as otherwise provided in subsection 3, a review board shall complete its review regarding a complaint or appeal and notify the insured of its determination not later than 30 days after the complaint or appeal is filed, unless the insured and the review board have agreed to a longer period.~~

~~3. If a complaint involves an imminent and serious threat to the health of the insured, the managed care organization shall inform the insured immediately of the right of the insured to an expedited review of the insured's complaint. If an expedited review is required, the review board shall notify the insured in writing of its determination within 72 hours after the complaint is filed.~~

~~4. Notice provided to an insured by a review board regarding a complaint must include, without limitation, an explanation of any further rights of the insured regarding the complaint that are available under the health care plan of the insured.~~**]** **(Deleted by amendment.)**

Sec. 118. NRS 695G.230 is hereby amended to read as follows:

695G.230 1. After approval by the Commissioner, each managed care organization shall provide a written notice to an insured, in clear and comprehensible language that is understandable to an ordinary layperson, explaining the right of the insured to file a written complaint and to obtain an expedited review pursuant to NRS 695G.210. Such a notice must be provided to an insured:

(a) At the time the insured receives his or her certificate of coverage or evidence of coverage;

(b) Any time that the managed care organization denies coverage of a health care service or limits coverage of a health care service to an insured; and

(c) Any other time deemed necessary by the Commissioner.

2. If a managed care organization denies coverage of a health care service to an insured, including, without limitation, a health maintenance organization that denies a claim related to a health care plan pursuant to NRS 695C.185, it shall notify the insured in writing within 10 working days after it denies coverage of the health care service of:

(a) The reason for denying coverage of the service;

(b) The criteria by which the managed care organization or insurer determines whether to authorize or deny coverage of the health care service;

(c) The right of the insured to:

(1) File a written complaint and the procedure for filing such a complaint;

(2) Appeal ~~[a final]~~ ***an*** adverse determination pursuant to NRS 695G.241 to 695G.310, ***inclusive, and sections 102 to 112,*** inclusive ~~[,]~~ ***, of this act;***

(3) Receive an expedited external review of ~~[a final]~~ ***an*** adverse determination if the managed care organization receives proof from the insured's provider of health care that failure to proceed in an expedited manner may jeopardize the life or health of the insured, including notification of the procedure for requesting the expedited external review; and

(4) Receive assistance from any person, including an attorney, for an external review of ~~[a final]~~ ***an*** adverse determination; and

(d) The telephone number of the Office for Consumer Health Assistance.

3. A written notice which is approved by the Commissioner shall be deemed to be in clear and comprehensible language that is understandable to an ordinary layperson.

Sec. 118.1. **NRS 695G.241 is hereby amended to read as follows:**

695G.241 **[**~~1. For~~**]** ***Except as otherwise required for an expedited external review pursuant to NRS 695G.271 or section 107 of this act, for*** the purposes of NRS 695G.200 to 695G.310, inclusive, ***and sections 102 to 112, inclusive, of this act,*** an adverse determination **[**~~is final if the insured has exhausted all procedures set forth in the health care plan for reviewing the adverse determination within the managed care organization.~~

~~2. An adverse determination shall be deemed final for the purpose of submitting the adverse determination to an external review organization for~~**]** ***may be subject to*** an external review:

[~~(a)~~**]** ***1.*** If **[**~~an insured~~**]** ***a covered person*** exhausts all procedures set forth in the health care plan for reviewing the adverse determination within the **[**~~managed care organization~~**]** ***health carrier*** and the **[**~~managed care organization~~**]** ***health carrier*** fails to render a decision within the period required to render that decision set forth in the health care plan; or

[(b)**]** ***2.*** If the **[**~~managed care organization submits~~**]** ***health carrier allows the covered person to submit*** the adverse determination to the **[**~~external~~**]** ***independent*** review organization without requiring the **[**~~insured~~**]** ***covered person*** to exhaust all procedures set forth in the health care plan for

reviewing the adverse determination within the **[**~~managed care organization.~~**]** ***health carrier.***

Sec. 118.2. **NRS 695G.251 is hereby amended to read as follows:**

695G.251 1. If **[**~~an insured~~**]** ***a covered person*** or a physician of **[**an insured**]** ***a covered person*** receives notice of **[**~~a final~~**]** ***an*** adverse determination from a **[**~~managed care organization~~**]** ***health carrier*** concerning the **[**~~insured, and if the insured is required to pay $500 or more for the health care services that are the subject of the final adverse determination, the insured,~~**]** ***covered person, the covered person,*** the physician of the **[**~~insured~~**]** ***covered person*** or an authorized representative may, within **[**~~60 days~~**]** ***4 months*** after receiving notice of the **[**~~final~~**]** adverse determination, submit a request to the **[**~~managed care organization~~**]** ***Office for Consumer Health Assistance*** for an external review of the **[**~~final~~**]** adverse determination.

2. Within 5 days after receiving a request pursuant to subsection 1, the **[**managed care organization**]** ***Office for Consumer Health Assistance*** shall notify the **[**~~insured,~~**]** ***covered person,*** the authorized representative or physician of the **[**~~insured,~~**]** ***covered person,*** the agent who performed utilization review for the **[**~~managed care organization,~~**]** ***health carrier,*** if any, and the **[**~~Office for Consumer Health Assistance~~**]** ***health carrier*** that the request has been filed with the **[**~~managed care organization.~~**]** ***Office for Consumer Health Assistance.***

3. As soon as practicable after receiving a **[**~~notice~~**]** ***request*** pursuant to subsection **[**~~2,~~**]** ***1,*** the Office for Consumer Health Assistance shall assign an **[**~~external~~**]** ***independent*** review organization from the list maintained pursuant to **[**~~NRS 683A.371.~~**]** ***section 8 of this act.*** Each assignment made pursuant to this subsection must be completed on a rotating basis.

4. Within 5 days after receiving notification from the Office for Consumer Health Assistance specifying the **[**~~external~~**]** ***independent*** review organization assigned pursuant to subsection 3, the **[**~~managed care organization~~**]** ***health carrier*** shall provide to the **[**~~external~~**]** ***independent*** review organization all documents and materials relating to the **[**~~final~~**]** adverse determination, including, without limitation:

(a) Any medical records of the insured relating to the external review;

(b) A copy of the provisions of the health **[**~~care~~**]** ***benefit*** plan upon which the **[**~~final~~**]** adverse determination was based;

(c) Any documents used by the **[**~~managed care organization~~**]** ***health carrier*** to make the **[**~~final~~**]** adverse determination;

(d) The reasons for the **[**~~final~~**]** adverse determination; and

(e) Insofar as practicable, a list that specifies each provider of health care who has provided health care to the **[**~~insured~~**]** ***covered person*** and the medical records of the provider of health care relating to the external review.

Sec. 118.3. **NRS 695G.261 is hereby amended to read as follows:**

695G.261 1. Except as otherwise provided in NRS 695G.271 **[**~~,~~**]** ***and section 107 of this act,*** upon receipt of a request for an external review

pursuant to NRS 695G.251, the **[**~~external~~**]** ***independent*** review organization shall, within 5 days after receiving the request:

(a) Review the request and the documents and materials submitted pursuant to NRS 695G.251; and

(b) Notify the **[**~~insured,~~**]** ***covered person,*** the physician of the **[**~~insured~~**]** ***covered person*** and the **[**~~managed care organization~~**]** ***health carrier*** if any additional information is required to conduct a review of the **[**~~final~~**]** adverse determination. ***Such additional information must be provided within 5 days after receiving notice that the information is required to conduct a review of the adverse determination. The independent review organization shall forward to the health carrier, within 1 business day after receipt, any information received from a covered person or the physician of a covered person.***

2. Except as otherwise provided in NRS 695G.271 **[**~~,~~**]** ***and section 107 of this act,*** the **[**~~external~~**]** ***independent*** review organization shall approve, modify or reverse the **[**~~final~~**]** adverse determination within 15 days after it receives the information required to make that determination pursuant to this section. The **[**~~external~~**]** ***independent*** review organization shall submit a copy of its determination, including the reasons therefor, to:

(a) The **[**~~insured;~~**]** ***covered person;***

(b) The physician of the **[**~~insured;~~**]** ***covered person;***

(c) The authorized representative of the **[**~~insured,~~**]** ***covered person,*** if any; and

(d) The **[**~~managed care organization.~~**]** ***health carrier.***

Sec. 118.4. **NRS 695G.271 is hereby amended to read as follows:**

695G.271 1. **[**~~A managed care organization~~**]** ***The Office for Consumer Health Assistance*** shall approve or deny a request for an external review of **[**~~a final~~**]** ***an*** adverse determination in an expedited manner not later than 72 hours after it receives proof from the **[**~~insured's~~**]** provider of health care ***of the covered person*** that **[**~~failure~~**]** **:**

(a) The adverse determination concerns an admission, availability of care, continued stay or health care service for which the covered person received emergency services but has not been discharged from the facility providing the services or care; or

(b) Failure to proceed in an expedited manner may jeopardize the life or health of the **[**~~insured.~~**]** ***covered person or the ability of the covered person to regain maximum function.***

2. If **[**~~a managed care organization~~**]** ***the Office for Consumer Health Assistance*** approves a request for an external review pursuant to subsection 1, the **[**~~managed care organization~~**]** ***Office for Consumer Health Assistance*** shall **[**~~:~~

~~(a) In accordance with subsections 4 and 5,~~**]** assign the request to an **[**external**]** ***independent*** review organization not later than 1 working day after approving the request **. [**~~; and~~

~~(b) At the time of~~**]** ***Each assignment made by the Office for Consumer Health Assistance pursuant to this section must be completed on a rotating basis.***

3. Within 24 hours after receiving notice of the Officer for Consumer Health Assistance assigning the request, ***the health carrier shall*** provide to the **[**~~external~~**]** ***independent*** review organization all documents and materials specified in subsection 4 of NRS 695G.251.

[~~3.~~**]** ***4.*** An **[**~~external~~**]** ***independent*** review organization that is assigned to conduct an external review pursuant to subsection 2 shall, if it accepts the assignment:

(a) Complete its external review not later than **[**~~2 working days~~**]** ***48 hours*** after receiving the assignment, unless the **[**~~insured~~**]** ***covered person*** and the **[**managed care organization**]** ***health carrier*** agree to a longer period;

(b) Not later than **[**~~1 working day~~**]** ***24 hours*** after completing its external review, notify the **[**~~insured,~~**]** ***covered person,*** the physician of the **[**~~insured,~~**]** ***covered person,*** the authorized representative ***,*** **[**~~of the insured,~~**]** if any, and the **[**~~managed care organization~~**]** ***health carrier*** by telephone of its determination; and

(c) Not later than **[**~~5 working days~~**]** ***48 hours*** after completing its external review, submit a written decision of its external review to the **[**~~insured,~~**]** ***covered person,*** the physician of the **[**~~insured,~~**]** ***covered person,*** the authorized representative ***,*** **[**~~of the insured,~~**]** if any, and the **[**~~managed care organization.~~

~~4. At least once each month, the Office for Consumer Health Assistance shall designate at least 2 external review organizations to conduct external reviews in an expedited manner pursuant to this section. As soon as practicable after designating an external review organization pursuant to this section, the Office for Consumer Health Assistance shall notify each managed care organization of the designation.~~

~~5. As soon as practicable after assigning an external review organization to conduct an external review pursuant to this section, the managed care organization shall notify the Office for Consumer Health Assistance of the assignment. Each assignment made by a managed care organization pursuant to this section must be completed on a rotating basis.~~**]** ***health carrier.***

Sec. 118.5. **NRS 695G.280 is hereby amended to read as follows:**

695G.280 The decision of an **[**~~external~~**]** ***independent*** review organization concerning a request for an external review must be based on:

1. Documentary evidence, including any recommendation of the physician of the insured submitted pursuant to NRS 695G.251;

2. Medical ***or scientific*** evidence, including, without limitation:

(a) Professional standards of safety and effectiveness for diagnosis, care and treatment that are generally recognized in the United States;

(b) Any report published in literature that is peer-reviewed;

(c) Evidence-based medicine, including, without limitation, reports and guidelines that are published by professional organizations that are recognized nationally and that include supporting scientific data; and

(d) An opinion of an independent physician who, as determined by the **[**~~external~~**]** ***independent*** review organization, is an expert in the health specialty that is the subject of the external review; and

3. The terms and conditions for benefits set forth in the evidence of coverage issued to the insured by the **[**~~managed care organization.~~**]** ***health carrier.***

Sec. 118.6. **NRS 695G.290 is hereby amended to read as follows:**

695G.290 1. If the determination of an **[**~~external~~**]** ***independent*** review organization concerning an external review of **[**~~a final~~**]** ***an*** adverse determination is in favor of the **[**~~insured,~~**]** ***covered person,*** the determination is final, conclusive and binding upon the **[**~~managed care organization.~~**]** ***health carrier.***

2. An **[**~~external~~**]** ***independent*** review organization or any clinical peer who conducts or participates in an external review of **[**~~a final~~**]** ***an*** adverse determination for the **[**~~external~~**]** ***independent*** review organization is not liable in a civil action for damages relating to a determination made by the **[**~~external~~**]** ***independent*** review organization if the determination is made in good faith and without gross negligence.

3. The cost of conducting an external review of **[**~~a final~~**]** ***an*** adverse determination pursuant to NRS 695G.241 to 695G.310, inclusive, ***and sections 102 to 112, inclusive, of this act*** must be paid by the **[**~~managed care organization~~**]** ***health carrier*** that made the **[**~~final~~**]** adverse determination.

Sec. 118.7. **NRS 695G.300 is hereby amended to read as follows:**

695G.300 In lieu of resolving a complaint of **[**~~an insured~~**]** ***a covered person*** in accordance with a system for resolving complaints established pursuant to the provisions of NRS 695G.200, a **[**~~managed care organization~~**]** ***health carrier*** may:

1. Submit the complaint to an **[**~~external~~**]** ***independent*** review organization pursuant to the provisions of NRS 695G.241 to 695G.310, inclusive **[**~~;~~**]** ***, and sections 102 to 112, inclusive, of this act;*** or

2. If a federal law or regulation provides a procedure for submitting the complaint for resolution that the Commissioner determines is substantially similar to the procedure for submitting the complaint to an **[**external**]** ***independent*** review organization pursuant to NRS 695G.241 to 695G.310, inclusive, ***and sections 102 to 112, inclusive, of this act,*** submit the complaint for resolution in accordance with the federal law or regulation.

Sec. 118.8. **NRS 695G.310 is hereby amended to read as follows:**

695G.310 On or before December 31 of each year, each **[**~~managed care organization~~**]** ***health carrier*** shall file a written report with the Office for Consumer Health Assistance setting forth the total number of:

1. Requests for ***an*** external review **[**~~that were received by the managed care organization~~**]** ***of an adverse decision made by the health carrier which***

were granted by the Office for Consumer Health Assistance during the immediately preceding year; and

2. **[**~~Final adverse~~**]** ***Adverse*** determinations of the **[**~~managed care organization~~**]** ***health carrier*** that were:

(a) Upheld during the immediately preceding year.

(b) Reversed during the immediately preceding year.

Sec. 119. NRS 695H.090 is hereby amended to read as follows:

695H.090 1. An application for registration to engage in business as a medical discount plan must be submitted on a form prescribed by the Commissioner. The form must be signed by an officer or an authorized representative of the applicant. Except as otherwise provided in this section, the application must be accompanied by:

(a) A registration fee of $500 and, in addition to any other fee or charge, all applicable fees required pursuant to NRS 680C.110.

(b) A copy of the organizational documents of the applicant, if any.

(c) A list of names, addresses, positions of employment and biographical information of each person who is responsible for conducting the business activities of the medical discount plan of the applicant, including, but not limited to, all members of the board of directors, board of trustees, officers and managers. The list must set forth the extent and nature of any contracts or other agreements between any person who is responsible for conducting the business activities of the applicant and the medical discount plan, including disclosure of any possible conflicts of interest.

(d) A complete biographical statement, on a form prescribed by the Commissioner, describing the facilities, employees and services that will be offered by the applicant.

(e) A copy of all forms used for contracts between the applicant and networks of providers of health care regarding the provision of health care or medical services to members.

(f) A copy of the most recent financial statements of the applicant, audited by an independent certified public accountant.

(g) A description of the method of marketing proposed by the applicant.

(h) A description of the procedures for making a complaint to be established and maintained by the applicant.

(i) Any other information required by the Commissioner.

2. Each person who registers a medical discount plan must renew the registration **[**~~annually~~**]** ***on or*** before **[**~~the registration expires.~~**]** ***March 1 of each year.*** Except as otherwise provided in this section, an application to renew the registration must include:

(a) An annual renewal fee of $500 and, in addition to any other fee or charge, all applicable fees required pursuant to NRS 680C.110; and

(b) Any information set forth in subsection 1 that the Commissioner requires to be included in the application.

3. An administrator or insurer that registers a medical discount plan is not required to pay the fees for registering or renewing the registration of the medical discount plan pursuant to this section.

4. The Commissioner shall, by regulation, designate the provisions of subsection 1 that shall be deemed satisfied by an administrator, insurer or affiliate of an insurer that has complied with substantially similar requirements pursuant to other provisions of this title.

Sec. 120. NRS 695H.180 is hereby amended to read as follows:

695H.180 A person who violates any provision of this chapter or an order or regulation of the Commissioner issued or adopted pursuant thereto may be assessed an administrative penalty by the Commissioner of not more than $2,000 for each act or violation **.** ~~[, not to exceed an aggregate amount of $10,000 for violations of a similar nature. For the purposes of this section, violations shall be deemed to be of a similar nature if the violations consist of the same or similar conduct, regardless of the number of times the conduct occurred.]~~

Sec. 121. NRS 697.173 is hereby amended to read as follows:

697.173 1. Except as otherwise provided in subsection ~~[2,]~~ ***4,*** a person is entitled to receive, renew or hold a license as a bail enforcement agent if the person:

(a) Is a natural person not less than 21 years of age.

(b) Is a citizen of the United States or is lawfully entitled to remain and work in the United States.

(c) Has a high school diploma or a general equivalency diploma or has an equivalent education as determined by the Commissioner.

(d) Has ~~[submitted to the Commissioner a report of an investigation of the criminal history of the person from the Central Repository for Nevada Records of Criminal History which indicates that the person possesses the qualifications for licensure as a bail enforcement agent.]~~ ***complied with the requirements of subsection 4 of NRS 697.180.***

(e) Has submitted to the Commissioner the results of an examination conducted by a psychiatrist or psychologist licensed to practice in this state which indicate that the person does not suffer from a psychological condition that would adversely affect the ability of the person to carry out his or her duties as a bail enforcement agent.

(f) Has passed any written examination required by this chapter.

(g) Submits to the Commissioner the results of a test to detect the presence of a controlled substance in the system of the person that was administered no earlier than 30 days before the date of the application for the license which do not indicate the presence of any controlled substance for which the person does not possess a current and lawful prescription issued in the name of the person.

(h) Successfully completes the training required by NRS 697.177.

2. A person is not entitled to receive, renew or hold a license of a bail enforcement agent if the person:

(a) Has been convicted of a felony in this state or of any offense committed in another state which would be a felony if committed in this state; or

(b) Has been convicted of an offense involving moral turpitude or the unlawful use, sale or possession of a controlled substance.

Sec. 122. NRS 697.180 is hereby amended to read as follows:

697.180 1. A written application for a license as a bail agent, general agent, bail enforcement agent or bail solicitor must be filed with the Commissioner by the applicant, accompanied by the applicable fees. The application form must:

(a) Include the social security number of the applicant; ***and***

(b) ~~[Be accompanied by a complete set of the applicant's fingerprints which the Commissioner may forward to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report; and~~

~~(c)]~~ Require full answers to questions reasonably necessary to determine the applicant's:

(1) Identity and residence.

(2) Business record or occupations for not less than the 2 years immediately preceding the date of the application, with the name and address of each employer, if any.

(3) Prior criminal history, if any.

2. The Commissioner may require the submission of such other information as may be required to determine the applicant's qualifications for the license for which the applicant applied.

3. The applicant must verify his or her application. An applicant for a license under this chapter shall not knowingly misrepresent or withhold any fact or information called for in the application form or in connection therewith.

4. Each applicant must, as part of his or her application and at the applicant's own expense:

(a) Arrange to have a complete set of his or her fingerprints taken by a law enforcement agency or other authorized entity acceptable to the Commissioner; and

(b) Submit to the Commissioner:

(1) A completed fingerprint card and written permission authorizing the Commissioner to submit the applicant's fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for a report on the applicant's background and to such other law enforcement agencies as the Commissioner deems necessary; or

(2) Written verification, on a form prescribed by the Commissioner, stating that the fingerprints of the applicant were taken and directly forwarded electronically or by another means to the Central Repository and that the applicant has given written permission to the law enforcement

agency or other authorized entity taking the fingerprints to submit the fingerprints to the Central Repository for submission to the Federal Bureau of Investigation for a report on the applicant's background and to such other law enforcement agencies as the Commissioner deems necessary.

5. The Commissioner may:

(a) Unless the applicant's fingerprints are directly forwarded pursuant to subparagraph (2) of paragraph (b) of subsection 4, submit those fingerprints to the Central Repository for submission to the Federal Bureau of Investigation and to such other law enforcement agencies as the Commissioner deems necessary;

(b) Request from each such agency any information regarding the applicant's background as the Commissioner deems necessary; and

(c) Adopt regulations concerning the procedures for obtaining this information.

Sec. 123. NRS 223.580 is hereby amended to read as follows:

223.580 On or before February 1 of each year, the Director shall submit a written report to the Governor, and to the Director of the Legislative Counsel Bureau for transmittal to the appropriate committee or committees of the Legislature. The report must include, without limitation:

1. A statement setting forth the number and geographic origin of the written and telephonic inquiries received by the Office for Consumer Health Assistance and the issues to which those inquiries were related;

2. A statement setting forth the type of assistance provided to each consumer and injured employee who sought assistance from the Director, including, without limitation, the number of referrals made to the Attorney General pursuant to subsection 7 of NRS 223.560;

3. A statement setting forth the disposition of each inquiry and complaint received by the Director; and

4. A statement setting forth the number of external reviews conducted by ~~[~~external~~]~~ ~~*[internal]*~~ ***independent*** review organizations pursuant to NRS 695G.241 to 695G.310, ***inclusive, and sections 102 to 112,*** inclusive, ***of this act,*** and the disposition of ~~[~~each of~~]~~ those reviews as reported pursuant to NRS 695G.310 ~~[.]~~ ***and section 110 of this act.***

Sec. 124. NRS 287.04335 is hereby amended to read as follows:

287.04335 If the Board provides health insurance through a plan of self-insurance, it shall comply with the provisions of NRS 689B.255, 695G.150, 695G.160, 695G.164, 695G.1645, 695G.170, 695G.171, 695G.173, 695G.177, 695G.200 to 695G.230, inclusive, 695G.241 to 695G.310, ***inclusive, and sections 102 to 112,*** inclusive, ***of this act*** and 695G.405, in the same manner as an insurer that is licensed pursuant to title 57 of NRS is required to comply with those provisions.

Sec. 125. NRS 422.273 is hereby amended to read as follows:

422.273 1. For any Medicaid managed care program established in the State of Nevada, the Department shall contract only with a health maintenance organization that has:

(a) Negotiated in good faith with a federally-qualified health center to provide health care services for the health maintenance organization;

(b) Negotiated in good faith with the University Medical Center of Southern Nevada to provide inpatient and ambulatory services to recipients of Medicaid; and

(c) Negotiated in good faith with the University of Nevada School of Medicine to provide health care services to recipients of Medicaid.

➥ Nothing in this section shall be construed as exempting a federally-qualified health center, the University Medical Center of Southern Nevada or the University of Nevada School of Medicine from the requirements for contracting with the health maintenance organization.

2. During the development and implementation of any Medicaid managed care program, the Department shall cooperate with the University of Nevada School of Medicine by assisting in the provision of an adequate and diverse group of patients upon which the school may base its educational programs.

3. The University of Nevada School of Medicine may establish a nonprofit organization to assist in any research necessary for the development of a Medicaid managed care program, receive and accept gifts, grants and donations to support such a program and assist in establishing educational services about the program for recipients of Medicaid.

4. For the purpose of contracting with a Medicaid managed care program pursuant to this section, a health maintenance organization is exempt from the provisions of NRS 695C.123.

5. The provisions of this section apply to any managed care organization, including a health maintenance organization, that provides health care services to recipients of Medicaid under the State Plan for Medicaid or the Children's Health Insurance Program pursuant to a contract with the Division. Such a managed care organization or health maintenance organization is not required to establish a system for conducting external reviews of ~~[~~final~~]~~ adverse determinations in accordance with chapter 695B, 695C or 695G of NRS. This subsection does not exempt such a managed care organization or health maintenance organization for services provided pursuant to any other contract.

6. As used in this section, unless the context otherwise requires:

(a) "Federally-qualified health center" has the meaning ascribed to it in 42 U.S.C. § 1396d(l)(2)(B).

(b) "Health maintenance organization" has the meaning ascribed to it in NRS 695C.030.

(c) "Managed care organization" has the meaning ascribed to it in NRS 695G.050.

Sec. 126. NRS 616A.235 is hereby amended to read as follows:

616A.235 ~~["External]~~ ***"Independent*** review organization" means an organization which has been issued a certificate pursuant to NRS 616A.469 that authorizes the organization to conduct external reviews for the purposes of chapters 616A to 617, inclusive, of NRS.

Sec. 127. NRS 616A.469 is hereby amended to read as follows:

616A.469 1. The Commissioner may issue certificates authorizing qualified ~~[external]~~ ***independent*** review organizations to conduct external reviews for the purposes of chapters 616A to 617, inclusive, of NRS. If the Commissioner issues such certificates and the Commissioner determines that an ~~[external]~~ ***independent*** review organization is qualified to conduct external reviews for the purposes of chapters 616A to 617, inclusive, of NRS, the Commissioner shall issue a certificate to the ~~[external]~~ ***independent*** review organization that authorizes the organization to conduct such external reviews in accordance with the provisions of NRS 616C.363 and the regulations adopted by the Commissioner.

2. The Commissioner may adopt regulations setting forth the procedures that an ~~[external]~~ ***independent*** review organization must follow to be issued a certificate to conduct external reviews. Any regulations adopted pursuant to this section must include, without limitation, provisions setting forth:

(a) The manner in which an ~~[external]~~ ***independent*** review organization may apply for a certificate and the requirements for the issuance and renewal of the certificate pursuant to this section;

(b) The grounds for which the Commissioner may refuse to issue, suspend, revoke or refuse to renew a certificate issued pursuant to this section;

(c) The manner and circumstances under which an ~~[external]~~ ***independent*** review organization is required to conduct its business; and

(d) Any applicable fees for issuing or renewing a certificate of an ~~[external]~~ ***independent*** review organization pursuant to this section.

3. A certificate issued pursuant to this section expires 1 year after it is issued and may be renewed in accordance with regulations adopted by the Commissioner.

4. Before the Commissioner may issue a certificate to an ~~[external]~~ ***independent*** review organization, the ~~[external]~~ ***independent*** review organization must:

(a) Demonstrate to the satisfaction of the Commissioner that it is able to carry out, in a timely manner, the duties of an ~~[external]~~ ***independent*** review organization as set forth in NRS 616C.363 and the regulations adopted by the Commissioner. The demonstration must include, without limitation, proof that the ~~[external]~~ ***independent*** review organization employs, contracts with or otherwise retains only persons who are qualified because of their education, training, professional licensing and experience to perform the duties assigned to those persons; and

(b) Provide assurances satisfactory to the Commissioner that the ~~[external]~~ ***independent*** review organization will:

(1) Conduct external reviews in accordance with the provisions of NRS 616C.363 and the regulations adopted by the Commissioner;

(2) Render its decisions in a clear, consistent, thorough and timely manner; and

(3) Avoid conflicts of interest.

5. For the purposes of this section, an ~~[external]~~ ***independent*** review organization has a conflict of interest if the ~~[external]~~ ***independent*** review organization or any employee, agent or contractor of the ~~[external]~~ ***independent*** review organization who conducts an external review has a professional, familial or financial interest of a material nature with respect to any person who has a substantial interest in the outcome of the external review, including, without limitation:

(a) The claimant;

(b) The employer; or

(c) The insurer or any officer, director or management employee of the insurer.

6. The Commissioner shall not issue a certificate to an ~~[external]~~ ***independent*** review organization that is affiliated with:

(a) An organization for managed care which provides comprehensive medical and health care services to employees for injuries or diseases pursuant to chapters 616A to 617, inclusive, of NRS;

(b) An insurer;

(c) A third-party administrator; or

(d) A national, state or local trade association.

7. An ~~[external]~~ ***independent*** review organization which is certified or accredited by an accrediting body that is nationally recognized shall be deemed to have satisfied all the conditions and qualifications required for the ~~[external]~~ ***independent*** review organization to be issued a certificate pursuant to this section.

Sec. 128. NRS 616B.691 is hereby amended to read as follows:

616B.691 1. ~~[For the purposes of chapters 612 and 616A to 617, inclusive, of NRS, an]~~ ***An*** employee leasing company which complies with the provisions of NRS 616B.670 to 616B.697, inclusive, shall be deemed to be the employer of the employees it leases to a client company. ***The provisions of this subsection apply only for the purposes of chapters 612 and 616A to 617, inclusive, of NRS.***

2. ~~[If an employee leasing company complies with the provisions of subsection 3, the]~~ ***An*** employee leasing company shall be deemed to be ~~[the]~~ ***an*** employer of its leased employees for the purposes of ***offering,*** sponsoring and maintaining any benefit plans **.** ~~[, including, without limitation, for the purposes of the Employee Retirement Income Security Act of 1974, 29 U.S.C. §§ 1001 et seq.]~~ ***The provisions of this subsection do not affect the employer-employee relationship that exists between a leased employee and a client company.***

3. An employee leasing company shall not offer ***, sponsor or maintain for*** its ***leased*** employees any self-funded ~~[~~industrial~~]~~ insurance program. An employee leasing company shall not act as a self-insured employer or be a member of an association of self-insured public or private employers pursuant to chapters 616A to 616D, inclusive, or chapter 617 of NRS ~~[.]~~ ***or title 57 of NRS.***

4. If an employee leasing company fails to:

(a) Pay any contributions, premiums, forfeits or interest due; or

(b) Submit any reports or other information required,

➥ pursuant to this chapter or chapter 612, 616A, 616C, 616D or 617 of NRS, the client company is jointly and severally liable for the contributions, premiums, forfeits or interest attributable to the wages of the employees leased to it by the employee leasing company.

Sec. 129. NRS 616C.360 is hereby amended to read as follows:

616C.360 1. A stenographic or electronic record must be kept of the hearing before the appeals officer and the rules of evidence applicable to contested cases under chapter 233B of NRS apply to the hearing.

2. The appeals officer must hear any matter raised before him or her on its merits, including new evidence bearing on the matter.

3. If there is a medical question or dispute concerning an injured employee's condition or concerning the necessity of treatment for which authorization for payment has been denied, the appeals officer may:

(a) Order an independent medical examination and refer the employee to a physician or chiropractor of his or her choice who has demonstrated special competence to treat the particular medical condition of the employee, whether or not the physician or chiropractor is on the insurer's panel of providers of health care. If the medical question concerns the rating of a permanent disability, the appeals officer may refer the employee to a rating physician or chiropractor. The rating physician or chiropractor must be selected in rotation from the list of qualified physicians or chiropractors maintained by the Administrator pursuant to subsection 2 of NRS 616C.490, unless the insurer and the injured employee otherwise agree to a rating physician or chiropractor. The insurer shall pay the costs of any examination requested by the appeals officer.

(b) If the medical question or dispute is relevant to an issue involved in the matter before the appeals officer and all parties agree to the submission of the matter to an ~~[~~external~~]~~ ***independent*** review organization, submit the matter to an ~~[~~external~~]~~ ***independent*** review organization in accordance with NRS 616C.363 and any regulations adopted by the Commissioner.

4. The appeals officer may consider the opinion of an examining physician or chiropractor, in addition to the opinion of an authorized treating physician or chiropractor, in determining the compensation payable to the injured employee.

5. If an injured employee has requested payment for the cost of obtaining a second determination of his or her percentage of disability pursuant to

NRS 616C.100, the appeals officer shall decide whether the determination of the higher percentage of disability made pursuant to NRS 616C.100 is appropriate and, if so, may order the insurer to pay to the employee an amount equal to the maximum allowable fee established by the Administrator pursuant to NRS 616C.260 for the type of service performed, or the usual fee of that physician or chiropractor for such service, whichever is less.

6. The appeals officer shall order an insurer, organization for managed care or employer who provides accident benefits for injured employees pursuant to NRS 616C.265 to pay to the appropriate person the charges of a provider of health care if the conditions of NRS 616C.138 are satisfied.

7. Any party to the appeal or contested case or the appeals officer may order a transcript of the record of the hearing at any time before the seventh day after the hearing. The transcript must be filed within 30 days after the date of the order unless the appeals officer otherwise orders.

8. Except as otherwise provided in subsection 9, the appeals officer shall render a decision:

(a) If a transcript is ordered within 7 days after the hearing, within 30 days after the transcript is filed; or

(b) If a transcript has not been ordered, within 30 days after the date of the hearing.

9. The appeals officer shall render a decision on a contested claim submitted pursuant to subsection 2 of NRS 616C.345 within 15 days after:

(a) The date of the hearing; or

(b) If the appeals officer orders an independent medical examination, the date the appeals officer receives the report of the examination,

➥ unless both parties to the contested claim agree to a later date.

10. The appeals officer may affirm, modify or reverse any decision made by a hearing officer and issue any necessary and proper order to give effect to his or her decision.

Sec. 130. NRS 616C.363 is hereby amended to read as follows:

616C.363 1. Not later than 5 business days after the date that an ~~[external]~~ ***independent*** review organization receives a request for an external review, the ~~[external]~~ ***independent*** review organization shall:

(a) Review the documents and materials submitted for the external review; and

(b) Notify the injured employee, his or her employer and the insurer whether the ~~[external]~~ ***independent*** review organization needs any additional information to conduct the external review.

2. The ~~[external]~~ ***independent*** review organization shall render a decision on the matter not later than 15 business days after the date that it receives all information that is necessary to conduct the external review.

3. In conducting the external review, the ~~[external]~~ ***independent*** review organization shall consider, without limitation:

(a) The medical records of the insured;

(b) Any recommendations of the physician of the insured; and

(c) Any other information approved by the Commissioner for consideration by an **[**~~external~~**]** ***independent*** review organization.

4. In its decision, the **[**~~external~~**]** ***independent*** review organization shall specify the reasons for its decision. The **[**~~external~~**]** ***independent*** review organization shall submit a copy of its decision to:

(a) The injured employee;

(b) The employer;

(c) The insurer; and

(d) The appeals officer, if any.

5. The insurer shall pay the costs of the services provided by the **[**~~external~~**]** ***independent*** review organization.

6. The Commissioner may adopt regulations to govern the process of external review and to carry out the provisions of this section. Any regulations adopted pursuant to this section must provide that:

(a) All parties must agree to the submission of a matter to an **[**~~external~~**]** ***independent*** review organization before a request for external review may be submitted;

(b) A party may not be ordered to submit a matter to an **[**~~external~~**]** ***independent*** review organization; and

(c) The findings and decisions of an **[**~~external~~**]** ***independent*** review organization are not binding.

Sec. 131. NRS 683A.371, 683A.373, 684A.155, 686A.225, 689A.360, 689A.625 **[**~~,~~**]** **and** 689C.105 **[**~~, 695G.016, 695G. 070 , 695G.080, 695G.241, 695G.251, 695G.261, 695G.271, 695G.280, 695G.290, 695G.300 and 695G.310~~**]** are hereby repealed.

Sec. 132. 1. This **section and sections 1 to 56, inclusive, and 58 to 131, inclusive, of this** act **[**~~becomes~~**]** **become** effective:

(a) Upon passage and approval for the purpose of adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On October 1, 2011, for all other purposes.

2. **Section 57 of this act becomes effective on January 1, 2013.**

3. Sections 23, 24, 25, 45, 47, 59, 60 and 122 of this act expire by limitation on the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

(a) Have failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or

(b) Are in arrears in the payment for the support of one or more children,

➥ are repealed by the Congress of the United States.

LEADLINES OF REPEALED SECTIONS

683A.371 Certification; conflicts of interest; annual list.

683A.373 Submission of annual list to Office for Consumer Health Assistance.

684A.155 Limited license: Commissioner authorized to issue to adjuster licensed in adjoining state; terms; powers.

686A.225 Certain insurers to retain adjuster who resides in this State.

689A.360 Filing of rates.

689A.625 Supplemental coverage not health benefit plan if individual carrier files annual certification with Commissioner.

689C.105 "Supplemental coverage" defined.

[~~695G.016 "Clinical peer" defined.~~

~~695G.070 "Provider of health care" defined.~~

~~695G.080 "Utilization review" defined.~~

~~695G.241 Adverse determination deemed final for purpose of submitting to external review organization.~~

~~695G.251 Request for review; assignment of external review organization; provision of documents relating to adverse determination to external review organization.~~

~~695G.261 Review of documents by external review organization; decision of external review organization.~~

~~695G.271 Expedited approval or denial of request.~~

~~695G.280 Basis for decision of external review organization.~~

~~695G.290 Decision in favor of insured binding on managed care organization; limitation of liability; cost for external review organization.~~

~~695G.300 Submission of complaint of insured to external review organization.~~

~~695G.310 Annual report; requirements.~~**]**

Assemblywoman Benitez-Thompson moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Joint Resolution No. 1.

Resolution read second time.

The following amendment was proposed by the Committee on Legislative Operations and Elections:

Amendment No. 362.

SUMMARY—Proposes to amend certain provisions of the Nevada Constitution related to the assessment and collection of property taxes to **[**~~allow~~**]** **authorize** the **[**~~recalculation~~**]** **Legislature to provide by law for the calculation** of the taxable value of **[**~~depreciated~~**]** improvements to real property upon the transfer, sale or conveyance of the property. (BDR C-402)

ASSEMBLY JOINT RESOLUTION—Proposing to amend certain provisions of the Nevada Constitution related to the assessment and

collection of property taxes to authorize the Legislature to provide by law for the ~~[recalculation]~~ **calculation** of the taxable value of ~~[depreciated]~~ improvements to real property upon the transfer, sale or conveyance of the property.

Legislative Counsel's Digest:

Existing law requires that depreciation of an improvement to real property be calculated at 1.5 percent of the replacement cost of the improvement for each year of adjusted actual age of the improvement, up to a maximum of 50 years, when determining the value of the property for the purposes of assessing and collecting property taxes. (NRS 361.227) This proposed amendment to the Nevada Constitution authorizes the Legislature to enact a statute which ~~[requires each County Assessor to recalculate]~~ **provides for the calculation of** the taxable value of ~~[depreciated]~~ improvements ~~[by removing any accumulated depreciation]~~ **to real property** upon such transfers, sales or other conveyances of the property as the Legislature deems appropriate.

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That Section 1 of Article 10 of the Nevada Constitution be amended to read as follows:

Section 1. 1. The Legislature shall provide by law for a uniform and equal rate of assessment and taxation, and shall prescribe such regulations as shall secure a just valuation for taxation of all property, real, personal and possessory, except mines and mining claims, which shall be assessed and taxed only as provided in Section 5 of this Article.

2. Shares of stock, bonds, mortgages, notes, bank deposits, book accounts and credits, and securities and choses in action of like character are deemed to represent interest in property already assessed and taxed, either in Nevada or elsewhere, and shall be exempt.

3. The Legislature may constitute agricultural and open-space real property having a greater value for another use than that for which it is being used, as a separate class for taxation purposes and may provide a separate uniform plan for appraisal and valuation of such property for assessment purposes. If such plan is provided, the Legislature shall also provide for retroactive assessment for a period of not less than 7 years when agricultural and open-space real property is converted to a higher use conforming to the use for which other nearby property is used.

4. Personal property which is moving in interstate commerce through or over the territory of the State of Nevada, or which was consigned to a warehouse, public or private, within the State of Nevada from outside the State of Nevada for storage in transit to a final destination outside the State of Nevada, whether specified when transportation begins or afterward, shall be deemed to have acquired no situs in Nevada for purposes of taxation and shall be exempt from taxation. Such property shall not be deprived of such exemption because while in the warehouse the property is assembled, bound,

joined, processed, disassembled, divided, cut, broken in bulk, relabeled or repackaged.

5. The Legislature may exempt motor vehicles from the provisions of the tax required by this Section, and in lieu thereof, if such exemption is granted, shall provide for a uniform and equal rate of assessment and taxation of motor vehicles, which rate shall not exceed five cents on one dollar of assessed valuation.

6. The Legislature shall provide by law for a progressive reduction in the tax upon business inventories by 20 percent in each year following the adoption of this provision, and after the expiration of the 4th year such inventories are exempt from taxation. The Legislature may exempt any other personal property, including livestock.

7. No inheritance tax shall ever be levied.

8. The Legislature may exempt by law property used for municipal, educational, literary, scientific or other charitable purposes, or to encourage the conservation of energy or the substitution of other sources for fossil sources of energy.

9. No income tax shall be levied upon the wages or personal income of natural persons. Notwithstanding the foregoing provision, and except as otherwise provided in subsection 1 of this Section, taxes may be levied upon the income or revenue of any business in whatever form it may be conducted for profit in the State.

10. The Legislature may provide by law for an abatement of the tax upon or an exemption of part of the assessed value of a single-family residence occupied by the owner to the extent necessary to avoid severe economic hardship to the owner of the residence.

11. The Legislature may provide by law for the ~~*[recalculation of any depreciation allowed by law in the]*~~ ***determination of the value of improvements to real property for the purposes of taxation*** ~~*[, such that the value of a depreciated improvement is reset to the current replacement cost of the improvement]*~~ ***upon*** ~~*[such a]*~~ ***the transfer, sale or other conveyance of the property as the Legislature determines to be appropriate.***

Assemblywoman Flores moved the adoption of the amendment.

Amendment adopted.

Resolution ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 406.

Bill read second time.

The following amendment was proposed by Assemblywoman Kirkpatrick:

Amendment No. 514.

SUMMARY— ~~[Creates the Evaluation and Sunset Advisory Commission.]~~ **Revises provisions relating to the conducting of executive branch audits and investigations.** (BDR 18-584)

AN ACT relating to ~~[commissions; creating the Evaluation and Sunset Advisory Commission; providing for its membership; requiring the~~

~~Commission to evaluate the necessity and efficacy of all agencies, boards and commissions and statutory tax exemptions, abatements and earmarks in this State;~~ **state agencies; authorizing the Governor to require the Chief of the Division of Internal Audits of the Department of Administration to conduct certain audits and investigations of executive branch agencies without the approval of the Executive Branch Audit Committee; authorizing the Chief to conduct investigations; deleting provisions which prohibit the Division from conducting investigations; requiring executive branch agencies to cooperate in an audit or investigation; exempting certain audits and investigations from being included in certain reports to the Committee; requiring certain documents relating to investigations of executive branch agencies to be kept confidential under certain circumstances;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law creates the Executive Branch Audit Committee, requires the Chief of the Division of Internal Audits of the Department of Administration to submit annual plans to audit executive branch agencies to the Committee, and requires the Committee to approve those plans. (NRS 353A.038, 353A.045) Further, existing law prohibits the Division from conducting investigations. (NRS 353A.055) Section ~~[3]~~ **1** of this bill ~~[creates the Evaluation and Sunset Advisory Commission and sets forth the details regarding the members of the Commission, who are appointed by the Governor and the Majority and Minority Leaders of each House of the Legislature. Section 5 of this bill sets forth the duties of the Commission which include, without limitation, reviewing and evaluating all agencies, boards and commissions and statutory tax exemptions, abatements and earmarks in this State for necessity and efficacy and for duplication by other agencies, boards and commissions of the Federal Government, this State or local governments in this State. Section 4 of this bill requires the Commission to meet at least bimonthly and to annually report its findings and recommendations to the Governor and the Legislature. Section 6 of this bill authorizes the Commission to apply for and receive gifts, grants, contributions or other money to carry out its duties.~~] **authorizes the Governor to require the Chief to conduct an audit or an investigation of an executive branch agency that is not in the plan the Chief submitted and without the approval of the Committee. Section 2 of this bill authorizes the Chief to conduct investigations, as well as audits, and requires the Chief to conduct the audits or investigations required by the Governor as well as those approved by the Committee. Section 3 of this bill eliminates the prohibition against the Division conducting investigations.**

Existing law requires the Chief of the Division of Internal Audits of the Department of Administration to submit an annual report to the Executive Branch Audit Committee which includes all final reports of

audits conducted in the preceding year. (NRS 353A.065) Section 4 of this bill prohibits the inclusion in that report of any reference to audits or investigations required by the Governor. Section 6 of this bill requires that the final reports of an audit or investigation required by the Governor be given to the Governor and not the Committee.

Section 5 of this bill requires all executive branch agencies to cooperate with the Chief or the authorized representative of the Chief in an audit or investigation. Section 8 of this bill requires that the working documents from an investigation are to be kept confidential under certain circumstances.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Delete existing sections 1 through 8 of this bill and replace with the following new sections 1 through 9:

Section 1. **NRS 353A.038 is hereby amended to read as follows:**

353A.038 1. The Executive Branch Audit Committee is hereby created.

2. The Committee must consist of one member who is a representative of the general public appointed by the Governor, who has at least 5 years of progressively responsible experience in the field of auditing and who does not engage in business with any agency, and the following ex officio members:

(a) The Governor, who shall serve as Chair of the Committee;

(b) The Lieutenant Governor;

(c) The Secretary of State;

(d) The State Treasurer;

(e) The State Controller; and

(f) The Attorney General.

3. The member of the Committee who is a representative of the general public is entitled to receive a salary of $80 per day while engaged in the business of the Committee.

4. While engaged in the business of the Committee, each member of the Committee is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

5. The Committee shall:

(a) Adopt policies and procedures for the operation of the Division;

(b) Approve, with or without revision, each annual plan for auditing agencies presented by the Chief pursuant to NRS 353A.045, and any revisions to such a plan, before the plan is implemented; and

(c) Approve, with or without revision, each annual report submitted by the Chief pursuant to NRS 353A.065.

6. The Governor, as the Chair of the Committee and without the approval of the Committee, may direct the Chief to perform additional audits or investigations of executive branch agencies not included in the plan presented pursuant to NRS 353A.045.

Sec. 2. **NRS 353A.045 is hereby amended to read as follows:**

353A.045 The Chief shall:

1. Report to the Director.

2. Develop long-term and annual work plans to be based on the results of periodic documented risk assessments. The annual work plan must list the agencies to which the Division will provide training and assistance and be submitted to the Director for approval. Such agencies must not include:

(a) A board created by the provisions of NRS 590.485 and chapters 623 to 625A, inclusive, 628, 630 to 644, inclusive, 648, 654 and 656 of NRS.

(b) The Nevada System of Higher Education.

(c) The Public Employees' Retirement System.

(d) The Housing Division of the Department of Business and Industry.

(e) The Colorado River Commission of Nevada.

3. Provide a copy of the approved annual work plan to the Legislative Auditor.

4. In consultation with the Director, prepare a plan for auditing ***or investigating*** executive branch agencies for each fiscal year and present the plan to the Committee for its review and approval. Each plan for auditing ***or investigating*** must:

(a) State the agencies which will be audited ~~[,]~~ ***or investigated,*** the proposed scope and assignment of those audits ***or investigations*** and the related resources which will be used for those audits ~~[,]~~ ***or investigations;*** and

(b) Ensure that the internal accounting, administrative controls and financial management of each agency are reviewed periodically.

5. Perform the audits ***or investigations*** of the programs and activities of the agencies in accordance with the plan approved pursuant to subsection 5 of NRS 353A.038 and prepare audit ***or investigation*** reports of his or her findings.

6. ***Perform additional audits or investigations of executive branch agencies if required by the Governor pursuant to subsection 6 of NRS 353A.038.***

7. Review each agency that is audited ***or investigated*** pursuant to subsection 5 ***or 6*** and advise those agencies concerning internal accounting, administrative controls and financial management.

~~[7.]~~ ***8.*** Submit to each agency that is audited ***or investigated*** pursuant to subsection 5 ***or 6 any*** analyses, appraisals and recommendations concerning:

(a) The adequacy of the internal accounting and administrative controls of the agency; and

(b) The efficiency and effectiveness of the management of the agency.

~~[8.]~~ ***9.*** Report any possible abuses, illegal actions, errors, omissions and conflicts of interest of which the Division becomes aware during the performance of an audit ~~[.~~

~~9.]~~ ***or investigation.***

10. Adopt the standards of the Institute of Internal Auditors for conducting and reporting on internal audits.

~~[10.]~~ ***11.*** Consult with the Legislative Auditor concerning the plan for auditing and the scope of audits to avoid duplication of effort and undue disruption of the functions of agencies that are audited pursuant to subsection 5~~.[~~

~~11.]~~ ***or 6.***

12. Appoint a Manager of Internal Controls.

Sec. 3. **NRS 353A.055 is hereby amended to read as follows:**

353A.055 1. The Division shall:

(a) Determine the adequacy of the system of internal accounting, administrative control and financial management of each agency to which the Division provides training and assistance.

(b) Adopt regulations, approved by the Committee, requiring the provision of training to any employee of an agency who is responsible for administering budgetary accounts. The training must address:

(1) The laws and regulations of this state and the Federal Government applicable to the operations of the agency.

(2) Internal accounting, administrative controls and financial management.

(3) Techniques to address the adequacy of controls of the agency.

(c) Develop and administer a procedure to evaluate the effectiveness of any training provided to an agency.

(d) Provide technical assistance to agencies in developing and carrying out their systems of internal accounting, administrative controls and financial management.

(e) Prepare separate reports for each agency which summarize the results of the training and assistance provided to the agency.

2. The Division shall not ~~[~~:

~~(a) Provide]~~ ***provide*** any services to an agency that is under the direct control or administration of a constitutional officer unless the constitutional officer requests such services.

~~[(b) Conduct investigations, but shall refer such matters to the appropriate agency.]~~

Sec. 4. **NRS 353A.065 is hereby amended to read as follows:**

353A.065 1. Within 90 days after the end of each fiscal year, the Chief shall submit an annual report to the Committee for its approval which:

(a) Lists the agencies to which the Division provided training and assistance;

(b) Separately lists any other activities undertaken by the Division that are related to the provision of training and assistance and the status of those activities;

(c) ~~[Contains]~~ ***Except as otherwise provided in subsection 3, contains*** a list of the final reports that have been submitted pursuant to NRS 353A.085;

(d) ~~[Contains]~~ ***Except as otherwise provided in subsection 3, contains*** a separate list of any other activities undertaken by the Division that are related to the final reports submitted pursuant to NRS 353A.085 and the status of those activities; and

(e) Describes the accomplishments of the Division.

2. The Chief shall provide a copy of the annual report to the:

(a) Committee;

(b) Director;

(c) Interim Finance Committee; and

(d) Legislative Auditor.

3. The annual report submitted by the Chief to the Committee pursuant to this section must not include information about any audit or investigation required by the Governor pursuant to subsection 6 of NRS 353A.038.

Sec. 5. **NRS 353A.075 is hereby amended to read as follows:**

353A.075 1. Except as otherwise provided in subsection 2, upon the request of the Chief or the Chief's authorized representative, all officers and employees of each executive branch agency shall ~~[make]~~ ***:***

(a) Make available to the Division all books, accounts, claims, reports, vouchers or other records of information, confidential or otherwise, in the possession or control of the agency.

(b) Cooperate with the Chief or the Chief's authorized representative in any audit or investigation conducted by the Chief or the Division.

2. This section does not authorize the Chief or the Chief's authorized representative to have access to any books, accounts, claims, reports, vouchers or other records or information of any business or activity which NRS 665.130 and 668.085 require to be kept confidential.

Sec. 6. **NRS 353A.085 is hereby amended to read as follows:**

353A.085 1. After each audit ***or investigation*** is completed, the Chief or the Chief's designated representative shall submit a copy of the preliminary findings and recommendations of the audit ***or investigation*** to the head of the audited ***or investigated*** agency. Within 10 working days after receipt of the preliminary findings and recommendations, the head of the ***audited or investigated*** agency shall submit to the Chief a written statement of acceptance, explanation or rebuttal concerning the findings. The Chief shall include the statement of the head of the agency in the final report.

2. ~~[The]~~ ***Except as otherwise provided in subsection 4, the*** Chief shall submit a final report to the Committee and the head of the audited ***or investigated*** agency.

3. Except as otherwise provided in NRS 353A.031 to 353A.100, inclusive, the Chief shall not disclose the content of any audit ***or investigation*** before the final report is submitted to the Committee pursuant to subsection 2 except in the case of alleged illegal acts which must be reported immediately upon discovery.

4. If the Chief conducts an audit or investigation required by the Governor pursuant to subsection 6 of NRS 353A.038, the Chief shall submit the final report to the Governor and the head of the audited or investigated agency.

Sec. 7. **NRS 353A.090 is hereby amended to read as follows:**

353A.090 Within 6 months after the date that the final report is submitted pursuant to NRS 353A.085, if corrective action is recommended for an agency, the Chief shall determine whether appropriate corrective actions are being taken and whether those actions are achieving the desired result. The Chief shall inform the Committee and the head of the audited ***or investigated*** agency of the effect of any corrective actions taken.

Sec. 8. **NRS 353A.100 is hereby amended to read as follows:**

353A.100 1. The Chief shall keep or cause to be kept a complete file of copies of all reports of audits, examinations, investigations and all other reports or releases issued by the Chief.

2. All working papers from an audit ***or investigation*** are confidential and may be destroyed by the Chief 5 years after the report is issued, except that the Chief:

(a) Shall release such working papers when subpoenaed by a court of competent jurisdiction or when required to do so pursuant to NRS 239.0115;

(b) Shall make such working papers available to the Legislative Auditor upon his or her request; and

(c) May make such working papers available for inspection by an authorized representative of any other governmental entity for a matter officially before him or her.

Sec. 9. **This act becomes effective on July 1, 2011.**

Assemblywoman Kirkpatrick moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 346.

Bill read third time.

Roll call on Assembly Bill No. 346:

YEAS—42.

NAYS—None.

Assembly Bill No. 346 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 352.

Bill read third time.

Roll call on Assembly Bill No. 352:

YEAS—26.

NAYS—Ellison, Goedhart, Goicoechea, Grady, Hambrick, Hammond, Hansen, Hardy, Hickey, Kirner, Kite, Livermore, McArthur, Sherwood, Stewart, Woodbury—16.

Assembly Bill No. 352 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 362.

Bill read third time.

Roll call on Assembly Bill No. 362:

YEAS—42.

NAYS—None.

Assembly Bill No. 362 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 368.

Bill read third time.

Roll call on Assembly Bill No. 368:

YEAS—42.

NAYS—None.

Assembly Bill No. 368 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 384.

Bill read third time.

Remarks by Assemblymen Hickey and Carlton.

Roll call on Assembly Bill No. 384:

YEAS—36.

NAYS—Atkinson, Carlton, Carrillo, Goedhart, Horne, Mastroluca—6.

Assembly Bill No. 384 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 389.

Bill read third time.

Roll call on Assembly Bill No. 389:

YEAS—42.

NAYS—None.

Assembly Bill No. 389 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 396.

Bill read third time.

Roll call on Assembly Bill No. 396:

YEAS—42.

NAYS—None.

Assembly Bill No. 396 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 400.
Bill read third time.
Roll call on Assembly Bill No. 400:
YEAS—42.
NAYS—None.
Assembly Bill No. 400 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 408.
Bill read third time.
Roll call on Assembly Bill No. 408:
YEAS—42.
NAYS—None.
Assembly Bill No. 408 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 410.
Bill read third time.
Roll call on Assembly Bill No. 410:
YEAS—42.
NAYS—None.
Assembly Bill No. 410 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 6:43 p.m.

ASSEMBLY IN SESSION

At 6:49 p.m.
Mr. Speaker presiding.
Quorum present.

Assemblyman Conklin moved to withdraw Assembly Bill No. 474 from the Concurrent Committee on Ways and Means.
Motion carried.

Assemblyman Conklin moved that Assembly Bill No. 474 be taken from the General File and placed on the General File for the next legislative day.
Motion carried.

Assembly Bill No. 413.
Bill read third time.
Roll call on Assembly Bill No. 413:
YEAS—42.
NAYS—None.
Assembly Bill No. 413 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 433.
Bill read third time.
Roll call on Assembly Bill No. 433:
YEAS—26.
NAYS—Ellison, Goedhart, Goicoechea, Grady, Hambrick, Hammond, Hansen, Hardy, Hickey, Kirner, Kite, Livermore, McArthur, Sherwood, Stewart, Woodbury—16.
Assembly Bill No. 433 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 454.
Bill read third time.
Roll call on Assembly Bill No. 454:
YEAS—42.
NAYS—None.
Assembly Bill No. 454 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 472.
Bill read third time.
Roll call on Assembly Bill No. 472:
YEAS—42.
NAYS—None.
Assembly Bill No. 472 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 501.
Bill read third time.
Roll call on Assembly Bill No. 501:
YEAS—28.
NAYS—Ellison, Goicoechea, Grady, Hambrick, Hammond, Hansen, Hardy, Kirner, Kite, Livermore, McArthur, Sherwood, Stewart, Woodbury—14.
Assembly Bill No. 501 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 538.

Bill read third time.

Roll call on Assembly Bill No. 538:

YEAS—33.

NAYS—Carrillo, Diaz, Hogan, Munford, Neal, Ohrenschall, Pierce, Segerblom, Smith—9.

Assembly Bill No. 538 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 544.

Bill read third time.

Roll call on Assembly Bill No. 544:

YEAS—42.

NAYS—None.

Assembly Bill No. 544 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 545.

Bill read third time.

Roll call on Assembly Bill No. 545:

YEAS—31.

NAYS—Carlton, Goicoechea, Grady, Hambrick, Hansen, Hardy, Hickey, Kirner, Kite, Livermore, McArthur—11.

Assembly Bill No. 545 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 564.

Bill read third time.

Roll call on Assembly Bill No. 564:

YEAS—42.

NAYS—None.

Assembly Bill No. 564 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 374.

Bill read third time.

The following amendment was proposed by Assemblyman Atkinson:

Amendment No. 499.

AN ACT relating to mobile equipment; requiring the Director of the Department of Transportation to submit a report to the Governor and the Legislature relating to the **elimination by outsourcing or the** purchase or leasing of certain mobile equipment ~~[,]~~ **;** requiring the Department to prepare and present an analysis of the costs and benefits associated with the purchasing or leasing of certain mobile equipment ~~[,]~~ **or contracting for the performance of the work which would have been performed using that**

mobile equipment; prohibiting the Board of Directors of the Department from approving the purchase of certain mobile equipment unless the Department justifies the purchase based on the costs and benefits analysis; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Director of the Department of Transportation to submit various reports to the Legislature concerning the activities of the Department. (NRS 408.203) **Section 2** of this bill provides that, on or before February 1 of each odd-numbered year, the Director is required to submit a report to the Governor and the Legislature concerning all mobile equipment **eliminated by outsourcing or** purchased or leased in the previous 2 years. **Section 2** further requires that the report include, without limitation, the costs and benefits analysis prepared pursuant to **section 3** of this bill and the justification for the decision to purchase or lease the mobile equipment **[.] or to enter into a contract for the performance of the work which would have been performed using the mobile equipment.**

Existing law requires the Board of Directors of the Department to authorize the purchase by the Department of any equipment which exceeds $50,000. (NRS 408.389) **Section 3** provides that, before the Board may approve the purchase of any mobile equipment which exceeds $50,000, the Department is required to **: (1)** prepare and present a costs and benefits analysis of purchasing or leasing the mobile equipment **or contracting for the performance of the work which would have been performed using the mobile equipment;** and **(2)** justify purchasing instead of leasing **or contracting** based on that analysis. **Section 3** further prohibits the Board from approving any purchase of mobile equipment which exceeds $50,000 unless the Department is able to justify purchasing ~~**[instead of leasing]**~~ based on that analysis.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. (Deleted by amendment.)

Sec. 2. NRS 408.203 is hereby amended to read as follows:

408.203 The Director shall:

1. Compile a comprehensive report outlining the requirements for the construction and maintenance of highways for the next 10 years, including anticipated revenues and expenditures of the Department, and submit it to the Director of the Legislative Counsel Bureau for transmittal to the Chairs of the Senate and Assembly Standing Committees on Transportation.

2. Compile a comprehensive report of the requirements for the construction and maintenance of highways for the next 3 years, including anticipated revenues and expenditures of the Department, no later than October 1 of each even-numbered year, and submit it to the Director of the Legislative Counsel Bureau for transmittal to the Chairs of the Senate and Assembly Standing Committees on Transportation.

3. Report to the Legislature by February 1 of odd-numbered years the progress being made in the Department's 12-year plan for the resurfacing of state highways. The report must include an accounting of revenues and expenditures in the preceding 2 fiscal years, a list of the projects which have been completed, including mileage and cost, and an estimate of the adequacy of projected revenues for timely completion of the plan.

4. On or before February 1 of each odd-numbered year, submit to the Governor and to the Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature a written report concerning all mobile equipment eliminated by outsourcing or purchased or leased by the Department in the preceding 2 fiscal years. The report must include, without limitation, an analysis of the costs and benefits of each purchase , [or] lease or contract prepared pursuant to subsection 2 of NRS 408.389, the justification for the decision to purchase , [or] lease or contract and any other information required by the Director relating to such purchase , [or] lease [.] or contract.

Sec. 3. NRS 408.389 is hereby amended to read as follows:

408.389 1. [The] ***Except as otherwise provided in subsection 2, the*** Department shall not purchase any equipment which exceeds $50,000, unless the purchase is first approved by the Board.

2. ***Before the Board may approve the purchase of any mobile equipment which exceeds $50,000, the Department shall:***

(a) Prepare and present to the Board an analysis of the costs and benefits , including, without limitation, all related personnel costs, that are associated with [purchasing or leasing] :

(1) Purchasing, operating and maintaining the same item of equipment;

(2) Leasing, operating and maintaining the same item of mobile equipment; [and] or

(3) Contracting for the performance of the work which would have been performed using the mobile equipment; and

(b) Justify the need for the purchase based on that analysis.

3. The Board shall not [delegate] ***:***

(a) Delegate to the Director its authority to approve purchases of equipment pursuant to subsection 1 [.] ***; or***

(b) Approve any purchase of mobile equipment which exceeds $50,000 and for which the Department is unable to provide justification pursuant to subsection 2.

Sec. 4. This act becomes effective on July 1, 2011.

Assemblyman Atkinson moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, reengrossed, and to third reading.

Senate Bill No. 86.

Bill read third time.

Roll call on Senate Bill No. 86:
YEAS—41.
NAYS—Ellison.
Senate Bill No. 86 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 13.
Bill read third time.
Roll call on Assembly Bill No. 13:
YEAS—42.
NAYS—None.
Assembly Bill No. 13 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 29.
Bill read third time.
Remarks by Assemblyman Sherwood.
Roll call on Assembly Bill No. 29:
YEAS—42.
NAYS—None.
Assembly Bill No. 29 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 45.
Bill read third time.
Roll call on Assembly Bill No. 45:
YEAS—42.
NAYS—None.
Assembly Bill No. 45 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 59.
Bill read third time.
Remarks by Anderson.
Roll call on Assembly Bill No. 59:
YEAS—32.
NAYS—Ellison, Goedhart, Hambrick, Hammond, Hansen, Hickey, Kirner, Kite, Livermore, McArthur—10.
Assembly Bill No. 59 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 68.
Bill read third time.

Roll call on Assembly Bill No. 68:
YEAS—42.
NAYS—None.
Assembly Bill No. 68 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 107.
Bill read third time.
Roll call on Assembly Bill No. 107:
YEAS—33.
NAYS—Ellison, Hambrick, Hansen, Hardy, Kirner, Kite, Livermore, McArthur, Stewart—9.
Assembly Bill No. 107 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 135.
Bill read third time.
Roll call on Assembly Bill No. 135:
YEAS—26.
NAYS—Ellison, Goedhart, Goicoechea, Grady, Hambrick, Hammond, Hansen, Hardy, Hickey, Kirner, Kite, Livermore, McArthur, Sherwood, Stewart, Woodbury—16.
Assembly Bill No. 135 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 141.
Bill read third time.
Roll call on Assembly Bill No. 141:
YEAS—37.
NAYS—Atkinson, Brooks, Carlton, Frierson, Horne—5.
Assembly Bill No. 141 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 149.
Bill read third time.
Roll call on Assembly Bill No. 149:
YEAS—26.
NAYS—Ellison, Goedhart, Goicoechea, Grady, Hambrick, Hammond, Hansen, Hardy, Hickey, Kirner, Kite, Livermore, McArthur, Sherwood, Stewart, Woodbury—16.
Assembly Bill No. 149 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 179.
Bill read third time.

Roll call on Assembly Bill No. 179:
YEAS—28.
NAYS—Ellison, Goedhart, Goicoechea, Grady, Hambrick, Hammond, Hansen, Hardy, Hickey, Kirner, Kite, McArthur, Munford, Sherwood—14.
Assembly Bill No. 179 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Assembly Bill No. 273.
Bill read third time.
Remarks by Assemblyman Conklin.
Roll call on Assembly Bill No. 273:
YEAS—42.
NAYS—None.
Assembly Bill No. 273 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 276.
Bill read third time.
Roll call on Assembly Bill No. 276:
YEAS—42.
NAYS—None.
Assembly Bill No. 276 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 283.
Bill read third time.
Roll call on Assembly Bill No. 283:
YEAS—42.
NAYS—None.
Assembly Bill No. 283 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 284.
Bill read third time.
Remarks by Assemblyman Conklin.
Roll call on Assembly Bill No. 284:
YEAS—33.
NAYS—Goicoechea, Grady, Hambrick, Hansen, Hardy, Hickey, Kirner, Kite, McArthur—9.
Assembly Bill No. 284 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 308.
Bill read third time.

Roll call on Assembly Bill No. 308:

YEAS—42.

NAYS—None.

Assembly Bill No. 308 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 463.

Bill read third time.

Roll call on Assembly Bill No. 463:

YEAS—42.

NAYS—None.

Assembly Bill No. 463 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 282.

Bill read third time.

The following amendment was proposed by Assemblyman Oceguera:

Amendment No. 528.

AN ACT relating to firearms; revising provisions concerning permits to carry concealed semiautomatic firearms; revising provisions governing the renewal of a permit to carry a concealed firearm; revising provisions concerning the confidentiality of information relating to permits to carry concealed firearms; revising provisions governing the possession of firearms in state parks; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, a person who wishes to carry a concealed firearm must obtain a permit to carry the firearm. (NRS 202.3657) As part of the application process to obtain a permit, an applicant must undergo an investigation by a sheriff to determine if the applicant is eligible for a permit. Such an investigation must include a report from the Federal Bureau of Investigation. (NRS 202.366) **Section 2** of this bill additionally requires an applicant for the renewal of a permit to undergo an investigation by the sheriff. **Section 2** also specifies that an investigation conducted by the sheriff for an initial application or a renewal application must include a report from the National Instant Criminal Background Check System. **Section 4** of this bill revises the fee for the renewal of a permit from $25 to the amount **[**~~necessary~~**]** **of the actual cost** to obtain the reports required as part of the investigation by the sheriff.

Existing law also provides that a qualified applicant for a permit to carry a concealed firearm may obtain a permit for revolvers, for one or more specific semiautomatic firearms, or for revolvers and one or more specific semiautomatic firearms. (NRS 202.3657) If the application for a permit involves semiautomatic firearms, the applicant must state the make, model and caliber of each semiautomatic firearm for which the applicant is seeking

to obtain a permit. (NRS 202.366) Additionally, to receive and renew a permit involving semiautomatic firearms, an applicant or permittee must demonstrate competence with each semiautomatic firearm to which the application pertains. (NRS 202.3657, 202.3677) **Section 1** of this bill provides that: (1) a qualified applicant for a permit to carry a concealed firearm may obtain one permit for all semiautomatic firearms that the applicant seeks to carry instead of being required to obtain a permit for each specific semiautomatic firearm; and (2) an applicant or permittee may demonstrate competence with semiautomatic firearms in general rather than with each specific semiautomatic firearm.

Existing law further provides that information in an application for a permit to carry a concealed firearm and all information relating to the investigation of an applicant for such a permit is confidential. (NRS 202.3662) However, the Nevada Supreme Court recently held in *Reno Newspapers, Inc. v. Haley*, 126 Nev. Adv. Op. 23, 234 P.3d 922 (2010), that the identity of a holder of a permit to carry a concealed firearm and any postpermit records of investigation, suspension or revocation are not confidential and are therefore public records. **Section 3** of this bill provides that the identity and any information acquired during the investigation of a holder of a permit to carry a concealed firearm are confidential, as are any records regarding the suspension, restoration or revocation of such a permit.

Existing law also allows the Administrator of the Division of State Parks of the State Department of Conservation and Natural Resources to adopt regulations, including, without limitation, prohibitions and restrictions on activities within parks or recreational facilities within the jurisdiction of the Division. (NRS 407.0475) Existing administrative regulations allow a person to carry a concealed firearm in a state park if the person complies with existing laws concerning the carrying of concealed weapons but prohibit a person from discharging a firearm in a state park. (NAC 407.105) Any person who violates a regulation adopted by the Administrator is guilty of a misdemeanor. (NRS 407.0475) While existing law prohibits the discharge of a firearm under various circumstances, it also provides certain defenses for violating such provisions by allowing a person to make sufficient resistance to prevent the occurrence of certain offenses. (NRS 202.280-202.290, 193.230-193.250)

Section 5 of this bill prohibits the Administrator from adopting any regulation concerning the possession of firearms in state parks or recreational facilities which is more restrictive than the laws of this State relating to: (1) the possession of firearms; and (2) engaging in lawful resistance to prevent an offense against a person or property. **Section 5** also voids any regulation which conflicts with such laws.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 202.3657 is hereby amended to read as follows:

202.3657 1. Any person who is a resident of this State may apply to the sheriff of the county in which he or she resides for a permit on a form prescribed by regulation of the Department. Any person who is not a resident of this State may apply to the sheriff of any county in this State for a permit on a form prescribed by regulation of the Department. Application forms for permits must be furnished by the sheriff of each county upon request.

2. Except as otherwise provided in this section, the sheriff shall issue a permit for revolvers, ~~[one or more specific]~~ ***for*** semiautomatic firearms, or for revolvers and ~~[one or more specific]~~ semiautomatic firearms, as applicable, to any person who is qualified to possess the firearm or firearms to which the application pertains under state and federal law, who submits an application in accordance with the provisions of this section and who:

(a) Is 21 years of age or older;

(b) Is not prohibited from possessing a firearm pursuant to NRS 202.360; and

(c) Demonstrates competence with revolvers, ~~[each specific]~~ semiautomatic ~~[firearm to which the application pertains,]~~ ***firearms,*** or revolvers and ~~[each such]~~ semiautomatic ~~[firearm,]~~ ***firearms,*** as applicable, by presenting a certificate or other documentation to the sheriff which shows that the applicant:

(1) Successfully completed a course in firearm safety approved by a sheriff in this State; or

(2) Successfully completed a course in firearm safety offered by a federal, state or local law enforcement agency, community college, university or national organization that certifies instructors in firearm safety.

➥ Such a course must include instruction in the use of revolvers, ~~[each]~~ semiautomatic ~~[firearm to which the application pertains,]~~ ***firearms,*** or revolvers and ~~[each such]~~ semiautomatic ~~[firearm]~~ ***firearms*** and in the laws of this State relating to the use of a firearm. A sheriff may not approve a course in firearm safety pursuant to subparagraph (1) unless the sheriff determines that the course meets any standards that are established by the Nevada Sheriffs' and Chiefs' Association or, if the Nevada Sheriffs' and Chiefs' Association ceases to exist, its legal successor.

3. The sheriff shall deny an application or revoke a permit if the sheriff determines that the applicant or permittee:

(a) Has an outstanding warrant for his or her arrest.

(b) Has been judicially declared incompetent or insane.

(c) Has been voluntarily or involuntarily admitted to a mental health facility during the immediately preceding 5 years.

(d) Has habitually used intoxicating liquor or a controlled substance to the extent that his or her normal faculties are impaired. For the purposes of this paragraph, it is presumed that a person has so used intoxicating liquor or a controlled substance if, during the immediately preceding 5 years, the person has been:

(1) Convicted of violating the provisions of NRS 484C.110; or

(2) Committed for treatment pursuant to NRS 458.290 to 458.350, inclusive.

(e) Has been convicted of a crime involving the use or threatened use of force or violence punishable as a misdemeanor under the laws of this or any other state, or a territory or possession of the United States at any time during the immediately preceding 3 years.

(f) Has been convicted of a felony in this State or under the laws of any state, territory or possession of the United States.

(g) Has been convicted of a crime involving domestic violence or stalking, or is currently subject to a restraining order, injunction or other order for protection against domestic violence.

(h) Is currently on parole or probation from a conviction obtained in this State or in any other state or territory or possession of the United States.

(i) Has, within the immediately preceding 5 years, been subject to any requirements imposed by a court of this State or of any other state or territory or possession of the United States, as a condition to the court's:

(1) Withholding of the entry of judgment for a conviction of a felony; or

(2) Suspension of sentence for the conviction of a felony.

(j) Has made a false statement on any application for a permit or for the renewal of a permit.

4. The sheriff may deny an application or revoke a permit if the sheriff receives a sworn affidavit stating articulable facts based upon personal knowledge from any natural person who is 18 years of age or older that the applicant or permittee has or may have committed an offense or engaged in any other activity specified in subsection 3 which would preclude the issuance of a permit to the applicant or require the revocation of a permit pursuant to this section.

5. If the sheriff receives notification submitted by a court or law enforcement agency of this or any other state, the United States or a territory or possession of the United States that a permittee or an applicant for a permit has been charged with a crime involving the use or threatened use of force or violence, the conviction for which would require the revocation of a permit or preclude the issuance of a permit to the applicant pursuant to this section, the sheriff shall suspend the person's permit or the processing of the person's application until the final disposition of the charges against the person. If a permittee is acquitted of the charges, or if the charges are dropped, the sheriff shall restore his or her permit without imposing a fee.

6. An application submitted pursuant to this section must be completed and signed under oath by the applicant. The applicant's signature must be witnessed by an employee of the sheriff or notarized by a notary public. The application must include:

(a) The name, address, place and date of birth, social security number, occupation and employer of the applicant and any other names used by the applicant;

(b) A complete set of the applicant's fingerprints taken by the sheriff or his or her agent;

(c) A front-view colored photograph of the applicant taken by the sheriff or his or her agent;

(d) If the applicant is a resident of this State, the driver's license number or identification card number of the applicant issued by the Department of Motor Vehicles;

(e) If the applicant is not a resident of this State, the driver's license number or identification card number of the applicant issued by another state or jurisdiction;

(f) ~~[~~The make, model and caliber of each semiautomatic firearm to which the application pertains, if any;

~~(g)]~~ ***Whether the application pertains to semiautomatic firearms;***

(g) Whether the application pertains to revolvers;

(h) A nonrefundable fee in the amount ~~[necessary]~~ ***of the actual cost*** to obtain the ~~[report]~~ ***reports*** required pursuant to subsection 1 of NRS 202.366; and

(i) A nonrefundable fee set by the sheriff not to exceed $60.

Sec. 2. NRS 202.366 is hereby amended to read as follows:

202.366 1. Upon receipt by a sheriff of an application for a permit, ***including an application for the renewal of a permit pursuant to NRS 202.3677,*** the sheriff shall conduct an investigation of the applicant to determine if the applicant is eligible for a permit. In conducting the investigation, the sheriff shall forward a complete set of the applicant's fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report concerning the criminal history of the applicant. ***The investigation also must include a report from the National Instant Criminal Background Check System.*** The sheriff shall issue a permit to the applicant unless the applicant is not qualified to possess a handgun pursuant to state or federal law or is not otherwise qualified to obtain a permit pursuant to NRS 202.3653 to 202.369, inclusive, or the regulations adopted pursuant thereto.

2. To assist the sheriff in conducting the investigation, any local law enforcement agency, including the sheriff of any county, may voluntarily submit to the sheriff a report or other information concerning the criminal history of an applicant.

3. Within 120 days after a complete application for a permit is submitted, the sheriff to whom the application is submitted shall grant or deny the application. If the application is denied, the sheriff shall send the applicant written notification setting forth the reasons for the denial. If the application is granted, the sheriff shall provide the applicant with a permit containing a colored photograph of the applicant and containing such other information as may be prescribed by the Department. The permit must be in substantially the following form:

NEVADA CONCEALED FIREARM PERMIT

County ..... Permit Number .....
Expires ..... Date of Birth .....
Height ..... Weight .....
Name ..... Address .....
City ..... Zip .....

Photograph

Signature .....
Issued by .....
Date of Issue .....

~~[Make, model and caliber of each authorized semiautomatic firearm, if any]~~

Semiautomatic firearms authorized ..... ***Yes*** ..... ***No***
Revolvers authorized ..... Yes ..... No

4. Unless suspended or revoked by the sheriff who issued the permit, a permit expires 5 years after the date on which it is issued.

5. As used in this section, "National Instant Criminal Background Check System" means the national system created by the federal Brady Handgun Violence Prevention Act, Public Law 103-159.

Sec. 3. NRS 202.3662 is hereby amended to read as follows:

202.3662 1. Except as otherwise provided in this section and NRS 202.3665 and 239.0115:

(a) An application for a permit, and all information contained within that application; ~~[and]~~

(b) All information provided to a sheriff or obtained by a sheriff in the course of the investigation of an applicant ~~[,]~~ ***or permittee;***

(c) The identity of the permittee; and

(d) Any records regarding the suspension, restoration or revocation of a permit,

➥ are confidential.

2. Any records regarding an applicant or permittee may be released to a law enforcement agency for the purpose of conducting an investigation or prosecution.

3. Statistical abstracts of data compiled by a sheriff regarding permits applied for or issued pursuant to NRS 202.3653 to 202.369, inclusive, including, but not limited to, the number of applications received and permits issued, may be released to any person.

Sec. 4. NRS 202.3677 is hereby amended to read as follows:

202.3677 1. If a permittee wishes to renew his or her permit, the permittee must ~~[complete]~~ ***:***

(a) Complete and submit to the sheriff who issued the permit an application for renewal of the permit ~~[.]~~ ***; and***

(b) Undergo an investigation by the sheriff pursuant to NRS 202.366 to determine if the permittee is eligible for a permit.

2. An application for the renewal of a permit must:

(a) Be completed and signed under oath by the applicant;

(b) Contain a statement that the applicant is eligible to receive a permit pursuant to NRS 202.3657; and

(c) Be accompanied by a nonrefundable fee ~~[of $25.]~~ ***in the amount*** ~~*[necessary]*~~ ***of the actual cost to obtain the reports required pursuant to subsection 1 of NRS 202.366.***

➥ If a permittee fails to renew his or her permit on or before the date of expiration of the permit, the application for renewal must include an additional nonrefundable late fee of $15.

3. No permit may be renewed pursuant to this section unless the permittee has demonstrated continued competence with revolvers, with ~~[each]~~ semiautomatic ~~[firearm to which the application pertains,]~~ ***firearms,*** or with revolvers and ~~[each such]~~ semiautomatic ~~[firearm,]~~ ***firearms,*** as applicable, by successfully completing a course prescribed by the sheriff renewing the permit.

Sec. 5. NRS 407.0475 is hereby amended to read as follows:

407.0475 1. The Administrator shall adopt such regulations as he or she finds necessary for carrying out the provisions of this chapter and other provisions of law governing the operation of the Division. ~~[The]~~ ***Except as otherwise provided in subsection 2, the*** regulations may include prohibitions and restrictions relating to activities within any of the park or recreational facilities within the jurisdiction of the Division.

2. Any regulations relating to the conduct of persons within the park or recreational facilities must:

(a) Be directed toward one or both of the following:

(1) Prevention of damage to or misuse of the facility.

(2) Promotion of the inspiration, use and enjoyment of the people of this State through the preservation and use of the facility.

(b) Apply separately to each park, monument or recreational area and be designed to fit the conditions existing at that park, monument or recreational area.

(c) Not establish restrictions on the possession of firearms within the park or recreational facility which are more restrictive than the laws of this State relating to:

(1) The possession of firearms; or

(2) Engaging in lawful resistance to prevent an offense against a person or property.

➥ ***Any regulation which violates the provisions of this paragraph is void.***

3. Any person whose conduct violates any regulation adopted pursuant to subsection 1, and who refuses to comply with the regulation upon request by any ranger or employee of the Division who has the powers of a peace officer pursuant to NRS 289.260, is guilty of a misdemeanor.

Assemblyman Bobzien moved the adoption of the amendment.

Remarks by Assemblyman Bobzien.

Mr. Speaker requested the privilege of the Chair for the purpose of making remarks.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 7:31 p.m.

ASSEMBLY IN SESSION

At 7:35 p.m.
Mr. Speaker presiding.
Quorum present.

Amendment adopted.
Bill ordered reprinted, reengrossed, and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Conklin moved that Assembly Bill No. 117 be taken from the General File and placed on the General File for the next legislative day.
Motion carried.

Assemblywoman Mastroluca moved that Assembly Bill No. 350 be taken from the Chief Clerk's desk and placed at the top of the General File.
Motion carried.

Assemblyman Conklin moved that Assembly Bill No. 441 be taken from the General File and placed at the top of the General File.
Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 441.
Bill read third time.
Roll call on Assembly Bill No. 441:
YEAS—27.
NAYS—Ellison, Goedhart, Goicoechea, Grady, Hambrick, Hammond, Hansen, Hardy, Kirner, Kite, Livermore, McArthur, Sherwood, Stewart, Woodbury—15.
Assembly Bill No. 441 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 350.
Bill read third time.
The following amendment was proposed by Assemblywoman Mastroluca:
Amendment No. 516.
AN ACT relating to protection of children; requiring a court that orders a child to be placed with someone other than a parent to retain jurisdiction over the child after the child reaches the age of 18 years in certain circumstances; requiring an agency which provides child welfare services to continue to

provide services and ~~[financial support]~~ **monetary payments** to such a child while the child remains under the jurisdiction of the court; requiring the agency which provides child welfare services and such a child to enter into a written agreement; requiring the agency which provides child welfare services to develop a plan for such a child to assist the child in transitioning to independent living; revising various provisions relating to a child placed with someone other than a parent to clarify the application of those provisions to persons who remain in foster care beyond the age of 18 years; revising provisions governing the placement of children who are taken into protective custody or placed with someone other than a parent; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law gives a juvenile court exclusive jurisdiction over proceedings concerning a child in need of protection in this State, except if the child is subject to the jurisdiction of an Indian tribe pursuant to the Indian Child Welfare Act. (NRS 432B.410) The juvenile court may take actions to protect a child from abuse and neglect, including ordering a child to be placed into the custody of a person or entity other than a parent. (NRS 432B.550) **Section 18** of this bill requires the juvenile court that has jurisdiction over a child who was placed with a person other than a parent to continue to retain jurisdiction over the child when the child reaches the age of 18 years if the child so requests. **Section 18** provides that jurisdiction over the child will terminate when the child reaches 21 years of age unless certain conditions occur first.

Section 16 of this bill requires the juvenile court to refer a child to an attorney when the child is 17 years of age if the court determines that the child is not likely to be returned to the custody of a parent before reaching 18 years of age. **Section 16** requires the juvenile court to request that the attorney assist the child in deciding whether to remain under the jurisdiction of the court. **Section 17** of this bill requires the agency which provides child welfare services to meet with the child at least 120 days before the child reaches 18 years of age to determine whether the child intends to remain under the jurisdiction of the court. However, the child is allowed to change his or her mind any time before reaching 18 years of age. In addition, **section 18** requires the child and the agency which provides child welfare services to enter into a written agreement which must be filed with the juvenile court that includes provisions stating some of the conditions and consequences of the child remaining under the jurisdiction of the juvenile court. **Section 18** further requires the agency which provides child welfare services to continue to provide services and ~~[financial support]~~ **monetary payments** to the child while the child remains under the jurisdiction of the court. **Section 18** also establishes a procedure for resolving issues involving a child who remains under the jurisdiction of the court. The agency which provides child welfare services and the child are required to attempt to resolve any issue before taking the issue to court. If the agency which provides child welfare services

~~[decides to recommend that]~~ **wishes to have** jurisdiction over the child ~~[be]~~ terminated, **section 18** requires the agency to provide notice to the child and an opportunity for the child to have an informal administrative review**.** ~~[of the decision.]~~ If the agency and the child are unable to reach an agreement, **section 18** authorizes the child or the attorney of the child to request a hearing before the court. **If the child and the attorney of the child agree to have jurisdiction terminated or do not request an administrative review, the agency which provides child welfare services must notify the court, and jurisdiction over the child will be terminated.**

Section 19 of this bill requires the agency which provides child welfare services to develop a written plan to assist a child who remains under the jurisdiction of the juvenile court in transitioning to independent living and provides other duties of the agency which provides child welfare services with respect to a child who remains under the jurisdiction of the juvenile court. **Section 19** also requires the agency which provides child welfare services to conduct an exit interview with such a child before the jurisdiction of the court is terminated to determine whether the child requires any additional services. **Section 20** of this bill revises the definition of "child" in existing law to clarify that a child who remains under the jurisdiction of the juvenile court after reaching 18 years of age is not included within that term for purposes of certain other provisions relating to the protection of children. **Section 21** of this bill similarly revises the definition of "custodian" in existing law to provide that the term does not include a custodian of such a child for purposes of certain other provisions relating to the protection of children.

Section 22 of this bill establishes the order of priority in which to place a child who is taken into protective custody and allows the child to be placed with certain persons who are not related to the child but with whom the child has developed a significant emotional and positive relationship. **Section 25** of this bill establishes the order of preference when placing a child with someone other than with a parent.

Sections 1-13 and 23 of this bill make various changes so that the provisions of NRS relating to a child who is in foster care are consistent and apply to a person who remains in foster care under the jurisdiction of a court after attaining 18 years of age in the same manner as a child in foster care who is less than 18 years of age.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 424.013 is hereby amended to read as follows:

424.013 "Family foster home" means a family home in which one to six children ***who are*** under 18 years of age ***or who remain under the jurisdiction of a court pursuant to section 18 of this act and who are*** not related within the first degree of consanguinity or affinity to the person or persons maintaining the home are received, cared for and maintained, for

compensation or otherwise, including the provision of permanent free care. The term includes a family home in which such a child is received, cared for and maintained pending completion of proceedings for the adoption of the child by the person or persons maintaining the home.

Sec. 2. NRS 424.015 is hereby amended to read as follows:

424.015 "Group foster home" means a natural person, partnership, firm, corporation or association who provides full-time care for 7 to 15 children who are:

1. Under 18 years of age ~~[,]~~ ***or who remain under the jurisdiction of a court pursuant to section 18 of this act;***

2. Not related within the first degree of consanguinity or affinity to any natural person maintaining or operating the home; and

3. Received, cared for and maintained for compensation or otherwise, including the provision of permanent free care.

Sec. 3. NRS 424.031 is hereby amended to read as follows:

424.031 1. The licensing authority or a person or entity designated by the licensing authority shall obtain from appropriate law enforcement agencies information on the background and personal history of each applicant for a license to conduct a foster home, prospective employee of that applicant or of a person who is licensed to conduct a foster home, and resident of a foster home who is 18 years of age or older, ***other than a resident who remains under the jurisdiction of a court pursuant to section 18 of this act,*** to determine whether the person investigated has been arrested for or convicted of any crime.

2. The licensing authority or its approved designee may charge each person investigated pursuant to this section for the reasonable cost of that investigation.

Sec. 4. NRS 424.033 is hereby amended to read as follows:

424.033 1. Each applicant for a license to conduct a foster home, prospective employee of that applicant or of a person who is licensed to conduct a foster home, or resident of a foster home who is 18 years of age or older ***, other than a resident who remains under the jurisdiction of a court pursuant to section 18 of this act,*** must submit to the licensing authority or its approved designee:

(a) A complete set of fingerprints and written permission authorizing the licensing authority or its approved designee to forward those fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report to enable the licensing authority or its approved designee to conduct an investigation pursuant to NRS 424.031; and

(b) Written permission to conduct a child abuse and neglect screening.

2. For each person who submits the documentation required pursuant to subsection 1, the licensing authority or its approved designee shall conduct a child abuse and neglect screening of the person in every state in which the person has resided during the immediately preceding 5 years.

3. The licensing authority or its approved designee may exchange with the Central Repository or the Federal Bureau of Investigation any information respecting the fingerprints submitted.

4. The Division shall assist the licensing authority of another state that is conducting a child abuse and neglect screening of a person who has resided in this State by providing information which is necessary to conduct the screening if the person who is the subject of the screening has signed a written permission authorizing the licensing authority to conduct a child abuse and neglect screening. The Division may charge a fee for providing such information in an amount which does not exceed the actual cost to the Division to provide the information.

5. When a report from the Federal Bureau of Investigation is received by the Central Repository, it shall immediately forward a copy of the report to the licensing authority or its approved designee.

Sec. 5. NRS 424.039 is hereby amended to read as follows:

424.039 1. A licensing authority or its approved designee may, in accordance with the procedures set forth in 28 C.F.R. §§ 901 et. seq., conduct a preliminary Federal Bureau of Investigation Interstate Identification Index name-based check of the records of criminal history of a resident who is 18 years of age or older of a foster home in which the licensing authority wishes to place a child in an emergency situation ***, other than a resident who remains under the jurisdiction of a court pursuant to section 18 of this act,*** to determine whether the person investigated has been arrested for or convicted of any crime.

2. Upon request of a licensing authority that wishes to place a child in a foster home in an emergency situation, or upon request of the approved designee of the licensing authority, a resident who is 18 years of age or older of the foster home in which the licensing authority wishes to place the child ***, other than a resident who remains under the jurisdiction of a court pursuant to section 18 of this act,*** must submit to the licensing authority or its approved designee a complete set of fingerprints and written permission authorizing the licensing authority or its approved designee to forward those fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report. The licensing authority or its approved designee shall forward the fingerprints to the Central Repository for Nevada Records of Criminal History within the time set forth in federal law or regulation.

3. If a resident who is 18 years of age or older of a foster home in which a licensing authority places a child in an emergency situation ***, other than a resident who remains under the jurisdiction of a court pursuant to section 18 of this act,*** refuses to provide a complete set of fingerprints to the licensing authority or its approved designee upon request pursuant to subsection 2, the licensing authority must immediately remove the child from the foster home.

Sec. 6. NRS 432.010 is hereby amended to read as follows:

432.010 As used in this chapter, except as otherwise defined by specific statute or unless the context otherwise requires:

1. "Administrator" means the Administrator of the Division.

2. "Agency which provides child welfare services" has the meaning ascribed to it in NRS 432B.030.

3. "Child" means a person ***who is*** less than 18 years of age or ~~[, if in school, until graduation from high school.]~~ ***who remains under the jurisdiction of a court pursuant to section 18 of this act.***

4. "Department" means the Department of Health and Human Services.

5. "Director" means the Director of the Department.

6. "Division" means the Division of Child and Family Services of the Department.

7. "Maintenance" means general expenses for care such as board, shelter, clothing, transportation and other necessary or incidental expenses, or any of them, or monetary payments therefor.

8. "Special services" means medical, hospital, psychiatric, surgical or dental services, or any combination thereof.

Sec. 7. NRS 432A.0245 is hereby amended to read as follows:

432A.0245 ***1.*** ***"***Child care institution" means a facility which provides care and shelter during the day and night and provides developmental guidance to 16 or more children who do not routinely return to the homes of their parents or guardians. Such an institution may also provide, without limitation:

~~[1.]~~ ***(a)*** Education to the children according to a curriculum approved by the Department of Education;

~~[2.]~~ ***(b)*** Services to children who have been diagnosed as severely emotionally disturbed as defined in NRS 433B.045, including, without limitation, services relating to mental health and education; or

~~[3.]~~ ***(c)*** Emergency shelter to children who have been placed in protective custody pursuant to chapter 432B of NRS.

2. As used in this section, "child" includes a person who is less than 18 years of age or who remains under the jurisdiction of a court pursuant to section 18 of this act.

Sec. 8. NRS 432A.160 is hereby amended to read as follows:

432A.160 1. Except as otherwise provided in this section, the Bureau may issue a provisional license, effective for a period not exceeding 1 year, to a child care facility which:

(a) Is in operation at the time of adoption of standards and other regulations pursuant to the provisions of this chapter, if the Bureau determines that the facility requires a reasonable time under the particular circumstances, not to exceed 1 year from the date of the adoption, within which to comply with the standards and other regulations;

(b) Has failed to comply with the standards and other regulations, if the Bureau determines that the facility is in the process of making the necessary changes or has agreed to effect the changes within a reasonable time; or

(c) Is in the process of applying for a license, if the Bureau determines that the facility requires a reasonable time within which to comply with the standards and other regulations.

2. The provisions of subsection 1 do not require the issuance of a license or prevent the Bureau from refusing to renew or from revoking or suspending any license in any instance where the Bureau considers that action necessary for the health and safety of the occupants of any facility or the clients of any outdoor youth program.

3. A provisional license must not be issued pursuant to this section unless the Bureau has completed an investigation into the qualifications and background of the applicant and the employees of the applicant pursuant to NRS 432A.170 to ensure that the applicant and each employee of the applicant, or every resident of the child care facility ***who is 18 years of age or older, other than a resident who remains under the jurisdiction of a court pursuant to section 18 of this act,*** or participant in any outdoor youth program who is 18 years of age or older, has not been convicted of a crime listed in subsection 2 of NRS 432A.170 and has not had a substantiated report of child abuse or neglect made against him or her.

Sec. 9. NRS 432A.170 is hereby amended to read as follows:

432A.170 1. The Bureau may, upon receipt of an application for a license to operate a child care facility, conduct an investigation into the:

(a) Buildings or premises of the facility and, if the application is for an outdoor youth program, the area of operation of the program;

(b) Qualifications and background of the applicant or the employees of the applicant;

(c) Method of operation for the facility; and

(d) Policies and purposes of the applicant.

2. The Bureau shall secure from appropriate law enforcement agencies information on the background and personal history of every applicant, licensee or employee of an applicant or licensee, or every resident of a child care facility ***who is 18 years of age or older, other than a resident who remains under the jurisdiction of a court pursuant to section 18 of this act,*** or participant in an outdoor youth program who is 18 years of age or older, to determine whether the person has been convicted of:

(a) Murder, voluntary manslaughter or mayhem;

(b) Any other felony involving the use of a firearm or other deadly weapon;

(c) Assault with intent to kill or to commit sexual assault or mayhem;

(d) Sexual assault, statutory sexual seduction, incest, lewdness, indecent exposure or any other sexually related crime;

(e) Abuse or neglect of a child or contributory delinquency;

(f) A violation of any federal or state law regulating the possession, distribution or use of any controlled substance or any dangerous drug as defined in chapter 454 of NRS;

(g) Abuse, neglect, exploitation or isolation of older persons or vulnerable persons, including, without limitation, a violation of any provision of NRS 200.5091 to 200.50995, inclusive, or a law of any other jurisdiction that prohibits the same or similar conduct; or

(h) Any offense involving fraud, theft, embezzlement, burglary, robbery, fraudulent conversion or misappropriation of property within the immediately preceding 7 years.

3. The Bureau shall request information concerning every applicant, licensee or employee of an applicant or licensee, or every resident of a child care facility ***who is 18 years of age or older, other than a resident who remains under the jurisdiction of a court pursuant to section 18 of this act,*** or participant in an outdoor youth program who is 18 years of age or older, from the Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child established pursuant to NRS 432.100 to determine whether there has been a substantiated report of child abuse or neglect made against any of them.

4. The Bureau may charge each person investigated pursuant to this section for the reasonable cost of that investigation.

5. The information required to be obtained pursuant to subsections 2 and 3 must be requested concerning an:

(a) Employee of an applicant or licensee, resident of a child care facility ***who is 18 years of age or older, other than a resident who remains under the jurisdiction of a court pursuant to section 18 of this act,*** or participant in an outdoor youth program who is 18 years of age or older not later than 3 days after the employee is hired, the residency begins or the participant begins participating in the program, and then at least once every 6 years thereafter.

(b) Applicant at the time that an application is submitted for licensure, and then at least once every 6 years after the license is issued.

Sec. 10. NRS 432A.175 is hereby amended to read as follows:

432A.175 1. Every applicant for a license to operate a child care facility, licensee and employee of such an applicant or licensee, and every resident of a child care facility ***who is 18 years of age or older, other than a resident who remains under the jurisdiction of a court pursuant to section 18 of this act,*** or participant in an outdoor youth program who is 18 years of age or older, shall submit to the Bureau, or to the person or agency designated by the Bureau, to enable the Bureau to conduct an investigation pursuant to NRS 432A.170, a:

(a) Complete set of fingerprints and a written authorization for the Bureau or its designee to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report;

(b) Written statement detailing any prior criminal convictions; and

(c) Written authorization for the Bureau to obtain any information that may be available from the Statewide Central Registry for the Collection of

Information Concerning the Abuse or Neglect of a Child established pursuant to NRS 432.100.

2. If an employee of an applicant for a license to operate a child care facility or licensee, or a resident of a child care facility ***who is 18 years of age or older, other than a resident who remains under the jurisdiction of a court pursuant to section 18 of this act,*** or participant in an outdoor youth program who is 18 years of age or older, has been convicted of any crime listed in subsection 2 of NRS 432A.170 or has had a substantiated report of child abuse or neglect filed against him or her, the Bureau shall immediately notify the applicant or licensee, who shall then comply with the provisions of NRS 432A.1755.

3. An applicant for a license to operate a child care facility or licensee shall notify the Bureau within 2 days after receiving notice that:

(a) The applicant, licensee or an employee of the applicant or licensee, or a resident of the child care facility ***who is 18 years of age or older, other than a resident who remains under the jurisdiction of a court pursuant to section 18 of this act,*** or participant in an outdoor youth program who is 18 years of age or older, or a facility or program operated by the applicant or licensee, is the subject of a lawsuit or any disciplinary proceeding; or

(b) The applicant or licensee, an employee, a resident or participant has been charged with a crime listed in subsection 2 of NRS 432A.170 or is being investigated for child abuse or neglect.

Sec. 11. NRS 432A.1755 is hereby amended to read as follows:

432A.1755 1. Upon receiving information pursuant to NRS 432A.175 from the Central Repository for Nevada Records of Criminal History or the Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child established pursuant to NRS 432.100 or evidence from any other source that an employee of an applicant for a license to operate a child care facility or a licensee, or a resident of a child care facility ***who is 18 years of age or older, other than a resident who remains under the jurisdiction of a court pursuant to section 18 of this act,*** or participant in an outdoor youth program who is 18 years of age or older has been convicted of a crime listed in subsection 2 of NRS 432A.170 or has had a substantiated report of child abuse or neglect made against him or her, the applicant or licensee shall terminate the employment of the employee or remove the resident from the facility or participant from the outdoor youth program after allowing the employee, resident or participant time to correct the information as required pursuant to subsection 2.

2. If an employee, resident or participant believes that the information provided to the applicant or licensee pursuant to subsection 1 is incorrect, the employee, resident or participant must inform the applicant or licensee immediately. The applicant or licensee shall give any such employee, resident or participant 30 days to correct the information.

3. During any period in which an employee, resident or participant seeks to correct information pursuant to subsection 2, it is within the discretion of

the applicant or licensee whether to allow the employee, resident or participant to continue to work for or reside at the child care facility or participate in the outdoor youth program, as applicable.

Sec. 12. NRS 432A.1785 is hereby amended to read as follows:

432A.1785 1. Each applicant for a license to operate a child care facility and licensee shall maintain records of the information concerning its employees and any residents of the child care facility ***who are 18 years of age or older, other than residents who remain under the jurisdiction of a court pursuant to section 18 of this act,*** or participants in any outdoor youth program who are 18 years of age or older that is collected pursuant to NRS 432A.170 and 432A.175, including, without limitation:

(a) Proof that the applicant or licensee submitted fingerprints to the Central Repository for its report; and

(b) The written authorization to obtain information from the Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child established pursuant to NRS 432.100.

2. The records maintained pursuant to subsection 1 must be made available for inspection by the Bureau at any reasonable time, and copies thereof must be furnished to the Bureau upon request.

Sec. 13. NRS 432A.190 is hereby amended to read as follows:

432A.190 1. The Bureau may deny an application for a license to operate a child care facility or may suspend or revoke such a license upon any of the following grounds:

(a) Violation by the applicant or licensee or an employee of the applicant or licensee of any of the provisions of this chapter or of any other law of this State or of the standards and other regulations adopted thereunder.

(b) Aiding, abetting or permitting the commission of any illegal act.

(c) Conduct inimical to the public health, morals, welfare and safety of the people of the State of Nevada in the maintenance and operation of the child care facility for which a license is issued.

(d) Conduct or practice detrimental to the health or safety of the occupants or employees of the child care facility, or the clients of the outdoor youth program.

(e) Conviction of any crime listed in subsection 2 of NRS 432A.170 committed by the applicant or licensee or an employee of the applicant or licensee, or by a resident of the child care facility or participant in the outdoor youth program who is 18 years of age or older.

(f) Failure to comply with the provisions of NRS 432A.178.

(g) Substantiation of a report of child abuse or neglect made against the applicant or licensee.

(h) Conduct which is found to pose a threat to the health or welfare of a child or which demonstrates that the applicant or licensee is otherwise unfit to work with children.

(i) Violation by the applicant or licensee of the provisions of NRS 432A.1755 by continuing to employ a person, allowing a resident ***who***

is 18 years of age or older, other than a resident who remains under the jurisdiction of a court pursuant to section 18 of this act, to continue to reside in the child care facility or allowing a participant in an outdoor youth program to continue to participate in the program if the employee, or the resident or participant who is 18 years of age or older, has been convicted of a crime listed in subsection 2 of NRS 432A.170 or has had a substantiated report of child abuse or neglect made against him or her.

2. In addition to the provisions of subsection 1, the Bureau may revoke a license to operate a child care facility if, with respect to that facility, the licensee that operates the facility, or an agent or employee of the licensee:

(a) Is convicted of violating any of the provisions of NRS 202.470;

(b) Is ordered to but fails to abate a nuisance pursuant to NRS 244.360, 244.3603 or 268.4124; or

(c) Is ordered by the appropriate governmental agency to correct a violation of a building, safety or health code or regulation but fails to correct the violation.

3. The Bureau shall maintain a log of any complaints that it receives relating to activities for which the Bureau may revoke the license to operate a child care facility pursuant to subsection 2. The Bureau shall provide to a child care facility:

(a) A summary of a complaint against the facility if the investigation of the complaint by the Bureau either substantiates the complaint or is inconclusive;

(b) A report of any investigation conducted with respect to the complaint; and

(c) A report of any disciplinary action taken against the facility.

➥ The facility shall make the information available to the public pursuant to NRS 432A.178.

4. In addition to any other disciplinary action, the Bureau may impose an administrative fine for a violation of any provision of this chapter or any regulation adopted pursuant thereto. The Bureau shall afford to any person so fined an opportunity for a hearing. Any money collected for the imposition of such a fine must be credited to the State General Fund.

5. On or before February 1 of each odd-numbered year, the Bureau shall submit to the Director of the Legislative Counsel Bureau a written report setting forth, for the previous biennium:

(a) Any complaints included in the log maintained by the Bureau pursuant to subsection 3; and

(b) Any disciplinary actions taken by the Bureau pursuant to subsection 2.

Sec. 14. Chapter 432B of NRS is hereby amended by adding thereto the provisions set forth as sections 15 to 19, inclusive, of this act.

Sec. 15. ***As used in sections 15 to 19, inclusive, of this act, "child" means a person who is:***

1. Under the age of 18 years; and

2. Over the age of 18 years and who remains under the jurisdiction of the court pursuant to section 18 of this act.

Sec. 16. *1. A court shall refer a child who is in the custody of an agency which provides child welfare services to an attorney in the county who provides legal services without a charge to abused or neglected children if the court determines that the child:*

(a) Has reached the age of 17 years; and

(b) Is not likely to be returned to the custody of his or her parent before reaching the age of 18 years.

2. The court shall request the attorney to whom such a child is referred to counsel the child regarding the legal consequences of remaining under the jurisdiction of the court after reaching 18 years of age and assist the child in deciding whether to remain under the jurisdiction of the court.

Sec. 17. *1. At least 120 days before the date on which a child who is in the custody of an agency which provides child welfare services reaches the age of 18 years, the agency which provides child welfare services shall meet with the child to determine whether the child intends to request that the court retain jurisdiction over the child pursuant to section 18 of this act after the child reaches the age of 18 years.*

2. If the child indicates during the meeting held pursuant to subsection 1 that the child does not intend to request that the court retain jurisdiction over the child, the agency which provides child welfare services shall recommend that the court terminate jurisdiction over the child when the child reaches the age of 18 years.

3. Notwithstanding a determination made by a child during a meeting held pursuant to subsection 1, any time before reaching the age of 18 years, the child may:

(a) Inform the agency which provides child welfare services that the child intends to request that the court continue jurisdiction over the child pursuant to section 18 of this act, and the agency shall revise its recommendation to the court accordingly; or

(b) Request that the court retain jurisdiction over the child pursuant to section 18 of this act, and the court shall accept jurisdiction.

4. A child who enters into an agreement with an agency which provides child welfare services before the child reaches the age of 18 years to allow the child to live independently is not prohibited from requesting that the court retain jurisdiction over the child pursuant to section 18 of this act, and such a child is entitled to the same rights and protections set forth in sections 15 to 19, inclusive, of this act as provided to any other child.

Sec. 18. *1. A court which orders a child to be placed other than with a parent and which has jurisdiction over the child when the child reaches the age of 18 years shall retain jurisdiction over the child if the child so requests.*

2. Except as otherwise provided in this section, jurisdiction over a child that is retained pursuant to subsection 1 continues until:

(a) The agency which provides child welfare services, the child and the attorney of the child agree to terminate the jurisdiction ~~[after a hearing held pursuant to subsection 5 or, if the parties do not reach an agreement during such a hearing, the]~~ :

(b) The court determines that:

(1) The child has achieved the goals set forth in the plan developed pursuant to section 19 of this act;

(2) The child is not making a good faith effort to achieve the goals set forth in the plan developed pursuant to section 19 of this act; or

(3) The circumstances of the child have changed in such a manner that it is infeasible for the child to achieve the goals set forth in the plan developed pursuant to section 19 of this act;

~~[(b)]~~ (c) The child requests that jurisdiction be terminated; or

~~[(c)]~~ (d) The child reaches of the age of 21 years,

➥ whichever occurs first.

3. If the court that retains jurisdiction over a child pursuant to this section transfers jurisdiction to another court in this State, the court which accepts jurisdiction must retain jurisdiction over the case for the period provided pursuant to this section.

4. A child who requests that the court retain jurisdiction over the child pursuant to this section must, upon reaching the age of 18 years, enter into a written agreement with the agency which provides child welfare services. The agreement, which must be filed with the court, must include, without limitation, the following provisions, which must specify that:

(a) The child voluntarily requested that the court retain jurisdiction over the child;

(b) While under the jurisdiction of the court, the child is entitled to continue to receive services from the agency which provides child welfare services and to receive ~~[financial support in the form of]~~ monetary payments ~~[made to the child]~~ directly or to have such payments provided to another ~~[person or governmental]~~ entity as designated in the plan developed pursuant to section 19 of this act in an amount not to exceed the ~~[amount paid for a child who is in]~~ rate of payment for foster care;

(c) While under the jurisdiction of the court, the child will no longer be under the legal custody of the agency which provides child welfare services, and the proceedings concerning the child conducted pursuant to NRS 432B.410 to 432B.590, inclusive, will terminate;

(d) The child may, at any time, request that jurisdiction over the child be terminated; and

(e) If there is an issue concerning the child while under the jurisdiction of the court, the child and the agency which provides child welfare services agree to attempt to resolve the issue before requesting a hearing before the court to address the issue.

5. If an issue arises concerning a child who remains under the jurisdiction of the court, the child, the agency which provides child welfare

services or the attorney assigned to the case may request a hearing before the court to address the issue. Before requesting such a hearing, the child and the agency which provides child welfare services must attempt to resolve the issue.

6. If the agency which provides child welfare services ~~[has decided to request that]~~ wishes to have the court terminate jurisdiction over the child, the agency which provides child welfare services must send a notice to the child and the attorney of the child informing the child and the attorney of the child ~~[of its decision and]~~ that the child has 15 days after receipt of the notice in which to request an informal administrative review . ~~[of that decision.]~~ If, during the administrative review, a resolution is not reached, the child or the attorney of the child may request a hearing before the court pursuant to subsection 5. If the child and the attorney of the child agree to have jurisdiction terminated or do not request an informal administrative review, the jurisdiction of the court must terminate upon notice to the court by the agency which provides child welfare services.

7. A child, while under the jurisdiction of the court pursuant to this section, is entitled to continue to receive services and ~~[[financial support]~~ monetary payments from the agency which provides child welfare services ~~[. Such financial support must consist of payments made to the child]~~ directly or to have such payments provided to another person or ~~[governmental]~~ entity as designated in the plan developed pursuant to section 19 of this act in an amount not to exceed the ~~[amount paid for a child in]~~ rate of payment for foster care.

8. The court may issue any order which it deems appropriate or necessary to ensure:

(a) That the agency which provides child welfare services provides the services and ~~[[financial support to]~~ monetary payments which the child is entitled to receive; and

(b) That the child who remains under the jurisdiction of the court is working towards achieving the goals of the plan developed pursuant to section 19 of this act.

Sec. 19. ***1. If the court retains jurisdiction over a child pursuant to section 18 of this act, the agency which provides child welfare services shall develop a written plan to assist the child in transitioning to independent living. ~~[Except as otherwise provided in subsection 2, such]~~ Such a plan must include, without limitation, the following goals:***

(a) That the child save enough money to pay for his or her monthly expenses for at least 3 months;

(b) If the child has not graduated from high school or obtained a general equivalency diploma, that the child remain enrolled in high school or a program to obtain a general equivalency diploma until graduation or completion of the program;

(c) If the child has graduated from high school or obtained a general equivalency diploma, that the child:

(1) Enroll in a program of postsecondary or vocational education;

(2) Enroll or participate in a program or activity designed to promote or remove obstacles to employment; or

(3) Obtain or actively seek employment which is at least 80 hours per month;

(d) That the child secure housing;

(e) That the child have adequate income to meet his or her monthly expenses;

(f) That the child identify an adult who will be available to provide support to the child; ~~*[and]*~~

(g) If applicable, that the child have established appropriate supportive services to address any mental health or developmental needs of the child ~~*[.*~~ ~~*2.]*~~ ***; and***

(h) If a child is not capable of achieving one or more of the goals set forth in paragraphs (a) to (g), inclusive, ~~*[of subsection 1, the agency which provides child welfare services shall develop the written plan with]*~~ ***that the child have goals which are appropriate for the child based upon the needs of the child.***

~~*[3.]*~~ ***2. During the period in which the court retains jurisdiction over the child, the agency which provides child welfare services shall:***

(a) Monitor the plan developed pursuant to ~~*[subsections]*~~ ***subsection 1*** ~~*[and 2]*~~ ***and adjust the plan as necessary;***

(b) Contact the child by telephone at least once each month and in person at least quarterly;

(c) Ensure that the child meets with a person who will provide guidance to the child and make the child aware of the services which will be available to the child; and

(d) Conduct a meeting with the child at least 30 days, but not more than 45 days, before the jurisdiction of the court is terminated to determine whether the child requires any additional guidance.

Sec. 20. NRS 432B.040 is hereby amended to read as follows:

432B.040 "Child" means a person under the age of 18 years ~~[.]~~ ***or , if in school, until graduation from high school. The term does not include a child who remains under the jurisdiction of the court pursuant to section 18 of this act.***

Sec. 21. NRS 432B.060 is hereby amended to read as follows:

432B.060 "Custodian" means a person or a governmental organization, other than a parent or legal guardian, who has been awarded legal custody of a child. ***The term does not include a person or governmental organization who continues to provide services to a child that remains under the jurisdiction of a court pursuant to section 18 of this act.***

Sec. 22. NRS 432B.390 is hereby amended to read as follows:

432B.390 1. An agent or officer of a law enforcement agency, an officer of the local juvenile probation department or the local department of

juvenile services, or a designee of an agency which provides child welfare services:

(a) May place a child in protective custody without the consent of the person responsible for the child's welfare if the agent, officer or designee has reasonable cause to believe that immediate action is necessary to protect the child from injury, abuse or neglect.

(b) Shall place a child in protective custody upon the death of a parent of the child, without the consent of the person responsible for the welfare of the child, if the agent, officer or designee has reasonable cause to believe that the death of the parent of the child is or may be the result of an act by the other parent that constitutes domestic violence pursuant to NRS 33.018.

2. When an agency which provides child welfare services receives a report pursuant to subsection 2 of NRS 432B.630, a designee of the agency which provides child welfare services shall immediately place the child in protective custody.

3. If there is reasonable cause to believe that the death of a parent of a child is or may be the result of an act by the other parent that constitutes domestic violence pursuant to NRS 33.018, a protective custody hearing must be held pursuant to NRS 432B.470, whether the child was placed in protective custody or with a relative. If an agency other than an agency which provides child welfare services becomes aware that there is reasonable cause to believe that the death of a parent of a child is or may be the result of an act by the other parent that constitutes domestic violence pursuant to NRS 33.018, that agency shall immediately notify the agency which provides child welfare services and a protective custody hearing must be scheduled.

4. An agency which provides child welfare services shall request the assistance of a law enforcement agency in the removal of a child if the agency has reasonable cause to believe that the child or the person placing the child in protective custody may be threatened with harm.

5. Before taking a child for placement in protective custody, the person taking the child shall show his or her identification to any person who is responsible for the child and is present at the time the child is taken. If a person who is responsible for the child is not present at the time the child is taken, the person taking the child shall show his or her identification to any other person upon request. The identification required by this subsection must be a single card that contains a photograph of the person taking the child and identifies the person as a person authorized pursuant to this section to place a child in protective custody.

6. A child placed in protective custody pending an investigation and a hearing held pursuant to NRS 432B.470 must be placed **,** ~~[in a hospital, if the child needs hospitalization, or in a shelter, which may include, without limitation, a foster home or other home or facility which provides care for those children,]~~ except as otherwise provided in NRS 432B.3905 ~~[.]~~ ***, in the following order of priority:***

(a) In a hospital, if the child needs hospitalization.

(b) With a person who is related within the fifth degree of consanguinity or a fictive kin, and who is suitable and able to provide proper care and guidance for the child, regardless of whether the relative or fictive kin resides within this State.

(c) In a foster home that is licensed pursuant to chapter 424 of NRS.

(d) In any other licensed shelter that provides care to such children.

7. Whenever possible, a child placed pursuant to subsection 6 must be placed together with any siblings of the child. Such a child must not be placed in a jail or other place for detention, incarceration or residential care of persons convicted of a crime or children charged with delinquent acts.

~~[7.]~~ ***8.*** A person placing a child in protective custody pursuant to subsection 1 shall:

(a) Immediately take steps to protect all other children remaining in the home or facility, if necessary;

(b) Immediately make a reasonable effort to inform the person responsible for the child's welfare that the child has been placed in protective custody; ***and***

(c) ~~[Give preference in placement of the child to any person related within the fifth degree of consanguinity to the child who is suitable and able to provide proper care and guidance for the child, regardless of whether the relative resides within this State; and~~

~~(d)]~~ As soon as practicable, inform the agency which provides child welfare services and the appropriate law enforcement agency, except that if the placement violates the provisions of NRS 432B.3905, the person shall immediately provide such notification.

~~[8.]~~ ***9.*** If a child is placed with any person who resides outside this State, the placement must be in accordance with NRS 127.330.

10. As used in this section, "fictive kin" means a person who is not related by blood to a child but who has a significant emotional and positive relationship with the child.

Sec. 23. NRS 432B.391 is hereby amended to read as follows:

432B.391 1. An agency which provides child welfare services or its approved designee may, in accordance with the procedures set forth in 28 C.F.R. §§ 901 et. seq., conduct a preliminary Federal Bureau of Investigation Interstate Identification Index name-based check of the records of criminal history of a resident who is 18 years of age or older of a home in which the agency which provides child welfare services wishes to place a child in an emergency situation ***, other than a resident who remains under the jurisdiction of a court pursuant to section 18 of this act,*** to determine whether the person investigated has been arrested for or convicted of any crime.

2. Upon request of an agency which provides child welfare services that wishes to place a child in a home in an emergency situation, or upon request of the approved designee of the agency which provides child welfare services, a resident who is 18 years of age or older of the home in which the

agency which provides child welfare services wishes to place the child ***, other than a resident who remains under the jurisdiction of a court pursuant to section 18 of this act,*** must submit to the agency which provides child welfare services or its approved designee a complete set of fingerprints and written permission authorizing the agency which provides child welfare services or its approved designee to forward those fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report. The agency which provides child welfare services or its approved designee shall forward the fingerprints to the Central Repository for Nevada Records of Criminal History within the time set forth in federal law or regulation.

3. If a resident who is 18 years of age or older of a home in which an agency which provides child welfare services places a child in an emergency situation ***, other than a resident who remains under the jurisdiction of a court pursuant to section 18 of this act,*** refuses to provide a complete set of fingerprints to the agency which provides child welfare services or its approved designee upon request pursuant to subsection 2, the agency which provides child welfare services must immediately remove the child from the home.

Sec. 24. (Deleted by amendment.)

Sec. 25. NRS 432B.550 is hereby amended to read as follows:

432B.550 1. If the court finds that a child is in need of protection, it may, by its order, after receipt and review of the report from the agency which provides child welfare services:

(a) Permit the child to remain in the temporary or permanent custody of the parents of the child or a guardian with or without supervision by the court or a person or agency designated by the court, and with or without retaining jurisdiction of the case, upon such conditions as the court may prescribe;

(b) Place the child in the temporary or permanent custody of a relative ***, a fictive kin*** or other person the court finds suitable to receive and care for the child with or without supervision, and with or without retaining jurisdiction of the case, upon such conditions as the court may prescribe; or

(c) Place the child in the temporary custody of a public agency or institution authorized to care for children, the local juvenile probation department, the local department of juvenile services or a private agency or institution licensed by the Department of Health and Human Services or a county whose population is 100,000 or more to care for such a child.

➥ In carrying out this subsection, the court may, in its sole discretion and in compliance with the requirements of chapter 159 of NRS, consider an application for the guardianship of the child. If the court grants such an application, it may retain jurisdiction of the case or transfer the case to another court of competent jurisdiction.

2. If, pursuant to subsection 1, a child is placed other than with a parent:

(a) The parent retains the right to consent to adoption, to determine the child's religious affiliation and to reasonable visitation, unless restricted by

the court. If the custodian of the child interferes with these rights, the parent may petition the court for enforcement of the rights of the parent.

(b) The court shall set forth good cause why the child was placed other than with a parent.

3. If, pursuant to subsection 1, the child is to be placed with a relative ~~[,]~~ ***or fictive kin,*** the court may consider, among other factors, whether the child has resided with a particular relative ***or fictive kin*** for 3 years or more before the incident which brought the child to the court's attention.

4. Except as otherwise provided in this subsection, a copy of the report prepared for the court by the agency which provides child welfare services must be sent to the custodian and the parent or legal guardian. If the child was delivered to a provider of emergency services pursuant to NRS 432B.630 and the location of the parent is unknown, the report need not be sent to that parent.

5. In determining the placement of a child pursuant to this section, if the child is not permitted to remain in the custody of the parents of the child or guardian:

(a) It must be presumed to be in the best interests of the child to be placed together with the siblings of the child.

(b) Preference must be given to placing the child ~~[with]~~ ***in the following order:***

(1) With any person related within the fifth degree of consanguinity to the child ***or a fictive kin, and*** who is suitable and able to provide proper care and guidance for the child, regardless of whether the relative ***or fictive kin*** resides within this State.

~~[.]~~ ***(2) In a foster home that is licensed pursuant to chapter 424 of NRS.***

6. Any search for a relative with whom to place a child pursuant to this section must be completed within 1 year after the initial placement of the child outside of the home of the child. If a child is placed with any person who resides outside of this State, the placement must be in accordance with NRS 127.330.

~~[6.]~~ ***7.*** Within 60 days after the removal of a child from the home of the child, the court shall:

(a) Determine whether:

(1) The agency which provides child welfare services has made the reasonable efforts required by paragraph (a) of subsection 1 of NRS 432B.393; or

(2) No such efforts are required in the particular case; and

(b) Prepare an explicit statement of the facts upon which its determination is based.

8. As used in this section, "fictive kin" means a person who is not related by blood to a child but who has a significant emotional and positive relationship with the child.

Sec. 26. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 27. This act becomes effective upon passage and approval.

Assemblywoman Mastroluca moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, reengrossed, and to third reading.

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 144.

The following Senate amendment was read:

Amendment No. 51.

AN ACT relating to public works; revising provisions relating to preferences in bidding for contracts for certain public works projects; requiring the inclusion in a contract for a public work of certain conditions that must be satisfied to obtain such a preference in bidding; providing for the investigation of a failure to satisfy the conditions for such a preference in bidding; providing for the recovery of damages for a failure to satisfy the provisions in a contract relating to preferences in bidding; prohibiting the use of a certificate of eligibility to receive a preference in bidding in certain circumstances; prohibiting a person from bidding on a public work in certain circumstances; revising provisions relating to the keeping, by certain persons, of records relating to public works; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, a contract for a public work is awarded to the contractor who submits the best bid. A contractor may qualify for a preference in bidding on a contract for a public work if the contractor has submitted proof to the State Contractors' Board that the contractor has paid certain taxes to the State for the past 5 years. (NRS 338.1389, 338.147)

Sections 2, 9-11, 13 and 16 of this bill require that a contractor, an applicant or a design-build team, respectively, must meet five additional criteria to receive a preference in bidding on a contract for a public work. Specifically, **section 2** requires that, in addition to the existing requirements for a preference in bidding on a contract for a public work, the contractor, applicant or design-build team must ensure that: (1) at least 50 percent of the workers on the public work have a Nevada driver's license or identification card; (2) all of the non-apportioned vehicles primarily used on the public work are registered in Nevada; (3) at least 50 percent of the design professionals who work on the public work have a Nevada driver's license or identification card; (4) at least 25 percent of the **suppliers of the** materials used in the public work are ~~[purchased]~~ **located** in Nevada; and (5) certain payroll records related to the public work are maintained and available within this State.

Section 2 also requires that, if a contractor, applicant or design-build team who receives a preference in bidding is awarded a contract for a public work, the contract must include those five requirements for a preference in bidding on a contract for a public work and provide that failure to comply with any of

those five requirements is a material breach of the contract that entitles the public body to damages in the amount of 10 percent of the cost of the contract. **Additionally, section 2 requires each contract between a contractor, applicant or design-build team who receives a preference in bidding and a subcontractor to include a provision that apportions the liability for damages for a material breach of the contract for a public work between the contractor and subcontractor in proportion to each party's liability.** **Sections 9 and 10** of this bill provide that a contractor who breaches any of those five requirements for a contract for a public work the cost of which exceeds $5,000,000 loses his or her certification for a preference in bidding for 5 years. **Sections 3, 6-8 and 14** of this bill provide that a contractor, applicant or design-build team who breaches any of those five requirements for a contract for a public work the cost of which exceeds $25,000,000 loses his or her ability to bid on any contracts for public works for one year.

Section 17 of this bill provides that those five requirements for a preference in bidding on a contract for a public work apply to any public work that is first advertised for bid after the effective date of this bill. **Section 17** also declares that any contract for such a public work that fails to comply with this bill is void.

Section 5 of this bill revises the records that a contractor or subcontractor engaged on a public work must keep relating to their workers.

WHEREAS, The State of Nevada has been disproportionately affected by the Great Recession, suffering from the nation's highest unemployment rate at 14.5 percent as of December 2010, which is also the highest unemployment rate in state history; and

WHEREAS, According to the current employment statistics compiled by the Research and Analysis Bureau of the Department of Employment, Training and Rehabilitation, the construction sector in the State has been particularly hard-hit, with over 60 percent of all construction jobs in the State eliminated from June 2006 through December 2010, accounting for a loss of about 91,700 jobs; and

WHEREAS, Investment in the State's public works and infrastructure is both crucial to the economic recovery of the State today and essential to investing in Nevada's future; and

WHEREAS, Giving priority in bidding on state and local public works projects to Nevada businesses that employ Nevada workers is critically important in addressing both the historically high state unemployment rate in general and the incredible damage done to the construction sector in particular by the Great Recession; and

WHEREAS, The Nevada Legislature has determined that the extreme shortage of jobs for Nevada workers poses a serious threat to the economy of the State which necessitates a reasonable yet immediately effective response to put Nevadans back to work; now, therefore,

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 338 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. ***1. To qualify to receive a preference in bidding pursuant to subsection 2 of NRS 338.1389, subsection 2 of NRS 338.147, subsection 3 of NRS 338.1693, subsection 3 of NRS 338.1727 or subsection 2 of NRS 408.3886, a contractor, an applicant or a design-build team, respectively, must submit to the public body sponsoring or financing a public work a signed affidavit which certifies that, for the duration of the project:***

(a) At least 50 percent of all workers employed on the public work, including, without limitation, any employees of the contractor, applicant or design-build team and of any subcontractor engaged on the public work, will hold a valid driver's license or identification card issued by the Department of Motor Vehicles;

(b) All vehicles used primarily for the public work will be:

(1) Registered and partially apportioned to Nevada pursuant to the International Registration Plan, as adopted by the Department of Motor Vehicles pursuant to NRS 706.826; or

(2) Registered in this State;

(c) At least 50 percent of the design professionals working on the public work, including, without limitation, any employees of the contractor, applicant or design-build team and of any subcontractor engaged on the public work, will have a valid driver's license or identification card issued by the Department of Motor Vehicles;

(d) At least 25 percent of the suppliers of the materials used for the public work will be ~~[purchased]~~ located in this State; and

(e) The contractor, applicant or design-build team and any subcontractor engaged on the public work will maintain and make available for inspection within this State his or her records concerning payroll relating to the public work.

2. Any contract for a public work awarded to a contractor, applicant or design-build team who submits the affidavit described in subsection 1 and who receives a preference in bidding described in subsection 1 must:

(a) Include a provision in the contract that substantially incorporates the requirements of paragraphs (a) to (e), inclusive, of subsection 1; and

(b) Provide that a failure to comply with any requirement of paragraphs (a) to (e), inclusive, of subsection 1 is a material breach of the contract and entitles the public body to liquidated damages in the amount of 10 percent of the cost of the contract.

3. A person or entity who believes that a contractor, applicant or design-build team has obtained a preference in bidding as described in subsection 1 but has failed to comply with a requirement of paragraphs (a) to (e), inclusive, of subsection 1 may file a written objection with the public

body for which the contractor, applicant or design-build team is performing the public work. A written objection authorized pursuant to this subsection must set forth proof or substantiating evidence to support the belief of the person or entity that the contractor, applicant or design-build team has failed to comply with a requirement of paragraphs (a) to (e), inclusive, of subsection 1.

4. If a public body receives a written objection pursuant to subsection 3, the public body shall determine whether the objection is accompanied by the proof or substantiating evidence required pursuant to that subsection. If the public body determines that the objection is not accompanied by the required proof or substantiating evidence, the public body shall dismiss the objection. If the public body determines that the objection is accompanied by the required proof or substantiating evidence or if the public body determines on its own initiative that proof or substantiating evidence of a failure to comply with a requirement of paragraphs (a) to (e), inclusive, of subsection 1 exists, the public body shall determine whether the contractor, applicant or design-build team has failed to comply with a requirement of paragraphs (a) to (e), inclusive, of subsection 1 and the public body or its authorized representative may proceed to award the contract accordingly or, if the contract has already been awarded, seek the remedy authorized in subsection 5.

5. A public body may recover by civil action liquidated damages as described in paragraph (b) of subsection 2 for a breach of a contract for a public work caused by a failure to comply with a requirement of paragraphs (a) to (e), inclusive, of subsection 1. If a public body recovers liquidated damages pursuant to this subsection for a breach of a contract for a public work, the public body shall report to the State Contractors' Board the date of the breach, the name of each entity which breached the contract and the cost of the contract. The Board shall maintain this information for not less than 6 years. Upon request, the Board shall provide this information to any public body or its authorized representative.

6. If a contractor, applicant or design-build team submits the affidavit described in subsection 1, receives a preference in bidding described in subsection 1 and is awarded the contract, each contract between the contractor, applicant or design-build team and a subcontractor must provide for the apportionment of liquidated damages assessed pursuant to subsection 5 if a person other than the contractor was responsible for the breach of a contract for a public work caused by a failure to comply with a requirement of paragraphs (a) to (e), inclusive, of subsection 1. The apportionment of liquidated damages must be in proportion to the responsibility of each party for the breach.

7. A public body that awards a contract for a public work to a contractor, applicant or design-build team who submits the affidavit described in subsection 1 and who receives a preference in bidding described in subsection 1 shall, on or before July 31 of each year, submit a

written report to the Director of the Legislative Counsel Bureau for transmittal to the Legislative Commission. The report must include information on each contract for a public work awarded to a contractor, applicant or design-build team who submits the affidavit described in subsection 1 and who receives a preference in bidding described in subsection 1 including, without limitation, the name of the contractor, applicant or design-build team who was awarded the contract, the cost of the contract, a brief description of the public work and a description of the degree to which the contractor, applicant or design-build team and each subcontractor complied with the requirements of paragraphs (a) to (e), inclusive, of subsection 1.

Sec. 3. ***A local government or its authorized representative shall not accept a bid on a contract for a public work if the contractor who submits the bid has, within the preceding year, breached a contract for a public work for which the cost exceeds $25,000,000 by failing to comply with a requirement of paragraphs (a) to (e), inclusive, of subsection 1 of section 2 of this act.***

Sec. 4. NRS 338.0115 is hereby amended to read as follows:

338.0115 1. Except as otherwise provided in subsection 2, the provisions of this chapter and chapters 332 and 339 of NRS do not apply to a contract under which a private developer, for the benefit of a private development, constructs a water or sewer line extension and any related appurtenances:

(a) Which qualify as a public work pursuant to NRS 338.010; and

(b) For which the developer will receive a monetary contribution or refund from a public body as reimbursement for a portion of the costs of the project.

2. If, pursuant to the provisions of such a contract, the developer is not responsible for paying all of the initial construction costs of the project, the provisions of NRS 338.013 to 338.090, inclusive, and 338.1373 to 338.148, inclusive, ***and sections 2 and 3 of this act*** apply to the contract.

Sec. 5. NRS 338.070 is hereby amended to read as follows:

338.070 1. Any public body awarding a contract shall:

(a) Investigate possible violations of the provisions of NRS 338.010 to 338.090, inclusive, committed in the course of the execution of the contract, and determine whether a violation has been committed and inform the Labor Commissioner of any such violations; and

(b) When making payments to the contractor engaged on the public work of money becoming due under the contract, withhold and retain all sums forfeited pursuant to the provisions of NRS 338.010 to 338.090, inclusive.

2. No sum may be withheld, retained or forfeited, except from the final payment, without a full investigation being made by the awarding public body.

3. Except as otherwise provided in subsection 6, it is lawful for any contractor engaged on a public work to withhold from any subcontractor engaged on the public work sufficient sums to cover any penalties withheld

from the contractor by the awarding public body on account of the failure of the subcontractor to comply with the terms of NRS 338.010 to 338.090, inclusive. If payment has already been made to the subcontractor, the contractor may recover from the subcontractor the amount of the penalty or forfeiture in a suit at law.

4. A contractor engaged on a public work and each subcontractor engaged on the public work shall keep or cause to be kept ~~[an]~~ ***:***

(a) An accurate record showing ~~[the]~~ ***, for each worker employed by the contractor or subcontractor in connection with the public work:***

~~*[(a)]*~~ ***(1) The*** name ~~[,]~~ ***of*** the ***worker;***

~~*[(b)]*~~ ***(2) The*** occupation ***of the worker;***

~~*[(c)]*~~ ***(3) If*** ~~*[any, the driver's license number or identification card number of]*~~ ***the worker*** ~~*[, including, without limitation,]*~~ ***has a driver's license or identification card, an indication of the state or other jurisdiction that issued the license or card;*** and ~~[the]~~

~~*[(d)]*~~ ***(4) The*** actual per diem, wages and benefits paid to ~~[each]~~ ***the*** worker ~~*[,]*~~ ~~[employed by the contractor and subcontractor in connection with the public work.]~~ ***; and***

(b) An additional accurate record showing, for each worker employed by the contractor or subcontractor in connection with the public work who has a driver's license or identification card:

(1) The name of the worker;

(2) The driver's license number or identification card number of the worker; and

(3) The state or other jurisdiction that issued the license or card.

5. The ~~[record]~~ ***records*** maintained pursuant to subsection 4 must be open at all reasonable hours to the inspection of the public body awarding the contract. The contractor engaged on the public work or subcontractor engaged on the public work shall ensure that a copy of ~~[the]~~ ***each*** record for each calendar month is received by the public body awarding the contract no later than 15 days after the end of the month. The copy ***of the record maintained pursuant to paragraph (a) of subsection 4*** must be open to public inspection as provided in NRS 239.010. ***The copy of the record maintained pursuant to paragraph (b) of subsection 4 is confidential and not open to public inspection.*** The ~~[record]~~ ***records*** in the possession of the public body awarding the contract may be discarded by the public body 2 years after final payment is made by the public body for the public work.

6. A contractor engaged on a public work shall not withhold from a subcontractor engaged on the public work the sums necessary to cover any penalties provided pursuant to subsection 3 of NRS 338.060 that may be withheld from the contractor by the public body awarding the contract because the public body did not receive a copy of the record maintained by the subcontractor pursuant to subsection 4 for a calendar month by the time specified in subsection 5 if:

(a) The subcontractor provided to the contractor, for submission to the public body by the contractor, a copy of the record not later than the later of:

(1) Ten days after the end of the month; or

(2) A date agreed upon by the contractor and subcontractor; and

(b) The contractor failed to submit the copy of the record to the public body by the time specified in subsection 5.

➥ Nothing in this subsection prohibits a subcontractor from submitting a copy of a record for a calendar month directly to the public body by the time specified in subsection 5.

7. Any contractor or subcontractor, or agent or representative thereof, performing work for a public work who neglects to comply with the provisions of this section is guilty of a misdemeanor.

Sec. 6. NRS 338.1373 is hereby amended to read as follows:

338.1373 1. A local government or its authorized representative shall award a contract for a public work pursuant to the provisions of ~~[:]~~ ***section 3 of this act and:***

(a) NRS 338.1377 to 338.139, inclusive;

(b) NRS 338.143 to 338.148, inclusive;

(c) NRS 338.169 to 338.1699, inclusive; or

(d) NRS 338.1711 to 338.1727, inclusive.

2. The provisions of NRS 338.1375 to 338.1382, inclusive, 338.1386, 338.13862, 338.13864, 338.139, 338.142, 338.169 to 338.1699, inclusive, and 338.1711 to 338.1727, inclusive, do not apply with respect to contracts for the construction, reconstruction, improvement and maintenance of highways that are awarded by the Department of Transportation pursuant to NRS 408.313 to 408.433, inclusive.

Sec. 7. NRS 338.1379 is hereby amended to read as follows:

338.1379 1. Except as otherwise provided in NRS 338.1382, a contractor who wishes to qualify as a bidder on a contract for a public work must submit an application to the State Public Works Board or the local government.

2. Upon receipt of an application pursuant to subsection 1, the State Public Works Board or the local government shall:

(a) Investigate the applicant to determine whether the applicant is qualified to bid on a contract; and

(b) After conducting the investigation, determine whether the applicant is qualified to bid on a contract. The determination must be made within 45 days after receipt of the application.

3. The State Public Works Board or the local government shall notify each applicant in writing of its determination. If an application is denied, the notice must set forth the reasons for the denial and inform the applicant of the right to a hearing pursuant to NRS 338.1381.

4. The State Public Works Board or the local government may determine an applicant is qualified to bid:

(a) On a specific project; or

(b) On more than one project over a period of time to be determined by the State Public Works Board or the local government.

5. ~~[The]~~ ***Except as otherwise provided in subsection 8, the*** State Public Works Board shall not use any criteria other than criteria adopted by regulation pursuant to NRS 338.1375 in determining whether to approve or deny an application.

6. ~~[The]~~ ***Except as otherwise provided in subsection 8, the*** local government shall not use any criteria other than the criteria described in NRS 338.1377 in determining whether to approve or deny an application.

7. Except as otherwise provided in NRS 239.0115, financial information and other data pertaining to the net worth of an applicant which is gathered by or provided to the State Public Works Board or a local government to determine the financial ability of an applicant to perform a contract is confidential and not open to public inspection.

8. The State Public Works Board or the local government shall deny an application and revoke any existing qualification to bid if it finds that the applicant has, within the preceding year, breached a contract for a public work for which the cost exceeds $25,000,000 by failing to comply with a requirement of paragraphs (a) to (e), inclusive, of subsection 1 of section 2 of this act.

Sec. 8. NRS 338.1382 is hereby amended to read as follows:

338.1382 In lieu of adopting criteria pursuant to NRS 338.1377 and determining the qualification of bidders pursuant to NRS 338.1379, a governing body may deem a person to be qualified to bid on:

1. Contracts for public works of the local government if the person ***has not, within the preceding year, breached a contract for a public work for which the cost exceeds $25,000,000 by failing to comply with a requirement of paragraphs (a) to (e), inclusive, of subsection 1 of section 2 of this act, and*** has been determined by:

(a) The State Public Works Board pursuant to NRS 338.1379 to be qualified to bid on contracts for public works of the State pursuant to criteria adopted pursuant to NRS 338.1375; or

(b) Another governing body pursuant to NRS 338.1379 to be qualified to bid on contracts for public works of that local government pursuant to the criteria set forth in NRS 338.1377.

2. A contract for a public work of the local government if:

(a) The person has been determined by the Department of Transportation pursuant to NRS 408.333 to be qualified to bid on the contract for the public work;

(b) The public work will be owned, operated or maintained by the Department of Transportation after the public work is constructed by the local government; and

(c) The Department of Transportation requested that bidders on the contract for the public work be qualified to bid on the contract pursuant to NRS 408.333.

Sec. 9. NRS 338.1389 is hereby amended to read as follows:

338.1389 1. Except as otherwise provided in subsection 10 and NRS 338.1385, 338.1386 and 338.13864, a public body or its authorized representative shall award a contract for a public work for which the estimated cost exceeds $250,000 to the contractor who submits the best bid.

2. Except as otherwise provided in subsection 10 or limited by subsection 11, the lowest bid that is:

(a) Submitted by a responsive and responsible contractor who:

(1) Has been determined by the public body to be a qualified bidder pursuant to NRS 338.1379 or 338.1382; ~~[and]~~

(2) At the time the contractor submits his or her bid, has a valid certificate of eligibility to receive a preference in bidding on public works issued to the contractor by the State Contractors' Board pursuant to subsection 3 or 4; and

(3) At the time the contractor submits his or her bid, submits a signed affidavit that meets the requirements of subsection 1 of section 2 of this act; and

(b) Not more than 5 percent higher than the bid submitted by the lowest responsive and responsible bidder who ~~[does]~~ ***:***

(1) Does not have, at the time he or she submits the bid, a valid certificate of eligibility to receive a preference in bidding on public works issued to him or her by the State Contractors' Board pursuant to subsection 3 or 4 ~~[.]~~ ***; or***

(2) Does not submit, at the time he or she submits the bid, a signed affidavit certifying that he or she will comply with the requirements of paragraphs (a) to (e), inclusive, of subsection 1 of section 2 of this act for the duration of the contract,

➥ shall be deemed to be the best bid for the purposes of this section.

3. The State Contractors' Board shall issue a certificate of eligibility to receive a preference in bidding on public works to a general contractor who is licensed pursuant to the provisions of chapter 624 of NRS and submits to the Board an affidavit from a certified public accountant setting forth that the general contractor has, while licensed as a general contractor in this State:

(a) Paid directly, on his or her own behalf:

(1) The sales and use taxes imposed pursuant to chapters 372, 374 and 377 of NRS on materials used for construction in this State, including, without limitation, construction that is undertaken or carried out on land within the boundaries of this State that is managed by the Federal Government or is on an Indian reservation or Indian colony, of not less than $5,000 for each consecutive 12-month period for 60 months immediately preceding the submission of the affidavit from the certified public accountant;

(2) The governmental services tax imposed pursuant to chapter 371 of NRS on the vehicles used in the operation of his or her business in this State of not less than $5,000 for each consecutive 12-month period for 60 months

immediately preceding the submission of the affidavit from the certified public accountant; or

(3) Any combination of such sales and use taxes and governmental services tax; or

(b) Acquired, by purchase, inheritance, gift or transfer through a stock option plan, all the assets and liabilities of a viable, operating construction firm that possesses a:

(1) License as a general contractor pursuant to the provisions of chapter 624 of NRS; and

(2) Certificate of eligibility to receive a preference in bidding on public works.

4. The State Contractors' Board shall issue a certificate of eligibility to receive a preference in bidding on public works to a specialty contractor who is licensed pursuant to the provisions of chapter 624 of NRS and submits to the Board an affidavit from a certified public accountant setting forth that the specialty contractor has, while licensed as a specialty contractor in this State:

(a) Paid directly, on his or her own behalf:

(1) The sales and use taxes pursuant to chapters 372, 374 and 377 of NRS on materials used for construction in this State, including, without limitation, construction that is undertaken or carried out on land within the boundaries of this State that is managed by the Federal Government or is on an Indian reservation or Indian colony, of not less than $5,000 for each consecutive 12-month period for 60 months immediately preceding the submission of the affidavit from the certified public accountant;

(2) The governmental services tax imposed pursuant to chapter 371 of NRS on the vehicles used in the operation of his or her business in this State of not less than $5,000 for each consecutive 12-month period for 60 months immediately preceding the submission of the affidavit from the certified public accountant; or

(3) Any combination of such sales and use taxes and governmental services tax; or

(b) Acquired, by purchase, inheritance, gift or transfer through a stock option plan, all the assets and liabilities of a viable, operating construction firm that possesses a:

(1) License as a specialty contractor pursuant to the provisions of chapter 624 of NRS; and

(2) Certificate of eligibility to receive a preference in bidding on public works.

5. For the purposes of complying with the requirements set forth in paragraph (a) of subsection 3 and paragraph (a) of subsection 4, a contractor shall be deemed to have paid:

(a) Sales and use taxes and governmental services taxes that were paid in this State by an affiliate or parent company of the contractor, if the affiliate or parent company is also a general contractor or specialty contractor, as applicable; and

(b) Sales and use taxes that were paid in this State by a joint venture in which the contractor is a participant, in proportion to the amount of interest the contractor has in the joint venture.

6. A contractor who has received a certificate of eligibility to receive a preference in bidding on public works from the State Contractors' Board pursuant to subsection 3 or 4 shall, at the time for the renewal of his or her contractor's license pursuant to NRS 624.283, submit to the Board an affidavit from a certified public accountant setting forth that the contractor has, during the immediately preceding 12 months, paid the taxes required pursuant to paragraph (a) of subsection 3 or paragraph (a) of subsection 4, as applicable, to maintain eligibility to hold such a certificate.

7. A contractor who fails to submit an affidavit to the Board pursuant to subsection 6 ceases to be eligible to receive a preference in bidding on public works unless the contractor reapplies for and receives a certificate of eligibility pursuant to subsection 3 or 4, as applicable.

8. If a contractor holds more than one contractor's license, the contractor must submit a separate application for each license pursuant to which the contractor wishes to qualify for a preference in bidding. Upon issuance, the certificate of eligibility to receive a preference in bidding on public works becomes part of the contractor's license for which the contractor submitted the application.

9. If a contractor who applies to the State Contractors' Board for a certificate of eligibility to receive a preference in bidding on public works ~~[~~submits~~]~~ ***:***

(a) Submits false information to the Board regarding the required payment of taxes, the contractor is not eligible to receive a preference in bidding on public works for a period of 5 years after the date on which the Board becomes aware of the submission of the false information ~~[.]~~ ***; or***

(b) Is found by the Board to have, within the preceding 5 years, breached a contract for a public work for which the cost exceeds $5,000,000 by failing to comply with a requirement of paragraphs (a) to (e), inclusive, of subsection 1 of section 2 of this act, the contractor is not eligible to receive a preference in bidding on public works.

10. If any federal statute or regulation precludes the granting of federal assistance or reduces the amount of that assistance for a particular public work because of the provisions of subsection 2, those provisions do not apply insofar as their application would preclude or reduce federal assistance for that work.

11. If a bid is submitted by two or more contractors as a joint venture or by one of them as a joint venturer, the bid may be deemed the best bid only if both or all of the joint venturers separately meet the requirements of subsection 2.

12. The State Contractors' Board shall adopt regulations and may assess reasonable fees relating to the certification of contractors for a preference in bidding on public works.

13. A person or entity who believes that a contractor wrongfully holds a certificate of eligibility to receive a preference in bidding on public works may challenge the validity of the certificate by filing a written objection with the public body to which the contractor has submitted a bid on a contract for the construction of a public work. A written objection authorized pursuant to this subsection must:

(a) Set forth proof or substantiating evidence to support the belief of the person or entity that the contractor wrongfully holds a certificate of eligibility to receive a preference in bidding on public works; and

(b) Be filed with the public body not later than 3 business days after the opening of the bids by the public body or its authorized representative.

14. If a public body receives a written objection pursuant to subsection 13, the public body shall determine whether the objection is accompanied by the proof or substantiating evidence required pursuant to paragraph (a) of that subsection. If the public body determines that the objection is not accompanied by the required proof or substantiating evidence, the public body shall dismiss the objection and the public body or its authorized representative may proceed immediately to award the contract. If the public body determines that the objection is accompanied by the required proof or substantiating evidence, the public body shall determine whether the contractor qualifies for the certificate pursuant to the provisions of this section and the public body or its authorized representative may proceed to award the contract accordingly.

Sec. 10. NRS 338.147 is hereby amended to read as follows:

338.147 1. Except as otherwise provided in subsection 10 and NRS 338.143, 338.1442 and 338.1446, a local government or its authorized representative shall award a contract for a public work for which the estimated cost exceeds $250,000 to the contractor who submits the best bid.

2. Except as otherwise provided in subsection 10 or limited by subsection 11, the lowest bid that is:

(a) Submitted by a contractor who:

(1) Has been found to be a responsible and responsive contractor by the local government or its authorized representative; ~~[and]~~

(2) At the time the contractor submits his or her bid, has a valid certificate of eligibility to receive a preference in bidding on public works issued to the contractor by the State Contractors' Board pursuant to subsection 3 or 4; and

(3) At the time the contractor submits his or her bid, submits a signed affidavit that meets the requirements of subsection 1 of section 2 of this act; and

(b) Not more than 5 percent higher than the bid submitted by the lowest responsive and responsible bidder who ~~[does]~~ ***:***

(1) Does not have, at the time he or she submits the bid, a valid certificate of eligibility to receive a preference in bidding on public works

issued to him or her by the State Contractors' Board pursuant to subsection 3 or 4 ~~[.]~~ ***; or***

(2) Does not submit, at the time he or she submits the bid, a signed affidavit certifying that he or she will comply with the requirements of paragraphs (a) to (e), inclusive, of subsection 1 of section 2 of this act for the duration of the contract,

➥ shall be deemed to be the best bid for the purposes of this section.

3. The State Contractors' Board shall issue a certificate of eligibility to receive a preference in bidding on public works to a general contractor who is licensed pursuant to the provisions of chapter 624 of NRS and submits to the Board an affidavit from a certified public accountant setting forth that the general contractor has, while licensed as a general contractor in this State:

(a) Paid directly, on his or her own behalf:

(1) The sales and use taxes imposed pursuant to chapters 372, 374 and 377 of NRS on materials used for construction in this State, including, without limitation, construction that is undertaken or carried out on land within the boundaries of this State that is managed by the Federal Government or is on an Indian reservation or Indian colony, of not less than $5,000 for each consecutive 12-month period for 60 months immediately preceding the submission of the affidavit from the certified public accountant;

(2) The governmental services tax imposed pursuant to chapter 371 of NRS on the vehicles used in the operation of his or her business in this State of not less than $5,000 for each consecutive 12-month period for 60 months immediately preceding the submission of the affidavit from the certified public accountant; or

(3) Any combination of such sales and use taxes and governmental services tax; or

(b) Acquired, by purchase, inheritance, gift or transfer through a stock option plan, all the assets and liabilities of a viable, operating construction firm that possesses a:

(1) License as a general contractor pursuant to the provisions of chapter 624 of NRS; and

(2) Certificate of eligibility to receive a preference in bidding on public works.

4. The State Contractors' Board shall issue a certificate of eligibility to receive a preference in bidding on public works to a specialty contractor who is licensed pursuant to the provisions of chapter 624 of NRS and submits to the Board an affidavit from a certified public accountant setting forth that the specialty contractor has, while licensed as a specialty contractor in this State:

(a) Paid directly, on his or her own behalf:

(1) The sales and use taxes pursuant to chapters 372, 374 and 377 of NRS on materials used for construction in this State, including, without limitation, construction that is undertaken or carried out on land within the boundaries of this State that is managed by the Federal Government or is on

an Indian reservation or Indian colony, of not less than $5,000 for each consecutive 12-month period for 60 months immediately preceding the submission of the affidavit from the certified public accountant;

(2) The governmental services tax imposed pursuant to chapter 371 of NRS on the vehicles used in the operation of his or her business in this State of not less than $5,000 for each consecutive 12-month period for 60 months immediately preceding the submission of the affidavit from the certified public accountant; or

(3) Any combination of such sales and use taxes and governmental services tax; or

(b) Acquired, by purchase, inheritance, gift or transfer through a stock option plan, all the assets and liabilities of a viable, operating construction firm that possesses a:

(1) License as a specialty contractor pursuant to the provisions of chapter 624 of NRS; and

(2) Certificate of eligibility to receive a preference in bidding on public works.

5. For the purposes of complying with the requirements set forth in paragraph (a) of subsection 3 and paragraph (a) of subsection 4, a contractor shall be deemed to have paid:

(a) Sales and use taxes and governmental services taxes paid in this State by an affiliate or parent company of the contractor, if the affiliate or parent company is also a general contractor or specialty contractor, as applicable; and

(b) Sales and use taxes paid in this State by a joint venture in which the contractor is a participant, in proportion to the amount of interest the contractor has in the joint venture.

6. A contractor who has received a certificate of eligibility to receive a preference in bidding on public works from the State Contractors' Board pursuant to subsection 3 or 4 shall, at the time for the renewal of his or her contractor's license pursuant to NRS 624.283, submit to the Board an affidavit from a certified public accountant setting forth that the contractor has, during the immediately preceding 12 months, paid the taxes required pursuant to paragraph (a) of subsection 3 or paragraph (a) of subsection 4, as applicable, to maintain eligibility to hold such a certificate.

7. A contractor who fails to submit an affidavit to the Board pursuant to subsection 6 ceases to be eligible to receive a preference in bidding on public works unless the contractor reapplies for and receives a certificate of eligibility pursuant to subsection 3 or 4, as applicable.

8. If a contractor holds more than one contractor's license, the contractor must submit a separate application for each license pursuant to which the contractor wishes to qualify for a preference in bidding. Upon issuance, the certificate of eligibility to receive a preference in bidding on public works becomes part of the contractor's license for which the contractor submitted the application.

9. If a contractor who applies to the State Contractors' Board for a certificate of eligibility to receive a preference in bidding on public works ~~[~~submits~~]~~ ***:***

(a) Submits false information to the Board regarding the required payment of taxes, the contractor is not eligible to receive a preference in bidding on public works for a period of 5 years after the date on which the Board becomes aware of the submission of the false information ~~[.]~~ ***; or***

(b) Is found by the Board to have, within the preceding 5 years, breached a contract for a public work for which the cost exceeds $5,000,000 by failing to comply with a requirement of paragraphs (a) to (e), inclusive, of subsection 1 of section 2 of this act, the contractor is not eligible to receive a preference in bidding on public works.

10. If any federal statute or regulation precludes the granting of federal assistance or reduces the amount of that assistance for a particular public work because of the provisions of subsection 2, those provisions do not apply insofar as their application would preclude or reduce federal assistance for that work.

11. If a bid is submitted by two or more contractors as a joint venture or by one of them as a joint venturer, the bid may be deemed a best bid only if both or all of the joint venturers separately meet the requirements of subsection 2.

12. The State Contractors' Board shall adopt regulations and may assess reasonable fees relating to the certification of contractors for a preference in bidding on public works.

13. A person or entity who believes that a contractor wrongfully holds a certificate of eligibility to receive a preference in bidding on public works may challenge the validity of the certificate by filing a written objection with the local government to which the contractor has submitted a bid on a contract for the construction of a public work. A written objection authorized pursuant to this subsection must:

(a) Set forth proof or substantiating evidence to support the belief of the person or entity that the contractor wrongfully holds a certificate of eligibility to receive a preference in bidding on public works; and

(b) Be filed with the local government not later than 3 business days after the opening of the bids by the local government or its authorized representative.

14. If a local government receives a written objection pursuant to subsection 13, the local government shall determine whether the objection is accompanied by the proof or substantiating evidence required pursuant to paragraph (a) of that subsection. If the local government determines that the objection is not accompanied by the required proof or substantiating evidence, the local government shall dismiss the objection and the local government or its authorized representative may proceed immediately to award the contract. If the local government determines that the objection is accompanied by the required proof or substantiating evidence, the local

government shall determine whether the contractor qualifies for the certificate pursuant to the provisions of this section and the local government or its authorized representative may proceed to award the contract accordingly.

Sec. 11. NRS 338.1693 is hereby amended to read as follows:

338.1693 1. The local government shall appoint a panel consisting of at least three members to rank the statements of qualifications submitted to the local government by evaluating the statements of qualifications as required pursuant to subsections 2 and 3.

2. The panel shall rank the statements of qualifications by:

(a) Verifying that each applicant satisfies the requirements of NRS 338.1691; and

(b) Conducting an evaluation of the qualifications of each applicant based on the factors and relative weight assigned to each factor that the local government specified in the request for statements of qualifications advertised pursuant to NRS 338.1692.

3. When ranking the statements of qualifications, the panel shall assign a relative weight of 5 percent to the ***applicant's*** possession of a certificate of eligibility to receive a preference in bidding on public works ~~[.]~~ ***if the applicant submits a signed affidavit that meets the requirements of subsection 1 of section 2 of this act.***

4. After the panel ranks the statements of qualifications, the local government shall:

(a) Make available to the public the rankings of the applicants; and

(b) Except as otherwise provided in subsection 5, select at least the two but not more than the five applicants that the panel determined to be most qualified as finalists to submit final proposals to the local government pursuant to NRS 338.1694.

5. If the local government did not receive at least two statements of qualifications from applicants that the panel determines to be qualified pursuant to this section and NRS 338.1691, the local government may not contract with a construction manager at risk.

Sec. 12. NRS 338.1699 is hereby amended to read as follows:

338.1699 1. To be eligible to provide materials, equipment, work or other services on a public work for which a construction manager at risk was awarded a contract pursuant to NRS 338.1696, a subcontractor must be:

(a) Licensed pursuant to chapter 624 of NRS; and

(b) Selected by the construction manager at risk based on the process of competitive bidding set forth in the applicable provisions of NRS 338.1373 to 338.148, inclusive ~~[.]~~ ***, and sections 2 and 3 of this act.***

2. A construction manager at risk to whom a contract for the construction of a public work is awarded pursuant to NRS 338.1696 shall submit to the local government that awarded the contract or its authorized representative a list containing the names of each subcontractor with whom the construction

manager at risk intends to enter into a contract for the provision of materials, equipment, work or other services on the public work.

Sec. 13. NRS 338.1727 is hereby amended to read as follows:

338.1727 1. After selecting the finalists pursuant to NRS 338.1725, the public body shall provide to each finalist a request for final proposals for the public work. The request for final proposals must:

(a) Set forth the factors that the public body will use to select a design-build team to design and construct the public work, including the relative weight to be assigned to each factor; and

(b) Set forth the date by which final proposals must be submitted to the public body.

2. If one or more of the finalists selected pursuant to NRS 338.1725 is disqualified or withdraws, the public body may select a design-build team from the remaining finalist or finalists.

3. Except as otherwise provided in this subsection, in assigning the relative weight to each factor for selecting a design-build team pursuant to subsection 1, the public body shall assign, without limitation, a relative weight of 5 percent to the ***design-build team's*** possession of a certificate of eligibility to receive a preference in bidding on public works ***if the design-build team submits a signed affidavit that meets the requirements of subsection 1 of section 2 of this act,*** and a relative weight of at least 30 percent to the proposed cost of design and construction of the public work. If any federal statute or regulation precludes the granting of federal assistance or reduces the amount of that assistance for a particular public work because of the provisions of this subsection relating to preference in bidding on public works, those provisions of this subsection do not apply insofar as their application would preclude or reduce federal assistance for that public work.

4. A final proposal submitted by a design-build team pursuant to this section must be prepared thoroughly and be responsive to the criteria that the public body will use to select a design-build team to design and construct the public work described in subsection 1. A design-build team that submits a final proposal which is not responsive shall not be awarded the contract and shall not be eligible for the partial reimbursement of costs provided for in subsection 7.

5. A final proposal is exempt from the requirements of NRS 338.141.

6. After receiving and evaluating the final proposals for the public work, the public body, at a regularly scheduled meeting, shall:

(a) Select the final proposal, using the criteria set forth pursuant to subsections 1 and 3, and award the design-build contract to the design-build team whose proposal is selected; or

(b) Reject all the final proposals.

7. If a public body selects a final proposal and awards a design-build contract pursuant to paragraph (a) of subsection 6, the public body shall:

(a) Partially reimburse the unsuccessful finalists if partial reimbursement was provided for in the request for preliminary proposals pursuant to paragraph (j) of subsection 2 of NRS 338.1723. The amount of reimbursement must not exceed, for each unsuccessful finalist, 3 percent of the total amount to be paid to the design-build team as set forth in the design-build contract.

(b) Make available to the public the results of the evaluation of final proposals that was conducted and the ranking of the design-build teams who submitted final proposals. The public body shall not release to a third party, or otherwise make public, financial or proprietary information submitted by a design-build team.

8. A contract awarded pursuant to this section:

(a) Must comply with the provisions of NRS 338.020 to 338.090, inclusive.

(b) Must specify:

(1) An amount that is the maximum amount that the public body will pay for the performance of all the work required by the contract, excluding any amount related to costs that may be incurred as a result of unexpected conditions or occurrences as authorized by the contract;

(2) An amount that is the maximum amount that the public body will pay for the performance of the professional services required by the contract; and

(3) A date by which performance of the work required by the contract must be completed.

(c) May set forth the terms by which the design-build team agrees to name the public body, at the cost of the public body, as an additional insured in an insurance policy held by the design-build team.

(d) Except as otherwise provided in paragraph (e), must not require the design professional to defend, indemnify or hold harmless the public body or the employees, officers or agents of that public body from any liability, damage, loss, claim, action or proceeding caused by the negligence, errors, omissions, recklessness or intentional misconduct of the employees, officers and agents of the public body.

(e) May require the design-build team to defend, indemnify and hold harmless the public body, and the employees, officers and agents of the public body from any liabilities, damages, losses, claims, actions or proceedings, including, without limitation, reasonable attorneys' fees, that are caused by the negligence, errors, omissions, recklessness or intentional misconduct of the design-build team or the employees or agents of the design-build team in the performance of the contract.

(f) Must require that the design-build team to whom a contract is awarded assume overall responsibility for ensuring that the design and construction of the public work is completed in a satisfactory manner.

9. Upon award of the design-build contract, the public body shall make available to the public copies of all preliminary and final proposals received.

Sec. 14. NRS 408.333 is hereby amended to read as follows:

408.333 Except as otherwise provided in NRS 408.3875 to 408.3887, inclusive:

1. Before furnishing any person proposing to bid on any advertised work with the plans and specifications for such work, the Director shall require from the person a statement, verified under oath, in the form of answers to questions contained in a standard form of questionnaire and financial statement, which must include a complete statement of the person's financial ability and experience in performing public work of a similar nature.

2. Such statements must be filed with the Director in ample time to permit the Department to verify the information contained therein in advance of furnishing proposal forms, plans and specifications to any person proposing to bid on the advertised public work, in accordance with the regulations of the Department.

3. Whenever the Director is not satisfied with the sufficiency of the answers contained in the questionnaire and financial statement, the Director may refuse to furnish the person with plans and specifications and the official proposal forms on the advertised project. ***If the Director determines that the person has, within the preceding year, breached a contract for a public work for which the cost exceeds $25,000,000 by failing to comply with a requirement of paragraphs (a) to (e), inclusive, of subsection 1 of section 2 of this act, the Director shall refuse to furnish the person with plans and specifications and the official proposal forms on the advertised project.*** Any bid of any person to whom plans and specifications and the official proposal forms have not been issued in accordance with this section must be disregarded, and the certified check, cash or undertaking of such a bidder returned forthwith.

4. Any person who is disqualified by the Director, in accordance with the provisions of this section, may request, in writing, a hearing before the Director and present again the person's check, cash or undertaking and such further evidence with respect to the person's financial responsibility, organization, plant and equipment, or experience, as might tend to justify, in his or her opinion, issuance to him or her of the plans and specifications for the work.

5. Such a person may appeal the decision of the Director to the Board no later than 5 days before the opening of the bids on the project. If the appeal is sustained by the Board, the person must be granted the rights and privileges of all other bidders.

Sec. 15. NRS 408.3883 is hereby amended to read as follows:

408.3883 1. The Department shall advertise for preliminary proposals for the design and construction of a project by a design-build team in a newspaper of general circulation in this State.

2. A request for preliminary proposals published pursuant to subsection 1 must include, without limitation:

(a) A description of the proposed project;

(b) Separate estimates of the costs of designing and constructing the project;

(c) The dates on which it is anticipated that the separate phases of the design and construction of the project will begin and end;

(d) The date by which preliminary proposals must be submitted to the Department, which must not be less than 30 days after the date that the request for preliminary proposals is first published in a newspaper pursuant to subsection 1; and

(e) A statement setting forth the place and time in which a design-build team desiring to submit a proposal for the project may obtain the information necessary to submit a proposal, including, without limitation, the information set forth in subsection 3.

3. The Department shall maintain at the time and place set forth in the request for preliminary proposals the following information for inspection by a design-build team desiring to submit a proposal for the project:

(a) The extent to which designs must be completed for both preliminary and final proposals and any other requirements for the design and construction of the project that the Department determines to be necessary;

(b) A list of the requirements set forth in NRS 408.3884;

(c) A list of the factors that the Department will use to evaluate design-build teams who submit a proposal for the project, including, without limitation:

(1) The relative weight to be assigned to each factor pursuant to NRS 408.3886; and

(2) A disclosure of whether the factors that are not related to cost are, when considered as a group, more or less important in the process of evaluation than the factor of cost;

(d) Notice that a design-build team desiring to submit a proposal for the project must include with its proposal the information used by the Department to determine finalists among the design-build teams submitting proposals pursuant to subsection 2 of NRS 408.3885 and a description of that information;

(e) A statement that a design-build team whose prime contractor holds a certificate of eligibility to receive a preference in bidding on public works issued pursuant to NRS 338.1389 or 338.147 should submit ***with its proposal*** a copy of the certificate of eligibility ~~[with its proposal;]~~ ***and a signed affidavit that meets the requirements of subsection 1 of section 2 of this act;*** and

(f) A statement as to whether a bidding design-build team that is selected as a finalist pursuant to NRS 408.3885 but is not awarded the design-build contract pursuant to NRS 408.3886 will be partially reimbursed for the cost of preparing a final proposal or best and final offer, or both, and, if so, an estimate of the amount of the partial reimbursement.

Sec. 16. NRS 408.3886 is hereby amended to read as follows:

408.3886 1. After selecting the finalists pursuant to NRS 408.3885, the Department shall provide to each finalist a request for final proposals for the project. The request for final proposals must:

(a) Set forth the factors that the Department will use to select a design-build team to design and construct the project, including the relative weight to be assigned to each factor; and

(b) Set forth the date by which final proposals must be submitted to the Department.

2. Except as otherwise provided in this subsection, in assigning the relative weight to each factor for selecting a design-build team pursuant to subsection 1, the Department shall assign, without limitation, a relative weight of 5 percent to the ***design-build team's*** possession of a certificate of eligibility to receive a preference in bidding on public works ***if the design-build team submits a signed affidavit that meets the requirements of subsection 1 of section 2 of this act,*** and a relative weight of at least 30 percent for the proposed cost of design and construction of the project. If any federal statute or regulation precludes the granting of federal assistance or reduces the amount of that assistance for a particular project because of the provisions of this subsection relating to preference in bidding on public works, those provisions of this subsection do not apply insofar as their application would preclude or reduce federal assistance for that project.

3. A final proposal submitted by a design-build team pursuant to this section must be prepared thoroughly, be responsive to the criteria that the Department will use to select a design-build team to design and construct the project described in subsection 1 and comply with the provisions of NRS 338.141.

4. After receiving the final proposals for the project, the Department shall:

(a) Select the most cost-effective and responsive final proposal, using the criteria set forth pursuant to subsections 1 and 2;

(b) Reject all the final proposals; or

(c) Request best and final offers from all finalists in accordance with subsection 5.

5. If the Department determines that no final proposal received is cost-effective or responsive and the Department further determines that requesting best and final offers pursuant to this subsection will likely result in the submission of a satisfactory offer, the Department may prepare and provide to each finalist a request for best and final offers for the project. In conjunction with preparing a request for best and final offers pursuant to this subsection, the Department may alter the scope of the project, revise the estimates of the costs of designing and constructing the project, and revise the selection factors and relative weights described in paragraph (a) of subsection 1. A request for best and final offers prepared pursuant to this subsection must set forth the date by which best and final offers must be

submitted to the Department. After receiving the best and final offers, the Department shall:

(a) Select the most cost-effective and responsive best and final offer, using the criteria set forth in the request for best and final offers; or

(b) Reject all the best and final offers.

6. If the Department selects a final proposal pursuant to paragraph (a) of subsection 4 or selects a best and final offer pursuant to paragraph (a) of subsection 5, the Department shall hold a public meeting to:

(a) Review and ratify the selection.

(b) Partially reimburse the unsuccessful finalists if partial reimbursement was provided for in the request for preliminary proposals pursuant to paragraph (f) of subsection 3 of NRS 408.3883. The amount of reimbursement must not exceed, for each unsuccessful finalist, 3 percent of the total amount to be paid to the design-build team as set forth in the design-build contract.

(c) Make available to the public a summary setting forth the factors used by the Department to select the successful design-build team and the ranking of the design-build teams who submitted final proposals and, if applicable, best and final offers. The Department shall not release to a third party, or otherwise make public, financial or proprietary information submitted by a design-build team.

7. A contract awarded pursuant to this section:

(a) Must comply with the provisions of NRS 338.020 to 338.090, inclusive; and

(b) Must specify:

(1) An amount that is the maximum amount that the Department will pay for the performance of all the work required by the contract, excluding any amount related to costs that may be incurred as a result of unexpected conditions or occurrences as authorized by the contract;

(2) An amount that is the maximum amount that the Department will pay for the performance of the professional services required by the contract; and

(3) A date by which performance of the work required by the contract must be completed.

8. A design-build team to whom a contract is awarded pursuant to this section shall:

(a) Assume overall responsibility for ensuring that the design and construction of the project is completed in a satisfactory manner; and

(b) Use the workforce of the prime contractor on the design-build team to construct at least 15 percent of the project.

Sec. 17. 1. The amendatory provisions of this act apply to all public works for which bids are first advertised after the effective date of this act.

2. Any contract awarded for a public work to which the amendatory provisions of this act apply pursuant to subsection 1 and:

(a) Which was not advertised in compliance with the amendatory provisions of this act;

(b) For which bids were not accepted in compliance with the amendatory provisions of this act; or

(c) For which the contract was not awarded in compliance with the amendatory provisions of this act,

➥ is void.

3. As used in this section, "contract" and "public work" have the meanings ascribed to them in NRS 338.010.

Sec. 18. This act becomes effective upon passage and approval.

Assemblywoman Kirkpatrick moved that the Assembly concur in the Senate amendment to Assembly Bill No. 144.

Remarks by Assemblywoman Kirkpatrick.

Motion carried by a constitutional majority.

Bill ordered to enrollment.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Senate Bill No. 220 and Senate Concurrent Resolution No. 7.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Benitez-Thompson, the privilege of the floor of the Assembly Chamber for this day was extended to the following students and chaperones from Rainshadow Community Charter School: Sam O'Brien, Marissa Alcorn, Robbie Brammer, Cheyenne Duplan, Phoebe Hill, Dawn Livingwater, Ben Metler, Jesse Salinas, Jevanna Sudduth, Cody Swanson, Alicia York, and Claritssa Sanchez.

On request of Assemblyman Hambrick, the privilege of the floor of the Assembly Chamber for this day was extended to Lisa Heck.

On request of Assemblyman Hansen, the privilege of the floor of the Assembly Chamber for this day was extended to Lew Polizzi and Nora Polizzi; and the following students and chaperones from Ester Bennett Elementary School: Bailey Wood, Emily Styberski, Alyssa Ibarra, Jose Pintor, Colette Joliff, Brandon Valazquez, Joe Collins, Kylee Ryan, Jordan Hutchinson, Richard Talavera, Nico Murillo, Ricky Mondragon, Margarita Flores, Ashley Cruz, Andres Reyes, Francisco Gonzalez, Destiny Flores, Chance Stockford, Alexis Bustos, Oscar Gonzales, Samuel Morey, Dakota Melenke, Chris Bonney, Obed Robles, Giovanni Gonzales, Jose Medina, Jesse Barker, Nicholai Gastelum, Samantha Rendon Diaz, Julianna Durante, Jaidynn Matinez, Pamela Kiss, Makenna Suratt, Conner Puiliti, Jesus Alverez, Naelia Pinedo, Jonathan Hernandez, Sarai Velazquez, Alan Chavez, Hannah Cay, Jazmyn Vandermey, Yadira Villalpando, Hannah Bishop, Sierra Ziegler,

Joey Duron, Cesar Jovani Aldana-Perez, Jesus Zamudio, Luka Murillo, Alexander Jacinto-Torres, Juan Jimenez, Kasey Reisinger, Levi Williams-Smith, Amando Aguilar, Leslie Cordero, Nayeli Cuevas, Joanna Deleon, Anthony Gonzalez, Elayne Guillen, Cristian Hernandez, Kaci Hitt, Logan Irwin, Jason Livernash, Sean McCall, Monica Moreno, Yesenia Puentes, Hector Robles, Donovan Sepulveda , Bryan Williams, and Alexis Hansen.

On request of Assemblyman Kite, the privilege of the floor of the Assembly Chamber for this day was extended to Blayne Osborn.

On request of Assemblyman Livermore, the privilege of the floor of the Assembly Chamber for this day was extended to Ty Niethold and Laurie Livermore.

On request of Assemblywoman Mastroluca, the privilege of the floor of the Assembly Chamber for this day was extended to Calvina Willliams.

Assemblyman Conklin moved that the Assembly adjourn until Tuesday, April 26, 2011, at 11 a.m.

Motion carried.

Assembly adjourned at 7:42 p.m.

Approved: JOHN OCEGUERA
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

The

Journal of the Assembly

OF THE

SEVENTY-SIXTH SESSION

OF THE

LEGISLATURE OF THE STATE OF NEVADA

2011

BEGUN ON MONDAY, THE SEVENTH DAY OF FEBRUARY, AND ENDED ON MONDAY, THE SIXTH DAY OF JUNE

VOLUME 3

THE SEVENTY-NINTH DAY—THE ONE HUNDRED AND SIXTH DAY

SEE VOLUME 1 FOR TABLE OF CONTENTS
SEE VOLUME 6 FOR INDEX

ARRANGEMENT AND CONTENTS OF VOLUME 3

Page

ASSEMBLY PROCEEDINGS 2491

THE SEVENTY-NINTH DAY

CARSON CITY (Tuesday), April 26, 2011

Assembly called to order at 12 noon.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Pastor Albert Tilstra.

We thank You, Lord, that there is no weather in heaven. Let not the cold of this day get into our hearts or minds. May we be warm and cheerful, secure in the knowledge that You are still here, that no clouds can blot You out, no rain or sleet or snow drive You away.

As winter is still blowing her icy breath along the city's streets, our love goes out to all who need encouragement, to all who lack food and clothing, to all who are cold and cheerless, to all who long for home and friendship.

Help us, in our blessedness, to be more willing to share the good things of life. Give us generosity and concern for others that shall mark us as Your followers.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Conklin moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which was referred Assembly Bill No. 77, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

KELVIN ATKINSON, *Chair*

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Assembly Bills Nos. 115, 122, 240, 257, 265, 304, 334, 365, 419, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Government Affairs, to which was referred Assembly Bill No. 422, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Government Affairs, to which was referred Assembly Bill No. 549, has had the same under consideration, and begs leave to report the same back with the recommendation: Without recommendation.

MARILYN K. KIRKPATRICK, *Chair*

Mr. Speaker:

Your Committee on Judiciary, to which were referred Assembly Bills Nos. 93, 223, 388, 394, 448, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Judiciary, to which was referred Assembly Bill No. 136, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Judiciary, to which was referred Assembly Bill No. 412, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

WILLIAM C. HORNE, *Chair*

Mr. Speaker:

Your Committee on Legislative Operations and Elections, to which were referred Assembly Bills Nos. 100, 452, 473, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

TICK SEGERBLOM, *Chair*

Mr. Speaker:

Your Committee on Taxation, to which was referred Assembly Bill No. 443, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, without recommendation, and rerefer to the Committee on Ways and Means.

Also, your Committee on Taxation, to which was referred Senate Bill No. 31, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MARILYN K. KIRKPATRICK, *Chair*

MOTIONS, RESOLUTIONS AND NOTICES

NOTICE OF EXEMPTION

April 26, 2011

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Assembly Bills Nos. 74, 98 and 406.

RICK COMBS
Fiscal Analysis Division

Assemblyman Conklin moved that for this legislative day all rules be suspended, reading so far had considered Second Reading, rules further suspended, the reprinting of all measures be dispensed with, and all bills and joint resolutions be declared emergency measures under the Constitution and immediately placed on third reading and final passage.

Motion carried

Assemblyman Conklin moved that for this legislative day, all bills and joint resolutions reported out of committee with amendments and all bills and joint resolutions taken off the Chief Clerk's desk for purposes of amendment be placed at the top of General File.

Motion carried.

Assemblyman Conklin moved that Assembly Bills Nos. 182, 212, and 508 be taken from the Chief Clerk's desk and placed on the General File.

Motion carried.

Assemblyman Conklin moved that upon return from the printer, Assembly Bills Nos. 74, 98, 404, 406, and 542 be rereferred to the Committee on Ways and Means.

Motion carried.

Senate Joint Resolution No. 12.

Assemblyman Conklin moved that the resolution be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

Assemblyman Atkinson moved that Assembly Bill No. 199 be taken from the Chief Clerk's desk and placed on the General File.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 21.

Assemblyman Conklin moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 99.

Assemblyman Conklin moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 201.

Assemblyman Conklin moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 213.

Assemblyman Conklin moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 266.

Assemblyman Conklin moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 267.

Assemblyman Conklin moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 291.

Assemblyman Conklin moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 292.

Assemblyman Conklin moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 314.

Assemblyman Conklin moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 315.

Assemblyman Conklin moved that the bill be referred to the Committee on Education.

Motion carried.

Senate Bill No. 328.

Assemblyman Conklin moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 331.

Assemblyman Conklin moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 351.

Assemblyman Conklin moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 356.

Assemblyman Conklin moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 367.

Assemblyman Conklin moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 368.

Assemblyman Conklin moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 377.

Assemblyman Conklin moved that the bill be referred to the Committee on Taxation.

Motion carried.

Senate Bill No. 384.

Assemblyman Conklin moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 385.

Assemblyman Conklin moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 405.

Assemblyman Conklin moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 414.

Assemblyman Conklin moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 420.

Assemblyman Conklin moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 487.

Assemblyman Conklin moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 182.

Bill read third time.

The following amendment was proposed by Assemblywoman Kirkpatrick:

Amendment No. 515.

AN ACT relating to inland ports; authorizing the creation of inland ports and inland port authorities under certain circumstances; requiring the Commission on Economic Development to develop a State Plan for Inland Ports; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Sections 10-13 of this bill authorize, upon approval by the Commission on Economic Development, the creation of an inland port and an inland port authority by one or more boards of county commissioners of counties or one or more governing bodies of incorporated cities, or both. **Section 14** of this bill sets forth the membership of a board of directors of an inland port authority.

Sections 19-27 of this bill set forth powers and duties of an inland port authority.

Section 31 of this bill requires the Commission on Economic Development to: (1) develop a State Plan for Inland Ports; and (2) set forth the requirements for the creation of an inland port.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Title 22 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 2 to 30, inclusive, of this act.

Sec. 2. ***This chapter may be known and cited as the Inland Port Authority Act.***

Sec. 3. ***As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 4 to 8, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 4. ***"Authority" means an inland port authority created pursuant to this chapter.***

Sec. 5. ***"Board" means the board of directors of an authority.***

Sec. 6. ***"Commission" means the Commission on Economic Development created by NRS 231.030.***

Sec. 7. ***"Inland port" means an area located away from traditional borders but having direct access to highway, railway and air transport facilities and, if applicable, intermodal facilities.***

Sec. 8. ***"Participating entity" means the board of county commissioners of a county or the governing body of an incorporated city.***

Sec. 9. ***The Legislature hereby finds and declares that the creation of an inland port:***

1. Is essential to:

(a) Develop and diversify the economy of the State;

(b) Provide employment opportunities for Nevadans; and

(c) Develop and expand transportation and commerce in this State.

2. Will facilitate commerce and economic development in this State through:

(a) Strategic investment in multimodal transportation assets; and

(b) Comprehensive planning, development, management and operation of facilities and supporting infrastructure for transportation, commercial processing and domestic and international trade.

Sec. 10. ***1. Subject to the requirements set forth in this section and sections 11, 12 and 13 of this act, an inland port may be created only in a contiguous area that:***

(a) Includes ~~*[:]*~~ ***at least two of the following:***

(1) A municipally owned airport with a runway of at least ~~*[5,500]*~~ ***4,500 feet .*** ~~*[;]*~~

(2) A portion of a highway that is part of the National Highway System . ~~*[; and]*~~

(3) Operating assets of at least one Class I railroad as classified by the Surface Transportation Board.

(b) Does not include any residential property.

2. All areas within the boundaries of an inland port must be within the boundaries of the county or counties and incorporated city or cities, as applicable, of the one or more participating entities which apply to the Commission pursuant to section 11 of this act for the creation of the inland port.

3. If the boundaries of an inland port will include a municipally owned airport as described in subparagraph (1) of paragraph (a) of subsection 1, the municipality that owns and operates the airport must:

(a) Be a participating entity; or

(b) If the municipality is not a participating entity, the municipality, by ordinance, approves of the inclusion of the airport within the boundaries of the inland port.

Sec. 11. *1. One or more participating entities may apply to the Commission to create, operate and maintain an inland port and authority.*

2. A participating entity is eligible to apply to the Commission pursuant to subsection 1 if the county or incorporated city, as applicable, of the participating entity is located in whole or in part within the proposed boundaries of the inland port.

3. The Commission may approve the creation of an inland port and authority if the proposed inland port and authority conform to the State Plan for Inland Ports developed by the Commission pursuant to section 31 of this act.

Sec. 12. *1. If the Commission approves the creation of an inland port and authority pursuant to section 11 of this act, each participating entity shall hold at least two public hearings to discuss the creation of the inland port and authority.*

2. The participating entity shall give notice of the hearing by publication in a newspaper published in the county not later than 7 days before the hearing. The notice must include, without limitation:

(a) The date, time and place for the hearing;

(b) The boundaries of the proposed inland port, including, without limitation, a map of the proposed inland port; and

(c) The powers of the proposed authority.

Sec. 13. *If a participating entity obtains approval of the Commission for the creation of an inland port and authority pursuant to section 11 of this act, the participating entity shall create the inland port and authority by ordinance. The ordinance must include, without limitation:*

1. A description of the boundaries of the inland port;

2. The location of the principal office of the authority;

3. The name of the inland port and authority; and

4. The number of directors who will compose the board of the authority pursuant to section 14 of this act.

Sec. 14. *1. An authority must be governed by a board of directors with an odd-numbered membership set by the participating entity or entities. If there is more than one participating entity, the membership of*

the board of directors must be agreed to by all of the participating entities. The board of directors must be composed of:

(a) ~~[Three directors appointed by the most populous city that is a participating entity, if any;~~

~~(b)]~~ One director appointed by each county that is a participating entity, if any;

~~[(c)]~~ (b) One director appointed by each city that is a participating entity , ~~[which is not described in paragraph (a),]~~ if any;

(c) If the authority includes a municipally owned airport described in subparagraph (1) of paragraph (a) of subsection 1 of section 10 of this act, one director appointed by:

(1) In a county whose population is 700,000 or more, the department of aviation of the county; or

(2) In a county whose population is less than 700,000, the governing body of the airport authority, if any, and if there is not an airport authority, by the governing body of the municipality which owns the airport; and

(d) Any other directors appointed in accordance with this section and as provided in an ordinance adopted by a participating entity pursuant to section 13 of this act.

2. Except as otherwise provided in this section, the directors described in subsection 1 must be appointed to terms of 4 years. The terms must be staggered in such a manner that, to the extent possible, the terms of one-half of the directors will expire every 2 years. The initial directors of the authority shall, at the first meeting of the board after their appointment, draw lots to determine which directors will initially serve terms of 2 years and which will serve terms of 4 years. A director may be reappointed.

3. A vacancy occurring during the term of a director must be filled by the appointing participating entity for the unexpired term as soon as is reasonably practicable.

Sec. 15. ***1. A director of a board must reside within the boundaries of the participating entity that appoints him or her.***

2. The following persons are not eligible to be appointed to a board:

(a) An elected official of any governmental entity.

(b) An employee of a participating entity.

Sec. 16. ***1. A majority of the board constitutes a quorum for the transaction of business. If a vacancy exists on the board, a majority of directors serving on the board constitutes a quorum.***

2. The board shall annually elect a chair and vice chair. The vice chair presides in the absence of the chair.

3. The board may elect any other officers that it considers appropriate.

4. Each director serves without compensation and, while engaged in the business of the board, is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

Sec. 17. ***All meetings of an authority must be conducted in accordance with the provisions of chapter 241 of NRS.***

Sec. 18. *1. The governing body of a county, city or other governmental entity may convey title or rights and easements to any real property to an authority to effect any purpose of the authority.*

2. An authority may not exercise the power of eminent domain.

Sec. 19. *1. An authority may enter into an agreement that provides for the lease of rights-of-way, the granting of easements or the issuance of franchises, concessions, licenses or permits.*

2. Except as otherwise provided in ~~[subsection]~~ subsections 3, 4 and 5, with the consent of any county, city or other governmental entity, an authority may:

(a) Use streets, alleys, roads, highways and other public ways of the county, city or other governmental entity; and

(b) Relocate, raise, reroute, change the grade of or alter, at the expense of the authority:

(1) A street, alley, highway, road or railroad;

(2) Electric lines and facilities;

(3) Telegraph and telephone properties and facilities;

(4) Pipelines and facilities;

(5) Conduits and facilities; and

(6) Other property,

➥ *as necessary or useful in the construction, reconstruction, repair, maintenance and operation of the inland port.*

3. An authority may not alter:

(a) A highway that is part of the state highway system without the consent of the Department of Transportation.

(b) A railroad without the consent of the railroad company.

(c) A municipally owned airport.

4. If an inland port includes a municipally owned airport:

(a) An authority may not interfere with or exercise any control over commercial air transportation operations or airlines that operate at the airport; and

(b) The airport authority, department of aviation or other existing governing body that owns or manages the airport retains such ownership or management control.

5. Nothing in this section authorizes an authority to perform any action in violation of any requirement of federal law or condition to the receipt of federal money.

Sec. 20. *An authority may not provide retail utility services or duplicate a service or facility of another governmental entity.*

Sec. 21. *An authority may enter into an agreement with any person, including, without limitation, the United States or any other governmental entity, for any purpose of the authority.*

Sec. 22. *An authority may act jointly with any other person, private or public, inside or outside this State or the United States, in the performance of any power or duty under this chapter.*

Sec. 23. *An authority may purchase and pay premiums for insurance of any type in an amount considered necessary or advisable by the board.*

Sec. 24. *An authority may market, advertise and promote the use of the inland port that the authority constructs, owns, operates, regulates or maintains.*

Sec. 25. *An action against an authority must be brought in the county in which the principal office of the authority is located.*

Sec. 26. *1. An authority shall establish and maintain rates, rentals, fees, charges or other compensation that is commercially reasonable and nondiscriminatory for the use of the facilities owned, constructed, operated, regulated or maintained by the authority.*

2. An authority may accept any public or private funding, grant or donation.

Sec. 27. *Notwithstanding any provision of this chapter to the contrary, an authority may not develop, operate or maintain a toll road.*

Sec. 28. *1. If a participating entity wishes to withdraw from an authority with regard to which there is more than one participating entity, the participating entity shall:*

(a) Adopt an ordinance providing for the withdrawal;

(b) Obtain approval from the board; and

(c) Give notice to the other participating entity or entities of its intent to withdraw,

➥ at least 6 months before the date on which the withdrawal would be effective.

2. Upon the withdrawal of a participating entity from the authority pursuant to subsection 1:

(a) The boundaries of the inland port must be adjusted by the other participating entity or entities to comply with the provisions of section 10 of this act; or

(b) The authority must be dissolved pursuant to subsection 3 as soon as practicable.

3. An authority is dissolved if:

(a) The dissolution is approved by the board;

(b) The governing body of each participating entity agrees to the dissolution;

(c) All debts and other liabilities of the authority have been paid or discharged, or adequate provision has been made for the payment of all debts and other liabilities;

(d) There are no suits pending against the authority, or adequate provision has been made for the satisfaction of any judgment, order or decree that may be entered against the authority in any pending suit; and

(e) The authority has a commitment from another governmental entity to assume jurisdiction of all property of the authority.

Sec. 29. *At the request of the Commission, an authority shall report to the Commission on all issues and activities necessary for the*

administration of the authority as well as issues and activities pertaining to compliance with any rules or regulations set forth by the Commission for the creation, operation or maintenance of inland ports pursuant to section 31 of this act.

Sec. 30. ***This chapter shall be liberally construed in order to facilitate economic development, trade and commerce in the State of Nevada.***

Sec. 31. Chapter 231 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Commission on Economic Development shall:

(a) Develop a State Plan for Inland Ports. The Plan must include, without limitation:

(1) A comprehensive, long-term general plan for the physical development of inland ports which promotes, encourages and aids in the development of the economic interests of this State.

(2) Requirements for the creation of inland ports for the purposes of the Inland Port Authority Act which affect economic and industrial development.

(b) Promote, encourage and aid in the development of inland ports in this State.

(c) Identify sources of financing to assist local governments in developing or expanding inland ports.

(d) Encourage and assist local governments in planning and preparing projects for inland ports.

(e) ~~*[Arrange by cooperative agreements with local governments to serve as the single agency in the State from which relocating or expanding businesses may obtain all required permits to operate in an inland port.*~~

~~*(f)]*~~ ***Promote close cooperation between local governments, other public agencies and private persons that have an interest in creating, operating or maintaining inland ports in the State.***

2. As used in this section, "inland port" has the meaning ascribed to it in section 7 of this act.

Sec. 32. NRS 231.020 is hereby amended to read as follows:

231.020 As used in NRS 231.020 to 231.139, inclusive, ***and section 31 of this act,*** unless the context otherwise requires, "motion pictures" includes feature films, movies made for broadcast on television and programs made for broadcast on television in episodes.

Sec. 33. This act becomes effective on July 1, 2011.

Assemblywoman Bustamante Adams moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, reengrossed, and to third reading.

Assembly Bill No. 77.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 500.

AN ACT relating to mortgage lending; revising provisions relating to the licensing of escrow agents and escrow agencies; revising provisions relating to a surety bond or substitute security posted by an escrow agency; requiring the Commissioner of Mortgage Lending to establish certain fees; revising provisions relating to disciplinary action for an escrow agent or escrow agency; establishing provisions governing the arranging or servicing of loans in which an investor has an interest; requiring a mortgage broker who services a loan to make certain reports; ~~[requiring a mortgage broker to provide to investors in a construction loan a performance bond conditioned upon faithful performance of the construction contract; requiring certain information to be disclosed to investors in loans; requiring a subsidiary or holding company of certain entities to comply with statutes governing mortgage brokers and mortgage agents;]~~ exempting certain natural persons and nonprofit organizations from statutes governing mortgage brokers and mortgage agents; revising provisions relating to a surety bond posted by a mortgage broker; requiring a mortgage broker to review an impound trust account annually; revising provisions relating to the renewal of a license as a mortgage banker; enacting requirements for mortgage brokers and for mortgage bankers to make the statutory schemes governing the two professions more similar; allowing disclosure of certain confidential information relating to an investigation; enacting provisions for the enforcement of the federal Secure and Fair Enforcement for Mortgage Licensing Act of 2008; requiring the licensing of a person who performs the services of a construction control; requiring the licensing of a provider of certain additional services as a provider of covered services; revising provisions relating to compensation for a provider of covered services; increasing certain administrative fines; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law governs the conduct of escrow agents and escrow agencies and requires the Commissioner of Mortgage Lending to supervise and control the conduct of escrow agents and escrow agencies within this State. (Chapter 645A of NRS) **Section 3.5 of this bill includes the performance of the services of a construction control within the definition of escrow.** **Sections 4 and 5** of this bill revise provisions relating to the licensing of escrow agents and escrow agencies. ~~[Sections]~~ **Section 6** ~~[and 7]~~ of this bill ~~[revise]~~ **revises** provisions relating to the surety bond posted by an escrow agency. **Sections 8 and 9** of this bill revise provisions relating to the fees and costs relating to escrow agents and escrow agencies that the Commissioner is authorized to collect. **Sections 2 and 10-12** of this bill revise provisions relating to discipline for activities relating to escrow agents and escrow agencies.

Existing law governs the conduct of mortgage agents and mortgage brokers and requires the Commissioner of Mortgage Lending to supervise and control the conduct of mortgage agents and mortgage brokers within this State. (Chapter 645B of NRS) ~~[Section 19 of this bill requires a mortgage broker to provide to investors in a construction loan a performance bond conditioned upon faithful performance of the construction contract. Sections 20, 32 and 39 of this bill require a mortgage broker to disclose certain information to investors in loans.]~~ **Sections 21 ~~[, 31, 33-38 and 40]~~ , 22, 24, 25, 34 and 37** of this bill establish provisions governing the arranging or servicing of loans by a mortgage broker in which an investor has an interest. **Section 44** of this bill revises the exemptions from the statutes governing mortgage agents and mortgage brokers. **Sections 47 ~~[, 49]~~ and 48** of this bill revise provisions relating to a surety bond posted by a mortgage broker. **Section 53** of this bill authorizes the Commissioner to disclose certain confidential information relating to an investigation. **Section 56** of this bill requires a mortgage broker to review an impound trust account annually.

Existing law governs the conduct of mortgage bankers and requires the Commissioner of Mortgage Lending to supervise and control the conduct of mortgage bankers within this State. (Chapter 645E of NRS) **Section 72** of this bill revises the exemptions from the statutes governing mortgage bankers. **Section 81** of this bill authorizes the Commissioner to disclose certain confidential information relating to an investigation.

Existing law requires the Commissioner to adopt regulations concerning the licensing of persons who provide certain covered services. (NRS 645F.390) ~~[Section 89 of this bill requires the Commissioner to adopt regulations relating to the licensing of persons who perform the services of a construction control.]~~ **Section 96** of this bill includes additional services within the definition of "covered services." **Section 101** of this bill revises provisions governing the compensation a provider of covered services may receive.

~~[Sections 7 and 49 of this bill allow the Commissioner to make a claim on certain surety bonds without bringing an action in court in certain circumstances.]~~

Sections 42, 45, 46, 50-55, 59, 60, 62-64, 67, 69, 73, 76, 79-82 and 99 of this bill enact or revise provisions to implement the federal Secure and Fair Enforcement for Mortgage Licensing Act of 2008.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. **NRS 645.8725 is hereby amended to read as follows:**

645.8725 "Escrow" has the meaning ascribed to it in subsection ~~[3]~~ ***4*** of NRS 645A.010.

Sec. 1.3. **NRS 645.8731 is hereby amended to read as follows:**

645.8731 "Escrow agent" has the meaning ascribed to it in subsection ~~[3]~~ ***4*** of NRS 645A.010.

~~[Section 1.]~~ ***Sec. 1.7.*** Chapter 645A of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. ***If a person offers or provides any of the services of an escrow agent or escrow agency or otherwise engages in, carries on or holds himself or herself out as engaging in or carrying on the business of an escrow agent or escrow agency and, at the time:***

1. The person was required to have a license pursuant to this chapter and the person did not have such a license; or

2. The person's license was suspended or revoked pursuant to this chapter,

➥ the Commissioner shall impose upon the person an administrative fine of not more than $25,000 for each violation and, if the person has a license, the Commissioner may suspend or revoke it.

Sec. 3. ***1. If an escrow agency is not a natural person, the escrow agency must designate a natural person as a qualified employee to act on behalf of the escrow agency.***

2. The Division shall adopt regulations regarding a qualified employee, including, without limitation, regulations that establish:

(a) A definition for the term "qualified employee";

(b) Any duties of a qualified employee; and

(c) Any requirements regarding a qualified employee.

Sec. 3.5. **NRS 645A.010 is hereby amended to read as follows:**

645A.010 As used in this chapter, unless the context otherwise requires:

1. "Commissioner" means the Commissioner of Mortgage Lending.

2. "***Construction control" has the meaning ascribed to it in NRS 627.050.***

3. **"**Division" means the Division of Mortgage Lending of the Department of Business and Industry.

~~[3.]~~ ***4.*** "Escrow" means any transaction wherein one person, for the purpose of effecting the sale, transfer, encumbering or leasing of real or personal property to another person, delivers any written instrument, money, evidence of title to real or personal property, or other thing of value to a third person until the happening of a specified event or the performance of a prescribed condition, when it is then to be delivered by such third person to a grantee, grantor, promisee, promisor, obligee, obligor, bailee, bailor or any agent or employee of any of the latter. The term includes the collection of payments and the performance of related services by a third person in connection with a loan secured by a lien on real property ~~[.~~

~~4.]~~ ***and the performance of the services of a construction control.***

5. "Escrow agency" means:

(a) Any person who employs one or more escrow agents; or

(b) An escrow agent who administers escrows on his or her own behalf.

~~[5.]~~ ***6.*** "Escrow agent" means any person engaged in the business of administering escrows for compensation.

Sec. 4. NRS 645A.020 is hereby amended to read as follows:

645A.020 1. A person who wishes to be licensed as an escrow agent or agency must file a written application in the Office of the Commissioner.

2. The application must:

(a) Be verified.

(b) Be accompanied by the appropriate fee prescribed in NRS 645A.040.

(c) State the location of the applicant's principal office and branch offices in the State and residence address.

(d) State the name under which the applicant will conduct business.

(e) List the names, residence and business addresses of all persons having an interest in the business as principals, partners, officers, trustees or directors, specifying the capacity and title of each.

(f) Indicate the general plan and character of the business.

(g) State the length of time the applicant has been engaged in the escrow business.

(h) Require a financial statement of the applicant.

(i) Require such other information as the Commissioner determines necessary.

(j) If for an escrow agency, designate a natural person to receive service of process in this State for the agency.

(k) ***Include a complete set of the fingerprints of the applicant or, if the applicant is not a natural person, a complete set of the fingerprints of each person who will have an interest in the escrow agency as a principal, partner, officer, director or trustee, and written permission authorizing the Division to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.***

(l) Include all information required to complete the application.

3. If the Commissioner determines, after investigation, that the experience, character, financial condition, business reputation and general fitness of the applicant are such as to command the confidence of the public and to warrant the belief that the business conducted will protect and safeguard the public, the Commissioner shall issue a license to the applicant as an escrow agent or agency.

4. The Commissioner may waive the investigation required by subsection 3 if the applicant submits with the application satisfactory proof that the applicant, in good standing, currently holds a license, or held a license, within 1 year before the date the applicant submits his or her application, which was issued pursuant to the provisions of NRS 692A.103.

5. An escrow agent or agency shall immediately notify the Division of any material change in the information contained in the application.

6. A person may not be licensed as an escrow agent or agency or be a principal ***, partner,*** officer, director or trustee of an escrow agency if the person is the holder of an active license issued pursuant to chapter 645 of NRS.

7. If the Commissioner finds that additional information is required to consider the application, the Commissioner shall send a letter to the applicant which specifies the additional requirements that the applicant must satisfy within 30 days after receiving the letter to obtain a license. If the applicant does not satisfy all additional requirements set forth in the letter within 30 days after receipt of the letter, the application will be deemed to have been denied, and the applicant must reapply to obtain a license. The Commissioner may, for good cause, extend the 30-day period prescribed in this subsection.

Sec. 5. NRS 645A.040 is hereby amended to read as follows:

645A.040 1. Every license issued pursuant to the provisions of this chapter expires on July 1 of each year if it is not renewed. A license may be renewed by filing an application for renewal, paying the annual fee for the succeeding year and submitting all information required to complete the renewal.

2. The fees for the issuance or renewal of a license for an escrow agency are:

(a) For filing an application for an initial license, $500 for the principal office and $100 for each branch office.

(b) If the license is approved for issuance, $200 for the principal office and $100 for each branch office. The fee must be paid before issuance of the license.

(c) For filing an application for renewal, $200 for the principal office and $100 for each branch office.

3. The fees for the issuance or renewal of a license for an escrow agent are:

(a) For filing an application for an initial license or for the renewal of a license, $100.

(b) If a license is approved for issuance or renewal, $25. The fee must be paid before the issuance or renewal of the license.

4. If a licensee fails to pay the fee or submit all required information for the annual renewal of his or her license before its expiration, the license may be renewed only upon the payment of a fee one and one-half times the amount otherwise required for renewal. A license may be renewed pursuant to this subsection only if all the fees are paid and all required information is submitted within ~~[1 year]~~ ***2 months*** after the date on which the license expired.

5. In addition to the other fees set forth in this section, each applicant or licensee shall pay:

(a) For filing an application for a duplicate copy of any license, upon satisfactory showing of its loss, $10.

(b) For filing any change of information contained in the application, $10.

(c) For each change of association with an escrow agency, $25.

6. Except as otherwise provided in this chapter, all fees received pursuant to this chapter must be deposited in the Fund for Mortgage Lending created by NRS 645F.270.

Sec. 6. NRS 645A.041 is hereby amended to read as follows:

645A.041 1. Except as otherwise provided in NRS 645A.042, as a condition to doing business in this State, each escrow agency shall deposit with the Commissioner and keep in full force and effect a corporate surety bond payable to the State of Nevada, in the amount set forth in subsection 4, which is executed by a corporate surety satisfactory to the Commissioner and which names as principals the escrow agency and all escrow agents employed by or associated with the escrow agency.

2. At the time of filing an application for a license as an escrow agent, the applicant shall file with the Commissioner proof that the applicant is named as a principal on the corporate surety bond deposited with the Commissioner by the escrow agency with whom he or she is associated or employed.

3. The bond must be in substantially the following form:

Know All Persons by These Presents, that ....., as principal, and ....., as surety, are held and firmly bound unto the State of Nevada for the use and benefit of any person who suffers damages because of a violation of any of the provisions of chapter 645A of NRS, in the sum of ....., lawful money of the United States, to be paid to the State of Nevada for such use and benefit, for which payment well and truly to be made, and that we bind ourselves, our heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

The condition of that obligation is such that: Whereas, the principal has been issued a license as an escrow agency or escrow agent by the Commissioner of Mortgage Lending of the Department of Business and Industry of the State of Nevada and is required to furnish a bond, which is conditioned as set forth in this bond:

Now, therefore, if the principal, his or her agents and employees, strictly, honestly and faithfully comply with the provisions of chapter 645A of NRS, and pay all damages suffered by any person because of a violation of any of the provisions of chapter 645A of NRS, or by reason of any fraud, dishonesty, misrepresentation or concealment of material facts growing out of any transaction governed by the provisions of chapter 645A of NRS, then this obligation is void; otherwise it remains in full force.

This bond becomes effective on the .....(day) of .....(month) of .....(year), and remains in force until the surety is released from liability by the Commissioner of Mortgage Lending or until this bond is cancelled by the surety. The surety may cancel this bond and be relieved of further liability hereunder by giving 60 days' written notice to the principal and to the Commissioner of Mortgage Lending of the Department of Business and Industry of the State of Nevada.

In Witness Whereof, the seal and signature of the principal hereto is affixed, and the corporate seal and the name of the surety hereto is affixed and attested by its authorized officers at ....., Nevada, this .....(day) of .....(month) of ....(year).

……..(Seal)
Principal
……..(Seal)
Surety
By…….
Attorney-in-fact

Nevada Licensed
[~~resident agent~~**]** ***Insurance Agent***

4. Each escrow agency shall deposit a corporate surety bond that complies with the provisions of this section or a substitute form of security that complies with the provisions of NRS 645A.042 in the following amount based upon the average monthly balance of the trust account or escrow account maintained by the escrow agency pursuant to NRS 645A.160:

AVERAGE MONTHLY BALANCE	AMOUNT OF BOND OR SECURITY REQUIRED
$50,000 or less	$20,000
More than $50,000 but not more than $250,000	50,000
More than $250,000 but not more than $500,000	100,000
More than $500,000 but not more than $750,000	150,000
More than $750,000 but not more than $1,000,000	200,000
More than $1,000,000	250,000

The Commissioner shall determine the appropriate amount of the surety bond or substitute form of security that must be deposited initially by the escrow agency based upon the expected average monthly balance of the trust account or escrow account maintained by the escrow agency pursuant to NRS 645A.160. After the initial deposit, the Commissioner shall, on a semiannual ~~*[an annual]*~~ basis, determine the appropriate amount of the surety bond or substitute form of security that must be deposited by the escrow agency based upon the average monthly balance of the trust account or escrow account maintained by the escrow agency pursuant to NRS 645A.160. ~~*[for the 6 months immediately preceding the date on which the license expires.]*~~

5. A bond used to satisfy the requirements of NRS 627.180 or a substitute for that bond which satisfies the requirements of NRS 627.183 may be used to satisfy the requirements of this section if:

(a) The amount required by NRS 627.180 for a bond is not less than the amount required by this section for a bond; or

(b) The amount required by NRS 627.180 for a bond is less than the amount required by this section for a bond, and the escrow agency deposits

an additional bond in an amount not less than the difference between the amount required by NRS 627.180 and the amount required by this section.

Sec. 7. **(Deleted by amendment.)**

Sec. 8. NRS 645A.065 is hereby amended to read as follows:

645A.065 1. The Commissioner shall establish by regulation the fees to be paid by ~~[escrow agencies]~~ ***all persons subject to the provisions of this chapter*** for the supervision ***, investigation*** and examination of such ~~[agencies]~~ ***persons*** by the Commissioner or the Division.

2. In establishing the fees, the Commissioner shall consider:

(a) The complexity of the various ***investigations and*** examinations to which the fees apply;

(b) The skill required to conduct such ***investigations and*** examinations;

(c) The expenses associated with conducting such ***investigations and*** examinations and preparing reports; and

(d) Any other factors the Commissioner deems relevant.

3. The Commissioner shall adopt regulations prescribing the standards for determining whether an escrow agency has maintained adequate supervision of an escrow agent pursuant to the provisions of this chapter.

Sec. 9. NRS 645A.085 is hereby amended to read as follows:

645A.085 1. An escrow agency shall immediately notify the Commissioner of any change in the ownership of 5 percent or more of its outstanding voting stock.

2. An application must be submitted to the Commissioner, pursuant to NRS 645A.020, by a person who acquires:

(a) At least 25 percent of the outstanding voting stock of an escrow agency; or

(b) Any outstanding voting stock of an escrow agency if the change will result in a change in the control of the escrow agency.

3. Except as otherwise provided in subsection 5, the Commissioner shall conduct an investigation to determine whether the applicant has the experience, character, financial condition, business reputation and general fitness to command the confidence of the public and to warrant the belief that the business conducted will protect and safeguard the public. If the Commissioner denies the application, the Commissioner may forbid the applicant from participating in the business of the escrow agency.

4. The escrow agency with which the applicant is affiliated shall pay ~~[a portion of]~~ the cost of the investigation as the Commissioner requires. All money received by the Commissioner pursuant to this section must be deposited in the Fund for Mortgage Lending created by NRS 645F.270.

5. An escrow agency may submit a written request to the Commissioner to waive an investigation pursuant to subsection 3. The Commissioner may grant a waiver if the applicant has undergone a similar investigation by a state or federal agency in connection with the licensing of or his or her employment with a financial institution.

Sec. 10. NRS 645A.090 is hereby amended to read as follows:

645A.090 1. The Commissioner may refuse to license any escrow agent or agency or may suspend ***,*** ~~[or]~~ revoke ***or place conditions upon*** any license or impose a fine ***on any person*** of not more than ~~[~~$10,000~~]~~ ***$25,000*** for each violation by entering an order to that effect, with the Commissioner's findings in respect thereto, if upon a hearing, it is determined that the applicant ***,*** ~~[or]~~ licensee ~~[.]~~ ***or person:***

(a) In the case of an escrow agency, is insolvent;

(b) Has violated any provision of this chapter ***,*** ~~[or]~~ any regulation adopted pursuant thereto or ***an order of the Commissioner or*** has aided and abetted another to do so;

(c) In the case of an escrow agency, is in such a financial condition that he or she cannot continue in business with safety to his or her customers;

(d) Has committed fraud in connection with any transaction governed by this chapter;

(e) Has intentionally or knowingly made any misrepresentation or false statement to, or concealed any essential or material fact from, any principal or designated agent of a principal in the course of the escrow business;

(f) Has intentionally or knowingly made or caused to be made to the Commissioner any false representation of a material fact or has suppressed or withheld from the Commissioner any information which the applicant ***,*** ~~[or]~~ licensee ***or person*** possesses;

(g) Has failed without reasonable cause to furnish to the parties of an escrow their respective statements of the settlement within a reasonable time after the close of escrow;

(h) Has failed without reasonable cause to deliver, within a reasonable time after the close of escrow, to the respective parties of an escrow transaction any money, documents or other properties held in escrow in violation of the provisions of the escrow instructions;

(i) Has refused to permit an examination by the Commissioner of his or her books and affairs or has refused or failed, within a reasonable time, to furnish any information or make any report that may be required by the Commissioner pursuant to the provisions of this chapter;

(j) Has been convicted of ***, entered or agreed to enter a plea of guilty or nolo contendere to,*** a felony relating to the practice of escrow agents or agencies or any ***felony or*** misdemeanor of which an essential element is ***an act of*** fraud ~~[.]~~ ***, dishonesty or a breach of trust, moral turpitude or money laundering;***

(k) In the case of an escrow agency, has failed to maintain complete and accurate records of all transactions within the last 6 years;

(l) Has commingled the money of others with his or her own or converted the money of others to his or her own use;

(m) Has failed, before the close of escrow, to obtain written escrow instructions concerning any essential or material fact or intentionally failed to follow the written instructions which have been agreed upon by the parties and accepted by the holder of the escrow;

(n) Has failed to disclose in writing that he or she is acting in the dual capacity of escrow agent or agency and undisclosed principal in any transaction; ~~[or]~~

(o) In the case of an escrow agency, has:

(1) Failed to maintain adequate supervision of an escrow agent; or

(2) Instructed an escrow agent to commit an act which would be cause for the revocation of the escrow agent's license and the escrow agent committed the act. An escrow agent is not subject to disciplinary action ***by the Commissioner*** for committing such an act under instruction by the escrow agency ~~[.]~~ ***;*** ~~*[or]*~~

(p) In the case of an escrow agency, if the applicant or licensee is a partnership, corporation or unincorporated association, has a member of the partnership or an officer or director of the corporation or unincorporated association who has been convicted of, entered or agreed to enter a plea of guilty or nolo contendere to, a felony in a domestic, foreign or military court relating to the practice of escrow agents or agencies, or any felony or misdemeanor of which an essential element is an act of fraud, dishonesty or a breach of trust, moral turpitude or money laundering ~~*[.]*~~ ***; or***

(q) In the case of a person who performs the services of a construction control, has failed to comply with the provisions of chapter 627 of NRS.

2. It is sufficient cause for the imposition of a fine or the refusal, suspension or revocation of ***, or the placement of conditions upon,*** the license of a partnership, corporation or any other association that any member of the partnership or any officer or director of the corporation or association has been guilty of any act or omission which would be cause for such action had the applicant or licensee been a natural person.

3. The Commissioner may suspend any license for not more than 30 days, pending a hearing, if upon examination into the affairs of the licensee it is determined that any of the grounds enumerated in subsection 1 or 2 exist.

4. The Commissioner may refuse to issue a license to any person who, within 10 years before the date of applying for a current license, has had suspended or revoked a license issued pursuant to this chapter or a comparable license issued by any other state, district or territory of the United States or any foreign country.

5. An order that imposes discipline and the findings of fact and conclusions of law supporting that order are public records.

Sec. 11. NRS 645A.100 is hereby amended to read as follows:

645A.100 1. Notice of the entry of any order of suspension ***,*** ~~[or]~~ revocation or ***placement of conditions upon a license or*** of imposing a fine or refusing a license to any escrow agent or agency must be given in writing, served personally or sent by certified mail or by telegram to the last known address of the agent or agency affected.

2. The agent or agency, upon application, is entitled to a hearing. If an application is not made within 20 days after the entry of the order, the Commissioner shall enter a final order.

Sec. 12. NRS 645A.235 is hereby amended to read as follows:

645A.235 1. ~~[~~The holder of~~]~~ ***A person who engages in an activity for which*** a license as an escrow agent or escrow agency ~~[~~may be~~]~~ ***is*** required ***pursuant to this chapter, without regard to whether such a person is licensed pursuant to this chapter, may be required*** by the Commissioner to pay restitution to any person who has suffered an economic loss as a result of a violation of the provisions of this chapter or any regulation adopted pursuant thereto.

2. Notwithstanding the provision of paragraph (m) of subsection 1 of NRS 622A.120, payment of restitution pursuant to subsection 1 shall be done in a manner consistent with the provisions of chapter 622A of NRS.

Sec. 13. Chapter 645B of NRS is hereby amended by adding thereto the provisions set forth as sections ~~[~~14~]~~ **16** to ~~[~~40,~~]~~ **40.7,** inclusive, of this act.

Sec. 14. **(Deleted by amendment.)**

Sec. 15. **(Deleted by amendment.)**

Sec. 16. *"Dwelling" has the meaning ascribed to it in section 103(v) of the federal Truth in Lending Act, 15 U.S.C. § 1602(v).*

Sec. 17. **(Deleted by amendment.)**

Sec. 17.5. ***1. "Loan processor" means a natural person who:***

(a) Receives, collects, distributes or analyzes information that is commonly used for the processing of a residential mortgage loan; and

(b) Communicates with a consumer to obtain the information necessary for the activities described in paragraph (a).

2. The communication described in paragraph (b) of subsection 1 does not include communication offering or negotiating loan rates or terms or counseling consumers about residential mortgage loan rates or terms.

Sec. 18. *"Majority of the investors" means the investors holding 51 percent or more of the beneficial interests in a loan.*

Sec. 19. **(Deleted by amendment.)**

Sec. 20. **(Deleted by amendment.)**

Sec. 21. ***A mortgage broker shall not accept money from an investor to acquire ownership of or a beneficial interest in a loan which has more than one investor at the time of origination unless the mortgage broker provides to each investor a form which allows the investor to choose one of the following options:***

1. That, upon receipt of a written request submitted by another investor who owns or has a beneficial interest in the loan, the mortgage broker may provide to that other investor the name, address, telephone number and electronic mail address of the investor;

2. That, upon receipt of a written request submitted by another investor who owns or has a beneficial interest in the loan, the mortgage broker may

provide to that other investor the name, address, telephone number and electronic mail address of the investor only if the loan is in default; or

3. That the address, telephone number and electronic mail address of the investor must remain confidential and that the mortgage broker may not provide that information to any other investor unless the investor provides the mortgage broker with subsequent written permission to provide such information to other investors.

Sec. 22. ***1. A mortgage broker who makes or arranges a loan shall not include in any loan document a provision which requires a private investor to participate in ~~[mandatory or]~~ binding arbitration of disputes relating to the loan.***

2. The provisions of this section may not be varied by agreement, and the rights conferred by this section may not be waived. Any provision included in a loan document agreement that conflicts with this section is void.

Sec. 23. **(Deleted by amendment.)**

Sec. 24. ***1. Before servicing a loan in which a private investor has acquired a beneficial interest, a mortgage broker must enter into a written servicing agreement with each investor which describes specifically the services which the mortgage broker will provide and the compensation the mortgage broker will receive for those services. The compensation of the mortgage broker must include an amount reasonably necessary to pay the cost of servicing the loan.***

2. A mortgage broker shall include in each servicing agreement provisions which:

(a) Require the mortgage broker to:

(1) Deposit in a trust account all money paid to the mortgage broker in full or partial payment of a loan, unless a provision of law authorizes the mortgage broker to deposit such money in a different manner;

(2) Release to the investors, pursuant to paragraph (a) of subsection 5 of NRS 645B.175, within 15 days after receipt of all money paid to the mortgage broker in full or partial payment of a loan;

(3) Record a request for special notice and notice of default for any encumbrance on the real property which has priority over the lien securing the loan or any other real property securing the loan;

(4) Provide to each investor prompt written notice of:

(I) ~~[Any default on the loan; and~~

~~(II)]~~ Any lis pendens, mechanic's lien or other lien recorded against the real property securing the loan after the origination of the loan if the mortgage broker has become aware that such an instrument has been recorded; and

(II) Any delinquent taxes or insurance premiums;

(5) ~~[If taxes or an insurance premium on the real property which secures the loan become delinquent, provide to each investor an itemized report stating:~~

~~*(I) Each specific tax or insurance premium which is delinquent;*~~

~~*(II) The total amount of the delinquency;*~~

~~*(III) The dates on which penalties will be assessed for late payments and the amount of each penalty; and*~~

~~*(IV) An estimated amount of the taxes and insurance premiums on the real property which are due at the end of each quarter for the 12 months immediately following the report; and*~~

~~*(6)]*~~ ***Upon receiving a written request from an investor for a tally of any vote of the investors, provide to the investor a statement of the number of investors voting in favor of an action and the number of investors voting against the action and the percentage of beneficial interest represented by each such vote*** ~~*[.]*~~ ***; and***

(6) Respond within a reasonable time under the circumstances to the request of the borrower or investor to correct any errors relating to the loan.

(b) Prohibit the mortgage broker from:

(1) Commingling with the assets of the mortgage broker any money paid to the mortgage broker in full or partial payment of a loan, unless a provision of law authorizes such commingling; ~~*[or]*~~

(2) Using money paid to the mortgage broker in full or partial payment of a loan for any transaction other than the servicing transaction for which the money was paid, unless a provision of law authorizes such use ~~*[.]*~~ ***; or***

(3) Requiring an investor to participate in binding arbitration of disputes relating to the loan.

(c) Allow the majority of investors or the mortgage broker to transfer the servicing agreement to another entity authorized to service loans or terminate the servicing agreement for any reason, upon providing written notice at least 30 days before the effective date of the transfer or termination.

Sec. 25. ***Except as otherwise permitted by law, a mortgage broker shall not release a borrower or guarantor from personal liability for a loan unless a majority of the investors approve such a release.***

Sec. 26. **(Deleted by amendment.)**

Sec. 27. **(Deleted by amendment.)**

Sec. 28. **(Deleted by amendment.)**

Sec. 29. **(Deleted by amendment.)**

Sec. 30. **(Deleted by amendment.)**

Sec. 31. **(Deleted by amendment.)**

Sec. 32. **(Deleted by amendment.)**

Sec. 33. **(Deleted by amendment.)**

Sec. 34. ***1. If an investor owes money to the mortgage broker who is servicing a loan or to other investors, the mortgage broker shall not withhold money due the investor in order to offset the money owed to the mortgage broker or to another investor, unless:***

(a) The mortgage broker obtains the written consent of the investor who owes the money; or

(b) A court order requires the mortgage broker to withhold the money.

2. A mortgage broker may include in a loan servicing agreement a provision which provides written consent to withhold money due an investor in order to offset money owed by the investor to the mortgage broker or other investors.

Sec. 35. **(Deleted by amendment.)**

Sec. 36. **(Deleted by amendment.)**

Sec. 37. *A mortgage broker shall not act as a construction control with respect to money belonging to a borrower or investor. If a borrower or investor wishes to utilize a construction control for money belonging to the borrower or investor, a mortgage broker must place the money with a person who is independent of the mortgage broker and is licensed or authorized to accept such money. The money must be subject to the control of a construction control which is in compliance with, or exempt from, the provisions of NRS 627.180 or 627.183.*

Sec. 38. **(Deleted by amendment.)**

Sec. 39. **(Deleted by amendment.)**

Sec. 40. **(Deleted by amendment.)**

Sec. 40.3. *1. A mortgage broker shall not place or arrange to place a private investor into a limited-liability company, business trust or other entity before foreclosure of the real property securing the loan unless the mortgage broker:*

(a) Provides a copy of the organizational documents of the limited-liability company, business trust or other entity to each investor not later than 5 days before the investor transfers his or her interest in the loan; and

(b) Obtains the written authorization of each investor who wishes to transfer his or her interest in the loan to the limited-liability company, business trust or other entity.

2. The documents provided to each investor pursuant to paragraph (a) of subsection 1 must clearly and concisely state any fees which will be paid to the mortgage broker by the limited-liability company, business trust or other entity, and the sections of the documents that state fees must be initialed by the investor.

3. A mortgage broker or mortgage agent shall not act as the attorney-in-fact or the agent of a private investor for the signing or dating of the written authorization.

4. Any term of a contract or other agreement that attempts to alter or waive the requirements of this section is void.

Sec. 40.7. *1. A mortgage broker shall not assess or collect any fee which is not:*

(a) Authorized by the loan documents or loan servicing agreement; and

(b) Assessed or collected in exchange for bona fide services rendered or costs incurred.

2. A mortgage broker shall apply all fees collected in the manner set forth in the loan documents or loan servicing agreement.

Sec. 41. NRS 645B.010 is hereby amended to read as follows:

645B.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 645B.0104 to 645B.0135, inclusive, ***and sections 14 to 18, inclusive, of this act*** have the meanings ascribed to them in those sections.

Sec. 42. NRS 645B.0125 is hereby amended to read as follows:

645B.0125 1. "Mortgage agent" means:

(a) A natural person who:

(1) Is an employee of ~~*[or associated with]*~~ a mortgage broker or mortgage banker who is required to be licensed pursuant to this chapter or chapter 645E of NRS; and

(2) Is authorized by the mortgage broker or mortgage banker to engage in, on behalf of the mortgage broker or mortgage banker, any activity that would require the person, if the person were not an employee of ~~*[or associated with]*~~ the mortgage broker or mortgage banker, to be licensed as a mortgage broker or mortgage banker pursuant to this chapter or chapter 645E of NRS; ~~**[or]**~~

(b) A mortgage broker, qualified employee or mortgage banker who is required by NRS 645B.405 or 645E.290 to be licensed as a mortgage agent ~~**[.]**~~ ***; or***

(c) A loan processor who is an independent contractor and who is associated with a mortgage broker, mortgage banker or person who holds a certificate of exemption pursuant to NRS 645B.016 .

2. The term includes ***, but is not limited to,*** a residential mortgage loan originator.

3. The term does not include a person who:

(a) Except as otherwise provided in paragraph (b) of subsection 1, is licensed as a mortgage broker or mortgage banker;

(b) Is an owner, general partner, officer or director of a mortgage broker or mortgage banker ~~**[.]**~~ ***who does not engage in any activity that would otherwise require a license as a mortgage broker or mortgage banker;***

(c) ~~**[**Performs**]**~~ ***Except as otherwise provided in paragraph (c) of subsection 1, performs*** only clerical or ministerial tasks for a mortgage broker ~~**[.]**~~ or ***mortgage banker; or***

(d) Collects payments and performs related services, including, without limitation, the modification of an existing loan, in connection with a loan secured by a lien on real property and who does not undertake any other activity that would otherwise require a license pursuant to this chapter or chapter 645E ***or 645F*** of NRS.

Sec. 43. NRS 645B.0132 is hereby amended to read as follows:

645B.0132 "Residential mortgage loan" means any loan primarily for personal, family or household use that is secured by a mortgage, deed of trust or other equivalent consensual security interest on a dwelling or residential

real estate upon which is constructed or intended to be constructed a dwelling. ~~[For purposes of this section, "dwelling" has the meaning ascribed to it section 103(v) of the federal Truth in Lending Act, 15 U.S.C. § 1602(v).]~~

Sec. 44. NRS 645B.015 is hereby amended to read as follows:

645B.015 Except as otherwise provided in NRS 645B.016, ***the Secure and Fair Enforcement for Mortgage Licensing Act of 2008, 12 U.S.C. §§ 5101 et seq., and any regulations adopted pursuant thereto and other applicable law,*** the provisions of this chapter do not apply to:

1. Any person doing business under the laws of this State, any other state or the United States relating to banks, savings banks, trust companies, savings and loan associations, industrial loan companies, credit unions, thrift companies or insurance companies . ~~[, including, without limitation, a subsidiary or a holding company of such a bank, company, association or union.]~~

2. A real estate investment trust, as defined in 26 U.S.C. § 856, unless the business conducted in this State is not subject to supervision by the regulatory authority of the other jurisdiction, in which case licensing pursuant to this chapter is required.

3. An employee benefit plan, as defined in 29 U.S.C. § 1002(3), if the loan is made directly from money in the plan by the plan's trustee.

4. An attorney at law rendering services in the performance of his or her duties as an attorney at law.

5. A real estate broker rendering services in the performance of his or her duties as a real estate broker.

6. Any person doing any act under an order of any court.

7. Any one natural person, or husband and wife, who provides money for investment in ***commercial*** loans secured by a lien on real property, on his or her own account, unless such a person makes a loan secured by a lien on real property using his or her own money and assigns all or a part of his or her interest in the loan to another person, other than his or her spouse or child, within ~~[5]~~ ***3*** years after the date on which the loan is made or the deed of trust is recorded, whichever occurs later.

8. A natural person who only offers or negotiates terms of a residential mortgage loan:

(a) With or on behalf of an immediate family member of the person; or

(b) Secured by a dwelling that served as the person's residence.

~~[8.]~~ ***9.*** Agencies of the United States and of this State and its political subdivisions, including the Public Employees' Retirement System.

~~[9.]~~ ***10.*** A seller of real property who offers credit secured by a mortgage of the property sold.

~~*[10.]*~~ ***11. A nonprofit agency or organization:***

(a) Which provides self-help housing for a borrower who has provided part of the labor to construct the dwelling securing the borrower's loan;

(b) Which does not charge or collect origination fees in connection with the origination of residential mortgage loans;

(c) Which only makes residential mortgage loans at an interest rate of 0 percent per annum;

(d) Whose volunteers, if any, do not receive compensation for their services in the construction of a dwelling; and

(e) Which does not profit from the sale of a dwelling to a borrower.

~~[11.]~~ 12. A housing counseling agency approved by the United States Department of Housing and Urban Development.

Sec. 45. NRS 645B.016 is hereby amended to read as follows:

645B.016 Except as otherwise provided in subsection 2 and NRS 645B.690:

1. A person who claims an exemption from the provisions of this chapter pursuant to subsection 1 of NRS 645B.015 must:

(a) File a written application for a certificate of exemption with the Office of the Commissioner ***:*** ***~~[through the Registry;]~~***

(b) Pay the fee required pursuant to NRS 645B.050;

(c) Include with the written application satisfactory proof that the person meets the requirements of subsection 1 of NRS 645B.015; and

(d) Provide evidence to the Commissioner that the person is duly licensed to conduct his or her business, including, if applicable, the right to transact mortgage loans, and such license is in good standing pursuant to the laws of this State, any other state or the United States.

2. The provisions of subsection 1 do not apply to the extent preempted by federal law.

3. The Commissioner may require a person who claims an exemption from the provisions of this chapter pursuant to subsections 2 to ~~[9,]~~ ***~~[11,]~~ 12,*** inclusive, of NRS 645B.015 to:

(a) File a written application for a certificate of exemption with the Office of the Commissioner ***:*** ***~~[through the Registry;]~~***

(b) Pay the fee required pursuant to NRS 645B.050; and

(c) Include with the written application satisfactory proof that the person meets the requirements of at least one of those exemptions.

4. A certificate of exemption expires automatically if, at any time, the person who claims the exemption no longer meets the requirements of at least one exemption set forth in the provisions of NRS 645B.015.

5. If a certificate of exemption expires automatically pursuant to this section, the person shall not provide any of the services of a mortgage broker or mortgage agent or otherwise engage in, carry on or hold himself or herself out as engaging in or carrying on the business of a mortgage broker or mortgage agent unless the person applies for and is issued:

(a) A license as a mortgage broker or mortgage agent, as applicable, pursuant to this chapter; or

(b) Another certificate of exemption.

6. The Commissioner may impose upon a person who is required to apply for a certificate of exemption or who holds a certificate of exemption an administrative fine of not more than $10,000 for each violation that the person commits, if the person:

(a) Has knowingly made or caused to be made to the Commissioner any false representation of material fact;

(b) Has suppressed or withheld from the Commissioner any information which the person possesses and which, if submitted by the person, would have rendered the person ineligible to hold a certificate of exemption; or

(c) Has violated any provision of this chapter, a regulation adopted pursuant to this chapter or an order of the Commissioner that applies to a person who is required to apply for a certificate of exemption or who holds a certificate of exemption.

7. A person who is exempt from the requirements of this chapter may file a written application for a certificate of exemption with the Office of the Commissioner for the purposes of complying with the requirements of the Registry or enabling a mortgage agent to comply with the requirements of the Registry.

8. The Commissioner may require ~~[the]~~ an applicant or person described in subsection 7 to submit the information or pay the fee directly to the Division or , if the applicant or person is required to register or voluntarily registers with the Registry, to the Division through the Registry.

9. An application filed pursuant to ~~[this]~~ subsection 7 does not affect the applicability of this chapter to ~~[the]~~ such an applicant ~~[.]~~ or person.

Sec. 46. NRS 645B.020 is hereby amended to read as follows:

645B.020 1. A person who wishes to be licensed as a mortgage broker must file a written application for a license with the Office of the Commissioner and pay the fee required pursuant to NRS 645B.050. ***The Commissioner may require the applicant or person to submit the information or pay the fee directly to the Division or , if the applicant or person is required to register or voluntarily registers with the Registry, to the Division through the Registry.*** An application for a license as a mortgage broker must:

(a) State the name, residence address and business address of the applicant and the location of each principal office and branch office at which the mortgage broker will conduct business within this State ~~[.]~~ ***, including, without limitation, any office or other place of business located outside this State from which the mortgage broker will conduct business in this State ~~[.]~~ and any office or other place of business which the applicant maintains as a corporate or home office.***

(b) State the name under which the applicant will conduct business as a mortgage broker.

(c) List the name, residence address and business address of each person who will:

(1) If the applicant is not a natural person, have an interest in the mortgage broker as a principal, partner, officer, director or trustee, specifying the capacity and title of each such person.

(2) Be associated with or employed by the mortgage broker as a mortgage agent.

(d) Include a general business plan and a description of the policies and procedures that the mortgage broker and his or her mortgage agents will follow to arrange and service loans and to conduct business pursuant to this chapter.

(e) State the length of time the applicant has been engaged in the business of a ***mortgage*** broker.

(f) Include a financial statement of the applicant and, if applicable, satisfactory proof that the applicant will be able to maintain continuously the net worth required pursuant to NRS 645B.115.

(g) Include all information required to complete the application.

(h) ***Unless fingerprints were submitted to the Registry for the person, include a complete set of fingerprints for each natural person who is a principal, partner, officer, director or trustee of the applicant which the Division may forward to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.***

(i) Include any other information required pursuant to the regulations adopted by the Commissioner or an order of the Commissioner.

2. If a mortgage broker will conduct business ***in this State*** at one or more branch offices ~~[within this State,]~~ the mortgage broker must apply for a license for each such branch office.

3. Except as otherwise provided ~~[in this chapter,]~~ ***by law,*** the Commissioner shall issue a license to an applicant as a mortgage broker if:

(a) The application is verified by the Commissioner and complies with the requirements of this chapter; and

(b) The applicant and each general partner, officer or director of the applicant, if the applicant is a partnership, corporation or unincorporated association:

(1) Has demonstrated financial responsibility, character and general fitness so as to command the confidence of the community and warrant a determination that the applicant will operate honestly, fairly and efficiently for the purposes of this chapter.

(2) Has not been convicted of, or entered ***or agreed to enter*** a plea of guilty or nolo contendere to, a felony in a domestic, foreign or military court within the 7 years immediately preceding the date of the application, or at any time if such felony involved an act of fraud, dishonesty or a breach of trust, ***moral turpitude*** or money laundering.

(3) Has not made a false statement of material fact on the application.

(4) Has never had a license or registration as a mortgage agent, mortgage banker, mortgage broker or residential mortgage loan originator

revoked in this State or any other jurisdiction or had a financial services license ~~[suspended or]~~ revoked within the immediately preceding 10 years.

(5) Has not violated any provision of this chapter or chapter 645E of NRS, a regulation adopted pursuant thereto or an order of the Commissioner.

4. A person may apply for a license for an office or other place of business located outside this State from which the applicant will conduct business in this State if the applicant has a license issued pursuant to this chapter for an office or other place of business located in this State, and the applicant submits with the application for a license a statement signed by the applicant which states that the applicant agrees to:

(a) Make available at a location within this State the books, accounts, papers, records and files of the office or place of business located outside this State to the Commissioner or a representative of the Commissioner; or

(b) Pay the reasonable expenses for travel, meals and lodging of the Commissioner or a representative of the Commissioner incurred during any investigation or examination made at the office or place of business located outside this State.

➥ The applicant must be allowed to choose between paragraph (a) or (b) in complying with the provisions of this subsection.

Sec. 47. NRS 645B.042 is hereby amended to read as follows:

645B.042 1. ~~[Except as otherwise provided in NRS 645B.044, as]~~ ***As*** a condition to doing business in this State, each mortgage broker shall deposit with the Commissioner and keep in full force and effect a corporate surety bond payable to the State of Nevada, in the amount set forth in subsection 4, which is executed by a corporate surety satisfactory to the Commissioner and which names as principals the mortgage broker and all mortgage agents employed by or associated with the mortgage broker.

2. At the time of filing an application for a license as a mortgage agent and at the time of filing an application for the renewal of a license as a mortgage agent, the applicant shall file with the Commissioner proof that the applicant is named as a principal on the corporate surety bond deposited with the Commissioner by the mortgage broker with whom the applicant is associated or employed.

3. The bond must be in substantially the following form:

Know All Persons by These Presents, that ....., as principal, and ....., as surety, are held and firmly bound unto the State of Nevada for the use and benefit of any person who suffers damages because of a violation of any of the provisions of chapter 645B of NRS, in the sum of ....., lawful money of the United States, to be paid to the State of Nevada for such use and benefit, for which payment well and truly to be made, and that we bind ourselves, our heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

The condition of that obligation is such that: Whereas, the principal has been issued a license as a mortgage broker or mortgage agent by the

Commissioner of Mortgage Lending and is required to furnish a bond, which is conditioned as set forth in this bond:

Now, therefore, if the principal, his or her agents and employees, strictly, honestly and faithfully comply with the provisions of chapter 645B of NRS, and pay all damages suffered by any person because of a violation of any of the provisions of chapter 645B of NRS, or by reason of any fraud, dishonesty, misrepresentation or concealment of material facts growing out of any transaction governed by the provisions of chapter 645B of NRS, then this obligation is void; otherwise it remains in full force.

This bond becomes effective on the ..... (day) of ..... (month) of ..... (year), and remains in force until the surety is released from liability by the Commissioner of Mortgage Lending or until this bond is cancelled by the surety. The surety may cancel this bond and be relieved of further liability hereunder by giving 60 days' written notice to the principal and to the Commissioner of Mortgage Lending.

In Witness Whereof, the seal and signature of the principal hereto is affixed, and the corporate seal and the name of the surety hereto is affixed and attested by its authorized officers at ....., Nevada, this ..... (day) of ..... (month) of ..... (year).

……..(Seal)
Principal
……..(Seal)
Surety
By……..
Attorney-in-fact
…….
Nevada Licensed

~~[~~resident agent~~]~~ ***Insurance Agent***

4. Each mortgage broker shall deposit a corporate surety bond that complies with the provisions of this section ~~[~~or a substitute form of security that complies with the provisions of NRS 645B.044~~]~~ in the following amounts:

(a) For ~~[~~the principal office,~~]~~ ***an annual loan production of $20,000,000 or less,*** $50,000.

(b) For ~~[~~each branch office, $25,000.

➥ The total amount required for the corporate surety bond may not exceed $75,000, without regard to the number of branch offices, if any.~~]~~ ***an annual loan production of more than $20,000,000, $75,000.***

5. Except as otherwise required by federal law or regulation, for the purposes of subsection 4, the Commissioner shall determine the appropriate amount of the surety bond that must be deposited initially by a mortgage broker based upon the expected annual loan production amount and shall determine the appropriate amount of the surety bond annually [.] based upon the actual annual loan production.

Sec. 48. NRS 645B.046 is hereby amended to read as follows:

645B.046 1. The surety may cancel a bond upon giving 60 days' notice to the Commissioner by certified mail. Upon receipt by the Commissioner of such a notice, the Commissioner immediately shall notify the licensee who is the principal on the bond of the effective date of cancellation of the bond, and that his or her license will be revoked unless the licensee furnishes an equivalent bond ~~[or a substitute form of security authorized by NRS 645B.044]~~ before the effective date of the cancellation. The notice must be sent to the licensee by certified mail to his or her last address of record filed in the office of the Division.

2. If the licensee does not comply with the requirements set out in the notice from the Commissioner, the license must be revoked on the date the bond is cancelled.

Sec. 49. **(Deleted by amendment.)**

Sec. 50. NRS 645B.050 is hereby amended to read as follows:

645B.050 1. A license as a mortgage broker issued pursuant to this chapter expires each year on ~~[June 30,]~~ ***December 31,*** unless it is renewed. To renew such a license, the licensee must submit to the Commissioner ~~*[through the Registry]*~~ ***on or after November 1 and*** on or before ~~[May 31]~~ ***December 31*** of each year ~~[.]~~ ***, or on a date otherwise specified by the Commissioner by regulation:***

(a) An application for renewal;

(b) The fee required to renew the license pursuant to this section;

(c) The information required pursuant to NRS 645B.051; and

(d) All information required ***by the*** ~~*[Registry or otherwise required by the]*~~ ***Commissioner or, if applicable, required by the Registry*** to complete the renewal.

2. If the licensee fails to submit any item required pursuant to subsection 1 to the Commissioner ***on or after November 1 and*** on or before ~~[May 31]~~ ***December 31*** of any year, ***unless a different date is specified by the Commissioner by regulation,*** the license is cancelled as of ~~[June 30]~~ ***December 31*** of that year. The Commissioner may reinstate a cancelled license if the licensee submits to the Commissioner ~~[.]~~ ~~*[through the Registry]*~~ ***on or before February 28 of the following year:***

(a) An application for renewal;

(b) The fee required to renew the license pursuant to this section;

(c) The information required pursuant to NRS 645B.051;

(d) Except as otherwise provided in this section, a reinstatement fee of not more than $200; and

(e) All information required to complete the reinstatement.

3. Except as otherwise provided in NRS 645B.016, a certificate of exemption issued pursuant to this chapter expires each year on December 31, unless it is renewed. To renew a certificate of exemption, a person must submit to the Commissioner ~~*[through the Registry]*~~ ***on or after November 1 and*** on or before ~~[November 30]~~ ***December 31*** of each year ~~[.]~~ ***or on a date otherwise specified by the Commissioner by regulation:***

(a) An application for renewal that includes satisfactory proof that the person meets the requirements for an exemption from the provisions of this chapter; and

(b) The fee required to renew the certificate of exemption.

4. If the person fails to submit any item required pursuant to subsection 3 to the Commissioner ~~*[through the Registry]*~~ ***on or after November 1 and*** on or before ~~[November 30]~~ ***December 31*** of any year, ***unless a different date is specified by the Commissioner by regulation,*** the certificate of exemption is cancelled as of December 31 of that year. Except as otherwise provided in NRS 645B.016, the Commissioner may reinstate a cancelled certificate of exemption if the person submits to the Commissioner ~~[:]~~ ~~*[through the Registry]*~~ ***on or before February 28 of the following year:***

(a) An application for renewal that includes satisfactory proof that the person meets the requirements for an exemption from the provisions of this chapter;

(b) The fee required to renew the certificate of exemption; and

(c) Except as otherwise provided in this section, a reinstatement fee of not more than $100.

5. Except as otherwise provided in this section, a person must pay the following fees to apply for, to be issued or to renew a license as a mortgage broker pursuant to this chapter:

(a) To file an original application for a license, not more than $1,500 for the principal office and not more than $40 for each branch office. The person must also pay such additional expenses incurred in the process of investigation as the Commissioner deems necessary.

(b) To be issued a license, not more than $1,000 for the principal office and not more than $60 for each branch office.

(c) To renew a license, not more than $500 for the principal office and not more than $100 for each branch office.

6. Except as otherwise provided in this section, a person must pay the following fees to apply for or to renew a certificate of exemption pursuant to this chapter:

(a) To file an application for a certificate of exemption, not more than $200.

(b) To renew a certificate of exemption, not more than $100.

7. To be issued a duplicate copy of any license or certificate of exemption, a person must make a satisfactory showing of its loss and pay a fee of not more than $10.

8. Except as otherwise provided in this chapter, all fees received pursuant to this chapter are in addition to any fee required to be paid to the Registry and must be deposited in the Fund for Mortgage Lending created by NRS 645F.270.

9. The Commissioner may, by regulation, adjust any fee or date set forth in this section if the Commissioner determines that such an adjustment is necessary for the Commissioner to carry out his or her duties pursuant to this

chapter. The amount of any adjustment in a fee pursuant to this subsection must not exceed the amount determined to be necessary for the Commissioner to carry out his or her duties pursuant to this chapter.

10. The Commissioner may require a licensee to submit an item or pay a fee required by this section directly to the Commissioner or, if the licensee is required to register or voluntarily registers with the Registry, to the Commissioner through the Registry.

Sec. 51. NRS 645B.080 is hereby amended to read as follows:

645B.080 1. Each mortgage broker shall keep and maintain at all times at each location where the mortgage broker conducts business in this state complete and suitable records of all mortgage transactions made by the mortgage broker at that location. Each mortgage broker shall also keep and maintain at all times at each such location all original books, papers and data, or copies thereof, clearly reflecting the financial condition of the business of the mortgage broker.

2. Each mortgage broker shall submit to the Commissioner each month a report of the mortgage broker's activity for the previous month. The report must:

(a) Specify the volume of loans arranged by the mortgage broker for the month or state that no loans were arranged in that month;

(b) Include any information required pursuant to NRS 645B.260 or pursuant to the regulations adopted by the Commissioner; and

(c) Be submitted to the Commissioner by the 15th day of the month following the month for which the report is made.

3. The Commissioner may adopt regulations prescribing accounting procedures for mortgage brokers handling trust accounts and the requirements for keeping records relating to such accounts.

4. Each mortgage broker who is required to register or voluntarily registers with the Registry shall submit to the Registry and the Commissioner a report of condition or any other report required by the Registry in the form and at the time required by the Registry.

Sec. 52. NRS 645B.085 is hereby amended to read as follows:

645B.085 1. Except as otherwise provided in this section, not later than ~~[120]~~ ***90*** days after the last day of each fiscal year for a mortgage broker, the mortgage broker shall submit to the Commissioner a financial statement that:

(a) Is dated not earlier than the last day of the fiscal year; and

(b) Has been prepared from the books and records of the mortgage broker by an independent ***certified*** public accountant who holds a ~~[permit]~~ ***license*** to ~~[engage in the]~~ practice ~~[of public accounting]~~ in this State ***or in any other state*** that has not been revoked or suspended.

2. ~~[The]~~ ***Unless otherwise prohibited by the Registry, the*** Commissioner may grant a reasonable extension for the submission of a financial statement pursuant to this section if a mortgage broker requests such an extension before the date on which the financial statement is due.

3. If a mortgage broker maintains any accounts described in subsection 1 of NRS 645B.175, the financial statement submitted pursuant to this section must be audited. If a mortgage broker maintains any accounts described in subsection ***1 or*** 4 of NRS 645B.175, those accounts must be audited. ~~[The public accountant who prepares the report of an audit shall submit a copy of the report to the Commissioner at the same time that the public accountant submits the report to the mortgage broker.]~~

4. The Commissioner shall adopt regulations prescribing the scope of an audit conducted pursuant to subsection 3.

Sec. 53. NRS 645B.092 is hereby amended to read as follows:

645B.092 1. Except as otherwise provided in this section and NRS 239.0115, a complaint filed with the Commissioner, all documents and other information filed with the complaint and all documents and other information compiled as a result of an investigation conducted to determine whether to initiate disciplinary action are confidential.

2. The complaint or other document filed by the Commissioner to initiate disciplinary action and all documents and information considered by the Commissioner when determining whether to impose discipline are public records.

3. An order that imposes discipline and the findings of fact and conclusions of law supporting that order are public records.

4. The Commissioner may disclose any document or information made confidential under subsection 1 to the party against whom the complaint is made, a licensing board or agency, the Registry or any other governmental agency, including, without limitation, a law enforcement agency.

Sec. 54. NRS 645B.095 is hereby amended to read as follows:

645B.095 1. As used in this section, "change of control" means:

(a) A transfer of voting stock which results in giving a person, directly or indirectly, the power to direct the management and policy of a mortgage broker; or

(b) A transfer of at least 25 percent of the outstanding voting stock of a mortgage broker.

2. The Commissioner must be notified ***in writing*** of a transfer of ~~[5]~~ ***10*** percent or more of the outstanding voting stock of a mortgage broker ***at least 15 days before such a transfer*** and must approve a transfer of voting stock of a mortgage broker which constitutes a change of control.

3. The person who acquires stock resulting in a change of control of the mortgage broker shall apply to the Commissioner for approval of the transfer. The application must contain information which shows that the requirements of this chapter ***and the Registry, if applicable,*** for obtaining a license will be satisfied after the change of control. Except as otherwise provided in subsection 4, the Commissioner shall conduct an investigation to determine whether those requirements will be satisfied. If, after the investigation, the Commissioner denies the application, the Commissioner may forbid the applicant from participating in the business of the mortgage broker.

4. A mortgage broker may submit a written request to the Commissioner to waive an investigation pursuant to subsection 3. The Commissioner may grant a waiver if the applicant has undergone a similar investigation by a state or federal agency in connection with the licensing of or his or her employment with a financial institution.

Sec. 55. NRS 645B.165 is hereby amended to read as follows:

645B.165 1. Except as otherwise ***permitted by law and as otherwise*** provided in subsection 3, the amount of any advance fee, salary, deposit or money paid to a mortgage broker and his or her mortgage agents or any other person to obtain a loan which will be secured by a lien on real property must be placed in escrow pending completion of the loan or a commitment for the loan.

2. The amount held in escrow pursuant to subsection 1 must be released:

(a) Upon completion of the loan or commitment for the loan, to the mortgage broker or other person to whom the advance fee, salary, deposit or money was paid.

(b) If the loan or commitment for the loan fails, to the person who made the payment.

3. Advance payments to cover reasonably estimated costs paid to third persons are excluded from the provisions of subsections 1 and 2 if the person making them first signs a written agreement which specifies the estimated costs by item and the estimated aggregate cost, and which recites that money advanced for costs will not be refunded. If an itemized service is not performed and the estimated cost thereof is not refunded, the recipient of the advance payment is subject to the penalties provided in NRS 645B.960.

Sec. 56. NRS 645B.170 is hereby amended to read as follows:

645B.170 1. All money paid to a mortgage broker and his or her mortgage agents for payment of taxes or insurance premiums on real property which secures any loan arranged by the mortgage broker must be deposited in an insured depository financial institution and kept separate, distinct and apart from money belonging to the mortgage broker. Such money, when deposited, is to be designated as an "impound trust account" or under some other appropriate name indicating that the accounts are not the money of the mortgage broker.

2. The mortgage broker has a fiduciary duty to each debtor with respect to the money in an impound trust account.

3. The mortgage broker shall, upon reasonable notice, account to any debtor whose real property secures a loan arranged by the mortgage broker for any money which that person has paid to the mortgage broker for the payment of taxes or insurance premiums on the real property.

4. The mortgage broker shall, upon reasonable notice, account to the Commissioner for all money in an impound trust account.

5. A mortgage broker shall:

(a) Require contributions to an impound trust account in an amount reasonably necessary to pay the obligations as they become due.

(b) ***Undertake an annual review of an impound trust account.***

(c) Within 30 days after the completion of the annual review of an impound trust account, notify the debtor:

(1) Of the amount by which the contributions exceed the amount reasonably necessary to pay the annual obligations due from the account; and

(2) That the debtor may specify the disposition of the excess money within 20 days after receipt of the notice. If the debtor fails to specify such a disposition within that time, the mortgage broker shall maintain the excess money in the account.

➥ This subsection does not prohibit a mortgage broker from requiring additional amounts to be paid into an impound trust account to recover a deficiency that exists in the account.

6. A mortgage broker shall not make payments from an impound trust account in a manner that causes a policy of insurance to be cancelled or causes property taxes or similar payments to become delinquent.

Sec. 57. NRS 645B.186 is hereby amended to read as follows:

645B.186 1. If a licensee or a relative of the licensee is licensed as, conducts business as or holds a controlling interest or position in:

(a) A construction control;

(b) An escrow agency or escrow agent; or

(c) A title agent, a title insurer or an escrow officer of a title agent or title insurer,

➥ the licensee shall fully disclose his or her status as, connection to or relationship with the construction control, escrow agency, escrow agent, title agent, title insurer or escrow officer to each investor, and the licensee shall not require, as a condition to an investor acquiring ownership of or a beneficial interest in a loan secured by a lien on real property, that the investor transact business with or use the services of the construction control, escrow agency, escrow agent, title agent, title insurer or escrow officer or that the investor authorize the licensee to transact business with or use the services of the construction control, escrow agency, escrow agent, title agent, title insurer or escrow officer on behalf of the investor.

2. For the purposes of this section, a person shall be deemed to hold a controlling interest or position if the person:

(a) Owns or controls a majority of the voting stock or holds any other controlling interest, directly or indirectly, that gives the person the power to direct management or determine policy; or

(b) Is a partner, officer, director or trustee.

3. As used in this section, "licensee" means:

(a) A person who is licensed as a mortgage broker ***or mortgage agent*** pursuant to this chapter; and

(b) Any general partner, officer or director of such a person.

Sec. 58. NRS 645B.305 is hereby amended to read as follows:

645B.305 A mortgage broker shall ensure that each loan secured by a lien on real property for which he or she engages in activity as a mortgage broker ~~[~~:

~~1. Includes~~~~]~~ ***includes*** a disclosure:

~~[(a)]~~ ***1.*** Describing, in a specific dollar amount, all fees earned by the mortgage broker;

~~[(b)]~~ ***2.*** Explaining which party is responsible for the payment of the fees described in ~~[paragraph (a);]~~ ***subsection 1;*** and

~~[(c)]~~ ***3.*** Explaining the probable impact the fees described in ~~[paragraph (a)]~~ ***subsection 1*** may have on the terms of the loan, including, without limitation, the interest rates.

~~[2. If a private investor has acquired a beneficial interest in the loan, includes a fee for servicing the loan which must be specified in the loan. The fee must be in an amount reasonably necessary to pay the cost of servicing the loan.]~~

Sec. 59. NRS 645B.307 is hereby amended to read as follows:

645B.307 A mortgage broker shall ensure that each loan secured by a lien on real property for which he or she engages in activity as a mortgage broker includes ~~[the]~~ ***:***

1. If the mortgage broker is not registered with the Registry, the license number of the mortgage broker ~~[.]~~ ~~*[and any]*~~ ***; or***

2. Any identifying number issued by the Registry.

Sec. 60. NRS 645B.400 is hereby amended to read as follows:

645B.400 A person shall not act as or provide any of the services of a mortgage agent or otherwise engage in, carry on or hold himself or herself out as engaging in or carrying on the activities of a mortgage agent unless the person ~~[has]~~ ***:***

1. Has a license as a mortgage agent issued pursuant to NRS 645B.410.

2. Is an employee of or associated with a mortgage broker or mortgage banker.

3. ~~*[Is]*~~ ***If the person is required to register with the Registry, is registered with and provides any identifying number issued by the Registry.***

Sec. 61. NRS 645B.410 is hereby amended to read as follows:

645B.410 1. To obtain a license as a mortgage agent, a person must:

(a) Be a natural person;

(b) File a written application for a license as a mortgage agent with the Office of the Commissioner ; ~~*[through the Registry;]*~~

(c) Comply with the applicable requirements of this chapter; ~~[and]~~

(d) Pay an application fee set by the Commissioner of not more than $185 ~~[.]~~ ***; and***

(e) Be:

(1) Employed by, or have received an offer of employment from, a mortgage broker;

(2) Employed by, or have received an offer of employment from, a mortgage banker;

(3) Associated with or employed by, or have received an offer of a contract with or an offer of employment from, a person who holds a certificate of exemption pursuant to NRS 645B.016; or

(4) A loan processor who is not an employee and who is associated with, or has received an offer of a contract with, a mortgage broker, mortgage banker or person who holds a certificate of exemption pursuant to NRS 645B.016.

2. An application for a license as a mortgage agent must:

(a) State the name and residence address of the applicant;

(b) Include a provision by which the applicant gives written consent to ***the Division and, if applicable, the Registry for*** an investigation of his or her credit history, criminal history and background;

(c) ~~[Include]~~ ***Unless fingerprints were submitted to the Registry, include*** a complete set of fingerprints which the Division ~~*[Registry]*~~ may forward to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report;

(d) ~~[If not licensed as a mortgage broker or mortgage banker pursuant to this chapter or chapter 645E of NRS, include]~~ ***Include*** ~~*[, through a submission of a sponsorship request through the Registry,]*~~ a verified statement from the mortgage broker ***,*** ~~[or]~~ mortgage banker ***or*** ~~*[exempt entity]*~~ ***person who holds a certificate of exemption pursuant to NRS 645B.016*** with whom the applicant will be associated ***or employed*** that expresses the intent of that mortgage broker ***,*** ~~[or]~~ mortgage banker ***or exempt*** ~~*[entity]*~~ ***person*** to ***employ or*** associate the applicant with the mortgage broker ***,*** ~~[or]~~ mortgage banker ***or exempt*** ~~*[entity]*~~ ***person*** and to be responsible for the activities of the applicant as a mortgage agent; and

(e) Include any other information or supporting materials required pursuant to the regulations adopted by the Commissioner ***,*** ~~[or]~~ by an order of the Commissioner ~~[.]~~ ***or , if applicable, by the Registry.*** Such information or supporting materials may include, without limitation, other forms of identification of the person.

3. Except as otherwise provided ~~[in this chapter,]~~ ***by law,*** the Commissioner shall issue a license as a mortgage agent to an applicant if:

(a) The application is verified by the Commissioner and complies with the applicable requirements of this chapter ~~[,]~~ ***, other applicable law and , if applicable, the Registry;*** and

(b) The applicant:

(1) Has not been convicted of, or entered ***or agreed to enter*** a plea of guilty or nolo contendere to, a felony in a domestic, foreign or military court within the 7 years immediately preceding the date of the application, or at any time if such felony involved an act of fraud, dishonesty or a breach of trust, ~~[or]~~ money laundering ~~[,]~~ ***or moral turpitude;***

(2) Has never had a license or registration as a mortgage agent, mortgage banker, mortgage broker or residential mortgage loan originator

revoked in this State or any other jurisdiction, or had a financial services license ~~[suspended or]~~ revoked within the immediately preceding 10 years;

(3) Has not made a false statement of material fact on his or her application;

(4) Has not violated any provision of this chapter or chapter 645E of NRS, a regulation adopted pursuant thereto or an order of the Commissioner; and

(5) Has demonstrated financial responsibility, character and general fitness so as to command the confidence of the community and warrant a determination that the applicant will operate honestly, fairly and efficiently for the purposes of this chapter.

4. Money received by the Commissioner pursuant to this section is in addition to any fee required to be paid to the Registry and must be deposited in the Fund for Mortgage Lending created by NRS 645F.270.

5. The Commissioner may require the submission of an item or the payment of a fee required by this section directly to the Commissioner or, if the person submitting the item or fee is required to register or voluntarily registers with the Registry, to the Commissioner through the Registry.

Sec. 62. NRS 645B.430 is hereby amended to read as follows:

645B.430 1. A license as a mortgage agent issued pursuant to NRS 645B.410 expires ~~[1 year after the date the license is issued,]~~ ***each year on December 31,*** unless it is renewed. To renew a license as a mortgage agent, the holder of the license must ***continue to meet the requirements of subsection 3 of NRS 645B.410 and must*** submit to the Commissioner ~~*[through the Registry]*~~ ~~[each year,]~~ ***on or after November 1 and*** on or before ~~[the date the license expires:]~~ ***December 31 of each year, or on a date otherwise specified by the Commissioner by regulation:***

(a) An application for renewal;

(b) Except as otherwise provided in this section, satisfactory proof that the holder of the license as a mortgage agent attended at least 10 hours of certified courses of continuing education during the 12 months immediately preceding the date on which the license expires; and

(c) A renewal fee set by the Commissioner of not more than ~~*[of]*~~ $170.

2. If the holder of the license as a mortgage agent fails to submit any item required pursuant to subsection 1 to the Commissioner ~~[each year]~~ ~~*[through the Registry]*~~ ***on or after November 1 and*** on or before ~~[the date the license expires,]~~ ***December 31 of any year, unless a different date is specified by the Commissioner by regulation,*** the license is cancelled ~~[.]~~ ***as of December 31 of that year.*** The Commissioner may reinstate a cancelled license if the holder of the license submits to the Commissioner ~~[:]~~ ~~*[through the Registry]*~~ ***on or before February 28 of the following year:***

(a) An application for renewal;

(b) The fee required to renew the license pursuant to this section; and

(c) A reinstatement fee of $75.

3. ~~[To be issued a duplicate copy of a license as a mortgage agent, a person must make a satisfactory showing of its loss and pay a fee of $10.~~

~~4.]~~ To change the mortgage broker with whom the mortgage agent is associated, a person must pay a fee of $10.

~~[5.]~~ ***4.*** Money received by the Commissioner pursuant to this section is in addition to any fee that must be paid to the Registry and must be deposited in the Fund for Mortgage Lending created by NRS 645F.270.

~~[6. The Commissioner may provide by regulation that any hours of a certified course of continuing education attended during a 12-month period, but not needed to satisfy a requirement set forth in this section for the 12-month period in which the hours were taken, may be used to satisfy a requirement set forth in this section for a later 12-month period.~~

~~7.]~~ ***5. The Commissioner may require a licensee to submit an item or pay a fee required by this section directly to the Division or, if the licensee is required to register or voluntarily registers with the Registry, to the Division through the Registry.***

6. As used in this section, "certified course of continuing education" has the meaning ascribed to it in NRS 645B.051.

Sec. 63. NRS 645B.450 is hereby amended to read as follows:

645B.450 1. A person licensed as a mortgage agent pursuant to the provisions of NRS 645B.410 may not be associated with or employed by more than one ***licensed or registered*** mortgage broker ***or mortgage banker or person who holds a certificate of exemption pursuant to NRS 645B.016*** at the same time, ~~[, unless otherwise authorized in writing by the Commissioner.]~~

2. A mortgage broker ***,*** ~~[or]~~ ***mortgage banker or person who holds a certificate of exemption pursuant to NRS 645B.016*** shall not associate with or employ a person as a mortgage agent or authorize a person to be associated with the mortgage broker ***,*** ~~[or]~~ ***mortgage banker or exempt person*** as a mortgage agent if the mortgage agent is not licensed with the Division pursuant to NRS 645B.410. ***Before allowing a mortgage agent to act on its behalf, a mortgage broker, mortgage banker or person who holds a certificate of exemption pursuant to NRS 645B.016 must:***

(a) Enter its sponsorship of the mortgage agent with the Registry; or

(b) If the mortgage agent is not required to be registered with the Registry, notify the Division of its sponsorship of the mortgage agent.

3. If a mortgage agent terminates his or her association or employment with a mortgage broker ***, mortgage banker or*** ~~[exempt entity]~~ ***person who holds a certificate of exemption pursuant to NRS 645B.016*** for any reason, the mortgage broker ***, mortgage banker or exempt*** ~~[entity]~~ ***person*** shall, not later than the third business day following the date of termination :

(a) ~~[~~Deliver~~]~~ ***Remove its sponsorship of the mortgage agent from the Registry; or***

(b) If the mortgage agent is not required to be registered with the Registry, deliver to the ***Division and to the*** mortgage agent ~~[or send by~~

~~certified mail to~~**]** ***at*** the last known residence address of the mortgage agent a written statement which **[**~~advises the mortgage agent that the termination is being reported to the Division; and~~

~~(b) Deliver or send by certified mail to the Division:~~

~~(1) The license or license number of the mortgage agent;~~

~~(2) A written statement of the circumstances surrounding the termination; and~~

~~(3) A copy of the written statement that the mortgage broker delivers or mails to the mortgage agent pursuant to paragraph (a).~~**]** ~~*[remove the mortgage agent's sponsorship with the mortgage broker, mortgage banker or exempt entity from the Registry.]*~~ ***includes the name, address and license number of the mortgage agent and a statement of the circumstances of the termination.***

Sec. 64. NRS 645B.490 is hereby amended to read as follows:

645B.490 ***Except as otherwise required by the Registry*** ~~*[.]*~~ ***for persons who are required to register or voluntarily register with the Registry:***

1. Any mortgage broker or mortgage agent licensed under the provisions of this chapter who is called into military service of the United States shall, at his or her request, be relieved from compliance with the provisions of this chapter and placed on inactive status for the period of such military service and for a period of 6 months after discharge therefrom.

2. At any time within 6 ~~*[2]*~~ months after termination of such service, if the mortgage broker or mortgage agent complies with the provisions of subsection 1, the mortgage broker or mortgage agent may be reinstated, without having to meet any qualification or requirement other than the payment of the reinstatement fee, as provided in NRS 645B.050 or 645B.430, and the mortgage broker or mortgage agent is not required to make payment of the renewal fee for the current year.

3. Any mortgage broker or mortgage agent seeking to qualify for reinstatement, as provided in subsections 1 and 2, must present a certified copy of his or her honorable discharge or certificate of satisfactory service to the Commissioner.

Sec. 65. NRS 645B.600 is hereby amended to read as follows:

645B.600 1. A person may file with the Commissioner a complaint alleging that another person has violated a provision of this chapter, a regulation adopted pursuant to this chapter or an order of the Commissioner.

2. A complaint filed pursuant to this section must:

(a) Be in writing;

(b) Be signed by the person filing the complaint or the **[**~~authorized representative~~**]** ***designee*** of the person filing the complaint;

(c) Contain an address and a telephone number for the person filing the complaint or the **[**~~authorized representative~~**]** ***designee*** of the person filing the complaint;

(d) Describe the nature of the alleged violation in as much detail as possible;

(e) Include as exhibits copies of all documentation supporting the complaint; and

(f) Include any other information or supporting materials required by the regulations adopted by the Commissioner or by an order of the Commissioner.

Sec. 66. NRS 645B.670 is hereby amended to read as follows:

645B.670 Except as otherwise provided in NRS 645B.690:

1. For each violation committed by an applicant for a license issued pursuant to this chapter, whether or not the applicant is issued a license, the Commissioner may impose upon the applicant an administrative fine of not more than $25,000 if the applicant:

(a) Has knowingly made or caused to be made to the Commissioner any false representation of material fact;

(b) Has suppressed or withheld from the Commissioner any information which the applicant possesses and which, if submitted by the applicant, would have rendered the applicant ineligible to be licensed pursuant to the provisions of this chapter; or

(c) Has violated any provision of this chapter, a regulation adopted pursuant to this chapter or an order of the Commissioner in completing and filing his or her application for a license or during the course of the investigation of his or her application for a license.

2. For each violation committed by a mortgage broker, the Commissioner may impose upon the mortgage broker an administrative fine of not more than $25,000, may suspend, revoke or place conditions upon the mortgage broker's license, or may do both, if the mortgage broker, whether or not acting as such:

(a) Is insolvent;

(b) Is grossly negligent or incompetent in performing any act for which the mortgage broker is required to be licensed pursuant to the provisions of this chapter;

(c) Does not conduct his or her business in accordance with law or has violated any provision of this chapter, a regulation adopted pursuant to this chapter or an order of the Commissioner;

(d) Is in such financial condition that the mortgage broker cannot continue in business with safety to his or her customers;

(e) Has made a material misrepresentation in connection with any transaction governed by this chapter;

(f) Has suppressed or withheld from a client any material facts, data or other information relating to any transaction governed by the provisions of this chapter which the mortgage broker knew or, by the exercise of reasonable diligence, should have known;

(g) Has knowingly made or caused to be made to the Commissioner any false representation of material fact or has suppressed or withheld from the Commissioner any information which the mortgage broker possesses and which, if submitted by the mortgage broker, would have rendered the

mortgage broker ineligible to be licensed pursuant to the provisions of this chapter;

(h) Has failed to account to persons interested for all money received for a trust account;

(i) Has refused to permit an examination by the Commissioner of his or her books and affairs or has refused or failed, within a reasonable time, to furnish any information or make any report that may be required by the Commissioner pursuant to the provisions of this chapter or a regulation adopted pursuant to this chapter;

(j) Has been convicted of, or entered ***or agreed to enter*** a plea of guilty or nolo contendere to, a felony in a domestic, foreign or military court within the 7 years immediately preceding the date of the application, or at any time if such felony involved an act of fraud, dishonesty or a breach of trust, ***moral turpitude*** or money laundering.

(k) Has refused or failed to pay, within a reasonable time, any fees, assessments, costs or expenses that the mortgage broker is required to pay pursuant to this chapter or a regulation adopted pursuant to this chapter;

(l) Has failed to satisfy a claim made by a client which has been reduced to judgment;

(m) Has failed to account for or to remit any money of a client within a reasonable time after a request for an accounting or remittal;

(n) Has commingled the money or other property of a client with his or her own or has converted the money or property of others to his or her own use;

(o) Has engaged in any other conduct constituting a deceitful, fraudulent or dishonest business practice;

(p) Has repeatedly violated the policies and procedures of the mortgage broker;

(q) Has failed to exercise reasonable supervision over the activities of a mortgage agent as required by NRS 645B.460;

(r) Has instructed a mortgage agent to commit an act that would be cause for the revocation of the license of the mortgage broker, whether or not the mortgage agent commits the act;

(s) Has employed a person as a mortgage agent or authorized a person to be associated with the mortgage broker as a mortgage agent at a time when the mortgage broker knew or, in light of all the surrounding facts and circumstances, reasonably should have known that the person:

(1) Had been convicted of, or entered ***or agreed to enter*** a plea of guilty or nolo contendere to, a felony in a domestic, foreign or military court within the 7 years immediately preceding the date of application, or at any time if such felony involved an act of fraud, dishonesty or a breach of trust, ***moral turpitude*** or money laundering; or

(2) Had a license or registration as a mortgage agent, mortgage banker, mortgage broker or residential mortgage loan originator revoked in this State

or any other jurisdiction or had a financial services license or registration ~~[~~suspended or~~]~~ revoked within the immediately preceding 10 years;

(t) Has violated NRS 645C.557; ***or***

(u) Has failed to pay a tax as required pursuant to the provisions of chapter 363A of NRS ~~.~~ ***.*** ~~[~~; or~~]~~

~~(v) Has not conducted verifiable business as a mortgage broker for 12 consecutive months, except in the case of a new applicant. The Commissioner shall determine whether a mortgage broker is conducting business by examining the monthly reports of activity submitted by the mortgage broker or by conducting an examination of the mortgage broker.~~**]**

3. For each violation committed by a mortgage agent, the Commissioner may impose upon the mortgage agent an administrative fine of not more than $25,000, may suspend, revoke or place conditions upon the mortgage agent's license, or may do both, if the mortgage agent, whether or not acting as such:

(a) Is grossly negligent or incompetent in performing any act for which the mortgage agent is required to be licensed pursuant to the provisions of this chapter;

(b) Has made a material misrepresentation in connection with any transaction governed by this chapter;

(c) Has suppressed or withheld from a client any material facts, data or other information relating to any transaction governed by the provisions of this chapter which the mortgage agent knew or, by the exercise of reasonable diligence, should have known;

(d) Has knowingly made or caused to be made to the Commissioner any false representation of material fact or has suppressed or withheld from the Commissioner any information which the mortgage agent possesses and which, if submitted by the mortgage agent, would have rendered the mortgage agent ineligible to be licensed pursuant to the provisions of this chapter;

(e) Has been convicted of, or entered ***or agreed to enter*** a plea of guilty or nolo contendere to, a felony in a domestic, foreign or military court within the 7 years immediately preceding the date of the application, or at any time if such felony involved an act of fraud, dishonesty or a breach of trust, ***moral turpitude*** or money laundering.

(f) Has failed to account for or to remit any money of a client within a reasonable time after a request for an accounting or remittal;

(g) Has commingled the money or other property of a client with his or her own or has converted the money or property of others to his or her own use;

(h) Has engaged in any other conduct constituting a deceitful, fraudulent or dishonest business practice;

(i) Has violated NRS 645C.557;

(j) Has repeatedly violated the policies and procedures of the mortgage broker with whom the mortgage agent is associated or by whom he or she is employed; or

(k) Has violated any provision of this chapter, a regulation adopted pursuant to this chapter or an order of the Commissioner or has assisted or offered to assist another person to commit such a violation.

Sec. 67. NRS 645B.690 is hereby amended to read as follows:

645B.690 1. If a person offers or provides any of the services of a mortgage broker or mortgage agent or otherwise engages in, carries on or holds himself or herself out as engaging in or carrying on the business of a mortgage broker or mortgage agent and, at the time:

(a) The person was required to have a license pursuant to this chapter and the person did not have such a license; ~~[or]~~

(b) ***The person was required to be registered with the Registry and the person was not so registered; or***

(c) The person's license was suspended or revoked pursuant to this chapter,

➥ the Commissioner shall impose upon the person an administrative fine of not more than $50,000 for each violation and, if the person has a license, the Commissioner may suspend or revoke it.

2. If a mortgage broker violates any provision of subsection 1 of NRS 645B.080 and the mortgage broker fails, without reasonable cause, to remedy the violation within 20 business days after being ordered by the Commissioner to do so or within such later time as prescribed by the Commissioner, or if the Commissioner orders a mortgage broker to provide information, make a report or permit an examination of his or her books or affairs pursuant to this chapter and the mortgage broker fails, without reasonable cause, to comply with the order within 20 business days or within such later time as prescribed by the Commissioner, the Commissioner shall:

(a) Impose upon the mortgage broker an administrative fine of not more than ~~[$10,000]~~ ***$25,000*** for each violation;

(b) Suspend or revoke the license of the mortgage broker; and

(c) Conduct a hearing to determine whether the mortgage broker is conducting business in an unsafe and injurious manner that may result in danger to the public and whether it is necessary for the Commissioner to take possession of the property of the mortgage broker pursuant to NRS 645B.630.

3. If a mortgage broker:

(a) Makes or offers for sale in this State any investments in promissory notes secured by liens on real property; and

(b) Receives the lowest possible rating on two consecutive annual or biennial examinations pursuant to NRS 645B.060,

➥ the Commissioner shall suspend or revoke the license of the mortgage broker.

Sec. 68. NRS 645B.955 is hereby amended to read as follows:

645B.955 1. ~~[The holder of]~~ ***A person who engages in an activity for which*** a license as a mortgage broker or mortgage agent ~~[may be]~~ ***is*** required ***pursuant to this chapter, without regard to whether such a person is***

licensed pursuant to this chapter, may be required by the Commissioner to pay restitution to any person who has suffered an economic loss as a result of a violation of the provisions of this chapter or any regulation adopted pursuant thereto.

2. Notwithstanding the provision of paragraph (m) of subsection 1 of NRS 622A.120, payment of restitution pursuant to subsection 1 shall be done in a manner consistent with the provisions of chapter 622A of NRS.

Sec. 69. Chapter 645E of NRS is hereby amended by adding thereto a new section to read as follows:

"Nationwide Mortgage Licensing System and Registry" or "Registry" has the meaning ascribed to it in NRS 645B.0128.

Sec. 70. NRS 645E.010 is hereby amended to read as follows:

645E.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 645E.020 to 645E.100, inclusive, ***and section 69 of this act*** have the meanings ascribed to them in those sections.

Sec. 71. NRS 645E.040 is hereby amended to read as follows:

645E.040 "Commercial property" means any real property which is located in this state and which is ~~[not]~~ ***neither*** used ~~[for a residential dwelling or dwellings intended for occupancy by four or fewer families.]~~ ***as a dwelling nor upon which a dwelling is constructed or intended to be constructed. For the purposes of this section, "dwelling" has the meaning ascribed to it in section 103(v) of the federal Truth in Lending Act, 15 U.S.C. § 1602(v).***

Sec. 72. NRS 645E.150 is hereby amended to read as follows:

645E.150 Except as otherwise provided in NRS 645E.160, ***the Secure and Fair Enforcement for Mortgage Licensing Act of 2008, 12 U.S.C. §§ 5101 et seq., and any regulations adopted pursuant thereto or other applicable law,*** the provisions of this chapter do not apply to:

1. Any person doing business under the laws of this State, any other state or the United States relating to banks, savings banks, trust companies, savings and loan associations, industrial loan companies, credit unions, thrift companies or insurance companies , including, without limitation, a subsidiary or a holding company of such a bank, company, association or union.

2. A real estate investment trust, as defined in 26 U.S.C. § 856, unless the business conducted in this State is not subject to supervision by the regulatory authority of the other jurisdiction, in which case licensing pursuant to this chapter is required.

3. An employee benefit plan, as defined in 29 U.S.C. § 1002(3), if the loan is made directly from money in the plan by the plan's trustee.

4. An attorney at law rendering services in the performance of his or her duties as an attorney at law.

5. A real estate broker rendering services in the performance of his or her duties as a real estate broker.

6. Any person doing any act under an order of any court.

7. Any one natural person, or husband and wife, who provides money for investment in ***commercial*** loans secured by a lien on real property, on his or her own account, unless such a person makes a loan secured by a lien on real property using his or her own money and assigns all or a part of his or her interest in the loan to another person, other than his or her spouse or child, within ~~[5]~~ ***3*** years after the date on which the loan is made or the deed of trust is recorded, whichever occurs later.

8. A natural person who only offers or negotiates terms of a residential mortgage loan:

(a) With or on behalf of an immediate family member of the person; or

(b) Secured by a dwelling that served as the person's residence.

~~[8.]~~ ***9.*** Agencies of the United States and of this State and its political subdivisions, including the Public Employees' Retirement System.

~~[9.]~~ ***10.*** A seller of real property who offers credit secured by a mortgage of the property sold.

~~*[10.]*~~ ***11. A nonprofit agency or organization:***

(a) Which provides self-help housing for a borrower who has provided part of the labor to construct the dwelling securing the borrower's loan;

(b) Which does not charge or collect origination fees in connection with the origination of residential mortgage loans;

(c) Which only makes residential mortgage loans at an interest rate of 0 percent per annum;

(d) Whose volunteers, if any, do not receive compensation for their services in the construction of a dwelling; and

(e) Which does not profit from the sale of a dwelling to a borrower.

~~*[11.]*~~ ***12. A housing counseling agency approved by the United States Department of Housing and Urban Development.***

Sec. 73. NRS 645E.160 is hereby amended to read as follows:

645E.160 1. Except as otherwise provided in subsection 2, a person who claims an exemption from the provisions of this chapter pursuant to subsection 1 of NRS 645E.150 must:

(a) File a written application for a certificate of exemption with the Office of the Commissioner ; ~~*[through the Registry;]*~~

(b) Pay the fee required pursuant to NRS 645E.280;

(c) Include with the written application satisfactory proof that the person meets the requirements of subsection 1 of NRS 645E.150; and

(d) Provide evidence to the Commissioner that the person is duly licensed to conduct his or her business, including, if applicable, the right to transact mortgage loans, and such license is in good standing pursuant to the laws of this State, any other state or the United States.

2. The provisions of subsection 1 do not apply to the extent preempted by federal law.

3. The Commissioner may require a person who claims an exemption from the provisions of this chapter pursuant to subsections 2 to ~~[9,]~~ ~~*[11,]*~~ ***12,*** inclusive, of NRS 645E.150 to:

(a) File a written application for a certificate of exemption with the Office of the Commissioner; ~~*[through the Registry;]*~~

(b) Pay the fee required pursuant to NRS 645E.280; and

(c) Include with the written application satisfactory proof that the person meets the requirements of at least one of those exemptions.

4. A certificate of exemption expires automatically if, at any time, the person who claims the exemption no longer meets the requirements of at least one exemption set forth in the provisions of NRS 645E.150.

5. If a certificate of exemption expires automatically pursuant to this section, the person shall not provide any of the services of a mortgage banker or otherwise engage in, carry on or hold himself or herself out as engaging in or carrying on the business of a mortgage banker unless the person applies for and is issued:

(a) A license as a mortgage banker pursuant to this chapter; or

(b) Another certificate of exemption.

6. The Commissioner may impose upon a person who is required to apply for a certificate of exemption or who holds a certificate of exemption an administrative fine of not more than $10,000 for each violation that he or she commits, if the person:

(a) Has knowingly made or caused to be made to the Commissioner any false representation of material fact;

(b) Has suppressed or withheld from the Commissioner any information which the person possesses and which, if submitted by him or her, would have rendered the person ineligible to hold a certificate of exemption; or

(c) Has violated any provision of this chapter, a regulation adopted pursuant to this chapter or an order of the Commissioner that applies to a person who is required to apply for a certificate of exemption or who holds a certificate of exemption.

7. A person who is exempt from the requirements of this chapter may file a written application for a certificate of exemption with the Office of the Commissioner for the purposes of complying with the requirements of the Registry or enabling a mortgage agent to comply with the requirements of the Registry.

8. The Commissioner may require ~~[the]~~ an applicant or person described in subsection 7 to submit the information or pay the fee directly to the Division or , if the applicant or person is required to register or voluntarily registers with the Registry, to the Division through the Registry.

9. An application filed pursuant to ~~[this]~~ subsection 7 does not affect the applicability of this chapter to ~~[the]~~ such an applicant ~~[.]~~ or person.

Sec. 74. NRS 645E.170 is hereby amended to read as follows:

645E.170 1. A person may apply to the Commissioner for an exemption from the provisions of this chapter governing the making of a loan of money **[.]** ***only for a loan secured by commercial property.***

2. The Commissioner may grant the exemption if the Commissioner finds that:

(a) The making of the loan would not be detrimental to the financial condition of the lender or the debtor;

(b) The lender or the debtor has established a record of sound performance, efficient management, financial responsibility and integrity;

(c) The making of the loan is likely to increase the availability of capital for a sector of the state economy; and

(d) The making of the loan is not detrimental to the public interest.

3. The Commissioner:

(a) May revoke an exemption unless the loan for which the exemption was granted has been made; and

(b) Shall issue a written statement setting forth the reasons for his or her decision to grant, deny or revoke an exemption.

Sec. 75. NRS 645E.200 is hereby amended to read as follows:

645E.200 1. A person who wishes to be licensed as a mortgage banker must file a written application for a license with the Office of the Commissioner and pay the fee required pursuant to NRS 645E.280. An application for a license as a mortgage banker must:

(a) Be verified.

(b) State the name, residence address and business address of the applicant and the location of each principal office and branch office at which the mortgage banker will conduct business in this State, including, without limitation, any office or other place of business located outside this State from which the mortgage banker will conduct business in this State ~~[.]~~ ***and any office or other place of business which the applicant maintains as a corporate or home office.***

(c) State the name under which the applicant will conduct business as a mortgage banker.

(d) If the applicant is not a natural person, list the name, residence address and business address of each person who will have an interest in the mortgage banker as a principal, partner, officer, director or trustee, specifying the capacity and title of each such person.

(e) Indicate the general plan and character of the business.

(f) State the length of time the applicant has been engaged in the business of a mortgage banker.

(g) Include a financial statement of the applicant.

(h) ***Include a complete set of fingerprints for each natural person who is a principal, partner, officer, director or trustee of the applicant which the Division may forward to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.***

(i) Include any other information required pursuant to the regulations adopted by the Commissioner or an order of the Commissioner.

2. If a mortgage banker will conduct business in this State at one or more branch offices, the mortgage banker must apply for a license for each such branch office.

3. Except as otherwise provided ~~[in this chapter,]~~ ***by law,*** the Commissioner shall issue a license to an applicant as a mortgage banker if:

(a) The application ***is verified by the Commissioner and*** complies with the requirements of this chapter ~~[,]~~ ***, other applicable law and , if applicable, the Registry;*** and

(b) The applicant and each general partner, officer or director of the applicant, if the applicant is a partnership, corporation or unincorporated association:

(1) Has ~~[a good reputation for honesty, trustworthiness and integrity and displays competence to transact the business of a mortgage banker in a manner which safeguards the interests of the general public. The applicant must submit satisfactory proof of these qualifications to the Commissioner.~~

~~(2) Has not been convicted of, or entered a plea of nolo contendere to, a felony relating to the practice of mortgage bankers or any crime involving fraud, misrepresentation or moral turpitude.~~

~~(3) Has not made a false statement of material fact on his or her application.~~

~~(4) Has not had a license that was issued pursuant to the provisions of this chapter or chapter 645B of NRS suspended or revoked within the 10 years immediately preceding the date of application.~~

~~(5) Has not had a license that was issued in any other state, district or territory of the United States or any foreign country suspended or revoked within the 10 years immediately preceding the date of application.~~

~~(6)]~~ ***demonstrated financial responsibility, character and general fitness so as to command the confidence of the community and warrant a determination that the applicant will operate honestly, fairly and efficiently for the purposes of this chapter. For the purposes of this subparagraph, the factors considered in determining whether a person has demonstrated financial responsibility include, without limitation:***

(I) Whether the person's personal credit history indicates any adverse material items, including, without limitation, liens, judgments, disciplinary action, bankruptcies, foreclosures or failures to comply with court-approved payment plans;

(II) The circumstances surrounding any adverse material items in the person's personal credit history; and

(III) Any instance of fraud, misrepresentation, dishonest business practices, the mishandling of trust funds or other types of comparable behavior.

(2) Has not been convicted of, or entered or agreed to enter a plea of guilty or nolo contendere to, a felony in a domestic, foreign or military court within the 7 years immediately preceding the date of the application, or at any time if such felony involved an act of fraud, dishonesty or a breach of trust, moral turpitude or money laundering.

(3) Has not made a false statement of material fact on the application.

(4) Has never had a license or registration as a mortgage agent, mortgage banker, mortgage broker or residential mortgage loan originator revoked in this State or any other jurisdiction or had a financial services license revoked within the immediately preceding 10 years.

(5) Has not violated any provision of this chapter or chapter 645B of NRS, a regulation adopted pursuant thereto or an order of the Commissioner.

4. If an applicant is a partnership, corporation or unincorporated association, the Commissioner may refuse to issue a license to the applicant if any member of the partnership or any officer or director of the corporation or unincorporated association has committed any act or omission that would be cause for refusing to issue a license to a natural person.

5. A person may apply for a license for an office or other place of business located outside this State from which the applicant will conduct business in this State if the applicant or a subsidiary or affiliate of the applicant has a license issued pursuant to this chapter for an office or other place of business located in this State and if the applicant submits with the application for a license a statement signed by the applicant which states that the applicant agrees to:

(a) Make available at a location within this State the books, accounts, papers, records and files of the office or place of business located outside this State to the Commissioner or a representative of the Commissioner; or

(b) Pay the reasonable expenses for travel, meals and lodging of the Commissioner or a representative of the Commissioner incurred during any investigation or examination made at the office or place of business located outside this State.

➥ The applicant must be allowed to choose between paragraph (a) or (b) in complying with the provisions of this subsection.

Sec. 76. NRS 645E.280 is hereby amended to read as follows:

645E.280 1. A license issued to a mortgage banker pursuant to this chapter expires each year on December 31, unless it is renewed. To renew a license, the licensee must submit to the Commissioner ~~*[through the Registry]*~~ ***on or after November 1 and*** on or before December 31 of each year ~~[:]~~ ***, or on a date otherwise specified by the Commissioner by regulation:***

(a) An application for renewal that complies with the requirements of this chapter; ~~[and]~~

(b) The fee required to renew the license pursuant to this section ~~[.]~~ ***; and***

(c) All information required by the ~~*[Registry or otherwise required by the]*~~ ***Commissioner*** ***or, if applicable, required by the Registry*** ***to complete the renewal.***

2. If the licensee fails to submit any item required pursuant to subsection 1 to the Commissioner ~~*[through the Registry]*~~ ***on or after November 1 and*** on or before December 31 of any year, ***unless a different date is specified by the Commissioner by regulation,*** the license is cancelled ~~[.]~~ ***as of December 31 of that year.*** The Commissioner may reinstate a cancelled license if the

licensee submits to the Commissioner ~~[:]~~ ~~*[through the Registry]*~~ ***on or before February 28 of the following year:***

(a) An application for renewal that complies with the requirements of this chapter;

(b) The fee required to renew the license pursuant to this section; ~~[and]~~

(c) ~~[A]~~ ***Except as otherwise provided in this section, a*** reinstatement fee of not more than $200 ~~[.]~~ ***; and***

(d) All information required to complete the reinstatement.

3. Except as otherwise provided in NRS 645E.160, a certificate of exemption issued pursuant to this chapter expires each year on December 31, unless it is renewed. To renew a certificate of exemption, a person must submit to the Commissioner ~~*[through the Registry]*~~ ***on or after November 1 and*** on or before December 31 of each year ~~[.]~~ ***, or on a date otherwise specified by the Commissioner by regulation:***

(a) An application for renewal that complies with the requirements of this chapter; and

(b) The fee required to renew the certificate of exemption.

4. If the person fails to submit any item required pursuant to subsection 3 to the Commissioner ~~*[through the Registry]*~~ ***on or after November 1 and*** on or before December 31 of any year, ***unless a different date is specified by the Commissioner by regulation,*** the certificate of exemption is cancelled. Except as otherwise provided in NRS 645E.160, the Commissioner may reinstate a cancelled certificate of exemption if the person submits to the Commissioner ~~[:]~~ ~~*[through the Registry]*~~ ***on or before February 28 of the following year:***

(a) An application for renewal that complies with the requirements of this chapter;

(b) The fee required to renew the certificate of exemption; and

(c) ~~[A]~~ ***Except as otherwise provided in this section, a*** reinstatement fee of not more than $100.

5. ~~[A]~~ ***Except as otherwise provided in this section, a*** person must pay the following fees to apply for, to be issued or to renew a license as a mortgage banker pursuant to this chapter:

(a) To file an original application for a license, not more than $1,500 for the principal office and not more than $40 for each branch office. The person must also pay such additional expenses incurred in the process of investigation as the Commissioner deems necessary.

(b) To be issued a license, not more than $1,000 for the principal office and not more than $60 for each branch office.

(c) To renew a license, not more than $500 for the principal office and not more than $100 for each branch office.

6. ~~[A]~~ ***Except as otherwise provided in this section, a*** person must pay the following fees to apply for or to renew a certificate of exemption pursuant to this chapter:

(a) To file an application for a certificate of exemption, not more than $200.

(b) To renew a certificate of exemption, not more than $100.

7. To be issued a duplicate copy of any license or certificate of exemption, a person must make a satisfactory showing of its loss and pay a fee of not more than $10.

8. Except as otherwise provided in this chapter, all fees received pursuant to this chapter ***are in addition to any fee required to be paid to the Registry and*** must be deposited in the Fund for Mortgage Lending created by NRS 645F.270.

9. The Commissioner may, by regulation, adjust any fee set forth in this section if the Commissioner determines that such an adjustment is necessary for the Commissioner to carry out his or her duties pursuant to this chapter. The amount of any adjustment in a fee pursuant to this subsection must not exceed the amount determined to be necessary for the Commissioner to carry out his or her duties pursuant to this chapter.

10. The Commissioner may require a licensee to submit an item or pay a fee required by this section directly to the Division or, if the licensee is required to register or voluntarily registers with the Registry, to the Division through the Registry.

Sec. 77. NRS 645E.290 is hereby amended to read as follows:

645E.290 1. Any person licensed as a mortgage banker under this chapter and who engages in activities as a ~~[residential mortgage]~~ loan originator or who supervises a mortgage agent who engages in activities as a ~~[residential mortgage]~~ loan originator, and any employee or independent contractor of a mortgage banker who engages in activities as a ~~[residential mortgage]~~ loan originator, must be licensed as a mortgage agent pursuant to the provisions of NRS 645B.400 to 645B.460, inclusive.

2. As used in this section ~~[, "residential mortgage loan originator" has the meaning ascribed to it in NRS 645B.01325.]~~ ***:***

(a) "Clerical or ministerial tasks" means communication with a person to obtain, and the receipt, collection and distribution of, information necessary for the processing or underwriting of a loan.

(b) "Loan originator" means a natural person who takes a loan application or offers or negotiates terms of a loan for compensation or other pecuniary gain. The term does not include:

(1) A person who performs clerical or ministerial tasks as an employee at the direction of and subject to the supervision and instruction of a person licensed or exempt from licensing under this chapter, unless the person who performs such clerical or ministerial tasks is an independent contractor; or

(2) A person solely involved in extensions of credit relating to timeshare plans, as that term is defined in 11 U.S.C. § 101(53D).

Sec. 78. NRS 645E.291 is hereby amended to read as follows:

645E.291 1. A mortgage banker shall exercise reasonable supervision over the activities of his or her mortgage agents and must also be licensed as a mortgage agent if required pursuant to NRS 645E.290. Such reasonable supervision must include, as appropriate:

(a) The establishment of written or oral policies and procedures for the mortgage agents;

(b) The establishment of a system to review, oversee and inspect the activities of the mortgage agents, including, without limitation:

(1) Transactions handled by the mortgage agents pursuant to this chapter;

(2) Communications between the mortgage agents and a party to such a transaction;

(3) Documents prepared by the mortgage agents that may have a material effect upon the rights or obligations of a party to such a transaction; and

(4) The handling by the mortgage agents of any fee, deposit or money paid to the mortgage banker or the mortgage agents or held in trust by the mortgage banker or the mortgage agents pursuant to this chapter; and

(c) The establishment of a system of reporting to the Division of any fraudulent activity engaged in by any of the mortgage agents.

2. The Commissioner shall allow a mortgage banker to take into consideration the total number of mortgage agents associated with or employed by the mortgage banker when the mortgage banker determines the form and extent of the policies and procedures for those mortgage agents and the system to review, oversee and inspect the activities of those mortgage agents.

3. The Commissioner may adopt regulations prescribing standards for determining whether a mortgage ~~[broker]~~ ***banker*** has exercised reasonable supervision over the activities of a mortgage agent pursuant to this section.

Sec. 79. NRS 645E.350 is hereby amended to read as follows:

645E.350 1. Each mortgage banker shall keep and maintain at all times at each location where the mortgage banker conducts business in this State complete and suitable records of all mortgage transactions made by the mortgage banker at that location. Each mortgage banker shall also keep and maintain at all times at each such location all original books, papers and data, or copies thereof, clearly reflecting the financial condition of the business of the mortgage banker.

2. Each mortgage banker shall submit to the Commissioner each month a report of the mortgage banker's activity for the previous month. The report must:

(a) Specify the volume of loans made by the mortgage banker for the month or state that no loans were made in that month;

(b) Include any information required pursuant to the regulations adopted by the Commissioner; and

(c) Be submitted to the Commissioner by the 15th day of the month following the month for which the report is made.

3. The Commissioner may adopt regulations prescribing accounting procedures for mortgage bankers handling trust accounts and the requirements for keeping records relating to such accounts.

4. A licensee who operates outside this State an office or other place of business which is licensed pursuant to this chapter shall:

(a) Make available at a location within this State the books, accounts, papers, records and files of the office or place of business located outside this State to the Commissioner or a representative of the Commissioner; or

(b) Pay the reasonable expenses for travel, meals and lodging of the Commissioner or a representative of the Commissioner incurred during any investigation or examination made at the office or place of business located outside this State.

➥ The licensee must be allowed to choose between paragraph (a) or (b) in complying with the provisions of this subsection.

5. Each mortgage banker who is required to register or voluntarily registers with the Registry shall submit to the Registry and the Commissioner a report of condition or any other report required by the Registry in the form and at the time required by the Registry.

Sec. 80. NRS 645E.360 is hereby amended to read as follows:

645E.360 1. Except as otherwise provided in this section, not later than ~~[~~120~~]~~ ***90*** days after the last day of each fiscal year for a mortgage banker, the mortgage banker shall submit to the Commissioner ~~*[through the Registry]*~~ a financial statement that:

(a) Is dated not earlier than the last day of the fiscal year; and

(b) Has been prepared from the books and records of the mortgage banker by an independent ***certified*** public accountant who holds a ~~[~~permit~~]~~ ***license*** to ~~[~~engage in the~~]~~ practice ~~[~~of public accounting~~]~~ in this State ***or in any other state*** that has not been revoked or suspended.

2. ~~[~~The~~]~~ ***Unless otherwise prohibited by the Registry, the*** Commissioner may grant a reasonable extension for the submission of a financial statement pursuant to this section if a mortgage banker requests such an extension before the date on which the financial statement is due.

3. If a mortgage banker maintains any accounts described in NRS 645E.430, the financial statement submitted pursuant to this section must be audited. ~~[~~The public accountant who prepares the report of an audit shall submit a copy of the report to the Commissioner at the same time that he or she submits the report to the mortgage banker.~~]~~

4. ***The Commissioner may require the financial statement to be submitted directly to the Commissioner or, if the mortgage banker that submits the financial statement is required to register or voluntarily registers with the Registry, to the Division through the Registry.***

5. The Commissioner shall adopt regulations prescribing the scope of an audit conducted pursuant to subsection 3.

Sec. 81. NRS 645E.375 is hereby amended to read as follows:

645E.375 1. Except as otherwise provided in this section and NRS 239.0115, a complaint filed with the Commissioner, all documents and other information filed with the complaint and all documents and other information compiled as a result of an investigation conducted to determine whether to initiate disciplinary action are confidential.

2. The complaint or other document filed by the Commissioner to initiate disciplinary action and all documents and information considered by the Commissioner when determining whether to impose discipline are public records.

3. The Commissioner may disclose any document or information made confidential under subsection 1 to the party against whom the complaint is made, a licensing board or agency, the Registry or any other governmental agency, including, without limitation, a law enforcement agency.

Sec. 82. NRS 645E.390 is hereby amended to read as follows:

645E.390 1. The Commissioner must be notified of a transfer of ~~[5]~~ ***10*** percent or more of the outstanding voting stock of a mortgage banker and must approve a transfer of voting stock of a mortgage banker which constitutes a change of control.

2. The person who acquires stock resulting in a change of control of the mortgage banker shall apply to the Commissioner for approval of the transfer. The application must contain information which shows that the requirements of this chapter ***and of the Registry, if applicable,*** for obtaining a license will be satisfied after the change of control. Except as otherwise provided in subsection 3, the Commissioner shall conduct an investigation to determine whether those requirements will be satisfied. If, after the investigation, the Commissioner denies the application, the Commissioner may forbid the applicant from participating in the business of the mortgage banker.

3. A mortgage banker may submit a written request to the Commissioner to waive an investigation pursuant to subsection 2. The Commissioner may grant a waiver if the applicant has undergone a similar investigation by a state or federal agency in connection with the licensing of or his or her employment with a financial institution.

4. As used in this section, "change of control" means:

(a) A transfer of voting stock which results in giving a person, directly or indirectly, the power to direct the management and policy of a mortgage banker; or

(b) A transfer of at least 25 percent of the outstanding voting stock of a mortgage banker.

Sec. 83. NRS 645E.420 is hereby amended to read as follows:

645E.420 1. Except as otherwise ***permitted by law and as otherwise*** provided in subsection 3, the amount of any advance fee, salary, deposit or money paid to any mortgage banker or other person to obtain a loan secured

by a lien on real property must be placed in escrow pending completion of the loan or a commitment for the loan.

2. The amount held in escrow pursuant to subsection 1 must be released:

(a) Upon completion of the loan or commitment for the loan, to the mortgage banker or other person to whom the advance fee, salary, deposit or money was paid.

(b) If the loan or commitment for the loan fails, to the person who made the payment.

3. Advance payments to cover reasonably estimated costs paid to third persons are excluded from the provisions of subsections 1 and 2 if the person making them first signs a written agreement which specifies the estimated costs by item and the estimated aggregate cost, and which recites that money advanced for costs will not be refunded. If an itemized service is not performed and the estimated cost thereof is not refunded, the recipient of the advance payment is subject to the penalties provided in NRS 645E.960.

Sec. 84. NRS 645E.670 is hereby amended to read as follows:

645E.670 1. For each violation committed by an applicant, whether or not the applicant is issued a license, the Commissioner may impose upon the applicant an administrative fine of not more than ~~[~~$10,000~~]~~ ***$25,000*** if the applicant:

(a) Has knowingly made or caused to be made to the Commissioner any false representation of material fact;

(b) Has suppressed or withheld from the Commissioner any information which the applicant possesses and which, if submitted by the applicant, would have rendered the applicant ineligible to be licensed pursuant to the provisions of this chapter; or

(c) Has violated any provision of this chapter, a regulation adopted pursuant to this chapter or an order of the Commissioner in completing and filing his or her application for a license or during the course of the investigation of his or her application for a license.

2. For each violation committed by a licensee, the Commissioner may impose upon the licensee an administrative fine of not more than ~~[~~$10,000,~~]~~ ***$25,000,*** may suspend, revoke or place conditions upon the license, or may do both, if the licensee, whether or not acting as such:

(a) Is insolvent;

(b) Is grossly negligent or incompetent in performing any act for which the licensee is required to be licensed pursuant to the provisions of this chapter;

(c) Does not conduct his or her business in accordance with law or has violated any provision of this chapter, a regulation adopted pursuant to this chapter or an order of the Commissioner;

(d) Is in such financial condition that the licensee cannot continue in business with safety to his or her customers;

(e) Has made a material misrepresentation in connection with any transaction governed by this chapter;

(f) Has suppressed or withheld from a client any material facts, data or other information relating to any transaction governed by the provisions of this chapter which the licensee knew or, by the exercise of reasonable diligence, should have known;

(g) Has knowingly made or caused to be made to the Commissioner any false representation of material fact or has suppressed or withheld from the Commissioner any information which the licensee possesses and which, if submitted by the licensee, would have rendered the licensee ineligible to be licensed pursuant to the provisions of this chapter;

(h) Has failed to account to persons interested for all money received for a trust account;

(i) Has refused to permit an examination by the Commissioner of his or her books and affairs or has refused or failed, within a reasonable time, to furnish any information or make any report that may be required by the Commissioner pursuant to the provisions of this chapter or a regulation adopted pursuant to this chapter;

(j) Has been convicted of, or entered ***or agreed to enter*** a plea of nolo contendere to, a felony ~~[relating to the practice of mortgage bankers or any crime involving fraud, misrepresentation or moral turpitude;]~~ ***in a domestic, foreign or military court within the 7 years immediately preceding the date of the application, or at any time if such felony involved an act of fraud, dishonesty or a breach of trust , moral turpitude or money laundering;***

(k) Has refused or failed to pay, within a reasonable time, any fees, assessments, costs or expenses that the licensee is required to pay pursuant to this chapter or a regulation adopted pursuant to this chapter;

(l) Has failed to pay a tax as required pursuant to the provisions of chapter 363A of NRS;

(m) Has failed to satisfy a claim made by a client which has been reduced to judgment;

(n) Has failed to account for or to remit any money of a client within a reasonable time after a request for an accounting or remittal;

(o) Has violated NRS 645C.557;

(p) Has commingled the money or other property of a client with his or her own or has converted the money or property of others to his or her own use; or

(q) Has engaged in any other conduct constituting a deceitful, fraudulent or dishonest business practice.

3. An order that imposes discipline and the findings of fact and conclusions of law supporting that order are public records.

Sec. 85. NRS 645E.690 is hereby amended to read as follows:

645E.690 1. If a person offers or provides any of the services of a mortgage banker or mortgage agent or otherwise engages in, carries on or holds himself or herself out as engaging in or carrying on the business of a mortgage banker or mortgage agent and, at the time:

(a) The person was required to have a license pursuant to this chapter and the person did not have such a license; or

(b) The person's license was suspended or revoked pursuant to this chapter,

➥ the Commissioner shall impose upon the person an administrative fine of not more than $50,000 for each violation and, if the person has a license, the Commissioner ~~[shall]~~ ***may suspend or*** revoke it.

2. If a mortgage banker violates subsection 1 of NRS 645E.350 and the mortgage banker fails, without reasonable cause, to remedy the violation within 20 business days after being ordered by the Commissioner to do so or within such later time as prescribed by the Commissioner, or if the Commissioner orders a mortgage banker to provide information, make a report or permit an examination of his or her books or affairs pursuant to this chapter and the mortgage banker fails, without reasonable cause, to comply with the order within 20 business days or within such later time as prescribed by the Commissioner, the Commissioner shall:

(a) Impose upon the mortgage banker an administrative fine of not more than ~~[$10,000]~~ ***$25,000*** for each violation;

(b) Suspend or revoke the license of the mortgage banker; and

(c) Conduct a hearing to determine whether the mortgage banker is conducting business in an unsafe and injurious manner that may result in danger to the public and whether it is necessary for the Commissioner to take possession of the property of the mortgage banker pursuant to NRS 645E.630.

Sec. 86. NRS 645E.955 is hereby amended to read as follows:

645E.955 1. ~~[The holder of]~~ ***A person who engages in an activity for which*** a license as a mortgage banker ~~[may be]~~ ***is*** required ***pursuant to this chapter, without regard to whether such a person is licensed pursuant to this chapter, may be required*** by the Commissioner to pay restitution to any person who has suffered an economic loss as a result of a violation of the provisions of this chapter or any regulation adopted pursuant thereto.

2. Notwithstanding the provision of paragraph (m) of subsection 1 of NRS 622A.120, payment of restitution pursuant to subsection 1 shall be done in a manner consistent with the provisions of chapter 622A of NRS.

Sec. 87. Chapter 645F of NRS is hereby amended by adding thereto the provisions set forth as sections 88, 89 and 90 of this act.

Sec. 88. ***"Residence" means a structure that contains not more than four individual units designed or intended for occupancy regardless of whether such a structure is attached to real property. The term includes an individual condominium unit, cooperative unit, mobile home or trailer used for occupancy.***

Sec. 89. **(Deleted by amendment.)**

Sec. 90. ***1. Any person authorized to engage in activities as a residential mortgage loan originator on behalf of an installment loan***

lender licensed under chapter 675 of NRS shall obtain and maintain a license as a mortgage agent.

2. As used in this section:

(a) "Mortgage agent" has the meaning ascribed to in NRS 645B.0125; and

(b) "Residential mortgage loan originator" has the meaning ascribed to it in NRS 645B.01325.

Sec. 91. NRS 645F.280 is hereby amended to read as follows:

645F.280 1. The Commissioner shall establish by regulation rates to be paid by ~~[escrow agencies, mortgage agents, mortgage brokers, mortgage bankers, persons who perform any covered service for compensation, foreclosure consultants and loan modification consultants]~~ ***all persons licensed by the Commissioner or the Division*** for supervision and examinations by the Commissioner or the Division.

2. In establishing a rate pursuant to subsection 1, the Commissioner shall consider:

(a) The complexity of the various examinations to which the rate applies;

(b) The skill required to conduct the examinations;

(c) The expenses associated with conducting the examination and preparing a report; and

(d) Any other factors the Commissioner deems relevant.

Sec. 92. NRS 645F.290 is hereby amended to read as follows:

645F.290 1. The Commissioner shall collect an assessment pursuant to this section from each ~~[:~~

~~(a) Escrow agency that is supervised pursuant to chapter 645A of NRS;~~

~~(b) Mortgage broker that is supervised pursuant to chapter 645B of NRS;~~

~~(c) Mortgage agent that is supervised pursuant to chapter 645B or 645E of NRS;~~

~~(d) Mortgage banker that is supervised pursuant to chapter 645E of NRS; and~~

~~(e) Person who performs any covered service for compensation, each foreclosure consultant and each loan modification consultant that is supervised pursuant to this chapter.]~~ ***person licensed by the Commissioner or the Division.***

2. The Commissioner shall determine the total amount of all assessments to be collected from the ~~[entities]~~ ***persons*** identified in subsection 1, but that amount must not exceed the amount necessary to recover the cost of legal services provided by the Attorney General to the Commissioner and to the Division. The total amount of all assessments collected must be reduced by any amounts collected by the Commissioner from ~~[an entity]~~ ***a person*** for the recovery of the costs of legal services provided by the Attorney General in a specific case.

3. The Commissioner shall collect from each ~~[entity]~~ ***person*** identified in subsection 1 an assessment that is based on:

(a) An equal basis; or

(b) Any other reasonable basis adopted by the Commissioner.

4. The assessment required by this section is in addition to any other assessment, fee or cost required by law to be paid by ~~[an entity]~~ ***a person*** identified in subsection 1.

5. Money collected by the Commissioner pursuant to this section must be deposited in the Fund for Mortgage Lending created by NRS 645F.270.

Sec. 93. NRS 645F.291 is hereby amended to read as follows:

645F.291 1. In the conduct of any examination, periodic or special audit, investigation or hearing, the Commissioner may:

(a) Compel the attendance of any person by subpoena.

(b) ***Compel the production of any books, records or papers by subpoena.***

(c) Administer oaths.

~~[(c)]~~ ***(d)*** Examine any person under oath concerning the business and conduct of affairs of any person subject to the provisions of this chapter and in connection therewith require the production of any books, records or papers relevant to the inquiry.

2. Any person subpoenaed under the provisions of this section who willfully refuses or willfully neglects to appear at the time and place named in the subpoena or to produce books, records or papers required by the Commissioner, or who refuses to be sworn or answer as a witness, is guilty of a misdemeanor.

3. In addition to the authority to recover attorney's fees and costs pursuant to any other statute, the Commissioner may assess against and collect from a person all costs, including, without limitation, reasonable attorney's fees, that are attributable to any examination, periodic or special audit, investigation or hearing that is conducted to examine or investigate the conduct, activities or business of the person pursuant to this chapter.

Sec. 94. NRS 645F.294 is hereby amended to read as follows:

645F.294 1. Except as otherwise provided in section 1512 of Public Law 110-289, ***12 U.S.C. § 5111,*** the requirements under any federal law or NRS 645B.060 and 645B.092 regarding the confidentiality of any information or material provided to the Registry, and any privilege arising under federal ***law or the*** laws of this State with respect to such information or material, continue to apply to such information or material after it has been disclosed to the Registry. Such information and material may be shared with federal and state regulatory officials with mortgage industry oversight without the loss of privilege or the loss of confidentiality protections provided by federal law or the provisions of NRS 645B.060 and 645B.092.

2. Information or material that is subject to a privilege or confidentiality under subsection 1 is not subject to:

(a) Disclosure under any federal or state law governing the disclosure to the public of information held by an officer or agency of the Federal Government or the State of Nevada; and

(b) Subpoena or discovery, or admission into evidence, in any private civil action or administrative process, unless with respect to any privilege held by

the Registry with respect to such information or material, the person to whom such information or material waives, in whole or in part, that privilege.

3. This section does not apply to information or material relating to:

(a) The employment history of; and

(b) Publicly adjudicated disciplinary and enforcement actions against,

➥ residential mortgage loan originators included in the Registry for access by the public.

Sec. 95. NRS 645F.300 is hereby amended to read as follows:

645F.300 As used in NRS 645F.300 to 645F.450, inclusive, ***and section 88 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 645F.310 to 645F.370, inclusive, ***and section 88 of this act*** have the meanings ascribed to them in those sections.

Sec. 96. NRS 645F.310 is hereby amended to read as follows:

645F.310 "Covered service" includes, without limitation:

1. Financial counseling ~~[.]~~ ***to a homeowner,*** including, without limitation, debt counseling and budget counseling.

2. Receiving money for the purpose of distributing it to creditors in payment or partial payment of any obligation secured by a mortgage or other lien on a residence in foreclosure.

3. Contacting a creditor on behalf of a homeowner.

4. Arranging or attempting to arrange for an extension of the period within which a homeowner may cure a default and reinstate an obligation pursuant to a note, mortgage or deed of trust.

5. Arranging or attempting to arrange for any delay or postponement of the time of a foreclosure sale ~~[.]~~ ***of a residence in foreclosure.***

6. Advising ***a homeowner regarding*** the filing of any document or assisting in any manner in the preparation of any document for filing with a bankruptcy court.

7. Giving any advice, explanation or instruction to a homeowner which in any manner relates to the cure of a default in or the reinstatement of an obligation secured by a mortgage or other lien on ~~[the]~~ ***a*** residence ***,*** ~~[in foreclosure,]~~ the full satisfaction of the obligation, or the postponement or avoidance of a foreclosure sale.

8. Arranging or conducting, or attempting to arrange or conduct, for a homeowner any forensic loan audit or review or other audit or review of loan documents.

9. Arranging or attempting to arrange for a homeowner the purchase by a third party of the homeowner's mortgage loan.

10. Arranging or attempting to arrange for a homeowner a reduction of the principal of the homeowner's mortgage loan when such a mortgage loan is held by ~~[and]~~ or serviced by a third party.

11. Providing the services of a loan modification consultant.

12. Providing the services of a foreclosure consultant.

Sec. 97. NRS 645F.370 is hereby amended to read as follows:

645F.370 "Residence in foreclosure" means ~~[residential real property consisting of not more than four family dwelling units, one of]~~ ***a residence*** which the homeowner occupies as his or her principal place of residence, and against which there is an outstanding notice of the pendency of an action for foreclosure recorded pursuant to NRS 14.010 or notice of default and election to sell recorded pursuant to NRS 107.080.

Sec. 98. NRS 645F.380 is hereby amended to read as follows:

645F.380 The provisions of NRS 645F.300 to 645F.450, inclusive, ***and section 88 of this act*** do not apply to, and the terms "foreclosure consultant" and "foreclosure purchaser" do not include:

1. An attorney at law rendering services in the performance of his or her duties as an attorney at law ~~[,]~~ ***and his or her employees,*** unless the attorney at law ~~[is]~~ ***or his or her employees are*** rendering those services in the course and scope of his or her employment by or other affiliation with a ~~[mortgage broker or mortgage agent;]~~ ***person who is licensed or required to be licensed pursuant to NRS 645F.390;***

2. A provider of debt-management services registered pursuant to chapter 676A of NRS while providing debt-management services pursuant to chapter 676A of NRS;

3. A person or the authorized agent of a person acting under the provisions of a program sponsored by the Federal Government, this State or a local government, including, without limitation, the Department of Housing and Urban Development, the Federal Home Loan Mortgage Corporation, the Federal National Mortgage Association or the Federal Home Loan Bank ~~[,]~~ ***System;***

4. A person who holds or is owed an obligation secured by a mortgage or other lien on a residence in foreclosure if the person performs services in connection with this obligation or lien and the obligation or lien did not arise as the result of or as part of a proposed foreclosure reconveyance;

5. Any person doing business under the laws of this State or of the United States relating to banks, trust companies, savings and loan associations, industrial loan and thrift companies, regulated lenders, credit unions, insurance companies, or a mortgagee which is a United States Department of Housing and Urban Development approved mortgagee and any subsidiary or affiliate of those persons, and any agent or employee of those persons while engaged in the business of those persons;

6. A person, other than a person who is licensed pursuant to NRS 645F.390, who is licensed pursuant to chapter 692A or any chapter of title 54 of NRS while acting under the authority of the license;

7. A nonprofit agency or organization that offers credit counseling or advice to a homeowner of a residence in foreclosure or a person in default on a loan; or

8. A judgment creditor of the homeowner whose claim accrued before the recording of the notice of the pendency of an action for foreclosure

against the homeowner pursuant to NRS 14.010 or the recording of the notice of default and election to sell pursuant to NRS 107.080.

Sec. 99. NRS 645F.390 is hereby amended to read as follows:

645F.390 1. The Commissioner shall adopt ~~[~~separate~~]~~ regulations for the licensing of :

(a) A ~~*[a]*~~ person who performs any covered service ~~*[.]*~~ for compensation;

(b) A foreclosure consultant; and

(c) A loan modification consultant.

2. The regulations must prescribe, without limitation:

(a) The method and form of application for a license;

(b) The method and form of the issuance, denial or renewal of a license;

(c) The grounds and procedures for the revocation, suspension or nonrenewal of a license; ~~[~~and~~]~~

(d) The imposition of reasonable fees for application and licensure ~~[.]~~ ***; and***

(e) Any provisions necessary to comply with the provisions of the Secure and Fair Enforcement for Mortgage Licensing Act of 2008, Public Law 110-289, 12 U.S.C. §§ 5101 et seq., including registration with the Registry, and the Mortgage Assistance Relief Services Rule, 16 C.F.R. Part 322, as promulgated by the Federal ~~*[trade]*~~ ***Trade Commission.***

3. An application for a license pursuant to this section must include a complete set of the fingerprints of the applicant or, if the applicant is not a natural person, a complete set of the fingerprints of each person who will have an interest in the person who performs any covered service as a principal, partner, officer, director or trustee, and written permission authorizing the Division to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.

Sec. 100. NRS 645F.392 is hereby amended to read as follows:

645F.392 1. A person who performs any covered service for compensation ~~[~~, a foreclosure consultant and a loan modification consultant~~]~~ shall execute a written contract with a homeowner before providing any covered service.

2. The Commissioner shall adopt regulations describing the information that must be contained in a written contract for covered services.

Sec. 101. NRS 645F.394 is hereby amended to read as follows:

645F.394 ~~[~~1. All money paid to a person who performs any covered service for compensation, a foreclosure consultant or a loan modification consultant by a person in full or partial payment of covered services to be performed:

(a) Must be deposited in a separate checking account located in a federally insured depository financial institution or credit union in this State which must be designated a trust account;

~~(b) Must be kept separate from money belonging to the person who performs any covered service for compensation, the foreclosure consultant or the loan modification consultant; and~~

~~(c) Must not be withdrawn by the person who performs any covered service for compensation, foreclosure consultant or loan modification consultant until the completion of every covered service as agreed upon in the contract for covered services.~~

~~2. The person who performs any covered service for compensation, the foreclosure consultant or the loan modification consultant shall keep records of all money deposited in a trust account pursuant to subsection 1. The records must clearly indicate the date and from whom he or she received money, the date deposited, the dates of withdrawals, and other pertinent information concerning the transaction, and must show clearly for whose account the money is deposited and to whom the money belongs. The person who performs any covered service for compensation, the foreclosure consultant or the loan modification consultant shall balance each separate trust account at least monthly and provide to the Commissioner, on a form provided by the Commissioner, an annual accounting which shows an annual reconciliation of each separate trust account. All such records and money are subject to inspection and audit by the Commissioner and authorized representatives of the Commissioner.~~

~~3. Each person who performs any covered service for compensation, each foreclosure consultant and each loan modification consultant shall notify the Commissioner of the names of the banks and credit unions in which he or she maintains trust accounts and specify the names of the accounts on forms provided by the Commissioner.~~

~~4. As used in this section, "completion of every covered service" means:~~

~~(a) Successful results with respect to what the performance of each covered service was intended to yield for the homeowner, as described in the contract for covered services; or~~

~~(b) If the performance of one or more covered service has an unsuccessful result with respect to what the performance of that covered service was intended to yield for the homeowner, a showing that every reasonable effort was made, under the particular circumstances, to obtain successful results,~~

~~➥ as verified in a written statement provided to the homeowner.~~**]** ***A person licensed or required to be licensed pursuant to NRS 645F.390 may not request or receive payment of any fee or other compensation from a homeowner until such a person has fully complied with the provisions of the Mortgage Assistance Relief Services Rule, 16 C.F.R. Part 322, and any other applicable federal law or regulation.***

Sec. 102. NRS 645F.400 is hereby amended to read as follows:

645F.400 1. A person who performs any covered service **[**~~, a foreclosure consultant and a loan modification consultant~~**]** shall not:

(a) Claim, demand, charge, collect or receive any compensation except in accordance with NRS 645F.394.

(b) Claim, demand, charge, collect or receive any fee, interest or other compensation for any reason which is not fully disclosed to the homeowner.

(c) Take ***or acquire, directly or indirectly,*** any wage assignment, lien on real or personal property, assignment of a homeowner's equity ~~[or other]~~ ***,*** ***any*** interest in a residence ~~[in foreclosure]~~ or other security for the payment of compensation. Any such ***assignment or*** security is void and unenforceable.

(d) Receive any consideration from any third party in connection with a covered service provided to a homeowner unless the consideration is first fully disclosed to the homeowner.

(e) ~~[Acquire, directly or indirectly, any interest in the residence in foreclosure of a homeowner with whom the foreclosure consultant has contracted to perform a covered service.~~

~~(f)]~~ Accept a power of attorney from a homeowner for any purpose, other than to inspect documents as provided by law.

2. In addition to any other penalty, a violation of any provision of this section shall be deemed to constitute mortgage lending fraud for the purposes of NRS 205.372.

Sec. 103. NRS 645F.410 is hereby amended to read as follows:

645F.410 1. In addition to any other remedy or penalty, the Commissioner may, after giving notice and opportunity to be heard, impose an administrative penalty of not more than ~~[$10,000 on a foreclosure consultant]~~ ***$25,000 on any person licensed or required to be licensed pursuant to NRS 645F.390*** who violates any provision of ~~[NRS 645F.400.]~~ ***this chapter or any regulation adopted pursuant thereto*** ~~[.]~~ ***or any other applicable law.***

2. Except as otherwise provided in this section, all money collected from administrative penalties imposed pursuant to this section must be deposited in the State General Fund.

3. The money collected from an administrative penalty may be deposited with the State Treasurer for credit to the Fund for Mortgage Lending created by NRS 645F.270 if:

(a) The person pays the administrative penalty without exercising the right to a hearing to contest the penalty; or

(b) The administrative penalty is imposed in a hearing conducted by a hearing officer or panel appointed by the Commissioner.

4. The Commissioner may appoint one or more hearing officers or panels and may delegate to those hearing officers or panels the power of the Commissioner to conduct hearings, determine violations and impose the penalties authorized by this section.

5. If money collected from an administrative penalty is deposited in the State General Fund, the Commissioner may present a claim to the State Board of Examiners for recommendation to the Interim Finance Committee if money is needed to pay attorney's fees or the costs of an investigation, or both.

Sec. 104. NRS 645F.420 is hereby amended to read as follows:

645F.420 1. A homeowner who is injured as a result of a ~~[foreclosure consultant's]~~ ***person's*** violation of a provision of NRS 645F.400 may bring an action against the ~~[foreclosure consultant]~~ ***person*** to recover damages caused by the violation, together with reasonable attorney's fees and costs.

2. If the homeowner prevails in the action, the court may award such punitive damages as may be determined by a jury, or by a court sitting without a jury, but in no case may the punitive damages be less than one and one-half times the amount awarded to the homeowner as actual damages.

Sec. 105. NRS 658.210 is hereby amended to read as follows:

658.210 1. ~~[Any]~~ ***Except as otherwise provided in section 90 of this act, any*** person authorized to engage in activities as a residential mortgage loan originator on behalf of a privately insured institution or organization licensed under title 55 or 56 of NRS shall obtain and maintain a license as a mortgage agent.

2. As used in subsection 1:

(a) "Mortgage agent" has the meaning ascribed to in NRS 645B.0125; and

(b) "Residential mortgage loan originator" has the meaning ascribed to it in NRS 645B.01325.

Sec. 106. NRS 645B.044 is hereby repealed.

Sec. 106.5. **1. The Commissioner shall issue a provisional license as an escrow agency or an escrow agent, as applicable, to a person if, on or before October 1, 2011, the person submits to the Commissioner:**

(a) For a provisional license as an escrow agency, proof satisfactory to the Commissioner that the person is a construction control and that the majority of the business conducted by the person is business in which the person serves as a construction control;

(b) For a provisional license as an escrow agent, proof satisfactory to the Commissioner that the person is a natural person who engages in activity related to the business of a construction control on behalf of a construction control who holds a provisional license as an escrow agency or holds a license as an escrow agency;

(c) A complete application for a license as an escrow agency or an escrow agent, as applicable, which complies with the requirements of chapter 645A of NRS, as amended by this act, and all regulations adopted pursuant thereto, accompanied by all other documentation and materials required of an applicant for a license as an escrow agency or an escrow agent, as applicable, by the provisions of chapter 645A of NRS, as amended by this act, and all regulations adopted pursuant thereto, except for regulations adopted pursuant to NRS 645A.021;

(d) For a provisional license as an escrow agency, a bond which complies with the requirements of NRS 645A.041, as amended by section 6 of this act, or a substitute for that bond which complies with the requirements of NRS 645A.042; and

(e) A statement satisfactory to the Commissioner, signed by the person, that the person understands the provisions of this section including, without limitation, the provisions governing the expiration of a provisional license.

2. Upon receipt of documentation and materials from a person pursuant to subsection 1, the Commissioner shall:

(a) Determine whether the person has submitted all documentation and materials required by subsection 1 for a provisional license as an escrow agency or an escrow agent;

(b) If the person has submitted all documentation and materials required by subsection 1 for a provisional license as an escrow agency, issue to the person a provisional license as an escrow agency;

(c) If the person has submitted all documentation and materials required by subsection 1 for a provisional license as an escrow agent, issue to the person a provisional license as an escrow agent; and

(d) Without regard to whether the Commissioner issues a provisional license as an escrow agency or an escrow agent to the person pursuant to paragraph (b) or (c), if the person has submitted all documentation and materials required by paragraph (c) of subsection 1 to apply for a license as an escrow agency or an escrow agent, process the materials as an application for a license as an escrow agency or an escrow agent, as applicable, in accordance with the provisions of chapter 645A of NRS, as amended by this act, and all regulations adopted pursuant thereto. Notwithstanding any provisions of this paragraph to the contrary, if the Commissioner issues a provisional license as an escrow agency or an escrow agent to the person pursuant to paragraph (b) or (c), the Commissioner may cease any processing of the person's application for a license as an escrow agency or an escrow agent, as applicable, upon expiration of the provisional license pursuant to the provisions of this section.

3. Except as otherwise provided in this section, a provisional license as an escrow agency or an escrow agent shall be deemed to be a license as an escrow agency or an escrow agent, as applicable.

4. A provisional license expires automatically:

(a) Notwithstanding the provisions of subsection 7, upon receipt by the person of written notice from the Commissioner that the Commissioner has denied, for any reason, the person's application for a license as an escrow agency or an escrow agent, as applicable;

(b) Upon the issuance to the person by the Commissioner of a license as an escrow agency or an escrow agent, as applicable;

(c) Ninety days after the date of issuance of the provisional license if the holder of the provisional license:

(1) Is a natural person who is required by NRS 645A.021 and any regulations adopted pursuant thereto to complete educational

rerequisites to obtain a license as an escrow agency or an escrow agent, as applicable;

(2) Has not completed the educational prerequisites specified in subparagraph (1) as required for an applicant for a license as an escrow agency or an escrow agent, as applicable; and

(3) Has not requested, or the Commissioner has denied a request by the holder for, an extension of the time for completion of the educational prerequisites specified in this paragraph; or

(d) On December 31, 2011, if the holder of the provisional license has not requested, or the Commissioner has denied a request by the holder for, an extension of the expiration date set forth in this paragraph.

5. A request for an extension pursuant to subparagraph (3) of paragraph (c) of subsection 4 or paragraph (d) of subsection 4 must set forth reasons which would support a finding by the Commissioner of good cause to grant the extension. The Commissioner may grant such a request for an extension only upon a finding by the Commissioner that good cause exists to grant such an extension.

6. The Commissioner shall not issue a provisional license to a person who submits the documentation and materials required by subsection 1 for a provisional license after October 1, 2011.

7. A provisional license issued by the Commissioner before July 1, 2011:

(a) Is effective on July 1, 2011; and

(b) Shall be deemed to have been issued on July 1, 2011.

8. As used in this section:

(a) "Commissioner" has the meaning ascribed to it in NRS 645A.010.

(b) "Construction control" has the meaning ascribed to it in NRS 627.050.

(c) "License" means a license as an escrow agency or an escrow agent, as applicable, issued pursuant to the provisions of chapter 645A of NRS, as amended by this act, and all regulations adopted pursuant thereto.

(d) "Provisional license" means a provisional license as an escrow agency or an escrow agent, as applicable, issued pursuant to the provisions of this section.

Sec. 107. ~~[1. This section and section 101 of this act become effective upon passage and approval.~~

~~2. Sections 87, 88, 91 to 100, inclusive, 102, 103 and 104 of this act become~~] **This act becomes** effective:

~~[(a)~~] **1.** Upon passage and approval for the purpose of adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

~~[(b)~~] **2.** On July 1, 2011, for all other purposes.

~~[3. Sections 1 to 86, inclusive, 89, 90, 105 and 106 of this act become effective:~~

~~(a) Upon passage and approval for the purpose of adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and~~

~~(b) On October 1, 2011, for all other purposes.~~]

TEXT OF REPEALED SECTION

645B.044 Mortgage broker may deposit substitute form of security in lieu of security bond; amount deposited must equal amount of bond; interest or dividends accrue to depositor.

1. As a substitute for the surety bond required by NRS 645B.042, a mortgage broker may, in accordance with the provisions of this section, deposit with any bank or trust company authorized to do business in this State, in a form approved by the Commissioner:

(a) An obligation of a bank, savings and loan association, thrift company or credit union licensed to do business in this State;

(b) Bills, bonds, notes, debentures or other obligations of the United States or any agency or instrumentality thereof, or guaranteed by the United States; or

(c) Any obligation of this State or any city, county, town, township, school district or other instrumentality of this State, or guaranteed by this State.

2. The obligations of a bank, savings and loan association, thrift company or credit union must be held to secure the same obligation as would the surety bond. With the approval of the Commissioner, the depositor may substitute other suitable obligations for those deposited which must be assigned to the State of Nevada and are negotiable only upon approval by the Commissioner.

3. Any interest or dividends earned on the deposit accrue to the account of the depositor.

4. The deposit must be in an amount at least equal to the required surety bond and must state that the amount may not be withdrawn except by direct and sole order of the Commissioner. The value of any item deposited pursuant to this section must be based upon principal amount or market value, whichever is lower.

Assemblyman Atkinson moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 93.

Bill read third time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 371.

JOINT SPONSORS: SENATORS HORSFORD AND PARKS

SUMMARY—Provides for the establishment of ~~[intermediate sanction facilities]~~ **a pilot diversion program** within the Department of Corrections

to provide treatment for alcohol or drug abuse **or mental illness** to certain probation violators **.** ~~[and offenders.]~~ (BDR S-509)

AN ACT relating to criminal offenders; requiring the Department of Corrections to establish ~~[intermediate sanction facilities]~~ **a pilot diversion program** for certain probation violators ~~[and offenders]~~ to receive treatment for alcohol or drug abuse ~~[;]~~ **or mental illness;** requiring the Department of Health and Human Services to provide such treatment; ~~[authorizing courts to set aside the conviction of an offender or return a probation violator to probation in lieu of imprisonment upon successful completion of treatment at an intermediate sanction facility;]~~ making an appropriation; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that a person who violates the conditions of his or her probation must be brought before the court to determine the actions to be taken, which may include causing the sentence imposed to be executed. (NRS 176A.630) Existing law also authorizes the establishment of programs of treatment for alcohol and drug abuse by the district courts for the treatment of certain offenders. (NRS 453.580) A person who elects to participate in such a treatment program may have his or her sentence set aside upon successful completion of the treatment program. (NRS 458.330) Section 1 of this bill requires the Department of Corrections to establish ~~[intermediate sanction facilities]~~ **a pilot diversion program** within the facilities maintained by the Department. The ~~[intermediate sanction facilities]~~ **pilot diversion program** must be used to provide intensive treatment to certain probation violators ~~[and offenders]~~ who are determined to be alcoholics or drug addicts **or in need of treatment for a mental illness** and are ordered to the custody of the Department to receive such treatment. The Department of Corrections is required to provide food and housing as well as ~~[necessary]~~ **emergency** medical ~~[and dental]~~ services, but is not responsible for providing treatment to the persons placed in the facilities, which instead is to be provided by the Department of Health and Human Services. **Section 1 also requires probationers to release in writing the Department of Corrections from liability as a condition of participation in the pilot diversion program.** Section 2 of this bill requires the Director of the Department of Health and Human Services to provide for the evaluation of probation violators ~~[and offenders]~~ referred to the Department **of Health and Human Services** by the court and authorizes the Director to enter into contracts with qualified persons or entities to provide such evaluations and treatment.

~~[Sections]~~ **Section** 3 ~~[and 4]~~ of this bill ~~[identify]~~ **identifies** the probation violators ~~[and offenders]~~ who are eligible to elect placement in ~~[an intermediate sanction facility. Section 5 of this bill provides that assignment to an intermediate sanction facility is a civil commitment, and not a criminal conviction. Section 5 further provides that placement in an intermediate sanction facility is not a right and is within the discretion of the district~~

~~court.]~~ **the pilot diversion program.** Section 6 of this bill provides that a person placed in ~~[an intermediate sanction facility]~~ **the pilot diversion program** is required to pay for the cost of his or her treatment and supervision to the extent of his or her financial resources and authorizes a court to require such a person to perform community service upon completion of treatment to contribute toward the cost of his or her treatment and supervision.

Section ~~[7]~~ **7.5** of this bill provides that ~~[the court will defer sentencing of a probation violator or offender who is placed in an intermediate sanction facility. Upon successful completion of the treatment, the court may set aside the conviction of an offender, or may require the offender to first complete a period of probation and then set aside the conviction. Upon successful completion of treatment by a probation violator, he or she will be returned to the custody of the Division of Parole and Probation of the Department of Public Safety]~~ **upon satisfaction of the terms and conditions imposed upon a probation violator for participation in the pilot diversion program, the court shall release the probationer from supervision and order the probationer** to complete any period of probation **.** ~~[without having the sentence executed.]~~ If a probation violator ~~[or an offender]~~ **violates the rules of the program or** does not **satisfy the terms and conditions of participation or** successfully complete treatment, the court may ~~[execute the sentence. If a person placed in an intermediate sanction facility is not benefiting from treatment, the Director of the Department of Health and Human Services may inform the court, which may then determine whether to terminate or continue the treatment.]~~ **revoke probation. Section 8** of this bill requires the Department of Corrections ~~[to collect data concerning the persons placed in intermediate sanction facilities and]~~ **, the Department of Health and Human Services and the Division of Parole and Probation of the Department of Public Safety** to **jointly** provide a report which ~~[aggregates the]~~ **provides certain** data ~~[to each regular session of the Legislature.]~~ **for the Interim Finance Committee. Section 10** of this bill makes an appropriation to the Department of Health and Human Services to pay for the evaluation and treatment of probation violators **.** ~~[and offenders.]~~ This bill is established as a pilot program, and **section 11** of this bill makes it expire by limitation on July 1, 2015.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. 1. The Department of Corrections shall establish ~~[intermediate sanction facilities]~~ **a pilot diversion program** within the correctional institutions or other facilities maintained by the Department. ~~[The intermediate sanction facilities must be used to provide intensive treatment for alcohol or drug abuse to certain probation violators and offenders who are ordered to the custody of the Department to receive such treatment pursuant to sections 3 and 4 of this act.]~~

2. The Department of Corrections shall ensure that ~~[intermediate sanction]~~ facilities **of adequate capacity for the pilot diversion program** are available in ~~[the northern and southern regions of]~~ **one or more suitable locations within** the ~~[State and have a total capacity of not less than 400 offenders, with not less than 250 offenders placed in facilities in the southern region of the]~~ State. **The Department shall not be required to provide housing for more than 50 probation violators at one time.**

3. The Department of Corrections shall provide a healthful diet and appropriate, secure and sanitary housing and necessary **emergency** medical ~~[and dental]~~ services for the probation violators ~~[and offenders]~~ who are placed in ~~[an intermediate sanction facility. The]~~ **the pilot division program, but the** Department is not responsible for providing treatment to the probation violators ~~[or offenders placed in an intermediate sanction facility.~~

~~4. Probation violators and offenders who are placed in an intermediate sanction facility must be kept separate from and have no direct contact with the general prison population.]~~ **remanded to the pilot diversion program pursuant to section 3 of this act.**

4. As a condition of participation in the program, a probationer must release in writing the Department from liability and agree to abide by the applicable rules and regulations of the Department.

Sec. 2. 1. ~~[The]~~ **To the extent practicable within the appropriation provided in section 10 of this act, the** Director of the Department of Health and Human Services shall provide for the evaluation of each probation violator ~~[and offender]~~ who is ordered to be evaluated by a court pursuant to section 5 of this act to determine if the probation violator ~~[or offender]~~ is an abuser of alcohol or drugs ~~[,]~~ **or in need of treatment for a mental illness,** and shall provide treatment to any such probation violator ~~[or offender]~~ who is ~~[placed in an intermediate sanction facility]~~ **remanded to the pilot diversion program** pursuant to section 5 of this act. The Director may ~~[enter]~~ **:**

(a) Enter into contracts with persons or private entities that are qualified to evaluate and provide such treatment to probation violators ~~[and offenders]~~ who are alcohol or drug abusers ~~[,]~~ **or in need of treatment for a mental illness; and**

(b) Accept donations, gifts or grants of money or services to supplement the appropriation in section 10 of this act.

2. When a person has completed treatment for the term for which the person was assigned to the ~~[intermediate sanction facility,]~~ **pilot diversion program,** the Director of the Department or a designee of the Director shall submit a report certifying to the court:

(a) Whether the person successfully completed the treatment;

(b) Whether the person is believed to be rehabilitated; and

(c) Any recommendations for actions to ensure that the person does not begin to abuse alcohol or drugs upon release.

3. The Director of the Department may adopt any regulations necessary to carry out the provisions of this section.

Sec. 3. **1.** A district court may ~~[allow]~~ **remand** a probationer who is returned to the district court for a violation of his or her probation to ~~[elect to be placed in the custody of an intermediate sanction facility]~~ **the pilot diversion program** established pursuant to section 1 of this act **for supervision. The court may allow the probationer who is remanded to the pilot diversion program to:**

(a) Leave the facilities of the Department of Corrections during the day for education, treatment or employment; or

(b) Reside outside the facilities of the Department.

2. The court may require the probationer to receive treatment for alcohol or drug abuse **or a mental illness** if the court has reason to believe that the probationer is an alcoholic or drug addict **or in need of treatment for a mental illness** and the court finds that the probationer:

~~[1. Committed only a technical violation of his or her probation;~~

~~2. Has not previously been placed in an intermediate sanction facility for a violation related to the same offense; and~~

~~3.]~~ **(a) Agrees to participate in the pilot diversion program;**

(b) Was not returned to the court for committing an act involving violence, the use of force, or the threat of violence or the use of force~~.]~~ **;**

(c) Meets the requirements for assignment to an institution or facility of minimum security as set forth in NRS 209.481; and

(d) Is not rejected for participation in the pilot diversion program by the Department of Corrections as posing a threat to the health, safety and welfare of:

(1) Other probationers remanded to the program;

(2) Employees of the Department of Corrections and its agents; or

(3) Employees of the Department of Health and Human Services and its agents.

Sec. 4. ~~[A district court may allow an offender who is found guilty of a crime involving the use of alcohol or drugs to elect to be placed in the custody of an intermediate sanction facility established pursuant to section 1 of this act to receive treatment for alcohol or drug abuse if:~~

~~1. The offender is eligible for, but is not able to participate in, a treatment program pursuant to NRS 453.580 because the court has not established such a treatment program, the treatment program cannot accommodate additional offenders or for any other reason; and~~

~~2. The court has reason to believe that the offender is an alcoholic or drug addict and the offender elects to be placed in such a facility to receive the treatment.]~~ **(Deleted by amendment.)**

Sec. 5. 1. ~~[If the]~~ **Before a** court ~~[determines that]~~ **remands** a probation violator ~~[or offender is eligible]~~ to ~~[elect placement in an intermediate sanction facility to receive treatment rather than serving a term of imprisonment,]~~ **the pilot diversion program,** the court ~~[shall]~~ **may** order

the examination of the probationer ~~[or offender]~~ by the Department of Health and Human Services or by a person or entity designated by the Director of the Department to determine whether the probationer ~~[or offender]~~ is an alcoholic or drug addict **or in need of treatment for a mental illness** and is likely to be rehabilitated through treatment.

2. ~~[Before ordering a probation violator or offender to the custody of an intermediate sanction facility, the court shall advise the probation violator or offender that:~~

~~(a) Sentencing will be postponed if the probation violator or offender elects to submit to treatment and that the court may impose any conditions upon the election of treatment that it otherwise would be authorized to impose as a condition of probation;~~

~~(b) The probation violator or offender may be required to complete a period of probation after his or her release from the intermediate sanction facility;~~

~~(c) During treatment, the probation violator or offender will be confined in the intermediate sanction facility and will not be allowed to leave the facility; and~~

~~(d) Upon successful completion of the treatment and any subsequent period of probation, the sentence of the probation violator will not be executed or the conviction of the offender will be set aside, as applicable.~~

~~3.]~~ If the court determines that the probation violator ~~[or offender is an alcoholic or a drug addict,]~~ **would benefit from and** is likely to be rehabilitated through treatment and ~~[is a good candidate for treatment,]~~ **the court remands the probationer to the pilot diversion program,** the court ~~[may:~~

~~(a) If the probation violator or offender elects to receive treatment, order the probation violator or offender to the custody of the Department of Corrections for placement in an intermediate sanction facility for a period not to exceed 6 months; and~~

~~(b) Defer sentencing until such time, if any, as sentencing is authorized pursuant to section 7 of this act.~~

~~4. If the court assigns the probation violator or offender to an intermediate sanction facility, the assignment must include]~~ **shall establish** the terms and conditions for successful completion of the treatment, ~~[and may provide for a period of probation upon release.~~

~~5. A probation violator or offender does not have a right to be assigned to an intermediate sanction facility pursuant to this section, or to remain in the custody of such a facility after such an assignment. It is not intended that the establishment or operation of an intermediate sanction facility creates any right or interest in liberty or property or establishes a basis for any cause of action against the State of Nevada, its political subdivisions, agencies, boards, commissions, departments, officers or employees. The decision by the court of whether to place a person in an intermediate sanction facility is not subject to appeal.~~

~~6. Assignment of a probation violator or offender to an intermediate sanction facility pursuant to this section after a determination of alcoholism or drug addiction is a civil commitment and shall not be deemed a criminal conviction.]~~ **in addition to the terms and conditions that the court establishes pursuant to section 3 of this act.**

Sec. 6. 1. A probation violator ~~[or offender]~~ who is placed in ~~[an intermediate sanction facility]~~ **the pilot diversion program for supervision and, if appropriate,** to receive treatment **for alcohol or drug abuse or a mental illness** shall pay the cost of his or her treatment and supervision to the extent of his or her financial resources.

2. A court shall not refuse to place a probation violator ~~[or offender]~~ in ~~[an intermediate sanction facility]~~ **the pilot diversion program** if the probation violator ~~[or offender]~~ does not have the financial resources to pay any or all of the related costs.

3. The court may order a probation violator ~~[or offender]~~ who is placed in ~~[an intermediate sanction facility]~~ **the pilot diversion program** to perform a specified amount of community service upon ~~[completion of the treatment]~~ **release from the program** to contribute toward the cost of his or her treatment and supervision. Any such community service must be performed for and under the supervising authority of a county, city, town or other political subdivision or agency of the State of Nevada or a charitable organization that renders service to the community or its residents.

4. The court may issue a judgment against a probation violator and in favor of the State for the costs of treatment and supervision which remain unpaid when the probationer is released from the pilot diversion program but in no event may the amount of the judgment include any amount of debt which was extinguished by the successful completion of community service pursuant to subsection 3.

Sec. 7. ~~[1. When a probation violator or offender is placed in an intermediate sanction facility, the court must defer sentencing for the violation or offense, and if the Department of Health and Human Services certifies to the court pursuant to section 2 of this act that the probation violator or offender has satisfactorily completed the treatment program, and the court approves the certification and determines that the conditions upon the election of treatment have been satisfied, the court must:~~

~~(a) For an offender, set aside the conviction, or place the offender into the custody of the Division of Parole and Probation of the Department of Public Safety to complete a period of probation. If an offender is required to complete an additional period of probation after completion of the treatment, upon the successful completion of probation, his or her conviction must be set aide.~~

~~(b) For a probation violator, return the probationer to the custody of the Division of Parole and Probation to complete any remaining or additional period of probation.~~

~~2. If, upon conclusion of the period of treatment in an intermediate sanction facility, the Department of Health and Human Services does not certify that the probation violator or offender has completed his or her treatment program satisfactorily, the court must sentence the probation violator or offender. Such a sentence may include causing the sentence for the underlying crime to be executed.~~

~~3. If, before the treatment period expires, the Director of the Department of Health and Human Services, or his or her designee, determines that the probation violator or offender is not likely to benefit from further treatment at the facility or is not likely to be rehabilitated, the Director or designee of the Director must so advise the court. The court shall then determine whether to allow the probation violator or offender to remain in the intermediate sanction facility to continue treatment or terminate the treatment and sentence the person.~~

~~4. Any time that a probation violator or offender is confined in an intermediate sanction facility must be deducted from any sentence that is imposed pursuant to this section.~~] **(Deleted by amendment.)**

Sec. 7.5. **1. When the court determines that a probation violator who was remanded to the pilot diversion program has satisfied the applicable terms and conditions established pursuant to sections 3 and 5 of this act, the court shall release the probationer from supervision and order the probationer to complete any remaining or additional period of probation as determined by the court.**

2. If the court determines that a probation violator who was remanded to the pilot diversion program is violating the rules of participation in the program, has not satisfied the terms or conditions of participation in the program or has not successfully completed the treatment for alcohol or drug abuse or a mental illness, the court may revoke probation.

Sec. 8. ~~[1. The Department of Corrections shall collect data concerning each person who is placed in an intermediate sanction facility. Such data must include, without limitation, the following information about the person:~~

~~(a) Race and ethnicity;~~

~~(b) Gender;~~

~~(c) The crime committed by the person and the sentence that may be imposed if the person does not successfully complete treatment;~~

~~(d) The violation committed while on probation, if applicable;~~

~~(e) The number of persons placed in an intermediate sanction facility who are incarcerated in an institution or facility of the Department within 2 years after completing treatment in an intermediate sanction facility; and~~

~~(f) The fiscal impact of the program, including any cost savings.~~

~~2.~~] The ~~[Director]~~ **Department of Corrections, the Department of Health and Human Services and the Division of Parole and Probation of the Department of Public Safety** shall **jointly** submit a report ~~[of aggregate~~

~~data collected pursuant to subsection 1~~] **at least twice annually** to the Director of the Legislative Counsel Bureau for [~~distribution to each regular session of the Legislature on or before January 15 of each odd-numbered year.~~] **transmittal to the Interim Finance Committee. The report must include:**

1. The number of probationers participating in the pilot diversion program;

2. The reasons the probationers entered the program;

3. The number of probationers who satisfied the terms and conditions of their participation in the program; and

4. The status of the probationers who are in the program at the time the report is prepared.

Sec. 9. [~~The Department of Corrections shall adopt any regulations necessary to carry out the provisions of this act.~~] **(Deleted by amendment.)**

Sec. 10. 1. There is hereby appropriated from the State General Fund to the Department of Health and Human Services for the evaluation of probation violators [~~and offenders~~] to determine whether they are alcoholics or drug addicts **or in need of treatment for mental illness** and to provide treatment to such probation violators [~~and offenders~~] who are [~~placed in an intermediate sanction facility~~] **remanded to the pilot diversion program** as required pursuant to section 5 of this act:

For the Fiscal Year 2011-2012 $250,000

For the Fiscal Year 2012-2013 $250,000

2. The sums appropriated by subsection 1 are available for either fiscal year. Any remaining balance of those sums must not be committed for expenditure after June 30, 2013, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 20, 2013, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 20, 2013.

Sec. 11. 1. This section and sections 1 to 9, inclusive, of this act:

(a) Become effective upon passage and approval for the purposes of adopting regulations, entering into contracts for the provision of services and taking any other preparatory actions to carry out the provisions of this act and on January 1, 2012, for all other purposes.

(b) Expire by limitation on July 1, 2015.

2. Section 10 of this act becomes effective on July 1, 2011.

Assemblyman Ohrenschall moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 100.

Bill read third time.

The following amendment was proposed by the Committee on Legislative Operations and Elections:

Amendment No. 49.

AN ACT relating to elections; enacting the Uniformed Military and Overseas Absentee Voters Act; repealing certain provisions governing the use of absent ballots by Armed Forces of the United States personnel and overseas citizens; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill enacts the Uniformed Military and Overseas Absentee Voters Act, which authorizes members of the Armed Forces of the United States and their spouses and dependents, and certain other electors of this State who reside outside the United States: (1) to request forms for voter registration, absent ballots and the form provided by the Federal Government for simultaneous registration and request of an absent ballot; and (2) to return voted ballots by approved electronic transmission. This bill repeals existing provisions of law governing the use and return of an absent ballot by a registered voter of this State who is a member of the Armed Forces, is an overseas citizen or resides outside the continental United States.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Title 24 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 2 to 29, inclusive, of this act.

Sec. 2. ***This chapter may be cited as the Uniformed Military and Overseas Absentee Voters Act.***

Sec. 3. ***As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 4 to 10, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 4. ***"Covered voter" means:***

1. A uniformed-service voter;

2. An overseas voter; or

3. A spouse or dependent of a uniformed-service voter.

Sec. 5. ***"Local elections official" means a city clerk, county clerk or registrar of voters, as applicable.***

Sec. 6. ***"Military-overseas ballot" means:***

1. A federal write-in absentee ballot described in section 103 of the Uniformed and Overseas Citizens Absentee Voting Act, 42 U.S.C. § 1973ff-2;

2. A ballot specifically prepared or distributed for use by a covered voter in accordance with this chapter; or

3. Any other ballot cast by a covered voter in accordance with ~~[sections 11 to 29, inclusive, of this act.]~~ this chapter.

Sec. 7. *"Overseas voter" means a United States citizen who is outside the United States and is eligible to be a covered voter pursuant to section 13 of this act.*

Sec. 8. *"Residency requirement" means the requirement contained in NRS 293.485 that a person must continuously reside in this State, the county and the precinct for the purposes of qualifying to register to vote in this State.*

Sec. 9. *"State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands or any territory or insular possession subject to the jurisdiction of the United States.*

Sec. 10. *"Uniformed-service voter" means an elector who is:*

1. A member of the active or reserve components of the Army, Navy, Air Force, Marine Corps or Coast Guard of the United States who is on active duty;

2. A member of the Merchant Marine, the Commissioned Corps of the Public Health Service or the Commissioned Corps of the National Oceanic and Atmospheric Administration of the United States;

3. A member of the National Guard or state militia unit who is on activated status; or

4. A spouse or dependent of a person described in subsection 1, 2 or 3.

Sec. 11. *The voting procedures set forth in this chapter apply to every primary election, general election* ~~*[,]*~~ *or special election* ~~*[, primary city election, general city election or special city election.]*~~ ***in which a candidate for federal office appears on the ballot.***

Sec. 12. *1. The Secretary of State shall make available to covered voters information regarding voter registration procedures for covered voters and procedures for casting military-overseas ballots.*

2. The Secretary of State shall establish a system of approved electronic transmission through which covered voters may apply for and receive documents and other information pursuant to this chapter.

3. The Secretary of State shall develop standardized absentee-voting materials, including, without limitation, privacy and transmission envelopes and their electronic equivalents, authentication materials and voting instructions, to be used with the military-overseas ballot of a covered voter authorized to vote in any jurisdiction in this State and, to the extent reasonably possible, shall do so in coordination with other states.

4. The Secretary of State shall prescribe the form and content of a declaration for use by a covered voter to swear or affirm specific representations pertaining to the covered voter's identity, eligibility to vote, status as a covered voter and timely and proper completion of a military-overseas ballot. The declaration must be based on the declaration prescribed to accompany a federal write-in absentee ballot under section 103 of the Uniformed and Overseas Citizens Absentee Voting Act, 42 U.S.C. § 1973ff-2, as modified to be consistent with this chapter. The Secretary of State shall ensure that a form for the execution of the

declaration, including an indication of the date of execution of the declaration, is a prominent part of all balloting materials for which the declaration is required.

Sec. 13. ***An overseas voter is eligible to be a covered voter if:***

1. Before leaving the United States, the overseas voter was eligible to vote in this State and, except for the residency requirement, otherwise satisfies this State's voter eligibility requirements;

2. Before leaving the United States, the overseas voter would have been eligible to vote in this State had the overseas voter then been of voting age and, except for the residency requirement, otherwise satisfies this State's voter eligibility requirements; or

3. Was born outside the United States and, except for the residency requirement, otherwise satisfies the voter eligibility requirements set forth in NRS 293.485, so long as:

(a) The last place where a parent or legal guardian of the overseas voter was, or under this chapter would have been, eligible to vote before leaving the United States is within this State; and

(b) The overseas voter is not registered to vote in any other state.

Sec. 14. ***In registering to vote, a covered voter shall use and must be assigned to the precinct of the address of the last place of residence of the covered voter in this State or, in the case of a dependent, the address of the last place of residence in this State of the parent or legal guardian of the covered voter. If the last place of residence in this State has not been assigned a street address, the address at which the covered voter resides for purposes of this section is a description of the location at which the voter actually resides. The description must identify the location with sufficient specificity to allow the county clerk to assign the location to a precinct.***

Sec. 15. ***1. In addition to any other method of registering to vote set forth in chapter 293 ~~[or 293C]~~ of NRS, a covered voter may use a federal postcard application, as prescribed under section 101(b)(2) of the Uniformed and Overseas Citizens Absentee Voting Act, 42 U.S.C. § 1973ff(b)(2), or the application's electronic equivalent, to apply to register to vote.***

2. A covered voter may use the declaration accompanying the federal write-in absentee ballot, as prescribed under section 103 of the Uniformed and Overseas Citizens Absentee Voting Act, 42 U.S.C. § 1973ff-2, to apply to register to vote simultaneously with the submission of the federal write-in absentee ballot, if the declaration is received by the ~~[later of the fifth]~~ seventh day before the election . ~~[or the last day for registration set forth in NRS 293.560 or 293C.527, as applicable.]~~ If the declaration is received after the ~~[later of the fifth]~~ seventh day before the election , ~~[or the last day for registration set forth in NRS 293.560 or 293C.527, as applicable,]~~ it must be treated as an application to register to vote for subsequent elections.

3. The Secretary of State shall ensure that the system of approved electronic transmission described in subsection ~~[3]~~ 2 of section 12 of this act is capable of accepting both a federal postcard application and any other approved electronic registration application sent to the appropriate local elections official. The covered voter may use the system of approved electronic transmission or any other method set forth in chapter 293 ~~[or 293C]~~ of NRS to register to vote.

Sec. 16. *1. A covered voter who is registered to vote in this State may apply for a military-overseas ballot by submitting a federal postcard application, as prescribed under section 101(b)(2) of the Uniformed and Overseas Citizens Absentee Voting Act, 42 U.S.C. § 1973ff(b)(2), or the application's electronic equivalent, pursuant to this section.*

2. A covered voter who is not registered to vote in this State may use the federal postcard application or the application's electronic equivalent simultaneously to apply to register to vote pursuant to section 15 of this act and to apply for a military-overseas ballot.

3. The Secretary of State shall ensure that the system of approved electronic transmission described in subsection ~~[3]~~ 2 of section 12 of this act is capable of accepting the submission of both a federal postcard application and any other approved electronic military-overseas ballot application sent to the appropriate local elections official. The covered voter may use approved electronic transmission or any other method approved by the Secretary of State to apply for a military-overseas ballot.

4. A covered voter may use the declaration accompanying the federal write-in absentee ballot, as prescribed under section 103 of the Uniformed and Overseas Citizens Absentee Voting Act, 42 U.S.C. § 1973ff-2, as an application for a military-overseas ballot simultaneously with the submission of the federal write-in absentee ballot, if the declaration is received by the appropriate local elections official by the ~~[later of the fifth]~~ seventh day before the election . ~~[or the last day for registration set forth in NRS 293.560 or 293C.527, as applicable.]~~

5. To receive the benefits of this chapter, a covered voter must inform the appropriate local elections official that he or she is a covered voter. Methods of informing the appropriate local elections official that a person is a covered voter include, without limitation:

(a) The use of a federal postcard application or federal write-in absentee ballot;

(b) The use of an overseas address on an approved voting registration application or ballot application; and

(c) The inclusion on an application to register to vote or an application for a military-overseas ballot of other information sufficient to identify that the person is a covered voter.

6. This chapter does not prohibit a covered voter from applying for an absent ballot pursuant to the provisions of NRS 293.315 ~~[or 293C.312, as applicable,]~~ or voting in person.

Sec. 17. *An application for a military-overseas ballot is timely if received by the ~~[later of the fifth]~~ seventh day before the election . ~~[or the last day for registration set forth in NRS 293.560 or 293C.527, as applicable.]~~ An application for a military-overseas ballot for a primary election, whether or not timely, is effective as an application for a military-overseas ballot for the general election.*

Sec. 18. *1. For all covered elections for which this State has not received a waiver pursuant to section 579 of the Military and Overseas Voter Empowerment Act, 42 U.S.C. § 1973ff-1(g)(2), not later than 45 days before the election or, if the 45th day before the election is a weekend or holiday, not later than the business day preceding the 45th day, the local elections official in each jurisdiction charged with distributing military-overseas ballots and balloting materials shall transmit military-overseas ballots and balloting materials to all covered voters who by that date submit a valid application for military-overseas ballots.*

2. A covered voter who requests that a military-overseas ballot and balloting materials be sent to the covered voter by approved electronic transmission may choose to receive the military-overseas ballot and balloting materials by facsimile transmission or electronic mail delivery. The local elections official in each jurisdiction shall transmit the military-overseas ballot and balloting materials to the covered voter using the means of approved electronic transmission chosen by the covered voter.

3. If an application for a military-overseas ballot from a covered voter arrives after the jurisdiction begins transmitting ballots and balloting materials to other voters, the local elections official shall transmit the military-overseas ballot and balloting materials to the covered voter not later than 2 business days after the application arrives.

Sec. 19. *A military-overseas ballot must be received by the appropriate local elections official not later than the close of the polls . ~~[, or the covered voter must submit the military-overseas ballot for mailing, approved electronic transmission or other authorized means of delivery not later than 12:01 a.m. on the date of the election at the place where the covered voter completes the military-overseas ballot.]~~*

Sec. 20. ~~*[A]*~~ *1. Except as otherwise provided in subsection 2, a covered voter may use the federal write-in absentee ballot, in accordance with section 103 of the Uniformed and Overseas Citizens Absentee voting Act, 42 U.S.C.*
§ 1973ff-2, to vote for all offices and ballot measures in an election.

2. If the covered voter indicates on the federal write-in absentee ballot that he or she is residing overseas indefinitely, the covered voter may only use the federal write-in absentee ballot to vote for federal offices.

Sec. 21. ~~*[1. A valid military-overseas ballot cast in accordance with section 19 of this act must be counted if it is delivered by the end of business on the business day before the latest deadline for completing the canvass completed pursuant to NRS 293.387 or 293C.387, as applicable, to*~~

~~*the address that the appropriate state or local elections official has specified.*~~

~~*2. If, at the time of completing a military-overseas ballot and balloting materials, the covered voter has affirmed under penalty of perjury, pursuant to section 22 of this act, that the ballot was timely submitted, the military-overseas ballot may not be rejected on the basis that it has a late postmark, an unreadable postmark or no postmark.]*~~ **(Deleted by amendment.)**

Sec. 22. ***Each military-overseas ballot must include or be accompanied by a declaration signed by the covered voter declaring that a material misstatement of fact in completing the document may be grounds for a conviction of perjury under the laws of the United States or this State.***

Sec. 23. ***The Secretary of State, in coordination with local elections officials, shall establish and maintain an electronic free-access system*** ~~*[by]*~~ ***which uses the telephone, electronic mail or the Internet so that a covered voter may determine*** ~~*[by telephone, electronic mail or Internet]*~~ ***whether:***

1. The covered voter's federal postcard application or other registration or military-overseas ballot application has been received and accepted; and

2. The covered voter's military-overseas ballot has been received and the current status of the military-overseas ballot.

Sec. 24. ***1. The local elections official shall request an electronic-mail address from each covered voter who registers to vote. An electronic-mail address provided by a covered voter is confidential and is not a public book or record within the meaning of NRS 239.010. A local elections official may not release a covered voter's electronic-mail address to a third party. A local elections official may use the address only to communicate with the covered voter about the voting process, including transmitting military-overseas ballots and election materials if the covered voter has requested electronic transmission, and verifying the covered voter's mailing address and physical location, as needed. A request for an electronic-mail address under this*** ~~*[section]*~~ ***subsection must describe the purpose for which the electronic-mail address will be used and state that any other use or disclosure is prohibited.***

2. A covered voter who provides an electronic-mail address may request that his or her application for a military-overseas ballot be considered a standing request for electronic delivery of a ballot for all elections held through December 31 of the year following the calendar year of the date of the application or another shorter period the covered voter specifies. The local elections official shall provide a military-overseas ballot to a covered voter who makes a request for each election to which the request is applicable. A covered voter who is entitled to receive a military-overseas ballot for a primary election under this subsection is also entitled to receive a military-overseas ballot for the general election.

Sec. 25. ~~*[1. Not later than 100 days before a regularly scheduled election to which this chapter applies, and as soon as practicable in the case*~~

~~*of a special election, a local elections official in each jurisdiction charged with printing and distributing ballots and balloting material shall prepare an election notice for that jurisdiction, to be used in conjunction with the federal write-in absentee ballot described in section 20 of this act. The election notice must contain a list of all of the ballot measures and federal, state and local offices that, as of that date, the local elections official expects to be on the ballot on the date of the election. The notice also must contain specific instructions for how a covered voter is to indicate on the federal write-in absentee ballot the covered voter's choice for each office to be filled and for each ballot measure to be contested.*~~

~~*2. A covered voter may request a copy of an election notice. The local elections official charged with preparing the election notice shall send the notice to the covered voter by facsimile, electronic mail or regular mail, as the covered voter requests.*~~

~~*3. As soon as ballot styles are certified, and not later than the date that absent ballots are required to be prepared and ready for distribution pursuant to NRS 293.309 or 293C.305, as applicable, to voters who reside outside the State, the local elections official charged with preparing the election notice shall update the notice with the certified candidates for each office and ballot measure question and make the updated notice publicly available.*~~

~~*4.]*~~ ***A local elections official who establishes and maintains an Internet website shall make updated versions of his or her election notices regularly available on the website.***

Sec. 26. ~~*[1.]*~~ ***If a covered voter's mistake or omission in the completion of a document under this chapter does not prevent determining whether a covered voter is eligible to vote, the mistake or omission does not invalidate the document. Failure to satisfy a nonessential requirement, including, without limitation, using paper or envelopes of a specified size or weight, does not invalidate any document submitted under this chapter. In any write-in ballot authorized by this chapter*** ~~*,*~~ ~~*[or in any vote for a write-in candidate on a regular ballot,]*~~ ***if the intention of the covered voter is discernable under this State's uniform definition of what constitutes a vote, as required by the Help America Vote Act of 2002, 42 U.S.C. § 15481(a)(6), an abbreviation, misspelling or other minor variation in the form of the name of a candidate or a political party must be accepted as a valid vote.***

~~*[2. Notarization is not required for the execution of any document under this chapter. An authentication, other than the declaration specified in section 22 of this act or the declaration on the federal postcard application and federal write-in absentee ballot, is not required for execution of a document under this chapter. The declaration and any information in the declaration may be compared against information on file to ascertain the validity of the document.]*~~

Sec. 27. ***A court may issue an injunction or grant other equitable relief appropriate to ensure substantial compliance with, or enforce, this chapter on application by:***

1. A covered voter alleging a grievance under this chapter; or

2. The Secretary of State or a local elections official.

Sec. 28. ***In applying and construing this chapter, consideration must be given to the need to promote uniformity of the law with respect to its subject matter among states that have enacted the Uniformed and Overseas Citizens Absentee Voting Act, 42 U.S.C. § 1973ff et seq.***

Sec. 29. ***This chapter modifies, limits and supersedes the Electronic Signatures in Global and National Commerce Act, 15 U.S.C. § 7001 et seq., but does not modify, limit or supersede Section 101(c) of that Act, 15 U.S.C. § 7001(c), or authorize electronic delivery of any of the notices described in Section 103(b) of that Act, 15 U.S.C. § 7003(b).***

Sec. 30. NRS 293.250 is hereby amended to read as follows:

293.250 1. ~~[~~The~~]~~ ***Except as otherwise provided in sections ~~[11]~~ 2 to 29, inclusive, of this act, the*** Secretary of State shall, in a manner consistent with the election laws of this State, prescribe:

(a) The form of all ballots, absent ballots, diagrams, sample ballots, certificates, notices, declarations, applications to register to vote, lists, applications, registers, rosters, statements and abstracts required by the election laws of this State.

(b) The procedure to be followed when a computer is used to register voters and to keep records of registration.

2. ~~[~~The~~]~~ ***Except as otherwise provided in sections ~~[11]~~ 2 to 29, inclusive, of this act, the*** Secretary of State shall prescribe with respect to the matter to be printed on every kind of ballot:

(a) The placement and listing of all offices, candidates and measures upon which voting is statewide, which must be uniform throughout the State.

(b) The listing of all other candidates required to file with the Secretary of State, and the order of listing all offices, candidates and measures upon which voting is not statewide, from which each county or city clerk shall prepare appropriate ballot forms for use in any election in his or her county.

3. The Secretary of State shall place the condensation of each proposed constitutional amendment or statewide measure near the spaces or devices for indicating the voter's choice.

4. The fiscal note for, explanation of, arguments for and against, and rebuttals to such arguments of each proposed constitutional amendment or statewide measure must be included on all sample ballots.

5. The condensations and explanations for constitutional amendments and statewide measures proposed by initiative or referendum must be prepared by the Secretary of State, upon consultation with the Attorney General. The arguments and rebuttals for or against constitutional amendments and statewide measures proposed by initiative or referendum must be prepared in the manner set forth in NRS 293.252. The fiscal notes

for constitutional amendments and statewide measures proposed by initiative or referendum must be prepared by the Secretary of State, upon consultation with the Fiscal Analysis Division of the Legislative Counsel Bureau. The condensations, explanations, arguments, rebuttals and fiscal notes must be in easily understood language and of reasonable length, and whenever feasible must be completed by August 1 of the year in which the general election is to be held.

6. The names of candidates for township and legislative or special district offices must be printed only on the ballots furnished to voters of that township or district.

7. A county clerk:

(a) May divide paper ballots into two sheets in a manner which provides a clear understanding and grouping of all measures and candidates.

(b) Shall prescribe the color or colors of the ballots and voting receipts used in any election which the clerk is required to conduct.

Sec. 31. NRS 293.270 is hereby amended to read as follows:

293.270 1. Voting at any election regulated by this title must be on printed ballots or by any other system approved by the Secretary of State or specifically authorized by law.

2. Except as otherwise provided in **[**~~NRS 293.3155,~~**]** ***sections*** ~~***[11]***~~ ***2 to 29, inclusive, of this act,*** voting must be only upon candidates whose names appear upon the ballot prepared by the election officers, and no person may write in the name of an additional candidate for any office.

Sec. 32. NRS 293.310 is hereby amended to read as follows:

293.310 1. Except as otherwise provided in NRS 293.330 **[**~~,~~**]** ***and sections*** ~~***[11]***~~ ***2 to 29, inclusive, of this act,*** a registered voter who requests and receives an absent voter's ballot may vote only by absent ballot at the election for which the absent ballot was issued.

2. If a registered voter has requested an absent ballot and the ballot has been mailed or issued, the county clerk shall notify the precinct or district election board that the registered voter has requested an absent ballot.

Sec. 33. ~~**[**NRS 293.317 is hereby amended to read as follows:~~

~~293.317 [~~Absent~~]~~ ~~***Except as otherwise provided in sections 19 and 20 of this act, absent***~~** ballots ~~**[**~~, including special absent ballots,~~**]** received by the county or city clerk after the polls are closed on the day of election are invalid.~~**]** (Deleted by amendment.)**

Sec. 34. NRS 293.320 is hereby amended to read as follows:

293.320 ~~**[**1.~~**]** The county clerk shall determine before issuing an absent ballot that the person making application is a registered voter in the proper county.

~~**[**2. Armed Forces personnel and overseas citizens who are not registered to vote and are applying for absent ballots must complete:~~

~~(a) The application to register to vote required by NRS 293.517 for registration;~~

~~(b) The form provided by the Federal Government for registration and request of an absent ballot, pursuant to the provisions of the Uniformed and Overseas Citizens Absentee Voting Act, 42 U.S.C. §§ 1973ff et seq.; or~~

~~(c) A special absent ballot used only for purposes of registering the person to vote,~~

~~➥ before receiving an absent ballot.~~

~~3. If the county clerk rejects an application submitted pursuant to subsection 2, the county clerk shall inform the applicant of the reason for the rejection.~~**]**

Sec. 35. NRS 293.323 is hereby amended to read as follows:

293.323 1. Except as otherwise provided in subsection 2 and **[**~~NRS 293.3157,~~**]** ***sections*** ~~*[11]*~~ ***2 to 29, inclusive, of this act,*** if the request for an absent ballot is made by mail or facsimile machine, the county clerk shall, as soon as the official absent ballot for the precinct or district in which the applicant resides has been printed, send to the voter by first-class mail, or by any class of mail if the Official Election Mail logo or an equivalent logo or mark created by the United States Postal Service is properly placed on the official absent ballot:

(a) An absent ballot;

(b) A return envelope;

(c) An envelope or similar device into which the ballot is inserted to ensure its secrecy;

(d) An identification envelope, if applicable ***;*** **[**~~pursuant to NRS 293.3157;~~**]** and

(e) Instructions.

2. If the county clerk fails to send an absent ballot pursuant to subsection 1 to a voter who resides within the continental United States, the county clerk may use a facsimile machine to send an absent ballot and instructions to the voter. The voter may mail the absent ballot to the county clerk or submit the absent ballot by facsimile machine.

3. The return envelope sent pursuant to subsection 1 must include postage prepaid by first-class mail if the absent voter is within the boundaries of the United States, its territories or possessions or on a military base.

4. Nothing may be enclosed or sent with an absent ballot except as required by subsection 1 or 2 and **[**~~NRS 293.3157.~~**]** ***sections*** ~~*[11]*~~ ***2 to 29, inclusive, of this act.***

5. Before depositing a ballot in the mail or sending a ballot by facsimile machine, the county clerk shall record the date the ballot is issued, the name of the registered voter to whom it is issued, the registered voter's precinct or district, and political affiliation, if any, the number of the ballot and any remarks the county clerk finds appropriate.

6. The Secretary of State shall adopt regulations to carry out the provisions of subsection 2.

Sec. 36. NRS 293.330 is hereby amended to read as follows:

293.330 1. Except as otherwise provided in ~~[~~NRS 293.3157 and~~]~~ subsection 2 of NRS 293.323 ***and sections ~~[11]~~ 2 to 29, inclusive, of this act,*** and any regulations adopted pursuant thereto, when an absent voter receives an absent ballot, the absent voter must mark and fold it in accordance with the instructions, deposit it in the return envelope, seal the envelope, affix his or her signature on the back of the envelope in the space provided therefor and mail the return envelope.

2. Except as otherwise provided in subsection 3, if an absent voter who has requested a ballot by mail applies to vote the ballot in person at:

(a) The office of the county clerk, the absent voter must mark the ballot, seal it in the return envelope and affix his or her signature in the same manner as provided in subsection 1, and deliver the envelope to the clerk.

(b) A polling place, including, without limitation, a polling place for early voting, the absent voter must surrender the absent ballot and provide satisfactory identification before being issued a ballot to vote at the polling place. A person who receives a surrendered absent ballot shall mark it "Cancelled."

3. If an absent voter who has requested a ballot by mail applies to vote in person at the office of the county clerk or a polling place, including, without limitation, a polling place for early voting, and the voter does not have the absent ballot to deliver or surrender, the voter must be issued a ballot to vote if the voter:

(a) Provides satisfactory identification;

(b) Is a registered voter who is otherwise entitled to vote; and

(c) Signs an affirmation under penalty of perjury on a form prepared by the Secretary of State declaring that the voter has not voted during the election.

4. Except as otherwise provided in NRS 293.316, it is unlawful for any person to return an absent ballot other than the voter who requested the absent ballot or, at the request of the voter, a member of the voter's family. A person who returns an absent ballot and who is a member of the family of the voter who requested the absent ballot shall, under penalty of perjury, indicate on a form prescribed by the county clerk that the person is a member of the family of the voter who requested the absent ballot and that the voter requested that the person return the absent ballot. A person who violates the provisions of this subsection is guilty of a category E felony and shall be punished as provided in NRS 193.130.

Sec. 37. NRS 293.517 is hereby amended to read as follows:

293.517 1. Any elector residing within the county may register:

(a) Except as otherwise provided in NRS 293.560 and 293C.527, by appearing before the county clerk, a field registrar or a voter registration agency, completing the application to register to vote, giving true and satisfactory answers to all questions relevant to his or her identity and right to vote, and providing proof of residence and identity;

(b) By completing and mailing or personally delivering to the county clerk an application to register to vote pursuant to the provisions of NRS 293.5235;

(c) Pursuant to the provisions of NRS ~~[293.501 or]~~ 293.524 ~~[,]~~ ***or sections*** ~~*[11]*~~ ***2 to 29, inclusive, of this act;*** or

(d) At his or her residence with the assistance of a field registrar pursuant to NRS 293.5237.

➥ The county clerk shall require a person to submit official identification as proof of residence and identity, such as a driver's license or other official document, before registering the person. If the applicant registers to vote pursuant to this subsection and fails to provide proof of residence and identity, the applicant must provide proof of residence and identity before casting a ballot in person or by mail or after casting a provisional ballot pursuant to NRS 293.3081 or 293.3083. For the purposes of this subsection, a voter registration card issued pursuant to subsection 6 does not provide proof of the residence or identity of a person.

2. The application to register to vote must be signed and verified under penalty of perjury by the elector registering.

3. Each elector who is or has been married must be registered under his or her own given or first name, and not under the given or first name or initials of his or her spouse.

4. An elector who is registered and changes his or her name must complete a new application to register to vote. The elector may obtain a new application:

(a) At the office of the county clerk or field registrar;

(b) By submitting an application to register to vote pursuant to the provisions of NRS 293.5235;

(c) By submitting a written statement to the county clerk requesting the county clerk to mail an application to register to vote; or

(d) At any voter registration agency.

➥ If the elector fails to register under his or her new name, the elector may be challenged pursuant to the provisions of NRS 293.303 or 293C.292 and may be required to furnish proof of identity and subsequent change of name.

5. Except as otherwise provided in subsection 7, an elector who registers to vote pursuant to paragraph (a) of subsection 1 shall be deemed to be registered upon the completion of an application to register to vote.

6. After the county clerk determines that the application to register to vote of a person is complete and that ***, except as otherwise provided in section 13 of this act,*** the person is eligible to vote pursuant to NRS 293.485, the county clerk shall issue a voter registration card to the voter which contains:

(a) The name, address, political affiliation and precinct number of the voter;

(b) The date of issuance; and

(c) The signature of the county clerk.

7. If an elector submits an application to register to vote or an affidavit described in paragraph (c) of subsection 1 of NRS 293.507 that contains any handwritten additions, erasures or interlineations, the county clerk may object to the application to register to vote if the county clerk believes that because of such handwritten additions, erasures or interlineations, the application to register to vote of the elector is incomplete or that ***, except as otherwise provided in section 13 of this act,*** the elector is not eligible to vote pursuant to NRS 293.485. If the county clerk objects pursuant to this subsection, he or she shall immediately notify the elector and the district attorney of the county. Not later than 5 business days after the district attorney receives such notification, the district attorney shall advise the county clerk as to whether:

(a) The application to register to vote of the elector is complete and ***, except as otherwise provided in section 13 of this act,*** the elector is eligible to vote pursuant to NRS 293.485; and

(b) The county clerk should proceed to process the application to register to vote.

➥ If the District Attorney advises the county clerk to process the application to register to vote, the county clerk shall immediately issue a voter registration card to the applicant pursuant to subsection 6.

Sec. 38. NRS 293.5235 is hereby amended to read as follows:

293.5235 1. Except as otherwise provided in NRS 293.502 ~~[,]~~ ***and sections*** ~~*[111]*~~ ***2 to 29, inclusive, of this act,*** a person may register to vote by mailing an application to register to vote to the county clerk of the county in which the person resides. The county clerk shall, upon request, mail an application to register to vote to an applicant. The county clerk shall make the applications available at various public places in the county. An application to register to vote may be used to correct information in the registrar of voters' register.

2. An application to register to vote which is mailed to an applicant by the county clerk or made available to the public at various locations or voter registration agencies in the county may be returned to the county clerk by mail or in person. For the purposes of this section, an application which is personally delivered to the county clerk shall be deemed to have been returned by mail.

3. The applicant must complete the application, including, without limitation, checking the boxes described in paragraphs (b) and (c) of subsection 10 and signing the application.

4. The county clerk shall, upon receipt of an application, determine whether the application is complete.

5. If the county clerk determines that the application is complete, he or she shall, within 10 days after receiving the application, mail to the applicant:

(a) A notice that the applicant is registered to vote and a voter registration card as required by subsection 6 of NRS 293.517; or

(b) A notice that the registrar of voters' register has been corrected to reflect any changes indicated on the application.

6. Except as otherwise provided in subsection 5 of NRS 293.518, if the county clerk determines that the application is not complete, the county clerk shall, as soon as possible, mail a notice to the applicant that additional information is required to complete the application. If the applicant provides the information requested by the county clerk within 15 days after the county clerk mails the notice, the county clerk shall, within 10 days after receiving the information, mail to the applicant:

(a) A notice that the applicant is registered to vote and a voter registration card as required by subsection 6 of NRS 293.517; or

(b) A notice that the registrar of voters' register has been corrected to reflect any changes indicated on the application.

➥ If the applicant does not provide the additional information within the prescribed period, the application is void.

7. The applicant shall be deemed to be registered or to have corrected the information in the register on the date the application is postmarked or received by the county clerk, whichever is earlier.

8. If the applicant fails to check the box described in paragraph (b) of subsection 10, the application shall not be considered invalid and the county clerk shall provide a means for the applicant to correct the omission at the time the applicant appears to vote in person at the assigned polling place.

9. The Secretary of State shall prescribe the form for an application to register to vote by mail which must be used to register to vote by mail in this State.

10. The application to register to vote by mail must include:

(a) A notice in at least 10-point type which states:

> NOTICE: You are urged to return your application to register to vote to the County Clerk in person or by mail. If you choose to give your completed application to another person to return to the County Clerk on your behalf, and the person fails to deliver the application to the County Clerk, you will not be registered to vote. Please retain the duplicate copy or receipt from your application to register to vote.

(b) The question, "Are you a citizen of the United States?" and boxes for the applicant to check to indicate whether or not the applicant is a citizen of the United States.

(c) The question, "Will you be at least 18 years of age on or before election day?" and boxes for the applicant to check to indicate whether or not the applicant will be at least 18 years of age or older on election day.

(d) A statement instructing the applicant not to complete the application if the applicant checked "no" in response to the question set forth in paragraph (b) or (c).

(e) A statement informing the applicant that if the application is submitted by mail and the applicant is registering to vote for the first time, the applicant

must submit the information set forth in paragraph (a) of subsection 2 of NRS 293.2725 to avoid the requirements of subsection 1 of NRS 293.2725 upon voting for the first time.

11. Except as otherwise provided in subsection 5 of NRS 293.518, the county clerk shall not register a person to vote pursuant to this section unless that person has provided all of the information required by the application.

12. The county clerk shall mail, by postcard, the notices required pursuant to subsections 5 and 6. If the postcard is returned to the county clerk by the United States Postal Service because the address is fictitious or the person does not live at that address, the county clerk shall attempt to determine whether the person's current residence is other than that indicated on the application to register to vote in the manner set forth in NRS 293.530.

13. A person who, by mail, registers to vote pursuant to this section may be assisted in completing the application to register to vote by any other person. The application must include the mailing address and signature of the person who assisted the applicant. The failure to provide the information required by this subsection will not result in the application being deemed incomplete.

14. An application to register to vote must be made available to all persons, regardless of political party affiliation.

15. An application must not be altered or otherwise defaced after the applicant has completed and signed it. An application must be mailed or delivered in person to the office of the county clerk within 10 days after it is completed.

16. A person who willfully violates any of the provisions of subsection 13, 14 or 15 is guilty of a category E felony and shall be punished as provided in NRS 193.130.

17. The Secretary of State shall adopt regulations to carry out the provisions of this section.

Sec. 39. NRS 293.560 is hereby amended to read as follows:

293.560 1. Except as otherwise provided in NRS 293.502 ~~[,]~~ ***and sections 15 and 16 of this act,*** registration must close at 9 p.m. on the third Tuesday preceding any primary or general election and at 9 p.m. on the third Saturday preceding any recall or special election, except that if a recall or special election is held on the same day as a primary or general election, registration must close at 9 p.m. on the third Tuesday preceding the day of the elections.

2. The office of the county clerk must be open from 9 a.m. to 5 p.m. and from 7 p.m. to 9 p.m., including Saturdays, during the last days before the close of registration, according to the following schedule:

(a) In a county whose population is less than 100,000, the office of the county clerk must be open during the last day before registration closes.

(b) In all other counties, the office of the county clerk must be open during the last 5 days before registration closes.

3. Except for a special election held pursuant to chapter 306 or 350 of NRS:

(a) The county clerk of each county shall cause a notice signed by him or her to be published in a newspaper having a general circulation in the county indicating:

(1) The day that registration will be closed; and

(2) If the county clerk has designated a county facility pursuant to NRS 293.5035, the location of that facility.

➥ If no such newspaper is published in the county, the publication may be made in a newspaper of general circulation published in the nearest county in this State.

(b) The notice must be published once each week for 4 consecutive weeks next preceding the close of registration for any election.

4. The offices of the county clerk, a county facility designated pursuant to NRS 293.5035 and other ex officio registrars may remain open on the last Friday in October in each even-numbered year.

5. For the period beginning on the fifth Sunday preceding any primary or general election and ending on the third Tuesday preceding any primary or general election, an elector may register to vote only by appearing in person at the office of the county clerk or, if open, a county facility designated pursuant to NRS 293.5035.

6. A county facility designated pursuant to NRS 293.5035 may be open during the periods described in this section for such hours of operation as the county clerk may determine, as set forth in subsection 3 of NRS 293.5035.

Sec. 40. NRS 293C.265 is hereby amended to read as follows:

293C.265 1. Except as otherwise provided in subsection 2 and in NRS 293.2725 and 293.3083, a person who registered to vote pursuant to the provisions of NRS 293.5235 shall, for the first city election in which the person votes at which that registration is valid, vote in person unless he or she has previously voted in the county in which he or she is registered to vote.

2. The provisions of subsection 1 do not apply to a person who:

(a) Is entitled to vote in the manner prescribed in NRS 293C.342 to 293C.352, inclusive;

(b) Is entitled to vote an absent ballot pursuant to federal law or NRS 293C.317 or 293C.318 ~~[.]~~ ***or sections*** ~~*[11]*~~ ***2 to 29, inclusive, of this act;***

(c) Is disabled;

(d) Submits or has previously submitted a written request for an absent ballot that is signed by the registered voter before a notary public or other person authorized to administer an oath; or

(e) Requests an absent ballot in person at the office of the city clerk.

Sec. 41. NRS 293C.320 is hereby amended to read as follows:

293C.320 ~~[1.]~~ The city clerk shall determine before issuing an absent ballot that the person making application is a registered voter in the proper city.

~~[2. Armed Forces personnel and overseas citizens who are not registered to vote and are applying for absent ballots must complete:~~

~~(a) The application to register to vote required by NRS 293.517 for registration;~~

~~(b) The form provided by the Federal Government for registration and request of an absent ballot, pursuant to the provisions of the Uniformed and Overseas Citizens Absentee Voting Act, 42 U.S.C. §§ 1973ff et seq.; or~~

~~(c) A special absent ballot used only for purposes of registering the person to vote,~~

~~➥ before receiving an absent ballot.]~~

Sec. 42. NRS 293C.322 is hereby amended to read as follows:

293C.322 1. Except as otherwise provided in subsection 2 and ~~[NRS 293C.315,]~~ ***sections ~~[11]~~ 2 to 29, inclusive, of this act,*** if the request for an absent ballot is made by mail or facsimile machine, the city clerk shall, as soon as the official absent ballot for the precinct or district in which the applicant resides has been printed, send to the voter by first-class mail, or by any class of mail if the Official Election Mail logo or an equivalent logo or mark created by the United States Postal Service is properly placed on the official absent ballot:

(a) An absent ballot;

(b) A return envelope;

(c) An envelope or similar device into which the ballot is inserted to ensure its secrecy; ***and***

(d) ~~[An identification envelope, if applicable pursuant to NRS 293C.315; and~~

~~(e)]~~ Instructions.

2. If the city clerk fails to send an absent ballot pursuant to subsection 1 to a voter who resides within the continental United States, the city clerk may use a facsimile machine to send an absent ballot and instructions to the voter. The voter may mail the absent ballot to the city clerk or submit the absent ballot by facsimile machine.

3. The return envelope sent pursuant to subsection 1 must include postage prepaid by first-class mail if the absent voter is within the boundaries of the United States, its territories or possessions or on a military base.

4. Nothing may be enclosed or sent with an absent ballot except as required by subsection 1 or 2 **.** ~~[and NRS 293C.315.]~~

5. Before depositing a ballot with the United States Postal Service or sending a ballot by facsimile machine, the city clerk shall record the date the ballot is issued, the name of the registered voter to whom it is issued, the registered voter's precinct or district, the number of the ballot and any remarks the city clerk finds appropriate.

6. The Secretary of State shall adopt regulations to carry out the provisions of subsection 2.

Sec. 43. NRS 293C.330 is hereby amended to read as follows:

293C.330 1. Except as otherwise provided in ~~[~~NRS 293C.315 and~~]~~ subsection 2 of NRS 293C.322 ***and sections*** ~~*[11]*~~ ***2 to 29, inclusive, of this act,*** and any regulations adopted pursuant thereto, when an absent voter receives an absent ballot, the absent voter must mark and fold it in accordance with the instructions, deposit it in the return envelope, seal the envelope, affix his or her signature on the back of the envelope in the space provided therefor and mail the return envelope.

2. Except as otherwise provided in subsection 3, if an absent voter who has requested a ballot by mail applies to vote the ballot in person at:

(a) The office of the city clerk, the absent voter must mark the ballot, seal it in the return envelope and affix his or her signature in the same manner as provided in subsection 1, and deliver the envelope to the city clerk.

(b) A polling place, including, without limitation, a polling place for early voting, the absent voter must surrender the absent ballot and provide satisfactory identification before being issued a ballot to vote at the polling place. A person who receives a surrendered absent ballot shall mark it "Cancelled."

3. If an absent voter who has requested a ballot by mail applies to vote in person at the office of the city clerk or a polling place, including, without limitation, a polling place for early voting, and the voter does not have the absent ballot to deliver or surrender, the voter must be issued a ballot to vote if the voter:

(a) Provides satisfactory identification;

(b) Is a registered voter who is otherwise entitled to vote; and

(c) Signs an affirmation under penalty of perjury on a form prepared by the Secretary of State declaring that the voter has not voted during the election.

4. Except as otherwise provided in NRS 293C.317, it is unlawful for any person to return an absent ballot other than the voter who requested the absent ballot or, at the request of the voter, a member of the voter's family. A person who returns an absent ballot and who is a member of the family of the voter who requested the absent ballot shall, under penalty of perjury, indicate on a form prescribed by the city clerk that the person is a member of the family of the voter who requested the absent ballot and that the voter requested that the person return the absent ballot. A person who violates the provisions of this subsection is guilty of a category E felony and shall be punished as provided in NRS 193.130.

Sec. 44. NRS 293C.527 is hereby amended to read as follows:

293C.527 1. Except as otherwise provided in NRS 293.502 ~~[,]~~ ***and sections 15 and 16 of this act,*** registration must close at 9 p.m. on the third Tuesday preceding any primary city election or general city election and at 9 p.m. on the third Saturday preceding any recall or special election, except

that if a recall or special election is held on the same day as a primary city election or general city election, registration must close at 9 p.m. on the third Tuesday preceding the day of the elections.

2. The office of the city clerk must be open from 9 a.m. to 5 p.m. and from 7 p.m. to 9 p.m., including Saturdays, during the last days before the close of registration before a primary city election or general city election, according to the following schedule:

(a) In a city whose population is less than 25,000, the office of the city clerk must be open during the last 3 days before registration closes.

(b) In a city whose population is 25,000 or more, the office of the city clerk must be open during the last 5 days before registration closes.

3. Except for a special election held pursuant to chapter 306 or 350 of NRS:

(a) The city clerk of each city shall cause a notice signed by him or her to be published in a newspaper having a general circulation in the city indicating:

(1) The day that registration will be closed; and

(2) If the city clerk has designated a municipal facility pursuant to NRS 293C.520, the location of that facility.

➥ If no newspaper is of general circulation in that city, the publication may be made in a newspaper of general circulation in the nearest city in this State.

(b) The notice must be published once each week for 4 consecutive weeks next preceding the close of registration for any election.

4. For the period beginning on the fifth Sunday preceding any primary city election or general city election and ending on the third Tuesday preceding any primary city election or general city election, an elector may register to vote only by appearing in person at the office of the city clerk or, if open, a municipal facility designated pursuant to NRS 293C.520.

5. A municipal facility designated pursuant to NRS 293C.520 may be open during the periods described in this section for such hours of operation as the city clerk may determine, as set forth in subsection 3 of NRS 293C.520.

Sec. 45. NRS 293.106, 293.3155, 293.3157, 293.501 and 293C.315 are hereby repealed.

TEXT OF REPEALED SECTIONS

293.106 "Special absent ballot" defined. "Special absent ballot" means the absent ballot provided by the Federal Government pursuant to 42 U.S.C. § 1973ff et seq. to Armed Forces personnel or overseas citizens.

293.3155 Use of special absent ballot by Armed Forces personnel and overseas citizens. Notwithstanding any other provisions of this title:

1. Any registered voter of this State who is Armed Forces personnel or an overseas citizen may use a special absent ballot for a primary, general or special election.

2. The special absent ballot may be used for the offices of President and Vice President of the United States, United States Senator and Representative in Congress, and for any state or local offices and ballot questions for which the registered voter is entitled to cast a ballot. The ballot must allow the registered voter to vote by writing in his or her choice of a political party for each office or the name of a candidate whose name appears on the ballot for each office.

3. The special absent ballot may be voted by completing the ballot according to the instructions and returning it to the county clerk by:

(a) Mail, if it can be returned in a timely manner; or

(b) Approved electronic transmission.

4. The special absent ballot must not be counted if:

(a) It is submitted from any location within the continental United States by an overseas citizen; or

(b) The county clerk receives the regular absent ballot from the voter on or before the date of the primary, general or special election.

5. As used in this section, "regular absent ballot" means the absent ballot prepared by the county clerk pursuant to NRS 293.309.

293.3157 Registered voter residing outside continental United States may request absent ballot by approved electronic transmission; return of absent ballot; oath of registered voter; regulations.

1. Any registered voter of this State who resides outside the continental United States may use approved electronic transmission to request an absent ballot. Such a request must be received by the county clerk not later than 5 p.m. on the seventh day before the primary, general or special election. The registered voter shall state on the request whether the registered voter:

(a) Requests the county clerk to send the absent ballot by mail or approved electronic transmission; and

(b) Will return the absent ballot to the county clerk by mail or approved electronic transmission.

2. If the registered voter indicates pursuant to subsection 1 that he or she will submit the absent ballot by mail, the registered voter shall include with the completed absent ballot the identification envelope provided by the county clerk. The identification envelope must be in the form prescribed by the Secretary of State and include, without limitation:

(a) A declaration, under penalty of perjury, stating that the registered voter resides within the precinct in which he or she is voting and is the person whose name appears on the envelope;

(b) The signature of the registered voter;

(c) The address that the registered voter provided on the application for voter registration; and

(d) A statement that the registered voter has not applied and will not apply to any other county clerk for an absent ballot.

3. If the registered voter indicates pursuant to subsection 1 that he or she will submit the absent ballot by approved electronic transmission, the registered voter shall include with the completed absent ballot the following:

OATH OF VOTER

I, _____, acknowledge that by returning my voted ballot by approved electronic transmission, I have waived my right to have my ballot kept secret. Nevertheless, I understand that, as with any absent voter, my signature, whether on this oath of voter form or my identification envelope, will be permanently separated from my voted ballot to maintain its secrecy at the outset of the tabulation process and thereafter.

My residential address is

_____ .

(Street Address)(City) (ZIP Code)

My current mailing address is

_____ .

My e-mail address is _____.

My facsimile transmission number is (if applicable)

_____ .

I am a resident of _____ County, State of Nevada, and I have not applied, nor do I intend to apply, for an absentee ballot from any other jurisdiction for the same election.

I declare under penalty of perjury under the laws of the State of Nevada that the foregoing is true and correct.

Dated this _____ day of _____, 20___.

(Signed)

_____.

Voter (power of attorney cannot be accepted)

YOUR BALLOT CANNOT BE COUNTED UNLESS YOU SIGN THE ABOVE OATH AND INCLUDE IT WITH YOUR BALLOT, ALL OF WHICH ARE RETURNED BY APPROVED ELECTRONIC TRANSMISSION.

4. The county clerk, if so requested pursuant to subsection 1, shall use approved electronic transmission to send an absent ballot and the oath, as required pursuant to subsection 3, to the registered voter.

5. Each county clerk shall, insofar as is practicable, ensure the secrecy of absent ballots that are submitted by approved electronic transmission.

6. The Secretary of State shall adopt regulations to carry out the provisions of this section.

293.501 Use of form provided by Federal Government pursuant to federal Uniformed and Overseas Citizens Absentee Voting Act. Notwithstanding any other provisions of this title:

1. Armed Forces personnel and overseas citizens may use the form provided by the Federal Government for registration and request of an absent

ballot pursuant to the provisions of the Uniformed and Overseas Citizens Absentee Voting Act, 42 U.S.C. §§ 1973ff et seq., to register to vote in this State.

2. An elector referred to in subsection 1 may complete the form and return it by:

(a) Mail, if it can be returned in a timely manner; or

(b) Approved electronic transmission.

3. If an elector registers to vote pursuant to the provisions of this section and returns the form provided by the Federal Government for registration and request of an absent ballot by:

(a) Mail, the elector shall be deemed to be registered as of the date that the form or the envelope containing the form is postmarked.

(b) Approved electronic transmission, the elector shall be deemed to be registered as of the date on which the elector initiates the approved electronic transmission.

293C.315 Registered voter residing outside continental United States may request absent ballot by approved electronic transmission; return of absent ballot; oath of registered voter; regulations.

1. Any registered voter of this State who resides outside the continental United States may use approved electronic transmission to request an absent ballot. Such a request must be received by the city clerk not later than 5 p.m. on the seventh day before the primary, general or special election. The registered voter shall state on the request whether the voter:

(a) Requests the city clerk to send the absent ballot by mail or approved electronic transmission; and

(b) Will return the absent ballot to the city clerk by mail or approved electronic transmission.

2. If the registered voter indicates pursuant to subsection 1 that he or she will submit the absent ballot by mail, the voter shall include with the completed absent ballot the identification envelope provided by the city clerk. The identification envelope must be in the form prescribed by the Secretary of State and include, without limitation:

(a) A declaration, under penalty of perjury, stating that the registered voter resides within the precinct or district in which he or she is voting and is the person whose name appears on the envelope;

(b) The signature of the registered voter;

(c) The address that the registered voter provided on the application for voter registration; and

(d) A statement that the voter has not applied and will not apply to any other city clerk for an absent ballot.

3. If the registered voter indicates pursuant to subsection 1 that he or she will submit the absent ballot by approved electronic transmission, the voter shall include with the completed absent ballot the following:

OATH OF VOTER

I, _____, acknowledge that by returning my voted ballot by approved electronic transmission, I have waived my right to have my ballot kept secret. Nevertheless, I understand that, as with any absent voter, my signature, whether on this oath of voter form or my identification envelope, will be permanently separated from my voted ballot to maintain its secrecy at the outset of the tabulation process and thereafter.

My residential address is

_____

_____ .

(Street Address)(City) (ZIP Code)

My current mailing address is

_____ .

My e-mail address is _____ .

My facsimile transmission number is (if applicable)

_____ .

I am a resident of _____ County, State of Nevada, and I have not applied, nor do I intend to apply, for an absentee ballot from any other jurisdiction for the same election.

I declare under penalty of perjury under the laws of the State of Nevada that the foregoing is true and correct.

Dated this _____ day of _____, 20___.

(Signed)

_____

voter (power of attorney cannot be accepted)

YOUR BALLOT CANNOT BE COUNTED UNLESS YOU SIGN THE ABOVE OATH AND INCLUDE IT WITH YOUR BALLOT, ALL OF WHICH ARE RETURNED BY APPROVED ELECTRONIC TRANSMISSION.

4. The city clerk, if so requested pursuant to subsection 1, shall use approved electronic transmission to send an absent ballot and the oath, as required pursuant to subsection 3, to the registered voter.

5. Each city clerk shall, insofar as is practicable, ensure the secrecy of absent ballots that are submitted by approved electronic transmission.

6. The Secretary of State shall adopt regulations to carry out the provisions of this section.

Assemblywoman Flores moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 115.

Bill read third time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 130.

AN ACT relating to water; revising provisions governing the approval or rejection by the State Engineer of an application to appropriate water for beneficial use; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, any person who wishes to appropriate water for beneficial use in Nevada, or change the place of diversion, manner of use or place of use of water already appropriated, is required to first apply to the State Engineer for a permit to do so. (NRS 533.325) Any interested person may file a written protest against the granting of such a permit with the State Engineer. (NRS 533.365) For most applications, the State Engineer is required to approve or reject the application within 1 year after the final date for filing a protest. However, the State Engineer is authorized to postpone taking action on applications for certain specified reasons. (NRS 533.370)

This bill increases the period in which the State Engineer is required to approve or reject an application to 2 years, unless action is postponed on the application. If the State Engineer has not ~~[postponed action on the application and does not take action on]~~ **approved or rejected** the application within ~~[2 years after the final day for filing a protest, the State Engineer is required to cause republication of notice of the application on the Internet website of the State Engineer for 30 days after the expiration of the 2-year period and protests are authorized to be filed against the granting of the application.]~~ **the 2-year period, the application remains active.** If the State Engineer has ~~[postponed action on the application and does not take action on]~~ **not approved or rejected or held a hearing on** the application within 7 years after the final day for filing a protest, the State Engineer is required to cause notice of the action to be republished in a newspaper and protests are authorized to be filed in the typical manner. ~~[Also under this bill, if two or more applications are made to appropriate water from the same basin, and if action is postponed on the application that is made first, the State Engineer is authorized to act on any later application only after determining that water is available in the basin in an amount in excess of the amount requested in the postponed application.]~~ This bill makes other conforming changes to carry out the revisions to the process for approving or rejecting applications.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 533.360 is hereby amended to read as follows:

533.360 1. Except as otherwise provided in subsection 4, ~~*[and]*~~ NRS 533.345 ~~*[,]*~~ and subsection ~~[5]~~ ***2*** of NRS 533.370, when an application is filed in compliance with this chapter, the State Engineer shall, within 30 days, publish or cause to be published once a week for 4 consecutive weeks in a newspaper of general circulation and printed and published in the county

where the water is sought to be appropriated, a notice of the application which sets forth:

(a) That the application has been filed.

(b) The date of the filing.

(c) The name and address of the applicant.

(d) The name of the source from which the appropriation is to be made.

(e) The location of the place of diversion, described by legal subdivision or metes and bounds and by a physical description of that place of diversion.

(f) The purpose for which the water is to be appropriated.

➥ The publisher shall add thereto the date of the first publication and the date of the last publication.

2. Except as otherwise provided in subsection 4, proof of publication must be filed within 30 days after the final day of publication. The State Engineer shall pay for the publication from the application fee. If the application is cancelled for any reason before publication, the State Engineer shall return to the applicant that portion of the application fee collected for publication.

3. If the application is for a proposed well:

(a) For municipal, quasi-municipal or industrial use; and

(b) Whose reasonably expected rate of diversion is one-half cubic foot per second or more,

➥ the applicant shall mail a copy of the notice of application to each owner of real property containing a domestic well that is within 2,500 feet of the proposed well, to the owner's address as shown in the latest records of the county assessor. If there are not more than six such wells, notices must be sent to each owner by certified mail, return receipt requested. If there are more than six such wells, at least six notices must be sent to owners by certified mail, return receipt requested. The return receipts from these notices must be filed with the State Engineer before the State Engineer may consider the application.

4. The provisions of this section do not apply to an environmental permit.

Sec. 2. NRS 533.365 is hereby amended to read as follows:

533.365 1. Any person interested may, within 30 days after the date of last publication of the notice of application, file with the State Engineer a written protest against the granting of the application, setting forth with reasonable certainty the grounds of such protest, which must be verified by the affidavit of the protestant, or an agent or attorney thereof.

2. On receipt of a protest, the State Engineer shall advise the applicant whose application has been protested of the fact that the protest has been filed with the State Engineer, which advice must be sent by certified mail.

3. The State Engineer shall consider the protest, and may, in his or her discretion, hold hearings and require the filing of such evidence as the State Engineer may deem necessary to a full understanding of the rights involved. The State Engineer shall give notice of the hearing by certified mail to both

the applicant and the protestant. The notice must state the time and place at which the hearing is to be held and must be mailed at least 15 days before the date set for the hearing.

4. Each applicant and each protestant shall, in accordance with a schedule established by the State Engineer, provide to the State Engineer and to each protestant and each applicant information required by the State Engineer relating to the application or protest.

5. If the State Engineer holds a hearing pursuant to subsection 3, the State Engineer shall render a decision on each application not later than 240 days after the later of:

(a) The date all transcripts of the hearing become available to the State Engineer; or

(b) The date specified by the State Engineer for the filing of any additional information, evidence, studies or compilations requested by the State Engineer. The State Engineer may, for good cause shown, extend any applicable period.

6. The State Engineer shall adopt rules of practice regarding the conduct of a hearing held pursuant to subsection 3. The rules of practice must be adopted in accordance with the provisions of NRS 233B.040 to 233B.120, inclusive, and codified in the Nevada Administrative Code. The technical rules of evidence do not apply at such a hearing.

~~[7. The provisions of this section do not prohibit the noticing of a new period of 45 days in which a person may file with the State Engineer a written protest against the granting of the application, if such notification is required to be given pursuant to subsection 8 of NRS 533.370.]~~

Sec. 3. NRS 533.370 is hereby amended to read as follows:

533.370 1. Except as otherwise provided in this section and NRS 533.345, 533.371, 533.372 and 533.503, the State Engineer shall approve an application submitted in proper form which contemplates the application of water to beneficial use if:

(a) The application is accompanied by the prescribed fees;

(b) ~~*[There is unappropriated water in the proposed source of supply;*~~

~~*(c) The proposed use or change does not conflict with existing rights or with protectable interests in existing domestic wells as set forth in NRS 533.024;*~~

~~*(d) The proposed use or change does not threaten to prove detrimental to the public interest;*~~

~~*(e)]*~~ The proposed use or change, if within an irrigation district, does not adversely affect the cost of water for other holders of water rights in the district or lessen the efficiency of the district in its delivery or use of water; and

(c) ~~*[(f)]*~~ The applicant provides proof satisfactory to the State Engineer of the applicant's:

(1) Intention in good faith to construct any work necessary to apply the water to the intended beneficial use with reasonable diligence; and

(2) Financial ability and reasonable expectation actually to construct the work and apply the water to the intended beneficial use with reasonable diligence.

2. ~~*[If a previous application for a similar use of water within the same basin has been rejected because the application did not meet the requirements set forth in subsection 1, the State Engineer may reject a new application without publication.*~~

~~*3.]*~~ ***Except as otherwise provided in subsection 10, where there is no unappropriated water in the proposed source of supply, or where its proposed use or change conflicts with existing rights or with protectable interests in existing domestic wells as set forth in NRS 533.024, or threatens to prove detrimental to the public interest, the State Engineer shall reject the application and refuse to issue the requested permit. If a previous application for a similar use of water within the same basin has been rejected on those grounds, the new application may be denied without publication.***

3. In addition to the criteria set forth in subsections 1 and 2, in determining whether an application for an interbasin transfer of groundwater must be rejected pursuant to this section, the State Engineer shall consider:

(a) Whether the applicant has justified the need to import the water from another basin;

(b) If the State Engineer determines that a plan for conservation of water is advisable for the basin into which the water is to be imported, whether the applicant has demonstrated that such a plan has been adopted and is being effectively carried out;

(c) Whether the proposed action is environmentally sound as it relates to the basin from which the water is exported;

(d) Whether the proposed action is an appropriate long-term use which will not unduly limit the future growth and development in the basin from which the water is exported; and

(e) Any other factor the State Engineer determines to be relevant.

4. Except as otherwise provided in this subsection and subsections ~~[3]~~ ***6*** and ~~[11]~~ ~~*[subsection]*~~ ***10*** and NRS 533.365, the State Engineer shall approve or reject each application within ~~[1 year]~~ ***2 years*** after the final date for filing a protest. The State Engineer may ~~[:~~

~~(a) Postpone]~~ ***postpone*** action ~~[upon]~~ ***:***

(a) Upon written authorization to do so by the applicant ***.*** ~~[or, if]~~

(b) If an application is protested ***.*** ~~[, by the protestant and the applicant.~~

~~(b) Postpone action if]~~

(c) If the purpose for which the application was made is municipal use.

~~[(c)]~~ ***(d)*** In areas where studies of water supplies have been determined to be necessary by the State Engineer pursuant to NRS 533.368 ***.*** ~~[or where]~~

(e) Where court actions ***or adjudications*** are pending ~~[.]~~ , ~~[withhold action until it is determined there is unappropriated water or the court action becomes final.~~

~~3.]~~ ***which may affect the outcome of the application.***

(f) In areas in which adjudication of vested water rights is deemed necessary by the State Engineer.

(g) On an application for a permit to change a vested water right in a basin where vested water rights have not been adjudicated.

(h) Where authorized entry to any land needed to use the water for which the application is submitted is required from a governmental agency.

(i) On an application for which the State Engineer has required additional information pursuant to NRS 533.375.

5. If the State Engineer does not act upon an application in accordance with subsections 4 and 6, the application remains active until approved or rejected by the State Engineer.

6. Except as otherwise provided in ***this subsection and*** subsection ~~[11,]~~ ***10,*** the State Engineer shall approve or reject, within 6 months after the final date for filing a protest, an application filed to change the point of diversion of water already appropriated when the existing and proposed points of diversion are on the same property for which the water has already been appropriated under the existing water right or the proposed point of diversion is on real property that is proven to be owned by the applicant and is contiguous to the place of use of the existing water right. The State Engineer may ~~[~~:

~~(a) Postpone action upon written authorization to do so by the applicant or, if the application is protested, by the protestant and the applicant.~~

~~(b) In areas where studies of water supplies have been determined to be necessary by the State Engineer pursuant to NRS 533.368 or where court actions are pending, withhold action until it is determined there is unappropriated water or the court action becomes final.~~]

~~[~~ ~~*(f) In areas in which adjudication of vested water rights is ongoing.*~~

~~*(g) On an application for a permit to change a vested water right in an area where vested water rights have not been adjudicated.*~~

~~*(h) Where authorized entry to any land needed to use the water for which the application is submitted is required by a governmental agency.*~~

~~4.]~~ ***postpone action on the application pursuant to subsection 4.***

7. If the State Engineer ***has not*** ~~*[postponed action]*~~ ***approved, rejected or held a hearing on*** ~~*[an application pursuant to subsection 3 and*~~ does not act upon~~]~~ an ~~*[the]*~~ application within ~~[1 year]~~ ~~*[2]*~~ ***7 years*** after the final date for filing a protest, the ~~[application remains active until acted upon by the]~~ State Engineer ~~[.]~~ ***shall cause notice of the application to be republished*** ~~*[on the Internet website of the State Engineer for 30 days immediately following the expiration of the 2-year period. A]*~~ ***pursuant to NRS 533.360 immediately preceding the time at which the State Engineer is ready to approve or reject the application. The cost of the republication must be paid by the applicant.***

After such republication, a protest may be filed in accordance with NRS 533.365.

~~[5.]~~ ~~[Except as otherwise provided in subsection 11, where there is no unappropriated water in the proposed source of supply, or where its proposed use or change conflicts with existing rights or with protectable interests in existing domestic wells as set forth in NRS 533.024, or threatens to prove detrimental to the public interest, the State Engineer shall reject the application and refuse to issue the requested permit. If a previous application for a similar use of water within the same basin has been rejected on those grounds, the new application may be denied without publication.]~~ ~~[If the State Engineer has postponed action on an application pursuant to subsection 3 and does not act upon the application within 7 years after the final date for filing a protest, the State Engineer shall cause notice of the application to be republished pursuant to NRS 533.360. The cost of the republication must be paid by the applicant.~~

~~6. If two or more applications are made to appropriate water from the same basin as determined by the State Engineer, and action on the application made first is postponed pursuant to subsection 3, the State Engineer may act on each remaining application only if the State Engineer determines that water is available in the basin in an amount which exceeds the amount requested in each postponed application.~~

~~*7. In determining whether an application for an interbasin transfer of groundwater must be rejected pursuant to this section, the State Engineer shall consider:*~~

~~*(a) Whether the applicant has justified the need to import the water from another basin;*~~

~~*(b) If the State Engineer determines that a plan for conservation of water is advisable for the basin into which the water is to be imported, whether the applicant has demonstrated that such a plan has been adopted and is being effectively carried out;*~~

~~*(c) Whether the proposed action is environmentally sound as it relates to the basin from which the water is exported;*~~

~~*(d) Whether the proposed action is an appropriate long-term use which will not unduly limit the future growth and development in the basin from which the water is exported;*~~] ~~[and]~~

~~[(e) *If the applicant does not intend to place the water to beneficial use personally, whether a contractual or agency relationship exists between the applicant and a purveyor of water; and*~~

~~*(f)* Any other factor the State Engineer determines to be relevant.]~~

~~[7.]~~ ***8.*** If a hearing is held regarding an application, the decision of the State Engineer must be in writing and include findings of fact, conclusions of law and a statement of the underlying facts supporting the findings of fact. The written decision may take the form of a transcription of an oral ruling. The rejection or approval of an application must be endorsed on a copy of the original application, and a record must be made of the endorsement in the

records of the State Engineer. The copy of the application so endorsed must be returned to the applicant. Except as otherwise provided in subsection ~~[12,]~~ ***11,*** if the application is approved, the applicant may, on receipt thereof, proceed with the construction of the necessary works and take all steps required to apply the water to beneficial use and to perfect the proposed appropriation. If the application is rejected, the applicant may take no steps toward the prosecution of the proposed work or the diversion and use of the public water while the rejection continues in force.

~~[8. If:~~

~~(a) The State Engineer receives an application to appropriate any of the public waters, or to change the point of diversion, manner of use or place of use of water already appropriated;~~

~~(b) The application involves an amount of water exceeding 250 acre-feet per annum;~~

~~(c) The application involves an interbasin transfer of groundwater; and~~

~~(d) Within 7 years after the date of last publication of the notice of application, the State Engineer has not granted the application, denied the application, held an administrative hearing on the application or issued a permit in response to the application,~~

~~➥ the State Engineer shall notice a new period of 45 days in which a person who is a successor in interest to a protestant or an affected water right owner may file with the State Engineer a written protest against the granting of the application. Such notification must be entered on the Internet website of the State Engineer and must, concurrently with that notification, be mailed to the board of county commissioners of the county of origin.~~

~~9. Except as otherwise provided in subsection 10, a person who is a successor in interest to a protestant or an affected water right owner who wishes to protest an application in accordance with a new period of protest noticed pursuant to subsection 8 shall, within 45 days after the date on which the notification was entered and mailed, file with the State Engineer a written protest that complies with the provisions of this chapter and with the regulations adopted by the State Engineer, including, without limitation, any regulations prescribing the use of particular forms or requiring the payment of certain fees.~~

~~10.]~~ ***9.*** If a person is the successor in interest of an owner of a water right or an owner of real property upon which a domestic well is located and if the former owner of the water right or real property on which a domestic well is located had previously filed a written protest against the granting of an application, the successor in interest must be allowed to pursue that protest in the same manner as if the successor in interest were the former owner whose interest he or she succeeded. If the successor in interest wishes to pursue the protest, the successor in interest must notify the State Engineer ***in a timely manner*** on a form provided by the State Engineer.

~~[11.]~~ ***10.*** The provisions of subsections 1 to ~~[6,]~~ ***9,*** inclusive, do not apply to an application for an environmental permit.

~~[12.]~~ ***11.*** The provisions of subsection ~~[7]~~ ***8*** do not authorize the recipient of an approved application to use any state land administered by the Division of State Lands of the State Department of Conservation and Natural Resources without the appropriate authorization for that use from the State Land Registrar.

~~[13.]~~ ***12.*** As used in this section ~~[~~:

~~(a) "County of origin" means the county from which groundwater is transferred or proposed to be transferred.~~

~~(b) "Domestic~~**]** ***, "domestic*** well" has the meaning ascribed to it in NRS 534.350.

Sec. 4. NRS 533.3703 is hereby amended to read as follows:

533.3703 1. The State Engineer may consider the consumptive use of a water right and the consumptive use of a proposed beneficial use of water in determining whether a proposed change in the place of diversion, manner of use or place of use complies with the provisions ~~*[satisfies the conditions]*~~ of subsection ~~[5 *paragraphs (b), (c) and (d) of subsection 1]*~~ ***2*** of NRS 533.370.

2. The provisions of this section:

(a) Must not be applied by the State Engineer in a manner that is inconsistent with any applicable federal or state decree concerning consumptive use.

(b) Do not apply to any decreed, certified or permitted right to appropriate water which originates in the Virgin River or the Muddy River.

Sec. 5. NRS 534.270 is hereby amended to read as follows:

534.270 1. Upon receipt of an application for a permit to operate a project, the State Engineer shall endorse on the application the date it was received and keep a record of the application. The State Engineer shall conduct an initial review of the application within 45 days after receipt of the application. If the State Engineer determines in the initial review that the application is incomplete, the State Engineer shall notify the applicant. The application is incomplete until the applicant files all the information requested in the application. The State Engineer shall determine whether the application is correct within 180 days after receipt of a complete application. The State Engineer may request additional information from the applicant. The State Engineer may conduct such independent investigations as are necessary to determine whether the application should be approved or rejected.

2. If the application is determined to be complete and correct, the State Engineer, within 30 days after such a determination or a longer period if requested by the applicant, shall cause notice of the application to be given once each week for 2 consecutive weeks in a newspaper of general circulation in the county or counties in which persons reside who could reasonably be expected to be affected by the project. The notice must state:

(a) The legal description of the location of the proposed project;

(b) A brief description of the proposed project including its capacity;

(c) That any person who may be adversely affected by the project may file a written protest with the State Engineer within 30 days after the last publication of the notice;

(d) The date of the last publication;

(e) That the grounds for protesting the project are limited to whether the project would be in compliance with subsection 2 of NRS 534.250;

(f) The name of the applicant; and

(g) That a protest must:

(1) State the name and mailing address of the protester;

(2) Clearly set forth the reason why the permit should not be issued; and

(3) Be signed by the protester or the protester's agent or attorney.

3. A protest to a proposed project:

(a) May be made by any person who may be adversely affected by the project;

(b) Must be in writing;

(c) Must be filed with the State Engineer within 30 days after the last publication of the notice;

(d) Must be upon a ground listed in subsection 2 of NRS 534.250;

(e) Must state the name and mailing address of the protester;

(f) Must clearly set forth the reason why the permit should not be issued; and

(g) Must be signed by the protester or the protester's agent or attorney.

4. Upon receipt of a protest, the State Engineer shall advise the applicant by certified mail that a protest has been filed.

5. Upon receipt of a protest, or upon the motion of the State Engineer, the State Engineer may hold a hearing. Not less than 30 days before the hearing, the State Engineer shall send by certified mail notice of the hearing to the applicant and any person who filed a protest.

6. The State Engineer shall either approve or deny each application within 1 year after the final date for filing a protest, unless the State Engineer has received a written request from the applicant to postpone making a decision or, in the case of a protested application, from both the protester and the applicant. The State Engineer may delay action on the application pursuant to paragraph **[**~~(c)~~**]** ***[****~~paragraphs~~****]*** ***(d)*** ***[****~~and (e)~~****]*** of subsection **[**~~2~~**]** ***[****~~3~~****]*** ***4*** of NRS 533.370.

7. Any person aggrieved by any decision of the State Engineer made pursuant to subsection 6 may appeal that decision to the district court pursuant to NRS 533.450.

Sec. 6. NRS 538.171 is hereby amended to read as follows:

538.171 1. The Commission shall receive, protect and safeguard and hold in trust for the State of Nevada all water and water rights, and all other rights, interests or benefits in and to the waters described in NRS 538.041 to 538.251, inclusive, and to the power generated thereon, held by or which may accrue to the State of Nevada under and by virtue of any Act of the

Congress of the United States or any agreements, compacts or treaties to which the State of Nevada may become a party, or otherwise.

2. Except as otherwise provided in this subsection, applications for the original appropriation of such waters, or to change the place of diversion, manner of use or place of use of water covered by the original appropriation, must be made to the Commission in accordance with the regulations of the Commission. In considering such an application, the Commission shall use the criteria set forth in subsection ~~[6]~~ ~~[7]~~ ***3*** of NRS 533.370. The Commission's action on the application constitutes the recommendation of the State of Nevada to the United States for the purposes of any federal action on the matter required by law. The provisions of this subsection do not apply to supplemental water.

3. The Commission shall furnish to the State Engineer a copy of all agreements entered into by the Commission concerning the original appropriation and use of such waters. It shall also furnish to the State Engineer any other information it possesses relating to the use of water from the Colorado River which the State Engineer deems necessary to allow the State Engineer to act on applications for permits for the subsequent appropriation of these waters after they fall within the State Engineer's jurisdiction.

4. Notwithstanding any provision of chapter 533 of NRS, any original appropriation and use of the waters described in subsection 1 by the Commission or by any entity to whom or with whom the Commission has contracted the water is not subject to regulation by the State Engineer.

5. Any use of water from the Muddy River or the Virgin River for the creation of any developed shortage supply or intentionally created surplus does not require the submission of an application to the State Engineer to change the place of diversion, manner of use or place of use. As used in this subsection:

(a) "Developed shortage supply" has the meaning ascribed to it in NRS 533.030.

(b) "Intentionally created surplus" has the meaning ascribed to it in NRS 533.030.

Sec. 7. The provisions of NRS 533.370, as amended by section 3 of this act, do not apply to:

1. An application to appropriate water filed before July 1, 2011; **or**

2. An application to change the place of diversion, manner of use or place of use of appropriated water filed before ~~[~~that date; or

~~3. A written protest relating to an application specified in subsection 1 or 2.~~] **July 1, 2011.**

Sec. 8. This act becomes effective on July 1, 2011.

Assemblywoman Bustamante Adams moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 122.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 508.

AN ACT relating to energy; authorizing the imposition of certain reasonable restrictions or requirements relating to systems for obtaining wind and solar energy; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the governing body of a city or county: (1) may enact zoning regulations and restrictions to promote the health, safety, morals or general welfare of the community; (2) is prohibited from adopting an ordinance or taking any other action which unreasonably prohibits or restricts an owner of real property from using a system for obtaining solar or wind energy on his or her property; (3) may impose a reasonable restriction on the use of a system for obtaining wind energy which is related to the height, noise or safety of the system; and (4) is required to authorize the use of a system which uses solar or wind energy to reduce energy costs for a structure if the system and structure comply with all applicable building codes and zoning ordinances. (NRS 278.020, 278.02077, 278.0208, 278.580) The governing body of a city or county unreasonably prohibits or restricts the use of a system for obtaining solar or wind energy if the governing body imposes restrictions that significantly decrease the efficiency or performance of the solar or wind energy system unless the restriction provides for the use of a comparable alternative system. (NRS 278.02077, 278.0208) **Section 1** of this bill provides that, in addition to reasonable restrictions relating to height, noise or safety, reasonable restrictions on the use of a system for obtaining wind energy may include restrictions relating to **setback,** location and appearance, and **section 2** of this bill authorizes the imposition of reasonable restrictions relating to the appearance, height, location, noise**,** ~~[or]~~ safety **or setback** of a system for obtaining solar energy. **Additionally, sections 1 and 2 require a governing body to adopt an ordinance that: (1) requires the owner of a residential lot to obtain a special use permit or conditional use permit for a wind or solar energy system; and (2) provides affected property owners with notice and an opportunity to be heard.**

WHEREAS, Nevada has significant amounts of solar and wind resources available for use in the production of clean, renewable sources of energy; and

WHEREAS, It has been a stated goal of the Nevada Legislature to encourage the availability of these solar and wind resources for use by the residents of this State; and

WHEREAS, Local governments have traditionally been authorized to enact zoning and land use regulations and restrictions to promote the health, safety, morals and general welfare of their communities; and

WHEREAS, It is the intent of the Nevada Legislature to encourage local governments to balance the use of clean, renewable sources of energy with

the promotion of the health, safety, morals and general welfare of their communities; now, therefore

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 278.02077 is hereby amended to read as follows:

278.02077 1. Except as otherwise provided in subsection 2:

(a) A governing body shall not adopt an ordinance, regulation or plan or take any other action that prohibits or unreasonably restricts the owner of real property from using a system for obtaining wind energy on his or her property.

(b) Any covenant, restriction or condition contained in a deed, contract or other legal instrument which affects the transfer or sale of, or any other interest in, real property and which prohibits or unreasonably restricts the owner of the property from using a system for obtaining wind energy on his or her property is void and unenforceable.

2. The provisions of subsection 1 do not prohibit a reasonable restriction or requirement:

(a) Imposed pursuant to a determination by the Federal Aviation Administration that the installation of the system for obtaining wind energy would create a hazard to air navigation; ~~[or]~~

(b) Relating to the ***appearance,*** height, ***location,*** noise**_ ,** ~~[or]~~ safety ***or setback*** of a system for obtaining wind energy ~~[.]~~ ***; or***

(c) Prohibiting the construction of more than one system for obtaining wind energy per acre for a residential lot.

3. ***Each governing body shall adopt an ordinance that:***

(a) Prohibits an owner of a residential lot from installing a system for obtaining wind energy on the residential lot unless the owner has obtained a special use permit or conditional use permit for that use of the residential lot; and

(b) Provides any property owner that would be affected by the system for obtaining wind energy with notice and an opportunity to be heard.

4. For the purposes of this section, "unreasonably restricts the owner of the property from using a system for obtaining wind energy" includes the placing of a restriction or requirement on the use of a system for obtaining wind energy which significantly decreases the efficiency or performance of the system and which does not allow for the use of an alternative system at a substantially comparable cost and with substantially comparable efficiency and performance.

Sec. 2. NRS 278.0208 is hereby amended to read as follows:

278.0208 1. ***Except as otherwise provided in subsection 2:***

(a) A governing body shall not adopt an ordinance, regulation or plan or take any other action that prohibits or unreasonably restricts or has the effect of prohibiting or unreasonably restricting the owner of real property from using a system for obtaining solar energy on his or her property.

~~[2.]~~ ***(b)*** Any covenant, restriction or condition contained in a deed, contract or other legal instrument which affects the transfer or sale of, or any other interest in, real property and which prohibits or unreasonably restricts or has the effect of prohibiting or unreasonably restricting the owner of the property from using a system for obtaining solar energy on his or her property is void and unenforceable.

2. The provisions of subsection 1 do not prohibit a reasonable restriction or requirement relating to the appearance, height, location, noise , ~~[or]~~ safety or setback of a system for obtaining solar energy.

3. ***Each governing body shall adopt an ordinance that:***

(a) Prohibits an owner of a residential lot from installing a system for obtaining solar energy on the residential lot unless the owner has obtained a special use permit or conditional use permit for that use of the residential lot; and

(b) Provides any property owner that would be affected by the system for obtaining solar energy with notice and an opportunity to be heard.

4. For the purposes of this section, the following shall be deemed to be unreasonable restrictions:

(a) The placing of a restriction or requirement on the use of a system for obtaining solar energy which decreases the efficiency or performance of the system by more than 10 percent of the amount that was originally specified for the system, as determined by the Director of the Office of Energy, and which does not allow for the use of an alternative system at a substantially comparable cost and with substantially comparable efficiency and performance.

(b) The prohibition of a system for obtaining solar energy that uses components painted with black solar glazing.

Sec. 3. This act becomes effective upon passage and approval.

Assemblywoman Bustamante Adams moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 136.

Bill read third time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 62.

AN ACT relating to offenders; revising provisions governing credits for offenders sentenced for certain crimes; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that certain credits to the sentence of an offender convicted of certain category C, D or E felonies must be deducted from the minimum term imposed by the sentence until the offender becomes eligible for parole and from the maximum term imposed by the sentence.

(NRS 209.4465) This bill provides that an offender convicted of certain category B felonies also qualifies to have certain credits deducted from the minimum term imposed by the sentence until the offender becomes eligible for parole and from the maximum term imposed by the sentence. **However, an offender who has been convicted of being a habitual criminal, a habitual felon or a habitually fraudulent felon does not qualify for such credits.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 209.4465 is hereby amended to read as follows:

209.4465 1. An offender who is sentenced to prison for a crime committed on or after July 17, 1997, who has no serious infraction of the regulations of the Department, the terms and conditions of his or her residential confinement or the laws of the State recorded against the offender, and who performs in a faithful, orderly and peaceable manner the duties assigned to the offender, must be allowed:

(a) For the period the offender is actually incarcerated pursuant to his or her sentence;

(b) For the period the offender is in residential confinement; and

(c) For the period the offender is in the custody of the Division of Parole and Probation of the Department of Public Safety pursuant to NRS 209.4886 or 209.4888,

➥ a deduction of 20 days from his or her sentence for each month the offender serves.

2. In addition to the credits allowed pursuant to subsection 1, the Director may allow not more than 10 days of credit each month for an offender whose diligence in labor and study merits such credits. In addition to the credits allowed pursuant to this subsection, an offender is entitled to the following credits for educational achievement:

(a) For earning a general educational development certificate, 60 days.

(b) For earning a high school diploma, 90 days.

(c) For earning his or her first associate degree, 120 days.

3. The Director may, in his or her discretion, authorize an offender to receive a maximum of 90 days of credit for each additional degree of higher education earned by the offender.

4. The Director may allow not more than 10 days of credit each month for an offender who participates in a diligent and responsible manner in a center for the purpose of making restitution, program for reentry of offenders and parolees into the community, conservation camp, program of work release or another program conducted outside of the prison. An offender who earns credit pursuant to this subsection is eligible to earn the entire 30 days of credit each month that is allowed pursuant to subsections 1 and 2.

5. The Director may allow not more than 90 days of credit each year for an offender who engages in exceptional meritorious service.

6. The Board shall adopt regulations governing the award, forfeiture and restoration of credits pursuant to this section.

7. Except as otherwise provided in subsection 8, credits earned pursuant to this section:

(a) Must be deducted from the maximum term imposed by the sentence; and

(b) Apply to eligibility for parole unless the offender was sentenced pursuant to a statute which specifies a minimum sentence that must be served before a person becomes eligible for parole.

8. Credits earned pursuant to this section by an offender who has not been convicted of:

(a) Any crime that is punishable as a felony involving the use or threatened use of force or violence against the victim;

(b) A sexual offense that is punishable as a felony;

(c) A violation of NRS 484C.110, 484C.120, 484C.130 or 484C.430 that is punishable as a felony; ~~[or]~~

(d) ***Being a habitual criminal pursuant to NRS 207.010, a habitual felon pursuant to NRS 207.012 or a habitually fraudulent felon pursuant to NRS 207.014; or***

(e) A category A ~~[or B]~~ felony,

➥ apply to eligibility for parole and must be deducted from the minimum term imposed by the sentence until the offender becomes eligible for parole and must be deducted from the maximum term imposed by the sentence.

Sec. 2. For the purpose of calculating the credits earned by an offender pursuant to NRS 209.4465, the amendatory provisions of section 1 of this act must be applied:

1. Retroactively to ~~[October 1, 2004,]~~ **January 1, 2005,** to reduce the minimum term of imprisonment of an offender described in subsection 8 of NRS 209.4465, as amended by section 1 of this act, who was placed in the custody of the Department of Corrections before ~~[October 1, 2011,]~~ **January 1, 2012,** and who remains in such custody on ~~[October 1, 2011.]~~ **January 1, 2012.**

2. Retroactively to ~~[October 1, 2010,]~~ **January 1, 2011,** to reduce the maximum term of imprisonment of an offender who was placed on parole before ~~[October 1, 2011.]~~ **January 1, 2012.**

3. In the manner set forth in NRS 209.4465 for all offenders in the custody of the Department of Corrections commencing on ~~[October 1, 2011,]~~ **January 1, 2012,** and for all offenders who are on parole commencing on ~~[October 1, 2011.]~~ **January 1, 2012.**

Sec. 3. **This act becomes effective on January 1, 2012.**

Assemblyman Ohrenschall moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 223.

Bill read third time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 373.

AN ACT relating to civil actions; providing that a certain amount of money held in a personal bank account that is likely to be exempt from execution is not subject to a writ of execution or garnishment; providing a procedure to execute on property held in a safe-deposit box; revising the procedure for claiming an exemption from execution on certain property; making various other changes to provisions governing writs of execution, attachment and garnishment; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law allows a judgment creditor to obtain a writ of execution, attachment or garnishment to levy on the property of a judgment debtor or defendant in certain circumstances. (Chapters 21 and 31 of NRS) Certain property, however, is exempt from execution and therefore cannot be the subject of such a writ. (NRS 21.090) **Section 3** of this bill provides that a certain amount of money held in the personal bank account of a judgment debtor which is likely to be exempt from execution is not subject to a writ of execution or garnishment and must remain accessible to the judgment debtor. **Section 3** further provides immunity from liability to a financial institution which makes an incorrect determination concerning whether money is subject to execution. **Section 4** of this bill provides that notwithstanding the provisions of **section 3**, if a judgment debtor has personal bank accounts in more than one financial institution, the writ may attach to all money in those accounts. The judgment debtor then may claim any exemption that may apply.

Section 5 of this bill provides that a separate writ must be issued to levy on property in a safe-deposit box and provides a procedure for executing on such a writ.

Section 7 of this bill ~~[revises the exemptions from execution so that the exemption for certain plans and accounts for deferred payments applies not only to the money that is held in the account, but also to the proceeds paid from those accounts. Section 7 also lists]~~ **provides** additional exemptions **from execution** which are provided by Nevada law.

Section 8 of this bill revises the procedures for claiming an exemption from execution, and for objecting to such a claim of exemption. **Sections 6 and 10** of this bill revise the notice that is provided to a judgment debtor or defendant when a writ of execution, attachment or garnishment is levied on the property of the judgment debtor or defendant so that the procedures listed in the notice reflect the changes made in **section 8**. **Sections 6 and 10** further revise the notice to provide additional information concerning the claiming of exemptions.

Sections 2 and 9 of this bill clarify that a constable has authority to perform any of the duties assigned to a sheriff and has all of the authority granted to a sheriff with respect to a writ of execution, garnishment or attachment.

Section 11 of this bill revises the interrogatories that are used with a writ of execution, attachment or garnishment to clarify the manner of determining the earnings which must be identified as subject to execution and to provide specific questions for a bank to conform to the new provisions in **section 3**.

Section 12 of this bill requires the judgment creditor who caused a writ of attachment to issue to prepare an accounting and provide a report to the judgment debtor, the sheriff and each garnishee every 120 days providing information about the debt and the rights of the debtor. The accounting must also be submitted with each subsequent application for a writ filed by the judgment creditor concerning the same judgment.

Section 13 of this bill provides that the fee for receiving, removing and taking care of property on execution, attachment or court order collected by a constable is not payable in advance.

Section 14 of this bill provides that certain unemployment benefits are exempt from execution regardless of whether they are mingled with other money.

Section 15 of this bill repeals NRS 21.114 concerning the submission of sureties to the jurisdiction of the court because the requirement for an undertaking requiring a surety is removed in **section 8**.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 21 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 5, inclusive, of this act.

Sec. 2. ***A constable may perform any of the duties assigned to a sheriff and has all of the authority granted to a sheriff pursuant to this chapter with respect to a writ of execution or garnishment.***

Sec. 3. ***1. If a writ of execution or garnishment is levied on the personal bank account of the judgment debtor and money has been deposited into the account electronically within the immediately preceding 45 days from the date on which the writ was served which is reasonably identifiable as exempt from execution, notwithstanding any other deposits of money into the account, $2,000 or the entire amount in the account, whichever is less, is not subject to execution and must remain accessible to the judgment debtor. For the purposes of this section, money is reasonably identifiable as exempt from execution if the money is deposited in the bank account by the United States Department of the Treasury, including, without limitation, money deposited as:***

(a) Benefits provided pursuant to the Social Security Act which are exempt from execution pursuant to 42 U.S.C. §§ 407 and 1383, including, without limitation, retirement and survivors' benefits, supplemental

security income benefits, disability insurance benefits and child support payments that are processed pursuant to Part D of Title IV of the Social Security Act;

(b) Veterans' benefits which are exempt from execution pursuant to 38 U.S.C. § 5301;

(c) Annuities payable to retired railroad employees which are exempt from execution pursuant to 45 U.S.C. § 231m;

(d) Benefits provided for retirement or disability of federal employees which are exempt from execution pursuant to 5 U.S.C. §§ 8346 and 8470;

(e) Annuities payable to retired members of the Armed Forces of the United States and to any surviving spouse or children of such members which are exempt from execution pursuant to 10 U.S.C. §§ 1440 and 1450;

(f) Payments and allowances to members of the Armed Forces of the United States which are exempt from execution pursuant to 37 U.S.C. § 701;

(g) Federal student loan payments which are exempt from execution pursuant to 20 U.S.C. § 1095a;

(h) Wages due or accruing to merchant seamen which are exempt from execution pursuant to 46 U.S.C. § 11109;

(i) Compensation or benefits due or payable to longshore and harbor workers which are exempt from execution pursuant to 33 U.S.C. § 916;

(j) Annuities and benefits for retirement and disability of members of the foreign service which are exempt from execution pursuant to 22 U.S.C. § 4060;

(k) Compensation for injury, death or detention of employees of contractors with the United States outside the United States which is exempt from execution pursuant to 42 U.S.C. § 1717;

(l) Assistance for a disaster from the Federal Emergency Management Agency which is exempt from execution pursuant to 44 C.F.R. § 206.110;

(m) Black lung benefits paid to a miner or a miner's surviving spouse or children pursuant to 30 U.S.C. § 922 or 931 which are exempt from execution; and

(n) Benefits provided pursuant to any other federal law.

2. If a writ of execution or garnishment is levied on the personal bank account of the judgment debtor and the provisions of subsection 1 do not apply, $1,000 or the entire amount in the account, whichever is less, is not subject to execution and must remain accessible to the judgment debtor.

3. If a judgment debtor has more than one personal bank account with the bank to which a writ is issued, the amount that is not subject to execution must not in the aggregate exceed the amount specified in subsection 1 or 2, as applicable.

4. A judgment debtor may apply to a court to claim an exemption for any amount subject to a writ levied on a personal bank account which exceeds the amount that is not subject to execution pursuant to subsection 1 or 2.

5. If money in the personal account of the judgment debtor which exceeds the amount that is not subject to execution pursuant to subsection 1 or 2 includes exempt and nonexempt money, the judgment debtor may claim an exemption for the exempt money in the manner set forth in NRS 21.112. To determine whether such money in the account is exempt, the judgment creditor must use the method of accounting which applies the standard that the first money deposited in the account is the first money withdrawn from the account. The court may require a judgment debtor to provide statements from the bank which include all deposits into and withdrawals from the account for the immediately preceding 90 days.

6. A financial institution which makes a reasonable effort to determine whether money in the account of a judgment debtor is subject to execution for the purposes of this section is immune from civil liability for any act or omission with respect to that determination, including, without limitation, when the financial institution makes an incorrect determination after applying commercially reasonable methods for determining whether money in an account is exempt because the source of the money was not clearly identifiable or because the financial institution inadvertently misidentified the source of the money. If a court determines that a financial institution failed to identify that money in an account was not subject to execution pursuant to this section, the financial institution must adjust its actions with respect to a writ of execution as soon as possible but may not be held liable for damages.

7. Nothing in this section requires a financial institution to revise its determination about whether money is exempt, except by an order of a court.

Sec. 4. ***1. Notwithstanding the provisions of section 3 of this act, if a judgment debtor has a personal bank account in more than one financial institution, the judgment creditor is entitled to an order from the court to be issued with the writ of execution or garnishment which states that all money held in all such accounts of the judgment debtor that are identified in the application for the order are subject to the writ.***

2. A judgment creditor may apply to the court for an order pursuant to subsection 1 by submitting a signed affidavit which identifies each financial institution in which the judgment debtor has a personal account.

3. A judgment debtor may claim an exemption for any exempt money in the account to which the writ attaches in the manner set forth in NRS 21.112.

Sec. 5. ***1. If a writ of execution or garnishment is levied on property in a safe-deposit box maintained at a financial institution, a separate writ must be issued from any writ that is issued to levy on an account of the judgment debtor with the financial institution. Notice of the writ must be served personally on the financial institution and promptly thereafter on any third person who is named on the safe-deposit box.***

2. During the period in which the writ of execution or garnishment is in effect, the financial institution must not allow the contents of the safe-deposit box to be removed other than as directed by the sheriff or by court order.

3. The sheriff may allow the person in whose name the safe-deposit box is held to open the safe-deposit box so that the contents may be removed pursuant to the levy. The financial institution may refuse to allow the forcible opening of the safe-deposit box to allow the removal of the property levied upon unless the judgment creditor pays in advance the cost of forcibly opening the safe-deposit box and of repairing any damage caused thereby.

Sec. 6. NRS 21.075 is hereby amended to read as follows:

21.075 1. Execution on the writ of execution by levying on the property of the judgment debtor may occur only if the sheriff serves the judgment debtor with a notice of the writ of execution pursuant to NRS 21.076 and a copy of the writ. The notice must describe the types of property exempt from execution and explain the procedure for claiming those exemptions in the manner required in subsection 2. The clerk of the court shall attach the notice to the writ of execution at the time the writ is issued.

2. The notice required pursuant to subsection 1 must be substantially in the following form:

NOTICE OF EXECUTION
YOUR PROPERTY IS BEING ATTACHED OR
YOUR WAGES ARE BEING GARNISHED

A court has determined that you owe money to ..... (name of person), the judgment creditor. The judgment creditor has begun the procedure to collect that money by garnishing your wages, bank account and other personal property held by third persons or by taking money or other property in your possession.

Certain benefits and property owned by you may be exempt from execution and may not be taken from you. The following is a partial list of exemptions:

1. Payments received pursuant to the federal Social Security Act, including, without limitation, retirement and survivors' benefits, supplemental security income benefits and disability insurance benefits.

2. Payments for benefits or the return of contributions under the Public Employees' Retirement System.

3. Payments for public assistance granted through the Division of Welfare and Supportive Services of the Department of Health and Human Services or a local governmental entity.

4. Proceeds from a policy of life insurance.

5. Payments of benefits under a program of industrial insurance.

6. Payments received as disability, illness or unemployment benefits.

7. Payments received as unemployment compensation.

8. Veteran's benefits.

9. A homestead in a dwelling or a mobile home, not to exceed $550,000, unless:

(a) The judgment is for a medical bill, in which case all of the primary dwelling, including a mobile or manufactured home, may be exempt.

(b) Allodial title has been established and not relinquished for the dwelling or mobile home, in which case all of the dwelling or mobile home and its appurtenances are exempt, including the land on which they are located, unless a valid waiver executed pursuant to NRS 115.010 is applicable to the judgment.

10. All money reasonably deposited with a landlord by you to secure an agreement to rent or lease a dwelling that is used by you as your primary residence, except that such money is not exempt with respect to a landlord or landlord's successor in interest who seeks to enforce the terms of the agreement to rent or lease the dwelling.

11. A vehicle, if your equity in the vehicle is less than $15,000.

12. Seventy-five percent of the take-home pay for any workweek, unless the weekly take-home pay is less than 50 times the federal minimum hourly wage, in which case the entire amount may be exempt.

13. Money, not to exceed $500,000 in present value, held in : ~~*[and any proceeds paid from:]*~~

(a) An individual retirement arrangement which conforms with the applicable limitations and requirements of section 408 or 408A of the Internal Revenue Code, 26 U.S.C. §§ 408 and 408A;

(b) A written simplified employee pension plan which conforms with the applicable limitations and requirements of section 408 of the Internal Revenue Code, 26 U.S.C. § 408;

(c) A cash or deferred arrangement that is a qualified plan pursuant to the Internal Revenue Code;

(d) A trust forming part of a stock bonus, pension or profit-sharing plan that is a qualified plan pursuant to sections 401 et seq. of the Internal Revenue Code, 26 U.S.C. §§ 401 et seq.; and

(e) A trust forming part of a qualified tuition program pursuant to chapter 353B of NRS, any applicable regulations adopted pursuant to chapter 353B of NRS and section 529 of the Internal Revenue Code, 26 U.S.C. § 529, unless the money is deposited after the entry of a judgment against the purchaser or account owner or the money will not be used by any beneficiary to attend a college or university.

14. All money and other benefits paid pursuant to the order of a court of competent jurisdiction for the support, education and maintenance of a child, whether collected by the judgment debtor or the State.

15. All money and other benefits paid pursuant to the order of a court of competent jurisdiction for the support and maintenance of a former spouse, including the amount of any arrearages in the payment of such support and maintenance to which the former spouse may be entitled.

16. Regardless of whether a trust contains a spendthrift provision:

(a) A present or future interest in the income or principal of a trust, if the interest has not been distributed from the trust;

(b) A remainder interest in the trust whereby a beneficiary of the trust will receive property from the trust outright at some time in the future under certain circumstances;

(c) A discretionary power held by a trustee to determine whether to make a distribution from the trust, if the interest has not been distributed from the trust;

(d) The power to direct dispositions of property in the trust, other than such a power held by a trustee to distribute property to a beneficiary of the trust;

(e) Certain powers held by a trust protector or certain other persons;

(f) Any power held by the person who created the trust; and

(g) Any other property of the trust that has not been distributed from the trust. Once the property is distributed from the trust, the property is subject to execution.

17. If a trust contains a spendthrift provision:

(a) A mandatory interest in the trust in which the trustee does not have discretion concerning whether to make the distribution from the trust, if the interest has not been distributed from the trust;

(b) A support interest in the trust in which the standard for distribution may be interpreted by the trustee or a court, if the interest has not been distributed from the trust; and

(c) Any other property of the trust that has not been distributed from the trust. Once the property is distributed from the trust, the property is subject to execution.

18. A vehicle for use by you or your dependent which is specially equipped or modified to provide mobility for a person with a permanent disability.

19. A prosthesis or any equipment prescribed by a physician or dentist for you or your dependent.

20. Payments, in an amount not to exceed $16,150, received as compensation for personal injury, not including compensation for pain and suffering or actual pecuniary loss, by the judgment debtor or by a person upon whom the judgment debtor is dependent at the time the payment is received.

21. Payments received as compensation for the wrongful death of a person upon whom the judgment debtor was dependent at the time of the wrongful death, to the extent reasonably necessary for the support of the judgment debtor and any dependent of the judgment debtor.

22. Payments received as compensation for the loss of future earnings of the judgment debtor or of a person upon whom the judgment debtor is dependent at the time the payment is received, to the extent reasonably

necessary for the support of the judgment debtor and any dependent of the judgment debtor.

23. Payments received as restitution for a criminal act.

24. Personal property, not to exceed $1,000 in total value, if the property is not otherwise exempt from execution.

25. A tax refund received from the earned income credit provided by federal law or a similar state law.

26. Stock of a corporation described in subsection 2 of NRS 78.746 except as set forth in that section.

➥ These exemptions may not apply in certain cases such as a proceeding to enforce a judgment for support of a person or a judgment of foreclosure on a mechanic's lien. You should consult an attorney immediately to assist you in determining whether your property or money is exempt from execution. If you cannot afford an attorney, you may be eligible for assistance through ..... (name of organization in county providing legal services to indigent or elderly persons). ***If you do not wish to consult an attorney or receive legal services from an organization that provides assistance to persons who qualify, you may obtain the form to be used to claim an exemption from the clerk of the court.***

PROCEDURE FOR CLAIMING EXEMPT PROPERTY

If you believe that the money or property taken from you is exempt, you must complete and file with the clerk of the court ~~[a notarized affidavit claiming the]~~ ***an executed claim of*** exemption. A copy of the ~~[affidavit]~~ ***claim of exemption*** must be served upon the sheriff ***, the garnishee*** and the judgment creditor within ~~[8]~~ ***20 calendar*** days after the notice of execution ***or garnishment*** is ~~[mailed.]~~ ***served on you by mail pursuant to NRS 21.076 which identifies the specific property that is being levied on.*** The property must be ~~[returned to you]~~ ***released by the garnishee or the sheriff*** within ~~[5]~~ ***9 judicial*** days after you ~~[file]~~ ***serve*** the ~~[affidavit]~~ ***claim of exemption upon the sheriff, garnishee and judgment creditor,*** unless ~~[you or the judgment creditor files a motion]~~ ***the sheriff or garnishee receives a copy of an objection to the claim of exemption and a notice*** for a hearing to determine the issue of exemption. If this happens, a hearing will be held to determine whether the property or money is exempt. The ~~[motion]~~ ***objection to the claim of exemption and notice*** for the hearing to determine the issue of exemption must be filed within ~~[10]~~ ***8 judicial*** days after the ~~[affidavit claiming]~~ ***claim of*** exemption is ~~[filed.]~~ ***served on the judgment creditor by mail or in person and served on the judgment debtor, the sheriff and any garnishee not less than 5 judicial days before the date set for the hearing.*** The hearing to determine whether the property or money is exempt must be held within ~~[10]~~ ***7 judicial*** days after the ~~[motion]~~ ***objection to the claim of exemption and notice*** for the hearing is filed. ***You may be able to have your property released more quickly if you mail to the judgment creditor or the attorney of the judgment creditor written proof that the property is exempt.***

Such proof may include, without limitation, a letter from the government, an annual statement from a pension fund, receipts for payment, copies of checks, records from financial institutions or any other document which demonstrates that the money in your account is exempt.

IF YOU DO NOT FILE THE ~~[~~AFFIDAVIT~~]~~ ***EXECUTED CLAIM OF EXEMPTION*** WITHIN THE TIME SPECIFIED, YOUR PROPERTY MAY BE SOLD AND THE MONEY GIVEN TO THE JUDGMENT CREDITOR, EVEN IF THE PROPERTY OR MONEY IS EXEMPT.

Sec. 7. NRS 21.090 is hereby amended to read as follows:

21.090 1. The following property is exempt from execution, except as otherwise specifically provided in this section or required by federal law:

(a) Private libraries, works of art, musical instruments and jewelry not to exceed $5,000 in value, belonging to the judgment debtor or a dependent of the judgment debtor, to be selected by the judgment debtor, and all family pictures and keepsakes.

(b) Necessary household goods, furnishings, electronics, wearing apparel, other personal effects and yard equipment, not to exceed $12,000 in value, belonging to the judgment debtor or a dependent of the judgment debtor, to be selected by the judgment debtor.

(c) Farm trucks, farm stock, farm tools, farm equipment, supplies and seed not to exceed $4,500 in value, belonging to the judgment debtor to be selected by the judgment debtor.

(d) Professional libraries, equipment, supplies, and the tools, inventory, instruments and materials used to carry on the trade or business of the judgment debtor for the support of the judgment debtor and his or her family not to exceed $10,000 in value.

(e) The cabin or dwelling of a miner or prospector, the miner's or prospector's cars, implements and appliances necessary for carrying on any mining operations and the mining claim actually worked by the miner or prospector, not exceeding $4,500 in total value.

(f) Except as otherwise provided in paragraph (p), one vehicle if the judgment debtor's equity does not exceed $15,000 or the creditor is paid an amount equal to any excess above that equity.

(g) For any workweek, 75 percent of the disposable earnings of a judgment debtor during that week, or 50 times the minimum hourly wage prescribed by section 6(a)(1) of the federal Fair Labor Standards Act of 1938, 29 U.S.C. § 206(a)(1), and in effect at the time the earnings are payable, whichever is greater. Except as otherwise provided in paragraphs (o), (s) and (t), the exemption provided in this paragraph does not apply in the case of any order of a court of competent jurisdiction for the support of any person, any order of a court of bankruptcy or of any debt due for any state or federal tax. As used in this paragraph:

(1) "Disposable earnings" means that part of the earnings of a judgment debtor remaining after the deduction from those earnings of any amounts required by law to be withheld.

(2) "Earnings" means compensation paid or payable for personal services performed by a judgment debtor in the regular course of business, including, without limitation, compensation designated as income, wages, tips, a salary, a commission or a bonus. The term includes compensation received by a judgment debtor that is in the possession of the judgment debtor, compensation held in accounts maintained in a bank or any other financial institution or, in the case of a receivable, compensation that is due the judgment debtor.

(h) All fire engines, hooks and ladders, with the carts, trucks and carriages, hose, buckets, implements and apparatus thereunto appertaining, and all furniture and uniforms of any fire company or department organized under the laws of this State.

(i) All arms, uniforms and accouterments required by law to be kept by any person, and also one gun, to be selected by the debtor.

(j) All courthouses, jails, public offices and buildings, lots, grounds and personal property, the fixtures, furniture, books, papers and appurtenances belonging and pertaining to the courthouse, jail and public offices belonging to any county of this State, all cemeteries, public squares, parks and places, public buildings, town halls, markets, buildings for the use of fire departments and military organizations, and the lots and grounds thereto belonging and appertaining, owned or held by any town or incorporated city, or dedicated by the town or city to health, ornament or public use, or for the use of any fire or military company organized under the laws of this State and all lots, buildings and other school property owned by a school district and devoted to public school purposes.

(k) All money, benefits, privileges or immunities accruing or in any manner growing out of any life insurance, if the annual premium paid does not exceed $15,000. If the premium exceeds that amount, a similar exemption exists which bears the same proportion to the money, benefits, privileges and immunities so accruing or growing out of the insurance that the $15,000 bears to the whole annual premium paid.

(l) The homestead as provided for by law, including a homestead for which allodial title has been established and not relinquished and for which a waiver executed pursuant to NRS 115.010 is not applicable.

(m) The dwelling of the judgment debtor occupied as a home for himself or herself and family, where the amount of equity held by the judgment debtor in the home does not exceed $550,000 in value and the dwelling is situated upon lands not owned by the judgment debtor.

(n) All money reasonably deposited with a landlord by the judgment debtor to secure an agreement to rent or lease a dwelling that is used by the judgment debtor as his or her primary residence, except that such money is

not exempt with respect to a landlord or the landlord's successor in interest who seeks to enforce the terms of the agreement to rent or lease the dwelling.

(o) All property in this State of the judgment debtor where the judgment is in favor of any state for failure to pay that state's income tax on benefits received from a pension or other retirement plan.

(p) Any vehicle owned by the judgment debtor for use by the judgment debtor or the judgment debtor's dependent that is equipped or modified to provide mobility for a person with a permanent disability.

(q) Any prosthesis or equipment prescribed by a physician or dentist for the judgment debtor or a dependent of the debtor.

(r) Money, not to exceed $500,000 in present value, held in : ~~*[and any proceeds paid from:]*~~

(1) An individual retirement arrangement which conforms with the applicable limitations and requirements of section 408 or 408A of the Internal Revenue Code, 26 U.S.C. §§ 408 and 408A;

(2) A written simplified employee pension plan which conforms with the applicable limitations and requirements of section 408 of the Internal Revenue Code, 26 U.S.C. § 408;

(3) A cash or deferred arrangement which is a qualified plan pursuant to the Internal Revenue Code;

(4) A trust forming part of a stock bonus, pension or profit-sharing plan which is a qualified plan pursuant to sections 401 et seq. of the Internal Revenue Code, 26 U.S.C. §§ 401 et seq.; and

(5) A trust forming part of a qualified tuition program pursuant to chapter 353B of NRS, any applicable regulations adopted pursuant to chapter 353B of NRS and section 529 of the Internal Revenue Code, 26 U.S.C. § 529, unless the money is deposited after the entry of a judgment against the purchaser or account owner or the money will not be used by any beneficiary to attend a college or university.

(s) All money and other benefits paid pursuant to the order of a court of competent jurisdiction for the support, education and maintenance of a child, whether collected by the judgment debtor or the State.

(t) All money and other benefits paid pursuant to the order of a court of competent jurisdiction for the support and maintenance of a former spouse, including the amount of any arrearages in the payment of such support and maintenance to which the former spouse may be entitled.

(u) Payments, in an amount not to exceed $16,150, received as compensation for personal injury, not including compensation for pain and suffering or actual pecuniary loss, by the judgment debtor or by a person upon whom the judgment debtor is dependent at the time the payment is received.

(v) Payments received as compensation for the wrongful death of a person upon whom the judgment debtor was dependent at the time of the wrongful death, to the extent reasonably necessary for the support of the judgment debtor and any dependent of the judgment debtor.

(w) Payments received as compensation for the loss of future earnings of the judgment debtor or of a person upon whom the judgment debtor is dependent at the time the payment is received, to the extent reasonably necessary for the support of the judgment debtor and any dependent of the judgment debtor.

(x) Payments received as restitution for a criminal act.

(y) Payments received pursuant to the federal Social Security Act, including, without limitation, retirement and survivors' benefits, supplemental security income benefits and disability insurance benefits.

(z) Any personal property not otherwise exempt from execution pursuant to this subsection belonging to the judgment debtor, including, without limitation, the judgment debtor's equity in any property, money, stocks, bonds or other funds on deposit with a financial institution, not to exceed $1,000 in total value, to be selected by the judgment debtor.

(aa) Any tax refund received by the judgment debtor that is derived from the earned income credit described in section 32 of the Internal Revenue Code, 26 U.S.C. § 32, or a similar credit provided pursuant to a state law.

(bb) Stock of a corporation described in subsection 2 of NRS 78.746 except as set forth in that section.

(cc) Regardless of whether a trust contains a spendthrift provision:

(1) A beneficial interest in the trust as defined in NRS 163.4145 if the interest has not been distributed;

(2) A remainder interest in the trust as defined in NRS 163.416 if the trust does not indicate that the remainder interest is certain to be distributed within 1 year after the date on which the instrument that creates the remainder interest becomes irrevocable;

(3) A discretionary interest in the trust as described in NRS 163.4185 if the interest has not been distributed;

(4) A power of appointment in the trust as defined in NRS 163.4157 regardless of whether the power has been distributed or transferred;

(5) A power listed in NRS 163.5553 that is held by a trust protector as defined in NRS 163.5547 or any other person regardless of whether the power has been distributed or transferred;

(6) A reserved power in the trust as defined in NRS 163.4165 regardless of whether the power has been distributed or transferred; and

(7) Any other property of the trust that has not been distributed from the trust. Once the property is distributed from the trust, the property is subject to execution.

(dd) If a trust contains a spendthrift provision:

(1) A mandatory interest in the trust as described in NRS 163.4185 if the interest has not been distributed;

(2) Notwithstanding a beneficiary's right to enforce a support interest, a support interest in the trust as described in NRS 163.4185 if the interest has not been distributed; and

(3) Any other property of the trust that has not been distributed from the trust. Once the property is distributed from the trust, the property is subject to execution.

(ee) Proceeds received from a private disability insurance plan.

(ff) Money in a trust fund for funeral or burial services pursuant to NRS 689.700.

(gg) Compensation that was payable or paid pursuant to chapters 616A to 616D, inclusive, or chapter 617 of NRS as provided in NRS 616C.205.

(hh) Unemployment compensation benefits received pursuant to NRS 612.710.

(ii) Benefits or refunds payable or paid from the Public Employees' Retirement System pursuant to NRS 286.670.

(jj) Money paid or rights existing for vocational rehabilitation pursuant to NRS 615.270.

(kk) Public assistance provided through the Department of Health and Human Services pursuant to NRS 422.291.

(ll) Child welfare assistance provided pursuant to NRS 432.036.

2. Except as otherwise provided in NRS 115.010, no article or species of property mentioned in this section is exempt from execution issued upon a judgment to recover for its price, or upon a judgment of foreclosure of a mortgage or other lien thereon.

3. Any exemptions specified in subsection (d) of section 522 of the Bankruptcy Act of 1978, 11 U.S.C. § 522(d), do not apply to property owned by a resident of this State unless conferred also by subsection 1, as limited by subsection 2.

Sec. 8. NRS 21.112 is hereby amended to read as follows:

21.112 1. In order to claim exemption of any property levied on ~~[.]~~ ***pursuant to this section,*** the judgment debtor must, within ~~[8]~~ ***20 calendar*** days after the notice ~~[prescribed in NRS 21.075 is mailed,]~~ ***of a writ of execution or garnishment is served on the judgment debtor by mail pursuant to NRS 21.076 which identifies the specific property that is being levied on,*** serve on the sheriff ***, the garnishee*** and ***the*** judgment creditor and file with the clerk of the court issuing the writ of execution ~~[an affidavit setting out]~~ the judgment debtor's claim of exemption ~~[.]~~ ***which is executed in the manner set forth in NRS 53.045. If the property that is levied on is the earnings of the judgment debtor, the judgment debtor must file the claim of exemption pursuant to this subsection within 20 calendar days after the date of each withholding of the judgment debtor's earnings.***

2. The clerk of the court shall provide the form for the ~~[affidavit.~~

~~2. When the affidavit is served, the sheriff shall release the property if the judgment creditor, within 5 days after written demand by the sheriff:~~

~~(a) Fails to give the sheriff an undertaking executed by two good and sufficient sureties which:~~

~~(1) Is in a sum equal to double the value of the property levied on; and~~

~~(2) Indemnifies the judgment debtor against loss, liability, damages, costs and attorney's fees by reason of the taking, withholding or sale of the property by the sheriff; or~~

~~(b) Fails to file a motion for a hearing to determine whether the property or money is exempt.~~

~~➥ The clerk of the court shall provide the form for the motion.~~

~~3. At the time of giving the sheriff the undertaking provided for in subsection 2, the judgment creditor shall give notice of the undertaking to the judgment debtor.~~

~~4.~~] ***claim of exemption and shall further provide with the form instructions concerning the manner in which to claim an exemption, a checklist and description of the most commonly claimed exemptions, instructions concerning the manner in which the property must be released to the judgment debtor if no objection to the claim of exemption is filed and an order to be used by the court to grant or deny an exemption. No fee may be charged for providing such a form or for filing the form with the court.***

3. An objection to the claim of exemption and notice for a hearing must be filed with the court within 8 judicial days after the claim of exemption is served on the judgment creditor by mail or in person and served on the judgment debtor, the sheriff and any garnishee. The judgment creditor shall also serve notice of the date of the hearing on the judgment debtor, the sheriff and any garnishee not less than 5 judicial days before the date set for the hearing.

4. If an objection to the claim of exemption and notice for a hearing are not filed within 8 judicial days after the claim of exemption has been served, the property of the judgment debtor must be released by the person who has control or possession over the property in accordance with the instructions set forth on the form for the claim of exemption provided pursuant to subsection 2 within 9 judicial days after the claim of exemption has been served.

5. The sheriff is not liable to the judgment debtor for damages by reason of the taking, withholding or sale of any property ~~[,]~~ where ~~[:~~

~~(a) No affidavit claiming~~] ***a claim of*** exemption is ***not*** served on the sheriff **.** ~~[; or~~

~~(b) An affidavit claiming exemption is served on the sheriff, but the sheriff fails to release the property in accordance with this section.~~

~~5.~~] ***6.*** Unless the court continues the hearing for good cause shown, the hearing ***on an objection to a claim of exemption*** to determine whether the property or money is exempt must be held within ~~[10]~~ ***7 judicial*** days after the ~~[motion]~~ ***objection to the claim and notice*** for ~~[the]~~ ***a*** hearing is filed.

~~[6. The judgment creditor shall give the judgment debtor at least 5 days' notice of the hearing.~~] ***The judgment debtor has the burden to prove that he or she is entitled to the claimed exemption at such a hearing. After determining whether the judgment debtor is entitled to an exemption, the***

court shall mail a copy of the order to the judgment debtor, the judgment creditor, any other named party, the sheriff and any garnishee.

7. If the sheriff or garnishee does not receive a copy of a claim of exemption from the judgment debtor within 25 calendar days after the property is levied on, the garnishee must release the property to the sheriff or, if the property is held by the sheriff, the sheriff must release the property to the judgment creditor.

8. At any time after:

(a) An exemption is claimed pursuant to this section, the judgment debtor may withdraw the claim of exemption and direct that the property be released to the judgment creditor.

(b) An objection to a claim of exemption is filed pursuant to this section, the judgment creditor may withdraw the objection and direct that the property be released to the judgment debtor.

9. The provisions of this section do not limit or prohibit any other remedy provided by law.

10. In addition to any other procedure or remedy authorized by law, a person other than the judgment debtor whose property is the subject of a writ of execution or garnishment may follow the procedures set forth in this section for claiming an exemption to have the property released.

11. A judgment creditor shall not require a judgment debtor to waive any exemption which the judgment debtor is entitled to claim.

Sec. 9. Chapter 31 of NRS is hereby amended by adding thereto a new section to read as follows:

A constable may perform any of the duties assigned to a sheriff and has all of the authority granted to a sheriff pursuant to this chapter with respect to a writ of attachment.

Sec. 10. NRS 31.045 is hereby amended to read as follows:

31.045 1. Execution on the writ of attachment by attaching property of the defendant may occur only if:

(a) The judgment creditor serves the defendant with notice of the execution when the notice of the hearing is served pursuant to NRS 31.013; or

(b) Pursuant to an ex parte hearing, the sheriff serves upon the judgment debtor notice of the execution and a copy of the writ at the same time and in the same manner as set forth in NRS 21.076.

➥ If the attachment occurs pursuant to an ex parte hearing, the clerk of the court shall attach the notice to the writ of attachment at the time the writ is issued.

2. The notice required pursuant to subsection 1 must be substantially in the following form:

NOTICE OF EXECUTION
YOUR PROPERTY IS BEING ATTACHED OR
YOUR WAGES ARE BEING GARNISHED

Plaintiff, ... (name of person), alleges that you owe the plaintiff money. The plaintiff has begun the procedure to collect that money. To secure satisfaction of judgment, the court has ordered the garnishment of your wages, bank account or other personal property held by third persons or the taking of money or other property in your possession.

Certain benefits and property owned by you may be exempt from execution and may not be taken from you. The following is a partial list of exemptions:

1. Payments received pursuant to the federal Social Security Act, including, without limitation, retirement and survivors' benefits, supplemental security income benefits and disability insurance benefits.

2. Payments for benefits or the return of contributions under the Public Employees' Retirement System.

3. Payments for public assistance granted through the Division of Welfare and Supportive Services of the Department of Health and Human Services or a local governmental entity.

4. Proceeds from a policy of life insurance.

5. Payments of benefits under a program of industrial insurance.

6. Payments received as disability, illness or unemployment benefits.

7. Payments received as unemployment compensation.

8. Veteran's benefits.

9. A homestead in a dwelling or a mobile home, not to exceed $550,000, unless:

(a) The judgment is for a medical bill, in which case all of the primary dwelling, including a mobile or manufactured home, may be exempt.

(b) Allodial title has been established and not relinquished for the dwelling or mobile home, in which case all of the dwelling or mobile home and its appurtenances are exempt, including the land on which they are located, unless a valid waiver executed pursuant to NRS 115.010 is applicable to the judgment.

10. All money reasonably deposited with a landlord by you to secure an agreement to rent or lease a dwelling that is used by you as your primary residence, except that such money is not exempt with respect to a landlord or the landlord's successor in interest who seeks to enforce the terms of the agreement to rent or lease the dwelling.

11. A vehicle, if your equity in the vehicle is less than $15,000.

12. Seventy-five percent of the take-home pay for any workweek, unless the weekly take-home pay is less than 50 times the federal minimum hourly wage, in which case the entire amount may be exempt.

13. Money, not to exceed $500,000 in present value, held in : ~~*[and any proceeds paid from:]*~~

(a) An individual retirement arrangement which conforms with the applicable limitations and requirements of section 408 or 408A of the Internal Revenue Code, 26 U.S.C. §§ 408 and 408A;

(b) A written simplified employee pension plan which conforms with the applicable limitations and requirements of section 408 of the Internal Revenue Code, 26 U.S.C. § 408;

(c) A cash or deferred arrangement that is a qualified plan pursuant to the Internal Revenue Code;

(d) A trust forming part of a stock bonus, pension or profit-sharing plan that is a qualified plan pursuant to sections 401 et seq. of the Internal Revenue Code, 26 U.S.C. §§ 401 et seq.; and

(e) A trust forming part of a qualified tuition program pursuant to chapter 353B of NRS, any applicable regulations adopted pursuant to chapter 353B of NRS and section 529 of the Internal Revenue Code, 26 U.S.C. § 529, unless the money is deposited after the entry of a judgment against the purchaser or account owner or the money will not be used by any beneficiary to attend a college or university.

14. All money and other benefits paid pursuant to the order of a court of competent jurisdiction for the support, education and maintenance of a child, whether collected by the judgment debtor or the State.

15. All money and other benefits paid pursuant to the order of a court of competent jurisdiction for the support and maintenance of a former spouse, including the amount of any arrearages in the payment of such support and maintenance to which the former spouse may be entitled.

16. Regardless of whether a trust contains a spendthrift provision:

(a) A present or future interest in the income or principal of a trust, if the interest has not been distributed from the trust;

(b) A remainder interest in the trust whereby a beneficiary of the trust will receive property from the trust outright at some time in the future under certain circumstances;

(c) A discretionary power held by a trustee to determine whether to make a distribution from the trust, if the interest has not been distributed from the trust;

(d) The power to direct dispositions of property in the trust, other than such a power held by a trustee to distribute property to a beneficiary of the trust;

(e) Certain powers held by a trust protector or certain other persons;

(f) Any power held by the person who created the trust; and

(g) Any other property of the trust that has not been distributed from the trust. Once the property is distributed from the trust, the property is subject to execution.

17. If a trust contains a spendthrift provision:

(a) A mandatory interest in the trust in which the trustee does not have discretion concerning whether to make the distribution from the trust, if the interest has not been distributed from the trust;

(b) A support interest in the trust in which the standard for distribution may be interpreted by the trustee or a court, if the interest has not been distributed from the trust; and

(c) Any other property of the trust that has not been distributed from the trust. Once the property is distributed from the trust, the property is subject to execution.

18. A vehicle for use by you or your dependent which is specially equipped or modified to provide mobility for a person with a permanent disability.

19. A prosthesis or any equipment prescribed by a physician or dentist for you or your dependent.

20. Payments, in an amount not to exceed $16,150, received as compensation for personal injury, not including compensation for pain and suffering or actual pecuniary loss, by the judgment debtor or by a person upon whom the judgment debtor is dependent at the time the payment is received.

21. Payments received as compensation for the wrongful death of a person upon whom the judgment debtor was dependent at the time of the wrongful death, to the extent reasonably necessary for the support of the judgment debtor and any dependent of the judgment debtor.

22. Payments received as compensation for the loss of future earnings of the judgment debtor or of a person upon whom the judgment debtor is dependent at the time the payment is received, to the extent reasonably necessary for the support of the judgment debtor and any dependent of the judgment debtor.

23. Payments received as restitution for a criminal act.

24. Personal property, not to exceed $1,000 in total value, if the property is not otherwise exempt from execution.

25. A tax refund received from the earned income credit provided by federal law or a similar state law.

26. Stock of a corporation described in subsection 2 of NRS 78.746 except as set forth in that section.

➥ These exemptions may not apply in certain cases such as proceedings to enforce a judgment for support of a child or a judgment of foreclosure on a mechanic's lien. You should consult an attorney immediately to assist you in determining whether your property or money is exempt from execution. If you cannot afford an attorney, you may be eligible for assistance through ..... (name of organization in county providing legal services to the indigent or elderly persons). ***If you do not wish to consult an attorney or receive legal services from an organization that provides assistance to persons who qualify, you may obtain the form to be used to claim an exemption from the clerk of the court.***

PROCEDURE FOR CLAIMING EXEMPT PROPERTY

If you believe that the money or property taken from you is exempt or necessary for the support of you or your family, you must file with the clerk of the court on a form provided by the clerk ~~[a notarized affidavit claiming the]~~ ***an executed claim of*** exemption. A copy of the ~~[affidavit]~~ ***claim of***

exemption must be served upon the sheriff ***, the garnishee*** and the judgment creditor within ~~[~~8~~]~~ ***20 calendar*** days after the notice of execution ***or garnishment*** is ~~[~~mailed.~~]~~ ***served on you by mail pursuant to NRS 21.076 which identifies the specific property that is being levied on.*** The property must be ~~[~~returned to you~~]~~ ***released by the garnishee or the sheriff*** within ~~[~~5~~]~~ ***9 judicial*** days after you ~~[~~file~~]~~ ***serve*** the ~~[~~affidavit~~]~~ ***claim of exemption upon the sheriff, garnishee and judgment creditor,*** unless the ~~[~~judgment creditor files a motion~~]~~ ***sheriff or garnishee receives a copy of an objection to the claim of exemption and a notice*** for a hearing to determine the issue of exemption. If this happens, a hearing will be held to determine whether the property or money is exempt. ***The objection to the claim of exemption and notice for the hearing to determine the issue of exemption must be filed within 8 judicial days after the claim of exemption is served on the judgment creditor by mail or in person and served on the judgment debtor, the sheriff and any garnishee not less than 5 judicial days before the date set for the hearing.*** The hearing must be held within ~~[~~10~~]~~ ***7 judicial*** days after the ~~[~~motion~~]~~ ***objection to the claim of exemption and notice*** for a hearing is filed. ***You may be able to have your property released more quickly if you mail to the judgment creditor or the attorney of the judgment creditor written proof that the property is exempt. Such proof may include, without limitation, a letter from the government, an annual statement from a pension fund, receipts for payment, copies of checks, records from financial institutions or any other document which demonstrates that the money in your account is exempt.***

IF YOU DO NOT FILE THE ~~[~~AFFIDAVIT~~]~~ ***EXECUTED CLAIM OF EXEMPTION*** WITHIN THE TIME SPECIFIED, YOUR PROPERTY MAY BE SOLD AND THE MONEY GIVEN TO THE JUDGMENT CREDITOR, EVEN IF THE PROPERTY OR MONEY IS EXEMPT.

If you received this notice with a notice of a hearing for attachment and you believe that the money or property which would be taken from you by a writ of attachment is exempt or necessary for the support of you or your family, you are entitled to describe to the court at the hearing why you believe your property is exempt. You may also file a motion with the court for a discharge of the writ of attachment. You may make that motion any time before trial. A hearing will be held on that motion.

IF YOU DO NOT FILE THE MOTION BEFORE THE TRIAL, YOUR PROPERTY MAY BE SOLD AND THE MONEY GIVEN TO THE PLAINTIFF, EVEN IF THE PROPERTY OR MONEY IS EXEMPT OR NECESSARY FOR THE SUPPORT OF YOU OR YOUR FAMILY.

Sec. 11. NRS 31.290 is hereby amended to read as follows:

31.290 1. The interrogatories to ***be submitted with any writ of execution, attachment or garnishment to*** the garnishee may be in substance as follows:

INTERROGATORIES

Are you in any manner indebted to the defendants……
……,
or either of them, either in property or money, and is the debt now due? If not due, when is the debt to become due? State fully all particulars.

Answer:

……
……

Are you an employer of one or all of the defendants? If so, state the length of your pay period and the amount ***of disposable earnings, as defined in NRS 31.295, that*** each defendant presently earns during a pay period. ***State the minimum amount of disposable earnings that is exempt from this garnishment, which is the federal minimum hourly wage prescribed by section 6(a)(1) of the federal Fair Labor Standards Act of 1938, 29 U.S.C. § 206(a)(1), in effect at the time the earnings are payable multiplied by 50 for each week of the pay period, after deducting any amount required by law to be withheld.*** ~~*[The minimum amount of disposable earnings may be determined, if the pay period is:*~~

~~*Weekly: By multiplying 50 times the federal minimum hourly wage;*~~

~~*Biweekly: By multiplying 50 times the federal minimum hourly wage, times 2;*~~

~~*Semimonthly: By multiplying 50 times the federal minimum hourly wage, times 52, divided by 24; or*~~

~~*Monthly: By multiplying 50 times the federal minimum hourly wage, times 52, divided by 12.*~~

~~*State the amount that is subject to garnishment, which must not exceed 25 percent of the disposable earnings.]*~~

Calculate the attachable amount as follows:

(Check one of the following) The employee is paid:

[A] Weekly: ___ [B] Biweekly: ___ [C] Semimonthly: ___ [D] Monthly: ___

(1) Gross Earnings $ ____

(2) Deductions required by law (not including child support) $ ____

(3) Disposable Earnings [Subtract line 2 from line 1] $ ____

(4) Federal Minimum Wage $ ____

(5) Multiply line 4 by 50 $ ____

(6) Complete the following directions in accordance with the letter selected above:

[A] Multiply line 5 by 1 $ ____

[B] Multiply line 5 by 2 $ ____

[C] Multiply line 5 by 52 and then divide by 24 ***$ ____***
[D] Multiply line 5 by 52 and then divide by 12 ***$ ____***
(7) Subtract line 6 from line 3 ***$ ____***
This is the attachable earnings. This amount must not exceed 25% of the disposable earnings from line 3.

Answer:……
……

Did you have in your possession, in your charge or under your control, on the date the writ of garnishment was served upon you, any money, property, effects, goods, chattels, rights, credits or choses in action of the defendants, or either of them, or in which .....is interested? If so, state its value, and state fully all particulars.

Answer:

……
……

Do you know of any debts owing to the defendants, whether due or not due, or any money, property, effects, goods, chattels, rights, credits or choses in action, belonging to ..... or in which .....is interested, and now in the possession or under the control of others? If so, state particulars.

Answer:

……
……

Are you a financial institution with a personal account held by one or all of the defendants? If so, state the account number and the amount of money in the account which is subject to garnishment. As set forth in section 3 of this act, $2,000 or the entire amount in the account, whichever is less, is not subject to garnishment if the financial institution reasonably identifies that an electronic deposit of money has been made into the account within the immediately preceding 45 days which is exempt from execution, including, without limitation, payments of money described in section 3 of this act or, if no such deposit has been made, $1,000 or the entire amount in the account, whichever is less, is not subject to garnishment. The amount which is not subject to garnishment does not apply to each account of the judgment debtor, but rather is an aggregate amount that is not subject to garnishment.

Answer:

……
……

State your correct name and address, or the name and address of your attorney upon whom written notice of further proceedings in this action may be served.

Answer:

……

……

Garnishee

I (insert the name of the garnishee), ~~[do solemnly swear (or affirm)]~~ ***declare under penalty of perjury*** that the answers to the foregoing interrogatories by me subscribed are true ~~[.]~~ ***and correct.***

(Signature of garnishee)

~~[SUBSCRIBED and SWORN to before me this ..... day of the month of ..... of the year .....]~~

2. The garnishee shall answer the interrogatories in writing upon oath or affirmation and submit the answers to the sheriff within the time required by the writ. ***The garnishee shall submit his or her answers to the judgment debtor within the same time.*** If the garnishee fails to do so, the garnishee shall be deemed in default.

Sec. 12. NRS 31.296 is hereby amended to read as follows:

31.296 1. Except as otherwise provided in subsection 3, if the garnishee indicates in the garnishee's answer to garnishee interrogatories that the garnishee is the employer of the defendant, the writ of garnishment served on the garnishee shall be deemed to continue for 120 days or until the amount demanded in the writ is satisfied, whichever occurs earlier.

2. In addition to the fee set forth in NRS 31.270, a garnishee is entitled to a fee from the plaintiff of $3 per pay period, not to exceed $12 per month, for each withholding made of the defendant's earnings. This subsection does not apply to the first pay period in which the defendant's earnings are garnished.

3. If the defendant's employment by the garnishee is terminated before the writ of garnishment is satisfied, the garnishee:

(a) Is liable only for the amount of earned but unpaid, disposable earnings that are subject to garnishment.

(b) Shall provide the plaintiff or the plaintiff's attorney with the last known address of the defendant and the name of any new employer of the defendant, if known by the garnishee.

4. The judgment creditor who caused the writ of attachment to issue pursuant to NRS 31.013 shall prepare an accounting and provide a report to the judgment debtor, the sheriff and each garnishee every 120 days which sets forth, without limitation, the amount owed by the judgment debtor, the costs and fees allowed pursuant to NRS 18.160 and any accrued interest and costs on the judgment. The report must advise the judgment debtor of the judgment debtor's right to request a hearing pursuant to NRS 18.110 to dispute any accrued interest, fee or other charge. The judgment creditor must submit this accounting with each subsequent application for writ made by the judgment creditor concerning the same debt.

Sec. 13. NRS 258.230 is hereby amended to read as follows:

258.230 Except with respect to the ~~[~~fee~~]~~ ***fees*** described in ~~[~~paragraph~~]~~ ***paragraphs (a) and*** (d) of subsection 2 of NRS 258.125, all fees prescribed in this chapter shall be payable in advance, if demanded. If a constable shall not have received any or all of his or her fees, which may be due the constable for services rendered by him or her in any suit or proceedings, the constable may have execution therefor in his or her own name against the party or parties from whom they are due, to be issued from the court where the action is pending, upon the order of the justice of the peace or court upon affidavit filed.

Sec. 14. NRS 612.710 is hereby amended to read as follows:

612.710 Except as otherwise provided in NRS 31A.150:

1. Any assignment, pledge or encumbrance of any right to benefits which are or may become due or payable under this chapter is void, except for a voluntary assignment of benefits to satisfy an obligation to pay support for a child.

2. Benefits are exempt from levy, execution, attachment, or any other remedy provided for the collection of debt. Benefits received by any person ~~[~~, ~~if they are not mingled with other money of the recipient,~~]~~ are exempt from any remedy for the collection of all debts, except debts incurred for necessaries furnished to the person or the person's spouse or dependents during the time when the person was unemployed.

3. Any other waiver of any exemption provided for in this section is void.

Sec. 15. NRS 21.114 is hereby repealed.

TEXT OF REPEALED SECTION

21.114 Sureties: Submission to jurisdiction of court; exceptions to sufficiency and justification.

1. By entering into any undertaking provided for in NRS 21.112, the sureties thereunder submit themselves to the jurisdiction of the court and irrevocably appoint the clerk of the court as agent upon whom any papers affecting liability on the undertaking may be served. Liability on such undertaking may be enforced on motion to the court without the necessity of an independent action. The motion and such reasonable notice of the motion as the court prescribes may be served on the clerk of the court, who shall forthwith mail copies to the sureties if their addresses are known.

2. Exceptions to the sufficiency of the sureties and their justification may be had and taken in the same manner as upon an undertaking given in other cases under titles 2 and 3 of NRS. If they, or others in their place, fail to justify at the time and place appointed, the sheriff must release the property; but if no exception is taken within 5 days after notice of receipt of the undertaking, the judgment debtor shall be deemed to have waived any and all objections to the sufficiency of the sureties.

Assemblyman Ohrenschall moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 240.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 520.

AN ACT relating to public agencies; revising the restrictions on contracts with or employment of former or current state employees by a state agency; requiring state agencies to report all contracts for services as part of the budget process; requiring that a contractor with a state agency ~~[or with a school district have a current and valid business license;]~~ **be in active and good standing with the Secretary of State;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law restricts the employment of consultants by public agencies and requires the approval of certain contracts with consultants by the Interim Finance Committee. (NRS 284.1729) **Section 1** of this bill expands those restrictions to apply to all contracts to provide services to state agencies **,** ~~[and]~~ revises the exceptions to the restrictions **.** ~~[.]~~ **and requires approval of the State Board of Examiners rather than the Interim Finance Committee of contracts subject to the restrictions. Section 1 also prohibits a state agency from entering into a contract with a person for services without ensuring that the person is in active and good standing with the Secretary of State.** **Section 2** of this bill requires state agencies to report all contracts for services as part of the budget process instead of only reporting contracts with consultants and temporary employment services. ~~[Sections 1 and 3 of this bill prohibit a state agency or a school district from entering into a contract with a person for services without ensuring that the person has a current and valid state business license.]~~ **Section 3** ~~[also]~~ moves the reporting requirements for school districts regarding consultants to the chapter which specifically governs school districts.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 284.1729 is hereby amended to read as follows:

284.1729 1. Except as otherwise provided in this section, a department, division or other agency of this State shall not ~~[employ, by]~~ ***enter into a*** contract ~~[or otherwise,]~~ ***with*** a person to provide services ~~[as a consultant]~~ for the agency if:

(a) The person is a current employee of an agency of this State;

(b) The person is a former employee of an agency of this State and less than ~~[1 year has]~~ ***2 years have*** expired since the termination of the person's employment with the State;

(c) Except as otherwise provided in paragraph (d), the term of the contract is for more than 2 years, or is amended or otherwise extended beyond 2 years; or

(d) The person is employed by the Department of Transportation for a transportation project that is ~~[federally]~~ ***entirely*** funded ***by federal money*** and the term of the contract is for more than 4 years, ~~[or is amended or otherwise extended beyond 4 years,]~~

➥ unless, before the ~~[person is employed]~~ ***contract is executed*** by the agency, the ~~[Interim Finance Committee]~~ ***State Board of Examiners*** approves the employment of the person. ***The requirements of this subsection apply to any person employed by a business or other entity that enters into a contract to provide services for a department, division or agency of this State if the person will be performing or producing the services for which the business or entity is employed.***

2. The provisions of paragraph (b) of subsection 1 apply to employment through a temporary employment service. A temporary employment service providing employees for a state agency shall provide the agency with the names of the employees to be provided to the agency. The ~~[Interim Finance Committee]~~ ***State Board of Examiners*** shall not approve ~~[the employment of a consultant]~~ ***a contract*** pursuant to paragraph (b) of subsection 1 unless the ~~[Interim Finance Committee]~~ ***Board*** determines that one or more of the following circumstances exist:

(a) The person provides services that are not provided by any other employee of the agency or for which a critical labor shortage exists; or

(b) A short-term need or unusual economic circumstance exists for the agency to ~~[employ]~~ ***contract with*** the person **.** ~~[as a consultant.]~~

3. A department, division or other agency of this State may ~~[employ]~~ ***contract with*** a person pursuant to paragraph (a) or (b) of subsection 1 without obtaining the approval of the ~~[Interim Finance Committee]~~ ***State Board of Examiners*** if the term of ~~[employment]~~ ***the contract*** is for less than 4 months and the executive head of the department, division or agency determines that an emergency exists which necessitates the ~~[employment.]~~ ***contract.*** If a department, division or agency ~~[employs]~~ ***contracts with*** a person pursuant to this subsection, the department, division or agency shall include in the report to the ~~[Interim Finance Committee]~~ ***State Board of Examiners*** pursuant to subsection 4 a description of the emergency.

4. Except as otherwise provided in subsection ~~[7,]~~ ***8,*** a department, division or other agency of this State shall report to the Interim Finance Committee whenever it ~~[employs, by contract or otherwise,]~~ ***contracts with*** a person to provide services ~~[as a consultant]~~ for the agency who is a former employee of a department, division or other agency of this State.

5. Except as otherwise provided in subsection ~~[7,]~~ ***8,*** a department, division or other agency of this State shall not contract with a temporary employment service unless the contracting process is controlled by rules of open competitive bidding.

6. Each board or commission of this State ~~[, each school district in this State]~~ and each institution of the Nevada System of Higher Education that employs a consultant shall, at least once every 6 months, submit to the Interim Finance Committee a report setting forth:

(a) The number of consultants employed by the board, commission ~~[, school district]~~ or institution;

(b) The purpose for which the board, commission ~~[, school district]~~ or institution employs each consultant;

(c) The amount of money or other remuneration received by each consultant from the board, commission ~~[, school district]~~ or institution; and

(d) The length of time each consultant has been employed by the board, commission ~~[, school district]~~ or institution.

7. ***A department, division or other agency of this State, including a board or commission of this State and each institution of the Nevada System of Higher Education, shall not enter into a contract with a person to provide services without ensuring that the person*** ~~*[has a current and valid state business license.]*~~ ***is in active and good standing with the Secretary of State.***

8. The provisions of subsections 1 to 5, inclusive, do not apply to ***:*** ~~[the:]~~

(a) ***The*** Nevada System of Higher Education ~~*[, the Public Employees' Benefits Program]*~~ or a board or commission of this State.

(b) ~~[Employment]~~ ***The employment*** of professional engineers by the Department of Transportation if those engineers are employed for a transportation project that is ~~[federally funded.~~

~~8. For the purposes of this section, "consultant" includes any person employed by a business or other entity that is providing consulting services if the person will be performing or producing the work for which the business or entity is employed.]~~ ***entirely funded by federal money.***

(c) Contracts in the amount of $1 million or more entered into ~~*[pursuant]*~~ ***:***

(1) Pursuant to the State Plan for Medicaid established pursuant to NRS 422.271.

~~*[(d) Contracts for]*~~

(2) For financial services.

(3) Pursuant to the Public Employees' Benefits Program.

Sec. 2. NRS 353.210 is hereby amended to read as follows:

353.210 1. Except as otherwise provided in subsection 6, on or before September 1 of each even-numbered year, all departments, institutions and other agencies of the Executive Department of the State Government, and all agencies of the Executive Department of the State Government receiving state money, fees or other money under the authority of the State, including

those operating on money designated for specific purposes by the Nevada Constitution or otherwise, shall prepare, on blanks furnished them by the Chief, and submit to the Chief:

(a) The number of positions within the department, institution or agency that have been vacant for at least 12 months, the number of months each such position has been vacant and the reasons for each such vacancy;

(b) Any existing contracts ***for services*** the department, institution or agency has with ~~[~~consultants or~~]~~ temporary employment services ~~[~~,~~]~~ ***or other persons,*** the proposed expenditures for such contracts in the next 2 fiscal years and the reasons for the use of such ~~[~~consultants or~~]~~ services; and

(c) Estimates of their expenditure requirements, together with all anticipated income from fees and all other sources, for the next 2 fiscal years compared with the corresponding figures of the last completed fiscal year and the estimated figures for the current fiscal year.

2. The Chief shall direct that one copy of the forms submitted pursuant to subsection 1, accompanied by every supporting schedule and any other related material, be delivered directly to the Fiscal Analysis Division of the Legislative Counsel Bureau on or before September 1 of each even-numbered year.

3. The Budget Division of the Department of Administration shall give advance notice to the Fiscal Analysis Division of the Legislative Counsel Bureau of any conference between the Budget Division of the Department of Administration and personnel of other state agencies regarding budget estimates. A Fiscal Analyst of the Legislative Counsel Bureau or his or her designated representative may attend any such conference.

4. The estimates of expenditure requirements submitted pursuant to subsection 1 must be classified to set forth the data of funds, organizational units, and the character and objects of expenditures, and must include a mission statement and measurement indicators for each program. The organizational units may be subclassified by functions and activities, or in any other manner at the discretion of the Chief.

5. If any department, institution or other agency of the Executive Department of the State Government, whether its money is derived from state money or from other money collected under the authority of the State, fails or neglects to submit estimates of its expenditure requirements as provided in this section, the Chief may, from any data at hand in the Chief's office or which the Chief may examine or obtain elsewhere, make and enter a proposed budget for the department, institution or agency in accordance with the data.

6. Agencies, bureaus, commissions and officers of the Legislative Department, the Public Employees' Retirement System and the Judicial Department of the State Government shall submit to the Chief for his or her information in preparing the proposed executive budget the budgets which they propose to submit to the Legislature.

Sec. 3. Chapter 391 of NRS is hereby amended by adding thereto a new section to read as follows:

~~[1.]~~ ***Each school district in this State that employs a consultant shall, at least once every 6 months, submit to the Interim Finance Committee a report setting forth:***

~~[(a)]~~ ***1. The number of consultants employed by the school district;***

~~[(b)]~~ ***2. The purpose for which the school district employs each consultant;***

~~[(c)]~~ ***3. The amount of money or other remuneration received by each consultant from the school district; and***

~~[(d)]~~ ***4. The length of time each consultant has been employed by the school district.***

~~[2. A school district shall not employ, by contract or otherwise, a person to provide services for the school district for which a business license is required without ensuring that the person has a current and valid state business license.]~~

Sec. 4. This act becomes effective on July 1, 2011.

Assemblywoman Bustamante Adams moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 257.

Bill read third time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 391.

AN ACT relating to the Open Meeting Law; revising provisions governing periods devoted to public comment; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The Open Meeting Law requires that meetings of public bodies be open to the public, with limited exceptions. Under the Open Meeting Law, a public body is required to provide written notice of all such meetings, which must include an agenda with a period devoted to comments by the general public and discussion of those comments. However, a public body is prohibited from taking action upon a matter that is raised during such a period for public comment until the matter has been specifically included on an agenda and is denoted to be an item upon which the public body may take action. (NRS 241.020) This bill requires the public body ~~[, before taking action on an agenda item that is denoted as an item on which the public body may take action,]~~ to provide ~~[a period]~~ **two separate periods** devoted to public comment ~~[on the agenda item. The public body is also required to provide one additional period for public comment immediately]~~ **: (1) one at the beginning of the meeting; and (2) one** before the adjournment of the

meeting ~~[.]~~ **, each of which must allow for discussion of any public comments.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 241.020 is hereby amended to read as follows:

241.020 1. Except as otherwise provided by specific statute, all meetings of public bodies must be open and public, and all persons must be permitted to attend any meeting of these public bodies. A meeting that is closed pursuant to a specific statute may only be closed to the extent specified in the statute allowing the meeting to be closed. All other portions of the meeting must be open and public, and the public body must comply with all other provisions of this chapter to the extent not specifically precluded by the specific statute. Public officers and employees responsible for these meetings shall make reasonable efforts to assist and accommodate persons with physical disabilities desiring to attend.

2. Except in an emergency, written notice of all meetings must be given at least 3 working days before the meeting. The notice must include:

(a) The time, place and location of the meeting.

(b) A list of the locations where the notice has been posted.

(c) An agenda consisting of:

(1) A clear and complete statement of the topics scheduled to be considered during the meeting.

(2) A list describing the items on which action may be taken and clearly denoting that action may be taken on those items.

(3) ~~[~~A~~]~~ ~~*[For each item included on the agenda as an item upon which action may be taken pursuant to subparagraph (2), a period]*~~ ***At least two periods*** devoted to comments by the general public , if any, ~~*[on the item,]*~~ ***which must be taken at the beginning of the meeting and before the adjournment of the meeting,*** and discussion of those comments. ~~*[A public body shall provide such a period before taking action on the item. A public body shall provide an additional period devoted to comments by the general public, if any, and discussion of those comments immediately before the adjournment of the meeting.]*~~ No action may be taken upon a matter raised ~~[under]~~ ~~[this item of the agenda]~~ ***during a period devoted to comments by the general public*** until the matter itself has been specifically included on an agenda as an item upon which action may be taken pursuant to subparagraph (2).

(4) If any portion of the meeting will be closed to consider the character, alleged misconduct or professional competence of a person, the name of the person whose character, alleged misconduct or professional competence will be considered.

(5) If, during any portion of the meeting, the public body will consider whether to take administrative action against a person, the name of the person against whom administrative action may be taken.

3. Minimum public notice is:

(a) Posting a copy of the notice at the principal office of the public body or, if there is no principal office, at the building in which the meeting is to be held, and at not less than three other separate, prominent places within the jurisdiction of the public body not later than 9 a.m. of the third working day before the meeting; and

(b) Providing a copy of the notice to any person who has requested notice of the meetings of the public body. A request for notice lapses 6 months after it is made. The public body shall inform the requester of this fact by enclosure with, notation upon or text included within the first notice sent. The notice must be:

(1) Delivered to the postal service used by the public body not later than 9 a.m. of the third working day before the meeting for transmittal to the requester by regular mail; or

(2) If feasible for the public body and the requester has agreed to receive the public notice by electronic mail, transmitted to the requester by electronic mail sent not later than 9 a.m. of the third working day before the meeting.

4. If a public body maintains a website on the Internet or its successor, the public body shall post notice of each of its meetings on its website unless the public body is unable to do so because of technical problems relating to the operation or maintenance of its website. Notice posted pursuant to this subsection is supplemental to and is not a substitute for the minimum public notice required pursuant to subsection 3. The inability of a public body to post notice of a meeting pursuant to this subsection as a result of technical problems with its website shall not be deemed to be a violation of the provisions of this chapter.

5. Upon any request, a public body shall provide, at no charge, at least one copy of:

(a) An agenda for a public meeting;

(b) A proposed ordinance or regulation which will be discussed at the public meeting; and

(c) Subject to the provisions of subsection 6, any other supporting material provided to the members of the public body for an item on the agenda, except materials:

(1) Submitted to the public body pursuant to a nondisclosure or confidentiality agreement which relates to proprietary information;

(2) Pertaining to the closed portion of such a meeting of the public body; or

(3) Declared confidential by law, unless otherwise agreed to by each person whose interest is being protected under the order of confidentiality.

➥ The public body shall make at least one copy of the documents described in paragraphs (a), (b) and (c) available to the public at the meeting to which the documents pertain. As used in this subsection, "proprietary information" has the meaning ascribed to it in NRS 332.025.

6. A copy of supporting material required to be provided upon request pursuant to paragraph (c) of subsection 5 must be:

(a) If the supporting material is provided to the members of the public body before the meeting, made available to the requester at the time the material is provided to the members of the public body; or

(b) If the supporting material is provided to the members of the public body at the meeting, made available at the meeting to the requester at the same time the material is provided to the members of the public body.

➥ If the requester has agreed to receive the information and material set forth in subsection 5 by electronic mail, the public body shall, if feasible, provide the information and material by electronic mail.

7. A public body may provide the public notice, information and material required by this section by electronic mail. If a public body makes such notice, information and material available by electronic mail, the public body shall inquire of a person who requests the notice, information or material if the person will accept receipt by electronic mail. The inability of a public body, as a result of technical problems with its electronic mail system, to provide a public notice, information or material required by this section to a person who has agreed to receive such notice, information or material by electronic mail shall not be deemed to be a violation of the provisions of this chapter.

8. As used in this section, "emergency" means an unforeseen circumstance which requires immediate action and includes, but is not limited to:

(a) Disasters caused by fire, flood, earthquake or other natural causes; or

(b) Any impairment of the health and safety of the public.

Sec. 2. This act becomes effective on July 1, 2011.

Assemblywoman Bustamante Adams moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 265.

Bill read third time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 392.

AN ACT relating to peace officers; ~~[requiring a law enforcement agency to release a peace officer from his or her regular working hours to attend certain hearings and administrative proceedings under certain circumstances;]~~ **revising the circumstances under which a law enforcement agency is prohibited from suspending a peace officer without pay during an investigation; authorizing a representative of a peace officer to attend an interview with the peace officer under certain circumstances;** requiring a law enforcement agency to ~~[compensate]~~ **revise** a peace ~~[officer]~~ **officer's**

work schedule for attending certain hearings and administrative proceedings; ~~[providing a civil penalty for certain violations of the rights of a peace officer;]~~ **prohibiting the use in a criminal proceeding of a statement or answer of a peace officer obtained during an investigation under certain circumstances;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[It]~~ **Existing law authorizes a law enforcement agency to conduct an investigation of a peace officer in response to a complaint or allegation that the peace officer has engaged in activities which may result in punitive action. Existing law prohibits the law enforcement agency from suspending the peace officer without pay during the investigation until all investigations relating to the matter have concluded. (NRS 289.057) Section 1 of this bill prohibits the law enforcement agency from suspending the peace officer without pay except as otherwise provided in a collective bargaining agreement.**

Existing law requires a law enforcement agency to notify a peace officer not later than 48 hours before conducting any interrogation or hearing relating to an investigation of the peace officer. (NRS 289.060) Section 1.5 of this bill imposes additional requirements by requiring the law enforcement agency to provide a written notice to any other peace officer the law enforcement agency believes has any knowledge of any fact relating to the complaint or allegation against the peace officer who is the subject of the investigation. The written notice must advise the peace officer that he or she must appear and be interviewed as a witness in connection with the investigation. Section 1.5 also limits the use of certain evidence discovered during the course of an investigation or hearing and prohibits the use of certain statements or answers made by a peace officer in any subsequent criminal proceeding.

Finally, existing law provides that, if a peace officer is the subject of an investigation of alleged misconduct, ~~[existing law provides that]~~ a law enforcement agency must interrogate the peace officer during his or her regular working hours, if practical, or compensate the peace officer for his or her time based on the peace officer's wages, if no charges arise from the interrogation. (NRS 289.060) **Section** ~~[1 of this bill requires instead that any time a peace officer is required to attend any interrogation, hearing or administrative proceeding concerning the peace officer, such interrogation, hearing or administrative proceeding must be held during the peace officer's regular working hours, or the peace officer must be released from his or her regular working hours the day before the interrogation, hearing or administrative proceeding and must be compensated for the day of the interrogation, hearing or administrative proceeding at his or her regular wages.~~

~~Existing law provides that, if prejudicial evidence is obtained in violation of a peace officer's rights during an investigation of the peace officer which~~

~~could result in punitive action, that evidence is inadmissible in any administrative proceeding or civil action against the peace officer. (NRS 289.085) Section 2 of this bill provides that, in addition to the exclusion of the evidence, a person who violates a peace officer's rights intentionally, knowingly or willfully in such an investigation is liable to the peace officer for a civil penalty of not more than $5,000, plus reasonable attorney's fees and costs.~~ **1.5 of this bill deletes the requirement for the payment of compensation to the peace officer and instead requires the law enforcement agency to revise the peace officer's work schedule to allow any time that is required for the interrogation to be deemed a part of the peace officer's regular working hours. If the law enforcement agency does not interrogate the peace officer during his or her regular working hours and the peace officer receives a notice to appear for an interrogation at a time that he or she is off duty, section 1.5 requires the peace officer to be compensated for appearing at the interrogation based on his or her wages and any other benefits he or she is entitled to receive.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. **NRS 289.057 is hereby amended to read as follows:**

289.057 1. An investigation of a peace officer may be conducted in response to a complaint or allegation that the peace officer has engaged in activities which could result in punitive action.

2. ~~[A]~~ ***Except as otherwise provided in a collective bargaining agreement, a*** law enforcement agency shall not suspend a peace officer without pay during or pursuant to an investigation conducted pursuant to this section until all investigations relating to the matter have concluded.

3. After the conclusion of the investigation:

(a) If the investigation causes a law enforcement agency to impose punitive action against the peace officer who was the subject of the investigation and the peace officer has received notice of the imposition of the punitive action, the peace officer or a representative authorized by the peace officer may, except as otherwise prohibited by federal or state law, review any administrative or investigative file maintained by the law enforcement agency relating to the investigation, including any recordings, notes, transcripts of interviews and documents.

(b) If, pursuant to a policy of a law enforcement agency or a labor agreement, the record of the investigation or the imposition of punitive action is subject to being removed from any administrative file relating to the peace officer maintained by the law enforcement agency, the law enforcement agency shall not, except as otherwise required by federal or state law, keep or make a record of the investigation or the imposition of punitive action after the record is required to be removed from the administrative file.

~~[Section 1.]~~ ***Sec. 1.5*** NRS 289.060 is hereby amended to read as follows:

289.060 1. Except as otherwise provided in this subsection, a law enforcement agency shall, not later than 48 hours before any interrogation or hearing is held relating to an investigation conducted pursuant to NRS 289.057, provide ***a*** written notice to the peace officer ~~[.~~ ~~A]~~ ***who is the subject of the investigation. If the law enforcement agency believes that any other peace officer has any knowledge of any fact relating to the complaint or allegation against the peace officer who is the subject of the investigation, the law enforcement agency shall provide a written notice to the peace officer advising the peace officer that he or she must appear and be interviewed as a witness in connection with the investigation. Any peace officer who serves as a witness during an interview must be allowed a reasonable opportunity to arrange for a representative chosen by the peace officer to attend the interview with the peace officer. Such a representative must not include the peace officer who is the subject of the investigation or any other witness who the law enforcement agency believes may have knowledge of any fact relating to the investigation. Any*** peace officer ***specified in this subsection*** may waive the notice required pursuant to this section.

2. The notice ***provided to the peace officer who is the subject of the investigation*** must include:

(a) A description of the nature of the investigation;

(b) A summary of alleged misconduct of the peace officer ~~[.]~~ ***and any other peace officer whom the law enforcement agency is investigating in connection with the complaint or allegation;***

(c) The date, time and place of the interrogation or hearing;

(d) The name and rank of the officer in charge of the investigation and the officers who will conduct any interrogation ~~[.]~~ ***or hearing;***

(e) The name of any other person who will be present at any interrogation or hearing; and

(f) A statement setting forth the provisions of subsection 1 of NRS 289.080.

3. The law enforcement agency shall:

(a) Interrogate the peace officer during the peace officer's regular working hours, if reasonably practicable, or ~~[compensate the peace officer for that time based on the peace officer's regular wages if no charges arise from the interrogation.]~~ ***revise the peace officer's work schedule to allow any time that is required for the interrogation or for any hearing to be deemed a part of the peace officer's regular working hours. Any such time must be calculated based on the peace officer's regular wages for his or her regularly scheduled working hours. If the peace officer is not interrogated during his or her regular working hours or if his or her work schedule is not revised pursuant to this paragraph and the law enforcement agency notifies the peace officer to appear at a time when he or she is off duty, the peace officer must be compensated for appearing at the interrogation based***

on the wages and any other benefits the peace officer is entitled to receive for appearing at the time set forth in the notice.

(b) Immediately before ~~[the]~~ ***any*** interrogation or hearing begins, inform the peace officer orally on the record that:

(1) The peace officer is required to provide a statement and answer questions related to the peace officer's alleged misconduct; and

(2) If the peace officer fails to provide such a statement or to answer any such questions, the agency may charge the peace officer with insubordination.

(c) ~~*[(b)]*~~ Limit the scope of the questions during the interrogation or hearing to the alleged misconduct of the peace officer. ***If any evidence is discovered during the course of an investigation or hearing which establishes or may establish any other possible misconduct engaged in by the peace officer, the law enforcement agency shall notify the peace officer of that fact and shall not conduct any further interrogation of the peace officer concerning the possible misconduct until a subsequent notice of that evidence and possible misconduct is provided to the peace officer pursuant to this chapter.***

(d) ~~*[(c)]*~~ Allow the peace officer to explain an answer or refute a negative implication which results from questioning during an interrogation or hearing.

4. If a peace officer ~~*[is required to attend any interrogation, hearing or other administrative proceeding held relating to an investigation of the peace officer conducted pursuant to NRS 289.057 or any internal administrative grievance procedure conducted pursuant to NRS 289.020, the law enforcement agency shall:*~~

~~*(a) If the law enforcement agency interrogates the peace officer, interrogate the peace officer during the peace officer's regular working hours, if reasonably practicable; or*~~

~~*(b) Release the peace officer from his or her regular working hours the day before the interrogation, hearing or other administrative proceeding and compensate the peace officer for the day of the interrogation, hearing or other administrative proceeding based on the peace officer's regular wages.]*~~ ***provides a statement or answers a question relating to the alleged misconduct of a peace officer who is the subject of an investigation pursuant to NRS 289.057 after the peace officer is informed that failing to provide the statement or answer may result in punitive action against him or her, the statement or answer must not be used against the peace officer who provided the statement or answer in any subsequent criminal proceeding.***

Sec. 2. ~~[NRS 289.085 is hereby amended to read as follows:~~

~~289.085 *1.* If an arbitrator or court determines that evidence was obtained during an investigation of a peace officer concerning conduct that could result in punitive action in a manner which violates any provision of NRS 289.010 to 289.120, inclusive, and that such evidence may be~~

~~prejudicial to the peace officer, such evidence is inadmissible and the arbitrator or court shall exclude such evidence during any administrative proceeding commenced or civil action filed against the peace officer.~~

~~*2. A person who intentionally, knowingly or willfully violates a provision of NRS 289.010 to 289.120, inclusive, during an investigation of a peace officer is liable for a civil penalty of not more than $5,000 for each violation, payable to the peace officer, together with reasonable attorney's fees and costs.]*~~ **(Deleted by amendment.)**

Sec. 3. This act becomes effective on July 1, 2011.

Assemblywoman Bustamante Adams moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 304.

Bill read third time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 504.

SUMMARY— ~~[Provides for the certification of]~~ **Makes various changes relating to** fire performers and apprentice fire performers. (BDR 42-885)

AN ACT relating to fire protection; ~~[prohibiting]~~ **codifying in statute the requirement in regulation that a person obtain a certificate of registration before acting as a fire performer; authorizing** a person ~~[from acting]~~ **to act** as a fire performer ~~[unless]~~ **if** the person holds a certificate of registration as ~~[a fire performer or]~~ **an** apprentice fire performer; providing for the application for and issuance of a certificate of registration as ~~[a fire performer or]~~ **an** apprentice fire performer; prohibiting an apprentice fire performer from acting as a fire performer without certain supervision; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Currently, regulations adopted by the State Fire Marshal, who is charged with enforcing all laws and adopting regulations relating to fire prevention, require a person to ~~[obtain from]~~ **apply to** the State Fire Marshal **for** a certificate of registration as a fire performer before entertaining or otherwise performing before an audience using an open flame. (NRS 477.030; NAC 477.630) Any person who knowingly violates any of those laws or regulations is guilty of a misdemeanor. (NRS 477.250)

This bill ~~[enacts similar provisions to replace]~~ **codifies in statute the requirements in** those regulations and adds requirements for both fire performers and apprentice fire performers. Under **section 5** of this bill, a person is prohibited from acting as a fire performer unless the person is the holder of a certificate of registration as a fire performer ~~[or]~~ **, as in existing regulation. Section 5 also authorizes a person to act as a fire performer if the person is the holder of a certificate of registration as an** apprentice

fire performer. **Section 5** authorizes the State Fire Marshal to issue either certificate to a person who is at least ~~[12]~~ **18** years of age, submits an application that includes a description of the person's experience as a fire performer or apprentice fire performer and all safety precautions used by the applicant while acting as a fire performer or apprentice fire performer, and pays an application fee ~~[.]~~ **prescribed by regulations adopted by the State Fire Marshal.** **Section 5** also provides for the ~~[annual]~~ renewal of each **such** certificate.

Section 6 of this bill prohibits an apprentice fire performer from acting as a fire performer unless the apprentice is directly supervised at all times by a registered fire performer who is at least ~~[18]~~ **21** years of age. The person supervising must ensure that the apprentice fire performer safely handles and operates any equipment and complies with all applicable laws relating to acting as a fire performer.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 477 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 8, inclusive, of this act.

Sec. 2. ***As used in sections 2 to 8, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 and 4 of this act have the meanings ascribed to them in those sections.***

Sec. 3. ***"Apprentice fire performer" means a person who is issued a certificate of registration as an apprentice fire performer pursuant to section 5 of this act.***

Sec. 4. ***"Fire performer" means an entertainer or other performer who performs for an audience using an open flame.***

Sec. 5. ***1. A person shall not act as a fire performer unless the person is the holder of a certificate of registration as a fire performer or apprentice fire performer issued by the State Fire Marshal pursuant to this section.***

2. An applicant for a certificate of registration as a fire performer or apprentice fire performer must:

(a) Be a natural person who is at least ~~[12]~~ 18 years of age;

(b) Make a written notarized application to the State Fire Marshal on a form provided by the State Fire Marshal;

(c) Submit to the State Fire Marshal a resume setting forth the experience of the applicant as a fire performer or apprentice fire performer and a description of all safety precautions used by the applicant while acting as a fire performer or apprentice fire performer; and

(d) Pay an application fee ~~[not to exceed $27.50.]~~ in an amount prescribed by regulations adopted by the State Fire Marshal.

3. The State Fire Marshal may:

(a) Issue to any person who applies for either certificate pursuant to subsection 2 a certificate of registration as a fire performer or apprentice fire performer; and

(b) Renew a certificate of registration as a fire performer or apprentice fire performer to any person who applies for a renewal in a manner specified by the State Fire Marshal and pays a renewal fee ~~[not to exceed $27.50.]~~ in an amount prescribed by regulations adopted by the State Fire Marshal.

4. A certificate of registration as a fire performer or apprentice fire performer is valid for ~~[1 year after the date it is issued.]~~ the period prescribed by regulations adopted by the State Fire Marshal.

Sec. 6. *1. An apprentice fire performer may not act as a fire performer unless, at all times while the apprentice fire performer is acting as a fire performer, the apprentice fire performer is directly supervised by a person who:*

(a) Is at least ~~[18]~~ 21 years of age; and

(b) Is the holder of a certificate of registration as a fire performer issued pursuant to section 5 of this act.

2. While an apprentice fire performer is acting as a fire performer, the fire performer who is directly supervising the apprentice fire performer shall ensure that the apprentice fire performer:

(a) Safely handles and operates any equipment used by the apprentice fire performer; and

(b) Complies with all applicable laws and regulations concerning acting as a fire performer.

Sec. 7. *1. In addition to any other requirements set forth in sections 2 to 8, inclusive, of this act, an applicant for the issuance or renewal of a certificate of registration pursuant to section 5 of this act shall:*

(a) Include the social security number of the applicant in the application submitted to the State Fire Marshal.

(b) Submit to the State Fire Marshal the statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520. The statement must be completed and signed by the applicant.

2. The State Fire Marshal shall include the statement required pursuant to subsection 1 in:

(a) The application or any other forms that must be submitted for the issuance or renewal of the certificate of registration; or

(b) A separate form prescribed by the State Fire Marshal.

3. A certificate of registration may not be issued or renewed by the State Fire Marshal pursuant to section 5 of this act if the applicant:

(a) Fails to submit the statement required pursuant to subsection 1; or

(b) Indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or

other public agency enforcing the order for the repayment of the amount owed pursuant to the order.

4. If an applicant indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the State Fire Marshal shall advise the applicant to contact the district attorney or other public agency enforcing the order to determine the actions that the applicant may take to satisfy the arrearage.

Sec. 8. ***1. If the State Fire Marshal receives a copy of a court order issued pursuant to NRS 425.540 that provides for the suspension of all professional, occupational and recreational licenses, certificates and permits issued to a person who is the holder of a certificate of registration as a fire performer or apprentice fire performer, the State Fire Marshal shall deem the certificate of registration issued to that person to be suspended at the end of the 30th day after the date on which the court order was issued unless the State Fire Marshal receives a letter issued to the holder of the certificate of registration by the district attorney or other public agency pursuant to NRS 425.550 stating that the holder of the certificate of registration has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.***

2. The State Fire Marshal shall reinstate a certificate of registration as a fire performer or apprentice fire performer that has been suspended by a district court pursuant to NRS 425.540 if the State Fire Marshal receives a letter issued by the district attorney or other public agency pursuant to NRS 425.550 to the person whose certificate of registration was suspended stating that the person whose certificate of registration was suspended has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

Sec. 9. On or before December 30, 2011, the State Fire Marshal shall adopt any regulations necessary to carry out the amendatory provisions of this act.

Sec. 10. 1. This act becomes effective upon passage and approval for the purpose of adopting regulations and on January 1, 2012, for all other purposes.

2. Sections 7 and 8 of this act expire by limitation on the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

(a) Have failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or

(b) Are in arrears in the payment for the support of one or more children,

➥ are repealed by the Congress of the United States.

Assemblywoman Bustamante Adams moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 334.

Bill read third time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 394.

SUMMARY—Exempts from the limitation on the total proposed budgetary expenditures for a biennium any expenditures ~~[for the purpose of satisfying an unfunded federal mandate.]~~ **from the State Distributive School Account in the State General Fund.** (BDR 31-1009)

AN ACT relating to state financial administration; exempting from the limitation on the proposed expenditures of the Executive Department of the State Government any expenditures ~~[for the purpose of satisfying an unfunded federal mandate;]~~ **from the State Distributive School Account in the State General Fund;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the Chief of the Budget Division of the Department of Administration prepares a proposed budget for the Executive Department of the State Government. (NRS 353.185) The proposed total expenditures in this proposed budget, excluding proposed expenditures for construction and expenditures that reduce any unfunded accrued liability of the State Retirees' Health and Welfare Benefits Fund, cannot exceed a certain amount. (NRS 353.213) This bill provides that expenditures ~~[to satisfy any unfunded federal mandate]~~ **from the State Distributive School Account in the State General Fund** are also excluded from the limitation on proposed total expenditures.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 353.213 is hereby amended to read as follows:

353.213 1. In preparing the proposed budget for the Executive Department of the State Government for each biennium, the Chief shall not exceed the limit upon total proposed expenditures for purposes other than construction ~~*[, satisfying an unfunded federal mandate]*~~ and reducing any unfunded accrued liability of the State Retirees' Health and Welfare Benefits Fund created by NRS 287.0436 from the State General Fund calculated pursuant to this section. The base for each biennium is the total expenditure, for the purposes limited, from the State General Fund appropriated and authorized by the Legislature for the biennium beginning on July 1, 1975.

2. The limit for each biennium is calculated as follows:

(a) The amount of expenditure constituting the base is multiplied by the percentage of change in population for the current biennium from the population on July 1, 1974, and this product is added to or subtracted from the amount of expenditure constituting the base.

(b) The amount calculated pursuant to paragraph (a) is multiplied by the percentage of inflation or deflation, and this product is added to or subtracted from the amount calculated pursuant to paragraph (a).

(c) Subject to the limitations of this paragraph:

(1) If the amount resulting from the calculations pursuant to paragraphs (a) and (b) represents a net increase over the base biennium, the Chief may increase the proposed expenditure accordingly.

(2) If the amount represents a net decrease, the Chief shall decrease the proposed expenditure accordingly.

(3) If the amount is the same as in the base biennium, that amount is the limit of permissible proposed expenditure.

3. The proposed budget for each fiscal year of the biennium must provide for a reserve of:

(a) Not less than 5 percent or more than 10 percent of the total of all proposed appropriations from the State General Fund for the operation of all departments, institutions and agencies of the State Government and authorized expenditures from the State General Fund for the regulation of gaming for that fiscal year; and

(b) Commencing with the proposed budget for the period that begins on July 1, 2011, and ends on June 30, 2013, 1 percent of the total anticipated revenue for each of the 2 fiscal years of the biennium for which the budget is proposed, as projected by the Economic Forum for each of those fiscal years pursuant to paragraph (d) of subsection 1 of NRS 353.228 and as adjusted by any changes or adjustments to state revenue that are recommended in the proposed budget for those fiscal years.

4. The revised estimate of population for the State issued by the United States Department of Commerce as of July 1, 1974, must be used, and the Governor shall certify the percentage of increase or decrease in population for each succeeding biennium. The Consumer Price Index published by the United States Department of Labor for July preceding each biennium must be used in determining the percentage of inflation or deflation.

5. The Chief may exceed the limit to the extent necessary to meet situations in which there is a threat to life or property.

6. As used in this section ~~[, "unfunded]~~ ***:***

(a) "Expenditure" does not include any expenditure from the State Distributive School Account in the State General Fund.

(b) "Unfunded accrued liability" means a liability with an actuarially determined value which exceeds the value of the assets in the fund from which payments are made to discharge the liability.

~~*[(b) "Unfunded federal mandate" means any expenditure:*~~

~~*(1) Made for the purpose of satisfying the requirements of a federal law or regulation enacted on or after July 1, 1974; and*~~

~~*(2) For which money was not provided by the Federal Government in an amount necessary to cover the cost of satisfying the requirements of the federal law or regulation.]*~~

Sec. 2. This act becomes effective on July 1, 2011.

Assemblywoman Bustamante Adams moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 365.

Bill read third time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 524.

AN ACT relating to the Public Employees' Benefits Program; revising the procedure for the Board of the Public Employees' Benefits Program to contract with a vendor; authorizing the Board to ~~[appoint]~~ **engage the services of** an attorney who specializes in health plans and health care law; ~~[eliminating]~~ **revising** the ~~[requirement]~~ **provisions of certain contracts entered into by the Board** that the Commissioner of Insurance **must** approve **;** ~~[certain contracts entered into by the Board;]~~ making various changes concerning the Executive Officer of the Board; revising provisions governing the authority for certain groups to leave the Program; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes the Public Employees' Benefits Program and the Board of the Public Employees' Benefits Program to administer the Program. (NRS 287.0402-287.049) **Section 1** of this bill establishes a procedure to allow the Board to participate in the selection of certain vendors. ~~[Section 3 of this bill revises the procedure for annual reviews of the performance of the Executive Officer of the Board. Section 4 of this bill eliminates the requirement that the Governor approve the employment of the Executive Officer.]~~ **Section 5** of this bill allows the Board to ~~[appoint]~~ **engage the services of** an attorney who specializes in health plans and health care law. **Section 6** of this bill ~~[eliminates]~~ **revises** the ~~[requirement]~~ **provisions of certain contracts entered into by the Board** that the Commissioner of Insurance **must** approve **.** ~~[certain contracts entered into by the Board.]~~ **Section 7** of this bill revises the provisions governing the authority for groups of 300 or more employees leaving the Program to secure insurance from another source. **Section 8** of this bill authorizes the Executive Officer to observe the activities of a committee formed to evaluate contracts awarded on behalf of the Board.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 287 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Board shall review any recommendation for awarding a contract submitted to the Board pursuant to NRS 333.335. The Board may:

(a) Approve the recommendation of the Chief of the Purchasing Division of the Department of Administration or of a committee appointed to evaluate a proposal and award the contract as recommended; or

(b) Schedule a separate public meeting to award the contract.

2. If the Board conducts a separate meeting pursuant to paragraph (b) of subsection 1, it ~~*[may interview representatives of any one or more of the proposed vendors and]*~~ ***shall*** ~~*[award]*~~ ***:***

(a) Disclose the review by the Board of the vendors whose proposals scored the highest;

(b) Identify the criteria it will use to evaluate the high scoring proposals;

(c) Consider the ranking given to a proposal by a committee appointed to evaluate the proposal, if any;

(d) With regard to a request for proposals, evaluate the responses of vendors interviewed by the Board; and

(e) Award the contract based on the best interests of the State.

3. The Board is not bound by the recommendation of the Chief of the Purchasing Division or the committee appointed to evaluate the proposal.

Sec. 2. NRS 287.0402 is hereby amended to read as follows:

287.0402 As used in NRS 287.0402 to 287.049, inclusive, ***and section 1 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 287.0404 to 287.04064, inclusive, have the meanings ascribed to them in those sections.

Sec. 3. ~~[~~NRS 287.0415 is hereby amended to read as follows:

~~287.0415 1. A majority of the members of the Board constitutes a quorum for the transaction of business.~~

~~2. The Governor shall designate one of the members of the Board to serve as the Chair.~~

~~3. The Board shall meet at least once every calendar quarter and at other times upon the call of the Chair.~~

~~4. The Board may meet in closed session:~~

~~(a) To discuss matters relating to personnel;~~

~~(b) With investment counsel to plan future investments or establish investment objectives and policies;~~

~~(c) With legal counsel to receive advice upon claims or suits by or against the Program;~~

~~(d) To prepare a request for a proposal or other solicitation for bids to be released by the Board for competitive bidding; or~~

~~(e) As otherwise provided pursuant to chapter 241 of NRS.~~

~~5. *The Board may conduct an annual review of the performance of the Executive Officer. After receiving public comment during an open meeting, the Board may meet in closed session to conduct the review. The Board*~~

~~***shall conduct any vote concerning the review after returning to an open meeting. The provisions of NRS 241.033 do not apply to the annual review of the performance of the Executive Officer.***~~

~~***6.*** Except as otherwise provided in this subsection, if the Board causes a meeting to be transcribed by a court reporter who is certified pursuant to chapter 656 of NRS, the Board shall post a transcript of the meeting on its Internet website not later than 30 days after the meeting. The Board shall post a transcript of a closed session of the Board on its Internet website when the Board determines that the matters discussed no longer require confidentiality and, if applicable, the person whose character, conduct, competence or health was discussed in the closed session has consented to the posting.~~

~~**[**6.**]** ***7.*** The Board may appoint such advisory committees as it deems necessary to assist the Board in carrying out its duties pursuant to NRS 287.0402 to 287.049, inclusive.~~

~~**[**7.**]** ***8.*** As used in this section, "request for a proposal" has the meaning ascribed to it in subsection 8 of NRS 333.020.**]**~~ **(Deleted by amendment.)**

Sec. 4. ~~**[**NRS 287.0424 is hereby amended to read as follows:~~

~~287.0424 1. The Board shall employ an Executive Officer.~~ **[**, subject to the approval of the Governor.**]** ~~The Executive Officer is in the unclassified service of the State and serves at the pleasure of the Board. The Board may delegate to the Executive Officer the exercise or discharge of any power, duty or function vested in or imposed upon the Board.~~

~~2. The Executive Officer must:~~

~~(a) Be a graduate of a 4-year college or university with a degree in business administration or public administration or an equivalent degree, as determined by the Board; and~~

~~(b) Possess at least 5 years' experience in a high-level administrative or executive capacity in the field of insurance, management of employees' benefits or risk management, including, without limitation, responsibility for a variety of administrative functions such as personnel, accounting, data processing or the structuring of insurance programs.~~

~~3. Except as otherwise provided in NRS 284.143, the Executive Officer shall not pursue any other business or occupation or perform the duties of any other office of profit during normal office hours unless on leave approved in advance. The Executive Officer shall not participate in any business enterprise or investment:~~

~~(a) With any vendor or provider to the Program; or~~

~~(b) In real or personal property if the Program owns or has a direct financial interest in that enterprise or property.~~

~~4. The Executive Officer is entitled to an annual salary fixed by the Board. The salary of the Executive Officer is exempt from the limitations set forth in NRS 281.123.**]**~~ **(Deleted by amendment.)**

Sec. 5. NRS 287.043 is hereby amended to read as follows:

287.043 1. The Board shall:

(a) Establish and carry out a program to be known as the Public Employees' Benefits Program which:

(1) Must include a program relating to group life, accident or health insurance, or any combination of these; and

(2) May include:

(I) A plan that offers flexibility in benefits, and for which the rates must be based only on the experience of the participants in the plan and not in combination with the experience of participants in any other plan offered under the Program; or

(II) A program to reduce taxable compensation or other forms of compensation other than deferred compensation,

➥ for the benefit of all state officers and employees and other persons who participate in the Program.

(b) Ensure that the Program is funded on an actuarially sound basis and operated in accordance with sound insurance and business practices.

2. In establishing and carrying out the Program, the Board shall:

(a) For the purpose of establishing actuarial data to determine rates and coverage for active and retired state officers and employees and their dependents, commingle the claims experience of such active and retired officers and employees and their dependents for whom the Program provides primary health insurance coverage into a single risk pool.

(b) Except as otherwise provided in this paragraph, negotiate and contract pursuant to paragraph (a) of subsection 1 of NRS 287.025 with the governing body of any county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada that wishes to obtain exclusive group insurance for all of its active and retired officers and employees and their dependents, except as otherwise provided in sub-subparagraph (III) of subparagraph (2) of paragraph (h), by participation in the Program. The Board shall establish separate rates and coverage for active and retired officers and employees of those local governmental agencies and their dependents based on actuarial reports that commingle the claims experience of such active and retired officers and employees and their dependents for whom the Program provides primary health insurance coverage into a single risk pool.

(c) Except as otherwise provided in paragraph (d), provide public notice in writing of any proposed changes in rates or coverage to each participating public agency that may be affected by the changes. Notice must be provided at least 30 days before the effective date of the changes.

(d) If a proposed change is a change in the premium or contribution charged for, or coverage of, health insurance, provide written notice of the proposed change to all participants in the Program. The notice must be provided at least 30 days before the date on which a participant in the Program is required to select or change the participant's policy of health insurance.

(e) Purchase policies of life, accident or health insurance, or any combination of these, or, if applicable, a program to reduce the amount of taxable compensation pursuant to 26 U.S.C. § 125, from any company qualified to do business in this State or provide similar coverage through a plan of self-insurance established pursuant to NRS 287.0433 for the benefit of all eligible participants in the Program.

(f) Except as otherwise provided in this title, develop and establish other employee benefits as necessary.

(g) Investigate and approve or disapprove any contract proposed pursuant to NRS 287.0479.

(h) Adopt such regulations and perform such other duties as are necessary to carry out the provisions of NRS 287.010 to 287.245, inclusive, including, without limitation, the establishment of:

(1) Fees for applications for participation in the Program and for the late payment of premiums or contributions;

(2) Conditions for entry and reentry into and exit from the Program by local governmental agencies pursuant to paragraph (a) of subsection 1 of NRS 287.025, which:

(I) Must include a minimum period of 4 years of participation for entry into the Program;

(II) Must include a requirement that participation of any retired officers and employees of the local governmental agency whose last continuous period of enrollment with the Program began after November 30, 2008, terminates upon termination of the local governmental agency's contract with the Program; and

(III) May allow for the exclusion of active and retired officers and employees of the local governmental agency who are eligible for health coverage from a health and welfare plan or trust that arose out of collective bargaining under chapter 288 of NRS or a trust established pursuant to 29 U.S.C. § 186;

(3) Procedures by which a group of participants in the Program may leave the Program pursuant to NRS 287.0479 and conditions and procedures for reentry into the Program by those participants;

(4) Specific procedures for the determination of contested claims;

(5) Procedures for review and notification of the termination of coverage of persons pursuant to paragraph (b) of subsection 4 of NRS 287.023; and

(6) Procedures for the payments that are required to be made pursuant to paragraph (b) of subsection 4 of NRS 287.023.

(i) Appoint an independent certified public accountant. The accountant shall:

(1) Provide an annual audit of the Program; and

(2) Report to the Board and the Interim Retirement and Benefits Committee of the Legislature created pursuant to NRS 218E.420.

(j) Appoint an attorney who specializes in employee benefits. The attorney shall:

(1) Perform a biennial review of the Program to determine whether the Program complies with federal and state laws relating to taxes and employee benefits; and

(2) Report to the Board and the Interim Retirement and Benefits Committee of the Legislature created pursuant to NRS 218E.420.

~~[(k) Appoint an attorney who specializes in health plans and health care law. The attorney shall provide legal services to the Board.]~~

3. The Board shall submit an annual report regarding the administration and operation of the Program to the Director of the Legislative Counsel Bureau for transmittal to the appropriate committees of the Legislature, or to the Legislative Commission when the Legislature is not in regular session, for acceptance or rejection not more than 6 months before the Board establishes rates and coverage for participants for the following plan year. The report must include, without limitation:

(a) Detailed financial results for the Program for the preceding plan year, including, without limitation, identification of the sources of revenue for the Program and a detailed accounting of expenses which are segregated by each type of benefit offered by the Program, and administrative costs. The results must be provided separately concerning:

(1) Participants who are active and retired state officers and employees and their dependents;

(2) All participants in the Program other than those described in subparagraph (1); and

(3) Within the groups described in subparagraphs (1) and (2), active participants, retired participants for which the Program provides primary health insurance coverage and retired participants in the Program who are provided coverage for medical or hospital service, or both, by the Health Insurance for the Aged Act, 42 U.S.C. §§ 1395 et seq., or a plan that provides similar coverage.

(b) An assessment of actuarial accuracy and reserves for the current plan year and the immediately preceding plan year.

(c) A summary of the plan design for the current plan year, including, without limitation, information regarding rates and any changes in the vendors with which the Program has entered into contracts, and a comparison of the plan design for the current plan year to the plan design for the immediately preceding plan year. The information regarding rates provided pursuant to this paragraph must set forth the costs for participation in the Program paid by participants and employers on a monthly basis.

(d) A description of all written communications provided generally to all participants by the Program during the preceding plan year.

(e) A discussion of activities of the Board concerning purchasing coalitions.

4. The Board may use any services provided to state agencies and shall use the services of the Purchasing Division of the Department of Administration to establish and carry out the Program.

5. ***The Board may engage the services of an attorney who specializes in health plans and health care law as necessary to assist in carrying out the Program.***

6. The Board may make recommendations to the Legislature concerning legislation that it deems necessary and appropriate regarding the Program.

~~[6.]~~ ***7.*** A participating public agency is not liable for any obligation of the Program other than indemnification of the Board and its employees against liability relating to the administration of the Program, subject to the limitations specified in NRS 41.0349.

~~[7.]~~ ***8.*** As used in this section, "employee benefits" includes any form of compensation provided to a public employee except federal benefits, wages earned, legal holidays, deferred compensation and benefits available pursuant to chapter 286 of NRS.

Sec. 6. NRS 287.0434 is hereby amended to read as follows:

287.0434 The Board may:

1. Use its assets only to pay the expenses of health care for its members and covered dependents, to pay its employees' salaries and to pay administrative and other expenses.

2. Enter into contracts relating to the administration of the Program, including, without limitation, contracts with licensed administrators and qualified actuaries. Each such contract with a licensed administrator:

(a) Must be submitted to the Commissioner of Insurance not less than 30 days before the date on which the contract is to become effective for approval as to the ~~[reasonableness of administrative charges in relation to contributions collected and benefits provided.]~~ ***licensing and fiscal status of the licensed administrator and status of any legal or administrative actions in this State against the licensed administrator that may impair his or her ability to provide the services in the contract.***

(b) Does not become effective unless approved by the Commissioner.

(c) Shall be deemed to be approved if not disapproved by the Commissioner within 30 days after its submission.

3. Enter into contracts with physicians, surgeons, hospitals, health maintenance organizations and rehabilitative facilities for medical, surgical and rehabilitative care and the evaluation, treatment and nursing care of members and covered dependents. The Board shall not enter into a contract pursuant to this subsection unless:

(a) Provision is made by the Board to offer all the services specified in the request for proposals, either by a health maintenance organization or through separate action of the Board.

(b) The rates set forth in the contract are based on:

(1) For active and retired state officers and employees and their dependents, the commingled claims experience of such active and retired

officers and employees and their dependents for whom the Program provides primary health insurance coverage in a single risk pool; and

(2) For active and retired officers and employees of public agencies enumerated in NRS 287.010 that contract with the Program to obtain group insurance by participation in the Program and their dependents, the commingled claims experience of such active and retired officers and employees and their dependents for whom the Program provides primary health insurance coverage in a single risk pool.

4. Enter into contracts for the services of other experts and specialists as required by the Program.

5. Charge and collect from an insurer, health maintenance organization, organization for dental care or nonprofit medical service corporation, a fee for the actual expenses incurred by the Board or a participating public agency in administering a plan of insurance offered by that insurer, organization or corporation.

6. Charge and collect the amount due from local governments pursuant to paragraph (b) of subsection 4 of NRS 287.023. If the payment of a local government pursuant to that provision is delinquent by more than 90 days, the Board shall notify the Executive Director of the Department of Taxation pursuant to NRS 354.671.

Sec. 7. NRS 287.0479 is hereby amended to read as follows:

287.0479 1. If approved by the Board pursuant to this section, a group of not less than 300 active state officers or employees ~~[or]~~ ***and*** retired state officers or employees ~~[, or]~~ ~~[any combination thereof,]~~ ~~*[both,]*~~ that participate in the Program may leave the Program and secure life, accident or health insurance, or any combination thereof, for the group from an:

(a) Insurer that is authorized by the Commissioner of Insurance to provide such insurance; or

(b) Employee benefit plan, as defined in 29 U.S.C. § 1002(3), that has been approved by the Board. The Board may approve an employee benefit plan unless the Board finds that the plan is not operated pursuant to such sound accounting and financial management practices as to ensure that the group will continue to receive adequate benefits.

2. Before entering into a contract with the insurer or approved employee benefit plan, the group shall submit the proposed contract to the Board for approval. The Board may approve the contract unless the departure of the group from the Program would cause an increase of more than 5 percent in the costs of premiums or contributions for the remaining participants in the Program. In determining whether to approve a proposed contract, the Board shall follow the criteria set forth in the regulations adopted by the Board pursuant to subsection ~~[4]~~ ***5*** and may consider the cumulative impact of groups that have left or are proposing to leave the Program. Except as otherwise provided in this section, the Board has discretion in determining whether to approve a contract. If the Board approves a proposed contract pursuant to this subsection, the group that submitted the proposed contract is

not authorized to leave the Program until 120 days after the date on which the Board approves the proposed contract.

3. ***The Board shall not approve a proposed contract between an insurer or approved employee benefit plan and a group pursuant to subsection 2 unless:***

(a) The group is organized for reasons other than acquiring insurance;

(b) The members of the group share job definitions, classifications or employers, or are otherwise members of a job-related group formed for reasons other than acquiring insurance;

(c) The group has legal authority to enter into contracts and bind its members, meets the requirements of state and federal law concerning nondiscrimination, and has the ability to purchase insurance; and

(d) The group includes all active state officers and employees who satisfy the requirements of paragraph (b) for inclusion in the group and all retired state officers and employees who satisfied those requirements at the time of their retirement.

4. The Board shall disburse periodically to the insurer or employee benefit plan with which a group contracts pursuant to this section the total amount set forth in the contract for premiums or contributions for the members of the group for that period but not to exceed the amount appropriated to or authorized for the participating state agency that employs the members of the group for premiums or contributions for the members of the group for that period, after deducting any administrative costs related to the group.

~~[4.]~~ ***5.*** The Board shall adopt regulations establishing the criteria pursuant to which the Board will approve proposed contracts pursuant to subsection 2.

Sec. 8. NRS 333.335 is hereby amended to read as follows:

333.335 1. Each proposal must be evaluated by:

(a) The chief of the using agency, or a committee appointed by the chief of the using agency in accordance with the regulations adopted pursuant to NRS 333.135, if the proposal is for a using agency; or

(b) The Chief of the Purchasing Division, or a committee appointed by the Chief in accordance with the regulations adopted pursuant to NRS 333.135, if the Chief is responsible for administering the proposal.

2. A committee appointed pursuant to subsection 1 must consist of not less than two members. A majority of the members of the committee must be state officers or employees. The committee may include persons who are not state officers or employees and possess expert knowledge or special expertise that the chief of the using agency or the Chief of the Purchasing Division determines is necessary to evaluate a proposal. The members of the committee are not entitled to compensation for their service on the committee, except that members of the committee who are state officers or employees are entitled to receive their salaries as state officers and employees. No member of the committee may have a financial interest in a

proposal. ***If the contract is being awarded for the Public Employees' Benefits Program, the Executive Officer of the Program may observe the activities of the committee, but may not vote or otherwise participate in the evaluation.***

3. In making an award, the chief of the using agency, the Chief of the Purchasing Division or each member of the committee, if a committee is established, shall consider and assign a score for each of the following factors for determining whether the proposal is in the best interests of the State of Nevada:

(a) The experience and financial stability of the person submitting the proposal;

(b) Whether the proposal complies with the requirements of the request for proposals as prescribed in NRS 333.311;

(c) The price of the proposal; and

(d) Any other factor disclosed in the request for proposals.

4. The chief of the using agency, the Chief of the Purchasing Division or the committee, if a committee is established, shall determine the relative weight of each factor set forth in subsection 3 before a request for proposals is advertised. The weight of each factor must not be disclosed before the date proposals are required to be submitted.

5. ~~[The]~~ ***Except as otherwise provided in this subsection, the*** chief of the using agency, the Chief of the Purchasing Division or the committee, if a committee is established, shall award the contract based on the best interests of the State, as determined by the total scores assigned pursuant to subsection 3, and is not required to accept the lowest-priced proposal. ***If the contract is being awarded for the Public Employees' Benefits Program, the Chief of the Purchasing Division or the committee, if a committee is established, shall submit recommendations for awarding the contract to the Board for the Public Employees' Benefits Program, which shall award the contract in accordance with section 1 of this act.***

6. Except as otherwise provided in NRS 239.0115, each proposal evaluated pursuant to the provisions of this section is confidential and may not be disclosed until the contract is awarded.

Sec. 9. This act becomes effective on July 1, 2011.

Assemblywoman Bustamante Adams moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 388.

Bill read third time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 532.

AN ACT relating to real property; ~~[requiring the disclosure form required to be provided by the seller of residential property to include only certain~~

~~information related to the residential property; prohibiting the unit-owners' association of a common-interest community from charging a unit's owner any costs of collecting a past due obligation other than costs related to the recording of certain documents; revising provisions governing the foreclosure of an association's lien based on a fine or penalty for a violation of the governing documents of the common-interest community;~~ **revising provisions governing the exercise of the power of sale under a deed of trust concerning owner-occupied real property; providing civil remedies for failure to comply with certain provisions governing the exercise of the power of sale under a deed of trust concerning owner-occupied real property; providing civil penalties;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Existing law requires the seller of residential property to serve on the purchaser or the purchaser's agent a completed disclosure form regarding the residential property. (NRS 113.130) Section 1 of this bill requires the disclosure to include only information related to the residential property and the homeowners' association for the residential property, if any.~~

~~Existing law authorizes the unit-owners' association of a common-interest community to charge reasonable fees to cover the costs of collecting a past due financial obligation owed by a unit's owner and requires the Commission for Common-Interest Communities and Condominium Hotels to adopt regulations establishing the amount of those fees. (NRS 116.310313) Section 2 of this bill prohibits an association from charging any costs of collecting a past due financial obligation to a unit's owner other than certain recording fees.~~

~~Existing law prohibits the unit-owners' association of a common-interest community from foreclosing on a unit based on an unpaid fine or penalty for a violation of the governing documents unless: (1) the violation poses an imminent threat of causing a substantial adverse effect on the health, safety or welfare of the units' owners or residents of the common-interest community; or (2) the penalty was imposed for failure to adhere to a construction schedule. (NRS 116.31162) Section 3 of this bill removes the exceptions to the power to foreclose on a unit based on an unpaid fine so that the association is prohibited from foreclosing on a unit based on any unpaid fine or penalty for a violation of the governing documents.]~~

Under existing law, the trustee under a deed of trust concerning owner-occupied housing has the power to sell the property to which the deed of trust applies, subject to certain restrictions. (NRS 107.080, 107.085, 107.086) Sections 4-22 of this bill establish additional restrictions on the trustee's power of sale with respect to owner-occupied housing which are based on Senate Bill No. 729 of the current session of the California Legislature, as amended. Section 23 of this bill provides that these additional restrictions apply only to a notice of default and election to sell which is recorded on or after July 1, 2011.

Section 13 prohibits the recording of a notice of default and election to sell unless reasonable and good faith efforts have been made to evaluate the borrower for all available alternatives to the exercise of the trustee's power of sale. Section 14 prohibits the recording of a notice of default and election to sell until the trustee, beneficiary or authorized agent complies with certain requirements regarding contact with, or attempts to contact, the borrower. Under section 15, if an eligible borrower requests, either orally or in writing, a loan modification, a notice of default and election to sell may not be recorded unless the borrower's application has been reviewed in good faith and a decision has been rendered on that application. Sections 17 and 19 require a declaration of compliance to be recorded with the notice of default and election to sell and section 17 provides a form for that declaration. Section 18: (1) authorizes a borrower to bring a civil action to enjoin a trustee's sale, to void a trustee's sale and to recover a specified amount of damages and reasonable attorney's fee and costs under certain circumstances; (2) authorizes the Attorney General to obtain civil penalties for violations of the provisions of this bill; and (3) provides that a violation of the provisions of this bill by a person which is licensed in this State is deemed to be a violation of the law governing that license.

Additionally, section 19: (1) requires a life-of-loan accounting containing certain information to be included with the copy of the notice of default and election to sell which is mailed to the borrower; and (2) prohibits the recording of a notice of sale if the borrower has entered into a contract to sell the property which has been approved by the lender or the borrower has requested approval of such a contract but the lender has not yet approved or disapproved the sale.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. ~~[NRS 113.130 is hereby amended to read as follows:~~

~~113.130 1. Except as otherwise provided in subsections 2 and 3:~~

~~(a) At least 10 days before residential property is conveyed to a purchaser:~~

~~(1) The seller shall complete a disclosure form regarding the residential property~~ **[**~~;~~**]** ~~*which must include only information specifically and directly related to the residential property and, if the residential property is in a common interest community, the unit owners' association for that common interest community;* and~~

~~(2) The seller or the seller's agent shall serve the purchaser or the purchaser's agent with the completed disclosure form.~~

~~(b) If, after service of the completed disclosure form but before conveyance of the property to the purchaser, a seller or the seller's agent discovers a new defect in the residential property that was not identified on the completed disclosure form or discovers that a defect identified on the completed disclosure form has become worse than was indicated on the form,~~

~~the seller or the seller's agent shall inform the purchaser or the purchaser's agent of that fact, in writing, as soon as practicable after the discovery of that fact but in no event later than the conveyance of the property to the purchaser. If the seller does not agree to repair or replace the defect, the purchaser may:~~

~~(1) Rescind the agreement to purchase the property; or~~

~~(2) Close escrow and accept the property with the defect as revealed by the seller or the seller's agent without further recourse.~~

~~2. Subsection 1 does not apply to a sale or intended sale of residential property:~~

~~(a) By foreclosure pursuant to chapter 107 of NRS.~~

~~(b) Between any co-owners of the property, spouses or persons related within the third degree of consanguinity.~~

~~(c) Which is the first sale of a residence that was constructed by a licensed contractor.~~

~~(d) By a person who takes temporary possession or control of or title to the property solely to facilitate the sale of the property on behalf of a person who relocates to another county, state or country before title to the property is transferred to a purchaser.~~

~~3. A purchaser of residential property may waive any of the requirements of subsection 1. Any such waiver is effective only if it is made in a written document that is signed by the purchaser and notarized.~~

~~4. If a sale or intended sale of residential property is exempted from the requirements of subsection 1 pursuant to paragraph (a) of subsection 2, the trustee and the beneficiary of the deed of trust shall, not later than at the time of the conveyance of the property to the purchaser of the residential property, provide written notice to the purchaser of any defects in the property of which the trustee or beneficiary, respectively, is aware.~~

~~***5. As used in this section:***~~

~~***(a) "Common interest community" has the meaning ascribed to it in NRS 116.021.***~~

~~***(b) "Unit owners' association" has the meaning ascribed to it in NRS 116.011.]*** **(Deleted by amendment.)**

Sec. 2. **[**~~NRS 116.310313 is hereby amended to read as follows:~~

~~116.310313 1. An association may~~ ***not*** ~~charge a unit's owner~~ **[**~~reasonable fees to cover~~**]** ~~the costs of collecting any past due obligation~~ **[**~~.~~**]** ***except that an association may charge a unit's owner the fee charged to the association by a county recorder for the recording of any document related to the past due obligation and a reasonable recording fee.*** ~~The Commission shall adopt regulations establishing the amount of the~~ **[**~~fees~~**]** ***recording fee*** ~~that an association may charge pursuant to this section.~~

~~2. The provisions of this section apply to any costs of collecting a past due obligation charged to a unit's owner, regardless of whether the past due obligation is collected by the association itself or by any person acting on~~

~~behalf of the association, including, without limitation, an officer or employee of the association, a community manager or a collection agency.~~

~~3. As used in this section:~~

~~(a) "Costs of collecting" includes any fee, charge or cost, by whatever name, including, without limitation, any collection fee, filing fee, recording fee, fee related to the preparation, recording or delivery of a lien or lien rescission, title search lien fee, bankruptcy search fee, referral fee, fee for postage or delivery and any other fee or cost that an association charges a unit's owner for the investigation, enforcement or collection of a past due obligation. The term does not include any costs incurred by an association if a lawsuit is filed to enforce any past due obligation or any costs awarded by a court.~~

~~(b) "Obligation" means any assessment, fine, construction penalty, fee, charge or interest levied or imposed against a unit's owner pursuant to any provision of this chapter or the governing documents.~~**]** **(Deleted by amendment.)**

Sec. 3. ~~[NRS 116.31162 is hereby amended to read as follows:~~

~~116.31162 1. Except as otherwise provided in subsection 4, in a condominium, in a planned community, in a cooperative where the owner's interest in a unit is real estate under NRS 116.1105, or in a cooperative where the owner's interest in a unit is personal property under NRS 116.1105 and the declaration provides that a lien may be foreclosed under NRS 116.31162 to 116.31168, inclusive, the association may foreclose its lien by sale after all of the following occur:~~

~~(a) The association has mailed by certified or registered mail, return receipt requested, to the unit's owner or his or her successor in interest, at his or her address, if known, and at the address of the unit, a notice of delinquent assessment which states the amount of the assessments and other sums which are due in accordance with subsection 1 of NRS 116.3116, a description of the unit against which the lien is imposed and the name of the record owner of the unit.~~

~~(b) Not less than 30 days after mailing the notice of delinquent assessment pursuant to paragraph (a), the association or other person conducting the sale has executed and caused to be recorded, with the county recorder of the county in which the common-interest community or any part of it is situated, a notice of default and election to sell the unit to satisfy the lien which must contain the same information as the notice of delinquent assessment and which must also comply with the following:~~

~~(1) Describe the deficiency in payment.~~

~~(2) State the name and address of the person authorized by the association to enforce the lien by sale.~~

~~(3) Contain, in 14-point bold type, the following warning:~~

~~WARNING! IF YOU FAIL TO PAY THE AMOUNT SPECIFIED IN THIS NOTICE, YOU COULD LOSE YOUR HOME, EVEN IF THE AMOUNT IS IN DISPUTE!~~

~~(c) The unit's owner or his or her successor in interest has failed to pay the amount of the lien, including costs, fees and expenses incident to its enforcement, for 90 days following the recording of the notice of default and election to sell.~~

~~2. The notice of default and election to sell must be signed by the person designated in the declaration or by the association for that purpose or, if no one is designated, by the president of the association.~~

~~3. The period of 90 days begins on the first day following:~~

~~(a) The date on which the notice of default is recorded; or~~

~~(b) The date on which a copy of the notice of default is mailed by certified or registered mail, return receipt requested, to the unit's owner or his or her successor in interest at his or her address, if known, and at the address of the unit,~~

~~→ whichever date occurs later.~~

~~4. The association may not foreclose a lien by sale based on a fine or penalty for a violation of the governing documents of the association , [unless:~~

~~(a) The violation poses an imminent threat of causing a substantial adverse effect on the health, safety or welfare of the units' owners or residents of the common interest community; or~~

~~(b) The penalty is imposed for failure to adhere to a schedule required pursuant to NRS 116.310305.~~**]] (Deleted by amendment.)**

Sec. 4. **Chapter 107 of NRS is hereby amended by adding thereto the provisions set forth as sections 5 to 18, inclusive, of this act.**

Sec. 5. ***As used in sections 5 to 18, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 6 to 11, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 6. ***"Authorized agent" means an agent designated by a trustee or beneficiary to act on behalf of the trustee or beneficiary.***

Sec. 7. ***"Beneficiary" means the beneficiary of a deed of trust which concerns owner-occupied housing.***

Sec. 8. ***"Borrower" means the grantor of a deed of trust which concerns owner-occupied housing or the person who holds the title of record.***

Sec. 9. ***"Mortgage servicer" means a person responsible for the day-to-day management of a mortgage loan account, including, without limitation, collecting and crediting periodic loan payments, handling any escrow account or enforcing mortgage loan terms either as the holder of the loan note or on behalf of the holder of the loan note.***

Sec. 10. ***"Owner-occupied housing" has the meaning ascribed to it in NRS 107.086.***

Sec. 11. ***"Trustee" means the trustee under a deed of trust which concerns owner-occupied housing.***

Sec. 12. ***1. In addition to the requirements of NRS 107.085 and 107.086, the exercise of the power of sale pursuant to NRS 107.080 with***

respect to any trust agreement which concerns owner-occupied housing is subject to the provisions of sections 5 to 18, inclusive, of this act.

2. The provisions of sections 5 to 18, inclusive, of this act apply only to a deed of trust under a trust agreement which concerns owner-occupied housing.

Sec. 13. 1. A trustee, beneficiary or authorized agent shall not record a notice of default and election to sell pursuant to subsection 3 of NRS 107.080 unless the trustee, beneficiary or authorized agent makes reasonable and good faith efforts to evaluate the borrower for all available loss mitigation options to avoid foreclosure.

2. This section must not be construed to require a trustee, beneficiary or authorized agent to act in a manner inconsistent with the terms of any applicable contract for the servicing of the loan at issue.

Sec. 14. 1. Except as otherwise provided in this section, a trustee, beneficiary or authorized agent shall not record a notice of default and election to sell pursuant to subsection 3 of NRS 107.080 until:

(a) Thirty days after initial contact is made with the borrower as required by subsection 2 or 30 days after satisfying the requirements of subsection 5; and

(b) If applicable, the requirements of section 15 of this act have been satisfied.

2. Except as otherwise provided in subsection 6, a beneficiary or its authorized agent shall contact the borrower in person or by telephone to assess the borrower's financial situation and to explore options to avoid the exercise of the trustee's power of sale pursuant to NRS 107.080. During the initial contact, the beneficiary or its authorized agent shall advise the borrower that he or she has the right to request a subsequent meeting and, if requested, the beneficiary or its authorized agent shall schedule the meeting to occur within 14 days. The assessment of the borrower's financial situation and the discussion of the options to avoid the exercise of the trustee's power of sale may occur during the initial contact or at the subsequent meeting scheduled for that purpose. In either case, the beneficiary or its authorized agent shall provide to the borrower the toll-free telephone number made available by the United States Department of Housing and Urban Development to find a housing counseling agency certified by that Department and, if the borrower may be eligible for a loan modification, a deadline for the borrower to submit an initial application for a loan modification which must not be earlier than 45 days after the initial contact.

3. The loss mitigation personnel of the beneficiary or its authorized agent may participate by telephone during any contact required by this section.

4. A borrower may designate, in writing, a housing counseling agency certified by the United States Department of Housing and Urban Development, an attorney or any other advisor to discuss with the

beneficiary or its authorized agent, on the borrower's behalf, the borrower's financial situation and options for the borrower to avoid the exercise of the trustee's power of sale. Contact with a person or agency designated by a borrower pursuant to this subsection satisfies the requirements of subsection 2. A loan modification or workout plan offered to a person or agency designated by a borrower pursuant to this subsection is subject to approval by the borrower.

5. Subject to the requirements of section 15 of this act and except as otherwise provided in subsection 6, even if the beneficiary or its authorized agent has not contacted the borrower as required by subsection 2, a notice of default may be recorded pursuant to subsection 3 of NRS 107.080 if the beneficiary or its authorized agent has taken all the following actions:

(a) The beneficiary or its authorized agent has mailed by registered or certified mail, return receipt requested and with postage prepaid, to the borrower a letter which includes:

(1) The toll-free telephone number made available by the United States Department of Housing and Urban Development to find a housing counseling agency certified by that Department; and

(2) If the borrower may be eligible for a loan modification, a deadline for the submission of an initial application for a loan modification which must not be earlier than 45 days after the date of the letter mailed pursuant to this paragraph or 45 days after the date on which the beneficiary or its authorized agent made initial contact with the borrower pursuant to subsection 2, whichever is earlier.

(b) After mailing the letter required by paragraph (a), the beneficiary or its authorized agent has attempted to contact the borrower by telephone at least 3 times at different hours and on different days. Telephone calls made pursuant to this paragraph must be made to the primary telephone number of the borrower which is on file with the beneficiary. The beneficiary or its authorized agent satisfies the requirements of this paragraph if it determines, after attempting contact pursuant to this paragraph, that the primary telephone number of the borrower on file and any secondary telephone numbers on file have been disconnected.

(c) If the borrower does not respond within 2 weeks after the beneficiary or its authorized agent has satisfied the requirements of paragraph (b), the beneficiary or its authorized agent has mailed to the borrower, by registered or certified mail, return receipt requested and with postage prepaid, a letter which includes the information required by paragraph (a).

(d) The beneficiary or its authorized agent provides a means for the borrower to contact the beneficiary or its authorized agent in a timely manner, including, without limitation, a toll-free telephone number that will provide access to a live representative during business hours.

(e) The beneficiary or its authorized agent posts a prominent link on its Internet website, if any, to the following information:

(1) Options that may be available to borrowers who are unable to afford their mortgage payments and who wish to avoid the exercise of the trustee's power of sale, and instructions to such borrowers advising them on steps to take to explore those options.

(2) A list of financial documents the borrower should collect and be prepared to present to the beneficiary or its authorized agent when discussing options for avoiding the exercise of the trustee's power of sale.

(3) A toll-free telephone number for borrowers who wish to discuss with the beneficiary or its authorized agent options for avoiding the exercise of the trustee's power of sale.

(4) The toll-free telephone number made available by the United States Department of Housing and Urban Development to find a housing counseling agency certified by that Department.

6. The requirements of subsections 1, 2 and 5 do not apply if the borrower:

(a) Has surrendered the property as evidenced by either a letter confirming the surrender or delivery of the keys to the property to the trustee, beneficiary or authorized agent;

(b) Has contracted with a person whose primary business is advising persons who have decided to leave their homes on how to extend the foreclosure process and avoid their contractual obligations to beneficiaries; or

(c) Has filed a petition pursuant to Title 11 of the United States Code and the bankruptcy court has not entered an order closing or dismissing the petition or granting relief from a stay of the trustee's sale.

Sec. 15. 1. Except as otherwise provided in this section, if an eligible borrower requests an application for a loan modification, either orally or in writing, not later than 90 days after the date on which the obligation became delinquent or not later than 45 days after the beneficiary or its authorized agent makes initial contact with the borrower pursuant to section 14 of this act, whichever is later, the trustee, beneficiary or authorized agent shall not record a notice of default and election to sell pursuant to subsection 3 of NRS 107.080 unless and until it has, in good faith, reviewed the application, rendered a decision on the application and sent the borrower a denial explanation letter as required by section 16 of this act.

2. If a borrower requests a loan modification, either orally or in writing, by the deadline described in subsection 1, but does not initially submit all the documentation or information the beneficiary or its authorized agent requires to consider the borrower for a loan modification, the beneficiary or its authorized agent shall provide the borrower with a written notice that:

(a) Lists any supplemental documentation or information required; and

(b) Includes the deadline for providing that documentation or information, which must not be earlier than 30 calendar days from the date on which the borrower receives the notice.

3. Except as otherwise provided in this subsection, if a borrower requests a loan modification, either orally or in writing, within 15 days after receiving a copy of the notice of default and election to sell as required by subsection 3 of NRS 107.080 and submits a completed application for a loan modification within 15 days after receiving application instructions from the mortgage servicer or any other application deadline communicated in writing by the mortgage servicer, whichever is later, the trustee, beneficiary or authorized agent shall not record a notice of sale pursuant to subsection 5 of NRS 107.080 until at least 10 business days after it has, in good faith, reviewed the application, rendered a decision on the application and sent the borrower a denial explanation letter in accordance with section 16 of this act. This subsection does not apply if a borrower applied for a loan modification before the notice of default and election to sell was recorded pursuant to subsection 3 of NRS 107.080 and the trustee, beneficiary or authorized agent satisfied the requirements of sections 16 and 17 of this act.

4. If the mortgage servicer has signed a Making Home Affordable Servicer Participation Agreement with the Federal National Mortgage Association or is otherwise required to review the borrower's loan under the guidelines of the federal Making Home Affordable Modification Program, compliance with applicable rules of that program regarding deadlines and timeframes for the borrower to submit and complete an application for a loan modification satisfy the requirements of this section while that program remains in effect.

5. The provisions of this section must not be construed:

(a) To require a mortgage servicer to perform services in a manner inconsistent with the terms of any applicable contract for the servicing of the loan at issue.

(b) To diminish in any way the obligations of a trustee, beneficiary or authorized agent that has signed a Making Home Affordable Servicer Participation Agreement with the Federal National Mortgage Association or is otherwise required to review a loan under the guidelines of the federal Making Home Affordable Modification Program.

6. The requirements of this section do not apply if:

(a) The borrower has surrendered the property as evidenced by either a letter confirming the surrender or delivery of the keys to the property to the trustee, beneficiary or authorized agent; or

(b) The beneficiary or its authorized agent does not offer any loan modifications.

Sec. 16. 1. If a borrower who requests a loan modification, either orally or in writing, is denied either a permanent loan modification or a trial period plan through the federal Making Home Affordable

Modification Program, the beneficiary or its authorized agent shall mail to the borrower by certified mail, not later than 10 business days following the denial, a denial explanation letter that states the reason or reasons for the denial.

2. If an application for a loan modification is denied because the borrower failed to provide all required documents or information by the applicable deadline set forth in subsection 2 of section 15 of this act, the denial explanation letter mailed pursuant to subsection 1 must:

(a) Indicate the deadline for the submission of the documents or information;

(b) List the documents or information that were not provided; and

(c) State that the application for a loan modification was denied for that reason.

3. If the borrower submits all required written application materials for a loan modification by the applicable deadline as set forth in subsection 2 or 3 of section 15 of this act and the application is denied, the denial explanation letter must include:

(a) The date on which the beneficiary or its authorized agent received the final materials required to complete its review of the borrower's application for a loan modification.

(b) The date on which the beneficiary or its authorized agent made the decision to deny the borrower's application for a loan modification.

(c) If the beneficiary or its authorized agent was required to consider the borrower for a loan modification under the guidelines of the federal Making Home Affordable Modification Program, the information required to be provided in the borrower notice described in the most current version of the Making Home Affordable Program Handbook for Servicers of Non-GSE Mortgages and any subsequent amendments thereto.

(d) The reason or reasons the borrower did not qualify for a loan modification, including, as applicable:

(1) If the denial is based on any investor guideline or restriction on loan modifications, a description of the guideline or restriction that resulted in the denial with a copy of the applicable provision in the pooling and servicing agreement or other controlling document evidencing that guideline or restriction;

(2) If the denial is based on the borrower's income or expenses, the income and expense figures used to determine the borrower's qualification for a loan modification, including, without limitation, the borrower's gross and net monthly income, property taxes and hazard insurance premiums;

(3) If the denial is based on a determination that the net present value of the income stream expected from the modified loan is not greater than the net present value of the income stream that is expected from the loan without modification, all the inputs, assumptions and calculations used to make that determination; and

(4) If applicable, a finding that the borrower was previously offered a loan modification but failed to successfully make payments under the terms of the loan modification.

(e) The name and contact information of the holder of the note for the borrower's loan.

(f) A description of alternatives to avoid the exercise of the trustee's sale other than a loan modification for which the borrower may be eligible, if any, including, without limitation, other loan modification programs, a short sale, a deed in lieu of a trustee's sale or a forbearance, and a list of the steps the borrower must take to be considered for those options. If the borrower has already been approved for another alternative to the exercise of the trustee's sale, information necessary to participate in or complete the alternative should be included.

(g) Contact information which the borrower may use to reach the beneficiary or its authorized agent to discuss the reasons for the denial of the loan modification.

4. If a borrower is denied a loan modification and the beneficiary or its authorized agent sends a denial explanation letter pursuant to this section, the trustee, beneficiary or authorized agent may record a notice of default and election to sell pursuant to subsection 3 of NRS 107.080 even if the borrower initiates a dispute relating to the denial and the dispute has not yet been resolved.

Sec. 17. 1. After satisfying the requirements of sections 15 and 16 of this act, as applicable, a mortgage servicer shall take the following action to initiate the process of exercising the trustee's power of sale pursuant to NRS 107.080:

(a) Compile in one place a record demonstrating that the initial contact required by subsection 2 of section 14 of this act has occurred or the requirements of subsection 5 of section 14 of this act have been satisfied. The record must:

(1) Include the dates and times of, and addresses and telephone numbers used for, the contact or attempted contacts with the borrower, as well as a record of the good faith efforts undertaken pursuant to sections 13 and 15 of this act; and

(2) After the recording of a notice of default and election to sell pursuant to subsection 3 of NRS 107.080, be made available to the borrower within 10 business days after a written request for the record by the borrower; and

(b) Transmit to the trustee or its authorized agent a declaration of compliance that is signed on behalf of the mortgage servicer by a natural person having personal knowledge of the facts stated in the declaration, or by a natural person with authority to bind the mortgage servicer, who certifies that the declaration is based on records which were made in the regular course of business at or near the time of the events recorded. The declaration of compliance must be included as part of, or attached to, every

notice of default and election to sell which is recorded pursuant to subsection 3 of NRS 107.080. A notice of default and election to sell which does not include the declaration of compliance described in this paragraph is void.

2. The declaration of compliance described in paragraph (b) of subsection 1 must be in substantially the following form:

DECLARATION OF COMPLIANCE

I. BORROWER CONTACT

A. ( ) This loan is not subject to section 14 of this act pursuant to subsection 6 of section 14 of this act.

If item (I)(A) is checked, no further information regarding borrower contact is required. If item (I)(A) is not checked, complete item (I)(B).

B. ( ) This loan is subject to section 14 of this act, and the beneficiary or authorized agent has complied with the requirements of section 14 of this act by satisfying the applicable contact or due diligence requirements described in subsection 2 or 3 of section 14 of this act. If checked, insert the date that the applicable borrower contact requirements were completed here:

II. FORECLOSURE AVOIDANCE REVIEW

A. ( ) This loan is not subject to section 15 of this act pursuant to (check all that apply):

( ) Paragraph (a) of subsection 6 of section 15 of this act.

( ) Paragraph (b) of subsection 6 of section 15 of this act.

( ) Section 12 of this act.

If item (II)(A) is checked, no further information regarding borrower solicitation efforts is required. If item (II)(A) is not checked, complete item (II)(B).

B. ( ) This loan is subject to section 15 of this act (check only one):

( ) The borrower was evaluated for a loan modification, was not approved, and the beneficiary or authorized agent sent the borrower a denial explanation letter in compliance with the requirements of subsection 3 of section 16 of this act.

( ) The borrower did not submit all required written application materials by the applicable deadline, and the beneficiary or authorized agent sent the borrower a denial explanation letter in compliance with the requirements of subsection 2 of section 16 of this act.

( ) The borrower did not initiate an application for a loan modification by the applicable deadline.

( ) The borrower was offered a HAMP trial period plan, but did not accept the trial period plan or did not complete the plan.

( ) The borrower was offered a permanent loan modification, but the borrower did not accept the modification offered.

( ) The borrower was offered and accepted a permanent loan modification, but did not comply with the terms of the modification.

( ) The borrower communicated to the beneficiary or authorized agent that he or she does not intend to apply for loan modification.

III. PROOF OF OWNERSHIP

( ) Attached is a copy of the note and all assignments and endorsements of the note, along with a declaration attesting to the existence and possession of the original note as well as all the assignments and endorsements, and certifying ownership of the mortgage and the right to foreclose.

( ) The trustee, beneficiary or any of their authorized agents are not reasonably able to obtain possession of the note and/or all assignments and endorsements thereof. Attached is a declaration of lost note that complies with the requirements of paragraph (b) of subsection 3 of NRS 107.080.

Sec. 18. 1. If the trustee, beneficiary or authorized agent records a notice of sale pursuant to subsection 5 of NRS 107.080:

(a) Without completing an evaluation of a timely completed application for a loan modification;

(b) Before the borrower's deadline for requesting and applying for a loan modification; or

(c) Without sending a denial explanation letter that materially complies with section 16 of this act,

➥ the borrower may seek an order in any court having jurisdiction to enjoin the exercise of the trustee's power of sale with respect to the property until any of these requirements not previously satisfied are satisfied.

2. If:

(a) The trustee, beneficiary or authorized agent records a notice of default and election to sell pursuant to subsection 3 of NRS 107.080:

(1) Without completing its evaluation of the borrower's timely completed application for a loan modification;

(2) Before the borrower's deadline for requesting and applying for a loan modification; or

(3) Without sending a denial explanation letter that materially complies with section 16 of this act;

(b) The trustee, beneficiary or authorized agent causes the property at issue to be sold at a trustee's sale pursuant to NRS 107.080; and

(c) The property at issue is sold to a bona fide purchaser at a trustee's sale pursuant to NRS 107.080,

➥ the borrower may recover in a civil action which must be commenced within 1 year following the trustee's sale the greater of treble actual damages or statutory damages in the amount of $15,000, plus reasonable attorney's fees and costs.

3. If:

(a) The trustee, beneficiary or authorized agent records a notice of default and election to sell pursuant to subsection 3 of NRS 107.080:

(1) Without completing its evaluation of the borrower's timely completed application for a loan modification;

(2) Before the borrower's deadline for requesting and applying for a loan modification; or

(3) Without sending a denial explanation letter that materially complies with section 16 of this act;

(b) The trustee, beneficiary or authorized agent causes the property at issue to be sold at a trustee's sale pursuant to NRS 107.080; and

(c) Before commencement of an action pursuant to this subsection, the property at issue is sold by the trustee, beneficiary or authorized agent to a bona fide purchaser after a trustee's sale at which the trustee, beneficiary or authorized agent acquired title to the property,

➥ the borrower may recover in a civil action which must be commenced within 1 year following the trustee's sale the greater of treble actual damages or statutory damages in the amount of $15,000, plus reasonable attorney's fees and costs. If the trustee, beneficiary or authorized agent had actual notice of the borrower's claim under this subsection before selling the property to a bona fide purchaser, the borrower is entitled to recover statutory damages in the amount of $20,000 in addition to other damages recoverable under this subsection.

4. If the trustee, beneficiary or authorized agent:

(a) Records a notice of default and election to sell pursuant to subsection 3 of NRS 107.080:

(1) Without completing its evaluation of the borrower's timely completed application for a loan modification;

(2) Before the borrower's deadline for requesting and applying for a loan modification; or

(3) Without sending a denial explanation letter that materially complies with section 16 of this act;

(b) Causes the property at issue to be sold at a trustee's sale pursuant to NRS 107.080; and

(c) Acquired title to the property at the trustee's sale but has not sold the property to a bona fide purchaser,

➥ the borrower may, within 1 year following the trustee's sale, bring an action to void the trustee's sale, to enjoin the recording of any further notice of sale until at least 30 days after any requirement of sections 5 to 18, inclusive, of this act not previously satisfied is satisfied and for reasonable attorney's fees and costs.

5. If the mortgage servicer fails to cause the declaration of compliance required by section 17 of this act to be included with, or attached to, a notice of default and election to sell which is recorded pursuant to subsection 3 of NRS 107.080, the borrower may recover from the mortgage servicer statutory damages of not less than $1,500 but not more than

$10,000, plus reasonable attorney's fees and costs. If the mortgage servicer records, or causes to be recorded, a materially false declaration of compliance, a borrower may recover from the mortgage servicer statutory damages of not less than $10,000 but not more than $25,000, plus attorney's fees and costs. For the purposes of this subsection, the declaration of compliance is not false if it lists any incorrect dates for the date that the requirements described in the declaration were completed, unless the mortgage servicer knowingly included the wrong date on the declaration.

6. A beneficiary or mortgage servicer is not civilly liable under subsections 2, 3 and 4 if, before commencement of an action by the borrower and not later than 180 days after the date of the trustee's sale pursuant to NRS 107.080:

(a) The trustee, beneficiary or authorized agent:

(1) Voluntarily rescinds the trustee's sale before filing an unlawful detainer action against the borrower;

(2) Provides a written notice of that rescission to the borrower not later than 3 days after the rescission;

(3) Lists in the notice the steps the beneficiary or mortgage servicer will take before recording any further notice of sale;

(4) Materially complies with any requirements of sections 5 to 18, inclusive, of this act that were not previously satisfied not later than 30 days before recording any further notice of sale; and

(5) Sends the borrower a written communication stating that the beneficiary or mortgage servicer will not file an unlawful detainer action against the borrower before completing the steps set forth in the letter; or

(b) The trustee, beneficiary or authorized agent refrains from filing an unlawful detainer action against the borrower until at least 30 days after the beneficiary or mortgage servicer:

(1) Materially complies with all the applicable requirements of sections 5 to 18, inclusive, of this act that were not previously satisfied and sends the borrower a written communication informing the borrower of the actions taken and the outcome of those actions, including, without limitation, any reason for the denial of a loan modification, if applicable; and

(2) Sends the borrower a written communication stating the steps that were taken and the outcome, including, without limitation, any reason for the denial of a loan modification, if applicable. If the beneficiary or mortgage servicer determines that the borrower qualifies for a loan modification, it shall rescind the trustee's sale and offer the borrower the loan modification.

7. A borrower shall not have any cause of action under this section for any failure or error that is technical or de minimis in nature.

8. A mortgage servicer, trustee, beneficiary or authorized agent who violates a provision of sections 5 to 18, inclusive, of this act is liable, in

addition to any other penalty or remedy that may be provided by law, to a civil penalty of not more than $10,000 for each violation and not more than $25,000 for each violation involving the recording of a false or fraudulent declaration of compliance pursuant to section 17 of this act, which may be recovered by civil action on complaint of the Attorney General. All money collected as civil penalties pursuant to this section must be deposited in the State General Fund.

9. A trustee, beneficiary or authorized agent who is licensed by this State and who violates any provision of sections 5 to 18, inclusive, of this act shall be deemed to have violated the law governing that person's license and is subject to enforcement action by the licensing agency.

Sec. 19. **NRS 107.080 is hereby amended to read as follows:**

107.080 1. Except as otherwise provided in NRS 107.085 and 107.086, ***and sections 5 to 18, inclusive, of this act,*** if any transfer in trust of any estate in real property is made after March 29, 1927, to secure the performance of an obligation or the payment of any debt, a power of sale is hereby conferred upon the trustee to be exercised after a breach of the obligation for which the transfer is security.

2. The power of sale must not be exercised, however, until:

(a) Except as otherwise provided in paragraph (b), in the case of any trust agreement coming into force:

(1) On or after July 1, 1949, and before July 1, 1957, the grantor, the person who holds the title of record, a beneficiary under a subordinate deed of trust or any other person who has a subordinate lien or encumbrance of record on the property has, for a period of 15 days, computed as prescribed in subsection 3, failed to make good the deficiency in performance or payment; or

(2) On or after July 1, 1957, the grantor, the person who holds the title of record, a beneficiary under a subordinate deed of trust or any other person who has a subordinate lien or encumbrance of record on the property has, for a period of 35 days, computed as prescribed in subsection 3, failed to make good the deficiency in performance or payment;

(b) In the case of any trust agreement which concerns owner-occupied housing as defined in NRS 107.086, the grantor, the person who holds the title of record, a beneficiary under a subordinate deed of trust or any other person who has a subordinate lien or encumbrance of record on the property has, for a period that commences in the manner and subject to the requirements described in subsection 3 and expires 5 days before the date of sale, failed to make good the deficiency in performance or payment;

(c) The beneficiary, the successor in interest of the beneficiary or the trustee first executes and causes to be recorded in the office of the recorder of the county wherein the trust property, or some part thereof, is situated a notice of the breach and of the election to sell or cause to be sold the property to satisfy the obligation; and

(d) Not less than 3 months have elapsed after the recording of the notice.

3. The 15- or 35-day period provided in paragraph (a) of subsection 2, or the period provided in paragraph (b) of subsection 2, commences on the first day following the day upon which the notice of default and election to sell is recorded in the office of the county recorder of the county in which the property is located and a copy of the notice of default and election to sell is mailed by registered or certified mail, return receipt requested and with postage prepaid to the grantor or, to the person who holds the title of record on the date the notice of default and election to sell is recorded, and, if the property is operated as a facility licensed under chapter 449 of NRS, to the State Board of Health, at their respective addresses, if known, otherwise to the address of the trust property. The notice of default and election to sell must:

(a) Describe the deficiency in performance or payment and may contain a notice of intent to declare the entire unpaid balance due if acceleration is permitted by the obligation secured by the deed of trust, but acceleration must not occur if the deficiency in performance or payment is made good and any costs, fees and expenses incident to the preparation or recordation of the notice and incident to the making good of the deficiency in performance or payment are paid within the time specified in subsection 2**.** ~~[; and]~~

(b) ***If the property is owner-occupied housing as defined in NRS 107.086, include, or have attached to it, the declaration of compliance required by section 16 of this act and proof of ownership of the note secured by the deed of trust. Proof of ownership of the note must include a copy of the note secured by the deed of trust, evidence of all assignments and endorsements of the deed of trust and the note secured by the deed of trust and a declaration which attests to the existence and possession of the note secured by the deed of trust and to all assignments and endorsements of that note and certifies ownership of the deed of trust and the right to exercise the trustee's power of sale. If this proof cannot be located, the trustee, beneficiary or authorized agent shall include with, or attach to, the notice of default and election to sell a declaration signed either by a natural person having personal knowledge of the facts stated within, or by a natural person with authority to bind the trustee, beneficiary or authorized agent, who certifies that the declaration is based upon records that were made in the regular course of business at or near the time of the events recorded, including the following:***

(1) Facts sufficient to show that the trustee, beneficiary or authorized agent has the right to enforce the note secured by the deed of trust;

(2) A statement that the person cannot reasonably obtain possession of the note and a description of the reasonable efforts made to obtain the note; and

(3) A description of the terms of the note and any riders attached thereto, including, without limitation:

(I) The date on which the note was executed;

(II) The parties to the note;

(III) The principal amount of the loan;

(IV) The amortization period of the loan;

(V) The initial interest rate of the loan and, if applicable, the initial date and the frequency of any adjustments to the interest rate, and the index and margin used to calculate the interest rate at the time of any scheduled adjustment; and

(VI) The expiration date of any interest-only period, if applicable.

➥ This paragraph must not be construed in derogation of the parties' rights established under NRS 104.3309 or any similar right established under the law of this State.

(c) If the property is a residential foreclosure, comply with the provisions of NRS 107.087.

4. ***If the property is owner-occupied housing as defined in NRS 107.086, the copy of the notice of default and election to sell which is mailed to the grantor or the person who holds the title of record pursuant to subsection 3 must include:***

(a) An accounting of all payments made on the obligation secured by the deed of trust from the close of escrow to the date on which the notice of default and election to sell is recorded pursuant to subsection 3 in the form of a spreadsheet showing all account activity;

(b) An itemization and description of all late fees, late charges, appraisal fees, property inspection fees, forced placed insurance charges, legal fees and recoverable advances charged on the obligation secured by the deed of trust and an explanation of the reason for such charges;

(c) A copy of all interest rate adjustment notices and the two most recent escrow analysis notices sent to the grantor or the person who holds the title of record; and

(d) A breakdown of the current escrow charges which indicates how the charges are calculated and the reason for any increase in the charges within the preceding 24 months, and any shortage or surplus in the escrow account in the past three years.

5. The trustee, or other person authorized to make the sale under the terms of the trust deed or transfer in trust, shall, after expiration of the 3-month period following the recording of the notice of breach and election to sell, and before the making of the sale, give notice of the time and place thereof by recording the notice of sale and by:

(a) Providing the notice to each trustor, any other person entitled to notice pursuant to this section and, if the property is operated as a facility licensed under chapter 449 of NRS, the State Board of Health, by personal service or by mailing the notice by registered or certified mail to the last known address of the trustor and any other person entitled to such notice pursuant to this section;

(b) Posting a similar notice particularly describing the property, for 20 days successively, in three public places of the township or city where the property is situated and where the property is to be sold;

(c) Publishing a copy of the notice three times, once each week for 3 consecutive weeks, in a newspaper of general circulation in the county where the property is situated; and

(d) If the property is a residential foreclosure, complying with the provisions of NRS 107.087.

A notice of sale may not be recorded pursuant to this subsection if the grantor or the person who holds the title of record has entered into a contract to sell the property and the beneficiary of the deed of trust has approved the sale or the grantor or the person who holds the title of record has requested the beneficiary's approval of the sale but the beneficiary has not yet approved or disapproved the sale.

~~[5.]~~ ***6.*** Every sale made under the provisions of this section and other sections of this chapter vests in the purchaser the title of the grantor and any successors in interest without equity or right of redemption. A sale made pursuant to this section may be declared void by any court of competent jurisdiction in the county where the sale took place if:

(a) The trustee or other person authorized to make the sale does not substantially comply with the provisions of this section or any applicable provision of NRS 107.086 and 107.087 ~~[,]~~ ***and sections 5 to 18, inclusive, of this act;***

(b) Except as otherwise provided in subsection ~~[6,]~~ ***7,*** an action is commenced in the county where the sale took place within 90 days after the date of the sale; and

(c) A notice of lis pendens providing notice of the pendency of the action is recorded in the office of the county recorder of the county where the sale took place within 30 days after commencement of the action.

~~[6.]~~ ***7.*** If proper notice is not provided pursuant to subsection 3 or paragraph (a) of subsection ~~[4]~~ ***5*** to the grantor, to the person who holds the title of record on the date the notice of default and election to sell is recorded, to each trustor or to any other person entitled to such notice, the person who did not receive such proper notice may commence an action pursuant to subsection ~~[5]~~ ***6*** within 120 days after the date on which the person received actual notice of the sale.

~~[7.]~~ ***8.*** The sale of a lease of a dwelling unit of a cooperative housing corporation vests in the purchaser title to the shares in the corporation which accompany the lease.

~~[8.]~~ ***9.*** After a sale of property is conducted pursuant to this section, the trustee shall:

(a) Within 30 days after the date of the sale, record the trustee's deed upon sale in the office of the county recorder of the county in which the property is located; or

(b) Within 20 days after the date of the sale, deliver the trustee's deed upon sale to the successful bidder. Within 10 days after the date of delivery of the deed by the trustee, the successful bidder shall record the trustee's

deed upon sale in the office of the county recorder of the county in which the property is located.

~~[9.]~~ ***10.*** If the successful bidder fails to record the trustee's deed upon sale pursuant to paragraph (b) of subsection ~~[8,]~~ ***9,*** the successful bidder:

(a) Is liable in a civil action to any party that is a senior lienholder against the property that is the subject of the sale in a sum of up to $500 and for reasonable attorney's fees and the costs of bringing the action; and

(b) Is liable in a civil action for any actual damages caused by the failure to comply with the provisions of subsection ~~[8]~~ ***9*** and for reasonable attorney's fees and the costs of bringing the action.

~~[10.]~~ ***11.*** The county recorder shall, in addition to any other fee, at the time of recording a notice of default and election to sell collect:

(a) A fee of $150 for deposit in the State General Fund.

(b) A fee of $50 for deposit in the Account for Foreclosure Mediation, which is hereby created in the State General Fund. The Account must be administered by the Court Administrator, and the money in the Account may be expended only for the purpose of supporting a program of foreclosure mediation established by Supreme Court Rule.

➥ The fees collected pursuant to this subsection must be paid over to the county treasurer by the county recorder on or before the fifth day of each month for the preceding calendar month, and, except as otherwise provided in this subsection, must be placed to the credit of the State General Fund or the Account as prescribed pursuant to this subsection. The county recorder may direct that 1.5 percent of the fees collected by the county recorder be transferred into a special account for use by the office of the county recorder. The county treasurer shall, on or before the 15th day of each month, remit the fees deposited by the county recorder pursuant to this subsection to the State Controller for credit to the State General Fund or the Account as prescribed in this subsection.

~~[11.]~~ ***12.*** The beneficiary, the successor in interest of the beneficiary or the trustee who causes to be recorded the notice of default and election to sell shall not charge the grantor or the successor in interest of the grantor any portion of any fee required to be paid pursuant to subsection ~~[10.~~ ~~12.]~~ ***11.***

13. As used in this section, "residential foreclosure" means the sale of a single family residence under a power of sale granted by this section. As used in this subsection, "single family residence":

(a) Means a structure that is comprised of not more than four units.

(b) Does not include any time share or other property regulated under chapter 119A of NRS.

Sec. 20. **NRS 107.084 is hereby amended to read as follows:**

107.084 It is unlawful for a person to willfully remove or deface a notice posted pursuant to subsection ~~[4]~~ ***5*** of NRS 107.080, if done before the sale or, if the default is satisfied before the sale, before the satisfaction of the default. In addition to any other penalty, any person who violates this section

is liable in the amount of $500 to any person aggrieved by the removal or defacing of the notice.

Sec. 21. **NRS 107.087 is hereby amended to read as follows:**

107.087 1. In addition to the requirements of NRS 107.080, if the sale of property is a residential foreclosure, a copy of the notice of default and election to sell and the notice of sale must:

(a) Be posted in a conspicuous place on the property not later than 3 business days after the notice of default and election to sell or the notice of sale is recorded pursuant to NRS 107.080; and

(b) Include, without limitation:

(1) The physical address of the property; and

(2) The contact information of the trustee or the person conducting the foreclosure who is authorized to provide information relating to the foreclosure status of the property.

2. In addition to the requirements of NRS 107.084, the notices must not be defaced or removed until the transfer of title is recorded or the property becomes occupied after completion of the sale, whichever is earlier.

3. A separate notice must be posted in a conspicuous place on the property and mailed, with a certificate of mailing issued by the United States Postal Service or another mail delivery service, to any tenant or subtenant, if any, other than the grantor or the grantor's successor in interest, in actual occupation of the premises not later than 3 business days after the notice of the sale is given pursuant to subsection ~~[4]~~ ***5*** of NRS 107.080. The separate notice must be in substantially the following form:

NOTICE TO TENANTS OF THE PROPERTY

Foreclosure proceedings against this property have started, and a notice of sale of the property to the highest bidder has been issued.

You may either: (1) terminate your lease or rental agreement and move out; or (2) remain and possibly be subject to eviction proceedings under chapter 40 of the Nevada Revised Statutes. Any subtenants may also be subject to eviction proceedings.

Between now and the date of the sale, you may be evicted if you fail to pay rent or live up to your other obligations to the landlord.

After the date of the sale, you may be evicted if you fail to pay rent or live up to your other obligations to the successful bidder, in accordance with chapter 118A of the Nevada Revised Statutes.

Under the Nevada Revised Statutes eviction proceedings may begin against you after you have been given a notice to quit.

If the property is sold and you pay rent by the week or another period of time that is shorter than 1 month, you should generally receive notice after not less than the number of days in that period of time.

If the property is sold and you pay rent by the month or any other period of time that is 1 month or longer, you should generally receive notice at least 60 days in advance.

Under Nevada Revised Statutes 40.280, notice must generally be served on you pursuant to chapter 40 of the Nevada Revised Statutes and may be served by:

(1) Delivering a copy to you personally in the presence of a witness;

(2) If you are absent from your place of residence or usual place of business, leaving a copy with a person of suitable age and discretion at either place and mailing a copy to you at your place of residence or business; or

(3) If your place of residence or business cannot be ascertained, or a person of suitable age or discretion cannot be found there, posting a copy in a conspicuous place on the leased property, delivering a copy to a person residing there, if a person can be found, and mailing a copy to you at the place where the leased property is.

If the property is sold and a landlord, successful bidder or subsequent purchaser files an eviction action against you in court, you will be served with a summons and complaint and have the opportunity to respond. Eviction actions may result in temporary evictions, permanent evictions, the awarding of damages pursuant to Nevada Revised Statutes 40.360 or some combination of those results.

Under the Justice Court Rules of Civil Procedure:

(1) You will be given at least 10 days to answer a summons and complaint;

(2) If you do not file an answer, an order evicting you by default may be obtained against you;

(3) A hearing regarding a temporary eviction may be called as soon as 11 days after you are served with the summons and complaint; and

(4) A hearing regarding a permanent eviction may be called as soon as 20 days after you are served with the summons and complaint.

4. As used in this section, "residential foreclosure" has the meaning ascribed to it in NRS 107.080.

Sec. 22. **NRS 459.646 is hereby amended to read as follows:**

459.646 1. A person who, without participating in the management of a parcel of real property, holds or is the beneficiary of evidence of title to the property primarily to protect a security interest in the property is not a responsible party with respect to a release of a hazardous substance on the property if:

(a) The owner of the property is relieved from liability under NRS 459.610 to 459.658, inclusive, with respect to the release;

(b) The owner or holder of evidence of title did not cause the release; and

(c) The owner or holder of evidence of title does not participate actively in decisions concerning hazardous substances on the property.

2. A lender to a prospective purchaser who has filed an application to participate in the program pursuant to NRS 459.634 or a lender who forecloses his or her security interest in property pursuant to NRS 40.430 to 40.450, inclusive, or 107.080 to 107.110, inclusive, ***and sections 5 to 18, inclusive, of this act*** and within a reasonable period after the foreclosure, not

to exceed 2 years, sells, transfers or conveys the property to a prospective purchaser who has filed an application to participate in the program pursuant to NRS 459.634 is not a responsible party solely as a result of:

(a) Foreclosing a security interest in the property; or

(b) Making a loan to the prospective purchaser if the loan:

(1) Is to be used for acquiring property or removing or remediating hazardous substances on property; and

(2) Is secured by the property that is to be acquired or on which is located the hazardous substances that are to be removed or remediated.

Sec. 23. **The amendatory provisions of sections 4 to 22, inclusive, of this act apply only with respect to trust agreements which concern owner-occupied housing, as defined in NRS 107.086, for which a notice of default is recorded on or after July 1, 2011.**

~~[Sec. 4.]~~ ***Sec. 24.*** This act becomes effective on July 1, 2011.

Assemblyman Ohrenschall moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 394.

Bill read third time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 449.

AN ACT relating to common-interest communities; revising provisions governing the collection of past due financial obligations in common-interest communities; establishing limits on the amount which may be charged to a unit's owner to cover the costs of collecting a past due financial obligation; revising provisions governing an association's lien for assessments; revising provisions governing the foreclosure of an association's lien by sale; revising provisions governing the manner of collecting debts owed to an association; establishing a limit on the amount of the fee which may be charged to a unit's owner to record a transfer of the unit in the records of the association; revising various provisions relating to common-interest communities; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes certain restrictions on the actions of an association of a common-interest community with respect to regulating the use of a unit by a unit's owner. (NRS 116.2111) **Section 3** of this bill prohibits an association from prohibiting or unreasonably restricting a unit's owner from installing and using a clothesline within the boundaries of his or her unit.

Existing law requires the Commission for Common-Interest Communities and Condominium Hotels to adopt regulations establishing the amount of the fees that may be charged to a unit's owner to cover the costs of collecting a past due financial obligation owed to an association of a common-interest community. (NRS 116.310313) **Section 1 of this bill revises the definition of "costs of collecting" so that: (1) attorney's fees incurred by an**

association because a unit's owner has filed a bankruptcy petition are not subject to the restrictions on fees to cover the costs of collecting a past due obligation; and (2) other attorney's fees incurred by an association in collecting a past due obligation are subject to those restrictions. **Section 5** of this bill prohibits the association from charging a unit's owner the costs of collecting a past due obligation unless two-thirds of the total number of voting members of the association approve a collection policy for the association. **Section 5** requires the collection policy to establish the rates for the costs of collecting a past due obligation and establishes limits on the ~~[amount a unit's owner may be]~~ **fees** charged **to a unit's owner** to cover the costs of collecting such obligations**.** ~~[, which are based on the amount of the outstanding balance of the past due obligation.]~~ In addition, **section 5** establishes limits on the amount of the fee charged to a unit's owner to transfer an account for collection and to change the name of the unit's owner on such an account.

Under existing law, the association has a lien for certain amounts due the association. This lien is prior to the lien of a first security interest on the unit to the extent of charges incurred by the association to maintain certain units which are being foreclosed and to the extent of a specified number of months of assessments. (NRS 116.3116) **Section 8** of this bill provides that if the title to the unit is acquired at a foreclosure sale or trustee's sale and the mortgage on the unit was insured by the Federal Home Loan Mortgage Corporation or the Federal National Mortgage Association, the amount secured by the lien given priority must not exceed the amount of common expenses and assessments authorized to be given such priority by the federal regulations or underwriting guidelines of the federal entity which insured the debt.

Existing law authorizes the association to foreclose its lien by sale of the unit and prescribes the procedures for such a foreclosure. (NRS 116.31162-116.31168) **Sections 9 and 10** of this bill revise provisions governing such foreclosures by prohibiting the association from: (1) foreclosing its lien by sale based on delinquent assessments unless the amount of delinquent assessments exceeds a certain amount; (2) foreclosing its lien by sale unless the executive board of the association authorizes the foreclosure in an executive session after providing notice of the meeting to a unit's owner; and (3) selling the unit and charging any costs of collecting to a unit's owner if the sale does not occur within 120 days after the association mails the notice of default and election to sell to the unit's owner.

Existing law requires the association to provide a statement of any transfer fees, transaction fees or any other fees associated with the resale of a unit in the resale package which is provided to a potential purchaser of a unit. (NRS 116.4109) **Section 11** of this bill establishes a limit of not more than $50 on a fee charged to a unit's owner to record the transfer of a unit in the records of the association or its community manager.

Existing law provides that a collection agency which violates the federal Fair Debt Collection Practices Act, 15 U.S.C. §§ 1692 et seq., or any

regulation adopted pursuant thereto violates the provisions in existing state law relating to collection agencies. (NRS 649.370) Because the Fair Debt Collection Practices Act applies to consumer debts owed by natural persons, it does not apply when a collection agency collects any debt owed by an entity. (15 U.S.C. §§ 1692 et seq.) **Section 12** of this bill provides that a collection agency which violates the federal Fair Debt Collection Practices Act with respect to any debt owed to an association by a unit's owner is deemed to violate existing state law relating to collection agencies.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 116 of NRS is hereby amended by adding thereto a new section to read as follows:

"Costs of collecting" includes any fee, charge or cost, by whatever name, including, without limitation, any collection fee, filing fee, recording fee, fee related to the preparation, recording or delivery of a notice of default and election to sell or notice of foreclosure sale or a rescission thereof, title search lien fee, bankruptcy search fee, referral fee, fee for postage or delivery and any other fee or cost that an association ~~*[charges a unit's owner]*~~ ***incurs for the investigation, enforcement or collection of a past due obligation. The term does not include*** ~~*[any costs]*~~ ***attorney's fees incurred by an association*** ~~*[if a lawsuit is filed to enforce any past due obligation or any costs awarded by a court.]*~~ ***because the unit's owner has filed a bankruptcy petition pursuant to Title 11 of the United States Code.***

Sec. 2. NRS 116.003 is hereby amended to read as follows:

116.003 As used in this chapter and in the declaration and bylaws of an association, unless the context otherwise requires, the words and terms defined in NRS 116.005 to 116.095, inclusive, ***and section 1 of this act*** have the meanings ascribed to them in those sections.

Sec. 3. NRS 116.2111 is hereby amended to read as follows:

116.2111 1. Except as otherwise provided in this section and subject to the provisions of the declaration and other provisions of law, a unit's owner:

(a) May make any improvements or alterations to his or her unit that do not impair the structural integrity or mechanical systems or lessen the support of any portion of the common-interest community;

(b) May not change the appearance of the common elements, or the exterior appearance of a unit or any other portion of the common-interest community, without permission of the association; and

(c) After acquiring an adjoining unit or an adjoining part of an adjoining unit, may remove or alter any intervening partition or create apertures therein, even if the partition in whole or in part is a common element, if those acts do not impair the structural integrity or mechanical systems or lessen the support of any portion of the common-interest community. Removal of partitions or creation of apertures under this paragraph is not an alteration of boundaries.

2. An association may not:

(a) Unreasonably restrict, prohibit or otherwise impede the lawful rights of a unit's owner to have reasonable access to his or her unit.

(b) Charge any fee for a person to enter the common-interest community to provide services to a unit, a unit's owner or a tenant of a unit's owner or for any visitor to the common-interest community or invitee of a unit's owner or a tenant of a unit's owner to enter the common-interest community.

(c) Unreasonably restrict, prohibit or withhold approval for a unit's owner to add to a unit:

(1) Improvements such as ramps, railings or elevators that are necessary to improve access to the unit for any occupant of the unit who has a disability;

(2) Additional locks to improve the security of the unit;

(3) Shutters to improve the security of the unit or to reduce the costs of energy for the unit; or

(4) A system that uses wind energy to reduce the costs of energy for the unit if the boundaries of the unit encompass 2 acres or more within the common-interest community.

(d) With regard to approving or disapproving any improvement or alteration made to a unit, act in violation of any state or federal law.

(e) Prohibit or unreasonably restrict a unit's owner from installing and using a clothesline within the boundaries of his or her unit.

3. Any improvement or alteration made pursuant to subsection 2 that is visible from any other portion of the common-interest community must be installed, constructed or added in accordance with the procedures set forth in the governing documents of the association and must be selected or designed to the maximum extent practicable to be compatible with the style of the common-interest community.

4. An association may not unreasonably restrict, prohibit or withhold approval for a unit's owner to add shutters to improve the security of the unit or to reduce the costs of energy for the unit, including, without limitation, rolling shutters, that are attached to a portion of an interior or exterior window, interior or exterior door or interior or exterior wall which is not part of the unit and which is a common element or limited common element if:

(a) The portion of the window, door or wall to which the shutters are attached is adjoining the unit; and

(b) The shutters must necessarily be attached to that portion of the window, door or wall during installation to achieve the maximum benefit in improving the security of the unit or reducing the costs of energy for the unit.

5. If a unit's owner adds shutters pursuant to subsection 4, the unit's owner is responsible for the maintenance of the shutters.

6. For the purposes of subsection 4, a covenant, restriction or condition which does not unreasonably restrict the addition of shutters and which is contained in the governing documents of a common-interest community or a

policy established by a common-interest community is enforceable so long as the covenant, restriction or condition was:

(a) In existence on July 1, 2009; or

(b) Contained in the governing documents in effect on the close of escrow of the first sale of a unit in the common-interest community.

7. A unit's owner may not add to the unit a system that uses wind energy as described in subparagraph (4) of paragraph (c) of subsection 2 unless the unit's owner first obtains the written consent of each owner of property within 300 feet of any boundary of the unit.

Sec. 4. NRS 116.310312 is hereby amended to read as follows:

116.310312 1. A person who holds a security interest in a unit must provide the association with the person's contact information as soon as reasonably practicable, but not later than 30 days after the person:

(a) Files an action for recovery of a debt or enforcement of any right secured by the unit pursuant to NRS 40.430; or

(b) Records or has recorded on his or her behalf a notice of a breach of obligation secured by the unit and the election to sell or have the unit sold pursuant to NRS 107.080.

2. If an action or notice described in subsection 1 has been filed or recorded regarding a unit and the association has provided the unit's owner with notice and an opportunity for a hearing in the manner provided in NRS 116.31031, the association, including its employees, agents and community manager, may, but is not required to, enter the grounds of the unit, whether or not the unit is vacant, to take any of the following actions if the unit's owner refuses or fails to take any action or comply with any requirement imposed on the unit's owner within the time specified by the association as a result of the hearing:

(a) Maintain the exterior of the unit in accordance with the standards set forth in the governing documents, including, without limitation, any provisions governing maintenance, standing water or snow removal.

(b) Remove or abate a public nuisance on the exterior of the unit which:

(1) Is visible from any common area of the community or public streets;

(2) Threatens the health or safety of the residents of the common-interest community;

(3) Results in blighting or deterioration of the unit or surrounding area; and

(4) Adversely affects the use and enjoyment of nearby units.

3. If a unit is vacant and the association has provided the unit's owner with notice and an opportunity for a hearing in the manner provided in NRS 116.31031, the association, including its employees, agents and community manager, may enter the grounds of the unit to maintain the exterior of the unit or abate a public nuisance as described in subsection 2 if the unit's owner refuses or fails to do so.

4. The association may order that the costs of any maintenance or abatement conducted pursuant to subsection 2 or 3, including, without

limitation, reasonable inspection fees, notification and collection costs and interest, be charged against the unit. The association shall keep a record of such costs and interest charged against the unit and has a lien on the unit for any unpaid amount of the charges. The lien may be foreclosed under NRS 116.31162 to 116.31168, inclusive.

5. A lien described in subsection 4 bears interest from the date that the charges become due at a rate determined pursuant to NRS 17.130 until the charges, including all interest due, are paid.

6. ~~[Except as otherwise provided in this subsection,]~~ ***Subject to the limitations provided in NRS 116.3116,*** a lien described in subsection 4 is prior and superior to all liens, claims, encumbrances and titles other than the liens described in paragraphs (a) and (c) of subsection 2 of NRS 116.3116. ~~[If the federal regulations of the Federal Home Loan Mortgage Corporation or the Federal National Mortgage Association require a shorter period of priority for the lien, the period during which the lien is prior and superior to other security interests shall be determined in accordance with those federal regulations. Notwithstanding the federal regulations, the period of priority of the lien must not be less than the 6 months immediately preceding the institution of an action to enforce the lien.]~~

7. A person who purchases or acquires a unit at a foreclosure sale pursuant to NRS 40.430 or a trustee's sale pursuant to NRS 107.080 is bound by the governing documents of the association and shall maintain the exterior of the unit in accordance with the governing documents of the association. Such a unit may only be removed from a common-interest community in accordance with the governing documents pursuant to this chapter.

8. Notwithstanding any other provision of law, an association, its directors or members of the executive board, employees, agents or community manager who enter the grounds of a unit pursuant to this section are not liable for trespass.

9. As used in this section:

(a) "Exterior of the unit" includes, without limitation, all landscaping outside of a unit and the exterior of all property exclusively owned by the unit owner.

(b) "Vacant" means a unit:

(1) Which reasonably appears to be unoccupied;

(2) On which the owner has failed to maintain the exterior to the standards set forth in the governing documents the association; and

(3) On which the owner has failed to pay assessments for more than 60 days.

Sec. 5. NRS 116.310313 is hereby amended to read as follows:

116.310313 1. An association may ***not*** charge a unit's owner ~~[reasonable fees to cover]~~ the costs of collecting any past due obligation ~~[. The Commission shall adopt regulations establishing the amount of the fees that an association may charge pursuant to this section.]~~ ***unless:***

(a) The executive board proposes a collection policy which includes, without limitation:

(1) The responsibility of the unit's owner to pay an obligation in a timely manner;

(2) The association's rights concerning the collection of an obligation if the unit's owner fails to pay the obligation in a timely manner; and

(3) The rate established by the association for the costs of collecting a past due obligation; ~~[and]~~

(b) Units' owners constituting at least two-thirds of the total number of voting members of the association approve the collection policy proposed by the executive board ~~[.]~~ ; and

(c) The collection service for which the cost is incurred has been performed, except that the fees and costs associated with a release of a delinquent assessment lien may be charged to the unit's owner at the time of the recording of the notice of a delinquent assessment lien.

2. ~~*[Subject to the limitation set forth in subsection 3, if, pursuant to subsection 1, the association is authorized to charge a unit's owner the costs of collecting a past due obligation, the rate established by the association for]*~~ ***Except as otherwise provided in subsection 3, an association may not charge a unit's owner fees to cover the costs of collecting the past due obligation ~~[:~~***

~~*(a) May not exceed $50, if the outstanding balance is less than $200.*~~

~~*(b) May not exceed $75, if the outstanding balance is $200 or more but is less than $500.*~~

~~*(c) May not exceed $100, if the outstanding balance is $500 or more but is less than $1,000.*~~

~~*(d) May not exceed $250, if the outstanding balance is $1,000 or more but is less than $5,000.*~~

~~*(e) May not exceed $500, if the outstanding balance is $5,000 or more.*~~

~~*3. The rate established by the association for the costs of collecting a past due obligation must provide that, during any 24 month period, the association may not charge a unit's owner the costs of collecting a past due obligation in an amount which exceeds $600 per unit.*~~

~~*4.* The provisions of this section apply to any costs of collecting a past due obligation charged to a unit's owner, regardless of whether the past due obligation is collected by the association itself or by any person acting on behalf of the association, including, without limitation, an officer or employee of the association, a community manager or a collection agency.~~

~~*5.]*~~ ***which exceed a total of $1,475. In addition to the amount set forth in this subsection, if an association is attempting to collect a past due obligation from a unit's owner, the association may charge the unit's owner:***

(a) A reasonable management company fee which may not exceed a total of $50; and

(b) Costs and reasonable attorney's fees if such costs and fees are awarded pursuant to subsection 9 of NRS 116.3116.

3. An association may not charge a unit's owner fees to cover the costs of collecting a past due fine for a violation of the governing documents which exceed a total of $225 plus any costs authorized to be charged to a unit's owner pursuant to subsection 5. In attempting to collect a past due fine for a violation of the governing documents, the association shall:

(a) Provide any requested payoff demand statement within 10 days after receipt of a request for such a statement.

(b) Provide information concerning the fine to a person who presents evidence that the person has a protectable interest in the unit, including, without limitation, a receipt for a purchase as a trustee's sale, a deed of trust secured by the unit, a deed to the unit or any other legitimate evidence of a protectable interest in the unit.

(c) Execute and record in the office of the county recorder of the county in which the unit is located within 30 days after full payment of the amount due notice of the release of the lien.

4. An association may not charge fees to cover the costs of collecting a past due obligation which exceed the following amounts:

(a) For a letter stating the intent of the association to record a notice of delinquent assessment, $50.

(b) For a letter stating the intent of the association to record a notice of default and election to sell, $50.

(c) For a letter stating the intent of the association to record a notice of sale, $50.

(d) For the preparation and recordation of a notice of delinquent assessment lien, $125.

(e) For the preparation and recordation of a notice of default and election to sell, $125.

(f) For the preparation and recordation of a notice of sale, $125.

(g) For the postponement of a foreclosure sale, $50.

(h) For the preparation and recordation of a transfer deed, $125.

(i) For the preparation and recordation of a release of the notice of delinquent assessment, $50.

(j) For the preparation and recordation of a notice of rescission, $50.

(k) For the preparation and recordation of an escrow payoff demand, $50.

(l) For the preparation and administration of a payment plan agreement, $50.

(m) For the preparation of a super-priority demand letter, $75.

➥ The association may not charge the fee described in paragraph (b), (e) or (f) unless, at the time the applicable notice is prepared, the association intends to complete the sale of the unit pursuant to NRS 116.31162 to 116.31168, inclusive, if the unit's owner fails to pay the amount of the lien. The association may not charge the fee described in paragraph (a) or (d)

unless the governing documents authorize the recording of the applicable document.

5. In addition to the amount of a fee charged to a unit's owner to cover the costs of collecting a past due obligation pursuant to subsection 3, if:

(a) An association incurs any costs in connection with an activity described in subsection 3, including, without limitation, the cost of a trustee's sale guarantee and other title costs, recording costs, posting and publishing costs, sale costs, mailing costs, express delivery costs and skip trace fees; and

(b) Those costs are not charged by an officer, director or employee of the association, an agent or attorney of the association, a community manager of the association or a collection agency retained by the association or an affiliate or related party thereof,

➥ the association may recover from the unit's owner the actual costs incurred without any increase or markup. The total amount of costs charged to a unit's owner pursuant to this subsection must not exceed $500.

6. An association or a community manager may not charge a unit's owner, or require a unit's owner to pay, a fee of more than:

(a) Fifty dollars for transferring an account for the collection of a past due obligation to another person; and

(b) Twenty-five dollars for changing the name of the unit's owner on the account for the collection of a past due obligation.

~~[3.]~~ ~~*[6.]*~~ ***7. For a one-time period of 30 days immediately following receipt of a payoff demand from the unit's owner or a person with a protectable interest in the unit, no fee to cover the costs of collecting a past due obligation, other than the fee described in paragraph (k) of subsection 3 and any fee to cover any cost of collecting a past due obligation which is imposed because of an action required by statute to be taken during the 30-day period, may be charged to the unit's owner.***

8. For a period of 30 days immediately following the date on which:

(a) A person who holds a security interest in a unit provides the association with the person's contact information pursuant to subsection 1 of NRS 116.310312; and

(b) A unit is sold pursuant to a trustee's sale under NRS 107.080 or a foreclosure sale under NRS 40.430 by, or on behalf of, a person who holds a first securing interest on the unit,

➥ no fee to cover the cost of collecting a past due obligation, other than a fee to cover any costs of collecting a past due obligation which is imposed because of an action required by statute to be taken during the 30-day period, may be charged to the unit's owner.

9. The provisions of this section apply to any costs of collecting a past due obligation charged to a unit's owner, regardless of whether the past due obligation is collected by the association itself or by any person acting

on behalf of the association, including, without limitation, an officer or employee of the association, a community manager or a collection agency.

10. As used in this section ~~[:~~

~~(a)]~~ ~~["Costs of collecting" includes any fee, charge or cost, by whatever name, including, without limitation, any collection fee, filing fee, recording fee, fee related to the preparation, recording or delivery of a lien or lien rescission, title search lien fee, bankruptcy search fee, referral fee, fee for postage or delivery and any other fee or cost that an association charges a unit's owner for the investigation, enforcement or collection of a past due obligation. The term does not include any costs incurred by an association if a lawsuit is filed to enforce any past due obligation or any costs awarded by a court.~~

~~(b)]~~ ~~["Obligation"]~~ ***"obligation"*** means any assessment, fine, construction penalty, fee, charge or interest levied or imposed against a unit's owner pursuant to any provision of this chapter or the governing documents.

~~[~~ ~~*(b) "Outstanding balance" means the amount of a past due obligation that remains unpaid before any interest, charges for late payment or costs of collecting the past due obligation are added.]*~~

Sec. 6. NRS 116.31085 is hereby amended to read as follows:

116.31085 1. Except as otherwise provided in this section, a unit's owner may attend any meeting of the units' owners or of the executive board and speak at any such meeting. The executive board may establish reasonable limitations on the time a unit's owner may speak at such a meeting.

2. An executive board may not meet in executive session to open or consider bids for an association project as defined in NRS 116.31086, or to enter into, renew, modify, terminate or take any other action regarding a contract.

3. An executive board may meet in executive session only to:

(a) Consult with the attorney for the association on matters relating to proposed or pending litigation if the contents of the discussion would otherwise be governed by the privilege set forth in NRS 49.035 to 49.115, inclusive.

(b) Discuss the character, alleged misconduct, professional competence, or physical or mental health of a community manager or an employee of the association.

(c) Except as otherwise provided in subsection 4, discuss a violation of the governing documents, including, without limitation, the failure to pay an assessment.

(d) Discuss the alleged failure of a unit's owner to adhere to a schedule required pursuant to NRS 116.310305 if the alleged failure may subject the unit's owner to a construction penalty.

(e) Discuss an authorization to foreclose the association's lien by sale pursuant to paragraph (b) of subsection 1 of NRS 116.31162. The vote of each member of the executive board concerning whether to authorize the

foreclosure of the association's lien by sale must be recorded in the minutes of the meeting.

4. An executive board shall meet in executive session to hold a hearing on an alleged violation of the governing documents unless the person who may be sanctioned for the alleged violation requests in writing that an open hearing be conducted by the executive board. If the person who may be sanctioned for the alleged violation requests in writing that an open hearing be conducted, the person:

(a) Is entitled to attend all portions of the hearing related to the alleged violation, including, without limitation, the presentation of evidence and the testimony of witnesses;

(b) Is entitled to due process, as set forth in the standards adopted by regulation by the Commission, which must include, without limitation, the right to counsel, the right to present witnesses and the right to present information relating to any conflict of interest of any member of the hearing panel; and

(c) Is not entitled to attend the deliberations of the executive board.

5. The provisions of subsection 4 establish the minimum protections that the executive board must provide before it may make a decision. The provisions of subsection 4 do not preempt any provisions of the governing documents that provide greater protections.

6. Except as otherwise provided in this subsection, any matter discussed by the executive board when it meets in executive session must be generally noted in the minutes of the meeting of the executive board. The executive board shall maintain minutes of any decision made pursuant to subsection 4 concerning an alleged violation and, upon request, provide a copy of the decision to the person who was subject to being sanctioned at the hearing or to the person's designated representative.

7. Except as otherwise provided in subsection 4, a unit's owner is not entitled to attend or speak at a meeting of the executive board held in executive session.

Sec. 7. NRS 116.31151 is hereby amended to read as follows:

116.31151 1. Except as otherwise provided in subsection 2 and unless the declaration of a common-interest community imposes more stringent standards,

the executive board shall, not less than 30 days or more than 60 days before the beginning of the fiscal year of the association, prepare and distribute to each unit's owner a copy of:

(a) The budget for the daily operation of the association. The budget must include, without limitation, the estimated annual revenue and expenditures of the association and any contributions to be made to the reserve account of the association.

(b) The budget to provide adequate funding for the reserves required by paragraph (b) of subsection 2 of NRS 116.3115. The budget must include, without limitation:

(1) The current estimated replacement cost, estimated remaining life and estimated useful life of each major component of the common elements and any other portion of the common-interest community that the association is obligated to maintain, repair, replace or restore;

(2) As of the end of the fiscal year for which the budget is prepared, the current estimate of the amount of cash reserves that are necessary, and the current amount of accumulated cash reserves that are set aside, to repair, replace or restore the major components of the common elements and any other portion of the common-interest community that the association is obligated to maintain, repair, replace or restore;

(3) A statement as to whether the executive board has determined or anticipates that the levy of one or more special assessments will be necessary to repair, replace or restore any major component of the common elements or any other portion of the common-interest community that the association is obligated to maintain, repair, replace or restore or to provide adequate funding for the reserves designated for that purpose; and

(4) A general statement describing the procedures used for the estimation and accumulation of cash reserves pursuant to subparagraph (2), including, without limitation, the qualifications of the person responsible for the preparation of the study of the reserves required by NRS 116.31152.

2. In lieu of distributing copies of the budgets of the association required by subsection 1, the executive board may distribute to each unit's owner a summary of those budgets, accompanied by a written notice that:

(a) The budgets are available for review at the business office of the association or some other suitable location within the county where the common-interest community is situated or, if it is situated in more than one county, within one of those counties but not to exceed 60 miles from the physical location of the common-interest community; and

(b) Copies of the budgets will be provided upon request.

3. Within 60 days after adoption of any proposed budget for the common-interest community, the executive board shall provide a summary of the proposed budget to each unit's owner and shall set a date for a meeting of the units' owners to consider ratification of the proposed budget not less than 14 days or more than 30 days after the mailing of the summaries. Unless at that meeting a majority of all units' owners, or any larger vote specified in the declaration, reject the proposed budget, the proposed budget is ratified, whether or not a quorum is present. If the proposed budget is rejected, the periodic budget last ratified by the units' owners must be continued until such time as the units' owners ratify a subsequent budget proposed by the executive board.

4. The executive board shall, at the same time and in the same manner that the executive board makes the budget available to a unit's owner pursuant to this section, make available to each unit's owner the ***collection*** policy ~~[established]~~ for the association ~~[concerning the collection of any fees,~~

~~fines, assessments or costs imposed against a unit's owner pursuant to this chapter. The policy must include, without limitation:~~

~~(a) The responsibility of the unit's owner to pay any such fees, fines, assessments or costs in a timely manner; and~~

~~(b) The association's rights concerning the collection of such fees, fines, assessments or costs if the unit's owner fails to pay the fees, fines, assessments or costs in a timely manner.~~**]** ***adopted pursuant to NRS 116.310313.***

Sec. 8. NRS 116.3116 is hereby amended to read as follows:

116.3116 1. The association has a lien on a unit for any construction penalty that is imposed against the unit's owner pursuant to NRS 116.310305, any assessment levied against that unit or any fines imposed against the unit's owner from the time the construction penalty, assessment or fine becomes due. Unless the declaration otherwise provides, any penalties, fees, charges, late charges, fines and interest charged pursuant to paragraphs (j) to (n), inclusive, of subsection 1 of NRS 116.3102 are enforceable as assessments under this section. If an assessment is payable in installments, the full amount of the assessment is a lien from the time the first installment thereof becomes due.

2. A lien under this section is prior to all other liens and encumbrances on a unit except:

(a) Liens and encumbrances recorded before the recordation of the declaration and, in a cooperative, liens and encumbrances which the association creates, assumes or takes subject to;

(b) A first security interest on the unit recorded before the date on which the assessment sought to be enforced became delinquent or, in a cooperative, the first security interest encumbering only the unit's owner's interest and perfected before the date on which the assessment sought to be enforced became delinquent; and

(c) Liens for real estate taxes and other governmental assessments or charges against the unit or cooperative.

[~~.~~**]**

3. The lien ***under this section*** is also prior to all security interests described in paragraph (b) ***of subsection 2*** to the extent of any charges incurred by the association on a unit pursuant to NRS 116.310312 and to the extent of the assessments for common expenses based on the periodic budget adopted by the association pursuant to NRS 116.3115 which would have become due in the absence of acceleration during the 9 months immediately preceding institution of an action to enforce the lien, unless federal regulations ***or underwriting guidelines*** adopted by the Federal Home Loan Mortgage Corporation or the Federal National Mortgage Association require a shorter period of priority for the lien. If federal regulations ***or underwriting guidelines*** adopted by the Federal Home Loan Mortgage Corporation or the Federal National Mortgage Association require a shorter period of priority for the lien, the period **[**~~during which the lien is prior to all security interests~~

~~described in paragraph (b)~~] ***of priority*** must be determined in accordance with those federal regulations ~~[,]~~ ***or underwriting guidelines,*** except that notwithstanding the provisions of the federal regulations ~~[,]~~ ***or underwriting guidelines,*** the period of priority for the lien must not be less than the 6 months immediately preceding institution of an action to enforce the lien. ~~[This subsection does]~~ ***If title to a unit is acquired by a sale conducted pursuant to NRS 40.430 or 107.080 to obtain payment of a debt secured by a security interest described in paragraph (b) of subsection 2 and that debt was insured by the Federal Home Loan Mortgage Corporation or the Federal National Mortgage Association, the amount secured by the lien given priority over the security interests described in paragraph (b) of subsection 2 must not exceed the amount of common expenses and assessments authorized to be given such priority by the federal regulations or underwriting guidelines adopted by the entity which insured the debt.***

4. The provisions of subsections 2 and 3 do not affect the priority of mechanics' or materialmen's liens, or the priority of liens for other assessments made by the association.

~~[3.]~~ ***5.*** Unless the declaration otherwise provides, if two or more associations have liens for assessments created at any time on the same property, those liens have equal priority.

~~[4.]~~ ***6.*** Recording of the declaration constitutes record notice and perfection of the lien. No further recordation of any claim of lien for assessment under this section is required.

~~[5.]~~ ***7.*** A lien for unpaid assessments is extinguished unless proceedings to enforce the lien are instituted within 3 years after the full amount of the assessments becomes due.

~~[6.]~~ ***8.*** This section does not prohibit actions to recover sums for which subsection 1 creates a lien or prohibit an association from taking a deed in lieu of foreclosure.

~~[7.]~~ ***9.*** A judgment or decree in any action brought under this section must include costs and reasonable attorney's fees for the prevailing party.

~~[8.]~~ ***10.*** The association, upon written request, shall furnish to a unit's owner a statement setting forth the amount of unpaid assessments against the unit. If the interest of the unit's owner is real estate or if a lien for the unpaid assessments may be foreclosed under NRS 116.31162 to 116.31168, inclusive, the statement must be in recordable form. The statement must be furnished within 10 business days after receipt of the request and is binding on the association, the executive board and every unit's owner.

~~[9.]~~ ***11.*** In a cooperative, upon nonpayment of an assessment on a unit, the unit's owner may be evicted in the same manner as provided by law in the case of an unlawful holdover by a commercial tenant, and:

(a) In a cooperative where the owner's interest in a unit is real estate under NRS 116.1105, the association's lien may be foreclosed under NRS 116.31162 to 116.31168, inclusive.

(b) In a cooperative where the owner's interest in a unit is personal property under NRS 116.1105, the association's lien:

(1) May be foreclosed as a security interest under NRS 104.9101 to 104.9709, inclusive; or

(2) If the declaration so provides, may be foreclosed under NRS 116.31162 to 116.31168, inclusive.

Sec. 9. NRS 116.31162 is hereby amended to read as follows:

116.31162 1. Except as otherwise provided in ~~[subsection]~~ ***subsections*** 4 ~~[,]~~ ***and 5 and paragraph (a) of subsection 2 of NRS 116.31164,*** in a condominium, in a planned community, in a cooperative where the owner's interest in a unit is real estate under NRS 116.1105, or in a cooperative where the owner's interest in a unit is personal property under NRS 116.1105 and the declaration provides that a lien may be foreclosed under NRS 116.31162 to 116.31168, inclusive, the association may foreclose its lien by sale after all of the following occur:

(a) The association has mailed by certified or registered mail, return receipt requested, to the unit's owner or his or her successor in interest, at his or her address, if known, and at the address of the unit, a notice of delinquent assessment which states the amount of the assessments and other sums which are due in accordance with subsection 1 of NRS 116.3116, a description of the unit against which the lien is imposed and the name of the record owner of the unit.

(b) ***Before the association records the notice of default and election to sell in the manner required by paragraph (c), the executive board authorizes the foreclosure of the association's lien by sale by a majority vote of the members of the executive board which is recorded in the minutes of the meeting at which such action is taken. Except as otherwise provided in this paragraph, if the lien is imposed against a unit which is occupied by the unit's owner, not later than 20 days before the meeting, the association must provide to the unit's owner or his or her successor in interest by personal delivery notice that the executive board will determine whether to authorize the foreclosure of the association's lien by sale of the unit. If the lien is imposed against a unit which is not occupied by the unit's owner, the association may provide the notice by first-class mail to the last known mailing address of the unit's owner.***

(c) Not less than 30 days after mailing the notice of delinquent assessment pursuant to paragraph (a), the association or other person conducting the sale has executed and caused to be recorded, with the county recorder of the county in which the common-interest community or any part of it is situated, a notice of default and election to sell the unit to satisfy the lien which must contain the same information as the notice of delinquent assessment and which must also comply with the following:

(1) Describe the deficiency in payment.

(2) State the name and address of the person authorized by the association to enforce the lien by sale.

(3) Contain, in 14-point bold type, the following warning:

WARNING! IF YOU FAIL TO PAY THE AMOUNT SPECIFIED IN THIS NOTICE, YOU COULD LOSE YOUR HOME, EVEN IF THE AMOUNT IS IN DISPUTE!

~~[(c)]~~ ***(d)*** The unit's owner or his or her successor in interest has failed to pay the amount of the lien, including costs, fees and expenses incident to its enforcement, for 90 days following the recording of the notice of default and election to sell.

2. The notice of default and election to sell must be signed by the person designated in the declaration or by the association for that purpose or, if no one is designated, by the president of the association.

3. The period of 90 days begins on the first day following:

(a) The date on which the notice of default is recorded; or

(b) The date on which a copy of the notice of default is mailed by certified or registered mail, return receipt requested, to the unit's owner or his or her successor in interest at his or her address, if known, and at the address of the unit,

➥ whichever date occurs later.

4. The association may not foreclose a lien by sale based on a fine or penalty for a violation of the governing documents of the association unless:

(a) The violation poses an imminent threat of causing a substantial adverse effect on the health, safety or welfare of the units' owners or residents of the common-interest community; or

(b) The penalty is imposed for failure to adhere to a schedule required pursuant to NRS 116.310305.

5. The association may not foreclose a lien by sale based on a delinquent assessment unless the amount of the delinquent assessment, excluding acceleration and any interest, charges for late payment , fines or costs of collecting the assessment:

(a) Is more than $1,800; or

(b) Is equal to or greater than the assessments for common expenses based on the periodic budget adopted by the association pursuant to NRS 116.3115 which became due during the 12 months immediately preceding institution of the foreclosure.

Sec. 10. NRS 116.31164 is hereby amended to read as follows:

116.31164 1. The sale must be conducted in the county in which the common-interest community or part of it is situated, and may be conducted by the association, its agent or attorney, or a title insurance company or escrow agent licensed to do business in this State, except that the sale may be made at the office of the association if the notice of the sale so provided, whether the unit is located within the same county as the office of the association or not. The association or other person conducting the sale may from time to time postpone the sale by such advertisement and notice as it considers reasonable or, without further advertisement or notice, by

proclamation made to the persons assembled at the time and place previously set and advertised for the sale.

2. ***If the sale does not occur within 120 days after the date on which a copy of the notice of default and election to sell was personally delivered or mailed to the unit's owner or his or her successor in interest in the manner required by paragraph (b) of subsection 1 of NRS 116.31162, the association and any person acting on behalf of the association may not:***

(a) Foreclose the association's lien by sale; or

(b) Charge to, or collect from, the unit's owner or his or her successor in interest any costs of collecting the past due obligation to which the notice of default relates unless the unit's owner or his or her successor in interest has agreed to a payment plan which includes the payment, in whole or in part, of the costs of collecting the past due obligation.

3. On the day of sale originally advertised or to which the sale is postponed, at the time and place specified in the notice or postponement, the person conducting the sale may sell the unit at public auction to the highest cash bidder. Unless otherwise provided in the declaration or by agreement, the association may purchase the unit and hold, lease, mortgage or convey it. The association may purchase by a credit bid up to the amount of the unpaid assessments and any permitted costs, fees and expenses incident to the enforcement of its lien.

~~[3.]~~ ***4.*** After the sale, the person conducting the sale shall:

(a) Make, execute and, after payment is made, deliver to the purchaser, or his or her successor or assign, a deed without warranty which conveys to the grantee all title of the unit's owner to the unit;

(b) Deliver a copy of the deed to the Ombudsman within 30 days after the deed is delivered to the purchaser, or his or her successor or assign; and

(c) Apply the proceeds of the sale for the following purposes in the following order:

(1) The reasonable expenses of sale;

(2) The reasonable expenses of securing possession before sale, holding, maintaining, and preparing the unit for sale, including payment of taxes and other governmental charges, premiums on hazard and liability insurance, and, to the extent provided for by the declaration, reasonable attorney's fees and other legal expenses incurred by the association;

(3) Satisfaction of the association's lien;

(4) Satisfaction in the order of priority of any subordinate claim of record; and

(5) Remittance of any excess to the unit's owner.

Sec. 11. NRS 116.4109 is hereby amended to read as follows:

116.4109 1. Except in the case of a sale in which delivery of a public offering statement is required, or unless exempt under subsection 2 of NRS 116.4101, a unit's owner or his or her authorized agent shall, at the expense of the unit's owner, furnish to a purchaser a resale package containing all of the following:

(a) A copy of the declaration, other than any plats, the bylaws, the rules or regulations of the association and the information statement required by NRS 116.41095;

(b) A statement setting forth the amount of the monthly assessment for common expenses and any unpaid assessment of any kind currently due from the selling unit's owner;

(c) A copy of the current operating budget of the association and current year-to-date financial statement for the association, which must include a summary of the reserves of the association required by NRS 116.31152 and which must include, without limitation, a summary of the information described in paragraphs (a) to (e), inclusive, of subsection 3 of NRS 116.31152;

(d) A statement of any unsatisfied judgments or pending legal actions against the association and the status of any pending legal actions relating to the common-interest community of which the unit's owner has actual knowledge;

(e) A statement of any transfer fees, transaction fees or any other fees associated with the resale of a unit; and

(f) In addition to any other document, a statement describing all current and expected fees or charges for each unit, including, without limitation, association fees, fines, assessments, late charges or penalties, interest rates on delinquent assessments, additional costs for collecting past due fines and charges for opening or closing any file for each unit.

2. The purchaser may, by written notice, cancel the contract of purchase until midnight of the fifth calendar day following the date of receipt of the resale package described in subsection 1, and the contract for purchase must contain a provision to that effect. If the purchaser elects to cancel a contract pursuant to this subsection, the purchaser must hand deliver the notice of cancellation to the unit's owner or his or her authorized agent or mail the notice of cancellation by prepaid United States mail to the unit's owner or his or her authorized agent. Cancellation is without penalty, and all payments made by the purchaser before cancellation must be refunded promptly. If the purchaser has accepted a conveyance of the unit, the purchaser is not entitled to:

(a) Cancel the contract pursuant to this subsection; or

(b) Damages, rescission or other relief based solely on the ground that the unit's owner or his or her authorized agent failed to furnish the resale package, or any portion thereof, as required by this section.

3. Within 10 days after receipt of a written request by a unit's owner or his or her authorized agent, the association shall furnish all of the following to the unit's owner or his or her authorized agent for inclusion in the resale package:

(a) Copies of the documents required pursuant to paragraphs (a) and (c) of subsection 1; and

(b) A certificate containing the information necessary to enable the unit's owner to comply with paragraphs (b), (d) and (e) of subsection 1.

4. If the association furnishes the documents and certificate pursuant to subsection 3:

(a) The unit's owner or his or her authorized agent shall include the documents and certificate in the resale package provided to the purchaser, and neither the unit's owner nor his or her authorized agent is liable to the purchaser for any erroneous information provided by the association and included in the documents and certificate.

(b) The association may charge the unit's owner a reasonable fee to cover the cost of preparing the certificate furnished pursuant to subsection 3. Such a fee must be based on the actual cost the association incurs to fulfill the requirements of this section in preparing the certificate. The Commission shall adopt regulations establishing the maximum amount of the fee that an association may charge for preparing the certificate.

(c) The association may charge the unit's owner a reasonable fee, not to exceed 25 cents per page, to cover the cost of copying the other documents furnished pursuant to subsection 3.

(d) Except for the fees allowed pursuant to paragraphs (b) and (c), the association may not charge the unit's owner any other fees for preparing or furnishing the documents and certificate pursuant to subsection 3.

5. Neither a purchaser nor the purchaser's interest in a unit is liable for any unpaid assessment or fee greater than the amount set forth in the documents and certificate prepared by the association. If the association fails to furnish the documents and certificate within the 10 days allowed by this section, the seller is not liable for the delinquent assessment.

6. Upon the request of a unit's owner or his or her authorized agent, or upon the request of a purchaser to whom the unit's owner has provided a resale package pursuant to this section or his or her authorized agent, the association shall make the entire study of the reserves of the association which is required by NRS 116.31152 reasonably available for the unit's owner, purchaser or authorized agent to inspect, examine, photocopy and audit. The study must be made available at the business office of the association or some other suitable location within the county where the common-interest community is situated or, if it is situated in more than one county, within one of those counties.

7. An association or a community manager may not charge a unit's owner, and may not require a unit's owner to pay, a fee of more than $50 to cover the cost of recording in the books and records of the association or community manager the transfer of the ownership of the unit.

Sec. 12. NRS 649.370 is hereby amended to read as follows:

649.370 ***1.*** A violation of any provision of the federal Fair Debt Collection Practices Act, 15 U.S.C. §§ ~~[1682]~~ ***1692*** et seq., or any regulation adopted pursuant thereto, shall be deemed to be a violation of this chapter.

2. Even if a claim is not governed by the federal Fair Debt Collection Practices Act, 15 U.S.C. §§ 1692 et seq., a violation of any provision of that Act, or any regulation adopted pursuant thereto, with respect to collecting or attempting to collect a claim owed to a unit-owners' association by a unit's owner shall be deemed to be a violation of this chapter.

Sec. 13. The amendatory provisions of sections 9 and 10 of this act apply only if a notice of default and election to sell is recorded pursuant to NRS 116.31162 on or after July 1, 2011.

Sec. 14. This act becomes effective on July 1, 2011.

Assemblyman Ohrenschall moved the adoption of the amendment.

Amendment adopted.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 478.

AN ACT relating to common-interest communities; revising provisions governing the collection of past due financial obligations in common-interest communities; establishing limits on the amount which may be charged to a unit's owner to cover the costs of collecting a past due financial obligation; revising provisions governing an association's lien for assessments; revising provisions governing the foreclosure of an association's lien by sale; revising provisions governing the manner of collecting debts owed to an association; establishing a limit on the amount of the fee which may be charged to a unit's owner to record a transfer of the unit in the records of the association; revising various provisions relating to common-interest communities; **providing a penalty;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes certain restrictions on the actions of an association of a common-interest community with respect to regulating the use of a unit by a unit's owner. (NRS 116.2111) **Section 3** of this bill prohibits an association from prohibiting or unreasonably restricting a unit's owner from installing and using a clothesline within the boundaries of his or her unit.

Existing law requires the Commission for Common-Interest Communities and Condominium Hotels to adopt regulations establishing the amount of the fees that may be charged to a unit's owner to cover the costs of collecting a past due financial obligation owed to an association of a common-interest community. (NRS 116.310313) **Section 5** of this bill prohibits the association from charging a unit's owner the costs of collecting a past due obligation unless ~~[two-thirds of the total number of voting members of the association]~~ **a majority of the units' owners who cast votes** approve a collection policy for the association. **Section 5 also: (1)** requires the collection policy to ~~[establish the rates for]~~ **include a list or schedule of the maximum amount of each fee, cost, charge or other amount which may be charged to a unit's owner to cover** the costs of collecting a past due obligation **;** and **(2)** establishes limits on the amount a unit's owner may be charged to cover the costs of collecting such obligations, which are based on the amount of the outstanding balance of the past due obligation. In addition,

section 5 : (1) prohibits an association from transferring to another person, other than an officer or employee of the association or its community manager, the collection activity with respect to a fine for a violation of the governing documents; and (2) establishes limits on the amount of the fee charged to a unit's owner to transfer an account for collection and to change the name of the unit's owner on such an account.

Under existing law, the association has a lien for certain amounts due the association. This lien is prior to the lien of a first security interest on the unit to the extent of charges incurred by the association to maintain certain units which are being foreclosed and to the extent of a specified number of months of assessments. (NRS 116.3116) **Section 8** of this bill provides that if the title to the unit is acquired at a foreclosure sale or trustee's sale and the mortgage on the unit was insured by the Federal Home Loan Mortgage Corporation or the Federal National Mortgage Association, the amount secured by the lien given priority must not exceed the amount of common expenses and assessments authorized to be given such priority by the federal regulations or underwriting guidelines of the federal entity which insured the debt.

Existing law authorizes the association to foreclose its lien by sale of the unit and prescribes the procedures for such a foreclosure. (NRS 116.31162-116.31168) **[**~~Sections~~**]** **Section 9** **[**~~and 10~~**]** of this bill **[**~~revise~~**]** **revises** provisions governing such foreclosures by prohibiting the association from: (1) foreclosing its lien by sale based on delinquent assessments unless the amount of delinquent assessments exceeds a certain amount; **and** (2) foreclosing its lien by sale unless the executive board of the association **[**~~authorizes~~**]** **votes to authorize** the foreclosure **. [**~~in an executive session after providing notice of the meeting to a unit's owner; and (3) selling the unit and charging any costs of collecting to a unit's owner if the sale does not occur within 120 days after the association mails the notice of default and election to sell to the unit's owner.~~**]**

Existing law requires the association to provide a statement of any transfer fees, transaction fees or any other fees associated with the resale of a unit in the resale package which is provided to a potential purchaser of a unit. (NRS 116.4109) **Section 11** of this bill establishes a limit of not more than $50 on a fee charged to a unit's owner to record the transfer of a unit in the records of the association or its community manager.

Existing law provides that a collection agency which violates the federal Fair Debt Collection Practices Act, 15 U.S.C. §§ 1692 et seq., or any regulation adopted pursuant thereto violates the provisions in existing state law relating to collection agencies. (NRS 649.370) Because the Fair Debt Collection Practices Act applies to consumer debts owed by natural persons, it does not apply when a collection agency collects any debt owed by an entity. (15 U.S.C. §§ 1692 et seq.) **Section 12** of this bill provides that a collection agency which violates the federal Fair Debt Collection Practices Act with respect to any debt owed to an association by a unit's owner is deemed to violate existing state law relating to collection agencies.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 116 of NRS is hereby amended by adding thereto a new section to read as follows:

"Costs of collecting" includes any fee, charge or cost, by whatever name, including, without limitation, any collection fee, filing fee, recording fee, fee related to the preparation, recording or delivery of a notice of default and election to sell or notice of foreclosure sale or a rescission thereof, title search lien fee, bankruptcy search fee, referral fee, fee for postage or delivery and any other fee or cost that an association charges a unit's owner for the investigation, enforcement or collection of a past due obligation. The term does not include any costs incurred by an association if a lawsuit is filed to enforce any past due obligation or any costs awarded by a court.

Sec. 2. NRS 116.003 is hereby amended to read as follows:

116.003 As used in this chapter and in the declaration and bylaws of an association, unless the context otherwise requires, the words and terms defined in NRS 116.005 to 116.095, inclusive, ***and section 1 of this act*** have the meanings ascribed to them in those sections.

Sec. 3. NRS 116.2111 is hereby amended to read as follows:

116.2111 1. Except as otherwise provided in this section and subject to the provisions of the declaration and other provisions of law, a unit's owner:

(a) May make any improvements or alterations to his or her unit that do not impair the structural integrity or mechanical systems or lessen the support of any portion of the common-interest community;

(b) May not change the appearance of the common elements, or the exterior appearance of a unit or any other portion of the common-interest community, without permission of the association; and

(c) After acquiring an adjoining unit or an adjoining part of an adjoining unit, may remove or alter any intervening partition or create apertures therein, even if the partition in whole or in part is a common element, if those acts do not impair the structural integrity or mechanical systems or lessen the support of any portion of the common-interest community. Removal of partitions or creation of apertures under this paragraph is not an alteration of boundaries.

2. An association may not:

(a) Unreasonably restrict, prohibit or otherwise impede the lawful rights of a unit's owner to have reasonable access to his or her unit.

(b) Charge any fee for a person to enter the common-interest community to provide services to a unit, a unit's owner or a tenant of a unit's owner or for any visitor to the common-interest community or invitee of a unit's owner or a tenant of a unit's owner to enter the common-interest community.

(c) Unreasonably restrict, prohibit or withhold approval for a unit's owner to add to a unit:

(1) Improvements such as ramps, railings or elevators that are necessary to improve access to the unit for any occupant of the unit who has a disability;

(2) Additional locks to improve the security of the unit;

(3) Shutters to improve the security of the unit or to reduce the costs of energy for the unit; or

(4) A system that uses wind energy to reduce the costs of energy for the unit if the boundaries of the unit encompass 2 acres or more within the common-interest community.

(d) With regard to approving or disapproving any improvement or alteration made to a unit, act in violation of any state or federal law.

(e) Prohibit or unreasonably restrict a unit's owner from installing and using a clothesline within the boundaries of his or her unit.

3. Any improvement or alteration made pursuant to subsection 2 that is visible from any other portion of the common-interest community must be installed, constructed or added in accordance with the procedures set forth in the governing documents of the association and must be selected or designed to the maximum extent practicable to be compatible with the style of the common-interest community.

4. An association may not unreasonably restrict, prohibit or withhold approval for a unit's owner to add shutters to improve the security of the unit or to reduce the costs of energy for the unit, including, without limitation, rolling shutters, that are attached to a portion of an interior or exterior window, interior or exterior door or interior or exterior wall which is not part of the unit and which is a common element or limited common element if:

(a) The portion of the window, door or wall to which the shutters are attached is adjoining the unit; and

(b) The shutters must necessarily be attached to that portion of the window, door or wall during installation to achieve the maximum benefit in improving the security of the unit or reducing the costs of energy for the unit.

5. If a unit's owner adds shutters pursuant to subsection 4, the unit's owner is responsible for the maintenance of the shutters.

6. For the purposes of subsection 4, a covenant, restriction or condition which does not unreasonably restrict the addition of shutters and which is contained in the governing documents of a common-interest community or a policy established by a common-interest community is enforceable so long as the covenant, restriction or condition was:

(a) In existence on July 1, 2009; or

(b) Contained in the governing documents in effect on the close of escrow of the first sale of a unit in the common-interest community.

7. A unit's owner may not add to the unit a system that uses wind energy as described in subparagraph (4) of paragraph (c) of subsection 2 unless the unit's owner first obtains the written consent of each owner of property within 300 feet of any boundary of the unit.

Sec. 4. NRS 116.310312 is hereby amended to read as follows:

116.310312 1. A person who holds a security interest in a unit must provide the association with the person's contact information as soon as reasonably practicable, but not later than 30 days after the person:

(a) Files an action for recovery of a debt or enforcement of any right secured by the unit pursuant to NRS 40.430; or

(b) Records or has recorded on his or her behalf a notice of a breach of obligation secured by the unit and the election to sell or have the unit sold pursuant to NRS 107.080.

2. If an action or notice described in subsection 1 has been filed or recorded regarding a unit and the association has provided the unit's owner with notice and an opportunity for a hearing in the manner provided in NRS 116.31031, the association, including its employees, agents and community manager, may, but is not required to, enter the grounds of the unit, whether or not the unit is vacant, to take any of the following actions if the unit's owner refuses or fails to take any action or comply with any requirement imposed on the unit's owner within the time specified by the association as a result of the hearing:

(a) Maintain the exterior of the unit in accordance with the standards set forth in the governing documents, including, without limitation, any provisions governing maintenance, standing water or snow removal.

(b) Remove or abate a public nuisance on the exterior of the unit which:

(1) Is visible from any common area of the community or public streets;

(2) Threatens the health or safety of the residents of the common-interest community;

(3) Results in blighting or deterioration of the unit or surrounding area; and

(4) Adversely affects the use and enjoyment of nearby units.

3. If a unit is vacant and the association has provided the unit's owner with notice and an opportunity for a hearing in the manner provided in NRS 116.31031, the association, including its employees, agents and community manager, may enter the grounds of the unit to maintain the exterior of the unit or abate a public nuisance as described in subsection 2 if the unit's owner refuses or fails to do so.

4. The association may order that the costs of any maintenance or abatement conducted pursuant to subsection 2 or 3, including, without limitation, reasonable inspection fees, notification and collection costs and interest, be charged against the unit. The association shall keep a record of such costs and interest charged against the unit and has a lien on the unit for any unpaid amount of the charges. The lien may be foreclosed under NRS 116.31162 to 116.31168, inclusive.

5. A lien described in subsection 4 bears interest from the date that the charges become due at a rate determined pursuant to NRS 17.130 until the charges, including all interest due, are paid.

6. ~~[Except as otherwise provided in this subsection,]~~ ***Subject to the limitations provided in NRS 116.3116,*** a lien described in subsection 4 is

prior and superior to all liens, claims, encumbrances and titles other than the liens described in paragraphs (a) and (c) of subsection 2 of NRS 116.3116. ~~[If the federal regulations of the Federal Home Loan Mortgage Corporation or the Federal National Mortgage Association require a shorter period of priority for the lien, the period during which the lien is prior and superior to other security interests shall be determined in accordance with those federal regulations. Notwithstanding the federal regulations, the period of priority of the lien must not be less than the 6 months immediately preceding the institution of an action to enforce the lien.]~~

7. A person who purchases or acquires a unit at a foreclosure sale pursuant to NRS 40.430 or a trustee's sale pursuant to NRS 107.080 is bound by the governing documents of the association and shall maintain the exterior of the unit in accordance with the governing documents of the association. Such a unit may only be removed from a common-interest community in accordance with the governing documents pursuant to this chapter.

8. Notwithstanding any other provision of law, an association, its directors or members of the executive board, employees, agents or community manager who enter the grounds of a unit pursuant to this section are not liable for trespass.

9. As used in this section:

(a) "Exterior of the unit" includes, without limitation, all landscaping outside of a unit and the exterior of all property exclusively owned by the unit owner.

(b) "Vacant" means a unit:

(1) Which reasonably appears to be unoccupied;

(2) On which the owner has failed to maintain the exterior to the standards set forth in the governing documents the association; and

(3) On which the owner has failed to pay assessments for more than 60 days.

Sec. 5. NRS 116.310313 is hereby amended to read as follows:

116.310313 1. An association may ***not*** charge a unit's owner ~~[reasonable fees to cover]~~ the costs of collecting any past due obligation ~~[. The Commission shall adopt regulations establishing the amount of the fees that an association may charge pursuant to this section.]~~ ***unless:***

(a) The executive board proposes a collection policy which includes, without limitation:

(1) The responsibility of the unit's owner to pay an obligation in a timely manner;

(2) The association's rights concerning the collection of an obligation if the unit's owner fails to pay the obligation in a timely manner; and

(3) ~~*[The rate established by the association for]*~~ ***A list or schedule of the maximum amount of each fee, cost, charge or other amount which may be charged to a unit's owner to cover the costs of collecting a past due obligation; and***

(b) Units' owners constituting ~~[at least two thirds]~~ a majority ~~[of the total number of voting members of the association]~~ of the votes cast approve the collection policy proposed by the executive board.

2. ***Subject to the limitation set forth in subsection 3, if, pursuant to subsection 1, the association is authorized to charge a unit's owner the costs of collecting a past due obligation, the rate established by the association for the costs of collecting the past due obligation:***

(a) May not exceed $50, if the outstanding balance is less than $200.

(b) May not exceed $75, if the outstanding balance is $200 or more but is less than $500.

(c) May not exceed $100, if the outstanding balance is $500 or more but is less than $1,000.

(d) May not exceed $250, if the outstanding balance is $1,000 or more but is less than $5,000.

(e) May not exceed $500, if the outstanding balance is $5,000 or more.

3. The rate established by the association for the costs of collecting a past due obligation must provide that, during any 24-month period, the association may not charge a unit's owner the costs of collecting a past due obligation in an amount which exceeds $600 per unit.

4. An association may not transfer an account for the collection of a past due fine for a violation of the governing documents to any person other than an officer or employee of the association or the community manager. If an association transfers an account for the collection of a past due fine for a violation of the governing documents to the community manager of the association, the community manager may not transfer the account to any person other than an officer or employee of the community manager.

5. Each written attempt to collect from a unit's owner a past due obligation which is more than 60 days past due in which the association or its authorized agent expresses an intent to engage in further collection activity if the unit's owner fails to pay the total amount due must include:

(a) A statement of the current amount due; and

(b) A schedule of the amount of the fees, costs, charges or other amounts which may be charged to the unit's owner if the unit's owner fails to pay the total amount due.

➥ For the purposes of this subsection, providing a standard monthly statement or a coupon book is not an attempt to collect a past due obligation.

6. The provisions of this section apply to any costs of collecting a past due obligation charged to a unit's owner, regardless of whether the past due obligation is collected by the association itself or by any person acting on behalf of the association, including, without limitation, an officer or employee of the association, a community manager or a collection agency.

~~[5.]~~ 7. An association or a community manager may not charge a unit's owner, or require a unit's owner to pay, a fee of more than:

(a) Fifty dollars for transferring an account for the collection of a past due obligation to another person; and

(b) Twenty-five dollars for changing the name of the unit's owner on the account for the collection of a past due obligation.

~~[3.]~~ ~~*[6.]*~~ ***8.*** As used in this section:

(a) ~~["Costs of collecting" includes any fee, charge or cost, by whatever name, including, without limitation, any collection fee, filing fee, recording fee, fee related to the preparation, recording or delivery of a lien or lien rescission, title search lien fee, bankruptcy search fee, referral fee, fee for postage or delivery and any other fee or cost that an association charges a unit's owner for the investigation, enforcement or collection of a past due obligation. The term does not include any costs incurred by an association if a lawsuit is filed to enforce any past due obligation or any costs awarded by a court.~~

~~(b)]~~ "Obligation" means any assessment, fine, construction penalty, fee, charge or interest levied or imposed against a unit's owner pursuant to any provision of this chapter or the governing documents.

(b) "Outstanding balance" means the amount of a past due obligation that remains unpaid before any interest, charges for late payment or costs of collecting the past due obligation are added.

Sec. 6. NRS 116.31085 is hereby amended to read as follows:

116.31085 1. Except as otherwise provided in this section, a unit's owner may attend any meeting of the units' owners or of the executive board and speak at any such meeting. The executive board may establish reasonable limitations on the time a unit's owner may speak at such a meeting.

2. An executive board may not meet in executive session to open or consider bids for an association project as defined in NRS 116.31086, or to enter into, renew, modify, terminate or take any other action regarding a contract.

3. An executive board may meet in executive session only to:

(a) Consult with the attorney for the association on matters relating to proposed or pending litigation if the contents of the discussion would otherwise be governed by the privilege set forth in NRS 49.035 to 49.115, inclusive.

(b) Discuss the character, alleged misconduct, professional competence, or physical or mental health of a community manager or an employee of the association.

(c) Except as otherwise provided in subsection 4, discuss a violation of the governing documents, including, without limitation, the failure to pay an assessment.

(d) Discuss the alleged failure of a unit's owner to adhere to a schedule required pursuant to NRS 116.310305 if the alleged failure may subject the unit's owner to a construction penalty.

(e) Discuss an authorization to foreclose the association's lien by sale pursuant to paragraph (b) of subsection 1 of NRS 116.31162. The vote of

each member of the executive board concerning whether to authorize the foreclosure of the association's lien by sale must be recorded in the minutes of the meeting.

4. An executive board shall meet in executive session to hold a hearing on an alleged violation of the governing documents unless the person who may be sanctioned for the alleged violation requests in writing that an open hearing be conducted by the executive board. If the person who may be sanctioned for the alleged violation requests in writing that an open hearing be conducted, the person:

(a) Is entitled to attend all portions of the hearing related to the alleged violation, including, without limitation, the presentation of evidence and the testimony of witnesses;

(b) Is entitled to due process, as set forth in the standards adopted by regulation by the Commission, which must include, without limitation, the right to counsel, the right to present witnesses and the right to present information relating to any conflict of interest of any member of the hearing panel; and

(c) Is not entitled to attend the deliberations of the executive board.

5. The provisions of subsection 4 establish the minimum protections that the executive board must provide before it may make a decision. The provisions of subsection 4 do not preempt any provisions of the governing documents that provide greater protections.

6. Except as otherwise provided in this subsection, any matter discussed by the executive board when it meets in executive session must be generally noted in the minutes of the meeting of the executive board. The executive board shall maintain minutes of any decision made pursuant to subsection 4 concerning an alleged violation and, upon request, provide a copy of the decision to the person who was subject to being sanctioned at the hearing or to the person's designated representative.

7. Except as otherwise provided in subsection 4, a unit's owner is not entitled to attend or speak at a meeting of the executive board held in executive session.

Sec. 7. NRS 116.31151 is hereby amended to read as follows:

116.31151 1. Except as otherwise provided in subsection 2 and unless the declaration of a common-interest community imposes more stringent standards, the executive board shall, not less than 30 days or more than 60 days before the beginning of the fiscal year of the association, prepare and distribute to each unit's owner a copy of:

(a) The budget for the daily operation of the association. The budget must include, without limitation, the estimated annual revenue and expenditures of the association and any contributions to be made to the reserve account of the association.

(b) The budget to provide adequate funding for the reserves required by paragraph (b) of subsection 2 of NRS 116.3115. The budget must include, without limitation:

(1) The current estimated replacement cost, estimated remaining life and estimated useful life of each major component of the common elements and any other portion of the common-interest community that the association is obligated to maintain, repair, replace or restore;

(2) As of the end of the fiscal year for which the budget is prepared, the current estimate of the amount of cash reserves that are necessary, and the current amount of accumulated cash reserves that are set aside, to repair, replace or restore the major components of the common elements and any other portion of the common-interest community that the association is obligated to maintain, repair, replace or restore;

(3) A statement as to whether the executive board has determined or anticipates that the levy of one or more special assessments will be necessary to repair, replace or restore any major component of the common elements or any other portion of the common-interest community that the association is obligated to maintain, repair, replace or restore or to provide adequate funding for the reserves designated for that purpose; and

(4) A general statement describing the procedures used for the estimation and accumulation of cash reserves pursuant to subparagraph (2), including, without limitation, the qualifications of the person responsible for the preparation of the study of the reserves required by NRS 116.31152.

2. In lieu of distributing copies of the budgets of the association required by subsection 1, the executive board may distribute to each unit's owner a summary of those budgets, accompanied by a written notice that:

(a) The budgets are available for review at the business office of the association or some other suitable location within the county where the common-interest community is situated or, if it is situated in more than one county, within one of those counties but not to exceed 60 miles from the physical location of the common-interest community; and

(b) Copies of the budgets will be provided upon request.

3. Within 60 days after adoption of any proposed budget for the common-interest community, the executive board shall provide a summary of the proposed budget to each unit's owner and shall set a date for a meeting of the units' owners to consider ratification of the proposed budget not less than 14 days or more than 30 days after the mailing of the summaries. Unless at that meeting a majority of all units' owners, or any larger vote specified in the declaration, reject the proposed budget, the proposed budget is ratified, whether or not a quorum is present. If the proposed budget is rejected, the periodic budget last ratified by the units' owners must be continued until such time as the units' owners ratify a subsequent budget proposed by the executive board.

4. The executive board shall, at the same time and in the same manner that the executive board makes the budget available to a unit's owner pursuant to this section, make available to each unit's owner the ***collection*** policy ~~[established]~~ for the association ~~[concerning the collection of any fees,~~

~~fines, assessments or costs imposed against a unit's owner pursuant to this chapter. The policy must include, without limitation:~~

~~(a) The responsibility of the unit's owner to pay any such fees, fines, assessments or costs in a timely manner; and~~

~~(b) The association's rights concerning the collection of such fees, fines, assessments or costs if the unit's owner fails to pay the fees, fines, assessments or costs in a timely manner.~~**]** ***adopted pursuant to NRS 116.310313.***

Sec. 8. NRS 116.3116 is hereby amended to read as follows:

116.3116 1. The association has a lien on a unit for any construction penalty that is imposed against the unit's owner pursuant to NRS 116.310305, any assessment levied against that unit or any fines imposed against the unit's owner from the time the construction penalty, assessment or fine becomes due. Unless the declaration otherwise provides, any penalties, fees, charges, late charges, fines and interest charged pursuant to paragraphs (j) to (n), inclusive, of subsection 1 of NRS 116.3102 are enforceable as assessments under this section. If an assessment is payable in installments, the full amount of the assessment is a lien from the time the first installment thereof becomes due.

2. A lien under this section is prior to all other liens and encumbrances on a unit except:

(a) Liens and encumbrances recorded before the recordation of the declaration and, in a cooperative, liens and encumbrances which the association creates, assumes or takes subject to;

(b) A first security interest on the unit recorded before the date on which the assessment sought to be enforced became delinquent or, in a cooperative, the first security interest encumbering only the unit's owner's interest and perfected before the date on which the assessment sought to be enforced became delinquent; and

(c) Liens for real estate taxes and other governmental assessments or charges against the unit or cooperative.

[~~.~~**]**

3. The lien ***under this section*** is also prior to all security interests described in paragraph (b) ***of subsection 2*** to the extent of any charges incurred by the association on a unit pursuant to NRS 116.310312 and to the extent of the assessments for common expenses based on the periodic budget adopted by the association pursuant to NRS 116.3115 which would have become due in the absence of acceleration during the 9 months immediately preceding institution of an action to enforce the lien, unless federal regulations ***or underwriting guidelines*** adopted by the Federal Home Loan Mortgage Corporation or the Federal National Mortgage Association require a shorter period of priority for the lien. If federal regulations ***or underwriting guidelines*** adopted by the Federal Home Loan Mortgage Corporation or the Federal National Mortgage Association require a shorter period of priority for the lien, the period **[**~~during which the lien is prior to all security interests~~

~~described in paragraph (b)~~] ***of priority*** must be determined in accordance with those federal regulations ~~[,]~~ ***or underwriting guidelines,*** except that notwithstanding the provisions of the federal regulations ~~[,]~~ ***or underwriting guidelines,*** the period of priority for the lien must not be less than the 6 months immediately preceding institution of an action to enforce the lien. ~~[This subsection does]~~ ***If title to a unit is acquired by a sale conducted pursuant to NRS 40.430 or 107.080 to obtain payment of a debt secured by a security interest described in paragraph (b) of subsection 2 and that debt was insured by the Federal Home Loan Mortgage Corporation or the Federal National Mortgage Association, the amount secured by the lien given priority over the security interests described in paragraph (b) of subsection 2 must not exceed the amount of common expenses and assessments authorized to be given such priority by the federal regulations or underwriting guidelines adopted by the entity which insured the debt.***

4. The provisions of subsections 2 and 3 do not affect the priority of mechanics' or materialmen's liens, or the priority of liens for other assessments made by the association.

~~[3.]~~ ***5.*** Unless the declaration otherwise provides, if two or more associations have liens for assessments created at any time on the same property, those liens have equal priority.

~~[4.]~~ ***6.*** Recording of the declaration constitutes record notice and perfection of the lien. No further recordation of any claim of lien for assessment under this section is required.

~~[5.]~~ ***7.*** A lien for unpaid assessments is extinguished unless proceedings to enforce the lien are instituted within 3 years after the full amount of the assessments becomes due.

~~[6.]~~ ***8.*** This section does not prohibit actions to recover sums for which subsection 1 creates a lien or prohibit an association from taking a deed in lieu of foreclosure.

~~[7.]~~ ***9.*** A judgment or decree in any action brought under this section must include costs and reasonable attorney's fees for the prevailing party.

~~[8.]~~ ***10.*** The association, upon written request, shall furnish to a unit's owner a statement setting forth the amount of unpaid assessments against the unit. If the interest of the unit's owner is real estate or if a lien for the unpaid assessments may be foreclosed under NRS 116.31162 to 116.31168, inclusive, the statement must be in recordable form. The statement must be furnished within 10 business days after receipt of the request and is binding on the association, the executive board and every unit's owner.

~~[9.]~~ ***11.*** In a cooperative, upon nonpayment of an assessment on a unit, the unit's owner may be evicted in the same manner as provided by law in the case of an unlawful holdover by a commercial tenant, and:

(a) In a cooperative where the owner's interest in a unit is real estate under NRS 116.1105, the association's lien may be foreclosed under NRS 116.31162 to 116.31168, inclusive.

(b) In a cooperative where the owner's interest in a unit is personal property under NRS 116.1105, the association's lien:

(1) May be foreclosed as a security interest under NRS 104.9101 to 104.9709, inclusive; or

(2) If the declaration so provides, may be foreclosed under NRS 116.31162 to 116.31168, inclusive.

Sec. 9. NRS 116.31162 is hereby amended to read as follows:

116.31162 1. Except as otherwise provided in ~~[~~subsection~~]~~ ***subsections*** 4 ~~[,]~~ ***and 5***, ~~*[and paragraph (a) of subsection 2 of NRS 116.31164,]*~~ in a condominium, in a planned community, in a cooperative where the owner's interest in a unit is real estate under NRS 116.1105, or in a cooperative where the owner's interest in a unit is personal property under NRS 116.1105 and the declaration provides that a lien may be foreclosed under NRS 116.31162 to 116.31168, inclusive, the association may foreclose its lien by sale after all of the following occur:

(a) The association has mailed by certified or registered mail, return receipt requested, to the unit's owner or his or her successor in interest, at his or her address, if known, and at the address of the unit, a notice of delinquent assessment which states the amount of the assessments and other sums which are due in accordance with subsection 1 of NRS 116.3116, a description of the unit against which the lien is imposed and the name of the record owner of the unit.

(b) ***Before the association records the notice of default and election to sell in the manner required by paragraph (c), the executive board authorizes the foreclosure of the association's lien by sale by a majority vote of the members of the executive board which is recorded in the minutes of the meeting at which such action is taken.*** ~~*[Except as otherwise provided in this paragraph, if the lien is imposed against a unit which is occupied by the unit's owner, not later than 20 days before the meeting, the association must provide to the unit's owner or his or her successor in interest by personal delivery notice that the executive board will determine whether to authorize the foreclosure of the association's lien by sale of the unit. If the lien is imposed against a unit which is not occupied by the unit's owner, the association may provide the notice by first class mail to the last known mailing address of the unit's owner.]*~~

(c) Not less than 30 days after mailing the notice of delinquent assessment pursuant to paragraph (a), the association or other person conducting the sale has executed and caused to be recorded, with the county recorder of the county in which the common-interest community or any part of it is situated, a notice of default and election to sell the unit to satisfy the lien which must contain the same information as the notice of delinquent assessment and which must also comply with the following:

(1) Describe the deficiency in payment.

(2) State the name and address of the person authorized by the association to enforce the lien by sale.

(3) Contain, in 14-point bold type, the following warning:

WARNING! IF YOU FAIL TO PAY THE AMOUNT SPECIFIED IN THIS NOTICE, YOU COULD LOSE YOUR HOME, EVEN IF THE AMOUNT IS IN DISPUTE!

~~[(c)]~~ ***(d)*** The unit's owner or his or her successor in interest has failed to pay the amount of the lien, including costs, fees and expenses incident to its enforcement, for 90 days following the recording of the notice of default and election to sell.

2. The notice of default and election to sell must be signed by the person designated in the declaration or by the association for that purpose or, if no one is designated, by the president of the association.

3. The period of 90 days begins on the first day following:

(a) The date on which the notice of default is recorded; or

(b) The date on which a copy of the notice of default is mailed by certified or registered mail, return receipt requested, to the unit's owner or his or her successor in interest at his or her address, if known, and at the address of the unit,

➥ whichever date occurs later.

4. The association may not foreclose a lien by sale based on a fine or penalty for a violation of the governing documents of the association unless:

(a) The violation poses an imminent threat of causing a substantial adverse effect on the health, safety or welfare of the units' owners or residents of the common-interest community; or

(b) The penalty is imposed for failure to adhere to a schedule required pursuant to NRS 116.310305.

5. The association may not foreclose a lien by sale based on a delinquent assessment unless the amount of the delinquent assessment, excluding acceleration and any interest, charges for late payment or costs of collecting the assessment:

(a) Is more than $1,800; or

(b) Is equal to or greater than the assessments for common expenses based on the periodic budget adopted by the association pursuant to NRS 116.3115 which became due during the 12 months immediately preceding institution of the foreclosure.

Sec. 10. ~~[~~NRS 116.31164 is hereby amended to read as follows:

~~116.31164 1. The sale must be conducted in the county in which the common-interest community or part of it is situated, and may be conducted by the association, its agent or attorney, or a title insurance company or escrow agent licensed to do business in this State, except that the sale may be made at the office of the association if the notice of the sale so provided, whether the unit is located within the same county as the office of the association or not. The association or other person conducting the sale may from time to time postpone the sale by such advertisement and notice as it considers reasonable or, without further advertisement or notice, by~~

~~proclamation made to the persons assembled at the time and place previously set and advertised for the sale.~~

~~2. *If the sale does not occur within 120 days after the date on which a copy of the notice of default and election to sell was personally delivered or mailed to the unit's owner or his or her successor in interest in the manner required by paragraph (b) of subsection 1 of NRS 116.31162, the association and any person acting on behalf of the association may not:*~~

~~*(a) Foreclose the association's lien by sale; or*~~

~~*(b) Charge to, or collect from, the unit's owner or his or her successor in interest any costs of collecting the past due obligation to which the notice of default relates unless the unit's owner or his or her successor in interest has agreed to a payment plan which includes the payment, in whole or in part, of the costs of collecting the past due obligation.*~~

~~*3.* On the day of sale originally advertised or to which the sale is postponed, at the time and place specified in the notice or postponement, the person conducting the sale may sell the unit at public auction to the highest cash bidder. Unless otherwise provided in the declaration or by agreement, the association may purchase the unit and hold, lease, mortgage or convey it. The association may purchase by a credit bid up to the amount of the unpaid assessments and any permitted costs, fees and expenses incident to the enforcement of its lien.~~

~~**[***3.***]** *4.* After the sale, the person conducting the sale shall:~~

~~(a) Make, execute and, after payment is made, deliver to the purchaser, or his or her successor or assign, a deed without warranty which conveys to the grantee all title of the unit's owner to the unit;~~

~~(b) Deliver a copy of the deed to the Ombudsman within 30 days after the deed is delivered to the purchaser, or his or her successor or assign; and~~

~~(c) Apply the proceeds of the sale for the following purposes in the following order:~~

~~(1) The reasonable expenses of sale;~~

~~(2) The reasonable expenses of securing possession before sale, holding, maintaining, and preparing the unit for sale, including payment of taxes and other governmental charges, premiums on hazard and liability insurance, and, to the extent provided for by the declaration, reasonable attorney's fees and other legal expenses incurred by the association;~~

~~(3) Satisfaction of the association's lien;~~

~~(4) Satisfaction in the order of priority of any subordinate claim of record; and~~

~~(5) Remittance of any excess to the unit's owner.~~**]** **(Deleted by amendment.)**

Sec. 11. NRS 116.4109 is hereby amended to read as follows:

116.4109 1. Except in the case of a sale in which delivery of a public offering statement is required, or unless exempt under subsection 2 of NRS 116.4101, a unit's owner or his or her authorized agent shall, at the

expense of the unit's owner, furnish to a purchaser a resale package containing all of the following:

(a) A copy of the declaration, other than any plats, the bylaws, the rules or regulations of the association and the information statement required by NRS 116.41095;

(b) A statement setting forth the amount of the monthly assessment for common expenses and any unpaid assessment of any kind currently due from the selling unit's owner;

(c) A copy of the current operating budget of the association and current year-to-date financial statement for the association, which must include a summary of the reserves of the association required by NRS 116.31152 and which must include, without limitation, a summary of the information described in paragraphs (a) to (e), inclusive, of subsection 3 of NRS 116.31152;

(d) A statement of any unsatisfied judgments or pending legal actions against the association and the status of any pending legal actions relating to the common-interest community of which the unit's owner has actual knowledge;

(e) A statement of any transfer fees, transaction fees or any other fees associated with the resale of a unit; and

(f) In addition to any other document, a statement describing all current and expected fees or charges for each unit, including, without limitation, association fees, fines, assessments, late charges or penalties, interest rates on delinquent assessments, additional costs for collecting past due fines and charges for opening or closing any file for each unit.

2. The purchaser may, by written notice, cancel the contract of purchase until midnight of the fifth calendar day following the date of receipt of the resale package described in subsection 1, and the contract for purchase must contain a provision to that effect. If the purchaser elects to cancel a contract pursuant to this subsection, the purchaser must hand deliver the notice of cancellation to the unit's owner or his or her authorized agent or mail the notice of cancellation by prepaid United States mail to the unit's owner or his or her authorized agent. Cancellation is without penalty, and all payments made by the purchaser before cancellation must be refunded promptly. If the purchaser has accepted a conveyance of the unit, the purchaser is not entitled to:

(a) Cancel the contract pursuant to this subsection; or

(b) Damages, rescission or other relief based solely on the ground that the unit's owner or his or her authorized agent failed to furnish the resale package, or any portion thereof, as required by this section.

3. Within 10 days after receipt of a written request by a unit's owner or his or her authorized agent, the association shall furnish all of the following to the unit's owner or his or her authorized agent for inclusion in the resale package:

(a) Copies of the documents required pursuant to paragraphs (a) and (c) of subsection 1; and

(b) A certificate containing the information necessary to enable the unit's owner to comply with paragraphs (b), (d) and (e) of subsection 1.

4. If the association furnishes the documents and certificate pursuant to subsection 3:

(a) The unit's owner or his or her authorized agent shall include the documents and certificate in the resale package provided to the purchaser, and neither the unit's owner nor his or her authorized agent is liable to the purchaser for any erroneous information provided by the association and included in the documents and certificate.

(b) The association may charge the unit's owner a reasonable fee to cover the cost of preparing the certificate furnished pursuant to subsection 3. Such a fee must be based on the actual cost the association incurs to fulfill the requirements of this section in preparing the certificate. The Commission shall adopt regulations establishing the maximum amount of the fee that an association may charge for preparing the certificate.

(c) The association may charge the unit's owner a reasonable fee, not to exceed 25 cents per page, to cover the cost of copying the other documents furnished pursuant to subsection 3.

(d) Except for the fees allowed pursuant to paragraphs (b) and (c), the association may not charge the unit's owner any other fees for preparing or furnishing the documents and certificate pursuant to subsection 3.

5. Neither a purchaser nor the purchaser's interest in a unit is liable for any unpaid assessment or fee greater than the amount set forth in the documents and certificate prepared by the association. If the association fails to furnish the documents and certificate within the 10 days allowed by this section, the seller is not liable for the delinquent assessment.

6. Upon the request of a unit's owner or his or her authorized agent, or upon the request of a purchaser to whom the unit's owner has provided a resale package pursuant to this section or his or her authorized agent, the association shall make the entire study of the reserves of the association which is required by NRS 116.31152 reasonably available for the unit's owner, purchaser or authorized agent to inspect, examine, photocopy and audit. The study must be made available at the business office of the association or some other suitable location within the county where the common-interest community is situated or, if it is situated in more than one county, within one of those counties.

7. An association or a community manager may not charge a unit's owner, and may not require a unit's owner to pay, a fee of more than $50 to cover the cost of recording in the books and records of the association or community manager the transfer of the ownership of the unit.

Sec. 12. NRS 649.370 is hereby amended to read as follows:

649.370 ***1.*** A violation of any provision of the federal Fair Debt Collection Practices Act, 15 U.S.C. §§ ~~[1682]~~ ***1692*** et seq., or any regulation adopted pursuant thereto, shall be deemed to be a violation of this chapter.

2. Even if a claim is not governed by the federal Fair Debt Collection Practices Act, 15 U.S.C. §§ 1692 et seq., a violation of any provision of that Act, or any regulation adopted pursuant thereto, with respect to collecting or attempting to collect a claim owed to a unit-owners' association by a unit's owner shall be deemed to be a violation of this chapter.

Sec. 13. The amendatory provisions of ~~[sections]~~ **section** 9 ~~[and 10]~~ of this act apply only if a notice of default and election to sell is recorded pursuant to NRS 116.31162 on or after July 1, 2011.

Sec. 14. This act becomes effective on July 1, 2011.

Assemblymen Ohrenschall moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 412.

Bill read third time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 375.

AN ACT relating to liens; requiring certain owners and lessees to obtain the services of an escrow agency and to establish trust accounts for amounts withheld from payment to contractors and subcontractors; requiring those owners and lessees to record a notice of establishment of a trust account **and a verification of compliance** under certain circumstances; establishing requirements for administering such trust accounts; providing that a lien claimant has a lien against such retention amounts and trust accounts under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, contractors and subcontractors who provide work, material or equipment for the construction, alteration or repair of property or improvements to property have a lien against the property, improvements and certain disbursement accounts for a certain amount related to that work, material or equipment. (NRS 108.222) **Section 7.5 of this bill establishes certain limitations and requirements with respect to retention amounts, which are certain amounts withheld from payment to contractors and subcontractors until the work is completed or materials or equipment are furnished. Section 8** of this bill requires certain owners and lessees for certain contracts for construction to establish trust accounts for retention amounts**. [**~~, which are certain amounts withheld from payment to contractors and subcontractors until the work is completed or the materials or equipment are furnished.~~**]** Specifically, **section 8** requires those owners and lessees to obtain the services of an escrow agency and record a notice of establishment of a trust account if: (1) the total price or estimated budget of the contract is $1,000,000 or more; and (2) the owner or lessee is authorized by the contract

to withhold a retention amount. ~~[Section]~~ **Sections 7.5 and 9** of this bill ~~[establishes]~~ **establish** requirements for the retention amounts ~~[.]~~ **, including making clear that retention amounts remain the separate property of the prime contractor and lower-tiered subcontractors from whom they are withheld.**

Section ~~[10 of this bill]~~ **9 further** requires, with certain exceptions, an owner or lessee who withholds a retention amount to immediately cause the withheld amount to be deposited in a trust account. If the lessee, pursuant to existing law, establishes a construction disbursement account which funds the account in an amount equal to the total cost of the work of improvement, **section** ~~[10]~~ **9** requires the retention amount to be transferred from the construction distribution account to the trust account. **Section** ~~[10]~~ **9** also provides ~~[that, under certain circumstances,]~~ **for a rebuttable presumption that** an owner, lessee ~~[and contractor]~~ **or escrow agency** has ~~[a claim against the retention amount if the contractor or subcontractor with whom the person contracted does not perform or complete the work required by the contract.]~~ **breached its fiduciary duties with respect to a retention amount if the owner, lessee or escrow agency uses the retention amount in violation of the provisions of this bill.**

Section 10 of this bill provides the manner in which retention amounts are paid from an owner or lessee to a prime contractor, and from the prime contractor to his or her lower-tiered subcontractors. Section 10 also authorizes the stoppage of work on, or the termination of a contract for, the construction, alteration or repair of an improvement or work of improvement under certain circumstances. Section 10 additionally requires an owner, lessee or escrow agency to execute and have recorded a verification of compliance as to the disposition of retention amounts.

Section 11 of this bill establishes the requirements for administering such trust accounts, including, without limitation, the requirements for keeping records and the procedures for an accounting of such trust accounts. ~~[Section 11 further provides that an escrow agency and its bond are liable for certain resulting damages if the escrow agency fails to comply with those requirements.]~~

Section 14 of this bill provides, with certain exceptions, that contractors or subcontractors who provide work, material or equipment for the construction, alteration or repair of property or improvements to property have a lien against such retention amounts ~~[and trust accounts]~~ in addition to having a lien against the property and improvements and any construction disbursement account that has been established.

Under existing law, certain persons, including, without limitation, certain financial institutions, attorneys rendering services in the performance of their duties as attorneys, and any person doing any act under order of any court, are exempt from the provisions governing escrow agencies and agents. (NRS 645A.015) **Section 22** of this bill provides that those persons are not

exempt from the provisions governing escrow agencies and agents if they are administering certain trust accounts established for retention amounts.

Recently, the Nevada Supreme Court, discussing NRS 108.22112, 108.22184 and 108.225, held that: (1) pursuant to NRS 108.225, "commencement of construction," as defined in existing law, is required for lien priority; (2) the definition of "commencement of construction" plainly requires visibility of on-site work in order for a mechanic's lien to take a priority position over a deed of trust; (3) the visible work performed by a contractor who had provided numerous preconstruction services amounted to the placement of a business sign and the removal of power lines; and (4) such preparatory work performed did not constitute "commencement of construction" and, thus, the contractor's mechanic's lien was junior to a bank's deed of trust. (*J.E. Dunn Nw., Inc. v. Corus Constr. Venture, LLC*, 127 Nev. Adv. Op. 5 (Mar. 3, 2011)) Sections 5.5, 7.3, 7.4, 12.5 and 13.5 of this bill change the existing law upon which the conclusion of the Court in *Dunn* was based, making it such that the visibility of a much wider variety of activities and items is sufficient for a mechanic's lien to take a priority lien position.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 108 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 11, inclusive, of this act.

Sec. 2. *"Escrow" has the meaning ascribed to it in NRS 645A.010.*

Sec. 3. *"Escrow agency" means a person , firm or entity licensed to engage in the business of administering escrows pursuant to chapter 645A of NRS.*

Sec. 4. *"Higher-tiered contractor" means a prime contractor or subcontractor who has entered into a contract with a lower-tiered subcontractor pursuant to which the lower-tiered subcontractor has agreed to provide work, materials or equipment for the improvement of property or the construction, alteration or repair of any improvement, property or work of improvement.*

Sec. 4.5. *"Lessee" means a person, firm or entity which claims less than a fee simple estate in the property.*

Sec. 5. *"Lower-tiered subcontractor" means a subcontractor or supplier who has agreed in a contract with a prime contractor or higher-tiered contractor to provide work, materials or equipment for the improvement of property or the construction, alteration or repair of any improvement, property or work of improvement.*

Sec. 5.5. *"Materials or equipment furnished" includes the delivery to, or the placement or installation of materials or equipment on or about, the property, including, without limitation, appliances, construction fencing, construction signage, construction or job-site trailers, machinery, substances, supplies, tools, vehicles and other similar materials or*

equipment, in connection with the construction, alteration or repair of any improvement, property or work of improvement.

Sec. 6. ***"Retention amount" means an amount or percentage of a contract or of the periodic payments to be made to a prime contractor or a lower-tiered subcontractor that an owner, lessee or prime contractor is authorized to withhold ~~[pursuant]~~ :***

1. Pursuant to the contract ;

2. In accordance with the provisions of section 7.5 of this act; and

3. If applicable, in accordance with the requirements of sections ~~[2]~~ 8 to 11, inclusive, of this act . ~~[until the prime contractor or a lower-tiered subcontractor completes the performance of work or the provision of materials or equipment pursuant to the terms of the contract.]

Sec. 7. ***"Supplier" means a person who provides materials or equipment used, consumed or incorporated or to be used, consumed or incorporated in the improvement of property or the construction, alteration or repair of any improvement, property or work of improvement.***

Sec. 7.3. "Work performed" includes the performance of any labor or work on or about the property, including, without limitation, clearing, demolition, excavating, grading, grubbing, filling, landscaping, shoring, staking, installing or connecting a temporary source of electricity, trenching and the installation of cellars, curbs, public utilities, sewers, sidewalks and vaults, and the performance of any labor or work in connection with the construction, alteration or repair of any improvement, property or work of improvement.

Sec. 7.4. For the purposes of the term "commencement of construction," set forth in NRS 108.22112, a lien, mortgage or other encumbrance holder who, pursuant to NRS 108.225, asserts priority over a lien provided for in NRS 108.221 to 108.246, inclusive, and sections 2 to 11, inclusive, of this act, has the burden of proof to establish that any work performed or materials or equipment furnished was not visible from a reasonable inspection of the property as of the date and time his or her lien, mortgage or other encumbrance attached to the property.

Sec. 7.5. Whether a retention amount is withheld pursuant to sections 8 to 11, inclusive, of this act, or otherwise:

1. The retention amount:

(a) Must not exceed 10 percent of:

(1) The total price or estimated budget of the contract or agreement; or

(2) Any periodic payment to be made to the prime contractor and the prime contractor's lower-tiered subcontractors;

(b) Is the separate property of the prime contractor or the lower-tiered subcontractors from whom it was withheld;

(c) Must be held in trust by an owner, lessee or escrow agency for the benefit of the prime contractor or the lower-tiered subcontractors from whom it was withheld; and

(d) Must be paid:

(1) By an owner, lessee or escrow agency to a prime contractor in the time and manner set forth in subsection 1 of NRS 624.620.

(2) By a higher-tiered contractor to a lower-tiered subcontractor in the time and manner set forth in subsection 1 of NRS 624.624.

2. The prime contractor and the prime contractor's lower-tiered subcontractors have an ownership interest in the retention amount equal to:

(a) The amount withheld from the prime contractor and each lower-tiered subcontractor; and

(b) The respective ownership interest of the prime contractor and each lower-tiered subcontractor in the retention amount withheld.

Sec. 8. *1. An owner, lessee, higher-tiered contractor, lower-tiered contractor and escrow agency shall comply with the requirements of [this section and] sections [9, 10 and] 8 to 11, inclusive, of this act if:*

(a) The owner or lessee and a prime contractor have entered into a prime contract for the improvement of property or the construction, alteration or repair of any improvement, property or work of improvement;

(b) The total sum, price or estimated budget of the prime contract is $1,000,000 or more; and

(c) The owner or lessee of property about which the prime contract relates is authorized pursuant to the contract to withhold a retention amount.

2. If an owner or lessee and a prime contractor enter into a contract described in subsection 1, before the owner or lessee may cause the improvement or work of improvement to be constructed, altered or repaired, the owner or lessee shall:

(a) Obtain the services of an escrow agency to hold a retention amount in trust [; and] pursuant to section 9 of this act;

(b) Record a notice of establishment of a trust account with the county recorder of the county where the property is located upon which the improvement or work of improvement is or will be constructed, altered or repaired [.] ; and

(c) Before the issuance of any permit for the improvement or work of improvement, submit a conformed copy of the recorded notice of establishment of a trust account to the building inspector or other governmental authority having jurisdiction over the construction, alteration or repair of the improvement or work of improvement.

3. [The local government authority responsible for issuing any required building permit shall not issue the building permit unless the owner or lessee has satisfied the requirements set forth in subsection 2.

4.] The notice of establishment of a trust account required pursuant to subsection 2 must:

(a) Identify the name and address of the owner or lessee;

(b) Identify the ~~[location]~~ name of the improvement or work of improvement and the address, legal description and assessor's parcel number of the property upon which the improvement or work of improvement will be constructed, altered or repaired;

(c) Describe the nature of the owner or lessee's interest in:

(1) The property upon which the improvement or work of improvement will be constructed, altered or repaired; and

(2) The improvement or work of improvement on such property;

(d) ~~[Include]~~ Identify the name of the governmental authority having jurisdiction over the construction, alteration or repair of the improvement or work of improvement on such property;

(e) Identify the name and address of the escrow agency;

~~[(e)]~~ (f) Include the date on which the owner or lessee obtained the services of the escrow agency; ~~[and~~

~~(f)]~~ (g) The number of the trust account ~~[.~~

~~5.]~~, if any; and

(h) Be in substantially the following form:

Assessor's Parcel Number of Property:

NOTICE OF ESTABLISHMENT OF TRUST ACCOUNT

Name and address of property owner: .....

Nature of owner's interest in the property: .....

Nature of owner's interest in the improvement or work of improvement: .....

Name and address of lessee of property, if any: .....

Nature of interest of lessee, if any, in the property: .....

Nature of interest of lessee, if any, in the improvement or work of improvement: .....

Name and description of the improvement or work of improvement: .....

Address of the property upon which the improvement or work of improvement is located: .....

Legal description of the improvement or work of improvement: .....

Name of governmental authority having jurisdiction over the construction, alteration or repair of the improvement or work of improvement: .....

Name and address of escrow agency: .....

Date of establishment of escrow: .....

Trust account number: .....

State of Nevada…}

.....}ss.

County of.....}

.....(print name), being first duly sworn on oath according to law, deposes and says:

I am authorized to sign this Notice of Establishment of Trust Account on behalf of the owner or lessee of the above-identified improvement or work

of improvement. Under penalty of perjury, I state that I have read the content of this Notice, and I know it to be true and correct of my own personal knowledge.

Dated this.....day of..... , 20.... .

By:

Print name:

Company name:

Title:

Subscribed and sworn to before me, a Notary Public, on this ..... day of the month of ..... of the year .....

Notary Public ..... County, Nevada

My appointment expires:

4. The notice of establishment of a trust account required pursuant to subsection 2 must be signed and verified under oath and penalty of perjury, by the owner or lessee or the owner or lessee's authorized representative. ~~*[.]*~~

~~*[6. If an owner or lessee fails to satisfy the requirements of this section or sections 9, 10 or 11 of this act, the prime contractor who has furnished or will furnish materials or equipment for the improvement or work of improvement may stop work after giving written notice to the owner or lessee. If the prime contractor stops work pursuant to this subsection, the prime contractor's lower-tiered subcontractors may stop work. If the owner or lessee:*~~

~~*(a) Satisfies the requirements of this section and sections 9, 10 and 11 of this act within 25 days after any work stoppage, the prime contractor and the prime contractor's lower-tiered subcontractors who stopped work shall resume work and the prime contractor and the prime contractor's lower-tiered subcontractors are entitled to compensation from the owner or lessee for any reasonable costs and expenses that any of them have incurred because of the delay and remobilization; or*~~

~~*(b) Does not satisfy the requirements of this section and sections 9, 10 and 11 of this act within 25 days after the work stoppage, the prime contractor may terminate the contract relating to the improvement or work of improvement and the prime contractor and the prime contractor's lower-tiered subcontractors are entitled to recover from the owner or lessee:*~~

~~*(1) The cost of all work, materials and equipment, including any overhead the prime contractor and the lower-tiered subcontractors incurred and profit the prime contractor and the lower-tiered subcontractors earned through the date of termination;*~~

~~*(2) The balance of the profit the prime contractor and the lower-tiered subcontractors would have earned if the contract had not been terminated;*~~

~~*(3) Any interest, costs and attorney's fees that the prime contractor and the lower-tiered subcontractors are entitled to pursuant to specific statute or a contract; and*~~

~~*(4) Any other amount awarded by a court or other trier of fact.*~~

~~*7. In addition to the interest, costs and attorney's fees that the prime contractor and the lower-tiered subcontractors are entitled to pursuant to subsection 6, the prime contractor and the lower-tiered subcontractors are entitled to recover from the owner or lessee who fails to satisfy the requirements of this section and sections 9, 10 and 11 of this act, the interest, costs and attorney's fees incurred by the prime contractor and lower-tiered subcontractors in collecting the retention amount.*~~

~~*8. The rights and remedies provided pursuant to this section are in addition to any other rights and remedies that may exist at law or in equity.]*~~ ***, that the information contained therein is true and correct.***

Sec. 9. ***1.*** ~~*[A]*~~ ***In addition to the requirements set forth in section 7.5 of this act, a retention amount*** ~~*[must:*~~

~~*(a) Not exceed 10 percent of:*~~

~~*(1) The total price or estimated budget of the contract; or*~~

~~*(2) Any periodic payment to be made to the prime contractor or the lower-tiered subcontractors;*~~

~~*(b) Be held]*~~ ***that is withheld pursuant to sections 8 to 11, inclusive, of this act:***

(a) Must be:

(1) Held ***in trust by an escrow agency for the benefit of the prime contractor or the lower-tiered subcontractors from whom it was withheld;*** ~~*[and*~~

~~*(c) Be:*~~

~~*(1)]*~~ ***(2) Deposited by an escrow agency in a financial institution that is federally insured or insured by a private insurer approved pursuant to NRS 678.755;***

~~*[(2)]*~~ ***(3) Designated as a trust account or other account designated to indicate that the money in the account is not the money of the escrow agency; and***

~~*[(3)]*~~ ***(4) Kept separate from money belonging to the escrow agency*** ~~*[.*~~

~~*2. Upon being withheld, a retention amount is]*~~ ***;***

(b) Is ***the separate property of the prime contractor or the lower-tiered subcontractors from whom it was withheld, regardless of whether the retention amount has been deposited in a trust account*** ~~*[.]*~~ ***; and***

(c) Is held by an owner, lessee or escrow agency in the capacity of a fiduciary.

2. Except as otherwise provided in subsection 3, if an owner or lessee withholds or causes to be withheld a retention amount from a payment to be made to a prime contractor and the prime contractor's lower-tiered subcontractors, the owner or lessee shall cause the withheld amount to be deposited immediately in a trust account established pursuant to section 8 of this act.

3. If a construction disbursement account is established pursuant to subsection 1 of NRS 108.2403, the construction control shall immediately transfer the retention amount from the construction disbursement account

to the trust account established pursuant to section 8 of this act when a progress payment is made from the construction disbursement account to the prime contractor and the prime contractor's lower-tiered subcontractors.

4. Use by an owner, lessee or escrow agency of a retention amount in violation of the provisions of sections 8 to 11, inclusive, of this act creates a rebuttable presumption, in any action brought by a prime contractor or the lower-tiered subcontractors from whom it was withheld and to whom it is owed, that the owner, lessee or escrow agency has breached its fiduciary duties with respect to the retention amount.

5. As used in this section, "fiduciary" has the meaning ascribed to it in NRS 162.020.

Sec. 10. ***1. [Except as otherwise provided in subsection 2, if an owner or lessee withholds or causes to be withheld a retention amount from a payment to be made to a prime contractor and the lower-tiered subcontractors, the owner or lessee shall cause the withheld amount to be immediately deposited in a trust account established pursuant to section 8 of this act.***

2. If a construction disbursement account is established pursuant to subsection 1 of NRS 108.2403, the construction control shall immediately transfer the retention amount from the construction disbursement account to the trust account established pursuant to section 8 of this act.

3. If a prime contractor or a lower-tiered subcontractor does not perform or complete the work required by a prime contract, the owner, lessee or higher-tiered contractor with whom the prime contractor or lower-tiered subcontractor contracted has a claim against the prime contractor's or the lower-tiered subcontractor's ownership interest in the retention amount to the extent of any compensable damages authorized pursuant to the contract and established in court or in an arbitral proceeding.

4.] An owner or lessee shall pay, or cause the escrow agency to pay, to the prime contractor [or the lower-tiered subcontractors, the] a retention amount as provided in subsection 1 of NRS 624.620 regardless of whether the retention amount has been deposited in a trust account.

[5. Unless a shorter period for payment is provided in a contract entered into between a]

2. A higher-tiered contractor [and] shall pay to a lower-tiered subcontractor [, within 10 days after the higher-tiered contractor receives payment of] a retention amount [from an owner, lessee or escrow agency that includes any amount owed to the lower-tiered subcontractor for performance or provision of work, materials or equipment, the higher-tiered contractor shall pay the lower-tiered subcontractor that portion of the retention amount owed to the lower-tiered subcontractor.

6. An owner or lessee shall provide written proof to a building inspector or other authority] as provided in subsection 1 of NRS 624.624.

3. If an owner or lessee fails to satisfy the requirements of sections 8 to 11, inclusive, of this act, the prime contractor who has furnished or will furnish materials or equipment for the improvement or work of improvement may stop work after giving written notice to the owner or lessee. If the prime contractor stops work pursuant to this subsection, the prime contractor's lower-tiered subcontractors may stop work. If the owner or lessee:

(a) Satisfies the requirements of sections 8 to 11, inclusive, of this act within 25 days after a work stoppage, the prime contractor and the prime contractor's lower-tiered subcontractors who stopped work shall resume work, and the prime contractor and the lower-tiered subcontractors are entitled to compensation from the owner or lessee for any reasonable costs and expenses incurred because of the delay and remobilization.

(b) Does not satisfy the requirements of sections 8 to 11, inclusive, of this act within 25 days after a work stoppage, the prime contractor may terminate the contract relating to the improvement or work of improvement, and the prime contractor and the prime contractor's lower-tiered subcontractors are entitled to recover from the owner or lessee:

(1) The cost of all work performed or materials or equipment furnished, including, without limitation, any overhead the prime contractor and the lower-tiered subcontractors incurred, and any profit the prime contractor and the lower-tiered subcontractors earned, through the date of termination;

(2) The balance of any profit the prime contractor and the lower-tiered subcontractors would have earned if the contract had not been terminated;

(3) Any interest, costs and attorney's fees that the prime contractor and the lower-tiered subcontractors are entitled to pursuant to the contract or a specific statute; and

(4) Any other amount awarded by a court or other trier of fact.

4. In addition to the interest, costs and attorney's fees to which the prime contractor and the prime contractor's lower-tiered subcontractors are entitled pursuant to subsection 3, the prime contractor and the lower-tiered subcontractors are entitled to recover from an owner or lessee who fails to comply with the requirements of sections 8 to 11, inclusive, of this act, the interest, costs and attorney's fees incurred by the prime contractor and the lower-tiered subcontractors in collecting the retention amount.

5. A building inspector or other governmental authority having jurisdiction over the construction, alteration or repair of an improvement or work of improvement shall not issue a certificate of occupancy for the improvement or work of improvement until such time as the owner, lessee or escrow agency has:

(a) Caused a verification of compliance to be recorded with the county recorder of the county where the property is located, whereby an authorized representative of the owner, lessee or escrow agency certifies

under oath and subject to penalty of perjury that the entire retention amount which is the subject of the prime contract has been:

~~[(a) Held]~~

(1) Deposited and is being held in the trust ~~[by an escrow agency and deposited in a financial institution]~~ account as required ~~[pursuant to]~~ by section 9 of this act;

~~[(b) Deposited with the court in an action for interpleader brought pursuant to section 11 of this act; or~~

~~(c) Fully]~~

(2) Partially paid to the prime contractor and the lower-tiered subcontractors to whom it is owed,

~~["as a condition precedent to the issuance of a certificate of occupancy or temporary certificate of occupancy for an improvement or work of improvement.]~~ ***with the balance of the retention amount withheld being deposited and held in the trust account as required by section 9 of this act; or***

(3) Fully paid to the prime contractor and the lower-tiered subcontractors to whom it is owed; and

(b) Provided a conformed copy of the recorded verification of compliance to the building inspector or other governmental authority having jurisdiction over the construction, alteration or repair of the improvement or work of improvement.

6. The verification of compliance to be provided and recorded by an owner, lessee or escrow agency pursuant to subsection 5 must:

(a) Identify the name and address of the owner or lessee;

(b) Describe the owner's or lessee's interest in:

(1) The property upon which the improvement or work of improvement was constructed, altered or repaired; and

(2) The improvement or work of improvement constructed, altered or repaired on such property;

(c) Identify the name of the improvement or work of improvement and the address, legal description and assessor's parcel number of the property upon which the improvement or work of improvement was constructed, altered or repaired;

(d) Identify the name of the governmental authority having jurisdiction over the construction, alteration or repair of the improvement or work of improvement on the property;

(e) Identify the permit number, if any, for the improvement or work of improvement that was constructed, altered or repaired on the property;

(f) Identify the name and address of the escrow agency;

(g) Include the date on which the owner or lessee obtained the services of the escrow agency;

(h) Identify the trust account number, if any;

(i) State that the entire retention amount which has been withheld and is the subject of the prime contract has been:

(1) Deposited and is being held in the trust account as required by section 9 of this act;

(2) Partially paid to the prime contractor and the lower-tiered subcontractors to whom it is owed, with the balance of the retention amount withheld being deposited and held in the trust account as required by section 9 of this act; or

(3) Fully paid to the prime contractor and the lower-tiered subcontractors to whom it is owed;

(j) Be signed and verified by an authorized representative of the owner, lessee or escrow agency under oath and subject to penalty of perjury; and

(k) Be in substantially the following form:

Assessor's Parcel Number of Property:

VERIFICATION OF COMPLIANCE

Name and address of property owner: .....
Nature of owner's interest in the property: .....
Nature of owner's interest in the improvement or work of improvement: .....
Name and address of lessee of property, if any: .....
Nature of interest of lessee, if any, in the property: .....
Nature of interest of lessee, if any, in the improvement or work of improvement: .....
Name and description of the improvement or work of improvement: .....
Address of property upon which the improvement or work of improvement is located: .....
Legal description of the improvement or work of improvement: .....
Name of governmental authority having jurisdiction over the construction, alteration or repair of the improvement or work of improvement: .....
Name and address of escrow agency: .....
Date of establishment of escrow: .....
Trust account number: .....
Permit No.: .....
Total retention amount deposited in the trust account over the course of the improvement or work of improvement: .....
Total retention amount paid from the trust account over the course of the improvement or work of improvement: .....
Total retention amount currently held in the trust account: .....

State of Nevada}
}ss.
County of }

.....(print name), being first duly sworn on oath according to law, deposes and says:

I am authorized to sign this Verification of Compliance on behalf of the owner or lessee of, or escrow agency for, the above-identified improvement or work of improvement constructed, altered or repaired on the property. I have read the content of this Verification, and I know the contents hereof to be true and correct of my own personal knowledge.

On behalf of the undersigned, I hereby verify under penalty of perjury that the entire retention amount withheld from the prime contractor and the lower-tiered subcontractors over the course of the construction of the improvement or work of improvement identified above has been:

[ ] Deposited and is being held in the trust account identified above, as required by section 9 of this act;

OR

[ ] Partially paid to the prime contractor and the lower-tiered subcontractors to whom it is owed, with the balance of the retention amount withheld being deposited and held in the trust account as required by section 9 of this act;

OR

[ ] Fully paid to the prime contractor and the lower-tiered subcontractors to whom it is owed.

Dated this.....day of..... , 20.... .

By: _____

Print name: _____

Company name: _____

Title: _____

Subscribed and sworn to before me, a Notary Public, on this ..... day of the month of ..... of the year .....

Notary Public ..... County, Nevada

My appointment expires:

7. The rights and remedies provided to a prime contractor and the prime contractor's lower-tiered subcontractors pursuant to sections 8 to 11, inclusive, of this act are in addition to any other rights and remedies that may exist at law or in equity, including, without limitation, a lien claimant's right to include a retention amount in the lienable amount of any notice of lien that the lien claimant may record or cause to be recorded pursuant to NRS 108.221 to 108.246, inclusive, and sections 2 to 11, inclusive, of this act.

8. The duty of an owner, lessee or higher-tiered contractor to comply with the provisions of NRS 108.221 to 108.246, inclusive, and sections 2 to 11, inclusive, of this act is mandatory and may not be waived, modified or released by contract or otherwise.

Sec. 11. ***1.*** ~~*[If a trust account is established and funded pursuant to section 8 of this act, each lien claimant has an ownership interest in and a lien upon the funds held in the trust account for an amount equal to that*~~

~~*portion of the retention amount withheld from the lien claimant and held in the trust account.*~~

~~*2. The]*~~ ***An*** *escrow agency shall keep* ***detailed and complete*** *records of all transactions with respect to* ~~*[the]*~~ ***a*** *trust account, including, without limitation, the retention amount received from the owner or lessee and any amounts paid from the trust account.*

~~*[3.]*~~ ***2.*** *Within 5 days after an owner, lessee or escrow agency receives a request for an accounting of the trust account from a prime contractor or lower-tiered subcontractor, the owner, lessee or escrow agency shall comply with the request. The accounting must be in writing and must include the following information:*

(a) The amount and date on which any retention amount was received and deposited in the trust account;

(b) The amount, date and payee of any retention amount withdrawn and paid from the trust account; and

(c) The retention amount held in the trust account as of the date on which the owner, lessee or escrow agency complied with the request.

~~*[4. The escrow agency may bring an action for interpleader in the district court for the county where the improvement or work of improvement is located if the escrow agency receives:*~~

~~*(a) A written demand for payment of all or a portion of the retention amount from a prime contractor or the lower tiered subcontractors who possess an ownership interest in the retention amount; or*~~

~~*(b) A written notice of claim from an owner, lessee or higher-tiered contractor against the prime contractor's or the lower-tiered subcontractors' ownership interest in all or a portion of the retention amount.*~~

~~*5. If an action for interpleader is brought pursuant to subsection 4, the escrow agency shall:*~~

~~*(a) Deposit with the court the retention amount held in the trust account;*~~

~~*(b) Provide notice of the action for interpleader by certified mail, return receipt requested, to each person:*~~

~~*(1) Who provided to the escrow agency a written demand for payment or a written notice of claim as described in subsection 4;*~~

~~*(2) Who provides to the escrow agency a notice of right to lien;*~~

~~*(3) Who serves the escrow agency with a claim of lien;*~~

~~*(4) Who has performed work or furnished materials or equipment for the work of improvement;*~~

~~*(5) Who has recorded a notice of lien pursuant to NRS 108.226; or*~~

~~*(6) Of whom the escrow agency is aware may perform work or furnish materials or equipment for the improvement or work of improvement; and*~~

~~*(c) Publish a notice of the action for interpleader once each week, for 3 successive weeks, in a newspaper of general circulation in the county in which the improvement or work of improvement is located.*~~

~~*6. An escrow agency who brings an action for interpleader pursuant to subsection 4 is entitled to be reimbursed from the retention amount for the reasonable costs that the escrow agency incurred in bringing such action.*~~

~~*7. If an escrow agency does not comply with the requirements of this section, the escrow agency and its bond are liable for any resulting damages to any lien claimants.]*~~

Sec. 12. NRS 108.221 is hereby amended to read as follows:

108.221 As used in NRS 108.221 to 108.246, inclusive, ***and sections 2 to 11, inclusive, of this act,*** unless the context otherwise requires, the words and terms defined in NRS 108.22104 to 108.22188, inclusive, ***and sections 2 to*** ~~*[7,]*~~ ***7.3, inclusive, of this act*** have the meanings ascribed to them in those sections.

Sec. 12.5. **NRS 108.22112 is hereby amended to read as follows:**

108.22112 "Commencement of construction" means the date on which ~~[:~~

~~1. Work]~~ ***any work*** performed ~~[;]~~ or

~~[2. Materials]~~ ***materials*** or equipment furnished in connection with a work of improvement ~~[,~~

~~→]~~ ***that is subject to a lien pursuant to NRS 108.221 to 108.246, inclusive, and sections 2 to 11, inclusive, of this act*** is visible from a reasonable inspection of the ~~[site.]~~ ***property.***

Sec. 13. NRS 108.22132 is hereby amended to read as follows:

108.22132 "Lien" means the statutory rights and security ***or ownership*** interest in ~~[a]~~ ***:***

1. A construction disbursement account established pursuant to NRS 108.2403 ~~[,]~~ ***;***

2. ~~*[A trust account established pursuant to section 8 of this act;*~~

~~*3.]*~~ ***A retention amount;*** or ~~[property]~~

~~*[4.]*~~ ***3. Property*** or any improvements thereon provided to a lien claimant by NRS 108.221 to 108.246, inclusive ~~[.]~~ ***, and sections 2 to 11, inclusive, of this act.***

Sec. 13.5. **NRS 108.22188 is hereby amended to read as follows:**

108.22188 "Work of improvement" means the entire structure or scheme of improvement as a whole, including, without limitation, all work, materials and equipment to be used in or for the construction, alteration or repair of the property or any improvement thereon, whether under multiple prime contracts or a single prime contract except as follows:

1. If a scheme of improvement consists of the construction of two or more separate buildings and each building is constructed upon a separate legal parcel of land and pursuant to a separate prime contract for only that building, then each building shall be deemed a separate work of improvement; and

2. If the improvement of the site is provided for in a prime contract that is separate from all prime contracts for the construction of one or more buildings on the property, and if the improvement of the site ~~[was contemplated by the contracts to be a separate work of improvement to be~~

~~completed before the commencement of~~] ***is unrelated to the*** construction of the buildings, the improvement of the site shall be deemed a separate work of improvement from the construction of the ~~[buildings and the commencement of construction of the improvement of the site does not constitute the commencement of construction of the]~~ buildings. As used in this subsection, "improvement of the site" ~~[means the development or enhancement of the property, preparatory to the commencement of construction of a building, and]~~ includes:

(a) The demolition or removal of improvements, trees or other vegetation;

(b) The drilling of test holes;

(c) Grading, grubbing, filling or excavating;

(d) Constructing or installing sewers or other public utilities; or

(e) Constructing a vault, cellar or room under sidewalks or making improvements to the sidewalks in front of or adjoining the property.

Sec. 14. NRS 108.222 is hereby amended to read as follows:

108.222 1. Except as otherwise provided in subsection 2, a lien claimant has a lien upon the property, any improvements for which the work, materials and equipment were furnished or to be furnished, ***any retention amount*** and any construction disbursement account established pursuant to NRS 108.2403 , ~~[for trust account established pursuant to section 8 of this act,]~~ for:

(a) If the parties agreed, by contract or otherwise, upon a specific price or method for determining a specific price for some or all of the work, material and equipment furnished or to be furnished by or through the lien claimant, the unpaid balance of the price agreed upon for such work, material or equipment, as the case may be, whether performed, furnished or to be performed or furnished at the instance of the owner or the owner's agent; and

(b) If the parties did not agree, by contract or otherwise, upon a specific price or method for determining a specific price for some or all of the work, material and equipment furnished or to be furnished by or through the lien claimant, including, without limitation, any additional or changed work, material or equipment, an amount equal to the fair market value of such work, material or equipment, as the case may be, including a reasonable allowance for overhead and a profit, whether performed, furnished or to be performed or furnished at the instance of the owner or at the instance of the owner's agent.

2. If a contractor or professional is required to be licensed pursuant to the provisions of NRS to perform the work, the contractor or professional will only have a lien pursuant to subsection 1 if the contractor or professional is licensed to perform the work.

Sec. 15. NRS 108.245 is hereby amended to read as follows:

108.245 1. Except as otherwise provided in subsection 5, every lien claimant, other than one who performs only labor, who claims the benefit of NRS 108.221 to 108.246, inclusive, ***and sections 2 to 11, inclusive, of this act*** shall, at any time after the first delivery of material or performance of

work or services under a contract, deliver in person or by certified mail to the owner of the property a notice of right to lien in substantially the following form:

NOTICE OF RIGHT TO LIEN

To:

(Owner's name and address)

The undersigned notifies you that he or she has supplied materials or equipment or performed work or services as follows:

(General description of materials, equipment, work or services)

for improvement of property identified as (property description or street address) under contract with (general contractor or subcontractor). This is not a notice that the undersigned has not been or does not expect to be paid, but a notice required by law that the undersigned may, at a future date, record a notice of lien as provided by law against the property if the undersigned is not paid.

(Claimant)

A subcontractor or ~~[~~equipment or material~~]~~ supplier who gives such a notice must also deliver in person or send by certified mail a copy of the notice to the prime contractor for information only. The failure by a subcontractor to deliver the notice to the prime contractor is a ground for disciplinary proceedings against the subcontractor under chapter 624 of NRS but does not invalidate the notice to the owner.

2. Such a notice does not constitute a lien or give actual or constructive notice of a lien for any purpose.

3. No lien for materials or equipment furnished or for work or services performed, except labor, may be perfected or enforced pursuant to NRS 108.221 to 108.246, inclusive, ***and sections 2 to 11, inclusive, of this act*** unless the notice has been given.

4. The notice need not be verified, sworn to or acknowledged.

5. A prime contractor or other person who contracts directly with an owner or sells materials directly to an owner is not required to give notice pursuant to this section.

6. A lien claimant who is required by this section to give a notice of right to lien to an owner and who gives such a notice has a right to lien for materials or equipment furnished or for work or services performed in the 31 days before the date the notice of right to lien is given and for the materials or equipment furnished or for work or services performed anytime thereafter until the completion of the work of improvement.

Sec. 16. NRS 108.2453 is hereby amended to read as follows:

108.2453 1. Except as otherwise provided in NRS 108.221 to 108.246, inclusive, ***and sections 2 to 11, inclusive, of this act,*** a person may not waive or modify a right, obligation or liability set forth in the provisions of NRS 108.221 to 108.246, inclusive ~~[.]~~ ***, and sections 2 to 11, inclusive, of this act.***

2. A condition, stipulation or provision in a contract or other agreement for the improvement of property or for the construction, alteration or repair of a work of improvement in this State that attempts to do any of the following is contrary to public policy and is void and unenforceable:

(a) Require a lien claimant to waive rights provided by law to lien claimants or to limit the rights provided to lien claimants, other than as expressly provided in NRS 108.221 to 108.246, inclusive ~~[,]~~ ***, and sections 2 to 11, inclusive, of this act;***

(b) Relieve a person of an obligation or liability imposed by the provisions of NRS 108.221 to 108.246, inclusive ~~[,]~~ ***, and sections 2 to 11, inclusive, of this act;***

(c) Make the contract or other agreement subject to the laws of a state other than this State;

(d) Require any litigation, arbitration or other process for dispute resolution on disputes arising out of the contract or other agreement to occur in a state other than this State; or

(e) Require a prime contractor or subcontractor to waive, release or extinguish a claim or right that the prime contractor or subcontractor may otherwise possess or acquire for delay, acceleration, disruption or impact damages or an extension of time for delays incurred, for any delay, acceleration, disruption or impact event which was unreasonable under the circumstances, not within the contemplation of the parties at the time the contract was entered into, or for which the prime contractor or subcontractor is not responsible.

Sec. 16.1. **NRS 162.020 is hereby amended to read as follows:**

162.020 1. In NRS 162.010 to 162.140, inclusive, unless the context of subject matter otherwise requires:

(a) "Bank" includes any person or association of persons, whether incorporated or not, carrying on the business of banking.

(b) "Fiduciary" includes ~~[a]~~ **:**

(1) A trustee under any trust, expressed, implied, resulting or constructive, executor, administrator, guardian, conservator, curator, receiver, trustee in bankruptcy, assignee for the benefit of creditors, partner, agent, officer of a corporation, public or private, ***or*** public officer ~~[, or any]~~ **;**

(2) An owner or lessee who holds a retention amount, or an escrow agency that administers an escrow, pursuant to NRS 108.221 to 108.246, inclusive, and sections 2 to 11, inclusive, of this act; and

(3) Any other person acting in a fiduciary capacity for any person, trust or estate.

(c) "Principal" includes any person to whom a fiduciary as such owes an obligation.

2. A thing is done "in good faith" within the meaning of NRS 162.010 to 162.140, inclusive, when it is in fact done honestly, whether it is done negligently or not.

Sec. 16.3. **Chapter 624 of NRS is hereby amended by adding thereto a new section to read as follows:**

"Retention amount" has the meaning ascribed to it in section 6 of this act.

Sec. 16.7. **NRS 624.606 is hereby amended to read as follows:**

624.606 As used in NRS 624.606 to 624.630, inclusive, ***and section 16.3 of this act, unless the context otherwise requires,*** the words and terms defined in NRS 624.607 to 624.6086, inclusive, ***and section 16.3 of this act*** have the meanings ascribed to them in those sections.

Sec. 17. NRS 624.609 is hereby amended to read as follows:

624.609 1. Except as otherwise provided in subsections 2 and 4 **,** ***NRS 624.620*** and subsection 4 of NRS 624.622, if an owner of real property enters into a written or oral agreement with a prime contractor for the performance of work or the provision of materials or equipment by the prime contractor, the owner must:

(a) Pay the prime contractor on or before the date a payment is due pursuant to a schedule for payments established in a written agreement; or

(b) If no such schedule is established or if the agreement is oral, pay the prime contractor within 21 days after the date the prime contractor submits a request for payment.

2. If an owner has complied with subsection 3 **,** ~~*[and, if applicable, sections 8 to 11, inclusive, of this act,]*~~ the owner may:

(a) Withhold from any payment to be made to the prime contractor:

(1) ~~**[**A**]**~~ ***Except as otherwise provided in this subparagraph, a*** retention amount that ~~**[**, if**]**~~ the owner is authorized to withhold ~~**[**a retention amount**]**~~ pursuant to ~~**[**the agreement, must not exceed 10 percent of the amount of the payment to be made**]**~~ ~~**[**;**]**~~ ~~*[and must, if applicable, comply with sections 8 to 11, inclusive,]*~~ ***section 7.5 of this act . [;]*** ***With respect to any retention amount described in this subparagraph:***

(I) The owner must pay the retention amount to the prime contractor in the time and manner required by NRS 624.620; and

(II) If applicable, the withholding of the retention amount must comply with the requirements of sections 8 to 11, inclusive, of this act.

(2) An amount equal to the sum of the value of:

(I) Any work or labor that has not been performed or materials or equipment that has not been furnished for which payment is being sought, unless the agreement otherwise allows or requires such a payment to be made; and

(II) Costs and expenses reasonably necessary to correct or repair any work which is the subject of the request for payment and which is not materially in compliance with the agreement to the extent that such costs and expenses exceed 50 percent of the ~~*[total]*~~ retention amount withheld ~~*[for to be withheld]*~~ pursuant to subparagraph (1) **.** ~~**[**; *the agreement;* and**]**~~

(3) The amount the owner has paid or is required to pay pursuant to an official notice from a state agency or employee benefit trust fund, for which

the owner is or may reasonably be liable for the prime contractor or his or her lower-tiered subcontractors in accordance with chapter 608, 612, 616A to 616D, inclusive, or 617 of NRS **.** ~~[; and]~~

(b) Require as a condition precedent to the payment of any amount due, lien releases furnished by the prime contractor and his or her lower-tiered subcontractors and suppliers in accordance with the provisions of paragraphs (a) and (c) of subsection 5 of NRS 108.2457.

3. If, pursuant to subparagraph (2) or (3) of paragraph (a) of subsection 2 or paragraph (b) of subsection 2, an owner intends to withhold any amount from a payment to be made to a prime contractor, the owner must give, on or before the date the payment is due, a written notice to the prime contractor of any amount that will be withheld. The written notice of withholding must:

(a) Identify the amount of the request for payment that will be withheld from the prime contractor;

(b) Give a reasonably detailed explanation of the condition or the reason the owner will withhold that amount, including, without limitation, a specific reference to the provision or section of the agreement, and any documents relating thereto, and the applicable building code, law or regulation with which the prime contractor has failed to comply; and

(c) Be signed by an authorized agent of the owner.

4. A prime contractor who receives a notice of withholding pursuant to subsection 3 or a notice of objection pursuant to subparagraph (2) of paragraph (b) may:

(a) Give the owner a written notice and thereby dispute in good faith and for reasonable cause the amount withheld, or the condition or reason for the withholding; or

(b) Correct any condition or reason for the withholding described in the notice of withholding and thereafter provide written notice to the owner of the correction of the condition or reason for the withholding. The notice of correction must be sufficient to identify the scope and manner of the correction of the condition or reason for the withholding and be signed by an authorized representative of the prime contractor. If an owner receives a written notice from the prime contractor of the correction of a condition or reason for the withholding pursuant to this paragraph, the owner shall:

(1) Pay the amount withheld by the owner for that condition or reason for the withholding on or before the date the next payment is due the prime contractor; or

(2) Object to the scope and manner of the correction of the condition or reason for the withholding, on or before the date the next payment is due to the prime contractor, in a written statement which sets forth the condition or reason for the objection and which complies with subsection 3. If the owner objects to the scope and manner of the correction of a condition or reason for the withholding, the owner shall nevertheless pay to the prime contractor, along with the payment to be made pursuant to the prime contractor's next

payment request, the amount withheld for the correction of the condition or reason for the withholding to which the owner no longer objects.

5. Except as otherwise allowed in subsections 2, 3 and 4, an owner shall not withhold from a payment to be made to a prime contractor more than the retention amount.

Sec. 18. NRS 624.620 is hereby amended to read as follows:

624.620 1. Except as otherwise provided in this section, ~~*[An]*~~ ***an owner shall pay, or cause to be paid, to the prime contractor*** ~~*[any money remaining unpaid and attributable to a lower-tiered subcontractor's work, materials or equipment, including, without limitation, the lower-tiered subcontractor's ownership interest in any retention amount provided for pursuant to section 8 of this act, within 30 days after the date on which all the following have been completed:*~~

~~*(a) The lower-tiered subcontractor completes the performance of work or provision of materials or equipment;*~~

~~*(b) The lower-tiered subcontractor provides the prime contractor and the owner with the information and documentation reasonably required by the agreement; and*~~

~~*(c) The lower-tiered subcontractor's work has been inspected and approved by the building inspector or other authority, if applicable.*~~

~~*2. An owner shall pay, or cause to be paid, to the prime contractor]*~~ any money remaining unpaid for the construction of a work of improvement ~~[is payable to the prime contractor]~~ ***, including, without limitation,*** ~~*[the]*~~ ***a retention amount*** ~~*[provided for pursuant to section 8 of this act,]*~~ within 30 days after:

(a) ***The date on which all the following have been completed:***

(1) The prime contractor completes the performance of work or the provision of materials or equipment;

(2) The prime contractor provides the owner with the information and documentation reasonably required by the agreement; and

(3) The prime contractor's work has been inspected and approved by the building inspector or other authority, if applicable;

(b) Occupancy or use of the work of improvement by the owner or by a person acting with the authority of the owner; or

~~[(b)]~~ ***(c)*** The availability of a work of improvement for its intended use. The prime contractor must have provided to the owner:

(1) A written notice of availability on or before the day on which the prime contractor claims that the work of improvement became available for use or occupancy; or

(2) A certificate of occupancy issued by the appropriate building inspector or other authority ~~[.]~~ ***,***

➥ whichever of paragraph (a), (b) or (c) occurs earlier.

2. If the owner has complied with subsection 3, the owner may:

(a) Withhold ***from the*** payment ~~[for the amount of:]~~ ***to be made to the prime contractor pursuant to subsection 1:***

(1) ~~[~~Any~~]~~ ***The reasonable amount of any*** work or labor that has not been performed or materials or equipment that has not been furnished for which payment is sought;

(2) The costs and expenses reasonably necessary to correct or repair any work that is not materially in compliance with the agreement ***;*** ~~[~~to the extent that such costs and expenses exceed 50 percent of the amount of retention being withheld pursuant to the terms of the agreement;~~]~~ and

(3) Money the owner has paid or is required to pay pursuant to an official notice from a state agency, or employee benefit trust fund, for which the owner is liable for the prime contractor or his or her lower-tiered subcontractors in accordance with chapter 608, 612, 616A to 616D, inclusive, or 617 of NRS.

(b) Require, as a condition precedent to the payment of any unpaid amount under the agreement, that lien releases be furnished by the prime contractor and his or her lower-tiered subcontractors and suppliers in accordance with the provisions of paragraphs (a) and (c) of subsection 5 of NRS 108.2457.

3. If, pursuant to paragraph (a) of subsection 2, an owner intends to withhold ~~[~~any~~]~~ ***an*** amount from a payment to be made to a prime contractor ~~[~~,~~]~~ ***pursuant to subsection 1,*** the owner must, on or before the date the payment is due, give written notice to the prime contractor of ~~[~~any~~]~~ ***the*** amount that will be withheld. The written notice of withholding must:

(a) Identify the amount that will be withheld from the prime contractor;

(b) Give a reasonably detailed explanation of the condition for which or the reason the owner will withhold that amount, including, without limitation, a specific reference to the provision or section of the agreement with the prime contractor, and any documents relating thereto, and the applicable building code, law or regulation with which the prime contractor has failed to comply; and

(c) Be signed by an authorized agent of the owner.

4. A prime contractor who receives a notice of withholding pursuant to subsection 3 may correct any condition or reason for the withholding described in the notice of withholding and thereafter provide written notice to the owner of the correction of the condition or reason for the withholding. The notice of correction must be sufficient to identify the scope and manner of the correction of the condition or reason for the withholding and be signed by an authorized representative of the prime contractor. If an owner receives a written notice from the prime contractor of the correction of a condition or reason for the withholding described in an owner's notice of withholding pursuant to subsection 3, the owner must, within 10 days after receipt of such notice:

(a) Pay the amount withheld by the owner for that condition or reason for the withholding; or

(b) Object to the scope and manner of the correction of the condition or reason for the withholding in a written statement that sets forth the reason for

the objection and complies with subsection 3. If the owner objects to the scope and manner of the correction of a condition or reason for the withholding, the owner shall nevertheless pay to the prime contractor, along with the payment to be made pursuant to the prime contractor's next payment request, the amount withheld for the correction of the condition or reason for the withholding to which the owner no longer objects.

5. ~~[~~

~~➥ *whichever occurs earlier.*~~

~~*3.]*~~ The partial occupancy or availability of a ~~[~~building~~]~~ ***work of improvement*** requires payment in direct proportion to the value of the part of the ~~[~~building~~]~~ ***work of improvement*** which is partially occupied or partially available. For works of improvement which involve more than one building, each building must be considered separately in determining the amount of money which is payable to the prime contractor.

6. An owner, lessee or escrow agency shall not withhold from the payment to be made to a prime contractor pursuant to subsection 1 more than the amounts allowed in paragraph (a) of subsection 2 and paragraph (a) of subsection 4, and any withholding must:

(a) Be limited to those reasons for withholding allowed in paragraph (a) of subsection 2 and subsection 4; and

(b) Only be allowed if the owner, lessee or escrow agency has complied with subsection 3.

7. As used in this section:

(a) "Escrow agency" has the meaning ascribed to it in section 3 of this act.

(b) "Lessee" has the meaning ascribed to it in section 4.5 of this act.

(c) "Work of improvement" has the meaning ascribed to it in NRS 108.22188.

Sec. 19. NRS 624.624 is hereby amended to read as follows:

624.624 1. Except as otherwise provided in this section, if a higher-tiered contractor enters into:

(a) A written agreement with a lower-tiered subcontractor that includes a schedule for payments, the higher-tiered contractor shall pay the lower-tiered subcontractor:

(1) On or before the date payment is due; or

(2) Within 10 days after the date the higher-tiered contractor receives payment for all or a portion of the work, materials or equipment described in a request for payment submitted by the lower-tiered subcontractor,

➥ whichever is earlier.

(b) A written agreement with a lower-tiered subcontractor that does not contain a schedule for payments, or an agreement that is oral, the higher-tiered contractor shall pay the lower-tiered subcontractor:

(1) Within 30 days after the date the lower-tiered subcontractor submits a request for payment; or

(2) Within 10 days after the date the higher-tiered contractor receives payment for all or a portion of the work, labor, materials, equipment or services described in a request for payment submitted by the lower-tiered subcontractor,

➥ whichever is earlier.

2. If a higher-tiered contractor has complied with subsection 3 , ~~[and, if applicable, sections 8 to 11, inclusive, of this act,]~~ the higher-tiered contractor may:

(a) Withhold from any payment owed to the lower-tiered subcontractor:

(1) ~~[A]~~ ***Except as otherwise provided in this subparagraph, a*** retention amount that the higher-tiered contractor is authorized to withhold pursuant to ~~[the agreement, but the retention amount withheld must not exceed 10 percent of the payment that is required pursuant to subsection 1]~~ ~~[;]~~ ~~[and, if applicable, must comply with the provisions of sections 8 to 11, inclusive, of this act,]~~ ***section 7.5 of this act. With respect to any retention amount described in this subparagraph:***

(I) The higher-tiered contractor must pay the retention amount to the lower-tiered subcontractor in the time and manner required by subsection 1; and

(II) If applicable, the withholding of the retention amount must comply with the requirements of sections 8 to 11, inclusive, of this act.

(2) An amount equal to the sum of the value of:

(I) Any work or labor that has not been performed or materials or equipment that has not been furnished for which payment is being sought, unless the agreement otherwise allows or requires such a payment to be made; and

(II) Costs and expenses reasonably necessary to correct or repair any work which is the subject of the request for payment and which is not materially in compliance with the agreement to the extent that such costs and expenses exceed 50 percent of the retention amount withheld pursuant to subparagraph (1) . ~~[; and]~~

(3) The amount the owner or higher-tiered contractor has paid or is required to pay pursuant to an official notice from a state agency or employee benefit trust fund, for which the owner or higher-tiered contractor is or may reasonably be liable for the lower-tiered subcontractor or his or her lower-tiered subcontractors in accordance with chapter 608, 612, 616A to 616D, inclusive, or 617 of NRS . ~~[; and]~~

(b) Require as a condition precedent to the payment of any amount due, lien releases furnished by the lower-tiered subcontractor and his or her lower-tiered subcontractors and suppliers in accordance with the provisions of paragraphs (a) and (c) of subsection 5 of NRS 108.2457.

3. If, pursuant to subparagraph (2) or (3) of paragraph (a) of subsection 2 or paragraph (b) of subsection 2, a higher-tiered contractor intends to withhold any amount from a payment to be made to a lower-tiered subcontractor, the higher-tiered contractor must give, on or before the date

the payment is due, a written notice to the lower-tiered subcontractor of any amount that will be withheld and give a copy of such notice to all reputed higher-tiered contractors and the owner. The written notice of withholding must:

(a) Identify the amount of the request for payment that will be withheld from the lower-tiered subcontractor;

(b) Give a reasonably detailed explanation of the condition or the reason the higher-tiered contractor will withhold that amount, including, without limitation, a specific reference to the provision or section of the agreement with the lower-tiered subcontractor, and any documents relating thereto, and the applicable building code, law or regulation with which the lower-tiered subcontractor has failed to comply; and

(c) Be signed by an authorized agent of the higher-tiered contractor.

4. A lower-tiered subcontractor who receives a notice of withholding pursuant to subsection 3 or a notice of objection pursuant to subparagraph (2) of paragraph (b) may:

(a) Give the higher-tiered contractor a written notice and thereby dispute in good faith and for reasonable cause the amount withheld or the conditions or reasons for the withholding; or

(b) Correct any condition or reason for the withholding described in the notice of withholding and thereafter provide written notice to the higher-tiered contractor of the correction of the condition or reason for the withholding. The notice of correction must be sufficient to identify the scope and manner of the correction of the condition or reason for the withholding and be signed by an authorized representative of the lower-tiered subcontractor. If a higher-tiered contractor receives a written notice from the lower-tiered subcontractor of the correction of a condition or reason for the withholding pursuant to this paragraph, the higher-tiered contractor shall:

(1) Pay the amount withheld by the higher-tiered contractor for that condition or reason for the withholding on or before the date the next payment is due the lower-tiered subcontractor; or

(2) Object to the scope and manner of the correction of the condition or reason for the withholding, on or before the date the next payment is due to the lower-tiered subcontractor, in a written statement which sets forth the condition or reason for the objection and which complies with subsection 3. If the higher-tiered contractor objects to the scope and manner of the correction of a condition or reason for the withholding, the higher-tiered contractor shall nevertheless pay to the lower-tiered subcontractor, along with payment to be made pursuant to the lower-tiered subcontractor's next payment request, the amount withheld for the correction of the conditions or reasons for the withholding to which the higher-tiered contractor no longer objects.

5. Except as otherwise allowed in subsections 2, 3 and 4, a higher-tiered contractor shall not withhold from a payment to be made to a lower-tiered subcontractor more than the retention amount.

Sec. 19.5. **Chapter 627 of NRS is hereby amended by adding thereto a new section to read as follows:**

1. Any person, firm or entity who acts in the capacity of a construction control and who undertakes to hold or disburse construction funds in payment of work, labor or materials, including, without limitation, a retention amount:

(a) Is acting in the capacity of an escrow agency pursuant to chapter 645A of NRS;

(b) Is acting in the capacity of a fiduciary pursuant to chapter 669 of NRS; and

(c) Shall, if applicable, comply with the requirements of sections 8 to 11, inclusive, of this act.

2. As used in this section:

(a) "Escrow agency" has the meaning ascribed to it in NRS 645A.010.

(b) "Fiduciary" has the meaning ascribed to it in NRS 669.045.

(c) "Retention amount" has the meaning ascribed to it in section 6 of this act.

Sec. 20. NRS 645.8795 is hereby amended to read as follows:

645.8795 1. Except as otherwise provided in subsection 2, a claim that is recorded pursuant to the provisions of NRS 645.8775 has priority over any other encumbrance, claim or lien, if the claim of the real estate broker is recorded before the encumbrance, claim or lien.

2. The provisions of subsection 1 do not apply to a lien recorded pursuant to the provisions of NRS 108.221 to 108.246, inclusive ~~[.]~~ ***, and sections 2 to 11, inclusive, of this act.***

Sec. 21. NRS 645A.010 is hereby amended to read as follows:

645A.010 As used in this chapter, unless the context otherwise requires:

1. "Commissioner" means the Commissioner of Mortgage Lending.

2. "Division" means the Division of Mortgage Lending of the Department of Business and Industry.

3. "Escrow" means any transaction wherein one person, for the purpose of effecting the sale, transfer, encumbering or leasing of real or personal property to another person, ***or for the purposes set forth in NRS 108.221 to 108.246, inclusive, and sections 2 to 11, inclusive, of this act,*** delivers any written instrument, money, evidence of title to real or personal property, or other thing of value to a third person until the happening of a specified event or the performance of a prescribed condition, when it is then to be delivered by such third person to a grantee, grantor, promisee, promisor, obligee, obligor, bailee, bailor ***, prime contractor, lower-tiered subcontractor, supplier, lien claimant*** or any agent or employee of any of ~~[the latter.]~~ ***those persons.*** The term includes the collection of payments and the performance of related services by a third person in connection with a loan secured by a lien on real property. ***As used in this subsection:***

(a) "Lien claimant" has the meaning ascribed to it in NRS 108.2214.

(b) "Lower-tiered subcontractor" has the meaning ascribed to it in section 5 of this act.

(c) "Prime contractor" has the meaning ascribed to it in NRS 108.22164.

~~*[(c)]*~~ ***(d) "Supplier" has the meaning ascribed to it in section 7 of this act.***

4. "Escrow agency" means:

(a) Any person who employs one or more escrow agents; or

(b) An escrow agent who administers escrows on his or her own behalf.

5. "Escrow agent" means any person engaged in the business of administering escrows for compensation.

Sec. 22. NRS 645A.015 is hereby amended to read as follows:

645A.015 ~~[The]~~ ***1. Except as otherwise provided in subsection 2, the*** provisions of this chapter do not apply to:

~~[1.]~~ ***(a)*** Any person:

~~[(a)]~~ ***(1)*** Doing business under the laws of this State or the United States relating to banks, mutual savings banks, trust companies, savings and loan associations, common and consumer finance companies or industrial loan companies; or

~~[(b)]~~ ***(2)*** Licensed pursuant to chapter 692A of NRS.

~~[2.]~~ ***(b)*** An attorney at law rendering services in the performance of his or her duties as attorney at law, except an attorney actively engaged in conducting an escrow agency.

~~[3.]~~ ***(c)*** Any firm or corporation which lends money on real or personal property and is subject to licensing, supervision or auditing by an agency of the United States or of this State.

~~[4.]~~ ***(d)*** Any person doing any act under order of any court.

2. The provisions of this chapter apply to any person engaged in the business of administering an escrow pursuant to NRS 108.221 to 108.246, inclusive, and sections 2 to 11, inclusive, of this act.

Sec. 22.2. **Chapter 662 of NRS is hereby amended by adding thereto a new section to read as follows:**

1. The proceeds of any loan, mortgage or other pledge of money to be used to pay for the construction, alteration or repair of a work of improvement must be used to satisfy and pay the prime contractor and the prime contractor's lower-tiered subcontractors for the work, materials or equipment they have furnished or may furnish for the construction, alteration or repair of the work of improvement.

2. Use by a bank of such proceeds in violation of this section creates a rebuttable presumption, in any action brought by a prime contractor or the lower-tiered subcontractors to whom such money is owed, that the bank has breached its fiduciary duties with respect to such proceeds.

3. As used in this section:

(a) "Lower-tiered subcontractor" has the meaning ascribed to it in section 5 of this act.

(b) "Prime contractor" has the meaning ascribed to it in NRS 108.22164.

(c) "Work of improvement" has the meaning ascribed to it in NRS 108.22188.

Sec. 22.3. **NRS 662.231 is hereby amended to read as follows:**

662.231 As used in NRS 662.231 to 662.245, inclusive, ***and section 22.2 of this act,*** "business of a trust company" or "trust company business" has the meaning ascribed to it in NRS 669.029.

Sec. 22.4. **NRS 662.235 is hereby amended to read as follows:**

662.235 1. Any bank organized under this title may state in its articles of incorporation that it will carry on a trust company business in connection with the banking business, and in addition to the powers conferred upon banks may:

(a) Act as trustee under any mortgage or bond of any person, firm or corporation, or of any municipality or body politic.

(b) Accept and execute any municipal, corporate or individual trust not inconsistent with the laws of this State.

(c) Act under the order or appointment of any court as guardian, commissioner, receiver or trustee.

(d) Act as executor or trustee under any will.

(e) Act as fiscal or transfer agent of any state, municipality, body politic or corporation, and in a capacity to receive and disburse money and register, transfer and countersign certificates of stock, bonds and other evidences of indebtedness.

(f) Act as local or registered agent of foreign corporations.

2. Any such bank holding any asset as a fiduciary shall:

(a) Segregate all such assets from any other assets of the bank and from the assets of any other trust, except as may be expressly provided otherwise by law or by the writing creating the trust.

(b) Record such assets in a separate set of books maintained for fiduciary activities.

3. Any bank organized under this title that undertakes to hold or secure a retention amount as that term is defined in section 6 of this act:

(a) Is acting in the capacity of a fiduciary and shall comply with the provisions of subsection 2;

(b) Is acting in the capacity of an escrow agency pursuant to chapter 645A of NRS; and

(c) Shall, if applicable, comply with the requirements of sections 8 to 11, inclusive, of this act.

Sec. 22.6. **NRS 669.045 is hereby amended to read as follows:**

669.045 1. "Fiduciary" means ~~[a]~~ ***:***

(a) A trustee, executor, administrator, guardian of an estate, personal representative, conservator, assignee for the benefit of creditors, receiver, depositary or person that receives on deposit money or property from a public administrator under any provision of this chapter or from another fiduciary ~~[.]~~ ***; or***

(b) An owner or lessee who holds a retention amount, or an escrow agency that administers an escrow, pursuant to NRS 108.221 to 108.246, inclusive, and sections 2 to 11, inclusive, of this act.

2. As used in this section, "administrator" includes servicers or administrators of individual retirement accounts within the meaning of section 408(a) of the Internal Revenue Code of 1986, 26 U.S.C. § 408(a), where the servicer or administrator holds itself out to the public for performance of such services and holds or maintains an ownership interest in the servicing rights of such accounts, or possesses or controls any of the assets of such accounts, including cash.

Sec. 22.8. **NRS 669.080 is hereby amended to read as follows:**

669.080 1. ~~[This]~~ ***Except as otherwise provided in subsection 3, this*** chapter does not apply to a person who:

(a) Does business under the laws of this State, the United States or another state relating to banks, savings banks, savings and loan associations or thrift companies, but if the trust company business conducted in this State is not subject to supervision by a regulatory authority of another jurisdiction, the person must be licensed pursuant to this chapter before engaging in such business in this State;

(b) Is appointed as a fiduciary pursuant to NRS 662.245;

(c) Is acting in the performance of his or her duties as an attorney at law;

(d) Acts as a trustee under a deed of trust;

(e) Acts as a registered agent for a domestic or foreign corporation, limited-liability company, limited partnership or limited-liability partnership;

(f) Acts as a trustee of a trust holding real property for the primary purpose of facilitating any transaction with respect to real estate if he or she is not regularly engaged in the business of acting as a trustee for such trusts;

(g) Engages in the business of a collection agency pursuant to chapter 649 of NRS;

(h) Engages in the business of an escrow agency, escrow agent or escrow officer pursuant to the provisions of chapter 645A or 692A of NRS;

(i) Acts as a trustee of a trust created for charitable or nonprofit purposes if he or she is not regularly engaged in the business of acting as trustee for such trusts;

(j) Receives money or other property as a real estate broker licensed under chapter 645 of NRS on behalf of a principal;

(k) Engages in transactions as a broker-dealer or sales representative pursuant to chapter 90 of NRS;

(l) Acts as a fiduciary under a court trust;

(m) Does business as an insurer authorized to issue policies of life insurance and annuities or endowment contracts in this State and is subject to regulation and control of the Commissioner of Insurance;

(n) Acts as a fiduciary as an individual;

(o) Acts as a family trust company, unless the family trust company is licensed under this chapter. A family trust company which is not licensed

under the provisions of this chapter shall be deemed not to be engaged in trust company business for the purposes of this chapter; or

(p) Except as otherwise provided in chapter 669A of NRS, is a family trust company, as defined in NRS 669A.080.

2. A bank, savings bank, savings and loan association or thrift company claiming an exemption from this chapter pursuant to paragraph (a) of subsection 1 must notify the Commissioner of Financial Institutions of its intention to engage in the business of a trust company in this State and present proof satisfactory to the Commissioner of Financial Institutions that its fiduciary activities in this State will be subject to regulation by another jurisdiction.

3. The provisions of this chapter apply to an owner or lessee who holds a retention amount, or a person, firm or entity that administers an escrow, pursuant to sections 8 to 11, inclusive, of this act. As used in this subsection:

(a) "Lessee" has the meaning ascribed to it in section 4.5 of this act.

(b) "Owner" has the meaning ascribed to it in NRS 108.22148.

(c) "Retention amount" has the meaning ascribed to it in section 6 of this act.

Sec. 23. **1. This section and sections 1, 5.5, 7.3, 7.4, 12.5 and 13.5 of this act become effective upon passage and approval.**

2. Sections 2 to 5, inclusive, 6, 7, 7.5 to 12, inclusive, 13 and 14 to 22.8, inclusive, of this act become effective on July 1, 2011.

Assemblyman Ohrenschall moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 419.

Bill read third time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 176.

AN ACT relating to water; requiring the State Engineer to designate certain groundwater basins as critical management areas **~~[.]~~** **in certain circumstances;** requiring the State Engineer to take certain actions in such a basin unless a groundwater management plan has been approved for the basin; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the State Engineer has various powers and duties with respect to regulating the groundwater in this State. (Chapter 534 of NRS) **Section 3** of this bill requires the State Engineer to designate as a critical management area any basin in which withdrawals of groundwater consistently exceed the perennial yield of the basin **~~[.]~~** **upon the petition of a majority of the holders of certificates or permits to appropriate water in the basin that are on file in the Office of the State Engineer.** If a basin is

so designated for at least 10 consecutive years, **section 3** requires the State Engineer to order that withdrawals of groundwater be restricted in the basin to conform to priority rights, unless a groundwater management plan has been approved for the basin. **Section 1** of this bill prescribes the procedure for the proposal, approval and revision of such a plan. **Section 2** of this bill includes the existence of a groundwater management plan in a basin as a consideration for the State Engineer in determining whether to grant a request for an extension of the time necessary to work a forfeiture of water in such a basin.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 534 of NRS is hereby amended by adding thereto a new section to read as follows:

1. In a basin that has been designated as a critical management area by the State Engineer pursuant to subsection 7 of NRS 534.110, a petition for the approval of a groundwater management plan for the basin may be submitted to the State Engineer. The petition must be signed by a majority of the ~~[appropriators of record]~~ holders of permits or certificates to appropriate water in the basin that are on file in the Office of the State Engineer ~~[in the basin]~~ and must be accompanied by a groundwater management plan which must set forth the necessary steps for removal of the basin's designation as a critical management area.

2. In determining whether to approve a groundwater management plan submitted pursuant to subsection 1, the State Engineer shall consider, without limitation:

(a) The hydrology of the basin;

(b) The physical characteristics of the basin;

(c) The relationship between surface water and groundwater in the basin;

(d) The geographic spacing and location of the withdrawals of groundwater in the basin;

(e) The quality of the water in the basin; ~~[and]~~

(f) The wells located in the basin ~~[.]~~ including, without limitation, domestic wells;

(g) Whether a groundwater management plan already exists for the basin; and

(h) Any other factor deemed relevant by the State Engineer.

3. Before approving or disapproving a groundwater management plan submitted pursuant to subsection 1, the State Engineer shall hold a public hearing to take testimony on the plan in the county where the basin lies or, if the basin lies in more than one county, within the county where the major portion of the basin lies. The State Engineer shall cause notice of the hearing to be ~~[given]~~ :

***(a) Given** once each week for 2 consecutive weeks before the hearing in a newspaper of general circulation in the county or counties in which the basin lies.*

(b) Posted on the Internet website of the State Engineer for at least 2 consecutive weeks immediately preceding the date of the hearing.

4. The decision of the State Engineer on a groundwater management plan may be reviewed by the district court of the county pursuant to NRS 533.450.

5. An amendment to a groundwater management plan must be proposed and approved in the same manner as an original groundwater management plan is proposed and approved pursuant to this section.

Sec. 2. NRS 534.090 is hereby amended to read as follows:

534.090 1. Except as otherwise provided in this section, failure for 5 successive years after April 15, 1967, on the part of the holder of any right, whether it is an adjudicated right, an unadjudicated right or a permitted right, and further whether the right is initiated after or before March 25, 1939, to use beneficially all or any part of the underground water for the purpose for which the right is acquired or claimed, works a forfeiture of both undetermined rights and determined rights to the use of that water to the extent of the nonuse. If the records of the State Engineer or any other documents specified by the State Engineer indicate at least 4 consecutive years, but less than 5 consecutive years, of nonuse of all or any part of a water right which is governed by this chapter, the State Engineer shall notify the owner of the water right, as determined in the records of the Office of the State Engineer, by registered or certified mail that the owner has 1 year after the date of the notice in which to use the water right beneficially and to provide proof of such use to the State Engineer or apply for relief pursuant to subsection 2 to avoid forfeiting the water right. If, after 1 year after the date of the notice, proof of beneficial use is not sent to the State Engineer, the State Engineer shall, unless the State Engineer has granted a request to extend the time necessary to work a forfeiture of the water right, declare the right forfeited within 30 days. Upon the forfeiture of a right to the use of groundwater, the water reverts to the public and is available for further appropriation, subject to existing rights. If, upon notice by registered or certified mail to the owner of record whose right has been declared forfeited, the owner of record fails to appeal the ruling in the manner provided for in NRS 533.450, and within the time provided for therein, the forfeiture becomes final. The failure to receive a notice pursuant to this subsection does not nullify the forfeiture or extend the time necessary to work the forfeiture of a water right.

2. The State Engineer may, upon the request of the holder of any right described in subsection 1, extend the time necessary to work a forfeiture under that subsection if the request is made before the expiration of the time necessary to work a forfeiture. The State Engineer may grant, upon request and for good cause shown, any number of extensions, but a single extension

must not exceed 1 year. In determining whether to grant or deny a request, the State Engineer shall, among other reasons, consider:

(a) Whether the holder has shown good cause for the holder's failure to use all or any part of the water beneficially for the purpose for which the holder's right is acquired or claimed;

(b) The unavailability of water to put to a beneficial use which is beyond the control of the holder;

(c) Any economic conditions or natural disasters which made the holder unable to put the water to that use;

(d) Any prolonged period in which precipitation in the basin where the water right is located is below the average for that basin or in which indexes that measure soil moisture show that a deficit in soil moisture has occurred in that basin; ~~[and]~~

(e) ***Whether a groundwater management plan has been approved for the basin pursuant to section 1 of this act; and***

(f) Whether the holder has demonstrated efficient ways of using the water for agricultural purposes, such as center-pivot irrigation.

➥ The State Engineer shall notify, by registered or certified mail, the owner of the water right, as determined in the records of the Office of the State Engineer, of whether the State Engineer has granted or denied the holder's request for an extension pursuant to this subsection.

3. If the failure to use the water pursuant to subsection 1 is because of the use of center-pivot irrigation before July 1, 1983, and such use could result in a forfeiture of a portion of a right, the State Engineer shall, by registered or certified mail, send to the owner of record a notice of intent to declare a forfeiture. The notice must provide that the owner has at least 1 year after the date of the notice to use the water beneficially or apply for additional relief pursuant to subsection 2 before forfeiture of the owner's right is declared by the State Engineer.

4. A right to use underground water whether it is vested or otherwise may be lost by abandonment. If the State Engineer, in investigating a groundwater source, upon which there has been a prior right, for the purpose of acting upon an application to appropriate water from the same source, is of the belief from his or her examination that an abandonment has taken place, the State Engineer shall so state in the ruling approving the application. If, upon notice by registered or certified mail to the owner of record who had the prior right, the owner of record of the prior right fails to appeal the ruling in the manner provided for in NRS 533.450, and within the time provided for therein, the alleged abandonment declaration as set forth by the State Engineer becomes final.

Sec. 3. NRS 534.110 is hereby amended to read as follows:

534.110 1. The State Engineer shall administer this chapter and shall prescribe all necessary regulations within the terms of this chapter for its administration.

2. The State Engineer may:

(a) Require periodical statements of water elevations, water used, and acreage on which water was used from all holders of permits and claimants of vested rights.

(b) Upon his or her own initiation, conduct pumping tests to determine if overpumping is indicated, to determine the specific yield of the aquifers and to determine permeability characteristics.

3. The State Engineer shall determine whether there is unappropriated water in the area affected and may issue permits only if the determination is affirmative. The State Engineer may require each applicant to whom a permit is issued for a well:

(a) For municipal, quasi-municipal or industrial use; and

(b) Whose reasonably expected rate of diversion is one-half cubic foot per second or more,

➥ to report periodically to the State Engineer concerning the effect of that well on other previously existing wells that are located within 2,500 feet of the well.

4. It is a condition of each appropriation of groundwater acquired under this chapter that the right of the appropriator relates to a specific quantity of water and that the right must allow for a reasonable lowering of the static water level at the appropriator's point of diversion. In determining a reasonable lowering of the static water level in a particular area, the State Engineer shall consider the economics of pumping water for the general type of crops growing and may also consider the effect of using water on the economy of the area in general.

5. This section does not prevent the granting of permits to applicants later in time on the ground that the diversions under the proposed later appropriations may cause the water level to be lowered at the point of diversion of a prior appropriator, so long as any protectable interests in existing domestic wells as set forth in NRS 533.024 and the rights of holders of existing appropriations can be satisfied under such express conditions. At the time a permit is granted for a well:

(a) For municipal, quasi-municipal or industrial use; and

(b) Whose reasonably expected rate of diversion is one-half cubic foot per second or more,

➥ the State Engineer shall include as a condition of the permit that pumping water pursuant to the permit may be limited or prohibited to prevent any unreasonable adverse effects on an existing domestic well located within 2,500 feet of the well, unless the holder of the permit and the owner of the domestic well have agreed to alternative measures that mitigate those adverse effects.

6. ~~[The]~~ ***Except as otherwise provided in subsection 7, the*** State Engineer shall conduct investigations in any basin or portion thereof where it appears that the average annual replenishment to the groundwater supply may not be adequate for the needs of all permittees and all vested-right claimants, and if the findings of the State Engineer so indicate, the State

Engineer may order that withdrawals ***, including, without limitation, withdrawals from domestic wells,*** be restricted to conform to priority rights.

7. ***The State Engineer*** ~~*[shall]*~~ **:**

(a) May designate as a critical management area any basin in which withdrawals of groundwater consistently exceed the perennial yield of the basin . ~~*[as a critical management area. Such a]*~~

(b) Shall designate as a critical management area any basin in which withdrawals of groundwater consistently exceed the perennial yield of the basin upon receipt of a petition for such a designation which is signed by a majority of the holders of certificates or permits to appropriate water in the basin that are on file in the Office of the State Engineer.

➥ The designation of a basin as a critical management area pursuant to this subsection may be appealed pursuant to NRS 533.450. If a basin has been designated as a critical management area for at least 10 consecutive years, the State Engineer shall order that withdrawals, including, without limitation, withdrawals from domestic wells, be restricted in that basin to conform to priority rights, unless a groundwater management plan has been approved for the basin pursuant to section 1 of this act.

8. In any basin or portion thereof in the State designated by the State Engineer, the State Engineer may restrict drilling of wells in any portion thereof if the State Engineer determines that additional wells would cause an undue interference with existing wells. Any order or decision of the State Engineer so restricting drilling of such wells may be reviewed by the district court of the county pursuant to NRS 533.450.

~~*[9. As used in this section, "perennial yield" means the amount of usable water from a groundwater aquifer that can be economically withdrawn and consumed each year for an indefinite period of time, which cannot exceed the natural recharge to that aquifer and is limited to the maximum amount of discharge that can be utilized for beneficial use.]*~~

Sec. 4. This act becomes effective on July 1, 2011.

Assemblywoman Bustamante Adams moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 422.

Bill read third time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 530.

SUMMARY— ~~**[**Provides specific authority for public bodies to lease water rights to certain owners or holders of water rights.**]**~~ **Revises provisions relating to water.** (BDR 48-681)

AN ACT relating to water; providing specific authority for public bodies to lease water rights to certain owners or holders of water rights; **revising**

provisions relating to the Program for the Management of Groundwater in the Las Vegas Valley Groundwater Basin; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[This]~~ **Section 1 of this** bill specifically authorizes a public body to lease a water right owned by the public body to an owner or holder of a water right who **, as determined by** the State Engineer **,** ~~[determines]~~ is exceeding the amount of water to which the owner or holder is entitled.

The Advisory Committee for the Management of Groundwater in the Las Vegas Valley Groundwater Basin is created in existing law to advise the Southern Nevada Water Authority concerning the Program for the Management of Groundwater in the Las Vegas Valley Groundwater Basin. (Sections 8, 9 and 12 of chapter 572, Statutes of Nevada 1997, p. 2799) Section 3 of this bill increases the term of an appointed member of the Advisory Committee from 2 years to 4 years. Section 4 of this bill revises the frequency of the meetings of the Advisory Committee from quarterly to annually. Section 5 of this bill revises the frequency of and responsibility for preparation of reports concerning the Program.

Under existing law, the Southern Nevada Water Authority is authorized to establish a program under which it may enter into an agreement with a property owner in the Basin for the abandonment or plugging of a well on the owner's property or the connection of the property to a public water system. (Section 14.3 of chapter 468, Statutes of Nevada 1999, p. 2386) Section 6 of this bill makes the mandatory provisions in existing law for such an agreement discretionary and authorizes the inclusion of other provisions in such an agreement that are reasonably necessary to carry out the purposes and intent of the program.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 533 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A public body may lease a water right owned by the public body to an owner or holder of a water right who, as determined by the State Engineer, is exceeding the amount of water to which the owner or holder is entitled.

2. As used in this section, "public body" means the State or a county, city, town, school district or any public agency of this State or its political subdivisions. The term includes, without limitation, a water district organized pursuant to a special act of the Legislature or a water authority organized as a political subdivision created by a cooperative agreement or created by a special act of the Legislature.

Sec. 2. NRS 533.550 is hereby amended to read as follows:

533.550 1. Notwithstanding any other provision of law ~~[,]~~ ***and except as otherwise provided in section 1 of this act,*** a public body shall not sell or lease for a term of more than 5 years a water right owned by the public body unless the public body, after holding at least one public hearing at which public comment was solicited, has issued written findings that:

(a) The sale or lease of the water right is consistent with the prudent, long-term management of the water resources within the jurisdiction of the public body;

(b) The sale or lease of the water right will not deprive residents and businesses within the jurisdiction of the public body of reasonable access to water resources for growth and development;

(c) The sale or lease of the water right is a reasonable means of promoting development and use of the water right; and

(d) The means by which the water right is sold or leased reasonably ensures that the public body will receive the actual value of the water right or comparable economic benefits.

2. As used in this section, "public body" means the State or a county, city, town, school district or any public agency of this State or its political subdivisions. The term does not include a water district organized pursuant to a special act of the Legislature or a water authority organized as a political subdivision created by a cooperative agreement or created by a special act of the Legislature.

Sec. 3. **Section 8 of the Southern Nevada Water Authority Act, being chapter 572, Statutes of Nevada 1997, at page 2800, is hereby amended to read as follows:**

Sec. 8. 1. The Advisory Committee for the Management of Groundwater in the Las Vegas Valley Groundwater Basin is hereby created. The Advisory Committee consists of:

(a) Seven members to be appointed by the Board of Directors, including:

(1) Two persons who own and operate domestic wells located in the Basin;

(2) One representative of an organization that owns and operates a quasi-municipal well located in the Basin;

(3) One representative of an industrial or commercial user of groundwater which is located in the Basin;

(4) One representative of a private water company which operates in the Basin;

(5) One consumer whose water service is provided entirely by a municipal water purveyor which is located in the Basin; and

(6) One representative of a municipal water purveyor that owns and operates wells located in the Basin;

(b) The State Engineer, or a designated representative of the State Engineer, who is an ex officio nonvoting member of the Advisory Committee; and

(c) The Administrator of the Division of Environmental Protection of the State Department of Conservation and Natural Resources, or a designated representative of the Administrator, who is an ex officio nonvoting member of the Advisory Committee.

2. Members of the Advisory Committee serve without compensation, except that while engaged in the business of the Advisory Committee, each member is entitled to the per diem allowance and travel expenses provided for state officers and employees generally, to be paid by the Southern Nevada Water Authority.

3. After the initial term, the term of each appointed member is ~~[2]~~ ***4*** years. Members may be reappointed. At the expiration of the term of a member, or if a member resigns or is otherwise unable to complete his or her term, the Board of Directors shall, not later than 90 days after the vacancy occurs, appoint a person pursuant to subsection 4 to fill the vacancy.

4. In replacing a member described in:

(a) Subparagraph (1), (2) or (3) of paragraph (a) of subsection 1, the Board of Directors shall consider recommendations solicited from a representative sampling of owners of domestic wells, persons and organizations associated with quasi-municipal wells, and industrial and commercial users of groundwater, respectively.

(b) Subparagraph (4), (5) or (6) of paragraph (a) of subsection 1, the Board of Directors shall consider recommendations solicited from the various entities that comprise the Southern Nevada Water Authority.

Sec. 4. **Section 9 of the Southern Nevada Water Authority Act, being chapter 572, Statutes of Nevada 1997, at page 2800, is hereby amended to read as follows:**

Sec. 9. ~~[1.]~~ The Advisory Committee shall meet at least once every ~~[3 months.~~

~~2. The Advisory Committee shall elect from its members a Chair who shall serve for a term of 2 years. Any vacancy occurring in the office of Chair must be filled by majority vote of the members of the Advisory Committee for the remainder of the unexpired term.]~~ ***year.***

Sec. 5. **Section 12 of the Southern Nevada Water Authority Act, being chapter 572, Statutes of Nevada 1997, at page 2801, is hereby amended to read as follows:**

Sec. 12. ~~[1. On or before December 31 of each year, the Southern Nevada Water Authority shall prepare a summary report which describes the activities of the Management Program and the Advisory Committee during the preceding calendar year.~~

~~2.]~~ On or before December 31 of each even-numbered year, the Southern Nevada Water Authority ~~[and the Advisory Committee]~~ shall prepare a ~~[joint]~~ report and submit the report to the Director of the Legislative Counsel Bureau for transmittal to the Nevada Legislature. The ~~[joint]~~ report must include, without limitation:

~~[(a)]~~ ***1.*** A summary of all of the activities, studies and research conducted on behalf of the Management Program during the previous 2 calendar years;

~~[(b)]~~ ***2.*** A detailed assessment of the joint public workshops conducted by the Southern Nevada Water Authority and the Advisory Committee during the previous 2 calendar years, including documentation of the comments made on the record by the members of the general public who attended the workshops;

~~[(c)]~~ ***3.*** A statement of income and expenditures related to the Management Program; and

~~[(d)]~~ ***4.*** An assessment from the Advisory Committee concerning the status of the groundwater in the Basin and the activities related to the management of the Basin, including any recommendations concerning:

~~[(1)]~~ ***(a)*** Whether activities, fees and other aspects of the Management Program should be continued, modified or terminated; and

~~[(2)]~~ ***(b)*** Plans for additional activities for the management of groundwater in the Basin, and for the protection of the aquifer in which the Basin is located.

Sec. 6. **Section 14.3 of the Southern Nevada Water Authority Act, being chapter 468, Statutes of Nevada 1999, at page 2386, is hereby amended to read as follows:**

Sec. 14.3. 1. The Southern Nevada Water Authority may, in consultation with the Advisory Committee, establish a program under which it may enter into an agreement with an owner of real property located in the Basin to:

(a) Abandon or plug a well located on the real property;

(b) Install pipes and other appurtenances to deliver water to the real property; and

(c) Pay fees related to the connection of the property to a public water system.

2. An agreement entered into pursuant to subsection 1 ~~[must:]~~ ***may:***

(a) Provide for the repayment, over time, to the Southern Nevada Water Authority by the owner of the real property all money expended by the Southern Nevada Water Authority pursuant to the agreement;

(b) Provide that all money to be repaid to the Southern Nevada Water Authority pursuant to the agreement be due and payable upon the sale or other transfer of the real property;

(c) Be secured by a lien upon the real property; ~~[and]~~

(d) Be acknowledged and recorded in the same manner as conveyances affecting real property are required to be acknowledged and recorded pursuant to chapter 111 of NRS ~~[.]~~ ***; and***

(e) Include any other provision that is reasonably necessary to carry out the purposes and intent of the program established pursuant to subsection 1.

3. An abandonment or plugging of a well pursuant to an agreement entered into pursuant to subsection 1 must be conducted in a manner approved by the State Engineer.

4. As used in this section, "public water system" has the meaning ascribed to it in NRS 445A.840.

~~[Sec. 3.]~~ ***Sec. 7.*** This act becomes effective on July 1, 2011.

Assemblywoman Bustamante Adams moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 443.

Bill read third time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 311.

Assembly Bill No. 443—Assemblymen Brooks; Benitez-Thompson, Bustamante Adams, Ellison, Hickey, Kirkpatrick**, OCEGUERA** and Sherwood

AN ACT relating to taxation; providing a deduction from the payroll tax for wages paid to newly hired full-time employees under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires employers to pay a payroll tax on the wages paid to their respective employees during each calendar quarter. The tax is imposed on financial institutions at the rate of 2 percent per calendar quarter and on other employers at the rate of 0.63 percent per calendar quarter. (NRS 363A.130, 363B.110) **Sections 1 and 2** of this bill authorize financial institutions and other employers, respectively, to deduct from the total amount of wages reported and upon which the payroll tax is imposed all wages paid to a newly hired full-time employee during the first 4 full calendar quarters next following the hiring of the employee, and 50 percent of all wages paid to the employee during the fifth through eighth full calendar quarters next following the hiring of the employee if, at the time of hiring, the employee has been unemployed for a continuous period of not less than 60 days and certain other conditions are satisfied.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 363A of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection 2, an employer may deduct from the total amount of wages reported and upon which the excise tax is imposed pursuant to NRS 363A.130 all wages paid by the employer to an employee during the first 4 full calendar quarters next following the hiring of the employee, and 50 percent of all wages paid by the employer to

the employee during the fifth through eighth full calendar quarters next following the hiring of the employee, if:

(a) The employee is first hired by the employer on or after July 1, 2011;

(b) At the time of hiring, the employee has been unemployed for a continuous period of not less than 60 days;

(c) The employee is employed in a full-time position throughout the entire calendar quarter for which the deduction is claimed;

(d) The total number of employees employed by the employer on the last day of the calendar quarter for which the deduction is claimed exceeds the total number of employees employed by the employer on the last day of the corresponding calendar quarter of the immediately preceding calendar year; and

(e) The total number of hours worked by all employees employed by the employer during the calendar quarter for which the deduction is claimed exceeds the total number of hours worked by all employees employed by the employer during the corresponding calendar quarter of the immediately preceding calendar year.

2. The total amount of wages with respect to which an employer may, pursuant to subsection 1, claim a deduction from the excise tax imposed pursuant to NRS 363A.130 must not, under any circumstances, exceed the amount by which the total wages paid by the employer to all employees during the calendar quarter for which the deduction is claimed exceed the total wages paid by the employer to all employees during the corresponding calendar quarter of the immediately preceding calendar year.

3. An employer claiming the deduction allowed pursuant to this section shall, upon the request of the Department, explain the amount claimed to the satisfaction of the Department and provide the Department with such documentation as the Department deems appropriate for that purpose.

Sec. 2. Chapter 363B of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection 2, an employer may deduct from the total amount of wages reported and upon which the excise tax is imposed pursuant to NRS 363B.110 all wages paid by the employer to an employee during the first 4 full calendar quarters next following the hiring of the employee, and 50 percent of all wages paid by the employer to the employee during the fifth through eighth full calendar quarters next following the hiring of the employee, if:

(a) The employee is first hired by the employer on or after July 1, 2011;

(b) At the time of hiring, the employee has been unemployed for a continuous period of not less than 60 days;

(c) The employee is employed in a full-time position throughout the entire calendar quarter for which the deduction is claimed;

(d) The total number of employees employed by the employer on the last day of the calendar quarter for which the deduction is claimed exceeds the total number of employees employed by the employer on the last day of the

corresponding calendar quarter of the immediately preceding calendar year; and

(e) The total number of hours worked by all employees employed by the employer during the calendar quarter for which the deduction is claimed exceeds the total number of hours worked by all employees employed by the employer during the corresponding calendar quarter of the immediately preceding calendar year.

2. The total amount of wages with respect to which an employer may, pursuant to subsection 1, claim a deduction from the excise tax imposed pursuant to NRS 363B.110 must not, under any circumstances, exceed the amount by which the total wages paid by the employer to all employees during the calendar quarter for which the deduction is claimed exceed the total wages paid by the employer to all employees during the corresponding calendar quarter of the immediately preceding calendar year.

3. An employer claiming the deduction allowed pursuant to this section shall, upon the request of the Department, explain the amount claimed to the satisfaction of the Department and provide the Department with such documentation as the Department deems appropriate for that purpose.

Sec. 3. This act becomes effective on July 1, 2011.

Assemblywoman Kirkpatrick moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Kirkpatrick moved that upon return from the printer, Assembly Bill No. 443 be rereferred to the Committee on Ways and Means.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 448.

Bill read third time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 357.

AN ACT relating to real property; ~~[providing for the issuance of cease and desist orders by the Administrator of the Real Estate Division of the Department of Business and Industry under certain circumstances;]~~ revising provisions governing access to a unit in a common-interest community; prohibiting an association of a common-interest community from charging certain fees; prohibiting an association from enacting certain restrictions on antennae and certain other devices for receiving broadcast signals; ~~[revising provisions governing the powers of an association; revising provisions governing the filling of vacancies on an executive board;]~~ revising provisions governing the powers and duties of the executive board; revising provisions governing construction penalties; revising provisions governing ~~[sanctions]~~ **fines** for violations of the governing documents; ~~[revising provisions~~

~~governing the collection of certain past due financial obligations;~~] revising provisions governing eligibility to be [~~a member of the executive board or~~] an officer of the association; requiring members of the executive board to complete certain courses of education; revising provisions governing meetings of the units' owners and of the executive board; [~~revising provisions governing surplus funds of an association; revising provisions governing the budget of an association;~~] revising provisions governing certain expenditures by an association; [~~revising provisions governing assessments to fund the reserves of an association;~~] revising provisions governing studies of the reserves of an association; [~~revising provisions governing liens of an association;~~] revising provisions governing the books, records and papers of an association; revising provisions governing parking in a common-interest community; revising provisions governing claims based on alleged violations of certain laws [~~and the interpretation, application and enforcement of the~~] **or the** governing documents; revising various other provisions relating to common-interest communities; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

[~~Section 1 of this bill provides for the issuance of orders to cease and desist by the Administrator of the Real Estate Division of the Department of Business and Industry under certain circumstances.~~]

Existing law prohibits an association of a common-interest community from unreasonably restricting, prohibiting or otherwise impeding the right of a unit's owner to have access to his or her unit. (NRS 116.2111) **Section 2** of this bill prohibits the association from restricting, prohibiting or otherwise impeding the access to [~~the~~] **a** unit of [~~the parents and children of the unit's owner.~~] **any resident of the unit. Section 2** also prohibits the association from: (1) charging a fee to a unit's owner for obtaining permission to change the exterior appearance of a unit or the landscaping; and (2) restricting in a manner which violates certain federal regulations the installation, maintenance or use of an antenna or other device for receiving certain broadcast signals.

[~~Existing law requires an association to provide certain notice at least 48 hours before directing the removal of a vehicle which is improperly parked on property owned or leased by the association unless the vehicle is blocking a fire hydrant, fire lane or handicapped parking space or poses a threat to the health, safety and welfare of residents. (NRS 116.3102) Section 3 of this bill requires the association to provide the 48 hour notice before removing a vehicle which is blocking a handicapped parking space.~~]

Section 4 of this bill [~~provides for an emergency election to fill certain vacancies on the executive board if the executive board is unable to obtain a quorum because of such vacancies and requires the Division to apply for the appointment of a receiver for the association if the units' owners are unable to fill such vacancies. Section 4 also: (1)~~] requires the association to make available to members of the executive board, at no charge, certain books, records and papers**.** [~~; and (2) requires the executive board to notify the~~

~~units' owners if the executive board has been found to have violated the provisions of existing law governing common-interest communities or the governing documents.]~~

Existing law authorizes an association to impose a construction penalty against a unit's owner who fails to adhere to a schedule. (NRS 116.310305) **Section 5** of this bill prohibits the imposition of a construction penalty if the failure to adhere to the schedule is caused by circumstances beyond the control of the unit's owner.

~~[Existing law authorizes an association to prohibit a unit's owner or a tenant or an invitee of a unit's owner or a tenant from using the common elements as a sanction for a violation of the governing documents. (NRS 116.31031) Section 6 of this bill provides that the association may prohibit only the use of a common element to which the violation relates, unless the violation is failure to pay an assessment.]~~ **Section 6** ~~[also]~~ **of this bill** revises provisions relating to fines for violations of the governing documents by: (1) ~~[providing a lifetime cap of $2,500 on the amount of fines which may be imposed on a unit's owner and his or her spouse; (2)]~~ prohibiting an association from imposing a fine if another association has imposed a fine for the same conduct; ~~[(3)]~~ **(2)** authorizing the postponement of a hearing on a violation for medical reasons; ~~[and (4)]~~ **(3)** requiring a hearing before the imposition of a fine for a continuing violation ~~[.]~~ **; and (4) staying the imposition and collection of a fine if a unit's owner files with the Real Estate Division of the Department of Business and Industry a claim or affidavit concerning the imposition of the fine.**

Existing law authorizes, but does not require, an association to enter the grounds of a unit to maintain the exterior of the unit under certain circumstances. (NRS 116.310312) **Section 7** of this bill provides that this authorization expires if the unit's owner or the agent of the unit's owner performs the maintenance necessary for the unit to meet the community standards.

~~[Section 8 of this bill limits the type of collection fees which an association may charge to a unit's owner and establishes a cap on the amount of such fees which is based on the amount of the outstanding balance.]~~

Section 9 of this bill requires a member of the executive board to ~~[successfully]~~ complete 2 hours of education concerning the duties of members of an executive board each year. **Section 9** also provides that ~~[: (1)]~~ unless the governing documents provide otherwise, officers of the association are required to be units' owners **.** ~~[; and (2) a person who resides with, or is related within the first degree of consanguinity to, an officer of the association or member of the executive board may not become an officer of the association or a member of the executive board.]~~

Section 11 of this bill revises various provisions relating to meetings of the units' owners by ~~[: (1) authorizing a unit's owner to request that an item be included on the agenda for the meeting; (2)]~~ authorizing a guest of a unit's

owner to attend the meeting **.** ~~[; and (3) authorizing a unit's owner to record the meeting on videotape as well as audiotape.]~~

Section 12 of this bill revises various provisions relating to meetings of the executive board by: (1) requiring the meetings which are held at a time other than standard business hours to start no earlier than 6 p.m.; (2) requiring the agenda to be available not later than 5 days before the meeting; (3) requiring a copy of certain financial information required to be reviewed at an executive board meeting to be made available at no charge to each person present at the meeting and to be provided in electronic format at no charge to a unit's owner who requests the information; and (4) providing that a page limit on materials, remarks or other information to be included in the minutes of the meeting must not be less than two double-sided pages.

Section 13 of this bill ~~[revises provisions governing the right of a unit's owner to speak at a meeting of the units' owners or the executive board by: (1) requiring a limitation of not less than 3 minutes on the time a unit's owner may speak; (2) requiring the association to comply with the Americans with Disabilities Act in providing access to the meeting; (3) requiring the executive board to provide a period of comments by the units' owners before voting on a matter; and (4) authorizing]~~ **authorizes** a person to be represented by a person of his or her choosing at a hearing concerning an alleged violation of the governing documents.

Section 14 of this bill requires bids for the provision of durable goods to the association to be opened during a meeting of the executive board.

Existing law requires an executive board which receives a complaint from a unit's owner alleging that the executive board has violated existing law or the governing documents to place the subject of the complaint on the agenda for its next meeting if the unit's owner requests that action. (NRS 116.31087) **Section 15** of this bill requires the executive board to discuss the complaint fully and completely and attempt to resolve the complaint at the meeting.

~~[Existing law creates certain crimes related to voting by units' owners. (NRS 116.31107) Section 16 of this bill requires these provisions to be printed on each ballot provided to the units' owners.~~

~~Section 17 of this bill defines "surplus funds" for the purpose of determining whether the association is required to pay the surplus funds to units' owners.]~~

Existing law requires a review or audit of the financial statement of an association at certain times. (NRS 116.31144) **Section 18** of this bill requires the association to provide a copy of the review or audit ~~[to a]~~ **at the request of a** unit's owner in ~~[either]~~ paper **format at a cost not to exceed 25 cents per page for the first 10 pages, and 10 cents per page for each page thereafter,** or **in** electronic format at no charge **.** ~~[to the unit's owner if the unit's owner requests such a copy.~~

~~Under existing law, the proposed budget of an association takes effect unless the units' owners reject the proposed budget. (NRS 116.3115, 116.31151) Sections 19 and 20 of this bill provide that the proposed budget~~

~~does not take effect unless the units' owners ratify the proposed budget. If the proposed budget is not ratified, the most recently ratified budget continues in effect.~~

~~Section 19 also revises provisions governing special assessments by: (1) removing provisions which specifically authorize the executive board to impose necessary and reasonable assessments to carry out a plan to adequately fund the reserves of the association without seeking or obtaining the approval of the units' owners; (2) providing that an assessment to fund the reserves of the association may not exceed $35 per unit per month; and (3) requiring the approval of the units' owners for capital expenditures exceeding a certain amount and for any visible changes to the interior or exterior of a common element.~~**]**

Section 20 **of this bill** requires the collections policy of the association to establish a certain period after which a delinquent fee, fine, assessment or cost may be referred for collection.

Existing law requires an association to conduct a study of the reserves required to repair, replace and restore the major components of the common elements and any other portion of the common-interest community that the association is obligated to maintain. (NRS 116.31152) **Section 21** of this bill prohibits the executive board from taking any action based on the study of the reserves, including, without limitation, establishing a funding plan to provide adequate funding for the required reserves, unless and until the executive board approves the study of the reserves at a meeting of the executive board. **Section 21** also: (1) requires the reserve study to be made available to a unit's owner in electronic format at no charge; and (2) provides for notice of the meeting to a unit's owner.

[~~Section 22 of this bill revises provisions governing the amount of the association's lien which is prior to a first security interest on a unit.~~

~~Section 23 of this bill prohibits the foreclosure of an association's lien and the filing of a civil action to obtain a judgment for the amount due if: (1) the foreclosure sale does not occur within 120 days after mailing the notice of default and election to sell; or (2) an agreement extending that period is not reached.~~**]**

Section 24 of this bill revises provisions governing the access of a unit's owner to the books, records and papers of an association**.** **[**~~and requires the publication of the views or opinions of a unit's owner in the association's official newsletter under certain circumstances.~~**]**

Existing law provides for a civil action if the executive board, a member of the executive board, a community manager or an officer, employee or agent of the association take, direct or encourage certain retaliatory action against a unit's owner. (NRS 116.31183) **Section 25** of this bill specifies certain actions which constitute retaliatory action.

[~~Section 26 of this bill prohibits an association from charging a fee to a unit's owner to obtain approval for the installation of drought tolerant landscaping.~~**]**

Section 27 of this bill replaces the authorization of an executive board to approve the renting or leasing of a unit under certain circumstances with a provision requiring the executive board to grant such approval under certain circumstances.

Section 28 of this bill ~~[: (1) prohibits the executive board and the governing documents from interfering with the parking of an automobile, privately owned standard pickup truck, motorcycle or certain other vehicles; and (2)]~~ requires the association of a common-interest community which is not gated or enclosed to display signs on or near any property on which parking is prohibited or restricted.

~~[Sections 29 and 33 of this bill revise provisions governing mediation and arbitration of claims relating to the interpretation, application or enforcement of certain governing documents by authorizing a civil action concerning certain claims to be commenced without submitting the claims to mediation or arbitration.]~~ **Section 29** ~~[also]~~ **of this bill** authorizes a civil action concerning a violation of **the governing documents of a common-interest community or a violation of** existing law governing common-interest communities to be brought by a tenant or an invitee of a unit's owner or a tenant.

Sections 31 and 32 of this bill require the sharing of information by the parties to an affidavit filed with the Division alleging a violation of existing law governing common-interest communities.

Section 34 of this bill revises provisions governing the mediation and arbitration of certain claims relating to the governing documents by: (1) ~~[prohibiting the findings of a mediator or arbitrator from being admitted in a civil action; (2)]~~ limiting the fees of a mediator or an arbitrator to ~~[$750; (3)]~~ **$1,000 unless a greater fee is authorized by the Commission for Common-Interest Communities and Condominium Hotels; (2)** requiring each party to a mediation or arbitration to pay an equal percentage of the fees of a mediator or arbitrator; ~~[(4)]~~ **(3)** providing that a party to a mediation or arbitration is not liable for the costs and attorney's fees incurred by another party during the mediation or arbitration; and ~~[(5)]~~ **(4)** providing for the removal of a mediator or arbitrator under certain circumstances.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. ~~[Chapter 116 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~*1. If the Administrator has reasonable cause to believe that any person or executive board has engaged in any activity in violation of any provision of this chapter, any regulation adopted pursuant thereto or any order, decision, demand or requirement of the Commission or Division or a hearing panel, or is about to commit such a violation, and that the violation or potential violation has caused or is likely to cause irreversible harm, the Administrator may issue an order directing the person or executive board*~~

~~*to desist and refrain from continuing to commit the violation or from doing any act in furtherance of the violation.*~~

~~*2. Within 30 days after the receipt of such an order, the person may file a verified petition with the Administrator for a hearing before the Commission.*~~

~~*3. The Commission shall hold a hearing at the next regularly scheduled meeting of the Commission. If the Commission fails to hold such a hearing, or does not render a written decision within 30 days after the hearing, the cease and desist order is rescinded.*~~

~~*4. The decision of the Commission at a hearing held pursuant to subsection 3 is a final decision for the purposes of judicial review.]*~~ **(Deleted by amendment.)**

Sec. 2. NRS 116.2111 is hereby amended to read as follows:

116.2111 1. Except as otherwise provided in this section and subject to the provisions of the declaration and other provisions of law, a unit's owner:

(a) May make any improvements or alterations to his or her unit that do not impair the structural integrity or mechanical systems or lessen the support of any portion of the common-interest community;

(b) May not change the appearance of the common elements, or the exterior appearance of a unit or any other portion of the common-interest community, without permission of the association; and

(c) After acquiring an adjoining unit or an adjoining part of an adjoining unit, may remove or alter any intervening partition or create apertures therein, even if the partition in whole or in part is a common element, if those acts do not impair the structural integrity or mechanical systems or lessen the support of any portion of the common-interest community. Removal of partitions or creation of apertures under this paragraph is not an alteration of boundaries.

2. An association may not:

(a) ~~[~~Unreasonably restrict,~~]~~ ***Restrict,*** prohibit or otherwise impede the lawful rights of a unit's owner ~~*[, and the children or parents of a unit's owner,]*~~ ***, or any resident of a unit,*** to have reasonable access to his or her unit ~~[.]~~ ***, unless directed otherwise by the unit's owner.***

(b) Charge any fee for a person to enter the common-interest community to provide services to a unit, a unit's owner or a tenant of a unit's owner or for any visitor to the common-interest community or invitee of a unit's owner or a tenant of a unit's owner to enter the common-interest community.

(c) Unreasonably restrict, prohibit or withhold approval for a unit's owner to add to a unit:

(1) Improvements such as ramps, railings or elevators that are necessary to improve access to the unit for any occupant of the unit who has a disability;

(2) Additional locks to improve the security of the unit;

(3) Shutters to improve the security of the unit or to reduce the costs of energy for the unit; or

(4) A system that uses wind energy to reduce the costs of energy for the unit if the boundaries of the unit encompass 2 acres or more within the common-interest community.

(d) With regard to approving or disapproving any improvement or alteration made to a unit, act in violation of any state or federal law.

(e) Charge any fee to a unit's owner for obtaining permission to change the exterior appearance of a unit or the landscaping associated with a unit.

(f) Restrict in a manner which violates the provisions of 47 C.F.R. § 1.4000 the installation, maintenance or use of any antenna or other device described in that section.

3. Any improvement or alteration made pursuant to subsection 2 that is visible from any other portion of the common-interest community must be installed, constructed or added in accordance with the procedures set forth in the governing documents of the association and must be selected or designed to the maximum extent practicable to be compatible with the style of the common-interest community.

4. An association may not unreasonably restrict, prohibit or withhold approval for a unit's owner to add shutters to improve the security of the unit or to reduce the costs of energy for the unit, including, without limitation, rolling shutters, that are attached to a portion of an interior or exterior window, interior or exterior door or interior or exterior wall which is not part of the unit and which is a common element or limited common element if:

(a) The portion of the window, door or wall to which the shutters are attached is adjoining the unit; and

(b) The shutters must necessarily be attached to that portion of the window, door or wall during installation to achieve the maximum benefit in improving the security of the unit or reducing the costs of energy for the unit.

5. If a unit's owner adds shutters pursuant to subsection 4, the unit's owner is responsible for the maintenance of the shutters.

6. For the purposes of subsection 4, a covenant, restriction or condition which does not unreasonably restrict the addition of shutters and which is contained in the governing documents of a common-interest community or a policy established by a common-interest community is enforceable so long as the covenant, restriction or condition was:

(a) In existence on July 1, 2009; or

(b) Contained in the governing documents in effect on the close of escrow of the first sale of a unit in the common-interest community.

7. A unit's owner may not add to the unit a system that uses wind energy as described in subparagraph 4 of paragraph (c) of subsection 2 unless the unit's owner first obtains the written consent of each owner of property within 300 feet of any boundary of the unit.

Sec. 3. NRS 116.3102 is hereby amended to read as follows:

116.3102 1. Except as otherwise provided in this section, and subject to the provisions of the declaration, the association may do any or all of the following:

(a) Adopt and amend bylaws, rules and regulations.

(b) Adopt and amend budgets for revenues, expenditures and reserves and collect assessments for common expenses from the units' owners.

(c) Hire and discharge managing agents and other employees, agents and independent contractors.

(d) Institute, defend or intervene in litigation or administrative proceedings in its own name on behalf of itself or two or more units' owners on matters affecting the common-interest community.

(e) Make contracts and incur liabilities. Any contract between the association and a private entity for the furnishing of goods or services must not include a provision granting the private entity the right of first refusal with respect to extension or renewal of the contract.

(f) Regulate the use, maintenance, repair, replacement and modification of common elements.

(g) Cause additional improvements to be made as a part of the common elements.

(h) Acquire, hold, encumber and convey in its own name any right, title or interest to real estate or personal property, but:

(1) Common elements in a condominium or planned community may be conveyed or subjected to a security interest only pursuant to NRS 116.3112; and

(2) Part of a cooperative may be conveyed, or all or part of a cooperative may be subjected to a security interest, only pursuant to NRS 116.3112.

(i) Grant easements, leases, licenses and concessions through or over the common elements.

(j) Impose and receive any payments, fees or charges for the use, rental or operation of the common elements, other than limited common elements described in subsections 2 and 4 of NRS 116.2102, and for services provided to the units' owners, including, without limitation, any services provided pursuant to NRS 116.310312.

(k) Impose ~~*[collection costs and]*~~ charges for late payment of assessments pursuant to NRS 116.3115.

(l) Impose construction penalties when authorized pursuant to NRS 116.310305.

(m) Impose reasonable fines for violations of the governing documents of the association only if the association complies with the requirements set forth in NRS 116.31031.

(n) Impose reasonable charges for the preparation and recordation of any amendments to the declaration or any statements of unpaid assessments, and impose reasonable fees, not to exceed the amounts authorized by NRS 116.4109, for preparing and furnishing the documents and certificate required by that section.

(o) Provide for the indemnification of its officers and executive board and maintain directors' and officers' liability insurance.

(p) Assign its right to future income, including the right to receive assessments for common expenses, but only to the extent the declaration expressly so provides.

(q) Exercise any other powers conferred by the declaration or bylaws.

(r) Exercise all other powers that may be exercised in this State by legal entities of the same type as the association.

(s) Direct the removal of vehicles improperly parked on property owned or leased by the association, as authorized pursuant to NRS 487.038, or improperly parked on any road, street, alley or other thoroughfare within the common-interest community in violation of the governing documents. In addition to complying with the requirements of NRS 487.038 and any requirements in the governing documents, if ~~[a]~~ ***any*** vehicle ***, regardless of the person who owns the vehicle,*** is improperly parked as described in this paragraph, the association must post written notice in a conspicuous place on the vehicle or provide oral or written notice to the owner or operator of the vehicle at least 48 hours before the association may direct the removal of the vehicle, unless the vehicle:

(1) Is blocking a fire hydrant , ~~[or]~~ fire lane or parking space designated for the handicapped; or

(2) Poses an imminent threat of causing a substantial adverse effect on the health, safety or welfare of the units' owners or residents of the common-interest community.

(t) Exercise any other powers necessary and proper for the governance and operation of the association.

2. The declaration may not impose limitations on the power of the association to deal with the declarant which are more restrictive than the limitations imposed on the power of the association to deal with other persons.

3. Notwithstanding any provision of this chapter or the governing documents to the contrary, an association may not impose any assessment pursuant to this chapter or the governing documents on the owner of any property in the common-interest community that is exempt from taxation pursuant to NRS 361.125. For the purposes of this subsection, "assessment" does not include any charge for any utility services, including, without limitation, telecommunications, broadband communications, cable television, electricity, natural gas, sewer services, garbage collection, water or for any other service which is delivered to and used or consumed directly by the property in the common-interest community that is exempt from taxation pursuant to NRS 361.125.

Sec. 4. NRS 116.3103 is hereby amended to read as follows:

116.3103 1. Except as otherwise provided in the declaration, the bylaws, this section or other provisions of this chapter, the executive board may act in all instances on behalf of the association. In the performance of their duties, the officers and members of the executive board are fiduciaries and shall act on an informed basis, in good faith and in the honest belief that

their actions are in the best interest of the association. The members of the executive board are required to exercise the ordinary and reasonable care of directors of a corporation, subject to the business-judgment rule.

2. The executive board may not act on behalf of the association to amend the declaration, to terminate the common-interest community, or to elect members of the executive board or determine their qualifications, powers and duties or terms of office, but the executive board may fill vacancies in its membership for the unexpired portion of any term ~~*[if the executive board is able to obtain a quorum pursuant to subsection 3 of NRS 116.3109]*~~ unless the governing documents provide that a vacancy on the executive board must be filled by a vote of the membership of the association. ***If the executive board is authorized to fill vacancies in its membership pursuant to this subsection, the executive board may not appoint to the executive board a person who has been removed from the executive board pursuant to NRS 116.31036 within the immediately preceding 6 years.***

3. Notwithstanding the provisions of NRS 116.31175, 116.31177 and 116.3118, upon the request of a member of the executive board, the association shall make available to the member of the executive board, at no charge, the books, records and other papers of the executive board and the association, including, without limitation, records, invoices, contracts, agreements, letters of instruction issued by the Division, correspondence between a unit's owner and the community manager, notices of violations, financial records, bank statements, personnel records, employment contracts, reserve studies, notices of delinquent assessments and notices of default and election to sell mailed pursuant to NRS 116.31162, architectural plans and specifications submitted by a unit's owner, minutes of executive sessions of the executive board, voice recordings and any other book, record or paper created by the executive board or the association, its agents or a member of the executive board acting in the course and scope of his or her duties as a member of the executive board.

~~*[4. If the Commission, a mediator or an arbitrator who conducts a mediation or arbitration pursuant to NRS 38.300 to 38.360, inclusive, or a court finds that the executive board has committed a violation of any provision of the governing documents, this chapter, any regulation adopted pursuant thereto or any order of the Commission or a hearing panel, the executive board must notify the units' owners of the findings by mailing a statement of the findings to the mailing address of each unit within the common-interest community or to any other mailing address designated in writing by a unit's owner.*~~

~~*5. Notwithstanding any provision of this chapter or the governing documents, if the executive board is unable to obtain a quorum pursuant to subsection 3 of NRS 116.3109 because of vacancies on the executive board, the association must, within 30 days, hold a meeting of the units' owners for the purpose of conducting an election to fill such vacancies as necessary to*~~

~~*provide a quorum for the executive board. The meeting and election must be conducted in the following manner:*~~

~~*(a) Not later than 10 days in advance of the meeting, the secretary or other officer specified in the bylaws shall cause notice of the meeting to be hand-delivered, sent prepaid by United States mail to the mailing address of each unit or to any other mailing address designated in writing by the unit's owner or, if the association offers to send notice by electronic mail, sent by electronic mail at the request of the unit's owner to an electronic mail address designated in writing by the unit's owner. The notice of the meeting must state the time and place of the meeting and that the meeting is being held for the purpose of filling vacancies on the executive board. The notice must include notification of the right of a unit's owner to:*~~

~~*(1) Have a copy of the minutes or a summary of the minutes of the meeting provided to the unit's owner upon request, in electronic format at no charge to the unit's owner or, if the association is unable to provide the copy or summary in electronic format, in paper format at a cost not to exceed 25 cents per page for the first 10 pages, and 10 cents per page thereafter.*~~

~~*(2) Speak to the association regarding the election to fill vacancies on the executive board.*~~

~~*(b) At the meeting:*~~

~~*(1) A quorum of the units' owners is not required for the nomination of any candidate to fill a vacancy on the executive board or for the election to fill the vacancy.*~~

~~*(2) A units' owner may attend the meeting in person or by proxy. The provisions of NRS 116.311 apply to the use of proxies at the meeting.*~~

~~*(3) The units' owners present in person or by proxy shall nominate candidates to fill such vacancies on the executive board as are necessary to create a quorum for the executive board.*~~

~~*(4) After nominations are taken, the election to fill a vacancy must be conducted by secret written ballot.*~~

~~*(5) The secret written ballots must be opened and counted at the meeting and the candidate receiving a majority of the votes cast for that seat on the executive board is elected to the executive board for the period provided in paragraph (d).*~~

~~*(c) The provisions of subsections 8, 9, 11 and 12 of NRS 116.3108 regarding the minutes of the meeting and the recording of the meeting by a unit's owner are applicable to the meeting.*~~

~~*(d) Upon the election of members to the executive board pursuant to this subsection:*~~

~~*(1) A candidate elected to the executive board pursuant to this subsection is elected for a term of 90 days, except that if the regular election for that seat on the executive board must be conducted within 180 days after the candidate's election, the candidate is elected for the unexpired portion of the term.*~~

~~*(2) The executive board may not fill any vacancy remaining after the election but, within 90 days after the election pursuant to this subsection, must call for an election to be conducted pursuant to NRS 116.31034 to fill:*~~

~~*(I) Each remaining vacancy for which a regular election is not required within 180 days; and*~~

~~*(II) The seats on the executive board which were filled pursuant to this subsection, unless an election for such a seat is required to be conducted within 180 days.*~~

~~*6. If, at an election conducted pursuant to subsection 5, the units' owners do not fill a sufficient number of vacancies on the executive board to provide a quorum for the executive board, the Division must apply to a court of competent jurisdiction for the appointment of a receiver for the association. In the application for the appointment of the receiver, notice of a temporary appointment of a receiver may be given to the association alone, by process as in the case of an application for a temporary restraining order or injunction. The hearing thereon may be had after 5 days' notice unless the court directs a longer or different notice and different parties. The court may appoint one or more receivers to carry out the business of the association. The members of the executive board must be preferred in making the appointment. The powers of any receiver appointed pursuant to this subsection may be continued as long as the court deems necessary and proper. At any time, for sufficient cause, the court may order the receivership terminated. Any receiver appointed pursuant to this subsection has, among the usual powers, all the functions, powers, tenure and duties to be exercised under the direction of the court as are conferred on receivers and as provided in NRS 78.635, 78.640 and 78.645, whether or not the association is insolvent. Such powers include, without limitation, the powers to:*~~

~~*(a) Take charge of the estate and effects of the association;*~~

~~*(b) Appoint an agent or agents;*~~

~~*(c) Collect any debts and property due and belonging to the association and prosecute and defend, in the name of the association, or otherwise, any civil action as may be necessary or proper for the purposes of collecting debts and property;*~~

~~*(d) Perform any other act in accordance with the governing documents of the association and this chapter that may be necessary for the association to carry out its obligations; and*~~

~~*(e) By injunction, restrain the association from exercising any of its powers or doing business in any way except by and through a receiver appointed by the court.]*~~

Sec. 5. NRS 116.310305 is hereby amended to read as follows:

116.310305 1. A unit's owner shall adhere to a schedule required by the association for:

(a) The completion of the design of a unit or the design of an improvement to a unit;

(b) The commencement of the construction of a unit or the construction of an improvement to a unit;

(c) The completion of the construction of a unit or the construction of an improvement to the unit; or

(d) The issuance of a permit which is necessary for the occupancy of a unit or for the use of an improvement to a unit.

2. ~~[The]~~ ***Except as otherwise provided by subsection 3, the*** association may impose and enforce a construction penalty against a unit's owner who fails to adhere to a schedule as required pursuant to subsection 1 if:

(a) The maximum amount of the construction penalty and the schedule are set forth in:

(1) The declaration;

(2) Another document related to the common-interest community that is recorded before the date on which the unit's owner acquired title to the unit; or

(3) A contract between the unit's owner and the association; and

(b) The unit's owner receives notice of the alleged violation which informs the unit's owner that he or she has a right to a hearing on the alleged violation.

3. ***The association may not impose or enforce a construction penalty against a unit's owner pursuant to subsection 2 if the failure to adhere to the schedule as required pursuant to subsection 1 is caused by circumstances beyond the control of the unit's owner.***

4. For the purposes of this chapter, a construction penalty is not a fine.

Sec. 6. NRS 116.31031 is hereby amended to read as follows:

116.31031 1. Except as otherwise provided in this section, if a unit's owner or a tenant or an invitee of a unit's owner or a tenant violates any provision of the governing documents of an association, the executive board may, if the governing documents so provide:

(a) Prohibit, for a reasonable time, the unit's owner or the tenant or the invitee of the unit's owner or the tenant from:

(1) Voting on matters related to the common-interest community.

(2) Using the ~~*[specific]*~~ common elements. ~~*[element to which the violation relates, if the violation relates to a common element.]*~~ The provisions of this subparagraph do not prohibit the ~~*[executive board from prohibiting a unit's owner from using the common elements if the unit's owner is delinquent in the payment of any assessment and do not prohibit the]*~~ unit's owner or the tenant or the invitee of the unit's owner or the tenant from using any vehicular or pedestrian ingress or egress to go to or from the unit, including any area used for parking.

(b) Impose a fine against the unit's owner or the tenant or the invitee of the unit's owner or the tenant for each violation, except that:

(1) A fine may not be imposed for a violation that is the subject of a construction penalty pursuant to NRS 116.310305; and

(2) A fine may not be imposed against a unit's owner or a tenant or invitee of a unit's owner or a tenant for a violation of the governing documents which involves a vehicle and which is committed by a person who is delivering goods to, or performing services for, the unit's owner or tenant or invitee of the unit's owner or the tenant.

➥ If the violation poses an imminent threat of causing a substantial adverse effect on the health, safety or welfare of the units' owners or residents of the common-interest community, the amount of the fine must be commensurate with the severity of the violation and must be determined by the executive board in accordance with the governing documents. If the violation does not pose an imminent threat of causing a substantial adverse effect on the health, safety or welfare of the units' owners or residents of the common-interest community, the amount of the fine must be commensurate with the severity of the violation and must be determined by the executive board in accordance with the governing documents, but the amount of the fine must not exceed $100 for each violation or a total amount of $1,000, whichever is less. ~~*[During the lifetime of the unit's owner and any successor in interest who is the spouse of the unit's owner, the total amount of fines imposed against the unit's owner and the successor in interest must not exceed $2,500.]*~~ The limitations on the amount of the fine do not apply to any charges or costs that may be collected by the association pursuant to this section if the fine becomes past due.

2. ***Notwithstanding any other provision of this chapter, the executive board may not impose a fine pursuant to subsection 1 against a unit's owner or a tenant or an invitee of a unit's owner or a tenant if the executive board of another association has imposed a fine against the unit's owner, tenant or invitee for the same action, or failure to act, on the part of the unit's owner, tenant or invitee.***

3. The executive board may not impose a fine pursuant to subsection 1 against a unit's owner for a violation of any provision of the governing documents of an association committed by an invitee of the unit's owner or the tenant unless the unit's owner:

(a) Participated in or authorized the violation;

(b) Had prior notice of the violation; or

(c) Had an opportunity to stop the violation and failed to do so.

~~[3.]~~ ***4.*** The executive board may not impose a fine pursuant to subsection 1 unless:

(a) Not less than 30 days before the ***alleged*** violation, the unit's owner and, if different, the person against whom the fine will be imposed had been provided with written notice of the applicable provisions of the governing documents that form the basis of the ***alleged*** violation; and

(b) Within a reasonable time after the discovery of the ***alleged*** violation, the unit's owner and, if different, the person against whom the fine will be imposed has been provided with:

(1) Written notice specifying the details of the ***alleged*** violation, ***the location of the alleged violation,*** the amount of the fine, and the date, time and location for a hearing on the violation; and

(2) A reasonable opportunity to contest the ***alleged*** violation at the hearing.

➥ For the purposes of this subsection, a unit's owner shall not be deemed to have received written notice unless written notice is mailed to the address of the unit and, if different, to a mailing address specified by the unit's owner.

~~[4.]~~ ***5.*** The executive board must schedule the date, time and location for the hearing on the ***alleged*** violation so that the unit's owner and, if different, the person against whom the fine will be imposed is provided with a reasonable opportunity to prepare for the hearing and to be present at the hearing.

~~[5.]~~ ***A hearing may be postponed if the unit's owner or, if different, the person against whom the fine will be imposed presents to the executive board or an officer of the association medical documentation indicating that he or she is unable to participate in the hearing for medical reasons. At the hearing on the alleged violation, the unit's owner and, if different, the person against whom the fine will be imposed may be represented by an attorney or any other representative. Notwithstanding any other provision of this chapter, the cost of an attorney representing the association or executive board at a hearing pursuant to this section may not be charged to the unit's owner or other person against whom the fine will be imposed.***

6. The executive board must hold a hearing before it may impose the fine, unless the fine is paid before the hearing or unless the unit's owner and, if different, the person against whom the fine will be imposed:

(a) Executes a written waiver of the right to the hearing; or

(b) Fails to appear at the hearing after being provided with proper notice of the hearing.

~~[6.]~~ ***7.*** If a fine is imposed pursuant to subsection 1 and the violation is not cured within ~~[14]~~ ***21*** days, or within any longer period that may be established by the executive board, the violation shall be deemed a continuing violation. Thereafter, the executive board may impose an additional fine for the violation for each 7-day period ~~[or portion thereof]~~ that the violation is not cured. ~~[Any additional fine may be imposed without notice and an opportunity to be heard.]~~

~~[7.]~~ ***8.*** If the governing documents so provide, the executive board may appoint a committee, with not less than three members, to conduct hearings on violations and to impose fines pursuant to this section. While acting on behalf of the executive board for those limited purposes, the committee and its members are entitled to all privileges and immunities and are subject to all duties and requirements of the executive board and its members.

~~[8.]~~ ***9.*** A member of the executive board shall not participate in any hearing or cast any vote relating to a fine imposed pursuant to subsection 1 if

the member has not paid all assessments which are due to the association by the member. If a member of the executive board:

(a) Participates in a hearing in violation of this subsection, any action taken at the hearing is void.

(b) Casts a vote in violation of this subsection, the vote is void.

~~[9.]~~ ***10. If a unit's owner or, if different, a person against whom a fine was imposed pursuant subsection 1 files a claim with the Division pursuant to NRS 38.320 which alleges that the executive board violated a provision of the governing documents in connection with the imposition of the fine, the imposition and collection of the fine is stayed until the conclusion of mediation or, if applicable, the issuance of an arbitration decision. If a unit's owner or, if different, a person against whom a fine was imposed pursuant to subsection 1 files an affidavit with the Division pursuant to NRS 116.760 which alleges that the executive board violated a provision of*** ~~*[the governing documents]*~~ ***this chapter in connection with the imposition of the fine, the imposition and collection of the fine is stayed until the resolution of the matter pursuant to subsection 1 of NRS 116.785, the issuance of a decision by the Division to not file a formal complaint pursuant to subsection 5 of NRS 116.765 or the final decision of the Commission, whichever is applicable.***

~~*[10.]*~~ ***11.*** The provisions of this section establish the minimum procedural requirements that the executive board must follow before it may impose a fine. The provisions of this section do not preempt any provisions of the governing documents that provide greater procedural protections.

~~[10.]~~ ~~*[11.]*~~ ***12.*** Any past due fine must not bear interest, but may include any costs incurred by the association during a civil action to enforce the payment of the past due fine.

~~[11.]~~ ~~*[12.]*~~ ***13.*** If requested by a person upon whom a fine was imposed, not later than 60 days after receiving any payment of a fine, an association shall provide to the person upon whom the fine was imposed a statement of the remaining balance owed.

Sec. 7. NRS 116.310312 is hereby amended to read as follows:

116.310312 1. A person who holds a security interest in a unit must provide the association with the person's contact information as soon as reasonably practicable, but not later than 30 days after the person:

(a) Files an action for recovery of a debt or enforcement of any right secured by the unit pursuant to NRS 40.430; or

(b) Records or has recorded on his or her behalf a notice of a breach of obligation secured by the unit and the election to sell or have the unit sold pursuant to NRS 107.080.

2. If an action or notice described in subsection 1 has been filed or recorded regarding a unit and the association has provided the unit's owner with notice and an opportunity for a hearing in the manner provided in NRS 116.31031, the association, including its employees, agents and community manager, may, but is not required to, enter the grounds of the

unit, whether or not the unit is vacant, to take any of the following actions if the unit's owner refuses or fails to take any action or comply with any requirement imposed on the unit's owner within the time specified by the association as a result of the hearing:

(a) Maintain the exterior of the unit in accordance with the standards set forth in the governing documents, including, without limitation, any provisions governing maintenance, standing water or snow removal. ***The authorization to enter the grounds of the unit for the purposes set forth in this paragraph continues until the unit's owner or an agent of the unit's owner performs the maintenance necessary to maintain the exterior of the unit in accordance with the standards set forth in the governing documents.***

(b) Remove or abate a public nuisance on the exterior of the unit which:

(1) Is visible from any common area of the community or public streets;

(2) Threatens the health or safety of the residents of the common-interest community;

(3) Results in blighting or deterioration of the unit or surrounding area; and

(4) Adversely affects the use and enjoyment of nearby units.

3. If a unit is vacant and the association has provided the unit's owner with notice and an opportunity for a hearing in the manner provided in NRS 116.31031, the association, including its employees, agents and community manager, may enter the grounds of the unit to maintain the exterior of the unit or abate a public nuisance as described in subsection 2 if the unit's owner refuses or fails to do so.

4. The association may order that the costs of any maintenance or abatement conducted pursuant to subsection 2 or 3, including, without limitation, reasonable inspection fees, notification and collection costs and interest, be charged against the unit. The association shall keep a record of such costs and interest charged against the unit and has a lien on the unit for any unpaid amount of the charges. The lien may be foreclosed under NRS 116.31162 to 116.31168, inclusive.

5. A lien described in subsection 4 bears interest from the date that the charges become due at a rate determined pursuant to NRS 17.130 until the charges, including all interest due, are paid.

6. Except as otherwise provided in this subsection, a lien described in subsection 4 is prior and superior to all liens, claims, encumbrances and titles other than the liens described in paragraphs (a) and (c) of subsection 2 of NRS 116.3116. If the federal regulations of the Federal Home Loan Mortgage Corporation or the Federal National Mortgage Association require a shorter period of priority for the lien, the period during which the lien is prior and superior to other security interests shall be determined in accordance with those federal regulations. Notwithstanding the federal regulations, the period of priority of the lien must not be less than the 6 months immediately preceding the institution of an action to enforce the lien.

7. A person who purchases or acquires a unit at a foreclosure sale pursuant to NRS 40.430 or a trustee's sale pursuant to NRS 107.080 is bound by the governing documents of the association and shall maintain the exterior of the unit in accordance with the governing documents of the association. Such a unit may only be removed from a common-interest community in accordance with the governing documents pursuant to this chapter.

8. Notwithstanding any other provision of law, an association, its directors or members of the executive board, employees, agents or community manager who enter the grounds of a unit pursuant to this section are not liable for trespass.

9. As used in this section:

(a) "Exterior of the unit" includes, without limitation, all landscaping outside of a unit and the exterior of all property exclusively owned by the unit owner.

(b) "Vacant" means a unit:

(1) Which reasonably appears to be unoccupied;

(2) On which the owner has failed to maintain the exterior to the standards set forth in the governing documents the association; and

(3) On which the owner has failed to pay assessments for more than 60 days.

Sec. 8. ~~[NRS 116.310313 is hereby amended to read as follows:~~

~~116.310313 1.~~ **[**An**]** ***If the governing documents authorize an*** ~~association~~ **[**may**]** ***to*** ~~charge a unit's owner~~ **[**reasonable fees to cover**]** ***for*** ~~the costs of collecting any past due obligation~~ **[**~~. The Commission shall adopt regulations establishing the amount of the fees that an association may charge pursuant to this section.~~**]** ~~,~~ ***, the governing documents may not authorize the association to charge the unit's owner for any costs of collecting other than costs relating to filing, recording, title searches, bankruptcy searches and postage. The rate established by the association for the costs of collecting the past due obligation:***

~~***(a) May not exceed $40, if the outstanding balance is less than $200.***~~

~~***(b) May not exceed $75, if the outstanding balance is $200 or more but is less than $500.***~~

~~***(c) May not exceed $125, if the outstanding balance is $500 or more but is less than $1,000.***~~

~~***(d) May not exceed $175, if the outstanding balance is $1,000 or more but is less than $5,000.***~~

~~***(e) May not exceed $200, if the outstanding balance is $5,000 or more.***~~

~~2. The provisions of this section apply to any costs of collecting a past due obligation charged to a unit's owner, regardless of whether the past due obligation is collected by the association itself or by any person acting on behalf of the association, including, without limitation, an officer or employee of the association, a community manager or a collection agency.~~

~~3. As used in this section:~~

~~(a) "Costs of collecting" includes any fee, charge or cost, by whatever name, including, without limitation, any collection fee, filing fee, recording fee, fee related to the preparation, recording or delivery of a lien or lien rescission, title search lien fee, bankruptcy search fee, referral fee, fee for postage or delivery and any other fee or cost that an association charges a unit's owner for the investigation, enforcement or collection of a past due obligation. The term does not include any costs incurred by an association if a lawsuit is filed to enforce any past due obligation or any costs awarded by a court.~~

~~(b) "Obligation" means any assessment, fine, construction penalty, fee, charge or interest levied or imposed against a unit's owner pursuant to any provision of this chapter or the governing documents.~~**]** **(Deleted by amendment.)**

Sec. 9. NRS 116.31034 is hereby amended to read as follows:

116.31034 1. Except as otherwise provided in subsection 5 of NRS 116.212, not later than the termination of any period of declarant's control, the units' owners shall elect an executive board of at least three members, all of whom must be units' owners. The executive board shall elect the officers of the association. Unless the governing documents provide otherwise, the officers of the association are **[**~~not~~**]** required to be units' owners. The members of the executive board and the officers of the association shall take office upon election. ~~*[If two persons reside together in a unit, are married to each other or are related by blood, adoption or marriage, within the first degree of consanguinity or affinity, and if one of those persons is an officer of the association or a member of the executive board, the other person may not be an officer of the association or a member of the executive board.]*~~

2. The term of office of a member of the executive board may not exceed 3 years, except for members who are appointed by the declarant. Unless the governing documents provide otherwise, there is no limitation on the number of terms that a person may serve as a member of the executive board.

3. The governing documents of the association must provide for terms of office that are staggered in such a manner that, to the extent possible, an equal number of members of the executive board are elected at each election. The provisions of this subsection do not apply to:

(a) Members of the executive board who are appointed by the declarant; and

(b) Members of the executive board who serve a term of 1 year or less.

4. Not less than 30 days before the preparation of a ballot for the election of members of the executive board, the secretary or other officer specified in the bylaws of the association shall cause notice to be given to each unit's owner of the unit's owner's eligibility to serve as a member of the executive board. Each unit's owner who is qualified to serve as a member of the executive board may have his or her name placed on the ballot along with the

names of the nominees selected by the members of the executive board or a nominating committee established by the association.

5. Before the secretary or other officer specified in the bylaws of the association causes notice to be given to each unit's owner of his or her eligibility to serve as a member of the executive board pursuant to subsection 4, the executive board may determine that if, at the closing of the prescribed period for nominations for membership on the executive board, the number of candidates nominated for membership on the executive board is equal to or less than the number of members to be elected to the executive board at the election, then the secretary or other officer specified in the bylaws of the association will cause notice to be given to each unit's owner informing each unit's owner that:

(a) The association will not prepare or mail any ballots to units' owners pursuant to this section and the nominated candidates shall be deemed to be duly elected to the executive board unless:

(1) A unit's owner who is qualified to serve on the executive board nominates himself or herself for membership on the executive board by submitting a nomination to the executive board within 30 days after the notice provided by this subsection; and

(2) The number of units' owners who submit such a nomination causes the number of candidates nominated for membership on the executive board to be greater than the number of members to be elected to the executive board.

(b) Each unit's owner who is qualified to serve as a member of the executive board may nominate himself or herself for membership on the executive board by submitting a nomination to the executive board within 30 days after the notice provided by this subsection.

6. If the notice described in subsection 5 is given and if, at the closing of the prescribed period for nominations for membership on the executive board described in subsection 5, the number of candidates nominated for membership on the executive board is equal to or less than the number of members to be elected to the executive board, then:

(a) The association will not prepare or mail any ballots to units' owners pursuant to this section;

(b) The nominated candidates shall be deemed to be duly elected to the executive board not later than 30 days after the date of the closing of the period for nominations described in subsection 5; and

(c) The association shall send to each unit's owner notification that the candidates nominated have been elected to the executive board.

7. If the notice described in subsection 5 is given and if, at the closing of the prescribed period for nominations for membership on the executive board described in subsection 5, the number of candidates nominated for membership on the executive board is greater than the number of members to be elected to the executive board, then the association shall:

(a) Prepare and mail ballots to the units' owners pursuant to this section; and

(b) Conduct an election for membership on the executive board pursuant to this section.

8. Each person who is nominated as a candidate for a member of the executive board pursuant to subsection 4 or 5 must:

(a) Make a good faith effort to disclose any financial, business, professional or personal relationship or interest that would result or would appear to a reasonable person to result in a potential conflict of interest for the candidate if the candidate were to be elected to serve as a member of the executive board; and

(b) Disclose whether the candidate is a member in good standing. For the purposes of this paragraph, a candidate shall not be deemed to be in "good standing" if the candidate has any unpaid and past due assessments or construction penalties that are required to be paid to the association.

➥ The candidate must make all disclosures required pursuant to this subsection in writing to the association with his or her candidacy information. Except as otherwise provided in this subsection, the association shall distribute the disclosures, on behalf of the candidate, to each member of the association with the ballot or, in the event ballots are not prepared and mailed pursuant to subsection 6, in the next regular mailing of the association. The association is not obligated to distribute any disclosure pursuant to this subsection if the disclosure contains information that is believed to be defamatory, libelous or profane.

9. Unless a person is appointed by the declarant:

(a) A person may not be a member of the executive board or an officer of the association if the person, the person's spouse or the person's parent or child, by blood, marriage or adoption, performs the duties of a community manager for that association.

(b) A person may not be a member of the executive board of a master association or an officer of that master association if the person, the person's spouse or the person's parent or child, by blood, marriage or adoption, performs the duties of a community manager for:

(1) That master association; or

(2) Any association that is subject to the governing documents of that master association.

10. An officer, employee, agent or director of a corporate owner of a unit, a trustee or designated beneficiary of a trust that owns a unit, a partner of a partnership that owns a unit, a member or manager of a limited-liability company that owns a unit, and a fiduciary of an estate that owns a unit may be an officer of the association or a member of the executive board. In all events where the person serving or offering to serve as an officer of the association or a member of the executive board is not the record owner, the person shall file proof in the records of the association that:

(a) The person is associated with the corporate owner, trust, partnership, limited-liability company or estate as required by this subsection; and

(b) Identifies the unit or units owned by the corporate owner, trust, partnership, limited-liability company or estate.

11. Except as otherwise provided in subsection 6 or NRS 116.31105, the election of any member of the executive board must be conducted by secret written ballot in the following manner:

(a) The secretary or other officer specified in the bylaws of the association shall cause a secret ballot and a return envelope to be sent, prepaid by United States mail, to the mailing address of each unit within the common-interest community or to any other mailing address designated in writing by the unit's owner.

(b) Each unit's owner must be provided with at least 15 days after the date the secret written ballot is mailed to the unit's owner to return the secret written ballot to the association.

(c) A quorum is not required for the election of any member of the executive board.

(d) Only the secret written ballots that are returned to the association may be counted to determine the outcome of the election.

(e) The secret written ballots must be opened and counted at a meeting of the association. A quorum is not required to be present when the secret written ballots are opened and counted at the meeting.

(f) The incumbent members of the executive board and each person whose name is placed on the ballot as a candidate for a member of the executive board may not possess, be given access to or participate in the opening or counting of the secret written ballots that are returned to the association before those secret written ballots have been opened and counted at a meeting of the association.

12. An association shall not adopt any rule or regulation that has the effect of prohibiting or unreasonably interfering with a candidate in the candidate's campaign for election as a member of the executive board, except that the candidate's campaign may be limited to 90 days before the date that ballots are required to be returned to the association. A candidate may request that the secretary or other officer specified in the bylaws of the association send, 30 days before the date of the election and at the association's expense, to the mailing address of each unit within the common-interest community or to any other mailing address designated in writing by the unit's owner a candidate informational statement. The candidate informational statement:

(a) Must be no longer than a single, typed page;

(b) Must not contain any defamatory, libelous or profane information; and

(c) May be sent with the secret ballot mailed pursuant to subsection 11 or in a separate mailing.

➥ The association and its directors, officers, employees and agents are immune from criminal or civil liability for any act or omission which arises

out of the publication or disclosure of any information related to any person and which occurs in the course of carrying out any duties required pursuant to this subsection.

13. Each member of the executive board shall, within 90 days after his or her appointment or election, certify in writing to the association, on a form prescribed by the Administrator, that the member has read and understands the governing documents of the association and the provisions of this chapter to the best of his or her ability. The Administrator may ~~*[shall]*~~ require the association to submit a copy of the certification of each member of the executive board of that association at the time the association registers with the Ombudsman pursuant to NRS 116.31158.

14. Within 3 months after his or her election or appointment to the executive board, a member of the executive board shall ~~*[successfully]*~~ ***complete 2 hours of instruction in a course of education relating to the duties of a member of the executive board. Every year thereafter during which the member of the executive board is a member of the executive board, he or she shall complete 2 hours of instruction in such a course of education.***

Sec. 10. NRS 116.31038 is hereby amended to read as follows:

116.31038 In addition to any applicable requirement set forth in NRS 116.310395, within 30 days after units' owners other than the declarant may elect a majority of the members of the executive board, the declarant shall deliver to the association all property of the units' owners and of the association held by or controlled by the declarant, including:

1. The original or a certified copy of the recorded declaration as amended, the articles of incorporation, articles of association, articles of organization, certificate of registration, certificate of limited partnership, certificate of trust or other documents of organization for the association, the bylaws, minute books and other books and records of the association and any rules or regulations which may have been adopted.

2. An accounting for money of the association and audited financial statements for each fiscal year and any ancillary period from the date of the last audit of the association to the date the period of the declarant's control ends. The financial statements must fairly and accurately report the association's financial position. The declarant shall pay the costs of the ancillary audit. The ancillary audit must be delivered within 210 days after the date the period of the declarant's control ends.

3. A complete study of the reserves of the association, conducted by a person who is registered as a reserve study specialist pursuant to chapter 116A of NRS. At the time the control of the declarant ends, the declarant shall:

(a) Except as otherwise provided in this paragraph, deliver to the association a reserve account that contains the declarant's share of the amounts then due, and control of the account. If the declaration was recorded before October 1, 1999, and, at the time the control of the declarant ends, the

declarant has failed to pay his or her share of the amounts due, the executive board shall authorize the declarant to pay the deficiency in installments for a period of 3 years, unless the declarant and the executive board agree to a shorter period.

(b) Disclose, in writing, ***to the units' owners*** the amount by which the declarant has subsidized the association's dues on a per unit or per lot basis.

4. The association's money or control thereof.

5. All of the declarant's tangible personal property that has been represented by the declarant as property of the association or, unless the declarant has disclosed in the public offering statement that all such personal property used in the common-interest community will remain the declarant's property, all of the declarant's tangible personal property that is necessary for, and has been used exclusively in, the operation and enjoyment of the common elements, and inventories of these properties.

6. A copy of any plans and specifications used in the construction of the improvements in the common-interest community which were completed within 2 years before the declaration was recorded.

7. All insurance policies then in force, in which the units' owners, the association, or its directors and officers are named as insured persons.

8. Copies of any certificates of occupancy that may have been issued with respect to any improvements comprising the common-interest community other than units in a planned community.

9. Any renewable permits and approvals issued by governmental bodies applicable to the common-interest community which are in force and any other permits and approvals so issued and applicable which are required by law to be kept on the premises of the community.

10. Written warranties of the contractor, subcontractors, suppliers and manufacturers that are still effective.

11. A roster of owners and mortgagees of units and their addresses and telephone numbers, if known, as shown on the declarant's records.

12. Contracts of employment in which the association is a contracting party.

13. Any contract for service in which the association is a contracting party or in which the association or the units' owners have any obligation to pay a fee to the persons performing the services.

Sec. 11. NRS 116.3108 is hereby amended to read as follows:

116.3108 1. A meeting of the units' owners must be held at least once each year. If the governing documents do not designate an annual meeting date of the units' owners, a meeting of the units' owners must be held 1 year after the date of the last meeting of the units' owners. If the units' owners have not held a meeting for 1 year, a meeting of the units' owners must be held on the following March 1.

2. Special meetings of the units' owners may be called by the president, by a majority of the executive board or by units' owners constituting at least 10 percent, or any lower percentage specified in the bylaws, of the total

number of voting members of the association. The same number of units' owners may also call a removal election pursuant to NRS 116.31036. To call a special meeting or a removal election, the units' owners must submit a written petition which is signed by the required percentage of the total number of voting members of the association pursuant to this subsection and which is mailed, return receipt requested, or served by a process server to the executive board or the community manager for the association. If the petition calls for a special meeting, the executive board shall set the date for the special meeting so that the special meeting is held not less than 15 days or more than 60 days after the date on which the petition is received. If the petition calls for a removal election and:

(a) The voting rights of the owners of time shares will be exercised by delegates or representatives as set forth in NRS 116.31105, the executive board shall set the date for the removal election so that the removal election is held not less than 15 days or more than 60 days after the date on which the petition is received; or

(b) The voting rights of the units' owners will be exercised through the use of secret written ballots pursuant to NRS 116.31036, the secret written ballots for the removal election must be sent in the manner required by NRS 116.31036 not less than 15 days or more than 60 days after the date on which the petition is received, and the executive board shall set the date for the meeting to open and count the secret written ballots so that the meeting is held not more than 15 days after the deadline for returning the secret written ballots.

➥ The association shall not adopt any rule or regulation which prevents or unreasonably interferes with the collection of the required percentage of signatures for a petition pursuant to this subsection.

3. Not less than 15 days or more than 60 days in advance of any meeting of the units' owners, the secretary or other officer specified in the bylaws shall cause notice of the meeting to be hand-delivered, sent prepaid by United States mail to the mailing address of each unit or to any other mailing address designated in writing by the unit's owner or, if the association offers to send notice by electronic mail, sent by electronic mail at the request of the unit's owner to an electronic mail address designated in writing by the unit's owner. The notice of the meeting must state the time and place of the meeting and include a copy of the agenda for the meeting. The notice must include notification of the right of a unit's owner to:

(a) Have a copy of the minutes or a summary of the minutes of the meeting provided to the unit's owner upon request, in electronic format at no charge to the unit's owner or, if the association is unable to provide the copy or summary in electronic format, in paper format at a cost not to exceed 25 cents per page for the first 10 pages, and 10 cents per page thereafter.

(b) Speak to the association or executive board, unless the executive board is meeting in executive session.

4. The agenda for a meeting of the units' owners must consist of:

(a) A clear and complete statement of the topics scheduled to be considered during the meeting, including, without limitation, any proposed amendment to the declaration or bylaws, any fees or assessments to be imposed or increased by the association, any budgetary changes and any proposal to remove an officer of the association or member of the executive board.

(b) A list describing the items on which action may be taken and clearly denoting that action may be taken on those items. In an emergency, the units' owners may take action on an item which is not listed on the agenda as an item on which action may be taken.

(c) A period devoted to comments by units' owners and discussion of those comments. Except in emergencies, no action may be taken upon a matter raised under this item of the agenda until the matter itself has been specifically included on an agenda as an item upon which action may be taken pursuant to paragraph (b).

5. ~~*[Before the agenda is mailed to the units' owners pursuant to subsection 3, a unit's owner may request items to be placed on the agenda and any requested items must be included on the agenda.*~~

~~*6.]*~~ If the association adopts a policy imposing fines for any violations of the governing documents of the association, the secretary or other officer specified in the bylaws shall prepare and cause to be hand-delivered or sent prepaid by United States mail to the mailing address of each unit or to any other mailing address designated in writing by the unit's owner, a schedule of the fines that may be imposed for those violations.

6. ~~*[7.]*~~ ***A guest of a unit's owner must be allowed to attend any meeting of the units' owners.***

~~*[8.]*~~ ***7.*** The secretary or other officer specified in the bylaws shall cause minutes to be recorded or otherwise taken at each meeting of the units' owners. Not more than 30 days after each such meeting, the secretary or other officer specified in the bylaws shall cause the minutes or a summary of the minutes of the meeting to be made available to the units' owners. Except as otherwise provided in this subsection, a copy of the minutes or a summary of the minutes must be provided to any unit's owner upon request, in electronic format at no charge to the unit's owner or, if the association is unable to provide the copy or summary in electronic format, in paper format at a cost not to exceed 25 cents per page for the first 10 pages, and 10 cents per page thereafter.

~~**[**7.**]**~~ ~~*[9.]*~~ ***8.*** Except as otherwise provided in subsection ~~**[**8,**]**~~ ~~*[10,]*~~ ***9*** the minutes of each meeting of the units' owners must include:

(a) The date, time and place of the meeting;

(b) The substance of all matters proposed, discussed or decided at the meeting; and

(c) The substance of remarks made by any unit's owner at the meeting if the unit's owner requests that the minutes reflect his or her remarks or, if the

unit's owner has prepared written remarks, a copy of his or her prepared remarks if the unit's owner submits a copy for inclusion.

~~[~~8.~~]~~ ~~*[10.]*~~ ***9.*** The executive board may establish reasonable limitations on materials, remarks or other information to be included in the minutes of a meeting of the units' owners.

~~[~~9.~~]~~ ~~*[11.]*~~ ***10.*** The association shall maintain the minutes of each meeting of the units' owners until the common-interest community is terminated.

~~[~~10.~~]~~ ~~*[12.]*~~ ***11.*** A unit's owner may record on audiotape ~~*[, videotape]*~~ or any other means of sound ~~*[or video]*~~ reproduction a meeting of the units' owners if the unit's owner, before recording the meeting, provides notice of his or her intent to record the meeting to the other units' owners who are in attendance at the meeting.

~~[~~11.~~]~~ ~~*[13.]*~~ ***12.*** The units' owners may approve, at the annual meeting of the units' owners, the minutes of the prior annual meeting of the units' owners and the minutes of any prior special meetings of the units' owners. A quorum is not required to be present when the units' owners approve the minutes.

~~[~~12.~~]~~ ~~*[14.]*~~ ***13.*** As used in this section, "emergency" means any occurrence or combination of occurrences that:

(a) Could not have been reasonably foreseen;

(b) Affects the health, welfare and safety of the units' owners or residents of the common-interest community;

(c) Requires the immediate attention of, and possible action by, the executive board; and

(d) Makes it impracticable to comply with the provisions of subsection 3 or 4.

Sec. 12. NRS 116.31083 is hereby amended to read as follows:

116.31083 1. A meeting of the executive board must be held at least once every quarter, and not less than once every 100 days and must be held at a time other than during standard business hours ~~*[, but not before 6 p.m.,]*~~ at least twice annually.

2. Except in an emergency or unless the bylaws of an association require a longer period of notice, the secretary or other officer specified in the bylaws of the association shall, not less than 10 days before the date of a meeting of the executive board, cause notice of the meeting to be given to the units' owners. Such notice must be:

(a) Sent prepaid by United States mail to the mailing address of each unit within the common-interest community or to any other mailing address designated in writing by the unit's owner;

(b) If the association offers to send notice by electronic mail, sent by electronic mail at the request of the unit's owner to an electronic mail address designated in writing by the unit's owner; or

(c) Published in a newsletter or other similar publication that is circulated to each unit's owner.

3. In an emergency, the secretary or other officer specified in the bylaws of the association shall, if practicable, cause notice of the meeting to be sent prepaid by United States mail to the mailing address of each unit within the common-interest community. If delivery of the notice in this manner is impracticable, the notice must be hand-delivered to each unit within the common-interest community or posted in a prominent place or places within the common elements of the association.

4. The notice of a meeting of the executive board must state the time and place of the meeting and include a copy of the agenda for the meeting or the date ***, which must not be later than 5 days before the meeting,*** on which and the locations where copies of the agenda may be conveniently obtained by the units' owners. The notice must include notification of the right of a unit's owner to:

(a) Have a copy of the audio recording, the minutes or a summary of the minutes of the meeting provided to the unit's owner upon request, in electronic format at no charge to the unit's owner or, if the association is unable to provide the copy or summary in electronic format, in paper format at a cost not to exceed 25 cents per page for the first 10 pages, and 10 cents per page thereafter.

(b) Speak to the association or executive board, unless the executive board is meeting in executive session.

5. The agenda of the meeting of the executive board must comply with the provisions of subsection 4 of NRS 116.3108. A period required to be devoted to comments by the units' owners and discussion of those comments must be scheduled for both the beginning and the end of each meeting. During the period devoted to comments by the units' owners and discussion of those comments at the beginning of each meeting, comments by the units' owners and discussion of those comments must be limited to items listed on the agenda. In an emergency, the executive board may take action on an item which is not listed on the agenda as an item on which action may be taken.

6. At least once every quarter, and not less than once every 100 days, unless the declaration or bylaws of the association impose more stringent standards, the executive board shall review, at a minimum, the following financial information at one of its meetings:

(a) A current year-to-date financial statement of the association;

(b) A current year-to-date schedule of revenues and expenses for the operating account and the reserve account, compared to the budget for those accounts;

(c) A current reconciliation of the operating account of the association;

(d) A current reconciliation of the reserve account of the association;

(e) The latest account statements prepared by the financial institutions in which the accounts of the association are maintained; and

(f) The current status of any civil action or claim submitted to arbitration or mediation in which the association is a party.

➥ ~~[A]~~ ***If a copy of the information described in paragraphs (a) to (f), inclusive, exists in electronic format, the information must be*** ~~[made available]~~ ***provided to a unit's owner, upon his or her request, by electronic mail and at no charge .*** ~~[to each person present at the meeting. If a unit's owner requests a copy of such information, the association must provide a copy of the information in electronic format at no charge to the unit's owner.]~~

7. The secretary or other officer specified in the bylaws shall cause each meeting of the executive board to be audio recorded and the minutes to be recorded or otherwise taken at each meeting of the executive board, but if the executive board is meeting in executive session, the meeting must not be audio recorded. Not more than 30 days after each such meeting, the secretary or other officer specified in the bylaws shall cause the audio recording of the meeting, the minutes of the meeting and a summary of the minutes of the meeting to be made available to the units' owners. Except as otherwise provided in this subsection, a copy of the audio recording, the minutes or a summary of the minutes must be provided to any unit's owner upon request, in electronic format at no charge to the unit's owner or, if the association is unable to provide the copy or summary in electronic format, in paper format at a cost not to exceed 25 cents per page for the first 10 pages, and 10 cents per page thereafter.

8. Except as otherwise provided in subsection 9 and NRS 116.31085, the minutes of each meeting of the executive board must include:

(a) The date, time and place of the meeting;

(b) Those members of the executive board who were present and those members who were absent at the meeting;

(c) The ~~[~~substance~~]~~ ***details*** of all matters proposed, discussed or decided at the meeting;

(d) A record of each member's vote on any matter decided by vote at the meeting; and

(e) The substance of remarks made by any unit's owner who addresses the executive board at the meeting if the unit's owner requests that the minutes reflect his or her remarks or, if the unit's owner has prepared written remarks, a copy of his or her prepared remarks if the unit's owner submits a copy for inclusion.

9. The executive board may establish reasonable limitations on materials, remarks or other information to be included in the minutes of its meetings ~~[.]~~ ***, but any limitation on the page number of such materials, remarks or information must not be less than two double-sided pages.***

10. The association shall maintain the minutes of each meeting of the executive board until the common-interest community is terminated.

11. A unit's owner may record on audiotape or any other means of sound reproduction a meeting of the executive board, unless the executive board is meeting in executive session, if the unit's owner, before recording the meeting, provides notice of his or her intent to record the meeting to the

members of the executive board and the other units' owners who are in attendance at the meeting.

12. As used in this section, "emergency" means any occurrence or combination of occurrences that:

(a) Could not have been reasonably foreseen;

(b) Affects the health, welfare and safety of the units' owners or residents of the common-interest community;

(c) Requires the immediate attention of, and possible action by, the executive board; and

(d) Makes it impracticable to comply with the provisions of subsection 2 or 5.

Sec. 13. NRS 116.31085 is hereby amended to read as follows:

116.31085 1. Except as otherwise provided in this section, a unit's owner may attend any meeting of the units' owners or of the executive board and speak at any such meeting. The executive board may establish reasonable limitations ~~*[a limitation of not less than 3 minutes]*~~ on the time ~~*[in which]*~~ a unit's owner may speak at such a meeting. ~~*[With respect to each meeting of the units' owners and of the executive board, the association shall comply with the requirements of the Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101 et seq., and the regulations adopted pursuant thereto.]*~~

2. ~~*[At a meeting of the executive board, after a discussion by the members of the executive board concerning an item for which a vote will be taken by the executive board and before such a vote, the executive board must provide a period devoted to comments by the units' owners on that item, but may establish a limitation of not less than 3 minutes on the time a unit's owner may speak on that item.*~~

~~*3.]*~~ An executive board may not meet in executive session to open or consider bids for an association project as defined in NRS 116.31086, or to enter into, renew, modify, terminate or take any other action regarding a contract.

3. ~~*[4.]*~~ An executive board may meet in executive session only to:

(a) Consult with the attorney for the association on matters relating to proposed or pending litigation if the contents of the discussion would otherwise be governed by the privilege set forth in NRS 49.035 to 49.115, inclusive.

(b) Discuss the character, alleged misconduct, professional competence, or physical or mental health of a community manager or an employee of the association.

(c) Except as otherwise provided in subsection 4, ~~*[5,]*~~ discuss a violation of the governing documents, including, without limitation, the failure to pay an assessment.

(d) Discuss the alleged failure of a unit's owner to adhere to a schedule required pursuant to NRS 116.310305 if the alleged failure may subject the unit's owner to a construction penalty.

4. ~~[5.]~~ An executive board shall meet in executive session to hold a hearing on an alleged violation of the governing documents unless the person who may be sanctioned for the alleged violation requests in writing that an open hearing be conducted by the executive board. If the person who may be sanctioned for the alleged violation requests in writing that an open hearing be conducted, the person:

(a) Is entitled to attend all portions of the hearing related to the alleged violation, including, without limitation, the presentation of evidence and the testimony of witnesses;

(b) Is entitled to due process, as set forth in the standards adopted by regulation by the Commission, which must include, without limitation, the right to counsel ~~[,]~~ ***or any other representative chosen by the person,*** the right to present witnesses and the right to present information relating to any conflict of interest of any member of the hearing panel; and

(c) Is not entitled to attend the deliberations of the executive board.

5. ~~[6.]~~ The provisions of subsection 4 ~~[5]~~ establish the minimum protections that the executive board must provide before it may make a decision. The provisions of subsection 4 ~~[5]~~ do not preempt any provisions of the governing documents that provide greater protections.

6. ~~[7.]~~ Except as otherwise provided in this subsection, any matter discussed by the executive board when it meets in executive session must be generally noted in the minutes of the meeting of the executive board. The executive board shall maintain minutes of any decision made pursuant to subsection 4 ~~[5]~~ concerning an alleged violation and, upon request, provide a copy of the decision to the person who was subject to being sanctioned at the hearing or to the person's designated representative.

7. ~~[8.]~~ Except as otherwise provided in subsection 4, ~~[5,]~~ a unit's owner is not entitled to attend or speak at a meeting of the executive board held in executive session.

Sec. 14. NRS 116.31086 is hereby amended to read as follows:

116.31086 1. If an association solicits bids for an association project, the bids must be opened during a meeting of the executive board.

2. As used in this section, "association project" includes, without limitation, a project that involves the maintenance, repair, replacement or restoration of any part of the common elements or which involves the provision of ***durable goods or*** services to the association.

Sec. 15. NRS 116.31087 is hereby amended to read as follows:

116.31087 1. If an executive board receives a written complaint from a unit's owner alleging that the executive board has violated any provision of this chapter or any provision of the governing documents of the association, the executive board shall, upon the written request of the unit's owner, place the subject of the complaint on the agenda of the next regularly scheduled meeting of the executive board.

2. Not later than 10 business days after the date that the association receives such a complaint, the executive board or an authorized

representative of the association shall acknowledge the receipt of the complaint and notify the unit's owner that, if the unit's owner submits a written request that the subject of the complaint be placed on the agenda of the next regularly scheduled meeting of the executive board, the subject of the complaint will be placed on the agenda of the next regularly scheduled meeting of the executive board.

3. At the meeting, the executive board shall discuss fully and attempt to resolve any complaint placed on the agenda of the meeting pursuant to this section. Any decision of the executive board with respect to the complaint must be included in detail in the minutes of the meeting.

Sec. 16. ~~[NRS 116.31107 is hereby amended to read as follows:~~

~~116.31107 1. A person shall not knowingly, willfully and with the intent to fraudulently alter the true outcome of an election of a member of the executive board or any other vote of the units' owners engage in, attempt to engage in, or conspire with another person to engage in, any of the following acts:~~

~~(a) Changing or falsifying a voter's ballot so that the ballot does not reflect the voter's true ballot.~~

~~(b) Forging or falsely signing a voter's ballot.~~

~~(c) Fraudulently casting a vote for himself or herself or for another person that the person is not authorized to cast.~~

~~(d) Rejecting, failing to count, destroying, defacing or otherwise invalidating the valid ballot of another voter.~~

~~(e) Submitting a counterfeit ballot.~~

~~2. A person who violates [this section] *subsection 1* is guilty of a category D felony and shall be punished as provided in NRS 193.130.~~

~~*3. Each ballot provided to the units' owners pursuant to this chapter must contain in clear and prominent text a copy of the provisions of this section.]~~* **(Deleted by amendment.)**

Sec. 17. ~~[NRS 116.3114 is hereby amended to read as follows:~~

~~116.3114 *1.* Unless otherwise provided in the declaration, any surplus funds of the association remaining after payment of or provision for common expenses and any prepayment of reserves must be paid to the units' owners in proportion to their liabilities for common expenses or credited to them to reduce their future assessments for common expenses.~~

~~*2. For the purpose of this section:*~~

~~*(a) An association of a common-interest community with 200 or less units has "surplus funds" if the amount remaining after payment of or provision for the common expenses and any prepayment of reserves is greater than three times the monthly operating expenses of the association based on the periodic budget adopted by the association pursuant to NRS 116.3115.*~~

~~*(b) An association of a common-interest community with more than 200 units has "surplus funds" if the amount remaining after payment of or provision for the common expenses and any prepayment of reserves is*~~

~~*greater than two times the monthly operating expenses of the association based on the periodic budget adopted by the association pursuant to NRS 116.3115.]*~~ **(Deleted by amendment.)**

Sec. 18. NRS 116.31144 is hereby amended to read as follows:

116.31144 1. Except as otherwise provided in subsection 2, the executive board shall:

(a) If the annual budget of the association is less than $75,000, cause the financial statement of the association to be reviewed by an independent certified public accountant during the year immediately preceding the year in which a study of the reserves of the association is to be conducted pursuant to NRS 116.31152.

(b) If the annual budget of the association is $75,000 or more but less than $150,000, cause the financial statement of the association to be reviewed by an independent certified public accountant every fiscal year.

(c) If the annual budget of the association is $150,000 or more, cause the financial statement of the association to be audited by an independent certified public accountant every fiscal year.

2. For any fiscal year, the executive board of an association to which paragraph (a) or (b) of subsection 1 applies shall cause the financial statement for that fiscal year to be audited by an independent certified public accountant if, within 180 days before the end of the fiscal year, 15 percent of the total number of voting members of the association submit a written request for such an audit.

3. The Commission shall adopt regulations prescribing the requirements for the auditing or reviewing of financial statements of an association pursuant to this section. Such regulations must include, without limitation:

(a) The qualifications necessary for a person to audit or review financial statements of an association; and

(b) The standards and format to be followed in auditing or reviewing financial statements of an association.

4. If a unit's owner requests a copy of a review or audit performed pursuant to this section, the association must provide a copy of the review or audit to the unit's owner in paper format or electronic format, whichever is requested by the unit's owner, at ~~*[no charge.]*~~ ***:***

(a) A cost not to exceed 25 cents per page for the first 10 pages, and 10 cents per page thereafter, if provided in paper format.

(b) No charge, if provided in electronic format.

Sec. 19. ~~**[**NRS 116.3115 is hereby amended to read as follows:~~

~~116.3115 1. Until the association makes an assessment for common expenses, the declarant shall pay all common expenses. After an assessment has been made by the association, assessments must be made at least annually, based on a budget adopted **[**at least annually**]** by the association~~ ***and ratified by the units' owners at least annually*** ~~in accordance with the requirements set forth in NRS 116.31151. Unless the declaration imposes more stringent standards, the budget must include a budget for the daily~~

~~operation of the association and a budget for the reserves required by paragraph (b) of subsection 2.~~

~~2. Except for assessments under subsections 4 to 7, inclusive:~~

~~(a) All common expenses, including the reserves, must be assessed against all the units in accordance with the allocations set forth in the declaration pursuant to subsections 1 and 2 of NRS 116.2107.~~

~~(b) The association shall establish adequate reserves, funded on a reasonable basis, for the repair, replacement and restoration of the major components of the common elements and any other portion of the common-interest community that the association is obligated to maintain, repair, replace or restore. The reserves may be used only for those purposes, including, without limitation, repairing, replacing and restoring roofs, roads and sidewalks, and must not be used for daily maintenance~~ **[**.**]** ~~***or capital improvements.*** The association may comply with the provisions of this paragraph through a funding plan that is designed to allocate the costs for the repair, replacement and restoration of the major components of the common elements and any other portion of the common-interest community that the association is obligated to maintain, repair, replace or restore over a period of years if the funding plan is designed in an actuarially sound manner which will ensure that sufficient money is available when the repair, replacement and restoration of the major components of the common elements or any other portion of the common interest community that the association is obligated to maintain, repair, replace or restore are necessary. Notwithstanding any provision of ***this chapter or*** the governing documents to the contrary, ***a special assessment*** to establish adequate reserves pursuant to this paragraph, including, without limitation, to establish or carry out a funding plan~~ **[**~~, the executive board may, without seeking or obtaining the approval of the units' owners, impose any necessary and reasonable assessments against the units in the common interest community. Any such assessments imposed by the executive board must be based on the study of the reserves of the association conducted pursuant to NRS 116.31152.~~**]** ~~***may not exceed $35 per unit per month.***~~

~~3. Any assessment for common expenses or installment thereof that is 60 days or more past due bears interest at a rate equal to the prime rate at the largest bank in Nevada as ascertained by the Commissioner of Financial Institutions on January 1 or July 1, as the case may be, immediately preceding the date the assessment becomes past due, plus 2 percent. The rate must be adjusted accordingly on each January 1 and July 1 thereafter until the balance is satisfied.~~

~~4. Except as otherwise provided in the governing documents:~~

~~(a) Any common expense associated with the maintenance, repair, restoration or replacement of a limited common element must be assessed against the units to which that limited common element is assigned, equally, or in any other proportion the declaration provides;~~

~~(b) Any common expense or portion thereof benefiting fewer than all of the units must be assessed exclusively against the units benefited; and~~

~~(c) The costs of insurance must be assessed in proportion to risk and the costs of utilities must be assessed in proportion to usage.~~

~~5. Assessments to pay a judgment against the association may be made only against the units in the common-interest community at the time the judgment was entered, in proportion to their liabilities for common expenses.~~

~~6. If any common expense is caused by the misconduct of any unit's owner, the association may assess that expense exclusively against his or her unit.~~

~~7. The association of a common-interest community created before January 1, 1992, is not required to make an assessment against a vacant lot located within the community that is owned by the declarant.~~

~~8. If liabilities for common expenses are reallocated, assessments for common expenses and any installment thereof not yet due must be recalculated in accordance with the reallocated liabilities.~~

~~9. The association shall provide written notice to each unit's owner of a meeting at which an assessment *or expenditure* for a capital improvement *in an amount of $500 or more* is to be considered or action is to be taken on such an assessment *or expenditure* at least 21 calendar days before the date of the meeting. *An assessment for a capital improvement may not exceed $35 per unit per month.*~~

~~*10. In a common interest community with less than 500 units, the association shall not make or cause to made any visible changes to the interior or exterior of the common elements, including, without limitation, landscaping, unless:*~~

~~*(a) At least 21 calendar days before a meeting of the units' owners to consider and take action on the changes, the association provides written notice to each unit's owner of the meeting; and*~~

~~*(b) At the meeting, a majority of the units' owners approve the changes by secret written ballot.*~~

~~*11. In a common interest community:*~~

~~*(a) With less than 150 units, the association shall not make an expenditure for a capital improvement of $7,500 or more unless a majority of the units' owners who vote on such an expenditure approve the expenditure.*~~

~~*(b) With at least 150 but less than 250 units, the association shall not make an expenditure for a capital improvement of $15,000 or more unless a majority of the units' owners who vote on such an expenditure approve the expenditure.*~~

~~*(c) With at least 250 but less than 500 units, the association shall not make an expenditure for a capital improvement of $25,000 or more unless a majority of the units' owners who vote on such an expenditure approve the expenditure.*~~

~~*(d) With 500 or more units, the association shall not make an expenditure for a capital improvement of $35,000 or more unless a majority of the units' owners who vote on such an expenditure approve the expenditure.*~~

~~*12. As used in this section, "capital improvement" means an expenditure by the association for the construction of a new common element, an addition or improvement to an existing common element or the installation of landscaping where no landscaping previously existed.]*~~ **(Deleted by amendment.)**

Sec. 20. NRS 116.31151 is hereby amended to read as follows:

116.31151 1. Except as otherwise provided in subsection 2 and unless the declaration of a common-interest community imposes more stringent standards, the executive board shall, not less than 30 days or more than 60 days before the beginning of the fiscal year of the association, prepare and distribute to each unit's owner a copy of:

(a) The budget for the daily operation of the association. The budget must include, without limitation, the estimated annual revenue and expenditures of the association and any contributions to be made to the reserve account of the association.

(b) The budget to provide adequate funding for the reserves required by paragraph (b) of subsection 2 of NRS 116.3115. The budget must include, without limitation:

(1) The current estimated replacement cost, estimated remaining life and estimated useful life of each major component of the common elements and any other portion of the common-interest community that the association is obligated to maintain, repair, replace or restore;

(2) As of the end of the fiscal year for which the budget is prepared, the current estimate of the amount of cash reserves that are necessary, and the current amount of accumulated cash reserves that are set aside, to repair, replace or restore the major components of the common elements and any other portion of the common-interest community that the association is obligated to maintain, repair, replace or restore;

(3) A statement as to whether the executive board has determined or anticipates that the levy of one or more special assessments will be necessary to repair, replace or restore any major component of the common elements or any other portion of the common-interest community that the association is obligated to maintain, repair, replace or restore or to provide adequate funding for the reserves designated for that purpose; and

(4) A general statement describing the procedures used for the estimation and accumulation of cash reserves pursuant to subparagraph (2), including, without limitation, the qualifications of the person responsible for the preparation of the study of the reserves required by NRS 116.31152.

2. In lieu of distributing copies of the budgets of the association required by subsection 1, the executive board may distribute to each unit's owner a summary of those budgets, accompanied by a written notice that:

(a) The budgets are available for review at the business office of the association or some other suitable location within the county where the common-interest community is situated or, if it is situated in more than one county, within one of those counties but not to exceed 60 miles from the physical location of the common-interest community; and

(b) Copies of the budgets will be provided upon request.

3. Within 60 days after adoption of any proposed budget for the common-interest community, the executive board shall provide ~~[:~~

~~*[(a) Cause]*~~ a summary of the proposed budget to each ~~*[, a secret ballot and a return envelope to be sent, prepaid by United States mail, to the mailing address of each unit within the common-interest community or to any other mailing address designated in writing by the]*~~ unit's owner ~~*[,]*~~ and shall set

~~*[*~~ ~~*(b) Set]*~~ a date for a meeting of the units' owners to consider ratification of the proposed budget ~~*[open and count the secret written ballots. The meeting must be]*~~ not less than 14 days or more than 30 days after the mailing of the summaries. Unless ~~*[ballots. At the meeting, the president of the association shall preside, a committee of the units' owners shall open and count only the secret written ballots that are returned to the association. A quorum is not required to be present when the secret written ballots are opened and counted. If,]*~~ **,** at that meeting **,** a majority of all units' owners, or any larger vote specified in the declaration, reject ~~*[the votes cast are cast in favor of ratifying]*~~ the proposed budget, the proposed budget is ratified ~~*[.]*~~ , whether or not a quorum is present. If the proposed budget is rejected, ~~*[not ratified,]*~~ the periodic budget last ratified by the units' owners must be continued until such time as the units' owners ratify a subsequent budget proposed by the executive board.

4. The executive board shall, at the same time and in the same manner that the executive board makes the budget available to a unit's owner pursuant to this section, make available to each unit's owner the policy established for the association concerning the collection of any fees, fines, assessments or costs imposed against a unit's owner pursuant to this chapter. The policy must include, without limitation:

(a) ~~[The responsibility of]~~ ***A provision that a fee, fine, assessment or cost may not be referred for collection unless the*** unit's owner ~~[to pay any such fees, fines, assessments or costs in a timely manner;]~~ ***has not paid the fee, fine, assessment or cost within 60 days after the*** ~~*[first day of the month following the month in]*~~ ***date on which notice of the fee, fine, assessment or cost is sent or otherwise communicated to the unit's owner or, if the amount of the fee, fine, assessment or cost is $1,000 or more, within 90 days after the period set forth in this paragraph;*** and

(b) The association's rights concerning the collection of such fees, fines, assessments or costs if the unit's owner fails to pay the fees, fines, assessments or costs ~~[in a timely manner.]~~ ***within the period set forth in paragraph (a).***

Sec. 21. NRS 116.31152 is hereby amended to read as follows:

116.31152 1. The executive board shall:

(a) At least once every 5 years, cause to be conducted a study of the reserves required to repair, replace and restore the major components of the common elements and any other portion of the common-interest community that the association is obligated to maintain, repair, replace or restore;

(b) At least annually, review the results of that study to determine whether those reserves are sufficient; and

(c) At least annually, make any adjustments to the association's funding plan which the executive board deems necessary to provide adequate funding for the required reserves.

2. Except as otherwise provided in this subsection, the study of the reserves required by subsection 1 must be conducted by a person who holds a permit issued pursuant to chapter 116A of NRS. If the common-interest community contains 20 or fewer units and is located in a county whose population is 50,000 or less, the study of the reserves required by subsection 1 may be conducted by any person whom the executive board deems qualified to conduct the study.

3. The study of the reserves must include, without limitation:

(a) A summary of an inspection of the major components of the common elements and any other portion of the common-interest community that the association is obligated to maintain, repair, replace or restore;

(b) An identification of the major components of the common elements and any other portion of the common-interest community that the association is obligated to maintain, repair, replace or restore which have a remaining useful life of less than 30 years;

(c) An estimate of the remaining useful life of each major component of the common elements and any other portion of the common-interest community that the association is obligated to maintain, repair, replace or restore identified pursuant to paragraph (b);

(d) An estimate of the cost of maintenance, repair, replacement or restoration of each major component of the common elements and any other portion of the common-interest community identified pursuant to paragraph (b) during and at the end of its useful life; and

(e) An estimate of the total annual assessment that may be necessary to cover the cost of maintaining, repairing, replacement or restoration of the major components of the common elements and any other portion of the common-interest community identified pursuant to paragraph (b), after subtracting the reserves of the association as of the date of the study, and an estimate of the funding plan that may be necessary to provide adequate funding for the required reserves.

4. ***Upon completion of the study of the reserves required by this section, the association shall notify the units' owners that the study is available for review and make the study available in electronic format to a unit's owner at no charge. Not earlier than 20 days after the association notifies the***

units' owners of the completion of the study, the executive board must conduct a meeting of the executive board for the purpose of approving the study. Before approving the study at the meeting, the executive board shall accept, review and consider comments by the units' owners in the manner required by NRS 116.31085. Notwithstanding any other provision of this chapter or the governing documents, the executive board may not take any actions based on the study, including, without limitation, establishing a funding plan to provide adequate funding for the reserves, unless and until the executive board approves the study at a meeting of the executive board.

5. A summary of the study of the reserves required by subsection 1 must be submitted to the Division not later than 45 days after the date that the executive board adopts the results of the study.

~~[5.]~~ ***6.*** If a common-interest community was developed as part of a planned unit development pursuant to chapter 278A of NRS and is subject to an agreement with a city or county to receive credit against the amount of the residential construction tax that is imposed pursuant to NRS 278.4983 and 278.4985, the association that is organized for the common-interest community may use the money from that credit for the repair, replacement or restoration of park facilities and related improvements if:

(a) The park facilities and related improvements are identified as major components of the common elements of the association; and

(b) The association is obligated to repair, replace or restore the park facilities and related improvements in accordance with the study of the reserves required by subsection 1.

Sec. 22. ~~[NRS 116.3116 is hereby amended to read as follows:~~

~~116.3116 1. The association has a lien on a unit for any construction penalty that is imposed against the unit's owner pursuant to NRS 116.310305, any assessment levied against that unit or any fines imposed against the unit's owner from the time the construction penalty, assessment or fine becomes due. Unless the declaration otherwise provides, any penalties, fees, charges, late charges, fines and interest charged pursuant to paragraphs (j) to (n), inclusive, of subsection 1 of NRS 116.3102 are enforceable as assessments under this section. If an assessment is payable in installments, the full amount of the assessment is a lien from the time the first installment thereof becomes due.~~

~~2. A lien under this section is prior to all other liens and encumbrances on a unit except:~~

~~(a) Liens and encumbrances recorded before the recordation of the declaration and, in a cooperative, liens and encumbrances which the association creates, assumes or takes subject to;~~

~~(b) A first security interest on the unit recorded before the date on which the assessment sought to be enforced became delinquent or, in a cooperative, the first security interest encumbering only the unit's owner's interest and perfected before the date on which the assessment sought to be enforced became delinquent; and~~

~~(c) Liens for real estate taxes and other governmental assessments or charges against the unit or cooperative.~~

~~The lien is also prior to all security interests described in paragraph (b)~~ **[**~~to the extent of any~~**]** ***but only in an amount not to exceed*** ~~charges incurred by the association on a unit pursuant to NRS 116.310312~~ **[**~~and to the extent of~~**]** ***plus an amount not to exceed nine times*** ~~the~~ **[**~~assessments~~**]** ***monthly assessment*** ~~for common expenses based on the periodic budget adopted by the association pursuant to NRS 116.3115 which~~ **[**~~would have become due in the absence of acceleration during the 9 months immediately preceding institution of an~~**]** ***is in effect at the time of the commencement of a civil*** ~~action to enforce the~~ ***association's*** ~~lien, unless federal regulations adopted by the Federal Home Loan Mortgage Corporation or the Federal National Mortgage Association require a~~ **[**~~shorter period of~~**]** ***lesser amount for the amount of the*** ~~priority for~~ **[**~~the lien.~~**]** ***assessments.*** ~~If federal regulations adopted by the Federal Home Loan Mortgage Corporation or the Federal National Mortgage Association require a~~ **[**~~shorter period of~~**]** ***lesser amount for the amount of the*** ~~priority for~~ **[**~~the lien,~~**]** ***assessment,*** ~~the~~ **[**~~period during which the lien is prior to all security interests described in paragraph (b)~~**]** ***amount of assessments to be given priority pursuant to this subsection*** ~~must be determined in accordance with those federal regulations, except that notwithstanding the provisions of the federal regulations, the~~ **[**~~period of~~**]** ***amount of assessments to be given*** ~~priority~~ **[**~~for the lien~~**]** ~~must not be less than~~ **[**~~the 6 months immediately preceding institution of an~~**]** ***six times the monthly assessment for common expenses based on the periodic budget adopted by the association pursuant to NRS 116.3115 which is in effect at the time of the commencement of a civil*** ~~action to enforce the~~ ***association's*** ~~lien. This subsection does not affect the priority of mechanics' or materialmen's liens, or the priority of liens for other assessments made by the association.~~

~~3. Unless the declaration otherwise provides, if two or more associations have liens for assessments created at any time on the same property, those liens have equal priority.~~

~~4. Recording of the declaration constitutes record notice and perfection of the lien. No further recordation of any claim of lien for assessment under this section is required.~~

~~5. A lien for unpaid assessments is extinguished unless proceedings to enforce the lien are instituted within 3 years after the full amount of the assessments becomes due.~~

~~6. This section does not prohibit actions to recover sums for which subsection 1 creates a lien or prohibit an association from taking a deed in lieu of foreclosure.~~

~~7. A judgment or decree in any action brought under this section must include costs and reasonable attorney's fees for the prevailing party.~~

~~8. The association, upon written request, shall furnish to a unit's owner a statement setting forth the amount of unpaid assessments against the unit. If~~

~~the interest of the unit's owner is real estate or if a lien for the unpaid assessments may be foreclosed under NRS 116.31162 to 116.31168, inclusive, the statement must be in recordable form. The statement must be furnished within 10 business days after receipt of the request and is binding on the association, the executive board and every unit's owner.~~

~~9. In a cooperative, upon nonpayment of an assessment on a unit, the unit's owner may be evicted in the same manner as provided by law in the case of an unlawful holdover by a commercial tenant, and:~~

~~(a) In a cooperative where the owner's interest in a unit is real estate under NRS 116.1105, the association's lien may be foreclosed under NRS 116.31162 to 116.31168, inclusive.~~

~~(b) In a cooperative where the owner's interest in a unit is personal property under NRS 116.1105, the association's lien:~~

~~(1) May be foreclosed as a security interest under NRS 104.9101 to 104.9709, inclusive; or~~

~~(2) If the declaration so provides, may be foreclosed under NRS 116.31162 to 116.31168, inclusive.~~**]** **(Deleted by amendment.)**

Sec. 23. **[**~~NRS 116.31164 is hereby amended to read as follows:~~

~~116.31164 1. The sale must be conducted in the county in which the common-interest community or part of it is situated, and may be conducted by the association, its agent or attorney, or a title insurance company or escrow agent licensed to do business in this State, except that the sale may be made at the office of the association if the notice of the sale so provided, whether the unit is located within the same county as the office of the association or not. The association or other person conducting the sale may from time to time postpone the sale by such advertisement and notice as it considers reasonable or, without further advertisement or notice, by proclamation made to the persons assembled at the time and place previously set and advertised for the sale.~~

~~2.~~ ***If the sale does not occur within 120 days after the date on which a copy of the notice of default and election to sell was mailed to the unit's owner or his or her successor in interest in the manner required by paragraph (b) of subsection 3 of NRS 116.31162, the association and any person acting on behalf of the association may not:***

(a) Foreclose the association's lien by sale pursuant to NRS 116.31162 to 116.31168, inclusive; or

(b) File a civil action to obtain a judgment against the unit's owner for the amount due,

→ unless, within the period set forth in this subsection, the association, the unit's owner and any other person with a lien on the unit execute and record in the office of the county recorder of the county in which the unit is located a written agreement extending the period. The written agreement must be acknowledged as required by law for the acknowledgment of deeds. If the sale does not occur within the time provided in the written agreement, the association and any person acting on behalf of the

~~***association may not foreclose the association's lien by sale pursuant to NRS 116.31162 to 116.31168, inclusive, or file a civil action to obtain a judgment against the unit's owner for the amount due.***~~

~~***3.*** On the day of sale originally advertised or to which the sale is postponed, at the time and place specified in the notice or postponement, the person conducting the sale may sell the unit at public auction to the highest cash bidder. Unless otherwise provided in the declaration or by agreement, the association may purchase the unit and hold, lease, mortgage or convey it. The association may purchase by a credit bid up to the amount of the unpaid assessments and any permitted costs, fees and expenses incident to the enforcement of its lien.~~

~~**[**3.**]** ***4.*** After the sale, the person conducting the sale shall:~~

~~(a) Make, execute and, after payment is made, deliver to the purchaser, or his or her successor or assign, a deed without warranty which conveys to the grantee all title of the unit's owner to the unit;~~

~~(b) Deliver a copy of the deed to the Ombudsman within 30 days after the deed is delivered to the purchaser, or his or her successor or assign; and~~

~~(c) Apply the proceeds of the sale for the following purposes in the following order:~~

~~(1) The reasonable expenses of sale;~~

~~(2) The reasonable expenses of securing possession before sale, holding, maintaining, and preparing the unit for sale, including payment of taxes and other governmental charges, premiums on hazard and liability insurance, and, to the extent provided for by the declaration, reasonable attorney's fees and other legal expenses incurred by the association;~~

~~(3) Satisfaction of the association's lien;~~

~~(4) Satisfaction in the order of priority of any subordinate claim of record; and~~

~~(5) Remittance of any excess to the unit's owner.~~**]** **(Deleted by amendment.)**

Sec. 24. NRS 116.31175 is hereby amended to read as follows:

116.31175 1. Except as otherwise provided in this subsection, the executive board of an association shall, upon the written request of a unit's owner, make available the books, records and other papers of the association ***, including, without limitation, the budget, the reserve study*** ~~*[,]*~~ ***and any contracts to which the association is a party,*** ~~*[records filed with a court relating to civil or criminal action to which the association is a party, minutes of meetings of the units' owners and of the executive board, attorney opinions which do not relate to current litigation involving the association, any architectural plan or specification submitted by a unit's owner, agendas of meetings of the units' owners and of the executive board, records of violations of the governing documents excluding names and addresses, records relating to the investments of the association, bank statements, cancelled checks, insurance policies and any permits, even if the book, record or paper is in draft form or is unapproved or in the process of being*~~

~~*developed;]*~~ for review at the business office of the association or a designated business location not to exceed 60 miles from the physical location of the common-interest community and during the regular working hours of the association ~~*[.]*~~ , including, without limitation, all contracts to which the association is a party and all records filed with a court relating to a civil or criminal action to which the association is a party. The provisions of this subsection do not apply to:

(a) The personnel records of the employees of the association, except for those records relating to the number of hours worked and the salaries and benefits of those employees;

(b) The records of the association relating to another unit's owner , including, without limitation, any architectural plan or specification submitted by a unit's owner to the association during an approval process required by the governing documents, except for those records described in subsection 2; and

(c) Any document, including, without limitation, minutes of an executive board meeting, a reserve study and a budget, if the document:

(1) Is in the process of being developed for final consideration by the executive board; and

(2) Has not been placed on an agenda for final approval by the executive board. ~~*[other than records specifically mentioned in this subsection.]*~~

2. The executive board of an association shall maintain a general record concerning each violation of the governing documents, other than a violation involving a failure to pay an assessment, for which the executive board has imposed a fine, a construction penalty or any other sanction. The general record:

(a) Must contain a general description of the nature of the violation and the type of the sanction imposed. If the sanction imposed was a fine or construction penalty, the general record must specify the amount of the fine or construction penalty.

(b) Must not contain the name or address of the person against whom the sanction was imposed or any other personal information which may be used to identify the person or the location of the unit, if any, that is associated with the violation.

(c) Must be maintained in an organized and convenient filing system or data system that allows a unit's owner to search and review the general records concerning violations of the governing documents.

3. If the executive board refuses to allow a unit's owner to review the books, records or other papers of the association, the Ombudsman may:

(a) On behalf of the unit's owner and upon written request, review the books, records or other papers of the association during the regular working hours of the association; and

(b) If the Ombudsman is denied access to the books, records or other papers, request the Commission, or any member thereof acting on behalf of the Commission, to issue a subpoena for their production.

4. The books, records and other papers of an association must be maintained for at least 10 years. The provisions of this subsection do not apply to:

(a) The minutes of a meeting of the units' owners which must be maintained in accordance with NRS 116.3108; or

(b) The minutes of a meeting of the executive board which must be maintained in accordance with NRS 116.31083.

5. The executive board shall not require a unit's owner to pay an amount in excess of $10 per hour to review any books, records, contracts or other papers of the association pursuant to the provisions of this section.

6. If an official publication contains or will contain any mention of a candidate or ballot question, the official publication must, upon request and without charge, provide equal space to the candidate or a representative of an organization which supports the passage or defeat of the ballot question.

7. If an official publication contains or will contain the views or opinions of the association, the executive board, a community manager or an officer, employee or agent of an association concerning an issue of official interest, the official publication must, upon request and without charge, provide equal space to opposing views and opinions of a unit's owner, tenant or resident of the common-interest community. ~~*[If the views or opinions of the association, the executive board, a community manager or an officer, employee or agent of an association are published in an official newsletter or other similar publication that is circulated to each unit's owner, in addition to any other manner of official publication for the opposing views or opinions of a unit's owner, tenant or resident, those opposing views or opinions may be published in the same such newsletter or publication or in the next such newsletter or publication but the opposing views or opinions must be published in an official newsletter or similar publication within 45 days after publication of the views or opinions of the association, the executive board, community manager or officer, employee or agent of the association. If the views or opinions of the association, the executive board, a community manager or an officer, employee or agent of an association are published on an official website or on an official bulletin board that is available to each unit's owner, in addition to any other manner of official publication for the opposing views or opinions, the opposing views or opinions of a unit's owner, tenant or resident must be published in the next official newsletter or other similar publication that is circulated to each unit's owner or in an official newsletter or similar publication published within 45 days after publication of the views or opinions of the association, executive board, community manager or officer, employee or agent of the association, whichever is earlier.]*~~

8. The association and its officers, employees and agents are immune from criminal or civil liability for any act or omission which arises out of the publication or disclosure of any information related to any person and which occurs in the course of carrying out any duties required pursuant to subsection 6 or 7.

9. As used in this section:

(a) "Issue of official interest" includes, without limitation:

(1) Any issue on which the executive board or the units' owners will be voting, including, without limitation, the election of members of the executive board; and

(2) The enactment or adoption of rules or regulations that will affect a common-interest community.

(b) "Official publication" means:

(1) An official website;

(2) An official newsletter or other similar publication that is circulated to each unit's owner; or

(3) An official bulletin board that is available to each unit's owner,

➥ which is published or maintained at the cost of an association and by an association, an executive board, a member of an executive board, a community manager or an officer, employee or agent of an association.

Sec. 25. NRS 116.31183 is hereby amended to read as follows:

116.31183 1. An executive board, a member of an executive board, a community manager or an officer, employee or agent of an association shall not take, or direct or encourage another person to take, any retaliatory action against a unit's owner ***, including, without limitation, demanding money from a unit's owner, prohibiting the use of the common elements by the unit's owner, restricting the access of friends, relatives or any invitee of a unit's owner, filing against the unit's owner a false or fraudulent affidavit with the Division pursuant to NRS 116.760, filing against the unit's owner a false or fraudulent claim with the Division pursuant to NRS 38.320, or filing a frivolous civil action for the purpose of harassing the unit's owner,*** because the unit's owner has:

(a) Complained in good faith about any alleged violation of any provision of this chapter ***,*** ~~[or]~~ the governing documents of the association ~~[.]~~ ***or any federal, state, county or municipal law, ordinance or code;***

(b) Recommended the selection or replacement of an attorney, community manager or vendor; or

(c) Requested in good faith to review the books, records or other papers of the association.

2. In addition to any other remedy provided by law, upon a violation of this section, a unit's owner may bring a separate action to recover:

(a) Compensatory damages; and

(b) Attorney's fees and costs of bringing the separate action.

Sec. 26. ~~[NRS 116.330 is hereby amended to read as follows:~~

~~116.330 1. The executive board shall not and the governing documents must not prohibit a unit's owner from installing or maintaining drought tolerant landscaping within such physical portion of the common interest community as that owner has a right to occupy and use exclusively, including, without limitation, the front yard or back yard of the unit's owner, except that:~~

~~(a) Before installing drought tolerant landscaping, the unit's owner must submit a detailed description or plans for the drought tolerant landscaping for architectural review and approval in accordance with the procedures, if any, set forth in the governing documents of the association; and~~

~~(b) The drought tolerant landscaping must be selected or designed to the maximum extent practicable to be compatible with the style of the common interest community.~~

~~2. The provisions of this subsection must be construed liberally in favor of effectuating the purpose of encouraging the use of drought tolerant landscaping, and the executive board shall not and the governing documents must not unreasonably deny or withhold approval for the installation of drought tolerant landscaping or unreasonably determine that the drought tolerant landscaping is not compatible with the style of the common interest community.~~

~~2. *The association may not charge a fee to a unit's owner who is seeking approval to install drought tolerant landscaping pursuant to this section.*~~

~~*3.* Installation of drought tolerant landscaping within any common element or conversion of traditional landscaping or cultivated vegetation, such as turf grass, to drought tolerant landscaping within any common element shall not be deemed to be a change of use of the common element unless:~~

~~(a) The common element has been designated as a park, open play space or golf course on a recorded plat map; or~~

~~(b) The traditional landscaping or cultivated vegetation is required by a governing body under the terms of any applicable zoning ordinance, permit or approval or as a condition of approval of any final subdivision map.~~

~~[3.]~~ ~~*4.* As used in this section, "drought tolerant landscaping" means landscaping which conserves water, protects the environment and is adaptable to local conditions. The term includes, without limitation, the use of mulches such as decorative rock and artificial turf.~~] **(Deleted by amendment.)**

Sec. 27. NRS 116.335 is hereby amended to read as follows:

116.335 1. Unless, at the time a unit's owner purchased his or her unit, the declaration prohibited the unit's owner from renting or leasing his or her unit, the association may not prohibit the unit's owner from renting or leasing his or her unit.

2. Unless, at the time a unit's owner purchased his or her unit, the declaration required the unit's owner to secure or obtain any approval from

the association in order to rent or lease his or her unit, an association may not require the unit's owner to secure or obtain any approval from the association in order to rent or lease his or her unit.

3. If a declaration contains a provision establishing a maximum number or percentage of units in the common-interest community which may be rented or leased, that provision of the declaration may not be amended to decrease that maximum number or percentage of units in the common-interest community which may be rented or leased.

4. The provisions of this section do not prohibit an association from enforcing any provisions which govern the renting or leasing of units and which are contained in this chapter or in any other applicable federal, state or local laws or regulations.

5. Notwithstanding any other provision of law or the declaration to the contrary:

(a) If a unit's owner is prohibited from renting or leasing a unit because the maximum number or percentage of units which may be rented or leased in the common-interest community have already been rented or leased, the unit's owner may seek a waiver of the prohibition from the executive board based upon a showing of economic hardship, and the executive board ~~[may]~~ ***shall*** grant such a waiver ***upon proof of economic hardship*** and approve the renting or leasing of the unit.

(b) If the declaration contains a provision establishing a maximum number or percentage of units in the common-interest community which may be rented or leased, in determining the maximum number or percentage of units in the common-interest community which may be rented or leased, the number of units owned by the declarant must not be counted or considered.

Sec. 28. NRS 116.350 is hereby amended to read as follows:

116.350 1. In a common-interest community which is not gated or enclosed and the access to which is not restricted or controlled by a person or device, the executive board shall not and the governing documents must not provide ~~[:~~

~~*(a) Provide]*~~ for the regulation of any road, street, alley or other thoroughfare the right-of-way of which is accepted by the State or a local government for dedication as a road, street, alley or other thoroughfare for public use.

~~*[(b) Except as otherwise provided in paragraph (s) of NRS 116.3102, interfere with the parking of any automobile, privately owned standard pickup truck, motorcycle or any other vehicle not specifically described in subsection 2.]*~~

2. Except as otherwise provided in subsection 3, the provisions of subsection 1 do not preclude an association from adopting, and do not preclude the governing documents of an association from setting forth, rules that reasonably restrict the parking or storage of recreational vehicles, watercraft, trailers or commercial vehicles in the common-interest community to the extent authorized by law.

3. In any common-interest community, the executive board shall not and the governing documents must not prohibit a person from:

(a) Parking a utility service vehicle that has a gross vehicle weight rating of 20,000 pounds or less:

(1) In an area designated for parking for visitors, in a designated parking area or common parking area, or on the driveway of the unit of a subscriber or consumer, while the person is engaged in any activity relating to the delivery of public utility services to subscribers or consumers; or

(2) In an area designated for parking for visitors, in a designated parking area or common parking area, or on the driveway of his or her unit, if the person is:

(I) A unit's owner or a tenant of a unit's owner; and

(II) Bringing the vehicle to his or her unit pursuant to his or her employment with the entity which owns the vehicle for the purpose of responding to emergency requests for public utility services; or

(b) Parking a law enforcement vehicle or emergency services vehicle:

(1) In an area designated for parking for visitors, in a designated parking area or common parking area, or on the driveway of the unit of a person to whom law enforcement or emergency services are being provided, while the person is engaged in his or her official duties; or

(2) In an area designated for parking for visitors, in a designated parking area or common parking area, or on the driveway of his or her unit, if the person is:

(I) A unit's owner or a tenant of a unit's owner; and

(II) Bringing the vehicle to his or her unit pursuant to his or her employment with the entity which owns the vehicle for the purpose of responding to requests for law enforcement services or emergency services.

4. An association may require that a person parking a utility service vehicle, law enforcement vehicle or emergency services vehicle as set forth in subsection 3 provide written confirmation from his or her employer that the person is qualified to park his or her vehicle in the manner set forth in subsection 3.

5. ***In a common-interest community which is not gated or enclosed and the access to which is not restricted or controlled by a person or device, the association shall display a sign in plain view on or near any property on which parking is prohibited or restricted in a certain manner.***

6. As used in this section:

(a) "Emergency services vehicle" means a vehicle:

(1) Owned by any governmental agency or political subdivision of this State; and

(2) Identified by the entity which owns the vehicle as a vehicle used to provide emergency services.

(b) "Law enforcement vehicle" means a vehicle:

(1) Owned by any governmental agency or political subdivision of this State; and

(2) Identified by the entity which owns the vehicle as a vehicle used to provide law enforcement services.

(c) "Utility service vehicle" means any motor vehicle:

(1) Used in the furtherance of repairing, maintaining or operating any structure or any other physical facility necessary for the delivery of public utility services, including, without limitation, the furnishing of electricity, gas, water, sanitary sewer, telephone, cable or community antenna service; and

(2) Except for any emergency use, operated primarily within the service area of a utility's subscribers or consumers, without regard to whether the motor vehicle is owned, leased or rented by the utility.

Sec. 29. NRS 116.4117 is hereby amended to read as follows:

116.4117 1. Subject to the requirements set forth in subsection 2, if a declarant, community manager or any other person subject to this chapter fails to comply with any of its provisions or any provision of the declaration or bylaws, any person or class of persons suffering actual damages from the failure to comply may bring a civil action for damages or other appropriate relief.

2. Subject to the requirements set forth in NRS 38.310 and except ~~*[Except]*~~ as otherwise provided in NRS 116.3111, a civil action for damages or other appropriate relief for a failure or refusal to comply with any provision of this chapter or the governing documents of an association may be brought:

(a) By the association against:

(1) A declarant;

(2) A community manager; or

(3) A unit's owner.

(b) By a unit's owner ***or a tenant or an invitee of a unit's owner or a tenant*** against:

(1) The association;

(2) A declarant; or

(3) Another unit's owner of the association.

(c) By a class of units' owners constituting at least 10 percent of the total number of voting members of the association against a community manager.

3. Except as otherwise provided in NRS 116.31036, punitive damages may be awarded for a willful and material failure to comply with any provision of this chapter if the failure is established by clear and convincing evidence.

4. The court may award reasonable attorney's fees to the prevailing party.

5. The civil remedy provided by this section is in addition to, and not exclusive of, any other available remedy or penalty.

Sec. 30. ~~*[*~~NRS 116.745 is hereby amended to read as follows:

116.745 As used in NRS 116.745 to 116.795, inclusive, ***and section 1 of this act,*** unless the context otherwise requires, "violation" means a violation

~~of any provision of this chapter, any regulation adopted pursuant thereto or any order of the Commission or a hearing panel.]~~ **(Deleted by amendment.)**

Sec. 31. NRS 116.757 is hereby amended to read as follows:

116.757 1. Except as otherwise provided in this section and NRS 239.0115, a written affidavit filed with the Division pursuant to NRS 116.760, all documents and other information filed with the written affidavit and all documents and other information compiled as a result of an investigation conducted to determine whether to file a formal complaint with the Commission are confidential. ~~[The]~~ ***Except as otherwise provided in this subsection, the*** Division shall not disclose any ***findings or other*** information that is confidential pursuant to this subsection, in whole or in part, to any person, ~~[including, without limitation, a person who is the subject of an investigation or complaint,]~~ unless and until a formal complaint is filed pursuant to subsection 2 and the disclosure is required pursuant to subsection 2. ***The Division shall provide to each party to the dispute for which the written affidavit was filed a copy of the documents and other information submitted by the other party.***

2. A formal complaint filed by the Administrator with the Commission and all documents and other information considered by the Commission or a hearing panel when determining whether to impose discipline or take other administrative action pursuant to NRS 116.745 to 116.795, inclusive, ~~*[and section 1 of this act]*~~ are public records.

Sec. 32. NRS 116.765 is hereby amended to read as follows:

116.765 1. Upon receipt of an affidavit that complies with the provisions of NRS 116.760, the Division shall refer the affidavit to the Ombudsman.

2. The Ombudsman shall give such guidance to the parties as the Ombudsman deems necessary to assist the parties to resolve the alleged violation. ***The Ombudsman shall provide each party an opportunity to respond to any allegations or statements made by the other party or the Division.***

3. If the parties are unable to resolve the alleged violation with the assistance of the Ombudsman, the Ombudsman shall provide to the Division a report concerning the alleged violation and any information collected by the Ombudsman during his or her efforts to assist the parties to resolve the alleged violation.

4. Upon receipt of the report from the Ombudsman, the Division shall conduct an investigation to determine whether good cause exists to proceed with a hearing on the alleged violation.

5. If, after investigating the alleged violation, the Division determines that the allegations in the affidavit are not frivolous, false or fraudulent and that good cause exists to proceed with a hearing on the alleged violation, the Administrator shall file a formal complaint with the Commission and schedule a hearing on the complaint before the Commission or a hearing panel.

Sec. 33. ~~[NRS 38.310 is hereby amended to read as follows:~~

~~38.310 1. [No]~~ ***Except as otherwise provided in subsections 2 and 3, no*** ~~civil action based upon a claim relating to:~~

~~(a) The interpretation, application or enforcement of any covenants, conditions or restrictions applicable to residential property or any bylaws, rules or regulations adopted by an association; or~~

~~(b) The procedures used for increasing, decreasing or imposing additional assessments upon residential property,~~

~~→ may be commenced in any court in this State unless the action has been submitted to mediation or arbitration pursuant to the provisions of NRS 38.300 to 38.360, inclusive, and, if the civil action concerns real estate within a planned community subject to the provisions of chapter 116 of NRS or real estate within a condominium hotel subject to the provisions of chapter 116B of NRS, all administrative procedures specified in any covenants, conditions or restrictions applicable to the property or in any bylaws, rules and regulations of an association have been exhausted.~~

~~2. If:~~

~~*(a) A civil action described in subsection 1 concerns real estate within a planned community subject to the provisions of chapter 116 of NRS and relates to a citation of a unit's owner or a tenant of a unit's owner for a violation of any covenants, conditions or restrictions applicable to residential property or any bylaws, rules or regulations adopted by an association; and*~~

~~*(b) All administrative procedures specified in any covenants, conditions or restrictions applicable to the property or in any bylaws, rules and regulations of an association have been exhausted,*~~

~~*→ the unit's owner or tenant may submit the civil action to mediation or arbitration pursuant to the provisions of NRS 38.300 to 38.360, inclusive, or commence the civil action in a court of competent jurisdiction without complying with the provisions of NRS 38.300 to 38.360, inclusive.*~~

~~*3. If a civil action described in subsection 1 concerns real estate within a planned community subject to the provisions of chapter 116 of NRS and is brought by an invitee of a unit's owner or a tenant of a unit's owner, the invitee may submit the civil action to mediation or arbitration pursuant to the provisions of NRS 38.300 to 38.360, inclusive, or commence the civil action in a court of competent jurisdiction without complying with the provisions of NRS 38.300 to 38.360, inclusive.*~~

~~*4.* A court shall dismiss any civil action which is commenced in violation of the provisions of ~~[~~subsection 1.~~]~~ ~~*this section.]*~~ **(Deleted by amendment.)**

Sec. 34. NRS 38.330 is hereby amended to read as follows:

38.330 1. If all parties named in a written claim filed pursuant to NRS 38.320 agree to have the claim submitted for mediation, the parties shall reduce the agreement to writing and shall select a mediator from the list of mediators maintained by the Division pursuant to NRS 38.340. Any mediator selected must be available within the geographic area. If the parties fail to

agree upon a mediator, the Division shall appoint a mediator from the list of mediators maintained by the Division. Any mediator appointed must be available within the geographic area. Unless otherwise provided by an agreement of the parties, mediation must be completed within 60 days after the parties agree to mediation. Any agreement obtained through mediation conducted pursuant to this section must, within 20 days after the conclusion of mediation, be reduced to writing by the mediator and a copy thereof provided to each party. The agreement may be enforced as any other written agreement. ~~*[If a party commences a civil action based upon any claim which was the subject of mediation, the findings of the mediator are not admissible in that action.]*~~ Except as otherwise provided in this section, the parties are responsible for all costs of mediation conducted pursuant to this section.

2. If all the parties named in the claim do not agree to mediation, the parties shall select an arbitrator from the list of arbitrators maintained by the Division pursuant to NRS 38.340. Any arbitrator selected must be available within the geographic area. If the parties fail to agree upon an arbitrator, the Division shall appoint an arbitrator from the list maintained by the Division. Any arbitrator appointed must be available within the geographic area. Upon appointing an arbitrator, the Division shall provide the name of the arbitrator to each party. An arbitrator shall, not later than 5 days after the arbitrator's selection or appointment pursuant to this subsection, provide to the parties an informational statement relating to the arbitration of a claim pursuant to this section. The written informational statement:

(a) Must be written in plain English;

(b) Must explain the procedures and applicable law relating to the arbitration of a claim conducted pursuant to this section, including, without limitation, the procedures, timelines and applicable law relating to confirmation of an award pursuant to NRS 38.239, vacation of an award pursuant to NRS 38.241, judgment on an award pursuant to NRS 38.243, and any applicable statute or court rule governing the award of attorney's fees or costs to any party; and

(c) Must be accompanied by a separate form acknowledging that the party has received and read the informational statement, which must be returned to the arbitrator by the party not later than 10 days after receipt of the informational statement.

3. The Division may provide for the payment of the fees for a mediator or an arbitrator selected or appointed pursuant to this section from the Account for Common-Interest Communities and Condominium Hotels created by NRS 116.630, to the extent that:

(a) The Commission for Common-Interest Communities and Condominium Hotels approves the payment; and

(b) There is money available in the Account for this purpose.

4. ***The fees for a mediator or an arbitrator selected or appointed pursuant to this section must not exceed*** ~~*[$750 and, except]*~~ ***$1,000, unless a greater fee is authorized for good cause shown. Except as otherwise***

provided in subsection 3, each party to the mediation or arbitration must pay an equal percentage of the fees for the mediator or arbitrator.

5. A party to a mediation or an arbitration conducted pursuant to this section is not liable for the costs or attorney's fees incurred by another party during the mediation or arbitration.

6. If a party to a mediation or an arbitration conducted pursuant to this section submits a written statement to the Division alleging that the mediator or arbitrator has a conflict of interest or is biased against that party and submits with the written statement evidence to substantiate the allegation, the Division shall remove the mediator or arbitrator and appoint a mediator or arbitrator from the list maintained by the Division pursuant to NRS 38.340 who is acceptable to each party. A mediator or arbitrator who has been removed by the Division pursuant to this subsection shall refund to the parties any payments made by the parties for the fees of the mediator or arbitrator.

7. Except as otherwise provided in this section and except where inconsistent with the provisions of NRS 38.300 to 38.360, inclusive, the arbitration of a claim pursuant to this section must be conducted in accordance with the provisions of NRS 38.231, 38.232, 38.233, 38.236 to 38.239, inclusive, 38.242 and 38.243. At any time during the arbitration of a claim relating to the interpretation, application or enforcement of any covenants, conditions or restrictions applicable to residential property or any bylaws, rules or regulations adopted by an association, the arbitrator may issue an order prohibiting the action upon which the claim is based. An award must be made within 30 days after the conclusion of arbitration, unless a shorter period is agreed upon by the parties to the arbitration.

~~[5.]~~ ***8.*** If all the parties have agreed to nonbinding arbitration, any party to the nonbinding arbitration may, within 30 days after a decision and award have been served upon the parties, commence a civil action in the proper court concerning the claim which was submitted for arbitration. Any complaint filed in such an action must contain a sworn statement indicating that the issues addressed in the complaint have been arbitrated pursuant to the provisions of NRS 38.300 to 38.360, inclusive. If ~~*[an action is commenced within that period, the findings of the arbitrator are not admissible in that action. If]*~~ such an action is not commenced within that period, any party to the arbitration may, within 1 year after the service of the award, apply to the proper court for a confirmation of the award pursuant to NRS 38.239.

~~[6.]~~ ***9.*** If all the parties agree in writing to binding arbitration, the arbitration must be conducted in accordance with the provisions of this chapter. An award procured pursuant to such binding arbitration may be vacated and a rehearing granted upon application of a party pursuant to the provisions of NRS 38.241.

~~[7.]~~ ***10.*** If, after the conclusion of binding arbitration, a party:

(a) Applies to have an award vacated and a rehearing granted pursuant to NRS 38.241; or

(b) Commences a civil action based upon any claim which was the subject of arbitration,

➥ the party shall, if the party fails to obtain a more favorable award or judgment than that which was obtained in the initial binding arbitration, pay all costs and reasonable attorney's fees incurred by the opposing party after the application for a rehearing was made or after the complaint in the civil action was filed.

~~[8.]~~ ~~*[If a party commences a civil action based upon any claim which was the subject of arbitration, the findings of the arbitrator are not admissible in that action.]*~~

11. Upon request by a party, the Division shall provide a statement to the party indicating the amount of the fees for a mediator or an arbitrator selected or appointed pursuant to this section.

~~[9.]~~ ***12.*** As used in this section, "geographic area" means an area within 150 miles from any residential property or association which is the subject of a written claim submitted pursuant to NRS 38.320.

Sec. 35. ~~[The provisions of NRS 116.31164, as amended by section 23 of this act, apply only if a notice of default and election to sell is recorded pursuant to NRS 116.31162 on or after July 1, 2011.]~~ **(Deleted by amendment.)**

Sec. 36. This act becomes effective on July 1, 2011.

Assemblyman Ohrenschall moved the adoption of the amendment.

Amendment adopted.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 482.

AN ACT relating to real property; providing for the issuance of cease and desist orders by the Administrator of the Real Estate Division of the Department of Business and Industry under certain circumstances; revising provisions governing access to a unit in a common-interest community; prohibiting an association of a common-interest community from charging certain fees; prohibiting an association from enacting certain restrictions on antennae and certain other devices for receiving broadcast signals; revising provisions governing the powers of an association; revising provisions governing the filling of vacancies on an executive board; revising provisions governing the powers and duties of the executive board; revising provisions governing construction penalties; revising provisions governing sanctions for violations of the governing documents; revising provisions governing the collection of certain past due financial obligations; revising provisions governing eligibility to be a member of the executive board or an officer of the association; requiring members of the executive board to complete certain courses of education; revising provisions governing meetings of the units' owners and of the executive board; revising provisions governing surplus funds of an association; revising provisions governing the budget of an association; revising provisions governing certain expenditures by an association; revising provisions governing assessments to fund the reserves of an association; revising provisions

governing studies of the reserves of an association; revising provisions governing liens of an association; revising provisions governing the books, records and papers of an association; revising provisions governing parking in a common-interest community; revising provisions governing claims based on alleged violations of certain laws and the interpretation, application and enforcement of the governing documents; revising various other provisions relating to common-interest communities; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1.3 of this bill revises the definition of "costs of collecting" so that: (1) attorney's fees incurred by an association because a unit owner has filed a bankruptcy petition are not subject to the restrictions on fees to cover the costs of collecting a past due obligation; and (2) other attorney's fees incurred by an association in collecting a past due obligation are subject to those restrictions.

Section ~~[1]~~ 1.5 of this bill provides for the issuance of orders to cease and desist by the Administrator of the Real Estate Division of the Department of Business and Industry under certain circumstances.

Existing law prohibits an association of a common-interest community from unreasonably restricting, prohibiting or otherwise impeding the right of a unit's owner to have access to his or her unit. (NRS 116.2111) **Section 2** of this bill prohibits the association from **: (1)** restricting, prohibiting or otherwise impeding the access to the unit of the parents and children of the unit's owner **~~[. Section 2 also prohibits the association from: (1)]~~ ; (2)** charging a fee to a unit's owner for obtaining permission to change the exterior appearance of a unit or the landscaping; **~~[and (2)]~~ (3)** restricting in a manner which violates certain federal regulations the installation, maintenance or use of an antenna or other device for receiving certain broadcast signals **~~[.]~~ ; and (4) prohibiting or unreasonably restricting a unit's owner from installing and using a clothesline within the boundaries of his or her unit.**

Existing law requires an association to provide certain notice at least 48 hours before directing the removal of a vehicle which is improperly parked on property owned or leased by the association unless the vehicle is blocking a fire hydrant, fire lane or handicapped parking space or poses a threat to the health, safety and welfare of residents. (NRS 116.3102) **Section 3** of this bill requires the association to provide the 48-hour notice before removing a vehicle which is blocking a handicapped parking space.

Section 4 of this bill provides for an emergency election to fill certain vacancies on the executive board if the executive board is unable to obtain a quorum because of such vacancies and requires the Division to apply for the appointment of a receiver for the association if the units' owners are unable to fill such vacancies. **Section 4** also: (1) requires the association to make available to members of the executive board, at no charge, certain books, records and papers; and (2) requires the executive board to notify the units'

owners if the executive board has been found to have violated the provisions of existing law governing common-interest communities or the governing documents.

Existing law authorizes an association to impose a construction penalty against a unit's owner who fails to adhere to a schedule. (NRS 116.310305) **Section 5** of this bill prohibits the imposition of a construction penalty if the failure to adhere to the schedule is caused by circumstances beyond the control of the unit's owner.

Existing law authorizes an association to prohibit a unit's owner or a tenant or an invitee of a unit's owner or a tenant from using the common elements as a sanction for a violation of the governing documents. (NRS 116.31031) **Section 6** of this bill provides that the association may prohibit only the use of a common element to which the violation relates, unless the violation is failure to pay an assessment. **Section 6** also revises provisions relating to fines for violations of the governing documents by: (1) providing a lifetime cap of $2,500 on the amount of fines which may be imposed on a unit's owner and his or her spouse; (2) prohibiting an association from imposing a fine if another association has imposed a fine for the same conduct; (3) authorizing the postponement of a hearing on a violation for medical reasons; and (4) requiring a hearing before the imposition of a fine for a continuing violation.

Existing law authorizes, but does not require, an association to enter the grounds of a unit to maintain the exterior of the unit under certain circumstances. (NRS 116.310312) **Section 7** of this bill provides that this authorization expires if the unit's owner or the agent of the unit's owner performs the maintenance necessary for the unit to meet the community standards.

Section 8 of this bill ~~[limits the type of collection fees which an association may charge to a unit's owner and]~~ establishes a cap on the amount of ~~[such]~~ **collection** fees which is based on the amount of the outstanding balance **~~[.]~~ and revises various provisions relating to the collection of amounts due the association.**

Section 9 of this bill requires a member of the executive board to successfully complete 2 hours of education concerning the duties of members of an executive board each year. **Section 9** also provides that: (1) unless the governing documents provide otherwise, officers of the association are required to be units' owners; and (2) a person who resides with, or is related within the first degree of consanguinity to, an officer of the association or member of the executive board may not become an officer of the association or a member of the executive board.

Section 11 of this bill revises various provisions relating to meetings of the units' owners by: (1) authorizing a unit's owner to request that an item be included on the agenda for the meeting; (2) authorizing a guest of a unit's owner to attend the meeting; and (3) authorizing a unit's owner to record the meeting on videotape as well as audiotape.

Section 12 of this bill revises various provisions relating to meetings of the executive board by: (1) requiring the meetings which are held at a time other than standard business hours to start no earlier than 6 p.m.; (2) requiring the agenda to be available not later than 5 days before the meeting; (3) requiring a copy of certain financial information required to be reviewed at an executive board meeting to be made available at no charge to each person present at the meeting and to be provided in electronic format at no charge to a unit's owner who requests the information; and (4) providing that a page limit on materials, remarks or other information to be included in the minutes of the meeting must not be less than two double-sided pages.

Section 13 of this bill revises provisions governing the right of a unit's owner to speak at a meeting of the units' owners or the executive board by: (1) requiring a limitation of not less than 3 minutes on the time a unit's owner may speak; (2) requiring the association to comply with the Americans with Disabilities Act in providing access to the meeting; (3) requiring the executive board to provide a period of comments by the units' owners before voting on a matter; and (4) authorizing a person to be represented by a person of his or her choosing at a hearing concerning an alleged violation of the governing documents.

Section 14 of this bill requires bids for the provision of durable goods to the association to be opened during a meeting of the executive board.

Existing law requires an executive board which receives a complaint from a unit's owner alleging that the executive board has violated existing law or the governing documents to place the subject of the complaint on the agenda for its next meeting if the unit's owner requests that action. (NRS 116.31087) **Section 15** of this bill requires the executive board to discuss the complaint fully and completely and attempt to resolve the complaint at the meeting.

Existing law creates certain crimes related to voting by units' owners. (NRS 116.31107) **Section 16** of this bill requires these provisions to be printed on each ballot provided to the units' owners.

Section 17 of this bill defines "surplus funds" for the purpose of determining whether the association is required to pay the surplus funds to units' owners.

Existing law requires a review or audit of the financial statement of an association at certain times. (NRS 116.31144) **Section 18** of this bill requires the association to provide a copy of the review or audit to a unit's owner in either paper or electronic format at no charge to the unit's owner if the unit's owner requests such a copy.

Under existing law, the proposed budget of an association takes effect unless the units' owners reject the proposed budget. (NRS 116.3115, 116.31151) **Sections 19 and 20** of this bill provide that the proposed budget does not take effect unless the units' owners ratify the proposed budget. If the proposed budget is not ratified, the most recently ratified budget continues in effect.

Section 19 also revises provisions governing special assessments by: (1) removing provisions which specifically authorize the executive board to impose necessary and reasonable assessments to carry out a plan to adequately fund the reserves of the association without seeking or obtaining the approval of the units' owners; (2) providing that an assessment to fund the reserves of the association may not exceed $35 per unit per month; and (3) requiring the approval of the units' owners for capital expenditures exceeding a certain amount and for any visible changes to the interior or exterior of a common element.

Section 20 prohibits the association from charging fees to cover the costs of collecting a past due obligation unless the executive board has proposed, and a majority of the units' owners who cast votes have approved, a collection policy. Section 20 also requires the ~~[collections]~~ **collection** policy ~~[of the association to establish a certain period after which a delinquent fee, fine, assessment or cost may be referred for collection.]~~ **to include certain provisions.**

Existing law requires an association to conduct a study of the reserves required to repair, replace and restore the major components of the common elements and any other portion of the common-interest community that the association is obligated to maintain. (NRS 116.31152) **Section 21** of this bill prohibits the executive board from taking any action based on the study of the reserves, including, without limitation, establishing a funding plan to provide adequate funding for the required reserves, unless and until the executive board approves the study of the reserves at a meeting of the executive board. **Section 21** also: (1) requires the reserve study to be made available to a unit's owner in electronic format at no charge; and (2) provides for notice of the meeting to a unit's owner.

Section 22 of this bill revises provisions governing ~~[the amount of]~~ the association's lien which is prior to a first security interest on a unit.

~~[Section 23 of this bill prohibits the foreclosure of an association's lien and the filing of a civil action to obtain a judgment for the amount due if: (1) the foreclosure sale does not occur within 120 days after mailing the notice of default and election to sell; or (2) an agreement extending that period is not reached.]~~

Existing law authorizes the association to foreclose its lien by sale of the unit and prescribes the procedures for such a foreclosure. (NRS 116.31162-116.31168) Section 22.5 of this bill revises provisions governing foreclosures by prohibiting the association from: (1) foreclosing its lien by sale based on delinquent assessments unless the amount of delinquent assessments exceeds a certain amount; and (2) foreclosing its lien by sale unless the executive board of the association authorizes the foreclosure in an executive session after providing notice of the meeting to a unit's owner.

Section 24 of this bill revises provisions governing the access of a unit's owner to the books, records and papers of an association and requires the

publication of the views or opinions of a unit's owner in the association's official newsletter under certain circumstances.

Existing law provides for a civil action if the executive board, a member of the executive board, a community manager or an officer, employee or agent of the association take, direct or encourage certain retaliatory action against a unit's owner. (NRS 116.31183) **Section 25** of this bill specifies certain actions which constitute retaliatory action.

Section 26 of this bill prohibits an association from charging a fee to a unit's owner to obtain approval for the installation of drought tolerant landscaping.

Section 27 of this bill replaces the authorization of an executive board to approve the renting or leasing of a unit under certain circumstances with a provision requiring the executive board to grant such approval under certain circumstances.

Section 28 of this bill: (1) prohibits the executive board and the governing documents from interfering with the parking of an automobile, privately owned standard pickup truck, motorcycle or certain other vehicles; and (2) requires the association of a common-interest community which is not gated or enclosed to display signs on or near any property on which parking is prohibited or restricted.

Existing law requires the association to provide a statement of any transfer fees, transaction fees or any other fees associated with the resale of a unit in the resale package which is provided to a potential purchaser of a unit. (NRS 116.4109) Section 28.5 of this bill establishes a limit of not more than $50 on a fee charged to a unit's owner to record the transfer of a unit in the records of the association or its community manager.

Sections 29 and 33 of this bill revise provisions governing mediation and arbitration of claims relating to the interpretation, application or enforcement of certain governing documents by authorizing a civil action concerning certain claims to be commenced without submitting the claims to mediation or arbitration. **Section 29** also authorizes a civil action concerning a violation of existing law governing common-interest communities to be brought by a tenant or an invitee of a unit's owner or a tenant.

Sections 31 and 32 of this bill require the sharing of information by the parties to an affidavit filed with the Division alleging a violation of existing law governing common-interest communities.

Section 34 of this bill revises provisions governing the mediation and arbitration of certain claims relating to the governing documents by: (1) prohibiting the findings of a mediator or arbitrator from being admitted in a civil action; (2) limiting the fees of a mediator or an arbitrator to $750; (3) requiring each party to a mediation or arbitration to pay an equal percentage of the fees of a mediator or arbitrator; (4) providing that a party to a mediation or arbitration is not liable for the costs and attorney's fees incurred

by another party during the mediation or arbitration; and (5) providing for the removal of a mediator or arbitrator under certain circumstances.

Existing law provides that a collection agency which violates the federal Fair Debt Collection Practices Act, 15 U.S.C. §§ 1692 et seq., or any regulation adopted pursuant thereto violates the provisions in existing state law relating to collection agencies. (NRS 649.370) Section 34.5 of this bill provides that a collection agency which violates the federal Fair Debt Collection Practices Act with respect to any debt owed to an association by a unit's owner is deemed to violate existing state law relating to collection agencies.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 116 of NRS is hereby amended by adding thereto ~~[a new section to read as follows:]~~ **the provisions set forth as sections 1.3 and 1.5 of this act.**

Sec. 1.3. ***"Costs of collecting" includes any fee, charge or cost, by whatever name, including, without limitation, any collection fee, filing fee, recording fee, fee related to the preparation, recording or delivery of a notice of default and election to sell or notice of foreclosure sale or a rescission thereof, title search lien fee, bankruptcy search fee, referral fee, fee for postage or delivery and any other fee or cost that an association incurs for the investigation, enforcement or collection of a past due obligation. The term does not include attorney's fees incurred by an association because the unit's owner has filed a bankruptcy petition pursuant to Title 11 of the United States Code.***

Sec. 1.5. 1. If the Administrator has reasonable cause to believe that any person or executive board has engaged in any activity in violation of any provision of this chapter, any regulation adopted pursuant thereto or any order, decision, demand or requirement of the Commission or Division or a hearing panel, or is about to commit such a violation, and that the violation or potential violation has caused or is likely to cause irreversible harm, the Administrator may issue an order directing the person or executive board to desist and refrain from continuing to commit the violation or from doing any act in furtherance of the violation.

2. Within 30 days after the receipt of such an order, the person may file a verified petition with the Administrator for a hearing before the Commission.

3. The Commission shall hold a hearing at the next regularly scheduled meeting of the Commission. If the Commission fails to hold such a hearing, or does not render a written decision within 30 days after the hearing, the cease and desist order is rescinded.

4. The decision of the Commission at a hearing held pursuant to subsection 3 is a final decision for the purposes of judicial review.

Sec. 1.7. **NRS 116.003 is hereby amended to read as follows:**

116.003 As used in this chapter and in the declaration and bylaws of an association, unless the context otherwise requires, the words and terms defined in NRS 116.005 to 116.095, inclusive, ***and section 1.3 of this act*** have the meanings ascribed to them in those sections.

Sec. 2. NRS 116.2111 is hereby amended to read as follows:

116.2111 1. Except as otherwise provided in this section and subject to the provisions of the declaration and other provisions of law, a unit's owner:

(a) May make any improvements or alterations to his or her unit that do not impair the structural integrity or mechanical systems or lessen the support of any portion of the common-interest community;

(b) May not change the appearance of the common elements, or the exterior appearance of a unit or any other portion of the common-interest community, without permission of the association; and

(c) After acquiring an adjoining unit or an adjoining part of an adjoining unit, may remove or alter any intervening partition or create apertures therein, even if the partition in whole or in part is a common element, if those acts do not impair the structural integrity or mechanical systems or lessen the support of any portion of the common-interest community. Removal of partitions or creation of apertures under this paragraph is not an alteration of boundaries.

2. An association may not:

(a) ~~[~~Unreasonably restrict,~~]~~ ***Restrict,*** prohibit or otherwise impede the lawful rights of a unit's owner ***, and the children or parents of a unit's owner,*** to have reasonable access to his or her unit ~~[.]~~ ***, unless directed otherwise by the unit's owner.***

(b) Charge any fee for a person to enter the common-interest community to provide services to a unit, a unit's owner or a tenant of a unit's owner or for any visitor to the common-interest community or invitee of a unit's owner or a tenant of a unit's owner to enter the common-interest community.

(c) Unreasonably restrict, prohibit or withhold approval for a unit's owner to add to a unit:

(1) Improvements such as ramps, railings or elevators that are necessary to improve access to the unit for any occupant of the unit who has a disability;

(2) Additional locks to improve the security of the unit;

(3) Shutters to improve the security of the unit or to reduce the costs of energy for the unit; or

(4) A system that uses wind energy to reduce the costs of energy for the unit if the boundaries of the unit encompass 2 acres or more within the common-interest community.

(d) With regard to approving or disapproving any improvement or alteration made to a unit, act in violation of any state or federal law.

(e) Charge any fee to a unit's owner for obtaining permission to change the exterior appearance of a unit or the landscaping associated with a unit.

(f) Restrict in a manner which violates the provisions of 47 C.F.R. § 1.4000 the installation, maintenance or use of any antenna or other device described in that section.

(g) Prohibit or unreasonably restrict a unit's owner from installing and using a clothesline within the boundaries of his or her unit.

3. Any improvement or alteration made pursuant to subsection 2 that is visible from any other portion of the common-interest community must be installed, constructed or added in accordance with the procedures set forth in the governing documents of the association and must be selected or designed to the maximum extent practicable to be compatible with the style of the common-interest community.

4. An association may not unreasonably restrict, prohibit or withhold approval for a unit's owner to add shutters to improve the security of the unit or to reduce the costs of energy for the unit, including, without limitation, rolling shutters, that are attached to a portion of an interior or exterior window, interior or exterior door or interior or exterior wall which is not part of the unit and which is a common element or limited common element if:

(a) The portion of the window, door or wall to which the shutters are attached is adjoining the unit; and

(b) The shutters must necessarily be attached to that portion of the window, door or wall during installation to achieve the maximum benefit in improving the security of the unit or reducing the costs of energy for the unit.

5. If a unit's owner adds shutters pursuant to subsection 4, the unit's owner is responsible for the maintenance of the shutters.

6. For the purposes of subsection 4, a covenant, restriction or condition which does not unreasonably restrict the addition of shutters and which is contained in the governing documents of a common-interest community or a policy established by a common-interest community is enforceable so long as the covenant, restriction or condition was:

(a) In existence on July 1, 2009; or

(b) Contained in the governing documents in effect on the close of escrow of the first sale of a unit in the common-interest community.

7. A unit's owner may not add to the unit a system that uses wind energy as described in subparagraph 4 of paragraph (c) of subsection 2 unless the unit's owner first obtains the written consent of each owner of property within 300 feet of any boundary of the unit.

Sec. 3. NRS 116.3102 is hereby amended to read as follows:

116.3102 1. Except as otherwise provided in this section, and subject to the provisions of the declaration, the association may do any or all of the following:

(a) Adopt and amend bylaws, rules and regulations.

(b) Adopt and amend budgets for revenues, expenditures and reserves and collect assessments for common expenses from the units' owners.

(c) Hire and discharge managing agents and other employees, agents and independent contractors.

(d) Institute, defend or intervene in litigation or administrative proceedings in its own name on behalf of itself or two or more units' owners on matters affecting the common-interest community.

(e) Make contracts and incur liabilities. Any contract between the association and a private entity for the furnishing of goods or services must not include a provision granting the private entity the right of first refusal with respect to extension or renewal of the contract.

(f) Regulate the use, maintenance, repair, replacement and modification of common elements.

(g) Cause additional improvements to be made as a part of the common elements.

(h) Acquire, hold, encumber and convey in its own name any right, title or interest to real estate or personal property, but:

(1) Common elements in a condominium or planned community may be conveyed or subjected to a security interest only pursuant to NRS 116.3112; and

(2) Part of a cooperative may be conveyed, or all or part of a cooperative may be subjected to a security interest, only pursuant to NRS 116.3112.

(i) Grant easements, leases, licenses and concessions through or over the common elements.

(j) Impose and receive any payments, fees or charges for the use, rental or operation of the common elements, other than limited common elements described in subsections 2 and 4 of NRS 116.2102, and for services provided to the units' owners, including, without limitation, any services provided pursuant to NRS 116.310312.

(k) Impose ***collection costs and*** charges for late payment of assessments pursuant to NRS 116.3115.

(l) Impose construction penalties when authorized pursuant to NRS 116.310305.

(m) Impose reasonable fines for violations of the governing documents of the association only if the association complies with the requirements set forth in NRS 116.31031.

(n) Impose reasonable charges for the preparation and recordation of any amendments to the declaration or any statements of unpaid assessments, and impose reasonable fees, not to exceed the amounts authorized by NRS 116.4109, for preparing and furnishing the documents and certificate required by that section.

(o) Provide for the indemnification of its officers and executive board and maintain directors' and officers' liability insurance.

(p) Assign its right to future income, including the right to receive assessments for common expenses, but only to the extent the declaration expressly so provides.

(q) Exercise any other powers conferred by the declaration or bylaws.

(r) Exercise all other powers that may be exercised in this State by legal entities of the same type as the association.

(s) Direct the removal of vehicles improperly parked on property owned or leased by the association, as authorized pursuant to NRS 487.038, or improperly parked on any road, street, alley or other thoroughfare within the common-interest community in violation of the governing documents. In addition to complying with the requirements of NRS 487.038 and any requirements in the governing documents, if ~~[a]~~ ***any*** vehicle ***, regardless of the person who owns the vehicle,*** is improperly parked as described in this paragraph, the association must post written notice in a conspicuous place on the vehicle or provide oral or written notice to the owner or operator of the vehicle at least 48 hours before the association may direct the removal of the vehicle, unless the vehicle:

(1) Is blocking a fire hydrant ~~[,]~~ ***or*** fire lane ***;*** ~~[or parking space designated for the handicapped;]~~ or

(2) Poses an imminent threat of causing a substantial adverse effect on the health, safety or welfare of the units' owners or residents of the common-interest community.

(t) Exercise any other powers necessary and proper for the governance and operation of the association.

2. The declaration may not impose limitations on the power of the association to deal with the declarant which are more restrictive than the limitations imposed on the power of the association to deal with other persons.

3. Notwithstanding any provision of this chapter or the governing documents to the contrary, an association may not impose any assessment pursuant to this chapter or the governing documents on the owner of any property in the common-interest community that is exempt from taxation pursuant to NRS 361.125. For the purposes of this subsection, "assessment" does not include any charge for any utility services, including, without limitation, telecommunications, broadband communications, cable television, electricity, natural gas, sewer services, garbage collection, water or for any other service which is delivered to and used or consumed directly by the property in the common-interest community that is exempt from taxation pursuant to NRS 361.125.

Sec. 4. NRS 116.3103 is hereby amended to read as follows:

116.3103 1. Except as otherwise provided in the declaration, the bylaws, this section or other provisions of this chapter, the executive board may act in all instances on behalf of the association. In the performance of their duties, the officers and members of the executive board are fiduciaries and shall act on an informed basis, in good faith and in the honest belief that their actions are in the best interest of the association. The members of the executive board are required to exercise the ordinary and reasonable care of directors of a corporation, subject to the business-judgment rule.

2. The executive board may not act on behalf of the association to amend the declaration, to terminate the common-interest community, or to elect members of the executive board or determine their qualifications, powers and duties or terms of office, but the executive board may fill vacancies in its membership for the unexpired portion of any term ***if the executive board is able to obtain a quorum pursuant to subsection 3 of NRS 116.3109*** unless the governing documents provide that a vacancy on the executive board must be filled by a vote of the membership of the association. ***If the executive board is authorized to fill vacancies in its membership pursuant to this subsection, the executive board may not appoint to the executive board a person who has been removed from the executive board pursuant to NRS 116.31036 within the immediately preceding 6 years.***

3. Notwithstanding the provisions of NRS 116.31175, 116.31177 and 116.3118, upon the request of a member of the executive board, the association shall make available to the member of the executive board, at no charge, the books, records and other papers of the executive board and the association, including, without limitation, records, invoices, contracts, agreements, letters of instruction issued by the Division, correspondence between a unit's owner and the community manager, notices of violations, financial records, bank statements, personnel records, employment contracts, reserve studies, notices of delinquent assessments and notices of default and election to sell mailed pursuant to NRS 116.31162, architectural plans and specifications submitted by a unit's owner, minutes of executive sessions of the executive board, voice recordings and any other book, record or paper created by the executive board or the association, its agents or a member of the executive board acting in the course and scope of his or her duties as a member of the executive board.

4. If the Commission, a mediator or an arbitrator who conducts a mediation or arbitration pursuant to NRS 38.300 to 38.360, inclusive, or a court finds that the executive board has committed a violation of any provision of the governing documents, this chapter, any regulation adopted pursuant thereto or any order of the Commission or a hearing panel, the executive board must notify the units' owners of the findings by mailing a statement of the findings to the mailing address of each unit within the common-interest community or to any other mailing address designated in writing by a unit's owner.

5. Notwithstanding any provision of this chapter or the governing documents, if the executive board is unable to obtain a quorum pursuant to subsection 3 of NRS 116.3109 because of vacancies on the executive board, the association must, within 30 days, hold a meeting of the units' owners for the purpose of conducting an election to fill such vacancies as necessary to provide a quorum for the executive board. The meeting and election must be conducted in the following manner:

(a) Not later than 10 days in advance of the meeting, the secretary or other officer specified in the bylaws shall cause notice of the meeting to be

hand-delivered, sent prepaid by United States mail to the mailing address of each unit or to any other mailing address designated in writing by the unit's owner or, if the association offers to send notice by electronic mail, sent by electronic mail at the request of the unit's owner to an electronic mail address designated in writing by the unit's owner. The notice of the meeting must state the time and place of the meeting and that the meeting is being held for the purpose of filling vacancies on the executive board. The notice must include notification of the right of a unit's owner to:

(1) Have a copy of the minutes or a summary of the minutes of the meeting provided to the unit's owner upon request, in electronic format at no charge to the unit's owner or, if the association is unable to provide the copy or summary in electronic format, in paper format at a cost not to exceed 25 cents per page for the first 10 pages, and 10 cents per page thereafter.

(2) Speak to the association regarding the election to fill vacancies on the executive board.

(b) At the meeting:

(1) A quorum of the units' owners is not required for the nomination of any candidate to fill a vacancy on the executive board or for the election to fill the vacancy.

(2) A units' owner may attend the meeting in person or by proxy. The provisions of NRS 116.311 apply to the use of proxies at the meeting.

(3) The units' owners present in person or by proxy shall nominate candidates to fill such vacancies on the executive board as are necessary to create a quorum for the executive board.

(4) After nominations are taken, the election to fill a vacancy must be conducted by secret written ballot.

(5) The secret written ballots must be opened and counted at the meeting and the candidate receiving a majority of the votes cast for that seat on the executive board is elected to the executive board for the period provided in paragraph (d).

(c) The provisions of subsections 8, 9, 11 and 12 of NRS 116.3108 regarding the minutes of the meeting and the recording of the meeting by a unit's owner are applicable to the meeting.

(d) Upon the election of members to the executive board pursuant to this subsection:

(1) A candidate elected to the executive board pursuant to this subsection is elected for a term of 90 days, except that if the regular election for that seat on the executive board must be conducted within 180 days after the candidate's election, the candidate is elected for the unexpired portion of the term.

(2) The executive board may not fill any vacancy remaining after the election but, within 90 days after the election pursuant to this subsection, must call for an election to be conducted pursuant to NRS 116.31034 to fill:

(I) Each remaining vacancy for which a regular election is not required within 180 days; and

(II) The seats on the executive board which were filled pursuant to this subsection, unless an election for such a seat is required to be conducted within 180 days.

6. If, at an election conducted pursuant to subsection 5, the units' owners do not fill a sufficient number of vacancies on the executive board to provide a quorum for the executive board, the Division must apply to a court of competent jurisdiction for the appointment of a receiver for the association. In the application for the appointment of the receiver, notice of a temporary appointment of a receiver may be given to the association alone, by process as in the case of an application for a temporary restraining order or injunction. The hearing thereon may be had after 5 days' notice unless the court directs a longer or different notice and different parties. The court may appoint one or more receivers to carry out the business of the association. The members of the executive board must be preferred in making the appointment. The powers of any receiver appointed pursuant to this subsection may be continued as long as the court deems necessary and proper. At any time, for sufficient cause, the court may order the receivership terminated. Any receiver appointed pursuant to this subsection has, among the usual powers, all the functions, powers, tenure and duties to be exercised under the direction of the court as are conferred on receivers and as provided in NRS 78.635, 78.640 and 78.645, whether or not the association is insolvent. Such powers include, without limitation, the powers to:

(a) Take charge of the estate and effects of the association;

(b) Appoint an agent or agents;

(c) Collect any debts and property due and belonging to the association and prosecute and defend, in the name of the association, or otherwise, any civil action as may be necessary or proper for the purposes of collecting debts and property;

(d) Perform any other act in accordance with the governing documents of the association and this chapter that may be necessary for the association to carry out its obligations; and

(e) By injunction, restrain the association from exercising any of its powers or doing business in any way except by and through a receiver appointed by the court.

Sec. 5. NRS 116.310305 is hereby amended to read as follows:

116.310305 1. A unit's owner shall adhere to a schedule required by the association for:

(a) The completion of the design of a unit or the design of an improvement to a unit;

(b) The commencement of the construction of a unit or the construction of an improvement to a unit;

(c) The completion of the construction of a unit or the construction of an improvement to the unit; or

(d) The issuance of a permit which is necessary for the occupancy of a unit or for the use of an improvement to a unit.

2. ~~[The]~~ ***Except as otherwise provided by subsection 3, the*** association may impose and enforce a construction penalty against a unit's owner who fails to adhere to a schedule as required pursuant to subsection 1 if:

(a) The maximum amount of the construction penalty and the schedule are set forth in:

(1) The declaration;

(2) Another document related to the common-interest community that is recorded before the date on which the unit's owner acquired title to the unit; or

(3) A contract between the unit's owner and the association; and

(b) The unit's owner receives notice of the alleged violation which informs the unit's owner that he or she has a right to a hearing on the alleged violation.

3. ***The association may not impose or enforce a construction penalty against a unit's owner pursuant to subsection 2 if the failure to adhere to the schedule as required pursuant to subsection 1 is caused by circumstances beyond the control of the unit's owner.***

4. For the purposes of this chapter, a construction penalty is not a fine.

Sec. 6. NRS 116.31031 is hereby amended to read as follows:

116.31031 1. Except as otherwise provided in this section, if a unit's owner or a tenant or an invitee of a unit's owner or a tenant violates any provision of the governing documents of an association, the executive board may, if the governing documents so provide:

(a) Prohibit, for a reasonable time, the unit's owner or the tenant or the invitee of the unit's owner or the tenant from:

(1) Voting on matters related to the common-interest community.

(2) Using the ***specific*** common ~~[elements.]~~ ***element to which the violation relates, if the violation relates to a common element.*** The provisions of this subparagraph do not prohibit the ***executive board from prohibiting a unit's owner from using the common elements if the unit's owner is delinquent in the payment of any assessment and do not prohibit the*** unit's owner or the tenant or the invitee of the unit's owner or the tenant from using any vehicular or pedestrian ingress or egress to go to or from the unit, including any area used for parking.

(b) Impose a fine against the unit's owner or the tenant or the invitee of the unit's owner or the tenant for each violation, except that:

(1) A fine may not be imposed for a violation that is the subject of a construction penalty pursuant to NRS 116.310305; and

(2) A fine may not be imposed against a unit's owner or a tenant or invitee of a unit's owner or a tenant for a violation of the governing documents which involves a vehicle and which is committed by a person

who is delivering goods to, or performing services for, the unit's owner or tenant or invitee of the unit's owner or the tenant.

➥ If the violation poses an imminent threat of causing a substantial adverse effect on the health, safety or welfare of the units' owners or residents of the common-interest community, the amount of the fine must be commensurate with the severity of the violation and must be determined by the executive board in accordance with the governing documents. If the violation does not pose an imminent threat of causing a substantial adverse effect on the health, safety or welfare of the units' owners or residents of the common-interest community, the amount of the fine must be commensurate with the severity of the violation and must be determined by the executive board in accordance with the governing documents, but the amount of the fine must not exceed $100 for each violation or a total amount of $1,000, whichever is less. ***During the lifetime of the unit's owner and any successor in interest who is the spouse of the unit's owner, the total amount of fines imposed against the unit's owner and the successor in interest must not exceed $2,500.*** The limitations on the amount of the fine do not apply to any charges or costs that may be collected by the association pursuant to this section if the fine becomes past due.

2. ***Notwithstanding any other provision of this chapter, the executive board may not impose a fine pursuant to subsection 1 against a unit's owner or a tenant or an invitee of a unit's owner or a tenant if the executive board of another association has imposed a fine against the unit's owner, tenant or invitee for the same action, or failure to act, on the part of the unit's owner, tenant or invitee.***

3. The executive board may not impose a fine pursuant to subsection 1 against a unit's owner for a violation of any provision of the governing documents of an association committed by an invitee of the unit's owner or the tenant unless the unit's owner:

(a) Participated in or authorized the violation;

(b) Had prior notice of the violation; or

(c) Had an opportunity to stop the violation and failed to do so.

~~[3.]~~ ***4.*** The executive board may not impose a fine pursuant to subsection 1 unless:

(a) Not less than 30 days before the ***alleged*** violation, the unit's owner and, if different, the person against whom the fine will be imposed had been provided with written notice of the applicable provisions of the governing documents that form the basis of the ***alleged*** violation; and

(b) Within a reasonable time after the discovery of the ***alleged*** violation, the unit's owner and, if different, the person against whom the fine will be imposed has been provided with:

(1) Written notice specifying the details of the ***alleged*** violation, ***the location of the alleged violation,*** the amount of the fine, and the date, time and location for a hearing on the violation; and

(2) A reasonable opportunity to contest the ***alleged*** violation at the hearing.

➥ For the purposes of this subsection, a unit's owner shall not be deemed to have received written notice unless written notice is mailed to the address of the unit and, if different, to a mailing address specified by the unit's owner.

~~[4.]~~ ***5.*** The executive board must schedule the date, time and location for the hearing on the ***alleged*** violation so that the unit's owner and, if different, the person against whom the fine will be imposed is provided with a reasonable opportunity to prepare for the hearing and to be present at the hearing.

~~[5.]~~ ***A hearing may be postponed if the unit's owner or, if different, the person against whom the fine will be imposed presents to the executive board or an officer of the association medical documentation indicating that he or she is unable to participate in the hearing for medical reasons. At the hearing on the alleged violation, the unit's owner and, if different, the person against whom the fine will be imposed may be represented by an attorney or any other representative. Notwithstanding any other provision of this chapter, the cost of an attorney representing the association or executive board at a hearing pursuant to this section may not be charged to the unit's owner or other person against whom the fine will be imposed.***

6. The executive board must hold a hearing before it may impose the fine, unless the fine is paid before the hearing or unless the unit's owner and, if different, the person against whom the fine will be imposed:

(a) Executes a written waiver of the right to the hearing; or

(b) Fails to appear at the hearing after being provided with proper notice of the hearing.

~~[6. If a fine is imposed pursuant to subsection 1 and the violation is not cured within 14 days, or within any longer period that may be established by the executive board, the violation shall be deemed a continuing violation. Thereafter, the executive board may impose an additional fine for the violation for each 7-day period or portion thereof that the violation is not cured. Any additional fine may be imposed without notice and an opportunity to be heard.]~~

7. If the governing documents so provide, the executive board may appoint a committee, with not less than three members, to conduct hearings on violations and to impose fines pursuant to this section. While acting on behalf of the executive board for those limited purposes, the committee and its members are entitled to all privileges and immunities and are subject to all duties and requirements of the executive board and its members.

8. A member of the executive board shall not participate in any hearing or cast any vote relating to a fine imposed pursuant to subsection 1 if the member has not paid all assessments which are due to the association by the member. If a member of the executive board:

(a) Participates in a hearing in violation of this subsection, any action taken at the hearing is void.

(b) Casts a vote in violation of this subsection, the vote is void.

9. ***If a unit's owner or, if different, a person against whom a fine was imposed pursuant subsection 1 files a claim with the Division pursuant to NRS 38.320 which alleges that the executive board violated a provision of the governing documents in connection with the imposition of the fine, the imposition and collection of the fine is stayed until the conclusion of mediation or, if applicable, the issuance of an arbitration decision. If a unit's owner or, if different, a person against whom a fine was imposed pursuant to subsection 1 files an affidavit with the Division pursuant to NRS 116.760 which alleges that the executive board violated a provision of the governing documents in connection with the imposition of the fine, the imposition and collection of the fine is stayed until the resolution of the matter pursuant to subsection 1 of NRS 116.785, the issuance of a decision by the Division to not file a formal complaint pursuant to subsection 5 of NRS 116.765 or the final decision of the Commission, whichever is applicable.***

10. The provisions of this section establish the minimum procedural requirements that the executive board must follow before it may impose a fine. The provisions of this section do not preempt any provisions of the governing documents that provide greater procedural protections.

~~[10.]~~ ***11.*** Any past due fine must not bear interest, but may include any costs incurred by the association during a civil action to enforce the payment of the past due fine.

~~[11.]~~ ***12.*** If requested by a person upon whom a fine was imposed, not later than 60 days after receiving any payment of a fine, an association shall provide to the person upon whom the fine was imposed a statement of the remaining balance owed.

Sec. 7. NRS 116.310312 is hereby amended to read as follows:

116.310312 1. A person who holds a security interest in a unit must provide the association with the person's contact information as soon as reasonably practicable, but not later than 30 days after the person:

(a) Files an action for recovery of a debt or enforcement of any right secured by the unit pursuant to NRS 40.430; or

(b) Records or has recorded on his or her behalf a notice of a breach of obligation secured by the unit and the election to sell or have the unit sold pursuant to NRS 107.080.

2. If an action or notice described in subsection 1 has been filed or recorded regarding a unit and the association has provided the unit's owner with notice and an opportunity for a hearing in the manner provided in NRS 116.31031, the association, including its employees, agents and community manager, may, but is not required to, enter the grounds of the unit, whether or not the unit is vacant, to take any of the following actions if the unit's owner refuses or fails to take any action or comply with any requirement imposed on the unit's owner within the time specified by the association as a result of the hearing:

(a) Maintain the exterior of the unit in accordance with the standards set forth in the governing documents, including, without limitation, any provisions governing maintenance, standing water or snow removal. ***The authorization to enter the grounds of the unit for the purposes set forth in this paragraph continues until the unit's owner or an agent of the unit's owner performs the maintenance necessary to maintain the exterior of the unit in accordance with the standards set forth in the governing documents.***

(b) Remove or abate a public nuisance on the exterior of the unit which:

(1) Is visible from any common area of the community or public streets;

(2) Threatens the health or safety of the residents of the common-interest community;

(3) Results in blighting or deterioration of the unit or surrounding area; and

(4) Adversely affects the use and enjoyment of nearby units.

3. If a unit is vacant and the association has provided the unit's owner with notice and an opportunity for a hearing in the manner provided in NRS 116.31031, the association, including its employees, agents and community manager, may enter the grounds of the unit to maintain the exterior of the unit or abate a public nuisance as described in subsection 2 if the unit's owner refuses or fails to do so.

4. The association may order that the costs of any maintenance or abatement conducted pursuant to subsection 2 or 3, including, without limitation, reasonable inspection fees, notification and collection costs and interest, be charged against the unit. The association shall keep a record of such costs and interest charged against the unit and has a lien on the unit for any unpaid amount of the charges. The lien may be foreclosed under NRS 116.31162 to 116.31168, inclusive.

5. A lien described in subsection 4 bears interest from the date that the charges become due at a rate determined pursuant to NRS 17.130 until the charges, including all interest due, are paid.

6. ~~[Except as otherwise provided in this subsection,]~~ ***Subject to the limitations provided in NRS 116.3116,*** a lien described in subsection 4 is prior and superior to all liens, claims, encumbrances and titles other than the liens described in paragraphs (a) and (c) of subsection 2 of NRS 116.3116. ~~[If the federal regulations of the Federal Home Loan Mortgage Corporation or the Federal National Mortgage Association require a shorter period of priority for the lien, the period during which the lien is prior and superior to other security interests shall be determined in accordance with those federal regulations. Notwithstanding the federal regulations, the period of priority of the lien must not be less than the 6 months immediately preceding the institution of an action to enforce the lien.]~~

7. A person who purchases or acquires a unit at a foreclosure sale pursuant to NRS 40.430 or a trustee's sale pursuant to NRS 107.080 is bound by the governing documents of the association and shall maintain the exterior

of the unit in accordance with the governing documents of the association. Such a unit may only be removed from a common-interest community in accordance with the governing documents pursuant to this chapter.

8. Notwithstanding any other provision of law, an association, its directors or members of the executive board, employees, agents or community manager who enter the grounds of a unit pursuant to this section are not liable for trespass.

9. As used in this section:

(a) "Exterior of the unit" includes, without limitation, all landscaping outside of a unit and the exterior of all property exclusively owned by the unit owner.

(b) "Vacant" means a unit:

(1) Which reasonably appears to be unoccupied;

(2) On which the owner has failed to maintain the exterior to the standards set forth in the governing documents the association; and

(3) On which the owner has failed to pay assessments for more than 60 days.

Sec. 8. NRS 116.310313 is hereby amended to read as follows:

116.310313 1. ~~[~~An~~]~~ ~~*[If the governing documents authorize an]*~~ ***If, pursuant to subsection 4 of NRS 116.31151, an*** association ~~[~~may~~]~~ ***is authorized to*** charge a unit's owner ~~[~~reasonable fees to cover~~]~~ ~~*[for]*~~ the costs of collecting ~~[~~any~~]~~ ***a*** past due obligation ~~[~~. The Commission shall adopt regulations establishing the amount of the fees that an association may charge pursuant to this section.~~]~~ ***, the*** ~~*[governing documents may not authorize the association to charge the unit's owner for any costs of collecting other than costs relating to filing, recording, title searches, bankruptcy searches and postage. The]*~~ ***rate established by the association for the costs of collecting the past due obligation:***

(a) May not exceed ~~*[$40,]*~~ ***$50, if the outstanding balance is less than $200.***

(b) May not exceed $75, if the outstanding balance is $200 or more but is less than $500.

(c) May not exceed ~~*[$125,]*~~ ***$100, if the outstanding balance is $500 or more but is less than $1,000.***

(d) May not exceed ~~*[$175,]*~~ ***$250, if the outstanding balance is $1,000 or more but is less than $5,000.***

(e) May not exceed ~~*[$200,]*~~ ***$500, if the outstanding balance is $5,000 or more.***

2. ***An association or a community manager may not charge a unit's owner, or require a unit's owner to pay, a fee of more than:***

(a) Fifty dollars for transferring an account for the collection of a past due obligation to another person; and

(b) Twenty-five dollars for changing the name of the unit's owner on the account for the collection of a past due obligation.

3. An association may not transfer an account for the collection of a past due fine for a violation of the governing documents to any person other than an officer or employee of the association or the community manager. If an association transfers an account for the collection of a past due fine for a violation of the governing documents to the community manager of the association, the community manager may not transfer the account to any person other than an officer or employee of the community manager.

4. Each written attempt to collect from a unit's owner a past due obligation which is more than 60 days past due in which the association or its authorized agent expresses an intent to engage in further collection activity if the unit's owner fails to pay the total amount due must include:

(a) A statement of the current amount due; and

(b) A schedule of the amount of the fees, costs, charges or other amounts which may be charged to the unit's owner if the unit's owner fails to pay the total amount due.

➥ For the purposes of this subsection, providing a standard monthly statement or a coupon book is not an attempt to collect a past due obligation.

5. The provisions of this section apply to any costs of collecting a past due obligation charged to a unit's owner, regardless of whether the past due obligation is collected by the association itself or by any person acting on behalf of the association, including, without limitation, an officer or employee of the association, a community manager or a collection agency.

~~[3.]~~ ***6.*** As used in this section:

(a) ~~["Costs of collecting" includes any fee, charge or cost, by whatever name, including, without limitation, any collection fee, filing fee, recording fee, fee related to the preparation, recording or delivery of a lien or lien rescission, title search lien fee, bankruptcy search fee, referral fee, fee for postage or delivery and any other fee or cost that an association charges a unit's owner for the investigation, enforcement or collection of a past due obligation. The term does not include any costs incurred by an association if a lawsuit is filed to enforce any past due obligation or any costs awarded by a court.~~

~~(b)]~~ "Obligation" means any assessment, fine, construction penalty, fee, charge or interest levied or imposed against a unit's owner pursuant to any provision of this chapter or the governing documents.

(b) "Outstanding balance" means the amount of a past due obligation that remains unpaid before any interest, charges for late payment or costs of collecting the past due obligation are added.

Sec. 9. NRS 116.31034 is hereby amended to read as follows:

116.31034 1. Except as otherwise provided in subsection 5 of NRS 116.212, not later than the termination of any period of declarant's control, the units' owners shall elect an executive board of at least three members, all of whom must be units' owners. The executive board shall elect

the officers of the association. Unless the governing documents provide otherwise, the officers of the association are ~~[not]~~ required to be units' owners. The members of the executive board and the officers of the association shall take office upon election. ***If two persons reside together in a unit, are married to each other or are related by blood, adoption or marriage, within the first degree of consanguinity or affinity, and if one of those persons is an officer of the association or a member of the executive board, the other person may not be an officer of the association or a member of the executive board.***

2. The term of office of a member of the executive board may not exceed 3 years, except for members who are appointed by the declarant. Unless the governing documents provide otherwise, there is no limitation on the number of terms that a person may serve as a member of the executive board.

3. The governing documents of the association must provide for terms of office that are staggered in such a manner that, to the extent possible, an equal number of members of the executive board are elected at each election. The provisions of this subsection do not apply to:

(a) Members of the executive board who are appointed by the declarant; and

(b) Members of the executive board who serve a term of 1 year or less.

4. Not less than 30 days before the preparation of a ballot for the election of members of the executive board, the secretary or other officer specified in the bylaws of the association shall cause notice to be given to each unit's owner of the unit's owner's eligibility to serve as a member of the executive board. Each unit's owner who is qualified to serve as a member of the executive board may have his or her name placed on the ballot along with the names of the nominees selected by the members of the executive board or a nominating committee established by the association.

5. Before the secretary or other officer specified in the bylaws of the association causes notice to be given to each unit's owner of his or her eligibility to serve as a member of the executive board pursuant to subsection 4, the executive board may determine that if, at the closing of the prescribed period for nominations for membership on the executive board, the number of candidates nominated for membership on the executive board is equal to or less than the number of members to be elected to the executive board at the election, then the secretary or other officer specified in the bylaws of the association will cause notice to be given to each unit's owner informing each unit's owner that:

(a) The association will not prepare or mail any ballots to units' owners pursuant to this section and the nominated candidates shall be deemed to be duly elected to the executive board unless:

(1) A unit's owner who is qualified to serve on the executive board nominates himself or herself for membership on the executive board by submitting a nomination to the executive board within 30 days after the notice provided by this subsection; and

(2) The number of units' owners who submit such a nomination causes the number of candidates nominated for membership on the executive board to be greater than the number of members to be elected to the executive board.

(b) Each unit's owner who is qualified to serve as a member of the executive board may nominate himself or herself for membership on the executive board by submitting a nomination to the executive board within 30 days after the notice provided by this subsection.

6. If the notice described in subsection 5 is given and if, at the closing of the prescribed period for nominations for membership on the executive board described in subsection 5, the number of candidates nominated for membership on the executive board is equal to or less than the number of members to be elected to the executive board, then:

(a) The association will not prepare or mail any ballots to units' owners pursuant to this section;

(b) The nominated candidates shall be deemed to be duly elected to the executive board not later than 30 days after the date of the closing of the period for nominations described in subsection 5; and

(c) The association shall send to each unit's owner notification that the candidates nominated have been elected to the executive board.

7. If the notice described in subsection 5 is given and if, at the closing of the prescribed period for nominations for membership on the executive board described in subsection 5, the number of candidates nominated for membership on the executive board is greater than the number of members to be elected to the executive board, then the association shall:

(a) Prepare and mail ballots to the units' owners pursuant to this section; and

(b) Conduct an election for membership on the executive board pursuant to this section.

8. Each person who is nominated as a candidate for a member of the executive board pursuant to subsection 4 or 5 must:

(a) Make a good faith effort to disclose any financial, business, professional or personal relationship or interest that would result or would appear to a reasonable person to result in a potential conflict of interest for the candidate if the candidate were to be elected to serve as a member of the executive board; and

(b) Disclose whether the candidate is a member in good standing. For the purposes of this paragraph, a candidate shall not be deemed to be in "good standing" if the candidate has any unpaid and past due assessments or construction penalties that are required to be paid to the association.

➥ The candidate must make all disclosures required pursuant to this subsection in writing to the association with his or her candidacy information. Except as otherwise provided in this subsection, the association shall distribute the disclosures, on behalf of the candidate, to each member of the association with the ballot or, in the event ballots are not prepared and

mailed pursuant to subsection 6, in the next regular mailing of the association. The association is not obligated to distribute any disclosure pursuant to this subsection if the disclosure contains information that is believed to be defamatory, libelous or profane.

9. Unless a person is appointed by the declarant:

(a) A person may not be a member of the executive board or an officer of the association if the person, the person's spouse or the person's parent or child, by blood, marriage or adoption, performs the duties of a community manager for that association.

(b) A person may not be a member of the executive board of a master association or an officer of that master association if the person, the person's spouse or the person's parent or child, by blood, marriage or adoption, performs the duties of a community manager for:

(1) That master association; or

(2) Any association that is subject to the governing documents of that master association.

10. An officer, employee, agent or director of a corporate owner of a unit, a trustee or designated beneficiary of a trust that owns a unit, a partner of a partnership that owns a unit, a member or manager of a limited-liability company that owns a unit, and a fiduciary of an estate that owns a unit may be an officer of the association or a member of the executive board. In all events where the person serving or offering to serve as an officer of the association or a member of the executive board is not the record owner, the person shall file proof in the records of the association that:

(a) The person is associated with the corporate owner, trust, partnership, limited-liability company or estate as required by this subsection; and

(b) Identifies the unit or units owned by the corporate owner, trust, partnership, limited-liability company or estate.

11. Except as otherwise provided in subsection 6 or NRS 116.31105, the election of any member of the executive board must be conducted by secret written ballot in the following manner:

(a) The secretary or other officer specified in the bylaws of the association shall cause a secret ballot and a return envelope to be sent, prepaid by United States mail, to the mailing address of each unit within the common-interest community or to any other mailing address designated in writing by the unit's owner.

(b) Each unit's owner must be provided with at least 15 days after the date the secret written ballot is mailed to the unit's owner to return the secret written ballot to the association.

(c) A quorum is not required for the election of any member of the executive board.

(d) Only the secret written ballots that are returned to the association may be counted to determine the outcome of the election.

(e) The secret written ballots must be opened and counted at a meeting of the association. A quorum is not required to be present when the secret written ballots are opened and counted at the meeting.

(f) The incumbent members of the executive board and each person whose name is placed on the ballot as a candidate for a member of the executive board may not possess, be given access to or participate in the opening or counting of the secret written ballots that are returned to the association before those secret written ballots have been opened and counted at a meeting of the association.

12. An association shall not adopt any rule or regulation that has the effect of prohibiting or unreasonably interfering with a candidate in the candidate's campaign for election as a member of the executive board, except that the candidate's campaign may be limited to 90 days before the date that ballots are required to be returned to the association. A candidate may request that the secretary or other officer specified in the bylaws of the association send, 30 days before the date of the election and at the association's expense, to the mailing address of each unit within the common-interest community or to any other mailing address designated in writing by the unit's owner a candidate informational statement. The candidate informational statement:

(a) Must be no longer than a single, typed page;

(b) Must not contain any defamatory, libelous or profane information; and

(c) May be sent with the secret ballot mailed pursuant to subsection 11 or in a separate mailing.

➥ The association and its directors, officers, employees and agents are immune from criminal or civil liability for any act or omission which arises out of the publication or disclosure of any information related to any person and which occurs in the course of carrying out any duties required pursuant to this subsection.

13. Each member of the executive board shall, within 90 days after his or her appointment or election, certify in writing to the association, on a form prescribed by the Administrator, that the member has read and understands the governing documents of the association and the provisions of this chapter to the best of his or her ability. The Administrator ~~[may]~~ ***shall*** require the association to submit a copy of the certification of each member of the executive board of that association at the time the association registers with the Ombudsman pursuant to NRS 116.31158.

14. Within 3 months after his or her election or appointment to the executive board, a member of the executive board shall successfully complete 2 hours of instruction in a course of education relating to the duties of a member of the executive board. Every year thereafter during which the member of the executive board is a member of the executive board, he or she shall complete 2 hours of instruction in such a course of education.

Sec. 10. NRS 116.31038 is hereby amended to read as follows:

116.31038 In addition to any applicable requirement set forth in NRS 116.310395, within 30 days after units' owners other than the declarant may elect a majority of the members of the executive board, the declarant shall deliver to the association all property of the units' owners and of the association held by or controlled by the declarant, including:

1. The original or a certified copy of the recorded declaration as amended, the articles of incorporation, articles of association, articles of organization, certificate of registration, certificate of limited partnership, certificate of trust or other documents of organization for the association, the bylaws, minute books and other books and records of the association and any rules or regulations which may have been adopted.

2. An accounting for money of the association and audited financial statements for each fiscal year and any ancillary period from the date of the last audit of the association to the date the period of the declarant's control ends. The financial statements must fairly and accurately report the association's financial position. The declarant shall pay the costs of the ancillary audit. The ancillary audit must be delivered within 210 days after the date the period of the declarant's control ends.

3. A complete study of the reserves of the association, conducted by a person who is registered as a reserve study specialist pursuant to chapter 116A of NRS. At the time the control of the declarant ends, the declarant shall:

(a) Except as otherwise provided in this paragraph, deliver to the association a reserve account that contains the declarant's share of the amounts then due, and control of the account. If the declaration was recorded before October 1, 1999, and, at the time the control of the declarant ends, the declarant has failed to pay his or her share of the amounts due, the executive board shall authorize the declarant to pay the deficiency in installments for a period of 3 years, unless the declarant and the executive board agree to a shorter period.

(b) Disclose, in writing, ***to the units' owners*** the amount by which the declarant has subsidized the association's dues on a per unit or per lot basis.

4. The association's money or control thereof.

5. All of the declarant's tangible personal property that has been represented by the declarant as property of the association or, unless the declarant has disclosed in the public offering statement that all such personal property used in the common-interest community will remain the declarant's property, all of the declarant's tangible personal property that is necessary for, and has been used exclusively in, the operation and enjoyment of the common elements, and inventories of these properties.

6. A copy of any plans and specifications used in the construction of the improvements in the common-interest community which were completed within 2 years before the declaration was recorded.

7. All insurance policies then in force, in which the units' owners, the association, or its directors and officers are named as insured persons.

8. Copies of any certificates of occupancy that may have been issued with respect to any improvements comprising the common-interest community other than units in a planned community.

9. Any renewable permits and approvals issued by governmental bodies applicable to the common-interest community which are in force and any other permits and approvals so issued and applicable which are required by law to be kept on the premises of the community.

10. Written warranties of the contractor, subcontractors, suppliers and manufacturers that are still effective.

11. A roster of owners and mortgagees of units and their addresses and telephone numbers, if known, as shown on the declarant's records.

12. Contracts of employment in which the association is a contracting party.

13. Any contract for service in which the association is a contracting party or in which the association or the units' owners have any obligation to pay a fee to the persons performing the services.

Sec. 11. NRS 116.3108 is hereby amended to read as follows:

116.3108 1. A meeting of the units' owners must be held at least once each year. If the governing documents do not designate an annual meeting date of the units' owners, a meeting of the units' owners must be held 1 year after the date of the last meeting of the units' owners. If the units' owners have not held a meeting for 1 year, a meeting of the units' owners must be held on the following March 1.

2. Special meetings of the units' owners may be called by the president, by a majority of the executive board or by units' owners constituting at least 10 percent, or any lower percentage specified in the bylaws, of the total number of voting members of the association. The same number of units' owners may also call a removal election pursuant to NRS 116.31036. To call a special meeting or a removal election, the units' owners must submit a written petition which is signed by the required percentage of the total number of voting members of the association pursuant to this subsection and which is mailed, return receipt requested, or served by a process server to the executive board or the community manager for the association. If the petition calls for a special meeting, the executive board shall set the date for the special meeting so that the special meeting is held not less than 15 days or more than 60 days after the date on which the petition is received. If the petition calls for a removal election and:

(a) The voting rights of the owners of time shares will be exercised by delegates or representatives as set forth in NRS 116.31105, the executive board shall set the date for the removal election so that the removal election is held not less than 15 days or more than 60 days after the date on which the petition is received; or

(b) The voting rights of the units' owners will be exercised through the use of secret written ballots pursuant to NRS 116.31036, the secret written ballots for the removal election must be sent in the manner required by

NRS 116.31036 not less than 15 days or more than 60 days after the date on which the petition is received, and the executive board shall set the date for the meeting to open and count the secret written ballots so that the meeting is held not more than 15 days after the deadline for returning the secret written ballots.

➥ The association shall not adopt any rule or regulation which prevents or unreasonably interferes with the collection of the required percentage of signatures for a petition pursuant to this subsection.

3. Not less than 15 days or more than 60 days in advance of any meeting of the units' owners, the secretary or other officer specified in the bylaws shall cause notice of the meeting to be hand-delivered, sent prepaid by United States mail to the mailing address of each unit or to any other mailing address designated in writing by the unit's owner or, if the association offers to send notice by electronic mail, sent by electronic mail at the request of the unit's owner to an electronic mail address designated in writing by the unit's owner. The notice of the meeting must state the time and place of the meeting and include a copy of the agenda for the meeting. The notice must include notification of the right of a unit's owner to:

(a) Have a copy of the minutes or a summary of the minutes of the meeting provided to the unit's owner upon request, in electronic format at no charge to the unit's owner or, if the association is unable to provide the copy or summary in electronic format, in paper format at a cost not to exceed 25 cents per page for the first 10 pages, and 10 cents per page thereafter.

(b) Speak to the association or executive board, unless the executive board is meeting in executive session.

4. The agenda for a meeting of the units' owners must consist of:

(a) A clear and complete statement of the topics scheduled to be considered during the meeting, including, without limitation, any proposed amendment to the declaration or bylaws, any fees or assessments to be imposed or increased by the association, any budgetary changes and any proposal to remove an officer of the association or member of the executive board.

(b) A list describing the items on which action may be taken and clearly denoting that action may be taken on those items. In an emergency, the units' owners may take action on an item which is not listed on the agenda as an item on which action may be taken.

(c) A period devoted to comments by units' owners and discussion of those comments. Except in emergencies, no action may be taken upon a matter raised under this item of the agenda until the matter itself has been specifically included on an agenda as an item upon which action may be taken pursuant to paragraph (b).

5. ***Before the agenda is mailed to the units' owners pursuant to subsection 3, a unit's owner may request items to be placed on the agenda and any requested items must be included on the agenda.***

6. If the association adopts a policy imposing fines for any violations of the governing documents of the association, the secretary or other officer specified in the bylaws shall prepare and cause to be hand-delivered or sent prepaid by United States mail to the mailing address of each unit or to any other mailing address designated in writing by the unit's owner, a schedule of the fines that may be imposed for those violations.

~~[6.]~~ ***7. A guest of a unit's owner must be allowed to attend any meeting of the units' owners.***

8. The secretary or other officer specified in the bylaws shall cause minutes to be recorded or otherwise taken at each meeting of the units' owners. Not more than 30 days after each such meeting, the secretary or other officer specified in the bylaws shall cause the minutes or a summary of the minutes of the meeting to be made available to the units' owners. Except as otherwise provided in this subsection, a copy of the minutes or a summary of the minutes must be provided to any unit's owner upon request, in electronic format at no charge to the unit's owner or, if the association is unable to provide the copy or summary in electronic format, in paper format at a cost not to exceed 25 cents per page for the first 10 pages, and 10 cents per page thereafter.

~~[7.]~~ ***9.*** Except as otherwise provided in subsection ~~[8,]~~ ***10,*** the minutes of each meeting of the units' owners must include:

(a) The date, time and place of the meeting;

(b) The substance of all matters proposed, discussed or decided at the meeting; and

(c) The substance of remarks made by any unit's owner at the meeting if the unit's owner requests that the minutes reflect his or her remarks or, if the unit's owner has prepared written remarks, a copy of his or her prepared remarks if the unit's owner submits a copy for inclusion.

~~[8.]~~ ***10.*** The executive board may establish reasonable limitations on materials, remarks or other information to be included in the minutes of a meeting of the units' owners.

~~[9.]~~ ***11.*** The association shall maintain the minutes of each meeting of the units' owners until the common-interest community is terminated.

~~[10.]~~ ***12.*** A unit's owner may record on audiotape ***, videotape*** or any other means of sound ***or video*** reproduction a meeting of the units' owners if the unit's owner, before recording the meeting, provides notice of his or her intent to record the meeting to the other units' owners who are in attendance at the meeting.

~~[11.]~~ ***13.*** The units' owners may approve, at the annual meeting of the units' owners, the minutes of the prior annual meeting of the units' owners and the minutes of any prior special meetings of the units' owners. A quorum is not required to be present when the units' owners approve the minutes.

~~[12.]~~ ***14.*** As used in this section, "emergency" means any occurrence or combination of occurrences that:

(a) Could not have been reasonably foreseen;

(b) Affects the health, welfare and safety of the units' owners or residents of the common-interest community;

(c) Requires the immediate attention of, and possible action by, the executive board; and

(d) Makes it impracticable to comply with the provisions of subsection 3 or 4.

Sec. 12. NRS 116.31083 is hereby amended to read as follows:

116.31083 1. A meeting of the executive board must be held at least once every quarter, and not less than once every 100 days and must be held at a time other than during standard business hours ***, but not before 6 p.m.,*** at least twice annually.

2. Except in an emergency or unless the bylaws of an association require a longer period of notice, the secretary or other officer specified in the bylaws of the association shall, not less than 10 days before the date of a meeting of the executive board, cause notice of the meeting to be given to the units' owners. Such notice must be:

(a) Sent prepaid by United States mail to the mailing address of each unit within the common-interest community or to any other mailing address designated in writing by the unit's owner;

(b) If the association offers to send notice by electronic mail, sent by electronic mail at the request of the unit's owner to an electronic mail address designated in writing by the unit's owner; or

(c) Published in a newsletter or other similar publication that is circulated to each unit's owner.

3. In an emergency, the secretary or other officer specified in the bylaws of the association shall, if practicable, cause notice of the meeting to be sent prepaid by United States mail to the mailing address of each unit within the common-interest community. If delivery of the notice in this manner is impracticable, the notice must be hand-delivered to each unit within the common-interest community or posted in a prominent place or places within the common elements of the association.

4. The notice of a meeting of the executive board must state the time and place of the meeting and include a copy of the agenda for the meeting or the date ***, which must not be later than 5 days before the meeting,*** on which and the locations where copies of the agenda may be conveniently obtained by the units' owners. The notice must include notification of the right of a unit's owner to:

(a) Have a copy of the audio recording, the minutes or a summary of the minutes of the meeting provided to the unit's owner upon request, in electronic format at no charge to the unit's owner or, if the association is unable to provide the copy or summary in electronic format, in paper format at a cost not to exceed 25 cents per page for the first 10 pages, and 10 cents per page thereafter.

(b) Speak to the association or executive board, unless the executive board is meeting in executive session.

5. The agenda of the meeting of the executive board must comply with the provisions of subsection 4 of NRS 116.3108. A period required to be devoted to comments by the units' owners and discussion of those comments must be scheduled for both the beginning and the end of each meeting. During the period devoted to comments by the units' owners and discussion of those comments at the beginning of each meeting, comments by the units' owners and discussion of those comments must be limited to items listed on the agenda. In an emergency, the executive board may take action on an item which is not listed on the agenda as an item on which action may be taken.

6. At least once every quarter, and not less than once every 100 days, unless the declaration or bylaws of the association impose more stringent standards, the executive board shall review, at a minimum, the following financial information at one of its meetings:

(a) A current year-to-date financial statement of the association;

(b) A current year-to-date schedule of revenues and expenses for the operating account and the reserve account, compared to the budget for those accounts;

(c) A current reconciliation of the operating account of the association;

(d) A current reconciliation of the reserve account of the association;

(e) The latest account statements prepared by the financial institutions in which the accounts of the association are maintained; and

(f) The current status of any civil action or claim submitted to arbitration or mediation in which the association is a party.

➥ ***A copy of the information described in paragraphs (a) to (f), inclusive, must be made available at no charge to each person present at the meeting. If a unit's owner requests a copy of such information, the association must provide a copy of the information in electronic format at no charge to the unit's owner.***

7. The secretary or other officer specified in the bylaws shall cause each meeting of the executive board to be audio recorded and the minutes to be recorded or otherwise taken at each meeting of the executive board, but if the executive board is meeting in executive session, the meeting must not be audio recorded. Not more than 30 days after each such meeting, the secretary or other officer specified in the bylaws shall cause the audio recording of the meeting, the minutes of the meeting and a summary of the minutes of the meeting to be made available to the units' owners. Except as otherwise provided in this subsection, a copy of the audio recording, the minutes or a summary of the minutes must be provided to any unit's owner upon request, in electronic format at no charge to the unit's owner or, if the association is unable to provide the copy or summary in electronic format, in paper format at a cost not to exceed 25 cents per page for the first 10 pages, and 10 cents per page thereafter.

8. Except as otherwise provided in subsection 9 and NRS 116.31085, the minutes of each meeting of the executive board must include:

(a) The date, time and place of the meeting;

(b) Those members of the executive board who were present and those members who were absent at the meeting;

(c) The ~~[substance]~~ ***details*** of all matters proposed, discussed or decided at the meeting;

(d) A record of each member's vote on any matter decided by vote at the meeting; and

(e) The substance of remarks made by any unit's owner who addresses the executive board at the meeting if the unit's owner requests that the minutes reflect his or her remarks or, if the unit's owner has prepared written remarks, a copy of his or her prepared remarks if the unit's owner submits a copy for inclusion.

9. The executive board may establish reasonable limitations on materials, remarks or other information to be included in the minutes of its meetings ~~[.]~~ ***, but any limitation on the page number of such materials, remarks or information must not be less than two double-sided pages.***

10. The association shall maintain the minutes of each meeting of the executive board until the common-interest community is terminated.

11. A unit's owner may record on audiotape or any other means of sound reproduction a meeting of the executive board, unless the executive board is meeting in executive session, if the unit's owner, before recording the meeting, provides notice of his or her intent to record the meeting to the members of the executive board and the other units' owners who are in attendance at the meeting.

12. As used in this section, "emergency" means any occurrence or combination of occurrences that:

(a) Could not have been reasonably foreseen;

(b) Affects the health, welfare and safety of the units' owners or residents of the common-interest community;

(c) Requires the immediate attention of, and possible action by, the executive board; and

(d) Makes it impracticable to comply with the provisions of subsection 2 or 5.

Sec. 13. NRS 116.31085 is hereby amended to read as follows:

116.31085 1. Except as otherwise provided in this section, a unit's owner may attend any meeting of the units' owners or of the executive board and speak at any such meeting. The executive board may establish ~~[reasonable limitations]~~ ***a limitation of not less than 3 minutes*** on the time ***in which*** a unit's owner may speak at such a meeting. ***With respect to each meeting of the units' owners and of the executive board, the association shall comply with the requirements of the Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101 et seq., and the regulations adopted pursuant thereto.***

2. ***At a meeting of the executive board, after a discussion by the members of the executive board concerning an item for which a vote will be taken by the executive board and before such a vote, the executive board***

must provide a period devoted to comments by the units' owners on that item, but may establish a limitation of not less than 3 minutes on the time a unit's owner may speak on that item.

3. An executive board may not meet in executive session to open or consider bids for an association project as defined in NRS 116.31086, or to enter into, renew, modify, terminate or take any other action regarding a contract.

~~[3.]~~ ***4.*** An executive board may meet in executive session only to:

(a) Consult with the attorney for the association on matters relating to proposed or pending litigation if the contents of the discussion would otherwise be governed by the privilege set forth in NRS 49.035 to 49.115, inclusive.

(b) Discuss the character, alleged misconduct, professional competence, or physical or mental health of a community manager or an employee of the association.

(c) Except as otherwise provided in subsection ~~[4,]~~ ***5,*** discuss a violation of the governing documents, including, without limitation, the failure to pay an assessment.

(d) Discuss the alleged failure of a unit's owner to adhere to a schedule required pursuant to NRS 116.310305 if the alleged failure may subject the unit's owner to a construction penalty.

(e) Discuss an authorization to foreclose the association's lien by sale pursuant to paragraph (b) of subsection 1 of NRS 116.31162. The vote of each member of the executive board concerning whether to authorize the foreclosure of the association's lien by sale must be recorded in the minutes of the meeting.

~~[4.]~~ ***5.*** An executive board shall meet in executive session to hold a hearing on an alleged violation of the governing documents unless the person who may be sanctioned for the alleged violation requests in writing that an open hearing be conducted by the executive board. If the person who may be sanctioned for the alleged violation requests in writing that an open hearing be conducted, the person:

(a) Is entitled to attend all portions of the hearing related to the alleged violation, including, without limitation, the presentation of evidence and the testimony of witnesses;

(b) Is entitled to due process, as set forth in the standards adopted by regulation by the Commission, which must include, without limitation, the right to counsel ~~[,]~~ ***or any other representative chosen by the person,*** the right to present witnesses and the right to present information relating to any conflict of interest of any member of the hearing panel; and

(c) Is not entitled to attend the deliberations of the executive board.

~~[5.]~~ ***6.*** The provisions of subsection ~~[4]~~ ***5*** establish the minimum protections that the executive board must provide before it may make a decision. The provisions of subsection ~~[4]~~ ***5*** do not preempt any provisions of the governing documents that provide greater protections.

~~[6.]~~ ***7.*** Except as otherwise provided in this subsection, any matter discussed by the executive board when it meets in executive session must be generally noted in the minutes of the meeting of the executive board. The executive board shall maintain minutes of any decision made pursuant to subsection ~~[4]~~ ***5*** concerning an alleged violation and, upon request, provide a copy of the decision to the person who was subject to being sanctioned at the hearing or to the person's designated representative.

~~[7.]~~ ***8.*** Except as otherwise provided in subsection ~~[4,]~~ ***5,*** a unit's owner is not entitled to attend or speak at a meeting of the executive board held in executive session.

Sec. 14. NRS 116.31086 is hereby amended to read as follows:

116.31086 1. If an association solicits bids for an association project, the bids must be opened during a meeting of the executive board.

2. As used in this section, "association project" includes, without limitation, a project that involves the maintenance, repair, replacement or restoration of any part of the common elements or which involves the provision of ***durable goods or*** services to the association.

Sec. 15. NRS 116.31087 is hereby amended to read as follows:

116.31087 1. If an executive board receives a written complaint from a unit's owner alleging that the executive board has violated any provision of this chapter or any provision of the governing documents of the association, the executive board shall, upon the written request of the unit's owner, place the subject of the complaint on the agenda of the next regularly scheduled meeting of the executive board.

2. Not later than 10 business days after the date that the association receives such a complaint, the executive board or an authorized representative of the association shall acknowledge the receipt of the complaint and notify the unit's owner that, if the unit's owner submits a written request that the subject of the complaint be placed on the agenda of the next regularly scheduled meeting of the executive board, the subject of the complaint will be placed on the agenda of the next regularly scheduled meeting of the executive board.

3. At the meeting, the executive board shall discuss fully and attempt to resolve any complaint placed on the agenda of the meeting pursuant to this section. Any decision of the executive board with respect to the complaint must be included in detail in the minutes of the meeting.

Sec. 16. NRS 116.31107 is hereby amended to read as follows:

116.31107 1. A person shall not knowingly, willfully and with the intent to fraudulently alter the true outcome of an election of a member of the executive board or any other vote of the units' owners engage in, attempt to engage in, or conspire with another person to engage in, any of the following acts:

(a) Changing or falsifying a voter's ballot so that the ballot does not reflect the voter's true ballot.

(b) Forging or falsely signing a voter's ballot.

(c) Fraudulently casting a vote for himself or herself or for another person that the person is not authorized to cast.

(d) Rejecting, failing to count, destroying, defacing or otherwise invalidating the valid ballot of another voter.

(e) Submitting a counterfeit ballot.

2. A person who violates ~~[this section]~~ ***subsection 1*** is guilty of a category D felony and shall be punished as provided in NRS 193.130.

3. Each ballot provided to the units' owners pursuant to this chapter must contain in clear and prominent text a copy of the provisions of this section.

Sec. 17. NRS 116.3114 is hereby amended to read as follows:

116.3114 ***1.*** Unless otherwise provided in the declaration, any surplus funds of the association remaining after payment of or provision for common expenses and any prepayment of reserves must be paid to the units' owners in proportion to their liabilities for common expenses or credited to them to reduce their future assessments for common expenses.

2. For the purpose of this section:

(a) An association of a common-interest community with 200 or less units has "surplus funds" if the amount remaining after payment of or provision for the common expenses and any prepayment of reserves is greater than three times the monthly operating expenses of the association based on the periodic budget adopted by the association pursuant to NRS 116.3115.

(b) An association of a common-interest community with more than 200 units has "surplus funds" if the amount remaining after payment of or provision for the common expenses and any prepayment of reserves is greater than two times the monthly operating expenses of the association based on the periodic budget adopted by the association pursuant to NRS 116.3115.

Sec. 18. NRS 116.31144 is hereby amended to read as follows:

116.31144 1. Except as otherwise provided in subsection 2, the executive board shall:

(a) If the annual budget of the association is less than $75,000, cause the financial statement of the association to be reviewed by an independent certified public accountant during the year immediately preceding the year in which a study of the reserves of the association is to be conducted pursuant to NRS 116.31152.

(b) If the annual budget of the association is $75,000 or more but less than $150,000, cause the financial statement of the association to be reviewed by an independent certified public accountant every fiscal year.

(c) If the annual budget of the association is $150,000 or more, cause the financial statement of the association to be audited by an independent certified public accountant every fiscal year.

2. For any fiscal year, the executive board of an association to which paragraph (a) or (b) of subsection 1 applies shall cause the financial

statement for that fiscal year to be audited by an independent certified public accountant if, within 180 days before the end of the fiscal year, 15 percent of the total number of voting members of the association submit a written request for such an audit.

3. The Commission shall adopt regulations prescribing the requirements for the auditing or reviewing of financial statements of an association pursuant to this section. Such regulations must include, without limitation:

(a) The qualifications necessary for a person to audit or review financial statements of an association; and

(b) The standards and format to be followed in auditing or reviewing financial statements of an association.

4. If a unit's owner requests a copy of a review or audit performed pursuant to this section, the association must provide a copy of the review or audit to the unit's owner in paper format or electronic format, whichever is requested by the unit's owner, at no charge.

Sec. 19. NRS 116.3115 is hereby amended to read as follows:

116.3115 1. Until the association makes an assessment for common expenses, the declarant shall pay all common expenses. After an assessment has been made by the association, assessments must be made at least annually, based on a budget adopted ~~[at least annually]~~ by the association ***and ratified by the units' owners at least annually*** in accordance with the requirements set forth in NRS 116.31151. Unless the declaration imposes more stringent standards, the budget must include a budget for the daily operation of the association and a budget for the reserves required by paragraph (b) of subsection 2.

2. Except for assessments under subsections 4 to 7, inclusive:

(a) All common expenses, including the reserves, must be assessed against all the units in accordance with the allocations set forth in the declaration pursuant to subsections 1 and 2 of NRS 116.2107.

(b) The association shall establish adequate reserves, funded on a reasonable basis, for the repair, replacement and restoration of the major components of the common elements and any other portion of the common-interest community that the association is obligated to maintain, repair, replace or restore. The reserves may be used only for those purposes, including, without limitation, repairing, replacing and restoring roofs, roads and sidewalks, and must not be used for daily maintenance ~~[.]~~ ***or capital improvements.*** The association may comply with the provisions of this paragraph through a funding plan that is designed to allocate the costs for the repair, replacement and restoration of the major components of the common elements and any other portion of the common-interest community that the association is obligated to maintain, repair, replace or restore over a period of years if the funding plan is designed in an actuarially sound manner which will ensure that sufficient money is available when the repair, replacement and restoration of the major components of the common elements or any other portion of the common-interest community that the association is

obligated to maintain, repair, replace or restore are necessary. Notwithstanding any provision of ***this chapter or*** the governing documents to the contrary, ***a special assessment*** to establish adequate reserves pursuant to this paragraph, including, without limitation, to establish or carry out a funding plan ~~[, the executive board may, without seeking or obtaining the approval of the units' owners, impose any necessary and reasonable assessments against the units in the common-interest community. Any such assessments imposed by the executive board must be based on the study of the reserves of the association conducted pursuant to NRS 116.31152.]~~ ***may not exceed $35 per unit per month.***

3. Any assessment for common expenses or installment thereof that is 60 days or more past due bears interest at a rate equal to the prime rate at the largest bank in Nevada as ascertained by the Commissioner of Financial Institutions on January 1 or July 1, as the case may be, immediately preceding the date the assessment becomes past due, plus 2 percent. The rate must be adjusted accordingly on each January 1 and July 1 thereafter until the balance is satisfied.

4. Except as otherwise provided in the governing documents:

(a) Any common expense associated with the maintenance, repair, restoration or replacement of a limited common element must be assessed against the units to which that limited common element is assigned, equally, or in any other proportion the declaration provides;

(b) Any common expense or portion thereof benefiting fewer than all of the units must be assessed exclusively against the units benefited; and

(c) The costs of insurance must be assessed in proportion to risk and the costs of utilities must be assessed in proportion to usage.

5. Assessments to pay a judgment against the association may be made only against the units in the common-interest community at the time the judgment was entered, in proportion to their liabilities for common expenses.

6. If any common expense is caused by the misconduct of any unit's owner, the association may assess that expense exclusively against his or her unit.

7. The association of a common-interest community created before January 1, 1992, is not required to make an assessment against a vacant lot located within the community that is owned by the declarant.

8. If liabilities for common expenses are reallocated, assessments for common expenses and any installment thereof not yet due must be recalculated in accordance with the reallocated liabilities.

9. The association shall provide written notice to each unit's owner of a meeting at which an assessment ***or expenditure*** for a capital improvement ***in an amount of $500 or more*** is to be considered or action is to be taken on such an assessment ***or expenditure*** at least 21 calendar days before the date of the meeting. ***An assessment for a capital improvement may not exceed $35 per unit per month.***

10. In a common-interest community with less than 500 units, the association shall not make or cause to made any visible changes to the interior or exterior of the common elements, including, without limitation, landscaping, unless:

(a) At least 21 calendar days before a meeting of the units' owners to consider and take action on the changes, the association provides written notice to each unit's owner of the meeting; and

(b) At the meeting, a majority of the units' owners approve the changes by secret written ballot.

11. In a common-interest community:

(a) With less than 150 units, the association shall not make an expenditure for a capital improvement of $7,500 or more unless a majority of the units' owners who vote on such an expenditure approve the expenditure.

(b) With at least 150 but less than 250 units, the association shall not make an expenditure for a capital improvement of $15,000 or more unless a majority of the units' owners who vote on such an expenditure approve the expenditure.

(c) With at least 250 but less than 500 units, the association shall not make an expenditure for a capital improvement of $25,000 or more unless a majority of the units' owners who vote on such an expenditure approve the expenditure.

(d) With 500 or more units, the association shall not make an expenditure for a capital improvement of $35,000 or more unless a majority of the units' owners who vote on such an expenditure approve the expenditure.

12. As used in this section, "capital improvement" means an expenditure by the association for the construction of a new common element, an addition or improvement to an existing common element or the installation of landscaping where no landscaping previously existed.

Sec. 20. NRS 116.31151 is hereby amended to read as follows:

116.31151 1. Except as otherwise provided in subsection 2 and unless the declaration of a common-interest community imposes more stringent standards, the executive board shall, not less than 30 days or more than 60 days before the beginning of the fiscal year of the association, prepare and distribute to each unit's owner a copy of:

(a) The budget for the daily operation of the association. The budget must include, without limitation, the estimated annual revenue and expenditures of the association and any contributions to be made to the reserve account of the association.

(b) The budget to provide adequate funding for the reserves required by paragraph (b) of subsection 2 of NRS 116.3115. The budget must include, without limitation:

(1) The current estimated replacement cost, estimated remaining life and estimated useful life of each major component of the common elements

and any other portion of the common-interest community that the association is obligated to maintain, repair, replace or restore;

(2) As of the end of the fiscal year for which the budget is prepared, the current estimate of the amount of cash reserves that are necessary, and the current amount of accumulated cash reserves that are set aside, to repair, replace or restore the major components of the common elements and any other portion of the common-interest community that the association is obligated to maintain, repair, replace or restore;

(3) A statement as to whether the executive board has determined or anticipates that the levy of one or more special assessments will be necessary to repair, replace or restore any major component of the common elements or any other portion of the common-interest community that the association is obligated to maintain, repair, replace or restore or to provide adequate funding for the reserves designated for that purpose; and

(4) A general statement describing the procedures used for the estimation and accumulation of cash reserves pursuant to subparagraph (2), including, without limitation, the qualifications of the person responsible for the preparation of the study of the reserves required by NRS 116.31152.

2. In lieu of distributing copies of the budgets of the association required by subsection 1, the executive board may distribute to each unit's owner a summary of those budgets, accompanied by a written notice that:

(a) The budgets are available for review at the business office of the association or some other suitable location within the county where the common-interest community is situated or, if it is situated in more than one county, within one of those counties but not to exceed 60 miles from the physical location of the common-interest community; and

(b) Copies of the budgets will be provided upon request.

3. Within 60 days after adoption of any proposed budget for the common-interest community, the executive board shall ~~[provide]~~ ***:***

(a) Cause a summary of the proposed budget ~~[to each]~~ ***, a secret ballot and a return envelope to be sent, prepaid by United States mail, to the mailing address of each unit within the common-interest community or to any other mailing address designated in writing by the*** unit's owner ***.*** ~~[and shall set]~~

(b) Set a date for a meeting of the units' owners to ~~[consider ratification of the proposed budget]~~ ***open and count the secret written ballots. The meeting must be*** not less than 14 days or more than 30 days after the mailing of the ~~[summaries. Unless]~~ ***ballots. At the meeting, the president of the association shall preside, a committee of the units' owners shall open and count only the secret written ballots that are returned to the association. A quorum is not required to be present when the secret written ballots are opened and counted. If,*** at that meeting ***,*** a majority of ~~[all units' owners, or any larger vote specified in the declaration, reject]~~ ***the votes cast are cast in favor of ratifying*** the proposed budget, the proposed budget is ratified ***.*** ~~[, whether or not a quorum is present.]~~ If the proposed budget is ~~[rejected,]~~ ***not ratified,*** the

periodic budget last ratified by the units' owners must be continued until such time as the units' owners ratify a subsequent budget proposed by the executive board.

4. The executive board shall, at the same time and in the same manner that the executive board makes the budget available to a unit's owner pursuant to this section, make available to each unit's owner the policy established for the association concerning the collection of any fees, fines, assessments or costs imposed against a unit's owner pursuant to this chapter. ~~[The policy must include, without limitation:]~~ ***An association may not charge a unit's owner the costs of collecting a past due obligation unless:***

(a) The ~~[responsibility of]~~ ***executive board proposes a collection policy which includes, without limitation:***

(1) The responsibility of the unit's owner to pay an obligation in a timely manner;

(2) A provision that a fee, fine, assessment or cost may not be referred for collection unless the unit's owner ~~[to pay any such fees, fines, assessments or costs in a timely manner;]~~ ***has not paid the fee, fine, assessment or cost within 60 days after the first day of the month following the month in which notice of the fee, fine, assessment or cost is sent or otherwise communicated to the unit's owner or, if the amount of the fee, fine, assessment or cost is $1,000 or more, within 90 days after the period set forth in this paragraph;*** ~~[and~~

~~(b)]~~ ***(3)*** The association's rights concerning the collection of such fees, fines, assessments or costs if the unit's owner fails to pay the fees, fines, assessments or costs ~~[in a timely manner.]~~ ***within the period set forth in*** ~~*[paragraph (a).]*~~ ***subparagraph (2); and***

(4) The rate established by the association for the costs of collecting a past due obligation.

(b) Units' owners constituting a majority of the votes cast approve the collection policy proposed by the executive board; and

(c) The collection service for which the cost is incurred has been performed, except that the fees and costs associated with a release of a delinquent assessment lien may be charged to the unit's owner at the time of the recording of the notice of a delinquent assessment lien.

Sec. 21. NRS 116.31152 is hereby amended to read as follows:

116.31152 1. The executive board shall:

(a) At least once every 5 years, cause to be conducted a study of the reserves required to repair, replace and restore the major components of the common elements and any other portion of the common-interest community that the association is obligated to maintain, repair, replace or restore;

(b) At least annually, review the results of that study to determine whether those reserves are sufficient; and

(c) At least annually, make any adjustments to the association's funding plan which the executive board deems necessary to provide adequate funding for the required reserves.

2. Except as otherwise provided in this subsection, the study of the reserves required by subsection 1 must be conducted by a person who holds a permit issued pursuant to chapter 116A of NRS. If the common-interest community contains 20 or fewer units and is located in a county whose population is 50,000 or less, the study of the reserves required by subsection 1 may be conducted by any person whom the executive board deems qualified to conduct the study.

3. The study of the reserves must include, without limitation:

(a) A summary of an inspection of the major components of the common elements and any other portion of the common-interest community that the association is obligated to maintain, repair, replace or restore;

(b) An identification of the major components of the common elements and any other portion of the common-interest community that the association is obligated to maintain, repair, replace or restore which have a remaining useful life of less than 30 years;

(c) An estimate of the remaining useful life of each major component of the common elements and any other portion of the common-interest community that the association is obligated to maintain, repair, replace or restore identified pursuant to paragraph (b);

(d) An estimate of the cost of maintenance, repair, replacement or restoration of each major component of the common elements and any other portion of the common-interest community identified pursuant to paragraph (b) during and at the end of its useful life; and

(e) An estimate of the total annual assessment that may be necessary to cover the cost of maintaining, repairing, replacement or restoration of the major components of the common elements and any other portion of the common-interest community identified pursuant to paragraph (b), after subtracting the reserves of the association as of the date of the study, and an estimate of the funding plan that may be necessary to provide adequate funding for the required reserves.

4. ***Upon completion of the study of the reserves required by this section, the association shall notify the units' owners that the study is available for review and make the study available in electronic format to a unit's owner at no charge. Not earlier than 20 days after the association notifies the units' owners of the completion of the study, the executive board must conduct a meeting of the executive board for the purpose of approving the study. Before approving the study at the meeting, the executive board shall accept, review and consider comments by the units' owners in the manner required by NRS 116.31085. Notwithstanding any other provision of this chapter or the governing documents, the executive board may not take any actions based on the study, including, without limitation, establishing a funding plan to provide adequate funding for the reserves, unless and until the executive board approves the study at a meeting of the executive board.***

5. A summary of the study of the reserves required by subsection 1 must be submitted to the Division not later than 45 days after the date that the executive board adopts the results of the study.

~~[5.]~~ ***6.*** If a common-interest community was developed as part of a planned unit development pursuant to chapter 278A of NRS and is subject to an agreement with a city or county to receive credit against the amount of the residential construction tax that is imposed pursuant to NRS 278.4983 and 278.4985, the association that is organized for the common-interest community may use the money from that credit for the repair, replacement or restoration of park facilities and related improvements if:

(a) The park facilities and related improvements are identified as major components of the common elements of the association; and

(b) The association is obligated to repair, replace or restore the park facilities and related improvements in accordance with the study of the reserves required by subsection 1.

Sec. 22. NRS 116.3116 is hereby amended to read as follows:

116.3116 1. The association has a lien on a unit for any construction penalty that is imposed against the unit's owner pursuant to NRS 116.310305, any assessment levied against that unit or any fines imposed against the unit's owner from the time the construction penalty, assessment or fine becomes due. Unless the declaration otherwise provides, any penalties, fees, charges, late charges, fines and interest charged pursuant to paragraphs (j) to (n), inclusive, of subsection 1 of NRS 116.3102 are enforceable as assessments under this section. If an assessment is payable in installments, the full amount of the assessment is a lien from the time the first installment thereof becomes due.

2. A lien under this section is prior to all other liens and encumbrances on a unit except:

(a) Liens and encumbrances recorded before the recordation of the declaration and, in a cooperative, liens and encumbrances which the association creates, assumes or takes subject to;

(b) A first security interest on the unit recorded before the date on which the assessment sought to be enforced became delinquent or, in a cooperative, the first security interest encumbering only the unit's owner's interest and perfected before the date on which the assessment sought to be enforced became delinquent; and

(c) Liens for real estate taxes and other governmental assessments or charges against the unit or cooperative.

~~[—]~~

3. The lien ***under this section*** is also prior to all security interests described in paragraph (b) ***of subsection 2*** to the extent of any ~~*[but only in an amount not to exceed]*~~ charges incurred by the association on a unit pursuant to NRS 116.310312 and to the extent of ~~*[plus an amount not to exceed nine times]*~~ the assessments ~~*[monthly assessment]*~~ for common expenses based on the periodic budget adopted by the association pursuant to NRS 116.3115

which would have become due in the absence of acceleration during the 9 months immediately preceding institution of an ~~*[is in effect at the time of the commencement of a civil]*~~ action to enforce the ~~*[association's]*~~ lien, unless federal regulations ***or underwriting guidelines*** adopted by the Federal Home Loan Mortgage Corporation or the Federal National Mortgage Association require a shorter period of ~~*[lesser amount for the amount of the]*~~ priority for the lien. ~~*[assessments.]*~~ If federal regulations ***or underwriting guidelines*** adopted by the Federal Home Loan Mortgage Corporation or the Federal National Mortgage Association require a shorter period of ~~*[lesser amount for the amount of the]*~~ priority for the lien, ~~*[assessment,]*~~ the ~~[~~period during which the lien is prior to all security interests described in paragraph (b)~~]~~ ~~*[amount of assessments to be given priority pursuant to this subsection]*~~ ***period of priority*** must be determined in accordance with those federal regulations ~~[,]~~ ***or underwriting guidelines,*** except that notwithstanding the provisions of the federal regulations ~~[,]~~ ***or underwriting guidelines,*** the period of ~~*[amount of assessments to be given]*~~ priority for the lien must not be less than the 6 months immediately preceding institution of an ~~*[six times the monthly assessment for common expenses based on the periodic budget adopted by the association pursuant to NRS 116.3115 which is in effect at the time of the commencement of a civil]*~~ action to enforce the ~~*[association's]*~~ lien. ~~[This subsection does~~ ***If title to a unit is acquired by a sale conducted pursuant to NRS 40.430 or 107.080 to obtain payment of a debt secured by a security interest described in paragraph (b) of subsection 2 and that debt was insured by the Federal Home Loan Mortgage Corporation or the Federal National Mortgage Association, the amount secured by the lien given priority over the security interests described in paragraph (b) of subsection 2 must not exceed the amount of common expenses and assessments authorized to be given such priority by the federal regulations or underwriting guidelines adopted by the entity which insured the debt.***

4. The provisions of subsections 2 and 3 do not affect the priority of mechanics' or materialmen's liens, or the priority of liens for other assessments made by the association.

~~[3.]~~ ***5.*** Unless the declaration otherwise provides, if two or more associations have liens for assessments created at any time on the same property, those liens have equal priority.

~~[4.]~~ ***6.*** Recording of the declaration constitutes record notice and perfection of the lien. No further recordation of any claim of lien for assessment under this section is required.

~~[5.]~~ ***7.*** A lien for unpaid assessments is extinguished unless proceedings to enforce the lien are instituted within 3 years after the full amount of the assessments becomes due.

~~[6.]~~ ***8.*** This section does not prohibit actions to recover sums for which subsection 1 creates a lien or prohibit an association from taking a deed in lieu of foreclosure.

~~[7.]~~ ***9.*** A judgment or decree in any action brought under this section must include costs and reasonable attorney's fees for the prevailing party.

~~[8.]~~ ***10.*** The association, upon written request, shall furnish to a unit's owner a statement setting forth the amount of unpaid assessments against the unit. If the interest of the unit's owner is real estate or if a lien for the unpaid assessments may be foreclosed under NRS 116.31162 to 116.31168, inclusive, the statement must be in recordable form. The statement must be furnished within 10 business days after receipt of the request and is binding on the association, the executive board and every unit's owner.

~~[9.]~~ ***11.*** In a cooperative, upon nonpayment of an assessment on a unit, the unit's owner may be evicted in the same manner as provided by law in the case of an unlawful holdover by a commercial tenant, and:

(a) In a cooperative where the owner's interest in a unit is real estate under NRS 116.1105, the association's lien may be foreclosed under NRS 116.31162 to 116.31168, inclusive.

(b) In a cooperative where the owner's interest in a unit is personal property under NRS 116.1105, the association's lien:

(1) May be foreclosed as a security interest under NRS 104.9101 to 104.9709, inclusive; or

(2) If the declaration so provides, may be foreclosed under NRS 116.31162 to 116.31168, inclusive.

Sec. 22.5. **NRS 116.31162 is hereby amended to read as follows:**

116.31162 1. Except as otherwise provided in ~~[subsection]~~ ***subsections*** 4 ~~[,]~~ ***and 5,*** in a condominium, in a planned community, in a cooperative where the owner's interest in a unit is real estate under NRS 116.1105, or in a cooperative where the owner's interest in a unit is personal property under NRS 116.1105 and the declaration provides that a lien may be foreclosed under NRS 116.31162 to 116.31168, inclusive, the association may foreclose its lien by sale after all of the following occur:

(a) The association has mailed by certified or registered mail, return receipt requested, to the unit's owner or his or her successor in interest, at his or her address, if known, and at the address of the unit, a notice of delinquent assessment which states the amount of the assessments and other sums which are due in accordance with subsection 1 of NRS 116.3116, a description of the unit against which the lien is imposed and the name of the record owner of the unit.

(b) ***Before the association records the notice of default and election to sell in the manner required by paragraph (c), the executive board authorizes the foreclosure of the association's lien by sale by a majority vote of the members of the executive board which is recorded in the minutes of the meeting at which such action is taken.***

(c) Not less than 30 days after mailing the notice of delinquent assessment pursuant to paragraph (a), the association or other person conducting the sale has executed and caused to be recorded, with the county recorder of the county in which the common-interest community or any part of it is situated,

a notice of default and election to sell the unit to satisfy the lien which must contain the same information as the notice of delinquent assessment and which must also comply with the following:

(1) Describe the deficiency in payment.

(2) State the name and address of the person authorized by the association to enforce the lien by sale.

(3) Contain, in 14-point bold type, the following warning:

WARNING! IF YOU FAIL TO PAY THE AMOUNT SPECIFIED IN THIS NOTICE, YOU COULD LOSE YOUR HOME, EVEN IF THE AMOUNT IS IN DISPUTE!

~~[(c)]~~ ***(d)*** The unit's owner or his or her successor in interest has failed to pay the amount of the lien, including costs, fees and expenses incident to its enforcement, for 90 days following the recording of the notice of default and election to sell.

2. The notice of default and election to sell must be signed by the person designated in the declaration or by the association for that purpose or, if no one is designated, by the president of the association.

3. The period of 90 days begins on the first day following:

(a) The date on which the notice of default is recorded; or

(b) The date on which a copy of the notice of default is mailed by certified or registered mail, return receipt requested, to the unit's owner or his or her successor in interest at his or her address, if known, and at the address of the unit,

➥ whichever date occurs later.

4. The association may not foreclose a lien by sale based on a fine or penalty for a violation of the governing documents of the association unless:

(a) The violation poses an imminent threat of causing a substantial adverse effect on the health, safety or welfare of the units' owners or residents of the common-interest community; or

(b) The penalty is imposed for failure to adhere to a schedule required pursuant to NRS 116.310305.

5. ***The association may not foreclose a lien by sale based on a delinquent assessment unless the amount of the delinquent assessment, excluding acceleration and any interest, charges for late payment, fines or costs of collecting the assessment:***

(a) Is more than $1,800; or

(b) Is equal to or greater than the assessments for common expenses based on the periodic budget adopted by the association pursuant to NRS 116.3115 which became due during the 12 months immediately preceding institution of the foreclosure.

Sec. 23. ~~[~~NRS 116.31164 is hereby amended to read as follows:

~~116.31164 1. The sale must be conducted in the county in which the common-interest community or part of it is situated, and may be conducted by the association, its agent or attorney, or a title insurance company or~~

~~escrow agent licensed to do business in this State, except that the sale may be made at the office of the association if the notice of the sale so provided, whether the unit is located within the same county as the office of the association or not. The association or other person conducting the sale may from time to time postpone the sale by such advertisement and notice as it considers reasonable or, without further advertisement or notice, by proclamation made to the persons assembled at the time and place previously set and advertised for the sale.~~

~~2.~~ ***~~If the sale does not occur within 120 days after the date on which a copy of the notice of default and election to sell was mailed to the unit's owner or his or her successor in interest in the manner required by paragraph (b) of subsection 3 of NRS 116.31162, the association and any person acting on behalf of the association may not:~~***

~~(a) Foreclose the association's lien by sale pursuant to NRS 116.31162 to 116.31168, inclusive; or~~

~~(b) File a civil action to obtain a judgment against the unit's owner for the amount due,~~

~~unless, within the period set forth in this subsection, the association, the unit's owner and any other person with a lien on the unit execute and record in the office of the county recorder of the county in which the unit is located a written agreement extending the period. The written agreement must be acknowledged as required by law for the acknowledgment of deeds. If the sale does not occur within the time provided in the written agreement, the association and any person acting on behalf of the association may not foreclose the association's lien by sale pursuant to NRS 116.31162 to 116.31168, inclusive, or file a civil action to obtain a judgment against the unit's owner for the amount due.~~

~~3.~~ ~~On the day of sale originally advertised or to which the sale is postponed, at the time and place specified in the notice or postponement, the person conducting the sale may sell the unit at public auction to the highest cash bidder. Unless otherwise provided in the declaration or by agreement, the association may purchase the unit and hold, lease, mortgage or convey it. The association may purchase by a credit bid up to the amount of the unpaid assessments and any permitted costs, fees and expenses incident to the enforcement of its lien.~~

~~[~~3.~~]~~ ***~~4.~~*** ~~After the sale, the person conducting the sale shall:~~

~~(a) Make, execute and, after payment is made, deliver to the purchaser, or his or her successor or assign, a deed without warranty which conveys to the grantee all title of the unit's owner to the unit;~~

~~(b) Deliver a copy of the deed to the Ombudsman within 30 days after the deed is delivered to the purchaser, or his or her successor or assign; and~~

~~(c) Apply the proceeds of the sale for the following purposes in the following order:~~

~~(1) The reasonable expenses of sale;~~

~~(2) The reasonable expenses of securing possession before sale, holding, maintaining, and preparing the unit for sale, including payment of taxes and other governmental charges, premiums on hazard and liability insurance, and, to the extent provided for by the declaration, reasonable attorney's fees and other legal expenses incurred by the association;~~

~~(3) Satisfaction of the association's lien;~~

~~(4) Satisfaction in the order of priority of any subordinate claim of record; and~~

~~(5) Remittance of any excess to the unit's owner.]~~ **(Deleted by amendment.)**

Sec. 24. NRS 116.31175 is hereby amended to read as follows:

116.31175 1. Except as otherwise provided in this subsection, the executive board of an association shall, upon the written request of a unit's owner, make available the books, records and other papers of the association ***, including, without limitation, the budget, the reserve study, contracts to which the association is a party, records filed with a court relating to civil or criminal action to which the association is a party, minutes of meetings of the units' owners and of the executive board, attorney opinions which do not relate to current litigation involving the association, any architectural plan or specification submitted by a unit's owner, agendas of meetings of the units' owners and of the executive board, records of violations of the governing documents excluding names and addresses, records relating to the investments of the association, bank statements, cancelled checks, insurance policies and any permits, even if the book, record or paper is in draft form or is unapproved or in the process of being developed,*** for review at the business office of the association or a designated business location not to exceed 60 miles from the physical location of the common-interest community and during the regular working hours of the association **.** ~~[, including, without limitation, all contracts to which the association is a party and all records filed with a court relating to a civil or criminal action to which the association is a party.]~~ The provisions of this subsection do not apply to:

(a) The personnel records of the employees of the association, except for those records relating to the number of hours worked and the salaries and benefits of those employees;

(b) The records of the association relating to another unit's owner ~~[, including, without limitation, any architectural plan or specification submitted by a unit's owner to the association during an approval process required by the governing documents, except for those records described in subsection 2; and~~

~~(c) Any document, including, without limitation, minutes of an executive board meeting, a reserve study and a budget, if the document:~~

~~(1) Is in the process of being developed for final consideration by the executive board; and~~

~~(2) Has not been placed on an agenda for final approval by the executive board.]~~ ***other than records specifically mentioned in this subsection.***

2. The executive board of an association shall maintain a general record concerning each violation of the governing documents, other than a violation involving a failure to pay an assessment, for which the executive board has imposed a fine, a construction penalty or any other sanction. The general record:

(a) Must contain a general description of the nature of the violation and the type of the sanction imposed. If the sanction imposed was a fine or construction penalty, the general record must specify the amount of the fine or construction penalty.

(b) Must not contain the name or address of the person against whom the sanction was imposed or any other personal information which may be used to identify the person or the location of the unit, if any, that is associated with the violation.

(c) Must be maintained in an organized and convenient filing system or data system that allows a unit's owner to search and review the general records concerning violations of the governing documents.

3. If the executive board refuses to allow a unit's owner to review the books, records or other papers of the association, the Ombudsman may:

(a) On behalf of the unit's owner and upon written request, review the books, records or other papers of the association during the regular working hours of the association; and

(b) If the Ombudsman is denied access to the books, records or other papers, request the Commission, or any member thereof acting on behalf of the Commission, to issue a subpoena for their production.

4. The books, records and other papers of an association must be maintained for at least 10 years. The provisions of this subsection do not apply to:

(a) The minutes of a meeting of the units' owners which must be maintained in accordance with NRS 116.3108; or

(b) The minutes of a meeting of the executive board which must be maintained in accordance with NRS 116.31083.

5. The executive board shall not require a unit's owner to pay an amount in excess of $10 per hour to review any books, records, contracts or other papers of the association pursuant to the provisions of this section.

6. If an official publication contains or will contain any mention of a candidate or ballot question, the official publication must, upon request and without charge, provide equal space to the candidate or a representative of an organization which supports the passage or defeat of the ballot question.

7. If an official publication contains or will contain the views or opinions of the association, the executive board, a community manager or an officer, employee or agent of an association concerning an issue of official interest, the official publication must, upon request and without charge, provide equal

space to opposing views and opinions of a unit's owner, tenant or resident of the common-interest community. ***If the views or opinions of the association, the executive board, a community manager or an officer, employee or agent of an association are published in an official newsletter or other similar publication that is circulated to each unit's owner, in addition to any other manner of official publication for the opposing views or opinions of a unit's owner, tenant or resident, those opposing views or opinions may be published in the same such newsletter or publication or in the next such newsletter or publication but the opposing views or opinions must be published in an official newsletter or similar publication within 45 days after publication of the views or opinions of the association, the executive board, community manager or officer, employee or agent of the association. If the views or opinions of the association, the executive board, a community manager or an officer, employee or agent of an association are published on an official website or on an official bulletin board that is available to each unit's owner, in addition to any other manner of official publication for the opposing views or opinions, the opposing views or opinions of a unit's owner, tenant or resident must be published in the next official newsletter or other similar publication that is circulated to each unit's owner or in an official newsletter or similar publication published within 45 days after publication of the views or opinions of the association, executive board, community manager or officer, employee or agent of the association, whichever is earlier.***

8. The association and its officers, employees and agents are immune from criminal or civil liability for any act or omission which arises out of the publication or disclosure of any information related to any person and which occurs in the course of carrying out any duties required pursuant to subsection 6 or 7.

9. As used in this section:

(a) "Issue of official interest" includes, without limitation:

(1) Any issue on which the executive board or the units' owners will be voting, including, without limitation, the election of members of the executive board; and

(2) The enactment or adoption of rules or regulations that will affect a common-interest community.

(b) "Official publication" means:

(1) An official website;

(2) An official newsletter or other similar publication that is circulated to each unit's owner; or

(3) An official bulletin board that is available to each unit's owner,

➥ which is published or maintained at the cost of an association and by an association, an executive board, a member of an executive board, a community manager or an officer, employee or agent of an association.

Sec. 25. NRS 116.31183 is hereby amended to read as follows:

116.31183 1. An executive board, a member of an executive board, a community manager or an officer, employee or agent of an association shall not take, or direct or encourage another person to take, any retaliatory action against a unit's owner ***, including, without limitation, demanding money from a unit's owner, prohibiting the use of the common elements by the unit's owner, restricting the access of friends, relatives or any invitee of a unit's owner, filing against the unit's owner a false or fraudulent affidavit with the Division pursuant to NRS 116.760, filing against the unit's owner a false or fraudulent claim with the Division pursuant to NRS 38.320, or filing a frivolous civil action for the purpose of harassing the unit's owner,*** because the unit's owner has:

(a) Complained in good faith about any alleged violation of any provision of this chapter ***,*** ~~[or]~~ the governing documents of the association ~~[.]~~ ***or any federal, state, county or municipal law, ordinance or code;***

(b) Recommended the selection or replacement of an attorney, community manager or vendor; or

(c) Requested in good faith to review the books, records or other papers of the association.

2. In addition to any other remedy provided by law, upon a violation of this section, a unit's owner may bring a separate action to recover:

(a) Compensatory damages; and

(b) Attorney's fees and costs of bringing the separate action.

Sec. 26. NRS 116.330 is hereby amended to read as follows:

116.330 1. The executive board shall not and the governing documents must not prohibit a unit's owner from installing or maintaining drought tolerant landscaping within such physical portion of the common-interest community as that owner has a right to occupy and use exclusively, including, without limitation, the front yard or back yard of the unit's owner, except that:

(a) Before installing drought tolerant landscaping, the unit's owner must submit a detailed description or plans for the drought tolerant landscaping for architectural review and approval in accordance with the procedures, if any, set forth in the governing documents of the association; and

(b) The drought tolerant landscaping must be selected or designed to the maximum extent practicable to be compatible with the style of the common-interest community.

➥ The provisions of this subsection must be construed liberally in favor of effectuating the purpose of encouraging the use of drought tolerant landscaping, and the executive board shall not and the governing documents must not unreasonably deny or withhold approval for the installation of drought tolerant landscaping or unreasonably determine that the drought tolerant landscaping is not compatible with the style of the common-interest community.

2. ***The association may not charge a fee to a unit's owner who is seeking approval to install drought tolerant landscaping pursuant to this section.***

3. Installation of drought tolerant landscaping within any common element or conversion of traditional landscaping or cultivated vegetation, such as turf grass, to drought tolerant landscaping within any common element shall not be deemed to be a change of use of the common element unless:

(a) The common element has been designated as a park, open play space or golf course on a recorded plat map; or

(b) The traditional landscaping or cultivated vegetation is required by a governing body under the terms of any applicable zoning ordinance, permit or approval or as a condition of approval of any final subdivision map.

~~[3.]~~ ***4.*** As used in this section, "drought tolerant landscaping" means landscaping which conserves water, protects the environment and is adaptable to local conditions. The term includes, without limitation, the use of mulches such as decorative rock and artificial turf.

Sec. 27. NRS 116.335 is hereby amended to read as follows:

116.335 1. Unless, at the time a unit's owner purchased his or her unit, the declaration prohibited the unit's owner from renting or leasing his or her unit, the association may not prohibit the unit's owner from renting or leasing his or her unit.

2. Unless, at the time a unit's owner purchased his or her unit, the declaration required the unit's owner to secure or obtain any approval from the association in order to rent or lease his or her unit, an association may not require the unit's owner to secure or obtain any approval from the association in order to rent or lease his or her unit.

3. If a declaration contains a provision establishing a maximum number or percentage of units in the common-interest community which may be rented or leased, that provision of the declaration may not be amended to decrease that maximum number or percentage of units in the common-interest community which may be rented or leased.

4. The provisions of this section do not prohibit an association from enforcing any provisions which govern the renting or leasing of units and which are contained in this chapter or in any other applicable federal, state or local laws or regulations.

5. Notwithstanding any other provision of law or the declaration to the contrary:

(a) If a unit's owner is prohibited from renting or leasing a unit because the maximum number or percentage of units which may be rented or leased in the common-interest community have already been rented or leased, the unit's owner may seek a waiver of the prohibition from the executive board based upon a showing of economic hardship, and the executive board ~~[may]~~ ***shall*** grant such a waiver ***upon proof of economic hardship*** and approve the renting or leasing of the unit.

(b) If the declaration contains a provision establishing a maximum number or percentage of units in the common-interest community which may be rented or leased, in determining the maximum number or percentage of units in the common-interest community which may be rented or leased, the number of units owned by the declarant must not be counted or considered.

Sec. 28. NRS 116.350 is hereby amended to read as follows:

116.350 1. In a common-interest community which is not gated or enclosed and the access to which is not restricted or controlled by a person or device, the executive board shall not and the governing documents must not ~~[provide]~~ ***:***

(a) Provide for the regulation of any road, street, alley or other thoroughfare the right-of-way of which is accepted by the State or a local government for dedication as a road, street, alley or other thoroughfare for public use.

(b) Except as otherwise provided in paragraph (s) of subsection 1 of NRS 116.3102, interfere with the parking of any automobile, privately owned standard pickup truck, motorcycle or any other vehicle not specifically described in subsection 2.

2. Except as otherwise provided in subsection 3, the provisions of subsection 1 do not preclude an association from adopting, and do not preclude the governing documents of an association from setting forth, rules that reasonably restrict the parking or storage of recreational vehicles, watercraft, trailers or commercial vehicles in the common-interest community to the extent authorized by law.

3. In any common-interest community, the executive board shall not and the governing documents must not prohibit a person from:

(a) Parking a utility service vehicle that has a gross vehicle weight rating of 20,000 pounds or less:

(1) In an area designated for parking for visitors, in a designated parking area or common parking area, or on the driveway of the unit of a subscriber or consumer, while the person is engaged in any activity relating to the delivery of public utility services to subscribers or consumers; or

(2) In an area designated for parking for visitors, in a designated parking area or common parking area, or on the driveway of his or her unit, if the person is:

(I) A unit's owner or a tenant of a unit's owner; and

(II) Bringing the vehicle to his or her unit pursuant to his or her employment with the entity which owns the vehicle for the purpose of responding to emergency requests for public utility services; or

(b) Parking a law enforcement vehicle or emergency services vehicle:

(1) In an area designated for parking for visitors, in a designated parking area or common parking area, or on the driveway of the unit of a person to whom law enforcement or emergency services are being provided, while the person is engaged in his or her official duties; or

(2) In an area designated for parking for visitors, in a designated parking area or common parking area, or on the driveway of his or her unit, if the person is:

(I) A unit's owner or a tenant of a unit's owner; and

(II) Bringing the vehicle to his or her unit pursuant to his or her employment with the entity which owns the vehicle for the purpose of responding to requests for law enforcement services or emergency services.

4. An association may require that a person parking a utility service vehicle, law enforcement vehicle or emergency services vehicle as set forth in subsection 3 provide written confirmation from his or her employer that the person is qualified to park his or her vehicle in the manner set forth in subsection 3.

5. ***In a common-interest community which is not gated or enclosed and the access to which is not restricted or controlled by a person or device, the association shall display a sign in plain view on or near any property on which parking is prohibited or restricted in a certain manner.***

6. As used in this section:

(a) "Emergency services vehicle" means a vehicle:

(1) Owned by any governmental agency or political subdivision of this State; and

(2) Identified by the entity which owns the vehicle as a vehicle used to provide emergency services.

(b) "Law enforcement vehicle" means a vehicle:

(1) Owned by any governmental agency or political subdivision of this State; and

(2) Identified by the entity which owns the vehicle as a vehicle used to provide law enforcement services.

(c) "Utility service vehicle" means any motor vehicle:

(1) Used in the furtherance of repairing, maintaining or operating any structure or any other physical facility necessary for the delivery of public utility services, including, without limitation, the furnishing of electricity, gas, water, sanitary sewer, telephone, cable or community antenna service; and

(2) Except for any emergency use, operated primarily within the service area of a utility's subscribers or consumers, without regard to whether the motor vehicle is owned, leased or rented by the utility.

Sec. 28.5. **NRS 116.4109 is hereby amended to read as follows:**

116.4109 1. Except in the case of a sale in which delivery of a public offering statement is required, or unless exempt under subsection 2 of NRS 116.4101, a unit's owner or his or her authorized agent shall, at the expense of the unit's owner, furnish to a purchaser a resale package containing all of the following:

(a) A copy of the declaration, other than any plats, the bylaws, the rules or regulations of the association and the information statement required by NRS 116.41095;

(b) A statement setting forth the amount of the monthly assessment for common expenses and any unpaid assessment of any kind currently due from the selling unit's owner;

(c) A copy of the current operating budget of the association and current year-to-date financial statement for the association, which must include a summary of the reserves of the association required by NRS 116.31152 and which must include, without limitation, a summary of the information described in paragraphs (a) to (e), inclusive, of subsection 3 of NRS 116.31152;

(d) A statement of any unsatisfied judgments or pending legal actions against the association and the status of any pending legal actions relating to the common-interest community of which the unit's owner has actual knowledge;

(e) A statement of any transfer fees, transaction fees or any other fees associated with the resale of a unit; and

(f) In addition to any other document, a statement describing all current and expected fees or charges for each unit, including, without limitation, association fees, fines, assessments, late charges or penalties, interest rates on delinquent assessments, additional costs for collecting past due fines and charges for opening or closing any file for each unit.

2. The purchaser may, by written notice, cancel the contract of purchase until midnight of the fifth calendar day following the date of receipt of the resale package described in subsection 1, and the contract for purchase must contain a provision to that effect. If the purchaser elects to cancel a contract pursuant to this subsection, the purchaser must hand deliver the notice of cancellation to the unit's owner or his or her authorized agent or mail the notice of cancellation by prepaid United States mail to the unit's owner or his or her authorized agent. Cancellation is without penalty, and all payments made by the purchaser before cancellation must be refunded promptly. If the purchaser has accepted a conveyance of the unit, the purchaser is not entitled to:

(a) Cancel the contract pursuant to this subsection; or

(b) Damages, rescission or other relief based solely on the ground that the unit's owner or his or her authorized agent failed to furnish the resale package, or any portion thereof, as required by this section.

3. Within 10 days after receipt of a written request by a unit's owner or his or her authorized agent, the association shall furnish all of the following to the unit's owner or his or her authorized agent for inclusion in the resale package:

(a) Copies of the documents required pursuant to paragraphs (a) and (c) of subsection 1; and

(b) A certificate containing the information necessary to enable the unit's owner to comply with paragraphs (b), (d) and (e) of subsection 1.

4. If the association furnishes the documents and certificate pursuant to subsection 3:

(a) The unit's owner or his or her authorized agent shall include the documents and certificate in the resale package provided to the purchaser, and neither the unit's owner nor his or her authorized agent is liable to the purchaser for any erroneous information provided by the association and included in the documents and certificate.

(b) The association may charge the unit's owner a reasonable fee to cover the cost of preparing the certificate furnished pursuant to subsection 3. Such a fee must be based on the actual cost the association incurs to fulfill the requirements of this section in preparing the certificate. The Commission shall adopt regulations establishing the maximum amount of the fee that an association may charge for preparing the certificate.

(c) The association may charge the unit's owner a reasonable fee, not to exceed 25 cents per page, to cover the cost of copying the other documents furnished pursuant to subsection 3.

(d) Except for the fees allowed pursuant to paragraphs (b) and (c), the association may not charge the unit's owner any other fees for preparing or furnishing the documents and certificate pursuant to subsection 3.

5. Neither a purchaser nor the purchaser's interest in a unit is liable for any unpaid assessment or fee greater than the amount set forth in the documents and certificate prepared by the association. If the association fails to furnish the documents and certificate within the 10 days allowed by this section, the seller is not liable for the delinquent assessment.

6. Upon the request of a unit's owner or his or her authorized agent, or upon the request of a purchaser to whom the unit's owner has provided a resale package pursuant to this section or his or her authorized agent, the association shall make the entire study of the reserves of the association which is required by NRS 116.31152 reasonably available for the unit's owner, purchaser or authorized agent to inspect, examine, photocopy and audit. The study must be made available at the business office of the association or some other suitable location within the county where the common-interest community is situated or, if it is situated in more than one county, within one of those counties.

7. An association or a community manager may not charge a unit's owner, and may not require a unit's owner to pay, a fee of more than $50 to cover the cost of recording in the books and records of the association or community manager the transfer of the ownership of the unit.

Sec. 29. NRS 116.4117 is hereby amended to read as follows:

116.4117 1. Subject to the requirements set forth in subsection 2, if a declarant, community manager or any other person subject to this chapter fails to comply with any of its provisions or any provision of the declaration or bylaws, any person or class of persons suffering actual damages from the failure to comply may bring a civil action for damages or other appropriate relief.

2. ~~[Subject to the requirements set forth in NRS 38.310 and except]~~ ***Except*** as otherwise provided in NRS 116.3111, a civil action for damages or

other appropriate relief for a failure or refusal to comply with any provision of this chapter or the governing documents of an association may be brought:

(a) By the association against:

(1) A declarant;

(2) A community manager; or

(3) A unit's owner.

(b) By a unit's owner ***or a tenant or an invitee of a unit's owner or a tenant*** against:

(1) The association;

(2) A declarant; or

(3) Another unit's owner of the association.

(c) By a class of units' owners constituting at least 10 percent of the total number of voting members of the association against a community manager.

3. Except as otherwise provided in NRS 116.31036, punitive damages may be awarded for a willful and material failure to comply with any provision of this chapter if the failure is established by clear and convincing evidence.

4. The court may award reasonable attorney's fees to the prevailing party.

5. The civil remedy provided by this section is in addition to, and not exclusive of, any other available remedy or penalty.

Sec. 30. NRS 116.745 is hereby amended to read as follows:

116.745 As used in NRS 116.745 to 116.795, inclusive, ***and section ~~[1]~~ 1.5 of this act,*** unless the context otherwise requires, "violation" means a violation of any provision of this chapter, any regulation adopted pursuant thereto or any order of the Commission or a hearing panel.

Sec. 31. NRS 116.757 is hereby amended to read as follows:

116.757 1. Except as otherwise provided in this section and NRS 239.0115, a written affidavit filed with the Division pursuant to NRS 116.760, all documents and other information filed with the written affidavit and all documents and other information compiled as a result of an investigation conducted to determine whether to file a formal complaint with the Commission are confidential. ~~[The]~~ ***Except as otherwise provided in this subsection, the*** Division shall not disclose any ***findings or other*** information that is confidential pursuant to this subsection, in whole or in part, to any person, ~~[including, without limitation, a person who is the subject of an investigation or complaint,]~~ unless and until a formal complaint is filed pursuant to subsection 2 and the disclosure is required pursuant to subsection 2. ***The Division shall provide to each party to the dispute for which the written affidavit was filed a copy of the documents and other information submitted by the other party.***

2. A formal complaint filed by the Administrator with the Commission and all documents and other information considered by the Commission or a hearing panel when determining whether to impose discipline or take other

administrative action pursuant to NRS 116.745 to 116.795, inclusive, ***and section ~~[1]~~ 1.5 of this act*** are public records.

Sec. 32. NRS 116.765 is hereby amended to read as follows:

116.765 1. Upon receipt of an affidavit that complies with the provisions of NRS 116.760, the Division shall refer the affidavit to the Ombudsman.

2. The Ombudsman shall give such guidance to the parties as the Ombudsman deems necessary to assist the parties to resolve the alleged violation. ***The Ombudsman shall provide each party an opportunity to respond to any allegations or statements made by the other party or the Division.***

3. If the parties are unable to resolve the alleged violation with the assistance of the Ombudsman, the Ombudsman shall provide to the Division a report concerning the alleged violation and any information collected by the Ombudsman during his or her efforts to assist the parties to resolve the alleged violation.

4. Upon receipt of the report from the Ombudsman, the Division shall conduct an investigation to determine whether good cause exists to proceed with a hearing on the alleged violation.

5. If, after investigating the alleged violation, the Division determines that the allegations in the affidavit are not frivolous, false or fraudulent and that good cause exists to proceed with a hearing on the alleged violation, the Administrator shall file a formal complaint with the Commission and schedule a hearing on the complaint before the Commission or a hearing panel.

Sec. 33. NRS 38.310 is hereby amended to read as follows:

38.310 1. ~~[No]~~ ***Except as otherwise provided in subsections 2 and 3, no*** civil action based upon a claim relating to:

(a) The interpretation, application or enforcement of any covenants, conditions or restrictions applicable to residential property or any bylaws, rules or regulations adopted by an association; or

(b) The procedures used for increasing, decreasing or imposing additional assessments upon residential property,

➥ may be commenced in any court in this State unless the action has been submitted to mediation or arbitration pursuant to the provisions of NRS 38.300 to 38.360, inclusive, and, if the civil action concerns real estate within a planned community subject to the provisions of chapter 116 of NRS or real estate within a condominium hotel subject to the provisions of chapter 116B of NRS, all administrative procedures specified in any covenants, conditions or restrictions applicable to the property or in any bylaws, rules and regulations of an association have been exhausted.

2. ***If:***

(a) A civil action described in subsection 1 concerns real estate within a planned community subject to the provisions of chapter 116 of NRS and relates to a citation of a unit's owner or a tenant of a unit's owner for a

violation of any covenants, conditions or restrictions applicable to residential property or any bylaws, rules or regulations adopted by an association; and

(b) All administrative procedures specified in any covenants, conditions or restrictions applicable to the property or in any bylaws, rules and regulations of an association have been exhausted,

➥ the unit's owner or tenant may submit the civil action to mediation or arbitration pursuant to the provisions of NRS 38.300 to 38.360, inclusive, or commence the civil action in a court of competent jurisdiction without complying with the provisions of NRS 38.300 to 38.360, inclusive.

3. If a civil action described in subsection 1 concerns real estate within a planned community subject to the provisions of chapter 116 of NRS and is brought by an invitee of a unit's owner or a tenant of a unit's owner, the invitee may submit the civil action to mediation or arbitration pursuant to the provisions of NRS 38.300 to 38.360, inclusive, or commence the civil action in a court of competent jurisdiction without complying with the provisions of NRS 38.300 to 38.360, inclusive.

4. A court shall dismiss any civil action which is commenced in violation of the provisions of ~~[subsection 1.]~~ ***this section.***

Sec. 34. NRS 38.330 is hereby amended to read as follows:

38.330 1. If all parties named in a written claim filed pursuant to NRS 38.320 agree to have the claim submitted for mediation, the parties shall reduce the agreement to writing and shall select a mediator from the list of mediators maintained by the Division pursuant to NRS 38.340. Any mediator selected must be available within the geographic area. If the parties fail to agree upon a mediator, the Division shall appoint a mediator from the list of mediators maintained by the Division. Any mediator appointed must be available within the geographic area. Unless otherwise provided by an agreement of the parties, mediation must be completed within 60 days after the parties agree to mediation. Any agreement obtained through mediation conducted pursuant to this section must, within 20 days after the conclusion of mediation, be reduced to writing by the mediator and a copy thereof provided to each party. The agreement may be enforced as any other written agreement. ***If a party commences a civil action based upon any claim which was the subject of mediation, the findings of the mediator are not admissible in that action.*** Except as otherwise provided in this section, the parties are responsible for all costs of mediation conducted pursuant to this section.

2. If all the parties named in the claim do not agree to mediation, the parties shall select an arbitrator from the list of arbitrators maintained by the Division pursuant to NRS 38.340. Any arbitrator selected must be available within the geographic area. If the parties fail to agree upon an arbitrator, the Division shall appoint an arbitrator from the list maintained by the Division. Any arbitrator appointed must be available within the geographic area. Upon appointing an arbitrator, the Division shall provide the name of the arbitrator

to each party. An arbitrator shall, not later than 5 days after the arbitrator's selection or appointment pursuant to this subsection, provide to the parties an informational statement relating to the arbitration of a claim pursuant to this section. The written informational statement:

(a) Must be written in plain English;

(b) Must explain the procedures and applicable law relating to the arbitration of a claim conducted pursuant to this section, including, without limitation, the procedures, timelines and applicable law relating to confirmation of an award pursuant to NRS 38.239, vacation of an award pursuant to NRS 38.241, judgment on an award pursuant to NRS 38.243, and any applicable statute or court rule governing the award of attorney's fees or costs to any party; and

(c) Must be accompanied by a separate form acknowledging that the party has received and read the informational statement, which must be returned to the arbitrator by the party not later than 10 days after receipt of the informational statement.

3. The Division may provide for the payment of the fees for a mediator or an arbitrator selected or appointed pursuant to this section from the Account for Common-Interest Communities and Condominium Hotels created by NRS 116.630, to the extent that:

(a) The Commission for Common-Interest Communities and Condominium Hotels approves the payment; and

(b) There is money available in the Account for this purpose.

4. ***The fees for a mediator or an arbitrator selected or appointed pursuant to this section must not exceed $750 and, except as otherwise provided in subsection 3, each party to the mediation or arbitration must pay an equal percentage of the fees for the mediator or arbitrator.***

5. A party to a mediation or an arbitration conducted pursuant to this section is not liable for the costs or attorney's fees incurred by another party during the mediation or arbitration.

6. If a party to a mediation or an arbitration conducted pursuant to this section submits a written statement to the Division alleging that the mediator or arbitrator has a conflict of interest or is biased against that party and submits with the written statement evidence to substantiate the allegation, the Division shall remove the mediator or arbitrator and appoint a mediator or arbitrator from the list maintained by the Division pursuant to NRS 38.340 who is acceptable to each party. A mediator or arbitrator who has been removed by the Division pursuant to this subsection shall refund to the parties any payments made by the parties for the fees of the mediator or arbitrator.

7. Except as otherwise provided in this section and except where inconsistent with the provisions of NRS 38.300 to 38.360, inclusive, the arbitration of a claim pursuant to this section must be conducted in accordance with the provisions of NRS 38.231, 38.232, 38.233, 38.236 to 38.239, inclusive, 38.242 and 38.243. At any time during the arbitration of a

claim relating to the interpretation, application or enforcement of any covenants, conditions or restrictions applicable to residential property or any bylaws, rules or regulations adopted by an association, the arbitrator may issue an order prohibiting the action upon which the claim is based. An award must be made within 30 days after the conclusion of arbitration, unless a shorter period is agreed upon by the parties to the arbitration.

~~[5.]~~ ***8.*** If all the parties have agreed to nonbinding arbitration, any party to the nonbinding arbitration may, within 30 days after a decision and award have been served upon the parties, commence a civil action in the proper court concerning the claim which was submitted for arbitration. Any complaint filed in such an action must contain a sworn statement indicating that the issues addressed in the complaint have been arbitrated pursuant to the provisions of NRS 38.300 to 38.360, inclusive. If ***an action is commenced within that period, the findings of the arbitrator are not admissible in that action. If*** such an action is not commenced within that period, any party to the arbitration may, within 1 year after the service of the award, apply to the proper court for a confirmation of the award pursuant to NRS 38.239.

~~[6.]~~ ***9.*** If all the parties agree in writing to binding arbitration, the arbitration must be conducted in accordance with the provisions of this chapter. An award procured pursuant to such binding arbitration may be vacated and a rehearing granted upon application of a party pursuant to the provisions of NRS 38.241.

~~[7.]~~ ***10.*** If, after the conclusion of binding arbitration, a party:

(a) Applies to have an award vacated and a rehearing granted pursuant to NRS 38.241; or

(b) Commences a civil action based upon any claim which was the subject of arbitration,

➥ the party shall, if the party fails to obtain a more favorable award or judgment than that which was obtained in the initial binding arbitration, pay all costs and reasonable attorney's fees incurred by the opposing party after the application for a rehearing was made or after the complaint in the civil action was filed.

~~[8.]~~ ***If a party commences a civil action based upon any claim which was the subject of arbitration, the findings of the arbitrator are not admissible in that action.***

11. Upon request by a party, the Division shall provide a statement to the party indicating the amount of the fees for a mediator or an arbitrator selected or appointed pursuant to this section.

~~[9.]~~ ***12.*** As used in this section, "geographic area" means an area within 150 miles from any residential property or association which is the subject of a written claim submitted pursuant to NRS 38.320.

Sec. 34.5. **NRS 649.370 is hereby amended to read as follows:**

649.370 ***1.*** A violation of any provision of the federal Fair Debt Collection Practices Act, 15 U.S.C. §§ ~~[1682]~~ ***1692*** et seq., or any regulation adopted pursuant thereto, shall be deemed to be a violation of this chapter.

2. Even if a claim is not governed by the federal Fair Debt Collection Practices Act, 15 U.S.C. §§ 1692 et seq., a violation of any provision of that Act, or any regulation adopted pursuant thereto, with respect to collecting or attempting to collect a claim owed to a unit-owners' association by a unit's owner shall be deemed to be a violation of this chapter.

Sec. 35. The **amendatory** provisions of ~~[~~NRS 116.31164, as amended by~~]~~ section ~~[~~23~~]~~ **22.5** of this act **[.]** apply only if a notice of default and election to sell is recorded pursuant to NRS 116.31162 on or after July 1, 2011.

Sec. 36. This act becomes effective on July 1, 2011.

Assemblyman Ohrenschall moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 452.

Bill read second time.

The following amendment was proposed by the Committee on Legislative Operations and Elections:

Amendment No. 501.

SUMMARY—Revises provisions relating to ~~[~~elections.~~]~~ **governmental administration.** (BDR 24-1136)

AN ACT relating to ~~[~~elections;~~]~~ **governmental administration;** requiring the electronic filing of certain campaign contribution and expenditure reports and statements of financial disclosure; amending the deadlines for filing certain campaign contribution and expenditure reports; **requiring candidates to report certain contributions and expenditures in the aggregate on campaign contribution and expenditure reports; requiring candidates to report the disposal of certain unspent campaign contributions in the aggregate on campaign contribution and expenditure reports;** prohibiting certain former public officers from receiving compensation or other consideration to lobby for 2 years after leaving office; increasing the "cooling-off" period for former members of the Public Utilities Commission of Nevada, the State Gaming Control Board and the Nevada Gaming Commission to lobby on behalf of certain regulated businesses and industries; making various other changes relating to campaign finance; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Sections 2-20 of this bill provide that, except under certain circumstances, campaign contribution and expenditure reports related to candidates for state, county, city and district offices must be filed electronically with the Secretary of State. **Sections 4, 7-11 and 16** also revise the deadlines for filing such reports.

Existing law requires a candidate to report on his or her campaign contribution and expenditure report: (1) each campaign contribution in excess of $100 received during the reporting period and contributions

received during the period from a contributor which cumulatively exceed $100; (2) each campaign expense incurred, or expenditure made, in excess of $100 during the reporting period; and (3) any unspent campaign contribution that is disposed of during the reporting period in excess of $100. (NRS 294A.120, 294A.125, 294A.200) Sections 4, 5 and 9 of this bill require candidates to report, in the aggregate, contributions, expenses, expenditures or amounts of unspent campaign contributions disposed of which are less than $100.

Section 18 of this bill requires the Secretary of State to design a form for each campaign contribution and expenditure report rather than requiring the design of a single form for all campaign contribution and expenditure reports in order to accommodate the new electronic filing requirements.

Sections 23-26 and 28-33 of this bill provide that, except under certain circumstances, appointed and elected public officers must file statements of financial disclosure electronically with the Secretary of State rather than the Commission on Ethics.

Under existing law, former members of the Public Utilities Commission of Nevada, the State Gaming Control Board and the Nevada Gaming Commission must observe a 1-year "cooling-off" period prior to appearing before the Public Utilities Commission of Nevada, the State Gaming Control Board or the Nevada Gaming Commission, as applicable, on behalf of certain regulated businesses or industries. (NRS 281A.550) **Section 27** of this bill increases this "cooling-off" period to 2 years. **Section 22** of this bill prohibits former public officers from receiving compensation or other consideration to lobby any member of the governing body of the State or a political subdivision, as applicable, to which the former public officer was elected or appointed for 2 years after leaving office.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 294A of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. ***1. A candidate who is required to file a report described in subsection 1 of NRS 294A.373 is not required to file the report electronically if the candidate:***

(a) Did not receive or expend money in excess of $10,000 after becoming a candidate pursuant to NRS 294A.005; and

(b) Has on file with the Secretary of State an affidavit which satisfies the requirements set forth in subsection 2 and which states that:

(1) The candidate does not own or have the ability to access the technology necessary to file electronically the report described in subsection 1 of NRS 294A.373; and

(2) The candidate does not have the financial ability to purchase or obtain access to the technology necessary to file electronically the report described in subsection 1 of NRS 294A.373.

2. The affidavit described in subsection 1 must be:

(a) In the form prescribed by the Secretary of State and signed under penalty of perjury.

(b) Filed not later than 15 days before the candidate is required to file a report described in subsection 1 of NRS 294A.373.

3. A candidate who is not required to file the report electronically may file the report by transmitting the report by regular mail, certified mail, facsimile machine or personal delivery. A report transmitted pursuant to this subsection shall be deemed to be filed on the date on which it is received by the Secretary of State.

Sec. 3. ***1. A person, committee, political party, group of persons or business entity that is required to file a report described in subsection 1 of NRS 294A.373 is not required to file the report electronically if the person, committee, political party, group or business entity:***

(a) Did not receive or expend money in excess of $10,000 in the previous calendar year; and

(b) Has on file with the Secretary of State an affidavit which satisfies the requirements set forth in subsection 2 and which states that:

(1) The person, committee, political party, group or business entity does not own or have the ability to access the technology necessary to file electronically the report described in subsection 1 of NRS 294A.373; and

(2) The person, committee, political party, group or business entity does not have the financial ability to purchase or obtain access to the technology necessary to file electronically the report described in subsection 1 of NRS 294A.373.

2. The affidavit described in subsection 1 must be:

(a) In the form prescribed by the Secretary of State and signed under penalty of perjury.

(b) Filed:

(1) At least 15 days before any report described in subsection 1 of NRS 294A.373 is required to be filed by the person, committee, political party, group or business entity.

(2) Not earlier than January 1 and not later than January 15 of each year, regardless of whether or not the person, committee, political party, group or business entity was required to file any report described in subsection 1 of NRS 294A.373 in the previous year.

3. A person, committee, political party, group or business entity that has properly filed the affidavit pursuant to this section may file the relevant report with the Secretary of State by transmitting the report by regular mail, certified mail, facsimile machine or personal delivery. A report transmitted pursuant to this subsection shall be deemed to be filed on the date on which it is received by the Secretary of State.

Sec. 4. NRS 294A.120 is hereby amended to read as follows:

294A.120 1. Every candidate for state, district, county or township office at a primary or general election shall, not later than January 15 of each

year, for the period from January 1 of the previous year through December 31 of the previous year, report ~~[each]~~ :

(a) Each campaign contribution in excess of $100 received during the period ~~[and contributions]~~ ;

(b) Contributions received during the period from a contributor which cumulatively exceed $100 ~~[.]~~ ; and

(c) The total of all contributions received during the period which are $100 or less and which are not otherwise required to be reported pursuant to paragraph (b).

➥ The provisions of this subsection apply to the candidate beginning the year of the general election for that office through the year immediately preceding the next general election for that office.

2. Every candidate for state, district, county or township office at a primary or general election shall, if the general election for the office for which he or she is a candidate is held on or after January 1 and before the July 1 immediately following that January 1, not later than:

(a) ~~[Seven]~~ ***Twenty-one*** days before the primary election for that office, for the period from the January 1 immediately preceding the primary election through ~~[12]~~ ***25*** days before the primary election;

(b) ~~[Seven]~~ ***Four*** days before the ~~[general]~~ ***primary*** election for that office, for the period from ~~[11]~~ ***24*** days before the primary election through ~~[12]~~ ***5*** days before the ~~[general election; and~~

~~(c) July 15 of the year of~~~~]~~ ***primary election;***

(c) Twenty-one days before the general election for that office, for the period from ~~[11]~~ ***4*** days before the ~~[general]~~ ***primary*** election through ~~[June 30 of that year,]~~ ***25 days before the general election; and***

(d) Four days before the general election for that office, for the period from 24 days before the general election through 5 days before the general election,

➥ report each campaign contribution ~~[in excess of $100]~~ **described in subsection 1** received during the period . ~~[and contributions received during the period from a contributor which cumulatively exceed $100.]~~ The report must be completed on the form designed and ~~[provided]~~ ***made available*** by the Secretary of State pursuant to NRS 294A.373. Each form must be signed by the candidate under penalty of perjury.

3. Every candidate for state, district, county or township office at a primary or general election shall, if the general election for the office for which he or she is a candidate is held on or after July 1 and before the January 1 immediately following that July 1, not later than:

(a) ~~[Seven]~~ ***Twenty-one*** days before the primary election for that office, for the period from the January 1 immediately preceding the primary election through ~~[12]~~ ***25*** days before the primary election; ~~[and]~~

(b) ~~[Seven]~~ ***Four*** days before the ~~[general]~~ ***primary*** election for that office, for the period from ~~[11]~~ ***24*** days before the primary election through ~~[12]~~ ***5*** days before the ~~[general election,]~~ ***primary election;***

(c) Twenty-one days before the general election for that office, for the period from 4 days before the primary election through 25 days before the general election; and

(d) Four days before the general election for that office, for the period from 24 days before the general election through 5 days before the general election,

➥ report each campaign contribution ~~[in excess of $100]~~ **described in subsection 1** received during the period . ~~[and contributions received during the period from a contributor which cumulatively exceed $100.]~~ The report must be completed on the form designed and ~~[provided]~~ ***made available*** by the Secretary of State pursuant to NRS 294A.373. Each form must be signed by the candidate under penalty of perjury.

4. Except as otherwise provided in subsection 5, every candidate for a district office at a special election shall, not later than:

(a) Seven days before the special election, for the period from the candidate's nomination through 12 days before the special election; and

(b) Thirty days after the special election, for the remaining period through the special election,

➥ report each campaign contribution ~~[in excess of $100]~~ **described in subsection 1** received during the period . ~~[and contributions received during the reporting period from a contributor which cumulatively exceed $100.]~~ The report must be completed on the form designed and ~~[provided]~~ ***made available*** by the Secretary of State pursuant to NRS 294A.373. Each form must be signed by the candidate under penalty of perjury.

5. Every candidate for state, district, county, municipal or township office at a special election to determine whether a public officer will be recalled shall list each of the campaign contributions received on the form designed and ~~[provided]~~ ***made available*** by the Secretary of State pursuant to NRS 294A.373 and signed by the candidate under penalty of perjury, 30 days after:

(a) The special election, for the period from the filing of the notice of intent to circulate the petition for recall through the special election; or

(b) A district court determines that the petition for recall is legally insufficient pursuant to subsection 6 of NRS 306.040, for the period from the filing of the notice of intent to circulate the petition for recall through the date of the district court's decision.

6. ~~[~~Reports~~]~~ ***Except as otherwise provided in section 2 of this act, reports*** of campaign contributions must be filed ***electronically*** with the ~~[officer with whom the candidate filed the declaration of candidacy or acceptance of candidacy. A candidate may mail or transmit the report to that officer by regular mail, certified mail, facsimile machine or electronic means.]~~ ***Secretary of State.***

7. A report shall be deemed to be filed ~~[with the officer:~~

~~(a) On the date that it was mailed if it was sent by certified mail; or~~

~~(b) On~~] ***on*** the date that it was received by the [~~officer if the report was sent by regular mail, transmitted by facsimile machine or electronic means, or delivered personally.~~

~~7. Every county clerk who receives from candidates for legislative or judicial office, including, without limitation, the office of justice of the peace or municipal judge, reports of campaign contributions pursuant to this section shall file a copy of each report with the~~] Secretary of State **.** [~~within 10 working days after receiving the report.~~]

8. The name and address of the contributor and the date on which the contribution was received must be included on the report for each contribution in excess of $100 and contributions which a contributor has made cumulatively in excess of that amount since the beginning of the current reporting period.

Sec. 5. NRS 294A.125 is hereby amended to read as follows:

294A.125 1. In addition to complying with the requirements set forth in NRS 294A.120, 294A.200 and 294A.360, a candidate who receives contributions in any year before the year in which the general election or general city election in which the candidate intends to seek election to public office is held shall, for:

(a) The year in which the candidate receives contributions in excess of $10,000, list [~~each~~] :

(1) Each of the contributions received and the expenditures in excess of $100 made in that year [~~.~~] **; and**

(2) The total of all contributions received and expenditures which are $100 or less.

(b) Each year after the year in which the candidate received contributions in excess of $10,000, until the year of the general election or general city election in which the candidate intends to seek election to public office is held, list [~~each~~] :

(1) Each of the contributions received and the expenditures in excess of $100 made in that year [~~.~~] **; and**

(2) The total of all contributions received and expenditures which are $100 or less.

2. The reports required by subsection 1 must be submitted on the form designed and [~~provided~~] ***made available*** by the Secretary of State pursuant to NRS 294A.373. Each form must be signed by the candidate under penalty of perjury.

3. The name and address of the contributor and the date on which the contribution was received must be included on the list for each contribution in excess of $100 and contributions that a contributor has made cumulatively in excess of that amount.

4. [~~The~~] ***Except as otherwise provided in section 2 of this act, the*** report must be filed [~~:~~

~~(a) With the officer with whom the candidate will file the declaration of candidacy or acceptance of candidacy for the public office the candidate~~

~~intends to seek. A candidate may mail or transmit the report to that officer by regular mail, certified mail, facsimile machine or electronic means.~~**]** ***electronically with the Secretary of State.***

5. A report shall be deemed to be filed **[**~~with the officer:~~

~~(1) On the date it was mailed if it was sent by certified mail.~~

~~(2) On~~**]** ***on*** the date it was received by the **[**~~officer if the report was sent by regular mail, transmitted by facsimile machine or electronic means, or delivered personally.~~

~~(b) On or before January 15 of the year immediately after the year for which the report is made.~~

~~5. A county clerk who receives from a candidate for legislative or judicial office, including, without limitation, the office of justice of the peace or municipal judge, a report of contributions and expenditures pursuant to subsection 4 shall file a copy of the report with the~~**]** Secretary of State **. [**~~within 10 working days after receiving the report.~~**]**

Sec. 6. NRS 294A.128 is hereby amended to read as follows:

294A.128 1. In addition to complying with the requirements set forth in NRS 294A.120, 294A.200 and 294A.360, a candidate who receives a loan which is guaranteed by a third party, forgiveness of a loan previously made to the candidate or a written commitment for a contribution shall, for the period covered by the report filed pursuant to NRS 294A.120, 294A.200 or 294A.360, report:

(a) If a loan received by the candidate was guaranteed by a third party, the amount of the loan and the name and address of each person who guaranteed the loan;

(b) If a loan received by the candidate was forgiven by the person who made the loan, the amount that was forgiven and the name and address of the person who forgave the loan; and

(c) If the candidate received a written commitment for a contribution, the amount committed to be contributed and the name and address of the person who made the written commitment.

2. The reports required by subsection 1 must be submitted on the form designed and **[**~~provided~~**]** ***made available*** by the Secretary of State pursuant to NRS 294A.373. Each form must be signed by the candidate under penalty of perjury.

3. **[**~~The~~**]** ***Except as otherwise provided in section 2 of this act, the*** reports required by subsection 1 must be filed in the same manner and at the same time as the report filed pursuant to NRS 294A.120, 294A.200 or 294A.360.

[~~4. A county clerk who receives from a candidate for legislative or judicial office, including, without limitation, the office of justice of the peace or municipal judge, a report pursuant to subsection 1 shall file a copy of the report with the Secretary of State within 10 working days after receiving the report.~~**]**

Sec. 7. NRS 294A.140 is hereby amended to read as follows:

294A.140 1. Every person who is not under the direction or control of a candidate for office at a primary election, primary city election, general election or general city election, of a group of such candidates or of any person involved in the campaign of that candidate or group who makes an expenditure on behalf of the candidate or group which is not solicited or approved by the candidate or group, and every committee for political action, political party, committee sponsored by a political party and business entity which makes an expenditure on behalf of such a candidate or group of candidates shall, not later than January 15 of each year that the provisions of this subsection apply to the person, committee, political party or business entity, for the period from January 1 of the previous year through December 31 of the previous year, report each campaign contribution in excess of $100 received during the period and contributions received during the period from a contributor which cumulatively exceed $100. The provisions of this subsection apply to the person, committee, political party or business entity beginning the year of the general election or general city election for that office through the year immediately preceding the next general election or general city election for that office.

2. Every person, committee, political party or business entity described in subsection 1 which makes an expenditure on behalf of the candidate for office at a primary election, primary city election, general election or general city election or on behalf of a group of such candidates shall, if the general election or general city election for the office for which the candidate or a candidate in the group of candidates seeks election is held on or after January 1 and before the July 1 immediately following that January 1, not later than:

(a) ~~[~~Seven~~]~~ ***Twenty-one*** days before the primary election or primary city election for that office, for the period from the January 1 immediately preceding the primary election or primary city election through ~~[~~12~~]~~ ***25*** days before the primary election or primary city election;

(b) ~~[~~Seven~~]~~ ***Four*** days before the ~~[~~general~~]~~ ***primary*** election or ~~[~~general~~]~~ ***primary*** city election for that office, for the period from ~~[~~11~~]~~ ***24*** days before the primary election or primary city election through ~~[~~12~~]~~ ***5*** days before the ~~[~~general~~]~~ ***primary*** election or ~~[~~general~~]~~ ***primary*** city election; ~~[~~and

~~(c) July 15 of the year of~~]

(c) Twenty-one days before the general election or general city election for that office, for the period from ~~[~~11~~]~~ ***4*** days before the ~~[~~general~~]~~ ***primary*** election or ~~[~~general~~]~~ ***primary*** city election through ~~[~~June 30 of that year,~~]~~ ***25 days before the general election or general city election; and***

(d) Four days before the general election or general city election for that office, for the period from 24 days before the general election or general city election through 5 days before the general election or general city election,

➥ report each campaign contribution in excess of $100 received during the period and contributions received during the period from a contributor which cumulatively exceed $100. The report must be completed on the form

designed and ~~[provided]~~ ***made available*** by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the committee, political party or business entity under penalty of perjury.

3. The name and address of the contributor and the date on which the contribution was received must be included on the report for each contribution in excess of $100 and contributions which a contributor has made cumulatively in excess of $100 since the beginning of the current reporting period.

4. Every person, committee, political party or business entity described in subsection 1 which makes an expenditure on behalf of a candidate for office at a primary election, primary city election, general election or general city election or on behalf of a group of such candidates shall, if the general election or general city election for the office for which the candidate or a candidate in the group of candidates seeks election is held on or after July 1 and before the January 1 immediately following that July 1, not later than:

(a) ~~[Seven]~~ ***Twenty-one*** days before the primary election or primary city election for that office, for the period from the January 1 immediately preceding the primary election or primary city election through ~~[12]~~ ***25*** days before the primary election or primary city election; ~~[and]~~

(b) ~~[Seven]~~ ***Four*** days before the ~~[general]~~ ***primary*** election or ~~[general]~~ ***primary*** city election for that office, for the period from ~~[11]~~ ***24*** days before the primary election or primary city election through ~~[12]~~ ***5*** days before the ~~[general]~~ ***primary*** election or ~~[general]~~ ***primary*** city election ~~[.]~~ ***;***

(c) Twenty-one days before the general election or general city election for that office, for the period from 4 days before the primary election or primary city election through 25 days before the general election or general city election; and

(d) Four days before the general election or general city election for that office, for the period from 24 days before the general election or general city election through 5 days before the general election or general city election,

➥ report each campaign contribution in excess of $100 received during the period and contributions received during the period from a contributor which cumulatively exceed $100. The report must be completed on the form designed and ~~[provided]~~ ***made available*** by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the committee, political party or business entity under penalty of perjury.

5. Except as otherwise provided in subsection 6, every person, committee, political party or business entity described in subsection 1 which makes an expenditure on behalf of a candidate for office at a special election or on behalf of a group of such candidates shall, not later than:

(a) Seven days before the special election for the office for which the candidate or a candidate in the group of candidates seeks election, for the period from the nomination of the candidate through 12 days before the special election; and

(b) Thirty days after the special election, for the remaining period through the special election,

➥ report each campaign contribution in excess of $100 received during the period and contributions received during the period from a contributor which cumulatively exceed $100. The report must be completed on the form designed and ~~[provided]~~ ***made available*** by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the committee, political party or business entity under penalty of perjury.

6. Every person, committee, political party or business entity described in subsection 1 which makes an expenditure on behalf of a candidate for office at a special election to determine whether a public officer will be recalled or on behalf of a group of candidates for offices at such special elections shall report each contribution in excess of $100 received during the period and contributions received during the period from a contributor which cumulatively exceed $100. The report must be completed on the form designed and ~~[provided]~~ ***made available*** by the Secretary of State pursuant to NRS 294A.373 and signed by the person or a representative of the committee, political party or business entity under penalty of perjury, 30 days after:

(a) The special election, for the period from the filing of the notice of intent to circulate the petition for recall through the special election; or

(b) If the special election is not held because a district court determines that the petition for recall is legally insufficient pursuant to subsection 6 of NRS 306.040, for the period from the filing of the notice of intent to circulate the petition for recall through the date of the district court's decision.

7. ~~[The]~~ ***Except as otherwise provided in section 3 of this act,*** the reports of contributions required pursuant to this section must be filed ***electronically*** with ~~[:~~

~~(a) If the candidate is elected from one county, the county clerk of that county;~~

~~(b) If the candidate is elected from one city, the city clerk of that city; or~~

~~(c) If the candidate is elected from more than one county or city,]~~ the Secretary of State.

8. ~~[A person or entity may file the report with the appropriate officer by regular mail, certified mail, facsimile machine or electronic means.]~~ A report shall be deemed to be filed ~~[with the officer:~~

~~(a) On the date that it was mailed if it was sent by certified mail; or~~

~~(b) On]~~ ***on*** the date that it was received by the ~~[officer if the report was sent by regular mail, transmitted by facsimile machine or electronic means, or delivered personally.~~

~~9. Each county clerk or city clerk who receives a report pursuant to this section shall file a copy of the report with the Secretary of State within 10 working days after receiving the report.~~

~~10.]~~ ***Secretary of State.***

9. Every person, committee, political party or business entity described in subsection 1 shall file a report required by this section even if the person, committee, political party or business entity receives no contributions.

Sec. 8. NRS 294A.150 is hereby amended to read as follows:

294A.150 1. Except as otherwise provided in NRS 294A.283, every person or group of persons organized formally or informally, including a business entity, who advocates the passage or defeat of a question or group of questions on the ballot at a primary election, primary city election, general election or general city election and who receives or expends money in an amount in excess of $10,000 to advocate the passage or defeat of such question or group of questions shall, not later than January 15 of each year that the provisions of this subsection apply to the person, group of persons or business entity, for the period from January 1 of the previous year through December 31 of the previous year, report each campaign contribution in excess of $1,000 received during that period and contributions received during the period from a contributor which cumulatively exceed $1,000. The report must be completed on the form designed and ~~[provided]~~ ***made available*** by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the group or business entity under penalty of perjury. The provisions of this subsection apply to the person, group of persons or business entity:

(a) Each year in which:

(1) An election or city election is held for each question for which the person, group of persons or business entity advocates passage or defeat; or

(2) A person, group of persons or business entity receives or expends money in excess of $10,000 to advocate the passage or defeat of a question or group of questions on the ballot at a primary election, primary city election, general election or general city election; and

(b) The year after each year described in paragraph (a).

2. If a question is on the ballot at a primary election or primary city election and the general election or general city election immediately following that primary election or primary city election is held on or after January 1 and before the July 1 immediately following that January 1, every person or group of persons organized formally or informally, including a business entity, who advocates the passage or defeat of the question or a group of questions that includes the question and who receives or expends money in an amount in excess of $10,000 to advocate the passage or defeat of such question or group of questions shall comply with the requirements of this subsection. If a question is on the ballot at a general election or general city election held on or after January 1 and before the July 1 immediately following that January 1, every person or group of persons organized formally or informally, including a business entity, who advocates the passage or defeat of the question or a group of questions that includes the question and who receives or expends money in an amount in excess of $10,000 to advocate the passage or defeat of such question or group of

questions shall comply with the requirements of this subsection. A person, group of persons or business entity described in this subsection shall, not later than:

(a) ~~[~~Seven~~]~~ ***Twenty-one*** days before the primary election or primary city election, for the period from the January 1 immediately preceding the primary election or primary city election through ~~[~~12~~]~~ ***25*** days before the primary election or primary city election;

(b) ~~[~~Seven~~]~~ ***Four*** days before the ~~[~~general~~]~~ ***primary*** election or ~~[~~general~~]~~ ***primary*** city election, for the period from ~~[~~11~~]~~ ***24*** days before the primary election or primary city election through ~~[~~12~~]~~ ***5*** days before the ~~[~~general~~]~~ ***primary*** election or ~~[~~general~~]~~ ***primary*** city election; ~~[~~and

~~(c) July 15 of the year of~~]~~

(c) Twenty-one days before the general election or general city election, for the period from ~~[~~11~~]~~ ***4*** days before the ~~[~~general~~]~~ ***primary*** election or ~~[~~general~~]~~ ***primary*** city election through ~~[~~June 30 of that year,~~]~~ ***25 days before the general election or general city election; and***

(d) Four days before the general election or general city election, for the period from 24 days before the general election or general city election through 5 days before the general election or general city election,

➥ report each campaign contribution in excess of $1,000 received during the period and contributions received during the period from a contributor which cumulatively exceed $1,000. The report must be completed on the form designed and ~~[~~provided~~]~~ ***made available*** by the Secretary of State pursuant to NRS 294A.373 and signed by the person or a representative of the group or business entity under penalty of perjury.

3. The name and address of the contributor and the date on which the contribution was received must be included on the report for each contribution in excess of $1,000 and contributions which a contributor has made cumulatively in excess of that amount since the beginning of the current reporting period.

4. If a question is on the ballot at a primary election or primary city election and the general election or general city election immediately following that primary election or primary city election is held on or after July 1 and before the January 1 immediately following that July 1, every person or group of persons organized formally or informally, including a business entity, who advocates the passage or defeat of the question or a group of questions that includes the question and who receives or expends money in an amount in excess of $10,000 to advocate the passage or defeat of such question or group of questions shall comply with the requirements of this subsection. Except as otherwise provided in NRS 294A.283, if a question is on the ballot at a general election or general city election held on or after July 1 and before the January 1 immediately following that July 1, every person or group of persons organized formally or informally, including a business entity, who advocates the passage or defeat of the question or a group of questions that includes the question and who receives or expends

money in an amount in excess of $10,000 to advocate the passage or defeat of such question or group of questions shall comply with the requirements of this subsection. A person, group of persons or business entity described in this subsection shall, not later than:

(a) ~~[~~Seven~~]~~ ***Twenty-one*** days before the primary election or primary city election, for the period from the January 1 immediately preceding the primary election or primary city election through ~~[~~12~~]~~ ***25*** days before the primary election or primary city election; ~~[~~and~~]~~

(b) ~~[~~Seven~~]~~ ***Four*** days before the ~~[~~general~~]~~ ***primary*** election or ~~[~~general~~]~~ ***primary*** city election, for the period from ~~[~~11~~]~~ ***24*** days before the primary election or primary city election through ~~[~~12~~]~~ ***5*** days before the ~~[~~general~~]~~ ***primary*** election or ~~[~~general~~]~~ ***primary*** city election ~~[~~,~~]~~ ***;***

(c) Twenty-one days before the general election or general city election, for the period from 4 days before the primary election or primary city election through 25 days before the general election or general city election; and

(d) Four days before the general election or general city election, for the period from 24 days before the general election or general city election through 5 days before the general election or general city election,

➥ report each campaign contribution in excess of $1,000 received during the period and contributions received during the period from a contributor which cumulatively exceed $1,000. The report must be completed on the form designed and ~~[~~provided~~]~~ ***made available*** by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the group or business entity under penalty of perjury.

5. Except as otherwise provided in subsection 6, every person or group of persons organized formally or informally, including a business entity, who advocates the passage or defeat of a question or group of questions on the ballot at a special election and who receives or expends money in an amount in excess of $10,000 to advocate the passage or defeat of such question or group of questions shall, not later than:

(a) Seven days before the special election, for the period from the date that the question qualified for the ballot through 12 days before the special election; and

(b) Thirty days after the special election, for the remaining period through the special election,

➥ report each campaign contribution in excess of $1,000 received during the period and contributions received during the period from a contributor which cumulatively exceed $1,000. The report must be completed on the form designed and ~~[~~provided~~]~~ ***made available*** by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the group or business entity under penalty of perjury.

6. Every person or group of persons organized formally or informally, including a business entity, who advocates the passage or defeat of a question or group of questions on the ballot at a special election to determine whether

a public officer will be recalled and who receives or expends money in an amount in excess of $10,000 to advocate the passage or defeat of such question or group of questions shall report each of the contributions received on the form designed and ~~[provided]~~ ***made available*** by the Secretary of State pursuant to NRS 294A.373 and signed by the person or a representative of the group or business entity under penalty of perjury, 30 days after:

(a) The special election, for the period from the filing of the notice of intent to circulate the petition for recall through the special election; or

(b) If the special election is not held because a district court determines that the petition for recall is legally insufficient pursuant to subsection 6 of NRS 306.040, for the period from the filing of the notice of intent to circulate the petition for recall through the date of the district court's decision.

7. ~~[The]~~ ***Except as otherwise provided in section 3 of this act, the*** reports required pursuant to this section must be filed ***electronically*** with ~~[:~~

~~(a) If the question is submitted to the voters of one county, the county clerk of that county;~~

~~(b) If the question is submitted to the voters of one city, the city clerk of that city; or~~

~~(c) If the question is submitted to the voters of more than one county or city,~~] the Secretary of State.

8. ~~[A person may mail or transmit the report to the appropriate officer by regular mail, certified mail, facsimile machine or electronic means.~~] A report shall be deemed to be filed ~~[with the officer:~~

~~(a) On the date that it was mailed if it was sent by certified mail; or~~

~~(b) On~~] ***on*** the date that it was received by the ~~[officer if the report was sent by regular mail, transmitted by facsimile machine or electronic means, or delivered personally.~~] ***Secretary of State.***

9. If the person or group of persons, including a business entity, is advocating passage or defeat of a group of questions, the reports must be itemized by question or petition.

~~[10. Each county clerk or city clerk who receives a report pursuant to this section shall file a copy of the report with the Secretary of State within 10 working days after receiving the report.~~]

Sec. 9. NRS 294A.200 is hereby amended to read as follows:

294A.200 1. Every candidate for state, district, county or township office at a primary or general election shall, not later than January 15 of each year, for the period from January 1 of the previous year through December 31 of the previous year, report ~~[each]~~ :

(a) Each of the campaign expenses in excess of $100 incurred ~~[and each]~~ **during the period;**

(b) Each amount in excess of $100 disposed of pursuant to NRS 294A.160 **during the period;**

(c) The total of all campaign expenses incurred during the period which are $100 or less; and

(d) The total of all amounts disposed of during the period **pursuant to NRS 294A.160 which are $100 or less,**

➥ on the form designed and ~~[~~provided~~]~~ ***made available*** by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the candidate under penalty of perjury.

2. The provisions of ~~[~~this~~]~~ subsection 1 apply to the candidate:

(a) Beginning the year of the general election for that office through the year immediately preceding the next general election for that office; and

(b) Each year immediately succeeding a calendar year during which the candidate disposes of contributions pursuant to NRS 294A.160.

~~[~~2.~~]~~ **3.** Every candidate for state, district, county or township office at a primary or general election shall, if the general election for the office for which he or she is a candidate is held on or after January 1 and before the July 1 immediately following that January 1, not later than:

(a) ~~[~~Seven~~]~~ ***Twenty-one*** days before the primary election for that office, for the period from the January 1 immediately preceding the primary election through ~~[~~12~~]~~ ***25*** days before the primary election;

(b) ~~[~~Seven~~]~~ ***Four*** days before the ~~[~~general~~]~~ ***primary*** election for that office, for the period from ~~[~~11~~]~~ ***24*** days before the primary election through ~~[~~12~~]~~ ***5*** days before the ~~[~~general~~]~~ ***primary*** election; ~~[~~and~~]~~

(c) ~~[~~July 15 of the year of~~]~~ ***Twenty-one days before*** the general election for that office, for the period from ~~[~~11~~]~~ ***4*** days before the ~~[~~general~~]~~ ***primary*** election through ~~[~~June 30 of that year,~~]~~ ***25 days before the general election; and***

(d) Four days before the general election for that office, for the period from 24 days before the general election through 5 days before the general election,

➥ report each of the campaign expenses ~~[~~in excess of $100~~]~~ **described in subsection 1** incurred during the period on the form designed and ~~[~~provided~~]~~ ***made available*** by the Secretary of State pursuant to NRS 294A.373. Each form must be signed by the candidate under penalty of perjury.

~~[~~3.~~]~~ **4.** Every candidate for state, district, county or township office at a primary or general election shall, if the general election for the office for which he or she is a candidate is held on or after July 1 and before the January 1 immediately following that July 1, not later than:

(a) ~~[~~Seven~~]~~ ***Twenty-one*** days before the primary election for that office, for the period from the January 1 immediately preceding the primary election through ~~[~~12~~]~~ ***25*** days before the primary election; ~~[~~and~~]~~

(b) ~~[~~Seven~~]~~ ***Four*** days before the ~~[~~general~~]~~ ***primary*** election for that office, for the period from ~~[~~11~~]~~ ***24*** days before the primary election through ~~[~~12~~]~~ ***5*** days before the ~~[~~general~~]~~ ***primary*** election ~~[~~.~~]~~ ***;***

(c) Twenty-one days before the general election for that office, for the period from 4 days before the primary election through 25 days before the general election; and

(d) Four days before the general election for that office, for the period from 24 days before the general election through 5 days before the general election,

➥ report each of the campaign expenses ~~[in excess of $100]~~ **described in subsection 1** incurred during the period on the form designed and ~~[provided]~~ ***made available*** by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the candidate under penalty of perjury.

~~[4.]~~ **5.** Except as otherwise provided in subsection ~~[5,]~~ **6,** every candidate for a district office at a special election shall, not later than:

(a) Seven days before the special election, for the period from the candidate's nomination through 12 days before the special election; and

(b) Thirty days after the special election, for the remaining period through the special election,

➥ report each of the campaign expenses ~~[in excess of $100]~~ **described in subsection 1** incurred during the period on the form designed and ~~[provided]~~ ***made available*** by the Secretary of State pursuant to NRS 294A.373. Each form must be signed by the candidate under penalty of perjury.

~~[5.]~~ **6.** Every candidate for state, district, county, municipal or township office at a special election to determine whether a public officer will be recalled shall report each of the campaign expenses ~~[in excess of $100]~~ **described in subsection 1** incurred on the form designed and ~~[provided]~~ ***made available*** by the Secretary of State pursuant to NRS 294A.373 and signed by the candidate under penalty of perjury, 30 days after:

(a) The special election, for the period from the filing of the notice of intent to circulate the petition for recall through the special election; or

(b) If the special election is not held because a district court determines that the petition for recall is legally insufficient pursuant to subsection 6 of NRS 306.040, for the period from the filing of the notice of intent to circulate the petition for recall through the date of the district court's decision.

~~[6.]~~ **7.** ~~[Reports]~~ ***Except as otherwise provided in section 2 of this act, reports*** of campaign expenses must be filed ***electronically*** with the ~~[officer with whom the candidate filed the declaration of candidacy or acceptance of candidacy. A candidate may mail or transmit the report to that officer by regular mail, certified mail, facsimile machine or electronic means.]~~ ***Secretary of State.***

~~*[7.]*~~ 8. A report shall be deemed to be filed ~~[with the officer:~~

~~(a) On the date that it was mailed if it was sent by certified mail; or~~

~~(b) On~~] ***on*** the date that it was received by the ~~[officer if the report was sent by regular mail, transmitted by facsimile machine or electronic means, or delivered personally.~~

~~7. County clerks who receive from candidates for legislative or judicial office, including, without limitation, the office of justice of the peace or municipal judge, reports of campaign expenses pursuant to this section shall file a copy of each report with the~~] Secretary of State **.** ~~[within 10 working days after receiving the report.]~~

Sec. 10. NRS 294A.210 is hereby amended to read as follows:

294A.210 1. Every person who is not under the direction or control of a candidate for an office at a primary election, primary city election, general election or general city election, of a group of such candidates or of any person involved in the campaign of that candidate or group who makes an expenditure on behalf of the candidate or group which is not solicited or approved by the candidate or group, and every committee for political action, political party, committee sponsored by a political party or business entity which makes an expenditure on behalf of such a candidate or group of candidates shall, not later than January 15 of each year that the provisions of this subsection apply to the person, committee, political party or business entity, for the period from January 1 of the previous year through December 31 of the previous year, report each expenditure made during the period on behalf of the candidate, the group of candidates or a candidate in the group of candidates in excess of $100 on the form designed and ~~[provided]~~ ***made available*** by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the committee, political party or business entity under penalty of perjury. The provisions of this subsection apply to the person, committee, political party or business entity beginning the year of the general election or general city election for that office through the year immediately preceding the next general election or general city election for that office.

2. Every person, committee, political party or business entity described in subsection 1 which makes an expenditure on behalf of a candidate for office at a primary election, primary city election, general election or general city election or a group of such candidates shall, if the general election or general city election for the office for which the candidate or a candidate in the group of candidates seeks election is held on or after January 1 and before the July 1 immediately following that January 1, not later than:

(a) ~~[Seven]~~ ***Twenty-one*** days before the primary election or primary city election for that office, for the period from the January 1 immediately preceding the primary election or primary city election through ~~[12]~~ ***25*** days before the primary election or primary city election;

(b) ~~[Seven]~~ ***Four*** days before the ~~[general]~~ ***primary*** election or ~~[general]~~ ***primary*** city election for that office, for the period from ~~[11]~~ ***24*** days before the primary election or primary city election through ~~[12]~~ ***5*** days before the ~~[general]~~ ***primary*** election or ~~[general]~~ ***primary*** city election; ~~[and]~~

(c) ~~[July 15 of the year of]~~ ***Twenty-one days before*** the general election or general city election for that office, for the period from ~~[11]~~ ***4*** days before the ~~[general]~~ ***primary*** election or ~~[general]~~ ***primary*** city election through ~~[the June 30 of that year,]~~ ***25 days before the general election or general city election; and***

(d) Four days before the general election or general city election for that office, for the period from 24 days before the general election or general

city election through 5 days before the general election or general city election,

➥ report each expenditure made during the period on behalf of the candidate, the group of candidates or a candidate in the group of candidates in excess of $100 on the form designed and ~~[~~provided~~]~~ ***made available*** by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the committee, political party or business entity under penalty of perjury.

3. Every person, committee, political party or business entity described in subsection 1 which makes an expenditure on behalf of a candidate for office at a primary election, primary city election, general election or general city election or on behalf of a group of such candidates shall, if the general election or general city election for the office for which the candidate or a candidate in the group of candidates seeks election is held on or after July 1 and before the January 1 immediately following that July 1, not later than:

(a) ~~[~~Seven~~]~~ ***Twenty-one*** days before the primary election or primary city election for that office, for the period from the January 1 immediately preceding the primary election or primary city election through ~~[~~12~~]~~ ***25*** days before the primary election or primary city election; ~~[~~and~~]~~

(b) ~~[~~Seven~~]~~ ***Four*** days before the ~~[~~general~~]~~ ***primary*** election or ~~[~~general~~]~~ ***primary*** city election for that office, for the period from ~~[~~11~~]~~ ***24*** days before the primary election or primary city election through ~~[~~12~~]~~ ***5*** days before the ~~[~~general~~]~~ ***primary*** election or ~~[~~general~~]~~ ***primary*** city election ~~[~~.~~]~~ ***;***

(c) Twenty-one days before the general election or general city election for that office, for the period from 4 days before the primary election or primary city election through 25 days before the general election or general city election; and

(d) Four days before the general election or general city election for that office, for the period from 24 days before the general election or general city election through 5 days before the general election or general city election,

➥ report each expenditure made during the period on behalf of the candidate, the group of candidates or a candidate in the group of candidates in excess of $100 on the form designed and ~~[~~provided~~]~~ ***made available*** by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the committee, political party or business entity under penalty of perjury.

4. Except as otherwise provided in subsection 5, every person, committee, political party or business entity described in subsection 1 which makes an expenditure on behalf of a candidate for office at a special election or on behalf of a group of such candidates shall, not later than:

(a) Seven days before the special election for the office for which the candidate or a candidate in the group of candidates seeks election, for the period from the nomination of the candidate through 12 days before the special election; and

(b) Thirty days after the special election, for the remaining period through the special election,

➥ report each expenditure made during the period on behalf of the candidate, the group of candidates or a candidate in the group of candidates in excess of $100 on the form designed and ~~[provided]~~ ***made available*** by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the committee, political party or business entity under penalty of perjury.

5. Every person, committee, political party or business entity described in subsection 1 which makes an expenditure on behalf of a candidate for office at a special election to determine whether a public officer will be recalled or on behalf of a group of such candidates shall list each expenditure made on behalf of the candidate, the group of candidates or a candidate in the group of candidates in excess of $100 on the form designed and ~~[provided]~~ ***made available*** by the Secretary of State pursuant to NRS 294A.373 and signed by the person or a representative of the committee, political party or business entity under penalty of perjury, 30 days after:

(a) The special election, for the period from the filing of the notice of intent to circulate the petition for recall through the special election; or

(b) If the special election is not held because a district court determines that the petition for recall is legally insufficient pursuant to subsection 6 of NRS 306.040, for the period from the filing of the notice of intent to circulate the petition for recall through the date of the district court's decision.

6. Expenditures made within the State or made elsewhere but for use within the State, including expenditures made outside the State for printing, television and radio broadcasting or other production of the media, must be included in the report.

7. ~~[The]~~ ***Except as otherwise provided in section 3 of this act, the*** reports must be filed ***electronically*** with ~~[:~~

~~(a) If the candidate is elected from one county, the county clerk of that county;~~

~~(b) If the candidate is elected from one city, the city clerk of that city; or~~

~~(c) If the candidate is elected from more than one county or city,]~~ the Secretary of State.

8. If an expenditure is made on behalf of a group of candidates, the reports must be itemized by the candidate. ~~[A person may mail or transmit the report to the appropriate officer by regular mail, certified mail, facsimile machine or electronic means.]~~

9. A report shall be deemed to be filed ~~[with the officer:~~

~~(a) On the date that it was mailed if it was sent by certified mail; or~~

~~(b) On]~~ ***on*** the date that it was received by the ~~[officer if the report was sent by regular mail, transmitted by facsimile machine or electronic means, or delivered personally.~~

~~9. Each county clerk or city clerk who receives a report pursuant to this section shall file a copy of the report with the~~**]** Secretary of State **. [**~~within 10 working days after receiving the report.~~

~~10.~~**]** Every person, committee, political party or business entity described in subsection 1 shall file a report required by this section even if the person, committee, political party or business entity receives no contributions.

Sec. 11. NRS 294A.220 is hereby amended to read as follows:

294A.220 1. Except as otherwise provided in NRS 294A.283, every person or group of persons organized formally or informally, including a business entity, who advocates the passage or defeat of a question or group of questions on the ballot at a primary election, primary city election, general election or general city election and who receives or expends money in an amount in excess of $10,000 to advocate the passage or defeat of such question or group of questions shall, not later than January 15 of each year that the provisions of this subsection apply to the person or group of persons, for the period from January 1 of the previous year through December 31 of the previous year, report each expenditure made during the period on behalf of or against the question, the group of questions or a question in the group of questions on the ballot in excess of $1,000 on the form designed and **[**~~provided~~**]** ***made available*** by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the group or business entity under penalty of perjury. The provisions of this subsection apply to the person, group of persons or business entity:

(a) Each year in which:

(1) An election or city election is held for a question for which the person, group of persons or business entity advocates passage or defeat; or

(2) A person, group of persons or business entity receives or expends money in excess of $10,000 to advocate the passage or defeat of a question or group of questions on the ballot at a primary election, primary city election, general election or general city election; and

(b) The year after each year described in paragraph (a).

2. If a question is on the ballot at a primary election or primary city election and the general election or general city election immediately following that primary election or primary city election is held on or after January 1 and before the July 1 immediately following that January 1, every person or group of persons organized formally or informally, including a business entity, who advocates the passage or defeat of the question or a group of questions that includes the question and who receives or expends money in an amount in excess of $10,000 to advocate the passage or defeat of such question or group of questions shall comply with the requirements of this subsection. If a question is on the ballot at a general election or general city election held on or after January 1 and before the July 1 immediately following that January 1, every person or group of persons organized formally or informally, including a business entity, who advocates the passage or defeat of the question or a group of questions that includes the

question and who receives or expends money in an amount in excess of $10,000 to advocate the passage or defeat of such question or group of questions shall comply with the requirements of this subsection. A person, group of persons or business entity described in this subsection shall, not later than:

(a) ~~[~~Seven~~]~~ ***Twenty-one*** days before the primary election or primary city election, for the period from the January 1 immediately preceding the primary election or primary city election through ~~[~~12~~]~~ ***25*** days before the primary election or primary city election;

(b) ~~[~~Seven~~]~~ ***Four*** days before the ~~[~~general~~]~~ ***primary*** election or ~~[~~general~~]~~ ***primary*** city election, for the period from ~~[~~11~~]~~ ***24*** days before the primary election or primary city election through ~~[~~12~~]~~ ***5*** days before the ~~[~~general~~]~~ ***primary*** election or ~~[~~general~~]~~ ***primary*** city election; ~~[~~and

~~(c) July 15 of the year of~~]~~

(c) Twenty-one days before the general election or general city election, for the period from ~~[~~11~~]~~ ***4*** days before the ~~[~~general~~]~~ ***primary*** election or ~~[~~general~~]~~ ***primary*** city election through ~~[~~the June 30 immediately preceding that July 15,~~]~~ ***25 days before the general election or general city election; and***

(d) Four days before the general election or general city election, for the period from 24 days before the general election or general city election through 5 days before the general election or general city election,

➥ report each expenditure made during the period on behalf of or against the question, the group of questions or a question in the group of questions on the ballot in excess of $1,000 on the form designed and ~~[~~provided~~]~~ ***made available*** by the Secretary of State pursuant to NRS 294A.373 and signed by the person or a representative of the group or business entity under penalty of perjury.

3. If a question is on the ballot at a primary election or primary city election and the general election or general city election immediately following that primary election or primary city election is held on or after July 1 and before the January 1 immediately following that July 1, every person or group of persons organized formally or informally, including a business entity, who advocates the passage or defeat of the question or a group of questions that includes the question and who receives or expends money in an amount in excess of $10,000 to advocate the passage or defeat of such question or group of questions shall comply with the requirements of this subsection. Except as otherwise provided in NRS 294A.283, if a question is on the ballot at a general election or general city election held on or after July 1 and before the January 1 immediately following that July 1, every person or group of persons organized formally or informally, including a business entity, who advocates the passage or defeat of the question or a group of questions that includes the question and who receives or expends money in an amount in excess of $10,000 to advocate the passage or defeat of such question or group of questions shall comply with the requirements of

this subsection. A person, group of persons or business entity described in this subsection shall, not later than:

(a) ~~[~~Seven~~]~~ ***Twenty-one*** days before the primary election or primary city election, for the period from the January 1 immediately preceding the primary election or primary city election through ~~[~~12~~]~~ ***25*** days before the primary election or primary city election; ~~[~~and~~]~~

(b) ~~[~~Seven~~]~~ ***Four*** days before the ~~[~~general~~]~~ ***primary*** election or ~~[~~general~~]~~ ***primary*** city election, for the period from ~~[~~11~~]~~ ***24*** days before the primary election or primary city election through ~~[~~12~~]~~ ***5*** days before the ~~[~~general~~]~~ ***primary*** election or ~~[~~general~~]~~ ***primary*** city election ~~[~~,~~]~~ ***;***

(c) Twenty-one days before the general election or general city election, for the period from 4 days before the primary election or primary city election through 25 days before the general election or general city election; and

(d) Four days before the general election or general city election, for the period from 24 days before the general election or general city election through 5 days before the general election or general city election,

➥ report each expenditure made during the period on behalf of or against the question, the group of questions or a question in the group of questions on the ballot in excess of $1,000 on the form designed and ~~[~~provided~~]~~ ***made available*** by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the group or business entity under penalty of perjury.

4. Except as otherwise provided in subsection 5, every person or group of persons organized formally or informally, including a business entity, who advocates the passage or defeat of a question or group of questions on the ballot at a special election shall, not later than:

(a) Seven days before the special election, for the period from the date the question qualified for the ballot through 12 days before the special election; and

(b) Thirty days after the special election, for the remaining period through the special election,

➥ report each expenditure made during the period on behalf of or against the question, the group of questions or a question in the group of questions on the ballot in excess of $1,000 on the form designed and ~~[~~provided~~]~~ ***made available*** by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the group or business entity under penalty of perjury.

5. Every person or group of persons organized formally or informally, including a business entity, who advocates the passage or defeat of a question or group of questions on the ballot at a special election to determine whether a public officer will be recalled and who receives or expends money in an amount in excess of $10,000 to advocate the passage or defeat of such question or group of questions shall list each expenditure made during the period on behalf of or against the question, the group of questions or a

question in the group of questions on the ballot in excess of $1,000 on the form designed and ~~[provided]~~ ***made available*** by the Secretary of State pursuant to NRS 294A.373 and signed by the person or a representative of the group or business entity under penalty of perjury, 30 days after:

(a) The special election, for the period from the filing of the notice of intent to circulate the petition for recall through the special election; or

(b) If the special election is not held because a district court determines that the petition for recall is legally insufficient pursuant to subsection 6 of NRS 306.040, for the period from the filing of the notice of intent to circulate the petition for recall through the date of the district court's decision.

6. Expenditures made within the State or made elsewhere but for use within the State, including expenditures made outside the State for printing, television and radio broadcasting or other production of the media, must be included in the report.

7. ~~[The]~~ ***Except as otherwise provided in section 3 of this act,*** reports required pursuant to this section must be filed ***electronically*** with ~~[:~~

~~(a) If the question is submitted to the voters of one county, the county clerk of that county;~~

~~(b) If the question is submitted to the voters of one city, the city clerk of that city; or~~

~~(c) If the question is submitted to the voters of more than one county or city,~~] the Secretary of State.

8. If an expenditure is made on behalf of a group of questions, the reports must be itemized by question or petition. ~~[A person may mail or transmit the report to the appropriate filing officer by regular mail, certified mail, facsimile machine or electronic means.]~~

9. A report shall be deemed to be filed ~~[with the filing officer:~~

~~(a) On the date that it was mailed if it was sent by certified mail; or~~

~~(b) On~~] ***on*** the date that it was received by the ~~[filing officer if the report was sent by regular mail, transmitted by facsimile machine or electronic means, or delivered personally.~~

~~9. Each county clerk or city clerk who receives a report pursuant to this section shall file a copy of the report with the~~] Secretary of State ***.*** ~~[within 10 working days after receiving the report.]~~

Sec. 12. NRS 294A.270 is hereby amended to read as follows:

294A.270 1. Except as otherwise provided in subsection 3, each committee for the recall of a public officer shall, not later than:

(a) Seven days before the special election to recall a public officer, for the period from the filing of the notice of intent to circulate the petition for recall through 12 days before the special election; and

(b) Thirty days after the election, for the remaining period through the election,

➥ report each contribution received or made by the committee in excess of $100 on the form designed and ~~[provided]~~ ***made available*** by the Secretary

of State pursuant to NRS 294A.373. The form must be signed by a representative of the committee under penalty of perjury.

2. If a petition for the purpose of recalling a public officer is not filed before the expiration of the notice of intent, the committee for the recall of a public officer shall, not later than 30 days after the expiration of the notice of intent, report each contribution received by the committee, and each contribution made by the committee in excess of $100.

3. If a court does not order a special election for the recall of the public officer, the committee for the recall of a public officer shall, not later than 30 days after the court determines that an election will not be held, for the period from the filing of the notice of intent to circulate the petition for recall through the day the court determines that an election will not be held, report each contribution received by the committee, and each contribution made by the committee in excess of $100.

4. ~~[Each]~~ ***Except as otherwise provided in section 3 of this act, each*** report of contributions must be filed ***electronically*** with the Secretary of State. ~~[The committee may mail or transmit the report by regular mail, certified mail, facsimile machine or electronic means.]~~

5. A report shall be deemed to be filed ~~[with the Secretary of State:~~

~~(a) On the date that it was mailed if it was sent by certified mail; or~~

~~(b) On]~~ ***on*** the date that it was received by the Secretary of State ***.*** ~~[if the report was sent by regular mail, transmitted by facsimile machine or electronic means, or delivered personally.~~

~~5.]~~ ***6.*** The name and address of the contributor and the date on which the contribution was received must be included on the report for each contribution, whether from or to a natural person, association or corporation, in excess of $100 and contributions which a contributor or the committee has made cumulatively in excess of that amount since the beginning of the current reporting period.

Sec. 13. NRS 294A.280 is hereby amended to read as follows:

294A.280 1. Except as otherwise provided in subsection 3, each committee for the recall of a public officer shall, not later than:

(a) Seven days before the special election to recall a public officer, for the period from the filing of the notice of intent to circulate the petition for recall through 12 days before the special election; and

(b) Thirty days after the election, for the remaining period through the election,

➥ report each expenditure made by the committee in excess of $100 on the form designed and ~~[provided]~~ ***made available*** by the Secretary of State pursuant to NRS 294A.373. The form must be signed by a representative of the committee under penalty of perjury.

2. If a petition for the purpose of recalling a public officer is not filed before the expiration of the notice of intent, the committee for the recall of a public officer shall, not later than 30 days after the expiration of the notice of intent, report each expenditure made by the committee in excess of $100.

3. If a court does not order a special election for the recall of the public officer, the committee for the recall of a public officer shall, not later than 30 days after the court determines that an election will not be held, for the period from the filing of the notice of intent to circulate the petition for recall through the day the court determines that an election will not be held, report each expenditure made by the committee in excess of $100.

4. ~~[Each]~~ ***Except as otherwise provided in section 3 of this act, each*** report of expenditures must be filed ***electronically*** with the Secretary of State. ~~[The committee may mail or transmit the report to the Secretary of State by regular mail, certified mail, facsimile machine or electronic means.]~~

5. A report shall be deemed to be filed ~~[with the Secretary of State:~~

~~(a) On the date that it was mailed if it was sent by certified mail; or~~

~~(b) On]~~ ***on*** the date that it was received by the Secretary of State ***.*** ~~[if the report was sent by regular mail, transmitted by facsimile machine or electronic means, or delivered personally.]~~

Sec. 14. NRS 294A.283 is hereby amended to read as follows:

294A.283 1. Every person or group of persons organized formally or informally, including a business entity, who advocates the passage or defeat of a constitutional amendment or statewide measure proposed by an initiative or referendum, including, without limitation, the initiation or circulation thereof, and who receives or expends money in an amount in excess of $10,000 for such advocacy shall, not later than the dates listed in subsection 2, report:

(a) Each campaign contribution in excess of $1,000 received during each period described in subsection 2;

(b) Contributions received during each period described in subsection 2 from a contributor which cumulatively exceed $1,000;

(c) Each expenditure in excess of $1,000 the person, group of persons or business entity makes during each period described in subsection 2; and

(d) The total amount of money the person, group of persons or business entity has at the beginning of each period described in subsection 2, accounting for all contributions received and expenditures made during each previous period.

2. Every person, group of persons or business entity required to report pursuant to subsection 1 shall file that report with the Secretary of State:

(a) For the period beginning on the first day a copy of the petition may be filed with the Secretary of State before it is circulated for signatures pursuant to Section 1 or Section 2 of Article 19 of the Nevada Constitution, as applicable, and ending on the following March 31, not later than April 15;

(b) For the period beginning on April 1 and ending on July 31, not later than August 15;

(c) For the period beginning on August 1 and ending on September 30, not later than October 15; and

(d) For the period beginning on October 1 and ending on December 31, not later than the following January 15.

3. The name and address of the contributor and the date on which the contribution was received must be included on each report for each contribution in excess of $1,000 and contributions which a contributor has made cumulatively in excess of that amount since the beginning of the applicable reporting period.

4. Expenditures made within the State or made elsewhere but for use within the State, including expenditures made outside the State for printing, television and radio broadcasting or other production of the media, must be included in each report.

5. Each report required pursuant to this section must:

(a) Be on the form designed and ~~[~~provided~~]~~ ***made available*** by the Secretary of State pursuant to NRS 294A.373; and

(b) Be signed by the person or a representative of the group of persons or business entity under penalty of perjury.

6. ~~[~~A~~]~~ ***Except as otherwise provided in section 3 of this act, a*** person, group of persons or business entity ~~[~~may mail or transmit~~]~~ ***shall file*** each report ~~[~~to~~]~~ ***electronically with*** the Secretary of State ***.*** ~~[~~by certified mail, regular mail, facsimile machine or electronic means or may deliver the report personally.~~]~~

7. A report shall be deemed to be filed ~~[~~with the Secretary of State:

(a) On the date that it was mailed if it was sent by certified mail; or

(b) On~~]~~ ***on*** the date that it was received by the Secretary of State ***.*** ~~[~~if the report was sent by regular mail, transmitted by facsimile machine or electronic means, or delivered personally.~~]~~

Sec. 15. NRS 294A.286 is hereby amended to read as follows:

294A.286 1. A person who administers a legal defense fund shall:

(a) Within 5 days after the creation of the legal defense fund, notify the Secretary of State of the creation of the fund on a form provided by the Secretary of State; and

(b) For the same period covered by the report filed pursuant to NRS 294A.120, 294A.200 or 294A.360, report any contribution received by or expenditure made from the legal defense fund.

2. The reports required by paragraph (b) of subsection 1 must be submitted on the form designed and ~~[~~provided~~]~~ ***made available*** by the Secretary of State pursuant to NRS 294A.373. Each form must be signed by the administrator of the legal defense fund under penalty of perjury.

3. ~~[~~The~~]~~ ***Except as otherwise provided in section 2 of this act, the*** reports required by paragraph (b) of subsection 1 must be filed in the same manner and at the same time as the report filed pursuant to NRS 294A.120, 294A.200 or 294A.360.

Sec. 16. NRS 294A.360 is hereby amended to read as follows:

294A.360 1. ~~[~~Every~~]~~ ***Except as otherwise provided in section 2 of this act, every*** candidate for city office at a primary city election or general city election shall file the reports in the manner required by NRS 294A.120, 294A.128 and 294A.200 for other offices not later than January 15 of each

year, for the period from January 1 of the previous year through December 31 of the previous year. The provisions of this subsection apply to the candidate:

(a) Beginning the year of the general city election for that office through the year immediately preceding the next general city election for that office; and

(b) Each year immediately succeeding a calendar year during which the candidate disposes of contributions pursuant to NRS 294A.160.

2. ~~[Every]~~ ***Except as otherwise provided in section 2 of this act, every*** candidate for city office at a primary city election or general city election, if the general city election for the office for which he or she is a candidate is held on or after January 1 and before the July 1 immediately following that January 1, shall file the reports in the manner required by NRS 294A.120, 294A.128 and 294A.200 for other offices not later than:

(a) ~~[Seven]~~ ***Twenty-one*** days before the primary city election for that office, for the period from the January 1 immediately preceding the primary city election through ~~[12]~~ ***25*** days before the primary city election;

(b) ~~[Seven]~~ ***Four*** days before the ~~[general]~~ ***primary*** city election for that office, for the period from ~~[11]~~ ***24*** days before the primary city election through ~~[12]~~ ***5*** days before the ~~[general]~~ ***primary*** city election; ~~[and~~

~~(c) July 15 of the year of~~]

(c) Twenty-one days before the general city election for that office, for the period from ~~[11]~~ ***4*** days before the ~~[general]~~ ***primary*** city election through ~~[the June 30 of that year.]~~ ***25 days before the general city election; and***

(d) Four days before the general city election for that office, for the period from 24 days before the general city election through 5 days before the general city election.

3. ~~[Every]~~ ***Except as otherwise provided in section 2 of this act, every*** candidate for city office at a primary city election or general city election, if the general city election for the office for which he or she is a candidate is held on or after July 1 and before the January 1 immediately following that July 1, shall file the reports in the manner required by NRS 294A.120, 294A.128 and 294A.200 for other offices not later than:

(a) ~~[Seven]~~ ***Twenty-one*** days before the primary city election for that office, for the period from the January 1 immediately preceding the primary city election through ~~[12]~~ ***25*** days before the primary city election; ~~[and]~~

(b) ~~[Seven]~~ ***Four*** days before the ~~[general]~~ ***primary*** city election for that office, for the period from ~~[11]~~ ***24*** days before the primary city election through ~~[12]~~ ***5*** days before the ~~[general]~~ ***primary*** city election ~~[.]~~ ***;***

(c) Twenty-one days before the general city election for that office, for the period from 4 days before the primary city election through 25 days before the general city election; and

(d) Four days before the general city election for that office, for the period from 24 days before the general city election through 5 days before the general city election.

4. Except as otherwise provided in subsection 5, every candidate for city office at a special election shall so file those reports:

(a) Seven days before the special election, for the period from the candidate's nomination through 12 days before the special election; and

(b) Thirty days after the special election, for the remaining period through the special election.

5. Every candidate for city office at a special election to determine whether a public officer will be recalled shall so file those reports 30 days after:

(a) The special election, for the period from the filing of the notice of intent to circulate the petition for recall through the special election; or

(b) If the special election is not held because a district court determines that the petition for recall is legally insufficient pursuant to subsection 6 of NRS 306.040, for the period from the filing of the notice of intent to circulate the petition for recall through the date of the district court's decision.

Sec. 17. NRS 294A.362 is hereby amended to read as follows:

294A.362 1. In addition to reporting information pursuant to NRS 294A.120, 294A.125, 294A.128, 294A.200 and 294A.360, each candidate who is required to file a report of campaign contributions and expenses pursuant to NRS 294A.120, 294A.125, 294A.128, 294A.200 or 294A.360 shall report on the form designed and ~~[provided]~~ ***made available*** by the Secretary of State pursuant to NRS 294A.373 goods and services provided in kind for which money would otherwise have been paid. The candidate shall list on the form ~~[each]~~ :

(a) Each such campaign contribution in excess of $100 received during the reporting period ~~[, each]~~ ;

(b) Each such campaign contribution from a contributor received during the reporting period which cumulatively exceeds $100 ~~[, and each]~~ ;

(c) Each such expense in excess of $100 incurred during the reporting period ~~[.]~~ ;

(d) The total of all such campaign contributions received during the reporting period which are $100 or less and which are not otherwise required to be reported pursuant to paragraph (b); and

(e) The total of all such expenses incurred during the reporting period which are $100 or less.

2. The Secretary of State and each city clerk shall not require a candidate to list the campaign contributions and expenses described in this section on any form other than the form designed and ~~[provided]~~ ***made available*** by the Secretary of State pursuant to NRS 294A.373.

3. Except as otherwise provided in section 2 of this act, the report required by subsection 1 must be filed in the same manner and at the same time as the report filed pursuant to NRS 294A.120, 294A.125, 294A.128, 294A.200 or 294A.360.

Sec. 18. NRS 294A.373 is hereby amended to read as follows:

294A.373 1. The Secretary of State shall design ~~[a single form]~~ ***forms*** to be used for all reports of campaign contributions and expenses or expenditures that are required to be filed pursuant to NRS 294A.120, 294A.125, 294A.128, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220, 294A.270, 294A.280, 294A.283, 294A.360 and 294A.362 and reports of contributions received by and expenditures made from a legal defense fund that are required to be filed pursuant to NRS 294A.286.

2. The ~~[form]~~ ***forms*** designed by the Secretary of State pursuant to this section must only request information specifically required by statute.

3. ~~[Upon request, the]~~ ***The*** Secretary of State shall ~~[provide]~~ ***make available to each candidate, person, committee, political party, group of persons or business entity that is required to file a report described in subsection 1:***

(a) If the candidate, person, committee, political party, group or business entity has submitted an affidavit to the Secretary of State pursuant to section 2 or 3 of this act, as applicable, a copy of the form ~~[designed pursuant to this section to each person, committee, political party, group and business entity that is required to file a report described in subsection 1.]~~ ***; or***

(b) If the candidate, person, committee, political party, group or business entity is required to submit the report electronically to the Secretary of State, access through a secure website to the form.

4. ***If the candidate, person, committee, political party, group of persons or business entity is required to submit electronically a report described in subsection 1, the form must be signed electronically under penalty of perjury.***

5. The Secretary of State must obtain the advice and consent of the Legislative Commission before ~~[providing]~~ ***making*** a copy of ***, or access to,*** a form designed or revised by the Secretary of State pursuant to this section ***available*** to a ***candidate,*** person, committee, political party, group ***of persons*** or business entity ***.*** ~~[that is required to use the form.]~~

Sec. 19. NRS 294A.390 is hereby amended to read as follows:

294A.390 The officer from whom a candidate or entity requests a form for:

1. A declaration of candidacy;

2. An acceptance of candidacy;

3. The registration of a committee for political action pursuant to NRS 294A.230, a committee for the recall of a public officer pursuant to NRS 294A.250 or a business entity that wishes to engage in certain political activity pursuant to NRS 294A.227; ***or***

4. The reporting of the creation of a legal defense fund pursuant to NRS 294A.286 ***,*** ~~[; or~~

~~5. The reporting of campaign contributions, expenses or expenditures pursuant to NRS 294A.120, 294A.128, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220, 294A.270, 294A.280, 294A.283 or 294A.360 and the~~

~~reporting of contributions received by and expenditures made from a legal defense fund pursuant to NRS 294A.286,~~**]**

➥ shall furnish the candidate ***or entity*** with the necessary forms for reporting and copies of the regulations adopted by the Secretary of State pursuant to this chapter. An explanation of the applicable provisions of NRS 294A.100, 294A.120, 294A.128, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220, 294A.270, 294A.280, 294A.283 or 294A.360 relating to the making, accepting or reporting of campaign contributions, expenses or expenditures and the penalties for a violation of those provisions as set forth in NRS 294A.100 or 294A.420, and an explanation of NRS 294A.286 and 294A.287 relating to the accepting or reporting of contributions received by and expenditures made from a legal defense fund and the penalties for a violation of those provisions as set forth in NRS 294A.287 and 294A.420, must be developed by the Secretary of State and provided upon request. The candidate or entity shall acknowledge receipt of the material.

Sec. 20. NRS 294A.400 is hereby amended to read as follows:

294A.400 The Secretary of State shall, within 30 days after receipt of the reports required by NRS 294A.120, 294A.125, 294A.128, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220, 294A.270, 294A.280, 294A.283 ***,*** ~~**[**and**]**~~ 294A.286, ***294A.360 and 294A.362,*** prepare and make available for public inspection a compilation of:

1. The total campaign contributions, the contributions which are in excess of $100 and the total campaign expenses of each of the candidates from whom reports of those contributions and expenses are required.

2. The total amount of loans to a candidate guaranteed by a third party, the total amount of loans made to a candidate that have been forgiven and the total amount of written commitments for contributions received by a candidate.

3. The contributions made to a committee for the recall of a public officer in excess of $100.

4. The expenditures exceeding $100 made by a:

(a) Person on behalf of a candidate other than the person.

(b) Group of persons or business entity advocating the election or defeat of a candidate.

(c) Committee for the recall of a public officer.

5. The contributions in excess of $100 made to:

(a) A person who is not under the direction or control of a candidate or group of candidates or of any person involved in the campaign of the candidate or group who makes an expenditure on behalf of the candidate or group which is not solicited or approved by the candidate or group.

(b) A committee for political action, political party, committee sponsored by a political party or business entity which makes an expenditure on behalf of a candidate or group of candidates.

6. The contributions in excess of $1,000 made to and the expenditures exceeding $1,000 made by a:

(a) Person or group of persons organized formally or informally, including a business entity who advocates the passage or defeat of a question or group of questions on the ballot and who receives or expends money in an amount in excess of $10,000 for such advocacy, except as otherwise provided in paragraph (b).

(b) Person or group of persons organized formally or informally, including a business entity, who advocates the passage or defeat of a constitutional amendment or statewide measure proposed by an initiative or referendum, including, without limitation, the initiation or circulation thereof, and who receives or expends money in an amount in excess of $10,000 for such advocacy.

7. The total contributions received by and expenditures made from a legal defense fund.

Sec. 21. Chapter 281A of NRS is hereby amended by adding thereto the provisions set forth as sections 22 and 23 of this act.

Sec. 22. ***1. Except as otherwise provided in subsection 2, a former public officer shall not receive compensation or other consideration to:***

(a) Appear in person in the building in which the governing body holds meetings; and

(b) Communicate directly with a member of the governing body on behalf of someone other than himself or herself to influence legislative action,

➥ for a period of 2 years after the end of his or her term of office or appointment.

2. The provisions of subsection 1 do not apply to a former public officer in any of the following circumstances:

(a) The former public officer is an employee of a bona fide news medium who engages in conduct described in subsection 1 only in the course of his or her professional duties and who contacts members of the governing body for the sole purpose of carrying out his or her news gathering function.

(b) The former public officer is now an officer or employee of a governing body other than the governing body to which the former public officer was elected or appointed, if the appearance or communication is for the purpose of influencing legislative action on behalf of that governing body.

(c) The former public officer is an elected officer of this State or a political subdivision who confines his or her appearance or communication with the governing body to issues directly related to the scope of the office to which he or she was elected.

3. As used in this section:

(a) "Consideration" means a gift, salary, payment, distribution, loan, advance or deposit of money or anything of value and includes, without limitation, a contract, promise or agreement, whether or not legally enforceable.

(b) "Governing body" means the legislative body of the State or political subdivision to which the former public officer was elected or appointed, or any standing committee thereof.

(c) "Legislative action" means introduction, sponsorship, debate, voting and any other official action on any bill, resolution, ordinance, amendment, nomination, appointment, report and any other matter pending before or proposed by a governing body, or on any matter which may be the subject of action by the governing body.

Sec. 23. ***1. A candidate or public officer who is required to file a statement of financial disclosure with the Secretary of State pursuant to NRS 281A.600 or 281A.610 is not required to file the statement electronically if the candidate or public officer has on file with the Secretary of State an affidavit which satisfies the requirements set forth in subsection 2 and which states that:***

(a) The candidate or public officer does not own or have the ability to access the technology necessary to file electronically the statement of financial disclosure; and

(b) The candidate or public officer does not have the financial ability to purchase or obtain access to the technology necessary to file electronically the statement of financial disclosure.

2. The affidavit described in subsection 1 must be:

(a) In the form prescribed by the Secretary of State and signed under penalty of perjury.

(b) Except as otherwise provided in subsection 4, filed not less than 15 days before the statement of financial disclosure is required to be filed.

3. A candidate or public officer who is not required to file the statement of financial disclosure electronically may file the statement of financial disclosure by transmitting the statement by regular mail, certified mail, facsimile machine or personal delivery. A statement of financial disclosure transmitted pursuant to this subsection shall be deemed to be filed on the date that it was received by the Secretary of State.

4. A person who is appointed to fill the unexpired term of an elected or appointed public officer must file the affidavit described in subsection 1 not later than 15 days after his or her appointment to be exempted from the requirement of filing a report electronically.

Sec. 24. NRS 281A.240 is hereby amended to read as follows:

281A.240 1. In addition to any other duties imposed upon the Executive Director, the Executive Director shall:

(a) Maintain complete and accurate records of all transactions and proceedings of the Commission.

(b) Receive requests for opinions pursuant to NRS 281A.440.

(c) Gather information and conduct investigations regarding requests for opinions received by the Commission and submit recommendations to the investigatory panel appointed pursuant to NRS 281A.220 regarding whether

there is just and sufficient cause to render an opinion in response to a particular request.

(d) Recommend to the Commission any regulations or legislation that the Executive Director considers desirable or necessary to improve the operation of the Commission and maintain high standards of ethical conduct in government.

(e) Upon the request of any public officer or the employer of a public employee, conduct training on the requirements of this chapter, the rules and regulations adopted by the Commission and previous opinions of the Commission. In any such training, the Executive Director shall emphasize that the Executive Director is not a member of the Commission and that only the Commission may issue opinions concerning the application of the statutory ethical standards to any given set of facts and circumstances. The Commission may charge a reasonable fee to cover the costs of training provided by the Executive Director pursuant to this subsection.

(f) Perform such other duties, not inconsistent with law, as may be required by the Commission.

2. The Executive Director shall, within the limits of legislative appropriation, employ such persons as are necessary to carry out any of the Executive Director's duties relating to:

(a) The administration of the affairs of the Commission; ***and***

(b) ~~[~~The review of statements of financial disclosure; and

~~(c)]~~ The investigation of matters under the jurisdiction of the Commission.

Sec. 25. NRS 281A.290 is hereby amended to read as follows:

281A.290 The Commission shall:

1. Adopt procedural regulations:

(a) To facilitate the receipt of inquiries by the Commission;

(b) For the filing of a request for an opinion with the Commission;

(c) For the withdrawal of a request for an opinion by the person who filed the request; and

(d) To facilitate the prompt rendition of opinions by the Commission.

2. Prescribe, by regulation, ~~[~~forms for the submission of statements of financial disclosure and procedures for the submission of statements of financial disclosure filed pursuant to NRS 281A.600 and~~]~~ forms and procedures for the submission of statements of acknowledgment filed by public officers pursuant to NRS 281A.500, maintain files of such statements and make the statements available for public inspection.

3. Cause the making of such investigations as are reasonable and necessary for the rendition of its opinions pursuant to this chapter.

4. ~~[~~Except as otherwise provided in NRS 281A.600, inform~~]~~ ***Inform*** the Attorney General or district attorney of all cases of noncompliance with the requirements of this chapter ~~[.]~~ ***, other than cases of noncompliance with NRS 281A.600, 281A.610 and 281A.620.***

5. Recommend to the Legislature such further legislation as the Commission considers desirable or necessary to promote and maintain high standards of ethical conduct in government.

6. Publish a manual for the use of public officers and employees that contains:

(a) Hypothetical opinions which are abstracted from opinions rendered pursuant to subsection 1 of NRS 281A.440, for the future guidance of all persons concerned with ethical standards in government;

(b) Abstracts of selected opinions rendered pursuant to subsection 2 of NRS 281A.440; and

(c) An abstract of the requirements of this chapter.

➥ The Legislative Counsel shall prepare annotations to this chapter for inclusion in the Nevada Revised Statutes based on the abstracts and published opinions of the Commission.

Sec. 26. NRS 281A.470 is hereby amended to read as follows:

281A.470 1. Any department, board, commission or other agency of the State or the governing body of a county or an incorporated city may establish a specialized or local ethics committee to complement the functions of the Commission. A specialized or local ethics committee may:

(a) Establish a code of ethical standards suitable for the particular ethical problems encountered in its sphere of activity. The standards may not be less restrictive than the statutory ethical standards.

(b) Render an opinion upon the request of any public officer or employee of its own organization or level seeking an interpretation of its ethical standards on questions directly related to the propriety of the public officer's or employee's own future official conduct or refer the request to the Commission. Any public officer or employee subject to the jurisdiction of the committee shall direct the public officer's or employee's inquiry to that committee instead of the Commission.

(c) Require the filing of statements of financial disclosure by public officers on forms prescribed by the committee or the city clerk if the form has been:

(1) Submitted, at least 60 days before its anticipated distribution, to the ~~[~~Commission~~]~~ ***Secretary of State*** for review; and

(2) Upon review, approved by the ~~[~~Commission.~~]~~ ***Secretary of State.***

2. A specialized or local ethics committee shall not attempt to interpret or render an opinion regarding the statutory ethical standards.

3. Each request for an opinion submitted to a specialized or local ethics committee, each hearing held to obtain information on which to base an opinion, all deliberations relating to an opinion, each opinion rendered by a committee and any motion relating to the opinion are confidential unless:

(a) The public officer or employee acts in contravention of the opinion; or

(b) The requester discloses the content of the opinion.

Sec. 27. NRS 281A.550 is hereby amended to read as follows:

281A.550 1. A former member of the Public Utilities Commission of Nevada shall not:

(a) Be employed by a public utility or parent organization or subsidiary of a public utility ~~[,]~~ ***for 1 year after the termination of the member's service on the Public Utilities Commission of Nevada;*** or

(b) Appear before the Public Utilities Commission of Nevada to testify on behalf of a public utility or parent organization or subsidiary of a public utility ~~[,~~

~~for 1 year]~~ ***for 2 years*** after the termination of the member's service on the Public Utilities Commission of Nevada.

2. A former member of the State Gaming Control Board or the Nevada Gaming Commission shall not:

(a) Appear before the State Gaming Control Board or the Nevada Gaming Commission on behalf of a person who holds a license issued pursuant to chapter 463 or 464 of NRS or who is required to register with the Nevada Gaming Commission pursuant to chapter 463 of NRS ~~[,]~~ ***for 2 years after the termination of the member's service on the State Gaming Control Board or the Nevada Gaming Commission;*** or

(b) Be employed by such a person ~~[,~~

~~]~~ for 1 year after the termination of the member's service on the State Gaming Control Board or the Nevada Gaming Commission.

3. In addition to the prohibitions set forth in subsections 1 and 2, and except as otherwise provided in subsections 4 and 6, a former public officer or employee of a board, commission, department, division or other agency of the Executive Department of State Government, except a clerical employee, shall not solicit or accept employment from a business or industry whose activities are governed by regulations adopted by the board, commission, department, division or other agency for 1 year after the termination of the former public officer's or employee's service or period of employment if:

(a) The former public officer's or employee's principal duties included the formulation of policy contained in the regulations governing the business or industry;

(b) During the immediately preceding year, the former public officer or employee directly performed activities, or controlled or influenced an audit, decision, investigation or other action, which significantly affected the business or industry which might, but for this section, employ the former public officer or employee; or

(c) As a result of the former public officer's or employee's governmental service or employment, the former public officer or employee possesses knowledge of the trade secrets of a direct business competitor.

4. The provisions of subsection 3 do not apply to a former public officer who was a member of a board, commission or similar body of the State if:

(a) The former public officer is engaged in the profession, occupation or business regulated by the board, commission or similar body;

(b) The former public officer holds a license issued by the board, commission or similar body; and

(c) Holding a license issued by the board, commission or similar body is a requirement for membership on the board, commission or similar body.

5. Except as otherwise provided in subsection 6, a former public officer or employee of the State or a political subdivision, except a clerical employee, shall not solicit or accept employment from a person to whom a contract for supplies, materials, equipment or services was awarded by the State or political subdivision, as applicable, for 1 year after the termination of the officer's or employee's service or period of employment, if:

(a) The amount of the contract exceeded $25,000;

(b) The contract was awarded within the 12-month period immediately preceding the termination of the officer's or employee's service or period of employment; and

(c) The position held by the former public officer or employee at the time the contract was awarded allowed the former public officer or employee to affect or influence the awarding of the contract.

6. A current or former public officer or employee may request that the Commission apply the relevant facts in that person's case to the provisions of subsection 3 or 5, as applicable, and determine whether relief from the strict application of those provisions is proper. If the Commission determines that relief from the strict application of the provisions of subsection 3 or 5, as applicable, is not contrary to:

(a) The best interests of the public;

(b) The continued ethical integrity of the State Government or political subdivision, as applicable; and

(c) The provisions of this chapter,

➥ it may issue an opinion to that effect and grant such relief. The opinion of the Commission in such a case is final and subject to judicial review pursuant to NRS 233B.130, except that a proceeding regarding this review must be held in closed court without admittance of persons other than those necessary to the proceeding, unless this right to confidential proceedings is waived by the current or former public officer or employee.

7. Each request for an opinion that a current or former public officer or employee submits to the Commission pursuant to subsection 6, each opinion rendered by the Commission in response to such a request and any motion, determination, evidence or record of a hearing relating to such a request are confidential unless the current or former public officer or employee who requested the opinion:

(a) Acts in contravention of the opinion, in which case the Commission may disclose the request for the opinion, the contents of the opinion and any motion, evidence or record of a hearing related thereto;

(b) Discloses the request for the opinion, the contents of the opinion or any motion, evidence or record of a hearing related thereto; or

(c) Requests the Commission to disclose the request for the opinion, the contents of the opinion, or any motion, evidence or record of a hearing related thereto.

8. A meeting or hearing that the Commission or an investigatory panel holds to receive information or evidence concerning the propriety of the conduct of a current or former public officer or employee pursuant to this section and the deliberations of the Commission and the investigatory panel on such information or evidence are not subject to the provisions of chapter 241 of NRS.

9. As used in this section, "regulation" has the meaning ascribed to it in NRS 233B.038 and also includes regulations adopted by a board, commission, department, division or other agency of the Executive Department of State Government that is exempted from the requirements of chapter 233B of NRS.

Sec. 28. NRS 281A.600 is hereby amended to read as follows:

281A.600 1. Except as otherwise provided in ~~[~~subsection 2,~~]~~ ***subsections 2 and 3 and section 23 of this act,*** if a public officer who was appointed to the office for which the public officer is serving is entitled to receive annual compensation of $6,000 or more for serving in that office, the public officer shall file ***electronically*** with the ~~[~~Commission~~]~~ ***Secretary of State*** a statement of financial disclosure, as follows:

(a) A public officer appointed to fill the unexpired term of an elected or appointed public officer shall file a statement of financial disclosure within 30 days after the public officer's appointment.

(b) Each public officer appointed to fill an office shall file a statement of financial disclosure on or before January 15 of each year of the term, including the year the term expires.

➥ The statement must disclose the required information for the full calendar year immediately preceding the date of filing.

2. If a person is serving in a public office for which the person is required to file a statement pursuant to subsection 1, the person may use the statement the person files for that initial office to satisfy the requirements of subsection 1 for every other public office to which the person is appointed and in which the person is also serving.

3. A judicial officer who is appointed to fill the unexpired term of a predecessor or to fill a newly created judgeship shall file a statement of financial disclosure pursuant to the requirements of Canon 4I of the Nevada Code of Judicial Conduct. Such a statement of financial disclosure must include, without limitation, all information required to be included in a statement of financial disclosure pursuant to NRS 281A.620.

4. ~~[~~The Commission shall provide written notification to the Secretary of State of the public officers who failed to file the statements of financial disclosure required by subsection 1 or who failed to file those statements in a timely manner. The notice must be sent within 30 days after the deadlines set forth in subsection 1 and must include:

~~(a) The name of each public officer who failed to file a statement of financial disclosure within the period before the notice is sent;~~

~~(b) The name of each public officer who filed a statement of financial disclosure after the deadlines set forth in subsection 1 but within the period before the notice is sent;~~

~~(c) For the first notice sent after the public officer filed a statement of financial disclosure, the name of each public officer who filed a statement of financial disclosure after the deadlines set forth in subsection 1 but within the period before the notice is sent; and~~

~~(d) For each public officer listed in paragraph (c), the date on which the statement of financial disclosure was due and the date on which the public officer filed the statement.~~

~~5. In addition to the notice provided pursuant to subsection 4, the Commission shall notify the Secretary of State of each public officer who files a statement of financial disclosure more than 30 days after the deadlines set forth in subsection 1. The notice must include the information described in paragraphs (c) and (d) of subsection 4.~~

~~6.~~**]** A statement of financial disclosure shall be deemed to be filed **[**~~with the Commission:~~

~~(a) On the date that it was mailed if it was sent by certified mail; or~~

~~(b) On~~**]** ***on*** the date that it was received by the **[**~~Commission if the statement was sent by regular mail, transmitted by facsimile machine or electronic means, or delivered personally.~~**]** ***Secretary of State.***

5. Except as otherwise provided in section 23 of this act, the Secretary of State shall provide access through a secure website to the statement of financial disclosure to each person who is required to file the statement with the Secretary of State pursuant to this section.

6. The Secretary of State may adopt regulations necessary to carry out the provisions of this section.

Sec. 29. NRS 281A.610 is hereby amended to read as follows:

281A.610 1. Except as otherwise provided in **[**~~subsection 2,~~**]** ***subsections 2 and 3 and section 23 of this act,*** each candidate for public office who will be entitled to receive annual compensation of $6,000 or more for serving in the office that the candidate is seeking and, except as otherwise provided in subsection 3, each public officer who was elected to the office for which the public officer is serving shall file ***electronically*** with the Secretary of State a statement of financial disclosure, as follows:

(a) A candidate for nomination, election or reelection to public office shall file a statement of financial disclosure no later than the 10th day after the last day to qualify as a candidate for the office. The statement must disclose the required information for the full calendar year immediately preceding the date of filing and for the period between January 1 of the year in which the election for the office will be held and the last day to qualify as a candidate for the office. The filing of a statement of financial disclosure for a portion of a calendar year pursuant to this paragraph does not relieve the candidate of

the requirement of filing a statement of financial disclosure for the full calendar year pursuant to paragraph (b) in the immediately succeeding year, if the candidate is elected to the office.

(b) Each public officer shall file a statement of financial disclosure on or before January 15 of each year of the term, including the year the term expires. The statement must disclose the required information for the full calendar year immediately preceding the date of filing.

2. Except as otherwise provided in this subsection, if a candidate for public office is serving in a public office for which the candidate is required to file a statement pursuant to paragraph (b) of subsection 1 or subsection 1 of NRS 281A.600, the candidate need not file the statement required by subsection 1 for the full calendar year for which the candidate previously filed a statement. The provisions of this subsection do not relieve the candidate of the requirement pursuant to paragraph (a) of subsection 1 to file a statement of financial disclosure for the period between January 1 of the year in which the election for the office will be held and the last day to qualify as a candidate for the office.

3. A person elected pursuant to NRS 548.285 to the office of supervisor of a conservation district is not required to file a statement of financial disclosure relative to that office pursuant to subsection 1.

4. A candidate for judicial office or a judicial officer shall file a statement of financial disclosure pursuant to the requirements of Canon 4I of the Nevada Code of Judicial Conduct. Such a statement of financial disclosure must include, without limitation, all information required to be included in a statement of financial disclosure pursuant to NRS 281A.620.

5. A statement of financial disclosure shall be deemed to be filed ~~[with the Secretary of State:~~

~~(a) On the date that it was mailed if it was sent by certified mail; or~~

~~(b) On~~] ***on*** the date that it was received by the Secretary of State ~~[if the statement was sent by regular mail, transmitted by facsimile machine or electronic means, or delivered personally.~~

~~6. The statement of financial disclosure filed pursuant to this section must be filed on the form prescribed by the Commission pursuant to NRS 281A.290.~~

~~7. The~~]

6. Except as otherwise provided in section 23 of this act, the Secretary of State shall ~~[prescribe, by regulation, procedures for the submission of statements of financial disclosure filed pursuant to this section, maintain files of such statements and make the statements available for public inspection.~~] ***provide access through a secure website to the statement of financial disclosure to each person who is required to file the statement with the Secretary of State pursuant to this section.***

7. The Secretary of State may adopt regulations necessary to carry out the provisions of this section.

Sec. 30. NRS 281A.620 is hereby amended to read as follows:

281A.620 1. Statements of financial disclosure, as approved pursuant to NRS 281A.470 or in such ***electronic*** form as the ~~[Commission]~~ ***Secretary of State*** otherwise prescribes, must contain the following information concerning the candidate for public office or public officer:

(a) The candidate's or public officer's length of residence in the State of Nevada and the district in which the candidate for public office or public officer is registered to vote.

(b) Each source of the candidate's or public officer's income, or that of any member of the candidate's or public officer's household who is 18 years of age or older. No listing of individual clients, customers or patients is required, but if that is the case, a general source such as "professional services" must be disclosed.

(c) A list of the specific location and particular use of real estate, other than a personal residence:

(1) In which the candidate for public office or public officer or a member of the candidate's or public officer's household has a legal or beneficial interest;

(2) Whose fair market value is $2,500 or more; and

(3) That is located in this State or an adjacent state.

(d) The name of each creditor to whom the candidate for public office or public officer or a member of the candidate's or public officer's household owes $5,000 or more, except for:

(1) A debt secured by a mortgage or deed of trust of real property which is not required to be listed pursuant to paragraph (c); and

(2) A debt for which a security interest in a motor vehicle for personal use was retained by the seller.

(e) If the candidate for public office or public officer has received gifts in excess of an aggregate value of $200 from a donor during the preceding taxable year, a list of all such gifts, including the identity of the donor and value of each gift, except:

(1) A gift received from a person who is related to the candidate for public office or public officer within the third degree of consanguinity or affinity.

(2) Ceremonial gifts received for a birthday, wedding, anniversary, holiday or other ceremonial occasion if the donor does not have a substantial interest in the legislative, administrative or political action of the candidate for public office or public officer.

(f) A list of each business entity with which the candidate for public office or public officer or a member of the candidate's or public officer's household is involved as a trustee, beneficiary of a trust, director, officer, owner in whole or in part, limited or general partner, or holder of a class of stock or security representing 1 percent or more of the total outstanding stock or securities issued by the business entity.

(g) A list of all public offices presently held by the candidate for public office or public officer for which this statement of financial disclosure is required.

2. The ~~[Commission shall distribute or cause to be distributed the forms required for such a statement to each candidate for public office and public officer who is required to file one. The Commission is not responsible for the costs of producing or distributing a form for filing statements of financial disclosure which is prescribed pursuant to subsection 1 of NRS 281A.470.]~~ ***Secretary of State may adopt regulations necessary to carry out the provisions of this section.***

3. As used in this section, "member of the candidate's or public officer's household" includes:

(a) The spouse of the candidate for public office or public officer;

(b) A person who does not live in the same home or dwelling, but who is dependent on and receiving substantial support from the candidate for public office or public officer; and

(c) A person who lived in the home or dwelling of the candidate for public office or public officer for 6 months or more in the year immediately preceding the year in which the candidate for public office or public officer files the statement of financial disclosure.

Sec. 31. NRS 281A.630 is hereby amended to read as follows:

281A.630 1. Except as otherwise provided in subsection 2, statements of financial disclosure required by the provisions of NRS 281A.600, 281A.610 and 281A.620 must be retained by the ~~[Commission or]~~ Secretary of State for 6 years after the date of filing.

2. For public officers who serve more than one term in either the same public office or more than one public office, the period prescribed in subsection 1 begins on the date of the filing of the last statement of financial disclosure for the last public office held.

Sec. 32. NRS 281A.640 is hereby amended to read as follows:

281A.640 1. A list of each public officer who is required to file a statement of financial disclosure must be submitted electronically to the ~~[Commission and to the]~~ Secretary of State, in a form prescribed by the ~~[Commission,]~~ ***Secretary of State,*** on or before December 1 of each year by:

(a) Each county clerk for all public officers of the county and other local governments within the county other than cities;

(b) Each city clerk for all public officers of the city;

(c) The Director of the Legislative Counsel Bureau for all public officers of the Legislative Branch; and

(d) The Chief of the Budget Division of the Department of Administration for all public officers of the Executive Branch.

2. ~~[The Secretary of State, each county clerk, or the registrar of voters of the county if one was appointed pursuant to NRS 244.164, and each city clerk shall submit electronically to the Commission, and each]~~ ***Each*** county clerk, or the registrar of voters of the county if one was appointed pursuant to

NRS 244.164, and each city clerk shall submit electronically to the Secretary of State, in a form prescribed by the ~~[Commission,]~~ ***Secretary of State,*** a list of each candidate for public office who filed a declaration of candidacy or acceptance of candidacy with that officer within 10 days after the last day to qualify as a candidate for the applicable office.

Sec. 33. NRS 281A.650 is hereby amended to read as follows:

281A.650 The Secretary of State and each county clerk, or the registrar of voters of the county if one was appointed pursuant to NRS 244.164, or city clerk who receives from a candidate for public office a declaration of candidacy, acceptance of candidacy or certificate of candidacy shall give to the candidate ***:***

1. If the candidate is a candidate for judicial office, the form prescribed by the ~~[Commission]~~ ***Administrative Office of the Courts*** for the making of a statement of financial disclosure ~~[.]~~ ***;***

2. If the candidate is not a candidate for judicial office and is required to file electronically the statement of financial disclosure, access to the electronic form prescribed by the Secretary of State; or

3. If the candidate is not a candidate for judicial office, is required to submit the statement of financial disclosure electronically and has submitted an affidavit to the Secretary of State pursuant to section 23 of this act, the form prescribed by the Secretary of State,

➥ accompanied by instructions on how to complete the form ~~[, where it must be filed]~~ and the time by which it must be filed.

Sec. 34. 1. This section and sections 22 and 27 of this act become effective on July 1, 2011.

2. Sections 1 to 21, inclusive, 23 to 26, inclusive, and 28 to 33, inclusive, of this act become effective on January 1, 2012.

Assemblywoman Flores moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 473.

Bill read second time.

The following amendment was proposed by the Committee on Legislative Operations and Elections:

Amendment No. 518.

AN ACT relating to elections; amending the requirements of a declaration or acceptance of candidacy for certain offices; ~~[increasing the maximum population of registered voters in elections precincts;]~~ revising the deadline for preparing and sending absent ballots to certain voters; ~~[authorizing county and city clerks to establish]~~ **revising** the hours of operation during the final days of voter registration; **requiring online voter registration to remain open until midnight on the day before early voting begins;** requiring that complaints challenging initiatives or referenda be given priority over all other matters pending before the court, except for criminal proceedings; revising

the filing deadline for candidates for the Board of the Virgin Valley Water District; making various other changes relating to elections; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, a person declaring or accepting candidacy must declare of which political party he or she is a registered member. (NRS 293.177) **Section 1** of this bill requires a person declaring or accepting candidacy to declare that he or she is currently registered ~~[to vote in the State of Nevada]~~ as a member of a particular party.

~~[Section 2 of this bill increases the maximum number of registered voters who are not designated as inactive in election precincts in which a mechanical voting system is used from 1,500 to 3,000.]~~

Under existing law, the name of the political party of a partisan candidate must follow the name of the candidate on the ballot and the word "nonpartisan" must follow the name of a nonpartisan candidate. **Section 3** of this bill authorizes the use of abbreviations of the party name or "independent" or "nonpartisan," as applicable.

Under existing law, a person who registers to vote by mail must provide certain identification before voting at a polling place or by mail. (NRS 293.2725) **Section 4** of this bill requires that a photo identification used for this purpose shows the physical address of the person.

Under existing law, the county clerk of each county is required to prepare absent ballots for registered voters who have requested them. (NRS 293.309) **Sections 5 and ~~[9]~~ 10** of this bill require the county or city clerk, as applicable, to prepare and have ready for distribution absent ballots for persons who applied for absent ballots pursuant to the Uniformed and Overseas Citizens Absentee Voting Act, 42 U.S.C. §§ 1973ff et seq., not later than 45 days before an election.

Under existing law, a county clerk is required to consider a request for an absent ballot on a form provided by the Federal Government as a request for an absent ballot for the two primary and general elections following receipt of the request. (NRS 293.313) **Sections 6 and ~~[10]~~ 11** of this bill remove the requirement that the request be considered for two elections.

Sections 7 and ~~[11]~~ 12 of this bill remove the requirement that counting board officers record the number of votes received by each candidate or for and against any question submitted to the electors in words and figures.

Existing law authorizes a county to establish a system for using a computer to register voters. (NRS 293.506) Section 8 of this bill requires a county that establishes a system for online voter registration to keep online registration open until midnight on the day before early voting begins.

Existing law requires that city and county clerk offices be open at certain times during the registration period. (NRS 293.560, 293C.527, 349.017, 710.153) **Sections ~~[8, 12, 14 and 15]~~ 9, 13, 15 and 16** of this bill ~~[authorize~~

~~the city or county clerk to establish~~] **revise** the hours of operation of the office of the city or county clerk during the registration period.

Under existing law, a complaint challenging an initiative or referendum receives priority over all criminal proceedings. (NRS 295.061) **Section ~~13~~ 14** of this bill requires the court to give such a complaint priority over all other matters pending with the court, except for criminal proceedings.

Section ~~16~~ 17 of this bill changes the filing deadline for candidates for election to the governing board of the Virgin Valley Water District from at least 60 days before the election to not earlier than the first Monday in March of the year in which the election is to be held and not later than 5 p.m. on the second Friday after the first Monday in March.

Under existing law, political parties are authorized to recommend three registered voters to the county clerk to act as election board officers. (NRS 293.219) **Section ~~17~~ 18** of this bill removes that requirement.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 293.177 is hereby amended to read as follows:

293.177 1. Except as otherwise provided in NRS 293.165, a name may not be printed on a ballot to be used at a primary election unless the person named has filed a declaration of candidacy or an acceptance of candidacy, and has paid the fee required by NRS 293.193 not earlier than:

(a) For a candidate for judicial office, the first Monday in January of the year in which the election is to be held nor later than 5 p.m. on the second Friday after the first Monday in January; and

(b) For all other candidates, the first Monday in March of the year in which the election is to be held nor later than 5 p.m. on the second Friday after the first Monday in March.

2. A declaration of candidacy or an acceptance of candidacy required to be filed by this section must be in substantially the following form:

(a) For partisan office:

DECLARATION OF CANDIDACY OF ..... FOR THE OFFICE OF .....

State of Nevada

County of

For the purpose of having my name placed on the official ballot as a candidate for the ..... Party nomination for the office of ……, I, the undersigned ……., do swear or affirm under penalty of perjury that I actually, as opposed to constructively, reside at ……., in the City or Town of ……., County of ……., State of Nevada; that my actual, as opposed to constructive, residence in the State, district, county, township, city or other area prescribed by law to which the office pertains began on a date at least 30 days immediately preceding the date of the close of filing of declarations of candidacy for this office; that my telephone number is ....., and the address at which I receive mail, if different than my residence, is .....; that I

am ***currently*** registered ~~*[to vote in the State of Nevada]*~~ as a member of the ..... Party; that I am a qualified elector pursuant to Section 1 of Article 2 of the Constitution of the State of Nevada; that if I have ever been convicted of treason or a felony, my civil rights have been restored by a court of competent jurisdiction; that I have not, in violation of the provisions of NRS 293.176, changed the designation of my political party or political party affiliation on an official application to register to vote in any state since December 31 before the closing filing date for this election; that I generally believe in and intend to support the concepts found in the principles and policies of that political party in the coming election; that if nominated as a candidate of the ..... Party at the ensuing election, I will accept that nomination and not withdraw; that I will not knowingly violate any election law or any law defining and prohibiting corrupt and fraudulent practices in campaigns and elections in this State; that I will qualify for the office if elected thereto, including, but not limited to, complying with any limitation prescribed by the Constitution and laws of this State concerning the number of years or terms for which a person may hold the office; and that I understand that my name will appear on all ballots as designated in this declaration.

(Designation of name)

(Signature of candidate for office)
Subscribed and sworn to before me
this ..... day of the month of ..... of the year .....

Notary Public or other person
authorized to administer an oath

(b) For nonpartisan office:

DECLARATION OF CANDIDACY OF ..... FOR THE OFFICE OF .....

State of Nevada
County of

For the purpose of having my name placed on the official ballot as a candidate for the office of ....., I, the undersigned ....., do swear or affirm under penalty of perjury that I actually, as opposed to constructively, reside at ……, in the City or Town of ……., County of ……, State of Nevada; that my actual, as opposed to constructive, residence in the State, district, county, township, city or other area prescribed by law to which the office pertains began on a date at least 30 days immediately preceding the date of the close of filing of declarations of candidacy for this office; that my telephone number is ....., and the address at which I receive mail, if different than my residence, is .....; that I am a qualified elector pursuant to Section 1 of Article 2 of the Constitution of the State of Nevada; that if I have ever been convicted of treason or a

felony, my civil rights have been restored by a court of competent jurisdiction; that if nominated as a nonpartisan candidate at the ensuing election, I will accept the nomination and not withdraw; that I will not knowingly violate any election law or any law defining and prohibiting corrupt and fraudulent practices in campaigns and elections in this State; that I will qualify for the office if elected thereto, including, but not limited to, complying with any limitation prescribed by the Constitution and laws of this State concerning the number of years or terms for which a person may hold the office; and my name will appear on all ballots as designated in this declaration.

(Designation of name)

(Signature of candidate for office)

Subscribed and sworn to before me
this ..... day of the month of ..... of the year .....

Notary Public or other person
authorized to administer an oath

3. The address of a candidate which must be included in the declaration of candidacy or acceptance of candidacy pursuant to subsection 2 must be the street address of the residence where the candidate actually, as opposed to constructively, resides in accordance with NRS 281.050, if one has been assigned. The declaration or acceptance of candidacy must not be accepted for filing if:

(a) The candidate's address is listed as a post office box unless a street address has not been assigned to his or her residence; or

(b) The candidate does not present to the filing officer:

(1) A valid driver's license or identification card issued by a governmental agency that contains a photograph of the candidate and the candidate's residential address; or

(2) A current utility bill, bank statement, paycheck, or document issued by a governmental entity, including a check which indicates the candidate's name and residential address, but not including a voter registration card issued pursuant to NRS 293.517.

4. The filing officer shall retain a copy of the proof of identity and residency provided by the candidate pursuant to paragraph (b) of subsection 3. Such a copy:

(a) May not be withheld from the public; and

(b) Must not contain the social security number or driver's license or identification card number of the candidate.

5. By filing the declaration or acceptance of candidacy, the candidate shall be deemed to have appointed the filing officer for the office as his or her agent for service of process for the purposes of a proceeding pursuant to NRS 293.182. Service of such process must first be attempted at the appropriate address as specified by the candidate in the declaration or acceptance of candidacy. If the candidate cannot be served at that address, service must be made by personally delivering to and leaving with the filing

officer duplicate copies of the process. The filing officer shall immediately send, by registered or certified mail, one of the copies to the candidate at the specified address, unless the candidate has designated in writing to the filing officer a different address for that purpose, in which case the filing officer shall mail the copy to the last address so designated.

6. If the filing officer receives credible evidence indicating that a candidate has been convicted of a felony and has not had his or her civil rights restored by a court of competent jurisdiction, the filing officer:

(a) May conduct an investigation to determine whether the candidate has been convicted of a felony and, if so, whether the candidate has had his or her civil rights restored by a court of competent jurisdiction; and

(b) Shall transmit the credible evidence and the findings from such investigation to the Attorney General, if the filing officer is the Secretary of State, or to the district attorney, if the filing officer is a person other than the Secretary of State.

7. The receipt of information by the Attorney General or district attorney pursuant to subsection 6 must be treated as a challenge of a candidate pursuant to subsections 4 and 5 of NRS 293.182. If the ballots are printed before a court of competent jurisdiction makes a determination that a candidate has been convicted of a felony and has not had his or her civil rights restored by a court of competent jurisdiction, the filing officer must post a notice at each polling place where the candidate's name will appear on the ballot informing the voters that the candidate is disqualified from entering upon the duties of the office for which the candidate filed the declaration of candidacy or acceptance of candidacy.

Sec. 2. ~~[NRS 293.207 is hereby amended to read as follows:~~

~~293.207 1. Election precincts must be established on the basis of the number of registered voters therein, with a maximum of [1,500]~~ ***3,000*** ~~registered voters who are not designated inactive pursuant to NRS 293.530 per precinct in those precincts in which a mechanical voting system is used.~~

~~2. Except as otherwise provided in subsections 3 and 4, the county clerk may consolidate two or more contiguous election precincts into a single voting district to conduct a particular election as public convenience, necessity and economy may require.~~

~~3. If a county clerk proposes to consolidate two or more contiguous election precincts, in whole or in part, pursuant to subsection 2, the county clerk shall, at least 14 days before consolidating the precincts, cause notice of the proposed consolidation to be:~~

~~(a) Posted in the manner prescribed for a regular meeting of the board of county commissioners; and~~

~~(b) Mailed to each Assemblyman, Assemblywoman, State Senator, county commissioner and, if applicable, member of the governing body of a city who represents residents of a precinct affected by the consolidation.~~

~~4. A person may file a written objection to the proposed consolidation with the county clerk. The county clerk shall consider each written objection~~

~~filed pursuant to this subsection before consolidating the precincts.~~] **(Deleted by amendment.)**

Sec. 3. NRS 293.267 is hereby amended to read as follows:

293.267 1. Ballots for a general election must contain the names of candidates who were nominated at the primary election, the names of the candidates of a minor political party and the names of independent candidates.

2. Except as otherwise provided in NRS 293.2565, names of candidates must be grouped alphabetically under the title and length of term of the office for which those candidates filed.

3. Except as otherwise provided in subsection 4:

(a) Immediately following the name of each candidate for a partisan office must appear the name ***or abbreviation*** of his or her political party or the word "independent ~~[,"]~~ ***" or the abbreviation "IND,"*** as the case may be.

(b) Immediately following the name of each candidate for a nonpartisan office must appear the word "nonpartisan ~~[."]~~ ***" or the abbreviation "NP."***

4. Where a system of voting other than by paper ballot is used, the Secretary of State may provide for any placement of the name ***or abbreviation*** of the political party or the word "independent" or "nonpartisan" ***or the abbreviation "IND" or "NP," as appropriate,*** which clearly relates the designation to the name of the candidate to whom it applies.

5. If the Legislature rejects a statewide measure proposed by initiative and proposes a different measure on the same subject which the Governor approves, the measure proposed by the Legislature and approved by the Governor must be listed on the ballot before the statewide measure proposed by initiative. Each ballot and sample ballot upon which the measures appear must contain a statement that reads substantially as follows:

The following questions are alternative approaches to the same issue, and only one approach may be enacted into law. Please vote for only one.

Sec. 4. NRS 293.2725 is hereby amended to read as follows:

293.2725 1. Except as otherwise provided in subsection 2, in NRS 293.3081 and 293.3083 and in federal law, a person who registers by mail to vote in this State and who has not previously voted in an election for federal office in this State:

(a) May vote at a polling place only if the person presents to the election board officer at the polling place:

(1) A current and valid photo identification of the person ~~[,]~~ ***, which shows his or her physical address;*** or

(2) A copy of a current utility bill, bank statement, paycheck, or document issued by a governmental entity, including a check which indicates the name and address of the person, but not including a voter registration card issued pursuant to NRS 293.517; and

(b) May vote by mail only if the person provides to the county or city clerk:

(1) A copy of a current and valid photo identification of the person ~~[.]~~ ***, which shows his or her physical address;*** or

(2) A copy of a current utility bill, bank statement, paycheck, or document issued by a governmental entity, including a check which indicates the name and address of the person, but not including a voter registration card issued pursuant to NRS 293.517.

➥ ***If there is a question as to the physical address of the person, the election board officer or clerk may request additional information.***

2. The provisions of this section do not apply to a person who:

(a) Registers to vote by mail and submits with an application to register to vote:

(1) A copy of a current and valid photo identification; or

(2) A copy of a current utility bill, bank statement, paycheck, or document issued by a governmental entity, including a check which indicates the name and address of the person, but not including a voter registration card issued pursuant to NRS 293.517;

(b) Registers to vote by mail and submits with an application to register to vote a driver's license number or at least the last four digits of his or her social security number, if a state or local election official has matched that information with an existing identification record bearing the same number, name and date of birth as provided by the person in the application;

(c) Is entitled to vote an absent ballot pursuant to the Uniformed and Overseas Citizens Absentee Voting Act, 42 U.S.C. §§ 1973ff et seq.;

(d) Is provided the right to vote otherwise than in person under the Voting Accessibility for the Elderly and Handicapped Act, 42 U.S.C. §§ 1973ee et seq.; or

(e) Is entitled to vote otherwise than in person under any other federal law.

Sec. 5. NRS 293.309 is hereby amended to read as follows:

293.309 1. The county clerk of each county shall prepare an absent ballot for the use of registered voters who have requested absent ballots. The county clerk shall make reasonable accommodations for the use of the absent ballot by a person who is elderly or disabled, including, without limitation, by providing, upon request, the absent ballot in 12-point type to a person who is elderly or disabled.

2. The ballot must be prepared and ready for distribution to a registered voter who:

(a) Resides within the State, not later than 20 days before the election in which it is to be used; ~~[or]~~

(b) ~~[Resides]~~ ***Except as otherwise provided in paragraph (c), resides*** outside the State, not later than 40 days before a primary or general election, if possible ~~[.]~~ ***; or***

(c) Requested an absent ballot pursuant to the provisions of the Uniformed and Overseas Citizens Absentee Voting Act, 42 U.S.C. §§ 1973ff et seq., not later than 45 days before the election.

3. Any legal action which would prevent the ballot from being issued pursuant to subsection 2 is moot and of no effect.

Sec. 6. NRS 293.313 is hereby amended to read as follows:

293.313 1. Except as otherwise provided in NRS 293.272 and 293.502, a registered voter who provides sufficient written notice to the county clerk may vote an absent ballot as provided in this chapter.

2. A registered voter who:

(a) Is at least 65 years of age; or

(b) Has a physical disability or condition which substantially impairs his or her ability to go to the polling place,

➥ may request an absent ballot for all elections held during the year he or she requests an absent ballot.

3. A county clerk shall consider a request from a voter who has given sufficient written notice on a form provided by the Federal Government as a request for an absent ballot for the ~~[two]~~ primary and general elections immediately following the date on which the county clerk received the request.

4. It is unlawful for a person fraudulently to request an absent ballot in the name of another person or to induce or coerce another person fraudulently to request an absent ballot in the name of another person. A person who violates this subsection is guilty of a category E felony and shall be punished as provided in NRS 193.130.

5. As used in this section, "sufficient written notice" means a:

(a) Written request for an absent ballot which is signed by the registered voter and returned to the county clerk in person or by mail or facsimile machine;

(b) Form prescribed by the Secretary of State which is completed and signed by the registered voter and returned to the county clerk in person or by mail or facsimile machine; or

(c) Form provided by the Federal Government.

Sec. 7. NRS 293.370 is hereby amended to read as follows:

293.370 1. When all the votes have been counted, the counting board officers shall enter on the tally lists by the name of each candidate the number of votes the candidate received. ~~[The number must be expressed in words and figures.]~~ The vote for and against any question submitted to the electors must be entered in the same manner.

2. The tally lists must show the number of votes, other than absentee votes and votes in a mailing precinct, which each candidate received in each precinct at:

(a) A primary election held in an even-numbered year; or

(b) A general election.

Sec. 8. **NRS 293.506 is hereby amended to read as follows:**

293.506 ***1.*** A county clerk may, with approval of the board of county commissioners, establish a system for using a computer to register voters and to keep records of registration. The county clerk may, for that purpose, issue

to a voter a card, bearing the signature of the voter, attesting to the voter's registration.

2. If a county establishes a system for online voter registration pursuant to subsection 1, online voter registration must remain open until midnight on the day before early voting begins.

~~[Sec. 8.]~~ ***Sec. 9.*** NRS 293.560 is hereby amended to read as follows:

293.560 ~~[1.]~~ Except as otherwise provided in NRS 293.502 ~~[, registration must close]~~ ~~[at 9 p.m.]~~ ~~[on the third Tuesday preceding any primary or general election and]~~ ~~[at 9 p.m.]~~ ~~[on the third Saturday preceding any recall or special election, except that if a recall or special election is held on the same day as a primary or general election, registration must close]~~ ~~[at 9 p.m.]~~ ~~[on the third Tuesday preceding the day of the elections.~~

~~2.]~~ ~~[The]~~ ***:***

1. For a primary or special election, the office of the county clerk must be open ~~[from 9 a.m. to 5 p.m. and from]~~ ***until*** 7 p.m. ~~[to 9 p.m., including Saturdays,]~~ during the last ***2*** days ~~[before the close of]~~ ***on which*** registration ~~[, according to the following schedule:~~

~~(a)]~~ ***is open.*** In a county whose population is less than 100,000, the office of the county clerk ~~[must be open during the last day before registration closes.~~

~~(b) In all other counties, the office of the county clerk must be open during the last 5 days before registration closes.]~~ ~~[*The county clerk shall determine the hours during which the office of the county clerk must remain open to the public during the registration period.*]~~ ***may close at 5 p.m. during the last 2 days before registration closes if approved by the board of county commissioners.***

2. For a general election:

(a) In a county whose population is less than 100,000, the office of the county clerk must be open until 7 p.m. during the last 2 days on which registration is open. The office of the county clerk may close at 5 p.m. if approved by the board of county commissioners.

(b) In a county whose population is 100,000 or more, the office of the county clerk must be open during the last 4 days on which registration is open, according to the following schedule:

(1) On weekdays until 9 p.m.; and

(2) A minimum of 8 hours on Saturdays, Sundays and legal holidays.

3. Except for a special election held pursuant to chapter 306 or 350 of NRS:

(a) The county clerk of each county shall cause a notice signed by him or her to be published in a newspaper having a general circulation in the county indicating:

(1) The day ***and time*** that registration will be closed; and

(2) If the county clerk has designated a county facility pursuant to NRS 293.5035, the location of that facility.

➥ If no such newspaper is published in the county, the publication may be made in a newspaper of general circulation published in the nearest county in this State.

(b) The notice must be published once each week for 4 consecutive weeks next preceding the close of registration for any election.

4. The offices of the county clerk, a county facility designated pursuant to NRS 293.5035 and other ex officio registrars may remain open on the last Friday in October in each even-numbered year.

5. For the period beginning on the fifth Sunday preceding any primary or general election and ending on the third Tuesday preceding any primary or general election, an elector may register to vote only by appearing in person at the office of the county clerk or, if open, a county facility designated pursuant to NRS 293.5035.

6. A county facility designated pursuant to NRS 293.5035 may be open during the periods described in this section for such hours of operation as the county clerk may determine, as set forth in subsection 3 of NRS 293.5035.

~~[Sec. 9.]~~ ***Sec. 10.*** NRS 293C.305 is hereby amended to read as follows:

293C.305 1. The city clerk shall prepare an absent ballot for the use of registered voters who have requested absent ballots. The city clerk shall make reasonable accommodations for the use of the absent ballot by a person who is elderly or disabled, including, without limitation, by providing, upon request, the absent ballot in 12-point type to a person who is elderly or disabled.

2. The ballot must be prepared and ready for distribution to a registered voter who ***:***

(a) Except as otherwise provided in paragraph (b), resides within or outside this State, not later than 20 days before the election in which it will be used.

(b) Requested an absent ballot pursuant to the provisions of the Uniformed and Overseas Citizens Absentee Voting Act, 42 U.S.C. §§ 1973ff et seq., not later than 45 days before the election.

3. Any legal action that would prevent the ballot from being issued pursuant to subsection 2 is moot and of no effect.

~~[Sec. 10.]~~ ***Sec. 11.*** NRS 293C.310 is hereby amended to read as follows:

293C.310 1. Except as otherwise provided in NRS 293.502 and 293C.265, a registered voter who provides sufficient written notice to the city clerk may vote an absent ballot as provided in this chapter.

2. A city clerk shall consider a request from a voter who has given sufficient written notice on a form provided by the Federal Government as:

(a) A request for the primary city election and the general city election unless otherwise specified in the request; and

(b) A request for an absent ballot for the ~~[two]~~ primary and general elections immediately following the date on which the city clerk received the request.

3. It is unlawful for a person fraudulently to request an absent ballot in the name of another person or to induce or coerce another person fraudulently to request an absent ballot in the name of another person. A person who violates any provision of this subsection is guilty of a category E felony and shall be punished as provided in NRS 193.130.

4. As used in this section, "sufficient written notice" means a:

(a) Written request for an absent ballot that is signed by the registered voter and returned to the city clerk in person or by mail or facsimile machine;

(b) Form prescribed by the Secretary of State that is completed and signed by the registered voter and returned to the city clerk in person or by mail or facsimile machine; or

(c) Form provided by the Federal Government.

~~[Sec. 11.]~~ ***Sec. 12.*** NRS 293C.372 is hereby amended to read as follows:

293C.372 When all the votes have been counted, the counting board officers shall enter on the tally lists by the name of each candidate the number of votes the candidate received. ~~[The number must be expressed in words and figures.]~~ The vote for and against any question submitted to the electors must be entered in the same manner.

~~[Sec. 12.]~~ ***Sec. 13.*** NRS 293C.527 is hereby amended to read as follows:

293C.527 ~~[1.]~~ Except as otherwise provided in NRS 293.502 ~~[, registration must close]~~ ~~[at 9 p.m.]~~ ~~[on the third Tuesday preceding any primary city election or general city election and at 9 p.m. on the third Saturday preceding any recall or special election, except that if a recall or special election is held on the same day as a primary city election or general city election, registration must close]~~ ~~[at 9 p.m.]~~ ~~[on the third Tuesday preceding the day of the elections.~~

~~2.]~~ ~~[The]~~ ***:***

1. For a primary city election or special city election, the office of the city clerk must be open ~~[from 9 a.m. to 5 p.m. and from]~~ ***until*** 7 p.m. ~~[to 9 p.m., including Saturdays,]~~ during the last ***2*** days ~~[before the close of registration before a primary city election or general city election, according to the following schedule:~~

~~(a) In a city whose population is less than 25,000, the office of the city clerk must be open during the last 3 days before registration closes.~~

~~(b) In a city whose population is 25,000 or more, the office of the city clerk must be open during the last 5 days before registration closes.]~~ ~~*[The city clerk shall determine the hours during which the office of the city clerk must remain open to the public during the last 5 days of the registration period.]*~~ ***on which registration is open. In a city whose population is less than***

25,000, the office of the city clerk may close at 5 p.m. if approved by the governing body of the city.

2. For a general election:

(a) In a city whose population is less than 25,000, the office of the city clerk must be open until 7 p.m. during the last 2 days on which registration is open. The office of the city clerk may close at 5 p.m. if approved by the governing body of the city.

(b) In a city whose population is 25,000 or more, the office of the city clerk must be open during the last 4 days on which registration is open, according to the following schedule:

(1) On weekdays until 9 p.m.; and

(2) A minimum of 8 hours on Saturdays, Sundays and legal holidays.

3. Except for a special election held pursuant to chapter 306 or 350 of NRS:

(a) The city clerk of each city shall cause a notice signed by him or her to be published in a newspaper having a general circulation in the city indicating:

(1) The day ***and time*** that registration will be closed; and

(2) If the city clerk has designated a municipal facility pursuant to NRS 293C.520, the location of that facility.

➥ If no newspaper is of general circulation in that city, the publication may be made in a newspaper of general circulation in the nearest city in this State.

(b) The notice must be published once each week for 4 consecutive weeks next preceding the close of registration for any election.

4. For the period beginning on the fifth Sunday preceding any primary city election or general city election and ending on the third Tuesday preceding any primary city election or general city election, an elector may register to vote only by appearing in person at the office of the city clerk or, if open, a municipal facility designated pursuant to NRS 293C.520.

5. A municipal facility designated pursuant to NRS 293C.520 may be open during the periods described in this section for such hours of operation as the city clerk may determine, as set forth in subsection 3 of NRS 293C.520.

~~[Sec. 13.]~~ ***Sec. 14.*** NRS 295.061 is hereby amended to read as follows:

295.061 1. Except as otherwise provided in subsection 3, whether an initiative or referendum embraces but one subject and matters necessarily connected therewith and pertaining thereto, and the description of the effect of an initiative or referendum required pursuant to NRS 295.009, may be challenged by filing a complaint in the First Judicial District Court not later than 15 days, Saturdays, Sundays and holidays excluded, after a copy of the petition is placed on file with the Secretary of State pursuant to NRS 295.015. All affidavits and documents in support of the challenge must be filed with the complaint. The court shall set the matter for hearing not later than 15 days after the complaint is filed and shall give priority to such a

complaint over all ***other matters pending with the court, except for*** criminal proceedings.

2. The legal sufficiency of a petition for initiative or referendum may be challenged by filing a complaint in district court not later than 7 days, Saturdays, Sundays and holidays excluded, after the petition is certified as sufficient by the Secretary of State. All affidavits and documents in support of the challenge must be filed with the complaint. The court shall set the matter for hearing not later than 15 days after the complaint is filed and shall give priority to such a complaint over all other matters pending with the court, except for criminal proceedings.

3. If a description of the effect of an initiative or referendum required pursuant to NRS 295.009 is challenged successfully pursuant to subsection 1 and such description is amended in compliance with the order of the court, the amended description may not be challenged.

~~[Sec. 14.]~~ ***Sec. 15.*** NRS 349.017 is hereby amended to read as follows:

349.017 1. If the bond question is submitted at a general election, no notice of registration of electors is required other than that required by the laws for a general election.

2. If the bond question is submitted at a special election, the clerk of each county shall cause to be published, at least once a week for 2 consecutive weeks by two weekly insertions a week apart, the first publication to be not more than 50 days nor less than 42 days next preceding the election, in a newspaper published within the county, if any is so published, and having a general circulation therein, a notice signed by him or her to the effect that registration for the special election will be closed on a date ***and time*** designated therein, as provided in this section.

3. Except as otherwise provided in subsection 4, the office of the county clerk in each county of this State must be open for such a special election, from 9 a.m. to 12 m. and 1 p.m. to 5 p.m. on Mondays through Fridays, with Saturdays, Sundays and legal holidays excepted, for the registration of any qualified elector.

4. The office of the county clerk must be open ~~[from 9 a.m. to 5 p.m. and from 7 p.m. to 9 p.m. on Monday through Saturday, with Sundays and any legal holidays excepted,]~~ during the last days of registration as provided in subsection ~~[2]~~ ***1*** of NRS 293.560. ~~*[The county clerk shall determine the hours during which the office of the county clerk must remain open to the public during the last 5 days of the registration period.]*~~

5. The office of the county clerk must be open for registration of voters for such a special election up to but excluding the 30th day next preceding that election and during regular office hours.

~~[Sec. 15.]~~ ***Sec. 16.*** NRS 710.153 is hereby amended to read as follows:

710.153 1. If the question of the sale or lease of the county-owned telephone system is submitted at a general election, no notice of registration

of electors is required other than that required by the general election laws for such election. If the question is submitted at a special election, the county clerk shall cause to be published at least once a week for 5 consecutive weeks by five weekly insertions a week apart, the first publication to be not more than 60 days nor less than 45 days next preceding the election, in a newspaper published within the county and having a general circulation therein, a notice signed by the county clerk to the effect that registration for the special election will be closed on a date ***and time*** designated therein, as provided in this section.

2. Except as otherwise provided in this subsection, the office of the county clerk must be open for such a special election from 9 a.m. to 12 m. and from 1 p.m. to 5 p.m. on Mondays through Fridays, with Saturdays, Sundays and legal holidays excepted, for the registration of any qualified elector. ~~[During the 5 days preceding the close of registration before such a special election,]~~ ~~[~~the~~]~~ ***The*** office of the county clerk must be open ~~[from 9 a.m. to 5 p.m. and from 7 p.m. to 9 p.m. on Monday through Saturday, with Sunday and any legal holidays excepted.]~~ ~~*[the county clerk shall determine the hours during which the office of the county clerk must remain open to the public.]*~~ ***during the last days of registration as provided in subsection 1 of NRS 293.560.***

3. The office of the county clerk must be opened for registration of voters for the special election from and including the 20th day next preceding the election and up to but excluding the 10th day next preceding the election and during regular office hours.

~~[Sec. 16.]~~ ***Sec. 17.*** Section 8 of the Virgin Valley Water District Act, being chapter 100, Statutes of Nevada 1993, at page 165, is hereby amended to read as follows:

Sec. 8. District Elections.

1. Unless otherwise required for purposes of an election to incur an indebtedness, the Registrar of Voters of Clark County shall conduct, supervise and, by ordinance, regulate all district elections in accordance, as nearly as practicable, with the general election laws of this state, including, but not limited to, laws relating to the time of opening and closing of polls, the manner of conducting the election, the canvassing, announcement and certification of results and the preparation and disposition of ballots.

2. ~~[At least 90 days before the election, the Registrar of Voters of Clark County shall publish notice of the election.]~~ Each candidate for election to the Board must file a declaration of candidacy with the Registrar of Voters ~~[at least 60 days before the election.]~~ ***not earlier than the first Monday in March of the year in which the election is to be held and not later than 5 p.m. on the second Friday after the first Monday in March.*** Timely filing of such declaration is a prerequisite to election.

3. If the board establishes various election areas within the District and there are two or more seats upon the board to be filled at the same election,

each of which represents the same election area, the two candidates therefor receiving the highest number of votes, respectively, are elected.

4. If a member of the Board is unopposed in seeking reelection, the Board may declare that member elected without a formal election, but that member may not participate in the declaration.

5. If no person files candidacy for election to a particular seat upon the Board, the seat must be filled in the manner provided in subsection 4 of section 7 of this act for filling a vacancy.

~~[Sec. 17.]~~ ***Sec. 18.*** NRS 293.219 is hereby repealed.

TEXT OF REPEALED SECTION

293.219 Recommendations by political parties of persons for service on election board.

1. Not less than 60 days before a primary or a general election, the county central committee of each major political party for each county may recommend to the county clerk of the county three registered voters for each precinct in the county to act as election board officers of the primary or general election in the precinct or district.

2. Not less than 60 days before a general election, the executive committee of each minor political party for each county may recommend to the county clerk of the county three registered voters for each precinct in the county to act as election board officers of the general election in the precinct or district.

3. After that date the county clerk may accept recommendations for reserve election board officers for the election.

Assemblyman Flores moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 549.

Bill read third time.

The following amendment was proposed by Assemblywoman Kirkpatrick:

Amendment No. 533.

AN ACT relating to homeland security; ~~[revising various provisions governing homeland security; establishing a statewide repository for the protection of critical infrastructure information;]~~ **increasing the number of voting members on the Nevada Commission on Homeland Security;** revising provisions governing ~~[certain confidential information; revising provisions relating to the Nevada Commission on Homeland Security;]~~ **the confidentiality of vulnerability assessments and emergency response plans of utilities, public entities and private businesses in this State; clarifying that certain documents, records and other items of information may be inspected by and released to the Legislative Auditor when conducting a postaudit;** providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law ~~[provides that it is within the public interest that the Legislature enact provisions to protect this State from acts of terrorism. (NRS 239C.010) Section 15 of this bill specifies that such provisions should include securing statewide critical infrastructure and key resources. Section 14 of this bill establishes a statewide repository for the protection of critical infrastructure information for the purpose of storing confidential and protected critical infrastructure information which may be accessed by emergency response agencies when responding to an act of terrorism or a related all hazards emergency. Sections 14, 26, 29, 35, 37 and 39 of this bill provide that a person who unlawfully discloses certain confidential information is guilty of a gross misdemeanor or a category C felony, depending on the actions of the person relating to such disclosure. Sections 2-13 of this bill add new definitions relating to homeland security, and sections 17-21 of this bill revise existing definitions.~~

~~Existing law also~~] establishes the Nevada Commission on Homeland Security, for which the Governor appoints the voting members and certain nonvoting members. The Commission has certain duties relating to the protection of residents of this State and visitors to this State from acts of terrorism and related emergencies. (NRS 239C.120, 239C.160) **Section 22** of this bill increases the number of voting members that the Governor must appoint to the Commission from 14 members to ~~[15]~~ **16** members, to include a representative of the broadcaster community ~~[. Section 22 also requires the Governor to appoint as a nonvoting member on the Commission a representative to represent the tribal nations in Nevada. Section 24 of this bill additionally requires the Commission to make recommendations to the Governor on the use and distribution of funding that is received by the State which is related to homeland security.~~] **and a representative recommended by the Inter-Tribal Council of Nevada, Inc.**

Existing law provides that the Governor may, by executive order, determine that certain documents, records and other information relating to preventing and responding to acts of terrorism are confidential. Such documents, records and other information are not subject to subpoena or discovery, not subject to inspection by the general public and may only be inspected by and released to public safety and public health personnel. (NRS 239C.210) Section 26 of this bill extends that authority to include vulnerability assessments and emergency response plans of utilities, public entities and private businesses in this State. Section 26 also clarifies that the documents, records and other items of information subject to an executive order of confidentiality for security purposes may be inspected by and released to the Legislative Auditor when conducting a postaudit.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. (Deleted by amendment.)

Sec. 2. (Deleted by amendment.)

Sec. 3. (Deleted by amendment.)

Sec. 4. (Deleted by amendment.)

Sec. 5. (Deleted by amendment.)

Sec. 6. (Deleted by amendment.)

Sec. 7. (Deleted by amendment.)

Sec. 8. (Deleted by amendment.)

Sec. 9. (Deleted by amendment.)

Sec. 10. (Deleted by amendment.)

Sec. 11. (Deleted by amendment.)

Sec. 12. (Deleted by amendment.)

Sec. 13. (Deleted by amendment.)

Sec. 14. (Deleted by amendment.)

Sec. 15. (Deleted by amendment.)

Sec. 16. (Deleted by amendment.)

Sec. 17. (Deleted by amendment.)

Sec. 18. (Deleted by amendment.)

Sec. 19. (Deleted by amendment.)

Sec. 20. (Deleted by amendment.)

Sec. 21. (Deleted by amendment.)

Sec. 22. NRS 239C.120 is hereby amended to read as follows:

239C.120 1. The Nevada Commission on Homeland Security is hereby created.

2. The Governor shall appoint to the Commission **[**14**]** ~~*[15]*~~ ***16*** voting members that the Governor determines to be appropriate and who serve at the Governor's pleasure, which must include at least:

(a) The sheriff of each county whose population is 100,000 or more **.** ~~**[;]**~~

(b) The chief of the county fire department in each county whose population is 100,000 or more **.** ~~**[;]**~~

(c) A member of the medical community in a county whose population is 400,000 or more **.** ~~**[;]**~~ ~~**[and]**~~

(d) An employee of the largest incorporated city in each county whose population is 400,000 or more , ~~*[; and]*~~

(e) A representative of the broadcaster community. As used in this paragraph, "broadcaster" has the meaning ascribed to it in NRS 432.310.

(f) A representative recommended by the Inter-Tribal Council of Nevada, Inc., or its successor organization, to represent tribal nations in Nevada.

3. The Governor shall appoint:

(a) An officer of the United States Department of Homeland Security whom the Department of Homeland Security has designated for this State; and

(b) The agent in charge of the office of the Federal Bureau of Investigation in this State , ~~*[; and*~~

~~*(c) A representative recommended by the Inter-Tribal Council of Nevada, Inc., to represent the tribal nations in Nevada,*~~

➥ as nonvoting members of the Commission.

4. The Senate Majority Leader shall appoint one member of the Senate as a nonvoting member of the Commission.

5. The Speaker of the Assembly shall appoint one member of the Assembly as a nonvoting member of the Commission.

6. ~~[Except for the initial members, the]~~ ***The*** term of office of each member of the Commission who is a Legislator is 2 years ***.*** ~~[and commences on July 1 of the year of appointment.]~~

7. The Governor or his or her designee shall:

(a) Serve as Chair of the Commission; and

(b) Appoint a member of the Commission to serve as Vice Chair of the Commission.

Sec. 23. **(Deleted by amendment.)**

Sec. 24. **(Deleted by amendment.)**

Sec. 25. **(Deleted by amendment.)**

Sec. 26. NRS 239C.210 is hereby amended to read as follows:

239C.210 1. A document, record or other item of information described in subsection 2 that is ~~*[obtained,]*~~ prepared and ~~*[or]*~~ maintained ~~*[through or by a law enforcement agency, counter-terrorism center or fusion intelligence center in this State,]*~~ for the purpose of ~~*[detecting, deterring,]*~~ preventing or responding to an act of terrorism ~~*[.]*~~ is confidential, not subject to subpoena or discovery, not subject to inspection by the general public and may only be inspected by or released to ~~[public]~~ ***:***

(a) Public safety and public health ~~*[duly authorized emergency response]*~~ personnel ~~*[.]*~~ ***; and***

(b) The Legislative Auditor conducting a postaudit pursuant to NRS 218G.010 to 218G.555, inclusive,

➥ if the Governor determines, by executive order, that the disclosure or release of the document, record or other item of information would thereby create a substantial likelihood of compromising, jeopardizing or otherwise threatening the public health, safety or welfare. ***Any information that is inspected by or released to the Legislative Auditor pursuant to this subsection is not subject to the exception from confidentiality set forth in NRS 218G.130.***

2. The types of documents, records or other items of information subject to executive order pursuant to subsection 1 are as follows:

(a) Assessments, plans or records that evaluate or reveal the susceptibility of fire stations, police stations and other law enforcement stations to acts of terrorism or other related emergencies.

(b) Drawings, maps, plans or records that reveal the critical infrastructure of primary buildings, facilities and other structures used for storing, transporting or transmitting water or electricity, natural gas or other forms of energy.

(c) Documents, records or other items of information which may reveal the details of a specific emergency response plan or other tactical operations by a response agency and any training relating to such emergency response plans or tactical operations.

(d) Handbooks, manuals or other forms of information detailing procedures to be followed by response agencies in the event of an act of terrorism or other related emergency.

(e) Documents, records or other items of information that reveal information pertaining to specialized equipment used for covert, emergency or tactical operations of a response agency, other than records relating to expenditures for such equipment.

(f) Documents, records or other items of information regarding the infrastructure and security of frequencies for radio transmissions used by response agencies, including, without limitation:

(1) Access codes, passwords or programs used to ensure the security of frequencies for radio transmissions used by response agencies;

(2) Procedures and processes used to ensure the security of frequencies for radio transmissions used by response agencies; and

(3) Plans used to reestablish security and service with respect to frequencies for radio transmissions used by response agencies after security has been breached or service has been interrupted. ~~*[If the Governor determines that the disclosure or release of any type of document, record or other item of information would thereby create a substantial likelihood of compromising, jeopardizing or otherwise threatening the public health, safety or welfare, the Governor may declare such a document, record or other item of information to be confidential through the issuance of an executive order.]*~~

(g) Vulnerability assessments and emergency response plans of utilities, public entities and private businesses in this State. As used in this paragraph, "public entities" means departments, agencies or instrumentalities of the State or any of its political subdivisions. The term includes general improvement districts.

3. If a person knowingly and unlawfully discloses a document, record or other item of information ~~*[that is confidential pursuant to subsection 1 or]*~~ subject to an executive order issued pursuant to subsection 1 ~~*[2]*~~ or assists, solicits or conspires with another person to disclose such a document, record or other item of information, the person is guilty of:

(a) A gross misdemeanor; or

(b) A category C felony and shall be punished as provided in NRS 193.130 if the person acted with the intent to:

(1) Commit, cause, aid, further or conceal, or attempt to commit, cause, aid, further or conceal, any unlawful act involving terrorism or sabotage; or

(2) Assist, solicit or conspire with another person to commit, cause, aid, further or conceal any unlawful act involving terrorism or sabotage.

4. As used in this section, "public safety and public health ~~[“emergency response]~~ personnel" includes:

(a) State, county and city ~~[and tribal]~~ emergency managers;

(b) Members and staff of ~~[counter-]~~ terrorism early warning centers or fusion intelligence centers in this State;

(c) Employees of fire-fighting or law enforcement agencies, if the head of the agency has designated the employee ~~[is duly authorized]~~ as having an operational need to know ***of*** information that is prepared or maintained for the purpose of preventing or responding to an act of terrorism; and

(d) Employees of a public health agency, if the agency is one that would respond to a disaster and if the head of the agency has designated the employee ~~[is duly authorized]~~ as having an operational need to know ***of*** information that is prepared or maintained for the purpose of preventing or responding to an act of terrorism. As used in this paragraph, "disaster" has the meaning ascribed to it in NRS 414.0335.

Sec. 27. (Deleted by amendment.)

Sec. 28. (Deleted by amendment.)

Sec. 29. NRS 239C.270 is hereby amended to read as follows:

239C.270 1. Each utility shall:

(a) Conduct a vulnerability assessment in accordance with the requirements of the federal and regional agencies that regulate the utility; and

(b) Prepare and maintain an emergency response plan in accordance with the requirements of the federal and regional agencies that regulate the utility .

2. Each utility shall:

(a) ~~[(b)]~~ As soon as practicable but not later than December 31 , 2003, ~~[of each year,]~~ submit its vulnerability assessment and emergency response plan to the Division; ~~[into the repository for the protection of critical infrastructure information;]~~ and

[(b) ~~[(c)]~~ At least once each year thereafter, review its vulnerability assessment and emergency response plan and, as soon as practicable after its review is completed but not later than December 31 of each year, submit the results of its review and any additions or modifications to its emergency response plan to the Division.

3. Except as otherwise provided in NRS 239.0115, each vulnerability assessment and ~~[into the repository for the protection of critical infrastructure information.~~

~~2. Each]~~ emergency response plan of a utility and any other information concerning a utility that is necessary to carry out the provisions of this section is confidential ~~[,]~~ and must be securely maintained by each person or entity that has possession, custody or control of the information.

4. ~~[and is exempt from the provisions of NRS 239.010.~~

~~3. A]~~ ***Except as otherwise provided in NRS 239C.210, a*** person shall not disclose such information, except:

(a) Upon the lawful order of a court of competent jurisdiction;

(b) As is reasonably necessary to carry out the provisions of this section or the operations of the utility , as determined by the Division; ~~[; or]~~

(c) As is reasonably necessary in the case of an emergency involving public health or safety , as determined by the Division; or

(d) Pursuant to the provisions of NRS 239.0115.

5. ~~[4.]~~ If a person knowingly and unlawfully discloses such information or assists, solicits or conspires with another person to disclose such information, the person is guilty of:

(a) A gross misdemeanor; or

(b) A category C felony and shall be punished as provided in NRS 193.130 if the person acted with the intent to:

(1) Commit, cause, aid, further or conceal, or attempt to commit, cause, aid, further or conceal, any unlawful act involving terrorism or sabotage; or

(2) Assist, solicit or conspire with another person to commit, cause, aid, further or conceal any unlawful act involving terrorism or sabotage.

Sec. 30. (Deleted by amendment.)

Sec. 31. (Deleted by amendment.)

Sec. 32. (Deleted by amendment.)

Sec. 33. (Deleted by amendment.)

Sec. 34. (Deleted by amendment.)

Sec. 35. (Deleted by amendment.)

Sec. 36. (Deleted by amendment.)

Sec. 37. (Deleted by amendment.)

Sec. 38. (Deleted by amendment.)

Sec. 39. (Deleted by amendment.)

Assemblywoman Kirkpatrick moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Senate Bill No. 31.

Bill read third time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 121.

AN ACT relating to the administration of taxes; clarifying provisions governing the determination and certification of population for apportionment purposes and requiring additional projections of population; revising provisions governing joint and several liability of certain responsible persons for taxes and certain waivers of penalties and interest; extending the period for the Department of Taxation or a county to bring an action in a court of competent jurisdiction for summary judgment against a person owing a delinquent tax or deficiency determination; extending the period for the Department or a county to record a tax lien; extending the period for the Department or a county to issue a warrant for the enforcement of a lien and collect a delinquent tax; **temporarily extending the deadline for submitting cooperative agreements altering the formula for the**

distribution of money from the Local Government Tax Distribution Account; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Department of Taxation to determine, and the Governor to certify, the annual population of each town, township, city and county in this State for purposes of the apportionment of taxes during the next fiscal year. (NRS 360.283, 360.285) **Sections 2 and 3** of this bill clarify that this determination and certification is of the relevant population as of July 1 of the immediately preceding year. **Section 1** of this bill additionally requires the Department to issue annual reports containing 5-year and 20-year projections of **the** population **[.]** **of each county.**

The provisions of title 32 of NRS require the Department of Taxation to collect certain taxes imposed on property of an interstate or intercounty nature, the net proceeds of minerals, financial institutions and other businesses, live entertainment, liquor, tobacco, controlled substances, estates and generation-skipping transfers, and various sales and use taxes. (Chapters 361, 362, 363A, 363B, 368A, 369, 370, 372, 372A, 374, 374A, 375A-377B of NRS) Existing law imposes joint and several liability upon certain responsible persons who fail to collect or pay to the Department some of these taxes or any pertinent fees. (NRS 360.297) **Section 4** of this bill limits this liability to the willful failure to pay or collect an applicable tax or fee and applies this liability to all of the taxes and fees required to be paid to the Department under title 32 of NRS.

Under existing law, the Department of Taxation is authorized to waive or reduce the interest and penalties imposed on a person whose failure to timely file a return or pay certain taxes collected by the Department is the result of circumstances beyond the person's control and occurred despite the exercise of ordinary care and without intent. (NRS 360.419) **Section 5** of this bill extends that authority to all of the taxes and fees required to be paid to the Department under title 32 of NRS and to certain fees imposed on the lease of a passenger car by a short-term lessor.

If a person owes delinquent taxes or has a deficiency determination against him or her with respect to any tax administered by the Department of Taxation, existing law authorizes the Department to attempt collection of the tax or deficiency in certain ways. The Department may: (1) file an action in any court of competent jurisdiction for summary judgment for the amount due; (2) file a certificate in the office of any county recorder, at which time the amount due becomes a lien upon all real and personal property the person owns or acquires in the county before the lien expires or is discharged; and (3) issue a warrant for the enforcement of a lien and for the collection of any delinquent tax or fee. (NRS 360.420, 360.473, 360.483) Existing law also allows a county to take such actions when any tax is delinquent on a transfer of real property in the county. (NRS 375.160, 375.170, 375.200) Such actions must occur within 3 years after the date the tax, fee or deficiency determination was due. Existing law allows the State Controller to take

certain actions with respect to unpaid debts to the State within 4 years after the debt becomes due. (NRS 353C.140, 353C.150) **Sections ~~[6-11]~~ 6-8 and 10-12** of this bill similarly extend the time by which the Department or county may take action to collect delinquent taxes, fees or deficiencies to within 4 years after payment was due.

Existing law requires the deposit of certain proceeds from liquor taxes, cigarette taxes, real property transfer taxes, city-county relief taxes and governmental services taxes into the Local Government Tax Distribution Account. (NRS 369.173, 370.260, 375.070, 377.055, 377.057, 482.181) Under existing law, the Executive Director of the Department of Taxation is required to allocate the money in the Account each fiscal year to local governments, special districts and enterprise districts in accordance with a mathematical formula, except that a county clerk may, not later than December 31 of the immediately preceding year, submit to the Executive Director a local cooperative agreement which provides for the allocation of that money under an alternative formula that commences the next fiscal year. (NRS 360.680, 360.690, 360.730) Section 9 of this bill extends until May 31, 2011, the deadline for submitting such a cooperative agreement for an alternative formula that would commence with the fiscal year beginning on July 1, 2011.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 360 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Department shall:

(a) On or before March 1 of each calendar year, issue an annual report of the projected population of each ~~[town, township, city and]~~ county in this State as of July 1 of that year and the next succeeding 4 years; and

(b) On or before October 1 of each calendar year, issue an annual report of the projected population, as classified by age, sex, race and Hispanic origin, of each ~~[town, township, city and]~~ county in this State as of July 1 of that year and the next succeeding 19 years.

2. The Department shall post the annual reports required by subsection 1 on an Internet website maintained by the Department and, if the demographer employed pursuant to NRS 360.283 maintains a separate Internet website, require the demographer to post the annual reports required by subsection 1 on an Internet website maintained by the demographer.

Sec. 2. NRS 360.283 is hereby amended to read as follows:

360.283 1. The Department shall adopt regulations to establish a method of determining annually the population of each town, township, city and county in this State and estimate the population of each town, township, city and county pursuant to those regulations.

2. The Department shall ***, on or after July 1 of each year,*** issue an annual report of the estimated population of each town, township, city and county in this State ~~[.]~~ ***as of July 1 of that year.***

3. Any town, city or county in this State may petition the Department to revise the estimated population of that town, city or county. No such petition may be filed on behalf of a township. The Department shall by regulation establish a procedure to review each petition and to appeal the decision on review.

4. The Department shall, upon the completion of any review and appeal thereon pursuant to subsection 3, determine the population of each town, township, city and county in this State, and submit its determination to the Governor.

5. The Department shall employ a demographer to assist in the determination of population pursuant to this section ***and the projection of population pursuant to section 1 of this act,*** and to cooperate with the Federal Government in the conduct of each decennial census as it relates to this State.

Sec. 3. NRS 360.285 is hereby amended to read as follows:

360.285 1. For the purposes of this title, the Governor shall, on or before March 1 of each year, certify the population of each town, township, city and county in this state ***as of the immediately preceding July 1*** from the determination submitted to the Governor by the Department ~~[.]~~ ***pursuant to subsection 4 of NRS 360.283.***

2. Where any tax is collected by the Department for apportionment in whole or in part to any political subdivision and the basis of the apportionment is the population of the political subdivision, the Department shall use the populations certified by the Governor. The transition from one such certification to the next must be made on July 1 following the certification for use in the fiscal year beginning then. Every payment before that date must be based upon the earlier certification and every payment on or after that date must be based upon the later certification.

Sec. 4. NRS 360.297 is hereby amended to read as follows:

360.297 1. A responsible person who ***willfully*** fails to collect or pay to the Department any tax or fee ~~[imposed by this chapter, chapter 363A, 363B, 368A, 369, 370, 372 or 374 of NRS,]~~ ***required to be paid to the Department pursuant to this title,*** NRS 444A.090 or 482.313, or chapter 680B of NRS, or who attempts to evade the payment of any such tax or fee, is jointly and severally liable with any other person who is required to pay such a tax or fee for the tax or fee owed plus interest and all applicable penalties. The responsible person shall pay the tax or fee upon notice from the Department that it is due.

2. As used in this section, "responsible person" includes:

(a) An officer or employee of a corporation; and

(b) A member or employee of a partnership or limited-liability company,

➥ whose job or duty it is to collect, account for or pay to the Department any tax or fee ~~[imposed by this chapter, chapter 363A, 363B, 368A, 369, 370, 372 or 374 of NRS,]~~ ***required to be paid to the Department pursuant to this title,*** NRS 444A.090 or 482.313, or chapter 680B of NRS.

Sec. 5. NRS 360.419 is hereby amended to read as follows:

360.419 1. If the Executive Director or a designated hearing officer finds that the failure of a person to make a timely return or payment of ~~[a tax imposed pursuant to NRS 361.320 or chapter 361A, 362, 363A, 363B, 369, 370, 372, 372A, 374, 375A, 375B, 376A, 377 or 377A of NRS,]~~ ***any tax or fee required to be paid to the Department pursuant to this title or NRS 482.313*** is the result of circumstances beyond his or her control and occurred despite the exercise of ordinary care and without intent, the Department may relieve the person of all or part of any interest or penalty, or both.

2. A person seeking relief must file with the Department a statement under oath setting forth the facts upon which the person bases his or her claim.

3. The Department shall disclose, upon the request of any person:

(a) The name of the person to whom relief was granted; and

(b) The amount of the relief.

4. The Executive Director or a designated hearing officer shall act upon the request of a taxpayer seeking relief pursuant to NRS 361.4835 which is deferred by a county treasurer or county assessor.

Sec. 6. NRS 360.420 is hereby amended to read as follows:

360.420 1. If, with respect to any tax or fee administered by the Department, a person:

(a) Fails to pay the tax or fee when due according to his or her own return filed with the Department;

(b) Fails to pay a deficiency determination when due; or

(c) Defaults on a payment pursuant to a written agreement with the Department,

➥ the Department may, within ~~[3]~~ ***4*** years after the amount is due, file in the office of the clerk of any court of competent jurisdiction an application for the entry of a summary judgment for the amount due.

2. The application must be accompanied by a certificate specifying:

(a) The amount required to be paid, including any interest and penalties due;

(b) The name and address of the person liable for the payment, as they appear on the records of the Department;

(c) The basis for the determination of the Department of the amount due; and

(d) That the Department has complied with the applicable provisions of law in relation to the determination of the amount required to be paid.

3. The application must include a request that judgment be entered against the person in the amount required to be paid, including any interest and penalties due, as set forth in the certificate.

Sec. 7. NRS 360.473 is hereby amended to read as follows:

360.473 1. If any tax or fee administered by the Department is not paid when due, the Department may, within ~~[3]~~ ***4*** years after the date that the tax or fee was due, file for record a certificate in the office of any county recorder which states:

(a) The amount of the tax or fee and any interest or penalties due;

(b) The name and address of the person who is liable for the amount due as they appear on the records of the Department; and

(c) That the Department has complied with all procedures required by law for determining the amount due.

2. From the time of the filing of the certificate, the amount due, including interest and penalties, constitutes a lien upon all real and personal property in the county owned by the person or acquired by the person afterwards and before the lien expires. The lien has the effect and priority of a judgment lien and continues for 5 years after the time of the filing of the certificate unless sooner released or otherwise discharged.

3. Within 5 years after the date of the filing of the certificate or within 5 years after the date of the last extension of the lien pursuant to this subsection, the lien may be extended by filing for record a new certificate in the office of the county recorder of any county. From the time of filing, the lien is extended to all real and personal property in the county owned by the person or acquired by the person afterwards for 5 years, unless sooner released or otherwise discharged.

Sec. 8. NRS 360.483 is hereby amended to read as follows:

360.483 1. The Department or its authorized representative may issue a warrant for the enforcement of a lien and for the collection of any delinquent tax or fee which is administered by the Department:

(a) Within ~~[3]~~ ***4*** years after the person is delinquent in the payment of the tax or fee; or

(b) Within 5 years after the last recording of an abstract of judgment or of a certificate constituting a lien for the tax or fee.

2. The warrant must be directed to a sheriff or constable and has the same effect as a writ of execution.

3. The warrant must be levied and sale made pursuant to the warrant in the same manner and with the same effect as a levy of and a sale pursuant to a writ of execution.

Sec. 9. **NRS 360.730 is hereby amended to read as follows:**

360.730 1. The governing bodies of two or more local governments or special districts, or any combination thereof, may, pursuant to the provisions of NRS 277.045, enter into a cooperative agreement that sets forth an alternative formula for the distribution of the taxes included in the Account to the local governments or special districts which are parties to the agreement.

The governing bodies of each local government or special district that is a party to the agreement must approve the alternative formula by majority vote.

2. The county clerk of a county in which a local government or special district that is a party to a cooperative agreement pursuant to subsection 1 is located shall transmit a copy of the cooperative agreement to the Executive Director:

(a) Within 10 days after the agreement is approved by each of the governing bodies of the local governments or special districts that are parties to the agreement; and

(b) Not later than ~~[December 31 of the year]~~ ***May 31*** immediately preceding the initial year of distribution that will be governed by the cooperative agreement.

3. The governing bodies of two or more local governments or special districts shall not enter into more than one cooperative agreement pursuant to subsection 1 that involves the same local governments or special districts.

4. If at least two cooperative agreements exist among the local governments and special districts that are located in the same county, the Executive Director shall ensure that the terms of those cooperative agreements do not conflict.

5. Any local government or special district that is not a party to a cooperative agreement pursuant to subsection 1 must continue to receive money from the Account pursuant to the provisions of NRS 360.680 and 360.690.

6. The governing bodies of the local governments and special districts that have entered into a cooperative agreement pursuant to subsection 1 may, by majority vote, amend the terms of the agreement. The governing bodies shall not amend the terms of a cooperative agreement more than once during the first 2 years after the cooperative agreement is effective and once every year thereafter, unless the Committee on Local Government Finance approves the amendment. The provisions of this subsection do not apply to any interlocal agreements for the consolidation of governmental services entered into by local governments or special districts pursuant to the provisions of NRS 277.080 to 277.180, inclusive, that do not relate to the distribution of taxes included in the Account.

7. A cooperative agreement executed pursuant to this section may not be terminated unless the governing body of each local government or special district that is a party to a cooperative agreement pursuant to subsection 1 agrees to terminate the agreement.

8. For each fiscal year the cooperative agreement is in effect, the Executive Director shall continue to calculate the amount each local government or special district that is a party to a cooperative agreement pursuant to subsection 1 would receive pursuant to the provisions of NRS 360.680 and 360.690.

9. If the governing bodies of the local governments or special districts that are parties to a cooperative agreement terminate the agreement pursuant

to subsection 7, the Executive Director must distribute to those local governments or special districts an amount equal to the amount the local government or special district would have received pursuant to the provisions of NRS 360.680 and 360.690 according to the calculations performed pursuant to subsection 8.

~~[Sec. 9.]~~ ***Sec. 10.*** NRS 375.160 is hereby amended to read as follows:

375.160 1. If any tax imposed pursuant to this chapter is not paid when due, the county may, within ~~[3]~~ ***4*** years after the date that the tax was due, record a certificate in the office of the county recorder which states:

(a) The amount of the tax and any interest or penalties due;

(b) The name and address of the person who is liable for the amount due as they appear on the records of the county; and

(c) That the county recorder has complied with all procedures required by law for determining the amount due.

2. From the time of the recording of the certificate, the amount due, including interest and penalties, constitutes:

(a) A lien upon the real property for which the tax was due if the person who owes the tax still owns the property; or

(b) A demand for payment if the property has been sold or otherwise transferred to another person.

3. The lien has the effect and priority of a judgment lien and continues for 5 years after the time of the recording of the certificate unless sooner released or otherwise discharged.

4. Within 5 years after the date of recording the certificate or within 5 years after the date of the last extension of the lien pursuant to this subsection, the lien may be extended by recording a new certificate in the office of the county recorder. From the time of recording the new certificate, the lien is extended for 5 years, unless sooner released or otherwise discharged.

~~[Sec. 10.]~~ ***Sec. 11.*** NRS 375.170 is hereby amended to read as follows:

375.170 1. If a person is delinquent in the payment of any tax imposed by this chapter or has not paid the amount of a deficiency determination, the county may bring an action in a court of this state, a court of any other state or a court of the United States that has competent jurisdiction to collect the delinquent or deficient amount, penalties and interest. The action:

(a) May not be brought if the decision that the payment is delinquent or that there is a deficiency determination is on appeal to a hearing officer pursuant to NRS 375.320.

(b) Must be brought not later than ~~[3]~~ ***4*** years after the payment became delinquent or the determination became final.

2. The district attorney shall prosecute the action. The provisions of the Nevada Revised Statutes, Nevada Rules of Civil Procedure and Nevada Rules of Appellate Procedure relating to service of summons, pleadings, proofs, trials and appeals are applicable to the proceedings. In the action, a

writ of attachment may issue. A bond or affidavit is not required before an attachment may be issued.

3. In an action, a certificate by the county recorder showing the delinquency is prima facie evidence of:

(a) The determination of the tax or the amount of the tax;

(b) The delinquency of the amounts; and

(c) The compliance by the county recorder with all the procedures required by law relating to the computation and determination of the amounts.

~~[Sec. 11.]~~ ***Sec. 12.*** NRS 375.200 is hereby amended to read as follows:

375.200 1. The county or its authorized representative may issue a warrant for the enforcement of a lien and for the collection of any delinquent tax that is administered pursuant to this chapter:

(a) Within ~~[3]~~ ***4*** years after the person is delinquent in the payment of the tax; or

(b) Within 5 years after the last recording of a certificate copy constituting a lien for the tax.

2. The warrant must be directed to a sheriff or constable and has the same effect as a writ of execution.

3. The warrant must be levied and sale made pursuant to the warrant in the same manner and with the same effect as a levy of and a sale pursuant to a writ of execution.

~~[Sec. 12.]~~ ***Sec. 13.*** NRS 4.065 is hereby amended to read as follows:

4.065 1. The justice of the peace shall, on the commencement of any action or proceeding in the justice court for which a fee is required, and on the answer or appearance of any defendant in any such action or proceeding for which a fee is required, charge and collect a fee of $1 from the party commencing, answering or appearing in the action or proceeding. These fees are in addition to any other fee required by law.

2. On or before the first Monday of each month, the justice of the peace shall pay over to the county treasurer the amount of all fees collected by the justice of the peace pursuant to subsection 1 for credit to the State General Fund. Quarterly, the county treasurer shall remit all money so collected to the State Controller, who shall place the money in an account in the State General Fund for use by the Executive Director of the Department of Taxation to administer the provisions of NRS 360.283 ~~[.]~~ ***and section 1 of this act.***

~~[Sec. 13.]~~ ***Sec. 14.*** ~~[This act becomes]~~

1. This section becomes effective upon passage and approval.

2. Section 9 of this act becomes effective upon passage and approval and expires by limitation on June 30, 2011.

3. Sections 1 to 8, inclusive, and 10 to 13, inclusive, of this act become effective on July 1, 2011.

Assemblywoman Kirkpatrick moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, reengrossed, and to third reading.

Assemblywoman Kirkpatrick moved that Assembly Bill No. 78 be taken from the Chief Clerk's desk and placed at the bottom of the General File.

Motion carried.

Assemblyman Horne moved that Assembly Bill No. 161 be taken from the Chief Clerk's desk and placed at the top of the General File.

Motion carried.

Assemblyman Atkinson moved that Assembly Bill No. 23 be taken from the Chief Clerk's desk and placed at the bottom of the General File.

Motion carried.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 12:49 p.m.

ASSEMBLY IN SESSION

At 12:50 p.m.

Mr. Speaker presiding.

Quorum present.

GENERAL FILE AND THIRD READING

Assembly Bill No. 23.

Bill read third time.

Roll call on Assembly Bill No. 23:

YEAS—42.

NAYS—None.

Assembly Bill No. 23 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 161.

Bill read third time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 525.

AN ACT relating to crimes; revising provisions governing the crime of trespassing; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, ~~[unless a greater penalty is provided by NRS 200.603, which governs the crime of peering, peeping or spying through an opening of the dwelling of another person,]~~ a person who commits the crime of trespassing is guilty of a misdemeanor. (NRS 207.200) **Existing law further provides that, except when a person solicits a child for prostitution, a**

person who engages in prostitution or solicitation for prostitution is also guilty of a misdemeanor. (NRS 201.354) A person who is convicted of a misdemeanor generally must be punished by: (1) imprisonment in the county jail for not more than 6 months; (2) a fine of not more than $1,000; or (3) both imprisonment and a fine. Alternatively, instead of all or a portion of such punishment, a person may be sentenced to perform community service. (NRS 193.150)

This bill ~~[requires that unless a greater penalty is provided by NRS 200.603,]~~ **provides that if** a person ~~[who]~~ is convicted of trespassing on the premises of a licensed gaming establishment ~~[for the third or subsequent time within 5 years must be punished]~~ **and the person has been previously convicted of three violations of engaging in or soliciting for prostitution within the immediately preceding 5 years, the court may suspend proceedings against the person under certain circumstances and place the person on probation upon terms and conditions that must include attendance and successful completion of a counseling or educational program or, if the person is dependent upon drugs, a program of treatment and rehabilitation. Before the person is assigned to any such program, he or she must agree to pay the costs associated with the program to the extent of his or her available financial resources. If the person violates any term or condition, the court may enter a judgment of conviction and punish the person** by: (1) a fine of $1,000; ~~[or]~~ (2) ~~[a fine of $1,000 and]~~ imprisonment in the county jail for not more than 6 months ~~[.]~~ **; or (3) both fine and imprisonment.** A person may also be sentenced to perform community service instead of all or a portion of such punishment. **If the person fulfills the terms and conditions, the court must discharge the person and dismiss the proceedings against him or her. This bill also specifies that such discharge and dismissal by the court is not a conviction for any purpose other than determining additional penalties imposed for second or subsequent convictions or the setting of bail. However, a person may be discharged by the court and have the proceedings dismissed only once under such provisions.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. ~~[NRS 207.200 is hereby amended to read as follows:~~

~~207.200 1. Unless a greater penalty is provided pursuant to *subsection 2 or* NRS 200.603, any person who, under circumstances not amounting to a burglary:~~

~~(a) Goes upon the land or into any building of another with intent to vex or annoy the owner or occupant thereof, or to commit any unlawful act; or~~

~~(b) Willfully goes or remains upon any land or in any building after having been warned by the owner or occupant thereof not to trespass,~~

~~→ is guilty of a misdemeanor. The meaning of this subsection is not limited by subsections [2] *3* and [4.] *5.*~~

~~2. *Unless a greater penalty is provided pursuant to NRS 200.603, any person who has previously been convicted of two or more violations of subsection 1 by trespassing on the premises of a licensed gaming establishment and who commits a third or subsequent violation of subsection 1 within 5 years by trespassing on the premises of a licensed gaming establishment is guilty of a misdemeanor and shall be punished by:*~~

~~*(a) A fine of $1,000; or*~~

~~*(b) A fine of $1,000 and imprisonment in the county jail for not more than 6 months.*~~

~~*→ In lieu of all or a part of the punishment which may be imposed pursuant to this subsection, the person may be sentenced to perform a fixed period of community service pursuant to the conditions prescribed in NRS 176.087.*~~

~~*3.* A sufficient warning against trespassing, within the meaning of this section, is given by any of the following methods:~~

~~(a) If the land is used for agricultural purposes or for herding or grazing livestock, by painting with fluorescent orange paint:~~

~~(1) Not less than 50 square inches of the exterior portion of a structure or natural object or the top 12 inches of the exterior portion of a post, whether made of wood, metal or other material, at:~~

~~(I) Intervals of such a distance as is necessary to ensure that at least one such structure, natural object or post would be within the direct line of sight of a person standing next to another such structure, natural object or post, but at intervals of not more than 1,000 feet; and~~

~~(II) Each corner of the land, upon or near the boundary; and~~

~~(2) Each side of all gates, cattle guards and openings that are designed to allow human ingress to the area;~~

~~(b) If the land is not used in the manner specified in paragraph (a), by painting with fluorescent orange paint not less than 50 square inches of the exterior portion of a structure or natural object or the top 12 inches of the exterior portion of a post, whether made of wood, metal or other material, at:~~

~~(1) Intervals of such a distance as is necessary to ensure that at least one such structure, natural object or post would be within the direct line of sight of a person standing next to another such structure, natural object or post, but at intervals of not more than 200 feet; and~~

~~(2) Each corner of the land, upon or near the boundary;~~

~~(c) Fencing the area; or~~

~~(d) By the owner or occupant of the land or building making an oral or written demand to any guest to vacate the land or building.~~

~~[3.] *4.* It is prima facie evidence of trespass for any person to be found on private or public property which is posted or fenced as provided in subsection [2] *3* without lawful business with the owner or occupant of the property.~~

~~[4.] *5.* An entryman on land under the laws of the United States is an owner within the meaning of this section.~~

~~[5.] *6.* As used in this section:~~

~~(a) "Fence" means a barrier sufficient to indicate an intent to restrict the area to human ingress, including, but not limited to, a wall, hedge or chain link or wire mesh fence. The term does not include a barrier made of barbed wire.~~

~~(b) "Guest" means any person entertained or to whom hospitality is extended, including, but not limited to, any person who stays overnight. The term does not include a tenant as defined in NRS 118A.170.~~

~~*(c) "Licensed gaming establishment" has the meaning ascribed to it in NRS 463.0169.]*~~ **(Deleted by amendment.)**

Sec. 2. ~~[NRS 207.205 is hereby amended to read as follows:~~

~~207.205 1. It is unlawful for any person to post such land within the meaning of subsection~~ **[**~~2~~**]** ***3*** ~~of NRS 207.200 unless the person has:~~

~~(a) Obtained written authorization from the owner or occupant of the land, or any building thereon, to do so unless the person is the owner or occupant.~~

~~(b) Placed the name and address of the owner or occupant on each sign.~~

~~2. Any person violating any of the provisions of subsection 1 is guilty of a misdemeanor.]~~ **(Deleted by amendment.)**

Sec. 2.5. **Chapter 207 of NRS is hereby amended by adding thereto a new section to read as follows:**

1. Unless a greater penalty is provided pursuant to NRS 200.603, any person who commits a violation of NRS 207.200 by trespassing on the premises of a licensed gaming establishment and who has previously been convicted of three violations of NRS 201.354 within the immediately preceding 5 years is guilty of a misdemeanor and shall be punished by:

(a) A fine of $1,000;

(b) Imprisonment in the county jail for not more than 6 months; or

(c) Both fine and imprisonment.

➥ In lieu of all or a part of the punishment which may be imposed pursuant to this subsection, the person may be sentenced to perform a fixed period of community service pursuant to the conditions prescribed in NRS 176.087.

2. The court, without entering a judgment of conviction and with the consent of the accused, may suspend further proceedings and place the person on probation upon terms and conditions that must include attendance and successful completion of a counseling or educational program or, in the case of a person dependent upon drugs, of a program of treatment and rehabilitation pursuant to NRS 453.580.

3. Upon violation of a term or condition, the court may enter a judgment of conviction and punish the person as provided in subsection 1.

4. Upon fulfillment of the terms and conditions, the court shall discharge the accused and dismiss the proceedings against him or her.

5. Except as otherwise provided in subsection 6, discharge and dismissal under this section is without adjudication of guilt and is not a conviction for purposes of this section or for purposes of employment, civil rights or any statute or regulation or license or questionnaire or for any

other public or private purpose, but is a conviction for the purpose of additional penalties imposed for second or subsequent convictions or the setting of bail. Discharge and dismissal restores the person discharged, in the contemplation of the law, to the status occupied before the arrest, indictment or information. The person may not be held thereafter under any law to be guilty of perjury or otherwise giving a false statement by reason of failure to recite or acknowledge that arrest, indictment, information or trial in response to an inquiry made of the person for any purpose. Discharge and dismissal under this section may only occur once with respect to any person.

6. A professional licensing board may consider a proceeding under this section in determining suitability for a license or liability to discipline for misconduct. Such a board is entitled for those purposes to a truthful answer from the applicant or licensee concerning any such proceeding with respect to the applicant or licensee.

7. Before the court assigns a person to a program pursuant to this section, the person must agree to pay the cost of the program to which the person is assigned and the cost of any additional supervision required, to the extent of the financial resources of the person. If the person does not have the financial resources to pay all of the related costs, the court shall, to the extent practicable, arrange for the person to be assigned to a program at a facility that receives a sufficient amount of federal or state funding to offset the remainder of the costs.

8. As used in this section, "licensed gaming establishment" has the meaning ascribed to it in NRS 463.0169.

Sec. 3. The amendatory provisions of this act apply to offenses committed before October 1, 2011, for the purpose of determining whether a person is subject to the provisions of subsection ~~[2]~~ **1** of ~~[NRS 207.200, as amended by]~~ section ~~[1]~~ **2.5** of this act.

Assemblyman Ohrenschall moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 1.

Bill read third time.

Remarks by Kirkpatrick

Roll call on Assembly Bill No. 1:

YEAS—42.

NAYS—None.

Assembly Bill No. 1 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 63.

Bill read third time.

Roll call on Assembly Bill No. 63:
YEAS—42.
NAYS—None.
Assembly Bill No. 63 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 76.
Bill read third time.
Remarks by Assemblyman Livermore.
Roll call on Assembly Bill No. 76:
YEAS—42.
NAYS—None.
Assembly Bill No. 76 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 80.
Bill read third time.
Roll call on Assembly Bill No. 80:
YEAS—42.
NAYS—None.
Assembly Bill No. 80 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 117.
Bill read third time.
Remarks by Assemblyman Stewart.
Roll call on Assembly Bill No. 117:
YEAS—42.
NAYS—None.
Assembly Bill No. 117 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 132.
Bill read third time.
Roll call on Assembly Bill No. 132:
YEAS—42.
NAYS—None.
Assembly Bill No. 132 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 242.
Bill read third time.

Remarks by Assemblywoman Kirkpatrick.

Roll call on Assembly Bill No. 242:

YEAS—42.

NAYS—None.

Assembly Bill No. 242 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 248.

Bill read third time.

Roll call on Assembly Bill No. 248:

YEAS—42.

NAYS—None.

Assembly Bill No. 248 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 277.

Bill read third time.

Roll call on Assembly Bill No. 277:

YEAS—40.

NAYS—Kirkpatrick, Smith—2.

Assembly Bill No. 277 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 1:07 p.m.

ASSEMBLY IN SESSION

At 1:08 p.m.

Madam Speaker pro Tempore presiding.

Quorum present.

Assembly Bill No. 282.

Bill read third time.

Remarks by Assemblymen Oceguera, Goicoechea, and Ellison.

Roll call on Assembly Bill No. 282:

YEAS—40.

NAYS—Carlton, Pierce—2.

Assembly Bill No. 282 having received a constitutional majority, Madam Speaker pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Senate.

Madam Speaker pro Tempore announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 1:13 p.m.

ASSEMBLY IN SESSION

At 1:14 p.m.
Mr. Speaker presiding.
Quorum present.

Assembly Bill No. 337.
Bill read third time.
Roll call on Assembly Bill No. 337:
YEAS—42.
NAYS—None.
Assembly Bill No. 337 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 350.
Bill read third time.
Roll call on Assembly Bill No. 350:
YEAS—42.
NAYS—None.
Assembly Bill No. 350 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 351.
Bill read third time.
Roll call on Assembly Bill No. 351:
YEAS—39.
NAYS—Grady, Hambrick, Stewart—3.
Assembly Bill No. 351 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 360.
Bill read third time.
Roll call on Assembly Bill No. 360:
YEAS—42.
NAYS—None.
Assembly Bill No. 360 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 374.
Bill read third time.

Roll call on Assembly Bill No. 374:
YEAS—42.
NAYS—None.
Assembly Bill No. 374 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 376.
Bill read third time.
Remarks by Assemblywoman Smith.
Roll call on Assembly Bill No. 376:
YEAS—42.
NAYS—None.
Assembly Bill No. 376 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 420.
Bill read third time.
Remarks by Assemblyman Stewart.
Roll call on Assembly Bill No. 420:
YEAS—42.
NAYS—None.
Assembly Bill No. 420 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 474.
Bill read third time.
Remarks by Assemblymen Smith and Oceguera.
Roll call on Assembly Bill No. 474:
YEAS—42.
NAYS—None.
Assembly Bill No. 474 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Joint Resolution No. 1.
Resolution read third time.
Roll call on Assembly Joint Resolution No. 1:
YEAS—41.
NAYS—Kite.
Assembly Joint Resolution No. 1 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Resolution ordered transmitted to the Senate.

Assembly Bill No. 212.
Bill read third time.

Roll call on Assembly Bill No. 212:
YEAS—42.
NAYS—None.
Assembly Bill No. 212 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 508.
Bill read third time.
Roll call on Assembly Bill No. 508:
YEAS—33.
NAYS—Carlton, Ellison, Goedhart, Hansen, Hickey, Kite, McArthur, Munford, Smith—9.
Assembly Bill No. 508 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 199.
Bill read third time.
Remarks by Assemblywoman Kirkpatrick.
Roll call on Assembly Bill No. 199:
YEAS—42.
NAYS—None.
Assembly Bill No. 199 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 78.
Bill read third time.
Remarks by Bobzien, Segerblom, Hardy, and Conklin.
Roll call on Assembly Bill No. 78:
YEAS—24.
NAYS—Brooks, Ellison, Goedhart, Goicoechea, Grady, Hambrick, Hammond, Hansen, Hardy, Hickey, Kirner, Kite, Livermore, McArthur, Ohrenschall, Sherwood, Stewart, Woodbury—18.
Assembly Bill No. 78 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assemblyman Conklin moved that the Assembly recess until 4 p.m.
Motion carried.

Assembly in recess at 1:41 p.m.

ASSEMBLY IN SESSION

At 4:20 p.m.
Mr. Speaker presiding.
Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker

Your Committee on Government Affairs, to which was referred Assembly Bill No. 471, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.:

MARILYN K. KIRKPATRICK, *Chair*

Mr. Speaker:

Your Committee on Legislative Operations and Elections, to which was referred Assembly Bill No. 81, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

TICK SEGERBLOM, *Chair*

MOTIONS, RESOLUTIONS AND NOTICES

NOTICE OF EXEMPTION

April 26, 2011

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Assembly Bill No. 334.

RICK COMBS
Fiscal Analysis Division

April 26, 2011

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Senate Bill No. 83.

Also, the Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Senate Bill No. 164.

Also, the Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Senate Bill No. 174.

Also, the Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Senate Bills Nos. 227 and 250.

MARK KRMPOTIC
Fiscal Analysis Division

Assemblyman Conklin moved that upon return from the printer, Assembly Bills Nos. 93, 100, 334, and 419 be taken from the General File and rereferred to the Committee on Ways and Means.

Motion carried.

Assemblyman Conklin moved that Assembly Bill No. 204 be taken from the Chief Clerk’s desk and placed on the General File.

Motion carried.

Assemblywoman Kirkpatrick moved to reconsider the adoption of Amendment No. 515 to Assembly Bill No. 182.

Motion carried.

Assemblywoman Kirkpatrick moved to place Amendment No. 515 to Assembly Bill No. 182 on the Chief Clerk's Desk.

Motion carried.

Assemblywoman Kirkpatrick moved that Assembly Bill No. 122 be taken from its position on the General File and placed at the top of the General File.

Motion carried.

Assemblyman Conklin moved that Assembly Bill No. 394 be taken from its position on the General File and placed at the bottom of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 122.

Bill read third time.

The following amendment was proposed by Assemblyman Livermore:

Amendment No. 543.

AN ACT relating to energy; authorizing the imposition of certain reasonable restrictions or requirements relating to systems for obtaining wind and solar energy; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the governing body of a city or county: (1) may enact zoning regulations and restrictions to promote the health, safety, morals or general welfare of the community; (2) is prohibited from adopting an ordinance or taking any other action which unreasonably prohibits or restricts an owner of real property from using a system for obtaining solar or wind energy on his or her property; (3) may impose a reasonable restriction on the use of a system for obtaining wind energy which is related to the height, noise or safety of the system; and (4) is required to authorize the use of a system which uses solar or wind energy to reduce energy costs for a structure if the system and structure comply with all applicable building codes and zoning ordinances. (NRS 278.020, 278.02077, 278.0208, 278.580) The governing body of a city or county unreasonably prohibits or restricts the use of a system for obtaining solar or wind energy if the governing body imposes restrictions that significantly decrease the efficiency or performance of the solar or wind energy system unless the restriction provides for the use of a comparable alternative system. (NRS 278.02077, 278.0208) **Section 1** of this bill provides that, in addition to reasonable restrictions relating to height, noise or safety, reasonable restrictions on the use of a system for obtaining wind energy may include restrictions relating to setback, location and ~~[appearance, and section 2 of this bill authorizes the imposition of reasonable restrictions relating to the appearance, height, location, noise, safety or setback of a system for obtaining solar energy. Additionally, sections 1 and 2 require a governing body to adopt an ordinance that: (1) requires the owner of a residential lot to obtain a special use permit or conditional use permit for a wind or solar energy system; and (2) provides affected property owners~~

~~with notice and an opportunity to be heard.]~~ **finish. Section 2 of this bill authorizes a governing body to require that a special use permit or conditional permit be obtained for a system for obtaining solar energy proposed to be installed or constructed within the boundaries of an incorporated city or town on nonresidential property that is adjacent to residential property.**

WHEREAS, Nevada has significant amounts of solar and wind resources available for use in the production of clean, renewable sources of energy; and

WHEREAS, It has been a stated goal of the Nevada Legislature to encourage the availability of these solar and wind resources for use by the residents of this State; and

WHEREAS, Local governments have traditionally been authorized to enact zoning and land use regulations and restrictions to promote the health, safety, morals and general welfare of their communities; and

WHEREAS, It is the intent of the Nevada Legislature to encourage local governments to balance the use of clean, renewable sources of energy with the promotion of the health, safety, morals and general welfare of their communities; now, therefore

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 278.02077 is hereby amended to read as follows:

278.02077 1. Except as otherwise provided in subsection 2:

(a) A governing body shall not adopt an ordinance, regulation or plan or take any other action that prohibits or unreasonably restricts the owner of real property from using a system for obtaining wind energy on his or her property.

(b) Any covenant, restriction or condition contained in a deed, contract or other legal instrument which affects the transfer or sale of, or any other interest in, real property and which prohibits or unreasonably restricts the owner of the property from using a system for obtaining wind energy on his or her property is void and unenforceable.

2. The provisions of subsection 1 do not prohibit a reasonable restriction or requirement:

(a) Imposed pursuant to a determination by the Federal Aviation Administration that the installation of the system for obtaining wind energy would create a hazard to air navigation; or

(b) Relating to the ~~*[appearance,]*~~ ***finish,*** height, ***location,*** noise **,** ~~**[or]**~~ safety ***or setback*** of a system for obtaining wind energy . ~~*[; or*~~

~~*(c) Prohibiting the construction of more than one system for obtaining wind energy per acre for a residential lot.]*~~

3. ~~*[Each governing body shall adopt an ordinance that:*~~

~~*(a) Prohibits an owner of a residential lot from installing a system for obtaining wind energy on the residential lot unless the owner has obtained a*~~

~~*special use permit or conditional use permit for that use of the residential lot; and*~~

~~*(b) Provides any property owner that would be affected by the system for obtaining wind energy with notice and an opportunity to be heard.*~~

~~*4.]*~~ For the purposes of this section, "unreasonably restricts the owner of the property from using a system for obtaining wind energy" includes the placing of a restriction or requirement on the use of a system for obtaining wind energy which significantly decreases the efficiency or performance of the system and which does not allow for the use of an alternative system at a substantially comparable cost and with substantially comparable efficiency and performance.

Sec. 2. NRS 278.0208 is hereby amended to read as follows:

278.0208 1. ***Except as otherwise provided in subsection 2:***

(a) A governing body shall not adopt an ordinance, regulation or plan or take any other action that prohibits or unreasonably restricts or has the effect of prohibiting or unreasonably restricting the owner of real property from using a system for obtaining solar energy on his or her property.

~~[2.]~~ ***(b)*** Any covenant, restriction or condition contained in a deed, contract or other legal instrument which affects the transfer or sale of, or any other interest in, real property and which prohibits or unreasonably restricts or has the effect of prohibiting or unreasonably restricting the owner of the property from using a system for obtaining solar energy on his or her property is void and unenforceable.

2. ~~*[The provisions of subsection 1 do not prohibit a reasonable restriction or requirement relating to the appearance, height, location, noise, safety or setback of a system for obtaining solar energy.]*~~ ***A governing body may require that a special use permit or conditional permit be obtained in the manner provided in NRS 278.315 for the construction or installation of a system for obtaining solar energy within the boundaries of an incorporated city or town on nonresidential property that is adjacent to residential property. As used in this subsection, "nonresidential property" means all real property other than residential property and includes, without limitation, real property owned by a governmental entity.***

3. ~~*[Each governing body shall adopt an ordinance that:*~~

~~*(a) Prohibits an owner of a residential lot from installing a system for obtaining solar energy on the residential lot unless the owner has obtained a special use permit or conditional use permit for that use of the residential lot; and*~~

~~*(b) Provides any property owner that would be affected by the system for obtaining solar energy with notice and an opportunity to be heard.*~~

~~*4.]*~~ For the purposes of this section, the following shall be deemed to be unreasonable restrictions:

(a) The placing of a restriction or requirement on the use of a system for obtaining solar energy which decreases the efficiency or performance of the system by more than 10 percent of the amount that was originally specified

for the system, as determined by the Director of the Office of Energy, and which does not allow for the use of an alternative system at a substantially comparable cost and with substantially comparable efficiency and performance.

(b) The prohibition of a system for obtaining solar energy that uses components painted with black solar glazing.

Sec. 3. This act becomes effective upon passage and approval.

Assemblywoman Flores moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, reengrossed, and to third reading.

Assembly Bill No. 204.

Bill read third time

The following amendment was proposed by the Committee on Transportation:

Amendment No. 542.

SUMMARY—Revises provisions regarding salvage vehicles **[.] and total loss vehicles.** (BDR 43-265)

AN ACT relating to motor vehicles; revising provisions relating to licensed automobile wreckers that obtain vehicles to be processed as parts or scrap metal; **revising provisions relating to the determination that a motor vehicle is a total loss vehicle;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires a licensed automobile wrecker to forward to the Department of Motor Vehicles the certificates of title and registration for certain vehicles acquired by the wrecker. (NRS 487.100) **Section [3] 5** of this bill eliminates that requirement if the wrecker **, pursuant to section 4 of this bill,** provides the Department with certain identifying information about a motor vehicle and affirms to the Department that the motor vehicle is to be processed **[for] as** parts or scrap metal by the wrecker. **Section [2 of this bill] 4 provides that if a licensed automobile wrecker procures and files with the Department an additional bond, the wrecker may avail himself or herself of a streamlined procedure for processing as parts or scrap metal vehicles that have reached the end of their useful life. Section 4** requires a licensed automobile wrecker to provide the Department with **an affirmation and** certain information about a motor vehicle that is to be processed **[for] as** parts or scrap metal and **[provides] sets forth** that the wrecker may only process the motor vehicle **[for] as** parts or scrap metal if 5 business days elapse and the wrecker has not been notified by the Department that the vehicle is not to be processed as parts or scrap metal. **Section [2] 4** also provides that any liability which arises from the processing of a motor vehicle **[for] as** parts or scrap metal is to be borne by the licensed automobile wrecker, not the Department. In addition, **section [2] 4** requires the Department to **[invalidate the vehicle identification number of] issue a**

nonrepairable vehicle certificate for a motor vehicle which has been processed as parts or scrap metal **.** ~~[so that the number cannot subsequently be used to title or register the vehicle.]~~ **Section ~~[5]~~ 7** of this bill revises the requirements for a licensed automobile wrecker to maintain records of motor vehicles that have been processed as parts or scrap metal to include the retention for 2 years of any certificates of title or registration or other documentation of ownership obtained when the motor vehicle was acquired.

Existing law restricts the sale of a salvage vehicle in certain circumstances. For example, if such a vehicle has not been repaired, it may only be sold to a salvage pool, automobile auction, rebuilder, automobile wrecker or a new or used motor vehicle dealer. (NRS 487.800) The term "salvage vehicle" includes a "total loss vehicle," which is defined as a vehicle that has sustained damage to such an extent that the cost of repair, not including the cost of painting any portion of the vehicle, is 65 percent or more of the fair market value of the vehicle immediately before it was damaged. (NRS 487.770, 487.790) Section 11 of this bill revises the definition of "total loss vehicle" to exempt from the cost of repair the replacement of "major" electronic components in accordance with the specifications of the manufacturer and towing charges. Section 11 also specifies that the term "total loss vehicle" does not include a vehicle that was stolen and subsequently recovered if the vehicle has no structural damage but is missing only tires, wheels, or audio or video equipment. Section 13 of this bill makes conforming changes as to exempting from the cost of repair the replacement of "major" electronic components in accordance with the specifications of the manufacturer, and towing charges, when determining an estimate of repair costs for a vehicle in certain circumstances.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 482.470 is hereby amended to read as follows:

482.470 1. ~~[If]~~ ***Except as otherwise provided in section ~~[2]~~ 4 of this act, if*** any vehicle is dismantled, junked or rendered inoperative and unfit for further use in accordance with the original purpose for which it was constructed, the owner shall deliver to the Department any certificate of registration and certificate of title issued by the Department or any other jurisdiction, unless the certificate of title is required for the collection of any insurance or other indemnity for the loss of the vehicle, or for transfer in order to dispose of the vehicle.

2. ~~[Any]~~ ***Except as otherwise provided in section ~~[2]~~ 4 of this act, any*** other person taking possession of a vehicle described in subsection 1 shall immediately deliver to the Department any license plate or plates, certificate of registration or certificate of title issued by the Department or any other jurisdiction, if the person has acquired possession of any of these and unless

the certificate of title is required for a further transfer in the ultimate disposition of the vehicle.

3. The Department may issue a salvage title as provided in chapter 487 of NRS.

4. The Department shall destroy any plate or plates that are returned in a manner described in subsections 1 and 2.

Sec. 2. Chapter 487 of NRS is hereby amended by adding thereto ~~[a new section to read as follows:]~~ **the provisions set forth as sections 3 and 4 of this act.**

Sec. 3. "Electronic components" means major electrical or electronic items or parts within a motor vehicle, including, without limitation:

1. Computer control modules for the:

(a) Engine of the vehicle;

(b) Air conditioning systems and parts thereof;

(c) Traction control systems and parts thereof;

(d) Antilock braking systems and parts thereof;

(e) Electrical or electronic items used to power or propel a hybrid vehicle;

(f) Wiring harnesses; or

(g) Supplemental restraint systems; and

2. Any other major electrical item or part declared by regulation of the Department to be an electronic component.

Sec. 4. 1. If a licensed automobile wrecker, in addition to any other bond required by NRS 487.047 to 487.200, inclusive, procures and files with the Department a good and sufficient bond in the amount of $50,000, with a corporate surety thereon licensed to do business in the State of Nevada, approved as to form by the Attorney General, and conditioned that the applicant conducts his or her relevant activities in accordance with the provisions of this section, the wrecker may use the procedure set forth in this section to process a motor vehicle as parts or scrap metal. The additional bond described in this subsection may cover more than one location at which the licensed automobile wrecker does business, if the wrecker holds an ownership interest of 51 percent or more in each such business location.

2. Upon obtaining a motor vehicle that is to be processed as parts or scrap metal, a licensed automobile wrecker ~~[,]~~ who has procured and filed the additional bond described in subsection 1 and who wishes to use the procedure provided in this section:

(a) Shall ~~[, within 2 business days after the date on which the automobile wrecker receives the motor vehicle,]~~ transmit to the Department electronically or via facsimile, as specified by the Department, a report that includes:

(1) The make, model, vehicle identification number and registration number, if applicable, of the motor vehicle; and

(2) An affirmation ~~[signed]~~ by the licensed automobile wrecker that the motor vehicle has been designated by the licensed automobile wrecker for processing as parts or scrap metal.

(b) May process the motor vehicle for parts or scrap metal only if:

(1) Five or more business days elapse after ~~[receipt by]~~ transmission to the Department of the ~~[information]~~ report required by paragraph (a); and

(2) The licensed automobile wrecker does not receive notification from the Department that the motor vehicle is not to be processed as parts or scrap metal.

~~[2.]~~ 3. A licensed automobile wrecker ~~[that]~~ who processes a motor vehicle for parts or scrap metal ~~[under]~~ pursuant to this section assumes all liability for any injuries to any person or property arising from or incident to the act of such processing. No action may be brought under NRS 41.031 or against an officer or employee of the State or any of its agencies or political subdivisions which is based upon any injuries to any person or property arising from or incident to the act of processing a motor vehicle for parts or scrap metal as authorized pursuant to this section.

~~[3.]~~ 4. If a licensed automobile wrecker submits to the Department the report described in subsection ~~[1]~~ 2 and the Department confirms that the motor vehicle which is the subject of the report has been processed as parts or scrap metal, the Department shall ~~[cause the vehicle identification number of]~~ issue a nonrepairable vehicle certificate for the motor vehicle . ~~[to be invalidated so that the number may not ever again be used for the titling or registration of the vehicle.~~

~~Sec. 3.~~ ***Sec. 5.*** NRS 487.100 is hereby amended to read as follows:

487.100 1. Except as otherwise provided in ~~[~~subsection 2,~~]~~ ***subsections 2 and 3,*** any automobile wrecker purchasing from any person other than a licensed operator of a salvage pool any vehicle subject to registration pursuant to the laws of this State shall forward to the Department the certificates of title and registration last issued therefor.

2. The certificate of ownership last issued for a mobile home or commercial coach must be sent by the wrecker to the Manufactured Housing Division of the Department of Business and Industry.

3. An automobile wrecker is not required to:

(a) Provide the Department with a certificate of title, salvage title or a nonrepairable vehicle certificate and certificate of registration last issued; or

(b) Obtain from the Department a certificate of title, salvage title, nonrepairable vehicle certificate or certificate of registration,

➥ for a motor vehicle that is to be processed as parts or scrap metal by the automobile wrecker pursuant to section ~~[2]~~ 4 of this act.

~~[Sec. 4.]~~ ***Sec. 6.*** NRS 487.160 is hereby amended to read as follows:

487.160 1. The Department may suspend, revoke or refuse to renew a license of an automobile wrecker upon determining that the automobile wrecker:

(a) Is not lawfully entitled thereto;

(b) Has made, or knowingly or negligently permitted, any illegal use of that license; ~~*[or]*~~

(c) Has failed to return a salvage title to the state agency when and as required of the licensee by NRS 487.710 to 487.890, inclusive ; or

(d) ~~[Has]~~ ***Except as otherwise provided in section 4 of this act, has*** failed to surrender to the state agency certificates of title for vehicles before beginning to dismantle or wreck the vehicles. ~~*[, and section 2 of this act.]*~~

2. The applicant or licensee may, within 30 days after receipt of the notice of refusal, suspension or revocation, petition the Department in writing for a hearing.

3. Hearings under this section and appeals therefrom must be conducted in the manner prescribed in NRS 482.353 and 482.354.

4. The Department may suspend, revoke or refuse to renew a license of an automobile wrecker, or may deny a license to an applicant therefor, for any reason determined by the Director to be in the best interest of the public, or if the licensee or applicant:

(a) Does not have or maintain an established place of business in this State.

(b) Made a material misstatement in any application.

(c) Willfully fails to comply with any applicable provision of this chapter.

(d) Fails to furnish and keep in force any bond required by NRS 487.047 to 487.200, inclusive.

(e) Fails to discharge any final judgment entered against the licensee or applicant when the judgment arises out of any misrepresentation of a vehicle, trailer or semitrailer.

(f) Fails to maintain any license or bond required by a political subdivision of this State.

(g) Has been convicted of a felony.

(h) Has been convicted of a misdemeanor or gross misdemeanor for a violation of a provision of this chapter.

(i) Fails or refuses to provide to the Department an authorization for the disclosure of financial records for the business as required pursuant to subsection 7.

(j) Knowingly submits or causes to be submitted any false, forged or otherwise fraudulent document to the Department to obtain a lien, title, salvage title or certificate of ownership, or any duplicate thereof, for a vehicle.

(k) Knowingly causes or allows a false, forged or otherwise fraudulent document to be maintained as a record of the business.

(l) Interferes with or refuses to allow an agent of the Department or any peace officer access to and, upon demand, the opportunity to examine any record held in conjunction with the operation of the wrecker.

(m) Displays evidence of unfitness for a license pursuant to NRS 487.165.

5. If an application for a license as an automobile wrecker is denied, the applicant may not submit another application for at least 6 months after the date of the denial.

6. The Department may refuse to review a subsequent application for licensing submitted by any person who violates any provision of this chapter.

7. Upon the receipt of any report or complaint alleging that an applicant or a licensee has engaged in financial misconduct or has failed to satisfy any financial obligation related to the business of dismantling, scrapping, processing or wrecking of vehicles, the Department may require the applicant or licensee to submit to the Department an authorization for the disclosure of financial records for the business as provided in NRS 239A.090. The Department may use any information obtained pursuant to such an authorization only to determine the suitability of the applicant or licensee for initial or continued licensure. Information obtained pursuant to such an authorization may be disclosed only to those employees of the Department who are authorized to issue a license to an applicant pursuant to NRS 487.047 to 487.200, inclusive, or to determine the suitability of an applicant or a licensee for such licensure.

8. For the purposes of this section, failure to adhere to the directives of the state agency advising the licensee of noncompliance with any provision of NRS 487.047 to 487.200, inclusive, or NRS 487.710 to 487.890, inclusive, ***and section*** ~~*[2]*~~ ***4 of this act,*** or regulations of the state agency, within 10 days after the receipt of those directives, is prima facie evidence of willful failure to comply.

~~[Sec. 5.]~~ ***Sec. 7.*** NRS 487.170 is hereby amended to read as follows:

487.170 ***1.*** Every licensed automobile wrecker ~~[, rebuilder or scrap processor]~~ shall maintain a record of all vehicles acquired and processed ~~[, junked, dismantled, wrecked, sold as a part or parts or disposed of]~~ as ***parts or*** scrap metal ~~[.]~~ ***pursuant to section*** ~~*[2]*~~ ***4 of this act.*** The records must be open to inspection during business hours by any peace officer or investigator of the state agency. Every vehicle record must contain:

~~[1.]~~ ***(a)*** The name ~~[,]~~ ***and*** address ~~[and original signature]~~ of the person from whom the vehicle was acquired ***;*** ~~[, until such time as the original signature is submitted to the Department, at which time the record must contain a duplicate of the signature;~~

~~2.]~~ ***(b)*** The date the vehicle was acquired;

~~[3.]~~ ***(c)*** The manner in which the vehicle was acquired by the wrecker ***;*** ~~[, rebuilder or scrap processor;~~

~~4.]~~ ***(d)*** The registration number last assigned to the vehicle; ~~[and~~

~~5.]~~ ***(e)*** A brief description of the vehicle, including, insofar as the data may exist with respect to a given vehicle, the make, type, ***vehicle***

identification number, serial number and motor number, or any other number of the vehicle ~~[.]~~ ***; and***

(f) Any certificate of title, salvage title, nonrepairable vehicle certificate or other appropriate documentation of ownership required by the Department that was provided to the licensed automobile wrecker by the person from whom the vehicle was acquired.

2. Records maintained pursuant to subsection 1 must be retained by the licensed automobile wrecker for a period of at least 2 years.

~~[Sec. 6.]~~ ***Sec. 8.*** NRS 487.250 is hereby amended to read as follows:

487.250 1. The state agency or political subdivision shall, within 48 hours after the appraisal, notify the head of the state agency of the removal of the vehicle. The notice must contain:

(a) A description of the vehicle.

(b) The appraised value of the vehicle.

(c) A statement as to whether the vehicle will be junked, dismantled or otherwise disposed of.

2. The person who removed the vehicle must notify the registered owner and any person having a security interest in the vehicle by registered or certified mail that the vehicle has been removed and will be junked or dismantled or otherwise disposed of unless the registered owner or the person having a security interest in the vehicle responds and pays the costs of removal.

3. Failure to reclaim within 15 days after notification a vehicle appraised at $500 or less constitutes a waiver of interest in the vehicle by any person having an interest in the vehicle.

4. If all recorded interests in a vehicle appraised at $500 or less are waived, either as provided in subsection 3 or by written disclaimer by any person having an interest in the vehicle, the state agency ***, except as otherwise provided in subsection 3 of NRS 487.100,*** shall issue a salvage title pursuant to NRS 487.810 to the automobile wrecker who towed the vehicle or to whom the vehicle may have been delivered, or a certificate of title to the garage owner if the garage owner elects to retain the vehicle and the vehicle is equipped as required by chapter 484D of NRS.

~~[Sec. 7.]~~ ***Sec. 9.*** NRS 487.260 is hereby amended to read as follows:

487.260 1. If the vehicle is appraised at a value of more than $500, the state agency or political subdivision shall dispose of it as provided in NRS 487.270.

2. If the vehicle is appraised as a junk vehicle, the Department may issue a junk certificate to the automobile wrecker or tow operator who removed the vehicle.

3. An automobile wrecker who possesses a junk certificate for a junk vehicle may ~~[dismantle, scrap, crush or otherwise destroy the vehicle.]~~ ***process the vehicle for parts or scrap metal pursuant to section*** ~~[2]~~ ***4 of this act.***

4. A vehicle for which a junk certificate has been issued may be sold to an automobile wrecker by the person to whom the junk certificate was issued by the seller's endorsement on the certificate. ~~[An]~~ ***Except as otherwise provided in subsection 3 of NRS 487.100, an*** automobile wrecker who purchases a vehicle for which a junk certificate has been issued shall immediately affix the business name of the automobile wrecker as purchaser to the first available space provided on the reverse side of the certificate. For the purposes of this subsection, such an automobile wrecker is the owner of the junk vehicle.

5. If insufficient space exists on the reverse side of a junk certificate to transfer the vehicle pursuant to subsection 4, ***except as otherwise provided in subsection 3 of NRS 487.100,*** an automobile wrecker who purchases a junk vehicle for which a junk certificate has been previously issued shall, within 10 days after purchase, apply to the Department for a new junk certificate and surrender the original certificate.

6. A person who sells ~~[, dismantles, scraps, crushes or otherwise destroys]~~ a junk vehicle shall maintain, for at least 2 years, a copy of the junk certificate and a record of the name and address of the person from whom the vehicle was acquired and the date thereof. The person shall allow any peace officer or any investigator employed by a state agency to inspect the records during business hours.

7. ***An automobile wrecker who processes a junk vehicle for parts or scrap metal shall maintain records as required by NRS 487.170.***

8. As used in this section, "junk vehicle" means a vehicle, including component parts, which:

(a) Has been discarded or abandoned;

(b) Has been ruined, wrecked, dismantled or rendered inoperative;

(c) Is unfit for further use in accordance with the original purpose for which it was constructed;

(d) Is not registered with the Department or has not been reclaimed by the registered owner or a person having a security interest in the vehicle within 15 days after notification pursuant to NRS 487.250; and

(e) Has value principally as scrap which does not exceed $200.

~~[Sec. 8.]~~ ***Sec. 10.*** NRS 487.710 is hereby amended to read as follows:

487.710 As used in NRS 487.710 to 487.890, inclusive, ***and*** ~~*[section 2]*~~ ***sections 3 and 4 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 487.720 to 487.790, inclusive, ***and section 3 of this act*** have the meanings ascribed to them in those sections.

Sec. 11. **NRS 487.790 is hereby amended to read as follows:**

487.790 1. "Total loss vehicle" means a motor vehicle:

(a) Of a type which is subject to registration; and

(b) Which has been wrecked, destroyed or otherwise damaged to such an extent that the cost of repair ~~[, not including any cost associated with painting any portion of the vehicle,]~~ is 65 percent or more of the fair market value of the vehicle immediately before it was wrecked, destroyed or otherwise

damaged ~~[.]~~ ***, except that, for the purposes of this paragraph, the cost of repair does not include the cost of:***

(1) Painting any portion of the vehicle;

(2) Replacing electronic components in accordance with the specifications of the manufacturer; or

(3) Towing the vehicle.

2. The term does not include:

(a) A nonrepairable vehicle;

(b) A motor vehicle which is 10 model years old or older and which, to restore the vehicle to its condition before it was wrecked, destroyed or otherwise damaged and regardless of cost, requires the replacement of only:

(1) The hood;

(2) The trunk lid;

(3) ***A fender;***

(4) Two or fewer of the following parts or assemblies, which may be bolted or unbolted:

(I) Doors;

(II) A grill assembly;

(III) A bumper assembly;

(IV) A headlight assembly; or

(V) A taillight assembly; or

~~[(4)]~~ ***(5)*** Any combination of subparagraph (1), (2) ***,*** ~~[or]~~ (3) ~~[,]~~ or ***(4);***

(c) A motor vehicle, regardless of the age of the vehicle, for which the cost to repair the vehicle ~~[, not including any cost associated with painting any portion of the vehicle,]~~ is less than 65 percent of the fair market value of the vehicle immediately before the vehicle was wrecked, destroyed or otherwise damaged ~~[.]~~ ***, except that, for the purposes of this paragraph, the cost of repair does not include the cost of:***

(1) Painting any portion of the vehicle;

(2) Replacing electronic components in accordance with the specifications of the manufacturer; or

(3) Towing the vehicle; or

(d) A motor vehicle that was stolen and subsequently recovered, if the motor vehicle:

(1) Has no structural damage; and

(2) Is missing only tires, wheels, audio or video equipment, or some combination thereof.

3. For the purposes of this section, the model year of manufacture is calculated based on a year beginning on January 1 of the calendar year in which the damage occurs.

~~[Sec. 9.]~~ ***Sec. 12.*** NRS 487.880 is hereby amended to read as follows:

487.880 A nonrepairable vehicle:

1. Must be processed as parts or scrap metal by a licensed automobile wrecker ***.*** ~~[, dismantler or recycler.]~~

2. May not be rebuilt, reconstructed or restored for operation on the highways of this State.

3. Must be issued a certificate by the state agency which indicates that it is a nonrepairable vehicle before any ownership interest in the vehicle may be transferred.

Sec. 13. **NRS 487.890 is hereby amended to read as follows:**

487.890 An estimate of the cost of repair for a motor vehicle pursuant to NRS 487.800:

1. Must be calculated using the cost of the parts and labor required to restore the vehicle to the condition it was in immediately before it was wrecked, destroyed or otherwise damaged. The cost of parts and labor must be based on:

(a) The current published actual retail price of original manufacturer equipment, retail price of new alternative equipment or the actual cost of used parts.

(b) Rates for labor which are commonly charged in the community in which the repairs will be performed.

2. May not include any cost associated with ~~[painting]~~ **:**

(a) Painting any portion of the vehicle **~~[.]~~ *;***

(b) Replacing electronic components in accordance with the specifications of the manufacturer; or

(c) Towing the vehicle.

~~[Sec. 10.]~~ ***Sec. 14.*** The Department of Motor Vehicles shall adopt the regulations necessary to implement the provisions of **sections 1, 4 to 9, inclusive, and 12 of** this act on or before December 31, 2011.

~~[Sec. 11.]~~ ***Sec. 15.*** **1.** This **section and section 14 of this act become effective upon passage and approval.**

2. Sections 2, 3, 10, 11 and 13 of this act become effective on July 1, 2011.

3. Sections 1, 4 to 9, inclusive, and 12 of this act ~~[becomes]~~ **become** effective ~~[upon passage and approval for the purpose of adopting regulations and]~~ on January 1, 2012 **. ~~[, for all other purposes.]~~**

Assemblywoman Dondero Loop moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 81.

Bill read third time.

The following amendment was proposed by the Committee on Legislative Operations and Elections:

Amendment No. 310.

AN ACT relating to elections; ~~[revising provisions relating to declarations of candidacy or acceptance of candidacy;]~~ clarifying ~~[when]~~ **how** a minor political party may be ~~[recognized;]~~ **organized;** revising certain requirements for petitions of referendum; ~~[increasing fees for filing for candidacy; revising~~

~~provisions concerning ballots;~~ revising provisions relating to counting ballots, posting voting results and recounts; ~~[requiring employers to allow employees to be absent to participate in the nomination process for President of the United States;]~~ providing that the residency of spouses of certain military personnel is not changed whether absent or present in this State; making various changes concerning campaign contributions and expenditures; making various other changes to provisions governing elections; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Existing law requires a person to file a declaration of candidacy or acceptance of candidacy in order to have the person's name appear on a ballot. (NRS 293.177, 293C.185) Sections 4 and 31 of this bill prohibit a person from filing a declaration or acceptance of candidacy if the person has an outstanding civil penalty or fine related to a violation of a provision of election law.]~~

In order to qualify to place the names of candidates on the ballot, under existing law, a minor political party must have filed with the Secretary of State a certificate of existence and a list of candidates. Also, the minor political party must have: (1) at the last preceding general election, polled for any of its candidates for partisan office a number of votes equal to or more than 1 percent of the total number of votes cast for the offices of Representative in Congress; (2) been designated as the political party on the applications to register to vote of at least 1 percent of the total number of registered voters in this State; or (3) filed a petition with the Secretary of State which is signed by a number of registered voters equal to at least 1 percent of the total number of votes cast at the last preceding election for the offices of Representative of Congress. Alternatively, the minor political party may place the name of a candidate on the ballot if the minor political party has filed with the Secretary of State a certificate of existence and a petition on behalf of the candidate that it wants to place on the ballot containing a certain number of signatures. (NRS 293.1715) **Sections 16, 16.2 and 16.4 of this bill remove the option of a minor political party to place a candidate on the ballot by filing a petition on behalf of the candidate. Sections 6 and 15-18** of this bill clarify that an organization is ~~[recognized]~~ **organized** as a minor political party when it files a certificate of existence. A minor political party must still meet the other requirements in order to qualify to place candidates on the ballot.

Sections 7-12 and 64 of this bill provide that the signature and verification requirements for initiative petitions also apply to petitions for referendum.

Existing law provides the requirements for nominating candidates for office and placing candidates on the ballot for the general election. (NRS 293.165, 293.166, 293.368) **Sections 13, 14 and 25** of this bill move the date after which no change may be made on the ballot for the general election

from the first Tuesday after the primary election to the fourth Friday in June of the year in which the general election is held.

Existing law provides that if a person willfully files a declaration or acceptance of candidacy that contains a false statement, the name of the person must not appear on the ballot for the election for which the person filed the declaration or acceptance of candidacy. (NRS 293.184, 293C.1865) **Sections 19 and 32** of this bill further require that if the name of such a person appears on the ballot because the deadline for making changes to the ballot has passed, the Secretary of State, county clerk or city clerk must inform voters by posting signs at polling places that the person is disqualified from entering upon the duties of office.

~~[Section 20 of this bill increases the fees for filing for candidacy for federal, state, county, city and township office. Section 20 exempts a person who does not have the ability to pay the fees in certain circumstances.]~~

Section 21 of this bill allows a person to cast a primary ballot for a major political party only if the person is a member of that major political party.

~~[Section 22 of this bill revises the order in which candidates for justice of the Supreme Court will appear on a ballot so that they appear with other constitutional officers.]~~

Existing law sets forth procedures for depositing absent ballots in the ballot box, including verifying the absent voter's signature that appears on the back of the return envelope or facsimile. (NRS 293.333, 293C.332) Because certain military personnel and overseas citizens may return special absent ballots via approved electronic transmission other than facsimile, **sections 23 and 33** of this bill authorize the verification of the signature of these voters by comparing the signature from the special absent ballot or the oath of the voter that must be included in the special absent ballot with that on the original application to register to vote.

Existing law sets forth the period for early voting by personal appearance at a primary or general election, which excludes Sundays and state and federal holidays. (NRS 293.3568, 293C.3568) **Sections 24 and 34** of this bill provide that state holidays are not excluded from that period.

Section 26 of this bill prohibits a county clerk from posting voting results for a statewide or multicounty race or ballot question until the Secretary of State notifies the county clerk that all polling places are closed and all votes have been cast.

Section 27 of this bill ~~[authorizes a person who]~~ **revises the procedure for** demands **for** an election recount in a county or city using a mechanical voting system ~~[to demand the recount of only absent ballots cast by mail.~~

~~Existing law requires an employer to allow an employee to be absent from his or her place of employment for the purpose of voting in an election. (NRS 293.463) Section 28 of this bill requires employers to also allow employees to be absent from their places of employment to participate in the nomination process for candidates for President of the United States at a caucus of a political party.]~~ **and for recounts affecting more than one county.**

Existing law provides that a person does not gain or lose residence in the State by reason of his or her presence or absence while being employed in the military, naval or civil service of the United States or the State of Nevada or while engaged in the navigation of the waters of the United States or of the high seas. (NRS 293.487) **Section 30** of this bill provides that the spouse of such a person also does not gain or lose residence in the State.

Sections 36.5 and 39.5 of this bill differentiate between "campaign expenses" and "expenditures" for purposes of campaign reporting requirements.

Section 37 of this bill requires certain persons, committees for political action, political parties and committees of political parties that ~~[make an expenditure of]~~ **expend** more than $100 for the purpose of financing certain public communications to disclose on the communication the name of the person, committee or political party that paid for the communication.

~~[Section 38 of this bill requires that certain independent expenditures on behalf of a candidate or group of candidates of more than $5,000 be reported to the Secretary of State.~~

~~Existing law limits the amount that may be contributed to a candidate for office to $5,000 for the primary election and $5,000 for the general election. (NRS 294A.100) Section 41 of this bill limits the amount that may be contributed to a committee for political action that is organized solely for the support or opposition of a single candidate to $5,000 for the primary election and $5,000 for the general election.~~

~~Sections 42, 44-48 and 57 of this bill amend the dates for filing reports relating to campaign contribution and expenditures and add an additional report that must be filed by candidates, groups and various parties and committees.]~~

Section 49 of this bill provides that if a committee for political action fails to register with the Secretary of State before engaging in any activity within the State, the Secretary of State may impose on the committee a civil penalty for each time the committee engages in activity without being registered.

Sections 40, 44, 45, 47, 48, 50-53, 55, 59-62 and 69 of this bill repeal the term "business entity" and remove the term from provisions governing registration and campaign contribution and expenditure reporting. These entities, however, are not exempt from the provisions because they are business organizations included within the term "person" as defined in existing law. (NRS 294A.009)

Section 54 of this bill **: (1) prohibits a candidate or public officer from using campaign contributions to pay civil or criminal penalties; and (2)** authorizes a candidate or public officer to use campaign contributions to pay for legal expenses that the candidate or public officer incurred in relation to a campaign or while serving in public office. Any such candidate or public officer is not required to establish a legal defense fund in order to use campaign contributions to pay for legal expenses, but **sections 29, 54, 56, 58,**

59, 61 and 62 of this bill require the candidate or public officer to report the expenditure of such money on his or her campaign expenditure reports.

Section 58 of this bill adds contributions made to another candidate, a nonprofit corporation, a committee for political action or a committee for the recall of a public officer to the categories of expenditures that must be reported on campaign expenditure reports.

Section 65 of this bill requires the affidavit executed by a circulator of a petition for initiative or referendum to include the contact information of the circulator and a statement that the circulator is at least 18 years of age.

~~[~~Section~~]~~ **Sections 65.5 and 66** of this bill **: (1) clarify that a candidate for or person appointed to the office of Legislator is required to file a statement of financial disclosure with the Secretary of State; and (2)** requires a ~~[~~Legislator~~]~~ **public officer who leaves office** to file a statement of financial disclosure on January 15th of the year immediately following the year in which the ~~[~~Legislator's term expires.~~]~~ **public officer leaves office unless the public officer leaves office before January 15 in the prior year.**

Sections 67 and 68 of this bill require that candidates for city office in the cities of Carlin and Wells file declarations of candidacy at the same time as candidates for statewide office.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 293 of NRS is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this act.

Sec. 2. *"Central counting place" means the location designated by the county or city clerk for the compilation of election returns.*

Sec. 3. *"Undervote" means a ballot that has been cast by a voter but shows no legally valid selection for any candidate for a particular office or for a ballot question.*

Sec. 4. ~~*[1. Except as otherwise provided in this section, a person may not submit and the county clerk shall not accept a declaration of candidacy or acceptance of candidacy if a civil penalty has been issued or a fine imposed against the person for a violation of any provision of this title and the civil penalty or fine remains unpaid.*~~

~~*2. Notwithstanding the provisions of subsection 1, a person described in subsection 1 may submit and the county clerk shall accept the declaration of candidacy or acceptance of candidacy if the unpaid civil penalty or fine is under appeal and the person posts a bond with the Secretary of State for the same amount as the unpaid civil penalty or fine.*~~

~~*3. Not later than 15 days before the first day for filing a declaration of candidacy or acceptance of candidacy set forth in NRS 293.177, the Secretary of State shall notify each county clerk of, and post on the Secretary of State's Internet website, the name of any person who is prohibited from filing a declaration of candidacy or acceptance of candidacy pursuant to this section.]*~~ **(Deleted by amendment.)**

Sec. 5. NRS 293.010 is hereby amended to read as follows:

293.010 As used in this title, unless the context otherwise requires, the words and terms defined in NRS 293.013 to 293.121, inclusive, ***and sections 2 and 3 of this act*** have the meanings ascribed to them in those sections.

Sec. 6. NRS 293.066 is hereby amended to read as follows:

293.066 "Minor political party" means any organization which **[**~~qualifies~~**]** ***is [***~~recognized~~***] organized*** as such pursuant to NRS 293.171.

Sec. 7. NRS 293.127561 is hereby amended to read as follows:

293.127561 1. The Legislature shall establish petition districts from which signatures for a petition for initiative ***or referendum*** that proposes a **[**~~statute, an amendment to a statute or an amendment to the Constitution of this State~~**]** ***constitutional amendment or statewide measure*** must be gathered. The petition districts must be established in a manner that is fair to all residents of the State, represent approximately equal populations and ensure that each signature is afforded the same weight.

2. Petition districts must be:

(a) Based on the population databases compiled by the Bureau of the Census of the United States Department of Commerce as validated and incorporated into the geographic information system by the Legislative Counsel Bureau for use by the Nevada Legislature.

(b) Designated in the maps filed with the Office of the Secretary of State pursuant to NRS 293.127562.

Sec. 8. NRS 293.127563 is hereby amended to read as follows:

293.127563 1. As soon as practicable after each general election, the Secretary of State shall determine the number of signatures required to be gathered from each petition district within the State for a petition for initiative ***or referendum*** that proposes a **[**~~statute, an amendment to a statute or an amendment to the Constitution of this State.~~**]** ***constitutional amendment or statewide measure.***

2. To determine the number of signatures required to be gathered from a petition district, the Secretary of State shall calculate the amount that equals 10 percent of the voters who voted in that petition district at the last preceding general election.

Sec. 9. NRS 293.1276 is hereby amended to read as follows:

293.1276 1. Within 4 days, excluding Saturdays, Sundays and holidays, after the submission of a petition containing signatures which are required to be verified pursuant to NRS 293.128, 293.165, 293.172, 293.200, 295.056, 298.109, 306.035 or 306.110, the county clerk shall determine the total number of signatures affixed to the documents and, in the case of a petition for ***initiative or referendum*** proposing a **[**~~statute, an amendment to a statute or an amendment to the Constitution,~~**]** ***constitutional amendment or statewide measure,*** shall tally the number of signatures for each petition district contained fully or partially within the county and forward that information to the Secretary of State.

2. If the Secretary of State finds that the total number of signatures filed with all the county clerks is less than 100 percent of the required number of registered voters, the Secretary of State shall so notify the person who submitted the petition and the county clerks and no further action may be taken in regard to the petition. If the petition is a petition to recall a county, district or municipal officer, the Secretary of State shall also notify the officer with whom the petition is to be filed.

3. After the petition is submitted to the county clerk, it must not be handled by any other person except by an employee of the county clerk's office until it is filed with the Secretary of State.

Sec. 10. NRS 293.1277 is hereby amended to read as follows:

293.1277 1. If the Secretary of State finds that the total number of signatures submitted to all the county clerks is 100 percent or more of the number of registered voters needed to declare the petition sufficient, the Secretary of State shall immediately so notify the county clerks. Within 9 days, excluding Saturdays, Sundays and holidays, after notification, each of the county clerks shall determine the number of registered voters who have signed the documents submitted in the county clerk's county and, in the case of a petition ***for initiative or referendum*** proposing a ~~[statute, an amendment to a statute or an amendment to the Constitution,]~~ ***constitutional amendment or statewide measure,*** shall tally the number of signatures for each petition district contained or fully contained within the county clerk's county.

2. If more than 500 names have been signed on the documents submitted to a county clerk, the county clerk shall examine the signatures by sampling them at random for verification. The random sample of signatures to be verified must be drawn in such a manner that every signature which has been submitted to the county clerk is given an equal opportunity to be included in the sample. The sample must include an examination of at least 500 or 5 percent of the signatures, whichever is greater.

3. In determining from the records of registration the number of registered voters who signed the documents, the county clerk may use the signatures contained in the file of applications to register to vote. If the county clerk uses that file, the county clerk shall ensure that every application in the file is examined, including any application in his or her possession which may not yet be entered into the county clerk's records. The county clerk shall rely only on the appearance of the signature and the address and date included with each signature in making his or her determination.

4. In the case of a petition ***for initiative or referendum*** proposing a ~~[statute, an amendment to a statute or an amendment to the Constitution,]~~ ***constitutional amendment or statewide measure,*** when the county clerk is determining the number of registered voters who signed the documents from each petition district contained fully or partially within the county clerk's county, he or she must use the statewide voter registration list available pursuant to NRS 293.675.

5. Except as otherwise provided in subsection 7, upon completing the examination, the county clerk shall immediately attach to the documents a certificate properly dated, showing the result of the examination, including the tally of signatures by petition district, if required, and transmit the documents with the certificate to the Secretary of State. ~~[~~If~~]~~ ***In the case of a petition for initiative or referendum proposing a constitutional amendment or statewide measure, if*** a petition district comprises more than one county ***,*** ~~[~~and the petition proposes a statute, an amendment to a statute or an amendment to the Constitution,~~]~~ the appropriate county clerks shall comply with the regulations adopted by the Secretary of State pursuant to this section to complete the certificate. A copy of this certificate must be filed in the clerk's office. When the county clerk transmits the certificate to the Secretary of State, the county clerk shall notify the Secretary of State of the number of requests to remove a name received by the county clerk pursuant to NRS 295.055 or 306.015.

6. A person who submits a petition to the county clerk which is required to be verified pursuant to NRS 293.128, 293.165, 293.172, 293.200, 295.056, 298.109, 306.035 or 306.110 must be allowed to witness the verification of the signatures. A public officer who is the subject of a recall petition must also be allowed to witness the verification of the signatures on the petition.

7. For any petition containing signatures which are required to be verified pursuant to the provisions of NRS 293.165, 293.200, 306.035 or 306.110 for any county, district or municipal office within one county, the county clerk shall not transmit to the Secretary of State the documents containing the signatures of the registered voters.

8. The Secretary of State shall by regulation establish further procedures for carrying out the provisions of this section.

Sec. 11. NRS 293.1278 is hereby amended to read as follows:

293.1278 1. If the certificates received by the Secretary of State from all the county clerks establish that the number of valid signatures is less than 90 percent of the required number of registered voters, the petition shall be deemed to have failed to qualify, and the Secretary of State shall immediately so notify the petitioners and the county clerks.

2. If those certificates establish that the number of valid signatures is equal to or more than the sum of 100 percent of the number of registered voters needed to make the petition sufficient plus the total number of requests to remove a name received by the county clerks pursuant to NRS 295.055 or 306.015 and, in the case of a petition ***for initiative or referendum*** proposing a ~~[~~statute, an amendment to a statute or an amendment to the Constitution,~~]~~ ***constitutional amendment or statewide measure,*** that the petition has the minimum number of signatures required for each petition district, the petition shall be deemed to qualify as of the date of receipt by the Secretary of State of those certificates, and the Secretary of State shall immediately so notify the petitioners and the county clerks.

3. If the certificates establish that the petitioners have 100 percent or more of the number of registered voters needed to make the petition sufficient but the petition fails to qualify pursuant to subsection 2, each county clerk who received a request to remove a name pursuant to NRS 295.055 or 306.015 shall remove each name as requested, amend the certificate and transmit the amended certificate to the Secretary of State. If the amended certificates establish that the petitioners have 100 percent or more of the number of registered voters needed to make the petition sufficient and, in the case of a petition ***for initiative or referendum*** proposing a ~~[statute, an amendment to a statute or an amendment to the Constitution,]~~ ***constitutional amendment or statewide measure,*** that the petition has the minimum number of signatures required for each petition district, the petition shall be deemed to qualify as of the date of receipt by the Secretary of State of the amended certificates, and the Secretary of State shall immediately so notify the petitioners and the county clerks.

Sec. 12. NRS 293.1279 is hereby amended to read as follows:

293.1279 1. If the statistical sampling shows that the number of valid signatures filed is 90 percent or more, but less than the sum of 100 percent of the number of signatures of registered voters needed to declare the petition sufficient plus the total number of requests to remove a name received by the county clerks pursuant to NRS 295.055 or 306.015, the Secretary of State shall order the county clerks to examine the signatures for verification. The county clerks shall examine the signatures for verification until they determine that 100 percent of the number of signatures of registered voters needed to declare the petition sufficient are valid. If the county clerks received a request to remove a name pursuant to NRS 295.055 or 306.015, the county clerks may not determine that 100 percent of the number of signatures of registered voters needed to declare the petition sufficient are valid until they have removed each name as requested pursuant to NRS 295.055 or 306.015.

2. Except as otherwise provided in this subsection, if the statistical sampling shows that the number of valid signatures filed in any county is 90 percent or more but less than the sum of 100 percent of the number of signatures of registered voters needed to constitute 10 percent of the number of voters who voted at the last preceding general election in that county plus the total number of requests to remove a name received by the county clerk in that county pursuant to NRS 295.055 or 306.015, the Secretary of State may order the county clerk in that county to examine every signature for verification. If the county clerk received a request to remove a name pursuant to NRS 295.055 or 306.015, the county clerk may not determine that 100 percent or more of the number of signatures of registered voters needed to constitute 10 percent of the number of voters who voted at the last preceding general election in that county are valid until the county clerk has removed each name as requested pursuant to NRS 295.055 or 306.015. In the case of a petition for initiative ***or referendum*** that proposes a ~~[statute, an amendment~~

~~to a statute or an amendment to the Constitution of this State,~~] ***constitutional amendment or statewide measure,*** if the statistical sampling shows that the number of valid signatures in any petition district is 90 percent or more but less than the sum of 100 percent of the number of signatures of registered voters required for that petition district pursuant to NRS 295.012 plus the total number of requests to remove a name received by the county clerk or county clerks, if the petition district comprises more than one county, pursuant to NRS 295.055, the Secretary of State may order a county clerk to examine every signature for verification.

3. Within 12 days, excluding Saturdays, Sundays and holidays, after receipt of such an order, the county clerk or county clerks shall determine from the records of registration what number of registered voters have signed the petition and, if appropriate, tally those signatures by petition district. If necessary, the board of county commissioners shall allow the county clerk additional assistants for examining the signatures and provide for their compensation. In determining from the records of registration what number of registered voters have signed the petition and in determining in which petition district the voters reside, the county clerk must use the statewide voter registration list. The county clerk may rely on the appearance of the signature and the address and date included with each signature in determining the number of registered voters that signed the petition.

4. Except as otherwise provided in subsection 5, upon completing the examination, the county clerk or county clerks shall immediately attach to the documents of the petition an amended certificate, properly dated, showing the result of the examination and shall immediately forward the documents with the amended certificate to the Secretary of State. A copy of the amended certificate must be filed in the county clerk's office. In the case of a petition ***for initiative or referendum*** to propose a [~~statute, an amendment to a statute or an amendment to the Constitution,~~] ***constitutional amendment or statewide measure,*** if a petition district comprises more than one county, the county clerks shall comply with the regulations adopted by the Secretary of State pursuant to this section to complete the amended certificate.

5. For any petition containing signatures which are required to be verified pursuant to the provisions of NRS 293.165, 293.200, 306.035 or 306.110 for any county, district or municipal office within one county, the county clerk shall not forward to the Secretary of State the documents containing the signatures of the registered voters.

6. Except for a petition to recall a county, district or municipal officer, the petition shall be deemed filed with the Secretary of State as of the date on which the Secretary of State receives certificates from the county clerks showing the petition to be signed by the requisite number of voters of the State.

7. If the amended certificates received from all county clerks by the Secretary of State establish that the petition is still insufficient, the Secretary of State shall immediately so notify the petitioners and the county clerks. If

the petition is a petition to recall a county, district or municipal officer, the Secretary of State shall also notify the officer with whom the petition is to be filed.

8. The Secretary of State shall adopt regulations to carry out the provisions of this section.

Sec. 13. NRS 293.165 is hereby amended to read as follows:

293.165 1. Except as otherwise provided in NRS 293.166, a vacancy occurring in a major or minor political party nomination for a partisan office may be filled by a candidate designated by the party central committee of the county or State, as the case may be, of the major political party or by the executive committee of the minor political party subject to the provisions of subsections 4 and 5.

2. A vacancy occurring in a nonpartisan nomination after the close of filing and on or before 5 p.m. of the second Tuesday in April must be filled by filing a nominating petition that is signed by registered voters of the State, county, district or municipality who may vote for the office in question. The number of registered voters who sign the petition must not be less than 1 percent of the number of persons who voted for the office in question in the State, county, district or municipality at the last preceding general election. The petition must be filed not earlier than the first Tuesday in March and not later than the fourth Tuesday in April. The petition may consist of more than one document. Each document must bear the name of one county and must be signed only by a person who is a registered voter of that county and who may vote for the office in question. Each document of the petition must be submitted for verification pursuant to NRS 293.1276 to 293.1279, inclusive, to the county clerk of the county named on the document. A candidate nominated pursuant to the provisions of this subsection:

(a) Must file a declaration of candidacy or acceptance of candidacy and pay the statutory filing fee on or before the date the petition is filed; and

(b) May be elected only at a general election, and the candidate's name must not appear on the ballot for a primary election.

3. A vacancy occurring in a nonpartisan nomination after 5 p.m. of the second Tuesday in April and on or before 5 p.m. on the ~~[first Tuesday after the primary election]~~ ***fourth Friday in June of the year in which the general election is held*** must be filled by the person who receives the next highest vote for the nomination in the primary.

4. No change may be made on the ballot for the general election after 5 p.m. on the ~~[first Tuesday after the primary election.]~~ ***fourth Friday in June of the year in which the general election is held.*** If a nominee dies after that time and date, the nominee's name must remain on the ballot for the general election and, if elected, a vacancy exists.

5. All designations provided for in this section must be filed on or before 5 p.m. on the ~~[first Tuesday after the primary election.]~~ ***fourth Friday in June of the year in which the general election is held.*** In each case, the

statutory filing fee must be paid and an acceptance of the designation must be filed on or before 5 p.m. on the date the designation is filed.

Sec. 14. NRS 293.166 is hereby amended to read as follows:

293.166 1. A vacancy occurring in a party nomination for the office of State Senator, Assemblyman or Assemblywoman from a legislative district comprising more than one county may be filled as follows, subject to the provisions of subsections 2 and 3. The county commissioners of each county, all or part of which is included within the legislative district, shall meet to appoint a person who is of the same political party as the former nominee and who actually, as opposed to constructively, resides in the district to fill the vacancy, with the chair of the board of county commissioners of the county whose population residing within the district is the greatest presiding. Each board of county commissioners shall first meet separately and determine the single candidate it will nominate to fill the vacancy. Then, the boards shall meet jointly and the chairs on behalf of the boards shall cast a proportionate number of votes according to the percent, rounded to the nearest whole percent, which the population of its county is of the population of the entire district. Populations must be determined by the last decennial census or special census conducted by the Bureau of the Census of the United States Department of Commerce. The person who receives a plurality of these votes is appointed to fill the vacancy. If no person receives a plurality of the votes, the boards of county commissioners of the respective counties shall each as a group select one candidate, and the nominee must be chosen by drawing lots among the persons so selected.

2. No change may be made on the ballot after the ~~[~~first Tuesday after the primary election~~]~~ ***fourth Friday in June*** of the year in which the general election is held. If a nominee dies after that date, the nominee's name must remain on the ballot and, if elected, a vacancy exists.

3. The designation of a nominee pursuant to this section must be filed with the Secretary of State ***on or*** before 5 p.m. on the ~~[~~first Tuesday after the primary election,~~]~~ ***fourth Friday in June of the year in which the general election is held,*** and the statutory filing fee must be paid with the designation.

Sec. 15. NRS 293.171 is hereby amended to read as follows:

293.171 1. To ~~[~~qualify~~]~~ ***be*** ~~*[recognized]*~~ ***organized*** as a minor political party, an organization must file with the Secretary of State a certificate of existence which includes the:

(a) Name of the political party;

(b) Names of its officers;

(c) Names of the members of its executive committee; and

(d) Name of the person authorized to file the list of its candidates for partisan office with the Secretary of State.

2. A copy of the constitution or bylaws of the party must be affixed to the certificate.

3. A minor political party shall file with the Secretary of State an amended certificate of existence within 5 days after any change in the information contained in the certificate.

4. The constitution or bylaws of a minor political party must provide a procedure for the nomination of its candidates in such a manner that only one candidate may be nominated for each office.

5. A minor political party whose candidates for partisan office do not appear on the ballot for the general election must file a notice of continued existence with the Secretary of State not later than the second Friday in August preceding the general election.

6. A minor political party which fails to file a notice of continued existence as required by subsection 5 ceases to exist as a minor political party in this State.

Sec. 16. NRS 293.1715 is hereby amended to read as follows:

293.1715 1. The names of the candidates for partisan office of a minor political party must not appear on the ballot for a primary election.

2. The names of the candidates for partisan office of a minor political party must be placed on the ballot for the general election if the ***minor political*** party ~~[has]~~ ***is qualified. To qualify as a minor political party, the minor political party must have*** filed a certificate of existence and ***be*** ~~*[recognized]*~~ ***organized pursuant to NRS 293.171, must have filed*** a list of its candidates for partisan office pursuant to the provisions of NRS 293.1725 with the Secretary of State and:

(a) At the last preceding general election, the minor political party ***must have*** polled for any of its candidates for partisan office a number of votes equal to or more than 1 percent of the total number of votes cast for the offices of Representative in Congress;

(b) On January 1 preceding a primary election, the minor political party ~~[has]~~ ***must have*** been designated as the political party on the applications to register to vote of at least 1 percent of the total number of registered voters in this State; or

(c) Not later than the ~~[second]~~ ***third*** Friday in ~~[June]~~ ***May*** preceding the general election, ~~[files]~~ ***must file*** a petition with the Secretary of State which is signed by a number of registered voters equal to at least 1 percent of the total number of votes cast at the last preceding general election for the offices of Representative in Congress.

3. ~~[The name of a candidate for partisan office for a minor political party other than a candidate for the office of President or Vice President of the United States must be placed on the ballot for the general election if the *minor political* party has filed:~~

~~(a) A certificate of existence]~~ ~~[;]~~ ~~*[and is recognized pursuant to NRS 293.171;*~~

~~(b) A list of candidates for partisan office containing the name of the candidate pursuant to the provisions of NRS 293.1725 with the Secretary of State; and~~

~~(c) Not earlier than the first Monday in March preceding the general election and not later than 5 p.m. on the second Friday after the first Monday in March, a petition on behalf of the candidate with the Secretary of State containing not less than:~~

~~(1) Two hundred fifty signatures of registered voters if the candidate is to be nominated for a statewide office; or~~

~~(2) One hundred signatures of registered voters if the candidate is to be nominated for any office except a statewide office.~~

~~➡ A minor political party that places names of one or more candidates for partisan office on the ballot pursuant to this subsection may also place the names of one or more candidates for partisan office on the ballot pursuant to subsection 2.~~

~~4.~~ The name of only one candidate of each minor political party for each partisan office may appear on the ballot for a general election.

~~[5.]~~ ***4.*** A minor political party must file a copy of the petition required by paragraph (c) of subsection 2 ~~[or paragraph (c) of subsection 3]~~ with the Secretary of State before the petition may be circulated for signatures.

Sec. 16.2. **NRS 293.172 is hereby amended to read as follows:**

293.172 1. A petition filed pursuant to subsection 2 ~~[or 3]~~ of NRS 293.1715 may consist of more than one document. Each document of the petition must:

(a) Bear the name of the minor political party and, if applicable, the candidate and office to which the candidate is to be nominated.

(b) Include the affidavit of the person who circulated the document verifying that the signers are registered voters in this State according to his or her best information and belief and that the signatures are genuine and were signed in his or her presence.

(c) Bear the name of a county and be submitted to the county clerk of that county for verification in the manner prescribed in NRS 293.1276 to 293.1279, inclusive, not later than 25 working days before the last day to file the petition. A challenge to the form of a document must be made in a district court in the county that is named on the document.

(d) Be signed only by registered voters of the county that is named on the document.

2. If the office to which the candidate is to be nominated is a county office, only the registered voters of that county may sign the petition. If the office to which the candidate is to be nominated is a district office, only the registered voters of that district may sign the petition.

3. Each person who signs a petition shall also provide the address of the place where he or she resides, the date that he or she signs and the name of the county in which he or she is registered to vote.

4. The county clerk shall not disqualify the signature of a voter who failed to provide all the information required by subsection 3 if the voter is registered in the county named on the document.

Sec. 16.4. **NRS 293.1725 is hereby amended to read as follows:**

293.1725 1. Except as otherwise provided in subsection 4, a minor political party that wishes to place its candidates for partisan office on the ballot for a general election and:

(a) Is entitled to do so pursuant to paragraph (a) or (b) of subsection 2 of NRS 293.1715; ***or***

(b) Files or will file a petition pursuant to paragraph (c) of subsection 2 of NRS 293.1715**, ~~[; or~~**

~~(c) Whose candidates are entitled to appear on the ballot pursuant to subsection 3 of NRS 293.1715,~~**]**

➥ must file with the Secretary of State a list of its candidates for partisan office not earlier than the first Monday in March preceding the election nor later than 5 p.m. on the second Friday after the first Monday in March. The list must be signed by the person so authorized in the certificate of existence of the minor political party before a notary public or other person authorized to take acknowledgments. ~~[The Secretary of State shall strike from the list each candidate who is not entitled to appear on the ballot pursuant to subsection 3 of NRS 293.1715 if the minor political party is not entitled to place candidates on the ballot pursuant to subsection 2 of NRS 293.1715.]~~ The list may be amended not later than 5 p.m. on the second Friday after the first Monday in March.

2. The Secretary of State shall immediately forward a certified copy of the list of candidates for partisan office of each minor political party to the filing officer with whom each candidate must file his or her declaration of candidacy.

3. Each candidate on the list must file his or her declaration of candidacy with the appropriate filing officer and pay the fee required by NRS 293.193 not earlier than the date on which the list of candidates for partisan office of the minor political party is filed with the Secretary of State nor later than 5 p.m. on the second Friday after the first Monday in March.

4. A minor political party that wishes to place candidates for the offices of President and Vice President of the United States on the ballot and has qualified to place the names of its candidates for partisan office on the ballot for the general election pursuant to subsection 2 of NRS 293.1715 must file with the Secretary of State a certificate of nomination for these offices not later than the first Tuesday in September.

Sec. 17. NRS 293.174 is hereby amended to read as follows:

293.174 ~~[1.]~~ If the qualification of a minor political party ***to place the names of candidates on the ballot pursuant to NRS 293.1715*** is challenged, all affidavits and documents in support of the challenge must be filed not later than 5 p.m. on the third Friday in June. Any judicial proceeding resulting from the challenge must be set for hearing not more than 5 days after the third Friday in June. A challenge pursuant to this ~~[subsection]~~ ***section*** must be filed with the First Judicial District Court if the petition was filed with the Secretary of State.

~~[2. If the qualification of a candidate of a minor political party other than a candidate for the office of President or Vice President of the United States is challenged, all affidavits and documents in support of the challenge must be filed not later than 5 p.m. on the fourth Monday in March. Any judicial proceeding resulting from the challenge must be set for hearing not more than 5 days after the fourth Monday in March. A challenge pursuant to this subsection must be filed with:~~

~~(a) The First Judicial District Court; or~~

~~(b) If a candidate who filed a declaration of candidacy with a county clerk is challenged, the district court for the county where the declaration of candidacy was filed.]~~

Sec. 18. NRS 293.176 is hereby amended to read as follows:

293.176 1. Except as otherwise provided in subsection 2, no person may be a candidate of a major political party for partisan office in any election if the person has changed:

(a) The designation of his or her political party affiliation; or

(b) His or her designation of political party from nonpartisan to a designation of a political party affiliation,

➥ on an application to register to vote in the State of Nevada or in any other state during the time beginning on December 31 preceding the closing filing date for that election and ending on the date of that election whether or not the person's previous registration was still effective at the time of the change in party designation.

2. The provisions of subsection 1 do not apply to any person who is a candidate of a political party that ~~[was]~~ ***is*** not ~~[qualified]~~ ~~*[recognized]*~~ ***organized*** pursuant to NRS 293.171 on the December 31 next preceding the closing filing date for the election.

Sec. 19. NRS 293.184 is hereby amended to read as follows:

293.184 ***1.*** In addition to any other penalty provided by law, if a person ~~[knowingly and]~~ willfully files a declaration of candidacy or acceptance of candidacy ~~[which]~~ ***knowing that the declaration of candidacy or acceptance of candidacy*** contains a false statement:

~~[1. The]~~

(a) Except as otherwise provided in NRS 293.165 and 293.166, the name of the person must not appear on any ballot for the election for which the person filed the declaration of candidacy or acceptance of candidacy; and

~~[2.]~~ ***(b)*** The person is disqualified from entering upon the duties of the office for which he or she was a candidate.

2. If the name of a person who is disqualified from entering upon the duties of an office pursuant to subsection 1 appears on a ballot for the election is disqualified because the deadline set forth in NRS 293.165 and 293.166 for making changes to the ballot has passed, the Secretary of State and county clerk must post a sign at each polling place where the person's name will appear on the ballot informing voters that the person is disqualified from entering upon the duties of office.

Sec. 20. ~~[NRS 293.193 is hereby amended to read as follows:~~

~~293.193 1. [Fees] *Except as otherwise provided in subsection 6, fees* as listed in this section for filing declarations of candidacy or acceptances of candidacy must be paid to the filing officer by cash, cashier's check or certified check.~~

~~United States Senator [$500] *$3,000*~~
~~Representative in Congress [300] *2,000*~~
~~Governor [300] *2,000*~~
~~Justice of the Supreme Court [300] *1,500*~~
~~Any state office, other than Governor or justice of the Supreme Court [200] *1,500*~~
~~District judge [150] *500*~~
~~Justice of the peace [100] *250*~~
~~Any county office [100] *300*~~
~~State Senator [100] *300*~~
~~Assemblyman or Assemblywoman [100] *300*~~
~~Any district office other than district judge [30] *100*~~
~~Constable or other town or township office [30] *100*~~

~~For the purposes of this subsection, trustee of a county school district, hospital or hospital district is not a county office.~~

~~2. [No] *Except as otherwise provided in subsections 3 and 6, no* filing fee may be required from a candidate for an office the holder of which receives no compensation. *The provisions of this subsection apply even if the holder is eligible to receive per diem or reimbursement of expenses.*~~

~~3. *Except in the case of a State Senator, Assemblyman or Assemblywoman, and except as otherwise provided in subsection 6, a filing fee of $25 is required from a candidate for an office the holder of which receives annual compensation in the amount of $1,000 or less.*~~

~~*4.* The county clerk shall pay to the county treasurer all filing fees received from candidates. The county treasurer shall deposit the money to the credit of the general fund of the county.~~

~~[4.] *5.* Except as otherwise provided in NRS 293.194, a filing fee paid pursuant to this section is not refundable.~~

~~*6. A candidate for an office is not required to pay the filing fee required pursuant to this section if the candidate files with his or her declaration of candidacy or acceptance of candidacy:*~~

~~*(a) An affidavit, in the form prescribed by the Secretary of State and signed under penalty of perjury, that the candidate does not have the financial ability to pay the filing fee; and*~~

~~*(b) A petition to include the candidate on the ballot for the relevant office. Such a petition is subject to the requirements set forth in NRS 293.12757 to 293.1279, inclusive, must be in the form prescribed by the Secretary of State and must contain at least a number of signatures of registered voters within the candidate's district that is not less than the*~~

~~*amount of the filing fee prescribed by subsection 1, 2 or 3, as applicable.* ~~**(Deleted by amendment.)**

Sec. 21. NRS 293.257 is hereby amended to read as follows:

293.257 1. There must be a separate primary ballot for each major political party. The names of candidates for partisan offices who have designated a major political party in the declaration of candidacy or acceptance of candidacy must appear on the primary ballot of the major political party designated.

2. The county clerk may choose to place the names of candidates for nonpartisan offices on the ballots for each major political party or on a separate nonpartisan primary ballot, but the arrangement which the county clerk selects must permit all registered voters to vote on them.

3. A registered voter may cast a primary ballot for a major political party at a primary election only if the registered voter designated on his or her application to register to vote an affiliation with that major political party.

Sec. 22. ~~[NRS 293.268 is hereby amended to read as follows:~~

~~293.268 The offices for which there are candidates, the names of the candidates therefor, and the questions to be voted upon must be printed on ballots in the following order:~~

~~1. President and Vice President of the United States.~~

~~2. United States Senator and Representative in Congress, in that sequence.~~

~~3. Governor, Lieutenant Governor, Secretary of State, Treasurer, Controller~~ ~~**,** [~~and~~**]** ~~Attorney General~~ ~~**[,]** ***and justice of the Supreme Court,*** ~~in that sequence.~~

~~4. State Senators and members of the Assembly.~~

~~5. County and township partisan offices.~~

~~6. **[**~~Statewide~~**]** ***Except as otherwise provided in subsection 3, statewide*** ~~nonpartisan offices.~~

~~7. District nonpartisan offices.~~

~~8. County nonpartisan offices.~~

~~9. City offices:~~

~~(a) Mayor;~~

~~(b) Council members according to ward in numerical order, if no wards, in alphabetical order; and~~

~~(c) Municipal judges.~~

~~10. Township nonpartisan offices.~~

~~11. Questions presented to the voters of the State with advisory questions listed in consecutive order after any other questions presented to the voters of the State.~~

~~12. Questions presented only to the voters of a special district or political subdivision of the State with advisory questions listed in consecutive order after any other questions presented only to the voters of a special district or political subdivision of the State.~~**]** **(Deleted by amendment.)**

Sec. 23. NRS 293.333 is hereby amended to read as follows:

293.333 On the day of an election, the precinct or district election boards receiving the absent voters' ballots from the county clerk shall, in the presence of a majority of the election board officers, remove the ballots from the ballot box and the containers in which the ballots were transported pursuant to NRS 293.325 and deposit the ballots in the regular ballot box in the following manner:

1. The name of the voter, as shown on the return envelope **,** ~~[or]~~ facsimile, ***special absent ballot or oath of the voter required pursuant to NRS 293.3157, as applicable,*** must be called and checked as if the voter were voting in person;

2. The signature on the back of the return envelope or on the facsimile **,** ***special absent ballot or oath of the voter required pursuant to NRS 293.3157, as applicable,*** must be compared with that on the original application to register to vote;

3. If the board determines that the absent voter is entitled to cast a ballot, the envelope must be opened, the numbers on the ballot and envelope compared, the number strip or stub detached from the ballot and, if the numbers are the same, the ballot deposited in the regular ballot box; and

4. The election board officers shall mark in the roster opposite the name of the voter the word "Voted."

Sec. 24. NRS 293.3568 is hereby amended to read as follows:

293.3568 1. The period for early voting by personal appearance begins the third Saturday preceding a primary or general election and extends through the Friday before election day, Sundays and ***federal*** holidays excepted.

2. The county clerk may:

(a) Include any Sunday or ***federal*** holiday that falls within the period for early voting by personal appearance.

(b) Require a permanent polling place for early voting to remain open until 8 p.m. on any Saturday that falls within the period for early voting.

3. A permanent polling place for early voting must remain open:

(a) On Monday through Friday:

(1) During the first week of early voting, from 8 a.m. until 6 p.m.

(2) During the second week of early voting, from 8 a.m. until 6 p.m., or until 8 p.m. if the county clerk so requires.

(b) On any Saturday that falls within the period for early voting, for at least 4 hours between 10 a.m. and 6 p.m.

(c) If the county clerk includes a Sunday that falls within the period for early voting pursuant to subsection 2, during such hours as the county clerk may establish.

Sec. 25. NRS 293.368 is hereby amended to read as follows:

293.368 1. Whenever a candidate whose name appears upon the ballot at a primary election dies after 5 p.m. of the second Tuesday in April, the deceased candidate's name must remain on the ballot and the votes cast for

the deceased candidate must be counted in determining the nomination for the office for which the decedent was a candidate.

2. If the deceased candidate on the ballot at the primary election receives the number of votes required to receive the nomination to the office for which he or she was a candidate, except as otherwise provided in subsection 3 of NRS 293.165, the deceased candidate shall be deemed nominated and the vacancy in the nomination must be filled as provided in NRS 293.165 or 293.166. If the deceased person was a candidate for a nonpartisan office, the nomination must be filled pursuant to subsection 2 of NRS 293.165.

3. Whenever a candidate whose name appears upon the ballot at a general election dies after 5 p.m. on the ~~[first Tuesday after the primary election,]~~ ***fourth Friday in June of the year in which the general election is held,*** the votes cast for the deceased candidate must be counted in determining the results of the election for the office for which the decedent was a candidate.

4. If the deceased candidate on the ballot at the general election receives the majority of the votes cast for the office, the deceased candidate shall be deemed elected and the office to which he or she was elected shall be deemed vacant at the beginning of the term for which he or she was elected. The vacancy thus created must be filled in the same manner as if the candidate had died after taking office for that term.

Sec. 26. NRS 293.383 is hereby amended to read as follows:

293.383 1. Except as otherwise provided in ~~[subsection 2,]~~ ***this section,*** each counting board, before it adjourns, shall post a copy of the voting results in a conspicuous place on the outside of the place where the votes were counted.

2. ~~[When]~~ ***Except as otherwise provided in subsection 3, when*** votes are cast on ballots which are mechanically or electronically tabulated in accordance with the provisions of chapter 293B of NRS, the county clerk shall, as soon as possible, post copies of the tabulated voting results in a conspicuous place on the outside of the counting facility or courthouse.

3. ***The Secretary of State shall notify each county clerk as soon as is reasonably practicable when every polling place is closed and all votes have been cast. A county clerk shall not post copies of the tabulated voting results for a statewide or multicounty race or ballot question until the county clerk has received notification from the Secretary of State that all polling places are closed and all votes have been cast.***

4. Each copy of the voting results posted in accordance with subsections 1 ***,*** ~~[and]~~ 2 ***and 3*** must set forth the accumulative total of all the votes cast within the county or other political subdivision conducting the election and must be signed by the members of the counting board or the computer program and processing accuracy board.

Sec. 27. NRS 293.404 is hereby amended to read as follows:

293.404 1. Where a recount is demanded pursuant to the provisions of NRS 293.403, the:

(a) County clerk of each county affected by the recount shall employ a recount board to conduct the recount in the county, and shall act as chair of the recount board unless the recount is for the office of county clerk, in which case the registrar of voters of the county, if a registrar of voters has been appointed for the county, shall act as chair of the recount board. If a registrar of voters has not been appointed for the county, the chair of the board of county commissioners, if the chair is not a candidate on the ballot, shall act as chair of the recount board. If the recount is for the office of county clerk, a registrar of voters has not been appointed for the county and the chair of the board of county commissioners is a candidate on the ballot, the chair of the board of county commissioners shall appoint another member of the board of county commissioners who is not a candidate on the ballot to act as chair of the recount board. A member of the board of county commissioners who is a candidate on the ballot may not serve as a member of the recount board.

(b) City clerk shall employ a recount board to conduct the recount in the city, and shall act as chair of the recount board unless the recount is for the office of city clerk, in which case the mayor of the city, if the mayor is not a candidate on the ballot, shall act as chair of the recount board. If the recount is for the office of city clerk and the mayor of the city is a candidate on the ballot, the mayor of the city shall appoint another member of the city council who is not a candidate on the ballot to act as chair of the recount board. A member of the city council who is a candidate on the ballot may not serve as a member of the recount board.

2. Each candidate for the office affected by the recount and the voter who demanded the recount, if any, may be present in person or by an authorized representative, but may not be a member of the recount board.

3. Except in counties or cities using a mechanical voting system, the recount must include a count and inspection of all ballots, including rejected ballots, and must determine whether those ballots are marked as required by law.

4. If a recount is demanded in a county or city using a mechanical voting system, the person who demanded the recount shall select the ballots for the office or ballot question affected from 5 ~~[:~~

~~*(a) Five]*~~ percent of the ***total number of*** precincts ~~[,]~~ ***for that particular office or ballot question,*** but in no case fewer than three precincts, after notification to each candidate for the office or the candidate's authorized representative . ~~*[; or*~~

~~*(b) The absent ballots cast by mail in that county or city.]*~~

5. The recount board shall examine the selected ballots, including any duplicate or rejected ballots, shall determine whether the ballots have been voted in accordance with this title and shall ~~[count]~~ ***recount*** the valid ballots ~~[by hand. In addition, a recount by computer must be made of all the selected ballots.]~~ ***in the same manner in which the ballots were originally tabulated.*** If the ~~[count by hand or the]~~ recount ~~[by computer]~~ of the selected ballots ***for***

all 5 percent of the precincts selected shows a ***total combined*** discrepancy ***of all precincts selected*** equal to or greater than 1 percent or five votes, whichever is greater, for the candidate demanding the recount or the candidate who won the election according to the original canvass of the returns, or in favor of or against a ballot question, according to the original canvass of the returns, the county or city clerk ***, as applicable,*** shall ***determine whether the person who demanded the recount is entitled to a recount and, if so, shall*** order a ~~[count by hand]~~ ***recount*** of all the ballots for that office or ballot question. ~~[Otherwise, the county or city clerk shall order a recount by computer of all the ballots for all candidates for the office or all the ballots for the ballot question.]~~

~~[5.]~~ ***6.*** The county or city clerk shall unseal and give to the recount board all ballots to be counted.

~~[6.]~~ ***7.*** In the case of a demand for a recount affecting more than one county, ***including, without limitation, a statewide office or a ballot question,*** the demand must be made to the Secretary of State ***.*** ~~[.]~~ ***The person*** who ***demanded the recount shall select the ballots for the statewide office or ballot question affected from 5 percent of the total number of precincts for that particular office or ballot question after notification to each candidate for the office or the candidate's representative. The Secretary of State*** shall notify the county clerks ~~[to proceed with the recount.]~~ ***of the 5 percent of statewide precincts selected by the person who demanded the recount to examine the ballots in accordance with the provisions of this section and to notify the Secretary of State of the results of the recount in their respective precincts. If the separate examinations, when combined, show a total discrepancy equal to or greater than 1 percent for the candidate demanding the recount or the candidate who won the election, according to the original canvass of the returns, or in favor of or against a ballot question, according to the original canvass of the returns, the Secretary of State shall determine whether the person who demanded the recount is entitled to a recount and, if so, shall order the county or city clerk, as applicable, to recount all the ballots for that office or ballot question.***

8. The Secretary of State may adopt regulations to carry out the provisions of this section.

Sec. 28. ~~[NRS 293.463 is hereby amended to read as follows:~~

~~293.463 1. Any registered voter may be absent from his or her place of employment at a time to be designated by the employer for a sufficient time to vote~~ **[**,**]** ~~*or participate in the nomination process for candidates for President of the United States at a caucus of a political party,* if it is impracticable for the voter to vote *or participate in the nomination process* before or after his or her hours of employment. A sufficient time to vote shall be determined as follows:~~

~~(a) If the distance between the place of such voter's employment and the polling place *or place where the caucus is held, as applicable,* where such person votes is 2 miles or less, 1 hour.~~

~~(b) If the distance is more than 2 miles but not more than 10 miles, 2 hours.~~

~~(c) If the distance is more than 10 miles, 3 hours.~~

~~2. Such voter may not, because of such absence, be discharged, disciplined or penalized, nor shall any deduction be made from his or her usual salary or wages by reason of such absence.~~

~~3. Application for leave of absence to vote *or participate in the nomination process* shall be made to the employer or person authorized to grant such leave prior to the day of the election.~~

~~4. Any employer or person authorized to grant the leave of absence provided for in subsection 1, who denies any registered voter any right granted under this section, or who otherwise violates the provisions of this section, is guilty of a misdemeanor.~~ **(Deleted by amendment.)**

Sec. 29. NRS 293.4687 is hereby amended to read as follows:

293.4687 1. The Secretary of State shall maintain a website on the Internet for public information maintained, collected or compiled by the Secretary of State that relates to elections, which must include, without limitation:

(a) The Voters' Bill of Rights required to be posted on the Secretary of State's Internet website pursuant to the provisions of NRS 293.2549;

(b) The abstract of votes required to be posted on a website pursuant to the provisions of NRS 293.388;

(c) A current list of the registered voters in this State that also indicates the petition district in which each registered voter resides;

(d) A map or maps indicating the boundaries of each petition district; and

(e) All reports on campaign contributions and expenditures submitted to the Secretary of State pursuant to the provisions of NRS 294A.120, 294A.125, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220, 294A.270, 294A.280, 294A.283, 294A.360 and 294A.362 ~~*[and section 38 of this act]*~~ and all reports on contributions received by and expenditures made from a legal defense fund ***or used to pay for legal expenses*** submitted to the Secretary of State pursuant to NRS 294A.286.

2. The abstract of votes required to be maintained on the website pursuant to paragraph (b) of subsection 1 must be maintained in such a format as to permit the searching of the abstract of votes for specific information.

3. If the information required to be maintained by the Secretary of State pursuant to subsection 1 may be obtained by the public from a website on the Internet maintained by a county clerk or city clerk, the Secretary of State may provide a hyperlink to that website to comply with the provisions of subsection 1 with regard to that information.

Sec. 30. NRS 293.487 is hereby amended to read as follows:

293.487 No person may gain or lose residence by reason of his or her presence or absence while ~~[~~employed~~]~~ ***:***

1. Employed in the military, naval or civil service of the United States or of the State of Nevada, or while engaged in the navigation of the waters of the United States or of the high seas ~~[~~, or while a~~]~~ ***or while married to another person who is so employed or engaged;***

2. A student at any seminary or other institution of learning ~~[~~, or while an~~]~~ ***; or***

3. An inmate of any public institution.

Sec. 31. ~~[~~Chapter 293C of NRS is hereby amended by adding thereto a new section to read as follows:

~~***1. Except as otherwise provided in this section, a person may not submit and the city clerk shall not accept a declaration of candidacy or acceptance of candidacy if a civil penalty has been issued or a fine imposed against the person for a violation of any provision of this title and the civil penalty or fine remains unpaid.***~~

~~***2. Notwithstanding the provisions of subsection 1, a person described in subsection 1 may submit and the city clerk shall accept the declaration of candidacy or acceptance of candidacy if the unpaid civil penalty or fine is under appeal and the person posts a bond with the Secretary of State for the same amount as the unpaid civil penalty or fine.***~~

~~***3. Not later than 15 days before the first day for filing a declaration of candidacy or acceptance of candidacy set forth in NRS 293C.185, the Secretary of State shall notify each city clerk of, and post on the Secretary of State's Internet website, the name of any person who is prohibited from filing a declaration of candidacy or acceptance of candidacy pursuant to this section.***~~~~]~~ **(Deleted by amendment.)**

Sec. 32. NRS 293C.1865 is hereby amended to read as follows:

293C.1865 ***1.*** In addition to any other penalty provided by law, if a person ~~[~~knowingly and~~]~~ willfully files a declaration of candidacy or acceptance of candidacy ~~[~~which~~]~~ ***knowing that the declaration of candidacy or acceptance of candidacy*** contains a false statement:

~~[~~1. The~~]~~

(a) Except as otherwise provided in NRS 293.165 or 293.166, the name of the person must not appear on any ballot for the election for which the person filed the declaration of candidacy or acceptance of candidacy; and

~~[~~2.~~]~~ ***(b)*** The person is disqualified from entering upon the duties of the office for which he or she was a candidate.

2. If the name of a person who is disqualified from entering upon the duties of an office pursuant to subsection 1 appears on a ballot for the election is disqualified because the deadline set forth in NRS 293.165 and 293.166 for making changes to the ballot has passed, the Secretary of State and city clerk must post a sign at each polling place where the person's name will appear on the ballot informing voters that the person is disqualified from entering upon the duties of office.

Sec. 33. NRS 293C.332 is hereby amended to read as follows:

293C.332 On the day of an election, the precinct or district election boards receiving the absent voters' ballots from the city clerk shall, in the presence of a majority of the election board officers, remove the ballots from the ballot box and the containers in which the ballots were transported pursuant to NRS 293C.325 and deposit the ballots in the regular ballot box in the following manner:

1. The name of the voter, as shown on the return envelope **,** ~~[or]~~ facsimile, ***special absent ballot or oath of the voter required pursuant to NRS 293.3157, as applicable,*** must be called and checked as if the voter were voting in person;

2. The signature on the back of the return envelope or on the facsimile **,** ***special absent ballot or oath of the voter required pursuant to NRS 293.3157, as applicable,*** must be compared with that on the original application to register to vote;

3. If the board determines that the absent voter is entitled to cast a ballot, the envelope must be opened, the numbers on the ballot and envelope compared, the number strip or stub detached from the ballot and, if the numbers are the same, the ballot deposited in the regular ballot box; and

4. The election board officers shall mark in the roster opposite the name of the voter the word "Voted."

Sec. 34. NRS 293C.3568 is hereby amended to read as follows:

293C.3568 1. The period for early voting by personal appearance begins the third Saturday preceding a primary city election or general city election, and extends through the Friday before election day, Sundays and ***federal*** holidays excepted.

2. The city clerk may:

(a) Include any Sunday or ***federal*** holiday that falls within the period for early voting by personal appearance.

(b) Require a permanent polling place for early voting to remain open until 8 p.m. on any Saturday that falls within the period for early voting.

3. A permanent polling place for early voting must remain open:

(a) On Monday through Friday:

(1) During the first week of early voting, from 8 a.m. until 6 p.m.

(2) During the second week of early voting, from 8 a.m. until 6 p.m., or until 8 p.m. if the city clerk so requires.

(b) On any Saturday that falls within the period for early voting, for at least 4 hours between 10 a.m. and 6 p.m.

(c) If the city clerk includes a Sunday that falls within the period for early voting pursuant to subsection 2, during such hours as the city clerk may establish.

Sec. 35. Chapter 294A of NRS is hereby amended by adding thereto the provisions set forth as sections 36 ~~[, 37 and]~~ **to** 38 **, inclusive,** of this act.

Sec. 36. *"**Advocates expressly" or "expressly advocates" means that a communication, taken as a whole, is susceptible to no other reasonable***

interpretation other than as an appeal to vote for or against a clearly identified candidate or group or candidates or a question or group of questions on the ballot at a primary election, primary city election, general election, general city election or special election. A communication does not have to include the words "vote for," "vote against," "elect," "support" or other similar language to be considered a communication that expressly advocates the passage or defeat of a candidate or a question.

Sec. 36.5. *"Campaign expenses" means:*

1. All expenses incurred by a candidate for a campaign, including, without limitation:

(a) Office expenses;

(b) Expenses related to volunteers;

(c) Expenses related to travel;

(d) Expenses related to advertising;

(e) Expenses related to paid staff;

(f) Expenses related to consultants;

(g) Expenses related to polling;

(h) Expenses related to special events;

(i) Expenses related to a legal defense fund; and

(j) Contributions made to another candidate, a nonprofit corporation that is registered or required to be registered pursuant to NRS 294A.225, a committee for political action that is registered or required to be registered pursuant to NRS 294A.230 or a committee for the recall of a public officer that is registered or required to be registered pursuant to NRS 294A.250.

2. Expenditures, as defined in NRS 294A.004.

Sec. 37. *1. A person, committee for political action, political party or committee sponsored by a political party that ~~[makes an expenditure of]~~ expends more than $100 for the purpose of financing a communication ~~[~~, ~~including, without limitation, an electioneering communication,]~~ through any television or radio broadcast, newspaper, magazine, outdoor advertising facility, mailing or any other type of general public political advertising that:*

(a) Advocates expressly the election or defeat of a clearly identified candidate or group of candidates; or

(b) Solicits a contribution through any television or radio broadcast, newspaper, magazine, outdoor advertising facility, mailing or any other type of general public political advertising,

➥ shall disclose on the communication the name of the person, committee for political action, political party or committee sponsored by a political party that paid for the communication.

2. If a communication described in subsection 1 is approved by a candidate, in addition to the requirements of subsection 1, the communication must state that the candidate approved the communication and disclose the street address, telephone number and Internet address, if

any, of the person, committee for political action, political party or committee sponsored by a political party that paid for the communication.

3. A person, committee for political action, political party or committee sponsored by a political party that has an Internet website available for viewing by the general public or that sends out an electronic mailing to more than 500 people that:

(a) Advocates expressly the election or defeat of a clearly identified candidate or group of candidates; or

(b) Solicits a contribution through any television or radio broadcast, newspaper, magazine, outdoor advertising facility, mailing or any other type of general public political advertising,

➥ shall disclose on the Internet website or electronic mailing, as applicable, the name of the person, committee for political action, political party or committee sponsored by a political party.

4. The disclosures and statements required pursuant to this section must be clear and conspicuous, and easy to read or hear, as applicable.

~~[5. As used in this section, "electioneering communication" has the meaning ascribed to it in 11 C.F.R. § 100.29.]~~

Sec. 38. ***~~[1. Every person who is not under the direction or control of a candidate for office at a primary election, primary city election, general election or general city election, of a group of such candidates or of any person involved in the campaign of that candidate or group who makes an expenditure on behalf of the candidate or group which is not solicited or approved by the candidate or group, and every committee for political action, political party or committee sponsored by a political party which makes an expenditure on behalf of such a candidate or group of candidates shall, report each expenditure in excess of $5,000 and expenditures to the same payee which cumulatively exceed $5,000 that have not been reported previously pursuant to NRS 294A.210. Such a report must be on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the committee or political party under penalty of perjury.~~***

~~2. The reporting requirements set forth in subsection 1 apply to the person, committee or political party beginning on January 1 of the year of the general election or general city election for the office until 20 days preceding the general election or general city election for that office.~~

~~3. Expenditures made within this State or made elsewhere but for use within this State, including expenditures made outside the State for printing, television and radio broadcasting or other production of the media, must be included in the report.~~

~~4. The reports must be filed with:~~

~~(a) If the candidate is elected from one county, the county clerk of that county;~~

~~(b) If the candidate is elected from one city, the city clerk of that city; or~~

~~*(c) If the candidate is elected from more than one county or city, the Secretary of State.*~~

~~*5. If an expenditure is made on behalf of a group of candidates, the reports must be itemized by the candidate. A person may mail or transmit the report to the appropriate officer by regular mail, certified mail, facsimile machine or electronic means. A report shall be deemed to be filed with the officer on the date that it was received by the officer, regardless of whether the report was sent by regular mail or certified mail, transmitted by facsimile machine or electronic means, or delivered personally.*~~

~~*6. Each county clerk or city clerk who receives a report pursuant to this section shall file a copy of the report with the Secretary of State within 10 working days after receiving the report.*~~

~~*7. The Secretary of State may adopt regulations to carry out the provisions of this section.]*~~ **(Deleted by amendment.)**

Sec. 39. NRS 294A.002 is hereby amended to read as follows:

294A.002 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS ~~[294A.003]~~ ***294A.004*** to 294A.009, inclusive, ***and*** ~~*[section]*~~ ***sections 36 and 36.5 of this act*** have the meanings ascribed to them in those sections.

Sec. 39.5. **NRS 294A.004 is hereby amended to read as follows:**

294A.004 ~~[“Campaign expenses” and “expenditures” mean:]~~ ***“Expenditures” means:***

1. Those expenditures made for advertising on television, radio, billboards, posters and in newspapers; and

2. All other expenditures made,

➥ to advocate expressly the election or defeat of a clearly identified candidate or group of candidates or the passage or defeat of a clearly identified question or group of questions on the ballot, including any payments made to a candidate or any person who is related to the candidate within the second degree of consanguinity or affinity.

Sec. 40. NRS 294A.007 is hereby amended to read as follows:

294A.007 1. “Contribution” means a gift, loan, conveyance, deposit, payment, transfer or distribution of money or of anything of value other than the services of a volunteer, and includes:

(a) The payment by any person, other than a candidate, of compensation for the personal services of another person which are rendered to a:

(1) Candidate;

(2) Person who is not under the direction or control of a candidate or group of candidates or of any person involved in the campaign of the candidate or group who makes an expenditure on behalf of the candidate or group which is not solicited or approved by the candidate or group;

(3) Committee for political action, political party ~~[,]~~ ***or*** committee sponsored by a political party ~~[or business entity]~~ which makes an expenditure on behalf of a candidate or group of candidates; or

(4) Person or group of persons organized formally or informally ~~[, including a business entity,]~~ who advocates the passage or defeat of a question or group of questions on the ballot,

➥ without charge to the candidate, person, committee or political party.

(b) The value of services provided in kind for which money would have otherwise been paid, such as paid polling and resulting data, paid direct mail, paid solicitation by telephone, any paid paraphernalia that was printed or otherwise produced to promote a campaign and the use of paid personnel to assist in a campaign.

2. As used in this section, "volunteer" means a person who does not receive compensation of any kind, directly or indirectly, for the services provided to a campaign.

Sec. 41. ~~[NRS 294A.100 is hereby amended to read as follows:~~

~~294A.100 1. A person shall not make a contribution or contributions to a candidate for any office, except a federal office, in an amount which exceeds $5,000 for the primary election or primary city election, regardless of the number of candidates for the office, and $5,000 for the general election or general city election, regardless of the number of candidates for the office, during the period:~~

~~(a) Beginning from 30 days before the regular session of the Legislature immediately following the last election for the office and ending 30 days before the regular session of the Legislature immediately following the next election for the office, if that office is a state, district, county or township office; or~~

~~(b) Beginning from 30 days after the last election for the office and ending 30 days before the next general city election for the office, if that office is a city office.~~

~~2. A candidate shall not accept a contribution made in violation of subsection 1.~~

~~3. *A person shall not make a contribution or contributions to a committee for political action in an amount which exceeds $5,000 for the primary election or primary city election, and $5,000 for the general election or general city election, if the purpose for which the committee for political action was organized is solely for the support or opposition of a single candidate, except for a candidate for federal office.*~~

~~*4.* A person who willfully violates any provision of this section is guilty of a category E felony and shall be punished as provided in NRS 193.130.]~~ **(Deleted by amendment.)**

Sec. 41.5. **NRS 294A.112 is hereby amended to read as follows:**

294A.112 1. A person shall not:

(a) Make a contribution in the name of another person;

(b) Knowingly allow his or her name to be used to cause a contribution to be made in the name of another person or assist in the making of a contribution in the name of another person;

(c) Knowingly assist a person to make a contribution in the name of another person; or

(d) Knowingly accept a contribution made by a person in the name of another person.

2. As used in this section, "make a contribution in the name of another person" includes, without limitation:

(a) Giving money or an item of value, all or part of which was provided ***or reimbursed to the contributor*** by another person, without disclosing the source of the money or item of value to the recipient at the time the contribution is made; and

(b) Giving money or an item of value, all or part of which belongs to the person who is giving the money or item of value, and claiming that the money or item of value belongs to another person.

Sec. 42. **[**~~NRS 294A.120 is hereby amended to read as follows:~~

~~294A.120 1. Every candidate for state, district, county or township office at a primary or general election shall, not later than January 15 of each year, for the period from January 1 of the previous year through December 31 of the previous year, report each campaign contribution in excess of $100 received during the period and contributions received during the period from a contributor which cumulatively exceed $100. The provisions of this subsection apply to the candidate beginning the year of the general election for that office through the year immediately preceding the next general election for that office.~~

~~2. Every candidate for state, district, county or township office at a primary or general election shall, if the general election for the office for which he or she is a candidate is held on or after January 1 and before the July 1 immediately following that January 1, not later than:~~

~~(a) **[**Seven**]** ***Twenty one*** days before the primary election for that office, for the period from the January 1 immediately preceding the primary election through **[**12**]** ***25*** days before the primary election;~~

~~(b) **[**Seven**]** ***Four*** days before the **[**general**]** ***primary*** election for that office, for the period from **[**11**]** ***24*** days before the primary election through **[**12**]** ***5*** days before the **[**general election; and~~

~~(c) July 15 of the year of**]** ***primary election;***~~

~~***(c) Twenty-one days before*** the general election for that office, for the period from **[**11**]** ***4*** days before the **[**general**]** ***primary*** election through **[**June 30 of that year,**]** ***25 days before the general election; and***~~

~~***(d) Four days before the general election for that office, for the period from 24 days before the general election through 5 days before the general election,***~~

~~" report each campaign contribution in excess of $100 received during the period and contributions received during the period from a contributor which cumulatively exceed $100. The report must be completed on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. Each form must be signed by the candidate under penalty of perjury.~~

~~3. Every candidate for state, district, county or township office at a primary or general election shall, if the general election for the office for which he or she is a candidate is held on or after July 1 and before the January 1 immediately following that July 1, not later than:~~

~~(a) [Seven] *Twenty-one* days before the primary election for that office, for the period from the January 1 immediately preceding the primary election through [12] *25* days before the primary election; [and~~

~~(b) Seven]~~

(b) Four days before the [general] ***primary*** election for that office, for the period from [11] ***24*** days before the primary election through [12] ***5*** days before the [general election,] ***primary election;***

(c) Twenty-one days before the general election for that office, for the period from 4 days before the primary election through 25 days before the general election; and

(d) Four days before the general election for that office, for the period from 24 days before the general election through 5 days before the general election,

~~" report each campaign contribution in excess of $100 received during the period and contributions received during the period from a contributor which cumulatively exceed $100. The report must be completed on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. Each form must be signed by the candidate under penalty of perjury.~~

~~4. Except as otherwise provided in subsection 5, every candidate for a district office at a special election shall, not later than:~~

~~(a) Seven days before the special election, for the period from the candidate's nomination through 12 days before the special election; and~~

~~(b) Thirty days after the special election, for the remaining period through the special election,~~

~~" report each campaign contribution in excess of $100 received during the period and contributions received during the reporting period from a contributor which cumulatively exceed $100. The report must be completed on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. Each form must be signed by the candidate under penalty of perjury.~~

~~5. Every candidate for state, district, county, municipal or township office at a special election to determine whether a public officer will be recalled shall list each of the campaign contributions received on the form designed and provided by the Secretary of State pursuant to NRS 294A.373 and signed by the candidate under penalty of perjury, 30 days after:~~

~~(a) The special election, for the period from the filing of the notice of intent to circulate the petition for recall through the special election; or~~

~~(b) A district court determines that the petition for recall is legally insufficient pursuant to subsection 6 of NRS 306.040, for the period from the filing of the notice of intent to circulate the petition for recall through the date of the district court's decision.~~

~~6. Reports of campaign contributions must be filed with the officer with whom the candidate filed the declaration of candidacy or acceptance of candidacy. A candidate may mail or transmit the report to that officer by regular mail, certified mail, facsimile machine or electronic means. A report shall be deemed to be filed with the officer [:~~

~~(a) On the date that it was mailed if it was sent by certified mail; or~~

~~(b) On~~ **~~] on~~** ~~the date that it was received by the officer [if~~ **~~], regardless of whether~~** ~~the report was sent by regular~~ ***~~mail or certified~~*** ~~mail, transmitted by facsimile machine or electronic means, or delivered personally.~~

~~7. Every county clerk who receives from candidates for legislative or judicial office, including, without limitation, the office of justice of the peace or municipal judge, reports of campaign contributions pursuant to this section shall file a copy of each report with the Secretary of State within 10 working days after receiving the report.~~

~~8. The name and address of the contributor and the date on which the contribution was received must be included on the report for each contribution in excess of $100 and contributions which a contributor has made cumulatively in excess of that amount since the beginning of the current reporting period.~~ **] (Deleted by amendment.)**

Sec. 43. ~~[NRS 294A.125 is hereby amended to read as follows:~~

~~294A.125 1. In addition to complying with the requirements set forth in NRS 294A.120, 294A.200 and 294A.360, a candidate who receives contributions in any year before the year in which the general election or general city election in which the candidate intends to seek election to public office is held shall, for:~~

~~(a) The year in which the candidate receives contributions in excess of $10,000, list each of the contributions received and the expenditures in excess of $100 made in that year.~~

~~(b) Each year after the year in which the candidate received contributions in excess of $10,000, until the year of the general election or general city election in which the candidate intends to seek election to public office is held, list each of the contributions received and the expenditures in excess of $100 made in that year.~~

~~2. The reports required by subsection 1 must be submitted on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. Each form must be signed by the candidate under penalty of perjury.~~

~~3. The name and address of the contributor and the date on which the contribution was received must be included on the list for each contribution in excess of $100 and contributions that a contributor has made cumulatively in excess of that amount.~~

~~4. The report must be filed:~~

~~(a) With the officer with whom the candidate will file the declaration of candidacy or acceptance of candidacy for the public office the candidate intends to seek. A candidate may mail or transmit the report to that officer by~~

~~regular mail, certified mail, facsimile machine or electronic means. A report shall be deemed to be filed with the officer:~~

~~[(1) On the date it was mailed if it was sent by certified mail.~~

~~(2) On~~ **~~] on~~** ~~the date it was received by the officer [if~~ **~~], regardless of whether~~** ~~the report was sent by regular~~ ***~~mail or certified~~*** ~~mail, transmitted by facsimile machine or electronic means, or delivered personally.~~

~~(b) On or before January 15 of the year immediately after the year for which the report is made.~~

~~5. A county clerk who receives from a candidate for legislative or judicial office, including, without limitation, the office of justice of the peace or municipal judge, a report of contributions and expenditures pursuant to subsection 4 shall file a copy of the report with the Secretary of State within 10 working days after receiving the report.]~~ **(Deleted by amendment.)**

Sec. 44. NRS 294A.140 is hereby amended to read as follows:

294A.140 1. Every person who is not under the direction or control of a candidate for office at a primary election, primary city election, general election or general city election, of a group of such candidates or of any person involved in the campaign of that candidate or group who makes an expenditure on behalf of the candidate or group which is not solicited or approved by the candidate or group, and every committee for political action, political party ~~[,]~~ ***and*** committee sponsored by a political party ~~[and business entity]~~ which ***receives contributions in excess of $100 or*** makes an expenditure on behalf of such a candidate or group of candidates shall, not later than January 15 of each year that the provisions of this subsection apply to the person, committee ~~[,]~~ ***or*** political party ***,*** ~~[or business entity,]~~ for the period from January 1 of the previous year through December 31 of the previous year, report each campaign contribution in excess of $100 received during the period and contributions received during the period from a contributor which cumulatively exceed $100. The provisions of this subsection apply to the person, committee ~~[,]~~ ***or*** political party ~~[or business entity]~~ beginning the year of the general election or general city election for that office through the year immediately preceding the next general election or general city election for that office.

2. Every person, committee ~~[,]~~ ***or*** political party ~~[or business entity]~~ described in subsection 1 which makes an expenditure on behalf of the candidate for office at a primary election, primary city election, general election or general city election or on behalf of a group of such candidates shall, if the general election or general city election for the office for which the candidate or a candidate in the group of candidates seeks election is held on or after January 1 and before the July 1 immediately following that January 1, not later than:

(a) Seven ~~*[Twenty-one]*~~ days before the primary election or primary city election for that office, for the period from the January 1 immediately preceding the primary election or primary city election through 12 ~~*[25]*~~ days before the primary election or primary city election;

(b) Seven ~~[Four]~~ days before the general ~~[primary]~~ election or general ~~[primary]~~ city election for that office, for the period from 11 ~~[24]~~ days before the primary election or primary city election through 12 ~~[5]~~ days before the general ~~[primary]~~ election or general ~~[primary]~~ city election; and

(c) July 15 of the year of

~~[(c) Twenty-one days before]~~ the general election or general city election for that office, for the period from 11 ~~[4]~~ days before the general ~~[primary]~~ election or general ~~[primary]~~ city election through June 30 of that year, ~~[25 days before the general election or general city election; and~~

~~(d) Four days before the general election or general city election for that office, for the period from 24 days before the general election or general city election through 5 days before the general election or general city election,]~~

➥ report each campaign contribution in excess of $100 received during the period and contributions received during the period from a contributor which cumulatively exceed $100. The report must be completed on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the committee **[**,**]** ***or*** political party **[**~~or business entity~~**]** under penalty of perjury.

3. The name and address of the contributor and the date on which the contribution was received must be included on the report for each contribution in excess of $100 and contributions which a contributor has made cumulatively in excess of $100 since the beginning of the current reporting period.

4. Every person, committee **[**,**]** ***or*** political party **[**~~or business entity~~**]** described in subsection 1 which makes an expenditure on behalf of a candidate for office at a primary election, primary city election, general election or general city election or on behalf of a group of such candidates shall, if the general election or general city election for the office for which the candidate or a candidate in the group of candidates seeks election is held on or after July 1 and before the January 1 immediately following that July 1, not later than:

(a) Seven ~~[Twenty-one]~~ days before the primary election or primary city election for that office, for the period from the January 1 immediately preceding the primary election or primary city election through 12 ~~[25]~~ days before the primary election or primary city election; and

(b) Seven ~~[Four]~~ days before the general ~~[primary]~~ election or general ~~[primary]~~ city election for that office, for the period from 11 ~~[24]~~ days before the primary election or primary city election through 12 ~~[5]~~ days before the general ~~[primary]~~ election or general ~~[primary]~~ city election ~~, [;~~

~~(c) Twenty-one days before the general election or general city election for that office, for the period from 4 days before the primary election or primary city election through 25 days before the general election or general city election; and~~

~~*(d) Four days before the general election or general city election for that office, for the period from 24 days before the general election or general city election through 5 days before the general election or general city election,]*~~

➥ report each campaign contribution in excess of $100 received during the period and contributions received during the period from a contributor which cumulatively exceed $100. The report must be completed on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the committee ~~[,]~~ ***or*** political party ~~[or business entity]~~ under penalty of perjury.

5. Except as otherwise provided in subsection 6, every person, committee ~~[,]~~ ***or*** political party ~~[or business entity]~~ described in subsection 1 which makes an expenditure on behalf of a candidate for office at a special election or on behalf of a group of such candidates shall, not later than:

(a) Seven days before the special election for the office for which the candidate or a candidate in the group of candidates seeks election, for the period from the nomination of the candidate through 12 days before the special election; and

(b) Thirty days after the special election, for the remaining period through the special election,

➥ report each campaign contribution in excess of $100 received during the period and contributions received during the period from a contributor which cumulatively exceed $100. The report must be completed on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the committee ~~[,]~~ ***or*** political party ~~[or business entity]~~ under penalty of perjury.

6. Every person, committee ~~[,]~~ ***or*** political party ~~[or business entity]~~ described in subsection 1 which makes an expenditure on behalf of a candidate for office at a special election to determine whether a public officer will be recalled or on behalf of a group of candidates for offices at such special elections shall report each contribution in excess of $100 received during the period and contributions received during the period from a contributor which cumulatively exceed $100. The report must be completed on the form designed and provided by the Secretary of State pursuant to NRS 294A.373 and signed by the person or a representative of the committee ~~[,]~~ ***or*** political party ~~[or business entity]~~ under penalty of perjury, 30 days after:

(a) The special election, for the period from the filing of the notice of intent to circulate the petition for recall through the special election; or

(b) If the special election is not held because a district court determines that the petition for recall is legally insufficient pursuant to subsection 6 of NRS 306.040, for the period from the filing of the notice of intent to circulate the petition for recall through the date of the district court's decision.

7. The reports of contributions required pursuant to this section must be filed with:

(a) If the candidate is elected from one county, the county clerk of that county;

(b) If the candidate is elected from one city, the city clerk of that city; or

(c) If the candidate is elected from more than one county or city, the Secretary of State.

8. A person ~~[or entity]~~ ***, committee or political party*** may file the report with the appropriate officer by regular mail, certified mail, facsimile machine or electronic means. A report shall be deemed to be filed with the officer :

(a) On the date that it was mailed if it was sent by certified mail; or

(b) On ~~*[on]*~~ the date that it was received by the officer if ~~*[, regardless of whether]*~~ the report was sent by regular ~~*[mail or certified]*~~ mail, transmitted by facsimile machine or electronic means, or delivered personally.

9. Each county clerk or city clerk who receives a report pursuant to this section shall file a copy of the report with the Secretary of State within 10 working days after receiving the report.

10. Every person, committee ~~[,]~~ ***or*** political party ~~[or business entity]~~ described in subsection 1 shall file a report required by this section even if the person, committee ~~[,]~~ ***or*** political party ~~[or business entity]~~ receives no contributions.

Sec. 45. NRS 294A.150 is hereby amended to read as follows:

294A.150 1. Except as otherwise provided in NRS 294A.283, every person or group of persons organized formally or informally ~~[, including a business entity,]~~ who advocates the passage or defeat of a question or group of questions on the ballot at a primary election, primary city election, general election or general city election and who receives or expends money in an amount in excess of $10,000 to advocate the passage or defeat of such question or group of questions shall, not later than January 15 of each year that the provisions of this subsection apply to the person ~~[,]~~ ***or*** group of persons ***,*** ~~[or business entity,]~~ for the period from January 1 of the previous year through December 31 of the previous year, report each campaign contribution in excess of $1,000 received during that period and contributions received during the period from a contributor which cumulatively exceed $1,000. The report must be completed on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the group ~~[or business entity]~~ under penalty of perjury. The provisions of this subsection apply to the person ~~[,]~~ ***or*** group of persons ***:*** ~~[or business entity:]~~

(a) Each year in which:

(1) An election or city election is held for each question for which the person ~~[,]~~ ***or*** group of persons ~~[or business entity]~~ advocates passage or defeat; or

(2) A person ~~[,]~~ ***or*** group of persons ~~[or business entity]~~ receives or expends money in excess of $10,000 to advocate the passage or defeat of a question or group of questions on the ballot at a primary election, primary city election, general election or general city election; and

(b) The year after each year described in paragraph (a).

2. If a question is on the ballot at a primary election or primary city election and the general election or general city election immediately following that primary election or primary city election is held on or after January 1 and before the July 1 immediately following that January 1, every person or group of persons organized formally or informally ~~[, including a business entity,]~~ who advocates the passage or defeat of the question or a group of questions that includes the question and who receives or expends money in an amount in excess of $10,000 to advocate the passage or defeat of such question or group of questions shall comply with the requirements of this subsection. If a question is on the ballot at a general election or general city election held on or after January 1 and before the July 1 immediately following that January 1, every person or group of persons organized formally or informally ~~[, including a business entity,]~~ who advocates the passage or defeat of the question or a group of questions that includes the question and who receives or expends money in an amount in excess of $10,000 to advocate the passage or defeat of such question or group of questions shall comply with the requirements of this subsection. A person ~~[,]~~ ***or*** group of persons ~~[or business entity]~~ described in this subsection shall, not later than:

(a) Seven ~~*[Twenty-one]*~~ days before the primary election or primary city election, for the period from the January 1 immediately preceding the primary election or primary city election through 12 ~~*[25]*~~ days before the primary election or primary city election;

(b) Seven ~~*[Four]*~~ days before the general ~~*[primary]*~~ election or general ~~*[primary]*~~ city election, for the period from 11 ~~*[24]*~~ days before the primary election or primary city election through 12 ~~*[5]*~~ days before the general ~~*[primary]*~~ election or general ~~*[primary]*~~ city election; and

(c) July 15 of the year of

~~*[(c) Twenty-one days before]*~~ the general election or general city election, for the period from 11 ~~*[4]*~~ days before the general ~~*[primary]*~~ election or general ~~*[primary]*~~ city election through June 30 of that year, ~~*[25 days before the general election or general city election; and*~~

~~*(d) Four days before the general election or general city election, for the period from 24 days before the general election or general city election through 5 days before the general election or general city election,]*~~

➥ report each campaign contribution in excess of $1,000 received during the period and contributions received during the period from a contributor which cumulatively exceed $1,000. The report must be completed on the form designed and provided by the Secretary of State pursuant to NRS 294A.373 and signed by the person or a representative of the group ~~[or business entity]~~ under penalty of perjury.

3. The name and address of the contributor and the date on which the contribution was received must be included on the report for each contribution in excess of $1,000 and contributions which a contributor has

made cumulatively in excess of that amount since the beginning of the current reporting period.

4. If a question is on the ballot at a primary election or primary city election and the general election or general city election immediately following that primary election or primary city election is held on or after July 1 and before the January 1 immediately following that July 1, every person or group of persons organized formally or informally ~~[~~, including a business entity,~~]~~ who advocates the passage or defeat of the question or a group of questions that includes the question and who receives or expends money in an amount in excess of $10,000 to advocate the passage or defeat of such question or group of questions shall comply with the requirements of this subsection. Except as otherwise provided in NRS 294A.283, if a question is on the ballot at a general election or general city election held on or after July 1 and before the January 1 immediately following that July 1, every person or group of persons organized formally or informally ~~[~~, including a business entity,~~]~~ who advocates the passage or defeat of the question or a group of questions that includes the question and who receives or expends money in an amount in excess of $10,000 to advocate the passage or defeat of such question or group of questions shall comply with the requirements of this subsection. A person ~~[~~,~~]~~ ***or*** group of persons ~~[~~or business entity~~]~~ described in this subsection shall, not later than:

(a) Seven ~~*[Twenty-one]*~~ days before the primary election or primary city election, for the period from the January 1 immediately preceding the primary election or primary city election through 12 ~~*[25]*~~ days before the primary election or primary city election; and

(b) Seven

~~*[(b) Four]*~~ days before the general ~~*[primary]*~~ election or general ~~*[primary]*~~ city election, for the period from 11 ~~*[24]*~~ days before the primary election or primary city election through 12 ~~*[5]*~~ days before the general ~~*[primary]*~~ election or general ~~*[primary]*~~ city election ~~*[.*~~ ~~*(c) Twenty-one days before the general election or general city election, for the period from 4 days before the primary election or primary city election through 25 days before the general election or general city election; and*~~

~~*(d) Four days before the general election or general city election, for the period from 24 days before the general election or general city election through 5 days before the general election or general city election,]*~~

➥ report each campaign contribution in excess of $1,000 received during the period and contributions received during the period from a contributor which cumulatively exceed $1,000. The report must be completed on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the group ~~[~~or business entity~~]~~ under penalty of perjury.

5. Except as otherwise provided in subsection 6, every person or group of persons organized formally or informally ~~[~~, including a business entity,~~]~~

who advocates the passage or defeat of a question or group of questions on the ballot at a special election and who receives or expends money in an amount in excess of $10,000 to advocate the passage or defeat of such question or group of questions shall, not later than:

(a) Seven days before the special election, for the period from the date that the question qualified for the ballot through 12 days before the special election; and

(b) Thirty days after the special election, for the remaining period through the special election,

➥ report each campaign contribution in excess of $1,000 received during the period and contributions received during the period from a contributor which cumulatively exceed $1,000. The report must be completed on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the group ~~[or business entity]~~ under penalty of perjury.

6. Every person or group of persons organized formally or informally ~~[, including a business entity,]~~ who advocates the passage or defeat of a question or group of questions on the ballot at a special election to determine whether a public officer will be recalled and who receives or expends money in an amount in excess of $10,000 to advocate the passage or defeat of such question or group of questions shall report each of the contributions received on the form designed and provided by the Secretary of State pursuant to NRS 294A.373 and signed by the person or a representative of the group ~~[or business entity]~~ under penalty of perjury, 30 days after:

(a) The special election, for the period from the filing of the notice of intent to circulate the petition for recall through the special election; or

(b) If the special election is not held because a district court determines that the petition for recall is legally insufficient pursuant to subsection 6 of NRS 306.040, for the period from the filing of the notice of intent to circulate the petition for recall through the date of the district court's decision.

7. The reports required pursuant to this section must be filed with:

(a) If the question is submitted to the voters of one county, the county clerk of that county;

(b) If the question is submitted to the voters of one city, the city clerk of that city; or

(c) If the question is submitted to the voters of more than one county or city, the Secretary of State.

8. A person may mail or transmit the report to the appropriate officer by regular mail, certified mail, facsimile machine or electronic means. A report shall be deemed to be filed with the officer :

(a) On the date that it was mailed if it was sent by certified mail; or

(b) On ~~*[on]*~~ the date that it was received by the officer if ~~*[, regardless of whether]*~~ the report was sent by regular ~~*[mail or certified]*~~ mail, transmitted by facsimile machine or electronic means, or delivered personally.

9. If the person or group of persons **[**~~, including a business entity,~~**]** is advocating passage or defeat of a group of questions, the reports must be itemized by question or petition.

10. Each county clerk or city clerk who receives a report pursuant to this section shall file a copy of the report with the Secretary of State within 10 working days after receiving the report.

Sec. 46. **[**~~NRS 294A.200 is hereby amended to read as follows:~~

~~294A.200 1. Every candidate for state, district, county or township office at a primary or general election shall, not later than January 15 of each year, for the period from January 1 of the previous year through December 31 of the previous year, report each of the campaign expenses in excess of $100 incurred and each amount in excess of $100 disposed of pursuant to NRS 294A.160 during the period on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the candidate under penalty of perjury. The provisions of this subsection apply to the candidate:~~

~~(a) Beginning the year of the general election for that office through the year immediately preceding the next general election for that office; and~~

~~(b) Each year immediately succeeding a calendar year during which the candidate disposes of contributions pursuant to NRS 294A.160.~~

~~2. Every candidate for state, district, county or township office at a primary or general election shall, if the general election for the office for which he or she is a candidate is held on or after January 1 and before the July 1 immediately following that January 1, not later than:~~

~~(a)~~ **[**~~Seven~~**]** ***Twenty one*** ~~days before the primary election for that office, for the period from the January 1 immediately preceding the primary election through~~ **[**~~12~~**]** ***25*** ~~days before the primary election;~~

~~(b)~~ **[**~~Seven~~**]** ***Four*** ~~days before the~~ **[**~~general~~**]** ***primary*** ~~election for that office, for the period from~~ **[**~~11~~**]** ***24*** ~~days before the primary election through~~ **[**~~12~~**]** ***5*** ~~days before the~~ **[**~~general election; and~~

~~(c) July 15 of the year of~~**]** ***primary election;***

(c) Twenty-one days before ~~the general election for that office, for the period from~~ **[**~~11~~**]** ***4*** ~~days before the~~ **[**~~general~~**]** ***primary*** ~~election through~~ **[**~~June 30 of that year,~~**]** ***25 days before the general election; and***

(d) Four days before the general election for that office, for the period from 24 days before the general election through 5 days before the general election,

~~" report each of the campaign expenses in excess of $100 incurred during the period on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. Each form must be signed by the candidate under penalty of perjury.~~

~~3. Every candidate for state, district, county or township office at a primary or general election shall, if the general election for the office for which he or she is a candidate is held on or after July 1 and before the January 1 immediately following that July 1, not later than:~~

~~(a) [~~Seven~~] *Twenty-one* days before the primary election for that office, for the period from the January 1 immediately preceding the primary election through [~~12~~] *25* days before the primary election; [~~and~~]~~

~~(b) [~~Seven~~] *Four* days before the [~~general~~] *primary* election for that office, for the period from [~~11~~] *24* days before the primary election through [~~12~~] *5* days before the general election [~~,~~] ;~~

~~*(c) Twenty-one days before the general election for that office, for the period from 4 days before the primary election through 25 days before the general election; and*~~

~~*(d) Four days before the general election for that office, for the period from 24 days before the general election through 5 days before the general election,*~~

~~" report each of the campaign expenses in excess of $100 incurred during the period on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the candidate under penalty of perjury.~~

~~4. Except as otherwise provided in subsection 5, every candidate for a district office at a special election shall, not later than:~~

~~(a) Seven days before the special election, for the period from the candidate's nomination through 12 days before the special election; and~~

~~(b) Thirty days after the special election, for the remaining period through the special election,~~

~~" report each of the campaign expenses in excess of $100 incurred during the period on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. Each form must be signed by the candidate under penalty of perjury.~~

~~5. Every candidate for state, district, county, municipal or township office at a special election to determine whether a public officer will be recalled shall report each of the campaign expenses in excess of $100 incurred on the form designed and provided by the Secretary of State pursuant to NRS 294A.373 and signed by the candidate under penalty of perjury, 30 days after:~~

~~(a) The special election, for the period from the filing of the notice of intent to circulate the petition for recall through the special election; or~~

~~(b) If the special election is not held because a district court determines that the petition for recall is legally insufficient pursuant to subsection 6 of NRS 306.040, for the period from the filing of the notice of intent to circulate the petition for recall through the date of the district court's decision.~~

~~6. Reports of campaign expenses must be filed with the officer with whom the candidate filed the declaration of candidacy or acceptance of candidacy. A candidate may mail or transmit the report to that officer by regular mail, certified mail, facsimile machine or electronic means. A report shall be deemed to be filed with the officer [~~:~~

~~(a) On the date that it was mailed if it was sent by certified mail; or~~

~~(b) On~~ ***on*** the date that it was received by the officer ~~[~~if~~]~~ ***, regardless of whether*** the report was sent by regular ***mail or certified*** mail, transmitted by facsimile machine or electronic means, or delivered personally.

~~7. County clerks who receive from candidates for legislative or judicial office, including, without limitation, the office of justice of the peace or municipal judge, reports of campaign expenses pursuant to this section shall file a copy of each report with the Secretary of State within 10 working days after receiving the report.~~] **(Deleted by amendment.)**

Sec. 47. NRS 294A.210 is hereby amended to read as follows:

294A.210 1. Every person who is not under the direction or control of a candidate for an office at a primary election, primary city election, general election or general city election, of a group of such candidates or of any person involved in the campaign of that candidate or group who makes an expenditure on behalf of the candidate or group which is not solicited or approved by the candidate or group, and every committee for political action, political party ~~[,]~~ ***or*** committee sponsored by a political party ~~[or business entity]~~ which ***receives contributions in excess of $100 or*** makes an expenditure on behalf of such a candidate or group of candidates shall, not later than January 15 of each year that the provisions of this subsection apply to the person, committee ~~[,]~~ ***or*** political party ***,*** ~~[or business entity,]~~ for the period from January 1 of the previous year through December 31 of the previous year, report each expenditure made during the period on behalf of the candidate, the group of candidates or a candidate in the group of candidates in excess of $100 on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the committee ~~[,]~~ ***or*** political party ~~[or business entity]~~ under penalty of perjury. The provisions of this subsection apply to the person, committee ~~[,]~~ ***or*** political party ~~[or business entity]~~ beginning the year of the general election or general city election for that office through the year immediately preceding the next general election or general city election for that office.

2. Every person, committee ~~[,]~~ ***or*** political party ~~[or business entity]~~ described in subsection 1 which makes an expenditure on behalf of a candidate for office at a primary election, primary city election, general election or general city election or a group of such candidates shall, if the general election or general city election for the office for which the candidate or a candidate in the group of candidates seeks election is held on or after January 1 and before the July 1 immediately following that January 1, not later than:

(a) Seven ~~*[Twenty-one]*~~ days before the primary election or primary city election for that office, for the period from the January 1 immediately preceding the primary election or primary city election through 12 ~~*[25]*~~ days before the primary election or primary city election;

(b) Seven ~~*[Four]*~~ days before the general ~~*[primary]*~~ election or general ~~*[primary]*~~ city election for that office, for the period from 11 ~~*[24]*~~ days

before the primary election or primary city election through 12 ~~[5]~~ days before the general ~~[primary]~~ election or general ~~[primary]~~ city election; and

(c) July 15 of the year of

~~[(c) Twenty-one days before]~~ the general election or general city election for that office, for the period from 11 ~~[4]~~ days before the general ~~[primary]~~ election or general ~~[primary]~~ city election through the June 30 of that year, ~~[25 days before the general election or general city election; and~~

~~(d) Four days before the general election or general city election for that office, for the period from 24 days before the general election or general city election through 5 days before the general election or general city election,]~~

➥ report each expenditure made during the period on behalf of the candidate, the group of candidates or a candidate in the group of candidates in excess of $100 on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the committee ~~[,]~~ ***or*** political party ~~[or business entity]~~ under penalty of perjury.

3. Every person, committee ~~[,]~~ ***or*** political party ~~[or business entity]~~ described in subsection 1 which makes an expenditure on behalf of a candidate for office at a primary election, primary city election, general election or general city election or on behalf of a group of such candidates shall, if the general election or general city election for the office for which the candidate or a candidate in the group of candidates seeks election is held on or after July 1 and before the January 1 immediately following that July 1, not later than:

(a) Seven ~~[Twenty-one]~~ days before the primary election or primary city election for that office, for the period from the January 1 immediately preceding the primary election or primary city election through 12 ~~[25]~~ days before the primary election or primary city election; and

(b) Seven ~~[Four]~~ days before the general ~~[primary]~~ election or general ~~[primary]~~ city election for that office, for the period from 11 ~~[24]~~ days before the primary election or primary city election through 12 ~~[5]~~ days before the general ~~[primary]~~ election or general ~~[primary]~~ city election ~~,~~ ~~[;~~

~~(c) Twenty-one days before the general election or general city election for that office, for the period from 4 days before the primary election or primary city election through 25 days before the general election or general city election; and~~

~~(d) Four days before the general election or general city election for that office, for the period from 24 days before the general election or general city election through 5 days before the general election or general city election,]~~

➥ report each expenditure made during the period on behalf of the candidate, the group of candidates or a candidate in the group of candidates in excess of $100 on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the committee ~~[,]~~ ***or*** political party ~~[or business entity]~~ under penalty of perjury.

4. Except as otherwise provided in subsection 5, every person, committee ~~[,]~~ ***or*** political party ~~[or business entity]~~ described in subsection 1 which makes an expenditure on behalf of a candidate for office at a special election or on behalf of a group of such candidates shall, not later than:

(a) Seven days before the special election for the office for which the candidate or a candidate in the group of candidates seeks election, for the period from the nomination of the candidate through 12 days before the special election; and

(b) Thirty days after the special election, for the remaining period through the special election,

➥ report each expenditure made during the period on behalf of the candidate, the group of candidates or a candidate in the group of candidates in excess of $100 on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the committee ~~[,]~~ ***or*** political party ~~[or business entity]~~ under penalty of perjury.

5. Every person, committee ~~[,]~~ ***or*** political party ~~[or business entity]~~ described in subsection 1 which makes an expenditure on behalf of a candidate for office at a special election to determine whether a public officer will be recalled or on behalf of a group of such candidates shall list each expenditure made on behalf of the candidate, the group of candidates or a candidate in the group of candidates in excess of $100 on the form designed and provided by the Secretary of State pursuant to NRS 294A.373 and signed by the person or a representative of the committee ~~[,]~~ ***or*** political party ~~[or business entity]~~ under penalty of perjury, 30 days after:

(a) The special election, for the period from the filing of the notice of intent to circulate the petition for recall through the special election; or

(b) If the special election is not held because a district court determines that the petition for recall is legally insufficient pursuant to subsection 6 of NRS 306.040, for the period from the filing of the notice of intent to circulate the petition for recall through the date of the district court's decision.

6. Expenditures made within the State or made elsewhere but for use within the State, including expenditures made outside the State for printing, television and radio broadcasting or other production of the media, must be included in the report.

7. The reports must be filed with:

(a) If the candidate is elected from one county, the county clerk of that county;

(b) If the candidate is elected from one city, the city clerk of that city; or

(c) If the candidate is elected from more than one county or city, the Secretary of State.

8. If an expenditure is made on behalf of a group of candidates, the reports must be itemized by the candidate. A person may mail or transmit the report to the appropriate officer by regular mail, certified mail, facsimile

machine or electronic means. A report shall be deemed to be filed with the officer :

(a) On the date that it was mailed if it was sent by certified mail; or

(b) On ~~[on]~~ the date that it was received by the officer if ~~[, regardless of whether]~~ the report was sent by regular ~~[mail or certified]~~ mail, transmitted by facsimile machine or electronic means, or delivered personally.

9. Each county clerk or city clerk who receives a report pursuant to this section shall file a copy of the report with the Secretary of State within 10 working days after receiving the report.

10. Every person, committee ~~[,]~~ ***or*** political party ~~[or business entity]~~ described in subsection 1 shall file a report required by this section even if the person, committee ~~[,]~~ ***or*** political party ~~[or business entity]~~ receives no contributions.

Sec. 48. NRS 294A.220 is hereby amended to read as follows:

294A.220 1. Except as otherwise provided in NRS 294A.283, every person or group of persons organized formally or informally ~~[, including a business entity,]~~ who advocates the passage or defeat of a question or group of questions on the ballot at a primary election, primary city election, general election or general city election and who receives or expends money in an amount in excess of $10,000 to advocate the passage or defeat of such question or group of questions shall, not later than January 15 of each year that the provisions of this subsection apply to the person or group of persons, for the period from January 1 of the previous year through December 31 of the previous year, report each expenditure made during the period on behalf of or against the question, the group of questions or a question in the group of questions on the ballot in excess of $1,000 on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the group ~~[or business entity]~~ under penalty of perjury. The provisions of this subsection apply to the person ~~[,]~~ ***or*** group of persons ***:*** ~~[or business entity:]~~

(a) Each year in which:

(1) An election or city election is held for a question for which the person ~~[,]~~ ***or*** group of persons ~~[or business entity]~~ advocates passage or defeat; or

(2) A person ~~[,]~~ ***or*** group of persons ~~[or business entity]~~ receives or expends money in excess of $10,000 to advocate the passage or defeat of a question or group of questions on the ballot at a primary election, primary city election, general election or general city election; and

(b) The year after each year described in paragraph (a).

2. If a question is on the ballot at a primary election or primary city election and the general election or general city election immediately following that primary election or primary city election is held on or after January 1 and before the July 1 immediately following that January 1, every person or group of persons organized formally or informally ~~[, including a business entity,]~~ who advocates the passage or defeat of the question or a

group of questions that includes the question and who receives or expends money in an amount in excess of $10,000 to advocate the passage or defeat of such question or group of questions shall comply with the requirements of this subsection. If a question is on the ballot at a general election or general city election held on or after January 1 and before the July 1 immediately following that January 1, every person or group of persons organized formally or informally **[**~~, including a business entity,~~**]** who advocates the passage or defeat of the question or a group of questions that includes the question and who receives or expends money in an amount in excess of $10,000 to advocate the passage or defeat of such question or group of questions shall comply with the requirements of this subsection. A person **[**~~,~~**]** ***or*** group of persons **[**~~or business entity~~**]** described in this subsection shall, not later than:

(a) Seven ~~*[Twenty-one]*~~ days before the primary election or primary city election, for the period from the January 1 immediately preceding the primary election or primary city election through 12 ~~*[25]*~~ days before the primary election or primary city election;

(b) Seven ~~*[Four]*~~ days before the general ~~*[primary]*~~ election or general ~~*[primary]*~~ city election, for the period from 11 ~~*[24]*~~ days before the primary election or primary city election through 12 ~~*[5]*~~ days before the general ~~*[primary]*~~ election or general ~~*[primary]*~~ city election; and

(c) July 15 of the year of ~~*[Twenty-one days before]*~~ the general election or general city election, for the period from 11 ~~*[4]*~~ days before the general ~~*[primary]*~~ election or general ~~*[primary]*~~ city election through the June 30 immediately preceding that July 15, ~~*[25 days before the general election or general city election; and*~~

~~*(d) Four days before the general election or general city election, for the period from 24 days before the general election or general city election through 5 days before the general election or general city election,]*~~

➥ report each expenditure made during the period on behalf of or against the question, the group of questions or a question in the group of questions on the ballot in excess of $1,000 on the form designed and provided by the Secretary of State pursuant to NRS 294A.373 and signed by the person or a representative of the group **[**~~or business entity~~**]** under penalty of perjury.

3. If a question is on the ballot at a primary election or primary city election and the general election or general city election immediately following that primary election or primary city election is held on or after July 1 and before the January 1 immediately following that July 1, every person or group of persons organized formally or informally **[**~~, including a business entity,~~**]** who advocates the passage or defeat of the question or a group of questions that includes the question and who receives or expends money in an amount in excess of $10,000 to advocate the passage or defeat of such question or group of questions shall comply with the requirements of this subsection. Except as otherwise provided in NRS 294A.283, if a question is on the ballot at a general election or general city election held on

or after July 1 and before the January 1 immediately following that July 1, every person or group of persons organized formally or informally ~~[~~, ~~including a business entity,]~~ who advocates the passage or defeat of the question or a group of questions that includes the question and who receives or expends money in an amount in excess of $10,000 to advocate the passage or defeat of such question or group of questions shall comply with the requirements of this subsection. A person ~~[,]~~ ***or*** group of persons ~~[or business entity]~~ described in this subsection shall, not later than:

(a) Seven ~~*[Twenty-one]*~~ days before the primary election or primary city election, for the period from the January 1 immediately preceding the primary election or primary city election through 12 ~~*[25]*~~ days before the primary election or primary city election; and

(b) Seven ~~*[Four]*~~ days before the general ~~*[primary]*~~ election or general ~~*[primary]*~~ city election, for the period from 11 ~~*[24]*~~ days before the primary election or primary city election through 12 ~~*[5]*~~ days before the general ~~*[primary]*~~ election or general ~~*[primary]*~~ city election , ~~*[;*~~

~~*(c) Twenty-one days before the general election or general city election, for the period from 4 days before the primary election or primary city election through 25 days before the general election or general city election; and*~~

~~*(d) Four days before the general election or general city election, for the period from 24 days before the general election or general city election through 5 days before the general election or general city election,]*~~

➥ report each expenditure made during the period on behalf of or against the question, the group of questions or a question in the group of questions on the ballot in excess of $1,000 on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the group ~~[or business entity]~~ under penalty of perjury.

4. Except as otherwise provided in subsection 5, every person or group of persons organized formally or informally ~~[, including a business entity,]~~ who advocates the passage or defeat of a question or group of questions on the ballot at a special election shall, not later than:

(a) Seven days before the special election, for the period from the date the question qualified for the ballot through 12 days before the special election; and

(b) Thirty days after the special election, for the remaining period through the special election,

➥ report each expenditure made during the period on behalf of or against the question, the group of questions or a question in the group of questions on the ballot in excess of $1,000 on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the group ~~[or business entity]~~ under penalty of perjury.

5. Every person or group of persons organized formally or informally ~~[~~, ~~including a business entity,]~~ who advocates the passage or defeat of a question or group of questions on the ballot at a special election to determine whether a public officer will be recalled and who receives or expends money in an amount in excess of $10,000 to advocate the passage or defeat of such question or group of questions shall list each expenditure made during the period on behalf of or against the question, the group of questions or a question in the group of questions on the ballot in excess of $1,000 on the form designed and provided by the Secretary of State pursuant to NRS 294A.373 and signed by the person or a representative of the group ~~[or business entity]~~ under penalty of perjury, 30 days after:

(a) The special election, for the period from the filing of the notice of intent to circulate the petition for recall through the special election; or

(b) If the special election is not held because a district court determines that the petition for recall is legally insufficient pursuant to subsection 6 of NRS 306.040, for the period from the filing of the notice of intent to circulate the petition for recall through the date of the district court's decision.

6. Expenditures made within the State or made elsewhere but for use within the State, including expenditures made outside the State for printing, television and radio broadcasting or other production of the media, must be included in the report.

7. The reports required pursuant to this section must be filed with:

(a) If the question is submitted to the voters of one county, the county clerk of that county;

(b) If the question is submitted to the voters of one city, the city clerk of that city; or

(c) If the question is submitted to the voters of more than one county or city, the Secretary of State.

8. If an expenditure is made on behalf of a group of questions, the reports must be itemized by question or petition. A person may mail or transmit the report to the appropriate filing officer by regular mail, certified mail, facsimile machine or electronic means. A report shall be deemed to be filed with the filing officer :

(a) On the date that it was mailed if it was sent by certified mail; or

(b) On ~~*[on]*~~ the date that it was received by the filing officer if ~~*[, regardless of whether]*~~ the report was sent by regular ~~*[mail or certified]*~~ mail, transmitted by facsimile machine or electronic means, or delivered personally.

9. Each county clerk or city clerk who receives a report pursuant to this section shall file a copy of the report with the Secretary of State within 10 working days after receiving the report.

Sec. 49. NRS 294A.230 is hereby amended to read as follows:

294A.230 1. Each committee for political action shall, before it engages in any activity in this State, register with the Secretary of State on forms supplied by the Secretary of State.

2. The form must require:

(a) The name of the committee;

(b) The purpose for which it was organized;

(c) The names, addresses and telephone numbers of its officers;

(d) If the committee for political action is affiliated with any other organizations, the name, address and telephone number of each organization;

(e) The name, address and telephone number of its registered agent; and

(f) Any other information deemed necessary by the Secretary of State.

3. A committee for political action shall file with the Secretary of State an amended form for registration within 30 days after any change in the information contained in the form for registration.

4. The Secretary of State shall include on the Secretary of State's Internet website the information required pursuant to subsection 2.

5. For purposes of the civil penalty that the Secretary of State may impose pursuant to NRS 294A.420 for violating the provisions of subsection 1, if a committee for political action fails to register with the Secretary of State pursuant to subsection 1, each time a committee for political action engages in any activity in this State constitutes a separate violation of subsection 1 for which the Secretary of State may impose a civil penalty.

Sec. 50. NRS 294A.281 is hereby amended to read as follows:

294A.281 1. Each person or group of persons organized formally or informally ~~[, including a business entity,]~~ who advocates the passage or defeat of a constitutional amendment or statewide measure proposed by an initiative or referendum, before engaging in any such advocacy in this State, shall file a statement of organization with the Secretary of State as provided in subsection 2.

2. Each statement of organization must include:

(a) The name of the person ~~[,]~~ ***or*** group of persons ***;*** ~~[or business entity;]~~

(b) The purpose for which the person ~~[,]~~ ***or*** group of persons ~~[or business entity]~~ is organized;

(c) The names and addresses of any officers of the person ~~[,]~~ ***or*** group of persons ***;*** ~~[or business entity;]~~

(d) If the person ~~[,]~~ ***or*** group of persons ~~[or business entity]~~ is affiliated with or is retained by any other person ~~[,]~~ ***or*** group ~~[or business entity]~~ for the purpose of advocating the passage or defeat of a constitutional amendment or statewide measure proposed by initiative or referendum, the name and address of each such other person ~~[,]~~ ***or*** group ***;*** ~~[or business entity;]~~ and

(e) The name, address and telephone number of the registered agent of the person ~~[,]~~ ***or*** group of persons ***.*** ~~[or business entity.]~~

3. A person ~~[,]~~ ***or*** group of persons ~~[or business entity]~~ which has filed a statement of organization pursuant to this section shall file an amended statement with the Secretary of State within 30 days of any changes to the information required pursuant to subsection 2.

Sec. 51. NRS 294A.282 is hereby amended to read as follows:

294A.282 Each person or group of persons organized formally or informally ~~[, including a business entity,]~~ who advocates the passage or defeat of a constitutional amendment or statewide measure proposed by an initiative or referendum shall appoint and keep within this State a registered agent, as provided in NRS 14.020, who must be a natural person who resides in this State.

Sec. 52. NRS 294A.283 is hereby amended to read as follows:

294A.283 1. Every person or group of persons organized formally or informally ~~[, including a business entity,]~~ who advocates the passage or defeat of a constitutional amendment or statewide measure proposed by an initiative or referendum, including, without limitation, the initiation or circulation thereof, and who receives or expends money in an amount in excess of $10,000 for such advocacy shall, not later than the dates listed in subsection 2, report:

(a) Each campaign contribution in excess of $1,000 received during each period described in subsection 2;

(b) Contributions received during each period described in subsection 2 from a contributor which cumulatively exceed $1,000;

(c) Each expenditure in excess of $1,000 the person ~~[,]~~ ***or*** group of persons ~~[or business entity]~~ makes during each period described in subsection 2; and

(d) The total amount of money the person ~~[,]~~ ***or*** group of persons ~~[or business entity]~~ has at the beginning of each period described in subsection 2, accounting for all contributions received and expenditures made during each previous period.

2. Every person ~~[,]~~ ***or*** group of persons ~~[or business entity]~~ required to report pursuant to subsection 1 shall file that report with the Secretary of State:

(a) For the period beginning on the first day a copy of the petition may be filed with the Secretary of State before it is circulated for signatures pursuant to Section 1 or Section 2 of Article 19 of the Nevada Constitution, as applicable, and ending on the following March 31, not later than April 15;

(b) For the period beginning on April 1 and ending on July 31, not later than August 15;

(c) For the period beginning on August 1 and ending on September 30, not later than October 15; and

(d) For the period beginning on October 1 and ending on December 31, not later than the following January 15.

3. The name and address of the contributor and the date on which the contribution was received must be included on each report for each contribution in excess of $1,000 and contributions which a contributor has made cumulatively in excess of that amount since the beginning of the applicable reporting period.

4. Expenditures made within the State or made elsewhere but for use within the State, including expenditures made outside the State for printing,

television and radio broadcasting or other production of the media, must be included in each report.

5. Each report required pursuant to this section must:

(a) Be on the form designed and provided by the Secretary of State pursuant to NRS 294A.373; and

(b) Be signed by the person or a representative of the group of persons ~~[or business entity]~~ under penalty of perjury.

6. A person ~~[,]~~ ***or*** group of persons ~~[or business entity]~~ may mail or transmit each report to the Secretary of State by certified mail, regular mail, facsimile machine or electronic means or may deliver the report personally.

7. A report shall be deemed to be filed with the Secretary of State :

(a) On the date that it was mailed if it was sent by certified mail; or

(b) On ~~*[on]*~~ the date that it was received by the Secretary of State if ~~*[, regardless of whether]*~~ the report was sent by regular ~~*[mail or certified]*~~ mail, transmitted by facsimile machine or electronic means, or delivered personally.

Sec. 53. NRS 294A.284 is hereby amended to read as follows:

294A.284 1. Each person or group of persons organized formally or informally ~~[, including a business entity,]~~ who advocates the passage or defeat of a constitutional amendment or statewide measure proposed by an initiative or referendum that provides compensation to persons to circulate petitions shall report to the Secretary of State:

(a) The number of persons to whom such compensation is provided;

(b) The least amount of such compensation that is provided and the greatest amount of such compensation that is provided; and

(c) The total amount of compensation provided.

2. The Secretary of State shall make public any information received pursuant to this section.

Sec. 54. NRS 294A.286 is hereby amended to read as follows:

294A.286 1. ***Any candidate or public officer may establish a legal defense fund.*** A person who administers a legal defense fund shall:

(a) Within 5 days after the creation of the legal defense fund, notify the Secretary of State of the creation of the fund on a form provided by the Secretary of State; and

(b) For the same period covered by the report filed pursuant to NRS 294A.120, 294A.200 or 294A.360, report any contribution received by or expenditure made from the legal defense fund.

2. The reports required by paragraph (b) of subsection 1 must be submitted on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. Each form must be signed by the administrator of the legal defense fund under penalty of perjury.

3. The reports required by paragraph (b) of subsection 1 must be filed in the same manner and at the same time as the report filed pursuant to NRS 294A.120, 294A.200 or 294A.360.

4. Notwithstanding the provisions of this section, a candidate or public officer may use campaign contributions to pay for any legal expenses that the candidate or public officer incurs in relation to a campaign or serving in public office without establishing a legal defense fund. Any such candidate or public officer shall report any expenditure of campaign contributions to pay for legal expenses in the same manner and at the same time as the report filed pursuant to NRS 294A.120, 294A.200 or 294A.360. A candidate or public officer shall not use campaign contributions to satisfy a civil or criminal penalty imposed by law.

Sec. 55. NRS 294A.347 is hereby amended to read as follows:

294A.347 1. A statement which:

(a) Is published within 60 days before a general election, general city election or special election or 30 days before a primary election or primary city election;

(b) Expressly advocates the election or defeat of a clearly identified candidate for a state or local office; and

(c) Is published by a person who receives compensation from the candidate, an opponent of the candidate, or a person, party ~~[,]~~ ***or*** committee ~~[or business entity]~~ required to report expenditures pursuant to NRS 294A.210 ~~, *[or section 38 of this act,]*~~

➥ must contain a disclosure of the fact that the person receives compensation pursuant to paragraph (c) and the name of the person, party ~~[,]~~ ***or*** committee ~~[or business entity]~~ providing that compensation.

2. A statement which:

(a) Is published by a candidate within 60 days before a general election, general city election or special election or 30 days before a primary election or primary city election; and

(b) Contains the name of the candidate,

➥ shall be deemed to comply with the provisions of this section.

3. As used in this section, "publish" means the act of:

(a) Printing, posting, broadcasting, mailing or otherwise disseminating; or

(b) Causing to be printed, posted, broadcasted, mailed or otherwise disseminated.

Sec. 56. NRS 294A.350 is hereby amended to read as follows:

294A.350 1. Every candidate for state, district, county, municipal or township office shall file the reports of campaign contributions and expenses required by NRS 294A.120, 294A.128, 294A.200 and 294A.360 and reports of contributions received by and expenditures made from a legal defense fund ***or used to pay legal expenses*** required by NRS 294A.286, even though the candidate:

(a) Withdraws his or her candidacy;

(b) Receives no campaign contributions;

(c) Has no campaign expenses;

(d) Is removed from the ballot by court order; or

(e) Is the subject of a petition to recall and the special election is not held.

2. A candidate who withdraws his or her candidacy pursuant to NRS 293.202 may file simultaneously all the reports of campaign contributions and expenses required by NRS 294A.120, 294A.128, 294A.200 and 294A.360 and the report of contributions received by and expenditures made from a legal defense fund ***or used to pay legal expenses*** required by NRS 294A.286, so long as each report is filed on or before the last day for filing the respective report pursuant to NRS 294A.120, 294A.200 or 294A.360.

Sec. 57. ~~[NRS 294A.360 is hereby amended to read as follows:~~

~~294A.360 1. Every candidate for city office at a primary city election or general city election shall file the reports in the manner required by NRS 294A.120, 294A.128 and 294A.200 for other offices not later than January 15 of each year, for the period from January 1 of the previous year through December 31 of the previous year. The provisions of this subsection apply to the candidate:~~

~~(a) Beginning the year of the general city election for that office through the year immediately preceding the next general city election for that office; and~~

~~(b) Each year immediately succeeding a calendar year during which the candidate disposes of contributions pursuant to NRS 294A.160.~~

~~2. Every candidate for city office at a primary city election or general city election, if the general city election for the office for which he or she is a candidate is held on or after January 1 and before the July 1 immediately following that January 1, shall file the reports in the manner required by NRS 294A.120, 294A.128 and 294A.200 for other offices not later than:~~

~~(a) [Seven] *Twenty-one* days before the primary city election for that office, for the period from the January 1 immediately preceding the primary city election through [12] *25* days before the primary city election;~~

~~(b) [Seven] *Four* days before the [general] *primary* city election for that office, for the period from [11] *24* days before the primary city election through [12] *5* days before the [general] *primary* city election; [and~~

~~(c) July 15 of the year of]~~

~~*(c) Twenty-one days before* the general city election for that office, for the period from [11] *4* days before the [general] *primary* city election through [the June 30 of that year.] *25 days before the general city election; and*~~

~~*(d) Four days before the general city election for that office, for the period from 24 days before the general city election through 5 days before the general city election.*~~

~~3. Every candidate for city office at a primary city election or general city election, if the general city election for the office for which he or she is a candidate is held on or after July 1 and before the January 1 immediately following that July 1, shall file the reports in the manner required by NRS 294A.120, 294A.128 and 294A.200 for other offices not later than:~~

~~(a) [Seven] *Twenty-one* days before the primary city election for that office, for the period from the January 1 immediately preceding the primary city election through [12] *25* days before the primary city election; [and]~~

~~(b) [Seven] *Four* days before the general city election for that office, for the period from [11] *24* days before the primary city election through [12] *5* days before the [general] *primary* city election [.] ;~~

~~*(c) Twenty-one days before the general city election for that office, for the period from 4 days before the primary city election through 25 days before the general city election; and*~~

~~*(d) Four days before the general city election for that office, for the period from 24 days before the general city election through 5 days before the general city election.*~~

~~4. Except as otherwise provided in subsection 5, every candidate for city office at a special election shall so file those reports:~~

~~(a) Seven days before the special election, for the period from the candidate's nomination through 12 days before the special election; and~~

~~(b) Thirty days after the special election, for the remaining period through the special election.~~

~~5. Every candidate for city office at a special election to determine whether a public officer will be recalled shall so file those reports 30 days after:~~

~~(a) The special election, for the period from the filing of the notice of intent to circulate the petition for recall through the special election; or~~

~~(b) If the special election is not held because a district court determines that the petition for recall is legally insufficient pursuant to subsection 6 of NRS 306.040, for the period from the filing of the notice of intent to circulate the petition for recall through the date of the district court's decision.]~~ **(Deleted by amendment.)**

Sec. 58. NRS 294A.365 is hereby amended to read as follows:

294A.365 1. Each report of expenditures required pursuant to NRS 294A.210, 294A.220, 294A.280 and 294A.283 must consist of a list of each expenditure in excess of $100 or $1,000, as is appropriate, that was made during the periods for reporting. Each report of expenses required pursuant to NRS 294A.125 and 294A.200 must consist of a list of each expense in excess of $100 that was incurred during the periods for reporting. The list in each report must state the category and amount of the expense or expenditure and the date on which the expense was incurred or the expenditure was made.

2. The categories of expense or expenditure for use on the report of expenses or expenditures are:

(a) Office expenses;

(b) Expenses related to volunteers;

(c) Expenses related to travel;

(d) Expenses related to advertising;

(e) Expenses related to paid staff;

(f) Expenses related to consultants;

(g) Expenses related to polling;

(h) Expenses related to special events;

(i) ***Expenses related to a legal defense fund;***

(j) Except as otherwise provided in NRS 294A.362, goods and services provided in kind for which money would otherwise have been paid;

(k) Contributions made to another candidate, a nonprofit corporation that is registered or required to be registered pursuant to NRS 294A.225, a committee for political action that is registered or required to be registered pursuant to NRS 294A.230 or a committee for the recall of a public officer that is registered or required to be registered pursuant to NRS 294A.250; and

~~[(j)]~~ ~~*[(k)]*~~ ***(l)*** Other miscellaneous expenses.

3. Each report of expenses or expenditures described in subsection 1 must list the disposition of any unspent campaign contributions using the categories set forth in subsection 2 of NRS 294A.160.

Sec. 59. NRS 294A.373 is hereby amended to read as follows:

294A.373 1. The Secretary of State shall design a single form to be used for all reports of campaign contributions and expenses or expenditures that are required to be filed pursuant to NRS 294A.120, 294A.125, 294A.128, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220, 294A.270, 294A.280, 294A.283, 294A.360 and 294A.362 ~~*[and section 38 of this act]*~~ and reports of contributions received by and expenditures made from a legal defense fund ***or used to pay legal expenses*** that are required to be filed pursuant to NRS 294A.286.

2. The form designed by the Secretary of State pursuant to this section must only request information specifically required by statute.

3. Upon request, the Secretary of State shall provide a copy of the form designed pursuant to this section to each person, committee, political party ~~[,]~~ ***and*** group ~~[and business entity]~~ that is required to file a report described in subsection 1.

4. The Secretary of State must obtain the advice and consent of the Legislative Commission before providing a copy of a form designed or revised by the Secretary of State pursuant to this section to a person, committee, political party ~~[,]~~ ***or*** group ~~[or business entity]~~ that is required to use the form.

Sec. 60. NRS 294A.382 is hereby amended to read as follows:

294A.382 The Secretary of State shall not request or require a candidate, person, group of persons, committee ~~[,]~~ ***or*** political party ~~[or business entity]~~ to list each of the expenditures or campaign expenses of $100 or less on a form designed and provided pursuant to NRS 294A.373.

Sec. 61. NRS 294A.390 is hereby amended to read as follows:

294A.390 The officer from whom a candidate or entity requests a form for:

1. A declaration of candidacy;

2. An acceptance of candidacy;

3. The registration of a committee for political action pursuant to NRS 294A.230 ~~[,]~~ ***or*** a committee for the recall of a public officer pursuant to

NRS 294A.250 ***;*** ~~[or a business entity that wishes to engage in certain political activity pursuant to NRS 294A.377;]~~

4. The reporting of the creation of a legal defense fund pursuant to NRS 294A.286; or

5. The reporting of campaign contributions, expenses or expenditures pursuant to NRS 294A.120, 294A.128, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220, 294A.270, 294A.280, 294A.283 or 294A.360 ~~*[or section 38 of this act]*~~ and the reporting of contributions received by and expenditures made from a legal defense fund ***or used to pay legal expenses*** pursuant to NRS 294A.286,

➥ shall furnish the candidate with the necessary forms for reporting and copies of the regulations adopted by the Secretary of State pursuant to this chapter. An explanation of the applicable provisions of NRS 294A.100, 294A.120, 294A.128, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220, 294A.270, 294A.280, 294A.283 or 294A.360 ***or section 37*** ~~*[or 38]*~~ ***of this act*** relating to the making, accepting or reporting of campaign contributions, expenses or expenditures and the penalties for a violation of those provisions as set forth in NRS 294A.100 or 294A.420, and an explanation of NRS 294A.286 and 294A.287 relating to the accepting or reporting of contributions received by and expenditures made from a legal defense fund ***or used to pay legal expenses*** and the penalties for a violation of those provisions as set forth in NRS 294A.287 and 294A.420, must be developed by the Secretary of State and provided upon request. The candidate or entity shall acknowledge receipt of the material.

Sec. 62. NRS 294A.400 is hereby amended to read as follows:

294A.400 The Secretary of State shall, within 30 days after receipt of the reports required by NRS 294A.120, 294A.125, 294A.128, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220, 294A.270, 294A.280, 294A.283 and 294A.286, ***and*** ~~*[sections]*~~ ***section 37*** ~~*[and 38]*~~ ***of this act,*** prepare and make available for public inspection a compilation of:

1. The total campaign contributions, the contributions which are in excess of $100 and the total campaign expenses of each of the candidates from whom reports of those contributions and expenses are required.

2. The total amount of loans to a candidate guaranteed by a third party, the total amount of loans made to a candidate that have been forgiven and the total amount of written commitments for contributions received by a candidate.

3. The contributions made to a committee for the recall of a public officer in excess of $100.

4. The expenditures exceeding $100 made by a:

(a) Person on behalf of a candidate other than the person.

(b) Group of persons ~~[or business entity]~~ advocating the election or defeat of a candidate.

(c) Committee for the recall of a public officer.

5. The contributions in excess of $100 made to:

(a) A person who is not under the direction or control of a candidate or group of candidates or of any person involved in the campaign of the candidate or group who makes an expenditure on behalf of the candidate or group which is not solicited or approved by the candidate or group.

(b) A committee for political action, political party ~~[,]~~ ***or*** committee sponsored by a political party ~~[or business entity]~~ which makes an expenditure on behalf of a candidate or group of candidates.

6. The contributions in excess of $1,000 made to and the expenditures exceeding $1,000 made by a:

(a) Person or group of persons organized formally or informally ~~[, including a business entity]~~ who advocates the passage or defeat of a question or group of questions on the ballot and who receives or expends money in an amount in excess of $10,000 for such advocacy, except as otherwise provided in paragraph (b).

(b) Person or group of persons organized formally or informally ~~[, including a business entity,]~~ who advocates the passage or defeat of a constitutional amendment or statewide measure proposed by an initiative or referendum, including, without limitation, the initiation or circulation thereof, and who receives or expends money in an amount in excess of $10,000 for such advocacy.

7. ~~*[The expenditures exceeding $5,000 made by:*~~

~~*(a) A person who is not under the direction or control of a candidate or group of candidates or of any person involved in the campaign of the candidate or group who makes an expenditure on behalf of the candidate or group which is not solicited or approved by the candidate or group.*~~

~~*(b) A committee for political action, political party or committee sponsored by a political party which makes an expenditure on behalf of a candidate or group of candidates.*~~

~~*8.]*~~ The total contributions received by and expenditures made from a legal defense fund ~~[.]~~ ***or used to pay legal expenses.***

Sec. 63. NRS 294A.420 is hereby amended to read as follows:

294A.420 1. If the Secretary of State receives information that a person or entity that is subject to the provisions of NRS 294A.120, 294A.128, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220, ~~[294A.227,]~~ 294A.230, 294A.270, 294A.280, 294A.283, 294A.286 or 294A.360 ***or section 37*** ~~*[or 38]*~~ ***of this act*** has not filed a report or form for registration pursuant to the applicable provisions of those sections, the Secretary of State may, after giving notice to that person or entity, cause the appropriate proceedings to be instituted in the First Judicial District Court.

2. Except as otherwise provided in this section, a person or entity that violates an applicable provision of ~~[NRS 294A.112, 294A.120, 294A.128, 294A.130, 294A.140, 294A.150, 294A.160, 294A.200, 294A.210, 294A.220, 294A.227, 294A.230, 294A.270, 294A.280, 294A.283, 294A.286, 294A.300, 294A.310 or 294A.360]~~ ***this chapter*** is subject to a civil penalty of not more than $5,000 for each violation and payment of court costs and attorney's fees.

The civil penalty must be recovered in a civil action brought in the name of the State of Nevada by the Secretary of State in the First Judicial District Court and deposited by the Secretary of State for credit to the State General Fund in the bank designated by the State Treasurer.

3. If a civil penalty is imposed because a person or entity has reported its contributions, expenses or expenditures after the date the report is due, except as otherwise provided in this subsection, the amount of the civil penalty is:

(a) If the report is not more than 7 days late, $25 for each day the report is late.

(b) If the report is more than 7 days late but not more than 15 days late, $50 for each day the report is late.

(c) If the report is more than 15 days late, $100 for each day the report is late.

➥ A civil penalty imposed pursuant to this subsection against a public officer who by law is not entitled to receive compensation for his or her office or a candidate for such an office must not exceed a total of $100 if the public officer or candidate received no contributions and made no expenditures during the relevant reporting periods.

4. For good cause shown, the Secretary of State may waive a civil penalty that would otherwise be imposed pursuant to this section. If the Secretary of State waives a civil penalty pursuant to this subsection, the Secretary of State shall:

(a) Create a record which sets forth that the civil penalty has been waived and describes the circumstances that constitute the good cause shown; and

(b) Ensure that the record created pursuant to paragraph (a) is available for review by the general public.

Sec. 64. NRS 295.012 is hereby amended to read as follows:

295.012 A petition for initiative ***or referendum*** that proposes a ~~[~~~~statute, an amendment to a statute or an amendment to the Constitution~~]~~ ***constitutional amendment or statewide measure*** must be proposed by a number of registered voters from each petition district in the State that is at least equal to 10 percent of the voters who voted in that petition district at the last preceding general election.

Sec. 65. NRS 295.0575 is hereby amended to read as follows:

295.0575 A petition for a constitutional amendment or a petition for a statewide measure proposed by an initiative or referendum may consist of more than one document. Each document of a petition must have attached to it when submitted an affidavit executed by the circulator thereof stating:

1. That the circulator personally circulated the document;

2. The number of signatures thereon;

3. That all the signatures were affixed in the circulator's presence; ~~[~~and~~]~~

4. That each signer had an opportunity before signing to read the full text of the act or resolution on which the initiative or referendum is demanded ~~[.]~~ ***;***

5. The address and contact information of the circulator; and

6. That the circulator is 18 years of age or older.

Sec. 65.5. **NRS 281A.600 is hereby amended to read as follows:**

281A.600 1. Except as otherwise provided in subsection 2, if a public officer who was appointed to the office for which the public officer is serving is entitled to receive annual compensation of $6,000 or more for serving in that office **~~[,]~~** ***or if the public officer was appointed to the office of Legislator,*** the public officer shall file with the Commission a statement of financial disclosure, as follows:

(a) A public officer appointed to fill the unexpired term of an elected or appointed public officer shall file a statement of financial disclosure within 30 days after the public officer's appointment.

(b) Each public officer appointed to fill an office shall file a statement of financial disclosure on or before January 15 of **~~[each]~~** ***:***

(1) Each year of the term, including the year **~~[the term expires.]~~** ***in which the public officer leaves office; and***

(2) The year immediately following the year in which the public officer leaves office, unless the public officer leaves office before January 15 in the prior year.

➥ The statement must disclose the required information for the full calendar year immediately preceding the date of filing.

2. If a person is serving in a public office for which the person is required to file a statement pursuant to subsection 1, the person may use the statement the person files for that initial office to satisfy the requirements of subsection 1 for every other public office to which the person is appointed and in which the person is also serving.

3. A judicial officer who is appointed to fill the unexpired term of a predecessor or to fill a newly created judgeship shall file a statement of financial disclosure pursuant to the requirements of Canon 4I of the Nevada Code of Judicial Conduct. Such a statement of financial disclosure must include, without limitation, all information required to be included in a statement of financial disclosure pursuant to NRS 281A.620.

4. The Commission shall provide written notification to the Secretary of State of the public officers who failed to file the statements of financial disclosure required by subsection 1 or who failed to file those statements in a timely manner. The notice must be sent within 30 days after the deadlines set forth in subsection 1 and must include:

(a) The name of each public officer who failed to file a statement of financial disclosure within the period before the notice is sent;

(b) The name of each public officer who filed a statement of financial disclosure after the deadlines set forth in subsection 1 but within the period before the notice is sent;

(c) For the first notice sent after the public officer filed a statement of financial disclosure, the name of each public officer who filed a statement of

financial disclosure after the deadlines set forth in subsection 1 but within the period before the notice is sent; and

(d) For each public officer listed in paragraph (c), the date on which the statement of financial disclosure was due and the date on which the public officer filed the statement.

5. In addition to the notice provided pursuant to subsection 4, the Commission shall notify the Secretary of State of each public officer who files a statement of financial disclosure more than 30 days after the deadlines set forth in subsection 1. The notice must include the information described in paragraphs (c) and (d) of subsection 4.

6. A statement of financial disclosure shall be deemed to be filed with the Commission:

(a) On the date that it was mailed if it was sent by certified mail; or

(b) On the date that it was received by the Commission if the statement was sent by regular mail, transmitted by facsimile machine or electronic means, or delivered personally.

Sec. 66. NRS 281A.610 is hereby amended to read as follows:

281A.610 1. Except as otherwise provided in subsection 2, each candidate for public office who will be entitled to receive annual compensation of $6,000 or more for serving in the office that the candidate is seeking ***, each candidate for the office of Legislator*** and, except as otherwise provided in subsection 3, each public officer who was elected to the office for which the public officer is serving shall file with the Secretary of State a statement of financial disclosure, as follows:

(a) A candidate for nomination, election or reelection to public office shall file a statement of financial disclosure no later than the 10th day after the last day to qualify as a candidate for the office. The statement must disclose the required information for the full calendar year immediately preceding the date of filing and for the period between January 1 of the year in which the election for the office will be held and the last day to qualify as a candidate for the office. The filing of a statement of financial disclosure for a portion of a calendar year pursuant to this paragraph does not relieve the candidate of the requirement of filing a statement of financial disclosure for the full calendar year pursuant to paragraph (b) in the immediately succeeding year, if the candidate is elected to the office.

(b) Each public officer shall file a statement of financial disclosure ~~*[:*~~

~~*(1) If the public officer is a Legislator, on or before January 15 of each year of the term, including the year the term expires, and of the year immediately following the year in which the Legislator's term expires.*~~

~~*(2) If the public officer is not a Legislator,]*~~ on or before January 15 of ~~[each]~~ ***:***

(1) Each year of the term, including the year ~~[the term expires.]~~ ***in which the public officer leaves office; and***

(2) The year immediately following the year in which the public officer leaves office, unless the public officer leaves office before January 15 in the prior year.

➥ The statement must disclose the required information for the full calendar year immediately preceding the date of filing.

2. Except as otherwise provided in this subsection, if a candidate for public office is serving in a public office for which the candidate is required to file a statement pursuant to paragraph (b) of subsection 1 or subsection 1 of NRS 281A.600, the candidate need not file the statement required by subsection 1 for the full calendar year for which the candidate previously filed a statement. The provisions of this subsection do not relieve the candidate of the requirement pursuant to paragraph (a) of subsection 1 to file a statement of financial disclosure for the period between January 1 of the year in which the election for the office will be held and the last day to qualify as a candidate for the office.

3. A person elected pursuant to NRS 548.285 to the office of supervisor of a conservation district is not required to file a statement of financial disclosure relative to that office pursuant to subsection 1.

4. A candidate for judicial office or a judicial officer shall file a statement of financial disclosure pursuant to the requirements of Canon 4I of the Nevada Code of Judicial Conduct. Such a statement of financial disclosure must include, without limitation, all information required to be included in a statement of financial disclosure pursuant to NRS 281A.620.

5. A statement of financial disclosure shall be deemed to be filed with the Secretary of State :

(a) On the date that it was mailed if it was sent by certified mail; or

(b) On ~~*[on]*~~ the date that it was received by the Secretary of State if ~~*[, regardless of whether]*~~ the statement was sent by regular ~~*[mail or certified]*~~ mail, transmitted by facsimile machine or electronic means, or delivered personally.

6. The statement of financial disclosure filed pursuant to this section must be filed on the form prescribed by the Commission pursuant to NRS 281A.290.

7. The Secretary of State shall prescribe, by regulation, procedures for the submission of statements of financial disclosure filed pursuant to this section, maintain files of such statements and make the statements available for public inspection.

Sec. 67. Section 5.015 of the Charter of the City of Carlin, being chapter 344, Statutes of Nevada 1971, as added by chapter 493, Statutes of Nevada 2009, at page 2937, is hereby amended to read as follows:

Sec. 5.015 Filing of declarations of candidacy.

1. A candidate to be voted for at the general election must file a declaration of candidacy with the City Clerk ~~[not less than 5 days or more than 15 days before the day of the primary election held pursuant to the provisions of NRS 293.175.]~~ ***as provided by the election laws of this State.***

The City Clerk shall charge and collect from the candidate and the candidate must pay to the City Clerk, at the time of filing the declaration of candidacy, a filing fee in an amount fixed by the City Council by ordinance or resolution.

2. If, due to the death or ineligibility of or withdrawal by a candidate, a vacancy occurs in a nomination after the close of filing and any applicable period for withdrawal of candidacy, the candidate's name must remain on the ballot for the general election and, if elected, a vacancy exists.

Sec. 68. Section 5.015 of the Charter of the City of Wells, being chapter 275, Statutes of Nevada 1971, as added by chapter 493, Statutes of Nevada 2009, at page 2938, is hereby amended to read as follows:

Sec. 5.015 Filing of declarations of candidacy.

1. A candidate to be voted for at the general election must file a declaration of candidacy with the City Clerk ~~[not less than 5 days or more than 15 days before the day of the primary election held pursuant to the provisions of NRS 293.175.]~~ ***as provided by the election laws of this State.*** The City Clerk shall charge and collect from the candidate and the candidate must pay to the City Clerk, at the time of filing the declaration of candidacy, a filing fee in an amount fixed by the City Council by ordinance or resolution.

2. If, due to the death or ineligibility of or withdrawal by a candidate, a vacancy occurs in a nomination after the close of filing and any applicable period for withdrawal of candidacy, the candidate's name must remain on the ballot for the general election and, if elected, a vacancy exists.

Sec. 69. NRS 294A.003 and 294A.227 are hereby repealed.

TEXT OF REPEALED SECTIONS

294A.003 "Business entity" defined. "Business entity" means any corporation, company or other form of business organization. The term does not include a business entity for which:

1. The owners, investors, officers, directors, members or other organizers of the entity are disclosed in any public record; or

2. The business purpose of the entity is disclosed in a public record that clearly identifies a specific business in a manner that is verifiable.

294A.227 Registration; publication of information relating to registration.

1. A business entity shall register with the Secretary of State by submitting the completed form described in subsection 2 before it engages in any of the following activities in this State:

(a) Soliciting or receiving contributions from any other person, group or entity;

(b) Making contributions to candidates or other persons; or

(c) Making expenditures,

➥ designed to affect the outcome of any primary election, primary city election, general election, general city election, special election or question on the ballot.

2. The form must require:

(a) The name of the business entity;

(b) The purpose for which it was organized;

(c) The names and addresses of each owner, investor, officer, director, member or other organizer of the entity;

(d) If the business entity is affiliated with any other organization, the name, address and telephone number of each such organization;

(e) The name, address and telephone number of its registered agent, if any;

(f) A designation of the activities listed in subsection 1 in which it intends to engage; and

(g) Any other information deemed necessary by the Secretary of State.

3. The Secretary of State shall, in a timely manner, include on the portion of the Secretary of State's Internet website that is devoted to information concerning elections and campaigns the information required pursuant to subsection 2.

Assemblywoman Flores moved the adoption of the amendment.

Amendment adopted.

The following amendment was proposed by Assemblymen Oceguera and Conklin:

Amendment No. 545.

AN ACT relating to elections; revising provisions relating to declarations of candidacy or acceptance of candidacy; clarifying when a minor political party may be recognized; revising certain requirements for petitions of referendum; increasing fees for filing for candidacy; revising provisions concerning ballots; revising provisions relating to counting ballots, posting voting results and recounts; requiring employers to allow employees to be absent to participate in the nomination process for President of the United States; providing that the residency of spouses of certain military personnel is not changed whether absent or present in this State; making various changes concerning campaign contributions and expenditures; making various other changes to provisions governing elections; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires a person to file a declaration of candidacy or acceptance of candidacy in order to have the person's name appear on a ballot. (NRS 293.177, 293C.185) **Sections 4 and 31** of this bill prohibit a person from filing a declaration or acceptance of candidacy if the person has an outstanding civil penalty or fine related to a violation of a provision of election law.

In order to qualify to place the names of candidates on the ballot, under existing law, a minor political party must have filed with the Secretary of

State a certificate of existence and a list of candidates. Also, the minor political party must have: (1) at the last preceding general election, polled for any of its candidates for partisan office a number of votes equal to or more than 1 percent of the total number of votes cast for the offices of Representative in Congress; (2) been designated as the political party on the applications to register to vote of at least 1 percent of the total number of registered voters in this State; or (3) filed a petition with the Secretary of State which is signed by a number of registered voters equal to at least 1 percent of the total number of votes cast at the last preceding election for the offices of Representative of Congress. Alternatively, the minor political party may place the name of a candidate on the ballot if the minor political party has filed with the Secretary of State a certificate of existence and a petition on behalf of the candidate that it wants to place on the ballot containing a certain number of signatures. (NRS 293.1715) **Sections 6 and 15-18** of this bill clarify that an organization is recognized as a minor political party when it files a certificate of existence. A minor political party must still meet the other requirements in order to qualify to place candidates on the ballot.

Sections 7-12 and 64 of this bill provide that the signature and verification requirements for initiative petitions also apply to petitions for referendum.

Existing law provides the requirements for nominating candidates for office and placing candidates on the ballot for the general election. (NRS 293.165, 293.166, 293.368) **Sections 13, 14 and 25** of this bill move the date after which no change may be made on the ballot for the general election from the first Tuesday after the primary election to the fourth Friday in June of the year in which the general election is held.

Existing law provides that if a person willfully files a declaration or acceptance of candidacy that contains a false statement, the name of the person must not appear on the ballot for the election for which the person filed the declaration or acceptance of candidacy. (NRS 293.184, 293C.1865) **Sections 19 and 32** of this bill further require that if the name of such a person appears on the ballot because the deadline for making changes to the ballot has passed, the Secretary of State, county clerk or city clerk must inform voters by posting signs at polling places that the person is disqualified from entering upon the duties of office.

Section 20 of this bill increases the fees for filing for candidacy for federal, state, county, city and township office. **Section 20** exempts a person who does not have the ability to pay the fees in certain circumstances.

Section 21 of this bill allows a person to cast a primary ballot for a major political party only if the person is a member of that major political party.

Section 22 of this bill revises the order in which candidates for justice of the Supreme Court will appear on a ballot so that they appear with other constitutional officers.

Existing law sets forth procedures for depositing absent ballots in the ballot box, including verifying the absent voter's signature that appears on the back of the return envelope or facsimile. (NRS 293.333, 293C.332)

Because certain military personnel and overseas citizens may return special absent ballots via approved electronic transmission other than facsimile, **sections 23 and 33** of this bill authorize the verification of the signature of these voters by comparing the signature from the special absent ballot or the oath of the voter that must be included in the special absent ballot with that on the original application to register to vote.

Existing law sets forth the period for early voting by personal appearance at a primary or general election, which excludes Sundays and state and federal holidays. (NRS 293.3568, 293C.3568) **Sections 24 and 34** of this bill provide that state holidays are not excluded from that period.

Section 26 of this bill prohibits a county clerk from posting voting results for a statewide or multicounty race or ballot question until the Secretary of State notifies the county clerk that all polling places are closed and all votes have been cast.

Section 27 of this bill authorizes a person who demands an election recount in a county or city using a mechanical voting system to demand the recount of only absent ballots cast by mail.

Existing law requires an employer to allow an employee to be absent from his or her place of employment for the purpose of voting in an election. (NRS 293.463) **Section 28** of this bill requires employers to also allow employees to be absent from their places of employment to participate in the nomination process for candidates for President of the United States at a caucus of a political party.

Existing law provides that a person does not gain or lose residence in the State by reason of his or her presence or absence while being employed in the military, naval or civil service of the United States or the State of Nevada or while engaged in the navigation of the waters of the United States or of the high seas. (NRS 293.487) **Section 30** of this bill provides that the spouse of such a person also does not gain or lose residence in the State.

Section 37 of this bill requires certain persons, committees for political action, political parties and committees of political parties that make an expenditure of more than $100 for the purpose of financing certain public communications to disclose on the communication the name of the person, committee or political party that paid for the communication.

Section 38 of this bill requires that certain independent expenditures on behalf of a candidate or group of candidates of more than $5,000 be reported to the Secretary of State.

Existing law limits the amount that may be contributed to a candidate for office to $5,000 for the primary election and $5,000 for the general election. (NRS 294A.100) **Section 41** of this bill limits the amount that may be contributed to a committee for political action that is organized solely for the support or opposition of a single candidate to $5,000 for the primary election and $5,000 for the general election.

Section 41.5 of this bill prohibits a person from making a contribution to a committee for political action with the knowledge and intent that the

committee for political action will contribute that money to a specific candidate which, in combination with the total contributions already made by the person for the same election, would violate the limitations on contributions in existing law.

Sections 42, 44-48 and 57 of this bill amend the dates for filing reports relating to campaign contribution and expenditures and add an additional report that must be filed by candidates, groups and various parties and committees.

Section 49 of this bill provides that if a committee for political action fails to register with the Secretary of State before engaging in any activity within the State, the Secretary of State may impose on the committee a civil penalty for each time the committee engages in activity without being registered.

Sections 40, 44, 45, 47, 48, 50-53, 55, 59-62 and 69 of this bill repeal the term "business entity" and remove the term from provisions governing registration and campaign contribution and expenditure reporting. These entities, however, are not exempt from the provisions because they are business organizations included within the term "person" as defined in existing law. (NRS 294A.009)

Section 54 of this bill authorizes a candidate or public officer to use campaign contributions to pay for legal expenses that the candidate or public officer incurred in relation to a campaign or while serving in public office. Any such candidate or public officer is not required to establish a legal defense fund in order to use campaign contributions to pay for legal expenses, but **sections 29, 54, 56, 58, 59, 61 and 62** of this bill require the candidate or public officer to report the expenditure of such money on his or her campaign expenditure reports.

Section 65 of this bill requires the affidavit executed by a circulator of a petition for initiative or referendum to include the contact information of the circulator and a statement that the circulator is at least 18 years of age.

Section 66 of this bill requires a Legislator to file a statement of financial disclosure on January 15th of the year immediately following the year in which the Legislator's term expires.

Sections 67 and 68 of this bill require that candidates for city office in the cities of Carlin and Wells file declarations of candidacy at the same time as candidates for statewide office.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 293 of NRS is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this act.

Sec. 2. *"**Central counting place" means the location designated by the county or city clerk for the compilation of election returns.***

Sec. 3. *"**Undervote" means a ballot that has been cast by a voter but shows no legally valid selection for any candidate for a particular office or for a ballot question.***

Sec. 4. ***1. Except as otherwise provided in this section, a person may not submit and the county clerk shall not accept a declaration of candidacy or acceptance of candidacy if a civil penalty has been issued or a fine imposed against the person for a violation of any provision of this title and the civil penalty or fine remains unpaid.***

2. Notwithstanding the provisions of subsection 1, a person described in subsection 1 may submit and the county clerk shall accept the declaration of candidacy or acceptance of candidacy if the unpaid civil penalty or fine is under appeal and the person posts a bond with the Secretary of State for the same amount as the unpaid civil penalty or fine.

3. Not later than 15 days before the first day for filing a declaration of candidacy or acceptance of candidacy set forth in NRS 293.177, the Secretary of State shall notify each county clerk of, and post on the Secretary of State's Internet website, the name of any person who is prohibited from filing a declaration of candidacy or acceptance of candidacy pursuant to this section.

Sec. 5. NRS 293.010 is hereby amended to read as follows:

293.010 As used in this title, unless the context otherwise requires, the words and terms defined in NRS 293.013 to 293.121, inclusive, ***and sections 2 and 3 of this act*** have the meanings ascribed to them in those sections.

Sec. 6. NRS 293.066 is hereby amended to read as follows:

293.066 "Minor political party" means any organization which ~~[qualifies]~~ ***is recognized*** as such pursuant to NRS 293.171.

Sec. 7. NRS 293.127561 is hereby amended to read as follows:

293.127561 1. The Legislature shall establish petition districts from which signatures for a petition for initiative ***or referendum*** that proposes a ~~[statute, an amendment to a statute or an amendment to the Constitution of this State]~~ ***constitutional amendment or statewide measure*** must be gathered. The petition districts must be established in a manner that is fair to all residents of the State, represent approximately equal populations and ensure that each signature is afforded the same weight.

2. Petition districts must be:

(a) Based on the population databases compiled by the Bureau of the Census of the United States Department of Commerce as validated and incorporated into the geographic information system by the Legislative Counsel Bureau for use by the Nevada Legislature.

(b) Designated in the maps filed with the Office of the Secretary of State pursuant to NRS 293.127562.

Sec. 8. NRS 293.127563 is hereby amended to read as follows:

293.127563 1. As soon as practicable after each general election, the Secretary of State shall determine the number of signatures required to be gathered from each petition district within the State for a petition for initiative ***or referendum*** that proposes a ~~[statute, an amendment to a statute or an amendment to the Constitution of this State.]~~ ***constitutional amendment or statewide measure.***

2. To determine the number of signatures required to be gathered from a petition district, the Secretary of State shall calculate the amount that equals 10 percent of the voters who voted in that petition district at the last preceding general election.

Sec. 9. NRS 293.1276 is hereby amended to read as follows:

293.1276 1. Within 4 days, excluding Saturdays, Sundays and holidays, after the submission of a petition containing signatures which are required to be verified pursuant to NRS 293.128, 293.165, 293.172, 293.200, 295.056, 298.109, 306.035 or 306.110, the county clerk shall determine the total number of signatures affixed to the documents and, in the case of a petition for ***initiative or referendum*** proposing a ~~[statute, an amendment to a statute or an amendment to the Constitution,]~~ ***constitutional amendment or statewide measure,*** shall tally the number of signatures for each petition district contained fully or partially within the county and forward that information to the Secretary of State.

2. If the Secretary of State finds that the total number of signatures filed with all the county clerks is less than 100 percent of the required number of registered voters, the Secretary of State shall so notify the person who submitted the petition and the county clerks and no further action may be taken in regard to the petition. If the petition is a petition to recall a county, district or municipal officer, the Secretary of State shall also notify the officer with whom the petition is to be filed.

3. After the petition is submitted to the county clerk, it must not be handled by any other person except by an employee of the county clerk's office until it is filed with the Secretary of State.

Sec. 10. NRS 293.1277 is hereby amended to read as follows:

293.1277 1. If the Secretary of State finds that the total number of signatures submitted to all the county clerks is 100 percent or more of the number of registered voters needed to declare the petition sufficient, the Secretary of State shall immediately so notify the county clerks. Within 9 days, excluding Saturdays, Sundays and holidays, after notification, each of the county clerks shall determine the number of registered voters who have signed the documents submitted in the county clerk's county and, in the case of a petition ***for initiative or referendum*** proposing a ~~[statute, an amendment to a statute or an amendment to the Constitution,]~~ ***constitutional amendment or statewide measure,*** shall tally the number of signatures for each petition district contained or fully contained within the county clerk's county.

2. If more than 500 names have been signed on the documents submitted to a county clerk, the county clerk shall examine the signatures by sampling them at random for verification. The random sample of signatures to be verified must be drawn in such a manner that every signature which has been submitted to the county clerk is given an equal opportunity to be included in the sample. The sample must include an examination of at least 500 or 5 percent of the signatures, whichever is greater.

3. In determining from the records of registration the number of registered voters who signed the documents, the county clerk may use the signatures contained in the file of applications to register to vote. If the county clerk uses that file, the county clerk shall ensure that every application in the file is examined, including any application in his or her possession which may not yet be entered into the county clerk's records. The county clerk shall rely only on the appearance of the signature and the address and date included with each signature in making his or her determination.

4. In the case of a petition ***for initiative or referendum*** proposing a ~~[statute, an amendment to a statute or an amendment to the Constitution,]~~ ***constitutional amendment or statewide measure,*** when the county clerk is determining the number of registered voters who signed the documents from each petition district contained fully or partially within the county clerk's county, he or she must use the statewide voter registration list available pursuant to NRS 293.675.

5. Except as otherwise provided in subsection 7, upon completing the examination, the county clerk shall immediately attach to the documents a certificate properly dated, showing the result of the examination, including the tally of signatures by petition district, if required, and transmit the documents with the certificate to the Secretary of State. ~~[If]~~ ***In the case of a petition for initiative or referendum proposing a constitutional amendment or statewide measure, if*** a petition district comprises more than one county ***,*** ~~[and the petition proposes a statute, an amendment to a statute or an amendment to the Constitution,]~~ the appropriate county clerks shall comply with the regulations adopted by the Secretary of State pursuant to this section to complete the certificate. A copy of this certificate must be filed in the clerk's office. When the county clerk transmits the certificate to the Secretary of State, the county clerk shall notify the Secretary of State of the number of requests to remove a name received by the county clerk pursuant to NRS 295.055 or 306.015.

6. A person who submits a petition to the county clerk which is required to be verified pursuant to NRS 293.128, 293.165, 293.172, 293.200, 295.056, 298.109, 306.035 or 306.110 must be allowed to witness the verification of the signatures. A public officer who is the subject of a recall petition must also be allowed to witness the verification of the signatures on the petition.

7. For any petition containing signatures which are required to be verified pursuant to the provisions of NRS 293.165, 293.200, 306.035 or 306.110 for any county, district or municipal office within one county, the county clerk shall not transmit to the Secretary of State the documents containing the signatures of the registered voters.

8. The Secretary of State shall by regulation establish further procedures for carrying out the provisions of this section.

Sec. 11. NRS 293.1278 is hereby amended to read as follows:

293.1278 1. If the certificates received by the Secretary of State from all the county clerks establish that the number of valid signatures is less than 90 percent of the required number of registered voters, the petition shall be deemed to have failed to qualify, and the Secretary of State shall immediately so notify the petitioners and the county clerks.

2. If those certificates establish that the number of valid signatures is equal to or more than the sum of 100 percent of the number of registered voters needed to make the petition sufficient plus the total number of requests to remove a name received by the county clerks pursuant to NRS 295.055 or 306.015 and, in the case of a petition ***for initiative or referendum*** proposing a ~~[statute, an amendment to a statute or an amendment to the Constitution,]~~ ***constitutional amendment or statewide measure,*** that the petition has the minimum number of signatures required for each petition district, the petition shall be deemed to qualify as of the date of receipt by the Secretary of State of those certificates, and the Secretary of State shall immediately so notify the petitioners and the county clerks.

3. If the certificates establish that the petitioners have 100 percent or more of the number of registered voters needed to make the petition sufficient but the petition fails to qualify pursuant to subsection 2, each county clerk who received a request to remove a name pursuant to NRS 295.055 or 306.015 shall remove each name as requested, amend the certificate and transmit the amended certificate to the Secretary of State. If the amended certificates establish that the petitioners have 100 percent or more of the number of registered voters needed to make the petition sufficient and, in the case of a petition ***for initiative or referendum*** proposing a ~~[statute, an amendment to a statute or an amendment to the Constitution,]~~ ***constitutional amendment or statewide measure,*** that the petition has the minimum number of signatures required for each petition district, the petition shall be deemed to qualify as of the date of receipt by the Secretary of State of the amended certificates, and the Secretary of State shall immediately so notify the petitioners and the county clerks.

Sec. 12. NRS 293.1279 is hereby amended to read as follows:

293.1279 1. If the statistical sampling shows that the number of valid signatures filed is 90 percent or more, but less than the sum of 100 percent of the number of signatures of registered voters needed to declare the petition sufficient plus the total number of requests to remove a name received by the county clerks pursuant to NRS 295.055 or 306.015, the Secretary of State shall order the county clerks to examine the signatures for verification. The county clerks shall examine the signatures for verification until they determine that 100 percent of the number of signatures of registered voters needed to declare the petition sufficient are valid. If the county clerks received a request to remove a name pursuant to NRS 295.055 or 306.015, the county clerks may not determine that 100 percent of the number of signatures of registered voters needed to declare the petition sufficient are

valid until they have removed each name as requested pursuant to NRS 295.055 or 306.015.

2. Except as otherwise provided in this subsection, if the statistical sampling shows that the number of valid signatures filed in any county is 90 percent or more but less than the sum of 100 percent of the number of signatures of registered voters needed to constitute 10 percent of the number of voters who voted at the last preceding general election in that county plus the total number of requests to remove a name received by the county clerk in that county pursuant to NRS 295.055 or 306.015, the Secretary of State may order the county clerk in that county to examine every signature for verification. If the county clerk received a request to remove a name pursuant to NRS 295.055 or 306.015, the county clerk may not determine that 100 percent or more of the number of signatures of registered voters needed to constitute 10 percent of the number of voters who voted at the last preceding general election in that county are valid until the county clerk has removed each name as requested pursuant to NRS 295.055 or 306.015. In the case of a petition for initiative ***or referendum*** that proposes a ~~[statute, an amendment to a statute or an amendment to the Constitution of this State,]~~ ***constitutional amendment or statewide measure,*** if the statistical sampling shows that the number of valid signatures in any petition district is 90 percent or more but less than the sum of 100 percent of the number of signatures of registered voters required for that petition district pursuant to NRS 295.012 plus the total number of requests to remove a name received by the county clerk or county clerks, if the petition district comprises more than one county, pursuant to NRS 295.055, the Secretary of State may order a county clerk to examine every signature for verification.

3. Within 12 days, excluding Saturdays, Sundays and holidays, after receipt of such an order, the county clerk or county clerks shall determine from the records of registration what number of registered voters have signed the petition and, if appropriate, tally those signatures by petition district. If necessary, the board of county commissioners shall allow the county clerk additional assistants for examining the signatures and provide for their compensation. In determining from the records of registration what number of registered voters have signed the petition and in determining in which petition district the voters reside, the county clerk must use the statewide voter registration list. The county clerk may rely on the appearance of the signature and the address and date included with each signature in determining the number of registered voters that signed the petition.

4. Except as otherwise provided in subsection 5, upon completing the examination, the county clerk or county clerks shall immediately attach to the documents of the petition an amended certificate, properly dated, showing the result of the examination and shall immediately forward the documents with the amended certificate to the Secretary of State. A copy of the amended certificate must be filed in the county clerk's office. In the case of a petition ***for initiative or referendum*** to propose a ~~[statute, an amendment to a statute~~

~~or an amendment to the Constitution,~~] ***constitutional amendment or statewide measure,*** if a petition district comprises more than one county, the county clerks shall comply with the regulations adopted by the Secretary of State pursuant to this section to complete the amended certificate.

5. For any petition containing signatures which are required to be verified pursuant to the provisions of NRS 293.165, 293.200, 306.035 or 306.110 for any county, district or municipal office within one county, the county clerk shall not forward to the Secretary of State the documents containing the signatures of the registered voters.

6. Except for a petition to recall a county, district or municipal officer, the petition shall be deemed filed with the Secretary of State as of the date on which the Secretary of State receives certificates from the county clerks showing the petition to be signed by the requisite number of voters of the State.

7. If the amended certificates received from all county clerks by the Secretary of State establish that the petition is still insufficient, the Secretary of State shall immediately so notify the petitioners and the county clerks. If the petition is a petition to recall a county, district or municipal officer, the Secretary of State shall also notify the officer with whom the petition is to be filed.

8. The Secretary of State shall adopt regulations to carry out the provisions of this section.

Sec. 13. NRS 293.165 is hereby amended to read as follows:

293.165 1. Except as otherwise provided in NRS 293.166, a vacancy occurring in a major or minor political party nomination for a partisan office may be filled by a candidate designated by the party central committee of the county or State, as the case may be, of the major political party or by the executive committee of the minor political party subject to the provisions of subsections 4 and 5.

2. A vacancy occurring in a nonpartisan nomination after the close of filing and on or before 5 p.m. of the second Tuesday in April must be filled by filing a nominating petition that is signed by registered voters of the State, county, district or municipality who may vote for the office in question. The number of registered voters who sign the petition must not be less than 1 percent of the number of persons who voted for the office in question in the State, county, district or municipality at the last preceding general election. The petition must be filed not earlier than the first Tuesday in March and not later than the fourth Tuesday in April. The petition may consist of more than one document. Each document must bear the name of one county and must be signed only by a person who is a registered voter of that county and who may vote for the office in question. Each document of the petition must be submitted for verification pursuant to NRS 293.1276 to 293.1279, inclusive, to the county clerk of the county named on the document. A candidate nominated pursuant to the provisions of this subsection:

(a) Must file a declaration of candidacy or acceptance of candidacy and pay the statutory filing fee on or before the date the petition is filed; and

(b) May be elected only at a general election, and the candidate's name must not appear on the ballot for a primary election.

3. A vacancy occurring in a nonpartisan nomination after 5 p.m. of the second Tuesday in April and on or before 5 p.m. on the ~~[first Tuesday after the primary election]~~ ***fourth Friday in June of the year in which the general election is held*** must be filled by the person who receives the next highest vote for the nomination in the primary.

4. No change may be made on the ballot for the general election after 5 p.m. on the ~~[first Tuesday after the primary election.]~~ ***fourth Friday in June of the year in which the general election is held.*** If a nominee dies after that time and date, the nominee's name must remain on the ballot for the general election and, if elected, a vacancy exists.

5. All designations provided for in this section must be filed on or before 5 p.m. on the ~~[first Tuesday after the primary election.]~~ ***fourth Friday in June of the year in which the general election is held.*** In each case, the statutory filing fee must be paid and an acceptance of the designation must be filed on or before 5 p.m. on the date the designation is filed.

Sec. 14. NRS 293.166 is hereby amended to read as follows:

293.166 1. A vacancy occurring in a party nomination for the office of State Senator, Assemblyman or Assemblywoman from a legislative district comprising more than one county may be filled as follows, subject to the provisions of subsections 2 and 3. The county commissioners of each county, all or part of which is included within the legislative district, shall meet to appoint a person who is of the same political party as the former nominee and who actually, as opposed to constructively, resides in the district to fill the vacancy, with the chair of the board of county commissioners of the county whose population residing within the district is the greatest presiding. Each board of county commissioners shall first meet separately and determine the single candidate it will nominate to fill the vacancy. Then, the boards shall meet jointly and the chairs on behalf of the boards shall cast a proportionate number of votes according to the percent, rounded to the nearest whole percent, which the population of its county is of the population of the entire district. Populations must be determined by the last decennial census or special census conducted by the Bureau of the Census of the United States Department of Commerce. The person who receives a plurality of these votes is appointed to fill the vacancy. If no person receives a plurality of the votes, the boards of county commissioners of the respective counties shall each as a group select one candidate, and the nominee must be chosen by drawing lots among the persons so selected.

2. No change may be made on the ballot after the ~~[first Tuesday after the primary election]~~ ***fourth Friday in June*** of the year in which the general election is held. If a nominee dies after that date, the nominee's name must remain on the ballot and, if elected, a vacancy exists.

3. The designation of a nominee pursuant to this section must be filed with the Secretary of State ***on or*** before 5 p.m. on the ~~[~~first Tuesday after the primary election,~~]~~ ***fourth Friday in June of the year in which the general election is held,*** and the statutory filing fee must be paid with the designation.

Sec. 15. NRS 293.171 is hereby amended to read as follows:

293.171 1. To ~~[~~qualify~~]~~ ***be recognized*** as a minor political party, an organization must file with the Secretary of State a certificate of existence which includes the:

(a) Name of the political party;

(b) Names of its officers;

(c) Names of the members of its executive committee; and

(d) Name of the person authorized to file the list of its candidates for partisan office with the Secretary of State.

2. A copy of the constitution or bylaws of the party must be affixed to the certificate.

3. A minor political party shall file with the Secretary of State an amended certificate of existence within 5 days after any change in the information contained in the certificate.

4. The constitution or bylaws of a minor political party must provide a procedure for the nomination of its candidates in such a manner that only one candidate may be nominated for each office.

5. A minor political party whose candidates for partisan office do not appear on the ballot for the general election must file a notice of continued existence with the Secretary of State not later than the second Friday in August preceding the general election.

6. A minor political party which fails to file a notice of continued existence as required by subsection 5 ceases to exist as a minor political party in this State.

Sec. 16. NRS 293.1715 is hereby amended to read as follows:

293.1715 1. The names of the candidates for partisan office of a minor political party must not appear on the ballot for a primary election.

2. The names of the candidates for partisan office of a minor political party must be placed on the ballot for the general election if the ***minor political*** party ~~[~~has~~]~~ ***is qualified. To qualify as a minor political party, the minor political party must have*** filed a certificate of existence and ***be recognized pursuant to NRS 293.171, must have filed*** a list of its candidates for partisan office pursuant to the provisions of NRS 293.1725 with the Secretary of State and:

(a) At the last preceding general election, the minor political party ***must have*** polled for any of its candidates for partisan office a number of votes equal to or more than 1 percent of the total number of votes cast for the offices of Representative in Congress;

(b) On January 1 preceding a primary election, the minor political party ~~[~~has~~]~~ ***must have*** been designated as the political party on the applications to

register to vote of at least 1 percent of the total number of registered voters in this State; or

(c) Not later than the ~~[second]~~ ***third*** Friday in ~~[June]~~ ***May*** preceding the general election, ~~[files]~~ ***must file*** a petition with the Secretary of State which is signed by a number of registered voters equal to at least 1 percent of the total number of votes cast at the last preceding general election for the offices of Representative in Congress.

3. The name of a candidate for partisan office for a minor political party other than a candidate for the office of President or Vice President of the United States must be placed on the ballot for the general election if the ***minor political*** party has filed:

(a) A certificate of existence ~~[,]~~ ***and is recognized pursuant to NRS 293.171;***

(b) A list of candidates for partisan office containing the name of the candidate pursuant to the provisions of NRS 293.1725 with the Secretary of State; and

(c) Not earlier than the first Monday in March preceding the general election and not later than 5 p.m. on the second Friday after the first Monday in March, a petition on behalf of the candidate with the Secretary of State containing not less than:

(1) Two hundred fifty signatures of registered voters if the candidate is to be nominated for a statewide office; or

(2) One hundred signatures of registered voters if the candidate is to be nominated for any office except a statewide office.

➥ A minor political party that places names of one or more candidates for partisan office on the ballot pursuant to this subsection may also place the names of one or more candidates for partisan office on the ballot pursuant to subsection 2.

4. The name of only one candidate of each minor political party for each partisan office may appear on the ballot for a general election.

5. A minor political party must file a copy of the petition required by paragraph (c) of subsection 2 or paragraph (c) of subsection 3 with the Secretary of State before the petition may be circulated for signatures.

Sec. 17. NRS 293.174 is hereby amended to read as follows:

293.174 ~~[1.]~~ If the qualification of a minor political party ***to place the names of candidates on the ballot pursuant to NRS 293.1715*** is challenged, all affidavits and documents in support of the challenge must be filed not later than 5 p.m. on the third Friday in June. Any judicial proceeding resulting from the challenge must be set for hearing not more than 5 days after the third Friday in June. A challenge pursuant to this ~~[subsection]~~ ***section*** must be filed with the First Judicial District Court if the petition was filed with the Secretary of State.

~~[2. If the qualification of a candidate of a minor political party other than a candidate for the office of President or Vice President of the United States is challenged, all affidavits and documents in support of the challenge must~~

~~be filed not later than 5 p.m. on the fourth Monday in March. Any judicial proceeding resulting from the challenge must be set for hearing not more than 5 days after the fourth Monday in March. A challenge pursuant to this subsection must be filed with:~~

~~(a) The First Judicial District Court; or~~

~~(b) If a candidate who filed a declaration of candidacy with a county clerk is challenged, the district court for the county where the declaration of candidacy was filed.~~**]**

Sec. 18. NRS 293.176 is hereby amended to read as follows:

293.176 1. Except as otherwise provided in subsection 2, no person may be a candidate of a major political party for partisan office in any election if the person has changed:

(a) The designation of his or her political party affiliation; or

(b) His or her designation of political party from nonpartisan to a designation of a political party affiliation,

➥ on an application to register to vote in the State of Nevada or in any other state during the time beginning on December 31 preceding the closing filing date for that election and ending on the date of that election whether or not the person's previous registration was still effective at the time of the change in party designation.

2. The provisions of subsection 1 do not apply to any person who is a candidate of a political party that **[**~~was~~**]** ***is*** not **[**~~qualified~~**]** ***recognized*** pursuant to NRS 293.171 on the December 31 next preceding the closing filing date for the election.

Sec. 19. NRS 293.184 is hereby amended to read as follows:

293.184 ***1.*** In addition to any other penalty provided by law, if a person **[**~~knowingly and~~**]** willfully files a declaration of candidacy or acceptance of candidacy **[**~~which~~**]** ***knowing that the declaration of candidacy or acceptance of candidacy*** contains a false statement:

[~~1. The~~**]**

(a) Except as otherwise provided in NRS 293.165 and 293.166, the name of the person must not appear on any ballot for the election for which the person filed the declaration of candidacy or acceptance of candidacy; and

[~~2.~~**]** ***(b)*** The person is disqualified from entering upon the duties of the office for which he or she was a candidate.

2. If the name of a person who is disqualified from entering upon the duties of an office pursuant to subsection 1 appears on a ballot for the election is disqualified because the deadline set forth in NRS 293.165 and 293.166 for making changes to the ballot has passed, the Secretary of State and county clerk must post a sign at each polling place where the person's name will appear on the ballot informing voters that the person is disqualified from entering upon the duties of office.

Sec. 20. NRS 293.193 is hereby amended to read as follows:

293.193 1. **[**~~Fees~~**]** ***Except as otherwise provided in subsection 6, fees*** as listed in this section for filing declarations of candidacy or acceptances of

candidacy must be paid to the filing officer by cash, cashier's check or certified check.

~~United States Senator [$500] *$3,000*~~
~~Representative in Congress [300] *2,000*~~
~~Governor [300] *2,000*~~
~~Justice of the Supreme Court [300] *1,500*~~
~~Any state office, other than Governor or justice of the Supreme Court [200] *1,500*~~
~~District judge [150] *500*~~
~~Justice of the peace [100] *250*~~
~~Any county office [100] *300*~~
~~State Senator [100] *300*~~
~~Assemblyman or Assemblywoman [100] *300*~~
~~Any district office other than district judge [30] *100*~~
~~Constable or other town or township office [30] *100*~~

For the purposes of this subsection, trustee of a county school district, hospital or hospital district is not a county office.

2. ~~[No]~~ ***Except as otherwise provided in subsections 3 and 6, no*** filing fee may be required from a candidate for an office the holder of which receives no compensation. ***The provisions of this subsection apply even if the holder is eligible to receive per diem or reimbursement of expenses.***

3. ***Except in the case of a State Senator, Assemblyman or Assemblywoman, and except as otherwise provided in subsection 6, a filing fee of $25 is required from a candidate for an office the holder of which receives annual compensation in the amount of $1,000 or less.***

4. The county clerk shall pay to the county treasurer all filing fees received from candidates. The county treasurer shall deposit the money to the credit of the general fund of the county.

~~[4.]~~ ***5.*** Except as otherwise provided in NRS 293.194, a filing fee paid pursuant to this section is not refundable.

6. A candidate for an office is not required to pay the filing fee required pursuant to this section if the candidate files with his or her declaration of candidacy or acceptance of candidacy:

(a) An affidavit, in the form prescribed by the Secretary of State and signed under penalty of perjury, that the candidate does not have the financial ability to pay the filing fee; and

(b) A petition to include the candidate on the ballot for the relevant office. Such a petition is subject to the requirements set forth in NRS 293.12757 to 293.1279, inclusive, must be in the form prescribed by the Secretary of State and must contain at least a number of signatures of registered voters within the candidate's district that is not less than the amount of the filing fee prescribed by subsection 1, 2 or 3, as applicable.

Sec. 21. NRS 293.257 is hereby amended to read as follows:

293.257 1. There must be a separate primary ballot for each major political party. The names of candidates for partisan offices who have

designated a major political party in the declaration of candidacy or acceptance of candidacy must appear on the primary ballot of the major political party designated.

2. The county clerk may choose to place the names of candidates for nonpartisan offices on the ballots for each major political party or on a separate nonpartisan primary ballot, but the arrangement which the county clerk selects must permit all registered voters to vote on them.

3. A registered voter may cast a primary ballot for a major political party at a primary election only if the registered voter designated on his or her application to register to vote an affiliation with that major political party.

Sec. 22. NRS 293.268 is hereby amended to read as follows:

293.268 The offices for which there are candidates, the names of the candidates therefor, and the questions to be voted upon must be printed on ballots in the following order:

1. President and Vice President of the United States.
2. United States Senator and Representative in Congress, in that sequence.
3. Governor, Lieutenant Governor, Secretary of State, Treasurer, Controller***,*** ~~[~~and~~]~~ Attorney General ~~[,]~~ ***and justice of the Supreme Court,*** in that sequence.
4. State Senators and members of the Assembly.
5. County and township partisan offices.
6. ~~[~~Statewide~~]~~ ***Except as otherwise provided in subsection 3, statewide*** nonpartisan offices.
7. District nonpartisan offices.
8. County nonpartisan offices.
9. City offices:

(a) Mayor;

(b) Council members according to ward in numerical order, if no wards, in alphabetical order; and

(c) Municipal judges.

10. Township nonpartisan offices.
11. Questions presented to the voters of the State with advisory questions listed in consecutive order after any other questions presented to the voters of the State.
12. Questions presented only to the voters of a special district or political subdivision of the State with advisory questions listed in consecutive order after any other questions presented only to the voters of a special district or political subdivision of the State.

Sec. 23. NRS 293.333 is hereby amended to read as follows:

293.333 On the day of an election, the precinct or district election boards receiving the absent voters' ballots from the county clerk shall, in the presence of a majority of the election board officers, remove the ballots from the ballot box and the containers in which the ballots were transported

pursuant to NRS 293.325 and deposit the ballots in the regular ballot box in the following manner:

1. The name of the voter, as shown on the return envelope **,** ~~[or]~~ facsimile, ***special absent ballot or oath of the voter required pursuant to NRS 293.3157, as applicable,*** must be called and checked as if the voter were voting in person;

2. The signature on the back of the return envelope or on the facsimile **,** ***special absent ballot or oath of the voter required pursuant to NRS 293.3157, as applicable,*** must be compared with that on the original application to register to vote;

3. If the board determines that the absent voter is entitled to cast a ballot, the envelope must be opened, the numbers on the ballot and envelope compared, the number strip or stub detached from the ballot and, if the numbers are the same, the ballot deposited in the regular ballot box; and

4. The election board officers shall mark in the roster opposite the name of the voter the word "Voted."

Sec. 24. NRS 293.3568 is hereby amended to read as follows:

293.3568 1. The period for early voting by personal appearance begins the third Saturday preceding a primary or general election and extends through the Friday before election day, Sundays and ***federal*** holidays excepted.

2. The county clerk may:

(a) Include any Sunday or ***federal*** holiday that falls within the period for early voting by personal appearance.

(b) Require a permanent polling place for early voting to remain open until 8 p.m. on any Saturday that falls within the period for early voting.

3. A permanent polling place for early voting must remain open:

(a) On Monday through Friday:

(1) During the first week of early voting, from 8 a.m. until 6 p.m.

(2) During the second week of early voting, from 8 a.m. until 6 p.m., or until 8 p.m. if the county clerk so requires.

(b) On any Saturday that falls within the period for early voting, for at least 4 hours between 10 a.m. and 6 p.m.

(c) If the county clerk includes a Sunday that falls within the period for early voting pursuant to subsection 2, during such hours as the county clerk may establish.

Sec. 25. NRS 293.368 is hereby amended to read as follows:

293.368 1. Whenever a candidate whose name appears upon the ballot at a primary election dies after 5 p.m. of the second Tuesday in April, the deceased candidate's name must remain on the ballot and the votes cast for the deceased candidate must be counted in determining the nomination for the office for which the decedent was a candidate.

2. If the deceased candidate on the ballot at the primary election receives the number of votes required to receive the nomination to the office for which he or she was a candidate, except as otherwise provided in subsection

3 of NRS 293.165, the deceased candidate shall be deemed nominated and the vacancy in the nomination must be filled as provided in NRS 293.165 or 293.166. If the deceased person was a candidate for a nonpartisan office, the nomination must be filled pursuant to subsection 2 of NRS 293.165.

3. Whenever a candidate whose name appears upon the ballot at a general election dies after 5 p.m. on the ~~[first Tuesday after the primary election,]~~ ***fourth Friday in June of the year in which the general election is held,*** the votes cast for the deceased candidate must be counted in determining the results of the election for the office for which the decedent was a candidate.

4. If the deceased candidate on the ballot at the general election receives the majority of the votes cast for the office, the deceased candidate shall be deemed elected and the office to which he or she was elected shall be deemed vacant at the beginning of the term for which he or she was elected. The vacancy thus created must be filled in the same manner as if the candidate had died after taking office for that term.

Sec. 26. NRS 293.383 is hereby amended to read as follows:

293.383 1. Except as otherwise provided in ~~[subsection 2,]~~ ***this section,*** each counting board, before it adjourns, shall post a copy of the voting results in a conspicuous place on the outside of the place where the votes were counted.

2. ~~[When]~~ ***Except as otherwise provided in subsection 3, when*** votes are cast on ballots which are mechanically or electronically tabulated in accordance with the provisions of chapter 293B of NRS, the county clerk shall, as soon as possible, post copies of the tabulated voting results in a conspicuous place on the outside of the counting facility or courthouse.

3. ***The Secretary of State shall notify each county clerk as soon as is reasonably practicable when every polling place is closed and all votes have been cast. A county clerk shall not post copies of the tabulated voting results for a statewide or multicounty race or ballot question until the county clerk has received notification from the Secretary of State that all polling places are closed and all votes have been cast.***

4. Each copy of the voting results posted in accordance with subsections 1 **,** ~~[and]~~ 2 ***and 3*** must set forth the accumulative total of all the votes cast within the county or other political subdivision conducting the election and must be signed by the members of the counting board or the computer program and processing accuracy board.

Sec. 27. NRS 293.404 is hereby amended to read as follows:

293.404 1. Where a recount is demanded pursuant to the provisions of NRS 293.403, the:

(a) County clerk of each county affected by the recount shall employ a recount board to conduct the recount in the county, and shall act as chair of the recount board unless the recount is for the office of county clerk, in which case the registrar of voters of the county, if a registrar of voters has been appointed for the county, shall act as chair of the recount board. If a

registrar of voters has not been appointed for the county, the chair of the board of county commissioners, if the chair is not a candidate on the ballot, shall act as chair of the recount board. If the recount is for the office of county clerk, a registrar of voters has not been appointed for the county and the chair of the board of county commissioners is a candidate on the ballot, the chair of the board of county commissioners shall appoint another member of the board of county commissioners who is not a candidate on the ballot to act as chair of the recount board. A member of the board of county commissioners who is a candidate on the ballot may not serve as a member of the recount board.

(b) City clerk shall employ a recount board to conduct the recount in the city, and shall act as chair of the recount board unless the recount is for the office of city clerk, in which case the mayor of the city, if the mayor is not a candidate on the ballot, shall act as chair of the recount board. If the recount is for the office of city clerk and the mayor of the city is a candidate on the ballot, the mayor of the city shall appoint another member of the city council who is not a candidate on the ballot to act as chair of the recount board. A member of the city council who is a candidate on the ballot may not serve as a member of the recount board.

2. Each candidate for the office affected by the recount and the voter who demanded the recount, if any, may be present in person or by an authorized representative, but may not be a member of the recount board.

3. Except in counties or cities using a mechanical voting system, the recount must include a count and inspection of all ballots, including rejected ballots, and must determine whether those ballots are marked as required by law.

4. If a recount is demanded in a county or city using a mechanical voting system, the person who demanded the recount shall select the ballots for the office or ballot question affected from ~~[5]~~ ***:***

(a) Five percent of the precincts, but in no case fewer than three precincts, after notification to each candidate for the office or the candidate's authorized representative ~~[.]~~ ***; or***

(b) The absent ballots cast by mail in that county or city.

5. The recount board shall examine the selected ballots, including any duplicate or rejected ballots, shall determine whether the ballots have been voted in accordance with this title and shall count the valid ballots by hand. In addition, a recount by computer must be made of all the selected ballots. If the count by hand or the recount by computer of the selected ballots shows a discrepancy equal to or greater than 1 percent or five votes, whichever is greater, for the candidate demanding the recount or the candidate who won the election according to the original canvass of the returns, or in favor of or against a ballot question, according to the original canvass of the returns, the county or city clerk shall order a count by hand of all the ballots for that office or ballot question. Otherwise, the county or city clerk shall order a

recount by computer of all the ballots for all candidates for the office or all the ballots for the ballot question.

~~[5.]~~ ***6.*** The county or city clerk shall unseal and give to the recount board all ballots to be counted.

~~[6.]~~ ***7.*** In the case of a demand for a recount affecting more than one county, the demand must be made to the Secretary of State, who shall notify the county clerks to proceed with the recount.

Sec. 28. NRS 293.463 is hereby amended to read as follows:

293.463 1. Any registered voter may be absent from his or her place of employment at a time to be designated by the employer for a sufficient time to vote ~~[.]~~ ***or participate in the nomination process for candidates for President of the United States at a caucus of a political party,*** if it is impracticable for the voter to vote ***or participate in the nomination process*** before or after his or her hours of employment. A sufficient time to vote shall be determined as follows:

(a) If the distance between the place of such voter's employment and the polling place ***or place where the caucus is held, as applicable,*** where such person votes is 2 miles or less, 1 hour.

(b) If the distance is more than 2 miles but not more than 10 miles, 2 hours.

(c) If the distance is more than 10 miles, 3 hours.

2. Such voter may not, because of such absence, be discharged, disciplined or penalized, nor shall any deduction be made from his or her usual salary or wages by reason of such absence.

3. Application for leave of absence to vote ***or participate in the nomination process*** shall be made to the employer or person authorized to grant such leave prior to the day of the election.

4. Any employer or person authorized to grant the leave of absence provided for in subsection 1, who denies any registered voter any right granted under this section, or who otherwise violates the provisions of this section, is guilty of a misdemeanor.

Sec. 29. NRS 293.4687 is hereby amended to read as follows:

293.4687 1. The Secretary of State shall maintain a website on the Internet for public information maintained, collected or compiled by the Secretary of State that relates to elections, which must include, without limitation:

(a) The Voters' Bill of Rights required to be posted on the Secretary of State's Internet website pursuant to the provisions of NRS 293.2549;

(b) The abstract of votes required to be posted on a website pursuant to the provisions of NRS 293.388;

(c) A current list of the registered voters in this State that also indicates the petition district in which each registered voter resides;

(d) A map or maps indicating the boundaries of each petition district; and

(e) All reports on campaign contributions and expenditures submitted to the Secretary of State pursuant to the provisions of NRS 294A.120,

294A.125, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220, 294A.270, 294A.280, 294A.283, 294A.360 and 294A.362 ***and section 38 of this act*** and all reports on contributions received by and expenditures made from a legal defense fund ***or used to pay for legal expenses*** submitted to the Secretary of State pursuant to NRS 294A.286.

2. The abstract of votes required to be maintained on the website pursuant to paragraph (b) of subsection 1 must be maintained in such a format as to permit the searching of the abstract of votes for specific information.

3. If the information required to be maintained by the Secretary of State pursuant to subsection 1 may be obtained by the public from a website on the Internet maintained by a county clerk or city clerk, the Secretary of State may provide a hyperlink to that website to comply with the provisions of subsection 1 with regard to that information.

Sec. 30. NRS 293.487 is hereby amended to read as follows:

293.487 No person may gain or lose residence by reason of his or her presence or absence while ~~[employed]~~ ***:***

1. Employed in the military, naval or civil service of the United States or of the State of Nevada, or while engaged in the navigation of the waters of the United States or of the high seas ~~[, or while a]~~ ***or while married to another person who is so employed or engaged;***

2. A student at any seminary or other institution of learning ~~[, or while an]~~ ***; or***

3. An inmate of any public institution.

Sec. 31. Chapter 293C of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in this section, a person may not submit and the city clerk shall not accept a declaration of candidacy or acceptance of candidacy if a civil penalty has been issued or a fine imposed against the person for a violation of any provision of this title and the civil penalty or fine remains unpaid.

2. Notwithstanding the provisions of subsection 1, a person described in subsection 1 may submit and the city clerk shall accept the declaration of candidacy or acceptance of candidacy if the unpaid civil penalty or fine is under appeal and the person posts a bond with the Secretary of State for the same amount as the unpaid civil penalty or fine.

3. Not later than 15 days before the first day for filing a declaration of candidacy or acceptance of candidacy set forth in NRS 293C.185, the Secretary of State shall notify each city clerk of, and post on the Secretary of State's Internet website, the name of any person who is prohibited from filing a declaration of candidacy or acceptance of candidacy pursuant to this section.

Sec. 32. NRS 293C.1865 is hereby amended to read as follows:

293C.1865 ***1.*** In addition to any other penalty provided by law, if a person ~~[knowingly and]~~ willfully files a declaration of candidacy or

acceptance of candidacy ~~[which]~~ ***knowing that the declaration of candidacy or acceptance of candidacy*** contains a false statement:

~~[1. The]~~

(a) Except as otherwise provided in NRS 293.165 or 293.166, the name of the person must not appear on any ballot for the election for which the person filed the declaration of candidacy or acceptance of candidacy; and

~~[2.]~~ ***(b)*** The person is disqualified from entering upon the duties of the office for which he or she was a candidate.

2. If the name of a person who is disqualified from entering upon the duties of an office pursuant to subsection 1 appears on a ballot for the election is disqualified because the deadline set forth in NRS 293.165 and 293.166 for making changes to the ballot has passed, the Secretary of State and city clerk must post a sign at each polling place where the person's name will appear on the ballot informing voters that the person is disqualified from entering upon the duties of office.

Sec. 33. NRS 293C.332 is hereby amended to read as follows:

293C.332 On the day of an election, the precinct or district election boards receiving the absent voters' ballots from the city clerk shall, in the presence of a majority of the election board officers, remove the ballots from the ballot box and the containers in which the ballots were transported pursuant to NRS 293C.325 and deposit the ballots in the regular ballot box in the following manner:

1. The name of the voter, as shown on the return envelope ***,*** ~~[or]~~ facsimile, ***special absent ballot or oath of the voter required pursuant to NRS 293.3157, as applicable,*** must be called and checked as if the voter were voting in person;

2. The signature on the back of the return envelope or on the facsimile ***, special absent ballot or oath of the voter required pursuant to NRS 293.3157, as applicable,*** must be compared with that on the original application to register to vote;

3. If the board determines that the absent voter is entitled to cast a ballot, the envelope must be opened, the numbers on the ballot and envelope compared, the number strip or stub detached from the ballot and, if the numbers are the same, the ballot deposited in the regular ballot box; and

4. The election board officers shall mark in the roster opposite the name of the voter the word "Voted."

Sec. 34. NRS 293C.3568 is hereby amended to read as follows:

293C.3568 1. The period for early voting by personal appearance begins the third Saturday preceding a primary city election or general city election, and extends through the Friday before election day, Sundays and ***federal*** holidays excepted.

2. The city clerk may:

(a) Include any Sunday or ***federal*** holiday that falls within the period for early voting by personal appearance.

(b) Require a permanent polling place for early voting to remain open until 8 p.m. on any Saturday that falls within the period for early voting.

3. A permanent polling place for early voting must remain open:

(a) On Monday through Friday:

(1) During the first week of early voting, from 8 a.m. until 6 p.m.

(2) During the second week of early voting, from 8 a.m. until 6 p.m., or until 8 p.m. if the city clerk so requires.

(b) On any Saturday that falls within the period for early voting, for at least 4 hours between 10 a.m. and 6 p.m.

(c) If the city clerk includes a Sunday that falls within the period for early voting pursuant to subsection 2, during such hours as the city clerk may establish.

Sec. 35. Chapter 294A of NRS is hereby amended by adding thereto the provisions set forth as sections 36, 37 and 38 of this act.

Sec. 36. *"**Advocates expressly" or "expressly advocates" means that a communication, taken as a whole, is susceptible to no other reasonable interpretation other than as an appeal to vote for or against a clearly identified candidate or group or candidates or a question or group of questions on the ballot at a primary election, primary city election, general election, general city election or special election. A communication does not have to include the words "vote for," "vote against," "elect," "support" or other similar language to be considered a communication that expressly advocates the passage or defeat of a candidate or a question.***

Sec. 37. ***1. A person, committee for political action, political party or committee sponsored by a political party that makes an expenditure of more than $100 for the purpose of financing a communication, including, without limitation, an electioneering communication, through any television or radio broadcast, newspaper, magazine, outdoor advertising facility, mailing or any other type of general public political advertising that:***

(a) Advocates expressly the election or defeat of a clearly identified candidate or group of candidates; or

(b) Solicits a contribution through any television or radio broadcast, newspaper, magazine, outdoor advertising facility, mailing or any other type of general public political advertising,

➥ shall disclose on the communication the name of the person, committee for political action, political party or committee sponsored by a political party that paid for the communication.

2. If a communication described in subsection 1 is approved by a candidate, in addition to the requirements of subsection 1, the communication must state that the candidate approved the communication and disclose the street address, telephone number and Internet address, if any, of the person, committee for political action, political party or committee sponsored by a political party that paid for the communication.

3. A person, committee for political action, political party or committee sponsored by a political party that has an Internet website available for viewing by the general public or that sends out an electronic mailing to more than 500 people that:

(a) Advocates expressly the election or defeat of a clearly identified candidate or group of candidates; or

(b) Solicits a contribution through any television or radio broadcast, newspaper, magazine, outdoor advertising facility, mailing or any other type of general public political advertising,

➥ shall disclose on the Internet website or electronic mailing, as applicable, the name of the person, committee for political action, political party or committee sponsored by a political party.

4. The disclosures and statements required pursuant to this section must be clear and conspicuous, and easy to read or hear, as applicable.

5. As used in this section, "electioneering communication" has the meaning ascribed to it in 11 C.F.R. § 100.29.

Sec. 38. ***1. Every person who is not under the direction or control of a candidate for office at a primary election, primary city election, general election or general city election, of a group of such candidates or of any person involved in the campaign of that candidate or group who makes an expenditure on behalf of the candidate or group which is not solicited or approved by the candidate or group, and every committee for political action, political party or committee sponsored by a political party which makes an expenditure on behalf of such a candidate or group of candidates shall, report each expenditure in excess of $5,000 and expenditures to the same payee which cumulatively exceed $5,000 that have not been reported previously pursuant to NRS 294A.210. Such a report must be on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the committee or political party under penalty of perjury.***

2. The reporting requirements set forth in subsection 1 apply to the person, committee or political party beginning on January 1 of the year of the general election or general city election for the office until 20 days preceding the general election or general city election for that office.

3. Expenditures made within this State or made elsewhere but for use within this State, including expenditures made outside the State for printing, television and radio broadcasting or other production of the media, must be included in the report.

4. The reports must be filed with:

(a) If the candidate is elected from one county, the county clerk of that county;

(b) If the candidate is elected from one city, the city clerk of that city; or

(c) If the candidate is elected from more than one county or city, the Secretary of State.

5. If an expenditure is made on behalf of a group of candidates, the reports must be itemized by the candidate. A person may mail or transmit the report to the appropriate officer by regular mail, certified mail, facsimile machine or electronic means. A report shall be deemed to be filed with the officer on the date that it was received by the officer, regardless of whether the report was sent by regular mail or certified mail, transmitted by facsimile machine or electronic means, or delivered personally.

6. Each county clerk or city clerk who receives a report pursuant to this section shall file a copy of the report with the Secretary of State within 10 working days after receiving the report.

7. The Secretary of State may adopt regulations to carry out the provisions of this section.

Sec. 39. NRS 294A.002 is hereby amended to read as follows:

294A.002 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS ~~[294A.003]~~ ***294A.004*** to 294A.009, inclusive, ***and section 36 of this act*** have the meanings ascribed to them in those sections.

Sec. 40. NRS 294A.007 is hereby amended to read as follows:

294A.007 1. "Contribution" means a gift, loan, conveyance, deposit, payment, transfer or distribution of money or of anything of value other than the services of a volunteer, and includes:

(a) The payment by any person, other than a candidate, of compensation for the personal services of another person which are rendered to a:

(1) Candidate;

(2) Person who is not under the direction or control of a candidate or group of candidates or of any person involved in the campaign of the candidate or group who makes an expenditure on behalf of the candidate or group which is not solicited or approved by the candidate or group;

(3) Committee for political action, political party ~~[,]~~ ***or*** committee sponsored by a political party ~~[or business entity]~~ which makes an expenditure on behalf of a candidate or group of candidates; or

(4) Person or group of persons organized formally or informally ~~[, including a business entity,]~~ who advocates the passage or defeat of a question or group of questions on the ballot,

➥ without charge to the candidate, person, committee or political party.

(b) The value of services provided in kind for which money would have otherwise been paid, such as paid polling and resulting data, paid direct mail, paid solicitation by telephone, any paid paraphernalia that was printed or otherwise produced to promote a campaign and the use of paid personnel to assist in a campaign.

2. As used in this section, "volunteer" means a person who does not receive compensation of any kind, directly or indirectly, for the services provided to a campaign.

Sec. 41. NRS 294A.100 is hereby amended to read as follows:

294A.100 1. A person shall not make a contribution or contributions to a candidate for any office, except a federal office, in an amount which exceeds $5,000 for the primary election or primary city election, regardless of the number of candidates for the office, and $5,000 for the general election or general city election, regardless of the number of candidates for the office, during the period:

(a) Beginning from 30 days before the regular session of the Legislature immediately following the last election for the office and ending 30 days before the regular session of the Legislature immediately following the next election for the office, if that office is a state, district, county or township office; or

(b) Beginning from 30 days after the last election for the office and ending 30 days before the next general city election for the office, if that office is a city office.

2. A candidate shall not accept a contribution made in violation of subsection 1.

3. ***A person shall not make a contribution or contributions to a committee for political action in an amount which exceeds $5,000 for the primary election or primary city election, and $5,000 for the general election or general city election, if the purpose for which the committee for political action was organized is solely for the support or opposition of a single candidate, except for a candidate for federal office.***

4. A person who willfully violates any provision of this section is guilty of a category E felony and shall be punished as provided in NRS 193.130.

Sec. 41.5. **NRS 294A.112 is hereby amended to read as follows:**

294A.112 1. A person shall not:

(a) Make a contribution in the name of another person;

(b) Knowingly allow his or her name to be used to cause a contribution to be made in the name of another person or assist in the making of a contribution in the name of another person;

(c) Knowingly assist a person to make a contribution in the name of another person; ~~[or]~~

(d) Knowingly accept a contribution made by a person in the name of another person ~~[.]~~ ***; or***

(e) Make a contribution to a committee for political action with the knowledge and intent that the committee for political action will contribute that money to a specific candidate which, in combination with the total contributions already made by the person for the same election, would violate the limitations on contributions set forth in this chapter.

2. As used in this section, "make a contribution in the name of another person" includes, without limitation:

(a) Giving money or an item of value, all or part of which was provided by another person, without disclosing the source of the money or item of value to the recipient at the time the contribution is made; and

(b) Giving money or an item of value, all or part of which belongs to the person who is giving the money or item of value, and claiming that the money or item of value belongs to another person.

Sec. 42. NRS 294A.120 is hereby amended to read as follows:

294A.120 1. Every candidate for state, district, county or township office at a primary or general election shall, not later than January 15 of each year, for the period from January 1 of the previous year through December 31 of the previous year, report each campaign contribution in excess of $100 received during the period and contributions received during the period from a contributor which cumulatively exceed $100. The provisions of this subsection apply to the candidate beginning the year of the general election for that office through the year immediately preceding the next general election for that office.

2. Every candidate for state, district, county or township office at a primary or general election shall, if the general election for the office for which he or she is a candidate is held on or after January 1 and before the July 1 immediately following that January 1, not later than:

(a) ~~[~~Seven~~]~~ ***Twenty-one*** days before the primary election for that office, for the period from the January 1 immediately preceding the primary election through ~~[~~12~~]~~ ***25*** days before the primary election;

(b) ~~[~~Seven~~]~~ ***Four*** days before the ~~[~~general~~]~~ ***primary*** election for that office, for the period from ~~[~~11~~]~~ ***24*** days before the primary election through ~~[~~12~~]~~ ***5*** days before the ~~[~~general election; and

~~(c) July 15 of the year of~~~~]~~ ***primary election;***

(c) Twenty-one days before the general election for that office, for the period from ~~[~~11~~]~~ ***4*** days before the ~~[~~general~~]~~ ***primary*** election through ~~[~~June 30 of that year,~~]~~ ***25 days before the general election; and***

(d) Four days before the general election for that office, for the period from 24 days before the general election through 5 days before the general election,

➥ report each campaign contribution in excess of $100 received during the period and contributions received during the period from a contributor which cumulatively exceed $100. The report must be completed on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. Each form must be signed by the candidate under penalty of perjury.

3. Every candidate for state, district, county or township office at a primary or general election shall, if the general election for the office for which he or she is a candidate is held on or after July 1 and before the January 1 immediately following that July 1, not later than:

(a) ~~[~~Seven~~]~~ ***Twenty-one*** days before the primary election for that office, for the period from the January 1 immediately preceding the primary election through ~~[~~12~~]~~ ***25*** days before the primary election; ~~[~~and

~~(b) Seven~~~~]~~

(b) Four days before the ~~[~~general~~]~~ ***primary*** election for that office, for the period from ~~[~~11~~]~~ ***24*** days before the primary election through ~~[~~12~~]~~ ***5*** days before the ~~[~~general election,~~]~~ ***primary election;***

(c) Twenty-one days before the general election for that office, for the period from 4 days before the primary election through 25 days before the general election; and

(d) Four days before the general election for that office, for the period from 24 days before the general election through 5 days before the general election,

➥ report each campaign contribution in excess of $100 received during the period and contributions received during the period from a contributor which cumulatively exceed $100. The report must be completed on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. Each form must be signed by the candidate under penalty of perjury.

4. Except as otherwise provided in subsection 5, every candidate for a district office at a special election shall, not later than:

(a) Seven days before the special election, for the period from the candidate's nomination through 12 days before the special election; and

(b) Thirty days after the special election, for the remaining period through the special election,

➥ report each campaign contribution in excess of $100 received during the period and contributions received during the reporting period from a contributor which cumulatively exceed $100. The report must be completed on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. Each form must be signed by the candidate under penalty of perjury.

5. Every candidate for state, district, county, municipal or township office at a special election to determine whether a public officer will be recalled shall list each of the campaign contributions received on the form designed and provided by the Secretary of State pursuant to NRS 294A.373 and signed by the candidate under penalty of perjury, 30 days after:

(a) The special election, for the period from the filing of the notice of intent to circulate the petition for recall through the special election; or

(b) A district court determines that the petition for recall is legally insufficient pursuant to subsection 6 of NRS 306.040, for the period from the filing of the notice of intent to circulate the petition for recall through the date of the district court's decision.

6. Reports of campaign contributions must be filed with the officer with whom the candidate filed the declaration of candidacy or acceptance of candidacy. A candidate may mail or transmit the report to that officer by regular mail, certified mail, facsimile machine or electronic means. A report shall be deemed to be filed with the officer ~~[~~:

~~(a) On the date that it was mailed if it was sent by certified mail; or~~

~~(b) On~~] ***on*** the date that it was received by the officer ~~[if]~~ ***, regardless of whether*** the report was sent by regular ***mail or certified*** mail, transmitted by facsimile machine or electronic means, or delivered personally.

7. Every county clerk who receives from candidates for legislative or judicial office, including, without limitation, the office of justice of the peace or municipal judge, reports of campaign contributions pursuant to this section shall file a copy of each report with the Secretary of State within 10 working days after receiving the report.

8. The name and address of the contributor and the date on which the contribution was received must be included on the report for each contribution in excess of $100 and contributions which a contributor has made cumulatively in excess of that amount since the beginning of the current reporting period.

Sec. 43. NRS 294A.125 is hereby amended to read as follows:

294A.125 1. In addition to complying with the requirements set forth in NRS 294A.120, 294A.200 and 294A.360, a candidate who receives contributions in any year before the year in which the general election or general city election in which the candidate intends to seek election to public office is held shall, for:

(a) The year in which the candidate receives contributions in excess of $10,000, list each of the contributions received and the expenditures in excess of $100 made in that year.

(b) Each year after the year in which the candidate received contributions in excess of $10,000, until the year of the general election or general city election in which the candidate intends to seek election to public office is held, list each of the contributions received and the expenditures in excess of $100 made in that year.

2. The reports required by subsection 1 must be submitted on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. Each form must be signed by the candidate under penalty of perjury.

3. The name and address of the contributor and the date on which the contribution was received must be included on the list for each contribution in excess of $100 and contributions that a contributor has made cumulatively in excess of that amount.

4. The report must be filed:

(a) With the officer with whom the candidate will file the declaration of candidacy or acceptance of candidacy for the public office the candidate intends to seek. A candidate may mail or transmit the report to that officer by regular mail, certified mail, facsimile machine or electronic means. A report shall be deemed to be filed with the officer:

~~[(1) On the date it was mailed if it was sent by certified mail.~~

~~(2) On~~] ***on*** the date it was received by the officer ~~[if]~~ ***, regardless of whether*** the report was sent by regular ***mail or certified*** mail, transmitted by facsimile machine or electronic means, or delivered personally.

(b) On or before January 15 of the year immediately after the year for which the report is made.

5. A county clerk who receives from a candidate for legislative or judicial office, including, without limitation, the office of justice of the peace or municipal judge, a report of contributions and expenditures pursuant to subsection 4 shall file a copy of the report with the Secretary of State within 10 working days after receiving the report.

Sec. 44. NRS 294A.140 is hereby amended to read as follows:

294A.140 1. Every person who is not under the direction or control of a candidate for office at a primary election, primary city election, general election or general city election, of a group of such candidates or of any person involved in the campaign of that candidate or group who makes an expenditure on behalf of the candidate or group which is not solicited or approved by the candidate or group, and every committee for political action, political party ~~[,]~~ ***and*** committee sponsored by a political party ~~[and business entity]~~ which ***receives contributions in excess of $100 or*** makes an expenditure on behalf of such a candidate or group of candidates shall, not later than January 15 of each year that the provisions of this subsection apply to the person, committee ~~[,]~~ ***or*** political party ***,*** ~~[or business entity,]~~ for the period from January 1 of the previous year through December 31 of the previous year, report each campaign contribution in excess of $100 received during the period and contributions received during the period from a contributor which cumulatively exceed $100. The provisions of this subsection apply to the person, committee ~~[,]~~ ***or*** political party ~~[or business entity]~~ beginning the year of the general election or general city election for that office through the year immediately preceding the next general election or general city election for that office.

2. Every person, committee ~~[,]~~ ***or*** political party ~~[or business entity]~~ described in subsection 1 which makes an expenditure on behalf of the candidate for office at a primary election, primary city election, general election or general city election or on behalf of a group of such candidates shall, if the general election or general city election for the office for which the candidate or a candidate in the group of candidates seeks election is held on or after January 1 and before the July 1 immediately following that January 1, not later than:

(a) ~~[Seven]~~ ***Twenty-one*** days before the primary election or primary city election for that office, for the period from the January 1 immediately preceding the primary election or primary city election through ~~[12]~~ ***25*** days before the primary election or primary city election;

(b) ~~[Seven]~~ ***Four*** days before the ~~[general]~~ ***primary*** election or ~~[general]~~ ***primary*** city election for that office, for the period from ~~[11]~~ ***24*** days before the primary election or primary city election through ~~[12]~~ ***5*** days before the ~~[general]~~ ***primary*** election or ~~[general]~~ ***primary*** city election; ~~[and~~

~~(c) July 15 of the year of]~~

(c) Twenty-one days before the general election or general city election for that office, for the period from ~~[~~11~~]~~ ***4*** days before the ~~[~~general~~]~~ ***primary*** election or ~~[~~general~~]~~ ***primary*** city election through ~~[~~June 30 of that year,~~]~~ ***25 days before the general election or general city election; and***

(d) Four days before the general election or general city election for that office, for the period from 24 days before the general election or general city election through 5 days before the general election or general city election,

➥ report each campaign contribution in excess of $100 received during the period and contributions received during the period from a contributor which cumulatively exceed $100. The report must be completed on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the committee ~~[~~,~~]~~ ***or*** political party ~~[~~or business entity~~]~~ under penalty of perjury.

3. The name and address of the contributor and the date on which the contribution was received must be included on the report for each contribution in excess of $100 and contributions which a contributor has made cumulatively in excess of $100 since the beginning of the current reporting period.

4. Every person, committee ~~[~~,~~]~~ ***or*** political party ~~[~~or business entity~~]~~ described in subsection 1 which makes an expenditure on behalf of a candidate for office at a primary election, primary city election, general election or general city election or on behalf of a group of such candidates shall, if the general election or general city election for the office for which the candidate or a candidate in the group of candidates seeks election is held on or after July 1 and before the January 1 immediately following that July 1, not later than:

(a) ~~[~~Seven~~]~~ ***Twenty-one*** days before the primary election or primary city election for that office, for the period from the January 1 immediately preceding the primary election or primary city election through ~~[~~12~~]~~ ***25*** days before the primary election or primary city election; ~~[~~and~~]~~

(b) ~~[~~Seven~~]~~ ***Four*** days before the ~~[~~general~~]~~ ***primary*** election or ~~[~~general~~]~~ ***primary*** city election for that office, for the period from ~~[~~11~~]~~ ***24*** days before the primary election or primary city election through ~~[~~12~~]~~ ***5*** days before the ~~[~~general~~]~~ ***primary*** election or ~~[~~general~~]~~ ***primary*** city election ~~[~~,~~]~~ ***;***

(c) Twenty-one days before the general election or general city election for that office, for the period from 4 days before the primary election or primary city election through 25 days before the general election or general city election; and

(d) Four days before the general election or general city election for that office, for the period from 24 days before the general election or general city election through 5 days before the general election or general city election,

➥ report each campaign contribution in excess of $100 received during the period and contributions received during the period from a contributor which

cumulatively exceed $100. The report must be completed on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the committee ~~[,]~~ ***or*** political party ~~[or business entity]~~ under penalty of perjury.

5. Except as otherwise provided in subsection 6, every person, committee ~~[,]~~ ***or*** political party ~~[or business entity]~~ described in subsection 1 which makes an expenditure on behalf of a candidate for office at a special election or on behalf of a group of such candidates shall, not later than:

(a) Seven days before the special election for the office for which the candidate or a candidate in the group of candidates seeks election, for the period from the nomination of the candidate through 12 days before the special election; and

(b) Thirty days after the special election, for the remaining period through the special election,

➥ report each campaign contribution in excess of $100 received during the period and contributions received during the period from a contributor which cumulatively exceed $100. The report must be completed on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the committee ~~[,]~~ ***or*** political party ~~[or business entity]~~ under penalty of perjury.

6. Every person, committee ~~[,]~~ ***or*** political party ~~[or business entity]~~ described in subsection 1 which makes an expenditure on behalf of a candidate for office at a special election to determine whether a public officer will be recalled or on behalf of a group of candidates for offices at such special elections shall report each contribution in excess of $100 received during the period and contributions received during the period from a contributor which cumulatively exceed $100. The report must be completed on the form designed and provided by the Secretary of State pursuant to NRS 294A.373 and signed by the person or a representative of the committee ~~[,]~~ ***or*** political party ~~[or business entity]~~ under penalty of perjury, 30 days after:

(a) The special election, for the period from the filing of the notice of intent to circulate the petition for recall through the special election; or

(b) If the special election is not held because a district court determines that the petition for recall is legally insufficient pursuant to subsection 6 of NRS 306.040, for the period from the filing of the notice of intent to circulate the petition for recall through the date of the district court's decision.

7. The reports of contributions required pursuant to this section must be filed with:

(a) If the candidate is elected from one county, the county clerk of that county;

(b) If the candidate is elected from one city, the city clerk of that city; or

(c) If the candidate is elected from more than one county or city, the Secretary of State.

8. A person ~~[or entity]~~ ***, committee or political party*** may file the report with the appropriate officer by regular mail, certified mail, facsimile machine or electronic means. A report shall be deemed to be filed with the officer ~~[:~~

~~(a) On the date that it was mailed if it was sent by certified mail; or~~

~~(b) On]~~ ***on*** the date that it was received by the officer ~~[if]~~ ***, regardless of whether*** the report was sent by regular ***mail or certified*** mail, transmitted by facsimile machine or electronic means, or delivered personally.

9. Each county clerk or city clerk who receives a report pursuant to this section shall file a copy of the report with the Secretary of State within 10 working days after receiving the report.

10. Every person, committee ~~[,]~~ ***or*** political party ~~[or business entity]~~ described in subsection 1 shall file a report required by this section even if the person, committee ~~[,]~~ ***or*** political party ~~[or business entity]~~ receives no contributions.

Sec. 45. NRS 294A.150 is hereby amended to read as follows:

294A.150 1. Except as otherwise provided in NRS 294A.283, every person or group of persons organized formally or informally ~~[, including a business entity,]~~ who advocates the passage or defeat of a question or group of questions on the ballot at a primary election, primary city election, general election or general city election and who receives or expends money in an amount in excess of $10,000 to advocate the passage or defeat of such question or group of questions shall, not later than January 15 of each year that the provisions of this subsection apply to the person ~~[,]~~ ***or*** group of persons ***,*** ~~[or business entity,]~~ for the period from January 1 of the previous year through December 31 of the previous year, report each campaign contribution in excess of $1,000 received during that period and contributions received during the period from a contributor which cumulatively exceed $1,000. The report must be completed on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the group ~~[or business entity]~~ under penalty of perjury. The provisions of this subsection apply to the person ~~[,]~~ ***or*** group of persons ***:*** ~~[or business entity:]~~

(a) Each year in which:

(1) An election or city election is held for each question for which the person ~~[,]~~ ***or*** group of persons ~~[or business entity]~~ advocates passage or defeat; or

(2) A person ~~[,]~~ ***or*** group of persons ~~[or business entity]~~ receives or expends money in excess of $10,000 to advocate the passage or defeat of a question or group of questions on the ballot at a primary election, primary city election, general election or general city election; and

(b) The year after each year described in paragraph (a).

2. If a question is on the ballot at a primary election or primary city election and the general election or general city election immediately following that primary election or primary city election is held on or after January 1 and before the July 1 immediately following that January 1, every

person or group of persons organized formally or informally ~~[, including a business entity,]~~ who advocates the passage or defeat of the question or a group of questions that includes the question and who receives or expends money in an amount in excess of $10,000 to advocate the passage or defeat of such question or group of questions shall comply with the requirements of this subsection. If a question is on the ballot at a general election or general city election held on or after January 1 and before the July 1 immediately following that January 1, every person or group of persons organized formally or informally ~~[, including a business entity,]~~ who advocates the passage or defeat of the question or a group of questions that includes the question and who receives or expends money in an amount in excess of $10,000 to advocate the passage or defeat of such question or group of questions shall comply with the requirements of this subsection. A person ~~[,]~~ ***or*** group of persons ~~[or business entity]~~ described in this subsection shall, not later than:

(a) ~~[Seven]~~ ***Twenty-one*** days before the primary election or primary city election, for the period from the January 1 immediately preceding the primary election or primary city election through ~~[12]~~ ***25*** days before the primary election or primary city election;

(b) ~~[Seven]~~ ***Four*** days before the ~~[general]~~ ***primary*** election or ~~[general]~~ ***primary*** city election, for the period from ~~[11]~~ ***24*** days before the primary election or primary city election through ~~[12]~~ ***5*** days before the ~~[general]~~ ***primary*** election or ~~[general]~~ ***primary*** city election; ~~[and~~

~~(c) July 15 of the year of]~~

(c) Twenty-one days before the general election or general city election, for the period from ~~[11]~~ ***4*** days before the ~~[general]~~ ***primary*** election or ~~[general]~~ ***primary*** city election through ~~[June 30 of that year,]~~ ***25 days before the general election or general city election; and***

(d) Four days before the general election or general city election, for the period from 24 days before the general election or general city election through 5 days before the general election or general city election,

➥ report each campaign contribution in excess of $1,000 received during the period and contributions received during the period from a contributor which cumulatively exceed $1,000. The report must be completed on the form designed and provided by the Secretary of State pursuant to NRS 294A.373 and signed by the person or a representative of the group ~~[or business entity]~~ under penalty of perjury.

3. The name and address of the contributor and the date on which the contribution was received must be included on the report for each contribution in excess of $1,000 and contributions which a contributor has made cumulatively in excess of that amount since the beginning of the current reporting period.

4. If a question is on the ballot at a primary election or primary city election and the general election or general city election immediately following that primary election or primary city election is held on or after

July 1 and before the January 1 immediately following that July 1, every person or group of persons organized formally or informally ~~[, including a business entity,]~~ who advocates the passage or defeat of the question or a group of questions that includes the question and who receives or expends money in an amount in excess of $10,000 to advocate the passage or defeat of such question or group of questions shall comply with the requirements of this subsection. Except as otherwise provided in NRS 294A.283, if a question is on the ballot at a general election or general city election held on or after July 1 and before the January 1 immediately following that July 1, every person or group of persons organized formally or informally ~~[, including a business entity,]~~ who advocates the passage or defeat of the question or a group of questions that includes the question and who receives or expends money in an amount in excess of $10,000 to advocate the passage or defeat of such question or group of questions shall comply with the requirements of this subsection. A person ~~[,]~~ ***or*** group of persons ~~[or business entity]~~ described in this subsection shall, not later than:

(a) ~~[Seven]~~ ***Twenty-one*** days before the primary election or primary city election, for the period from the January 1 immediately preceding the primary election or primary city election through ~~[12]~~ ***25*** days before the primary election or primary city election; ~~[and~~

~~(b) Seven]~~

(b) Four days before the ~~[general]~~ ***primary*** election or ~~[general]~~ ***primary*** city election, for the period from ~~[11]~~ ***24*** days before the primary election or primary city election through ~~[12]~~ ***5*** days before the ~~[general]~~ ***primary*** election or ~~[general]~~ ***primary*** city election ~~[,]~~ ***;***

(c) Twenty-one days before the general election or general city election, for the period from 4 days before the primary election or primary city election through 25 days before the general election or general city election; and

(d) Four days before the general election or general city election, for the period from 24 days before the general election or general city election through 5 days before the general election or general city election,

➥ report each campaign contribution in excess of $1,000 received during the period and contributions received during the period from a contributor which cumulatively exceed $1,000. The report must be completed on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the group ~~[or business entity]~~ under penalty of perjury.

5. Except as otherwise provided in subsection 6, every person or group of persons organized formally or informally ~~[, including a business entity,]~~ who advocates the passage or defeat of a question or group of questions on the ballot at a special election and who receives or expends money in an amount in excess of $10,000 to advocate the passage or defeat of such question or group of questions shall, not later than:

(a) Seven days before the special election, for the period from the date that the question qualified for the ballot through 12 days before the special election; and

(b) Thirty days after the special election, for the remaining period through the special election,

➥ report each campaign contribution in excess of $1,000 received during the period and contributions received during the period from a contributor which cumulatively exceed $1,000. The report must be completed on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the group ~~[or business entity]~~ under penalty of perjury.

6. Every person or group of persons organized formally or informally ~~[, including a business entity,]~~ who advocates the passage or defeat of a question or group of questions on the ballot at a special election to determine whether a public officer will be recalled and who receives or expends money in an amount in excess of $10,000 to advocate the passage or defeat of such question or group of questions shall report each of the contributions received on the form designed and provided by the Secretary of State pursuant to NRS 294A.373 and signed by the person or a representative of the group ~~[or business entity]~~ under penalty of perjury, 30 days after:

(a) The special election, for the period from the filing of the notice of intent to circulate the petition for recall through the special election; or

(b) If the special election is not held because a district court determines that the petition for recall is legally insufficient pursuant to subsection 6 of NRS 306.040, for the period from the filing of the notice of intent to circulate the petition for recall through the date of the district court's decision.

7. The reports required pursuant to this section must be filed with:

(a) If the question is submitted to the voters of one county, the county clerk of that county;

(b) If the question is submitted to the voters of one city, the city clerk of that city; or

(c) If the question is submitted to the voters of more than one county or city, the Secretary of State.

8. A person may mail or transmit the report to the appropriate officer by regular mail, certified mail, facsimile machine or electronic means. A report shall be deemed to be filed with the officer ~~[:~~

~~(a) On the date that it was mailed if it was sent by certified mail; or~~

~~(b) On~~] ***on*** the date that it was received by the officer ~~[if]~~ ***, regardless of whether*** the report was sent by regular ***mail or certified*** mail, transmitted by facsimile machine or electronic means, or delivered personally.

9. If the person or group of persons ~~[, including a business entity,]~~ is advocating passage or defeat of a group of questions, the reports must be itemized by question or petition.

10. Each county clerk or city clerk who receives a report pursuant to this section shall file a copy of the report with the Secretary of State within 10 working days after receiving the report.

Sec. 46. NRS 294A.200 is hereby amended to read as follows:

294A.200 1. Every candidate for state, district, county or township office at a primary or general election shall, not later than January 15 of each year, for the period from January 1 of the previous year through December 31 of the previous year, report each of the campaign expenses in excess of $100 incurred and each amount in excess of $100 disposed of pursuant to NRS 294A.160 during the period on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the candidate under penalty of perjury. The provisions of this subsection apply to the candidate:

(a) Beginning the year of the general election for that office through the year immediately preceding the next general election for that office; and

(b) Each year immediately succeeding a calendar year during which the candidate disposes of contributions pursuant to NRS 294A.160.

2. Every candidate for state, district, county or township office at a primary or general election shall, if the general election for the office for which he or she is a candidate is held on or after January 1 and before the July 1 immediately following that January 1, not later than:

(a) ~~[~~Seven~~]~~ ***Twenty-one*** days before the primary election for that office, for the period from the January 1 immediately preceding the primary election through ~~[~~12~~]~~ ***25*** days before the primary election;

(b) ~~[~~Seven~~]~~ ***Four*** days before the ~~[~~general~~]~~ ***primary*** election for that office, for the period from ~~[~~11~~]~~ ***24*** days before the primary election through ~~[~~12~~]~~ ***5*** days before the ~~[~~general election; and

~~(c) July 15 of the year of~~~~]~~ ***primary election;***

(c) Twenty-one days before the general election for that office, for the period from ~~[~~11~~]~~ ***4*** days before the ~~[~~general~~]~~ ***primary*** election through ~~[~~June 30 of that year,~~]~~ ***25 days before the general election; and***

(d) Four days before the general election for that office, for the period from 24 days before the general election through 5 days before the general election,

➥ report each of the campaign expenses in excess of $100 incurred during the period on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. Each form must be signed by the candidate under penalty of perjury.

3. Every candidate for state, district, county or township office at a primary or general election shall, if the general election for the office for which he or she is a candidate is held on or after July 1 and before the January 1 immediately following that July 1, not later than:

(a) ~~[~~Seven~~]~~ ***Twenty-one*** days before the primary election for that office, for the period from the January 1 immediately preceding the primary election through ~~[~~12~~]~~ ***25*** days before the primary election; ~~[~~and~~]~~

(b) ~~[~~Seven~~]~~ ***Four*** days before the ~~[~~general~~]~~ ***primary*** election for that office, for the period from ~~[~~11~~]~~ ***24*** days before the primary election through ~~[~~12~~]~~ ***5*** days before the general election ~~[~~.~~]~~ ***;***

(c) Twenty-one days before the general election for that office, for the period from 4 days before the primary election through 25 days before the general election; and

(d) Four days before the general election for that office, for the period from 24 days before the general election through 5 days before the general election,

➥ report each of the campaign expenses in excess of $100 incurred during the period on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the candidate under penalty of perjury.

4. Except as otherwise provided in subsection 5, every candidate for a district office at a special election shall, not later than:

(a) Seven days before the special election, for the period from the candidate's nomination through 12 days before the special election; and

(b) Thirty days after the special election, for the remaining period through the special election,

➥ report each of the campaign expenses in excess of $100 incurred during the period on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. Each form must be signed by the candidate under penalty of perjury.

5. Every candidate for state, district, county, municipal or township office at a special election to determine whether a public officer will be recalled shall report each of the campaign expenses in excess of $100 incurred on the form designed and provided by the Secretary of State pursuant to NRS 294A.373 and signed by the candidate under penalty of perjury, 30 days after:

(a) The special election, for the period from the filing of the notice of intent to circulate the petition for recall through the special election; or

(b) If the special election is not held because a district court determines that the petition for recall is legally insufficient pursuant to subsection 6 of NRS 306.040, for the period from the filing of the notice of intent to circulate the petition for recall through the date of the district court's decision.

6. Reports of campaign expenses must be filed with the officer with whom the candidate filed the declaration of candidacy or acceptance of candidacy. A candidate may mail or transmit the report to that officer by regular mail, certified mail, facsimile machine or electronic means. A report shall be deemed to be filed with the officer ~~[~~:

~~(a) On the date that it was mailed if it was sent by certified mail; or~~

~~(b) On~~~~]~~ ***on*** the date that it was received by the officer ~~[~~if~~]~~ ***, regardless of whether*** the report was sent by regular ***mail or certified*** mail, transmitted by facsimile machine or electronic means, or delivered personally.

7. County clerks who receive from candidates for legislative or judicial office, including, without limitation, the office of justice of the peace or municipal judge, reports of campaign expenses pursuant to this section shall file a copy of each report with the Secretary of State within 10 working days after receiving the report.

Sec. 47. NRS 294A.210 is hereby amended to read as follows:

294A.210 1. Every person who is not under the direction or control of a candidate for an office at a primary election, primary city election, general election or general city election, of a group of such candidates or of any person involved in the campaign of that candidate or group who makes an expenditure on behalf of the candidate or group which is not solicited or approved by the candidate or group, and every committee for political action, political party ~~[,]~~ ***or*** committee sponsored by a political party ~~[or business entity]~~ which ***receives contributions in excess of $100 or*** makes an expenditure on behalf of such a candidate or group of candidates shall, not later than January 15 of each year that the provisions of this subsection apply to the person, committee ~~[,]~~ ***or*** political party ***,*** ~~[or business entity,]~~ for the period from January 1 of the previous year through December 31 of the previous year, report each expenditure made during the period on behalf of the candidate, the group of candidates or a candidate in the group of candidates in excess of $100 on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the committee ~~[,]~~ ***or*** political party ~~[or business entity]~~ under penalty of perjury. The provisions of this subsection apply to the person, committee ~~[,]~~ ***or*** political party ~~[or business entity]~~ beginning the year of the general election or general city election for that office through the year immediately preceding the next general election or general city election for that office.

2. Every person, committee ~~[,]~~ ***or*** political party ~~[or business entity]~~ described in subsection 1 which makes an expenditure on behalf of a candidate for office at a primary election, primary city election, general election or general city election or a group of such candidates shall, if the general election or general city election for the office for which the candidate or a candidate in the group of candidates seeks election is held on or after January 1 and before the July 1 immediately following that January 1, not later than:

(a) ~~[Seven]~~ ***Twenty-one*** days before the primary election or primary city election for that office, for the period from the January 1 immediately preceding the primary election or primary city election through ~~[12]~~ ***25*** days before the primary election or primary city election;

(b) ~~[Seven]~~ ***Four*** days before the ~~[general]~~ ***primary*** election or ~~[general]~~ ***primary*** city election for that office, for the period from ~~[11]~~ ***24*** days before the primary election or primary city election through ~~[12]~~ ***5*** days before the ~~[general]~~ ***primary*** election or ~~[general]~~ ***primary*** city election; ~~[and~~

~~(c) July 15 of the year of]~~

(c) Twenty-one days before the general election or general city election for that office, for the period from ~~[~~11~~]~~ ***4*** days before the ~~[~~general~~]~~ ***primary*** election or ~~[~~general~~]~~ ***primary*** city election through ~~[~~the June 30 of that year,~~]~~ ***25 days before the general election or general city election; and***

(d) Four days before the general election or general city election for that office, for the period from 24 days before the general election or general city election through 5 days before the general election or general city election,

➥ report each expenditure made during the period on behalf of the candidate, the group of candidates or a candidate in the group of candidates in excess of $100 on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the committee ~~[~~,~~]~~ ***or*** political party ~~[~~or business entity~~]~~ under penalty of perjury.

3. Every person, committee ~~[~~,~~]~~ ***or*** political party ~~[~~or business entity~~]~~ described in subsection 1 which makes an expenditure on behalf of a candidate for office at a primary election, primary city election, general election or general city election or on behalf of a group of such candidates shall, if the general election or general city election for the office for which the candidate or a candidate in the group of candidates seeks election is held on or after July 1 and before the January 1 immediately following that July 1, not later than:

(a) ~~[~~Seven~~]~~ ***Twenty-one*** days before the primary election or primary city election for that office, for the period from the January 1 immediately preceding the primary election or primary city election through ~~[~~12~~]~~ ***25*** days before the primary election or primary city election; ~~[~~and~~]~~

(b) ~~[~~Seven~~]~~ ***Four*** days before the ~~[~~general~~]~~ ***primary*** election or ~~[~~general~~]~~ ***primary*** city election for that office, for the period from ~~[~~11~~]~~ ***24*** days before the primary election or primary city election through ~~[~~12~~]~~ ***5*** days before the ~~[~~general~~]~~ ***primary*** election or ~~[~~general~~]~~ ***primary*** city election ~~[~~,~~]~~ ***;***

(c) Twenty-one days before the general election or general city election for that office, for the period from 4 days before the primary election or primary city election through 25 days before the general election or general city election; and

(d) Four days before the general election or general city election for that office, for the period from 24 days before the general election or general city election through 5 days before the general election or general city election,

➥ report each expenditure made during the period on behalf of the candidate, the group of candidates or a candidate in the group of candidates in excess of $100 on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the committee ~~[~~,~~]~~ ***or*** political party ~~[~~or business entity~~]~~ under penalty of perjury.

4. Except as otherwise provided in subsection 5, every person, committee ~~[,]~~ ***or*** political party ~~[or business entity]~~ described in subsection 1 which makes an expenditure on behalf of a candidate for office at a special election or on behalf of a group of such candidates shall, not later than:

(a) Seven days before the special election for the office for which the candidate or a candidate in the group of candidates seeks election, for the period from the nomination of the candidate through 12 days before the special election; and

(b) Thirty days after the special election, for the remaining period through the special election,

➥ report each expenditure made during the period on behalf of the candidate, the group of candidates or a candidate in the group of candidates in excess of $100 on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the committee ~~[,]~~ ***or*** political party ~~[or business entity]~~ under penalty of perjury.

5. Every person, committee ~~[,]~~ ***or*** political party ~~[or business entity]~~ described in subsection 1 which makes an expenditure on behalf of a candidate for office at a special election to determine whether a public officer will be recalled or on behalf of a group of such candidates shall list each expenditure made on behalf of the candidate, the group of candidates or a candidate in the group of candidates in excess of $100 on the form designed and provided by the Secretary of State pursuant to NRS 294A.373 and signed by the person or a representative of the committee ~~[,]~~ ***or*** political party ~~[or business entity]~~ under penalty of perjury, 30 days after:

(a) The special election, for the period from the filing of the notice of intent to circulate the petition for recall through the special election; or

(b) If the special election is not held because a district court determines that the petition for recall is legally insufficient pursuant to subsection 6 of NRS 306.040, for the period from the filing of the notice of intent to circulate the petition for recall through the date of the district court's decision.

6. Expenditures made within the State or made elsewhere but for use within the State, including expenditures made outside the State for printing, television and radio broadcasting or other production of the media, must be included in the report.

7. The reports must be filed with:

(a) If the candidate is elected from one county, the county clerk of that county;

(b) If the candidate is elected from one city, the city clerk of that city; or

(c) If the candidate is elected from more than one county or city, the Secretary of State.

8. If an expenditure is made on behalf of a group of candidates, the reports must be itemized by the candidate. A person may mail or transmit the report to the appropriate officer by regular mail, certified mail, facsimile

machine or electronic means. A report shall be deemed to be filed with the officer ~~[:~~

~~(a) On the date that it was mailed if it was sent by certified mail; or~~

~~(b) On~~] ***on*** the date that it was received by the officer ~~[if]~~ ***, regardless of whether*** the report was sent by regular ***mail or certified*** mail, transmitted by facsimile machine or electronic means, or delivered personally.

9. Each county clerk or city clerk who receives a report pursuant to this section shall file a copy of the report with the Secretary of State within 10 working days after receiving the report.

10. Every person, committee ~~[,]~~ ***or*** political party ~~[or business entity]~~ described in subsection 1 shall file a report required by this section even if the person, committee ~~[,]~~ ***or*** political party ~~[or business entity]~~ receives no contributions.

Sec. 48. NRS 294A.220 is hereby amended to read as follows:

294A.220 1. Except as otherwise provided in NRS 294A.283, every person or group of persons organized formally or informally ~~[, including a business entity,]~~ who advocates the passage or defeat of a question or group of questions on the ballot at a primary election, primary city election, general election or general city election and who receives or expends money in an amount in excess of $10,000 to advocate the passage or defeat of such question or group of questions shall, not later than January 15 of each year that the provisions of this subsection apply to the person or group of persons, for the period from January 1 of the previous year through December 31 of the previous year, report each expenditure made during the period on behalf of or against the question, the group of questions or a question in the group of questions on the ballot in excess of $1,000 on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the group ~~[or business entity]~~ under penalty of perjury. The provisions of this subsection apply to the person ~~[,]~~ ***or*** group of persons ***:*** ~~[or business entity:]~~

(a) Each year in which:

(1) An election or city election is held for a question for which the person ~~[,]~~ ***or*** group of persons ~~[or business entity]~~ advocates passage or defeat; or

(2) A person ~~[,]~~ ***or*** group of persons ~~[or business entity]~~ receives or expends money in excess of $10,000 to advocate the passage or defeat of a question or group of questions on the ballot at a primary election, primary city election, general election or general city election; and

(b) The year after each year described in paragraph (a).

2. If a question is on the ballot at a primary election or primary city election and the general election or general city election immediately following that primary election or primary city election is held on or after January 1 and before the July 1 immediately following that January 1, every person or group of persons organized formally or informally ~~[, including a business entity,]~~ who advocates the passage or defeat of the question or a

group of questions that includes the question and who receives or expends money in an amount in excess of $10,000 to advocate the passage or defeat of such question or group of questions shall comply with the requirements of this subsection. If a question is on the ballot at a general election or general city election held on or after January 1 and before the July 1 immediately following that January 1, every person or group of persons organized formally or informally ~~[, including a business entity,]~~ who advocates the passage or defeat of the question or a group of questions that includes the question and who receives or expends money in an amount in excess of $10,000 to advocate the passage or defeat of such question or group of questions shall comply with the requirements of this subsection. A person ~~[,]~~ ***or*** group of persons ~~[or business entity]~~ described in this subsection shall, not later than:

(a) ~~[Seven]~~ ***Twenty-one*** days before the primary election or primary city election, for the period from the January 1 immediately preceding the primary election or primary city election through ~~[12]~~ ***25*** days before the primary election or primary city election;

(b) ~~[Seven]~~ ***Four*** days before the ~~[general]~~ ***primary*** election or ~~[general]~~ ***primary*** city election, for the period from ~~[11]~~ ***24*** days before the primary election or primary city election through ~~[12]~~ ***5*** days before the ~~[general]~~ ***primary*** election or ~~[general]~~ ***primary*** city election; ~~[and]~~

(c) ~~[July 15 of the year of]~~ ***Twenty-one days before*** the general election or general city election, for the period from ~~[11]~~ ***4*** days before the ~~[general]~~ ***primary*** election or ~~[general]~~ ***primary*** city election through ~~[the June 30 immediately preceding that July 15,]~~ ***25 days before the general election or general city election; and***

(d) Four days before the general election or general city election, for the period from 24 days before the general election or general city election through 5 days before the general election or general city election,

➥ report each expenditure made during the period on behalf of or against the question, the group of questions or a question in the group of questions on the ballot in excess of $1,000 on the form designed and provided by the Secretary of State pursuant to NRS 294A.373 and signed by the person or a representative of the group ~~[or business entity]~~ under penalty of perjury.

3. If a question is on the ballot at a primary election or primary city election and the general election or general city election immediately following that primary election or primary city election is held on or after July 1 and before the January 1 immediately following that July 1, every person or group of persons organized formally or informally ~~[, including a business entity,]~~ who advocates the passage or defeat of the question or a group of questions that includes the question and who receives or expends money in an amount in excess of $10,000 to advocate the passage or defeat of such question or group of questions shall comply with the requirements of this subsection. Except as otherwise provided in NRS 294A.283, if a question is on the ballot at a general election or general city election held on

or after July 1 and before the January 1 immediately following that July 1, every person or group of persons organized formally or informally ~~[~~, ~~including a business entity,~~] who advocates the passage or defeat of the question or a group of questions that includes the question and who receives or expends money in an amount in excess of $10,000 to advocate the passage or defeat of such question or group of questions shall comply with the requirements of this subsection. A person ~~[~~,~~]~~ ***or*** group of persons ~~[~~or business entity~~]~~ described in this subsection shall, not later than:

(a) ~~[~~Seven~~]~~ ***Twenty-one*** days before the primary election or primary city election, for the period from the January 1 immediately preceding the primary election or primary city election through ~~[~~12~~]~~ ***25*** days before the primary election or primary city election; ~~[~~and~~]~~

(b) ~~[~~Seven~~]~~ ***Four*** days before the ~~[~~general~~]~~ ***primary*** election or ~~[~~general~~]~~ ***primary*** city election, for the period from ~~[~~11~~]~~ ***24*** days before the primary election or primary city election through ~~[~~12~~]~~ ***5*** days before the ~~[~~general~~]~~ ***primary*** election or ~~[~~general~~]~~ ***primary*** city election ~~[~~,~~]~~ ***;***

(c) Twenty-one days before the general election or general city election, for the period from 4 days before the primary election or primary city election through 25 days before the general election or general city election; and

(d) Four days before the general election or general city election, for the period from 24 days before the general election or general city election through 5 days before the general election or general city election,

➥ report each expenditure made during the period on behalf of or against the question, the group of questions or a question in the group of questions on the ballot in excess of $1,000 on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the group ~~[~~or business entity~~]~~ under penalty of perjury.

4. Except as otherwise provided in subsection 5, every person or group of persons organized formally or informally ~~[~~, including a business entity,~~]~~ who advocates the passage or defeat of a question or group of questions on the ballot at a special election shall, not later than:

(a) Seven days before the special election, for the period from the date the question qualified for the ballot through 12 days before the special election; and

(b) Thirty days after the special election, for the remaining period through the special election,

➥ report each expenditure made during the period on behalf of or against the question, the group of questions or a question in the group of questions on the ballot in excess of $1,000 on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the group ~~[~~or business entity~~]~~ under penalty of perjury.

5. Every person or group of persons organized formally or informally ~~[, including a business entity,]~~ who advocates the passage or defeat of a question or group of questions on the ballot at a special election to determine whether a public officer will be recalled and who receives or expends money in an amount in excess of $10,000 to advocate the passage or defeat of such question or group of questions shall list each expenditure made during the period on behalf of or against the question, the group of questions or a question in the group of questions on the ballot in excess of $1,000 on the form designed and provided by the Secretary of State pursuant to NRS 294A.373 and signed by the person or a representative of the group ~~[or business entity]~~ under penalty of perjury, 30 days after:

(a) The special election, for the period from the filing of the notice of intent to circulate the petition for recall through the special election; or

(b) If the special election is not held because a district court determines that the petition for recall is legally insufficient pursuant to subsection 6 of NRS 306.040, for the period from the filing of the notice of intent to circulate the petition for recall through the date of the district court's decision.

6. Expenditures made within the State or made elsewhere but for use within the State, including expenditures made outside the State for printing, television and radio broadcasting or other production of the media, must be included in the report.

7. The reports required pursuant to this section must be filed with:

(a) If the question is submitted to the voters of one county, the county clerk of that county;

(b) If the question is submitted to the voters of one city, the city clerk of that city; or

(c) If the question is submitted to the voters of more than one county or city, the Secretary of State.

8. If an expenditure is made on behalf of a group of questions, the reports must be itemized by question or petition. A person may mail or transmit the report to the appropriate filing officer by regular mail, certified mail, facsimile machine or electronic means. A report shall be deemed to be filed with the filing officer ~~[:~~

~~(a) On the date that it was mailed if it was sent by certified mail; or~~

~~(b) On~~] ***on*** the date that it was received by the filing officer ~~[if]~~ **,** ***regardless of whether*** the report was sent by regular ***mail or certified*** mail, transmitted by facsimile machine or electronic means, or delivered personally.

9. Each county clerk or city clerk who receives a report pursuant to this section shall file a copy of the report with the Secretary of State within 10 working days after receiving the report.

Sec. 49. NRS 294A.230 is hereby amended to read as follows:

294A.230 1. Each committee for political action shall, before it engages in any activity in this State, register with the Secretary of State on forms supplied by the Secretary of State.

2. The form must require:

(a) The name of the committee;

(b) The purpose for which it was organized;

(c) The names, addresses and telephone numbers of its officers;

(d) If the committee for political action is affiliated with any other organizations, the name, address and telephone number of each organization;

(e) The name, address and telephone number of its registered agent; and

(f) Any other information deemed necessary by the Secretary of State.

3. A committee for political action shall file with the Secretary of State an amended form for registration within 30 days after any change in the information contained in the form for registration.

4. The Secretary of State shall include on the Secretary of State's Internet website the information required pursuant to subsection 2.

5. For purposes of the civil penalty that the Secretary of State may impose pursuant to NRS 294A.420 for violating the provisions of subsection 1, if a committee for political action fails to register with the Secretary of State pursuant to subsection 1, each time a committee for political action engages in any activity in this State constitutes a separate violation of subsection 1 for which the Secretary of State may impose a civil penalty.

Sec. 50. NRS 294A.281 is hereby amended to read as follows:

294A.281 1. Each person or group of persons organized formally or informally ~~[~~, including a business entity,~~]~~ who advocates the passage or defeat of a constitutional amendment or statewide measure proposed by an initiative or referendum, before engaging in any such advocacy in this State, shall file a statement of organization with the Secretary of State as provided in subsection 2.

2. Each statement of organization must include:

(a) The name of the person ~~[~~,~~]~~ ***or*** group of persons ***;*** ~~[~~or business entity;~~]~~

(b) The purpose for which the person ~~[~~,~~]~~ ***or*** group of persons ~~[~~or business entity~~]~~ is organized;

(c) The names and addresses of any officers of the person ~~[~~,~~]~~ ***or*** group of persons ***;*** ~~[~~or business entity;~~]~~

(d) If the person ~~[~~,~~]~~ ***or*** group of persons ~~[~~or business entity~~]~~ is affiliated with or is retained by any other person ~~[~~,~~]~~ ***or*** group ~~[~~or business entity~~]~~ for the purpose of advocating the passage or defeat of a constitutional amendment or statewide measure proposed by initiative or referendum, the name and address of each such other person ~~[~~,~~]~~ ***or*** group ***;*** ~~[~~or business entity;~~]~~ and

(e) The name, address and telephone number of the registered agent of the person ~~[~~,~~]~~ ***or*** group of persons ***.*** ~~[~~or business entity.~~]~~

3. A person ~~[~~,~~]~~ ***or*** group of persons ~~[~~or business entity~~]~~ which has filed a statement of organization pursuant to this section shall file an amended statement with the Secretary of State within 30 days of any changes to the information required pursuant to subsection 2.

Sec. 51. NRS 294A.282 is hereby amended to read as follows:

294A.282 Each person or group of persons organized formally or informally ~~[, including a business entity,]~~ who advocates the passage or defeat of a constitutional amendment or statewide measure proposed by an initiative or referendum shall appoint and keep within this State a registered agent, as provided in NRS 14.020, who must be a natural person who resides in this State.

Sec. 52. NRS 294A.283 is hereby amended to read as follows:

294A.283 1. Every person or group of persons organized formally or informally ~~[, including a business entity,]~~ who advocates the passage or defeat of a constitutional amendment or statewide measure proposed by an initiative or referendum, including, without limitation, the initiation or circulation thereof, and who receives or expends money in an amount in excess of $10,000 for such advocacy shall, not later than the dates listed in subsection 2, report:

(a) Each campaign contribution in excess of $1,000 received during each period described in subsection 2;

(b) Contributions received during each period described in subsection 2 from a contributor which cumulatively exceed $1,000;

(c) Each expenditure in excess of $1,000 the person ~~[,]~~ ***or*** group of persons ~~[or business entity]~~ makes during each period described in subsection 2; and

(d) The total amount of money the person ~~[,]~~ ***or*** group of persons ~~[or business entity]~~ has at the beginning of each period described in subsection 2, accounting for all contributions received and expenditures made during each previous period.

2. Every person ~~[,]~~ ***or*** group of persons ~~[or business entity]~~ required to report pursuant to subsection 1 shall file that report with the Secretary of State:

(a) For the period beginning on the first day a copy of the petition may be filed with the Secretary of State before it is circulated for signatures pursuant to Section 1 or Section 2 of Article 19 of the Nevada Constitution, as applicable, and ending on the following March 31, not later than April 15;

(b) For the period beginning on April 1 and ending on July 31, not later than August 15;

(c) For the period beginning on August 1 and ending on September 30, not later than October 15; and

(d) For the period beginning on October 1 and ending on December 31, not later than the following January 15.

3. The name and address of the contributor and the date on which the contribution was received must be included on each report for each contribution in excess of $1,000 and contributions which a contributor has made cumulatively in excess of that amount since the beginning of the applicable reporting period.

4. Expenditures made within the State or made elsewhere but for use within the State, including expenditures made outside the State for printing,

television and radio broadcasting or other production of the media, must be included in each report.

5. Each report required pursuant to this section must:

(a) Be on the form designed and provided by the Secretary of State pursuant to NRS 294A.373; and

(b) Be signed by the person or a representative of the group of persons ~~[or business entity]~~ under penalty of perjury.

6. A person ~~[,]~~ ***or*** group of persons ~~[or business entity]~~ may mail or transmit each report to the Secretary of State by certified mail, regular mail, facsimile machine or electronic means or may deliver the report personally.

7. A report shall be deemed to be filed with the Secretary of State ~~[:~~

~~(a) On the date that it was mailed if it was sent by certified mail; or~~

~~(b) On]~~ ***on*** the date that it was received by the Secretary of State ~~[if]~~ ***, regardless of whether*** the report was sent by regular ***mail or certified*** mail, transmitted by facsimile machine or electronic means, or delivered personally.

Sec. 53. NRS 294A.284 is hereby amended to read as follows:

294A.284 1. Each person or group of persons organized formally or informally ~~[, including a business entity,]~~ who advocates the passage or defeat of a constitutional amendment or statewide measure proposed by an initiative or referendum that provides compensation to persons to circulate petitions shall report to the Secretary of State:

(a) The number of persons to whom such compensation is provided;

(b) The least amount of such compensation that is provided and the greatest amount of such compensation that is provided; and

(c) The total amount of compensation provided.

2. The Secretary of State shall make public any information received pursuant to this section.

Sec. 54. NRS 294A.286 is hereby amended to read as follows:

294A.286 1. ***Any candidate or public officer may establish a legal defense fund.*** A person who administers a legal defense fund shall:

(a) Within 5 days after the creation of the legal defense fund, notify the Secretary of State of the creation of the fund on a form provided by the Secretary of State; and

(b) For the same period covered by the report filed pursuant to NRS 294A.120, 294A.200 or 294A.360, report any contribution received by or expenditure made from the legal defense fund.

2. The reports required by paragraph (b) of subsection 1 must be submitted on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. Each form must be signed by the administrator of the legal defense fund under penalty of perjury.

3. The reports required by paragraph (b) of subsection 1 must be filed in the same manner and at the same time as the report filed pursuant to NRS 294A.120, 294A.200 or 294A.360.

4. Notwithstanding the provisions of this section, a candidate or public officer may use campaign contributions to pay for any legal expenses that the candidate or public officer incurs in relation to a campaign or serving in public office without establishing a legal defense fund. Any such candidate or public officer shall report any expenditure of campaign contributions to pay for legal expenses in the same manner and at the same time as the report filed pursuant to NRS 294A.120, 294A.200 or 294A.360.

Sec. 55. NRS 294A.347 is hereby amended to read as follows:

294A.347 1. A statement which:

(a) Is published within 60 days before a general election, general city election or special election or 30 days before a primary election or primary city election;

(b) Expressly advocates the election or defeat of a clearly identified candidate for a state or local office; and

(c) Is published by a person who receives compensation from the candidate, an opponent of the candidate, or a person, party ~~[,]~~ ***or*** committee ~~[or business entity]~~ required to report expenditures pursuant to NRS 294A.210 ~~[,]~~ ***or section 38 of this act,***

➥ must contain a disclosure of the fact that the person receives compensation pursuant to paragraph (c) and the name of the person, party ~~[,]~~ ***or*** committee ~~[or business entity]~~ providing that compensation.

2. A statement which:

(a) Is published by a candidate within 60 days before a general election, general city election or special election or 30 days before a primary election or primary city election; and

(b) Contains the name of the candidate,

➥ shall be deemed to comply with the provisions of this section.

3. As used in this section, "publish" means the act of:

(a) Printing, posting, broadcasting, mailing or otherwise disseminating; or

(b) Causing to be printed, posted, broadcasted, mailed or otherwise disseminated.

Sec. 56. NRS 294A.350 is hereby amended to read as follows:

294A.350 1. Every candidate for state, district, county, municipal or township office shall file the reports of campaign contributions and expenses required by NRS 294A.120, 294A.128, 294A.200 and 294A.360 and reports of contributions received by and expenditures made from a legal defense fund ***or used to pay legal expenses*** required by NRS 294A.286, even though the candidate:

(a) Withdraws his or her candidacy;

(b) Receives no campaign contributions;

(c) Has no campaign expenses;

(d) Is removed from the ballot by court order; or

(e) Is the subject of a petition to recall and the special election is not held.

2. A candidate who withdraws his or her candidacy pursuant to NRS 293.202 may file simultaneously all the reports of campaign

contributions and expenses required by NRS 294A.120, 294A.128, 294A.200 and 294A.360 and the report of contributions received by and expenditures made from a legal defense fund ***or used to pay legal expenses*** required by NRS 294A.286, so long as each report is filed on or before the last day for filing the respective report pursuant to NRS 294A.120, 294A.200 or 294A.360.

Sec. 57. NRS 294A.360 is hereby amended to read as follows:

294A.360 1. Every candidate for city office at a primary city election or general city election shall file the reports in the manner required by NRS 294A.120, 294A.128 and 294A.200 for other offices not later than January 15 of each year, for the period from January 1 of the previous year through December 31 of the previous year. The provisions of this subsection apply to the candidate:

(a) Beginning the year of the general city election for that office through the year immediately preceding the next general city election for that office; and

(b) Each year immediately succeeding a calendar year during which the candidate disposes of contributions pursuant to NRS 294A.160.

2. Every candidate for city office at a primary city election or general city election, if the general city election for the office for which he or she is a candidate is held on or after January 1 and before the July 1 immediately following that January 1, shall file the reports in the manner required by NRS 294A.120, 294A.128 and 294A.200 for other offices not later than:

(a) ~~[~~Seven~~]~~ ***Twenty-one*** days before the primary city election for that office, for the period from the January 1 immediately preceding the primary city election through ~~[~~12~~]~~ ***25*** days before the primary city election;

(b) ~~[~~Seven~~]~~ ***Four*** days before the ~~[~~general~~]~~ ***primary*** city election for that office, for the period from ~~[~~11~~]~~ ***24*** days before the primary city election through ~~[~~12~~]~~ ***5*** days before the ~~[~~general~~]~~ ***primary*** city election; ~~[~~and

~~(c) July 15 of the year of~~]

(c) Twenty-one days before the general city election for that office, for the period from ~~[~~11~~]~~ ***4*** days before the ~~[~~general~~]~~ ***primary*** city election through ~~[~~the June 30 of that year.~~]~~ ***25 days before the general city election; and***

(d) Four days before the general city election for that office, for the period from 24 days before the general city election through 5 days before the general city election.

3. Every candidate for city office at a primary city election or general city election, if the general city election for the office for which he or she is a candidate is held on or after July 1 and before the January 1 immediately following that July 1, shall file the reports in the manner required by NRS 294A.120, 294A.128 and 294A.200 for other offices not later than:

(a) ~~[~~Seven~~]~~ ***Twenty-one*** days before the primary city election for that office, for the period from the January 1 immediately preceding the primary city election through ~~[~~12~~]~~ ***25*** days before the primary city election; ~~[~~and~~]~~

(b) ~~[~~Seven~~]~~ ***Four*** days before the general city election for that office, for the period from ~~[~~11~~]~~ ***24*** days before the primary city election through ~~[~~12~~]~~ ***5*** days before the ~~[~~general~~]~~ ***primary*** city election ~~[~~.~~]~~ ***;***

(c) Twenty-one days before the general city election for that office, for the period from 4 days before the primary city election through 25 days before the general city election; and

(d) Four days before the general city election for that office, for the period from 24 days before the general city election through 5 days before the general city election.

4. Except as otherwise provided in subsection 5, every candidate for city office at a special election shall so file those reports:

(a) Seven days before the special election, for the period from the candidate's nomination through 12 days before the special election; and

(b) Thirty days after the special election, for the remaining period through the special election.

5. Every candidate for city office at a special election to determine whether a public officer will be recalled shall so file those reports 30 days after:

(a) The special election, for the period from the filing of the notice of intent to circulate the petition for recall through the special election; or

(b) If the special election is not held because a district court determines that the petition for recall is legally insufficient pursuant to subsection 6 of NRS 306.040, for the period from the filing of the notice of intent to circulate the petition for recall through the date of the district court's decision.

Sec. 58. NRS 294A.365 is hereby amended to read as follows:

294A.365 1. Each report of expenditures required pursuant to NRS 294A.210, 294A.220, 294A.280 and 294A.283 must consist of a list of each expenditure in excess of $100 or $1,000, as is appropriate, that was made during the periods for reporting. Each report of expenses required pursuant to NRS 294A.125 and 294A.200 must consist of a list of each expense in excess of $100 that was incurred during the periods for reporting. The list in each report must state the category and amount of the expense or expenditure and the date on which the expense was incurred or the expenditure was made.

2. The categories of expense or expenditure for use on the report of expenses or expenditures are:

(a) Office expenses;

(b) Expenses related to volunteers;

(c) Expenses related to travel;

(d) Expenses related to advertising;

(e) Expenses related to paid staff;

(f) Expenses related to consultants;

(g) Expenses related to polling;

(h) Expenses related to special events;

(i) ***Expenses related to a legal defense fund;***

(j) Except as otherwise provided in NRS 294A.362, goods and services provided in kind for which money would otherwise have been paid; and

~~[(j)]~~ ***(k)*** Other miscellaneous expenses.

3. Each report of expenses or expenditures described in subsection 1 must list the disposition of any unspent campaign contributions using the categories set forth in subsection 2 of NRS 294A.160.

Sec. 59. NRS 294A.373 is hereby amended to read as follows:

294A.373 1. The Secretary of State shall design a single form to be used for all reports of campaign contributions and expenses or expenditures that are required to be filed pursuant to NRS 294A.120, 294A.125, 294A.128, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220, 294A.270, 294A.280, 294A.283, 294A.360 and 294A.362 ***and section 38 of this act*** and reports of contributions received by and expenditures made from a legal defense fund ***or used to pay legal expenses*** that are required to be filed pursuant to NRS 294A.286.

2. The form designed by the Secretary of State pursuant to this section must only request information specifically required by statute.

3. Upon request, the Secretary of State shall provide a copy of the form designed pursuant to this section to each person, committee, political party ~~[,]~~ ***and*** group ~~[and business entity]~~ that is required to file a report described in subsection 1.

4. The Secretary of State must obtain the advice and consent of the Legislative Commission before providing a copy of a form designed or revised by the Secretary of State pursuant to this section to a person, committee, political party ~~[,]~~ ***or*** group ~~[or business entity]~~ that is required to use the form.

Sec. 60. NRS 294A.382 is hereby amended to read as follows:

294A.382 The Secretary of State shall not request or require a candidate, person, group of persons, committee ~~[,]~~ ***or*** political party ~~[or business entity]~~ to list each of the expenditures or campaign expenses of $100 or less on a form designed and provided pursuant to NRS 294A.373.

Sec. 61. NRS 294A.390 is hereby amended to read as follows:

294A.390 The officer from whom a candidate or entity requests a form for:

1. A declaration of candidacy;

2. An acceptance of candidacy;

3. The registration of a committee for political action pursuant to NRS 294A.230 ~~[,]~~ ***or*** a committee for the recall of a public officer pursuant to NRS 294A.250 ***;*** ~~[or a business entity that wishes to engage in certain political activity pursuant to NRS 294A.377;]~~

4. The reporting of the creation of a legal defense fund pursuant to NRS 294A.286; or

5. The reporting of campaign contributions, expenses or expenditures pursuant to NRS 294A.120, 294A.128, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220, 294A.270, 294A.280, 294A.283 or 294A.360 ***or***

section 38 of this act and the reporting of contributions received by and expenditures made from a legal defense fund ***or used to pay legal expenses*** pursuant to NRS 294A.286,

➥ shall furnish the candidate with the necessary forms for reporting and copies of the regulations adopted by the Secretary of State pursuant to this chapter. An explanation of the applicable provisions of NRS 294A.100, 294A.120, 294A.128, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220, 294A.270, 294A.280, 294A.283 or 294A.360 ***or section 37 or 38 of this act*** relating to the making, accepting or reporting of campaign contributions, expenses or expenditures and the penalties for a violation of those provisions as set forth in NRS 294A.100 or 294A.420, and an explanation of NRS 294A.286 and 294A.287 relating to the accepting or reporting of contributions received by and expenditures made from a legal defense fund ***or used to pay legal expenses*** and the penalties for a violation of those provisions as set forth in NRS 294A.287 and 294A.420, must be developed by the Secretary of State and provided upon request. The candidate or entity shall acknowledge receipt of the material.

Sec. 62. NRS 294A.400 is hereby amended to read as follows:

294A.400 The Secretary of State shall, within 30 days after receipt of the reports required by NRS 294A.120, 294A.125, 294A.128, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220, 294A.270, 294A.280, 294A.283 and 294A.286, ***and sections 37 and 38 of this act,*** prepare and make available for public inspection a compilation of:

1. The total campaign contributions, the contributions which are in excess of $100 and the total campaign expenses of each of the candidates from whom reports of those contributions and expenses are required.

2. The total amount of loans to a candidate guaranteed by a third party, the total amount of loans made to a candidate that have been forgiven and the total amount of written commitments for contributions received by a candidate.

3. The contributions made to a committee for the recall of a public officer in excess of $100.

4. The expenditures exceeding $100 made by a:

(a) Person on behalf of a candidate other than the person.

(b) Group of persons ~~[or business entity]~~ advocating the election or defeat of a candidate.

(c) Committee for the recall of a public officer.

5. The contributions in excess of $100 made to:

(a) A person who is not under the direction or control of a candidate or group of candidates or of any person involved in the campaign of the candidate or group who makes an expenditure on behalf of the candidate or group which is not solicited or approved by the candidate or group.

(b) A committee for political action, political party ~~[,]~~ ***or*** committee sponsored by a political party ~~[or business entity]~~ which makes an expenditure on behalf of a candidate or group of candidates.

6. The contributions in excess of $1,000 made to and the expenditures exceeding $1,000 made by a:

(a) Person or group of persons organized formally or informally ~~[, including a business entity]~~ who advocates the passage or defeat of a question or group of questions on the ballot and who receives or expends money in an amount in excess of $10,000 for such advocacy, except as otherwise provided in paragraph (b).

(b) Person or group of persons organized formally or informally ~~[, including a business entity,]~~ who advocates the passage or defeat of a constitutional amendment or statewide measure proposed by an initiative or referendum, including, without limitation, the initiation or circulation thereof, and who receives or expends money in an amount in excess of $10,000 for such advocacy.

7. ***The expenditures exceeding $5,000 made by:***

(a) A person who is not under the direction or control of a candidate or group of candidates or of any person involved in the campaign of the candidate or group who makes an expenditure on behalf of the candidate or group which is not solicited or approved by the candidate or group.

(b) A committee for political action, political party or committee sponsored by a political party which makes an expenditure on behalf of a candidate or group of candidates.

8. The total contributions received by and expenditures made from a legal defense fund ~~[.]~~ ***or used to pay legal expenses.***

Sec. 63. NRS 294A.420 is hereby amended to read as follows:

294A.420 1. If the Secretary of State receives information that a person or entity that is subject to the provisions of NRS 294A.120, 294A.128, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220, ~~[294A.227,]~~ 294A.230, 294A.270, 294A.280, 294A.283, 294A.286 or 294A.360 ***or section 37 or 38 of this act*** has not filed a report or form for registration pursuant to the applicable provisions of those sections, the Secretary of State may, after giving notice to that person or entity, cause the appropriate proceedings to be instituted in the First Judicial District Court.

2. Except as otherwise provided in this section, a person or entity that violates an applicable provision of ~~[NRS 294A.112, 294A.120, 294A.128, 294A.130, 294A.140, 294A.150, 294A.160, 294A.200, 294A.210, 294A.220, 294A.227, 294A.230, 294A.270, 294A.280, 294A.283, 294A.286, 294A.300, 294A.310 or 294A.360]~~ ***this chapter*** is subject to a civil penalty of not more than $5,000 for each violation and payment of court costs and attorney's fees. The civil penalty must be recovered in a civil action brought in the name of the State of Nevada by the Secretary of State in the First Judicial District Court and deposited by the Secretary of State for credit to the State General Fund in the bank designated by the State Treasurer.

3. If a civil penalty is imposed because a person or entity has reported its contributions, expenses or expenditures after the date the report is due,

except as otherwise provided in this subsection, the amount of the civil penalty is:

(a) If the report is not more than 7 days late, $25 for each day the report is late.

(b) If the report is more than 7 days late but not more than 15 days late, $50 for each day the report is late.

(c) If the report is more than 15 days late, $100 for each day the report is late.

➥ A civil penalty imposed pursuant to this subsection against a public officer who by law is not entitled to receive compensation for his or her office or a candidate for such an office must not exceed a total of $100 if the public officer or candidate received no contributions and made no expenditures during the relevant reporting periods.

4. For good cause shown, the Secretary of State may waive a civil penalty that would otherwise be imposed pursuant to this section. If the Secretary of State waives a civil penalty pursuant to this subsection, the Secretary of State shall:

(a) Create a record which sets forth that the civil penalty has been waived and describes the circumstances that constitute the good cause shown; and

(b) Ensure that the record created pursuant to paragraph (a) is available for review by the general public.

Sec. 64. NRS 295.012 is hereby amended to read as follows:

295.012 A petition for initiative ***or referendum*** that proposes a ~~[statute, an amendment to a statute or an amendment to the Constitution]~~ ***constitutional amendment or statewide measure*** must be proposed by a number of registered voters from each petition district in the State that is at least equal to 10 percent of the voters who voted in that petition district at the last preceding general election.

Sec. 65. NRS 295.0575 is hereby amended to read as follows:

295.0575 A petition for a constitutional amendment or a petition for a statewide measure proposed by an initiative or referendum may consist of more than one document. Each document of a petition must have attached to it when submitted an affidavit executed by the circulator thereof stating:

1. That the circulator personally circulated the document;

2. The number of signatures thereon;

3. That all the signatures were affixed in the circulator's presence; ~~[and]~~

4. That each signer had an opportunity before signing to read the full text of the act or resolution on which the initiative or referendum is demanded ~~[.]~~ ***;***

5. The address and contact information of the circulator; and

6. That the circulator is 18 years of age or older.

Sec. 66. NRS 281A.610 is hereby amended to read as follows:

281A.610 1. Except as otherwise provided in subsection 2, each candidate for public office who will be entitled to receive annual compensation of $6,000 or more for serving in the office that the candidate is

seeking and, except as otherwise provided in subsection 3, each public officer who was elected to the office for which the public officer is serving shall file with the Secretary of State a statement of financial disclosure, as follows:

(a) A candidate for nomination, election or reelection to public office shall file a statement of financial disclosure no later than the 10th day after the last day to qualify as a candidate for the office. The statement must disclose the required information for the full calendar year immediately preceding the date of filing and for the period between January 1 of the year in which the election for the office will be held and the last day to qualify as a candidate for the office. The filing of a statement of financial disclosure for a portion of a calendar year pursuant to this paragraph does not relieve the candidate of the requirement of filing a statement of financial disclosure for the full calendar year pursuant to paragraph (b) in the immediately succeeding year, if the candidate is elected to the office.

(b) Each public officer shall file a statement of financial disclosure ***:***

(1) If the public officer is a Legislator, on or before January 15 of each year of the term, including the year the term expires, and of the year immediately following the year in which the Legislator's term expires.

(2) If the public officer is not a Legislator, on or before January 15 of each year of the term, including the year the term expires.

➥ The statement must disclose the required information for the full calendar year immediately preceding the date of filing.

2. Except as otherwise provided in this subsection, if a candidate for public office is serving in a public office for which the candidate is required to file a statement pursuant to paragraph (b) of subsection 1 or subsection 1 of NRS 281A.600, the candidate need not file the statement required by subsection 1 for the full calendar year for which the candidate previously filed a statement. The provisions of this subsection do not relieve the candidate of the requirement pursuant to paragraph (a) of subsection 1 to file a statement of financial disclosure for the period between January 1 of the year in which the election for the office will be held and the last day to qualify as a candidate for the office.

3. A person elected pursuant to NRS 548.285 to the office of supervisor of a conservation district is not required to file a statement of financial disclosure relative to that office pursuant to subsection 1.

4. A candidate for judicial office or a judicial officer shall file a statement of financial disclosure pursuant to the requirements of Canon 4I of the Nevada Code of Judicial Conduct. Such a statement of financial disclosure must include, without limitation, all information required to be included in a statement of financial disclosure pursuant to NRS 281A.620.

5. A statement of financial disclosure shall be deemed to be filed with the Secretary of State ~~[~~:

~~(a) On the date that it was mailed if it was sent by certified mail; or~~

~~(b) On~~] ***on*** the date that it was received by the Secretary of State ~~[if]~~ **,** ***regardless of whether*** the statement was sent by regular ***mail or certified*** mail, transmitted by facsimile machine or electronic means, or delivered personally.

6. The statement of financial disclosure filed pursuant to this section must be filed on the form prescribed by the Commission pursuant to NRS 281A.290.

7. The Secretary of State shall prescribe, by regulation, procedures for the submission of statements of financial disclosure filed pursuant to this section, maintain files of such statements and make the statements available for public inspection.

Sec. 67. Section 5.015 of the Charter of the City of Carlin, being chapter 344, Statutes of Nevada 1971, as added by chapter 493, Statutes of Nevada 2009, at page 2937, is hereby amended to read as follows:

Sec. 5.015 Filing of declarations of candidacy.

1. A candidate to be voted for at the general election must file a declaration of candidacy with the City Clerk ~~[not less than 5 days or more than 15 days before the day of the primary election held pursuant to the provisions of NRS 293.175.]~~ ***as provided by the election laws of this State.*** The City Clerk shall charge and collect from the candidate and the candidate must pay to the City Clerk, at the time of filing the declaration of candidacy, a filing fee in an amount fixed by the City Council by ordinance or resolution.

2. If, due to the death or ineligibility of or withdrawal by a candidate, a vacancy occurs in a nomination after the close of filing and any applicable period for withdrawal of candidacy, the candidate's name must remain on the ballot for the general election and, if elected, a vacancy exists.

Sec. 68. Section 5.015 of the Charter of the City of Wells, being chapter 275, Statutes of Nevada 1971, as added by chapter 493, Statutes of Nevada 2009, at page 2938, is hereby amended to read as follows:

Sec. 5.015 Filing of declarations of candidacy.

1. A candidate to be voted for at the general election must file a declaration of candidacy with the City Clerk ~~[not less than 5 days or more than 15 days before the day of the primary election held pursuant to the provisions of NRS 293.175.]~~ ***as provided by the election laws of this State.*** The City Clerk shall charge and collect from the candidate and the candidate must pay to the City Clerk, at the time of filing the declaration of candidacy, a filing fee in an amount fixed by the City Council by ordinance or resolution.

2. If, due to the death or ineligibility of or withdrawal by a candidate, a vacancy occurs in a nomination after the close of filing and any applicable period for withdrawal of candidacy, the candidate's name must remain on the ballot for the general election and, if elected, a vacancy exists.

Sec. 69. NRS 294A.003 and 294A.227 are hereby repealed.

TEXT OF REPEALED SECTIONS

294A.003 "Business entity" defined. "Business entity" means any corporation, company or other form of business organization. The term does not include a business entity for which:

1. The owners, investors, officers, directors, members or other organizers of the entity are disclosed in any public record; or

2. The business purpose of the entity is disclosed in a public record that clearly identifies a specific business in a manner that is verifiable.

294A.227 Registration; publication of information relating to registration.

1. A business entity shall register with the Secretary of State by submitting the completed form described in subsection 2 before it engages in any of the following activities in this State:

(a) Soliciting or receiving contributions from any other person, group or entity;

(b) Making contributions to candidates or other persons; or

(c) Making expenditures,

➥ designed to affect the outcome of any primary election, primary city election, general election, general city election, special election or question on the ballot.

2. The form must require:

(a) The name of the business entity;

(b) The purpose for which it was organized;

(c) The names and addresses of each owner, investor, officer, director, member or other organizer of the entity;

(d) If the business entity is affiliated with any other organization, the name, address and telephone number of each such organization;

(e) The name, address and telephone number of its registered agent, if any;

(f) A designation of the activities listed in subsection 1 in which it intends to engage; and

(g) Any other information deemed necessary by the Secretary of State.

3. The Secretary of State shall, in a timely manner, include on the portion of the Secretary of State's Internet website that is devoted to information concerning elections and campaigns the information required pursuant to subsection 2.

Assemblyman Conklin moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 471.

Bill read third time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 536.

AN ACT relating to local government financial administration; ~~[prohibiting the]~~ **limiting the authority of a** governing body of a local government ~~[from loaning or transferring]~~ **to loan or transfer** money from an enterprise fund ~~[under certain circumstances;]~~ **and to increase fees imposed for the purpose of an enterprise fund; requiring certain reports from the Committee on Local Government Finance;** providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The Local Government Budget and Finance Act authorizes the governing body of a local government to establish certain funds, including an enterprise fund to account for operations which are financed and conducted in a manner similar to the operations of a private business, where the intent of the governing body is to have the expenses of providing goods or services to the general public financed through charges imposed on users. (NRS 354.470-354.626) **Section 1** of this bill ~~[prohibits]~~ **allows** a governing body of a local government ~~[from loaning or transferring any money from an enterprise fund, any money collected from fees imposed for the purpose for which an enterprise fund was created or any income or interest earned on money in an enterprise fund to: (1) any fund that is unrelated to the purpose for which the enterprise fund was created; or (2) the general fund of a local government.]~~ **to loan or transfer money from an enterprise fund only if the loan or transfer is made: (1) as a medium-term obligation in compliance with certain requirements; (2) to pay the expenses of the pertinent enterprise; (3) for a cost allocation for employees, equipment or other resources; or (4) upon the dissolution of the fund. In addition, section 1 allows such a governing body to increase the amount of the fees imposed for the purpose for which an enterprise fund was created only if the Committee on Local Government Finance approves that increase or the fees are imposed on certain public utilities for a right-of-way over a public area. Lastly, section 1 requires the Committee to submit biennial reports to the Legislature regarding compliance with the requirements of that section. Section 9** of this bill provides that any officer or employee of a local government who violates **section 1** is guilty of a misdemeanor and upon conviction ceases to hold his or her office or employment.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBL Y, DO ENACT AS FOLLOWS:

Section 1. Chapter 354 of NRS is hereby amended by adding thereto a new section to read as follows:

~~[Except as otherwise provided in subsection 5 of NRS 354.612, the]~~

1. The governing body of a local government ~~[shall not]~~ may, on or after July 1, 2011, loan or transfer ~~[any]~~ money from an enterprise fund, ~~[any]~~ money collected from fees imposed for the purpose for which an enterprise fund was created or any income or interest earned on money in an enterprise fund ~~[to:~~

~~*1. Any fund that is unrelated to the purpose for which the enterprise fund was created; or*~~

~~*2. The general fund of the local government which created the enterprise fund or of any other local government.*~~] ***only if the loan or transfer is made:***

(a) In accordance with a medium-term obligation issued by the recipient in compliance with the provisions of chapter 350 of NRS and:

(1) The money is repaid in full to the enterprise fund within 5 years; or

(2) If the recipient will be unable to repay the money in full to the enterprise fund within 5 years, the recipient notifies the Committee on Local Government Finance of:

(I) The total amount of the loan or transfer;

(II) The purpose of the loan or transfer;

(III) The date of the loan or transfer; and

(IV) The estimated date that the money will be repaid in full to the enterprise fund;

(b) To pay the expenses related to the purpose for which the enterprise fund was created;

(c) For a cost allocation for employees, equipment or other resources related to the purpose of the enterprise fund; or

(d) Upon the dissolution of the enterprise fund.

2. Except as otherwise provided in subsection 3, the governing body of a local government may increase the amount of any fee imposed for the purpose for which an enterprise fund was created only if the Committee on Local Government Finance approves the increase. The Committee may approve such an increase if it determines that:

(a) The increase is not prohibited by law;

(b) The increase is necessary for the continuation or expansion of the purpose for which the enterprise fund was created; and

(c) The governing body is not using any money from the enterprise fund, any money collected from fees imposed for the purpose for which the enterprise fund was created or any income or interest earned on money in the enterprise fund for any purpose other than that for which the enterprise fund was created, except to repay any money loaned or transferred to the enterprise fund from another fund of the local government or of another local government to provide working capital for the enterprise fund.

3. The provisions of subsection 2 do not limit the authority of the governing body of a local government to increase the amount of any fee imposed upon a public utility in compliance with the provisions of NRS 354.59881 to 354.59889, inclusive, for a right-of-way over any public area if the public utility is billed separately for that fee.

4. The Department of Taxation shall provide to the Committee on Local Government Finance a copy of each report submitted to the

Department on or after July 1, 2011, by a county or city pursuant to NRS 354.6015. The Committee shall:

(a) Review each report to determine whether the governing body of the local government is in compliance with the provisions of this section; and

(b) On or before January 15 of each odd-numbered year, submit a report of its findings to the Director of the Legislative Counsel Bureau for transmittal to the Legislature.

5. As used in this section, "public utility" has the meaning ascribed to it in NRS 354.598817.

Sec. 2. NRS 354.470 is hereby amended to read as follows:

354.470 NRS 354.470 to 354.626, inclusive, ***and section 1 of this act*** may be cited as the Local Government Budget and Finance Act.

Sec. 3. NRS 354.472 is hereby amended to read as follows:

354.472 1. The purposes of NRS 354.470 to 354.626, inclusive, ***and section 1 of this act*** are:

(a) To establish standard methods and procedures for the preparation, presentation, adoption and administration of budgets of all local governments.

(b) To enable local governments to make financial plans for programs of both current and capital expenditures and to formulate fiscal policies to accomplish these programs.

(c) To provide for estimation and determination of revenues, expenditures and tax levies.

(d) To provide for the control of revenues, expenditures and expenses in order to promote prudence and efficiency in the expenditure of public money.

(e) To provide specific methods enabling the public, taxpayers and investors to be apprised of the financial preparations, plans, policies and administration of all local governments.

2. For the accomplishment of these purposes, the provisions of NRS 354.470 to 354.626, inclusive, ***and section 1 of this act*** must be broadly and liberally construed.

Sec. 4. NRS 354.474 is hereby amended to read as follows:

354.474 1. Except as otherwise provided in subsections 2 and 3, the provisions of NRS 354.470 to 354.626, inclusive, ***and section 1 of this act*** apply to all local governments. For the purpose of NRS 354.470 to 354.626, inclusive ~~[.]~~ ***, and section 1 of this act:***

(a) "Local government" means every political subdivision or other entity which has the right to levy or receive money from ad valorem or other taxes or any mandatory assessments, and includes, without limitation, counties, cities, towns, boards, school districts and other districts organized pursuant to chapters 244A, 309, 318 and 379 of NRS, NRS 450.550 to 450.750, inclusive, and chapters 474, 541, 543 and 555 of NRS, and any agency or department of a county or city which prepares a budget separate from that of the parent political subdivision.

(b) "Local government" does not include the Nevada Rural Housing Authority.

2. An irrigation district organized pursuant to chapter 539 of NRS shall fix rates and levy assessments as provided in NRS 539.667 to 539.683, inclusive. The levy of such assessments and the posting and publication of claims and annual financial statements as required by chapter 539 of NRS shall be deemed compliance with the budgeting, filing and publication requirements of NRS 354.470 to 354.626, inclusive, ***and section 1 of this act,*** but any such irrigation district which levies an ad valorem tax shall comply with the filing and publication requirements of NRS 354.470 to 354.626, inclusive, ***and section 1 of this act*** in addition to the requirements of chapter 539 of NRS.

3. An electric light and power district created pursuant to chapter 318 of NRS shall be deemed to have fulfilled the requirements of NRS 354.470 to 354.626, inclusive, ***and section 1 of this act*** for a year in which the district does not issue bonds or levy an assessment if the district files with the Department of Taxation a copy of all documents relating to its budget for that year which the district submitted to the Rural Utilities Service of the United States Department of Agriculture.

Sec. 5. NRS 354.476 is hereby amended to read as follows:

354.476 As used in NRS 354.470 to 354.626, inclusive, ***and section 1 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 354.479 to 354.578, inclusive, have the meanings ascribed to them in those sections.

Sec. 6. NRS 354.524 is hereby amended to read as follows:

354.524 "Final budget" means the budget which has been adopted by a local governing body or adopted by default as defined by NRS 354.470 to 354.626, inclusive, ***and section 1 of this act*** and which has been determined by the Department of Taxation to be in compliance with applicable statutes and regulations.

Sec. 7. NRS 354.594 is hereby amended to read as follows:

354.594 The Committee on Local Government Finance shall determine and advise local government officers of regulations, procedures and report forms for compliance with NRS 354.470 to 354.626, inclusive ~~[.]~~ ***, and section 1 of this act.***

Sec. 8. NRS 354.6241 is hereby amended to read as follows:

354.6241 1. The statement required by paragraph (a) of subsection 5 of NRS 354.624 must indicate for each fund set forth in that paragraph:

(a) Whether the fund is being used in accordance with the provisions of this chapter.

(b) Whether the fund is being administered in accordance with generally accepted accounting procedures.

(c) Whether the reserve in the fund is limited to an amount that is reasonable and necessary to carry out the purposes of the fund.

(d) The sources of revenues available for the fund during the fiscal year, including transfers from any other funds.

(e) The statutory and regulatory requirements applicable to the fund.

(f) The balance and retained earnings of the fund.

2. Except as otherwise provided in NRS 354.59891 ~~[.]~~ ***and section 1 of this act,*** to the extent that the reserve in any fund set forth in paragraph (a) of subsection 5 of NRS 354.624 exceeds the amount that is reasonable and necessary to carry out the purposes for which the fund was created, the reserve may be expended by the local government pursuant to the provisions of chapter 288 of NRS.

Sec. 9. NRS 354.626 is hereby amended to read as follows:

354.626 1. No governing body or member thereof, officer, office, department or agency may, during any fiscal year, expend or contract to expend any money or incur any liability, or enter into any contract which by its terms involves the expenditure of money, in excess of the amounts appropriated for that function, other than bond repayments, medium-term obligation repayments and any other long-term contract expressly authorized by law. Any officer or employee of a local government who willfully violates NRS 354.470 to 354.626, inclusive, ***and section 1 of this act*** is guilty of a misdemeanor and upon conviction thereof ceases to hold his or her office or employment. Prosecution for any violation of this section may be conducted by the Attorney General or, in the case of incorporated cities, school districts or special districts, by the district attorney.

2. Without limiting the generality of the exceptions contained in subsection 1, the provisions of this section specifically do not apply to:

(a) Purchase of coverage and professional services directly related to a program of insurance which require an audit at the end of the term thereof.

(b) Long-term cooperative agreements as authorized by chapter 277 of NRS.

(c) Long-term contracts in connection with planning and zoning as authorized by NRS 278.010 to 278.630, inclusive.

(d) Long-term contracts for the purchase of utility service such as, but not limited to, heat, light, sewerage, power, water and telephone service.

(e) Contracts between a local government and an employee covering professional services to be performed within 24 months following the date of such contract or contracts entered into between local government employers and employee organizations.

(f) Contracts between a local government and any person for the construction or completion of public works, money for which has been or will be provided by the proceeds of a sale of bonds, medium-term obligations or an installment-purchase agreement and that are entered into by the local government after:

(1) Any election required for the approval of the bonds or installment-purchase agreement has been held;

(2) Any approvals by any other governmental entity required to be obtained before the bonds, medium-term obligations or installment-purchase agreement can be issued have been obtained; and

(3) The ordinance or resolution that specifies each of the terms of the bonds, medium-term obligations or installment-purchase agreement, except those terms that are set forth in subsection 2 of NRS 350.165, has been adopted.

➥ Neither the fund balance of a governmental fund nor the equity balance in any proprietary fund may be used unless appropriated in a manner provided by law.

(g) Contracts which are entered into by a local government and delivered to any person solely for the purpose of acquiring supplies, services and equipment necessarily ordered in the current fiscal year for use in an ensuing fiscal year and which, under the method of accounting adopted by the local government, will be charged against an appropriation of a subsequent fiscal year. Purchase orders evidencing such contracts are public records available for inspection by any person on demand.

(h) Long-term contracts for the furnishing of television or FM radio broadcast translator signals as authorized by NRS 269.127.

(i) The receipt and proper expenditure of money received pursuant to a grant awarded by an agency of the Federal Government.

(j) The incurrence of obligations beyond the current fiscal year under a lease or contract for installment purchase which contains a provision that the obligation incurred thereby is extinguished by the failure of the governing body to appropriate money for the ensuing fiscal year for the payment of the amounts then due.

(k) The receipt by a local government of increased revenue that:

(1) Was not anticipated in the preparation of the final budget of the local government; and

(2) Is required by statute to be remitted to another governmental entity.

(l) An agreement authorized pursuant to NRS 277A.370.

Sec. 10. Section 3.130 of the Charter of the City of Las Vegas, being chapter 517, Statutes of Nevada 1983, at page 1409, is hereby amended to read as follows:

Sec. 3.130 Department of Financial Management: Director; qualifications; duties.

1. The City Council shall establish a Department of Financial Management, the head of which is the Director of Financial Management. The Department of Financial Management may also include such other qualified personnel as the City Manager determines are necessary properly to handle the financial matters of the City.

2. The Director of Financial Management:

(a) Must have knowledge of municipal accounting and taxation.

(b) Must have experience in budgeting and financial control.

(c) Has charge of the administration of the financial affairs of the City.

(d) Must provide a surety bond in the amount which is fixed by the City Council.

(e) Shall perform or cause to be performed on behalf of the City all of the duties and responsibilities which are imposed upon the City by NRS 354.470 to 354.626, inclusive ~~[.]~~ ***, and section 1 of this act.***

3. The City Council may establish by ordinance such regulations as it deems are necessary for the proper conduct of the Department of Financial Management and its officers and employees.

Sec. 11. This act becomes effective on July 1, 2011.

Assemblywoman Bustamante Adams moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 182.

Bill read third time.

The following amendment was proposed by Assemblywoman Kirkpatrick:

Amendment No. 540.

AN ACT relating to inland ports; authorizing the creation of inland ports and inland port authorities under certain circumstances; requiring the Commission on Economic Development to develop a State Plan for Inland Ports; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Sections 10-13 of this bill authorize, upon approval by the Commission on Economic Development, the creation of an inland port and an inland port authority by one or more boards of county commissioners of counties or one or more governing bodies of incorporated cities, or both. **Section 14** of this bill sets forth the membership of a board of directors of an inland port authority.

Sections 19-27 of this bill set forth powers and duties of an inland port authority.

Section 31 of this bill requires the Commission on Economic Development to: (1) develop a State Plan for Inland Ports; and (2) set forth the requirements for the creation of an inland port.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Title 22 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 2 to 30, inclusive, of this act.

Sec. 2. ***This chapter may be known and cited as the Inland Port Authority Act.***

Sec. 3. ***As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 4 to 8, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 4. *"Authority" means an inland port authority created pursuant to this chapter.*

Sec. 5. *"Board" means the board of directors of an authority.*

Sec. 6. *"Commission" means the Commission on Economic Development created by NRS 231.030.*

Sec. 7. *"Inland port" means an area located away from traditional borders but having direct access to highway, railway and air transport facilities and, if applicable, intermodal facilities.*

Sec. 8. *"Participating entity" means the board of county commissioners of a county or the governing body of an incorporated city.*

Sec. 9. *The Legislature hereby finds and declares that the creation of an inland port:*

1. Is essential to:

(a) Develop and diversify the economy of the State;

(b) Provide employment opportunities for Nevadans; and

(c) Develop and expand transportation and commerce in this State.

2. Will facilitate commerce and economic development in this State through:

(a) Strategic investment in multimodal transportation assets; and

(b) Comprehensive planning, development, management and operation of facilities and supporting infrastructure for transportation, commercial processing and domestic and international trade.

Sec. 10. *1. Subject to the requirements set forth in this section and sections 11, 12 and 13 of this act, an inland port may be created only in a contiguous area that:*

(a) Includes at least two of the following:

(1) A municipally owned airport with a runway of at least 4,500 feet.

(2) A portion of a highway that is part of the National Highway System.

(3) Operating assets of at least one Class I railroad as classified by the Surface Transportation Board.

(b) Does not include any residential property.

2. All areas within the boundaries of an inland port must be within the boundaries of the county or counties and incorporated city or cities, as applicable, of the one or more participating entities which apply to the Commission pursuant to section 11 of this act for the creation of the inland port.

3. If the boundaries of an inland port will include a municipally owned airport as described in subparagraph (1) of paragraph (a) of subsection 1:

(a) The municipality that owns and operates the airport must be a participating entity; or

(b) If the municipality that owns and operates the airport is not a participating entity, the municipality, by ordinance, must approve of the inclusion of the airport within the boundaries of the inland port.

Sec. 11. *1. One or more participating entities may apply to the Commission to create, operate and maintain an inland port and authority.*

2. A participating entity is eligible to apply to the Commission pursuant to subsection 1 if the county or incorporated city, as applicable, of the participating entity is located in whole or in part within the proposed boundaries of the inland port.

3. The Commission may approve the creation of an inland port and authority if the proposed inland port and authority conform to the State Plan for Inland Ports developed by the Commission pursuant to section 31 of this act.

Sec. 12. *1. If the Commission approves the creation of an inland port and authority pursuant to section 11 of this act, each participating entity shall hold at least two public hearings to discuss the creation of the inland port and authority.*

2. The participating entity shall give notice of the hearing by publication in a newspaper published in the county not later than 7 days before the hearing. The notice must include, without limitation:

(a) The date, time and place for the hearing;

(b) The boundaries of the proposed inland port, including, without limitation, a map of the proposed inland port; and

(c) The powers of the proposed authority.

Sec. 13. *If a participating entity obtains approval of the Commission for the creation of an inland port and authority pursuant to section 11 of this act, the participating entity shall create the inland port and authority by ordinance. The ordinance must include, without limitation:*

1. A description of the boundaries of the inland port;

2. The location of the principal office of the authority;

3. The name of the inland port and authority; and

4. The number of directors who will compose the board of the authority pursuant to section 14 of this act.

Sec. 14. *1. An authority must be governed by a board of directors with an odd-numbered membership set by the participating entity or entities. If there is more than one participating entity, the membership of the board of directors must be agreed to by all of the participating entities. The board of directors must be composed of:*

(a) One director appointed by each county that is a participating entity, if any;

(b) One director appointed by each city that is a participating entity, if any;

(c) If the authority includes a municipally owned airport described in subparagraph (1) of paragraph (a) of subsection 1 of section 10 of this act, one director appointed by:

(1) In a county whose population is 700,000 or more, the department of aviation of the county; or

(2) In a county whose population is less than 700,000, the governing body of the airport authority, if any, and if there is not an airport authority, by the governing body of the municipality which owns the airport; and

(d) Any other directors appointed in accordance with this section and as provided in an ordinance adopted by a participating entity pursuant to section 13 of this act.

2. Except as otherwise provided in this section, the directors described in subsection 1 must be appointed to terms of 4 years. The terms must be staggered in such a manner that, to the extent possible, the terms of one-half of the directors will expire every 2 years. The initial directors of the authority shall, at the first meeting of the board after their appointment, draw lots to determine which directors will initially serve terms of 2 years and which will serve terms of 4 years. A director may be reappointed.

3. A vacancy occurring during the term of a director must be filled by the appointing participating entity for the unexpired term as soon as is reasonably practicable.

Sec. 15. *1. A director of a board must reside within the boundaries of the participating entity that appoints him or her.*

2. The following persons are not eligible to be appointed to a board:

(a) An elected official of any governmental entity.

(b) An employee of a participating entity.

Sec. 16. *1. A majority of the board constitutes a quorum for the transaction of business. If a vacancy exists on the board, a majority of directors serving on the board constitutes a quorum.*

2. The board shall annually elect a chair and vice chair. The vice chair presides in the absence of the chair.

3. The board may elect any other officers that it considers appropriate.

4. Each director serves without compensation and, while engaged in the business of the board, is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

Sec. 17. *All meetings of an authority must be conducted in accordance with the provisions of chapter 241 of NRS.*

Sec. 18. *1. The governing body of a county, city or other governmental entity may convey title or rights and easements to any real property to an authority to effect any purpose of the authority.*

2. An authority may not exercise the power of eminent domain.

Sec. 19. *1. An authority may enter into an agreement that provides for the lease of rights-of-way, the granting of easements or the issuance of franchises, concessions, licenses or permits.*

2. Except as otherwise provided in subsections 3 ~~[and 4,]~~ , 4 and 5, with the consent of any county, city or other governmental entity, an authority may:

(a) Use streets, alleys, roads, highways and other public ways of the county, city or other governmental entity; and

(b) Relocate, raise, reroute, change the grade of or alter, at the expense of the authority:

(1) A street, alley, highway, road or railroad;

(2) Electric lines and facilities;

(3) Telegraph and telephone properties and facilities;

(4) Pipelines and facilities;

(5) Conduits and facilities; and

(6) Other property,

➥ *as necessary or useful in the construction, reconstruction, repair, maintenance and operation of the inland port.*

3. An authority may not alter:

(a) A highway that is part of the state highway system without the consent of the Department of Transportation.

(b) A railroad without the consent of the railroad company.

(c) A municipally owned airport.

4. If an inland port includes a municipally owned airport:

(a) An authority may not interfere with or exercise any control over commercial air transportation operations or ~~[commercial]~~ airlines that operate at the airport; and

(b) The airport authority, department of aviation or other existing governing body that owns or manages the airport retains such ownership or management control.

5. Nothing in this section authorizes an authority to perform any action in violation of any requirement of federal law or condition to the receipt of federal money.

Sec. 20. *An authority may not provide retail utility services or duplicate a service or facility of another governmental entity.*

Sec. 21. *An authority may enter into an agreement with any person, including, without limitation, the United States or any other governmental entity, for any purpose of the authority.*

Sec. 22. *An authority may act jointly with any other person, private or public, inside or outside this State or the United States, in the performance of any power or duty under this chapter.*

Sec. 23. *An authority may purchase and pay premiums for insurance of any type in an amount considered necessary or advisable by the board.*

Sec. 24. *An authority may market, advertise and promote the use of the inland port that the authority constructs, owns, operates, regulates or maintains.*

Sec. 25. *An action against an authority must be brought in the county in which the principal office of the authority is located.*

Sec. 26. *1. An authority shall establish and maintain rates, rentals, fees, charges or other compensation that is commercially reasonable and nondiscriminatory for the use of the facilities owned, constructed, operated, regulated or maintained by the authority.*

2. An authority may accept any public or private funding, grant or donation.

Sec. 27. ***Notwithstanding any provision of this chapter to the contrary, an authority may not develop, operate or maintain a toll road.***

Sec. 28. ***1. If a participating entity wishes to withdraw from an authority with regard to which there is more than one participating entity, the participating entity shall:***

(a) Adopt an ordinance providing for the withdrawal;

(b) Obtain approval from the board; and

(c) Give notice to the other participating entity or entities of its intent to withdraw,

➥ at least 6 months before the date on which the withdrawal would be effective.

2. Upon the withdrawal of a participating entity from the authority pursuant to subsection 1:

(a) The boundaries of the inland port must be adjusted by the other participating entity or entities to comply with the provisions of section 10 of this act; or

(b) The authority must be dissolved pursuant to subsection 3 as soon as practicable.

3. An authority is dissolved if:

(a) The dissolution is approved by the board;

(b) The governing body of each participating entity agrees to the dissolution;

(c) All debts and other liabilities of the authority have been paid or discharged, or adequate provision has been made for the payment of all debts and other liabilities;

(d) There are no suits pending against the authority, or adequate provision has been made for the satisfaction of any judgment, order or decree that may be entered against the authority in any pending suit; and

(e) The authority has a commitment from another governmental entity to assume jurisdiction of all property of the authority.

Sec. 29. ***At the request of the Commission, an authority shall report to the Commission on all issues and activities necessary for the administration of the authority as well as issues and activities pertaining to compliance with any rules or regulations set forth by the Commission for the creation, operation or maintenance of inland ports pursuant to section 31 of this act.***

Sec. 30. ***This chapter shall be liberally construed in order to facilitate economic development, trade and commerce in the State of Nevada.***

Sec. 31. Chapter 231 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Commission on Economic Development shall:

(a) Develop a State Plan for Inland Ports. The Plan must include, without limitation:

(1) A comprehensive, long-term general plan for the physical development of inland ports which promotes, encourages and aids in the development of the economic interests of this State.

(2) Requirements for the creation of inland ports for the purposes of the Inland Port Authority Act which affect economic and industrial development.

(b) Promote, encourage and aid in the development of inland ports in this State.

(c) Identify sources of financing to assist local governments in developing or expanding inland ports.

(d) Encourage and assist local governments in planning and preparing projects for inland ports.

(e) ~~*[Arrange by cooperative agreements with local governments to serve as the single agency in the State from which relocating or expanding businesses may obtain all required permits to operate in an inland port.*~~

~~*(f)]*~~ ***Promote close cooperation between local governments, other public agencies and private persons that have an interest in creating, operating or maintaining inland ports in the State.***

2. As used in this section, "inland port" has the meaning ascribed to it in section 7 of this act.

Sec. 32. NRS 231.020 is hereby amended to read as follows:

231.020 As used in NRS 231.020 to 231.139, inclusive, ***and section 31 of this act,*** unless the context otherwise requires, "motion pictures" includes feature films, movies made for broadcast on television and programs made for broadcast on television in episodes.

Sec. 33. This act becomes effective on July 1, 2011.

Assemblywoman Benitez-Thompson moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, reengrossed, and to third reading.

Assembly Bill No. 77.

Bill read third time.

Roll call on Assembly Bill No. 77:

YEAS—41.

NAYS—Goedhart.

Assembly Bill No. 77 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Conklin moved that Assembly Bill No. 299 be taken from the Chief Clerk's desk and placed on the General File.

Motion carried.

Assembly Bill No. 115.

Bill read third time.

Remarks by Assemblywoman Kirkpatrick.

Assemblyman Conklin moved that the following remarks be entered in the Journal.

Motion carried.

ASSEMBLYWOMAN KIRKPATRICK:

Thank you, Mr. Speaker. Because water is a very contentious issue within our state, we worked very hard to make sure our record was very clear within the Government Affairs Committee. We want to make sure this is very clear in the Journal today, as well. Today, I would like to read a very lengthy yet very important floor statement to ensure that the record is clear, for the third time.

Assembly Bill 115 extends the time within which the State Engineer may act on an application from one year to two years. The bill deletes the requirement for a protestant to approve the postponement of an application and adds additional grounds for postponement of an application. An application that has not been approved or rejected, or on which a hearing has not been held within seven years, must be republished and the protest period reopened.

The bill clarifies that applications remain active until either approved or rejected. Additional technical amendments include reordering certain existing sections of the statutes, eliminating unused definitions, and deleting redundant provisions. This measure states that the amendment only applies to applications filed on or after July 1, 2011.

Mr. Speaker, I just want to clarify, also, that we had a Supreme Court ruling. We worked with Great Basin Network to address the concerns that were raised by the Supreme Court ruling that we heard during the 2010 Special Session. This clarifies that we cleaned the record so that within the statute you can actually find, specifically, where things go. With that, I would urge your support.

Roll call on Assembly Bill No. 115:

YEAS—42.

NAYS—None.

Assembly Bill No. 115 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 136.

Bill read third time.

Roll call on Assembly Bill No. 136:

YEAS—33.

NAYS—Ellison, Hansen, Hardy, Hickey, Kirner, Kite, Livermore, Stewart, Woodbury—9.

Assembly Bill No. 136 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 223.

Bill read third time.

Roll call on Assembly Bill No. 223:

YEAS—26.

NAYS—Ellison, Goedhart, Goicoechea, Grady, Hambrick, Hammond, Hansen, Hardy, Hickey, Kirner, Kite, Livermore, McArthur, Sherwood, Stewart, Woodbury—16.

Assembly Bill No. 223 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 240.

Bill read third time.

Remarks by Assemblywoman Smith.

Roll call on Assembly Bill No. 240:

YEAS—40.

NAYS—Aizley, Horne—2.

Assembly Bill No. 240 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 257.

Bill read third time.

Roll call on Assembly Bill No. 257:

YEAS—42.

NAYS—None.

Assembly Bill No. 257 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 265.

Bill read third time.

Roll call on Assembly Bill No. 265:

YEAS—35.

NAYS—Carlton, Grady, Hammond, Hardy, Kirner, Kite, McArthur—7.

Assembly Bill No. 265 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 299.

Bill read third time.

Roll call on Assembly Bill No. 299:

YEAS—29.

NAYS—Goedhart, Goicoechea, Grady, Hambrick, Hammond, Hansen, Hardy, Hickey, Kirner, Kite, McArthur, Sherwood, Woodbury—13.

Assembly Bill No. 299 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 304.

Bill read third time.

Roll call on Assembly Bill No. 304:

YEAS—37.

NAYS—Goedhart, Hansen, Hardy, Kirner, McArthur—5.

Assembly Bill No. 304 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 365.

Bill read third time.

Roll call on Assembly Bill No. 365:

YEAS—41.

NAYS—Hansen.

Assembly Bill No. 365 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 388.

Bill read third time.

Remarks by Assemblymen Sherwood and Ohrenschall.

Roll call on Assembly Bill No. 388:

YEAS—27.

NAYS—Ellison, Goedhart, Goicoechea, Grady, Hambrick, Hansen, Hardy, Hickey, Kirner, Kite, Livermore, McArthur, Sherwood, Stewart, Woodbury—15.

Assembly Bill No. 388 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 412.

Bill read third time.

Roll call on Assembly Bill No. 412:

YEAS—38.

NAYS—Ellison, Goedhart, Hambrick, Kite—4.

Assembly Bill No. 412 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 422.

Bill read third time.

Roll call on Assembly Bill No. 422:

YEAS—42.

NAYS—None.

Assembly Bill No. 422 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 448.

Bill read third time.

Roll call on Assembly Bill No. 448:

YEAS—42.

NAYS—None.

Assembly Bill No. 448 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 452.

Bill read third time.

Roll call on Assembly Bill No. 452:

YEAS—27.

NAYS—Atkinson, Brooks, Carlton, Daly, Ellison, Goicoechea, Grady, Hambrick, Hansen, Hardy, Horne, Kite, McArthur, Neal, Sherwood—15.

Assembly Bill No. 452 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 473.

Bill read third time.

Roll call on Assembly Bill No. 473:

YEAS—42.

NAYS—None.

Assembly Bill No. 473 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 549.

Bill read third time.

Remarks by Assemblymen Kirkpatrick, Oceguera, Goedhart, and Kirkpatrick.

Roll call on Assembly Bill No. 549:

YEAS—37.

NAYS—Goedhart, Hardy, Hickey, Munford, Segerblom—5.

Assembly Bill No. 549 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 31.

Bill read third time.

Roll call on Senate Bill No. 31:

YEAS—41.

NAYS—Hardy.

Senate Bill No. 31 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 161.

Bill read third time.

Roll call on Assembly Bill No. 161:

YEAS—42.

NAYS—None.

Assembly Bill No. 161 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which was referred Assembly Bill No. 363, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Commerce and Labor, to which was referred Assembly Bill No. 359, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Commerce and Labor, to which was referred Assembly Bill No. 382, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

KELVIN ATKINSON, *Chair*

Mr. Speaker:

Your Committee on Judiciary, to which was referred Assembly Bill No. 379, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

WILLIAM C. HORNE, *Chair*

Mr. Speaker:

Your Committee on Legislative Operations and Elections, to which was referred Assembly Bill No. 301, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

TICK SEGERBLOM, *Chair*

GENERAL FILE AND THIRD READING

Assembly Bill No. 301.

Bill read third time.

The following amendment was proposed by the Committee on Legislative Operations and Elections:

Amendment No. 544.

AN ACT relating to civil rights; ~~[providing for]~~ **revising provisions governing** the restoration of the right to vote ~~[and the right to serve on a jury in civil matters for any person who has completed a sentence for]~~ **to persons who have been convicted of** a felony**;** ~~[conviction or been discharged from probation or parole from a felony conviction; revising provisions governing the restoration of the right to hold public office and the right to serve on a jury in criminal matters to persons who have been convicted of a felony;]~~ revising provisions governing the registration to vote of a person convicted of a felony; revising provisions governing the cancellation of the registration to vote of a person convicted of a felony; revising provisions governing a challenge to the right to vote of a person convicted of a felony; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires a county clerk to cancel the registration to vote of a person who has been convicted of a felony unless the person's right to vote

has been restored: (1) under the laws of this State; or (2) if the conviction occurred in another state, under the laws of that state. (NRS 293.540) ~~[In addition, existing law provides that a person who has been convicted of a felony is not eligible to serve on a jury unless that right has been restored. (NRS 6.010)]~~ Under existing law, unless a person has been convicted of certain specified felonies, a person who has been convicted of a felony is restored to the right to vote ~~[and the right to serve on a jury in a civil matter]~~ upon: (1) an honorable discharge from probation; (2) the sealing of his or her records by a court; (3) the granting of a pardon; (4) an honorable discharge from parole; or (5) being released from prison because of the expiration of his or her sentence. (NRS 176A.850, 179.285, 213.090, 213.155, 213.157) **Sections ~~[1-12]~~ 4, 5 and 7** of this bill ~~[provide]~~ **remove all exceptions to the restoration of the right to vote of a person convicted of a felony so** that ~~[a]~~ **any** person convicted of ~~[any]~~ **a** felony in ~~[any state]~~ **this State** is restored to the right to vote ~~[and the right to serve on a jury in a civil matter in this State]~~ upon: (1) ~~[any]~~ **an honorable** discharge from probation; (2) the sealing of his or her records by a court; (3) the granting of a pardon; (4) ~~[any]~~ **an honorable** discharge from parole; ~~[and]~~ **or** (5) the completion of his or her sentence and release from prison. ~~[Under sections 1-4 and 7-9, the Director of the Department of Corrections, the Division of Parole and Probation of the Department of Public Safety, the State Board of Parole Commissioners or the court, whichever is applicable to the circumstances, must provide notice to the county clerk where the person resides that the person's right to vote has been restored. Under sections 2, 4, 5, 7 and 8, the Director of the Department of Corrections, the Division of Parole and Probation or the State Board of Parole Commissioners, as appropriate, must provide an application to register to vote to the person whose right to vote has been restored.~~

~~Under existing law, unless a person has been convicted of certain specified felonies, a person who has been convicted of a felony is restored to the right to hold public office and the right to serve on a jury in a criminal matter upon: (1) the passing of a certain number of years after an honorable discharge from probation; (2) the sealing of his or her records by a court; (3) the granting of a pardon; (4) the passing of a certain number of years after being honorably discharged from parole; and (5) the passing of a certain number of years after being released from prison because of the expiration of his or her sentence. (NRS 176A.850, 179.285, 213.090, 213.155, 213.157) Sections 4, 5, 7 and 8 of this bill provide that a person convicted of any felony in any state is restored to the right to hold public office and the right to serve on a jury in a criminal matter in this State upon: (1) the passing of a certain number of years after any discharge from probation; (2) the sealing of his or her records by a court; (3) the granting of a pardon; (4) the passing of a certain number of years after any discharge from parole; and (5) the passing of a certain number of years after the completion of his or her sentence and release from prison.~~]

Sections 10-15 of this bill revise provisions relating to voter registration. **Under existing law, the civil right to vote of a person who is resident of this State and who has been convicted of a felony in another state is determined by the law of that other state. (NRS 293.540) Section 10.3 of this bill provides that a resident of this State who was convicted of a felony in another state is restored to the right to vote in this State if he or she: (1) has been released from prison because of the expiration of his or her sentence; (2) has received a discharge from probation or parole which is not a dishonorable discharge; or (3) has received a pardon, or an order from a court of competent jurisdiction, which restores the person's civil right to vote. Section ~~[~~10~~]~~ 10.5 of this bill prohibits a county clerk from requiring a person seeking to register to vote to present documentation indicating that the person's right to vote has been restored following a conviction for a felony under the laws of this State or another state. Section 10.7 of this bill** provides for an appeal to the Secretary of State and the district court if the county clerk cancels the voter registration of, or refuses to register, a person on the ground that the person is ineligible to vote because the person ~~[is incarcerated or on probation or parole for a felony conviction.]~~ **: (1) has been convicted of a felony under the laws of this State or another state; and (2) has not had his or her civil right to vote restored. Section 12** revises the procedures to be followed by a county clerk upon a determination based on specific evidence that a person is ineligible to vote because the person ~~[is incarcerated or on probation or parole for a felony conviction.]~~ **: (1) has been convicted of a felony under the laws of this State or another state; and (2) has not had his or her civil right to vote restored. Section 13** revises the procedure for reregistering a person to vote after a cancellation of the person's right to vote because of a felony conviction. **Section 14** revises the procedures to be followed by a county clerk, district attorney or court upon a receipt of a challenge providing that a person is ineligible to vote because the person ~~[is incarcerated or on probation or parole for a felony conviction.]~~ **: (1) has been convicted of a felony under the laws of this State or another state; and (2) has not had his or her civil right to vote restored.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. ~~[NRS 209.511 is hereby amended to read as follows:~~

~~209.511 1. When an offender is released from prison by expiration of his or her term of sentence, by pardon or by parole, the Director:~~

~~(a) May furnish the offender with a sum of money not to exceed $100, the amount to be based upon the offender's economic need as determined by the Director;~~

~~(b) Shall give the offender notice of the provisions of chapter 179C of NRS and NRS 202.357 and 202.360;~~

~~(c) Shall require the offender to sign an acknowledgment of the notice required in paragraph (b);~~

~~(d) Shall give the offender notice of the provisions of NRS 179.245 and the provisions of NRS 213.090, 213.155 or 213.157, as applicable;~~

~~(e) May provide the offender with clothing suitable for reentering society;~~

~~(f) May provide the offender with the cost of transportation to his or her place of residence anywhere within the continental United States, or to the place of his or her conviction;~~

~~(g) May, but is not required to, release the offender to a facility for transitional living for released offenders that is licensed pursuant to chapter 449 of NRS; and~~

~~(h) Shall require the offender to submit to at least one test for exposure to the human immunodeficiency virus.~~

~~2. *When an offender is released from prison by expiration of his or her term of sentence, the Director shall provide to the clerk of the county in which the offender will reside a written notice stating:*~~

~~*(a) The full name and the address of the residence at which the offender will reside and the date on which the offender's civil right to vote has been restored pursuant to NRS 213.157;*~~

~~*(b) That the offender has been released from prison by expiration of his or her term of sentence; and*~~

~~*(c) That the offender has been restored to his or her civil right to vote as of the date set forth in paragraph (a).*~~

~~*3.* The costs authorized in paragraphs (a), (e), (f) and (h) of subsection 1 must be paid out of the appropriate account within the State General Fund for the use of the Department as other claims against the State are paid to the extent that the costs have not been paid in accordance with subsection 5 of NRS 209.221 and NRS 209.246.~~

~~[~~3.~~]~~ ~~*4.* As used in this section, "facility for transitional living for released offenders" has the meaning ascribed to it in NRS 449.0055.~~]~~ **(Deleted by amendment.)**

Sec. 2. ~~[~~NRS 213.090 is hereby amended to read as follows:~~

~~213.090 1. A person who is granted a full, unconditional pardon by the Board is restored to all civil rights and is relieved of all disabilities incurred upon conviction.~~

~~2. A pardon granted by the Board shall be deemed to be a full, unconditional pardon unless the official document issued pursuant to subsection 3 explicitly limits the restoration of the civil rights of the person or does not relieve the person of all disabilities incurred upon conviction.~~

~~3. Upon~~ ~~[~~being granted~~]~~ ~~*the granting of* a pardon by the Board, [~~a~~] *the State Board of Parole Commissioners shall give to the* person so pardoned ~~[~~must be given an~~]~~ ~~:~~

~~*(a) If the pardon restores the right of the person to vote, an application to register to vote; and*~~

~~***(b) An** official document which provides that the person has been granted a pardon. If the person has not been granted a full, unconditional pardon, the official document must explicitly state all limitations on the restoration of the civil rights of the person and all disabilities incurred upon conviction from which the person is not relieved.~~

~~4. **Upon the granting of a pardon by the Board which restores the right to vote of the person so pardoned, the State Board of Parole Commissioners shall provide to the clerk of the county in which the person resides a written notice stating:~~

~~***(a) The full name and residential address of the person and the date on which the person's civil right to vote has been restored pursuant to this section;~~

~~***(b) That the State Board of Pardons Commissioners has granted a pardon which restores the person's right to vote; and~~

~~***(c) That the person has been restored to his or her civil right to vote as of the date set forth in paragraph (a).~~

~~***5.** A person who has been granted a pardon in this State or elsewhere and whose official documentation of his or her pardon is lost, damaged or destroyed may file a written request with a court of competent jurisdiction to restore his or her civil rights pursuant to this section. Upon verification that the person has been granted a pardon and is eligible to be restored to his or her civil rights, the court shall issue an order restoring the person to his or her civil rights. A person must not be required to pay a fee to receive such an order.~~

~~[5.]~~ ~~***6.** A person who has been granted a pardon in this State or elsewhere may present:~~

~~(a) Official documentation of his or her pardon; or~~

~~(b) A court order restoring his or her civil rights,~~

~~**~~ ~~as proof that the person has been restored to his or her civil rights. **A county clerk shall not require a person to present a court order, official documentation of his or her pardon or any other documentation issued pursuant to this section as a requirement for registering to vote.]~~ **(Deleted by amendment.)**

Sec. 3. ~~[NRS 213.154 is hereby amended to read as follows:~~

~~213.154 1. The Division shall issue an honorable discharge to a parolee whose term of sentence has expired if the parolee has:~~

~~(a) Fulfilled the conditions of his or her parole for the entire period of his or her parole; or~~

~~(b) Demonstrated his or her fitness for honorable discharge but because of economic hardship, verified by a parole and probation officer, has been unable to make restitution as ordered by the court.~~

~~2. The Division shall issue a dishonorable discharge to a parolee whose term of sentence has expired if:~~

~~(a) The whereabouts of the parolee are unknown;~~

~~(b) The parolee has failed to make full restitution as ordered by the court, without a verified showing of economic hardship; or~~

~~(c) The parolee has otherwise failed to qualify for an honorable discharge pursuant to subsection 1.~~

~~3. Any amount of restitution that remains unpaid by a person after the person has been discharged from parole constitutes a civil liability as of the date of discharge.~~

~~*4. Upon discharging a person from parole pursuant to this section, the Division shall provide to the clerk of the county in which the person resides a written notice stating:*~~

~~*(a) The full name and residential address of the person and the date on which the person's civil right to vote has been restored pursuant to NRS 213.155;*~~

~~*(b) That the Division has discharged the person from parole; and*~~

~~*(c) That the person has been restored to his or her civil right to vote as of the date set forth in paragraph (a).]*~~ **(Deleted by amendment.)**

Sec. 4. NRS 213.155 is hereby amended to read as follows:

213.155 1. ~~[Except as otherwise provided in subsection 2, a]~~ ***A*** person who receives an honorable ~~*[a]*~~ discharge from parole ~~*[:]*~~ pursuant to NRS 213.154:

(a) Is immediately restored to the ~~[following]~~ civil ~~[rights:~~

~~(1) The]~~ right to vote ***.*** ~~[; and~~

~~(2) The]~~

(b) Except as otherwise provided in subsection 2:

(1) Is immediately restored to the right to serve as a juror in a civil action.

~~[(b)]~~ ***(2)*** Four years after the date of his or her honorable discharge from parole, is restored to the right to hold office.

~~[(c)]~~ ***(3)*** Six years after the date of his or her honorable discharge from parole, is restored to the right to serve as a juror in a criminal action.

2. Except as otherwise provided in this subsection, the civil rights set forth in ***paragraph (b) of*** subsection 1 are not restored to a person who has received an honorable discharge from parole if the person has previously been convicted in this State:

(a) Of a category A felony.

(b) Of an offense that would constitute a category A felony if committed as of the date of his or her honorable discharge from parole.

(c) Of a category B felony involving the use of force or violence that resulted in substantial bodily harm to the victim.

(d) Of an offense involving the use of force or violence that resulted in substantial bodily harm to the victim and that would constitute a category B felony if committed as of the date of his or her honorable discharge from parole.

(e) Two or more times of a felony, unless a felony for which the person has been convicted arose out of the same act, transaction or occurrence as

another felony, in which case the convictions for those felonies shall be deemed to constitute a single conviction for the purposes of this paragraph.

➥ A person described in this subsection may petition a court of competent jurisdiction for an order granting the restoration of his or her civil rights as set forth in ***paragraph (b) of*** subsection 1.

3. ~~[Except for a person subject to the limitations set forth in subsection 2, upon]~~ ***Upon*** his or her honorable discharge from parole, a ~~*[the Division shall give to the]*~~ person so discharged must be given an ~~*[:*~~

~~*(a) An application to register to vote; and*~~

~~*(b) An]*~~ official document which provides:

(a) ~~*[(1)]*~~ That the person has received an honorable ~~*[a]*~~ discharge from parole;

(b) ~~*[(2)]*~~ That the person has been restored to his or her civil ~~[rights]~~ ***right*** to vote ~~[and]~~ ***as of the date of his or her honorable discharge from parole; and***

(c) If the person is not subject to the limitations set forth in subsection 2:

(1) That the person has been restored to his or her civil right to serve as a juror in a civil action as of the date of his or her honorable discharge from parole;

~~[(c)]~~ ~~*[(3)]*~~ ***(2)*** The date on which his or her civil right to hold office will be restored to the person pursuant to ***subparagraph (2) of*** paragraph (b) of subsection 1; and

~~[(d)]~~ ~~*[(4)]*~~ ***(3)*** The date on which his or her civil right to serve as a juror in a criminal action will be restored to the person pursuant to ***subparagraph (3) of*** paragraph ~~[(c)]~~ ***(b)*** of subsection 1.

4. Subject to the limitations set forth in subsection 2, a

~~*[3. A]*~~ person who has been honorably discharged from parole in this State or elsewhere and whose official documentation of his or her honorable discharge from parole is lost, damaged or destroyed may file a written request with ~~[a court of competent jurisdiction to restore]~~ ***the district court in and for the county in which the person resides for the issuance of an order declaring that*** his or her civil rights ***have been restored*** pursuant to this section. Upon verification that the person has been honorably discharged from parole ~~*[,]*~~ and is eligible to be restored to ***any of*** the civil rights set forth in subsection 1, the court shall issue an order restoring the person to the civil rights ~~[set forth in]~~ ***to which the person is entitled to be restored pursuant to*** ~~[subsection 1.]~~ ***this section.*** A person must not be required to pay a fee to receive such an order.

5. ~~*[4.]*~~ A person who has been honorably discharged from parole in this State or elsewhere may present:

(a) Official documentation of his or her honorable discharge from parole, if it contains the provisions set forth in ~~*[paragraph (b) of]*~~ subsection 3; ~~*[2;]*~~ or

(b) A court order restoring his or her civil rights,

➥ as proof that the person has been restored to ***any of*** the civil rights set forth in ~~[subsection 1.]~~ ***this section.***

6. ~~*[A county clerk shall not require a person to present a court order, official documentation of discharge from parole or any other documentation issued pursuant to this section as a requirement for registering to vote.*~~

~~*5.]*~~ The Board may adopt regulations necessary or convenient for the purposes of this section.

Sec. 5. NRS 213.157 is hereby amended to read as follows:

213.157 1. ~~[Except as otherwise provided in subsection 2, a]~~ ***A*** person convicted of a felony in the State of Nevada who has ~~[served]~~ ***completed*** his or her sentence and has been released from prison:

(a) Is immediately restored to the ~~[following]~~ civil ~~[rights:~~

~~(1) The]~~ right to vote ~~. [; and~~

~~(2) The]~~

(b) Except as otherwise provided in subsection 2:

(1) Is immediately restored to the right to serve as a juror in a civil action.

~~[(b)]~~ ***(2)*** Four years after the date of his or her release from prison, is restored to the right to hold office.

~~[(c)]~~ ***(3)*** Six years after the date of his or her release from prison, is restored to the right to serve as a juror in a criminal action.

2. Except as otherwise provided in this subsection, the civil rights set forth in ***paragraph (b) of*** subsection 1 are not restored to a person who has been released from prison if the person has previously been convicted in this State:

(a) Of a category A felony.

(b) Of an offense that would constitute a category A felony if committed as of the date of his or her release from prison.

(c) Of a category B felony involving the use of force or violence that resulted in substantial bodily harm to the victim.

(d) Of an offense involving the use of force or violence that resulted in substantial bodily harm to the victim and that would constitute a category B felony if committed as of the date of his or her release from prison.

(e) Two or more times of a felony, unless a felony for which the person has been convicted arose out of the same act, transaction or occurrence as another felony, in which case the convictions for those felonies shall be deemed to constitute a single conviction for the purposes of this paragraph.

➥ A person described in this subsection may petition a court of competent jurisdiction for an order granting the restoration of his or her civil rights as set forth in ***paragraph (b) of*** subsection 1.

3. ~~[Except for a person subject to the limitations set forth in subsection 2, upon]~~ ***Upon*** his or her release from prison, a ~~*[When a person is released from prison by expiration of his or her term of sentence, the Director of the Department of Corrections shall give to the]*~~ person so released must be given an ~~*f:*~~

~~*(a) An application to register to vote; and*~~

~~*(b) An]*~~ official document which provides:

(a) ~~*[(1)]*~~ That the person has been released from prison;

(b) ~~*[(2)]*~~ That the person has been restored to his or her civil ~~[rights]~~ ***right*** to vote ~~[and]~~ ***as of the date of his or her release from prison; and***

(c) If the person is not subject to the limitations set forth in subsection 2:

(1) That the person has been restored to his or her civil right to serve as a juror in a civil action as of the date of his or her release from prison;

~~[(c)]~~ ~~*[(3)]*~~ ***(2)*** The date on which his or her civil right to hold office will be restored to the person pursuant to ***subparagraph (2) of*** paragraph (b) of subsection 1; and

~~[(d)]~~ ~~*[(4)]*~~ ***(3)*** The date on which his or her civil right to serve as a juror in a criminal action will be restored to the person pursuant to ***subparagraph (3) of*** paragraph ~~[(c)]~~ ***(b)*** of subsection 1.

4. Subject to the limitations set forth in subsection 2, a

~~*[3. A]*~~ person who has ***completed his or her sentence and has*** been released from prison in this State or elsewhere and whose official documentation of his or her release from prison is lost, damaged or destroyed may file a written request with ~~[a court of competent jurisdiction to restore]~~ ***the district court in and for the county in which the person resides for the issuance of an order declaring that*** his or her civil rights ***have been restored*** pursuant to this section. Upon verification that the person has ***completed his or her sentence*** ~~*,*~~ ~~*[and]*~~ ***has*** been released from prison ~~*[,]*~~ and is eligible to be restored to ***any of*** the civil rights set forth in subsection 1, the court shall issue an order restoring the person to the civil rights ~~[set forth in]~~ ***to which the person is entitled to be restored pursuant to*** ~~[subsection 1.]~~ ***this section.*** A person must not be required to pay a fee to receive such an order.

5. ~~*[4.]*~~ A person who has ***completed his or her sentence and has*** been released from prison in this State or elsewhere may present:

(a) Official documentation of his or her ***completion of sentence and*** release from prison, if it contains the provisions set forth in ~~*[paragraph (b) of]*~~ subsection 3; ~~*[2.]*~~ or

(b) A court order restoring his or her civil rights,

➥ as proof that the person has been restored to ***any of*** the civil rights set forth in ~~[subsection 1. *A county clerk shall not require a person to present a court order, official documentation of the completion of his or her sentence and release from prison, or any other documentation issued pursuant to this section as a requirement for registering to vote.]*~~ ***this section.***

Sec. 6. ~~[NRS 6.010 is hereby amended to read as follows:~~

~~6.010 Except as otherwise provided in this section, every qualified elector of the State, whether registered or not, who has sufficient knowledge of the English language, and who has not been convicted of treason, a felony, or other infamous crime, and who is not rendered incapable by reason of physical or mental infirmity, is a qualified juror of the county in which the person resides. A person who has been convicted of a felony is not a~~

~~qualified juror of the county in which the person resides until the person's civil right to serve as a juror has been restored pursuant to NRS 176A.850, *176A.870,* 179.285, 213.090, 213.155 or 213.157.~~] **(Deleted by amendment.)**

Sec. 7. NRS 176A.850 is hereby amended to read as follows:

176A.850 1. A person who:

(a) Has fulfilled the conditions of probation for the entire period thereof;

(b) Is recommended for earlier discharge by the Division; or

(c) Has demonstrated fitness for honorable discharge but because of economic hardship, verified by the Division, has been unable to make restitution as ordered by the court,

➥ may be granted an honorable discharge from probation by order of the court.

2. Any amount of restitution remaining unpaid constitutes a civil liability arising upon the date of discharge.

3. ~~[Except as otherwise provided in subsection 4, a]~~ ***A*** person who has been honorably discharged from probation:

(a) Is free from the terms and conditions of probation.

(b) Is immediately restored to the ~~[following]~~ civil ~~[rights:~~

~~(1) The]~~ right to vote**.** ~~[; and~~

~~(2) The]~~

(c) Except as otherwise provided in subsection 4:

(1) Is immediately restored to the right to serve as a juror in a civil action.

~~[(c)]~~ ***(2)*** Four years after the date of honorable discharge from probation, is restored to the right to hold office.

~~[(d)]~~ ***(3)*** Six years after the date of honorable discharge from probation, is restored to the right to serve as a juror in a criminal action.

~~[(e)]~~ ***(d)*** If the person meets the requirements of NRS 179.245, may apply to the court for the sealing of records relating to the conviction.

~~[(f)]~~ ***(e)*** Must be informed of the provisions of this section and NRS 179.245 in the person's probation papers.

~~[(g)]~~ ***(f)*** Is exempt from the requirements of chapter 179C of NRS, but is not exempt from the requirements of chapter 179D of NRS.

~~[(h)]~~ ***(g)*** Shall disclose the conviction to a gaming establishment and to the State and its agencies, departments, boards, commissions and political subdivisions, if required in an application for employment, license or other permit. As used in this paragraph, "establishment" has the meaning ascribed to it in NRS 463.0148.

~~[(i)]~~ ***(h)*** Except as otherwise provided in paragraph ~~[(h),]~~ ***(g),*** need not disclose the conviction to an employer or prospective employer.

4. Except as otherwise provided in this subsection, the civil rights set forth in ***paragraph (c) of*** subsection 3 are not restored to a person honorably discharged from probation if the person has previously been convicted in this State:

(a) Of a category A felony.

(b) Of an offense that would constitute a category A felony if committed as of the date of the honorable discharge from probation.

(c) Of a category B felony involving the use of force or violence that resulted in substantial bodily harm to the victim.

(d) Of an offense involving the use of force or violence that resulted in substantial bodily harm to the victim and that would constitute a category B felony if committed as of the date of honorable discharge from probation.

(e) Two or more times of a felony, unless a felony for which the person has been convicted arose out of the same act, transaction or occurrence as another felony, in which case the convictions for those felonies shall be deemed to constitute a single conviction for the purposes of this paragraph.

➥ A person described in this subsection may petition a court of competent jurisdiction for an order granting the restoration of civil rights as set forth in ***paragraph (c) of*** subsection 3.

5. The prior conviction of a person who has been honorably discharged from probation may be used for purposes of impeachment. In any subsequent prosecution of the person, the prior conviction may be pleaded and proved if otherwise admissible.

6. ~~[Except for a person subject to the limitations set forth in subsection 4, upon]~~ ***Upon*** honorable discharge from probation, the ~~*[Division shall give to the]*~~ person so discharged must be given an ~~*[:*~~

~~*(a) An application to register to vote; and*~~

~~*(b) An]*~~ official document which provides:

(a) ~~*[(1)]*~~ That the person has received an honorable discharge from probation;

(b) ~~*[(2)]*~~ That the person has been restored to his or her civil ~~[rights]~~ ***right*** to vote ~~[and]~~ ***as of the date of honorable discharge from probation; and***

(c) If the person is not subject to the limitations set forth in subsection 4:

(1) That the person has been restored to his or her civil right to serve as a juror in a civil action as of the date of honorable discharge from probation;

~~[(c)]~~ ~~*[(3)]*~~ ***(2)*** The date on which the person's civil right to hold office will be restored pursuant to ***subparagraph (2) of*** paragraph (c) of subsection 3; and

~~[(d)]~~ ~~*[(4)]*~~ ***(3)*** The date on which the person's civil right to serve as a juror in a criminal action will be restored pursuant to ***subparagraph (3) of*** paragraph ~~[(d)]~~ ***(c)*** of subsection 3.

7. Subject to the limitations set forth in subsection 4, a

~~*[6. Upon honorably discharging a person from probation pursuant to this section, the Division shall provide to the clerk of the county in which the person resides a written notice stating:*~~

~~*(a) The full name and residential address of the person and the date on which the person's civil right to vote has been restored pursuant to this section;*~~

~~*(b) That the Division has honorably discharged the person from probation; and*~~

~~*(c) That the person has been restored to his or her civil right to vote as of the date set forth in paragraph (a).*~~

~~*7. A]*~~ person who has been honorably discharged from probation in this State or elsewhere and whose official documentation of honorable discharge from probation is lost, damaged or destroyed may file a written request with ~~[~~a court of competent jurisdiction to restore the person's~~]~~ ***the district court in and for the county in which the person resides for the issuance of an order declaring that his or her*** civil rights ***have been restored*** pursuant to this section. Upon verification that the person has been honorably discharged from probation ~~*[,]*~~ and is eligible to be restored to ***any of*** the civil rights set forth in subsection 3, the court shall issue an order restoring the person to the civil rights ~~[~~set forth in~~]~~ ***to which the person is entitled to be restored pursuant to*** ~~[~~subsection 3.~~]~~ ***this section.*** A person must not be required to pay a fee to receive such an order.

8. A person who has been honorably discharged from probation in this State or elsewhere may present:

(a) Official documentation of honorable discharge from probation, if it contains the provisions set forth in ~~*[paragraph (b) of]*~~ subsection 6; ~~*[5;]*~~ or

(b) A court order restoring the person's civil rights,

➥ as proof that the person has been restored to ***any of*** the civil rights set forth in ~~[~~subsection 3. *A county clerk shall not require a person to present a court order, official documentation of discharge from probation or any other documentation issued pursuant to this section as a requirement for registering to vote.]*~~ ***this section.***

Sec. 8. ~~[~~NRS 176A.870 is hereby amended to read as follows:

~~176A.870 *1.* A defendant whose term of probation has expired and:~~

~~[1.] *(a)* Whose whereabouts are unknown;~~

~~[2.] *(b)* Who has failed to make restitution in full as ordered by the court, without a verified showing of economic hardship; or~~

~~[3.] *(c)* Who has otherwise failed to qualify for an honorable discharge as provided in NRS 176A.850,~~

~~➥ is not eligible for an honorable discharge and must be given a dishonorable discharge. A dishonorable discharge releases the probationer from any further obligation, except a civil liability arising on the date of discharge for any unpaid restitution, but does not entitle the probationer to any privilege conferred by *paragraph (c) to (i), inclusive, of subsection 3 of* NRS 176A.850.~~

~~*2. A person who is discharged from probation pursuant to this section:*~~

~~*(a) Is free from the terms and conditions of probation.*~~

~~*(b) Is immediately restored to the following civil rights:*~~

~~*(1) The right to vote; and*~~

~~*(2) The right to serve as a juror in a civil action.*~~

~~*(c) Four years after the date of discharge from probation pursuant to this section, is restored to the right to hold office.*~~

~~*(d) Six years after the date of discharge from probation pursuant to this section, is restored to the right to serve as a juror in a criminal action.*~~

~~*3. Unless the probationer's whereabouts are unknown, upon discharge from probation pursuant to this section, the Division shall give to the person so discharged:*~~

~~*(a) An application to register to vote; and*~~

~~*(b) An official document which provides:*~~

~~*(1) That the person has received a dishonorable discharge from probation; and*~~

~~*(2) That the person has been restored to his or her civil rights to vote and to serve as a juror in a civil action as of the date of discharge from probation pursuant to this section.*~~

~~*4. Upon discharging a person from probation pursuant to this section, the Division shall provide to the clerk of the county in which the person resides a written notice stating:*~~

~~*(a) The full name and residential address of the person and the date on which the person's civil right to vote has been restored pursuant to this section;*~~

~~*(b) That the Division has dishonorably discharged the person from probation; and*~~

~~*(c) That the person has been restored to his or her civil right to vote as of the date set forth in paragraph (a).*~~

~~*5. A person who has been dishonorably discharged from probation in this State or elsewhere and whose official documentation of dishonorable discharge from probation is lost, damaged or destroyed may file a written request with the district court in and for the county in which the person resides for the issuance of an order declaring that his or her civil rights have been restored pursuant to this section. Upon verification that the person has been dishonorably discharged from probation, the court shall issue an order restoring the person to the civil rights to which the person is entitled to be restored pursuant to subsection 2. A person must not be required to pay a fee to receive such an order.*~~

~~*6. A person who has been dishonorably discharged from probation in this State or elsewhere may present:*~~

~~*(a) Official documentation of dishonorable discharge from probation, if it contains the provisions set forth in paragraph (b) of subsection 3; or*~~

~~*(b) A court order restoring the person's civil rights,*~~

~~*→ as proof that the person has been restored to the civil rights set forth in subsection 2. A county clerk shall not require a person to present a court order, official documentation of discharge from probation or any other*~~

~~*documentation issued pursuant to this section as a requirement for registering to vote.]*~~ **(Deleted by amendment.)**

Sec. 9. **[**~~NRS 179.285 is hereby amended to read as follows:~~

~~179.285 Except as otherwise provided in NRS 179.301:~~

~~1. If the court orders a record sealed pursuant to NRS 176A.265, 176A.295, 179.245, 179.255, 179.259, 453.3365 or 458.330:~~

~~(a) All proceedings recounted in the record are deemed never to have occurred, and the person to whom the order pertains may properly answer accordingly to any inquiry, including, without limitation, an inquiry relating to an application for employment, concerning the arrest, conviction, dismissal or acquittal and the events and proceedings relating to the arrest, conviction, dismissal or acquittal.~~

~~(b) The person is immediately restored to the following civil rights if the person's civil rights previously have not been restored:~~

~~(1) The right to vote;~~

~~(2) The right to hold office; and~~

~~(3) The right to serve on a jury.~~

~~2. Upon the sealing of the person's records, a person who is restored to his or her civil rights must be given an official document which demonstrates that the person has been restored to the civil rights set forth in paragraph (b) of subsection 1.~~ ~~*If the sealing of a person's records restores the person's right to vote, the court must provide to the clerk of the county in which the person resides a written notice stating:*~~

~~*(a) The full name and residential address of the person and the date on which the court ordered the sealing of the person's records;*~~

~~*(b) That the court has sealed the person's records and restored his or her civil right to vote; and*~~

~~*(c) That the person has been restored to his or her civil right to vote as of the date set forth in paragraph (a).*~~

~~3. A person who has had his or her records sealed in this State or any other state and whose official documentation of the restoration of civil rights is lost, damaged or destroyed may file a written request with a court of competent jurisdiction to restore his or her civil rights pursuant to this section. Upon verification that the person has had his or her records sealed, the court shall issue an order restoring the person to the civil rights to vote, to hold office and to serve on a jury. A person must not be required to pay a fee to receive such an order.~~

~~4. A person who has had his or her records sealed in this State or any other state may present official documentation that the person has been restored to his or her civil rights or a court order restoring civil rights as proof that the person has been restored to the right to vote, to hold office and to serve as a juror.~~**]** **(Deleted by amendment.)**

Sec. 10. Chapter 293 of NRS is hereby amended by adding thereto **[**~~a new section to read as follows:~~**]** **the provisions set forth as sections 10.3, 10.5 and 10.7 of this act.**

Sec. 10.3. ***A person who is a resident of this State and who has been convicted of a felony under the law of another state is restored to the civil right to vote in this State if the person:***

1. Has been released from prison because of the completion of his or her sentence;

2. Has received a discharge from probation or parole which is not a dishonorable discharge or the equivalent thereof; or

3. Has received a pardon or an order from a court of competent jurisdiction which restores his or her civil right to vote.

Sec. 10.5. ***A county clerk shall not ask or require a person seeking to register to vote to present:***

1. A court order indicating that the person's civil right to vote has been restored following a conviction for a felony under the laws of this State or another state; or

2. Any other documentation indicating that the person's civil right to vote has been restored following a conviction for a felony under the laws of this State or another state.

Sec. 10.7. 1. If a county clerk cancels the registration of a registrant pursuant to subsection 3 of NRS 293.540 or refuses to reregister an elector for a reason stated in subsection 2 of NRS 293.543, the registrant or elector may appeal to the Secretary of State by providing to the Secretary of State written notice of the appeal and any relevant evidence, which may include, without limitation, an affirmation under penalty of perjury that the registrant or elector ~~*[:*~~

~~*(a) Is]*~~ ***is*** ***a lawful resident of this State*** ~~*[;*~~

~~*(b) Is not incarcerated because of a felony conviction]*~~

and:

(a) Has never been convicted of a felony under the laws of this State or another State; ~~*[and*~~

~~*(c) Is not on probation or parole from a felony conviction under the laws of this State or another state.]*~~ ***or***

(b) Has been convicted of a felony under the laws of this State but has been restored to the civil right to vote pursuant to the provisions of NRS 176A.850, 179.285, 213.090, 213.155 or 213.157 or has been convicted of a felony under the laws of another state but has been restored to the civil right to vote in this State pursuant to the provisions of section 10.3 of this act.

2. If the Secretary of State receives relevant evidence pursuant to subsection 1 and no other evidence exists to support the cancellation of the registration of the appellant or the refusal to reregister the appellant, the Secretary of State must issue an order that the appellant be registered to vote in the county of which the appellant is a resident.

3. If:

(a) The cancellation of the registration or refusal to reregister occurred more than 60 days before the date of any election and the Secretary of

State does not issue an order pursuant to subsection 2 within 60 days after receipt of a notice of appeal and relevant evidence pursuant to subsection 1; or

(b) The cancellation of the registration or refusal to reregister occurred 60 days or less before the date of any election and the Secretary of State does not issue an order pursuant to subsection 2 within 40 days after receipt of a notice of appeal and relevant evidence pursuant to subsection 1,

➥ the registrant or elector who filed the appeal with the Secretary of State may bring a civil action for declaratory or injunctive relief in the district court in and for the county where the registrant or elector resides. The court shall give the civil action priority over other civil matters to which priority is not given by other provisions of NRS.

4. If, within 30 days before any election, a county clerk cancels the registration of a registrant pursuant to subsection 3 of NRS 293.540 or refuses to reregister an elector for a reason stated in subsection 2 of NRS 293.543, the registrant or elector may, without submitting an appeal to the Secretary of State pursuant to subsection 1, bring a civil action for declaratory or injunctive relief in the district court in and for the county where the registrant or elector resides. The court shall give the civil action priority over other civil matters to which priority is not given by other provisions of NRS.

Sec. 11. NRS 293.177 is hereby amended to read as follows:

293.177 1. Except as otherwise provided in NRS 293.165, a name may not be printed on a ballot to be used at a primary election unless the person named has filed a declaration of candidacy or an acceptance of candidacy, and has paid the fee required by NRS 293.193 not earlier than:

(a) For a candidate for judicial office, the first Monday in January of the year in which the election is to be held nor later than 5 p.m. on the second Friday after the first Monday in January; and

(b) For all other candidates, the first Monday in March of the year in which the election is to be held nor later than 5 p.m. on the second Friday after the first Monday in March.

2. A declaration of candidacy or an acceptance of candidacy required to be filed by this section must be in substantially the following form:

(a) For partisan office:

DECLARATION OF CANDIDACY OF ..... FOR THE
OFFICE OF .....

State of Nevada
County of

For the purpose of having my name placed on the official ballot as a candidate for the ..... Party nomination for the office of ……, I, the undersigned ……., do swear or affirm under penalty of perjury that I actually, as opposed to constructively, reside at ……., in the City or Town of ……., County of ……., State of Nevada; that my actual, as opposed to

constructive, residence in the State, district, county, township, city or other area prescribed by law to which the office pertains began on a date at least 30 days immediately preceding the date of the close of filing of declarations of candidacy for this office; that my telephone number is ....., and the address at which I receive mail, if different than my residence, is .....; that I am registered as a member of the ..... Party; that I am a qualified elector pursuant to Section 1 of Article 2 of the Constitution of the State of Nevada; that if I have ever been convicted of treason or a felony, my civil rights have been restored ***;*** ~~**[**by a court of competent jurisdiction;**]**~~ that I have not, in violation of the provisions of NRS 293.176, changed the designation of my political party or political party affiliation on an official application to register to vote in any state since December 31 before the closing filing date for this election; that I generally believe in and intend to support the concepts found in the principles and policies of that political party in the coming election; that if nominated as a candidate of the ..... Party at the ensuing election, I will accept that nomination and not withdraw; that I will not knowingly violate any election law or any law defining and prohibiting corrupt and fraudulent practices in campaigns and elections in this State; that I will qualify for the office if elected thereto, including, but not limited to, complying with any limitation prescribed by the Constitution and laws of this State concerning the number of years or terms for which a person may hold the office; and that I understand that my name will appear on all ballots as designated in this declaration.

(Designation of name)

(Signature of candidate for office)

Subscribed and sworn to before me
this ..... day of the month of ..... of the year .....

Notary Public or other person
authorized to administer an oath

(b) For nonpartisan office:

DECLARATION OF CANDIDACY OF ..... FOR THE OFFICE OF .....

State of Nevada
County of

For the purpose of having my name placed on the official ballot as a candidate for the office of ....., I, the undersigned ....., do swear or affirm under penalty of perjury that I actually, as opposed to constructively, reside at ……, in the City or Town of ……., County of ……, State of Nevada; that my actual, as opposed to constructive, residence in the State, district, county, township, city or other area prescribed by law to which the office pertains began on a date at least 30 days immediately preceding the date of the close of filing of declarations of candidacy for this office; that my telephone number is ....., and the address at which I receive mail, if different than my residence, is .....; that I am a qualified elector pursuant to Section 1 of Article 2 of the Constitution

of the State of Nevada; that if I have ever been convicted of treason or a felony, my civil rights have been restored ***;*** ~~[by a court of competent jurisdiction;]~~ that if nominated as a nonpartisan candidate at the ensuing election, I will accept the nomination and not withdraw; that I will not knowingly violate any election law or any law defining and prohibiting corrupt and fraudulent practices in campaigns and elections in this State; that I will qualify for the office if elected thereto, including, but not limited to, complying with any limitation prescribed by the Constitution and laws of this State concerning the number of years or terms for which a person may hold the office; and my name will appear on all ballots as designated in this declaration.

(Designation of name)

(Signature of candidate for office)

Subscribed and sworn to before me
this ..... day of the month of ..... of the year .....

Notary Public or other person
authorized to administer an oath

3. The address of a candidate which must be included in the declaration of candidacy or acceptance of candidacy pursuant to subsection 2 must be the street address of the residence where the candidate actually, as opposed to constructively, resides in accordance with NRS 281.050, if one has been assigned. The declaration or acceptance of candidacy must not be accepted for filing if:

(a) The candidate's address is listed as a post office box unless a street address has not been assigned to his or her residence; or

(b) The candidate does not present to the filing officer:

(1) A valid driver's license or identification card issued by a governmental agency that contains a photograph of the candidate and the candidate's residential address; or

(2) A current utility bill, bank statement, paycheck, or document issued by a governmental entity, including a check which indicates the candidate's name and residential address, but not including a voter registration card issued pursuant to NRS 293.517.

4. The filing officer shall retain a copy of the proof of identity and residency provided by the candidate pursuant to paragraph (b) of subsection 3. Such a copy:

(a) May not be withheld from the public; and

(b) Must not contain the social security number or driver's license or identification card number of the candidate.

5. By filing the declaration or acceptance of candidacy, the candidate shall be deemed to have appointed the filing officer for the office as his or her agent for service of process for the purposes of a proceeding pursuant to NRS 293.182. Service of such process must first be attempted at the appropriate address as specified by the candidate in the declaration or acceptance of candidacy. If the candidate cannot be served at that address,

service must be made by personally delivering to and leaving with the filing officer duplicate copies of the process. The filing officer shall immediately send, by registered or certified mail, one of the copies to the candidate at the specified address, unless the candidate has designated in writing to the filing officer a different address for that purpose, in which case the filing officer shall mail the copy to the last address so designated.

6. If the filing officer receives credible evidence indicating that a candidate has been convicted of a felony and has not had his or her civil rights restored ***,*** ~~[~~by a court of competent jurisdiction,~~]~~ the filing officer:

(a) May conduct an investigation to determine whether the candidate has been convicted of a felony and, if so, whether the candidate has had his or her civil rights restored ***;*** ~~[~~by a court of competent jurisdiction;~~]~~ and

(b) Shall transmit the credible evidence and the findings from such investigation to the Attorney General, if the filing officer is the Secretary of State, or to the district attorney, if the filing officer is a person other than the Secretary of State.

7. The receipt of information by the Attorney General or district attorney pursuant to subsection 6 must be treated as a challenge of a candidate pursuant to subsections 4 and 5 of NRS 293.182. If the ballots are printed before a court of competent jurisdiction makes a determination that a candidate has been convicted of a felony and has not had his or her civil rights restored ***,*** ~~[~~by a court of competent jurisdiction,~~]~~ the filing officer must post a notice at each polling place where the candidate's name will appear on the ballot informing the voters that the candidate is disqualified from entering upon the duties of the office for which the candidate filed the declaration of candidacy or acceptance of candidacy.

Sec. 12. NRS 293.540 is hereby amended to read as follows:

293.540 The county clerk shall cancel the registration:

1. If the county clerk has personal knowledge of the death of the person registered, or if an authenticated certificate of the death of any elector is filed in the county clerk's office.

2. If the insanity or mental incompetence of the person registered is legally established.

3. Upon ~~[~~the~~]~~ ***a*** determination ***based on specific evidence*** that the person registered has been convicted of a felony unless: ~~*[is:]*~~

(a) If the person registered was convicted ~~*[Incarcerated because]*~~ of a felony in ~~*[under the laws of]*~~ this State , the right to vote of the person has been restored pursuant to the provisions of NRS ***176A.850, 179.285,*** 213.090, 213.155 or 213.157. ~~*[or another state; or]*~~

(b) If the person registered was convicted of a felony in ~~*[On probation or parole from a felony conviction under the laws of this State or]*~~ another state , the right to vote of the person has been restored pursuant to the ~~[~~laws of the state in which the person was convicted.~~]~~ ***provisions of section 10.3 of this act.***

➥ ***Before cancelling a registration pursuant to this subsection, the county clerk shall notify the registrant and provide to the registrant an affidavit which allows the registrant to affirm under penalty of perjury that he or she is a lawful resident of this State*** ~~*[, is not incarcerated because of a felony conviction under the laws of this State or another state and is not on probation or parole from a felony conviction under the laws of this State or another state.]*~~ ***and that he or she has never been convicted of a felony under the laws of this State or another state or has had his or her civil right to vote in this State restored pursuant to the provisions of NRS 176A.850, 179.285, 213.090, 213.155 or 213.157 or pursuant to the provisions of section 10.3 of this act. If the registrant so affirms or presents a court order or official documentation indicating that*** ~~*[his or her civil right to vote has been restored pursuant to NRS 176A.850, 176A.870, 179.285, 213.090, 213.155 or 213.157 or pursuant to the laws of another state,]*~~ ***he or she has had his or her civil right to vote in this State restored pursuant to the provisions of NRS 176A.850, 179.285, 213.090, 213.155 or 213.157 or pursuant to the provisions of section 10.3 of this act, the county clerk may not cancel the registration unless the county clerk has specific, documentary evidence that the registrant is ineligible to vote in this State. If the registrant fails to respond within 30 days after receiving the notice pursuant to this subsection, the county clerk may cancel the registration.***

4. Upon the production of a certified copy of the judgment of any court directing the cancellation to be made.

5. Upon the request of any registered voter to affiliate with any political party or to change affiliation, if that change is made before the end of the last day to register to vote in the election.

6. At the request of the person registered.

7. If the county clerk has discovered an incorrect registration pursuant to the provisions of NRS 293.5235, 293.530 or 293.535 and the elector has failed to respond or appear to vote within the required time.

8. As required by NRS 293.541.

9. Upon verification that the application to register to vote is a duplicate if the county clerk has the original or another duplicate of the application on file in the county clerk's office.

Sec. 13. NRS 293.543 is hereby amended to read as follows:

293.543 1. If the registration of an elector is cancelled pursuant to subsection 2 of NRS 293.540, the county clerk shall reregister the elector upon notice from the clerk of the district court that the elector has been declared sane or mentally competent by the district court.

2. If the registration of an elector is cancelled pursuant to subsection 3 of NRS 293.540, the elector may reregister ~~[~~after presenting satisfactory evidence which demonstrates that the elector's:~~]~~ ***if:***

(a) ~~[~~Conviction~~]~~ ***The elector's conviction*** has been overturned; ~~*[The elector is no longer incarcerated because of a felony conviction under the laws of this State or another state;]*~~ or

(b) ~~[~~Civil rights have been restored:

~~(1) If the elector was convicted in this State, pursuant to the provisions of NRS 213.090, 213.155 or 213.157.~~

~~(2) If the elector was convicted in another state, pursuant to the laws of the state in which he or she was convicted.~~**]** ~~*[The elector is not on probation or parole from a felony conviction under the laws of this State or another state.]*~~ ***The elector has been restored to his or her civil right to vote in this State pursuant to the provisions of NRS 176A.850, 179.285, 213.090, 213.155 or 213.157 or pursuant to the provisions of section 10.3 of this act.***

➥ ***A county clerk shall not require an elector seeking to reregister pursuant to this subsection to present any information or documentation other than the information and documentation required for a person to register to vote pursuant to this chapter, unless the county clerk has specific evidence that the elector*** ~~*[is incarcerated because]*~~ ***has been convicted of a felony*** ~~*[conviction]*~~ ***under the laws of this State or another state*** ~~*[or is on probation or parole from a felony conviction under the laws of this State or another state.]*~~ ***and has not had his or her civil right to vote in this State restored pursuant to the provisions of NRS 176A.850, 179.285, 213.090, 213.155 or 213.157 or pursuant to the provisions of section 10.3 of this act. If the county clerk has or receives such specific evidence, the county clerk must notify the elector of that evidence and provide to the elector an affidavit which allows the elector to affirm under penalty of perjury that he or she is a lawful resident of this State*** ~~*[, is not incarcerated because of a felony conviction under the laws of this State or another state and is not on probation or parole from a felony conviction under the laws of this State or another state.]*~~ ***and that he or she has never been convicted of a felony under the laws of this State or another state or has had his or her civil right to vote in this State restored pursuant to the provisions of NRS 176A.850, 179.285, 213.090, 213.155 or 213.157 or pursuant to the provisions of section 10.3 of this act. If the registrant so affirms or presents a court order or official documentation indicating that*** ~~*[his or her civil right to vote has been restored pursuant to NRS 176A.850, 176A.870, 179.285, 213.090, 213.155 or 213.157 or pursuant to the laws of another state,]*~~ ***he or she has had his or her civil right to vote in this State restored pursuant to the provisions of NRS 176A.850, 179.285, 213.090, 213.155 or 213.157 or pursuant to the provisions of section 10.3 of this act, the county clerk must reregister the elector.***

3. If the registration of an elector is cancelled pursuant to the provisions of subsection 5 of NRS 293.540, the elector may reregister immediately.

4. If the registration of an elector is cancelled pursuant to the provisions of subsection 6 of NRS 293.540, after the close of registration for a primary election, the elector may not reregister until after the primary election.

Sec. 14. NRS 293.547 is hereby amended to read as follows:

293.547 1. After the 30th day but not later than the 25th day before any election, a written challenge may be filed with the county clerk.

2. A registered voter may file a written challenge if:

(a) He or she is registered to vote in the same precinct as the person whose right to vote is challenged; and

(b) The challenge is based on the personal knowledge of the registered voter.

3. The challenge must be signed and verified by the registered voter and name the person whose right to vote is challenged and the ground of the challenge.

4. A challenge filed pursuant to this section must not contain the name of more than one person whose right to vote is challenged. The county clerk shall not accept for filing any challenge which contains more than one such name.

5. The county clerk shall:

(a) File the challenge in the registrar of voters' register and:

(1) In counties where records of registration are not kept by computer, he or she shall attach a copy of the challenge to the challenged registration in the election board register.

(2) In counties where records of registration are kept by computer, he or she shall have the challenge printed on the computer entry for the challenged registration and add a copy of it to the election board register.

(b) Within 5 days after a challenge is filed, mail a notice in the manner set forth in NRS 293.530 to the person whose right to vote has been challenged pursuant to this section informing the person of the challenge. ***If the person's right to vote is challenged on the grounds that the person*** ~~*[is incarcerated for]*~~ ***has been convicted of a felony*** ~~*[conviction]*~~ ***under the laws of this State or another state*** ~~*[or is on probation or parole from a felony conviction under the laws of this State or another state,]*~~ ***and has not had his or her civil right to vote in this State restored pursuant to the provisions of NRS 176A.850, 179.285, 213.090, 213.155 or 213.157 or pursuant to the provisions of section 10.3 of this act, the notice must be accompanied by an affidavit which allows the person whose right to vote has been challenged to affirm under penalty of perjury that he or she is a lawful resident of this State*** ~~*[, is not incarcerated because of a felony conviction under the laws of this State or another state and is not on probation or parole from a felony conviction under the laws of this State or another state.]*~~ ***and that he or she has never been convicted of a felony under the laws of this State or another state or has had his or her civil right to vote in this State restored pursuant to the provisions of NRS 176A.850, 179.285, 213.090, 213.155 or 213.157 or pursuant to the provisions of section 10.3 of this act. If the person so affirms or presents a court order or official documentation indicating that*** ~~*[his or her civil right to vote has been restored pursuant to NRS 176A.850, 176A.870, 179.285, 213.090, 213.155 or 213.157 or pursuant to the laws of another state,]*~~ ***he or she has had his or her civil right to vote in this State restored pursuant to the provisions of NRS 176A.850, 179.285, 213.090, 213.155 or 213.157 or pursuant to the provisions of section 10.3 of this act,***

the county clerk may not cancel the registration of the person whose right to vote has been challenged unless the county clerk has specific, documentary evidence that the person is ineligible to vote in this State. If the person fails to respond or appear to vote within the required time, the county clerk shall cancel the person's registration. A copy of the challenge and information describing how to reregister properly must accompany the notice.

(c) Immediately notify the district attorney. A copy of the challenge must accompany the notice.

6. Upon receipt of a notice pursuant to this section, the district attorney shall investigate the challenge within 14 days and, if appropriate, cause proceedings to be instituted and prosecuted in a court of competent jurisdiction without delay. ***If the right to vote of a person has been challenged on the grounds that the person*** ~~*[is incarcerated for a felony conviction]*~~ ***has been convicted of a felony under the laws of this State or another state*** ~~*[or is on probation or parole from a felony conviction under the laws of this State or another state]*~~ ***and has not had his or her civil right to vote in this State restored pursuant to the provisions of NRS 176A.850, 179.285, 213.090, 213.155 or 213.157 or pursuant to the provisions of section 10.3 of this act, and if the person presents to the district attorney or the court the affidavit signed by the person pursuant to paragraph (b) of subsection*** ~~*[2]*~~ ***5 or a court order or other documentation indicating that*** ~~*[his or her civil right to vote has been restored pursuant to NRS 176A.850, 176A.870, 179.285, 213.090, 213.155 or 213.157 or pursuant to the laws of another state,]*~~ ***he or she has had his or her civil right to vote in this State restored pursuant to the provisions of NRS 176A.850, 179.285, 213.090, 213.155 or 213.157 or pursuant to the provisions of section 10.3 of this act, the district attorney or the court must find that the person is entitled to the civil right to vote in this State unless the district attorney or the court has specific, documentary evidence that the person is ineligible to vote in this State.*** The court shall give such proceedings priority over other civil matters that are not expressly given priority by law. Upon court order, the county clerk shall cancel the registration of the person whose right to vote has been challenged pursuant to this section.

Sec. 15. NRS 293C.185 is hereby amended to read as follows:

293C.185 1. Except as otherwise provided in NRS 293C.115 and 293C.190, a name may not be printed on a ballot to be used at a primary city election unless the person named has filed a declaration of candidacy or an acceptance of candidacy and has paid the fee established by the governing body of the city not earlier than 70 days before the primary city election and not later than 5 p.m. on the 60th day before the primary city election.

2. A declaration of candidacy required to be filed by this section must be in substantially the following form:

DECLARATION OF CANDIDACY OF ..... FOR THE
OFFICE OF .....

State of Nevada
City of
For the purpose of having my name placed on the official ballot as a candidate for the office of ....., I, ..., the undersigned do swear or affirm under penalty of perjury that I actually, as opposed to constructively, reside at ....., in the City or Town of ....., County of ....., State of Nevada; that my actual, as opposed to constructive, residence in the city, township or other area prescribed by law to which the office pertains began on a date at least 30 days immediately preceding the date of the close of filing of declarations of candidacy for this office; that my telephone number is ....., and the address at which I receive mail, if different than my residence, is .....; that I am a qualified elector pursuant to Section 1 of Article 2 of the Constitution of the State of Nevada; that if I have ever been convicted of treason or a felony, my civil rights have been restored ***;*** **[**~~by a court of competent jurisdiction;~~**]** that if nominated as a candidate at the ensuing election I will accept the nomination and not withdraw; that I will not knowingly violate any election law or any law defining and prohibiting corrupt and fraudulent practices in campaigns and elections in this State; that I will qualify for the office if elected thereto, including, but not limited to, complying with any limitation prescribed by the Constitution and laws of this State concerning the number of years or terms for which a person may hold the office; and my name will appear on all ballots as designated in this declaration.

(Designation of name)

(Signature of candidate for office)

Subscribed and sworn to before me
this ..... day of the month of ..... of the year .....

Notary Public or other person
authorized to administer an oath

3. The address of a candidate that must be included in the declaration or acceptance of candidacy pursuant to subsection 2 must be the street address of the residence where the candidate actually, as opposed to constructively, resides in accordance with NRS 281.050, if one has been assigned. The declaration or acceptance of candidacy must not be accepted for filing if:

(a) The candidate's address is listed as a post office box unless a street address has not been assigned to the residence; or

(b) The candidate does not present to the filing officer:

(1) A valid driver's license or identification card issued by a governmental agency that contains a photograph of the candidate and the candidate's residential address; or

(2) A current utility bill, bank statement, paycheck, or document issued by a governmental entity, including a check which indicates the candidate's name and residential address, but not including a voter registration card issued pursuant to NRS 293.517.

4. The filing officer shall retain a copy of the proof of identity and residency provided by the candidate pursuant to paragraph (b) of subsection 3. Such a copy:

(a) May not be withheld from the public; and

(b) Must not contain the social security number or driver's license or identification card number of the candidate.

5. By filing the declaration or acceptance of candidacy, the candidate shall be deemed to have appointed the city clerk as his or her agent for service of process for the purposes of a proceeding pursuant to NRS 293C.186. Service of such process must first be attempted at the appropriate address as specified by the candidate in the declaration or acceptance of candidacy. If the candidate cannot be served at that address, service must be made by personally delivering to and leaving with the city clerk duplicate copies of the process. The city clerk shall immediately send, by registered or certified mail, one of the copies to the candidate at the specified address, unless the candidate has designated in writing to the city clerk a different address for that purpose, in which case the city clerk shall mail the copy to the last address so designated.

6. If the city clerk receives credible evidence indicating that a candidate has been convicted of a felony and has not had his or her civil rights restored ***,*** ***[***~~by a court of competent jurisdiction,~~***]*** the city clerk:

(a) May conduct an investigation to determine whether the candidate has been convicted of a felony and, if so, whether the candidate has had his or her civil rights restored ***;*** ***[***~~by a court of competent jurisdiction;~~***]*** and

(b) Shall transmit the credible evidence and the findings from such investigation to the city attorney.

7. The receipt of information by the city attorney pursuant to subsection 6 must be treated as a challenge of a candidate pursuant to subsections 4 and 5 of NRS 293C.186. If the ballots are printed before a court of competent jurisdiction makes a determination that a candidate has been convicted of a felony and has not had his or her civil rights restored ***,*** ***[***~~by a court of competent jurisdiction,~~***]*** the city clerk must post a notice at each polling place where the candidate's name will appear on the ballot informing the voters that the candidate is disqualified from entering upon the duties of the office for which the candidate filed the declaration of candidacy or acceptance of candidacy.

Assemblyman Segerblom moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 359.

Bill read third time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 436.

AN ACT relating to energy; revising the categories of uses, capacity goals and prospective expiration of the Waterpower Energy Systems Demonstration Program; revising provisions governing net metering for waterpower energy systems; ~~[providing that systems which generate electricity from the recovery of waste heat from a qualified energy recovery process may qualify for net metering under certain circumstances; increasing]~~ **revising** the cumulative capacity requirement for net metering systems; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The Waterpower Energy Systems Demonstration Program was established for agricultural uses with a goal of the installation of not less than 500 kilowatts of waterpower energy systems in this State by 2012. (NRS 701B.820, 701B.840) The Waterpower Program is currently set to expire on June 30, 2011. **Section 1** of this bill expands the Waterpower Program to encompass ~~[municipal uses.]~~ **Indian tribes and tribal organizations that are customers of a utility.** **Section 2** of this bill increases the capacity goals for the Waterpower Program ~~[,]~~ **and limits the amount of any rebate provided pursuant to the Waterpower Program,** and **sections 9-11** of this bill extend the Waterpower Program until June 30, ~~[2019.]~~ **2016.** **Section 6** of this bill authorizes a person who installs a waterpower energy system to participate in net metering if the waterpower energy system is located on property owned by the customer-generator and generates electricity primarily intended to offset the customer-generator's requirements for electricity on that property or contiguous property owned by the customer-generator.

~~[Sections 3, 4 and 6 of this bill authorize a person to participate in net metering if the person operates a system that generates electricity through the use of waste heat from a qualified energy recovery process.]~~

Each electric utility in this State is required to offer net metering to customer-generators of the utility until the cumulative capacity of net metering systems in the service area of the utility is equal to 1 percent of the utility's peak capacity. (NRS 704.773) **Section 7** of this bill ~~[increases]~~ **requires a utility to offer net metering until the cumulative capacity of net metering systems is equal to 1 percent of the total peak capacity of all utilities in this State and further authorizes the Public Utilities Commission of Nevada to increase** the cumulative capacity requirement for net metering to ~~[5]~~ **1.5** percent of the ~~[utility's]~~ **total** peak capacity ~~[. Section 7 also prohibits a utility from charging a customer-generator who participates in net metering any fee or charge because the customer-generator does not generate electricity.]~~ **of all utilities in this State under certain circumstances.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 701B.820 is hereby amended to read as follows:

701B.820 1. The Waterpower Energy Systems Demonstration Program is hereby created.

2. The Waterpower Demonstration Program is created for ~~[agricultural and municipal uses.]~~ ***[agricultural and municipal uses.] :***

(a) Agricultural uses; and

(b) Indian tribes and tribal organizations that are customers of a utility.

3. To be eligible to participate in the Waterpower Demonstration Program, a person must meet the qualifications established pursuant to subsection 4, apply to a utility and be selected by the utility for inclusion in the Waterpower Demonstration Program.

4. The Commission shall adopt regulations providing for the qualifications an applicant must meet to qualify to participate in the Waterpower Demonstration Program.

Sec. 2. NRS 701B.840 is hereby amended to read as follows:

701B.840 The Commission shall adopt regulations that establish:

1. The capacity goals for the Program, which must be designed to meet the goal of the Legislature of the installation of not less than ~~[500 kilowatts]~~ ***[1 megawatt*** of waterpower energy systems in this State by~~]~~ ~~[2012]~~ ***[2014, not less than 10 megawatts of waterpower energy systems in this State by 2016 and not less than 25]*** ***5 megawatts of waterpower energy systems in this State by*** ~~*[2020]*~~ ***2016*** and the goals for each category of the Program. ***The regulations must provide that not less than 1 megawatt of capacity must be set aside for the installation of waterpower energy systems with a nameplate capacity of 100 kilowatts or less.***

2. A system of incentives that are based on rebates that decline as the capacity goals for the Program and the goals for each category of the Program are met. The rebates must be based on predicted energy savings. ***The regulations must provide that the amount of any rebate provided pursuant to the Program must not exceed 50 percent of the total cost of the installation of the waterpower energy system for which the rebate is provided.***

3. The procedure for claiming incentives, including, without limitation, the form and content of the incentive claim form.

Sec. 3. ~~[Chapter 704 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~*"Qualified energy recovery process" has the meaning ascribed to it in NRS 704.7809.]*~~ **(Deleted by amendment.)**

Sec. 3.5. **Chapter 704 of NRS is hereby amended by adding thereto a new section to read as follows:**

"Contiguous" means either abutting directly on the boundary or separated by a street, alley, public right-of-way, creek, river or the right-of-way of a railroad or other public service corporation.

Sec. 4. NRS 704.766 is hereby amended to read as follows:

704.766 It is hereby declared to be the purpose and policy of the Legislature in enacting NRS 704.766 to 704.775, inclusive, ***and section 3.5 of this act*** to:

1. Encourage private investment in renewable energy resources ; ~~*[and qualified energy recovery processes;]*~~

2. Stimulate the economic growth of this State;

3. Enhance the continued diversification of the energy resources used in this State; and

4. Streamline the process for customers of a utility to apply for and install net metering systems.

Sec. 5. NRS 704.767 is hereby amended to read as follows:

704.767 As used in NRS 704.766 to 704.775, inclusive, ***and section 3.5 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 704.768 to 704.772, inclusive, ***and section*** ~~*[3]*~~ ***3.5 of this act*** have the meanings ascribed to them in those sections.

Sec. 6. NRS 704.771 is hereby amended to read as follows:

704.771 1. "Net metering system" means ~~[a]~~ ***:***

(a) A facility or energy system for the generation of electricity that:

~~[(a)]~~ ***(1)*** Uses renewable energy ~~*[for waste heat from a qualified energy recovery process]*~~ as its primary source of energy to generate electricity;

~~[(b)]~~ ***(2)*** Has a generating capacity of not more than 1 megawatt;

~~[(c)]~~ ***(3)*** Is located on the customer-generator's premises;

~~[(d)]~~ ***(4)*** Operates in parallel with the utility's transmission and distribution facilities; and

~~[(e)]~~ ***(5)*** Is intended primarily to offset part or all of the customer-generator's requirements for electricity ~~[.]~~ ***; or***

(b) A facility or system for the generation of electricity that:

(1) Uses waterpower as its primary source of energy to generate electricity;

(2) Is located on property owned by the customer-generator;

(3) Has a generating capacity of not more than 1 megawatt;

(4) Generates electricity that is delivered to the transmission and distribution facilities of the utility; and

(5) Is intended primarily to offset all or part of the customer-generator's requirements for electricity on that property or contiguous property owned by the customer-generator.

2. The term does not include a facility or energy system for the generation of electricity which has a generating capacity that exceeds the greater of:

(a) The limit on the demand that the class of customer of the customer-generator may place on the system of the utility; or

(b) One hundred ~~[fifty]~~ ~~*[:*~~

~~*(a) Which is used to produce more than 150]*~~ percent of the ~~[peak demand of the customer.]~~ ***customer-generator's annual requirements for electricity .*** ~~*[; or*~~

~~*(b) Which is part of a larger system that aggregates electricity generated from renewable energy for resale or for use at a location other than the premises on which the facility or energy system is located.]*~~

Sec. 7. NRS 704.773 is hereby amended to read as follows:

704.773 1. ~~[A]~~ ***Except as otherwise provided in this subsection, a*** utility shall offer net metering, as set forth in NRS 704.775, to the customer-generators operating within its service area until the cumulative capacity of all such net metering systems is equal to 1 ~~*[5]*~~ percent of the ~~[utility's]~~ ***total*** peak capacity ~~[.]~~ ***of all utilities in this State. If, at any time, the Commission determines that the cumulative capacity of all such net metering systems is 0.8 percent or more of the total peak capacity of all utilities in this State, the Commission may issue an order requiring a utility to offer net metering, as set forth in NRS 704.775, to the customer-generators operating within its service area until the cumulative capacity of all such net metering systems is equal to 1.5 percent of the total peak capacity of all utilities in this State.***

2. If the net metering system of a customer-generator who accepts the offer of a utility for net metering has a capacity of not more than ~~[100]~~ ***25*** kilowatts, the utility:

(a) Shall offer to make available to the customer-generator an energy meter that is capable of registering the flow of electricity in two directions.

(b) May, at its own expense and with the written consent of the customer-generator, install one or more additional meters to monitor the flow of electricity in each direction.

(c) Shall not charge a customer-generator any fee or charge that would increase the customer-generator's minimum monthly charge to an amount greater than that of other customers of the utility in the same rate class as the customer-generator.

3. If the net metering system of a customer-generator who accepts the offer of a utility for net metering has a capacity of more than ~~[100]~~ ***25*** kilowatts, ~~*[but not more than 1 megawatt,]*~~ the utility:

(a) May require the customer-generator to install at its own cost:

(1) An energy meter that is capable of measuring generation output and customer load; and

(2) Any upgrades to the system of the utility that are required to make the net metering system compatible with the system of the utility.

(b) Except as otherwise provided in paragraph (c), may charge the customer-generator any applicable fee or charge charged to other customers of the utility in the same rate class as the customer-generator, including, without limitation, customer, demand and facility charges.

(c) Shall not charge the customer-generator any standby charge.

~~*[(d) Shall not charge the customer-generator any fee or charge for not generating electricity.]*~~

➥ At the time of installation or upgrade of any portion of a net metering system, the utility must allow a customer-generator governed by this

subsection to pay the entire cost of the installation or upgrade of the portion of the net metering system.

4. ***If the net metering system of a customer-generator is a net metering system described in paragraph (b) of subsection 1 of NRS 704.771 and:***

(a) The system is intended primarily to offset part or all of the customer-generator's requirements for electricity on property contiguous to the property on which the net metering system is located; and

(b) The customer-generator sells or transfers his or her interest in the contiguous property,

➥ the net metering system ceases to be eligible to participate in net metering.

5. The Commission shall adopt regulations prescribing the form and substance for a net metering tariff and a standard net metering contract. The regulations must include, without limitation:

(a) The particular provisions, limitations and responsibilities of a customer-generator which must be included in a net metering tariff with regard to:

(1) Metering equipment;

(2) Net energy metering and billing; and

(3) Interconnection,

➥ based on the allowable size of the net metering system.

(b) The particular provisions, limitations and responsibilities of a customer-generator and the utility which must be included in a standard net metering contract.

(c) A timeline for processing applications and contracts for net metering applicants.

(d) Any other provisions the Commission finds necessary to carry out the provisions of NRS 704.766 to 704.775, inclusive ~~[.]~~ ***, and section 3.5 of this act.***

Sec. 8. ~~[NRS 704.7809 is hereby amended to read as follows:~~

~~704.7809 1. "Qualified energy recovery process" means a system with a nameplate capacity of not more than 15 megawatts that converts the otherwise lost energy from:~~

~~(a) The heat from exhaust stacks or pipes used for engines or manufacturing or industrial processes; or~~

~~(b) The reduction of high pressure in water or gas pipelines before the distribution of the water or gas,~~

~~➥ to generate electricity if the system does not use additional fossil fuel or require a combustion process to generate such electricity.~~

~~2. The term does not include any system *that has an output of greater than 150 kilowatts and* that uses energy, lost or otherwise, from a process whose primary purpose is the generation of electricity, including, without limitation, any process involving engine-driven generation or pumped hydrogeneration.]~~ **(Deleted by amendment.)**

Sec. 8.5. **NRS 704.7815 is hereby amended to read as follows:**

704.7815 "Renewable energy system" means:

1. A facility or energy system that uses renewable energy or energy from a qualified energy recovery process to generate electricity and:

(a) Uses the electricity that it generates from renewable energy or energy from a qualified recovery process in this State; or

(b) Transmits or distributes the electricity that it generates from renewable energy or energy from a qualified energy recovery process to a provider of electric service for delivery into and use in this State.

2. A solar energy system that reduces the consumption of electricity or any fossil fuel.

3. A net metering system used by a customer-generator pursuant to NRS 704.766 to 704.775, inclusive ~~[.]~~ ***, and section 3.5 of this act.***

Sec. 9. Section 113 of chapter 509, Statutes of Nevada 2007, at page 2999, is hereby amended to read as follows:

Sec. 113. 1. This act becomes effective:

(a) Upon passage and approval for the purposes of adopting regulations and taking such other actions as are necessary to carry out the provisions of this act; and

(b) For all other purposes besides those described in paragraph (a):

(1) For this section and sections 1, 30, 32, 36 to 46, inclusive, 49, 51 to 61, inclusive, 107, 109, 110 and 111 of this act, upon passage and approval.

(2) For sections 1.5 to 29, inclusive, 43.5, 47, 51.3, 51.7, 108, 112 and 112.5 of this act, on July 1, 2007.

(3) For sections 62 to 106, inclusive, of this act, on October 1, 2007.

(4) For sections 31, 32.3, 32.5, 32.7, 33, 34 and 35 of this act, on January 1, 2009.

(5) For section 48 of this act, on January 1, 2010.

(6) For section 50 of this act, on January 1, 2011.

2. Sections 62 to ~~[106,]~~ ***86,*** inclusive, of this act expire by limitation on June 30, 2011.

3. Sections 87 to 105, inclusive, of this act expire by limitation on June 30, ~~[2019.]~~ 2016.

Sec. 10. Section 13 of chapter 246, Statutes of Nevada 2009, at page 1002, is hereby amended to read as follows:

Sec. 13. 1. This act becomes effective on July 1, 2009.

2. ~~[Sections 2 and 3]~~ ***Section 2*** of this act ~~[expire]~~ ***expires*** by limitation on June 30, 2011.

3. Section 3 of this act expires by limitation on June 30, ~~[2019.]~~ 2016.

Sec. 11. Section 21 of chapter 321, Statutes of Nevada 2009, at page 1410, is hereby amended to read as follows:

Sec. 21. 1. This section and sections 1 to 1.51, inclusive, 1.55 to 19.7, inclusive, and 19.9 to 20.9, inclusive, of this act become effective upon passage and approval.

2. Sections 1.51, 1.85, 1.87, 1.92, 1.93 ~~[, 1.95,]~~ ***and*** 4.3 to ~~[9,]~~ ***7,*** inclusive, ~~[and 19.4]~~ of this act expire by limitation on June 30, 2011.

3. ~~[Sections 1.53 and 19.8]~~ ***Section 1.53*** of this act ~~[become]~~ ***becomes*** effective on July 1, 2011.

4. Sections 1.95 and 7.1 to 9, inclusive, of this act expire by limitation on June 30, ~~[2019.]~~ 2016.

5. Section 19.8 of this act becomes effective on July 1, ~~[2019.]~~ 2016.

Sec. 12. 1. This section and sections 9, 10 and 11 of this act become effective upon passage and approval.

2. Sections 1 to ~~[8,]~~ **8.5,** inclusive, of this act become effective on July 1, 2011.

3. Sections 1 and 2 of this act expire by limitation on June 30, ~~[2019.]~~ **2016.**

Assemblyman Atkinson moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 363.

Bill read third time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 282.

AN ACT relating to manufactured housing; authorizing a city or county building department to enforce regulations and conduct inspections with respect to the installation and tie down of manufactured homes, mobile homes and commercial coaches without obtaining written approval from the Manufactured Housing Division of the Department of Business and Industry; requiring a city or county building department to provide certain notices to the Division; ~~[authorizing a licensed contractor to perform any work on a mobile home, manufactured home, manufactured building, commercial coach or factory-built housing that is within the scope of his or her contractor's license issued by the State Contractors' Board;]~~ **requiring the Division to develop and enter into certain cooperative agreements with a city or county building department;** exempting a **licensed** contractor from **certain** provisions governing licensure **as a specialty serviceperson** by the ~~[Manufactured Housing]~~ Division **; ~~[under certain circumstances;]~~** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires a city or county building department to obtain written approval from the Manufactured Housing Division of the Department of Business and Industry before enforcing certain regulations and conducting inspections with respect to the installation and tie down of manufactured homes, mobile homes and commercial coaches. (NRS 489.287) **Section 1** of this bill removes the requirement that a city or county building department obtain written approval from the Division before enforcing such regulations and conducting such inspections. **Section 1** also requires the city or county building department to provide written notice to the Division of its intent to

begin or cease such enforcement or inspections **[.]** **and requires the Division, upon receipt of such notice, to develop and enter into a cooperative agreement with the city or county building department which sets forth the respective duties and responsibilities of the Division and the city or county building department.**

Existing law prohibits a person who is licensed as a contractor by the State Contractors' Board from performing any work on a mobile home, manufactured home, manufactured building, commercial coach or factory-built housing without obtaining a license from the Division. (NRS 489.311, 624.284) **[**~~Sections 2 and 5 of this bill authorize a licensed contractor to perform any work on a mobile home, manufactured home, manufactured building, commercial coach or factory-built housing that is within the scope of his or her contractor's license without obtaining a license from or satisfying any requirements for licensure by the Division.~~**]** **Sections 2.3 and 2.7 of this bill exempt a person who is licensed as a contractor by the State Contractors' Board from certain requirements for licensure as a specialty serviceperson by the Division.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 489.287 is hereby amended to read as follows:

489.287 1. Except as otherwise provided in subsection 2, a city or county building department may, **[**~~with the written approval of the Division,~~**]** ***upon providing notice to the Division pursuant to subsection 3,*** enforce all regulations adopted pursuant to this chapter and make all inspections within its jurisdiction required by those regulations regarding the installation and tie down of manufactured homes, mobile homes or commercial coaches. Those inspections must be conducted in compliance with the provisions of this chapter and the regulations adopted pursuant to this chapter.

2. If a city or county building department fails to enforce the regulations adopted pursuant to this chapter or make the inspections required by subsection 1, the Division shall enforce those regulations and make the inspections in that jurisdiction, and may, at no cost to the local governing body, engage an independent contractor to perform any inspection.

3. A city or county building department shall, before enforcing regulations or conducting inspections pursuant to subsection 1, provide written notice to the Division of the intention of the city or county building department to enforce such regulations or conduct inspections. If the city or county building department ceases to enforce regulations or conduct inspections pursuant to subsection 1, the city or county building department shall provide written notice to the Division before cessation of such enforcement and inspections.

4. If the Division receives notice of the intention of a city or county building department to enforce regulations or conduct inspections pursuant to subsection 3, the Division shall develop and enter into a written

cooperative agreement with the city or county building department setting forth the respective duties and responsibilities of each party to the cooperative agreement.

Sec. 2. ~~[NRS 489.311 is hereby amended to read as follows:~~

~~489.311 1. Except as otherwise provided by *subsection 3 and* NRS 489.331, no person may engage or offer to engage in the business of a dealer, distributor, manufacturer, general serviceperson or specialty serviceperson in this State, or be entitled to any other license or permit required by this chapter, until the person has applied for and has been issued a license by the Division.~~

~~2. For the purposes of this section, a person engages in the business of a dealer, distributor, manufacturer, general serviceperson or specialty serviceperson in this State if the person, without limitation, submits a bid to perform any activity requiring a license pursuant to this section.~~

~~*3. Notwithstanding the provisions of any other law, a person who holds a valid contractor's license issued by the State Contractors' Board pursuant to chapter 624 of NRS [may, without obtaining a license pursuant to or meeting any other requirement for licensure required by this chapter,] perform any work on a mobile home, manufactured home, manufactured building, commercial coach or factory built housing that is within the scope of his or her contractor's license[.]]*~~ **(Deleted by amendment.)**

Sec. 2.3. **NRS 489.323 is hereby amended to read as follows:**

489.323 ~~[If]~~ ***1. Except as otherwise provided in subsection 2, if*** a licensee is a dealer, distributor, general serviceperson, specialty serviceperson, responsible managing employee or salesperson, the Division shall not renew a license issued to that licensee until the licensee has submitted proof satisfactory to the Division that the licensee has, during the 2-year period immediately preceding the renewal of the license, completed at least 8 hours of continuing education approved by the Division pursuant to NRS 489.285.

2. A person who holds a valid contractor's license issued by the State Contractors' Board pursuant to chapter 624 of NRS and who has been issued a license as a specialty serviceperson pursuant to NRS 489.325 is not required to complete the continuing education requirements for the renewal of his or her license as a specialty serviceperson prescribed by subsection 1.

Sec. 2.7. **NRS 489.351 is hereby amended to read as follows:**

489.351 1. Except as otherwise provided in subsection 2, the Administrator shall require an oral or written examination of each applicant for a license as a dealer, distributor, responsible managing employee, salesperson, general serviceperson or specialty serviceperson.

2. The Administrator may waive the examination required pursuant to subsection 1 for an applicant for a license as a specialty serviceperson if:

(a) The applicant holds another valid license issued by this State; ~~[and]~~

(b) The services performed by the applicant pursuant to that license are substantially similar to the services to be performed by the applicant as a specialty serviceperson. ~~[.]~~ ***; and***

(c) For an applicant who holds a valid contractor's license issued by the State Contractors' Board pursuant to chapter 624 of NRS, the applicant provides proof satisfactory to the Division that the applicant, through training or experience, is qualified to perform the work for which the applicant seeks licensure.

Sec. 3. ~~[NRS 118B.067 is hereby amended to read as follows:~~

~~118B.067 1. If a landlord approves the placement of a manufactured home on a lot in a park and it is determined after the home is placed on the lot that the placement of the home does not comply with the requirements of the local ordinances relating to that placement, the landlord shall pay the cost to ensure compliance with those requirements.~~

~~2. A landlord shall notify any tenant who is bringing a manufactured home which is new to the manufactured home park into the manufactured home park that the provisions of NRS 489.311 require that only persons licensed by the State of Nevada as *contractors or* general servicepersons are legally permitted to set up and install a manufactured home. Before the tenant may bring such a manufactured home into the manufactured home park, the tenant must provide to the landlord a copy of the license issued pursuant to NRS 489.311 *or chapter 624 of NRS* to the person who will be installing the manufactured home.~~ **(Deleted by amendment.)**

Sec. 4. NRS 624.3015 is hereby amended to read as follows:

624.3015 The following acts, among others, constitute cause for disciplinary action under NRS 624.300:

1. Acting in the capacity of a contractor beyond the scope of the license.

2. Bidding to contract or contracting for a sum for one construction contract or project in excess of the limit placed on the license by the Board.

3. Knowingly bidding to contract or entering into a contract with a contractor for work in excess of his or her limit or beyond the scope of his or her license.

4. Knowingly entering into a contract with a contractor while that contractor is not licensed.

5. Constructing or repairing a mobile home, manufactured home, manufactured building or commercial coach or factory-built housing unless the contractor:

(a) Is ~~[:~~

~~*(a) The work is within the scope of his or her license;*~~

~~*(b) The contractor is]*~~ licensed pursuant to NRS 489.311 ~~[;]~~ **,** ***489.321*** or ***489.325; or***

(b) Owns,

~~[*(c) The contractors owns,]*~~ leases or rents the mobile home, manufactured home, manufactured building, commercial coach or factory-built housing.

6. Engaging in any work or activities that require a contractor's license while the license is placed on inactive status pursuant to NRS 624.282.

Sec. 5. ~~[NRS 624.284 is hereby repealed.]~~ **(Deleted by amendment.)**

~~[~~

~~TEXT OF REPEALED SECTION~~

~~624.284 License: Limitation of scope. A contractor's license issued pursuant to this chapter does not authorize a contractor to construct or repair a mobile home, manufactured home, manufactured building or commercial coach or factory-built housing.]~~

Assemblyman Atkinson moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 379.

Bill read third time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 456.

AN ACT relating to crimes; establishing the crime of stolen valor; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The federal Stolen Valor Act of 2005 prohibits a person from falsely representing himself or herself, verbally or in writing, to have been awarded certain military decorations or awards. A person who violates this provision may be fined, imprisoned for not more than 6 months or both fined and imprisoned. (18 U.S.C. § 704(b)) The United States Court of Appeals for the Ninth Circuit recently held that the Stolen Valor Act is facially invalid pursuant to the First Amendment to the Constitution of the United States and is therefore unconstitutional. The Ninth Circuit Court found that the Act as currently drafted restricts free speech rights, but the Court suggested that the statute could be modified into a constitutional anti-fraud statute. (*United States v. Alvarez*, 617 F.3d 1198, 1212, 1217 (9th Cir. 2010)) The Court noted that to prove that a person is liable for fraud, it must be shown that the person knowingly made a false representation of fact to intentionally mislead another person and successfully misled the other person through such false representation. (*United States v. Alvarez*, 617 F.3d 1198, 1211 (9th Cir. 2010) (citing *Ill. ex rel. Madigan v. Telemarketing Assocs., Inc.*, 538 U.S. 600, 620 (2003)))

Existing Nevada law prohibits a person from willfully wearing the badge, button, insigne or rosette of any military order or of any secret order or society, or from using any such item to obtain aid, assistance or any other benefit or advantage, if the person is not entitled to wear or use any such items. (NRS 205.410) This bill repeals existing Nevada law and provides that a person commits the crime of stolen valor if the person knowingly, with the intent to mislead or defraud and with the intent to obtain ~~[some benefit or]~~ something of value, misleads or defrauds another person by ~~[committing~~

~~various acts concerning the~~] **making any** false representation of ~~[himself or herself with relation to]~~ **his or her** military service **~~[.]~~ and obtains something of value. If the amount of the loss caused by the violation: (1) is less than $2,500, the person who committed the violation is guilty of a gross misdemeanor; and (2) is $2,500 or more, the person who committed the violation is guilty of a category E felony.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 205 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A person ~~[shall not]~~ is guilty of the crime of stolen valor if the person knowingly, with the intent to mislead or defraud:

(a) ~~[Make]~~ Makes any false representation of military service, including, without limitation, falsely representing his or her current or former military status, claiming that he or she served in the Armed Forces of the United States, a reserve component thereof or the National Guard, or that he or she served in a combat zone;

(b) ~~[Make]~~ Makes any such false representation with the intent to obtain ~~[employment, be elected or appointed to public office or obtain]~~ something of value; and

(c) ~~[Mislead]~~ Misleads or ~~[defraud]~~ defrauds another person through such false representation and ~~[obtain employment, be elected or appointed to public office or obtain]~~ obtains something of value.

2. ~~[A person shall not knowingly, with the intent to mislead or defraud:~~

~~(a) Falsely represent himself or herself by wearing any military decoration or medal authorized by Congress for the Armed Forces of the United States, any service medal or badge awarded to members of such forces, any ribbon, button or rosette of any such badge, decoration or medal, or any colorable imitation of such items;~~

~~(b) Make such false representation with the intent to obtain something of value; and~~

~~(c) Mislead or defraud another person through such false representation and obtain something of value.~~

~~3. A person shall not knowingly, with the intent to mislead or defraud:~~

~~(a) Falsely represent himself or herself, verbally or in writing, to have been awarded any military decoration or medal authorized by Congress for the Armed Forces of the United States, any service medal or badge awarded to members of such forces, any ribbon, button or rosette of any such badge, decoration or medal, or any colorable imitation of such items;~~

~~(b) Make such false representation with the intent to obtain something of value; and~~

~~(c) Mislead or defraud another person through such false representation and obtain something of value.~~

~~4. A person shall not knowingly, with the intent to mislead or defraud:~~

~~*(a) Falsely claim, verbally or in writing, to be or to have been a member of any elite United States Special Operations Command (USSOCOM) of the Armed Forces of the United States, any of its component units or the predecessors of any such units by wearing or displaying the distinctive emblem, badge or pin thereof;*~~

~~*(b) Make such false claims with the intent to obtain something of value; and*~~

~~*(c) Mislead or defraud another person through such false claims and obtain something of value.*~~

~~*5. A person shall not knowingly, with the intent to mislead or defraud:*~~

~~*(a) Forge, counterfeit or falsely alter any military document of any military service of the United States, including, without limitation, a certificate of discharge or a military identification card or badge;*~~

~~*(b) Use for any purpose, unlawfully possess, display or exhibit any such false document with the intent to obtain something of value; and*~~

~~*(c) Mislead or defraud another person through the use of any such false document and obtain something of value.*~~

~~*6. A person who violates any provision of this section is guilty of the crime of stolen valor. A person who violates:*~~

~~*(a) Subsection 1 is guilty of a misdemeanor.*~~

~~*(b) Subsection 2, except as otherwise provided in subsection 7 or 8, is guilty of a misdemeanor.*~~

~~*(c) Subsection 3, except as otherwise provided in subsection 7 or 8, is guilty of a misdemeanor.*~~

~~*(d) Subsection 4 is guilty of a misdemeanor.*~~

~~*(e) Subsection 5 is guilty of a gross misdemeanor.*~~

~~*7. A person who violates subsection 2 or 3 by wearing or falsely representing himself or herself to have been awarded a Distinguished Service Cross, Navy Cross, Air Force Cross, Silver Star or Purple Heart, or any replacement or duplicate medal for any such medal as authorized by law, is guilty of a gross misdemeanor.*~~

~~*8. A person who violates subsection 2 or 3 by wearing or falsely representing himself or herself to have been awarded a Medal of Honor is guilty of a category E felony and shall be punished as provided in NRS 193.130.]*~~ ***If the amount of the loss caused by a violation of subsection 1:***

(a) Is less than $2,500, the person who committed the violation is guilty of a gross misdemeanor.

(b) Is $2,500 or more, the person who committed the violation is guilty of a category E felony and shall be punished as provided in NRS 193.130.

Sec. 2. NRS 205.410 is hereby repealed.

TEXT OF REPEALED SECTION

205.410 Improper use of insignia.

Every person who shall willfully wear the badge, button, insigne or rosette of any military order or of any secret order or society, or any similitude

thereof; or who shall use any such badge, button, insigne or rosette to obtain aid or assistance, or any other benefit or advantage, unless the person shall be entitled to so wear or use the same under the constitution, bylaws, rules and regulations of such order or society, shall be fined not more than $500.

Assemblyman Ohrenschall moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 382.

Bill read third time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 430.

AN ACT relating to health care; requiring the Chiropractic Physicians' Board of Nevada to establish a preceptor program; prescribing requirements for participation in the program; authorizing unlicensed persons participating in the program to perform chiropractic under certain circumstances; **authorizing an applicant for a license to practice chiropractic to perform chiropractic adjustment or manipulation under certain circumstances;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, with certain exceptions, a person is not allowed to engage in the practice of chiropractic unless he or she is licensed by the Chiropractic Physicians' Board of Nevada. (NRS 634.227) **Sections 3-5** of this bill require the Board to establish a preceptor program to enable a student who is enrolled in a college of chiropractic and satisfies other eligibility criteria to obtain supervised clinical experience under an agreement with a licensed chiropractor who is approved by the Board to act as a preceptor in the program. **Section 4** of this bill authorizes a student participating in the program to perform chiropractic, ~~[other than]~~ **including** chiropractic adjustment or manipulation, under the direct supervision of a preceptor for up to 1 year. **Section 7 of this bill authorizes an applicant for a license to practice chiropractic to perform chiropractic adjustment or manipulation under the direct supervision of a chiropractor under certain circumstances.** **Section 8** of this bill authorizes the Board to impose a fee for filing an application to participate in the preceptor program. **Section 9** of this bill provides that a student who participates in the program and who performs chiropractic does not violate the law prohibiting the unlicensed practice of chiropractic.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 634 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 5, inclusive, of this act.

Sec. 2. *"Manipulation" means an application of a resistive movement by applying a nonspecific force, without the use of a thrust, which is directed into a region and not into a focal point of the anatomy.*

Sec. 3. *1. The Board shall establish a preceptor program to provide supervised clinical experience to students enrolled in colleges of chiropractic.*

2. The Board shall adopt regulations to carry out the preceptor program required by this section. The regulations must include, without limitation:

(a) The application procedure for participation in the preceptor program;

(b) Eligibility requirements for students which are in addition to the requirements set forth in section 4 of this act;

(c) The form, content and provisions required for a preceptor agreement between a student and a chiropractor; and

(d) Eligibility requirements for the approval of a chiropractor to serve as a preceptor which are in addition to the requirements set forth in section 5 of this act.

Sec. 4. *1. A student who wishes to participate in the preceptor program established by the Board pursuant to section 3 of this act must:*

(a) File with the Board an application in the form required by the Board;

(b) Pay the fee for filing an application required by NRS 634.135;

(c) Be enrolled in his or her final academic year at a college of chiropractic that meets the criteria established in paragraph (b) of subsection 1 of NRS 634.090;

(d) Have completed all clinical work required by the Board;

(e) Enter into a preceptor agreement with a chiropractor who is approved by the Board to act as a preceptor pursuant to section 5 of this act; and

(f) Comply with any other requirements prescribed by the Board.

2. The Board may approve or deny an application for a student who wishes to participate in the preceptor program and shall provide notice to the student of its decision.

3. A student who is approved to participate in the preceptor program:

(a) May perform chiropractic, ~~[other than]~~ including, without limitation, chiropractic adjustment or manipulation, under the direct supervision of a chiropractor who is approved to act as a preceptor pursuant to section 5 of this act.

(b) Shall not perform chiropractic as a participant in the preceptor program for more than 1 year.

Sec. 5. *1. A chiropractor who wishes to act as a preceptor pursuant to the preceptor program established by the Board pursuant to section 3 of this act must:*

(a) File with the Board an application in the form required by the Board;

(b) Pay the fee for filing an application with the Board required by NRS 634.135;

(c) Hold in good standing a license on active status issued pursuant to this chapter;

(d) Have malpractice insurance as may be required by the Board; and

(e) Comply with any other requirements prescribed by the Board.

2. The Board may approve or deny an application for a chiropractor to act as a preceptor and shall give notice to the chiropractor of its decision.

Sec. 6. NRS 634.010 is hereby amended to read as follows:

634.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 634.012 to 634.018, inclusive, ***and section 2 of this act*** have the meanings ascribed to them in those sections.

Sec. 7. NRS 634.105 is hereby amended to read as follows:

634.105 ~~[1.]~~ An applicant for a license to practice chiropractic who has the qualifications prescribed in NRS 634.090 may, while waiting to take the Board's examination but for no longer than 2 years, perform chiropractic, ~~[but not]~~ including ***, without limitation,*** chiropractic adjustment or manipulation, under the direct supervision of a chiropractor who is professionally and legally responsible for the applicant's performance.

~~[2. As used in this section, "manipulation" means an application of a resistive movement by applying a nonspecific force, without the use of a thrust, which is directed into a region and not into a focal point of the anatomy.]~~

Sec. 8. NRS 634.135 is hereby amended to read as follows:

634.135 1. The Board may charge and collect fees not to exceed:

For an application for a license to practice chiropractic $200.00
For an examination for a license to practice chiropractic 200.00
For an application for, and the issuance of, a certificate as a chiropractor's assistant.....100.00
For an examination for a certificate as a chiropractor's assistant 100.00
For the issuance of a license to practice chiropractic.....300.00
For the biennial renewal of a license to practice chiropractic..... 1,000.00
For the biennial renewal of an inactive license to practice chiropractic 300.00
For the biennial renewal of a certificate as a chiropractor's assistant 200.00
For the restoration to active status of an inactive license to practice chiropractic 300.00
For reinstating a license to practice chiropractic which has been suspended or revoked 500.00
For reinstating a certificate as a chiropractor's assistant which has been suspended pursuant to NRS 634.130 .....100.00
For a review of any subject on the examination 25.00

For the issuance of a duplicate license or for changing the name on a license 35.00
For written verification of licensure or issuance of a certificate of good standing..... 25.00
For providing a list of persons who are licensed to practice chiropractic to a person who is not licensed to practice chiropractic 25.00
For providing a list of persons who were licensed to practice chiropractic following the most recent examination of the Board to a person who is not licensed to practice chiropractic..... 10.00
For a set of mailing labels containing the names and addresses of the persons who are licensed to practice chiropractic in this State 35.00
For providing a copy of the statutes, regulations and other rules governing the practice of chiropractic in this State to a person who is not licensed to practice chiropractic..... 25.00
For each page of a list of continuing education courses that have been approved by the Board..... .50
For an application to a preceptor program offered by the Board to graduates of chiropractic schools or colleges..... $35.00
For an application for a student or chiropractor to participate in the preceptor program established by the Board pursuant to section 3 of this act ***35.00***
For a review by the Board of a course offered by a chiropractic school or college or a course of continuing education in chiropractic..... 25.00

2. In addition to the fees set forth in subsection 1, the Board may charge and collect reasonable and necessary fees for the expedited processing of a request or for any other incidental service it provides.

3. For a check or other method of payment made payable to the Board or tendered to the Board that is returned to the Board or otherwise dishonored upon presentation for payment, the Board shall assess and collect a fee in the amount established by the State Controller pursuant to NRS 353C.115.

Sec. 9. NRS 634.227 is hereby amended to read as follows:

634.227 1. A person who:

(a) Presents to the Board as his or her own the diploma, license or credentials of another;

(b) Gives false or forged evidence of any kind to the Board; or

(c) Practices chiropractic under a false or assumed name or falsely personates another licensee,

➥ is guilty of a misdemeanor.

2. Except as otherwise provided in NRS 634.105, ***and section 4 of this act,*** a person who does not hold a license issued pursuant to this chapter and:

(a) Practices chiropractic in this State;

(b) Holds himself or herself out as a chiropractor;

(c) Uses any combination, variation or abbreviation of the terms "chiropractor," "chiropractic" or "chiropractic physician" as a professional or commercial representation; or

(d) Uses any means which directly or indirectly conveys to another person the impression that he or she is qualified or licensed to practice chiropractic,

➥ is guilty of a category D felony and shall be punished as provided in NRS 193.130.

Sec. 10. This act becomes effective:

1. Upon passage and approval for purposes of adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

2. On October 1, 2011, for all other purposes.

Assemblyman Atkinson moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assemblyman Conklin moved that the Assembly recess until 6:30 p.m..

Motion carried.

Assembly in recess at 5:21 p.m.

ASSEMBLY IN SESSION

At 6:50 p.m.

Mr. Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Judiciary, to which was referred Assembly Bill No. 373, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

WILLIAM C. HORNE, *Chair*

GENERAL FILE AND THIRD READING

Assembly Bill No. 373.

Bill read third time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 457.

SUMMARY—Prohibits the ~~[willful]~~ destruction of real property that is subject to foreclosure ~~[or repossession.]~~ **with the intent to defraud.** (BDR 15-98)

AN ACT relating to real property; prohibiting under certain circumstances the removal, ~~[damaging]~~ **concealing** or destruction of real property that is subject to foreclosure ~~[or any other action affecting the title or possession of the real property;]~~ **with the intent to defraud;** providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill provides that a person in possession of real property who, under certain circumstances, ~~[willfully]~~ removes, ~~[damages]~~ **conceals** or destroys any real property that is subject to foreclosure ~~[or any other action affecting~~

~~the title or possession of the real property~~] **with the intent to defraud and who causes a secured party to suffer pecuniary loss** is guilty of a ~~[category E felony.]~~ **misdemeanor.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 206 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A person who occupies real property, including a person with an ownership interest in the real property, who has personal knowledge of the pendency of an action for the foreclosure of a mortgage upon real property ~~[,]~~ ***or a proceeding for the judicial or other foreclosure of a deed of trust given to secure a loan made to purchase real property*** ~~[or any other action affecting the title or possession of real property,]~~ ***shall not remove,*** ~~[damage]~~ ***conceal or otherwise destroy any portion of the real property*** ~~[with intent to diminish the value of the real property.]~~ ***upon which a security interest exists.***

2. A person who ~~[willfully violates]~~ ***:***

(a) Violates the provisions of subsection 1 with the intent to defraud the secured party; and

(b) Causes the secured party to suffer a pecuniary loss upon the conclusion of a proceeding for the foreclosure of the real property,

➥ is guilty of a ~~[category E felony and shall be punished as provided in NRS 193.130.]~~ ***misdemeanor.***

Assemblyman Horne moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 122.

Bill read third time.

Remarks by Assemblyman Livermore.

Roll call on Assembly Bill No. 122:

YEAS—41.

NAYS—Daly.

Assembly Bill No. 122 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 204.

Bill read third time.

Roll call on Assembly Bill No. 204:

YEAS—42.

NAYS—None.

Assembly Bill No. 204 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 81.

Bill read third time.

Roll call on Assembly Bill No. 81:

YEAS—32.

NAYS—Ellison, Goedhart, Grady, Hambrick, Hansen, Kite, Livermore, McArthur, Sherwood, Woodbury—10.

Assembly Bill No. 81 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 471.

Bill read third time.

Roll call on Assembly Bill No. 471:

YEAS—42.

NAYS—None.

Assembly Bill No. 471 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 182.

Bill read third time.

Remarks by Assemblyman Atkinson.

Assemblyman Conklin moved that the following remarks be entered in the Journal.

Motion carried.

ASSEMBLYMAN ATKINSON:

Thank you, Mr. Speaker. I rise in support of Assembly Bill 182. Assembly Bill 182 is enabling legislation that permits participating entities to seek approval for creation of inland ports and inland port authorities, the purposes of which are to promote, encourage, and aid in economic development and employment opportunities within Nevada. A participating entity is a county or a city. Nevada's Commission on Economic Development must develop a State Plan for Inland Ports and may only approve an application if the proposed inland port and authority are in conformance with the State Plan. An inland port must not contain any residential property and must be a contiguous area that contains at least two of the following: (1) a municipal airport; (2) a highway within the National Highway System; or (3) operating assets of one or more Class I railroads.

This is something we have talked about for quite some time. If you take a look at Dallas, Texas, they have the same concept that we are considering here in this state—something we have looked at in the interim in a committee that I sat on and chaired. We looked at this idea as a great opportunity to bring new business to the state and give our state a shot in the arm. Dallas has done this for quite some time. Over the last ten years, they have brought $20 billion to their state, an average of $2 billion per year. I do not think any of us can argue the fact that our state badly needs the income. This is a first effort and hopefully we will get others to get on board with this, which they already have. I urge your support. Thank you.

Roll call on Assembly Bill No. 182:

YEAS—42.

NAYS—None.

Assembly Bill No. 182 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Conklin moved that upon return from the printer, Assembly Bills Nos. 359 and 363 be taken from the General File and rereferred to the Committee on Ways and Means.

Motion carried.

NOTICE OF EXEMPTION

April 26, 2011

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Senate Bills Nos. 177 and 185.

MARK KRMPOTIC
Fiscal Analysis Division

GENERAL FILE AND THIRD READING

Assembly Bill No. 301.

Bill read third time.

Remarks by Assemblyman Segerblom.

Roll call on Assembly Bill No. 301:

YEAS—27.

NAYS—Ellison, Goicoechea, Grady, Hambrick, Hammond, Hansen, Hardy, Hickey, Kirner, Kite, Livermore, McArthur, Sherwood, Stewart, Woodbury—15.

Assembly Bill No. 301 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 379.

Bill read third time.

Roll call on Assembly Bill No. 379:

YEAS—42.

NAYS—None.

Assembly Bill No. 379 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 382.

Bill read third time.

Remarks by Assemblymen Hammond and Conklin.

Assemblyman Conklin moved that the following remarks be entered in the Journal.

Motion carried.

ASSEMBLYMAN HAMMOND:

Thank you, Mr. Speaker. There is no controversy with this bill. This bill is good. That is all I have to say.

ASSEMBLYMAN CONKLIN:

Thank you, Mr. Speaker. To the sponsor of the bill, Section 2, line 3, on the first page of the bill, talks about the word *manipulation*. This is a shared concept in law, one to the chiropractic statutes and one to the physical therapy statutes, and I want to make it perfectly clear on the

record, your intent. My understanding is it is the intent to apply to the chiropractor statutes and not to others. I just wanted to hear it from you before I cast my vote. Thank you.

ASSEMBLYMAN HAMMOND:
Thank you. To my colleague from the south, I believe that that is the intent of the chiropractors—to make sure those who are licensed to practice chiropractic medicine will be the ones who supervise those who are in their preceptorship program and they will be doing everything they can do right now, which is the manipulations that they perform.

Roll call on Assembly Bill No. 382:
YEAS—42.
NAYS—None.
Assembly Bill No. 382 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 7:08 p.m.

ASSEMBLY IN SESSION

At 7:10 p.m.
Mr. Speaker presiding.
Quorum present.

Assembly Bill No. 373.
Bill read third time.
Remarks by Assemblymen Goicoechea, Frierson, Carlton, Horne, Anderson, Brooks, Kirkpatrick, and Atkinson.
Assemblymen Conklin, Kirkpatrick, and Grady moved the previous question.
The question being the passage of Assembly Bill No. 373.
Roll call on Assembly Bill No. 373:
YEAS—34.
NAYS—Atkinson, Brooks, Carlton, Carrillo, Diaz, Ohrenschall, Pierce, Segerblom—8.
Assembly Bill No. 373 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 7:26 p.m.

ASSEMBLY IN SESSION

At 7:29 p.m.
Mr. Speaker presiding.
Quorum present.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bill No. 144; Assembly Joint Resolution No. 9; Assembly Concurrent Resolution No. 8.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Bustamante Adams, the privilege of the floor of the Assembly Chamber for this day was extended to Ariana Miranda.

On request of Assemblyman Daly, the privilege of the floor of the Assembly Chamber for this day was extended to the following students and chaperones from Hidden Valley Elementary School: Michael Acosta, Symantha Adkisson, Marcus Avalos, Rylie Black, Hailey Brooks, Chase Bump, Jared Carmack, Gabriel Castro Lopez, Dakota Christy, Jacob Clark, Kiyla Dick, Peyton Dillard, Cassandra Esquivel Ramirez, Argelia Feliz-Lopez, Graciela Gonzalez Valles, Kira Hallerbach, Trevor Izzarelli, Nick McVicker, Nicholas Myers, Shovante Shaw-Thomas, Ana Swaim, Jessica Torres Ramirez, Lorenzo Vega Rivera, Joanna Velazquez-Pena, Levi Williams, Bryan Banuelos, Kenzie Barainca, Joseph Bolinger, Keiley Byrge, Jacqueline Del Real, Lily Domes, Cecelia Eben, Shailyn Fitzgerald, Rudy Garcia, Cielo Garcia, Lindsey Gardner, Joni Meredith, Denise Allen, Michael Holt, Colton Jacobson, Liliana Ocegueda, Chandon Pierre, Jessamyn Powers-Pidlypchal, Brayan Rivera, Sophie Schler, Merit Schmid, Jesse Steele, Cole Williams, James Yocum, Greg West, Brigid Butler, Nicholas Chapman, Alaina Cronick, Raymond Dube, Loren Elder, Adrian Esquivel, Monique Galindo, Alan Gallegos, Logan Gribas, Larsa Guzman, John Keeley, Abigayle Lokey, Julieta Martinez, Disha Patel, Osvin Ponce, Esteban Resa, Isaiah Rios, William Romero-Medina, Madelyn Ruiz, Joseph Sarratea, Lauren Van Dorn, Alec Wong, and Brenden Wood.

On request of Assemblyman Grady, the privilege of the floor of the Assembly Chamber for this day was extended to Len Hughes.

On request of Assemblyman Kirner, the privilege of the floor of the Assembly Chamber for this day was extended to the following students and chaperones from Sage Ridge School: Nicole Becker, Mallory Benna, Llona Coote, Christopher Cunningham, Taylor DeProsse, Colton Johnson, Alexandra Kenyherz, Gabriella Latham-Kapitz, Norman Kilbourn, Noelle Kim, Claire Macauley, Sarah Madison, Kaisa Newberg, Ana Ohnersorgen, Isabel Pickering, Nicholaus Stadler, Lindsay Stover, Carly Williamson, Ashley Christopherson, So-Yon Jang, Alexis Garduno, Beatrice Robinson, Hong Yi Zhang, Blair Bailey, Rob VanCleve, and Meghan Ward.

On request of Assemblyman Sherwood, the privilege of the floor of the Assembly Chamber for this day was extended to Burlin H. Ackles III.

Assemblyman Conklin moved that the Assembly adjourn until Wednesday, April 27, 2011, at 11 a.m.

Motion carried.

Assembly adjourned at 7:31 p.m.

Approved: JOHN OCEGUERA
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE EIGHTIETH DAY

CARSON CITY (Wednesday), April 27, 2011

Assembly called to order at 11:50 a.m.

Madam Speaker pro Tempore presiding.

Roll called.

All present except Assemblyman Oceguera, who was excused.

Prayer by the Chaplain, Pastor Albert Tilstra.

We come with anxious hearts into Your presence today, Lord. Let us not be frightened by the task that confronts us, but rather give thanks that You have matched us with this hour. With God helping us, may we be part of the answer and not part of the problem.

Therefore, enable the members of this body to see clearly the issues set before them. Grant them the wisdom and courage necessary to make good decisions in the best interest of all the citizens of this great State of Nevada.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Conklin moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 26, 2011

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Senate Bill No. 432.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 36, 42, 48, 51, 59, 73, 79, 88, 98, 100, 128, 133, 135, 137, 138, 151, 170, 184, 190, 204, 210, 214, 221, 232, 234, 246, 249, 254, 264, 286, 293, 299, 300, 302, 321, 322, 323, 329, 335, 339, 354, 362, 365, 381, 390, 391, 396, 400, 407, 412, 419, 436, 496.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 49, 140, 150, 223, 226, 233, 236, 262, 307, 325, 387.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Joint Resolution No. 5.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Senate Joint Resolution No. 5.

Assemblyman Conklin moved that the resolution be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

Senate Bill No. 36.

Assemblyman Conklin moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 42.

Assemblyman Conklin moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 48.

Assemblyman Conklin moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 49.

Assemblyman Conklin moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 51.

Assemblyman Conklin moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 59.

Assemblyman Conklin moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 73.

Assemblyman Conklin moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 79.

Assemblyman Conklin moved that the bill be referred to the Committee on Taxation.

Motion carried.

Senate Bill No. 88.

Assemblyman Conklin moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 98.

Assemblyman Conklin moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 100.

Assemblyman Conklin moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 128.

Assemblyman Conklin moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 133.

Assemblyman Conklin moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

Senate Bill No. 135.

Assemblyman Conklin moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 137.

Assemblyman Conklin moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 138.

Assemblyman Conklin moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 140.

Assemblyman Conklin moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 150.

Assemblyman Conklin moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 151.

Assemblyman Conklin moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 170.

Assemblyman Conklin moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

Senate Bill No. 184.

Assemblyman Conklin moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 190.

Assemblyman Conklin moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 204.

Assemblyman Conklin moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 210.

Assemblyman Conklin moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 214.

Assemblyman Conklin moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 221.

Assemblyman Conklin moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 223.

Assemblyman Conklin moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

Senate Bill No. 226.

Assemblyman Conklin moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

Senate Bill No. 232.

Assemblyman Conklin moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 233.

Assemblyman Conklin moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 234.

Assemblyman Conklin moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 236.

Assemblyman Conklin moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

Senate Bill No. 246.

Assemblyman Conklin moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 249.

Assemblyman Conklin moved that the bill be referred to the Committee on Taxation.

Motion carried.

Senate Bill No. 254.

Assemblyman Conklin moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 262.

Assemblyman Conklin moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 264.

Assemblyman Conklin moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 286.

Assemblyman Conklin moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 293.

Assemblyman Conklin moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 299.

Assemblyman Conklin moved that the bill be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

Senate Bill No. 300.

Assemblyman Conklin moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 302.

Assemblyman Conklin moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 307.

Assemblyman Conklin moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 321.

Assemblyman Conklin moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 322.

Assemblyman Conklin moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 323.

Assemblyman Conklin moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 325.

Assemblyman Conklin moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 329.

Assemblyman Conklin moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 335.

Assemblyman Conklin moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 339.

Assemblyman Conklin moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 354.

Assemblyman Conklin moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 362.

Assemblyman Conklin moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 365.

Assemblyman Conklin moved that the bill be referred to the Committee on Education.

Motion carried.

Senate Bill No. 381.

Assemblyman Conklin moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 387.

Assemblyman Conklin moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 390.

Assemblyman Conklin moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

Senate Bill No. 391.

Assemblyman Conklin moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

Senate Bill No. 396.

Assemblyman Conklin moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 400.

Assemblyman Conklin moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 407.

Assemblyman Conklin moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 412.

Assemblyman Conklin moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 419.

Assemblyman Conklin moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 432.

Assemblyman Conklin moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 436.

Assemblyman Conklin moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 496.

Assemblyman Conklin moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Grady, the privilege of the floor of the Assembly Chamber for this day was extended to the students and chaperones from Carson City Montessori School.

On request of Assemblyman Livermore, the privilege of the floor of the Assembly Chamber for this day was extended to Carson High School students Ashleigh Potter and Jessie Fleming; and the following students and chaperones from Bordewich-Bray Elementary School: Meika Adams, Hailey Aguilera, Tobey Ahdunko, Alexandra Bradley, Anthony Castro, Gavin Cerniglia, Kieran Dazzo, Jonathan Francone, Isaac Fuentes Alvarez, Sarah Gomer, Lindsey Hamm, Ryan Hurst, Katarina Kowalczyk, Cameron Mann, Maryn Myler, Alan Padilla, Varun Pandit, Kyle Pierce, David Robinson, Rachel Rundell, Antonio Steiner, Daren Stoffer, Jazmari Valdivia, Carissa Wiley, Mary Jolly, Becky Smith, Sujata Pandit, Maria Hurst; and the following students and chaperones from Saint Teresa of Avilla School: Michelle Andrews, Sarah Cantwell, Jake Carroll, Erin Cartier, Maddie Clemens, Amelia Cochran, Maali DeLeon, Amelia Gladys, Ainsley Hickenbottom, Kate Kassity, Emma King, Madison Krivan, Ben Larkin, Camdyn Meikrantz, Catherine Wright, Kyle Navarro, Garrett Nussbaumer, Laura Pradere, Cade Rombardo, Makayla Schmidt, Delaney Smith, Sophia Taggart, Paul Wagner, Dominque Wells, Kathy Roide, Staci Bayliss, Adrienne Navarro, Jen King, Lisa Wagner, Carol Nussbaumer, and Jenn Andrews.

Assemblyman Conklin moved that the Assembly adjourn until Thursday, April 28, 2011, at 11 a.m.

Motion carried.

Assembly adjourned at 12:27 p.m.

Approved: JOHN OCEGUERA
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE EIGHTY-FIRST DAY

CARSON CITY (Thursday), April 28, 2011

Assembly called to order at 11:29 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblyman Ohrenschall, who was excused.

Prayer by the Chaplain, Pastor, Albert Tilstra.

Today, we thank You for the capable support staff that has been doing their work so that the Assemblypersons in this chamber are able to accomplish the tasks that they were elected to do. In the midst of great activity today, we ask You to remind us of Your invisible presence; that out of confused issues may come simplicity of plan, out of fear may come confidence, out of hurry may come the willingness to wait, out of frustration, rest and power. This we ask in Your own name.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Conklin moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 27, 2011

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly Amendment No. 109 to Senate Bill No. 86.

SENATE CHAMBER, Carson City, April 28, 2011

I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 8.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

By Senators Brower, Breeden, Cegavske, Copening, Denis, Gustavson, Halseth, Hardy, Horsford, Kieckhefer, Kihuen, Lee, Leslie, Manendo, Mcginness, Parks, Rhoads, Roberson, Schneider, Settelmeyer, And Wiener; Assemblymen Hickey, Aizley, Anderson, Atkinson, Benitez-Thompson, Bobzien, Brooks, Bustamante Adams, Carlton, Carrillo, Conklin, Daly, Diaz, Dondero Loop, Ellison, Flores, Frierson, Goedhart, Goicoechea, Grady, Hambrick, Hammond, Hansen, Hardy, Hogan, Horne, Kirkpatrick, Kirner,

Kite, Livermore, Mastroluca, Mcarthur, Munford, Neal, Oceguera, Ohrenschall, Pierce, Segerblom, Sherwood, Smith, Stewart, and Woodbury:

Senate Concurrent Resolution No. 8—Memorializes Enos LeRoy Arrascada, respected attorney and community leader.

WHEREAS, The members of the Nevada Legislature note with sorrow the passing of Enos LeRoy Arrascada, a third generation Basque Nevadan, on December 15, 2009; and

WHEREAS, Born in Elko on August 19, 1936, to Ignacio "Enos" Arrascada and Maxine Cook, LeRoy graduated from Elko High School, was always involved in campus life and student government; and

WHEREAS, He attended the University of Nevada, Reno, where he successfully ran for the Student Senate, defeating classmate Richard Bryan, who went on to serve as Nevada Governor and United States Senator; and

WHEREAS, After graduating from college in 1959, LeRoy enlisted in the United States Navy and, upon discharge, entered the American University Washington College of Law in Washington, D.C., to pursue his lifelong love of the law; and

WHEREAS, While attending law school, LeRoy worked in a patronage position operating an elevator in the United States Capitol, and as fate would have it, it was in that elevator that he met the love of his life and best friend, Ellen Sullivan Arrascada, a congressional secretary, whereupon they married and moved to Reno in 1964; and

WHEREAS, Leroy loved this State with its deserts and mountains, and one of his great joys in life was going hunting and fishing in northern Nevada; and

WHEREAS, Never one to retire from his passion for the law, LeRoy worked until the day before he passed, was considered one of the true gentlemen of the legal profession and was a law partner with his son John and daughter Christine, fulfilling a dream that few fathers attain; and

WHEREAS, Very civic-minded, Leroy was extremely active in the community and was a founder and first President of the Reno Zazpiak Bat Basque Club, a former President of the Washoe County Bar Association, the Reno Host Lions Club and the Reno Aquatic Club, a former Chairman of the Democratic Party of Washoe County, a founding member of the Nevada Trial Lawyers Association and a member of the Humboldt Hunting Club, the Prospectors' Club, the Nevada Woodchucks and the Gold and Silver coffee group, and his dedication to his many causes will be sorely missed by all; now, therefore, be it

RESOLVED BY THE SENATE OF THE STATE OF NEVADA, THE ASSEMBLY CONCURRING, That the members of the 76th Nevada Legislature offer their deepest condolences to Leroy's beloved wife of 45 years, Ellen, and their children and spouses Mary Ellen Arrascada and Matt Zier, John and Betsabeth Arrascada, Joseph Arrascada and Christine and John Aramini and their grandchildren Sabrina Arrascada and Elena Amaya and Angelo Aramini, as well as his mother Maxine Cook; and be it further

RESOLVED, That the Secretary of the Senate prepare and transmit a copy of this resolution to LeRoy's wife Ellen.

Assemblyman Hickey moved the adoption of the resolution.

Remarks by Assemblymen Hickey and Ellison.

Resolution adopted unanimously.

Assemblyman Conklin moved that the Assembly recess until 5 p.m.

Motion carried.

Assembly in recess at 12:55 p.m.

ASSEMBLY IN SESSION

At 5:14 p.m.
Mr. Speaker presiding.
Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Conklin moved that the Assembly resolve itself into a Committee of the Whole for the purpose of hearing a staff presentation on Assembly redistricting proposals, with Assemblyman Oceguera acting as Chairman of the Committee of the Whole.

Motion carried.

IN COMMITTEE OF THE WHOLE

Assemblyman Oceguera presiding.
Quorum present.
Staff presentation on Assembly redistricting proposals considered.

CHAIR OCEGUERA:

The Committee of the Whole will come to order. The Committee of the Whole will form for the purposes of presenting redistricting proposals before the entire body. There will not be debate on the same day the proposal is issued or introduced, rather the purpose of this Committee, which we anticipate being brief, is to ensure that all members are informed of these plans. Today our nonpartisan staff will be presenting the core facts about each proposal. The proposals will be formally introduced and referred to the Legislative Operations and Elections Committees next week. As our staff is nonpartisan, they will not be taking questions on the maps unless necessary to clarify a remark. They do not know the why's and how's of how it was done, they just know the facts. At the same time, we will move to make sure all maps are available to the public and the membership with the opportunity to give comment through the end of the week and through next week when the proposals are heard in committee. Members will subsequently be able to give comment when the committee forwards the proposal to the floor. All proposals will be loaded on the public work stations in Carson City and Las Vegas as well as displayed in the map room for the Assembly that will be the Committee on Natural Resources room. The proposals are now on the Nevada Electronic Legislative Information Service (NELIS). If you look on NELIS you should be able to pull up the proposals on NELIS as well. They will be on the legislative website homepage under "Redistricting and Reapportionment." If there are no questions or comments from members are this time, I will ask that they be referred to the Legislative and Operations Committee for discussion at that level. At this time I would like to ask Kathy Steinle and Michael Stewart to walk us through the main information regarding each of these proposals. Again, staff is nonpartisan, so they will be taking only the technical questions that you may have. I would also like to recognize the number of members from the Senate that are in the gallery and say "hello."

MICHAEL STEWART, SUPERVISING PRINCIPAL RESEARCH ANALYST, LEGISLATIVE COUNSEL BUREAU:

Good afternoon, Mr. Chairman and members of the Committee of the Whole. For the record, I am Michael Stewart, with the Research Division of the Legislative Counsel Bureau. Joining me today is Kathy Steinle, Geographic Information Systems Manager with the LCB Technology Services Unit. As Speaker Oceguera mentioned, we have been asked today to provide factual information regarding various reapportionment and redistricting plans that have been compiled

by both majority political parties of the Nevada State Legislature. Before we begin I must remind you it is our standard LCB disclosure that as central and nonpartisan staff, we cannot advocate for the passage or defeat of any legislation or in this case any redistricting plan. We are here today to present only basic factual information about two redistricting plans impacting the Nevada State Assembly and one redistricting plan prepared by the Republican Party regarding Nevada's Congressional Districts. With each plan, Kathy will start with an explanation of the key geographic components and features of the overall plan and some district specific information, and I will follow that with a brief summary of some statistical information specifically population, deviation from ideal population, and information regarding race and ethnic minority concentrations in some of our legislative districts. So with that, I will turn it over to Kathy who will begin with the redistricting plan prepared by Assembly Democrats.

KATHY STEINLE, GEOGRAPHIC INFORMATION SYSTEMS (GIS) MANAGER, LEGISLATIVE COUNSEL BUREAU:

Thank you. We are just going to go through a series of maps. We will look at a statewide view. We will look at a western Nevada view and a Clark County Las Vegas area view. I'm just going to briefly describe the districts and what they look like. You may get a closer view on NELIS, if that helps. This is the statewide view of the Assembly Democrat's plan. You can see that the rural District 33 has Elko, Eureka, part of Lincoln and White Pine Counties. District 35 has part of Churchill, part of Lyon, and part of Storey Counties. District 36 has parts of Clark, Lincoln, and Nye Counties. District 38 has part of Churchill, part of Douglas, Esmeralda, Humboldt, Lander, part of Lyon, Mineral, and parts of Nye and Pershing Counties. The next map you see here is of the western Nevada area and the inset map gives you a reference of the area you are looking at, mostly the Reno-Sparks area. In this area, you see Districts 24, 25, 27, and 30, 31, and 32 are wholly contained within Washoe County. The final map for this Assembly plan, shows the Las Vegas area. Districts 1 through 23 are wholly contained within Clark County. Districts 28, 29, 34, 37, 39, 41, and 42 are also wholly contained within Clark County. There are a few districts that dip down in from some of the northern counties. District 36 is one of those that I mentioned earlier. That's the only one that dips down. After the conclusion of the maps, Michael will go through some of the population figures which are also on NELIS in tables.

MICHAEL STEWART:

Thank you. The next thing on your NELIS, and I believe you also have hard copies for better view, is the population report for this particular plan. As you know, when we redistrict the goal is to try and achieve as equal a population as possible. The ideal population for this round of redistricting for the Assembly is 64,299. On this particular plan the largest positive deviation is 0.75 percent for District 33, and 0.88 is the largest negative deviation in District 35, so the overall range of deviation, positive and negative, is 1.62 percent.

The next important factor, I think, is on this next chart as it relates to ethnic and racial data. Looking first at the far right–hand column is the Hispanic–Latino. I would note that the district with the highest rate of Hispanic–Latino is District 28, at 73.17 percent, followed by District 11 at 71.22 percent, and District 19 at 53.28 percent. Now, as you can see, there are also four other districts with a Hispanic population of over 40 percent; that would be Districts 6, 12, 14, and 15. You will also see on that same chart with regard to Black African–American populations, there are several districts, actually three districts, with over 20 percent. In fact, one is over 30 percent, and that is District 7, at 31.02 percent Black African–American. In District 6, the Black African–American population in this plan is 26.13 percent; in District 17, 22.30 percent. I would note also with the Asian population, if you look in the center of this table, there is one district, number 39, with 26.63 percent Asian, and District 8 at 20.75 percent. So, those are kind of the key population statistics that might be of interest to you as it relates to the standard deviations and also the ethnic and minority breakdowns.

The third page is–we didn't highlight any specifics here, but this is the voting age population. It's on NELIS. I will turn it over to Kathy, again, to discuss the plan that was graded and submitted by the Senate Republicans.

KATHY STEINLE:

For the record, Kathy Steinle. We are going to look at the same three basic views for the Assembly Republican Plan. We are going to look at a statewide western area and the Las Vegas, Clark County area. So, looking at the map, you can see District 16 has Elko, parts of Eureka, Lander, Lincoln, and Nye Counties, and all of White Pine County. District 17 has parts of Carson City, Churchill, Lyon, Storey, and Washoe Counties. District 18, on the top left, has all of Humboldt, part of Lander, all of Pershing, and part of Washoe Counties. District 22, more in the center of the map, has part of Churchill, all of Douglas, Esmeralda, parts of Eureka, Lander, Lyon, Nye Counties, and all of Mineral County. District 23 picks up a few other counties and has parts of Carson City, Lyon, Storey, and Washoe Counties. Down at the bottom in the rural area still, District 24 has parts of Clark, Lincoln, and Nye Counties. Now, looking in the Washoe County Reno–Sparks area, you can see District 6 is wholly contained in Washoe County, along with Districts 15, 19, 20, and 21. Then, Districts 14 and 18 dip into Washoe County as well, along with District 23. Looking at the Las Vegas area view in Clark County, we have Districts 1 through 5, Districts 7 through 13 and 15, and Districts 25 through 42 are all contained within Clark County. District 24 has part of Clark County. The rest are wholly contained.

MICHAEL STEWART:

Turning to the statistical information on this particular plan, you can see it there on NELIS, all on one page. I would note that the District numbers on this particular page do not necessarily correlate with the current districts and members, so I wanted to clarify that. Again, for the ideal population, we are looking at 64,299 with the largest positive deviation in District 40 of plus 0.47 percent and also the same negative deviation of minus 0.47 percent in District 18. Looking at some data relating to race and ethnicity the Hispanic–Latino population, District 4 is shown as the highest Hispanic population at 59.2 percent, and District 3 at 58.3 percent, and District 9 at 58.1 percent. There are over eight Hispanic districts over 50 percent. So, we also have this in District 2, 5, Washoe District 6, 7, and 8. This particular chart also shows Hispanic voting–age population. Of those on this chart, seven of these districts are over 50 percent in the Hispanic voting–age population as well. The data also includes Black African American voting-age population. The notable district here is the first one on the page, District 1 at 37.8 percent. I think that covers that particular one. Next, Kathy will review the Republican Congressional Plan.

KATHY STEINLE:

Again, we're going to do the same three views. We have the statewide, western, and Clark. This one because there are only four districts, it's a little easier to see where those are going. District 1 and 4 are the ones in Clark County. District 2 has all of Carson City, Churchill, Elko, Eureka, Humboldt, Lander, Pershing, Storey, Washoe, White Pine Counties, and parts of Douglas and Lyon Counties. The northern district you see on the map. District 3, the one just below District 2, has parts of Clark, Douglas, Lyon Counties, all of Esmeralda, Lincoln, Mineral and Nye Counties. Here is the Las Vegas Clark County view, and you can see District 1 and 4 are wholly contained within Clark County. District 3, the part that dips down into Clark County, surrounds those two districts. Here is a closer view of the two northern Districts 2 and 3. Michael will cover some of the numbers.

MICHAEL STEWART:

In the final slide is the data set for the Republican Congressional Plan. I would point out that for the redistricting for the congressional districts this session is 675,138 for the ideal population. You can see that the largest positive deviation is zero, and the largest negative

deviation is one, so it's basically one. The total Hispanic–there is one in congressional District 4; one Hispanic majority district at 50.7 percent. That same District also has Black African American voting age population of 14.2 percent. You can see the other data there as it relates to the other districts. I think with that we have covered everything and will turn it back to the chair.

CHAIR OCEGUERA:
Certainly, any clarifying questions for the nonpartisan staff. I have one question, really quickly, I noticed on the Democratic maps you have streets and one the Republican maps you don't. So, if I go to the public works station I'll be able to see streets or not?

KATHY STEINLE:
Mr. Speaker, we have not been given the Republican electronic maps, yet. However, they will all be made available on the website through NELIS and the redistricting webpage.

CHAIR OCEGUERA:
Mr. Goicoechea, when do you think we will have that data where you could look specifically?

ASSEMBLYMAN GOICOECHEA:
You're asking the wrong person. I'm sorry, I know it has to be available; we are looking forward to seeing the streets laid into this also.

CHAIR OCEGUERA:
Should I ask the Senate? They're all upstairs. Sorry, I couldn't resist. Are there other questions from the Committee?

KATHY STEINLE:
I also wanted to make sure that everyone knew, speaking of the public work sessions, that they're available and wanted to plug our website one more time and say that it will have all these maps available to anybody who wants any further detail. Also, immediately following the Senate Committee of the Whole, we will be going upstairs and posting all three of the maps you've seen plus the two Senate maps we'll be presenting over in the Senate. So, you'll be able to see the maps and all the tables in very large format so you get a lot more detail. Thank you.

CHAIR OCEGUERA:
Thank you, Ms. Steinle. Questions from the Committee? Alright, seeing none, Mr. Conklin.

On motion of Assemblyman Conklin, the committee did rise and report back to the Assembly.

ASSEMBLY IN SESSION

At 5:35 p.m.
Mr. Speaker presiding.
Quorum present.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Senate Bill No. 86.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Aizley, the privilege of the floor of the Assembly Chamber for this day was extended to Denise Larsen.

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Judie Fisher, Brigette Piel, and Hayden Piel.

On request of Assemblyman Atkinson, the privilege of the floor of the Assembly Chamber for this day was extended to Lona Domenici, Andrew Diss, Diane O'Flynn, Earlene Miller, and Sally Stoner.

On request of Assemblywoman Benitez-Thompson, the privilege of the floor of the Assembly Chamber for this day was extended to Dennis Roy, Susan Flemming, Teresa Williams, and Jenene Boardman.

On request of Assemblyman Bobzien, the privilege of the floor of the Assembly Chamber for this day was extended to Ashley Massey, Taylor Anderson, Sharon McCallen, and Gianna Shirk.

On request of Assemblyman Brooks, the privilege of the floor of the Assembly Chamber for this day was extended to Karen Fox.

On request of Assemblywoman Bustamante Adams, the privilege of the floor of the Assembly Chamber for this day was extended to Sylvia Brown.

On request of Assemblywoman Carlton, the privilege of the floor of the Assembly Chamber for this day was extended to Mary Lee and Judy Coolbaugh.

On request of Assemblyman Carrillo, the privilege of the floor of the Assembly Chamber for this day was extended to Cinthia Zermeno, Jolene Chanlon, and Genevieve Embry.

On request of Assemblyman Conklin, the privilege of the floor of the Assembly Chamber for this day was extended to Alicia Taylor Sisneros and Anthony Sibley.

On request of Assemblyman Daly, the privilege of the floor of the Assembly Chamber for this day was extended to Laureen Garcia.

On request of Assemblywoman Diaz, the privilege of the floor of the Assembly Chamber for this day was extended to Sylvia Dominguez Curry.

On request of Assemblywoman Dondero Loop, the privilege of the floor of the Assembly Chamber for this day was extended to Mistia Zuckerman, Janel Davis, and Jordan Neubauer.

On request of Assemblyman Ellison, the privilege of the floor of the Assembly Chamber for this day was extended to Deanna Lazovich.

On request of Assemblywoman Flores, the privilege of the floor of the Assembly Chamber for this day was extended to Beatriz Martinez.

On request of Assemblyman Frierson, the privilege of the floor of the Assembly Chamber for this day was extended to Lisa Gardner, Kristy Pearson, and Joy Hanssen.

On request of Assemblyman Goicoechea, the privilege of the floor of the Assembly Chamber for this day was extended to Toshi McIntosh and the following students and chaperones from West End Elementary School: Damarius Allen, Macie Anderson, Brady Blundell, Danyelle Braden, Lisette Camacho, Jacob Cates, Darby Cecil, Kyler Christensen, Megan Crosby, Hannah Evans, Leelah Friberg, Dawson Frost, Shelby Hickox, Joshua Housel, Thomas Jamieson, Clark Johnson, Blake Malkovich, Sean McCormick, Nesly Robles, Kamryn Rutledge, Leila San Agustin, Guy Schortgen, Cody Sponsler, Gustavo Torres, Julia Widemann, Skyler Word, Mary Grace Young, Jordan Beyer, Leighton Beyer, Sharon Caffero, Britney Davis, Christopher DenBleyker, Emily Evett, Skye Farmer, Hayden Fulk, Myles Getto, Wynter Gilbert, Jared Harmon, Maddilyn Hill, Giuliana Hofheins, Kaitlyn Hunter, Sterling Lee, Luis Leef, Austin Lunderstadt, Devin Lyons, Allison Marrujo, Morgan McAlexander, Garrett McKnight, Mark Moyle, Leilani Otuafi, Chloe Overlie, Carmen Trinidad, Brylynn Vallejos, Tyler Word, Aya Armbruster, Dalton Boice, Ashley Briggs, Trevor Brown, Chelsea Clevenger, Destinee DePaulis, John Michael Frandsen, Ellie Gehman, Sierra Hickox, Dylan Holmes, Nate Hutchings, Jacob Jones, Fearghus Keitz, Tylor Logue, Trent Marker, Becca McKnight, Jordan Medrano, Josh Mikulak, Julian Plasencio, Samantha Portillo, Brynlee Shults, Nathan Thompson, Maycee Wadsworth, Kurtis Ward, Lizzie Williams, Sean Wood, AJ Wood, Julie Stockard, Shannon Matheson, Natalie Lane, Kelly Frost, Shanta Sponsler, Yolanda Kaster, Shannon Davis, Kristi Lunderstadt, Teresa Gehman, Chris Medrano, and Denise Marker.

On request of Assemblyman Grady, the privilege of the floor of the Assembly Chamber for this day was extended to Mary Bean and Benita Owens.

On request of Assemblyman Hambrick, the privilege of the floor of the Assembly Chamber for this day was extended to Sheree Rosevear, Noreen Albers, and Dusti Gilbert.

On request of Assemblyman Hammond, the privilege of the floor of the Assembly Chamber for this day was extended to Leslie Mayville, Amber Little, Lori Millard-Streeter, and Lorena Tello.

On request of Assemblyman Hansen, the privilege of the floor of the Assembly Chamber for this day was extended to Cindy Southerland.

On request of Assemblyman Hardy, the privilege of the floor of the Assembly Chamber for this day was extended to Nancy Tatum and Anthony Ribaudo.

On request of Assemblyman Hickey, the privilege of the floor of the Assembly Chamber for this day was extended to Mary Merry, Joseph Arrascada, Betsabeth Arrascada, Matt Zier, John Aramini, Maxine Cook, Ron Parraguirre, Peter Breen, Sabrina Arrascada, Elena Aramini, Angelo Aramini, Amaya Aramini, Bill Raggio, Dale Raggio, Mary Ellen Arrascada, John Arrascada, Ellen Arrascada, Mimi Premo and Christine Aramini; and the following students and chaperones from Brookfield School: Rahul Bagchi, Asa Bizar, Clay Bollesen, Jacob Colombo, Noah Conkey, Justin Demirtas, Justin Friedlander, Jackson Fyda, Matthew Goecker, Dylan Gosal, Natasha Hallerbach, Kevin Jin, Knight Karadanis, Zoa Katok, Emilee Keppelmann, Michael Kerr, Griffin Kutler Dodd, Jack Landree, Rachel Lillaney, Flynn Lundeen, Kaetochi Okpukpara, Harrison Paas, Dalton Plummer, Michael Rowley, Madison Tayler, Biance Valdespin, and Adelane Weinert.

On request of Assemblyman Hogan, the privilege of the floor of the Assembly Chamber for this day was extended to Linda Waters.

On request of Assemblyman Horne, the privilege of the floor of the Assembly Chamber for this day was extended to Nancy Davis, Karyn Werner, Jean G. Bennett, Lenore Carfora-Nye, Jeff Eck, Julie Kellen, Laurel Armbrust, Nicole Bailey, Danielle Barraza, and Kelsey Stegall.

On request of Assemblywoman Kirkpatrick, the privilege of the floor of the Assembly Chamber for this day was extended to Carolyn Maynick, Cynthia Carter, Rebecca Richman, Jenny McMenomy, Cheryl Williams, Mary Garcia, and Allen Helms.

On request of Assemblyman Kirner, the privilege of the floor of the Assembly Chamber for this day was extended to Linda Law.

On request of Assemblyman Kite, the privilege of the floor of the Assembly Chamber for this day was extended to Blayne Osborn, Jim Perry, and Robert Schultz, Jr.

On request of Assemblyman Livermore, the privilege of the floor of the Assembly Chamber for this day was extended to Millie Jorgenson.

On request of Assemblywoman Mastroluca, the privilege of the floor of the Assembly Chamber for this day was extended to Harle Glover, Mitzi Nelson, Linda Whimple, and Olivia Lloyd.

On request of Assemblyman McArthur, the privilege of the floor of the Assembly Chamber for this day was extended to Jennifer Scaffidi.

On request of Assemblyman Munford, the privilege of the floor of the Assembly Chamber for this day was extended to Pat Manning.

On request of Assemblywoman Neal, the privilege of the floor of the Assembly Chamber for this day was extended to Jackie Valley.

On request of Assemblyman Oceguera, the privilege of the floor of the Assembly Chamber for this day was extended to Leslie Danihel, Marge Griffin, Jasmine Shackley, Kathy Alden, Jordan Davis, Victoria (Torry) Hinder, Diane Hudson, Verdene Johnson, David Moore, Larry Peri, Marcy Peterson, Elizabeth Saenz, June Bennett, Deanna Kierstead, Sherwood Howard, Crystina Coats, Riley Sutton, Matt Walker, Brittany Shipp, Elaine Irvine, Pamela Sharp, Shane Chesney, Kimberly Okezie, Vicki Beavers, Molly Collins, Taylor Collins, and the following parents and children of the Attorney General's staff: Kyle Kandt, Lauren Winne, Karla Coffman, Kayla Irvine, Madison Hurin, Jacob Hurin, Lexi Chesney, Nathan Turner, Isabella Wilson, Suzannah Canderly, Taylor Collins, Laureiann Rogers, Guy Rogers, Wyatt Rogers, Tonya Fred, Shaun Willis, Reggie Willis, Jordan Warren, Taleah Jenkins, Miranda Glahn, Joseph Glahn, Ailleen Roman-Garcia, Herman Roman-Garcia, Lupe Roman-Garcia, Trystin Dennis, Brett Kandt, Don Winne, Alice Coffman, Tom Irvine, Melissa Mendoza, Shane Chesney, Kimberly Ozezie, Vicki Beavers, Molly Collins, Lawanda Fred, Crystal Willis, Rebekah Jenkins, Sarah Bradley, and Ros Hopper,

On request of Assemblywoman Pierce, the privilege of the floor of the Assembly Chamber for this day was extended to Janet Stokes.

On request of Assemblyman Segerblom, the privilege of the floor of the Assembly Chamber for this day was extended to Adrian Viesca, Terry Horgan, Derek Travis, Ravi Chanderraj, and Michael Smith.

On request of Assemblyman Sherwood, the privilege of the floor of the Assembly Chamber for this day was extended to Mark Sprinkle.

On request of Assemblywoman Smith, the privilege of the floor of the Assembly Chamber for this day was extended to Anne Bowen, Jordan Butler, Connie Davis, Tenna Herman, Sherie Silva, Carol Thomsen, Janice Wright, Cynthia Wyett, Joyce Hess, Amy Henderson, Gavin Henderson, Patti Adams, and Ted Zuend.

On request of Assemblyman Stewart, the privilege of the floor of the Assembly Chamber for this day was extended to Sara Menke, Debra Gorov, and Kate Schnoor.

On request of Assemblywoman Woodbury, the privilege of the floor of the Assembly Chamber for this day was extended to Swati Singh.

Assemblyman Conklin moved that the Assembly adjourn until Friday, April 29, 2011, at 11 a.m.

Motion carried.

Assembly adjourned at 5:35 p.m.

Approved: JOHN OCEGUERA
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE EIGHTY-SECOND DAY

CARSON CITY (Friday), April 29, 2011

Assembly called to order at 11:09 a.m.
Mr. Speaker presiding.
Roll called.
All present except Assemblymen Atkinson and Pierce, who were excused.
Prayer by the Chaplain, Pastor Albert Tilstra.

Another week is ending. As we are getting nearer to the deadlines that have been set, we can so easily become frustrated and upset with ourselves and with our fellow legislators. Forgive us for doing the things that make us uncomfortable and guilty when we pray.

We say we believe in God, yet we doubt God's promises.

We say that in God we trust, yet we worry and try to manage our own affairs.

We say that we love You, and yet we do not obey You.

We believe that You have the answers to all our problems, and yet we do not consult You.

Forgive us Lord, for our lack of faith and willful pride that ignores the way, the truth, and the life. Reach down and change the gears within us that we may go forward with You.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Conklin moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.
Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Ways and Means, to which were referred Assembly Bills Nos. 480, 498, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

DEBBIE SMITH, *Chair*

Assemblyman Conklin moved that the Assembly recess until 2:45 p.m.
Motion carried.

Assembly in recess at 11:19 a.m.

ASSEMBLY IN SESSION

At 2:54 p.m.
Mr. Speaker presiding.
Quorum present.

Assemblyman Conklin moved that the Assembly resolve itself into a Committee of the Whole for the purpose of a work session on Governor Sandoval's budget proposal for Health and Human Services, with Assemblyman Oceguera acting as Chair of the Committee of the Whole.

Motion carried.

IN COMMITTEE OF THE WHOLE

Chairman Oceguera presiding.

Quorum present.

Governor Sandoval's budget proposal for Health and Human Services considered.

CHAIR JOHN OCEGUERA:

I do not think I need to go over the particulars again. This will be just similar to the Committees of the Whole that we have done in the past. We will start by recognizing Mr. Combs.

RICK COMBS, ASSEMBLY FISCAL ANALYST, FISCAL ANALYSIS DIVISION, LEGISLATIVE COUNSEL BUREAU:

I have with me Mike Chapman, Principal Deputy Fiscal Analyst for the Assembly. Today, we have been asked to go through with you our document on the Department of Health and Human Services (DHHS) and the Governor's recommendations for the budgets of the Department. The report (Exhibit C) that is included in the Nevada Electronic Legislative Information System (NELIS) provides a real high-level review of the major recommendations included in the Governor's budget. The report also includes some information that was obtained by the money committees during their hearings on the budget. As I go through, I will try to reference some of the budget amendments that we received from the Governor's Office on Wednesday morning that affect a number of these accounts. I will just go through by each particular division, and then Mike will jump in on the Division of Mental Health and Developmental Services (MHDS) stuff that he is much more knowledgeable about than I am.

The first agency is the Director's Office. The Family-to-Family program: the Governor recommends eliminating funding for Family-to-Family in the amount of about $2.5 million for the biennium and then using approximately $940,000 of that to restore some funding for the Differential Response program and the Family Resource Centers that are funded in the Director's Office as well. The Family-to-Family program currently supports families of infants and toddlers by providing parenting classes, information, health, nutrition, and also infant cardiopulmonary resuscitation (CPR) classes and support to new parents. This program was created to try to provide a more proactive approach to prevent child abuse and neglect. Although the money committees have approved the Governor's recommendation to eliminate the funding for the program, the committees placed restoration of the Family-to-Family program on a potential add-back list if additional funds should become available during the biennium. On Wednesday we did receive a budget amendment from the Governor's Office adding back approximately $96,000 in each year of the biennium. That money is added back to the Family Resource Centers in the rural areas, including rural Clark County, to fill gaps created by the elimination of the Family-to-Family program; although the money is being added back, it is not specifically being added back for the Family-to-Family programs but to the Family Resource Centers to fill in some of the gaps that will be left when the Family-to-Family program is no longer available.

The next area in the Director's Office is the Indigent Supplemental Account. The Governor's recommended budget includes transferring approximately $19.6 million in the first year and $19.8 million in the second year to the State General Fund. These revenues in the Indigent Supplemental Account are property tax revenues that are collected for hospital expenses related to the treatment of indigent persons who are involved in automobile accidents as well as to assist counties in catastrophic indigent hospital bills for those people who are unable to pay for themselves. This is a continuation of a budget reduction measure that has been in place for the past three fiscal years, and over that three-year period, approximately $112.6 million in property tax proceeds have been redirected to the General Fund.

That is it for the Director's Office. In the Aging and Disability Services Division, the Senior Citizens' Property Tax Assistance program is recommended to be eliminated in the Governor's budget. This would result in a General Fund savings of approximately $5.7 million in each year of the upcoming biennium. The program offers tax refunds to both homeowners and renters who qualify. During the current fiscal year, there were approximately 16,600 refunds with an average refund of $267.

The Elder Protective Services area, the Governor recommends billing the costs for performing elder protective services for a General Fund savings of $1 million in the first year and $1.2 million roughly in the second. Those costs include funding to add 15 new social worker positions over the biennium to try to reduce the caseload to 40 cases per social worker for these Elder Protective Services cases. The budget amendments that were submitted on Wednesday morning added back General Funds of approximately $2.25 million to fund this at the state level again; although the Governor's original budget recommendation was to have the counties pay for this service, the budget amendment that was submitted on Wednesday recommends adding the General Funds back.

The next area is the use of tobacco settlement funds in place of General Funds to other programs that are administered by the Aging and Disability Services Division: the Traumatic Brain Injury program and the Autism program. Basically, it replaces the General Funds with tobacco settlement funds in fiscal year (FY) 2012-13 that would have gone to the Trust Fund for Public Health under current law. That is a trust fund that has been tapped in this climate of budget reductions—I think for the past three years as well—to make up for General Fund revenue shortfalls.

In the Division of Health Care Financing and Policy on page 2 of our document, you will see a table that sets forth the Medicaid program and Nevada Check Up program rate reductions that were included in the Governor's recommended budget for the upcoming biennium. These rate reductions result in General Fund savings of approximately $25.2 million in the first year of the biennium and approximately $24.4 million in the second year. The rate reductions include reductions for dental services, durable medical equipment, and disposable medical supplies at a 25 percent rate reduction. As you will see on the table on page 2, there are a number of different services that are subject to a 15 percent rate reduction, including outpatient hospitals, home and community-based services for the frail and elderly, and laboratory, pathology, clinical, and radiology services. Inpatient hospitals, inpatient psychiatric facilities, and specialty inpatient hospitals will be subject to a 5 percent rate reduction. Skilled Nursing Facilities and hospice services provided by Skilled Nursing Facilities would be subject to a $20 per bed-day rate reduction. In the budget amendments that were sent over on Wednesday, $5 of that $20 rate reduction was added back, so the Governor's revised recommendation would be for a $15 per bed day reduction in the Skilled Nursing Facilities rate.

The Governor's recommended budget includes the elimination of nonmedical vision services for adults ages 21 years and older. This would result in a General Fund savings of $1.8 million over the biennium. The Governor's recommendation also recommends transferring financial responsibility for a portion of the Medical Aid for the Aged, Blind and Disabled institutional and waiver population to the County Match program. This would result in a General Fund savings of approximately $37.2 million over the biennium with a corresponding additional cost to the

counties from that transfer. Currently, the counties are only responsible for paying the state's share of costs for Medicaid clients in institutional care when their income falls between 156 percent and 300 percent of the federal benefit rate for Supplemental Security Income. The counties do not currently have any responsibility for the waiver recipients.

The budget amendments that were sent over on Wednesday appear to cap the county match at the total amount generated by the 8-cent ad valorem property tax rate for indigent care in the counties. This would appear to, at least on a projected basis, provide some relief to the counties from the amount that this original recommendation would have impacted them. The list of counties, I believe from looking at the amendment, that would receive a benefit from this add-back would be Carson, Lincoln, Lyon, Mineral, Nye, Pershing, and White Pine Counties.

The Health Insurance Flexibility and Accountability (HIFA) Waiver program is recommended to be eliminated in the Governor's recommended budget for a General Fund savings of approximately $142,000 in the first year and $223,000 in the second year. The HIFA Waiver program covered two groups of people: one was pregnant women with income levels between 133 percent and 185 percent of the federal poverty level; the program also provided a premium subsidy of $100 per person per month for employees and spouses who work for small employers and who had household incomes that were less than 200 percent of the federal poverty level. The reason for the elimination of the HIFA Waiver program really is based on federal law. The Children's Health Insurance Program Reauthorization Act of 2009 basically resulted in the elimination of coverage for this group of adults.

The next thing in the Medicaid and Check Up budgets are mandatory rate increases that were included in the Governor's recommended budget. The Governor recommended General Fund support of approximately $3.6 million in the first year and $5.7 million in the second year for mandatory rate increases for free standing hospice services, Federally Qualified Health Centers and Rural Health Clinics, Indian Health Services, capitation rates for managed care, and inflation for pharmacy rates for the Check Up program only.

The Governor's budget also included approximately $102.5 million in the first year and $120.8 million in General Fund in the second year for projected caseload increases in the Medicaid program. In the Governor's budget as originally submitted, those caseloads were projected to increase by approximately 23.1 percent in FY 2011-12 as compared to the actual year of FY 2009-10, and then an additional 4.1 percent increase in FY 2012-13 over FY 2011-12.

In the Check Up program, the General Fund support was recommended to increase by $261,000 roughly in the first year and $656,000 roughly in the second for caseload growth as well. This was based on projected increases of 2.3 percent roughly in the first year and 4.0 percent in the second when compared to the previous year.

The next item is the fact that the Governor recommended replacing Federal Medical Assistance Percentage (FMAP) funds. Basically, the enhanced FMAP that was provided under the American Recovery and Reinvestment Act of 2009 (ARRA) ends at the end of this biennium, so there was a need to add back General Funds to replace those lost federal funds that were available only on a temporary basis. The Executive Budget projected the Federal Medical Assistance Percentage rate—that is, the percentage of the program that is paid for by the feds—to decrease from 63.93 percent in FY 2009-10 to 55.05 percent in FY 2011-12 and then increasing slightly again to 57.66 percent in FY 2012-13.

Typically, the Division of Health Care Financing and Policy, as well as the Division of Welfare and Supportive Services, work to rerun caseloads, the cost per eligible for the various caseloads, as well as the FMAP percentages based on updated information that we typically receive from the *Federal Funds Information for States* (FFIS) at this time in the biennium. Based on those reruns of the projection model, based on that updated information, there were decreases in the caseload projections, increases in some of the cost per eligibles, and those resulted in a net overall decrease from the amounts included in The Executive Budget. In the table on the bottom of page 3 of our presentation, you will see what the latest caseload

projections are for both Medicaid and for the Check Up program. You will see that the increase from FY 2010-11 projected to FY 2011-12 as amended is now approximately 6 percent in the Medicaid program, and then from FY 2011-12 to FY 2012-13, an additional 3.7 percent. For Check Up, it is a decrease, actually, from the FY 2010-11 projected level of 21,550 to 20,977, and then a slight uptick in the second year of the biennium of about 1.3 percent in caseload for the Check Up program. Additionally, the FMAP rate—I had indicated that it was budgeted in the original Governor's submittal at 57.66 percent. That would be, again, the federal government's portion of the program. Based on the additional information we received from *Federal Funds Information for States*, that amount has been increased to 59.26 percent for FY 2012-13. On April 22, the Budget Division submitted several budget amendments based on these revised projections for Medicaid and Check Up as well as the revised Federal Medical Assistance Percentage projections. Those modifications resulted in a General Fund reduction of approximately $52.9 million over the biennium.

Moving on to the Health Division, the Governor has recommended billing the counties for several services provided by or funded by the Health Division. The first is General Funds of approximately $595,000 in the first year and $587,000 in the second year for inspection and permitting in the Consumer Health Protection account. These inspections are primarily of food establishments. The Governor's recommendation is to charge the counties in which those establishments are located for the cost of those inspections.

The Governor also recommended billing counties for Emergency Medical Services licensure and training services. This would have resulted in a General Fund savings of approximately $753,000 in the first year and $756,000 in the second year. This particular charge to the counties is added back in the budget amendments that were submitted by the Budget office on Wednesday; the Governor's latest proposal now is not to charge these costs to the county but to maintain that as a state-funded expenditure.

The Governor recommended elimination of about $625,000 in each year of the upcoming biennium for tuberculosis and sexually transmitted disease program spending. The majority of the state funding is expended on medical treatment costs for tuberculosis.

The next agency is the Division of Welfare and Supportive Services. The Governor recommends $1 million in the first year and approximately $13.9 million in the second year for the development of an Eligibility Engine system that will determine eligibility for publically subsidized health care programs offered by the Department. The entire cost of $1 million in the first year will be funded with federal funds, and approximately $13.4 million of the total $13.9 million costs in the second year will be funded with federal funds, so the General Fund makes up approximately $595,000 of the total cost of the project. The addition of the eligibility system is necessary due to the Affordable Care Act. It is a key component in the Health Insurance Exchange program, and it needs to be able to integrate as well with the Division of Health Care Financing and Policy and the Division of Welfare and Supportive Services programs. The basic goal of this is to be able to store all of the eligibility rules for the state's publically subsidized health coverage programs in one place so that it can be accessed by individuals who are shopping for health coverage from various sources.

The next issue in Welfare and Supportive Services are the Temporary Assistance for Needy Families (TANF) reserve levels. The latest projections of the TANF reserve result in a negative reserve balance in the second year of the upcoming biennium based on the expenditures that are recommended in the budget. The Temporary Assistance for Needy Families funds are a block grant received from the federal government. We are basically allotted a certain amount of money, and that is what the program has to live within. There was a recent notification that the federal TANF Contingency Grant will be reduced by approximately $3.4 million in FY 2011-12, and there were also the revised TANF cash assistance projections that were updated recently. Those two things have resulted in the projected negative ending reserve balance of $2.5 million.

The Department's proposed solution to the negative $2.5 million reserve is to include approximately $2.5 million in Contingency Grant funds as a projection for FY 2012-13. The

Division has not received formal notice that it will receive these funds, so that may result in there being some risk, but as I understand it, the Division has received some at least positive statements from the federal level that these amounts will be available in the second year of the biennium. That is their proposal to try to address the negative cash reserve. I guess their argument would be that if you include those funds, there is no negative cash reserve at the end of the biennium. If those funds ultimately did not become available, there would be a need to implement reductions to the TANF program expenditures including possible reductions in TANF cash assistance grants in the second year of the biennium.

Due to the declining TANF reserve and the fact that the expenditures in the TANF program exceed the revenues that will be provided by the feds in both years of the biennium, there are reductions included in the Governor's recommended budget totaling about $12.4 million in the first year of the biennium and approximately $12.8 million in the second. These reductions are listed there for you under, I believe, five bullet points on page 5 of our document:

- The first one is to reduce the rate for kinship care payments from the current average level of $894 to the non-needy caretaker rate of $427. These are children that typically live with a grandparent or another close relative that receive these payments for taking care of those children. One of the budget amendments that was submitted on Wednesday restores the rate to 75 percent of the current level. By my calculation, that is about $670 or $671 instead of the reduction down to $427.

- The Governor's recommended budget as originally submitted eliminated the TANF loan program. This program provides monthly financial payments that are used by families to meet needs for food and shelter and clothing until an anticipated future source of revenue becomes available for that family. The recommendation in the Governor's budget reduced TANF expenditures by approximately $2 million in the first year of the biennium and $2.3 million in he second year. Again, the budget amendments that were submitted on Wednesday restore, I believe, it is approximately 75 percent of the funding for the TANF loan program, which I believe will enable them to serve a larger number of families through the loan program than would have been provided if they had gone with the original Governor's recommendation. Of course, remembering that the ultimate decision whether to add this back is up to the Legislature, but the Governor's proposal would be to restore about 75 percent of the reduction to the TANF loan program.

- The next bulleted item is a reduction in the TANF funding provided to socialservice subcontractors. In the Governor's recommended budget, it is a 50 percent reduction. It decreases TANF expenditures by approximately $700,000 in each year of the biennium. The subcontractors provide social service benefits to TANF recipients with either substance abuse problems or domestic violence issues. This recommendation would reduce by approximately one-half the number of clients served under the program.

- The next bullet point indicates that all transfers to other state programs within DHHS funded by TANF would basically be

eliminated during the upcoming biennium. Back when the economy was doing well and there were not as many TANF participants, there were more TANF funds than were required to support the TANF program, so some of those funds were used to enhance Title XX Social Services Block Grant funds in the other agency budgets. Because of the increased caseload in the reduction in the TANF reserve, those transfers are now no longer available for use in other DHHS programs.

- The final bullet point there indicates that the Governor's recommendation eliminates transfers of TANF funds also to the county child protection programs in both Clark and Washoe Counties. These transfers total approximately $817,000 in each year of the biennium.

The Governor's original budget recommendation included General Fund appropriations of approximately $10 million over the biennium to implement the Silver State Works program. This was an initiative of the Governor's to increase employment outcomes for the state's TANF population. The program would be a collaborative effort between the Department of Employment, Training and Rehabilitation (DETR) and the Division of Welfare and Supportive Services in an attempt to expand the total number of jobs in the state. The entire $10 million under the Governor's proposal was to be used to reimburse employers for the costs associated with providing employment for TANF and TANF at-risk clients. If I am remembering correctly, I believe the amount of money that was redirected in the Department of Employment, Training and Rehabilitation budgets was approximately $9 million over the biennium. I am not entirely sure that the information on the top of page 6, as we prepared it, is accurate anymore given the reduction that came over in the budget amendment on Wednesday. As I indicated, the original amount recommended by the Governor for this program was $10 million in General Funds, and that amount in the budget amendments that came over on Wednesday was reduced to $2 million over the biennium, $1 million in each fiscal year. Perhaps the Department later in the presentation will be able to address what changes might have been made to the Silver State Works program as a result of that reduction in funds.

Also in the Division of Welfare and Supportive Services, included in the Governor's recommendation were child support reductions. The first one was that the Governor recommends eliminating the Employment Assistance program statewide. This would reduce child support expenditures by approximately $172,000 over the biennium. There would also be a corresponding loss of federal matching funds of approximately $334,000. The Employment Assistance program provides supportive services to noncustodial parents who are either unemployed or underemployed. It has the goal of trying to increase child support collections. The Governor also recommends eliminating 10 state positions that are collocated with Clark County Child Support Enforcement in Las Vegas. The recommendation will increase the caseloads for the case managers in Clark County. Finally, the Governor recommends eliminating three positions and associated costs from the Child Support Enforcement Program account. This will reduce state-funded child support expenditures by approximately $121,000 over the biennium.

The General Funds in the Child Assistance and Development account have historically been used to match federal grants and provide funding for a portion of the TANF Block Grant maintenance-of-effort (MOE) requirement. That requirement is approximately $2.6 million per year. The Governor recommends reducing the General Funds in the account by 69 percent roughly from the amount that was included in the 2009-2011 biennium legislatively approved budget for this purpose. The $2.6 million annually is the minimum MOE level required by the federal government. The Governor also recommends utilizing certified matching funds in lieu of General Funds as the state's portion for the matching federal dollars. The certified matching

funds are qualifying expenditures from both public and private community partners; rather than the state providing it in the form of General Funds, it would be basically provided through in-kind services from public and private community partners. The recommendations will result in a monthly average of a little over 1,100 eligible children being unserved in the first year and approximately 1,500 eligible children being unserved in the second year. As I understand it, the goal would be to keep the most at-risk clients—continue their receipt of these services. That would be your New Employees of Nevada (NEON) program clients as well as other TANF at-risk clients. The families that would no longer be receiving services or waiting for services—basically they would be unserved—come from the discretionary population of the program.

At this point I am going to turn it over to Mike and let him go through the Mental Health and Developmental Services' recommendations.

MIKE CHAPMAN, PRINCIPAL DEPUTY FISCAL ANALYST, FISCAL ANALYSIS DIVISION, LEGISLATIVE COUNSEL BUREAU:

Thanks, Rick. Good afternoon, members of the Assembly. As Rick said, I will go through the Governor's more notable budget recommendations for the Division of Mental Health and Developmental Services. At the bottom of page 6, I have given you a chart that shows you the Governor's recommended funding changes compared to the funding that was approved during the 2009 Legislative Session.

Moving on to page 7, I would like to note at the top of the page that the Governor's recommendation does result in a number of positions being eliminated, approximately 175 positions, or approximately 10.2 percent of their workforce.

The first topic in the area of mental health is eliminating the state's one-third funding support for the community triage centers. One triage center is located in Clark County, and the other is located in Washoe County. The recommendation reduces General Fund support by $1.25 million each year. That is apportioned between southern Nevada in the amount of $750,000 a year with $500,000 in Washoe County. The local governments and the local hospitals in these areas combine to make up the other remaining two-thirds of the funding support for the community triage centers. These triage centers were established by the 2005 Legislature initially as a one-shot, and they were continued in the budget beginning in the 2007 Session. During work sessions that have been held during this current session, there was some discussion regarding utilizing some funding that the Governor had recommended to establish a nonemergency transport contract service to move individuals from the local hospital rooms or emergency rooms in Clark County to the mental health facilities of Southern Nevada Adult Mental Health Services. During these budget hearings and work sessions, quite a bit of discussion was held to utilize this funding, which totals almost $3 million over the biennium, and restore the state's funding support for the community triage centers. As a result of these discussions, it appears the Governor has submitted a budget amendment this week on Wednesday to restore the community triage centers and eliminate the funding for the recommended nonemergency transport services.

The next topic is the Governor's recommendation to reduce outpatient counseling services. This would reduce General Fund appropriations for these services by approximately $1 million each year and would eliminate a total of 12.5 positions. The impact would be to discontinue services for approximately 875 individuals annually in southern Nevada, 456 individuals in northern Nevada, and approximately 130 individuals in the rural portions of the state.

The next topic is the Governor's recommendation to reduce supported living arrangements. This would generate a General Fund savings of approximately $3.6 million in the first year of the biennium and $3.5 million in the second year of the biennium. The reduced funding would eliminate 272 supported living arrangement placements throughout the state: 201 of those would be in southern Nevada, 35 in northern Nevada, and the 36 placements that have been authorized for rural clinics. In addition, the Governor also recommends eliminating 54 supported living arrangements at Desert Regional Center; this is the developmental services side of the Division. Supported living arrangements provide the financial assistance for rent and

utility payments in a variety of different types of settings from group homes all the way up to very intensive one-on-one assistance. This week on Wednesday we did receive a budget amendment as Rick referenced, and the Governor's recommendation is to take some of the savings from the adjustment to the FMAP and restore the mental health placements; that is the 272 placements I spoke of initially. The amendment does not include the 54 placements for Desert Regional Center.

The next bullet, on the bottom of page 7, is the Governor's recommendation to reduce General Funds by approximately $3 million each year and replace it with reimbursements from the counties in support of the Mental Health Courts. Currently, the Mental Health Courts operate in Clark County, Washoe County, as well as a court in Carson City. The recommendation would eliminate approximately 14 positions. The funding also supports supported living arrangements, counseling, and medications for individuals that have been assigned to this program by the district courts in these counties. I want to point out here that this funding does not support the actual Court itself; it supports the services to the clients who are directed to the Court's services. I would like to point out that Senate Bill 469, on the top of page 8, has been introduced, and this would create the mechanism for the state to bill the counties for the Mental Health Court services.

The next bullet, on page 8, is the Governor's recommendation to reduce inpatient beds. This primarily affects Southern Nevada Adult Mental Health Services as well as Lakes Crossing Center in Sparks. As far as Southern Nevada Adult Mental Health Services go, the Governor's recommendation would continue the 22-bed closure that was approved by the 26th Special Session (2010). This is in building no. 3 on the southern Nevada campus. The Governor recommends an additional 22-bed reduction in building no. 3A. With these two different bed reduction recommendations, it would reduce the agency's inpatient bed capacity from 234 beds down to 190 beds. The recommendations also eliminate a total of 50.35 positions as well as related facility operating costs.

Regarding Lakes Crossing, the Governor, again, recommends two different components in this budget. The first one is eliminating 12 positions that have been held vacant during the current biennium. This was, again, done to generate General Fund savings, and this was approved by the 26th Special Session (2010). You can see the General Fund savings approximates about $700,000 each year. In addition, the Governor recommends eliminating another 9.49 positions. The impact of these position eliminations requires the agency to reduce its inpatient bed capacity from a current level of 70 beds down to 66 beds. The General Fund reductions generated from this is approximately $666,000 each year.

Moving into the developmental services portion of the agency, the first item I would like to bring out to you is the Governor's recommendation to assess the counties for services to children. The Governor's recommendation would generate General Fund savings of approximately $5.7 million in FY 2011-12 and $5.8 million in FY 2012-13. The General Fund reductions would be replaced by reimbursements from the counties where the children reside. The Governor cites *Nevada Revised Statutes* 435.010 as a basis for the recommendation which provides that the boards of county commissioners shall make provisions for the support, education, and care of children with mental retardation and related conditions, and they are empowered to make necessary contracts and agreements to carry out the provisions of these services. The table on page 8 gives you the region breakdown with the Desert Regional Center in southern Nevada, Sierra Regional Center in northern Nevada, and Rural Regional Center for the remainder of the state. The recommendation impacts a total of approximately 1,546 children. The associated cost is also displayed there. There was an error made in developing this recommendation which overstated the General Fund savings and understated the reimbursements from the counties by approximately $1 million over the biennium. The Budget office and the Governor submitted budget amendments to correct this error and essentially reduce the amount of General Fund savings.

The next area, at the bottom of page 8, deals with the Self-Directed Autism Program. This began as a pilot program during the 2005-2007 interim period by the Division, and it provides fixed monthly allotments to families who have children with the diagnoses of autism spectrum disorder. I would like to point out that you probably heard throughout the session some initiatives to consolidate some of these programs. Right now, they are in basically three different areas of the Department's programs: I believe it is EIS (Early Intervention Services) in the Health Division, the Autism Treatment Assistance program (ATAP) in the Division of Aging and Disability Services, and the third program is here in Developmental Services. The children in this program not only have the autism disorder, but they also have the mental retardation disorder; they have to have the mental retardation diagnoses in order to be served for autism services out of this program. The Governor's recommendation does eliminate not only the General Fund out of this portion of the budget in support of 61 families, it also eliminates another 113 children out of the program that have been supported with TANF funding. As Mr. Combs pointed out, the reduction in the TANF reserves and the increase in expenditures has taken the TANF funding out of the portion of this budget. I would like to point out that on Wednesday, we did receive a budget amendment to restore the General Fund that was taken out of this portion of the budget; however, the Governor recommends placing that money, which is about $828,000 in each year of the biennium, into the Division of Aging and Disability Services. I believe there is an initiative and there is some legislation that would take the autism services and place them into one program.

The next area I would like to discuss is the Family Preservation Program. This is a program that provides monthly cash assistance to low-income families who care for relatives with profound or severe mental retardation or children under six years of age who have developmental delays. This program provides a monthly assistance in an effort to keep them in their homes and, in turn, avoid more costly institutional placements. The Governor in the second year of the biennium recommended replacing $1.2 million of General Funds with transfers from the Trust Fund for Public Health; these are the tobacco settlement funds. Again, that is in the second year of the biennium.

Moving into the Substance Abuse Prevention and Treatment Agency (SAPTA), two items I am pointing out this afternoon, the first one is the Governor's recommendation to reduce funding for the Co-Occurring Disorders program. This was a program that was established during the 2007 Session to provide funding for treatment services to individuals who are codiagnosed with both mental illness and substance abuse issues. The Governor's recommendation would reduce the funding from its current level of about $1.5 million each year down to just under $500,000 each year. During the budget hearings, the agency did indicate that they would shift a number of these individuals over to treatment services that are currently funded under the federal Substance Abuse Prevention and Treatment Block Grant by moving some of these individuals over to those. That source of funding, though, would probably displace some individuals who would be eligible to receive services under the Block Grant.

The last item I would like to point out for the MHDS portion of the presentation is the Governor's recommendation to reduce funding by approximately $1.6 million each year for treatment services. This would impact the Division's ability to treat approximately 273 individuals annually. Funding was increased rather significantly during the 2007 Legislative Session in response to a growing waiting list that had been occurring throughout the state. As a result of the Governor's recommendation, the funding would be reduced from about $5.1 million at the current level down to about $3.6 million in each year of the biennium. On Wednesday the amendment package that was sent over from the Governor's Office did include the restoration of the funding of $1.6 million in each year for this; the amendment would negate the Governor's original recommendation to reduce this funding.

RICK COMBS:

Thank you. The final agency in the Department is the Division of Child and Family Services starting on page 10 of your document. The Governor recommends limiting the state's

responsibility for mental health room and board expenses to children only in the custody of the Division. This would basically say the state would no longer have responsibility for youth that are in county juvenile probation custody or in parental custody. The recommendation would reduce General Funds by approximately $2.8 million in each year of the biennium in the base budget, and then on top of that, it would provide additional savings of about $1 million in the first year and $1.4 million in the second year that would have been needed in the budget to address caseload increases. The administration's contention here is that mental health care should be the responsibility of the agency with the custody of the child. When the budget amendments arrived on Wednesday, one of the amendments was to include General Fund add-backs totaling approximately $3.5 million in each year basically to replace the base-level funding for these room-and-board expenses. The reason that the add-back totals more than the General Fund savings that were recommended in the base has to do with the fact that it also restores Title XX money that was being used in the current biennium to fund those services as well.

The next item is the Clark and Washoe County Integration and the Rural Child Welfare budgets. For Clark County and Washoe County, The Executive Budget recommends providing the state's portion of the funding in the Integration accounts in the form of a capped annual block grant instead of using the historic method of line-item expense budgets for those agencies. The Governor's recommendation would include a performance improvement plan with targets to improve the safety, permanency, and well-being for abused and neglected children. There would also be a fiscal incentive program outside of the block grant that would hope to stimulate and support improvement in certain defined areas. Under the block grant proposal, the General Fund appropriations would total $50 million in each year of the upcoming biennium; Washoe County would get $12.5 million of that, and Clark County would get $37.5 million of that. Outside of the block grant, there would be an additional $7 million, $1.75 million for Washoe County and $5.25 million for Clark County. Although there was some concern earlier in the session that this was going to result in some reductions in the General Funds for the two counties, with the recent reprojections of foster care caseloads, Medicaid reimbursements, and the adjustment to the Federal Medical Assistance Percentage rates that were discussed earlier, the Division indicates based on those factors that the Governor's recommendation will not result in reductions to the counties' funding.

For child protective services in the rural counties, the Governor had recommended that the cost for those services be allocated back to the counties. This would have generated General Fund savings of approximately $2.4 million in each year of the biennium. Obviously, the same amounts would have been the charges to the counties for those services. This, again, is one of the items that in the budget amendments that were received on Wednesday is now proposed to be added back by the Governor.

In the juvenile justice area, there are recommendations to close three housing units at Nevada Youth Training Center (NYTC) and then increase one housing unit from 20 beds to 30 beds and then changing a housing unit to an intensive supervision unit. These are the results of budget reduction measures. The closures result in the elimination of 18 existing positions and would reduce the facility from 160 beds to 110 beds.

There are three other juvenile justice budget reductions of note. The first one is $1.4 million each year that are currently provided to local jurisdictions for youth community programs, outpatient treatment, and evaluations of sex offenders. Those amounts are proposed to be eliminated in the Governor's budget. The Governor's original budget also recommended eliminating $1.4 million in each year that are currently provided to Clark and Douglas Counties for the operations of youth camps: China Spring, Aurora Pines, and Spring Mountain, if I am not mistaken. The Governor also recommended replacing General Funds totaling $6 million in each year with county funds for the support of youth parole services that are currently funded by the state. In the budget amendments that we received on Wednesday, of those three items there was

an add-back of, I believe, $1.4 million in each year for restoring the funds for the three youth camps.

In addressing the impact to the counties under the Governor's proposal, the money committees had requested alternative proposals for consideration. The Nevada Association of Juvenile Justice Administrators had recommended eliminating an additional 110 juvenile correctional beds to reinvest the savings of those bed closures that would total approximately $8.7 million in each year back into other juvenile justice programs, primarily the youth camps, and to provide continuation of mental health room-and-board payments for the children not in the Division's custody. The plan from the Association of Juvenile Justice Administrators did not recommend that youth parole services become the responsibility of the counties as well.

Just to touch base real quickly on an item that Mike [Chapman] brought up in regards to the Autism program, there are, I think, three Assembly bills that are floating around right now. I believe we either got all of them or at least a couple of them in Ways and Means currently, but it is because of their relationship to the budget that Mike talked about. Primarily, in its simplest form, what would happen is the roughly $828,000 per year that was reduced from the Mental Health and Developmental Services budget for the Self-Directed Autism program would be added to the Aging Services Division's autism program, which is called ATAP (Autism Treatment Assistance Program). In addition, $300,000 in each year would be transferred from Early Intervention Services in the Health Division. Roughly what that would do is double the amount of funding for the ATAP program in the Aging and Disability Services Division budget to $2.4 million per year as opposed to the $1.2 million that was recommended originally by the Governor.

That concludes what we had to go over with you today in terms of the various recommendations that were included for the Department of Health and Human Services. We would be glad to try and answer any questions that you might have. We brought the people that actually know the answers to those questions. They are sitting over here.

CHAIR OCEGUERA:
Thank you, Mr. Combs. Let us go to questions. Mr. Conklin.

ASSEMBLYMAN MARCUS CONKLIN:
Thank you, Mr. Chair. I have a couple of questions. I want to start on page 2 of the work session document under the Division of Health Care Financing and Policy. I am looking specifically at the Medicaid and Check Up rate reductions, Rick, and I am seeking to understand. Help me out. This is where I think I understand it: We are cutting the rate that we reimburse for services for those who are eligible under this program, correct?

RICK COMBS:
Right. It is the rate that would be paid to the provider of the service that would be reduced.

ASSEMBLYMAN CONKLIN:
Okay. You have listed this out as a General Fund savings of $49.6 million, but it is my understanding that we will also lose the match. Is that correct?

RICK COMBS:
That is correct.

ASSEMBLYMAN CONKLIN:
How much is that match? Is it dollar for dollar? Is it two for one? Three for one?

RICK COMBS:
As indicated, the Federal Medical Assistance Percentage (FMAP) for Medicaid is slightly more than 50 percent. It is getting closer and closer to 60 percent as we go throughout the biennium, so it would be a slightly larger reduction in federal funds than it is in state funds that you see here.

ASSEMBLYMAN CONKLIN:
Right, so if it were 60 percent, then I could divide $50 million by 5 and multiply it—oh, I will figure it out. It is roughly 50 percent, so we would say the actual loss of money spent is near $100 million?

RICK COMBS:
Right.

ASSEMBLYMAN CONKLIN:
At a minimum?

RICK COMBS:
Yes.

ASSEMBLYMAN CONKLIN:
I will do the ratios later. It is irrelevant.

Then on the third page, what I am trying to figure out here is the relative cut that we are actually making in the economy that these things really affect. These are direct assistance dollars. We do not keep those. They go to businesses who provide services for people, so it is a direct infusion into our economy. On page 3 under the Medicaid caseload increases, we recognize that we are adding back in General Fund support $123.3 million, but how does that relate to the price that we are paying? In other words, the $49.6 million is a cut for everybody that is currently eligible to receive that service. This is the way that I am interpreting it. Then we recognize that there is a whole bunch more who are now going to be eligible as a result of declining personal income, basically, so more people will be eligible. We are adding money for that caseload, but it also means that that caseload, the hospitals are getting paid less for that new caseload that is coming in as well.

RICK COMBS:
That is correct, Mr. Conklin. The way the budget is built is any new services that we are budgeting to occur would be at the new budgeted lower-level reimbursement rate.

ASSEMBLYMAN CONKLIN:
So these are mutually exclusive items, the $49.6 million is a reduction in reimbursements to providers—these are businesses in our state—and the $223 million over the biennium, which are new people who are eligible for the program, is also at that reduced rate. From the hospital's perspective or from a provider's perspective—whether it is a doctor, a hospital, I do not care what it is—this money is going to go into our economy, but it is going to go in at a rate that is significantly reduced and, in many cases, probably below the actual cost of providing that service.

RICK COMBS:
I am going to look to Heidi [Heidi Gansert, Chief of Staff, Office of the Governor] just to give me a nod of her head if I get this right or not, but I believe the way the budget is built, you build in a caseload at the current rate, and then you decide to reduce that rate for the services that are provided. That is going to take into account both the existing caseload and the new caseload that you are adding, and all of that is going to now be at a lower rate. I am getting a nod of yes, so I believe that is the case. The way it is budgeted, you have got the existing caseload, and you have got new caseload, and then you have got a decision unit that for both the existing and the new caseload, reduces the amount that is necessary to pay for that caseload because you are not going to pay the provider as much as you would have paid them under the current rates.

ASSEMBLYMAN CONKLIN:
Mr. Chairman, if I may, let me rephrase the question because I want to make absolutely certain that I understand this. The item on page 2 where we talk about saving $50 million for a

reduction in rate that we are reimbursing Nevada businesses, does that include the expanded caseload? Or is that just for current caseload? And the expanded caseload, which is mentioned later, does not show the reduction because it is built at the new rate?

RICK COMBS:
Heidi is indicating that I had it backwards, that either way it is in the budget at the new rate, but what Heidi is telling me is that the Maintenance (M) 200, the caseload increase, is at the lower rate as well and that the amount on the front page, the page 2 that you referenced, that that is just for the current caseload. The M200 decision unit, the $102.5 million and the $120.8 million, is at the new reduced rates as well; if you added back and increased those rates, you would have to make adjustments both to the base budget as well as to the caseload decision unit.

ASSEMBLYMAN CONKLIN:
Okay, that makes better sense to me. What that also means is from that $223 million, that is a 15 percent reduction—what it would have been had we chosen not to reduce the rate at which our hospitals are getting reimbursed, and there is a match appropriately that would have come with that.

RICK COMBS:
That is my understanding. Yes.

ASSEMBLYMAN CONKLIN:
Thank you. Thank you, Mr. Chair.

CHAIR OCEGUERA:
Thank you, Mr. Conklin. Ms. Neal.

ASSEMBLYWOMAN DINA NEAL:
Thank you, Mr. Chair. You said that under the TANF program that they were being, I guess, scaled by who was most at-risk? How does that tier look like? Break it down. Give me an example, like who is at the top? Who is at the bottom?

JEFF FERGUSON, PROGRAM ANALYST, FISCAL ANALYSIS DIVISION, LEGISLATIVE COUNSEL BUREAU:
Thank you, Mr. Chairman. The TANF NEON clients would be served. Those that are most at-risk—the federal poverty level; they are at 100 percent or lower. Those would be served. Then there is the TANF at-risk; those are those who qualify for TANF but they are currently not on TANF. Those would also be served. Discretionary are those that are beyond that. Their income level would be approximately more than 130 percent up to about 250 percent of poverty level. Those would not be served under the current plan.

ASSEMBLYWOMAN NEAL:
Thanks, Mr. Chair. The person who is at the top—let us say, I have a 16-year-old girl, pregnant, does not have any money. She is on TANF, she has Medicaid, maybe she is even a part of the Kinship [Kinship Care Program]. Is she at the top of the list? Because she is being raised by her grandmother?

JEFF FERGUSON:
To be honest, I am not sure how that would qualify whether they are a dependent, whether their parent or custodian would be also involved or not. That might be a question that the agency could answer more deeply than I can.

CHAIR OCEGUERA:
All right, well, we will have them up in a moment. Other questions? Mr. Anderson.

ASSEMBLYMAN ANDERSON:

Thank you, Mr. Chairman. I am taking a look down here at the Division of Mental Health and Developmental Services, and I am, of course, looking at a number of items that we have all went through: eliminating one-third of the funding for triage centers; reducing outpatient counseling services; living arrangements reductions; taking away subsidies or, rather, assessing counties for Mental Health Courts; and the reduction of the inpatient beds. What I am getting at is, what is going to happen to all those people that are using those services? Has there been any testimony based on that? Have there been any estimates of what will happen to the people using those services?

MIKE CHAPMAN:

There has been quite a bit of testimony during a couple of different budget hearings that we had as well as a work session. Depending on what service you are looking at, as I understand the Division's approach, they attempted to, as they called it, "cut around the fringe," trying to keep as many people in service as possible. One of their goals is, as I understand it, to try and keep as many people out of institutional care as possible, and yet, you see bed reductions. Reduced supported living arrangements is an area that is one of their main goals trying to keep people out of institutions. They have some flexibility within their budget to adjust cost—try to find a slightly better contract, try to redirect some people into other services. As far as the assessment to counties, we have heard quite a bit of testimony during the budget hearings that if the counties either choose not to pay for the service or just cannot afford the service, we have heard testimony that some of these services would probably go away. They would not be provided. Again, those people who are in the Mental Health Court, as I understand it, these are people who are being convicted of crimes, but in lieu of directing them to incarceration, they have been redirected to this program. If they continue to have issues, they could possibly end up in local or state facilities.

ASSEMBLYMAN ANDERSON:

A follow-up, Mr. Chair?

CHAIR OCEGUERA:

Mr. Anderson, I would just say that the counties have signed up to speak as well, so they will probably be able to answer those questions for you as well. But go ahead if you have another question.

ASSEMBLYMAN ANDERSON:

My follow-up is this—and I am glad you hit on that point because that was my worry and that is why I was asking this question—if they go and are incarcerated instead of going through these services, is that going to cost us more in the long run? Is that care more expensive?

MIKE CHAPMAN:

As I understand it, inpatient services, regardless if it is provided by the Division or if there are individuals that are sent to state prison or local jails, those costs are typically more expensive. My understanding of a hard bed at Nevada State Prison is something around $23,000 a year. The cost of a Mental Health Court client is something around, I believe the cost to the state of the program is something in the $40 to $50 per day range, so if you hit that with 365 days, I am sure you will come up with something less than $20,000 a year.

CHAIR OCEGUERA:

Other questions for Fiscal staff? All right, I am not seeing any. Mr. Combs, I appreciate you being here. I appreciate you bringing the whole crew. Let us have Mrs. Gansert and Mr. Willden come up now.

Good afternoon, Mr. Willden and Mrs. Gansert. Go ahead and proceed.

HEIDI GANSERT, CHIEF OF STAFF, OFFICE OF THE GOVERNOR:

Thank you, Mr. Speaker. I want to thank you for having us here together. Health and human services are very important to all Nevadans. When we put together the original budget, we very carefully crafted it and spent a lot of time going through line item by line item to make the best choices because we wanted to make sure that we funded core services. It was an iterative process. We spent, actually, weeks on it, looking at what was originally proposed by the Gibbons [Jim Gibbons, former governor of the State of Nevada] administration. Before we actually put the original budget out, we added back $118 million to health and human services. We wanted to make sure that we covered the most vulnerable populations. Some of those add-backs or restorations included personal care services, funding for autism programs, adult daycare, traumatic brain injury, early intervention, and independent living programs. Last Wednesday, we introduced another $49 million in add-backs, most of which, about $46 million, went to health and human services. Once again, we spent about two to three weeks with the Director [Mike Willden, Director, Department of Health and Human Services], with stakeholders, with legislative leadership, and we also listened to the testimony to see what the priorities were and what would be the areas where we should add money back. Most of the add-backs are related to mental health services and also adolescent services. Some examples that your staff went through—and they did a very good job of doing that—are elder protective services, more money towards autism, reinstatement of quite a bit of the money for the TANF loan and Kinship Care programs, and money for the northern and southern triage centers.

In some of the discussions that happened after we proposed these budget amendments, people talked about that it was rural-centric, that there was a lot of money that was going to the rurals. I picked out several of the programs to demonstrate how it truly is not. If you look at the autism money, if you look at elder protective services, 80 percent of those funds go to Clark and Washoe. When you look at TANF Kinship Care, the TANF loan programs, and the SAPTA program, about 87 percent and 90 percent of those funds go back to Clark and Washoe. In one case, the Community Juvenile Justice Programs, about 72 percent of that money, or $4.3 million of $6 million, goes back to Clark County. Some funding was exclusively for the urban areas; for instance, the southern and northern Nevada triage centers, those are just for Washoe and Clark. The Desert Regional Center and the Sierra Regional Center are for Clark and Washoe.

There was some money that was added back just to rurals; a good example would be the Family Resource Centers. When we looked at the money for the resource centers, we recognized that if we did not add back some money—it was about $191,000—that those centers in rural Nevada would have to close. They really did not have a lot of different sources for funding.

We realize that all these services are critical, and we also realize that the reduced spending is difficult. Again, this is a difficult budget, but we wanted to make sure that could cover the core programs, and we think we have done that with the original budget and then, again, with these add-backs.

I wanted to take a moment to thank the Director. He has done an outstanding job. He and his staff have spent a lot of hours helping us put this together. I also want to thank your staff. They did an excellent job of going over the budget and also the add-backs. Thank you.

CHAIR OCEGUERA:

Thank you, Mrs. Gansert. Director Willden, comments?

MIKE WILLDEN, DIRECTOR, DEPARTMENT OF HEALTH AND HUMAN SERVICES:

Yes, thank you. Before we present ourselves for questions, I would like to answer, in a little more detail, three of the questions that were asked. The first was from Mr. Conklin regarding the economic impact of Medicaid. I just would want to make sure that it is clear that there are a number of dynamics within the Medicaid program. Clearly, I think you hit on the point that we are adding a lot more recipients. You can see that in the caseload growth. The FMAP, obviously, we have fallen off what we call the "federal FMAP cliff," the ARRA cliff, where we

had a federal percentage as high as 64 percent. We are starting to step down, and then obviously, the most recent federal matching numbers are a little higher than we used in the Governor's budget, which was helpful. The real bottom line is after you go through the puts and takes and figure that out, what is the bottom line for the economy of Nevada? If you look at the last biennium authorization and appropriation for the Department, it was $5.7 billion. This time, the Governor's recommended budget is about $6.1 billion, so DHHS actually is a larger budget than the last biennium. If you look at after the special session, the last biennium was reduced to $5.6 billion, and again, going forward, the Governor's recommended budget is $6.1 billion. Specifically to Medicaid, when you take into effect the caseload growth, rate reductions, and other changes that are in The Executive Budget, Medicaid total spending authorized for last biennium was $3.388 billion. The Governor's recommended budget for the next biennium is $3.89 billion, so again, that is somewhere around $500 million in additional health care spending in the economy. Again, yes, there are providers that are getting those rates that were discussed, the 15 percent rate reductions, but the overall spending in the economy—health care, Medicaid—is going up about $500 million.

CHAIR OCEGUERA:
Mr. Conklin.

ASSEMBLYMAN CONKLIN:
Thank you, Mr. Chairman. Of course, you would call on me first for that. I appreciate it. I have two questions. The first question, Mrs. Gansert, you had mentioned the $47 million add-back and that you chose to spend this on the neediest of needy. I am curious, could we have used that for education or higher education?

HEIDI GANSERT:
Thank you. We chose to reinvest this into health and human services because a lot of it was savings. Some of it was from a higher match. You could spend it for a variety of things in the budget, but because most of the money was derived from these accounts, we wanted to restore some of those funds.

ASSEMBLYMAN CONKLIN:
How much of that money came from the General Fund?

MIKE WILLDEN:
The $49 million number that you just asked about, that $49 million worth of savings came from a number of issues that I could go over. It is all General Fund. That is General Fund savings that were generated in DHHS when we went in and what we call "re-caseloaded" the Medicaid and Nevada Check Up budget, relooked at our cost per eligible case, reworked the Federal Medical Assistance Percentage through the budget; that saved about $53 million. We also analyzed what we call the Intergovernmental Transfer account and looked at what we were going to end up spending this year and projecting what we can balance forward. That saves a little over $14.5 million that we can offset General Fund in the next biennium. We added a recommendation that we implement some managed care initiatives in the next biennium, saving about $4.5 million in General Fund. Your staff talked about the Silver State Works program that would save about $8 million in General Fund. Those are the major initiatives that we looked at. Those, actually, saved about $86 million in General Fund; about $26 million of that has been previously used in the March 28 budget amendments that were sent over. When you back out the budget amendments that were previously sent, that left about $60 million in General Fund to use for the add-backs that were recommended and sent this week. We used about $49 million of that $60 million in the add-back process.

ASSEMBLYMAN CONKLIN:

Basically, we are moving money around? It was money that was previously accounted for . . .

MIKE WILLDEN:

Previously budgeted in the Department's health and human services budgets, savings, and then when those savings were identified, we made recommendations as to where we could add back.

ASSEMBLYMAN CONKLIN:

A second if I may, Mr. Chair? You mentioned two sets of numbers. The first set of numbers you mentioned, Mike, specifically was $5.7 billion spent in health and human services over the last biennium and $6.1 in this biennium for a total increase of $400 million, which is roughly a 7 percent to 9 percent increase. I am guessing it is probably closer to 7 percent from the number that I see here—it is probably a little bit less than 7 percent now that I do the math—and I am wondering how that compares relative to the potential caseload necessary? It is not always that we spend more or less, especially since one can argue, more or less, how much of it is our own money, how much we are investing in it versus how much we are eligible for. We talked earlier about being eligible for significant more numbers because the personal income of our citizens has fallen off a cliff. If you look at the recently released Bureau of Economic Analysis numbers, our population's income and wealth is declining probably faster than anywhere in the country, and that creates some eligibility for us. It creates some federal dollars for us. It creates a higher match for us. I am wondering, is all of that money rolled up into this figure? That all those federal dollars that we are eligible for at a higher rate? At some level, we are spending more as a part of the total budget, but we are not necessarily investing more as a state into these programs.

MIKE WILLDEN:

There is probably a lot of questions in your question there, but let me start with this. First, caseload; you asked about caseload and sort of are we planning for everybody? Are there waitlists? That's what I sort of got out of your discussion or your question there. In the Medicaid program, there is not any such thing as a waitlist. There may be some wait time. When somebody applies under the criteria that we have established in Nevada, we determine them to be eligible or not eligible. You do not get waitlisted. Everybody that applies that is determined to be eligible is put on. Sometimes it takes us 45 days, a couple of months, depending on what type of an eligibility determination process that is. Medicaid is the single biggest driver for, if you will, our caseload. We project that, and I think we project that fairly accurately lately. There is not a waiting list or anything. We are capturing, we believe, everybody that comes forward.

In Nevada Check Up, it is maybe a little bit different story. Again, we do not waitlist people there. There is wait time. But we have seen declining enrollment in the Check Up program, and that is purely because of the economy. As people get poorer, they fall out of the income criteria that makes them Nevada Check Up eligible, and their poorness, if you will, makes them Medicaid eligible. That is part of the growth in Medicaid. The other big driver of spending—and it is not even reflected in the dollars that I just mentioned to you—is the Supplemental Nutrition Assistance Program (SNAP), or the food stamp program, that has had unbelievable growth. We see the dollars for administering the program in the state budget, but you do not see the dollars or the benefits that are hitting the economy, the grocery stores. In our other programs, we do have waitlists—some of our waivers, some of our mental health programs, some of our child care programs. But I can tell you—and I have testified before—those waitlists, I think, are moving at reasonable paces. We have something we call Olmstead, that if you are on the budget committees, you hear us talk a lot about the Olmstead requirements. For budgeting purposes, we try to move our waitlists at less than 90 days, and we are doing that, to

my knowledge, in all of our programs except for one, which is our Physical Disabilities Waiver, and that one moves more like a year or more to get through that.

ASSEMBLYMAN CONKLIN:

Before I ask my final question—and I apologize, but I have a litany on these budget items, Mr. Chair—I will say, Mike, it has been a pleasure to work with you over the years, and I recognize that you are probably the very best in the business at what you do. Certainly, we should be honored to have you on our team. But for whatever that is worth right before I ask the last question . . .

MIKE WILLDEN:

I will try to be nice in my response.

ASSEMBLYMAN CONKLIN:

I take some exception to the expenditure portion, and let me tell you why. There is roughly, at least by my math, $223 million that we are going to add in additional Medicaid spending because we are now eligible for it. We are adding that in, but that is at a rate that is roughly 15 percent reduced. The amount we should be spending is closer to $263 million because it is at a lower rate. Then you add back the $50 million—and I am doing just some reverse multiplication here. If $50 million represents 15 percent, then the total budget should have been roughly $330 million, and it was roughly less by $50 million than that. So we should have spent roughly $590 million to $595 million. Instead, we are going to spend closer to $470 million. That money that is different—that in-between money, that 15 percent—that 15 percent has a multiplier effect on top of everything else, so it is not necessarily what we spend; it is what we did not spend but should have. When you multiply that out, that is about—by my math—about $335 million of economic activity that would have been generated by those 15 percent cuts. I used a 2.4 multiplier, which is low. The last study I saw in 2008 was 2.49 multiplier for Nevada, which happens to have one of the highest Medicaid multipliers. Medicaid, for those who do not know, is a direct expenditure into the economy because it mostly goes to private businesses. I am sure Mrs. Gansert knows that; her husband is a physician and probably works, I assume, sooner or later in this area. The problem that I have is that money is going to have a shrinking effect on the economy. The second problem is that money is largely going to service providers and hospitals, and we have been reducing this rate for years.

There comes a point where that rate is so far below cost, and every time that we cut that rate, hospitals and providers have two choices. Choice Number One: I can cut my service; I can no longer offer certain services that are high-dollar services or where the investment is so high that they naturally are being paid for by the litany of other people who have basic service needs. Or I can raise my rate. I am going to assume most businesses would choose to raise their rate until they reach some market maximum, but who are you raising the rate on? You are raising the rate on people who can afford health insurance or who can afford to make payments, but by raising the rate of those who have insurance, guess what happens to the price of insurance? It goes up. Now what happens? Again, we are shrinking the pool of people who have insurance. It is literally an unnecessary tax on those who currently have access to the health care system to such a point where more and more people will not be able to get access. It is almost like moving a bubble of people who do not have access to health care. I object to this kind of cut. I recognize that we have done it before, but we are getting to a point where we just cannot accept it anymore. I appreciate that, Mr. Chair.

HEIDI GANSERT:

Thank you. I appreciate your comments. This budget was very difficult to build. We tried to make sure that we maintained the core services. We chose to reinvest the dollars that were saved into health and human services. The rate reductions are difficult. We are still looking at those. When Mr. Willden went over the numbers as far as what was available to add back, it sounded like there was about $10 million left. In fact, there was about $7 million that we had to set aside

because of some changes that may be happening in a particular program, but there is about $4 million left. Overall, we recognize the rates are difficult. We also recognize that we did reinvest in health and human services and that the total spending is still $5 million more. I understand how we could have spent more if there were not rate reductions, but the total spending for the Medicaid budget, which is very significant, is about $500 million.

ASSEMBLYMAN CONKLIN:

Mr. Chair, to you and through you to Mrs. Gansert. I recognize that, but it still falls short of what we should be spending based on what we know. That shortfall of what we are spending—I do not care how you slice it—will ultimately be an increase to people who have health insurance.

In the last election cycle, one of my very good constituents—I make sure it is always the last house I go to because I always wind up in their garage for about an hour, talking to them. They are wonderful people. They own their own business. They have lived in their house for years now, absorbed the housing market crisis and everything else. This cycle, when I was sitting in there, the mother is talking to me and she is explaining to me, "How can the price of health insurance be so high?" I said, "Well, naturally, price inflation for medical care has gone up. It is the highest in the country of all the Consumer Price Index (CPI) multipliers." We talked at length, and then she disclosed to me that her house payment is less than the price of her health insurance. Now I am going to have to explain to her with this budget that the next increase that she gets is basically because we are not willing to do our fair share with Medicaid, which would actually probably make more health insurance available to people who could afford it. It is unfortunate. I recognize that it is tough times; I am not saying that it is not. But I am telling you, we are taking all of our potential tools to deal with this problem off the table when we choose to accept simply just cutting the rate. Thank you, Mr. Chair.

CHAIR OCEGUERA:

Thank you, Mr. Conklin. Let us move to Ms. Neal, on your left.

ASSEMBLYWOMAN NEAL:

Thank you, Mr. Chair. I have a question on Silver State Works. I am curious about two parts of this. In the program, the Governor recommends that $10 million be used for the reimbursement cost for employers. It is supposed to cover training, equipment, and fees. In the Silver State Works program specifically, the participants are only eligible to do roughly $600 worth of training that they can be paid for? That amounts to a month and a half. The incentives for the employers go to four to six months. They are able to receive as high as $5,000 if they have significant and multiple employment barriers. I know my constituents, who happen to be TANF; we have multiple employment barriers. There is a missing skill, probably not even the ability to type—no training whatsoever. The other issue is the job. I am trying to figure out how you envision this to work. It seems like who this program would service is not the TANF folks. If they are capped at the $600 for training, and that money is supposed to be used to pay for training, are we getting ready to pay fees and equipment for these employers with no job at the end of it or a job that is worth anything? I do not think we are trying to put them in—and not to put down McDonald's, but that is not the goal. We want real, sustainable employment at the end of this for the TANF people, correct? That is what I am hoping is happening. You got to explain to me the difference why we are giving such a high incentive but yet capping that training dollars at $600 after a month and two weeks.

CHAIR OCEGUERA:

Mr. Willden.

MIKE WILLDEN:

Thank you for the question. Let me back up a little bit and explain how the TANF employment program currently works and then what the Silver State Works . . .

ASSEMBLYWOMAN NEAL:

In that answer, can you also deal with the fact that Silver State Works programs will also help the unemployed, other targeted populations? It is not just going to be for TANF. Explain that part, too.

MIKE WILLDEN:

Thank you for the question again. The Silver State Works program was an initiative to put people back to work. It included several populations: the unemployed, TANF, TANF at-risk, veterans, displaced workers, those types of things. It was an initiative with the Governor's Office with the Department of Employment, Training and Rehabilitation (DETR) and the Department of Health and Human Services. The initial proposal was that we would repackage about $9 million of DETR money that they have in their current funding arsenal to focus on Silver State Works initiatives—and I will get to those. Included in the Governor's budget was $10 million to specifically be used to assist with the TANF and the TANF at-risk populations. To better explain how the employment program works, within TANF, we do have recipients that have, in my opinion, many more barriers to employment than most people out looking for work. They have been away from the job market for a much longer time, may not have as much education, all kinds of life issues, transportation issues, and whatever. We have in the TANF budget money that helps with those types of initiatives now. We have about $1.7 million or $2 million that we support TANF families trying to get back to work. We can help them with clothing; we can help them with transportation; we can pay for them to go to classes; we run community work experience programs; we can subsidize on-the-job training (OJT). All those things are still in the Governor's recommended budget.

Silver State Works was an overlay on top of that in addition to that effort that when people were ready to go to work—whether they were from the unemployment pool, the TANF pool, the TANF at-risk, all those pools I talked about—there were three initiatives that we spent a lot of time on, particularly Director Mosley's [Larry Mosley, Director, DETR] staff, looking at three initiatives across the country: Texas Works, Georgia Works, and a Rhode Island program. The three new initiatives in the Silver State Works program is one where people who are unemployed, whether they are on TANF or not, could go and get job training while they still get their unemployment benefits. That is the $600 program that you are talking about. They can get reimbursement for their job training, their work expenses, while they are getting training during the short-term period. They can still get their employment, still potentially get their TANF benefits, and get this job training opportunity. That is the first initiative in Silver State Works.

The second new initiative in Silver State Works is that individuals that are placed in a job—and there are also all kinds of questions about what does an employer have to sign, are they going to guarantee a job, are they not going to displace them, and we are addressing all those questions. But the second initiative is that we can pay for up to 50 percent of their salary for a period of time. I think the design is 90 days to 120 days where that is a carrot, an incentive for an employer to take someone on, a new employee, and we can reimburse their salary for that period of time.

The third component of Silver State Works is an incentive component that after an employer keeps—trains and keeps an employee—that there could be up to $2,000 payments for the employer for job retention: $500 the first month, another $500 the second month, another $500 the third month, another $500 the fourth month—up to $2,000 dollars.

Those were, if you will, the design components. The first one is reimbursement to the client, the second one is kind of a job share of the cost of getting people to work, the third are the incentives to the employer. Our goal was to put 10,000 Nevadans out in these job opportunities with the repackaged Department of Employment, Training and Rehabilitation money and the new TANF money. With our budget amendment, that would downsize the pool of money from about $20 million down to about $11 million. Our goal would be to put about 6,000 Nevadans through this.

ASSEMBLYWOMAN NEAL:
A follow-up? What are the jobs? What kinds of places are these? If you are going to cut TANF—you are cutting in several different areas here, there needs to be an actual benefit for those communities to go through the program. I know what the program is. It is like a mimic of the Georgia Works program. I am familiar with it. But we are talking about communities that are already underserved; now they are being further decimated as far as the money, and now we are talking about a program that just pretty much came into existence somewhere in March of this year. I want to know what jobs, because I do not recall there being any real significant wage-earning jobs out there that would benefit anybody right now, and certainly probably not in the next four months.

MIKE WILLDEN:
Assemblywoman Neal, I do not know that I can give you a list of the jobs, but I can tell you from my experience—and I am sure you have got experience in this also—that you are never going to take people and get them all out in a $20 an hour job. That has never been my experience in my 30 years of doing this job. Every employer that we can work with that wants to sign up and deliver a job, we are going to work with them. Big employers, small employers, I am not going to pick on anybody. If they have a job, we will try to match a client with that job. If it is an $8 or $9 an hour job, the recipient will still qualify for other benefits: SNAP benefits, TANF benefits, health care through Medicaid. Our goal is to get people back to work and transition them up through the employment food chain. You are more employable from an employed position; that is clear. Employers want to hire somebody who is currently employed or has as few distance from their last employment as possible; we need to get people back to work in any job that an employer will deliver.

CHAIR OCEGUERA:
Mr. Stewart.

ASSEMBLYMAN STEWART:
Thank you, Mr. Chairman. I agree with the Majority Leader when he said that we are very blessed to have you working for the State of Nevada, Mr. Willden. I was a little slow when you began your presentation. Can you give me again the figures for the current biennium that are being spent and then your budget for the next biennium? Could you go over that again, please?

MIKE WILLDEN:
Thank you, Mr. Stewart, for the question. I am reading off the pie charts that we present to the Legislature each time. In the current biennium that we are in, the Department of Health and Human Services' legislative-approved biennial budget in total spending: $5.743 billion. That was the legislative-approved coming out of the last legislature. After we went through the special sessions and the budget cuts over the last couple of years, that was reduced down to $5.602 billion. That is the budget we are working under. That is all programs in DHHS. The Governor's recommended budget for the 2011-2013 biennium is $6.085 billion unadjusted.

ASSEMBLYMAN STEWART:
So in spite of all the economic problems that we are going through, you have actually been able to increase the amount of money we are spending on these people that need it so badly. Thank you very much for doing that.

CHAIR OCEGUERA:
Mr. Horne.

ASSEMBLYMAN HORNE:
Thank you, Mr. Chairman. I have two or three questions. Starting at page 1, Mr. Willden, particularly in the recommendation of about $1.2 million reduction in the tuberculosis and

sexually transmitted disease programs, I am curious as to what those funds are spent on particularly.

MIKE WILLDEN:
I am going to have somebody from the Health Division—Marla are you out there?—come up and help me. These are dollars that we pass through to the local health districts and community health nursing programs. Obviously, they are to protect society and aid people that have tuberculosis and prevent that spread of tuberculosis and sexually transmitted diseases, but I cannot tell you specifically what they do or how they spend them.

ASSEMBLYMAN HORNE:
I am curious if these dollars are purely administrative or they go directly, as Mr. Willden said, to prevent the spread of tuberculosis and sexually transmitted diseases.

MARLA MCDADE WILLIAMS, DEPUTY ADMINISTRATOR, HEALTH DIVISION, DEPARTMENT OF HEALTH AND HUMAN SERVICES:
Thank you. They are for treatment, prevention, and education of sexually transmitted diseases and tuberculosis. It is a combination of local government fees, fees to the individuals, as well as some of the General Fund money.

ASSEMBLYMAN HORNE:
I question the cutback, especially when if you have a tuberculosis outbreak. I cannot even imagine what will happen if that were to happen at, say, one of our large properties down south. I will move to the next question I have if I can, Mr. Chairman. On page 5, the Kinship Care reduction, I calculate that at a 52 percent reduction. Was there a calculation on, I guess, the possible percentage of those children that may end up in foster care? An educated guess?

MIKE WILLDEN:
Thank you for the question. The Kinship Care program—I probably need to give a little bit of history here. The Welfare Division runs two programs that help families that are taking care of relatives. The first is the Kinship Care program. The second one is what we call the Non-Needy Caretaker program. If you are a relative of a child other than the parents—aunts, uncles, lots of types of relatives—you can apply for TANF assistance for that relative of yours, and we call that the Non-Needy Caretaker program. A typical case in the Non-Needy Caretaker program would get a monthly payment around $427 a month for two kids. The Kinship Care program was a program we designed to help keep children and families out of the child welfare system. This program has been around for several years. The payment is geared at 90 percent of the foster care rate. Primarily this is grandparents because it has got an age restriction on it, and there are about 360 families a month that get this payment now. It is, again, 90 percent of the foster care payment, which, for a two-child household, is about $894 a month. The primary purpose is to keep those children out of child welfare.

ASSEMBLYMAN HORNE:
I understand that . . .

MIKE WILLDEN:
. . . And we restore half the cut.

ASSEMBLY HORNE:
How I have learned what is going on with Kinship is that many of these families and mostly grandparents are taking care of the grandchildren because they have this assistance, many of them would not be able to—because they are only on their Social Security, and while they are pleased they can be able to take care of their grandchildren with this assistance, some of them with this type of reduction are not going to be able to do that. As much as they are going to want to, I think they are going to find that extremely difficult to be able to do. Half of that could be

that food for that month that is reducing, and when that occurs, I think that that whole rationale on keeping them in their family as opposed to putting them into the child welfare system will not mean anything because that is where they are going to end up. They are going to end up right back into welfare, and we will not have saved any money, and we will have broken up a family in doing that.

That leads me to another, I guess, cost-saving measure here. It is on page 6 and the child support reductions in Employment Assistance program (EAP) expenditures for eligible noncustodial parents who are unemployed or underemployed. I guess the goal is you are going to increase collections and compliance. That does not make any sense to me. The whole purpose of that program was not the deadbeat parent but for those who are unemployed and cannot get a job, which a lot of people cannot today, or underemployed. We are going to cut that and then say, "We are going to go out and make them pay." That does not seem to make any sense either. Then the custodial parent is the one that is going to suffer on that end, because I think the counties are picking up some of that tab, if I am correct.

MIKE WILLDEN:
Mr. Horne, on the child support Employment Assistance program, you are correct. There are four state staff assigned in the child support program that assists noncustodial parents to help them get jobs so that they can pay their child supporter payer at a higher level. Our thought process in doing this, again, after you look at where we could potentially save money is that there are other employment programs, specifically at DETR, Department of Employment, Training and Rehabilitation, and we will be working within the child support program to refer those individuals into DETR for employment assistance. We would not have this specialized four-person team, but there is still the whole host of services available to any unemployed Nevadan at DETR.

ASSEMBLYMAN HORNE:
Final question, Mr. Chairman?

CHAIR OCEGUERA:
Mr. Horne.

ASSEMBLYMAN HORNE:
On page 7, the Mental Health Court. Mrs. Gansert, you were here for much of the discussions on Mental Health Court and the importance, the money that it is saving in incarceration costs alone for those persons who are in and out of local and state detention facilities but for their mental illness. The whole rationale we had for creating these courts was to interrupt that cycle and get them treatment. We realized it in a short amount of time the monies we were saving by keeping them out of detention centers and prisons, and we have seen it in other jurisdictions as well. I do not understand the rationale on how this is not going to be a money saver. I am curious on how the Governor got to this conclusion that cutting Mental Health Courts is actually going to save money.

HEIDI GANSERT:
Thank you, Mr. Horne. As far as that program, we actually did not cut the program itself. We asked the counties to provide the services for that. I have talked to Mr. Willden. He has provided an analysis of what happens with those people, because you have to remember that we have many services for the mentally ill. This is a set-aside program, so we were hoping that the counties go ahead and pay for that program, but if not, Mr. Willden can go over the services that are available to all of those individuals.

ASSEMBLYMAN HORNE:
If the counties cannot pay for it or will not pay for it, Mr. Willden, you are going to set up courts?

MIKE WILLDEN:
No. Let me kind of walk through, I guess, a three-step thought process. First, the Mental Health Courts are a valuable program. As we discussed several times, what we have tried to do is retain the core services. What Mental Health Court does, again, we do not pay for the Court—the bailiffs, the staff, things like that. What these funds do is hire primarily case managers; we call them psychiatric case workers. They are each assigned a caseload of the mentally ill consumers that run through the Court. They work with those individuals to keep them, if you will, compliant with all their mental health treatment issues, and hopefully, they stay out of jail and do not commit crimes and do not go into the psychiatric hospital and those kinds of things; so it is a good program. But again, we looked at more around the fringe and tried to retain core services. If the counties do not fund the Mental Health Courts, if there is not a funding mechanism, then yes, the Court system would go away. Those individuals—roughly 150 in the Washoe Court, 70 to 75 in the Clark County Court, and a smaller number, I think, 25 or 30 in the Carson City Court—would still be eligible for all the mental health services that we currently provide. They just would not get the specialized set of services that we have established since 2003 for those individuals. They would have to basically be part of the general pool of services that we provide.

ASSEMBLYMAN HORNE:
That is the problem. Even if the counties came to fund the staffing of the Mental Health Courts, the problem lies when the services on which the Courts rely upon to send these individuals to not just the absolute core program, but there are specialized programs. If these types of individuals come through there are not there, the Courts are not going to have any other option for them but to incarcerate them for the safety of the community, and their hands are going to be tied. It will be a fiction to have the Mental Health Court. Through all this—and I will end there, Mr. Chairman—I keep hearing this shared sacrifice, but all of this is all sacrifice by people in need. Those are the only ones that are sacrificing as far as I can see so far. Thank you, Mr. Chairman.

CHAIR OCEGUERA:
Thank you, Mr. Horne. Let us go to Mr. Munford.

ASSEMBLYMAN MUNFORD:
Thank you, Mr. Chair. I just wanted to pass on to Mike that I appreciate you very much for being so sensitive and so compassionate with my constituents, because so many of them are recipients of your services. We have two welfare facilities in my district. I also want to pass to Mrs. Gansert and through you to the Governor for not closing my two offices down. There has been so many rumors. Everyone was calling me constantly and they were in fear that they were going to close one or the other down and move everybody over to Belrose [Belrose Welfare Office]. I appreciate both of them being able to stay open because it also provides jobs for many of the residents in the area. Plus, because many of the recipients live in my district and because of the price of gas and all the other means of transportation, it would definitely impact them in a very difficult way. I am just passing on just praise. Thank you. I appreciate what is happening in my district. We are feeling good about it. Thank you.

CHAIR OCEGUERA:
Mr. Ellison.

ASSEMBLYMAN ELLISON:
Thank you, Mr. Chairman. Maybe Mrs. Gansert can help me on this. Heidi, I am looking over this, and from the original budget that the Governor proposed based on Health and Human Services, how much money has been added into this program since we started? From everything that is on this sheet right now, I am trying to go back and add in these different totals. Can you give me an increase number?

HEIDI GANSERT:

Thank you. The original budget, we restored $118 million that was proposed to be cut, and we added another $46 million roughly, which would bring you up to about $166 million that was not originally intended for Health and Human Services. Again, we really tried to protect the core services. Also in this budget, we took into consideration the counties. Although we have asked the counties to pay for the mental health services, there are some programs in this last amendment that give relief to the counties because we know that they are also struggling with their budgets. Thank you.

ASSEMBLYMAN ELLISON:

I see that in here and I am looking at increase, increase, increase all along this thing. I am looking at the Medicaid caseload projections for the biennium, and it says 2012 Governor's Recommendation: $295 million. Look at FY 2012-13, it is $308 million. You can see that going up. It is not going down. It is increasing.

Then one of the questions that I had—and maybe you can help me—I do not understand this on page 5, the Silver State Works? You mentioned $600. Is that a month charge that they give somebody? Is that a week charge? What is that?

MIKE WILLDEN:

Mr. Ellison, the $600 number that has been mentioned, it is one of the three, if you will, tools that we have worked with DETR to help people get back into the job market. What the $600 is it is actually $200 that a client or a recipient can receive three times. What it is, again, is for the unemployed individuals who can match themselves or be matched up with an employer to get job training, job skill. It is, if you will, a client reimbursement of their work expenses during that training period. There is up to $600 that can be paid to a client for their work-related expenses while they are in a job-training experience. It is not a payment made to the employer. It is a payment made to the client.

ASSEMBLYMAN ELLISON:

Then there was $1,000, if I gathered this right, that would go to the employer that can help you do offsets? Is that correct also?

MIKE WILLDEN:

Mr. Ellison, those numbers on page 6 are some of the ranges that we talked about for things. But the basic Silver State Works programs are those that I mentioned earlier: the up to $600 payment that could be made to a client; the second program is a 50-50 reimbursement of wages for an employer that would take on a new client; and then the third thing is the up to $2,000 incentive payments for an employer to retain a client. In our rough budgeting, we have anticipated that the Silver State Works program may cost us roughly $2,000 per client to help them get placed in a job. That is the budgeting estimate we are using per client placement.

ASSEMBLYMAN ELLISON:

Okay, thank you. I see a lot of changes in this myself, and I see it moving forward and upward, not downward. I think you have made a lot of strides. There are areas for corrections in everything, but at least I see that increase. Maybe it is just me, but with based on what the state economy is, I see us going forward and upward. Thank you.

CHAIR OCEGUERA:

Mr. Ohrenschall.

ASSEMBLYMAN OHRENSCHALL:

Thank you very much, Mr. Chairman. I have a couple of questions. First question for Director Willden—if you look at pages 8 and 9 of the work session document, the funding for children with autism—I have some figures that are given to me that there are 350 children waiting for treatment; 115 of them are waiting over a year. Do you think that under this budget

proposal, we will be able to at least restore the kids who were getting treatment under the prior budget?

MIKE WILLDEN:

Mr. Ohrenschall, this is probably going to require a little more math than people might want to hear, but let me run through this real quickly. I believe that the ATAP (Autism Treatment Assistance program) program, which is the program that we want to primarily fund for autism services going forward, they are currently serving about 110 children, I believe. I believe there is a waitlist of about 200 for the ATAP program. The Governor's recommended budget includes about $1.2 million a year for the ATAP program. The amendments that we sent over this week would suggest two additional changes, that we add back some of the money that historically has funded children in the Mental Health and Developmental Services, specifically the Autism Self-Directed Care program; that we take that $828,000, we add it back, but we not add it back in the Mental Health and Developmental Services' budget; we also augment ATAP. The third leg of the stool is that we have looked at the Early Intervention Services' (EIS) budget, and that is for children ages zero to three, that we looked at our historical expenditures there for children with autism. That is running about $211,000 when you throw in administrative costs. We are recommending a transfer out of the Early Intervention Services' budget of a little over $300,000 also to ATAP.

What we are trying to do is recommend that ATAP be the primary portal for autism, and so if these recommendations were accepted, the ATAP budget would have about $2.4 million a year to serve children. We estimate that that can serve about 150 children to 160 children a year going forward. The mental health budget, there is about 174 children in the mental health budget that are currently getting some form of autism services. We are going to shift those children, those families, from autism-specific funding to general developmental services funding, so they are not going to come out of service. The third leg, again, the Early Intervention Services' budget, if a family with a child ages zero to three demands or insists that they receive autism services, developmental services, from EIS, we will provide it. Again, we are going to try to refer to ATAP, but we will provide it out of Early Intervention Services. If we come back in two years and staff asks us how much money we spent in Early Intervention Services, there would still be autism spending. I will guarantee it. But again, we are going to focus on the primary portal for autism to be through the ATAP budget.

ASSEMBLYMAN OHRENSCHALL:

A follow-up, Mr. Chairman? Director Willden, then, do you foresee fewer children on the waiting list under this proposed budget? Or the same? How do you work it out?

MIKE WILLDEN:

Mr. Ohrenschall, I think that is difficult to—as you know, the, if you will, diagnosis of autism more and more—I think it is 1 in 160 children now are being identified. I might have the numbers wrong. But the prevalence of detecting autism is increasing every day, so even though we are trying to address more money into the system, improve our ability to take children off waitlists, and get them more timely services, I do not think I can give you a guarantee that the waitlists will go down over time. I think autism is going to continue to be identified earlier and more frequently, and I think this is a challenge for the State of the Nevada going forward as all states. I think we will probably struggle to deal with waitlists for some time to come.

ASSEMBLYMAN OHRENSCHALL:

I think we both realize how crucial it is that these kids get treatment early if they are going to have a chance to lead a normal life. I am glad that we are going to try to restore as much funding as we can.

One question I have about the $828,000 add-on that the Governor has proposed. What does that take away from? Who will lose treatment and funding because of that?

MIKE WILLDEN:
Mr. Ohrenschall, as I indicated, in the Mental Health and Developmental Services' budget, children with autism were funded through the $828,000 of General Fund that we have been talking about. We also had TANF money in the Mental Health and Developmental Services' budget, and if my memory serves me right, at about $1.3 million a year. Children, families that were doing our Autism Self-Directed care program in the Developmental Services' autism budget, that was the funding stream. The TANF funding stream, we cannot support it anymore because of the problems in the TANF Block Grant. The General Fund $828,000 we are suggesting adding back and, again, moving it to ATAP. But the children, the families that are currently being served in the mental health system, we will move them to our generic or general funding pot, and they will continue to get services. What that will create in the Mental Health and Developmental Services' budget is a potential backlog for all the services that we provide in Mental Health and Developmental Services, not just autism specific, but there are many families that access our developmental services.

ASSEMBLYMAN OHRENSCHALL:
Do you have an idea how bad the backlog might be?

MIKE WILLDEN:
I do not have that, but I can provide that to you. I do not have that here today. I do not think it is a significant waitlist. It is not on my radar, I can tell you that.

ASSEMBLYMAN OHRENSCHALL:
Thank you, Director Willden. Mr. Chairman, I have a brief question for Chief of Staff Gansert?

CHAIR OCEGUERA:
Okay.

ASSEMBLYMAN OHRENSCHALL:
Mrs. Gansert, page 6 of the work session document, child care reductions. I think the estimate is about 1,100 children in FY 2011-12 will lose their child care support and 1,500 in FY 2012-13. I guess my concern is that I see that as a potential snowball. If folks will not be able to have child care, then maybe they will not be able to have that extra job; their incomes are going to be reduced. I just wonder what the Governor's feeling is about that, because that is my worry. If they were able to have child care before now, maybe they have got to stay home to watch the kids and not be able to go out and work.

HEIDI GANSERT:
Thank you. Director Willden can answer the technical aspects of this, but I know what we changed really was the percent of poverty, I think, for people who were eligible. This was one of the many things that we had to balance with the needs for Kinship Care and autism and various services.

ASSEMBLYMAN OHRENSCHALL:
Thank you, Mrs. Gansert. Thank you, Mr. Chairman.

CHAIR OCEGUERA:
Mr. Brooks.

ASSEMBLYMAN BROOKS:
Thank you, Mr. Chair. I have two questions. First of all, I would like to thank Mr. Willden for his service to the state. Mr. Willden, I guess I have a little bit of an issue with the Silver State program. I am going to go back to my colleague who had discussed this concern with you as well. My question is, we seem to be cutting a lot of the programs that have to do with helping minority and indigent families—or I should say all low-income families—yet, we set aside

money to train individuals to go to work and then provide OJT, on-the-job training dollars, to certain businesses. Our community has shown through actions of many of the nonprofits like the Urban League that these programs just do not work. They are not sustainable. I would like for you to look at that data. Once the OJT money has been dissolved, these businesses just do not have the ability to keep these folks on payroll. The OJT allows them to subsidize up to 80 percent to 90 percent of the amount of money that they would pay these individuals, but once that money is gone two or three or four months down the road, these jobs terminate these individuals. I go back to my colleague, and I understand what she is saying. If we are taking away the basic services that are helping these individuals in these communities and then we are offering this training of some sort—I do not know if that is answering phones; the training is not as intricate as one would think—to take on an $8 an hour job, and then we subsidize these jobs that cannot inherently sustain them, are we not doing them a disservice? Is not that just pouring good money after bad? I guess my question to you is, would not that money that is in the Silver State fund be more effective to go into trying to help some of these businesses, maybe? Or maybe even go back to helping some of the individuals in these communities that need child care subsidies or some of these programs that we are taking money from?

MIKE WILLDEN:

Mr. Brooks, I obviously do not have the experience that I know you do in some of these employment programs—and I am happy to discuss it more with my colleagues at the Department of Employment, Training and Rehabilitation—but I guess I would provide two comments. I think we have heard loud and clear over the last couple of months that people are concerned that the Silver State Works may have had more money in it at risk like the Kinship Care and the TANF loan programs. That is why in the budget amendments that have been transmitted this week, we have made these adjustments, taking $8 million out of the Silver State Works initiative, leaving $2 million left to move forward with, and then trying to restore some of the TANF basic assistance programs. Again, in my experience in my years of working in the Welfare Division, 25 years there, I can tell you that the clients I have worked with, they do not want to stay home. They would like to get employed, and I am willing, I guess, to try anything I can to help them get a job. If it is four, six, eight months, that is better than four, six, eight months not working. I am willing to do about anything to try to get them back to work and try to get the economy working. I think if we do not make a concerted effort, the TANF caseload growth is going to continue to go up, and we are going to continue to invest dollars on the cash assistance side. The curve is not in the turn, so I think we have to do something to turn the curve.

ASSEMBLYMAN BROOKS:

May I follow up, Mr. Chair? There was recently $4 million that was brought down from the federal government to help subsidize the Urban League to do this. We are comparing these monies, and I think we are just chasing our tails. Our constituency cannot even follow up on many of these programs when you begin to take away child support reductions and child care reductions. They just do not have the capacity to stick to some of these problems nor the fortitude. I think that we are fooling ourselves if we think we are doing something for them when we really are not. I will leave that for a minute. I just want to make sure that we understand that what affects one of us directly affects all of us indirectly. If we are doing the same thing that we know does not work and trying to get a different result, that is the definition of insanity.

I just wanted to move on to Mrs. Gansert really quick here. Mrs. Gansert, I noticed that the amount of money that has been taken from the Health and Human Services' budget pales in comparison to what we have taken from education. I am just concerned and I am wondering why have we cut so deep in education, which could really make a difference in the lives of the constituencies that we represent? Where we have people that do want to make a difference and go on to make a decent living and try to better themselves, why would we cut so deep into the

only thing that could really help us? Not that I would like to see any of these services cut, either, but there is just a big disparity in the amount of money. Can you explain why those decisions were made to do that?

HEIDI GANSERT:

Thank you. This budget, as I have mentioned before, was very difficult to put together because we do have reductions in pretty much every budget. Some of the factors that went into building this budget was that we had significant caseload growth. I think we had about $269 million originally built in for Medicaid caseload growth. There was also lower revenues provided by local governments. You have to be able to balance the budget, and you have to look at the different pots of money. Education, of course, is a priority, and we tried to put as much money as we could. That is one of the reasons we made available the bond reserves. That is one of the reasons we looked at reallocating some of the different pools of money to be able to help in education.

We are fortunate that the Economic Forum is going to be heard on Monday—or we will be having a hearing on Monday—to look at the forecasts that they created on December 1. We believe that they are going to come back with positive numbers. The Technical Advisory Committee had their hearing on Monday or Tuesday. What the Technical Advisory Committee does is they put together the small revenue streams, not the big streams that the Economic Forum does. They put together the small streams, and just those came up with $72 million. The Governor has pledged that he is going to spend all that money towards education because we want to restore some of that funding. Again, it is difficult to balance the budget, and we know that some of these services are required because we do have many people who are struggling right now. We feel for them, and we want to help them. At the same time, we do have cuts in education and in other areas, and we are going to try to restore as much as possible after the Economic Forum comes in. Thank you.

ASSEMBLYMAN BROOKS:

A final follow-up, Mr. Chair? I can appreciate the hard work and the difficult decisions that need to be made, but I think it is a sad day for the State of Nevada when we as the decision makers feel that it is more important to take away people's right to really better themselves in life and to balance a budget on the back of those that really cannot speak up and help themselves. Then to realize that we have an antiquated tax system and we have got people that are making billions of dollars off the backs of our natural resources here in Nevada. I challenge you to go and relook at this budget and think about the fact that injustice anywhere is a threat to justice everywhere. Thank you.

HEIDI GANSERT:

Thank you. Again, the budget was very difficult to put together. We are looking forward to the numbers from the Economic Forum. If you were to actually look at the education cuts—and we talked about that in the Committee of the Whole—70 percent of the cuts are related to treating all school district employees more closely, not even exactly, as state employees. A lot of it really is not programmatic cuts. It is more about how we pay people. We have asked all school district employees to take the same cut as has been proposed for state employees, which would be 5 percent, and to contribute some to their Public Employees' Retirement System (PERS). Again, when it comes to health and human services, the needs are very great right now, and we had to add some money. We had to restore some of these funds because of the times and the struggling families that we have right now. Thank you.

CHAIR OCEGUERA:

Mrs. Mastroluca.

ASSEMBLYWOMAN MASTROLUCA:

Thank you, Mr. Chairman. I just have a few questions. First, Mr. Willden, could you clarify something for me? A question that was posed by my neighbor here from District 22 about the additional money that has been put into health and human services, is that in any relation to the higher caseload numbers that we have?

MIKE WILLDEN:

The three biggest driving factors on our budget, the first one is caseload. It absolutely is. Mrs. Gansert indicated several $100 million had to be added for caseload. I would just take a minute to comment here. With the passage of the Recovery Act, ARRA (American Recovery and Reinvestment Act of 2009), and with the passage of the Affordable Care Act, states cannot roll back their eligibility. We cannot change our eligibility criteria under those pieces of legislation. You can make your eligibility criteria more liberal, cover more people. You cannot restrict. Everybody that is eligible for Medicaid under the existing rules, we need to serve them. That is why you see the high caseload growth. Yes, millions were added there.

The second biggest factor to the budget was coming off the ARRA cliff. In the biennium we just left, we got 64 percent federal match for our Medicaid expenditures. That meant we were only putting in 36 percent General Fund dollars. Now that has shifted. The 64 percent is dropping down to the mid 50s, as Mr. Combs indicated. We fell off a cliff although it is a little better. A tremendous amount of money had to be added back this biennium because of the change in the state Federal Medical Assistance Percentage. Those are the two biggest drivers in our budget.

ASSEMBLYWOMAN MASTROLUCA:

So the money that was added back was added back because we were required to by the federal government to pay our half or our portion of these programs?

MIKE WILLDEN:

Large portions, but again, as Mrs. Gansert indicated, when we were putting the budget together and the $119 million that the Governor added in, there were certain services that the Governor absolutely did not want us to cut: the bigger ones were personal care attendants—I think that was a $60 million add-back; adult day health care—I do not remember the number. There were some fairly large service areas that under agency request, we were going to have to cut to get to our budget targets, and those were add-backs, significant and large.

ASSEMBLYWOMAN MASTROLUCA:

My second question is for Mrs. Gansert. I have had this concern previously in budget hearings. It just looks to me like we are constantly cutting in places where we could be paying a little bit less now, and by not paying for those things, we are going to be paying a whole lot more later, such as the Mental Health Court. I thought it was interesting the discussion that was had about Mental Health Court. The counties came to the budget hearings and very clearly stated—and I believe they will very clearly state again when we get to them later on—they are not going to pay for Mental Health Court. The amount of money that we would spend on Mental Health Court is a pittance compared to what it is going to cost to have to house and care for people who go on for a long period of time without any kind of help. It is the same for outpatient counseling. Outpatient counseling is so much less expensive if we can pay for that now versus paying for long-term care later.

HEIDI GANSERT:

Thank you. Again, in building this budget, we tried to take all of those factors into consideration. An example that the Director just used was the personal care services or attendants. We know that those services are very important to keep people in their homes, and that is why we added those back or restored the funding originally. Again, we had to weigh things. We had to weigh whether we should have the counties pay for the Mental Health Court

or whether we should put money into Elder Protective Services, if we should put money into autism, if we should put money into Kinship Care. We were weighing all those factors. We also recognize in the court system, they have been trying to work together—the different members of the court. There are other specialty courts. There are drugs courts, DUI (driving under the influence) courts. They may be able to work together to help come up with a solution. Again, a lot of the add-backs that we just did was to relieve some of the impacts to the counties. Again, it is our hope that we were able to provide some relief for things like Elder Protective Services, that maybe they will have the funding available for the Mental Health Courts. Thank you.

ASSEMBLYWOMAN MASTROLUCA:

But you did not have the conversation with them and get them to say to you unequivocally, "Yes, we will be able to pay for these because you have added money back in other places."

HEIDI GANSERT:

Thank you. We have talked to some of the counties. Actually, the directors talked to many of the stakeholders. If you look at the total pushdown or services that we were asking the counties to pay, I think it was probably around $135 million originally. We significantly reduced that. Again, we recognize those Courts are important. We also recognize that there are programs available through regular mental health services. We are hoping that the Courts can find a way to maybe streamline some of what they do or maybe there is some funding available; I am not really sure. But we have given great relief to a lot of the items that were required or asked the counties to pay through this budget amendment.

ASSEMBLYWOMAN MASTROLUCA:

My last question is regarding the Family Resource Centers (FRC) and the Family-to-Family. I notice in the add-back document that the add-backs for FRCs are for rural FRCs, I believe to try and fill gaps that were caused by eliminating the Family-to-Family program, but in the urban areas, the Family-to-Family program makes a huge impact. For example, there are two standalone Family-to-Family programs in southern Nevada, one in Henderson and one in Las Vegas. The one in Las Vegas, if you look at the statistics, it has had a huge impact in family reunification, keeping families together, helping families stay out of the child welfare system, and that program will be completely eliminated without any funding. Can you talk to me about why the decision was made to put the funding back into rural FRCs in an attempt to restore Family-to-Family but not in the urbans?

MIKE WILLDEN:

Mrs. Mastroluca, as members may know, there are 18 Family Resource Centers in Nevada. Those 18 Family Resource Centers provide a multitude of services. I will simplify it into three groups. They provide basically cradle-to-grave well-being family services; that is what we call the traditional family resource center services. Many of them—I believe, actually, 11 of them—have received differential response funding from the Legislature and from the Casey Foundation [Annie E. Casey Foundation] to provide, if you will, child welfare diversion services, and until now, they have received Family-to-Family funding. Each of those three funding streams are about $1.2 million each year. In looking at where we had to make the cuts, we prioritize where we would have the most flexibility. The Family Resource Center funding, as I have said, is very flexible. It is cradle-to-grave funding. The Family Resource Centers can choose whatever types of well-being services that they want to provide. Family Resource Center is a statutory program. Family-to-Family is specifically, as we have discussed, for parenting skills, those kinds of things—again, diversion from child welfare—but it is less flexible than the Family Resource Center funding.

What we did, a long story short, when we looked at eliminating programs, we eliminated the less flexible Family-to-Family, and wanted to continue Family Resource Center and support our differential response initiative. Why we added back to the rurals, as we looked at those three legs of the stool and looked at who was losing what funding streams, we identified I think it is

about nine of the Family Resource Centers that appeared that may be in danger of closing—one clearly said they would close, the Pershing Family Resource Center—so we looked at trying to add back some operating funds so they would be able to keep their doors open. I would note of that $96,000 add-back, about $31,000 of that is for the Family Resource Centers in Clark County, the rural ones: Mesquite, Bunkerville, Laughlin, the rural ones. It is not just rural rural, it is the rural Clark County. Again, the Family Resource Centers will have about a $2.4 million a year funding stream. Again, if they choose to provide Family-to-Family funding services, they can do that, but they would have to prioritize their funding throughout all the other services they want to provide. They will have FRC funding and differential response funding but not Family-to-Family funding.

ASSEMBLYWOMAN MASTROLUCA:
Thank you. I just wanted to make a last point. I understand and appreciate the Governor's position on flexibility. It has been very obvious in the education budget and, again, in the child welfare budget and in the Health and Human Services budget. I really just wish that we could have tried flexibility when we actually had money to give them instead of giving them flexibility with less money to work with. Thank you.

CHAIR OCEGUERA:
Mr. Frierson.

ASSEMBLYMAN FRIERSON:
Thank you, Mr. Chairman. One of my concerns—and I would presume that many of my colleagues are concerned—is about how we seem to have a lack of attention to long-term costs. A couple of my colleagues have mentioned how much some of these cuts are going to cost when the folks that are receiving these services have to go elsewhere. My district has several senior mobile home parks where a dollar makes a difference every month. They are living month-to-month every single month. One of them, the space rent, was raised a dollar, and several had to leave. It was just a dollar a month. So when I am looking at proposals like eliminating the Senior Citizens' Property Tax Assistance program, an average of $267 in a refund is a big deal to the senior citizens in my district and in a lot of folks' districts. We are talking about these cuts as if these folks are just going to go away until times get better, and then we can start taking care of them again. These folks are not just going to go away. These folks are going to be in our jails and prisons and in our hospitals. I am concerned about what seems to be, again, a lack of attention to long-term costs of some of these decisions. My question is, has any thought whatsoever gone into how much this is going to cost us not just this year but in the next year and the year after? As I look at it right now, this seems to be a guaranteed increase in costs no matter how we look at it if we simply just cut the folks that need the help the most and hope that they go into a cave until the next legislative session.

MIKE WILLDEN:
Mr. Frierson, I guess to answer the question, we have not done specific calculations for each of these service reductions what they may cost us long term. It is obvious that many of these preventive services and primary services and in-home services, if they are reduced, they may cost us more money down the road. Have we done a specific calculation? No. That would take a lot of work. I do not think I could ever give you a dollar to do that. All I can say is we are committed to doing the best with the resources we have, and we will try to fit our clientele, our consumers, into every service we can help them with. We will do our best going forward, and many of these may have long-term ramifications.

ASSEMBLYMAN FRIERSON:
A follow-up, Mr. Chair? We have been talking about difficult decisions, and it just seems to me we are deciding not to decide. Some of these decisions are not difficult; they are disastrous. I would simply ask that we continue to look at the long-term costs. That seems to be the

responsible thing to do is to not set a budget and ignore what is going to happen in two years but recognize this is going to put us in two years in a much worse spot than we are now if we do not make decisions that take that into consideration.

HEIDI GANSERT:

Thank you. Again, I appreciate the work of Director Willden because we have gone over these budgets with a fine-tooth comb to make the best decisions with the resources that we have. That is what has led us to a lot of these add-backs. We did consider what would save us money in the long term or be smarter in the long term. Again, I pointed out the personal care services earlier because that was an enormous add-back. That was about $60 million, but we know how important it is to help people stay in their homes and that it is also cost-effective. I think we have taken that into consideration. He has excellent staff working for him to help us with these decisions. Some of the changes that we talked about as far as the Silver State Works versus the Kinship Care, we were listening to legislators. We were listening to stakeholders in these priorities. We just did not make those decisions. We took in significant input, and this is where we have landed right now. We appreciate the concerns because we too understand that these families are struggling. There are difficult decisions. Thank you.

CHAIR OCEGUERA:

All right, that looks like the end of the questions. Thank you for being here this afternoon and into the evening. I know we have several judges here. Judge Breen and Judge Doherty are both here. May we go to the judges now?

VICE CHAIRWOMAN SMITH:

Good afternoon. I imagine one of you have figured out a lineup, so if one of you will introduce yourself and proceed with your testimony?

FRANCES DOHERTY, DISTRICT COURT JUDGE , SECOND JUDICIAL DISTRICT COURT:

Thank you, Assemblywoman Smith. My name is Frances Doherty. I am accompanied by Carey Stewart. To my right is the esteemed Honorable Judge Peter Breen. I am a district court judge in the Second Judicial District Court, Washoe County. I have been sitting in that position in Department 12 for a period of eight years. Prior to that time, I was a juvenile court master for a period of five years. I am currently the presiding judge in Juvenile Court in Washoe County, and I come here today to offer some information both from my perspective as a Juvenile Court judge as well as information I have collected from other district court judges who are concerned about the reduction in the juvenile justice budget as suggested by the Governor's Office.

I would first like to say that the Court truly appreciates the add-back figures that were accommodated through the Governor's Office with respect to board and care and the youth camps. Each of those components of the juvenile justice system offer critical diversionary placements for children; we are, by virtue of those funds, able to keep children in lower-level placements closer to their homes and out of the state's care.

What we are here to discuss with you are our concerns with respect to the remaining $17 million that is being cut out of the juvenile justice system by virtue of the proposed figures. What the judges are concerned about as a whole and what we are concerned about in particular is the dismantling of a juvenile court system that really has been created both in this nation and in this state over a period of the last 100 years. We have put together in Juvenile Court a method and manner in which we protect community safety and we work to grow healthy children into healthy, contributing members of our society by means of practices that address safety as well as child interests. We do that and we have done that through this legislative body in a period of over 40 years by creating a system in which the counties address preventive services for children, address interventions that are meant to keep children out of the system through our preventive programs, or to the extent children come into our Juvenile Court, who are provided both consequences as well as services to redirect their negative behavior into more positive, community-oriented, child-growing environments. And then your Legislature, through Chapter

62 [of the *Nevada Revised Statutes*], identified the state as the deep-end provider of children whose services require commitment or require placement by virtue of their danger to our communities and their deep-end involvement in our system such that the earlier intervention, probation, and consequences imposed at this county level were ineffective to divert the children from the state system.

What we have done in the counties to accommodate those state burdens is in the last five years, we have reduced our juvenile commitments to the state by almost 50 percent. We have kept children in our counties; we have redirected their negative behavior; we have increased our ability to successfully terminate children who are on probation by using more efficiency, evidence-based practices, and interventions that we have identified both monetarily and with evidence and support will result in outcomes that will have healthy, successful children. Despite those reductions by 50 percent of state commitments, we are looking now at a budget that tells us $17 million over the biennium continues to be or is now unavailable to allow our children to work between our systems and with the state to continue to develop safety interventions, consequences, and services to support their growth.

The judges both north and south have a concern that the justice system that we have been working with, with the tremendous success that we have had, is brick-by-brick being dismantled in a manner that we cannot effectively remain successful in diversion, remain successful in keeping children out of the state care, and most importantly, remain successful in keeping our communities safe and our children out of the adult system.

What we are asking you today is to look at the additional figures and to understand, as we do, there is a shrinking of our economic environment in Nevada, and we are all Nevadans. We are all committed to the success of this state. We are also in that commitment committed to the success of our children. By dismantling 50 percent of our juvenile justice system, that system that takes the most severe children, and telling us now, "We will take a few. We will take them when we are ready. We will not take more than one that we are able to accept, so keep them in your detention centers where you are going to maintain them in a more risky environment, in an environment that increases their negative behavior. And for goodness sake, do not send us the mentally ill children, because mental health now is the responsibility of the counties." It is inconsistent with our philosophy, it is inconsistent with our obligations to address all the children who we encounter in our system, and we all know that philosophy is inconsistent with what our obligations are to our community as a whole. No system is able to say, "Go ahead and send us your healthy kids. We will put them in our commitment facilities. But we are no longer going to give you alternatives to place those children in facilities for mentally ill children who are in the deep end of the criminal behavior. You are going to have to deal with them yourselves." It is an unacceptable view of the juvenile court system. It is inconsistent with state and federal law. It is a system that we can improve if we continue to have the dialogue of how we shrink this system in these shrinking times but not dismantle it.

The Supreme Court [of Nevada] has created a commission, the Supreme Court Commission on Reform of Juvenile Justice in Nevada. We have yet to meet. All of us in the system have high hopes for the outcome of that commission. We are asking the Legislature to give us the opportunity in the next two years to continue to work with you in reforming our juvenile justice intervention services, but do not cut us off at our knees by dismantling a primary portion of our system before we even have those opportunities. We will today, we will tomorrow, we will next week, and we will over the next few weeks meet with every single individual who has a commitment to recognizing shrinkage is necessary in the budget but recognizing that we cannot dismantle a juvenile court system for which we have exclusive jurisdiction and authority to act by dismantling the pieces and telling us the counties need to serve and operate those functions. It will not function.

The judiciary is absolutely committed to the legislative development of our system, the legislative need to reduce our funding, but please do not do that at the expense of an overall system that is constitutionally consistent with state and federal law and which in the future, if

you proceed without further recognition of our challenges legally and otherwise, could result in a system in which our juvenile detention centers are backed up, your state commitment centers are backed up, our children with mental health are unserved, our communities are less safe, and we have no solutions by virtue of poor planning. I ask you to consider recognizing the challenges that are being imposed on the counties, working with the judges as well as the counties to address this in a more holistic manner, not allowing certain components to be placed at the county level without insider discussion, and letting us come back to you with something more foundationally sound, community-successful, and oriented towards the children's needs as well as those of our community.

I will be happy to answer any questions. Carey Stewart is the director of Washoe County Department of Juvenile Services, which I oversee. Carey Stewart is also the president of the Nevada Association of Juvenile Justice Administrators, and he would like to share with you, before we turn to Judge Breen, the additional view of the administrators if that is all right?

VICE CHAIRWOMAN SMITH:

Yes, thank you, Judge Doherty. Are there questions for Judge Doherty? Okay, I do not see any. Go ahead, Mr. Stewart.

CAREY STEWART, DIRECTOR, WASHOE COUNTY DEPARTMENT OF JUVENILE SERVICES:

Thank you, Assemblywoman Smith and members of the Assembly. As Judge Doherty mentioned, my name is Carey Stewart, and I am the director of Washoe County Juvenile Services. I am also the president of the Nevada Association of Juvenile Justice Administrators.

When this legislative session began, statewide juvenile justice was looking at approximately $26 million in cuts. Since the session has began and through committee hearings, the Juvenile Justice Administrators have proposed alternative solutions to those cuts, and we have also provided to the Division [Division of Child and Family Services] an add-back list that if funding became available where money would be placed on a priority for juvenile justice for it to move forward. The Juvenile Justice Administrators are very appreciate and pleased to hear that two areas are on the recommend list that have funding added back in, and those are in the county camps and the room-and-board placements for kids who are placed outside of their parents' home but remain in their parents' home.

One area of concern of the Juvenile Justice Administrators at this time that remains is the county assessment or charging the counties for the youth parole function. It has been always the stance of the Juvenile Justice Administrators that since parole is a state function, it must be funded by the state. When we initially saw this passed down to the counties to charge for this function, when we asked questions, there were rumors out there that stated that the county probation departments could absorb these cuts because they had a lot of money to do so. I can tell you from Washoe County's perspective and also the perspective of my colleagues that that money does not exist. Over the past three and a half years, jurisdictions—namely mine in Washoe County—we have reduced our operating budget by over $4 million, which is approximately 25 percent of our budget. To absorb or to pay for the youth parole function, it would have to be at the expense of early intervention and prevention programs that are designed to keep kids out of—the depenetration of—the juvenile justice system.

Even though juvenile justice is going to experience cuts—because when we began this process we knew that not all the funding could be built back in—in order to move forward, we have two varied components that are at least on the table to be built back in—again, the camps and the room-and-board. The youth parole function is very key. It is a state function that needs to be funded by the state, and if that funding is added back in, we can move forward this juvenile justice system that is very effective, and we can move it forward in the commission that Judge Doherty mentions. I thank you for your time and would happily answer any questions there may be.

VICE CHAIRWOMAN SMITH:
Questions for Mr. Stewart? Okay, Judge Breen.

JUDGE PETER BREEN, SENIOR DISTRICT JUDGE, SECOND JUDICIAL DISTRICT COURT:
Good evening. My name is Peter Breen. I am a Senior District Court Judge. For the last 17 years, I have never been before the full Assembly or the Senate. I have had the pleasure of appearing before the Legislature concerning the specialty courts. Together with myself and Senior Judge Blake [Archie Blake, Senior Judge, Second Judicial District Court] we preside over almost all of the specialty courts in northwestern Nevada; that is Mineral County, Churchill County, Lyon County, Douglas County, Carson City, Storey County, and Washoe County. By specialty courts I mean the Drug Courts, the felony DUI courts, the veterans courts, and what I am here on today is the Mental Health Court.

We preside over people who find themselves continuously arrested and charged with criminal behavior because their activity is directly connected to a serious mental illness for which they cannot help themselves and for which they cannot stop this activity. The other night when I was called before the Senate to testify, I likened this to an endless highway. I could have just as well said a trail of tears, because these people get on this way because the people they live with cannot help them; they do not have the expertise or the knowledge. And then they travel to the streets and live out there, where there is no mercy, and then to the jails, where there is no mercy and no tolerance. You do not find many tolerant people who are also incarcerated in jail. Then there are the courts and then on to the jails and prisons as well, only to repeat the cycle again. They are vulnerable people in a dangerous environment. The other people out there are very dangerous to them.

I would like to tell you just a minute's worth of time about the history of the Mental Health Court. We came over here. We got enabling legislation in 1999. There was some financial difficulty I think the state was in, and we did not get any money, so we decided to start it through a groundswell of support on a volunteer basis with 20 or 30 people. We accumulated our statistics and our knowledge, justified ourselves, and came over here to the Legislature in 2001 and were able to fund our Mental Health Court. We then grew and went on to national acclaim. We are one of the four mentor courts for the mental health courts in the nation. People come to us four or five times a year to see what we do so they can be helped in starting their own mental health court. We developed three mental health courts in Nevada: in Clark County, in Carson City, and over in Reno.

I want to emphasize that our Mental Health Courts take people from all over the state. We are truly a statewide organization, along with the history of mental services in this state. People in every county have come to one of our Mental Health Courts in Las Vegas, Reno, or Carson City, and we have sent people to other mental health courts. In our northern area, we have had 212 transfers in the last five years into the specialty courts in Washoe County; 89 of them have been to the Mental Health Courts. We are not talking about just three local courts; we are talking about a considerable number of people who are reached throughout the state.

All of the judges—Judge Glass [Jackie Glass, District Judge, Eighth Judicial District Court], Judge Tatro [John Tatro, Judge, Justice and Municipal Court, Carson City], and myself—testified to the various committees in the Legislature and said the following things. One, we are very successful. We have a retention rate of around 90 percent; that is people who stay in our courts. A recidivism rate, people who get rearrested and charged for a crime after they graduate, of 25 percent, just like the other specialty courts. That is the best success rate you can have in criminal justice. We save money. We have been studied more than any other criminal institution, phenomena, in the history of the United States put together—more than all of them put together. They all tell the same story. We save about a minimum of $2 to $10, $12 for $1 you invest in our courts. For example, one of the studies we did in Reno—which we gave to one of the committees here; I forget exactly which—was this: In the last four years, there were 204 people in the Second Judicial District who did not accept Mental Health Court although they were qualified and could have gone, and they decided not to do it. Those 204 people were

sentenced to and served a minimum term in prison, which totaled 313 years. I have heard testimony today about the cost of prison; it was like $20,000. We testified that it was $17,500. It costs about $4,500 to go through Mental Health Court. You do the math. What is going to cost more? This is not some vague cost you are going to occur in some time in the future or you cannot readily identify it.

The common denominator of people in our Mental Health Court is that they were incarcerated the year before. These people are going to go to jail. Let us say the Courts are eliminated July 1. They are going to be going to prison or jail next year. About 70 percent of our people are felons in Mental Health Court, so you kind of figure it out how much it is going to cost next year. I understand the prison budget was raised, and that is a good thing if we are not able to continue with our Mental Health Courts, because we are going to send—what is there?—about 400 people in our Mental Health Courts. And it fluctuates between, in our court, 180 to 225 people. We sort of know, we have a pretty good idea of what is going to happen if we do not have Mental Health Courts.

We appreciate all the compliments we have gotten from the people who have testified here today. Believe me, plenty from the legislators who have asked me questions over the years and this year. But we are still on the chopping block; there is no doubt about it. Judge Glass, Judge Tatro, and myself all testified that without this money, the Mental Health Courts in Nevada will die. It is a death sentence; there is no question about it. To say that we might make it based on hope or that maybe the counties are going to pick up the bill, that is a delusion. It is not going to happen. I have sat through the various budgetary meetings; I am sure you are quite familiar with the Second Judicial District Court. It is only through drastic action that we have agreed to take that we are going to be able to keep the staff necessary to run those courts. By that, I mean what the counties are already paying: the bailiff, the court clerks, and each of our courts has staff to handle the—well, Judge Blake and I handle anywhere from 1,200 people to 1,500 people. Total that in all of our specialty courts. It takes some people to handle that. But we have made some agreements and taken some drastic measures, and we believe we can continue on with no more cuts. We hope there is not going to be anymore.

I have heard today, and I have heard it before, that there is hope—I think Mrs. Gansert testified tonight—that the courts whose budget—I do not know what it is, but in Washoe County it is maybe $2 million or $3 million; I really do not know—they hope that the courts can handle this by mixing the Drug Court and the Mental Health Court together. Nobody has ever asked me what I think about that although I have been doing this for 17 years. We cannot do that. In Drug Court, you are dealing with a population that to call them volatile is an understatement. You have to deal with the demons of addiction in a different way than you do with mental illness, although 70 percent of the people in the Mental Health Courts have a co-occurring problem, and I will speak to that in a second. But you got to deal with the people in the Drug Court, let us say, "roughly." You cannot deal with the people in Mental Health Court that way. You must earn their confidence and their trust, and actually, when you do, they are not very difficult if you can maintain that. I have personally found that there is a considerably less problem with drug abuse and alcohol in Mental Health Court once they are involved and buy into the program than there is in Drug Court. They cannot be mixed. The expertise required in mental health services is considerably higher than that for drug abuse and more complex. I can tell you, I believe it with every fiber in my being that if we mix the Drug Court with Mental Health Court, the mentally ill people would be gone. They just would not be there in about two months. And we have separated our courts along the lines of more difficult, less difficult, different problems. We did that years ago. That is in keeping with all the national research there is today. We have been doing it.

We have to earn the credibility of the mentally ill. They are ill, but they are not dumb. They are not stupid. They see whether or not we can deliver on the services. The magic of this Court is that we can make everybody, including ourselves, accountable. They are entitled to services; we make sure they get them. I might not be able to pronounce some of the illnesses and the

medications, but I know when something is wrong and something is not working. I make the other people find the right thing. That is the beauty of the trial court. If we do not have these services, it will not take very long before the mentally ill go out and do what they have always done before they had this Court: they go to the streets and they disappear, and then they wind up dead, seriously injured, or in prison. That is what happened before we started the Court. That is what is going to happen afterwards. I can assure you that the funding comes from you, the state, not from the county, not from the courts mixing more and more people with less and less resources. There will be no way unless we can get it done here. That is the truth. There will be no magical mixing and stirring of everybody and increasing the numbers and putting everybody together. That is where they are in prison; they are all together. That will not happen.

There is one last thing I would like to say. We do have a very good specialty court system. It is hard for me to talk about myself, but we are the envy of the nation. You hear this all over. Let us say, "Sorry, there is not enough money," and we disband our court. In a few years, somebody is going to think of this again and they are going to say, "By golly, why do we not start up a mental health court? I just thought of it!" Are you going to start from scratch and try to find all the expertise that we have developed over 10 years and start again? Is that good? I would say no, it is not. We get services from highly trained and skilled staff and mostly housing, which I would say is most of our budget. Thank you for hearing me out.

VICE CHAIRWOMAN SMITH:

Judge Breen, thanks for being here and for the work that you have done in the Mental Health Court for so many years. Questions? Assemblywoman Kirkpatrick.

ASSEMBLYWOMAN KIRKPATRICK:

Thank you, Madam Chair. This question is for Judge Doherty. I have seen first-hand from some constituents in my district that were juveniles and got into trouble and went through the system and went to Rite of Passage, which is a fabulous facility, which I see that we have cut dollars to that, and are now going to school full time. He will be graduating next month, and he is very excited that he was able to do all that. What specifically will your choices be if this budget does pass, and for the short term—because the hope is that our economy will turn around—how will we survive this? I do not sit on Ways and Means, but I know that it is late, so a shorter answer is better for me because I do get the importance of the service that your court does.

JUDGE DOHERTY:

Thank you, Madam Chair. In response to Assemblywoman Kirkpatrick's question, here is what we are asking. We are asking that you not push down youth parole into the counties' arena. By doing that, you are, in effect, in actuality, dismantling a significant one-half component of our juvenile justice system. We will work with you in shrinking those budget dollars. We will work with you in increasing our efficiencies, continue to fund youth parole, continue to fund board and care, continue to fund the camps and allow youth parole and the state to continue to support the placement of children who are in the deep end of our juvenile justice system, who may not be appropriate for placement in our commitment facilities, but who may need other placements to address their criminality and their mental health challenges.

The judges know the challenges that you all have. We are here to work with you to maintain a system that is smaller, that remains in place. Let us regroup as a state and as a court system and a justice system to continue to serve the most dire children. The state is the commitment of last resort. The state is the entity with the expertise and the ability to provide those very specific and direct services, commitment of deep-end children, parole of deep-end children, and appropriate placement of deep-end children with mental health challenges.

As a judge, the federal law mandates that every time I take a child out of a home, whether it is a child welfare abused child or a child out of the home because of juvenile justice reasons, I have to make a finding that the placement is suitable, that the placement I am taking the child and

putting him or her in is the least restrictive and is suitable under Title IV of the Social Security Act. These cuts, in essence, tie the courts' hand in being able to make those findings in so many of our cases. Remember that juvenile justice children are 50 percent to 70 percent diagnosable with a mental health challenge. In our facilities as we all sit here today, in our youth facilities that the state oversees, in our detention centers that our counties oversee, 20 percent of those children are seriously emotionally disturbed children. They should not be in the juvenile justice system, but they are, and we are not complaining. We recognize the challenges and responsibilities of the court and of the state. But if you say to us, "We are going to push down these costs, and through Senate Bill 476 we are going to eliminate your ability to transfer mental health children. Transfer healthy children, but do not transfer mental health children." We are not able to constitutionally, to federally or state, fulfill our obligations to the community, to the state, and to the constitutional and federal government. Those are our challenges.

We can do this. We are not asking for terrific attention or special treatment. Originally, you were cutting the juvenile justice system by 50 percent. I am glad you are not doing that now. I am glad that percent has moved down under 35 or so percent. But 35 percent, in the method and manner in which the reductions are identified, are going to dismantle our system, and we cannot put that back together in two years without a little up-front work right now. We cannot do it. But we absolutely consider the state partners. We trust this Legislature. You have given us a phenomenal juvenile justice court and system in Chapter 62 [of the *Nevada Revised Statutes*]. You did that. We execute it. We follow the wisdom that you have identified. Do not give up on the statutory provisions that you have created and dismantle it in a way that we are not going to be able to regenerate if and when the time comes. We will work with you in reducing commitments. We will work with you in keeping children out of the state's care. But we cannot function in the way the budget is reduced and the legislation as proposed under S.B. 476.

VICE CHAIRWOMAN SMITH:

Further questions? I do not see any. Thank you for spending some time with us today. We appreciate your testimony.

Okay, next? Why do not we have representatives from the counties come from the table? I have Washoe County, Clark County, and Mr. Fontaine.

Good afternoon, gentlemen. One of you may go ahead and introduce yourself for the record and proceed.

JEFF FONTAINE, EXECUTIVE DIRECTOR, NEVADA ASSOCIATION OF COUNTIES:

Good evening, Madam Vice Chair. If it is Okay with you, I will go ahead and start.

First of all, we appreciate the opportunity to discuss the totality of impacts of the Department of Health and Human Services' budget on counties. In the budget, the proposals would shift about $96 million in costs to Nevada's counties in the next biennium. Of course, this comes at a time when counties are also struggling because of declining revenues and, in many cases, an increase in demand for services. In addition to the cost shifts, the budget also continues a sweep of a program called the indigent medical fund which is about $40 million over the biennium. The source of that fund is a special ad valorem tax of 2.5 cents which is levied as a property tax in every county. This fund was established at the request of the counties and hospitals over 20 years ago to help counties meet their statutory obligation to pay for the costs of treating the medically indigent. It helps keep hospitals open, and it helps counties meet their obligation. About half of the money that is paid out of that fund goes to University Medical Center (UMC), which is the largest public hospital in our state and the largest provider of indigent care.

We very much appreciate the Governor relieving some of the impact of the proposals on the counties in his add-backs; however, there are still some significant impacts that I would like to talk about. The one specific impact which I would like to spend a minute on is actually the largest cost-shift, which would also affect all the counties, and that is the proposal to require counties to pay more of the cost of long-term care and nursing-home care. That would be about $37 million. In the add-back, the Governor proposes to cap the liability of counties at the

revenue generated by 8 cents in property tax, and we appreciate that and it would help a number of the rural counties. But the fact is that it would still leave about a $35 million impact to county governments. The other point related to this particular proposal is that it is really based on the premise that all 17 counties participate in this match program through an interlocal agreement and making the payments to the state. There is no guarantee—and I certainly cannot make any commitments on behalf of all 17 counties—that they will, in fact, participate in this program.

There are a number of other cost-shifts that you heard about in the budget and, again, they in total add up to significant cost for the counties. Counties really are the safety net. They serve the people that no one else will serve, and these are people who do not qualify for Medicaid and all the other federal and state programs, many of which you heard about this afternoon. I just want to conclude by saying that we are very concerned about, again, the totality of the cost-shifts, revenue diversions, and other things that would impact the ability of counties to serve people and families in need.

With that, Madam Vice Chair, I would be happy to answer any questions.

VICE CHAIRWOMAN SMITH:

Thank you. Questions for Mr. Fontaine? Okay, I do not see any. Mr. Schiller, Mr. Ortiz?

ALEX ORTIZ, REPRESENTATIVE, CLARK COUNTY:

Good afternoon, members of the Assembly. I would just like to refer you to a document that is in the NELIS system and you may have a hard copy thereof, and that is the "Governor's Recommended Budget Direct Impacts to Clark County" (Exhibit D). It is a three-page document that we put together that essentially lists out the impacts to Clark County based on all of the Governor's recommended budget proposals. Of those items, over half—approximately 16 of the 20 or so items on that list—are directly impacted from the DHHS budget, and that is a total of over $110 million of the approximately $242 million impacts to Clark County alone. We are also very appreciative of the add-backs that have been proposed, which I think will help minimize some of those impacts to us as well. I would also like to state that we have in Las Vegas essentially three or four of our subject-matter experts, as I will call: the director of our Family Services, Mr. Tom Morton; the interim director of Clark County Social Service, Tim Birch; director of Juvenile Justice Services, Mr. Fritz Reese; and also a representative from UMC that can answer more detailed questions. With that, if you have any questions, I would be happy to answer them. Thank you.

CHAIR OCEGUERA:

Questions from the Committee? I am not seeing any. You were saying that there are three people in Las Vegas as well?

ALEX ORTIZ:

Speaker, yes, sir.

CHAIR OCEGUERA:

All right. Gentlemen in Las Vegas, go ahead.

TOM MORTON, DIRECTOR, DEPARTMENT OF FAMILY SERVICES, CLARK COUNTY:

Mr. Speaker, I will be very brief. Clark County and the Department of Family Services appreciated the opportunity to work with Mr. Willden and the Department of Health and Human Services to provide input on developing a budget that reduces the overall immediate impact on core child welfare services. We are generally in support of the block grant concept and believe it will provide us flexibility and funding going forward. Because the incentive funds are fluid, the county's position on the incentive funds then and now is that they cannot be used for core operating expenses but rather as one-time monies that are used to enhance core child welfare services. However, the block grant concept, as amended, provides us the ability to evaluate child welfare expenses over the next two years and make any necessary adjustments to

accommodate the incentive program component that will fully go into effect in FY 2013-14. In that respect, we thank both Mr. Willden and the Governor's staff for amending the original proposal and providing this flexibility over the next two years. Thank you.

CHAIR OCEGUERA:

Thank you. Questions from the Committee? Let us go to the other folks in Las Vegas.

FRITZ REESE, DIRECTOR, DEPARTMENT OF JUVENILE JUSTICE SERVICES, CLARK COUNTY:

Thank you, Mr. Speaker. First of all, I would like to thank the Governor and his staff for the put-backs. I realize, too, that those put-backs also have to be approved by the legislative process, but in order to provide some insight into what those actually mean—in terms of those Medicaid reimbursements for room and board, that served 287 youth that were either juvenile sex offenders or mental-health-specific youth that needed treatment that were still in the custody and care of their families that were provided services with those dollars. In terms of the biennium for Clark County, that is roughly about $3.6 million, and so I highly encourage you to maintain those put-backs.

The other piece that is important to juvenile justice statewide, in my opinion, and as we heard from Washoe County, is the reimbursement to the youth camps that really provides an opportunity for youth not to go into state correctional care. For example, 250 youth went through Spring Mountain Youth Camp last year. That would be key, which I would encourage you to keep that.

I think Judge Doherty was eloquent and passionate in her statement, which is all true and I thoroughly support, and I thank her for her leadership and compassion for juvenile justice statewide because this what we are talking about. We are talking about the integrity of our system, not just for Washoe County and not just for Clark County, but for statewide. The one thing I want to reinforce, instead of reiterating her statements, is that we firmly believe that the cost of youth parole should be encumbered by the state as opposed to billing back the counties. It's a state system, as she mentioned. It is one that has congruency and consistency and provides excellent service. To pass that on just, for example, for Clark County, that is $4 million. I know sometimes there is the perception that even in juvenile justice around the state throughout the counties, there are additional resources. I think Mr. Stewart [Carey Stewart] was appropriate in his comments when he said they have taken significant cuts, almost to 25 percent of their operating budget, just from two years ago. Also here in Clark County, Juvenile Justice Services has experienced 15 percent cuts in the last two and a half years. We are looking at 9 percent right now along with the additional cuts that the state is passing on with their proposal.

I strongly urge you to maintain the cost of youth parole into the state budget. That would mean not only would the cuts—just not Clark County and Washoe County, but the cuts that would take place statewide—that would reduce our ability in our communities in terms of providing appropriate intervention services within the youths' homes and their families as opposed to the reimbursement of state parole. I thank you for the opportunity for my statements.

CHAIR OCEGUERA:

Thank you. We appreciate you being here. Are there questions from the Committee? Mrs. Benitez-Thompson.

ASSEMBLYWOMAN BENITEZ-THOMPSON:

Thank you, Mr. Chair. My question is regarding gaps in services. I guess this is specific to social services. When we are seeing cuts in the state, I am wondering how many of the services that we are seeing eliminated or cut at the state level do you have the capacity to pick up currently? I am thinking like supported living arrangements. If those are gone at the state level, is there an ability for service providers to redirect those people to county services? And the same with outpatient counseling services and such like that?

ALEX ORTIZ:
I think that our interim director of Social Service will speak next to that point. He can answer your question more specifically. We really do not have the capacity to absorb some of those costs, but I think he can answer in more detail.

ASSEMBLYWOMAN BENITEZ-THOMPSON:
Sorry, if I can, I was thinking the table . . .

KEVIN SCHILLER, DIRECTOR, DEPARTMENT OF SOCIAL SERVICES, WASHOE COUNTY:
Directed to Mrs. Benitez-Thompson, overall, in terms of what we are expecting today, we are anticipating about a $25 million hit to Washoe County in terms of impacts. In follow-up to your question specific to the Social Services entity, we ultimately do not know where that all is going to end up in terms of those reductions. I can tell you in the children's services world, in those youth that we serving at-risk, they specifically, from the perspective of the block grant, are being addressed from a funding level. We do have, as you note, a charge that is coming to us for developmental services for those children under 18. That will have an impact in the Children's Services Division specific to how we provide services and have to prioritize those services.

In the Adult Services Division, to kind of answer the question more generically, what we are seeing is based on the impact of the nursing home match, which is proposed that is about $3.1 million in the first year of the biennium and $3.6 million in the second year; what that is going to do is force us to prioritize our services to the indigent in relationship to those programs. As an example, we have instituted a transitional living program using our general assistance dollars and our monies to the indigent, which is actually creating a huge cost savings at some level initially because what is happening is some of these clients were incarcerated as you heard testimony earlier. Based on the rates that they were impacting the community were averaging $15,000 to $20,000. What we are trying to do is reinvest funding towards housing for those. With the prioritization of those services ultimately and the pass-down of those services, we are going to have to prioritize and reduce our capacity across that division in order to meet these required reductions.

ASSEMBLYWOMAN BENITEZ-THOMPSON:
I think what I am trying to gauge, and it might not be a tangible number that we can come up with, is the gap in services. I think that there is the thinking that a population that is served at the state level through one resource, if that resource is not there, that that resource might exist somewhere else. It might be at the county level. It might be in the community. What I want a better feel of is for those folks, are there other services that they can go to or not? My intuition and my experiences told me that a lot of times, we have worked a lot in not duplicating services. If you are not getting it at the state level anymore, then I guess I am just wondering where we put these people.

KEVIN SCHILLER:
Assemblywoman Benitez-Thompson, for the rural counties, I think the situation may be a little bit different. In some areas of the state, if the state does not provide a particular service, it is probably not going to be provided. It probably may not even exist. Mental health services come to mind. There is really sort of two impacts here at least in the rural counties that I can think of. One is if the state cuts a service, then the service may or may not be available otherwise. But what seems to be more prevalent in the budget proposal here for the rural counties at least is more of shifting the cost through assessments to the counties to continue to provide those services. That is going to have some different impact because there are many counties out there, at least a number of counties, that simply cannot absorb the additional cost to pay the state to provide those services.

CHAIR OCEGUERA:
All right, let us bounce back to Las Vegas.

TIM BURCH, INTERIM DIRECTOR SOCIAL SERVICE DEPARTMENT, CLARK COUNTY:

Good evening, Mr. Chairman and members of the Committee of the Whole. I wanted to thank you for the opportunity to share with you how the proposed budget cuts in health and human services would affect the neediest citizens of Clark County. As Mr. Fontaine pointed out earlier, pursuant to the *Nevada Revised Statutes* [Chapter] 428, social services at the county level are the safety net. We provide services to folks who do not qualify for other local, state, or federal assistance programs. We provide financial assistance, which is rental assistance, transportation to residences outside of Clark County, and assistance for the cremation of burials. We also provide medical assistance which includes outpatient specialty and primary care at University Medical Center hospital, emergency room care, inpatient hospital care, pharmacy services, and of the point of order for the evening, nursing home care. Long-term care placement certainly is going to be the topic of our focus for now.

In order to paint the picture of what the $12 million per year or $24 million biennium shift to the county for long-term care and Medicaid Match services would look like, I need to give a little context to show you that over the last two budget cycles, Clark County Department of Social Service has already reduced its medical budget by over 30 percent as well as its financial assistance programs by over 60 percent. We have also had to reduce our full-time staffing pattern by 19 percent and reduce 100 percent of our full-time staff for an overall staffing-pattern reduction of 26 percent. That is as a result of two consistent cycles of ad valorem property tax revenue decreasing as well as the 4-cent redirect from the last legislative session, which I understand establishes a current for this session as well. We are looking at the impact of this. Also, Senate Bill 485, the Medicaid Match figures, the waiver clients, would add an additional $6 million per year in cost for serving folks that we currently do not serve for community and home-based waiver clients. This would double our caseload from our current 900 clients per month to over 1,800 clients per month.

It is important to point out that the Medicaid Match program was created in 1989, as Mr. Fontaine pointed out, through the Nevada Association of Counties (NACO), and it was a buy-in for all the counties to participate. Since its inception, it has been said that we participate at 156 percent of the supplemental security income rate up to 300 percent; that is held constant. What is not held constant is the number of participants. When it began, we had 165 eligible participants, and it cost us $850,000 a year. As I mentioned earlier, we have 900 eligible clients we are currently responsible for to an annual cost of over $17 million to Clark County Department of Social Service. What we are asking is as you consider the cuts to health and human services or the redirect to the counties that you keep in mind the most fragile and vulnerable populations of Clark County, which is our client base. I would be happy to answer any questions at this time.

CHAIR OCEGUERA:

Thank you. Mrs. Kirkpatrick.

ASSEMBLYWOMAN KIRKPATRICK:

Thank you, Mr. Chairman. Actually, my question is for those centered in northern Nevada.

CHAIR OCEGUERA:

Okay, that is fine.

ASSEMBLYWOMAN KIRKPATRICK:

Here is my question. I am a little bit confused because the previous two speakers said the budget was so great with the add-backs. I am beside myself. What I would like you to have them prepare for me by Tuesday is with the add-backs, but also with the other cuts from the 9 cents, the impacts that they are going to have that they are still crazy about.

ALEX ORTIZ:

Through you, Mr. Speaker, to Assemblywoman Kirkpatrick, we will do that.

CHAIR OCEGUERA:

Thank you. Any other comments or questions? All right, it looks like we just have a couple more folks. In this north here, I have Mr. Welch, Mr. Musgrove, Mr. Shick—I do not know if you are still here—and Rebecca Gasca. That is who I am seeing so far. We will do those right now.

Why do not you go ahead and proceed, Mr. Welch.

BILL WELCH, PRESIDENT, NEVADA HOSPITAL ASSOCIATION:

Thank you, Mr. Chair, members of the Committee of the Whole. I appreciate the opportunity to speak to you today with regards to our concerns for the proposed budget that you are being asked to consider.

Specifically with respect to the budget, hospitals are being asked to accept or to absorb an additional 5 percent cut in hospital payments for inpatient services. We are being asked to accept a 15 percent cut in hospital services for outpatients. We are being asked to accept a continuation of the sweep of the indigent accident supplemental fund, which Mr. Fontaine spoke to earlier, amounting to approximately $20 million a year. The two prior cuts that I referred to collectively amount to $30 million to $32 million a year.

I have heard discussions today about Nevada's safety net. I would ask the question of the Administration and of this Legislature, understanding the challenges of the budget that are before you, I understand and I am sympathetic. Our hospitals, though, are part of that safety net service. Nevada hospitals are your only 24-hour-a-day, 7-days-a-week, 365-days-a-year provider of emergent health care services—the only provider. We care for more than 1 million emergency room patients a year in our hospitals. We admit more than 260,000 patients to our hospitals for inpatient hospital services annually. Where will these patients go as our services are forced to be reduced?

Today, with the challenges of the economic times that we also are experiencing, Nevada's hospitals' short-term acute care, where the bulk of this emergency room care and inpatient services are being provided, are operating at a negative operating margin of 3.95 percent and have been operating in the negative margin for more than two years now. That means 20 out of 33 Nevada hospitals are operating with negative margin. Yet for the second budget cycle, we are being asked to accept reductions and reimbursements for services, and this is at a time when we are already being reimbursed for indigent care and for Medicaid recipients at a rate below our cost.

While I did not plan to go into some of this detail, Mr. Chair—and I apologize, but I will keep it brief—based upon some of the questions that I have heard several of the Assembly members raise today, I think it would be beneficial to understand some of the driving factors. In 2010, Nevada Hospitals will have absorbed approximately $1 billion in the cost of uncompensated health care services—cost, not charges. We have seen a shift in our insured population negatively by 14 percent. We have seen an increase in our uninsured population—these are patients hospitals are serving—of 33 percent. We have seen an increase in the Medicaid population that we serve of 21 percent. This is in a two-year period of time. Where will we be in two years when you next consider a budget if these proposed cuts are accepted?

Going back to the budget. As I mentioned a minute ago, we had a 5 percent cut in reimbursement to hospitals and the IAF supplemental sweep, the indigent accident fund. I would like to digress for one second. With respect to the indigent accident fund, as Mr. Fontaine mentioned the purpose of what it was raised, we were told that this would be a temporary sweep, that we would sweep these funds for one year. This was in 2008 in the Special Session. Then in 2009—at least this is how I would like to remember it, and maybe the legislators who were here will remember differently—the budget challenges continued. We were asked to accept that sweep of $20 million to $25 million a year on the indigent accident fund program for two more years. What we are seeing now in the proposed legislation that has been presented to this body is that we want to continue the sweep permanently—not for the next biennium, but indefinitely. We are also being asked, as we understood these sweeps in the past, these funds would be used

to fund Medicaid. While there was nothing in writing, no legislation specific to that, that is what we understood the purpose of these funds would be used for. The legislation that has been presented to this Legislature—as we interpret the legislation, it now can be used for any purpose. That is very concerning to us.

These sweeps in 2009 affected hospital reimbursements for services by $40 million to $45 million annually. What did that mean? Hospitals, as I pointed out were operating in the red and had to try to reconcile that. We have reduced our operating expenses as efficiently and as effectively as we can without impacting services to patients as best as we can; yet we have not succeeded. In 2009 we were operating at just over 2 percent negative operating margin; we are now operating at 3.9 percent, and that is after we have reduced 31 different, specific hospital services. These include programs that are focused around women, children, and those with chronic illnesses, and why? Because those are the populations that are the heaviest users, our benefactors, our recipients, our participants of the uninsured Medicaid/Medicare programs, the most vulnerable population that we serve. We do not have a choice of who we serve. If we provide the service, we have to provide it to whoever presents.

As we try to reconcile and balance our budgets, we, then, have to look at those services that are causing the most negative impact that compromise the continued viability of our health care delivery system. That is why you see those types of services close. For example, we have seen two obstetrics (OB) in Clark County close within the last 12 months to 18 months. We have seen cancer outpatient services, we have seen outpatient dialysis services, we have seen in neonatal intensive care-unit (NICU), and the list goes on. We have lost 1,300 employees during this time period as a result of these closures.

Now, in 2011, we are being asked to accept these additional cuts that I referenced a few minutes ago. What will that mean to us? That will mean that we will have to continue to try to manage our budgets—and we will—and try to sustain and maintain as many services as possible, but I have hospitals who now are willing to publicly declare that under these economic times, these are the specific services that we are considering having to close. That information will be distributed to you Monday morning. In the past when I have been asked to speak to the Legislature about this or to the Administration, I have been asked to be confidential as far as any specific hospital. The situation has gotten so dire that I am now authorized to provide this information to you by specific hospital, by specific service, and that will be the information that you will be receiving Monday morning. You will see an additional 20 services, and I do not believe that is the bottom. I do not believe that will get us to a point that we can continue to sustain our services when we look at the growth of the uninsured, the Medicaid, and the Medicare populations, none of which are paying the cost of service; 69 percent of our patients presented in hospitals now are either uninsured or in government programs that do not cover the cost of health care services.

I will close there, Mr. Chair, with the following questions to this body. As I stated, I will be providing you all this information. Monday, you will receive this information, and I will make myself available to you individually, and I will be looking forward to the opportunity to speak to the various money committees, Ways and Means Committee, budget committees, etc. But, is access to hospital services to Nevadans an essential part of Nevada's health safety net service? Again, I believe the 1 million emergency room (ER) patients we care for, the 260,000 people who are admitted to our hospitals, and the 29,000 that we employ would all tell you, "Yes, Nevada's hospitals are essential to the health safety net system." The second question I would ask you, "Is having a hospital services abatable in this community essential to a viable economy?" Every economic study I have ever seen has suggested that hospital health care services are one of the top three components to insure that you have a viable, growing economy. What industry will want to come to Nevada if they know their employees are not going to have access to the health care services that they need? I do not think many.

With that, Mr. Chair, I will be happy to answer any questions. I appreciated the opportunity to speak to you today.

CHAIR OCEGUERA:
Thank you, Mr. Welch. Mr. Conklin.

ASSEMBLYMAN CONKLIN:
Thank you, Mr. Chairman. Mr. Welch, you and I have talked over the years on many occasions. We heard testimony earlier from the Governor's staff and the Budget office that while, in fact, the health and human services budget is growing, the actual amount being spent per person, those that we are required to fund, is actually declining. That is what that amounted to although they did not say it just like that. It is the reality, and I think I can thank my colleague, Mrs. Mastroluca, for fine-tuning that. What I would like to get a picture from you is exactly how much it is declining and what that comes on top of off? I do not have the specific numbers, but let me tell you exactly what I am looking for—and I do this for all the members of the body who have never heard it. The Medicaid reimbursement amount has never been, as far as I know, 100 percent of what I am going to estimate is cost or billable charges or however you do it. It has always been a lower number. But over the last at least three budget cycles that I can think of, it has been in decline. Can you take me through that decline? And also tell me specifically now—because I am looking at a page that shows it as a percentage—what that new rate will be? I am looking at a percentage decline of 15 percent. I cannot remember what the last rate was. Was it 55 percent of cost? Do you get what I am saying? What is that new rate at least as far as you can tell from this budget?

BILL WELCH:
I will try to answer your question with several responses; 2009 is the most complete data that we have. In 2009, the cost to provide care to Medicaid recipients was $443 million. Of that, hospitals absorbed $180 million of that cost uncompensated. The state provided $70 million of that cost; the federal government provided $168 million of that cost. These are approximate numbers. Of the state share, as we understand it, approximately $25 million of that came from the indigent accident supplemental fund. The hospitals' share of funding Medicaid for hospital services was approximately 40 percent to 45 percent of the total cost. With the proposed budget cuts that are being considered, I would project us to be covering more than 50 percent of the cost for hospital Medicaid services. Currently, we are running at 53 percent to 58 percent of our cost with Medicaid. When we ran these numbers in 2009, we estimated that to be 58 percent, but our costs have continued to decline since, whereas our rates have stayed neutral. With these proposed cuts for inpatient services, if we could keep everything the same as they were today, at best we would be receiving somewhere between 50 percent and 53 percent of our costs for reimbursement of the services that we provide. However, considering inflation and other factors, we will probably be receiving something less than 50 percent of our costs that we provide.

ASSEMBLYMAN CONKLIN:
Mr. Chair, if I may? Because I am a numbers person, I am just going to put this into terms that maybe I can try to understand what you are saying. If 50 percent—and you said it was 58 percent—of all of your costs were from Medicaid recipients, that is more than half of all your business. You only receive 50 percent of that in reimbursements, and that is of cost, not of charges. In order for you to break even, the other 50 percent that are at least paying a bill have to absorb the 50 percent of the 50 percent that is not being paid. In mathematical terms, that is a 50 percent price increase to cover the cost by those who are paying a bill. Do you follow what I am saying?

BILL WELCH:
Mr. Chair, to Assemblyman Conklin, let me emphasize that 50 percent of our business is not Medicaid recipients. Seventeen percent of our volume based upon our most recent data would be Medicaid recipients, but of that population, you are absolutely correct. Making the mathematics simple, using the 50 percent number that you stated, that 50 percent that is

uncompensated, we have a couple of options. One, try to become more efficient in reducing our overhead and operating expenses. Two, shift that cost to the commercial payer who is paying cost plus. Three, eliminate the service. We have become and are trying to continue to be more efficient. We have shifted to the point that payers are no longer willing to accept. That is clearly apparent in our contract negotiations. I understand where they are coming from. You see us at Level 3. "Beacon 3," I guess, would be the term I would use where we are now forced to close services and lay off staff.

ASSEMBLYMAN CONKLIN:
Thank you.

CHAIR OCEGUERA:
Okay. Mr. Sherwood.

ASSEMBLYMAN SHERWOOD:
Thank you, Mr. Chair and Mr. Welch. You paint a dire situation. I think Mr. Conklin is on to something. With fewer people paying fewer dollars means the folks that have cost plus—which would be anybody with, I guess you would call it private health insurance—pay more, and now you have private health insurance companies or even self-funded companies who want bigger contracts and a lower rate. The sustainability in the last two years does not work, and there is no reason to suspect that it will work for the next two years. My question is, as a physician or a doctor, what is my incentive to practice here? You can have hospitals here without doctors, right? And reimbursement rates for physicians that do not cover their cost? Is there a next step? Is there something that we can do to keep the doctors whole? Short of surgical centers and then the hospitals—the only services that they have are emergency services, and they do not offer any services, and now we have a two-tiered health system rather than a universal health system. I guess the question would be, what is the hope for retaining the physicians we have and possibly even getting more physicians for the hospitals that we have? We have a lot of hospitals. We just do not have a lot of physicians.

BILL WELCH:
Mr. Chair, through you in response to Assemblyman Sherwood's question, it should be pointed out that Nevada already has a severe shortage of physicians. We have one of the poorest rates of physicians to population in the country. In response to your question about hospitals providing services, I would like to clarify that hospitals do not provide health care. Hospitals are facilitators of health care services. We bring together and provide the resources to physicians, nurses, and other health care givers. Without physicians, without nurses, there will not be health care services regardless of how many hospitals that you have standing there.

With respect to how do we maintain physicians, we are trying to figure out how to recruit physicians, but your question is very good, "How do we maintain them?" I am not sure. They can speak for themselves. In this proposed budget is reductions and reimbursements to them as well. I know what they are asking us to do. I have had hospitals report this to me recently. The physicians are coming to us and asking us to keep them whole because they cannot absorb it either. I wish that I had a good answer for you, but under the current economic picture, the current environment, I am very concerned about the viability of Nevada's health care delivery system.

ASSEMBLYMAN SHERWOOD:
A follow-up, Mr. Chair?

CHAIR OCEGUERA:
Mr. Sherwood.

ASSEMBLYMAN SHERWOOD:

We already had testimony that we cannot cap the number of clients on Medicaid. That is based on a number, and if it goes to 600,000, which looks like that is where it is headed, which would be 10 percent of our population. That is the number, right? If that trend continues—we talk about how we do not have any forward-thinking conversations—maybe not right now for this budget but for the one after that, would you entertain opting out of Medicaid as a state?

BILL WELCH:

Mr. Chair to Assemblyman Sherwood, whether we opt out of Medicaid or we continue Medicaid, these individuals will continue to be needing and wanting to access health care services. Whether we have a Medicaid program or we look to the counties or we look to the insured population, these individuals are still going to need care and they are still going to need to be paid for. What we need to be thinking about is how we are going to make this the most efficient system and how we can spread this responsibility amongst us all as equitably as possible so that we can ensure the infrastructure of the system. Eliminating Medicaid? I do not know that that is an option unless we are looking at block grant. Mr. Willden and his staff would be the best to respond to that because there are options with block grants on how you can create programs. But at some point in time, you eliminate Medicaid and you do not look at block grants. The counties have already indicated they cannot absorb the hit. The hospitals and the provider community are getting to the point they no longer can absorb the hits, and so you will just not see a full health care delivery system. You may see emergent medical care through urgent care centers. Who will fund them, I am not sure. Who will support them, I am not sure. That is a pretty scary thought to me, Mr. Sherwood.

CHAIR OCEGUERA:

All right. Let us go to Mr. Musgrove.

DAN MUSGROVE, REPRESENTATIVE, THE VALLEY HEALTH SYSTEM:

Thank you, Mr. Chairman. Today, I am wearing a couple of different hats. My client, the Valley Health System, wants to echo the comments of Mr. Welch. The reason I am here today is also that I represent a nonprofit called WestCare, who has stepped up to the plate for a number of years and took on the role of providing services through the community triage center.

Back in 1999, actually, Sheriff Jerry Keller of the Las Vegas Metropolitan Police Department put together a group of stakeholders who realized that hospital emergency rooms and jail cells were being overwhelmed by folks that we call "chronic inebriates" and the mentally ill. In other words, the first responders that are so important to this safety net that we have all been talking about today were getting overwhelmed by dealing with individuals that were not being serviced by the mental health programs that currently existed in the state at that time. They did some studies and found out that there is a model of something they wanted to emulate out of Memphis called the community triage center, which allowed first responders—whether it was police, ambulance services—to take these folks who it was not appropriate for them to be in a hospital emergency room or it was not appropriate for them to be in jail, as you heard Judge Breen talk about, but it was more appropriate for them to be in a situation where they could get treated, get out of their crisis. So many of these folks were self-medicating because they could not get their mental health drugs because the system that we had back then was just so dramatically overwhelmed. It was the community who came together to try to give another source of treatment that was unlike anything that this state had ever seen. It took a number of years at this Legislature to get the state involved in funding it.

It was the Subcommittee [Subcommittee on Human Services and Capital Improvements] this session that saw the Governor's budget, and Vice Chair Mastroluca and Vice Chair Leslie, during the earlier hearings that we had this session, identified the fact that community triage was a very, very important resource. They suggested taking one of the ideas that the Governor had given dealing with transportation. In a perfect world—and that is one of the things that I want to

talk about—the transportation is a wonderful idea, and I want to give kudos to Mike Willden and his staff for coming up with the idea. The trouble is that there are so many other cuts going on in this budget that the stakeholders across the state felt that it really would have been useless to the system without all the other spokes of this wheel that we have.

Assemblywoman Mastroluca came to a meeting that we had in December. This is a redundant statement that they heard me make back during the first hearing, but I want to make it for all of you today. There was a stakeholder meeting, a bunch of the mental health advocates met and gave presentations to a number of legislators who showed up—a lot of freshmen, a lot of folks that are in the health care committees. Assemblywoman Mastroluca asked me specifically, and this was when we first received the Governor's recommendation back around October 15, "What is your solution with all these cuts?" I could not answer her at that time. Then it dawned on me as I was driving home that everything that the advocates were talking about, everything that is on pages 6, 7, and 8, were our solutions to the mental health crisis. This budget dismantles them to such a dramatic degree that I think that we will be back in crisis very, very soon. Our hospital emergency departments (EDs) will be full again of mental health chronic inebriates—our jail cells. Right now the Las Vegas Metropolitan Detention Center is the largest mental health hospital we have in the State of Nevada. They have over 600 people on any given day that are receiving psychotropic drugs. Judge Breen talked about it with eloquence, but this is the system that we have, the spokes of the wheel that have to work interchangeably for us not to go into crisis.

I was with the County [Clark County] back in 2004 when the county manager at the time, Thom Reilly, declared a crisis because one out of every three emergency beds that we had in southern Nevada were filled by a mentally ill or chronic inebriant. We certainly do not want to go there again. My fear is that not only community triage is important but Mental Health Court and outpatient and sustainable living arrangements are all the things that this Legislature, hearing advocates for years and years, have built dollar by dollar to put together a system that we are afraid is going to be dismantled. I just want to leave you with that and ask for your support on all of these measures. I stand open to questions.

CHAIR OCEGUERA:

Thank you, Mr. Musgrove. Questions? All right, I am not seeing any. Ms. Gasca? I am sorry, I did see one question. Mrs. Mastroluca.

ASSEMBLYWOMAN MASTROLUCA:

Thank you, Mr. Chairman. I just had a quick question, Mr. Musgrove, and I am sure that Mr. Welch could probably chime in on this also. Could you let me know how well-prepared our hospital emergency rooms are to handle patients with mental health needs?

DAN MUSGROVE:

Mr. Welch might be more appropriate. Really, all we do is act as caretakers. It is not the hospital's role—we are acute care facilities. We can deal with bumps and bruises and broken bones and illnesses, but mental illness deserves to be in a mental health facility. We can medicate them and stabilize them, but it is not a treatment facility. We are caretaking them until they can get moved into the state system. Still, with all the things that the state is doing really, really hard to do—when Dr. Cook [Harold Cook, Administrator, Division of Mental Health and Developmental Services] testified in front of your committee, I think he stated that it was at least 45 hours to 50 hours that they are staying in those hospital emergency departments. Folks, that is two days. We have done the math. I will not do it right now, but we can usually turn around an emergency room bed in about 2.5 hours. Divide 2.5 into 50, figure out how many we got on any given day—the numbers change. When it was a crisis, it was a 100; that is a lot of beds that are not being accessed by your loved ones. It is your loved ones that are sitting in those waiting rooms waiting to get to those beds.

BILL WELCH:

Mr. Chair, I would only reinforce Mr. Musgrove's comments. Hospital ERs are there to triage the patient, do the initial assessment, and then move the patient to the level of care. We are prepared to deal with the physical conditions. The psychological conditions, all we can do is we clinically evaluate. If they have a medical condition, that is treated, and then they are prepared for transfer to an appropriate facility. They are not receiving mental health services in our hospital ERs other than whatever medications they are being provided to stabilize them until such point in time they can be transferred to the appropriate setting for their care.

ASSEMBLYWOMAN MASTROLUCA:

Thank you very much, Mr. Welch. I appreciate the comments, Mr. Musgrove, and I appreciate the time that you have taken to educate myself as well as my committee on the importance of these issues. It is a good reminder that those times where you need to get a loved one into a hospital and you are sitting in an emergency room waiting, chances are the reason you are waiting is because those beds are being taken by mental health patients that are unfortunately not getting the treatment they deserve. Thank you, Mr. Chairman.

CHAIR OCEGUERA:

Thank you, Mrs. Mastroluca. Now, Ms. Gasca.

REBECCA GASCA, LEGISLATIVE AND POLICY DIRECTOR, AMERICAN CIVIL LIBERTIES UNION OF NEVADA (ACLU):

Thank you, Mr. Chair. Those of you who normally sit on the Ways and Means Committee know that you normally do not see me in your Committee. Today, I am compelled to speak with respect to the constitutional level of care that may be impacted by some of these budgetary proposals.

The ACLU is not a budgetary expert by any means. We do not take any position relating to specific levels of funding nor any tax creations, impacts fees, anything of that sort. We do, however, take positions on constitutional level of care. You heard some specific testimony from the judges earlier this evening. You have heard about how the budgetary impacts will result in possible undermining of the constitutional obligations that the state has with respect to criminal justice-related issues in particular. We are concerned about Mental Health Courts. We are concerned about the juvenile parole obligations that the state has. We are concerned about juvenile justice issues in general, particularly with regards to early intervention services and those types of services that are generally provided to young adults or juveniles in order to keep them out of long-term involvement with the criminal justice community.

The ACLU certainly cannot take positions on specific levels of funding, particularly because constitutional challenges generally stem in as applied situations. But I just wanted to make it clear that we are certainly watching these very difficult decisions that are being presented to you today. We are not oblivious in the fact that we are in dire fiscal straits, but there are certain issues that the state is constitutionally obligated to provide, and we hope you will take that into consideration as you move forward.

I will be here tomorrow morning to be present at the Ways and Means' consideration of several bills, in particular, Assembly Bill 528. I am going to leave my comments brief on that, but that is the Governor's response to moving funds from the medical marijuana program to fund substance abuse programs. We are quite disappointed in the fact that as we see it, the state is playing what we consider a game of monkey in the middle with medical marijuana patients. We have abdicated our responsibility. We have unfortunately created a system where many patients turn to the black market to find their medicine, and, at the same time, we are scalping the funds that they contribute to access this constitutionally allowed medical care in Assembly Bill 528 by turning those excess revenues over to other areas of the budget rather than reinvesting them in the program.

I want to share one quick story, and that is of a student at the University of Nevada, Reno (UNR), whose grandmother just died. She was dealing with various types of chemotherapy, radiation treatments. This woman could not swallow. This woman was in severe pain for many, many months. This granddaughter bought this grandmother's medication on the black market, and that is because her grandmother could not grow her medicine herself. This is an unfair situation to put students in. It is an unfair situation to put grandchildren in, to force them to go and buy their grandparents' medication rather than provide a system that protects the interests of patients.

We hope you take this into consideration because 10 years ago, the state's constituency did pass this constitutional amendment, and the state has unfortunately neglected its responsibility to provide constitutional access to this medicine. With the moving of funds from the medical marijuana program to other areas, we certainly see that as a continued abdication of responsibility to the state. We hope you will reconsider it or at least reconsider taking a look at the overall status of the medical marijuana program in order to provide better care for our constituencies. We also hope that you consider the long-term impact of the budgetary decisions on particularly the criminal justice system as a whole and as they relate to the short and long-term impacts of the decisions you make. Thank you, Mr. Chair.

CHAIR OCEGUERA:

Thank you, Ms. Gasca. Any questions? I am not seeing any. Mr. Shick.

SCOTT SHICK, CHIEF JUVENILE PROBATION OFFICER, DOUGLAS COUNTY JUVENILE PROBATION DEPARTMENT:

Thank you, Mr. Chairman, members of the Assembly. This will be brief. I represent Douglas County Juvenile Services and also the rural juvenile jurisdictions in our state. I want to echo the comments of Judge Frances Doherty, Carey Stewart from Washoe County, Fritz Reese from Clark County, and our concerns regarding the juvenile budget and the pushdown.

That unresolved concern of $6 million per year for the biennium, we just hope that you will take another look at that and know that the Nevada Youth Parole Divisions, an organized, expert, cooperative system brings solutions to the table regarding complex issues at getting juveniles on track before they reenter our communities. Parole is a necessary state function and should continue to be funded by our state. I want you folks to know that we do work hard with our state partners and we avoid duplicity, we streamline this process, and we do it right for kids. If our rural juvenile jurisdictions are required to pay for these services, we will have more lay-offs and a significant reduction in the community-based juvenile justice strategies that we have researched and implemented on a statewide basis. In addition to that, we will most likely increase commitments to our state's custody and back up our detention centers with dead time.

I am just asking from the rural standpoint—and I know there are rural Assembly persons in this room—to take a look at this. Juvenile Services is not fat. We are doing the best with what we got. Like a lot, we know we got to take some cuts. We are prepared to do that. We are prepared to work with our state partners and stay at the table with them and get through this. We do not need to regress to a system that trains kids for prison. We have been there, and it did not work. Like I said, we need to streamline and move forward. Thank you very much. I would encourage you to at least get in touch with your local juvenile administrators and help us get this right for years to come. Thanks very much. Thanks, Mr. Chairman.

CHAIR OCEGUERA:

Thank you. Thank you for staying around as well. All right, let us have public comment. Anyone from the public wanting to speak? If there is anyone in Las Vegas, we cannot see you. All right, I do not see any. Mr. Conklin.

Exhibit A is the Agenda. Exhibit B is the Attendance Roster.

Exhibit C

ASSEMBLY COMMITTEE OF THE WHOLE
WORK SESSION ON GOVERNOR'S BUDGET PROPOSAL FOR
HEALTH AND HUMAN SERVICES

Agency: Department of Health and Human Services Date: April 29, 2011
Budget Pages: DHHS D irector-1—DHHS DCFS-112, Volume II and III

Overview

This report provides a high-level review of the major recommendations included in the Governor's recommended budget. The report also provides information that has been obtained by the Health and Human Services Joint Subcommittee throughout the budget review process regarding the Governor's recommendations.

Director's Office

Family-to-Family Program – The Governor recommends eliminating the Family-to-Family Connection (F2F) program to achieve a General Fund savings of $2.5 million over the upcoming biennium, and using $471,149 of the savings in each year to restore funding for the Differential Response (DR) program and the Family Resource Centers (FRC). The F2F programs support families of infants and toddlers by providing parenting classes, information on child safety, health, nutrition and infant CPR, and support to new parents as a proactive approach to preventing child abuse and neglect.

Currently there are 20 F2F programs statewide (18 operating within FRCs and 2 stand-alone). Based on the Governor's recommendation, the 2 stand-alone facilities would close, and the F2F program and FRC facility in which it operates in Pershing County would close. Additionally, 3 F2F programs co-located with FRCs would not provide F2F services whatsoever, and 13 FRCs would attempt to continue some of the F2F services. Although the money committees approved the Governor's recommendation to eliminate funding for the F2F program, the committees placed the restoration of the F2F program on a potential add-back list should additional funds become available.

Indigent Supplement Account – The Governor recommends that the property tax proceeds in the Indigent Supplement Account, budgeted at $19.6 million in FY 2012 and $19.8 million in FY 2013, be redirected to the State General Fund to offset revenue shortfalls instead of reimbursing Nevada counties for indigent hospital care. Since December 2008, approximately $112.6 million in property tax proceeds collected for indigent claims has been redirected to the General Fund, leaving minimal amounts to pay claims. Claims are funded through property tax revenues equivalent to one-cent per $100 of assessed value and a property tax levy of 1.5 cents on each $100 of assessed valuation.

Current law requires that revenue in the Fund be used to reimburse hospitals for expenses related to the treatment of indigent persons involved in automobile accidents, and to assist counties with catastrophic indigent hospital bills once the county has exhausted funds from its indigent account.

Aging and Disability Services Division

Senior Citizens' Property Tax Assistance – The Executive Budget recommends eliminating the Senior Citizens' Property Tax Assistance program for a General Fund savings of $5.7 million in each year of the upcoming biennium. The program offers refunds to both homeowners and renters who qualify. During FY 2011, 16,610 refunds were issued, with an average refund of $267.

Elder Protective Services – The Governor recommends billing the counties for the cost of performing Elder Protective Services (EPS) duties, for a General Fund savings of $1.0 million in FY 2012 and $1.2 million in FY 2013. It should be noted that the total amount to be billed includes funding to add 15 new Social Worker positions over the biennium, in order to reduce the caseload to 40 cases per Social Worker. The counties would be billed annually based upon the average percentage of EPS cases in each county during FY 2010 and FY 2011. This proposed methodology is different from the billing methods recommended for other divisions within the Department of Health and Human Services. For example, the Division of Child and Family Services (DCFS) is recommended to bill for child protective services based upon each rural county's share of Nevadans in the age cohorts for that service. Therefore, it has been discussed that EPS services should be billed based upon residents aged 60 and older in each county.

Use of Tobacco Settlement Funds in Place of General Fund – The Governor recommends redirecting funding for the Traumatic Brain Injury (TBI) and Autism programs from the General Fund to Tobacco Settlement funds in FY 2013, for a General Fund savings of $2.7 million. The Tobacco Settlement monies would cover $1.49 million in TBI costs, plus $1.18 million in autism costs. The Tobacco Settlement funds would come from the April 2012 payment made to the Trust Fund for Public Health, which receives 10 percent of each year's Tobacco Settlement payment.

Division of Health Care Financing and Policy

Medicaid and Check Up Rate Reductions – The Governor recommends rate reductions for medical services providers during the 2011-13 biennium, resulting in a General Fund reduction of $25.2 million in FY 2012 and $24.4 million in FY 2013. Recommended rate reductions are reflected in the table below.

Provider/Service	Rate Reduction	2011-13 GF Savings
Dental services, durable medical equipment, and disposable medical supplies	25%	$9.9 million
Outpatient hospitals	15%	$2.7 million
Ambulatory surgical centers, ambulance services, and end stage renal disease services	15%	$2.2 million
Non-primary care physicians, physician assistants, nurse midwives, and nurse practitioners	15%	$7.7 million
Home and community-based services for the frail elderly, adult group care, and disability waivers	15%	$1.8 million
Non-pediatric beds for Intermediate Care Facilities for the Mentally Retarded and Developmentally Disabled (ICF/MR)	15%	$1.2 million
Laboratory, pathology, clinical, and radiology services	15%	$0.7 million
Inpatient hospitals, inpatient psychiatric facilities, and specialty inpatient hospitals	5%	$13.2 million
Skilled Nursing Facilities (SNF) and hospice services provided by SNF (paid at 95 percent of daily SNF bed rate)	$20 per bed day	$10.2 million
Total		$49.6 million

Eliminate Non-Medical Vision Services – The Governor recommends eliminating non-medical vision services for adults ages 21 years and older, resulting in a General Fund reduction of $1.8

million over the 2011-13 biennium. Recipients would continue to be able to have eye exams, but funding would no longer be available to purchase glasses or other eye appliances. The agency indicates 7,833 patients, aged 21 years and older, received non-medical vision services during FY 2010.

Funding Shift to Local Governments – The Governor recommends transferring financial responsibility for a portion of the Medical Aid for the Aged, Blind and Disabled (MAABD) institutional and waiver population to the County Match Program, resulting in General Fund savings of $37.2 million for the 2011-13 biennium. Currently counties are only responsible for paying the state share of costs for Medicaid clients in institutional care whose income falls between 156 and 300 percent of the federal benefit rate (FBR) for Supplemental Security Income (SSI). Counties currently have no financial responsibility for waiver recipients. The Governor's recommendation makes counties responsible for both the institutional population at a lower percentage of FBR and the waiver population.

HIFA Waiver Program – The Governor recommends eliminating the Health Insurance Flexibility and Accountability (HIFA) waiver effective November 30, 2011, when the waiver expires, resulting in a General Fund savings of $141,097 in FY 2012 and $223,400 in FY 2013. The HIFA waiver includes coverage for pregnant women with income levels from 133 to 185 percent of the federal poverty level (FPL) and a premium subsidy of $100 per person per month for employees and their spouses who work for small employers (2-50 employees) and who have household incomes less than 200 percent of the FPL. The HIFA waiver cannot be extended due to requirements contained in the Children's Health Insurance Program Reauthorization Act of 2009.

Mandatory Rate Increases for Medicaid and Check Up – The Governor recommends General Fund support in the amount of $3.6 million in FY 2012 and $5.7 million in FY 2013 for mandatory rate increases for free standing hospice services provided through Medicaid (2.84 percent annually), Federally Qualified Health Centers and Rural Health Clinics (2.3 percent annually), Indian Health Services (4.58 percent annually), capitation rates for managed care organizations (0.5 percent annually) and inflation for pharmacy rates for the Check Up program (3.4 percent annually).

Medicaid Caseload Increases – The Governor recommends General Fund support in the amount of $102.5 million in FY 2012 and $120.8 million in FY 2013 for Medicaid caseload increases during the 2011-13 biennium. Medicaid caseloads are projected to increase by approximately 23.1 percent in FY 2012 over the actual caseloads for FY 2010, and by approximately 4.1 percent in FY 2013 over the projected caseloads for FY 2012.

Check Up Program – The Governor recommends General Fund support in the amount of $260,869 in FY 2012 and $655,499 in FY 2013 for caseload growth in the Check Up program during the 2011-13 biennium. Check Up caseloads are projected to increase by 2.28 percent in FY 2012 compared to FY 2011 projected caseloads and by an additional 4.09 percent in FY 2013 compared to FY 2012.

Replace Expiring Increased FMAP – The Governor recommends net General Fund increases of $96 million in FY 2012 and $66.2 million in FY 2013 as a result of the expiration of the enhanced Federal Medical Assistance Percentage (FMAP). The Executive Budget projected the rate to decrease from 63.93 percent in FY 2010 to 55.05 percent in FY 2012 and 57.66 percent in FY 2013. The FMAP rate was enhanced by ARRA during the 2009-11 biennium.

Revised Caseload Projections and FMAP – Typically, the Division re-runs the Medicaid and Check Up projection models in March of each legislative session using the most recent caseload and cost per eligible (CPE) information available. This information is used by the money

committees in conducting their final review of the Medicaid and Check Up budgets to determine if funding modifications should be considered prior to budget closings.

Based on the results of the projection model re-runs, conducted in March 2011, the agency projects decreases in caseload projections and increases in CPE projections, which result in a net overall decrease from the amounts included in The Executive Budget. The tables below summarize the revised caseload projections for the Medicaid and Check Up programs.

Medicaid Caseload Projections 2011-13 Biennium					
FY 2010	FY 2011 (Projected)	FY 2012 (Gov Rec)	FY 2012 (Amendment)	FY 2013 (Gov Rec)	FY 2013 (Amendment)
240,496	278,586	295,940	295,300	308,076	306,369

Note: Caseload totals include Special Low Income Medicare Beneficiaries (SLMBs).

Check Up Caseload Projections 2011-13 Biennium					
FY 2010	FY 2011 (Projected)	FY 2012 (Gov Rec)	FY 2012 (Amendment)	FY 2013 (Gov Rec)	FY 2013 (Amendment)
21,713	21,550	22,040	20,977	22,944	21,241

Additionally, the FMAP for the second year of the biennium is traditionally revised during the legislative session, based on information provided by the Federal Funds Information for States (FFIS). According to an issue brief published by the FFIS on March 25, 2011, the FMAP rate for Nevada is projected to increase to 60.28 percent in FFY 2013, resulting in a blended FMAP rate of 59.26 percent for FY 2013, an increase of 1.60 percent compared to the blended FMAP rate of 57.66 percent used in The Executive Budget.

On April 22, 2011, the Budget Division submitted several budget amendments based on revised caseload projections for the Medicaid and Check Up programs and the revised FMAP projections. The modifications result in a General Fund reduction of $52.9 million during the 2011-13 biennium.

Health Division

County Payment for Health Division Programs and Services – The Governor has recommended billing the counties for several services provided by and/or funded by the Health Division:

- The Governor recommends replacing General Funds of $594,760 in FY 2012 and $586,759 in FY 2013 with county reimbursements for inspection and permitting in the Consumer Health Protection account. Since the majority of the inspection work is for food establishments, the Division has utilized the number of food establishments in each rural county as the basis for apportioning the costs to each county.

- The Governor recommends billing counties for Emergency Medical Services licensure and training services, for a General Fund savings of $752,723 in FY 2012 and $755,653 in FY 2013. The Health Division has indicated that each county's share was calculated based upon the Division's calculation of work hours in each county.
- The Governor recommends elimination of $625,184 per fiscal year in General Fund for state tuberculosis and sexually transmitted disease program spending. The majority of this state funding ($617,804) is expended on medical treatment costs for tuberculosis. Currently, the Health Division reimburses the county health districts (Clark, Washoe, and Carson City) as well as the Community Health Nursing program for treatment of persons with tuberculosis in the counties.

Division of Welfare and Supportive Services

Eligibility Engine System – The Governor recommends total funding of $1.0 million in FY 2012 and $13.9 million in FY 2013 for the development and implementation of an Eligibility Engine system that will determine individual eligibility for publicly subsidized health care programs. The entire FY 2012 cost of $1.0 million will be funded with federal funds, and the $13.9 million in FY 2013 will be funded with $13.4 million in federal funds and $494,838 in General Funds. The Eligibility Engine will be integrated with the Health Insurance Exchange (HIX), the Division of Health Care Financing and Policy (DHCFP), and the Division of Welfare and Supportive Services (DWSS) public assistance programs, as mandated under the Affordable Care Act. The Eligibility Engine is a key component of the HIX, because it will store all of the eligibility rules for the State's publicly-subsidized health coverage programs in one place that will be accessible to all individuals shopping for health coverage from multiple entry points.

TANF Reserve Levels – Based on the most recent Temporary Assistance to Needy Families (TANF) Block Grant source and use data provided by the Welfare Division at its March 31, 2011, caseload meeting, TANF-related expenditures as recommended in The Executive Budget (cash assistance, eligibility, administration, etc.) for the 2011-13 biennium exceed available resources (block grant plus maintenance of effort [MOE]) in each year. As a result, the balance of unspent TANF funding is projected to decrease to $5.3 million at the end of FY 2012, and then to negative $2.5 million at the end of FY 2013. TANF expenditures as recommended by the Governor were originally projected to result in unspent TANF funds of approximately $1.0 million at the end of FY 2013. However, recent notification that federal TANF Contingency Grant will be reduced by $3.4 million in FY 2012, along with the revised March 31, 2011, TANF cash assistance projections, result in the projected negative ending TANF reserve.

The Director of the Department of Health and Human Services (DHHS) and the administrator of DWSS have indicated the negative TANF reserve will be addressed by including $2.5 million in TANF Contingency Grant funds in FY 2013, which would bring the projected TANF reserve to zero at the end of FY 2013. However, DWSS has not received formal notice it will receive these federal funds for FY 2013, and their inclusion to balance the TANF source and use statement may be risky. If the 2011 Legislature approves the TANF budget as recommended by the Governor, and if TANF Contingency Grant funds of $2.5 million are not provided by the federal government in FY 2013, the Division would have to implement reductions to TANF program expenditures beyond those recommended by the Governor in The Executive Budget, including possible reductions in TANF cash assistance grants.

TANF Expenditure Reductions – Due to the declining TANF reserve and the fact that TANF expenditures exceed TANF revenues in both years of the 2011-13 biennium, significant reductions in TANF expenditures are required. Accordingly, The Executive Budget contains five recommendations that reduce or eliminate existing programs and funding transfers in the TANF budget. These recommendations, which reduce TANF expenditures by a total of $12.37 million in FY 2012 and $12.75 million in FY 2013 include:

- Reduce the rate for kinship care payments from the current average level of $894 to the average non-needy caretaker rate of $427. This recommendation reduces TANF expenditures by $1.68 million in FY 2012 and $1.76 million in FY 2013, and will affect approximately 500 children in each year of the biennium. The Kinship Care program provides cash benefits for children living with relatives. The Director of DHHS has testified that this reduction may be restored by the Governor through a budget amendment.

- Eliminate the TANF loan program, which provides a monthly financial payment designed to meet a family's needs such as food, shelter, and clothing until an anticipated future source of income is received. This recommendation would reduce TANF expenditures by $2.03 million in FY 2012 and $2.34 million in FY 2013. The funding would otherwise serve an average of 524 families in FY 2012 and 604 families in FY 2013, with an average

monthly benefit of $316. The most common benefit recipient is a household with an otherwise work-eligible recipient awaiting receipt of Supplemental Security Income (SSI). The Director of DHHS has testified that this reduction may be restored by the Governor through a budget amendment.

- Reduce TANF funding provided to social service subcontractors by 50 percent, decreasing TANF expenditures by $694,544 in each year of the biennium. These subcontractors provide social service benefits to TANF recipients with substance abuse and domestic violence issues. This recommendation would not reduce the per-client cost, but would reduce by approximately one-half the number of clients served (from 372 clients to 182 clients).

- Eliminate all transfers to other state programs within DHHS, reducing TANF expenditures by $7.14 million in each year of the biennium. These transfers include: $3.3 million annually to DCFS for child welfare case management and protective services; $1.7 million annually to MHDS for rural clinics; $1.1 million annually to MHDS for autism; $754,063 annually to the DHHS Director's Office for use as Title XX funds in the Grants Management Unit; and $307,849 annually to the Health Division for rural counties.

- Eliminate transfers of TANF funds to county child protection programs in Clark and Washoe Counties, which reduce TANF expenditures by $817,498 in each year of the 2011-13 biennium.

Silver State Works – The Governor recommends General Fund appropriations of $6.0 million in FY 2012 and $4.0 million in FY 2013 in the TANF account to implement the Silver State Works (SSW) program, which is a plan to increase employment outcomes for the State's TANF client population. The SSW program would be a collaborative effort between the Department of Employment, Training and Rehabilitation (DETR) and DWSS. The plan's objective would be to enhance Nevada's economy by expanding the total number of jobs in the State, and increasing the working population through employment incentives, on-the-job training, the Community Work Experience Program, and targeted training. The Governor recommends the entire biennial cost of $10 million be used to reimburse employers for costs associated with providing employment for TANF and TANF at-risk clients. Employers would be able to utilize the reimbursement to pay the costs associated with on-the-job training, equipment, fees, etc. Employer incentives will likely be paid over a four to six-month training period, with a pay structure that encourages job creation and job longevity. Incentives are envisioned to range from $1,000 to as high as $5,000 for participants with significant and multiple employment barriers. All work eligible individuals would be required to develop and participate in a Personal Responsibility Plan, which would address the entire family, including items such as school attendance, medical care, immunizations, etc.

Child Support Reductions – The Governor recommends eliminating the Employment Assistance Program (EAP) statewide, which results in reduced state-funded child support expenditures of $172,111 over the biennium, and a corresponding loss of federal matching funds of $334,097 (based on the 66 percent Federal Financial Participation [FFP] matching criteria). The EAP provides supportive services to eligible non-custodial parents who are unemployed or under-employed, with the goal of increased child support collections and compliance with court orders. The Governor also recommends eliminating ten state positions that are co-located with Clark County Child Support Enforcement in Las Vegas. This recommendation reduces state-funded child support expenditures by $494,704 over the biennium, with a corresponding loss of federal matching funds of $960,307. The elimination of these ten positions will increase caseloads for case managers in Clark County, impacting the collection of child support payments. Further, the Governor recommends eliminating three positions and associated costs from the Child Support

Enforcement Program account, reducing state-funded child support expenditures by $120,694 over the biennium, with corresponding reductions in federal matching funds of $234,287.

Child Care Reductions – The General Funds in the Child Assistance and Development account have historically been used to match federal grants and provide funding for a portion of the TANF Block Grant Maintenance of Effort (MOE) requirement, which is $2.6 million annually. The Governor recommends reducing General Fund appropriations for this account by 69.2 percent, from the 2009-11 legislatively approved level of $16.9 million to $5.2 million for the 2011-13 biennium, which is the minimum MOE level required by the federal government. The Governor further recommends utilizing certified matching funds in lieu of General Funds as the State's portion for matching federal funds. Certified matching funds consist of qualifying expenditures from both public and private community partners. These recommendations result in a monthly average of 1,111 eligible children unserved in FY 2012 and a monthly average of 1,515 eligible children unserved in FY 2013. All TANF NEON and all TANF at-risk clients would be served – the unserved clients would come from the discretionary population, which generally consists of families with incomes between 131 percent and approximately 250 percent of the Federal Poverty Level.

Division of Mental Health and Developmental Services

The Division of Mental Health and Developmental Services (MHDS) is responsible for the development, administration, coordination and evaluation of state treatment and training programs for mentally ill and mentally retarded citizens. The Governor recommends the following total funding for the Division:

Division of Mental Health and Developmental Services						
Funding Source	**Legislature Approved 2009-11 Biennium**		**Governor Recommends 2011-13 Biennium**		**Increase / (Decrease)**	
General Fund	$465,740,537	66.0%	$401,189,215	65.0%	$(64,551,322)	-13.9%
Balance Forward	$467,742	0.1%	$552,328	0.1%	$84,586	18.1%
Federal Fund	$64,565,483	9.2%	$53,157,106	8.6%	$(11,408,377)	-17.7%
Interagency Transfer	$168,780,646	23.9%	$139,755,250	22.6%	$(29,025,396)	-17.2%
Other Fund	$5,841,155	0.8%	$22,727,036	3.7%	$16,885,881	289.1%
Total MHDS	**$705,395,563**	**100.0%**	**$617,380,935**	**100.0%**	**$(88,014,628)**	**-12.5%**

As noted in the table above, the Governor's recommended 2011-13 budget decreases overall funding for the Division by 12.5 percent (13.9 percent General Fund reduction) when compared to the funding approved by the 2009 Legislature. For the Division, the Governor recommends decreasing the total number of positions from 1,717.23 FTE (adjusted base) to 1,541.99 FTE, a net decrease of 175.24 FTE, or 10.2 percent.

Eliminate the State's One-Third Funding Support for Community Triage Centers – The Governor recommends eliminating General Fund support of $1.25 million each year representing the State's one-third share of support for the Community Triage Centers (CTCs) in Clark (SNAMHS - $750,000) and Washoe (NNAMHS - $500,000) Counties. The local governments and hospitals combine to make up the remaining two-thirds funding support for WestCare Nevada to operate the centers in Las Vegas and Reno. The community triage centers were initially established by the 2005 Legislature as an alternative to taking individuals experiencing mental health and substance abuse crisis episodes to local hospital emergency rooms. During its work session held on March 29, 2011, the Human Services Joint

Subcommittee discussed an alternative proposal to restore the State's one-third funding support for the community triage centers by utilizing General Funds of $1.27 million in FY 2012 and $1.75 million in FY 2013 recommended by the Governor to implement a non-medical transportation service of clients from local emergency rooms to the SNAMHS inpatient facilities. The alternative proposal was supported by various stakeholder groups in Clark County. The current contractor for the community triage center in Las Vegas has a van available to transport individuals to the SNAMHS campus as necessary. They also noted the local hospitals have also considered using their non-emergency vehicles as well to assist in transporting individuals to SNAMHS inpatient facilities.

Reduce Outpatient Counseling Services – Outpatient counseling services provide individual and group therapy opportunities that teach individuals to manage their emotions and behaviors, and are offered in conjunction with service coordination and medication services. The Governor's budget reduces funding for outpatient counseling services by $1.2 million each year, including General Fund savings of $957,551 in FY 2012 and $959,898 in FY 2013, and eliminates a total of 12.51 positions. A total of seven positions are eliminated at SNAMHS (4.0 Licensed Psychologists and 3.0 Clinical Social Workers); five positions at NNAMHS (3.51 Licensed Psychologists and an Administrative Assistant); and a Licensed Psychologist in the Winnemucca clinic. Information submitted by the Division notes that the recommendation would affect services to approximately 875 individuals annually at SNAMHS, approximately 456 individuals annually at NNAMHS, and 130 individuals in the rural portions of the State.

Reduce Supported Living Arrangements – The Governor recommends funding reductions of $4.4 million each year, including General Fund of $3.6 million in FY 2012 and $3.5 million in FY 2013, by eliminating 272 supported living arrangements (SLAs) statewide: 201 at SNAMHS, 35 at NNAMHS, and all 36 placements currently authorized for Rural Clinics. In addition, the Governor also recommends further funding reductions of $2.5 million ($1.4 million General Fund) each year by eliminating 54 SLAs at Desert Regional Center. Supported living arrangements provide financial assistance for rent and utilities in a variety of settings (e.g., group homes, individual placements, etc.) and provides training to develop independent living skills as an alternative to institutional placement. As a result of the FMAP and Medicaid caseload adjustments previously mentioned, the Department Director has prioritized the restoration of funding for the 272 mental health SLAs. However, Fiscal staff had not received an amendment reflecting the Department's or Governor's priority at the time this document was prepared.

Assess Counties for Mental Health Court – The Governor recommends reductions in General Funds of $3.0 million each year, with corresponding reimbursements for recovery of Mental Health Court costs, from Clark ($1.68 million) and Washoe ($1.2 million) Counties, as well as Carson City ($112,670 in FY 2012 and $113,390 in FY 2013). The Mental Health Courts provide counseling and administrative staffing (9.01 positions at SNAMHS, 4.0 positions at NNAMHS and 1.0 position in Carson City), as well as SLAs and medications in support of individuals directed to the program by the district courts in the respective jurisdictions. Individuals are placed in the program due to habitual arrests and convictions of crime resulting from mental illness, as well as substance abuse related to mental illness as an alternative to incarceration in local or state facilities. Senate Bill 469 as introduced would require a county which has established a mental health court to provide the services for defendants assigned to the program, and would allow for the county board of commissioners to enter into contracts and agreements necessary to provide services for individuals assigned to the program.

Reduction of Inpatient Beds – The Governor recommends the continued closure of the 22-bed inpatient unit in building 3 at SNAMHS as approved by the 26th Special Session (2010), as well as the closure of the other 22-bed unit in building 3A. As a result, SNAMHS inpatient hospital capacity decreases from 234 beds to 190 beds (the Rawson-Neal Hospital). General Funds are

reduced by $3.8 million in FY 2012 and $3.9 million in FY 2013. A total of 50.35 positions are recommended for elimination as well as related facilities operating costs.

The Governor also recommends eliminating 12 positions at the Lake's Crossing Facility in Sparks that were held open during the current biennium in order to achieve budget reductions that were approved by the 26th Special Session. The recommendation results in General Fund reductions of $700,333 in FY 2012 and $711,356 in FY 2013. In addition, the Governor also recommends eliminating an additional 9.49 positions, which reduces the inpatient capacity at Lake's Crossing from 70 to 66 beds. The recommendation further reduces General Funds by $656,225 in FY 2012 and $666,491 in FY 2013.

Assess Counties for Services to Children – The Governor recommends General Fund savings of $5.7 million in FY 2012 and $5.8 million in FY 2013 by shifting the cost of service coordination provided to children under 18 from state funds to reimbursement from the counties where they reside. The Executive Budget cites NRS 435.010 as the basis for the recommendation. This statutory provision states that the boards of county commissioners shall make provision for the support, education and care of children with mental retardation and related conditions, and are empowered to make necessary contracts and agreements to carry out the provision of services. Based on information provided by the Division, the following table displays the number of children impacted, as well as the number of equivalent Developmental Specialist positions, that provide service coordination to children:

Agency	# of Children	# of Service Coordinators	FY 2012 General Fund Cost	FY 2013 General Fund Cost
Desert RC	1,120	25	$ 3,161,290	$ 3,307,429
Sierra RC	299	7	$ 1,685,899	$ 1,637,502
Rural RC	127	3	$ 889,602	$ 864,199
Total DS	**1,546**	**35**	**$ 5,736,791**	**$ 5,809,130**

The costs noted above include salary and benefits for service coordinators (Developmental Specialists) and clinical services, as well as costs for SLAs, respite and purchase of services agreements. It was also noted during the budget hearing that the amounts noted above are overstated by $385,460 in FY 2012 and $604,292 in FY 2013 due to the inclusion of agency-requested caseload growth that was not included in The Executive Budget. The Budget Office submitted Budget Amendments A240 and A241, reducing the amount of county reimbursements and associated General Fund savings associated with this recommendation by the noted amounts.

Eliminate Self-Directed Autism Services – The Self-Directed Autism Program, which began as a pilot program during the 2005-07 biennium, provides fixed monthly allotments to families to purchase self-directed services of their choosing, including occupational, physical and speech therapies, behavioral training, daily living skills development, recreational/social activities and respite care. The Governor's recommendation to eliminate the Self-Directed Autism Program affects a total of 174 families served by MHDS: 107 at Desert Regional Center, 38 at Sierra Regional Center, and 29 at Rural Regional Center. Of the 174 families in the program, 113 currently receive financial assistance through TANF funding of $1.4 million each year transferred from the Division of Welfare and Supportive Services (DWSS). The transfer of TANF funds are recommended to be eliminated in the 2011-13 biennium due to the DWSS priorities for use of those funds in its core programs. The remaining 61 families currently receive financial assistance provided by General Funds of $828,573 each year.

Should the recommendation to eliminate the program be approved, the Division indicates the families could transition into the residential supports program to take advantage of other service

and treatment options. The Division further notes that some individuals may end up on a waiting list due to other individuals who are at risk of institutionalization or having been on the waiting list longer as mandated by the federal Home and Community Based Waiver administered by the Division of Health Care Financing and Policy. As a result of the FMAP and Medicaid caseload adjustments previously mentioned, the Department Director has prioritized the restoration of autism funding for the 61 families supported with General Fund. However, the Director's recommendation would place the funding with the Division of Aging and Disability Services in order to consolidate autism services within one agency. Fiscal staff had not received a budget amendment reflecting the Department's or Governor's priority at the time this document was prepared.

Family Preservation Program – Supplant General Funds with Tobacco Settlement Funds – The Family Preservation Program (FPP) is a statewide program providing monthly cash assistance to low-income families who care for relatives with profound or severe mental retardation, or children under six years of age who have developmental delays, in their homes. The FPP aims to strengthen and support families so that they may remain intact and to limit or avoid the need for institutional placements. The Governor recommends replacing $1.2 million of General Funds in FY 2013 with funds transferred from the Trust Fund for Public Health resulting from the anticipated April 2012 receipt of Tobacco Settlement funds.

Reduce Funding for the Co-Occurring Disorders Program – The Governor recommends General Fund reductions of $1.02 million each year in the Substance Abuse Prevention and Treatment Agency (SAPTA) by eliminating the equivalent of 174 individuals (average cost of $5,849 per person) from participating in the program each year. The 2007 Legislature approved General Fund appropriations of $1.0 million in FY 2008 and $2.0 million in FY 2009 to begin this service as a pilot program. The 2009 Legislature continued the program at a reduced level of $1.5 million each year. If the Governor's recommendation is approved, funding will decrease from the FY 2011 work program amount of $1.5 million to $476,070 in FY 2012 and $475,712 in FY 2013, a decrease of approximately 68 percent.

Substance Abuse Treatment Services – The Governor recommends General Fund reductions of $1.59 million each year by reducing the equivalent of 273 individuals (average cost of $5,833 per person) who would participate in treatment services provided by community nonprofit treatment providers. As a result of the recommendation, the agency notes that wait times for access to treatment programs will increase, and may result in persons choosing not to wait for or not to seek treatment at all. The 2007 Legislature approved increased appropriations for treatment services of $1.5 million in FY 2008 and $2.3 million in FY 2009, which established a work program amount of $5.1 million. While the Governor recommended decreasing appropriations by $401,556 in FY 2010 and $374,068 in FY 2011 during the 2009 Legislative Session, the Legislature instead chose to reduce methamphetamine education grants by the same amount in order to preserve funding for treatment services at the FY 2009 work program level of $5.1 million. If the Governor's recommendation is approved, funding will decrease from the FY 2011 work program amount of $5.1 million to $3.6 million each year, or 29 percent.

Division of Child and Family Services

Limit Responsibility for Mental Health Room and Board Expenses – The Division has submitted Senate Bill 476, and the Governor has included reductions in his budget to reflect limiting the Division's responsibility for funding mental health room and board expenses to children that are in the Division's custody for juvenile justice. Funding is recommended to be eliminated for this purpose for children not in the Division's custody, such as youth in county juvenile probation custody or parental custody. General Funds are reduced by approximately $2.8 million in each year of the 2011-13 biennium and an additional $1.0 million in FY 2012 and $1.4 million in FY 2013 of General Fund increases are eliminated that would have been required to address

caseload increases. The Division asserts that its responsibility should be limited to the provision of correctional care of delinquent youth in state facilities and mental health care should be the responsibility of the agency with custody of the child. The Governor has included funding for base expenditures and approximately half of the anticipated growth in this service in his list of priorities for restoration with the General Fund savings identified through the revised FMAP and Medicaid caseload projections.

Clark and Washoe County Integration and Rural Child Welfare Budgets – The Executive Budget recommends providing the State's portion of funding in the Washoe and Clark County Integration accounts to those counties in the form of capped annual block grants, instead of the historic model of line-item expense budgets. The new funding method includes a performance improvement plan with performance targets to improve the safety, permanency and well-being outcomes for abused and neglected children. A fiscal incentive program, outside of the block grant, is also proposed to stimulate and support improvement in defined areas. Under the block grant proposal, General Fund appropriations would total $50.0 million in each year of the 2011-13 biennium for the two counties to support child welfare services ($12.5 million for Washoe County, $37.5 million for Clark County). Outside of the block grant, an additional $7.0 million supports the fiscal incentive program ($1.75 million for Washoe County and $5.25 million for Clark County). The Division estimated initially that the recommended changes would result in reductions in General Funds to the two counties of 3.6 percent over the biennium, but based upon recent reprojections of foster care caseloads, Medicaid reimbursements, and the FY 2013 FMAP rate, the Division indicates that the Governor's recommendation will not result in reductions to the counties' funding.

The State's cost for the provision of child protective services (CPS) in the rural counties is recommended to be allocated to the counties receiving the services. General Fund appropriations are recommended to be reduced by $2.4 million each year with the same amount recommended to be allocated to the rural counties based on a random moment sampling analysis of the agency's activities. Clark and Washoe Counties have historically funded the costs and provided CPS in their jurisdictions.

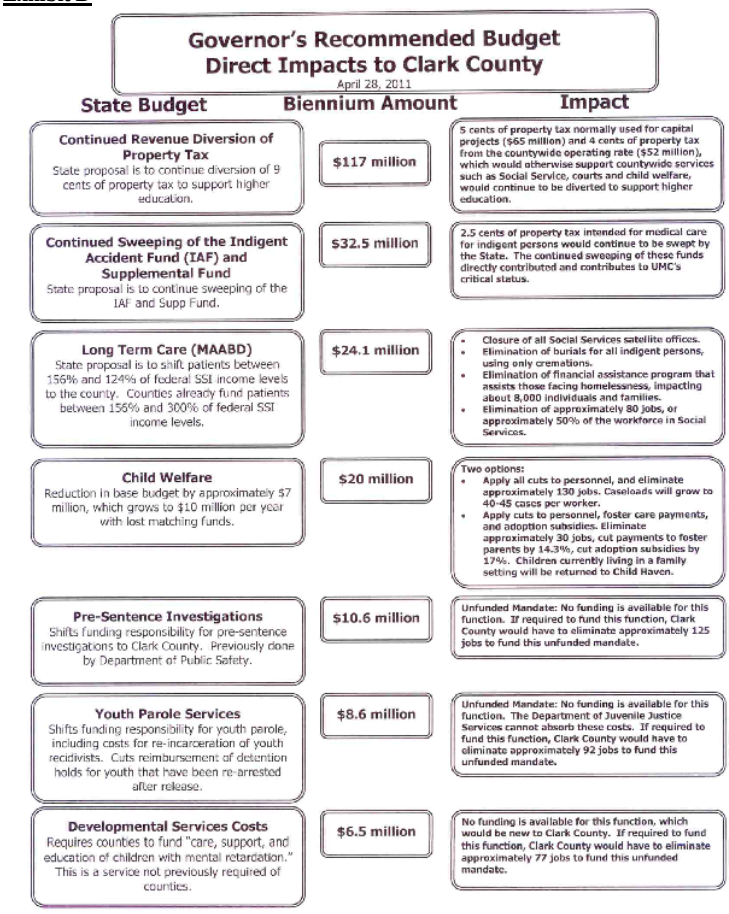
Juvenile Justice Closures – The Governor recommends the closure of three juvenile detention housing units, increasing one housing unit from 20 to 30 beds, and changing one housing unit to an intensive supervision unit at Nevada Youth Training Center (NYTC), as a budget reduction measure. The closures result in the elimination of 18 existing positions. If approved, the juvenile justice closures would also address the decrease in the number of commitments for correctional care at NYTC by reducing the 160-bed facility to 110 beds.

Other Juvenile Justice Budget Reductions – The Governor recommends eliminating $1.4 million each year provided to local jurisdictions for youth community programs, outpatient treatment and evaluations of sexual offenders. The Governor also recommends eliminating $1.4 million each year provided to Clark and Douglas Counties for youth camps that provide residential treatment programs to children who have been adjudicated delinquent by Nevada courts. Finally, the Governor recommends replacing General Funds totaling $6.0 million each year with county funds for the support of supervising post incarcerated youth and facilitating re-integration processes to assist youth to prosper within the communities they reside.

In addressing the impact on the counties under the Governor's proposal, the money committees requested an alternative proposal for consideration. The Nevada Association of Juvenile Justice Administrators (NAJJA) presented an alternative plan, which considered the Governor's proposal and instead recommended eliminating an additional 110 juvenile correctional beds to reinvest the combined savings of approximately $8.7 million each year back into the juvenile justice programs, youth camps, and to provide for the continuation of the mental health room and board payments for children not in the Division's custody. Unlike the Governor's

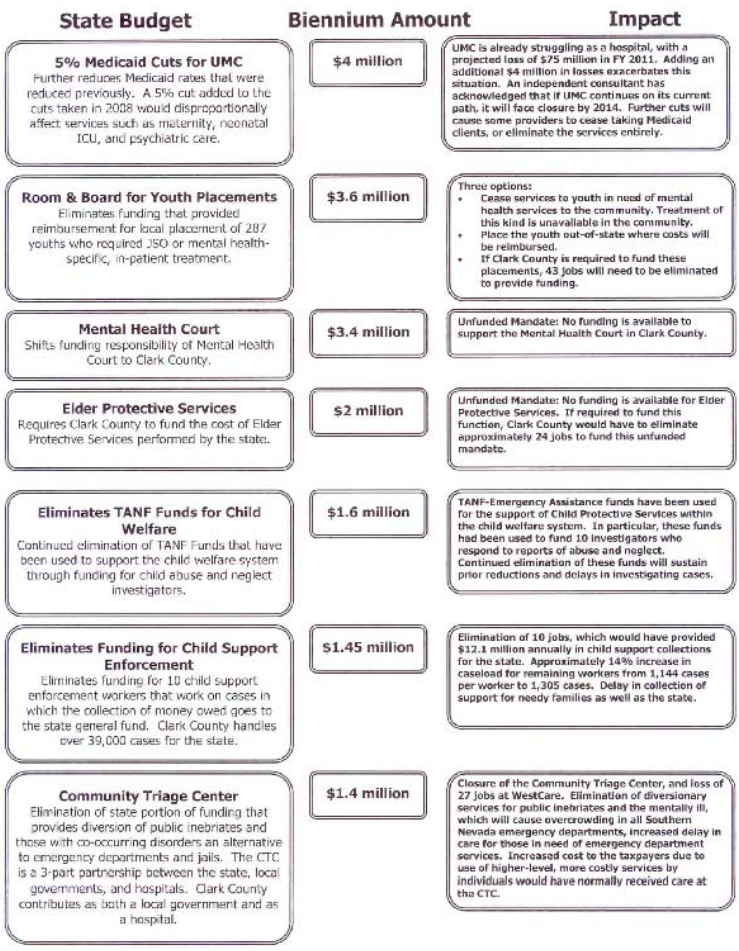
recommendation, the NAJJA plan did not recommend that youth parole services become the responsibility of the counties. Additionally, the Department of Health and Human Services has included the juvenile justice programs on a priority add-back list in anticipation of available revenue due to revised FMAP rates.

Exhibit D

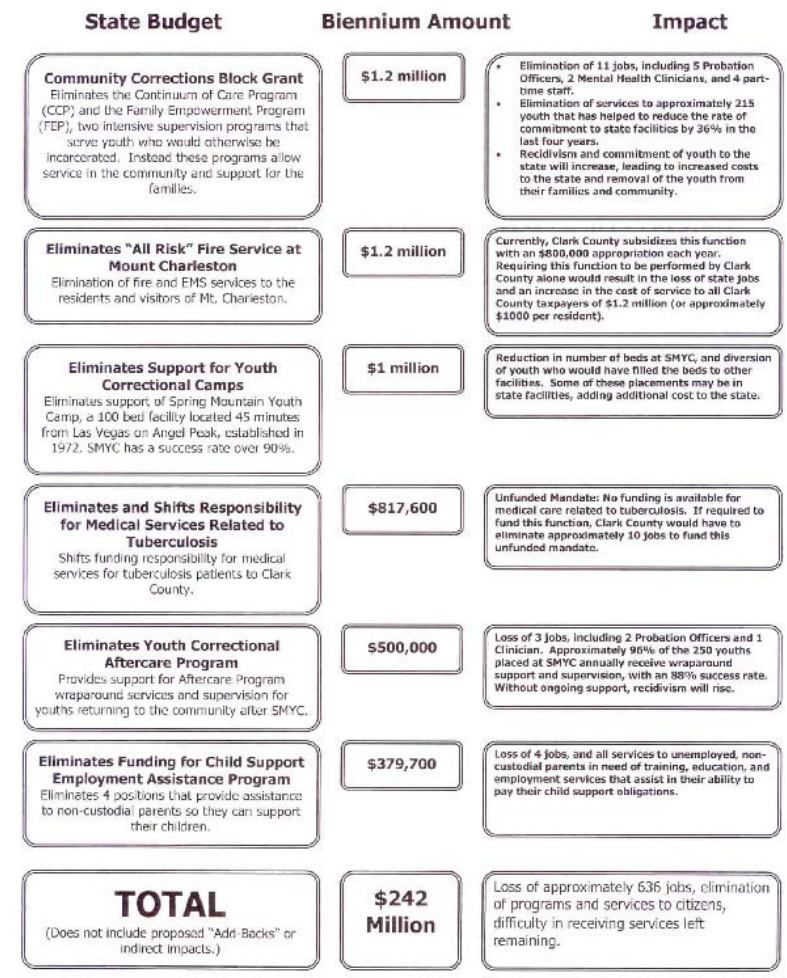


Governor's Recommended Budget
Direct Impacts to Clark County
April 28, 2011

State Budget	Biennium Amount	Impact
Continued Revenue Diversion of Property Tax State proposal is to continue diversion of 9 cents of property tax to support higher education.	$117 million	5 cents of property tax normally used for capital projects ($65 million) and 4 cents of property tax from the countywide operating rate ($52 million), which would otherwise support countywide services such as Social Service, courts and child welfare, would continue to be diverted to support higher education.
Continued Sweeping of the Indigent Accident Fund (IAF) and Supplemental Fund State proposal is to continue sweeping of the IAF and Supp Fund.	$32.5 million	2.5 cents of property tax intended for medical care for indigent persons would continue to be swept by the State. The continued sweeping of these funds directly contributed and contributes to UMC's critical status.
Long Term Care (MAABD) State proposal is to shift patients between 156% and 124% of federal SSI income levels to the county. Counties already fund patients between 156% and 300% of federal SSI income levels.	$24.1 million	• Closure of all Social Services satellite offices. • Elimination of burials for all indigent persons, using only cremations. • Elimination of financial assistance program that assists those facing homelessness, impacting about 8,000 individuals and families. • Elimination of approximately 80 jobs, or approximately 50% of the workforce in Social Services.
Child Welfare Reduction in base budget by approximately $7 million, which grows to $10 million per year with lost matching funds.	$20 million	Two options: • Apply all cuts to personnel, and eliminate approximately 130 jobs. Caseloads will grow to 40-45 cases per worker. • Apply cuts to personnel, foster care payments, and adoption subsidies. Eliminate approximately 30 jobs, cut payments to foster parents by 14.3%, cut adoption subsidies by 17%. Children currently living in a family setting will be returned to Child Haven.
Pre-Sentence Investigations Shifts funding responsibility for pre-sentence investigations to Clark County. Previously done by Department of Public Safety.	$10.6 million	Unfunded Mandate: No funding is available for this function. If required to fund this function, Clark County would have to eliminate approximately 125 jobs to fund this unfunded mandate.
Youth Parole Services Shifts funding responsibility for youth parole, including costs for re-incarceration of youth recidivists. Cuts reimbursement of detention holds for youth that have been re-arrested after release.	$8.6 million	Unfunded Mandate: No funding is available for this function. The Department of Juvenile Justice Services cannot absorb these costs. If required to fund this function, Clark County would have to eliminate approximately 92 jobs to fund this unfunded mandate.
Developmental Services Costs Requires counties to fund "care, support, and education of children with mental retardation." This is a service not previously required of counties.	$6.5 million	No funding is available for this function, which would be new to Clark County. If required to fund this function, Clark County would have to eliminate approximately 77 jobs to fund this unfunded mandate.



State Budget	Biennium Amount	Impact
5% Medicaid Cuts for UMC Further reduces Medicaid rates that were reduced previously. A 5% cut added to the cuts taken in 2008 would disproportionally affect services such as maternity, neonatal ICU, and psychiatric care.	$4 million	UMC is already struggling as a hospital, with a projected loss of $75 million in FY 2011. Adding an additional $4 million in losses exacerbates this situation. An independent consultant has acknowledged that if UMC continues on its current path, it will face closure by 2014. Further cuts will cause some providers to cease taking Medicaid clients, or eliminate the services entirely.
Room & Board for Youth Placements Eliminates funding that provided reimbursement for local placement of 287 youths who required JSO or mental health-specific, in-patient treatment.	$3.6 million	Three options: • Cease services to youth in need of mental health services to the community. Treatment of this kind is unavailable in the community. • Place the youth out-of-state where costs will be reimbursed. • If Clark County is required to fund these placements, 43 jobs will need to be eliminated to provide funding.
Mental Health Court Shifts funding responsibility of Mental Health Court to Clark County.	$3.4 million	Unfunded Mandate: No funding is available to support the Mental Health Court in Clark County.
Elder Protective Services Requires Clark County to fund the cost of Elder Protective Services performed by the state.	$2 million	Unfunded Mandate: No funding is available for Elder Protective Services. If required to fund this function, Clark County would have to eliminate approximately 24 jobs to fund this unfunded mandate.
Eliminates TANF Funds for Child Welfare Continued elimination of TANF Funds that have been used to support the child welfare system through funding for child abuse and neglect investigators.	$1.6 million	TANF-Emergency Assistance funds have been used for the support of Child Protective Services within the child welfare system. In particular, these funds had been used to fund 10 investigators who respond to reports of abuse and neglect. Continued elimination of these funds will sustain prior reductions and delays in investigating cases.
Eliminates Funding for Child Support Enforcement Eliminates funding for 10 child support enforcement workers that work on cases in which the collection of money owed goes to the state general fund. Clark County handles over 39,000 cases for the state.	$1.45 million	Elimination of 10 jobs, which would have provided $12.1 million annually in child support collections for the state. Approximately 14% increase in caseload for remaining workers from 1,144 cases per worker to 1,305 cases. Delay in collection of support for needy families as well as the state.
Community Triage Center Elimination of state portion of funding that provides diversion of public inebriates and those with co-occurring disorders an alternative to emergency departments and jails. The CTC is a 3-part partnership between the state, local governments, and hospitals. Clark County contributes as both a local government and as a hospital.	$1.4 million	Closure of the Community Triage Center, and loss of 27 jobs at WestCare. Elimination of diversionary services for public inebriates and the mentally ill, which will cause overcrowding in all Southern Nevada emergency departments, increased delay in care for those in need of emergency department services. Increased cost to the taxpayers due to use of higher-level, more costly services by individuals would have normally received care at the CTC.



State Budget	Biennium Amount	Impact
Community Corrections Block Grant Eliminates the Continuum of Care Program (CCP) and the Family Empowerment Program (FEP), two intensive supervision programs that serve youth who would otherwise be incarcerated. Instead these programs allow service in the community and support for the families.	$1.2 million	• Elimination of 11 jobs, including 5 Probation Officers, 2 Mental Health Clinicians, and 4 part-time staff. • Elimination of services to approximately 215 youth that has helped to reduce the rate of commitment to state facilities by 36% in the last four years. • Recidivism and commitment of youth to the state will increase, leading to increased costs to the state and removal of the youth from their families and community.
Eliminates "All Risk" Fire Service at Mount Charleston Elimination of fire and EMS services to the residents and visitors of Mt. Charleston.	$1.2 million	Currently, Clark County subsidizes this function with an $800,000 appropriation each year. Requiring this function to be performed by Clark County alone would result in the loss of state jobs and an increase in the cost of service to all Clark County taxpayers of $1.2 million (or approximately $1000 per resident).
Eliminates Support for Youth Correctional Camps Eliminates support of Spring Mountain Youth Camp, a 100 bed facility located 45 minutes from Las Vegas on Angel Peak, established in 1972. SMYC has a success rate over 90%.	$1 million	Reduction in number of beds at SMYC, and diversion of youth who would have filled the beds to other facilities. Some of these placements may be in state facilities, adding additional cost to the state.
Eliminates and Shifts Responsibility for Medical Services Related to Tuberculosis Shifts funding responsibility for medical services for tuberculosis patients to Clark County.	$817,600	Unfunded Mandate: No funding is available for medical care related to tuberculosis. If required to fund this function, Clark County would have to eliminate approximately 10 jobs to fund this unfunded mandate.
Eliminates Youth Correctional Aftercare Program Provides support for Aftercare Program wraparound services and supervision for youths returning to the community after SMYC.	$500,000	Loss of 3 jobs, including 2 Probation Officers and 1 Clinician. Approximately 96% of the 250 youths placed at SMYC annually receive wraparound support and supervision, with an 88% success rate. Without ongoing support, recidivism will rise.
Eliminates Funding for Child Support Employment Assistance Program Eliminates 4 positions that provide assistance to non-custodial parents so they can support their children.	$379,700	Loss of 4 jobs, and all services to unemployed, non-custodial parents in need of training, education, and employment services that assist in their ability to pay their child support obligations.
TOTAL (Does not include proposed "Add-Backs" or indirect impacts.)	$242 Million	Loss of approximately 636 jobs, elimination of programs and services to citizens, difficulty in receiving services left remaining.

On motion of Assemblyman Conklin, the committee did rise and report back to the Assembly.

ASSEMBLY IN SESSION

At 7:02 p.m.
Mr. Speaker presiding.
Quorum present.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Livermore, the privilege of the floor of the Assembly Chamber for this day was extended to the following students and chaperones from Carson Montessori School: Cole Ashton, Tezia Boyce, Fiona Carrick, Maritza Filson, Logan Kelley, Damian Moore, James Perkins, Ivan Ramirez, Madison Haag, Julisa Saenz, Chris Sanchez, Leslie Sanchez, Denton Thom, Jake Toreson, Fox Ventura, Sam Bean, Nick Brown, Gina Castillo, Sophia Choat, Kinsley Dagget, Gabe Fanning, Dylan Hickman, Justin Kattenhorn, Sasha Kieth-Handschuh, Becca Linn, Johnny Lopez, Jaidyn Shepard, Kayla West, Rosalie Antonucci, Celeste Chaffee, Mary Milburn, Denise Ortiz, Kacie Osier, Isabelle Ramos, Ulani Rizo, Daniel Sanchez, Tony Sclafani, Gavin Seymour, Beyanka Sigala, Cheyenne Straw, Logan Tomassen, and Matt Toreson.

Assemblyman Conklin moved that the Assembly adjourn until Monday, May 2, 2011, at 11 a.m.

Motion carried.

Assembly adjourned at 7:03 p.m.

Approved: JOHN OCEGUERA
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE EIGHTY-FIFTH DAY

CARSON CITY (Monday), May 2, 2011

Assembly called to order at 11:07 a.m.

Madam Speaker pro Tempore presiding.

Roll called.

All present except Assemblymen Oceguera, Sherwood, and Woodbury, who were excused.

Prayer by the Chaplain, Father Chuck Durante.

O Good and Holy Creator,

We come before You on this beautiful spring day, mindful of all that is given us: land for food and vibrant splendor; sunshine to warm our earth and our bodies; minds and hearts to think, reflect, love, and give back.

Thank You for all that we are and all that we have. Guide us always with Your holy wisdom to use these gifts wisely for the good of all Your people.

As the Assembly begins another week in this time of great challenge for Nevada, send them insight and creativity; channel their efforts toward cooperation, collaboration, and mutual support for the common good.

Strengthen them for the work of the weeks ahead toward a successful legislative session. Bless their families and grant them patience in these trying times.

Hear all who cry out to You in their need this day and let us be Your instruments of hope, of forgiveness, of courage, and of joy. We make this prayer as Your humble people.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Conklin moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Ways and Means, to which were referred Assembly Bills Nos. 490, 492, 500, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Ways and Means, to which was rereferred Assembly Bill No. 534, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Ways and Means, to which were rereferred Assembly Bills Nos. 167, 363, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, as amended.

DEBBIE SMITH, *Chair*

By Assemblymen Segerblom, Aizley, Anderson, Atkinson, Benitez-Thompson, Bobzien, Brooks, Bustamante Adams, Carlton, Carrillo, Conklin, Daly, Diaz, Dondero Loop, Ellison, Flores, Frierson, Goedhart, Goicoechea, Grady, Hambrick, Hammond, Hansen, Hardy, Hickey, Hogan, Horne, Kirkpatrick, Kirner, Kite, Livermore, Mastroluca, McArthur, Munford, Neal, Oceguera, Ohrenschall, Pierce, Sherwood, Smith, Stewart, and Woodbury; Senators Breeden, Brower, Cegavske, Copening, Denis, Gustavson, Halseth, Hardy, Horsford, Kieckhefer, Kihuen, Lee, Leslie, Manendo, McGinness, Parks, Rhoads, Roberson, Schneider, Settelmeyer, and Wiener:

Assembly Concurrent Resolution No. 9—Memorializing Nevada's first acupuncturist, Dr. Yee Kung Lok.

WHEREAS, As late as December 1972, the practice of acupuncture was considered in Nevada to be "not sufficiently well understood to be an acceptable method for use in the practice of medicine in this State"; and

WHEREAS, The Nevada Legislature became the first in the nation to declare traditional Chinese medicine, including acupuncture, a learned profession when Senate Bill No. 448 of the 1973 Session, authorizing the practice of Chinese medicine and acupuncture, was signed into law on April 20, 1973, and many states thereafter followed suit; and

WHEREAS, Credit for this unprecedentedly quick change in the status of the profession largely belongs to Dr. Yee Kung Lok, who worked tirelessly for this cause; and

WHEREAS, Yee Kung Lok was born in Shanghai, People's Republic of China, on June 17, 1913, to Lok King Qu and Wong Ming Chien and studied Chinese medicine and acupuncture in Shanghai as a disciple; and

WHEREAS, In 1973, Dr. Lok came to Nevada with the ambition to legalize the practice and, along with Arthur Steinberg, a patient he had treated in Hong Kong, and lobbyist Jim Joyce, began the arduous process of attaining this goal; and

WHEREAS, In the ultimate illustration of the adage that seeing is believing, Dr. Lok conducted a demonstration of acupuncture in the spring of 1973, in a clinic in the Ormsby House hotel and casino across the street from the Legislative Building; and

WHEREAS, Half of Nevada's 60 lawmakers and countless members of the public put themselves under the needles of Dr. Lok during this demonstration, and with assistance from only his wife, he treated more than 100 patients every day for 3 weeks; and

WHEREAS, The great majority of those patients claimed improvement, with some announcing astonishing results, such as an Assemblyman who reported that a 20-year sinus condition disappeared after needles were stuck in his forehead and alongside his nose; and

WHEREAS, Although one of those receiving treatment professed he "would follow him to Hong Kong," Dr. Lok graciously chose to settle in this State to continue helping Nevadans needing relief from their ailments and established a successful practice; and

WHEREAS, With the passing of Dr. Yee Kung Lok in Las Vegas on January 17, 2004, Nevada lost one of its most forward-thinking leaders in the field of medicine; and

WHEREAS, He is survived by his wife, Chien Ching Lok, their children and spouses Maria Ming Chu Pan and her husband Wei Pan, Dr. Peter Pak Ming Lok and his wife Merle Lok and Lucy Ming Wei Cheung and her husband Chiu Ming Cheung, as well as grandchildren Farrowe and Gerrine Pan, Henry Junwen Lok, Angela Meiwen Lok, Amanda Meihui Lok, Alvin Yao Wen Cheung and Anthony Yao Fang Cheung; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That members of the 76th Session of the Nevada Legislature note with admiration this awe-inspiring man's life and, with sorrow, this great loss; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to Dr. Lok's wife, Chien Ching Lok.

Assemblyman Segerblom moved the adoption of the resolution.

Remarks by Assemblyman Segerblom.

Resolution adopted and ordered immediately transmitted to the Senate.

SECOND READING AND AMENDMENT

Assembly Bill No. 480.

Bill read second time and ordered to third reading.

Assembly Bill No. 498.

Bill read second time and ordered to third reading.

REMARKS FROM THE FLOOR

Assemblyman Conklin requested that the following remarks be entered in the Journal.

ASSEMBLYMAN ANDERSON:

Thank you, Madam Speaker pro Tempore. I would beg the indulgence of the body for a short minute. One thing I learned in the Marines was that at any given time, there is someone in our military who is sacrificing, who is miserable, and who could use a little good news. Well, they are in luck. Madam Speaker pro Tempore, I would remiss if I did not mention that every first responder across the nation, especially in New York, is getting some amazing, well deserved news as well.

Like many Americans, I did not get a whole lot of sleep last night. Like many Americans, I am a bit overwhelmed. And like many Americans, I have a personal perspective on last night's events and I wish to share them. This moment is deeply and irrevocably personal to me, as it is to most of our nation. I was in boot camp in San Diego on September 11, 2001. I was still in that boot camp when our nation commenced military action against the Taliban and Al Qaeda. I also took part in that military action, in late 2004 and early 2005, in Afghanistan.

I rise, Madam Speaker pro Tempore, to praise our armed forces who executed this mission we have heard so much about, against our nation's number one enemy. It has been a long time coming—literally, my entire adult life. I have grown up with these events as a backdrop. Last night renewed my confidence in the belief that people ultimately get what they deserve. I think everyone in this Chamber would agree justice has been served. No longer does any military family, first responder's family, or our nation have to ask itself if what we did was in vain. Last night is a night we will all remember for the rest of our lives. We will be recounting last night to our children and to our grandchildren. This is our generation's victory day, if only temporarily, as we still have so much conflict ahead.

My heart is bursting with pride for our nation, standing once again united. We have fought and we have bled together and we still have many challenges to face. Through all of it, I hope we remember that no matter what comes our nation's way, we are in this together, through thick and thin. God bless America and thank you, Madam Speaker pro Tempore, and thank you to the body for letting me share my thoughts today.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Atkinson, the privilege of the floor of the Assembly Chamber for this day was extended to Huiwen Zhang.

On request of Assemblywoman Benitez-Thompson, the privilege of the floor of the Assembly Chamber for this day was extended to Seung Bai Park.

On request of Assemblyman Brooks, the privilege of the floor of the Assembly Chamber for this day was extended to Crystal Vera.

On request of Assemblywoman Bustamante Adams, the privilege of the floor of the Assembly Chamber for this day was extended to Jin Li Ran.

On request of Assemblywoman Carlton, the privilege of the floor of the Assembly Chamber for this day was extended to Maggie Tracey.

On request of Assemblyman Daly, the privilege of the floor of the Assembly Chamber for this day was extended to Vince Link and the following students and chaperones from Katherine Dunn Elementary School: Nikki Abuan-Rodriguez, Sofya Aguero, Jessica Arenas Hagler, Dylan Burkhart, Ismael Diaz, Kiara Druley, Ashleigh Fogal, Connor Freeman, Zachery Gaertner, Rebecca Graves, Hailey Ladd, Marcos Lopez, Richard Maramag, Montana Marsh, Christian Medina, Christian Miller, Ryan Mora, Misael Oregon, Vivian Sanchez, Cody Scoble, Jayden Scott, Chris Tonkin, Alyssa Tosado, Jody Vice, Elijah Wanco, Henry Aguilar, Elizabeth Aguilar, Vivian Alvarez, Karol Amaya, Caleb Ariaz, Savannah Barber, Dakota Davidson, Morgan Dayes, Jonathan De Leon, Irene Dominguez, Makayla Farmer, Kolton Ferro, Joseph Georges, Alex Gutierrez, Michelle Lara, David Lee, Ulises Martinez, Ixchel Mejia, Mary Jane Olivas, Adrain Ortiz, Erin Ramos, Nicolette Fimby, Joey Shugar, Rachel Shumsky, Joey Simon, and Lilly Willson.

On request of Assemblywoman Flores, the privilege of the floor of the Assembly Chamber for this day was extended to Sable Shaw.

On request of Assemblyman Hickey, the privilege of the floor of the Assembly Chamber for this day was extended to David Edge.

On request of Assemblywoman Kirkpatrick, the privilege of the floor of the Assembly Chamber for this day was extended to Maureen Lamerdin.

On request of Assemblywoman Mastroluca, the privilege of the floor of the Assembly Chamber for this day was extended to Bruce Eichelberger.

On request of Assemblyman Segerblom, the privilege of the floor of the Assembly Chamber for this day was extended to Benny Lee and Peter Lok.

Assemblyman Conklin moved that the Assembly adjourn until Friday, May 6, 2011, at 11 a.m.

Motion carried.

Assembly adjourned at 11:29 a.m.

Approved: JOHN OCEGUERA
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE EIGHTY-NINTH DAY

CARSON CITY (Friday), May 6, 2011

Assembly called to order at 11:27 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblymen Goedhart and Woodbury, who were excused.

Prayer by the Chaplain, Father Chuck Durante.

Great and Gracious God, Author of all that is good.

We thank You for the beauty of this day and for the gift of life within and all around us.

As we dedicate this day to You, help us to use it to the fullest, so that at day's end we may rest in the assurance that this, our home, is just a little bit better than when the day began.

We lift up to You both our successes and our failures this day, trusting that You can bring forth good even from bad, wheat even from our weeds.

Bless the Nevada Assembly this day and all their deliberations and all their work. May they be strengthened in their leadership and in doing good for all whom they serve. May obstacles in their work this day not be overwhelming, but challenge them to new possibilities.

And, as the week comes to a close, may they, and all Your people, find some rest in the Sabbath days ahead and some time to praise and give thanks. We make this prayer as Your instruments of peace.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Conklin moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Senate Bill No. 286, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MARILYN K. KIRKPATRICK, *Chair*

Mr. Speaker

Your Committee on Transportation, to which were referred Senate Bills Nos. 130, 248, 406, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MARILYN DONDERO LOOP, *Chair*

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Assembly Bill No. 475, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which was referred Assembly Bill No. 481, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means has had under consideration the various budgets for the Division of Child and Family Services of the Department of Health and Human Services, and begs leave to report back that the following accounts have been closed by the Committee:

Child Care Services (101-3149)
Victims of Domestic Violence (101-3181)
UNITY/SACWIS (101-3143)
Child Welfare Trust (645-3242)
Transition from Foster Care (606-3250)
Review of Death of Children (101-3251)
Juvenile Correctional Facility (101-3148)
Caliente Youth Center (101-3179)
Wraparound in Nevada (101-3278)
Northern Nevada Child & Adolescent Services (101-3281)
Southern Nevada Child & Adolescent Services (101-3646)

Also, your Committee on Ways and Means has had under consideration the various budgets for the Director's Office of the Department of Health and Human Services, and begs leave to report back that the following accounts have been closed by the Committee:

Governor's Office of Consumer Health Assistance (101-1003)
Administration (101-3150)
Grants Management Unit (101-3195)
Problem Gambling (101-3200)
Children's Trust Account (101-3201)
Healthy Nevada Fund (262-3261)
Public Defender (101-1499)

Also, your Committee on Ways and Means has had under consideration the various budgets for the Judicial Branch, and begs leave to report back that the following accounts have been closed by the Committee:

Supreme Court (101-1494)
State Judicial Elected Officials (101-1490)
Judicial Selection (101-1498)
Senior Justice and Senior Judge Program (101-1496)
Law Library (101-2889)
Administrative Office of the Courts (101-1483)
Judicial Programs and Services Division (101-1484)
Uniform System of Judicial Records (101-1486)
Judicial Education (101-1487)
Specialty Court (101-1495)
Foreclosure Mediation Program (101-1492)
Judicial Support, Governance and Special Events (101-1493)
Judicial Retirement System State Share (101-1491)

Also, your Committee on Ways and Means has had under consideration the various budgets for the Department of Business and Industry, and begs leave to report back that the following accounts have been closed by the Committee:

Consumer Affairs (101-3811)
Consumer Affairs Recovery Fund (101-3807)
Dairy Commission (233-4470)
Employee Management Relations Board (101-1374)
Athletic Commission (101-3952)
Labor Commissioner (101-3900)
Nevada Attorney for Injured Workers (101-1013)
Real Estate Administration (101-3823)
Real Estate Education and Research (216-3826)
Real Estate Recovery Account (216-3827)
Common Interest Communities (101-3820)
Financial Institutions (101-3835)
Financial Institutions Investigations (101-3805)
Financial Institutions Audit (101-3882)
Mortgage Lending (101-3910)
Taxicab Authority (245-4130)
Transportation Authority (226-3922)
Transportation Authority Administrative Fines (226-3923)

Also, your Committee on Ways and Means has had under consideration the various budgets for the Department of Administration and the Deferred Compensation Committee, and begs leave to report back that the following accounts have been closed by the Committee:

Deferred Compensation Committee (101-1017)
Purchasing (718-1358)
Human Resource Management (717-1363)
Judicial College and College of Juvenile and Family Justice (101-1302)
Merit Award Board (101-1345)
Human Resource Management Unemployment Compensation (101-1339)
Commodity Food Program (101-1362)

DEBBIE SMITH, *Chair*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Conklin moved that the following budget closure remarks be entered in the Journal.

Motion carried.

REMARKS FROM THE FLOOR

ASSEMBLYWOMAN SMITH:

I want to let all the members know that we are starting a new process today where we are going to be reporting out to the Floor, the budgets as we close them. We have not done that before, but this will be an informational item for you. When the reports from standing committees come from the policy committees, you will see them coming from Ways and Means, as well. Then our subcommittee chairmen are going to give you a brief overview of those budgets as we close them.

You can also find the full document on NELIS. The documents are tied to today's Ways and Means afternoon meeting. I will always let you know where you can find those documents. If you were to go on NELIS to today's Ways and Means meeting, which is this afternoon, and go

to exhibits, you will see all five budgets that we are reporting out today. This is something to help all of our members become more familiar with what we are doing in the budget committee and how we are closing budgets.

ASSEMBLYMAN CONKLIN:

The Assembly Committee on Ways and Means developed recommendations for the Deferred Compensation Committee and the following budgets of the Department of Administration: Judicial College and College of Juvenile and Family Justice, Merit Award Board, State Purchasing, and the Division of Human Resource Management. While many of the accounts of the Department of Administration are funded through fees or assessments, the Committee's recommendations result in a General Fund savings of $132,808 in FY 2012 and $132,809 in FY 2013 for the Department of Administration.

Deferred compensation committee deferred (101-1017) Comp-1: The Committee approved the Deferred Compensation Committee budget as recommended by the Governor, with approval to make technical adjustments to correct the classification of the budget's revenues as well as the closing actions approved for the other accounts supported by the Department of Administration's internal cost allocations.

Administration – Purchasing (718-1358) Admin-56: The Committee eliminated one vacant Purchasing Technician position (PCN 24), as recommended by the Governor, resulting in a reduction of purchasing assessment revenue of $61,188 in FY 2012 and $62,143 in FY 2013, and approved the remainder of the account be closed as recommended by the Governor.

Administration – HRM – Human Resource Management (717-1363) Admin–171: The Committee concurred with the Governor's recommendation to reorganize the Department of Personnel as a Division within the Department of Administration and to rename the Department the Division of Human Resource Management. As part of the reorganization, the Committee voted to approve the elimination of 3 positions, and the transfer out of 12 positions, including 8 Information Technology positions and 4 Administrative positions.

The Committee also concurred with the Governor's recommendation to create a new Centralized Personnel Section to assume the personnel responsibilities of the Department of Administration, the Department of Taxation, the Department of Business and Industry, the Department of Education and the Department of Agriculture. In return, the participating departments will fund the new section through a cost allocation assessment. Seven positions from the participating departments are recommended to transfer to the Division of Human Resource Management to operate this new section.

The Committee approved the Governor's recommendation to eliminate seven other positions, including two Administrative Assistants, four Personnel Analysts, and one Division Administrator. These position eliminations primarily result from attrition and the consolidation of divisions within the agency.

Lastly, the Committee approved the Governor's recommendation to outsource the Employee Assistance Program, which eliminates two vacant Mental Health Counselor positions.

Judicial Coll and Coll of Juvenile & Family Justice (101-1302) Admin-229: Since 1989, the National Judicial College (NJC) and the National Counsel of Juvenile and Family Court Judges (NCJFCJ), nonprofit organizations, have received varying levels of state support to assist the entities with the mission of providing judicial education and training. During the State's economic downturn in FY 2003, the Legislature suspended state support for the NJC and NCJFCJ for the 2003-05 biennium. Recognizing the benefits both the NJC and NCJFCJ provide to the State, while at the same time recognizing the fiscal crisis facing the State, the Committee approved reducing the level of General Fund support recommended by the Governor of $260,860 each year of the 2011-13 biennium to $130,430 each fiscal year, resulting in a General Fund savings of $260,860 over the 2011-13 biennium.

The Committee also recommended introducing legislation to repeal Sections 1.470 and 1.480 of *Nevada Revised Statutes* that create the trust funds for the NJC and the National College of

Juvenile and Family Law. The trust funds were originally established in 1989 to provide the entities with annual revenue from interest earnings on the corpus of the trust. However, during the State's economic downturn in FY 2003, the trust funds were eliminated.

Merit Award Board (101-1345) Admin-231: The Committee approved reducing General Fund support for the Merit Award program to $1,100 each fiscal year based on a 12-year average of awards paid from the program, resulting in a General Fund savings of $4,757 over the 2011-13 biennium.

Other Department of Administration budget accounts: The Committee also reviewed the budgets for the following accounts: Human Resource Management – Unemployment Compensation (101-1339) ADMIN-186 and the Purchasing Division's Commodity Food Program (101-1362) ADMIN-62. The Committee recommends that these accounts close as recommended by the Governor, with authority for staff to make technical adjustments.

ASSEMBLYWOMAN MASTROLUCA:

The Assembly Committee on Ways and Means has developed the following recommendations for the Director's Office of the Department of Health and Human Services. The recommendations decrease General Fund appropriations for the Department by $90,849 in FY 2012 and $4,187 in FY 2013.

Office of Consumer Health Assistance (101-1003) Elected-14:

The Committee supported the Governor's recommendation to merge the Office of Consumer Health Assistance administered by the Governor's Office with the Office of Minority Health administered by the Health Division, and transfer the combined budget accounts to the Department of Health and Human Services Director's Office. The Committee also supported the Governor's recommendation for a new Ombudsman position to assist injured workers. Additionally, the Committee recommends a letter of intent directing the State Department of Personnel to perform a study on the unclassified Ombudsman positions in this account to determine where in the State's classification system the positions would be placed based on the duties of the positions.

Administration (101-3150) DHHS Director-1:

The Committee supported the Governor's recommendation to fund the Nevada 2-1-1 system with $31,000 in General Funds each year and transfer the program from the Administration account to the Consumer Health Assistance account. The Committee also recommends the addition of $67,447 in United Health Settlement funds each year to support the Nevada 2-1-1 system.

The Committee supported the Governor's recommendation to increase travel and training expenditures for staff to attend out-of-state conferences in the amount of $13,145 each year as adjusted by staff. The adjustments result in General Fund savings of $2,177 in each year of the 2011-13 biennium.

Grants Management Unit (101-3195) DHHS Director-16:

The Committee supported the Governor's recommendation to eliminate approximately $2.5 million in General Funds for the Family-to-Family program and to use $471,149 of those savings in each year to restore funding for the Family Resource Centers and the Differential Response program. However, the Committee placed the restoration of the Family-to-Family program on a potential add-back list should funds become available.

The Committee supported the Governor's recommendation to eliminate tobacco cessation grants, and redirect approximately $2.6 million in Tobacco Settlement funds to offset General Fund for the Family Resource Centers and Differential Response program in FY 2013. Additionally, the Committee recommends using $86,569 in available Tobacco Settlement funds to offset General Fund for the Differential Response program in FY 2012.

Healthy Nevada Fund (262-3261) DHHS Director-41:

The Committee supported the Governor's recommendation to eliminate the Trust Fund for Public Health and to use Tobacco Settlement funds totaling $3.8 million in FY 2013 to offset

General Fund for the Autism and Traumatic Brain Injury programs administered by the Aging and Disability Services Division, and the Family Preservation program administered by the Division of Mental Health and Developmental Services.

Public Defender (101-1499) DHHS Director-43:

The Committee recommends closing the Public Defender's Office budget account as recommended by the Governor with staff adjustments due to Lincoln County opting out of the services provided by the Office. The adjusted budget includes the elimination of one vacant attorney position and operating costs, resulting in net General Fund savings of $2,103 in FY 2012 and $2,010 in FY 2013.

The Problem Gambling account (101-3200) and the Children's Trust account (101-3201) were closed by the Committee as recommended by the Governor with technical adjustments only.

ASSEMBLYWOMAN MASTROLUCA:

The Assembly Committee on Ways and Means completed its review of 11 budgets of the Division of Child and Family Services. The Committee approved authority for staff to make technical adjustments in several of the accounts to reflect increases in the Federal Medical Assistance Percentage (FMAP) rate that is projected to increase in FY 2013 to levels higher than anticipated in The Executive Budget, producing General Fund savings of approximately $351,641. The other significant recommendations of the Committee are described in the following comments:

Child Care Services (101-3149) DHHS Health-7:

The Committee approved the Governor's recommendation to transfer the Child Care Services Bureau to the Health Division to gain efficiencies through placing the program with other programs that perform similar, regulatory functions. The Committee also approved the Governor's recommendation to fund a portion of this account with General Funds due to increased costs resulting from the transfer of licensing functions back to the State from Clark County in September 2010. The Committee also recommended a letter of intent be issued to the Health Division instructing it to review the fees charged for licenses in this program to determine whether fees should be increased to eliminate the need for General Funds to support program activities.

UNITY/SACWIS (101-3143) DHHS DCFS-18:

The Committee approved a technology investment project totaling $3.9 million over the 2011-13 biennium to enhance the management tools of the Division's information technology system, UNITY. Funding for the project would be split evenly between General Funds and federal funding, with the Committee recommending issuing a letter of intent to direct the Division to only expend General Funds for the project if the approved amount of federal funding for the project is also received.

Juvenile Correctional Facility (101-3148) DHHS DCFS-68:

The Committee approved the Governor's recommendation to continue the closure of the Summit View Youth Correctional Facility and maintain operational costs of approximately $1.5 million in General Funds each year of the 2011-13 biennium. The $1.5 million includes annual position and operating costs for a part-time Facility Supervisor, utilities, debt service expense and operational/maintenance expenses.

Wraparound in Nevada (101-3278) DHHS DCFS-95:

The Committee approved the Governor's recommendation to merge the Wraparound in Nevada program into the Northern and Southern Child & Adolescent Services accounts and eliminate this account. The services of the program would not change with the merger, but General Fund savings of $379,210 would be realized due to greater federal reimbursement for program expenses through the allocation costs.

Northern NV Child & Adolescent Services (101-3281) DHHS DCFS-101:

The Committee approved the transfer of only one Mental Health Counselor position to the Division's Administration account to support the creation of a Children's Behavioral Health

Policy and Accountability Board. The Governor had recommended the transfer of two positions, but the Committee did not agree with transferring a position to support the Board, which would have resulted in the reduction of direct services to children. The Committee approved the adjustments to this budget based on the understanding that the adjustments would be cost-neutral to the General Fund and additions in this account would be offset by reductions in the Administration account. The Committee also did not approve the reclassification of the Mental Health Counselor position that was not approved to transfer to the Administration account.

Southern Nv Child & Adolescent Services (101-3646) DHHS DCFS-112:

Similar to the previous account, the Committee did not approve the transfer of two of four positions recommended to support the new Children's Behavioral Health Policy and Accountability Board. The Committee instead maintained two Public Service Intern positions in this account and reinstated funding for the Western Day Treatment program and a Child Care Worker position that were recommended for elimination. The Committee also did not approve increasing one of the Public Service Intern positions from part-time to full-time.

Other accounts with no major closing issues:

The following accounts were closed by the Committee as recommended by the Governor with staff authority to make technical adjustments that may be needed based on the closing of other Division accounts:

- Victims of Domestic Violence (101-3181) DHHS DCFS-15
- Child Welfare Trust (645-3242) DHHS DCFS-50
- Transition from Foster Care (606-3250) DHHS DCFS-52
- Review of Death of Children (101-3251) DHHS DCFS-54
- Caliente Youth Center (101-3179) DHHS DCFS-75

ASSEMBLYMAN CONKLIN:

The Assembly Committee on Ways and Means, meeting jointly with the Senate Committee on Finance, has completed its review of the Judicial Branch budget request for the 2011-13 biennium. The closing recommendations of the Committee resulted in General Fund savings of $365,375 in FY 2012 and $425,769 in FY 2013.

Pursuant to NRS 353.246, the Judicial Branch budgets are included in The Executive Budget, but are not subject to review by the Governor. Therefore, the recommendations presented in The Executive Budget represent the Judicial Branch's budget request.

Issues affecting multiple accounts:

Including only those accounts for which the Judicial Branch has control over expenditures, the budget submitted by the Judicial Branch includes General Fund appropriations of $13.7 million over the 2011-13 biennium, which represents a 19.1 percent decrease from the amount approved by the 2009 Legislature for the 2009-11 biennium. However, after accounting for adjustments related to budget recommendations included by the Judicial Branch in The Executive Budget, the Judicial Branch's General Fund appropriation request for the 2011-13 biennium is 11.5 percent less than the amount that was approved by the 2009 Legislature.

Based on information provided to the Committee regarding the current trend of administrative assessments, the Committee did not approve the Judicial Branch's administrative assessment revenue projections in The Executive Budget of $14.9 million in each year of the 2011-13 biennium. Instead, the Committee approved administrative assessment revenue of $14.6 million for each year of the biennium, as revised by the Judicial Branch, which represents a 2 percent decrease from the amounts included in The Executive Budget, or 7 percent below the actual FY 2010 level. Because the Supreme Court and the Senior Justice and Senior Judge Program utilize General Funds for expenditures in excess of administrative assessment collections, this recommendation increases combined General Fund appropriations for these two accounts by $161,935 in each year of the 2011-13 biennium.

To be consistent with the salary reductions recommended for Executive Branch employees, the Committee recommends the inclusion of the 5 percent salary reduction, suspension of merit

pay increases, and the suspension of longevity payments for all Judicial Branch employees except Supreme Court Justices and District Court Judges. In total, these recommendations provide General Fund savings of $483,201 in FY 2012 and $552,303 in FY 2013.

Supreme Court (101-1494) Judicial-1:

The Committee approved transferring the seven Supreme Court Justice positions from the Supreme Court account to the District Judges' Salary account, and renaming the District Judges Salary account "State Judicial Elected Officials" as recommended in The Executive Budget. This recommendation transfers General Funds of $1.83 million in FY 2012 and $1.86 million in FY 2013 that are required to pay the Justices' salaries and benefits to the District Judges' Salary account. The Committee approved the drafting of a bill to amend statutory language in NRS 3.030 to account for the change of the District Judges' Salary account name.

State judicial elected officials (101-1490) Judicial-5:

The Committee approved a budget amendment submitted by the Judicial Branch, which reduces the salary of a District Court Judge in the 5th Judicial District due to an unexpected vacancy and makes a technical correction. In total, the budget amendment provides General Fund savings of $44,109 in FY 2012 and $42,957 in FY 2013.

Judicial selection (101-1498) Judicial-8:

The Committee approved the Judicial Branch's recommendation to reduce expenditures in the Judicial Selection account by 10 percent, providing General Fund savings of $1,798 in each year of the 2011-13 biennium.

Administrative Office of the Courts (101-1483) Judicial-17:

The Committee approved the Judicial Branch's recommendation for reserve reductions totaling $188,766 over the 2011-13 biennium for five information technology related enhancements, including: (1) $104,348 in FY 2013 to provide off-site virtualization of application servers; (2) $29,530 in FY 2012 to upgrade to Judicial Branch's human resources and employee management software; (3) $10,000 in each year to purchase web security and filtering software; (4) $9,000 over the biennium to replace the Judicial Branch's employee evaluation software; and (5) $25,888 in FY 2012 to purchase Microsoft SharePoint collaboration software.

Uniform System of Judicial Records (101-1486) Judicial-27:

The Committee approved the Judicial Branch's recommendation for reserve reductions totaling $596,533 over the 2011-13 biennium for six information technology related enhancements, including: (1) $25,000 in each year to develop Phase II of a system to provide mandatory statistical reports; (2) $469,329 over the biennium to develop system requirements for the new case management system and to reserve funding for the new system to be used in the 2013-15 biennium; (3) $8,214 in FY 2012 to upgrade the current case management system; (4) $15,000 in each year to provide technology grants to trial courts; (5) $16,995 in each year to convert action codes in the case management system from *Nevada Revised Statutes* to Nevada Offense Codes; and (6) $5,000 in FY 2012 to fund the conversion to Microsoft Access 2007.

Foreclosure Mediation Program (101-1492) Judicial-43:

The Committee voted to request legislation that would allow the Judicial Branch to transfer not more than $600,000 of the reserve balance in the Foreclosure Mediation Program account to other accounts within the Judicial Branch over the 2011-13 biennium. For the upcoming biennium, the Judicial Branch recommends excess Notice of Default fee revenue of $3.1 million in FY 2012 and $3.5 million in FY 2013, enough to fund approximately one and a half years worth of operations of the Foreclosure Mediation Program. The Committee authorized staff to work with the Judicial Branch to determine the amount of funding to be transferred in each fiscal year of the biennium, as well as the Judicial Branch accounts that will receive the transfers. This information will be included in the legislation for consideration by the Legislature.

The Committee recommends closing the following Judicial Branch accounts as recommended in The Executive Budget, with minor or technical adjustments:

- Senior Justice and Senior Judge Program (101-1496) JUDICIAL-10

- Law Library (101-2889) JUDICIAL-14
- Judicial Programs and Services Division (101-1484) JUDICIAL-23
- Judicial Education (101-1487) JUDICIAL-34
- Specialty Court (101-1495) JUDICIAL-40
- Judicial Support, Governance and Special Events (101-1493) JUDICIAL-47
- Judicial Retirement System State Share (101-1491) JUDICIAL-50

ASSEMBLYMAN CONKLIN:

The Assembly Committee on Ways and Means has reviewed the following budgets for the Department of Business and Industry for the 2011-13 biennium. In addition, the Committee recommends the transfer of various fiscal and licensing positions from the Nevada Attorney for Injured Workers, Division of Real Estate, Financial Institutions Division, Mortgage Lending Division, Taxicab Authority, and the Nevada Transportation Authority, contingent upon the closing actions to consolidate the licensing, fiscal and technology function within the Director's Office.

Consumer Affairs (101-3811) B&I-22:

The Committee approved the Governor's recommendation to permanently eliminate the Consumer Affairs Division, including the Ombudsman for Minority Affairs position. Senate Bill 473, as introduced, would effectuate the elimination of the Consumer Affairs Division and permanently transfer the powers and duties of the Consumer Affairs Division and the Commissioner of Consumer Affairs to the Office of the Attorney General, and eliminate the Ombudsman for Minority Affairs position. The Committee authorized Fiscal staff to make adjustments to this account based on the final actions taken on Senate Bill 473.

Dairy Commission (233-4470) B&I-27:

The Committee approved issuing of a letter of intent instructing the Dairy Commission to monitor its reserves and adjust assessments in order to maintain reasonable reserves. The reserves recommended by the Governor would have been approximately 190 days of operating expenditures for the Commission. The Committee approved the elimination of an Administrative Assistant position for total savings of $84,027 during the 2011-13 biennium.

NV Attorney for Injured Workers (101-1013) B&I-49:

The Committee did not support the Governor's recommendation to add one new Deputy Attorney position to this account based on the current caseload levels at this time, and the current economic condition of the State.

Real Estate Administration (101-3823) B&I-141:

The Committee approved the Governor's recommendation to eliminate nine positions, including eight Administrative Assistant positions and one Compliance/Audit Investigator position, and reduce three positions from full-time to part-time, providing General Fund savings of $443,017 in FY 2012 and $535,264 in FY 2013. The Committee also approved the Governor's recommendation to transfer one Administrative Aid to the Real Estate Education and Research account, providing General Fund savings of $41,359 in FY 2012 and $42,279 in FY 2013, as well as transferring an Accounting Assistant and an Administrative Services Officer to the Business and Industry Administration account as part the Governor's plan to consolidate administrative and fiscal functions within the Director's Office.

Taxicab Authority (245-4130) B&I-241:

The Committee approved the Governor's recommendation to eliminate five of the nine remaining Airport Control Officer positions, as staffing needs by the Taxicab Authority at McCarran International Airport have declined.

The Committee approved the Governor's recommendation to reclassify the four remaining Airport Control Officer positions. Two of the positions are recommended to be reclassified to Compliance/Enforcement Investigator I, and two are recommended to be reclassified to Compliance/Enforcement Investigator II.

The Committee approved the Governor's recommendation to transfer increased reserve funding of $276,422 in the 2011-13 biennium to the Division of Aging and Disability Services to support two additional positions in order to add an income eligibility component to the Senior Ride Program.

The Committee approved the transfer of an Administrative Services Officer position to the Department of Business and Industry Administration account as part of the Department's plan to centralize fiscal, information technology and licensing functions.

Transportation Authority (226-3922) B&I-251: The Committee approved the Governor's recommendation to eliminate a Supervisory Compliance/Enforcement Investigator and a Program Officer, for Highway Fund savings of $154,197 in FY 2012 and $156,346 in FY 2013.

The Committee also approved transferring the Transportation Manager (also known as the Deputy Commissioner) position to the Department of Business and Industry Administration account as part of the Department's plan to centralize fiscal, information technology and licensing functions.

Funding for an unclassified salary increase is recommended for the Chief Transportation Inspector position funded with Highway Funds for a net increase of $22,295 in FY 2012 and $22,411 in FY 2013. The Committee authorized Fiscal staff to make technical adjustments based on approval of the recommendation by the Unclassified Pay Committee.

The following budgets were closed by the Committee as recommended by the Governor with authority for Fiscal staff to make technical adjustments based on departmental cost allocations, and the closing of the Department of Business and Industry Administration account regarding the centralization of fiscal and licensing functions within the Department:

- Consumer Affairs Recovery Fund (101-3807) B&I-26
- Employee Management Relations Board (101-1374) B&I-34
- Athletic Commission (101-3952) B&I-39
- Labor Commissioner (101-3900) B&I-44
- Real Estate Education and Research (216-3826) B&I-151
- Real Estate Recovery Account (216-3827) B&I-158
- Common Interest Communities (101-3820) B&I-160
- Financial Institutions (101-3835) B&I-216
- Financial Institutions Investigations (101-3805) B&I-224
- Financial Institutions Audit (101-3882) B&I-226
- Mortgage Lending (101-3910) B&I-231
- Transportation Authority Admin Fines (226-3923) B&I-258

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 11:50 a.m.

ASSEMBLY IN SESSION

At 11:53 a.m.

Mr. Speaker presiding.

Quorum present.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 2, 2011

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 12, 18, 83, 97, 111, 125, 142, 147, 156, 166, 168, 174, 217, 250, 261, 262, 348, and 464.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolution No. 9.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

SENATE CHAMBER, Carson City, May 4, 2011

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 33, 55, 121.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Conklin moved that Senate Bill No. 230 be withdrawn from the Committee on Ways and Means and rereferred to the Committee on Education.

Motion carried.

Assemblyman Conklin moved that Senate Bill No. 432 be withdrawn from the Committee on Ways and Means and rereferred to the Committee on Government Affairs.

Motion carried.

Assemblyman Conklin moved that Senate Bill No. 135 be withdrawn from the Committee on Judiciary and rereferred to the Committee on Commerce and Labor.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Legislative Operations and Elections:

Assembly Bill No. 566—AN ACT relating to elections; revising the legislative districts from which the members of the Senate and Assembly are elected; revising the districts from which Representatives in the Congress of the United States are elected; and providing other matters properly relating thereto.

Assemblyman Segerblom moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

By the Committee on Legislative Operations and Elections:

Assembly Bill No. 567—AN ACT relating to elections; revising the legislative districts from which the members of the Senate and Assembly are elected; revising the districts from which Representatives in the Congress of the United States are elected; and providing other matters properly relating thereto.

Assemblyman Segerblom moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 490.

Bill read second time and ordered to third reading.

Assembly Bill No. 492.

Bill read second time and ordered to third reading.

Assembly Bill No. 500.

Bill read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 167.

Bill read third time.

Remarks by Assemblymen Bustamante Adams, Hansen, Carlton, Bobzien, and Ohrenschall.

Roll call on Assembly Bill No. 167:

YEAS—32.

NAYS—Ellison, Hammond, Hansen, Kite, Livermore, McArthur, Munford, Sherwood—8.

EXCUSED—Goedhart, Woodbury—2.

Assembly Bill No. 167 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 363.

Bill read third time.

Roll call on Assembly Bill No. 363:

YEAS—40.

NAYS—None.

EXCUSED—Goedhart, Woodbury—2.

Assembly Bill No. 363 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 480.

Bill read third time.

Remarks by Assemblyman Hardy.
Roll call on Assembly Bill No. 480:
YEAS—40.
NAYS—None.
EXCUSED—Goedhart, Woodbury—2.
Assembly Bill No. 480 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Assembly Bill No. 498.
Bill read third time.
Remarks by Assemblyman Hambrick.
Roll call on Assembly Bill No. 498:
YEAS—40.
NAYS—None.
EXCUSED—Goedhart, Woodbury—2.
Assembly Bill No. 498 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Assembly Bill No. 534.
Bill read third time.
Remarks by Assemblywoman Kirkpatrick.
Roll call on Assembly Bill No. 534:
YEAS—40.
NAYS—None.
EXCUSED—Goedhart, Woodbury—2.
Assembly Bill No. 534 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Senate Concurrent Resolution No. 8.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Atkinson, the privilege of the floor of the Assembly Chamber for this day was extended to Lynne Hansen.

On request of Assemblywoman Benitez-Thompson, the privilege of the floor of the Assembly Chamber for this day was extended to Kyle Edgerton.

On request of Assemblyman Hogan, the privilege of the floor of the Assembly Chamber for this day was extended to Benjamin Scholl, Cynthia Leigh Scholl, and Margaret Leigh Scholl.

On request of Assemblyman Stewart, the privilege of the floor of the Assembly Chamber for this day was extended to the following students and chaperones from Elise Wolf Elementary School: Christian Belen, Kyleigh Cemensky, Jacob Edgington, Brandon Kuptz, Isabelle Mangubat, Haley Morton, Dean Nguyen, Max O'Hala, Mary Elizabeth Ortiz, Josilynn Rasaminmanana, Caitlin Shannon, Lily Tait, Leonard Versola, Kimberly Tait, Dan Edgington, Teresa Morton, Victor Belen, Tim Kuptz, Nina Lawson, Eleanor Williams, Roxana Pistalu, Laurie Nighswonger, Karry Hoff, Piper Hernandez, Charles Planteen, Frances Holt, David Gorski, Samantha Sinowitz, Theresa Branham, Derek Hyer, Andrew Waldrop, Grace Taggart, Davia Sullivan, Jared Sinowitz, Kylee Quist, Brooke Pohlman, Sidney Planteen, Antonio Pizzo, Justin Llacuna, Jacob Littmann, Campbell Holt, Sonia Gorski, Elyssa Fair, Sanaii Edwards, Tristan Cooper, Kyle Branham, Morgan Basile, Brandon Banuelos, Daniel Wartenberg, Jennifer Sena, Johanna Gurr, Elizabeth Dunmire, Jackson Yates, Ryan Welsh, Alexis Weiss, Savannah Wartenberg, Kailey Torres, Abigail Sena, Jacob Schroeder, Luis Rosales, Isaac Rettig, Desiree Ozols, Tristen O'Neal, Annabel Noel, Alexa Mahoney, Sydney Ly, Alexandra Gurr, Sydney Fairchild, Zachary Dunmire, Francine Deborja, Molly Carey, Jennifer Ammerman, Erica Bozarth, Julie Downey, Stephanie Reynoso, Robb Weinstock, Tamara Brandonisio, Shabnam Vott, Silva Bikarian, Myrna Obregon, Ashlynn Ammerman, Rylie Bozarth, Joel Castro, Barbra Downey, Kiana Farizandy, Lauren Hirsch, Martin Huerta, Angelina Knox, Nichole King, Ruby Martinez, Maricella McDaniel, Christian Mixson, Haley Montalbano, Trinity Reynoso, Alex Rooney, Nathan Weinstock, Lindsay Best, Zahra Amini-Lari, Rhianon Simon, Nick Floratos, Jason Vott, Brendan Brandonisio, Tristan Selzak, Cali Javellan, Ethan Safier, Micah Bowens, Drew Carter, Alyssa Martino, Monet Griffin, Blake Benson, and Michael Noel.

Assemblyman Conklin moved that the Assembly adjourn and do so in honor of all mothers until Monday, May 9, 2011, at 11:30 a.m.

Motion carried.

Assembly adjourned at 12:27 p.m.

Approved: JOHN OCEGUERA
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE NINETY-SECOND DAY

CARSON CITY (Monday), May 9, 2011

Assembly called to order at 12:17 p.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, April Mastroluca.

Heavenly Father,

Your word tells us that we are all Your children, made in your image. As we move through the last few weeks of our session, please help us remember this. While each of us come from different backgrounds, You chose each of us to be here at this time. When we look across the aisle or across the room, we ask for Your guidance and wisdom to find solutions to the complex issues facing our state.

Remind us to take time to breathe, to see our surroundings. The snow and rain today brings much needed water to our state. Show us the other situations around us that will bring benefits that we may not see right now.

We are thankful for all You provide for each person in this building. In Your Son's name we pray.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Conklin moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Legislative Operations and Elections, to which was referred Assembly Bill No. 566, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

TICK SEGERBLOM, *Chair*

Mr. Speaker

Your Committee on Ways and Means, to which were referred Assembly Bills Nos. 486, 491, 493, 495, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Ways and Means has had under consideration the various budgets for the Department of Conservation and Natural Resources, and begs leave to report back that the following accounts have been closed by the Committee:

Administration (101-4150)
Heil Wild Horse Bequest (607-4156)
State Environment Commission (101-4149)

Water Resources (101-4171)
State Lands (101-4173)
Division of Environmental Protection Administration (101-3173)
Division of Environmental Protection Air Quality (101-3185)
Division of Environmental Protection Water Pollution Control (101-3186)
Division of Environmental Protection Waste Management and Federal Facilities (101-3187)
Division of Environmental Protection Mining Regulation and Reclamation (101-3188)
Division of Environmental Protection State Revolving Fund Administration (746-3189)
Division of Environmental Protection Water Quality Planning (101-3193)
Division of Environmental Protection Safe Drinking Water Regulatory Program (101-3197)
Division of Environmental Protection Water Planning Capital Improvement (101-4155)

Also, your Committee on Ways and Means has had under consideration various budgets for the Department of Public Safety, and begs leave to report back that the following accounts have been closed by the Committee:

Director's Office (201-4706)
Office of Professional Responsibility (201-4707)
Evidence Vault (101-4701)
Administrative Services (201-4714)
Forfeitures Law Enforcement (101-4703)
Highway Patrol (201-4713)
NHP K-9 Program (101-4705)
Highway Safety Grants Account (201-4721)
Dignitary Protection (101-4738)
Home Disaster Assistance Program (101-3672)
State Emergency Response Commission (201-4729)
Child Volunteer Background Checks Trust Account (101-4710)
Capitol Police (710-4727)
Highway Safety Plan & Administration (101-4688)
Traffic Safety (101-4687)
Bicycle Safety Program (201-4689)
Motorcycle Safety Program (201-4691)
Parole Board (101-3800)
Homeland Security (101-3675)

Also, your Committee on Ways and Means has had under consideration various budgets for the Department of Wildlife, and begs leave to report back that the following accounts have been closed by the Committee:

Administration (101-4452)
Trout Stamp Program (101-4454)
Boating Program (101-4456)
Wildlife Fund (101-4458)
Director's Office (101-4460)
Operations (101-4461)
Conservation Education (101-4462)
Law Enforcement (101-4463)
Game Management (101-4464)
Fisheries Management (101-4465)
Diversity (101-4466)
Habitat (101-4467)

DEBBIE SMITH, *Chair*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Conklin moved that the following budget closure remarks be entered in the Journal.

Motion carried.

REMARKS FROM THE FLOOR

ASSEMBLYWOMAN CARLTON:

The Assembly Committee on Ways and Means has completed its review of various budgets for the 2011-13 biennium. The closing recommendations for these accounts resulted in General Fund savings of $8,669 over the biennium.

DCNR Administration (101-4150) DCNR-1:

The Committee recommends approval of the Governor's recommendations to discontinue the Natural Resources Advisory Council, eliminate redundant membership in the Western States Water Council, eliminate the Department's Public Information Officer, and eliminate an Administrative Assistant II position in the Director's Office. These four recommendations provide General Fund savings of $140,211 in FY 2012 and $142,173 in FY 2013.

Water Resources (101-4171) DCNR-67:

The Committee recommends approval of the Governor's recommendation to eliminate 5.5 positions from the Division of Water Resources, including two Associate Engineers, two Engineering Technicians, one Administrative Assistant, and half of the Deputy State Engineer in Las Vegas. The Deputy State Engineer will continue as a full-time, fully funded position in the Las Vegas Water Basin account, which has been providing one-half of the position's total costs. The elimination of these positions provides General Fund savings of $675,562 over the 2011-13 biennium. The Committee also recommends approval of the Governor's recommendation to transfer three General Fund positions from the Water Resources account to the Las Vegas Water Basin account, which is not contained in The Executive Budget. These three positions would continue in their current salary, working capacity, and locations, but would be funded from water assessments in the non-Executive Budget account, and move from classified service to non-classified service. This recommendation provides General Fund savings of $289,676 over the upcoming biennium.

State Lands (101-4173) DCNR-79:

The Committee voted to recommend approval of the Governor's recommendation to reclassify the existing Management Analyst IV position to a Deputy Administrator; however, instead of providing funds for a 9.6 percent salary increase, the Committee approved funding for a salary increase of approximately 5 percent. This action provides General Fund savings of $8,669 over the 2011-13 biennium.

DEP Administration (101-3173) DCNR-102:

The Committee supported the Governor's recommendation in the base budget to add grant revenue of $2 million in each year of the 2011-13 biennium for a new federal Department of Energy (DOE) grant to fund environmental management activities at the Nevada National Security Site (formerly known as the Nevada Test Site). This grant revenue will be transferred to other Division of Environmental Protection accounts, as well as other divisions within the Department of Conservation and Natural Resources. The DOE funds allow the Division to eliminate all General Fund appropriations in the base budget and fill three fee-funded positions that were held vacant due to declining revenue.

DEP Air Quality (101-3185) DCNR-108:

The Committee recommends approval of a technical adjustment to add additional transfers from the Air Quality Management fund of $121,606 in FY 2012 and $122,253 in FY 2013 for the personnel and operating expenses of a Deputy Attorney General dedicated to the Bureau of Air Quality Planning and the Bureau of Air Pollution Control. The position was approved at the February 3, 2011, Interim Finance Committee meeting. The Committee also voted to fund new

and replacement equipment with reserve reductions rather than from the Air Quality Management fund. This action provides Air Quality Management fund savings of $259,274 in FY 2012 and $100,585 in FY 2013.

DEP Waste Mgmt and Federal Facilities (101-3187) DCNR-120:

The Committee recommends approval of a technical adjustment to add additional transfers from the Hazardous Waste Management fund of $134,040 in FY 2012 and $134,761 in FY 2013 for the personnel and operating expenses of a Senior Deputy Attorney General dedicated to the Bureau of Corrective Actions. This position was also approved at the February 3, 2011, Interim Finance Committee meeting.

The Committee recommends closing the following DCNR budget accounts as recommended by the Governor with only minor or technical adjustments:

- Heil Wild Horse Bequest (607-4156) DCNR-9
- State Environmental Commission (101-4149) DCNR-12
- DEP Water Pollution Control (101-3186) DCNR-114
- DEP Mining Regulation/Reclamation (101-3188) DCNR-128
- DEP State Revolving Fund – Admin (746-3189) DCNR-133
- DEP Water Quality Planning (101-3193) DCNR-138
- DEP Safe Drinking Water Regulatory Program (101-3197) DCNR-143
- DEP Water Planning Cap Improvement (101-4155) DCNR-148

ASSEMBLYMAN BOBZIEN:

The Assembly Committee on Ways and Means, meeting jointly with the Senate Committee on Finance has completed its review of various budgets for the Department of Public Safety for the 2011-13 biennium. The closing recommendations for these accounts resulted in General Fund savings of $94,522 over the biennium.

Director's Office (201-4706) PUBLIC SAFETY-1:

The Committee approved the Governor's recommendation to consolidate the Administrative Services Division account within the Director's Office account in order to centralize most of the Department's fiscal and human resource personnel and reduce costs. The Committee approved the Governor's recommendation to reclassify the unclassified Division Administrator of Administrative Services to a classified Administrative Services Officer IV for increased costs totaling $11,455 for the 2011-13 biennium. The Committee also approved the Governor's recommendation to eliminate the Executive Officer to the Director position for cost allocation reductions totaling $226,880 in the 2011-13 biennium. Finally, the Committee approved transferring $962,487 for the 2011-13 biennium to the Highway Patrol account for the cost of interlocal agreements for breathalyzer testing and calibration.

Administrative Services (201-4714) PUBLIC SAFETY-28:

The Committee approved the Governor's recommendation to consolidate administrative positions within the Administrative Services Division and transfer these positions to the Director's Office. The recommendation consolidates five positions from the Highway Patrol, Capitol Police, Justice Grant, and the Division of Investigations. The Committee recommends approving the Governor's recommendation to eliminate an Accounting Assistant and an Administrative Assistant position due to the discontinuation of a department-wide document-scanning program for cost allocation savings totaling $179,471 during the 2011-13 biennium. With the exception of approving adjustments to reduce authority for unsupported equipment purchases, the Committee approved the remainder of the budget as recommended by the Governor.

Highway Patrol (201-4713) PUBLIC SAFETY-47:

The Committee did not approve the Governor's recommendation to transfer General Funds of $6,062 over the 2011-13 biennium to the Dignitary Protection account for visiting dignitary protection in order to reflect funding where expenses are incurred. The Committee approved closing the remainder of the budget as recommended by the Governor, including transferring in

$962,487 over the 2011-13 biennium from the Director's Office account for the cost of interlocal agreements for breathalyzer testing and calibration and changing the source of funding from cost allocation reimbursement to Highway Funds.

Dignitary Protection (101-4738) PUBLIC SAFETY-73:

The Committee did not approve the Governor's recommendation to transfer out General Funds of $951,024 over the 2011-13 Biennium to the Capitol Police account for Governor's Mansion security. With the exception of staff technical adjustments, the Committee approved closing the remainder of the budget as recommended by the Governor.

Parole Board (101-3800) PUBLIC SAFETY-209:

The Committee approved the Governor's recommendation to eliminate two Administrative Assistants and one Management Analyst position, for General Fund savings of $321,069 over the 2011-13 biennium. The Committee discussed the possibility of providing funding for four Pardons Board meetings per year, but took no action. The budget includes funding for two Pardons Board meetings per year. The Committee indicated that funding for four Pardons Board meetings may be considered later if funds become available.

Homeland Security (101-3675) PUBLIC SAFETY-215:

The Committee approved eliminating one Grants and Projects Analyst position for a General Fund savings of $139,216 over the 2011-13 biennium and replacing General Funds of $269,857 over the 2011-13 biennium with federal funding sources as recommended by the Governor. The Committee approved staff technical adjustments to adjust funding sources for the Department's indirect cost recovery plan, for a General Fund savings of $8,939 over the 2011-13 biennium.

Highway Safety Plan & Admin (101-4688) PUBLIC SAFETY-173:

The Committee approved the Governor's recommendation to eliminate one Management Analyst position, for a savings of $131,063 over the 2011-13 biennium, including $65,531 in Highway Funds. The Committee approved closing the remainder of this account as recommended by the Governor, with staff technical adjustments to align revenues and expenditures with actual federal funding available and adjust funding sources for the Department's indirect cost recovery plan.

Highway Safety Grants Account (201-4721) PUBLIC SAFETY-65:

The Committee approved a technical adjustment to reclassify one Commercial Vehicle Safety Inspector II to a Commercial Vehicle Safety Inspector III. The Governor recommended reclassifying one Commercial Vehicle Safety Inspector II to a Training Officer II; however, the Department of Personnel indicated that reclassification to a Commercial Vehicle Safety Inspector III was more appropriate. The Committee approved closing the remainder of this account as recommended by the Governor, with the exception of staff technical adjustments.

Evidence Vault (101-4701) PUBLIC SAFETY-17:

The Committee approved creating a new Evidence Vault account as recommended by the Governor, with technical adjustments to reduce authority for evidence vault expenditures.

Office of Prof Responsibility (201-4707) PUBLIC SAFETY-13:

The Committee approved changing the methodology used to allocate the Office of Professional Responsibility's operating costs to allocate costs based on the number of civilian as well as sworn personnel investigations, as recommended by the Governor. The recommendation decreases allocated costs paid by General Fund budget accounts by approximately $93,000 and increases allocated costs paid by Highway Fund accounts by approximately $110,000 annually. The Committee approved technical adjustments to reduce authority for office rent and equipment purchases.

Child Volunteer Background Checks Trust Acct (101-4710) PUBLIC SAFETY-162:

The Committee approved $15,087 in General Funds for each year of the 2011-13 biennium for this budget as recommended by the Governor, with approval to continue language in the Appropriations Act that allows for the transfer of General Fund appropriations between fiscal years to address shortfalls in either fiscal year.

Other Department of Public Safety Budget Accounts:

The Committee also reviewed the budgets for the following accounts:

- Home Disaster Assistance Program (101-3672) PUBLIC SAFETY-120
- Traffic Safety (101-4687) PUBLIC SAFETY-181
- Bicycle Safety Program (201-4689) PUBLIC SAFETY-183
- Motorcycle Safety Program (201-4691) PUBLIC SAFETY-188
- Forfeitures – Law Enforcement (101-4703) PUBLIC SAFETY-43
- NHP K-9 Program (101-4705) PUBLIC SAFETY-162
- Capitol Police (710-4727) PUBLIC SAFETY-164
- State Emergency Response Commission (201-4729) PUBLIC SAFETY-122

The Committee recommends that these accounts be closed primarily as recommended by the Governor, with approval for Fiscal staff to make necessary technical adjustments.

ASSEMBLYWOMAN SMITH:

The Assembly Committee on Ways and Means has completed its review of the Department of Wildlife's budget accounts and has made the following recommendations for the Department's 2011-13 biennium budget:

Wildlife Administration (101-4452) Wildlife-1:

The 2009 Appropriations and Authorizations Acts instructed the Department of Wildlife to separate the Wildlife Administration account into multiple accounts to facilitate tracking, reporting, accountability, and planning. The Committee approved the Governor's recommended budget reorganization plan for the Department. This plan included eliminating the Wildlife Administration account, as well as the Trout Stamp Program (101-4454) and Boating Program (101-4456) accounts, and completing the breakout of the Director's Office (101-4460) and Operations Division (101-4461) accounts established in FY 2011. In addition, the Committee voted to establish the Conservation Education (101-4462), Law Enforcement (101-4463), Game Management (101-4464), Fisheries Management (101-4465), Diversity (101-4466), and Habitat (101-4467) accounts.

The Committee also approved $1.6 million in federal and fee funds over the 2011-13 biennium to continue a sagebrush coordinator position that will be located in the Habitat Division as well as program costs that will be divided between the Habitat and Diversity Divisions, as recommended by the Governor. In addition, the Committee approved approximately $1.6 million for new and replacement equipment in the 2011-13 biennium as recommended by the Governor, with minor adjustments to remove funding for unsupported replacement computer equipment.

Wildlife Fund (101-4458) Wildlife-38:

As part of the budgetary reorganization of the Department of Wildlife, the name of the Obligated Reserve account was changed to the Wildlife Fund. The use of the account was expanded to include unrestricted fees as well as restricted fees. The Wildlife Fund account was also approved to house all of the Department's reserves.

Operations (101-4461) Wildlife-54:

The Committee approved the transfer of a State Land Agent III position to the Department of Conservation and Natural Resources (DCNR) as recommended by the Governor, in order to maintain all Land Agent positions in one agency and maintain the integrity of DCNR's land data.

Diversity (101-4466) Wildlife-90:

The Committee approved the Governor's recommendation to reduce General Funds by $309,267 in the 2011-13 biennium and replace the appropriations with the same amount of habitat conservation fee revenues collected by the Department. The Governor's recommendation includes shifting the Diversity Division's focus to habitat restoration projects from collecting species and habitat data needed to implement the State's Wildlife Action Plan.

This is a comprehensive statewide plan for wildlife conservation efforts and management of native non-game species.

The Committee closed the remainder of the Department of Wildlife's accounts largely as recommended by the Governor, with permission to Fiscal staff to make technical adjustments, including:

- Wildlife – Trout Stamp Program (101-4454) WILDLIFE-29
- Wildlife – Boating Program (101-4456) WILDLIFE-32
- Wildlife – Director's Office (101-4460) WILDLIFE-47
- Wildlife – Conservation Education (101-4462) WILDLIFE-63
- Wildlife – Law Enforcement (101-4463) WILDLIFE-69
- Wildlife – Game Management (101-4464) WILDLIFE-77
- Wildlife – Fisheries Management (101-4465) WILDLIFE-83
- Wildlife – Habitat (101-4467) WILDLIFE-96

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 7, 2011

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 32, 91, 220, 295, 296, 319.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 62, Amendment No. 471; Assembly Bill No. 203, Amendment No. 470, and respectfully requests your honorable body to concur in said amendments.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

NOTICE OF EXEMPTION

May 7, 2011

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Senate Bills Nos. 498 and 499.

MARK KRMPOTIC
Fiscal Analysis Division

Assemblyman Conklin moved that Assembly Bill No. 566, just reported out of committee, be placed at the top of the Second Reading File.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 566.

Bill read second time.

The following amendment was proposed by the Committee on Legislative Operations and Elections:

Amendment No. 564.

Section 34 of Assembly Bill No. 566 is hereby amended as follows:

Sec. 34. NRS 218B.750 is hereby amended to read as follows:

218B.750 Assembly District 31 consists of, in Washoe County:

[~~1. Census tracts 000700, 002101, 002902, 003000 and 003106.~~

~~2. Census voting districts 632, 633, 636, 652, 655 and 706.~~

~~3. In census tract 000100, blocks 5000, 5001, 5002, 5003, 5004, 5005, 5006, 5007, 5008, 5009, 5010, 5011, 5012, 5013, 5014, 5015, 5016, 5017, 5018, 5019, 5020, 5021, 5022, 5023, 5024, 5025, 5026, 5027, 5028, 5038, 5039, 5040, 5041, 5042, 5043, 5044, 5045, 5049, 5050, 5051, 5052, 5053 and 5054.~~

~~4. In census tract 000200, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 2000, 2005, 2010, 2011, 2013 and 2015.~~

~~5. In census tract 001800, blocks 3007, 3009, 3010 and 3011.~~

~~6. In census tract 001901, block 2035.~~

~~7. In census tract 001902, block 3000.~~

~~8. In census tract 002103, blocks 2001, 2002, 2003, 2004, 2020 and 2021.~~

~~9. In census tract 002203, blocks 1009, 2000, 2001, 2002, 2003, 2004, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 4000, 4001 and 4002.~~

~~10. In census tract 002901, blocks 1010, 2005, 2006, 2007, 3011, 4006, 4007, 4008 and 4009.~~

~~11. In census tract 003101, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028 and 2029.~~

~~12. In census tract 003105, blocks 1015, 1016, 1017, 1018, 1019, 1020, 2000, 2001 and 2002.~~

~~13. In census tract 003107, blocks 1014, 1015, 1016, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 3004, 3011, 3013, 3014 and 3015.~~

~~14. In census tract 003108, blocks 1009 and 1011.~~

~~15. In census tract 003502, blocks 1038 and 1039.~~**]**

~~[1. Census tracts 002105, 002106, 002212, 002902, 003105, 003106, 003110 and 980000.~~

~~2. In census tract 000102, blocks 1000, 1011, 1049, 1050 and 1054.~~

~~3. In census tract 000201:~~

~~(a) Block group 1.~~

~~(b) Blocks 2000, 2001, 2004, 2005, 2010, 2011, 2012, 2013, 2019, 2020, 2021, 2022 and 2023.~~

~~*4. In census tract 000700, blocks 2000, 2001, 2002, 2003, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023 and 3024.*~~

~~*5. In census tract 002103, blocks 1013, 1025, 2003, 2004, 2008, 2009, 2010, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026 and 2027.*~~

~~*6. In census tract 002104, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 2006, 2007, 2017, 2018, 2020, 2021, 2022, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3012, 3013, 3015, 3016, 3017, 3019, 3020, 3021, 3022, 3023, 3024 and 3025.*~~

~~*7. In census tract 002107:*~~

~~*(a) Block group 2.*~~

~~*(b) Blocks 1000, 1001, 1002, 1003, 1028, 1029, 1030, 1031, 1032, 1035, 1036, 1040 and 1041.*~~

~~*8. In census tract 002204, blocks 2000, 2001 and 2002.*~~

~~*9. In census tract 002206, blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2022, 2023, 2024, 2025, 2026 and 2048.*~~

~~*10. In census tract 002209, blocks 1000 and 1001.*~~

~~*11. In census tract 002211, block 2000.*~~

~~*12. In census tract 002901:*~~

~~*(a) Block groups 1 and 2.*~~

~~*(b) Block 3010.*~~

~~*13. In census tract 003000:*~~

~~*(a) Block groups 2, 3, 4 and 5.*~~

~~*(b) Blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 6006, 6007, 6014, 6015, 6022 and 6025.*~~

~~*14. In census tract 003101:*~~

~~*(a) Block groups 1 and 4.*~~

~~*(b) Blocks 2001, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3029, 3030, 3031, 3032, 3033, 3034, 3035, 3036, 3037, 3038, 3039, 3040, 3041, 3042, 3043, 3044, 3045, 3046, 3047, 3048, 3049, 3050, 3051, 3052, 3053, 3054, 3055, 3056, 3057, 3058, 3059, 3060, 3061, 3062, 3063, 3064, 3065, 3066, 3067, 3068, 3069, 3070, 3071, 3072,*~~

~~3073, 3074, 3075, 3076, 3077, 3078, 3079, 3080, 3081, 3082, 3083, 3084, 3085, 3086, 3087, 3088, 3089, 3090, 3091, 3092, 3093, 3094, 3095, 3096, 3098, 3099, 3100, 3101, 3102, 3103, 3104, 3105, 3106, 3107, 3108, 3109, 3110, 3111, 3112, 3113, 3114, 3115, 3116, 3117, 3118, 3119, 3120, 3121, 3122 and 3123.~~

~~15. In census tract 003108:~~

~~(a) Block group 2.~~

~~(b) Blocks 1003, 1014, 1017, 1018, 1019, 1020 and 1027.~~

~~16. In census tract 003109, blocks 1006, 1012, 1013 and 1016.~~

~~17. In census tract 003501, block 3257.~~

~~18. In census tract 003503, blocks 1001, 1007, 1012, 1023, 1027, 1028, 1035, 1041, 1042, 1046, 2001 and 2024.~~

~~19. In census tract 003508, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 2000, 2001, 2002, 2003, 2004 and 2005.~~

~~20. In census tract 003509:~~

~~(a) Block groups 3 and 4.~~

~~(b) Blocks 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 2000, 2001, 2002, 2003, 2004, 2007, 2008, 2009, 2010, 2011, 2012, 2013 and 2014.~~

~~21. In census tract 003510, blocks 1000, 1001, 1002, 1003, 1004, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 2001, 2011, 2012, 2013, 2018, 2019, 2020, 3000, 3001, 3002, 3003, 3004, 3005, 3010 and 3011.~~

~~22. In census tract 003511, block group 3.~~

~~23. In census tract 003512, block 2015.]~~

1. Census tracts 002105, 002106, 002212, 002902, 003105, 003106, 003110 and 980000.

2. In census tract 000102, blocks 1000, 1011, 1049, 1050 and 1054.

3. In census tract 000201:

(a) Block group 1.

(b) Blocks 2000, 2001, 2004, 2005, 2010, 2011, 2012, 2013, 2019, 2020, 2021, 2022 and 2023.

4. In census tract 000700, blocks 2000, 2001, 2002, 2003, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023 and 3024.

5. In census tract 002103, blocks 1013, 1025, 2003, 2004, 2008, 2009, 2010, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026 and 2027.

6. In census tract 002104, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 2006, 2007, 2017, 2018, 2020, 2021, 2022, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3012, 3013, 3015, 3016, 3017, 3019, 3020, 3021, 3022, 3023, 3024 and 3025.

7. In census tract 002107:

(a) Block group 2.

(b) Blocks 1000, 1001, 1002, 1003, 1028, 1029, 1030, 1031, 1032, 1035, 1036, 1040 and 1041.

8. In census tract 002204, blocks 2000, 2001 and 2002.

9. In census tract 002206, blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2022, 2023, 2024, 2025, 2026 and 2048.

10. In census tract 002209, blocks 1000 and 1001.

11. In census tract 002211, block 2000.

12. In census tract 002901:

(a) Block groups 1 and 2.

(b) Block 3010.

13. In census tract 003000:

(a) Block groups 2, 3, 4 and 5.

(b) Blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 6006, 6007, 6014, 6015, 6022 and 6025.

14. In census tract 003101:

(a) Block groups 1 and 4.

(b) Blocks 2001, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3029, 3030, 3031, 3032, 3033, 3034, 3035, 3036, 3037, 3038, 3039, 3040, 3041, 3042, 3043, 3044, 3045, 3046, 3047, 3048, 3049, 3050, 3051, 3052, 3053, 3054, 3055, 3056, 3057, 3058, 3059, 3060, 3061, 3062, 3063, 3064, 3065, 3066, 3067, 3068, 3069, 3070, 3071, 3072, 3073, 3074, 3075, 3076, 3077, 3078, 3079, 3080, 3081, 3082, 3083, 3084, 3085, 3086, 3087, 3088, 3089, 3090, 3091, 3092, 3093, 3094, 3095, 3096, 3098, 3099, 3100, 3101, 3102, 3103, 3104, 3105, 3106, 3107, 3108, 3109, 3110, 3111, 3112, 3113, 3114, 3115, 3116, 3117, 3118, 3119, 3120, 3121, 3122 and 3123.

15. In census tract 003108:

(a) Block group 2.

(b) Blocks 1003, 1014, 1017, 1018, 1019, 1020 and 1027.

16. In census tract 003109, blocks 1006, 1012, 1013 and 1016.

17. In census tract 003501, block 3257.

18. In census tract 003503, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1012, 1023, 1027, 1028, 1035, 1041, 1042, 1046, 2000, 2001, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2016, 2017, 2019, 2020, 2021, 2024, 3004, 3005, 3006 and 3012.

19. In census tract 003504, blocks 2001, 2002, 2003, 2004 and 2024.

20. In census tract 003508, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 2000, 2001, 2002, 2003, 2004 and 2005.

21. In census tract 003509:

(a) Block groups 3 and 4.

(b) Blocks 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 2011, 2012, 2013 and 2014.

22. In census tract 003510, blocks 1000, 1001, 1002, 1003, 1004, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 2001, 2011, 2012, 2013, 2018, 2019, 2020, 3000, 3001, 3002, 3003, 3004, 3005, 3010 and 3011.

23. In census tract 003512, block 2015.

Section 35 of Assembly Bill No. 566 is hereby amended as follows:

Sec. 35. NRS 218B.755 is hereby amended to read as follows:

218B.755 Assembly District 32 consists of ~~[:~~

~~1. In Humboldt County:~~

~~(a) Census voting districts 0005, 0055 and 0060.~~

~~(b) In census tract 010500, blocks 3043, 3045, 3046, 3047, 3048, 3049, 3050, 3051, 3052, 3053, 3054, 3055, 3056, 3057, 3058, 3059, 3060, 3061, 3062, 3063, 3064, 3065, 3066, 3067, 3068, 3069, 3070, 3071, 3072, 3073, 3074, 3075, 3076, 3077, 3078, 3079, 3080, 3081, 3082, 3083, 3084, 3086, 3091, 3092, 3093, 3094, 3095, 3096, 3097, 3098, 3106, 3107, 3108, 3109, 3110, 3111, 3112, 3113, 3114, 3115, 3116, 3117, 3118, 3122, 3170, 3171, 3172, 3173, 3174, 3176, 3177, 3178, 3179, 3180, 3181, 3182, 3183, 3184, 3185, 3186, 3187, 3188, 3189, 3190, 3200, 3201, 3202, 3208, 3209, 3210, 3211, 3212, 3213, 3214, 3215, 3216, 3217, 3218, 3220, 3221, 3222, 3223, 3224, 3225, 3226, 3227, 3228, 3229, 3230, 3231, 3232, 3233, 3234, 3235, 3236, 3237, 3238, 3239, 3240, 3241, 3242, 3243, 3244, 3245, 3246, 3247, 3248, 3249, 3250, 3251, 3252, 3253, 3254, 3255, 3256, 3257, 3258, 3259,**

~~3260, 3261, 3262, 3263, 3264, 3265, 3266, 3267, 3268, 3269, 3270, 3271, 3272, 3273, 3274, 3275, 3276, 3277, 3278, 3279, 3280, 3281, 3282, 3283, 3284, 3285, 3286, 3287, 3288, 3289, 3290, 3291, 3292, 3293, 3294, 3295, 3296, 3297, 3298, 3299, 3300, 3301, 3302, 3303, 3304, 3307, 3308, 3309, 3310, 3311, 3312, 3313, 3314, 3315, 3316, 3317, 3318, 3319, 3320, 3321, 3322, 3323, 3324, 3325, 3326, 3327, 3328, 3329, 3330, 3331, 3332, 3333, 3334, 3335, 3336, 3337, 3338, 3339, 3340, 3341, 3342, 3343, 3344, 3345, 3346, 3347, 3348, 3349, 3350, 3351, 3352, 3353, 3354, 3355, 3356, 3357, 3358, 3359, 3360, 3361, 3362, 3363, 3364, 3365, 3366, 3367, 3368, 3369, 3370, 3371, 3372, 3373, 3374, 3375, 3376, 3377, 3378, 3379, 3380, 3381, 3382, 3383, 3384, 3385, 3386, 3387, 3388, 3389, 3390, 3391, 3392, 3393, 3394, 3395, 3396, 3397, 3398, 3399, 3400, 3401, 3402, 3403, 3404, 3405, 3406, 3407, 3408, 3409, 3410, 3411, 3412, 3413, 3414, 3415, 3416, 3417, 3418, 3419, 3420, 3421, 3422, 3423, 3424, 3425, 3426, 3427, 3428, 3430, 3436, 3437, 3438, 3450, 3451, 3452, 3453, 3454, 3455, 3456, 3457, 3466, 3467, 3468, 3469, 3470, 3471, 3472, 3473, 3474, 3475, 3476, 3477, 3478, 3479, 3480, 3481, 3482, 3483, 3484, 3485, 3486, 3487, 3488, 3489, 3490, 3491, 3492, 3493, 3494, 3495, 3496, 3497, 3498, 3499, 3500, 3501, 3502, 3503, 3504, 3505, 3506, 3507, 3508, 3509, 3510, 3511, 3512, 3513, 3514, 3515, 3516, 3517, 3518, 3519, 3520, 3521, 3522, 3523, 3524, 3525, 3526, 3527, 3528, 3529, 3530, 3531, 3532, 3533, 3534, 3535, 3536, 3537, 3538, 3539, 3540, 3541, 3542, 3543, 3544, 3545, 3546, 3547, 3548, 3549, 3550, 3551, 3552, 3553, 3554, 3555, 3556, 3557, 3558, 3559, 3560, 3561, 3562, 3563, 3564, 3565, 3566, 3567, 3568, 3569, 3570, 3571, 3572, 3573, 3574, 3575, 3576, 3577, 3578, 3579, 3580, 3581, 3582, 3583, 3584, 3585, 3586, 3587, 3588, 3589, 3590, 3591, 3592, 3593, 3594, 3595, 3596, 3597, 3598, 3599, 3600, 3601, 3602, 3603, 3604, 3605, 3606, 3607, 3608, 3609, 3610, 3611, 3612, 3613, 3614, 3615, 3616, 3617, 3618, 3619, 3620, 3621, 3622, 3623, 3624, 3625, 3626, 3627, 3628, 3629, 3630, 3631, 3632, 3633, 3634, 3635, 3636, 3637, 3638, 3639, 3640, 3641, 3642, 3643, 3644, 3645, 3646, 3647, 3648, 3649, 3650, 3651, 3652, 3653, 3654, 3655, 3656, 3657, 3658, 3659, 3660, 3661, 3662, 3663, 3664, 3665, 3666, 3667, 3668, 3669, 3670, 3671, 3672, 3673, 3674, 3675, 3676, 3677, 3678, 3679, 3680, 3681, 3682, 3683, 3690, 3691, 3692, 3693, 3694, 3711, 3712, 3713, 3714, 3715, 3716, 3717, 3718, 3719, 3721, 3722, 3726, 3727, 3728, 3729, 3730, 3731, 3732, 3733, 3734, 3739, 3740, 3741, 3742, 3743, 3744, 3745, 3746, 3747, 3748, 3749, 3750, 3751, 3752, 3753, 3754, 3755, 3756, 3757, 3758, 3759, 3760, 3761, 3762, 3763, 3764, 3777, 3778, 3779, 3780, 3781, 3782, 3783, 3784, 3789, 3790, 3791, 3792, 3793, 3794, 3795, 3796, 3797, 3798, 3799, 3800, 3801, 3802, 3803, 3822, 3823, 3824, 3825, 3845, 3846, 3847, 3848, 3849, 3850, 3851, 3852, 3853, 3854, 3855, 3856, 3857, 3858, 3859, 3884, 3885, 3886, 3887, 3888, 3889, 3890, 3891, 3892, 3893, 3894, 3895, 3896, 3897,~~

~~3898, 3899, 3900, 3901, 3902, 3903, 3904, 3905, 3906, 3907, 3908, 3909, 3910, 3911, 3912, 3913, 3914, 3915, 3916, 3917, 3918, 3919, 3920, 3921, 3922, 3923, 3924, 3925, 3926, 3927, 3928, 3929, 3930, 3931, 3932, 3933, 3934, 3935, 3936, 3937, 3938, 3939, 3940, 3941, 3942, 3943, 3944, 3945, 3946, 3947, 3948, 3949, 3950, 3951, 3952, 3953, 3954, 3955, 3956, 3957, 3958, 3959, 3960, 3961, 3962, 3963, 3964, 3965, 3966, 3967, 3968, 3969, 3970, 3971, 3972, 3973, 3974, 3975, 3976, 3977, 3978, 3979, 3980, 3981, 3982, 3983, 3984, 3985, 3986, 3987, 3988, 3989, 3990, 3991, 3992, 3993, 3997, 3998, 3999, 4009, 4029, 4030, 4031, 4107, 4108, 4109, 4110, 4111, 4112, 4113, 4114, 4115, 4116, 4117, 4119, 4166, 4167, 4220, 4221 and 4223.~~

~~(c) In census tract 010600, blocks 1164, 1165, 1166, 1167, 1168, 1169, 1170, 1171, 1172, 1173, 1174, 1175, 1176, 1177, 1178, 1179, 1180, 1181, 1182, 1183, 1184, 1185, 1186, 1187, 1188, 1189, 1190, 1191, 1192, 1193, 1194, 1195, 1196, 1197, 1198, 1199, 1238, 1239, 1240, 1241, 1242, 1243, 1328, 1334, 1335, 1336, 1337, 1344, 1346, 1347, 1348, 1349, 1350, 1351, 1352, 1353, 1354, 1355, 1356, 1357, 1358, 1359, 1360, 1361, 1362, 1363, 1364, 1365, 1366, 1367, 1368, 1369, 1370, 1371, 1372, 1373, 1374, 1375, 1376, 1377, 1378, 1379, 1380, 1381, 1382, 1383, 1384, 1385, 1386, 1387, 1388, 1389, 1390, 1397, 1398, 1399, 1400, 1401, 1402, 1403, 1404, 1405, 1406, 1407, 1408, 1409, 1410, 1411, 1412, 1413, 1414, 1415, 1416, 1417, 1418, 1419, 1420, 1421, 1422, 1423, 1424, 1425, 1426, 1427, 1428, 1429, 1430, 1431, 1432, 1433, 1436, 1437, 1438, 1439, 1440, 1441, 1442, 1443, 1444, 1445, 1446, 1447, 1448, 1449, 1450, 1451, 1452, 1453, 1454, 1455, 1456, 1457, 1458, 1459, 1460, 1461, 1462, 1463, 1464, 1465, 1466, 1467, 1468, 1469, 1470, 1471, 1472, 1473, 1474, 1475, 1476, 1477, 1478, 1479, 1480, 1481, 1482, 1483, 1484, 1485, 1486, 1487, 1488, 1489, 1490, 1491, 1492, 1493, 1494, 1495, 1496, 1497, 1498, 1499, 1500, 1501, 1502, 1503, 1504, 1505, 1506, 1507, 1508, 1536, 1537, 1538, 1539, 1540, 1541, 1542, 1543, 1544, 1545, 1546, 1547, 1548, 1549, 1551, 1552, 1553, 1554, 1555, 1556, 1557, 1558, 1559, 1560, 1561, 1562, 1563, 1564, 1565, 1566, 1567, 1568, 1569, 1570, 1571, 1572, 1573, 1574, 1575, 1576, 1577, 1578, 1579, 1580, 1581, 1582, 1583, 1584, 1585, 1586, 1587, 1588, 1624, 1625, 1626, 1627, 1628, 1629, 1630, 1631, 1634, 1635, 1636, 1637, 1638, 1639, 1654, 1655, 1656, 1657, 1675, 1676, 1677, 1678, 1679, 1680, 1681, 1682, 1683, 1684, 1685, 1686, 1687, 1688, 1689, 1690, 1691, 1692, 1693, 1694, 1695, 1696, 1697, 1698, 1699, 1700, 1701, 1702, 1703, 1704, 1705, 1706, 1707, 1708, 1709, 1710, 1711, 1712, 1713, 1714, 1715, 1716, 1717, 1718, 1719, 1720, 1725, 1726, 1727, 1728, 1729, 1741, 1742, 1743, 1744, 1745, 1746, 1747, 1748, 1749, 1750, 1751, 1752, 1753, 1947, 1948, 1949 and 1999.~~

~~2. In Lander County:~~

~~(a) Census voting districts 0005 and 0010.~~

(b) In census tract 000200, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1049, 1050, 1051, 1052, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1074, 1075, 1076, 1077, 1082, 1085, 1174, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3017, 3020, 3021, 3022, 3023 and 3024.

3. In Washoe County:

(a) Census tracts 003503, 003504, 003505 and 003507.

(b) Census voting districts 0637, 0640, 0643, 0657, 0670, 0693, 0714, 0774, 0801, 0811, 0832, 0836, 0862, 0865, 0884, 0892, 0893, 0897, 0908, 0909, 0918 and 0924.

(c) In census tract 002603, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1016, 1017, 1023, 1024, 1028, 1037 and 1038.

(d) In census tract 002604, blocks 1020, 1021, 1022, 1024, 3000, 3001, 3002, 3003, 3032, 3033, 3034, 3035, 3036, 3037, 4016, 4017, 5000, 5001, 5002, 5003, 5004, 5005, 5006, 5007, 5008, 5009, 5010, 5011, 5012, 5029, 5030, 5031, 5032 and 5033.

(e) In census tract 002605, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1085, 2000, 2001, 2002, 2003, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2025, 2026, 3005, 3006, 3007, 3008, 3009, 4001, 4002, 4006, 4007, 4008 and 4020.

(f) In census tract 002606, block 1000.

(g) In census tract 002701, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1019, 1032, 1033, 1034, 1046, 2000, 2001, 2002, 2006, 2007, 2008, 2009, 2010, 2011 and 2023.

(h) In census tract 002901, block 1009.

(i) In census tract 003101, blocks 2000, 2001 and 2004.

(j) In census tract 003105, blocks 1006, 1007 and 1008.

(k) In census tract 003107, blocks 3001, 3002, 3003, 3005, 3006, 3007, 3008, 3009, 3010, 3012, 3016 and 4001.

(l) In census tract 003108, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1008, 1012, 1013, 1014, 1015, 1016, 1017, 1021, 2002, 2011, 2012, 2014, 2015, 2016 and 2017.

~~(m) In census tract 003501, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1085, 1086, 1087, 1088, 1089, 1090, 1091, 1092, 1093, 1094, 1095, 1096, 1097, 1098, 1099, 1100, 1101, 1102, 1103, 1104, 1105, 1106, 1107, 1108, 1109, 1110, 1111, 1112, 1113, 1114, 1115, 1116, 1117, 1118, 1119, 1120, 1121, 1122, 1123, 1124, 1125, 1126, 1127, 1128, 1129, 1130, 1131, 1132, 1133, 1134, 1135, 1136, 1137, 1138, 1139, 1140, 1141, 1142, 1143, 1144, 1145, 1146, 1147, 1148, 1149, 1150, 1151, 1152, 1153, 1154, 1155, 1156, 1157, 1158, 1159, 1160, 1161, 1162, 1163, 1164, 1165, 1166, 1167, 1168, 1169, 1170, 1171, 1172, 1173, 1174, 1175, 1176, 1177, 1178, 1179, 1180, 1181, 1182, 1183, 1184, 1185, 1186, 1187, 1188, 1189, 1190, 1191, 1192, 1193, 1194, 1195, 1196, 1197, 1198, 1199, 1200, 1201, 1202, 1203, 1204, 1205, 1206, 1207, 1208, 1209, 1210, 1211, 1212, 1213, 1214, 1215, 1216, 1217, 1218, 1219, 1220, 1221, 1222, 1223, 1224, 1225, 1226, 1227, 1228, 1229, 1230, 1231, 1232, 1233, 1234, 1235, 1236, 1237, 1238, 1239, 1240, 1241, 1242, 1243, 1244, 1245, 1246, 1247, 1248, 1249, 1250, 1251, 1252, 1253, 1254, 1255, 1256, 1257, 1258, 1259, 1260, 1261, 1262, 1263, 1264, 1265, 1266, 1267, 1268, 1269, 1270, 1271, 1272, 1273, 1274, 1275, 1276, 1277, 1278, 1279, 1280, 1281, 1282, 1283, 1284, 1285, 1286, 1287, 1288, 1289, 1290, 1291, 1292, 1293, 1294, 1295, 1296, 1297, 1298, 1299, 1300, 1301, 1302, 1303, 1304, 1305, 1306, 1307, 1308, 1309, 1310, 1311, 1312, 1313, 1314, 1315, 1316, 1317, 1318, 1319, 1320, 1321, 1322, 1323, 1324, 1325, 1326, 1327, 1328, 1329, 1330, 1331, 1332, 1333, 1334, 1335, 1336, 1337, 1338, 1339, 1340, 1341, 1342, 1343, 1344, 1345, 1346, 1347, 1348, 1349, 1350, 1351, 1352, 1353, 1354, 1355, 1356, 1357, 1358, 1359, 1360, 1361, 1362, 1363, 1364, 1365, 1366, 1367, 1368, 1369, 1370, 1371, 1372, 1373, 1374, 1375, 1376, 1377, 1378, 1379, 1380, 1381, 1382, 1383, 1384, 1385, 1386, 1387, 1388, 1389, 1390, 1391, 1392, 1393, 1394, 1395, 1396, 1397, 1398, 1399, 1400, 1401, 1402, 1403, 1404, 1405, 1406, 1407, 1408, 1409, 1410, 1412, 1413, 1414, 1415, 1417, 1418, 1419, 1420, 1421, 1422, 1423, 1424, 1425, 1426, 1433, 1434, 1435, 1436, 1437, 1438, 1439, 1440, 1441, 1442, 1443, 1444, 1445, 1446, 1447, 1448, 1449, 1450, 1451, 1452, 1453, 1625, 1626, 1627, 1683, 1684, 1685, 1686, 1687, 1688, 1689, 1690, 1691, 1692, 1693, 1694, 1695, 1696, 1697, 1698, 1699, 1700, 1701, 1702, 1703, 1704, 1705, 1706, 1707, 1708, 1709, 1710, 1711, 1712, 1713, 1714, 1715, 1716, 1717, 1718, 1719, 1720, 1721, 1722, 1723, 1724, 1725, 1726, 1727, 1728, 1729, 1730, 1731,~~

~~1732, 1733, 1734, 1735, 1736, 1737, 1738, 1739, 1740, 1741, 1742, 1743, 1744, 1745, 1746, 1747, 1748, 1749, 1750, 1751, 1752, 1753, 1754, 1755, 1756, 1757, 1758, 1759, 1760, 1761, 1762, 1763, 1764, 1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2017, 2018, 4034, 4035, 4039, 4041, 4075, 4076, 4079, 4080, 4081, 4082, 4083, 4084, 4087, 4088, 4089, 4090, 4091, 4094, 4099, 4100, 4104, 4105, 4106, 4107, 4108, 4114, 4115, 4116, 4117, 4118, 4119, 4120, 4121, 4122, 4123, 4124, 4125, 4126, 4127, 4128, 4129, 4130, 4131, 4132, 4133, 4134, 4135, 4136, 4137, 4138, 4139, 4140, 4141, 4142, 4143, 4144, 4145, 4148, 4149, 4153, 4154, 4155, 4156, 4157, 4158, 4159, 4160, 4161, 4162, 4163, 4164, 4165, 4166, 4167, 4168, 4169, 4176, 4178, 4179, 4180, 4181, 4193, 4194, 4196, 4197, 4274, 4293, 4294, 4295, 4296, 4297, 4298, 4299, 4300, 4326, 4327, 4328, 5101, 6000, 6001, 6002, 6003, 6004, 6005, 6006, 6007, 6008, 6009, 6010, 6011, 6012, 6013, 6014, 6015, 6016, 6017, 6018, 6019, 6020, 6021 and 6022.~~

~~(n) In census tract 003502, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3029, 3030, 3031, 3032, 3033, 3034, 3035, 3036, 3037, 3038, 3039, 3040, 3041, 3042, 3043, 3044, 3045, 3046, 3047, 3048, 3049, 3050, 3051, 3052, 3053, 3054, 3055, 3056, 3057, 3058, 3059, 3060, 3061, 3064, 3065, 3066, 3067, 3068, 3069, 3070, 3071, 3072, 3073, 3998 and 3999.~~

~~(o) In census tract 003506, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1023, 1024 and 1032.~~]

~~*[, in Washoe County:*~~

~~*1. Census tracts 002613, 003504, 003507, 003514, 003515, 940200, 980100 and 990100.*~~

~~*2. In census tract 002603, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1021, 1022, 1030, 1031, 1032, 1033, 1034, 1037, 1040, 1042, 1056, 1057, 1058, 1059 and 1061.*~~

~~*3. In census tract 002610, blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2009, 2010, 2011, 2012, 2013, 2014 and 2020.*~~

~~*4. In census tract 002611:*~~

~~*(a) Block group 1.*~~

~~*(b) Blocks 2000, 2001, 2004, 2005, 2006, 2007, 2008, 2009, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3023, 3024, 3025, 3026, 3027, 3028 and 3033.*~~

~~*5. In census tract 002612:*~~

~~*(a) Block group 4.*~~

~~*(b) Blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 2001, 2002, 2003, 2006, 2010, 2011, 2012, 2013, 2014, 2063, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011 and 3012.*~~

~~*6. In census tract 002616, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1008 and 1019.*~~

~~*7. In census tract 002617, blocks 3000, 3001, 3002 and 3006.*~~

~~*8. In census tract 002618:*~~

~~*(a) Block groups 2 and 3.*~~

~~*(b) Blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1053, 4018, 4019, 4025, 5000, 5001, 5002, 5003, 5004, 5005, 5006, 5007, 5008, 5009, 5010, 5013, 5014, 5015, 5016, 5017, 5018, 5019, 5020, 5021, 5022, 5023, 5024, 5025, 5027, 5053, 5056, 5057, 5058 and 5064.*~~

~~*9. In census tract 002705, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1007, 1008, 1009, 1011, 1012, 1013, 1014, 1016, 2000, 2001, 2002, 2003, 2004, 2005, 2006 and 2007.*~~

~~*10. In census tract 003101, blocks 2002, 2003, 2004, 2005, 2006 and 2041.*~~

~~*11. In census tract 003108, blocks 1000, 1001, 1002, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1015, 1016, 1021, 1022, 1023, 1024, 1025 and 1026.*~~

~~*12. In census tract 003109:*~~

~~*(a) Block group 2.*~~

~~*(b) Blocks 1000, 1001, 1002, 1003, 1004, 1005, 1007, 1008, 1009, 1010, 1011, 1014 and 1015.*~~

~~*13. In census tract 003501:*~~

~~*(a) Block groups 1 and 2.*~~

~~*(b) Blocks 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3029, 3030, 3031, 3032, 3033, 3034, 3035, 3036, 3037, 3038, 3039, 3040, 3041, 3042, 3043, 3044, 3045, 3046, 3047, 3048, 3049, 3050, 3051, 3052, 3053, 3054, 3055, 3056, 3057, 3058, 3059, 3060, 3061, 3062, 3063, 3064, 3065, 3066, 3067, 3068, 3069,*~~

~~3070, 3071, 3072, 3073, 3074, 3075, 3076, 3077, 3078, 3079, 3080, 3081, 3082, 3083, 3084, 3085, 3086, 3087, 3088, 3089, 3090, 3091, 3092, 3093, 3094, 3095, 3096, 3097, 3098, 3099, 3100, 3101, 3102, 3103, 3104, 3105, 3106, 3107, 3108, 3109, 3110, 3111, 3112, 3113, 3114, 3115, 3116, 3117, 3118, 3119, 3120, 3121, 3122, 3123, 3124, 3125, 3126, 3127, 3128, 3129, 3130, 3131, 3132, 3133, 3134, 3135, 3136, 3137, 3138, 3139, 3140, 3141, 3142, 3143, 3144, 3145, 3146, 3147, 3148, 3149, 3150, 3151, 3152, 3153, 3154, 3155, 3162, 3163, 3164, 3165, 3166, 3167, 3168, 3169, 3170, 3171, 3172, 3173, 3174, 3175, 3176, 3177, 3178, 3179, 3180, 3181, 3182, 3183, 3184, 3185, 3186, 3187, 3188, 3189, 3190, 3191, 3192, 3193, 3194, 3195, 3196, 3197, 3198, 3199, 3200, 3201, 3202, 3203, 3204, 3205, 3206, 3207, 3208, 3209, 3210, 3211, 3212, 3213, 3214, 3215, 3216, 3217, 3218, 3219, 3220, 3221, 3222, 3223, 3224, 3225, 3226, 3227, 3228, 3229, 3230, 3231, 3232, 3233, 3234, 3235, 3236, 3237, 3238, 3239, 3240, 3241, 3242, 3243, 3244, 3245, 3246, 3247, 3248, 3249, 3250, 3251, 3254, 3296, 3297, 3299, 3300, 3301, 3302, 3303, 3304, 3305, 3306, 3307, 3308, 3309, 3310, 3311, 3312, 3313, 3314, 3315, 3316, 3317, 3318, 3319, 3320, 3321, 3322, 3323, 3324, 3325, 3326, 3327, 3328, 3329, 3330, 3331, 3332, 3333, 3334, 3335, 3336, 3337, 3338, 3339, 3340, 3341, 3342, 3343, 3344, 3345, 3346, 3347, 3348, 3349, 3350, 3351, 3352, 3353, 3354 and 3355.~~

~~14. In census tract 003503:~~

~~(a) Block group 3.~~

~~(b) Blocks 1000, 1002, 1003, 1004, 1005, 1006, 1008, 1043, 1044, 2000, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022 and 2023.~~

~~15. In census tract 003508, blocks 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022 and 2023.~~

~~16. In census tract 003509, blocks 1000, 1001, 1002, 1003, 1028, 1029, 1030, 2005, 2006, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033 and 2034.~~

~~17. In census tract 003511, block groups 1 and 2.~~

~~18. In census tract 003512:~~

~~(a) Block group 1.~~

~~(b) Blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2016, 2017, 2018, 2019, 2020, 2021, 2022 and 2023.~~

~~19. In census tract 003513:~~

~~(a) Block group 2.~~

~~(b) Blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1015, 1016, 1017, 1018, 1019 and 1020.]~~ **, in Washoe County:**

1. Census tracts 002613, 003507, 003511, 003514, 003515, 940200, 980100 and 990100.

2. In census tract 002603, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1021, 1022, 1030, 1031, 1032, 1033, 1034, 1037, 1040, 1042, 1056, 1057, 1058, 1059 and 1061.

3. In census tract 002610, blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2009, 2010, 2011, 2012, 2013, 2014 and 2020.

4. In census tract 002611:

(a) Block group 1.

(b) Blocks 2000, 2001, 2004, 2005, 2006, 2007, 2008, 2009, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3023, 3024, 3025, 3026, 3027, 3028 and 3033.

5. In census tract 002612:

(a) Block group 4.

(b) Blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 2001, 2002, 2003, 2006, 2010, 2011, 2012, 2013, 2014, 2063, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011 and 3012.

6. In census tract 002616, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1008 and 1019.

7. In census tract 002617, blocks 3000, 3001, 3002 and 3006.

8. In census tract 002618:

(a) Block groups 2 and 3.

(b) Blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1053, 4018, 4019, 4025, 5000, 5001, 5002, 5003, 5004, 5005, 5006, 5007, 5008, 5009, 5010, 5013, 5014, 5015, 5016, 5017, 5018, 5019, 5020, 5021, 5022, 5023, 5024, 5025, 5027, 5053, 5056, 5057, 5058 and 5064.

9. In census tract 002705, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1007, 1008, 1009, 1011, 1012, 1013, 1014, 1016, 2000, 2001, 2002, 2003, 2004, 2005, 2006 and 2007.

10. In census tract 003101, blocks 2002, 2003, 2004, 2005, 2006 and 2041.

11. In census tract 003108, blocks 1000, 1001, 1002, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1015, 1016, 1021, 1022, 1023, 1024, 1025 and 1026.

12. In census tract 003109:

(a) Block group 2.

(b) Blocks 1000, 1001, 1002, 1003, 1004, 1005, 1007, 1008, 1009, 1010, 1011, 1014 and 1015.

13. In census tract 003501:

(a) Block groups 1 and 2.

(b) Blocks 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3029, 3030, 3031, 3032, 3033, 3034, 3035, 3036, 3037, 3038, 3039, 3040, 3041, 3042, 3043, 3044, 3045, 3046, 3047, 3048, 3049, 3050, 3051, 3052, 3053, 3054, 3055, 3056, 3057, 3058, 3059, 3060, 3061, 3062, 3063, 3064, 3065, 3066, 3067, 3068, 3069, 3070, 3071, 3072, 3073, 3074, 3075, 3076, 3077, 3078, 3079, 3080, 3081, 3082, 3083, 3084, 3085, 3086, 3087, 3088, 3089, 3090, 3091, 3092, 3093, 3094, 3095, 3096, 3097, 3098, 3099, 3100, 3101, 3102, 3103, 3104, 3105, 3106, 3107, 3108, 3109, 3110, 3111, 3112, 3113, 3114, 3115, 3116, 3117, 3118, 3119, 3120, 3121, 3122, 3123, 3124, 3125, 3126, 3127, 3128, 3129, 3130, 3131, 3132, 3133, 3134, 3135, 3136, 3137, 3138, 3139, 3140, 3141, 3142, 3143, 3144, 3145, 3146, 3147, 3148, 3149, 3150, 3151, 3152, 3153, 3154, 3155, 3162, 3163, 3164, 3165, 3166, 3167, 3168, 3169, 3170, 3171, 3172, 3173, 3174, 3175, 3176, 3177, 3178, 3179, 3180, 3181, 3182, 3183, 3184, 3185, 3186, 3187, 3188, 3189, 3190, 3191, 3192, 3193, 3194, 3195, 3196, 3197, 3198, 3199, 3200, 3201, 3202, 3203, 3204, 3205, 3206, 3207, 3208, 3209, 3210, 3211, 3212, 3213, 3214, 3215, 3216, 3217, 3218, 3219, 3220, 3221, 3222, 3223, 3224, 3225, 3226, 3227, 3228, 3229, 3230, 3231, 3232, 3233, 3234, 3235, 3236, 3237, 3238, 3239, 3240, 3241, 3242, 3243, 3244, 3245, 3246, 3247, 3248, 3249, 3250, 3251, 3254, 3296, 3297, 3299, 3300, 3301, 3302, 3303, 3304, 3305, 3306, 3307, 3308, 3309, 3310, 3311, 3312, 3313, 3314, 3315, 3316, 3317, 3318, 3319, 3320, 3321, 3322, 3323, 3324, 3325, 3326, 3327, 3328, 3329, 3330, 3331, 3332, 3333, 3334, 3335, 3336, 3337, 3338, 3339, 3340, 3341, 3342, 3343, 3344, 3345, 3346, 3347, 3348, 3349, 3350, 3351, 3352, 3353, 3354 and 3355.

14. In census tract 003503, blocks 1043, 1044, 2002, 2014, 2015, 2018, 2022, 2023, 3000, 3001, 3002, 3003, 3007, 3008, 3009, 3010 and 3011.

15. In census tract 003504:

(a) Block groups 1, 3 and 4.

(b) Blocks 2000, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2025 and 2026.

16. In census tract 003508, blocks 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022 and 2023.

17. In census tract 003509, blocks 1000, 1001, 1002, 1003, 1028, 1029, 1030, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010,

2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033 and 2034.

18. In census tract 003512:

(a) Block group 1.

(b) Blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2016, 2017, 2018, 2019, 2020, 2021, 2022 and 2023.

19. In census tract 003513:

(a) Block group 2.

(b) Blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1015, 1016, 1017, 1018, 1019 and 1020.

Assemblyman Segerblom moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 475.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 554.

AN ACT making a supplemental appropriation to the Nevada Supreme Court for an unanticipated shortfall in Fiscal Year 2010-2011 relating to a third judicial selection process; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. There is hereby appropriated from the State General Fund to the Supreme Court of Nevada the sum of ~~[$3,000]~~ **$1,500** for the cost of a third judicial selection process expected in Fiscal Year 2010-2011. This appropriation is supplemental to that made by section 12 of chapter 388, Statutes of Nevada 2009, at page 2106.

Sec. 2. This act becomes effective upon passage and approval.

Assemblywoman Smith moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 481.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 555.

AN ACT making an appropriation to the Nevada Highway Patrol Division of the Department of Public Safety to replace certain fleet vehicles; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. There is hereby appropriated from the State Highway Fund to the Nevada Highway Patrol Division of the Department of Public Safety the sum of $5,331,325 to replace fleet vehicles which have exceeded the 105,000 mile threshold for sedans ~~[,]~~ **and** the 125,000 mile threshold for trucks and sports utility vehicles **.** ~~[, and the 50,000 mile threshold for motorcycles.]~~

Sec. 2. Any remaining balance of the appropriation made by section 1 of this act must not be committed for expenditure after June 30, 2013, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 20, 2013, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State Highway Fund on or before September 20, 2013.

Sec. 3. This act becomes effective upon passage and approval.

Assemblywoman Smith moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Senate Bill No. 130.

Bill read second time and ordered to third reading.

Senate Bill No. 248.

Bill read second time and ordered to third reading.

Senate Bill No. 286.

Bill read second time and ordered to third reading.

Senate Bill No. 406.

Bill read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 490.

Bill read third time.

Roll call on Assembly Bill No. 490:

YEAS—41.

NAYS—Goedhart.

Assembly Bill No. 490 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 492.

Bill read third time.

Remarks by Assemblyman Kirner.

Roll call on Assembly Bill No. 492:

YEAS—42.

NAYS—None.

Assembly Bill No. 492 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 500.

Bill read third time.

Remarks by Assemblyman Hickey.

Roll call on Assembly Bill No. 500:

YEAS—41.

NAYS—Segerblom.

Assembly Bill No. 500 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 12, 18, 33, 55, 83, 97, 111, 121, 125, 142, 147, 156, 166, 168, 174, 217, 250, 261, 262, 348, 464; Assembly Concurrent Resolution No. 9.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Bustamante Adams, the privilege of the floor of the Assembly Chamber for this day was extended to William Turpen and Susan Turpen.

On request of Assemblyman Daly, the privilege of the floor of the Assembly Chamber for this day was extended to the following students and chaperones from Katherine Dunn Elementary School: Jacob Baldwin, Anthony Berumen, Bianca Beterano, Elaina Brito, Kyla Burbank, Eugenio Chavez, Ricardo Cortes, Issac Echegoyen, Emily Fernandez, Keith Ferrer, Alyssa Garcia, Tony Geronimo, Anthony Gomez Martinez, Jose Gonzalez, Rachel Gonzalez, Sabrina Graves, Jack Griffin, Leo Guzman, Kenzie Hawley, Juan Hernandez, Celestina Jimenez, Sam Kerivan, Katie Kuczynski, Austin Lewis, Dakota Lora, David Mahe,

Genae Marcantonia, Alexix Marquez, Evan Martinez, Karen Martinez, Anthony Montenegro, Joey Obeirne, Irene Olivas, Gustavo Padilla Barrera, Hunter Petrson, Jobany Rangel Romo, Jake Rankin, Denise Rather, Lillianna Reyes, Selma Obles, Max Schumacher, Elijah Shelton, Tallon Short, Carlee Sireika, Kyle Southworth, Anna Staggs, Britney Torres, Juan Torres Segoviano, Renee Trainer, Michael Vandeventer, Atley Weems, Kelly Wilkie, Justin Williams, Wyatt Williams, Wyatt Wormington, Whitney Hawley, Jessica Ziegler, Marquez Gabrilla, Paula Torres, Diana Reyes, Laurie Johns, Sean Higgins, and Shannon Ramacciotti.

On request of Assemblyman Hammond, the privilege of the floor of the Assembly Chamber for this day was extended to Rick McCann, Jr.

On request of Assemblyman Horne, the privilege of the floor of the Assembly Chamber for this day was extended to Ricardo Cortes.

On request of Assemblywoman Smith, the privilege of the floor of the Assembly Chamber for this day was extended to Lori DuPriest, Katy DuPriest, Paige DuPriest, Alexis DuPriest, and Brooke DuPriest.

On request of Assemblyman Stewart, the privilege of the floor of the Assembly Chamber for this day was extended to Rick McCann Sr. and Deborah J. Surowiec.

Assemblyman Conklin moved that the Assembly adjourn until Tuesday, May 10, 2011, at 11:30 a.m., and that it do so in memory of Dianna Hegeduis, with thoughts and prayers to her family.

Motion carried.

Assembly adjourned at 12:56 p.m.

Approved: JOHN OCEGUERA
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE NINTY-THIRD DAY

CARSON CITY (Tuesday), May 10, 2011

Assembly called to order at 12:12 p.m.
Mr. Speaker presiding.
Roll called.
All present.
Prayer by the Chaplain, Irene Bustamante Adams.

Holy and ever living God,
Compassionate and Merciful,
We, Your servants, are listening.

We come before You today in a time of great anxiety and fear in our State and in our Nation.

Yet Your prophet Isaiah has asked,
Have you not known? Have you not heard?
The Lord is the everlasting God,
The Creator of the ends of the earth.

You do not faint or grow weary;
Your understanding is unsearchable.
You give power to the faint, and strengthen the powerless.

Those who wait upon You shall renew their strength.
They shall mount up with wings like eagles,
They shall run and not be weary,
They shall walk and not faint.

Give us the courage to dream new dreams, to see new possibilities,
To look forward with hope, resting in Your blessed covenant
That each day is a new day

We pray that a few drops of Your favor fall upon us today,
Giving these elected representatives of Your people courage and wisdom
That they might be instruments of Your peace,
Sowing love where there is hatred,
Pardon where there is injury,
Union in place of discord,
Faith instead of doubt,
Hope not despair,
Light to cast away the darkness,
And where there is sadness, joy.

We, as Your humble people, lay our request before You. It is in your Son's name we pray.

AMEN.

Pledge of allegiance to the Flag.

Special musical presentation of the *National Anthem* by the Carson High School Choir, under the direction of Andy Sonnemaker, and the Carson High School Band, directed by Jarod Sorum.

Assemblyman Conklin moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 12:23 p.m.

ASSEMBLY IN SESSION

At 12:29 p.m.

Mr. Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Assembly Bill No. 519, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means has had under consideration various budgets for the Health Division of the Department of Health and Human Services, and begs leave to report back that the following accounts have been closed by the Committee:

Radiological Health (11-3101)
Health Radioactive and Hazardous Waste (251-3152)
Cancer Control Registry (101-3153)
Consumer Health Assistance (101-3204)
Community Health Services (101-3224)

Also, your Committee on Ways and Means has had under consideration various budgets for the Division of Mental Health and Developmental Services of the Department of Health and Human Services, and begs leave to report back that the following accounts have been closed by the Committee:

Administration (101-3168)
Mental Health Information System (101-3164)
Family Preservation Program (101-3166)
Alcohol Tax Program (101-3255)

Also, your Committee on Ways and Means has had under consideration various budgets for the Office of the Treasurer, and begs leave to report back that the following accounts have been closed by the Committee:

State Treasurer (11-1080)
Higher Education Tuition Administration (603-1081)
Municipal Bond Bank Revenue (745-1086)

Municipal Bond Bank Debt Service (395-1087)
Millennium Scholarship Administration (261-1088)
Nevada College Savings Trust (101-1092)
Endowment Account (11-1094)
Unclaimed Property (11-3815)

DEBBIE SMITH, *Chair*

REMARKS FROM THE FLOOR

Assemblyman Conklin moved that the following budget closure remarks be entered in the Journal.

Motion carried.

ASSEMBLYWOMAN SMITH:

On April 25, 2011, the Assembly Committee on Ways and Means and the Senate Committee on Finance met jointly and closed the budgets of the State Treasurer's Office. The closings increased General Fund appropriations to the Treasurer's Office by $81,623 in FY 2012 and $84,551 in FY 2013, beyond the amounts recommended by the Governor.

State Treasurer (101-1080) ELECTED-139:

The Committee approved a budget amendment to The Executive Budget to correct a mistake in the recommended cost allocation revenues. The budget amendment restores General Fund appropriations to the Treasurer's Office in the amounts of $81,623 in FY 2012 and $84,551 in FY 2013.

As recommended by the Governor, the Committee approved the transfer of $28,675 in General Fund appropriations in each fiscal year from the Department of Administration. As a result of the transfer, the Treasurer's Office will assume responsibility for the coordination and oversight of state agencies' acceptance of payments through electronic means including, credit cards, debit cards and electronic checks.

The Committee approved elimination of 1.0 full-time position and the reduction of two full-time positions to part-time status (0.63 FTE) for General Fund appropriation savings of $89,964 in FY 2012 and $90,864 in FY 2013.

The Committee approved the recommendation to revise the funding source for seven positions in the Cash Management section of the Treasurer's Office to fund 50 percent of the positions' 2011-13 biennium costs through interest earnings. This action generates General Fund savings of $345,625 in FY 2012 and $352,481 in FY 2013.

Unclaimed Property (101-3815) ELECTED-191:

The Committee concurred with the Governor's recommendation to add a new position to manage the Unclaimed Property office's new Voluntary Disclosure Agreement program under which holders of unclaimed property can become compliant with the requirements of NRS 120A.560 by reporting past due amounts and establishing new internal controls. As approved, the Abandoned Property Trust Account would fund the new position at a cost of $51,659 in FY 2012 and $64,374 in FY 2013.

The Higher Education Tuition Administration (Prepaid Tuition) account (603-1081), Municipal Bond Bank Revenue account (745-1086), Municipal Bond Bank Debt Service account (395-1087), Millennium Scholarship Administration (261-1088), Nevada College Savings Trust (101-1092) and the Endowment Account (101-1094) were closed by the Committee as recommended by the Governor with technical adjustments only.

ASSEMBLYWOMAN MASTROLUCA:

The Assembly Committee on Ways and Means has completed its review of a portion of the budget accounts for the Division of Mental Health and Developmental Services of the Department of Health and Human Services, including:

MHDS Administration (101-3168) DHHS MHDS-1:

The Committee approved the Governor's recommendation to eliminate four positions, including a Clinical Program Manager, a Management Analyst, a Quality Assurance Specialist and an Accounting Assistant, as well as all out-of-state travel and training expenditures and a 39 percent decrease in in-state travel. General Fund reductions resulting from the position eliminations and the expenditure reductions total $714,000 in the 2011-13 biennium. In addition, the Committee approved the Governor's recommendation to transfer an Administrative Services Officer, who will oversee the Division's recently implemented cost allocation plan and provide administrative and fiscal support to the Substance Abuse Prevention and Treatment Agency, from the Rural Regional Center to the Central Office.

Mental Health Information System (101-3164) DHHS MHDS-11:

The Committee approved the Governor's recommendation to eliminate an Information Technology Professional position, who is responsible for maintaining the Division's website. A portion of the core measure reporting needs will be absorbed by the remaining staff in the agency's IT Unit. As a result, General Fund savings of $180,049 will be realized in the 2011-13 biennium.

Family Preservation Program (101-3166) DHHS MHDS-27:

The Committee approved the Governor's recommendation to increase General Fund appropriations by $655,248, which will allow the program to increase from 528 families who currently receive monthly cash assistance allotments to support family members with mental retardation in their home to 626 families by the end of the 2011-13 biennium. The Committee also approved the Governor's recommendation to replace $1.2 million of General Funds with transfers of Tobacco Settlement funds from the Trust Fund for Public Health in FY 2013. However, due to concerns over ongoing arbitration proceedings which may jeopardize the receipt of the tobacco funds in FY 2013, the Committee voted to issue a letter of intent directing the Division to not add additional families to the program until such time a decision has been reached in the arbitration proceedings.

The Committee also approved the **Alcohol Tax Program account (101-3255; DHHS MHDS-17)**, which utilizes a portion of the tax collected on hard liquor that are passed through to nonprofit and community organizations for substance abuse treatment services, as recommended by the Governor.

ASSEMBLYWOMAN MASTROLUCA:

The Committee on Ways and Means reviewed six budget accounts of the State Health Division. The following comments describe the more significant recommendations of the Committee:

Radiological Health (101-3101) DHHS HEALTH-1:

The Committee approved the transfer of $1.5 million from this account to the State General Fund in FY 2011 to provide funding to restore General Fund budget reductions. The $1.5 million in reserves comes from excess fees that have built up over the years from salary savings from vacant positions and other cost savings generated in this account.

Cancer Control Registry (101-3153) DHHS HEALTH-17:

The Committee approved the Governor's recommendation to add two new positions (a Business Process Analyst and Biostatistician) to meet the requirements of the Cancer Registry program. Funding for the two new positions will come from the Cancer Registry grant.

Consumer Health Assistance (101-3204) DHHS DIRECTOR-30:

The Committee approved the Governor's recommendation to merge the Office of Consumer Health Assistance with the Office of Minority Health and transfer the combined accounts to the Department of Health and Human Services Director's Office. The Committee also approved the Governor's recommendation to transfer the Nevada 2-1-1 system with $31,000 in General Funds each year into this account, as well as a recommended addition of $67,447 in United Health Settlement funds each year to support the Nevada 2-1-1 system.

Community Health Services (101-3224) DHHS HEALTH-140:

The Committee approved a budget amendment to increase General Funds by $147,010 in FY 2012 and $146,881 and an equivalent reduction in medical service charge revenue due to lower service charge projections

The Radioactive and Hazardous Waste budget account (251-3152, DHHS HEALTH-14) was closed by the Committee as recommended by the Governor with authority for Fiscal staff to make various technical adjustments, including adjustments for the Health Division's cost allocation.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 9, 2011

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 25, 102, 181, 537.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 36, Amendment No. 552; Assembly Bill No. 201, Amendment No. 549; Assembly Bill No. 214, Amendment No. 550, and respectfully requests your honorable body to concur in said amendments.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Ways and Means:

Assembly Bill No. 568—AN ACT relating to education; ensuring sufficient funding for K-12 public education for the 2011-2013 biennium; apportioning the State Distributive School Account in the State General Fund for the 2011-2013 biennium; authorizing certain expenditures; making appropriations for purposes relating to basic support, class-size reduction and other educational purposes; temporarily diverting the money from the State Supplemental School Support Fund to the State Distributive School Account for use in funding operating costs and other expenditures of school districts; and providing other matters properly relating thereto.

Assemblywoman Smith moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 486.

Bill read second time and ordered to third reading.

Assembly Bill No. 491.

Bill read second time and ordered to third reading.

Assembly Bill No. 493.

Bill read second time and ordered to third reading.

Assembly Bill No. 495.

Bill read second time and ordered to third reading.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 12:45 p.m.

ASSEMBLY IN SESSION

At 1:34 p.m.

Mr. Speaker presiding.

Quorum present.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 10, 2011

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Senate Bill No. 497.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 497.

Assemblyman Conklin moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 1:35 p.m.

ASSEMBLY IN SESSION

At 1:41 p.m.

Mr. Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Legislative Operations and Elections, to which was referred Senate Bill No. 497, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

TICK SEGERBLOM, *Chair*

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Assembly Bill No. 568, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

DEBBIE SMITH, *Chair*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Conklin moved that all rules be suspended, reading so far had considered second reading, rules further suspended, and Assembly Bill No. 568 and Senate Bill No. 497 be declared emergency measures under the Constitution and placed on third reading and final passage.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 568.

Bill read third time.

Remarks by Assemblywoman Smith.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 1:45 p.m.

ASSEMBLY IN SESSION

At 1:51 p.m.

Mr. Speaker presiding.

Quorum present.

GENERAL FILE AND THIRD READING

Roll call on Assembly Bill No. 568:

YEAS—26.

NAYS—Ellison, Goedhart, Goicoechea, Grady, Hambrick, Hammond, Hansen, Hardy, Hickey, Kirner, Kite, Livermore, McArthur, Sherwood, Stewart, Woodbury—16.

Assembly Bill No. 568 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Conklin moved that all rules be suspended and that Assembly Bill No. 568 be immediately transmitted to the Senate.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 497.

Bill read third time.

Remarks by Assemblymen Segerblom, Stewart, Hickey, Oceguera, Hammond, Hambrick, Flores, Hansen, Goicoechea, and Conklin.

Assemblyman Conklin moved that the following remarks be entered in the Journal.

Motion carried.

ASSEMBLYMAN SEGERBLOM:

Thank you, Mr. Speaker. This bill is the redistricting plan for the next ten years. It is based on the new census. It keeps the same number of Assembly districts: 42. It maintains the same number of Senate districts: 21. It adds the new fourth Congressional district, so now all Congressional districts are equal in population: 675,138.

ASSEMBLYMAN STEWART:

Thank you, Mr. Speaker. I rise in opposition to this bill. I assume it is the same figures that my good friend from Assembly District 9 so diligently worked on these many months.

I appreciate the work on this bill by my good friend. In my district, we went from 223,000 down to 64,000. One good thing about this bill is that we are all going to be equal now. I do have some minor objections to it, however, and that is the way the numbers are allocated between Republicans and Democrats. For example, under the Republican plan, we have in the Congressional plan two seats that are Democratic dominated and two that are Republican dominated—equal. Under the Democratic plan, we have three Congressional districts that are Democratic dominated or leaning Democratic and only one on the Republican side.

As far as the Senate for the State Legislature under the Republican plan, we have:

- Nine districts that are Democratic leaning, and on the Democratic side, we have 13.
- Four that are Republican leaning, and on the Democratic plan, five.
- Eight that are competitive on the Republican side, and on the Democratic plan, only three.

On the Assembly, on the Republican plan, we have:

- Twenty districts that are Democratic leaning, so you still have a good number there, but on the Democratic plan, 26.
- Eight Republican leaning districts, and you've got eight for the other side on the Democrats.
- Fourteen competitive districts and only eight competitive on the Democratic plan.

Mr. Speaker, it is my contention that while the numbers are equal in each district, the numbers slanted toward the Democrats are somewhat unfair, again, for we Republicans in the minority. All we want is a chance to be competitive and get a chance to someday, in the not too distant future, to be in the majority. Mr. Speaker, with that, I end my remarks and will be voting against this plan. Thank you, Mr. Speaker.

ASSEMBLYMAN HICKEY:

Thank you, Mr. Speaker. I rise to comment on Senate Bill 497 because your chairman of Legislative Operations and Elections, on which I serve, assured us that it is identical to the bill heard in our committee, so I speak to it, given his assurances.

As it was stated, every ten years we come together for this process. Centering on the sacred oath that we took, I think we should be every bit as serious as the voters, who every two years go and select us. The advantage, of course, that we have is that every ten years we get to select the voters who are going to be voting for us. I think we have a special responsibility to be fair in this process.

I object to the fact that this bill hardly had a hearing, at least on our side. We had one public meeting scheduled before a vote and it was scheduled so late at night that no one in the public even was able to show up. I also object to the fact that I think we are conceding and abdicating our responsibilities here and conceding that this will probably end up in the courts where

hundreds of thousands of public and private dollars will be spent. And so I ask for an answer to the question that the public has about the fairness of this process. When we look, as members of each of our particular parties, and see that there are as many as 20 percent who are choosing not identify with our parties these days, I think we are giving them good reason by not properly vetting and processing this bill, and therefore, I rise in opposition to it.

Mr. Speaker requested the privilege of the Chair for the purpose of making the following remarks:

I would just state that I am not sure that you are accurately depicting the number of hearings that were held on this bill. Not only did we hear the concept in three different cities in this state and actually move around the state, we then heard this bill on a Thursday, a Friday, and a Saturday. As far as I know, because I was there with you, we heard it three times.

ASSEMBLYMAN HAMMOND:

Thank you, Mr. Speaker. I, too, rise in opposition to Senate Bill 497. My comments, specifically, will be targeted towards the deviations that are in there. I understand the work that has gone into this bill. I know that many people have worked many months on this, and I appreciate that work. My concern, however, is with the deviation numbers, the percentages in particular. Going back to a very famous court case, *Baker vs. Carr*, where it specifically states that every person—one person, one vote—every person needs to be represented. In the Congressional districts, we should be looking at—and I do not believe that this plan provides for—exact numbers in each one of those Congressional districts. I am noting that there is an odd number of people in our state. There should only be a very limited deviation in that; a one person difference.

As far as the Nevada Senate plan, no district deviates from the official or should deviate from the official ideal population by more than one tenth of one percent, if it is practicable. The reason why I mention this is because the technology today—the technology available to us today allows us to get these districts down to as small a deviation as possible so that every person is represented correctly and has a voice. In the Assembly, the Assembly plan should not deviate from more than 0.5 percent. Because this plan does not show us that, I rise in opposition to it. Thank you.

ASSEMBLYMAN HAMBRICK:

Thank you, Mr. Speaker. I rise in opposition to Senate Bill 497. With the bill we are seeing today, we have always heard about trying to have both parties have "open tents" and trying to pull the voters in from the community and from all segments of society. I have some concerns with the bill that is before us today. It is somewhat disenfranchising certain portions of the population, and I am talking about the Hispanic community. At the Senate side, if I may mention the other house by name, they only have two additional seats aimed at the Hispanic minority whereas the Republican version of our bill would offer four. In this house, the Republican bill would offer potentially eight seats that would be available and be extremely, extremely competitive whereas the current bill before us only offers three.

My colleague from Assembly District 22 talked about fairness. We have got to spread this process across the board. I believe that there is some unfortunate expediency being processed through this bill right now that is truly, truly unfortunate. Thank you, Mr. Speaker.

ASSEMBLYWOMAN FLORES:

If I could address the comments just made by my colleague in Assembly District 2. One of the preconditions for establishing a Voting Rights Act violation is that white voters have to vote as a block in order to defeat minority preferred candidates. I would just like to pose this question: Are Republicans claiming that Nevada voters who are white will not vote for minority-preferred candidates? I don't believe that is the case. Look at my Hispanic colleague and Assembly District 27, where only 24.4 percent of those of voting age are Hispanic; my

colleague in Assembly District 42, where those of voting age who are Hispanic is only 31.8 percent; my colleague in Assembly District 18, with only 29.1 percent of voting age who are Hispanic. So Nevada has proven that Hispanic and other minority candidates have and can be elected in minority-influenced districts with far less than 50 percent voting age population, and packing minorities into as few districts as possible to achieve a standard that has been proven to be unnecessary dilutes minority influence in the remaining districts.

The plan offered today creates a record number of districts that have a proven threshold where Hispanic and other minority candidates have a fair and equal opportunity to participate in the electoral process and elect candidates of their choice, and that is why countless advocates from these communities support this plan and not the Republican packing scheme. Thank you, Mr. Speaker.

ASSEMBLYMAN HANSEN:

I rise in opposition to S.B. 497. In response to my colleague from District 28's remarks, I should remind the body that the white Republican-dominated party nominated Mr. Sandoval as our candidate, and he is currently our Governor, who is Hispanic. So the idea that white voters are going to vote against Hispanics is absurd and should not even be addressed. It is an insult to all the people that are Republicans to suggest that we would not vote for somebody because of their race.

Secondly, Mr. Speaker, with regard to your comments to my colleague from District 25, the three public meetings—there were no maps and the public has not had an opportunity to look at these things and thoroughly digest them before we rush this bill through today. So I think before we start pointing fingers about who is racist and who isn't in this body, I think we should address the facts as we observe them. And, in fact, the Republican plan for redistricting is much fairer to minorities and there is less packing. Our plan would actually give them a greater opportunity to have more representation in this body. Those are my comments, thank you. I urge everyone to vote no on Senate Bill No. 497.

Mr. Speaker requested the privilege of the Chair for the purpose of making the following remarks:

Thank you, Mr. Hansen. I do believe that the maps were up on NELIS the minute they were introduced, including the streets that were included in the map.

ASSEMBLYMAN GOICOECHEA:

Thank you, Mr. Speaker. I just need to clarify for the record, though, when you talk about the three public hearings that were held in Fallon, Reno, and Las Vegas, we had neither this bill nor the maps available at that point.

Mr. Speaker requested the privilege of the Chair for the purpose of making the following remarks:

I was just referring to the public process, but we did then have three hearings after that on the specific bill.

ASSEMBLYMAN GOICOECHEA:

I agree, but I just wanted to clarify that for the record.

ASSEMBLYMAN SEGERBLOM:

I don't understand how the Republicans can want a map more favorable to Republicans but claim that is not gerrymandering. The fact is that when you talk about which are Republican leaning and which are Democratic leaning, that is gerrymandering at its worst because that puts politics at the core of what you are trying to do. The fact is the districts do not belong to Republicans or Democrats; they belong to the people of Nevada.

Technically the fact is—and I think someone referred to this—that Nevadans are independent. And the fact that we elected a Republican for Governor, who is Hispanic, and also reelected Majority Leader Reid and four other Democrats statewide indicates that voters in Nevada vote for the person, not for the party, not for the race.

I want to point out that there has been lots of talk on the Republican side about needing 50 percent districts to elect Hispanics. I remind them that Nevada elected Mr. Sandoval, the first Hispanic governor in this state, with only 22 percent Hispanic voting age population.

So the reality is these maps have been vetted, there has been more openness in this process than at any time in the history of the state of Nevada. With computer technology, people have been able to see. It is on the Internet; we have been around the state. These maps are as good as technology can present. They have been publicly vetted, and so I urge your support.

Assemblymen Conklin, Kirkpatrick, and Smith moved the previous question.

Motion carried.

The question being the passage of Senate Bill No. 497.

Roll call on Senate Bill No. 497:

YEAS—25.

NAYS—Ellison, Goedhart, Goicoechea, Grady, Hambrick, Hammond, Hansen, Hardy, Hickey, Kirner, Kite, Livermore, McArthur, Munford, Sherwood, Stewart, Woodbury—17.

Senate Bill No. 497 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Conklin moved that all rules be suspended and that Senate Bill No. 497 be immediately transmitted to the Senate.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 475.

Bill read third time.

Roll call on Assembly Bill No. 475:

YEAS—42.

NAYS—None.

Assembly Bill No. 475 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 481.

Bill read third time.

Roll call on Assembly Bill No. 481:

YEAS—42.

NAYS—None.

Assembly Bill No. 481 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Conklin moved that Assembly Bill No. 566 be taken from the General File and rereferred to the Committee on Legislative Operations and Elections.

Motion carried.

Assemblyman Conklin moved that Senate Bills Nos. 130, 248, 286, and 406 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 2:12 p.m.

ASSEMBLY IN SESSION

At 2:14 p.m.

Mr. Speaker presiding.

Quorum present.

Assemblyman Conklin moved that the action whereby Senate Bill No. 286 was placed on General File for the next legislative day be rescinded.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 286.

Bill read third time.

Remarks by Assemblymen Smith and Stewart.

Roll call on Senate Bill No. 286:

YEAS—42.

NAYS—None.

Senate Bill No. 286 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 2:19 p.m.

ASSEMBLY IN SESSION

At 5:19 p.m.

Mr. Speaker presiding.

Quorum present.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 10, 2011

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 6, 57, 150, 194, 226, 350, 568; Senate Bills Nos. 445, 450, 472, 481.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 215, Amendment No. 569, and respectfully requests your honorable body to concur in said amendment.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 32, 91, 220, 295, 296, 319, 568, and Senate Bill No. 497.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Aizley, the privilege of the floor of the Assembly Chamber for this day was extended to Margaret Boroughf.

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Steve Schefferdecker.

On request of Assemblyman Atkinson, the privilege of the floor of the Assembly Chamber for this day was extended to Stacey Endress and Susan Miller.

On request of Assemblywoman Benitez-Thompson, the privilege of the floor of the Assembly Chamber for this day was extended to Jim Kidder, Elizabeth Galantuomini, and Mary Baubriand.

On request of Assemblyman Bobzien, the privilege of the floor of the Assembly Chamber for this day was extended to Virginia Kersey.

On request of Assemblyman Brooks, the privilege of the floor of the Assembly Chamber for this day was extended to Caroline Karl.

On request of Assemblywoman Bustamante Adams, the privilege of the floor of the Assembly Chamber for this day was extended to Terry Pittman.

On request of Assemblyman Carrillo, the privilege of the floor of the Assembly Chamber for this day was extended to Karen Stout-Gardner.

On request of Assemblyman Daly, the privilege of the floor of the Assembly Chamber for this day was extended to Joseph Galata.

On request of Assemblywoman Diaz, the privilege of the floor of the Assembly Chamber for this day was extended to Pilar Biller.

On request of Assemblywoman Dondero Loop, the privilege of the floor of the Assembly Chamber for this day was extended to Sharon Rosse.

On request of Assemblyman Ellison, the privilege of the floor of the Assembly Chamber for this day was extended to Lori Kunder.

On request of Assemblywoman Flores, the privilege of the floor of the Assembly Chamber for this day was extended to Mary Nakayu.

On request of Assemblyman Frierson, the privilege of the floor of the Assembly Chamber for this day was extended to Frank Brittain.

On request of Assemblyman Goicoechea, the privilege of the floor of the Assembly Chamber for this day was extended to Gwen Clancy.

On request of Assemblyman Hambrick, the privilege of the floor of the Assembly Chamber for this day was extended to Dennis Ortwein.

On request of Assemblyman Hammond, the privilege of the floor of the Assembly Chamber for this day was extended to Terri O'Hanlon.

On request of Assemblyman Hansen, the privilege of the floor of the Assembly Chamber for this day was extended to Barbara Fenne.

On request of Assemblyman Hardy, the privilege of the floor of the Assembly Chamber for this day was extended to Heather Miley.

On request of Assemblyman Hickey, the privilege of the floor of the Assembly Chamber for this day was extended to Ginny Kersey.

On request of Assemblyman Hogan, the privilege of the floor of the Assembly Chamber for this day was extended to Mike Steedman.

On request of Assemblyman Horne, the privilege of the floor of the Assembly Chamber for this day was extended to Allison Certic and Joe Certic.

On request of Assemblywoman Kirkpatrick, the privilege of the floor of the Assembly Chamber for this day was extended to Lynne Gray.

On request of Assemblyman Kirner, the privilege of the floor of the Assembly Chamber for this day was extended to Nancy Podewils.

On request of Assemblyman Kite, the privilege of the floor of the Assembly Chamber for this day was extended to Sharon Stewart Schlegel and the following students and chaperones from Scarselli Elementary School:

Brandon Arellano, Ivy Barnes, Dakota Blaha, Kane Blumenthal, Cooper Clark, Abraham Downes, Christy Evans, Kristina Forseth, Riley Jeffries, Jade Lindsey, Lindsay Marangi, Sage McCaslin-Haberland, Tia Mejia, Natalie Miller, Anthony Munoz, Marisella O'Neil, Julie Phelan, Allen Popio, Savannah Rasmussen, Allie Rose, Lilyan Slais, Madison Spencer, Joseph Tindle, Shane Trivitt, Dylan Wetzel, Andrea Whiteley, Jakob Yeoman, Matthew Armbrust, Bryce Bowlen, Spencer Campell, Ethan Collins, Jasmine Delgado, Grace Fehsal, Tianna Garden, Jakob Gmitter, Connor Hightower, Hailey Hughes, Christian Jacuk, Tori Kumagaii, Macy Miner, Perla Molina, Chandler Munoz, Kelly Nimtz, Andrea Perry, Nic Ryan, J.J. Macquelin, Pierce Snyder, Makina Spencer, Cassidy Still, Sierra Sullivan, Luke Walters, Dru Westman, Jaden Wright, Michael Biaggini, Taylor Blakemore, Mason Broderdorf, Manuel Castrellon, Lizbeth Clemente, Aidan Crowley, Stan Cutter, Grace Gomez-Martinez, Nathan Hanzlik, Hannah Hickox, Emily Hillman, Taylor Knowles, Hannah Kyle, Destiny McClellan, Dylan McNalley, Kaia Newby, Sloane Niccoli, Cameron Norkunas, Megan Perry, Erik Pleskach, Sedona Robinson, Ryan McNalley, Wesley Swab, Ivie Tims, Emma Werth, Owen Winburn, Maya Worley, Chris Flores, and Robbie Wheeler.

On request of Assemblyman Livermore, the privilege of the floor of the Assembly Chamber for this day was extended to Rosine Bina Porter and the following students and chaperones from Fritsch Elementary School: Conner Arnold, Jennifer Artz, Kaylin Brugman, Jeremiah Cartwright, Kaitlyn Chacon, Kylie Christensen, Jared DeLaBruere, Jaden Dioquino, Jane Fliegler, Dylan Gibson, Alenander Gutierrez, Joshua Mahuex, Alyxandra Perry, Cindi Redus, Sommer Smith, Mikayla Tran, Diana Victorio, Sarah Woods, Faith Rosier, Christian Benetiez, Taylor Fassett, Mikaela Lang, Heriberto Montero-Silis, Blaze Daggett, Damien Borges, Peng Chen, Angela Cirone, Adele Fliegler, Tieler Frayo, Clayton Gardner, Donato Guzman, Alexa Haight, Randy Heald, Francis Herrera, Jakob King, Erik Martinez, Hailey Matalon, Nicky Nunez, Wyatt Pieretti, Julene Snyder, Jason Stevenson, Nathan Tooley, Jordan Torres, Audrey Vidovich, Monica Lopez, Alexis Hernandez, Ricky Allen, Evan Byassee, Xander Roberts, Shelley Monroe, Ronda Snyder, Alyssa Washington, Ila Cirone, and Adrienne Wiggins.

On request of Assemblywoman Mastroluca, the privilege of the floor of the Assembly Chamber for this day was extended to Stephen Caplan.

On request of Assemblyman McArthur, the privilege of the floor of the Assembly Chamber for this day was extended to Claire Munoz.

On request of Assemblyman Munford, the privilege of the floor of the Assembly Chamber for this day was extended to Megan Berner.

On request of Assemblywoman Neal, the privilege of the floor of the Assembly Chamber for this day was extended to Kim Russell.

On request of Assemblywoman Pierce, the privilege of the floor of the Assembly Chamber for this day was extended to Marilyan Hausladen.

On request of Assemblyman Segerblom, the privilege of the floor of the Assembly Chamber for this day was extended to Moira Bengothea and Stephen Caplan.

On request of Assemblyman Sherwood, the privilege of the floor of the Assembly Chamber for this day was extended to Porsche Middleton.

On request of Assemblywoman Smith, the privilege of the floor of the Assembly Chamber for this day was extended to Tim Jones and the following students and chaperones from Lena Juniper Elementary School: Bri Barnes, Gage Brady, Alexis Carrillo, Dawson Dillard, Kai Eduave, Trinity Ferns, Briana Flores, Elijah Harding, Briley Hatfield, Anthony Hernandez, Beatriz Herrera-Diaz, Jodan Lear, Emma Linn, Sabrina Ma, Cheyanne Malenke, Josue Ponce, Marco Rodriguez, McKailey Slavin, Maddie Steen, Tuan Tran, Analycia Vargas, Grace Wallace, Carla Eduave, Maurice Washington, Brian Wallace, Son Ma, and Cynthia Flores.

On request of Assemblyman Stewart, the privilege of the floor of the Assembly Chamber for this day was extended to Scott Faulkner.

On request of Assemblywoman Woodbury, the privilege of the floor of the Assembly Chamber for this day was extended to Ty Moore.

Assemblyman Conklin moved that the Assembly adjourn until Wednesday, May 11, 2011, at 12 noon.

Motion carried.

Assembly adjourned at 5:21 p.m.

Approved: JOHN OCEGUERA
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE NINETY-FOURTH DAY

CARSON CITY (Wednesday), May 11, 2011

Assembly called to order at 12:36 p.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Jason Frierson.

Lord, we first take a moment to thank You for all that You have done, are doing, and are going to do. We thank You for allowing us to be here, because we know that it is nothing short of Your Grace that has put us in a position to help Your people.

God, we pray that in these final weeks of our legislative session, You keep in our minds and on our hearts, that while we may not agree on how to get there, we can agree that we are here with the same charge: To make our Nevada
a better Nevada.

Lord, replace anxiety with hope, replace anger with compassion. Remind us of your direction in Proverbs 31: 8, 9, whereby You tell us:

> Speak up for those who cannot speak for themselves,
> for the rights of all who are destitute.
> Speak up and judge fairly;
> defend the rights of the poor and needy.

And when our legislative work is done this session, let us return home knowing that we left this institution a better institution than when You gave it to us... that we lived up to Your charge, and made our Nevada a better Nevada.

In the name of Your Son, we pray.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Conklin moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Ways and Means:

Assembly Bill No. 569—An act relating to taxation; imposing a transaction tax in this state; providing for the administration, collection and enforcement of the tax; delaying the prospective expiration of an increase in the rate of the Local School Support Tax; providing penalties; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Taxation.

Motion carried.

Senate Bill No. 445.

Assemblyman Conklin moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 450.

Assemblyman Conklin moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 472.

Assemblyman Conklin moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 481.

Assemblyman Conklin moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Ways and Means has had under consideration the various budgets for the Gaming Control Board and the Gaming Commission, and begs leave to report back that the following accounts have been closed by the Committee:

Gaming Control Board (101-4061)
Gaming Commission (101-4067)
Gaming Control Board Investigation Fund (244-4063)

Also, your Committee on Ways and Means has had under consideration the various budgets for the Department of Motor Vehicles, and begs leave to report back that the following accounts have been closed by the Committee:

Director's Office (201-4744)
REAL ID (201-4746)
Hearings (201-4732)
Automation (201-4715)
Compliance Enforcement (201-4740)
Administrative Services (201-4745)
Motor Vehicle Pollution Control (101-4722)
Central Services (201-4741)
Verification of Insurance (201-4731)
Records Search (201-4711)
Field Services (201-4735)
Motor Carrier (201-4717)
Management Services (201-4742)

Also, your Committee on Ways and Means has had under consideration the various budgets for the Office of the Secretary of State, and begs leave to report back that the following accounts have been closed by the Committee:

Secretary of State (101-1050)
Help America Vote Act Election Reform (101-1051)
State Business Portal (101-1058)

DEBBIE SMITH, *Chair*

REMARKS FROM THE FLOOR

Assemblyman Conklin moved that the following budget closure remarks be entered in the Journal.

Motion carried.

ASSEMBLYMAN HARDY:

The Assembly Committee on Ways and Means has completed its review of the various budgets for the Gaming Control Board and the Gaming Commission for the 2011-13 biennium. The closing recommendations for these accounts result in General Fund savings of $12,876 over the biennium, as compared to the amounts recommended by the Governor.

Gaming Control Board (101-4061) GAMING CONTROL BOARD-1:

The Committee approved the Governor's recommendation to eliminate 18 FTE positions for a General Fund savings of $1.42 million in FY 2012 and $1.45 million in FY 2013.

The Committee approved the Governor's recommendation to replace General Funds totaling $242,564 in each year of the 2011-13 biennium with Gaming Investigation account revenue for the costs associated with gaming application review activities performed by designated management employees.

The Committee approved the Governor's recommendation to impose a $5 fee for processing gaming employee change forms and reduce the General Fund appropriation by $61,000 in each year of the 2011-13 biennium. Senate Bill 83, approved during the 2009 Legislative Session, authorized the Board to charge a fee equal to the actual investigative and administrative costs related to processing the employee change notices.

The Committee discussed additional fees to make the Board and Commission self-supporting in response to a 2009 letter of intent. However, the Committee closed the Gaming budgets without additional fee revenues. The Committee reserved the right to reconsider the fees at a later date.

Gaming Commission (101-4067) GAMING CONTROL BOARD-11:

The Committee voted to approve the Governor's recommendation to reduce the Senior Research Specialist position from full-time to part-time for a General Fund savings of $50,679 in FY 2012 and $51,068 in FY 2013.

The Gaming Control Board Investigation Fund account (244-4063) was closed by the Committee as recommended by the Governor with staff authority to make technical adjustments that may be needed based on the closing of other Gaming Control Board accounts.

ASSEMBLYMAN HOGAN:

The Ways and Means Committee completed its review of the budgets for the Department of Motor Vehicles (DMV) and took action on the Governor's recommendations as follows:

Director's Office (201-4744) DMV-1:

The Committee did not approve the Governor's recommendation to transfer the Department of Agriculture's consolidated Weights, Measures, and Standards budget to DMV. The Committee approved the Governor's recommendation to establish a new convenience fee to pass-through transaction fees associated with self-service kiosk terminals to the customers using self-service terminals. The new convenience fee would establish the kiosk program as a self-

funded program and allow the expansion of DMV services. The new convenience fee is contingent upon the passage of S.B. 441. The Committee also approved the Governor's recommendation to implement communications systems in six metropolitan field offices. The communications systems would display public information as well as private advertising to customers visiting field offices for services, contingent upon the passage of S.B. 483.

22 Percent Cap:

Under NRS 408.235, the Department of Motor Vehicles may not expend more than 22 percent of the fees collected (excluding gas tax) from the Highway Fund on administration. The Committee's actions to close the Department's budgets maintained the agency within the 22 percent cap in each year of the 2011-13 biennium. The Committee's actions leave funding authority of approximately $4.5 million in FY 2012 and $3.3 million in FY 2013 under the cap, respectively.

Field Services (201-4735) DMV-56:

The Governor recommended Highway Funds of $2,371,274 over the biennium to add 30 DMV Services Technician III positions for the Las Vegas metropolitan field offices, including Henderson, Decatur, Sahara, and Flamingo. Based upon recent trends demonstrating lower average monthly wait times, as well as the reported expansion of the kiosk program due to the approval of a new convenience fee, the Committee approved Highway Funds of $2,337,014 over the biennium to be placed in reserve. The Committee directed the Department to monitor the kiosk program's expansion, as well as the ongoing trend in average monthly wait times, and approach the Interim Finance Committee to request approval for up to 30 additional DMV Services Technician III positions as justified over the biennium. The Committee approved Budget Amendment 226, which added monthly motor pool expenses in lieu of purchasing a replacement vehicle recommended through one-shot appropriations in FY 2011.

Verification of Insurance (201-4731) DMV-47:

The Committee approved the Verification of Insurance budget as recommended by the Governor with technical adjustments. Due to a decline in Insurance Verification Program revenue and implementation issues experienced by Nevada Liability Insurance Validation Electronically (NV LIVE) during the 2009-11 biennium, the Committee also approved issuing a letter of intent to the Department requiring it to provide quarterly status updates to the Interim Finance Committee on the progress of the program, the agency's efforts to bring all insurance providers into compliance as web-based companies, and any issues encountered by NV LIVE over the 2011-13 biennium.

Motor Vehicle Pollution Control (101-4722) DMV-33:

The Committee approved the elimination of one vacant Emission Control Technician II position as recommended by the Governor as well as Budget Amendment 187, which eliminated the Governor's recommendation to downgrade two sworn Compliance Enforcement Investigators II to non-sworn Compliance Investigators II. The Committee approved the Governor's recommendation for continuing increased transfers to the Tahoe Regional Planning Agency in order to close a funding gap in Nevada's share of air quality monitoring costs under the compact with California. The Committee also approved Budget Amendment 219 to add monthly motor pool expenses in lieu of purchasing three replacement vehicles.

Compliance Enforcement (201-4740) DMV-27:

The Committee approved the elimination of one vacant Administrative Assistant III position as recommended by the Governor as well as Budget Amendment 188, which eliminated the Governor's recommendation to downgrade two sworn Compliance Enforcement Investigators II to non-sworn Compliance Investigators II. The Committee also approved Budget Amendment 227 to add monthly motor pool expenses in lieu of purchasing four replacement vehicles recommended through one-shot appropriations in FY 2011.

Administrative Services (201-4745) DMV-21:

The Committee approved the Governor's recommendation to add merchant service fees due to the approval of a new convenience fee as the funding source for the kiosk program. Approval of the additional merchant services fees is contingent upon the passage of S.B. 441.

The Committee approved closing the following Department of Motor Vehicles' budget accounts as recommended by the Governor with technical adjustments, as needed:

- Records Search (201-4711) DMV-51
- Automation (201-4715) DMV-15
- Motor Carrier (201-4717) DMV-63
- Hearings (201-4732) DMV-11
- Central Services (201-4741) DMV-40
- Management Services (201-4742) DMV-82
- REAL ID (201-4746) DMV-7

ASSEMBLYMAN BOBZIEN:

The Assembly Committee on Ways and Means completed its review of the three budgets in the Office of the Secretary of State. The closing recommendations for these accounts resulted in General Fund savings of approximately $89,000 due to the elimination of imaging and preservation expenditures. However, these savings will be offset by General Fund add-backs elsewhere needed to restore a downsized version of the Micrographics and Imaging program within Archives and Records.

Secretary of State (101-1050) ELECTED-122:

The Committee approved the Governor's recommendation to balance forward settlement receipts and securities fines revenues and to use those revenues as funding sources in the Office's main operating account. The Committee approved the use of additional settlement reserves, beyond the amounts recommended by the Governor, to fund a new Business Portal Administrator position, a Customer Service Process Analysis, and a Securities Data Management System Analysis. The Committee also approved expanding the allowable use of revenues generated from the enforcement of securities actions to other purposes related to the Office of the Secretary of State. The Committee approved adding back language to the Authorizations Act to accomplish this task. The Committee authorized the Office of the Secretary of State to retain an unobligated reserve balance.

Instead of transferring an Administrative Assistant II position to the non-Executive Budget Notary Public Training account as recommended by the Governor, the Committee approved keeping the position in the main operating account and supporting the position with funding transfers from the training account.

State Business Portal (101-1058) ELECTED-136:

As requested by the Office of the Secretary of State and recommended by the Governor, the Committee approved the establishment of a new State Business Portal budget account independent from the Office's main operating account to separately track all costs related to the Business Portal. The Committee also approved the Governor's recommendation to provide General Fund appropriations of $250,000 per year for contract services to build out the Portal to allow interfaces with other agencies.

The Committee approved a letter of intent requesting the Secretary of State to provide semi-annual reports to the IFC regarding the Office's evaluation of potential cost recoveries from Portal participants.

HAVA Election Reform (101-1051) ELECTED-131:

The Committee closed the HAVA Election Reform account as recommended by the Governor.

REPORTS OF COMMITTEES

Mr. Speaker

Your Committee on Commerce and Labor, to which was referred Senate Bill No. 193, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

KELVIN ATKINSON, *Chair*

Mr. Speaker

Your Committee on Judiciary, to which was referred Senate Bill No. 218, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

WILLIAM C. HORNE, *Chair*

Mr. Speaker:

Your Committee on Legislative Operations and Elections, to which were referred Senate Joint Resolutions Nos. 8, 14, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

TICK SEGERBLOM, *Chair*

Mr. Speaker:

Your Committee on Transportation, to which were referred Senate Bills Nos. 49, 84, 408, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MARILYN DONDERO LOOP, *Chair*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Conklin moved that Senate Bills Nos. 49, 84, 193, 218, 408, and Senate Joint Resolutions Nos. 8 and 14, just reported out of committee, be placed at the top of Second Reading File.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 519.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 573.

AN ACT relating to health; transferring the Office for Consumer Health Assistance from the Office of the Governor to the Department of Health and Human Services; requiring the Director of the Department to appoint the Governor's Consumer Health Advocate to head the Office; including the Office of Minority Health within the Office for Consumer Health Assistance; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes an Office for Consumer Health Assistance within the Office of the Governor and provides for the appointment of a Director of the Office by the Governor. (NRS 223.500-223.580) **Sections 1-8** of this bill transfer the Office for Consumer Health Assistance into the Department of

Health and Human Services. **Section 4** of this bill requires the Director of the Department to appoint the Governor's Consumer Health Advocate to head the Office.

Existing law establishes an Office of Minority Health in the Department of Health and Human Services. (NRS 232.467-232.484) **Sections 9-16** of this bill transfer the Office of Minority Health into the Office for Consumer Health Assistance, under the direction of the Governor's Consumer Health Advocate.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 223 of NRS is hereby amended by adding thereto a new section to read as follows:

"Advocate" means the Governor's Consumer Health Advocate appointed pursuant to NRS 223.550.

Sec. 2. NRS 223.500 is hereby amended to read as follows:

223.500 As used in NRS 223.500 to 223.580, inclusive, ***and section 1 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 223.510 to 223.535, inclusive, ***and section 1 of this act*** have the meanings ascribed to them in those sections.

Sec. 3. NRS 223.520 is hereby amended to read as follows:

223.520 "Director" means the Director of the ~~[~~Office for Consumer Health Assistance appointed pursuant to NRS 223.550.~~]~~ ***Department of Health and Human Services.***

Sec. 4. NRS 223.550 is hereby amended to read as follows:

223.550 1. The Office for Consumer Health Assistance is hereby established in the ~~[~~Office of the Governor.~~]~~ ***Department of Health and Human Services.*** The ~~[~~Governor~~]~~ ***Director*** shall appoint the ~~[~~Director.~~]~~ ***Governor's Consumer Health Advocate to head the Office.*** The ~~[~~Director~~]~~ ***Advocate*** must:

(a) Be ~~[~~:

~~(1) A physician, as that term is defined in NRS 0.040;~~

~~(2) A registered nurse, as that term is defined in NRS 632.019;~~

~~(3) An advanced practitioner of nursing, as that term is defined in NRS 453.023; or~~

~~(4) A physician assistant, as that term is defined in NRS 630.015; and~~]

selected on the basis of his or her training, experience, capacity and interest in health-related services.

(b) ***Be a graduate of an accredited college or university. The Director shall, to the extent practicable, give preference to a person who has a degree in the field of health, social science, public administration or business administration or a related field.***

(c) Have not less than 3 years of experience in the administration of health care or insurance programs.

(d) Have expertise and experience in the field of advocacy.

2. The cost of carrying out the provisions of NRS 223.500 to 223.580, inclusive, must be paid as follows:

(a) That portion of the cost related to providing assistance to consumers and injured employees concerning workers' compensation must be paid from the assessments levied pursuant to NRS 232.680.

(b) That portion of the cost related to the operation of the Bureau for Hospital Patients created pursuant to NRS 223.575 must be paid from the assessments levied pursuant to that section.

(c) That portion of the cost related to providing assistance to consumers in need of information or other facilitation regarding a prescription drug program may, to the extent money is available from this source, be paid from the proceeds of any gifts, grants or donations that are received by the ~~[~~Director~~]~~ ***Advocate*** for this purpose.

(d) That portion of the cost related to providing assistance to consumers in need of information concerning purchasing prescription drugs from Canadian pharmacies may, to the extent money is available from this source, be paid from the proceeds of any gifts, grants or donations that are received by the ~~[~~Director~~]~~ ***Advocate*** for this purpose.

(e) The remaining cost must be provided by direct legislative appropriation from the State General Fund and be paid out on claims as other claims against the State are paid.

Sec. 5. NRS 223.560 is hereby amended to read as follows:

223.560 The ~~[~~Director~~]~~ ***Advocate*** shall:

1. Respond to written and telephonic inquiries received from consumers and injured employees regarding concerns and problems related to health care and workers' compensation;

2. Assist consumers and injured employees in understanding their rights and responsibilities under health care plans, including, without limitation, the Public Employees' Benefits Program, and policies of industrial insurance;

3. Identify and investigate complaints of consumers and injured employees regarding their health care plans, including, without limitation, the Public Employees' Benefits Program, and policies of industrial insurance and assist those consumers and injured employees to resolve their complaints, including, without limitation:

(a) Referring consumers and injured employees to the appropriate agency, department or other entity that is responsible for addressing the specific complaint of the consumer or injured employee; and

(b) Providing counseling and assistance to consumers and injured employees concerning health care plans, including, without limitation, the Public Employees' Benefits Program, and policies of industrial insurance;

4. Provide information to consumers and injured employees concerning health care plans, including, without limitation, the Public Employees' Benefits Program, and policies of industrial insurance in this State;

5. Establish and maintain a system to collect and maintain information pertaining to the written and telephonic inquiries received by the Office for Consumer Health Assistance;

6. Take such actions as are necessary to ensure public awareness of the existence and purpose of the services provided by the ~~[Director]~~ ***Advocate*** pursuant to this section;

7. In appropriate cases and pursuant to the direction of the ~~[Governor,]~~ ***Advocate,*** refer a complaint or the results of an investigation to the Attorney General for further action;

8. Provide information to and applications for prescription drug programs for consumers without insurance coverage for prescription drugs or pharmaceutical services;

9. Establish and maintain an Internet website which includes:

(a) Information concerning purchasing prescription drugs from Canadian pharmacies that have been recommended by the State Board of Pharmacy for inclusion on the Internet website pursuant to subsection 4 of NRS 639.2328;

(b) Links to websites of Canadian pharmacies which have been recommended by the State Board of Pharmacy for inclusion on the Internet website pursuant to subsection 4 of NRS 639.2328; and

(c) A link to the website established and maintained pursuant to NRS 439A.270 which provides information to the general public concerning the charges imposed and the quality of the services provided by the hospitals and surgical centers for ambulatory patients in this State; and

10. Assist consumers with filing complaints against health care facilities and health care professionals. As used in this subsection, "health care facility" has the meaning ascribed to it in NRS 162A.740.

Sec. 6. NRS 223.570 is hereby amended to read as follows:

223.570 1. The ~~[Director,]~~ ***Advocate,*** within the limits of available money:

(a) Shall, to carry out the provisions of this section and NRS 223.560 and 223.580, employ at least two persons who have experience in the field of workers' compensation, including, without limitation, persons who have experience in administering claims or programs related to policies of industrial insurance, representing employees in contested claims relating to policies of industrial insurance or advocating for the rights of injured employees; and

(b) May, in addition to the persons required to be employed pursuant to paragraph (a), employ:

(1) Such persons in the unclassified service of the State as the ~~[Director]~~ ***Advocate*** determines to be necessary to carry out the provisions of this section and NRS 223.560 and 223.580, including, without limitation, a provider of health care, as that term is defined in NRS 449.581.

(2) Such additional personnel as may be required to carry out the provisions of this section and NRS 223.560 and 223.580, who must be in the classified service of the State.

➥ A person employed pursuant to the authority set forth in this subsection must be qualified by training and experience to perform the duties for which the ~~[Director]~~ ***Advocate*** employs that person.

2. The ~~[Director]~~ ***Advocate*** may:

(a) To the extent not otherwise prohibited by law, obtain such information from consumers, injured employees, health care plans, prescription drug programs and policies of industrial insurance as the ~~[Director]~~ ***Advocate*** determines to be necessary to carry out the provisions of this section and NRS 223.560 and 223.580.

(b) Adopt such regulations as the ~~[Director]~~ ***Advocate*** determines to be necessary to carry out the provisions of this section and NRS 223.560 and 223.580.

(c) Apply for any available grants, accept any gifts, grants or donations and use any such gifts, grants or donations to aid the Office for Consumer Health Assistance in carrying out its duties pursuant to subsections 8 and 9 of NRS 223.560.

3. The ~~[Director]~~ ***Advocate*** and the ~~[Director's]~~ ***Advocate's*** employees shall not have any conflict of interest relating to the performance of their duties pursuant to this section and NRS 223.560 and 223.580. For the purposes of this subsection, a conflict of interest shall be deemed to exist if the ~~[Director]~~ ***Advocate*** or employee, or any person affiliated with the ~~[Director]~~ ***Advocate*** or employee:

(a) Has direct involvement in the licensing, certification or accreditation of a health care facility, insurer or provider of health care;

(b) Has a direct ownership interest or investment interest in a health care facility, insurer or provider of health care;

(c) Is employed by, or participating in, the management of a health care facility, insurer or provider of health care; or

(d) Receives or has the right to receive, directly or indirectly, remuneration pursuant to any arrangement for compensation with a health care facility, insurer or provider of health care.

Sec. 7. NRS 223.575 is hereby amended to read as follows:

223.575 1. The Bureau for Hospital Patients is hereby created within the Office for Consumer Health Assistance **.** ~~[in the Office of the Governor.]~~

2. The ~~[Director:]~~ ***Advocate:***

(a) Is responsible for the operation of the Bureau, which must be easily accessible to the clientele of the Bureau.

(b) Shall appoint and supervise such additional employees as are necessary to carry out the duties of the Bureau. The employees of the Bureau are in the unclassified service of the State.

(c) On or before February 1 of each year, shall submit a written report to the Governor, and to the Director of the Legislative Counsel Bureau concerning the activities of the Bureau for Hospital Patients for transmittal to the appropriate committee or committees of the Legislature. The report must include, without limitation, the number of complaints received by the Bureau, the number and type of disputes heard, mediated, arbitrated or resolved through alternative means of dispute resolution by the ~~[Director]~~ ***Advocate*** and the outcome of the mediation, arbitration or alternative means of dispute resolution.

3. The ~~[Director]~~ ***Advocate*** may, upon request made by either party, hear, mediate, arbitrate or resolve by alternative means of dispute resolution disputes between patients and hospitals. The ~~[Director]~~ ***Advocate*** may decline to hear a case that in the ~~[Director's]~~ ***Advocate's*** opinion is trivial, without merit or beyond the scope of his or her jurisdiction. The ~~[Director]~~ ***Advocate*** may hear, mediate, arbitrate or resolve through alternative means of dispute resolution disputes regarding:

(a) The accuracy or amount of charges billed to a patient;

(b) The reasonableness of arrangements made pursuant to paragraph (c) of subsection 1 of NRS 439B.260; and

(c) Such other matters related to the charges for care provided to a patient as the ~~[Director]~~ ***Advocate*** determines appropriate for arbitration, mediation or other alternative means of dispute resolution.

4. The decision of the ~~[Director]~~ ***Advocate*** is a final decision for the purpose of judicial review.

5. Each hospital, other than federal and state hospitals, with 49 or more licensed or approved hospital beds shall pay an annual assessment for the support of the Bureau. On or before July 15 of each year, the ~~[Director]~~ ***Advocate*** shall notify each hospital of its assessment for the fiscal year. Payment of the assessment is due on or before September 15. Late payments bear interest at the rate of 1 percent per month or fraction thereof.

6. The total amount assessed pursuant to subsection 5 for a fiscal year must not be more than $100,000 adjusted by the percentage change between January 1, 1991, and January 1 of the year in which the fees are assessed, in

the Consumer Price Index (All Items) published by the United States Department of Labor.

7. The total amount assessed must be divided by the total number of patient days of care provided in the previous calendar year by the hospitals subject to the assessment. For each hospital, the assessment must be the result of this calculation multiplied by its number of patient days of care for the preceding calendar year.

Sec. 8. NRS 223.580 is hereby amended to read as follows:

223.580 On or before February 1 of each year, the ~~[Director]~~ ***Advocate*** shall submit a written report to the Governor, and to the Director of the Legislative Counsel Bureau for transmittal to the appropriate committee or committees of the Legislature. The report must include, without limitation:

1. A statement setting forth the number and geographic origin of the written and telephonic inquiries received by the Office for Consumer Health Assistance and the issues to which those inquiries were related;

2. A statement setting forth the type of assistance provided to each consumer and injured employee who sought assistance from the ~~[Director,]~~ ***Advocate,*** including, without limitation, the number of referrals made to the Attorney General pursuant to subsection 7 of NRS 223.560;

3. A statement setting forth the disposition of each inquiry and complaint received by the ~~[Director;]~~ ***Advocate;*** and

4. A statement setting forth the number of external reviews conducted by external review organizations pursuant to NRS 695G.241 to 695G.310, inclusive, and the disposition of each of those reviews as reported pursuant to NRS 695G.310.

Sec. 9. Chapter 232 of NRS is hereby amended by adding thereto a new section to read as follows:

"Advocate" means the Governor's Consumer Health Advocate appointed pursuant to NRS 223.550.

Sec. 10. NRS 232.467 is hereby amended to read as follows:

232.467 As used in NRS 232.467 to 232.484, inclusive, ***and section 9 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 232.468 to 232.473, inclusive, ***and section 9 of this act*** have the meanings ascribed to them in those sections.

Sec. 11. NRS 232.473 is hereby amended to read as follows:

232.473 "Office" means the Office of Minority Health of the ***Office for Consumer Health Assistance of the*** Department.

Sec. 12. NRS 232.474 is hereby amended to read as follows:

232.474 The Office of Minority Health is hereby created within the ***Office for Consumer Health Assistance of the*** Department. The purposes of the Office ***of Minority Health*** are to:

1. Improve the quality of health care services for members of minority groups;

2. Increase access to health care services for members of minority groups; and

3. Disseminate information to and educate the public on matters concerning health care issues of interest to members of minority groups.

Sec. 12.5. **NRS 232.477 is hereby amended to read as follows:**

232.477 The Director shall **, *to the extent that money is available for that purpose,*** appoint ***or designate*** a Manager of the Office. The Manager must be appointed on the basis of his or her education, training, experience, demonstrated abilities and interest in the provision of health care services to members of minority groups and in related programs.

Sec. 13. ~~**[**NRS 232.478 is hereby amended to read as follows:~~

~~232.478 The **[**Manager**]** ***Advocate*** shall:~~

~~1. Ensure that the purposes of the Office are carried out;~~

~~2. Direct and supervise all the technical and administrative activities of the Office;~~

~~3. Attend the meetings of the Advisory Committee, serve as secretary at those meetings and keep minutes of those meetings;~~

~~4. Request and consider the advice of the Advisory Committee concerning matters of policy;~~

~~5. Serve as the contracting officer for the Office to receive money from the Federal Government or any other source; and~~

~~6. Act as liaison between the Office, members of minority groups, and public and private entities offering health care services primarily to those members or offering health care information of interest to those members.**]** **(Deleted by amendment.)**~~

Sec. 14. ~~**[**NRS 232.479 is hereby amended to read as follows:~~

~~232.479 On or before March 1 of each odd-numbered year, the **[**Manager**]** ***Advocate*** shall submit a report to the Governor and to the Director of the Legislative Counsel Bureau for transmittal to the Legislature. The report must outline the manner in which the Office has accomplished its purposes during the biennium, including, without limitation, information concerning the activities, findings and recommendations of the Office as they relate to health care services for members of minority groups and to health care issues of interest to those members.**]** **(Deleted by amendment.)**~~

Sec. 15. ~~**[**NRS 232.481 is hereby amended to read as follows:~~

~~232.481 1. The **[**Manager**]** ***Advocate*** may, within the limits of legislative appropriations and other available money, award a grant of money to a person for use consistent with the provisions of NRS 232.467 to 232.484, inclusive.~~

~~2. Before the [Manager] *Advocate* may award a grant pursuant to subsection 1, the [Manager] *Advocate* shall adopt by regulation:~~

~~(a) Procedures by which a person may apply for a grant from the [Manager;] *Advocate;*~~

~~(b) Criteria that the [Manager] *Advocate* will consider in determining whether to award a grant; and~~

~~(c) Procedures by which the [Manager] *Advocate* will distribute any money that the Office receives pursuant to subsection 1 of NRS 232.476.]~~ **(Deleted by amendment.)**

Sec. 16. NRS 232.483 is hereby amended to read as follows:

232.483 1. ~~[Each]~~ ***To the extent that money is available for that purpose, each*** member of the Advisory Committee who is not an officer or employee of the State of Nevada is entitled to receive a salary of not more than $80 per day, as fixed by the Manager ~~*[Advocate]*~~ in consultation with the Advisory Committee, for each day or portion of a day spent on the business of the Advisory Committee. Each member of the Advisory Committee who is an officer or employee of the State of Nevada serves without additional compensation. ~~[Each]~~ ***To the extent that money is available for that purpose, each*** member of the Advisory Committee is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally. A claim for a payment pursuant to this section must be made on a voucher approved by the Manager ~~*[Advocate]*~~ and paid as other claims against the State are paid.

2. Each member of the Advisory Committee who is an officer or employee of the State of Nevada or a local government must be relieved from his or her duties without loss of regular compensation so that he or she may prepare for and attend meetings of the Advisory Committee and perform any work necessary to carry out the duties of the Advisory Committee in the most timely manner practicable. A state agency or local governmental entity may not require an employee who is a member of the Advisory Committee to make up time or take annual vacation or compensatory time for the time that he or she is absent from work to carry out his or her duties as a member of the Advisory Committee.

Sec. 17. ~~[NRS 232.484 is hereby amended to read as follows:~~

~~232.484 The Advisory Committee shall:~~

~~1. Advise the [Manager] *Advocate* on all matters concerning the manner in which the purposes of the Office are being carried out;~~

~~2. Review the manner in which the Office uses any gifts, grants, donations or appropriations to carry out the purposes of the Office and make recommendations; and~~

~~3. Review any reports to be submitted by the~~ **[**Manager,**]** ~~***Advocate*** including, without limitation, the report required pursuant to NRS 232.479, and make recommendations.~~**] (Deleted by amendment.)**

Sec. 18. NRS 439.930 is hereby amended to read as follows:

439.930 The Department shall adopt such regulations as it determines to be necessary or advisable to carry out the provisions of NRS 439.900 to 439.940, inclusive. Such regulations must provide for, without limitation:

1. Notice to consumers stating that:

(a) Although the Department will strive to ensure that consumers receive accurate information regarding pharmacies, including, without limitation, the prices charged by those pharmacies for the prescription drugs and generic equivalents that are on the list prepared pursuant to NRS 439.905, the Department is unable to guarantee the accuracy of such information;

(b) If a consumer follows an Internet link from the Internet website maintained by the Department to an Internet website maintained by a pharmacy, the Department is unable to guarantee the accuracy of any information made available on the Internet website maintained by the pharmacy; and

(c) The Department advises consumers to contact a pharmacy directly to verify the accuracy of any information regarding the pharmacy which is made available to consumers pursuant to NRS 439.900 to 439.940, inclusive;

2. Procedures adopted **[**~~cooperatively with the Office of the Governor~~**]** to direct consumers who have questions regarding the program described in NRS 439.900 to 439.940, inclusive, to contact the Office for Consumer Health Assistance **[**~~in the Office~~**]** of the **[**~~Governor;~~**]** ***Department;***

3. Provisions in accordance with which the Department will allow an Internet link to the information provided by each pharmacy pursuant to NRS 439.910 and made available on the Department's Internet website to be placed on other Internet websites managed or maintained by other persons and entities, including, without limitation, Internet websites managed or maintained by:

(a) Other governmental entities, including, without limitation, the State Board of Pharmacy and the Office of the Governor; and

(b) Nonprofit organizations and advocacy groups;

4. Procedures pursuant to which consumers and pharmacies may report to the Department that information made available to consumers pursuant to NRS 439.900 to 439.940, inclusive, is inaccurate;

5. The form and manner in which pharmacies are to provide to the Department the information described in NRS 439.910; and

6. Standards and criteria pursuant to which the Department may remove from its Internet website information regarding a pharmacy or an Internet

link to the Internet website maintained by a pharmacy, or both, if the Department determines that the pharmacy has:

(a) Ceased to be licensed and in good standing pursuant to chapter 639 of NRS; or

(b) Engaged in a pattern of providing to consumers information that is false or would be misleading to reasonably informed persons.

Sec. 19. ~~[NRS 232.471 and 232.477 are hereby repealed.]~~ **(Deleted by amendment.)**

Sec. 20. This act becomes effective on July 1, 2011.

~~[~~

~~**TEXT OF REPEALED SECTIONS**~~

~~**232.471 "Manager" defined.** "Manager" means the Manager of the Office of Minority Health of the Department.~~

~~**232.477 Appointment of Manager; qualifications.** The Director shall appoint a Manager of the Office. The Manager must be appointed on the basis of his or her education, training, experience, demonstrated abilities and interest in the provision of health care services to members of minority groups and in related programs.~~**]**

Assemblyman Hickey moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Senate Bill No. 49.

Bill read second time and ordered to third reading.

Senate Bill No. 84.

Bill read second time and ordered to third reading.

Senate Bill No. 193.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 568.

AN ACT relating to cosmetology; **revising certain provisions governing schools of cosmetology; establishing the procedures for the licensure of certain persons who engage in the practice of hair braiding and persons who operate an establishment for hair braiding;** revising provisions relating to the regulation of sanitary conditions; revising provisions relating to the licensure of various cosmetology professionals and cosmetological establishments; repealing a provision relating to the provision of a surety bond by a school of cosmetology; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the State Board of Cosmetology to determine the qualifications of applicants for various licenses in cosmetology, requires the Board to license schools of cosmetology, and authorizes the Board to adopt regulations governing the sanitary conditions in cosmetological establishments, schools of cosmetology and in the practice of cosmetology. (NRS 644.090, 644.120)

~~[The]~~ **Section 6 of this bill: (1) prohibits a school of cosmetology from collecting the entire amount of the cost for a program at the school of cosmetology from a student of cosmetology when the student enters into a contract with the school of cosmetology; (2) authorizes a school of cosmetology to collect certain periodic payments from students; and (3) requires a school of cosmetology to use the contract for enrollment that was submitted to and approved by the Board.**

Sections 7-9 of this bill establish a new license as a hair braider and set forth the requirements, including passing certain examinations, that must be met before the Board may issue such a license to a person. Section 7 sets forth the requirements for obtaining such a license for persons who have not previously practiced hair braiding or who have practiced hair braiding in this State on certain relatives without accepting compensation. Section 8 sets forth the requirements for persons who have practiced hair braiding in another state. Section 9 sets forth the scope of the examinations that are required to obtain a license to practice hair braiding. Section 24 of this bill provides an exemption from the licensure requirements for a person who, without accepting compensation, practices hair braiding on a person who is related within the sixth degree of consanguinity.

Section 10 of this bill establishes a new license for persons who wish to operate an establishment for hair braiding and sets forth the requirements that must be met before the Board may issue such a license. Sections 11-16 of this bill set forth additional requirements governing an establishment for hair braiding, including, without limitation, requirements relating to the notice which must be provided to the Board concerning a change of ownership or location and requirements relating to the qualifications of the person who must supervise the operation of such an establishment.

Under existing law, the Board is also required to provide for the registration of any person who engages in the practice of threading, and is authorized to inspect any facility in which threading is conducted. (NRS 644.331) **Section ~~[1]~~ 22** of this bill authorizes the Board to include the practice of threading and any facility in which it is conducted in its regulations regarding sanitary conditions. **Sections ~~[2-8]~~ 26-31 and 35** of this

bill add United States citizenship or the legal right to remain and work in the United States to the requirements for applicants seeking licensure by the Board.

Existing law requires that schools of cosmetology post with the Board a surety bond as part of licensure. (NRS 644.383) **Section ~~[10]~~ 43** of this bill repeals that requirement.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. **NRS 640C.100 is hereby amended to read as follows:**

640C.100 1. The provisions of this chapter do not apply to:

(a) A person licensed pursuant to chapter 630, 630A, 631, 632, 633, 634, 634A, 635, 640, 640A or 640B of NRS if the massage therapy is performed in the course of the practice for which the person is licensed.

(b) A person licensed as a barber or apprentice pursuant to chapter 643 of NRS if the person is massaging, cleansing or stimulating the scalp, face, neck or skin within the permissible scope of practice for a barber or apprentice pursuant to that chapter.

(c) A person licensed or registered as an aesthetician, ***hair designer, hair braider,*** cosmetologist or cosmetologist's apprentice pursuant to chapter 644 of NRS if the person is massaging, cleansing or stimulating the scalp, face, neck or skin within the permissible scope of practice for an aesthetician, ***hair designer, hair braider,*** cosmetologist or cosmetologist's apprentice pursuant to that chapter.

(d) A person who is an employee of an athletic department of any high school, college or university in this State and who, within the scope of that employment, practices massage therapy on athletes.

(e) Students enrolled in a school of massage therapy recognized by the Board.

(f) A person who practices massage therapy solely on members of his or her immediate family.

(g) A person who performs any activity in a licensed brothel.

2. Except as otherwise provided in subsection 3, the provisions of this chapter preempt the licensure and regulation of a massage therapist by a county, city or town, including, without limitation, conducting a criminal background investigation and examination of a massage therapist or applicant for a license to practice massage therapy.

3. The provisions of this chapter do not prohibit a county, city or town from requiring a massage therapist to obtain a license or permit to transact business within the jurisdiction of the county, city or town, if the license or permit is required of other persons, regardless of occupation or profession, who transact business within the jurisdiction of the county, city or town.

4. As used in this section, "immediate family" means persons who are related by blood, adoption or marriage, within the second degree of consanguinity or affinity.

Sec. 2. **Chapter 644 of NRS is hereby amended by adding thereto the provisions set forth as sections 3 to 16, inclusive, of this act.**

Sec. 3. *"**Establishment for hair braiding" means any premises, mobile unit, building or part of a building where hair braiding is practiced, other than a cosmetological establishment.***

Sec. 4. *"**Hair braider" means any person who engages in the practice of hair braiding.***

Sec. 5. ***1. "Hair braiding" means a natural form of hair manipulation by braiding, cornrowing, extending, lacing, locking, sewing, twisting, weaving or wrapping human hair, natural fibers, synthetic fibers and hair extensions. The practice may be performed by hand or by using simple braiding devices, including, without limitation, clips, combs, hairpins, scissors, needles and thread.***

2. The term includes:

(a) Cleansing the scalp; and

(b) The making of customized wigs from natural hair, natural fibers, synthetic fibers and hair extensions.

3. The term does not include:

(a) The use of penetrating chemical hair treatments, chemical hair coloring agents, chemical hair straightening agents, chemical hair joining agents, permanent wave styles or chemical hair bleaching agents applied to growing human hair;

(b) The cutting or growing of human hair, except that the term includes the trimming of hair extensions or sewn weave-in extensions only as applicable to the braiding process; or

(c) Any other activity set forth in the definition of "cosmetologist" pursuant to NRS 644.023 other than the activities expressly set forth in subsections 1 and 2.

Sec. 6. ***1. A school of cosmetology shall not:***

(a) Collect the entire amount of the cost for a program at the school of cosmetology from a student of cosmetology at the time the student enters into a contract with the school of cosmetology; or

(b) Except for an initial payment of not more than 25 percent of the total amount of the cost for the program at the school, invoice or collect from a student a periodic payment toward the cost for the quarter of the program at the school of cosmetology until at least 75 percent of the instruction in the curriculum of the immediately preceding quarter of the program has been completed.

2. A school of cosmetology shall use the contract for the enrollment of a student in a program at the school of cosmetology that was submitted to and approved by the Board, including any revisions approved by the Board pursuant to subsection 3, to contract with the student of cosmetology. The approved contract must include, without limitation:

(a) A notice indicating that the school of cosmetology is not required to post a surety bond with the Board; and

(b) A provision indicating that the school of cosmetology is authorized to collect:

(1) Not more than 25 percent of the total amount of the cost for the program at the school of cosmetology from a student at the time the student enters into the contract with the school of cosmetology; and

(2) Additional periodic payments in increments of not more than 25 percent of the total amount of the cost for the program for each quarter of the program. This amount may be collected by the school of cosmetology when at least 75 percent of the instruction in the curriculum of the immediately preceding quarter of the program has been completed.

3. The school of cosmetology shall submit to the Board for its approval a notice detailing any revisions to the approved contract. The revisions must be approved by the Board before the school of cosmetology may use the revised contract. The revisions shall be deemed to be approved by the Board if the revisions are not disapproved by the Board within 60 days after their submission to the Board.

4. The Board:

(a) Shall respond to any complaints with regard to a contract between a school of cosmetology and a student of cosmetology; and

(b) If the Board or its staff has reason to believe that a school of cosmetology has not complied with any provisions governing such a contract, may require the school of cosmetology to submit for review its current contract for the enrollment of a student or may conduct an inspection of the school of cosmetology.

Sec. 7. 1. The Board shall admit to examination as a hair braider, at any meeting of the Board held to conduct examinations, each person who has applied to the Board in proper form and paid the fee, and who:

(a) Is not less than 18 years of age.

(b) Is of good moral character.

(c) Is a citizen of the United States or is lawfully entitled to remain and work in the United States.

(d) Has successfully completed the 10th grade in school or its equivalent and has submitted to the Board a notarized affidavit establishing the successful completion by the applicant of the 10th grade or its equivalent. Testing for equivalency must be pursuant to state or federal requirements.

(e) If the person has not practiced hair braiding previously:

(1) Has completed a minimum of 250 hours of training and education as follows:

(I) Fifty hours concerning the laws of Nevada and the regulations of the Board relating to cosmetology;

(II) Seventy-five hours concerning infection control and sanitation;

(III) Seventy-five hours regarding the health of the scalp and the skin of the human body; and

(IV) Fifty hours of clinical practice; and

(2) Has passed the practical demonstration in hair braiding and written tests described in section 9 of this act.

(f) If the person has practiced hair braiding in this State on a person who is related within the sixth degree of consanguinity without a license and without charging a fee:

(1) Has submitted to the Board a signed affidavit stating that the person has practiced hair braiding for at least 1 year on such a relative; and

(2) Has passed the practical demonstration in hair braiding and written tests described in section 9 of this act.

2. The application submitted pursuant to subsection 1 must be accompanied by:

(a) Two current photographs of the applicant which are 1 1/2 by 1 1/2 inches. The name and address of the applicant must be written on the back of each photograph.

(b) A copy of one of the following documents as proof of the age of the applicant:

(1) A driver's license or identification card issued to the applicant by this State or another state, the District of Columbia or any territory of the United States;

(2) The birth certificate of the applicant;

(3) The current passport issued to the applicant; or

(4) A voter registration card issued to the applicant pursuant to NRS 293.517.

Sec. 8. 1. The Board shall admit to examination as a hair braider, at any meeting of the Board held to conduct examinations, each person who has practiced hair braiding in another state, has applied to the Board in proper form and paid a fee of $200, and who:

(a) Is not less than 18 years of age.

(b) Is of good moral character.

(c) Is a citizen of the United States or is lawfully entitled to remain and work in the United States.

(d) Has successfully completed the 10th grade in school or its equivalent and has submitted to the Board a notarized affidavit establishing the successful completion by the applicant of the 10th grade or its equivalent. Testing for equivalency must be pursuant to state or federal requirements.

(e) If the person has practiced hair braiding in another state in accordance with a license issued in that other state:

(1) Has submitted to the Board proof of the license; and

(2) Has passed the written tests described in section 9 of this act.

(f) If the person has practiced hair braiding in another state without a license and it is legal in that state to practice hair braiding without a license:

(1) Has submitted to the Board a signed affidavit stating that the person has practiced hair braiding for at least 1 year; and

(2) Has passed the practical demonstration in hair braiding and written tests described in section 9 of this act.

2. The application submitted pursuant to subsection 1 must be accompanied by:

(a) Two current photographs of the applicant which are 1 1/2 by 1 1/2 inches. The name and address of the applicant must be written on the back of each photograph.

(b) A copy of one of the following documents as proof of the age of the applicant:

(1) A driver's license or identification card issued to the applicant by this State or another state, the District of Columbia or any territory of the United States;

(2) The birth certificate of the applicant;

(3) The current passport issued to the applicant; or

(4) A voter registration card issued to the applicant pursuant to NRS 293.517.

Sec. 9. 1. The examination for licensure as a hair braider pursuant to paragraph (e) of subsection 1 of section 8 of this act must include:

(a) A written test on antisepsis, sterilization and sanitation; and

(b) A written test on the laws of Nevada and the regulations of the Board relating to cosmetology.

2. The examination for licensure as a hair braider pursuant to section 7 or paragraph (f) of subsection 1 of section 8 of this act must include:

(a) The written tests described in subsection 1; and

(b) A practical demonstration in hair braiding.

Sec. 10. 1. Any person wishing to operate an establishment for hair braiding must apply to the Board for a license, through the owner, manager or person in charge, upon forms prepared and furnished by the Board. Each application must contain a detailed floor plan of the proposed

establishment for hair braiding and proof of any particular requisites for a license provided for in this chapter, and must be verified by the oath of the maker.

2. The applicant must submit the application accompanied by the required fees for inspection and licensing. After the applicant has submitted the application, the applicant must contact the Board and request a verbal review concerning the application to determine if the establishment for hair braiding complies with the requirements of this chapter and any regulations adopted by the Board. If, based on the verbal review, the Board determines that the establishment for hair braiding meets those requirements, the Board shall issue to the applicant the required license. Upon receipt of the license, the applicant must contact the Board to request the activation of the license. A license issued pursuant to this subsection is not valid until it is activated. The Board shall conduct an on-site inspection of the establishment for hair braiding not later than 90 days after the date on which the license is activated.

3. The fee for a license for an establishment for hair braiding is $200. The fee for the initial inspection is $15. If an additional inspection is necessary, the fee is $25.

Sec. 11. 1. The Board must be notified of any change of ownership, name, services offered or location of an establishment for hair braiding. The establishment may not be operated after the change until a new license is issued. The owner of the establishment must apply to the Board for the license and pay the fees established pursuant to subsection 3 of section 10 of this act.

2. After a license has been issued for the operation of an establishment for hair braiding, any changes in the physical structure of the establishment must be approved by the Board.

Sec. 12. 1. The license of an establishment for hair braiding expires 2 years after the date of issuance or renewal of the license.

2. If the owner of an establishment for hair braiding fails to pay the required fee for renewal of its license within 90 days after the date of expiration of the license, the establishment must be immediately closed.

Sec. 13. Every holder of a license issued by the Board to operate an establishment for hair braiding shall display the license in plain view of members of the general public in the principal office or place of business of the holder.

Sec. 14. Hair braiding may be practiced in an establishment for hair braiding by licensed hair braiders, hair designers or cosmetologists who are:

1. Employees of the owner of the establishment; or

2. Lessees of space from the owner of the establishment.

Sec. 15. ***An establishment for hair braiding must, at all times, be under the immediate supervision of a licensed hair braider, hair designer or cosmetologist.***

Sec. 16. ***Food or beverages for immediate consumption may be sold in an establishment for hair braiding.***

Sec. 17. **NRS 644.020 is hereby amended to read as follows:**

644.020 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 644.0205 to 644.0295, inclusive, ***and sections 3, 4 and 5 of this act*** have the meanings ascribed to them in those sections.

Sec. 18. **NRS 644.0205 is hereby amended to read as follows:**

644.0205 1. "Aesthetician" means any person who engages in the practices of:

(a) Beautifying, massaging, cleansing or stimulating the skin of the human body by the use of cosmetic preparations, antiseptics, tonics, lotions or creams, or any device, electrical or otherwise, for the care of the skin;

(b) Applying cosmetics or eyelashes to any person, tinting eyelashes and eyebrows, and lightening hair on the body; and

(c) Removing superfluous hair from the body of any person by the use of depilatories, waxing, tweezers or sugaring,

➥ but does not include the branches of cosmetology of a cosmetologist, hair designer, ***hair braider,*** electrologist or nail technologist.

2. As used in this section, "depilatories" does not include the practice of threading.

Sec. 19. **NRS 644.024 is hereby amended to read as follows:**

644.024 "Cosmetology" includes the occupations of a cosmetologist, aesthetician, electrologist, hair designer, ***hair braider,*** demonstrator of cosmetics and nail technologist.

Sec. 20. **NRS 644.090 is hereby amended to read as follows:**

644.090 The Board shall:

1. Hold examinations to determine the qualifications of all applicants for a license, except as otherwise provided in this chapter, whose applications have been submitted to it in proper form.

2. Issue licenses to such applicants as may be entitled thereto.

3. License ***establishments for hair braiding,*** cosmetological establishments and schools of cosmetology.

4. Report to the proper prosecuting officers all violations of this chapter coming within its knowledge.

5. Inspect schools of cosmetology ***, establishments for hair braiding*** and cosmetological establishments to ensure compliance with the statutory requirements and adopted regulations of the Board. This authority extends to any member of the Board or its authorized employees.

Sec. 21. **NRS 644.110 is hereby amended to read as follows:**

644.110 The Board shall adopt reasonable regulations:

1. For carrying out the provisions of this chapter.

2. For conducting examinations of applicants for licenses.

3. For governing the recognition of, and the credits to be given to, the study of cosmetology under a licensed electrologist or in a school of cosmetology licensed pursuant to the laws of another state or territory of the United States or the District of Columbia.

4. For governing the conduct of schools of cosmetology. The regulations must include but need not be limited to, provisions:

(a) Prohibiting schools from requiring that students purchase beauty supplies for use in the course of study;

(b) Prohibiting schools from deducting earned hours of school credit or any other compensation earned by a student as a punishment for misbehavior of the student;

(c) Providing for lunch and coffee recesses for students during school hours; and

(d) Allowing a member or an authorized employee of the Board to review the records of a student's training and attendance.

5. Governing the courses of study and practical training required of persons for treating the skin of the human body.

6. For governing the conduct of cosmetological establishments.

7. As the Board determines are necessary for governing the conduct of establishments for hair braiding.

~~[Section 1.]~~ ***Sec. 22.*** NRS 644.120 is hereby amended to read as follows:

644.120 1. The Board may adopt such regulations governing sanitary conditions as it deems necessary with particular reference to the precautions to be employed to prevent the creating or spreading of infectious or contagious diseases ***in the practice of hair braiding, in establishments for hair braiding, in the practice of a cosmetologist,*** in cosmetological establishments or schools of cosmetology, ~~[or]~~ ~~[in the practice of a cosmetologist]~~ ~~[.]~~ ~~[,]~~ ***in the practice of threading and in any facility in this State in which threading is conducted.***

2. No regulation governing sanitary conditions thus adopted has any effect until it has been approved by the State Board of Health.

3. A copy of all regulations governing sanitary conditions which are adopted must be furnished to each person to whom a license is issued for the conduct of a cosmetological establishment, ***establishment for hair braiding,*** school of cosmetology or practice of cosmetology.

Sec. 23. **NRS 644.130 is hereby amended to read as follows:**

644.130 1. The Board shall keep a record containing the name, known place of business, and the date and number of the license of every nail technologist, electrologist, aesthetician, hair designer, ***hair braider,*** demonstrator of cosmetics and cosmetologist, together with the names and addresses of all ***establishments for hair braiding,*** cosmetological establishments and schools of cosmetology licensed pursuant to this chapter. The record must also contain the facts which the applicants claimed in their applications to justify their licensure.

2. The Board may disclose the information contained in the record kept pursuant to subsection 1 to:

(a) Any other licensing board or agency that is investigating a licensee.

(b) A member of the general public, except information concerning the home and work address and telephone number of a licensee.

Sec. 24. **NRS 644.190 is hereby amended to read as follows:**

644.190 1. It is unlawful for any person to conduct or operate a cosmetological establishment, ***an establishment for hair braiding, a*** school of cosmetology or any other place of business in which any one or any combination of the occupations of cosmetology are taught or practiced unless the person is licensed in accordance with the provisions of this chapter.

2. Except as otherwise provided in ~~[subsection 4,]~~ ***subsections 4 and 5,*** it is unlawful for any person to engage in, or attempt to engage in, the practice of cosmetology or any branch thereof, whether for compensation or otherwise, unless the person is licensed in accordance with the provisions of this chapter.

3. This chapter does not prohibit:

(a) Any student in any school of cosmetology established pursuant to the provisions of this chapter from engaging, in the school and as a student, in work connected with any branch or any combination of branches of cosmetology in the school.

(b) An electrologist's apprentice from participating in a course of practical training and study.

(c) A person issued a provisional license as an instructor pursuant to NRS 644.193 from acting as an instructor and accepting compensation therefor while accumulating the hours of training as a teacher required for an instructor's license.

(d) The rendering of cosmetological services by a person who is licensed in accordance with the provisions of this chapter, if those services are rendered in connection with photographic services provided by a photographer.

(e) A registered cosmetologist's apprentice from engaging in the practice of cosmetology under the immediate supervision of a licensed cosmetologist.

4. A person employed to render cosmetological services in the course of and incidental to the production of a motion picture, television program, commercial or advertisement is exempt from the licensing requirements of this chapter if he or she renders cosmetological services only to persons who will appear in that motion picture, television program, commercial or advertisement.

5. A person practicing hair braiding is exempt from the licensing requirements of this chapter applicable to hair braiding if the hair braiding is practiced on a person who is related within the sixth degree of consanguinity and the person does not accept compensation for the hair braiding.

Sec. 25. **NRS 644.193 is hereby amended to read as follows:**

644.193 1. The Board may grant a provisional license as an instructor to a person who:

(a) Has successfully completed the 12th grade in school or its equivalent and submits written verification of the completion of his or her education;

(b) Has practiced as a full-time licensed cosmetologist, hair designer, ***hair braider,*** aesthetician or nail technologist for 1 year and submits written verification of his or her experience;

(c) Is licensed pursuant to this chapter;

(d) Applies for a provisional license on a form supplied by the Board;

(e) Submits two current photographs of himself or herself; and

(f) Has paid the fee established pursuant to subsection 2.

2. The Board shall establish and collect a fee of not less than $40 and not more than $75 for the issuance of a provisional license as an instructor.

3. A person issued a provisional license pursuant to this section may act as an instructor for compensation while accumulating the number of hours of training required for an instructor's license.

4. A provisional license as an instructor expires upon accumulation by the licensee of the number of hours of training required for an instructor's license or 1 year after the date of issuance, whichever occurs first. The Board may grant an extension of not more than 45 days to those provisional licensees who have applied to the Board for examination as instructors and are awaiting examination.

~~[Sec. 2.]~~ ***Sec. 26.*** NRS 644.200 is hereby amended to read as follows:

644.200 The Board shall admit to examination for a license as a cosmetologist, at any meeting of the Board held to conduct examinations, any person who has made application to the Board in proper form and paid the fee, and who before or on the date of the examination:

1. Is not less than 18 years of age.

2. Is of good moral character.

3. ***Is a citizen of the United States or is lawfully entitled to remain and work in the United States.***

4. Has successfully completed the 10th grade in school or its equivalent. Testing for equivalency must be pursuant to applicable state or federal requirements.

~~[4.]~~ ***5.*** Has had any one of the following:

(a) Training of at least 1,800 hours, extending over a school term of 10 months, in a school of cosmetology approved by the Board.

(b) Practice of the occupation of a cosmetologist for a period of 4 years outside this State.

(c) If the applicant is a barber registered pursuant to chapter 643 of NRS, 400 hours of specialized training approved by the Board.

(d) Completion of at least 3,600 hours of service as a cosmetologist's apprentice in a licensed cosmetological establishment in which all of the occupations of cosmetology are practiced. The required hours must have been completed during the period of validity of the certificate of registration as a cosmetologist's apprentice issued to the person pursuant to NRS 644.217.

~~[Sec. 3.]~~ ***Sec. 27.*** NRS 644.203 is hereby amended to read as follows:

644.203 The Board shall admit to examination for a license as an electrologist any person who has made application to the Board in the proper form and paid the fee, and who before or on the date set for the examination:

1. Is not less than 18 years of age.
2. Is of good moral character.
3. ***Is a citizen of the United States or is lawfully entitled to remain and work in the United States.***

4. Has successfully completed the 12th grade in school or its equivalent.

~~[4.]~~ ***5.*** Has or has completed any one of the following:

(a) A minimum training of 500 hours under the immediate supervision of an approved electrologist in an approved school in which the practice is taught.

(b) Study of the practice for at least 1,000 hours extending over a period of 5 consecutive months, under an electrologist licensed pursuant to this chapter, in an approved program for electrologist's apprentices.

(c) A valid electrologist's license issued by a state whose licensing requirements are equal to or greater than those of this State.

(d) Either training or practice, or a combination of training and practice, in electrology outside this State for a period specified by regulations of the Board.

~~[Sec. 4.]~~ ***Sec. 28.*** NRS 644.204 is hereby amended to read as follows:

644.204 The Board shall admit to examination for a license as a hair designer, at any meeting of the Board held to conduct examinations, each

person who has applied to the Board in proper form and paid the fee, and who:

1. Is not less than 18 years of age.
2. Is of good moral character.
3. ***Is a citizen of the United States or is lawfully entitled to remain and work in the United States.***

4. Has successfully completed the 10th grade in school or its equivalent. Testing for equivalency must be pursuant to state or federal requirements.

~~[4.]~~ ***5.*** Has had at least one of the following:

(a) Training of at least 1,200 hours, extending over a period of 7 consecutive months, in a school of cosmetology approved by the Board.

(b) Practice of the occupation of hair designing for at least 4 years outside this State.

(c) If the applicant is a barber registered pursuant to chapter 643 of NRS, 400 hours of specialized training approved by the Board.

~~[Sec. 5.]~~ ***Sec. 29.*** NRS 644.205 is hereby amended to read as follows:

644.205 The Board shall admit to examination for a license as a nail technologist any person who has made application to the Board in proper form, paid the fee and who, before or on the date of the examination:

1. Is not less than 18 years of age.
2. Is of good moral character.
3. ***Is a citizen of the United States or is lawfully entitled to remain and work in the United States.***

4. Has successfully completed the 10th grade in school or its equivalent.

~~[4.]~~ ***5.*** Has had any one of the following:

(a) Practical training of at least 600 hours under the immediate supervision of a licensed instructor in a licensed school of cosmetology in which the practice is taught.

(b) Practice as a full-time licensed nail technologist for 1 year outside the State of Nevada.

~~[Sec. 6.]~~ ***Sec. 30.*** NRS 644.206 is hereby amended to read as follows:

644.206 The Board shall admit to examination for a license as a demonstrator of cosmetics any person who has made application to the Board in proper form, paid the fee and:

1. Is at least 18 years of age;
2. Is of good moral character;
3. ***Is a citizen of the United States or is lawfully entitled to remain and work in the United States;***

4. Has completed a course provided by the Board relating to sanitation; and

~~[4.]~~ ***5.*** Except as otherwise provided in NRS 622.090, has received a score of not less than 75 percent on the examination administered by the Board.

~~[Sec. 7.]~~ ***Sec. 31.*** NRS 644.207 is hereby amended to read as follows:

644.207 The Board shall admit to examination for a license as an aesthetician any person who has made application to the Board in proper form, paid the fee and:

1. Is at least 18 years of age;
2. Is of good moral character;
3. ***Is a citizen of the United States or is lawfully entitled to remain and work in the United States;***

4. Has successfully completed the 10th grade in school or its equivalent; and

~~[4.]~~ ***5.*** Has received a minimum of 900 hours of training, which includes theory, modeling and practice, in a licensed school of cosmetology or who has practiced as a full-time licensed aesthetician for at least 1 year.

Sec. 32. **NRS 644.220 is hereby amended to read as follows:**

644.220 1. In addition to the fee for an application, the fees for examination are:

(a) For examination as a cosmetologist, not less than $75 and not more than $200.

(b) For examination as an electrologist, not less than $75 and not more than $200.

(c) For examination as a hair designer, not less than $75 and not more than $200.

(d) ***For examination as a hair braider, $110.***

(e) For examination as a nail technologist, not less than $75 and not more than $200.

~~[(e)]~~ ***(f)*** For examination as an aesthetician, not less than $75 and not more than $200.

~~[(f)]~~ ***(g)*** For examination as an instructor of aesthetics, hair designers, cosmetology or nail technology, not less than $75 and not more than $200.

~~[2. The]~~

2. Except as otherwise provided in this subsection, the fee for each reexamination is not less than $75 and not more than $200.

~~[2.]~~ ***The fee for reexamination as a hair braider is $110.***

3. In addition to the fee for an application, the fee for examination or reexamination as a demonstrator of cosmetics is $75.

~~[3.]~~ ***4.*** Each applicant referred to in subsections 1 and ~~[2]~~ ***3*** shall, in addition to the fees specified therein, pay the reasonable value of all supplies necessary to be used in the examination.

Sec. 33. **NRS 644.260 is hereby amended to read as follows:**

644.260 The Board shall issue a license as a cosmetologist, aesthetician, electrologist, hair designer, ***hair braider,*** nail technologist, demonstrator of cosmetics or instructor to each applicant who:

1. Passes a satisfactory examination, conducted by the Board to determine his or her fitness to practice that occupation of cosmetology; and

2. Complies with such other requirements as are prescribed in this chapter for the issuance of the license.

Sec. 34. **NRS 644.300 is hereby amended to read as follows:**

644.300 Every licensed nail technologist, electrologist, aesthetician, hair designer, ***hair braider,*** demonstrator of cosmetics or cosmetologist shall, within 30 days after changing his or her place of business, as designated in the records of the Board, notify the Secretary of the Board of the new place of business. Upon receipt of the notification, the Secretary shall make the necessary change in the records.

~~[Sec. 8.]~~ ***Sec. 35.*** NRS 644.310 is hereby amended to read as follows:

644.310 ~~[Upon]~~ ***Except as otherwise provided in section 8 of this act, upon*** application to the Board, accompanied by a fee of $200, a person currently licensed in any branch of cosmetology under the laws of another state or territory of the United States or the District of Columbia may, without examination, unless the Board sees fit to require an examination, be granted a license to practice the occupation in which the applicant was previously licensed upon proof satisfactory to the Board that the applicant:

1. Is not less than 18 years of age.

2. Is of good moral character.

3. ***Is a citizen of the United States or is lawfully entitled to remain and work in the United States.***

4. Has successfully completed a nationally recognized written examination in this State or in the state or territory or the District of Columbia in which he or she is licensed.

~~[4.]~~ ***5.*** Is currently licensed in another state or territory or the District of Columbia.

Sec. 36. **NRS 644.320 is hereby amended to read as follows:**

644.320 1. The license of every cosmetologist, aesthetician, electrologist, hair designer, ***hair braider,*** nail technologist, demonstrator of cosmetics and instructor expires:

(a) If the last name of the licensee begins with the letter "A" through the letter "M," on the date of birth of the licensee in the next succeeding odd-numbered year or such other date in that year as specified by the Board.

(b) If the last name of the licensee begins with the letter "N" through the letter "Z," on the date of birth of the licensee in the next succeeding even-numbered year or such other date in that year as specified by the Board.

2. The Board shall adopt regulations governing the proration of the fee required for initial licenses ***, other than initial licenses as a hair braider,*** issued for less than 1 1/2 years.

3. Except as otherwise provided in this section, the fee for an initial license as a hair braider is $70. The fee for an initial license as a hair braider issued by the Board for:

(a) At least a portion of 1 month but less than 6 months is $17.50.

(b) Six months or more but less than 12 months is $35.00

(c) Twelve months or more but less than 18 months is $52.50.

Sec. 37. **NRS 644.325 is hereby amended to read as follows:**

644.325 1. An application for renewal of any license issued pursuant to this chapter must be:

(a) Made on a form prescribed and furnished by the Board;

(b) Made on or before the date for renewal specified by the Board;

(c) Accompanied by the fee for renewal; and

(d) Accompanied by all information required to complete the renewal.

2. The fees for renewal are:

(a) For nail technologists, electrologists, aestheticians, hair designers, demonstrators of cosmetics and cosmetologists, not less than $50 and not more than $100.

(b) ***For hair braiders, $70.***

(c) For instructors, not less than $60 and not more than $100.

~~[(c)]~~ ***(d)*** For cosmetological establishments, not less than $100 and not more than $200.

~~[(d)]~~ ***(e) For establishments for hair braiding, $70.***

(f) For schools of cosmetology, not less than $500 and not more than $800.

3. For each month or fraction thereof after the date for renewal specified by the Board in which a license is not renewed, there must be assessed and collected at the time of renewal a penalty of $50 for a school of cosmetology and $20 for ***an establishment for hair braiding,*** a cosmetological establishment and all persons licensed pursuant to this chapter.

4. An application for the renewal of a license as a cosmetologist, hair designer, ***hair braider,*** aesthetician, electrologist, nail technologist, demonstrator of cosmetics or instructor must be accompanied by two current photographs of the applicant which are 1 1/2 by 1 1/2 inches. The name and address of the applicant must be written on the back of each photograph.

5. Before a person applies for the renewal of a license on or after January 1, 2011, as a cosmetologist, hair designer, ***hair braider,*** aesthetician, electrologist, nail technologist or demonstrator of cosmetics, the person must complete at least 4 hours of instruction relating to infection control in a professional course or seminar approved by the Board.

Sec. 38. **NRS 644.330 is hereby amended to read as follows:**

644.330 1. A nail technologist, electrologist, aesthetician, hair designer, ***hair braider,*** cosmetologist, demonstrator of cosmetics or instructor whose license has expired may have his or her license renewed only upon payment of all required fees and submission of all information required to complete the renewal.

2. Any nail technologist, electrologist, aesthetician, hair designer, ***hair braider,*** cosmetologist, demonstrator of cosmetics or instructor who retires from practice for more than 1 year may have his or her license restored only upon payment of all required fees and submission of all information required to complete the restoration.

3. No nail technologist, electrologist, aesthetician, hair designer, ***hair braider,*** cosmetologist, demonstrator of cosmetics or instructor who has retired from practice for more than 4 years may have his or her license restored without examination and must comply with any additional requirements established in regulations adopted by the Board.

~~[Sec. 9.]~~ ***Sec. 39.*** NRS 644.350 is hereby amended to read as follows:

644.350 1. The license of every cosmetological establishment expires ~~[~~**:**

~~(a) If the last name of the owner begins with the letter "A" through the letter "M," on the date of birth of the owner in the next succeeding odd-numbered year.~~

~~(b) If the last name of the owner begins with the letter "N" through the letter "Z," on the date of birth of the owner in the next succeeding even-numbered year.~~

~~2. If a cosmetological establishment has more than one owner, the Board shall designate one of the owners whose last name will be used for the purpose of determining the date of expiration of the license of the cosmetological establishment.~~

~~3.]~~ ***2 years after the date of issuance or renewal of the license.***

2. If a cosmetological establishment fails to pay the required fee for renewal of its license within 90 days after the date of expiration of the license, the establishment must be immediately closed.

Sec. 40. **NRS 644.380 is hereby amended to read as follows:**

644.380 1. Any person desiring to conduct a school of cosmetology in which any one or any combination of the occupations of cosmetology are taught must apply to the Board for a license, through the owner, manager or person in charge, upon forms prepared and furnished by the Board. Each application must contain proof of the particular requisites for a license provided for in this chapter, and must be verified by the oath of the maker. The forms must be accompanied by:

(a) A detailed floor plan of the proposed school;

(b) The name, address and number of the license of the manager or person in charge and of each instructor;

(c) Evidence of financial ability to provide the facilities and equipment required by regulations of the Board and to maintain the operation of the proposed school for 1 year;

(d) Proof that the proposed school will commence operation with an enrollment of not less than 25 bona fide students;

(e) The annual fee for a license; ~~[and]~~

(f) ***A copy of the contract for the enrollment of a student in a program at the school of cosmetology; and***

(g) The name and address of the person designated to accept service of process.

2. Upon receipt by the Board of the application, the Board shall, before issuing a license, determine whether the proposed school:

(a) Is suitably located.

(b) Contains at least 5,000 square feet of floor space and adequate equipment.

(c) ***Has a contract for the enrollment of a student in a program at the school of cosmetology that is approved by the Board.***

(d) Meets all requirements established by regulations of the Board.

3. The annual fee for a license for a school of cosmetology is not less than $500 and not more than $800.

4. If the ownership of the school changes or the school moves to a new location, the school may not be operated until a new license is issued by the Board.

5. After a license has been issued for the operation of a school of cosmetology, the licensee must obtain the approval of the Board before making any changes in the physical structure of the school.

Sec. 41. **NRS 644.430 is hereby amended to read as follows:**

644.430 1. The following are grounds for disciplinary action by the Board:

(a) Failure of an owner of ***an establishment for hair braiding,*** a cosmetological establishment, a licensed aesthetician, cosmetologist, hair designer, ***hair braider,*** electrologist, instructor, nail technologist, demonstrator of cosmetics or school of cosmetology, or a cosmetologist's apprentice to comply with the requirements of this chapter or the applicable regulations adopted by the Board.

(b) Obtaining practice in cosmetology or any branch thereof, for money or any thing of value, by fraudulent misrepresentation.

(c) Gross malpractice.

(d) Continued practice by a person knowingly having an infectious or contagious disease.

(e) Drunkenness or the use or possession, or both, of a controlled substance or dangerous drug without a prescription, while engaged in the practice of cosmetology.

(f) Advertisement by means of knowingly false or deceptive statements.

(g) Permitting a license to be used where the holder thereof is not personally, actively and continuously engaged in business.

(h) Failure to display the license as provided in NRS 644.290, 644.360 and 644.410 **~~[.]~~** ***and section 13 of this act.***

(i) Entering, by a school of cosmetology, into an unconscionable contract with a student of cosmetology.

(j) Continued practice of cosmetology or operation of a cosmetological establishment or school of cosmetology after the license therefor has expired.

(k) Any other unfair or unjust practice, method or dealing which, in the judgment of the Board, may justify such action.

2. If the Board determines that a violation of this section has occurred, it may:

(a) Refuse to issue or renew a license;

(b) Revoke or suspend a license;

(c) Place the licensee on probation for a specified period;

(d) Impose a fine not to exceed $2,000; or

(e) Take any combination of the actions authorized by paragraphs (a) to (d), inclusive.

3. An order that imposes discipline and the findings of fact and conclusions of law supporting that order are public records.

Sec. 42. **NRS 644.472 is hereby amended to read as follows:**

644.472 1. Except as otherwise provided in subsection 2, it is unlawful for any animal to be on the premises of a licensed ***establishment for hair braiding or*** cosmetological establishment.

2. An aquarium may be maintained on the premises of a licensed ***establishment for hair braiding or*** cosmetological establishment.

~~[Sec. 10.]~~ ***Sec. 43.*** NRS 644.383 is hereby repealed.

Sec. 44. **The provisions of this act apply to contracts entered into on or after July 1, 2011.**

Sec. 45. **Each school of cosmetology licensed before July 1, 2011, before entering into a contract for the enrollment of a student in a program at the school of cosmetology, shall obtain the Board's approval of the contract. Thereafter, any revisions to the approved contract must be approved in accordance with section 6 of this act.**

Sec. 46. **1. The State Board of Cosmetology shall:**

(a) On July 1, 2011, begin issuing licenses:

(1) To practice as a hair braider; and

(2) To operate an establishment for hair braiding.

(b) On or before July 1, 2011, adopt any regulations that the Board determines are necessary to enable the Board to begin issuing the licenses described in paragraph (a) on July 1, 2011.

2. As used in this section:

(a) "Establishment for hair braiding" has the meaning ascribed to it in section 3 of this act.

(b) "Hair braider" has the meaning ascribed to it in section 4 of this act.

(c) "Hair braiding" has the meaning ascribed to it in section 5 of this act.

Sec. 47. **This act becomes effective:**

1. Upon passage and approval for the purposes of adopting regulations and performing any other preparatory administrative tasks, including, without limitation, the approval of contracts, as needed to carry out the provisions of this act; and

2. On July 1, 2011, for all other purposes.

TEXT OF REPEALED SECTION

644.383 Surety bond.

1. The owner of each school of cosmetology shall post with the Board a surety bond executed by the applicant as principal and by a surety company as surety. If the license for the school was issued:

(a) On or before June 30, 2005, the bond must be in the amount of $10,000; or

(b) On or after July 1, 2005, except as otherwise provided in subsections 6 and 7, the bond must be in the amount determined by the Board pursuant to subsections 2 to 5, inclusive.

2. The amount of the bond required for a school of cosmetology pursuant to paragraph (b) of subsection 1 is the total of the amounts of the bonds for all of the programs offered by the school, except that:

(a) The total amount determined pursuant to subsections 3, 4 and 5 must be rounded down to the nearest $5,000; and

(b) The amount of the bond required for the school must not be less than $10,000 or more than $400,000.

3. Except as otherwise provided in subsection 4, the amount of the bond for a program at a school of cosmetology is equal to the cost to be paid by a student for the program multiplied by the number of students who will enroll in the program each year.

4. If the length of a program at a school of cosmetology is less than 1 year, the amount of the bond for that program is equal to the amount determined pursuant to subsection 3 divided by 52 and multiplied by the number of whole or partial weeks in the program.

5. Except as otherwise provided in subsection 2, the amount of the bond required for a school of cosmetology pursuant to paragraph (b) of subsection 1 must be reduced to 12 percent of the total of the amounts calculated pursuant to subsections 3 and 4 if the school participates in:

(a) Any program of student assistance pursuant to Title IV of the Higher Education Act of 1965, as amended, 20 U.S.C. §§ 1070 et. seq.; or

(b) Any other program administered by the United States Department of Education through which students at the school receive loans.

6. If a school of cosmetology has been licensed for not less than 5 years, the Board shall set the amount of the bond required pursuant to paragraph (b) of subsection 1 for the school:

(a) In the amount of $10,000, if the Board did not receive any valid complaints against the school during the immediately preceding 5 years;

(b) In an amount not less than $10,000 and not more than the amount calculated pursuant to subsections 2 to 5, inclusive, if the Board received one or more valid complaints against the school during the immediately preceding 5 years and the Board determines that each such complaint was a complaint of a minor violation of the provisions of this chapter or of any regulations adopted pursuant to this chapter; and

(c) In the amount calculated pursuant to subsections 2 to 5, inclusive, if the Board received one or more valid complaints against the school during the immediately preceding 5 years and the Board determines that any such complaint was a complaint of a major violation of the provisions of this chapter or any regulations adopted pursuant thereto.

7. The bond required for a school of cosmetology must be in the amount of $10,000 if the school:

(a) Is initially licensed on or before June 30, 2005;

(b) Has been continuously licensed since June 30, 2005; and

(c) Is relocated and obtains a license for the new location on or after July 1, 2005.

8. The bond must be in the form approved by the Board and must be conditioned upon compliance with the provisions of this chapter and upon faithful compliance with the terms and conditions of any contracts, verbal or written, made by the school to furnish instruction to any person. The bond must be to the State of Nevada in favor of every person who pays or deposits money with the school as payment for instruction. A bond continues in effect until notice of termination is given by registered or certified mail to the Board, and every bond must set forth this fact.

9. A person claiming to be injured or damaged by an act of the school may maintain an action in any court of competent jurisdiction on the bond against the school and the surety named therein, or either of them, for refund of tuition paid. Any judgment against the principal or surety in any such action must include the costs thereof and those incident to the bringing of the action, including a reasonable attorney's fee. The aggregate liability of the surety to all such persons may not exceed the sum of the bond.

10. The Board shall adopt regulations defining the terms "minor violation" and "major violation" for the purposes of subsection 6.

Assemblyman Atkinson moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Senate Bill No. 218.

Bill read second time and ordered to third reading.

Senate Bill No. 408.

Bill read second time and ordered to third reading.

Senate Joint Resolution No. 8.

Bill read second time and ordered to third reading.

Senate Joint Resolution No. 14.

Bill read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 486.

Bill read third time.

Remarks by Assemblyman Aizley.

Roll call on Assembly Bill No. 486:

YEAS—42.

NAYS—None.

Assembly Bill No. 486 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 491.

Bill read third time.

Remarks by Assemblyman Grady.

Roll call on Assembly Bill No. 491:

YEAS—42.

NAYS—None.

Assembly Bill No. 491 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 493.

Bill read third time.

Remarks by Assemblyman Kirner.

Roll call on Assembly Bill No. 493:

YEAS—42.

NAYS—None.

Assembly Bill No. 493 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 495.

Bill read third time.

Roll call on Assembly Bill No. 495:

YEAS—42.

NAYS—None.

Assembly Bill No. 495 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 130.

Bill read third time.

Remarks by Assemblyman Hambrick.

Roll call on Senate Bill No. 130:

YEAS—35.

NAYS—Carlton, Ellison, Goedhart, Hansen, Kite, McArthur, Woodbury—7.

Senate Bill No. 130 having received a two-thirds majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 248.

Bill read third time.

Remarks by Assemblymen Diaz, Goicoechea, Goedhart, Oceguera, Dondero Loop, Anderson, and Conklin.

Roll call on Senate Bill No. 248:

YEAS—34.

NAYS—Ellison, Goedhart, Goicoechea, Grady, Hansen, Kite, McArthur, Stewart—8.

Senate Bill No. 248 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 406.

Bill read third time.

Remarks by Assemblyman Frierson.

Roll call on Senate Bill No. 406:

YEAS—42.

NAYS—None.

Senate Bill No. 406 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Benitez-Thompson, the privilege of the floor of the Assembly Chamber for this day was extended to Vivian Pickett.

On request of Assemblyman Bobzien, the privilege of the floor of the Assembly Chamber for this day was extended to Margaret Mello.

On request of Assemblyman Brooks, the privilege of the floor of the Assembly Chamber for this day was extended to Charis Marrin.

On request of Assemblyman Daly, the privilege of the floor of the Assembly Chamber for this day was extended to Monica Brooks.

On request of Assemblywoman Diaz, the privilege of the floor of the Assembly Chamber for this day was extended to Sylvia Winters and Jenny Smith.

On request of Assemblywoman Flores, the privilege of the floor of the Assembly Chamber for this day was extended to Marty McGarry.

On request of Assemblyman Frierson, the privilege of the floor of the Assembly Chamber for this day was extended to Donna Curtis and Sally Layer.

On request of Assemblyman Goedhart, the privilege of the floor of the Assembly Chamber for this day was extended to Darrell Lacy and Gary Hollis.

On request of Assemblyman Hickey, the privilege of the floor of the Assembly Chamber for this day was extended to the following students and chaperones from Brown Elementary School: Kaylee Allen, Isis Atkins, Dylan Black, Max Bowman, Mike Bryan, Jaden Collins, Luc Cote`, Ethan Gail, Latin Gerry, Will Hadley, Sophie Hamrick, Samantha Iacoboni, William Kim, Patrick Kunkel, Christopher "Brody" MacCord, Gabby Miller, Macy Minore, Holly Moore, Jack Moore, Sophia Owen, Hannah Prins, Jason Rathmann, Caden Roelofs, Carah Salinas, Jenna Salivar, Jordan Salivar, Alexa Schnase, Andrew Seiler, Grace Silva, Lily Spicer, Lacee Travens, Abigail Andros, Nicholas Braido, Danniel Brown, Jakob Buschine, Halim Castiblanco-Alvarez, Lilian Darnell, Hannah Edwards, Daniel Fauth, Emily Felt, Hannah Felt, Adam Halsey, Rebecca Harvey, Tyler Hopper, Jayde Hunt, Hudson Kittrell, Tamaio Lagatta, Sophia Le Blanc, Daniel Mendoza, Riley Moore,

Brook Pieters, Juan Rawlins, Stephanie Silvestre, Lorena Sosa, Julia Soukup, Jacob Steimle, Wyatt Virgil, Jacob Weatherill, Jack Weise, Hannah White, Wyatt Goff, Dayna Ayers, Leann Morgan, Sandy Kunkel, Heather Minore, Cyndi Benik, Melissa Neil, Lisa Buschine, and Treena Hopper.

On request of Assemblyman Livermore, the privilege of the floor of the Assembly Chamber for this day was extended to the following students and chaperones from Fritsch Elementary School: Faith Bigelow, Nicholas Brown, Garrett Carel, Danny Escalante, Delaney Fair, Sydney Fields, Kyle Hilliard-Houle, Mikayla Kuhlman, Oscar Lara, Prabhjot Mand, Trinity Medina-Ramirez, Stephanie Melsheimer, Jacob Pettay, Abby Pradere, Trinati Randall, Delsin Roberts, Zach Smith, Victoria Soriano, Lucas Van Brow, Ryan Zuspan, Gabriel Morton, Destiny Cox, Samantha Flemming, Ivory DeMar, Alyssa Rowe, Ann Everest, Audrey Breeding, Carter Brown, Chance Sanders, Cory Bill, Dante Cruz, Devon Ryan, Eleanor Sturm, Emily Harper, Grace Berkich, Hannah Gray, Ian Pettersen, Jaden Dyer, Jake Corona-Bale, Lauren Krueger, Luke Bowler, Luis Roque, Micheal Hurlbert, Nick Bird, Samantha Weddell, Susan Fliegler, Tucker Callison, Zoe Stewart, Ethan Bayassee, Susan Flemming, Jackie Miranda, Nicole Melsheimer, Susan Cluff, Diana Easby, Johanna Davis, Ken Gray, Cindi Rowe, Kara Sturm, January Hurlbert, Joette Bale, and Melissa Weddell.

On request of Assemblywoman Neal, the privilege of the floor of the Assembly Chamber for this day was extended to Judith Lynch.

On request of Assemblywoman Pierce, the privilege of the floor of the Assembly Chamber for this day was extended to Jan Bachman and Anneliese Puthe.

On request of Assemblywoman Smith, the privilege of the floor of the Assembly Chamber for this day was extended to Dashun Jackson.

Assemblyman Conklin moved that the Assembly adjourn until Friday, May 13, 2011, at 12 noon.

Motion carried.

Assembly adjourned at 1:24 p.m.

Approved: JOHN OCEGUERA
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE NINTY-SIXTH DAY

CARSON CITY (Friday), May 13, 2011

Assembly called to order at 12:06 p.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblymen Bobzien and Hammond, who were excused.

Prayer by the Chaplain, Dr. Ken Haskins.

Our Heavenly Father, these are challenging times. At times, the tasks before us seem to be impossible. Still, we know that all things are possible with You. So provide for us all things needed to perform well and to promote the best interests of all Nevadans. I pray in Jesus' Name.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Conklin moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Ways and Means has had under consideration the various budgets for the Department of Administration, Information Technology Division and the Department of Information Technology, and begs leave to report back that the following accounts have been closed by the Committee:

Administration – Information Technology Division (101-1320)
Administration – Information Technology Projects (101-1325)
Information Technology – Office of Chief Information Officer (721-1373)
Information Technology – Application Support (721-1365)
Information Technology – Computer Facility (721-1385)
Information Technology – Data Communications and Network Engineering (721-1386)
Information Technology – Telecommunications (721-1387)
Information Technology – Network Transport Services (721-1388)
Information Technology – Security (721-1389)

Also, your Committee on Ways and Means has had under consideration the various budgets or the Nevada State Energy Office, and begs leave to report back that the following accounts have been closed by the Committee:

Governor's Office Energy Conservation (101-4868)
Renewable Energy and Energy Efficiency Authority (101-4869)
Renewable Energy, Efficiency and Conservation Loan (101-4875)

Also, your Committee on Ways and Means has had under consideration the budgets for the Western Interstate Commission for Higher Education, and begs leave to report back that the following accounts have been closed by the Committee:

Western Interstate Commission for Higher Education Administration (101-2995)
Western Interstate Commission for Higher Education Loan and Stipend (101-2681)

DEBBIE SMITH, *Chair*

REMARKS FROM THE FLOOR

Assemblyman Conklin moved that the following remarks be entered in the Journal.

Motion carried.

ASSEMBLYMAN CONKLIN:

Administration – Information Technology (IT) Division (101-1320) ADMIN-25:

The Committee approved the Governor's recommendations to eliminate the Department of Administration's Information Technology Division account, including the elimination of 0.80 FTE positions, the transfer of NEBS and software license administration to the Department of Administration, and the transfer of e-payment administration to the Office of the State Treasurer. The elimination of the IT Division Administrator provides General Fund savings of $94,220 in FY 2012 and $95,714 in FY 2013.

Administration – Information Technology (IT) Projects (101-1325) ADMIN-30:

The Committee approved closing the IT Projects budget account as recommended by the Governor with a letter of intent directing the Department to reestablish the project oversight committee to provide oversight of technology investment projects approved within their respective agencies for the 2011-13 biennium.

Administration – IT – Office of Chief Information Officer (721-1373) ADMIN-111:

The Committee approved the Governor's recommendations to merge DoIT with the Department of Administration, rename DoIT the Division of Enterprise Information Technology (IT) Services, and rename the DoIT Director's Office budget account the Office of the Chief Information Officer (CIO). With technical adjustments, the Committee approved the Governor's recommendations to eliminate 8 positions due to a duplication of effort, as well as to reclassify the Deputy Director to a Division Administrator/State CIO and relocate staff from leased space to a state-owned building. The Committee also approved the Governor's recommendations, including: transferring 1 position to the Budget and Planning Division to be the Chief of the Research, Planning, and Grants Management Unit; transferring DoIT's Fiscal Unit, consisting of 5 positions, to the Department of Administration's Administrative Services Division; and transferring 3 positions to the Office of the CIO budget account to consolidate the Department of Administration's PC/LAN Tech and Desktop Support.

Administration – IT – Application Support (721-1365) ADMIN-121:

Due to the merger with the Department of Administration, DoIT's Application Design and Development Division is renamed the Division of Enterprise IT Services Application Support budget account and becomes the customer-face of the Division of Enterprise IT Services. The Committee approved the Governor's recommendations to transfer 13 positions to the Application Support budget account in order to consolidate statewide Help Desk support and establish a new Enterprise Business Analysis Unit, with related position reclassifications, and staff relocation from leased space to a state-owned building. The Committee also approved the elimination of 1 vacant position and the reassignment of 1 position to the Web Services group to provide programming skills required for web development, as recommended by the Governor.

Administration – IT – Computer Facility (721-1385) ADMIN-131:

Due to the merger with the Department of Administration, DoIT's Computing Division is renamed the Division of Enterprise IT Services Computer Facility budget account. The Committee approved the Governor's recommendations to transfer one position to the Office of the CIO budget account for consolidating PC/LAN Tech and Desktop support. The Committee approved the transfer of 5 positions to the Application Support budget account to consolidate statewide Help Desk support, as well as staff relocation between state-owned facilities as recommended by the Governor. The Committee approved the Governor's recommendation to add 1 position to perform back-end functions in support of the Secretary of State's Portal project and to support the Unix Service and Virtual Server environment. The Committee also approved the Governor's recommendation to upgrade the existing Z9 mainframe to a Z10 mainframe due to the operating benefits and cost-effectiveness associated with the upgrade.

Administration – IT – Telecommunications (721-1387) ADMIN-148:

The Committee approved the Governor's recommendation to conduct a telecommunications study, with a letter of intent to be issued in order to monitor the findings of the study and the resulting implementation plan to consolidate state telecommunications and related systems.

The Committee approved closing the following Department of Administration's Division of Enterprise IT Services budget accounts as recommended by the Governor:

- Data Communications and Network Engineering (721-1386) ADMIN-141
- Network Transport Services (721-1388) ADMIN-155
- Security (721-1389) ADMIN-165

ASSEMBLYWOMAN CARLTON:

The Assembly Committee on Ways and Means has completed its review of the various budgets for the Nevada State Energy Office (NSOE) for the 2011-13 biennium. The closing recommendations for these accounts result in General Fund savings of $490,181 over the biennium, as compared to the amounts recommended by the Governor.

Governor's Office Energy Conservation (101-4868) ELECTED-30:

The Committee approved the Governor's recommendation to eliminate seven ARRA funded positions during the 2011-13 biennium in the base budget and NSOE's recommendation not to establish the Outreach Coordinator position originally requested for the Nevada Retrofit Initiative grant.

The Committee approved the Governor's recommendation, as amended, to restore four positions recommended for elimination in the base budget, subject to approval of the provisions of S.B. 60, which would allow interest and income earned through the repayment of loans to be used for administrative expenditures.

The Committee did not approve the Governor's amended recommendation to increase the salary for the Director's position during the 2011-13 biennium.

The Committee approved the Governor's recommendation to eliminate two positions in FY 2013, resulting in a General Fund reduction of $92,649.

The Committee approved the Governor's recommendation to utilize property tax abatement program revenue to support the NSOE during the 2011-13 biennium. The Committee also approved the utilization of a portion of the property tax abatement program revenue to offset General Fund appropriations in the NSOE account, which totaled $490,181 in The Executive Budget for the 2011-13 biennium. The Committee retained General Fund appropriations of $100 in each year of the 2011-13 biennium and approved authority for NSOE to request General Fund advances for cash flow purposes.

Renewable Energy & Energy Efficiency Authority (101-4869) ELECTED - 41:

The Committee approved the Governor's recommendation to consolidate the Renewable Energy and Energy Efficiency Authority with the NSOE.

The Committee also approved the Governor's recommendation, as amended, to eliminate the Nevada Energy Commissioner and Executive Assistant positions and to restore and transfer the Management Analyst II position to the NSOE.

Renewable Energy, Efficiency and Conservation Loan (101-4875) ELECTED-48:

The Committee voted to issue a letter of intent requiring NSOE to report to the Interim Finance Committee in December 2011 on the outcome of the recommendation to require borrowers to pay escrow costs.

The Committee also voted to issue a letter of intent requiring NSOE to report to the Interim Finance Committee on a semi-annual basis regarding the loans that have been issued to date, the amount of interest and principal paid to the State, and the funding available for new loans.

Finally, the Committee voted to approve the transfer of interest income earned through the repayment of loans to the NSOE account for expenditures associated with administration of the loan fund, subject to approval of the provisions of S.B. 60.

ASSEMBLYWOMAN MASTROLUCA:

WICHE Administration (101-2995) NSHE-108:

The Committee closed the WICHE Administration account as recommended by the Governor.

WICHE Loan and Stipend (101-2681) NSHE-112:

The Committee concurred with the WICHE Commission's recommendation to reduce the loan and stipend repayment revenues by $53,207 in FY 2012 and $68,446 in FY 2013 to reflect updated repayment projections. The Committee also concurred with the Commission's recommendation to reduce the number of student slots from the 104 in each fiscal year recommended by the Governor to 90 in FY 2012 and 89 in FY 2013 to reflect the reduced revenues.

In addition, the Committee approved the Commission's request for budgetary authority to balance forward to the next fiscal year unexpended loan and stipend repayment revenues received after May 15 of each fiscal year. Finally, the Committee approved a letter of intent to provide direction on the expenditure of balanced forward funds, as well as continue the existing letter of intent pertaining to the reporting on student slot reallocations approved by the Commission.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Education, to which were referred Senate Bills Nos. 14, 35, 229, 318, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

DAVID P. BOBZIEN, *Chair*

Mr. Speaker:

Your Committee on Transportation, to which was referred Senate Bill No. 51, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MARILYN DONDERO LOOP, *Chair*

Mr. Speaker:

Your Committee on Ways and Means, to which was rereferred Assembly Bill No. 419, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, as amended.

Also, your Committee on Ways and Means, to which was referred Assembly Bill No. 483, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DEBBIE SMITH, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 11, 2011

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 107, 161, 244, 269, 284, 321, 352, 355, 408, 429, 441, 538, 556.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolution No. 3.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 109, Amendment No. 558; Assembly Bill No. 211, Amendment No. 560; Assembly Bill No. 271, Amendment No. 557, and respectfully requests your honorable body to concur in said amendments.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Legislative Operations and Elections:

Assembly Bill No. 570—AN ACT relating to elections; revising the districts from which the members of the Board of Regents of the University of Nevada are elected; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Conklin moved that all bills, just reported out of committee, be placed on the appropriate reading file.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 519.

Bill read third time.

Remarks by Assemblyman Hardy.

Roll call on Assembly Bill No. 519:

YEAS—40.

NAYS—None.

EXCUSED—Bobzien, Hammond—2.

Assembly Bill No. 519 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 49.

Bill read third time.

Remarks by Assemblywoman Diaz.

Roll call on Senate Bill No. 49:

YEAS—40.

NAYS—None.

EXCUSED—Bobzien, Hammond—2.

Senate Bill No. 49 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 84.

Bill read third time.

Remarks by Assemblywoman Dondero Loop.

Roll call on Senate Bill No. 84:

YEAS—38.

NAYS—Ellison, Goedhart—2.

EXCUSED—Bobzien, Hammond—2.

Senate Bill No. 84 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 193.

Bill read third time.

Remarks by Assemblywoman Carlton.

Roll call on Senate Bill No. 193:

YEAS—40.

NAYS—None.

EXCUSED—Bobzien, Hammond—2.

Senate Bill No. 193 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 218.

Bill read third time.

Remarks by Assemblyman Horne.

Roll call on Senate Bill No. 218:

YEAS—40.

NAYS—None.

EXCUSED—Bobzien, Hammond—2.

Senate Bill No. 218 having received a two-thirds majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 408.

Bill read third time.

Remarks by Assemblywoman Carlton.

Roll call on Senate Bill No. 408:

YEAS—35.

NAYS—Atkinson, Conklin, Kirkpatrick, Oceguera, Smith—5.

EXCUSED—Bobzien, Hammond—2.

Senate Bill No. 408 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Conklin moved that Senate Joint Resolution No. 8 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Joint Resolution No. 14.

Resolution read third time.

Remarks by Assemblywoman Flores.

Roll call on Senate Joint Resolution No. 14:

YEAS—32.

NAYS—Ellison, Goedhart, Hambrick, Hansen, Kirner, Kite, Livermore, Sherwood—8.

EXCUSED—Bobzien, Hammond—2.

Senate Joint Resolution No. 14 having received a constitutional majority, Mr. Speaker declared it passed.

Resolution ordered transmitted to the Senate.

Assembly Bill No. 419.

Bill read third time.

Remarks by Assemblyman Goicoechea.

Roll call on Assembly Bill No. 419:

YEAS—40.

NAYS—None.

EXCUSED—Bobzien, Hammond—2.

Assembly Bill No. 419 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

SECOND READING AND AMENDMENT

Assembly Bill No. 483.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 574.

AN ACT making a supplemental appropriation to the State Distributive School Account for unanticipated shortfalls in Fiscal Year 2010-2011 in certain tax revenue; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. There is hereby appropriated from the State General Fund to the State Distributive School Account created by NRS 387.030 the sum of ~~[$140,833,873]~~ **$96,983,227** to cover unanticipated shortfalls in the revenue from the Local School Support Tax and the ad valorem tax pursuant to subsection 1 of NRS 387.195. This appropriation is supplemental to that made by section 4 of chapter 389, Statutes of Nevada 2009, at page 2129.

Sec. 2. This act becomes effective upon passage and approval.

Assemblyman Hickey moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Senate Bill No. 14.

Bill read second time and ordered to third reading.

Senate Bill No. 35.

Bill read second time and ordered to third reading.

Senate Bill No. 51.

Bill read second time and ordered to third reading.

Senate Bill No. 229.

Bill read second time and ordered to third reading.

Senate Bill No. 318.

Bill read second time and ordered to third reading.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 271.

The following Senate amendment was read:

Amendment No. 557.

AN ACT relating to real property; providing for the regulation of private transfer fee obligations affecting real property; providing that certain such obligations are void and unenforceable; revising the disclosures that a seller of real property must make to a buyer to include certain information concerning such obligations; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill regulates the imposition of private transfer fee obligations upon the transfer of an interest in real property in this State. **Section 6** of this bill defines a "private transfer fee obligation" to mean an obligation arising under a declaration or covenant recorded against the title to real property, or under any other contractual agreement or promise, whether or not recorded, that requires or purports to require the payment of a private transfer fee to the declarant or other person specified in the declaration, covenant or agreement, or to his or her successors or assigns, upon a subsequent transfer of an interest in the real property. **Section 9** of this bill sets forth the finding and declaration of the Legislature that a private transfer fee obligation violates the public policy of this State by impairing the marketability and transferability of real property and by constituting an unreasonable restraint on the alienation of real property. **Section 10** of this bill provides that certain private transfer fee obligations that are created or recorded in this State on or after the date of passage and approval of this bill are void and unenforceable. **Sections 11 and 12** of this bill require the payee under a private transfer fee obligation that was created before the date of passage and approval of this bill to record, on or before ~~[December 31, 2011,]~~ **July 31, 2012,** in the office of the county recorder of the county in which the real property that is subject to the private transfer fee obligation is located, a notice which includes certain specified information and to respond timely to a request for a written statement of the amount of the transfer fee due upon the sale of the real property, and provides that the private transfer fee obligation becomes void and unenforceable upon failure to comply with either requirement. In addition, **section 13** of this bill imposes civil liability upon a person who fails to comply with either of these requirements or who creates or records a private transfer fee obligation in the person's favor on or after the date of passage and approval of this bill. **Section 14** of this bill revises the disclosures that a seller of real property must make to a buyer by requiring a seller of real property that is subject to a private transfer fee obligation to furnish to the buyer a written statement which discloses the existence of the private transfer fee obligation, includes a description of the private transfer fee obligation and sets forth a notice which includes information concerning applicable state laws and the effect that such an obligation may have on the value of the property.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 111 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 13, inclusive, of this act.

Sec. 2. *As used in sections 2 to 13, inclusive, of this act, the words and terms defined in sections 3 to 8, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 3. *"Buyer" includes, without limitation, a grantee or other transferee of an interest in real property.*

Sec. 4. *"Payee" means the natural person to whom or the entity to which a private transfer fee is to be paid and the successors or assigns of the natural person or entity.*

Sec. 5. *1. "Private transfer fee" means a fee or charge required by a private transfer fee obligation and payable upon the transfer of an interest in real property, or payable for the right to make or accept such a transfer, regardless of whether the fee or charge is a fixed amount or is determined as a percentage of the value of the interest in real property or the purchase price or other consideration paid for the transfer of the interest in real property.*

2. The term does not include any:

(a) Consideration payable by the buyer to the seller for the interest in real property being transferred, including any subsequent additional consideration payable by the buyer based upon any subsequent appreciation, development or sale of the property if the additional consideration is payable on a one-time basis only and the obligation to make the payment does not bind successors in title to the property;

(b) Commission payable to a licensed real estate broker for the transfer of real property pursuant to an agreement between the broker and the seller or buyer, including any subsequent additional commission payable by the seller or buyer based upon any subsequent appreciation, development or sale of the property;

(c) Interest, charge, fee or other amount payable by a borrower to a lender pursuant to a loan secured by a mortgage on real property, including, without limitation, any fee payable to the lender for consenting to an assumption of the loan or a transfer of the real property, any amount paid to the lender pursuant to an agreement which gives the lender the right to share in any subsequent appreciation in the value of the property, and any other consideration payable to the lender in connection with the loan;

(d) Rent, reimbursement, charge, fee or other amount payable by a lessee to a lessor under a lease, including, without limitation, any fee payable to the lessor for consenting to any assignment, subletting, encumbrance or transfer of the lease;

(e) Consideration payable to the holder of an option to purchase an interest in real property or to the holder of a right of first refusal to purchase an interest in real property for waiving, releasing or not

exercising the option or right upon the transfer of the real property to another person;

(f) Tax, fee, charge, assessment, fine or other amount payable to or imposed by a governmental entity; ~~*[or]*~~

(g) Fee, charge, assessment, fine or other amount payable to an association of property owners or any other form of organization of property owners, including, without limitation, a unit-owners' association or master association of a common-interest community, a unit-owners' association of a condominium hotel or an association of owners of a time-share plan, pursuant to a declaration, covenant or specific statute applicable to the association or organization ~~*[.]*~~ ***; or***

(h) Fee or charge payable to the master developer of a planned community by the first purchaser of each lot in the planned community in the event that the first purchaser fails to construct and obtain a municipal certificate of occupancy for a residence on the lot and retain ownership of the residence for 1 year before conveying the residence, provided that the obligation of the first purchaser of the lot to pay the fee or charge is on a one-time basis only and does not bind subsequent purchasers of the lot.

Sec. 6. *"Private transfer fee obligation" means an obligation arising under a declaration or covenant recorded against the title to real property, or under any other contractual agreement or promise, whether or not recorded, that requires or purports to require the payment of a private transfer fee to the declarant or other person specified in the declaration, covenant or agreement, or to his or her successors or assigns, upon a subsequent transfer of an interest in the real property.*

Sec. 7. *"Seller" includes, without limitation, a grantor or other transferor of an interest in real property.*

Sec. 8. *"Transfer" means the sale, gift, conveyance, assignment, inheritance or other transfer of an interest in real property.*

Sec. 9. *The Legislature finds and declares that:*

1. The public policy of this State favors the marketability of real property and the transferability of interests in real property free of defects in title or unreasonable restraints on the alienation of real property; and

2. A private transfer fee obligation violates the public policy of this State by impairing the marketability and transferability of real property and by constituting an unreasonable restraint on the alienation of real property regardless of the duration or amount of the private transfer fee or the method by which the private transfer fee obligation is created or imposed.

Sec. 10. *1. Except as otherwise provided in section 11 of this act:*

(a) A person shall not, on or after the effective date of this act, create or record a private transfer fee obligation in this State; and

(b) A private transfer fee obligation that is created or recorded in this State on or after the effective date of this act is void and unenforceable.

2. The provisions of subsection 1 do not validate or make enforceable any private transfer fee obligation that was created or recorded in this State before the effective date of this act.

Sec. 11. ***1. The payee under a private transfer fee obligation that was created before the effective date of this act shall, on or before*** ~~*[December 31, 2011,]*~~ ***July 31, 2012, record in the office of the county recorder of the county in which the real property that is subject to the private transfer fee obligation is located a notice which includes:***

(a) The title "Notice of Private Transfer Fee Obligation" in not less than 14-point boldface type;

(b) The legal description of the real property;

(c) The amount of the private transfer fee or the method by which the private transfer fee must be calculated;

(d) If the real property is residential property, the amount of the private transfer fee that would be imposed on the sale of a home for $100,000, the sale of a home for $250,000 and the sale of a home for $500,000;

(e) The date or circumstances under which the private transfer fee obligation expires, if any;

(f) The purpose for which the money received from the payment of the private transfer fee will be used;

(g) The name, address and telephone number of the payee; and

(h) If the payee is:

(1) A natural person, the notarized signature of the payee; or

(2) An entity, the notarized signature of an authorized officer or employee of the entity.

2. Upon any change in the information set forth in the notice described in subsection 1, the payee may record an amendment to the notice.

3. If the payee fails to comply with the requirements of subsection 1:

(a) The private transfer fee obligation is void and unenforceable and any interest in the real property that is subject to the private transfer fee obligation may thereafter be conveyed free and clear of the private transfer fee obligation; and

(b) The payee is subject to the liability described in section 13 of this act.

4. Any person with an interest in the real property that is subject to the private transfer fee obligation may record in the office of the county recorder of the county in which the real property is located an affidavit which:

(a) States that the affiant has actual knowledge of, and is competent to testify to, the facts set forth in the affidavit;

(b) Sets forth the legal description of the real property that is subject to the private transfer fee obligation;

(c) Sets forth the name of the owner of the real property as recorded in the office of the county recorder;

(d) States that the private transfer fee obligation was created before the effective date of this act and specifies the date on which the private transfer fee obligation was created;

(e) States that the payee under the private transfer fee obligation failed on or before ~~[December 31, 2011,]~~ July 31, 2012, to record in the office of the county recorder of the county in which the real property that is subject to the private transfer fee obligation is located a notice which complies with the requirements of subsection 1; and

(f) Is signed by the affiant under penalty of perjury.

5. When properly recorded, the affidavit described in subsection 4 constitutes prima facie evidence that:

(a) The real property described in the affidavit was subject to a private transfer fee obligation that was created before the effective date of this act;

(b) The payee under the private transfer fee obligation failed on or before ~~[December 31, 2011,]~~ July 31, 2012, to record in the office of the county recorder of the county in which the real property that was subject to the private transfer fee obligation is located a notice which complies with the requirements of subsection 1; and

(c) The private transfer fee obligation is void and unenforceable and any interest in the real property that is subject to the private transfer fee obligation may thereafter be conveyed free and clear of the private transfer fee obligation.

Sec. 12. *1. If a written request for a written statement of the amount of the transfer fee due upon the sale of real property is sent by certified mail, return receipt requested, to the payee under a private transfer fee obligation that was created before the effective date of this act at the address appearing in the recorded notice described in section 11 of this act, the payee shall provide such a written statement to the person who requested the written statement not later than 30 days after the date of mailing.*

2. If the payee fails to comply with the requirements of subsection 1:

(a) The private transfer fee obligation is void and unenforceable and any interest in the real property that is subject to the private transfer fee obligation may thereafter be conveyed free and clear of the private transfer fee obligation; and

(b) The payee is subject to the liability described in section 13 of this act.

3. The person who requested the written statement may record in the office of the county recorder of the county in which the real property is located an affidavit which:

(a) States that the affiant has actual knowledge of, and is competent to testify to, the facts set forth in the affidavit;

(b) Sets forth the legal description of the real property that is subject to the private transfer fee obligation;

(c) Sets forth the name of the owner of the real property as recorded in the office of the county recorder;

(d) Expressly refers to the recorded notice described in section 11 of this act by:

(1) The date on which the notice was recorded in the office of the county recorder; and

(2) The book, page and document number, as applicable, of the recorded notice;

(e) States that a written request for a written statement of the amount of the transfer fee due upon the sale of the real property was sent by certified mail, return receipt requested, to the payee at the address appearing in the recorded notice described in section 11 of this act, and that the payee failed to provide such a written statement to the person who requested the written statement within 30 days after the date of mailing; and

(f) Is signed by the affiant under penalty of perjury.

4. When properly recorded, the affidavit described in subsection 3 constitutes prima facie evidence that:

(a) A written request for a written statement of the amount of the transfer fee due upon the sale of the real property was sent by certified mail, return receipt requested, to the payee at the address appearing in the recorded notice described in section 11 of this act;

(b) The payee failed to provide such a written statement to the person who requested the written statement within 30 days after the date of mailing; and

(c) The private transfer fee obligation is void and unenforceable and any interest in the real property that is subject to the private transfer fee obligation may thereafter be conveyed free and clear of the private transfer fee obligation.

Sec. 13. *1. Any person who creates or records a private transfer fee obligation in the person's favor on or after the effective date of this act or who fails to comply with a requirement imposed by subsection 1 of section 11 of this act or subsection 1 of section 12 of this act is liable for all:*

(a) Damages resulting from the enforcement of the private transfer fee obligation upon the transfer of an interest in the real property, including,

without limitation, the amount of any private transfer fee paid by a party to the transfer; and

(b) Attorney's fees, expenses and costs incurred by a party to the transfer or mortgagee of the real property to recover any private transfer fee paid or in connection with an action to quiet title.

2. A principal is liable pursuant to this section for the acts or omissions of an authorized agent of the principal.

Sec. 14. Chapter 113 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A seller of real property that is subject to a private transfer fee obligation shall furnish to the buyer a written statement which discloses the existence of the private transfer fee obligation, includes a description of the private transfer fee obligation and sets forth a notice in substantially the following form:

A private transfer fee obligation has been created with respect to this property. The private transfer fee obligation may lower the value of this property. The laws of this State prohibit the enforcement of certain private transfer fee obligations that are created or recorded on or after the effective date of this act (section 10 of this act) and impose certain notice requirements with respect to private transfer fee obligations that were created before the effective date of this act (section 11 of this act).

2. As used in this section, "private transfer fee obligation" has the meaning ascribed to it in section 6 of this act.

Sec. 15. This act becomes effective upon passage and approval.

Assemblyman Horne moved that the Assembly concur in the Senate amendment to Assembly Bill No. 271.

Motion carried by a constitutional majority.

Bill ordered enrolled.

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 6, 25, 57, 102, 150, 181, 194, 226, 350, 537; Senate Bill No. 286.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Aizley, the privilege of the floor of the Assembly Chamber for this day was extended to the following students and chaperones from Paul Culley Elementary School: Elizabeth Stoutenberg, Helen Thean, Lilian Vincent, Ricardo Zagal, Jovan Prieto, Mariah Shackelford, Christy Turner, Penny Everest, Patrice Vogelsang, Janyce Benson, Michael Compton, and Shelly Crabtree.

On request of Assemblywoman Benitez-Thompson, the privilege of the floor of the Assembly Chamber for this day was extended to Elizabeth Galantuominy.

On request of Assemblywoman Bustamante Adams, the privilege of the floor of the Assembly Chamber for this day was extended to De Salazar.

On request of Assemblywoman Carlton, the privilege of the floor of the Assembly Chamber for this day was extended to Debra Johnson, Faye Knight, and John Kinney.

On request of Assemblywoman Diaz, the privilege of the floor of the Assembly Chamber for this day was extended to Grace Salazar.

On request of Assemblyman Goicoechea, the privilege of the floor of the Assembly Chamber for this day was extended to former Assemblyman Jason Geddes.

On request of Assemblyman Horne, the privilege of the floor of the Assembly Chamber for this day was extended to the following students and chaperones from Paul Culley Elementary School: Charlie Urias, Kaitlyn Boehm, Jasmine Walker, Saul Lovera, Jeremiah Loeffler, Yareth Medina, Omar Bojorquez, Kathleen Westbrook, Ruby Rodriguez, Autumn Cody, Anthony Toledo, Alex Martinez, Laila Dow, Natalie Buchannan, Aldo Toribio, Yamilet Herrera, Melanie Angeles, Savannah Moore, Stephanie Haro, Armando Herrera, Ashley Abrego, Natalie Arredondo, Caleb Banks, Jennifer Cruz, Alesha Darragh, Beverly Diaz, Alejandro Dorantes, Diana Galvez, Dayanna Gonzalez, Carlos Martinez, Litzy Nolasco, Wendy Rangel, Emma Schrenk, Ezekiel Soriano, Eric Stiegler, Christopher Sutuj-Martinez, Johanna Vivanco, Areana Zavala, Jasmine Aguilar, Jose Aguilar, Davyn Anderson, Marlon Arias, Michelle Arias, Rae' Nyece Edwards, Cierra Hernandez, Greyson Holding, Victor Marin, Miguel Mendoza, Marco Moreno, Jared Pascual, Himig Reyes, Mike Reyes, Sarahy Rodriguez, Adair Serrano, Sienna Tracey, Nicolas Ubaldo, Mary Walker, Analysa Zepeda, Leslie Carmona, Maya Clevenstine, James Cox, Joshua Ensworth, Luis Fuentes, Candace Humphrey, Kevin Jaimes, Christian Jimenez, Nicholas Johnson, Alarae Malone, Rachel Perez-Soto, Alejandra Quezada, Eileen Ureno, Zasean Woods, Jennifer Alejos, Deborath Arellano, Perla Arias, Henry Brandt, Angel Carbajal, Alan Cirilo, Yahaira Diaz, Nickolas Escobar, Maliqui Flagg, Chad Gatchalian, Jose Hernandez-Martinez, Catherine Mondaca, Jennifer Patino, Jazz Porter, Ellanore Preston, Jesus Razo, and Zachary Roof.

On request of Assemblyman Kirner, the privilege of the floor of the Assembly Chamber for this day was extended to Peggy Kirner, Larry Smith, and De Smith.

On request of Assemblyman Kite, the privilege of the floor of the Assembly Chamber for this day was extended to Mike Olson.

Assemblyman Conklin moved that the Assembly adjourn until Monday, May 16, 2011, at 12 noon.

Motion carried.

Assembly adjourned at 12:51 p.m.

Approved: JOHN OCEGUERA
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE NINETY-NINTH DAY

CARSON CITY (Monday), May 16, 2011

Assembly called to order at 12:08 p.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblywoman Neal, who was excused.

Prayer by the Chaplain, Irene Bustamante Adams.

Buenas tardes.

Quiero empezar a orar in Espanol para demostrar que podemos hablar con nuestro Padre en cualquier idioma.

Good Afternoon,

I wanted to begin praying in Spanish to demonstrate that we can speak to our Father in any language

My Everlasting Love,

You are my rock and my shelter. In You I have nothing to fear.

You have hand-picked each one of us to serve in a time such as this just like You did with Queen Esther. Although she was an orphan, You raised her up to be a great leader and to save her people from exile.

Help Your servants to run this race that You have set for us with perseverance. Let us forget what is behind and strain toward what is ahead.

Thank You for the reminder to strive for maturity. In 1 Corinthians 13:11 You tell me that when I was child, I spoke and thought and reasoned as a child. But when I grew up, I put childish things away.

Lord help us to see the childish things in life that we are still holding onto, to serve our people. Open our eyes so we can put away the things which do not bring You glory. Give us grace to grow beyond the childishness we cling to. Fill us with Your patience, Your steadfast self-control. Let us be the example we need to be for our children and others.

My flesh and my heart may fail, but You the Holy One of Israel are my strength of my heart and my portion forever.

It is in Your Son's name we pray.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Conklin moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Senate Bills Nos. 7, 74, 81, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MARILYN K. KIRKPATRICK, *Chair*

Mr. Speaker:

Your Committee on Ways and Means, to which were rereferred Assembly Bills Nos. 98, 100, 160, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, as amended.

Also, your Concurrent Committee on Ways and Means, to which was referred Assembly Bill No. 137, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, as amended.

DEBBIE SMITH, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 16, 2011

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 10.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Conklin moved that Assembly Bills Nos. 98, 100, 137, 160, and Senate Bills Nos. 7, 74, and 81, just reported out of committee, be placed on the appropriate reading file.

Motion carried.

By Senators Rhoads, McGinness, Breeden, Brower, Cegavske, Copening, Denis, Gustavson, Halseth, Hardy, Horsford, Kieckhefer, Kihuen, Lee, Leslie, Manendo, Parks, Roberson, Schneider, Settelmeyer, and Wiener; Assemblymen Hickey, Aizley, Anderson, Atkinson, Benitez-Thompson, Bobzien, Brooks, Bustamante Adams, Carlton, Carrillo, Conklin, Daly, Diaz, Dondero Loop, Ellison, Flores, Frierson, Goedhart, Goicoechea, Grady, Hambrick, Hammond, Hansen, Hardy, Hogan, Horne, Kirkpatrick, Kirner, Kite, Livermore, Mastroluca, McArthur, Munford, Neal, Oceguera, Ohrenschall, Pierce, Segerblom, Sherwood, Smith, Stewart, and Woodbury.

Senate Concurrent Resolution No. 10—Memorializing former state Senator Raymond C. Shaffer.

WHEREAS, The members of the Nevada Legislature are mourning the loss of an exemplary citizen, honorable war veteran and one of their esteemed colleagues, former State Senator Raymond C. Shaffer; and

WHEREAS, Born in 1932 in Wilkes-Barre, Pennsylvania, Ray attended Youngstown College in Ohio before enlisting in the United States Marine Corps; and

WHEREAS, He nobly served his country as a sergeant in the Korean War and was a life member of the Disabled American Veterans; and

WHEREAS, Senator Shaffer worked for the public good as a civilian, in the position of the Building Director of the City of North Las Vegas, until his retirement in 1989; and

WHEREAS, In addition, he was deeply committed to issues he found to be of utmost importance, serving on the Western States Water Policy Committee and as a member of the North Las Vegas Township Democratic Club; and

WHEREAS, This exceptional Nevadan also engaged in volunteering for the betterment of the lives of his neighbors as an active member of the North Las Vegas Host Lions Club, and, in

addition to dutifully performing the duties of the President of the Club, was recognized as Lion of the Year in 1996; and

WHEREAS, Senator Shaffer began his impressive career as a State Legislator in 1984 and worked tirelessly for 20 years to pass legislation relating to education, renewable energy, water issues, veterans' rights and senior citizens' issues; and

WHEREAS, This revered statesman's experience and wisdom were invaluable to the numerous committees he served on, including the Legislative Commission, and to his role as Senate Majority Whip in the 1991 Legislative Session; and

WHEREAS, In his leisure time, Ray enjoyed spending time in Coronado, California, and was a member of the Coronado Yacht Club; and

WHEREAS, Senator Shaffer is survived by his wife of 32 years, Sharon, who was active with him in his political career and was by his side throughout his long battle with Lewy Body Dementia, by his children Thomas J. Shaffer, Robin King, Cindy Sipple, James R. Shaffer and Diane Shaffer, by his brothers Frederick Shaffer, Robert Shaffer, Lawrence Shaffer, William Shaffer and Jerry Shaffer, by his sisters Mary Cerami and Ruth Hughes and also by his eight grandchildren and several great-grandchildren; and

WHEREAS, He will be remembered for his admirable career in public service, his status as an honorable veteran and his wonderful sense of humor; now, therefore, be it

RESOLVED BY THE SENATE OF THE STATE OF NEVADA, THE ASSEMBLY CONCURRING, That the members of the 76th Session of the Nevada Legislature hereby extend their sincerest condolences to Senator Shaffer's family and friends; and be it further

RESOLVED, That the Secretary of the Senate prepare and transmit a copy of this resolution to Raymond Shaffer's wife Sharon.

Assemblyman Ohrenschall moved the adoption of the resolution.

Remarks by Assemblymen Ohrenschall and Kirkpatrick.

Assemblyman Conklin moved that the following remarks be entered in the Journal.

Motion carried.

ASSEMBLYMAN OHRENSCHALL:

I rise in support of this resolution. I am very privileged to get to speak about Senator Shaffer. I think I first met Senator Shaffer when I was 11 years old, in 1984 when he first ran for the state Senate. That year my mother was running for district court judge; she didn't make it, but he did get elected to the state Legislature, and that began an illustrious 20-year career representing the citizens not in just North Las Vegas and Sunrise Manor, but all of the state, because Senator Shaffer did care about all of the state. You can see that from his work on the Tahoe Regional Advisory Board and so many other boards.

I think I most remember Senator Shaffer from back when I was 19 years old. This was back in 1992; I was active with Young Democrats. One of the first things we did in Young Democrats was to try to help Senator Shaffer with one of his events. That is where I got to meet him. I was very impressed, and I remember what a real down-to-earth person he was. He was facing a very tough primary back in 1992 with a former state assemblywoman who was challenging him. In the end he won that primary, I think by about 20 or 30 votes. But I got that opportunity that weekend, before the Tuesday primary election in September, to get to go out and walk precincts for Senator Shaffer. I will never forget getting to talk to people, and I think that is probably what got me interested in politics—seeing the way people believed in him, the way he cared about folks in the mobile home parks up near Nellis Air Force Base, the way he genuinely cared, and the way people realized that.

Senator Shaffer was a Marine Corps combat veteran. He served in Korea. He moved out here from the East Coast, and I got to meet his lovely wife Sharon, and I got to meet his family.

He was a devoted father, a devoted family man, a very dedicated public servant, and a very good friend, and a very dear human being.

The Legislative Counsel Bureau has prepared highlights of some of the legislation he worked on. In 1987, Senator Shaffer worked on a bill that provided for house arrests as an alternative to jail time. I think he was ahead of his time there. We look at the problems we have now with funding our prison system and how we realize we can't jail our way out of all of our crime problems, but Senator Shaffer saw this back in 1987.

He sponsored legislation which led to annual population estimates for fair distribution of tax revenue throughout the state. One thing that was particularly innovative. In 1991, Senator Shaffer sponsored legislation to allow you to renew your motor vehicle registration at the smog inspection stations, which saves a lot of us time. I think it was also ahead of his time.

The Senior Ride Program for taxicabs that provides low-cost fares for seniors who need a taxi—a lot of seniors down in Las Vegas and Reno and all over the state don't drive much anymore, and having these low-cost taxi fares makes a big difference.

He took stands that were sometimes controversial, and he wasn't afraid to take them. I think there is a stand we all remember having to do with growth and whether we should limit it or allow it to go on. I think we look at our economy now, and we would beg for more growth and more development. But these were tough stands that he took, and I think he showed a lot of courage.

He is someone I am honored to have called a friend and a mentor. I appreciate everyone's support in this body for the resolution.

ASSEMBLYWOMAN KIRKPATRICK:

The Shaffer's have always been a big part of the community that they lived in. In 1995, when we opened Eva Wolfe Elementary School, we wanted to do a lot of new great things, and they happened to live across the street from the school and their family members do as well. We reached out to Senator Shaffer, who was my Senator at that time, and we asked him what kind of program we could put in place that would stay in place for the remainder of Eva Wolfe School. The Great American program is a program that he selected. It is a program where the kids have to learn the Gettysburg Address, the Presidents, the Preamble to the Constitution—there's five pieces that they have to do. Senator Shaffer and his wife went a little bit farther and came and sat with the kids and explained the importance of them. I am happy to report that they are having the Great American ceremony at the end of the month, and it is a program that is still very much part of the community. They were a huge instrument—not counting the countless times we called on them to participate in the carnivals that we had. Anytime that we needed them to be there, they were always there as a team, and for that our community is better. I rise in support of this.

Resolution adopted and ordered transmitted to the Senate.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 12:28 p.m.

ASSEMBLY IN SESSION

At 12:30 p.m.
Mr. Speaker presiding.
Quorum present.

SECOND READING AND AMENDMENT

Senate Bill No. 7.
Bill read second time and ordered to third reading.

Senate Bill No. 74.
Bill read second time and ordered to third reading.

Assembly Bill No. 81.
Bill read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 483.
Bill read third time.
Remarks by Assemblyman Bobzien.
Roll call on Assembly Bill No. 483:
YEAS—41.
NAYS—None.
EXCUSED—Neal.
Assembly Bill No. 483 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 14.
Bill read third time.
Remarks by Assemblyman Stewart.
Roll call on Senate Bill No. 14:
YEAS—40.
NAYS—McArthur.
EXCUSED—Neal.
Senate Bill No. 14 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 35.
Bill read third time.
Remarks by Assemblyman Hansen.
Roll call on Senate Bill No. 35:
YEAS—41.
NAYS—None.
EXCUSED—Neal.
Senate Bill No. 35 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Conklin moved that Senate Bill No. 318 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 51.

Bill read third time.

Remarks by Assemblyman Carrillo.

Roll call on Senate Bill No. 51:

YEAS—41.

NAYS—None.

EXCUSED—Neal.

Senate Bill No. 51 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 229.

Bill read third time.

Remarks by Assemblywoman Woodbury.

Roll call on Senate Bill No. 229:

YEAS—32.

NAYS—Ellison, Goedhart, Hambrick, Hammond, Hansen, Hardy, Livermore, McArthur, Stewart—9.

EXCUSED—Neal.

Senate Bill No. 229 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Joint Resolution No. 8.

Resolution read third time.

Remarks by Assemblyman Grady.

Roll call on Senate Joint Resolution No. 8:

YEAS—36.

NAYS—Bobzien, Carlton, Daly, Diaz, Pierce—5.

EXCUSED—Neal.

Senate Joint Resolution No. 8 having received a constitutional majority, Mr. Speaker declared it passed.

Resolution ordered transmitted to the Senate.

Assembly Bill No. 98.

Bill read third time.

Remarks by Assemblymen Segerblom and Carlton.

Roll call on Assembly Bill No. 98:

YEAS—40.

NAYS—Carlton.

EXCUSED—Neal.

Assembly Bill No. 98 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 100.

Bill read third time.

Remarks by Assemblyman Stewart.

Roll call on Assembly Bill No. 100:

YEAS—41.

NAYS—None.

EXCUSED—Neal.

Assembly Bill No. 100 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 137.

Bill read third time.

Remarks by Assemblywoman Mastroluca.

Roll call on Assembly Bill No. 137:

YEAS—28.

NAYS—Ellison, Goedhart, Goicoechea, Grady, Hambrick, Hammond, Hansen, Hardy, Hickey, Kite, Livermore, McArthur, Sherwood—13.

EXCUSED—Neal.

Assembly Bill No. 137 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 160.

Bill read third time.

Remarks by Assemblywoman Benitez-Thompson.

Roll call on Assembly Bill No. 160:

YEAS—41.

NAYS—None.

EXCUSED—Neal.

Assembly Bill No. 160 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 30.

The following Senate amendment was read:

Amendment No. 76.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 76.

AN ACT relating to motor vehicles; revising provisions relating to the authorization of certain emergency vehicles; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the Nevada Highway Patrol Division is the only division of the Department of Public Safety expressly authorized to obtain permits from the Department of Motor Vehicles to own and operate authorized emergency vehicles. (NRS 484A.480, 484A.490) This bill expressly authorizes the issuance of such permits for vehicles owned and operated by **: (1)** the Capitol Police Division, the Investigation Division, the State Fire Marshal Division, the Training Division and the Office of the Director of the Department of Public Safety ~~[.]~~ **; and (2) the Section for the Control of Emissions From Vehicles and the Enforcement of Matters Related to the Use of Special Fuel in the Department of Motor Vehicles. This bill also transfers from the Department of Motor Vehicles to the Department of Public Safety the statutory authority to establish standards for certain equipment for emergency vehicles and to issue permits for authorized emergency vehicles.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 484A.480 is hereby amended to read as follows:

484A.480 1. Except as otherwise provided in NRS 484A.490, authorized emergency vehicles are vehicles publicly owned and operated in the performance of the duty of:

(a) A police or fire department.

(b) A sheriff's office.

(c) ~~[The Nevada Highway Patrol.]~~ ***The Capitol Police Division, the Investigation Division, the Nevada Highway Patrol Division, the State Fire Marshal Division, the Training Division and the Office of the Director of the Department of Public Safety.***

(d) The Division of Forestry of the State Department of Conservation and Natural Resources in responding to a fire.

(e) ***The Section for the Control of Emissions From Vehicles and the Enforcement of Matters Related to the Use of Special Fuel in the Department of Motor Vehicles.***

(f) A public ambulance agency.

~~[(f)]~~ ***(g)*** A public lifeguard or lifesaving agency.

2. A vehicle publicly maintained in whole or in part by the State, or by a city or county, and privately owned and operated by a regularly salaried member of a police department, sheriff's office or traffic law enforcement department, is an authorized emergency vehicle if:

(a) The vehicle has a permit, pursuant to NRS 484A.490, from the Department ~~[,]~~ ***of Public Safety;***

(b) The person operates the vehicle in responding to emergency calls or fire alarms, or at the request of the Nevada Highway Patrol or in the pursuit of actual or suspected violators of the law; and

(c) The State, county or city does not furnish a publicly owned vehicle for the purposes stated in paragraph (b).

3. Every authorized emergency vehicle must be equipped with at least one flashing red warning lamp visible from the front and a siren for use as provided in chapters 484A to 484E, inclusive, of NRS, which lamp and siren must be in compliance with standards approved by the Department ~~[.]~~ ***of Public Safety.*** In addition, an authorized emergency vehicle may display revolving, flashing or steady red or blue warning lights to the front, sides or rear of the vehicle.

4. An authorized emergency vehicle may be equipped with a system or device that causes the upper-beam headlamps of the vehicle to continue to flash alternately while the system or device is activated. The driver of a vehicle that is so equipped may use the system or device when responding to an emergency call or fire alarm, while escorting a funeral procession, or when in pursuit of an actual or suspected violator of the law. As used in this subsection, "upper-beam headlamp" means a headlamp or that part of a headlamp which projects a distribution of light or composite beam meeting the requirements of subsection 1 of NRS 484D.210.

5. Except as otherwise provided in subsection 4, a person shall not operate a motor vehicle with any system or device that causes the headlamps of the vehicle to continue to flash alternately or simultaneously while the system or device is activated. This subsection does not prohibit the operation of a motorcycle equipped with any system or device that modulates the intensity of light produced by the headlamp of the motorcycle, if the system or device is used only during daylight hours and conforms to the requirements of 49 C.F.R. § 571.108.

6. A person shall not operate a vehicle with any lamp or device displaying a red light visible from directly in front of the center of the vehicle

except an authorized emergency vehicle, a school bus or an official vehicle of a regulatory agency.

7. A person shall not operate a vehicle with any lamp or device displaying a blue light, except a motorcycle pursuant to NRS 486.261 or an authorized emergency vehicle.

Sec. 2. **NRS 484A.490 is hereby amended to read as follows:**

484A.490 1. The Department ***of Public Safety*** may issue permits for authorized emergency vehicles to vehicles required to be operated primarily for the immediate preservation of life or property or for the apprehension of violators of the law. The permits must not be issued to vehicles when there are available comparable services provided by agencies referred to in NRS 484A.480.

2. The issuance of the permits to vehicles under this section must be limited to:

(a) Agencies designated in NRS 484A.480;

(b) Vehicles owned or operated by an agency of the United States engaged primarily in law enforcement work;

(c) Ambulances designed and operated exclusively as such; and

(d) Supervisory vehicles which are:

(1) Marked and used to coordinate and direct the response of ambulances to emergencies;

(2) Privately owned by a person licensed to operate an ambulance; and

(3) Operated under contract with a local governmental agency and at the request of its law enforcement agency or fire department.

3. The following are not emergency vehicles and must not be permitted to operate as such:

(a) Tow cars;

(b) Vehicles used by public utilities;

(c) Vehicles used in merchant patrols;

(d) Vehicles used in private escort service;

(e) Privately owned vehicles of volunteer firefighters;

(f) Privately owned vehicles of reserve members of a police department or a sheriff's office; and

(g) Vehicles of private detectives.

~~[Sec. 2.]~~ ***Sec. 3.*** This act becomes effective upon passage and approval.

Remarks by Assemblywoman Dondero Loop.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Assembly Bill No. 36.

The following Senate amendment was read:

Amendment No. 552.

AN ACT relating to indigent persons; revising provisions governing the Fund for Hospital Care to Indigent Persons; revising the membership of the Board of Trustees of the Fund; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes the Fund for Hospital Care to Indigent Persons to pay certain costs of hospital care provided to persons injured in motor vehicle accidents who are indigent. The Fund is composed of money collected or recovered from certain taxes and from certain charges against a county for unpaid charges for hospital care not greater than $3,000. (NRS 428.115-428.255)

Section 2 of this bill changes the membership of the Board of Trustees of the Fund to require the Governor to appoint a director of a social services agency of a county as one of the five members of the Board. **Section 2** further authorizes such a director of a social services agency to designate another person to carry out his or her duties on the Board when the director is unavailable.

Sections 1 and 4 of this bill require the money deposited in the Fund by a county for unpaid hospital charges not exceeding $3,000 to be accounted for separately in the Fund and used to reimburse or partially reimburse a hospital for unpaid hospital charges.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 428.175 is hereby amended to read as follows:

428.175 1. The Fund for Hospital Care to Indigent Persons is hereby created as a special revenue fund for the purposes described in NRS 428.115 to 428.255, inclusive.

2. ~~[All]~~ ***Except as otherwise provided in subsection 3,*** money collected or recovered pursuant to NRS 428.115 to 428.255, inclusive, and the interest earned on the money in the Fund must be deposited for credit to the Fund.

3. Any money paid by a county pursuant to NRS 428.255 must be accounted for separately in the Fund and must be used to reimburse or partially reimburse a hospital for unpaid charges for hospital care pursuant to NRS 428.115 to 428.255, inclusive, as other claims against the Fund are paid.

4. Claims against the Fund must be paid on claims approved by the Board.

Sec. 2. NRS 428.195 is hereby amended to read as follows:

428.195 1. The Fund must be administered by a Board of Trustees composed of five ***members appointed by the Governor as follows:***

(a) Four county commissioners ***; and***

(b) One director of a social services agency of a county.

2. The members of the Board of Trustees must be appointed by the Governor from a list of ~~[ten]~~ nominees submitted by the Board of Directors of the Nevada Association of Counties.

~~[2.]~~ ***The list of nominees must include six nominees who are county commissioners and three nominees who are directors of a social services agency of a county.***

3. Each member of the Board of Trustees shall serve a term of ~~[1 year]~~ ***2 years*** or until a successor has been appointed and has qualified.

~~[3.]~~ ***4.*** The position of a member of the Board of Trustees shall be considered vacated upon the loss of any of the qualifications required for the appointment of the member and in that event the Governor shall appoint a successor from a list of ~~[two]~~ nominees submitted by the Board of Directors of the Nevada Association of Counties. ***The list of nominees must include two county commissioners if the member of the Board is a county commissioner or two directors of a social services agency if the member of the board is the director of a social services agency of a county.***

5. The director of a social services agency who is appointed to the Board of Trustees may designate a person to carry out his or her duties on the Board of Trustees when the director is unavailable, and any such designee has the same power as any other member of the Board of Trustees for the period in which he or she is designated to act on behalf of the director.

6. As used in this section, "social services agency" means any public agency or organization that provides social services in this State, including, without limitation, providing welfare and health care services.

Sec. 3. (Deleted by amendment.)

Sec. 4. NRS 428.255 is hereby amended to read as follows:

428.255 ***1.*** Any reimbursement or partial reimbursement made from the Fund for unpaid charges for hospital care furnished to a person which are not greater than $3,000, is a charge upon the county in which:

~~[1.]~~ ***(a)*** The accident occurred, if the person is not a resident of this state and the accident occurred in this state; or

~~[2.]~~ ***(b)*** The person resides, if the person is a resident of this state,

➥ and must be paid ***to the Fund*** upon a claim presented by the Board as other claims against the county are paid.

2. Money paid by a county pursuant to this section must be accounted for separately and expended in accordance with the provisions of subsection 3 of NRS 428.175.

Sec. 5. This act becomes effective ~~[on July 1, 2011.]~~ **upon passage and approval.**

Assemblywoman Mastroluca moved that the Assembly concur in the Senate amendment to Assembly Bill No. 36.

Remarks by Assemblywoman Mastroluca.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 1 p.m.

ASSEMBLY IN SESSION

At 1:02 p.m.

Mr. Speaker presiding.

Quorum present.

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 107, 161, 244, 269, 271, 284, 321, 352, 355, 408, 429, 441, 538, 556; Assembly Concurrent Resolution No. 3; Senate Bills Nos. 49, 84, 130, 218, 248, 406, 408, and Senate Joint Resolution No. 14.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Aizley, the privilege of the floor of the Assembly Chamber for this day was extended to Ken MacAleese.

On request of Assemblyman Bobzien, the privilege of the floor of the Assembly Chamber for this day was extended to Dan Springer, Shannon Springer, and Joy Springer.

On request of Assemblywoman Carlton, the privilege of the floor of the Assembly Chamber for this day was extended to Jennifer Strobel.

On request of Assemblyman Conklin, the privilege of the floor of the Assembly Chamber for this day was extended to Jan Crandy.

On request of Assemblyman Daly, the privilege of the floor of the Assembly Chamber for this day was extended to Lisa Daly, Sara Daly and the following students and chaperones from Katherine Dunn Elementary School: Alesandria Basile, Gage Christensen, Kenny Chung, Grant Cotter, Eric Cureno, Faith DeSilva, Stephanie Faber, Kloe Fisher, Brandon Garcia, Juan Gomez, Jessica Gomez Renteria, Joshua Hall, Drew Hawkins, Alexandria Hutchison, Neil Janes, James Anthony Magpantay, Vanessa Martinez, Fiona McCloskey, Laila Medina, Angel Morales, Mariana Rizo-Lopez, Uriel Senda, Christopher Vaughan, Dominic Wrede,

Gunnar Altenbury, Luis Ambrocio, Martha Carranza, Malachi Colestock, Bryce Congdon, Josh Crisostomo, Joshua Estrada, Carissa Garcia, Amelia Glowniak, Marcos Gonzalez, Patrick Guevarro, Evelyn Izquierdo, Cody Jones, David Leigh, Kaige Lewis, Kourtney Lindsey, Shane Lynch, Angelica Magpantay, Gissella Medina, Viri Palomino, Robert Pascual, Ruben Salgado, Anthony Solano, Alwx Valencia, Yami Villalobos, Maddie Zucco, Christie Klein, Genie Cunnyham, Karen Ellis, and Nancy Galindo.

On request of Assemblywoman Dondero Loop, the privilege of the floor of the Assembly Chamber for this day was extended to Megan Crandy.

On request of Assemblyman Goicoechea, the privilege of the floor of the Assembly Chamber for this day was extended to Darrick Ward.

On request of Assemblyman Grady, the privilege of the floor of the Assembly Chamber for this day was extended to Caitlin Alexander.

On request of Assemblyman Hambrick, the privilege of the floor of the Assembly Chamber for this day was extended to Lynnette Medina.

On request of Assemblywoman Kirkpatrick, the privilege of the floor of the Assembly Chamber for this day was extended to Mahin Daneshi, Ferey Donrarya, and Valerie Soto.

On request of Assemblyman Kirner, the privilege of the floor of the Assembly Chamber for this day was extended to Wendy Hruska.

On request of Assemblyman Livermore, the privilege of the floor of the Assembly Chamber for this day was extended to Brett Sesler and the following students and chaperones from Grace Community Homeschool: John Milby, Kate Milby, Nathanael Milby, Calvin Milby, Emma Milby, Katie Lynch, Dakota Lynch, Megan Clark, Mikaela Clark, Blake Clark, Ethan Clark, Trina Taylor, Levi Taylor, Katy Ruth Taylor, Seth Taylor, Jude Taylor, Estella Taylor, Enoch Taylor, Ingrid Jarrett, Isaiah Jerrett, Sarah Jerrett, Mindy Funk, Sterling Funk, Haley Funk, Audrey Funk, Margo Wilhelm, Katlyn Wilhelm, Megan Wilhelm, Vicki Shepard, Grace Shepard, Erica Riley, Andrew Riley, Jackson Riley, Sean Riley, and the following students and chaperones from Bordewich Bray Elementary School: Sean Anderson, Addison Asham, Samantha Berger, Eduardo Berumen, Jesse Chavez-Ramirez, Emily Clark, Skyler Collins, Jonathan Cuevas, Georgia Ferrel, Jose Gamez-Soto, Fernando Garcia, Cody Hamm, Tyler Hernandez, Jordan Kendall, Brandon Locker, Korah McCall, Chloe Miller, Eva Murillo, Jessalyn Northrup, Abbey Paulson, Hannah Philippi, Richard Putt, Alondra Rodriguez-Patino,

Karsten Thiele, Richard Torres, Katherine Vallejos, Saruem August-Perez, Christian Avalos, Kiael Black, Michael Bradbury, Daniel Carrillo, Elenora Garcia, Jacob Giurlani, Ricardo Gutierrez, Savannah Hinman, Cody Kinkead, Theresa Lopez, Dante McMurtry, Brianna Racine, Richard Romero, Angela Russell, Ciara Scalia-Hirschman, Terrence Simpson, Sterling Smith, Caitlyn Stewart, Alyssa Taylor, Quinten Taylor, Emerald Theriault, Jerry Thomas, Isabella Wakeling, Hunter Wheatley, Adaisha Williams, Brett Sesler, Miyoko Loflin, and Lyndsay Evans.

On request of Assemblywoman Mastroluca, the privilege of the floor of the Assembly Chamber for this day was extended to Sharon Quiroz.

On request of Assemblyman Ohrenschall, the privilege of the floor of the Assembly Chamber for this day was extended to Sharon Shaffer, Diane Shaffer, Alden Grant, Michele Tombari, and Tink.

On request of Assemblyman Sherwood, the privilege of the floor of the Assembly Chamber for this day was extended to Mary Pinckney.

On request of Assemblywoman Smith, the privilege of the floor of the Assembly Chamber for this day was extended to Bailey Gumm.

On request of Assemblyman Stewart, the privilege of the floor of the Assembly Chamber for this day was extended to Charles Marriott.

On request of Assemblywoman Woodbury, the privilege of the floor of the Assembly Chamber for this day was extended to JonPaul Saunders.

Assemblyman Conklin moved that the Assembly adjourn until Tuesday, May 17, 2011, at 12 noon.

Motion carried.

Assembly adjourned at 1:04 p.m.

Approved: JOHN OCEGUERA
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE ONE HUNDREDTH DAY

CARSON CITY (Tuesday), May 17, 2011

Assembly called to order at 12:31 p.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblymen Dondero Loop and Horne, who were excused.

Prayer by the Chaplain, Jason Frierson.

Lord, our Creator,

As always, we first give thanks. Thank You for giving us a way to speak for those who elected us to act on their behalf. Thank You for the gift of passion as well as compassion.

We thank You today, not only for our ability to advocate, but we also thank You for our ability to listen. I'm often reminded that God saw fit to give us one mouth to speak. However, He gave us not one, but two ears so that we might listen twice as much as we speak.

Lord, we pray that Your divine wisdom in Proverbs 11:14 resonates with us on this 100th day of the legislative session—wherein You tell us—"Where there is no wise guidance, the nation falls, but in the multitude of counselors there is victory."

Our God, bless us that we might use the tools You have given us to seek wisdom with our hearts and minds, but also to seek wisdom by listening to wise guidance. Lord, when we complete this task, we pray for victory, not for our own sake but for our great State, and for Your Glory.

In the name of all that is good, we pray.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Conklin moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Ways and Means has had under consideration the various budgets for the Office of the Controller, and begs leave to report back that the following accounts have been closed by the Committee:

Controller's Office (101-1130)
Debt Recovery Account (101-1140)

Also, your Committee on Ways and Means has had under consideration the various budgets for the Department of Employment, Training and Rehabilitation, and begs leave to report back that the following accounts have been closed by the Committee:

Administration (101-3272)
Information Development and Processing (101-3274)
Research and Analysis (101-3273)
Equal Rights Commission (101-2580)
Rehabilitation Administration (101-3268)
Disability Adjudication (101-3269)
Vocational Rehabilitation (101-3265)
Services to the Blind and Visually Impaired (101-3254)
Blind Business Enterprise Program (101-3253)
Client Assistance Program (101-3258)
Employment Security (205-4770)
Career Enhancement Program (205-4767)
Employment Security – Special Fund (235-4771)

Also, your Committee on Ways and Means has had under consideration the various budgets for the Nevada Department of Transportation, and begs leave to report back that the following accounts have been closed by the Committee:

Transportation Administration (201-4660)
Bond Construction (201-4663)

REMARKS FROM THE FLOOR

Assemblyman Conklin moved that the following budget closure remarks be entered in the Journal.

Motion carried.

ASSEMBLYWOMAN CARLTON:

The Ways and Means Committee has completed its review of the budgets for the Office of the Controller and took action on the Governor's recommendations as follows:

Controller's Office (101-1130) ELECTED-114:

The Committee approved the Governor's recommendation for General Fund reductions of $267,293 in FY 2012 and $270,983 in FY 2013 to eliminate three positions, including the Assistant Controller, the American Recovery and Reinvestment Act (ARRA) Reporting and Accountability Officer, and an Accounting Assistant II, with the Assistant Controller retained via the Unclassified Pay Bill in order to provide the Controller the ability to restore the position should the agency realize sufficient debt collection revenue to fund the position costs.

The Committee approved the Controller's request to add $200,000 in FY 2012 for implementing an enhancement to the Debt Collection and Recovery System, with a transfer from the Debt Recovery Account subject to sufficient available funding. The Committee also approved the Controller's request to add General Funds of $50,000 in FY 2012 to implement an extensible Business Reporting Language (XBRL) technology solution for Single Audit Reporting.

Debt Recovery Account (101-1140) ELECTED-120:

The Committee approved the Controller's request to transfer $200,000 in FY 2012 to the Controller's Office, subject to sufficient available funding, for implementing an enhancement to the Debt Collection and Recovery System.

ASSEMBLYMAN BOBZIEN:

The Assembly Committee on Ways and Means has completed its review of the 13 budgets of the Department of Employment, Training and Rehabilitation. The actions of the Committee resulted in additional General Fund costs of $464,406 over the biennium as compared to the amounts recommended by the Governor. The significant recommendations of the Committee include the following:

DETR – Administration (101-3272) DETR-1:

The Committee approved the Governor's recommendation to add two new positions, including a Personnel Technician and an Accountant Technician. The positions will assist in responding to the increased workload associated with current economic conditions. As recommended by the Governor, the Committee also approved the reclassification of an existing Employment Services Officer position to an unclassified Assistant to the Director.

DETR – Information Development and Processing (101-3274) DETR-9:

As recommended by the Governor, the Committee approved $562,500 in each year of the biennium to fund master services agreement (MSA) programmers knowledgeable on the legacy system to assist in maintaining and supporting existing critical applications. The MSA programmers are needed during the transition to the Unemployment Insurance (UI) modernization system. The request would fund three MSA programmers for 1,500 billable hours per year.

DETR – Research and Analysis (101-3273) DETR-15:

The Governor recommended funding for two intermittent Workforce Services Representative positions to conduct a customer satisfaction survey at a cost of $176,027 in FY 2012 and $181,804 in FY 2013. DETR indicated that the surveys are no longer a mandatory function and requested that the funding in this decision unit be eliminated. The Committee eliminated the funding for the survey as requested by the Department.

DETR – Equal Rights Commission (101-2580) DETR-22:

As recommended by the Governor, the Committee approved the elimination of a vacant Deputy Administrator position, which will eliminate on-site supervision in the Reno office. The agency states that eliminating the Deputy Administrator in lieu of other reductions will allow the Commission to retain more investigator positions for direct case work. The Committee also approved the elimination of a Compliance Investigator II position, which has been vacant since September 19, 2009. The Committee also approved relocating staff in NERC's Reno office location to the existing Sparks JobConnect office.

The Committee did not approve the Governor's recommendation to eliminate an Administrative Assistant III position and two additional vacant Compliance Investigator II positions. According to the NERC, the loss of the two Compliance Investigators in this decision unit would have resulted in an increased backlog of cases and potential revenue lost from the federal EEOC. The loss of the Administrative Assistant III position would have negatively affected the intake process with a decline in customer service, an increase in wait times and a decrease in the quality and length of time spent with each client. The restoration of the positions resulted in General Fund add backs of $187,469 in FY 2012 and $207,810 in FY 2013.

The Executive Budget recommended Federal EEOC revenues based on a reimbursement rate of $550 for each closure. On May 5, 2011, the Department informed LCB staff that the EEOC contract rate was increased to $600 per closure. The Committee approved EEOC revenue adjustments that resulted in General Fund savings of $20,590 in FY 2012 and $32,202 in FY 2013 as compared to the amounts recommended by the Governor.

Subsequent to the DETR budget closings, the Committee closed the LCB budgets and approved funding to expand LCB office space in the Grant Sawyer State Office Building. The Committee reopened the NERC budgets and approved General Fund appropriations of $101,255 in FY 2012 and $20,664 in FY 2013 to relocate the NERC office from the Grant Sawyer State Office Building to alternative office space.

DETR – Disability Adjudication (101-3269) DETR-35:

As recommended by the Governor, the Committee approved federal funds totaling $1.53 million in FY 2012 and $1.55 million in FY 2013 for increases in operating, provider payments and other related costs associated with the addition of 23 new permanent positions previously approved by the Interim Finance Committee (IFC). The bulk of the increase is in the Client Medical Payment category where the Bureau reflects costs for the purchase of outside medical or psychological examinations, claimant travel to examinations and other expenses directly related to conducting disability determinations.

DETR – Vocational Rehabilitation (101-3265) DETR-42:

As recommended by the Governor, the Committee approved General Fund reductions totaling $1.39 million for the 2011-13 biennium. Because state funding is used as match, the reductions will trigger losses of federal Section 110 funding totaling $5.04 million for the biennium. As a result of the reductions, the Department notes that fewer clients will receive the types of services and training that are likely to result in employment outcomes. Funding reductions may also require establishing waiting lists for eligible clients to receive services.

The funding decreases would also result in the elimination of one vacant Vocational Evaluator position. DETR explains that Vocational Evaluators help determine a client's capabilities and survey the job market prospects that may be suitable for the client.

DETR – Services to the Blind and Visually Impaired (101-3254) DETR-52:

As recommended by the Governor, the Committee approved General Fund reductions totaling $644,312 for the 2011-13 biennium. The reductions include the elimination of two positions, elimination of state funding for the Life Skills program, and decreases in state matching funds used to secure federal Section 110 funding for client services.

The elimination of state funding for the Life Skills program would result in General Fund reductions of $175,436 in FY 2012 and $178,066 in FY 2013. The Life Skills program offers individualized training in home management, daily living skills, mobility, and communication for persons who are blind or visually impaired and for whom employment is not an intended outcome. DETR reports that approximately 70 individuals are served through this program annually.

Decreases in state funding would trigger losses of federal Section 110 funding totaling $1.02 million and result in reductions to client services such as assistance with job seeking, assistive technology tools, assistance with job site modification, and transition services. The Department notes that no clients will be turned away or denied services; however, DETR anticipates it will take longer to provide needed services to enable clients to become employed and more self-sufficient.

The reductions approved by the Committee would result in the elimination of a Rehabilitation Instructor and a Rehabilitation Counselor. The Rehabilitation Instructor has worked in Life Skills, and provided services to vocational rehabilitation clients with visual impairments. The Rehabilitation Counselor position has provided services to blind and visually impaired clients seeking employment.

DETR – Blind Business Enterprise Program (101-3253) DETR-62:

The Committee approved the Governor's recommendation to fund the opening of three major vendor sites and one vending machine site in FY 2012 and two additional major sites in FY 2013. The Committee authorized a letter of intent asking the Department to report semi-annually to the Interim Finance Committee on the status of the new sites.

DETR – Employment Security (205-4770) DETR-74:

The Committee approved the Governor's recommendation to merge the Career Enhancement Program account into the Employment Security Division (ESD) main account. Combining the accounts will create a fiscal structure that supports an integrated service delivery goal and will provide accounting and budgeting efficiencies, program administration efficiencies, and program service delivery improvements.

The Committee approved the funding alignments recommended by the Governor with adjustments to add $1.4 million per year in Workforce Investment Act (WIA) funding approved by the federal government. While the overall WIA grant amount has increased, the portion of the formula grant funds that may be reserved for statewide activities decreased by 10 percentage points, from 15 percent to 5 percent. The agency noted the reserve allocation change may result in some programmatic impacts, because DETR will not be able to sustain discretionary training programs previously funded with the reserve funding.

The Committee approved the Governor's proposal to direct existing client services funding to establish the Silver State Works initiative, which is designed to encourage employers to hire and

assist workers in removing employment barriers to promote a work first culture. The program is a statewide, integrated, business-focused initiative that targets UI benefit recipients, veterans, persons with disabilities, ex-offenders, Temporary Assistance for Needy Families (TANF) recipients or those at-risk of entering TANF, and older youth, age 19-21 who are eligible for services as defined by the WIA. The Governor proposed to direct $4.65 million per year of existing funding in the DETR accounts for this purpose. The Committee authorized the use of existing funding to support Silver State Works activities; however, as a result of the change in available WIA funding reserved for statewide activities, the amount available to support the initiative was reduced to $4.15 million per year.

As recommended by the Governor, the Committee approved the transfer of the Apprenticeship Program from the Other State Education Programs account (BA 2699), to the ESD and to change the program funding source from General Fund to federal WIA revenues. The funding transfers total $459,449 in each year of the biennium. The Committee approved a letter of intent directing DETR to provide quarterly reports to the IFC on the status of the program transition and efforts to work with Apprenticeship Programs.

DETR – Career Enhancement Program (205-4767) DETR-92:

To accommodate the Re-Employment Service (RES) workload, the Committee approved the Governor's recommendation to use remaining ARRA funds totaling $580,000 per year to add 12 intermittent Workforce Services Representative positions. DETR anticipates the addition of the 12 intermittent positions will shorten the duration of UI benefits payments by one week for at least 10,000 participants resulting in estimated UI Trust Fund savings of approximately $3.2 million per year.

As recommended by the Governor, the Committee approved eliminating five existing vacant Workforce Services Representative positions and restoring $623,818 in wage assessment reserves for the 2011-13 biennium. Wage assessment collections have declined as a result of the State's record unemployment rate. The elimination of the positions will preserve client services dollars available to serve the workforce.

DETR – Employment Security Special Fund (235-4771) DETR-104:

Work continues to replace the 30-year-old UI tax and benefit system used to process wage, contribution, and benefit information. The 2009 Legislature approved federal Reed Act funds of $11.7 million for FY 2010 and $10.4 million for FY 2011 to implement the solutions identified during the initial phase of the project. The IFC approved an additional $13.56 million in federal project funding on September 17, 2009. The Department entered into a fixed-fee, deliverable-based contract to develop and implement the new system. DETR reported that the project is on schedule and on budget and that to date, no material issues or problems have been identified. For the upcoming biennium, the Committee approved unexpended federal funds of $6.69 million in FY 2012 and $2.90 million in FY 2013 to continue the contract with the implementation contractor and to fund change orders.

Other Accounts With No Major Closing Issues:

The following accounts were closed by the Committee as recommended by the Governor with staff authority to make technical adjustments that may be needed based on the closing of other Department accounts:

- Rehabilitation Administration (101-3268) DETR-29
- Client Assistance Program (101-3258) DETR-69

ASSEMBLYMAN HOGAN:

The Way and Means Committee has completed its review of the budgets for the Department of Transportation and took action on the Governor's recommendations as follows:

Transportation Administration (201-4660) NDOT-2:

The Department targets a Highway Fund balance of $100 million to provide sufficient cash to cover operating and capital expenses. Based upon the Governor's recommended expenditures and revenues projected by the Department of Motor Vehicles as of March 31, 2011, the

Department estimates a Highway Fund balance of approximately $110 million at the end of the 2011-13 biennium.

The Committee concurred with the Governor's recommendation for $3.6 million to construct a new building to accommodate staff that will be displaced from the Landmark Building prior to phase three of the Carson City bypass. The Committee approved reorganization for the Department of Public Safety (DPS) and NDOT, whereby the DPS Bicycle Safety Program's Education and Information Officer and related funding was moved to NDOT and combined with the Bicycle and Pedestrian Program. The Committee approved $2 million over the biennium to implement an Electronic Documentation System, $602,997 in federal funds to replace the existing Over-Dimensional Vehicle Permitting System, and $1.9 million over the biennium for non-routine maintenance for the Department's two aircraft. The Committee also approved the Governor's recommendation for $485,609 in Highway Fund reductions over the biennium to eliminate 5.51 FTE vacant positions, which were identified as non-critical and included in the budgetary reductions approved during the 26th Special Session.

Bond Construction (201-4663) NDOT-1:

The Committee concurred with the Governor's recommendations for the Bond Construction account, which did not include new bond proceeds for the 2011-13 biennium.

ASSEMBLYWOMAN SMITH:

I appreciate the indulgence of the body on these reports, and I want to remind you that you can always find the reports attached to the Ways and Means Committee on NELIS. So for today's Ways and Means Committee that meets this afternoon, you will find the reports that were just produced for the record with all of the backup detail that goes with those as well, so that all of our members are more familiar with the budget as we get ready to close.

Mr. Speaker, as of last Friday we have eliminated—with the exception of the DSA account closing, which we all know added some funding back—over $300 million from the budget and eliminated 191 full-time equivalents or positions within the state budget. We have closed 80 percent of the budgets—352 of the budgets out of 442. Now that is number of accounts, not the amount of the budget. We have, since Friday, closed some very large accounts—Medicaid and Welfare—and tomorrow we will close Higher Education, so we still have a very large volume of accounts to close and many more cuts that have been added to this list.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Senate Bills Nos. 232, 280, 302, 358, 393, 396, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MARILYN K. KIRKPATRICK, *Chair*

Mr. Speaker:

Your Committee on Health and Human Services, to which were referred Senate Bills Nos. 27, 44, 114, 131, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

APRIL MASTROLUCA, *Chair*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Conklin moved that Senate Bills Nos. 27, 44, 114, 131, 232, 280, 302, 358, 393, and 396, just reported out of committee, be placed on the Second Reading File.

Motion carried.

COMMUNICATIONS

MESSAGES FROM THE GOVERNOR

OFFICE OF THE GOVERNOR

May 16, 2011

SPEAKER JOHN OCEGUERA, NEVADA STATE ASSEMBLY, 401 SOUTH CARSON STREET, CARSON CITY, NEVADA 89701

RE: Assembly Bill 568 of the 76th Legislative Session

DEAR MR. SPEAKER:

I am herewith forwarding to you, for filing within the constitutional time limit and without my approval, Assembly Bill 568, which is entitled:

> AN ACT relating to education; ensuring sufficient funding for K-12 public education for the 2011-2013 biennium; apportioning the State Distributive School Account in the State General Fund for the 2011-2013 biennium; authorizing certain expenditures; making appropriations for purposes relating to basic support, class-size reduction and other educational purposes; temporarily diverting the money from the State Supplemental School Support Fund to the State Distributive School Account for use in funding operating costs and other expenditures of school districts; and providing other matters properly relating thereto.

I veto and return this bill because it increases state spending by nearly $660 million above the amount proposed in the Executive Budget, as amended. Were this bill to be enacted into law, insufficient revenue would be available for the Legislature to meet its obligation to prepare a balanced budget encompassing all areas of state responsibility.

Approval of Assembly Bill 568, without corresponding reductions in spending in other parts of the Executive Budget, would violate the requirement of balanced relations between proposed expenditures and anticipated revenues. This bill therefore represents a circuitous attempt to secure a tax increase—despite the fact I have been clear since the commencement of the Legislative Session that Nevada's struggling economy must be allowed to fully recover.

Within this context, I have provided the Legislature with a spending plan for K-12 education, as well as a comprehensive legislative package to ensure educator accountability, parental choice, and other much-needed system reforms. I am committed to improving our education system; I am equally committed to doing so in a fiscally prudent manner. I understand these decisions are difficult, but as leaders we must make them. While all of us would like to have more money to spend, we must also accept that education funding cannot occur in a vacuum. Current economic realities require that we spend only the money we have, while allowing for the additional funding of education as the economy continues to improve.

Indeed, only two weeks ago, the report of Nevada's Economic Forum allowed me to submit a budget amendment that added some $240 million for the support of K-12 education just four months after the original Executive Budget was presented to the Legislature. I propose that “triggers" be adopted so additional funding can continue to go straight to the support of the classroom as revenue becomes available through economic recovery.

I am compelled to protect the integrity of my office and the Nevada Constitution. Assembly Bill 568 was processed in a matter of hours, with the clear intention of casting opponents aa somehow “anti-education" while at the same time forcing a tax increase. Such a manipulation of the process undermines the Legislature's obligations to the people of this state.

Much work remains to be done, with only three weeks in which to do it. The people of Nevada have stated clearly their expectation for the Legislature to complete its work and adjourn sine die within 120 days. (Nev. Const. art. 4, § 2.) That deadline is fast approaching, and we

have precious little time remaining to conduct the people's business in a responsible and realistic manner.

Sincere regards,
BRIAN SANDOVAL
Governor

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 16, 2011

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 1, 37, 42, 45, 46, 50, 61, 63, 68, 73; Senate Bills Nos. 244, 430, 441, 444, 475.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 82, Amendment No. 567, and respectfully requests your honorable body to concur in said amendment.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 43, 97, 113, 483.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly Amendment No. 121 to Senate Bill No. 31.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 43.

Assemblyman Conklin moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 97.

Assemblyman Conklin moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 113.

Assemblyman Conklin moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 244.

Assemblyman Conklin moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 430.

Assemblyman Conklin moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 441.
Assemblyman Conklin moved that the bill be referred to the Committee on Ways and Means.
Motion carried.

Senate Bill No. 444.
Assemblyman Conklin moved that the bill be referred to the Committee on Ways and Means.
Motion carried.

Senate Bill No. 475.
Assemblyman Conklin moved that the bill be referred to the Committee on Transportation.
Motion carried.

Senate Bill No. 483.
Assemblyman Conklin moved that the bill be referred to the Committee on Ways and Means.
Motion carried.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 1:07 p.m.

ASSEMBLY IN SESSION

At 1:09 p.m.
Mr. Speaker presiding.
Quorum present.

SECOND READING AND AMENDMENT

Senate Bill No. 27.
Bill read second time and ordered to third reading.

Senate Bill No. 44.
Bill read second time and ordered to third reading.

Senate Bill No. 114.
Bill read second time and ordered to third reading.

Senate Bill No. 131.
Bill read second time and ordered to third reading.

Senate Bill No. 232.
Bill read second time and ordered to third reading.

Senate Bill No. 280.
Bill read second time and ordered to third reading.

Senate Bill No. 302.
Bill read second time and ordered to third reading.

Senate Bill No. 358.
Bill read second time and ordered to third reading.

Senate Bill No. 393.
Bill read second time and ordered to third reading.

Senate Bill No. 396.
Bill read second time and ordered to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Conklin moved that Senate Bills Nos. 7, 74, 81, and 318 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 62.

The following Senate amendment was read:

Amendment No. 471.

AN ACT relating to the Office of the Attorney General; authorizing the Attorney General to charge a fee for the prosecution of certain felony cases; authorizing the Attorney General to charge a regulatory body for certain training services provided by the Attorney General; authorizing the Attorney General to charge the Board of Homeopathic Medical Examiners, the State Board of Oriental Medicine and the Board of Psychological Examiners for all services relating to certain investigations conducted by the Attorney General; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the Attorney General to prosecute a criminal case upon the request of a district attorney. (NRS 228.130) **Section 1** of this bill authorizes the Attorney General to charge a county ~~[reasonable legal fees]~~ for **costs relating to** the prosecution of a category A or B felony. **Section 1 requires the Attorney General and the district attorney for the county to agree upon the costs of the Attorney General which are related to the prosecution.**

Existing law requires the Attorney General to provide training to a new member of a regulatory body. (NRS 622.200) **Section 3** of this bill

authorizes the Attorney General to charge a regulatory body for providing training to a new member of a regulatory body.

Existing law requires the Board of Homeopathic Medical Examiners, the State Board of Oriental Medicine and the Board of Psychological Examiners to transmit to the Attorney General complaints concerning certain persons regulated by those boards. Existing law further requires the Attorney General to investigate each such complaint. (NRS 630A.400, 630A.410, 634A.085, 641.270, 641.271) **Section 4** of this bill authorizes the Board of Homeopathic Medical Examiners to retain the Attorney General to investigate a complaint against a homeopathic physician, and **section 5** of this bill authorizes the Attorney General to charge the Board for all services related to the investigation. **Section 6** of this bill authorizes the State Board of Oriental Medicine to retain the Attorney General to investigate a complaint against a doctor of Oriental medicine and authorizes the Attorney General to charge the Board for all services related to the investigation. **Section 7** of this bill authorizes the Board of Psychological Examiners to retain the Attorney General to investigate a complaint against a psychologist, and **section 8** of this bill authorizes the Attorney General to charge the Board for all services related to the investigation.

Existing law requires the Board of Dispensing Opticians to submit a biennial report to the Attorney General. (NRS 637.080) **Section 9** of this bill repeals the provision requiring the Board of Dispensing Opticians to submit a biennial report to the Attorney General.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 228.130 is hereby amended to read as follows:

228.130 1. In all criminal cases where, in the judgment of the district attorney, the personal presence of the Attorney General or the presence of a deputy or special investigator is required in cases mentioned in subsection 2, before making a request upon the Attorney General for such assistance the district attorney must first present his or her reasons for making the request to the board of county commissioners of his or her county and have the board adopt a resolution joining in the request to the Attorney General.

2. In all criminal cases where help is requested from the Attorney General's Office, as mentioned in subsection 1, in the presentation of criminal cases before a committing magistrate, grand jury, or district court, the board of county commissioners of the county making such request shall, upon the presentation to the board of a duly verified claim setting forth the expenses incurred, pay from the general funds of the county the actual and necessary traveling expenses of the Attorney General or his or her deputy or his or her special investigator from Carson City, Nevada, to the place where

such proceedings are held and return therefrom, and also pay the amount of money actually expended by such person for board and lodging from the date such person leaves until the date he or she returns to Carson City.

3. This section shall not be construed as directing or requiring the Attorney General to appear in any proceedings mentioned in subsection 2, but in acting upon any such request the Attorney General may exercise his or her discretion, and his or her judgment in such matters ~~[shall be]~~ ***is*** final.

4. In addition to any payment of expenses pursuant to subsection 2, the Attorney General may charge for the costs of providing assistance in the prosecution of a category A or B felony pursuant to this section. Such costs must be ~~*[charged for services in a manner consistent with the amount charged to state agencies pursuant to subsection 3 of NRS 228.113.]*~~ ***agreed upon by the Attorney General and the district attorney for the county for which the Attorney General provides assistance.***

Sec. 2. (Deleted by amendment.)

Sec. 3. NRS 622.200 is hereby amended to read as follows:

622.200 ***1.*** As soon as practicable after a person is first appointed to serve as a member of a regulatory body, the person must be provided with:

~~[1.]~~ ***(a)*** A written summary of the duties and responsibilities of a member of the regulatory body; and

~~[2.]~~ ***(b)*** Training on those duties and responsibilities by the Attorney General. The training must include, without limitation, instruction related to the audit that is required by NRS 218G.400, except that a person who is a member of the Nevada State Board of Accountancy is not required to be provided with instruction related to that audit.

2. The Attorney General may, in accordance with the provisions of NRS 228.113, charge a regulatory body for all training provided pursuant to paragraph (b) of subsection 1.

Sec. 4. NRS 630A.400 is hereby amended to read as follows:

630A.400 1. The Board or a committee of its members designated by the Board shall review every complaint filed with the Board and conduct an investigation to determine whether there is a reasonable basis for compelling a homeopathic physician to take a mental or physical examination or an examination of his or her competence to practice homeopathic medicine.

2. If a committee is designated, it must be composed of at least three members of the Board, at least one of whom is a licensed homeopathic physician.

3. If, from the complaint or from other official records, it appears that the complaint is not frivolous and the complaint charges gross or repeated malpractice, the Board ~~[shall]~~ ***may:***

(a) Retain the Attorney General to investigate the complaint; and

(b) If the Board retains the Attorney General, transmit the original complaint, along with further facts or information derived from its own review, to the Attorney General.

4. Following ~~[the]~~ ***an*** investigation, the committee shall present its evaluation and recommendations to the Board. The Board shall review the committee's findings to determine whether to take any further action, but a member of the Board who participated in the investigation may not participate in this review or in any subsequent hearing or action taken by the Board.

Sec. 5. NRS 630A.410 is hereby amended to read as follows:

630A.410 1. ~~[The]~~ ***If the Board retains the Attorney General pursuant to NRS 630A.400, the*** Attorney General shall conduct an investigation of ~~[each]~~ ***the*** complaint transmitted to the Attorney General to determine whether it warrants proceedings for modification, suspension or revocation of license. If the Attorney General determines that such further proceedings are warranted, the Attorney General shall report the results of the investigation together with a recommendation to the Board in a manner which does not violate the right of the person charged in the complaint to due process in any later hearing before the Board.

2. The Board shall promptly make a determination with respect to each complaint reported to it by the Attorney General as to what action shall be pursued. The Board shall:

(a) Dismiss the complaint; or

(b) Proceed with appropriate disciplinary action.

3. If the Board retains the Attorney General pursuant to NRS 630A.400, the Attorney General may, in accordance with the provisions of NRS 228.113, charge the Board for all services relating to the investigation of a complaint.

Sec. 6. NRS 634A.085 is hereby amended to read as follows:

634A.085 1. If a written complaint regarding a ~~[licensee]~~ ***doctor of Oriental medicine*** is filed with the Board, the Board shall review the complaint. If, from the complaint or from other records, it appears that the complaint is not frivolous, the Board ~~[shall]~~ ***may:***

(a) Retain the Attorney General to investigate the complaint; and

(b) If the Board retains the Attorney General, transmit the original complaint and any facts or information obtained from the review to the Attorney General.

2. ~~[The]~~ ***If the Board retains the Attorney General, the*** Attorney General shall conduct an investigation of the complaint ***transmitted to the Attorney General*** to determine whether it warrants proceedings for the modification, suspension or revocation of the license. If the Attorney General

determines that further proceedings are warranted, the Attorney General shall report the results of the investigation and any recommendation to the Board.

3. The Board shall promptly make a determination with respect to each complaint reported to it by the Attorney General. The Board shall:

(a) Dismiss the complaint; or

(b) Proceed with appropriate disciplinary action.

4. The Board shall retain all complaints received by the Board pursuant to this section for at least 10 years, including, without limitation, any complaints not acted upon.

5. If the Board retains the Attorney General, the Attorney General may, in accordance with the provisions of NRS 228.113, charge the Board for all services relating to the investigation of a complaint pursuant to subsection 2.

Sec. 7. NRS 641.270 is hereby amended to read as follows:

641.270 When a complaint is filed with the Board, it shall review the complaint. If, from the complaint or from other official records, it appears that the complaint is not frivolous, the Board ~~[shall]~~ ***may:***

1. Retain the Attorney General to investigate the complaint; and

2. If the Board retains the Attorney General, transmit the original complaint, along with further facts or information derived from the review, to the Attorney General.

Sec. 8. NRS 641.271 is hereby amended to read as follows:

641.271 1. ~~[The]~~ ***If the Board retains the Attorney General pursuant to NRS 641.270, the*** Attorney General shall conduct an investigation of ~~[each]~~ ***a*** complaint transmitted to ~~[him or her by the Board]~~ ***the Attorney General*** to determine whether it warrants proceedings for the modification, suspension or revocation of the license. If the Attorney General determines that further proceedings are warranted, he or she shall report the results of the investigation together with a recommendation to the Board in a manner which does not violate the right of the person charged in the complaint to due process in any later hearing on the complaint.

2. The Board shall promptly make a determination with respect to each complaint reported to it by the Attorney General. The Board shall:

(a) Dismiss the complaint; or

(b) Proceed with appropriate disciplinary action.

3. If the Board retains the Attorney General pursuant to NRS 641.270, the Attorney General may, in accordance with the provisions of NRS 228.113, charge the Board for all services relating to the investigation of a complaint pursuant to subsection 1.

Sec. 9. NRS 637.080 is hereby repealed.

Sec. 10. This act becomes effective on July 1, 2011.

TEXT OF REPEALED SECTION

637.080 Report of Board to Attorney General. Before September 1 of each even-numbered year, for the biennium ending June 30 of such year, the Board shall submit to the Attorney General a written report. The report must include:

1. The names of all dispensing opticians to whom licenses have been granted as provided in this chapter.
2. Any cases heard and decisions rendered by the Board.
3. The recommendations of the Board as to future policies.

➥ Each member of the Board shall review and sign the report before it is submitted to the Attorney General.

Assemblyman Atkinson moved that the Assembly concur in the Senate amendment to Assembly Bill No. 62.

Remarks by Assemblyman Atkinson.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Assembly Bill No. 203.

The following Senate amendment was read:

Amendment No. 470.

SUMMARY—Revises provisions governing **contractors.** ~~[the unlawful use of a contractor's license.]~~ (BDR 54-660)

AN ACT relating to contractors; requiring the State Contractors' Board to issue or authorize the issuance of a written administrative citation to a person who acts as a contractor without an active license of the proper classification; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the State Contractors' Board to issue a written administrative citation if the Board, based upon a preponderance of the evidence, has reason to believe that a person has violated any provision of statute or any administrative regulation governing contractors. (NRS 624.341) ~~[This]~~ **Section 1 of this** bill requires the Board to issue such a citation if a person has acted as a contractor without an active license of the proper classification. **Section 3 of this bill revises the definition of "contractor" as it pertains to public works. (NRS 338.010)**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 624.341 is hereby amended to read as follows:

624.341 1. If the Board or its designee, based upon a preponderance of the evidence, has reason to believe that a person has ~~[committed an]~~ ***:***

(a) Acted as a contractor without an active license of the proper classification issued pursuant to this chapter, the Board or its designee, as appropriate, shall issue or authorize the issuance of a written administrative citation to the person.

(b) Committed any other act which constitutes a violation of this chapter or the regulations of the Board, the Board or its designee, as appropriate, may issue or authorize the issuance of a written administrative citation to the person.

2. A citation issued pursuant to this section may include, without limitation:

(a) An order to take action to correct a condition resulting from an act that constitutes a violation of this chapter or the regulations of the Board, at the person's cost;

(b) An order to pay an administrative fine not to exceed $50,000, except as otherwise provided in subsection 1 of NRS 624.300; and

(c) An order to reimburse the Board for the amount of the expenses incurred to investigate the complaint.

~~[2.]~~ ***3.*** If a written citation issued pursuant to ~~[subsection 1]~~ ***this section*** includes an order to take action to correct a condition resulting from an act that constitutes a violation of this chapter or the regulations of the Board, the citation must state the time permitted for compliance, which must be not less than 15 business days after the date the person receives the citation, and specifically describe the action required to be taken.

~~[3.]~~ ***4.*** The sanctions authorized by ~~[subsection 1]~~ ***this section*** are separate from, and in addition to, any other remedy, civil or criminal, authorized by this chapter.

~~[4.]~~ ***5.*** The failure of an unlicensed person to comply with a citation or order after it is final is a misdemeanor. If an unlicensed person does not pay an administrative fine imposed pursuant to this section within 60 days after the order of the Board becomes final, the order may be executed upon in the same manner as a judgment issued by a court.

Sec. 2. (Deleted by amendment.)

Sec. 3. **NRS 338.010 is hereby amended to read as follows:**

338.010 As used in this chapter:

1. "Authorized representative" means a person designated by a public body to be responsible for the development, solicitation, award or administration of contracts for public works pursuant to this chapter.

2. "Contract" means a written contract entered into between a contractor and a public body for the provision of labor, materials, equipment or supplies for a public work.

3. "Contractor" means:

(a) A person who is licensed pursuant to the provisions of chapter 624 of NRS. ~~[or performs such work that the person is not required to be licensed pursuant to chapter 624 of NRS.]~~

(b) A design-build team.

4. "Day labor" means all cases where public bodies, their officers, agents or employees, hire, supervise and pay the wages thereof directly to a worker or workers employed by them on public works by the day and not under a contract in writing.

5. "Design-build contract" means a contract between a public body and a design-build team in which the design-build team agrees to design and construct a public work.

6. "Design-build team" means an entity that consists of:

(a) At least one person who is licensed as a general engineering contractor or a general building contractor pursuant to chapter 624 of NRS; and

(b) For a public work that consists of:

(1) A building and its site, at least one person who holds a certificate of registration to practice architecture pursuant to chapter 623 of NRS.

(2) Anything other than a building and its site, at least one person who holds a certificate of registration to practice architecture pursuant to chapter 623 of NRS or landscape architecture pursuant to chapter 623A of NRS or who is licensed as a professional engineer pursuant to chapter 625 of NRS.

7. "Design professional" means:

(a) A person who is licensed as a professional engineer pursuant to chapter 625 of NRS;

(b) A person who is licensed as a professional land surveyor pursuant to chapter 625 of NRS;

(c) A person who holds a certificate of registration to engage in the practice of architecture, interior design or residential design pursuant to chapter 623 of NRS;

(d) A person who holds a certificate of registration to engage in the practice of landscape architecture pursuant to chapter 623A of NRS; or

(e) A business entity that engages in the practice of professional engineering, land surveying, architecture or landscape architecture.

8. "Eligible bidder" means a person who is:

(a) Found to be a responsible and responsive contractor by a local government or its authorized representative which requests bids for a public work in accordance with paragraph (b) of subsection 1 of NRS 338.1373; or

(b) Determined by a public body or its authorized representative which awarded a contract for a public work pursuant to NRS 338.1375 to 338.139, inclusive, to be qualified to bid on that contract pursuant to NRS 338.1379 or 338.1382.

9. "General contractor" means a person who is licensed to conduct business in one, or both, of the following branches of the contracting business:

(a) General engineering contracting, as described in subsection 2 of NRS 624.215.

(b) General building contracting, as described in subsection 3 of NRS 624.215.

10. "Governing body" means the board, council, commission or other body in which the general legislative and fiscal powers of a local government are vested.

11. "Local government" means every political subdivision or other entity which has the right to levy or receive money from ad valorem or other taxes or any mandatory assessments, and includes, without limitation, counties, cities, towns, boards, school districts and other districts organized pursuant to chapters 244A, 309, 318, 379, 474, 538, 541, 543 and 555 of NRS, NRS 450.550 to 450.750, inclusive, and any agency or department of a county or city which prepares a budget separate from that of the parent political subdivision. The term includes a person who has been designated by the governing body of a local government to serve as its authorized representative.

12. "Offense" means failing to:

(a) Pay the prevailing wage required pursuant to this chapter;

(b) Pay the contributions for unemployment compensation required pursuant to chapter 612 of NRS;

(c) Provide and secure compensation for employees required pursuant to chapters 616A to 617, inclusive, of NRS; or

(d) Comply with subsection 4 or 5 of NRS 338.070.

13. "Prime contractor" means a contractor who:

(a) Contracts to construct an entire project;

(b) Coordinates all work performed on the entire project;

(c) Uses his or her own workforce to perform all or a part of the public work; and

(d) Contracts for the services of any subcontractor or independent contractor or is responsible for payment to any contracted subcontractors or independent contractors.

➥ The term includes, without limitation, a general contractor or a specialty contractor who is authorized to bid on a project pursuant to NRS 338.139 or 338.148.

14. "Public body" means the State, county, city, town, school district or any public agency of this State or its political subdivisions sponsoring or financing a public work.

15. "Public work" means any project for the new construction, repair or reconstruction of:

(a) A project financed in whole or in part from public money for:

(1) Public buildings;

(2) Jails and prisons;

(3) Public roads;

(4) Public highways;

(5) Public streets and alleys;

(6) Public utilities;

(7) Publicly owned water mains and sewers;

(8) Public parks and playgrounds;

(9) Public convention facilities which are financed at least in part with public money; and

(10) All other publicly owned works and property.

(b) A building for the Nevada System of Higher Education of which 25 percent or more of the costs of the building as a whole are paid from money appropriated by this State or from federal money.

16. "Specialty contractor" means a person who is licensed to conduct business as described in subsection 4 of NRS 624.215.

17. "Stand-alone underground utility project" means an underground utility project that is not integrated into a larger project, including, without limitation:

(a) An underground sewer line or an underground pipeline for the conveyance of water, including facilities appurtenant thereto; and

(b) A project for the construction or installation of a storm drain, including facilities appurtenant thereto,

➥ that is not located at the site of a public work for the design and construction of which a public body is authorized to contract with a design-build team pursuant to subsection 2 of NRS 338.1711.

18. "Subcontract" means a written contract entered into between:

(a) A contractor and a subcontractor or supplier; or

(b) A subcontractor and another subcontractor or supplier,

➥ for the provision of labor, materials, equipment or supplies for a construction project.

19. "Subcontractor" means a person who:

(a) Is licensed pursuant to the provisions of chapter 624 of NRS or performs such work that the person is not required to be licensed pursuant to chapter 624 of NRS; and

(b) Contracts with a contractor, another subcontractor or a supplier to provide labor, materials or services for a construction project.

20. "Supplier" means a person who provides materials, equipment or supplies for a construction project.

21. "Wages" means:

(a) The basic hourly rate of pay; and

(b) The amount of pension, health and welfare, vacation and holiday pay, the cost of apprenticeship training or other similar programs or other bona fide fringe benefits which are a benefit to the worker.

22. "Worker" means a skilled mechanic, skilled worker, semiskilled mechanic, semiskilled worker or unskilled worker in the service of a contractor or subcontractor under any appointment or contract of hire or apprenticeship, express or implied, oral or written, whether lawfully or unlawfully employed. The term does not include a design professional.

Assemblyman Atkinson moved that the Assembly concur in the Senate amendment to Assembly Bill No. 203.

Remarks by Assemblyman Atkinson.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Assembly Bill No. 211.

The following Senate amendment was read:

Amendment No. 560.

SUMMARY—~~[Prohibits]~~ **Revises provisions governing** discriminatory employment practices**.** ~~[based upon gender identity or expression.]~~ (BDR 53-272)

AN ACT relating to employment practices; prohibiting discriminatory employment practices based upon the gender identity or expression of a person; **authorizing the Nevada Equal Rights Commission to investigate certain acts of prejudice against a person with regard to employment based on gender identity or expression and sexual orientation;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes that it is the policy of this State to foster the right of all persons to reasonably seek, obtain and hold employment without discrimination, distinction or restriction because of race, religious creed, color, age, sex, disability, national origin or ancestry. (NRS 233.010) Consistent with that policy, existing law protects against such discrimination with respect to apprenticeships. (NRS 610.010, 610.020, 610.150, 610.185) In addition, existing law prohibits certain employers, employment agencies, labor organizations, joint labor-management committees or contractors from engaging in certain discriminatory employment practices. For example, it is

an unlawful employment practice to fail to hire or to fire or otherwise discriminate against a person, or to limit or segregate or classify an employee on the basis of race, color, religion, sex, sexual orientation, age, disability or national origin, except in certain circumstances. (NRS 338.125, 613.330, 613.340, 613.350, 613.380) **Sections 2-4, 7-13, 16 and 17** of this bill add "gender identity or expression" to the list of categories upon which discrimination is prohibited, and **sections 1, 5 and 14** of this bill define "gender identity or expression" to mean the gender-related identity, appearance, expression or behavior of a person, regardless of the person's assigned sex at birth.

Existing law authorizes the Nevada Equal Rights Commission to investigate tensions, practices of discrimination and acts of prejudice against any person with regard to employment based on race, color, creed, sex, age, disability, national origin or ancestry. (NRS 233.150) **Section 15** of this bill adds "gender identity or expression" **and "sexual orientation"** to the list of categories upon which the Commission may investigate such allegations of discrimination.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 610.010 is hereby amended to read as follows:

610.010 As used in this chapter, unless the context otherwise requires:

1. "Agreement" means a written and signed agreement of indenture as an apprentice.

2. "Apprentice" means a person who is covered by a written agreement, issued pursuant to a program with an employer, or with an association of employers or an organization of employees acting as agent for an employer.

3. "Disability" means, with respect to a person:

(a) A physical or mental impairment that substantially limits one or more of the major life activities of the person;

(b) A record of such an impairment; or

(c) Being regarded as having such an impairment.

4. *"Gender identity or expression" means a gender-related identity, appearance, expression or behavior of a person, regardless of the person's assigned sex at birth.*

5. **"**Program" means a program of training and instruction as an apprentice in an occupation in which a person may be apprenticed.

~~[5.]~~ *6.* "Sexual orientation" means having or being perceived as having an orientation for heterosexuality, homosexuality or bisexuality.

Sec. 2. NRS 610.020 is hereby amended to read as follows:

610.020 The purposes of this chapter are:

1. To open to people, without regard to race, color, creed, sex, sexual orientation, ***gender identity or expression,*** religion, disability or national origin, the opportunity to obtain training that will equip them for profitable employment and citizenship.

2. To establish, as a means to this end, an organized program for the voluntary training of persons under approved standards for apprenticeship, providing facilities for their training and guidance in the arts and crafts of industry and trade, with instruction in related and supplementary education.

3. To promote opportunities for employment for all persons, without regard to race, color, creed, sex, sexual orientation, ***gender identity or expression,*** religion, disability or national origin, under conditions providing adequate training and reasonable earnings.

4. To regulate the supply of skilled workers in relation to the demand for skilled workers.

5. To establish standards for the training of apprentices in approved programs.

6. To establish a State Apprenticeship Council with the authority to carry out the purposes of this chapter and provide for local joint apprenticeship committees to assist in carrying out the purposes of this chapter.

7. To provide for a State Director of Apprenticeship.

8. To provide for reports to the Legislature and to the public regarding the status of the training of apprentices in the State.

9. To establish procedures for regulating programs and deciding controversies concerning programs and agreements.

10. To accomplish related ends.

Sec. 3. NRS 610.150 is hereby amended to read as follows:

610.150 Every agreement entered into under this chapter must contain:

1. The names and signatures of the contracting parties and the signature of a parent or legal guardian if the apprentice is a minor.

2. The date of birth of the apprentice.

3. The name and address of the sponsor of the program.

4. A statement of the trade or craft in which the apprentice is to be trained, and the beginning date and expected duration of the apprenticeship.

5. A statement showing the number of hours to be spent by the apprentice in work and the number of hours to be spent in related and supplemental instruction, which instruction must not be less than 144 hours per year.

6. A statement setting forth a schedule of the processes in the trade or division of industry in which the apprentice is to be trained and the approximate time to be spent at each process.

7. A statement of the graduated scale of wages to be paid the apprentice and whether or not compensation is to be paid for the required time in school.

8. Statements providing:

(a) For a specific period of probation during which the agreement may be terminated by either party to the agreement upon written notice to the State Apprenticeship Council; and

(b) That after the probationary period the agreement may be cancelled at the request of the apprentice, or suspended, cancelled or terminated by the sponsor for good cause, with due notice to the apprentice and a reasonable opportunity for corrective action, and with written notice to the apprentice and the State Apprenticeship Council of the final action taken.

9. A reference incorporating as part of the agreement the standards of the program as it exists on the date of the agreement and as it may be amended during the period of the agreement.

10. A statement that the apprentice will be accorded equal opportunity in all phases of employment and training as an apprentice without discrimination because of race, color, creed, sex, sexual orientation, ***gender identity or expression,*** religion or disability.

11. A statement naming the State Apprenticeship Council as the authority designated pursuant to NRS 610.180 to receive, process and dispose of controversies or differences arising out of the agreement when the controversies or differences cannot be adjusted locally or resolved in accordance with the program or collective bargaining agreements.

12. Such additional terms and conditions as are prescribed or approved by the State Apprenticeship Council not inconsistent with the provisions of this chapter.

Sec. 4. NRS 610.185 is hereby amended to read as follows:

610.185 The State Apprenticeship Council shall suspend for 1 year the right of any employer, association of employers or organization of employees acting as agent for an employer to participate in a program under the provisions of this chapter if the Nevada Equal Rights Commission, after notice and hearing, finds that the employer, association or organization has discriminated against an apprentice because of race, color, creed, sex, sexual orientation, ***gender identity or expression,*** religion, disability or national origin in violation of this chapter.

Sec. 5. NRS 613.310 is hereby amended to read as follows:

613.310 As used in NRS 613.310 to 613.435, inclusive, unless the context otherwise requires:

1. "Disability" means, with respect to a person:

(a) A physical or mental impairment that substantially limits one or more of the major life activities of the person, including, without limitation, the human immunodeficiency virus;

(b) A record of such an impairment; or

(c) Being regarded as having such an impairment.

2. "Employer" means any person who has 15 or more employees for each working day in each of 20 or more calendar weeks in the current or preceding calendar year, but does not include:

(a) The United States or any corporation wholly owned by the United States.

(b) Any Indian tribe.

(c) Any private membership club exempt from taxation pursuant to 26 U.S.C. § 501(c).

3. "Employment agency" means any person regularly undertaking with or without compensation to procure employees for an employer or to procure for employees opportunities to work for an employer, but does not include any agency of the United States.

4. "***Gender identity or expression" means a gender-related identity, appearance, expression or behavior of a person, regardless of the person's assigned sex at birth.***

5. **"**Labor organization" means any organization of any kind, or any agency or employee representation committee or plan, in which employees participate and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment or other conditions of employment.

~~[5.]~~ ***6.*** "Person" includes the State of Nevada and any of its political subdivisions.

~~[6.]~~ ***7.*** "Sexual orientation" means having or being perceived as having an orientation for heterosexuality, homosexuality or bisexuality.

Sec. 6. NRS 613.320 is hereby amended to read as follows:

613.320 1. The provisions of NRS 613.310 to 613.435, inclusive, do not apply to:

(a) Any employer with respect to employment outside this state.

(b) Any religious corporation, association or society with respect to the employment of individuals of a particular religion to perform work connected with the carrying on of its religious activities.

2. The provisions of NRS 613.310 to 613.435, inclusive, concerning unlawful employment practices related to sexual orientation ***and gender identity or expression*** do not apply to an organization that is exempt from taxation pursuant to 26 U.S.C. § 501(c)(3).

Sec. 7. NRS 613.330 is hereby amended to read as follows:

613.330 1. Except as otherwise provided in NRS 613.350, it is an unlawful employment practice for an employer:

(a) To fail or refuse to hire or to discharge any person, or otherwise to discriminate against any person with respect to the person's compensation, terms, conditions or privileges of employment, because of his or her race,

color, religion, sex, sexual orientation, ***gender identity or expression,*** age, disability or national origin; or

(b) To limit, segregate or classify an employee in a way which would deprive or tend to deprive the employee of employment opportunities or otherwise adversely affect his or her status as an employee, because of his or her race, color, religion, sex, sexual orientation, ***gender identity or expression,*** age, disability or national origin.

2. It is an unlawful employment practice for an employment agency to:

(a) Fail or refuse to refer for employment, or otherwise to discriminate against, any person because of the race, color, religion, sex, sexual orientation, ***gender identity or expression,*** age, disability or national origin of that person; or

(b) Classify or refer for employment any person on the basis of the race, color, religion, sex, sexual orientation, ***gender identity or expression,*** age, disability or national origin of that person.

3. It is an unlawful employment practice for a labor organization:

(a) To exclude or to expel from its membership, or otherwise to discriminate against, any person because of his or her race, color, religion, sex, sexual orientation, ***gender identity or expression,*** age, disability or national origin;

(b) To limit, segregate or classify its membership, or to classify or fail or refuse to refer for employment any person, in any way which would deprive or tend to deprive the person of employment opportunities, or would limit the person's employment opportunities or otherwise adversely affect the person's status as an employee or as an applicant for employment, because of his or her race, color, religion, sex, sexual orientation, ***gender identity or expression,*** age, disability or national origin; or

(c) To cause or attempt to cause an employer to discriminate against any person in violation of this section.

4. It is an unlawful employment practice for any employer, labor organization or joint labor-management committee controlling apprenticeship or other training or retraining, including, without limitation, on-the-job training programs, to discriminate against any person because of his or her race, color, religion, sex, sexual orientation, ***gender identity or expression,*** age, disability or national origin in admission to, or employment in, any program established to provide apprenticeship or other training.

5. It is an unlawful employment practice for any employer, employment agency, labor organization or joint labor-management committee to discriminate against a person with a disability by interfering, directly or indirectly, with the use of an aid or appliance, including, without limitation, a service animal, by such a person.

6. It is an unlawful employment practice for an employer, directly or indirectly, to refuse to permit an employee with a disability to keep the employee's service animal with him or her at all times in his or her place of employment.

7. As used in this section, "service animal" has the meaning ascribed to it in NRS 426.097.

Sec. 8. NRS 613.340 is hereby amended to read as follows:

613.340 1. It is an unlawful employment practice for an employer to discriminate against any of his or her employees or applicants for employment, for an employment agency to discriminate against any person, or for a labor organization to discriminate against any member thereof or applicant for membership, because the employee, applicant, person or member, as applicable, has opposed any practice made an unlawful employment practice by NRS 613.310 to 613.435, inclusive, or because he or she has made a charge, testified, assisted or participated in any manner in an investigation, proceeding or hearing under NRS 613.310 to 613.435, inclusive.

2. It is an unlawful employment practice for an employer, labor organization or employment agency to print or publish or cause to be printed or published any notice or advertisement relating to employment by such an employer or membership in or any classification or referral for employment by such a labor organization, or relating to any classification or referral for employment by such an employment agency, indicating any preference, limitation, specification or discrimination, based on race, color, religion, sex, sexual orientation, ***gender identity or expression,*** age, disability or national origin, except that such a notice or advertisement may indicate a preference, limitation, specification or discrimination based on religion, sex, sexual orientation, ***gender identity or expression,*** age, physical, mental or visual condition or national origin when religion, sex, sexual orientation, ***gender identity or expression,*** age, physical, mental or visual condition or national origin is a bona fide occupational qualification for employment.

Sec. 9. NRS 613.350 is hereby amended to read as follows:

613.350 1. It is not an unlawful employment practice for an employer to hire and employ employees, for an employment agency to classify or refer for employment any person, for a labor organization to classify its membership or to classify or refer for employment any person, or for an employer, labor organization or joint labor-management committee controlling apprenticeship or other training or retraining programs to admit or employ any person in any such program, on the basis of his or her religion, sex, sexual orientation, ***gender identity or expression,*** age, disability or national origin in those instances where religion, sex, sexual orientation, ***gender identity or expression,*** age, physical, mental or visual condition or

national origin is a bona fide occupational qualification reasonably necessary to the normal operation of that particular business or enterprise.

2. It is not an unlawful employment practice for an employer to fail or refuse to hire and employ employees, for an employment agency to fail to classify or refer any person for employment, for a labor organization to fail to classify its membership or to fail to classify or refer any person for employment, or for an employer, labor organization or joint labor-management committee controlling apprenticeship or other training or retraining programs to fail to admit or employ any person in any such program, on the basis of a disability in those instances where physical, mental or visual condition is a bona fide and relevant occupational qualification necessary to the normal operation of that particular business or enterprise, if it is shown that the particular disability would prevent proper performance of the work for which the person with a disability would otherwise have been hired, classified, referred or prepared under a training or retraining program.

3. It is not an unlawful employment practice for an employer to fail or refuse to hire or to discharge a person, for an employment agency to fail to classify or refer any person for employment, for a labor organization to fail to classify its membership or to fail to classify or refer any person for employment, or for an employer, labor organization or joint labor-committee controlling apprenticeship or other training or retraining programs to fail to admit or employ any person in any such program, on the basis of his or her age if the person is less than 40 years of age.

4. It is not an unlawful employment practice for a school, college, university or other educational institution or institution of learning to hire and employ employees of a particular religion if the school or institution is, in whole or in substantial part, owned, supported, controlled or managed by a particular religion or by a particular religious corporation, association or society, or if the curriculum of the school or institution is directed toward the propagation of a particular religion.

5. It is not an unlawful employment practice for an employer to observe the terms of any bona fide plan for employees' benefits, such as a retirement, pension or insurance plan, which is not a subterfuge to evade the provisions of NRS 613.310 to 613.435, inclusive, as they relate to discrimination against a person because of age, except that no such plan excuses the failure to hire any person who is at least 40 years of age.

6. It is not an unlawful employment practice for an employer to require employees to adhere to reasonable workplace appearance, grooming and dress standards so long as such requirements are not precluded by law, except that an employer shall allow an employee to appear, groom and dress consistent with the employee's gender identity or expression.

Sec. 10. NRS 613.380 is hereby amended to read as follows:

613.380 Notwithstanding any other provision of NRS 613.310 to 613.435, inclusive, it is not an unlawful employment practice for an employer to apply different standards of compensation, or different terms, conditions or privileges of employment pursuant to a bona fide seniority or merit system, or a system which measures earnings by quantity or quality of production or to employees who work in different locations, if those differences are not the result of an intention to discriminate because of race, color, religion, sex, sexual orientation, ***gender identity or expression,*** age, disability or national origin, nor is it an unlawful employment practice for an employer to give and to act upon the results of any professionally developed ability test, if the test, its administration or action upon the results is not designed, intended or used to discriminate because of race, color, religion, sex, sexual orientation, ***gender identity or expression,*** age, disability or national origin.

Sec. 11. NRS 613.400 is hereby amended to read as follows:

613.400 Nothing contained in NRS 613.310 to 613.435, inclusive, requires any employer, employment agency, labor organization or joint labor-management committee subject to NRS 613.310 to 613.435, inclusive, to grant preferential treatment to any person or to any group because of the race, color, religion, sex, sexual orientation, ***gender identity or expression,*** age, disability or national origin of the individual or group on account of an imbalance which exists with respect to the total number or percentage of persons of any race, color, religion, sex, sexual orientation, ***gender identity or expression,*** age, disability or national origin employed by any employer, referred or classified for employment by any employment agency or labor organization, admitted to membership or classified by any labor organization, or admitted to, or employed in, any apprenticeship or other training program, in comparison with the total number or percentage of persons of that race, color, religion, sex, sexual orientation, ***gender identity or expression,*** age, disability or national origin in any community, section or other area, or in the available workforce in any community, section or other area.

Sec. 12. NRS 613.405 is hereby amended to read as follows:

613.405 Any person injured by an unlawful employment practice within the scope of NRS 613.310 to 613.435, inclusive, may file a complaint to that effect with the Nevada Equal Rights Commission if the complaint is based on discrimination because of race, color, sex, sexual orientation, ***gender identity or expression,*** age, disability, religion or national origin.

Sec. 13. NRS 233.010 is hereby amended to read as follows:

233.010 1. It is hereby declared to be the public policy of the State of Nevada to protect the welfare, prosperity, health and peace of all the people of the State, and to foster the right of all persons reasonably to seek, obtain

and hold ~~[employment and]~~ housing accommodations without discrimination, distinction or restriction because of race, religious creed, color, age, sex, disability, national origin or ancestry.

2. It is hereby declared to be the public policy of the State of Nevada to protect the welfare, prosperity, health and peace of all the people of the State, and to foster the right of all persons reasonably to seek and be granted services in places of public accommodation without discrimination, distinction or restriction because of race, religious creed, color, age, sex, disability, sexual orientation, national origin or ancestry.

3. ***It is hereby declared to be the public policy of the State of Nevada to protect the welfare, prosperity, health and peace of all the people of the State, and to foster the right of all persons reasonably to seek, obtain and hold employment without discrimination, distinction or restriction because of race, religious creed, color, age, sex, disability, sexual orientation, gender identity or expression, national origin or ancestry.***

4. It is recognized that the people of this State should be afforded full and accurate information concerning actual and alleged practices of discrimination and acts of prejudice, and that such information may provide the basis for formulating statutory remedies of equal protection and opportunity for all citizens in this State.

Sec. 14. NRS 233.020 is hereby amended to read as follows:

233.020 As used in this chapter:

1. "Administrator" means the Administrator of the Commission.

2. "Commission" means the Nevada Equal Rights Commission within the Department of Employment, Training and Rehabilitation.

3. "Disability" means, with respect to a person:

(a) A physical or mental impairment that substantially limits one or more of the major life activities of the person;

(b) A record of such an impairment; or

(c) Being regarded as having such an impairment.

4. ***"Gender identity or expression" means a gender-related identity, appearance, expression or behavior of a person, regardless of the person's assigned sex at birth.***

5. **"**Member" means a member of the Nevada Equal Rights Commission.

~~[5.]~~ ***6.*** "Sexual orientation" means having or being perceived as having an orientation for heterosexuality, homosexuality or bisexuality.

Sec. 15. NRS 233.150 is hereby amended to read as follows:

233.150 The Commission may:

1. Order its Administrator to:

(a) With regard to public accommodation, investigate tensions, practices of discrimination and acts of prejudice against any person or group because

of race, color, creed, sex, age, disability, sexual orientation, national origin or ancestry, and may conduct hearings with regard thereto.

(b) With regard to ~~[employment and]~~ housing, investigate tensions, practices of discrimination and acts of prejudice against any person or group because of race, color, creed, sex, age, disability, national origin or ancestry, and may conduct hearings with regard thereto.

(c) With regard to employment, investigate tensions, practices of discrimination and acts of prejudice against any person or group because of race, color, creed, sex, age, disability, sexual orientation, gender identity or expression, national origin or ancestry, and may conduct hearings with regard thereto.

2. Mediate between or reconcile the persons or groups involved in those tensions, practices and acts.

3. Issue subpoenas for the attendance of witnesses or for the production of documents or tangible evidence relevant to any investigations or hearings conducted by the Commission.

4. Delegate its power to hold hearings and issue subpoenas to any of its members or any hearing officer in its employ.

5. Adopt reasonable regulations necessary for the Commission to carry out the functions assigned to it by law.

Sec. 16. NRS 281.370 is hereby amended to read as follows:

281.370 1. All personnel actions taken by state, county or municipal departments, housing authorities, agencies, boards or appointing officers thereof must be based solely on merit and fitness.

2. State, county or municipal departments, housing authorities, agencies, boards or appointing officers thereof shall not refuse to hire a person, discharge or bar any person from employment or discriminate against any person in compensation or in other terms or conditions of employment because of the person's race, creed, color, national origin, sex, sexual orientation, ***gender identity or expression,*** age, political affiliation or disability, except when based upon a bona fide occupational qualification.

3. As used in this section:

(a) "Disability" means, with respect to a person:

(1) A physical or mental impairment that substantially limits one or more of the major life activities of the person;

(2) A record of such an impairment; or

(3) Being regarded as having such an impairment.

(b) ***"Gender identity or expression" means a gender-related identity, appearance, expression or behavior of a person, regardless of the person's assigned sex at birth.***

(c) **"**Sexual orientation" means having or being perceived as having an orientation for heterosexuality, homosexuality or bisexuality.

Sec. 17. NRS 338.125 is hereby amended to read as follows:

338.125 1. It is unlawful for any contractor in connection with the performance of work under a contract with a public body, when payment of the contract price, or any part of such payment, is to be made from public money, to refuse to employ or to discharge from employment any person because of his or her race, color, creed, national origin, sex, sexual orientation ***, gender identity or expression,*** or age, or to discriminate against a person with respect to hire, tenure, advancement, compensation or other terms, conditions or privileges of employment because of his or her race, creed, color, national origin, sex, sexual orientation ***, gender identity or expression,*** or age.

2. Contracts between contractors and public bodies must contain the following contractual provisions:

> In connection with the performance of work under this contract, the contractor agrees not to discriminate against any employee or applicant for employment because of race, creed, color, national origin, sex, sexual orientation ***, gender identity or expression,*** or age, including, without limitation, with regard to employment, upgrading, demotion or transfer, recruitment or recruitment advertising, layoff or termination, rates of pay or other forms of compensation, and selection for training, including, without limitation, apprenticeship.
>
> The contractor further agrees to insert this provision in all subcontracts hereunder, except subcontracts for standard commercial supplies or raw materials.

3. Any violation of such provision by a contractor constitutes a material breach of contract.

4. As used in this section ~~[, "sexual]~~ ***:***

(a) "Gender identity or expression" means a gender-related identity, appearance, expression or behavior of a person, regardless of the person's assigned sex at birth.

(b) "Sexual orientation" means having or being perceived as having an orientation for heterosexuality, homosexuality or bisexuality.

Assemblyman Atkinson moved that the Assembly concur in the Senate amendment to Assembly Bill No. 211.

Remarks by Assemblyman Atkinson.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Assembly Bill No. 214.

The following Senate amendment was read:

Amendment No. 550.

AN ACT relating to escrow accounts; requiring that certain disbursements of money from escrow accounts be payable in United States currency; requiring that certain disbursements of money from escrow accounts be disbursed in accordance with federal law governing next-day availability of such money; **establishing provisions concerning the disbursement of money from an escrow account by a title insurer, title agent or escrow officer;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law governs the disbursement of money held in escrow **by an escrow officer or escrow agent** relating to certain transactions and prohibits disbursements from an escrow account on the same business day as the money is deposited unless the deposit is made in certain forms which allow for the immediate withdrawal of the money. (NRS 645A.171) ~~[This]~~ **Section 1 of this** bill requires certain disbursements **by an escrow agent** which are available on the same business day as that on which the money is deposited to be payable in United States currency. ~~[This bill]~~ **Section 1** also requires that money in an escrow account which is accorded next-day availability be disbursed **by the escrow agent** in accordance with all applicable federal laws.

Section 2 of this bill establishes provisions concerning the disbursement of money from an escrow account by a title insurer, title agent or escrow officer with respect to real estate transactions. Section 2 prohibits the disbursement of such money until deposits that are at least equal to the proposed disbursement have been received, prohibits the disbursement unless the deposit is made in certain forms which allow for the immediate withdrawal of the money and requires that money in an escrow account which is accorded next-day availability be disbursed by the title insurer, title agent or escrow officer in accordance with all applicable federal laws.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 645A.171 is hereby amended to read as follows:

645A.171 1. ~~[No escrow officer or person who acts as an]~~ ***An*** escrow agent ~~[may]~~ ***shall not*** disburse money from an escrow account unless deposits which are at least equal in value to the proposed disbursements and which relate directly to the transaction for which the money is to be disbursed have been received.

2. ~~[No escrow officer or person who acts as an]~~ ***An*** escrow agent ~~[may]~~ ***shall not*** disburse money from an escrow account on the same business day as the money is deposited unless the deposit is made in one of the following forms:

(a) Cash;

(b) Interbank electronic transfer such that the money deposited is available for immediate withdrawal without condition ~~[;]~~ ***and payable in United States currency;***

(c) Negotiable order of withdrawal, money order, cashier's check or certified check which is payable in this State and which is drawn from a financial institution located in this State;

(d) Any depository check, including any cashier's check or teller's check, that is governed by the Expedited Funds Availability Act, 12 U.S.C. §§ 4001 et seq.; or

(e) Any other form that permits conversion of the deposit to cash on the same day as the deposit is made.

3. ***An escrow*** ~~*[officer or person who acts as an escrow]*~~ ***agent who disburses money from an escrow account pursuant to this section on the next business day after the day on which the money is deposited shall comply with all applicable federal laws or regulations with respect to the disbursement of money accorded next-day availability that is deposited in an escrow account.***

~~*[4. As used in this section, "escrow officer" has the meaning ascribed to it in NRS 692A.028.]*~~

Sec. 2. **Chapter 692A of NRS is hereby amended by adding thereto a new section to read as follows:**

1. A title insurer, title agent or escrow officer shall not disburse money from an escrow account unless deposits which are at least equal in value to the proposed disbursements and which relate directly to the transaction for which the money is to be disbursed have been received.

2. A title insurer, title agent or escrow officer shall not disburse money from an escrow account on the same business day as the money is deposited unless the deposit is made in one of the following forms:

(a) Cash;

(b) Interbank electronic transfer such that the money deposited is available for immediate withdrawal without condition and payable in United States currency;

(c) Negotiable order of withdrawal, money order, cashier's check or certified check which is payable in this State and which is drawn from a financial institution located in this State;

(d) Any depository check, including any cashier's check or teller's check, that is governed by the Expedited Funds Availability Act, 12 U.S.C. §§ 4001 et seq.; or

(e) Any other form that permits conversion of the deposit to cash on the same day as the deposit is made.

3. A title insurer, title agent or escrow officer who disburses money from an escrow account pursuant to this section on the next business day after the day on which the money is deposited shall comply with all applicable federal laws or regulations with respect to the disbursement of money accorded next-day availability that is deposited in an escrow account.

Assemblyman Atkinson moved that the Assembly concur in the Senate amendment to Assembly Bill No. 214.

Remarks by Assemblyman Atkinson.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Assembly Bill No. 215.

The following Senate amendment was read:

Amendment No. 569.

AN ACT relating to utilities; authorizing certain public utilities that purchase natural gas for resale and electric utilities to request approval from the Public Utilities Commission of Nevada to make quarterly rate adjustments based on deferred accounting; requiring that written notices which are provided to customers of certain public utilities that purchase natural gas for resale and electric utilities contain information about the review of certain quarterly rate adjustments by the Commission; authorizing the Commission to allow public utilities that purchase natural gas for resale and electric utilities to apply for certain additional rate adjustments upon a showing of good cause; prohibiting public utilities which purchase natural gas for resale and electric utilities from applying for certain annual rate adjustments after receiving approval from the Commission to make quarterly rate adjustments based on deferred accounting; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes certain public utilities that purchase natural gas for resale and certain electric utilities to use deferred accounting to reflect changes in the cost of purchased natural gas, fuel or power. (NRS 704.185, 704.187) **Section 5** of this bill authorizes a public utility which purchases natural gas for resale and which adjusts its rates on a quarterly basis based on the fluctuating price of natural gas to request approval to make quarterly adjustments to its deferred energy accounting adjustment. **Section 5** also authorizes an electric utility that is required to make quarterly adjustments based on the fluctuating price of fuel or power to request approval from the Commission to make quarterly adjustments to its deferred energy accounting adjustment. **Section 5** further requires a utility that receives approval to make any quarterly adjustments to provide its customers with written notice that

includes information relating to when the adjustments will be reviewed by the Commission. **Section 5** also authorizes the Commission to approve, upon a showing of good cause, certain additional quarterly adjustments for a public utility which purchases natural gas for resale and an electric utility which has received approval from the Commission to make quarterly adjustments to its deferred energy accounting adjustment. **Sections 6 and 7** of this bill provide that a public utility which purchases natural gas for resale or an electric utility which has received approval from the Commission to make quarterly adjustments to its deferred energy accounting adjustment is not eligible to apply for any additional adjustment to its deferred energy accounting adjustment in its annual deferred energy accounting adjustment application.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 703.320 is hereby amended to read as follows:

703.320 Except as otherwise provided in subsections ~~[8 and]~~ 9 ***and 11*** of NRS 704.110:

1. In any matter pending before the Commission, if a hearing is required by a specific statute or is otherwise required by the Commission, the Commission shall give notice of the pendency of the matter to all persons entitled to notice of the hearing. The Commission shall by regulation specify:

(a) The manner of giving notice in each type of proceeding; and

(b) The persons entitled to notice in each type of proceeding.

2. The Commission shall not dispense with a hearing:

(a) In any matter pending before the Commission pursuant to NRS 704.7561 to 704.7595, inclusive; or

(b) Except as otherwise provided in paragraph (f) of subsection 1 of NRS 704.100, in any matter pending before the Commission pursuant to NRS 704.061 to 704.110, inclusive, in which an electric utility has filed a general rate application or an annual deferred energy accounting adjustment application pursuant to NRS 704.187.

3. In any other matter pending before the Commission, the Commission may dispense with a hearing and act upon the matter pending unless, within 10 days after the date of the notice of pendency, a person entitled to notice of the hearing files with the Commission a request that the hearing be held. If such a request for a hearing is filed, the Commission shall give at least 10 days' notice of the hearing.

4. As used in this section, "electric utility" has the meaning ascribed to it in NRS 704.187.

Sec. 2. NRS 704.062 is hereby amended to read as follows:

704.062 "Application to make changes in any schedule" and "application" include, without limitation:

1. A general rate application;

2. An application to recover the ~~[~~increased~~]~~ cost of purchased fuel, purchased power, or natural gas purchased for resale; ~~[~~and~~]~~

3. An annual deferred energy accounting adjustment application ~~[.]~~ ***; and***

4. An annual rate adjustment application.

Sec. 3. NRS 704.069 is hereby amended to read as follows:

704.069 1. Except as otherwise provided in subsections ~~[~~8 and~~]~~ 9 ***and 11*** of NRS 704.110, the Commission shall conduct a consumer session to solicit comments from the public in any matter pending before the Commission pursuant to NRS 704.061 to 704.110, inclusive, in which:

(a) A public utility has filed a general rate application, an application to recover the increased cost of purchased fuel, purchased power, or natural gas purchased for resale, an annual deferred energy accounting adjustment application pursuant to NRS 704.187 or an annual rate adjustment application; and

(b) The changes proposed in the application will result in an increase in annual gross operating revenue, as certified by the applicant, in an amount that will exceed $50,000 or 10 percent of the applicant's annual gross operating revenue, whichever is less.

2. In addition to the case-specific consumer sessions required by subsection 1, the Commission shall, during each calendar year, conduct at least one general consumer session in the county with the largest population in this State and at least one general consumer session in the county with the second largest population in this State. At each general consumer session, the Commission shall solicit comments from the public on issues concerning public utilities. Not later than 60 days after each general consumer session, the Commission shall submit the record from the general consumer session to the Legislative Commission.

Sec. 4. NRS 704.100 is hereby amended to read as follows:

704.100 1. Except as otherwise provided in NRS 704.075 and 704.68861 to 704.68887, inclusive, or as may otherwise be provided by the Commission pursuant to NRS 704.095 or 704.097:

(a) A public utility shall not make changes in any schedule, unless the public utility:

(1) Files with the Commission an application to make the proposed changes and the Commission approves the proposed changes pursuant to NRS 704.110; or

(2) Files the proposed changes with the Commission using a letter of advice in accordance with the provisions of paragraph (f).

(b) A public utility shall adjust its rates on a quarterly basis between annual rate adjustment applications pursuant to subsection 8 of NRS 704.110

based on changes in the public utility's recorded costs of natural gas purchased for resale.

(c) An electric utility shall, between annual deferred energy accounting adjustment applications filed pursuant to NRS 704.187, adjust its rates on a quarterly basis pursuant to subsection ~~[9]~~ ***10*** of NRS 704.110.

(d) A public utility shall post copies of all proposed schedules and all new or amended schedules in the same offices and in substantially the same form, manner and places as required by NRS 704.070 for the posting of copies of schedules that are currently in force.

(e) A public utility may not set forth as justification for a rate increase any items of expense or rate base that previously have been considered and disallowed by the Commission, unless those items are clearly identified in the application and new facts or considerations of policy for each item are advanced in the application to justify a reversal of the prior decision of the Commission.

(f) Except as otherwise provided in paragraph (g), if the proposed change in any schedule does not change any rate or will result in an increase in annual gross operating revenue, as certified by the public utility, in an amount that does not exceed $2,500:

(1) The public utility may file the proposed change with the Commission using a letter of advice in lieu of filing an application; and

(2) The Commission shall determine whether it should dispense with a hearing regarding the proposed change.

(g) If the applicant is a small-scale provider of last resort and the proposed change in any schedule will result in an increase in annual gross operating revenue, as certified by the applicant, in an amount that does not exceed $50,000 or 10 percent of the applicant's annual gross operating revenue, whichever is less, the Commission shall determine whether it should dispense with a hearing regarding the proposed change.

(h) In making the determination pursuant to paragraph (f) or (g), the Commission shall first consider all timely written protests, any presentation that the Regulatory Operations Staff of the Commission may desire to present, the application of the public utility and any other matters deemed relevant by the Commission.

2. As used in this section, "electric utility" has the meaning ascribed to it in NRS 704.187.

Sec. 5. NRS 704.110 is hereby amended to read as follows:

704.110 Except as otherwise provided in NRS 704.075 and 704.68861 to 704.68887, inclusive, or as may otherwise be provided by the Commission pursuant to NRS 704.095 or 704.097:

1. If a public utility files with the Commission an application to make changes in any schedule, including, without limitation, changes that will

result in a discontinuance, modification or restriction of service, the Commission shall investigate the propriety of the proposed changes to determine whether to approve or disapprove the proposed changes. If an electric utility files such an application and the application is a general rate application or an annual deferred energy accounting adjustment application, the Consumer's Advocate shall be deemed a party of record.

2. Except as otherwise provided in subsection 3, if a public utility files with the Commission an application to make changes in any schedule, the Commission shall, not later than 210 days after the date on which the application is filed, issue a written order approving or disapproving, in whole or in part, the proposed changes.

3. If a public utility files with the Commission a general rate application, the public utility shall submit with its application a statement showing the recorded results of revenues, expenses, investments and costs of capital for its most recent 12 months for which data were available when the application was prepared. Except as otherwise provided in subsection 4, in determining whether to approve or disapprove any increased rates, the Commission shall consider evidence in support of the increased rates based upon actual recorded results of operations for the same 12 months, adjusted for increased revenues, any increased investment in facilities, increased expenses for depreciation, certain other operating expenses as approved by the Commission and changes in the costs of securities which are known and are measurable with reasonable accuracy at the time of filing and which will become effective within 6 months after the last month of those 12 months, but the public utility shall not place into effect any increased rates until the changes have been experienced and certified by the public utility to the Commission and the Commission has approved the increased rates. The Commission shall also consider evidence supporting expenses for depreciation, calculated on an annual basis, applicable to major components of the public utility's plant placed into service during the recorded test period or the period for certification as set forth in the application. Adjustments to revenues, operating expenses and costs of securities must be calculated on an annual basis. Within 90 days after the date on which the certification required by this subsection is filed with the Commission, or within the period set forth in subsection 2, whichever time is longer, the Commission shall make such order in reference to the increased rates as is required by this chapter. The following public utilities shall each file a general rate application pursuant to this subsection based on the following schedule:

(a) An electric utility that primarily serves less densely populated counties shall file a general rate application not later than 5 p.m. on or before the first Monday in June 2010, and at least once every 36 months thereafter.

(b) An electric utility that primarily serves densely populated counties shall file a general rate application not later than 5 p.m. on or before the first Monday in June 2011, and at least once every 36 months thereafter.

(c) A public utility that furnishes water for municipal, industrial or domestic purposes or services for the disposal of sewage, or both, which had an annual gross operating revenue of $2,000,000 or more for at least 1 year during the immediately preceding 3 years and which had not filed a general rate application with the Commission on or after July 1, 2005, shall file a general rate application on or before June 30, 2008, and at least once every 36 months thereafter unless waived by the Commission pursuant to standards adopted by regulation of the Commission. If a public utility furnishes both water and services for the disposal of sewage, its annual gross operating revenue for each service must be considered separately for determining whether the public utility meets the requirements of this paragraph for either service.

(d) A public utility that furnishes water for municipal, industrial or domestic purposes or services for the disposal of sewage, or both, which had an annual gross operating revenue of $2,000,000 or more for at least 1 year during the immediately preceding 3 years and which had filed a general rate application with the Commission on or after July 1, 2005, shall file a general rate application on or before June 30, 2009, and at least once every 36 months thereafter unless waived by the Commission pursuant to standards adopted by regulation of the Commission. If a public utility furnishes both water and services for the disposal of sewage, its annual gross operating revenue for each service must be considered separately for determining whether the public utility meets the requirements of this paragraph for either service.

➥ The Commission shall adopt regulations setting forth standards for waivers pursuant to paragraphs (c) and (d) and for including the costs incurred by the public utility in preparing and presenting the general rate application before the effective date of any change in rates.

4. In addition to submitting the statement required pursuant to subsection 3, a public utility may submit with its general rate application a statement showing the effects, on an annualized basis, of all expected changes in circumstances. If such a statement is filed, it must include all increases and decreases in revenue and expenses which may occur within 210 days after the date on which its general rate application is filed with the Commission if such expected changes in circumstances are reasonably known and are measurable with reasonable accuracy. If a public utility submits such a statement, the public utility has the burden of proving that the expected changes in circumstances set forth in the statement are reasonably known and are measurable with reasonable accuracy. The Commission shall consider

expected changes in circumstances to be reasonably known and measurable with reasonable accuracy if the expected changes in circumstances consist of specific and identifiable events or programs rather than general trends, patterns or developments, have an objectively high probability of occurring to the degree, in the amount and at the time expected, are primarily measurable by recorded or verifiable revenues and expenses and are easily and objectively calculated, with the calculation of the expected changes relying only secondarily on estimates, forecasts, projections or budgets. If the Commission determines that the public utility has met its burden of proof:

(a) The Commission shall consider the statement submitted pursuant to this subsection and evidence relevant to the statement, including all reasonable projected or forecasted offsets in revenue and expenses that are directly attributable to or associated with the expected changes in circumstances under consideration, in addition to the statement required pursuant to subsection 3 as evidence in establishing just and reasonable rates for the public utility; and

(b) The public utility is not required to file with the Commission the certification that would otherwise be required pursuant to subsection 3.

5. If a public utility files with the Commission an application to make changes in any schedule and the Commission does not issue a final written order regarding the proposed changes within the time required by this section, the proposed changes shall be deemed to be approved by the Commission.

6. If a public utility files with the Commission a general rate application, the public utility shall not file with the Commission another general rate application until all pending general rate applications filed by that public utility have been decided by the Commission unless, after application and hearing, the Commission determines that a substantial financial emergency would exist if the public utility is not permitted to file another general rate application sooner. The provisions of this subsection do not prohibit the public utility from filing with the Commission, while a general rate application is pending, an application to recover the increased cost of purchased fuel, purchased power, or natural gas purchased for resale pursuant to subsection 7, a quarterly rate adjustment pursuant to subsection 8 or ~~[9,]~~ ***10,*** any information relating to deferred accounting requirements pursuant to NRS 704.185 or an annual deferred energy accounting adjustment application pursuant to NRS 704.187, if the public utility is otherwise authorized to so file by those provisions.

7. A public utility may file an application to recover the increased cost of purchased fuel, purchased power, or natural gas purchased for resale once every 30 days. The provisions of this subsection do not apply to:

(a) An electric utility which is required to adjust its rates on a quarterly basis pursuant to subsection ~~[9.]~~ ***10;*** or

(b) A public utility which purchases natural gas for resale and which adjusts its rates on a quarterly basis ~~[between annual rate adjustment applications]~~ pursuant to subsection 8.

8. A public utility which purchases natural gas for resale must request approval from the Commission to adjust its rates on a quarterly basis between annual rate adjustment applications based on changes in the public utility's recorded costs of natural gas purchased for resale. ***A public utility which purchases natural gas for resale and which adjusts its rates on a quarterly basis may request approval from the Commission to make quarterly adjustments to its deferred energy accounting adjustment. The Commission shall approve or deny such a request not later than 120 days after the application is filed with the Commission. The Commission may approve the request if the Commission finds that*** ~~*[the quarterly adjustment]*~~ ***approval of the request is in the*** ~~*[best interest of the]*~~ ***public*** ~~*[.]*~~ ***interest. If the Commission approves a request to make quarterly adjustments to the deferred energy accounting adjustment of a public utility pursuant to this subsection, any quarterly adjustment to the deferred energy accounting adjustment must not exceed 2.5 cents per therm of natural gas.*** ~~*[The Commission shall not approve a deferred energy accounting adjustment if]*~~ ***If the balance of the public utility's deferred account varies by less than 5 percent from the public utility's annual recorded costs of natural gas which are used to calculate quarterly rate adjustments*** ~~*[.]*~~ ***, the deferred energy accounting adjustment must be set to zero cents per therm of natural gas.***

9. If the Commission approves ~~[such]~~ a request ~~[:]~~ ***to make any rate adjustments on a quarterly basis pursuant to subsection 8:***

(a) The public utility shall file written notice with the Commission before the public utility makes a quarterly rate adjustment ***.*** ~~[between annual rate adjustment applications.]~~ A quarterly rate adjustment is not subject to the requirements for notice and a hearing pursuant to NRS 703.320 or the requirements for a consumer session pursuant to subsection 1 of NRS 704.069.

(b) The public utility shall provide written notice of each quarterly rate adjustment to its customers by including the written notice with a customer's regular monthly bill. The public utility shall begin providing such written notice to its customers not later than 30 days after the date on which the public utility files its written notice with the Commission pursuant to paragraph (a). The written notice that is included with a customer's regular monthly bill:

(1) Must be printed separately on fluorescent-colored paper and must not be attached to the pages of the bill; and

(2) Must include the following:

(I) The total amount of the increase or decrease in the public utility's revenues from the rate adjustment, stated in dollars and as a percentage;

(II) The amount of the monthly increase or decrease in charges for each class of customer or class of service, stated in dollars and as a percentage;

(III) A statement that customers may send written comments or protests regarding the rate adjustment to the Commission; ~~[and]~~

(IV) ***A statement that the transactions and recorded costs of natural gas which are the basis for any quarterly rate adjustment will be reviewed for reasonableness and prudence in the next proceeding held by the Commission to review the annual rate adjustment application pursuant to paragraph (d); and***

(V) Any other information required by the Commission.

(c) The public utility shall file an annual rate adjustment application with the Commission. The annual rate adjustment application is subject to the requirements for notice and a hearing pursuant to NRS 703.320 and the requirements for a consumer session pursuant to subsection 1 of NRS 704.069.

(d) The proceeding regarding the annual rate adjustment application must include a review of each quarterly rate adjustment ~~*[, each deferred energy accounting adjustment]*~~ and ~~[~~a review of~~]~~ the transactions and recorded costs of natural gas included in each quarterly ~~[~~rate adjustment~~]~~ ***filing*** and the annual rate adjustment application. There is no presumption of reasonableness or prudence for any quarterly rate adjustment or for any transactions or recorded costs of natural gas included in any quarterly rate adjustment or the annual rate adjustment application, and the public utility has the burden of proving reasonableness and prudence in the proceeding.

(e) The Commission shall not allow the public utility to recover any recorded costs of natural gas which were the result of any practice or transaction that was unreasonable or was undertaken, managed or performed imprudently by the public utility, and the Commission shall order the public utility to adjust its rates if the Commission determines that any recorded costs of natural gas included in any quarterly rate adjustment or the annual rate adjustment application were not reasonable or prudent.

~~[~~9.~~]~~ ***10.*** An electric utility shall adjust its rates on a quarterly basis based on changes in the ~~[~~public~~]~~ ***electric*** utility's recorded costs of purchased fuel or purchased power ***.*** ~~[~~in the following manner:~~]~~ ***In addition to adjusting its rates on a quarterly basis, an electric utility may request approval from the Commission to make quarterly adjustments to its deferred energy accounting adjustment. The Commission shall approve or deny such a request not later than 120 days after the application is filed with the***

Commission. The Commission may approve the request if the Commission finds that ~~[the quarterly adjustment]~~ approval of the request is in the ~~[best interest of the]~~ public ~~[.]~~ interest. If the Commission approves a request to make quarterly adjustments to the deferred energy accounting adjustment of an electric utility pursuant to this subsection, any quarterly adjustment to the deferred energy accounting adjustment must not exceed 0.25 cents per kilowatt-hour of electricity. ~~[The Commission shall not approve a deferred energy accounting adjustment if]~~ If the balance of the electric utility's deferred account varies by less than 5 percent from the electric utility's annual recorded costs for purchased fuel or purchased power which are used to calculate quarterly rate adjustments ~~[.]~~ , the deferred energy accounting adjustment must be set to zero cents per kilowatt-hour of electricity.

11. A quarterly rate adjustment ~~[to a deferred energy accounting adjustment]~~ filed pursuant to subsection 10 is subject to the following requirements:

(a) ~~[An]~~ ***The*** electric utility shall file written notice with the Commission on or before August 15, 2007, and every quarter thereafter of the quarterly rate adjustment to be made by the electric utility for the following quarter. The first quarterly rate adjustment by the electric utility will take effect on October 1, 2007, and each subsequent quarterly rate adjustment will take effect every quarter thereafter. ***The first quarterly adjustment to a deferred energy accounting adjustment must be made pursuant to an order issued by the Commission approving the application of an electric utility to make quarterly adjustments to its deferred energy accounting adjustment.*** A quarterly rate adjustment ~~[to a deferred energy accounting adjustment]~~ is not subject to the requirements for notice and a hearing pursuant to NRS 703.320 or the requirements for a consumer session pursuant to subsection 1 of NRS 704.069.

(b) ~~[Each]~~ ***The*** electric utility shall provide written notice of each quarterly rate adjustment to its customers by including the written notice with a customer's regular monthly bill. The electric utility shall begin providing such written notice to its customers not later than 30 days after the date on which the electric utility files a written notice with the Commission pursuant to paragraph (a). The written notice that is included with a customer's regular monthly bill:

(1) Must be printed separately on fluorescent-colored paper and must not be attached to the pages of the bill; and

(2) Must include the following:

(I) The total amount of the increase or decrease in the electric utility's revenues from the rate adjustment, stated in dollars and as a percentage;

(II) The amount of the monthly increase or decrease in charges for each class of customer or class of service, stated in dollars and as a percentage;

(III) A statement that customers may send written comments or protests regarding the rate adjustment to the Commission; ~~[and]~~

(IV) ***A statement that the transactions and recorded costs of purchased fuel or purchased power which are the basis for any quarterly rate adjustment will be reviewed for reasonableness and prudence in the next proceeding held by the Commission to review the annual deferred energy accounting adjustment application pursuant to paragraph (d); and***

(V) Any other information required by the Commission.

(c) ~~[An]~~ ***The*** electric utility shall file an annual deferred energy accounting adjustment application pursuant to NRS 704.187 with the Commission. The annual deferred energy accounting adjustment application is subject to the requirements for notice and a hearing pursuant to NRS 703.320 and the requirements for a consumer session pursuant to subsection 1 of NRS 704.069.

(d) The proceeding regarding the annual deferred energy accounting adjustment application must include a review of each quarterly rate adjustment ~~*[, each deferred energy accounting adjustment]*~~ and ~~[a review of]~~ the transactions and recorded costs of purchased fuel and purchased power included in each quarterly ~~[rate adjustment]~~ ***filing*** and the annual deferred energy accounting adjustment application. There is no presumption of reasonableness or prudence for any quarterly rate adjustment or for any transactions or recorded costs of purchased fuel and purchased power included in any quarterly rate adjustment or the annual deferred energy accounting adjustment application, and the electric utility has the burden of proving reasonableness and prudence in the proceeding.

(e) The Commission shall not allow the electric utility to recover any recorded costs of purchased fuel and purchased power which were the result of any practice or transaction that was unreasonable or was undertaken, managed or performed imprudently by the electric utility, and the Commission shall order the electric utility to adjust its rates if the Commission determines that any recorded costs of purchased fuel and purchased power included in any quarterly rate adjustment or the annual deferred energy accounting adjustment application were not reasonable or prudent.

~~[10.]~~ ***12.*** If an electric utility files an annual deferred energy accounting adjustment application pursuant to subsection ~~[9]~~ ***11*** and NRS 704.187 while a general rate application is pending, the electric utility shall:

(a) Submit with its annual deferred energy accounting adjustment application information relating to the cost of service and rate design; and

(b) Supplement its general rate application with the same information, if such information was not submitted with the general rate application.

~~[11.]~~ ***13.*** A utility facility identified in a 3-year plan submitted pursuant to NRS 704.741 and accepted by the Commission for acquisition or construction pursuant to NRS 704.751 and the regulations adopted pursuant thereto shall be deemed to be a prudent investment. The utility may recover all just and reasonable costs of planning and constructing such a facility.

~~[12.]~~ ***14.*** In regard to any rate or schedule approved or disapproved pursuant to this section, the Commission may, after a hearing:

(a) Upon the request of the utility, approve a new rate but delay the implementation of that new rate:

(1) Until a date determined by the Commission; and

(2) Under conditions as determined by the Commission, including, without limitation, a requirement that interest charges be included in the collection of the new rate; and

(b) Authorize a utility to implement a reduced rate for low-income residential customers.

~~[13.]~~ ***15. The Commission may, upon request and for good cause shown, permit a public utility which purchases natural gas for resale or an electric utility to make a quarterly adjustment to its deferred energy accounting adjustment in excess of the maximum allowable adjustment pursuant to subsection 8 or 10.***

16. A public utility which purchases natural gas for resale or an electric utility that makes quarterly adjustments to its deferred energy accounting adjustment pursuant to subsection 8 or 10 may submit to the Commission for approval an application to discontinue making quarterly adjustments to its deferred energy accounting adjustment and to subsequently make annual adjustments to its deferred energy accounting adjustment. The Commission may approve an application submitted pursuant to this subsection if the Commission finds that approval of the application is in the ~~[best interest of the]~~ public ~~[.]~~ interest.

17. As used in this section:

(a) "***Deferred energy accounting adjustment" means the rate of a public utility which purchases natural gas for resale or an electric utility that is calculated by dividing the balance of a deferred account during a specified period by the total therms or kilowatt-hours which have been sold in the geographical area to which the rate applies during the specified period.***

(b) **"**Electric utility" has the meaning ascribed to it in NRS 704.187.

~~[(b)]~~ ***(c)*** **"**Electric utility that primarily serves densely populated counties" means an electric utility that, with regard to the provision of electric service, derives more of its annual gross operating revenue in this State from customers located in counties whose population is 400,000 or more than it

does from customers located in counties whose population is less than 400,000.

~~[(c)]~~ ***(d)*** **"**Electric utility that primarily serves less densely populated counties" means an electric utility that, with regard to the provision of electric service, derives more of its annual gross operating revenue in this State from customers located in counties whose population is less than 400,000 than it does from customers located in counties whose population is 400,000 or more.

Sec. 6. NRS 704.185 is hereby amended to read as follows:

704.185 1. Except as otherwise provided in subsection 8 of NRS 704.110, a public utility which purchases natural gas for resale may record upon its books and records in deferred accounts all cost increases or decreases in the natural gas purchased for resale. Any public utility which uses deferred accounting to reflect changes in costs of natural gas purchased for resale shall include in its annual report to the Commission a statement showing the allocated rate of return for each of its operating departments in Nevada which uses deferred accounting.

2. ~~[If the rate of return for any department using deferred accounting pursuant to subsection 1 is greater than the rate of return allowed by the Commission in the last rate proceeding, the Commission shall order the utility which recovered any costs of natural gas purchased for resale through rates during the reported period to transfer to the next energy adjustment period that portion of such recovered amounts which exceeds the authorized rate of return.~~

~~3.]~~ A public utility which purchases natural gas for resale may request approval from the Commission to record upon its books and records in deferred accounts any other cost or revenue which the Commission deems appropriate for deferred accounting and which is not otherwise subject to the provisions of ~~[subsections]~~ ***subsection*** 1 **.** ~~[and 2.]~~ If the Commission approves such a request, the Commission shall determine the appropriate requirements for reporting and recovery that the public utility must follow with regard to each such deferred account.

~~[4.]~~ ***3.*** When a public utility which purchases natural gas for resale files an ***annual rate adjustment application or an annual deferred energy accounting adjustment*** application **,** ~~[to clear its deferred accounts,]~~ the proceeding regarding the application must include a review of the transactions and recorded costs of natural gas included in the application. There is no presumption of reasonableness or prudence for any transactions or recorded costs of natural gas included in the application, and the public utility has the burden of proving reasonableness and prudence in the proceeding.

4. A public utility which purchases natural gas for resale and which has received approval from the Commission to make quarterly adjustments to a deferred energy accounting adjustment pursuant to subsection 8 of NRS 704.110 is not eligible to request an adjustment to its deferred energy accounting adjustment in its annual rate adjustment application.

Sec. 7. NRS 704.187 is hereby amended to read as follows:

704.187 1. An electric utility that purchases fuel or power shall use deferred accounting by recording upon its books and records in deferred accounts all increases and decreases in costs for purchased fuel and purchased power that are prudently incurred by the electric utility.

2. An electric utility using deferred accounting shall include in its annual report to the Commission a statement showing, for the period of recovery, the allocated rate of return for each of its operating departments in this State using deferred accounting. ~~[If, during the period of recovery, the rate of return for any operating department using deferred accounting is greater than the rate of return authorized by the Commission in the most recently completed rate proceeding for the electric utility, the Commission shall order the electric utility that recovered costs for purchased fuel or purchased power through its rates during the reported period to transfer to the next energy adjustment period that portion of the amount recovered by the electric utility that exceeds the authorized rate of return.]~~

3. Except as otherwise provided in this section, an electric utility using deferred accounting shall file an annual deferred energy accounting adjustment application on or before March 1, 2008, and on or before March 1 of each year thereafter.

4. ***An electric utility that purchases fuel or power and has received approval from the Commission to make quarterly adjustments to its deferred energy accounting adjustment pursuant to subsection 10 of NRS 704.110 is not eligible to request an adjustment to its deferred energy accounting adjustment in its annual deferred energy accounting adjustment application.***

5. As used in this section:

(a) "Annual deferred energy accounting adjustment application" means an application filed by an electric utility pursuant to this section and subsection ~~[9]~~ ***11*** of NRS 704.110.

(b) "Costs for purchased fuel and purchased power" means all costs which are prudently incurred by an electric utility and which are required to purchase fuel, to purchase capacity and to purchase energy. The term does not include any costs that the Commission determines are not recoverable pursuant to subsection ~~[9]~~ ***11*** of NRS 704.110.

(c) "Electric utility" means any public utility or successor in interest that:

(1) Is in the business of providing electric service to customers;

(2) Holds a certificate of public convenience and necessity issued or transferred pursuant to this chapter; and

(3) In the most recently completed calendar year or in any other calendar year within the 7 calendar years immediately preceding the most recently completed calendar year, had a gross operating revenue of $250,000,000 or more in this State.

➥ The term does not include a cooperative association, nonprofit corporation, nonprofit association or provider of electric service which is declared to be a public utility pursuant to NRS 704.673 and which provides service only to its members.

Sec. 8. This act becomes effective upon passage and approval.

Assemblyman Atkinson moved that the Assembly concur in the Senate amendment to Assembly Bill No. 215.

Remarks by Assemblyman Atkinson.

Motion carried by a constitutional majority.

Bill ordered enrolled.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Hambrick, the privilege of the floor of the Assembly Chamber for this day was extended to Michael Butler and Corey Tyndall.

On request of Assemblyman Hammond, the privilege of the floor of the Assembly Chamber for this day was extended to Adam Cegavske and Marclem Lalatag.

On request of Assemblyman Hardy, the privilege of the floor of the Assembly Chamber for this day was extended to Marisa Martinez and Janilie Dysico.

On request of Assemblyman Hickey, the privilege of the floor of the Assembly Chamber for this day was extended to Paul Jackson and Ray Ray Mangler.

On request of Assemblyman Hogan, the privilege of the floor of the Assembly Chamber for this day was extended to the following students and chaperones from Roger Gehring Elementary School: Aaron Sledge, Ailin Suarez, Ailish Rincon, Alex Tolentino, Amanda Castaneda, Andrew Luong, Ashley Koontz, Ashley Williams, Brandon Catacutan, Breana Nguyen, Brooke Nemetz, Carson Ruiz, Cheyenne Cullinane, Christhian Salazar, Columbae Fetters, Zoey Connell, Dakotah Cullinane, Dakotah Russell, Darren Doan, Devin Contreras, Diego Hicks, Drew Meyer, Gavin Moore, Hannah Alemu, Jackie Martin, Janelle Cubillo, Jason Gilliland, Eric Manner, Johnny Conrad, Jorge Ivan Rodriguez,

Cheyenne Lacefield-Fresquez, Nathaniel Karigianes, Lauren Alvarez, Madison Weikart, Maile Callorina, Megan Johnson, Tyler Green, Ramiro Garcia, Sandra Brody, Havana Santa Cruz, Sheadon Gallardo, Steve Pardon, Taurie McDaniel, Tiffany Lykins, William Taiesse, Viviana Reveles, Waleshka Coello, William Zernich; and the following students and chaperones from Hummel Elementary School: McKiah Bashay, Nataly Beard, Angelina Biggers, Thomas Blomquist, Carlie Branby, Max Busch, Garrett Ditter, Rania Font, Stella Knopow, David Leon, Cesar Lopez, Justin Manago, Ashlynn McCumby, Bradley Farina, Jaediel Abinal, Zach Barbosa, Breanna Biorato, Patricia Castore, Kane Clapper, Lauren Davis, Logan Ditter, Angel Gonzalez, July Hand, John Ho, Ava Incera, Aaron Lacey, Tenchi Mata, Faith McComrick, Amber Querubin, Sidney Wilcox, Christina Eagar, Beth Ditter, Sherri Branby, Sondra Beard, Lynda Lopez, Alex Boyden, James Blomquist, Angela Bashay, Julie Manago, Ben McCumby, Rick Darrington, Jessica Lennox, Melissa Biorato, Mary Ann Flynn, Paul Lacey, Vickie Davis, Yvette Incera, and Selin Babaian.

On request of Assemblyman Kirner, the privilege of the floor of the Assembly Chamber for this day was extended to the following students and chaperones from Westergard Elementary School: Andrew Axelson, Sherrie Axelson, Serenity Bowers, Emily Braunworth, Jamie Brooke, Leila Darensburg, Jeffrey Feehan, Vytas Gedvila, Zachary Glanzmann, Megan Goodman, Jay Griffith, Allison Hartmann, Robert Hays, Revae Henry, Raymond Mangler, Noah Melton, Brendan Minck, Hannah Mouradian, Eizley Muniz Jacinto, Tiarah Murdock, Joshua Neef, Joanna Nemitz, Alecsander Palmer, Julia Paul, Susie Paul, Wyatt Phillips, Aidan Rowan, Jitan Singh, Sahib Singh, Alese Virden, Reed Backstrom, Jalissa Birtell, Julia Bonar, Liam Clark, Brandon Denney, Carson Dobbs, Lachlan Druitt, Mariselle Galera, Ethan Hardy, James Hill, Grady Johnson, Ben Klenow, Leslie Leuenhagen, Nia Marcaida, Zachary Mareno, Nathan Morin, Misael Ocasio Rivera, Michael Potts, Amanda Ross, Lauren Sands, Isabella Selby, Benjamin Stuart, Eric Vasquez, Morgan Vento, Kate Weissman, Dillon Wolfe, Kalle Bailey, Bryce Bessette, Madison Burdette, Joshua Canfield, Camarra Clinton, Magalee Curiel Lomeli, Melissa Dearcos, Maxwell Dynes, Neel Gupta, McKenzy Henderson, Hailey Horne, Tyra Houston, Matthew Jesse, Skyler Kilbourne, Brendan Lorenzen, Kara McNaughton, Sophia Morton, Hannah Nyberg, Kennedy Pearson, Avery Quinton, Giovannia Rodriguez, Austin Sabloff, Angel Sanchez Hurtado, Cameron Smith, Evelyn Soto, Samantha Thomas, Joseph Villa, Kadari Baca, Brett Blackstrom, Sydney Burke, Ashlynn Burns, Ashley Cooper, Nika Isabelle Corpus,

King Alfred David, Alaina Dieffenbach, Christopher Dulong, Caitlyn Ebbert, Megan Ebbert, Sierra Ferguson, Brylee Garcia, Anthony Hopkins, Nicholas Hopkins, Michael Mareno, Skyler Mejia Mcelwain, Savannah O'Brien, Sebastian Reynoso, Diyairo Rivera-Nava, Sergio Rodriguez, Stephanie Ruiz-Iniguez, Axel Sanchez-Apolinar, Devon Shaw, Parker Smith, Tomasa Staley, Henry Revae, Camille Druitt, Cynthia Vasquez, Kitty Gillette, Keri Henderson, Cindy Quinton, Robin Summers, Wendy Pennington, LeAnne Cooper, and Tony Star.

On request of Assemblyman McArthur, the privilege of the floor of the Assembly Chamber for this day was extended to Raina Benford and Krista Boivie.

On request of Assemblyman Munford, the privilege of the floor of the Assembly Chamber for this day was extended to Jeremy Taylor and Michael Kirschbaum.

On request of Assemblywoman Neal, the privilege of the floor of the Assembly Chamber for this day was extended to Edgar Morales and Kevin Kekoa Kahookano.

On request of Assemblyman Ohrenschall, the privilege of the floor of the Assembly Chamber for this day was extended to C.J. Potter.

On request of Assemblywoman Pierce, the privilege of the floor of the Assembly Chamber for this day was extended to Samuel Bravo Garcia and Trevor Dawson.

On request of Assemblyman Sherwood, the privilege of the floor of the Assembly Chamber for this day was extended to Zachariah Douglas and Nathan Emmons Farrell.

On request of Assemblyman Stewart, the privilege of the floor of the Assembly Chamber for this day was extended to Cody Gulley and Meghan Wolslegel.

On request of Assemblywoman Woodbury, the privilege of the floor of the Assembly Chamber for this day was extended to Peiwei Zhang and Kristelle Dealca.

Assemblyman Conklin moved that the Assembly adjourn until Wednesday, May 18, 2011, at 12 noon.

Motion carried.

Assembly adjourned at 1:24 p.m.

Approved: JOHN OCEGUERA
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE ONE HUNDRED AND FIRST DAY

CARSON CITY (Wednesday) May 18, 2011

Assembly called to order at 12:32 p.m.
Mr. Speaker presiding.
Roll called.
All present.
Prayer by the Chaplain, Pastor Albert Tilstra.

God of our fathers:

Deliver us from futile hopes and from clinging to lost causes. Where we cannot convince, let us be willing to persuade. We know that we cannot do everything, but help us to do something. May Your will be done here, and may Your programs be carried out above party and personality, beyond time and circumstances, for the good of this great state.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Conklin moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Ways and Means has had under consideration the various budgets for the Office of the Attorney General, and begs leave to report back that the following accounts have been closed by the Committee:

Extradition Coordinator (101-1002)
Administrative Fund (101-1030)
Special Fund (101-1031)
Workers' Compensation Fraud (101-1033)
Crime Prevention (101-1036)
Medicaid Fraud (101-1037)
Consumer Advocate (330-1038)
Violence Against Women Grants (101-1040)
Council for Prosecuting Attorneys (101-1041)
Victims of Domestic Violence (101-1042)
Tort Claim Fund (715-1348)

Also, your Committee on Ways and Means has had under consideration the various budgets for the Colorado River Commission, and begs leave to report back that the following accounts have been closed by the Committee:

Colorado River Commission (296-4490)
Research and Development (296-4497)
Power Delivery System (502-4501)
Power Marketing Fund (505-4502)

Also, your Committee on Ways and Means has had under consideration the various budgets for the Office of the Treasurer, the State Public Works Board and the Buildings and Grounds Division and begs leave to report back that the following accounts have been closed by the Committee:

Bond Interest and Redemption (395-1082)
State Public Works Division Engineering and Planning (401-1562)
State Public Works Division Facility Condition and Analysis (101-1560)
Buildings and Grounds (710-1349)
Marlette Lake (712-1366)
Mail Services (713-1346)
Mail Services Equipment (713-1347)

DEBBIE SMITH, *Chair*

Mr. Speaker:

Your Committee on Health and Human Services, to which was referred Senate Bill No. 167, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

APRIL MASTROLUCA, *Chair*

Mr. Speaker:

Your Committee on Legislative Operations and Elections, to which was rereferred Assembly Bill No. 566, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Legislative Operations and Elections, to which were referred Senate Bills Nos. 134, 157, 390, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

TICK SEGERBLOM, *Chair*

Mr. Speaker:

Your Committee on Natural Resources, Agriculture, and Mining, to which were referred Senate Bill No. 12; Senate Joint Resolution No. 4, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MAGGIE CARLTON, *Chair*

Mr. Speaker:

Your Committee on Ways and Means, to which was rereferred Assembly Bill No. 258, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which was rereferred Assembly Bill No. 358, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which was referred Assembly Bill No. 521, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DEBBIE SMITH, *Chair*

REMARKS FROM THE FLOOR

Assemblyman Conklin moved that the following budget closure remarks be entered in the Journal.

Motion carried.

ASSEMBLYMAN BOBZIEN:

The Ways and Means Committee Meeting Jointly has reviewed the following budgets for the Office of the Attorney General. The closings decrease General Fund appropriations for the Office of the Attorney General (AG) by $1,064,245 in FY 2012 and $1,091,519 in FY 2013.

Administrative Fund (101-1030) ELECTED-60:

The Committee approved the Governor's recommendation to eliminate two Deputy Attorney General positions, one Legal Secretary, and one Computer Forensic Examiner as a budget reduction measure, providing a General Fund savings of $349,351 and reduced assessments of $399,942, over the 2011-13 biennium.

The Committee also approved the Governor's recommendation to move 42 unclassified law enforcement Investigator positions within the AG to classified state service effective July 1, 2011, providing a net General Fund savings of approximately $23,000 over the 2011-13 biennium. The 42 law enforcement positions are included in the Administrative Fund (12), Workers' Compensation Fraud account (17), Medicaid Fraud account (8), and Consumer Advocate account (5).

Additionally, the Committee approved the Governor's budget amendments to revise The Executive Budget for the allocated share of costs represented in the AG Cost Allocation Plan, which inadvertently eliminated the non-General Fund share of the AG Cost Allocation Plan within the AG's Office. As a result, the General Fund in this account was overstated by approximately $1.2 million in each year of the 2011-13 biennium, and the Charges for Services revenue was understated by the same amounts. The AG accounts adjusted include, Workers' Compensation Fraud, Medicaid Fraud, Consumer Advocate, Council for Prosecuting Attorneys, Victims of Domestic Violence, and Tort Claim Fund. The remainder of the account was closed as recommended by the Governor.

Special Fund (101-1031) ELECTED-68:

The Committee approved the addition of General Funds of $100,000 in each year of the 2011-13 biennium to support costs for the continued pending litigation related to Yucca Mountain. The remainder of the account was closed as recommended by the Governor.

Medicaid Fraud (101-1037) ELECTED-82:

The Committee approved the Governor's budget amendment to transfer the federal grant funds for the Senior Medicare Patrol program, including two positions and the associated program and operating costs, to the Division of Aging and Disability Services Federal Program and Administration account. This action will allow volunteers who provide public outreach to the senior population to maximize their resources under one agency. The remainder of the account was closed as recommended by the Governor.

Consumer Advocate (330-1038) ELECTED-88:

The Committee approved the Governor's budget amendment to transfer the federal grant funds for the Byrne Grant Mortgage Fraud program, including eight positions and the associated program and operating costs, to the AG Administrative Fund where the supervision of staff and the monitoring of mortgage fraud activity has been placed. The remainder of the account was closed as recommended by the Governor.

The following budgets were closed by the Committee as recommended by the Governor, with technical adjustments:

- **Extradition Coordinator (101-1002) ELECTED-55**
- **Workers' Compensation Fraud (101-1033) ELECTED-72**
- **Crime Prevention (101-1036) ELECTED-78**

- **Violence Against Women Grants (101-1040) ELECTED-95**
- **Council for Prosecuting Attorneys (101-1041) ELECTED-100**
- **Victims of Domestic Violence (101-1042) ELECTED-105**
- **Tort Claim Fund (715-1348) ELECTED-109**

ASSEMBLYMAN HOGAN:

The Assembly Ways and Means Committee completed its review of the budgets for the Colorado River Commission for the 2011-13 biennium and took action on the Governor's recommendations as follows:

Colorado River Commission (296-4490) COLORADO RIVER COMM-1:

The Committee approved the Governor's recommendation to eliminate three vacant unclassified positions, as the positions are not anticipated to be needed in the 2011-13 biennium. The positions include a Power Facilities Communications Technician, a Senior Power Facilities Electrician and a Natural Resources Technician. Elimination of the three positions results in a reduction of power and water administrative fees assessed totaling $288,145 in FY 2012 and $292,663 in FY 2013. Additionally, the Committee approved reserve funding of $21,916 over the 2011-13 biennium, as recommended by the Governor, for replacement of office furniture, computer software and hardware and for minor equipment repair. However, in accordance with the agency's request, the Committee approved the removal of $24,718 of reserve funding in FY 2012 for a replacement vehicle that was recommended by the Governor.

The Committee approved closing the following Colorado River Commission budget accounts as recommended by the Governor with staff authority to make technical adjustments.

- Research and Development (296-4497) COLORADO RIVER COMM-7
- Power Delivery System (502-4501) COLORADO RIVER COMM-9
- Power Marketing Fund (505-4502) COLORADO RIVER COMM-12

ASSEMBLYWOMAN MASTROLUCA:

The Committee has completed its review of the State Treasurer's Office Bond Interest and Redemption account, the Public Works Board and the Buildings and Grounds Division Mail Services accounts, and has approved the following.

Treasurer-Bond Interest and Redemption (395-1082) ELECTED-156:

The Committee approved closing the account as recommended by the Governor with approval for Fiscal staff to make technical adjustments to reduce the balance forward and reserve amounts for the 2011-13 biennium by approximately $49.0 million in order to more closely match the reserve amount included in the *General Obligation Debt Capacity and Affordability Report-Biennium 2011-13*.

SPWD-Engineering and Planning (401-1562) ADMIN-80:

The Committee approved the Governor's recommended budget reorganization to create a new Public Works Division within the Department of Administration (DOA) that would implement the State's CIP, provide the physical building and grounds maintenance and housekeeping for state-owned buildings, and manage the Marlette Lake Water System. The reorganization would combine building design, engineering, and maintenance functions in one organization in order to construct building systems that are more efficient to maintain. In addition, the Committee approved reductions in fee revenues totaling $4.3 million for the 2011-13 biennium by eliminating 27 positions as recommended by the Governor.

SPWD-Facility Condition and Analysis (101-1560) ADMIN-89:

The Committee approved funding six positions with fees from the State's CIP and maintaining the positions in the SPWD-Engineering and Planning account to avoid approximately $1.3 million in General Fund costs for the 2011-13 biennium, as recommended by the Governor. For the 2011-13 biennium, the Committee approved the use of fees from the State's CIP to pay a new Division Administrator position as recommended by the Governor. The Committee also approved issuing a letter of intent instructing the Department of

Administration to cost allocate the Division Administrator's salary between the sections the position oversees in the 2013-15 biennium budget.

SPWD-Buildings and Grounds (710-1349) ADMIN-95:

As part of the Governor's recommended budget reorganization to create a new Public Works Division within the Department of Administration, the Committee approved reclassifying the Buildings and Grounds Division Administrator position to an unclassified Deputy Administrator. Due to the nature of the Chief Engineer's duties, the Committee approved moving the Chief Engineer position from the classified to the unclassified service for increased costs totaling $9,485 in the 2011-13 biennium. As a part of the Governor's recommended consolidation and reorganization of various administrative divisions and departments within the Department of Administration, the Committee approved the transfer of a Program Officer I to the Department of Administration, Administrative Services account, and funding for tenant improvements and insurance costs contingent upon the closing actions for the various administrative divisions and departments. The Committee approved $239,008 for deferred maintenance projects in the 2011-13 biennium, as recommended by the Governor.

SPWD-Marlette Lake (712-1366) ADMIN-105:

The Committee approved reassigning responsibility for oversight of the Marlette Lake Water System from the Buildings and Grounds Division to the Public Works Division.

NSLA-Mail Services (713-1346) ADMIN-221:

The Committee approved authority for Fiscal staff to make technical adjustments to decision units recommended by the Governor that would transfer oversight of the State's mail services operation to the Nevada State Libraries and Archives Division based upon the action taken on Senate Bill 427, which provides for the transfer of the oversight responsibilities for the State's mail service operations.

NSLA-Mail Services Equipment (713-1347) ADMIN-227:

The Committee approved closing the account as recommended by the Governor.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Conklin moved that Assembly Bills Nos. 258, 358, and 566, just reported out of committee, be placed at the top of the General File.

Motion carried.

Assemblyman Conklin moved that Assembly Bill No. 521; Senate Bills Nos. 12, 134, 157, 167, 390; Senate Joint Resolution No. 4, just reported out of committee, be placed on the Second Reading File.

Motion carried.

MESSAGES FROM THE SENATE

SENATE CHAMBER Carson City, May 18, 2011

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolutions Nos. 1, 11.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 11.

Assemblyman Anderson moved the adoption of the resolution.

Remarks by Assemblyman Anderson.

Resolution adopted and ordered transmitted to the Senate.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 12:56 p.m.

ASSEMBLY IN SESSION

At 1 p.m.

Mr. Speaker presiding.

Quorum present.

SECOND READING AND AMENDMENT

Assembly Bill No. 521.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 602.

AN ACT relating to insurance; consolidating certain funds and accounts of the Division of Insurance of the Department of Business and Industry into the Fund for Insurance Administration and Enforcement; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the Division of Insurance of the Department of Business and Industry and the Commissioner of Insurance control various accounts and funds relating to the administration and enforcement of title 57 of NRS. (NRS 679B.300, 679B.305, 679B.700, 680B.070, 694C.460) **Sections 1-5 and 7** of this bill make each of these existing accounts and funds an account within the Fund for Insurance Administration and Enforcement. **Section 6** of this bill prohibits the money in each of these accounts from being ~~[combined or]~~ used for any purpose other than that authorized by law.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 679B.300 is hereby amended to read as follows:

679B.300 1. The Insurance Examination ~~[Fund]~~ ***Account*** is hereby created as ~~[a special revenue fund.]~~ ***an account in the Fund for Insurance Administration and Enforcement created by NRS 680C.100.*** All money received by the Commissioner pursuant to NRS 679B.290 must be deposited in the State Treasury for credit to the ~~[Fund.]~~ ***Account.***

2. Money for travel, per diem, compensation and other necessary and authorized expenses incurred by an examiner or other representative of the Division in the examination of any person required to pay, and making payment of, the expense of examination pursuant to NRS 679B.290 must be paid out of the Insurance Examination ~~[Fund]~~ ***Account*** as other claims against the State are paid.

3. Money in the Insurance Examination ~~[Fund]~~ ***Account*** may be expended for any other purpose authorized by the Legislature.

Sec. 2. NRS 679B.305 is hereby amended to read as follows:

679B.305 1. There is hereby created the Insurance Recovery Account in the ~~[State General]~~ Fund ~~[.]~~ ***for Insurance Administration and Enforcement created by NRS 680C.100.*** The Commissioner shall promptly deposit with the State Treasurer for credit to the Account all recovery fees received from licensees pursuant to the provisions of this title.

2. A balance of not more than $40,000 must be maintained in the Account to be used for satisfying claims against persons licensed pursuant to chapters 683A, 684A, 685A and 692A of NRS. Any balance over $40,000 in the Account at the end of any fiscal year must be set aside and used by the Commissioner for insurance education and research or for any other purpose authorized by the Legislature.

3. The Commissioner shall adopt reasonable regulations for the administration of the Account, including the manner, time, procedure and grounds for recovery against the Account.

4. The limit of liability of the insurance recovery account is $5,000 per fiscal year for any one licensee.

Sec. 3. NRS 679B.450 is hereby amended to read as follows:

679B.450 1. Insurers required to file reports pursuant to NRS 679B.430 shall pay to the Division a reasonable fee established by the Commissioner of not more than $500 to cover the costs to the Division of the administration and enforcement of NRS 679B.400 to 679B.460, inclusive, including any expenses incident or associated with the requirements of those sections.

2. The cost of furnishing a report, unless furnished to a Legislator, must be paid by the party requesting the report.

3. The Commissioner may establish a schedule of fees for the purposes of this section.

4. The Stabilization of Insurance Costs Account is hereby created as an account in the Fund for Insurance Administration and Enforcement created by NRS 680C.100. All money received by the Commissioner pursuant to this section must be deposited in the State Treasury for credit to the Account and used to pay the costs of administration and enforcement of NRS 679B.400 to 679B.460, inclusive.

Sec. 4. NRS 679B.700 is hereby amended to read as follows:

679B.700 1. The Special Investigative Account is hereby established in the ~~[State General]~~ Fund ***for Insurance Administration and Enforcement created by NRS 680C.100*** for use by the Commissioner. The Commissioner shall deposit all money received pursuant to this section with the State Treasurer for credit to the Account. Money remaining in the Account at the end of a fiscal year does not lapse to the State General Fund and may be used by the Commissioner in any subsequent fiscal year for the purposes of this section.

2. The Commissioner shall:

(a) In cooperation with the Attorney General, biennially prepare and submit to the Governor, for inclusion in the executive budget, a proposed budget for the program established pursuant to NRS 679B.630; and

(b) Authorize expenditures from the Special Investigative Account to pay the expenses of the program established pursuant to NRS 679B.630 and of any unit established in the Office of the Attorney General that investigates and prosecutes insurance fraud.

3. The money authorized for expenditure pursuant to paragraph (b) of subsection 2 must be distributed in the following manner:

(a) Fifteen percent of the money authorized for expenditure must be paid to the Commissioner to oversee and enforce the program established pursuant to NRS 679B.630; and

(b) Eighty-five percent of the money authorized for expenditure must be paid to the Attorney General to pay the expenses of the unit established in the Office of the Attorney General that investigates and prosecutes insurance fraud.

4. Except as otherwise provided in subsections 5 and 6, costs of the program established pursuant to NRS 679B.630 must be paid by the insurers authorized to transact insurance in this State. The Commissioner shall annually determine the total cost of the program and divide that amount among the insurers pro rata based upon the total amount of premiums charged to the insureds in this State by the insurer.

5. The annual amount so assessed on each reinsurer that has the authority to assume only reinsurance must not exceed $500. For all other insurers subject to the annual assessment, the annual amount so assessed to each insurer:

(a) Must not exceed $500, if the total amount of the premiums charged to insureds in this State by the insurer is less than $100,000;

(b) Must not exceed $750, if the total amount of the premiums charged to insureds in this State by the insurer is $100,000 or more, but less than $1,000,000;

(c) Must not exceed $1,000, if the total amount of the premiums charged to insureds in this State by the insurer is $1,000,000 or more, but less than $10,000,000;

(d) Must not exceed $1,500, if the total amount of the premiums charged to insureds in this State by the insurer is $10,000,000 or more, but less than $50,000,000; and

(e) Must not exceed $2,000, if the total amount of the premiums charged to insureds in this State by the insurer is $50,000,000 or more.

6. The provisions of this section do not apply to an insurer who provides only workers' compensation insurance and pays the assessment provided in NRS 232.680.

7. The Commissioner shall adopt regulations to carry out the provisions of this section, including, without limitation, the calculation and collection of the assessment.

8. As used in this section, "reinsurer" has the meaning ascribed to it in NRS 681A.370.

Sec. 5. NRS 680B.070 is hereby amended to read as follows:

680B.070 1. Each authorized insurer, fraternal benefit society, health maintenance organization, organization for dental care, prepaid limited health service organization and motor club shall on or before March 1 of each year pay to the Commissioner a reasonable uniform amount, not to exceed $30, as the Commissioner requires, to cover the assessment levied upon this state in the same calendar year by the National Association of Insurance Commissioners to defray:

(a) The general expenses of the Association; and

(b) Reasonable and necessary travel and related expenses incurred by the Commissioner and members of his or her staff, without limitation as to number, in attending meetings of the Association and its committees, subcommittees, hearings and other official activities.

➥ The Commissioner shall give written notice of the required amount.

2. Expenses incurred for the purposes described in paragraphs (a) and (b) of subsection 1 must be paid in full and are not subject to the limitations expressed in NRS 281.160 or in the regulations of any state agency.

3. All money received by the Commissioner pursuant to subsection 1 must be deposited in the State Treasury for credit to the National Association ~~[~~Account of the Division of Insurance,~~]~~ ***of Insurance Commissioners Account,*** which is hereby created in the ~~[~~State General~~]~~ Fund ~~[~~.~~]~~ ***for Insurance Administration and Enforcement created by NRS 680C.100.*** Except as otherwise provided in subsection 2, all claims against the Account must be paid as other claims against the State are paid.

Sec. 6. NRS 680C.100 is hereby amended to read as follows:

680C.100 1. The Fund for Insurance Administration and Enforcement is hereby created in the State Treasury as an enterprise fund.

2. The Fund must be used solely for the administration and enforcement of the Code and other laws and regulations enforced by the Division.

3. The State Treasurer shall invest the money in the Fund in the same manner and in the same securities in which he or she is authorized to invest state general funds that are in his or her custody. Income realized from the investment of the assets of the Fund must be credited to the Fund.

4. The money in each account within the Fund may not be ~~[combined with other money within the Fund or]~~ used for any purpose other than that provided by law for that account.

Sec. 7. NRS 694C.460 is hereby amended to read as follows:

694C.460 1. There is hereby created in the ~~[~~State General~~]~~ Fund ***for Insurance Administration and Enforcement created by NRS 680C.100*** an Account for the Regulation and Supervision of Captive Insurers. Money in the Account must be used only to carry out the provisions of this chapter or for any other purpose authorized by the Legislature. Except as otherwise provided in NRS 680C.110 and 694C.450, all fees and assessments received by the Commissioner or Division pursuant to this chapter must be credited to the Account. Not more than 2 percent of the tax collected and deposited in the Account pursuant to NRS 694C.450, may, upon application by the Division or an agency for economic development to, and with the approval of, the Interim Finance Committee, be transferred to an agency for economic development to be used by that agency to promote the industry of captive insurance in this State.

2. Except as otherwise provided in this section, all payments from the Account for the maintenance of staff and associated expenses, including contractual services, as necessary, must be disbursed from the State Treasury only upon warrants issued by the State Controller, after receipt of proper documentation of the services rendered and expenses incurred.

3. At the end of each fiscal year, that portion of the balance in the Account which exceeds $500,000 must be transferred to the State General Fund.

4. The State Controller may anticipate receipts to the Account and issue warrants based thereon.

Sec. 8. When the next reprint of Nevada Revised Statutes is prepared by the Legislative Counsel, the Legislative Counsel shall revise any provision of any bill enacted during the 76th Session of the Nevada Legislature which creates a fund or account under the control of the Division of Insurance of the Department of Business and Industry or the Commissioner of Insurance to cause such a fund or account to be created as an account within the Fund for Insurance Administration and Enforcement created by NRS 680C.100.

Sec. 9. This act becomes effective on July 1, 2011.

Assemblyman Hickey moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 258.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 605.

SUMMARY—~~[Enacts]~~ **Revises** provisions governing the licensing and operation of interactive gaming. (BDR 41-657)

AN ACT relating to gaming; requiring the Nevada Gaming Commission to adopt regulations relating to the licensing and operation of interactive gaming; **providing a penalty;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes certain gaming establishments to obtain a license to operate interactive gaming. (NRS 463.750) This bill requires the Nevada Gaming Commission to establish by regulation certain provisions authorizing the licensing and operation of interactive gaming under certain circumstances. This bill further provides that a license to operate interactive gaming does not become effective until: (1) the passage of federal legislation authorizing interactive gaming; or (2) the United States Department of Justice notifies the Commission or the State Gaming Control Board that interactive gaming is permissible under federal law.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 463 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 7, inclusive, of this act.

Sec. 2. ***The Legislature hereby finds and declares that:***

1. The State of Nevada leads the nation in gaming regulation and enforcement, such that the State of Nevada is uniquely positioned to develop an effective and comprehensive regulatory structure related to interactive gaming.

2. A comprehensive regulatory structure, coupled with strict licensing standards, will ensure the protection of consumers, prevent fraud, guard against underage and problem gambling and aid in law enforcement efforts.

3. To provide for licensed and regulated interactive gaming and to prepare for possible federal legislation, the State of Nevada must develop the necessary structure for licensure, regulation and enforcement.

Sec. 3. (Deleted by amendment.)

Sec. 4. (Deleted by amendment.)

Sec. 5. (Deleted by amendment.)

Sec. 6. (Deleted by amendment.)

Sec. 7. (Deleted by amendment.)

Sec. 8. (Deleted by amendment.)

Sec. 9. (Deleted by amendment.)

Sec. 10. (Deleted by amendment.)

Sec. 10.5. **NRS 463.016425 is hereby amended to read as follows:**

463.016425 1. "Interactive gaming" means the conduct of gambling games through the use of communications technology that allows a person, utilizing money, checks, electronic checks, electronic transfers of money, credit cards, debit cards or any other instrumentality, to transmit to a computer information to assist in the placing of a bet or wager and corresponding information related to the display of the game, game outcomes or other similar information. The term ~~[does]~~ ***:***

(a) Includes, without limitation, Internet poker.

(b) Does not include the operation of a race book or sports pool that uses communications technology approved by the Board pursuant to regulations adopted by the Commission to accept wagers originating within this state for races, or sporting events or other events.

2. As used in this section, "communications technology" means any method used and the components employed by an establishment to facilitate the transmission of information, including, without limitation, transmission and reception by systems based on wire, cable, radio, microwave, light, optics or computer data networks, including, without limitation, the Internet and intranets.

Sec. 11. NRS 463.160 is hereby amended to read as follows:

463.160 1. Except as otherwise provided in subsection 4 and NRS 463.172, it is unlawful for any person, either as owner, lessee or employee, whether for hire or not, either solely or in conjunction with others:

(a) To deal, operate, carry on, conduct, maintain or expose for play in the State of Nevada any gambling game, gaming device, inter-casino linked system, mobile gaming system, slot machine, race book or sports pool;

(b) To provide or maintain any information service;

(c) To operate a gaming salon; ~~[or]~~

(d) To receive, directly or indirectly, any compensation or reward or any percentage or share of the money or property played, for keeping, running or

carrying on any gambling game, slot machine, gaming device, mobile gaming system, race book or sports pool ~~[.]~~ ***; or***

(e) To operate, carry on, conduct, maintain or expose for play in or from the State of Nevada any interactive gaming system,

➥ without having first procured, and thereafter maintaining in effect, all federal, state, county and municipal gaming licenses as required by statute, regulation or ordinance or by the governing board of any unincorporated town.

2. The licensure of an operator of an inter-casino linked system is not required if:

(a) A gaming licensee is operating an inter-casino linked system on the premises of an affiliated licensee; or

(b) An operator of a slot machine route is operating an inter-casino linked system consisting of slot machines only.

3. Except as otherwise provided in subsection 4, it is unlawful for any person knowingly to permit any gambling game, slot machine, gaming device, inter-casino linked system, mobile gaming system, race book or sports pool to be conducted, operated, dealt or carried on in any house or building or other premises owned by the person, in whole or in part, by a person who is not licensed pursuant to this chapter, or that person's employee.

4. The Commission may, by regulation, authorize a person to own or lease gaming devices for the limited purpose of display or use in the person's private residence without procuring a state gaming license.

5. As used in this section, "affiliated licensee" has the meaning ascribed to it in NRS 463.430.

Sec. 12. NRS 463.750 is hereby amended to read as follows:

463.750 1. ~~[Except as otherwise provided in subsections 2 and 3, the]~~ ***The*** Commission ~~[may,]~~ ***shall ,*** with the advice and assistance of the Board, adopt regulations governing the licensing and operation of interactive gaming.

2. ~~[The Commission may not adopt regulations governing the licensing and operation of interactive gaming until the Commission first determines that:~~

~~(a)]~~ ~~Interactive gaming can be operated in compliance with all applicable laws;~~

~~(b)]~~ ~~[Interactive gaming systems are secure and reliable, and provide reasonable assurance that players will be of lawful age and communicating only from jurisdictions where it is lawful to make such communications; and]~~

~~[(c)]~~ ~~*[(b)* Such regulations are consistent with the public policy of the State to foster the stability and success of gaming.~~

~~3.]~~ The regulations adopted by the Commission pursuant to this section must:

(a) Establish the investigation fees for:

(1) A license to operate interactive gaming;

(2) A license for a manufacturer of interactive gaming systems; and

(3) A license for a manufacturer of equipment associated with interactive gaming.

(b) Provide that:

(1) A person must hold a license for a manufacturer of interactive gaming systems to supply or provide any interactive gaming system, including, without limitation, any piece of proprietary software or hardware; and

(2) A person may be required by the Commission to hold a license for a manufacturer of equipment associated with interactive gaming.

(c) Set forth standards for the suitability of a person to be licensed as a manufacturer of interactive gaming systems or manufacturer of equipment associated with interactive gaming that are as stringent as the standards for a nonrestricted license.

(d) Provide that gross revenue received by an establishment from the operation of interactive gaming is subject to the same license fee provisions of NRS 463.370 as the games and gaming devices of the establishment ~~[.]~~ ***, unless federal law otherwise provides for a similar fee or tax.***

(e) Set forth standards for the location and security of the computer system and for approval of hardware and software used in connection with interactive gaming.

(f) Define "equipment associated with interactive gaming," "interactive gaming system," "manufacturer of equipment associated with interactive gaming," "manufacturer of interactive gaming systems," "operate interactive gaming" and "proprietary hardware and software" as the terms are used in this chapter.

(g) Provide that any license to operate interactive gaming does not become effective until:

(1) A federal law authorizing the specific type of interactive gaming for which the license was granted is enacted; or

(2) The United States Department of Justice notifies the Board or Commission in writing that it is permissible under federal law to operate the specific type of interactive gaming .

~~4.]~~ ***for which the license was granted.***

3. Except as otherwise provided in ~~[~~subsection 5,~~]~~ ***subsections 4 and 5 ,*** ~~[and 6,]~~ the Commission shall not approve a license for an establishment to operate interactive gaming unless:

(a) In a county whose population is 400,000 or more, the establishment is a resort hotel that holds a nonrestricted license to operate games and gaming devices.

(b) In a county whose population is more than 40,000 but less than 400,000, the establishment is a resort hotel that holds a nonrestricted license to operate games and gaming devices or the establishment:

(1) Holds a nonrestricted license for the operation of games and gaming devices;

(2) Has more than 120 rooms available for sleeping accommodations in the same county;

(3) Has at least one bar with permanent seating capacity for more than 30 patrons that serves alcoholic beverages sold by the drink for consumption on the premises;

(4) Has at least one restaurant with permanent seating capacity for more than 60 patrons that is open to the public 24 hours each day and 7 days each week; and

(5) Has a gaming area that is at least 18,000 square feet in area with at least 1,600 slot machines, 40 table games, and a sports book and race pool.

(c) In all other counties, the establishment is a resort hotel that holds a nonrestricted license to operate games and gaming devices or the establishment:

(1) Has held a nonrestricted license for the operation of games and gaming devices for at least 5 years before the date of its application for a license to operate interactive gaming;

(2) Meets the definition of group 1 licensee as set forth in the regulations of the Commission on the date of its application for a license to operate interactive gaming; and

(3) Operates either:

(I) More than 50 rooms for sleeping accommodations in connection therewith; or

(II) More than 50 gaming devices in connection therewith.

~~[5.]~~ ***4.*** The Commission may:

(a) Issue a license to operate interactive gaming to an affiliate of an establishment if:

(1) The establishment satisfies the applicable requirements set forth in subsection ~~[4,]~~ ~~[and]~~ ***3;***

(2) The affiliate is located in the same county as the establishment; and

(3) The establishment has held a nonrestricted license for at least 5 years before the date on which the application is filed; and

(b) Require an affiliate that receives a license pursuant to this subsection to comply with any applicable provision of this chapter.

~~[6.]~~ ***5.*** **The Commission may issue a license to operate interactive gaming to an applicant that meets any qualifications established by federal law regulating the licensure of interactive gaming.**

~~[7.]~~ ***6.*** It is unlawful for any person, either as owner, lessee or employee, whether for hire or not, either solely or in conjunction with others, to operate interactive gaming:

(a) Until the Commission adopts regulations pursuant to this section; and

(b) Unless the person first procures, and thereafter maintains in effect, all appropriate licenses as required by the regulations adopted by the Commission pursuant to this section.

7. ~~[8.]~~ A person who violates subsection 6 ~~[7]~~ is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 10 years or by a fine of not more than $50,000, or both.

Sec. 13. (Deleted by amendment.)

Sec. 14. (Deleted by amendment.)

Sec. 14.5. **The Nevada Gaming Commission shall, on or before January 31, 2012, adopt regulations to carry out the amendatory provisions of this act.**

Sec. 15. This act becomes effective upon passage and approval.

Assemblyman Hickey moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, reengrossed, and to third reading.

Assembly Bill No. 358.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 606.

AN ACT relating to manufactured buildings; requiring the Administrator of the Manufactured Housing Division of the Department of Business and Industry to adopt regulations prescribing certain safety standards with respect to portable buildings; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the Administrator of the Manufactured Housing Division of the Department of Business and Industry to adopt regulations with respect to the construction, assembly, installation and use of certain structures. (NRS 489.231, 489.241-489.261) **Section 3** of this bill requires the Administrator to adopt regulations prescribing safety standards for the construction, transportation, installation, inspection, maintenance, repair and use of a portable building. A person who violates a regulation adopted by the

Administrator pursuant to existing law or **section 3** is subject to an administrative fine and a civil penalty. (NRS 489.381, 489.421, 489.811)

Section 5 of this bill exempts a portable building ~~[and a single-wide commercial coach not for public use]~~ from regulation as a commercial coach.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 489 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. *"**Portable building" means a structure which:*

1. Is at ground level, has no axles and rests on the surface of the ground;

2. Is for nonresidential use;

3. Is not a fixture or improvement to real property;

4. Is designed to be used without a permanent foundation; and

5. Contains an electrical system with a component that allows for the quick connection or disconnection of the electrical system to a source of electricity.

Sec. 3. ***The Administrator shall adopt regulations prescribing safety standards for:***

1. The construction, transportation, installation and use of a portable building;

2. The inspection of any plumbing, heating, cooling, fuel burning or electrical system contained in a portable building; and

3. The maintenance and repair of a portable building.

Sec. 4. NRS 489.031 is hereby amended to read as follows:

489.031 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 489.036 to 489.155, inclusive, ***and section 2 of this act*** have the meanings ascribed to them in those sections.

Sec. 5. NRS 489.062 is hereby amended to read as follows:

489.062 "Commercial coach" means a structure without motive power which is designed and equipped for human occupancy for industrial, professional or commercial purposes. The term does not include a recreational park trailer ~~[.]~~ ~~[,]~~ ***or portable building .*** ~~[or single-wide commercial coach not for public use.]~~

Sec. 6. (Deleted by amendment.)

Assemblyman Hickey moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, reengrossed, and to third reading.

Assembly Bill No. 566.

Bill read third time.

The following amendment was proposed by the Committee on Legislative Operations and Elections:

Amendment No. 609.

AN ACT relating to elections; revising the legislative districts from which the members of the Senate and Assembly are elected; revising the districts from which Representatives in the Congress of the United States are elected; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 5 of Article 4 of the Nevada Constitution provides that it is the mandatory duty of the Legislature at its first session after the taking of the decennial census, to: (1) fix by law the number of Senators and the number of members of the Assembly; (2) determine the boundaries of the legislative districts; and (3) apportion the number of the members of the Senate and Assembly in each district. Section 13 of Article 1 of the Nevada Constitution provides that representation shall be apportioned according to population. Finally, Section 13 of Article 15 of the Nevada Constitution requires that the decennial census serve as the basis of representation in both Houses of the Legislature.

Sections ~~[4-45]~~ 54-118 of this bill revise the boundaries of the **21 Senate Districts and the** 42 Assembly Districts by designating the blocks, block groups and census tracts that comprise each of those districts based upon the data from the Twenty-third United States Census, known as Census 2010. ~~[Section 1 of this bill establishes the boundaries of the 21 Senate Districts by designating the two Assembly Districts that comprise each Senate District.]~~

Section 2 of Article I of the United States Constitution provides that congressional representatives must be apportioned among the several states according to population. The apportionment of the number of congressional representatives is based upon the decennial census. Currently, Nevada is apportioned three congressional representatives and, based upon the results of Census 2010, is apportioned a fourth congressional representative. **Section ~~[46]~~ 119** of this bill describes the boundaries of the new fourth congressional district by designating the blocks, block groups and census tracts that comprise the fourth congressional district. **Sections ~~[50-52]~~ 123-125** of this bill revise the boundaries of the existing three congressional districts by designating the blocks, block groups and census tracts that comprise each of those congressional districts.

Section ~~[54]~~ 127 of this bill provides that the 11 Senators who were elected on November 2, 2010, shall serve out the term of office for which they were elected by representing the district to which they were elected through November 6, 2012, and representing the corresponding new Senate District established by ~~[section 1]~~ **sections 54-74** of this bill from November 7, 2012, until the expiration of their current term of office.

Under existing law, a person shall not use the term "reelect" in any material, statement or publication supporting the election of a candidate unless the candidate: (1) was elected to the identical office with the same district number in the most recent election to fill that office; and (2) is serving and has served continuously in that office from the beginning of the term to which the candidate was elected. (NRS 294A.330) **Section ~~[55]~~ 128** of this bill provides that notwithstanding this prohibition on the use of the term "reelect," each Senator who was elected on November 4, 2008, and serves continuously in that office may use the term "reelect" in the 2012 General Election when running for the Senate from the same new corresponding Senate District if he or she is otherwise qualified for election to that office. **Section ~~[55]~~ 128** also provides that the members of the Assembly who currently represent Assembly Districts 38 and 39 which were renumbered as a result of this bill as Assembly Districts 35 and 38, respectively, may use the term "reelect" in the 2012 General Election if those members run for election to Assembly Districts 35 and 38, respectively, and are qualified for election in those Districts. Because a majority of existing Assembly District 35 was reapportioned into new Assembly Districts 33 and 38, with a significant part apportioned to new Assembly District 33, **section ~~[55]~~ 128** also authorizes the members of the Assembly who currently represent Assembly Districts 33 and 35, respectively, to use the term "reelect" in the 2012 General Election if those members run for election to Assembly District 33, and are qualified for election in that District.

Section ~~[56]~~ 129 of this bill provides that at the general election in 2012, one member of the Senate must be elected to a term of 4 years to the open seat in the newly created Senate District 15.

Section ~~[58]~~ 131 of this bill provides that **sections ~~[1-45]~~ 54-118** of this bill, which revise the boundaries of the Assembly and Senate Districts, become effective on January 1, 2012, for the purpose of filing for office and for nominating and electing members of the newly revised Senate and Assembly Districts, and for all other purposes on November 7, 2012, the day after the 2012 General Election and the first day of the new terms. **Section ~~[58]~~ 131** also provides that **sections ~~[46-52]~~ 119-125** of this bill, which revise the boundaries of the Congressional Districts, become effective on January 1, 2012, for the purpose of filing for office and for nominating and electing the members of the newly revised Congressional Districts, and for all other purposes on January 3, 2013, when the members of the United States House of Representatives take office.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Sections 1-52. (Deleted by amendment.)

Sec. 53. **Chapter 218B of NRS is hereby amended by adding thereto the provisions set forth as sections 54 to 74, inclusive, of this act.**

Sec. 54. ***Senate District 1 consists of, in Clark County:***

1. Census tracts 003309, 003311, 003312, 003313, 003619, 003620, 003621, 003622, 003623, 003624, 003627, 003628, 003631, 003632, 003633, 003634, 003636, 003637, 003638 and 003640.

2. In census tract 003307, blocks 1000 and 2000.

3. In census tract 003310, block groups 1 and 3.

4. In census tract 003314:

(a) Block group 1.

(b) Blocks 2000, 2001, 2002, 2003, 2004, 2006, 2007, 2008, 2009, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2030, 2031, 2032 and 2033.

5. In census tract 003607:

(a) Block groups 2 and 3.

(b) Blocks 1009, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019 and 1020.

6. In census tract 003610, block groups 1, 2 and 4.

7. In census tract 003618:

(a) Block group 1.

(b) Blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2018, 2019, 2020, 2021, 2022, 2023, 2024 and 2025.

8. In census tract 003625, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1009, 1014, 1015, 1016 and 1035.

9. In census tract 003626:

(a) Block group 2.

(b) Blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1030, 1031 and 1037.

10. In census tract 003635:

(a) Block groups 1, 3 and 4.

(b) Blocks 2000, 2001, 2002, 2003, 2004, 2005, 2007, 2008, 2009, 2010, 2011, 2012, 2013 and 2014.

11. In census tract 003641, blocks 1001, 1002, 1003, 1004, 1006, 1007, 1011, 1012, 1013, 1014, 1018, 2005, 2026, 2027 and 2028.

12. In census tract 003643, block group 2.

13. In census tract 003644, block group 1.

14. In census tract 004601, blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2011, 2012 and 2013.

15. In census tract 004602, blocks 1000, 1001, 1002, 1003, 1006, 1007, 1008, 1009, 1010, 1011 and 1016.

16. In census tract 004715, blocks 1000, 1001, 1002, 1003, 1004, 1009, 1010, 1011, 1012, 1024, 1025, 1026, 1027, 2000, 2001, 2002 and 2003.

17. In census tract 005613, blocks 4358, 4360, 4362, 4363, 4364 and 4372.

18. In census tract 005902, blocks 1238, 1239, 1241, 1242, 1246, 1247, 1248, 1249, 1250, 1252, 1253, 1265, 1267, 1268, 1274, 1277, 1278, 1279, 1280, 1281, 1282, 1283, 1284, 1285, 1287, 1288, 1289, 1290, 1291, 1292, 1293, 1294, 1295, 1296, 1297, 1298, 1299, 1302, 1303, 1304, 1305, 1308, 1330, 1333, 1334, 1336, 1337, 1339, 1342, 1343, 1344, 1346, 1348, 1355, 1357, 1358, 1359, 1360, 1364, 1367, 1381, 1382, 1385, 1386, 1387, 1388, 1389, 1392, 1395, 1397, 1398, 1399, 1400, 1401, 1405, 1406, 1407, 1408, 1409, 1410, 1411, 1412, 1413, 1417, 1418, 1423, 1424, 1426, 1428, 1429, 1430, 1431, 1432, 1433, 1435, 1436, 1438, 1439, 1440, 1441, 1442, 1443, 1444, 1445, 1446, 1447, 1448, 1449, 1453, 1454, 1455, 1456, 1457, 1458, 1459, 1460, 1461, 1462, 1463, 1464, 1465, 1466, 1467, 1468, 1469, 1470, 1471, 1472, 1473, 1474, 1475, 1477, 1478, 1479, 1480, 1481, 1482, 1483, 1484, 1485, 1486, 1487, 1488, 1489, 1490, 1492, 1493, 1495, 1496, 1497, 1498, 1499, 1500, 1501, 1515, 1516, 1517, 1633, 1635, 1659, 1660, 1661, 1662, 1663, 1664, 1665, 1666, 1667 and 1672.

19. In census tract 006001, block groups 1, 2 and 5.

20. In census tract 007800, blocks 1002, 1003, 1004, 1005, 1009, 1013, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1085, 1086, 1087, 1088, 1089, 1090, 1091, 1092, 1093, 1094, 1095, 1096, 1097, 1098, 1099, 1100, 1101, 1102, 1103, 1104, 1105, 1106, 1107, 1109, 1110, 1111, 1114, 1126, 1127, 1128, 1129, 1132, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014 and 3015.

Sec. 55. Senate District 2 consists of, in Clark County:

1. Census tracts 000401, 000513, 000527, 000528, 004000, 004100, 004200, 004301, 004302, 004401, 004703, 004707, 004709, 004710, 004712, 004713, 004714, 004716, 004717, 004914, 004915, 004918, 004919 and 007100.

2. In census tract 000301, blocks 2000, 2001, 2037, 3000, 3001, 3002 and 3004.

3. In census tract 000402, blocks 1000, 1001, 1002, 1003, 1004, 3000, 3001, 3002, 3003, 3004, 3005, 3006 and 3007.

4. In census tract 000403, blocks 1001, 1002, 1003, 1004, 1008, 1009, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018 and 1019.

5. In census tract 000526:

(a) Block group 1.

(b) Blocks 2000, 2001, 2002, 2004 and 2007.

6. In census tract 000700, blocks 3000, 3001, 3002, 3003, 3004, 3010, 3011, 3013, 3017 and 3018.

7. In census tract 003800, blocks 2013, 3010, 3013, 4000, 4001, 4003, 4004, 4005, 5000, 5002, 5003, 5004, 5005, 5006 and 5007.

8. In census tract 004402:

(a) Block groups 2 and 3.

(b) Blocks 1000, 1001, 1002, 1003 and 1004.

9. In census tract 004500:

(a) Block groups 2, 3 and 4.

(b) Blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1008, 1009, 1011, 1012, 1013 and 1014.

10. In census tract 004601:

(a) Block group 3.

(b) Blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1009, 1010, 1011 and 2010.

11. In census tract 004602:

(a) Block group 2.

(b) Blocks 1012, 1013, 1014, 1015, 1017, 1018 and 1019.

12. In census tract 004715, blocks 1005, 1006, 1007, 1008, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1028, 1029, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016 and 2017.

13. In census tract 004916, blocks 1001, 1002, 1003, 1004, 1005, 1009, 1010, 1011 and 1012.

14. In census tract 006001, block groups 3 and 4.

15. In census tract 006201, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1022, 1023, 1024, 1025 and 1026.

16. In census tract 007200, block 1015.

17. In census tract 007800, blocks 2012 and 3000.

Sec. 56. Senate District 3 consists of, in Clark County:

1. Census tracts 000103, 000105, 000106, 000107, 000109, 000204, 000600, 000800, 000900, 001003, 001004, 001200, 001300, 002905, 002915, 002916, 003006, 003103, 005803, 005804, 005805, 005806, 005807, 005808 and 005809.

2. In census tract 000101, blocks 2010, 2011, 2012, 2013, 2014 and 2015.

3. In census tract 000108:

(a) Block group 1.

(b) Blocks 2013, 2014, 2020, 2021 and 2023.

4. In census tract 000203:

(a) Block groups 2, 3 and 4.

(b) Blocks 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011 and 1012.

5. In census tract 000301, blocks 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2059 and 2060.

6. In census tract 000403, blocks 1010, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 3006, 3007, 3009, 3013, 3016, 3017, 3018 and 3019.

7. In census tract 000700:

(a) Block groups 1, 2 and 4.

(b) Blocks 3007, 3009, 3014, 3015, 3016, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3029, 3030, 3031, 3032, 3033, 3034, 3035, 3036, 3037, 3038, 3039, 3040 and 3041.

8. In census tract 001005:

(a) Block group 2.

(b) Blocks 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009 and 1010.

9. In census tract 001006:

(a) Block groups 1 and 2.

(b) Blocks 3000, 3001 and 3002.

10. In census tract 001100:

(a) Block groups 1 and 2.

(b) Blocks 3000, 3001, 3002, 3005, 3006, 3007, 3008 and 3009.

11. In census tract 001401, blocks 2016, 2017, 2019 and 2022.

12. In census tract 001402, blocks 2004, 2005, 2006, 2007, 2008, 2016, 2017, 3002, 3003, 3004, 3005, 3010, 3011, 3012 and 3013.

13. In census tract 002203, blocks 1000, 3001, 3002 and 3003.

14. In census tract 002207, blocks 1001 and 2001.

15. In census tract 003001:

(a) Block groups 2, 3 and 4.

(b) Blocks 1002, 1003, 1004, 1005, 1006, 1007 and 1008.

16. In census tract 003005, blocks 2000, 2001, 2002, 2003, 2006, 2007, 2008, 2009, 3007, 4000, 4001, 4002, 4003 and 4005.

17. In census tract 003102, block groups 1 and 2.

18. In census tract 003261, blocks 2005, 2006, 2008 and 2009.

19. In census tract 003423:

(a) Block group 4.

(b) Blocks 5001, 5002, 5004, 5005, 5006, 5007, 5008, 5009, 5011, 5012, 5013, 5014 and 5015.

Sec. 57. Senate District 4 consists of, in Clark County:

1. Census tracts 000201, 000302, 003420, 003426, 003427, 003428, 003429, 003430, 003431, 003500, 003613, 003615, 003616, 003617, 003639, 003642 and 003700.

2. In census tract 000101:

(a) Block groups 1, 3, 4 and 5.

(b) Blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008 and 2009.

3. In census tract 000108, blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2015, 2016, 2017, 2018, 2019 and 2022.

4. In census tract 000203, blocks 1000, 1001 and 1002.

5. In census tract 000301:

(a) Block group 1.

(b) Blocks 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2034, 2035, 2036, 2038, 2039, 2048, 2049, 2050, 2058, 3003, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3029, 3030, 3031, 3032, 3033, 3034, 3035, 3036, 3037, 3038, 3039, 3040, 3041, 3042, 3043, 3044, 3045, 3046, 3047, 3048 and 3049.

6. In census tract 000700, blocks 3005, 3006, 3008, 3012 and 3019.

7. In census tract 001005, blocks 1000 and 1001.

8. In census tract 003410, blocks 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1019, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2017, 2018 and 2019.

9. In census tract 003412:

(a) Block group 2.

(b) Blocks 1000, 1005, 3000, 3001, 3002, 3003, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019 and 3020.

10. In census tract 003413:

(a) Block groups 1 and 3.

(b) Blocks 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026 and 2027.

11. In census tract 003414:

(a) Block group 2.

(b) Blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025 and 1026.

12. In census tract 003415, block group 5.

13. In census tract 003416:

(a) Block group 2.

(b) Blocks 1000, 1007, 1008, 1009, 1010, 1011, 3000, 3001, 3002, 3003, 3004, 3005, 3010, 3011, 3012, 3013, 3014 and 3015.

14. In census tract 003419, block groups 3, 4 and 5.

15. In census tract 003422:

(a) Block groups 2, 3, 4 and 5.

(b) Blocks 1000, 1001, 1005, 1006 and 1007.

16. In census tract 003423:

(a) Block groups 1, 2 and 3.

(b) Blocks 5000, 5003, 5010, 5016 and 5017.

17. In census tract 003607, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008 and 1010.

18. In census tract 003610, block group 3.

19. In census tract 003612, blocks 2010, 2011, 2012, 3001, 3002, 3003, 3004, 3006, 3007, 3008, 3009, 3011 and 3012.

20. In census tract 003625:

(a) Block group 2.

(b) Blocks 1006, 1007, 1008, 1010, 1011, 1012, 1013, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047 and 1048.

21. In census tract 003626, blocks 1027, 1028, 1029, 1032, 1033, 1034, 1035, 1036, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053 and 1054.

22. In census tract 003635, blocks 2006 and 2015.

23. In census tract 003641, blocks 1000, 1005, 1008, 1009, 1010, 1015, 1016, 1017, 1019, 2000, 2001, 2002, 2003, 2004, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036 and 2037.

24. In census tract 003643, block group 1.

25. In census tract 003644, block group 2.

26. In census tract 003800:

(a) Block group 1.

(b) Blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3011, 3012, 3014, 3015, 4002, 4006 and 5001.

27. In census tract 004402, block 1005.

28. In census tract 004500, blocks 1007, 1010 and 1015.

29. In census tract 004601, blocks 1008, 2008 and 2009.

30. In census tract 004602, blocks 1004 and 1005.

Sec. 58. Senate District 5 consists of, in Clark County:

1. Census tracts 001706, 001707, 001708, 001709, 001710, 001713, 001714, 002501, 002505, 002506, 002808, 002821, 002825, 002826, 002827, 005101, 005102, 005103, 005104, 005106, 005109, 005312, 005314 and 006900.

2. In census tract 001607:

(a) Block groups 1, 3 and 4.

(b) Blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2009, 2010, 2011, 2012 and 2013.

3. In census tract 001711:

(a) Block group 1.

(b) Blocks 2000, 2001, 2002 and 2003.

4. In census tract 001712, blocks 1001, 1002, 1003, 1004, 1005, 1006 and 1008.

5. In census tract 001715:

(a) Block group 1.

(b) Blocks 2000, 2001, 2002, 2003, 2004 and 2008.

6. In census tract 001716, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018 and 1019.

7. In census tract 002406, blocks 2002 and 2003.

8. In census tract 002603, block 3000.

9. In census tract 002822, blocks 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 2011 and 2012.

10. In census tract 002823, block groups 1 and 3.

11. In census tract 002824:

(a) Block group 2.

(b) Blocks 1012, 1013, 1014, 1015, 1016, 1017, 1018 and 1019.

12. In census tract 005010, blocks 2008, 2015, 2021, 2022, 2023, 2024, 2025, 2026, 2027 and 2028.

13. In census tract 005016, block 1013.

14. In census tract 005105, blocks 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1016, 1017, 1018, 1019, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1076, 1077, 1078, 1079, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067 and 2068.

15. In census tract 005108:

(a) Block group 1.

(b) Blocks 2000, 2001, 2002, 2003, 2004, 2005 and 2006.

16. In census tract 005200:

(a) Block group 3.

(b) Blocks 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019 and 1020.

17. In census tract 005311:

(a) Block group 1.

(b) Blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2009, 2010, 2011, 2014, 2015, 2016 and 2017.

18. In census tract 005313, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 2000, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011 and 2012.

19. In census tract 005315, blocks 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3032, 3033, 3034 and 3035.

20. In census tract 005316:

(a) Block group 2.

(b) Blocks 1002, 1003, 1004, 1006, 1007, 1008, 1009, 1010, 1013 and 1014.

21. In census tract 005319, blocks 2000, 2001 and 2008.

22. In census tract 005320:

(a) Block group 1.

(b) Blocks 2003, 2010, 2011, 2012, 2013 and 2014.

23. In census tract 005354, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 2000, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016 and 2017.

24. In census tract 005436:

(a) Block group 4.

(b) Blocks 2002, 2003, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 3007, 3008, 3009, 3010 and 3011.

Sec. 59. Senate District 6 consists of, in Clark County:

1. Census tracts 003003, 003004, 003104, 003215, 003219, 003239, 003241, 003243, 003244, 003245, 003246, 003247, 003248, 003252, 003254, 003260, 003409, 003411, 003418 and 003421.

2. In census tract 003001, blocks 1000 and 1001.

3. In census tract 003005:

(a) Block group 1.

(b) Blocks 2004, 2005, 3000, 3001, 3002, 3003, 3004, 3005, 3006 and 4004.

4. In census tract 003102, block groups 3 and 4.

5. In census tract 003204, blocks 4019 and 4020.

6. In census tract 003208, blocks 1022, 1023, 1024, 1026, 1031, 1032, 1033, 1035, 2000, 2001, 2002, 2003, 2004, 2005, 2009, 2010, 2011, 2012, 2013, 2014, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024 and 2025.

7. In census tract 003210, blocks 1001 and 1002.

8. In census tract 003211, blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020 and 2021.

9. In census tract 003214, blocks 2000, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2011, 2013, 2014, 2015, 2016, 2017, 2018 and 2021.

10. In census tract 003218:

(a) Block groups 1, 2 and 3.

(b) Blocks 4000, 4001, 4002, 4003, 4004, 4005, 4006, 4007, 4008, 4014, 4015, 4016 and 4017.

11. In census tract 003220:

(a) Block groups 1, 2, 3, 4 and 5.

(b) Blocks 6002, 6003, 6004, 6005 and 6006.

12. In census tract 003223, block group 1.

13. In census tract 003237, blocks 1004, 1038 and 1039.

14. In census tract 003238:

(a) Block groups 2 and 3.

(b) Blocks 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049 and 1050.

15. In census tract 003240:

(a) Block groups 2 and 3.

(b) Blocks 1023, 1024, 1028, 1029, 1030, 1031, 1034 and 1035.

16. In census tract 003242, blocks 2003, 2004, 2005, 2011, 2012, 2013, 2014, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024 and 2025.

17. In census tract 003253:

(a) Block groups 2 and 3.

(b) Blocks 1008, 1009, 1010 and 1011.

18. In census tract 003261, block group 1.

19. In census tract 003408, block group 1.

20. In census tract 003412, blocks 1001, 1002, 1003, 1004, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3021 and 3022.

21. In census tract 003413, blocks 2000, 2001, 2002 and 2003.

22. In census tract 003415, block groups 1, 2, 3 and 4.

23. In census tract 003416, blocks 1001, 1002, 1003, 1004, 1005, 1006, 1012, 1013, 3006, 3007, 3008 and 3009.

24. In census tract 003419, block groups 1 and 2.

25. In census tract 003422, blocks 1002, 1003 and 1004.

Sec. 60. Senate District 7 consists of, in Clark County:

1. Census tracts 001717, 002504, 002706, 002707, 002708, 002810, 002811, 002814, 002828, 002829, 002830, 002831, 002832, 002833, 002834, 002835, 002836, 002837, 002838, 002844, 002845, 002847, 002848, 002983 and 002985.

2. In census tract 001711, blocks 2004, 2005, 2006, 2007, 2008 and 2009.

3. In census tract 001712:

(a) Block group 2.

(b) Blocks 1000, 1007, 1009, 1010, 1011 and 1012.

4. In census tract 002823, block group 2.

5. In census tract 002824, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010 and 1011.

6. In census tract 002841, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 2000, 2001, 2002, 2003, 2004, 2005, 2006 and 2007.

7. In census tract 002843, blocks 2000, 2003 and 2030.

8. In census tract 002846:

(a) Block group 2.

(b) Blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1017, 1018, 1019, 1020, 1021 and 1022.

9. In census tract 002979, blocks 1000, 1001, 1002, 1009, 1010, 1011, 1012, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052 and 1069.

10. In census tract 002984, blocks 1000, 1001, 1002 and 1031.

11. In census tract 005311, blocks 2008, 2012 and 2013.

12. In census tract 005316, block 1005.

13. In census tract 005319, blocks 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1019, 1020, 1021, 2002, 2003, 2004, 2005, 2006 and 2007.

14. In census tract 005322, blocks 1000, 1001 and 1002.

15. In census tract 005833, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1038, 1039, 1040, 1041, 1042, 1053, 1054, 1055 and 1056.

16. In census tract 005834, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017,

1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1056, 1057, 1058, 1062, 1063 and 1064.

17. In census tract 006800:

(a) Block groups 1, 2 and 3.

(b) Blocks 4000, 4001, 4002, 4004, 4005, 4006, 4007, 4008, 4009, 4010, 4011, 4012, 4013, 4020, 4021, 4022, 4023, 4024, 4025, 4032, 4033, 4034, 4035, 4036, 4037, 4038, 4039, 4044, 4045, 4046, 4047, 4048, 4049, 4050, 4051, 4052, 4053, 4054, 4055, 4056, 4057, 4058, 4059, 4060, 4061, 4062, 4063, 4064, 4065, 4066, 4067, 4068, 4069, 4070, 4071, 4072, 4073, 4074, 4075, 4076, 4077, 4078, 4079, 4080, 4081, 4082, 4083, 4084, 4085, 4086, 4087 and 4088.

Sec. 61. Senate District 8 consists of, in Clark County:

1. Census tracts 002206, 002939, 002940, 002951, 002952, 003213, 003222, 003226, 003227, 003249, 003250, 003251, 003262, 005811, 005822, 005824, 005825, 005826, 005843, 005844 and 005845.

2. In census tract 002203, block 3000.

3. In census tract 002207:

(a) Block group 3.

(b) Blocks 1000 and 2000.

4. In census tract 002937, block groups 1 and 2.

5. In census tract 002938, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1039 and 1040.

6. In census tract 002944, blocks 2001 and 2002.

7. In census tract 002947:

(a) Block group 1.

(b) Blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018 and 2019.

8. In census tract 002950:

(a) Block groups 1 and 2.

(b) Blocks 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3016 and 3017.

9. In census tract 002954, block groups 1 and 3.

10. In census tract 002995, block group 1.

11. In census tract 002996, block group 3.

12. In census tract 003210:

(a) Block groups 2, 3 and 4.

(b) Blocks 1000, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012 and 1013.

13. In census tract 003211:

(a) Block group 1.

(b) Blocks 2022, 2023, 2024, 2025, 2026 and 2027.

14. In census tract 003214:

(a) Block group 1.

(b) Blocks 2001, 2010, 2012, 2019 and 2020.

15. In census tract 003218, blocks 4009, 4010, 4011, 4012 and 4013.

16. In census tract 003220, blocks 6000, 6001, 6007 and 6008.

17. In census tract 003223, block group 2.

18. In census tract 003253, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1012, 1013 and 1014.

19. In census tract 003261, blocks 2000, 2001, 2002, 2003, 2004 and 2007.

20. In census tract 005813, block group 2.

21. In census tract 005823, blocks 1032, 1033, 1034, 1035, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066 and 1067.

22. In census tract 005840, blocks 1028 and 1029.

23. In census tract 005841, blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2031, 2034, 2035, 2036 and 2037.

24. In census tract 005842:

(a) Block group 2.

(b) Blocks 1000, 1004, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013 and 1014.

25. In census tract 005846, block groups 1 and 2.

26. In census tract 005847, block 1000.

27. In census tract 005848, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1011, 1012 and 1013.

28. In census tract 005849, block group 1.

Sec. 62. Senate District 9 consists of, in Clark County:

1. Census tracts 002919, 002941, 002942, 002948, 002949, 002953, 002957, 002974, 002975, 002976, 002977, 005828, 005829, 005832, 005851, 005853, 005854, 005855 and 005856.

2. In census tract 002936, blocks 1006, 2003, 2004, 2005, 2006, 2007, 2013 and 2014.

3. In census tract 002944:

(a) Block group 1.

(b) Block 2000.

4. In census tract 002947, blocks 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029 and 2030.

5. In census tract 002950, blocks 3000, 3001, 3002, 3011, 3012, 3013, 3014 and 3015.

6. In census tract 002958:

(a) Block groups 1, 2 and 4.

(b) Blocks 5000, 5001, 5002, 5003, 5006 and 5010.

7. In census tract 005813, block group 1.

8. In census tract 005827, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1068, 1069, 1070, 1071, 1095, 1096, 1097, 1098, 1310, 1311, 1316 and 1317.

9. In census tract 005831, blocks 1029, 1030, 1031, 1032, 1033, 1042, 1043, 1044, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060 and 1061.

10. In census tract 005833, block 1036.

11. In census tract 005836:

(a) Block group 2.

(b) Blocks 1001, 1002, 1003, 1004, 1005, 1006 and 1007.

12. In census tract 005839, blocks 1012, 2000, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015 and 2016.

13. In census tract 005840, blocks 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1085, 1086, 1087, 1088, 1089, 1090, 1091, 1093, 1094, 1095, 1097, 1098, 1099, 1100, 1101, 1103, 1104, 1105, 1106, 1107, 1108, 1109, 1110, 1111, 1112, 1119, 1120 and 1121.

14. In census tract 005847, blocks 1001, 1002, 1003, 1004, 1005 and 1006.

15. In census tract 005848:

(a) Block group 2.

(b) Blocks 1006, 1007, 1008, 1009 and 1010.

16. In census tract 005849, block group 2.

17. In census tract 005850:

(a) Block group 2.

(b) Blocks 1000, 1001, 1003, 1004, 1005, 1006, 1007, 1008, 1009 and 1010.

18. In census tract 005852, blocks 2009 and 2010.

Sec. 63. Senate District 10 consists of, in Clark County:

1. Census tracts 000510, 000514, 000515, 000516, 000517, 000518, 000519, 000520, 000521, 000522, 000523, 000524, 000525, 001501, 001502, 001608, 001612, 001613, 001801, 001803, 001804, 001901, 001902, 002000, 002303, 002404 and 004924.

2. In census tract 000402:

(a) Block group 2.

(b) Blocks 1005, 1006, 1007, 1008 and 3008.

3. In census tract 000403:

(a) Block group 2.

(b) Blocks 1000, 1005, 1006, 1007, 3000, 3001, 3002, 3003, 3004, 3005, 3008, 3010, 3011, 3012, 3014 and 3015.

4. In census tract 000526, blocks 2003, 2005, 2006 and 2008.

5. In census tract 001100, blocks 3003, 3004 and 3010.

6. In census tract 001401:

(a) Block group 1.

(b) Blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2018, 2020 and 2021.

7. In census tract 001402:

(a) Block groups 1 and 4.

(b) Blocks 2000, 2001, 2002, 2003, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 3000, 3001, 3006, 3007, 3008, 3009, 3014 and 3015.

8. In census tract 001607, block 2008.

9. In census tract 001609:

(a) Block groups 2, 3 and 4.

(b) Blocks 1001, 1002, 1003, 1004 and 1005.

10. In census tract 001611, blocks 1003, 1004, 1005, 1006, 3000, 3001, 3002 and 3003.

11. In census tract 002302, blocks 1000 and 1001.

12. In census tract 002406, block 2000.

13. In census tract 004911:

(a) Block group 2.

(b) Blocks 1005, 1006, 1007, 1008 and 1009.

14. In census tract 004912, block 1000.

15. In census tract 004926, blocks 1007, 1008, 1009 and 1010.

Sec. 64. Senate District 11 consists of, in Clark County:

1. Census tracts 002201, 002204, 002403, 002405, 002604, 002605, 002935, 002946, 002956, 002961, 002962, 002964, 002965, 002966, 002967, 002968, 002969, 002970, 002978, 002980, 002981, 002982, 005830 and 006700.

2. In census tract 001006, blocks 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011 and 3012.

3. In census tract 002203:

(a) Block group 2.

(b) Blocks 1001, 1002, 1003, 1004, 1005 and 1006.

4. In census tract 002302, blocks 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034 and 1035.

5. In census tract 002406:

(a) Block group 1.

(b) Block 2001.

6. In census tract 002603:

(a) Block groups 1 and 2.

(b) Blocks 3001, 3002, 3003, 3004, 3005 and 3006.

7. In census tract 002841, blocks 1010, 1011, 1012, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 2008, 2009, 2010, 2011 and 2012.

8. In census tract 002842:

(a) Block groups 2 and 3.

(b) Blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1024, 1025, 1026, 1027, 1028 and 1029.

9. In census tract 002843, blocks 1000, 1001, 1003, 1004, 1005, 1006, 1010, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1037, 2001, 2002, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024 and 2025.

10. In census tract 002936, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1007, 1008, 2000, 2001, 2002, 2008, 2009, 2010, 2011, 2012 and 2015.

11. In census tract 002937, block group 3.

12. In census tract 002938, blocks 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1041, 1042 and 1043.

13. In census tract 002954, block groups 2 and 4.

14. In census tract 002958:

(a) Block group 3.

(b) Blocks 5004, 5005, 5007, 5008, 5009, 5011, 5012, 5013 and 5014.

15. In census tract 002979, blocks 1003, 1004, 1005, 1006, 1007, 1008, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1041, 1042, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067 and 1068.

16. In census tract 002984, blocks 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1032, 1033, 1034, 1035, 1036, 1037 and 1038.

17. In census tract 002995, block groups 2 and 3.

18. In census tract 002996, block groups 1, 2 and 4.

19. In census tract 005346, blocks 1000, 1001, 1002, 1003, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013 and 1014.

20. In census tract 005347, block 2000.

21. In census tract 005712, block 1091.

22. In census tract 005831, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1045 and 1046.

23. In census tract 005833, blocks 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1037, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1057, 1058, 1059, 1060, 1061, 1062, 1063 and 1064.

24. In census tract 005834, blocks 1054, 1055, 1059, 1060, 1061, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083 and 1084.

25. In census tract 005838, block 1000.

26. In census tract 005839, block 2001.

27. In census tract 006800, blocks 4003, 4014, 4015, 4016, 4017, 4018, 4019, 4026, 4027, 4028, 4029, 4030, 4031, 4040, 4041, 4042 and 4043.

Sec. 65. *Senate District 12 consists of, in Clark County:*

1. Census tracts 005338, 005348, 005351, 005501, 005502, 005503, 005504, 005607, 005612, 005614, 005615, 005702, 005704, 005705, 005713, 005714, 005715, 005716, 005835, 005837, 005903, 005904, 005905 and 007600.

2. In census tract 002842, blocks 1022 and 1023.

3. In census tract 002843, blocks 1002, 1007, 1008, 1009, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1038, 1039, 1040, 1041, 1042, 2026, 2027, 2028 and 2029.

4. In census tract 002846, blocks 1013, 1014, 1015 and 1016.

5. In census tract 005322:

(a) Block group 2.

(b) Blocks 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031 and 1032.

6. In census tract 005337, blocks 1006, 1007, 1008, 1009, 1010 and 1011.

7. In census tract 005346:

(a) Block group 2.

(b) Block 1004.

8. In census tract 005347:

(a) Block group 1.

(b) Blocks 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046 and 2047.

9. In census tract 005349:

(a) Block group 1.

(b) Blocks 2016, 2017, 2018, 2019, 2020, 2021, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057 and 2058.

10. In census tract 005350:

(a) Block group 2.

(b) Blocks 1021, 1022, 1023, 1024, 1025, 1029, 1030 and 1031.

11. In census tract 005355:

(a) Block groups 2 and 3.

(b) Blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1030, 1031, 1032, 1033, 1034, 1035 and 1036.

12. In census tract 005360, blocks 1015, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1046, 1047 and 1048.

13. In census tract 005435, blocks 2000, 2002, 2003, 2007, 2008, 2009, 2010 and 2011.

14. In census tract 005437, block 1000.

15. In census tract 005613:

(a) Block groups 1 and 2.

(b) Blocks 3000, 3001, 3002, 3003, 3004, 3005, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3028, 3029, 3030, 3031, 3032, 3033, 3034, 3035, 3036, 3037, 3039, 3040, 4024, 4025, 4026, 4027, 4028, 4029, 4030, 4031, 4032, 4033, 4034, 4035, 4036, 4037, 4038, 4039, 4040, 4041, 4042, 4043, 4044, 4045, 4046, 4047, 4048, 4049, 4050, 4051, 4052, 4053, 4054, 4055, 4056, 4058, 4059, 4060, 4061, 4062, 4063, 4064, 4065, 4066, 4067, 4068, 4069, 4070, 4071, 4072, 4073, 4074, 4075, 4076, 4077, 4078, 4079, 4080, 4081, 4082, 4083, 4084, 4085, 4086, 4087, 4088, 4089, 4090, 4091, 4092, 4093, 4094, 4095, 4096, 4097, 4098, 4099, 4100, 4101, 4102, 4103, 4104, 4105, 4129, 4130, 4133, 4134, 4135, 4136, 4137, 4138, 4139, 4140, 4141, 4142, 4143, 4144, 4145, 4146, 4147, 4148, 4149, 4150, 4151, 4152, 4153, 4154,

4155, 4156, 4157, 4158, 4159, 4160, 4161, 4162, 4163, 4164, 4165, 4166, 4167, 4168, 4169, 4170, 4171, 4172, 4173, 4174, 4175, 4176, 4177, 4178, 4179, 4180, 4181, 4182, 4183, 4184, 4185, 4186, 4187, 4188, 4189, 4190, 4191, 4192, 4193, 4194, 4195, 4196, 4197, 4198, 4199, 4200, 4201, 4202, 4203, 4204, 4205, 4206, 4207, 4208, 4209, 4210, 4211, 4212, 4213, 4214, 4217, 4218, 4219, 4220, 4221, 4222, 4223, 4224, 4225, 4226, 4227, 4228, 4229, 4231, 4232, 4233, 4234, 4235, 4236, 4237, 4238, 4239, 4240, 4241, 4242, 4243, 4244, 4245, 4246, 4247, 4248, 4249, 4250, 4251, 4252, 4253, 4254, 4255, 4257, 4258, 4259, 4260, 4261, 4262, 4263, 4264, 4265, 4266, 4267, 4268, 4269, 4270, 4271, 4272, 4273, 4274, 4275, 4276, 4277, 4278, 4279, 4280, 4281, 4282, 4283, 4284, 4285, 4286, 4287, 4288, 4289, 4290, 4291, 4292, 4293, 4294, 4295, 4296, 4297, 4298, 4299, 4300, 4301, 4302, 4303, 4304, 4305, 4306, 4307, 4308, 4309, 4310, 4311, 4312, 4313, 4314, 4315, 4316, 4317, 4318, 4319, 4320, 4321, 4322, 4323, 4324, 4325, 4326, 4327, 4328, 4329, 4330, 4331, 4332, 4333, 4334, 4335, 4336, 4337, 4338, 4339, 4340, 4341, 4342, 4343, 4344, 4345, 4346, 4347, 4348, 4349, 4350, 4351, 4352, 4353, 4354, 4355, 4356, 4357, 4359, 4361, 4365, 4366, 4367, 4368, 4369, 4373, 4374, 4375, 4376, 4377, 4378, 4379, 4380, 4381, 4382, 4383, 4384, 4385, 4386, 4387, 4388, 4389, 4390, 4391, 4392, 4393, 4394, 4395, 4396, 4397, 4398, 4399, 4400, 4401, 4402, 4403, 4404, 4405, 4406, 4407, 4408, 4409, 4410, 5000, 5001, 5002, 5012, 5013, 5014, 5015, 5016, 5017, 5018, 5019, 5020, 5021, 5022, 5023, 5024, 5025, 5026, 5027, 5028, 5029, 5030, 5031, 5032, 5033, 5034, 5035, 5036, 5037, 5038, 5041, 5042, 5043, 5044, 5045, 5046, 5048, 5049, 5052 and 5053.

16. In census tract 005703:

(a) Block group 3.

(b) Blocks 1000, 1001, 1002, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1032, 1033, 1034, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2160, 2161,

2163, 2164, 2165, 2166, 2167, 2168, 2170, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2182, 2183, 2184, 2185, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2225, 2226, 2227, 2228, 2229, 2230, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2238, 2239, 2240, 2241, 2242, 2243, 2244, 2245, 2246, 2247, 2248, 2249, 2250, 2251, 2252, 2253, 2254, 2255, 2256, 2257, 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2268, 2269, 2270, 2271, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 2294, 2295, 2296, 2297, 2298, 2299, 2300, 2301, 2302, 2303, 2304, 2305, 2306, 2307, 2308, 2309, 2310, 2311, 2312, 2313, 2314, 2315, 2316, 2317, 2318, 2319, 2320, 2321, 2322, 2323, 2324, 2325, 2326, 2327, 2328, 2329, 2330, 2331, 2332, 2333, 2334, 2335, 2336, 2337, 2338, 2339, 2340, 2341, 2342, 2343, 2344, 2345, 2346, 2347, 2348, 2349, 2350, 2351, 2352, 2353, 2354, 2355, 2356, 2357, 2358, 2359, 2360, 2361, 2362, 2363, 2364, 2365, 2366, 2367, 2368, 2369, 2370, 2371, 2372, 2373, 2374, 2375, 2376, 2377, 2378, 2379, 2380, 2381, 2382, 2383, 2384, 2385, 2386, 2387, 2388, 2389, 2390, 2391, 2392, 2393, 2394, 2395, 2396, 2397, 2398, 2399, 2400, 2401, 2402, 2403, 2404, 2405, 2406, 2407, 2408, 2409, 2410, 2411, 2412, 2413, 2414, 2415, 2416, 2417, 2418, 2419, 2420, 2421, 2422, 2423, 2424, 2425, 2426, 2427, 2428, 2429, 2430, 2431, 2432, 2433, 2434, 2435, 2436, 2437, 2438, 2439, 2440, 2441, 2442, 2443, 2444, 2445, 2446, 2447, 2448, 2449, 2450, 2451, 2452, 2453, 2454, 2455, 2456, 2457, 2458, 2459, 2460, 2461, 2462, 2463, 2464, 2465, 2466, 2467, 2468, 2469, 2470, 2471, 2472, 2473, 2474, 2475, 2476, 2477, 2478, 2479, 2480, 2481, 2482, 2483, 2484, 2485, 2486, 2487, 2488, 2489, 2490, 2491, 2492, 2493, 2494, 2495, 2496, 2497, 2498, 2499, 2500, 2501, 2502, 2503, 2504, 2505, 2506, 2507, 2508, 2509, 2510, 2511, 2512, 2513, 2514, 2515, 2516, 2517, 2518, 2519, 2520, 2521, 2522, 2523, 2524, 2525, 2526, 2527, 2528, 2529, 2530, 2531, 2532, 2533, 2534, 2535, 2536, 2537, 2538, 2539, 2540, 2541, 2542, 2543, 2544, 2545, 2546, 2547, 2548, 2549, 2550, 2551, 2552, 2553, 2554, 2555, 2556, 2557, 2558, 2559, 2560, 2561, 2562, 2563, 2564, 2565, 2566, 2567, 2568, 2569, 2570, 2571, 2572, 2573, 2574, 2575, 2576, 2577, 2578, 2579, 2580, 2581, 2582, 2583, 2584, 2585, 2586, 2587, 2588, 2589, 2590, 2591, 2592, 2593, 2594, 2595, 2596, 2597 and 2598.

17. In census tract 005711:

(a) Block group 2.

(b) Blocks 1001, 1002, 1003, 1004, 1005, 1006, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048,

1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1085, 1086, 1087, 1088, 1089, 1090, 1091, 1092, 1093, 1094, 1095, 1096, 1097, 1098, 1099, 1100, 1101, 1102, 1103, 1104, 1105, 1106, 1107, 1108, 1109, 1110, 1111, 1112, 1113, 1114, 1115, 1116, 1118, 1119, 1122, 1123, 1124, 1125, 1126, 1127, 1128, 1129, 1131, 1132, 1133, 1134, 1135, 1136, 1137, 1138, 1139, 1140, 1141, 1142, 1143, 1144, 1145, 1146, 1147, 1148, 1149, 1150, 1151, 1152, 1153, 1154, 1155, 1156, 1157, 1158, 1159, 1160, 1161, 1162, 1163, 1164, 1165, 1166, 1167, 1168, 1169, 1170, 1171, 1172, 1173, 1174, 1175, 1176, 1177, 1178, 1179, 1180, 1181, 1182, 1183 and 1184.

18. In census tract 005712:

(a) Block group 2.

(b) Blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1085, 1086, 1087, 1088, 1089, 1090, 1092, 1093, 1094, 1095, 1096, 1097, 1098, 1099, 1100, 1101, 1102, 1103, 1104, 1105, 1106, 1107, 1108, 1109, 1110, 1111, 1112, 1113, 1114, 1115, 1116, 1117, 1118, 1119, 1120, 1121, 1122, 1123, 1124, 1125, 1126, 1127, 1128, 1129, 1130, 1131, 1132, 1133, 1134, 1135, 1136, 1137, 1138, 1139, 1140, 1141, 1142, 1143, 1144, 1145, 1146, 1147, 1148, 1149, 1150, 1151, 1152, 1153, 1154, 1155, 1156, 1157, 1158, 1159, 1160, 1161, 1162, 1163, 1164, 1165, 1166, 1167, 1168, 1169, 1170, 1171, 1172, 1173, 1174, 1175, 1176, 1177, 1178, 1179, 1180, 1181, 1182, 1183, 1184, 1185, 1186, 1187, 1188, 1189, 1190, 1191, 1192, 1193, 1194, 1195, 1196, 1197, 1198, 1199, 1200, 1201, 1202, 1203, 1204, 1205, 1206, 1207, 1208, 1209, 1210, 1211, 1212, 1213, 1214, 1215, 1216, 1217, 1218, 1219, 1220, 1221 and 1222.

19. In census tract 005836, block 1000.

20. In census tract 005838:

(a) Block groups 2 and 3.

(b) Blocks 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012 and 1013.

21. In census tract 005839, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1013, 1014, 1015, 1016, 1017, 1018, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031 and 1032.

22. In census tract 005902, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1286, 1300, 1306, 1307, 1309, 1310, 1311, 1312, 1313, 1314, 1315, 1316, 1317, 1318, 1319, 1320, 1321, 1322, 1323, 1324, 1325, 1326, 1327, 1328, 1329, 1331, 1332, 1335, 1338, 1340, 1341, 1345, 1347, 1349, 1350, 1351, 1352, 1353, 1354, 1356, 1361, 1362, 1363, 1365, 1366, 1368, 1369, 1370, 1371, 1372, 1373, 1374, 1375, 1376, 1377, 1378, 1379, 1380, 1383, 1384, 1390, 1391, 1393, 1394, 1396, 1402, 1403, 1404, 1414, 1415, 1416, 1419, 1420, 1421, 1422, 1425, 1427, 1434, 1437, 1599, 1600, 1601, 1602, 1603, 1604, 1605, 1623, 1624, 1625, 1626, 1627, 1628, 1629, 1630, 1631, 1636, 1637, 1638, 1639, 1640, 1641, 1646, 1647, 1648, 1649, 1650, 1652, 1653, 1654 and 2055.

23. In census tract 006104, block 1067.

24. In census tract 006204:

(a) Block group 2.

(b) Blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034 and 1035.

25. In census tract 007200, blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015 and 2016.

26. In census tract 007800, blocks 1000, 1001, 1006, 1007, 1008, 1010, 1011, 1012, 1014, 1015, 1016, 1017, 1018, 1052, 1053, 1063, 1108, 1112, 1113, 1115, 1116, 1117, 1118, 1119, 1120, 1121, 1122, 1123, 1124, 1125, 1130, 1131 and 1133.

Sec. 66. Senate District 13 consists of, in Washoe County:

1. Census tracts 000101, 000202, 000300, 000900, 001008, 001009, 001202, 001300, 001400, 001502, 001801, 002406, 002407, 002408, 002410 and 002411.

2. In census tract 000102:

(a) Block groups 2 and 3.

(b) Blocks 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1051, 1052, 1053 and 1055.

3. In census tract 000201, blocks 2002, 2003, 2006, 2007, 2008, 2009, 2014, 2015, 2016, 2017 and 2018.

4. In census tract 000400:

(a) Block groups 1 and 5.

(b) Blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 3005, 3011, 3012, 3013, 3014,

3015, 3016, 3017, 3018, 3022, 4000, 4001, 4002, 4003, 4004, 4005, 4006, 4007, 4008, 4009, 4010 and 4019.

5. In census tract 000700:

(a) Block groups 1 and 4.

(b) Blocks 2004, 2005, 3000, 3001, 3002, 3003 and 3004.

6. In census tract 001005, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1010, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1023, 1025, 1026, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2011, 2012, 2013, 2014, 2015, 2016, 2021, 2022, 2023, 2024, 2025, 2026 and 2027.

7. In census tract 001012, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1055, 1056, 1057, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2015, 2016, 2017, 2020, 2027, 2029, 2031, 2035, 2042 and 2043.

8. In census tract 001015:

(a) Block group 2.

(b) Blocks 1000, 1001, 1002, 1003 and 1005.

9. In census tract 001101:

(a) Block group 1.

(b) Blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015 and 2016.

10. In census tract 001103, blocks 1000, 1002, 1004, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2012, 2017, 2018, 2019, 4059, 4060 and 4063.

11. In census tract 001105, blocks 1004, 1005, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1033 and 1037.

12. In census tract 001201:

(a) Block groups 1 and 3.

(b) Blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2016, 2017, 2018, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2041, 2042, 2043, 2044, 2045, 2046, 2048, 2049, 2050, 2051, 2053, 2055 and 2058.

13. In census tract 001501, blocks 4000, 4001, 4002, 4003, 4004, 4005, 4006, 4007, 4008, 4009, 4010 and 4011.

14. In census tract 001701:

(a) Block group 2.

(b) Blocks 1001, 1002, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016 and 1017.

15. In census tract 001702, blocks 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2011, 2012, 2014, 2015, 3000, 3001, 3002, 3003, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021 and 3022.

16. In census tract 001802, blocks 1000, 1001, 1002, 1003, 1004, 1006, 1007, 1008, 1009, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2017 and 2018.

17. In census tract 002104, blocks 3010, 3011, 3014 and 3018.

18. In census tract 002107, blocks 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1033, 1034, 1037, 1038 and 1039.

19. In census tract 002204:

(a) Block groups 1 and 3.

(b) Blocks 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029 and 2030.

20. In census tract 002205:

(a) Block groups 2 and 3.

(b) Blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1012, 1013, 1014, 1015, 1016 and 1017.

21. In census tract 002206, blocks 1004, 1020, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2027, 2028, 2049, 2050 and 2051.

22. In census tract 002208, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1008, 1011, 1012, 1015, 1016, 1020, 1023, 1024, 2004, 2005 and 2006.

23. In census tract 002211:

(a) Block group 1.

(b) Blocks 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015 and 2016.

24. In census tract 002301, blocks 1001, 1008, 1022, 2000, 2001, 2002, 2003, 2005, 2006, 2007, 2008, 2017, 2018, 2020, 2022, 3011, 3012, 3013, 3014, 3015, 3016, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3029, 3030, 3031, 3032, 3033, 3034, 3035, 3036, 3037, 3038, 3039, 3040, 3041, 3042, 3044, 3045, 3046, 3047, 3048, 3049, 3050, 3052, 3055, 3056, 4000, 4001, 4002, 4003, 4004, 4005, 4006, 4007, 4008, 4009, 4010, 4011, 4012, 4013, 4014, 4015, 4016, 4017, 4018, 4019, 4020, 4021, 4022, 4023, 4024, 4025, 4026, 4027, 4028, 4029, 4030, 4031, 4032, 4033, 4034, 4035, 4036, 4037, 4039, 4040, 4041, 4042, 4043, 4044, 4045, 4047, 4049, 4050, 4051, 4052, 4053, 4054 and 4055.

25. In census tract 002302, blocks 1081, 1083, 1084, 1085, 2002, 2074, 2121, 2124, 2130, 2131, 2132 and 2133.

26. In census tract 002401:

(a) Block group 2.

(b) Blocks 1003, 1004, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027 and 1028.

27. In census tract 002409, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1062, 1063, 1064, 1065, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076 and 1077.

28. In census tract 002412:

(a) Block group 1.

(b) Blocks 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036 and 2037.

29. In census tract 002500, blocks 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 2000, 2007, 2008, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 3012, 3013, 3014, 3015, 3017 and 3018.

30. In census tract 002801, blocks 3001, 3003, 3007, 3009, 3010 and 3014.

31. In census tract 980200, blocks 1023 and 1026.

Sec. 67. Senate District 14 consists of, in Washoe County:

1. Census tracts 001901, 001902, 002106, 002212, 002703, 002704, 002706, 002707, 002802, 002901, 002902, 003000, 003105, 003106, 003110, 003510 and 980000.

2. In census tract 000102, blocks 1000, 1011, 1049, 1050 and 1054.

3. In census tract 000201:

(a) Block group 1.

(b) Blocks 2000, 2001, 2004, 2005, 2010, 2011, 2012, 2013, 2019, 2020, 2021, 2022 and 2023.

4. In census tract 000700, blocks 2000, 2001, 2002, 2003, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023 and 3024.

5. In census tract 001501:

(a) Block groups 1, 2 and 3.

(b) Blocks 4012 and 4013.

6. In census tract 001701, blocks 1000, 1003, 1004, 1005 and 1006.

7. In census tract 001702:

(a) Block group 1.

(b) Blocks 2000, 2009, 2010, 2013, 3004 and 3005.

8. In census tract 001802, blocks 1005, 1010, 1011, 2015, 2016, 2019 and 2020.

9. In census tract 002103, blocks 1013, 1025, 2003, 2004, 2009, 2010, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025 and 2026.

10. In census tract 002104:

(a) Block group 1.

(b) Blocks 2006, 2007, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3012, 3013, 3015, 3016, 3017, 3019, 3020, 3021, 3022, 3023, 3024 and 3025.

11. In census tract 002105:

(a) Block groups 1 and 3.

(b) Blocks 2000, 2002, 2005, 2008, 2009, 2010, 2011 and 2012.

12. In census tract 002107:

(a) Block group 2.

(b) Blocks 1000, 1001, 1002, 1003, 1028, 1029, 1030, 1031, 1032, 1035, 1036, 1040 and 1041.

13. In census tract 002204, blocks 2000, 2001 and 2002.

14. In census tract 002206, blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2022, 2023, 2024, 2025, 2026 and 2048.

15. In census tract 002209, blocks 1000 and 1001.

16. In census tract 002211, block 2000.

17. In census tract 002500, blocks 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3008, 3009 and 3010.

18. In census tract 002614, blocks 1037, 1038 and 1039.

19. In census tract 002615, blocks 2034 and 2040.

20. In census tract 002617:

(a) Block groups 1 and 2.

(b) Blocks 3003, 3004, 3005, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3029, 3030, 3031, 3032, 3033, 3034, 3035, 3036, 3037, 3038, 3039, 3040, 3041, 3042, 3043, 3044, 3045, 3046, 3047, 3048, 3049, 3050, 3051, 3052, 3053, 3054, 3055, 3056, 3057, 3058, 3059, 3060, 3061, 3062, 3063, 3064, 3065, 3066, 3067, 3068, 3069, 3070, 3071, 3072, 3073, 3074, 3075, 3076, 3077 and 3078.

21. In census tract 002618, blocks 4022, 5011, 5012, 5026, 5028, 5029, 5034, 5035, 5036, 5038, 5042, 5043, 5044, 5045, 5046, 5047, 5048, 5049, 5050, 5051, 5052, 5054, 5055, 5059, 5060, 5061, 5062 and 5063.

22. In census tract 002619, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2035, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2048, 2049, 2050, 2051, 2060, 2061, 2062, 2063, 2074, 3037, 3039, 3063, 3065, 3066, 4000, 4001, 4002, 4003, 4004, 4005, 4006, 4007, 4008, 4009, 4010, 4011, 4012, 4014, 4017, 4018, 4020, 4021, 4022, 4023, 4024, 4025, 4026, 4027, 4028, 4029, 4030, 4031 and 4032.

23. In census tract 002705:

(a) Block group 3.

(b) Blocks 1006, 1010, 1015, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035 and 2036.

24. In census tract 002801:

(a) Block groups 1 and 2.

(b) Blocks 3000, 3002, 3004, 3005, 3006, 3008, 3011, 3012, 3013, 3015, 3016, 3017, 3018, 3019, 3020, 3021 and 3022.

25. In census tract 003101:

(a) Block groups 1 and 4.

(b) Blocks 2001, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3029, 3030, 3031, 3032, 3033, 3034, 3035, 3036, 3037, 3038, 3039, 3040, 3041, 3042, 3043, 3044, 3045, 3046, 3047, 3048, 3049, 3050, 3051, 3052, 3053, 3054, 3055, 3056, 3057, 3058, 3059, 3060, 3061, 3062, 3063, 3064, 3065, 3066, 3067, 3068, 3069, 3070, 3071, 3072, 3073, 3074, 3075, 3076, 3077, 3078, 3079, 3080, 3081, 3082, 3083, 3084, 3085, 3086, 3087, 3088, 3089, 3090, 3091, 3092, 3093, 3094, 3095, 3096, 3098, 3099, 3100, 3101, 3102, 3103, 3104, 3105, 3106, 3107, 3108, 3109,

3110, 3111, 3112, 3113, 3114, 3115, 3116, 3117, 3118, 3119, 3120, 3121, 3122 and 3123.

26. In census tract 003108:

(a) Block group 2.

(b) Blocks 1003, 1014, 1017, 1018, 1019, 1020 and 1027.

27. In census tract 003109, blocks 1006, 1012, 1013 and 1016.

28. In census tract 003501, block 3257.

29. In census tract 003503, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 2000, 2001, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2016, 2017, 2019, 2020, 2021, 2024, 3004, 3005, 3006 and 3012.

30. In census tract 003504, blocks 2001, 2002, 2003, 2004 and 2024.

31. In census tract 003508:

(a) Block group 1.

(b) Blocks 2000, 2001, 2002, 2003, 2004 and 2005.

32. In census tract 003509:

(a) Block groups 3 and 4.

(b) Blocks 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 2011, 2012, 2013 and 2014.

33. In census tract 003512, block 2015.

34. In census tract 980200, blocks 1001 and 1002.

Sec. 68. Senate District 15 consists of, in Clark County:

1. Census tracts 003228, 003229, 003230, 003231, 003232, 003233, 003234, 003235, 003236, 003303, 003305, 003306, 003308, 003315, 003316, 003317, 003318, 003319, 003320, 003321, 003609, 003629 and 003630.

2. In census tract 003204:

(a) Block groups 1, 2, 3 and 5.

(b) Blocks 4000, 4001, 4002, 4003, 4004, 4005, 4006, 4007, 4008, 4009, 4010, 4011, 4012, 4013, 4014, 4015, 4016, 4017 and 4018.

3. In census tract 003208, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1025, 1027, 1028, 1029, 1030, 1034, 2006, 2007, 2008 and 2015.

4. In census tract 003237, blocks 1000, 1001, 1002, 1003, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1017, 1041, 1042, 1043, 1044 and 1045.

5. In census tract 003238, blocks 1000 and 1001.

6. In census tract 003240, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1025, 1026, 1027, 1032 and 1033.

7. In census tract 003242:

(a) Block group 1.

(b) Blocks 2000, 2001, 2002, 2006, 2007, 2008, 2009, 2010, 2015 and 2026.

8. In census tract 003307, blocks 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031 and 2032.

9. In census tract 003310, block group 2.

10. In census tract 003314:

(a) Block groups 3 and 4.

(b) Blocks 2005, 2010, 2018 and 2029.

11. In census tract 003408, block groups 2 and 3.

12. In census tract 003410, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1018, 2009, 2010, 2011, 2012, 2013, 2014, 2015 and 2016.

13. In census tract 003414, block 1007.

14. In census tract 003612:

(a) Block group 1.

(b) Blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 3000, 3005, 3010, 3013, 3014 and 3015.

15. In census tract 003618, blocks 2017 and 2026.

16. In census tract 005823, blocks 1000 and 1021.

17. In census tract 005902, blocks 1519, 1520, 1521, 1525 and 1526.

18. In census tract 007500, blocks 1024, 1142, 1143, 1191, 1193, 1194, 1198, 1199, 1201 and 1202.

Sec. 69. Senate District 16 consists of, in Washoe County:

1. Census tracts 001014, 001104, 002603, 002610, 002611, 002612, 002613, 002616, 003507, 003511, 003514, 003515, 940200, 980100 and 990100.

2. In census tract 000400, blocks 2012, 3000, 3001, 3002, 3003, 3004, 3006, 3007, 3008, 3009, 3010, 3019, 3020, 3021, 3023, 4011, 4012, 4013, 4014, 4015, 4016, 4017, 4018, 4020, 4021, 4022, 4023 and 4024.

3. In census tract 001005, blocks 1008, 1009, 1011, 1012, 1021, 1022, 1024, 2007, 2008, 2009, 2010, 2017, 2018, 2019 and 2020.

4. In census tract 001010, blocks 1000, 1005, 1038, 2000, 2001, 2003, 2004, 2005, 2006, 2009, 2018, 2019 and 2020.

5. In census tract 001011, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2024, 2025, 2026, 2027, 2028 and 2029.

6. In census tract 001012, blocks 1014, 1015, 1028, 1029, 1051, 1052, 1053, 1054, 2012, 2013, 2014, 2018, 2019, 2021, 2022, 2023, 2024, 2025, 2026, 2028, 2030, 2032, 2033, 2034, 2036, 2037, 2038, 2039, 2040 and 2041.

7. In census tract 001013, blocks 1000, 1001, 1002, 1003, 1006, 1007, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2013, 2014, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3029, 3030, 3031, 3032, 3033, 3034, 3035, 3036, 3037, 3038, 3039, 3040, 3041, 3042, 3043, 3044, 3045, 3046, 3047, 3048, 3049, 3050, 3051, 3052, 3053, 3054, 3055, 3057, 3058, 3059, 3060, 3061, 3062, 3063, 3064, 3065, 3066, 3067, 3068, 3069, 3070, 4000, 4003, 4004 and 4032.

8. In census tract 001015:

(a) Block groups 3 and 4.

(b) Blocks 1004, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033 and 1034.

9. In census tract 001101, blocks 2017, 2018 and 2019.

10. In census tract 001103:

(a) Block group 3.

(b) Blocks 1001, 1003, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 2007, 2008, 2009, 2010, 2011, 2013, 2014, 2015, 2016, 2020, 2021, 4000, 4001, 4002, 4003, 4004, 4005, 4006, 4007, 4008, 4009, 4010, 4011, 4012, 4013, 4014, 4015, 4016, 4017, 4018, 4019, 4020, 4021, 4022, 4023, 4024, 4025, 4026, 4027, 4028, 4029, 4030, 4031, 4032, 4033, 4034, 4035, 4036, 4037, 4038, 4039, 4040, 4041, 4042, 4043, 4044, 4045, 4046, 4047, 4048, 4049, 4050, 4051, 4052, 4053, 4054, 4055, 4056, 4057, 4058, 4061, 4062 and 4064.

11. In census tract 001105:

(a) Block groups 2 and 3.

(b) Blocks 1000, 1001, 1002, 1003, 1006, 1007, 1008, 1009, 1010, 1011, 1021, 1030, 1031, 1032, 1034, 1035 and 1036.

12. In census tract 001201, blocks 2015, 2019, 2037, 2038, 2039, 2040, 2047, 2052, 2054, 2056 and 2057.

13. In census tract 002103, blocks 1024 and 1027.

14. In census tract 002205, blocks 1008, 1009, 1010 and 1011.

15. In census tract 002206, blocks 1000, 1001, 1002, 1003, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046 and 2047.

16. In census tract 002207:

(a) Block groups 1 and 2.

(b) Blocks 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3016, 3017, 3018, 3035, 3036, 3039, 3040, 3041, 3043, 3044, 3046, 3047, 3048, 3059 and 3061.

17. In census tract 002208, blocks 1007, 1009, 1010, 1013, 1014, 1017, 1018, 1019, 1021, 1022, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1046, 2000, 2001, 2002, 2003, 2007, 2008, 2009 and 2010.

18. In census tract 002209, blocks 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2025, 2026, 2027, 2028, 2029, 2030, 2032, 2037, 2038, 2039 and 2042.

19. In census tract 002210, blocks 1009, 1010, 1016, 1017, 1018, 1021, 1045, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056 and 1057.

20. In census tract 002301, blocks 1000, 1002, 1003, 1004, 1005, 1006, 1007, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1023, 1024, 1025, 2004, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2019, 2021, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3017, 3043, 3051, 3053, 3054, 4038, 4046 and 4048.

21. In census tract 002302, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1082, 1086, 1087, 1088, 1089, 1090, 1091, 1092, 1093, 1094, 1095, 1096, 1097, 1098, 1099, 1100, 1101, 1102, 1103, 1104, 1105, 1106, 1107, 1108, 1109, 1110, 1111, 1112, 1113, 1114, 1115, 1116, 1117,

1118, 1119, 1120, 1121, 1122, 1123, 1124, 1125, 1126, 1127, 1128, 1129, 1130, 1131, 1132, 1133, 1134, 1135, 2000, 2001, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2122, 2123, 2125, 2126, 2127, 2128, 2129, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2225, 2226, 2227, 2228, 2229, 2230, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2238, 2239, 2240, 2241, 2242, 2243, 2244, 2245, 2246, 2247, 2248, 2249, 2250, 2251, 2252, 2253, 2254, 2255, 2256, 2257, 2258, 2259, 2260 and 2261.

22. In census tract 002401, blocks 1000, 1001, 1002 and 1005.

23. In census tract 002409, blocks 1060, 1061, 1066, 1067, 1078 and 1079.

24. In census tract 002412, blocks 2000, 2001, 2002, 2003, 2004 and 2014.

25. In census tract 002500, blocks 1000, 1001, 2001, 2002, 2003, 2004, 2005, 2006, 2009, 2010, 2011, 3007, 3011 and 3016.

26. In census tract 002614, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035 and 1036.

27. In census tract 002615:

(a) Block group 1.

(b) Blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2035, 2036, 2037, 2038 and 2039.

28. In census tract 002617, blocks 3000, 3001, 3002 and 3006.

29. In census tract 002618:

(a) Block groups 1, 2 and 3.

(b) Blocks 4000, 4001, 4002, 4003, 4004, 4005, 4006, 4007, 4008, 4009, 4010, 4011, 4012, 4013, 4014, 4015, 4016, 4017, 4018, 4019, 4020, 4021, 4023, 4024, 4025, 5000, 5001, 5002, 5003, 5004, 5005, 5006, 5007, 5008, 5009, 5010, 5013, 5014, 5015, 5016, 5017, 5018, 5019, 5020, 5021, 5022, 5023, 5024, 5025, 5027, 5030, 5031, 5032, 5033, 5037, 5039, 5040, 5041, 5053, 5056, 5057, 5058 and 5064.

30. In census tract 002619, blocks 1018, 1032, 2008, 2009, 2010, 2011, 2020, 2021, 2034, 2036, 2047, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2075, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3029, 3030, 3031, 3032, 3033, 3034, 3035, 3036, 3038, 3040, 3041, 3042, 3043, 3044, 3045, 3046, 3047, 3048, 3049, 3050, 3051, 3052, 3053, 3054, 3055, 3056, 3057, 3058, 3059, 3060, 3061, 3062, 3064, 3067, 3068, 3069, 3070, 3071, 3072, 3073, 4013, 4015, 4016 and 4019.

31. In census tract 002705, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1007, 1008, 1009, 1011, 1012, 1013, 1014, 1016, 2000, 2001, 2002, 2003, 2004, 2005, 2006 and 2007.

32. In census tract 003101, blocks 2002, 2003, 2004, 2005, 2006 and 2041.

33. In census tract 003108, blocks 1000, 1001, 1002, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1015, 1016, 1021, 1022, 1023, 1024, 1025 and 1026.

34. In census tract 003109:

(a) Block group 2.

(b) Blocks 1000, 1001, 1002, 1003, 1004, 1005, 1007, 1008, 1009, 1010, 1011, 1014 and 1015.

35. In census tract 003501:

(a) Block groups 1 and 2.

(b) Blocks 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3029, 3030, 3031, 3032, 3033, 3034, 3035, 3036, 3037, 3038, 3039, 3040, 3041, 3042, 3043, 3044, 3045, 3046, 3047, 3048, 3049, 3050, 3051, 3052, 3053, 3054, 3055, 3056, 3057, 3058, 3059, 3060, 3061, 3062, 3063, 3064, 3065, 3066, 3067, 3068, 3069, 3070, 3071, 3072, 3073, 3074, 3075, 3076, 3077, 3078, 3079, 3080, 3081, 3082, 3083, 3084, 3085, 3086, 3087, 3088, 3089, 3090, 3091, 3092, 3093, 3094, 3095, 3096, 3097, 3098, 3099, 3100, 3101, 3102, 3103, 3104, 3105, 3106, 3107, 3108, 3109, 3110, 3111, 3112, 3113, 3114, 3115, 3116, 3117, 3118, 3119, 3120, 3121, 3122, 3123, 3124, 3125, 3126, 3127, 3128, 3129,

3130, 3131, 3132, 3133, 3134, 3135, 3136, 3137, 3138, 3139, 3140, 3141, 3142, 3143, 3144, 3145, 3146, 3147, 3148, 3149, 3150, 3151, 3152, 3153, 3154, 3155, 3162, 3163, 3164, 3165, 3166, 3167, 3168, 3169, 3170, 3171, 3172, 3173, 3174, 3175, 3176, 3177, 3178, 3179, 3180, 3181, 3182, 3183, 3184, 3185, 3186, 3187, 3188, 3189, 3190, 3191, 3192, 3193, 3194, 3195, 3196, 3197, 3198, 3199, 3200, 3201, 3202, 3203, 3204, 3205, 3206, 3207, 3208, 3209, 3210, 3211, 3212, 3213, 3214, 3215, 3216, 3217, 3218, 3219, 3220, 3221, 3222, 3223, 3224, 3225, 3226, 3227, 3228, 3229, 3230, 3231, 3232, 3233, 3234, 3235, 3236, 3237, 3238, 3239, 3240, 3241, 3242, 3243, 3244, 3245, 3246, 3247, 3248, 3249, 3250, 3251, 3254, 3296, 3297, 3299, 3300, 3301, 3302, 3303, 3304, 3305, 3306, 3307, 3308, 3309, 3310, 3311, 3312, 3313, 3314, 3315, 3316, 3317, 3318, 3319, 3320, 3321, 3322, 3323, 3324, 3325, 3326, 3327, 3328, 3329, 3330, 3331, 3332, 3333, 3334, 3335, 3336, 3337, 3338, 3339, 3340, 3341, 3342, 3343, 3344, 3345, 3346, 3347, 3348, 3349, 3350, 3351, 3352, 3353, 3354 and 3355.

36. In census tract 003503, blocks 1043, 1044, 2002, 2014, 2015, 2018, 2022, 2023, 3000, 3001, 3002, 3003, 3007, 3008, 3009, 3010 and 3011.

37. In census tract 003504:

(a) Block groups 1, 3 and 4.

(b) Blocks 2000, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2025 and 2026.

38. In census tract 003508, blocks 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022 and 2023.

39. In census tract 003509, blocks 1000, 1001, 1002, 1003, 1028, 1029, 1030, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033 and 2034.

40. In census tract 003512:

(a) Block group 1.

(b) Blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2016, 2017, 2018, 2019, 2020, 2021, 2022 and 2023.

41. In census tract 003513:

(a) Block group 2.

(b) Blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1015, 1016, 1017, 1018, 1019 and 1020.

42. In census tract 980200, blocks 1000, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1024 and 1025.

43. In census tract 980300, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1020, 1022, 1023, 1024 and 1025.

Sec. 70. Senate District 17 consists of:

1. Carson City.

2. In Douglas County:

(a) Census tracts 001200, 001400, 001600, 001700, 001800, 001900, 002000, 002100 and 990000.

(b) In census tract 001000, block 1016.

(c) In census tract 001300:

(1) Block group 1.

(2) Blocks 2000, 2001, 2002, 2003, 2005, 2006 and 2007.

(d) In census tract 001500:

(1) Block group 2.

(2) Blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1068, 1071 and 1072.

(e) In census tract 002200:

(1) Block group 3.

(2) Blocks 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 2038, 2039, 4001, 4002, 4003, 4004, 4005, 4006, 4007, 4008, 4009, 4010, 4011, 4012, 4013, 4014, 4015, 4016, 4017, 4018, 4019, 4020, 4031, 4032, 4033, 4034, 4036, 4037, 4038, 4040, 4041, 4042, 4043, 4044, 4046, 4047, 4048 and 4051.

(f) In census tract 002300, blocks 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023 and 2066.

(g) In census tract 002400, blocks 1192, 1193, 1194, 1195, 1196, 1197, 1198, 1199, 1200, 1201, 1202, 1203 and 1204.

3. In Lyon County:

(a) Census tracts 001200, 001400, 001600, 001700, 001800, 001900, 002000, 002100, 960301 and 990000.

(b) In census tract 960302:

(1) Block group 2.

(2) Blocks 1027, 1028, 1029, 1032, 1036, 1061, 1062, 1071, 1072, 1073, 1074, 1075, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1085, 1086, 1087, 1088, 1089, 1090, 1091, 1092, 1093, 1094, 1095, 1096, 1097, 1098, 1099, 1100, 1101, 1102, 1103, 1104, 3056, 3064, 3076, 3077, 3078, 3079, 3080, 3081, 3085, 3089, 3090, 3092, 3094, 3098, 3100, 3101, 3102, 3103, 3104, 3105, 3109, 3110, 3111, 3112, 3113, 3114, 3115, 3116, 3117, 3118,

3119, 3122, 3123, 3124, 3125, 3126, 3127, 3128, 3129, 3130, 3131, 3132, 3136, 3137, 3138, 3139, 3140, 3141, 3142, 3143, 3144, 3145, 3146, 3147, 3148 and 3149.

4. In Storey County:

(a) Census tracts 001200, 001400, 001600, 001700, 001800, 001900, 002000, 002100, 960301 and 990000.

(b) In census tract 970200, blocks 1292, 1293, 1295, 1296, 1297, 1298, 1299, 1300, 1301, 1302, 1303, 1304, 1308, 1309, 1310, 1311, 1312, 1313, 1314, 1315, 1316, 1317, 1318, 1319, 1320, 1321, 1322, 1323, 1324, 1325, 1326, 1327, 1328, 1329, 1330, 1331, 1332, 1333, 1334, 1335, 1336, 1337, 1338, 1339, 1340, 1341, 1342, 1343, 1344, 1345, 1346, 1347, 1348, 1349, 1350, 1351, 1352, 1353, 1354, 1355, 1356, 1357, 1358, 1359, 1360, 1361, 1362, 1363, 1364, 1365, 1366, 1367, 1368, 1369, 1370, 1371, 1372, 1373, 1374, 1375, 1376, 1377, 1378, 1379, 1380, 1381, 1382, 1383, 1384, 1385, 1386, 1387, 1388, 1389, 1390, 1391, 1392, 1393, 1394, 1395, 1396, 1397, 1401, 1407, 1412, 1413, 1414, 2033, 2034, 2038, 2042, 2043, 2044, 2045, 2051, 2052, 2053, 2054, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2189, 2190, 2197, 2199, 2203, 2204, 2205, 2206, 2279, 2280, 2281, 2282, 2283, 2286, 2290, 2291, 2292, 2293, 2295, 2296, 2297, 2301, 2304, 2305, 2307, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3029, 3030, 3031, 3032, 3033, 3034, 3035, 3036, 3037, 3038, 3039, 3040, 3041, 3042, 3043, 3044, 3045, 3046, 3047, 3048, 3049, 3050, 3051, 3052, 3053, 3054, 3055, 3056, 3057, 3058, 3059, 3060, 3061, 3062, 3063, 3064, 3065, 3066, 3067, 3068, 3069, 3070, 3071, 3072, 3073, 3074, 3075, 3076, 3077, 3078, 3079, 3080, 3081, 3082, 3083, 3084, 3085, 3086, 3087, 3088, 3089, 3090, 3091, 3092, 3093, 3094, 3095, 3096, 3097, 3098, 3099, 3100, 3101, 3102, 3103, 3104, 3105, 3106, 3107, 3108, 3109, 3110, 3111, 3112, 3113, 3114, 3115, 3116, 3117, 3118, 3119, 3120, 3121, 3122, 3123, 3124, 3125, 3126, 3127, 3128, 3129, 3130, 3131, 3132, 3133, 3134, 3135, 3136, 3137, 3138, 3139, 3140, 3141, 3142, 3143, 3144, 3145, 3146, 3147, 3148, 3149, 3150, 3151, 3152, 3153, 3154, 3155, 3156, 3157, 3158, 3159, 3160, 3161, 3162, 3163, 3164, 3165,

3166, 3167, 3168, 3169, 3170, 3171, 3172, 3173, 3174, 3175, 3176, 3177, 3178, 3179, 3180, 3181, 3182, 3183, 3184, 3185, 3186, 3187, 3188, 3189, 3190, 3191, 3192, 3193, 3194, 3195, 3196, 3197, 3198, 3199, 3200, 3201, 3202, 3203, 3204, 3205, 3206, 3207, 3208, 3209, 3210, 3211, 3212, 3213, 3214, 3215, 3216, 3217, 3218, 3219, 3220, 3221, 3222, 3223, 3224, 3225, 3226, 3227, 3228, 3229, 3230, 3231, 3232, 3233, 3234, 3235, 3236, 3237, 3238, 3239, 3240, 3241, 3242, 3243, 3244, 3245, 3246, 3247, 3248, 3249, 3250, 3251, 3252, 3253, 3254, 3255, 3256, 3257, 3258, 3259, 3260, 3261, 3262, 3263, 3264, 3265, 3266, 3267, 3268, 3269, 3270, 3271, 3272, 3273, 3274, 3277, 3278, 3279, 3280, 3281, 3282, 3283, 3284, 3285, 3286, 3287, 3288, 3289, 3290, 3291, 3292, 3293, 3294, 3295, 3296, 3297, 3298, 3299, 3300, 3301, 3302 and 3303.

5. In Washoe County:

(a) Census tracts 001200, 001400, 001600, 001700, 001800, 001900, 002000, 002100, 003202, 003203, 003204, 003305, 003306, 003307, 003308, 003309, 960301 and 990000.

(b) In census tract 001010, blocks 1001, 1002, 1003, 1004, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 2002, 2007, 2008, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048 and 2049.

(c) In census tract 001011, blocks 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 2022 and 2023.

(d) In census tract 001013, blocks 1004, 1005, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 2011, 2012, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2035, 2036, 2037, 2038, 3056, 4001, 4002, 4005, 4006, 4007, 4008, 4009, 4010, 4011, 4012, 4013, 4014, 4015, 4016, 4017, 4018, 4019, 4020, 4021, 4022, 4023, 4024, 4025, 4026, 4027, 4028, 4029, 4030, 4031, 4033, 4034, 4035 and 4036.

(e) In census tract 002103, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1026, 1028, 1029, 2000, 2001, 2002, 2005, 2006, 2007, 2008, 2011, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037 and 2038.

(f) In census tract 002104, blocks 2000, 2001, 2002, 2003, 2004, 2005, 2008, 2009, 2010, 2011, 2012, 2013, 2014 and 2015.

(g) In census tract 002105, blocks 2001, 2003, 2004, 2006 and 2007.

(h) In census tract 002207, blocks 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3029, 3030, 3031, 3032, 3033, 3034, 3037, 3038, 3042, 3045, 3049, 3050, 3051, 3052, 3053, 3054, 3055, 3056, 3057, 3058, 3060, 3062, 3063, 3064, 3065, 3066 and 3067.

(i) In census tract 002208, blocks 1036 and 1045.

(j) In census tract 002209, blocks 2024, 2031, 2033, 2034, 2035, 2036, 2040 and 2041.

(k) In census tract 002210, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1011, 1012, 1013, 1014, 1015, 1019, 1020, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044 and 1046.

(l) In census tract 003101, blocks 2000, 2053, 2054, 3000 and 3097.

(m) In census tract 003501, blocks 3156, 3157, 3158, 3159, 3160, 3161, 3252, 3253, 3255, 3256, 3258, 3259, 3260, 3261, 3262, 3263, 3264, 3265, 3266, 3267, 3268, 3269, 3270, 3271, 3272, 3273, 3274, 3275, 3276, 3277, 3278, 3279, 3280, 3281, 3282, 3283, 3284, 3285, 3286, 3287, 3288, 3289, 3290, 3291, 3292, 3293, 3294, 3295 and 3298.

(n) In census tract 003513, blocks 1013 and 1014.

(o) In census tract 980300, blocks 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1021, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045 and 1046.

Sec. 71. Senate District 18 consists of:

1. Churchill County, Esmeralda County, Humboldt County, Lander County, Mineral County and Pershing County.

2. In Douglas County:

(a) Census tracts 001100 and 002500.

(b) In census tract 001000:

(1) Block group 2.

(2) Blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1017, 1018 and 1019.

(c) In census tract 001300, block 2004.

(d) In census tract 001500, blocks 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1063, 1064, 1065, 1066, 1067, 1069 and 1070.

(e) In census tract 002200, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022,

2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2040, 2041, 2042, 2043, 4000, 4021, 4022, 4023, 4024, 4025, 4026, 4027, 4028, 4029, 4030, 4035, 4039, 4045, 4049 and 4050.

(f) In census tract 002300:

(1) Block groups 1 and 3.

(2) In census tract 002300, blocks 2000, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2067, 2068, 2069 and 2070.

(g) In census tract 002400, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1085, 1086, 1087, 1088, 1089, 1090, 1091, 1092, 1093, 1094, 1095, 1096, 1097, 1098, 1099, 1100, 1101, 1102, 1103, 1104, 1105, 1106, 1107, 1108, 1109, 1110, 1111, 1112, 1113, 1114, 1115, 1116, 1117, 1118, 1119, 1120, 1121, 1122, 1123, 1124, 1125, 1126, 1127, 1128, 1129, 1130, 1131, 1132, 1133, 1134, 1135, 1136, 1137, 1138, 1139, 1140, 1141, 1142, 1143, 1144, 1145, 1146, 1147, 1148, 1149, 1150, 1151, 1152, 1153, 1154, 1155, 1156, 1157, 1158, 1159, 1160, 1161, 1162, 1163, 1164, 1165, 1166, 1167, 1168, 1169, 1170, 1171, 1172, 1173, 1174, 1175, 1176, 1177, 1178, 1179, 1180, 1181, 1182, 1183, 1184, 1185, 1186, 1187, 1188, 1189, 1190, 1191, 1205, 1206, 1207, 1208, 1209, 1210, 1211, 1212, 1213, 1214, 1215, 1216, 1217, 1218, 1219, 1220, 1221, 1222, 1223, 1224, 1225, 1226, 1227, 1228, 1229, 1230, 1231, 1232, 1233, 1234, 1235, 1236, 1237, 1238, 1239, 1240, 1241, 1242, 1243, 1244, 1245, 1246, 1247, 1248, 1249, 1250, 1251, 1252, 1253, 1254, 1255, 1256, 1257, 1258, 1259, 1260, 1261, 1262, 1263, 1264, 1265, 1266, 1267, 1268, 1269, 1270, 1271, 1272, 1273, 1274, 1275, 1276, 1277, 1278, 1279, 1280, 1281, 1282, 1283, 1284, 1285, 1286, 1287, 1288, 1289, 1290, 1291, 1292, 1293, 1294, 1295, 1296, 1297, 1298, 1299, 1300, 1301, 1302, 1303, 1304, 1305, 1306, 1307, 1308, 1309, 1310, 1311, 1312, 1313, 1314, 1315, 1316, 1317, 1318, 1319, 1320, 1321, 1322, 1323, 1324, 1325, 1326, 1327, 1328, 1329, 1330, 1331, 1332, 1333, 1334, 1335, 1336, 1337, 1338, 1339, 1340, 1341, 1342, 1343, 1344, 1345, 1346, 1347, 1348, 1349, 1350, 1351, 1352, 1353, 1354, 1355, 1356, 1357, 1358, 1359, 1360, 1361, 1362, 1363, 1364, 1365, 1366, 1367, 1368, 1369, 1370, 1371, 1372, 1373, 1374 and 1375.

3. In Lyon County:

(a) Census tracts 001100, 002500, 960101, 960102, 960103, 960201, 960202, 960303, 960800 and 960900.

(b) In census tract 960302, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1030, 1031, 1033, 1034, 1035, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1076, 1077, 1105, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3029, 3030, 3031, 3032, 3033, 3034, 3035, 3036, 3037, 3038, 3039, 3040, 3041, 3042, 3043, 3044, 3045, 3046, 3047, 3048, 3049, 3050, 3051, 3052, 3053, 3054, 3055, 3057, 3058, 3059, 3060, 3061, 3062, 3063, 3065, 3066, 3067, 3068, 3069, 3070, 3071, 3072, 3073, 3074, 3075, 3082, 3083, 3084, 3086, 3087, 3088, 3091, 3093, 3095, 3096, 3097, 3099, 3106, 3107, 3108, 3120, 3121, 3133, 3134 and 3135.

4. In Nye County:

(a) Census tracts 001100, 002500, 960101, 960102, 960103, 960201, 960202, 960303, 960800 and 960900.

(b) In census tract 960100:

(1) Block group 1.

(2) Blocks 2358, 2359, 2360, 2361, 2362, 2363, 2364, 2365, 2366, 2367, 2368, 2369, 2370, 2371, 2372, 2373, 2374, 2375, 2376, 2377, 2378, 2379, 2380, 2381, 2382, 2383, 2384, 2385, 2386, 2387, 2388, 2389, 2390, 2391, 2392, 2393, 2394, 2395, 2396, 2397, 2398, 2399, 2400, 2401, 2402, 2403, 2404, 2405, 2406, 2407, 2422, 2423, 2424, 2425, 2426, 2427, 2428, 2429, 2430, 2431, 2432, 2433, 2434, 2435, 2436, 2437, 2438, 2439, 2440, 2441, 2442, 2443, 2444, 2445, 2446, 2447, 2448, 2449, 2450, 2451, 2452, 2453, 2454, 2455, 2456, 2457, 2458, 2459, 2460, 2461, 2462, 2463, 2464, 2465, 2466, 2467, 2468, 2469, 2470, 2471, 2472, 2473, 2474, 2475, 2476, 2477, 2478, 2479, 2480, 2481, 2482, 2483, 2484, 2485, 2486, 2487, 2488, 2489, 2490, 2491, 2492, 2493, 2494, 2495, 2496, 2497, 2498, 2499, 2500, 2501, 2502, 2503, 2504, 2505, 2506, 2507, 2508, 2509, 2510, 2511, 2512, 2513, 2514, 2515, 2516, 2517, 2518, 2519, 2520, 2521, 2522, 2523, 2524, 2525, 2526, 2527, 2528, 2529, 2530, 2531, 2532, 2533, 2534, 2535, 2536, 2537, 2538, 2539, 2540, 2541, 2542, 2543, 2544, 2545, 2546, 2547, 2548, 2549, 2550, 2551, 2552, 2553, 2554, 2555, 2556, 2557, 2558, 2559, 2560, 2561, 2562, 2563, 2564, 2565, 2566, 2567, 2568, 2569, 2570, 2571, 2572, 2573, 2574, 2575, 2576, 2577, 2578, 2579, 2580, 2581, 2582, 2583, 2584, 2585, 2586, 2587, 2588, 2589, 2590, 2591, 2592, 2593, 2594, 2595, 2596, 2597, 2598, 2599, 2600, 2601, 2602, 2603, 2604, 2605, 2606, 2607, 2608, 2609, 2610, 2611, 2612, 2613, 2614, 2615, 2616, 2617, 2618, 2619, 2620,

2621, 2622, 2623, 2624, 2625, 2626, 2627, 2628, 2629, 2630, 2631, 2632, 2633, 2634, 2635, 2636, 2637, 2638, 2639, 2640, 2641, 2642, 2643, 2644, 2645, 2646, 2647, 2648, 2649, 2650, 2651, 2652, 2653, 2654, 2655, 2656, 2657, 2658, 2659, 2666, 2668, 2946, 2955, 2989, 2990, 2991, 2992, 2994 and 2998.

(c) In census tract 960200, blocks 1015, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1085, 1086, 1087, 1088, 1089, 1090, 1091, 1092, 1093, 1094, 1095, 1096, 1097, 1098, 1099, 1100, 1101, 1102, 1103, 1104, 1105, 1106, 1107, 1108, 1109, 1110, 1111, 1112, 1113, 1114, 1115, 1116, 1117, 1118, 1119, 1120, 1121, 1122, 1123, 1124, 1125, 1126, 1127, 1128, 1129, 1130, 1131, 1132, 1133, 1134, 1135, 1136, 1137, 1138, 1139, 1140, 1141, 1142, 1143, 1144, 1145, 1146, 1147, 1148, 1149, 1150, 1151, 1152, 1153, 1154, 1155, 1156, 1157, 1158, 1159, 1160, 1161, 1162, 1163, 1164, 1165, 1166, 1167, 1168, 1169, 1170, 1171, 1172, 1173, 1174, 1175, 1176, 1177, 1178, 1179, 1180, 1181, 1182, 1183, 1184, 1185, 1186, 1187, 1188, 1189, 1190, 1191, 1192, 1193, 1194, 1195, 1196, 1197, 1198, 1199, 1200, 1201, 1202, 1203, 1204, 1205, 1206, 1207, 1208, 1209, 1210, 1211, 1212, 1213, 1214, 1215, 1216, 1235, 1236, 1341, 1342, 1344, 1369, 1370, 1371, 1372, 1373, 1374, 1375, 1376, 1379, 1380, 1381, 1382, 1383, 1384, 1385, 1386, 1387, 1388, 1389, 1390, 1391, 1392, 1393, 1394, 1395, 1396, 1397, 1398, 1399, 1400, 1401, 1402, 1403, 1404, 1405, 1406, 1407, 1408, 1409, 1410, 1411, 1412, 1413, 1414, 1415, 1416, 1417, 1418, 1419, 1420, 1428, 1429, 1430, 1669, 1670, 1671, 1672, 1674, 1675, 1676, 1677, 1678, 1679, 1680, 1681, 1682, 1683, 1684, 1685, 1686, 1687, 1688, 1689, 1691, 1692, 1693, 1694, 1695, 1700, 1708, 1720, 1757, 1758, 1759, 1768, 1769, 1771, 1772, 1779, 1780, 1781, 1782, 1783, 1784, 1785, 1786, 1790, 1791, 1792, 1793, 1794, 1795, 1796, 1797, 1799, 1800, 1801, 1802, 1803, 1804, 1805, 1806, 1807, 1813, 1814, 1815, 1816, 1817, 1818, 1819, 1820, 1821, 1822, 1823, 1824, 1825, 1826, 1827, 1828, 1829, 1830, 1831, 1832, 1833, 1834, 1835, 1836, 1837, 1838, 1839, 1840, 1841, 1842, 1843, 1844, 1845, 1846, 1847, 1848, 1849, 1850, 1851, 1852, 1853, 1854, 1855, 1856, 1857, 1859, 1860, 1861, 1862, 1863, 1864, 1872, 1873, 1877, 2022, 2023, 2024, 2028, 2030, 2031, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094,

2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2144, 2146, 2147, 2148 and 2149.

5. In Storey County:

(a) Census tracts 001100, 002500, 960101, 960102, 960103, 960201, 960202, 960303, 960800 and 960900.

(b) In census tract 970200, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1085, 1086, 1087, 1088, 1089, 1090, 1091, 1092, 1093, 1094, 1095, 1096, 1097, 1098, 1099, 1100, 1101, 1102, 1103, 1104, 1105, 1106, 1107, 1108, 1109, 1110, 1111, 1112, 1113, 1114, 1115, 1116, 1117, 1118, 1119, 1120, 1121, 1122, 1123, 1124, 1125, 1126, 1127, 1128, 1129, 1130, 1131, 1132, 1133, 1134, 1135, 1136, 1137, 1138, 1139, 1140, 1141, 1142, 1143, 1144, 1145, 1146, 1147, 1148, 1149, 1150, 1151, 1152, 1153, 1154, 1155, 1156, 1157, 1158, 1159, 1160, 1161, 1162, 1163, 1164, 1165, 1166, 1167, 1168, 1169, 1170, 1171, 1172, 1173, 1174, 1175, 1176, 1177, 1178, 1179, 1180, 1181, 1182, 1183, 1184, 1185, 1186, 1187, 1188, 1189, 1190, 1191, 1192, 1193, 1194, 1195, 1196, 1197, 1198, 1199, 1200, 1201, 1202, 1203, 1204, 1205, 1206, 1207, 1208, 1209, 1210, 1211, 1212, 1213, 1214, 1215, 1216, 1217, 1218, 1219, 1220, 1221, 1222, 1223, 1224, 1225, 1226, 1227, 1228, 1229, 1230, 1231, 1232, 1233, 1234, 1235, 1236, 1237, 1238, 1239, 1240, 1241, 1242, 1243, 1244, 1245, 1246, 1247, 1248, 1249, 1250, 1251, 1252, 1253, 1254, 1255, 1256, 1257, 1258, 1259, 1260, 1261, 1262, 1263, 1264, 1265, 1266, 1267, 1268, 1269, 1270, 1271, 1272, 1273, 1274, 1275, 1276, 1277, 1278, 1279, 1280, 1281, 1282, 1283, 1284, 1285, 1286, 1287, 1288, 1289, 1290, 1291, 1294, 1305, 1306, 1307, 1398, 1399, 1400, 1402, 1403, 1404, 1405, 1406, 1408, 1409, 1410, 1411, 1415, 1416, 1417, 1418, 1419, 1420, 1421, 1422, 1423, 1424, 1425, 1426, 1427, 1428, 1429, 1430, 1431, 1432, 1433, 1434, 1435, 1436, 1437, 1438, 1439, 1440, 1441, 1442, 1443, 1444, 1445, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2035, 2036, 2037, 2039, 2040, 2041, 2046, 2047, 2048, 2049, 2050, 2055, 2065, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2191, 2192, 2193, 2194, 2195, 2196, 2198, 2200, 2201, 2202, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222,

2223, 2224, 2225, 2226, 2227, 2228, 2229, 2230, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2238, 2239, 2240, 2241, 2242, 2243, 2244, 2245, 2246, 2247, 2248, 2249, 2250, 2251, 2252, 2253, 2254, 2255, 2256, 2257, 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2268, 2269, 2270, 2271, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2284, 2285, 2287, 2288, 2289, 2294, 2298, 2299, 2300, 2302, 2303, 2306, 2308, 2309, 2310, 3275 and 3276.

Sec. 72. Senate District 19 consists of:

1. Elko County, Eureka County, Lincoln County and White Pine County.

2. In Clark County:

(a) Census tract 005818.

(b) In census tract 003237, blocks 1016, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037 and 1040.

(c) In census tract 005613, blocks 3006, 3007, 3008, 3009, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3038, 4000, 4001, 4002, 4003, 4004, 4005, 4006, 4007, 4008, 4009, 4010, 4011, 4012, 4013, 4014, 4015, 4016, 4017, 4018, 4019, 4020, 4021, 4022, 4023, 4057, 4106, 4107, 4108, 4109, 4110, 4111, 4112, 4113, 4114, 4115, 4116, 4117, 4118, 4119, 4120, 4121, 4122, 4123, 4124, 4125, 4126, 4127, 4128, 4131, 4132, 4370, 4371, 5003, 5004, 5005, 5006, 5007, 5008, 5009, 5010, 5011, 5039, 5040, 5047, 5050, 5051 and 5054.

(d) In census tract 005703, blocks 1003, 1004, 1015, 1016, 1030, 1031, 2159, 2162, 2169, 2171, 2180, 2181, 2186 and 2214.

(e) In census tract 005711, blocks 1117, 1120, 1121 and 1130.

(f) In census tract 005712, block 1075.

(g) In census tract 005823, blocks 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1036, 1037, 1038, 1039, 1040, 1041, 1068, 1069, 1070, 1071, 1072, 1073, 1074 and 1075.

(h) In census tract 005827:

(1) Block group 2.

(2) Blocks 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1085, 1086, 1087, 1088, 1089, 1090, 1091, 1092, 1093, 1094, 1099, 1100, 1101, 1102, 1103, 1104, 1105, 1106, 1107, 1108, 1109, 1110, 1111, 1112, 1113, 1114, 1115, 1116, 1117, 1118, 1119, 1120, 1121, 1122, 1123, 1124, 1125, 1126, 1127, 1128, 1129, 1130, 1131, 1132, 1133, 1134, 1135, 1136, 1137, 1138, 1139, 1140, 1141, 1142, 1143, 1144, 1145, 1146, 1147, 1148, 1149, 1150, 1151, 1152, 1153, 1154, 1155,

1156, 1157, 1158, 1159, 1160, 1161, 1162, 1163, 1164, 1165, 1166, 1167, 1168, 1169, 1170, 1171, 1172, 1173, 1174, 1175, 1176, 1177, 1178, 1179, 1180, 1181, 1182, 1183, 1184, 1185, 1186, 1187, 1188, 1189, 1190, 1191, 1192, 1193, 1194, 1195, 1196, 1197, 1198, 1199, 1200, 1201, 1202, 1203, 1204, 1205, 1206, 1207, 1208, 1209, 1210, 1211, 1212, 1213, 1214, 1215, 1216, 1217, 1218, 1219, 1220, 1221, 1222, 1223, 1224, 1225, 1226, 1227, 1228, 1229, 1230, 1231, 1232, 1233, 1234, 1235, 1236, 1237, 1238, 1239, 1240, 1241, 1242, 1243, 1244, 1245, 1246, 1247, 1248, 1249, 1250, 1251, 1252, 1253, 1254, 1255, 1256, 1257, 1258, 1259, 1260, 1261, 1262, 1263, 1264, 1265, 1266, 1267, 1268, 1269, 1270, 1271, 1272, 1273, 1274, 1275, 1276, 1277, 1278, 1279, 1280, 1281, 1282, 1283, 1284, 1285, 1286, 1287, 1288, 1289, 1290, 1291, 1292, 1293, 1294, 1295, 1296, 1297, 1298, 1299, 1300, 1301, 1302, 1303, 1304, 1305, 1306, 1307, 1308, 1309, 1312, 1313, 1314, 1315, 1318 and 1319.

(i) In census tract 005839, blocks 1019, 1020, 1021, 1022, 1023 and 1033.

(j) In census tract 005840, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1030, 1031, 1032, 1092, 1096, 1102, 1113, 1114, 1115, 1116, 1117 and 1118.

(k) In census tract 005841:

(1) Block group 1.

(2) Blocks 2028, 2029, 2030, 2032 and 2033.

(l) In census tract 005842, blocks 1001, 1002, 1003 and 1005.

(m) In census tract 005846, block group 3.

(n) In census tract 005850, block 1002.

(o) In census tract 005852:

(1) Block group 1.

(2) Blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007 and 2008.

(p) In census tract 005902, blocks 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1085, 1086, 1087, 1088, 1089, 1090, 1091, 1092, 1093, 1094, 1095, 1096, 1097, 1098, 1099, 1100, 1101, 1102, 1103, 1104, 1105, 1106, 1107, 1108, 1109, 1110, 1111, 1112, 1113, 1114, 1115, 1116, 1117, 1118, 1119, 1120, 1121, 1122, 1123, 1124, 1125, 1126, 1127, 1128, 1129, 1130, 1131, 1132, 1133, 1134, 1135, 1136, 1137, 1138, 1139, 1140, 1141, 1142, 1143, 1144, 1145, 1146, 1147, 1148, 1149, 1150, 1151, 1152, 1153, 1154, 1155, 1156, 1157, 1158, 1159, 1160, 1161, 1162, 1163, 1164, 1165, 1166, 1167, 1168, 1169,

1170, 1171, 1172, 1173, 1174, 1175, 1176, 1177, 1178, 1179, 1180, 1181, 1182, 1183, 1184, 1185, 1186, 1187, 1188, 1189, 1190, 1191, 1192, 1193, 1194, 1195, 1196, 1197, 1198, 1199, 1200, 1201, 1202, 1203, 1204, 1205, 1206, 1207, 1208, 1209, 1210, 1211, 1212, 1213, 1214, 1215, 1216, 1217, 1218, 1219, 1220, 1221, 1222, 1223, 1224, 1225, 1226, 1227, 1228, 1229, 1230, 1231, 1232, 1233, 1234, 1235, 1236, 1237, 1240, 1243, 1244, 1245, 1251, 1254, 1255, 1256, 1257, 1258, 1259, 1260, 1261, 1262, 1263, 1264, 1266, 1269, 1270, 1271, 1272, 1273, 1275, 1276, 1301, 1450, 1451, 1452, 1476, 1491, 1494, 1502, 1503, 1504, 1505, 1506, 1507, 1508, 1509, 1510, 1511, 1512, 1513, 1514, 1518, 1522, 1523, 1524, 1527, 1528, 1529, 1530, 1531, 1532, 1533, 1534, 1535, 1536, 1537, 1538, 1539, 1540, 1541, 1542, 1543, 1544, 1545, 1546, 1547, 1548, 1549, 1550, 1551, 1552, 1553, 1554, 1555, 1556, 1557, 1558, 1559, 1560, 1561, 1562, 1563, 1564, 1565, 1566, 1567, 1568, 1569, 1570, 1571, 1572, 1573, 1574, 1575, 1576, 1577, 1578, 1579, 1580, 1581, 1582, 1583, 1584, 1585, 1586, 1587, 1588, 1589, 1590, 1591, 1592, 1593, 1594, 1595, 1596, 1597, 1598, 1606, 1607, 1608, 1609, 1610, 1611, 1612, 1613, 1614, 1615, 1616, 1617, 1618, 1619, 1620, 1621, 1622, 1632, 1634, 1642, 1643, 1644, 1645, 1651, 1655, 1656, 1657, 1658, 1668, 1669, 1670, 1671, 1673, 1674, 1675, 1676, 1677, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2056, 2057, 2058 and 2059.

(q) In census tract 007500, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1085, 1086, 1087, 1088, 1089, 1090, 1091, 1092, 1093, 1094, 1095, 1096, 1097, 1098, 1099, 1100, 1101, 1102, 1103, 1104, 1105, 1106, 1107, 1108, 1109, 1110, 1111, 1112, 1113, 1114, 1115, 1116, 1117, 1118, 1119, 1120, 1121, 1122, 1123, 1124, 1125, 1126, 1127, 1128, 1129, 1130, 1131, 1132, 1133, 1134, 1135, 1136, 1137, 1138, 1139, 1140, 1141, 1144, 1145, 1146, 1147, 1148, 1149, 1150, 1151, 1152, 1153, 1154, 1155, 1156, 1157, 1158, 1159, 1160, 1161, 1162, 1163, 1164, 1165, 1166, 1167, 1168, 1169, 1170, 1171, 1172, 1173, 1174, 1175, 1176, 1177, 1178, 1179, 1180, 1181, 1182, 1183, 1184, 1185, 1186, 1187, 1188, 1189, 1190, 1192, 1195, 1196, 1197, 1200, 1203, 1204, 1205, 1206, 1207, 1208, 1209, 1210, 1211, 1212, 1213, 1214 and 1215.

3. In Nye County:

(a) Census tracts 005818, 960300, 960401, 960402, 960403, 960404, 960405, 960406 and 980500.

(b) In census tract 960100, blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2225, 2226, 2227, 2228, 2229, 2230, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2238, 2239, 2240, 2241, 2242, 2243, 2244, 2245, 2246, 2247, 2248, 2249, 2250, 2251, 2252, 2253, 2254, 2255, 2256, 2257, 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2268, 2269, 2270, 2271, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 2294, 2295, 2296, 2297, 2298, 2299, 2300, 2301, 2302, 2303, 2304, 2305, 2306, 2307, 2308, 2309, 2310, 2311, 2312, 2313, 2314, 2315, 2316, 2317, 2318, 2319, 2320, 2321, 2322, 2323, 2324, 2325, 2326, 2327, 2328, 2329, 2330, 2331, 2332, 2333, 2334, 2335, 2336, 2337, 2338, 2339, 2340, 2341, 2342, 2343, 2344, 2345, 2346, 2347, 2348, 2349, 2350, 2351, 2352, 2353, 2354, 2355, 2356, 2357, 2408, 2409, 2410, 2411, 2412, 2413, 2414, 2415, 2416, 2417, 2418, 2419, 2420, 2421, 2660, 2661, 2662, 2663, 2664, 2665, 2667, 2669, 2670, 2671, 2672, 2673, 2674, 2675, 2676, 2677, 2678, 2679, 2680, 2681, 2682, 2683, 2684, 2685, 2686, 2687, 2688, 2689, 2690, 2691, 2692, 2693, 2694, 2695, 2696, 2697, 2698, 2699, 2700, 2701, 2702, 2703, 2704, 2705, 2706, 2707, 2708, 2709, 2710, 2711, 2712, 2713, 2714, 2715, 2716, 2717, 2718, 2719, 2720, 2721, 2722, 2723, 2724, 2725, 2726, 2727, 2728, 2729, 2730, 2731, 2732, 2733, 2734, 2735, 2736, 2737, 2738, 2739, 2740, 2741, 2742, 2743, 2744, 2745, 2746, 2747, 2748, 2749, 2750, 2751,

2752, 2753, 2754, 2755, 2756, 2757, 2758, 2759, 2760, 2761, 2762, 2763, 2764, 2765, 2766, 2767, 2768, 2769, 2770, 2771, 2772, 2773, 2774, 2775, 2776, 2777, 2778, 2779, 2780, 2781, 2782, 2783, 2784, 2785, 2786, 2787, 2788, 2789, 2790, 2791, 2792, 2793, 2794, 2795, 2796, 2797, 2798, 2799, 2800, 2801, 2802, 2803, 2804, 2805, 2806, 2807, 2808, 2809, 2810, 2811, 2812, 2813, 2814, 2815, 2816, 2817, 2818, 2819, 2820, 2821, 2822, 2823, 2824, 2825, 2826, 2827, 2828, 2829, 2830, 2831, 2832, 2833, 2834, 2835, 2836, 2837, 2838, 2839, 2840, 2841, 2842, 2843, 2844, 2845, 2846, 2847, 2848, 2849, 2850, 2851, 2852, 2853, 2854, 2855, 2856, 2857, 2858, 2859, 2860, 2861, 2862, 2863, 2864, 2865, 2866, 2867, 2868, 2869, 2870, 2871, 2872, 2873, 2874, 2875, 2876, 2877, 2878, 2879, 2880, 2881, 2882, 2883, 2884, 2885, 2886, 2887, 2888, 2889, 2890, 2891, 2892, 2893, 2894, 2895, 2896, 2897, 2898, 2899, 2900, 2901, 2902, 2903, 2904, 2905, 2906, 2907, 2908, 2909, 2910, 2911, 2912, 2913, 2914, 2915, 2916, 2917, 2918, 2919, 2920, 2921, 2922, 2923, 2924, 2925, 2926, 2927, 2928, 2929, 2930, 2931, 2932, 2933, 2934, 2935, 2936, 2937, 2938, 2939, 2940, 2941, 2942, 2943, 2944, 2945, 2947, 2948, 2949, 2950, 2951, 2952, 2953, 2954, 2956, 2957, 2958, 2959, 2960, 2961, 2962, 2963, 2964, 2965, 2966, 2967, 2968, 2969, 2970, 2971, 2972, 2973, 2974, 2975, 2976, 2977, 2978, 2979, 2980, 2981, 2982, 2983, 2984, 2985, 2986, 2987, 2988, 2993, 2995, 2996, 2997 and 2999.

(c) In census tract 960200, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1016, 1217, 1218, 1219, 1220, 1221, 1222, 1223, 1224, 1225, 1226, 1227, 1228, 1229, 1230, 1231, 1232, 1233, 1234, 1237, 1238, 1239, 1240, 1241, 1242, 1243, 1244, 1245, 1246, 1247, 1248, 1249, 1250, 1251, 1252, 1253, 1254, 1255, 1256, 1257, 1258, 1259, 1260, 1261, 1262, 1263, 1264, 1265, 1266, 1267, 1268, 1269, 1270, 1271, 1272, 1273, 1274, 1275, 1276, 1277, 1278, 1279, 1280, 1281, 1282, 1283, 1284, 1285, 1286, 1287, 1288, 1289, 1290, 1291, 1292, 1293, 1294, 1295, 1296, 1297, 1298, 1299, 1300, 1301, 1302, 1303, 1304, 1305, 1306, 1307, 1308, 1309, 1310, 1311, 1312, 1313, 1314, 1315, 1316, 1317, 1318, 1319, 1320, 1321, 1322, 1323, 1324, 1325, 1326, 1327, 1328, 1329, 1330, 1331, 1332, 1333, 1334, 1335, 1336, 1337, 1338, 1339, 1340, 1343, 1345, 1346, 1347, 1348, 1349, 1350, 1351, 1352, 1353, 1354, 1355, 1356, 1357, 1358, 1359, 1360, 1361, 1362, 1363, 1364, 1365, 1366, 1367, 1368, 1377, 1378, 1421, 1422, 1423, 1424, 1425, 1426, 1427, 1431, 1432, 1433, 1434, 1435, 1436, 1437, 1438, 1439, 1440, 1441, 1442, 1443, 1444, 1445, 1446, 1447, 1448, 1449, 1450, 1451, 1452, 1453, 1454, 1455, 1456, 1457, 1458, 1459, 1460, 1461, 1462, 1463, 1464, 1465, 1466, 1467, 1468, 1469, 1470, 1471, 1472, 1473, 1474, 1475, 1476, 1477, 1478, 1479, 1480, 1481, 1482, 1483, 1484, 1485, 1486, 1487, 1488, 1489, 1490, 1491, 1492, 1493, 1494, 1495, 1496, 1497, 1498, 1499, 1500, 1501, 1502, 1503, 1504,

1505, 1506, 1507, 1508, 1509, 1510, 1511, 1512, 1513, 1514, 1515, 1516, 1517, 1518, 1519, 1520, 1521, 1522, 1523, 1524, 1525, 1526, 1527, 1528, 1529, 1530, 1531, 1532, 1533, 1534, 1535, 1536, 1537, 1538, 1539, 1540, 1541, 1542, 1543, 1544, 1545, 1546, 1547, 1548, 1549, 1550, 1551, 1552, 1553, 1554, 1555, 1556, 1557, 1558, 1559, 1560, 1561, 1562, 1563, 1564, 1565, 1566, 1567, 1568, 1569, 1570, 1571, 1572, 1573, 1574, 1575, 1576, 1577, 1578, 1579, 1580, 1581, 1582, 1583, 1584, 1585, 1586, 1587, 1588, 1589, 1590, 1591, 1592, 1593, 1594, 1595, 1596, 1597, 1598, 1599, 1600, 1601, 1602, 1603, 1604, 1605, 1606, 1607, 1608, 1609, 1610, 1611, 1612, 1613, 1614, 1615, 1616, 1617, 1618, 1619, 1620, 1621, 1622, 1623, 1624, 1625, 1626, 1627, 1628, 1629, 1630, 1631, 1632, 1633, 1634, 1635, 1636, 1637, 1638, 1639, 1640, 1641, 1642, 1643, 1644, 1645, 1646, 1647, 1648, 1649, 1650, 1651, 1652, 1653, 1654, 1655, 1656, 1657, 1658, 1659, 1660, 1661, 1662, 1663, 1664, 1665, 1666, 1667, 1668, 1673, 1690, 1696, 1697, 1698, 1699, 1701, 1702, 1703, 1704, 1705, 1706, 1707, 1709, 1710, 1711, 1712, 1713, 1714, 1715, 1716, 1717, 1718, 1719, 1721, 1722, 1723, 1724, 1725, 1726, 1727, 1728, 1729, 1730, 1731, 1732, 1733, 1734, 1735, 1736, 1737, 1738, 1739, 1740, 1741, 1742, 1743, 1744, 1745, 1746, 1747, 1748, 1749, 1750, 1751, 1752, 1753, 1754, 1755, 1756, 1760, 1761, 1762, 1763, 1764, 1765, 1766, 1767, 1770, 1773, 1774, 1775, 1776, 1777, 1778, 1787, 1788, 1789, 1798, 1808, 1809, 1810, 1811, 1812, 1858, 1865, 1866, 1867, 1868, 1869, 1870, 1871, 1874, 1875, 1876, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2025, 2026, 2027, 2029, 2032, 2033, 2034, 2077, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143 and 2145.

Sec. 73. Senate District 20 consists of, in Clark County:

1. Census tracts 005107, 005317, 005318, 005321, 005333, 005335, 005336, 005341, 005342, 005343, 005352, 005353, 005356, 005357, 005358, 005359, 005421, 005422, 005423, 005432, 005433, 005434, 005438 and 005439.

2. In census tract 005016, blocks 1011, 1049, 1050, 1051, 1052, 1053 and 1054.

3. In census tract 005105, blocks 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058 and 2059.

4. In census tract 005108, blocks 2007, 2008, 2009, 2010, 2011, 2012, 2013 and 2014.

5. In census tract 005200:

(a) Block group 2.

(b) Blocks 1000, 1001, 1002, 1003 and 1021.

6. In census tract 005313:

(a) Block groups 3 and 4.

(b) Blocks 1014 and 2001.

7. In census tract 005315:

(a) Block groups 1 and 2.

(b) Blocks 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3029, 3030, 3031 and 3036.

8. In census tract 005316:

(a) Block group 3.

(b) Blocks 1000, 1001, 1011 and 1012.

9. In census tract 005319, blocks 1000, 1001, 1002, 1003, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1022 and 1023.

10. In census tract 005320:

(a) Block group 3.

(b) Blocks 2000, 2001, 2002, 2004, 2005, 2006, 2007, 2008 and 2009.

11. In census tract 005337:

(a) Block group 2.

(b) Blocks 1000, 1001, 1002, 1003, 1004 and 1005.

12. In census tract 005349, blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2044, 2045, 2046, 2047 and 2059.

13. In census tract 005350, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1026, 1027 and 1028.

14. In census tract 005354, blocks 1012, 1013, 1014, 1015, 1016, 1017 and 2001.

15. In census tract 005355, block 1029.

16. In census tract 005360:

(a) Block group 2.

(b) Blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1016, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1049, 1050, 1051 and 1052.

17. In census tract 005435:

(a) Block group 1.

(b) Blocks 2001, 2004, 2005, 2006, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032 and 2033.

18. In census tract 005436, blocks 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031,

1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3012 and 3013.

19. In census tract 005437, blocks 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056 and 1057.

20. In census tract 005711, blocks 1000, 1007 and 1029.

Sec. 74. Senate District 21 consists of, in Clark County:

1. Census tracts 001610, 001718, 004907, 004910, 004917, 004920, 004921, 004923, 004925, 005005, 005006, 005007, 005011, 005012, 005013, 005014, 005015, 005017, 006103, 006202 and 006203.

2. In census tract 001609, block 1000.

3. In census tract 001611:

(a) Block group 2.

(b) Blocks 1000, 1001, 1002, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018 and 3019.

4. In census tract 001715, blocks 2005, 2006 and 2007.

5. In census tract 001716, block 1006.

6. In census tract 002822, blocks 1000, 1001, 1002, 1003, 1004, 1018, 1019, 1020, 1021, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2013, 2014, 2015, 2016 and 2017.

7. In census tract 004911, blocks 1000, 1001, 1002, 1003, 1004 and 1010.

8. In census tract 004912:

(a) Block groups 2 and 3.

(b) Blocks 1001, 1002, 1003 and 1004.

9. In census tract 004916:

(a) Block group 2.

(b) Blocks 1000, 1006, 1007, 1008 and 1013.

10. In census tract 004926:

(a) Block group 2.

(b) Blocks 1000, 1001, 1002, 1003, 1004, 1005 and 1006.

11. In census tract 005010:

(a) Block groups 1 and 3.

(b) Blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2009, 2010, 2011, 2012, 2013, 2014, 2016, 2017, 2018, 2019 and 2020.

12. In census tract 005016, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1012, 1014, 1015, 1016, 1017, 1018, 1019,

1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047 and 1048.

13. In census tract 005105, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1014, 1015, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1074 and 1075.

14. In census tract 005436, blocks 1000, 1018, 2000, 2001 and 2004.

15. In census tract 005437, block 1024.

16. In census tract 005613, blocks 4215, 4216, 4230 and 4256.

17. In census tract 006104:

(a) Block group 2.

(b) Blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1068, 1069, 1070 and 1071.

18. In census tract 006201:

(a) Block group 2.

(b) Blocks 1007, 1017, 1018, 1019, 1020 and 1021.

19. In census tract 006204, blocks 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016 and 1017.

20. In census tract 007200:

(a) Block groups 3 and 4.

(b) Blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1016, 1017, 2017, 2018, 2019, 2020, 2021, 2022 and 2023.

Sec. 75. **NRS 218B.100 is hereby amended to read as follows:**

218B.100 1. The assembly districts described in NRS 218B.600 to 218B.805, inclusive, are hereby created.

2. The ~~[~~senatorial~~]~~ ***senate*** districts described in ~~[~~NRS 218B.300 to 218B.390, inclusive,~~]~~ ***sections 54 to 74, inclusive, of this act*** are hereby created***.*** ~~[~~, and the numbers of Senators designated therein are apportioned to each respectively.~~]~~

3. Each Senator, Assemblywoman and Assemblyman must be elected from within the district wherein he or she resides by the registered voters residing in that district.

Sec. 76. **NRS 218B.150 is hereby amended to read as follows:**

218B.150 1. If any area of this State is omitted from the provisions of this chapter inadvertently or by virtue of the complexities of the information

supplied to the Legislature, the county clerk, the Carson City Clerk or the Director of the Legislative Counsel Bureau, upon discovery of the omission, shall notify the Secretary of State of the omission. The Secretary of State shall attach that area to the appropriate assembly district or ~~[senatorial]~~ ***senate*** district as follows:

(a) If the area is surrounded by an assembly district or ~~[senatorial]~~ ***senate*** district, the area must be attached to that district.

(b) If the area is contiguous to two or more assembly districts or ~~[senatorial]~~ ***senate*** districts, the area must be attached to the district that has the least population.

2. Any attachments made pursuant to the provisions of this section must be certified in writing and filed with the Director of the Legislative Counsel Bureau and with the Secretary of State. No change may be made in any attachments until the Legislature is again reapportioned.

Sec. 77. **NRS 218B.600 is hereby amended to read as follows:**

218B.600 Assembly District 1 consists of, in Clark County:

~~[1. Census tracts 003410, 003413, 003414, 003416 and 003609.~~

~~2. Census voting districts 2043, 2047, 2102, 2104, 3022, 3023, 3024, 3027, 3053, 3172, 3173 and 3174.~~

~~3. In census tract 003204, blocks 6011 and 6012.~~

~~4. In census tract 003305, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 2001, 2005, 2006, 4002, 4003, 4004, 4005, 4006, 4007, 4008, 4009, 4010, 4011, 4012 and 4013.~~

~~5. In census tract 003306, blocks 4000, 4001, 4002, 4003, 4004, 4005, 4006, 4013, 4014, 4015, 4016 and 4017.~~

~~6. In census tract 003409, blocks 1000, 1006, 1007, 1008, 1009, 1013, 1014, 1015, 3007, 3008, 3009 and 3010.~~

~~7. In census tract 003412, blocks 2000, 2001, 2002, 2012, 2013, 2018, 2019, 3000, 3001, 3006, 3007, 3008, 3011, 3017, 3018 and 3019.~~

~~8. In census tract 003415, blocks 3000, 3001, 3002, 3004, 4000, 4001, 4012, 6000, 6001, 6002, 6003, 6005, 6006, 6007, 6008, 6009 and 6015.~~

~~9. In census tract 003417, blocks 4000, 4009, 4010 and 4011.~~

~~10. In census tract 003420, blocks 1010, 2005, 2006 and 2007.~~

~~11. In census tract 003604, blocks 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1013, 1014, 1015, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010 and 3011.~~

~~12. In census tract 003610, blocks 1002, 1003, 1004, 1005, 1006, 1007, 1012, 1013, 1014, 1015, 1016, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 4002, 4003, 4004, 4005, 4006 and 4013.~~

~~13. In census tract 003612, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018 and 2000.~~

~~14. In census tract 003613, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 2002 and 2003.~~**]**

1. Census tracts 003607, 003609, 003629, 003630, 003631, 003632, 003633 and 003634.

2. In census tract 003410, blocks 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1019, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2017, 2018 and 2019.

3. In census tract 003412:

(a) Block group 2.

(b) Blocks 1000, 1005, 3000, 3001, 3002, 3003, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021 and 3022.

4. In census tract 003413, blocks 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 3007, 3008, 3009, 3010, 3011, 3012, 3015 and 3016.

5. In census tract 003414, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1025, 1026, 2003, 2004 and 2005.

6. In census tract 003610:

(a) Block groups 1, 2 and 3.

(b) Blocks 4002, 4003, 4004, 4011 and 4012.

7. In census tract 003618:

(a) Block group 2.

(b) Blocks 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018 and 1019.

8. In census tract 003619, blocks 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034 and 1035.

9. In census tract 003620:

(a) Block group 1.

(b) Blocks 2015, 2016, 2017, 2018, 2019, 2020 and 2021.

10. In census tract 003640:

(a) Block group 1.

(b) Blocks 2003 and 2004.

11. In census tract 003641, blocks 1001, 1002, 1003, 1004, 1006, 1007, 1011, 1012, 1013, 1014 and 1018.

Sec. 78. **NRS 218B.605 is hereby amended to read as follows:**

218B.605 Assembly District 2 consists of, in Clark County:

~~[1. Census tracts 002915, 002916, 003216, 003221, 003222, 003223, 003226, 005803, 005804 and 005805.~~

~~2. Census voting districts 6017, 6020, 6023 and 6025.~~

~~3. In census tract 003210, blocks 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 2000, 2001, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3029, 3030, 4000, 4001, 4002, 4003, 4004, 4005, 4006, 4007, 4008, 4009, 4010 and 4011.~~

~~4. In census tract 003211, block 1022.~~

~~5. In census tract 003218, blocks 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3010, 4000, 4001, 4002, 4003, 4004, 4005, 4006, 5000, 5001, 5002, 5003, 5004, 5005, 5006, 5007, 5008, 5009, 5010, 5011, 5012, 5013 and 5014.~~

~~6. In census tract 005808, blocks 1006, 2001, 2002 and 2003.~~~~]~~

1. Census tracts 003213, 003214, 003222, 003226, 003227, 003249, 003250, 003251, 003262, 005822, 005824, 005843 and 005844.

2. In census tract 003210:

(a) Block groups 2, 3 and 4.

(b) Blocks 1000, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012 and 1013.

3. In census tract 003211:

(a) Block group 1.

(b) Blocks 2022, 2023, 2024, 2025, 2026 and 2027.

4. In census tract 003223, block group 2.

5. In census tract 005823, blocks 1032, 1033, 1034, 1035, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066 and 1067.

6. In census tract 005840, blocks 1028 and 1029.

7. In census tract 005841, blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2031, 2034, 2035, 2036 and 2037.

8. In census tract 005842:

(a) Block group 2.

(b) Blocks 1000, 1004, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013 and 1014.

9. In census tract 005845:

(a) Block groups 1 and 3.

(b) Blocks 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014 and 2015.

10. In census tract 005846, block groups 1 and 2.

Sec. 79. **NRS 218B.610 is hereby amended to read as follows:**

218B.610 Assembly District 3 consists of, in Clark County:

~~[1. Census tracts 000103, 000104, 001003, 003005, 003006 and 003225.~~

~~2. Census voting districts 3091, 6002, 6003, 6014 and 6045.~~

~~3. In census tract 000105, blocks 1005, 1008, 1009, 2004, 2005, 2006, 2011, 2012, 2013, 3003, 3004, 3005, 3006, 3007, 3008, 3009 and 3015.~~

~~4. In census tract 001004, blocks 1000, 1001, 1002, 1003, 1004, 2002, 2003, 2004, 2005, 2006, 2007, 5000, 5001, 5002, 5003, 5004, 5005, 5006, 5007, 5008, 5009, 5010, 5011, 5012, 5013, 6003, 6004, 6005, 6006 and 6007.~~

~~5. In census tract 002905, blocks 1002, 1003, 1004, 1005, 2000, 2001, 3000, 3001, 3002, 4002, 4003, 4004, 4005 and 4008.~~

~~6. In census tract 003001, blocks 3003, 3005, 4000, 4001, 4002, 4003, 4004, 4005, 4006 and 4007.~~

~~7. In census tract 003224, blocks 3000, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 4000, 4001, 4002, 4003, 4004, 4006, 4007, 5000, 5001, 5002, 5003, 5004 and 5005.]~~

1. Census tracts 000103, 000107, 002915, 003006, 005803, 005804, 005805, 005806, 005807, 005808 and 005809.

2. In census tract 000106:

(a) Block groups 1 and 2.

(b) Blocks 3000, 3001, 3002, 3005, 3006, 3007 and 3008.

3. In census tract 001003:

(a) Block group 2.

(b) Blocks 1000, 1001, 1007, 1008, 1009, 1010, 1011, 1015, 1020 and 3003.

4. In census tract 002905:

(a) Block groups 1 and 3.

(b) Blocks 4000, 4001, 4002, 4003, 4004 and 4008.

5. In census tract 002916:

(a) Block group 1.

(b) Blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024 and 2025.

6. In census tract 003001:

(a) Block groups 3 and 4.

(b) Blocks 1002, 1003, 1004, 1005, 1006, 1007, 1008, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009 and 2010.

7. In census tract 003005, blocks 2000, 2001, 2002, 2006, 2007, 2008, 2009, 3007, 4000, 4001 and 4002.

8. In census tract 003261, block group 2.

Sec. 80. **NRS 218B.615 is hereby amended to read as follows:**

218B.615 Assembly District 4 consists of, in Clark County:

~~[1. Census tracts 003205, 003206, 003213, 003214 and 003217.~~

~~2. Census voting districts 3002, 3003, 3033, 3035, 3038, 3042, 3044, 3145 and 3196.~~

~~3. In census tract 003203, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2066, 2067, 2068, 2069, 2070, 2071, 2091, 2092, 2093, 2094, 2095, 2104, 2105, 2110, 2111, 2112, 2113, 2114, 2136, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182 and 2183.~~

~~4. In census tract 003207, blocks 1004, 1005, 2001, 2002, 2003, 2004, 2005, 3016, 3017, 3018, 3019, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3029, 3030, 3031, 3032, 4000, 4001, 4002, 4003, 4004, 4005, 4006, 4007, 4008, 4009, 4010, 4011, 4012, 4013, 4014, 4015, 4016, 4017, 4018, 4019, 4020, 4021, 4022, 5005, 5006, 5007, 5008, 5009, 5010, 5011 and 5012.~~

~~5. In census tract 003210, blocks 1000, 2002 and 2003.~~

~~6. In census tract 003211, blocks 1000, 1001, 1002, 1003, 1007, 1018, 1019, 1020, 1021, 1023, 1024, 1025, 1026, 1027, 2000, 2001, 2002, 2003, 2004, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018 and 2019.~~

~~7. In census tract 003212, blocks 1000, 1001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 6003, 6004, 6005, 6006, 6007, 6008, 6009, 6010, 6011, 6012, 6013 and 6014.~~

~~8. In census tract 003218, blocks 3007, 3008 and 3009.~~

~~9. In census tract 005810, blocks 1003 and 1005.]~~

1. Census tracts 003231, 003309, 003310, 003311, 003312, 003313 and 003321.

2. In census tract 003204:

(a) Block groups 1, 2, 3 and 5.

(b) Blocks 4000, 4001, 4002, 4003, 4004, 4005, 4006, 4007, 4008, 4009, 4010, 4011, 4012, 4013, 4014, 4015, 4016, 4017 and 4018.

3. In census tract 003208, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 2004, 2005, 2006, 2007, 2008, 2014, 2015, 2016 and 2025.

4. In census tract 003229, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1055 and 1059.

5. In census tract 003230:

(a) Block groups 2, 3 and 4.

(b) Blocks 1020, 1021, 1022, 1023, 1024 and 1025.

6. In census tract 003232:

(a) Block groups 1, 3 and 4.

(b) Blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050 and 2051.

7. In census tract 003233:

(a) Block groups 2 and 3.

(b) Blocks 1000, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029 and 1030.

8. In census tract 003234, block 1006.

9. In census tract 003236:

(a) Block group 2.

(b) Blocks 1000, 1001, 1002, 1003, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036 and 1037.

10. In census tract 003237, blocks 1000, 1001, 1002, 1003, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1017, 1041, 1042, 1043, 1044 and 1045.

11. In census tract 003238, blocks 1000 and 1001.

12. In census tract 003240, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1025, 1026, 1027, 1028, 1029, 1032 and 1033.

13. In census tract 003242:

(a) Block group 1.

(b) Blocks 2000, 2001, 2005, 2007, 2008, 2009, 2011, 2014, 2015, 2016, 2017, 2021 and 2026.

14. In census tract 003303, blocks 1000, 1002, 1005, 1010, 1011, 1024, 2000, 2001 and 3000.

15. In census tract 003305, blocks 2019 and 2020.

16. In census tract 003308, block 1001.

17. In census tract 003314:

(a) Block groups 1, 2 and 4.

(b) Blocks 3000, 3001, 3002, 3003, 3004 and 3005.

18. In census tract 003316:

(a) Block group 1.

(b) Blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2020, 2031, 2032, 2033, 3000, 3002, 3003, 3005, 3006 and 3009.

19. In census tract 003320, blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2024, 2025, 2028, 2029, 2030 and 2031.

20. In census tract 003408, block groups 2 and 3.

21. In census tract 005823, blocks 1000 and 1021.

22. In census tract 005902, blocks 1519, 1520, 1521, 1525 and 1526.

23. In census tract 007500, blocks 1024, 1142, 1143, 1191, 1193, 1194, 1198, 1199, 1201 and 1202.

Sec. 81. **NRS 218B.620 is hereby amended to read as follows:**

218B.620 Assembly District 5 consists of, in Clark County:

~~[1. Census tracts 002939, 002940, 002944, 002950, 002951 and 002952.~~

~~2. Census voting districts 3127, 6018, 6019, 6022, 6024, 6026, 6049, 6050 and 6079.~~

~~3. In census tract 002941, blocks 2006, 2007, 2008, 2009 and 2010.~~

~~4. In census tract 002947, blocks 1033, 1034, 1035, 1036, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2019, 2020, 2025, 2026, 2027, 2028, 2029 and 2030.~~

~~5. In census tract 002953, blocks 1001, 1008, 1009, 1010, 1011, 1012, 1013, 1014 and 1015.~~

~~6. In census tract 005808, blocks 2005, 2006, 2007 and 2009.~~

~~7. In census tract 005811, blocks 1000, 1001, 1002, 1004, 1005, 1006, 1009, 1010, 1011, 1012, 1013, 1014, 1017, 1018, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017 and 2018.~~

~~8. In census tract 005812, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017,~~

~~1018, 1019, 1020, 1021, 1022, 1023, 1024, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011 and 3012.~~]

1. Census tracts 002206, 002939, 002940, 002950, 002951, 002952, 005811, 005825 and 005826.

2. In census tract 002203, block 3000.

3. In census tract 002207:

(a) Block group 3.

(b) Blocks 1000 and 2000.

4. In census tract 002937, block groups 1 and 2.

5. In census tract 002938, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1039 and 1040.

6. In census tract 002944, blocks 2001 and 2002.

7. In census tract 002947:

(a) Block group 1.

(b) Blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018 and 2019.

8. In census tract 002954, block groups 1 and 3.

9. In census tract 002995, block group 1.

10. In census tract 002996, block group 3.

11. In census tract 005813, block group 2.

12. In census tract 005845, blocks 2000, 2001, 2002, 2003 and 2004.

13. In census tract 005847, block 1000.

14. In census tract 005848, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1011, 1012 and 1013.

15. In census tract 005849, block group 1.

Sec. 82. **NRS 218B.625 is hereby amended to read as follows:**

218B.625 Assembly District 6 consists of, in Clark County:

~~[1. Census tracts 000203, 000301, 003425 and 003500.~~

~~2. Census voting districts 2056, 3051, 3060, 3061, 3062, 3063, 3066, 3068, 3100, 3101, 3178, 3179, 3180, 3183, 3185, 4019, 4022, 4030, 4033, 4035, 4036 and 4038.~~

~~3. In census tract 000101, blocks 2005, 2006, 2007, 2008, 2009, 2010, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 4000, 4001, 4002, 4003, 4004, 4005, 4006, 4007, 4008, 4009, 4010, 4011, 4012, 4013, 4014 and 4015.~~

~~4. In census tract 000201, blocks 2000, 2004, 2005, 2006 and 2010.~~

~~5. In census tract 000302, blocks 2004, 2005, 2006, 2007, 2008, 2009, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011,~~

~~3012, 4000, 4001, 4002, 4003, 4004, 4005, 4006, 4007, 4008, 4009, 4010, 4011, 4012 and 4013.~~

~~6. In census tract 000400, blocks 1008, 1010 and 1011.~~

~~7. In census tract 000700, block 2004.~~

~~8. In census tract 000900, blocks 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1014, 1015, 1016, 1017, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2017, 2018 and 2019.~~

~~9. In census tract 001005, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 2000 and 2010.~~

~~10. In census tract 003700, blocks 1021 and 1022.~~

~~11. In census tract 003800, blocks 3005, 3006, 3007, 3010, 3011 and 3012.~~**]**

1. Census tracts 000201, 000302, 003420, 003426, 003428, 003429, 003430 and 003431.

2. In census tract 000101:

(a) Block groups 1, 3, 4 and 5.

(b) Blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008 and 2009.

3. In census tract 000108, blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2015, 2016, 2017, 2018, 2019 and 2022.

4. In census tract 000203, blocks 1000, 1001 and 1002.

5. In census tract 000301:

(a) Block group 1.

(b) Blocks 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2034, 2058, 3003, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3029, 3030, 3031, 3032, 3033, 3034, 3035, 3036, 3037, 3038, 3039, 3040, 3041, 3042, 3043, 3044, 3045, 3046, 3047, 3048 and 3049.

6. In census tract 001005, blocks 1000 and 1001.

7. In census tract 003415, block group 5.

8. In census tract 003416:

(a) Block group 2.

(b) Blocks 1000, 1001, 1002, 1003, 1004, 1007, 1008, 1009, 1010, 1011, 3000, 3001, 3002, 3003, 3004, 3005, 3010, 3011, 3012, 3013, 3014 and 3015.

9. In census tract 003419, block groups 3, 4 and 5.

10. In census tract 003422:

(a) Block groups 2, 3, 4 and 5.

(b) Blocks 1000, 1001, 1005, 1006 and 1007.

11. In census tract 003423:

(a) Block groups 1, 2 and 3.

(b) Blocks 5000, 5003, 5005, 5009, 5010, 5011, 5012, 5013, 5014, 5016 and 5017.

12. In census tract 003427:

(a) Block group 2.

(b) Blocks 1000, 1001, 1002, 1003, 1004, 1005, 1007 and 1008.

13. In census tract 003500:

(a) Block group 1.

(b) Blocks 2000, 2002, 2003, 2004, 2005, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023 and 2024.

14. In census tract 003700, blocks 1023, 1024, 1025, 1026, 1027, 1028, 1029, 2020, 2021, 2022, 2023, 2024, 2025, 2026 and 2027.

Sec. 83. **NRS 218B.630 is hereby amended to read as follows:**

218B.630 Assembly District 7 consists of, in Clark County:

~~[1. Census tract 003614.~~

~~2. Census voting districts 2109, 2110, 2137, 3054, 3057, 3098, 3099, 3181, 4012, 4013, 4014, 4016, 4017, 4018, 4020, 4031, 4063 and 4064.~~

~~3. In census tract 003417, blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008 and 2009.~~

~~4. In census tract 003420, blocks 3000, 3004 and 3007.~~

~~5. In census tract 003603, blocks 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022 and 2023.~~

~~6. In census tract 003611, blocks 2000, 2001, 2002, 2003, 2004, 2005, 2011, 2012, 2013, 2014, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037 and 2038.~~

~~7. In census tract 003612, blocks 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011 and 3012.~~

~~8. In census tract 003613, blocks 2000, 2001, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 4000, 4001, 4002, 4003, 4004, 4005, 4006, 4007, 4008, 4009, 4010, 4011, 4012, 4013, 4014, 4015, 4016, 4017, 4018, 4019, 4020 and 4021.~~

~~9. In census tract 003615, blocks 2005, 2006, 2007, 2008 and 2009.~~

~~10. In census tract 003700, blocks 1008, 1009, 1010 and 1020.~~

~~11. In census tract 003800, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1011, 1012, 1013, 1014, 4001 and 4009.~~

~~12. In census tract 004400, blocks 1005, 1006, 1007, 1008, 1017, 1018, 1019, 2002 and 2003.~~

~~13. In census tract 004500, blocks 2000, 2001, 2002, 2003, 2005, 2006, 2007 and 2008.~~

~~14. In census tract 004600, blocks 1002, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 3002, 3011, 3012, 3013, 3014 and 3015.~~

~~15. In census tract 004714, blocks 1005, 1006 and 1011.~~

~~16. In census tract 004715, blocks 1013 and 2012.~~

~~17. In census tract 004716, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008 and 2009.]~~

1. Census tracts 003612, 003613, 003615, 003616, 003617, 003639, 003642, 003643 and 003644.

2. In census tract 003413:

(a) Block group 1.

(b) Blocks 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3013, 3014, 3017, 3018, 3019, 3020, 3021, 3022 and 3023.

3. In census tract 003414, blocks 1022, 1023, 1024, 2000, 2001, 2002, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017 and 2018.

4. In census tract 003427, block 1006.

5. In census tract 003500, blocks 2001, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2025 and 2026.

6. In census tract 003610, blocks 4000, 4001, 4005, 4006, 4007, 4008, 4009, 4010, 4013, 4014, 4015 and 4016.

7. In census tract 003625:

(a) Block group 2.

(b) Blocks 1002, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047 and 1048.

8. In census tract 003626, blocks 1027, 1028, 1029, 1032, 1033, 1034, 1035, 1036, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053 and 1054.

9. In census tract 003640, blocks 2000, 2001, 2002, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015 and 2016.

10. In census tract 003641:

(a) Block group 2.

(b) Blocks 1000, 1005, 1008, 1009, 1010, 1015, 1016, 1017 and 1019.

11. In census tract 003700, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2028, 2029, 2030 and 2031.

12. In census tract 003800:

(a) Block groups 1 and 2.

(b) Blocks 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3011, 3012, 3013, 3014, 3015, 4002, 4006 and 5001.

13. In census tract 004402, block 1005.

14. In census tract 004500, blocks 1007, 1010 and 1015.

15. In census tract 004601, blocks 1008, 2008 and 2009.

16. In census tract 004602, blocks 1004 and 1005.

Sec. 84. **NRS 218B.635 is hereby amended to read as follows:**

218B.635 Assembly District 8 consists of, in Clark County:

~~[1. Census tracts 002204, 002912, 002925 and 002954.~~

~~2. Census voting districts 1040, 6044 and 6066.~~

~~3. In census tract 002203, blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009 and 2010.~~

~~4. In census tract 002205, blocks 3000, 3001, 3002, 3003, 3004, 3005 and 3006.~~

~~5. In census tract 002935, blocks 1007, 1010, 1011, 1012, 1013, 1014, 1015, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008 and 2009.~~

~~6. In census tract 002955, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012 and 1013.~~

~~7. In census tract 002956, blocks 1007, 1008, 2003, 2004, 3013 and 3014.~~

~~8. In census tract 002962, blocks 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1066, 1069, 1070, 1071, 1072, 1079, 1080, 1081 and 1082.~~

~~9. In census tract 002963, blocks 1003, 1004, 1005, 1006, 1007, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1041, 1042, 1043, 1044, 1053 and 1054.]~~

1. Census tracts 002935, 002946, 002956, 002961, 002964, 002965, 002966, 002967, 002968, 002969, 002980 and 002981.

2. In census tract 002201, blocks 3038, 3050, 3051, 3054, 3056, 3062 and 3063.

3. In census tract 002936:

(a) Block group 1.

(b) Blocks 2010, 2011, 2012 and 2015.

4. In census tract 002937, block group 3.

5. In census tract 002938, blocks 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1041, 1042 and 1043.

6. In census tract 002954, block groups 2 and 4.

7. In census tract 002958:

(a) Block group 3.

(b) Blocks 5004, 5005, 5007, 5008, 5009, 5011, 5012, 5013 and 5014.

8. In census tract 002962, blocks 1033, 1034, 1035, 1036, 1037, 1089, 1090, 1091, 1092, 1093, 1094, 1095, 1096, 1097, 1098, 1099, 1100, 1103, 1104, 1105, 1106, 1109, 1110, 1111, 1112, 1113, 1115, 1116, 1117, 1118, 1119, 1121 and 1132.

9. In census tract 002970, block groups 1 and 2.

10. In census tract 002979, blocks 1005, 1019, 1020, 1021, 1022, 1024, 1025, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067 and 1068.

11. In census tract 002982:

(a) Block groups 1 and 3.

(b) Blocks 2000, 2001, 2002, 2003, 2004 and 2005.

12. In census tract 002983, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1039, 1040 and 1041.

13. In census tract 002984, block 1010.

14. In census tract 002995, block groups 2 and 3.

15. In census tract 002996, block groups 1, 2 and 4.

16. In census tract 006700, blocks 1009, 1010, 1011, 1012 and 1030.

Sec. 85. **NRS 218B.640 is hereby amended to read as follows:**

218B.640 Assembly District 9 consists of, in Clark County:

~~[1. Census tracts 000204, 000600, 000800, 001100, 001200, 001901 and 001902.~~

~~2. Census voting districts 3108, 3114, 3115, 3116, 3117, 4050, 5009, 5056, 5065, 5066 and 5069.~~

~~3. In census tract 000400, blocks 3004, 3005, 3006, 3007, 3008, 4005, 4006, 4007, 4008, 4009, 4010, 4011, 4012, 4013, 4014, 4015, 4016, 4017, 5011 and 5012.~~

~~4. In census tract 000700, blocks 1000, 1012, 1013, 1014, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 2000, 2001, 2002, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015 and 2016.~~

~~5. In census tract 000900, blocks 1000, 1001, 1010, 1011, 1012, 1013, 2000, 2001, 2015 and 2016.~~

~~6. In census tract 001004, blocks 2001, 6000, 6001 and 6002.~~

~~7. In census tract 001300, blocks 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 4000, 4001, 4002, 4003, 4004, 4005, 4006, 4007, 4008, 4009, 4010, 4011, 4012, 5001, 5002, 5003, 5004, 5005, 5007, 5008, 5009, 5010, 5011, 5012 and 5013.~~

~~8. In census tract 001400, blocks 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3015, 3016, 3017, 4004, 4005, 4010, 4011, 4012, 4013, 4018 and 4019.~~

~~9. In census tract 002404, blocks 1000, 2000 and 2002.~~]

1. Census tracts 000105, 000109, 000204, 000600, 000800, 000900, 001004, 001200, 001300 and 003103.

2. In census tract 000101, blocks 2010, 2011, 2012, 2013, 2014 and 2015.

3. In census tract 000106, blocks 3003 and 3004.

4. In census tract 000108:

(a) Block group 1.

(b) Blocks 2013, 2014, 2020, 2021 and 2023.

5. In census tract 000203:

(a) Block groups 2, 3 and 4.

(b) Blocks 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011 and 1012.

6. In census tract 000301, blocks 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2059 and 2060.

7. In census tract 000403, blocks 1010, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 3006, 3007, 3009, 3013, 3016, 3017, 3018 and 3019.

8. In census tract 000700:

(a) Block groups 1, 2 and 4.

(b) Blocks 3007, 3009, 3014, 3015, 3016, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3029, 3030, 3031, 3032, 3033, 3034, 3035, 3036, 3037, 3038, 3039, 3040 and 3041.

9. In census tract 001003, blocks 1002, 1003, 1004, 1005, 1006, 1012, 1013, 1014, 1016, 1017, 1018, 1019, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 3000, 3001, 3002, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016 and 3017.

10. In census tract 001005:

(a) Block group 2.

(b) Blocks 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009 and 1010.

11. In census tract 001006:

(a) Block group 1.

(b) Blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2008, 2009, 3000, 3001 and 3002.

12. In census tract 001100:

(a) Block groups 1 and 2.

(b) Blocks 3000, 3001, 3002, 3005, 3006, 3007, 3008 and 3009.

13. In census tract 001401, blocks 2016, 2017, 2019 and 2022.

14. In census tract 001402, blocks 2004, 2005, 2006, 2007, 2008, 2016, 2017, 3002, 3003, 3004, 3005, 3010, 3011, 3012 and 3013.

15. In census tract 002203, blocks 1000, 3001, 3002 and 3003.

16. In census tract 002207, blocks 1001 and 2001.

17. In census tract 002905:

(a) Block group 2.

(b) Blocks 4005, 4006, 4007 and 4009.

18. In census tract 002916, blocks 2011, 2012, 2013, 2014, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036 and 2037.

19. In census tract 003001, block 2000.

20. In census tract 003102, block groups 1 and 2.

21. In census tract 003423:

(a) Block group 4.

(b) Blocks 5001, 5002, 5004, 5006, 5007, 5008 and 5015.

Sec. 86. **NRS 218B.645 is hereby amended to read as follows:**

218B.645 Assembly District 10 consists of, in Clark County:

~~[1. Census tracts 002000, 002201, 002300, 002601, 002810, 002831, 002832, 002834, 002835 and 002836.~~

~~2. Census voting districts 3118, 5068 and 5070.~~

~~3. In census tract 002403, block 2002.~~

~~4. In census tract 002404, blocks 1001, 1002, 1003 and 1005.~~

~~5. In census tract 002405, blocks 1001 and 1002.~~

~~6. In census tract 002702, blocks 1001, 1002, 1003, 1004, 1005, 1006, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023 and 1024.~~

~~7. In census tract 002807, blocks 3003, 3004 and 3005.~~

~~8. In census tract 002814, blocks 1009, 1010, 1011, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 2007, 2008, 2009, 2010 and 2011.~~

~~9. In census tract 002815, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1015, 1025, 1026, 1027, 1036, 1037 and 1038.~~

~~10. In census tract 002816, blocks 1005, 1006, 1007, 1008, 1009, 1010, 1011 and 1012.~~

~~11. In census tract 002828, blocks 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045 and 1046.~~

~~12. In census tract 002927, block 2000.~~

~~13. In census tract 002955, blocks 2000, 2001, 2002, 2003, 2004, 2005 and 2006.~~

~~14. In census tract 002956, blocks 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3015, 3016 and 3017.~~

~~15. In census tract 002962, blocks 1000, 1001, 1002, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1073, 1074, 1075, 1076, 1077, 1078, 1083, 1084, 1085, 1086 and 1087.~~

~~16. In census tract 002963, blocks 1000, 1001, 1002, 1027, 1028, 1029, 1030, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1087, 1088, 1089 and 1090.~~

~~17. In census tract 005816, blocks 1000, 1001, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1090 and 1091.~~]

1. Census tracts 002204, 002403, 002405, 002604, 002605, 002985 and 005834.

2. In census tract 001006, blocks 2007, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011 and 3012.

3. In census tract 002201:

(a) Block groups 1 and 2.

(b) Blocks 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3029, 3030, 3031, 3032, 3033, 3034, 3035, 3036, 3037, 3039, 3040, 3041, 3042, 3043, 3044, 3045, 3046, 3047, 3048, 3049, 3052, 3053, 3055, 3057, 3058, 3059, 3060, 3061 and 3064.

4. In census tract 002203:

(a) Block group 2.

(b) Blocks 1001, 1002, 1003, 1004, 1005 and 1006.

5. In census tract 002302, blocks 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034 and 1035.

6. In census tract 002404, block groups 1 and 5.

7. In census tract 002603:

(a) Block groups 1 and 2.

(b) Blocks 3001, 3004, 3005 and 3006.

8. In census tract 002831, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012 and 1017.

9. In census tract 002837, block 1006.

10. In census tract 002841, blocks 1010, 1011, 1012 and 1068.

11. In census tract 002842, blocks 1014, 1015, 1016, 1017, 1018 and 1022.

12. In census tract 002847, blocks 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1080 and 1081.

13. In census tract 002962, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1085, 1086, 1087, 1088, 1101, 1102, 1107, 1108, 1114, 1120, 1122, 1123, 1124, 1125, 1126, 1127, 1128, 1129, 1130, 1131, 1133 and 1134.

14. In census tract 002970, block group 3.

15. In census tract 002978, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046 and 1047.

16. In census tract 002979, blocks 1000, 1001, 1002, 1003, 1004, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1023, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052 and 1069.

17. In census tract 002983, blocks 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037 and 1038.

18. In census tract 002984, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037 and 1038.

19. In census tract 005712, blocks 1065, 1066, 1067 and 1091.

20. In census tract 005831, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1045, 1046, 1054 and 1057.

21. In census tract 005833, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063 and 1064.

22. In census tract 005837, blocks 1004, 1005 and 1006.

23. In census tract 005838:

(a) Block groups 2 and 3.

(b) Blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010 and 1011.

24. In census tract 005839, blocks 1003, 1006, 1025, 1026, 1028, 1030, 1031, 1032 and 2001.

25. In census tract 006700:

(a) Block groups 2, 3 and 4.

(b) Blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1031, 1032 and 1033.

26. In census tract 006800, blocks 4003, 4014, 4015, 4016, 4017, 4018, 4019, 4026, 4027, 4028, 4029, 4030, 4031, 4040, 4041, 4042 and 4043.

Sec. 87. **NRS 218B.650 is hereby amended to read as follows:**

218B.650 Assembly District 11 consists of, in Clark County:

~~[1. Census tracts 000510, 000516 and 004000.~~

~~2. Census voting districts 2018, 2020, 2021, 4043, 4046, 4047, 4048, 4049 and 4069.~~

~~3. In census tract 000400, blocks 1012, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 3000, 3001, 3002, 3003, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 4000, 4001, 4002, 4003, 4004, 5000, 5001, 5005, 5006, 5007, 5008, 5009 and 5010.~~

~~4. In census tract 000504, blocks 1002, 1005, 1006, 2000, 2001, 2005, 2006, 2008, 2009 and 3007.~~

~~5. In census tract 000517, blocks 1002, 1003, 1005, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008 and 3009.~~

~~6. In census tract 000518, blocks 1000, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 4000 and 4004.~~

~~7. In census tract 000519, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011 and 3012.~~

~~8. In census tract 003800, blocks 1008, 1009, 1010, 1015, 1016, 1017, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2012, 2013, 2014, 2015, 3000, 3001, 3002, 3003, 3004, 4000, 4002, 4003 and 4004.~~

~~9. In census tract 004300, blocks 1014, 2006, 2007, 2008, 2009 and 2010.~~

~~10. In census tract 004400, blocks 2000, 2001, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 4005, 4006, 4007, 4008 and 4012.]~~

1. Census tracts 000510, 000514, 000515, 000516, 000517, 000518, 000519, 000520, 000521, 000522, 000524 and 000525.

2. In census tract 000402:

(a) Block group 2.

(b) Blocks 1005, 1006, 1007, 1008 and 3008.

3. In census tract 000403:

(a) Block group 2.

(b) Blocks 1005, 1006, 1007, 3000, 3001, 3002, 3003, 3004, 3005, 3008, 3010, 3011, 3012, 3014 and 3015.

4. In census tract 000523:

(a) Block group 2.

(b) Blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1009, 1010, 1016, 1017 and 1018.

5. In census tract 000526, blocks 2003, 2005 and 2008.

6. In census tract 001401:

(a) Block group 1.

(b) Blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2018, 2020 and 2021.

7. In census tract 001402:

(a) Block groups 1 and 4.

(b) Blocks 2000, 2001, 2002, 2003, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 3000, 3001, 3006, 3007, 3008, 3009, 3014 and 3015.

8. In census tract 001501, blocks 1002, 1004, 2002, 2003, 2004, 3002 and 3003.

9. In census tract 001611, blocks 1003, 1004, 1005, 1006, 3000, 3001, 3002 and 3003.

Sec. 88. **NRS 218B.655 is hereby amended to read as follows:**

218B.655 Assembly District 12 consists of, in Clark County:

~~[1. Census tracts 001500, 001609, 001610, 004910, 004911, 004912 and 004924.~~

~~2. Census voting districts 1043, 4045, 5005 and 5019.~~

~~3. In census tract 000504, blocks 3000, 3001, 3002, 3003, 3004 and 3012.~~

~~4. In census tract 000518, blocks 1001, 1002, 1003, 1004, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 4001, 4002, 4003 and 4005.~~

~~5. In census tract 001300, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 2000, 2001, 5000 and 5006.~~

~~6. In census tract 001400, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1016, 1017, 1018, 1019, 1020, 1021, 3001, 3002, 3003, 3012, 3013, 3014, 4000, 4001, 4002, 4003, 4006, 4007, 4008, 4009, 4014, 4015, 4016, 4017, 5000, 5001, 5002, 5003, 5004, 5005, 5006, 5007, 5008, 5009, 5010, 5011, 5012, 5013, 5014, 5015, 5016, 5017 and 5018.~~

~~7. In census tract 001608, blocks 2001 and 2002.~~

~~8. In census tract 001611, blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2013 and 2014.~~

~~9. In census tract 004922, blocks 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032 and 1033.~~

~~10. In census tract 004923, block 1012.~~]

1. Census tracts 001607, 001612, 001613, 001709, 001710, 001713, 001714, 002825, 002826, 002827, 004924 and 006900.

2. In census tract 001706:

(a) Block group 2.

(b) Blocks 1000, 1001, 1007, 1008, 1009, 1010, 1017 and 1018.

3. In census tract 001707, blocks 1014 and 1016.

4. In census tract 001708:

(a) Block group 2.

(b) Blocks 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015 and 1016.

5. In census tract 001715:

(a) Block group 1.

(b) Blocks 2000, 2001, 2002, 2003, 2004 and 2008.

6. In census tract 001716, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018 and 1019.

7. In census tract 002808, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1017, 1018, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2010, 2011, 2012, 2013, 2014, 2015 and 2016.

8. In census tract 002821, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1011, 1012, 1013, 1014, 1015, 1017, 1018, 1019, 1020, 2000, 2001, 2002, 2003, 2004, 2005, 2006 and 2007.

9. In census tract 002822, blocks 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 2011 and 2012.

10. In census tract 002823, block groups 1 and 3.

11. In census tract 002824:

(a) Block group 2.

(b) Blocks 1012, 1013, 1014, 1015, 1016, 1017, 1018 and 1019.

12. In census tract 004911:

(a) Block group 2.

(b) Blocks 1005, 1006, 1007, 1008 and 1009.

13. In census tract 004912, block 1000.

14. In census tract 004926, blocks 1007, 1008, 1009 and 1010.

15. In census tract 005010, blocks 2008, 2021, 2022 and 2023.

16. In census tract 005101, blocks 3000 and 3001.

Sec. 89. **NRS 218B.660 is hereby amended to read as follows:**

218B.660 Assembly District 13 consists of, in Clark County:

~~[1. Census tracts 003227, 003301, 003302, 003303, 003304, 005813, 005819 and 005820.~~

~~2. Census voting districts 3133, 3138, 3142, 3188, 6087, 6092 and 6093.~~

~~3. In census tract 003203, blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2060, 2061, 2062, 2063, 2064, 2065, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2106, 2107, 2108, 2109, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2137 and 2166.~~

~~4. In census tract 003305, blocks 2000, 2002, 2003, 2004, 2007, 2008, 2009, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014 and 3015.~~

~~5. In census tract 003306, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 4007, 4008, 4009, 4010, 4011 and 4012.~~

~~6. In census tract 003603, blocks 1008, 1009, 1010, 1011 and 1012.~~

~~7. In census tract 003604, block 1000.~~

~~8. In census tract 005703, block 1530.~~

~~9. In census tract 005810, blocks 1000, 1001, 1002, 1004, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030 and 1034.~~

~~10. In census tract 005811, blocks 1003, 1007, 1008, 1015, 1016, 1019, 1030, 1031, 1032 and 1033.~~

~~11. In census tract 005812, blocks 3013, 3014, 3015 and 3016.~~

~~12. In census tract 005816, blocks 1139, 1140, 1141, 1142, 1143, 1144, 1145, 1146, 1147, 1148, 1149, 1150, 1151, 1152, 1153, 1154, 1155, 1156, 1157, 1158, 1159, 1160, 1161, 1162, 1163, 1164, 1165, 1166, 1167, 1168, 1169, 1170, 1171, 1172, 1173, 1174, 1175, 1176, 1177, 1178, 1179, 1180, 1181, 1182, 1183, 1184, 1185, 1186, 1187, 1188, 1189, 1190, 1191, 1207, 1208, 1209, 1210, 1211, 1221, 1222, 1223, 1224, 1225, 1240, 1289, 1290, 1292, 1485, 1486, 1487, 1488, 1489, 1490, 1491, 1492, 1493, 1494, 1508, 1509, 1510, 1511, 1512, 1513, 1514, 1515, 1516, 1517, 1518, 1519, 1520, 1521, 1522, 1525, 1526, 1527, 1528, 1529, 1530, 1531, 1532, 1533, 1534,~~

~~1535, 1536, 1537, 1538, 1539, 1540, 1541, 1542, 1543, 1544, 1545, 1546, 1547, 1548, 1549, 1550, 1551, 1552, 1553, 1554, 1555, 1556, 1557, 1558, 1559, 1560, 1561, 1562, 1563, 1564, 1565, 1566, 1567 and 1999.~~

~~13. In census tract 005817, blocks 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1020, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1038, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1069, 1070, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1085, 1086, 1087, 1088, 1089, 1090, 1091, 1092, 1093, 1094, 1095, 1096, 1097, 1098, 1099, 1100, 1101, 1102, 1103, 1104, 1105, 1106, 1107, 1108, 1109, 1110, 1111, 1112, 1113, 1114, 1115, 1116, 1117, 1118, 1119, 1120, 1121, 1122, 1123, 1128, 1129, 1130, 1131, 1132, 1133, 1134, 1135, 1136, 1137, 1138, 1139, 1140, 1144, 1145, 1146, 1149, 1150, 1151, 1152, 1153, 1154, 1155, 1156, 1157, 1158, 1159, 1160, 1161, 1162 and 1164.~~

~~14. In census tract 005818, blocks 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1035, 1036, 1037, 1038, 1042, 1053, 1054, 1055, 1056, 1057, 1058 and 1059.~~

~~15. In census tract 005821, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1036, 1058, 1059, 1060, 1061, 1062 and 1063.~~

~~16. In census tract 005902, blocks 1121, 1222, 1226, 1227, 1228 and 9019.~~**]**

1. Census tracts 003228, 003235, 003306, 003307, 003315, 003317, 003318 and 003319.

2. In census tract 003229:

(a) Block group 2.

(b) Blocks 1050, 1051, 1052, 1053, 1054, 1056, 1057, 1058, 1060, 1061, 1062, 1063, 1064, 1065, 1066 and 1067.

3. In census tract 003230:

(a) Block group 5.

(b) Blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018 and 1019.

4. In census tract 003232, block 2009.

5. In census tract 003233, blocks 1001, 1002, 1015, 1016, 1017 and 1018.

6. In census tract 003234:

(a) Block groups 2 and 3.

(b) Blocks 1000, 1001, 1002, 1003, 1004 and 1005.

7. In census tract 003236, blocks 1004, 1005 and 1006.

8. In census tract 003303, blocks 1001, 1003, 1004, 1006, 1007, 1008, 1009, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022,

1023, 1025, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015 and 3016.

9. In census tract 003305:

(a) Block groups 1, 3, 4 and 5.

(b) Blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018 and 2021.

10. In census tract 003308, blocks 1000, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049 and 1050.

11. In census tract 003314, blocks 3006, 3007 and 3008.

12. In census tract 003316, blocks 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 3001, 3004, 3007, 3008, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020 and 3021.

13. In census tract 003320:

(a) Block group 1.

(b) Blocks 2022, 2023, 2026, 2027, 2032 and 2033.

14. In census tract 003410, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1018, 2009, 2010, 2011, 2012, 2013, 2014, 2015 and 2016.

15. In census tract 003414, block 1007.

Sec. 90. **NRS 218B.665 is hereby amended to read as follows:**

218B.665 Assembly District 14 consists of, in Clark County:

~~[1. Census tracts 000513, 004710, 004907, 004914, 004915, 004919, 004920 and 004921.~~

~~2. Census voting districts 1026, 1032 and 2122.~~

~~3. In census tract 000512, blocks 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012 and 3013.~~

~~4. In census tract 000514, blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015 and 2016.~~

~~5. In census tract 000515, blocks 1000, 1001, 1002, 1003, 1004, 1005, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 4000, 4001, 4002, 4003, 4008 and 4009.~~

~~6. In census tract 000517, blocks 1000, 1001, 1004, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017 and 2018.~~

~~7. In census tract 000519, block 3000.~~

~~8. In census tract 004922, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014 and 1023.~~

~~9. In census tract 004923, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1013, 1014 and 1015.~~

~~10. In census tract 006101, blocks 1007, 1008, 1015, 1016 and 1017.~~]

1. Census tracts 000513, 001610, 004907, 004910, 004914, 004915, 004918, 004919, 004920 and 004921.

2. In census tract 001609, blocks 1000 and 2000.

3. In census tract 001611:

(a) Block group 2.

(b) Blocks 1000, 1001, 1002, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018 and 3019.

4. In census tract 004912:

(a) Block groups 2 and 3.

(b) Blocks 1001, 1002, 1003 and 1004.

5. In census tract 004917:

(a) Block group 1.

(b) Blocks 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010 and 2011.

6. In census tract 004923:

(a) Block group 1.

(b) Blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2010 and 2011.

7. In census tract 004925:

(a) Block group 2.

(b) Blocks 1000, 1001, 1002, 1009, 3000, 3001, 3002 and 3003.

8. In census tract 005016, blocks 1000, 1004 and 1010.

9. In census tract 005436, blocks 1000 and 1018.

10. In census tract 005437, block 1024.

11. In census tract 005613, blocks 4215, 4216, 4230 and 4256.

12. In census tract 006104:

(a) Block group 2.

(b) Blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1068, 1069, 1070 and 1071.

13. In census tract 007200, blocks 1012, 1013, 1014 and 1015.

Sec. 91. **NRS 218B.670 is hereby amended to read as follows:**

218B.670 Assembly District 15 consists of, in Clark County:

~~[1. Census tracts 001606, 001607, 001612, 001613, 001706, 001707, 001708, 001709, 001710, 001801 and 001803.~~

~~2. Census voting districts 5028, 7029, 7056, 7057, 7058 and 7060.~~

~~3. In census tract 001611, blocks 2010, 2011, 2012, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042 and 2043.~~

~~4. In census tract 001713, blocks 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1012, 1016, 1017 and 1018.~~

~~5. In census tract 001717, blocks 1013, 1017 and 1018.~~

~~6. In census tract 001804, blocks 1000, 1003, 1004, 1005, 1006, 1007, 2000, 2004, 2005, 2006, 2007 and 2008.~~**]**

1. Census tracts 001502, 001608, 001801, 001803, 001804, 001901, 001902, 002000, 002303, 002406, 002501, 002505 and 002506.

2. In census tract 000523, blocks 1007, 1008, 1011, 1012, 1013, 1014 and 1015.

3. In census tract 001100, blocks 3003, 3004 and 3010.

4. In census tract 001501, blocks 1000, 1001, 1003, 2000, 2001, 2005, 3000, 3001, 3004, 3005, 3006 and 3007.

5. In census tract 001609:

(a) Block groups 3 and 4.

(b) Blocks 1001, 1002, 1003, 1004, 1005, 2001, 2002, 2003, 2004, 2005, 2006 and 2007.

6. In census tract 001706, blocks 1002, 1003, 1004, 1005, 1006, 1011, 1012, 1013, 1014, 1015 and 1016.

7. In census tract 001707, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1015, 1017 and 1018.

8. In census tract 001708, blocks 1000, 1001 and 1002.

9. In census tract 001711:

(a) Block group 1.

(b) Blocks 2000, 2001, 2002 and 2003.

10. In census tract 001712, blocks 1001, 1002, 1003, 1004, 1005, 1006 and 1008.

11. In census tract 002302, blocks 1000 and 1001.

12. In census tract 002404, block groups 2, 3 and 4.

13. In census tract 002603, blocks 3000, 3002 and 3003.

Sec. 92. **NRS 218B.675 is hereby amended to read as follows:**

218B.675 Assembly District 16 consists of, in Clark County:

~~[1. Census tracts 001714, 002706, 002707, 002708, 002709, 002811, 002823, 002824 and 002825.~~

~~2. Census voting districts 1059, 1060, 7032, 7061, 7062, 7066, 7069, 7071, 7089, 7091 and 7092.~~

~~3. In census tract 001713, blocks 1000, 1001, 1010, 1011, 1013, 1014, 1015 and 2000.~~

~~4. In census tract 001717, blocks 1014, 1015 and 1016.~~

~~5. In census tract 002702, blocks 1014 and 3010.~~

~~6. In census tract 002809, blocks 4000, 4001, 4002, 4003, 4004, 4005, 4006, 4007, 4008, 4009, 4010, 4011, 4012, 4028, 4029, 4030, 4031, 4032, 4033, 4034, 4035, 4036, 4037, 4038, 4039 and 4040.~~

~~7. In census tract 002814, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1012, 2000, 2001, 2002, 2003, 2004, 2005 and 2006.~~

~~8. In census tract 002830, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038 and 1039.]~~

1. Census tracts 001717, 002811, 002814, 002838, 002845 and 002848.

2. In census tract 001711, blocks 2004, 2005, 2006, 2007, 2008 and 2009.

3. In census tract 001712:

(a) Block group 2.

(b) Blocks 1000, 1007, 1009, 1010, 1011 and 1012.

4. In census tract 002504:

(a) Block group 3.

(b) Blocks 2000, 2001, 2003, 2007 and 2008.

5. In census tract 002706, block group 2.

6. In census tract 002707:

(a) Block groups 1 and 2.

(b) Blocks 3000, 3001, 3002, 3003, 3004, 3008, 3009, 3010, 3011 and 3012.

7. In census tract 002708, block group 2.

8. In census tract 002823, block group 2.

9. In census tract 002824, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010 and 1011.

10. In census tract 002830:

(a) Block group 2.

(b) Blocks 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3014 and 3023.

11. In census tract 002837:

(a) Block groups 3 and 5.

(b) Blocks 2000, 2001, 2006, 2007, 2008, 2009, 2010, 2018, 4000, 4001, 4002, 4003, 4004, 4005, 4006, 4007, 4008, 4009, 4011 and 4012.

12. In census tract 002843, blocks 1025, 1026, 1027, 1028, 1029, 2002, 2003, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2015, 2016, 2017, 2020, 2021, 2022, 2023, 2024 and 2025.

13. In census tract 002844, block group 1.

14. In census tract 002846:

(a) Block group 2.

(b) Blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1017, 1018, 1019, 1020, 1021 and 1022.

15. In census tract 002847:

(a) Block group 2.

(b) Blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1056, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1082, 1083, 1084, 1094, 1095, 1096, 1097, 1098, 1099, 1100, 1101, 1102, 1103 and 1104.

16. In census tract 005311, blocks 2008, 2012 and 2013.

17. In census tract 005316, block 1005.

18. In census tract 005319, blocks 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1019, 1020, 1021, 2002, 2003, 2004, 2005, 2006 and 2007.

19. In census tract 005322, blocks 1000, 1001 and 1002.

20 In census tract 006800, blocks 4063, 4064, 4071, 4072, 4073, 4074, 4075, 4076, 4077, 4078, 4079, 4083 and 4084.

Sec. 93. **NRS 218B.680 is hereby amended to read as follows:**

218B.680 Assembly District 17 consists of, in Clark County:

~~[1. Census tracts 003605, 003606, 003607, 003608 and 004703.~~

~~2. Census voting districts 2004, 2083, 2140, 2142, 3131 and 3136.~~

~~3. In census tract 003603, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1052, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1073, 1074, 2000, 2001, 2002 and 2003.~~

~~4. In census tract 003604, blocks 1008, 1009, 1010, 1011 and 1012.~~

~~5. In census tract 003610, blocks 1000, 1001, 1008, 1009, 1010, 1011, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 4000, 4001, 4007, 4008, 4009, 4010, 4011 and 4012.~~

~~6. In census tract 003611, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 2006, 2007, 2008, 2009, 2010, 2015, 2016, 2017, 2018, 2019, 2020 and 2021.~~

~~7. In census tract 003615, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 2000, 2001, 2002, 2003 and 2004.~~

~~8. In census tract 004600, blocks 3000, 3001, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3016, 3017, 3018 and 3019.~~

~~9. In census tract 004712, blocks 1000, 1001, 1002, 2000, 2001, 2002, 3000, 3001, 3002, 3003, 3004, 3005 and 3006.~~

~~10. In census tract 004715, blocks 1000, 1004, 1005 and 1012.~~

~~11. In census tract 005817, blocks 1000 and 1163.~~

~~12. In census tract 005818, blocks 1000, 1050, 1051 and 1052.~~

~~13. In census tract 005902, blocks 1108, 1109, 1110, 1111, 1112, 1118, 1134, 1135, 1136, 1152, 1154, 1155, 1156, 1157, 1158, 1172, 1173, 1174, 1175, 1176, 1177, 1178, 1179, 1180, 1181, 1182, 1183, 1184, 1185, 1186, 1187, 1188, 1189, 1190, 1191, 1192, 1193, 1194, 1195, 1196, 1197, 1198, 1199, 1200, 1201, 1202, 1203, 1204, 1205, 1206, 1207, 1208, 1209, 1210, 1211, 1212, 1213, 1214, 1215, 1216, 1217, 1218, 1219, 1220, 1221, 1223, 1224, 1225, 1229, 1230, 1231, 1232, 1233, 1234, 1235, 1236, 1237, 1238, 1239, 1240, 1241, 1242, 1243, 1244, 1245, 1246, 1247, 1248, 1249, 1250 and 1251.~~

~~14. In census tract 006000, blocks 9001, 9002, 9003, 9004, 9007, 9009, 9011, 9012, 9013, 9017, 9018, 9019, 9020, 9021, 9026, 9027, 9028, 9029, 9030, 9031, 9032, 9033, 9034, 9035, 9038, 9039, 9040, 9041, 9049, 9050 and 9051.~~

~~15. In census tract 006102, blocks 3003, 3004, 3005, 3006, 3007, 3008, 3009 and 3010.~~**]**

1. Census tracts 003621, 003622, 003623, 003624, 003627, 003628, 003635, 003636, 003637 and 003638.

2. In census tract 003618, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006 and 1007.

3. In census tract 003619, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009 and 1010.

4. In census tract 003620, blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013 and 2014.

5. In census tract 003625, blocks 1000, 1001, 1003, 1004, 1005, 1014, 1015, 1016 and 1035.

6. In census tract 003626:

(a) Block group 2.

(b) Blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1030, 1031 and 1037.

7. In census tract 004601, blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2011, 2012 and 2013.

8. In census tract 004602, blocks 1000, 1001, 1002, 1003, 1006, 1007, 1008, 1009, 1010, 1011 and 1016.

9. In census tract 004715, blocks 1000, 1001, 1005, 1007, 1009, 1010, 1011, 1012, 1024, 1027, 2000, 2001, 2002 and 2003.

10. In census tract 005613, blocks 4358, 4360, 4362, 4363, 4364 and 4372.

11. In census tract 005902, blocks 1238, 1239, 1241, 1242, 1246, 1247, 1248, 1249, 1250, 1252, 1253, 1265, 1267, 1268, 1274, 1277, 1278, 1279, 1280, 1281, 1282, 1283, 1284, 1285, 1287, 1288, 1289, 1290, 1291, 1292, 1293, 1294, 1295, 1296, 1297, 1298, 1299, 1302, 1303, 1304, 1305, 1308, 1330, 1333, 1334, 1336, 1337, 1339, 1342, 1343, 1344, 1346, 1348, 1355, 1357, 1358, 1359, 1360, 1364, 1367, 1381, 1382, 1385, 1386, 1387, 1388, 1389, 1392, 1395, 1397, 1398, 1399, 1400, 1401, 1405, 1406, 1407, 1408, 1409, 1410, 1411, 1412, 1413, 1417, 1418, 1423, 1424, 1426, 1428, 1429, 1430, 1431, 1432, 1433, 1435, 1436, 1438, 1439, 1440, 1441, 1442, 1443, 1444, 1445, 1446, 1447, 1448, 1449, 1453, 1454, 1455, 1456, 1457, 1458, 1459, 1460, 1461, 1462, 1463, 1464, 1465, 1466, 1467, 1468, 1469, 1470, 1471, 1472, 1473, 1474, 1475, 1477, 1478, 1479, 1480, 1481, 1482, 1483, 1484, 1485, 1486, 1487, 1488, 1489, 1490, 1492, 1493, 1495, 1496, 1497, 1498, 1499, 1500, 1501, 1515, 1516, 1517, 1633, 1635, 1659, 1660, 1661, 1662, 1663, 1664, 1665, 1666, 1667 and 1672.

12. In census tract 006001, block groups 1, 2 and 5.

13. In census tract 006204, blocks 1000, 1001 and 1002.

14. In census tract 007200, blocks 2010, 2011 and 2012.

15. In census tract 007800, blocks 1002, 1003, 1004, 1005, 1009, 1013, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1085, 1086, 1087, 1088, 1089, 1090, 1091, 1092, 1093, 1094, 1095, 1096, 1097, 1098, 1099, 1100, 1101, 1102, 1103, 1104, 1105, 1106, 1107, 1109, 1110, 1111, 1112, 1113, 1114, 1119, 1126, 1127, 1128, 1129, 1132, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014 and 3015.

Sec. 94. **NRS 218B.685 is hereby amended to read as follows:**

218B.685 Assembly District 18 consists of, in Clark County:

~~[1. Census tracts 001715, 001716, 001718, 002808, 002817, 002818, 002822, 002826, 002827, 005005, 005006, 005007, 005008, 005011 and 005012.~~

~~2. Census voting districts 7042, 7052, 7053 and 7094.~~

~~3. In census tract 005009, blocks 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057 and 1058.~~

~~4. In census tract 005010, blocks 1021 and 1031.~~

~~5. In census tract 005105, block 1000.~~

~~6. In census tract 005411, block 1022.~~

~~7. In census tract 006101, block 2027.]~~

1. Census tracts 001718, 005005, 005006, 005007, 005011, 005012, 005013, 005014, 005015 and 005017.

2. In census tract 001715, blocks 2005, 2006 and 2007.

3. In census tract 001716, block 1006.

4. In census tract 002822, blocks 1000, 1001, 1002, 1003, 1004, 1018, 1019, 1020, 1021, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2013, 2014, 2015, 2016 and 2017.

5. In census tract 004911, blocks 1000, 1001, 1002, 1003, 1004 and 1010.

6. In census tract 004923, block 2009.

7. In census tract 004925, blocks 1003, 1004, 1005, 1006, 1007, 1008, 1010, 1011, 1012, 3004, 3005, 3006, 3007 and 3008.

8. In census tract 004926:

(a) Block group 2.

(b) Blocks 1000, 1001, 1002, 1003, 1004, 1005 and 1006.

9. In census tract 005010:

(a) Block groups 1 and 3.

(b) Blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2009, 2010, 2011, 2012, 2013, 2014, 2016, 2017, 2018, 2019 and 2020.

10. In census tract 005016, blocks 1001, 1002, 1003, 1005, 1006, 1007, 1008, 1009, 1012, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047 and 1048.

11. In census tract 005105, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1014, 1015, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1074 and 1075.

12. In census tract 005436, blocks 2000, 2001 and 2004.

Sec. 95. **NRS 218B.690 is hereby amended to read as follows:**

218B.690 Assembly District 19 consists of, in Clark County:

~~[1. Census tracts 004708, 004711, 004916, 004917, 004918, 006201, 006202 and 006203.~~

~~2. Census voting districts 2112, 2117, 2118, 2129, 2130 and 4066.~~

~~3. In census tract 004707, blocks 1000, 1001, 1002, 1003, 1006, 1008, 1009 and 1010.~~

~~4. In census tract 004709, blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007 and 2008.~~

~~5. In census tract 004712, blocks 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011 and 3007.~~

~~6. In census tract 004713, blocks 1001, 1004, 1005, 1006, 1007, 1008 and 1009.~~

~~7. In census tract 004714, blocks 1000, 1001, 1002, 1003, 1004, 1007, 1008, 1009, 1010 and 1012.~~

~~8. In census tract 004716, block 2010.~~

~~9. In census tract 004717, blocks 1000, 1001, 1002, 2008, 2009, 2010, 2011 and 2012.~~

~~10. In census tract 006000, blocks 9000, 9005, 9006, 9008, 9010, 9042, 9043, 9044, 9045, 9046, 9047, 9048, 9052, 9053, 9054 and 9055.~~

~~11. In census tract 006101, blocks 1003, 1004 and 1005.~~

~~12. In census tract 006103, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009 and 1011.~~

~~13. In census tract 006204, blocks 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009 and 2010.]~~

1. Census tracts 004703, 004712, 004713, 004714, 004716, 004717, 004916, 006201, 006202 and 006203.

2. In census tract 004601, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1009, 1011, 2010, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009 and 3010.

3. In census tract 004602, blocks 1012, 1013, 1014, 1015, 1017, 1018 and 1019.

4. In census tract 004707:

(a) Block group 1.

(b) Blocks 2002, 2003, 2004, 2005, 2006 and 2007.

5. In census tract 004715, blocks 1002, 1003, 1004, 1006, 1008, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1025, 1026, 1028, 1029, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016 and 2017.

6. In census tract 006001, block groups 3 and 4.

7. In census tract 006204:

(a) Block group 2.

(b) Blocks 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034 and 1035.

8. In census tract 007100:

(a) Block group 2.

(b) Blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015 and 1016.

9. In census tract 007200, block groups 3 and 4.

10. In census tract 007800, blocks 2012 and 3000.

Sec. 96. **NRS 218B.695 is hereby amended to read as follows:**

218B.695 Assembly District 20 consists of, in Clark County:

~~[1. Census tracts 005502, 005503, 005504, 005606, 005607, 005608, 005609, 005611, 005612, 005613, 005702, 005704, 005705, 005901 and 940500.~~

~~2. Census voting districts 1002, 1044, 1070, 1071, 1076, 6102, 6103, 7002, 7003, 7019 and 7093.~~

~~3. In census tract 005411, blocks 2000, 2002, 2003, 2005, 2014 and 2046.~~

~~4. In census tract 005431, blocks 4000, 4001, 4002, 4005 and 4007.~~

~~5. In census tract 005501, blocks 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1027, 1043, 1044, 1045, 1046, 1047, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025 and 2028.~~

~~6. In census tract 005703, blocks 1005, 1006, 1007, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1044, 1045, 1046, 1068, 1069, 1070, 1071, 1072, 1074, 1075, 1077, 1079, 1080, 1081, 1083, 1084, 1085, 1086, 1087, 1088, 1089, 1090, 1091, 1092, 1093, 1094, 1103, 1105, 1107, 1108, 1109, 1110, 1111, 1112, 1113, 1114, 1115, 1116, 1117, 1118, 1119, 1120, 1121, 1122, 1123, 1124, 1125, 1126, 1127, 1128, 1129, 1130, 1131, 1132, 1133, 1134, 1135, 1144, 1145, 1146, 1147, 1160, 1161, 1162, 1163, 1164, 1165, 1167, 1169, 1170, 1171, 1172, 1173, 1174, 1175, 1176, 1177, 1178, 1179, 1180, 1181, 1182, 1183, 1184, 1185, 1186, 1187, 1188, 1189, 1190, 1191, 1192, 1193, 1194, 1195, 1196, 1197, 1198, 1199, 1200, 1201, 1202, 1203, 1204, 1205, 1206, 1207, 1208, 1209, 1210, 1211, 1212, 1213, 1214, 1215, 1216, 1217, 1218, 1219, 1220, 1221, 1222, 1223, 1224, 1225, 1226, 1227, 1228, 1229, 1230, 1231, 1232, 1233, 1234, 1235, 1236, 1237, 1238, 1239, 1240, 1241, 1242, 1243, 1244, 1245, 1246, 1247, 1248, 1249, 1250, 1251, 1252, 1253, 1254, 1255, 1256, 1257, 1258, 1259, 1260,~~

~~1261, 1262, 1263, 1264, 1265, 1266, 1267, 1268, 1269, 1270, 1271, 1272, 1273, 1274, 1275, 1276, 1277, 1278, 1279, 1280, 1281, 1282, 1283, 1284, 1285, 1286, 1287, 1288, 1289, 1290, 1291, 1292, 1293, 1294, 1295, 1296, 1297, 1298, 1299, 1300, 1301, 1302, 1303, 1304, 1305, 1306, 1307, 1308, 1309, 1310, 1311, 1312, 1313, 1314, 1315, 1316, 1317, 1318, 1319, 1320, 1321, 1322, 1323, 1324, 1325, 1326, 1327, 1328, 1329, 1330, 1331, 1332, 1333, 1334, 1335, 1336, 1337, 1338, 1339, 1340, 1341, 1342, 1343, 1344, 1345, 1346, 1347, 1348, 1349, 1350, 1351, 1352, 1353, 1354, 1355, 1356, 1357, 1358, 1359, 1360, 1361, 1362, 1363, 1364, 1365, 1366, 1367, 1368, 1369, 1370, 1371, 1372, 1373, 1374, 1375, 1376, 1377, 1378, 1379, 1380, 1381, 1382, 1383, 1384, 1385, 1386, 1387, 1388, 1389, 1390, 1391, 1392, 1393, 1394, 1395, 1396, 1397, 1398, 1399, 1400, 1401, 1402, 1403, 1404, 1405, 1406, 1407, 1408, 1409, 1410, 1411, 1412, 1413, 1414, 1415, 1416, 1417, 1418, 1419, 1420, 1421, 1422, 1423, 1424, 1425, 1426, 1427, 1428, 1429, 1430, 1431, 1432, 1433, 1434, 1435, 1436, 1437, 1438, 1439, 1440, 1441, 1442, 1443, 1444, 1445, 1446, 1447, 1448, 1449, 1450, 1451, 1452, 1453, 1454, 1455, 1456, 1471, 1472, 1475, 1476, 1477, 1478, 1479, 1481, 1482, 1483, 1484, 1485, 1486, 1487, 1488, 1489, 1490, 1491, 1492, 1493, 1494, 1495, 1497, 1498, 1499, 1500, 1501, 1502, 1503, 1504, 1505, 1506, 1507, 1508, 1509, 1510, 1511, 1512, 1513, 1514, 1515, 1516, 1517, 1518, 1519, 1520, 1521, 1522, 1523, 1524, 1525, 1526, 1527, 1528, 1529, 1531, 1532, 1533, 1534, 1535, 1536, 1537, 1538, 1539, 1540, 1541, 1542, 1986, 1987, 1988, 1989, 1990 and 1991.~~

~~7. In census tract 005710, blocks 1000, 1009, 1010, 1011, 1013, 1018, 1022, 1070, 1135 and 1145.~~

~~8. In census tract 005902, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1085, 1086, 1087, 1088, 1089, 1090, 1091, 1092, 1093, 1094, 1095, 1096, 1097, 1098, 1099, 1100, 1101, 1102, 1103, 1104, 1105, 1106, 1107, 1137, 1138, 1139, 1140, 1141, 1142, 1143, 1144, 1145, 1146, 1147, 1148, 1149, 1150, 1151, 1153, 1159, 1160, 1161, 1162, 1163, 1164, 1165, 1166, 1167, 1168, 1169, 1170, 1171, 1259, 1260, 1261, 1262, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040 and 2041.~~

~~9. In census tract 006101, blocks 1000, 1001, 1002, 1006, 1052, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024 and 2026.~~

~~10. In census tract 006102, blocks 3000, 3001, 3002, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3029, 3030, 3031, 3032, 3033, 3034 and 3035.~~

~~11. In census tract 006103, blocks 2000, 2001, 2002, 2003, 2004, 2005 and 2006.~~

~~12. In census tract 006204, blocks 1000, 1013, 1014 and 1015.~~**]**

1. Census tracts 005501, 005502, 005503, 005504, 005607, 005612, 005614, 005615, 005702, 005704, 005705, 005835, 005903, 005904, 005905, 006103 and 007600.

2. In census tract 004917, blocks 2000 and 2012.

3. In census tract 005360, blocks 1015, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1046, 1047 and 1048.

4. In census tract 005435, blocks 2000, 2002, 2003, 2007, 2008, 2009, 2010 and 2011.

5. In census tract 005437, block 1000.

6. In census tract 005613:

(a) Block groups 1 and 2.

(b) Blocks 3000, 3001, 3002, 3003, 3004, 3005, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3028, 3029, 3030, 3031, 3032, 3033, 3034, 3035, 3036, 3037, 3039, 3040, 4024, 4025, 4026, 4027, 4028, 4029, 4030, 4031, 4032, 4033, 4034, 4035, 4036, 4037, 4038, 4039, 4040, 4041, 4042, 4043, 4044, 4045, 4046, 4047, 4048, 4049, 4050, 4051, 4052, 4053, 4054, 4055, 4056, 4058, 4059, 4060, 4061, 4062, 4063, 4064, 4065, 4066, 4067, 4068, 4069, 4070, 4071, 4072, 4073, 4074, 4075, 4076, 4077, 4078, 4079, 4080, 4081, 4082, 4083, 4084, 4085, 4086, 4087, 4088, 4089, 4090, 4091, 4092, 4093, 4094, 4095, 4096, 4097, 4098, 4099, 4100, 4101, 4102, 4103, 4104, 4105, 4129, 4130, 4133, 4134, 4135, 4136, 4137, 4138, 4139, 4140, 4141, 4142, 4143, 4144, 4145, 4146, 4147, 4148, 4149, 4150, 4151, 4152, 4153, 4154, 4155, 4156, 4157, 4158, 4159, 4160, 4161, 4162, 4163, 4164, 4165, 4166, 4167, 4168, 4169, 4170, 4171, 4172, 4173, 4174, 4175, 4176, 4177, 4178, 4179, 4180, 4181, 4182, 4183, 4184, 4185, 4186, 4187, 4188, 4189, 4190, 4191, 4192, 4193, 4194, 4195, 4196, 4197, 4198, 4199, 4200, 4201, 4202, 4203, 4204, 4205, 4206, 4207, 4208, 4209, 4210, 4211, 4212, 4213, 4214, 4217, 4218, 4219, 4220, 4221, 4222, 4223, 4224, 4225, 4226, 4227, 4228, 4229, 4231, 4232, 4233, 4234, 4235, 4236, 4237, 4238, 4239, 4240, 4241, 4242, 4243, 4244, 4245, 4246, 4247, 4248, 4249, 4250, 4251, 4252, 4253, 4254, 4255, 4257, 4258, 4259, 4260, 4261, 4262, 4263, 4264, 4265, 4266, 4267, 4268, 4269, 4270, 4271, 4272, 4273, 4274, 4275, 4276, 4277, 4278,

4279, 4280, 4281, 4282, 4283, 4284, 4285, 4286, 4287, 4288, 4289, 4290, 4291, 4292, 4293, 4294, 4295, 4296, 4297, 4298, 4299, 4300, 4301, 4302, 4303, 4304, 4305, 4306, 4307, 4308, 4309, 4310, 4311, 4312, 4313, 4314, 4315, 4316, 4317, 4318, 4319, 4320, 4321, 4322, 4323, 4324, 4325, 4326, 4327, 4328, 4329, 4330, 4331, 4332, 4333, 4334, 4335, 4336, 4337, 4338, 4339, 4340, 4341, 4342, 4343, 4344, 4345, 4346, 4347, 4348, 4349, 4350, 4351, 4352, 4353, 4354, 4355, 4356, 4357, 4359, 4361, 4365, 4366, 4367, 4368, 4369, 4373, 4374, 4375, 4376, 4377, 4378, 4379, 4380, 4381, 4382, 4383, 4384, 4385, 4386, 4387, 4388, 4389, 4390, 4391, 4392, 4393, 4394, 4395, 4396, 4397, 4398, 4399, 4400, 4401, 4402, 4403, 4404, 4405, 4406, 4407, 4408, 4409, 4410, 5000, 5001, 5002, 5012, 5013, 5014, 5015, 5016, 5017, 5018, 5019, 5020, 5021, 5022, 5023, 5024, 5025, 5026, 5027, 5028, 5029, 5030, 5031, 5032, 5033, 5034, 5035, 5036, 5037, 5038, 5041, 5042, 5043, 5044, 5045, 5046, 5048, 5049, 5052 and 5053.

7. In census tract 005703:

(a) Block group 3.

(b) Blocks 1000, 1001, 1002, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1032, 1033, 1034, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2160, 2161, 2163, 2164, 2165, 2166, 2167, 2168, 2170, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2182, 2183, 2184, 2185, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2225, 2226, 2227, 2228, 2229, 2230, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2238, 2239, 2240, 2241, 2242, 2243, 2244, 2245, 2246, 2247, 2248, 2249, 2250, 2251, 2252, 2253, 2254, 2255, 2256, 2257, 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2268, 2269, 2270, 2271, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288,

2289, 2290, 2291, 2292, 2293, 2294, 2295, 2296, 2297, 2298, 2299, 2300, 2301, 2302, 2303, 2304, 2305, 2306, 2307, 2308, 2309, 2310, 2311, 2312, 2313, 2314, 2315, 2316, 2317, 2318, 2319, 2320, 2321, 2322, 2323, 2324, 2325, 2326, 2327, 2328, 2329, 2330, 2331, 2332, 2333, 2334, 2335, 2336, 2337, 2338, 2339, 2340, 2341, 2342, 2343, 2344, 2345, 2346, 2347, 2348, 2349, 2350, 2351, 2352, 2353, 2354, 2355, 2356, 2357, 2358, 2359, 2360, 2361, 2362, 2363, 2364, 2365, 2366, 2367, 2368, 2369, 2370, 2371, 2372, 2373, 2374, 2375, 2376, 2377, 2378, 2379, 2380, 2381, 2382, 2383, 2384, 2385, 2386, 2387, 2388, 2389, 2390, 2391, 2392, 2393, 2394, 2395, 2396, 2397, 2398, 2399, 2400, 2401, 2402, 2403, 2404, 2405, 2406, 2407, 2408, 2409, 2410, 2411, 2412, 2413, 2414, 2415, 2416, 2417, 2418, 2419, 2420, 2421, 2422, 2423, 2424, 2425, 2426, 2427, 2428, 2429, 2430, 2431, 2432, 2433, 2434, 2435, 2436, 2437, 2438, 2439, 2440, 2441, 2442, 2443, 2444, 2445, 2446, 2447, 2448, 2449, 2450, 2451, 2452, 2453, 2454, 2455, 2456, 2457, 2458, 2459, 2460, 2461, 2462, 2463, 2464, 2465, 2466, 2467, 2468, 2469, 2470, 2471, 2472, 2473, 2474, 2475, 2476, 2477, 2478, 2479, 2480, 2481, 2482, 2483, 2484, 2485, 2486, 2487, 2488, 2489, 2490, 2491, 2492, 2493, 2494, 2495, 2496, 2497, 2498, 2499, 2500, 2501, 2502, 2503, 2504, 2505, 2506, 2507, 2508, 2509, 2510, 2511, 2512, 2513, 2514, 2515, 2516, 2517, 2518, 2519, 2520, 2521, 2522, 2523, 2524, 2525, 2526, 2527, 2528, 2529, 2530, 2531, 2532, 2533, 2534, 2535, 2536, 2537, 2538, 2539, 2540, 2541, 2542, 2543, 2544, 2545, 2546, 2547, 2548, 2549, 2550, 2551, 2552, 2553, 2554, 2555, 2556, 2557, 2558, 2559, 2560, 2561, 2562, 2563, 2564, 2565, 2566, 2567, 2568, 2569, 2570, 2571, 2572, 2573, 2574, 2575, 2576, 2577, 2578, 2579, 2580, 2581, 2582, 2583, 2584, 2585, 2586, 2587, 2588, 2589, 2590, 2591, 2592, 2593, 2594, 2595, 2596, 2597 and 2598.

8. In census tract 005711, blocks 1001, 1002, 1003, 1004, 1005, 1006, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1021, 1022, 1023, 1024, 1025, 1027, 1028, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1085, 1086, 1087, 1088, 1089, 1090, 1091, 1092, 1093, 1094, 1095, 1096, 1097, 1098, 1099, 1100, 1101, 1102, 1103, 1104, 1105, 1106, 1107, 1108, 1109, 1110, 1111, 1112, 1113, 1114, 1115, 1116, 1118, 1119, 1122, 1123, 1124, 1125, 1126, 1127, 1128, 1129, 1131, 1132, 1133, 1134, 1135, 1136, 1137, 1138, 1139, 1140, 1141, 1142, 1143, 1144, 1145, 1146 and 1184.

9. In census tract 005712, blocks 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1058, 1059, 1060, 1061, 1062, 1069, 1070, 1071,

1072, 1073, 1074, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1105 and 1222.

10. In census tract 005715, block 3013.

11. In census tract 005836:

(a) Block group 1.

(b) Blocks 2000, 2001, 2002, 2003, 2004, 2005, 2008 and 2009.

12. In census tract 005837:

(a) Block group 2.

(b) Blocks 1000, 1001, 1002 and 1003.

13. In census tract 005838, blocks 1012 and 1013.

14. In census tract 005839, blocks 1000, 1001, 1002, 1004, 1005, 1007, 1008, 1009, 1010, 1011, 1013, 1014, 1015, 1016, 1017, 1018, 1024, 1027 and 1029.

15. In census tract 005902, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1286, 1300, 1306, 1307, 1309, 1310, 1311, 1312, 1313, 1314, 1315, 1316, 1317, 1318, 1319, 1320, 1321, 1322, 1323, 1324, 1325, 1326, 1327, 1328, 1329, 1331, 1332, 1335, 1338, 1340, 1341, 1345, 1347, 1349, 1350, 1351, 1352, 1353, 1354, 1356, 1361, 1362, 1363, 1365, 1366, 1368, 1369, 1370, 1371, 1372, 1373, 1374, 1375, 1376, 1377, 1378, 1379, 1380, 1383, 1384, 1390, 1391, 1393, 1394, 1396, 1402, 1403, 1404, 1414, 1415, 1416, 1419, 1420, 1421, 1422, 1425, 1427, 1434, 1437, 1599, 1600, 1601, 1602, 1603, 1604, 1605, 1623, 1624, 1625, 1626, 1627, 1628, 1629, 1630, 1631, 1636, 1637, 1638, 1639, 1640, 1641, 1646, 1647, 1648, 1649, 1650, 1652, 1653, 1654 and 2055.

16. In census tract 006104, block 1067.

17. In census tract 006204, blocks 1018, 1019, 1020, 1021, 1022, 1023, 1024 and 1025.

18. In census tract 007200, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1016, 1017, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022 and 2023.

19. In census tract 007800, blocks 1000, 1001, 1006, 1007, 1008, 1010, 1011, 1012, 1014, 1015, 1016, 1017, 1018, 1052, 1053, 1063, 1108, 1115, 1116, 1117, 1118, 1120, 1121, 1122, 1123, 1124, 1125, 1130, 1131 and 1133.

Sec. 97. **NRS 218B.700 is hereby amended to read as follows:**

218B.700 Assembly District 21 consists of, in Clark County:

~~[1. Census tracts 005311, 005312, 005313, 005314, 005316, 005317, 005318, 005320, 005321, 005333, 005337 and 005338.~~

~~2. In census tract 005102, blocks 2003, 2004, 2005, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3011 and 3012.~~

~~3. In census tract 005315, blocks 1010, 1011, 1015, 2000, 2001, 2002, 2003, 2004, 2005, 2006 and 2007.~~

~~4. In census tract 005319, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032 and 1033.~~

~~5. In census tract 005334, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015 and 1016.~~**]**

1. Census tracts 005107, 005317, 005318, 005321, 005333, 005352, 005353, 005356, 005358 and 005359.

2. In census tract 005313:

(a) Block groups 3 and 4.

(b) Block 2001.

3 In census tract 005314:

(a) Block group 2.

(b) Blocks 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017 and 1018.

4. In census tract 005315, block groups 1 and 2.

5. In census tract 005316:

(a) Block group 3.

(b) Blocks 1000, 1001, 1011 and 1012.

6. In census tract 005319, blocks 1000, 1001, 1002, 1003, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1022 and 1023.

7. In census tract 005320:

(a) Block group 3.

(b) Blocks 2000, 2001, 2002, 2004, 2005, 2006, 2007, 2008 and 2009.

8. In census tract 005337:

(a) Block group 2.

(b) Blocks 1000, 1001, 1002, 1003, 1004 and 1005.

9. In census tract 005349, blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2044, 2045, 2046, 2047 and 2059.

10. In census tract 005350, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1026, 1027 and 1028.

11. In census tract 005354, blocks 1012, 1013, 1014, 1015, 1016, 1017 and 2001.

12. In census tract 005355, block 1029.

13. In census tract 005357:

(a) Block group 2.

(b) Blocks 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022,

1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1038, 1039 and 1040.

14. In census tract 005360:

(a) Block group 2.

(b) Blocks 1012, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1049, 1050, 1051 and 1052.

15. In census tract 005711, blocks 1007 and 1029.

Sec. 98. **NRS 218B.705 is hereby amended to read as follows:**

218B.705 Assembly District 22 consists of, in Clark County:

~~[1. Census tracts 002957, 002960, 005322, 005331, 005332, 005339, 005341 and 005345.~~

~~2. Census voting districts 1078 and 1093.~~

~~3. In census tract 002815, blocks 1012, 1013, 1014, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030 and 2031.~~

~~4. In census tract 002816, blocks 1000, 1001, 1002, 1003, 1004, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036 and 1037.~~

~~5. In census tract 002961, blocks 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026 and 1027.~~

~~6. In census tract 002962, blocks 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1067, 1068, 1088, 1089, 1090, 1091 and 1092.~~

~~7. In census tract 002963, blocks 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1039, 1040, 1052, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1084, 1085, 1086, 1091, 1092, 1093, 1094, 1095, 1096, 1097, 1098, 1099, 1100, 1101, 1102, 1103, 1104, 1105, 1106, 1107, 1108, 1109, 1110, 1111, 1112, 1113, 1114, 1115, 1116 and 1117.~~

~~8. In census tract 005319, blocks 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013 and 1014.~~

~~9. In census tract 005335, blocks 2000, 2001, 2002, 2003, 2005, 2006, 2012, 2013, 2018, 2019, 2024, 2025, 2030, 2031, 2035, 2036, 2038, 2039, 2040, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3029, 3030, 3031, 4006, 4007, 4008, 4009, 4010, 4012, 4013, 4014, 4015, 4016, 4017, 4018, 4019, 4020, 4021, 4022, 4023, 4024, 4025, 4026, 4027, 4028 and 4029.~~

~~10. In census tract 005431, blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 3000, 3001, 3002, 3003, 3004, 4004 and 4006.~~

~~11. In census tract 005501, block 1008.~~

~~12. In census tract 005703, block 1496.~~

~~13. In census tract 005710, blocks 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1020, 1021, 1025, 1026, 1027, 1028, 1031, 1037, 1038, 1039, 1051, 1052, 1053, 1055, 1056, 1057, 1061, 1062, 1063, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1085, 1086, 1087, 1088, 1089, 1090, 1091, 1092, 1093, 1094, 1095, 1096, 1097, 1098, 1099, 1100, 1101, 1102, 1103, 1104, 1105, 1106, 1107, 1108, 1109, 1110, 1111, 1112, 1113, 1114, 1115, 1116, 1117, 1118, 1119, 1120, 1121, 1122, 1123, 1124, 1125, 1126, 1127, 1128, 1129, 1130, 1131, 1132, 1133, 1134, 1136, 1137, 1138, 1139, 1140, 1141, 1142, 1143 and 1144.~~

~~14. In census tract 005816, blocks 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1085, 1086, 1087, 1088, 1089, 1092, 1093, 1094, 1095, 1096, 1097, 1098, 1099, 1100, 1101, 1102, 1103, 1104, 1105, 1106, 1107, 1108, 1109, 1110, 1111, 1112, 1113, 1114, 1115, 1116, 1117, 1118, 1119, 1120, 1121, 1122, 1123, 1124, 1125, 1126, 1127, 1128, 1129, 1130, 1131, 1132, 1133, 1134, 1135, 1136, 1137, 1138, 1523 and 1524.~~

~~15. In census tract 005821, blocks 1015, 1016, 1017, 1018, 1019, 1035, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056 and 1057.~~**]**

1. Census tracts 005338, 005346, 005347, 005348, 005351, 005713, 005714 and 005716.

2. In census tract 002842, block 1023.

3. In census tract 002843, blocks 1002, 1007, 1008, 1009, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1038, 1039, 1040, 1041, 2000, 2001, 2004, 2005, 2026, 2027, 2028, 2029 and 2030.

4. In census tract 002846, blocks 1013, 1014, 1015 and 1016.

5. In census tract 005322:

(a) Block group 2.

(b) Blocks 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031 and 1032.

6. In census tract 005337, blocks 1006, 1007, 1008, 1009, 1010 and 1011.

7. In census tract 005349:

(a) Block group 1.

(b) Blocks 2016, 2017, 2018, 2019, 2020, 2021, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057 and 2058.

8. In census tract 005350:

(a) Block group 2.

(b) Blocks 1021, 1022, 1023, 1024, 1025, 1029, 1030 and 1031.

9. In census tract 005355:

(a) Block groups 2 and 3.

(b) Blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1030, 1031, 1032, 1033, 1034, 1035 and 1036.

10. In census tract 005711:

(a) Block group 2.

(b) Blocks 1019, 1020, 1026, 1147, 1148, 1149, 1150, 1151, 1152, 1153, 1154, 1155, 1156, 1157, 1158, 1159, 1160, 1161, 1162, 1163, 1164, 1165, 1166, 1167, 1168, 1169, 1170, 1171, 1172, 1173, 1174, 1175, 1176, 1177, 1178, 1179, 1180, 1181, 1182 and 1183.

11. In census tract 005712:

(a) Block group 2.

(b) Blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1031, 1033, 1056, 1057, 1063, 1064, 1068, 1085, 1086, 1087, 1088, 1089, 1090, 1092, 1093, 1094, 1095, 1096, 1097, 1098, 1099, 1100, 1101, 1102, 1103, 1104, 1106, 1107, 1108, 1109, 1110, 1111, 1112, 1113, 1114, 1115, 1116, 1117, 1118, 1119, 1120, 1121, 1122, 1123, 1124, 1125, 1126, 1127, 1128, 1129, 1130, 1131, 1132, 1133, 1134, 1135, 1136, 1137, 1138, 1139, 1140, 1141, 1142, 1143, 1144, 1145, 1146, 1147, 1148, 1149, 1150, 1151, 1152, 1153, 1154, 1155, 1156, 1157, 1158, 1159, 1160, 1161, 1162, 1163, 1164, 1165, 1166, 1167, 1168, 1169, 1170, 1171, 1172, 1173, 1174, 1175, 1176, 1177, 1178, 1179, 1180, 1181, 1182, 1183, 1184, 1185, 1186, 1187, 1188, 1189, 1190, 1191, 1192, 1193, 1194, 1195, 1196, 1197, 1198, 1199, 1200, 1201, 1202, 1203, 1204, 1205, 1206, 1207, 1208, 1209, 1210, 1211, 1212, 1213, 1214, 1215, 1216, 1217, 1218, 1219, 1220 and 1221.

12. In census tract 005715:

(a) Block groups 1, 2 and 4.

(b) Blocks 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3014, 3015, 3016, 3017, 3018 and 3019.

Sec. 99. **NRS 218B.710 is hereby amended to read as follows:**

218B.710 Assembly District 23 consists of, in Clark County:

~~[1. Census tracts 005200, 005336, 005342, 005343, 005421, 005422, 005423 and 005432.~~

~~2. Census voting districts 1052, 1092, 1098, 7005, 7006, 7007, 7013, 7014, 7015 and 7016.~~

~~3. In census tract 005105, blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2017, 2038, 2039, 2040, 2042, 2043, 2044, 2045, 2046 and 2047.~~

~~4. In census tract 005334, blocks 2012 and 2013.~~

~~5. In census tract 005335, blocks 4000, 4001, 4002, 4003, 4004, 4005 and 4011.~~

~~6. In census tract 005411, blocks 1021 and 1023.~~

~~7. In census tract 005431, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3029, 3030, 3031, 3032, 3033, 3034, 3035, 3036, 3037 and 3038.~~

~~8. In census tract 005433, blocks 1004, 1005, 1006, 1007, 1026 and 1027.]~~

1. Census tracts 005335, 005336, 005341, 005342, 005343, 005421, 005422, 005423, 005432, 005433 and 005434.

2. In census tract 005016, blocks 1011, 1013, 1049, 1050, 1051, 1052, 1053 and 1054.

3. In census tract 005105, blocks 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058 and 2059.

4. In census tract 005200:

(a) Block group 2.

(b) Blocks 1000, 1001, 1002, 1003 and 1021.

5. In census tract 005357, blocks 1000 and 1037.

6. In census tract 005360, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1013, 1014, 1016, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034 and 1035.

7. In census tract 005435:

(a) Block group 1.

(b) Blocks 2001, 2004, 2005, 2006, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032 and 2033.

8. In census tract 005436:

(a) Block groups 3 and 4.

(b) Blocks 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 2002, 2003, 2005, 2006, 2007, 2008, 2009, 2010, 2012 and 2013.

9. In census tract 005437, blocks 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056 and 1057.

10. In census tract 005438:

(a) Block group 1.

(b) Blocks 2011 and 2012.

11. In census tract 005439, blocks 1000, 1001, 1002, 1003, 1004, 1006, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2019, 2020 and 2021.

12. In census tract 005711, block 1000.

Sec. 100. **NRS 218B.715 is hereby amended to read as follows:**

218B.715 Assembly District 24 consists of, in Washoe County:

~~[1. Census tracts 001300 and 002406.~~

~~2. Census voting districts 0400, 0401, 0402, 0404, 0410, 0411, 0419, 0421, 0423, 0424, 0426, 0428, 0443, 0444, 0446, 0450, 0458, 0501, 0505, 0508, 0510, 0531, 0741, 0748, 0751, 0752 and 0916.~~

~~3. In census tract 001500, blocks 1000, 1001 and 2002.~~

~~4. In census tract 001700, blocks 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1020, 1021, 1026, 2000, 2001 and 2002.~~

~~5. In census tract 002401, blocks 1000, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017 and 2018.~~

~~6. In census tract 002500, blocks 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3025 and 3026.~~

~~7. In census tract 002604, blocks 5022, 6000, 6001, 6002, 6006, 6007, 6008, 6011, 6012, 6023, 6024, 6025 and 6026.~~

~~8. In census tract 002605, blocks 3000, 3001, 3002, 3003, 3004, 3010, 3011, 3012, 3013, 3014, 3015 and 4004.~~

~~9. In census tract 002606, blocks 1013, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1033, 1034, 1035, 1036, 1037, 1060, 1061, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011 and 2012.~~

~~10. In census tract 002609, blocks 1016, 1018, 1019, 1021, 1027, 1029, 1030, 1031, 1036 and 1038.~~

~~11. In census tract 002702, block 3030.~~]

1. Census tracts 001300, 001801, 002406, 002407 and 002408.

2. In census tract 000102, blocks 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1042, 1043, 1044, 1046, 1047, 1048, 1051, 1052, 1053 and 1055.

3. In census tract 000700:

(a) Block groups 1 and 4.

(b) Blocks 2004, 2005, 3000, 3001, 3002, 3003 and 3004.

4. In census tract 001400:

(a) Block group 1.

(b) Blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031 and 2033.

5. In census tract 001501, blocks 4000, 4001, 4002, 4003, 4004, 4005, 4006, 4007, 4008, 4009, 4010 and 4011.

6. In census tract 001502:

(a) Block groups 1, 2, 3 and 5.

(b) Blocks 4000, 4001, 4002, 4003, 4004, 4005, 4006, 4007, 4008, 4009, 4010, 4011, 4012, 4013, 4014, 4015, 4016, 4017, 4018, 4019, 4023 and 4024.

7. In census tract 001701:

(a) Block group 2.

(b) Blocks 1001, 1002, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016 and 1017.

8. In census tract 001702, blocks 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2011, 2012, 2014, 2015, 3000, 3001, 3002, 3003, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021 and 3022.

9. In census tract 001802, blocks 1000, 1001, 1002, 1003, 1004, 1006, 1007, 1008, 1009, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2017 and 2018.

10. In census tract 002107, blocks 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1033, 1034, 1037, 1038 and 1039.

11. In census tract 002301, blocks 1001, 1008, 1022, 2000, 2001, 2002, 2003, 2005, 2006, 2007, 2008, 2017, 2018, 2020, 2022, 3011, 3012, 3013, 3014, 3015, 3016, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3029, 3030, 3031, 3032, 3033, 3034, 3035, 3036, 3037, 3038, 3039, 3040, 3041, 3042, 3044, 3045, 3046, 3047, 3048, 3049, 3050, 3052,

3055, 3056, 4000, 4001, 4002, 4003, 4004, 4005, 4006, 4007, 4008, 4009, 4010, 4011, 4012, 4013, 4014, 4015, 4016, 4017, 4018, 4019, 4020, 4021, 4022, 4023, 4024, 4025, 4026, 4027, 4028, 4029, 4030, 4031, 4032, 4033, 4034, 4035, 4036, 4037, 4039, 4040, 4041, 4042, 4043, 4044, 4045, 4047, 4049, 4050, 4051, 4052, 4053, 4054 and 4055.

12. In census tract 002302, blocks 2002, 2074, 2121, 2124, 2130, 2131, 2132 and 2133.

13. In census tract 002401:

(a) Block group 2.

(b) Blocks 1003, 1004, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027 and 1028.

14. In census tract 002409, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1062, 1063, 1064, 1065, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076 and 1077.

15. In census tract 002410, blocks 1000, 1001, 1002, 1003, 1007, 1008 and 1009.

16. In census tract 002411:

(a) Block group 3.

(b) Blocks 1000, 1001, 1002, 1003, 1004, 1005, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011 and 2012.

17. In census tract 002412:

(a) Block group 1.

(b) Blocks 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036 and 2037.

18. In census tract 002500, blocks 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 2000, 2007, 2008, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 3012, 3013, 3014, 3015, 3017 and 3018.

19. In census tract 002801, blocks 3001, 3003, 3007, 3009, 3010 and 3014.

20. In census tract 980200, blocks 1023 and 1026.

Sec. 101. **NRS 218B.720 is hereby amended to read as follows:**

218B.720 Assembly District 25 consists of, in Washoe County:

~~[1. Census tracts 002104, 002105, 002106, 002202 and 002205.~~

~~2. Census voting districts 0107, 0112, 0117, 0120, 0122, 0123, 0125, 0141, 0142, 0143, 0144, 0222, 0230, 0231, 0232, 0234, 0235, 0254, 0306, 0307, 0333, 0340, 0342, 0343, 0345, 0353, 0702, 0731, 0779, 0787, 0790, 0798, 0803, 0879 and 0938.~~

~~3. In census tract 001003, blocks 2011, 2012, 2014, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2033, 2034, 3000, 3001, 3002, 3003, 3004, 3005, 3007, 3008, 3009, 3010, 3011, 5017 and 6038.~~

~~4. In census tract 001005, block 1020.~~

~~5. In census tract 001006, blocks 2004, 2005, 2006, 2007, 2008, 2009, 2014, 2016, 2018, 2055, 3012, 3014, 3015, 3027, 3028, 3029, 3030, 3031, 3032, 3034, 3040, 4000, 4001, 4002, 4003, 4004 and 4005.~~

~~6. In census tract 001007, blocks 2001, 2002, 2003, 2004, 2005, 2014, 2015, 2016, 2017, 2020, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3029, 3030, 3031, 3032, 3033, 3034, 3035, 3036, 3038, 3039, 3042, 3043, 3044, 3045, 3046, 3047, 3048, 3049, 3050, 3051, 3052, 3053, 3054, 3055 and 3056.~~

~~7. In census tract 001104, blocks 2000, 2001, 2002, 2003, 2004, 2005, 2027, 2028, 2029 and 2030.~~

~~8. In census tract 001200, blocks 1001, 1006, 1012 and 1013.~~

~~9. In census tract 002103, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 2006, 2012, 2013, 2014, 2015, 2016 and 2022.~~

~~10. In census tract 002204, blocks 2000, 2001, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2024, 3000, 3016 and 3017.]~~

1. Census tracts 001014 and 001104.

2. In census tract 000400, blocks 2012, 3000, 3001, 3002, 3003, 3004, 3006, 3007, 3008, 3009, 3010, 3019, 3020, 3021, 3023, 4011, 4012, 4013, 4014, 4015, 4016, 4017, 4018, 4020, 4021, 4022, 4023 and 4024.

3. In census tract 001005, blocks 1008, 1009, 1011, 1012, 1021, 1022, 1024, 2007, 2008, 2009, 2010, 2017, 2018, 2019 and 2020.

4. In census tract 001010, blocks 1000, 1005, 1038, 2000, 2001, 2003, 2004, 2005, 2006, 2009, 2018, 2019 and 2020.

5. In census tract 001011, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2024, 2025, 2026, 2028 and 2029.

6. In census tract 001012, blocks 1014, 1015, 1028, 1029, 1051, 1052, 1053, 1054, 2012, 2013, 2014, 2018, 2019, 2021, 2022, 2023, 2024, 2025,

2026, 2028, 2030, 2032, 2033, 2034, 2036, 2037, 2038, 2039, 2040 and 2041.

7. In census tract 001013, blocks 1000, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2013, 2014, 2029, 2030, 2031, 2033, 2034, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3029, 3030, 3031, 3032, 3033, 3034, 3035, 3036, 3037, 3038, 3039, 3040, 3041, 3042, 3043, 3044, 3045, 3046, 3047, 3048, 3049, 3050, 3051, 3052, 3053, 3054, 3055, 3057, 3058, 3059, 3060, 3061, 3062, 3063, 3064, 3065, 3066, 3067, 3068, 3069, 3070, 4000, 4003, 4004 and 4032.

8. In census tract 001015:

(a) Block groups 3 and 4.

(b) Blocks 1004, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033 and 1034.

9. In census tract 001101, blocks 2017, 2018 and 2019.

10. In census tract 001103:

(a) Block group 3.

(b) Blocks 1001, 1003, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 2007, 2008, 2009, 2010, 2011, 2013, 2014, 2015, 2016, 2020, 2021, 4000, 4001, 4002, 4003, 4004, 4005, 4006, 4007, 4008, 4009, 4010, 4011, 4012, 4013, 4014, 4015, 4016, 4017, 4018, 4019, 4020, 4021, 4022, 4023, 4024, 4025, 4026, 4027, 4028, 4029, 4030, 4031, 4032, 4033, 4034, 4035, 4036, 4037, 4038, 4039, 4040, 4041, 4042, 4043, 4044, 4045, 4046, 4047, 4048, 4049, 4050, 4051, 4052, 4053, 4054, 4055, 4056, 4057, 4058, 4061, 4062 and 4064.

11. In census tract 001105:

(a) Block groups 2 and 3.

(b) Blocks 1000, 1001, 1002, 1003, 1006, 1007, 1008, 1009, 1010, 1011, 1021, 1030, 1031, 1032, 1034, 1035 and 1036.

12. In census tract 001201, blocks 2015, 2019, 2037, 2038, 2039, 2040, 2047, 2052, 2054, 2056 and 2057.

13. In census tract 002103, blocks 1024 and 1027.

14. In census tract 002205, blocks 1008, 1009, 1010 and 1011.

15. In census tract 002206, blocks 1000, 1001, 1002, 1003, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046 and 2047.

16. In census tract 002207:

(a) Block groups 1 and 2.

(b) Blocks 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3016, 3017, 3018, 3035, 3036, 3039, 3040, 3041, 3043, 3044, 3046, 3047, 3048, 3059 and 3061.

17. In census tract 002208, blocks 1007, 1009, 1010, 1013, 1014, 1017, 1018, 1019, 1021, 1022, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1046, 2000, 2001, 2002, 2003, 2007, 2008, 2009 and 2010.

18. In census tract 002209, blocks 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2025, 2026, 2027, 2028, 2029, 2030, 2032, 2037, 2038, 2039 and 2042.

19. In census tract 002210, blocks 1009, 1010, 1016, 1017, 1018, 1021, 1045, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056 and 1057.

20. In census tract 002301, blocks 1000, 1002, 1003, 1004, 1005, 1006, 1007, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1023, 1024, 1025, 2004, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2019, 2021, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3017, 3043, 3051, 3053, 3054, 4038, 4046 and 4048.

21. In census tract 002302, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1082, 1086, 1087, 1088, 1089, 1090, 1091, 1092, 1093, 1094, 1095, 1096, 1097, 1098, 1099, 1100, 1101, 1102, 1103, 1104, 1105, 1106, 1107, 1108, 1109, 1110, 1111, 1112, 1113, 1114, 1115, 1116, 1117, 1118, 1119, 1120, 1121, 1122, 1123, 1124, 1125, 1126, 1127, 1128, 1129, 1130, 1131, 1132, 1133, 1134, 1135, 2000, 2001, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2075, 2076, 2077, 2078, 2079,

2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2122, 2123, 2125, 2126, 2127, 2128, 2129, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2225, 2226, 2227, 2228, 2229, 2230, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2238, 2239, 2240, 2241, 2242, 2243, 2244, 2245, 2246, 2247, 2248, 2249, 2250, 2251, 2252, 2253, 2254, 2255, 2256, 2257, 2258, 2259, 2260 and 2261.

22. In census tract 002401, blocks 1000, 1001, 1002 and 1005.

23. In census tract 002409, blocks 1060, 1061, 1066, 1067, 1078 and 1079.

24. In census tract 002412, blocks 2000, 2001, 2002, 2003, 2004 and 2014.

25. In census tract 002500, blocks 1000, 1001, 2001, 2002, 2003, 2004, 2005, 2006, 2009, 2010, 2011, 3007, 3011 and 3016.

26. In census tract 002603, blocks 1008, 1020, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1035, 1036, 1038, 1039, 1041, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1060 and 1062.

27. In census tract 002610:

(a) Block groups 1 and 3.

(b) Blocks 2008, 2015, 2016, 2017, 2018, 2019, 2021, 2022, 2023, 2024, 2025, 2026 and 2027.

28. In census tract 002611, blocks 2002, 2003, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3029, 3030, 3031, 3032 and 3034.

29. In census tract 002612, blocks 1008, 1009, 2000, 2004, 2005, 2007, 2008, 2009, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2064, 2065 and 3013.

30. In census tract 002614, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017,

1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035 and 1036.

31. In census tract 002615:

(a) Block group 1.

(b) Blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2035, 2036, 2037, 2038 and 2039.

32. In census tract 002616:

(a) Block groups 2 and 3.

(b) Blocks 1007, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018 and 1020.

33. In census tract 002618, blocks 1047, 1048, 1049, 1050, 1051, 1052, 1054, 4000, 4001, 4002, 4003, 4004, 4005, 4006, 4007, 4008, 4009, 4010, 4011, 4012, 4013, 4014, 4015, 4016, 4017, 4020, 4021, 4023, 4024, 5030, 5031, 5032, 5033, 5037, 5039, 5040 and 5041.

34. In census tract 002619, blocks 1018, 1032, 2008, 2009, 2010, 2011, 2020, 2021, 2034, 2036, 2047, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2075, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3029, 3030, 3031, 3032, 3033, 3034, 3035, 3036, 3038, 3040, 3041, 3042, 3043, 3044, 3045, 3046, 3047, 3048, 3049, 3050, 3051, 3052, 3053, 3054, 3055, 3056, 3057, 3058, 3059, 3060, 3061, 3062, 3064, 3067, 3068, 3069, 3070, 3071, 3072, 3073, 4013, 4015, 4016 and 4019.

35. In census tract 980200, blocks 1000, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1024 and 1025.

36. In census tract 980300, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1020, 1022, 1023, 1024 and 1025.

Sec. 102. **NRS 218B.725 is hereby amended to read as follows:**

218B.725 Assembly District 26 consists of ~~[~~, in Washoe County:

~~1. Census tracts 002402 and 002607.~~

~~2. Census voting districts 0118, 0124, 0134, 0145, 0148, 0433, 0532, 0540, 0705, 0722, 0724, 0729, 0732, 0764, 0771, 0797, 0813, 0814, 0825, 0844, 0847, 0868, 0901, 0902, 0922, 0929, 0932, 0933 and 0935.~~

~~3. In census tract 001003, block 3006.~~

~~4. In census tract 001006, blocks 2015, 2017, 2022, 2023, 2026, 2033, 2034, 2035, 2056, 2057, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2083, 2084, 2085, 2086, 2087 and 2088.~~

~~5. In census tract 001104, blocks 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 4008, 4009, 4010, 4011, 6000, 6001, 6002, 6003, 6004 and 6006.~~

~~6. In census tract 002300, blocks 1000, 1001, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 2000, 2001, 2002, 2003, 2004, 2007, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2102, 2103 and 2104.~~

~~7. In census tract 002401, block 1002.~~

~~8. In census tract 002603, blocks 1010, 1011, 1012, 1013, 1014, 1015, 1018, 1019, 1020, 1021, 1022, 1025, 1026, 1027, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036 and 1039.~~

~~9. In census tract 002605, blocks 2004, 2005, 2024, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041 and 2042.~~

~~10. In census tract 002606, blocks 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027 and 2028.~~

~~11. In census tract 002609, blocks 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1020, 1022, 1023, 1024, 1025, 1026, 1028, 1032, 1041, 1042, 1043, 1044, 2006, 2031, 2037, 2038, 2040, 2041 and 2999.~~

~~12. In census tract 003201, blocks 1000, 1001, 1002, 1003, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1071, 3000 and 3023.~~

~~13. In census tract 003202, blocks 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2012, 2013, 2014, 3026, 3027, 3028, 4000, 4001, 4002, 4003, 4004, 4005, 4006, 4007, 4010, 4013, 4015, 4016, 4017, 4018 and 5000.~~

~~14. In census tract 003302, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1012 and 1018.~~

~~15. In census tract 003304, blocks 3003, 3004, 3005, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028 and 3029.~~]**:**

1. In Carson City:

(a) Census tracts 001200, 001400, 001600, 001700, 001800, 003202, 003203, 003204, 003305, 003306, 003307, 003308, 003309 and 990000.

(b) In census tract 000300, blocks 2042, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2064, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075 and 2098.

2. In Douglas County:

(a) Census tracts 001200, 001400, 001600, 001700, 001800 and 990000.

(b) In census tract 001000, block 1016.

(c) In census tract 001300:

(1) Block group 1.

(2) Blocks 2000, 2001, 2002, 2003, 2005, 2006 and 2007.

(d) In census tract 001500:

(1) Block group 2.

(2) Blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1068, 1071 and 1072.

(e) In census tract 001900, blocks 1005, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1088, 1089, 1090, 1091, 1092, 1093, 1094, 1095, 1096, 1097, 1098, 1099, 1101, 1102, 1103, 1104, 1105, 1106, 1107, 1108, 1109, 1110, 1111, 1112, 1113, 1114, 1115, 1116, 1117, 1118, 1119, 1120, 1121, 1122, 1123, 1124, 1125, 1126, 1127, 1128, 1129, 1130, 1131, 1132, 1133, 1134, 1135, 1136, 1137, 1138, 1139, 1140, 1141, 1142, 1143, 1144, 1145, 1146, 1147, 1148, 1149, 1150, 1151, 1152, 1153, 1154, 1155, 1156, 1157, 1158, 1159, 1160, 1161, 1162, 1163, 1164, 1165, 1167, 1168, 1169, 1170 and 1171.

(f) In census tract 002000, blocks 1019, 1027, 1038, 1039, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2020, 2021, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2034, 2035 and 2036.

(g) In census tract 002100, blocks 1015, 1016, 1018, 1019, 1020, 1023, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1045, 1046, 1047, 1048, 1049, 1050 and 1051.

(h) In census tract 002200:

(1) Block group 3.

(2) Blocks 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 2038, 2039, 4001, 4002, 4003, 4004, 4005, 4006, 4007, 4008, 4009, 4010, 4011, 4012, 4013, 4014, 4015, 4016, 4017, 4018, 4019, 4020, 4031, 4032, 4033, 4034, 4036, 4037, 4038, 4040, 4041, 4042, 4043, 4044, 4046, 4047, 4048 and 4051.

(i) In census tract 002300, blocks 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023 and 2066.

(j) In census tract 002400, blocks 1192, 1193, 1194, 1195, 1196, 1197, 1198, 1199, 1200, 1201, 1202, 1203 and 1204.

3. In Storey County:

(a) Census tracts 001200, 001400, 001600, 001700, 001800 and 990000.

(b) In census tract 970200, blocks 1292, 1293, 1295, 1296, 1297, 1298, 1299, 1300, 1301, 1302, 1303, 1304, 1308, 1309, 1310, 1311, 1312, 1313, 1314, 1315, 1316, 1317, 1318, 1319, 1320, 1321, 1322, 1323, 1324, 1325, 1326, 1327, 1328, 1329, 1330, 1331, 1332, 1333, 1334, 1335, 1336, 1337, 1338, 1339, 1340, 1341, 1342, 1343, 1344, 1345, 1346, 1347, 1348, 1349, 1350, 1351, 1352, 1353, 1354, 1355, 1356, 1357, 1358, 1359, 1360, 1361, 1362, 1363, 1364, 1365, 1366, 1367, 1368, 1369, 1370, 1371, 1372, 1373, 1374, 1375, 1376, 1377, 1378, 1379, 1380, 1381, 1382, 1383, 1384, 1385, 1386, 1387, 1388, 1389, 1390, 1391, 1392, 1393, 1394, 1395, 1396, 1397, 1401, 1407, 1412, 1413, 1414, 2033, 2034, 2038, 2042, 2043, 2044, 2045, 2051, 2052, 2053, 2054, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2137, 2138, 2139, 2140, 2141, 2160, 2161, 2290, 2291, 2292, 2297, 2301, 2304, 2305 and 2307.

4. In Washoe County:

(a) Census tracts 001200, 001400, 001600, 001700, 001800, 003202, 003203, 003204, 003305, 003306, 003307, 003308, 003309 and 990000.

(b) In census tract 001010, blocks 1001, 1002, 1003, 1004, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 2002, 2007, 2008, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048 and 2049.

(c) In census tract 001011, blocks 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 2021, 2022, 2023 and 2027.

(d) In census tract 001013, blocks 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 2008, 2009, 2010, 2011, 2012, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2032, 2035, 2036, 2037, 2038, 3056, 4001, 4002, 4005, 4006, 4007, 4008, 4009, 4010, 4011, 4012,

4013, 4014, 4015, 4016, 4017, 4018, 4019, 4020, 4021, 4022, 4023, 4024, 4025, 4026, 4027, 4028, 4029, 4030, 4031, 4033, 4034, 4035 and 4036.

(e) In census tract 002103, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1026, 1028, 1029, 2005, 2006, 2007, 2008, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037 and 2038.

(f) In census tract 002104, blocks 1006, 1018, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2019, 2021 and 2022.

(g) In census tract 002105, blocks 2000, 2002, 2005 and 2008.

(h) In census tract 002207, blocks 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3029, 3030, 3031, 3032, 3033, 3034, 3037, 3038, 3042, 3045, 3049, 3050, 3051, 3052, 3053, 3054, 3055, 3056, 3057, 3058, 3060, 3062, 3063, 3064, 3065, 3066 and 3067.

(i) In census tract 002208, blocks 1036 and 1045.

(j) In census tract 002209, blocks 2024, 2031, 2033, 2034, 2035, 2036, 2040 and 2041.

(k) In census tract 002210, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1011, 1012, 1013, 1014, 1015, 1019, 1020, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044 and 1046.

(l) In census tract 980300, blocks 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1021, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045 and 1046.

Sec. 103. **NRS 218B.730 is hereby amended to read as follows:**

218B.730 Assembly District 27 consists of, in Washoe County:

~~[1. Census tracts 000300, 000900 and 001004.~~

~~2. Census voting districts 0101, 0103, 0105, 0109, 0110, 0126, 0132, 0135, 0140, 0210, 0223, 0243, 0323, 0326, 0335, 0348, 0457, 0757 and 0761.~~

~~3. In census tract 000100, blocks 5029, 5030, 5031, 5032, 5033, 5034, 5035, 5036, 5037 and 5048.~~

~~4. In census tract 000200, blocks 2001, 2002, 2003, 2004, 2006, 2007, 2008, 2009, 2012, 2014, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 4000, 4001, 4002, 4003, 4004, 4005, 4006, 4010, 4011, 4030, 4031 and 4034.~~

~~5. In census tract 000400, blocks 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 3028 and 3030.~~

~~6. In census tract 001003, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 2001, 2013, 2015, 2016, 2017, 2018 and 2019.~~

~~7. In census tract 001005, blocks 1014, 1015, 1016, 1017 and 1018.~~

~~8. In census tract 001500, block 4014.~~

~~9. In census tract 002203, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017 and 5000.~~~~]~~

1. Census tracts 000101, 000202, 000300, 000900, 001008, 001009 and 001202.

2. In census tract 000102:

(a) Block groups 2 and 3.

(b) Blocks 1023, 1024, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041 and 1045.

3. In census tract 000201, blocks 2002, 2003, 2006, 2007, 2008, 2009, 2014, 2015, 2016, 2017 and 2018.

4. In census tract 000400:

(a) Block groups 1 and 5.

(b) Blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 3005, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3022, 4000, 4001, 4002, 4003, 4004, 4005, 4006, 4007, 4008, 4009, 4010 and 4019.

5. In census tract 001005, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1010, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1023, 1025, 1026, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2011, 2012, 2013, 2014, 2015, 2016, 2021, 2022, 2023, 2024, 2025, 2026 and 2027.

6. In census tract 001012, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1055, 1056, 1057, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2015, 2016, 2017, 2020, 2027, 2029, 2031, 2035, 2042 and 2043.

7. In census tract 001015:

(a) Block group 2.

(b) Blocks 1000, 1001, 1002, 1003 and 1005.

8. In census tract 001101:

(a) Block group 1.

(b) Blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015 and 2016.

9. In census tract 001103, blocks 1000, 1002, 1004, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2012, 2017, 2018, 2019, 4059, 4060 and 4063.

10. In census tract 001105, blocks 1004, 1005, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1033 and 1037.

11. In census tract 001201:

(a) Block groups 1 and 3.

(b) Blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2016, 2017, 2018, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2041, 2042, 2043, 2044, 2045, 2046, 2048, 2049, 2050, 2051, 2053, 2055 and 2058.

12. In census tract 001400, block 2032.

13. In census tract 001502, blocks 4020, 4021 and 4022.

14. In census tract 002104, blocks 3010, 3011, 3014 and 3018.

15. In census tract 002204:

(a) Block groups 1 and 3.

(b) Blocks 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029 and 2030.

16. In census tract 002205:

(a) Block groups 2 and 3.

(b) Blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1012, 1013, 1014, 1015, 1016 and 1017.

17. In census tract 002206, blocks 1004, 1020, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2027, 2028, 2049, 2050 and 2051.

18. In census tract 002208, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1008, 1011, 1012, 1015, 1016, 1020, 1023, 1024, 2004, 2005 and 2006.

19. In census tract 002211:

(a) Block group 1.

(b) Blocks 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015 and 2016.

20. In census tract 002302, blocks 1081, 1083, 1084 and 1085.

21. In census tract 002410:

(a) Block groups 2 and 3.

(b) Blocks 1004, 1005 and 1006.

22. In census tract 002411, blocks 1006, 1014, 1015, 1016, 1017, 2013, 2014, 2015 and 2016.

Sec. 104. **NRS 218B.735 is hereby amended to read as follows:**

218B.735 Assembly District 28 consists of, in Clark County:

~~[1. Census tracts 000511, 004100 and 004200.~~

~~2. Census voting districts 2062, 2067, 4008, 4010 and 4025.~~

~~3. In census tract 000512, blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2014 and 2015.~~

~~4. In census tract 000514, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 2017, 3000, 3001, 3002, 3003, 3004 and 3005.~~

~~5. In census tract 000515, blocks 4004, 4005, 4006 and 4007.~~

~~6. In census tract 004300, blocks 1015, 1016 and 1017.~~

~~7. In census tract 004400, blocks 1000, 1001, 1002, 1003, 1004, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 4000, 4001, 4002, 4003, 4004, 4009, 4010 and 4011.~~

~~8. In census tract 004500, blocks 3014 and 3015.~~

~~9. In census tract 004707, blocks 1004, 1005 and 1007.~~

~~10. In census tract 004713, blocks 1002, 1003, 1010, 1011 and 1012.~~

~~11. In census tract 004717, blocks 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011 and 1012.~~**]**

1. Census tracts 000401, 000527, 000528, 004000, 004100, 004200, 004301, 004302, 004401, 004709 and 004710.

2. In census tract 000301, blocks 2000, 2001, 2015, 2016, 2017, 2035, 2036, 2037, 2038, 2039, 2048, 2049, 2050, 3000, 3001, 3002 and 3004.

3. In census tract 000402, blocks 1000, 1001, 1002, 1003, 1004, 3000, 3001, 3002, 3003, 3004, 3005, 3006 and 3007.

4. In census tract 000403, blocks 1000, 1001, 1002, 1003, 1004, 1008, 1009, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018 and 1019.

5. In census tract 000526:

(a) Block group 1.

(b) Blocks 2000, 2001, 2002, 2004, 2006 and 2007.

6. In census tract 000700, blocks 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3008, 3010, 3011, 3012, 3013, 3017, 3018 and 3019.

7. In census tract 003800, blocks 3010, 4000, 4001, 4003, 4004, 4005, 5000, 5002, 5003, 5004, 5005, 5006 and 5007.

8. In census tract 004402:

(a) Block groups 2 and 3.

(b) Blocks 1000, 1001, 1002, 1003 and 1004.

9. In census tract 004500:

(a) Block groups 2, 3 and 4.

(b) Blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1008, 1009, 1011, 1012, 1013 and 1014.

10. In census tract 004601, blocks 1010, 3011, 3012, 3013 and 3014.

11. In census tract 004602, block group 2.

12. In census tract 004707, blocks 2000, 2001, 2008, 2009, 2010 and 2011.

13. In census tract 007100:

(a) Block group 3.

(b) Blocks 1017 and 1018.

Sec. 105. **NRS 218B.740 is hereby amended to read as follows:**

218B.740 Assembly District 29 consists of, in Clark County:

~~[1. Census tracts 005103, 005104, 005106, 005107, 005108 and 005109.~~

~~2. Census voting districts 1103, 1114, 1119, 7008, 7009, 7010, 7011 and 7012.~~

~~3. In census tract 005102, blocks 2001, 2002, 2006, 2007, 2008, 2010, 2011, 2012, 3000, 3001 and 3010.~~

~~4. In census tract 005105, blocks 1014, 1015, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 2030, 2031, 2032, 2033, 2034, 2035, 2036 and 2041.~~

~~5. In census tract 005315, blocks 1012, 1013 and 1014.~~

~~6. In census tract 005335, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 2004, 2007, 2008, 2009, 2010, 2011, 2014, 2015, 2016, 2017, 2020, 2021, 2022, 2023, 2026, 2027, 2028, 2029, 2032, 2033, 2034 and 2037.]~~

1. Census tracts 005102, 005103, 005104, 005106, 005108, 005109 and 005312.

2. In census tract 002808, blocks 1016 and 2009.

3. In census tract 002821:

(a) Block group 3.

(b) Blocks 1010, 1016, 1021, 1022, 1023, 1024, 2008, 2009, 2010 and 2011.

4. In census tract 005010, blocks 2015, 2024, 2025, 2026, 2027 and 2028.

5. In census tract 005101:

(a) Block groups 1, 2, 4, 5 and 6.

(b) Blocks 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009 and 3010.

6. In census tract 005105, blocks 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1016, 1017, 1018, 1019, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1076, 1077, 1078, 1079, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039,

2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067 and 2068.

7. In census tract 005200:

(a) Block group 3.

(b) Blocks 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019 and 1020.

8. In census tract 005311:

(a) Block group 1.

(b) Blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2009, 2010, 2011, 2014, 2015, 2016 and 2017.

9. In census tract 005313:

(a) Block group 1.

(b) Blocks 2000, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011 and 2012.

10. In census tract 005314, blocks 1000, 1001 and 1002.

11. In census tract 005315, block group 3.

12. In census tract 005316:

(a) Block group 2.

(b) Blocks 1002, 1003, 1004, 1006, 1007, 1008, 1009, 1010, 1013 and 1014.

13. In census tract 005319, blocks 2000, 2001 and 2008.

14. In census tract 005320:

(a) Block group 1.

(b) Blocks 2003, 2010, 2011, 2012, 2013 and 2014.

15. In census tract 005354, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 2000, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016 and 2017.

16. In census tract 005436, block 2011.

17. In census tract 005438, blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009 and 2010.

18. In census tract 005439:

(a) Block group 3.

(b) Blocks 1005, 1007, 1008, 1009, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029 and 2030.

Sec. 106. **NRS 218B.745 is hereby amended to read as follows:**

218B.745 Assembly District 30 consists of, in Washoe County:

~~[~~1. Census tracts 002801 and 002802.~~]~~

~~2. Census voting districts 0405, 0425, 0432, 0440, 0453, 0621, 0623, 0624, 0656, 0708, 0725, 0735, 0760, 0800, 0802, 0827, 0841, 0850, 0851, 0852, 0882, 0883, 0888 and 0889.~~

~~3. In census tract 001700, blocks 1000, 1024, 1025, 5000, 5001, 5002, 5012, 5013 and 5014.~~

~~4. In census tract 001800, blocks 4000, 4001, 4002, 4003, 4004, 4005, 4006, 4007, 4008, 4009, 4010, 4011, 4012, 4013, 4014, 4015, 4016, 5000, 5001, 5002, 5003, 5004, 5005, 5006, 5007, 5008, 5009, 5010 and 5011.~~

~~5. In census tract 001901, blocks 1007, 1008, 1009, 1010, 1011, 1012, 1013 and 2033.~~

~~6. In census tract 001902, blocks 1000, 1001, 2000, 2004, 2005, 2007, 2008, 2009, 2010, 2011, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3029, 3030, 3031, 3032, 3033, 3034, 3035, 4000, 4001, 4002, 4003, 4004, 4005 and 4006.~~

~~7. In census tract 002604, blocks 3025, 3031, 4000, 4013, 4014, 4015, 4018, 4019, 4020, 5013, 5014, 5015, 5016, 5020, 5021, 5028, 5036, 5037, 5038, 5039, 5045, 5048, 5049, 5053, 5054, 5055, 5056, 5057, 5058, 5059, 5060, 5061, 5062, 5063, 5068, 5071, 5076, 5077, 5078 and 6005.~~

~~8. In census tract 002605, blocks 4009, 4019, 4021, 4022, 4027, 4028, 4031, 4032 and 4033.~~

~~9. In census tract 002606, block 1032.~~

~~10. In census tract 002701, blocks 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1029, 1030, 1031, 1038, 1039, 1040, 1041, 1044, 1045, 2003, 2004, 2005, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 3000, 3003, 3004, 3005, 3006, 3007, 3011, 3012, 3016, 3017, 5002, 5008 and 5010.~~

~~11. In census tract 002702, blocks 1014, 3016, 3017, 3018, 3021, 3022, 3027, 3028, 3031, 4008, 4009, 4010, 4011, 4012, 4013, 4014, 4015, 4016 and 4018.~~

~~12. In census tract 002901, blocks 1006, 1007, 1013, 1014, 1015, 2000, 2001, 2002, 2003 and 2004.~~]

1. Census tracts 001901, 001902, 002703, 002704, 002706, 002707 and 002802.

2. In census tract 001501:

(a) Block groups 1, 2 and 3.

(b) Blocks 4012 and 4013.

3. In census tract 001701, blocks 1000, 1003, 1004, 1005 and 1006.

4. In census tract 001702:

(a) Block group 1.

(b) Blocks 2000, 2009, 2010, 2013, 3004 and 3005.

5. In census tract 001802, blocks 1005, 1010, 1011, 2015, 2016, 2019 and 2020.

6. In census tract 002500, blocks 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3008, 3009 and 3010.

7. In census tract 002614, blocks 1037, 1038 and 1039.

8. In census tract 002615, blocks 2034 and 2040.

9. In census tract 002617:

(a) Block groups 1 and 2.

(b) Blocks 3003, 3004, 3005, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3029, 3030, 3031, 3032, 3033, 3034, 3035, 3036, 3037, 3038, 3039, 3040, 3041, 3042, 3043, 3044, 3045, 3046, 3047, 3048, 3049, 3050, 3051, 3052, 3053, 3054, 3055, 3056, 3057, 3058, 3059, 3060, 3061, 3062, 3063, 3064, 3065, 3066, 3067, 3068, 3069, 3070, 3071, 3072, 3073, 3074, 3075, 3076, 3077 and 3078.

10. In census tract 002618, blocks 4022, 5011, 5012, 5026, 5028, 5029, 5034, 5035, 5036, 5038, 5042, 5043, 5044, 5045, 5046, 5047, 5048, 5049, 5050, 5051, 5052, 5054, 5055, 5059, 5060, 5061, 5062 and 5063.

11. In census tract 002619, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2035, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2048, 2049, 2050, 2051, 2060, 2061, 2062, 2063, 2074, 3037, 3039, 3063, 3065, 3066, 4000, 4001, 4002, 4003, 4004, 4005, 4006, 4007, 4008, 4009, 4010, 4011, 4012, 4014, 4017, 4018, 4020, 4021, 4022, 4023, 4024, 4025, 4026, 4027, 4028, 4029, 4030, 4031 and 4032.

12. In census tract 002705:

(a) Block group 3.

(b) Blocks 1006, 1010, 1015, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035 and 2036.

13. In census tract 002801:

(a) Block groups 1 and 2.

(b) Blocks 3000, 3002, 3004, 3005, 3006, 3008, 3011, 3012, 3013, 3015, 3016, 3017, 3018, 3019, 3020, 3021 and 3022.

14. In census tract 002901, blocks 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021 and 3022.

15. In census tract 003000, blocks 1011, 1012, 6000, 6001, 6002, 6003, 6004, 6005, 6008, 6009, 6010, 6011, 6012, 6013, 6016, 6017, 6018, 6019, 6020, 6021, 6023 and 6024.

16. In census tract 003503, blocks 1009, 1010, 1011, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1024, 1025, 1026, 1029, 1030, 1031, 1032, 1033, 1034, 1036, 1037, 1038, 1039, 1040, 1045, 1047, 1048, 1049, 1050 and 1051.

17. In census tract 003508, block 1031.

18. In census tract 003510, blocks 1005, 1006, 2000, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2014, 2015, 2016, 2017, 2021, 3006, 3007, 3008 and 3009.

19. In census tract 980200, blocks 1001 and 1002.

Sec. 107. **NRS 218B.750 is hereby amended to read as follows:**

218B.750 Assembly District 31 consists of, in Washoe County:

~~[1. Census tracts 000700, 002101, 002902, 003000 and 003106.~~

~~2. Census voting districts 632, 633, 636, 652, 655 and 706.~~

~~3. In census tract 000100, blocks 5000, 5001, 5002, 5003, 5004, 5005, 5006, 5007, 5008, 5009, 5010, 5011, 5012, 5013, 5014, 5015, 5016, 5017, 5018, 5019, 5020, 5021, 5022, 5023, 5024, 5025, 5026, 5027, 5028, 5038, 5039, 5040, 5041, 5042, 5043, 5044, 5045, 5049, 5050, 5051, 5052, 5053 and 5054.~~

~~4. In census tract 000200, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 2000, 2005, 2010, 2011, 2013 and 2015.~~

~~5. In census tract 001800, blocks 3007, 3009, 3010 and 3011.~~

~~6. In census tract 001901, block 2035.~~

~~7. In census tract 001902, block 3000.~~

~~8. In census tract 002103, blocks 2001, 2002, 2003, 2004, 2020 and 2021.~~

~~9. In census tract 002203, blocks 1009, 2000, 2001, 2002, 2003, 2004, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 4000, 4001 and 4002.~~

~~10. In census tract 002901, blocks 1010, 2005, 2006, 2007, 3011, 4006, 4007, 4008 and 4009.~~

~~11. In census tract 003101, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028 and 2029.~~

~~12. In census tract 003105, blocks 1015, 1016, 1017, 1018, 1019, 1020, 2000, 2001 and 2002.~~

~~13. In census tract 003107, blocks 1014, 1015, 1016, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 3004, 3011, 3013, 3014 and 3015.~~

~~14. In census tract 003108, blocks 1009 and 1011.~~

~~15. In census tract 003502, blocks 1038 and 1039.~~]

1. Census tracts 002106, 002212, 002902, 003105, 003106, 003110 and 980000.

2. In census tract 000102, blocks 1000, 1011, 1049, 1050 and 1054.

3. In census tract 000201:

(a) Block group 1.

(b) Blocks 2000, 2001, 2004, 2005, 2010, 2011, 2012, 2013, 2019, 2020, 2021, 2022 and 2023.

4. In census tract 000700, blocks 2000, 2001, 2002, 2003, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023 and 3024.

5. In census tract 002103, blocks 1013, 1025, 2003, 2004, 2009, 2010, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025 and 2026.

6. In census tract 002104, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 2017, 2018, 2020, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3012, 3013, 3015, 3016, 3017, 3019, 3020, 3021, 3022, 3023, 3024 and 3025.

7. In census tract 002105:

(a) Block groups 1 and 3.

(b) Blocks 2001, 2003, 2004, 2006, 2007, 2009, 2010, 2011 and 2012.

8. In census tract 002107:

(a) Block group 2.

(b) Blocks 1000, 1001, 1002, 1003, 1028, 1029, 1030, 1031, 1032, 1035, 1036, 1040 and 1041.

9. In census tract 002204, blocks 2000, 2001 and 2002.

10. In census tract 002206, blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2022, 2023, 2024, 2025, 2026 and 2048.

11. In census tract 002209, blocks 1000 and 1001.

12. In census tract 002211, block 2000.

13. In census tract 002901:

(a) Block groups 1 and 2.

(b) Block 3010.

14. In census tract 003000:

(a) Block groups 2, 3, 4 and 5.

(b) Blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 6006, 6007, 6014, 6015, 6022 and 6025.

15. In census tract 003101:

(a) Block groups 1 and 4.

(b) Blocks 2001, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3029, 3030, 3031, 3032, 3033, 3034, 3035, 3036, 3037, 3038, 3039, 3040, 3041, 3042, 3043, 3044, 3045, 3046, 3047, 3048, 3049, 3050, 3051, 3052, 3053, 3054, 3055, 3056, 3057, 3058, 3059, 3060, 3061, 3062, 3063, 3064, 3065, 3066, 3067, 3068, 3069, 3070, 3071, 3072, 3073, 3074, 3075, 3076, 3077, 3078, 3079, 3080, 3081, 3082, 3083, 3084, 3085, 3086, 3087, 3088, 3089, 3090, 3091, 3092, 3093, 3094, 3095, 3096, 3097, 3098, 3099, 3100, 3101, 3102, 3103, 3104, 3105, 3106, 3107, 3108, 3109, 3110, 3111, 3112, 3113, 3114, 3115, 3116, 3117, 3118, 3119, 3120, 3121, 3122 and 3123.

16. In census tract 003108:

(a) Block group 2.

(b) Blocks 1003, 1014, 1017, 1018, 1019, 1020 and 1027.

17. In census tract 003109, blocks 1006, 1012, 1013 and 1016.

18. In census tract 003501, block 3257.

19. In census tract 003503, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1012, 1023, 1027, 1028, 1035, 1041, 1042, 1046, 2000, 2001, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2016, 2017, 2019, 2020, 2021, 2024, 3004, 3005, 3006 and 3012.

20. In census tract 003504, blocks 2001, 2002, 2003, 2004 and 2024.

21. In census tract 003508, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 2000, 2001, 2002, 2003, 2004 and 2005.

22. In census tract 003509:

(a) Block groups 3 and 4.

(b) Blocks 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 2011, 2012, 2013 and 2014.

23. In census tract 003510, blocks 1000, 1001, 1002, 1003, 1004, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019,

2001, 2011, 2012, 2013, 2018, 2019, 2020, 3000, 3001, 3002, 3003, 3004, 3005, 3010 and 3011.

24. In census tract 003512, block 2015.

Sec. 108. **NRS 218B.755 is hereby amended to read as follows:**

218B.755 Assembly District 32 consists of ~~:~~

~~1. In Humboldt County:~~

~~(a) Census voting districts 0005, 0055 and 0060.~~

~~(b) In census tract 010500, blocks 3043, 3045, 3046, 3047, 3048, 3049, 3050, 3051, 3052, 3053, 3054, 3055, 3056, 3057, 3058, 3059, 3060, 3061, 3062, 3063, 3064, 3065, 3066, 3067, 3068, 3069, 3070, 3071, 3072, 3073, 3074, 3075, 3076, 3077, 3078, 3079, 3080, 3081, 3082, 3083, 3084, 3086, 3091, 3092, 3093, 3094, 3095, 3096, 3097, 3098, 3106, 3107, 3108, 3109, 3110, 3111, 3112, 3113, 3114, 3115, 3116, 3117, 3118, 3122, 3170, 3171, 3172, 3173, 3174, 3176, 3177, 3178, 3179, 3180, 3181, 3182, 3183, 3184, 3185, 3186, 3187, 3188, 3189, 3190, 3200, 3201, 3202, 3208, 3209, 3210, 3211, 3212, 3213, 3214, 3215, 3216, 3217, 3218, 3220, 3221, 3222, 3223, 3224, 3225, 3226, 3227, 3228, 3229, 3230, 3231, 3232, 3233, 3234, 3235, 3236, 3237, 3238, 3239, 3240, 3241, 3242, 3243, 3244, 3245, 3246, 3247, 3248, 3249, 3250, 3251, 3252, 3253, 3254, 3255, 3256, 3257, 3258, 3259, 3260, 3261, 3262, 3263, 3264, 3265, 3266, 3267, 3268, 3269, 3270, 3271, 3272, 3273, 3274, 3275, 3276, 3277, 3278, 3279, 3280, 3281, 3282, 3283, 3284, 3285, 3286, 3287, 3288, 3289, 3290, 3291, 3292, 3293, 3294, 3295, 3296, 3297, 3298, 3299, 3300, 3301, 3302, 3303, 3304, 3307, 3308, 3309, 3310, 3311, 3312, 3313, 3314, 3315, 3316, 3317, 3318, 3319, 3320, 3321, 3322, 3323, 3324, 3325, 3326, 3327, 3328, 3329, 3330, 3331, 3332, 3333, 3334, 3335, 3336, 3337, 3338, 3339, 3340, 3341, 3342, 3343, 3344, 3345, 3346, 3347, 3348, 3349, 3350, 3351, 3352, 3353, 3354, 3355, 3356, 3357, 3358, 3359, 3360, 3361, 3362, 3363, 3364, 3365, 3366, 3367, 3368, 3369, 3370, 3371, 3372, 3373, 3374, 3375, 3376, 3377, 3378, 3379, 3380, 3381, 3382, 3383, 3384, 3385, 3386, 3387, 3388, 3389, 3390, 3391, 3392, 3393, 3394, 3395, 3396, 3397, 3398, 3399, 3400, 3401, 3402, 3403, 3404, 3405, 3406, 3407, 3408, 3409, 3410, 3411, 3412, 3413, 3414, 3415, 3416, 3417, 3418, 3419, 3420, 3421, 3422, 3423, 3424, 3425, 3426, 3427, 3428, 3430, 3436, 3437, 3438, 3450, 3451, 3452, 3453, 3454, 3455, 3456, 3457, 3466, 3467, 3468, 3469, 3470, 3471, 3472, 3473, 3474, 3475, 3476, 3477, 3478, 3479, 3480, 3481, 3482, 3483, 3484, 3485, 3486, 3487, 3488, 3489, 3490, 3491, 3492, 3493, 3494, 3495, 3496, 3497, 3498, 3499, 3500, 3501, 3502, 3503, 3504, 3505, 3506, 3507, 3508, 3509, 3510, 3511, 3512, 3513, 3514, 3515, 3516, 3517, 3518, 3519, 3520, 3521, 3522, 3523, 3524, 3525, 3526, 3527, 3528, 3529, 3530, 3531, 3532, 3533, 3534, 3535, 3536, 3537, 3538, 3539, 3540, 3541, 3542, 3543, 3544, 3545, 3546, 3547, 3548, 3549, 3550, 3551, 3552, 3553, 3554, 3555, 3556, 3557, 3558, 3559, 3560, 3561, 3562,~~

~~3563, 3564, 3565, 3566, 3567, 3568, 3569, 3570, 3571, 3572, 3573, 3574, 3575, 3576, 3577, 3578, 3579, 3580, 3581, 3582, 3583, 3584, 3585, 3586, 3587, 3588, 3589, 3590, 3591, 3592, 3593, 3594, 3595, 3596, 3597, 3598, 3599, 3600, 3601, 3602, 3603, 3604, 3605, 3606, 3607, 3608, 3609, 3610, 3611, 3612, 3613, 3614, 3615, 3616, 3617, 3618, 3619, 3620, 3621, 3622, 3623, 3624, 3625, 3626, 3627, 3628, 3629, 3630, 3631, 3632, 3633, 3634, 3635, 3636, 3637, 3638, 3639, 3640, 3641, 3642, 3643, 3644, 3645, 3646, 3647, 3648, 3649, 3650, 3651, 3652, 3653, 3654, 3655, 3656, 3657, 3658, 3659, 3660, 3661, 3662, 3663, 3664, 3665, 3666, 3667, 3668, 3669, 3670, 3671, 3672, 3673, 3674, 3675, 3676, 3677, 3678, 3679, 3680, 3681, 3682, 3683, 3690, 3691, 3692, 3693, 3694, 3711, 3712, 3713, 3714, 3715, 3716, 3717, 3718, 3719, 3721, 3722, 3726, 3727, 3728, 3729, 3730, 3731, 3732, 3733, 3734, 3739, 3740, 3741, 3742, 3743, 3744, 3745, 3746, 3747, 3748, 3749, 3750, 3751, 3752, 3753, 3754, 3755, 3756, 3757, 3758, 3759, 3760, 3761, 3762, 3763, 3764, 3777, 3778, 3779, 3780, 3781, 3782, 3783, 3784, 3789, 3790, 3791, 3792, 3793, 3794, 3795, 3796, 3797, 3798, 3799, 3800, 3801, 3802, 3803, 3822, 3823, 3824, 3825, 3845, 3846, 3847, 3848, 3849, 3850, 3851, 3852, 3853, 3854, 3855, 3856, 3857, 3858, 3859, 3884, 3885, 3886, 3887, 3888, 3889, 3890, 3891, 3892, 3893, 3894, 3895, 3896, 3897, 3898, 3899, 3900, 3901, 3902, 3903, 3904, 3905, 3906, 3907, 3908, 3909, 3910, 3911, 3912, 3913, 3914, 3915, 3916, 3917, 3918, 3919, 3920, 3921, 3922, 3923, 3924, 3925, 3926, 3927, 3928, 3929, 3930, 3931, 3932, 3933, 3934, 3935, 3936, 3937, 3938, 3939, 3940, 3941, 3942, 3943, 3944, 3945, 3946, 3947, 3948, 3949, 3950, 3951, 3952, 3953, 3954, 3955, 3956, 3957, 3958, 3959, 3960, 3961, 3962, 3963, 3964, 3965, 3966, 3967, 3968, 3969, 3970, 3971, 3972, 3973, 3974, 3975, 3976, 3977, 3978, 3979, 3980, 3981, 3982, 3983, 3984, 3985, 3986, 3987, 3988, 3989, 3990, 3991, 3992, 3993, 3997, 3998, 3999, 4009, 4029, 4030, 4031, 4107, 4108, 4109, 4110, 4111, 4112, 4113, 4114, 4115, 4116, 4117, 4119, 4166, 4167, 4220, 4221 and 4223.~~

~~(c) In census tract 010600, blocks 1164, 1165, 1166, 1167, 1168, 1169, 1170, 1171, 1172, 1173, 1174, 1175, 1176, 1177, 1178, 1179, 1180, 1181, 1182, 1183, 1184, 1185, 1186, 1187, 1188, 1189, 1190, 1191, 1192, 1193, 1194, 1195, 1196, 1197, 1198, 1199, 1238, 1239, 1240, 1241, 1242, 1243, 1328, 1334, 1335, 1336, 1337, 1344, 1346, 1347, 1348, 1349, 1350, 1351, 1352, 1353, 1354, 1355, 1356, 1357, 1358, 1359, 1360, 1361, 1362, 1363, 1364, 1365, 1366, 1367, 1368, 1369, 1370, 1371, 1372, 1373, 1374, 1375, 1376, 1377, 1378, 1379, 1380, 1381, 1382, 1383, 1384, 1385, 1386, 1387, 1388, 1389, 1390, 1397, 1398, 1399, 1400, 1401, 1402, 1403, 1404, 1405, 1406, 1407, 1408, 1409, 1410, 1411, 1412, 1413, 1414, 1415, 1416, 1417, 1418, 1419, 1420, 1421, 1422, 1423, 1424, 1425, 1426, 1427, 1428, 1429, 1430, 1431, 1432, 1433, 1436, 1437, 1438, 1439, 1440, 1441, 1442, 1443,~~

~~1444, 1445, 1446, 1447, 1448, 1449, 1450, 1451, 1452, 1453, 1454, 1455, 1456, 1457, 1458, 1459, 1460, 1461, 1462, 1463, 1464, 1465, 1466, 1467, 1468, 1469, 1470, 1471, 1472, 1473, 1474, 1475, 1476, 1477, 1478, 1479, 1480, 1481, 1482, 1483, 1484, 1485, 1486, 1487, 1488, 1489, 1490, 1491, 1492, 1493, 1494, 1495, 1496, 1497, 1498, 1499, 1500, 1501, 1502, 1503, 1504, 1505, 1506, 1507, 1508, 1536, 1537, 1538, 1539, 1540, 1541, 1542, 1543, 1544, 1545, 1546, 1547, 1548, 1549, 1551, 1552, 1553, 1554, 1555, 1556, 1557, 1558, 1559, 1560, 1561, 1562, 1563, 1564, 1565, 1566, 1567, 1568, 1569, 1570, 1571, 1572, 1573, 1574, 1575, 1576, 1577, 1578, 1579, 1580, 1581, 1582, 1583, 1584, 1585, 1586, 1587, 1588, 1624, 1625, 1626, 1627, 1628, 1629, 1630, 1631, 1634, 1635, 1636, 1637, 1638, 1639, 1654, 1655, 1656, 1657, 1675, 1676, 1677, 1678, 1679, 1680, 1681, 1682, 1683, 1684, 1685, 1686, 1687, 1688, 1689, 1690, 1691, 1692, 1693, 1694, 1695, 1696, 1697, 1698, 1699, 1700, 1701, 1702, 1703, 1704, 1705, 1706, 1707, 1708, 1709, 1710, 1711, 1712, 1713, 1714, 1715, 1716, 1717, 1718, 1719, 1720, 1725, 1726, 1727, 1728, 1729, 1741, 1742, 1743, 1744, 1745, 1746, 1747, 1748, 1749, 1750, 1751, 1752, 1753, 1947, 1948, 1949 and 1999.~~

~~2. In Lander County:~~

~~(a) Census voting districts 0005 and 0010.~~

~~(b) In census tract 000200, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1049, 1050, 1051, 1052, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1074, 1075, 1076, 1077, 1082, 1085, 1174, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3017, 3020, 3021, 3022, 3023 and 3024.~~

~~3. In Washoe County:~~

~~(a) Census tracts 003503, 003504, 003505 and 003507.~~

~~(b) Census voting districts 0637, 0640, 0643, 0657, 0670, 0693, 0714, 0774, 0801, 0811, 0832, 0836, 0862, 0865, 0884, 0892, 0893, 0897, 0908, 0909, 0918 and 0924.~~

~~(c) In census tract 002603, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1016, 1017, 1023, 1024, 1028, 1037 and 1038.~~

~~(d) In census tract 002604, blocks 1020, 1021, 1022, 1024, 3000, 3001, 3002, 3003, 3032, 3033, 3034, 3035, 3036, 3037, 4016, 4017, 5000, 5001, 5002, 5003, 5004, 5005, 5006, 5007, 5008, 5009, 5010, 5011, 5012, 5029, 5030, 5031, 5032 and 5033.~~

~~(e) In census tract 002605, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053,~~

~~1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1085, 2000, 2001, 2002, 2003, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2025, 2026, 3005, 3006, 3007, 3008, 3009, 4001, 4002, 4006, 4007, 4008 and 4020.~~

~~(f) In census tract 002606, block 1000.~~

~~(g) In census tract 002701, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1019, 1032, 1033, 1034, 1046, 2000, 2001, 2002, 2006, 2007, 2008, 2009, 2010, 2011 and 2023.~~

~~(h) In census tract 002901, block 1009.~~

~~(i) In census tract 003101, blocks 2000, 2001 and 2004.~~

~~(j) In census tract 003105, blocks 1006, 1007 and 1008.~~

~~(k) In census tract 003107, blocks 3001, 3002, 3003, 3005, 3006, 3007, 3008, 3009, 3010, 3012, 3016 and 4001.~~

~~(l) In census tract 003108, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1008, 1012, 1013, 1014, 1015, 1016, 1017, 1021, 2002, 2011, 2012, 2014, 2015, 2016 and 2017.~~

~~(m) In census tract 003501, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1085, 1086, 1087, 1088, 1089, 1090, 1091, 1092, 1093, 1094, 1095, 1096, 1097, 1098, 1099, 1100, 1101, 1102, 1103, 1104, 1105, 1106, 1107, 1108, 1109, 1110, 1111, 1112, 1113, 1114, 1115, 1116, 1117, 1118, 1119, 1120, 1121, 1122, 1123, 1124, 1125, 1126, 1127, 1128, 1129, 1130, 1131, 1132, 1133, 1134, 1135, 1136, 1137, 1138, 1139, 1140, 1141, 1142, 1143, 1144, 1145, 1146, 1147, 1148, 1149, 1150, 1151, 1152, 1153, 1154, 1155, 1156, 1157, 1158, 1159, 1160, 1161, 1162, 1163, 1164, 1165, 1166, 1167, 1168, 1169, 1170, 1171, 1172, 1173, 1174, 1175, 1176, 1177, 1178, 1179, 1180, 1181, 1182, 1183, 1184, 1185, 1186, 1187, 1188, 1189, 1190, 1191, 1192, 1193, 1194, 1195, 1196, 1197, 1198, 1199, 1200, 1201, 1202, 1203, 1204, 1205, 1206, 1207, 1208, 1209, 1210, 1211, 1212, 1213, 1214, 1215, 1216, 1217, 1218, 1219, 1220, 1221, 1222, 1223, 1224, 1225, 1226, 1227, 1228, 1229, 1230, 1231, 1232, 1233, 1234, 1235, 1236, 1237, 1238, 1239, 1240, 1241, 1242, 1243, 1244, 1245, 1246, 1247, 1248, 1249, 1250, 1251, 1252, 1253, 1254, 1255, 1256, 1257, 1258, 1259, 1260, 1261, 1262, 1263, 1264, 1265, 1266, 1267, 1268, 1269, 1270, 1271, 1272, 1273, 1274, 1275, 1276, 1277, 1278, 1279, 1280, 1281,~~

~~1282, 1283, 1284, 1285, 1286, 1287, 1288, 1289, 1290, 1291, 1292, 1293, 1294, 1295, 1296, 1297, 1298, 1299, 1300, 1301, 1302, 1303, 1304, 1305, 1306, 1307, 1308, 1309, 1310, 1311, 1312, 1313, 1314, 1315, 1316, 1317, 1318, 1319, 1320, 1321, 1322, 1323, 1324, 1325, 1326, 1327, 1328, 1329, 1330, 1331, 1332, 1333, 1334, 1335, 1336, 1337, 1338, 1339, 1340, 1341, 1342, 1343, 1344, 1345, 1346, 1347, 1348, 1349, 1350, 1351, 1352, 1353, 1354, 1355, 1356, 1357, 1358, 1359, 1360, 1361, 1362, 1363, 1364, 1365, 1366, 1367, 1368, 1369, 1370, 1371, 1372, 1373, 1374, 1375, 1376, 1377, 1378, 1379, 1380, 1381, 1382, 1383, 1384, 1385, 1386, 1387, 1388, 1389, 1390, 1391, 1392, 1393, 1394, 1395, 1396, 1397, 1398, 1399, 1400, 1401, 1402, 1403, 1404, 1405, 1406, 1407, 1408, 1409, 1410, 1412, 1413, 1414, 1415, 1417, 1418, 1419, 1420, 1421, 1422, 1423, 1424, 1425, 1426, 1433, 1434, 1435, 1436, 1437, 1438, 1439, 1440, 1441, 1442, 1443, 1444, 1445, 1446, 1447, 1448, 1449, 1450, 1451, 1452, 1453, 1625, 1626, 1627, 1683, 1684, 1685, 1686, 1687, 1688, 1689, 1690, 1691, 1692, 1693, 1694, 1695, 1696, 1697, 1698, 1699, 1700, 1701, 1702, 1703, 1704, 1705, 1706, 1707, 1708, 1709, 1710, 1711, 1712, 1713, 1714, 1715, 1716, 1717, 1718, 1719, 1720, 1721, 1722, 1723, 1724, 1725, 1726, 1727, 1728, 1729, 1730, 1731, 1732, 1733, 1734, 1735, 1736, 1737, 1738, 1739, 1740, 1741, 1742, 1743, 1744, 1745, 1746, 1747, 1748, 1749, 1750, 1751, 1752, 1753, 1754, 1755, 1756, 1757, 1758, 1759, 1760, 1761, 1762, 1763, 1764, 1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2017, 2018, 4034, 4035, 4039, 4041, 4075, 4076, 4079, 4080, 4081, 4082, 4083, 4084, 4087, 4088, 4089, 4090, 4091, 4094, 4099, 4100, 4104, 4105, 4106, 4107, 4108, 4114, 4115, 4116, 4117, 4118, 4119, 4120, 4121, 4122, 4123, 4124, 4125, 4126, 4127, 4128, 4129, 4130, 4131, 4132, 4133, 4134, 4135, 4136, 4137, 4138, 4139, 4140, 4141, 4142, 4143, 4144, 4145, 4148, 4149, 4153, 4154, 4155, 4156, 4157, 4158, 4159, 4160, 4161, 4162, 4163, 4164, 4165, 4166, 4167, 4168, 4169, 4176, 4178, 4179, 4180, 4181, 4193, 4194, 4196, 4197, 4274, 4293, 4294, 4295, 4296, 4297, 4298, 4299, 4300, 4326, 4327, 4328, 5101, 6000, 6001, 6002, 6003, 6004, 6005, 6006, 6007, 6008, 6009, 6010, 6011, 6012, 6013, 6014, 6015, 6016, 6017, 6018, 6019, 6020, 6021 and 6022.~~

~~(n) In census tract 003502, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3029, 3030, 3031, 3032, 3033, 3034, 3035, 3036, 3037, 3038, 3039, 3040, 3041,~~

~~3042, 3043, 3044, 3045, 3046, 3047, 3048, 3049, 3050, 3051, 3052, 3053, 3054, 3055, 3056, 3057, 3058, 3059, 3060, 3061, 3064, 3065, 3066, 3067, 3068, 3069, 3070, 3071, 3072, 3073, 3998 and 3999.~~

~~(o) In census tract 003506, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1023, 1024 and 1032.~~]**, *in Washoe County:***

1. Census tracts 002613, 003507, 003511, 003513, 003514, 003515, 940200, 980100 and 990100.

2. In census tract 002103, blocks 2000, 2001, 2002 and 2011.

3. In census tract 002603, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1021, 1022, 1030, 1031, 1032, 1033, 1034, 1037, 1040, 1042, 1056, 1057, 1058, 1059 and 1061.

4. In census tract 002610, blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2009, 2010, 2011, 2012, 2013, 2014 and 2020.

5. In census tract 002611:

(a) Block group 1.

(b) Blocks 2000, 2001, 2004, 2005, 2006, 2007, 2008, 2009, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3023, 3024, 3025, 3026, 3027, 3028 and 3033.

6. In census tract 002612:

(a) Block group 4.

(b) Blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 2001, 2002, 2003, 2006, 2010, 2011, 2012, 2013, 2014, 2063, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011 and 3012.

7. In census tract 002616, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1008 and 1019.

8. In census tract 002617, blocks 3000, 3001, 3002 and 3006.

9. In census tract 002618:

(a) Block groups 2 and 3.

(b) Blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1053, 4018, 4019, 4025, 5000, 5001, 5002, 5003, 5004, 5005, 5006, 5007, 5008, 5009, 5010, 5013, 5014, 5015, 5016, 5017, 5018, 5019, 5020, 5021, 5022, 5023, 5024, 5025, 5027, 5053, 5056, 5057, 5058 and 5064.

10. In census tract 002705, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1007, 1008, 1009, 1011, 1012, 1013, 1014, 1016, 2000, 2001, 2002, 2003, 2004, 2005, 2006 and 2007.

11. In census tract 003101, blocks 2000, 2002, 2003, 2004, 2005, 2006, 2041, 2053, 2054 and 3000.

12. In census tract 003108, blocks 1000, 1001, 1002, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1015, 1016, 1021, 1022, 1023, 1024, 1025 and 1026.

13. In census tract 003109:

(a) Block group 2.

(b) Blocks 1000, 1001, 1002, 1003, 1004, 1005, 1007, 1008, 1009, 1010, 1011, 1014 and 1015.

14. In census tract 003501:

(a) Block groups 1 and 2.

(b) Blocks 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3029, 3030, 3031, 3032, 3033, 3034, 3035, 3036, 3037, 3038, 3039, 3040, 3041, 3042, 3043, 3044, 3045, 3046, 3047, 3048, 3049, 3050, 3051, 3052, 3053, 3054, 3055, 3056, 3057, 3058, 3059, 3060, 3061, 3062, 3063, 3064, 3065, 3066, 3067, 3068, 3069, 3070, 3071, 3072, 3073, 3074, 3075, 3076, 3077, 3078, 3079, 3080, 3081, 3082, 3083, 3084, 3085, 3086, 3087, 3088, 3089, 3090, 3091, 3092, 3093, 3094, 3095, 3096, 3097, 3098, 3099, 3100, 3101, 3102, 3103, 3104, 3105, 3106, 3107, 3108, 3109, 3110, 3111, 3112, 3113, 3114, 3115, 3116, 3117, 3118, 3119, 3120, 3121, 3122, 3123, 3124, 3125, 3126, 3127, 3128, 3129, 3130, 3131, 3132, 3133, 3134, 3135, 3136, 3137, 3138, 3139, 3140, 3141, 3142, 3143, 3144, 3145, 3146, 3147, 3148, 3149, 3150, 3151, 3152, 3153, 3154, 3155, 3156, 3157, 3158, 3159, 3160, 3161, 3162, 3163, 3164, 3165, 3166, 3167, 3168, 3169, 3170, 3171, 3172, 3173, 3174, 3175, 3176, 3177, 3178, 3179, 3180, 3181, 3182, 3183, 3184, 3185, 3186, 3187, 3188, 3189, 3190, 3191, 3192, 3193, 3194, 3195, 3196, 3197, 3198, 3199, 3200, 3201, 3202, 3203, 3204, 3205, 3206, 3207, 3208, 3209, 3210, 3211, 3212, 3213, 3214, 3215, 3216, 3217, 3218, 3219, 3220, 3221, 3222, 3223, 3224, 3225, 3226, 3227, 3228, 3229, 3230, 3231, 3232, 3233, 3234, 3235, 3236, 3237, 3238, 3239, 3240, 3241, 3242, 3243, 3244, 3245, 3246, 3247, 3248, 3249, 3250, 3251, 3252, 3253, 3254, 3255, 3256, 3258, 3259, 3260, 3261, 3262, 3263, 3264, 3265, 3266, 3267, 3268, 3269, 3270, 3271, 3272, 3273, 3274, 3275, 3276, 3277, 3278, 3279, 3280, 3281, 3282, 3283, 3284, 3285, 3286, 3287, 3288, 3289, 3290, 3291, 3292, 3293, 3294, 3295, 3296, 3297, 3298, 3299, 3300, 3301, 3302, 3303, 3304, 3305, 3306, 3307, 3308, 3309, 3310, 3311, 3312, 3313, 3314, 3315, 3316, 3317, 3318, 3319, 3320, 3321, 3322, 3323, 3324, 3325, 3326, 3327, 3328, 3329, 3330, 3331, 3332, 3333, 3334, 3335, 3336, 3337, 3338, 3339, 3340, 3341, 3342, 3343, 3344, 3345, 3346, 3347, 3348, 3349, 3350, 3351, 3352, 3353, 3354 and 3355.

15. In census tract 003503, blocks 1043, 1044, 2002, 2014, 2015, 2018, 2022, 2023, 3000, 3001, 3002, 3003, 3007, 3008, 3009, 3010 and 3011.

16. In census tract 003504:

(a) Block groups 1, 3 and 4.

(b) Blocks 2000, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2025 and 2026.

17. In census tract 003508, blocks 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022 and 2023.

18. In census tract 003509, blocks 1000, 1001, 1002, 1003, 1028, 1029, 1030, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033 and 2034.

19. In census tract 003512:

(a) Block group 1.

(b) Blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2016, 2017, 2018, 2019, 2020, 2021, 2022 and 2023.

Sec. 109. **NRS 218B.760 is hereby amended to read as follows:**

218B.760 Assembly District 33 consists of:

~~[1. Elko County.~~

~~2. In Humboldt County:~~

~~(a) Census voting districts 0040, 0045 and 0065.~~

~~(b) In census tract 010500, blocks 2207, 2209, 2225, 2226, 2227, 2228, 2229, 2230, 2249, 2251, 2252, 2253, 2256, 2257, 2258, 2520, 2521, 2522, 2523, 2524, 2525, 2526, 2527, 2528, 2529, 2530, 2531, 2532, 2533, 2534, 2535, 2536, 2537, 2538, 2539, 2540, 2541, 2542, 2543, 2544, 2545, 2546, 2547, 2548, 2549, 2550, 2551, 2552, 2553, 2554, 2555, 2556, 2557, 2558, 2559, 2560, 2561, 2562, 2563, 2564, 2565, 2566, 2567, 2568, 2569, 2570, 2571, 2572, 2573, 2574, 2575, 2576, 2577, 2578, 2579, 2580, 2581, 2582, 2583, 2584, 2585, 2586, 2587, 2588, 2589, 2590, 2591, 2592, 2593, 2594, 2595, 2599, 2600, 2601, 2602, 2603, 2604, 2605, 2606, 2607, 2608, 2609, 2610, 2611, 2612, 2613, 2614, 2615, 2616, 2617, 2618, 2619, 2620, 2621, 2622, 2623, 2624, 2634, 2650, 2651, 2652, 2653, 2654, 2655, 2656, 2657, 2658, 2659, 2660, 2661, 2662, 2663, 2664, 2665, 2666, 2667, 2668, 2669, 2670, 2671, 2672, 2673, 2674, 2675, 2676, 2677, 2678, 2679, 2680, 2681, 2682, 2683, 2684, 2685, 2686, 2687, 2688, 2689, 2690, 2691, 2692, 2693, 2694, 2695, 2696, 2697, 2698, 2699, 2700, 2701, 2702, 2703, 2704, 2705, 2706, 2707, 2708, 2709, 2710, 2711, 2712, 2713, 2714, 2715, 2716, 2717, 2718, 2719, 2720, 2721, 2722, 2723, 2724, 2725, 2726, 2727, 2728, 2729, 2730, 2731, 2732, 2733, 2734, 2735, 2736, 2737, 2738, 2739, 2740, 2741,~~

~~2742, 2743, 2744, 2745, 2746, 2747, 2748, 2749, 2750, 2751, 2752, 2753, 2999, 3026, 3027, 3028, 3029, 3030, 3031, 3032, 3033, 3034, 3035, 3036, 3037, 3038, 3039, 3040, 3041, 3042, 3044, 3085, 3087, 3088, 3089, 3090, 3099, 3100, 3101, 3102, 3103, 3104, 3105, 3119, 3120, 3121, 3123, 3124, 3125, 3126, 3127, 3128, 3193, 3194, 3195, 3196, 3197, 3198, 3199, 3203, 3204, 3205, 3206, 3207, 3305, 3306, 3804, 3805, 3817, 3818, 3819, 3821, 3826, 3827, 3828, 3829, 3830, 3831, 3832, 3833, 3834, 3835, 3836, 3837, 3838, 3839, 3840, 3841, 3842, 3843, 3844, 3860, 3861, 3862, 3863, 3864, 3865, 3866, 3867, 3868, 3869, 3870, 3871, 3872, 3873, 3874 and 3875.~~

~~(c) In census tract 010600, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1085, 1086, 1087, 1088, 1089, 1090, 1091, 1092, 1093, 1094, 1095, 1096, 1097, 1098, 1099, 1100, 1101, 1102, 1103, 1104, 1105, 1106, 1107, 1108, 1109, 1110, 1111, 1112, 1113, 1114, 1115, 1116, 1117, 1118, 1119, 1120, 1121, 1122, 1123, 1124, 1125, 1126, 1127, 1128, 1129, 1130, 1131, 1132, 1133, 1134, 1135, 1136, 1137, 1138, 1139, 1140, 1141, 1142, 1143, 1144, 1145, 1146, 1147, 1148, 1149, 1150, 1151, 1152, 1153, 1154, 1155, 1156, 1157, 1158, 1159, 1160, 1161, 1162, 1163, 1200, 1201, 1202, 1203, 1204, 1205, 1206, 1207, 1208, 1209, 1210, 1211, 1212, 1213, 1214, 1215, 1216, 1217, 1218, 1219, 1220, 1221, 1222, 1223, 1224, 1225, 1226, 1227, 1228, 1229, 1230, 1231, 1232, 1233, 1234, 1235, 1236, 1237, 1244, 1245, 1246, 1247, 1248, 1249, 1250, 1251, 1252, 1253, 1254, 1255, 1256, 1257, 1258, 1259, 1260, 1261, 1262, 1263, 1264, 1265, 1266, 1267, 1268, 1269, 1270, 1271, 1272, 1273, 1274, 1275, 1276, 1277, 1278, 1279, 1280, 1281, 1282, 1283, 1284, 1285, 1286, 1287, 1288, 1289, 1290, 1291, 1292, 1293, 1294, 1295, 1296, 1297, 1298, 1299, 1300, 1301, 1302, 1303, 1304, 1305, 1306, 1307, 1308, 1309, 1310, 1311, 1312, 1313, 1314, 1315, 1316, 1317, 1318, 1319, 1320, 1321, 1322, 1323, 1324, 1325, 1326, 1327, 1329, 1330, 1331, 1332, 1333, 1338, 1339, 1340, 1341, 1342, 1343, 1345, 1434, 1435, 1589, 1590, 1591, 1592, 1593, 1594, 1595, 1596, 1597, 1598, 1599, 1600, 1601, 1602, 1603, 1604, 1605, 1606, 1607, 1608, 1609, 1610, 1611, 1612, 1613, 1614, 1615, 1616, 1617, 1618, 1619, 1620, 1621, 1622, 1623, 1996, 1997, 1998, 2000, 2139, 2140, 2141 and 2142.]~~

1. Elko County, Eureka County and White Pine County.

2. In Lincoln County:

(a) In census tract 950100, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1085, 1086, 1087, 1088, 1089, 1090, 1091, 1092, 1093, 1094, 1095, 1096, 1097, 1098, 1099, 1100, 1101, 1102, 1103, 1104, 1105, 1106, 1107, 1108, 1109, 1110, 1111, 1112, 1113, 1114, 1115, 1116, 1117, 1118, 1119, 1120, 1121, 1122, 1123, 1124, 1125, 1126, 1127, 1128, 1129, 1130, 1131, 1132, 1133, 1134, 1135, 1136, 1137, 1138, 1139, 1140, 1141, 1142, 1143, 1144, 1145, 1146, 1147, 1148, 1149, 1150, 1151, 1152, 1153, 1154, 1155, 1156, 1157, 1158, 1159, 1160, 1161, 1162, 1163, 1164, 1165, 1166, 1167, 1168, 1169, 1170, 1171, 1172, 1173, 1174, 1175, 1176, 1177, 1178, 1179, 1180, 1181, 1182, 1183, 1184, 1185, 1186, 1187, 1188, 1189, 1190, 1191, 1192, 1193, 1194, 1195, 1196, 1197, 1198, 1199, 1200, 1201, 1202, 1203, 1204, 1205, 1206, 1207, 1208, 1209, 1210, 1211, 1212, 1213, 1214, 1215, 1216, 1217, 1218, 1219, 1220, 1221, 1222, 1223, 1224, 1225, 1226, 1227, 1228, 1229, 1230, 1231, 1232, 1233, 1234, 1235, 1236, 1237, 1238, 1239, 1240, 1241, 1242, 1243, 1244, 1245, 1246, 1247, 1248, 1249, 1250, 1251, 1252, 1253, 1254, 1255, 1256, 1257, 1258, 1259, 1260, 1261, 1262, 1263, 1264, 1265, 1266, 1267, 1268, 1269, 1270, 1271, 1272, 1273, 1274, 1275, 1276, 1277, 1278, 1279, 1280, 1281, 1282, 1283, 1284, 1285, 1286, 1287, 1288, 1289, 1290, 1291, 1292, 1293, 1294, 1295, 1296, 1297, 1298, 1299, 1300, 1301, 1302, 1303, 1304, 1305, 1306, 1307, 1308, 1309, 1310, 1311, 1312, 1313, 1314, 1315, 1316, 1317, 1318, 1319, 1320, 1321, 1322, 1323, 1324, 1325, 1326, 1327, 1328, 1329, 1330, 1331, 1332, 1333, 1334, 1335, 1336, 1337, 1338, 1339, 1340, 1341, 1342, 1343, 1344, 1345, 1346, 1347, 1348, 1349, 1350, 1351, 1352, 1353, 1354, 1355, 1356, 1357, 1358, 1359, 1360, 1361, 1362, 1363, 1364, 1365, 1366, 1367, 1368, 1369, 1370, 1371, 1372, 1373, 1374, 1375, 1376, 1377, 1378, 1379, 1380, 1381, 1382, 1383, 1384, 1385, 1386, 1387, 1388, 1389, 1390, 1391, 1392, 1393, 1394, 1395, 1396, 1397, 1398, 1399, 1400, 1401, 1402, 1403, 1404, 1405, 1406, 1407, 1408, 1409, 1410, 1411, 1412, 1413, 1414, 1415, 1416, 1417, 1418, 1419, 1420, 1421, 1422, 1423, 1424, 1425, 1426, 1427, 1428, 1429, 1430, 1431, 1432, 1433, 1434, 1435, 1436, 1437, 1438, 1439, 1440, 1441, 1442, 1443, 1444, 1445, 1446, 1447, 1448, 1449, 1450, 1451, 1452, 1453, 1454, 1455, 1456, 1457, 1458, 1459, 1460, 1461, 1462, 1463, 1464, 1465, 1466, 1467, 1468, 1469, 1470, 1471, 1472, 1473, 1474, 1475, 1476, 1477, 1478, 1479, 1480, 1481, 1482, 1483, 1484, 1485, 1486, 1487, 1488, 1489, 1490, 1491, 1492, 1493, 1494, 1495, 1496, 1497,

1498, 1499, 1500, 1501, 1502, 1503, 1504, 1505, 1506, 1507, 1508, 1509, 1510, 1511, 1512, 1513, 1514, 1515, 1516, 1517, 1518, 1519, 1520, 1521, 1522, 1523, 1524, 1525, 1526, 1527, 1528, 1529, 1530, 1531, 1532, 1533, 1534, 1535, 1536, 1537, 1538, 1539, 1540, 1541, 1542, 1543, 1544, 1545, 1546, 1547, 1548, 1549, 1550, 1551, 1552, 1553, 1554, 1555, 1556, 1557, 1558, 1559, 1560, 1561, 1562, 1563, 1564, 1565, 1566, 1567, 1568, 1569, 1570, 1571, 1572, 1573, 1574, 1575, 1576, 1577, 1578, 1579, 1580, 1581, 1582, 1583, 1584, 1585, 1586, 1587, 1588, 1589, 1590, 1591, 1592, 1593, 1594, 1595, 1596, 1597, 1598, 1599, 1600, 1601, 1602, 1603, 1604, 1605, 1606, 1607, 1608, 1609, 1610, 1611, 1612, 1613, 1614, 1615, 1616, 1617, 1618, 1619, 1620, 1621, 1622, 1623, 1624, 1625, 1626, 1627, 1628, 1629, 1630, 1631, 1632, 1633, 1634, 1635, 1636, 1637, 1638, 1639, 1640, 1641, 1642, 1643, 1644, 1645, 1646, 1647, 1648, 1649, 1650, 1651, 1652, 1653, 1654, 1655, 1656, 1657, 1658, 1659, 1660, 1661, 1662, 1663, 1664, 1665, 1666, 1667, 1668, 1669, 1670, 1671, 1672, 1673, 1674, 1675, 1676, 1677, 1678, 1679, 1680, 1681, 1682, 1683, 1684, 1685, 1686, 1687, 1688, 1689, 1690, 1691, 1692, 1693, 1694, 1695, 1696, 1697, 1698, 1699, 1700, 1701, 1702, 1703, 1704, 1705, 1706, 1707, 1708, 1709, 1710, 1711, 1712, 1713, 1714, 1715, 1716, 1717, 1718, 1719, 1720, 1721, 1722, 1723, 1724, 1725, 1726, 1727, 1728, 1729, 1730, 1731, 1732, 1733, 1734, 1735, 1736, 1737, 1738, 1739, 1740, 1741, 1742, 1743, 1744, 1745, 1746, 1747, 1748, 1749, 1750, 1751, 1752, 1753, 1754, 1755, 1756, 1757, 1758, 1759, 1760, 1761, 1762, 1763, 1764, 1765, 1766, 1767, 1768, 1769, 1770, 1771, 1772, 1773, 1774, 1775, 1776, 1777, 1778, 1779, 1780, 1781, 1782, 1783, 1784, 1785, 1786, 1787, 1788, 1789, 1790, 1791, 1792, 1793, 1794, 1795, 1796, 1797, 1798, 1799, 1800, 1801, 1802, 1803, 1804, 1805, 1806, 1807, 1808, 1809, 1810, 1811, 1812, 1813, 1814, 1815, 1816, 1817, 1818, 1819, 1820, 1821, 1822, 1823, 1824, 1825, 1826, 1827, 1828, 1829, 1830, 1831, 1832, 1833, 1834, 1835, 1836, 1837, 1838, 1839, 1840, 1841, 1842, 1843, 1844, 1845, 1846, 1847, 1848, 1849, 1850, 1851, 1852, 1853, 1854, 1855, 1856, 1857, 1858, 1859, 1860, 1861, 1862, 1863, 1864, 1865, 1866, 1867, 1868, 1869, 1870, 1871, 1872, 1873, 1874, 1875, 1876, 1877, 1878, 1882, 1901, 1903, 1906, 1907, 1908, 1909, 1910, 1911, 1912, 1913, 1914, 1915, 1916, 1917, 1918, 1919, 1920, 1921, 1922, 1923, 1924, 1925, 1926, 1927, 1928, 1929, 1930, 1931, 1932, 1933, 1934, 1935, 1936, 1937, 1938, 1939, 1940, 1941, 1946, 1947, 1948, 1949, 1950, 1951, 1952, 1953, 1954, 1955, 1956, 1957, 1958, 1963, 1964, 1965, 1966, 1967, 1968, 1969, 1970, 1971, 1972, 1973, 1974, 1975, 1976, 1977, 1978, 1979, 1980, 1981, 1982, 1983, 1984, 1985, 1986, 1987, 1988, 1989, 1990, 1991, 1992, 1993, 1994, 1995, 1996, 1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033,

2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2155, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2200, 2201, 2202, 2203, 2206, 2207, 2208, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220 and 2221.

(b) In census tract 950200, blocks 1000, 1172, 1173, 1174, 1175, 1176, 1177, 1191, 1192, 1919, 1926, 1932, 1933, 1934, 1935, 1936, 1937, 1938, 1941, 1942, 1943, 1944, 1945, 1946, 1947, 1948, 1949, 1950, 1951, 1952, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2186, 2187, 2188, 2507, 2510, 2511, 2512, 2513, 2514, 2515, 2516, 2517, 2518, 2519, 2520, 2521, 2522, 2523, 2524, 2525, 2526, 2527, 2528, 2529, 2530, 2531, 2532, 2533, 2534, 2535, 2536, 2537 and 2543.

Sec. 110. **NRS 218B.765 is hereby amended to read as follows:**

218B.765 Assembly District 34 consists of, in Clark County:

~~[1. Census tracts 000102, 003003, 003004, 003102 and 003220.~~

~~2. Census voting districts 3045, 3046, 3070, 3088, 3104, 3109 and 3110.~~

~~3. In census tract 000101, blocks 1000, 1001, 1002, 1003, 1004, 3001, 3008 and 3009.~~

~~4. In census tract 000105, blocks 1000 and 1001.~~

~~5. In census tract 003001, block 1001.~~

~~6. In census tract 003101, blocks 3002 and 4000.~~

~~7. In census tract 003212, blocks 2000, 2001, 5000, 5001, 5002, 5003, 5004, 5005, 5006, 6000, 6001 and 6002.~~

~~8. In census tract 003224, blocks 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 3001 and 3002.~~

~~9. In census tract 003422, block 1004.~~

~~10. In census tract 003423, blocks 4000, 4001, 4002, 4003, 4004, 4005, 4006, 4007, 4008, 5001, 5002, 5003, 5006, 5007 and 5008.~~

~~11. In census tract 003424, block 5014.~~]

1. Census tracts 003003, 003004, 003104, 003215, 003218, 003219, 003220, 003252, 003253, 003254, 003260 and 003421.

2. In census tract 003001, blocks 1000 and 1001.

3. In census tract 003005:

(a) Block group 1.

(b) Blocks 2003, 2004, 2005, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 4003, 4004 and 4005.

4. In census tract 003102, block groups 3 and 4.

5. In census tract 003223, block group 1.

6. In census tract 003247, block groups 1 and 2.

7. In census tract 003248, block groups 1 and 3.

8. In census tract 003261, block group 1.

9. In census tract 003418, block group 1.

10. In census tract 003422, blocks 1002, 1003 and 1004.

Sec. 111. **NRS 218B.770 is hereby amended to read as follows:**

218B.770 Assembly District 35 consists of:

~~[1. Eureka County, Pershing County and White Pine County.~~

~~2. In Churchill County:~~

~~(a) Census tract 950500.~~

~~(b) Census voting districts 0005, 0015, 0020, 0025, 0030, 0035, 0040, 0050, 0055 and 0080.~~

~~(c) In census tract 950100, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1085, 1086, 1087, 1088, 1089, 1090, 1091, 1092, 1093, 1094, 1095, 1096, 1097, 1098, 1099, 1100, 1101, 1102, 1103, 1104, 1105, 1106, 1107, 1108, 1109, 1110, 1111, 1112, 1113, 1114, 1115, 1116, 1117, 1118, 1119, 1120, 1121, 1122, 1123, 1124, 1125, 1126, 1127, 1128, 1129, 1130, 1131, 1132, 1133, 1134, 1135, 1136, 1137, 1138, 1139, 1140, 1141, 1142, 1143, 1144, 1145, 1146, 1147, 1148, 1149, 1150, 1151, 1152, 1153, 1154, 1155, 1156, 1157, 1158, 1159, 1160, 1161, 1162, 1163, 1164, 1165, 1166, 1167, 1168, 1169, 1170, 1171, 1172, 1173, 1174, 1175, 1176, 1177, 1178, 1179, 1180, 1181, 1182, 1183, 1184, 1185, 1186, 1187, 1193, 1194, 1195, 1196, 1201, 1202, 1203, 1206, 1207, 1208, 1209, 1210, 1211, 1212, 1213, 1214, 1215, 1216, 1217, 1218, 1219, 1220, 1221, 1222, 1223, 1224, 1225, 1226, 1227, 1228, 1229, 1230, 1231, 1232, 1240, 1248, 1249, 1250, 1251, 1260, 1261, 1262, 1263, 1264, 1265, 1266,~~

~~1267, 1268, 1269, 1270, 1271, 1272, 1273, 1274, 1281, 1282, 1283, 1284, 1285, 1286, 1287, 1288, 1289, 1290, 1291, 1292, 1293, 1294, 1295, 1296, 1297, 1298, 1299, 1300, 1301, 1302, 1303, 1304, 1305, 1306, 1307, 1308, 1309, 1310, 1311, 1312, 1313, 1314, 1315, 1316, 1317, 1318, 1319, 1320, 1321, 1322, 1323, 1324, 1325, 1326, 1327, 1328, 1329, 1330, 1331, 1332, 1333, 1334, 1335, 1336, 1337, 1338, 1339, 1340, 1341, 1342, 1343, 1344, 1345, 1346, 1347, 1348, 1349, 1350, 1351, 1352, 1353, 1354, 1355, 1356, 1357, 1358, 1359, 1360, 1361, 1362, 1363, 1364, 1365, 1366, 1367, 1368, 1369, 1370, 1371, 1372, 1373, 1374, 1375, 1376, 1377, 1378, 1379, 1380, 1381, 1382, 1383, 1384, 1385, 1386, 1387, 1388, 1389, 1390, 1391, 1392, 1393, 1394, 1395, 1396, 1397, 1398, 1399, 1400, 1401, 1402, 1403, 1404, 1405, 1406, 1407, 1408, 1409, 1410, 1411, 1412, 1413, 1414, 1415, 1416, 1417, 1418, 1419, 1420, 1421, 1422, 1423, 1424, 1425, 1426, 1427, 1428, 1429, 1430, 1431, 1432, 1433, 1434, 1435, 1436, 1437, 1438, 1439, 1440, 1441, 1442, 1443, 1444, 1445, 1446, 1447, 1448, 1449, 1450, 1451, 1452, 1453, 1454, 1455, 1456, 1457, 1458, 1459, 1460, 1461, 1469, 1470, 1471, 1472, 1473, 1474, 1475, 1476, 1477, 1478, 1479, 1480, 1481, 1482, 1483, 1484, 1485, 1486, 1487, 1488, 1493, 1519, 1520, 1521, 1522, 1523, 1524, 1525, 1526, 1527, 1528, 1529, 1530, 1531, 1532, 1533, 1534, 1535, 1536, 1537, 1538, 1539, 1540, 1541, 1542, 1543, 1544, 1545, 1546, 1547, 1548, 1549, 1550, 1551, 1552, 1553, 1554, 1555, 1556, 1557, 1558, 1559, 1560, 1561, 1562, 1563, 1564, 1565, 1566, 1567, 1568, 1569, 1570, 1571, 1572, 1573, 1574, 1575, 1576, 1577, 1578, 1579, 1580, 1581, 1582, 1583, 1584, 1585, 1586, 1587, 1588, 1589, 1590, 1591, 1592, 1593, 1594, 1595, 1596, 1597, 1598, 1599, 1600, 1601, 1602, 1603, 1604, 1605, 1606, 1607, 1608, 1609, 1610, 1611, 1612, 1613, 1614, 1615, 1616, 1617, 1618, 1619, 1620, 1621, 1622, 1623, 1624, 1625, 1626, 1627, 1628, 1629, 1630, 1631, 1632, 1633, 1634, 1635, 1636, 1637, 1638, 1639, 1640, 1641, 1970, 1971, 1976, 1977, 1978, 1979, 1980, 1981, 1982, 1983, 1984, 1985, 1986, 1987, 1988, 1989, 1990, 1991, 1992, 1993, 1994, 1995, 1996, 1997, 1998 and 1999.~~

~~(d) In census tract 950300, blocks 1021, 1022, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 4000, 4001, 4002, 4003, 4004, 4005, 4006, 4007, 5002, 5003, 5004, 5005, 5006, 5007, 5008 and 7012.~~

~~(e) In census tract 950600, blocks 1000 and 1011.~~

~~3. In Humboldt County:~~

~~(a) Census voting districts 0010 and 0015.~~

~~(b) In census tract 010500, blocks 3684, 3685, 3686, 3687, 3688, 3689, 3695, 3696, 3697, 3698, 3699, 3700, 3701, 3702, 3703, 3704, 3705, 3706, 3707, 3708, 3709, 3710, 3720, 3723, 3724, 3725, 3735, 3736, 3737, 3738, 4032, 4033, 4034, 4039, 4040, 4041, 4042, 4043, 4044, 4045, 4046, 4047,~~

~~4048, 4049, 4050, 4051, 4052, 4053, 4054, 4055, 4056, 4057, 4058, 4059, 4060, 4061, 4062, 4063, 4064, 4065, 4066, 4067, 4068, 4069, 4070, 4071, 4072, 4073, 4074, 4075, 4076, 4077, 4078, 4079, 4080, 4081, 4082, 4083, 4084, 4085, 4086, 4087, 4088, 4089, 4090, 4091, 4092, 4093, 4094, 4095, 4096, 4097, 4098, 4099, 4100, 4101, 4102, 4103, 4104, 4105, 4106, 4118, 4120, 4121, 4122, 4123, 4124, 4125, 4126, 4127, 4128, 4129, 4130, 4131, 4132, 4133, 4134, 4135, 4136, 4137, 4138, 4139, 4140, 4141, 4142, 4143, 4144, 4145, 4146, 4147, 4148, 4149, 4150, 4151, 4152, 4153, 4154, 4155, 4156, 4157, 4158, 4159, 4160, 4161, 4162, 4163, 4164, 4165, 4168, 4169, 4170, 4171, 4172, 4173, 4174, 4175, 4176, 4177, 4178, 4179, 4180, 4181, 4182, 4183, 4184, 4185, 4186, 4187, 4188, 4189, 4190, 4191, 4192, 4193, 4194, 4195, 4196, 4197, 4198, 4199, 4200, 4201, 4202, 4203, 4204, 4205, 4206, 4207, 4208, 4209, 4210, 4211, 4212, 4213, 4214, 4215, 4216, 4217, 4218, 4219 and 4222.~~

~~(c) In census tract 010600, blocks 1391, 1392, 1393, 1394, 1395, 1396, 1509, 1510, 1511, 1512, 1513, 1514, 1515, 1516, 1517, 1518, 1519, 1520, 1521, 1522, 1523, 1524, 1525, 1526, 1527, 1528, 1529, 1530, 1531, 1532, 1533, 1534, 1535, 1550, 1658, 1659, 1660, 1661, 1662, 1663, 1664, 1665, 1666, 1667, 1668, 1669, 1670, 1671, 1672, 1673, 1674, 1721, 1722, 1723, 1724, 1730, 1731, 1732, 1733, 1734, 1735, 1736, 1737, 1738, 1739, 1740, 1754, 1755, 1756, 1757, 1758, 1759, 1760, 1761, 1762, 1763, 1764, 1765, 1766, 1767, 1768, 1769, 1770, 1771, 1772, 1773, 1774, 1775, 1776, 1777, 1778, 1779, 1780, 1781, 1782, 1783, 1784, 1785, 1786, 1787, 1788, 1789, 1790, 1791, 1792, 1793, 1794, 1795, 1796, 1797, 1798, 1799, 1800, 1801, 1802, 1803, 1804, 1805, 1806, 1807, 1808, 1809, 1810, 1811, 1812, 1813, 1814, 1815, 1816, 1817, 1818, 1819, 1820, 1821, 1822, 1823, 1824, 1825, 1826, 1827, 1828, 1829, 1830, 1831, 1832, 1833, 1834, 1835, 1836, 1837, 1838, 1839, 1840, 1841, 1842, 1843, 1844, 1845, 1846, 1847, 1848, 1849, 1850, 1851, 1852, 1853, 1854, 1855, 1856, 1857, 1858, 1859, 1860, 1861, 1862, 1863, 1864, 1865, 1866, 1867, 1868, 1869, 1870, 1871, 1872, 1873, 1874, 1875, 1876, 1877, 1878, 1879, 1880, 1881, 1882, 1883, 1884, 1885, 1886, 1887, 1888, 1889, 1890, 1891, 1892, 1893, 1894, 1895, 1896, 1897, 1898, 1899, 1900, 1901, 1902, 1903, 1904, 1905, 1906, 1907, 1908, 1909, 1910, 1911, 1912, 1913, 1914, 1915, 1916, 1917, 1918, 1919, 1920, 1921, 1922, 1923, 1924, 1925, 1926, 1927, 1928, 1929, 1930, 1931, 1932, 1933, 1934, 1935, 1936, 1937, 1938, 1939, 1940, 1941, 1942, 1943, 1944, 1945, 1946, 1950, 1951, 1952, 1953, 1954, 1955, 1956, 1957, 1958, 1959, 1960, 1961, 1962, 1963, 1964, 1965, 1966, 1967, 1968, 1969, 1970, 1971, 1972, 1973, 1974, 1975, 1976, 1977, 1978, 1979, 1980, 1981, 1982, 1983, 1984, 1985, 1986, 1987, 1988, 1989, 1990, 1991, 1992, 1993, 1994 and 1995.~~

~~(d) In census tract 010700, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1085, 1086, 1087, 1088, 1089, 1091, 1092, 1093, 1094, 1095, 1098, 1099,~~

~~1100, 1101, 1102, 1103, 1104, 1105, 1106, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2105, 2106, 2107, 2108 and 2109.~~

~~4. In Lander County:~~

~~(a) Census tract 000100.~~

~~(b) In census tract 000200, blocks 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1053, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1078, 1079, 1080, 1090, 1091, 1092, 1093, 1094, 1095, 1096, 1097, 1098, 1099, 1100, 1101, 1102, 1103, 1106, 1107, 1108, 1109, 1110, 1111, 1112, 1113, 1114, 1115, 1116, 1117, 1118, 1119, 1120, 1121, 1122, 1123, 1124, 1125, 1126, 1127, 1128, 1129, 1130, 1131, 1132, 1133, 1134, 1135, 1136, 1137, 1138, 1139, 1140, 1141, 1142, 1143, 1144, 1145, 1146, 1147, 1148, 1149, 1150, 1151, 1152, 1153, 1154, 1155, 1156, 1157, 1158, 1159, 1160, 1161, 1162, 1163, 1164, 1165, 1166, 1167, 1168, 1169, 1170, 1171, 1172, 1173, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 4062, 4063, 4065, 4066, 4067, 4068, 4069, 4070, 4071, 4072, 4073, 4074, 4075, 4076, 4077, 4078, 4079, 4080, 4081, 4082, 4083, 4084, 4085, 4086, 4087, 4088, 4089, 4090, 4091, 4092, 4093, 4094, 4095, 4096, 4097 and 4098.~~

~~5. In Washoe County:~~

~~(a) Census voting districts 806, 808, 815, 896 and 910.~~

~~(b) In census tract 003501, blocks 1411, 1416, 1457, 1615, 1616, 1617, 1618, 1619, 1620, 1621, 1622, 1623, 1624, 1628, 1629, 1630, 1631, 1632, 1633, 1634, 1635, 1636, 1637, 1638, 1639, 1640, 1641, 1642, 1643, 1644, 1645, 1646, 1647, 1648, 1649, 1650, 1651, 1652, 1653, 1654, 1655, 1656, 1657, 1658, 1659, 1660, 1661, 1662, 1663, 1664, 1665, 1666, 1667, 1668, 1669, 1680, 1681, 1682, 2016, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076 and 2077.~~

~~(c) In census tract 940100, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1007, 1008, 1009, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1041, 1042, 1043, 1044, 1045, 1046, 1330, 1331, 1332 and 1333.~~**]**

1. In Churchill County:

(a) Census tracts 950302, 950400 and 950700.

(b) In census tract 950100:

(1) Block group 2.

(2) Blocks 1414, 1420, 1585, 1586, 1587, 1588, 1593, 1594, 1595, 1596, 1597, 1598, 1599, 1600, 1601, 1602, 1603, 1604, 1605, 1606, 1607, 1608, 1609, 1610, 1611, 1612, 1613, 1614, 1615, 1616, 1617, 1618, 1619, 1620, 1621, 1622, 1624, 1627, 1628, 1663, 1669, 1670, 1671, 1672, 1673, 1674, 1675, 1676, 1677, 1678, 1679, 1680, 1681, 1682, 1683, 1684, 1685, 1686, 1687, 1688, 1689, 1691, 1692, 1694, 1696, 1697, 1698, 1699, 1700, 1701, 1702, 1703, 1704, 1705, 1706, 1707, 1708, 1709, 1710, 1718, 1719, 1742, 1743, 1744, 1745, 1746, 1750, 1755, 1757, 1758, 1759, 1760, 1762, 1797, 1811, 1851, 1858, 1859, 1860, 1862 and 1863.

(c) In census tract 950301:

(1) Block groups 1 and 3.

(2) Blocks 2006, 2007, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051 and 2053.

(d) In census tract 950500, blocks 2101, 2104, 2107, 2108 and 2115.

(e) In census tract 950600, blocks 2014, 2018, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2069, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3029, 3030, 3033, 3034, 3035, 3036, 3037, 3038, 3039, 3040, 3041, 3042 and 3043.

2. In Lyon County:

(a) Census tracts 950302, 950400, 950700, 960101, 960102, 960103, 960201, 960202 and 960303.

(b) In census tract 960302, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1093, 1103, 1104, 1105, 2000, 2034, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3029, 3030, 3031, 3032, 3033, 3034, 3035, 3036, 3037, 3038, 3039, 3040, 3041, 3042, 3043, 3044, 3045, 3046, 3047, 3048, 3049, 3050, 3051, 3052, 3053, 3054, 3055, 3057, 3058, 3059, 3060, 3061, 3062, 3063, 3064, 3065, 3066, 3067, 3068, 3069, 3070, 3071, 3072, 3073, 3074, 3075, 3076, 3077, 3078, 3079, 3081, 3082, 3083, 3084, 3085, 3086, 3087, 3088, 3091, 3093,

3095, 3096, 3097, 3099, 3106, 3107, 3108, 3120, 3121, 3133, 3134 and 3135.

(c) In census tract 960800, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1085, 1086, 1087, 1088, 1089, 1090, 1091, 1092, 1093, 1094, 1095, 1096, 1097, 1098, 1099, 1100, 1101, 1102, 1103, 1104, 1105, 1106, 1107, 1108, 1109, 1111, 1131, 1132, 1143, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3029, 3030, 3031, 3032, 3033, 3034, 3039, 3040, 3048, 3049, 3053, 3054, 3055, 3056, 3057, 3058, 3059, 3060, 3087, 3088, 3089 and 3090.

(d) In census tract 960900:

(1) Block groups 1, 2 and 4.

(2) Blocks 3000, 3001, 3002, 3003, 3004, 3005, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3029, 3030, 3031, 3032, 3033, 3034, 3035, 3036, 3037, 3038, 3051, 3052, 3054, 3055, 3056, 3057, 3058, 3059, 3060, 3061, 3062, 3063, 3064, 3065, 3066, 3067, 3068, 3069, 3070, 3071, 3072, 3073, 3074, 3075, 3076, 3077, 3078, 3079, 3080, 3081, 3082, 3083, 3084, 3085, 3086, 3087, 3088, 3089, 3090, 3091, 3092, 3093, 3094, 3095, 3096, 3097, 3098, 3099, 3100, 3101, 3102, 3103, 3104, 3105, 3106, 3107, 3108, 3109, 3110 and 3111.

3. In Storey County:

(a) Census tracts 950302, 950400, 950700, 960101, 960102, 960103, 960201, 960202 and 960303.

(b) In census tract 970200, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1085, 1086, 1087, 1088, 1089, 1090, 1091, 1092, 1093, 1094, 1095, 1096, 1097, 1098, 1099, 1100, 1101, 1102, 1103, 1104, 1105, 1106, 1107, 1108, 1109, 1110, 1111, 1112, 1113, 1114, 1115, 1116, 1117, 1118, 1119, 1120, 1121, 1122, 1123, 1124, 1125,

1126, 1127, 1128, 1129, 1130, 1131, 1132, 1133, 1134, 1135, 1136, 1137, 1138, 1139, 1140, 1141, 1142, 1143, 1144, 1145, 1146, 1147, 1148, 1149, 1150, 1151, 1152, 1153, 1154, 1155, 1156, 1157, 1158, 1159, 1160, 1161, 1162, 1163, 1164, 1165, 1166, 1167, 1168, 1169, 1170, 1171, 1172, 1173, 1174, 1175, 1176, 1177, 1178, 1179, 1180, 1181, 1182, 1183, 1184, 1185, 1186, 1187, 1188, 1189, 1190, 1191, 1192, 1193, 1194, 1195, 1196, 1197, 1198, 1199, 1200, 1201, 1202, 1203, 1204, 1205, 1206, 1207, 1208, 1209, 1210, 1211, 1212, 1213, 1214, 1215, 1216, 1217, 1218, 1219, 1220, 1221, 1222, 1223, 1224, 1225, 1226, 1227, 1228, 1229, 1230, 1231, 1232, 1233, 1234, 1235, 1236, 1237, 1238, 1239, 1240, 1241, 1242, 1243, 1244, 1245, 1246, 1247, 1248, 1249, 1250, 1251, 1252, 1253, 1254, 1255, 1256, 1257, 1258, 1259, 1260, 1261, 1262, 1263, 1264, 1265, 1266, 1267, 1268, 1269, 1270, 1271, 1272, 1273, 1274, 1275, 1276, 1277, 1278, 1279, 1280, 1281, 1282, 1283, 1284, 1285, 1286, 1287, 1288, 1289, 1290, 1291, 1294, 1305, 1306, 1307, 1398, 1399, 1400, 1402, 1403, 1404, 1405, 1406, 1408, 1409, 1410, 1411, 1415, 1416, 1417, 1418, 1419, 1420, 1421, 1422, 1423, 1424, 1425, 1426, 1427, 1428, 1429, 1430, 1431, 1432, 1433, 1434, 1435, 1436, 1437, 1438, 1439, 1440, 1441, 1442, 1443, 1444, 1445, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2035, 2036, 2037, 2039, 2040, 2041, 2046, 2047, 2048, 2049, 2050, 2055, 2065, 2104, 2105, 2106, 2107, 2118, 2119, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2225, 2226, 2227, 2228, 2229, 2230, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2238, 2239, 2240, 2241, 2242, 2243, 2244, 2245, 2246, 2247, 2248, 2249, 2250, 2251, 2252, 2253, 2254, 2255, 2256, 2257, 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2268, 2269, 2270, 2271, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2293, 2294, 2295, 2296, 2298, 2299, 2300, 2302, 2303, 2306, 2308, 2309, 2310, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3029, 3030, 3031, 3032, 3035, 3036, 3037, 3044, 3045, 3046, 3275, 3276, 3296 and 3297.

Sec. 112. **NRS 218B.775 is hereby amended to read as follows:**

218B.775 Assembly District 36 consists of:

~~[1. Esmeralda County, Lincoln County, Mineral County and Nye County.~~

~~2. In Churchill County:~~

~~(a) Census tracts 940200 and 950400.~~

~~(b) Census voting district 0065.~~

~~(c) In census tract 950100, blocks 1188, 1189, 1190, 1191, 1192, 1197, 1198, 1199, 1200, 1204, 1205, 1233, 1234, 1235, 1236, 1237, 1238, 1239, 1241, 1242, 1243, 1244, 1245, 1246, 1247, 1252, 1253, 1254, 1255, 1256, 1257, 1258, 1259, 1275, 1276, 1277, 1278, 1279, 1280, 1462, 1463, 1464, 1465, 1466, 1467, 1468, 1489, 1490, 1491, 1492, 1494, 1495, 1496, 1497, 1498, 1499, 1500, 1501, 1502, 1505, 1506, 1507, 1508, 1509, 1510, 1511, 1512, 1513, 1514, 1515, 1516, 1517, 1518, 1972, 1973, 1974, 1975, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2212, 2996, 2997, 2998 and 2999.~~

~~(d) In census tract 950200, blocks 1002, 1077, 1078, 1079, 1080, 1082, 1083, 1084, 1085, 1086, 1087, 1088, 1089, 1090, 1091, 1092, 1093, 1094, 1095, 1098, 1099, 1100, 1101, 1102, 1103, 1104, 1188, 1189, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2048, 2049, 2050, 2051, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3029, 3030, 3031, 3032, 3033, 3034, 3035, 3036, 3037, 3038, 3039, 3040, 3041, 3042, 3043, 3044, 3045, 3046, 3047, 3048, 3049, 3050, 3051, 3052, 3053, 3054, 3055, 3056, 3057, 3058, 3059, 3060, 3061, 3062, 3063, 3064, 3065, 3066, 3067, 3068, 3069, 3070, 3071, 3072, 3073, 3074, 3075, 3076, 3077, 3078, 3079, 3080, 3081, 3082, 3083, 3084, 3085, 3086, 3087, 3088, 3089, 3090, 3091, 3092, 3093, 3094, 3095, 3096, 3097, 3098, 3099, 3100, 3101, 3102, 3103, 3104, 3105, 3106, 3107, 3108, 3109, 3110, 3111, 3112, 3113, 3114, 3115, 3116, 3117, 3118, 3119, 3120, 3121, 3122, 3123, 3124, 3125, 3126, 3128, 3129, 3130, 3131, 3132, 3133, 3134, 3135, 3136, 3137, 3138, 3139, 3140, 3141, 3142, 3143, 3144, 3145, 3146,~~

~~3147, 3148, 3149, 3150, 3151, 3152, 3153, 3154, 3155, 3156, 3157, 3158, 3159, 3160, 3161, 3162, 3163, 3164, 3165, 3166, 3167, 3168, 3169, 3170, 3171, 3172, 3173, 3174, 3175, 3176, 3177, 3178, 3179, 3180, 3181, 3182, 3183, 3184, 3185, 3186, 3187, 3188, 3189, 3190, 3191, 3192, 3193, 3194, 3195, 3196, 3197, 3198, 3199, 3200, 3201, 3202, 3203, 3204, 3205, 3206, 3207, 3208, 3209, 3210, 3211, 3212, 3213, 3214, 3215, 3216, 3217, 3218, 3219, 3220, 3221, 3222, 3223, 3224, 3225, 3226, 3227, 3228, 3229, 3230, 3231, 3232, 3233, 3234, 3235, 3236, 3237, 3238, 3239, 3240, 3241, 3242, 3243, 3244, 3245, 3246, 3247, 3248, 3249, 3250, 3251, 3252, 3253, 3254, 3255, 3256, 3257, 3258, 3259, 3260, 3261, 3262, 3263, 3264, 3265, 3266, 3267, 3268, 3269, 3270, 3271, 3272, 3273, 3274, 3275, 3276, 3277, 3278, 3279, 3280, 3281, 3282, 3283, 3284, 3285, 3286, 3287, 3288, 3289, 3290, 3291, 3292, 3293, 3294, 3295, 3296, 3297, 3298, 3299, 3300, 3998 and 3999.~~

~~(c) In census tract 950300, blocks 6002, 7022, 7051, 7060, 7061, 7064 and 7065.]~~

1. In Clark County:

(a) Census tract 005818.

(b) In census tract 003237, blocks 1016, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037 and 1040.

(c) In census tract 005613, blocks 3006, 3007, 3008, 3009, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3038, 4000, 4001, 4002, 4003, 4004, 4005, 4006, 4007, 4008, 4009, 4010, 4011, 4012, 4013, 4014, 4015, 4016, 4017, 4018, 4019, 4020, 4021, 4022, 4023, 4057, 4106, 4107, 4108, 4109, 4110, 4111, 4112, 4113, 4114, 4115, 4116, 4117, 4118, 4119, 4120, 4121, 4122, 4123, 4124, 4125, 4126, 4127, 4128, 4131, 4132, 4370, 4371, 5003, 5004, 5005, 5006, 5007, 5008, 5009, 5010, 5011, 5039, 5040, 5047, 5050, 5051 and 5054.

(d) In census tract 005703, blocks 1003, 1004, 1015, 1016, 1030, 1031, 2159, 2162, 2169, 2171, 2180, 2181, 2186 and 2214.

(e) In census tract 005711, blocks 1117, 1120, 1121 and 1130.

(f) In census tract 005712, block 1075.

(g) In census tract 005823, blocks 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1036, 1037, 1038, 1039, 1040, 1041, 1068, 1069, 1070, 1071, 1072, 1073, 1074 and 1075.

(h) In census tract 005827:

(1) Block group 2.

(2) Blocks 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079,

1080, 1081, 1082, 1083, 1084, 1085, 1086, 1087, 1088, 1089, 1090, 1091, 1092, 1093, 1094, 1099, 1100, 1101, 1102, 1103, 1104, 1105, 1106, 1107, 1108, 1109, 1110, 1111, 1112, 1113, 1114, 1115, 1116, 1117, 1118, 1119, 1120, 1121, 1122, 1123, 1124, 1125, 1126, 1127, 1128, 1129, 1130, 1131, 1132, 1133, 1134, 1135, 1136, 1137, 1138, 1139, 1140, 1141, 1142, 1143, 1144, 1145, 1146, 1147, 1148, 1149, 1150, 1151, 1152, 1153, 1154, 1155, 1156, 1157, 1158, 1159, 1160, 1161, 1162, 1163, 1164, 1165, 1166, 1167, 1168, 1169, 1170, 1171, 1172, 1173, 1174, 1175, 1176, 1177, 1178, 1179, 1180, 1181, 1182, 1183, 1184, 1185, 1186, 1187, 1188, 1189, 1190, 1191, 1192, 1193, 1194, 1195, 1196, 1197, 1198, 1199, 1200, 1201, 1202, 1203, 1204, 1205, 1206, 1207, 1208, 1209, 1210, 1211, 1212, 1213, 1214, 1215, 1216, 1217, 1218, 1219, 1220, 1221, 1222, 1223, 1224, 1225, 1226, 1227, 1228, 1229, 1230, 1231, 1232, 1233, 1234, 1235, 1236, 1237, 1238, 1239, 1240, 1241, 1242, 1243, 1244, 1245, 1246, 1247, 1248, 1249, 1250, 1251, 1252, 1253, 1254, 1255, 1256, 1257, 1258, 1259, 1260, 1261, 1262, 1263, 1264, 1265, 1266, 1267, 1268, 1269, 1270, 1271, 1272, 1273, 1274, 1275, 1276, 1277, 1278, 1279, 1280, 1281, 1282, 1283, 1284, 1285, 1286, 1287, 1288, 1289, 1290, 1291, 1292, 1293, 1294, 1295, 1296, 1297, 1298, 1299, 1300, 1301, 1302, 1303, 1304, 1305, 1306, 1307, 1308, 1309, 1312, 1313, 1314, 1315, 1318 and 1319.

(i) In census tract 005839, blocks 1019, 1020, 1021, 1022, 1023 and 1033.

(j) In census tract 005840, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1030, 1031, 1032, 1092, 1096, 1102, 1113, 1114, 1115, 1116, 1117 and 1118.

(k) In census tract 005841:

(1) Block group 1.

(2) Blocks 2028, 2029, 2030, 2032 and 2033.

(l) In census tract 005842, blocks 1001, 1002, 1003 and 1005.

(m) In census tract 005846, block group 3.

(n) In census tract 005852:

(1) Block group 1.

(2) Blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007 and 2008.

(o) In census tract 005902, blocks 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1085, 1086, 1087, 1088, 1089, 1090, 1091, 1092, 1093, 1094, 1095, 1096, 1097, 1098, 1099, 1100, 1101, 1102, 1103, 1104, 1105, 1106, 1107, 1108, 1109,

1110, 1111, 1112, 1113, 1114, 1115, 1116, 1117, 1118, 1119, 1120, 1121, 1122, 1123, 1124, 1125, 1126, 1127, 1128, 1129, 1130, 1131, 1132, 1133, 1134, 1135, 1136, 1137, 1138, 1139, 1140, 1141, 1142, 1143, 1144, 1145, 1146, 1147, 1148, 1149, 1150, 1151, 1152, 1153, 1154, 1155, 1156, 1157, 1158, 1159, 1160, 1161, 1162, 1163, 1164, 1165, 1166, 1167, 1168, 1169, 1170, 1171, 1172, 1173, 1174, 1175, 1176, 1177, 1178, 1179, 1180, 1181, 1182, 1183, 1184, 1185, 1186, 1187, 1188, 1189, 1190, 1191, 1192, 1193, 1194, 1195, 1196, 1197, 1198, 1199, 1200, 1201, 1202, 1203, 1204, 1205, 1206, 1207, 1208, 1209, 1210, 1211, 1212, 1213, 1214, 1215, 1216, 1217, 1218, 1219, 1220, 1221, 1222, 1223, 1224, 1225, 1226, 1227, 1228, 1229, 1230, 1231, 1232, 1233, 1234, 1235, 1236, 1237, 1240, 1243, 1244, 1245, 1251, 1254, 1255, 1256, 1257, 1258, 1259, 1260, 1261, 1262, 1263, 1264, 1266, 1269, 1270, 1271, 1272, 1273, 1275, 1276, 1301, 1450, 1451, 1452, 1476, 1491, 1494, 1502, 1503, 1504, 1505, 1506, 1507, 1508, 1509, 1510, 1511, 1512, 1513, 1514, 1518, 1522, 1523, 1524, 1527, 1528, 1529, 1530, 1531, 1532, 1533, 1534, 1535, 1536, 1537, 1538, 1539, 1540, 1541, 1542, 1543, 1544, 1545, 1546, 1547, 1548, 1549, 1550, 1551, 1552, 1553, 1554, 1555, 1556, 1557, 1558, 1559, 1560, 1561, 1562, 1563, 1564, 1565, 1566, 1567, 1568, 1569, 1570, 1571, 1572, 1573, 1574, 1575, 1576, 1577, 1578, 1579, 1580, 1581, 1582, 1583, 1584, 1585, 1586, 1587, 1588, 1589, 1590, 1591, 1592, 1593, 1594, 1595, 1596, 1597, 1598, 1606, 1607, 1608, 1609, 1610, 1611, 1612, 1613, 1614, 1615, 1616, 1617, 1618, 1619, 1620, 1621, 1622, 1632, 1634, 1642, 1643, 1644, 1645, 1651, 1655, 1656, 1657, 1658, 1668, 1669, 1670, 1671, 1673, 1674, 1675, 1676, 1677, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2056, 2057, 2058 and 2059.

(p) In census tract 007500, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1085, 1086, 1087, 1088, 1089, 1090, 1091, 1092, 1093, 1094, 1095, 1096, 1097, 1098, 1099, 1100, 1101, 1102, 1103, 1104, 1105, 1106, 1107, 1108, 1109, 1110, 1111, 1112, 1113, 1114, 1115, 1116, 1117, 1118, 1119, 1120, 1121, 1122, 1123, 1124, 1125, 1126, 1127, 1128, 1129, 1130, 1131, 1132, 1133, 1134, 1135, 1136, 1137, 1138, 1139, 1140, 1141, 1144, 1145, 1146, 1147, 1148, 1149, 1150, 1151, 1152,

1153, 1154, 1155, 1156, 1157, 1158, 1159, 1160, 1161, 1162, 1163, 1164, 1165, 1166, 1167, 1168, 1169, 1170, 1171, 1172, 1173, 1174, 1175, 1176, 1177, 1178, 1179, 1180, 1181, 1182, 1183, 1184, 1185, 1186, 1187, 1188, 1189, 1190, 1192, 1195, 1196, 1197, 1200, 1203, 1204, 1205, 1206, 1207, 1208, 1209, 1210, 1211, 1212, 1213, 1214 and 1215.

2. In Lincoln County:

(a) Census tract 005818.

(b) In census tract 950100, blocks 1879, 1880, 1881, 1883, 1884, 1885, 1886, 1887, 1888, 1889, 1890, 1891, 1892, 1893, 1894, 1895, 1896, 1897, 1898, 1899, 1900, 1902, 1904, 1905, 1942, 1943, 1944, 1945, 1959, 1960, 1961, 1962, 2152, 2153, 2154, 2156, 2157, 2158, 2168, 2169, 2194, 2195, 2196, 2197, 2198, 2199, 2204, 2205, 2209, 2210, 2211, 2222, 2223, 2224, 2225, 2226, 2227, 2228, 2229, 2230 and 2231.

(c) In census tract 950200, blocks 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1085, 1086, 1087, 1088, 1089, 1090, 1091, 1092, 1093, 1094, 1095, 1096, 1097, 1098, 1099, 1100, 1101, 1102, 1103, 1104, 1105, 1106, 1107, 1108, 1109, 1110, 1111, 1112, 1113, 1114, 1115, 1116, 1117, 1118, 1119, 1120, 1121, 1122, 1123, 1124, 1125, 1126, 1127, 1128, 1129, 1130, 1131, 1132, 1133, 1134, 1135, 1136, 1137, 1138, 1139, 1140, 1141, 1142, 1143, 1144, 1145, 1146, 1147, 1148, 1149, 1150, 1151, 1152, 1153, 1154, 1155, 1156, 1157, 1158, 1159, 1160, 1161, 1162, 1163, 1164, 1165, 1166, 1167, 1168, 1169, 1170, 1171, 1178, 1179, 1180, 1181, 1182, 1183, 1184, 1185, 1186, 1187, 1188, 1189, 1190, 1193, 1194, 1195, 1196, 1197, 1198, 1199, 1200, 1201, 1202, 1203, 1204, 1205, 1206, 1207, 1208, 1209, 1210, 1211, 1212, 1213, 1214, 1215, 1216, 1217, 1218, 1219, 1220, 1221, 1222, 1223, 1224, 1225, 1226, 1227, 1228, 1229, 1230, 1231, 1232, 1233, 1234, 1235, 1236, 1237, 1238, 1239, 1240, 1241, 1242, 1243, 1244, 1245, 1246, 1247, 1248, 1249, 1250, 1251, 1252, 1253, 1254, 1255, 1256, 1257, 1258, 1259, 1260, 1261, 1262, 1263, 1264, 1265, 1266, 1267, 1268, 1269, 1270, 1271, 1272, 1273, 1274, 1275, 1276, 1277, 1278, 1279, 1280, 1281, 1282, 1283, 1284, 1285, 1286, 1287, 1288, 1289, 1290, 1291, 1292, 1293, 1294, 1295, 1296, 1297, 1298, 1299, 1300, 1301, 1302, 1303, 1304, 1305, 1306, 1307, 1308, 1309, 1310, 1311, 1312, 1313, 1314, 1315, 1316, 1317, 1318, 1319, 1320, 1321, 1322, 1323, 1324, 1325, 1326, 1327, 1328, 1329, 1330, 1331, 1332, 1333, 1334, 1335, 1336, 1337, 1338, 1339, 1340, 1341, 1342, 1343, 1344, 1345, 1346, 1347, 1348, 1349, 1350,

1351, 1352, 1353, 1354, 1355, 1356, 1357, 1358, 1359, 1360, 1361, 1362, 1363, 1364, 1365, 1366, 1367, 1368, 1369, 1370, 1371, 1372, 1373, 1374, 1375, 1376, 1377, 1378, 1379, 1380, 1381, 1382, 1383, 1384, 1385, 1386, 1387, 1388, 1389, 1390, 1391, 1392, 1393, 1394, 1395, 1396, 1397, 1398, 1399, 1400, 1401, 1402, 1403, 1404, 1405, 1406, 1407, 1408, 1409, 1410, 1411, 1412, 1413, 1414, 1415, 1416, 1417, 1418, 1419, 1420, 1421, 1422, 1423, 1424, 1425, 1426, 1427, 1428, 1429, 1430, 1431, 1432, 1433, 1434, 1435, 1436, 1437, 1438, 1439, 1440, 1441, 1442, 1443, 1444, 1445, 1446, 1447, 1448, 1449, 1450, 1451, 1452, 1453, 1454, 1455, 1456, 1457, 1458, 1459, 1460, 1461, 1462, 1463, 1464, 1465, 1466, 1467, 1468, 1469, 1470, 1471, 1472, 1473, 1474, 1475, 1476, 1477, 1478, 1479, 1480, 1481, 1482, 1483, 1484, 1485, 1486, 1487, 1488, 1489, 1490, 1491, 1492, 1493, 1494, 1495, 1496, 1497, 1498, 1499, 1500, 1501, 1502, 1503, 1504, 1505, 1506, 1507, 1508, 1509, 1510, 1511, 1512, 1513, 1514, 1515, 1516, 1517, 1518, 1519, 1520, 1521, 1522, 1523, 1524, 1525, 1526, 1527, 1528, 1529, 1530, 1531, 1532, 1533, 1534, 1535, 1536, 1537, 1538, 1539, 1540, 1541, 1542, 1543, 1544, 1545, 1546, 1547, 1548, 1549, 1550, 1551, 1552, 1553, 1554, 1555, 1556, 1557, 1558, 1559, 1560, 1561, 1562, 1563, 1564, 1565, 1566, 1567, 1568, 1569, 1570, 1571, 1572, 1573, 1574, 1575, 1576, 1577, 1578, 1579, 1580, 1581, 1582, 1583, 1584, 1585, 1586, 1587, 1588, 1589, 1590, 1591, 1592, 1593, 1594, 1595, 1596, 1597, 1598, 1599, 1600, 1601, 1602, 1603, 1604, 1605, 1606, 1607, 1608, 1609, 1610, 1611, 1612, 1613, 1614, 1615, 1616, 1617, 1618, 1619, 1620, 1621, 1622, 1623, 1624, 1625, 1626, 1627, 1628, 1629, 1630, 1631, 1632, 1633, 1634, 1635, 1636, 1637, 1638, 1639, 1640, 1641, 1642, 1643, 1644, 1645, 1646, 1647, 1648, 1649, 1650, 1651, 1652, 1653, 1654, 1655, 1656, 1657, 1658, 1659, 1660, 1661, 1662, 1663, 1664, 1665, 1666, 1667, 1668, 1669, 1670, 1671, 1672, 1673, 1674, 1675, 1676, 1677, 1678, 1679, 1680, 1681, 1682, 1683, 1684, 1685, 1686, 1687, 1688, 1689, 1690, 1691, 1692, 1693, 1694, 1695, 1696, 1697, 1698, 1699, 1700, 1701, 1702, 1703, 1704, 1705, 1706, 1707, 1708, 1709, 1710, 1711, 1712, 1713, 1714, 1715, 1716, 1717, 1718, 1719, 1720, 1721, 1722, 1723, 1724, 1725, 1726, 1727, 1728, 1729, 1730, 1731, 1732, 1733, 1734, 1735, 1736, 1737, 1738, 1739, 1740, 1741, 1742, 1743, 1744, 1745, 1746, 1747, 1748, 1749, 1750, 1751, 1752, 1753, 1754, 1755, 1756, 1757, 1758, 1759, 1760, 1761, 1762, 1763, 1764, 1765, 1766, 1767, 1768, 1769, 1770, 1771, 1772, 1773, 1774, 1775, 1776, 1777, 1778, 1779, 1780, 1781, 1782, 1783, 1784, 1785, 1786, 1787, 1788, 1789, 1790, 1791, 1792, 1793, 1794, 1795, 1796, 1797, 1798, 1799, 1800, 1801, 1802, 1803, 1804, 1805, 1806, 1807, 1808, 1809, 1810, 1811, 1812, 1813, 1814, 1815, 1816, 1817, 1818, 1819, 1820, 1821, 1822, 1823, 1824, 1825, 1826, 1827, 1828, 1829, 1830, 1831, 1832, 1833, 1834, 1835, 1836, 1837, 1838, 1839, 1840, 1841, 1842, 1843, 1844, 1845, 1846, 1847, 1848, 1849, 1850, 1851, 1852, 1853, 1854,

1855, 1856, 1857, 1858, 1859, 1860, 1861, 1862, 1863, 1864, 1865, 1866, 1867, 1868, 1869, 1870, 1871, 1872, 1873, 1874, 1875, 1876, 1877, 1878, 1879, 1880, 1881, 1882, 1883, 1884, 1885, 1886, 1887, 1888, 1889, 1890, 1891, 1892, 1893, 1894, 1895, 1896, 1897, 1898, 1899, 1900, 1901, 1902, 1903, 1904, 1905, 1906, 1907, 1908, 1909, 1910, 1911, 1912, 1913, 1914, 1915, 1916, 1917, 1918, 1920, 1921, 1922, 1923, 1924, 1925, 1927, 1928, 1929, 1930, 1931, 1939, 1940, 1953, 1954, 1955, 1956, 1957, 1958, 1959, 1960, 1961, 1962, 1963, 1964, 1965, 1966, 1967, 1968, 1969, 1970, 1971, 1972, 1973, 1974, 1975, 1976, 2000, 2001, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2225, 2226, 2227, 2228, 2229, 2230, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2238, 2239, 2240, 2241, 2242, 2243, 2244, 2245, 2246, 2247, 2248, 2249, 2250, 2251, 2252, 2253, 2254, 2255, 2256, 2257, 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2268, 2269, 2270, 2271, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 2294, 2295, 2296, 2297, 2298, 2299, 2300, 2301, 2302, 2303, 2304, 2305, 2306, 2307, 2308, 2309, 2310, 2311, 2312, 2313, 2314, 2315, 2316, 2317, 2318, 2319, 2320, 2321, 2322, 2323, 2324, 2325, 2326, 2327, 2328, 2329, 2330, 2331, 2332, 2333, 2334, 2335, 2336, 2337, 2338, 2339, 2340, 2341, 2342, 2343, 2344, 2345, 2346, 2347, 2348, 2349, 2350, 2351, 2352, 2353, 2354, 2355, 2356, 2357, 2358, 2359, 2360, 2361, 2362, 2363, 2364, 2365, 2366, 2367, 2368, 2369, 2370, 2371, 2372, 2373, 2374, 2375, 2376, 2377, 2378, 2379, 2380, 2381, 2382, 2383, 2384, 2385, 2386, 2387, 2388, 2389, 2390, 2391, 2392, 2393, 2394, 2395, 2396, 2397, 2398, 2399, 2400, 2401, 2402, 2403, 2404, 2405, 2406, 2407, 2408, 2409, 2410, 2411, 2412, 2413, 2414, 2415, 2416, 2417, 2418, 2419, 2420, 2421, 2422, 2423, 2424, 2425, 2426, 2427, 2428, 2429, 2430, 2431, 2432, 2433, 2434, 2435, 2436, 2437, 2438, 2439, 2440, 2441, 2442, 2443, 2444, 2445, 2446, 2447, 2448, 2449, 2450, 2451, 2452, 2453, 2454,

2455, 2456, 2457, 2458, 2459, 2460, 2461, 2462, 2463, 2464, 2465, 2466, 2467, 2468, 2469, 2470, 2471, 2472, 2473, 2474, 2475, 2476, 2477, 2478, 2479, 2480, 2481, 2482, 2483, 2484, 2485, 2486, 2487, 2488, 2489, 2490, 2491, 2492, 2493, 2494, 2495, 2496, 2497, 2498, 2499, 2500, 2501, 2502, 2503, 2504, 2505, 2506, 2508, 2509, 2538, 2539, 2540, 2541, 2542, 2544, 2545, 2546 and 2547.

3. In Nye County:

(a) Census tracts 005818, 960300, 960401, 960402, 960403, 960404, 960405, 960406 and 980500.

(b) In census tract 960100, blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2225, 2226, 2227, 2228, 2229, 2230, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2238, 2239, 2240, 2241, 2242, 2243, 2244, 2245, 2246, 2247, 2248, 2249, 2250, 2251, 2252, 2253, 2254, 2255, 2256, 2257, 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2268, 2269, 2270, 2271, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 2294, 2295, 2296, 2297, 2298, 2299, 2300, 2301, 2302, 2303, 2304, 2305, 2306, 2307, 2308, 2309, 2310, 2311, 2312, 2313, 2314, 2315, 2316, 2317, 2318, 2319, 2320, 2321, 2322, 2323, 2324, 2325, 2326, 2327, 2328, 2329, 2330, 2331, 2332, 2333, 2334, 2335, 2336, 2337, 2338, 2339, 2340, 2341, 2342, 2343, 2344, 2345, 2346, 2347, 2348, 2349, 2350, 2351, 2352, 2353, 2354, 2355, 2356, 2357, 2408, 2409, 2410, 2411, 2412, 2413, 2414, 2415, 2416, 2417, 2418, 2419, 2420, 2421, 2660, 2661, 2662, 2663, 2664, 2665, 2667, 2669, 2670, 2671, 2672, 2673, 2674, 2675, 2676, 2677, 2678, 2679,

2680, 2681, 2682, 2683, 2684, 2685, 2686, 2687, 2688, 2689, 2690, 2691, 2692, 2693, 2694, 2695, 2696, 2697, 2698, 2699, 2700, 2701, 2702, 2703, 2704, 2705, 2706, 2707, 2708, 2709, 2710, 2711, 2712, 2713, 2714, 2715, 2716, 2717, 2718, 2719, 2720, 2721, 2722, 2723, 2724, 2725, 2726, 2727, 2728, 2729, 2730, 2731, 2732, 2733, 2734, 2735, 2736, 2737, 2738, 2739, 2740, 2741, 2742, 2743, 2744, 2745, 2746, 2747, 2748, 2749, 2750, 2751, 2752, 2753, 2754, 2755, 2756, 2757, 2758, 2759, 2760, 2761, 2762, 2763, 2764, 2765, 2766, 2767, 2768, 2769, 2770, 2771, 2772, 2773, 2774, 2775, 2776, 2777, 2778, 2779, 2780, 2781, 2782, 2783, 2784, 2785, 2786, 2787, 2788, 2789, 2790, 2791, 2792, 2793, 2794, 2795, 2796, 2797, 2798, 2799, 2800, 2801, 2802, 2803, 2804, 2805, 2806, 2807, 2808, 2809, 2810, 2811, 2812, 2813, 2814, 2815, 2816, 2817, 2818, 2819, 2820, 2821, 2822, 2823, 2824, 2825, 2826, 2827, 2828, 2829, 2830, 2831, 2832, 2833, 2834, 2835, 2836, 2837, 2838, 2839, 2840, 2841, 2842, 2843, 2844, 2845, 2846, 2847, 2848, 2849, 2850, 2851, 2852, 2853, 2854, 2855, 2856, 2857, 2858, 2859, 2860, 2861, 2862, 2863, 2864, 2865, 2866, 2867, 2868, 2869, 2870, 2871, 2872, 2873, 2874, 2875, 2876, 2877, 2878, 2879, 2880, 2881, 2882, 2883, 2884, 2885, 2886, 2887, 2888, 2889, 2890, 2891, 2892, 2893, 2894, 2895, 2896, 2897, 2898, 2899, 2900, 2901, 2902, 2903, 2904, 2905, 2906, 2907, 2908, 2909, 2910, 2911, 2912, 2913, 2914, 2915, 2916, 2917, 2918, 2919, 2920, 2921, 2922, 2923, 2924, 2925, 2926, 2927, 2928, 2929, 2930, 2931, 2932, 2933, 2934, 2935, 2936, 2937, 2938, 2939, 2940, 2941, 2942, 2943, 2944, 2945, 2947, 2948, 2949, 2950, 2951, 2952, 2953, 2954, 2956, 2957, 2958, 2959, 2960, 2961, 2962, 2963, 2964, 2965, 2966, 2967, 2968, 2969, 2970, 2971, 2972, 2973, 2974, 2975, 2976, 2977, 2978, 2979, 2980, 2981, 2982, 2983, 2984, 2985, 2986, 2987, 2988, 2993, 2995, 2996, 2997 and 2999.

(c) In census tract 960200, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1016, 1102, 1217, 1218, 1219, 1220, 1221, 1222, 1223, 1224, 1226, 1227, 1228, 1229, 1231, 1232, 1233, 1234, 1237, 1238, 1239, 1240, 1241, 1242, 1243, 1244, 1245, 1246, 1247, 1248, 1249, 1250, 1251, 1252, 1253, 1254, 1255, 1256, 1257, 1258, 1259, 1260, 1261, 1262, 1263, 1264, 1265, 1266, 1267, 1268, 1269, 1270, 1271, 1272, 1273, 1274, 1275, 1276, 1277, 1278, 1279, 1280, 1281, 1282, 1283, 1284, 1285, 1286, 1287, 1288, 1289, 1290, 1291, 1292, 1293, 1294, 1295, 1296, 1297, 1298, 1299, 1300, 1301, 1302, 1303, 1304, 1305, 1306, 1307, 1308, 1309, 1310, 1311, 1312, 1313, 1314, 1315, 1316, 1317, 1318, 1319, 1320, 1321, 1322, 1323, 1324, 1325, 1326, 1327, 1328, 1329, 1330, 1331, 1332, 1333, 1334, 1335, 1336, 1337, 1338, 1339, 1340, 1343, 1345, 1346, 1347, 1348, 1349, 1350, 1351, 1352, 1353, 1354, 1355, 1356, 1357, 1358, 1359, 1360, 1361, 1362, 1363, 1364, 1365, 1366, 1367, 1368, 1377, 1378, 1421, 1422, 1423, 1424, 1425, 1426, 1427, 1431, 1432, 1433,

1434, 1435, 1436, 1437, 1438, 1439, 1440, 1441, 1442, 1443, 1444, 1445, 1446, 1447, 1448, 1449, 1450, 1451, 1452, 1453, 1454, 1455, 1456, 1457, 1458, 1459, 1460, 1461, 1462, 1463, 1464, 1465, 1466, 1467, 1468, 1469, 1470, 1471, 1472, 1473, 1474, 1475, 1476, 1477, 1478, 1479, 1480, 1481, 1482, 1483, 1484, 1485, 1486, 1487, 1488, 1489, 1490, 1491, 1492, 1493, 1494, 1495, 1496, 1497, 1498, 1499, 1500, 1501, 1502, 1503, 1504, 1505, 1506, 1507, 1508, 1509, 1510, 1511, 1512, 1513, 1514, 1515, 1516, 1517, 1518, 1519, 1520, 1521, 1522, 1523, 1524, 1525, 1526, 1527, 1528, 1529, 1530, 1531, 1532, 1533, 1534, 1535, 1536, 1537, 1538, 1539, 1540, 1541, 1542, 1543, 1544, 1545, 1546, 1547, 1548, 1549, 1550, 1551, 1552, 1553, 1554, 1555, 1556, 1557, 1558, 1559, 1560, 1561, 1562, 1563, 1564, 1565, 1566, 1567, 1568, 1569, 1570, 1571, 1572, 1573, 1574, 1575, 1576, 1577, 1578, 1579, 1580, 1581, 1582, 1583, 1584, 1585, 1586, 1587, 1588, 1589, 1590, 1591, 1592, 1593, 1594, 1595, 1596, 1597, 1598, 1599, 1600, 1601, 1602, 1603, 1604, 1605, 1606, 1607, 1608, 1609, 1610, 1611, 1612, 1613, 1614, 1615, 1616, 1617, 1618, 1619, 1620, 1621, 1622, 1623, 1624, 1625, 1626, 1627, 1628, 1629, 1630, 1631, 1632, 1633, 1634, 1635, 1636, 1637, 1638, 1639, 1640, 1641, 1642, 1643, 1644, 1645, 1646, 1647, 1648, 1649, 1650, 1651, 1652, 1653, 1654, 1655, 1656, 1657, 1658, 1659, 1660, 1661, 1662, 1663, 1664, 1665, 1666, 1667, 1668, 1669, 1670, 1671, 1672, 1673, 1674, 1675, 1676, 1677, 1678, 1679, 1680, 1681, 1682, 1683, 1684, 1685, 1686, 1687, 1688, 1689, 1690, 1691, 1692, 1693, 1694, 1695, 1696, 1697, 1698, 1699, 1700, 1701, 1702, 1703, 1704, 1705, 1706, 1707, 1708, 1709, 1710, 1711, 1712, 1713, 1714, 1715, 1716, 1717, 1718, 1719, 1721, 1722, 1723, 1724, 1725, 1726, 1727, 1728, 1729, 1730, 1731, 1732, 1733, 1734, 1735, 1736, 1737, 1738, 1739, 1740, 1741, 1742, 1743, 1744, 1745, 1746, 1747, 1748, 1749, 1750, 1751, 1752, 1753, 1754, 1755, 1756, 1760, 1761, 1762, 1763, 1764, 1765, 1766, 1767, 1773, 1774, 1775, 1776, 1777, 1778, 1787, 1788, 1789, 1807, 1808, 1809, 1810, 1811, 1815, 1858, 1861, 1865, 1866, 1867, 1868, 1869, 1870, 1871, 1874, 1875, 1876, 2000, 2001, 2002, 2003, 2004, 2005, 2007, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2057, 2058, 2065, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2145, 2146, 2147, 2148 and 2149.

Sec. 113. **NRS 218B.780 is hereby amended to read as follows:**

218B.780 Assembly District 37 consists of, in Clark County:

~~[1. Census tracts 003209, 003408, 003411, 003418, 003419 and 003421.~~

~~2. Census voting districts 2048, 2103, 3029, 3050 and 3075.~~

~~3. In census tract 003101, blocks 2000, 2002, 2003, 2004, 2005, 4001, 4002, 4007, 4008, 4009 and 4010.~~

~~4. In census tract 003207, blocks 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3033, 3034, 3035, 3036, 3037, 3038, 3039, 5000, 5001, 5002, 5003, 5004, 5013 and 5014.~~

~~5. In census tract 003208, blocks 1021, 1022, 1023, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2016, 2017, 2018, 2019 and 2020.~~

~~6. In census tract 003409, blocks 1010, 1012, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019 and 2020.~~

~~7. In census tract 003412, blocks 3002, 3003, 3004 and 3005.~~

~~8. In census tract 003415, blocks 1000, 1001, 2002 and 2003.~~**]**

1. Census tracts 003239, 003241, 003243, 003244, 003245, 003246, 003409 and 003411.

2. In census tract 003204, blocks 4019 and 4020.

3. In census tract 003208, blocks 1022, 1023, 1024, 1035, 2000, 2001, 2002, 2003, 2009, 2010, 2011, 2012, 2013, 2017, 2018, 2019, 2020, 2021, 2022, 2023 and 2024.

4. In census tract 003210, blocks 1001 and 1002.

5. In census tract 003211, blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020 and 2021.

6. In census tract 003237, blocks 1004, 1038 and 1039.

7. In census tract 003238:

(a) Block groups 2 and 3.

(b) Blocks 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049 and 1050.

8. In census tract 003240:

(a) Block groups 2 and 3.

(b) Blocks 1024, 1030, 1031, 1034 and 1035.

9. In census tract 003242, blocks 2002, 2003, 2004, 2006, 2010, 2012, 2013, 2018, 2019, 2020, 2022, 2023, 2024 and 2025.

10. In census tract 003247, block group 3.

11. In census tract 003248, block group 2.

12. In census tract 003408, block group 1.

13. In census tract 003412, blocks 1001, 1002, 1003, 1004, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 3004, 3005, 3006, 3007, 3008, 3009, 3010 and 3011.

14. In census tract 003413, blocks 2000, 2001, 2002 and 2003.

15. In census tract 003415, block groups 1, 2, 3 and 4.

16. In census tract 003416, blocks 1005, 1006, 1012, 1013, 3006, 3007, 3008 and 3009.

17. In census tract 003418, block groups 2 and 3.

18. In census tract 003419, block groups 1 and 2.

Sec. 114. **NRS 218B.785 is hereby amended to read as follows:**

218B.785 Assembly District 38 consists of:

~~[1. Lyon County and Storey County.~~

~~2. In Carson City, census voting districts 0106, 0108, 0225, 0260, 0334, 0337, 0338 and 0481.~~

~~3. In Churchill County, census voting districts 0085 and 0095.]~~

1. Esmeralda County, Humboldt County, Lander County, Mineral County and Pershing County.

2. In Churchill County:

(a) In census tract 950100, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1085, 1086, 1087, 1088, 1089, 1090, 1091, 1092, 1093, 1094, 1095, 1096, 1097, 1098, 1099, 1100, 1101, 1102, 1103, 1104, 1105, 1106, 1107, 1108, 1109, 1110, 1111, 1112, 1113, 1114, 1115, 1116, 1117, 1118, 1119, 1120, 1121, 1122, 1123, 1124, 1125, 1126, 1127, 1128, 1129, 1130, 1131, 1132, 1133, 1134, 1135, 1136, 1137, 1138, 1139, 1140, 1141, 1142, 1143, 1144, 1145, 1146, 1147, 1148, 1149, 1150, 1151, 1152, 1153, 1154, 1155, 1156, 1157, 1158, 1159, 1160, 1161, 1162, 1163, 1164, 1165, 1166, 1167, 1168, 1169, 1170, 1171, 1172, 1173, 1174, 1175, 1176, 1177, 1178, 1179, 1180, 1181, 1182, 1183, 1184, 1185, 1186, 1187, 1188, 1189, 1190, 1191, 1192, 1193, 1194, 1195, 1196, 1197, 1198, 1199, 1200, 1201, 1202, 1203, 1204, 1205, 1206, 1207, 1208, 1209, 1210, 1211, 1212, 1213, 1214, 1215, 1216, 1217, 1218, 1219, 1220, 1221, 1222, 1223, 1224, 1225, 1226, 1227, 1228, 1229, 1230, 1231, 1232, 1233, 1234, 1235, 1236, 1237, 1238, 1239, 1240, 1241, 1242, 1243, 1244, 1245, 1246, 1247, 1248, 1249, 1250, 1251, 1252, 1253, 1254, 1255, 1256, 1257, 1258, 1259, 1260, 1261, 1262, 1263, 1264, 1265, 1266, 1267, 1268, 1269, 1270, 1271, 1272, 1273, 1274, 1275, 1276, 1277, 1278, 1279, 1280, 1281,

1282, 1283, 1284, 1285, 1286, 1287, 1288, 1289, 1290, 1291, 1292, 1293, 1294, 1295, 1296, 1297, 1298, 1299, 1300, 1301, 1302, 1303, 1304, 1305, 1306, 1307, 1308, 1309, 1310, 1311, 1312, 1313, 1314, 1315, 1316, 1317, 1318, 1319, 1320, 1321, 1322, 1323, 1324, 1325, 1326, 1327, 1328, 1329, 1330, 1331, 1332, 1333, 1334, 1335, 1336, 1337, 1338, 1339, 1340, 1341, 1342, 1343, 1344, 1345, 1346, 1347, 1348, 1349, 1350, 1351, 1352, 1353, 1354, 1355, 1356, 1357, 1358, 1359, 1360, 1361, 1362, 1363, 1364, 1365, 1366, 1367, 1368, 1369, 1370, 1371, 1372, 1373, 1374, 1375, 1376, 1377, 1378, 1379, 1380, 1381, 1382, 1383, 1384, 1385, 1386, 1387, 1388, 1389, 1390, 1391, 1392, 1393, 1394, 1395, 1396, 1397, 1398, 1399, 1400, 1401, 1402, 1403, 1404, 1405, 1406, 1407, 1408, 1409, 1410, 1411, 1412, 1413, 1415, 1416, 1417, 1418, 1419, 1421, 1422, 1423, 1424, 1425, 1426, 1427, 1428, 1429, 1430, 1431, 1432, 1433, 1434, 1435, 1436, 1437, 1438, 1439, 1440, 1441, 1442, 1443, 1444, 1445, 1446, 1447, 1448, 1449, 1450, 1451, 1452, 1453, 1454, 1455, 1456, 1457, 1458, 1459, 1460, 1461, 1462, 1463, 1464, 1465, 1466, 1467, 1468, 1469, 1470, 1471, 1472, 1473, 1474, 1475, 1476, 1477, 1478, 1479, 1480, 1481, 1482, 1483, 1484, 1485, 1486, 1487, 1488, 1489, 1490, 1491, 1492, 1493, 1494, 1495, 1496, 1497, 1498, 1499, 1500, 1501, 1502, 1503, 1504, 1505, 1506, 1507, 1508, 1509, 1510, 1511, 1512, 1513, 1514, 1515, 1516, 1517, 1518, 1519, 1520, 1521, 1522, 1523, 1524, 1525, 1526, 1527, 1528, 1529, 1530, 1531, 1532, 1533, 1534, 1535, 1536, 1537, 1538, 1539, 1540, 1541, 1542, 1543, 1544, 1545, 1546, 1547, 1548, 1549, 1550, 1551, 1552, 1553, 1554, 1555, 1556, 1557, 1558, 1559, 1560, 1561, 1562, 1563, 1564, 1565, 1566, 1567, 1568, 1569, 1570, 1571, 1572, 1573, 1574, 1575, 1576, 1577, 1578, 1579, 1580, 1581, 1582, 1583, 1584, 1589, 1590, 1591, 1592, 1623, 1625, 1626, 1629, 1630, 1631, 1632, 1633, 1634, 1635, 1636, 1637, 1638, 1639, 1640, 1641, 1642, 1643, 1644, 1645, 1646, 1647, 1648, 1649, 1650, 1651, 1652, 1653, 1654, 1655, 1656, 1657, 1658, 1659, 1660, 1661, 1662, 1664, 1665, 1666, 1667, 1668, 1690, 1693, 1695, 1711, 1712, 1713, 1714, 1715, 1716, 1717, 1720, 1721, 1722, 1723, 1724, 1725, 1726, 1727, 1728, 1729, 1730, 1731, 1732, 1733, 1734, 1735, 1736, 1737, 1738, 1739, 1740, 1741, 1747, 1748, 1749, 1751, 1752, 1753, 1754, 1756, 1761, 1763, 1764, 1765, 1766, 1767, 1768, 1769, 1770, 1771, 1772, 1773, 1774, 1775, 1776, 1777, 1778, 1779, 1780, 1781, 1782, 1783, 1784, 1785, 1786, 1787, 1788, 1789, 1790, 1791, 1792, 1793, 1794, 1795, 1796, 1798, 1799, 1800, 1801, 1802, 1803, 1804, 1805, 1806, 1807, 1808, 1809, 1810, 1812, 1813, 1814, 1815, 1816, 1817, 1818, 1819, 1820, 1821, 1822, 1823, 1824, 1825, 1826, 1827, 1828, 1829, 1830, 1831, 1832, 1833, 1834, 1835, 1836, 1837, 1838, 1839, 1840, 1841, 1842, 1843, 1844, 1845, 1846, 1847, 1848, 1849, 1850, 1852, 1853, 1854, 1855, 1856, 1857, 1861, 1864, 1865, 1866, 1867, 1868 and 1869.

(b) In census tract 950301, blocks 2000, 2001, 2002, 2003, 2004, 2005, 2008, 2009, 2010, 2011 and 2052.

(c) In census tract 950500:

(1) Block group 1.

(2) Blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2102, 2103, 2105, 2106, 2109, 2110, 2111, 2112, 2113, 2114, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133 and 2134.

(d) In census tract 950600:

(1) Block group 1.

(2) Blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2015, 2016, 2017, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2044, 2045, 2066, 2067, 2068, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3024, 3025, 3026, 3027, 3028, 3031 and 3032.

3. In Douglas County:

(a) Census tracts 001100 and 002500.

(b) In census tract 001000:

(1) Block group 2.

(2) Blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1017, 1018 and 1019.

(c) In census tract 001300, block 2004.

(d) In census tract 001500, blocks 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1063, 1064, 1065, 1066, 1067, 1069 and 1070.

(e) In census tract 002200, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2040, 2041, 2042, 2043, 4000, 4021, 4022, 4023, 4024, 4025, 4026, 4027, 4028, 4029, 4030, 4035, 4039, 4045, 4049 and 4050.

(f) In census tract 002300:

(1) Block groups 1 and 3.

(2) Blocks 2000, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2067, 2068, 2069 and 2070.

(g) In census tract 002400, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1085, 1086, 1087, 1088, 1089, 1090, 1091, 1092, 1093, 1094, 1095, 1096, 1097, 1098, 1099, 1100, 1101, 1102, 1103, 1104, 1105, 1106, 1107, 1108, 1109, 1110, 1111, 1112, 1113, 1114, 1115, 1116, 1117, 1118, 1119, 1120, 1121, 1122, 1123, 1124, 1125, 1126, 1127, 1128, 1129, 1130, 1131, 1132, 1133, 1134, 1135, 1136, 1137, 1138, 1139, 1140, 1141, 1142, 1143, 1144, 1145, 1146, 1147, 1148, 1149, 1150, 1151, 1152, 1153, 1154, 1155, 1156, 1157, 1158, 1159, 1160, 1161, 1162, 1163, 1164, 1165, 1166, 1167, 1168, 1169, 1170, 1171, 1172, 1173, 1174, 1175, 1176, 1177, 1178, 1179, 1180, 1181, 1182, 1183, 1184, 1185, 1186, 1187, 1188, 1189, 1190, 1191, 1205, 1206, 1207, 1208, 1209, 1210, 1211, 1212, 1213, 1214, 1215, 1216, 1217, 1218, 1219, 1220, 1221, 1222, 1223, 1224, 1225, 1226, 1227, 1228, 1229, 1230, 1231, 1232, 1233, 1234, 1235, 1236, 1237, 1238, 1239, 1240, 1241, 1242, 1243, 1244, 1245, 1246, 1247, 1248, 1249, 1250, 1251, 1252, 1253, 1254, 1255, 1256, 1257, 1258, 1259, 1260, 1261, 1262, 1263, 1264, 1265, 1266, 1267, 1268, 1269, 1270, 1271, 1272, 1273, 1274, 1275, 1276, 1277, 1278, 1279, 1280, 1281, 1282, 1283, 1284, 1285, 1286, 1287, 1288, 1289, 1290, 1291, 1292, 1293, 1294, 1295, 1296, 1297, 1298, 1299, 1300, 1301, 1302, 1303, 1304, 1305, 1306, 1307, 1308, 1309, 1310, 1311, 1312, 1313, 1314, 1315, 1316, 1317, 1318, 1319, 1320, 1321, 1322, 1323, 1324, 1325, 1326, 1327, 1328, 1329, 1330, 1331, 1332, 1333, 1334, 1335, 1336, 1337, 1338, 1339, 1340, 1341, 1342, 1343, 1344, 1345, 1346, 1347, 1348, 1349, 1350, 1351, 1352, 1353, 1354, 1355, 1356, 1357, 1358, 1359, 1360, 1361, 1362, 1363, 1364, 1365, 1366, 1367, 1368, 1369, 1370, 1371, 1372, 1373, 1374 and 1375.

4. In Lyon County:

(a) Census tracts 001100 and 002500.

(b) In census tract 960800:

(1) Block groups 2, 4 and 5.

(2) Blocks 1048, 1110, 1112, 1113, 1114, 1115, 1116, 1117, 1118, 1119, 1120, 1121, 1122, 1123, 1124, 1125, 1126, 1127, 1128, 1129, 1130,

1133, 1134, 1135, 1136, 1137, 1138, 1139, 1140, 1141, 1142, 1144, 1145, 1146, 1147, 1148, 1149, 1150, 1151, 1152, 1153, 1154, 1155, 1156, 1157, 1158, 1159, 1160, 1161, 1162, 1163, 1164, 1165, 1166, 1167, 1168, 1169, 1170, 1171, 1172, 1173, 1174, 1175, 1176, 3035, 3036, 3037, 3038, 3041, 3042, 3043, 3044, 3045, 3046, 3047, 3050, 3051, 3052, 3061, 3062, 3063, 3064, 3065, 3066, 3067, 3068, 3069, 3070, 3071, 3072, 3073, 3074, 3075, 3076, 3077, 3078, 3079, 3080, 3081, 3082, 3083, 3084, 3085 and 3086.

(c) In census tract 960900, blocks 3006, 3007, 3008, 3039, 3040, 3041, 3042, 3043, 3044, 3045, 3046, 3047, 3048, 3049, 3050 and 3053.

5. In Nye County:

(a) Census tracts 001100 and 002500.

(b) In census tract 960100:

(1) Block group 1.

(2) Blocks 2358, 2359, 2360, 2361, 2362, 2363, 2364, 2365, 2366, 2367, 2368, 2369, 2370, 2371, 2372, 2373, 2374, 2375, 2376, 2377, 2378, 2379, 2380, 2381, 2382, 2383, 2384, 2385, 2386, 2387, 2388, 2389, 2390, 2391, 2392, 2393, 2394, 2395, 2396, 2397, 2398, 2399, 2400, 2401, 2402, 2403, 2404, 2405, 2406, 2407, 2422, 2423, 2424, 2425, 2426, 2427, 2428, 2429, 2430, 2431, 2432, 2433, 2434, 2435, 2436, 2437, 2438, 2439, 2440, 2441, 2442, 2443, 2444, 2445, 2446, 2447, 2448, 2449, 2450, 2451, 2452, 2453, 2454, 2455, 2456, 2457, 2458, 2459, 2460, 2461, 2462, 2463, 2464, 2465, 2466, 2467, 2468, 2469, 2470, 2471, 2472, 2473, 2474, 2475, 2476, 2477, 2478, 2479, 2480, 2481, 2482, 2483, 2484, 2485, 2486, 2487, 2488, 2489, 2490, 2491, 2492, 2493, 2494, 2495, 2496, 2497, 2498, 2499, 2500, 2501, 2502, 2503, 2504, 2505, 2506, 2507, 2508, 2509, 2510, 2511, 2512, 2513, 2514, 2515, 2516, 2517, 2518, 2519, 2520, 2521, 2522, 2523, 2524, 2525, 2526, 2527, 2528, 2529, 2530, 2531, 2532, 2533, 2534, 2535, 2536, 2537, 2538, 2539, 2540, 2541, 2542, 2543, 2544, 2545, 2546, 2547, 2548, 2549, 2550, 2551, 2552, 2553, 2554, 2555, 2556, 2557, 2558, 2559, 2560, 2561, 2562, 2563, 2564, 2565, 2566, 2567, 2568, 2569, 2570, 2571, 2572, 2573, 2574, 2575, 2576, 2577, 2578, 2579, 2580, 2581, 2582, 2583, 2584, 2585, 2586, 2587, 2588, 2589, 2590, 2591, 2592, 2593, 2594, 2595, 2596, 2597, 2598, 2599, 2600, 2601, 2602, 2603, 2604, 2605, 2606, 2607, 2608, 2609, 2610, 2611, 2612, 2613, 2614, 2615, 2616, 2617, 2618, 2619, 2620, 2621, 2622, 2623, 2624, 2625, 2626, 2627, 2628, 2629, 2630, 2631, 2632, 2633, 2634, 2635, 2636, 2637, 2638, 2639, 2640, 2641, 2642, 2643, 2644, 2645, 2646, 2647, 2648, 2649, 2650, 2651, 2652, 2653, 2654, 2655, 2656, 2657, 2658, 2659, 2666, 2668, 2946, 2955, 2989, 2990, 2991, 2992, 2994 and 2998.

(c) In census tract 960200, blocks 1015, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045,

1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1085, 1086, 1087, 1088, 1089, 1090, 1091, 1092, 1093, 1094, 1095, 1096, 1097, 1098, 1099, 1100, 1101, 1103, 1104, 1105, 1106, 1107, 1108, 1109, 1110, 1111, 1112, 1113, 1114, 1115, 1116, 1117, 1118, 1119, 1120, 1121, 1122, 1123, 1124, 1125, 1126, 1127, 1128, 1129, 1130, 1131, 1132, 1133, 1134, 1135, 1136, 1137, 1138, 1139, 1140, 1141, 1142, 1143, 1144, 1145, 1146, 1147, 1148, 1149, 1150, 1151, 1152, 1153, 1154, 1155, 1156, 1157, 1158, 1159, 1160, 1161, 1162, 1163, 1164, 1165, 1166, 1167, 1168, 1169, 1170, 1171, 1172, 1173, 1174, 1175, 1176, 1177, 1178, 1179, 1180, 1181, 1182, 1183, 1184, 1185, 1186, 1187, 1188, 1189, 1190, 1191, 1192, 1193, 1194, 1195, 1196, 1197, 1198, 1199, 1200, 1201, 1202, 1203, 1204, 1205, 1206, 1207, 1208, 1209, 1210, 1211, 1212, 1213, 1214, 1215, 1216, 1225, 1230, 1235, 1236, 1341, 1342, 1344, 1369, 1370, 1371, 1372, 1373, 1374, 1375, 1376, 1379, 1380, 1381, 1382, 1383, 1384, 1385, 1386, 1387, 1388, 1389, 1390, 1391, 1392, 1393, 1394, 1395, 1396, 1397, 1398, 1399, 1400, 1401, 1402, 1403, 1404, 1405, 1406, 1407, 1408, 1409, 1410, 1411, 1412, 1413, 1414, 1415, 1416, 1417, 1418, 1419, 1420, 1428, 1429, 1430, 1720, 1757, 1758, 1759, 1768, 1769, 1770, 1771, 1772, 1779, 1780, 1781, 1782, 1783, 1784, 1785, 1786, 1790, 1791, 1792, 1793, 1794, 1795, 1796, 1797, 1798, 1799, 1800, 1801, 1802, 1803, 1804, 1805, 1806, 1812, 1813, 1814, 1816, 1817, 1818, 1819, 1820, 1821, 1822, 1823, 1824, 1825, 1826, 1827, 1828, 1829, 1830, 1831, 1832, 1833, 1834, 1835, 1836, 1837, 1838, 1839, 1840, 1841, 1842, 1843, 1844, 1845, 1846, 1847, 1848, 1849, 1850, 1851, 1852, 1853, 1854, 1855, 1856, 1857, 1859, 1860, 1862, 1863, 1864, 1872, 1873, 1877, 2006, 2008, 2009, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2059, 2060, 2061, 2062, 2063, 2064, 2066, 2067, 2068, 2069, 2070, 2083, 2084, 2085, 2086, 2087, 2088, 2114, 2122, 2143 and 2144.

Sec. 115. **NRS 218B.790 is hereby amended to read as follows:**

218B.790 Assembly District 39 consists of ~~:~~ **.**

~~1. Douglas County.~~

~~2. In Carson City, in census tract 000300, blocks 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2097, 2098, 2099, 2998 and 2999.~~

~~3. In Washoe County:~~

~~(a) Census voting districts 720, 723, 727, 730, 737, 739, 740 and 881.~~

~~(b) In census tract 003201, blocks 1070, 1072, 1073 and 1074.~~

~~(c) In census tract 003302, blocks 1011, 1013, 1014, 1015, 1016 and 1017.~~

~~(d) In census tract 003304, blocks 3002, 3008, 4000, 4001, 4002, 4003, 4004, 4005, 6028 and 6029.~~**]** ***, in Clark County:***

1. Census tracts 002976, 002977, 005828, 005829, 005830, 005832, 005855 and 005856.

2. In census tract 002974, blocks 2008 and 2009.

3. In census tract 002975, blocks 1014, 1016, 1017, 1018, 1019 and 1021.

4. In census tract 002978, block 1009.

5. In census tract 002982, block 2006.

6. In census tract 002984, block 1011.

7. In census tract 005827, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1068, 1069, 1070, 1071, 1095, 1096, 1097, 1098, 1310, 1311, 1316 and 1317.

8. In census tract 005831, blocks 1042, 1043, 1044, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1055, 1056, 1058, 1059, 1060 and 1061.

9. In census tract 005833, block 1036.

10. In census tract 005836, blocks 2006 and 2007.

11. In census tract 005839, blocks 1012, 2000, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015 and 2016.

12. In census tract 005840, blocks 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1085, 1086, 1087, 1088, 1089, 1090, 1091, 1093, 1094, 1095, 1097, 1098, 1099, 1100, 1101, 1103, 1104, 1105, 1106, 1107, 1108, 1109, 1110, 1111, 1112, 1119, 1120 and 1121.

13. In census tract 005852, blocks 2009 and 2010.

14. In census tract 005853:

(a) Block group 2.

(b) Blocks 1005, 1006 and 1007.

15. In census tract 005854:

(a) Block groups 2 and 3.

(b) Blocks 1008, 1009, 1010, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019 and 1020.

Sec. 116. **NRS 218B.795 is hereby amended to read as follows:**

218B.795 Assembly District 40 consists of:

[~~1. In Carson City:~~

~~(a) Census tracts 000100, 000200, 000500, 000600 and 000700.~~

~~(b) Census voting districts 0107, 0109, 0117, 0222, 0223, 0229, 0336, 0447 and 0449.~~

~~(c) In census tract 000300, blocks 1018, 1019, 1030, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2044, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2096, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108 and 2109.~~

~~(d) In census tract 000400, blocks 2016 and 2017.~~

~~(e) In census tract 000900, blocks 1013, 1014, 1015, 1016, 1017, 2006, 4012, 4013, 5008, 5009, 5010, 5011, 5012 and 5013.~~

~~(f) In census tract 001000, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 2010 and 2011.~~

~~2. In Washoe County:~~

~~(a) Census voting district 819.~~

~~(b) In census tract 003201, blocks 4000, 4001, 4002, 4003, 4004, 4005, 4006, 4007, 4008, 4009, 4010, 4011, 4012, 4013, 4014, 4015, 4016, 4017, 4018, 4019, 4020, 4021, 4022, 4023, 4024, 4025, 4026 and 4999.~~

~~(c) In census tract 003202, blocks 4008, 4009, 4011, 4012, 4014, 5001, 5002, 5003, 5004, 5005, 5006, 5007, 5008, 5009, 5010, 5011, 5036, 5037, 5038, 5039, 5040, 5041, 5042, 5043, 5044, 5045, 5046, 5047, 5048, 5049, 5050, 5051, 5052, 5053, 5054, 5055, 5056, 5057, 5058, 5059, 5998 and 5999.~~]

1. In Carson City:

(a) Census tracts 000100, 000200, 000400, 000501, 000502, 000600, 000701, 000702, 000800, 000900, 001001, 001002 and 960301.

(b) In census tract 000300:

(1) Block groups 1 and 3.

(2) Blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2043, 2044, 2045, 2063, 2065, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110,

2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130 and 2131.

2. In Douglas County:

(a) In census tract 001900, blocks 1000, 1001, 1002, 1003, 1004, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1082, 1083, 1084, 1085, 1086, 1087, 1100, 1166 and 1172.

(b) In census tract 002000, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1040, 2016, 2017, 2018, 2019, 2022, 2031, 2032 and 2033.

(c) In census tract 002100, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1017, 1021, 1022, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1043, 1044, 1052 and 1053.

3. In Lyon County:

(a) Census tract 960301.

(b) In census tract 960302, blocks 1079, 1080, 1081, 1082, 1083, 1084, 1085, 1086, 1087, 1088, 1089, 1090, 1091, 1092, 1094, 1095, 1096, 1097, 1098, 1099, 1100, 1101, 1102, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 3056, 3080, 3089, 3090, 3092, 3094, 3098, 3100, 3101, 3102, 3103, 3104, 3105, 3109, 3110, 3111, 3112, 3113, 3114, 3115, 3116, 3117, 3118, 3119, 3122, 3123, 3124, 3125, 3126, 3127, 3128, 3129, 3130, 3131, 3132, 3136, 3137, 3138, 3139, 3140, 3141, 3142, 3143, 3144, 3145, 3146, 3147, 3148 and 3149.

4. In Storey County:

(a) Census tract 960301.

(b) In census tract 970200, blocks 3033, 3034, 3038, 3039, 3040, 3041, 3042, 3043, 3047, 3048, 3049, 3050, 3051, 3052, 3053, 3054, 3055, 3056, 3057, 3058, 3059, 3060, 3061, 3062, 3063, 3064, 3065, 3066, 3067, 3068, 3069, 3070, 3071, 3072, 3073, 3074, 3075, 3076, 3077, 3078, 3079, 3080,

3081, 3082, 3083, 3084, 3085, 3086, 3087, 3088, 3089, 3090, 3091, 3092, 3093, 3094, 3095, 3096, 3097, 3098, 3099, 3100, 3101, 3102, 3103, 3104, 3105, 3106, 3107, 3108, 3109, 3110, 3111, 3112, 3113, 3114, 3115, 3116, 3117, 3118, 3119, 3120, 3121, 3122, 3123, 3124, 3125, 3126, 3127, 3128, 3129, 3130, 3131, 3132, 3133, 3134, 3135, 3136, 3137, 3138, 3139, 3140, 3141, 3142, 3143, 3144, 3145, 3146, 3147, 3148, 3149, 3150, 3151, 3152, 3153, 3154, 3155, 3156, 3157, 3158, 3159, 3160, 3161, 3162, 3163, 3164, 3165, 3166, 3167, 3168, 3169, 3170, 3171, 3172, 3173, 3174, 3175, 3176, 3177, 3178, 3179, 3180, 3181, 3182, 3183, 3184, 3185, 3186, 3187, 3188, 3189, 3190, 3191, 3192, 3193, 3194, 3195, 3196, 3197, 3198, 3199, 3200, 3201, 3202, 3203, 3204, 3205, 3206, 3207, 3208, 3209, 3210, 3211, 3212, 3213, 3214, 3215, 3216, 3217, 3218, 3219, 3220, 3221, 3222, 3223, 3224, 3225, 3226, 3227, 3228, 3229, 3230, 3231, 3232, 3233, 3234, 3235, 3236, 3237, 3238, 3239, 3240, 3241, 3242, 3243, 3244, 3245, 3246, 3247, 3248, 3249, 3250, 3251, 3252, 3253, 3254, 3255, 3256, 3257, 3258, 3259, 3260, 3261, 3262, 3263, 3264, 3265, 3266, 3267, 3268, 3269, 3270, 3271, 3272, 3273, 3274, 3277, 3278, 3279, 3280, 3281, 3282, 3283, 3284, 3285, 3286, 3287, 3288, 3289, 3290, 3291, 3292, 3293, 3294, 3295, 3298, 3299, 3300, 3301, 3302 and 3303.

Sec. 117. **NRS 218B.800 is hereby amended to read as follows:**

218B.800 Assembly District 41 consists of, in Clark County:

~~[1. Census tracts 002406, 002506, 002602, 002603, 002829 and 002833.~~

~~2. Census voting districts 1057, 5072, 7064, 7067, 7070, 7079, 7080 and 7088.~~

~~3. In census tract 002403, blocks 1001, 1002, 1003 and 1004.~~

~~4. In census tract 002405, blocks 1000, 1003, 1004 and 1005.~~

~~5. In census tract 002501, blocks 3004, 3005, 3006, 3007 and 3008.~~

~~6. In census tract 002505, blocks 1001, 1002, 1004, 1005, 2000, 2001, 2002 and 2003.~~

~~7. In census tract 002702, blocks 1000, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1015, 3009 and 3011.~~

~~8. In census tract 002807, blocks 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 3000, 3001, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3029, 3030, 3031, 3032, 3033 and 3034.~~

~~9. In census tract 002809, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1009, 1010, 1011, 1021, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034 and 2035.~~

~~10. In census tract 002828, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032 and 1033.~~

~~11. In census tract 002830, blocks 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1040, 1041, 1042, 1043, 1044, 1045, 1046 and 1047.~~]

1. Census tracts 002810, 002828, 002829, 002832, 002833, 002834, 002835 and 002836.

2. In census tract 002504:

(a) Block group 1.

(b) Blocks 2002, 2004, 2005 and 2006.

3. In census tract 002706, block groups 1 and 3.

4. In census tract 002707, blocks 3005, 3006 and 3007.

5. In census tract 002708, block group 1.

6. In census tract 002830:

(a) Block group 1.

(b) Blocks 3008, 3009, 3010, 3011, 3012, 3013, 3015, 3016, 3017, 3018, 3019, 3020, 3021 and 3022.

7. In census tract 002831, blocks 1013, 1014, 1015, 1016, 1018, 1019, 1020, 1021, 1022, 1023, 1024 and 1025.

8. In census tract 002837, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 2002, 2003, 2004, 2005, 2011, 2012, 2013, 2014, 2015, 2016, 2017 and 4010.

9. In census tract 002841:

(a) Block group 2.

(b) Blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066 and 1067.

10. In census tract 002842:

(a) Block groups 2 and 3.

(b) Blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1019, 1020, 1021, 1024, 1025, 1026, 1027, 1028 and 1029.

11. In census tract 002843, blocks 1000, 1001, 1003, 1004, 1005, 1006, 1010, 1023, 1024, 1037, 1042, 2014, 2018 and 2019.

12. In census tract 002844, block group 2.

13. In census tract 002847, blocks 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1050, 1051, 1052, 1053, 1054, 1055, 1057, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1085, 1086, 1087, 1088, 1089, 1090, 1091, 1092 and 1093.

14. In census tract 005712, blocks 1030 and 1032.

15. In census tract 006800:

(a) Block groups 1, 2 and 3.

(b) Blocks 4000, 4001, 4002, 4004, 4005, 4006, 4007, 4008, 4009, 4010, 4011, 4012, 4013, 4020, 4021, 4022, 4023, 4024, 4025, 4032, 4033, 4034, 4035, 4036, 4037, 4038, 4039, 4044, 4045, 4046, 4047, 4048, 4049, 4050, 4051, 4052, 4053, 4054, 4055, 4056, 4057, 4058, 4059, 4060, 4061, 4062, 4065, 4066, 4067, 4068, 4069, 4070, 4080, 4081, 4082, 4085, 4086, 4087 and 4088.

Sec. 118. **NRS 218B.805 is hereby amended to read as follows:**

218B.805 Assembly District 42 consists of, in Clark County:

~~[1. Census tracts 002919, 002936, 002942, 002948, 002949 and 002958.~~

~~2. Census voting districts 3112, 6034, 6037, 6038, 6046, 6047, 6048, 6064, 6075 and 6077.~~

~~3. In census tract 002205, blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2013, 2014, 2015 and 2016.~~

~~4. In census tract 002935, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1008 and 1009.~~

~~5. In census tract 002941, blocks 2004, 2005, 2011, 2012, 2013, 2014, 2015, 2016, 2017 and 2018.~~

~~6. In census tract 002946, blocks 1000, 1001 and 1002.~~

~~7. In census tract 002947, blocks 1029, 1030, 1031, 1032, 2000, 2001, 2002, 2003, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2021, 2022, 2023 and 2024.~~

~~8. In census tract 002953, blocks 1000, 1002 and 1003.]~~

1. Census tracts 002919, 002941, 002942, 002948, 002949, 002953, 002957, 005850 and 005851.

2. In census tract 002936, blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2013 and 2014.

3. In census tract 002944:

(a) Block group 1.

(b) Block 2000.

4. In census tract 002947, blocks 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029 and 2030.

5. In census tract 002958:

(a) Block groups 1, 2 and 4.

(b) Blocks 5000, 5001, 5002, 5003, 5006 and 5010.

6. In census tract 002974:

(a) Block group 1.

(b) Blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006 and 2007.

7. In census tract 002975:

(a) Block group 2.

(b) Blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1015 and 1020.

8. In census tract 005813, block group 1.

9. In census tract 005847, blocks 1001, 1002, 1003, 1004, 1005 and 1006.

10. In census tract 005848:

(a) Block group 2.

(b) Blocks 1006, 1007, 1008, 1009 and 1010.

11. In census tract 005849, block group 2.

12. In census tract 005853:

(a) Block group 3.

(b) Blocks 1000, 1001, 1002, 1003 and 1004.

13. In census tract 005854, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007 and 1011.

Sec. 119. **Chapter 304 of NRS is hereby amended by adding thereto a new section to read as follows:**

Congressional District 4 consists of:

1. Esmeralda County, Lincoln County, Mineral County, Nye County and White Pine County.

2. In Clark County:

(a) Census tracts 001706, 001707, 001708, 001709, 001710, 001711, 001712, 001713, 001714, 001715, 001716, 001717, 001718, 002501, 002504, 002505, 002506, 002603, 002706, 002708, 002821, 002822, 002823, 002824, 002825, 002826, 002827, 002978, 003226, 003227, 003250, 003311, 003312, 003313, 003314, 003321, 003607, 003618, 003619, 003620, 003621, 003622, 003623, 003624, 003625, 003627, 003628, 003635, 003636, 003637, 003638, 003639, 004917, 004925, 005005, 005006, 005007, 005010, 005011, 005012, 005013, 005014, 005015, 005016, 005017, 005101, 005103, 005104, 005105, 005106, 005107, 005108, 005109, 005200, 005335, 005336, 005341, 005342, 005343, 005360, 005421, 005422, 005423, 005432, 005433, 005434, 005435, 005436, 005437, 005438, 005439, 005501, 005502, 005503, 005504, 005607, 005612, 005613, 005614, 005615, 005702, 005703, 005704, 005705, 005803, 005818, 005822, 005823, 005824, 005827, 005828, 005829, 005830, 005831, 005832, 005841, 005843, 005902,

005903, 005904, 005905, 006001, 006103, 006204, 007500, 007600 and 007800.

(b) In census tract 001607:

(1) Block groups 1, 3 and 4.

(2) Blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2009, 2010, 2011, 2012 and 2013.

(c) In census tract 002707:

(1) Block groups 1 and 3.

(2) Blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009 and 2010.

(d) In census tract 002808, blocks 2000, 2001, 2005, 2006 and 2009.

(e) In census tract 002984, blocks 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1032, 1033, 1034, 1035, 1036, 1037 and 1038.

(f) In census tract 003222:

(1) Block groups 1 and 2.

(2) Blocks 3000, 3001, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018 and 3019.

(g) In census tract 003223:

(1) Block group 2.

(2) Blocks 1002, 1003, 1004, 1005, 1007 and 1008.

(h) In census tract 003249:

(1) Block group 2.

(2) Blocks 1000, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024 and 1025.

(i) In census tract 003251, block 2010.

(j) In census tract 003309, block groups 1 and 2.

(k) In census tract 003310:

(1) Block groups 1 and 2.

(2) Blocks 3000, 3001, 3002, 3003, 3004, 3005, 3006 and 3007.

(l) In census tract 003318, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1034, 1044, 1045 and 1046.

(m) In census tract 003319:

(1) Block group 1.

(2) Blocks 3000 and 3001.

(n) In census tract 003320, blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2017 and 2018.

(o) In census tract 003615:

(1) Block group 1.

(2) Blocks 2000, 2001, 2002, 2003 and 2005.

(p) In census tract 003626:

(1) Block group 2.

(2) Blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1030, 1031 and 1037.

(q) In census tract 003629, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 2000, 2001, 2002, 2003, 2004, 2009, 2010, 2011 and 2012.

(r) In census tract 003631, block group 1.

(s) In census tract 003632, block group 2.

(t) In census tract 003640, block group 1.

(u) In census tract 003641, block group 1.

(v) In census tract 004923:

(1) Block group 2.

(2) Blocks 1003 and 1005.

(w) In census tract 004926:

(1) Block group 2.

(2) Blocks 1000, 1001, 1002, 1003, 1004, 1005 and 1006.

(x) In census tract 005102:

(1) Block groups 1 and 4.

(2) Blocks 2000, 2001, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 3000, 3001 and 3015.

(y) In census tract 005315, block group 3.

(z) In census tract 005353, block 1007.

(aa) In census tract 005354, blocks 1000 and 1001.

(bb) In census tract 005357, block 1037.

(cc) In census tract 005359:

(1) Block group 1.

(2) Blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2027, 2028, 2029 and 2032.

(dd) In census tract 005711, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1018, 1022, 1023, 1024, 1025, 1028, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1085, 1086, 1087, 1088, 1089, 1090, 1091, 1092, 1093, 1094, 1095, 1096, 1097, 1098, 1099, 1100, 1101, 1102, 1103, 1104, 1105, 1106, 1107, 1108, 1109, 1110, 1111, 1112, 1113, 1114, 1115, 1116, 1117, 1118, 1119, 1120, 1121,

1122, 1123, 1124, 1125, 1126, 1127, 1128, 1129, 1130, 1131, 1132, 1133, 1134, 1135, 1136, 1137, 1138, 1139, 1140, 1141, 1142, 1143, 1144, 1145, 1146 and 1184.

(ee) In census tract 005833, blocks 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035 and 1036.

(ff) In census tract 005839, blocks 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1033, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2014, 2015 and 2016.

(gg) In census tract 005840, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1085, 1086, 1087, 1088, 1089, 1090, 1091, 1092, 1093, 1094, 1095, 1096, 1097, 1098, 1099, 1100, 1101, 1102, 1103, 1104, 1105, 1106, 1107, 1108, 1109, 1110, 1111, 1112, 1119, 1120 and 1121.

(hh) In census tract 005842, blocks 1001, 1002 and 1003.

(ii) In census tract 005844:

(1) Block groups 1 and 2.

(2) Blocks 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007 and 3008.

(jj) In census tract 005845, block groups 1 and 3.

(kk) In census tract 005846, blocks 3033 and 3034.

(ll) In census tract 005855, blocks 2032, 2037, 2038, 2039, 2040, 2041 and 2042.

(mm) In census tract 005856, blocks 1008, 1010, 1011, 1019, 1020, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051 and 1052.

(nn) In census tract 006104, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070 and 1071.

(oo) In census tract 006201, blocks 1000, 1001, 1002, 1003, 1004, 1005 and 1006.

(pp) In census tract 006202:

(1) Block group 2.

(2) Blocks 1000, 1001, 1002, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014 and 1015.

(qq) In census tract 006203:

(1) Block group 1.

(2) Blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011 and 2012.

(rr) In census tract 006800:

(1) Block groups 1, 2 and 3.

(2) Blocks 4004, 4050, 4054, 4055, 4056, 4057, 4058, 4059, 4060, 4061, 4062, 4063, 4064, 4081 and 4082.

(ss) In census tract 006900, blocks 1000, 1001, 1002, 1003, 1004, 1007, 1008, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2016, 2017, 2025 and 2026.

(tt) In census tract 007200:

(1) Block groups 2, 3 and 4.

(2) Blocks 1000, 1001, 1002, 1003 and 1004.

3. In Lyon County:

(a) Census tracts 001706, 001707, 001708, 001709, 001710, 001711, 001712, 001713, 001714, 001715, 001716, 001717, 001718, 002501, 002504, 002505, 002506, 002603, 002706, 002708, 002821, 002822, 002823, 002824, 002825, 002826, 002827, 002978, 003226, 003227, 003250, 003311, 003312, 003313, 003314, 003321, 003607, 003618, 003619, 003620, 003621, 003622, 003623, 003624, 003625, 003627, 003628, 003635, 003636, 003637, 003638, 003639, 004917, 004925, 005005, 005006, 005007, 005010, 005011, 005012, 005013, 005014, 005015, 005016, 005017, 005101, 005103, 005104, 005105, 005106, 005107, 005108, 005109, 005200, 005335, 005336, 005341, 005342, 005343, 005360, 005421, 005422, 005423, 005432, 005433, 005434, 005435, 005436, 005437, 005438, 005439, 005501, 005502, 005503, 005504, 005607, 005612, 005613, 005614, 005615, 005702, 005703, 005704, 005705, 005803, 005818, 005822, 005823, 005824, 005827, 005828, 005829, 005830, 005831, 005832, 005841, 005843, 005902, 005903, 005904, 005905, 006001, 006103, 006204, 007500, 007600 and 007800.

(b) In census tract 960800:

(1) Block groups 2, 3, 4 and 5.

(2) Blocks 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1085, 1086, 1087, 1088, 1089, 1090, 1091, 1092, 1093, 1094, 1095, 1096, 1097, 1098, 1099, 1100, 1101, 1102, 1103, 1104, 1105,

1106, 1107, 1108, 1109, 1110, 1111, 1112, 1113, 1114, 1115, 1116, 1117, 1118, 1119, 1120, 1121, 1122, 1123, 1124, 1125, 1126, 1127, 1128, 1129, 1130, 1131, 1132, 1133, 1134, 1135, 1136, 1137, 1138, 1139, 1140, 1141, 1142, 1143, 1144, 1145, 1146, 1147, 1148, 1149, 1150, 1151, 1152, 1153, 1154, 1155, 1156, 1157, 1158, 1159, 1160, 1161, 1162, 1163, 1164, 1165, 1166, 1167, 1168, 1169, 1170, 1171, 1172, 1173, 1174, 1175 and 1176.

(c) In census tract 960900:

(1) Block groups 1 and 3.

(2) Blocks 2018, 2025, 2031, 2036, 2038, 2040, 2041, 2042, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2194, 2195, 2196, 2197, 2199, 2200, 4029, 4030, 4031, 4041, 4042, 4043, 4044, 4045, 4046, 4050, 4066, 4067, 4068, 4069, 4070, 4071, 4072, 4073, 4074, 4075, 4076, 4077, 4078, 4079, 4080, 4081, 4082, 4083, 4084, 4085, 4086, 4087, 4088, 4089, 4090, 4091, 4092, 4093, 4094, 4095, 4096, 4097, 4098, 4099, 4101, 4102, 4103, 4104 and 4105.

Sec. 120. **NRS 304.060 is hereby amended to read as follows:**

304.060 As used in NRS 304.060 to 304.120, inclusive, ***and section 119 of this act,*** unless the context otherwise requires:

1. "Block" means the smallest geographical unit whose boundaries were designated by the Bureau of the Census of the United States Department of Commerce in its topographically integrated geographic encoding and referencing system.

2. "Block group" means a combination of blocks whose numbers begin with the same digit.

3. "Census tract" means a combination of block groups.

~~[~~4. "Census voting district" means the voting district:

~~(a) Based on the geographic and population databases compiled by the Bureau of the Census of the United States Department of Commerce as validated and incorporated into the geographic information system by the Legislative Counsel Bureau for use by the Nevada Legislature; and~~

~~(b) Designated in the maps filed with the Office of the Secretary of State pursuant to subsection 3 of NRS 304.070.]~~

Sec. 121. **NRS 304.070 is hereby amended to read as follows:**

304.070 The Director of the Legislative Counsel Bureau shall:

1. Retain in an office of the Legislative Counsel Bureau, copies of maps of the congressional districts described in NRS 304.100, 304.110 and 304.120 ~~[.]~~ ***and section 119 of this act.***

2. Make available copies of the maps to any interested person for a reasonable fee, not to exceed the actual costs of producing copies of the maps.

3. File a copy of the maps with the Secretary of State.

Sec. 122. **NRS 304.090 is hereby amended to read as follows:**

304.090 1. If any area of this State is omitted from the provisions of NRS 304.060 to 304.120, inclusive, ***and section 119 of this act,*** inadvertently or by virtue of the complexities of the information supplied to the Legislature, the county clerk, the Carson City clerk or the Director of the Legislative Counsel Bureau, upon discovery of the omission, shall notify the Secretary of State of the omission. The Secretary of State shall attach that area to the appropriate congressional district as follows:

(a) If the area is surrounded by a congressional district, the area must be attached to that district.

(b) If the area is contiguous to two or more congressional districts, the area must be attached to the district that has the least population.

2. Any attachments made pursuant to the provisions of this section must be certified in writing and filed with the Director of the Legislative Counsel Bureau and with the Secretary of State. No change may be made in any attachments until the districts are again reapportioned.

Sec. 123. **NRS 304.100 is hereby amended to read as follows:**

304.100 Congressional District 1 consists of, in Clark County:

~~[1. Census tracts 000101, 000102, 000103, 000104, 000105, 000201, 000203, 000204, 000301, 000302, 000400, 000503, 000510, 000518, 000519, 000600, 000700, 000800, 000900, 001004, 001005, 001006, 001100, 001200, 001300, 001400, 001500, 001608, 001609, 001612, 001613, 001707, 001801, 001803, 001804, 001901, 001902, 002000, 002201, 002203, 002204, 002205, 002300, 002403, 002404, 002405, 002406, 002501, 002506, 002601, 002602, 002603, 002954, 002955, 002956, 003001, 003003, 003004, 003005, 003006, 003101, 003102, 003216, 003217, 003218, 003219, 003220, 003221, 003222, 003223, 003224, 003225, 003226, 003227, 003301, 003302, 003303, 003304, 003305, 003306, 003409, 003410, 003412, 003413, 003414, 003415, 003416, 003417, 003418, 003419, 003420, 003421, 003422, 003423, 003424, 003425, 003500, 003602, 003604, 003605, 003606, 003607,~~

~~003608, 003609, 003610, 003611, 003612, 003613, 003614, 003615, 003700, 003800, 004000, 004100, 004200, 004300, 004400, 004500, 004600, 004707, 004708, 004709, 004710, 004711, 004717, 004916, 004921, 005803, 005804, 006201 and 006203.~~

~~2. Census voting districts 2126, 3016, 3017, 3018, 3032, 3120, 3121, 3167, 3170, 3186, 4045, 4066, 4069, 5041, 5042, 6014, 6023, 6025, 7067, 7070, 7071, 7079, 7080 and 7081.~~

~~3. In census tract 000504, blocks 2008, 2009, 3000, 3001, 3002, 3003, 3004, 3007 and 3012.~~

~~4. In census tract 001003, blocks 1013, 2000, 2001, 2002, 2003, 2005, 2010, 2011, 2015, 4000, 4001, 4007, 4008 and 4009.~~

~~5. In census tract 001610, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009 and 1010.~~

~~6. In census tract 001706, blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2013, 2014, 2015, 2016, 2017 and 2018.~~

~~7. In census tract 001708, blocks 1006, 1007, 1011, 1013 and 1015.~~

~~8. In census tract 002505, blocks 1001, 1002, 1004, 1005, 2000, 2001, 2002 and 2003.~~

~~9. In census tract 002707, block 1011.~~

~~10. In census tract 002905, blocks 2000 and 2001.~~

~~11. In census tract 003204, blocks 6011, 6012 and 6013.~~

~~12. In census tract 003209, blocks 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2017, 2019, 3013, 4000, 4001, 4002, 4003, 4004, 4005, 4006, 4007, 4013, 4014, 4015, 4016, 4017, 4018, 4019, 4020, 4021, 4022, 4023, 4024 and 4025.~~

~~13. In census tract 003215, blocks 4000, 4001, 4002, 4003, 4004, 4005 and 4006.~~

~~14. In census tract 003408, blocks 1015 and 1016.~~

~~15. In census tract 003411, block 1004.~~

~~16. In census tract 003603, blocks 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1050, 1051, 1052, 1053, 1054, 1055, 1071, 1072, 1073, 1074, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022 and 2023.~~

~~17. In census tract 004713, blocks 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 2001, 2002 and 2003.~~

~~18. In census tract 004714, blocks 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1010, 1011, 1012, 2005, 2015, 2016 and 2017.~~

~~19. In census tract 005805, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 2001 and 2005.~~

~~20. In census tract 005819, block 1000.~~

~~21. In census tract 005902, blocks 1222, 1226, 1227, 1228, 1230, 1231, 1232, 1233, 1234, 1235, 1236 and 1237.~~

~~22. In census tract 006000, blocks 9028 and 9054.~~

~~23. In census tract 006202, blocks 1003 and 1008.~~

~~24. In census tract 006204, blocks 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009 and 2010.~~**]**

1. Census tracts 000101, 000103, 000105, 000106, 000107, 000108, 000109, 000201, 00020s3, 000302, 001003, 001004, 001005, 001006, 002203, 002204, 002206, 002207, 002905, 002915, 002916, 002919, 002935, 002936, 002937, 002938, 002939, 002940, 002941, 002942, 002946, 002947, 002948, 002949, 002950, 002951, 002952, 002954, 002958, 002964, 002965, 002966, 002967, 002968, 002970, 002996, 003001, 003003, 003004, 003005, 003006, 003102, 003103, 003104, 003204, 003208, 003210, 003211, 003213, 003214, 003215, 003218, 003219, 003220, 003228, 003229, 003230, 003231, 003232, 003233, 003234, 003235, 003236, 003237, 003238, 003239, 003240, 003241, 003242, 003243, 003244, 003245, 003246, 003247, 003248, 003252, 003253, 003254, 003260, 003261, 003262, 003303, 003305, 003306, 003307, 003308, 003315, 003316, 003317, 003408, 003409, 003410, 003411, 003412, 003413, 003414, 003415, 003416, 003418, 003419, 003420, 003421, 003422, 003423, 003426, 003427, 003428, 003429, 003430, 003431, 003500, 003609, 003610, 003612, 003613, 003616, 003617, 003630, 003633, 003634, 003642, 003643, 003644, 005804, 005805, 005806, 005807, 005808, 005809, 005811, 005813, 005825, 005826, 005847, 005848, 005849, 005850, 005852 and 005853.

2. In census tract 000204:

(a) Block group 1.

(b) Blocks 2009, 2010, 2012, 2022, 2023, 2024, 2025, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038 and 2039.

3. In census tract 000301:

(a) Block group 1.

(b) Blocks 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2032, 2056, 2057, 2058, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3029, 3030, 3031, 3032, 3033, 3034, 3035, 3036, 3037, 3038, 3039, 3040, 3041, 3042, 3043, 3044, 3045, 3046, 3047, 3048 and 3049.

4. In census tract 002201, blocks 3050, 3051, 3054, 3056, 3062 and 3063.

5. In census tract 002944:

(a) Block group 2.

(b) Blocks 1000, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1012 and 1015.

6. In census tract 002953:

(a) Block groups 2, 3 and 4.

(b) Blocks 1000, 1001, 1002, 1003, 1004, 1005 and 1006.

7. In census tract 002956, blocks 1003, 1004, 1010, 1011 and 1012.

8. In census tract 002961, block 2005.

9. In census tract 002969, block group 1.

10. In census tract 002995:

(a) Block groups 1 and 2.

(b) Blocks 3000, 3001, 3002, 3003, 3004, 3005 and 3006.

11. In census tract 003222, block 3002.

12. In census tract 003223, blocks 1000, 1001 and 1006.

13. In census tract 003249, block 1001.

14. In census tract 003251:

(a) Block group 1.

(b) Blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008 and 2009.

15. In census tract 003309, block group 3.

16. In census tract 003310, blocks 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019 and 3020.

17. In census tract 003318, blocks 1033, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074 and 1075.

18. In census tract 003319:

(a) Block group 2.

(b) Blocks 3002, 3003, 3004, 3005, 3006, 3007 and 3008.

19. In census tract 003320:

(a) Block group 1.

(b) Blocks 2014, 2015, 2016, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032 and 2033.

20. In census tract 003615, blocks 2004, 2006, 2007 and 2008.

21. In census tract 003626, blocks 1027, 1028, 1029, 1033, 1034, 1035, 1036, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053 and 1054.

22. In census tract 003629, blocks 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030,

1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 2005, 2006, 2007, 2008, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027 and 2028.

23. In census tract 003631, block group 2.

24. In census tract 003632, block group 1.

25. In census tract 003640, block group 2.

26. In census tract 003641, block group 2.

27. In census tract 003700:

(a) Block group 1.

(b) Blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2013, 2014, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029 and 2030.

28. In census tract 005840, blocks 1008, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1113, 1114, 1115, 1116, 1117 and 1118.

29. In census tract 005842:

(a) Block group 2.

(b) Blocks 1000, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013 and 1014.

30. In census tract 005844, blocks 3009, 3010, 3011, 3012 and 3013.

31. In census tract 005845, block group 2.

32. In census tract 005846:

(a) Block groups 1 and 2.

(b) Blocks 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3029, 3030, 3031, 3032 and 3035.

33. In census tract 005851:

(a) Block group 2.

(b) Blocks 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021 and 1022.

34. In census tract 005854:

(a) Block groups 1 and 3.

(b) Blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012 and 2013.

35. In census tract 005855, blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2029, 2030 and 2031.

36. In census tract 006700, block 1009.

Sec. 124. **NRS 304.110 is hereby amended to read as follows:**

304.110 Congressional District 2 consists of:

~~[1. Carson City, Churchill County, Douglas County, Elko County, Esmeralda County, Eureka County, Humboldt County, Lander County,~~

~~Lincoln County, Lyon County, Mineral County, Nye County, Pershing County, Storey County, Washoe County and White Pine County.~~

~~2. In Clark County:~~

~~(a) Census tracts 004703, 004712, 004715 and 004716.~~

~~(b) Census voting districts 1012, 1013, 1014, 1015, 2001, 2002, 2004, 2075, 2082, 2083, 2112, 2142, 3131, 3136, 4063, 6087, 6092 and 6093.~~

~~(c) In census tract 003603, blocks 1001, 1002, 1003, 1004, 1049 and 1056.~~

~~(d) In census tract 004714, blocks 1000, 1008, 1009, 2006, 2007, 2013 and 2014.~~

~~(e) In census tract 005339, block 1042.~~

~~(f) In census tract 005613, blocks 1147, 1166 and 1167.~~

~~(g) In census tract 005703, blocks 1083, 1084, 1085, 1086, 1087, 1088, 1089, 1090, 1091, 1092, 1093, 1094, 1109, 1110, 1481, 1482, 1483, 1484, 1485, 1486, 1487, 1488, 1489, 1490, 1491, 1492, 1493, 1494, 1495, 1496, 1497, 1498, 1499, 1500, 1501, 1502, 1503, 1504, 1505, 1506, 1507, 1508, 1509, 1510, 1511, 1512, 1513, 1514, 1515, 1516, 1517, 1518, 1519, 1520, 1521, 1522, 1523, 1524, 1525, 1526, 1527, 1528, 1529, 1530, 1531, 1532, 1533, 1534, 1535, 1536, 1537, 1538, 1539, 1540, 1541, 1542, 1986 and 1987.~~

~~(h) In census tract 005710, blocks 1052, 1118, 1119, 1120, 1123, 1127, 1128, 1129, 1130, 1131, 1132, 1133, 1134, 1135, 1136, 1137, 1138, 1139, 1140, 1141, 1142, 1143, 1144 and 1145.~~

~~(i) In census tract 005816, blocks 1099, 1109, 1110, 1111, 1145, 1146, 1178, 1179, 1180, 1181, 1186, 1207, 1208, 1209, 1210, 1211, 1221, 1222, 1223, 1224, 1225, 1240, 1289, 1290, 1292, 1485, 1486, 1487, 1488, 1489, 1490, 1491, 1492, 1493, 1494, 1508, 1509, 1510, 1511, 1512, 1513, 1514, 1515, 1516, 1517, 1518, 1519, 1520, 1521, 1522, 1523, 1524, 1525, 1526, 1527, 1528, 1529, 1530, 1531, 1532, 1533, 1534, 1535, 1536, 1537, 1538, 1539, 1540, 1541, 1542, 1543, 1544, 1545, 1546, 1547, 1548, 1549, 1550, 1551, 1552, 1553, 1554, 1555, 1556, 1557, 1558, 1559, 1560, 1561, 1562, 1563, 1564, 1565, 1566, 1567 and 1999.~~

~~(j) In census tract 005817, blocks 1000, 1018, 1128, 1144, 1146 and 1163.~~

~~(k) In census tract 005902, blocks 1024, 1025, 1026, 1027, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1055, 1104, 1105, 1106, 1107, 1108, 1109, 1110, 1111, 1112, 1134, 1135, 1136, 1137, 1138, 1139, 1140, 1141, 1142, 1143, 1144, 1145, 1149, 1150, 1151, 1152, 1153, 1154, 1155, 1156, 1157, 1158, 1159, 1160, 1161, 1162, 1163, 1164, 1165, 1167, 1168, 1169, 1170, 1171, 1172, 1173, 1174, 1175, 1176, 1177, 1178, 1179, 1180, 1181, 1182, 1183, 1184, 1185, 1186, 1187, 1188, 1189, 1190, 1191, 1192, 1193, 1194, 1195, 1196, 1197, 1198, 1199, 1200, 1201, 1202, 1203, 1204, 1205, 1206, 1207, 1208, 1209, 1210, 1211, 1212, 1213, 1214, 1215, 1216, 1217, 1218,~~

~~1219, 1220, 1221, 1223, 1224, 1225, 1229, 1238, 1239, 1240, 1241, 1242, 1243, 1244, 1245, 1246, 1247, 1248, 1249, 1250, 1251, 2011, 2027, 2028, 2029, 2037 and 2038.~~

~~(l) In census tract 006000, blocks 9000, 9001, 9004, 9005, 9008, 9010, 9011, 9012, 9013, 9017, 9018, 9019, 9020, 9021, 9026, 9027, 9029, 9030, 9031, 9032, 9033, 9034, 9035, 9038, 9039, 9040, 9041, 9042, 9043, 9044, 9045, 9046, 9049, 9050, 9051, 9052 and 9053.~~

~~(m) In census tract 006102, blocks 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013 and 3014.~~]

1. Carson City, Churchill County, Douglas County, Elko County, Eureka County, Humboldt County, Lander County, Pershing County, Storey County and Washoe County.

2. In Lyon County:

(a) Census tracts 960101, 960102, 960103, 960201, 960202, 960301, 960302 and 960303.

(b) In census tract 960800, block 1000.

(c) In census tract 960900, blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2019, 2020, 2021, 2022, 2023, 2024, 2026, 2027, 2028, 2029, 2030, 2032, 2033, 2034, 2035, 2037, 2039, 2043, 2044, 2045, 2055, 2056, 2057, 2058, 2084, 2192, 2193, 2198, 4000, 4001, 4002, 4003, 4004, 4005, 4006, 4007, 4008, 4009, 4010, 4011, 4012, 4013, 4014, 4015, 4016, 4017, 4018, 4019, 4020, 4021, 4022, 4023, 4024, 4025, 4026, 4027, 4028, 4032, 4033, 4034, 4035, 4036, 4037, 4038, 4039, 4040, 4047, 4048, 4049, 4051, 4052, 4053, 4054, 4055, 4056, 4057, 4058, 4059, 4060, 4061, 4062, 4063, 4064, 4065 and 4100.

Sec. 125. **NRS 304.120 is hereby amended to read as follows:**

304.120 Congressional District 3 consists of, in Clark County:

[~~1. Census tracts 000511, 000512, 000513, 000514, 000515, 000516, 000517, 001606, 001607, 001611, 001709, 001710, 001711, 001712, 001713, 001714, 001715, 001716, 001717, 001718, 002709, 002807, 002808, 002809, 002810, 002811, 002814, 002815, 002816, 002817, 002818, 002821, 002822, 002823, 002824, 002825, 002826, 002827, 002828, 002829, 002830, 002831, 002832, 002833, 002834, 002835, 002836, 002912, 002915, 002916, 002919, 002925, 002935, 002936, 002937, 002938, 002939, 002940, 002941, 002942, 002944, 002946, 002947, 002948, 002949, 002950, 002951, 002952, 002953, 002957, 002958, 002960, 002961, 002962, 002963, 003203, 003205, 003206, 003207, 003208, 003210, 003211, 003213, 003214, 004907, 004910, 004911, 004912, 004914, 004915, 004917, 004918, 004919, 004920, 004922, 004923, 004924, 005005, 005006, 005007, 005008, 005009, 005010, 005011, 005012, 005101, 005102, 005103, 005104, 005105,~~

~~005106, 005107, 005108, 005109, 005200, 005311, 005312, 005313, 005314, 005315, 005316, 005317, 005318, 005319, 005320, 005321, 005322, 005331, 005332, 005333, 005334, 005335, 005336, 005337, 005338, 005341, 005342, 005343, 005345, 005411, 005412, 005421, 005422, 005423, 005431, 005432, 005433, 005501, 005502, 005503, 005504, 005612, 005702, 005704, 005705, 005808, 005809, 005810, 005811, 005812, 005813, 005818, 005820, 005821, 006101, 006103 and 940500.~~

~~2. Census voting districts 1016, 1017, 1019, 1020, 1021, 1022, 1065, 2077, 2078, 2079, 2107, 2129, 3003, 3031, 3033, 3045, 3123, 3127, 3138, 3152, 3187, 4043, 4046, 5064, 6024, 6026, 6102, 6103, 7028, 7055, 7066, 7069, 7083 and 7084.~~

~~3. In census tract 000504, blocks 1002, 1005, 1006, 2000, 2001, 2005 and 2006.~~

~~4. In census tract 001003, blocks 3013, 3014, 3015, 3016, 4003, 4010, 4014 and 4015.~~

~~5. In census tract 001610, blocks 1011, 1012, 1013, 1014, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038 and 2039.~~

~~6. In census tract 001706, blocks 1000, 1001, 1002, 1003, 1013, 1014, 2007, 2008, 2009, 2010, 2011 and 2012.~~

~~7. In census tract 001708, block 1016.~~

~~8. In census tract 002702, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 3009, 3010 and 3011.~~

~~9. In census tract 002707, blocks 1012, 1013, 1018, 1019, 1020, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019 and 2020.~~

~~10. In census tract 002708, blocks 2000, 2001, 2002, 2003, 2004, 2005 and 2006.~~

~~11. In census tract 002905, blocks 1002, 1003, 1004, 1005, 3000, 3001, 3002, 4002, 4003, 4004, 4005 and 4008.~~

~~12. In census tract 002927, block 2000.~~

~~13. In census tract 003204, blocks 1003, 1004, 1005, 1007, 1008, 1013, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 4000, 4001, 4007, 4008, 4009, 4010, 4011, 4012, 5000, 5001, 5002, 5003, 5004, 5005, 5006, 5007, 5008, 5009, 5010, 5011, 5012, 5013, 5014, 5015, 6000, 6001, 6002, 6003, 6004, 6005, 6006, 6007, 6008, 6009 and 6010.~~

~~14. In census tract 003209, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 2000, 2001 and 2018.~~

~~15. In census tract 003215, blocks 1000, 1001, 1002, 1003, 1004, 1005 and 1006.~~

~~16. In census tract 003408, blocks 1000, 1001, 1002, 1003, 1006, 1009, 1010, 1012, 1013, 1014, 1017, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 3000, 3001, 3002, 3003 and 3004.~~

~~17. In census tract 003411, block 1003.~~

~~18. In census tract 005339, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022 and 2023.~~

~~19. In census tract 005609, blocks 1005, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1045, 1046, 1047, 1064 and 1065.~~

~~20. In census tract 005611, blocks 1063, 1064, 1091, 1092, 1093, 1094, 1095, 1096, 1097, 1098, 1099, 1100, 1101, 1102, 1103, 1104, 1105, 1106, 1107, 1108, 1109, 1110, 1111, 1112, 1113, 1114, 1115, 1116, 1117, 1118, 1119, 1120, 1121, 1122, 1123, 1124, 1125, 1126, 1127, 1128, 1129, 1130, 1131, 1132, 1133, 1134, 1135, 1136, 1137, 1138, 1139, 1140, 1141, 1142, 1143, 1144, 1145, 1146, 1147, 1148, 1149, 1150, 1151, 1152, 1992, 1993, 1994 and 1995.~~

~~21. In census tract 005613, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1070, 1071, 1072, 1078, 1079, 1080, 1082, 1084, 1085, 1092, 1093, 1094, 1095, 1107, 1108, 1109, 1110, 1111, 1112, 1113, 1114, 1115, 1116, 1118, 1119, 1120, 1121, 1122, 1124, 1125, 1126, 1127, 1128, 1129, 1130, 1131, 1132, 1133, 1134, 1182, 1204, 1205, 1206, 1207, 1208, 1215, 1216, 1220, 1221, 1222, 1223, 1224, 1225, 1226, 1228, 1229, 1230, 1231, 1232, 1996, 1998, 1999, 2002, 2003, 2004, 2005, 2006, 2007, 2008 and 2009.~~

~~22. In census tract 005703, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065,~~

~~1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1077, 1079, 1080, 1081, 1082, 1095, 1096, 1097, 1098, 1099, 1100, 1101, 1102, 1103, 1104, 1105, 1106, 1107, 1108, 1111, 1112, 1113, 1114, 1115, 1116, 1117, 1118, 1119, 1120, 1121, 1122, 1123, 1124, 1125, 1126, 1127, 1128, 1129, 1130, 1131, 1132, 1133, 1134, 1135, 1136, 1137, 1138, 1139, 1140, 1141, 1142, 1143, 1144, 1145, 1146, 1147, 1148, 1149, 1150, 1151, 1152, 1153, 1154, 1155, 1156, 1157, 1158, 1159, 1160, 1161, 1162, 1163, 1164, 1165, 1166, 1167, 1168, 1169, 1170, 1171, 1172, 1173, 1174, 1175, 1176, 1177, 1178, 1179, 1180, 1181, 1182, 1183, 1184, 1185, 1186, 1187, 1188, 1189, 1190, 1191, 1192, 1193, 1194, 1195, 1196, 1197, 1198, 1199, 1200, 1201, 1202, 1203, 1204, 1205, 1206, 1207, 1208, 1209, 1210, 1211, 1212, 1213, 1214, 1215, 1216, 1217, 1218, 1219, 1220, 1221, 1222, 1223, 1224, 1225, 1226, 1227, 1228, 1229, 1230, 1231, 1232, 1233, 1234, 1235, 1236, 1237, 1238, 1239, 1240, 1241, 1242, 1243, 1244, 1245, 1246, 1247, 1248, 1249, 1250, 1251, 1252, 1253, 1254, 1255, 1256, 1257, 1258, 1259, 1260, 1261, 1262, 1263, 1264, 1265, 1266, 1267, 1268, 1269, 1270, 1271, 1272, 1273, 1274, 1275, 1276, 1277, 1278, 1279, 1280, 1281, 1282, 1283, 1284, 1285, 1286, 1287, 1288, 1289, 1290, 1291, 1292, 1293, 1294, 1295, 1296, 1297, 1298, 1299, 1300, 1301, 1302, 1303, 1304, 1305, 1306, 1307, 1308, 1309, 1310, 1311, 1312, 1313, 1314, 1315, 1316, 1317, 1318, 1319, 1320, 1321, 1322, 1323, 1324, 1325, 1326, 1327, 1328, 1329, 1330, 1331, 1332, 1333, 1334, 1335, 1336, 1337, 1338, 1339, 1340, 1341, 1342, 1343, 1344, 1345, 1346, 1347, 1348, 1349, 1350, 1351, 1352, 1353, 1354, 1355, 1356, 1357, 1358, 1359, 1360, 1361, 1362, 1363, 1364, 1365, 1366, 1367, 1368, 1369, 1370, 1371, 1372, 1373, 1374, 1375, 1376, 1377, 1378, 1379, 1380, 1381, 1382, 1383, 1384, 1385, 1386, 1387, 1388, 1389, 1390, 1391, 1392, 1393, 1394, 1395, 1396, 1397, 1398, 1399, 1400, 1401, 1402, 1403, 1404, 1405, 1406, 1407, 1408, 1409, 1410, 1411, 1412, 1413, 1414, 1415, 1416, 1417, 1418, 1419, 1420, 1421, 1422, 1423, 1424, 1425, 1426, 1427, 1428, 1429, 1430, 1431, 1432, 1433, 1434, 1435, 1436, 1437, 1438, 1439, 1440, 1441, 1442, 1443, 1444, 1445, 1446, 1447, 1448, 1449, 1450, 1451, 1452, 1453, 1454, 1455, 1456, 1457, 1458, 1459, 1460, 1461, 1462, 1463, 1464, 1465, 1466, 1467, 1468, 1469, 1470, 1471, 1472, 1473, 1474, 1475, 1476, 1477, 1478, 1479, 1988, 1989, 1990, 1991, 1992, 1993, 1994, 1995, 1996, 1997, 1998 and 1999.~~

~~23. In census tract 005710, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1018, 1020, 1021, 1022, 1025, 1026, 1027, 1028, 1031, 1037, 1038, 1039, 1051, 1053, 1055, 1056, 1057, 1061, 1062, 1063, 1070, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1085, 1086, 1087, 1088, 1089, 1090, 1091, 1092, 1093, 1094, 1095, 1096, 1097, 1098, 1099, 1100, 1101, 1102,~~

~~1103, 1104, 1105, 1106, 1107, 1108, 1109, 1110, 1111, 1112, 1113, 1114, 1115, 1116, 1117, 1121, 1122, 1124, 1125 and 1126.~~

~~24. In census tract 005805, blocks 2000, 2002, 2003, 2004, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 3000, 3001, 3002, 3003, 3004, 3005 and 3006.~~

~~25. In census tract 005807, blocks 1006, 2000, 2001, 2002, 2003, 2004 and 2005.~~

~~26. In census tract 005816, blocks 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1081, 1082, 1083, 1084, 1085, 1086, 1087, 1088, 1089, 1092, 1093, 1094, 1095, 1096, 1097, 1098, 1100, 1101, 1102, 1103, 1104, 1105, 1106, 1107, 1108, 1112, 1113, 1114, 1115, 1116, 1117, 1118, 1119, 1120, 1121, 1122, 1123, 1124, 1125, 1126, 1127, 1128, 1129, 1130, 1131, 1132, 1133, 1134, 1135, 1136, 1137, 1138, 1139, 1140, 1141, 1142, 1143, 1144, 1147, 1148, 1149, 1150, 1151, 1152, 1153, 1154, 1155, 1156, 1157, 1158, 1159, 1160, 1161, 1162, 1163, 1164, 1165, 1166, 1167, 1168, 1169, 1170, 1171, 1172, 1173, 1174, 1175, 1176, 1177, 1182, 1183, 1184, 1185, 1187, 1188, 1189, 1190 and 1191.~~

~~27. In census tract 005817, blocks 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1038, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1069, 1070, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1085, 1086, 1087, 1088, 1089, 1090, 1091, 1092, 1093, 1094, 1095, 1096, 1097, 1098, 1099, 1100, 1101, 1102, 1103, 1104, 1105, 1106, 1107, 1108, 1109, 1110, 1111, 1112, 1113, 1114, 1115, 1116, 1117, 1118, 1119, 1120, 1121, 1122, 1123, 1124, 1125, 1126, 1127, 1129, 1130, 1131, 1132, 1133, 1134, 1135, 1136, 1137, 1138, 1139, 1140, 1141, 1142, 1143, 1145, 1148, 1149, 1150, 1151, 1152, 1153, 1154, 1155, 1156, 1157, 1158, 1159, 1160, 1161, 1162 and 1164.~~

~~28. In census tract 005819, blocks 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082 and 1083.~~

~~29. In census tract 005902, blocks 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1073, 1074, 1075, 1076, 1077, 1078, 1079, 1080, 1081, 1082, 1083, 1084, 1085, 1086, 1087, 1088, 1089,~~

~~1090, 1091, 1092, 1093, 1094, 1095, 1096, 1097, 1098, 1099, 1100, 1101, 1102, 1103, 1118, 1121, 1146, 1147, 1148, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2039, 2040, 2041, 9011 and 9019.~~

~~30. In census tract 006000, block 9055.~~

~~31. In census tract 006102, blocks 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3022, 3023, 3024, 3025, 3026, 3027, 3028, 3029 and 3030.~~

~~32. In census tract 006202, blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014 and 2015.~~**~~]~~**

1. Census tracts 000401, 000402, 000403, 000510, 000513, 000514, 000515, 000516, 000517, 000518, 000519, 000520, 000521, 000522, 000523, 000524, 000525, 000526, 000527, 000528, 000600, 000700, 000800, 000900, 001100, 001200, 001300, 001401, 001402, 001501, 001502, 001608, 001609, 001610, 001611, 001612, 001613, 001801, 001803, 001804, 001901, 001902, 002000, 002302, 002303, 002403, 002404, 002405, 002406, 002604, 002605, 002810, 002811, 002814, 002828, 002829, 002830, 002831, 002832, 002833, 002834, 002835, 002836, 002837, 002838, 002841, 002842, 002843, 002844, 002845, 002846, 002847, 002848, 002957, 002962, 002974, 002975, 002976, 002977, 002979, 002980, 002981, 002982, 002983, 002985, 003800, 004000, 004100, 004200, 004301, 004302, 004401, 004402, 004500, 004601, 004602, 004703, 004707, 004709, 004710, 004712, 004713, 004714, 004715, 004716, 004717, 004907, 004910, 004911, 004912, 004914, 004915, 004916, 004918, 004919, 004920, 004921, 004924, 005311, 005312, 005313, 005314, 005316, 005317, 005318, 005319, 005320, 005321, 005322, 005333, 005337, 005338, 005346, 005347, 005348, 005349, 005350, 005351, 005352, 005355, 005356, 005358, 005712, 005713, 005714, 005715, 005716, 005834, 005835, 005836, 005837, 005838 and 007100.

2. In census tract 000204, blocks 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2011, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2026 and 2040.

3. In census tract 000301, blocks 2000, 2001, 2002, 2014, 2015, 2016, 2017, 2018, 2019, 2030, 2031, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2059, 2060, 3000, 3001, 3002, 3003 and 3004.

4. In census tract 001607, block 2008.

5. In census tract 002201:

(a) Block groups 1 and 2.

(b) Blocks 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021,

3022, 3023, 3024, 3025, 3026, 3027, 3028, 3029, 3030, 3031, 3032, 3033, 3034, 3035, 3036, 3037, 3038, 3039, 3040, 3041, 3042, 3043, 3044, 3045, 3046, 3047, 3048, 3049, 3052, 3053, 3055, 3057, 3058, 3059, 3060, 3061 and 3064.

6. In census tract 002707, blocks 2011, 2012, 2013, 2014, 2015, 2016 and 2017.

7. In census tract 002808:

(a) Block group 1.

(b) Blocks 2002, 2003, 2004, 2007, 2008, 2010, 2011, 2012, 2013, 2014, 2015 and 2016.

8. In census tract 002944, blocks 1001, 1011, 1013 and 1014.

9. In census tract 002953, block 1007.

10. In census tract 002956:

(a) Block group 2.

(b) Blocks 1000, 1001, 1002, 1005, 1006, 1007, 1008 and 1009.

11. In census tract 002961:

(a) Block group 1.

(b) Blocks 2000, 2001, 2002, 2003, 2004 and 2006.

12. In census tract 002969, block group 2.

13. In census tract 002984, blocks 1000, 1001, 1002, 1010, 1011 and 1031.

14. In census tract 002995, blocks 3007, 3008, 3009, 3010 and 3011.

15. In census tract 003626, block 1032.

16. In census tract 003700, blocks 2012, 2015, 2016 and 2031.

17. In census tract 004923, blocks 1000, 1001, 1002 and 1004.

18. In census tract 004926, blocks 1007, 1008, 1009 and 1010.

19. In census tract 005102, blocks 2002, 2003, 2004, 2005, 3002, 3003, 3004, 3005, 3006, 3007, 3008, 3009, 3010, 3011, 3012, 3013 and 3014.

20. In census tract 005315, block groups 1 and 2.

21. In census tract 005353:

(a) Block group 2.

(b) Blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1008, 1009, 1010, 1011, 1012, 1013 and 1014.

22. In census tract 005354:

(a) Block group 2.

(b) Blocks 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016 and 1017.

23. In census tract 005357:

(a) Block group 2.

(b) Blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021,

1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1038, 1039 and 1040.

24. In census tract 005359:

(a) Block group 3.

(b) Blocks 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2030 and 2031.

25. In census tract 005711:

(a) Block group 2.

(b) Blocks 1017, 1019, 1020, 1021, 1026, 1027, 1029, 1030, 1147, 1148, 1149, 1150, 1151, 1152, 1153, 1154, 1155, 1156, 1157, 1158, 1159, 1160, 1161, 1162, 1163, 1164, 1165, 1166, 1167, 1168, 1169, 1170, 1171, 1172, 1173, 1174, 1175, 1176, 1177, 1178, 1179, 1180, 1181, 1182 and 1183.

26. In census tract 005833, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063 and 1064.

27. In census tract 005839, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 2009, 2010, 2011, 2012 and 2013.

28. In census tract 005851, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007 and 1008.

29. In census tract 005854, blocks 2014 and 2015.

30. In census tract 005855:

(a) Block group 1.

(b) Blocks 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2033, 2034, 2035 and 2036.

31. In census tract 005856, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1009, 1012, 1013, 1014, 1015, 1016, 1017, 1018 and 1021.

32. In census tract 006104:

(a) Block group 2.

(b) Blocks 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030 and 1031.

33. In census tract 006201:

(a) Block group 2.

(b) Blocks 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025 and 1026.

34. In census tract 006202, blocks 1003 and 1004.

35. In census tract 006203, block 2013.

36. In census tract 006700:

(a) Block groups 2, 3 and 4.

(b) Blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032 and 1033.

37. In census tract 006800, blocks 4000, 4001, 4002, 4003, 4005, 4006, 4007, 4008, 4009, 4010, 4011, 4012, 4013, 4014, 4015, 4016, 4017, 4018, 4019, 4020, 4021, 4022, 4023, 4024, 4025, 4026, 4027, 4028, 4029, 4030, 4031, 4032, 4033, 4034, 4035, 4036, 4037, 4038, 4039, 4040, 4041, 4042, 4043, 4044, 4045, 4046, 4047, 4048, 4049, 4051, 4052, 4053, 4065, 4066, 4067, 4068, 4069, 4070, 4071, 4072, 4073, 4074, 4075, 4076, 4077, 4078, 4079, 4080, 4083, 4084, 4085, 4086, 4087 and 4088.

38. In census tract 006900, blocks 1005, 1006, 2011, 2012, 2013, 2014, 2015, 2018, 2019, 2020, 2021, 2022, 2023 and 2024.

39. In census tract 007200, blocks 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016 and 1017.

~~[Sec. 53.]~~ ***Sec. 126.*** NRS 218B.050, 218B.300, 218B.305, 218B.310, 218B.315, 218B.320, 218B.325, 218B.330, 218B.335, 218B.340, 218B.345, 218B.350, 218B.355, 218B.360, 218B.365, 218B.370, 218B.375, 218B.380, 218B.385 and 218B.390 are hereby repealed.

~~[Sec. 54.]~~ ***Sec. 127.*** Those Senators who were elected on November 2, 2010, shall serve out their term of office for which they were elected, and from November 7, 2012, until the expiration of their current term of office, such Senators shall represent the following districts:

1. The Senator elected from Clark County Senatorial District 2 shall represent Senate District 2 as described in section ~~[1]~~ **55** of this act.

2. The Senator elected from Clark County Senatorial District 8 shall represent Senate District 8 as described in section ~~[1]~~ **61** of this act.

3. The Senator elected from Clark County Senatorial District 9 shall represent Senate District 9 as described in section ~~[1]~~ **62** of this act.

4. The Senator elected from Clark County Senatorial District 10 shall represent Senate District 10 as described in section ~~[1]~~ **63** of this act.

5. The Senator elected from Clark County Senatorial District 12 shall represent Senate District 12 as described in section ~~[1]~~ **65** of this act.

6. The Senator elected from Clark County Senatorial District 5 shall represent Senate District ~~[13]~~ **20** as described in section ~~[1]~~ **73** of this act.

7. The Senator elected from Clark County Senatorial District 7 shall represent Senate District ~~[14]~~ **21** as described in section ~~[1]~~ **74** of this act.

8. The Senator elected from Washoe Senatorial District 1 shall represent Senate District ~~[16]~~ **13** as described in section ~~[1]~~ **66** of this act.

9. The Senator elected from Washoe Senatorial District 2 shall represent Senate District ~~[17]~~ **14** as described in section ~~[1]~~ **67** of this act.

10. The Senator elected from Washoe Senatorial District 4 shall represent Senate District ~~[18]~~ **16** as described in section ~~[1]~~ **69** of this act.

11. The Senator elected from the Capitol Senatorial District shall represent Senate District ~~[19]~~ **17** as described in section ~~[1]~~ **70** of this act.

~~[Sec. 55.]~~ ***Sec. 128.*** 1. Notwithstanding the provisions of NRS 294A.330, the following Senators who were elected on November 4, 2008, may use the term "reelect" in any material, statement or publication supporting the election of Senators to represent the following districts as Senators:

(a) The Senator elected from Clark County Senatorial District 1, if seeking election in 2012 to Senate District 1, as described in section ~~[1]~~ **54** of this act.

(b) The Senator elected from Clark County Senatorial District 4, if seeking election in 2012 to Senate District 4, as described in section ~~[1]~~ **57** of this act.

(c) The Senator elected from Clark Senatorial District 5, if seeking election in 2012 to Senate District 5, as described in section ~~[1]~~ **58** of this act.

(d) The Senator elected from Clark Senatorial District 6, if seeking election in 2012 to Senate District 6, as described in section ~~[1]~~ **59** of this act.

(e) The Senator elected from Clark Senatorial District 7, if seeking election in 2012 to Senate District 7, as described in section ~~[1]~~ **60** of this act.

2. Notwithstanding the provisions of NRS 294A.330, the following members of the Assembly who were elected on November 2, 2010, may use the term "reelect" in any material, statement or publication supporting the election of members of the Assembly to represent the following districts as members of the Assembly:

(a) The member of the Assembly elected from Assembly District 38, if seeking election in 2012 to Assembly District 35, described in NRS 218B.770, as amended by section ~~[38]~~ **111** of this act.

(b) The member of the Assembly elected from Assembly District 39, if seeking election in 2012 to Assembly District 38, described in NRS 218B.785, as amended by section ~~[41]~~ **114** of this act.

(c) The members of the Assembly elected from Assembly Districts 33 and 35, respectively, if seeking election in 2012 to Assembly District 33, described in NRS 218B.760, as amended by section ~~[36]~~ **109** of this act.

3. This section does not authorize a person to seek election to an office for which he or she is otherwise ineligible.

~~[Sec. 56.]~~ ***Sec. 129.*** At the general election in 2012, one member of the Senate must be elected for a term of 4 years to the open seat in Senate District 15 as described in section ~~[1]~~ **68** of this act.

~~[Sec. 57.]~~ ***Sec. 130.*** 1. The Legislature recognizes that:

(a) NRS 0.020 provides for the severability of the provisions of the Nevada Revised Statutes, including, without limitation, sections 1 to ~~[53,]~~ **126,** inclusive, of this act;

(b) NRS 0.020 does not expressly provide for the severability of transitory provisions contained in the Statutes of Nevada, including, without limitation, sections ~~[54 to 58,]~~ **127 to 131,** inclusive, of this act;

(c) The various provisions of this act are intertwined to the extent that it may appear that the various provisions are inseparable; and

(d) Each district within the plan set forth in this act is subject to challenge and possible close scrutiny under state and federal law by the state and federal courts.

2. It is the intent of the Legislature that each district within the plan set forth in this act should remain effective regardless of the result of any court challenge to any other district within the same plan. To effectuate this intent, given the circumstances set forth in subsection 1, the Legislature sets forth the severability clause set forth in subsection 3.

3. If any provision of this act or the application thereof to any person, thing or circumstance is held invalid, the invalidity does not affect the provisions or application of this act that can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

~~[Sec. 58.]~~ ***Sec. 131.*** 1. This section and section ~~[57]~~ **130** of this act become effective upon passage and approval.

2. Sections ~~[54, 55 and 56]~~ **127, 128 and 129** of this act become effective on January 1, 2012.

3. Section ~~[53]~~ **126** of this act becomes effective on November 7, 2012.

4. Sections 1 to ~~[45,]~~ **118,** inclusive, of this act become effective on January 1, 2012, for the purpose of filing for office and for nominating and electing members of the Nevada Legislature, and on November 7, 2012, for all other purposes.

5. Sections ~~[46 to 52,]~~ **119 to 125,** inclusive, of this act become effective on January 1, 2012, for the purpose of filing for office and for nominating and electing Representatives in the Congress of the United States, and at 9:00 a.m. on January 3, 2013, for all other purposes.

LEADLINES OF REPEALED SECTIONS

218B.050 "Census voting district" defined.
218B.300 Clark County Senatorial District 1.
218B.305 Clark County Senatorial District 2.
218B.310 Clark County Senatorial District 3.
218B.315 Clark County Senatorial District 4.
218B.320 Clark County Senatorial District 5.
218B.325 Clark County Senatorial District 6.
218B.330 Clark County Senatorial District 7.
218B.335 Clark County Senatorial District 8.

218B.340 Clark County Senatorial District 9.
218B.345 Clark County Senatorial District 10.
218B.350 Clark County Senatorial District 11.
218B.355 Clark County Senatorial District 12.
218B.360 Washoe County Senatorial District 1.
218B.365 Washoe County Senatorial District 2.
218B.370 Washoe County Senatorial District 3.
218B.375 Washoe County Senatorial District 4.
218B.380 Capital Senatorial District.
218B.385 Central Nevada Senatorial District.
218B.390 Rural Nevada Senatorial District.

Assemblyman Segerblom moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, reengrossed, and to third reading

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Conklin moved that all rules be suspended and the Assembly dispense with the reprinting of Assembly Bill No. 566 and that it be placed at the top of the General File for third reading and final passage.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 566.

Bill read third time.

Remarks by Assemblyman Segerblom.

Assemblyman Conklin moved that the following remarks be entered in the Journal.

Motion carried.

ASSEMBLYMAN SEGERBLOM:

Assembly Bill 566 revises the districts for election of members to the Nevada Senate and Assembly and representatives to the United States House of Representatives. The measure retains a 21-member Senate. The ideal population for each Senate district is 128,598. The overall range of population deviation is 0.23 percent. The plan eliminates the multi-member Senate districts in Clark County and includes 15 Senate districts wholly within Clark County and 3 districts wholly within Washoe County. The remaining three districts contain parts of Clark and Washoe Counties and the rural counties.

The measure retains a 42-member Assembly. The ideal population in each Assembly district is 64,299. The overall range of population deviation is 0.49 percent. No Assembly districts are nested within Senate districts. The plan includes 30 Assembly districts wholly within Clark County and 6 districts wholly within Washoe County. The remaining six districts contain parts of Clark and Washoe Counties and the rural counties.

Based on the 2010 United States Census, Nevada has been apportioned a fourth congressional district. The ideal population in each district is 675,138. The overall range of population deviation is 0.00 percent. Two congressional districts are wholly contained in Clark County. A

third district contains a portion of Clark County and all or parts of rural counties. A fourth district contains all of Washoe County and all or parts of rural counties.

The bill provides for the use of the term *reelect* in the 2012 General Election under certain circumstances. The measure also includes a severability clause.

Today we are moving to adopt a second redistricting proposal following a veto by the Governor. The plan we offer today continues to focus on commonsense criteria that put people before politics and do what is right for all Nevadans.

The plan today has minor changes to the legislative proposal in the first plan adopted by the Legislature. Most of those changes involved reducing the population deviation in both the Senate and Assembly plan to fall below one half of 1 percent. This is the lowest number in the history of the state. Others were based on continuing conversations with community representatives and members.

The more significant changes come to the congressional plan presented. This plan continues a 0.00 percent deviation but makes two fundamental changes.

The first is that the district containing a Hispanic community of interest, defined by several community organizations and leaders during our hearings, has been geographically expanded. The original district went from the I-15 to Nellis and Sahara to Cheyenne. In this proposal, those boundaries have been expanded north of Cheyenne, east of Nellis, and south of Sahara. This expanded district for this community of interest will provide a greater ability for the Hispanic community to elect candidates of their choice.

The second change is that Congressional District 3 remains a Clark County district. Following our initial proposal, there were several points made that CD1 and CD3 had always been Clark County districts. Additionally, in our initial proposal, a sizeable rural population of approximately 70,000 people was located in a predominantly Clark County district. We have drafted the new map such that the districts always in Clark County stay in Clark County and that this new rural—Clark hybrid district be established as an open seat, with those voters having an opportunity to choose their own destiny.

This plan is fair, common sense, and will give all Nevadans, including minorities, a fair and equal opportunity to participate in the electoral process and elect candidates of their choice. I urge this body to adopt the plan.

Roll call on Assembly Bill No. 566:

YEAS—26.

NAYS—Ellison, Goedhart, Goicoechea, Grady, Hambrick, Hammond, Hansen, Hardy, Hickey, Kirner, Kite, Livermore, McArthur, Sherwood, Stewart, Woodbury—16.

Assembly Bill No. 566 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Conklin moved that all rules be suspended and that Assembly Bill No. 566 be immediately transmitted to the Senate.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 12.

Bill read second time and ordered to third reading.

Senate Bill No. 134.

Bill read second time and ordered to third reading.

Senate Bill No. 157.
Bill read second time and ordered to third reading.

Senate Bill No. 167.
Bill read second time and ordered to third reading.

Senate Bill No. 390.
Bill read second time and ordered to third reading.

Senate Joint Resolution No. 4.
Bill read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Senate Bill No. 7.
Bill read third time.
Remarks by Assemblywoman Benitez-Thompson.
Roll call on Senate Bill No. 7:
YEAS—42.
NAYS—None.
Senate Bill No. 7 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 27.
Bill read third time.
Remarks by Assemblywoman Benitez-Thompson.
Roll call on Senate Bill No. 27:
YEAS—42.
NAYS—None.
Senate Bill No. 27 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 44.
Bill read third time.
Roll call on Senate Bill No. 44:
YEAS—42.
NAYS—None.
Senate Bill No. 44 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 74.
Bill read third time.

Remarks by Assemblywoman Woodbury.
Roll call on Senate Bill No. 74:
YEAS—42.
NAYS—None.
Senate Bill No. 74 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 81.
Bill read third time.
Remarks by Assemblyman Livermore.
Roll call on Senate Bill No. 81:
YEAS—42.
NAYS—None.
Senate Bill No. 81 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 114.
Bill read third time.
Remarks by Assemblywoman Flores.
Roll call on Senate Bill No. 114:
YEAS—42.
NAYS—None.
Senate Bill No. 114 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 131.
Bill read third time.
Remarks by Assemblyman Hammond.
Roll call on Senate Bill No. 131:
YEAS—42.
NAYS—None.
Senate Bill No. 131 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 232.
Bill read third time.
Remarks by Assemblymen Hammond, Goicoechea, and Kirkpatrick.
Roll call on Senate Bill No. 232:
YEAS—42.
NAYS—None.

Senate Bill No. 232 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 280.

Bill read third time.

Remarks by Assemblyman Anderson.

Roll call on Senate Bill No. 280:

YEAS—42.

NAYS—None.

Senate Bill No. 280 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 302.

Bill read third time.

Remarks by Assemblyman Munford.

Roll call on Senate Bill No. 302:

YEAS—42.

NAYS—None.

Senate Bill No. 302 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 318.

Bill read third time.

Remarks by Assemblymen McArthur, Hansen, Oceguera, Bobzien, Carlton, Ohrenschall and Anderson.

Roll call on Senate Bill No. 318:

YEAS—39.

NAYS—Goedhart, Hansen, Sherwood—3.

Senate Bill No. 318 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Kirkpatrick moved that Senate Bill No. 358 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 393.

Bill read third time.

Remarks by Assemblyman Hardy.

Roll call on Senate Bill No. 393:

YEAS—42.

NAYS—None.

Senate Bill No. 393 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 396.

Bill read third time.

Remarks by Assemblyman Anderson.

Roll call on Senate Bill No. 396:

YEAS—40.

NAYS—Bobzien, Kirner—2.

Senate Bill No. 396 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 201.

The following Senate amendment was read:

Amendment No. 549.

AN ACT relating to administrative regulations; requiring that the name and contact information ~~[for]~~ **of, and the name of the entity or organization represented by,** each person who presented testimony at the hearing on the adoption of a regulation be included in the informational statement if such information was provided to the adopting agency; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes minimum procedural requirements for the adoption of regulations by certain agencies of the Executive Department of the State Government, including a requirement that these agencies file an informational statement with each regulation to indicate the manner in which public comment was solicited regarding the adoption of the regulation. (NRS 233B.040-233B.120) This bill adds a requirement that the name and contact information ~~[for]~~ **of, and the name of the entity or organization represented by,** each person who presented testimony at the hearing on the adoption of the regulation be included in the informational statement if such information was provided to the agency that adopted the regulation.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 233B.066 is hereby amended to read as follows:

233B.066 1. Except as otherwise provided in subsection 2, each adopted regulation which is submitted to the Legislative Counsel pursuant to NRS 233B.067 or filed with the Secretary of State pursuant to subsection 2 or 3 of NRS 233B.070 must be accompanied by a statement concerning the regulation which contains the following information:

(a) A description of how public comment was solicited, a summary of the public response and an explanation ***of*** how other interested persons may obtain a copy of the summary.

(b) The number of persons who:

(1) Attended each hearing;

(2) Testified at each hearing; and

(3) Submitted to the agency written statements.

(c) ~~*[The name, profession or trade, home address and telephone number, business address and telephone number, and electronic mail address of]*~~ ***For each person identified in subparagraphs (2) and (3) of paragraph (b),*** ~~*[if such]*~~ ***the following information*** ~~*[is]*~~ ***if provided to the agency conducting the hearing*** ~~*[.]*~~ ***:***

(1) Name;

(2) Telephone number;

(3) Business address;

(4) Business telephone number;

(5) Electronic mail address; and

(6) Name of entity or organization represented.

(d) A description of how comment was solicited from affected businesses, a summary of their response and an explanation ***of*** how other interested persons may obtain a copy of the summary.

~~[(d)]~~ ***(e)***If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change.

~~[(e)]~~ ***(f)*** The estimated economic effect of the regulation on the business which it is to regulate and on the public. These must be stated separately, and in each case must include:

(1) Both adverse and beneficial effects; and

(2) Both immediate and long-term effects.

~~[(f)]~~ ***(g)*** The estimated cost to the agency for enforcement of the proposed regulation.

~~[(g)]~~ ***(h)*** A description of any regulations of other state or government agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency.

~~[~~(h)~~]~~ ***(i)*** If the regulation includes provisions which are more stringent than a federal regulation which regulates the same activity, a summary of such provisions.

~~[~~(i)~~]~~ ***(j)*** If the regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.

The 2. requirements of paragraphs (a) to ~~[~~(d),~~]~~ ***(e),*** inclusive, of subsection 1 do not apply to emergency regulations.

Sec. 2. This act becomes effective upon passage and approval.

Assemblywoman Kirkpatrick moved that the Assembly concur in the Senate amendment to Assembly Bill No. 201.

Remarks by Assemblywoman Kirkpatrick.

Motion carried by a constitutional majority.

Bill ordered enrolled.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Pat Lundvall, Ron Bath, Perry DiLoretto, and Dan Waters.

On request of Assemblyman Bobzien, the privilege of the floor of the Assembly Chamber for this day was extended to Jocelyn Seemann.

On request of Assemblyman Frierson, the privilege of the floor of the Assembly Chamber for this day was extended to Justin Gardner and Lisa Gardner.

On request of Assemblyman Livermore, the privilege of the floor of the Assembly Chamber for this day was extended to Doug Hone.

On request of Assemblywoman Mastroluca, the privilege of the floor of the Assembly Chamber for this day was extended to the following students and chaperones from Nate Mack Elementary School: Bailey Burns, Sebastian Campbell, Rachel Carpenter, Sean Cooper, Sam Cox, Justin Dalton, Tuff Donovan, Jenna Ellis, Cora Jenkins, Jessica Lindsay, John McCullough, Hayley McNally, Mason Mellor, Gerald Miller, Daniel Raspopovich, Meia Stuart, Griffin Szeman, Desirae Taylor, Eric Toca, Jazlyn Vidrios, Sophia Broussard, Jonathan Chavarria, Eric Cooper, Jasmin Finney, Julian Hulse, Kris Bernielle Icban, Kalvin Juarez, Ryan Luker, Dianni Mariano, Brenna Pease, Jazmine Perez, Jenna Rosario, David Scott, Roxanne Torres, Bailey Trotta, Gregor Anthony Laswell, Breanna Brown, Jake Crawford, Alondra Diaz Morones, Alexis Flynn, Ryedae Kemp, Gwyneth Miller, Nicholas Paradis, Morgan Seiler, Shelly Vazquez, Fatima Garcia,

Theresa Hermanny, Jacqueline Carpenter, MaryAnne Cox, Kathia Dalton, John Donovan, Corrin Jenkins, Barbara Lindsay, Robin Mellor, Janette Rozgay Miller, John Raspopovich, Debra Stuart, End DePass, Jay Ramos, Angelique Agan, Marielsa Valle, Susan Pease, Robin Rosario, Nancy Heavey, Steven Crawford, and Stacey Shaver.

On request of Assemblywoman Smith, the privilege of the floor of the Assembly Chamber for this day was extended to the following students and chaperones from Bernice Mathews Elementary School: Daniel Aguilar, Cassandra Marquez Flores, Daniel Andrade, Jayden Milton, Linda Arreola Gonzalez, Edgar Mora, Vicente Ivan Chavez Cobian, Alejandra Mora-Hernandez, Maritza Cruz, Javier Moreno, Jessica Dominguez, Kolotita Palavu, Avril Frazier, Sahara Ramirez, Marco Garcia Murillo, Adanelly Ruelas, Alma Garibay, America Sarabia, Millicent Gonzalez Neri, Roderick Steiner, Pedro Gurrola, Cynthia Valdez, Odalis Gusman Marquez, Leonel Valdivia, Kevin Hong, Ramon Valencia-Soto, Lilia Juarez Lara, Destiny Westley, Anthony King, Giselle Mandujano, Briana Anderson, Lynette Maldonado, Joan Atienza, Joseph Marshall, Jesse Bailey, Carlos Moran, Giovanni Baltazar, Drake Neumann, Cynthia Barela, Warren Petteway, Marcos Batres, Kaylie Pinto, Oma Cabrera, Samantha Reyna, Biance Ceja, Isac Rodriguez, Yocelyn Cervin, Nicholas Rosas, Jessica Delgado, Genaro Villarruel, Kristel Echavez, Mykiel Ellis, Nelly Estrada, Isaias German, Mario Gomez, Joseph Hanek, Nathan Hunter, Giovanny Jacobo, Marvetta Lewis, Jose Jesus Luna, Holly Vialpando, Ryan Rogers, Jenny Ricci, Amie Stickel, Gary Reyna, and the following students and chaperones from Truckee Meadows Community College: Briel Anderson, Hunter Cavanagh, Lindsey Davis, Celina Gonzalez, Candace Goodman, Jessica Gutierrez, Amber Jones, Wanda LeGrange, Daniel Lewis, Courtney Linville, Olivia Myer, Margaret Perez, Michelle Rhodes, Jagpreet Singh, Carly Sitko, Steele Sasha, Jessica Stewart, Samuel Taber, Sara Aguirre, Alisha Bhatia, Kevin Carlson, Nicolle Derheim, Alivia Ely, Aizzabelle Garcia, Kimberly Godoy, Maria Gomez, Nicole Kenny, Amy Lawhon, Kori Lee, Elizabeth Loudon, Hope Loudon, Cassandra Mason, Megan Patten, Jennifer Pfennig, Hannah Tabbada, Shatton Zubieta, Hope Loudon, and Elizabeth Loudon.

Assemblyman Conklin moved that the Assembly adjourn until Thursday, May 19, 2011, at 12 noon.

Motion carried.

Assembly adjourned at 1:50 p.m.

Approved: JOHN OCEGUERA
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE ONE HUNDRED AND SECOND DAY

CARSON CITY (Thursday), May 19, 2011

Assembly called to order at 1:30 p.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Pastor Albert Tilstra.

Gracious God, we come at this sacred moment to You who has the words of life. Help us to cultivate Your wisdom in speech. May what we say have real meaning and be worth saying. Teach us economy of speech that neither wounds nor offends, that affords light without generating heat. Bridle our tongues lest they stampede us into utterances of which later we shall be ashamed. This we ask in Your name.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Conklin moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker

Your Committee on Commerce and Labor, to which were referred Senate Bills Nos. 17, 21, 36, 37, 58, 63, 117, 132, 328, 331, 353, 368, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

KELVIN ATKINSON, *Chair*

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Senate Bills Nos. 98, 109, 137, 262, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MARILYN K. KIRKPATRICK, *Chair*

Mr. Speaker:

Your Committee on Health and Human Services, to which were referred Senate Bills Nos. 10, 111, 149, 209, 225, 301, 337, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

APRIL MASTROLUCA, *Chair*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Conklin moved that Senate Bills Nos. 10, 17, 21, 36, 37, 58, 63, 98, 109, 111, 117, 132, 137, 149, 209, 225, 262, 301, 328, 331, 337, 353, 368, just reported out of committee, be placed on the Second Reading File.

Motion carried.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 18, 2011

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 75, 470, 474, 478, 479, 482.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 75.

Assemblyman Conklin moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 470.

Assemblyman Conklin moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 474.

Assemblyman Conklin moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 478.

Assemblyman Conklin moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 479.

Assemblyman Conklin moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 482.

Assemblyman Conklin moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 10.
Bill read second time and ordered to third reading.

Senate Bill No. 17.
Bill read second time and ordered to third reading.

Senate Bill No. 21.
Bill read second time and ordered to third reading.

Senate Bill No. 36.
Bill read second time and ordered to third reading.

Senate Bill No. 37.
Bill read second time and ordered to third reading.

Senate Bill No. 58.
Bill read second time and ordered to third reading.

Senate Bill No. 63.
Bill read second time and ordered to third reading.

Senate Bill No. 98.
Bill read second time and ordered to third reading.

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Bill read second time and ordered to third reading.

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Bill read second time and ordered to third reading.

Senate Bill No. 149.
Bill read second time and ordered to third reading.

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Bill read second time and ordered to third reading.

Senate Bill No. 225.
Bill read second time and ordered to third reading.

Senate Bill No. 262.
Bill read second time and ordered to third reading.

Senate Bill No. 301.
Bill read second time and ordered to third reading.

Senate Bill No. 328.
Bill read second time and ordered to third reading.

Senate Bill No. 331.
Bill read second time and ordered to third reading.

Senate Bill No. 337.
Bill read second time and ordered to third reading.

Senate Bill No. 353.
Bill read second time and ordered to third reading.

Senate Bill No. 368.
Bill read second time and ordered

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 19, 2011

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 12.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 12.

Assemblywoman Diaz moved the adoption of the resolution.

Remarks by Assemblymen Diaz, Brooks, Flores, Bustamante Adams, and Sherwood.

Assemblyman Conklin moved that the following remarks be entered in the Journal.

Motion carried.

ASSEMBLYWOMAN DIAZ:

I rise in support of Senate Concurrent Resolution 12. It is a great honor for me to be here with the Escobedo family. I knew Eddie, as we all lovingly knew him, about 14 years of my short existence, but he did many, many things during his time here on earth. He truly did live the American dream. As you heard, he was in the armed forces then opened his own newspaper, and was involved with the radio. He used that all for good cause to make sure he advocated for the community, especially the Hispanic community, making sure that we had our place and our role.

Eddie was especially engaged in making sure that the Hispanics were engaged in politics. That is where I was at kind of a crossroads with Mr. Escobedo where he was trying to mobile the Latino community to turn out and vote for those candidates that represented their views. I will

forever be so thankful for the active role he had while he was here. He was a great asset to the state of Nevada, and I urge everybody to adopt the resolution.

ASSEMBLYMAN BROOKS:

I rise in support. I just want to say that Eddie Escobedo was a great man, and I wanted to let his family know and assure them that he helped many of us who are here today to get where we are. He was motivational, inspirational; he stood for what he said and meant what he said. He broke down major barriers for our community. So I thank you, and I thank you for being here with us today.

ASSEMBLYWOMAN FLORES:

I also rise in support of Senate Concurrent Resolution 12, and I also echo the sentiments that my colleagues have already stated. I just also want to add that Mr. Escobedo was not just an upstanding person for the entire community, but he was so special to the Latino community because, as was already said, he fought tirelessly and was an amazing advocate for the Latino community. When I heard of his passing, the first thing that came to mind was, "Wow, he was not able to make it to the day to see so many Hispanics elected for the first time to the Nevada Legislature." He fought for so many years to increase the representation for this community, and he passed, unfortunately, just before he was able to realize that.

So I also just want to put on the record that he is such an amazing loss to the community but his legacy is enduring. Much of the progress that you see that our community, the Latino community, has made really is a direct result of this man. Thank you very much, and I also urge support of my colleagues for Senate Concurrent Resolution No. 12.

ASSEMBLYWOMAN BUSTAMANTE ADAMS:

Thank you, Mr. Speaker. It is an honor to be able to have the Escobedo family here today with us. I just want to let the Escobedo family know that Eddie played a very instrumental role in my life, especially when I broadened my horizons on the national level. Eddie was the one who introduced me to the National Association of Hispanic Publications; he took me under his wing, and I was able to develop great relationships because of Mr. Escobedo. I agree with my colleagues from the south that when it was time for him to head home, it was a great loss for our community because he didn't get to see the fruit of his labor—we being here on the Floor and over in the Senate. But I want you to rest assured that we are the product of his efforts to invest in the young people, especially in the Latino community. I also want to express my gratitude for you and for being here today.

ASSEMBLYMAN SHERWOOD:

I rise in support of Senate Concurrent Resolution 12. Today, or recently, here is how he was described: "Eddie Escobedo lived the American Dream. He never let go of his belief that through hard work and creativity, a person could succeed and help his family and friends." That was from Brian Greenspun who was a publisher of the *Las Vegas Sun*. As somebody who worked in the publishing industry, he was admired, he lived the American Dream, and he will be missed.

Resolution adopted and ordered transmitted to the Senate.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 2:01 p.m.

ASSEMBLY IN SESSION

At 2:05 p.m.

Mr. Speaker presiding.

Quorum present.

GENERAL FILE AND THIRD READING

Assembly Bill No. 258.

Bill read third time.

Roll call on Assembly Bill No. 258:

YEAS—42.

NAYS—None.

Assembly Bill No. 258 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 358.

Bill read third time.

Roll call on Assembly Bill No. 358:

YEAS—42.

NAYS—None.

Assembly Bill No. 358 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 521.

Bill read third time.

Roll call on Assembly Bill No. 521:

YEAS—42.

NAYS—None.

Assembly Bill No. 521 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Conklin moved that Senate Bills Nos. 12, 134, 157, 167, 390; Senate Joint Resolution No. 4 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 1, 30, 36, 37, 42, 45, 46, 50, 61, 62, 63, 68, 73, 201, 203, 211, 214, 215; Senate Bills Nos. 14, 31, 35, 51, 229; Senate Joint Resolution No. 8; and Senate Concurrent Resolution No. 10.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Aizley, the privilege of the floor of the Assembly Chamber for this day was extended to Steve Lasco.

On request of Assemblywoman Diaz, the privilege of the floor of the Assembly Chamber for this day was extended to Maria Escobedo, Eddie Escobedo, Jr., Jose Nicolas Escobedo, and Hilda Escobedo.

On request of Assemblyman Kirner, the privilege of the floor of the Assembly Chamber for this day was extended to the following students and chaperones from Sarah Winnemucca Elementary School: Cynthia Abarca, Kristie Bell, Mikayla Bell, Jon Campbell, Tiffany Chuong, Melanie Courtois, Karoline Craig, Kaylynn Dalpe, Aubrie Dismang, Trevor Drogo, Bryce Dufford, Eric Easley, Jade Estrada, Gannon Evans Winrow, Donnie Farleigh, Taylor Ford, Kaylie Gaskins, Johnathon Harris, Delci Jensen, Yocelin Juarez, Caleb Lopez, Aaron Murphy, Sidney Ozaki, Samson Peaua, Joshua Reyes, Jisseca Santillan, Maddy Smith, Kate Stallings, Trinity Aguilar, Abbey Albion, Kenneth Allan, Raymond Barajas, Sydnee Biagi, Edward Cao, Alicia Carter, Gregory Chason, Russ Cister, Adrienne Costa, Alyssa Daniels, Jennifer Dietsch, Kyle Fitts, Jeremy Flint, Tyler Gordon, Stormy Hall, Tatum Hallmark, Jalen King, Paige Knisely, RJ Lane, Ashley Librada, Itze Marquez, Annie Musni, Cameron Rand, Catherine Ruth, Sharyn Smith, Seth Soberanes, Lydia Tackett, Riley Turner, Alex Antonitsch, Madi Baker, Yasmin Bean, Michelle Cao, Rachel Cho, Devon Davis, Jessie Davis, Dominique Garcia, Alex Harde, Landon Hawk, Katelyn Knowles, Juliette Krainess, Brian Lee, Jared Myers, Katelyn Myers, Doug Pellissier, Matthew Rice, Amber Riddle, Leiya Roland, Ariana Romero, Dante Schrader, Micah Shure, Cooper Smith, Nick Spellman, Wade Urban, Katelyne Walker, and Kayla Wiederhold.

On request of Assemblywoman Smith, the privilege of the floor of the Assembly Chamber for this day was extended to the following students and chaperones from North Valley High School: Guadalupe Lopez, Janna Magana, Roy Foreman, Charles Retherford, Berea Robinson,

Cameron Rogers, Troy Wise, Leanne White, Maria Diaz, Nancy Falcon, Yaneli Pintor, Johanna Richards, Madelanine Troeger, Dhalia Trujillo Silva, Tayzia Watson, Lilly Roth, Gretchen Baumann, Douglas Carrion, Daisy Castellon Morales, Jasmin Gonzalez, Raul Gutierrez-Trujillo, Myles Marantette, Frida Molina Rojas, Taylor Thomas, Monica Vega, Rebecca Wiltermood, Cassandran Aaronson, Lauren Acevedo, Rene Alfaro Hernandez, Kaylyn Dazey, and Shawn Lear.

Assemblyman Conklin moved that the Assembly adjourn until Friday, May 20, 2011, at 12 noon.

Motion carried.

Assembly adjourned at 2:12 p.m.

Approved: JOHN OCEGUERA
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE ONE HUNDRED AND THIRD DAY

CARSON CITY (Friday), May 20, 2011

Assembly called to order at 12:21 p.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, April Mastroluca.

Heavenly Father, every day we work to worship You; we work to see Your will done. As we look around today and we remember what we are here for, what we are here to accomplish, and what we want to be when we are finished, we ask for Your blessing.

Thank You for all of the wonderful beauty that You give us, for these beautiful children that we see every day and who remind us of what we are working so hard to achieve. In Your Son's Name we pray.

AMEN.

Pledge of allegiance to the Flag.

Special musical rendition by former Miss Nevada, Christina Bourne, of the *National Anthem* and *O Mio Babbino Caro* by Giacomo Pucccini.

Assemblyman Conklin moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Ways and Means has had under consideration the various budgets for the Health Division and begs leave to report back that the following accounts have been closed by the Committee:

Health Statistics and Planning (101-3190)
Consumer Health Protection (101-3194)
Immunization Program (101-3213)
WIC Food Supplement (101-3214)
Communicable Diseases (101-3215)
Health Facilities Hospital Licensing (101-3216)
Public Health Preparedness Program (101-3218)
Biostatistics and Epidemiology (101-3219)
Chronic Disease -- Assembly close (101-3220)
Chronic Disease -- Senate close (101-3220)
Maternal Child Health Services (101-3222)
Office of Health Administration (101-3223)
Emergency Medical Services (101-3235)
Marijuana Health Registry (101-4547)

Also, your Committee on Ways and Means has had under consideration the various budgets for the Office of Veterans' Services and begs leave to report back that the following accounts have been closed by the Committee:

Commissioner for Veterans' Services (101-2560)
Veterans' Home Account (101-2561)

DEBBIE SMITH, *Chair*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Conklin moved that the following budget closing remarks be entered in the Journal.

Motion carried.

ASSEMBLYWOMAN MASTROLUCA:

On May 6, 2011, the Senate Finance Committee and the Assembly Ways and Means Committee met jointly to close most of the budget accounts for the State Health Division. The following comments describe the more significant actions by the Committee.

Health Statistics and Planning (101-3190) DHHS HEALTH-23:

The Committee approved the removal of all General Fund appropriations from this account and chose to support the operation of the Office of Vital Records with fee revenue, as well as continuing the ability of the State Registrar of Vital Statistics (the Health Division Administrator) to set vital records fees by regulation. The Health Division was given permission to request a General Fund advance, if needed, in order to smooth the transition from General Fund support to fee support of this account. The Committee's closing actions created a General Fund reduction of $663,592 in FY 2012 and $670,031 in FY 2013.

Consumer Health Protection (101-3194) DHHS HEALTH-32:

The Committee approved the Governor's recommendation to eliminate the General Fund support from this account and assess each county for the environmental health inspection services provided by the State. This decision represents a General Fund reduction of $594,760 in FY 2012 and $586,759 in FY 2013.

Immunization Program (101-3213) DHHS HEALTH-49:

The Committee approved the Governor's recommendation to add one new Health Resource Analyst position to support the Perinatal Hepatitis B program effort, with grant funds of $129,182 over the 2011-13 biennium. Also, the Committee approved the adjustment of both the Title XXI funds transferred from Nevada Check Up, as well as the State General Fund used as match for the Title XXI revenues. The lower amount of transferred Title XXI funding resulted in a General Fund reduction of $137,642 in FY 2012 and $171,181 in FY 2013.

Health Facilities Hospital Licensing (101-3216) DHHS HEALTH-70:

The Committee approved a new Administrative Assistant position for the Carson City office, at a cost of $37,589 in FY 2012 and $48,789 in FY 2013, funded by licensure fees and medical lab certification fees. The Committee also chose to issue a letter of intent instructing the Health Division and the Budget Division to include the Health Facilities Administrative Penalty budget account (BA 3217) in The Executive Budget for the 2013-15 biennium.

Public Health Preparedness Program (101-3218) DHHS HEALTH-79:

The Committee approved utilizing federal Public Health Emergency Preparedness grant funds in place of General Fund to pay for $300,000 per fiscal year of the State's poison control hotline costs. The remainder of the contract costs ($63,921) would continue to be funded by the General Fund. The Committee also approved the transfer in of the State Health Access Program (SHAP) grant from the Chronic Disease account, as well as one new Administrative Assistant position to support both SHAP and the Primary Care Office grant, funded by those federal grants.

Biostatistics and Epidemiology (101-3219) DHHS HEALTH-90:

The Committee approved the Governor's recommendation to create a new budget account to house the staff of the Office of Health Statistics and Surveillance, as well as the staff of the Office of Epidemiology. As such, $4.4 million in personnel and programs was transferred to this new account from seven other Health Division budget accounts. Also, the Committee approved the Governor's recommendation to eliminate General Fund support of tuberculosis treatment and sexually transmitted disease treatment in the counties, for a savings of $625,184 per fiscal year. Finally, the Committee approved the elimination of the State Trauma Registry and removal of the operating expenses for the Trauma Registry, since there is no state staff to support the

program and trauma data can be found in other public health data sets. This represents a General Fund savings of $31,956 in FY 2012 and $28,907 in FY 2013.

Chronic Disease (101-3220) DHHS HEALTH-108:

The Committee approved the Governor's recommendation to permit the Health Division to seek a contractor to operate the Women's Health Connection program, which would eliminate seven vacant state positions and redirect those personnel costs toward the contract expenses. The aim of the Governor's recommendation was to provide the Health Division an opportunity to leverage the Women's Health Connection's federal funding to provide more primary care to women who qualify.

Maternal Child Health Services (101-3222) DHHS HEALTH-119:

The Committee approved a reduction in General Fund support for the Children with Special Healthcare Needs program to the actual amount of $105,330 expended during FY 2010 instead of the Governor's recommended amounts of $199,715 in FY 2012 and $199,683 in FY 2013. Also, the Committee approved the issuance of a letter of intent instructing the Health Division to work with the Fiscal Analysis Division to determine the correct amount of state match required to continue receiving the Maternal Child Health block grant and to determine if the state match should be made with General Fund or with metabolic screening fee revenue. If State General Fund match is required, the letter of intent instructs the Health Division to work with the Fiscal Analysis Division to determine the proper General Fund support for both Children with Special Healthcare Needs, as well as the Pre/Post Natal program.

Office of Health Administration (101-3223) DHHS HEALTH-131:

The Committee approved three new fiscal positions in order to support the Division's workload, at a total cost of $127,901 in FY 2012 and $173,169 in FY 2013. The positions are funded by indirect cost assessment revenue. The Committee disapproved the Governor's recommendation to reduce General Fund for the Mammovan by $50,000 in each fiscal year of the 2011-13 biennium. Instead, the Committee voted to continue supporting the Mammovan with $100,000 in General Fund in each year, and $75,000 each year with the United Health Settlement funds for the 2011-13 biennium.

Emergency Medical Services (101-3235) DHHS HEALTH-150:

The Committee approved the Governor's amended recommendation to support the EMS licensure program with General Fund. Originally, the Governor recommended replacing General Funds with county reimbursements (with the exception of Clark County, which operates its own EMS program) in order to operate the EMS licensure and training program. However, on April 27, 2011, the Governor submitted an amendment restoring the support of this program with General Fund appropriations.

Marijuana Health Registry (101-4547) DHHS HEALTH-158:

The Committee approved a reduction in fee revenues for FY 2013 in the amount of $149,842 based on revised caseload projections. The Committee approved two new Administrative Assistants and one new Program Officer to assist the agency in processing the increase in applications and renewals for the Marijuana Health Registry program. The Committee also approved the transfer of $700,000 each year of the 2011-13 biennium to the Division of Mental Health and Developmental Services' Substance Abuse Prevention and Treatment Agency to provide priority access for assessments and treatment to families referred by child welfare agencies contingent on approval of Assembly Bill 528.

The Committee closed the WIC Food Supplement (101-3214) and Communicable Diseases (101-3215) accounts as recommended by the Governor, with approval of Fiscal staff's technical adjustments.

ASSEMBLYMAN HOGAN:

The Assembly Committee on Ways and Means has completed its review of the Office of Veterans' Services accounts and took action on the Governor's recommendations as follows:

Commissioner for Veterans' Services (101-2560) VETERANS–1:

The Committee approved the Governor's recommendation to eliminate three positions, including an Administrative Assistant III position (in the Las Vegas office) and two Veterans' Service Representative I positions (one in Las Vegas and one in Elko) as a budget reduction measure for General Fund savings totaling $345,343 for the 2011-13 biennium.

Veterans' Home Account (101-2561) VETERANS–9:

The Committee approved the Governor's recommendation to eliminate remaining General Fund support for the Veterans' Home account due to increasing federal reimbursements and other sources of revenue. In addition, due to the Veterans' Home's historical reliance upon General Fund appropriations to pay operating costs that are eventually reimbursed with revenues received following the end of the fiscal year, the Committee approved permission for the Veterans' Home to seek a General Fund advance if necessary during the 2011-13 biennium.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 19, 2011

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bill No. 442.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Education, to which were referred Senate Bills Nos. 96, 196, 317, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

DAVID P. BOBZIEN, *Chair*

Mr. Speaker

Your Committee on Health and Human Services, to which were referred Senate Bills Nos. 245, 264, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

APRIL MASTROLUCA, *Chair*

Mr. Speaker

Your Committee on Judiciary, to which were referred Senate Bills Nos. 6, 15, 25, 45, 66, 67, 89, 94, 186, 277, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

WILLIAM C. HORNE, *Chair*

Mr. Speaker:

Your Committee on Taxation, to which were referred Senate Bills Nos. 13, 33, 79, 495, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MARILYN K. KIRKPATRICK, *Chair*

Mr. Speaker:

Your Committee on Transportation, to which were referred Senate Bills Nos. 154, 322, 387, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MARILYN DONDERO LOOP, *Chair*

Mr. Speaker

Your Committee on Ways and Means, to which was referred Assembly Bill No. 525, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which were referred Senate Bills Nos. 38, 441, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

DEBBIE SMITH, *Chair*

MOTIONS, RESOLUTIONS AND NOTICES

NOTICE OF EXEMPTION

May 20, 2011

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the exemption of: Senate Bill No. 219.

RICK COMBS
Fiscal Analysis Division

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Conklin moved that Assembly Bill No. 525; Senate Bills Nos. 6, 13, 15, 25, 33, 38, 45, 66, 67, 79, 89, 94, 96, 154, 186, 196, 245, 264, 277, 317, 322, 387, 441, 495, just reported out of committee, be placed on the Second Reading File.

Motion carried.

Assemblyman Conklin moved that Senate Bills Nos. 36, 98, and 262 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

Assembly Bill No. 571—AN ACT relating to smoking; providing that smoking tobacco is not prohibited in age-restricted stand-alone bars, taverns and saloons; revising the definition of "stand-alone bar, tavern or saloon" as used in provisions regulating smoking tobacco; revising, removing and reenacting certain provisions of the Nevada Clean Indoor Air Act; making an appropriation; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 442.

Assemblyman Conklin moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 525.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 616.

SUMMARY—~~[Creates]~~ **Requires the establishment of** the Wildlife Trust Fund. (BDR 45-1213)

AN ACT relating to wildlife; ~~[creating]~~ **requiring the Department of Wildlife to establish** the Wildlife Trust Fund; ~~[requiring the Director of the Department of Wildlife to administer the Wildlife Trust Fund;]~~ authorizing the ~~[Director]~~ **Department** to accept ~~[gifts, grants, donations and~~

~~endowments of money]~~ **any gift, donation, bequest or devise from any private source** for the Wildlife Trust Fund; requiring the Director to report income and expenditures from the Wildlife Trust Fund to the Chief of the Budget Division of the Department of Administration and the ~~[Legislature;]~~ **Interim Finance Committee;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill ~~[creates]~~ **requires the Department of Wildlife to establish** the Wildlife Trust Fund for the purposes of receiving ~~[gifts, grants, donations and endowments of money]~~ **any gift, donation, bequest or devise from any private source** for the ~~[Department of Wildlife. The Director of the Department is required to administer the Wildlife Trust Fund and is authorized to accept the money for the]~~ Wildlife Trust Fund. The money in the Wildlife Trust Fund must be used either for the specified purpose of the donor who donated the money or, if the donor specified no purpose, then ~~[for carrying out the provisions of law administered by the Department.]~~ **in the sound discretion of the Director of the Department. This bill further establishes that the money in the Wildlife Trust Fund is private money and exempts the money in the Wildlife Trust Fund from the statutory requirements relating to the expenditure of public money.** Finally, this bill requires the Director to ~~[annually]~~ report the income and expenditures of the Wildlife Trust Fund to the Chief of the Budget Division of the Department of Administration and to ~~[the Legislature if it is in session, or if it is not in session, to]~~ the Interim Finance Committee.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 501 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Department shall establish the Wildlife Trust Fund . ~~[is hereby created in the State Treasury.]~~ The ~~[Director shall administer the Wildlife Trust Fund and]~~ Department may accept ~~[gifts, grants, donations and endowments of money]~~ any gift, donation, bequest or devise from any private source for deposit in the Wildlife Trust Fund. ~~[The money in the Wildlife Trust Fund must be invested as the money in other state funds is invested. The interest and income earned on the money in the Wildlife Trust Fund must be credited to the Wildlife Trust Fund.]~~ Any money received is private money and not state money. All money must be accounted for in the Wildlife Trust Fund.

2. ~~[Money which is donated for a purpose specified by the donor, within the scope of the Director's duties, must be used only for that specified purpose. If no purpose is specified, the money in the Wildlife Trust Fund may be used only to carry out the provisions of this title and chapter 488 of NRS and as provided in NRS 365.535, and the money must not be diverted to any other use.]~~ All of the money in the Wildlife Trust Fund must be deposited

in a financial institution to draw interest or to be expended, invested and reinvested pursuant to the specific instructions of the donor, or if no such specific instructions exist, in the sound discretion of the Director. The provisions of NRS 356.011 apply to any accounts in financial institutions maintained pursuant to this section.

3. ~~[If all or part of the money accepted by the Director from a donor is not expended before the end of any fiscal year, the remaining balance of the amount donated must remain in the Wildlife Trust Fund until needed for the purpose specified by the donor.]~~ The money in the Wildlife Trust Fund must be budgeted and expended, within any limitations which may have been specified by particular donors, at the discretion of the Director. The Director may authorize independent contractors that may be funded in whole or in part from the money in the Wildlife Trust Fund.

4. ~~[Each year, the Director shall submit an itemized statement of the income and expenditures of the Department from the Wildlife Trust Fund to:~~

~~(a) The Chief of the Budget Division of the Department of Administration together with the other submissions required of the Department pursuant to NRS 353.210; and~~

~~(b) The Legislature if it is in session or, if the Legislature is not in session, to the Interim Finance Committee.]~~ The Director or the Director's designee shall submit semiannually to the Interim Finance Committee a report concerning the investment and expenditure of the money in the Wildlife Trust Fund in such form and detail as the Interim Finance Committee determines is necessary.

5. A separate statement concerning the anticipated amount and proposed expenditures of the money in the Wildlife Trust Fund must be submitted to the Chief of the Budget Division of the Department of Administration for his or her information at the same time and for the same fiscal years as the requested budget of the Department submitted pursuant to NRS 353.210. The statement must be attached to the requested budget for the Department when the requested budget is submitted to the Fiscal Analysis Division of the Legislative Counsel Bureau pursuant to NRS 353.211.

6. The provisions of chapters 333, 338 and 341 of NRS regarding the expenditure of public money do not apply to the expenditure of money in the Wildlife Trust Fund.

Sec. 2. NRS 501.356 is hereby amended to read as follows:

501.356 1. Money received by the Department from:

(a) The sale of licenses;

(b) Fees pursuant to the provisions of NRS 488.075 and 488.1795;

(c) Remittances from the State Treasurer pursuant to the provisions of NRS 365.535;

(d) Appropriations made by the Legislature; and

(e) All other sources, except money derived from the forfeiture of any property described in NRS 501.3857 or money deposited in the Wildlife

Heritage Trust Account pursuant to NRS 501.3575 **,** ~~[or]~~ in the Trout Management Account pursuant to NRS 502.327 ~~[,]~~ ***or in the Wildlife Trust Fund pursuant to section 1 of this act,***

➥ must be deposited with the State Treasurer for credit to the Wildlife Account in the State General Fund.

2. The interest and income earned on the money in the Wildlife Account, after deducting any applicable charges, must be credited to the Account.

3. Except as otherwise provided in subsection 4, the Department may use money in the Wildlife Account only to carry out the provisions of this title and chapter 488 of NRS and as provided in NRS 365.535, and the money must not be diverted to any other use.

4. Except as otherwise provided in NRS 502.250 and 504.155, all fees for the sale or issuance of stamps, tags, permits and licenses that are required to be deposited in the Wildlife Account pursuant to the provisions of this title and any matching money received by the Department from any source must be accounted for separately and must be used:

(a) Only for the management of wildlife; and

(b) If the fee is for the sale or issuance of a license, permit or tag other than a tag specified in subsection 5 or 6 of NRS 502.250, under the guidance of the Commission pursuant to subsection 2 of NRS 501.181.

Sec. 3. This act becomes effective on July 1, 2011.

Assemblywoman Smith moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Senate Bill No. 6.

Bill read second time and ordered to third reading.

Senate Bill No. 13.

Bill read second time and ordered to third reading.

Senate Bill No. 15.

Bill read second time and ordered to third reading.

Senate Bill No. 25.

Bill read second time and ordered to third reading.

Senate Bill No. 33.

Bill read second time and ordered to third reading.

Senate Bill No. 38.

Bill read second time and ordered to third reading.

Senate Bill No. 45.

Bill read second time and ordered to third reading.

Senate Bill No. 66.

Bill read second time and ordered to third reading.

Senate Bill No. 67.
Bill read second time and ordered to third reading.

Senate Bill No. 79.
Bill read second time and ordered to third reading.

Senate Bill No. 89.
Bill read second time and ordered to third reading.

Senate Bill No. 94.
Bill read second time and ordered to third reading.

Senate Bill No. 96.
Bill read second time and ordered to third reading.

Senate Bill No. 154.
Bill read second time and ordered to third reading.

Senate Bill No. 186.
Bill read second time and ordered to third reading.

Senate Bill No. 196.
Bill read second time and ordered to third reading.

Senate Bill No. 245.
Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 637.

AN ACT relating to older persons; creating the Statewide Alert System for the Safe Return of Missing Endangered Older Persons; requiring the Department of Public Safety to administer and adopt regulations for the System; prescribing the circumstances under which a law enforcement agency may activate the System; providing immunity from civil liability for certain persons who disseminate certain information pursuant to a notification of activation of the System; providing immunity from civil liability for certain persons who enter into agreements with the Department to establish or maintain an Internet website for the System; providing that a person who intentionally makes certain false or misleading statements to cause activation of the System is guilty of a category E felony; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 7 of this bill creates the Statewide Alert System for the Safe Return of Missing Endangered Older Persons, which is composed of a voluntary partnership among the Department of Public Safety, the Department of Transportation, state and local law enforcement agencies, media outlets and other public and private organizations to assist in the search for and safe return of missing endangered older persons. **Section 7**

requires the Department of Public Safety to administer the System. **Section 5** of this bill defines the term "missing endangered older person" for the purposes of the System to mean a person who is 60 years of age or older whose whereabouts are unknown and: (1) who has been diagnosed with a medical or mental health condition that places the person in danger of serious physical harm or death; or (2) who is missing under suspicious or unexplained circumstances that place the person in danger of serious physical harm or death. **Section 8** of this bill requires the Department of Public Safety to: (1) adopt regulations governing the operation of the System; (2) develop a plan for carrying out the System which sets forth the components of the System; (3) oversee the System; (4) supervise and evaluate any training associated with the System; (5) monitor, review and evaluate the activations of the System for compliance with the provisions of this bill; and (6) conduct periodic tests of the System. **Section 9** of this bill prescribes the circumstances under which a law enforcement agency may activate the System. **Section 10** of this bill provides immunity from civil liability for a media outlet or a public or private organization that participates in the System and any person working for the media outlet or public or private organization who disseminates certain information pursuant to a notification of activation of the System and for a person who enters into an agreement with the Department of Public Safety to establish or maintain a website for the System if the agreement provides that only the law enforcement agency activating the System has the authority or ability to place information on the website.

Existing law provides that a person who intentionally makes any false or misleading statement to cause the activation of the "Amber Alert" system is guilty of a category E felony. (NRS 207.285) **Section 11** of this bill provides the same penalty for a person who intentionally makes any false or misleading statement to cause the activation of the System created by this bill.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 427A of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 10, inclusive, of this act.

Sec. 2. ***As used in sections 2 to 10, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 to 6, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 3. (Deleted by amendment.)

Sec. 4. ***"Department" means the Department of Public Safety.***

Sec. 4.5. ***"Media outlet" means a company or other similar entity that transmits news, feature stories, entertainment or other information to the public through various distribution channels, including, without limitation, newspapers, magazines, radio, broadcast, cable and satellite television and electronic media.***

Sec. 5. *"Missing endangered older person" means a person who is 60 years of age or older whose whereabouts are unknown and who:*

1. Has been diagnosed with a medical or mental health condition that places the person in danger of serious physical harm or death; or

2. Is missing under suspicious or unexplained circumstances that place the person in danger of serious physical harm or death.

Sec. 6. *"System" means the Statewide Alert System for the Safe Return of Missing Endangered Older Persons created by section 7 of this act.*

Sec. 7. *1. There is hereby created the Statewide Alert System for the Safe Return of Missing Endangered Older Persons, which is composed of a voluntary partnership among the Department of Public Safety, the Department of Transportation, state law enforcement agencies, local law enforcement agencies, media outlets and other public or private organizations to assist in the search for and safe return of missing endangered older persons. The Department of Public Safety shall administer the System within the limits of available money.*

2. Each law enforcement agency, media outlet and public or private organization that chooses to participate in the System shall comply with the provisions of sections 2 to 10, inclusive, of this act and any requirements prescribed by the Department for participation in the System.

3. Each law enforcement agency that chooses to participate in the System shall:

(a) Adopt a written policy concerning activation of the System by the agency that is consistent with the provisions of sections 2 to 10, inclusive, of this act and the regulations adopted by the Department pursuant to section 8 of this act; and

(b) Submit a copy of the written policy to the Department.

Sec. 8. *1. The Department shall:*

(a) Develop a plan for carrying out the System which includes the components of the System;

(b) Oversee the System;

(c) Supervise and evaluate any training associated with the System;

(d) Monitor, review and evaluate the activations of the System to determine whether such activations complied with the provisions of sections 2 to 10, inclusive, of this act; and

(e) Conduct periodic tests of the System.

2. The Department may:

(a) Dedicate the System to one or more persons;

(b) Establish a name for the System that is in addition to the definition set forth in section 6 of this act;

(c) Identify and apply for federal funding available to carry out the provisions of sections 2 to 10, inclusive, of this act; and

(d) Accept gifts, grants and donations for use in carrying out the provisions of sections 2 to 10, inclusive, of this act.

3. The Department shall, in consultation with representatives of the Department of Transportation, the Nevada Sheriffs' and Chiefs' Association, the Nevada Broadcasters Association, media outlets that participate in the System and any other public or private organization that participates in the System, adopt regulations to carry out the provisions of sections 2 to 10, inclusive, of this act.

Sec. 9. *1. A law enforcement agency which has jurisdiction over the investigation of a missing endangered older person may activate the System to disseminate a notice on behalf of the missing endangered older person if the law enforcement agency has:*

(a) Confirmed that the whereabouts of the missing endangered older person are unknown;

(b) Confirmed either that the missing endangered older person:

(1) Has been diagnosed with a medical or mental health condition that places the missing endangered older person in danger of serious physical harm or death; or

(2) Is missing under suspicious or unexplained circumstances that place the person in danger of serious physical harm or death; and

(c) Received sufficient descriptive information about the missing endangered older person or other pertinent information to warrant dissemination of the information.

2. Before activation of the System on behalf of a missing endangered older person, the law enforcement agency shall determine whether the dissemination of information will encompass:

(a) A particular neighborhood, city, county, region or state; or

(b) More than one neighborhood, city, county, region or state.

3. A law enforcement agency is not required to obtain the prior consent of the Department before activating the System, but the Department may review an activation of the System after the activation is complete.

4. A law enforcement agency that activates the System shall notify the Department and all participating members of the System upon cancellation of the activation and shall report the final disposition of the search for the missing endangered older person to the Department.

Sec. 10. *1. If a media outlet or any other public or private organization that participates in the System receives a notification of activation of the System by a law enforcement agency concerning a missing endangered older person and as a result of that notification disseminates descriptive information concerning the missing endangered older person and other information contained in the notification to assist with the safe return of the missing endangered older person, the media outlet, public or private organization and any person working for the media outlet or public or private organization is immune from civil liability ~~[for any act reasonably related to]~~ based upon the dissemination of that information.*

2. If a person enters into an agreement with the Department to establish or maintain an Internet website for the System and the agreement

provides that only the law enforcement agency activating the System has the authority or ability to place information on the website, the person who establishes or maintains the Internet website is immune from civil liability in any action based upon the information that is placed on the Internet website by the authorized law enforcement agency.

Sec. 11. NRS 207.285 is hereby amended to read as follows:

207.285 1. A person who intentionally makes any false or misleading statement, including, without limitation, any statement that conceals facts, omits facts or contains false or misleading information concerning any material fact, to any police officer, sheriff, district attorney, deputy sheriff, deputy district attorney or member of the Department of Public Safety to cause the ~~[System]~~ ***Statewide Alert System for the Safe Return of Abducted Children created by NRS 432.340 or the Statewide Alert System for the Safe Return of Missing Endangered Older Persons created by section 7 of this act*** to be activated is guilty of a category E felony and shall be punished as provided in NRS 193.130.

2. The Attorney General or the district attorney of the county in which a person made a false or misleading statement may investigate and prosecute any violation of the provisions of this section.

~~[3. As used in this section, "System" means the Statewide Alert System for the Safe Return of Abducted Children created by NRS 432.340.]~~

Sec. 12. The Department of Public Safety shall adopt the regulations required by section 8 of this act on or before December 31, 2011.

Sec. 13. This act becomes effective upon passage and approval for the purpose of adopting regulations and on January 1, 2012, for all other purposes.

Assemblywoman Mastroluca moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, reengrossed, and to third reading.

Senate Bill No. 264.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 636.

AN ACT relating to public health; revising requirements for various reports concerning the care provided by certain medical and related facilities; revising provisions relating to administrative fines collected by the Health Division of the Department of Health and Human Services; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires certain medical facilities to submit to the Health Division of the Department of Health and Human Services reports of sentinel events. (NRS 439.835) The term "sentinel event" is defined for the purposes of these reports to mean an unexpected occurrence at the facility which

involves facility-acquired infection, death or serious physical or psychological injury or the risk thereof, including, without limitation, any process variation for which a recurrence would carry a significant chance of a serious adverse outcome. (NRS 439.830) The Health Division is required to prepare annual reports concerning those reports which were submitted by medical facilities located in a county whose population is 100,000 or more (currently Clark and Washoe Counties). (NRS 439.840) **Section 5** of this bill requires the Health Division to prepare such annual reports for medical facilities in every county and to make those reports available on the Department's website. **Section 5** also requires the Health Division to report that information publicly in a format which allows for comparisons of medical facilities.

Existing law requires medical facilities which provide care to 25 or more patients per day to submit information to the Internet-based surveillance system established and maintained by the Centers for Disease Control and Prevention of the United States Department of Health and Human Services and requires the Health Division to analyze that information. (NRS 439.847) **Section 9** of this bill requires the Health Division to report that information publicly in a format which allows for comparisons of medical facilities.

Sections 15.3-17 of this bill require hospitals to submit, as part of the program to increase public awareness of health care information concerning hospitals, data relating to the readmission of a patient if the readmission was potentially preventable and clinically related to the initial admission of the patient. **Section 20** of this bill requires the Department of Health and Human Services to post that information on an Internet website. **Section 16** also authorizes the Department to report certain information concerning the quality of care provided by hospitals if it can be determined from reports already submitted to the Department. Existing law authorizes the Department to seek injunctive relief or civil penalties against facilities that violate the reporting requirements. (NRS 439A.300, 439A.310)

Sections 21, 22, 24 and 25 of this bill authorize the Health Division to use money which is collected as administrative penalties to administer and carry out the provisions of chapter 449 of NRS and to protect the health and property of the patients and residents of facilities.

Section 35 of this bill repeals NRS 439.825 and 439.850.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. (Deleted by amendment.)

Sec. 2. (Deleted by amendment.)

Sec. 3. (Deleted by amendment.)

Sec. 4. (Deleted by amendment.)

Sec. 5. NRS 439.840 is hereby amended to read as follows:

439.840 1. The Health Division shall:

(a) Collect and maintain reports received pursuant to NRS 439.835 and 439.843 and any additional information requested by the Health Division pursuant to NRS 439.841;

(b) Ensure that such reports, and any additional documents created from such reports, are protected adequately from fire, theft, loss, destruction and other hazards and from unauthorized access;

(c) Annually prepare a report of sentinel events reported pursuant to NRS 439.835 by a medical facility ***,*** ~~[~~~~located in a county whose population is 100,000 or more,~~~~]~~ including, without limitation, the type of event, the number of events ***, the rate of occurrence of events,*** and the medical facility which reported the event ~~[.]~~ ***, and provide the report for inclusion on the Internet website maintained pursuant to NRS 439A.270;*** and

(d) Annually prepare a summary of the reports received pursuant to NRS 439.835 and provide a summary for inclusion on the Internet website maintained pursuant to NRS 439A.270. The Health Division shall maintain the confidentiality of the ***patient, the provider of health care or other member of the staff of the medical facility identified in the*** reports submitted pursuant to NRS 439.835 when preparing the annual summary pursuant to this paragraph.

2. Except as otherwise provided in this section and NRS 239.0115, reports received pursuant to NRS 439.835 and subsection 1 of NRS 439.843 and any additional information requested by the Health Division pursuant to NRS 439.841 are confidential, not subject to subpoena or discovery and not subject to inspection by the general public.

3. The report prepared pursuant to paragraph (c) of subsection 1 must provide to the public information concerning each medical facility which provided medical services and care in the immediately preceding calendar year and must:

(a) Be presented in a manner that allows a person to view and compare the information for the medical facilities;

(b) Be readily accessible and understandable by a member of the general public;

(c) Use standard statistical methodology, including without limitation, risk-adjusted methodology when applicable, and include the description of the methodology and data limitations contained in the report;

(d) Not identify a patient, provider of health care or other member of the staff of the medical facility; and

(e) Not be reported for a medical facility if reporting the data would risk identifying a patient . ~~*[; and*~~

~~*(f) Not include data concerning sentinel events that occurred before October 1, 2010, unless the medical facility allows the Health Division access to data from before that date.]*~~

Sec. 6. (Deleted by amendment.)

Sec. 7. NRS 439.843 is hereby amended to read as follows:

439.843 1. On or before March 1 of each year, each medical facility shall provide to the Health Division, in the form prescribed by the State Board of Health, a summary of the reports submitted by the medical facility pursuant to NRS 439.835 during the immediately preceding calendar year. The summary must include, without limitation:

(a) The total number and types of sentinel events reported by the medical facility, if any;

(b) A copy of the patient safety plan established pursuant to NRS 439.865;

(c) A summary of the membership and activities of the patient safety committee established pursuant to NRS 439.875; and

(d) Any other information required by the State Board of Health concerning the reports submitted by the medical facility pursuant to NRS 439.835.

2. On or before June 1 of each year, the Health Division shall submit to the State Board of Health an annual summary of the reports and information received by the Health Division pursuant to this section. The annual summary must include, without limitation, a compilation of the information submitted pursuant to subsection 1 and any other pertinent information deemed necessary by the State Board of Health concerning the reports submitted by the medical facility pursuant to NRS 439.835. The Health Division shall maintain the confidentiality of the ***patient, the provider of health care or other member of the staff of the medical facility identified in the*** reports submitted pursuant to NRS 439.835 and any other ***identifying*** information ***of a person*** requested by the State Board of Health concerning those reports when preparing the annual summary pursuant to this section.

Sec. 8. NRS 439.845 is hereby amended to read as follows:

439.845 1. The Health Division shall analyze and report trends regarding sentinel events.

2. When the Health Division receives notice from a medical facility that the medical facility has taken corrective action to remedy the causes or contributing factors, or both, of a sentinel event, the Health Division shall:

(a) Make a record of the information;

(b) Ensure that the information is ~~[~~aggregated~~]~~ ***released in a manner*** so as not to reveal the identity of a specific ~~[~~person or medical facility;~~]~~ ***patient, provider of health care or member of the staff of the facility;*** and

(c) At least quarterly, report its findings regarding the analysis of ~~[~~aggregated~~]~~ trends of sentinel events ~~[~~to the Repository for Health Care Quality Assurance.~~]~~ ***on the Internet website maintained pursuant to NRS 439A.270.***

Sec. 9. NRS 439.847 is hereby amended to read as follows:

439.847 1. Each medical facility which provided medical services and care to an average of 25 or more patients during each business day in the immediately preceding calendar year shall, within 120 days after becoming eligible, participate in the secure, Internet-based surveillance system established by the Division of Healthcare Quality Promotion of the Centers

for Disease Control and Prevention of the United States Department of Health and Human Services that integrates patient and health care personnel safety surveillance systems. As part of that participation, the medical facility shall provide, at a minimum, the information required by the Health Division pursuant to this subsection. The Health Division shall by regulation prescribe the information which must be provided by a medical facility, including, without limitation, information relating to infections and procedures.

2. Each medical facility which provided medical services and care to an average of less than 25 patients during each business day in the immediately preceding calendar year may participate in the secure, Internet-based surveillance system established by the Division of Healthcare Quality Promotion of the Centers for Disease Control and Prevention of the United States Department of Health and Human Services that integrates patient and health care personnel safety surveillance systems.

3. A medical facility that participates in the secure, Internet-based surveillance system established by the Division of Healthcare Quality Promotion shall ~~[~~authorize~~]~~ ***:***

(a) Authorize the Health Division to access all information submitted to the system ~~[, and the Health Division shall enter into an agreement with the Division of Healthcare Quality Promotion to carry out the provisions of this section.]~~ ***; and***

(b) Provide consent for the Health Division to include information submitted to the system in the reports posted pursuant to paragraph (b) of subsection 4, including without limitation, permission to identify the medical facility that is the subject of each report.

4. The Health Division shall ~~[~~analyze~~]~~ ***:***

(a) Analyze the information submitted to the system by medical facilities pursuant to this section and recommend regulations and legislation relating to the reporting required pursuant to NRS 439.800 to 439.890, inclusive.

(b) Annually prepare a report of the information submitted to the system by each medical facility pursuant to this section and provide the reports for inclusion on the Internet website maintained pursuant to NRS 439A.270. The information must be reported in a manner that allows a person to compare the information for the medical facilities ~~[.]~~ ***and expressed as a total number and a rate of occurrence.***

(c) Enter into an agreement with the Division of Healthcare Quality Promotion to carry out the provisions of this section.

Sec. 10. (Deleted by amendment.)

Sec. 11. (Deleted by amendment.)

Sec. 12. (Deleted by amendment.)

Sec. 13. (Deleted by amendment.)

Sec. 14. (Deleted by amendment.)

Sec. 15. (Deleted by amendment.)

Sec. 15.3. Chapter 439A of NRS is hereby amended by adding thereto a new section to read as follows:

"Potentially preventable readmission" means an unplanned readmission of a patient which:

1. Occurs not more than 30 days after the patient is discharged;

2. Is clinically related to the initial admission; and

3. Was preventable.

Sec. 15.7. NRS 439A.200 is hereby amended to read as follows:

439A.200 As used in NRS 439A.200 to 439A.290, inclusive, ***and section 15.3 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 439A.205 and 439A.210 ***and section 15.3 of this act*** have the meanings ascribed to them in those sections.

Sec. 16. NRS 439A.220 is hereby amended to read as follows:

439A.220 1. The Department shall establish and maintain a program to increase public awareness of health care information concerning the hospitals in this State. The program must be designed to assist consumers with comparing the quality of care provided by the hospitals in this State and the charges for that care.

2. The program must include, without limitation, the collection, maintenance and provision of information concerning:

(a) Inpatients and outpatients of each hospital in this State as reported in the forms submitted pursuant to NRS 449.485;

(b) The quality of care provided by each hospital in this State as determined by applying ~~[~~uniform~~]~~ measures of quality ~~[~~prescribed by the Department pursuant to NRS 439A.230;

~~(c) The quality of care provided by each hospital in this State as determined by applying measures of quality]~~ ***endorsed by the entities described in subparagraph (1) of paragraph (b) of subsection 1 of NRS 439A.230, expressed as a number of events and rate of occurrence, if such measures can be applied to the information reported in the forms submitted pursuant to NRS 449.485;***

~~[(d)]~~ ***(c)*** How consistently each hospital follows recognized practices to prevent the infection of patients, to speed the recovery of patients and to avoid medical complications of patients;

(d) ~~[(e)]~~ For each hospital, the total number of patients discharged, the average length of stay and the average billed charges, reported ~~[~~for the 50 most frequent~~]~~ ***by*** diagnosis-related groups for inpatients and ***for the*** 50 medical treatments for outpatients that the Department determines are most useful for consumers; ~~[~~and~~]~~

(e) ~~[(f)]~~ ***The total number of patients discharged from the hospital and the total number of potentially preventable readmissions, which must be expressed as a total number and a rate of occurrence of potentially preventable readmissions, and the average length of stay and the average billed charges for those potentially preventable readmissions; and***

~~[(g)]~~ ***(f)*** Any other information relating to the charges imposed and the quality of the services provided by the hospitals in this State which the Department determines is:

(1) Useful to consumers;

(2) Nationally recognized; and

(3) Reported in a standard and reliable manner.

3. As used in this section, "diagnosis-related group" means groupings of medical diagnostic categories used as a basis for hospital payment schedules by Medicare and other third-party health care plans.

Sec. 17. NRS 439A.230 is hereby amended to read as follows:

439A.230 1. The Department shall, by regulation:

(a) Prescribe the information that each hospital in this State must submit to the Department for the program established pursuant to NRS 439A.220.

(b) Prescribe the measures of quality for hospitals that are required pursuant to paragraph (b) of subsection 2 of NRS 439A.220. In adopting the regulations, the Department shall:

(1) Use the measures of quality endorsed by the Agency for Healthcare Research and Quality, the National Quality Forum, Centers for Medicare and Medicaid Services of the United States Department of Health and Human Services, a quality improvement organization of the Centers for Medicare and Medicaid Services and the Joint Commission ***;*** **[**~~on Accreditation of Healthcare Organizations;~~**]**

(2) Prescribe a reasonable number of measures of quality which must not be unduly burdensome on the hospitals; and

(3) Take into consideration the financial burden placed on the hospitals to comply with the regulations.

➥ The measures prescribed pursuant to this paragraph must report health outcomes of hospitals, which do not necessarily correlate with the inpatient diagnosis-related groups or the outpatient treatments that are posted on the Internet website pursuant to NRS 439A.270.

(c) ***Prescribe the manner in which a hospital must determine whether the readmission of a patient must be reported pursuant to NRS 439A.220 as a potentially preventable readmission and the form for submission of such information.***

(d) Require each hospital to:

(1) Provide the information prescribed in paragraphs (a) **,** **[**~~and~~**]** (b) ***and (c)*** in the format required by the Department; and

(2) Report the information separately for inpatients and outpatients.

2. The information required pursuant to this section and NRS 439A.220 must be submitted to the Department not later than 45 days after the last day of each calendar month.

3. If a hospital fails to submit the information required pursuant to this section or NRS 439A.220 or submits information that is incomplete or inaccurate, the Department shall send a notice of such failure to the hospital and to the Health Division of the Department.

Sec. 18. (Deleted by amendment.)

Sec. 19. (Deleted by amendment.)

Sec. 20. NRS 439A.270 is hereby amended to read as follows:

439A.270 1. The Department shall establish and maintain an Internet website that includes the information concerning the charges imposed and the quality of the services provided by the hospitals and surgical centers for ambulatory patients in this State as required by the programs established pursuant to NRS 439A.220 and 439A.240. The information must:

(a) Include, for each hospital in this State, the ~~[total]~~ ***:***

(1) Total number of patients discharged, the average length of stay and the average billed charges, reported for the ~~[50 most frequent]~~ diagnosis-related groups for inpatients and ***the*** 50 ***most frequent*** medical treatments for outpatients that the Department determines are most useful for consumers; ***and***

(2) Total number of potentially preventable readmissions reported pursuant to NRS 439A.220, the rate of occurrence of potentially preventable readmissions, and the average length of stay and average billed charges of those potentially preventable readmissions, reported by the diagnosis-related group for inpatients for which the patient originally received treatment at ~~*[the]*~~ ***a hospital;***

(b) Include, for each surgical center for ambulatory patients in this State, the total number of patients discharged and the average billed charges, reported for 50 medical treatments for outpatients that the Department determines are most useful for consumers;

(c) Be presented in a manner that allows a person to view and compare the information for the hospitals by:

(1) Geographic location of each hospital;

(2) Type of medical diagnosis; and

(3) Type of medical treatment;

(d) Be presented in a manner that allows a person to view and compare the information for the surgical centers for ambulatory patients by:

(1) Geographic location of each surgical center for ambulatory patients;

(2) Type of medical diagnosis; and

(3) Type of medical treatment;

(e) Be presented in a manner that allows a person to view and compare the information separately for:

(1) The inpatients and outpatients of each hospital; and

(2) The outpatients of each surgical center for ambulatory patients;

(f) Be readily accessible and understandable by a member of the general public;

(g) ***Include the annual summary of reports of sentinel events prepared pursuant to paragraph (c) of subsection 1 of NRS 439.840;***

(h) Include the annual summary of reports of sentinel events prepared pursuant to paragraph (d) of subsection 1 of NRS 439.840; ~~[and~~

~~(h)]~~ ***(i) Include the reports of information prepared for each medical facility pursuant to paragraph (b) of subsection 4 of NRS 439.847; and***

(j) Provide any other information relating to the charges imposed and the quality of the services provided by the hospitals and surgical centers for ambulatory patients in this State which the Department determines is:

(1) Useful to consumers;

(2) Nationally recognized; and

(3) Reported in a standard and reliable manner.

2. The Department shall:

(a) Publicize the availability of the Internet website;

(b) Update the information contained on the Internet website at least quarterly;

(c) Ensure that the information contained on the Internet website is accurate and reliable;

(d) Ensure that the information contained on the Internet website is aggregated so as not to reveal the identity of a specific inpatient or outpatient of a hospital;

(e) Post a disclaimer on the Internet website indicating that the information contained on the website is provided to assist with the comparison of hospitals and is not a guarantee by the Department or its employees as to the charges imposed by the hospitals in this State or the quality of the services provided by the hospitals in this State, including, without limitation, an explanation that the actual amount charged to a person by a particular hospital may not be the same charge as posted on the website for that hospital;

(f) Provide on the Internet website established pursuant to this section a link to the Internet website of the Centers for Medicare and Medicaid Services of the United States Department of Health and Human Services; and

(g) Upon request, make the information that is contained on the Internet website available in printed form.

3. As used in this section, "diagnosis-related group" means groupings of medical diagnostic categories used as a basis for hospital payment schedules by Medicare and other third-party health care plans.

Sec. 21. NRS 449.0305 is hereby amended to read as follows:

449.0305 1. Except as otherwise provided in subsection 5, a person must obtain a license from the Board to operate a business that provides referrals to residential facilities for groups.

2. The Board shall adopt:

(a) Standards for the licensing of businesses that provide referrals to residential facilities for groups;

(b) Standards relating to the fees charged by such businesses;

(c) Regulations governing the licensing of such businesses; and

(d) Regulations establishing requirements for training the employees of such businesses.

3. A licensed nurse, social worker, physician or hospital, or a provider of geriatric care who is licensed as a nurse or social worker, may provide referrals to residential facilities for groups through a business that is licensed

pursuant to this section. The Board may, by regulation, authorize a public guardian or any other person it determines appropriate to provide referrals to residential facilities for groups through a business that is licensed pursuant to this section.

4. A business that is licensed pursuant to this section or an employee of such a business shall not:

(a) Refer a person to a residential facility for groups that is not licensed.

(b) Refer a person to a residential facility for groups that is owned by the same person who owns the business.

➥ A person who violates the provisions of this subsection is liable for a civil penalty to be recovered by the Attorney General in the name of the State Board of Health for the first offense of not more than $10,000 and for a second or subsequent offense of not less than $10,000 nor more than $20,000. Unless otherwise required by federal law, the State Board of Health shall deposit all civil penalties collected pursuant to this section into a separate account in the State General Fund to be used ~~[for the enforcement of this section and the protection of]~~ ***to administer and carry out the provisions of this chapter and to protect*** the health, safety, well-being and property of ***the patients and*** residents of ~~[residential]~~ facilities ~~[for groups.]~~ ***in accordance with applicable state and federal standards.***

5. This section does not apply to a medical facility that is licensed pursuant to NRS 449.001 to 449.240, inclusive, on October 1, 1999.

Sec. 22. NRS 449.163 is hereby amended to read as follows:

449.163 1. If a medical facility or facility for the dependent violates any provision related to its licensure, including any provision of NRS 439B.410 or 449.001 to 449.240, inclusive, or any condition, standard or regulation adopted by the Board, the Health Division, in accordance with the regulations adopted pursuant to NRS 449.165, may:

(a) Prohibit the facility from admitting any patient until it determines that the facility has corrected the violation;

(b) Limit the occupancy of the facility to the number of beds occupied when the violation occurred, until it determines that the facility has corrected the violation;

(c) Impose an administrative penalty of not more than $1,000 per day for each violation, together with interest thereon at a rate not to exceed 10 percent per annum; and

(d) Appoint temporary management to oversee the operation of the facility and to ensure the health and safety of the patients of the facility, until:

(1) It determines that the facility has corrected the violation and has management which is capable of ensuring continued compliance with the applicable statutes, conditions, standards and regulations; or

(2) Improvements are made to correct the violation.

2. If a violation by a medical facility or facility for the dependent relates to the health or safety of a patient, an administrative penalty imposed pursuant to paragraph (c) of subsection 1 must be in a total amount of not

less than $1,000 and not more than $10,000 for each patient who was harmed or at risk of harm as a result of the violation.

3. If the facility fails to pay any administrative penalty imposed pursuant to paragraph (c) of subsection 1, the Health Division may:

(a) Suspend the license of the facility until the administrative penalty is paid; and

(b) Collect court costs, reasonable attorney's fees and other costs incurred to collect the administrative penalty.

4. The Health Division may require any facility that violates any provision of NRS 439B.410 or 449.001 to 449.240, inclusive, or any condition, standard or regulation adopted by the Board to make any improvements necessary to correct the violation.

5. Any money collected as administrative penalties pursuant to this section must be accounted for separately and used to ***administer and carry out the provisions of this chapter and to*** protect the health ~~[or]~~ ***, safety, well-being and*** property of the ***patients and*** residents of ~~[the facility]~~ ***facilities*** in accordance with applicable ***state and*** federal standards.

Sec. 23. (Deleted by amendment.)

Sec. 24. NRS 449.210 is hereby amended to read as follows:

449.210 1. Except as otherwise provided in subsection 2 and NRS 449.24897, a person who operates a medical facility or facility for the dependent without a license issued by the Health Division is guilty of a misdemeanor.

2. A person who operates a residential facility for groups without a license issued by the Health Division:

(a) Is liable for a civil penalty to be recovered by the Attorney General in the name of the Health Division for the first offense of not more than $10,000 and for a second or subsequent offense of not less than $10,000 or more than $20,000;

(b) Shall move all of the persons who are receiving services in the residential facility for groups to a residential facility for groups that is licensed at his or her own expense; and

(c) May not apply for a license to operate a residential facility for groups for a period of 6 months after the person is punished pursuant to this section.

3. Unless otherwise required by federal law, the Health Division shall deposit all civil penalties collected pursuant to this section into a separate account in the State General Fund to be used ~~[for the protection of]~~ ***to administer and carry out the provisions of this chapter and to protect*** the health, safety ***,*** ~~[and]~~ well-being ***and property*** of ***the*** patients ~~[, including]~~ ***and*** residents of ~~[residential]~~ facilities ~~[for groups.]~~ ***in accordance with applicable state and federal standards.***

Sec. 25. NRS 449.2496 is hereby amended to read as follows:

449.2496 1. A person who operates or maintains a home for individual residential care without a license issued by the Health Division pursuant to NRS 449.249 is liable for a civil penalty, to be recovered by the Attorney

General in the name of the Health Division, for the first offense of $10,000 and for a second or subsequent offense of not less than $10,000 nor more than $20,000.

2. Unless otherwise required by federal law, the Health Division shall deposit civil penalties collected pursuant to this section into a separate account in the State General Fund ~~[in the State Treasury]~~ to be used ~~[for the protection of]~~ ***to administer and carry out the provisions of this chapter and to protect*** the health, safety, well-being and property of ***the*** patients ~~[, including]~~ ***and*** residents of facilities ~~[found deficient by the Health Division.]~~ ***in accordance with applicable state and federal standards.***

3. A person against whom a civil penalty is assessed by the court pursuant to subsection 1:

(a) Shall move, at that person's own expense, all persons receiving services in the home for individual residential care to a licensed home for individual residential care.

(b) May not apply for a license to operate a home for individual residential care until 6 months have elapsed since the penalty was assessed.

Sec. 26. (Deleted by amendment.)

Sec. 27. (Deleted by amendment.)

Sec. 28. (Deleted by amendment.)

Sec. 29. (Deleted by amendment.)

Sec. 30. (Deleted by amendment.)

Sec. 31. (Deleted by amendment.)

Sec. 32. (Deleted by amendment.)

Sec. 33. (Deleted by amendment.)

Sec. 34. (Deleted by amendment.)

Sec. 35. NRS 439.825 and 439.850 are hereby repealed.

Sec. 36. (Deleted by amendment.)

Sec. 37. This act becomes effective on July 1, 2011.

TEXT OF REPEALED SECTIONS

439.825 "Repository" defined. "Repository" means the Repository for Health Care Quality Assurance created by NRS 439.850.

439.850 Repository for Health Care Quality Assurance: Creation; function.

1. The Repository for Health Care Quality Assurance is hereby created within the Health Division.

2. The Repository shall, to the extent of legislative appropriation and authorization, function as a clearinghouse of information relating to aggregated trends of sentinel events.

Assemblywoman Mastroluca moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, reengrossed, and to third reading.

Senate Bill No. 277.
Bill read second time and ordered to third reading.

Senate Bill No. 317.
Bill read second time and ordered to third reading.

Senate Bill No. 322.
Bill read second time and ordered to third reading.

Senate Bill No. 387.
Bill read second time and ordered to third reading.

Senate Bill No. 441.
Bill read second time and ordered to third reading.

Senate Bill No. 495.
Bill read second time and ordered to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Conklin moved that Senate Bills Nos. 10, 12, 17, 21, 37, 58, 63, 109, 111, 117, 132, 134, 137, 149, 157, 167, 209, 225, 301, 328, 331, 337, 353, 368, 390; Senate Joint Resolution No. 4 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

Assemblyman Conklin moved that the following remarks be entered in the Journal.

Motion carried.

REMARKS FROM THE FLOOR

ASSEMBLYWOMAN BENITEZ-THOMPSON:

Thank you, Mr. Speaker. It is my pleasure and honor to introduce to you today the 28 contestants who will be competing for the title of Miss Nevada 2011. They are easy to spot; they are wearing sashes and crowns. Judging from all the chatter, you got to know them quite a bit in the past ten minutes. As an alumnus of this organization, there are a lot of misperceptions about what a Miss Nevada program is and who she is. We are part of the Miss America program. We are the world's largest scholarship organization in the world—the Miss America awarding more that $42 million in scholarships annually.

In our state program, with the Miss Nevada scholarship organizations at our local and state level combined, we award more than $30,000 in scholarships to Nevada's young women. These young women come from all parts of the state—from Elko to Mesquite to Reno. They represent our university systems. Miss University of Nevada and Miss University of Las Vegas are here, and we also have our teens with us as well.

A lot of people like to call us a beauty pageant, and I say that is fine as long as you define a beautiful woman as a woman who is smart, educated, and ready to change her community and if not, change the world. So I would like to have them stand up and say hello.

I do have a proclamation here. I won't read it, but it says a lot of what I just talked about—the fact that we are a scholarship organization that encourages women to be involved in their communities. I want to give a very special thank you to our former Miss Nevada and my good friend, Christina Bourne, who performed for us. She was our first Miss Nevada to be crowned who was a teacher, and she is actually still a teacher here in Carson City at Empire Elementary

School. She has her principal with her here today. Thank you for letting her come and do this for us. I appreciate it.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 1:06 p.m.

ASSEMBLY IN SESSION

At 1:15 p.m.
Mr. Speaker presiding.
Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Conklin moved that for the balance of session, Assembly Standing Rule No. 92, which pertains to notices of bills, topics and public hearing, be suspended.
Motion carried.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Senate Bills Nos. 7, 27, 44, 74, 81, 114, 131, 232, 280, 302, 318, 393, 396; Senate Concurrent Resolution No. 11.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Aizley, the privilege of the floor of the Assembly Chamber for this day was extended to Ashley Brown.

On request of Assemblyman Atkinson, the privilege of the floor of the Assembly Chamber for this day was extended to Alana Lee, Lacey Lee, and Jennifer Marcusen.

On request of Assemblywoman Benitez-Thompson, the privilege of the floor of the Assembly Chamber for this day was extended to the following contestants for the Miss Nevada program: Alana Lee, Ashton Sunseri, Emily Messina, Jayda Frazier, Emilie Heidenreich, Baylee Bernstein, Jordan Jenee Lamoreaux, Aimee Hull, Alyssa D'Agostino, Lindsey LeeAnn Jamieson, Shalynn Swails, Jordan McCutcheon, Diana Sweeney, Bailey Gumm, Cara Laursen, Riley Jensen, Elizabeth Mercado, Sarah Covey, Randi Sundquist, Makenzie St. Cyr, Leah Ellen Walters, Marisela Luisa Avitia, Stephanie Hatch, Kellie Mills, Adriana Avitia, Sabrina Singh, Madeline Burak, Jen Gulbrandsen, Angela Foremaster, Cris Crotz, Ashley Brown, Laura Granier, Christina Bourne, Jan Michal, Del Beatty, Shawna Bartshe, Shirley Lundsford, Jennifer Marcusen, Sarah Ferris, Tiffany Spates, Amy Hacker, Darci Hansen, and Tera Hooiman.

On request of Assemblyman Bobzien, the privilege of the floor of the Assembly Chamber for this day was extended to Ashton Sunseri.

On request of Assemblywoman Bustamante Adams, the privilege of the floor of the Assembly Chamber for this day was extended to Emily Messina.

On request of Assemblywoman Carlton, the privilege of the floor of the Assembly Chamber for this day was extended to Merritt Carlton.

On request of Assemblyman Carrillo, the privilege of the floor of the Assembly Chamber for this day was extended to Jayda Frazier.

On request of Assemblyman Conklin, the privilege of the floor of the Assembly Chamber for this day was extended to the following students and chaperones from Word of Life Christian Academy: Alissa Chavea, Matthew Buakwan, Mhali Burnett, Haeun Chung, Sarel Erasmus, Justin Gilstrap, Devil Harris, Eden Miura, Cayeton Norton, Clifton Norton, Erin Ruby, Daniel Simpson, Sharda Walker, William Willis, Terry Miura, Shanay Walker, Monica Burnett, Winnie Erasmus, Michael Harris, Kelly Gaford, Anthony Willis, John Capple, Terri Lynne ODonnell, and Mark Skomal.

On request of Assemblyman Daly, the privilege of the floor of the Assembly Chamber for this day was extended to Emilie Heidenreich.

On request of Assemblywoman Diaz, the privilege of the floor of the Assembly Chamber for this day was extended to Christina Borne and Baylee Bernstein.

On request of Assemblywoman Dondero Loop, the privilege of the floor of the Assembly Chamber for this day was extended to Jordan Jenee Lamoreaux.

On request of Assemblyman Ellison, the privilege of the floor of the Assembly Chamber for this day was extended to Aimee Hull.

On request of Assemblywoman Flores, the privilege of the floor of the Assembly Chamber for this day was extended to Alyssa D'Agostino.

On request of Assemblyman Frierson, the privilege of the floor of the Assembly Chamber for this day was extended to Lindsey LeeAnn Jamieson.

On request of Assemblyman Goedhart, the privilege of the floor of the Assembly Chamber for this day was extended to Jordan McCutcheon.

On request of Assemblyman Goicoechea, the privilege of the floor of the Assembly Chamber for this day was extended to Shalynn Swails and Lynne Hartung.

On request of Assemblyman Grady, the privilege of the floor of the Assembly Chamber for this day was extended to Diana Sweeney.

On request of Assemblyman Hambrick, the privilege of the floor of the Assembly Chamber for this day was extended to Bailey Gumm and Sherry Rickard.

On request of Assemblyman Hammond, the privilege of the floor of the Assembly Chamber for this day was extended to Cara Laursen.

On request of Assemblyman Hansen, the privilege of the floor of the Assembly Chamber for this day was extended to Riley Jensen.

On request of Assemblyman Hardy, the privilege of the floor of the Assembly Chamber for this day was extended to Elizabeth Mercado.

On request of Assemblyman Hickey, the privilege of the floor of the Assembly Chamber for this day was extended to Randi Sundquist and the following students and chaperones from Huffaker Elementary School: Tia Amaral, Ava Bell, Dyonis Burke, Amber Dowling, Sara Eidson, Carmen Grajeda-Rojas, Ellise Hansen, Ryan Hess, Sydney Hurley, Sam Kreins, Seth McBride, Brianna Morris, Chandler Murphy, Tyler Rahimzadeh, Isaac Schuck, Sage Schula, Jenna Taylor, Carson Timor, D.J. Whiteman, Carter Wolf, Dane Wolf, Logan Arrington, Kate Bain, J.C. Carry, William Chism, Isabelle Dhindsa, Peter Ernaut, Ben Flamini, Ted Hall, Cole Hildahl, Maelia Johnson, Hannah Liske, Abida Mim, Bryce Norman, Valeria Rubalcava Ramirez, Jonathan Tellez, Ben Vincze, Cierra Taylor, Alexzandria Moran, Colton Obert, and Sandra Armentrout.

On request of Assemblyman Kirner, the privilege of the floor of the Assembly Chamber for this day was extended to Makenzie St. Cyr.

On request of Assemblyman Kite, the privilege of the floor of the Assembly Chamber for this day was extended to Leah Ellen Walters.

On request of Assemblyman Livermore, the privilege of the floor of the Assembly Chamber for this day was extended to Marisela Luisa Avitia.

On request of Assemblywoman Mastroluca, the privilege of the floor of the Assembly Chamber for this day was extended to Stephanie Hatch.

On request of Assemblyman McArthur, the privilege of the floor of the Assembly Chamber for this day was extended to Laura Granier.

On request of Assemblywoman Neal, the privilege of the floor of the Assembly Chamber for this day was extended to Kellie Mills.

On request of Assemblywoman Pierce, the privilege of the floor of the Assembly Chamber for this day was extended to Sarah Covey.

On request of Assemblyman Segerblom, the privilege of the floor of the Assembly Chamber for this day was extended to Adriana Avitia and Michael Rashmir.

On request of Assemblyman Sherwood, the privilege of the floor of the Assembly Chamber for this day was extended to Sabrina Singh.

On request of Assemblywoman Smith, the privilege of the floor of the Assembly Chamber for this day was extended to Madeline Burak and the following students and chaperones from North Valley High School: Carlos Arredondo, Aria Burke, Abigail Campbell, Rigo Cardenas Ramos, Kaytlyn Carter, Alex Choate, Manny Guerrero, Stephanie Guerrero Chavez, Brook Gurnea, Elise Gustavson, Nathaniel Hernandez, Joanna Hernandez Gonzalez, Ranee Jackson, Emily Macaluso, Tyler Mahoney, Benito Martinez, Alex Mendoza, Dylan Neel, Sophia Paschall, Carson Silberschlag, Daniel Solsvig, Samantha Tanner, Caleb Tau-Tolliver, Ben Tobler, Fran Macaluso, Jorge Hernandez, and Lori Kahl.

On request of Assemblyman Stewart, the privilege of the floor of the Assembly Chamber for this day was extended to Jen Gulbrandsen.

On request of Assemblywoman Woodbury, the privilege of the floor of the Assembly Chamber for this day was extended to Baylee Bernstein.

Assemblyman Conklin moved that the Assembly adjourn until Monday, May 23, 2011, at 10 a.m.

Motion carried.

Assembly adjourned at 1:17 p.m.

Approved: JOHN OCEGUERA
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE ONE HUNDRED AND SIXTH DAY

CARSON CITY (Monday), May 23, 2011

Assembly called to order at 10:39 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Pastor Micheal Hurlbert.

We come before You today, our great God and Father. We praise You for Your sovereignty. Lord, we just know that all authorities established have been established by You and for You. Today, Lord, I pray a special blessing on all the men and women here today that have come together in service to Your great state of Nevada. I pray that You be with them in their decisions, guide them, and let there be peace in their conflicts. Father, we pray this in the name of the Savior who gave His life in service to others.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Conklin moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 20, 2011

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 13, 23, 56, 76, 110, 113, 115, 130, 135, 141, 143, 145, 146, 182, 192, 200, 213, 233.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 17, Amendment No. 592; Assembly Bill No. 29, Amendment No. 586; Assembly Bill No. 39, Amendment No. 598; Assembly Bill No. 40, Amendment No. 599; Assembly Bill No. 154, Amendment No. 587; Assembly Bill No. 170, Amendment No. 584; Assembly Bill No. 196, Amendment No. 571, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 2.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblywoman Smith:

Assembly Concurrent Resolution No. 10—Directing the Legislative Committee on Health Care to create a task force to develop a state plan to address Alzheimer's disease.

Assemblyman Conklin moved that the resolution be referred to the Committee on Legislative Operations and Elections.

Motion carried.

By the Committee on Legislative Operations and Elections:

Assembly Concurrent Resolution No. 11—Amending the Joint Standing Rules of the Senate and Assembly for the 76th Session of the Nevada Legislature to extend the second House passage deadline from May 27, 2011, until May 30, 2011.

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That Rule No. 14.3 of the Joint Standing Rules of the Senate and Assembly as adopted by the 76th Session of the Nevada Legislature is hereby amended to read as follows:

Rule No. 14.3. Final Dates for Action by Standing Committees and Houses.

Except as otherwise provided in Joint Standing Rules Nos. 14.4, 14.5 and 14.6:

1. The final standing committee to which a bill or joint resolution is referred in its House of origin may only take action on the bill or joint resolution on or before the 68th calendar day of the legislative session. A bill may be re-referred after that date only to the Committee on Finance or the Committee on Ways and Means and only if the bill is exempt pursuant to subsection 1 of Joint Standing Rule No. 14.6.

2. Final action on a bill or joint resolution may only be taken by the House of origin on or before the 79th calendar day of the legislative session.

3. The final standing committee to which a bill or joint resolution is referred in the second House may only take action on the bill or joint resolution on or before the 103rd calendar day of the legislative session. A bill may be re-referred after that date only to the Committee on Finance or the Committee on Ways and Means and only if the bill is exempt pursuant to subsection 1 of Joint Standing Rule No. 14.6.

4. Final action on a bill or joint resolution may only be taken by the second House on or before the ~~[110th]~~ ***113th*** calendar day of the legislative session.

Assemblyman Conklin moved the adoption of the resolution.

Remarks by Assemblyman Conklin.

Resolution adopted and ordered transmitted to the Senate.

Assemblyman Conklin moved to immediately transmit Assembly Concurrent Resolution No. 11 to the Senate.

Motion carried.

Senate Concurrent Resolution No. 2:

Assemblyman Conklin moved that the resolution be referred to the Committee on Natural Resources, Agriculture, and Mining.

Motion carried.

NOTICE OF EXEMPTION

May 20, 2011

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Senate Bill No. 488.

RICK COMBS
Fiscal Analysis Division

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Ways and Means has had under consideration the various budgets for the Division of Child and Family Services, and begs leave to report back that the following accounts have been closed by the Committee:

Children, Youth and Family Administration (101-3145)
Washoe County Integration (101-3141)
Clark County Integration (101-3142)

Rural Child Welfare (101-3229)
Community Juvenile Justice Programs (101-1383)
Youth Alternative Placement (101-3147)
Nevada Youth Training Center (101-3259)
Youth Parole Services (101-3263)

Mr. Speaker:

Your Committee on Ways and Means has had under consideration the budget for the Commission on Peace Officers Standards and Training, and begs leave to report back that it has closed the budget for the 2011-13 biennium.

Also, Your Committee on Ways and Means has had under consideration the various budgets for the Public Employees' Benefits Program, and begs leave to report back that the following accounts have been closed by the Committee:

Public Employees' Benefits Program (625-1338)
Active Employees' Group Insurance (666-1390)
Retired Employee Group Insurance (680-1368)

DEBBIE SMITH, *Chair*

REMARKS FROM THE FLOOR

Assemblyman Conklin moved that the following budget closure remarks be entered in the Journal.

Motion carried.

ASSEMBLYMAN MASTROLUCA:

The Ways and Means Committee has reviewed the following budgets for the Department of Health and Human Services, Division of Child and Family Services for the 2011-13 biennium. The Committee also authorized Fiscal staff to adjust these accounts based on the final actions of Senate Bill 476, which makes various changes concerning the juvenile justice system. The closings increase General Fund appropriations for the Division of Child and Family Services by $9,817,618 in FY 2012 and $9,846,687 in FY 2013.

CHILDREN, YOUTH AND FAMILY ADMINISTRATION (101-3145) DHHS DCFS-1:

The Committee did not approve the Governor's recommendation to eliminate mental health room and board expenses for children not in the custody of the Division. The Committee did approve the elimination of caseload growth in this service, for General Fund savings totaling $1.0 million in FY 2012 and $1.4 million in FY 2013, but added back the base year's amount of funding, $3.5 million of General Funds, in each year of the 2011-13 biennium. The Committee approved the transfer of three positions and new funding to support a portion of the functions recommended by the Governor for a new Children's Behavioral Health Policy and Accountability Board. The Committee also approved two new Social Services Program Specialist positions recommended by the Governor to support the quality improvement process involved with the block grant of state funding to Clark and Washoe Counties for child welfare services.

WASHOE COUNTY INTEGRATION (101-3141) DHHS DCFS-25:

The Committee approved the Governor's recommendation to provide state funding to Washoe and Clark Counties for child welfare services in the form of capped block grants, rather than through the historic model of line-item expense budgets. The new funding method includes a performance improvement plan and a fiscal incentive plan to improve safety, permanency and well-being outcomes for abused and neglected children. The change to the block grant model includes minor reductions in General Funds to maintain the budgets at the level of funding approved in the 2009-11 biennium, but based upon updated caseload projections and the Federal Medical Assistance Percentage rate calculated for FY 2013, it does not appear that the counties' funding will be reduced from historical levels. The Committee also approved budget flexibility for the child welfare agencies to implement a pilot project to improve therapeutic foster care in the State.

CLARK COUNTY INTEGRATION (101-3142) DHHS DCFS-32:

As indicated for Washoe County, the Committee approved the Governor's recommendation to provide state funding to Clark County for child welfare services in the form of a capped block grant. The split of General Funds is based upon historical levels and totals 75 percent for Clark County ($42.75 million per year) and 25 percent for Washoe County ($14.25 million per year).

RURAL CHILD WELFARE (101-3229) DHHS DCFS-39:

The Committee approved the Governor's recommendation to allocate the cost of Child Protective Services to the rural counties. The allocation of these costs was a recommendation of the Legislative Committee for the Fundamental Review of Base Budgets of State Agencies and Clark and Washoe Counties have historically funded these services in their jurisdictions.

COMMUNITY JUVENILE JUSTICE PROGRAMS (101-1383) DHHS DCFS-57:

The Committee approved the Governor's recommendation to eliminate $1.4 million in General Funds in each year of the 2011-13 biennium for the Community Corrections Partnership Block Grants.

Additionally, the Committee approved the Governor's budget amendment to transfer $3,029,615 in each year of the biennium from the DCFS Administration account to this account for payments to the counties/judicial districts for mental health room and board expenses for non-custody county probation youth.

Youth Alternative Placement (101-3147) DHHS DCFS-65:

The Committee approved a budget amendment to restore $1,381,033 in General Funds for each year of the biennium, originally recommended for elimination by the Governor, for support of the juvenile correctional camps in Clark and Douglas Counties.

Additionally, the Committee approved continuing a 10 percent General Fund reduction that was first approved during the 26th Special Session of $170,498 in each year of the biennium. However, the Committee did not approve the Governor's recommendation to eliminate an additional 10 percent in General Funds of $153,448 in each year of the biennium.

Nevada Youth Training Center (101-3259) DHHS DCFS-81:

In accordance with the Governor's recommendation, the Committee approved the closure of three residential 20-bed units, increasing one 20-bed unit to 30 beds, and the elimination of 18 positions. The actions reduce the bed capacity at the facility to 110 beds. Additionally, the Committee recommended a letter of intent directing the Division to provide quarterly reports to the Interim Finance Committee on the ratios of youth held in detention and lengths of stay.

Youth Parole Services (101-3263) DHHS DCFS-88:

The Committee did not approve the Governor's recommendation to replace the youth parole services General Funds of $5.4 million in each year of the 2011-13 biennium with fees assessed to the counties.

The Committee approved the Governor's recommendation to eliminate General Funds of $576,090 in each year of the 2011-13 biennium representing reimbursement to county detention facilities.

ASSEMBLYMAN HOGAN:

The Ways and Means Committee has completed its review of the budget for the Commission on Peace Officers Standards and Training (POST) as follows:

POST (101-3774) POST-1:

The Committee approved the Governor's recommendation to convert three classified Training Officers II to unclassified POST Training Specialists and three classified Employee Development Managers to unclassified POST Bureau Chiefs, with no change in salary. The Committee approved the Governor's recommended reduction in court assessments of $46,742 in FY 2012 and $48,252 in FY 2013 to achieve budget reduction goals. The Committee also approved $10,500 in FY 2012 for developing electronic forms, reducing data entry and manual processes for POST staff, as well as law enforcement agencies in Nevada tasked with preparing information and submitting it to POST.

ASSEMBLYMAN CONKLIN:

On May 9, 2011, the Ways and Means Committee closed the budget accounts for the Public Employees' Benefits Program (PEBP). The following comments describe the more significant actions by the Committee.

Public Employees' Benefits Program (625-1338) PEBP-1:

The Committee approved the Governor's recommendations for plan design changes, as well as subsidy reductions for participants. These decision units will save an estimated $85.2 million in state subsidies over the upcoming biennium, of which approximately $54.5 million (64 percent) is General Fund appropriations. The plan design changes eliminate the Preferred Provider Organization (PPO) and replace it with a Consumer-Driven Health Plan (CDHP). In addition, active employee participants will receive a Health Savings Account, and retirees will receive a Health Reimbursement Arrangement. Deductibles will be $1,900 for the Employee/Non-Medicare Retiree Only coverage tiers, and $3,800 for the Employee/Non-Medicare Retiree + Dependent(s) tiers. Co-insurance will decrease from 80 percent after the deductible is met to 75 percent. Medicare eligible retirees will move out of the PEBP plan and into the individual Medicare market. The subsidy for most Medicare retirees will be $10 per month per year of service for the upcoming biennium, and the PEBP Board is charged with determining what the Medicare retiree subsidy will be for future biennia. In addition, spouses or domestic partners who are eligible for other employer-based health coverage will be removed from PEBP. Finally, the Health Maintenance Organization (HMO) option will continue to be available, but would be subsidized at a lower rate than the CDHP, and the rates for Northern Nevada and Southern Nevada will be blended into one rate table.

Active Employees' Group Insurance (666-1390) PEBP-18:

The Committee disapproved the Governor's recommendation to reduce the health insurance subsidy provided to part-time employees to 60 percent of the recommended total subsidy. The Governor's recommendation purported to save $1.5 million in General Fund in FY 2013; however, after adjustments to various budget accounts, the savings from the Governor's recommendation was reduced to $690,557. The State's contribution for active employee group insurance will be $644.81 per month for FY 2012 and $735.60 per month for FY 2013.

Retired Employee Group Insurance (680-1368) PEBP-11:

The Committee closed this account as recommended by the Governor. The State's monthly contribution toward retiree health insurance (both non-Medicare and Medicare retirees) will be $418.42 in FY 2012 and $473.47 in FY 2013.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which were referred Senate Bills Nos. 59, 142, 152, 182, 213, 267, 294, 329, 411, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Commerce and Labor, to which were referred Senate Bills Nos. 18, 205, 259, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Commerce and Labor, to which was referred Senate Bill No. 488, has had the same under consideration, and begs leave to report the same back with the recommendation: Without recommendation, and rerefer to the Committee on Ways and Means.

KELVIN ATKINSON, *Chair*

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Senate Bill No. 445, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MARILYN K. KIRKPATRICK, *Chair*

Mr. Speaker:

Your Committee on Health and Human Services, to which were referred Senate Bills Nos. 293, 420, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

APRIL MASTROLUCA, *Chair*

Mr. Speaker:

Your Committee on Judiciary, to which were referred Senate Bills Nos. 30, 128, 159, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

WILLIAM C. HORNE, *Chair*

Mr. Speaker:

Your Committee on Ways and Means, to which was rereferred Assembly Bill No. 224, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which was rereferred Assembly Bill No. 259, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which were referred Senate Bills Nos. 470, 474, 478, 479, 482, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

DEBBIE SMITH, *Chair*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Conklin moved that Assembly Bill No. 259, just reported out of committee, be placed at the top of the General File.

Motion carried.

Assemblyman Conklin moved that Assembly Bill No. 224; Senate Bills Nos. 18, 30, 59, 128, 142, 152, 159, 182, 205, 213, 259, 267, 293, 294, 329, 411, 420, 445, 470, 474, 478, 479, 482, and 488, just reported out of committee, be placed on the Second Reading File.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 224.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 644.

AN ACT relating to education; creating the Office of Parental Involvement and Family Engagement within the Department of Education; prescribing the duties of the Office; revising the contents of the annual reports of accountability for school districts prepared by school districts; revising the contents of the plans to improve the achievement of pupils prepared by school districts and public schools; requiring the Commission on Professional Standards in Education to prescribe course work on parental involvement and family engagement; revising the membership of the Statewide Council for the Coordination of the Regional Training Programs;

requiring the Statewide Council to establish a statewide program for teachers and administrators concerning parental involvement and family engagement; requiring the regional training programs for the professional development of teachers and administrators to provide training on parental involvement and family engagement; **making an appropriation;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes the Advisory Council on Parental Involvement. (NRS 385.600, 385.610, 385.620) **Sections 10-12** of this bill change the name of the Council to the Advisory Council on Parental Involvement and Family Engagement and revise the duties of the Council. **Section 2** of this bill creates the Office of Parental Involvement and Family Engagement within the Department of Education and requires the Superintendent of Public Instruction to appoint an employee of the Department to serve as the Director of the Office. **Section 3** of this bill prescribes the duties of the Office, which include adopting policies and developing a list of practices designed to increase the involvement of parents and the engagement of families in the support of the education of their children. **Section 4** of this bill authorizes the board of trustees of a school district to establish an advisory council on parental involvement and family engagement to work in conjunction with the Advisory Council.

Under existing law, the board of trustees of each school district is required to prepare an annual report of accountability information for the public schools within the school district, including information on the communication with and participation by the parents of pupils in the school district. (NRS 385.347) **Sections 5 and 7** of this bill revises the annual reports to include information on the involvement of parents and the engagement of families in the education of their children.

Under existing law, the board of trustees of each school district and each public school is required to prepare a plan to improve the achievement of pupils within the district or school. (NRS 385.348, 385.357) **Sections 6 and 8** of this bill revise the provisions of the plan to include strategies and practices to improve and promote effective involvement and engagement by parents and families.

Existing law requires the Commission on Professional Standards in Education to adopt regulations governing the qualifications for licensing teachers and other educational personnel. (NRS 391.019) **Section 13** of this bill requires the Commission, in cooperation with the Office of Parental Involvement and Family Engagement, to adopt regulations prescribing course work on parental involvement and family engagement.

Existing law establishes three regional training programs for the professional development of teachers and administrators and the Statewide Council for the Coordination of the Regional Training Programs. (NRS 391.500-391.556) **Section 14** of this bill revises the membership of the Statewide Council to include the Director of the Office of Parental

Involvement and Family Engagement, who serves ex officio. **Section 15** of this bill requires the Statewide Council, in cooperation with the Office, to establish a statewide training program for teachers and administrators concerning effective parental involvement and family engagement. **Section 16** of this bill requires the regional training programs to provide training on how to involve parents and engage families and how to work with parent liaisons in public schools.

Section 18.5 of this bill makes appropriations from the State General Fund to the Department of Education for the personnel and other related costs for the Director of the Office of Parental Involvement and Family Engagement and the Advisory Council on Parental Involvement.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 385 of NRS is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this act.

Sec. 2. ***1. The Office of Parental Involvement and Family Engagement is hereby created within the Department.***

2. The Superintendent of Public Instruction shall:

(a) Appoint an employee of the Department to serve as the Director of the Office of Parental Involvement and Family Engagement; and

(b) Ensure that the Office of Parental Involvement and Family Engagement has a sufficient number of personnel for the Office to carry out the duties prescribed in section 3 of this act.

Sec. 3. ***1. The Office of Parental Involvement and Family Engagement created by section 2 of this act shall:***

(a) Review and evaluate the programs implemented by the school districts and public schools, including, without limitation, programs which are supported in part with money received from the Federal Government, for carrying out and increasing parental involvement and family engagement in the public schools. The review and evaluation must include an identification of current strategies and practices for effective parental involvement and family engagement.

(b) Develop a list of practices which have been proven effective in increasing the involvement of parents and the engagement of families in the education of their children, including, without limitation, practices that increase the ability of school districts and public schools to effectively reengage parents and families and provide those parents and families with the skills and resources necessary to support the academic achievement of their children.

(c) Work in cooperation with the Statewide Council for the Coordination of the Regional Training Programs to establish a statewide training program concerning parental involvement and family engagement required pursuant to NRS 391.520.

(d) Provide information to the school districts and public schools on the availability of competitive grants for programs which offer:

(1) Professional development for educational personnel on practices to reengage disengaged parents and families in the education of their children;

(2) Training for parents and families in skills of leadership and volunteerism;

(3) Family literacy training;

(4) Home visitation programs to encourage the involvement of parents and the engagement of families in the education of their children; and

(5) Other innovative programs that are designed to increase the involvement of parents and the engagement of families in the academic achievement of their children.

(e) Provide support to those school districts which have established an advisory council on parental involvement and family engagement pursuant to section 4 of this act and encourage those school districts which have not established such an advisory council to consider creating an advisory council for the school district.

(f) Build the capacity of public schools to work in collaboration with parents to establish policies for the involvement of parents and the engagement of families, including, without limitation, policies that focus on partnerships between public schools and the parents and families of children enrolled in public schools and the empowerment of parents and families in support of the education of their children.

(g) Work in cooperation with the Commission on Professional Standards in Education in developing the regulations required by subparagraph (11) of paragraph (a) of subsection 1 of NRS 391.019 and monitoring the implementation of those regulations.

(h) Establish, in collaboration with the State Board, guidelines to assist parents and families in helping their children achieve the standards of content and performance adopted by the State Board pursuant to NRS 389.520.

(i) Collaborate with the Nevada State Parent Information and Resource Center, the Parent Training and Information Centers, the Nevada Parent Teacher Association, the Advisory Council and the teachers who are trained to serve as liaisons to parents and legal guardians of pupils enrolled in public schools to plan and implement a statewide summit on parental involvement and family engagement, which must be held at least biennially. After each summit, the Office of Parental Involvement and Family Engagement shall evaluate the success of the summit in consultation with the entities identified in this paragraph.

(j) Assist each school district and the public schools within the school district with incorporating strategies and practices for effective parental involvement and family engagement into the plans to improve the

achievement of pupils prepared by the school districts pursuant to NRS 385.348 and the public schools pursuant to NRS 385.357.

(k) Work in partnership with the Advisory Council to:

(1) Review and evaluate the annual reports of accountability prepared by the board of trustees of each school district pursuant to NRS 385.347 relating to parental involvement and family engagement in the school districts and public schools;

(2) Review and evaluate the plans to improve the achievement of pupils prepared by each school district pursuant to NRS 385.348 and each public school pursuant to NRS 385.357 relating to the strategies and practices for effective parental involvement and family engagement incorporated into the plans; and

(3) Review the status of the implementation of the provisions of this section and the effectiveness of the Office in carrying out the duties prescribed in this section.

2. On or before August 1 of each year, the Office of Parental Involvement and Family Engagement shall prepare a report which includes a summary of the:

(a) Status of the progress made by the school districts and public schools in effectively involving parents and engaging families in the education of their children and an identification of any areas where further improvement is needed; and

(b) Activities of the Office during the immediately preceding school year, including the progress made by the Office, in consultation with the Advisory Council, in assisting the school districts and public schools with increasing the effectiveness of involving parents and engaging families in the education of their children.

3. The Department shall post on its Internet website:

(a) The list of practices developed by the Office of Parental Involvement and Family Engagement pursuant to paragraph (b) of subsection 1;

(b) The report prepared by the Office pursuant to subsection 2; and

(c) Any other information that the Office finds useful for the school districts, public schools, parents, families and general public relating to effective parental involvement and family engagement.

Sec. 4. ***The board of trustees of a school district may establish an advisory council on parental involvement and family engagement to work in conjunction with the Advisory Council.***

Sec. 5. NRS 385.347 is hereby amended to read as follows:

385.347 1. The board of trustees of each school district in this State, in cooperation with associations recognized by the State Board as representing licensed educational personnel in the district, shall adopt a program providing for the accountability of the school district to the residents of the district and to the State Board for the quality of the schools and the educational achievement of the pupils in the district, including, without limitation, pupils enrolled in charter schools in the school district. The board

of trustees of each school district shall report the information required by subsection 2 for each charter school that is located within the school district, regardless of the sponsor of the charter school. The information for charter schools must be reported separately and must denote the charter schools sponsored by the school district, the charter schools sponsored by the State Board and the charter schools sponsored by a college or university within the Nevada System of Higher Education.

2. The board of trustees of each school district shall, on or before August 15 of each year, prepare an annual report of accountability concerning:

(a) The educational goals and objectives of the school district.

(b) Pupil achievement for each school in the district and the district as a whole, including, without limitation, each charter school in the district. The board of trustees of the district shall base its report on the results of the examinations administered pursuant to NRS 389.015 and 389.550 and shall compare the results of those examinations for the current school year with those of previous school years. The report must include, for each school in the district, including, without limitation, each charter school in the district, and each grade in which the examinations were administered:

(1) The number of pupils who took the examinations.

(2) A record of attendance for the period in which the examinations were administered, including an explanation of any difference in the number of pupils who took the examinations and the number of pupils who are enrolled in the school.

(3) Except as otherwise provided in this paragraph, pupil achievement, reported separately by gender and reported separately for the following groups of pupils:

(I) Pupils who are economically disadvantaged, as defined by the State Board;

(II) Pupils from major racial and ethnic groups, as defined by the State Board;

(III) Pupils with disabilities;

(IV) Pupils who are limited English proficient; and

(V) Pupils who are migratory children, as defined by the State Board.

(4) A comparison of the achievement of pupils in each group identified in paragraph (b) of subsection 1 of NRS 385.361 with the annual measurable objectives of the State Board.

(5) The percentage of pupils who were not tested.

(6) Except as otherwise provided in this paragraph, the percentage of pupils who were not tested, reported separately by gender and reported separately for the groups identified in subparagraph (3).

(7) The most recent 3-year trend in pupil achievement in each subject area tested and each grade level tested pursuant to NRS 389.015 and 389.550, which may include information regarding the trend in the achievement of pupils for more than 3 years, if such information is available.

(8) Information that compares the results of pupils in the school district, including, without limitation, pupils enrolled in charter schools in the district, with the results of pupils throughout this State. The information required by this subparagraph must be provided in consultation with the Department to ensure the accuracy of the comparison.

(9) For each school in the district, including, without limitation, each charter school in the district, information that compares the results of pupils in the school with the results of pupils throughout the school district and throughout this State. The information required by this subparagraph must be provided in consultation with the Department to ensure the accuracy of the comparison.

(10) Information on whether each school in the district, including, without limitation, each charter school in the district, has made progress based upon the model adopted by the Department pursuant to NRS 385.3595.

➥ A separate reporting for a group of pupils must not be made pursuant to this paragraph if the number of pupils in that group is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual pupil. The State Board shall prescribe the mechanism for determining the minimum number of pupils that must be in a group for that group to yield statistically reliable information.

(c) The ratio of pupils to teachers in kindergarten and at each grade level for each elementary school in the district and the district as a whole, including, without limitation, each charter school in the district, and the average class size for each core academic subject, as set forth in NRS 389.018, for each secondary school in the district and the district as a whole, including, without limitation, each charter school in the district.

(d) Information on the professional qualifications of teachers employed by each school in the district and the district as a whole, including, without limitation, each charter school in the district. The information must include, without limitation:

(1) The percentage of teachers who are:

(I) Providing instruction pursuant to NRS 391.125;

(II) Providing instruction pursuant to a waiver of the requirements for licensure for the grade level or subject area in which the teachers are employed; or

(III) Otherwise providing instruction without an endorsement for the subject area in which the teachers are employed;

(2) The percentage of classes in the core academic subjects, as set forth in NRS 389.018, that are not taught by highly qualified teachers;

(3) The percentage of classes in the core academic subjects, as set forth in NRS 389.018, that are not taught by highly qualified teachers, in the aggregate and disaggregated by high-poverty compared to low-poverty schools, which for the purposes of this subparagraph means schools in the top quartile of poverty and the bottom quartile of poverty in this State;

(4) For each middle school, junior high school and high school:

(I) On and after July 1, 2005, the number of persons employed as substitute teachers for 20 consecutive days or more in the same classroom or assignment, designated as long-term substitute teachers, including the total number of days long-term substitute teachers were employed at each school, identified by grade level and subject area; and

(II) On and after July 1, 2006, the number of persons employed as substitute teachers for less than 20 consecutive days, designated as short-term substitute teachers, including the total number of days short-term substitute teachers were employed at each school, identified by grade level and subject area; and

(5) For each elementary school:

(I) On and after July 1, 2005, the number of persons employed as substitute teachers for 20 consecutive days or more in the same classroom or assignment, designated as long-term substitute teachers, including the total number of days long-term substitute teachers were employed at each school, identified by grade level; and

(II) On and after July 1, 2006, the number of persons employed as substitute teachers for less than 20 consecutive days, designated as short-term substitute teachers, including the total number of days short-term substitute teachers were employed at each school, identified by grade level.

(e) The total expenditure per pupil for each school in the district and the district as a whole, including, without limitation, each charter school in the district. If this State has a financial analysis program that is designed to track educational expenditures and revenues to individual schools, each school district shall use that statewide program in complying with this paragraph. If a statewide program is not available, each school district shall use its own financial analysis program in complying with this paragraph.

(f) The curriculum used by the school district, including:

(1) Any special programs for pupils at an individual school; and

(2) The curriculum used by each charter school in the district.

(g) Records of the attendance and truancy of pupils in all grades, including, without limitation:

(1) The average daily attendance of pupils, for each school in the district and the district as a whole, including, without limitation, each charter school in the district.

(2) For each elementary school, middle school and junior high school in the district, including, without limitation, each charter school in the district that provides instruction to pupils enrolled in a grade level other than high school, information that compares the attendance of the pupils enrolled in the school with the attendance of pupils throughout the district and throughout this State. The information required by this subparagraph must be provided in consultation with the Department to ensure the accuracy of the comparison.

(h) The annual rate of pupils who drop out of school in grade 8 and a separate reporting of the annual rate of pupils who drop out of school in grades 9 to 12, inclusive, for each such grade, for each school in the district

and for the district as a whole. The reporting for pupils in grades 9 to 12, inclusive, excludes pupils who:

(1) Provide proof to the school district of successful completion of the examinations of general educational development.

(2) Are enrolled in courses that are approved by the Department as meeting the requirements for an adult standard diploma.

(3) Withdraw from school to attend another school.

(i) Records of attendance of teachers who provide instruction, for each school in the district and the district as a whole, including, without limitation, each charter school in the district.

(j) Efforts made by the school district and by each school in the district, including, without limitation, each charter school in the district, to increase:

(1) Communication with the parents of pupils ***enrolled*** in the district; ~~[and]~~

(2) The participation of parents in the educational process and activities relating to the school district and each school, including, without limitation, the existence of parent organizations and school advisory committees ~~[.]~~ ***; and***

(3) The involvement of parents and the engagement of families of pupils enrolled in the district in the education of their children.

(k) Records of incidents involving weapons or violence for each school in the district, including, without limitation, each charter school in the district.

(l) Records of incidents involving the use or possession of alcoholic beverages or controlled substances for each school in the district, including, without limitation, each charter school in the district.

(m) Records of the suspension and expulsion of pupils required or authorized pursuant to NRS 392.466 and 392.467.

(n) The number of pupils who are deemed habitual disciplinary problems pursuant to NRS 392.4655, for each school in the district and the district as a whole, including, without limitation, each charter school in the district.

(o) The number of pupils in each grade who are retained in the same grade pursuant to NRS 392.033 or 392.125, for each school in the district and the district as a whole, including, without limitation, each charter school in the district.

(p) The transiency rate of pupils for each school in the district and the district as a whole, including, without limitation, each charter school in the district. For the purposes of this paragraph, a pupil is not transient if the pupil is transferred to a different school within the school district as a result of a change in the zone of attendance by the board of trustees of the school district pursuant to NRS 388.040.

(q) Each source of funding for the school district.

(r) A compilation of the programs of remedial study that are purchased in whole or in part with money received from this State, for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district. The compilation must include:

(1) The amount and sources of money received for programs of remedial study for each school in the district and the district as a whole, including, without limitation, each charter school in the district.

(2) An identification of each program of remedial study, listed by subject area.

(s) For each high school in the district, including, without limitation, each charter school in the district, the percentage of pupils who graduated from that high school or charter school in the immediately preceding year and enrolled in remedial courses in reading, writing or mathematics at a university, state college or community college within the Nevada System of Higher Education.

(t) The technological facilities and equipment available at each school, including, without limitation, each charter school, and the district's plan to incorporate educational technology at each school.

(u) For each school in the district and the district as a whole, including, without limitation, each charter school in the district, the number and percentage of pupils who received:

(1) A standard high school diploma, reported separately for pupils who received the diploma pursuant to:

(I) Paragraph (a) of subsection 1 of NRS 389.805; and

(II) Paragraph (b) of subsection 1 of NRS 389.805.

(2) An adjusted diploma.

(3) A certificate of attendance.

(v) For each school in the district and the district as a whole, including, without limitation, each charter school in the district, the number and percentage of pupils who failed to pass the high school proficiency examination.

(w) The number of habitual truants who are reported to a school police officer or law enforcement agency pursuant to paragraph (a) of subsection 2 of NRS 392.144 and the number of habitual truants who are referred to an advisory board to review school attendance pursuant to paragraph (b) of subsection 2 of NRS 392.144, for each school in the district and for the district as a whole.

(x) The amount and sources of money received for the training and professional development of teachers and other educational personnel for each school in the district and for the district as a whole, including, without limitation, each charter school in the district.

(y) Whether the school district has made adequate yearly progress. If the school district has been designated as demonstrating need for improvement pursuant to NRS 385.377, the report must include a statement indicating the number of consecutive years the school district has carried that designation.

(z) Information on whether each public school in the district, including, without limitation, each charter school in the district, has made adequate yearly progress, including, without limitation:

(1) The number and percentage of schools in the district, if any, that have been designated as needing improvement pursuant to NRS 385.3623; and

(2) The name of each school, if any, in the district that has been designated as needing improvement pursuant to NRS 385.3623 and the number of consecutive years that the school has carried that designation.

(aa) Information on the paraprofessionals employed by each public school in the district, including, without limitation, each charter school in the district. The information must include:

(1) The number of paraprofessionals employed at the school; and

(2) The number and percentage of all paraprofessionals who do not satisfy the qualifications set forth in 20 U.S.C. § 6319(c). The reporting requirements of this subparagraph apply to paraprofessionals who are employed in positions supported with Title I money and to paraprofessionals who are not employed in positions supported with Title I money.

(bb) For each high school in the district, including, without limitation, each charter school that operates as a high school, information that provides a comparison of the rate of graduation of pupils enrolled in the high school with the rate of graduation of pupils throughout the district and throughout this State. The information required by this paragraph must be provided in consultation with the Department to ensure the accuracy of the comparison.

(cc) An identification of the appropriations made by the Legislature that are available to the school district or the schools within the district and programs approved by the Legislature to improve the academic achievement of pupils.

(dd) For each school in the district and the district as a whole, including, without limitation, each charter school in the district, information on pupils enrolled in career and technical education, including, without limitation:

(1) The number of pupils enrolled in a course of career and technical education;

(2) The number of pupils who completed a course of career and technical education;

(3) The average daily attendance of pupils who are enrolled in a program of career and technical education;

(4) The annual rate of pupils who dropped out of school and were enrolled in a program of career and technical education before dropping out;

(5) The number and percentage of pupils who completed a program of career and technical education and who received a standard high school diploma, an adjusted diploma or a certificate of attendance; and

(6) The number and percentage of pupils who completed a program of career and technical education and who did not receive a high school diploma because the pupils failed to pass the high school proficiency examination.

(ee) Such other information as is directed by the Superintendent of Public Instruction.

3. The records of attendance maintained by a school for purposes of paragraph (i) of subsection 2 must include the number of teachers who are in attendance at school and the number of teachers who are absent from school. A teacher shall be deemed in attendance if the teacher is excused from being present in the classroom by the school in which the teacher is employed for one of the following reasons:

(a) Acquisition of knowledge or skills relating to the professional development of the teacher; or

(b) Assignment of the teacher to perform duties for cocurricular or extracurricular activities of pupils.

4. The annual report of accountability prepared pursuant to subsection 2 must:

(a) Comply with 20 U.S.C. § 6311(h)(2) and the regulations adopted pursuant thereto; and

(b) Be presented in an understandable and uniform format and, to the extent practicable, provided in a language that parents can understand.

5. The Superintendent of Public Instruction shall:

(a) Prescribe forms for the reports required pursuant to subsection 2 and provide the forms to the respective school districts.

(b) Provide statistical information and technical assistance to the school districts to ensure that the reports provide comparable information with respect to each school in each district and among the districts throughout this State.

(c) Consult with a representative of the:

(1) Nevada State Education Association;

(2) Nevada Association of School Boards;

(3) Nevada Association of School Administrators;

(4) Nevada Parent Teacher Association;

(5) Budget Division of the Department of Administration; and

(6) Legislative Counsel Bureau,

➥ concerning the program and consider any advice or recommendations submitted by the representatives with respect to the program.

6. The Superintendent of Public Instruction may consult with representatives of parent groups other than the Nevada Parent Teacher Association concerning the program and consider any advice or recommendations submitted by the representatives with respect to the program.

7. On or before August 15 of each year, the board of trustees of each school district shall submit to each advisory board to review school attendance created in the county pursuant to NRS 392.126 the information required in paragraph (g) of subsection 2.

8. On or before August 15 of each year, the board of trustees of each school district shall:

(a) Provide written notice that the report required pursuant to subsection 2 is available on the Internet website maintained by the school district, if any,

or otherwise provide written notice of the availability of the report. The written notice must be provided to the:

(1) Governor;
(2) State Board;
(3) Department;
(4) Committee; and
(5) Bureau.

(b) Provide for public dissemination of the annual report of accountability prepared pursuant to subsection 2 in the manner set forth in 20 U.S.C. § 6311(h)(2)(E) by posting a copy of the report on the Internet website maintained by the school district, if any. If a school district does not maintain a website, the district shall otherwise provide for public dissemination of the annual report by providing a copy of the report to the schools in the school district, including, without limitation, each charter school in the district, the residents of the district, and the parents and guardians of pupils enrolled in schools in the district, including, without limitation, each charter school in the district.

9. Upon the request of the Governor, an entity described in paragraph (a) of subsection 8 or a member of the general public, the board of trustees of a school district shall provide a portion or portions of the report required pursuant to subsection 2.

10. As used in this section:

(a) "Highly qualified" has the meaning ascribed to it in 20 U.S.C. § 7801(23).

(b) "Paraprofessional" has the meaning ascribed to it in NRS 391.008.

Sec. 6. NRS 385.348 is hereby amended to read as follows:

385.348 1. The board of trustees of each school district shall, in consultation with the employees of the school district, prepare a plan to improve the achievement of pupils enrolled in the school district, excluding pupils who are enrolled in charter schools located in the school district. If the school district is a Title I school district designated as demonstrating need for improvement pursuant to NRS 385.377, the plan must also be prepared in consultation with parents and guardians of pupils enrolled in the school district and other persons who the board of trustees determines are appropriate.

2. Except as otherwise provided in this subsection, the plan must include the items set forth in 20 U.S.C. § 6316(c)(7) and the regulations adopted pursuant thereto. If a school district has not been designated as demonstrating need for improvement pursuant to NRS 385.377, the board of trustees of the school district is not required to include those items set forth in 20 U.S.C. § 6316(c)(7) and the regulations adopted pursuant thereto that directly relate to the status of a school district as needing improvement.

3. In addition to the requirements of subsection 2, a plan to improve the achievement of pupils enrolled in a school district must include:

(a) A review and analysis of the data upon which the report required pursuant to subsection 2 of NRS 385.347 is based and a review and analysis of any data that is more recent than the data upon which the report is based.

(b) The identification of any problems or factors at individual schools that are revealed by the review and analysis.

(c) Strategies based upon scientifically based research, as defined in 20 U.S.C. § 7801(37), that will strengthen the core academic subjects, as set forth in NRS 389.018.

(d) Strategies to improve the academic achievement of pupils enrolled in the school district, including, without limitation, strategies to:

(1) Instruct pupils who are not achieving to their fullest potential, including, without limitation:

(I) The curriculum appropriate to improve achievement;

(II) The manner by which the instruction will improve the achievement and proficiency of pupils on the examinations administered pursuant to NRS 389.015 and 389.550; and

(III) An identification of the instruction and curriculum that is specifically designed to improve the achievement and proficiency of pupils in each group identified in paragraph (b) of subsection 1 of NRS 385.361;

(2) Increase the rate of attendance of pupils and reduce the number of pupils who drop out of school;

(3) Integrate technology into the instructional and administrative programs of the school district;

(4) Manage effectively the discipline of pupils; and

(5) Enhance the professional development offered for the teachers and administrators employed by the school district to include the activities set forth in 20 U.S.C. § 7801(34) and to address the specific needs of the pupils enrolled in the school district, as deemed appropriate by the board of trustees of the school district.

(e) An identification, by category, of the employees of the school district who are responsible for ensuring that each provision of the plan is carried out effectively.

(f) In consultation with the Department, an identification, by category, of the employees of the Department, if any, who are responsible for overseeing and monitoring whether the plan is carried out effectively.

(g) For each provision of the plan, a timeline for carrying out that provision, including, without limitation, a timeline for monitoring whether the provision is carried out effectively.

(h) For each provision of the plan, measurable criteria for determining whether the provision has contributed toward improving the academic achievement of pupils, increasing the rate of attendance of pupils and reducing the number of pupils who drop out of school.

(i) Strategies to improve the allocation of resources from the school district, by program and by school, in a manner that will improve the academic achievement of pupils. If this State has a financial analysis program

that is designed to track educational expenditures and revenues to individual schools, each school district shall use that statewide program in complying with this paragraph. If a statewide program is not available, each school district shall use its own financial analysis program in complying with this paragraph.

(j) Based upon the reallocation of resources set forth in paragraph (i), the resources available to the school district to carry out the plan, including, without limitation, a budget of the overall cost for carrying out the plan.

(k) A summary of the effectiveness of appropriations made by the Legislature that are available to the school district or the schools within the school district to improve the academic achievement of pupils and programs approved by the Legislature to improve the academic achievement of pupils.

(l) An identification of the programs, practices and strategies that are used throughout the school district and by the schools within the school district that have proven successful in improving the achievement and proficiency of pupils, including, without limitation:

(1) An identification of each school that carries out such a program, practice or strategy;

(2) An indication of which programs, practices and strategies are carried out throughout the school district and which programs, practices and strategies are carried out by individual schools;

(3) The extent to which the programs, practices and strategies include methods to improve the achievement and proficiency of pupils in each group identified in paragraph (b) of subsection 1 of NRS 385.361; and

(4) A description of how the school district disseminates information concerning the successful programs, practices and strategies to all schools within the school district.

(m) Strategies and practices to improve and promote effective involvement and engagement by parents and families of pupils enrolled in the school district which are consistent with the policies and recommendations of the Office of Parental Involvement and Family Engagement made pursuant to section 3 of this act.

4. The board of trustees of each school district shall:

(a) Review the plan prepared pursuant to this section annually to evaluate the effectiveness of the plan; and

(b) Based upon the evaluation of the plan, make revisions, as necessary, to ensure that the plan is designed to improve the academic achievement of pupils enrolled in the school district.

5. On or before December 15 of each year, the board of trustees of each school district shall submit the plan or the revised plan, as applicable, to the:

(a) Superintendent of Public Instruction;

(b) Governor;

(c) State Board;

(d) Department;

(e) Committee; and

(f) Bureau.

Sec. 7. NRS 385.349 is hereby amended to read as follows:

385.349 1. The board of trustees of each school district shall prepare a summary of the annual report of accountability prepared pursuant to NRS 385.347 on the form prescribed by the Department pursuant to subsection 3 or an expanded form, as applicable. The summary must include, without limitation:

(a) The information set forth in subsection 1 of NRS 385.34692, reported for the school district as a whole and for each school within the school district;

(b) Information on the involvement ***and engagement*** of parents ***,*** ~~[and]~~ legal guardians ***and families*** in the education of their children; and

(c) Other information required by the Superintendent of Public Instruction in consultation with the Bureau.

2. The summary prepared pursuant to subsection 1 must:

(a) Comply with 20 U.S.C. § 6311(h)(2) and the regulations adopted pursuant thereto; and

(b) Be presented in an understandable and uniform format and, to the extent practicable, provided in a language that parents will likely understand.

3. The Department shall, in consultation with the Bureau and the school districts, prescribe a form that contains the basic information required by subsection 1. The board of trustees of a school district may use an expanded form that contains additions to the form prescribed by the Department if the basic information contained in the expanded form complies with the form prescribed by the Department.

4. On or before September 7 of each year, the board of trustees of each school district shall:

(a) Submit the summary in an electronic format to the:

(1) Governor;

(2) State Board;

(3) Department;

(4) Committee;

(5) Bureau; and

(6) Schools within the school district.

(b) Provide for the public dissemination of the summary by posting a copy of the summary on the Internet website maintained by the school district, if any. If a school district does not maintain a website, the district shall otherwise provide for public dissemination of the summary. The board of trustees of each school district shall ensure that the parents and guardians of pupils enrolled in the school district have sufficient information concerning the availability of the summary, including, without limitation, information that describes how to access the summary on the Internet website maintained by the school district, if any. Upon the request of a parent or legal guardian, the school district shall provide the parent or legal guardian with a written copy of the summary.

5. The board of trustees of each school district shall report the information required by this section for each charter school that is located within the school district, regardless of the sponsor of the charter school. The information for charter schools must be reported separately and must denote the charter schools sponsored by the school district, the charter schools sponsored by the State Board and the charter schools sponsored by a college or university within the Nevada System of Higher Education.

Sec. 8. NRS 385.357 is hereby amended to read as follows:

385.357 1. Except as otherwise provided in NRS 385.37603 and 385.37607, the principal of each school, including, without limitation, each charter school, shall, in consultation with the employees of the school, prepare a plan to improve the achievement of the pupils enrolled in the school.

2. The plan developed pursuant to subsection 1 must include:

(a) A review and analysis of the data pertaining to the school upon which the report required pursuant to subsection 2 of NRS 385.347 is based and a review and analysis of any data that is more recent than the data upon which the report is based.

(b) The identification of any problems or factors at the school that are revealed by the review and analysis.

(c) Strategies based upon scientifically based research, as defined in 20 U.S.C. § 7801(37), that will strengthen the core academic subjects, as defined in NRS 389.018.

(d) Policies and practices concerning the core academic subjects which have the greatest likelihood of ensuring that each group of pupils identified in paragraph (b) of subsection 1 of NRS 385.361 who are enrolled in the school will make adequate yearly progress and meet the minimum level of proficiency prescribed by the State Board.

(e) Annual measurable objectives, consistent with the annual measurable objectives established by the State Board pursuant to NRS 385.361, for the continuous and substantial progress by each group of pupils identified in paragraph (b) of subsection 1 of that section who are enrolled in the school to ensure that each group will make adequate yearly progress and meet the level of proficiency prescribed by the State Board.

(f) Strategies ~~[,]~~ ***and practices which:***

(1) Are consistent with the policy adopted pursuant to NRS 392.457 by the board of trustees of the school district in which the school is located, to promote effective involvement by parents and families of pupils enrolled in the school in the education of their children ~~[.]~~ ***; and***

(2) Are designed to improve and promote effective involvement and engagement by parents and families of pupils enrolled in the school which are consistent with the policies and recommendations of the Office of Parental Involvement and Family Engagement made pursuant to section 3 of this act.

(g) As appropriate, programs of remedial education or tutoring to be offered before and after school, during the summer, or between sessions if the school operates on a year-round calendar for pupils enrolled in the school who need additional instructional time to pass or to reach a level considered proficient.

(h) Strategies to improve the academic achievement of pupils enrolled in the school, including, without limitation, strategies to:

(1) Instruct pupils who are not achieving to their fullest potential, including, without limitation:

(I) The curriculum appropriate to improve achievement;

(II) The manner by which the instruction will improve the achievement and proficiency of pupils on the examinations administered pursuant to NRS 389.015 and 389.550; and

(III) An identification of the instruction and curriculum that is specifically designed to improve the achievement and proficiency of pupils in each group identified in paragraph (b) of subsection 1 of NRS 385.361;

(2) Increase the rate of attendance of pupils and reduce the number of pupils who drop out of school;

(3) Integrate technology into the instructional and administrative programs of the school;

(4) Manage effectively the discipline of pupils; and

(5) Enhance the professional development offered for the teachers and administrators employed at the school to include the activities set forth in 20 U.S.C. § 7801(34) and to address the specific needs of pupils enrolled in the school, as deemed appropriate by the principal.

(i) An identification, by category, of the employees of the school who are responsible for ensuring that the plan is carried out effectively.

(j) In consultation with the school district or governing body, as applicable, an identification, by category, of the employees of the school district or governing body, if any, who are responsible for ensuring that the plan is carried out effectively or for overseeing and monitoring whether the plan is carried out effectively.

(k) In consultation with the Department, an identification, by category, of the employees of the Department, if any, who are responsible for overseeing and monitoring whether the plan is carried out effectively.

(l) For each provision of the plan, a timeline for carrying out that provision, including, without limitation, a timeline for monitoring whether the provision is carried out effectively.

(m) For each provision of the plan, measurable criteria for determining whether the provision has contributed toward improving the academic achievement of pupils, increasing the rate of attendance of pupils and reducing the number of pupils who drop out of school.

(n) The resources available to the school to carry out the plan. If this State has a financial analysis program that is designed to track educational expenditures and revenues to individual schools, each school shall use that

statewide program in complying with this paragraph. If a statewide program is not available, each school shall use the financial analysis program used by the school district in which the school is located in complying with this paragraph.

(o) A summary of the effectiveness of appropriations made by the Legislature that are available to the school to improve the academic achievement of pupils and programs approved by the Legislature to improve the academic achievement of pupils.

(p) A budget of the overall cost for carrying out the plan.

3. In addition to the requirements of subsection 2, if a school has been designated as demonstrating need for improvement pursuant to NRS 385.3623, the plan must comply with 20 U.S.C. § 6316(b)(3) and the regulations adopted pursuant thereto.

4. Except as otherwise provided in subsection 5, the principal of each school shall, in consultation with the employees of the school:

(a) Review the plan prepared pursuant to this section annually to evaluate the effectiveness of the plan; and

(b) Based upon the evaluation of the plan, make revisions, as necessary, to ensure that the plan is designed to improve the academic achievement of pupils enrolled in the school.

5. If a school has been designated as demonstrating need for improvement pursuant to NRS 385.3623 and a support team has been established for the school, the support team shall review the plan and make revisions to the most recent plan for improvement of the school pursuant to NRS 385.36127. If the school is a Title I school that has been designated as demonstrating need for improvement, the support team established for the school shall, in making revisions to the plan, work in consultation with parents and guardians of pupils enrolled in the school and, to the extent deemed appropriate by the entity responsible for creating the support team, outside experts.

6. On or before November 1 of each year, the principal of each school or the support team established for the school, as applicable, shall submit the plan or the revised plan, as applicable, to:

(a) If the school is a public school of the school district, the superintendent of schools of the school district.

(b) If the school is a charter school, the governing body of the charter school.

7. If a Title I school is designated as demonstrating need for improvement pursuant to NRS 385.3623, the superintendent of schools of the school district or the governing body, as applicable, shall carry out a process for peer review of the plan or the revised plan, as applicable, in accordance with 20 U.S.C. § 6316(b)(3)(E) and the regulations adopted pursuant thereto. Not later than 45 days after receipt of the plan, the superintendent of schools of the school district or the governing body, as applicable, shall approve the plan or the revised plan, as applicable, if it meets the requirements of 20

U.S.C. § 6316(b)(3) and the regulations adopted pursuant thereto and the requirements of this section. The superintendent of schools of the school district or the governing body, as applicable, may condition approval of the plan or the revised plan, as applicable, in the manner set forth in 20 U.S.C. § 6316(b)(3)(B) and the regulations adopted pursuant thereto. The State Board shall prescribe the requirements for the process of peer review, including, without limitation, the qualifications of persons who may serve as peer reviewers.

8. If a school is designated as demonstrating exemplary achievement, high achievement or adequate achievement, or if a school that is not a Title I school is designated as demonstrating need for improvement, not later than 45 days after receipt of the plan or the revised plan, as applicable, the superintendent of schools of the school district or the governing body, as applicable, shall approve the plan or the revised plan if it meets the requirements of this section.

9. On or before December 15 of each year, the principal of each school or the support team established for the school, as applicable, shall submit the final plan or the final revised plan, as applicable, to the:

(a) Superintendent of Public Instruction;

(b) Governor;

(c) State Board;

(d) Department;

(e) Committee;

(f) Bureau; and

(g) Board of trustees of the school district in which the school is located.

10. A plan for the improvement of a school must be carried out expeditiously, but not later than January 1 after approval of the plan pursuant to subsection 7 or 8, as applicable.

Sec. 9. NRS 385.358 is hereby amended to read as follows:

385.358 1. The principal of each public school, including, without limitation, each charter school, shall prepare a summary of accountability information on the form prescribed by the Department pursuant to subsection 3 or an expanded form, as applicable. The summary must include, without limitation:

(a) The information set forth in subsection 1 of NRS 385.34692, reported only for the school;

(b) Information on the involvement ***and engagement*** of parents ***,*** ~~[and]~~ legal guardians ***and families*** in the education of their children; and

(c) Such other information as is directed by the Superintendent of Public Instruction in consultation with the Bureau.

2. The summary prepared pursuant to subsection 1 must be presented in an understandable and uniform format and, to the extent practicable, provided in a language that parents will likely understand.

3. The Department shall, in consultation with the Bureau and the school districts, prescribe a form that contains the basic information required by

subsection 1. The principal of a school may use an expanded form that contains additions to the form prescribed by the Department if the basic information contained in the expanded form complies with the form prescribed by the Department.

4. On or before September 7 of each year:

(a) The principal of each public school shall submit the summary in electronic format to the:

(1) Department;

(2) Bureau; and

(3) Board of trustees of the school district in which the school is located.

(b) The school district in which the school is located shall ensure that the summary is posted on the Internet website maintained by the school, if any, or the Internet website maintained by the school district, if any. If the summary is not posted on the website of the school or the school district, the school district shall otherwise provide for public dissemination of the summary.

(c) The principal of each public school shall ensure that the parents and legal guardians of the pupils enrolled in the school have sufficient information concerning the availability of the summary, including, without limitation, information that describes how to access the summary on the Internet website, if any, and how a parent or guardian may otherwise access the summary.

(d) The principal of each public school shall provide a written copy of the summary to each parent and legal guardian of a pupil enrolled in the school.

Sec. 10. NRS 385.600 is hereby amended to read as follows:

385.600 As used in this section and NRS 385.610 and 385.620, ***and sections 2, 3 and 4 of this act,*** "Advisory Council" means the Advisory Council on Parental Involvement ***and Family Engagement*** established pursuant to NRS 385.610.

Sec. 11. NRS 385.610 is hereby amended to read as follows:

385.610 1. The Superintendent of Public Instruction shall establish an Advisory Council on Parental Involvement ~~[.]~~ ***and Family Engagement.*** The Advisory Council is composed of 10 members.

2. The Superintendent of Public Instruction shall appoint the following members to the Advisory Council:

(a) Two parents or legal guardians of pupils enrolled in public schools;

(b) Two teachers in public schools;

(c) One administrator of a public school;

(d) One representative of a private business or industry;

(e) One member of the board of trustees of a school district in a county whose population is 100,000 or more; and

(f) One member of the board of trustees of a school district in a county whose population is less than 100,000.

➥ The Superintendent of Public Instruction shall, to the extent practicable, ensure that the members the Superintendent appoints to the Advisory Council reflect the ethnic, economic and geographic diversity of this State.

3. The Speaker of the Assembly shall appoint one member of the Assembly to the Advisory Council.

4. The Majority Leader of the Senate shall appoint one member of the Senate to the Advisory Council.

5. The Advisory Council shall elect a Chair and Vice Chair from among its members. The Chair and Vice Chair serve a term of 1 year.

6. After the initial terms:

(a) The term of each member of the Advisory Council who is appointed by the Superintendent of Public Instruction is 3 years.

(b) The term of each member of the Advisory Council who is appointed by the Speaker of the Assembly and the Majority Leader of the Senate is 2 years.

7. The Department shall provide:

(a) Administrative support to the Advisory Council; and

(b) All information that is necessary for the Advisory Council to carry out its duties.

8. For each day or portion of a day during which a member of the Advisory Council who is a Legislator attends a meeting of the Advisory Council or is otherwise engaged in the business of the Advisory Council, except during a regular or special session of the Legislature, the member is entitled to receive the:

(a) Compensation provided for a majority of the members of the Legislature during the first 60 days of the preceding regular session;

(b) Per diem allowance provided for state officers generally; and

(c) Travel expenses provided pursuant to NRS 218A.655.

➥ The compensation, per diem allowances and travel expenses of the legislative members of the Advisory Council must be paid from the Legislative Fund.

9. A member of the Advisory Council who is not a Legislator is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally for each day or portion of a day during which the member attends a meeting of the Advisory Council or is otherwise engaged in the business of the Advisory Council. The per diem allowance and travel expenses for the members of the Advisory Council who are not Legislators must be paid by the Department.

Sec. 12. NRS 385.620 is hereby amended to read as follows:

385.620 The Advisory Council shall:

1. Review the policy of parental involvement adopted by the State Board and the policy of parental involvement ***and family engagement*** adopted by the board of trustees of each school district pursuant to NRS 392.457;

2. Review the information relating to communication with and participation ***, involvement and engagement*** of parents ***and families*** that is

included in the annual report of accountability for each school district pursuant to paragraph (j) of subsection 2 of NRS 385.347;

3. Review any effective practices carried out in individual school districts to increase parental involvement ***and family engagement*** and determine the feasibility of carrying out those practices on a statewide basis;

4. Review any effective practices carried out in other states to increase parental involvement ***and family engagement*** and determine the feasibility of carrying out those practices in this State;

5. Identify methods to communicate effectively and provide outreach to parents ***,*** ~~[and]~~ legal guardians ***and families*** of pupils who have limited time to become involved in the education of their children for various reasons, including, without limitation, work schedules, single-parent homes and other family obligations;

6. Identify the manner in which the level of parental involvement ***and family engagement*** affects the performance, attendance and discipline of pupils;

7. Identify methods to communicate effectively with and provide outreach to parents ***,*** ~~[and]~~ legal guardians ***and families*** of pupils who are limited English proficient;

8. Determine the necessity for the appointment of a statewide parental involvement ***and family engagement*** coordinator or a parental involvement ***and family engagement*** coordinator in each school district, or both;

9. ***Work in collaboration with the Office of Parental Involvement and Family Engagement created by section 2 of this act to carry out the duties prescribed in section 3 of this act;***

10. On or before July 1 of each year, submit a report to the Legislative Committee on Education describing the activities of the Advisory Council and any recommendations for legislation; and

~~[10.]~~ ***11.*** On or before February 1 of each odd-numbered year, submit a report to the Director of the Legislative Counsel Bureau for transmission to the next regular session of the Legislature describing the activities of the Advisory Council and any recommendations for legislation.

Sec. 13. NRS 391.019 is hereby amended to read as follows:

391.019 1. Except as otherwise provided in NRS 391.027, the Commission:

(a) Shall adopt regulations:

(1) Prescribing the qualifications for licensing teachers and other educational personnel, including, without limitation, the qualifications for a license to teach middle school or junior high school education, and the procedures for the issuance and renewal of those licenses. The regulations must not prescribe qualifications which are more stringent than the qualifications set forth in NRS 391.0315 for a licensed teacher who applies for an additional license in accordance with that section.

(2) Identifying fields of specialization in teaching which require the specialized training of teachers.

(3) Except as otherwise provided in NRS 391.125, requiring teachers to obtain from the Department an endorsement in a field of specialization to be eligible to teach in that field of specialization.

(4) Setting forth the educational requirements a teacher must satisfy to qualify for an endorsement in each field of specialization.

(5) Setting forth the qualifications and requirements for obtaining a license or endorsement to teach American Sign Language, including, without limitation, being registered with the Aging and Disability Services Division of the Department of Health and Human Services pursuant to NRS 656A.100 to engage in the practice of interpreting in an educational setting.

(6) Requiring teachers and other educational personnel to be registered with the Aging and Disability Services Division pursuant to NRS 656A.100 to engage in the practice of interpreting in an educational setting if they:

(I) Provide instruction or other educational services; and

(II) Concurrently engage in the practice of interpreting, as defined in NRS 656A.060.

(7) Providing for the issuance and renewal of a special qualifications license to an applicant who holds a bachelor's degree, a master's degree or a doctoral degree from an accredited degree-granting postsecondary educational institution in a field for which the applicant will provide instruction in a classroom and who has:

(I) At least 2 years of experience teaching at an accredited degree-granting postsecondary educational institution in a field for which the applicant will provide instruction in a classroom and at least 3 years of experience working in that field; or

(II) At least 5 years of experience working in a field for which the applicant will provide instruction in a classroom.

➥ An applicant for licensure pursuant to this subparagraph who holds a bachelor's degree must submit proof of participation in a program of student teaching or mentoring or agree to participate in a program of mentoring or courses of pedagogy for the first 2 years of the applicant's employment as a teacher with a school district or charter school.

(8) Requiring an applicant for a special qualifications license to:

(I) Pass each examination required by NRS 391.021 for the specific subject or subjects in which the applicant will provide instruction; or

(II) Hold a valid license issued by a professional licensing board of any state that is directly related to the subject area of the bachelor's degree, master's degree or doctoral degree held by the applicant.

(9) Setting forth the subject areas that may be taught by a person who holds a special qualifications license, based upon the subject area of the bachelor's degree, master's degree or doctoral degree held by that person.

(10) Providing for the issuance and renewal of a special qualifications license to an applicant who:

(I) Holds a bachelor's degree or a graduate degree from an accredited college or university in the field for which the applicant will be providing instruction;

(II) Is not licensed to teach public school in another state;

(III) Has at least 5 years of experience teaching with satisfactory evaluations at a school that is accredited by a national or regional accrediting agency recognized by the United States Department of Education; and

(IV) Submits proof of participation in a program of student teaching or mentoring or agrees to participate in a program of mentoring for the first year of the applicant's employment as a teacher with a school district or charter school if the applicant holds a graduate degree or, if the applicant holds a bachelor's degree, submits proof of participation in a program of student teaching or mentoring or agrees to participate in a program of mentoring or courses of pedagogy for the first 2 years of his or her employment as a teacher with a school district or charter school.

➥ An applicant for licensure pursuant to this subparagraph is exempt from each examination required by NRS 391.021 if the applicant successfully passed the examination in another state.

(11) Prescribing course work on parental involvement and family engagement. The Commission shall work in cooperation with the Office of Parental Involvement and Family Engagement created by section 2 of this act in developing the regulations required by this subparagraph.

(b) May adopt such other regulations as it deems necessary for its own government or to carry out its duties.

2. Any regulation which increases the amount of education, training or experience required for licensing:

(a) Must, in addition to the requirements for publication in chapter 233B of NRS, be publicized before its adoption in a manner reasonably calculated to inform those persons affected by the change.

(b) Must not become effective until at least 1 year after the date it is adopted by the Commission.

(c) Is not applicable to a license in effect on the date the regulation becomes effective.

3. A person who is licensed pursuant to subparagraph (7) or (10) of paragraph (a) of subsection 1:

(a) Shall comply with all applicable statutes and regulations.

(b) Except as otherwise provided by specific statute, is entitled to all benefits, rights and privileges conferred by statutes and regulations on licensed teachers.

(c) Except as otherwise provided by specific statute, if the person is employed as a teacher by the board of trustees of a school district or the governing body of a charter school, is entitled to all benefits, rights and privileges conferred by statutes and regulations on the licensed employees of a school district or charter school, as applicable.

Sec. 14. NRS 391.516 is hereby amended to read as follows:

391.516 1. The Statewide Council for the Coordination of the Regional Training Programs, consisting of ~~[seven]~~ ***eight*** members, is hereby created. The membership of the Council consists of:

(a) Each coordinator hired by the governing body of each regional training program pursuant to NRS 391.532.

(b) One member of the governing body of each regional training program, appointed by the governing body. The member appointed pursuant to this paragraph may appoint a designee to serve in his or her place.

(c) One representative of the Nevada State Education Association, appointed by the President of that Association.

(d) The Director of the Office of Parental Involvement and Family Engagement appointed pursuant to section 2 of this act, who serves ex officio.

2. Each coordinator who serves on the Statewide Council is a member of the Statewide Council only for the period of his or her service as coordinator of the regional training program pursuant to NRS 391.532.

3. Each member appointed by the governing body pursuant to paragraph (b) of subsection 1 and the member appointed pursuant to paragraph (c) of subsection 1 serve a term of 2 years.

4. Members of the Statewide Council serve without salary ~~[.]~~ ***for their service on the Council*** but are entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally for each day or portion of a day during which a member attends a meeting of the Statewide Council or is otherwise engaged in the work of the Statewide Council. For the members of the Statewide Council who are appointed pursuant to paragraphs (a) and (b) of subsection 1, the governing body of the regional training program represented by those members shall pay the per diem allowance and travel expenses. For the member of the Statewide Council who is appointed pursuant to paragraph (c) of subsection 1, the Nevada State Education Association shall pay the per diem allowance and travel expenses. ***The Department shall pay the per diem allowance and travel expenses for the Director of the Office of Parental Involvement and Family Engagement.***

5. The governing bodies of the regional training programs may mutually agree to expend a portion of their respective budgets to pay for the administrative support of the Statewide Council.

Sec. 15. NRS 391.520 is hereby amended to read as follows:

391.520 1. The Statewide Council shall meet not less than four times per year.

2. The Statewide Council shall:

(a) Adopt uniform standards for use by the governing body of each regional training program in the review and approval by the governing body of the training to be provided by the regional training program pursuant to NRS 391.540 and 391.544. The standards must ensure that the training provided by the regional training programs includes activities set forth in 20

U.S.C. § 7801(34), as appropriate for the type of training offered, is of high quality and is effective in addressing the training programs specified in subsection 1 of NRS 391.544.

(b) ***In cooperation with the Office of Parental Involvement and Family Engagement created by section 2 of this act, establish a statewide program for teachers and administrators concerning effective parental involvement and family engagement which includes:***

(1) Training for teachers on how to engage parents and families, including, without limitation, disengaged families, in the education of their children and to build the capacity of parents and families to support the learning and academic achievement of their children.

(2) Training for teachers and paraprofessionals on working with parent liaisons in public schools to carry out strategies and practices for effective parental involvement and family engagement.

(c) Coordinate the dissemination of information to school districts, administrators and teachers concerning the training, programs and services provided by the regional training programs.

~~[(c)]~~ ***(d)*** Disseminate information to the regional training programs concerning innovative and effective methods to provide professional development.

~~[(d)]~~ ***(e)*** Conduct long-range planning concerning the professional development needs of teachers and administrators employed in this state.

~~[(e)]~~ ***(f)*** Adopt uniform procedures for use by the governing body of each regional training program to report the evaluation conducted pursuant to NRS 391.552.

3. The Statewide Council may:

(a) Accept gifts and grants from any source for use by the Statewide Council in carrying out its duties pursuant to this section and accept gifts and grants from any source on behalf of one or more regional training programs to assist with the training provided pursuant to NRS 391.544; and

(b) Comply with applicable federal laws and regulations governing the provision of federal grants to assist the Statewide Council in carrying out its duties pursuant to this section and comply with applicable federal laws and regulations governing the provision of federal grants to assist with the training provided pursuant to NRS 391.544, including, without limitation, providing money from the budget of the Statewide Council to match the money received from a federal grant.

Sec. 16. NRS 391.544 is hereby amended to read as follows:

391.544 1. Based upon the assessment of needs for training within the region and priorities of training adopted by the governing body pursuant to NRS 391.540, each regional training program must provide:

(a) Training for teachers in the standards established by the Council to Establish Academic Standards for Public Schools pursuant to NRS 389.520.

(b) Through the Nevada Early Literacy Intervention Program established for the regional training program, training for teachers who teach

kindergarten and grades 1, 2 or 3 on methods to teach fundamental reading skills, including, without limitation:

(1) Phonemic awareness;

(2) Phonics;

(3) Vocabulary;

(4) Fluency;

(5) Comprehension; and

(6) Motivation.

(c) At least one of the following types of training:

(1) Training for teachers and school administrators in the assessment and measurement of pupil achievement and the effective methods to analyze the test results and scores of pupils to improve the achievement and proficiency of pupils.

(2) Training for teachers in specific content areas to enable the teachers to provide a higher level of instruction in their respective fields of teaching. Such training must include instruction in effective methods to teach in a content area provided by teachers who are considered masters in that content area.

(3) In addition to the training provided pursuant to paragraph (b) of subsection 1, training for teachers in the methods to teach basic skills to pupils, such as providing instruction in reading with the use of phonics and providing instruction in basic skills of mathematics computation.

(d) In accordance with the program established by the Statewide Council pursuant to paragraph (b) of subsection 2 of NRS 391.520 training for:

(1) Teachers on how to engage parents and families, including, without limitation, disengaged families, in the education of their children and to build the capacity of parents and families to support the learning and academic achievement of their children.

(2) Training for teachers and paraprofessionals on working with parent liaisons in public schools to carry out strategies and practices for effective parental involvement and family engagement.

2. The training required pursuant to subsection 1 must:

(a) Include the activities set forth in 20 U.S.C. § 7801(34), as deemed appropriate by the governing body for the type of training offered.

(b) Include appropriate procedures to ensure follow-up training for teachers and administrators who have received training through the program.

(c) Incorporate training that addresses the educational needs of:

(1) Pupils with disabilities who participate in programs of special education; and

(2) Pupils who are limited English proficient.

3. The governing body of each regional training program shall prepare and maintain a list that identifies programs for the professional development of teachers and administrators that successfully incorporate:

(a) The standards of content and performance established by the Council to Establish Academic Standards for Public Schools pursuant to NRS 389.520;

(b) Fundamental reading skills; and

(c) Other training listed in subsection 1.

➥ The governing body shall provide a copy of the list on an annual basis to school districts for dissemination to teachers and administrators.

4. A regional training program may include model classrooms that demonstrate the use of educational technology for teaching and learning.

5. A regional training program may contract with the board of trustees of a school district that is served by the regional training program as set forth in NRS 391.512 to provide professional development to the teachers and administrators employed by the school district that is in addition to the training required by this section. Any training provided pursuant to this subsection must include the activities set forth in 20 U.S.C. § 7801(34), as deemed appropriate by the governing body for the type of training offered.

6. To the extent money is available from legislative appropriation or otherwise, a regional training program may provide training to paraprofessionals.

Sec. 17. NRS 392.457 is hereby amended to read as follows:

392.457 1. The State Board shall, in consultation with the boards of trustees of school districts, educational personnel, local associations and organizations of parents whose children are enrolled in public schools throughout this State and individual parents and legal guardians whose children are enrolled in public schools throughout this State, adopt a policy to encourage effective involvement ***and engagement*** by parents and families in support of their children and the education of their children. The policy adopted by the State Board must be considered when the Board:

(a) Consults with the boards of trustees of school districts in the adoption of policies pursuant to subsection 3; and

(b) Interacts with school districts, public schools, educational personnel, parents **,** ~~[and]~~ legal guardians ***and families*** of pupils, and members of the general public in carrying out its duties pursuant to this title.

2. The policy adopted by the State Board pursuant to subsection 1 must include the following elements and goals:

(a) Promotion of regular, two-way, meaningful communication between home and school.

(b) Promotion and support of responsible parenting.

(c) Recognition of the fact that parents and families play an integral role in assisting their children to learn.

(d) Promotion of a safe and open atmosphere for parents and families to visit the school that their children attend and active solicitation of parental and familial support and assistance for school programs.

(e) Inclusion of parents as full partners in decisions affecting their children and families.

(f) Availability of community resources to strengthen and promote school programs, family practices and the achievement of pupils.

3. The board of trustees of each school district shall, in consultation with the State Board, educational personnel, local associations and organizations of parents whose children are enrolled in public schools of the school district and individual parents and legal guardians whose children are enrolled in public schools of the school district, adopt policies to encourage effective involvement ***and engagement*** by parents and families in support of their children and the education of their children. The policies adopted pursuant to this subsection must:

(a) Be consistent, to the extent applicable, with the policy adopted by the State Board pursuant to subsection 1;

(b) Include the elements and goals specified in subsection 2; and

(c) Comply with the parental involvement policy required by the federal No Child Left Behind Act of 2001, as set forth in 20 U.S.C. § 6318.

4. The State Board and the board of trustees of each school district shall, at least once each year, review and amend their respective policies as necessary.

Sec. 18. NRS 392.4575 is hereby amended to read as follows:

392.4575 1. The Department shall prescribe a form for educational involvement accords to be used by all public schools in this State. The educational involvement accord must comply with the ~~[~~parental involvement~~]~~ policy:

(a) ~~[~~Required~~]~~ ***For parental involvement required*** by the federal No Child Left Behind Act of 2001, as set forth in 20 U.S.C. § 6318.

(b) ~~[~~Adopted~~]~~ ***For parental involvement and family engagement adopted*** by the State Board pursuant to NRS 392.457.

2. Each educational involvement accord must include, without limitation:

(a) A description of how the parent or legal guardian will be involved in the education of the pupil, including, without limitation:

(1) Reading to the pupil, as applicable for the grade or reading level of the pupil;

(2) Reviewing and checking the pupil's homework; and

(3) Contributing 5 hours of time each school year, including, without limitation, by attending school-related activities, parent-teacher association meetings, parent-teacher conferences, volunteering at the school and chaperoning school-sponsored activities.

(b) The responsibilities of a pupil in a public school, including, without limitation:

(1) Reading each day before or after school, as applicable for the grade or reading level of the pupil;

(2) Using all school equipment and property appropriately and safely;

(3) Following the directions of any adult member of the staff of the school;

(4) Completing and submitting homework in a timely manner; and

(5) Respecting himself or herself, others and all property.

(c) The responsibilities of a public school and the administrators, teachers and other personnel employed at a school, including, without limitation:

(1) Ensuring that each pupil is provided proper instruction, supervision and interaction;

(2) Maximizing the educational and social experience of each pupil;

(3) Carrying out the professional responsibility of educators to seek the best interest of each pupil; and

(4) Making staff available to the parents and legal guardians of pupils to discuss the concerns of parents and legal guardians regarding the pupils.

3. Each educational involvement accord must be accompanied by, without limitation:

(a) Information describing how the parent or legal guardian may contact the pupil's teacher and the principal of the school in which the pupil is enrolled;

(b) The curriculum of the course or standards for the grade in which the pupil is enrolled, as applicable, including, without limitation, a calendar that indicates the dates of major examinations and the due dates of significant projects, if those dates are known by the teacher at the time that the information is distributed;

(c) The homework and grading policies of the pupil's teacher or school;

(d) Directions for finding resource materials for the course or grade in which the pupil is enrolled, as applicable;

(e) Suggestions for parents and legal guardians to assist pupils in their schoolwork at home;

(f) The dates of scheduled conferences between teachers or administrators and the parents or legal guardians of the pupil;

(g) The manner in which reports of the pupil's progress will be delivered to the parent or legal guardian and how a parent or legal guardian may request a report of progress;

(h) The classroom rules and policies;

(i) The dress code of the school, if any;

(j) The availability of assistance to parents who have limited proficiency in the English language;

(k) Information describing the availability of free and reduced-price meals, including, without limitation, information regarding school breakfast, school lunch and summer meal programs;

(l) Opportunities for parents and legal guardians to become involved in the education of their children and to volunteer for the school or class; and

(m) The code of honor relating to cheating prescribed pursuant to NRS 392.461.

4. The board of trustees of each school district shall adopt a policy providing for the development and distribution of the educational involvement accord. The policy adopted by a board of trustees must require each classroom teacher to:

(a) Distribute the educational involvement accord to the parent or legal guardian of each pupil in the teacher's class at the beginning of each school year or upon a pupil's enrollment in the class, as applicable; and

(b) Provide the parent or legal guardian with a reasonable opportunity to sign the educational involvement accord.

5. Except as otherwise provided in this subsection, the board of trustees of each school district shall ensure that the form prescribed by the Department is used for the educational involvement accord of each public school in the school district. The board of trustees of a school district may authorize the use of an expanded form that contains additions to the form prescribed by the Department if the basic information contained in the expanded form complies with the form prescribed by the Department.

6. The Department and the board of trustees of each school district shall, at least once each year, review and amend their respective educational involvement accords.

7. If a school support team is established in accordance with the regulations of the State Board adopted pursuant to NRS 385.361 for an elementary school, the principal of the school shall provide to the support team information concerning the distribution of the educational involvement accord and the number of accords which were signed and returned by parents and legal guardians. The information must be provided in an aggregated format and must not disclose the identity of an individual parent, legal guardian or pupil.

Sec. 18.5. **1. There are hereby appropriated from the State General Fund to the Department of Education the following sums for the personnel and other related costs for the Director of the Office of Parental Involvement and Family Engagement appointed pursuant to paragraph (a) of subsection 2 of section 2 of this act:**

For the Fiscal Year 2011-2012……$67,126

For the Fiscal Year 2012-2013……$91,594

2. There are hereby appropriated from the State General Fund to the Department of Education the following sums for the costs of the Advisory Council on Parental Involvement established pursuant to NRS 385.610:

For the Fiscal Year 2011-2012 ……..$10,000

For the Fiscal Year 2012-2013…… $10,000

3. Any balance of the sums appropriated by subsection 1 or 2 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the Department of Education or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 21, 2012, and September 20, 2013, respectively, by either the Department of Education or the entity to which the money from the appropriation was subsequently granted or

transferred, and must be reverted to the State General Fund on or before September 21, 2012, and September 20, 2013, respectively.

Sec. 19. On or before December 31, 2011, the Commission on Professional Standards in Education shall adopt the regulations required pursuant to NRS 391.019, as amended by section 13 of this act.

Sec. 20. This act becomes effective on July 1, 2011.

Assemblyman Hickey moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Senate Bill No. 18.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 651.

AN ACT relating to contractors; authorizing the State Contractors' Board to discipline a licensed contractor for failure or refusal to comply with an order of the Board; **requiring the Board to impose an administrative fine against a licensee who fails or refuses to comply with an order of the Board;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the State Contractors' Board to discipline licensed contractors and other persons in this State for certain acts or omissions relating to work as a contractor. (NRS 624.295-624.361) Existing law also authorizes the Board to issue an order: (1) requiring a person without an active contractors' license to cease and desist acting as a contractor or bidding on contracting jobs; (2) suspending, revoking or restricting the license of a contractor; (3) requiring a licensed contractor to reimburse the account established pursuant to NRS 624.470 for any sum paid out of the account for injuries caused to a person by the contractor; (4) imposing an administrative fine on a person or licensed contractor; (5) requiring a person or licensed contractor to correct certain conditions; (6) requiring a person to reimburse the Board for certain expenses; or (7) requiring a person or licensed contractor to cease and desist any unlawful advertising. (NRS 624.212, 624.291, 624.300, 624.341, 624.720)

~~[This]~~ **Section 2 of this** bill expands the scope of the authority of the Board by authorizing the Board to discipline licensed contractors for failure or refusal to comply with an order of the Board. **Section 1 of this bill requires the Board to impose an administrative fine of $1,000 against a licensee who fails or refuses to comply with an order of the Board in addition to certain other disciplinary actions which may be taken by the Board against the licensee.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. **NRS 624.300 is hereby amended to read as follows:**

624.300 1. Except as otherwise provided in subsections 3 and 5, the Board may:

(a) Suspend or revoke licenses already issued;

(b) Refuse renewals of licenses;

(c) Impose limits on the field, scope and monetary limit of the license;

(d) Impose an administrative fine of not more than $10,000;

(e) Order a licensee to repay to the account established pursuant to NRS 624.470, any amount paid out of the account pursuant to NRS 624.510 as a result of an act or omission of that licensee;

(f) Order the licensee to take action to correct a condition resulting from an act which constitutes a cause for disciplinary action, at the licensee's cost, that may consist of requiring the licensee to:

(1) Perform the corrective work himself or herself;

(2) Hire and pay another licensee to perform the corrective work; or

(3) Pay to the owner of the construction project a specified sum to correct the condition; or

(g) Issue a public reprimand or take other less severe disciplinary action, including, without limitation, increasing the amount of the surety bond or cash deposit of the licensee,

➥ if the licensee commits any act which constitutes a cause for disciplinary action.

2. If the Board suspends or revokes the license of a contractor for failure to establish financial responsibility, the Board may, in addition to any other conditions for reinstating or renewing the license, require that each contract undertaken by the licensee for a period to be designated by the Board, not to exceed 12 months, be separately covered by a bond or bonds approved by the Board and conditioned upon the performance of and the payment of labor and materials required by the contract.

3. If a licensee violates:

(a) The provisions of NRS 624.3014, subsection 2 or 3 of NRS 624.3015, subsection 1 of NRS 624.302 or subsection 1 of NRS 624.305, the Board may impose for each violation an administrative fine in an amount that is not more than $50,000.

(b) The provisions of subsection 4 of NRS 624.3015:

(1) For a first offense, the Board shall impose an administrative fine of not less than $1,000 and not more than $50,000, and may suspend the license of the licensee for 6 months;

(2) For a second offense, the Board shall impose an administrative fine of not less than $5,000 and not more than $50,000, and may suspend the license of the licensee for 1 year; and

(3) For a third or subsequent offense, the Board shall impose an administrative fine of not less than $10,000 and not more than $50,000, and may revoke the license of the licensee.

(c) The provisions of subsection 7 of NRS 624.302, the Board shall, in addition to any other disciplinary action taken pursuant to this section, impose an administrative fine of $1,000.

4. The Board shall, by regulation, establish standards for use by the Board in determining the amount of an administrative fine imposed pursuant to subsection 3. The standards must include, without limitation, provisions requiring the Board to consider:

(a) The gravity of the violation;

(b) The good faith of the licensee; and

(c) Any history of previous violations of the provisions of this chapter committed by the licensee.

5. If a licensee is prohibited from being awarded a contract for a public work pursuant to NRS 338.017, the Board may suspend the license of the licensee for the period of the prohibition.

6. If a licensee commits a fraudulent act which is a cause for disciplinary action under NRS 624.3016, the correction of any condition resulting from the act does not preclude the Board from taking disciplinary action.

7. If the Board finds that a licensee has engaged in repeated acts that would be cause for disciplinary action, the correction of any resulting conditions does not preclude the Board from taking disciplinary action pursuant to this section.

8. The expiration of a license by operation of law or by order or decision of the Board or a court, or the voluntary surrender of a license by a licensee, does not deprive the Board of jurisdiction to proceed with any investigation of, or action or disciplinary proceeding against, the licensee or to render a decision suspending or revoking the license.

9. The Board shall not issue a private reprimand to a licensee.

10. An order that imposes discipline and the findings of fact and conclusions of law supporting that order are public records.

11. An administrative fine imposed pursuant to this section or NRS 624.341 or 624.710 plus interest at a rate that is equal to the prime rate at the largest bank in this State, as determined by the Commissioner of Financial Institutions on January 1 or July 1, as appropriate, immediately preceding the date of the order imposing the administrative fine, plus 4 percent, must be paid to the Board before the issuance or renewal of a license to engage in the business of contracting in this State. The interest must be collected from the date of the order until the date the administrative fine is paid.

12. All fines and interest collected pursuant to this section must be deposited with the State Treasurer for credit to the Construction Education Account created pursuant to NRS 624.580.

~~[Section 1.]~~ ***Sec. 2.*** NRS 624.302 is hereby amended to read as follows:

624.302 The following acts or omissions, among others, constitute cause for disciplinary action pursuant to NRS 624.300:

1. Contracting, offering to contract or submitting a bid as a contractor if the contractor's license:

(a) Has been suspended or revoked pursuant to NRS 624.300; or

(b) Is inactive.

2. Failure to comply with a written citation issued pursuant to NRS 624.341 within the time permitted for compliance set forth in the citation, or, if a hearing is held pursuant to NRS 624.291, within 15 business days after the hearing.

3. Except as otherwise provided in subsection 2, failure to pay an administrative fine imposed pursuant to this chapter within 30 days after:

(a) Receiving notice of the imposition of the fine; or

(b) The final administrative or judicial decision affirming the imposition of the fine,

➥ whichever occurs later.

4. The suspension, revocation or other disciplinary action taken by another state against a contractor based on a license issued by that state if the contractor is licensed in this State or applies for a license in this State. A certified copy of the suspension, revocation or other disciplinary action taken by another state against a contractor based on a license issued by that state is conclusive evidence of that action.

5. Failure or refusal to respond to a written request from the Board or its designee to cooperate in the investigation of a complaint.

6. Failure or refusal to comply with a written request by the Board or its designee for information or records, or obstructing or delaying the providing of such information or records.

7. Failure or refusal to comply with an order of the Board.

Assemblyman Atkinson moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Senate Bill No. 30.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 626.

AN ACT relating to common-interest communities; providing for the electronic transfer of money to the United States Government or federal or state agencies under certain circumstances; authorizing an association to use electronic signatures to withdraw money from the operating account of the association under certain circumstances; revising provisions relating to the requirement that the executive board of an association make certain records available for review at a designated location; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires certain signatures for the withdrawal of money from an account of a unit-owners' association of a common-interest community.

(NRS 116.31153) **Section 1** of this bill allows the withdrawal of money, without the required signatures, from the operating account of an association to make an electronic transfer of money to the United States Government or a federal or state agency. **Section 1** also authorizes an association to use electronic signatures to withdraw money from the operating account of the association under certain circumstances.

Existing law requires the executive board of a unit-owners' association to make certain financial records available for review at the business office of the association or some other location within the county in which the common-interest community is located. Existing law also requires the board to provide, upon request, a copy of those records to a unit's owner or the Ombudsman for Owners in Common-Interest Communities and Condominium Hotels and authorizes the board to charge a certain fee to cover the actual costs of preparing the copy. (NRS 116.31177) **Section 3** of this bill repeals that provision and instead, **section 2** of this bill requires the executive board of a unit-owners' association to make those records available for review at the business office of the association or a designated business location not to exceed 60 miles from the physical location of the common-interest community. **Section 2** also **: (1)** retains the requirement that the board provide, upon request, a copy of such records to a unit's owner or the Ombudsman **;** and ~~[the authority of the board to charge a fee to cover the actual costs of preparing the copy.]~~ **(2) requires the board to provide the copy in electronic format at no charge to the unit's owner or the Ombudsman or, if the board is unable to provide the copy in electronic format, in paper format at a cost not to exceed a certain amount per page of the record.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 116.31153 is hereby amended to read as follows:

116.31153 1. Money in the reserve account of an association required by paragraph (b) of subsection 2 of NRS 116.3115 may not be withdrawn without the signatures of at least two members of the executive board or the signatures of at least one member of the executive board and one officer of the association who is not a member of the executive board.

2. Except as otherwise provided in subsection 3, money in the operating account of an association may not be withdrawn without the signatures of at least one member of the executive board or one officer of the association and a member of the executive board, an officer of the association or the community manager.

3. Money in the operating account of an association may be withdrawn without the signatures required pursuant to subsection 2 to:

(a) Transfer money to the reserve account of the association at regular intervals; ~~[or]~~

(b) Make automatic payments for utilities ~~[.]~~ ***;***

(c) Make an electronic transfer of money to a state agency pursuant to NRS 353.1467; or

(d) Make an electronic transfer of money to the United States Government, or any agency thereof, pursuant to any federal law requiring transfers of money to be made by an electronic means authorized by the United States Government or the agency thereof.

4. An association may use electronic signatures to withdraw money in the operating account of the association if:

(a) The electronic transfer of money is made pursuant to a written agreement entered into between the association and the financial institution where the operating account of the association is maintained;

(b) The executive board has expressly authorized the electronic transfer of money; and

(c) The association has established internal accounting controls which comply with generally accepted accounting principles to safeguard the assets of the association.

5. As used in this section, "electronic transfer of money" has the meaning ascribed to it in NRS 353.1467.

Sec. 2. NRS 116.31175 is hereby amended to read as follows:

116.31175 1. Except as otherwise provided in ~~[this]~~ subsection ~~[,]~~ ***2,*** the executive board of an association shall, upon the written request of a unit's owner, make available the books, records and other papers of the association for review at the business office of the association or a designated business location not to exceed 60 miles from the physical location of the common-interest community and during the regular working hours of the association, including, without limitation ~~[, all]~~ ***:***

(a) The financial statement of the association;

(b) The budgets of the association required to be prepared pursuant to NRS 116.31151;

(c) The study of the reserves of the association required to be conducted pursuant to NRS 116.31152; and

(d) All contracts to which the association is a party and all records filed with a court relating to a civil or criminal action to which the association is a party.

2. The provisions of ~~[this subsection]~~ ***subsection 1*** do not apply to:

(a) The personnel records of the employees of the association, except for those records relating to the number of hours worked and the salaries and benefits of those employees; and

(b) The records of the association relating to another unit's owner, including, without limitation, any architectural plan or specification submitted by a unit's owner to the association during an approval process required by the governing documents, except for those records described in subsection ~~[2,]~~ ***4;*** and

(c) Any document, including, without limitation, minutes of an executive board meeting, a reserve study and a budget, if the document:

(1) Is in the process of being developed for final consideration by the executive board; and

(2) Has not been placed on an agenda for final approval by the executive board.

~~[2.]~~ ***3. The executive board shall provide a copy of any of the records required to be made available pursuant to subsection 1 to a unit's owner or the Ombudsman within 14 days after receiving a written request therefor. The executive board*** ~~*[may charge a fee to cover the actual costs of preparing a copy, but]*~~ ***shall provide the copy of any such records:***

(a) In electronic format at no charge to the unit's owner or the Ombudsman; or

(b) If the executive board is unable to provide the copy in electronic format, in paper format at a cost not to exceed 25 cents per page ~~*[.]*~~ ***for the first 10 pages, and 10 cents per page thereafter.***

4. The executive board of an association shall maintain a general record concerning each violation of the governing documents, other than a violation involving a failure to pay an assessment, for which the executive board has imposed a fine, a construction penalty or any other sanction. The general record:

(a) Must contain a general description of the nature of the violation and the type of the sanction imposed. If the sanction imposed was a fine or construction penalty, the general record must specify the amount of the fine or construction penalty.

(b) Must not contain the name or address of the person against whom the sanction was imposed or any other personal information which may be used to identify the person or the location of the unit, if any, that is associated with the violation.

(c) Must be maintained in an organized and convenient filing system or data system that allows a unit's owner to search and review the general records concerning violations of the governing documents.

~~[3.]~~ ***5.*** If the executive board refuses to allow a unit's owner to review the books, records or other papers of the association, the Ombudsman may:

(a) On behalf of the unit's owner and upon written request, review the books, records or other papers of the association during the regular working hours of the association; and

(b) If the Ombudsman is denied access to the books, records or other papers, request the Commission, or any member thereof acting on behalf of the Commission, to issue a subpoena for their production.

~~[4.]~~ ***6.*** The books, records and other papers of an association must be maintained for at least 10 years. The provisions of this subsection do not apply to:

(a) The minutes of a meeting of the units' owners which must be maintained in accordance with NRS 116.3108; or

(b) The minutes of a meeting of the executive board which must be maintained in accordance with NRS 116.31083.

~~[5.]~~ ***7.*** The executive board shall not require a unit's owner to pay an amount in excess of $10 per hour to review any books, records, contracts or other papers of the association pursuant to the provisions of this section.

~~[6.]~~ ***8.*** If an official publication contains or will contain any mention of a candidate or ballot question, the official publication must, upon request and without charge, provide equal space to the candidate or a representative of an organization which supports the passage or defeat of the ballot question.

~~[7.]~~ ***9.*** If an official publication contains or will contain the views or opinions of the association, the executive board, a community manager or an officer, employee or agent of an association concerning an issue of official interest, the official publication must, upon request and without charge, provide equal space to opposing views and opinions of a unit's owner, tenant or resident of the common-interest community.

~~[8.]~~ ***10.*** The association and its officers, employees and agents are immune from criminal or civil liability for any act or omission which arises out of the publication or disclosure of any information related to any person and which occurs in the course of carrying out any duties required pursuant to subsection ~~[6]~~ ***8*** or ~~[7. 9.]~~ ***9.***

11. As used in this section:

(a) "Issue of official interest" includes, without limitation:

(1) Any issue on which the executive board or the units' owners will be voting, including, without limitation, the election of members of the executive board; and

(2) The enactment or adoption of rules or regulations that will affect a common-interest community.

(b) "Official publication" means:

(1) An official website;

(2) An official newsletter or other similar publication that is circulated to each unit's owner; or

(3) An official bulletin board that is available to each unit's owner,

➥ which is published or maintained at the cost of an association and by an association, an executive board, a member of an executive board, a community manager or an officer, employee or agent of an association.

Sec. 3. NRS 116.31177 is hereby repealed.

Sec. 4. This act becomes effective on July 1, 2011.

TEXT OF REPEALED SECTION

116.31177 Maintenance and availability of certain financial records of association; provision of copies to units' owners and Ombudsman.

1. The executive board of an association shall maintain and make available for review at the business office of the association or some other suitable location within the county where the common-interest community is situated or, if it is situated in more than one county, within one of those counties:

(a) The financial statement of the association;

(b) The budgets of the association required to be prepared pursuant to NRS 116.31151; and

(c) The study of the reserves of the association required to be conducted pursuant to NRS 116.31152.

2. The executive board shall provide a copy of any of the records required to be maintained pursuant to subsection 1 to a unit's owner or the Ombudsman within 14 days after receiving a written request therefor. The executive board may charge a fee to cover the actual costs of preparing a copy, but not to exceed 25 cents per page.

Assemblyman Ohrenschall moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, reengrossed, and to third reading.

Senate Bill No. 59.

Bill read second time and ordered to third reading.

Senate Bill No. 128.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 660.

AN ACT relating to guardianships; revising provisions governing the appointment, powers and duties of guardians; requiring certain guardians to undergo a background investigation at their own cost and expense; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law governs the appointment, powers and duties of guardians. (Chapter 159 of NRS) **Section 7** of this bill requires a private professional guardian to undergo a background investigation at his or her own cost and expense and to present the results of the background investigation to the court upon request. **Section 8** of this bill requires every guardian to file a verified acknowledgment of the duties and responsibilities of a guardian before performing any duties as a guardian. The acknowledgment must set forth certain provisions, including certain specific duties of the guardian. The court may exempt a public guardian or private professional guardian from filing an acknowledgment in each case and may instead require the guardian to file a general acknowledgment which covers all guardianships to which the guardian may be appointed. **Section 13** of this bill prohibits the removal of a guardian by the court if the sole reason for removal is the lack of money to pay the compensation and expenses of the guardian.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. (Deleted by amendment.)

Sec. 2. (Deleted by amendment.)

Sec. 3. (Deleted by amendment.)

Sec. 4. (Deleted by amendment.)

Sec. 5. (Deleted by amendment.)

Sec. 6. (Deleted by amendment.)

Sec. 7. NRS 159.0595 is hereby amended to read as follows:

159.0595 1. A private professional guardian, if a person, must be qualified to serve as a guardian pursuant to NRS 159.059 and must be a certified guardian.

2. A private professional guardian, if an entity, must be qualified to serve as a guardian pursuant to NRS 159.059 and must have a certified guardian involved in the day-to-day operation or management of the entity.

3. ***A private professional guardian shall, at his or her own cost and expense:***

(a) Undergo a background investigation which requires the submission of a complete set of his or her fingerprints to the Central Repository for Nevada Records of Criminal History ~~*[for submission]*~~ ***and to the Federal Bureau of Investigation for*** ~~*[its report;]*~~ ***their respective reports; and***

(b) Present the results of the background investigation to the court upon request.

4. As used in this section:

(a) "Certified guardian" means a person who is certified by the Center for Guardianship Certification or any successor organization.

(b) "Entity" includes, without limitation, a corporation, whether or not for profit, a limited-liability company and a partnership.

(c) "Person" means a natural person.

Sec. 8. NRS 159.073 is hereby amended to read as follows:

159.073 ***1.*** Every guardian ***,*** ~~**[**shall,**]**~~ before entering upon his or her duties as guardian and before letters of guardianship may issue ~~**[**:~~

~~1.**]**~~ ***, shall:***

(a) Take and subscribe the official oath which must:

~~**[**(a)**]**~~ ***(1)*** Be endorsed on the letters of guardianship; and

~~**[**(b)**]**~~ ***(2)*** State that the guardian will well and faithfully perform the duties of guardian according to law.

~~**[**2.**]**~~ ***(b)*** File in the proceeding the appropriate documents which include, without limitation, the full legal name of the guardian and the residence and post office addresses of the guardian.

(c) Except as otherwise required in subsection 2, make and file in the proceeding a verified acknowledgment of the duties and responsibilities of a guardian. The acknowledgement must set forth:

(1) A summary of the duties, functions and responsibilities of a guardian, including, without limitation, the duty to:

(I) Act in the best interest of the ward at all times.

(II) Provide the ward with medical, surgical, dental, psychiatric, psychological, hygienic or other care and treatment as needed, with adequate food and clothing and with safe and appropriate housing.

(III) Protect, preserve and manage the income, assets and estate of the ward and utilize the income, assets and estate of the ward solely for the benefit of the ward.

(IV) Maintain the assets of the ward in the name of the ward or the name of the guardianship. Except when the spouse of the ward is also his or her guardian, the assets of the ward must not be commingled with the assets of any third party.

(2) A summary of the statutes, regulations, rules and standards governing the duties of a guardian.

(3) A list of actions regarding the ward that require the prior approval of the court.

(4) A statement of the need for accurate recordkeeping and the filing of annual reports with the court regarding the finances and well-being of the ward.

2. The court may exempt a public guardian or private professional guardian from filing an acknowledgment in each case and, in lieu thereof, require the public guardian or private professional guardian to file a general acknowledgment covering all guardianships to which the guardian may be appointed by the court.

Sec. 9. (Deleted by amendment.)

Sec. 10. (Deleted by amendment.)

Sec. 11. (Deleted by amendment.)

Sec. 12. NRS 159.183 is hereby amended to read as follows:

159.183 1. Subject to the discretion and approval of the court and except as otherwise provided in subsection 4, a guardian must be allowed:

(a) Reasonable compensation for the guardian's services;

(b) Necessary and reasonable expenses incurred in exercising the authority and performing the duties of a guardian; and

(c) Reasonable expenses incurred in retaining accountants, attorneys, appraisers or other professional services.

2. Reasonable compensation and services must be based upon similar services performed for persons who are not under a legal disability. In determining whether compensation is reasonable, the court may consider:

(a) The nature of the guardianship;

(b) The type, duration and complexity of the services required; and

(c) Any other relevant factors.

3. In the absence of an order of the court pursuant to this chapter shifting the responsibility of the payment of compensation and expenses, the payment of compensation and expenses must be paid from the estate of the ward. In evaluating the ability of a ward to pay such compensation and expenses, the court may consider:

(a) The nature, extent and liquidity of the ward's assets;

(b) The disposable net income of the ward;

(c) Any foreseeable expenses; and

(d) Any other factors that are relevant to the duties of the guardian pursuant to NRS 159.079 or 159.083.

4. A private professional guardian is not allowed compensation or expenses for services incurred by the private professional guardian as a result

of a petition to have him or her removed as guardian if the court removes the private professional guardian pursuant to the provisions of ***paragraph (b), (d), (e), (f) or (h) of*** subsection ~~[2, 4, 5, 6 or 8]~~ ***1*** of NRS 159.185.

Sec. 13. NRS 159.185 is hereby amended to read as follows:

159.185 ***1.*** The court may remove a guardian if the court determines that:

~~[1.]~~ ***(a)*** The guardian has become mentally incompetent, unsuitable or otherwise incapable of exercising the authority and performing the duties of a guardian as provided by law;

~~[2.]~~ ***(b)*** The guardian is no longer qualified to act as a guardian pursuant to NRS 159.059;

~~[3.]~~ ***(c)*** The guardian has filed for bankruptcy within the previous 5 years;

~~[4.]~~ ***(d)*** The guardian of the estate has mismanaged the estate of the ward;

~~[5.]~~ ***(e)*** The guardian has negligently failed to perform any duty as provided by law or by any order of the court and:

~~[(a)]~~ ***(1)*** The negligence resulted in injury to the ward or the estate of the ward; or

~~[(b)]~~ ***(2)*** There was a substantial likelihood that the negligence would result in injury to the ward or the estate of the ward;

~~[6.]~~ ***(f)*** The guardian has intentionally failed to perform any duty as provided by law or by any lawful order of the court, regardless of injury;

~~[7.]~~ ***(g)*** The best interests of the ward will be served by the appointment of another person as guardian; or

~~[8.]~~ ***(h)*** The guardian is a private professional guardian who is no longer qualified as a private professional guardian pursuant to NRS 159.0595.

2. A guardian may not be removed if the sole reason for removal is the lack of money to pay the compensation and expenses of the guardian.

Sec. 14. (Deleted by amendment.)

Sec. 15. (Deleted by amendment.)

Assemblyman Ohrenschall moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Senate Bill No. 142.

Bill read second time and ordered to third reading.

Senate Bill No. 152.

Bill read second time and ordered to third reading.

Senate Bill No. 159.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 661.

AN ACT relating to offenders; requiring the Director of the Department of Corrections to provide certain information to an offender upon his or her release, including information regarding employment assistance; authorizing

a court to require the earnings of a probationer to be held in trust for certain purposes; ~~[authorizing a court to require certain offenders to complete an alternative program, treatment or activity as a condition of probation;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Director of the Department of Corrections to provide certain information to an offender upon the offender's release from prison. (NRS 209.511) **Section 1** of this bill requires the Director to provide such an offender with: (1) information relating to assistance for obtaining employment, including information regarding obtaining bonding for employment; and (2) information and reasonable assistance relating to acquiring a valid driver's license or identification card to enable the offender to obtain employment if the offender requests such information and assistance and is eligible to acquire a driver's license or identification card.

~~[Existing law authorizes a court to set terms and conditions for placing an offender on probation. (NRS 176A.400) Section 2 of this bill specifies that such terms and conditions may include the requirement that any earnings of the offender while on probation be placed in trust for certain purposes. Section 2 also authorizes a court to require certain persons, found guilty of certain felonies which do not involve the use or threatened use of force or violence, to complete an alternative program, treatment or activity as a condition of probation.]~~

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 209.511 is hereby amended to read as follows:

209.511 1. When an offender is released from prison by expiration of his or her term of sentence, by pardon or by parole, the Director:

(a) May furnish the offender with a sum of money not to exceed $100, the amount to be based upon the offender's economic need as determined by the Director;

(b) Shall give the offender notice of the provisions of chapter 179C of NRS and NRS 202.357 and 202.360;

(c) Shall require the offender to sign an acknowledgment of the notice required in paragraph (b);

(d) Shall give the offender notice of the provisions of NRS 179.245 and the provisions of NRS 213.090, 213.155 or 213.157, as applicable;

(e) ***Shall provide the offender with information relating to obtaining employment, including, without limitation, any programs which may provide bonding for an offender entering the workplace and any organizations which may provide employment or bonding assistance to such a person;***

(f) Shall provide the offender with information and reasonable assistance relating to acquiring a valid driver's license or identification card to enable the offender to obtain employment, if the offender:

(1) Requests such information and assistance; and

(2) Is eligible to acquire a valid driver's license or identification card from the Department of Motor Vehicles;

(g) May provide the offender with clothing suitable for reentering society;

~~[(f)]~~ ***(h)*** May provide the offender with the cost of transportation to his or her place of residence anywhere within the continental United States, or to the place of his or her conviction;

~~[(g)]~~ ***(i)*** May, but is not required to, release the offender to a facility for transitional living for released offenders that is licensed pursuant to chapter 449 of NRS; and

~~[(h)]~~ ***(j)*** Shall require the offender to submit to at least one test for exposure to the human immunodeficiency virus.

2. The costs authorized in paragraphs (a) ~~[, (e), (f)]~~ ***, (g)*** ~~[and (h)]~~ ***, (h) and (j)*** of subsection 1 must be paid out of the appropriate account within the State General Fund for the use of the Department as other claims against the State are paid to the extent that the costs have not been paid in accordance with subsection 5 of NRS 209.221 and NRS 209.246.

3. As used in this section, "facility for transitional living for released offenders" has the meaning ascribed to it in NRS 449.0055.

Sec. 2. ~~[NRS 176A.400 is hereby amended to read as follows:~~

~~176A.400 1. In issuing an order granting probation, the court may fix the terms and conditions thereof, including, without limitation:~~

~~(a) A requirement for restitution;~~

~~(b) *A requirement that any earnings of the probationer be held in a trust:*~~

~~*(1) Which is administered by a trustee designated by the court; and*~~

~~*(2) From which a portion of the earnings is designated to pay for restitution, child support or any other obligation of the probationer specified by the court;*~~

~~*(c)* An order that the probationer dispose of all the weapons the probationer possesses; or~~

~~[(c)]~~ ~~*(d)* Any reasonable conditions to protect the health, safety or welfare of the community or to ensure that the probationer will appear at all times and places ordered by the court, including, without limitation:~~

~~(1) Requiring the probationer to remain in this State or a certain county within this State;~~

~~(2) Prohibiting the probationer from contacting or attempting to contact a specific person or from causing or attempting to cause another person to contact that person on the probationer's behalf;~~

~~(3) Prohibiting the probationer from entering a certain geographic area; or~~

~~(4) Prohibiting the probationer from engaging in specific conduct that may be harmful to the probationer's own health, safety or welfare, or the health, safety or welfare of another person.~~

~~2. In issuing an order granting probation to a person who is found guilty of a category C, D or E felony, *or who is found guilty of a category B felony which does not involve the use or threatened use of force or violence,* the court may require the person as a condition of probation to participate in and complete to the satisfaction of the court any alternative program, treatment or activity deemed appropriate by the court.~~

~~3. The court shall not suspend the execution of a sentence of imprisonment after the defendant has begun to serve it.~~

~~4. In placing any defendant on probation or in granting a defendant a suspended sentence, the court shall direct that the defendant be placed under the supervision of the Chief Parole and Probation Officer.~~**]** **(Deleted by amendment.)**

Assemblyman Ohrenschall moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Senate Bill No. 182.

Bill read second time and ordered to third reading.

Senate Bill No. 205.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 653.

AN ACT relating to nursing; requiring national certification for a registered nurse to receive a certificate of recognition as an advanced practitioner of nursing; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the State Board of Nursing is authorized to grant a certificate of recognition as an advanced practitioner of nursing to a registered nurse who meets certain requirements. (NRS 632.237) This bill adds the requirement that to obtain a certificate of recognition as an advanced practitioner of nursing in Nevada the registered nurse must be certified as an advanced practitioner of nursing by a nationally recognized certification agency effective July 1, 2014. **However, an advanced practitioner of nursing who receives a certificate of recognition before that date is exempt from that requirement.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 632.237 is hereby amended to read as follows:

632.237 1. The Board may grant a certificate of recognition as an advanced practitioner of nursing to a registered nurse who ~~[has]~~ ***:***

(a) Has completed an educational program designed to prepare a registered nurse to:

~~[(a)]~~ ***(1)*** Perform designated acts of medical diagnosis;

~~[(b)]~~ ***(2)*** Prescribe therapeutic or corrective measures; and

~~[(c)]~~ ***(3)*** Prescribe controlled substances, poisons, dangerous drugs and devices ~~[,~~

➥ ~~]~~ ***;***

(b) ~~*[Submits]*~~ ***Except as otherwise provided in subsection 4, submits proof that he or she is certified as an advanced practitioner of nursing by the American Board of Nursing Specialties, the National Commission for Certifying Agencies of the Institute for Credentialing Excellence, or their successor organizations, or any other nationally recognized certification agency approved by the Board;*** and ~~[who meets the]~~

(c) Meets any other requirements established by the Board for such certification.

2. An advanced practitioner of nursing may:

(a) Engage in selected medical diagnosis and treatment; and

(b) If authorized pursuant to NRS 639.2351, prescribe controlled substances, poisons, dangerous drugs and devices,

➥ pursuant to a protocol approved by a collaborating physician. A protocol must not include and an advanced practitioner of nursing shall not engage in any diagnosis, treatment or other conduct which the advanced practitioner of nursing is not qualified to perform.

3. The Board shall adopt regulations:

(a) Specifying ~~[the]~~ ***any additional*** training, education and experience necessary for certification as an advanced practitioner of nursing.

(b) Delineating the authorized scope of practice of an advanced practitioner of nursing.

(c) Establishing the procedure for application for certification as an advanced practitioner of nursing.

4. The provisions of paragraph (b) of subsection 1 do not apply to an advanced practitioner of nursing who obtains a certificate of recognition before July 1, 2014.

Sec. 2. This act becomes effective on July 1, 2014.

Assemblyman Atkinson moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Senate Bill No. 213.

Bill read second time and ordered to third reading.

Senate Bill No. 259.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 654.

AN ACT relating to trust companies; revising provisions governing the management of a trust by a family trust company or licensed family trust

company; specifying the applicability of the Uniform Prudent Investor Act to a trust managed by a family trust company or licensed family trust company; authorizing a family trust company or licensed family trust company to engage in certain transactions involving the assets of the trust or take certain actions if the transaction or action is in the interest of the beneficiaries and complies with certain other requirements; authorizing a family trust company or licensed family trust company and an interested person to enter into a nonjudicial settlement agreement to resolve any matter related to the management, administration or interpretation of a trust; requiring a family trust company and licensed family trust company to provide an annual report or certain information in lieu of an annual report to certain persons concerning the management of a trust; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires a trust company that has been appointed as the fiduciary of a trust to invest and manage the assets of the trust according to the Uniform Prudent Investor Act. (NRS 164.700-164.775) The prudent investor rule requires, among other things, that a fiduciary of a trust diversify the assets of the trust through various investments. (NRS 164.750) Existing law places further restrictions on the types of transactions that a trust company may engage in with the assets of a trust for which it is a fiduciary. (NRS 669A.230) **Section 15** of this bill provides an exception to the provisions of the Uniform Prudent Investor Act as it applies to the management of a trust by a family trust company or licensed family trust company. **Section 7** of this bill authorizes a family trust company or licensed family trust company to engage in activities and transactions involving the assets of a trust, including the acquisition of concentrated holdings of stocks, bonds, securities or other assets, which might otherwise be prohibited by the Uniform Prudent Investor Act. **Section 7** requires that such transactions or actions by a family trust company or licensed family trust company be for a fair price, if applicable, be in the interest of the beneficiaries and comply with the terms of the trust, a written consent agreement, a court order or a notice of proposed action. Furthermore, the transactions authorized by **section 7** are not prohibited by a conflict of interest between the parties to the transaction.

Section 8 of this bill authorizes a family trust company or licensed family trust company and an interested person to enter into a nonjudicial settlement agreement with respect to any matter related to the management, administration or interpretation of a trust. **Section 8** also authorizes a family trust company or licensed family trust company or an interested person to petition a court to approve a nonjudicial settlement agreement or to make certain other determinations related to the nonjudicial settlement agreement. **Section 9** of this bill requires a family trust company or licensed family trust company that intends to execute a nonjudicial settlement agreement to meet certain notice requirements before executing the nonjudicial settlement

agreement and also requires an interested person who receives such notice to object within a certain period to preserve the right to bring certain actions relating to the nonjudicial settlement agreement. **Section 9** also authorizes a family trust company or licensed family trust company or an interested person who timely objects to petition the court to approve, disapprove, enforce or modify the nonjudicial settlement agreement. **Section 10** of this bill authorizes a family trust company or licensed family trust company to refrain from taking an action that is authorized by a nonjudicial settlement agreement under certain circumstances.

Section 11 of this bill requires a family trust company and licensed family trust company to provide annual reports to certain persons outlining any transactions taken by the family trust company or licensed family trust company while acting as the fiduciary of a trust and further authorizes the trust company to provide an interested person with certain other information in lieu of an annual report.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 669A of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 11, inclusive, of this act.

Sec. 2. ***"Interested person" means a person, other than the grantor of a trust, who is:***

1. A person who would be a necessary party to a judicial proceeding involving a trust; or

2. An authorized representative pursuant to NRS 164.038.

Sec. 3. ***Notwithstanding the provisions of any law to the contrary, a family trust company or licensed family trust company, or an employee or agent of a family trust company or licensed family trust company, is not liable to an interested person for any transaction, decision to act or decision to not act if the family trust company or licensed family trust company or employee or agent thereof acted in good faith and in reasonable reliance on the express terms of a trust instrument, a written consent agreement or a court order.***

Sec. 4. ***Except as otherwise provided in this chapter or by specific statute, a family trust company or licensed family trust company is subject to the provisions of this chapter only to the extent that the family trust company or licensed family trust company is engaged in the business of a family trust company or licensed family trust company, respectively.***

Sec. 5. ***While acting as the fiduciary of a trust, a family trust company or licensed family trust company:***

1. Shall administer and manage the trust in accordance with the terms of the trust;

2. Shall administer and manage the trust in the interest of the beneficiaries of the trust;

3. Shall administer and manage the trust in accordance with the provisions of this chapter; and

4. May administer and manage the trust by the exercise of discretionary power of administration given to the fiduciary by the terms of the trust instrument.

Sec. 6. (Deleted by amendment.)

Sec. 7. ***1. In addition to the transactions authorized by NRS 669A.230 and notwithstanding the provisions of any other law to the contrary, while acting as the fiduciary of a trust, a family trust company or licensed family trust company may:***

(a) Invest in a security of an investment company or investment trust for which the family trust company or licensed family trust company, or a family affiliate, provides services in a capacity other than as a fiduciary;

(b) Place a security transaction using a broker that is a family affiliate;

(c) Invest in an investment contract that is purchased from an insurance company or carrier owned by or affiliated with the family trust company or licensed family trust company, or a family affiliate;

(d) Enter into an agreement with a beneficiary or grantor of a trust with respect to the appointment or compensation of the fiduciary or a family affiliate;

(e) Transact with another trust, estate, guardianship or conservatorship for which the family trust company or licensed family trust company is a fiduciary or in which a beneficiary has an interest;

(f) Make an equity investment in a closely held entity that may or may not be marketable and that is owned or controlled, either directly or indirectly, by one or more beneficiaries, family members or family affiliates;

(g) Deposit trust money in a financial institution that is owned or operated by a family affiliate;

(h) Delegate the authority to conduct any transaction or action pursuant to this section to an agent of the family trust company or licensed family trust company, or a family affiliate;

(i) Purchase, sell, hold, own or invest in any security, bond, real or personal property, stock or other asset of a family affiliate;

(j) Loan money to or borrow money from:

(1) A family member of the trust or his or her legal representative;

(2) Another trust managed by the family trust company or licensed family trust company; or

(3) A family affiliate;

(k) Act as proxy in voting any shares of stock which are assets of the trust;

(l) Exercise any powers of control with respect to any interest in a company that is an asset of the trust, including, without limitation, the appointment of officers or directors who are family affiliates; and

(m) Receive reasonable compensation for its services or the services of a family affiliate.

2. A transaction or action authorized pursuant to subsection 1 must:

(a) Be for a fair price, if applicable;

(b) Be in the interest of the beneficiaries; and

(c) Comply with:

(1) The terms of the trust instrument establishing the fiduciary relationship;

(2) A judgment, decree or court order;

(3) The written consent of each interested person; or

(4) A notice of proposed action issued pursuant to NRS 164.725.

3. Except as otherwise provided in subsection 2, nothing in this section prohibits a family trust company or licensed family trust company from transacting business with or investing in any asset of:

(a) A trust, estate, guardianship or conservatorship for which the family trust company or licensed family trust company is a fiduciary;

(b) A family affiliate; or

(c) Any other company, agent, entity or person for which a conflict of interest may exist.

4. A conflict of interest between the fiduciary duty and personal interest of a family trust company or licensed family trust company does not void a transaction or action that:

(a) Complies with the provisions of this section; or

(b) Occurred before the family trust company or licensed family trust company entered into a fiduciary relationship pursuant to a trust instrument.

5. A transaction by or action of a family trust company or licensed family trust company authorized by this section is not voidable if:

(a) The transaction or action was authorized by the terms of the trust;

(b) The transaction or action was approved by a court or pursuant to a court order;

(c) No interested person commenced a legal action relating to the transaction or action pursuant to subsection 6;

(d) The transaction or action was authorized by a valid consent agreement, release or pursuant to the issuance of a notice of proposed action issued pursuant to NRS 164.725; or

(e) The transaction or action occurred before the family trust company or licensed family trust company entered into a fiduciary relationship pursuant to a trust instrument.

6. A legal action by an interested person alleging that a transaction or action by a family trust company or licensed family trust company is voidable because of the existence of a conflict of interest must be commenced within 1 year after the date on which the interested person discovered, or by the exercise of due diligence should have discovered, the facts in support of his or her claim.

7. Notwithstanding the provisions of any other law to the contrary, a family trust company or licensed family trust company is not required to obtain court approval for any transaction that otherwise complies with the provisions of this section.

Sec. 8. *1. A family trust company or licensed family trust company and an interested person may enter into a nonjudicial settlement agreement with respect to any matter involving the management, administration or interpretation of a trust that is managed pursuant to this chapter.*

2. A nonjudicial settlement agreement that is entered into pursuant to this section must not contain:

(a) Terms that violate a material purpose of the trust; or

(b) Terms or conditions that could not be approved by a court.

3. The matters that may be resolved by a nonjudicial settlement agreement which is entered into pursuant to this section include, without limitation:

(a) Those pertaining to any transaction or action authorized pursuant to paragraphs (a) to (m), inclusive, of subsection 1 of section 7 of this act;

(b) The investment or use of trust assets;

(c) The lending or borrowing of money;

(d) The addition, deletion or modification of a term or condition of the trust;

(e) The interpretation or construction of a term or condition of the trust;

(f) The designation or transfer of the principal place of administration of the trust;

(g) The approval of a report or accounting that is provided pursuant to section 11 of this act;

(h) Direction to a fiduciary to refrain from performing a particular act or the grant to a fiduciary of any necessary or desirable power;

(i) The resignation or appointment of a fiduciary;

(j) The liability of a fiduciary for an action related to the management of the trust; and

(k) The termination of the trust.

4. After notice has been provided pursuant to section 9 of this act, a family trust company or licensed family trust company or an interested person may petition a court to approve a nonjudicial settlement agreement, to determine whether the nonjudicial settlement agreement was accurately represented to each interested person or to determine whether the nonjudicial settlement agreement contains terms or conditions that the court could approve. A family trust company or licensed family trust company is not liable to an interested person for taking an action that is authorized by a nonjudicial settlement agreement which has been approved by a court.

Sec. 9. *1. A family trust company or licensed family trust company shall provide written notice by personal service or by certified mail to each interested person who is a necessary party to a nonjudicial settlement*

agreement entered into pursuant to section 8 of this act. A family trust company or licensed family trust company is not required to provide notice to any interested person who has consented in writing to the nonjudicial settlement agreement.

2. The notice provided pursuant to this section must:

(a) Be provided at least 15 days before the execution of the nonjudicial settlement agreement;

(b) Include a true and correct copy of the nonjudicial settlement agreement;

(c) State that the notice is provided pursuant to this section and section 8 of this act;

(d) State the name and mailing address of the family trust company or licensed family trust company;

(e) State the date by which an objection to the nonjudicial settlement agreement must be made; and

(f) State the date on which the nonjudicial settlement agreement is to be executed.

3. An interested person who receives notice pursuant to this section may object to any term or condition of, or any act that is authorized by, the nonjudicial settlement agreement by submitting his or her objection in writing to the family trust company or licensed family trust company within 1 year after the date on which the interested person received the notice. Except as otherwise provided in subsection 5, if an interested person does not object within 1 year after receiving notice, his or her objection is waived, and the interested person may not bring any action relating to the terms and conditions of, or any act taken pursuant to, the nonjudicial settlement agreement.

4. An interested person who objects within the period specified in subsection 3 may petition the court for an order to approve, disapprove, enforce or modify the nonjudicial settlement agreement. The burden is on the interested person to prove that the nonjudicial settlement agreement should be approved, disapproved, enforced or modified.

5. The provisions of subsection 3 do not prohibit an interested person who has received notice pursuant to this section and who fails to object to the nonjudicial settlement agreement within 1 year after receiving the notice from bringing an action alleging that the nonjudicial settlement agreement was procured fraudulently, or entered into by the family trust company or licensed family trust company in bad faith or in willful violation of the terms of the trust. A person who brings such an action has the burden of proving by clear and convincing evidence that the nonjudicial settlement agreement was procured fraudulently, in bad faith or in willful violation of the terms of the trust.

6. Except as otherwise provided in subsection 5, if no interested person who is entitled to receive notice pursuant to this section objects to the nonjudicial settlement agreement within 1 year after receiving the notice, a

family trust company or licensed family trust company is not liable to any interested person for taking any action that is authorized by the nonjudicial settlement agreement.

Sec. 10. ***1. A family trust company or licensed family trust company may refrain from taking an action that is authorized by a nonjudicial settlement agreement if the family trust company or licensed family trust company determines in good faith that the action is not in the interest of the beneficiaries of the trust.***

2. A family trust company or licensed family trust company that refrains from taking an action pursuant to subsection 1 shall provide written notice to each interested person within 15 days after its decision not to take the action and include in the notice the reasons for not taking the action.

3. An interested person who receives notice pursuant to subsection 2 may petition the court for an order requiring the family trust company or licensed family trust company to take the action authorized by the nonjudicial settlement agreement. The burden is on the beneficiary to prove that the proposed action is in the interest of the beneficiaries of the trust and should be taken.

4. A family trust company or licensed family trust company is not liable to an interested person for not taking an action that is authorized by a nonjudicial settlement agreement if the family trust company or licensed family trust company acted in good faith in not taking the action.

Sec. 11. ***1. Except as otherwise provided in subsection 4, a family trust company or licensed family trust company, while acting as the fiduciary of a trust, shall provide an annual report to each interested person for each year of the existence of the trust until the trust is terminated, at which time the trust company shall provide to each interested person a final report.***

2. A report that is provided pursuant to this section must, for the year immediately preceding the report, provide an accounting of:

(a) Each asset and liability of the trust and its current market value or amount, if known;

(b) Each disbursement of income or principal, including the amount of the disbursement and to whom the disbursement was made;

(c) All payments of compensation from any source to the family trust company or licensed family trust company or any other person for services rendered; and

(d) Any other transaction involving an asset of the trust.

3. An interested person who is entitled to a report pursuant to this section may waive his or her right to the report by submitting a written waiver to the family trust company or licensed family trust company. An interested person who waives his or her right to a report may withdraw the waiver by submitting to the family trust company or licensed family trust company a written request for a report.

4. A family trust company or licensed family trust company is not required to provide a report pursuant to this section if the terms of the trust provide an exception to this requirement.

5. A family trust company or licensed family trust company may require an interested person who is entitled to receive confidential information pursuant to this section to execute a confidentiality agreement before providing the person with any confidential information.

6. In lieu of the information that a trustee is required to provide to an interested person pursuant to subsection 2, a trustee may provide to an interested person a statement indicating the accounting period and a financial report of the trust which is prepared by a certified public accountant and which summarizes the information required by paragraphs (a) to (d), inclusive, of subsection 2. Upon request, the trustee shall make all the information used in the preparation of the financial report available to each interested person who was provided a copy of the financial report pursuant to this subsection.

7. For the purposes of this chapter, information provided by a trustee to an interested person pursuant to subsection 6 is deemed an annual report.

8. A trustee may provide an annual report to an interested person via electronic mail or through a secure Internet website.

Sec. 12. NRS 669A.020 is hereby amended to read as follows:

669A.020 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 669A.030 to 669A.090, inclusive, ***and section 2 of this act*** have the meanings ascribed to them in those sections.

Sec. 13. NRS 669A.060 is hereby amended to read as follows:

669A.060 "Family affiliate" means a company or other entity with respect to which ~~[a]~~ ***one or more*** family ~~[member possesses,]~~ ***members or affiliates own, directly or indirectly, a material interest in the company or entity, or possess,*** directly or indirectly, the power to direct or cause the direction of the management and policies of that company or entity, whether through the ownership of voting securities, by contract, power of direction or otherwise.

Sec. 13.5. NRS 669A.230 is hereby amended to read as follows:

669A.230 1. Except as otherwise provided in subsection 2, the assets forming the minimum capital of a licensed family trust company pursuant to NRS 669A.160 must:

(a) Consist of:

(1) Cash;

(2) Governmental obligations or insured deposits that mature within 3 years after acquisition;

(3) Readily marketable securities or other liquid, secure assets, bonds, sureties or insurance; or

(4) Any combination thereof.

(b) Have an aggregate market value that equals or exceeds 100 percent of the company's required stockholders' equity.

2. A licensed family trust company may purchase or rent real or personal property for use in the conduct of the business and other activities of the company.

3. ~~[Notwithstanding]~~ ***Except as otherwise provided in section 7 of this act, and notwithstanding*** any other provisions of law to the contrary, a licensed family trust company may invest its funds for its own account, other than those required or permitted to be maintained by subsection 1 or 2, in any type or character of equity securities, debt securities or other asset provided the investment complies with the prudent investor standards set forth in NRS 164.700 to 164.775, inclusive.

4. ~~[Notwithstanding]~~ ***Except as otherwise provided in section 7 of this act and notwithstanding*** the provisions of any other law to the contrary, a family trust company is authorized while acting as a fiduciary to purchase for the fiduciary estate, directly from underwriters or distributors or in the secondary market:

(a) Bonds or other securities underwritten or distributed by the family trust company or an affiliate thereof or by a syndicate which includes the family trust company, provided that the family trust company discloses in any written communication or account statement reflecting the purchase of those bonds or securities the nature of the interest of the family trust company in the underwriting or distribution of those bonds and securities and whether the family trust company received any fee in connection with the purchase; and

(b) Securities of any investment company ~~[as defined under the Investment Company Act of 1940]~~ for which the family trust company acts as advisor, custodian, distributor, manager, registrar, shareholder servicing agent, sponsor or transfer agent, or provided the family trust company discloses in any written communication or account statement reflecting the purchase of the securities the nature of the relationship and whether the family trust company received any fee for providing those services.

5. ~~[The]~~ ***Except as otherwise provided in section 7 of this act, the*** authority granted in subsection 4 may be exercised only if:

(a) The investment is not expressly prohibited by the instrument, judgment, decree or order establishing the fiduciary relationship;

(b) The family trust company discloses in writing to the person or persons to whom it sends account statements its intent to exercise the authority granted in subsection 4 before the first exercise of that authority; and

(c) The family trust company procures in writing the consent of its cofiduciaries with discretionary investment powers, if any, to the investment.

6. ~~[A]~~ ***Except as otherwise provided in section 7 of this act, a*** family trust company may:

(a) Invest in the securities of an investment company ~~[as defined under the federal Investment Company Act of 1940]~~ or investment trust, to which the family trust company or its affiliate provides services in a capacity other than

as trustee. The investment is not presumed to be affected by a conflict between personal and fiduciary interests if the investment complies with the prudent investor standards set forth in NRS 164.700 to 164.775, inclusive.

(b) Be compensated by an investment company or investment trust described in paragraph (a) for providing services in a capacity other than as trustee if the family trust company discloses at least annually to each person to whom it sends account statements the rate and method by which the compensation was determined.

7. ~~[Nothing]~~ ***Except as otherwise provided in section 7 of this act, nothing*** in subsections 4, 5 and 6 shall affect the degree of prudence which is required of fiduciaries under the laws of this State. Any bonds or securities purchased under authority of this section are not presumed to be affected by a conflict between the fiduciary's personal and fiduciary interest if the purchase of the bonds or securities:

(a) Is at a fair price;

(b) Is in accordance with:

(1) The interest of the beneficiaries; and

(2) The purposes of the trusts; and

(c) Complies with:

(1) The prudent investor standards set forth in NRS 164.700 to 164.775, inclusive; and

(2) The terms of the instrument, judgment, decree or order establishing the fiduciary relationship.

8. ~~[Notwithstanding]~~ ***Except as otherwise provided in section 7 of this act and notwithstanding*** the provisions of subsections 4 to 7, inclusive, a family trust company which is authorized to exercise trust powers in this State and which is acting as a fiduciary shall not purchase for the fiduciary estate any fixed income or equity security issued by the family trust company or an affiliate thereof unless:

(a) The family trust company is expressly authorized to do so by:

(1) The terms of the instrument creating the trust;

(2) A court order;

(3) The written consent of the grantor of the trust; or

(4) The written consent of every adult beneficiary of the trust who, at the time notice is provided pursuant to paragraph (b) of subsection 5, receives or is entitled to receive income under the trust or who would be entitled to receive a distribution of principal if the trust were terminated; or

(b) The purchase of the security:

(1) Is at a fair price; and

(2) Complies with:

(I) The prudent investor standards set forth in NRS 164.700 to 164.775, inclusive; and

(II) The terms of the instrument, judgment, decree or order establishing the fiduciary relationship.

9. As used in this section:

(a) "Face-amount certificate" has the meaning ascribed to it in 15 U.S.C. § 80a-2(a)(15).

(b) "Government securities" has the meaning ascribed to it in 15 U.S.C. § 80a-2(a)(16).

(c) "Investment company" means any issuer which:

(1) Is or holds itself out as being engaged primarily, or proposes to engage primarily, in the business of investing, reinvesting or trading in securities;

(2) Is engaged or proposes to engage in the business of issuing face-amount certificates of the installment type, or has been engaged in such business and has any such certificate outstanding; or

(3) Is engaged or proposes to engage in the business of investing, reinvesting, owning, holding or trading in securities, and owns or proposes to acquire investment securities having a value exceeding 40 percent of the value of the total assets of the issuer, exclusive of government securities and cash items, on an unconsolidated basis.

(d) "Issuer" has the meaning ascribed to it in 15 U.S.C. § 80a-2(a)(22).

Sec. 14. NRS 90.250 is hereby amended to read as follows:

90.250 "Investment adviser" means any person who, for compensation, engages in the business of advising others as to the value of securities or as to the advisability of investing in, purchasing or selling securities, or who, for compensation and as a part of a regular business, issues or promulgates analyses or reports concerning securities. The term does not include:

1. An employee of an adviser;
2. A depository institution;
3. A lawyer, accountant, engineer or teacher whose performance of investment advisory services is solely incidental to the practice of the person's profession;
4. A broker-dealer whose performance of investment advisory services is solely incidental to the conduct of business as a broker-dealer and who receives no special compensation for the investment advisory services;
5. A publisher, employee or columnist of a newspaper, news magazine or business or financial publication, or an owner, operator, producer or employee of a cable, radio or television network, station or production facility if, in either case, the financial or business news published or disseminated is made available to the general public and the content does not consist of rendering advice on the basis of the specific investment situation of each client;
6. A person whose advice, analyses or reports relate only to securities exempt under paragraph (a) of subsection 2 of NRS 90.520; ~~[or]~~
7. ***A family trust company or licensed family trust company or an employee or agent of a family trust company or licensed family trust company that is engaged in the business of a family trust company or licensed family trust company pursuant to chapter 669A of NRS, and that***

is exempt from registration as an investment adviser pursuant to the federal Investment Advisers Act of 1940; or

8. Any other person the Administrator by regulation or order designates.

Sec. 15. NRS 164.740 is hereby amended to read as follows:

164.740 ~~[A]~~ ***Except as otherwise provided in chapter 669A of NRS, a*** trustee who invests and manages trust property owes a duty to the beneficiaries of the trust to comply with the prudent investor rule as set forth in NRS 164.700 to 164.775, inclusive, but a trustee is not liable to a beneficiary to the extent that the trustee acted in reasonable reliance on the terms of the trust.

Sec. 16. **This act becomes effective upon passage and approval.**

Assemblyman Atkinson moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Senate Bill No. 267.

Bill read second time and ordered to third reading.

Senate Bill No. 293.

Bill read second time and ordered to third reading.

Senate Bill No. 294.

Bill read second time and ordered to third reading.

Senate Bill No. 329.

Bill read second time and ordered to third reading.

Senate Bill No. 411.

Bill read second time and ordered to third reading.

Senate Bill No. 420.

Bill read second time and ordered to third reading.

Senate Bill No. 445.

Bill read second time and ordered to third reading.

Senate Bill No. 470.

Bill read second time and ordered to third reading.

Senate Bill No. 474.

Bill read second time and ordered to third reading.

Senate Bill No. 478.

Bill read second time and ordered to third reading.

Senate Bill No. 479.

Bill read second time and ordered to third reading.

Senate Bill No. 482.

Bill read second time and ordered to third reading.

Senate Bill No. 488.

Bill read second time and ordered to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Conklin moved that Senate Bill No. 488 be taken from the General File and rereferred to the Committee on Ways and Means.

Motion carried.

NOTICE OF EXEMPTION

May 23, 2011

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: BDR S-1300.

RICK COMBS
Fiscal Analysis Division

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Ways and Means:

Assembly Bill No. 572—AN ACT relating to taxation; revising provisions governing the expenditure by police departments of the proceeds of the sales and use tax imposed pursuant to the Clark County Sales and Use Tax Act of 2005; revising certain reporting requirements concerning such expenditures; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Taxation.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

NOTICE OF EXEMPTION

May 23, 2011

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the exemption of: Senate Bill No. 154.

RICK COMBS
Fiscal Analysis Division

Assemblyman Conklin moved that Assembly Bill No. 525; Senate Bills Nos. 132, 149, 186, 277, and 317 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

Assemblyman Conklin moved that Senate Bill No. 154 be taken from the General File and rereferred to the Committee on Ways and Means.

Motion carried.

Assemblyman Conklin moved that Senate Bill No. 301 be taken from the General File and placed on the Chief Clerk’s desk.

Motion carried.

Assembly Bill No. 259.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 603.

AN ACT relating to legal services; requiring a portion of certain existing fees to be used for certain programs for legal services; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires certain fees to be charged and collected in civil actions and provides that such fees must only be used for court staffing, capital costs, debt service, renovation, furniture, fixtures, equipment, technology and, in counties whose population is less than 100,000 (currently counties other than Clark and Washoe Counties), for court appointed special advocate programs. (NRS 19.0302) **Section 1** of this bill authorizes such fees to also be used to support legal services for the indigent in counties whose population is less than 100,000. **Section 1** also provides that, in counties whose population is 100,000 or more, (currently Clark and Washoe Counties) $20 of each fee, collected on the commencement or transfer of any action in district court or upon the filing of any first paper by a defendant, must be submitted to a program for legal services for the operation of programs for the indigent.

Existing law also requires certain fees to be charged and collected at the time of recording a notice of default and election to sell. (NRS 107.080) **Section 2** of this bill provides that ~~[$10]~~ **$5** of each fee, collected at the time of recording a notice of default and election to sell, must be submitted to a program for legal services for the operation of programs for the indigent.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 19.0302 is hereby amended to read as follows:

19.0302 1. Except as otherwise provided by specific statute and in addition to any other fee required by law, each clerk of the court or county clerk, as appropriate, shall charge and collect the following fees:

(a) On the commencement of any action or proceeding in the district court, other than those listed in paragraphs (c), (e) and (f), or on the transfer of any action or proceeding from a district court of another county, to be paid by the party commencing the action, proceeding or transfer……...$99

(b) On the appearance of any defendant or any number of defendants answering jointly, to be paid upon the filing of the first paper in the action by the defendant or defendants ……$99

(c) On the filing of a petition for letters testamentary, letters of administration or a guardianship, which fee does not include the court fee prescribed by NRS 19.020, to be paid by the petitioner:

(1) Where the stated value of the estate is $200,000 or more……$352

(2) Where the stated value of the estate is more than $20,000 but less than $200,000……$99

(3) Where the stated value of the estate is $20,000 or less, no fee may be charged or collected.

(d) On the filing of a motion for summary judgment or a joinder thereto $200

(e) On the commencement of an action defined as a business matter pursuant to the local rules of practice and on the answer or appearance of any party in any such action or proceeding, to be paid by the party commencing, answering or appearing in the action or proceeding thereto……...$1,359

(f) On the commencement of:

(1) An action for a constructional defect pursuant to NRS 40.600 to 40.695, inclusive; or

(2) Any other action defined as "complex" pursuant to the local rules of practice,

➥ and on the answer or appearance of any party in any such action or proceeding, to be paid by the party commencing, answering or appearing in the action or proceeding……$349

(g) On the filing of a third-party complaint, to be paid by the filing party ……$135

(h) On the filing of a motion to certify or decertify a class, to be paid by the filing party……..$349

(i) For the issuance of any writ of attachment, writ of garnishment, writ of execution or any other writ designed to enforce any judgment of the court ……..$10

2. ~~[~~Fees~~]~~ ***Except as otherwise provided in subsection 4, fees*** collected pursuant to this section must be deposited into a special account administered by the county and maintained for the benefit of the court. The money in that account must be used only:

(a) To offset the costs for adding and maintaining new judicial departments, including, without limitation, the cost for additional staff;

(b) To reimburse the county for any capital costs incurred for maintaining any judicial departments that are added by the 75th Session of the Nevada Legislature; and

(c) If any money remains in the account in a fiscal year after satisfying the purposes set forth in paragraphs (a) and (b), to:

(1) Acquire land on which to construct additional facilities for the district court or a regional justice center that includes the district court;

(2) Construct or acquire additional facilities for the district court or a regional justice center that includes the district court;

(3) Renovate or remodel existing facilities for the district court or a regional justice center that includes the district court;

(4) Acquire furniture, fixtures and equipment necessitated by the construction or acquisition of additional facilities or the renovation of an existing facility for the district court or a regional justice center that includes the district court;

(5) Acquire advanced technology;

(6) Pay debt service on any bonds issued pursuant to subsection 3 of NRS 350.020 for the acquisition of land or facilities or the construction or renovation of facilities for the district court or a regional justice center that includes the district court;

(7) In a county whose population is less than 100,000, support court appointed special advocate programs for children, at the discretion of the judges of the judicial district; ~~[or]~~

(8) ***In a county whose population is less than 100,000, support legal services to the indigent and to be used by the organization operating the program for legal services that receives the fees charged pursuant to NRS 19.031 for the operation of programs for the indigent; or***

(9) Be carried forward to the next fiscal year.

3. Except as otherwise provided by specific statute, all fees prescribed in this section are payable in advance if demanded by the clerk of the court or county clerk.

4. Each clerk of the court or county clerk shall, on or before the fifth day of each month, account for and pay to the county treasurer ~~[all]~~ ***:***

(a) In a county whose population is 100,000 or more, an amount equal to $20 of each fee collected pursuant to paragraphs (a) and (b) of subsection 1 during the preceding month. The county treasurer shall remit quarterly to the organization operating the program for legal services that receives the fees charged pursuant to NRS 19.031 for the operation of programs for the indigent all the money received from the clerk of the court or county clerk pursuant to this paragraph.

(b) All remaining fees collected pursuant to this section during the preceding month.

Sec. 2. NRS 107.080 is hereby amended to read as follows:

107.080 1. Except as otherwise provided in NRS 107.085 and 107.086, if any transfer in trust of any estate in real property is made after March 29, 1927, to secure the performance of an obligation or the payment of any debt, a power of sale is hereby conferred upon the trustee to be exercised after a breach of the obligation for which the transfer is security.

2. The power of sale must not be exercised, however, until:

(a) Except as otherwise provided in paragraph (b), in the case of any trust agreement coming into force:

(1) On or after July 1, 1949, and before July 1, 1957, the grantor, the person who holds the title of record, a beneficiary under a subordinate deed of trust or any other person who has a subordinate lien or encumbrance of

record on the property has, for a period of 15 days, computed as prescribed in subsection 3, failed to make good the deficiency in performance or payment; or

(2) On or after July 1, 1957, the grantor, the person who holds the title of record, a beneficiary under a subordinate deed of trust or any other person who has a subordinate lien or encumbrance of record on the property has, for a period of 35 days, computed as prescribed in subsection 3, failed to make good the deficiency in performance or payment;

(b) In the case of any trust agreement which concerns owner-occupied housing as defined in NRS 107.086, the grantor, the person who holds the title of record, a beneficiary under a subordinate deed of trust or any other person who has a subordinate lien or encumbrance of record on the property has, for a period that commences in the manner and subject to the requirements described in subsection 3 and expires 5 days before the date of sale, failed to make good the deficiency in performance or payment;

(c) The beneficiary, the successor in interest of the beneficiary or the trustee first executes and causes to be recorded in the office of the recorder of the county wherein the trust property, or some part thereof, is situated a notice of the breach and of the election to sell or cause to be sold the property to satisfy the obligation; and

(d) Not less than 3 months have elapsed after the recording of the notice.

3. The 15- or 35-day period provided in paragraph (a) of subsection 2, or the period provided in paragraph (b) of subsection 2, commences on the first day following the day upon which the notice of default and election to sell is recorded in the office of the county recorder of the county in which the property is located and a copy of the notice of default and election to sell is mailed by registered or certified mail, return receipt requested and with postage prepaid to the grantor or, to the person who holds the title of record on the date the notice of default and election to sell is recorded, and, if the property is operated as a facility licensed under chapter 449 of NRS, to the State Board of Health, at their respective addresses, if known, otherwise to the address of the trust property. The notice of default and election to sell must:

(a) Describe the deficiency in performance or payment and may contain a notice of intent to declare the entire unpaid balance due if acceleration is permitted by the obligation secured by the deed of trust, but acceleration must not occur if the deficiency in performance or payment is made good and any costs, fees and expenses incident to the preparation or recordation of the notice and incident to the making good of the deficiency in performance or payment are paid within the time specified in subsection 2; and

(b) If the property is a residential foreclosure, comply with the provisions of NRS 107.087.

4. The trustee, or other person authorized to make the sale under the terms of the trust deed or transfer in trust, shall, after expiration of the 3-month period following the recording of the notice of breach and election to

sell, and before the making of the sale, give notice of the time and place thereof by recording the notice of sale and by:

(a) Providing the notice to each trustor, any other person entitled to notice pursuant to this section and, if the property is operated as a facility licensed under chapter 449 of NRS, the State Board of Health, by personal service or by mailing the notice by registered or certified mail to the last known address of the trustor and any other person entitled to such notice pursuant to this section;

(b) Posting a similar notice particularly describing the property, for 20 days successively, in three public places of the township or city where the property is situated and where the property is to be sold;

(c) Publishing a copy of the notice three times, once each week for 3 consecutive weeks, in a newspaper of general circulation in the county where the property is situated; and

(d) If the property is a residential foreclosure, complying with the provisions of NRS 107.087.

5. Every sale made under the provisions of this section and other sections of this chapter vests in the purchaser the title of the grantor and any successors in interest without equity or right of redemption. A sale made pursuant to this section may be declared void by any court of competent jurisdiction in the county where the sale took place if:

(a) The trustee or other person authorized to make the sale does not substantially comply with the provisions of this section or any applicable provision of NRS 107.086 and 107.087;

(b) Except as otherwise provided in subsection 6, an action is commenced in the county where the sale took place within 90 days after the date of the sale; and

(c) A notice of lis pendens providing notice of the pendency of the action is recorded in the office of the county recorder of the county where the sale took place within 30 days after commencement of the action.

6. If proper notice is not provided pursuant to subsection 3 or paragraph (a) of subsection 4 to the grantor, to the person who holds the title of record on the date the notice of default and election to sell is recorded, to each trustor or to any other person entitled to such notice, the person who did not receive such proper notice may commence an action pursuant to subsection 5 within 120 days after the date on which the person received actual notice of the sale.

7. The sale of a lease of a dwelling unit of a cooperative housing corporation vests in the purchaser title to the shares in the corporation which accompany the lease.

8. After a sale of property is conducted pursuant to this section, the trustee shall:

(a) Within 30 days after the date of the sale, record the trustee's deed upon sale in the office of the county recorder of the county in which the property is located; or

(b) Within 20 days after the date of the sale, deliver the trustee's deed upon sale to the successful bidder. Within 10 days after the date of delivery of the deed by the trustee, the successful bidder shall record the trustee's deed upon sale in the office of the county recorder of the county in which the property is located.

9. If the successful bidder fails to record the trustee's deed upon sale pursuant to paragraph (b) of subsection 8, the successful bidder:

(a) Is liable in a civil action to any party that is a senior lienholder against the property that is the subject of the sale in a sum of up to $500 and for reasonable attorney's fees and the costs of bringing the action; and

(b) Is liable in a civil action for any actual damages caused by the failure to comply with the provisions of subsection 8 and for reasonable attorney's fees and the costs of bringing the action.

10. The county recorder shall, in addition to any other fee, at the time of recording a notice of default and election to sell collect:

(a) A fee of $150 for deposit in the State General Fund.

(b) A fee of ~~[$50]~~ *~~[$40]~~* ***$45*** for deposit in the Account for Foreclosure Mediation, which is hereby created in the State General Fund. The Account must be administered by the Court Administrator, and the money in the Account may be expended only for the purpose of supporting a program of foreclosure mediation established by Supreme Court Rule.

~~[~~**~~.~~**~~]~~ ***(c) A fee of*** *~~[$10]~~* ***$5 to be paid over to the county treasurer on or before the fifth day of each month for the preceding calendar month. The county recorder may direct that 1.5 percent of the fees collected by the county recorder pursuant to this paragraph be transferred into a special account for use by the office of the county recorder. The county treasurer shall remit quarterly to the organization operating the program for legal services that receives the fees charged pursuant to NRS 19.031 for the operation of programs for the indigent all the money received from the county recorder pursuant to this paragraph.***

11. The fees collected pursuant to ~~[this subsection]~~ ***paragraphs (a) and (b) of subsection 10*** must be paid over to the county treasurer by the county recorder on or before the fifth day of each month for the preceding calendar month, and, except as otherwise provided in this subsection, must be placed to the credit of the State General Fund or the Account ***for Foreclosure Mediation*** as prescribed pursuant to ~~[this]~~ subsection ~~[.]~~ ***10.*** The county recorder may direct that 1.5 percent of the fees collected by the county recorder be transferred into a special account for use by the office of the county recorder. The county treasurer shall, on or before the 15th day of each month, remit the fees deposited by the county recorder pursuant to this subsection to the State Controller for credit to the State General Fund or the Account as prescribed in ~~[this]~~ subsection ~~[.~~

~~11.]~~ ***10.***

12. The beneficiary, the successor in interest of the beneficiary or the trustee who causes to be recorded the notice of default and election to sell

shall not charge the grantor or the successor in interest of the grantor any portion of any fee required to be paid pursuant to subsection 10.

~~[12.]~~ ***13.*** As used in this section, "residential foreclosure" means the sale of a single family residence under a power of sale granted by this section. As used in this subsection, "single family residence":

(a) Means a structure that is comprised of not more than four units.

(b) Does not include any time share or other property regulated under chapter 119A of NRS.

Sec. 3. This act becomes effective on July 1, 2011.

Assemblyman Hickey moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, reengrossed, and to third reading.

Senate Bill No. 6.

Bill read third time.

Roll call on Senate Bill No. 6:

YEAS—42.

NAYS—None.

Senate Bill No. 6 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 10.

Bill read third time.

Roll call on Senate Bill No. 10:

YEAS—42.

NAYS—None.

Senate Bill No. 10 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 12.

Bill read third time.

Roll call on Senate Bill No. 12:

YEAS—42.

NAYS—None.

Senate Bill No. 12 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 13.

Bill read third time.

Roll call on Senate Bill No. 13:

YEAS—42.

NAYS—None.

Senate Bill No. 13 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 15.
Bill read third time.
Roll call on Senate Bill No. 15:
YEAS—41.
NAYS—Neal.
Senate Bill No. 15 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Conklin moved that Senate Bill No. 94 be taken from the General File and placed on the General File for the next legislative day.
Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 17.
Bill read third time.
Roll call on Senate Bill No. 17:
YEAS—42.
NAYS—None.
Senate Bill No. 17 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 21.
Bill read third time.
Roll call on Senate Bill No. 21:
YEAS—42.
NAYS—None.
Senate Bill No. 21 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 25.
Bill read third time.
Roll call on Senate Bill No. 25:
YEAS—42.
NAYS—None.
Senate Bill No. 25 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 33.
Bill read third time.
Roll call on Senate Bill No. 33:
YEAS—42.
NAYS—None.

Senate Bill No. 33 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Conklin moved that Senate Bill No. 37 be taken from General File and placed at the top of the General File for the next legislative day.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 38.

Bill read third time.

Roll call on Senate Bill No. 38:

YEAS—42.

NAYS—None.

Senate Bill No. 38 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 45.

Bill read third time.

Roll call on Senate Bill No. 45:

YEAS—42.

NAYS—None.

Senate Bill No. 45 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 58.

Bill read third time.

Roll call on Senate Bill No. 58:

YEAS—42.

NAYS—None.

Senate Bill No. 58 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 63.

Bill read third time.

Roll call on Senate Bill No. 63:

YEAS—41.

NAYS—Kirner.

Senate Bill No. 63 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 66.
Bill read third time.
Roll call on Senate Bill No. 66:
YEAS—40.
NAYS—Hickey, Sherwood—2.
Senate Bill No. 66 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 67.
Bill read third time.
Roll call on Senate Bill No. 67:
YEAS—42.
NAYS—None.
Senate Bill No. 67 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 79.
Bill read third time.
Roll call on Senate Bill No. 79:
YEAS—42.
NAYS—None.
Senate Bill No. 79 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 89.
Bill read third time.
Roll call on Senate Bill No. 89:
YEAS—42.
NAYS—None.
Senate Bill No. 89 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 96.
Bill read third time.
Roll call on Senate Bill No. 96:
YEAS—42.
NAYS—None.
Senate Bill No. 96 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 109.
Bill read third time.

Roll call on Senate Bill No. 109:
YEAS—42.
NAYS—None.
Senate Bill No. 109 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 111.
Bill read third time.
Roll call on Senate Bill No. 111:
YEAS—42.
NAYS—None.
Senate Bill No. 111 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 117.
Bill read third time.
Roll call on Senate Bill No. 117:
YEAS—42.
NAYS—None.
Senate Bill No. 117 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 134.
Bill read third time.
Roll call on Senate Bill No. 134:
YEAS—42.
NAYS—None.
Senate Bill No. 134 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 137.
Bill read third time.
Roll call on Senate Bill No. 137:
YEAS—41.
NAYS—Carlton.
Senate Bill No. 137 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 157.
Bill read third time.
Roll call on Senate Bill No. 157:
YEAS—42.
NAYS—None.

Senate Bill No. 157 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 167.

Bill read third time.

Remarks by Assemblywoman Benitez-Thompson.

Roll call on Senate Bill No. 167:

YEAS—42.

NAYS—None.

Senate Bill No. 167 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 196.

Bill read third time.

Roll call on Senate Bill No. 196:

YEAS—42.

NAYS—None.

Senate Bill No. 196 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 209.

Bill read third time.

Remarks by Assemblyman Anderson.

Roll call on Senate Bill No. 209:

YEAS—42.

NAYS—None.

Senate Bill No. 209 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 225.

Bill read third time.

Roll call on Senate Bill No. 225:

YEAS—42.

NAYS—None.

Senate Bill No. 225 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 245.

Bill read third time.

Roll call on Senate Bill No. 245:

YEAS—42.

NAYS—None.

Senate Bill No. 245 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 264.

Bill read third time.

Remarks by Assemblywoman Mastroluca.

Roll call on Senate Bill No. 264:

YEAS—41.

NAYS—Hardy.

Senate Bill No. 264 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 322.

Bill read third time.

Roll call on Senate Bill No. 322:

YEAS—42.

NAYS—None.

Senate Bill No. 322 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 328.

Bill read third time.

Roll call on Senate Bill No. 328:

YEAS—37.

NAYS—Ellison, Hansen, Hardy, Kirner, Kite—5.

Senate Bill No. 328 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 331.

Bill read third time.

Roll call on Senate Bill No. 331:

YEAS—29.

NAYS—Ellison, Goicoechea, Grady, Hambrick, Hammond, Hansen, Hardy, Hickey, Kirner, Livermore, Sherwood, Stewart, Woodbury—13.

Senate Bill No. 331 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 337.

Bill read third time.

Roll call on Senate Bill No. 337:

YEAS—42.

NAYS—None.

Senate Bill No. 337 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 353.

Bill read third time.

Roll call on Senate Bill No. 353:

YEAS—42.

NAYS—None.

Senate Bill No. 353 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 368.

Bill read third time.

Roll call on Senate Bill No. 368:

YEAS—29.

NAYS—Ellison, Goicoechea, Grady, Hambrick, Hammond, Hansen, Hardy, Hickey, Kirner, Livermore, Sherwood, Stewart, Woodbury—13.

Senate Bill No. 368 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 387.

Bill read third time.

Roll call on Senate Bill No. 387:

YEAS—30.

NAYS—Carlton, Goedhart, Hammond, Hansen, Hardy, Kirner, Kite, Livermore, McArthur, Sherwood, Stewart, Woodbury—12.

Senate Bill No. 387 having received a two-thirds majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 390.

Bill read third time.

Roll call on Senate Bill No. 390:

YEAS—41.

NAYS—Sherwood.

Senate Bill No. 390 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 441.

Bill read third time.

Roll call on Senate Bill No. 441:

YEAS—42.

NAYS—None.

Senate Bill No. 441 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 495.

Bill read third time.

Potential conflict of interest declared by Assemblyman Anderson.

Conflict of interest declared by Assemblywoman Woodbury.

Roll call on Senate Bill No. 495:

YEAS—38.

NAYS—Aizley, Brooks, Pierce—3.

NOT VOTING—Woodbury.

Senate Bill No. 495 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Joint Resolution No. 4.

Resolution read third time.

Roll call on Senate Joint Resolution No. 4:

YEAS—42.

NAYS—None.

Senate Joint Resolution No. 4 having received a constitutional majority, Mr. Speaker declared it passed.

Resolution ordered transmitted to the Senate.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Smith, the privilege of the floor of the Assembly Chamber for this day was extended to the following students and chaperones from Truckee Meadows Community College High School: Rachel Bonderson, Danessa Duckett, Blanca Fascio, Amelia Gunn, Olivia Hernandez, Vanessa Lan, Alicia Lee, Dalton Malone, Savannah Mascarelli, Jared Michael, Joshua Moore, Sera Ozbek, Zachary Reinitz, Amanda Rieger, Justin Schilling, Erin Smith, Joseph Stanton, Maxwell Thom, Brooke Whisenant, Steven Aguilar, Seini Aonga, Gabriel Busch, Julian Byrd, Markus Chapman, Dominick Peter Crisostomo, Kyle Fenner, Meghan Grassi, Bruce Kroboth, Shay Malloy, Tyler Nott, Morgan Perry, Mark Peterson, Devonnie Pickrell, Kyle Polzin, Erica Rose, Amanda Mae Sagun, Dylan Schindler, Mason Walton, Isabel Youngs, and Carlos Hatfield.

Assemblyman Conklin moved that the Assembly adjourn until Wednesday, May 25, 2011, at 10 a.m., and that it do so with our thoughts and prayers going out to those affected by the tornado in Joplin, Missouri.

Motion carried.

Assembly adjourned at 12:26 p.m.

Approved: JOHN OCEGUERA
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

The

Journal of the Assembly

OF THE

SEVENTY-SIXTH SESSION

OF THE

LEGISLATURE OF THE STATE OF NEVADA

2011

BEGUN ON MONDAY, THE SEVENTH DAY OF FEBRUARY, AND ENDED ON MONDAY, THE SIXTH DAY OF JUNE

VOLUME 4

**THE ONE HUNDRED AND EIGHTH DAY—
THE ONE HUNDRED AND TWELFTH DAY**

**SEE VOLUME 1 FOR TABLE OF CONTENTS
SEE VOLUME 6 FOR INDEX**

ARRANGEMENT AND CONTENTS OF VOLUME 4

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ASSEMBLY PROCEEDINGS 3751

THE ONE HUNDRED EIGHTH DAY

CARSON CITY (Wednesday), May 25, 2011

Assembly called to order at 10:35 a.m.
Mr. Speaker presiding.
Roll called.
All present.
Prayer by the Chaplain, Dr. Ken Haskins.

Our Heavenly Father, You are light. Your word is a lamp unto our feet and a light unto our path. Enlighten us with knowledge, understanding, reason, and wisdom. Enable us to make good and wise decisions and to promote the best interests of all Nevadans. I pray in the Name of the One who is the light of the world.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Conklin moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Ways and Means has had under consideration the various budgets for the Division of Insurance of the Department of Business and Industry, and begs leave to report back that the following accounts have been closed by the Committee:

Insurance Regulation (101-3813)
Insurance Examiners (223-3817)
Captive Insurers (101-3818)
Insurance Recovery (101-3821)
Insurance Education and Research (101-3824)
National Association of Insurance Commissioners (101-3828)
Insurance Cost Stabilization (101-3833)
Self Insured – Workers' Compensation (210-4684)

Also, Your Committee on Ways and Means has had under consideration the various budgets for the Department of Education and the Commission on Postsecondary Education, and begs leave to report back that the following accounts have been closed by the Committee:

Educational Trust Fund (101-2614)
Education State Programs (101-2673)
Education Staffing Services (101-2719)
Education Support Services (101-2720)
Proficiency Testing (101-2697)
Teacher Education and Licensing (101-2705)
Drug Abuse Education (101-2605)
School Health Education – AIDS (101-2611)
Gear Up (101-2678)
Other Unrestricted Accounts (101-2706)

Discretionary Grants – Restricted (101-2709)
Elementary and Secondary Education – Title I (101-2712)
Elementary and Secondary Education – Titles II, V & VI (101-2713)
Student Incentive Grants (101-2606)
Career and Technical Education (101-2676)
Continuing Education (101-2680)
Nutrition Education Programs (101-2691)
Individuals with Disabilities (IDEA) (101-2715)
Commission on Postsecondary Education (101-2666)

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Conklin moved that the following budget closure remarks be entered in the Journal.

Motion carried.

ASSEMBLYMAN BOBZIEN:

The Assembly Committee on Ways and Means has completed its review of the various budgets for the Division of Insurance for the 2011-13 biennium. The major closing recommendations for these accounts include the following:

Insurance regulation (101-3813) B&I-57:

The Committee did not approve the Governor's recommendation to consolidate six of the Division's budget accounts into the Insurance Regulation account. The Committee approved a letter of intent requesting the Division report to the Interim Finance Committee, no later than February 2012, on the options considered for reducing the number of employees included in its cost allocation methodology.

The Committee approved the Governor's recommendation to transfer five positions from the Division of Insurance to the Business and Industry Director's Office, as part of the Department's centralization plan for personnel, fiscal, and IT functions.

The Committee approved continuation of the letter of intent issued following the 2009 Legislative Session, requesting the Division to report to the Interim Finance Committee, no later than September 2012 regarding the costs of administering the Self Insured Workers' Compensation program during FY 2012, based on actual time and effort reports by staff funded through the Insurance Regulation account.

The Committee voted not to approve the Governor's recommendation to include a $100 General Fund appropriation in each year of the 2011-13 biennium. The Committee authorized a General Fund advance, equal to no more than two months of operating expenses, if the Division experiences an unanticipated revenue shortfall during the 2011-13 biennium.

Insurance examiners (223-3817) B&I-76:

The Committee approved a letter of intent directing the Division to report to the Interim Finance Committee, no later than January 1, 2012, the process to be used to refund overpayment of fees charged to insurers for the Insurance Premium Tax Desk Audit program, the methodology used to determine which refund option was most appropriate, and when the refund or tax credit would be implemented by the Division. Additionally, the agency was directed to utilize the approach that would have the least negative impact on the General Fund.

The Committee did not approve the Governor's recommendation to consolidate this account into the Insurance Regulation account.

National Association of Insurance Commissioners (101-3828) B&I-98:

The Committee voted to increase out-of-state travel authority to $19,000 in each year of the 2011-13 biennium, which is $18,943 more than recommended in The Executive Budget.

The Committee voted to approve the suspension of the National Association of Insurance Commissioners assessment during the 2011-13 biennium, based on the projected reserve levels in this account at the end of FY 2013. The Division plans to reinstate the assessment in The Executive Budget for the 2013-2015 biennium. This was not included in the Governor's recommended budget.

The Committee did not approve the Governor's recommendation to consolidate this account into the Insurance Regulation account.

Other accounts with no major closing issues:

The following accounts were closed by the Committee as recommended by the Governor, excluding approval of the Governor's recommendation to consolidate all of the accounts, except the Self Insured Workers' Compensation account, into the Insurance Regulation account:

- CAPTIVE INSURERS (101-3818) B&I-82
- INSURANCE RECOVERY (101-3821) B&I-89
- INSURANCE EDUCATION & RESEARCH (101-3824) B&I-91
- INSURANCE COST STABILIZATION (101-3833) B&I-101
- SELF INSURED WORKERS' COMPENSATION (210-4684) B&I-108

ASSEMBLYWOMAN MASTROLUCA:

The Ways and Means Committee has closed the following accounts for the Nevada Department of Education. The closings decrease General Fund appropriations for the Department by $505,700 in FY 2012 and $507,087 in FY 2013.

Educational Trust Fund (101-2614) K-12 Education-23:

The balance of the Educational Trust Fund, which is funded through expired or abandoned gift certificates, is projected at $58,481 in FY 2012 and $67,481 in FY 2013. Pursuant to statute, collections from the trust fund can only be expended as authorized by the Legislature. The Committee approved expenditures from the trust fund of $7,000 in each year of the 2011-13 biennium to establish a State Teacher of the Year program as recommended by the State Superintendent of Public Instruction.

Education State Programs (101-2673) K-12 Education-27:

The Committee approved the Governor's recommendation to eliminate General Funds of $270,000 each year of the biennium for technical assistance and school support teams for non-Title I schools.

Education Support Services (101-2720) K-12 Education-39:

The Committee approved $8,764 in reserves over the 2011-13 biennium for additional training expenditures to allow grant management training for staff. The Committee approved the remainder of the account as recommended by the Governor.

Proficiency Testing (101-2697) K-12 Education-46:

The Committee supported the Governor's recommendation to reduce General Funds of $1.85 million over the 2011-13 biennium for the elimination of the norm-referenced tests.

Teacher Education and Licensing (101-2705) K-12 Education-52:

The Committee closed the Teacher Licensing account as recommended by the Governor; however, expressed concern regarding the ability of the Office of Teacher Licensure to remain self-supporting due to declining revenues and reserves. In that regard, the Committee issued a letter of intent directing the Department to report on the reserves in the account, and any proposed changes to the fee structure or staffing levels in order to remain self-supporting. The Committee also expressed concern regarding the completion of the teacher licensure database approved by the 2009 Legislature, which was not completed due to declining revenues. In that regard, the Committee issued a letter of intent directing the Department to report on the status of the completion of the teacher licensure database.

Drug Abuse Education (101-2605) K-12 Education-58:

The Committee approved the Governor's recommendation to eliminate this account from The Executive Budget due to the elimination of federal Safe and Drug-Free Schools and Communities grant funds. The elimination of the federal grant includes the elimination of one position.

Other Unrestricted Accounts (101-2706) K-12 Education-73:

The Committee approved staff's recommendation to transfer a position from the Education State Programs account to this account, to be funded with charter school fees since the position works 100 percent on charter school activities. The Committee's action resulted in a General Fund savings of $103,175 in FY 2012 and $104,562 in FY 2013. The Committee approved the remainder of the account as recommended by the Governor.

Discretionary Grants-Restricted (101-2709) K-12 Education-79:

The Committee approved staff's recommendation to carry-forward federal Education Jobs grant funds of $30.1 million in FY 2012, which had not been included in The Executive Budget. The Committee closed the remainder of the account as recommended by the Governor.

Student Incentive Grants (101-2606) K-12 Education-101:

The Committee approved the Governor's budget amendment to eliminate the Student Incentive Grants account from The Executive Budget due to the elimination of federal grant funds, resulting in a reduction of General Funds of $381,634 in each year of the 2011-13 biennium appropriated for match funds to receive the federal grants.

Nutrition Education Programs (101-2691) K-12 Education-114:

The Committee closed the account as recommended by the Governor, but included a letter of intent directing the Department to work with the school districts to increase the state's participation rate in the National School Lunch program and the School Breakfast program to the national average.

Individuals with Disabilities (IDEA) (101-2715) K-12 Education-122:

The Committee approved staff's recommendation to reduce General Funds of $20,891 in each year of the 2011-13 biennium since no child is currently enrolled in the NRS 395 program. The program requires out-of-state placement and monitoring of certain students with disabilities. The Committee approved the remainder of the account as recommended by the Governor.

The Committee closed the following accounts as recommended by the Governor, with technical adjustments:

- Education Staffing Services (101-2719)
- School Health Education – AIDS (101-2611)
- Gear Up (101-2678)
- Elementary & Secondary Education Title I (101-2712)
- Elementary & Secondary Education Titles II, V & VI (101-2713)
- Career & Technical Education (101-2676)
- Continuing Education (101-2680)
- Commission on Postsecondary Education (101-2666)*****

*****This account is stand-alone, and not included within the Department of Education

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which were referred Senate Bills Nos. 19, 99, 136, 143, 184, 190, 200, 215, 273, 289, 292, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

KELVIN ATKINSON, *Chair*

Mr. Speaker:

Your Committee on Education, to which were referred Senate Bills Nos. 237, 315, 365, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DAVID P. BOBZIEN, *Chair*

Mr. Speaker:

Your Committee on Judiciary, to which were referred Senate Bills Nos. 88, 112, 194, 201, 405, 436, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

WILLIAM C. HORNE, *Chair*

Mr. Speaker:

Your Committee on Natural Resources, Agriculture, and Mining, to which was referred Senate Bill No. 102, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Natural Resources, Agriculture, and Mining, to which were referred Senate Bills Nos. 226, 417, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Natural Resources, Agriculture, and Mining, to which were referred Senate Bill No. 236; Senate Joint Resolution No. 3, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Natural Resources, Agriculture, and Mining, to which were referred Senate Concurrent Resolutions Nos. 1, 2, has had the same under consideration, and begs leave to report the same back with the recommendation: Be adopted.

MAGGIE CARLTON, *Chair*

Mr. Speaker:

Your Committee on Ways and Means, to which were referred Assembly Bills Nos. 489, 530, 531, 562, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Ways and Means, to which was referred Assembly Bill No. 528, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which was referred Assembly Bill No. 529, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which was rereferred Assembly Bill No. 148, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which was rereferred Assembly Bill No. 390, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Ways and Means, to which was rereferred Assembly Bill No. 247, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which were rereferred Assembly Bills Nos. 202, 255, 330, 359, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, as amended.

Also, your Concurrent Committee on Ways and Means, to which was referred Assembly Bill No. 48, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, as amended.

DEBBIE SMITH, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 23, 2011

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 19, 237, 246, 248, 276, 280, 292, 306, 317, 318, 368, 373, 395, 396, 420, 451, 454, 472, 480, 481, 534, 544, 564; Assembly Joint Resolution No. 1; Senate Bill No. 206.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 138, Amendment No. 620; Assembly Bill No. 227, Amendment No. 624; Assembly Bill No. 249, Amendment No. 577; Assembly Bill No. 253, Amendment No. 596; Assembly Bill No. 254, Amendment No. 595; Assembly Bill No. 290, Amendment No. 601; Assembly Bill No. 313, Amendment No. 572; Assembly Bill No. 362, Amendment No. 610; Assembly Bill No. 455, Amendment No. 622; Assembly Bill No. 498, Amendment No. 621; Assembly Bill No. 533, Amendment No. 588; Assembly Bill No. 535, Amendment No. 589, and respectfully requests your honorable body to concur in said amendments.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Conklin moved that Assembly Bills Nos. 48, 148, 202, 247, 255, 330, 359, and 390, just reported out of committee, be placed at the top of the General File.

Motion carried.

Assemblyman Conklin moved that Assembly Bills Nos. 489, 528, 529, 530, 531, 562, and Senate Bills Nos. 19, 88, 99, 102, 112, 136, 143, 184, 190, 194, 200, 201, 215, 226, 236, 237, 273, 289, 292, 315, 365, 405, 417, 436 and Senate Joint Resolution No. 3, just reported out of committee, be placed on the Second Reading File.

Motion carried.

Assemblyman Conklin moved that Senate Bills Nos. 470, 474, 478, 479, and 482 be taken from their position on the General File and placed at the top of the General File.

Motion carried.

Assemblyman Conklin moved that Senate Concurrent Resolutions Nos. 1 and 2, just reported out of committee, be placed on the Resolution File.

Motion carried.

Senate Concurrent Resolution No. 1.

Assemblywoman Carlton moved the adoption of the resolution.

Remarks by Assemblymen Carlton and Ellison.

Resolution adopted and ordered transmitted to the Senate.

Senate Concurrent Resolution No. 2.

Assemblyman Hogan moved the adoption of the resolution.

Remarks by Assemblyman Hogan.

Resolution adopted and ordered transmitted to the Senate.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Legislative Operations and Elections:

Assembly Bill No. 573—AN ACT relating to elections; revising the districts from which members of the State Board of Education are elected; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

Senate Bill No. 206.

Assemblyman Conklin moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 489.

Bill read second time and ordered to third reading.

Assembly Bill No. 528.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 755.

AN ACT relating to public health; authorizing the transfer of money received to carry out provisions relating to the medical use of marijuana; requiring the Division of Mental Health and Developmental Services of the Department of Health and Human Services to use certain money for alcohol and drug abuse programs for certain persons; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1 of this bill authorizes the Administrator of the Health Division of the Department of Health and Human Services to transfer to the Division of Mental Health and Developmental Services of the Department money received to carry out the program for the issuance of registry identification cards to persons who engage in the medical use of marijuana. **Section 2** of this bill requires the Division of Mental Health and Developmental Services to use the money transferred pursuant to **section 1** to provide alcohol and drug abuse programs to persons referred by an agency which provides child welfare services.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 453A.730 is hereby amended to read as follows:

453A.730 1. Any money the Administrator of the Division receives pursuant to NRS 453A.720 or that is appropriated to carry out the provisions of this chapter:

(a) Must be deposited in the State Treasury and accounted for separately in the State General Fund;

(b) May only be used to carry out ~~[the]~~ ***:***

(1) The provisions of this chapter, including the dissemination of information concerning the provisions of this chapter and such other information as determined appropriate by the Administrator; and

(2) Alcohol and drug abuse programs pursuant to section 2 of this act; and

(c) Does not revert to the State General Fund at the end of any fiscal year.

2. ***The Administrator of the Division may transfer*** ~~*[to the State Grant and Gift Account for Alcohol and Drug Abuse created by NRS 458.100]*~~ ***money in the account created pursuant to subsection 1 that is not needed to carry out this chapter*** ~~*[.]*~~ ***to the Division of Mental Health and***

Developmental Services of the Department of Health and Human Services for use by an agency of that Division which provides services for the treatment and prevention of substance abuse. The money transferred pursuant to this subsection must be used for the provision of alcohol and drug abuse programs in accordance with section 2 of this act.

3. The Administrator of the Division shall administer the account. Any interest or income earned on the money in the account must be credited to the account. Any claims against the account must be paid as other claims against the State are paid.

Sec. 2. Chapter 458 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Division shall use any money transferred pursuant to NRS 453A.730 to provide alcohol and drug abuse programs to persons referred to the Division by agencies which provide child welfare services.

2. Money received pursuant to NRS 453A.730 must be accounted for separately ~~*[within the State Grant and Gift Account for Alcohol and Drug Abuse created by NRS 458.100. Any money remaining in the account at the end of a fiscal year does not revert to the State General Fund and the balance must carry forward to the next fiscal year.]*~~ ***by the Division.***

Sec. 3. NRS 458.010 is hereby amended to read as follows:

458.010 As used in NRS 458.010 to 458.350, inclusive, ***and section 2 of this act,*** unless the context requires otherwise:

1. "Administrator" means the Administrator of the Division.

2. "Alcohol and drug abuse program" means a project concerned with education, prevention and treatment directed toward achieving the mental and physical restoration of alcohol and drug abusers.

3. "Alcohol and drug abuser" means a person whose consumption of alcohol or other drugs, or any combination thereof, interferes with or adversely affects the ability of the person to function socially or economically.

4. "Alcoholic" means any person who habitually uses alcoholic beverages to the extent that the person endangers the health, safety or welfare of himself or herself or any other person or group of persons.

5. "Civil protective custody" means a custodial placement of a person to protect the health or safety of the person. Civil protective custody does not have any criminal implication.

6. "Detoxification technician" means a person who is certified by the Division to provide screening for the safe withdrawal from alcohol and other drugs.

7. "Division" means the Division of Mental Health and Developmental Services of the Department of Health and Human Services.

8. "Facility" means a physical structure used for the education, prevention and treatment, including mental and physical restoration, of alcohol and drug abusers.

Sec. 4. NRS 458.100 is hereby amended to read as follows:

458.100 1. All gifts or grants of money for an alcohol and drug abuse program which the Division is authorized to accept must be deposited in the State Treasury for credit to the State Grant and Gift Account for Alcohol and Drug Abuse which is hereby created in the Department of Health and Human Services' Gift Fund.

2. ~~[Money]~~ ***Subject to the limitations set forth in section 2 of this act, money*** in the Account must be used to carry out the provisions of NRS 458.010 to 458.350, inclusive ~~[.]~~ ***, and section 2 of this act.***

3. All claims must be approved by the Administrator before they are paid.

Sec. 5. NRS 458.103 is hereby amended to read as follows:

458.103 The Division may accept:

1. Money appropriated and made available by any act of Congress for any alcohol and drug abuse program administered by the Division as provided by law.

2. Money appropriated and made available by the State of Nevada or by a county, a city, a public district or any political subdivision of this State for any alcohol and drug abuse program administered by the Division as provided by law.

3. Money transferred pursuant to NRS 453A.730 for the provision of alcohol and drug abuse programs in accordance with section 2 of this act.

Sec. 6. This act becomes effective on July 1, 2011.

Assemblyman Hickey moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 529.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 754.

AN ACT relating to public financial administration; revising provisions relating to the use of money in the Fund for Hospital Care to Indigent Persons; transferring money from an account in the Fund to the State General Fund for the next biennium; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law creates the Fund for Hospital Care to Indigent Persons for the provision of medical care to indigent persons and requires each county to deposit certain taxes ad valorem into the Fund. (NRS 428.175, 428.185, 428.285, 428.305) **Sections 1 and 2** of this bill allow the use of money in the Fund for any purpose authorized by the Legislature. **Section 3** of this bill makes transfers of certain amounts from an account in the Fund to the State General Fund for the next 2 fiscal years.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 428.175 is hereby amended to read as follows:

428.175 1. The Fund for Hospital Care to Indigent Persons is hereby created as a special revenue fund for the purposes described in NRS 428.115 to 428.255, inclusive ~~[.]~~ ***, and any other purpose authorized by the Legislature.***

2. All money collected or recovered pursuant to NRS 428.115 to 428.255, inclusive, and the interest earned on the money in the Fund must be deposited for credit to the Fund. Claims against the Fund must be paid on claims approved by the Board.

Sec. 2. NRS 428.305 is hereby amended to read as follows:

428.305 1. The Supplemental Account for Medical Assistance to Indigent Persons is created in the Fund for Hospital Care to Indigent Persons. The interest earned on the money in the Supplemental Account must be deposited for credit to the Supplemental Account.

2. Beginning with the fiscal year that begins on July 1, 2005, at the end of each quarter of a fiscal year, the balance in the Supplemental Account must be ~~[transferred]~~ ***:***

(a) Transferred to the Health Insurance Flexibility and Accountability Holding Account in the State General Fund in an amount not to exceed the amount of any appropriation provided by the Legislature to fund a program established pursuant to NRS 422.2728 ~~[.]~~ ***; or***

(b) Used for any other purpose authorized by the Legislature.

3. Any money remaining in the Health Insurance Flexibility and Accountability Holding Account at the end of each fiscal year reverts to the Fund for Hospital Care to Indigent Persons and to the State General Fund in equal amounts.

Sec. 3. The State Controller shall transfer from the Supplemental Account for Medical Assistance to Indigent Persons created in the Fund for Hospital Care to Indigent Persons pursuant to NRS 428.305 to the State General Fund the sum of ~~[$19,617,508]~~ **$19,112,621** in Fiscal Year 2011-2012 and ~~[$19,779,105]~~ **$19,218,718** in Fiscal Year 2012-2013 for unrestricted State General Fund use.

Sec. 4. **1.** This act becomes effective on July 1, 2011.

2. Sections 1 and 2 of this act expire by limitation on June 30, 2013.

Assemblyman Hickey moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 530.

Bill read second time and ordered to third reading.

Assembly Bill No. 531.

Bill read second time and ordered to third reading.

Assembly Bill No. 562.

Bill read second time and ordered to third reading.

Senate Bill No. 19.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 652.

AN ACT relating to contractors; requiring an applicant for a contractor's license or a licensed contractor to notify the State Contractors' Board if the applicant or licensee is convicted of, or pleads guilty, guilty but mentally ill or nolo contendere to, certain crimes; providing that the failure of an applicant or a licensee to submit such notification constitutes grounds for disciplinary action by the Board; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1 of this bill requires an applicant for a contractor's license or a licensed contractor to notify the State Contractors' Board in writing within 30 days after the applicant or licensee is convicted of, or enters a plea of guilty, guilty but mentally ill or nolo contendere **, in this State or any other jurisdiction,** to ~~[,]~~ **: (1) a crime against a child; (2) a sexual offense; (3) murder; (4) voluntary manslaughter; or (5)** a felony or crime involving moral turpitude ~~[in this State or any other jurisdiction.]~~ **if the conviction occurred or the plea was entered in the immediately preceding 15 years.**

Section 2 of this bill adds to the list of grounds for disciplinary action by the Board a licensed contractor's failure to submit such notification to the Board.

Section 3 of this bill requires an applicant for a contractor's license or a licensed contractor to notify the Board in writing not later than ~~[July]~~ **December** 31, 2011, if, before July 1, 2011, the applicant or licensee was convicted of, or entered a plea of guilty, guilty but mentally ill or nolo contendere **, in this State or any other jurisdiction,** to ~~[,]~~ **: (1) a crime against a child; (2) a sexual offense; (3) murder; (4) voluntary manslaughter; or (5)** a felony or crime involving moral turpitude ~~[in this State or any other jurisdiction.]~~ **if the conviction occurred or the plea was entered in the immediately preceding 15 years.** The failure of an applicant or a licensee to submit such notification constitutes grounds for refusing issuance of a license or for disciplinary action by the Board.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 624 of NRS is hereby amended by adding thereto a new section to read as follows:

1. An applicant for a contractor's license or a licensee shall notify the Board in writing if he or she is convicted of, or enters a plea of guilty, guilty but mentally ill or nolo contendere to ~~*[, a]*~~ ***:***

(a) A crime against a child as that term is defined in NRS 179.245;

(b) A sexual offense as that term is defined in NRS 179.245;

(c) Murder as that term is defined in NRS 200.010;

(d) Voluntary manslaughter as that term is defined in NRS 200.050; or

(e) Any other felony or crime involving moral turpitude if the conviction occurred or the plea was entered in the immediately preceding 15 years, in this State or any other jurisdiction.

2. An applicant for a contractor's license or a licensee shall submit the notification required by subsection 1 not more than 30 days after the conviction or entry of the plea of guilty, guilty but mentally ill or nolo contendere.

Sec. 2. NRS 624.3016 is hereby amended to read as follows:

624.3016 The following acts or omissions, among others, constitute cause for disciplinary action under NRS 624.300:

1. Any fraudulent or deceitful act committed in the capacity of a contractor, including, without limitation, misrepresentation or the omission of a material fact.

2. A conviction of a violation of NRS 624.730, or a conviction in this State or any other jurisdiction of a felony relating to the practice of a contractor or a crime involving moral turpitude.

3. Knowingly making a false statement in or relating to the recording of a notice of lien pursuant to the provisions of NRS 108.226.

4. Failure to give a notice required by NRS 108.227, 108.245 or 108.246.

5. Failure to comply with NRS 624.920, 624.930, 624.935 or 624.940 or any regulations of the Board governing contracts for work concerning residential pools and spas.

6. Failure to comply with NRS 624.600.

7. Misrepresentation or the omission of a material fact, or the commission of any other fraudulent or deceitful act, to obtain a license.

8. Failure to pay an assessment required pursuant to NRS 624.470.

9. Failure to file a certified payroll report that is required for a contract for a public work.

10. Knowingly submitting false information in an application for qualification or a certified payroll report that is required for a contract for a public work.

11. Failure to notify the Board of a conviction ~~*[of,]*~~ ***or entry of a plea of guilty, guilty but mentally ill or nolo contendere*** ~~*[to, a felony or crime of moral turpitude in this State or any other jurisdiction]*~~ ***pursuant to section 1 of this act.***

Sec. 3. 1. An applicant for a contractor's license or a licensed contractor who, before July 1, 2011, was convicted of, or entered a plea of guilty, guilty but mentally ill or nolo contendere to ~~[, a]~~ **:**

(a) A crime against a child as that term is defined in NRS 179.245;

(b) A sexual offense as that term is defined in NRS 179.245;

(c) Murder as that term is defined in NRS 200.010;

(d) Voluntary manslaughter as that term is defined in NRS 200.050; or

(e) Any other felony or crime of moral turpitude **if the conviction occurred or the plea was entered in the immediately preceding 15 years,** ➥ in this State or any other jurisdiction shall notify the State Contractors' Board in writing of that conviction or entry of the plea of guilty, guilty but mentally ill or nolo contendere not later than ~~[July]~~ **December** 31, 2011.

2. The failure of an applicant for a contractor's license to comply with the provisions of subsection 1 constitutes cause for refusing issuance of a license.

3. The failure of a licensed contractor to comply with the provisions of subsection 1 constitutes cause for disciplinary action under NRS 624.300.

Sec. 4. This act becomes effective on July 1, 2011.

Assemblyman Atkinson moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Senate Bill No. 88.

Bill read second time and ordered to third reading.

Senate Bill No. 99.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 723.

AN ACT relating to consumer protection; ~~[requiring certain grant writing services to register with the Director of the Department of Business and Industry; requiring the Director to publish a list of registered grant writing services on an Internet website maintained by the Director; requiring a grant writing service to provide certain statements to a buyer before the execution~~ Assemblyman Conklin moved that ~~of a contract for grant writing services;]~~ prescribing certain mandatory terms of a contract for grant writing services; **providing certain exemptions;** providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Sections 2-23]~~ **Section 16** of this bill ~~[create provisions governing]~~ **sets forth requirements applicable to contracts for** grant writing services in this State**.** ~~[and vest the Director of the Department of Business and Industry with authority to enforce these provisions.]~~ **Section 7 of this bill** defines "grant writing service." **Section 22 of this bill provides that a violation of**

the provisions of this bill constitutes a deceptive trade practice. Section 9 ~~[requires certain grant writing services to register with the Director, but]~~ **of this bill** exempts from the provisions of ~~[sections 2-23]~~ **this bill the providing of certain education and training relating to grants and** certain grant writing services that offer services relating to affordable housing and community development projects. ~~[Section 9 also requires the Director to publish a list of registered grant writing services on an Internet website maintained by the Director.~~

~~Section 13 prohibits a grant writing service from engaging in certain activities. Section 16 establishes certain requirements for a contract for grant writing services. Section 22 authorizes the Director to take certain actions if a person violates the provisions of sections 2-23 and provides that such a violation is a deceptive trade practice. Section 23 requires the Director to adopt regulations to carry out the provisions of sections 2-23.]~~

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 598 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 23, inclusive, of this act.

Sec. 2. ***As used in sections 2 to 23, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 to 8, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 3. ***"Buyer" means a natural person who is solicited to purchase or who purchases the services of a grant writing service.***

Sec. 3.5. ~~***[***~~***"Director" means the Director of the Department of Business and Industry.***~~***]***~~ **(Deleted by amendment.)**

Sec. 4. (Deleted by amendment.)

Sec. 5. (Deleted by amendment.)

Sec. 6. ***"Grant" means any money given by a governmental entity or any other person or organization to finance a specific or general purpose.***

Sec. 7. ***"Grant writing service" means a person who, with respect to obtaining any grant or other payment, loan or money, advertises, sells, provides or performs, or represents that he or she can or will sell, provide or perform, any of the following services in return for the payment of money or other valuable consideration:***

1. Writing an application for a grant for a buyer.

2. Obtaining a grant for a buyer.

3. Providing advice or assistance to a buyer in obtaining a grant.

Sec. 8. (Deleted by amendment.)

Sec. 9. ~~*[1. Except as otherwise provided in subsection 3, each grant writing service regulated by the provisions of sections 2 to 23, inclusive, of this act shall apply for registration on the form prescribed by the Director. Upon approval of an application submitted pursuant to this subsection, the Director shall issue a certificate of registration to the grant writing service.*~~

~~*2. The Director shall publish on an Internet website maintained by the Director a complete list of all grant writing services which are registered pursuant to this section.*~~

~~*3.*~~ ***The provisions of sections 2 to 23, inclusive, of this act do not apply to*** ~~*[a]*~~ **:**

1. A grant writing service which provides services relating to an affordable housing and community development project which is financed, in whole or in part, by tax credits for low-income housing, private activity bonds or money provided by a private entity, government, governmental agency or political subdivision of a government, including, without limitation, any money provided pursuant to 12 U.S.C. § 1701q, 26 U.S.C. § 42, 42 U.S.C. § 8013 or 42 U.S.C. §§ 12701 et seq.

2. The providing of education and training regarding procedures for writing, obtaining or managing grants.

Sec. 10. (Deleted by amendment.)

Sec. 11. (Deleted by amendment.)

Sec. 12. (Deleted by amendment.)

Sec. 13. ~~*[A grant writing service shall not:*~~

~~*1. Charge or receive any money or other valuable consideration solely for referral of a buyer to a governmental entity or other person or organization which provides grants.*~~

~~*2. Make a false or misleading representation in the offer or sale of the services of the grant writing service.*~~

~~*3. Hire or obtain the services of a seller, as that term is defined in NRS 599B.010, who does not comply with the provisions of chapter 599B of NRS.*~~

~~*4. Advertise his or her services or conduct business in this State unless the grant writing service is registered pursuant to section 9 of this act.*~~

~~*5. Execute a contract with a buyer or receive any money or other valuable consideration from a buyer before the grant writing service provides to the buyer:*~~

~~*(a) A written statement which must be printed in at least 10-point bold type and which must include, without limitation:*~~

~~*(1) A detailed description of the services to be performed by the grant writing service for the buyer and the total amount the buyer is obligated to pay for those services;*~~

~~*(2) The physical address of the grant writing service and the non-toll free telephone number of the grant writing service;*~~

~~*(3) A statement that the grant writing service is registered pursuant to section 9 of this act; and*~~

~~*(4)*~~

~~*Any other information required by the Director; and*~~

~~*(b) A copy of the certificate of registration issued to the grant writing service pursuant to section 9 of this act.]*~~ **(Deleted by amendment.)**

Sec. 14. (Deleted by amendment.)

Sec. 15. (Deleted by amendment.)

Sec. 16. ***A contract between a buyer and a grant writing service for the purchase of the services of the grant writing service:***

1. Must be in writing.

2. Must be signed by the buyer ~~*[.]*~~ ***or, if the transaction is conducted electronically, otherwise acknowledged by the buyer.***

3. Must be dated.

4. Must clearly indicate above the signature or acknowledgment line that the buyer may cancel the contract within 5 days after execution of the contract by giving written notice to the grant writing service of his or her intent to cancel the contract. If the notice is mailed, the notice must be postmarked not later than 5 days after the execution of the contract.

5. Must include a detailed description of the services to be performed by the grant writing service for the buyer and the total amount the buyer is obligated to pay for those services.

6. Must include a statement in at least 12-point bold type informing the buyer of his or her right to file a complaint concerning the grant writing service with the Bureau of Consumer Protection in the Office of the Attorney General, including the physical address and telephone number for the Bureau.

Sec. 17. (Deleted by amendment.)

Sec. 18. (Deleted by amendment.)

Sec. 19. (Deleted by amendment.)

Sec. 20. (Deleted by amendment.)

Sec. 21. (Deleted by amendment.)

Sec. 22. ~~*[1. In addition to any other procedures or remedies for any violation or conduct provided for in any other law, if the Director determines that a person has violated any provision of sections 2 to 23, inclusive, of this act, the Director may:*~~

~~*(a) Issue an order to the person to cease and desist from engaging in the practice or activity constituting the violation;*~~

~~*(b) Order the person to pay the costs of any investigation of the violation incurred by the Director;*~~

~~*(c) Order the person to provide restitution for any money or property improperly received or obtained by the person as a result of the violation; and*~~

~~*(d) Impose a civil penalty in an amount not to exceed $10,000 for each violation.*~~

~~*2.]*~~ ***Any violation of sections 2 to 23, inclusive, of this act constitutes a deceptive trade practice for the purposes of NRS 598.0903 to 598.0999, inclusive.***

Sec. 23. ~~**[***The Director shall adopt such regulations as are necessary to carry out the provisions of sections 2 to 23, inclusive, of this act.***]**~~ **(Deleted by amendment.)**

Sec. 24. ~~**[**NRS 599B.010 is hereby amended to read as follows:~~

599B.010 As used in this chapter, unless the context otherwise requires:

1. "Chance promotion" means any plan in which premiums are distributed by random or chance selection.

2. "Commissioner" means the Commissioner of Consumer Affairs.

3. "Consumer" means a person who is solicited by a seller or salesperson.

4. "Division" means the Consumer Affairs Division of the Department of Business and Industry.

5. "Donation" means a promise, grant or pledge of money, credit, property, financial assistance or other thing of value given in response to a solicitation by telephone, including, but not limited to, a payment or promise to pay in consideration for a performance, event or sale of goods or services. The term does not include volunteer services, government grants or contracts or a payment by members of any organization of membership fees, dues, fines or assessments or for services rendered by the organization to those persons, if:

(a) The fees, dues, fines, assessments or services confer a bona fide right, privilege, professional standing, honor or other direct benefit upon the member; and

(b) Membership in the organization is not conferred solely in consideration for making a donation in response to a solicitation.

6. "Goods or services" means any property, tangible or intangible, real, personal or mixed, and any other article, commodity or thing of value.

7. "Premium" includes any prize, bonus, award, gift or any other similar inducement or incentive to purchase.

8. "Recovery service" means a business or other practice whereby a person represents or implies that he or she will, for a fee, recover any amount of money that a consumer has provided to a seller or salesperson pursuant to a solicitation governed by the provisions of this chapter.

9. "Salesperson" means any person:

(a) Employed or authorized by a seller to sell, or to attempt to sell, goods or services by telephone;

(b) Retained by a seller to provide consulting services relating to the management or operation of the seller's business; or

(c) Who communicates on behalf of a seller with a consumer:

(1) In the course of a solicitation by telephone; or

(2) For the purpose of verifying, changing or confirming an order,

→ except that a person is not a salesperson if his or her only function is to identify a consumer by name only and he or she immediately refers the consumer to a salesperson.

10. Except as otherwise provided in subsection 11, "seller" means any person who, on his or her own behalf, causes or attempts to cause a solicitation by telephone to be made through the use of one or more salespersons or any automated dialing-announcing device under any of the following circumstances:

~~(a) The person initiates contact by telephone with a consumer and represents or implies:~~

~~(1) That a consumer who buys one or more goods or services will receive additional goods or services, whether or not of the same type as purchased, without further cost, except for actual postage or common carrier charges;~~

~~(2) That a consumer will or has a chance or opportunity to receive a premium;~~

~~(3) That the items for sale are gold, silver or other precious metals, diamonds, rubies, sapphires or other precious stones, or any interest in oil, gas or mineral fields, wells or exploration sites or any other investment opportunity;~~

~~(4) That the product offered for sale is information or opinions relating to sporting events;~~

~~(5) *That the product offered for sale is the services of a grant writing service, as that term is defined in section 7 of this act;*~~

~~*(6)* That the product offered for sale is the services of a recovery service; or~~

~~**[**(6)**]** *(7)* That the consumer will receive a premium or goods or services if he or she makes a donation;~~

~~(b) The solicitation by telephone is made by the person in response to inquiries from a consumer generated by a notification or communication sent or delivered to the consumer that represents or implies:~~

~~(1) That the consumer has been in any manner specially selected to receive the notification or communication or the offer contained in the notification or communication;~~

~~(2) That the consumer will receive a premium if the recipient calls the person;~~

~~(3) That if the consumer buys one or more goods or services from the person, the consumer will also receive additional or other goods or services, whether or not the same type as purchased, without further cost or at a cost that the person represents or implies is less than the regular price of the goods or services;~~

~~(4) That the product offered for sale is the services of a recovery service; or~~

~~(5) That the consumer will receive a premium or goods or services if he or she makes a donation; or~~

~~(c) The solicitation by telephone is made by the person in response to inquiries generated by advertisements that represent or imply that the person is offering to sell any:~~

~~(1) Gold, silver or other metals, including coins, diamonds, rubies, sapphires or other stones, coal or other minerals or any interest in oil, gas or other mineral fields, wells or exploration sites, or any other investment opportunity;~~

~~(2) Information or opinions relating to sporting events; or~~

~~(3) Services of a recovery service.~~

~~11. "Seller" does not include:~~

~~(a) A person licensed pursuant to chapter 90 of NRS when soliciting offers, sales or purchases within the scope of his or her license.~~

~~(b) A person licensed pursuant to chapter 119A, 119B, 624, 645 or 696A of NRS when soliciting sales within the scope of his or her license.~~

~~(c) A person licensed as an insurance broker, agent or solicitor when soliciting sales within the scope of his or her license.~~

~~(d) Any solicitation of sales made by the publisher of a newspaper or magazine or by an agent of the publisher pursuant to a written agreement between the agent and publisher.~~

~~(e) A broadcaster soliciting sales who is licensed by any state or federal authority, if the solicitation is within the scope of the broadcaster's license.~~

~~(f) A person who solicits a donation from a consumer when:~~

~~(1) The person represents or implies that the consumer will receive a premium or goods or services with an aggregated fair market value of 2 percent of the donation or $50, whichever is less; or~~

~~(2) The consumer provides a donation of $50 or less in response to the solicitation.~~

~~(g) A charitable organization which is registered or approved to conduct a lottery pursuant to chapter 462 of NRS.~~

~~(h) A public utility or motor carrier which is regulated pursuant to chapter 704 or 706 of NRS, or by an affiliate of such a utility or motor carrier, if the solicitation is within the scope of its certificate or license.~~

~~(i) A utility which is regulated pursuant to chapter 710 of NRS, or by an affiliate of such a utility.~~

~~(j) A person soliciting the sale of books, recordings, videocassettes, software for computer systems or similar items through:~~

~~(1) An organization whose method of sales is governed by the provisions of Part 425 of Title 16 of the Code of Federal Regulations relating to the use of negative option plans by sellers in commerce;~~

~~(2) The use of continuity plans, subscription arrangements, arrangements for standing orders, supplements, and series arrangements pursuant to which the person periodically ships merchandise to a consumer who has consented in advance to receive the merchandise on a periodic basis and has the opportunity to review the merchandise for at least 10 days and return it for a full refund within 30 days after it is received; or~~

~~(3) An arrangement pursuant to which the person ships merchandise to a consumer who has consented in advance to receive the merchandise and has the opportunity to review the merchandise for at least 10 days and return it for a full refund within 30 days after it is received.~~

~~(k) A person who solicits sales by periodically publishing and delivering a catalog to consumers if the catalog:~~

~~(1) Contains a written description or illustration of each item offered for sale and the price of each item;~~

~~(2) Includes the business address of the person;~~

~~(3) Includes at least 24 pages of written material and illustrations;~~

~~(4) Is distributed in more than one state; and~~

~~(5) Has an annual circulation by mailing of not less than 250,000.~~

~~(l) A person soliciting without the intent to complete and who does not complete, the sales transaction by telephone but completes the sales transaction at a later face-to-face meeting between the solicitor and the consumer, if the person, after soliciting a sale by telephone, does not cause another person to collect the payment from or deliver any goods or services purchased to the consumer.~~

~~(m) Any commercial bank, bank holding company, subsidiary or affiliate of a bank holding company, trust company, savings and loan association, credit union, industrial loan company, personal property broker, consumer finance lender, commercial finance lender, or insurer subject to regulation by an official or agency of this State or of the United States, if the solicitation is within the scope of the certificate or license held by the entity.~~

~~(n) A person holding a certificate of authority issued pursuant to chapter 452 of NRS when soliciting sales within the scope of the certificate.~~

~~(o) A person licensed pursuant to chapter 689 of NRS when soliciting sales within the scope of his or her license.~~

~~(p) A person soliciting the sale of services provided by a video service provider subject to regulation pursuant to chapter 711 of NRS.~~

~~(q) A person soliciting the sale of agricultural products, if the solicitation is not intended to and does not result in a sale of more than $100 that is to be delivered to one address. As used in this paragraph, "agricultural products" has the meaning ascribed to it in NRS 587.290.~~

~~(r) A person who has been operating, for at least 2 years, a retail business establishment under the same name as that used in connection with the solicitation of sales by telephone if, on a continuing basis:~~

~~(1) Goods are displayed and offered for sale or services are offered for sale and provided at the person's business establishment; and~~

~~(2) At least 50 percent of the person's business involves the buyer obtaining such goods or services at the person's business establishment.~~

~~(s) A person soliciting only the sale of telephone answering services to be provided by the person or his or her employer.~~

~~(t) A person soliciting a transaction regulated by the Commodity Futures Trading Commission, if:~~

~~(1) The person is registered with or temporarily licensed by the Commission to conduct that activity pursuant to the Commodity Exchange Act, 7 U.S.C. §§ 1 et seq.; and~~

~~(2) The registration or license has not expired or been suspended or revoked.~~

~~(u) A person who contracts for the maintenance or repair of goods previously purchased from the person:~~

~~(1) Making the solicitation; or~~

~~(2) On whose behalf the solicitation is made.~~

~~(v) A person to whom a license to operate an information service or a nonrestricted gaming license, which is current and valid, has been issued pursuant to chapter 463 of NRS when soliciting sales within the scope of his or her license.~~

~~(w) A person who solicits a previous customer of the business on whose behalf the call is made if the person making the call:~~

~~(1) Does not offer the customer any premium in connection with the sale;~~

~~(2) Is not selling an investment or an opportunity for an investment that is not registered with any state or federal authority; and~~

~~(3) Is not regularly engaged in telephone sales.~~

~~(x) A person who solicits the sale of livestock.~~

~~(y) An issuer which has a class of securities that is listed on the New York Stock Exchange, the American Stock Exchange or the National Market System of the National Association of Securities Dealers Automated Quotation System.~~

~~(z) A subsidiary of an issuer that qualifies for exemption pursuant to paragraph (y) if at least 60 percent of the voting power of the shares of the subsidiary is owned by the issuer.~~**] (Deleted by amendment.)**

Sec. 25. (Deleted by amendment.)

Sec. 25.5. ~~[The Director of the Department of Business and Industry shall adopt any regulations necessary to carry out the provisions of sections 2 to 23, inclusive, of this act on or before October 1, 2011.]~~ **(Deleted by amendment.)**

Sec. 26. ~~[This act becomes effective upon passage and approval for the purpose of adopting regulations and on October 1, 2011, for all other purposes.]~~ **(Deleted by amendment.)**

Assemblyman Atkinson moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, reengrossed, and to third reading.

Senate Bill No. 102.

Bill read second time and ordered to third reading.

Senate Bill No. 112.

Bill read second time and ordered to third reading.

Senate Bill No. 136.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 724.

SUMMARY—Revises **certain** provisions governing ~~[certain real property held by banks.]~~ **financial institutions.** (BDR 55-737)

AN ACT relating to financial institutions; revising provisions governing the period that a bank may hold certain real property; removing provisions requiring a bank annually to charge off a certain percentage of the value of certain real property held by the bank and acquired as a result of a debt owed to the bank; **revising provisions governing the review of certain applications for licensure by the Commissioner of Financial Institutions; revising provisions relating to the control of a retail trust company; revising provisions governing the assets which certain trust companies are required to maintain; revising provisions governing applications for a license to operate a retail trust company; authorizing certain persons to appeal certain decisions of the Commissioner;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes a bank to hold real property that the bank acquires through the collection of debts owed to it for up to 10 years, and **section 1 of** this bill reduces that period to 5 years, except that a bank may request an extension of that period from the Commissioner of Financial Institutions of not more than 5 years. Existing law also requires a bank to charge off the real property on a schedule of not less than 10 percent per year, or at a greater percentage if so required by the Commissioner. (NRS 662.015) ~~[This bill]~~ **Section 1** removes the requirement that a bank annually charge off a certain percentage of the value of such real property.

Existing law charges the Commissioner with certain duties and responsibilities related to retail trust companies, including investigating companies that apply for licensure as a retail trust company, issuing licenses to qualified companies to operate as a retail trust company and removing from office an officer, director, manager or employee of a retail trust company for certain conduct. (NRS 657.180, 669.085, 669.090, 669.130, 669.150, 669.160, 669.281) Section 3 of this bill requires the Commissioner to consider certain criteria related to the potential long-term success of a trust company before approving the company's application for licensure to operate as a retail trust company. Section 4 of this bill requires a person who intends to obtain control of a retail trust company to submit an application for licensure to the Commissioner. Section 7 of this bill requires the Commissioner to provide to an applicant for licensure as a retail trust company written notice of any grounds for denial of an application and authorizes the applicant to cure any defect or deficiency in the application and resubmit the application within a certain period. Section 8 of this bill provides that a person who is removed from office by the Commissioner may appeal his or her removal from office within a certain period.

Existing law requires a retail trust company to maintain at least 50 percent of its required stockholders' equity in cash, unless the Commissioner approves a different amount, with the remaining amount to be held in the form of readily marketable securities or certain other

assets that may be approved by the Commissioner. Existing law also requires a noncustodial trust company to maintain 50 percent of its required minimum capital in cash. (NRS 669.100) Section 6 of this bill requires a retail trust company to maintain a certain amount of its required stockholders' equity in the form of cash or certain cash equivalents and authorizes a retail trust company to hold the remaining amount of the required stockholders' equity in the form of readily marketable securities or certain other assets upon the approval of the Commissioner. Section 6 further requires that bonds or other evidence of indebtedness held by a retail trust company as part of its required stockholders' equity meet certain investment standards. Section 6 also requires a noncustodial trust company to maintain 25 percent of its required minimum capital in the form of cash.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 662.015 is hereby amended to read as follows:

662.015 1. In addition to the powers conferred by law upon private corporations and limited-liability companies, a bank may:

(a) Exercise by its board of directors, managers or authorized officers and agents, subject to law, all powers necessary to carry on the business of banking by:

(1) Discounting and negotiating promissory notes, drafts, bills of exchange and other evidences of indebtedness;

(2) Receiving deposits;

(3) Buying and selling exchange, coin and bullion; and

(4) Loaning money on personal security or real and personal property.

➥ At the time of making loans, banks may take and receive interest or discounts in advance.

(b) Adopt regulations for its own government not inconsistent with the Constitution and laws of this State.

(c) Issue, advise and confirm letters of credit authorizing the beneficiaries to draw upon the bank or its correspondents.

(d) Receive money for transmission.

(e) Establish and become a member of a clearinghouse association and pledge assets required for its qualification.

(f) Exercise any authority and perform all acts that a national bank may exercise or perform, with the consent and written approval of the Commissioner. The Commissioner may, by regulation, waive or modify a requirement of Nevada law if the corresponding requirement for national banks is eliminated or modified.

(g) Provide for the performance of the services of a bank service corporation, such as data processing and bookkeeping, subject to any regulations adopted by the Commissioner.

(h) Unless otherwise specifically prohibited by federal law, sell annuities if licensed by the Commissioner of Insurance.

2. A bank may purchase, hold and convey real property:

(a) As is necessary for the convenient transaction of its business, including furniture and fixtures, with its banking offices and for future site expansion. This investment must not exceed, except as otherwise provided in this section, 60 percent of its stockholders' or members' equity, plus subordinated capital notes and debentures. The Commissioner may authorize any bank located in a city whose population is more than 10,000 to invest more than 60 percent of its stockholders' or members' equity, plus subordinated capital notes and debentures, in its banking offices, furniture and fixtures.

(b) As is mortgaged to it in good faith by way of security for loans made or money due to the bank.

(c) As is permitted by NRS 662.103.

3. This section does not prohibit any bank from holding, developing or disposing of any real property it may acquire through the collection of debts due it. ~~[Any]~~ ***Except as otherwise provided in subsection 4,*** real property acquired through the collection of debts due it may not be held for longer than ~~[10]~~ ***5*** years. It must be sold at private or public sale within 30 days thereafter. ~~[During the time that the bank holds the real property, the bank shall charge off the real property on a schedule of not less than 10 percent per year, or at a greater percentage per year as the Commissioner may require.]~~

4. A bank may request and the Commissioner may grant an extension of the period described in subsection 3 of not more than 5 years. The Commissioner shall not grant a bank more than one extension of the period prescribed in subsection 3 for any real property held by the bank.

Sec. 2. **NRS 669.083 is hereby amended to read as follows:**

669.083 1. A retail trust company licensed in this State shall maintain its principal office in this State.

2. The conditions for a retail trust company to fulfill the requirements of subsection 1 include, but are not limited to:

(a) A verifiable physical office in this State that conducts such business operations in this State as are necessary to administer trusts in this State;

(b) The presence of an employee that is a resident of Nevada in the principal office who has experience that is satisfactory to the Commissioner in accepting and administering trusts;

(c) Maintenance of originals or true copies of all material business records and accounts of the retail trust company which may be accessed and are readily available for examination by the Division of Financial Institutions;

(d) Maintenance of ***any cash as a portion of*** the required ~~[cash portion of the]~~ stockholders' equity pursuant to NRS 669.100 in accounts with one or more banks or other financial institutions located in this State;

(e) The provision of services to residents of this State consistent with the business plan provided by the trust company with its license application; and

(f) Such other conditions that the Commissioner may ***reasonably*** require to protect the public interest.

Sec. 3. **NRS 669.085 is hereby amended to read as follows:**

669.085 1. ~~[The Commissioner may conduct a pre-opening examination of a retail trust company and, in]~~ ***In*** rendering a decision on an application for a license as a retail trust company, ***the Commissioner shall*** consider:

(a) The proposed market or markets to be served and, if they extend outside of this State, any exceptional risk, examination or supervision concerns associated with such markets;

(b) Whether the proposed organizational and capital structure and the amount of initial capital appear adequate in relation to the proposed business and market or markets, including, without limitation, the average level of assets under management and administration projected for each of the first 3 years of operation;

(c) ~~[Whether the anticipated volume and nature of business indicate a reasonable probability of success and profitability based on the market or markets proposed to be served;~~

~~(d)]~~ Whether the proposed officers and directors or managers of the proposed retail trust company, as a group, have sufficient experience, ability, standing and competence and whether each individually has sufficient trustworthiness and integrity to justify a belief that the proposed retail trust company will be free from improper or unlawful influence and otherwise will operate in compliance with the law and applicable fiduciary duties and that success of the proposed retail trust company is reasonably probable;

~~[(e)]~~ ***(d)*** Whether any investment services to trusts, estates, charities, employee benefit plans and other fiduciary accounts or to natural persons, partnerships, limited-liability companies and other entities, including, without limitation, providing investment advice with or without discretion or selling investments in or investment products of affiliated or nonaffiliated persons, will be conducted in compliance with all applicable fiduciary standards, including, without limitation, NRS 164.700 to 164.775, inclusive, the duty of loyalty and disclosure of material information;

~~[(f)]~~ ***(e)*** Whether the proposed retail trust company will be exempt from registration under the Investment Advisers Act of 1940, 15 U.S.C. § 80b-1 et seq., and any similar state laws in each state where it would otherwise be required to register and, if not, whether it will comply with such registration requirements before commencing business and thereafter will comply with all federal and state laws and regulations applicable to it, its employees and representatives as a registrant under such laws;

~~[(g)]~~ ***(f)*** Whether the proposed retail trust company will obtain suitable annual audits by qualified outside auditors of its books and records and its fiduciary activities under applicable account rules and standards as well as suitable internal audits; and

~~[(h)]~~ ***(g)*** Any other factors that the Commissioner may ***reasonably*** require.

2. The Commissioner may require a retail trust company to maintain capital in excess of the minimum required either initially or at any subsequent time based on the Commissioner's assessment of the risks associated with the retail trust company's business plan or any other circumstances revealed in the application, the Commissioner's investigation of the application or any examination of or filing by the retail trust company thereafter, including any examination before the opening of the retail trust company for business. In making such a determination, the Commissioner may consider:

(a) The nature and type of business proposed to be conducted by the retail trust company;

(b) The nature and liquidity of assets proposed to be held in its own account;

(c) The amount of fiduciary assets projected to be under management or under administration of the retail trust company;

(d) The type of fiduciary assets proposed to be held and any proposed depository of such assets;

(e) The complexity of fiduciary duties and degree of discretion proposed to be undertaken by the retail trust company;

(f) The competence and experience of proposed management of the retail trust company;

(g) The extent and adequacy of proposed internal controls;

(h) The proposed presence or absence of annual audits by an independent certified public accountant, and the scope and frequency of such audits, whether they result in an opinion of the accountant and any qualifications to the opinion;

(i) The reasonableness of business plans for retaining or acquiring additional equity capital;

(j) The existence and adequacy of insurance proposed to be obtained by the retail trust company for the purpose of protecting its fiduciary assets;

(k) The success of the retail trust company in achieving the financial projections submitted with its licensing application;

(l) The fulfillment by the retail trust company of its representations and its descriptions of its business structures and methods and management set forth in its licensing application; and

(m) Any other factor that the Commissioner may require.

Sec. 4. **NRS 669.087 is hereby amended to read as follows:**

669.087 1. A license issued pursuant to this chapter is not transferable or assignable ~~[. Upon]~~ ***, but upon*** approval of the Commissioner, a licensee may merge or consolidate with, or transfer its assets and control to, another entity that has been issued a license under this chapter. In making a determination regarding whether to grant such approval, the Commissioner

may consider the factors set forth in paragraphs (a) to (m), inclusive, of subsection 2 of NRS 669.085.

2. If there is a change in control of any retail trust company, the chief executive officer or managing member of the retail trust company shall report the fact and the person obtaining control to the Commissioner within 5 business days after obtaining knowledge of the change.

3. A retail trust company shall, within 5 business days after there is a change in the chief executive officer, managing member or a majority of the directors or managing directors of the retail trust company, report the change to the Commissioner. The retail trust company shall include in its report a statement of the past and current business and professional affiliations of each new chief executive officer, managing member, director or managing director. A new chief executive officer, managing member, director or managing director shall furnish to the Commissioner a complete financial statement on a form prescribed by the Commissioner.

4. A person who ~~[acquires]~~ ***intends to acquire*** control ~~[as a result of a change of control]~~ of a retail trust company shall submit an application to the Commissioner. The application must be submitted on a form prescribed by the Commissioner. The Commissioner shall conduct an investigation ***pursuant to NRS 669.160*** to determine whether the person has a good reputation for honesty, trustworthiness and integrity and is competent to ~~[transact the business of a]~~ ***control the*** trust company in a manner which protects the interests of the general public.

5. The retail trust company with which the applicant described in subsection 4 is affiliated shall pay the nonrefundable cost of the investigation as the Commissioner requires. If the Commissioner denies the application, the Commissioner may forbid or limit the applicant's participation in the business of the trust company.

6. As used in this section, "control" means the possession, directly or indirectly, of the power to direct or cause the direction of the management and policy of a retail trust company, or a change in the ownership of at least 25 percent of the outstanding voting stock of, or participating members' interest in, a retail trust company.

Sec. 5. **NRS 669.092 is hereby amended to read as follows:**

669.092 1. It is unlawful for any retail trust company licensed in this State to engage in trust company business at any office outside this State without the prior approval of the Commissioner.

2. Before the Commissioner will approve a branch to be located in another state, the retail trust company must:

(a) Obtain from that state a license as a trust company; or

(b) ~~[Meet]~~ ***Provide proof satisfactory to the Commissioner that the retail trust company has met*** all the requirements to do business as a trust company at an office in that state ~~[.]~~ ***, including, without limitation, written documentation from the appropriate state agency that the retail trust company is authorized to do business in that state.***

Sec. 6. **NRS 669.100 is hereby amended to read as follows:**

669.100 1. No retail trust company may be organized or operated with a stockholders' equity of less than $1,000,000, or in such greater amount as may be required by the Commissioner. The full amount of the initial stockholders' equity must be paid in cash, exclusive of all organization expenses, before the trust company is authorized to commence business.

2. A retail trust company shall maintain at least ~~[50]~~ ***25*** percent of its required stockholders' equity in cash ~~[unless the Commissioner approves a smaller amount.]~~ ***and at least an additional 25 percent of its required stockholders' equity in cash or cash equivalents comprising certificates of deposit, money market funds or other insured deposits. Cash equivalents held by a retail trust company pursuant to this subsection may, upon prior approval by the Commissioner, comprise investments in treasury bills, government obligations or commercial paper which, if acquired after October 1, 2011, must mature not later than 3 months after the date of acquisition by the retail trust company. Any certificate of deposit, money market fund, insured deposit, commercial paper, treasury bill or government obligation, other than an obligation of the United States or an obligation guaranteed by the United States, that is held as a cash equivalent by a retail trust company pursuant to this subsection must not exceed 10 percent of the total required stockholders' equity at the time the cash equivalent is purchased.*** The remaining ~~[50 percent]~~ ***amount*** of ~~[its]~~ ***the retail trust company's*** required stockholders' equity may be a different form of readily marketable securities ***,*** or with prior approval by the Commissioner ***,*** other liquid, secure asset, bond, surety or insurance, or some combination of the foregoing. ***Any bond or other evidence of indebtedness held by a retail trust company pursuant to this subsection must have an investment grade credit rating and must have received a rating within one of the top three rating categories of Moody's Investors Service, Inc. or Standard and Poor's Ratings Services.***

3. Any grandfathered trust company other than a noncustodial trust company that does not have the minimum capital required by this section as of October 1, 2009, shall:

(a) Except as otherwise determined by the Commissioner, increase its capital to a minimum of:

(1) By October 1, 2010, $500,000;

(2) By October 1, 2011, $750,000; and

(3) By October 1, 2012, $1,000,000; and

(b) Maintain ~~[$500,000]~~ ***25 percent*** of such minimum capital in cash on and after October 1, 2010.

4. Any noncustodial trust company that does not have the minimum capital required by this section as of October 1, 2009, shall:

(a) Except as otherwise determined by the Commissioner, increase its capital to a minimum of:

(1) By October 1, 2010, $350,000;

(2) By October 1, 2011, $400,000; and

(3) By October 1, 2012, $500,000; and

(b) Maintain ~~[50]~~ ***25*** percent of such minimum capital in cash on and after October 1, 2010.

5. As used in this section, "in cash" means in depository accounts with one or more banks in this State.

Sec. 7. **NRS 669.160 is hereby amended to read as follows:**

669.160 1. Within 90 days after the application for a license is filed, the Commissioner shall investigate the facts of the application and the other requirements of this chapter to determine:

(a) That the persons who will serve as directors or officers of the corporation, or the managers or members acting in a managerial capacity of the limited-liability company, as applicable:

(1) Have a good reputation for honesty, trustworthiness and integrity and display competence to transact the business of a trust company in a manner which safeguards the interests of the general public. The applicant must submit satisfactory proof of these qualifications to the Commissioner.

(2) Have not been convicted of, or entered a plea of nolo contendere to, a felony or any crime involving fraud, misrepresentation or moral turpitude.

(3) Have not made a false statement of material fact on the application.

(4) Have not been an officer or member of the board of directors for an entity which had a license issued pursuant to the provisions of this chapter that was suspended or revoked within the 10 years immediately preceding the date of the application, and in the reasonable judgment of the Commissioner, there is evidence that the officer or member of the board of directors materially contributed to the actions resulting in the license suspension or revocation.

(5) Have not been an officer or member of the board of directors for a company which had a license as a trust company which was issued in any other state, district or territory of the United States or any foreign country suspended or revoked within the 10 years immediately preceding the date of the application, and in the reasonable judgment of the Commissioner, there is evidence that the officer or member of the board of directors materially contributed to the actions resulting in the license suspension or revocation.

(6) Have not violated any of the provisions of this chapter or any regulation adopted pursuant to the provisions of this chapter.

(b) That the financial status of the directors and officers of the corporation or the managers or members acting in a managerial capacity of the limited-liability company is consistent with their responsibilities and duties.

(c) That the name of the proposed company complies with the provisions of NRS 657.200.

(d) That the initial stockholders' equity is not less than the required minimum.

(e) That the applicant has retained the employee required by paragraph (b) of subsection 2 of NRS 669.083.

2. ~~[Notice]~~ ***After an investigation by the Commissioner pursuant to subsection 1, if the Commissioner finds any defect or deficiency in an application for licensure which would constitute grounds for denial of the application, written notice of such grounds for denial must be served personally or sent by certified mail to the applicant. The Commissioner shall allow the applicant an opportunity to cure any defect or deficiency in the application and, not later than 30 days after receipt of the notice of denial, to resubmit the application for approval.***

3. If a defect or deficiency in an application is not cured pursuant to subsection 2, written notice of the entry of an order refusing a license to a trust company must be ~~[given in writing,]~~ served personally or sent by certified mail to the company affected. The company, upon application, is entitled to a hearing before the Commissioner, but if no such application is made within 30 days after the entry of an order refusing a license to any company, the Commissioner shall enter a final order.

~~[3.]~~ ***4.*** The order of the Commissioner is final for the purposes of judicial review.

Sec. 8. **NRS 669.281 is hereby amended to read as follows:**

669.281 ***1.*** The Commissioner may require the immediate removal from office of any officer, director, manager or employee of any retail trust company doing business under this chapter who is found to be dishonest, incompetent or reckless in the management of the affairs of the retail trust company, or who persistently violates the laws of this State or the lawful orders, instructions and regulations issued by the Commissioner.

2. An officer, director, manager or employee of a retail trust company who is removed from office pursuant to subsection 1 may appeal his or her removal by filing a written request for a hearing with the Commissioner within 10 days after the effective date of his or her removal. The Commissioner shall conduct the hearing after providing at least 5 days' written notice to the retail trust company and the officer, director, manager or employee who is removed from office. Within 5 days after the hearing, the Commissioner shall enter an order affirming or disaffirming the removal of the person from office. An order of the Commissioner entered pursuant to this subsection is final for the purposes of judicial review.

Sec. 9. **This act becomes effective upon passage and approval.**

Assemblyman Atkinson moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, reengrossed, and to third reading.

Senate Bill No. 143.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 722.

AN ACT relating to insurance; removing the requirement that a resident producer of insurance maintain a place of business in this State which is accessible to the public; revising provisions relating to a certificate of insurance issued pursuant to a contract or policy of property or casualty insurance; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1 of this bill removes the requirement that a resident producer of insurance maintain a place of business in this State which is accessible to the public and where he or she principally conducts transactions. **Section 1** also removes the requirement that the license of a producer of insurance be conspicuously displayed in the place of business and instead requires only that the license be made available for public inspection upon request.

Section 2 of this bill amends provisions governing the Nevada Insurance Code (title 57 of NRS) to provide that any certificate of insurance issued regarding a contract or policy of property or casualty insurance, other than a group master policy, which is delivered or issued for delivery in this State: (1) ~~[is informational only; (2)]~~ does not constitute any part of the contract or policy of insurance; and ~~[(3)]~~ **(2)** does not amend any term or alter or extend any coverage, exclusion or condition of the contract or policy of insurance.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 683A.261 is hereby amended to read as follows:

683A.261 1. Unless the Commissioner refuses to issue the license under NRS 683A.451, the Commissioner shall issue a license as a producer of insurance to a person who has satisfied the requirements of NRS 683A.241 and 683A.251. A producer of insurance may qualify for a license in one or more of the lines of authority permitted by statute or regulation, including:

(a) Life insurance on human lives, which includes benefits from endowments and annuities and may include additional benefits from death by accident and benefits for dismemberment by accident and for disability.

(b) Health insurance for sickness, bodily injury or accidental death, which may include benefits for disability.

(c) Property insurance for direct or consequential loss or damage to property of every kind.

(d) Casualty insurance against legal liability, including liability for death, injury or disability and damage to real or personal property.

(e) Surety indemnifying financial institutions or providing bonds for fidelity, performance of contracts or financial guaranty.

(f) Variable annuities and variable life insurance, including coverage reflecting the results of a separate investment account.

(g) Credit insurance, including life, disability, property, unemployment, involuntary unemployment, mortgage life, mortgage guaranty, mortgage disability, guaranteed protection of assets, and any other form of insurance

offered in connection with an extension of credit that is limited to wholly or partially extinguishing the obligation which the Commissioner determines should be considered as limited-line credit insurance.

(h) Personal lines, consisting of automobile and motorcycle insurance and residential property insurance, including coverage for flood, of personal watercraft and of excess liability, written over one or more underlying policies of automobile or residential property insurance.

(i) Fixed annuities as a limited line.

(j) Travel and baggage as a limited line.

(k) Rental car agency as a limited line.

(l) Continuous care coverage, which includes health insurance, as set forth in paragraph (b), and may include insurance for workers' compensation.

2. A license as a producer of insurance remains in effect unless revoked, suspended or otherwise terminated if a request for a renewal is submitted on or before the date for the renewal specified on the license, all applicable fees for renewal and a fee established by the Commissioner of not more than $15 for deposit in the Insurance Recovery Account are paid for each license and each authorization to transact business on behalf of a business organization licensed pursuant to subsection 2 of NRS 683A.251, and any requirement for education or any other requirement to renew the license is satisfied by the date specified on the license for the renewal. A producer of insurance may submit a request for a renewal of his or her license within 30 days after the date specified on the license for the renewal if the producer of insurance otherwise complies with the provisions of this subsection and pays, in addition to any fee paid pursuant to this subsection, a penalty of 50 percent of all applicable renewal fees, except for any fee required pursuant to NRS 680C.110. A license as a producer of insurance expires if the Commissioner receives a request for a renewal of the license more than 30 days after the date specified on the license for the renewal. A fee paid pursuant to this subsection is nonrefundable.

3. A natural person who allows his or her license as a producer of insurance to expire may reapply for the same license within 12 months after the date specified on the license for a renewal without passing a written examination or completing a course of study required by paragraph (c) of subsection 1 of NRS 683A.251, but a penalty of twice all applicable renewal fees, except for any fee required pursuant to NRS 680C.110, is required for any request for a renewal of the license that is received after the date specified on the license for the renewal.

4. A licensed producer of insurance who is unable to renew his or her license because of military service, extended medical disability or other extenuating circumstance may request a waiver of the time limit and of any fine or sanction otherwise required or imposed because of the failure to renew.

5. A license must state the licensee's name, address, personal identification number, the date of issuance, the lines of authority and the date

of expiration and must contain any other information the Commissioner considers necessary. ~~[A resident producer of insurance shall maintain a place of business in this State which is accessible to the public and where the resident producer of insurance principally conducts transactions under his or her license. The place of business may be in his or her residence.]~~ The license must be ~~[conspicuously displayed in an area of the place of business which is open to the public.]~~ ***made available for public inspection upon request.***

6. A licensee shall inform the Commissioner of ~~[each change of location from which the licensee conducts business as a producer of insurance and]~~ each change of business or residence address, in writing or by other means acceptable to the Commissioner, within 30 days after the change. If a licensee changes ~~[the location from which the licensee conducts business as a producer of insurance or]~~ his or her business or residence address without giving written notice and the Commissioner is unable to locate the licensee after diligent effort, the Commissioner may revoke the license without a hearing. The mailing of a letter by certified mail, return receipt requested, addressed to the licensee at his or her last mailing address appearing on the records of the Division, and the return of the letter undelivered, constitutes a diligent effort by the Commissioner.

Sec. 2. Chapter 687B of NRS is hereby amended by adding thereto a new section to read as follows:

A certificate of insurance issued regarding a contract or policy of property or casualty insurance, other than a group master policy, which is delivered or issued for delivery in this State:

1. ~~[Is informational only;~~

~~2.]~~ Does not constitute any part of the contract or policy of insurance; and

~~[3.]~~ 2. Does not amend any term or alter or extend any coverage, exclusion or condition of the contract or policy of insurance.

Sec. 3. (Deleted by amendment.)

Sec. 4. (Deleted by amendment.)

Sec. 5. This act becomes effective on July 1, 2011.

Assemblyman Atkinson moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, reengrossed, and to third reading.

Senate Bill No. 184.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 729.

SUMMARY—Requires the Public Utilities Commission of Nevada to ~~[establish the Renewable Energy Systems Development Program.]~~ **open an investigatory docket concerning the establishment of a feed-in tariff program for renewable energy systems in this State.** (BDR 58-229)

AN ACT relating to energy; requiring the Public Utilities Commission of Nevada to ~~[establish the Renewable Energy Systems Development Program; requiring each provider of electric service in this State to participate in the Program; requiring the Commission to establish standard contracts for the purchase and resale of electricity generated by certain renewable energy systems;]~~ **open an investigatory docket to study, examine and review the feasibility and advisability of establishing a feed-in tariff program for renewable energy systems in this State; requiring the Commission to submit a written report of its findings and recommendations from the investigatory docket to the Director of the Legislative Counsel Bureau for transmittal to the 77th Session of the Nevada Legislature;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[This bill requires the Public Utilities Commission of Nevada to establish the Renewable Energy Systems Development Program. Section 13 of this bill requires each provider of electric service in this State to participate in the Program. Section 13 also requires the Commission to establish standard contracts for the purchase and resale of electricity from certain renewable energy systems and determine the price to be paid for electricity pursuant to such standard contracts.~~

~~Section 14 of this bill provides that a standard contract is transferable under certain circumstances. Section 14 requires that a standard contract provide that any tradable renewable energy credits associated with a renewable energy system which accepts a standard contract are owned by the provider of electric service that purchases electricity from the renewable energy system. Additionally, section 14 provides that a standard contract entered into by a utility provider is deemed to be a prudent investment, and the utility provider may recover all just and reasonable costs associated with the standard contract.~~

~~Section 15 of this bill requires the Commission to adopt regulations to carry out the Program.~~

~~Section 18 of this bill requires the Public Utilities Commission of Nevada to submit annual reports to the Legislature or the Legislative Commission concerning the Program. Section 19 of this]~~ **This** bill requires the Public Utilities Commission of Nevada to open an investigatory docket to ~~[establish the initial prices for the purchase and resale of electricity under the Program.~~

~~Section 20 of this bill requires the regulations which must be adopted by the Commission to carry out the provisions of this bill to be adopted on or before December 31, 2011.]~~ **study, examine and review the feasibility and advisability of establishing a feed-in tariff program for renewable energy systems in this State. This bill also requires the Commission to submit a written report of its findings and recommendations from the investigatory docket to the Director of the Legislative Counsel Bureau for transmittal to the 77th Session of the Nevada Legislature.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. **(Deleted by amendment.)**

Sec. 2. **(Deleted by amendment.)**

Sec. 3. **(Deleted by amendment.)**

Sec. 4. (Deleted by amendment.)

Sec. 5. **(Deleted by amendment.)**

Sec. 6. **(Deleted by amendment.)**

Sec. 6.5. **(Deleted by amendment.)**

Sec. 7. **(Deleted by amendment.)**

Sec. 8. **(Deleted by amendment.)**

Sec. 9. **(Deleted by amendment.)**

Sec. 9.5. **(Deleted by amendment.)**

Sec. 10. **(Deleted by amendment.)**

Sec. 11. **(Deleted by amendment.)**

Sec. 12. **(Deleted by amendment.)**

Sec. 13. **(Deleted by amendment.)**

Sec. 14. **(Deleted by amendment.)**

Sec. 15. **(Deleted by amendment.)**

Sec. 16. **(Deleted by amendment.)**

Sec. 17. **(Deleted by amendment.)**

Sec. 18. **(Deleted by amendment.)**

Sec. 19. 1. As soon as practicable after the effective date of this act, the Public Utilities Commission of Nevada shall open an investigatory docket to ~~[determine just and reasonable prices for the purchase and resale of electricity pursuant to sections 2 to 18, inclusive, of this act.]~~ **study, examine and review the feasibility and advisability of establishing a feed-in tariff program for renewable energy systems in this State.**

2. The investigatory docket must include, without limitation:

(a) An evaluation of existing feed-in tariff programs in other jurisdictions and whether such programs or components of such programs would be appropriate models for a feed-in tariff program in this State;

(b) An evaluation of different mechanisms for establishing prices for the purchase and sale of electricity pursuant to a feed-in tariff program;

(c) Consideration of issues relating to the integration of a feed-in tariff program with existing programs for renewable energy in this State, including, without limitation, the renewable energy programs established pursuant to chapter 701B of NRS;

(d) Consideration of the role of a feed-in tariff program in helping providers of electric service meet the portfolio standard established pursuant to NRS 704.7821; and

(e) Consideration of the short-term and long-term costs and savings associated with a feed-in tariff program for retail customers of providers of electric service in this State.

3. The following parties may participate in the investigatory docket:

(a) ~~[~~A~~]~~ **Each** provider of electric service **;** ~~[as defined in section 7 of this act;]~~

(b) ~~[A system owner as defined in section 11 of this act;~~

~~(c) A utility provider as defined in section 12 of this act;~~

~~(d)]~~ The Regulatory Operations Staff of the Commission;

(c) The Consumer's Advocate and the Bureau of Consumer Protection in the Office of the Attorney General; and

~~[(e)]~~ **(d)** Any other interested ~~[party.]~~ **parties.**

4. On or before October 1, 2012, the Commission shall submit a written report of its findings and recommendations from the investigatory docket to the Director of the Legislative Counsel Bureau for transmittal to the 77th Session of the Nevada Legislature.

5. If the Commission's report contains any recommendations for the establishment of a feed-in tariff program for renewable energy systems in this State, the report must include, without limitation, recommendations regarding:

(a) The legislation that would be necessary to establish the feed-in tariff program; and

(b) The procedures and mechanisms that would be necessary to implement the feed-in tariff program.

6. As used in this section, "provider of electric service" has the meaning ascribed to it in NRS 704.7808.

Sec. 20. **(Deleted by amendment.)**

Sec. 21. ~~[1.]~~ This act becomes effective ~~[:~~

~~(a) Upon]~~ **upon** passage and approval **.** ~~[for the purposes of adopting regulations and performing any other preparatory administrative tasks necessary to carry out the provisions of this act; and~~

~~(b) On July 1, 2012, for all other purposes.~~

~~2. This act expires by limitation on June 30, 2020.]~~

Assemblyman Atkinson moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, reengrossed, and to third reading.

Senate Bill No. 190.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 721.

AN ACT relating to music therapy; providing for the licensure of music therapists by the State Board of Health; authorizing the Board to establish a voluntary Music Therapy Advisory Group; prohibiting a person from

engaging in the practice of music therapy without a license; prescribing the requirements for the issuance and renewal of a license as a music therapist; establishing the grounds for disciplinary action against a music therapist; providing the disciplinary actions the Board may take against a music therapist; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the licensure and regulation of certain professions, occupations and businesses. (Title 54 of NRS) This bill provides for the licensure and regulation of music therapists. **Section 12** of this bill makes it unlawful to practice music therapy or hold oneself out as a music therapist without a license. **Section 17** of this bill sets forth the authorized music therapy services that may be provided by a music therapist. **Sections 13 and 14** of this bill make the State Board of Health the licensing entity for music therapists and establishes the requirements and fee for licensure to practice as a music therapist. **Sections 15 and 16** of this bill provide for the renewal of a license to practice music therapy every ~~[5]~~ **3** years as well as the requirements and fee for renewal. **Section 34** of this bill provides that the State Board of Health may not increase the fee for issuing or renewing a license sooner than January 1, 2014.

Section 10 of this bill allows the State Board of Health to adopt any regulations it deems necessary to carry out the provisions of the bill. In addition, **section 10** requires the Board to enforce the provisions of the bill to the extent that money is available for that purpose. The Board is also required to maintain a list of applicants, licensees and persons whose licenses have been revoked or suspended and make those lists available upon request and payment of any fee. **Section 11** of this bill authorizes the State Board of Health to establish a Music Therapy Advisory Group that serves without compensation to assist the Board in carrying out its duties.

Sections 18-23 of this bill establish the grounds for disciplinary action against a music therapist and the procedures for addressing complaints and taking such disciplinary action. **Section 24** of this bill prohibits a person from requiring a music therapist to delegate certain services to another person in certain circumstances.

Section 25 of this bill adds music therapists to the definition of "provider of health care" as used in the chapter which addresses healing arts. That definition is also referred to and used in various sections of the NRS for various purposes. (*See e.g.* NRS 48.039, 162A.760, 391.208) **Section 26** of this bill adds music therapists to the list of persons required to report unprofessional conduct by a nurse or other person licensed or certified by the State Board of Nursing. **Sections 27-29** of this bill add music therapists to the list of persons required to report any known or suspected abuse, neglect, exploitation or isolation of an older or vulnerable person. **Section 30** of this bill adds music therapists to the list of persons required to report any known or suspected abuse or neglect of a child. **Section 31** of this bill makes the

regulations of the State Board of Health relating to licensing music therapists subject to review of the Legislative Committee on Health Care. After any such review, the Committee would notify the Board of the advisability of adopting or revising the proposed regulation. (NRS 439B.225)

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Title 54 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 2 to 24, inclusive, of this act.

Sec. 2. ***The practice of music therapy is hereby declared to be a learned allied health profession, affecting public health, safety and welfare and subject to regulation to protect the public from the practice of music therapy by unqualified and unlicensed persons and from unprofessional conduct by persons who are licensed to practice music therapy.***

Sec. 3. ***As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 4 to 8, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 4. ***"Board" means the State Board of Health.***

Sec. 5. ***"Client" means a person who receives music therapy services.***

Sec. 6. ***"Licensee" means a music therapist who is licensed to practice music therapy pursuant to this chapter.***

Sec. 7. ***"Music therapy" means the clinical use of music interventions by a licensee to accomplish individualized goals within a therapeutic relationship by a credentialed professional who has completed a music therapy program approved by the Board. The term does not include:***

1. The practice of psychology or medicine;

2. The psychological assessment or treatment of couples or families;

3. The prescribing of drugs or electroconvulsive therapy;

4. The medical treatment of physical disease, injury or deformity;

5. The diagnosis or psychological treatment of a psychotic disorder;

6. The use of projective techniques in the assessment of personality;

7. The use of psychological, neuropsychological, psychometric assessment or clinical tests designed to identify or classify abnormal or pathological human behavior or to determine intelligence, personality, aptitude, interests or addictions;

8. The use of individually administered intelligence tests, academic achievement tests or neuropsychological tests; [or]

9. The use of psychotherapy to treat the concomitants of organic illness [.] ;

10. The diagnosis of any physical or mental disorder; or

11. The evaluation of the effects of medical and psychotropic drugs.

Sec. 8. ***"Music therapy services" means the services a licensee is authorized to provide pursuant to section 17 of this act in order to achieve the goals of music therapy.***

Sec. 9. *The provisions of this chapter do not apply to:*

1. A person who is employed by this State or the Federal Government and who provides music therapy services within the scope of that employment.

2. A person performing services or participating in activities as part of a supervised course of study in an accredited or approved educational or internship program while pursuing study leading to a degree or certificate in music therapy, if the person is designated by a title which clearly indicates his or her status as a student or intern.

3. A person who holds a professional license in this State or an employee who is supervised by a person who holds a professional license in this State and whose provision of music therapy services is incidental to the practice of his or her profession if the person does not hold himself or herself out to the public as a music therapist.

Sec. 10. *1. The Board may adopt such regulations as it deems necessary to carry out the provisions of this chapter. The regulations may include, without limitation, additional:*

(a) Standards of training for music therapists;

(b) Requirements for continuing education for music therapists; and

(c) Standards of practice for music therapists.

2. The Board shall:

(a) Enforce the provisions of this chapter and any regulations adopted pursuant thereto, to the extent that money is available for that purpose; and

(b) Maintain a list of:

(1) Applicants for a license;

(2) Licensees; and

(3) Persons whose licenses have been revoked or suspended by the Board.

3. The Board shall, upon request and payment of any fee, provide a copy of a list maintained pursuant to paragraph (b) of subsection 2. A fee charged for providing the copy must not exceed the actual cost incurred by the Board to make the copy.

4. The Board may accept gifts, grants, donations and contributions from any source to assist in carrying out the provisions of this chapter.

Sec. 11. *1. The Board may establish a Music Therapy Advisory Group consisting of persons familiar with the practice of music therapy to provide the Board with expertise and assistance in carrying out its duties pursuant to this chapter. If a Music Therapy Advisory Group is established, the Board must:*

(a) Determine the number of members;

(b) Appoint the members;

(c) Establish the terms of the members; and

(d) Determine the duties of the Music Therapy Advisory Group.

2. Members of a Music Therapy Advisory Group established pursuant to subsection 1 serve without compensation.

Sec. 12. *1. A person who is not licensed to practice music therapy pursuant to this chapter, or a person whose license to practice music therapy has expired or has been suspended or revoked by the Board, shall not:*

(a) Provide music therapy services;

(b) Use in connection with his or her name the words or letters "MT," "music therapist," "licensed, board-certified music therapist," "MT-BC," "Music Therapist - Board Certified," "MT - BC/L" or "Licensed Music Therapist - Board Certified" or any other letters, words or insignia indicating or implying that he or she is licensed to practice music therapy, or in any other way, orally, or in writing or print, or by sign, directly or by implication, use the words "music therapy" or represent himself or herself as licensed or qualified to engage in the practice of music therapy; or

(c) List or cause to have listed in any directory, including, without limitation, a telephone directory, his or her name or the name of his or her company under the heading "Music Therapy" or "Music Therapist" or any other term that indicates or implies that he or she is licensed or qualified to practice music therapy.

2. A person who violates the provisions of this section is guilty of a misdemeanor.

Sec. 13. *1. The Board shall issue a license to practice music therapy to an applicant who:*

(a) Is at least 18 years of age;

(b) Is of good moral character; and

(c) Submits to the Board:

(1) A completed application on a form provided by the Board;

(2) Proof that the applicant has successfully completed an academic program approved by the American Music Therapy Association or its successor organization with a bachelor's degree or higher degree in music therapy;

(3) A fee in the amount of $200 or such other amount as prescribed by regulation by the Board;

(4) A complete set of fingerprints and written permission authorizing the Board to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report; and

(5) Proof that the applicant has passed the examination for board certification offered by the Certification Board for Music Therapists or its successor organization or is certified as a music therapist by that Board or its successor organization.

2. Any increase in the fees imposed pursuant to this section must not exceed the amount necessary for the Board to carry out the provisions of this chapter.

Sec. 14. *1. In addition to any other requirements set forth in this chapter, an applicant for the issuance or renewal of a license as a music therapist shall:*

(a) Include the social security number of the applicant in the application submitted to the Board.

(b) Submit to the Board the statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520. The statement must be completed and signed by the applicant.

2. The Board shall include the statement required pursuant to subsection 1 in:

(a) The application or any other forms that must be submitted for the issuance or renewal of the license; or

(b) A separate form prescribed by the Board.

3. A license may not be issued or renewed by the Board if the applicant:

(a) Fails to submit the statement required pursuant to subsection 1; or

(b) Indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.

4. If an applicant indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the Board shall advise the applicant to contact the district attorney or other public agency enforcing the order to determine the actions that the applicant may take to satisfy the arrearage.

Sec. 15. *1. Each license to practice music therapy expires ~~[5]~~ 3 years after the date on which it is issued and may be renewed if, before the license expires, the licensee submits to the Board:*

(a) A completed application for renewal on a form prescribed by the Board;

(b) Proof that the applicant has continuously maintained for the previous ~~[5]~~ 3 years his or her certification with and is currently certified as a music therapist by the Certification Board for Music Therapists or its successor organization;

(c) Proof that the applicant has completed not less than 100 units of continuing education approved by the Certification Board for Music Therapists or its successor organization; and

(d) A fee in the amount of $200 or such other amount as prescribed by regulation by the Board.

2. Any increase in the fees imposed pursuant to this section must not exceed the amount necessary for the Board to carry out the provisions of this chapter.

Sec. 16. *1. A license that is not renewed on or before the date on which it expires is delinquent. The Board shall, within 30 days after the license becomes delinquent, send a notice to the licensee by certified mail, return receipt requested, to the address of the licensee as indicated in the records of the Board.*

2. A licensee may renew a delinquent license within 60 days after the license becomes delinquent by complying with the requirements of section 15 of this act.

3. A license expires 60 days after it becomes delinquent if it is not renewed within that period.

Sec. 17. *1. A licensee may:*

[1.] (a) Accept referrals for music therapy services from physicians, psychologists or other [health and] medical, developmental or mental health professionals, education professionals, family members, clients or caregivers. Before providing music therapy services to a client for a medical or mental health condition, the licensee shall collaborate with the client's physician, psychologist , [or other] primary care provider or mental health professional to review the client's diagnosis , [and] treatment needs [.

2.] and treatment plan.

(b) Conduct a music therapy assessment of a client to collect systematic, comprehensive and accurate information necessary to determine the appropriate type of music therapy services to provide for the client, including, without limitation, information relating to a client's emotional and physical health, social functioning, communication abilities and cognitive skills based upon the client's history and through observation and interaction of the client in music and nonmusic settings.

[3.] (c) Develop an individualized treatment plan for the client that identifies the goals, objectives and potential strategies of the music therapy services appropriate for the client using music interventions, which may include, without limitation, music improvisation, receptive music listening, song writing, lyric discussion, music and imagery, music performance, learning through music and movement to music.

[4.] (d) If applicable, carry out an individualized treatment plan that is consistent with any other medical, developmental, mental health or education services being provided to the client.

[5.] (e) Evaluate and compare the client's response to music therapy and the individualized treatment plan and suggest modifications, as appropriate.

[6.] (f) Develop a plan for determining when the provision of music therapy services is no longer needed in collaboration with the client, any physician or other provider of health care or education of the client, any

appropriate member of the family of the client and any other appropriate person upon whom the client relies for support.

~~[7.]~~ (g) Minimize any barriers so that the client may receive music therapy services in the least restrictive environment.

~~[8.]~~ (h) Collaborate with and educate the client and the family or caregiver of the client or any other appropriate person about the needs of the client that are being addressed in music therapy and the manner in which the music therapy addresses those needs.

~~[9. Perform other services approved by the Board or]~~

2. Except as otherwise provided by this chapter or a regulation adopted by the Board pursuant to this chapter, a licensee shall comply with the scope of practice of the Certification Board for Music Therapists or its successor organization.

Sec. 18. *The Board may refuse to grant or may suspend or revoke a license to practice music therapy for any of the following reasons:*

1. Submitting false, fraudulent or misleading information to the Board or any agency of this State, any other state, a territory or possession of the United States, the District of Columbia or the Federal Government.

2. Violating any provision of this chapter or any regulation adopted pursuant thereto.

3. Conviction of a felony relating to the practice of music therapy or of any offense involving moral turpitude, the record of conviction being conclusive evidence thereof.

4. Habitual drunkenness or addiction to the use of a controlled substance.

5. Impersonating a licensed music therapist or allowing another person to use his or her license.

6. Using fraud or deception in applying for a license to practice music therapy.

7. Failing to comply with the "Code of Professional Practice" of the Certification Board for Music Therapists or its successor organization or committing any other unethical practices contrary to the interest of the public as determined by the Board.

8. Negligence, fraud or deception in connection with the music therapy services a licensee is authorized to provide pursuant to this chapter.

Sec. 19. *1. If any member of the Board or a Music Therapy Advisory Group becomes aware of any ground for initiating disciplinary action against a licensee, the member must file a written complaint with the Board.*

2. As soon as practicable after receiving a complaint, the Board shall:

(a) Forward the complaint to the Certification Board for Music Therapists or its successor organization for investigation of the complaint and request a written report of the findings of such investigation; or

(b) To the extent money is available to do so, conduct an investigation of the complaint to determine whether the allegations in the complaint merit the initiation of disciplinary proceedings against the licensee.

3. The Board shall retain a copy of each complaint filed with the Board pursuant to this section for at least 10 years, including, without limitation, any complaint that is not acted upon.

Sec. 20. ***1. If, after an investigation conducted by the Board or receiving the findings from an investigation of a complaint from the Certification Board for Music Therapists or its successor organization, and after notice and a hearing as required by law, the Board finds one or more grounds for taking disciplinary action, the Board may:***

(a) Place the licensee on probation for a specified period or until further order of the Board;

(b) Administer to the applicant or licensee a public reprimand;

(c) Refuse to renew the license of the licensee;

(d) Suspend or revoke the license of the licensee;

(e) Impose an administrative fine of not more than $500 for each violation; or

(f) Take any combination of actions set forth in paragraphs (a) to (e), inclusive.

2. The order of the Board may include such other terms, provisions or conditions as the Board deems appropriate.

3. The order of the Board and the findings of fact and conclusions of law supporting that order are public records.

4. The Board shall not issue a private reprimand.

Sec. 21. ***1. Except as otherwise provided in this section and NRS 239.0115, a complaint filed with the Board, all documents and other information filed with the complaint and all documents and other information returned from the Certification Board for Music Therapists or its successor organization as a result of an investigation conducted to determine whether to initiate disciplinary action against a person are confidential, unless the person submits a written statement to the Board requesting that such documents and information be made public records.***

2. The charging documents filed with the Board to initiate disciplinary action pursuant to chapter 622A of NRS and all documents and information considered by the Board when determining whether to impose discipline are public records.

3. An order that imposes discipline and the findings of fact and conclusions of law supporting that order are public records.

4. The provisions of this section do not prohibit the Board from communicating or cooperating with or providing any documents or other information to any other licensing board or any other agency that is investigating a person, including, without limitation, a law enforcement agency.

Sec. 22. ***1. If the Board receives a copy of a court order issued pursuant to NRS 425.540 that provides for the suspension of all professional, occupational and recreational licenses, certificates and permits issued to a person who is the holder of a license as a music therapist, the Board shall deem the license issued to that person to be suspended at the end of the 30th day after the date on which the court order was issued unless the Board receives a letter issued to the holder of the license by the district attorney or other public agency pursuant to NRS 425.550 stating that the holder of the license has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.***

2. The Board shall reinstate a license as a music therapist that has been suspended by a district court pursuant to NRS 425.540 if the Board receives a letter issued by the district attorney or other public agency pursuant to NRS 425.550 to the person whose license was suspended stating that the person whose license was suspended has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

Sec. 23. ***1. If the Board determines that a person has violated or is about to violate any provision of this chapter or a regulation adopted pursuant thereto, the Board may bring an action in a court of competent jurisdiction to enjoin the person from engaging in or continuing the violation.***

2. An injunction:

(a) May be issued without proof of actual damage sustained by any person.

(b) Does not prohibit the criminal prosecution and punishment of the person who commits the violation.

Sec. 24. ***1. A person shall not require a licensee to delegate the provision of music therapy services to another person if, in the opinion of the licensee, such delegation would be inappropriate or create a risk of harm to the client.***

2. A person who violates the provisions of this section is guilty of a misdemeanor.

Sec. 25. NRS 629.031 is hereby amended to read as follows:

629.031 Except as otherwise provided by a specific statute:

1. "Provider of health care" means a physician licensed pursuant to chapter 630, 630A or 633 of NRS, physician assistant, dentist, licensed nurse, dispensing optician, optometrist, practitioner of respiratory care, registered physical therapist, podiatric physician, licensed psychologist, licensed marriage and family therapist, licensed clinical professional counselor, ***music therapist,*** chiropractor, athletic trainer, perfusionist, doctor of Oriental medicine in any form, medical laboratory director or technician, pharmacist or a licensed hospital as the employer of any such person.

2. For the purposes of NRS 629.051, 629.061 and 629.065, the term includes a facility that maintains the health care records of patients.

Sec. 26. NRS 632.472 is hereby amended to read as follows:

632.472 1. The following persons shall report in writing to the Executive Director of the Board any conduct of a licensee or holder of a certificate which constitutes a violation of the provisions of this chapter:

(a) Any physician, dentist, dental hygienist, chiropractor, optometrist, podiatric physician, medical examiner, resident, intern, professional or practical nurse, nursing assistant, perfusionist, physician assistant licensed pursuant to chapter 630 or 633 of NRS, psychiatrist, psychologist, marriage and family therapist, clinical professional counselor, alcohol or drug abuse counselor, ***music therapist,*** driver of an ambulance, advanced emergency medical technician or other person providing medical services licensed or certified to practice in this State.

(b) Any personnel of a medical facility or facility for the dependent engaged in the admission, examination, care or treatment of persons or an administrator, manager or other person in charge of a medical facility or facility for the dependent upon notification by a member of the staff of the facility.

(c) A coroner.

(d) Any person who maintains or is employed by an agency to provide personal care services in the home.

(e) Any person who operates, who is employed by or who contracts to provide services for an intermediary service organization as defined in NRS 427A.0291.

(f) Any person who maintains or is employed by an agency to provide nursing in the home.

(g) Any employee of the Department of Health and Human Services.

(h) Any employee of a law enforcement agency or a county's office for protective services or an adult or juvenile probation officer.

(i) Any person who maintains or is employed by a facility or establishment that provides care for older persons.

(j) Any person who maintains, is employed by or serves as a volunteer for an agency or service which advises persons regarding the abuse, neglect or exploitation of an older person and refers them to persons and agencies where their requests and needs can be met.

(k) Any social worker.

2. Every physician who, as a member of the staff of a medical facility or facility for the dependent, has reason to believe that a nursing assistant has engaged in conduct which constitutes grounds for the denial, suspension or revocation of a certificate shall notify the superintendent, manager or other person in charge of the facility. The superintendent, manager or other person in charge shall make a report as required in subsection 1.

3. A report may be filed by any other person.

4. Any person who in good faith reports any violation of the provisions of this chapter to the Executive Director of the Board pursuant to this section is immune from civil liability for reporting the violation.

5. As used in this section, "agency to provide personal care services in the home" has the meaning ascribed to it in NRS 449.0021.

Sec. 27. NRS 200.5093 is hereby amended to read as follows:

200.5093 1. Any person who is described in subsection 4 and who, in a professional or occupational capacity, knows or has reasonable cause to believe that an older person has been abused, neglected, exploited or isolated shall:

(a) Except as otherwise provided in subsection 2, report the abuse, neglect, exploitation or isolation of the older person to:

(1) The local office of the Aging and Disability Services Division of the Department of Health and Human Services;

(2) A police department or sheriff's office;

(3) The county's office for protective services, if one exists in the county where the suspected action occurred; or

(4) A toll-free telephone service designated by the Aging and Disability Services Division of the Department of Health and Human Services; and

(b) Make such a report as soon as reasonably practicable but not later than 24 hours after the person knows or has reasonable cause to believe that the older person has been abused, neglected, exploited or isolated.

2. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that the abuse, neglect, exploitation or isolation of the older person involves an act or omission of the Aging and Disability Services Division, another division of the Department of Health and Human Services or a law enforcement agency, the person shall make the report to an agency other than the one alleged to have committed the act or omission.

3. Each agency, after reducing a report to writing, shall forward a copy of the report to the Aging and Disability Services Division of the Department of Health and Human Services and the Unit for the Investigation and Prosecution of Crimes.

4. A report must be made pursuant to subsection 1 by the following persons:

(a) Every physician, dentist, dental hygienist, chiropractor, optometrist, podiatric physician, medical examiner, resident, intern, professional or practical nurse, physician assistant licensed pursuant to chapter 630 or 633 of NRS, perfusionist, psychiatrist, psychologist, marriage and family therapist, clinical professional counselor, clinical alcohol and drug abuse counselor, alcohol and drug abuse counselor, ***music therapist,*** athletic trainer, driver of an ambulance, advanced emergency medical technician or other person providing medical services licensed or certified to practice in this State, who examines, attends or treats an older person who appears to have been abused, neglected, exploited or isolated.

(b) Any personnel of a hospital or similar institution engaged in the admission, examination, care or treatment of persons or an administrator, manager or other person in charge of a hospital or similar institution upon notification of the suspected abuse, neglect, exploitation or isolation of an older person by a member of the staff of the hospital.

(c) A coroner.

(d) Every person who maintains or is employed by an agency to provide personal care services in the home.

(e) Every person who maintains or is employed by an agency to provide nursing in the home.

(f) Every person who operates, who is employed by or who contracts to provide services for an intermediary service organization as defined in NRS 427A.0291.

(g) Any employee of the Department of Health and Human Services.

(h) Any employee of a law enforcement agency or a county's office for protective services or an adult or juvenile probation officer.

(i) Any person who maintains or is employed by a facility or establishment that provides care for older persons.

(j) Any person who maintains, is employed by or serves as a volunteer for an agency or service which advises persons regarding the abuse, neglect, exploitation or isolation of an older person and refers them to persons and agencies where their requests and needs can be met.

(k) Every social worker.

(l) Any person who owns or is employed by a funeral home or mortuary.

5. A report may be made by any other person.

6. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that an older person has died as a result of abuse, neglect or isolation, the person shall, as soon as reasonably practicable, report this belief to the appropriate medical examiner or coroner, who shall investigate the cause of death of the older person and submit to the appropriate local law enforcement agencies, the appropriate prosecuting attorney, the Aging and Disability Services Division of the Department of Health and Human Services and the Unit for the Investigation and Prosecution of Crimes his or her written findings. The written findings must include the information required pursuant to the provisions of NRS 200.5094, when possible.

7. A division, office or department which receives a report pursuant to this section shall cause the investigation of the report to commence within 3 working days. A copy of the final report of the investigation conducted by a division, office or department, other than the Aging and Disability Services Division of the Department of Health and Human Services, must be forwarded within 30 days after the completion of the report to the:

(a) Aging and Disability Services Division;

(b) Repository for Information Concerning Crimes Against Older Persons created by NRS 179A.450; and

(c) Unit for the Investigation and Prosecution of Crimes.

8. If the investigation of a report results in the belief that an older person is abused, neglected, exploited or isolated, the Aging and Disability Services Division of the Department of Health and Human Services or the county's office for protective services may provide protective services to the older person if the older person is able and willing to accept them.

9. A person who knowingly and willfully violates any of the provisions of this section is guilty of a misdemeanor.

10. As used in this section, "Unit for the Investigation and Prosecution of Crimes" means the Unit for the Investigation and Prosecution of Crimes Against Older Persons in the Office of the Attorney General created pursuant to NRS 228.265.

Sec. 28. NRS 200.50935 is hereby amended to read as follows:

200.50935 1. Any person who is described in subsection 3 and who, in a professional or occupational capacity, knows or has reasonable cause to believe that a vulnerable person has been abused, neglected, exploited or isolated shall:

(a) Report the abuse, neglect, exploitation or isolation of the vulnerable person to a law enforcement agency; and

(b) Make such a report as soon as reasonably practicable but not later than 24 hours after the person knows or has reasonable cause to believe that the vulnerable person has been abused, neglected, exploited or isolated.

2. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that the abuse, neglect, exploitation or isolation of the vulnerable person involves an act or omission of a law enforcement agency, the person shall make the report to a law enforcement agency other than the one alleged to have committed the act or omission.

3. A report must be made pursuant to subsection 1 by the following persons:

(a) Every physician, dentist, dental hygienist, chiropractor, optometrist, podiatric physician, medical examiner, resident, intern, professional or practical nurse, perfusionist, physician assistant licensed pursuant to chapter 630 or 633 of NRS, psychiatrist, psychologist, marriage and family therapist, clinical professional counselor, clinical alcohol and drug abuse counselor, alcohol and drug abuse counselor, ***music therapist,*** athletic trainer, driver of an ambulance, advanced emergency medical technician or other person providing medical services licensed or certified to practice in this State, who examines, attends or treats a vulnerable person who appears to have been abused, neglected, exploited or isolated.

(b) Any personnel of a hospital or similar institution engaged in the admission, examination, care or treatment of persons or an administrator, manager or other person in charge of a hospital or similar institution upon notification of the suspected abuse, neglect, exploitation or isolation of a vulnerable person by a member of the staff of the hospital.

(c) A coroner.

(d) Every person who maintains or is employed by an agency to provide nursing in the home.

(e) Any employee of the Department of Health and Human Services.

(f) Any employee of a law enforcement agency or an adult or juvenile probation officer.

(g) Any person who maintains or is employed by a facility or establishment that provides care for vulnerable persons.

(h) Any person who maintains, is employed by or serves as a volunteer for an agency or service which advises persons regarding the abuse, neglect, exploitation or isolation of a vulnerable person and refers them to persons and agencies where their requests and needs can be met.

(i) Every social worker.

(j) Any person who owns or is employed by a funeral home or mortuary.

4. A report may be made by any other person.

5. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that a vulnerable person has died as a result of abuse, neglect or isolation, the person shall, as soon as reasonably practicable, report this belief to the appropriate medical examiner or coroner, who shall investigate the cause of death of the vulnerable person and submit to the appropriate local law enforcement agencies and the appropriate prosecuting attorney his or her written findings. The written findings must include the information required pursuant to the provisions of NRS 200.5094, when possible.

6. A law enforcement agency which receives a report pursuant to this section shall immediately initiate an investigation of the report.

7. A person who knowingly and willfully violates any of the provisions of this section is guilty of a misdemeanor.

Sec. 29. NRS 200.5095 is hereby amended to read as follows:

200.5095 1. Reports made pursuant to NRS 200.5093, 200.50935 and 200.5094, and records and investigations relating to those reports, are confidential.

2. A person, law enforcement agency or public or private agency, institution or facility who willfully releases data or information concerning the reports and investigation of the abuse, neglect, exploitation or isolation of older persons or vulnerable persons, except:

(a) Pursuant to a criminal prosecution;

(b) Pursuant to NRS 200.50982; or

(c) To persons or agencies enumerated in subsection 3,

➥ is guilty of a misdemeanor.

3. Except as otherwise provided in subsection 2 and NRS 200.50982, data or information concerning the reports and investigations of the abuse, neglect, exploitation or isolation of an older person or a vulnerable person is available only to:

(a) A physician who is providing care to an older person or a vulnerable person who may have been abused, neglected, exploited or isolated;

(b) An agency responsible for or authorized to undertake the care, treatment and supervision of the older person or vulnerable person;

(c) A district attorney or other law enforcement official who requires the information in connection with an investigation of the abuse, neglect, exploitation or isolation of the older person or vulnerable person;

(d) A court which has determined, in camera, that public disclosure of such information is necessary for the determination of an issue before it;

(e) A person engaged in bona fide research, but the identity of the subjects of the report must remain confidential;

(f) A grand jury upon its determination that access to such records is necessary in the conduct of its official business;

(g) Any comparable authorized person or agency in another jurisdiction;

(h) A legal guardian of the older person or vulnerable person, if the identity of the person who was responsible for reporting the alleged abuse, neglect, exploitation or isolation of the older person or vulnerable person to the public agency is protected, and the legal guardian of the older person or vulnerable person is not the person suspected of such abuse, neglect, exploitation or isolation;

(i) If the older person or vulnerable person is deceased, the executor or administrator of his or her estate, if the identity of the person who was responsible for reporting the alleged abuse, neglect, exploitation or isolation of the older person or vulnerable person to the public agency is protected, and the executor or administrator is not the person suspected of such abuse, neglect, exploitation or isolation; or

(j) The older person or vulnerable person named in the report as allegedly being abused, neglected, exploited or isolated, if that person is not legally incompetent.

4. If the person who is reported to have abused, neglected, exploited or isolated an older person or a vulnerable person is the holder of a license or certificate issued pursuant to chapters 449, 630 to 641B, inclusive, or 654 of NRS, ***or sections 2 to 24, inclusive, of this act, the*** information contained in the report must be submitted to the board that issued the license.

Sec. 30. NRS 432B.220 is hereby amended to read as follows:

432B.220 1. Any person who is described in subsection 4 and who, in his or her professional or occupational capacity, knows or has reasonable cause to believe that a child has been abused or neglected shall:

(a) Except as otherwise provided in subsection 2, report the abuse or neglect of the child to an agency which provides child welfare services or to a law enforcement agency; and

(b) Make such a report as soon as reasonably practicable but not later than 24 hours after the person knows or has reasonable cause to believe that the child has been abused or neglected.

2. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that the abuse or neglect of the child involves an act or omission of:

(a) A person directly responsible or serving as a volunteer for or an employee of a public or private home, institution or facility where the child is receiving child care outside of the home for a portion of the day, the person shall make the report to a law enforcement agency.

(b) An agency which provides child welfare services or a law enforcement agency, the person shall make the report to an agency other than the one alleged to have committed the act or omission, and the investigation of the abuse or neglect of the child must be made by an agency other than the one alleged to have committed the act or omission.

3. Any person who is described in paragraph (a) of subsection 4 who delivers or provides medical services to a newborn infant and who, in his or her professional or occupational capacity, knows or has reasonable cause to believe that the newborn infant has been affected by prenatal illegal substance abuse or has withdrawal symptoms resulting from prenatal drug exposure shall, as soon as reasonably practicable but not later than 24 hours after the person knows or has reasonable cause to believe that the newborn infant is so affected or has such symptoms, notify an agency which provides child welfare services of the condition of the infant and refer each person who is responsible for the welfare of the infant to an agency which provides child welfare services for appropriate counseling, training or other services. A notification and referral to an agency which provides child welfare services pursuant to this subsection shall not be construed to require prosecution for any illegal action.

4. A report must be made pursuant to subsection 1 by the following persons:

(a) A physician, dentist, dental hygienist, chiropractor, optometrist, podiatric physician, medical examiner, resident, intern, professional or practical nurse, physician assistant licensed pursuant to chapter 630 or 633 of NRS, perfusionist, psychiatrist, psychologist, marriage and family therapist, clinical professional counselor, clinical alcohol and drug abuse counselor, alcohol and drug abuse counselor, clinical social worker, ***music therapist,*** athletic trainer, advanced emergency medical technician or other person providing medical services licensed or certified in this State.

(b) Any personnel of a hospital or similar institution engaged in the admission, examination, care or treatment of persons or an administrator, manager or other person in charge of a hospital or similar institution upon notification of suspected abuse or neglect of a child by a member of the staff of the hospital.

(c) A coroner.

(d) A member of the clergy, practitioner of Christian Science or religious healer, unless the person has acquired the knowledge of the abuse or neglect from the offender during a confession.

(e) A social worker and an administrator, teacher, librarian or counselor of a school.

(f) Any person who maintains or is employed by a facility or establishment that provides care for children, children's camp or other public or private facility, institution or agency furnishing care to a child.

(g) Any person licensed to conduct a foster home.

(h) Any officer or employee of a law enforcement agency or an adult or juvenile probation officer.

(i) An attorney, unless the attorney has acquired the knowledge of the abuse or neglect from a client who is or may be accused of the abuse or neglect.

(j) Any person who maintains, is employed by or serves as a volunteer for an agency or service which advises persons regarding abuse or neglect of a child and refers them to persons and agencies where their requests and needs can be met.

(k) Any person who is employed by or serves as a volunteer for an approved youth shelter. As used in this paragraph, "approved youth shelter" has the meaning ascribed to it in NRS 244.422.

(l) Any adult person who is employed by an entity that provides organized activities for children.

5. A report may be made by any other person.

6. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that a child has died as a result of abuse or neglect, the person shall, as soon as reasonably practicable, report this belief to an agency which provides child welfare services or a law enforcement agency. If such a report is made to a law enforcement agency, the law enforcement agency shall notify an agency which provides child welfare services and the appropriate medical examiner or coroner of the report. If such a report is made to an agency which provides child welfare services, the agency which provides child welfare services shall notify the appropriate medical examiner or coroner of the report. The medical examiner or coroner who is notified of a report pursuant to this subsection shall investigate the report and submit his or her written findings to the appropriate agency which provides child welfare services, the appropriate district attorney and a law enforcement agency. The written findings must include, if obtainable, the information required pursuant to the provisions of subsection 2 of NRS 432B.230.

Sec. 31. NRS 439B.225 is hereby amended to read as follows:

439B.225 1. As used in this section, "licensing board" means any division or board empowered to adopt standards for the issuance or renewal of licenses, permits or certificates of registration pursuant to NRS 435.3305 to 435.339, inclusive, chapter 449, 625A, 630, 630A, 631, 632, 633, 634, 634A, 635, 636, 637, 637A, 637B, 639, 640, 640A, 641, 641A, 641B, 641C, 652 or 654 of NRS ~~[.]~~ ***or sections 2 to 24, inclusive, of this act.***

2. The Committee shall review each regulation that a licensing board proposes or adopts that relates to standards for the issuance or renewal of

licenses, permits or certificates of registration issued to a person or facility regulated by the board, giving consideration to:

(a) Any oral or written comment made or submitted to it by members of the public or by persons or facilities affected by the regulation;

(b) The effect of the regulation on the cost of health care in this State;

(c) The effect of the regulation on the number of licensed, permitted or registered persons and facilities available to provide services in this State; and

(d) Any other related factor the Committee deems appropriate.

3. After reviewing a proposed regulation, the Committee shall notify the agency of the opinion of the Committee regarding the advisability of adopting or revising the proposed regulation.

4. The Committee shall recommend to the Legislature as a result of its review of regulations pursuant to this section any appropriate legislation.

Sec. 32. NRS 608.0116 is hereby amended to read as follows:

608.0116 "Professional" means pertaining to an employee who is licensed or certified by the State of Nevada for and engaged in the practice of law or any of the professions regulated by chapters 623 to 645, inclusive, 645G and 656A of NRS ~~[.]~~ ***and sections 2 to 24, inclusive, of this act.***

Sec. 33. Section 14 of this act is hereby amended to read as follows:

Sec. 14. 1. In addition to any other requirements set forth in this chapter, an applicant for the issuance or renewal of a license as a music therapist shall ~~[:~~

~~(a) Include the social security number of the applicant in the application submitted to the Board.~~

~~(b) Submit]~~ ***submit*** to the Board the statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520. The statement must be completed and signed by the applicant.

2. The Board shall include the statement required pursuant to subsection 1 in:

(a) The application or any other forms that must be submitted for the issuance or renewal of the license; or

(b) A separate form prescribed by the Board.

3. A license may not be issued or renewed by the Board if the applicant:

(a) Fails to submit the statement required pursuant to subsection 1; or

(b) Indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.

4. If an applicant indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment

of the amount owed pursuant to the order, the Board shall advise the applicant to contact the district attorney or other public agency enforcing the order to determine the actions that the applicant may take to satisfy the arrearage.

Sec. 34. The State Board of Health shall not adopt any regulation to increase the fee for the issuance of a license to practice music therapy pursuant to section 13 of this act or the fee for the renewal of such a license pursuant to section 15 of this act before January 1, 2014.

Sec. 35. 1. This section, sections 1 to 32, inclusive, and section 34 of this act become effective:

(a) Upon passage and approval for the purpose of issuing licenses to qualified applicants; and

(b) On January 1, 2012, for all other purposes.

2. Section 33 of this act becomes effective on the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

(a) Have failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or

(b) Are in arrears in the payment for the support of one or more children,

➥ are repealed by the Congress of the United States.

3. Sections 22 and 33 of this act expire by limitation 2 years after the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

(a) Have failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or

(b) Are in arrears in the payment for the support of one or more children,

➥ are repealed by the Congress of the United States.

Assemblyman Atkinson moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, reengrossed, and to third reading.

Senate Bill No. 194.

Bill read second time and ordered to third reading.

Senate Bill No. 200.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 720.

AN ACT relating to time shares; restricting the disclosure of certain information about owners of time shares; requiring certain mailings to

owners of time shares upon request by an owner; ~~[allowing a notice of sale on the foreclosure of a time share to be given by posting on an Internet website under certain circumstances;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 2 of this bill requires the manager or board of an association of a time-share plan to maintain a list of owners of time shares in the plan. **Section 2** also prohibits the manager or board from disclosing personal information about an owner without the prior written consent of the owner except under certain circumstances.

Section 3 of this bill requires the manager or board of an association of a time-share plan to: (1) mail certain materials to all owners on the list of owners of time shares in the plan upon the request of an owner under certain circumstances; (2) provide an owner with the option to place certain limits on the information that may be provided to other owners; (3) provide an owner with a written disclosure regarding the potential effect of giving consent to publish or furnish information about the owner; and (4) establish procedures for such mailings.

~~[Existing law requires that, among other forms of notice, a sale of a time share to satisfy a lien for unpaid assessments be noticed by publication in a newspaper under certain circumstances. (NRS 119A.560) Section 4 of this bill authorizes, as an alternative to the newspaper form of publication, such a notice of sale and a declaration in a form to be prepared by the Real Estate Division of the Department of Business and Industry to be posted on an Internet website if a statement of the Internet address is also published in a newspaper.~~

~~Existing law requires that, among other forms of notice, a sale of real property in foreclosure under a deed of trust be noticed by publication in a newspaper under certain circumstances. (NRS 107.080) Section 5 of this bill authorizes, as an alternative to that form of publication, a notice of a time share in foreclosure under a deed of trust to be posted on an Internet website if a statement of the Internet address is also published in a newspaper.]~~

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 119A of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. ***1. A manager or, if there is no manager, the board shall maintain in the records of an association a complete list of the names and mailing addresses of all owners. The list must be updated not less frequently than quarterly.***

2. If a time-share plan is part of a common-interest community governed by chapter 116 of NRS, the names and addresses of delegates or representatives who are elected pursuant to NRS 116.31105 or, if there are none, the name and address of the association must appear on the list of

owners of an association organized under NRS 116.3101 in lieu of the names, addresses and other personal information of the individual owners.

3. Notwithstanding any provision of the declaration or bylaws of a time-share plan to the contrary, a manager or a board may not, except as otherwise authorized or required by law, publish or furnish any information about any owner to any other owner or any other person without the prior written consent of the owner whose information is requested.

4. Before obtaining the written consent of an owner pursuant to subsection 3, a manager or a board shall provide the owner with:

(a) The option to limit the information about the owner that may be published or furnished to any other owner or any other person:

(1) To exclusively the owner's name and mailing address; and

(2) For use only in legitimate matters of business of the association.

(b) The following written disclosure:

BY GIVING YOUR CONSENT TO PUBLISH OR FURNISH INFORMATION ABOUT YOU FOR PURPOSES OTHER THAN LEGITIMATE MATTERS OF BUSINESS OF THE ASSOCIATION, THE INFORMATION COULD BE USED FOR COMMERCIAL OR OTHER PURPOSES.

5. The provisions of this section:

(a) Do not restrict the use by a manager or a board of information about an owner in the performance of their respective duties under the declaration of a time share plan or as otherwise required by law.

(b) Supersede any provisions of chapter 82 of NRS to the contrary.

Sec. 3. *1. A manager or, if there is no manager, the board shall:*

(a) Establish reasonable procedures by which owners may:

(1) Solicit votes or proxies from other owners; and

(2) Provide information to other owners with respect to legitimate matters of business of the association.

(b) Mail to all persons included in the list of owners materials provided by an owner upon the request of that owner if the purpose of the mailing is to advance legitimate matters of business of the association, including, without limitation, a solicitation of a proxy for any purpose, provided that the owner who requests the mailing:

(1) Provides to the manager or board a separate copy of the materials for each of the owners on the list or, if the mailing is to be transmitted electronically, a single copy of the materials in an electronic format; and

(2) Pays the association the actual costs of the mailing before the mailing.

2. The board is responsible for determining whether a mailing requested pursuant to this section advances legitimate matters of business of the association.

3. The manager or board, as applicable, may determine the manner in which a mailing may be accomplished.

4. For the purposes of this section, "mail" and "mailing" include, without limitation, a distribution made by electronic or similar means, such as the transmission of electronic mail as defined in NRS 41.715.

Sec. 4. ~~[NRS 119A.560 is hereby amended to read as follows:~~

~~119A.560 1. The power of sale may not be exercised until:~~

~~(a) The developer or the association, its agent or attorney has first executed and caused to be recorded with the recorder of the county wherein the project is located a notice of default and election to sell the time share or cause its sale to satisfy the assessment lien; and~~

~~(b) The owner or his or her successor in interest has failed to pay the amount of the lien, including costs, fees and expenses incident to its enforcement for 60 days computed as prescribed in subsection 2.~~

~~2. The 60 day period provided in subsection 1 begins on the first day following the day upon which the notice of default and election to sell is recorded and a copy of the notice is mailed by certified or registered mail with postage prepaid to the owner or to his or her successor in interest at the owner's address if that address is known, otherwise to the address of the project. The notice must describe the deficiency in payment.~~

~~3. The developer or the association, its agent or attorney shall, after expiration of the 60 day period and before selling the time share, give notice of the time and place of the sale in the manner and for a time not less than that required for the sale of real property upon execution, except that~~ **[**a**]** ~~**[**.**]**~~ ***:***

~~***(a) A*** copy of the notice of sale must be mailed on or before the first publication or posting required by NRS 21.130 by certified or registered mail with postage prepaid to the owner or to his or her successor in interest at the owner's address if that address is known, otherwise to the address of the project **[**.**]** ~~***; and***~~

~~***(b) In lieu of publishing a copy of the notice of sale in a newspaper pursuant to the provisions of NRS 21.130, the notice of sale may be given by posting a copy of the notice and a declaration pursuant to NRS 53.045 in a form prescribed by the Division pursuant to subsection 6 for 3 successive weeks on an Internet website and publishing three times, once a week for 3 successive weeks, in a newspaper, if there is one in the county, a statement, in at least 10-point bold type, which includes, without limitation:***~~

~~***(1) A statement that the notice of sale for the foreclosure of the time share is posted on an Internet website;***~~

~~***(2) The Internet address where the notice is posted; and***~~

~~***(3) The name and street address of the property in which the time share is located.***~~

~~***4.*** The sale may be made at the office of the developer or the association if the notice so provided, whether the project is located within the same county as the office of the developer or the association or not.~~

[4.**]** ~~***5.*** Every sale made under the provisions of NRS 119A.550 vests in the purchaser the title of the owner without equity or right of redemption.~~

~~*6. The Division shall prepare a form for a declaration pursuant to NRS 53.045 that a developer or association must post on an Internet website with a notice of sale pursuant to paragraph (b) of subsection 3.]*~~ **(Deleted by amendment.)**

Sec. 5. ~~[NRS 107.080 is hereby amended to read as follows:~~

~~107.080 1. Except as otherwise provided in NRS 107.085 and 107.086, if any transfer in trust of any estate in real property is made after March 29, 1927, to secure the performance of an obligation or the payment of any debt, a power of sale is hereby conferred upon the trustee to be exercised after a breach of the obligation for which the transfer is security.~~

~~2. The power of sale must not be exercised, however, until:~~

~~(a) Except as otherwise provided in paragraph (b), in the case of any trust agreement coming into force:~~

~~(1) On or after July 1, 1949, and before July 1, 1957, the grantor, the person who holds the title of record, a beneficiary under a subordinate deed of trust or any other person who has a subordinate lien or encumbrance of record on the property has, for a period of 15 days, computed as prescribed in subsection 3, failed to make good the deficiency in performance or payment; or~~

~~(2) On or after July 1, 1957, the grantor, the person who holds the title of record, a beneficiary under a subordinate deed of trust or any other person who has a subordinate lien or encumbrance of record on the property has, for a period of 35 days, computed as prescribed in subsection 3, failed to make good the deficiency in performance or payment;~~

~~(b) In the case of any trust agreement which concerns owner occupied housing as defined in NRS 107.086, the grantor, the person who holds the title of record, a beneficiary under a subordinate deed of trust or any other person who has a subordinate lien or encumbrance of record on the property has, for a period that commences in the manner and subject to the requirements described in subsection 3 and expires 5 days before the date of sale, failed to make good the deficiency in performance or payment;~~

~~(c) The beneficiary, the successor in interest of the beneficiary or the trustee first executes and causes to be recorded in the office of the recorder of the county wherein the trust property, or some part thereof, is situated a notice of the breach and of the election to sell or cause to be sold the property to satisfy the obligation; and~~

~~(d) Not less than 3 months have elapsed after the recording of the notice.~~

~~3. The 15- or 35-day period provided in paragraph (a) of subsection 2, or the period provided in paragraph (b) of subsection 2, commences on the first day following the day upon which the notice of default and election to sell is recorded in the office of the county recorder of the county in which the property is located and a copy of the notice of default and election to sell is mailed by registered or certified mail, return receipt requested and with postage prepaid to the grantor or, to the person who holds the title of record on the date the notice of default and election to sell is recorded, and, if the~~

~~property is operated as a facility licensed under chapter 449 of NRS, to the State Board of Health, at their respective addresses, if known, otherwise to the address of the trust property. The notice of default and election to sell must:~~

~~(a) Describe the deficiency in performance or payment and may contain a notice of intent to declare the entire unpaid balance due if acceleration is permitted by the obligation secured by the deed of trust, but acceleration must not occur if the deficiency in performance or payment is made good and any costs, fees and expenses incident to the preparation or recordation of the notice and incident to the making good of the deficiency in performance or payment are paid within the time specified in subsection 2; and~~

~~(b) If the property is a residential foreclosure, comply with the provisions of NRS 107.087.~~

~~4. The trustee, or other person authorized to make the sale under the terms of the trust deed or transfer in trust, shall, after expiration of the 3-month period following the recording of the notice of breach and election to sell, and before the making of the sale, give notice of the time and place thereof by recording the notice of sale and by:~~

~~(a) Providing the notice to each trustor, any other person entitled to notice pursuant to this section and, if the property is operated as a facility licensed under chapter 449 of NRS, the State Board of Health, by personal service or by mailing the notice by registered or certified mail to the last known address of the trustor and any other person entitled to such notice pursuant to this section;~~

~~(b) Posting a similar notice particularly describing the property, for 20 days successively, in three public places of the township or city where the property is situated and where the property is to be sold;~~

~~(c) Publishing a copy of the notice three times, once each week for 3 consecutive weeks, in a newspaper of general circulation in the county where the property is situated [;] *or, if the property is a time share, by posting a copy of the notice on an Internet website and publishing a statement pursuant to the provisions of subsection 3 of NRS 119A.560;* and~~

~~(d) If the property is a residential foreclosure , complying with the provisions of NRS 107.087.~~

~~5. Every sale made under the provisions of this section and other sections of this chapter vests in the purchaser the title of the grantor and any successors in interest without equity or right of redemption. A sale made pursuant to this section may be declared void by any court of competent jurisdiction in the county where the sale took place if:~~

~~(a) The trustee or other person authorized to make the sale does not substantially comply with the provisions of this section or any applicable provision of NRS 107.086 and 107.087;~~

~~(b) Except as otherwise provided in subsection 6, an action is commenced in the county where the sale took place within 90 days after the date of the sale; and~~

~~(c) A notice of lis pendens providing notice of the pendency of the action is recorded in the office of the county recorder of the county where the sale took place within 30 days after commencement of the action.~~

~~6. If proper notice is not provided pursuant to subsection 3 or paragraph (a) of subsection 4 to the grantor, to the person who holds the title of record on the date the notice of default and election to sell is recorded, to each trustor or to any other person entitled to such notice, the person who did not receive such proper notice may commence an action pursuant to subsection 5 within 120 days after the date on which the person received actual notice of the sale.~~

~~7. The sale of a lease of a dwelling unit of a cooperative housing corporation vests in the purchaser title to the shares in the corporation which accompany the lease.~~

~~8. After a sale of property is conducted pursuant to this section, the trustee shall:~~

~~(a) Within 30 days after the date of the sale, record the trustee's deed upon sale in the office of the county recorder of the county in which the property is located; or~~

~~(b) Within 20 days after the date of the sale, deliver the trustee's deed upon sale to the successful bidder. Within 10 days after the date of delivery of the deed by the trustee, the successful bidder shall record the trustee's deed upon sale in the office of the county recorder of the county in which the property is located.~~

~~9. If the successful bidder fails to record the trustee's deed upon sale pursuant to paragraph (b) of subsection 8, the successful bidder:~~

~~(a) Is liable in a civil action to any party that is a senior lienholder against the property that is the subject of the sale in a sum of up to $500 and for reasonable attorney's fees and the costs of bringing the action; and~~

~~(b) Is liable in a civil action for any actual damages caused by the failure to comply with the provisions of subsection 8 and for reasonable attorney's fees and the costs of bringing the action.~~

~~10. The county recorder shall, in addition to any other fee, at the time of recording a notice of default and election to sell collect:~~

~~(a) A fee of $150 for deposit in the State General Fund.~~

~~(b) A fee of $50 for deposit in the Account for Foreclosure Mediation, which is hereby created in the State General Fund. The Account must be administered by the Court Administrator, and the money in the Account may be expended only for the purpose of supporting a program of foreclosure mediation established by Supreme Court Rule.~~

~~The fees collected pursuant to this subsection must be paid over to the county treasurer by the county recorder on or before the fifth day of each month for the preceding calendar month, and, except as otherwise provided in this subsection, must be placed to the credit of the State General Fund or the Account as prescribed pursuant to this subsection. The county recorder may direct that 1.5 percent of the fees collected by the county recorder be~~

~~transferred into a special account for use by the office of the county recorder. The county treasurer shall, on or before the 15th day of each month, remit the fees deposited by the county recorder pursuant to this subsection to the State Controller for credit to the State General Fund or the Account as prescribed in this subsection.~~

~~11. The beneficiary, the successor in interest of the beneficiary or the trustee who causes to be recorded the notice of default and election to sell shall not charge the grantor or the successor in interest of the grantor any portion of any fee required to be paid pursuant to subsection 10.~~

~~12. As used in this section, "residential foreclosure" means the sale of a single family residence under a power of sale granted by this section. As used in this subsection, "single family residence":~~

~~(a) Means a structure that is comprised of not more than four units.~~

~~(b) Does not include any time share or other property regulated under chapter 119A of NRS.~~**]** **(Deleted by amendment.)**

Assemblyman Atkinson moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, reengrossed, and to third reading.

Senate Bill No. 201.

Bill read second time and ordered to third reading.

Senate Bill No. 215.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 719.

AN ACT relating to chiropractic; requiring the completion of certain continuing education requirements for the renewal of a certificate as a chiropractor's assistant; revising certain provisions governing the issuance and renewal of a **[**~~license to practice chiropractic;~~**]** **certificate as a chiropractor's assistant;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, a chiropractor's assistant may renew his or her certificate as a chiropractor's assistant by paying a fee and submitting certain information to the Chiropractic Physicians' Board of Nevada. (NRS 634.130) **Section 1** of this bill additionally requires a chiropractor's assistant to complete at least 12 hours of continuing education every 2 years as a condition of the renewal of his or her certificate as a chiropractor's assistant. **Section 1** also provides that courses related to lifesaving skills such as cardiopulmonary resuscitation may be included in the 12 hours of continuing education required to be completed by a chiropractor's assistant and requires the Board to determine how many hours of such course work are required. **Section 1** further provides that the educational requirement may be waived by the Board if a chiropractor's assistant is prevented by a serious or

disabling illness or physical disability from completing the educational requirement.

Under existing law, a ~~[license to practice chiropractic or a]~~ certificate as a chiropractor's assistant is valid for 2 years and must be renewed before January 1 of each odd-numbered year. (NRS 634.130) **Section 1** requires a ~~[license to practice chiropractic]~~ **certificate as a chiropractor's assistant** to be renewed before January 1 of each even-numbered year.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 634.130 is hereby amended to read as follows:

634.130 1. Licenses and certificates must be renewed biennially. Each person who is licensed pursuant to the provisions of this chapter must, upon the payment of the required renewal fee and the submission of all information required to complete the renewal, be granted a renewal certificate which authorizes the person to continue to practice for 2 years.

2. The renewal fee must be paid and all information required to complete the renewal must be submitted to the Board on or before January 1 of ~~[each odd-numbered year.]~~ ***:***

(a) Each ~~*[even-numbered]*~~ ***odd-numbered year for a licensee; and***

(b) Each ~~*[odd-numbered]*~~ ***even-numbered year for a holder of a certificate as a chiropractor's assistant.***

3. Except as otherwise provided in subsection ~~[4,]~~ ***5 or 6,*** a licensee in active practice within this State must submit satisfactory proof to the Board that, during the 24 months immediately preceding the renewal date of the license, the licensee has attended at least 36 hours of continuing education which is approved or endorsed by the Board.

4. Except as otherwise provided in subsection 5 or 7, a holder of a certificate as a chiropractor's assistant in active practice within this State must submit satisfactory proof to the Board that, during the 24 months immediately preceding the renewal date of the certificate, the certificate holder has attended at least 12 hours of continuing education which is approved or endorsed by the Board or the equivalent board of another state or jurisdiction that regulates chiropractors' assistants. The continuing education required by this subsection may include education related to lifesaving skills, including, without limitation, a course in cardiopulmonary resuscitation. The Board shall by regulation determine how many of the required 12 hours of continuing education must be course work related to such lifesaving skills. Any course of continuing education approved or endorsed by the Board or the equivalent board of another state or jurisdiction pursuant to this subsection may be conducted via the Internet or in a live setting, including, without limitation, a conference, workshop or academic course of instruction. The Board shall not approve or endorse a course of continuing education which is self-directed or conducted via home study.

5. The educational requirement of ~~[this section]~~ ***subsection 3 or 4*** may be waived by the Board if the licensee ***or holder of a certificate as a chiropractor's assistant*** files with the Board a statement of a chiropractic physician, osteopathic physician or doctor of medicine certifying that the licensee ***or holder of a certificate as a chiropractor's assistant*** is suffering from a serious or disabling illness or physical disability which prevented the licensee ***or holder of a certificate as a chiropractor's assistant*** from completing the requirements for continuing education during the 24 months immediately preceding the renewal date of the license.

~~[4.]~~ ***6.*** A licensee is not required to comply with the requirements of subsection 3 until the first odd-numbered ~~*[even-numbered]*~~ year after the year the Board issues to the licensee an initial license to practice as a chiropractor in this State.

~~[5.]~~ ***7. A certificate holder is not required to comply with the requirements of subsection 4 until the first*** ~~*[odd-numbered]*~~ ***even-numbered year after the Board issues to the certificate holder an initial certificate to practice as a chiropractor's assistant in this State.***

8. If a licensee fails to:

(a) Pay the renewal fee by January 1 of an odd-numbered ~~*[even-numbered]*~~ year;

(b) Submit proof of continuing education pursuant to subsection 3;

(c) Notify the Board of a change in the location of his or her office pursuant to NRS 634.129; or

(d) Submit all information required to complete the renewal,

➥ the license is automatically suspended and, except as otherwise provided in NRS 634.131, may be reinstated only upon the payment, by January 1 of the even-numbered ~~*[odd-numbered]*~~ year following the year in which the license was suspended, of the required fee for reinstatement in addition to the renewal fee.

~~[6.]~~ ***9.*** If a holder of a certificate as a chiropractor's assistant fails to:

(a) Pay the renewal fee by January 1 of an ~~[odd-numbered]~~ ***even-numbered*** year;

(b) ***Submit proof of continuing education pursuant to subsection 4;***

(c) Notify the Board of a change in the location of his or her office pursuant to NRS 634.129; or

~~[(c)]~~ ***(d)*** Submit all information required to complete the renewal,

➥ the certificate is automatically suspended and may be reinstated only upon the payment of the required fee for reinstatement in addition to the renewal fee.

Sec. 2. NRS 634.131 is hereby amended to read as follows:

634.131 1. If a license has been automatically suspended pursuant to the provisions of subsection ~~[5]~~ ***8*** of NRS 634.130 and not reinstated pursuant to the provisions of that subsection, the person who held the license may apply to the Board to have the license reinstated to active status.

2. An applicant to have a suspended license reinstated to active status pursuant to subsection 1 must:

(a) Either:

(1) Submit satisfactory evidence to the Board:

(I) That the applicant has maintained an active practice in another state, territory or country within the preceding 5 years;

(II) From all other licensing agencies which have issued the applicant a license that he or she is in good standing and has no legal actions pending against him or her; and

(III) That the applicant has participated in a program of continuing education in accordance with NRS 634.130 for the year in which he or she seeks to be reinstated to active status; or

(2) Score 75 percent or higher on an examination prescribed by the Board on the provisions of this chapter and the regulations adopted by the Board; and

(b) Pay:

(1) The fee for the biennial renewal of a license to practice chiropractic; and

(2) The fee for reinstating a license to practice chiropractic which has been suspended or revoked.

3. If any of the requirements set forth in subsection 2 are not met by an applicant for the reinstatement of a suspended license to active status, the Board, before reinstating the license of the applicant to active status:

(a) Must hold a hearing to determine the professional competency and fitness of the applicant; and

(b) May require the applicant to:

(1) Pass the Special Purposes Examination for Chiropractic prepared by the National Board of Chiropractic Examiners; and

(2) Satisfy any additional requirements that the Board deems to be necessary.

Sec. 2.5. Notwithstanding the amendatory provisions of sections 1 and 2 of this act:

1. A ~~[license to practice chiropractic]~~ **certificate as a chiropractor's assistant** issued or renewed on or after July 1, 2011, but before January 1, 2013, expires on December 31, 2013; and

2. The Chiropractic Physicians' Board of Nevada shall prorate the fee for any ~~[license to practice chiropractic]~~ **certificate as a chiropractor's assistant** issued or renewed on or after July 1, 2011, but before January 1, 2013.

Sec. 3. This act becomes effective on July 1, 2011.

Assemblyman Atkinson moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, reengrossed, and to third reading.

Senate Bill No. 226.

Bill read second time and ordered to third reading.

Senate Bill No. 236.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture, and Mining:

Amendment No. 628.

AN ACT relating to highways; declaring that it is the policy of this State to encourage and promote the use of recycled aggregate, recycled bituminous pavement and recycled rubber from tires in the construction, reconstruction, improvement, maintenance and repair of public highways in this State; requiring the Director of the Department of Transportation to adopt policies ~~[to optimize]~~ **that provide for** the use of such materials in highway projects; requiring a local government that undertakes certain road or highway projects to adopt policies that ~~[optimize]~~ **provide for** the use of such materials in the projects; ~~[requiring certain reporting to the Legislature concerning such projects;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1.5 of this bill declares it to be the policy of this State to encourage and promote the use of recycled aggregate, recycled bituminous pavement and recycled rubber from tires in the construction, reconstruction, improvement, maintenance and repair of public highways in this State. **Section 2** of this bill requires the Director of the Department of Transportation to adopt policies that ~~[optimize]~~ **provide for** the use of recycled aggregate, recycled bituminous pavement and recycled rubber from tires in projects for the construction, reconstruction, improvement, maintenance or repair of highways**.** ~~[and to submit certain reports to the Legislature concerning the Department's use of such materials in those projects. Section]~~ **Section 2.3 of this bill requires the Department to ensure that the use of any recycled aggregate, recycled bituminous pavement or recycled rubber from tires in certain projects is not restricted unless scientific evidence satisfactory to the Department indicates that the use of the recycled aggregate, recycled bituminous pavement or recycled rubber from tires for the project compromises the soundness of the project. Sections 2.5 and 3** of this bill ~~[imposes]~~ **impose** comparable requirements on local governments that undertake public works projects for the construction, reconstruction, improvement, maintenance or repair of a public road or public highway.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. (Deleted by amendment.)

Sec. 1.5. The Legislature hereby declares that it is the policy of this State to encourage and promote the use of recycled aggregate, recycled

bituminous pavement and recycled rubber from tires in the construction, reconstruction, improvement, maintenance and repair of public roads and highways in this State.

Sec. 2. Chapter 408 of NRS is hereby amended by adding thereto a new section to read as follows:

The Director shall ***[:***

1. Adopt] ***adopt policies*** ***[to optimize]*** ***that provide for the use of recycled aggregate, recycled bituminous pavement and recycled rubber from tires in projects for the construction, reconstruction, improvement, maintenance and repair of highways undertaken by the Department pursuant to this chapter.*** ***[; and***

2. Not later than January 31 of each odd-numbered year, submit to the Governor and to the Director of the Legislative Counsel Bureau for transmittal to the Legislature a report concerning the use of recycled aggregate, recycled bituminous pavement and recycled rubber from tires in each project for the construction, reconstruction, improvement, maintenance or repair of a highway undertaken by the Department pursuant to this chapter during the immediately preceding 2 calendar years.]

Sec. 2.3. **NRS 408.313 is hereby amended to read as follows:**

408.313 **[**All**]** ***1. Except as otherwise provided in subsection 2, all*** highways constructed under the provisions of this chapter shall be constructed in such manner as to provide for sufficient and permanent drainage and of such materials as to insure, so far as reasonably may be done, considering all of the circumstances, permanent wearing qualities and to provide against excessive maintenance cost. Regard shall always be had to the character and quality of the traffic to be accommodated and the interests of the public to be served.

2. The Department shall ensure that the use of any recycled aggregate, recycled bituminous pavement or recycled rubber from tires, or any combination thereof, in any project for the construction, reconstruction, improvement, maintenance or repair of a highway is not restricted unless scientific evidence satisfactory to the Department clearly indicates that the use of the recycled aggregate, recycled bituminous pavement or recycled rubber from tires for that project compromises the soundness of the project.

Sec. 2.5. Chapter 338 of NRS is hereby amended by adding thereto a new section to read as follows:

The governing body of a local government that undertakes a project pursuant to this chapter for the construction, reconstruction, improvement, maintenance or repair of a public road or public highway shall ***[:***

1. Adopt] ***adopt policies*** ***[to optimize]*** ***that provide for the use of recycled aggregate, recycled bituminous pavement and recycled rubber from tires in the project.*** ***[; and***

~~*2. Not later than January 31 of each odd-numbered year, submit to the Governor and to the Director of the Legislative Counsel Bureau for transmittal to the Legislature a report concerning the use of recycled aggregate, recycled bituminous pavement and recycled rubber from tires in each such project undertaken by the local government during the immediately preceding 2 calendar years.]*~~

Sec. 3. NRS 338.1373 is hereby amended to read as follows:

338.1373 1. A local government or its authorized representative shall award a contract for a public work pursuant to the provisions of:

(a) NRS 338.1377 to 338.139, inclusive;

(b) NRS 338.143 to 338.148, inclusive;

(c) NRS 338.169 to 338.1699, inclusive; or

(d) NRS 338.1711 to 338.1727, inclusive.

2. ***A local government or its authorized representative which awards a contract for a public work pursuant to subsection 1 which includes the construction, reconstruction, improvement, maintenance or repair of a public road or public highway shall ensure that the use of any recycled aggregate, recycled bituminous pavement or recycled rubber from tires, or any combination thereof, in the construction, reconstruction, improvement, maintenance or repair of the public road or public highway is not restricted unless scientific evidence satisfactory to the local government clearly indicates that the use of the recycled aggregate, recycled bituminous pavement or recycled rubber from tires for that construction, reconstruction, improvement, maintenance or repair compromises the soundness of the project.***

3. The provisions of NRS 338.1375 to 338.1382, inclusive, 338.1386, 338.13862, 338.13864, 338.139, 338.142, 338.169 to 338.1699, inclusive, and 338.1711 to 338.1727, inclusive, do not apply with respect to contracts for the construction, reconstruction, improvement and maintenance of highways that are awarded by the Department of Transportation pursuant to NRS 408.313 to 408.433, inclusive ~~.]~~ ***, and section 2 of this act.***

Sec. 3.5. **The amendatory provisions of this act do not apply to:**

1. A project specified in section 2 or 2.5 of this act or NRS 408.313, as amended by section 2.3 of this act, which is commenced before July 1, 2011; or

2. A contract specified in NRS 338.1373, as amended by section 3 of this act, which is entered into before July 1, 2011.

Sec. 4. This act becomes effective on July 1, 2011.

Assemblywoman Carlton moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, reengrossed, and to third reading.

Senate Bill No. 237.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 638.

AN ACT relating to education; revising certain provisions governing the Nevada Youth Legislature; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the creation, membership, powers and duties of the Nevada Youth Legislature. (NRS 385.505-385.575) **Sections 6 and 16** of this bill provide for the creation of a nonprofit corporation, with a Board of Directors appointed by the Legislative Commission, to provide educational programs and opportunities and administer and oversee the activities of the Youth Legislature. Pursuant to **sections 6, 9-12 and 16** of this bill, the Board, working cooperatively with the Legislative Counsel Bureau, assumes most of the duties currently performed by the Bureau and the Director of the Bureau. **Sections 5 and 14** of this bill provide for the creation of the Nevada Youth Legislature **Account in the Legislative** Fund, into which gifts, grants, donations and legislative appropriations **[must] may** be deposited and from which the expenses and operations of the Youth Legislature are paid. **Section 8** of this bill increases the term of a member of the Youth Legislature from 1 year to 2 years, with the possibility of a single, successive 2-year reappointment if the member continues to meet the qualifications for initial appointment. **Section 9** of this bill provides that if a member of the Youth Legislature changes his or her residency or school of enrollment in such a manner as to render the member ineligible for his or her original appointment, the member must so inform the Board, in writing, of that fact. **Section 9** also expands the eligibility requirements to allow pupils in grade 9 to apply for appointment to the Youth Legislature. **Section 10** of this bill sets forth that: (1) the position of a member of the Youth Legislature becomes vacant upon the unexcused absence of the member from any two official, scheduled meetings, courses, events, seminars or activities of the Youth Legislature; and (2) insofar as is practicable, a vacancy on the Youth Legislature must be filled within 30 days after the date on which the vacancy occurs. **Section 12** of this bill provides that, in addition to conducting at least one meeting, each member of the Youth Legislature must perform such other activities relating to the Youth Legislature as may be assigned by the Board. **Section 15** of this bill extends the date of reversion for the initial appropriation made to the Youth Legislature in 2007 from 2011 to 2013.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 385 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 6, inclusive, of this act.

Sec. 2. ***As used in NRS 385.505 to 385.575, inclusive, and sections 2 to 6, inclusive, of this act, unless the context otherwise requires, the words and terms defined in NRS 385.505 and sections 2.5 and 3 [and 4] of this act have the meanings ascribed to them in those sections.***

Sec. 2.5. ***"Account" means the Nevada Youth Legislature Account created by section 5 of this act.***

Sec. 3. ***"Board" means the Board of Directors described in subsection 2 of section 6 of this act.***

Sec. 4. ~~***["Fund" means the Nevada Youth Legislature Fund created by section 5 of this act.]***~~ **(Deleted by amendment.)**

Sec. 5. ***1. There is hereby created*** ~~***[as a special revenue fund in the State Treasury]***~~ ***the Nevada Youth Legislature Account in the Legislative Fund.***

2. Money for the ~~***[Fund must]***~~ ***Account may be provided:***

(a) By ~~***[direct legislative]***~~ ***appropriation;*** ~~***[and]***~~ ***or***

(b) Through the acceptance of gifts, grants and donations as authorized pursuant to ~~***[paragraph (c) of subsection 2 of]***~~ ***NRS 385.545*** ~~***[.]***~~ ***and section 6 of this act.***

3. ~~***[The Fund must be administered by the Board.***~~

~~***4.]***~~ ***The money in the*** ~~***[Fund]***~~ ***Account must be held in trust for the Youth Legislature and may be used only:***

(a) For the educational programs and operations of the Youth Legislature;

(b) To provide administrative support for the Youth Legislature;

(c) To pay for expenses directly related to the Youth Legislature; and

(d) For such other purposes directly related to the Youth Legislature as the Board may approve.

~~***[5.]***~~ ***4. The interest and income earned on the money in the*** ~~***[Fund,]***~~ ***Account, after deducting any applicable charges, must be credited to the*** ~~***[Fund.]***~~ ***Account. All claims against the*** ~~***[Fund]***~~ ***Account must be paid as other claims against the State are paid.***

~~***[6.]***~~ ***5. Any money remaining in the*** ~~***[Nevada Youth Legislature Fund]***~~ ***Account at the end of a fiscal year does not revert to the State General Fund, and the balance in the*** ~~***[Nevada Youth Legislature Fund]***~~ ***Account must be carried forward to the next fiscal year.***

~~***[7.]***~~ ***6. Each year, the Board shall submit an itemized statement of the income and expenditures for the*** ~~***[Fund]***~~ ***Account to the Legislative Commission.***

Sec. 6. ***1. The Youth Legislature must be administered by a corporation for public benefit, as that term is defined in NRS 82.021, which must include providing educational programs and opportunities as its primary organizational goal.***

2. The corporation for public benefit must be governed by a Board of Directors consisting of seven members appointed by the Legislative Commission.

3. A member of the Board serves a term of 2 years and until his or her successor is appointed. A member of the Board may be reappointed.

4. The members of the Board shall elect a Chair and a Vice Chair from among their number. The term of office of the Chair and the Vice Chair is 1 year.

5. The Board:

(a) Shall administer the provisions of NRS 385.505 to 385.575, inclusive, and sections 2 to 6, inclusive, of this act.

(b) ~~*[Shall administer the Fund.*~~

~~*(c)]*~~ ***May provide to the Youth Legislature such administrative, financial and other support and guidance as the Board may determine to be necessary or appropriate.***

~~*[(d)]*~~ ***(c) May employ one or more persons to provide administrative support for the Youth Legislature or pay the costs incurred by one or more volunteers to provide any required administrative support.***

~~*[(e)]*~~ ***(d) Shall oversee the activities of the Youth Legislature.***

~~*[(f)]*~~ ***(e) May solicit and accept gifts, grants and donations from any source to provide educational programs and opportunities and for the support of the Youth Legislature in carrying out the provisions of NRS 385.505 to 385.575, inclusive, and sections 2 to 6, inclusive, of this act. Any such gifts, grants and donations must be deposited in the*** ~~*[Fund.]*~~ ***Account.***

~~*[(g)]*~~ ***(f) May perform such other functions in whatever manner the Board determines will best serve the interests of this State and the Youth Legislature.***

Sec. 7. NRS 385.505 is hereby amended to read as follows:

385.505 ~~[As used in NRS 385.505 to 385.575, inclusive,]~~ "Youth Legislature" means the Nevada Youth Legislature created by NRS 385.515.

Sec. 8. NRS 385.515 is hereby amended to read as follows:

385.515 1. The Nevada Youth Legislature is hereby created, consisting of 21 members.

2. Each member of the Senate shall, taking into consideration any recommendations made by a member of the Assembly, appoint a person who submits an application and meets the qualifications for appointment set forth in NRS 385.525. A member of the Assembly may submit recommendations to a member of the Senate concerning the appointment.

3. After the initial terms:

(a) Except as otherwise provided in subsection 4, appointments to the Youth Legislature must be made by each member of the Senate before March 30 of each year.

(b) The term of each member of the Youth Legislature begins June 1 of the year of appointment.

4. If a member of the Senate does not make an appointment to the Youth Legislature by March 30 of a year, the members of the Assembly whose assembly districts are at least partially located within the senatorial district of that member of the Senate must collaborate to appoint a person who submits an application and meets the qualifications for appointment set forth in NRS 385.525.

5. Each member of the Youth Legislature serves a term of ~~[1 year]~~ ***2 years*** and may be reappointed ***to one successive 2-year term*** if the member continues to meet the qualifications for appointment set forth in NRS 385.525.

Sec. 9. NRS 385.525 is hereby amended to read as follows:

385.525 1. To be eligible for appointment to the Youth Legislature, a person:

(a) Must be:

(1) A resident of the senatorial district of the Senator who appoints him or her;

(2) Enrolled in a public school or private school located in the senatorial district of the Senator who appoints him or her; or

(3) A homeschooled child who is otherwise eligible to be enrolled in a public school in the senatorial district of the Senator who appoints him or her;

(b) Must be enrolled in a public school or private school in this State in grade ***9,*** 10, 11 or 12 for the school year in which he or she serves or be a homeschooled child who is otherwise eligible to enroll in a public school in this State in grade ***9,*** 10, 11 or 12 for the school year in which he or she serves; and

(c) Must not be related by blood, adoption or marriage within the third degree of consanguinity or affinity to the Senator who appoints him or her or to any member of the Assembly who collaborated to appoint him or her.

2. ***If, at any time, a person appointed to the Youth Legislature changes his or her residency or changes his or her school of enrollment in such a manner as to render the person ineligible under his or her original appointment, the person shall inform the Board, in writing, within 30 days after becoming aware of such changed facts.***

3. A person who wishes to be appointed or reappointed to the Youth Legislature must submit an application on the form prescribed pursuant to subsection ~~[3]~~ ***4*** to the Senator of the senatorial district in which the person resides, is enrolled in a public school or private school or, if the person is a homeschooled child, the senatorial district in which he or she is otherwise eligible to be enrolled in a public school. A person may not submit an application to more than one Senator in a calendar year.

~~[3.]~~ ***4.*** The ~~[Director of the Legislative Counsel Bureau]~~ ***Board*** shall prescribe a form for applications submitted pursuant to this section, which must require the signature of the principal of the school in which the applicant is enrolled or, if the applicant is a homeschooled child, the signature of a member of the community in which the applicant resides other than a relative of the applicant.

Sec. 10. NRS 385.535 is hereby amended to read as follows:

385.535 1. A position on the Youth Legislature becomes vacant upon:

(a) The death or resignation of a member.

(b) The absence of a member for any reason from ~~[two]~~ ***:***

(1) Two meetings of the Youth Legislature, ***including, without limitation, meetings conducted in person, meetings conducted by teleconference, meetings conducted by videoconference and meetings conducted by other electronic means;***

(2) Two activities of the Youth Legislature;

(3) Two event days of the Youth Legislature; or

(4) Any combination of absences from meetings, activities or event days of the Youth Legislature, if the combination of absences therefrom equals two or more,

➥ unless ***the absences are, as applicable,*** excused by the Chair ~~[of the Youth Legislature.]~~ ***or Vice Chair of the Board.***

(c) A change of residency or a change of the school of enrollment of a member which renders that member ineligible under his or her original appointment.

2. A vacancy on the Youth Legislature must be filled ~~[for]~~ ***:***

(a) For the remainder of the unexpired term in the same manner as the original appointment.

(b) Insofar as is practicable, within 30 days after the date on which the vacancy occurs.

3. As used in this section, "event day" means any single calendar day on which an official, scheduled event of the Youth Legislature is held, including, without limitation, a course of instruction, a course of orientation, a meeting, a seminar or any other official, scheduled activity.

Sec. 11. NRS 385.545 is hereby amended to read as follows:

385.545 1. The Youth Legislature shall elect from among its members, to serve a term of 1 year beginning on June 1 of each year:

(a) A Chair, who shall conduct the meetings and ***, in cooperation with the Board,*** oversee the formation of committees as necessary to accomplish the business of the Youth Legislature; and

(b) A Vice Chair, who shall assist the Chair and conduct the meetings of the Youth Legislature if the Chair is absent or otherwise unable to perform his or her duties.

2. The Director of the Legislative Counsel Bureau ~~[,]~~ ***upon request of the Board:***

(a) Shall provide meeting rooms and teleconference and videoconference facilities for the Youth Legislature.

(b) Shall, in the event of a vacancy on the Youth Legislature, notify the appropriate appointing authority of such vacancy.

(c) May accept gifts, grants and donations from any source for the support of the Youth Legislature in carrying out the provisions of NRS 385.505 to 385.575, inclusive ~~[.]~~ ***, and sections 2 to 6, inclusive, of this act. Any such gifts, grants and donations must be deposited in the*** ~~*[Fund.]*~~ ***Account.***

Sec. 12. NRS 385.555 is hereby amended to read as follows:

385.555 1. The Youth Legislature shall:

(a) Hold at least two public hearings in this State each school year. The Youth Legislature may simultaneously teleconference or videoconference each public hearing to two or more prominent locations throughout this State.

(b) Evaluate, review and comment upon issues of importance to the youth in this State, including, without limitation:

(1) Education;

(2) Employment opportunities;

(3) Participation of youth in state and local government;

(4) A safe learning environment;

(5) The prevention of substance abuse;

(6) Emotional and physical well-being;

(7) Foster care; and

(8) Access to state and local services.

(c) Conduct a public awareness campaign to raise awareness about the Youth Legislature and to enhance outreach to the youth in this State.

2. During his or her term, each member of the Youth Legislature shall ~~[~~conduct~~]~~ ***:***

(a) Conduct at least one meeting to afford the youth of this State an opportunity to discuss issues of importance to the youth in this State.

(b) Complete such other activities as may be assigned to him or her by the Board as a member of the Youth Legislature.

3. The Youth Legislature may, within the limits of available money ~~[~~.~~]~~ ***and if approved by the Board:***

(a) During the period in which the Legislature is in a regular session, meet as often as necessary to conduct the business of the Youth Legislature and to advise the Legislature on proposed legislation relating to the youth in this State.

(b) Form committees, which may meet as often as necessary to assist with the business of the Youth Legislature.

(c) Conduct periodic seminars for its members regarding leadership, government and the legislative process.

~~[~~(d) Employ a person to provide administrative support for the Youth Legislature or pay the costs incurred by one or more volunteers to provide any required administrative support.~~]~~

4. Except as otherwise provided in this subsection, the Youth Legislature and its committees shall comply with the provisions of chapter 241 of NRS. Any activities of the Youth Legislature which are conducted solely for purposes of training, including, without limitation, any orientation programs conducted for the Youth Legislature, are not subject to the provisions of chapter 241 of NRS.

5. On or before May 30 of each year, the Youth Legislature shall submit a written report to the ~~[~~Director of the Legislative Counsel Bureau~~]~~ ***Board*** and to the Governor describing the activities of the Youth Legislature during the immediately preceding school year and any recommendations for legislation. The ~~[~~Director~~]~~ ***Board*** shall transmit the written report to the

Legislative Committee on Education and to the next regular session of the Legislature.

Sec. 13. NRS 385.565 is hereby amended to read as follows:

385.565 The Youth Legislature may:

1. Request the drafting of not more than one legislative measure which relates to matters within the scope of the Youth Legislature. A request must be submitted to the Legislative Counsel on or before December 1 preceding the commencement of a regular session of the Legislature unless the Legislative Commission authorizes submitting a request after that date.

2. Adopt procedures to conduct meetings of the Youth Legislature and any committees thereof. Those procedures may be changed upon approval of a majority vote of all members of the Youth Legislature who are present and voting.

3. Advise the ~~[~~Director of the Legislative Counsel Bureau~~]~~ ***Board*** regarding the administration of any appropriations, gifts, grants or donations received for the support of the Youth Legislature.

Sec. 14. NRS 385.575 is hereby amended to read as follows:

385.575 The members of the Youth Legislature serve without compensation. To the extent that money is available ~~[~~, including, without limitation, money from gifts, grants and donations,~~]~~ ***in the*** ~~*[Fund,]*~~ ***Account,*** the members of the Youth Legislature may receive the per diem allowance and travel expenses provided for state officers and employees generally for attending a meeting of the Youth Legislature or a seminar conducted by the Youth Legislature.

Sec. 15. Section 8 of chapter 345, Statutes of Nevada 2007, as amended by chapter 74, Statutes of Nevada 2009, at page 256, is hereby amended to read as follows:

Sec. 8. 1. There is hereby appropriated from the State General Fund to the disbursement account created by section 1 of this act the sum of $35,000 to fund the Nevada Youth Legislative Issues Forum created by Senate Bill 247 of the 2007 Legislative Session.

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, ~~[~~2011,~~]~~ ***2013,*** by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September ~~[~~16, 2011,~~]~~ ***20, 2013,*** by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September ~~[~~16, 2011.~~]~~ ***20, 2013.***

Sec. 16. As soon as practicable after the effective date of this act, the Legislative Commission shall:

1. Create or cause to be created the corporation for public benefit described in section 6 of this act. The corporation must be created in accordance with the requirements set forth in chapter 82 of NRS.

2. Appoint a Board of Directors for the corporation for public benefit described in section 6 of this act.

3. Perform such other activities as are necessary to provide initial support to the corporation for public benefit described in section 6 of this act.

Sec. 17. All money previously appropriated, donated, granted or otherwise supplied to the Nevada Youth Legislature, or its successor in interest, remaining unexpended and unencumbered on the effective date of this act must be transferred to the Nevada Youth Legislature ~~[Fund]~~ **Account** created by section 5 of this act on or before July 1, 2011.

Sec. 18. This act becomes effective upon passage and approval.

Assemblyman Bobzien moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, reengrossed, and to third reading.

Senate Bill No. 273.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 718.

AN ACT relating to osteopathic medicine; authorizing an osteopathic physician to engage in telemedicine under certain circumstances; authorizing the State Board of Osteopathic Medicine to place any condition, limitation or restriction on a license under certain circumstances; ~~[requiring an osteopathic physician who performs an autopsy to submit a written report of the findings of the autopsy to the Board under certain circumstances;]~~ requiring the Board to submit to the Governor and to the Director of the Legislative Counsel Bureau certain reports compiling disciplinary action taken by the Board against physician assistants; revising provisions governing applications for licensure by the Board; revising provisions governing the requirements for licensure by the Board; revising certain provisions relating to the renewal of a license by the Board; revising provisions relating to certain continuing education requirements for licensees; authorizing the Board to prorate the initial license fee for certain licenses; expanding the authority of the Board to discipline a physician assistant for certain conduct; revising provisions requiring certain persons to report information relating to certain malpractice claims to the Board; expanding the authority of the Board to investigate a physician assistant for certain conduct; revising provisions governing certain complaints filed with the Board; authorizing the Board summarily to suspend the license of a physician assistant under certain circumstances; authorizing the Board to seek injunctive relief against an osteopathic physician or physician assistant for engaging in certain conduct; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the State Board of Osteopathic Medicine to issue, renew and suspend a license to practice osteopathic medicine and to issue

and renew a license to practice as a physician assistant in this State. (NRS 633.305-633.501)

Section 2 of this bill authorizes an osteopathic physician to engage in telemedicine if the osteopathic physician is properly licensed and meets certain other criteria. **Section 34** of this bill authorizes the Board to seek injunctive relief against an osteopathic physician for engaging in telemedicine without a required license. **Section 3** of this bill authorizes the Board to place any condition, limitation or restriction on a license issued by the Board under certain circumstances. ~~[Section 4 of this bill requires an osteopathic physician who performs an autopsy and who determines that the death of the decedent is the result of an overdose of a controlled substance or dangerous drug to submit a written report of such findings to the Board.]~~

Section 6 of this bill expands the scope of unprofessional conduct, which is subject to regulation by the Board, to include certain actions of a physician assistant. **Section 9** of this bill authorizes the Board to reject an application for licensure as an osteopathic physician or physician assistant if the Board has cause to believe that information submitted with the application by the applicant is false, misleading, deceptive or fraudulent. **Section 9.5** of this bill revises provisions governing the requirements for licensure by the Board. **Section 11** of this bill authorizes an osteopathic physician to apply for another temporary license after the expiration of one such license. **Section 14** of this bill authorizes the Board to prorate the initial license fee for a new license to practice as an osteopathic physician and physician assistant. **Sections 11.7 and 13** of this bill require a physician assistant to meet certain continuing education requirements before renewing his or her license to practice as a physician assistant in this State. **Section 12** of this bill shortens certain procedural deadlines with respect to the renewal of a license to practice osteopathic medicine or a license to practice as a physician assistant. **Sections 15 and 29** of this bill expand the scope of the authority of the Board to discipline a physician assistant.

Sections 16, 17 and 21 of this bill require the reporting of information relating to certain malpractice claims to the Board, and **sections 20 and 21** of this bill expand the scope of certain reporting requirements to include the conduct or investigation of physician assistants. **Sections 17 and 29** also expand the applicability of certain administrative fines imposed by the Board.

Sections 19, 22 and 23 of this bill authorize the Board to order a physician assistant to undergo a competency examination under certain circumstances. **Section 24** of this bill authorizes the immediate suspension of the license of a physician assistant under certain circumstances. **Sections 26 and 34** of this bill authorize the Board to seek injunctive relief against a physician assistant for certain conduct. **Section 36** of this bill provides that a person who practices as a physician assistant without a valid license or uses the identity of another person to do so is guilty of a category D felony.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 633 of NRS is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this act.

Sec. 2. ***1. An osteopathic physician may engage in telemedicine in this State if he or she possesses an unrestricted license to practice osteopathic medicine in this State pursuant to this chapter. If an osteopathic physician engages in telemedicine with a patient who is physically located in another state or territory of the United States, the osteopathic physician shall, before engaging in telemedicine with the patient, take any steps necessary to be authorized or licensed to practice osteopathic medicine in the other state or territory of the United States in which the patient is physically located.***

2. Except as otherwise provided in subsections 3 and 4, before an osteopathic physician may engage in telemedicine pursuant to this section:

(a) A bona fide relationship between the osteopathic physician and the patient must exist which must include, without limitation, a history and physical examination or consultation which occurred in person and which was sufficient to establish a diagnosis and identify any underlying medical conditions of the patient.

(b) The osteopathic physician must obtain informed, written consent from the patient or the legal representative of the patient to engage in telemedicine with the patient. The osteopathic physician shall maintain the consent form as part of the permanent medical record of the patient.

(c) The osteopathic physician must inform the patient, both orally and in writing:

(1) That the patient or the legal representative of the patient may withdraw the consent provided pursuant to paragraph (b) at any time;

(2) Of the potential risks, consequences and benefits of telemedicine;

(3) Whether the osteopathic physician has a financial interest in the Internet website used to engage in telemedicine or in the products or services provided to the patient via telemedicine;

(4) That the transmission of any confidential medical information while engaged in telemedicine is subject to all applicable federal and state laws with respect to the protection of and access to confidential medical information; and

(5) That the osteopathic physician will not release any confidential medical information without the express, written consent of the patient or the legal representative of the patient.

3. An osteopathic physician is not required to comply with the provisions of paragraph (a) of subsection 2 if the osteopathic physician engages in telemedicine for the purposes of making a diagnostic interpretation of a medical examination, study or test of the patient.

4. An osteopathic physician is not required to comply with the provisions of paragraph (a) or (c) of subsection 2 in an emergency medical situation.

5. The provisions of this section must not be interpreted or construed to:

(a) Modify, expand or alter the scope of practice of an osteopathic physician pursuant to this chapter; or

(b) Authorize the practice of osteopathic medicine or delivery of care by an osteopathic physician in a setting that is not authorized by law or in a manner that violates the standard of care required of an osteopathic physician pursuant to this chapter.

6. As used in this section, "telemedicine" means the practice of osteopathic medicine through the synchronous or asynchronous transfer of medical data or information using interactive audio, video or data communication, other than through a standard telephone, facsimile transmission or electronic mail message.

Sec. 3. ***1. The Board may place any condition, limitation or restriction on any license issued pursuant to this chapter if the Board determines that such action is necessary to protect the public health, safety or welfare.***

2. The Board shall not report any condition, limitation or restriction placed on a license pursuant to this section to the National Practitioner Data Bank unless the licensee fails to comply with the condition, limitation or restriction placed on the license. The Board may, upon request, report any such information to an agency of another state which regulates the practice of osteopathic medicine in that State.

3. The Board may modify any condition, limitation or restriction placed on a license pursuant to this section if the Board determines that the modification is necessary to protect the public health, safety or welfare.

4. Any condition, limitation or restriction placed on a license pursuant to this section is not a disciplinary action pursuant to NRS 633.651.

Sec. 4. ~~***[1. Any osteopathic physician who performs an autopsy in this State and who determines that the death of the decedent is the result of an overdose of a controlled substance or a dangerous drug shall, within 30 days after making the determination, submit to the Board a written report of the findings of the autopsy, and provide to the Board any other information requested by the Board.***~~

~~***2. Upon receipt of a report submitted pursuant to subsection 1, the Board shall investigate the death of the decedent to determine whether the conduct of any osteopathic physician contributed to the death of the decedent.***~~

~~***3. As used in this section, "dangerous drug" has the meaning ascribed to it in NRS 454.201.]***~~ **(Deleted by amendment.)**

Sec. 5. NRS 633.071 is hereby amended to read as follows:

633.071 "Malpractice" means failure on the part of an osteopathic physician ***or physician assistant*** to exercise the degree of care, diligence and skill ordinarily exercised by osteopathic physicians ***or physician assistants*** in good standing in the community in which he or she practices.

Sec. 6. NRS 633.131 is hereby amended to read as follows:

633.131 1. "Unprofessional conduct" includes:

(a) Willfully making a false or fraudulent statement or submitting a forged or false document in applying for a license to practice osteopathic medicine ***or to practice as a physician assistant,*** or in applying for ***the*** renewal of a license to practice osteopathic medicine ~~[.]~~ ***or to practice as a physician assistant.***

(b) Failure of a ~~[licensee of the]~~ ***person who is licensed to*** practice ~~[of]~~ osteopathic medicine to ~~[designate his or her school of practice in the professional use of his or her name by]~~ ***identify himself or herself professionally by using*** the term D.O., osteopathic physician, doctor of osteopathy or a similar term.

(c) Directly or indirectly giving to or receiving from any person, corporation or other business organization any fee, commission, rebate or other form of compensation for sending, referring or otherwise inducing a person to communicate with an osteopathic physician in his or her professional capacity or for any professional services not actually and personally rendered, except as otherwise provided in subsection 2.

(d) Employing, directly or indirectly, any suspended or unlicensed person in the practice of osteopathic medicine ~~[.]~~ ***or in practice as a physician assistant,*** or the aiding or abetting of any unlicensed person to practice osteopathic medicine ~~[.]~~ ***or to practice as a physician assistant.***

(e) Advertising the practice of osteopathic medicine in a manner which does not conform to the guidelines established by regulations of the Board.

(f) Engaging in any:

(1) Professional conduct which is intended to deceive or which the Board by regulation has determined is unethical; or

(2) Medical practice harmful to the public or any conduct detrimental to the public health, safety or morals which does not constitute gross or repeated malpractice or professional incompetence.

(g) Administering, dispensing or prescribing any controlled substance or any dangerous drug as defined in chapter 454 of NRS, otherwise than in the course of legitimate professional practice or as authorized by law.

(h) Habitual drunkenness or habitual addiction to the use of a controlled substance.

(i) Performing, assisting in or advising an unlawful abortion or the injection of any liquid silicone substance into the human body, other than the use of silicone oil to repair a retinal detachment.

(j) Willful disclosure of a communication privileged pursuant to a statute or court order.

(k) Willful disobedience of the regulations of the State Board of Health, the State Board of Pharmacy or the State Board of Osteopathic Medicine.

(l) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of or conspiring to violate any prohibition made in this chapter.

(m) Failure of a licensee to maintain timely, legible, accurate and complete medical records relating to the diagnosis, treatment and care of a patient.

(n) Making alterations to the medical records of a patient that the licensee knows to be false.

(o) Making or filing a report which the licensee knows to be false.

(p) Failure of a licensee to file a record or report as required by law, or willfully obstructing or inducing any person to obstruct such filing.

(q) Failure of a licensee to make medical records of a patient available for inspection and copying as provided by NRS 629.061.

(r) Providing false, misleading or deceptive information to the Board in connection with an investigation conducted by the Board.

2. It is not unprofessional conduct:

(a) For persons holding valid licenses to practice osteopathic medicine issued pursuant to this chapter to practice osteopathic medicine in partnership under a partnership agreement or in a corporation or an association authorized by law, or to pool, share, divide or apportion the fees and money received by them or by the partnership, corporation or association in accordance with the partnership agreement or the policies of the board of directors of the corporation or association;

(b) For two or more persons holding valid licenses to practice osteopathic medicine issued pursuant to this chapter to receive adequate compensation for concurrently rendering professional care to a patient and dividing a fee if the patient has full knowledge of this division and if the division is made in proportion to the services performed and the responsibility assumed by each ~~[;]~~ ***person;*** or

(c) For a person licensed to practice osteopathic medicine pursuant to the provisions of this chapter to form an association or other business relationship with an optometrist pursuant to the provisions of NRS 636.373.

Sec. 7. NRS 633.221 is hereby amended to read as follows:

633.221 ~~[1.]~~ The Board shall elect from its members a President, a Vice President and a Secretary-Treasurer, who shall hold their respective offices at ~~[its]~~ ***the*** pleasure ~~[.~~

~~2. The Board may fix and pay a salary to the Secretary-Treasurer.]~~ ***of the Board.***

Sec. 8. NRS 633.286 is hereby amended to read as follows:

633.286 1. On or before February 15 of each odd-numbered year, the Board shall submit to the Governor and to the Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature a written report compiling:

(a) Disciplinary action taken by the Board during the previous biennium against osteopathic physicians ***and physician assistants*** for malpractice or negligence;

(b) Information reported to the Board during the previous biennium pursuant to NRS 633.526, 633.527, subsections 3 and 4 of NRS 633.533 and NRS 690B.250 and 690B.260; and

(c) Information reported to the Board during the previous biennium pursuant to NRS 633.524, including, without limitation, the number and types of surgeries performed by each holder of a license to practice osteopathic medicine and the occurrence of sentinel events arising from such surgeries, if any.

2. The report must include only aggregate information for statistical purposes and exclude any identifying information related to a particular person.

Sec. 9. NRS 633.305 is hereby amended to read as follows:

633.305 1. Every applicant for a license shall:

(a) File an application with the Board in the manner prescribed by regulations of the Board;

(b) Submit verified proof satisfactory to the Board that the applicant meets any age, citizenship and educational requirements prescribed by this chapter; and

(c) Pay in advance to the Board the application and initial license fee specified in ~~[this chapter.]~~ ***NRS 633.501.***

2. An application filed with the Board pursuant to subsection 1 must include all information required to complete the application.

3. The Board may hold hearings and conduct investigations into any matter related to the application and, in addition to the proofs required by subsection 1, may take such further evidence and require such other documents or proof of qualifications as it deems proper.

4. The Board may reject an application if ~~[it appears]~~ ***the Board has cause to believe*** that any credential ***or information*** submitted ***by the applicant*** is false ~~[.]~~ ***, misleading, deceptive or fraudulent.***

Sec. 9.5. NRS 633.311 is hereby amended to read as follows:

633.311 Except as otherwise provided in NRS 633.315, an applicant for a license to practice osteopathic medicine may be issued a license by the Board if:

1. The applicant is 21 years of age or older;

2. The applicant is a citizen of the United States or is lawfully entitled to remain and work in the United States;

3. The applicant is a graduate of a school of osteopathic medicine;

4. The applicant:

(a) Has graduated from a school of osteopathic medicine before 1995 and has completed:

(1) A hospital internship; or

(2) One year of postgraduate training that complies with the standards of intern training established by the American Osteopathic Association;

(b) Has completed 3 years ***, or such other length of time as required by a specific program,*** of postgraduate medical education as a resident in the United States or Canada in a program approved by the Board, the Bureau of Professional Education of the American Osteopathic Association or the Accreditation Council for Graduate Medical Education; or

(c) Is a resident who is enrolled in a postgraduate training program in this State, has completed 24 months of the program and has committed, in writing, that he or she will complete the program;

5. The applicant applies for the license as provided by law;

6. The applicant passes:

(a) All parts of the licensing examination of the National Board of Osteopathic Medical Examiners;

(b) All parts of the licensing examination of the Federation of State Medical Boards of the United States, Inc.;

(c) All parts of the licensing examination of the Board, a state, territory or possession of the United States, or the District of Columbia, and is certified by a specialty board of the American Osteopathic Association or by the American Board of Medical Specialties; or

(d) A combination of the parts of the licensing examinations specified in paragraphs (a), (b) and (c) that is approved by the Board;

7. The applicant pays the fees provided for in this chapter; and

8. The applicant submits all information required to complete an application for a license.

Sec. 10. NRS 633.351 is hereby amended to read as follows:

633.351 ~~[Any]~~ ***An*** unsuccessful applicant may appeal to the district court to review the action of the Board, if the applicant files the appeal within ~~[6 months from]~~ ***30 days after*** the date ~~[of the rejection of]~~ ***on which the order rejecting*** the application ***is issued*** by the Board. Upon appeal ***,*** the applicant has the burden of showing that the action of the Board is erroneous or unlawful.

Sec. 11. NRS 633.391 is hereby amended to read as follows:

633.391 1. The Board may issue ***to a qualified person*** a temporary license to practice osteopathic medicine in ~~[order to authorize a]~~ ***this State which authorizes the*** person ~~[who is qualified to practice osteopathic medicine in this State]~~ to serve as a substitute for ~~[:~~

~~(a) A]~~ ***a*** physician licensed pursuant to chapter 630 of NRS ~~[;]~~ or

~~[(b) An]~~ ***an*** osteopathic physician licensed pursuant to this chapter ~~[,~~ ~~➥]~~ who is absent from his or her practice.

2. Each applicant for ~~[such]~~ a ***temporary*** license ~~[shall]~~ ***issued pursuant to this section must*** pay the temporary license fee specified in this chapter.

3. A temporary license to practice osteopathic medicine is valid for not more than 6 months after issuance and is not renewable. ***Upon the expiration***

of a temporary license, an osteopathic physician may apply for a new temporary license in accordance with the provisions of this section.

Sec. 11.3. NRS 633.400 is hereby amended to read as follows:

633.400 1. Except as otherwise provided in NRS 633.315, the Board shall, except for good cause, issue a license by endorsement to a person who has been issued a license to practice osteopathic medicine by the District of Columbia or any state or territory of the United States if:

(a) At the time the person files an application with the Board, the license is in effect and unrestricted; and

(b) The applicant:

(1) Is currently certified by either a specialty board of the American Board of Medical Specialties or a specialty board of the American Osteopathic Association, ~~[and]~~ ***or*** was certified or recertified within the past 10 years;

(2) Has had no adverse actions reported to the National Practitioner Data Bank within the past 5 years;

(3) Has been continuously and actively engaged in the practice of osteopathic medicine within his or her specialty for the past 5 years;

(4) Is not involved in and does not have pending any disciplinary action concerning a license to practice osteopathic medicine in the District of Columbia or any state or territory of the United States;

(5) Provides information on all the medical malpractice claims brought against him or her, without regard to when the claims were filed or how the claims were resolved; and

(6) Meets all statutory requirements to obtain a license to practice osteopathic medicine in this State except that the applicant is not required to meet the requirements set forth in NRS 633.311.

2. Any person applying for a license pursuant to this section shall pay in advance to the Board the application and initial license fee specified in this chapter.

3. A license by endorsement may be issued at a meeting of the Board or between its meetings by its President and Executive Director. Such action shall be deemed to be an action of the Board.

Sec. 11.5. NRS 633.434 is hereby amended to read as follows:

633.434 The Board shall adopt regulations regarding the licensure of a physician assistant, including, without limitation:

1. The educational and other qualifications of applicants.
2. The required academic program for applicants.
3. The procedures for applications for and the issuance of licenses.
4. The tests or examinations of applicants by the Board.
5. The medical services which a physician assistant may perform, except that a physician assistant may not perform osteopathic manipulative therapy or those specific functions and duties delegated or restricted by law to persons licensed as dentists, chiropractors, doctors of Oriental medicine,

podiatric physicians, optometrists and hearing aid specialists under chapters 631, 634, 634A, 635, 636 and 637A, respectively, of NRS.

6. ~~[The duration, renewal and termination of licenses.~~

~~7.]~~ The grounds and procedures respecting disciplinary actions against physician assistants.

~~[8.]~~ ***7.*** The supervision of medical services of a physician assistant by a supervising osteopathic physician.

Sec. 11.7. NRS 633.471 is hereby amended to read as follows:

633.471 1. Except as otherwise provided in subsection 4 and NRS 633.491, every holder of a license ~~[to practice osteopathic medicine]~~ issued under this chapter, except a temporary or a special license, may renew the license on or before January 1 of each calendar year after its issuance by:

(a) Applying for renewal on forms provided by the Board;

(b) Paying the annual license renewal fee specified in this chapter;

(c) Submitting a list of all actions filed or claims submitted to arbitration or mediation for malpractice or negligence against the holder during the previous year;

(d) Submitting an affidavit to the Board that in the year preceding the application for renewal the holder has attended courses or programs of continuing education approved by the Board totaling a number of hours established by the Board which must not be less than 35 hours nor more than that set in the requirements for continuing medical education of the American Osteopathic Association; and

(e) Submitting all information required to complete the renewal.

2. The Secretary of the Board shall notify each licensee ~~[of the practice of osteopathic medicine]~~ of the requirements for renewal not less than 30 days before the date of renewal.

3. The Board shall request submission of verified evidence of completion of the required number of hours of continuing medical education annually from no fewer than one-third of the applicants for renewal of a license to practice osteopathic medicine ~~[.]~~ ***or a license to practice as a physician assistant.*** Upon a request from the Board, an applicant for renewal of a license to practice osteopathic medicine ***or a license to practice as a physician assistant*** shall submit verified evidence satisfactory to the Board that in the year preceding the application for renewal the applicant attended courses or programs of continuing medical education approved by the Board totaling the number of hours established by the Board.

4. Members of the Armed Forces of the United States and the United States Public Health Service are exempt from payment of the annual license renewal fee during their active duty status.

Sec. 12. NRS 633.481 is hereby amended to read as follows:

633.481 1. Except as otherwise provided in subsection 2, if a licensee ~~[of the practice of osteopathic medicine]~~ fails to comply with the requirements of NRS 633.471 within ~~[30]~~ ***10*** days after the renewal date, the Board shall give ~~[30]~~ ***15*** days' notice of ***the*** failure to renew ***the license*** and

of ***the*** ~~[revocation]~~ ***expiration*** of the license by certified mail to the licensee at the licensee's last ***known*** address ***that is*** registered with the Board. If the license is not renewed ~~[before the expiration of the 30 days']~~ ***within 15 days after receiving*** notice, the license ~~[is]~~ ***expires*** automatically ~~[revoked]~~ without any further notice or a hearing and the Board shall file a copy of the notice with the Drug Enforcement Administration of the United States Department of Justice or its successor agency.

2. A licensee ~~[of the practice of osteopathic medicine]~~ who fails to meet the continuing education requirements for license renewal may apply to the Board for a waiver of the requirements. The Board may grant a waiver for that year only if ~~[it]~~ ***the Board*** finds that the failure is due to ~~[the licensee's]~~ ***a*** disability, military service ***,*** ~~[or]~~ absence from the United States, or ~~[to]~~ circumstances beyond the control of the licensee which are deemed by the Board to excuse the failure.

3. A person whose license ~~[is revoked]~~ ***has expired*** under this section may apply to the Board for restoration of the license upon:

(a) Payment of all past due renewal fees and the late payment fee specified in ~~[this chapter;]~~ ***NRS 633.501;***

(b) Producing verified evidence satisfactory to the Board of completion of the total number of hours of continuing education required for the year preceding the renewal date and for each year succeeding the date of ~~[revocation;]~~ ***expiration;***

(c) Stating under oath in writing that he or she has not withheld information from the Board which if disclosed would ~~[furnish]~~ ***constitute*** grounds for disciplinary action under this chapter; and

(d) Submitting ~~[all]~~ ***any other*** information ***that is*** required ***by the Board*** to ~~[complete the restoration of]~~ ***restore*** the license.

Sec. 13. NRS 633.491 is hereby amended to read as follows:

633.491 1. A licensee ~~[of the practice of osteopathic medicine]~~ who retires from ~~[such]~~ practice ~~[need not]~~ ***is not required*** annually ***to*** renew his or her license after filing with the Board an affidavit stating the date on which he or she retired from practice and ~~[such]~~ ***any*** other ~~[facts]~~ ***evidence that the Board may require*** to verify the retirement ***.*** ~~[as the Board deems necessary.]~~

2. ~~[A retired licensee of the]~~ ***An osteopathic physician or physician assistant who retires from*** practice ~~[of osteopathic medicine]~~ ***and*** who desires to return to practice may apply to renew his or her license by paying all back annual license renewal fees from the date of retirement and submitting verified evidence satisfactory to the Board that the licensee has attended continuing education courses or programs approved by the Board which total:

(a) Twenty-five hours if the licensee has been retired 1 year or less.

(b) Fifty hours within 12 months of the date of the application if the licensee has been retired for more than 1 year.

3. A licensee ~~[of the practice of osteopathic medicine]~~ who wishes to have a license placed on inactive status must provide the Board with an affidavit stating the date on which the licensee will cease the practice of osteopathic medicine ***or cease to practice as a physician assistant*** in Nevada and any other ~~[facts]~~ ***evidence*** that the Board may require. The Board shall place the license of the licensee on inactive status upon receipt of:

(a) The affidavit required pursuant to this subsection; and

(b) Payment of the inactive license fee prescribed by NRS 633.501.

4. ~~[A licensee of the practice of]~~ ***An*** osteopathic ~~[medicine]~~ ***physician or physician assistant*** whose license has been placed on inactive status:

(a) ~~[Need]~~ ***Is*** not ***required to*** annually renew the license.

(b) Shall annually pay the inactive license fee prescribed by NRS 633.501.

(c) Shall not ~~[engage in the]~~ practice ~~[of]~~ osteopathic medicine ***or practice as a physician assistant*** in this State.

5. ~~[A licensee of the practice of]~~ ***An*** osteopathic ~~[medicine]~~ ***physician or physician assistant*** whose license is on inactive status and who wishes to renew ~~[the]~~ ***his or her*** license to practice osteopathic medicine ***or license to practice as a physician assistant*** must:

(a) Provide to the Board verified evidence satisfactory to the Board of completion of the total number of hours of continuing medical education required for:

(1) The year preceding the date of the application for renewal of the license ***;*** ~~[to practice osteopathic medicine;]~~ and

(2) Each year ~~[succeeding]~~ ***after*** the date the license was placed on inactive status.

(b) Provide to the Board an affidavit stating that the applicant has not withheld from the Board any information which would ~~[provide]~~ ***constitute*** grounds for disciplinary action pursuant to this chapter.

(c) Comply with all other requirements for renewal.

Sec. 14. NRS 633.501 is hereby amended to read as follows:

633.501 ~~[The]~~

1. Except as otherwise provided in subsection 2, the Board shall charge and collect fees not to exceed the following amounts:

~~[1.]~~ ***(a)*** Application and initial license fee for an osteopathic physician	$800
~~[2.]~~ ***(b)*** Annual license renewal fee for an osteopathic physician	500
~~[3.]~~ ***(c)*** Temporary license fee	500
~~[4.]~~ ***(d)*** Special or authorized facility license fee	200
~~[5.]~~ ***(e)*** Special event license fee	200
~~[6.]~~ ***(f)*** Special or authorized facility license renewal fee	200
~~[7.]~~ ***(g)*** Reexamination fee	200
~~[8.]~~ ***(h)*** Late payment fee	300
~~[9.]~~ ***(i)*** Application and initial license fee for a physician assistant	400
~~[10.]~~ ***(j)*** Annual license renewal fee for a physician assistant	400
~~[11.]~~ ***(k)*** Inactive license fee	200

2. The Board may prorate the initial license fee for a new license issued pursuant to paragraph (a) or (i) of subsection 1 which expires less than 6 months after the date of issuance.

3. The cost of any special meeting called at the request of a licensee, an institution, an organization, a state agency or an applicant for licensure must be paid by the person or entity requesting the special meeting. Such a special meeting must not be called until the person or entity requesting the meeting has paid a cash deposit with the Board sufficient to defray all expenses of the meeting.

Sec. 15. NRS 633.511 is hereby amended to read as follows:

633.511 The grounds for initiating disciplinary action pursuant to this chapter are:

1. Unprofessional conduct.

2. Conviction of:

(a) A violation of any federal or state law regulating the possession, distribution or use of any controlled substance or any dangerous drug as defined in chapter 454 of NRS;

(b) A felony relating to the practice of osteopathic medicine ~~[,]~~ ***or practice as a physician assistant;***

(c) A violation of any of the provisions of NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive;

(d) Murder, voluntary manslaughter or mayhem;

(e) Any felony involving the use of a firearm or other deadly weapon;

(f) Assault with intent to kill or to commit sexual assault or mayhem;

(g) Sexual assault, statutory sexual seduction, incest, lewdness, indecent exposure or any other sexually related crime;

(h) Abuse or neglect of a child or contributory delinquency; or

(i) Any offense involving moral turpitude.

3. The suspension of ~~[the]~~ ***a*** license to practice osteopathic medicine ***or to practice as a physician assistant*** by any other jurisdiction.

4. Malpractice or gross malpractice, which may be evidenced by a claim of malpractice settled against a ~~[practitioner.]~~ ***licensee.***

5. Professional incompetence.

6. Failure to comply with the requirements of NRS 633.527.

7. Failure to comply with the requirements of subsection 3 of NRS 633.471.

8. Failure to comply with the provisions of NRS 633.694.

9. Operation of a medical facility, as defined in NRS 449.0151, at any time during which:

(a) The license of the facility is suspended or revoked; or

(b) An act or omission occurs which results in the suspension or revocation of the license pursuant to NRS 449.160.

➥ This subsection applies to an owner or other principal responsible for the operation of the facility.

10. Failure to comply with the provisions of subsection 2 of NRS 633.322.

11. Signing a blank prescription form.

12. Attempting, directly or indirectly, by intimidation, coercion or deception, to obtain or retain a patient or to discourage the use of a second opinion.

13. Terminating the medical care of a patient without adequate notice or without making other arrangements for the continued care of the patient.

14. In addition to the provisions of subsection 3 of NRS 633.524, making or filing a report which the licensee knows to be false, failing to file a record or report that is required by law or willfully obstructing or inducing another to obstruct the making or filing of such a record or report.

15. Failure to report any person the licensee knows, or has reason to know, is in violation of the provisions of this chapter or the regulations of the Board within 30 days after the date the licensee knows or has reason to know of the violation.

16. Failure by a licensee or applicant to report in writing, within 30 days, any criminal action taken or conviction obtained against the licensee or applicant, other than a minor traffic violation, in this State or any other state or by the Federal Government, a branch of the Armed Forces of the United States or any local or federal jurisdiction of a foreign country.

17. Engaging in any act that is unsafe in accordance with regulations adopted by the Board.

18. Failure to comply with the provisions of section 2 of this act.

Sec. 16. NRS 633.526 is hereby amended to read as follows:

633.526 1. The insurer of an osteopathic physician ***or physician assistant*** licensed under this chapter shall report to the Board:

(a) Any action for malpractice against the osteopathic physician ***or physician assistant*** not later than 45 days after the osteopathic physician ***or physician assistant*** receives service of a summons and complaint for the action;

(b) Any claim for malpractice against the osteopathic physician ***or physician assistant*** that is submitted to arbitration or mediation not later than 45 days after the claim is submitted to arbitration or mediation; and

(c) Any settlement, award, judgment or other disposition of any action or claim described in paragraph (a) or (b) not later than 45 days after the settlement, award, judgment or other disposition.

2. The Board shall report any failure to comply with subsection 1 by an insurer licensed in this State to the Division of Insurance of the Department of Business and Industry. If, after a hearing, the Division of Insurance determines that any such insurer failed to comply with the requirements of subsection 1, the Division may impose an administrative fine of not more than $10,000 against the insurer for each such failure to report. If the administrative fine is not paid when due, the fine must be recovered in a civil action brought by the Attorney General on behalf of the Division.

Sec. 17. NRS 633.527 is hereby amended to read as follows:

633.527 1. An osteopathic physician ***or physician assistant*** shall report to the Board:

(a) Any action for malpractice against the osteopathic physician ***or physician assistant*** not later than 45 days after the osteopathic physician ***or physician assistant*** receives service of a summons and complaint for the action;

(b) Any claim for malpractice against the osteopathic physician ***or physician assistant*** that is submitted to arbitration or mediation not later than 45 days after the claim is submitted to arbitration or mediation;

(c) Any settlement, award, judgment or other disposition of any action or claim described in paragraph (a) or (b) not later than 45 days after the settlement, award, judgment or other disposition; and

(d) Any sanctions imposed against the osteopathic physician ***or physician assistant*** that are reportable to the National Practitioner Data Bank not later than 45 days after the sanctions are imposed.

2. If the Board finds that an osteopathic physician ***or physician assistant*** has violated any provision of this section, the Board may impose a fine of not more than $5,000 against the osteopathic physician ***or physician assistant*** for each violation, in addition to any other fines or penalties permitted by law.

3. All reports made by an osteopathic physician ***or physician assistant*** pursuant to this section are public records.

Sec. 18. NRS 633.528 is hereby amended to read as follows:

633.528 If the Board receives a report pursuant to the provisions of NRS 633.526, 633.527, 690B.250 or 690B.260 indicating that a judgment has been rendered or an award has been made against an osteopathic physician ***or physician assistant*** regarding an action or claim for malpractice or that such an action or claim against the osteopathic physician ***or physician assistant*** has been resolved by settlement, the Board shall conduct an investigation to determine whether to ~~[impose disciplinary action against]~~ ***discipline*** the osteopathic physician ***or physician assistant*** regarding the action or claim, unless the Board has already commenced or completed such an investigation regarding the action or claim before it receives the report.

Sec. 19. NRS 633.529 is hereby amended to read as follows:

633.529 1. Notwithstanding the provisions of chapter 622A of NRS, if the Board receives a report pursuant to the provisions of NRS 633.526, 633.527, 690B.250 or 690B.260 indicating that a judgment has been rendered or an award has been made against an osteopathic physician ***or physician assistant*** regarding an action or claim for malpractice ***,*** or that such an action or claim against the osteopathic physician ***or physician assistant*** has been resolved by settlement, the Board may order ~~[that]~~ the osteopathic physician ***or physician assistant to*** undergo a mental or physical examination or ~~[an]~~ ***any other*** examination ~~[testing]~~ ***designated by the Board to test*** his or her competence to practice ***osteopathic*** medicine ***or to practice as a physician assistant, as applicable. An examination conducted pursuant to this***

subsection must be conducted by osteopathic physicians ~~[or other examinations]~~ designated by the Board ***.*** ~~[to assist the Board or any investigative committee of the Board in determining the fitness of the osteopathic physician to practice medicine.]~~

2. For the purposes of this section:

(a) ~~[Every]~~ ***An*** osteopathic physician ***or physician assistant*** who applies for a license or who holds a license under this chapter ~~[shall be]~~ ***is*** deemed to have given consent to submit to a mental or physical examination or an examination testing his or her competence to practice ***osteopathic*** medicine ~~[when ordered to do so in writing]~~ ***or to practice as a physician assistant, as applicable, pursuant to a written order*** by the Board.

(b) The testimony or reports of the examining osteopathic physician are not privileged communications.

Sec. 20. NRS 633.531 is hereby amended to read as follows:

633.531 1. The Board or any of its members, ~~[any]~~ ***or a*** medical review panel of a hospital or medical society ***,*** which becomes aware ~~[that any one or combination of the]~~ ***of any conduct by an osteopathic physician or physician assistant that may constitute*** grounds for initiating disciplinary action ~~[may exist as to a person practicing osteopathic medicine in this State]~~ shall, and any other person who is so aware may, file a written complaint specifying the relevant facts with the Board.

2. The Board shall retain all complaints filed with the Board pursuant to this section for at least 10 years, including, without limitation, any complaints not acted upon.

Sec. 21. NRS 633.533 is hereby amended to read as follows:

633.533 1. Except as otherwise provided in subsection 2, any person may file with the Board a complaint against an osteopathic physician ***or physician assistant*** on a form provided by the Board. The form may be submitted in writing or electronically. If a complaint is submitted anonymously, the Board may accept the complaint but may refuse to consider the complaint if the lack of the identity of the complainant makes processing the complaint impossible or unfair to the person who is the subject of the complaint.

2. Any licensee, medical school or medical facility that becomes aware that a person practicing osteopathic medicine ***or practicing as a physician assistant*** in this State has, is or is about to become engaged in conduct which constitutes grounds for initiating disciplinary action shall file a written complaint with the Board within 30 days after becoming aware of the conduct.

3. Any hospital, clinic or other medical facility licensed in this State, or medical society, shall ***file a written*** report ~~[to]~~ ***with*** the Board ***of*** any change in ~~[an osteopathic physician's]~~ ***the*** privileges ***of an osteopathic physician*** to practice osteopathic medicine ***or a physician assistant to practice as a physician assistant*** while the osteopathic physician ***or physician assistant*** is under investigation ***,*** and the outcome of any disciplinary action taken by

~~[that]~~ ***the*** facility or society against the osteopathic physician ***or physician assistant*** concerning the care of a patient or the competency of the osteopathic physician ***or physician assistant,*** within 30 days after the change in privileges is made or disciplinary action is taken. The Board shall report any failure to comply with this subsection by a hospital, clinic or other medical facility licensed in this State to the Health Division of the Department of Health and Human Services. If, after a hearing, the Health Division determines that any such facility or society failed to comply with the requirements of this subsection, the ***Health*** Division may impose an administrative fine of not more than $10,000 against the facility or society for each such failure to report. If the administrative fine is not paid when due, the fine must be recovered in a civil action brought by the Attorney General on behalf of the ***Health*** Division.

4. The clerk of every court shall report to the Board any finding, judgment or other determination of the court that an osteopathic physician or physician assistant:

(a) Is ~~[a person with mental illness;]~~ ***mentally ill;***

(b) Is ~~[a person with mental incompetence;]~~ ***mentally incompetent;***

(c) Has been convicted of a felony or any law governing controlled substances or dangerous drugs;

(d) Is guilty of abuse or fraud under any state or federal program providing medical assistance; or

(e) Is liable for damages for malpractice or negligence,

➥ within 45 days after ~~[such a]~~ ***the*** finding, judgment or determination ***.*** ~~[is made.]~~

5. On or before January 15 of each year, the clerk of every court shall submit to the Office of Court Administrator created pursuant to NRS 1.320 a written report compiling the information that the clerk reported during the previous year to the Board regarding osteopathic physicians ***and physician assistants*** pursuant to paragraph (e) of subsection 4.

Sec. 22. NRS 633.561 is hereby amended to read as follows:

633.561 1. Notwithstanding the provisions of chapter 622A of NRS, if the Board or a member of the Board designated to review a complaint pursuant to NRS 633.541 has reason to believe that the conduct of an osteopathic physician ***or physician assistant*** has raised a reasonable question as to his or her competence to practice osteopathic medicine ***or to practice as a physician assistant, as applicable,*** with reasonable skill and safety to patients, the Board or the member designated by the Board may require the osteopathic physician ***or physician assistant*** to submit to a mental or physical examination ***conducted*** by physicians designated by the Board. If the osteopathic physician ***or physician assistant*** participates in a diversion program, the diversion program may exchange with any authorized member of the staff of the Board any information concerning the recovery and participation of the osteopathic physician ***or physician assistant*** in the diversion program. As used in this subsection, "diversion program" means a

program approved by the Board to correct an osteopathic physician's ***or physician assistant's*** alcohol or drug dependence or any other impairment.

2. For the purposes of this section:

(a) ~~[Every]~~ ***An osteopathic*** physician ***or physician assistant*** who is licensed under this chapter ***and*** who accepts the privilege of practicing osteopathic medicine ***or practicing as a physician assistant*** in this State ~~[shall be]~~ ***is*** deemed to have given consent to submit to a mental or physical examination ~~[if directed to do so in writing]~~ ***pursuant to a written order*** by the Board.

(b) The testimony or examination reports of the examining physicians are not privileged communications.

3. Except in extraordinary circumstances, as determined by the Board, the failure of ~~[a]~~ ***an osteopathic*** physician ***or physician assistant*** who is licensed under this chapter to submit to an examination ~~[if directed as provided in]~~ ***pursuant to*** this section constitutes an admission of the charges against the ***osteopathic*** physician ~~[.]~~ ***or physician assistant.***

Sec. 23. NRS 633.571 is hereby amended to read as follows:

633.571 Notwithstanding the provisions of chapter 622A of NRS, if the Board has reason to believe that the conduct of any osteopathic physician ***or physician assistant*** has raised a reasonable question as to his or her competence to practice osteopathic medicine ***or to practice as a physician assistant, as applicable,*** with reasonable skill and safety to patients, the Board may ~~[cause a medical competency examination of]~~ ***require*** the ***osteopathic*** physician ***or physician assistant to submit to an examination*** for ***the*** purposes of determining his or her ~~[fitness]~~ ***competence*** to practice osteopathic medicine ***or to practice as a physician assistant, as applicable,*** with reasonable skill and safety to patients.

Sec. 24. NRS 633.581 is hereby amended to read as follows:

633.581 1. If an investigation by the Board ~~[regarding]~~ ***of*** an osteopathic physician ***or physician assistant*** reasonably determines that the health, safety or welfare of the public or any patient served by the osteopathic physician ***or physician assistant*** is at risk of imminent or continued harm, the Board may summarily suspend the license of the osteopathic physician ~~[.]~~ ***or physician assistant.*** The order of summary suspension may be issued by the Board, an investigative committee of the Board or the Executive Director of the Board after consultation with the President, Vice President or Secretary-Treasurer of the Board.

2. If the Board issues an order summarily suspending the license of an osteopathic physician ***or physician assistant*** pursuant to subsection 1, the Board shall hold a hearing regarding the matter not later than 45 days after the date on which the Board issues the order summarily suspending the license unless the Board and the licensee mutually agree to a longer period.

3. Notwithstanding the provisions of chapter 622A of NRS, if the Board issues an order summarily suspending the license of an osteopathic physician ***or physician assistant*** pending ~~[proceedings]~~ ***a proceeding*** for disciplinary

action and requires the ***osteopathic*** physician ***or physician assistant*** to submit to a mental or physical examination or a medical competency examination, the examination ~~[shall]~~ ***must*** be conducted and the results ***must be*** obtained not later than 60 days after the Board issues ~~[its]~~ ***the*** order.

Sec. 25. NRS 633.591 is hereby amended to read as follows:

633.591 Notwithstanding the provisions of chapter 622A of NRS, if the Board issues an order summarily suspending the license of an osteopathic physician ***or physician assistant*** pending proceedings for disciplinary action, including, without limitation, a summary suspension pursuant to NRS 233B.127, the court shall not stay that order unless the Board fails to institute and determine such proceedings as promptly as the requirements for investigation of the case reasonably allow.

Sec. 26. NRS 633.601 is hereby amended to read as follows:

633.601 1. In addition to any other remedy provided by law, the Board, through ~~[its President or Secretary]~~ ***an officer of the Board*** or the Attorney General, may apply to any court of competent jurisdiction to enjoin any unprofessional conduct of an osteopathic physician ***or physician assistant*** which is harmful to the public or to limit the ~~[physician's]~~ practice ***of the osteopathic physician or physician assistant*** or suspend his or her license to practice ***osteopathic*** medicine ***or to practice as a physician assistant, as applicable,*** as provided in this section.

2. The court in a proper case may issue a temporary restraining order or a preliminary injunction for such purposes:

(a) Without proof of actual damage sustained by any person, this provision being a preventive as well as punitive measure; and

(b) Pending proceedings for disciplinary action by the Board. Notwithstanding the provisions of chapter 622A of NRS, such proceedings shall be instituted and determined as promptly as the requirements for investigation of the case reasonably allow.

Sec. 27. NRS 633.631 is hereby amended to read as follows:

633.631 Except as otherwise provided in chapter 622A of NRS:

1. Service of process made under this chapter ~~[shall]~~ ***must*** be either personal or by registered or certified mail with return receipt requested, addressed to the osteopathic physician ***or physician assistant*** at his or her last known address, as indicated ~~[on]~~ ***in*** the records of the Board ***.*** ~~[, if possible.]~~ If personal service cannot be made and if mail notice is returned undelivered, the Secretary of the Board shall cause ***a*** notice of hearing to be published once a week for 4 consecutive weeks in a newspaper published in the county of the ~~[physician's]~~ last known address ***of the osteopathic physician or physician assistant*** or, if no newspaper is published in that county, ~~[then]~~ in a newspaper widely distributed in that county.

2. Proof of service of process or publication of notice made under this chapter ~~[shall]~~ ***must*** be filed with the Secretary of the Board and ~~[shall]~~ ***must*** be recorded in the minutes of the Board.

Sec. 28. NRS 633.641 is hereby amended to read as follows:

633.641 Notwithstanding the provisions of chapter 622A of NRS, in any disciplinary proceeding before the Board, a hearing officer or a panel:

1. Proof of actual injury need not be established where the formal complaint charges deceptive or unethical professional conduct or medical practice harmful to the public.

2. A certified copy of the record of a court or a licensing agency showing a conviction or the suspension or revocation of a license to practice osteopathic medicine ***or to practice as a physician assistant*** is conclusive evidence of its occurrence.

Sec. 29. NRS 633.651 is hereby amended to read as follows:

633.651 1. If the Board finds a person guilty in a disciplinary proceeding, it shall by order take one or more of the following actions:

(a) Place the person on probation for a specified period or until further order of the Board.

(b) Administer to the person a public reprimand.

(c) Limit the practice of the person to, or by the exclusion of, one or more specified branches of osteopathic medicine.

(d) Suspend the license of the person to practice osteopathic medicine ***or to practice as a physician assistant*** for a specified period or until further order of the Board.

(e) Revoke the license of the person to practice osteopathic medicine ~~[.]~~ ***or to practice as a physician assistant.***

(f) Impose a fine not to exceed $5,000 for each violation.

(g) Require supervision of the practice of the person.

(h) Require the person to perform community service without compensation.

(i) Require the person to complete any training or educational requirements specified by the Board.

(j) Require the person to participate in a program to correct alcohol or drug dependence or any other impairment.

➥ The order of the Board may contain any other terms, provisions or conditions as the Board deems proper and which are not inconsistent with law.

2. The Board shall not administer a private reprimand.

3. An order that imposes discipline and the findings of fact and conclusions of law supporting that order are public records.

Sec. 30. NRS 633.671 is hereby amended to read as follows:

633.671 1. Any person who has been placed on probation or whose license has been limited, suspended or revoked by the Board is entitled to judicial review of the Board's order as provided by law.

2. Every order of the Board which limits the practice of ***osteopathic*** medicine ***or the practice of a physician assistant*** or suspends or revokes a license is effective from the date ~~[the Secretary certifies]~~ ***on which*** the order ***is issued by the Board*** until the date the order is modified or reversed by a final judgment of the court.

3. The district court shall give a petition for judicial review of the Board's order priority over other civil matters which are not expressly given priority by law.

Sec. 31. NRS 633.681 is hereby amended to read as follows:

633.681 1. Any person:

(a) Whose practice of osteopathic medicine ***or practice as a physician assistant*** has been limited; or

(b) Whose license to practice osteopathic medicine ***or to practice as a physician assistant*** has been:

(1) Suspended until further order; or

(2) Revoked,

➥ may apply to the Board after a reasonable period for removal of the limitation or suspension or may apply to the Board pursuant to the provisions of chapter 622A of NRS for reinstatement of the revoked license.

2. In hearing the application, the Board:

(a) May require the person to submit to a mental or physical examination by physicians whom it designates and submit such other evidence of changed conditions and of fitness as it deems proper;

(b) Shall determine whether under all the circumstances the time of the application is reasonable; and

(c) May deny the application or modify or rescind its order as it deems the evidence and the public safety warrants.

Sec. 32. NRS 633.691 is hereby amended to read as follows:

633.691 1. In addition to any other immunity provided by the provisions of chapter 622A of NRS, the Board, a medical review panel of a hospital, a hearing officer, a panel of the Board, an employee or volunteer of a diversion program specified in NRS 633.561, or any person who or other organization which initiates or assists in any lawful investigation or proceeding concerning the discipline of an osteopathic physician ***or physician assistant*** for gross malpractice, malpractice, professional incompetence or unprofessional conduct is immune from any civil action for such initiation or assistance or any consequential damages, if the person or organization acted in good faith.

2. The Board shall not commence an investigation, impose any disciplinary action or take any other adverse action against an osteopathic physician ***or physician assistant*** for:

(a) Disclosing to a governmental entity a violation of a law, rule or regulation by an applicant for a license to practice osteopathic medicine or ***to practice as a physician assistant, or*** by an osteopathic physician ~~[.]~~ ***or physician assistant;*** or

(b) Cooperating with a governmental entity that is conducting an investigation, hearing or inquiry into such a violation, including, without limitation, providing testimony concerning the violation.

3. As used in this section, "governmental entity" includes, without limitation:

(a) A federal, state or local officer, employee, agency, department, division, bureau, board, commission, council, authority or other subdivision or entity of a public employer;

(b) A federal, state or local employee, committee, member or commission of the Legislative Branch of Government;

(c) A federal, state or local representative, member or employee of a legislative body or a county, town, village or any other political subdivision or civil division of the State;

(d) A federal, state or local law enforcement agency or prosecutorial office, or any member or employee thereof, or police or peace officer; and

(e) A federal, state or local judiciary, or any member or employee thereof, or grand or petit jury.

Sec. 33. NRS 633.701 is hereby amended to read as follows:

633.701 The filing and review of a complaint and any subsequent disposition by the Board, the member designated by the Board to review a complaint pursuant to NRS 633.541 or any reviewing court do not preclude:

1. Any measure by a hospital or other institution to limit or terminate the privileges of an osteopathic physician ***or physician assistant*** according to its rules or the custom of the profession. No civil liability attaches to any such action taken without malice even if the ultimate disposition of the complaint is in favor of the ***osteopathic*** physician ~~[.]~~ ***or physician assistant.***

2. Any appropriate criminal prosecution by the Attorney General or a district attorney based upon the same or other facts.

Sec. 34. NRS 633.711 is hereby amended to read as follows:

633.711 1. The Board***,*** through ~~[its President or Secretary]~~ ***an officer of the Board*** or the Attorney General***,*** may maintain in any court of competent jurisdiction a suit for an injunction against any person ~~[practicing]~~ ***:***

(a) Practicing osteopathic medicine ***or practicing as a physician assistant*** without a ***valid*** license to practice osteopathic medicine ~~[valid under this chapter.]~~ ***or to practice as a physician assistant; or***

(b) Engaging in telemedicine without a valid license pursuant to section 2 of this act.

2. ~~[Such an]~~ ***An*** injunction ~~[:]~~ ***issued pursuant to subsection 1:***

(a) May be issued without proof of actual damage sustained by any person, this provision being a preventive as well as a punitive measure.

(b) ~~[Shall]~~ ***Must*** not relieve such person from criminal prosecution for practicing without such a license.

Sec. 35. NRS 633.721 is hereby amended to read as follows:

633.721 In a criminal complaint charging any person with practicing osteopathic medicine ***or practicing as a physician assistant*** without a ***valid*** license ~~[to practice osteopathic medicine,]~~ ***issued by the Board,*** it is sufficient to charge that the person did, upon a certain day, and in a certain county of this State, engage in ~~[the]~~ ***such*** practice ~~[of osteopathic medicine]~~ without having a valid license to do so, without averring any further or more particular facts concerning the violation.

Sec. 36. NRS 633.741 is hereby amended to read as follows:

633.741 A person who:

1. Except as otherwise provided in NRS 629.091, practices ~~[osteopathic]~~ ***:***

(a) Osteopathic medicine ~~[:~~

~~(a) Without]~~ ***without*** a ***valid*** license to practice osteopathic medicine ~~[valid]~~ under this chapter; ~~[or]~~

(b) ***As a physician assistant without a valid license under this chapter; or***

(c) Beyond the limitations ordered upon his or her practice by the Board or the court;

2. Presents as his or her own the diploma, license or credentials of another;

3. Gives either false or forged evidence of any kind to the Board or any of its members in connection with an application for a license;

4. Files for record the license issued to another, falsely claiming himself or herself to be the person named in the license, or falsely claiming himself or herself to be the person entitled to the license;

5. Practices osteopathic medicine ***or practices as a physician assistant*** under a false or assumed name or falsely personates another licensee of a like or different name;

6. Holds himself or herself out as a physician assistant or who uses any other term indicating or implying that he or she is a physician assistant, unless the person has been licensed by the Board as provided in this chapter; or

7. Supervises a person as a physician assistant before such person is licensed as provided in this chapter,

➥ is guilty of a category D felony and shall be punished as provided in NRS 193.130.

Sec. 37. Section 121 of chapter 413, Statutes of Nevada 2007, as amended by chapter 369, Statutes of Nevada 2009, at page 1856, and chapter 494, Statutes of Nevada 2009, at page 2999, is hereby amended to read as follows:

Sec. 121. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 42.3, inclusive, and 43 to 120, inclusive, of this act become effective:

(a) Upon passage and approval for the purpose of adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On January 1, 2008, for all other purposes.

3. ~~[Sections]~~ ***Section*** 11 ~~[and 25]~~ of this act ~~[expire]~~ ***expires*** by limitation on January 1, 2012.

4. Section 42.3 of this act expires by limitation on the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures

under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

(a) Have failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or

(b) Are in arrears in the payment for the support of one or more children,

➥ are repealed by the Congress of the United States.

5. Section 42.7 of this act becomes effective on the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

(a) Have failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or

(b) Are in arrears in the payment for the support of one or more children,

➥ are repealed by the Congress of the United States.

6. Sections 42.7 and 55.5 of this act expire by limitation on the date 2 years after the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

(a) Have failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or

(b) Are in arrears in the payment for the support of one or more children,

➥ are repealed by the Congress of the United States.

Assemblyman Atkinson moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, reengrossed, and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Atkinson moved that Senate Bill No. 289 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 292.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 655.

AN ACT relating to insurance; providing for the licensure and regulation of persons who sell or offer coverage under a policy of portable electronics insurance; providing a fee; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, a person is not authorized to engage in the business of transacting insurance unless the person is issued a license by the Commissioner of Insurance. **Sections 2-15** of this bill provide for the licensure and regulation of persons, including certain persons who are not residents of this State, who sell or offer coverage under a new limited line of insurance, the coverage of portable electronics against the risk of loss, which provides coverage for the repair or replacement of portable electronics and which may cover portable electronics against loss, theft, inoperability due to mechanical failure, malfunction, accidental damage or other similar perils in accordance with the terms of the policy. A vendor who sells or offers coverage under a policy of portable electronics insurance must be licensed as a producer of insurance and pay certain fees. (NRS 680B.010, 680C.110) Existing law provides that a violation of certain provisions of the Nevada Insurance Code, including **sections 2-17** of this bill, is a misdemeanor.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Title 57 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 2 to 17, inclusive, of this act.

Sec. 2. ***As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 3 to 9, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 3. (Deleted by amendment.)

Sec. 4. ***"Customer" means a person who acquires, by lease or purchase, portable electronics or services related to the use of portable electronics from a vendor.***

Sec. 4.3. ***"Enrolled customer" means a customer who elects coverage under a policy of portable electronics insurance issued to a vendor.***

Sec. 4.5. ***"Location" means any physical site within this State or any Internet website, call center or other similar site where a vendor transacts business with residents of this State.***

Sec. 5. ***"Maintenance agreement" means a contract for a limited period that provides only for scheduled maintenance.***

Sec. 6. ***"Portable electronics" means electronic devices that are portable in nature and their accessories.***

Sec. 7. ***1. "Portable electronics insurance" means insurance which provides coverage for the repair or replacement of portable electronics and which may cover portable electronics against loss, theft, inoperability due to mechanical failure, malfunction, accidental damage or other similar perils in accordance with the terms of the policy.***

2. The term does not include:

(a) A service contract governed by chapter 690C of NRS;

(b) A maintenance agreement;

(c) A warranty;

(d) A policy of homeowners' insurance, renter's insurance or motor vehicle insurance; or

(e) A policy of property or casualty insurance for business and commercial risks.

Sec. 7.5. *"Supervising entity" means a business or entity that is a licensed insurer or producer of insurance.*

Sec. 8. *"Vendor" means a person who, directly or indirectly, engages in the business of:*

1. The sale or lease of portable electronics by the vendor to a customer; or

2. The sale of a service related to the use of portable electronics by the vendor to a customer.

Sec. 9. *"Warranty" means a warranty provided solely by a manufacturer, importer or seller of goods for which the manufacturer, importer or seller did not receive separate consideration and that:*

1. Is not negotiated or separated from the sale of the goods;

2. Is incidental to the sale of the goods; and

3. Guarantees to indemnify the consumer for defective parts, mechanical or electrical failure, labor or other remedial measures required to repair or replace the goods.

Sec. 10. *1. A vendor shall not sell or offer coverage under a policy of portable electronics insurance unless the vendor holds a license as a producer of insurance in portable electronics insurance as a limited line issued by the Commissioner pursuant to NRS 683A.261 or 683A.271.*

2. In addition to the information required pursuant to NRS 683A.251, an application for a license as a producer of insurance in portable electronics insurance must include:

(a) A schedule which identifies each location at which the vendor does business; and

(b) The physical address of the home office of the vendor.

3. A natural person who is designated by a vendor pursuant to paragraph (b) of subsection 2 of NRS 683A.251 is not required to be a principal, officer or employee of the vendor.

4. A vendor who is licensed as a producer of insurance in portable electronics insurance shall maintain the schedule described in paragraph (a) of subsection 2 and make the schedule available for inspection by the Commissioner upon request.

Sec. 10.5. *The Commissioner may issue or renew a license as a producer of insurance in portable electronics insurance as a limited line pursuant to NRS 683A.261 or 683A.271 to an applicant who is not a resident of Nevada, including, without limitation, a resident of Canada:*

1. Before July 1, 2014, if:

(a) The jurisdiction in which the applicant resides or in which the applicant maintains his or her principal place of business does not provide

for the issuance of a license as a producer of insurance in portable electronics insurance as a limited line; and

(b) The applicant meets all other requirements for licensure.

2. On or after July 1, 2014, if:

(a) The jurisdiction in which the applicant resides or in which the applicant maintains his or her principal place of business does not provide for the issuance of a license as a producer of insurance in portable electronics as a limited line;

(b) The applicant is issued a license as a producer of insurance for property and casualty insurance in this State pursuant to NRS 683A.261; and

(c) The applicant meets all other requirements for licensure.

Sec. 11. *1. Notwithstanding any other provision of law, an employee or authorized representative of a vendor that holds a license as a producer of insurance in portable electronics insurance issued by the Commissioner pursuant to NRS 683A.261 or 683A.271 may, without a license issued by the Commissioner, sell or offer coverage under a policy of portable electronics insurance at any location at which the vendor does business if:*

(a) The employee or authorized representative of the vendor sells or offers coverage under a policy of portable electronics insurance only on behalf of, and under the supervision of, the vendor; and

(b) Before the employee or authorized representative of the vendor sells or offers coverage under a policy of portable electronics insurance, he or she completes a program of training provided by the vendor pursuant to section 12 of this act.

2. An employee or authorized representative of a vendor who sells or offers coverage under a policy of portable electronics insurance pursuant to this section shall not advertise, represent or otherwise hold himself or herself out as a licensed producer of insurance unless the person is licensed as a producer of insurance.

Sec. 12. *1. An authorized insurer may deliver or issue for delivery in this State a policy of portable electronics insurance as a group or master inland marine policy issued to a vendor. A vendor may provide coverage for portable electronics under the policy to customers who elect to enroll under the policy. The policy may be offered on a month-to-month or other periodic basis. Notwithstanding the provisions of any law to the contrary, each rate for a policy of portable electronics insurance must be filed with the Commissioner pursuant to chapter 686B of NRS.*

2. An insurer that issues a group policy of portable electronics insurance to a vendor shall:

(a) Establish reasonable eligibility and underwriting standards for customers who elect to enroll under the vendor's policy of portable electronics insurance.

(b) Appoint a supervising entity to oversee the vendor's sales and enrollment activities under the vendor's policy of portable electronics insurance.

3. A supervising entity appointed pursuant to this section must develop and conduct a training program for the employees and authorized representatives of the vendor who sell or offer coverage under the vendor's policy of portable electronics insurance. The training program must include, without limitation, basic instruction concerning:

(a) The coverage that is available to customers who enroll under the vendor's policy of portable electronics insurance; and

(b) The disclosures required by section 13 of this act.

4. The supervising entity may provide the basic instruction required by subsection 3 in electronic form if the supervising entity provides supplemental ~~[training]~~ education that is conducted and overseen ~~[in person]~~ by a licensed employee of the supervising entity.

5. The supervising entity shall ensure that each employee and authorized representative of a vendor completes the training program required by subsection 3 before selling or offering to sell coverage under the vendor's policy of portable electronics insurance.

Sec. 13. *1. A vendor shall make available to a prospective customer, at each location where the vendor sells or offers coverage under a policy of portable electronics insurance, a printed brochure or other written material concerning the coverage available under the policy of portable electronics insurance. The written material must:*

(a) Disclose that coverage under a policy of portable electronics insurance may duplicate coverage already provided to the customer by a policy of property insurance or other source of coverage;

(b) State that the customer is not required to enroll for coverage under the vendor's policy of portable electronics insurance as a condition of the purchase or lease of any portable electronics or related services;

(c) Summarize the material terms of the coverage provided under the policy of portable electronics insurance, including:

(1) The identity of the insurer;

(2) The identity of the supervising entity;

(3) The amount of any applicable deductible and how it is to be paid;

(4) Benefits of the coverage; and

(5) Key terms and conditions of the coverage, including, without limitation, whether portable electronics may be repaired or replaced with a similar make and model that has been reconditioned or with nonoriginal manufacturer parts or equipment;

(d) Summarize the process for filing a claim, including a description of how to return portable electronics and the maximum fee applicable if the enrolled customer fails to comply with any equipment return requirements; and

(e) State that the enrolled customer may cancel his or her enrollment for coverage under the policy of portable electronics insurance at any time and, in the event of such cancellation, the person paying the premium for the coverage will receive a refund of any applicable unearned premium.

2. If a customer elects to enroll in coverage under a policy of portable electronics insurance, the printed brochure or other written material may serve as a certificate of coverage if the material satisfies the requirements of subsection 1. A policy of portable electronics insurance, including the certificate of coverage of the policy, must be filed with the Commissioner not later than 15 days ~~[after]~~ before the effective date of the policy.

Sec. 14. ***1. If a customer purchases a policy of portable electronics insurance from a vendor or elects to enroll in coverage under the vendor's policy of portable electronics insurance, the vendor may bill and collect the charges for the portable electronics insurance coverage.***

2. Any charge to the customer for portable electronics insurance coverage that is not included in the cost associated with the purchase or lease of portable electronics or related services must be separately itemized on the customer's bill.

3. If portable electronics insurance coverage is included with the purchase or lease of portable electronics or related services, the vendor must clearly and conspicuously disclose to the customer that the portable electronics insurance coverage is included with the purchase of the portable electronics or related services.

4. A vendor which bills and collects charges for portable electronics insurance coverage on behalf of an insurer is not required to maintain such money in a segregated account if the vendor:

(a) Is authorized by the insurer to hold such money in an alternative manner; and

(b) Remits such amounts to the supervising entity within 60 days after receipt.

➥ All money collected by a vendor from an enrolled customer for the sale of portable electronics insurance shall be deemed to be held in trust by the vendor in a fiduciary capacity for the benefit of the insurer. A vendor is entitled to receive compensation for billing and collection services.

Sec. 15. ***Notwithstanding any other provision of law:***

1. Except as otherwise provided in this section, an insurer that issues a policy of portable electronics insurance may not terminate the policy before the expiration of the agreed term of the policy unless, not less than 30 days before the effective date of the termination, the insurer provides notice to:

(a) The holder of the policy of portable electronics insurance; and

(b) If the policy is a group policy issued to a vendor under which individual customers may elect to enroll for coverage, each enrolled customer.

2. An insurer shall not change any term or condition of a policy of portable electronics insurance more than once in any 6-month period. If

the insurer changes a term or condition of a policy of portable electronics insurance, the insurer shall, not less than 30 days before the effective date of the change, provide:

(a) The policyholder with a revised policy or endorsement; and

(b) Each enrolled customer with a revised certificate of coverage, endorsement, brochure or other evidence of coverage which:

(1) Declares that the insurer has changed a term or condition of the policy which may affect the enrolled customer's coverage; and

(2) Provides a summary of the material changes.

3. An insurer may terminate an enrolled customer's coverage under a vendor's policy of portable electronics insurance upon the discovery of fraud or material misrepresentation by the enrolled customer in obtaining the coverage or in presenting a claim thereunder if the insurer provides notice of the termination to the vendor and the enrolled customer within 15 days after discovery of the fraud or material misrepresentation.

4. An insurer may terminate an enrolled customer's coverage under a vendor's policy of portable electronics insurance if the enrolled customer fails to pay a premium and the insurer gives the enrolled customer not less than 10 days' notice of his or her failure to pay the premium.

5. An insurer may immediately terminate an enrolled customer's coverage under a vendor's policy of portable electronics insurance:

(a) If the enrolled customer ceases to have an active service with the vendor; or

(b) If the enrolled customer exhausts the aggregate limit of liability, if any, under the terms of the policy of portable electronics insurance and the insurer provides notice of termination to the customer within 30 calendar days after exhaustion of the limit. If the insurer fails to provide timely notice as required by this paragraph, the enrolled customer's coverage under the policy continues until the insurer provides notice of termination to the enrolled customer notwithstanding the exhaustion of the aggregate limit of liability.

6. A vendor or other holder of a group policy of portable electronics insurance shall not terminate ~~*[an enrolled customer's coverage under]*~~ ***the policy unless, not less than 30 days before the effective date of the termination, the insurer provides notice to*** ~~*[the]*~~ ***each enrolled customer of the termination of the policy and the effective date of termination. An insurer may authorize a vendor to provide notice to an enrolled customer on behalf of the insurer pursuant to this subsection.***

7. Any notice that is required pursuant to this section must be in writing and be:

(a) Mailed or delivered to the enrolled customer, vendor or other policyholder at his or her last known address; or

(b) Sent by electronic mail or other electronic means in accordance with regulations adopted by the Commissioner to the enrolled customer, vendor

or other policyholder at the electronic mail address of the enrolled customer, vendor or other policyholder last known by the insurer.

➥ An insurer or vendor who provides notice pursuant to this subsection must maintain proof of mailing or delivery in a form authorized or accepted by the United States Postal Service or other commercial mail delivery service or an electronic record or other proof that the notice was sent.

Sec. 16. ***If a vendor or an employee or authorized representative of a vendor violates any provision of this chapter or an order or regulation of the Commissioner issued or adopted pursuant thereto, the Commissioner may, after notice and an opportunity for a hearing:***

1. Impose an administrative fine pursuant to NRS 683A.461 for each violation, which must not exceed $50,000 in the aggregate;

2. Suspend a vendor's privilege of engaging in the sale or offering of coverage under a policy of portable electronics insurance at a particular location where the vendor does business;

3. Suspend or revoke the privilege of an employee or authorized representative of a vendor to sell or offer coverage under a policy of portable electronics insurance; or

4. Suspend or revoke the license issued by the Commissioner to the vendor as a licensed producer of insurance.

Sec. 17. ***The Commissioner may adopt such regulations as necessary to carry out the provisions of this chapter.***

Sec. 18. NRS 683A.261 is hereby amended to read as follows:

683A.261 1. Unless the Commissioner refuses to issue the license under NRS 683A.451, the Commissioner shall issue a license as a producer of insurance to a person who has satisfied the requirements of NRS 683A.241 and 683A.251. A producer of insurance may qualify for a license in one or more of the lines of authority permitted by statute or regulation, including:

(a) Life insurance on human lives, which includes benefits from endowments and annuities and may include additional benefits from death by accident and benefits for dismemberment by accident and for disability.

(b) Health insurance for sickness, bodily injury or accidental death, which may include benefits for disability.

(c) Property insurance for direct or consequential loss or damage to property of every kind.

(d) Casualty insurance against legal liability, including liability for death, injury or disability and damage to real or personal property.

(e) Surety indemnifying financial institutions or providing bonds for fidelity, performance of contracts or financial guaranty.

(f) Variable annuities and variable life insurance, including coverage reflecting the results of a separate investment account.

(g) Credit insurance, including life, disability, property, unemployment, involuntary unemployment, mortgage life, mortgage guaranty, mortgage

disability, guaranteed protection of assets, and any other form of insurance offered in connection with an extension of credit that is limited to wholly or partially extinguishing the obligation which the Commissioner determines should be considered as limited-line credit insurance.

(h) Personal lines, consisting of automobile and motorcycle insurance and residential property insurance, including coverage for flood, of personal watercraft and of excess liability, written over one or more underlying policies of automobile or residential property insurance.

(i) Fixed annuities as a limited line.

(j) Travel and baggage as a limited line.

(k) Rental car agency as a limited line.

(l) ***Portable electronics as a limited line.***

(m) Continuous care coverage, which includes health insurance, as set forth in paragraph (b), and may include insurance for workers' compensation.

2. A license as a producer of insurance remains in effect unless revoked, suspended or otherwise terminated if a request for a renewal is submitted on or before the date for the renewal specified on the license, all applicable fees for renewal and a fee established by the Commissioner of not more than $15 for deposit in the Insurance Recovery Account are paid for each license and each authorization to transact business on behalf of a business organization licensed pursuant to subsection 2 of NRS 683A.251, and any requirement for education or any other requirement to renew the license is satisfied by the date specified on the license for the renewal. A producer of insurance may submit a request for a renewal of his or her license within 30 days after the date specified on the license for the renewal if the producer of insurance otherwise complies with the provisions of this subsection and pays, in addition to any fee paid pursuant to this subsection, a penalty of 50 percent of all applicable renewal fees, except for any fee required pursuant to NRS 680C.110. A license as a producer of insurance expires if the Commissioner receives a request for a renewal of the license more than 30 days after the date specified on the license for the renewal. A fee paid pursuant to this subsection is nonrefundable.

3. A natural person who allows his or her license as a producer of insurance to expire may reapply for the same license within 12 months after the date specified on the license for a renewal without passing a written examination or completing a course of study required by paragraph (c) of subsection 1 of NRS 683A.251, but a penalty of twice all applicable renewal fees, except for any fee required pursuant to NRS 680C.110, is required for any request for a renewal of the license that is received after the date specified on the license for the renewal.

4. A licensed producer of insurance who is unable to renew his or her license because of military service, extended medical disability or other extenuating circumstance may request a waiver of the time limit and of any fine or sanction otherwise required or imposed because of the failure to renew.

5. A license must state the licensee's name, address, personal identification number, the date of issuance, the lines of authority and the date of expiration and must contain any other information the Commissioner considers necessary. A resident producer of insurance shall maintain a place of business in this State which is accessible to the public and where the resident producer of insurance principally conducts transactions under his or her license. The place of business may be in his or her residence. The license must be conspicuously displayed in an area of the place of business which is open to the public.

6. A licensee shall inform the Commissioner of each change of location from which the licensee conducts business as a producer of insurance and each change of business or residence address, in writing or by other means acceptable to the Commissioner, within 30 days after the change. If a licensee changes the location from which the licensee conducts business as a producer of insurance or his or her business or residence address without giving written notice and the Commissioner is unable to locate the licensee after diligent effort, the Commissioner may revoke the license without a hearing. The mailing of a letter by certified mail, return receipt requested, addressed to the licensee at his or her last mailing address appearing on the records of the Division, and the return of the letter undelivered, constitutes a diligent effort by the Commissioner.

Sec. 19. NRS 683A.291 is hereby amended to read as follows:

683A.291 1. An applicant for licensing in this state as a producer of insurance who was previously licensed for the same lines of authority in another state need not complete any education or examination if the applicant is currently licensed in that state or, if the application is received within 90 days after the cancellation of the license, the other state certifies that the applicant was in good standing at the time of cancellation. Alternatively, the exemption is available if the records of the National Association of Insurance Commissioners show that the applicant is or was licensed and in good standing for the lines of authority requested.

2. An examination is not required for a producer of insurance who confines his or her activity to insurance categorized as limited line, credit, travel, ***portable electronics,*** baggage or fixed annuity, or covering vehicles leased for a short term.

3. A person licensed in another state who moves to this state and desires to become licensed as a resident producer of insurance with the benefit of the exemption provided in subsection 1 must apply for licensing within 90 days after establishing legal residence.

Sec. 20. Notwithstanding the provisions of sections 2 to 17, inclusive, of this act, a vendor is not required to be licensed as a producer of insurance limited to portable electronics insurance to sell or offer coverage under a policy of portable electronics insurance until 90 days after the Commissioner of Insurance makes available an application for such a license or October 1, 2011, whichever is later.

Sec. 21. This act becomes effective:

1. Upon passage and approval for the purposes of adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

2. On October 1, 2011, for all other purposes.

Assemblyman Atkinson moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, reengrossed, and to third reading.

Senate Bill No. 315.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 640.

AN ACT relating to educational personnel; requiring the Commission on Professional Standards in Education to adopt regulations prescribing the qualifications for licensing teachers and administrators pursuant to an alternative route to licensure; **requiring the State Board of Education to evaluate the providers of education and training approved by the Commission to offer an alternative route to licensure;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Commission on Professional Standards in Education to adopt regulations prescribing the qualifications for licensing teachers and other educational personnel in this State. The regulations govern the issuance of a regular license and a special qualifications license. (NRS 391.019) **Section 2** of this bill requires the Commission to adopt regulations prescribing the qualifications for licensing teachers and administrators pursuant to an alternative route to licensure and sets forth certain requirements that must be specified in those regulations, including: (1) that the required education and training may be provided by any qualified provider which has been approved by the Commission, including institutions of higher education and other providers that operate independently of an institution of higher education; (2) that the education and training required under the alternative route to licensure may be completed in 2 years or less; and (3) that, upon completion by a person of the education and training required under the alternative route to licensure and the satisfaction of all other requirements for licensure, the person must be issued a regular license. **Section 1.5 of this bill requires the State Board of Education to conduct an annual evaluation of each provider approved by the Commission to offer an alternative route to licensure pursuant to section 2 of this bill.**

Under existing law, the Commission is required to adopt regulations providing for the reciprocal licensure of educational personnel from other states. (NRS 391.032) **Section 5** of this bill requires the regulations governing reciprocal licensure to include **provisions for the** reciprocal

licensure of persons who obtained a license pursuant to an alternative route to licensure.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. (Deleted by amendment.)

Sec. 1.5. **Chapter 391 of NRS is hereby amended by adding thereto a new section to read as follows:**

1. The State Board shall, on an annual basis, evaluate each provider approved by the Commission pursuant to subparagraph (1) of paragraph (a) of subsection 1 of NRS 391.019 to offer an alternative route to licensure. The evaluation must include, without limitation, for each provider, the number of persons:

(a) Who received a license pursuant to this chapter after completing the education and training offered by the provider; and

(b) Identified in paragraph (a) who are employed by a school district or a charter school in this State after receiving a license and information relating to the performance evaluations of those persons conducted by the school district or charter school. The information relating to the performance evaluations must be reported in an aggregated format and not reveal the identify of a person.

2. The Department shall post on its Internet website the evaluation conducted pursuant to subsection 1.

Sec. 2. NRS 391.019 is hereby amended to read as follows:

391.019 1. Except as otherwise provided in NRS 391.027, the Commission ~~[~~***:***

~~(a) Shall]~~ ***shall*** adopt regulations:

~~[(1)]~~ ***(a)*** Prescribing the qualifications for licensing teachers and other educational personnel, including, without limitation, the qualifications for a license to teach middle school or junior high school education, and the procedures for the issuance and renewal of those licenses. The regulations ~~[must]~~ ***:***

(1) Must include, without limitation, the qualifications for licensing teachers and administrators pursuant to an alternative route to licensure which provides that the required education and training may be provided by any qualified provider which has been approved by the Commission, including, without limitation, institutions of higher education and other providers that operate independently of an institution of higher education. The regulations adopted pursuant to this subparagraph must:

(I) Establish the requirements for approval as a qualified provider;

(II) Require a qualified provider to be selective in its acceptance of students;

(III) Require a qualified provider to provide supervised, school-based experiences and ongoing support for its students, such as mentoring and coaching;

(IV) Significantly limit the amount of course work required or provide for the waiver of required course work for students who achieve certain scores on tests;

(V) Allow for the completion in 2 years or less of the education and training required under the alternative route to licensure; ~~*[and]*~~

(VI) Provide that a person who has completed the education and training required under the alternative route to licensure and who has satisfied all other requirements for licensure may apply for a regular license pursuant to sub-subparagraph (VII) regardless of whether the person has received an offer of employment from a school district, charter school or private school; and

(VII) Upon the completion by a person of the education and training required under the alternative route to licensure and the satisfaction of all other requirements for licensure, provide for the issuance of a regular license to the person pursuant to the provisions of this chapter and the regulations adopted pursuant to this chapter.

(2) Must not prescribe qualifications which are more stringent than the qualifications set forth in NRS 391.0315 for a licensed teacher who applies for an additional license in accordance with that section.

~~[(2)]~~ ***(b)*** Identifying fields of specialization in teaching which require the specialized training of teachers.

~~[(3)]~~ ***(c)*** Except as otherwise provided in NRS 391.125, requiring teachers to obtain from the Department an endorsement in a field of specialization to be eligible to teach in that field of specialization.

~~[(4)]~~ ***(d)*** Setting forth the educational requirements a teacher must satisfy to qualify for an endorsement in each field of specialization.

~~[(5)]~~ ***(e)*** Setting forth the qualifications and requirements for obtaining a license or endorsement to teach American Sign Language, including, without limitation, being registered with the Aging and Disability Services Division of the Department of Health and Human Services pursuant to NRS 656A.100 to engage in the practice of interpreting in an educational setting.

~~[(6)]~~ ***(f)*** Requiring teachers and other educational personnel to be registered with the Aging and Disability Services Division pursuant to NRS 656A.100 to engage in the practice of interpreting in an educational setting if they:

~~[(I)]~~ ***(1)*** Provide instruction or other educational services; and

~~[(II)]~~ ***(2)*** Concurrently engage in the practice of interpreting, as defined in NRS 656A.060.

~~[(7)]~~ ***(g)*** Providing for the issuance and renewal of a special qualifications license to an applicant who holds a bachelor's degree, a master's degree or a doctoral degree from an accredited degree-granting postsecondary educational institution in a field for which the applicant will provide instruction in a classroom and who has:

~~[(I)]~~ ***(1)*** At least 2 years of experience teaching at an accredited degree-granting postsecondary educational institution in a field for which the

applicant will provide instruction in a classroom and at least 3 years of experience working in that field; or

~~[(II)]~~ ***(2)*** At least 5 years of experience working in a field for which the applicant will provide instruction in a classroom.

➥ An applicant for licensure pursuant to this ~~[subparagraph]~~ ***paragraph*** who holds a bachelor's degree must submit proof of participation in a program of student teaching or mentoring or agree to participate in a program of mentoring or courses of pedagogy for the first 2 years of the applicant's employment as a teacher with a school district or charter school.

~~[(8)]~~ ***(h)*** Requiring an applicant for a special qualifications license to:

~~[(I)]~~ ***(1)*** Pass each examination required by NRS 391.021 for the specific subject or subjects in which the applicant will provide instruction; or

~~[(II)]~~ ***(2)*** Hold a valid license issued by a professional licensing board of any state that is directly related to the subject area of the bachelor's degree, master's degree or doctoral degree held by the applicant.

~~[(9)]~~ ***(i)*** Setting forth the subject areas that may be taught by a person who holds a special qualifications license, based upon the subject area of the bachelor's degree, master's degree or doctoral degree held by that person.

~~[(10)]~~ ***(j)*** Providing for the issuance and renewal of a special qualifications license to an applicant who:

~~[(I)]~~ ***(1)*** Holds a bachelor's degree or a graduate degree from an accredited college or university in the field for which the applicant will be providing instruction;

~~[(II)]~~ ***(2)*** Is not licensed to teach public school in another state;

~~[(III)]~~ ***(3)*** Has at least 5 years of experience teaching with satisfactory evaluations at a school that is accredited by a national or regional accrediting agency recognized by the United States Department of Education; and

~~[(IV)]~~ ***(4)*** Submits proof of participation in a program of student teaching or mentoring or agrees to participate in a program of mentoring for the first year of the applicant's employment as a teacher with a school district or charter school if the applicant holds a graduate degree or, if the applicant holds a bachelor's degree, submits proof of participation in a program of student teaching or mentoring or agrees to participate in a program of mentoring or courses of pedagogy for the first 2 years of his or her employment as a teacher with a school district or charter school.

➥ An applicant for licensure pursuant to this ~~[subparagraph]~~ ***paragraph*** is exempt from each examination required by NRS 391.021 if the applicant successfully passed the examination in another state.

~~[(b) May]~~

2. Except as otherwise provided in NRS 391.027, the Commission may adopt such other regulations as it deems necessary for its own government or to carry out its duties.

~~[2.]~~ ***3.*** Any regulation which increases the amount of education, training or experience required for licensing:

(a) Must, in addition to the requirements for publication in chapter 233B of NRS, be publicized before its adoption in a manner reasonably calculated to inform those persons affected by the change.

(b) Must not become effective until at least 1 year after the date it is adopted by the Commission.

(c) Is not applicable to a license in effect on the date the regulation becomes effective.

~~[3.]~~ ***4.*** A person who is licensed pursuant to ~~[subparagraph (7) or (10) of]~~ paragraph ~~[(a)]~~ ***(g) or (j)*** of subsection 1:

(a) Shall comply with all applicable statutes and regulations.

(b) Except as otherwise provided by specific statute, is entitled to all benefits, rights and privileges conferred by statutes and regulations on licensed teachers.

(c) Except as otherwise provided by specific statute, if the person is employed as a teacher by the board of trustees of a school district or the governing body of a charter school, is entitled to all benefits, rights and privileges conferred by statutes and regulations on the licensed employees of a school district or charter school, as applicable.

Sec. 3. NRS 391.021 is hereby amended to read as follows:

391.021 Except as otherwise provided in ~~[subparagraph (10) of]~~ paragraph ~~[(a)]~~ ***(j)*** of subsection 1 of NRS 391.019 and NRS 391.027, the Commission shall adopt regulations governing examinations for the initial licensing of teachers and other educational personnel. The examinations must test the ability of the applicant to teach and the applicant's knowledge of each specific subject he or she proposes to teach. Each examination must include the following subjects:

1. The laws of Nevada relating to schools;
2. The Constitution of the State of Nevada; and
3. The Constitution of the United States.

➥ The provisions of this section do not prohibit the Commission from adopting regulations pursuant to subsection 2 of NRS 391.032 that provide an exemption from the examinations for teachers and other educational personnel from another state if the Commission determines that the examinations required for initial licensure for teachers and other educational personnel in that state are comparable to the examinations required for initial licensure in this State.

Sec. 4. NRS 391.031 is hereby amended to read as follows:

391.031 There are the following kinds of licenses for teachers and other educational personnel in this State:

1. A license to teach elementary education, which authorizes the holder to teach in any elementary school in the State.

2. A license to teach middle school or junior high school education, which authorizes the holder to teach in his or her major or minor field of preparation or in both fields in grades 7, 8 and 9 at any middle school or

junior high school. He or she may teach only in these fields unless an exception is approved pursuant to regulations adopted by the Commission.

3. A license to teach secondary education, which authorizes the holder to teach in his or her major or minor field of preparation or in both fields in any secondary school. He or she may teach only in these fields unless an exception is approved pursuant to regulations adopted by the Commission.

4. A special license, which authorizes the holder to teach or perform other educational functions in a school or program as designated in the license.

5. A special license designated as a special qualifications license, which authorizes the holder to teach only in the grades and subject areas designated in the license. A special qualifications license is valid for 3 years and may be renewed in accordance with the applicable regulations of the Commission adopted pursuant to ~~[subparagraph (7) or (10) of]~~ paragraph ~~[(a)]~~ ***(g) or (j)*** of subsection 1 of NRS 391.019.

Sec. 5. NRS 391.032 is hereby amended to read as follows:

391.032 1. Except as otherwise provided in NRS 391.027, the Commission shall:

(a) Consider and may adopt regulations which provide for the issuance of conditional licenses to teachers and other educational personnel before completion of all courses of study or other requirements for a license in this State.

(b) Adopt regulations which provide for the reciprocal licensure of educational personnel from other states . ~~[, including,]~~ ***Such regulations must include, without limitation, provisions for the reciprocal licensure of persons who obtained a license pursuant to an alternative route to licensure*** ~~[similar to]~~ ***which the Commission determines is as rigorous or more rigorous than the alternative route to licensure prescribed pursuant to subparagraph (1) of paragraph (a) of subsection 1 of NRS 391.019.***

2. The regulations adopted pursuant to paragraph (b) of subsection 1 may provide an exemption from the examinations required for initial licensure for teachers and other educational personnel from another state if the Commission determines that the examinations required for initial licensure for teachers and other educational personnel in that state are comparable to the examinations required for initial licensure in this State.

3. A person who is issued a conditional license must complete all courses of study and other requirements for a license in this State which is not conditional within 3 years after the date on which a conditional license is issued.

Sec. 6. NRS 391.037 is hereby amended to read as follows:

391.037 1. The State Board shall:

(a) Prescribe by regulation the standards for approval of a course of study or training offered by an educational institution to qualify a person to be a teacher or administrator or to perform other educational functions.

(b) Maintain descriptions of the approved courses of study required to qualify for endorsements in fields of specialization and provide to an applicant, upon request, the approved course of study for a particular endorsement.

2. Except for an applicant who submits an application for the issuance of a license pursuant to subparagraph ~~[(7) or (10)]~~ ***(1)*** of paragraph (a) ***or paragraph (g) or (j)*** of subsection 1 of NRS 391.019, an applicant for a license as a teacher or administrator or to perform some other educational function must submit with his or her application, in the form prescribed by the Superintendent of Public Instruction, proof that the applicant has satisfactorily completed a course of study and training approved by the State Board pursuant to subsection 1.

Sec. 7. The Commission on Professional Standards in Education shall, on or before December 31, 2011, adopt the regulations required by the provisions of subparagraph (1) of paragraph (a) of subsection 1 of NRS 391.019, as amended by section 2 of this act, and the regulations required by the provisions of NRS 391.032, as amended by section 5 of this act.

Sec. 8. This act becomes effective on July 1, 2011.

Assemblyman Bobzien moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, reengrossed, and to third reading.

Senate Bill No. 365.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 639.

AN ACT relating to education; eliminating certain requirements imposed by statute on school districts and public schools in this State; ~~[authorizing the board of trustees of each school district to review certain plans, policies, programs and procedures;]~~ **requiring the board of trustees of certain school districts to adopt a pilot program to provide a program of small learning communities in certain middle schools, junior high schools and high schools;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the board of trustees of each school district is required to adopt a policy to engage certain administrators in the classroom. (NRS 391.235) **Section 21.5** of this bill makes the adoption of such a policy permissive rather than mandatory.

Under existing federal law, a school which is served under Title I and which is identified as needing improvement pursuant to the federal law is required to develop and implement a school improvement plan. (20 U.S.C. § 6316(b)(3)) Also under existing federal law, a school district which is served under Title I and which is identified as needing improvement pursuant to the federal law is required to develop and implement a plan for improvement for the school district. (20 U.S.C. § 6316(c)(7)) Under existing state law, the

board of trustees of each school district is required to prepare a plan to improve the achievement of pupils enrolled in the school district. (NRS 385.348) **Also under existing law, the principal of each public school is required to prepare a plan to improve the achievement of pupils enrolled in the school.** This bill repeals ~~[that]~~ **both of those** state statutory ~~[requirement.]~~ **requirements relating to plans for improvement.**

Under existing law, **certain** school districts in this State are required to adopt a policy providing for the creation of small learning communities for certain pupils enrolled in middle school or junior high school and high school. (NRS 388.171, 388.215) ~~[This bill repeals these statutory requirements.~~

~~Under existing law, the boards of trustees of school districts are required to enforce in the public schools the use of textbooks prescribed by the State Board of Education. (NRS 390.220) This bill repeals that statutory requirement.]~~ **Section 21.3 of this bill requires the board of trustees of each school district which includes at least one high school with an enrollment of 1,200 pupils or more to adopt a pilot program of small learning communities for implementation in at least 50 percent of those high schools. Section 36.3 of this bill requires the board of trustees of each school district which includes at least one middle school or junior high school with an enrollment of 500 pupils or more to adopt a pilot program of small learning communities for pupils in their initial year of enrollment for implementation in at least 50 percent of those schools. Sections 36.5 and 38 of this bill require both pilot programs to be implemented beginning with the 2013-2014 school year.**

Under existing law, effective on July 1, 2011, an academic plan must be developed for each pupil enrolled in middle school or junior high school in accordance with a policy adopted by the board of trustees of the school district. **Section 36.5** of this bill extends the date for adoption of such a policy to January 1, 2013, for implementation beginning with the 2013-2014 school year.

~~[Section 37.5 of this bill authorizes the board of trustees of each school district to review certain plans, policies, programs and procedures. If the board of trustees of a school district conducts such a review, the board of trustees is required to prepare a written report on the plans, policies, programs and procedures which the board of trustees determines place an unfunded mandate and an undue financial hardship on the school district and submit the written report, on or before August 1, 2012, to the Legislative Committee on Education and the Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature.]~~

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. (Deleted by amendment.)

Sec. 2. (Deleted by amendment.)

Sec. 3. NRS 385.359 is hereby amended to read as follows:

385.359 1. The Bureau shall contract with a person or entity to:

(a) Review and analyze, in accordance with the standards prescribed by the Committee pursuant to subsection 2 of NRS 218E.615, the:

(1) Annual report of accountability prepared by:

(I) The State Board pursuant to NRS 385.3469; and

(II) The board of trustees of each school district pursuant to NRS 385.347.

(2) Plan to improve the achievement of pupils prepared by ~~[:~~

~~(I) The]~~ ***the*** State Board pursuant to NRS 385.34691 ~~[; and~~

~~(II)]~~ ~~[The board of trustees of each school district pursuant to NRS 385.348; and~~

~~(III)]~~ ~~[Each school pursuant to NRS 385.357 identified by the Bureau for review, if any, or if such a plan has not been prepared, the]~~ ***, any*** turnaround plan for the schools identified by the Bureau, if any, implemented pursuant to NRS 385.37603 or the plan for restructuring the school implemented pursuant to NRS 385.37607, as applicable.

(b) Submit a written report to and consult with the State Board and the Department regarding any methods by which the State Board may improve the accuracy of the report of accountability required pursuant to NRS 385.3469 and the plan to improve the achievement of pupils required pursuant to NRS 385.34691, and the purposes for which the report and plan to improve are used.

(c) Submit a written report to and consult with each school district regarding any methods by which the district may improve the accuracy of the report required pursuant to subsection 2 of NRS 385.347 ~~[and the plan to improve the achievement of pupils required pursuant to NRS 385.348,]~~ and the purposes for which the report ~~[and plan to improve are]~~ ***is*** used.

(d) If requested by the Bureau, submit a written report to and consult with individual schools identified by the Bureau regarding any methods by which the school may improve the accuracy of the information required to be reported for the school pursuant to subsection 2 of NRS 385.347 and the:

(1) ~~[Plan to improve the achievement of pupils required pursuant to NRS 385.357;~~

~~(2)]~~ Turnaround plan for the school implemented pursuant to NRS 385.37603; or

~~[(3)]~~ ***(2)*** Plan for restructuring the school implemented pursuant to NRS 385.37607,

➥ whichever is applicable for the school.

(e) Submit written reports and any recommendations to the Committee and the Bureau concerning:

(1) The effectiveness of the provisions of NRS 385.3455 to 385.391, inclusive, in improving the accountability of the schools of this State;

(2) The status of each school district that is designated as demonstrating need for improvement pursuant to NRS 385.377 and each school that is

designated as demonstrating need for improvement pursuant to NRS 385.3623; and

(3) Any other matter related to the accountability of the public schools of this State, as deemed necessary by the Bureau.

2. The consultant with whom the Bureau contracts to perform the duties required pursuant to subsection 1 must possess the experience and knowledge necessary to perform those duties, as determined by the Committee.

Sec. 4. (Deleted by amendment.)

Sec. 4.5. **NRS 385.36127 is hereby amended to read as follows:**

385.36127 1. If a school support team is established pursuant to the regulations adopted by the State Board pursuant to NRS 385.361, the support team shall:

(a) Review and analyze the operation of the school, including, without limitation, the design and operation of the instructional program of the school.

(b) Review and analyze the data pertaining to the school upon which the report required pursuant to subsection 2 of NRS 385.347 is based and review and analyze any data that is more recent than the data upon which the report is based.

(c) ~~[Review the most recent plan to improve the achievement of the school's pupils.~~

~~(d)]~~ Review the information concerning the educational involvement accords provided to the support team pursuant to NRS 392.4575 and the information concerning the reports provided to the support team pursuant to NRS 392.456.

~~[(e)]~~ ***(d)*** Identify and investigate the problems and factors at the school that contributed to the designation of the school as demonstrating need for improvement.

~~[(f)]~~ ***(e)*** Assist the school in developing recommendations for improving the performance of pupils who are enrolled in the school.

~~[(g)]~~ ***(f)*** Except as otherwise provided in this paragraph, make recommendations to the board of trustees of the school district, the State Board and the Department concerning additional assistance for the school in carrying out ~~[the plan for improvement of the school,]~~ the turnaround plan for the school or the plan for restructuring the school, whichever is applicable for the school. For a charter school sponsored by the State Board, the support team shall make the recommendations to the State Board and the Department. For a charter school sponsored by a college or university within the Nevada System of Higher Education, the support team shall make the recommendations to the sponsor, the State Board and the Department.

~~[(h)]~~ ***(g)*** In accordance with its findings pursuant to this section and NRS 385.36129, submit, ~~[on or before November 1, written revisions to the most recent plan to improve the achievement of the school's pupils for approval pursuant to NRS 385.357, or submit,]~~ on or before May 1, written recommendations for revisions to the turnaround plan for the school

implemented pursuant to NRS 385.37603 or the plan for restructuring the school implemented pursuant to NRS 385.37607, whichever is applicable for the school. The written revisions or recommendations, as applicable, must:

(1) Comply ~~[with NRS 385.357 if the school has demonstrated need for improvement for less than 5 years or]~~ with NRS 385.37603 or 385.37607, as applicable, if the school has demonstrated need for improvement for 5 or more consecutive years;

(2) If the school is a Title I school, be developed in consultation with parents and guardians of pupils enrolled in the school and, to the extent deemed appropriate by the entity that created the support team, outside experts;

(3) Include the data and findings of the support team that provide support for the revisions;

(4) Set forth goals, objectives, tasks and measures for the school that are:

(I) Designed to improve the achievement of the school's pupils;

(II) Specific;

(III) Measurable; and

(IV) Conducive to reliable evaluation;

(5) Set forth a timeline to carry out the revisions;

(6) Set forth priorities for the school in carrying out the revisions; and

(7) Set forth the name and duties of each person who is responsible for carrying out the revisions.

~~[(i) Except as otherwise provided in this paragraph, work cooperatively with the board of trustees of the school district in which the school is located, the employees of the school, and the parents and guardians of pupils enrolled in the school to carry out and monitor the plan for improvement of the school. If a charter school is sponsored by the State Board, the Department shall assist the school with carrying out and monitoring the plan for improvement of the school. If a charter school is sponsored by a college or university within the Nevada System of Higher Education, that institution shall assist the school with carrying out and monitoring the plan for improvement of the school.~~

~~(j)]~~ ***(h)*** Prepare a quarterly progress report in the format prescribed by the Department and:

(1) Submit the progress report to the Department.

(2) Distribute copies of the progress report to each employee of the school for review.

~~[(k)]~~ ***(i)*** In addition to the requirements of this section, if the support team is established for a Title I school, carry out the requirements of 20 U.S.C. § 6317(a)(5).

2. A school support team may require the school for which the support team was established to submit plans, strategies, tasks and measures that, in the determination of the support team, will assist the school in improving the achievement and proficiency of pupils enrolled in the school.

3. The Department shall prescribe a concise quarterly progress report for use by each support team in accordance with paragraph ~~[(j)]~~ ***(h)*** of subsection 1.

Sec. 5. (Deleted by amendment.)

Sec. 5.5. **NRS 385.36129 is hereby amended to read as follows:**

385.36129 1. In addition to the duties prescribed in NRS 385.36127, a support team established for a school shall prepare an annual written report that includes:

(a) Information concerning the ~~[most recent plan to improve the achievement of the school's pupils, the]~~ turnaround plan for the school or the plan for restructuring the school, ~~[whichever is]~~ ***if*** applicable for the school, including, without limitation, an evaluation of:

(1) The appropriateness of the plan for the school; and

(2) Whether the school has achieved the goals and objectives set forth in the plan;

(b) The ~~[written revisions to the plan to improve the achievement of the school's pupils or]~~ written recommendations for revisions to the turnaround plan for the school or the plan for restructuring the school, ~~[whichever is]~~ ***if*** applicable for the school, submitted by the support team pursuant to NRS 385.36127;

(c) A summary of each program for remediation, if any, purchased for the school with money that is available from the Federal Government, this state and the school district in which the school is located, including, without limitation:

(1) The name of the program;

(2) The date on which the program was purchased and the date on which the program was carried out by the school;

(3) The percentage of personnel at the school who were trained regarding the use of the program;

(4) The satisfaction of the personnel at the school with the program; and

(5) An evaluation of whether the program has improved the academic achievement of the pupils enrolled in the school who participated in the program;

(d) An analysis of the problems and factors at the school which contributed to the designation of the school as demonstrating need for improvement, including, without limitation, issues relating to:

(1) The financial resources of the school;

(2) The administrative and educational personnel of the school;

(3) The curriculum of the school;

(4) The facilities available at the school, including the availability and accessibility of educational technology; and

(5) Any other factors that the support team believes contributed to the designation of the school as demonstrating need for improvement; and

(e) Other information concerning the school, including, without limitation:

(1) The results of the pupils who are enrolled in the school on the examinations that are administered pursuant to NRS 389.550 or the high school proficiency examination, as applicable;

(2) Records of the attendance and truancy of pupils who are enrolled in the school;

(3) The transiency rate of pupils who are enrolled in the school;

(4) A description of the number of years that each teacher has provided instruction at the school and the rate of turnover of teachers and other educational personnel employed at the school;

(5) A description of the participation of parents and legal guardians in the educational process and other activities relating to the school;

(6) A description of each source of money for the remediation of pupils who are enrolled in the school; and

(7) A description of the disciplinary problems of the pupils who are enrolled in the school, including, without limitation, the information contained in paragraphs (k) to (n), inclusive, of subsection 2 of NRS 385.347.

2. On or before November 1, the support team shall submit a copy of the final written report to the:

(a) Principal of the school;

(b) Board of trustees of the school district in which the school is located;

(c) Superintendent of schools of the school district in which the school is located;

(d) Department; and

(e) Bureau.

➥ The support team shall make the written report available, upon request, to each parent or legal guardian of a pupil who is enrolled in the school.

Sec. 6. (Deleted by amendment.)

Sec. 6.5. **NRS 385.362 is hereby amended to read as follows:**

385.362 ~~[1.]~~ If a public school fails to make adequate yearly progress for 1 year:

~~[(a)]~~ ***1.*** Except as otherwise provided in ~~[paragraph (b),]~~ ***subsection 2,*** the board of trustees of the school district in which the school is located shall ensure that the school receives technical assistance in the manner set forth in 20 U.S.C. § 6316(b)(4) and the regulations adopted pursuant thereto. For a charter school sponsored by the school district, the board of trustees shall provide the technical assistance to the charter school in conjunction with the governing body of the charter school.

~~[(b)]~~ ***2.*** For a charter school sponsored by the State Board or by a college or university within the Nevada System of Higher Education, the Department shall ensure, in conjunction with the governing body of the charter school, that the school receives technical assistance in the manner set forth in 20 U.S.C. § 6316(b)(4) and the regulations adopted pursuant thereto.

~~[2. If a public school fails to make adequate yearly progress for 1 year, the principal of the school shall ensure that the plan to improve the~~

~~achievement of pupils enrolled in the school is reviewed, revised and approved in accordance with NRS 385.357.]~~

Sec. 7. (Deleted by amendment.)

Sec. 7.5. **NRS 385.37603 is hereby amended to read as follows:**

385.37603 1. If a public school that is not a Title I school is designated as demonstrating need for improvement pursuant to NRS 385.3623 for 5 or more consecutive years for failure to make adequate yearly progress:

(a) The board of trustees of the school district shall:

(1) Except as otherwise provided in subsection 3 of NRS 385.37605, ~~[repeal the plan to improve the academic achievement of pupils developed pursuant to NRS 385.357 and,]~~ not later than September 30, implement the turnaround plan to improve the academic achievement of pupils enrolled in the school developed pursuant to NRS 385.3745;

(2) Provide notice of the designation to the parents and guardians of pupils enrolled in the school on the form prescribed by the Department pursuant to NRS 385.382; and

(3) Ensure that the school receives technical assistance in the manner set forth in 20 U.S.C. § 6316(b)(4) and the regulations adopted pursuant thereto.

(b) The State Board shall prescribe by regulation the actions which the Department may take to monitor the implementation of any corrective action at the school.

2. If a charter school that is not a Title I school is designated as demonstrating need for improvement pursuant to NRS 385.3623 for 5 or more consecutive years for failure to make adequate yearly progress:

(a) The governing body of the charter school shall:

(1) Except as otherwise provided in subsection 3 of NRS 385.37605, ~~[repeal the plan to improve the academic achievement of pupils developed pursuant to NRS 385.357 and,]~~ not later than September 30, implement the turnaround plan to improve the academic achievement of pupils enrolled in the school developed pursuant to NRS 385.3745.

(2) Provide notice of the designation to the parents and guardians of pupils enrolled in the charter school on a form prescribed by the Department pursuant to NRS 385.382.

(b) For a charter school sponsored by the board of trustees of a school district, the board of trustees shall, in conjunction with the governing body of the charter school, ensure that the charter school receives technical assistance in the manner set forth in 20 U.S.C. § 6316(b)(4) and the regulations adopted pursuant thereto.

(c) For a charter school sponsored by the State Board or by a college or university within the Nevada System of Higher Education, the Department shall, in conjunction with the governing body of the charter school, ensure that the charter school receives technical assistance in the manner set forth in 20 U.S.C. § 6316(b)(4) and the regulations adopted pursuant thereto.

(d) The State Board shall prescribe by regulation the actions which the Department may take to monitor the implementation of any corrective action at the charter school.

Sec. 8. (Deleted by amendment.)

Sec. 8.5. **NRS 385.37607 is hereby amended to read as follows:**

385.37607 1. If a Title I school is designated as demonstrating need for improvement pursuant to NRS 385.3623 for 5 or more consecutive years:

(a) Except as otherwise provided in paragraph (b), the board of trustees of the school district shall:

(1) Except as otherwise provided in subsection 2, ~~[repeal the plan to improve the academic achievement of pupils developed pursuant to NRS 385.357 and,]~~ not later than September 30, implement the plan for restructuring the school developed pursuant to NRS 385.3746 if required by 20 U.S.C. § 6316(b)(8) and the regulations adopted pursuant thereto;

(2) Provide notice of the designation to the parents and guardians of pupils enrolled in the school on the form prescribed by the Department pursuant to NRS 385.382;

(3) Ensure that the school receives technical assistance in the manner set forth in 20 U.S.C. § 6316(b)(4) and the regulations adopted pursuant thereto;

(4) Provide school choice to the parents and guardians of pupils enrolled in the school in accordance with 20 U.S.C. § 6316(b)(1) and the regulations adopted pursuant thereto; and

(5) Provide supplemental educational services in accordance with 20 U.S.C. § 6316(e) and the regulations adopted pursuant thereto from a provider approved pursuant to NRS 385.384, unless a waiver is granted pursuant to that provision of federal law.

(b) If the school is a charter school:

(1) Sponsored by the board of trustees of a school district, the board of trustees shall:

(I) Except as otherwise provided in subsection 3, ~~[repeal the plan to improve the academic achievement of pupils developed pursuant to NRS 385.357 and,]~~ not later than September 30, implement the plan for restructuring the charter school developed pursuant to NRS 385.3746 if required by 20 U.S.C. § 6316(b)(8) and the regulations adopted pursuant thereto;

(II) Provide notice of the designation to the parents and guardians of pupils enrolled in the charter school on the form prescribed by the Department pursuant to NRS 385.382;

(III) Ensure that the charter school receives technical assistance in the manner set forth in 20 U.S.C. § 6316(b)(4) and the regulations adopted pursuant thereto; and

(IV) Provide school choice to the parents and guardians of pupils enrolled in the charter school in accordance with 20 U.S.C. § 6316(b)(1) and the regulations adopted pursuant thereto.

(2) Sponsored by the State Board or by a college or university within the Nevada System of Higher Education, the Department shall:

(I) Except as otherwise provided in subsection 3, ~~[repeal the plan to improve the academic achievement of pupils developed pursuant to NRS 385.357 and,]~~ not later than September 30, implement the plan for restructuring the charter school developed pursuant to NRS 385.3746 if required by 20 U.S.C. § 6316(b)(8) and the regulations adopted pursuant thereto;

(II) Provide notice of the designation to the parents and guardians of pupils enrolled in the charter school on the form prescribed by the Department pursuant to NRS 385.382;

(III) Ensure that the charter school receives technical assistance in the manner set forth in 20 U.S.C. § 6316(b)(4) and the regulations adopted pursuant thereto; and

(IV) Work cooperatively with the board of trustees of the school district in which the charter school is located to provide school choice to the parents and guardians of pupils enrolled in the school in accordance with 20 U.S.C. § 6316(b)(1) and the regulations adopted pursuant thereto.

(3) Regardless of the sponsor, the governing body of the charter school shall provide supplemental educational services in accordance with 20 U.S.C. § 6316(e) and the regulations adopted pursuant thereto from a provider approved pursuant to NRS 385.384, unless a waiver is granted pursuant to that provision of federal law.

(c) The State Board shall prescribe by regulation the actions which the Department may take to monitor the implementation of any corrective action at the school or charter school.

2. The board of trustees of a school district shall grant a delay from the imposition of a plan for restructuring for a school, including, without limitation, the development and implementation of a plan for restructuring, for a period not to exceed 1 year if the school qualifies for a delay pursuant to 20 U.S.C. § 6316(b)(7)(D). If the school fails to make adequate yearly progress during the period of delay, the board of trustees shall proceed with a plan for restructuring the school as if the delay never occurred.

3. The sponsor of a charter school shall grant a delay from the imposition of a plan for restructuring for a school, including, without limitation, the development and implementation of a plan for restructuring, for a period not to exceed 1 year if the school qualifies for a delay pursuant to 20 U.S.C. § 6316(b)(7)(D). If the charter school fails to make adequate yearly progress during the period of delay, the Department shall proceed with a plan for restructuring the charter school as if the delay never occurred.

4. Before the board of trustees of a school district or the Department proceeds with a plan for restructuring, the board of trustees or the Department, as applicable, shall provide to the administrators, teachers and other educational personnel employed at that school, and parents and guardians of pupils enrolled in the school:

(a) Notice that the board of trustees or the Department, as applicable, will develop a plan for restructuring the school;

(b) An opportunity to comment before the plan to restructure is developed; and

(c) An opportunity to participate in the development of the plan to restructure.

Sec. 9. NRS 385.3785 is hereby amended to read as follows:

385.3785 1. The Commission shall:

(a) Establish a program of educational excellence designed exclusively for pupils enrolled in kindergarten through grade 6 in public schools in this State based upon:

(1) The plan to improve the achievement of pupils prepared by the State Board pursuant to NRS 385.34691;

(2) The ~~[~~plan to improve the achievement of pupils prepared by the board of trustees of each school district pursuant to NRS 385.348;~~]~~

~~(3) The]~~ ~~[~~plan to improve the achievement of pupils prepared by the principal of each school pursuant to NRS 385.357, which may include a program of innovation, the~~]~~ turnaround plan for the school implemented pursuant to NRS 385.37603 or the plan for restructuring the school implemented pursuant to NRS 385.37607, ~~[~~whichever is~~]~~ ***if*** applicable for the school; and

~~[(4)]~~ ***(3)*** Any other information that the Commission considers relevant to the development of the program of educational excellence.

(b) Identify programs, practices and strategies that have proven effective in improving the academic achievement and proficiency of pupils.

(c) Develop a concise application and simple procedures for the submission of applications by public schools and consortiums of public schools, including, without limitation, charter schools, for participation in a program of educational excellence and for grants of money from the Account. Grants of money must be made for programs designed for the achievement of pupils ~~[~~that are linked to the plan to improve the achievement of pupils~~]~~ or for innovative programs, or both, or that are linked to the turnaround plan for the school or the plan for restructuring the school, if applicable, or for innovative programs, or both. The Commission shall not award a grant of money from the Account for a program to provide full-day kindergarten. All public schools and consortiums of public schools, including, without limitation, charter schools, are eligible to submit such an application, regardless of whether the schools have made adequate yearly progress or failed to make adequate yearly progress. A public school or a consortium of public schools selected for participation may be approved by the Commission for participation for a period not to exceed 2 years, but may reapply.

(d) Prescribe a long-range timeline for the review, approval and evaluation of applications received from public schools and consortiums of public schools that desire to participate in the program.

(e) Establish guidelines for the review, evaluation and approval of applications for grants of money from the Account, including, without limitation, consideration of the list of priorities of public schools provided by the Department pursuant to subsection 6. To ensure consistency in the review, evaluation and approval of applications, if the guidelines authorize the review and evaluation of applications by less than the entire membership of the Commission, money must not be allocated from the Account for a grant until the entire membership of the Commission has reviewed and approved the application for the grant.

(f) Prescribe accountability measures to be carried out by a public school that participates in the program if that public school does not meet the annual measurable objectives established by the State Board pursuant to NRS 385.361, including, without limitation:

(1) The specific levels of achievement expected of schools that participate; and

(2) Conditions for schools that do not meet the grant criteria but desire to continue participation in the program and receive money from the Account, including, without limitation, a review of the leadership at the school and recommendations regarding changes to the appropriate body.

(g) Determine the amount of money that is available from the Account for those public schools and consortiums of public schools that are selected to participate in the program.

(h) Allocate money to public schools and consortiums of public schools from the Account. Allocations must be distributed not later than August 15 of each year.

(i) Establish criteria for public schools and consortiums of public schools that participate in the program and receive an allocation of money from the Account to evaluate the effectiveness of the allocation in improving the achievement of pupils, including, without limitation, a detailed analysis of:

(1) The achievement of pupils enrolled at each school that received money from the allocation based upon measurable criteria ***, including, without limitation, if applicable for the school, measurable criteria*** identified in ~~[, as applicable,]~~ the:

(I) ~~[Plan to improve the achievement of pupils for the school prepared pursuant to NRS 385.357;~~

~~(II)]~~ Turnaround plan for the school implemented pursuant to NRS 385.37603; or

~~[(III)]~~ ***(II)*** Plan for restructuring the school implemented pursuant to NRS 385.37607;

(2) If applicable, the effectiveness of the program of innovation on the achievement of pupils and the overall effectiveness for pupils and staff; ***and***

(3) ~~[The implementation of the applicable plans for improvement, including, without limitation, an analysis of whether the school is meeting the measurable objectives identified in the plan; and~~

~~(4)~~ The attainment of measurable progress on the annual list of adequate yearly progress of school districts and schools.

2. To the extent money is available, the Commission shall make allocations of money to public schools and consortiums of public schools for effective programs for grades 7 through 12 that are designed to improve the achievement of pupils and effective programs of innovation for pupils. In making such allocations, the Commission shall comply with the requirements of this section.

3. An application submitted pursuant to this section must include a written statement which:

(a) Indicates whether the public school or consortium of public schools is submitting the application for the continuation of an existing program or for the establishment of a new program; and

(b) Identifies all other sources of money that the public school or consortium of public schools has requested or received for the continuation or establishment of:

(1) The program for which the application is submitted; or

(2) A substantially similar program.

4. The Commission shall ensure, to the extent practicable, that grants of money provided pursuant to this section reflect the economic and geographic diversity of this State.

5. If a public school or consortium of public schools that receives money pursuant to subsection 1 or 2:

(a) Does not meet the criteria for effectiveness as prescribed in paragraph (i) of subsection 1;

(b) Does not, as a result of the program for which the grant of money was awarded, show improvement in the achievement of pupils, as determined in an evaluation conducted pursuant to subsection 3 of NRS 385.379; or

(c) Does not implement the program for which the money was received, as determined in an audit conducted pursuant to subsection 4 of NRS 385.3789 or an evaluation conducted pursuant to subsection 3 of NRS 385.379,

➥ over a 2-year period, the Commission may consider not awarding future allocations of money to that public school or consortium of public schools.

6. On or before July 1 of each year, the Department shall provide a list of priorities of public schools that indicates:

(a) The adequate yearly progress status of schools in the immediately preceding year; and

(b) The public schools that are considered Title I eligible by the Department based upon the poverty level of the pupils enrolled in a school in comparison to the poverty level of the pupils in the school district as a whole,

➥ for consideration by the Commission in its development of procedures for the applications.

7. A public school, including, without limitation, a charter school, or a consortium of public schools may request assistance from the school district in which the school is located in preparing an application for a grant of

money pursuant to this section. A school district shall assist each public school or consortium of public schools that requests assistance pursuant to this subsection to ensure that the application of the school:

(a) Is based directly upon, ~~[as applicable,]~~ ***if applicable for the school,*** the:

(1) ~~[Plan to improve the achievement of pupils prepared for the school pursuant to NRS 385.357;~~

~~(2)]~~ Turnaround plan for the school implemented pursuant to NRS 385.37603; or

~~[(3)]~~ ***(2)*** Plan for restructuring the school implemented pursuant to NRS 385.37607;

(b) Is developed in accordance with the criteria established by the Commission; and

(c) Is complete and complies with all technical requirements for the submission of an application.

➥ A school district may make recommendations to the individual schools and consortiums of public schools. Such schools and consortiums of public schools are not required to follow the recommendations of a school district.

8. In carrying out the requirements of this section, the Commission shall review and consider the programs of remedial study adopted by the Department pursuant to NRS 385.389, the list of approved providers of supplemental educational services maintained by the Department pursuant to NRS 385.384 and the recommendations submitted by the Committee pursuant to NRS 218E.615 concerning programs, practices and strategies that have proven effective in improving the academic achievement and proficiency of pupils.

9. The Commission shall not award a grant of money from the Account for a program of remedial study that is available commercially unless that program has been adopted by the Department pursuant to NRS 385.389.

10. If a consortium of public schools is formed for the purpose of submitting an application pursuant to this section, the public schools within the consortium do not need to be located within the same school district.

Sec. 10. (Deleted by amendment.)

Sec. 11. (Deleted by amendment.)

Sec. 11.5. **NRS 386.605 is hereby amended to read as follows:**

386.605 1. On or before July 15 of each year, the governing body of a charter school shall submit the information concerning the charter school that is required pursuant to subsection 2 of NRS 385.347 to the board of trustees of the school district in which the charter school is located for inclusion in the report of the school district pursuant to that section. The information must be submitted by the charter school in a format prescribed by the board of trustees.

2. The Legislative Bureau of Educational Accountability and Program Evaluation created pursuant to NRS 218E.625 may authorize a person or entity with whom it contracts pursuant to NRS 385.359 to review and

analyze information submitted by charter schools pursuant to this section and pursuant to NRS ~~[385.357,]~~ 385.3745 or 385.3746, ~~[whichever is]~~ ***if*** applicable for the school, consult with the governing bodies of charter schools and submit written reports concerning charter schools pursuant to NRS 385.359.

Sec. 12. (Deleted by amendment.)

Sec. 13. (Deleted by amendment.)

Sec. 14. (Deleted by amendment.)

Sec. 15. (Deleted by amendment.)

Sec. 16. (Deleted by amendment.)

Sec. 17. (Deleted by amendment.)

Sec. 18. (Deleted by amendment.)

Sec. 19. (Deleted by amendment.)

Sec. 20. (Deleted by amendment.)

Sec. 21. (Deleted by amendment.)

Sec. 21.3. **NRS 388.215 is hereby amended to read as follows:**

388.215 1. The board of trustees of each school district which includes at least one high school with an enrollment of 1,200 pupils or more, including pupils enrolled in ninth grade, shall adopt a ~~[policy for each of those high schools]~~ ***pilot program*** to provide a program of small learning communities. The ~~[policy]~~ ***pilot program must be implemented in at least 50 percent of the high schools in the school district with an enrollment of 1,200 pupils or more and*** must require:

(a) Where practicable, the designation of a separate area geographically within the high school where the pupils enrolled in ninth grade attend classes;

(b) The collection and maintenance of information relating to pupils enrolled in ninth grade, including, without limitation, credits earned, attendance, truancy and indicators that a pupil may be at risk of dropping out of high school;

(c) Based upon the information collected pursuant to paragraph (b), the timely identification of any special needs of a pupil enrolled in ninth grade, including, without limitation, any need for programs of remedial study for a particular subject area and appropriate counseling;

(d) Methods to increase the involvement of parents and legal guardians of pupils enrolled in ninth grade in the education of their children; and

(e) The assignment of:

(1) Guidance counselors;

(2) At least one licensed school administrator; and

(3) Appropriate adult mentors,

➥ specifically for the pupils enrolled in ninth grade.

2. The principal of ~~[each]~~ ***a*** high school in which 1,200 pupils or more are enrolled, including pupils enrolled in ninth grade, ***and which the board of trustees of the school district has designated to participate in the pilot program adopted pursuant to subsection 1*** shall:

(a) Carry out a program of small learning communities in accordance with the ~~[policy prescribed by the board of trustees pursuant to subsection 1;]~~ ***pilot program;*** and

(b) Submit an annual report, on a date prescribed by the board of trustees, that sets forth the specific strategies, programs and methods that are used to focus on the pupils enrolled in ninth grade at the school.

Sec. 21.5. NRS 391.235 is hereby amended to read as follows:

391.235 1. The board of trustees of each school district ~~[shall]~~ ***may*** adopt a policy that sets forth procedures and conditions for a program to engage administrators employed by the school district at the district level in annual classroom instruction, observation and other activities in a manner that is appropriate for the responsibilities, position and duties of the administrators. ~~[The]~~ ***If the board of trustees adopts such a policy, the*** policy must require each administrator employed by the school district at the district level to:

(a) If the administrator holds a license to teach, provide instruction in a core academic subject in a classroom for at least 1 regularly scheduled full instructional day in each school year; or

(b) If the administrator does not hold a license to teach:

(1) Personally observe a classroom for at least one-half of a regularly scheduled full instructional day in each school year; or

(2) Otherwise participate in activities with pupils in the classroom in each school year, including, without limitation, serving as a guest speaker in the classroom, reading to pupils in elementary school and participating in career day.

2. ~~[A]~~ ***If the board of trustees of a school district adopts a policy pursuant to subsection 1, a*** district-level administrator may choose a school within the school district at which the administrator will carry out the ~~[requirements]~~ ***provisions*** of this section.

3. ~~[An]~~ ***If the board of trustees of a school district adopts a policy pursuant to subsection 1, an*** administrator who provides instruction pursuant to paragraph (a) of subsection 1 must be assigned as a substitute teacher for the full instructional day in which the administrator carries out the ~~[requirements]~~ ***provisions*** of this section.

4. The provisions of this section do not apply to administrators who are employed by a school district to provide administrative service at the school level, including, without limitation, a principal or vice principal.

5. As used in this section, "core academic subject" means the core academic subjects designated pursuant to NRS 389.018.

Sec. 22. NRS 391.298 is hereby amended to read as follows:

391.298 If the board of trustees of a school district or the superintendent of schools of a school district schedules a day or days for the professional development of teachers or administrators employed by the school district:

1. The primary focus of that scheduled professional development must be to improve the achievement of the pupils enrolled in the school district **.** ~~**[**, as set forth in the:~~

~~(a)**]** **[**Plan to improve the achievement of pupils enrolled in the school district prepared pursuant to NRS 385.348;~~

~~(b)**]** **[**Plan to improve the achievement of pupils prepared pursuant to NRS 385.357;**]**~~

~~**[**(c)**]** *[(b)* Turnaround plan for the school implemented pursuant to NRS 385.37603; or**]**~~

~~**[**(d)**]** *[(c)* Plan for restructuring the school implemented pursuant to NRS 385.37607,~~

~~➥ as applicable.**]**~~

2. The scheduled professional development must be structured so that teachers attend professional development that is designed for the specific subject areas or grades taught by those teachers.

Sec. 23. NRS 391.540 is hereby amended to read as follows:

391.540 1. The governing body of each regional training program shall:

(a) Adopt a training model, taking into consideration other model programs, including, without limitation, the program used by the Geographic Alliance in Nevada.

(b) Assess the training needs of teachers and administrators who are employed by the school districts within the primary jurisdiction of the regional training program and adopt priorities of training for the program based upon the assessment of needs. The board of trustees of each such school district may submit recommendations to the appropriate governing body for the types of training that should be offered by the regional training program.

(c) In making the assessment required by paragraph (b) ~~**[**, review the plans to improve the achievement of pupils prepared pursuant to NRS 385.348 by the school districts within the primary jurisdiction of the regional training program**]**~~ and ~~**[**,**]**~~ as deemed necessary by the governing body, review the:

(1) ~~**[**Plans to improve the achievement of pupils prepared pursuant to NRS 385.357;~~

~~(2)**]**~~ Turnaround plans for schools implemented pursuant to NRS 385.37603; and

~~**[**(3)**]**~~ ***(2)*** Plans for restructuring schools implemented pursuant to NRS 385.37607,

➥ for individual schools within the primary jurisdiction of the regional training program ~~**[**.**]**~~ ***which are required to implement a turnaround plan or plan for restructuring.***

(d) Prepare a 5-year plan for the regional training program, which includes, without limitation:

(1) An assessment of the training needs of teachers and administrators who are employed by the school districts within the primary jurisdiction of the regional training program; and

(2) Specific details of the training that will be offered by the regional training program for the first 2 years covered by the plan.

(e) Review the 5-year plan on an annual basis and make revisions to the plan as are necessary to serve the training needs of teachers and administrators employed by the school districts within the primary jurisdiction of the regional training program.

2. The Department, the Nevada System of Higher Education and the board of trustees of a school district may request the governing body of the regional training program that serves the school district to provide training, participate in a program or otherwise perform a service that is in addition to the duties of the regional training program that are set forth in the plan adopted pursuant to this section or otherwise required by statute. An entity may not represent that a regional training program will perform certain duties or otherwise obligate the regional training program as part of an application by that entity for a grant unless the entity has first obtained the written confirmation of the governing body of the regional training program to perform those duties or obligations. The governing body of a regional training program may, but is not required to, grant a request pursuant to this subsection.

Sec. 24. (Deleted by amendment.)

Sec. 25. (Deleted by amendment.)

Sec. 26. (Deleted by amendment.)

Sec. 27. (Deleted by amendment.)

Sec. 28. (Deleted by amendment.)

Sec. 29. (Deleted by amendment.)

Sec. 30. (Deleted by amendment.)

Sec. 31. (Deleted by amendment.)

Sec. 32. (Deleted by amendment.)

Sec. 33. (Deleted by amendment.)

Sec. 34. (Deleted by amendment.)

Sec. 35. (Deleted by amendment.)

Sec. 36. (Deleted by amendment.)

Sec. 36.3. **Section 3 of chapter 311, Statutes of Nevada 2009, at page 1332, is hereby amended to read as follows:**

Sec. 3. 1. The board of trustees of each school district which includes at least one middle school or junior high school with an enrollment of 500 pupils or more shall adopt a ~~[policy for each of those middle schools and junior high schools]~~ ***pilot program*** to provide a program of small learning communities for pupils enrolled in the grade level at which those middle schools or junior high schools initially enroll pupils. The ~~[policy]~~ ***pilot program must be implemented in at least 50 percent of the middle schools***

and junior high schools in the school district with an enrollment of 500 pupils or more and must require:

(a) Where practicable, the designation of a separate area geographically within the middle school or junior high school where the pupils enrolled in their initial year at the middle school or junior high school attend classes;

(b) The collection and maintenance of information relating to pupils enrolled in their initial year at the middle school or junior high school, including, without limitation, credits earned, attendance, truancy and indicators that a pupil may be at risk of dropping out of middle school or junior high school;

(c) Based upon the information collected pursuant to paragraph (b), the timely identification of any special needs of a pupil enrolled in his initial year at the middle school or junior high school, including, without limitation, any need for programs of remedial study for a particular subject area and appropriate counseling;

(d) Methods to increase the involvement of parents and legal guardians of pupils enrolled in their initial year in a middle school or junior high school in the education of their children; and

(e) The assignment of:

(1) Guidance counselors;

(2) At least one licensed school administrator or his designee; and

(3) Appropriate adult mentors,

➥ specifically for the pupils enrolled in their initial year at the middle school or junior high school.

2. The principal of ~~[each]~~ ***a*** middle school or junior high school in which 500 pupils or more are enrolled ***and which the board of trustees of the school district has designated to participate in the pilot program adopted pursuant to subsection 1*** shall:

(a) Carry out a program of small learning communities in accordance with the ~~[policy prescribed by the board of trustees pursuant to subsection 1;]~~ ***pilot program;*** and

(b) Submit an annual report, on a date prescribed by the board of trustees, that sets forth the specific strategies, programs and methods which are used to focus on the pupils enrolled in their initial year at the middle school or junior high school, including, without limitation, the program of mentoring provided pursuant to section 5 of this act.

Sec. 36.5. Section 7 of chapter 311, Statutes of Nevada 2009, at page 1334, is hereby amended to read as follows:

Sec. 7. 1. ***The board of trustees of each school district shall adopt the policy required by section 2 of this act not later than January 1, 2013, for implementation beginning with the 2013-2014 School Year. On or before June 1, 2012, the board of trustees of each school district shall provide a report to the Superintendent of Public Instruction on the status of the adoption of the policy required by section 2 of this act, including, without limitation, a plan for the implementation of that policy beginning with the***

2013-2014 School Year. On or before July 1, 2012, the Superintendent of Public Instruction shall compile the reports and provide a report of the compilation to the Legislative Committee on Education.

2. The board of trustees of each school district which includes at least one middle school or junior high school with an enrollment of 500 pupils or more shall adopt the pilot program required by section 3 of this act not later than January 1, 2013, for implementation beginning with the 2013-2014 School Year. On or before June 1, 2012, the board of trustees of each such school district shall provide a report to the Superintendent of Public Instruction on the status of the adoption of the pilot program required by section 3 of this act, including, without limitation, a plan for the implementation of the pilot program beginning with the 2013-2014 School Year. On or before July 1, 2012, the Superintendent of Public Instruction shall compile the reports and provide a report of the compilation to the Legislative Committee on Education.

3. The board of trustees of each school district shall adopt the policies required by sections ~~[2,] [3,]~~ 5 and 6 of this act not later than January 1, 2011, for implementation beginning with the 2011-2012 School Year.

~~[2.] [3.]~~ ***4.*** On or before June 1, 2010, the board of trustees of each school district shall provide a report to the Superintendent of Public Instruction on the status of the adoption of the policies required by sections ~~[2,] [3,]~~ 5 and 6 of this act, including, without limitation, a plan for implementation of those policies beginning with the 2011-2012 School Year. On or before July 1, 2010, the Superintendent of Public Instruction shall compile the reports and provide a report of the compilation to the Legislative Committee on Education.

Sec. 36.7. Section 8 of chapter 311, Statutes of Nevada 2009, at page 1334, is hereby amended to read as follows:

Sec. 8. 1. This section and section 7 of this act become effective on July 1, 2009.

2. Sections ~~[2] [3 to]~~ ***4, 5 and*** 6 ~~[, inclusive,]~~ of this act become effective on July 1, 2009, for the purpose of adopting the policies required by sections ~~[2,] [3,]~~ 5 and 6 of this act and on July 1, 2011, for all other purposes.

3. Section 2 of this act becomes effective on July 1, 2009, for the purpose of adopting the policy required by that section and on July 1, 2013, for all other purposes.

4. Section 3 of this act becomes effective on July 1, 2011, for the purposes of adopting the pilot program required by that section and on July 1, 2013, for all other purposes.

Sec. 37. NRS 385.348 ~~[, 388.171, 388.215]~~ **and 385.357** ~~[and 390.220]~~ are hereby repealed.

Sec. 37.5. ~~[1. The board of trustees of each school district may review the plans, policies, programs and procedures that the board of trustees is required to implement pursuant to title 34 of NRS or pursuant to federal law to determine which plans, policies, programs and procedures place an~~

~~unfunded mandate and an undue financial hardship upon the school district. If the board of trustees of a school district conducts such a review, the review must include, without limitation, the:~~

~~(a) Plans to improve the academic achievement of pupils;~~

~~(b) Academic plans for certain pupils enrolled in middle school or junior high school and high school;~~

~~(c) Policies for peer mentoring;~~

~~(d) Policies for the provision of a safe and respectful learning environment;~~

~~(e) Policies for pupil led conferences;~~

~~(f) Plans for the implementation of statutes;~~

~~(g) Procedures for reporting the use of physical restraint and mechanical restraint;~~

~~(h) Procedures for the creation of advisory boards to review school attendance; and~~

~~(i) Plans for responding to a crisis.~~

~~2. If the board of trustees of a school district reviews the plans, policies, programs and procedures pursuant to subsection 1, the board of trustees shall prepare a written report of its review. The report must include, without limitation:~~

~~(a) The name of each plan, policy, program or procedure which the board of trustees determines places an unfunded mandate and an undue financial hardship upon the school district;~~

~~(b) A description of the plan, policy, program or procedure;~~

~~(c) The costs incurred by the school district for implementing the plan, policy, program or procedure and an identification of how much money the school district receives from the State or Federal Government for such implementation; and~~

~~(d) The effectiveness of the plan, policy, program or procedure in improving the academic achievement of pupils enrolled in the school district, if applicable, including, without limitation, the assessment of the school district as to whether the plan, policy, program or procedure should continue.~~

~~3. If the board of trustees of a school district prepares a written report pursuant to subsection 2, the board of trustees shall, on or before August 1, 2012, submit the written report to the:~~

~~(a) Legislative Committee on Education; and~~

~~(b) Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature.~~**]** **(Deleted by amendment.)**

Sec. 38. ~~**[**This~~**]**

1. This section and section 36.7 of this act become effective upon passage and approval.

2. Sections 1 to 21, inclusive, 21.5 to 36.5, inclusive, and 37 of this act ~~**[**becomes~~**]** **become** effective on July 1, 2011.

3. Section 21.3 of this act becomes effective on July 1, 2011, for the purpose of adopting the pilot program required by that section and on July 1, 2013, for all other purposes.

TEXT OF REPEALED SECTIONS

385.348 Plan by school district to improve achievement of pupils: Preparation; contents; submission; annual review.

385.348 1. The board of trustees of each school district shall, in consultation with the employees of the school district, prepare a plan to improve the achievement of pupils enrolled in the school district, excluding pupils who are enrolled in charter schools located in the school district. If the school district is a Title I school district designated as demonstrating need for improvement pursuant to NRS 385.377, the plan must also be prepared in consultation with parents and guardians of pupils enrolled in the school district and other persons who the board of trustees determines are appropriate.

2. Except as otherwise provided in this subsection, the plan must include the items set forth in 20 U.S.C. § 6316(c)(7) and the regulations adopted pursuant thereto. If a school district has not been designated as demonstrating need for improvement pursuant to NRS 385.377, the board of trustees of the school district is not required to include those items set forth in 20 U.S.C. § 6316(c)(7) and the regulations adopted pursuant thereto that directly relate to the status of a school district as needing improvement.

3. In addition to the requirements of subsection 2, a plan to improve the achievement of pupils enrolled in a school district must include:

(a) A review and analysis of the data upon which the report required pursuant to subsection 2 of NRS 385.347 is based and a review and analysis of any data that is more recent than the data upon which the report is based.

(b) The identification of any problems or factors at individual schools that are revealed by the review and analysis.

(c) Strategies based upon scientifically based research, as defined in 20 U.S.C. § 7801(37), that will strengthen the core academic subjects, as set forth in NRS 389.018.

(d) Strategies to improve the academic achievement of pupils enrolled in the school district, including, without limitation, strategies to:

(1) Instruct pupils who are not achieving to their fullest potential, including, without limitation:

(I) The curriculum appropriate to improve achievement;

(II) The manner by which the instruction will improve the achievement and proficiency of pupils on the examinations administered pursuant to NRS 389.015 and 389.550; and

(III) An identification of the instruction and curriculum that is specifically designed to improve the achievement and proficiency of pupils in each group identified in paragraph (b) of subsection 1 of NRS 385.361;

(2) Increase the rate of attendance of pupils and reduce the number of pupils who drop out of school;

(3) Integrate technology into the instructional and administrative programs of the school district;

(4) Manage effectively the discipline of pupils; and

(5) Enhance the professional development offered for the teachers and administrators employed by the school district to include the activities set forth in 20 U.S.C. § 7801(34) and to address the specific needs of the pupils enrolled in the school district, as deemed appropriate by the board of trustees of the school district.

(e) An identification, by category, of the employees of the school district who are responsible for ensuring that each provision of the plan is carried out effectively.

(f) In consultation with the Department, an identification, by category, of the employees of the Department, if any, who are responsible for overseeing and monitoring whether the plan is carried out effectively.

(g) For each provision of the plan, a timeline for carrying out that provision, including, without limitation, a timeline for monitoring whether the provision is carried out effectively.

(h) For each provision of the plan, measurable criteria for determining whether the provision has contributed toward improving the academic achievement of pupils, increasing the rate of attendance of pupils and reducing the number of pupils who drop out of school.

(i) Strategies to improve the allocation of resources from the school district, by program and by school, in a manner that will improve the academic achievement of pupils. If this State has a financial analysis program that is designed to track educational expenditures and revenues to individual schools, each school district shall use that statewide program in complying with this paragraph. If a statewide program is not available, each school district shall use its own financial analysis program in complying with this paragraph.

(j) Based upon the reallocation of resources set forth in paragraph (i), the resources available to the school district to carry out the plan, including, without limitation, a budget of the overall cost for carrying out the plan.

(k) A summary of the effectiveness of appropriations made by the Legislature that are available to the school district or the schools within the school district to improve the academic achievement of pupils and programs approved by the Legislature to improve the academic achievement of pupils.

(l) An identification of the programs, practices and strategies that are used throughout the school district and by the schools within the school district that have proven successful in improving the achievement and proficiency of pupils, including, without limitation:

(1) An identification of each school that carries out such a program, practice or strategy;

(2) An indication of which programs, practices and strategies are carried out throughout the school district and which programs, practices and strategies are carried out by individual schools;

(3) The extent to which the programs, practices and strategies include methods to improve the achievement and proficiency of pupils in each group identified in paragraph (b) of subsection 1 of NRS 385.361; and

(4) A description of how the school district disseminates information concerning the successful programs, practices and strategies to all schools within the school district.

4. The board of trustees of each school district shall:

(a) Review the plan prepared pursuant to this section annually to evaluate the effectiveness of the plan; and

(b) Based upon the evaluation of the plan, make revisions, as necessary, to ensure that the plan is designed to improve the academic achievement of pupils enrolled in the school district.

5. On or before December 15 of each year, the board of trustees of each school district shall submit the plan or the revised plan, as applicable, to the:

(a) Superintendent of Public Instruction;

(b) Governor;

(c) State Board;

(d) Department;

(e) Committee; and

(f) Bureau.

~~[NRS 388.171 Program of small learning communities required in certain schools.~~

~~388.171 1. The board of trustees of each school district which includes at least one middle school or junior high school with an enrollment of 500 pupils or more shall adopt a policy for each of those middle schools and junior high schools to provide a program of small learning communities for pupils enrolled in the grade level at which those middle schools or junior high schools initially enroll pupils. The policy must require:~~

~~(a) Where practicable, the designation of a separate area geographically within the middle school or junior high school where the pupils enrolled in their initial year at the middle school or junior high school attend classes;~~

~~(b) The collection and maintenance of information relating to pupils enrolled in their initial year at the middle school or junior high school, including, without limitation, credits earned, attendance, truancy and indicators that a pupil may be at risk of dropping out of middle school or junior high school;~~

~~(c) Based upon the information collected pursuant to paragraph (b), the timely identification of any special needs of a pupil enrolled in his or her initial year at the middle school or junior high school, including, without limitation, any need for programs of remedial study for a particular subject area and appropriate counseling;~~

~~(d) Methods to increase the involvement of parents and legal guardians of pupils enrolled in their initial year in a middle school or junior high school in the education of their children; and~~

~~(e) The assignment of:~~

~~(1) Guidance counselors;~~

~~(2) At least one licensed school administrator or a designee of such an administrator; and~~

~~(3) Appropriate adult mentors,~~

~~→ specifically for the pupils enrolled in their initial year at the middle school or junior high school.~~

~~2. The principal of each middle school or junior high school in which 500 pupils or more are enrolled shall:~~

~~(a) Carry out a program of small learning communities in accordance with the policy prescribed by the board of trustees pursuant to subsection 1; and~~

~~(b) Submit an annual report, on a date prescribed by the board of trustees, that sets forth the specific strategies, programs and methods which are used to focus on the pupils enrolled in their initial year at the middle school or junior high school, including, without limitation, the program of mentoring provided pursuant to NRS 388.176.~~

~~NRS 388.215 Program of small learning communities required for ninth grade pupils enrolled in larger schools.~~

~~388.215 1. The board of trustees of each school district which includes at least one high school with an enrollment of 1,200 pupils or more, including pupils enrolled in ninth grade, shall adopt a policy for each of those high schools to provide a program of small learning communities. The policy must require:~~

~~(a) Where practicable, the designation of a separate area geographically within the high school where the pupils enrolled in ninth grade attend classes;~~

~~(b) The collection and maintenance of information relating to pupils enrolled in ninth grade, including, without limitation, credits earned, attendance, truancy and indicators that a pupil may be at risk of dropping out of high school;~~

~~(c) Based upon the information collected pursuant to paragraph (b), the timely identification of any special needs of a pupil enrolled in ninth grade, including, without limitation, any need for programs of remedial study for a particular subject area and appropriate counseling;~~

~~(d) Methods to increase the involvement of parents and legal guardians of pupils enrolled in ninth grade in the education of their children; and~~

~~(e) The assignment of:~~

~~(1) Guidance counselors;~~

~~(2) At least one licensed school administrator; and~~

~~(3) Appropriate adult mentors,~~

~~→ specifically for the pupils enrolled in ninth grade.~~

~~2. The principal of each high school in which 1,200 pupils or more are enrolled, including pupils enrolled in ninth grade, shall:~~

~~(a) Carry out a program of small learning communities in accordance with the policy prescribed by the board of trustees pursuant to subsection 1; and~~

~~(b) Submit an annual report, on a date prescribed by the board of trustees, that sets forth the specific strategies, programs and methods that are used to focus on the pupils enrolled in ninth grade at the school.~~]

385.357 Plan to improve achievement of pupils for individual schools; duties of school support team in preparing plan; annual review; process for submission and approval of plan; timeline for carrying out plan.

1. On or before July 15 of each year, the governing body of a charter school shall submit the information concerning the charter school that is required pursuant to subsection 2 of NRS 385.347 to the board of trustees of the school district in which the charter school is located for inclusion in the report of the school district pursuant to that section. The information must be submitted by the charter school in a format prescribed by the board of trustees.

2. The Legislative Bureau of Educational Accountability and Program Evaluation created pursuant to NRS 218E.625 may authorize a person or entity with whom it contracts pursuant to NRS 385.359 to review and analyze information submitted by charter schools pursuant to this section and pursuant to NRS 385.357, 385.3745 or 385.3746, whichever is applicable for the school, consult with the governing bodies of charter schools and submit written reports concerning charter schools pursuant to NRS 385.359.

385.357 Plan to improve achievement of pupils for individual schools; duties of school support team in preparing plan; annual review; process for submission and approval of plan; timeline for carrying out plan. [Effective through June 30, 2010.]

1. The principal of each school, including, without limitation, each charter school, shall, in consultation with the employees of the school, prepare a plan to improve the achievement of the pupils enrolled in the school.

2. The plan developed pursuant to subsection 1 must include:

(a) A review and analysis of the data pertaining to the school upon which the report required pursuant to subsection 2 of NRS 385.347 is based and a review and analysis of any data that is more recent than the data upon which the report is based.

(b) The identification of any problems or factors at the school that are revealed by the review and analysis.

(c) Strategies based upon scientifically based research, as defined in 20 U.S.C. § 7801(37), that will strengthen the core academic subjects, as defined in NRS 389.018.

(d) Policies and practices concerning the core academic subjects which have the greatest likelihood of ensuring that each group of pupils identified in paragraph (b) of subsection 1 of NRS 385.361 who are enrolled in the

school will make adequate yearly progress and meet the minimum level of proficiency prescribed by the State Board.

(e) Annual measurable objectives, consistent with the annual measurable objectives established by the State Board pursuant to NRS 385.361, for the continuous and substantial progress by each group of pupils identified in paragraph (b) of subsection 1 of that section who are enrolled in the school to ensure that each group will make adequate yearly progress and meet the level of proficiency prescribed by the State Board.

(f) Strategies, consistent with the policy adopted pursuant to NRS 392.457 by the board of trustees of the school district in which the school is located, to promote effective involvement by parents and families of pupils enrolled in the school in the education of their children.

(g) As appropriate, programs of remedial education or tutoring to be offered before and after school, during the summer, or between sessions if the school operates on a year-round calendar for pupils enrolled in the school who need additional instructional time to pass or to reach a level considered proficient.

(h) Strategies to improve the academic achievement of pupils enrolled in the school, including, without limitation, strategies to:

(1) Instruct pupils who are not achieving to their fullest potential, including, without limitation:

(I) The curriculum appropriate to improve achievement;

(II) The manner by which the instruction will improve the achievement and proficiency of pupils on the examinations administered pursuant to NRS 389.015 and 389.550; and

(III) An identification of the instruction and curriculum that is specifically designed to improve the achievement and proficiency of pupils in each group identified in paragraph (b) of subsection 1 of NRS 385.361;

(2) Increase the rate of attendance of pupils and reduce the number of pupils who drop out of school;

(3) Integrate technology into the instructional and administrative programs of the school;

(4) Manage effectively the discipline of pupils; and

(5) Enhance the professional development offered for the teachers and administrators employed at the school to include the activities set forth in 20 U.S.C. § 7801(34) and to address the specific needs of pupils enrolled in the school, as deemed appropriate by the principal.

(i) An identification, by category, of the employees of the school who are responsible for ensuring that the plan is carried out effectively.

(j) In consultation with the school district or governing body, as applicable, an identification, by category, of the employees of the school district or governing body, if any, who are responsible for ensuring that the plan is carried out effectively or for overseeing and monitoring whether the plan is carried out effectively.

(k) In consultation with the Department, an identification, by category, of the employees of the Department, if any, who are responsible for overseeing and monitoring whether the plan is carried out effectively.

(l) For each provision of the plan, a timeline for carrying out that provision, including, without limitation, a timeline for monitoring whether the provision is carried out effectively.

(m) For each provision of the plan, measurable criteria for determining whether the provision has contributed toward improving the academic achievement of pupils, increasing the rate of attendance of pupils and reducing the number of pupils who drop out of school.

(n) The resources available to the school to carry out the plan. If this State has a financial analysis program that is designed to track educational expenditures and revenues to individual schools, each school shall use that statewide program in complying with this paragraph. If a statewide program is not available, each school shall use the financial analysis program used by the school district in which the school is located in complying with this paragraph.

(o) A summary of the effectiveness of appropriations made by the Legislature that are available to the school to improve the academic achievement of pupils and programs approved by the Legislature to improve the academic achievement of pupils.

(p) A budget of the overall cost for carrying out the plan.

3. In addition to the requirements of subsection 2, if a school has been designated as demonstrating need for improvement pursuant to NRS 385.3623, the plan must comply with 20 U.S.C. § 6316(b)(3) and the regulations adopted pursuant thereto.

4. Except as otherwise provided in subsection 5, the principal of each school shall, in consultation with the employees of the school:

(a) Review the plan prepared pursuant to this section annually to evaluate the effectiveness of the plan; and

(b) Based upon the evaluation of the plan, make revisions, as necessary, to ensure that the plan is designed to improve the academic achievement of pupils enrolled in the school.

5. If a school has been designated as demonstrating need for improvement pursuant to NRS 385.3623 and a support team has been established for the school, the support team shall review the plan and make revisions to the most recent plan for improvement of the school pursuant to NRS 385.36127. If the school is a Title I school that has been designated as demonstrating need for improvement, the support team established for the school shall, in making revisions to the plan, work in consultation with parents and guardians of pupils enrolled in the school and, to the extent deemed appropriate by the entity responsible for creating the support team, outside experts.

6. On or before November 1 of each year, the principal of each school or the support team established for the school, as applicable, shall submit the plan or the revised plan, as applicable, to:

(a) If the school is a public school of the school district, the superintendent of schools of the school district.

(b) If the school is a charter school, the governing body of the charter school.

7. If a Title I school is designated as demonstrating need for improvement pursuant to NRS 385.3623, the superintendent of schools of the school district or the governing body, as applicable, shall carry out a process for peer review of the plan or the revised plan, as applicable, in accordance with 20 U.S.C. § 6316(b)(3)(E) and the regulations adopted pursuant thereto. Not later than 45 days after receipt of the plan, the superintendent of schools of the school district or the governing body, as applicable, shall approve the plan or the revised plan, as applicable, if it meets the requirements of 20 U.S.C. § 6316(b)(3) and the regulations adopted pursuant thereto and the requirements of this section. The superintendent of schools of the school district or the governing body, as applicable, may condition approval of the plan or the revised plan, as applicable, in the manner set forth in 20 U.S.C. § 6316(b)(3)(B) and the regulations adopted pursuant thereto. The State Board shall prescribe the requirements for the process of peer review, including, without limitation, the qualifications of persons who may serve as peer reviewers.

8. If a school is designated as demonstrating exemplary achievement, high achievement or adequate achievement, or if a school that is not a Title I school is designated as demonstrating need for improvement, not later than 45 days after receipt of the plan or the revised plan, as applicable, the superintendent of schools of the school district or the governing body, as applicable, shall approve the plan or the revised plan if it meets the requirements of this section.

9. On or before December 15 of each year, the principal of each school or the support team established for the school, as applicable, shall submit the final plan or the final revised plan, as applicable, to the:

(a) Superintendent of Public Instruction;

(b) Governor;

(c) State Board;

(d) Department;

(e) Committee;

(f) Bureau; and

(g) Board of trustees of the school district in which the school is located.

10. A plan for the improvement of a school must be carried out expeditiously, but not later than January 1 after approval of the plan pursuant to subsection 7 or 8, as applicable.

~~[~~ ~~NRS 390.220 Enforcement by board of trustees of use of prescribed textbooks; exception for charter schools.~~

~~390.220 Boards of trustees of school districts in this State shall enforce in the public schools, excluding charter schools, the use of textbooks prescribed and adopted by the State Board.]~~

Assemblyman Bobzien moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, reengrossed, and to third reading.

Senate Bill No. 405.

Bill read second time and ordered to third reading.

Senate Bill No. 417.

Bill read second time and ordered to third reading.

Senate Bill No. 436.

Bill read second time and ordered to third reading.

Senate Joint Resolution No. 3.

Resolution read second time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture, and Mining:

Amendment No. 627.

SENATE JOINT RESOLUTION—Urging Congress to enact legislation requiring the Secretary of the Interior to convey ownership of certain land to the State of Nevada to help fund education in Nevada.

WHEREAS, The State of Nevada and other western states face unique challenges in providing the best education to their residents due to vast acreages of untaxable federal lands within their borders; and

WHEREAS, Early in Nevada's history, the Congress of the United States recognized the importance of supporting public education in Nevada and established school trust lands in Nevada to help fund education in the State; and

WHEREAS, When the Territory of Nevada was admitted to statehood, the Federal Government provided Nevada with two sections of land in each township for the benefit of common schools, which amounted to 3.9 million acres, while other territories that were subsequently admitted to statehood received four sections of land in each township for the benefit of common schools; and

WHEREAS, The land originally granted by the Federal Government to Nevada for common schools was not providing sufficient revenue for education because the land included large sections that were undesirable or difficult to survey; and

WHEREAS, In 1880, it was necessary for Nevada to agree to exchange its 3.9 million acres for only 2 million acres of its own selection, as Nevada had an immediate need for public school revenues; and

WHEREAS, The disproportionately small amount of land received from the Federal Government for the benefit of common schools contributes only a

small amount of revenue for the schools in Nevada in comparison to other states and places an excessive burden on the financial resources of each county in Nevada; and

WHEREAS, In Nevada, approximately 87 percent of the land, which amounts to approximately 61 million acres, is held by the Federal Government; and

WHEREAS, In 15 of the 17 counties in Nevada, more than 50 percent of the land is held by the Federal Government, and in 4 of the 17 counties, more than 90 percent of the land is held by the Federal Government; and

WHEREAS, The ~~[management and control]~~ **ownership** of such an extensive amount of the land in Nevada by the Federal Government has an adverse effect on the ability of **the school districts in** Nevada to provide ~~[a]~~ **funding for** quality education ~~[to its]~~ **for the** residents ~~[,]~~ **of Nevada;** and

WHEREAS, Nevada and the other western states are falling behind in education funding as measured by the growth of expenditures per pupil; and

WHEREAS, The difficulty experienced by Nevada and the other western states in providing a quality education to their residents is exacerbated by projections that enrollment in public schools from 2007 to 2019 is expected to increase by approximately 34 percent in Nevada and the other western states, but increase by less than 1 percent in the remaining states in the United States; now, therefore, be it

RESOLVED BY THE SENATE AND ASSEMBLY OF THE STATE OF NEVADA, JOINTLY, That the members of the 76th Session of the Nevada Legislature urge Congress and the Nevada Congressional Delegation to enact legislation requiring the Secretary of the Interior to convey ownership of federal land located in Nevada from the Federal Government to Nevada to help fund education for the residents of Nevada and to put the education system of Nevada in parity with that of the other states in the United States; and be it further

RESOLVED, That the Secretary of the Senate prepare and transmit a copy of this resolution to the President of the United States, the Vice President of the United States as the presiding officer of the Senate, the Speaker of the House of Representatives and each member of the Nevada Congressional Delegation; and be it further

RESOLVED, That this resolution becomes effective upon passage.

Assemblywoman Carlton moved the adoption of the amendment.

Amendment adopted.

Resolution ordered reprinted, engrossed, and to the General File.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Conklin moved that Assembly Bill No. 525 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

Assembly Bill No. 48.

Bill read third time.

Roll call on Assembly Bill No. 48:

YEAS—42.

NAYS—None.

Assembly Bill No. 48 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 148.

Bill read third time

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 753.

AN ACT relating to the protection of children; requiring ~~[an investigation]~~ **a law enforcement agency** to determine whether an infant who is relinquished to a provider of emergency services has been reported as a missing child; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law allows the parent of a child who is not more than 30 days old to take the child to a provider of emergency services and leave the child with the provider of emergency services without the intent to return for the child. In such cases, the child so delivered is presumed abandoned. The parent of the child is not required to provide any information regarding the child and, unless there is reasonable cause to believe that the child has otherwise been abused or neglected, will not be investigated for abuse or neglect. The provider of emergency services is required to inform an agency which provides child welfare services that the provider has taken possession of the child within 24 hours after doing so. (NRS 432B.630) Existing law requires the agency which provides child welfare services, upon receiving such notice, to immediately place the child in protective custody. (NRS 432B.390) This bill requires the provider of emergency services to also notify a law enforcement agency within 24 hours after the provider takes possession of an abandoned child and requires the law enforcement agency to **notify the Clearinghouse of missing children established by the Attorney General and to** investigate **further, if necessary, to determine** whether the child has been reported as a missing child. Upon conclusion of the investigation, the law enforcement agency is required to inform the agency which provides child welfare services of its determination, and the agency is required to maintain that information for statistical and research purposes.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 432B.630 is hereby amended to read as follows:

432B.630 1. A provider of emergency services shall take immediate possession of a child who is or appears to be not more than 30 days old:

(a) When:

(1) The child is voluntarily delivered to the provider by a parent of the child; and

(2) The parent does not express an intent to return for the child; or

(b) When the child is delivered to the provider by another provider of emergency services pursuant to paragraph (b) of subsection 2.

2. A provider of emergency services who takes possession of a child pursuant to subsection 1 shall:

(a) Whenever possible, inform the parent of the child that:

(1) By allowing the provider to take possession of the child, the parent is presumed to have abandoned the child;

(2) By failing or refusing to provide an address where the parent can be located, the parent waives any notice of the hearing to be conducted pursuant to NRS 432B.470; and

(3) Unless the parent contacts the local agency which provides child welfare services, action will be taken to terminate his or her parental rights regarding the child.

(b) Perform any act necessary to maintain and protect the physical health and safety of the child. If the provider is a public fire-fighting agency or a law enforcement agency, the provider shall immediately cause the safe delivery of the child to a hospital, an obstetric center or an independent center for emergency medical care licensed pursuant to chapter 449 of NRS.

(c) As soon as reasonably practicable but not later than 24 hours after the provider takes possession of the child, report that possession to an agency which provides child welfare services ~~[.]~~ ***and, if the provider is not a law enforcement agency, to a law enforcement agency. The law enforcement agency shall*** ~~*[investigate through]*~~ ***notify the Clearinghouse*** ~~*[established pursuant to NRS 432.170]*~~ ***and*** ~~*[, as]*~~ ***investigate further, if necessary, using any other resources to determine whether the child has been reported as a missing child. Upon conclusion of the investigation, the law enforcement agency shall inform the agency which provides child welfare services of its determination. The agency which provides child welfare services shall maintain that information for statistical and research purposes.***

3. A parent who delivers a child to a provider of emergency services pursuant to paragraph (a) of subsection 1:

(a) Shall leave the child:

(1) In the physical possession of a person who the parent has reasonable cause to believe is an employee of the provider; or

(2) On the property of the provider in a manner and location that the parent has reasonable cause to believe will not threaten the physical health or safety of the child, and immediately contact the provider, through the local emergency telephone number or otherwise, and inform the provider of the delivery and location of the child. A provider of emergency services is not

liable for any civil damages as a result of any harm or injury sustained by a child after the child is left on the property of the provider pursuant to this subparagraph and before the provider is informed of the delivery and location of the child pursuant to this subparagraph or the provider takes physical possession of the child, whichever occurs first.

(b) Shall be deemed to have given consent to the performance of all necessary emergency services and care for the child.

(c) Must not be required to provide any background or medical information regarding the child, but may voluntarily do so.

(d) Unless there is reasonable cause to believe that the child has been abused or neglected, excluding the mere fact that the parent has delivered the child to the provider pursuant to subsection 1:

(1) Must not be required to disclose any identifying information, but may voluntarily do so;

(2) Must be allowed to leave at any time; and

(3) Must not be pursued or followed.

4. As used in this section ~~[, "provider"]~~ **:**

(a) "Clearinghouse" has the meaning ascribed to it in NRS 432.150.

(b) "Provider of emergency services" means:

~~[(a)]~~ ***(1)*** A hospital, an obstetric center or an independent center for emergency medical care licensed pursuant to chapter 449 of NRS;

~~[(b)]~~ ***(2)*** A public fire-fighting agency; or

~~[(c)]~~ ***(3)*** A law enforcement agency.

Sec. 2. This act becomes effective upon passage and approval.

Assemblywoman Mastroluca moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, reengrossed, and to third reading.

Assembly Bill No. 202.

Bill read third time.

Remarks by Assemblyman Kirner.

Roll call on Assembly Bill No. 202:

YEAS—42.

NAYS—None.

Assembly Bill No. 202 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 247.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 756.

SUMMARY—Authorizes an agricultural user to apply to the Motor Carrier Division of the Department of Motor Vehicles for the issuance of a license plate and decal to operate a farm tractor or ~~[motorized]~~ **self-propelled**

implement of husbandry on a highway in this State under certain circumstances. (BDR 43-300)

AN ACT relating to vehicles; authorizing an agricultural user to apply to the Motor Carrier Division of the Department of Motor Vehicles for the issuance of a license plate and decal to operate a farm tractor or ~~[motorized]~~ **self-propelled** implement of husbandry on a highway in this State under certain circumstances; requiring the license plate to be displayed on the farm tractor or ~~[motorized]~~ **self-propelled** implement of husbandry in a certain manner; authorizing the Department to issue a replacement license plate or decal upon the payment of a fee if a license plate or decal is lost or destroyed; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, every owner of a motor vehicle, trailer or semitrailer that is intended to be operated upon any highway in this State is required, before operating the motor vehicle, trailer or semitrailer, to apply to the Department of Motor Vehicles to register the motor vehicle, trailer or semitrailer. (NRS 482.205) Existing law exempts an implement of husbandry from the registration requirement if the implement of husbandry is temporarily drawn, moved or otherwise propelled upon a highway. (NRS 482.210) This bill authorizes a person who is an agricultural user and who wishes to obtain a license plate and decal to operate a farm tractor or ~~[motorized]~~ **self-propelled** implement of husbandry on the highways of this State to submit an application to the Motor Carrier Division of the Department of Motor Vehicles. An "agricultural user" is defined to mean a person who owns or operates a farm tractor or ~~[motorized]~~ **self-propelled** implement of husbandry for a certain type of agricultural use. This bill requires the Department to issue a license plate and decal for the farm tractor or ~~[motorized]~~ **self-propelled** implement of husbandry as soon as practicable after the Department receives the application, applicable fee and appropriate evidence of insurance. This bill also authorizes an agricultural user to submit an application for the renewal of a license plate and decal for a farm tractor or ~~[motorized]~~ **self-propelled** implement of husbandry. An application for renewal must include the applicable fee and appropriate evidence of insurance. Finally, this bill authorizes the Department to issue a new license plate or decal for a farm tractor or ~~[motorized]~~ **self-propelled** implement of husbandry if the license plate or decal is lost or destroyed ~~[.]~~ **and specifies that a certificate of compliance or vehicle inspection report concerning the control of emissions is not required for the farm tractor or self-propelled implement of husbandry.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 482 of NRS is hereby amended by adding thereto a new section to read as follows:

Notwithstanding any provision of this chapter to the contrary:

1. Any agricultural user who wishes to obtain a license plate and decal to operate a farm tractor or ~~[motorized]~~ self-propelled implement of husbandry on the highways of this State may submit an application to the Motor Carrier Division of the Department. Each application must be made upon the appropriate form furnished by the Department. The application must include a nonrefundable fee of ~~[$10.50]~~ $20.50 and evidence satisfactory to the Department that the agricultural user is the holder of a policy of liability insurance which provides at least $300,000 in coverage for bodily injury and property damage resulting from any single accident caused by the agricultural user while operating the farm tractor or ~~[motorized]~~ self-propelled implement of husbandry. As soon as practicable after receiving the application, fee and evidence of insurance, the Department shall issue the license plate and decal to the agricultural user to affix to the farm tractor or ~~[motorized]~~ self-propelled implement of husbandry. A decal issued pursuant to this subsection expires on December 31 of the year in which the Department issues the decal. The license plate and decal are not transferable and must be surrendered or returned to the Department within 60 days after:

(a) A transfer of ownership or interest in the farm tractor or ~~[motorized]~~ self-propelled implement of husbandry occurs; or

(b) The decal expires pursuant to this subsection and the agricultural user fails to submit an application for renewal pursuant to subsection 2.

2. An application for the renewal of a license plate and decal issued pursuant to subsection 1 must be made upon the appropriate form furnished by the Department. The application for renewal must include a nonrefundable fee of $10 and evidence satisfactory to the Department that the agricultural user is the holder of a policy of liability insurance specified in subsection 1. As soon as practicable after receiving the application for renewal, fee and evidence of insurance, the Department shall issue a new decal to affix to the license plate. A decal issued pursuant to this subsection expires on December 31 of the year in which the Department issues the decal.

3. A license plate issued pursuant to subsection 1 must be displayed on the farm tractor or ~~[motorized]~~ self-propelled implement of husbandry in such a manner that the license plate is easily visible from the rear of the farm tractor or ~~[motorized]~~ self-propelled implement of husbandry. If the license plate is lost or destroyed, the Department may issue a replacement plate upon the payment of a fee of 50 cents. If the decal is lost or destroyed, the Department may, upon the payment of the fee specified in subsection 2, issue a replacement decal for the farm tractor or ~~[motorized]~~ self-propelled implement of husbandry.

4. Notwithstanding any provision of chapter 445B of NRS to the contrary, an agricultural user is not required to obtain a certificate of compliance or vehicle inspection report concerning the control of emissions from a farm tractor or self-propelled implement of husbandry

before obtaining a license plate and decal for or operating the farm tractor or self-propelled implement of husbandry pursuant to this section.

5. As used in this section, "agricultural user" means any person who owns or operates a farm tractor or ~~[motorized]~~ self-propelled implement of husbandry specified in subsection 1 for an agricultural use. As used in this subsection, "agricultural use" has the meaning ascribed to it in NRS 361A.030.

Sec. 2. (Deleted by amendment.)

Sec. 3. (Deleted by amendment.)

Sec. 4. (Deleted by amendment.)

Sec. 5. (Deleted by amendment.)

Sec. 6. (Deleted by amendment.)

Sec. 7. (Deleted by amendment.)

Sec. 8. (Deleted by amendment.)

Sec. 9. (Deleted by amendment.)

Sec. 10. (Deleted by amendment.)

Sec. 11. (Deleted by amendment.)

Sec. 12. (Deleted by amendment.)

Sec. 13. **This act becomes effective on January 1, 2014.**

Assemblyman Goicoechea moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, reengrossed, and to third reading.

Assembly Bill No. 255.

Bill read third time.

Roll call on Assembly Bill No. 255:

YEAS—38.

NAYS—Hansen, Hardy, McArthur, Sherwood—4.

Assembly Bill No. 255 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 330.

Bill read third time.

Remarks by Assemblywoman Kirkpatrick.

Roll call on Assembly Bill No. 330:

YEAS—42.

NAYS—None.

Assembly Bill No. 330 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 359.

Bill read third time.

Remarks by Assemblyman Goicoechea.

Roll call on Assembly Bill No. 359:
YEAS—40.
NAYS—Hickey, Sherwood—2.
Assembly Bill No. 359 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 390.
Bill read third time.
Roll call on Assembly Bill No. 390:
YEAS—42.
NAYS—None.
Assembly Bill No. 390 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Assembly Bill No. 224.
Bill read third time.
Remarks by Assemblywoman Benitez-Thompson.
Roll call on Assembly Bill No. 224:
YEAS—29.
NAYS—Ellison, Goedhart, Hambrick, Hammond, Hansen, Hardy, Kirner, Kite, Livermore, McArthur, Sherwood, Stewart, Woodbury—13.
Assembly Bill No. 224 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 259.
Bill read third time.
Roll call on Assembly Bill No. 259:
YEAS—27.
NAYS—Ellison, Goedhart, Goicoechea, Grady, Hambrick, Hammond, Hansen, Hardy, Hickey, Kirner, Kite, Livermore, McArthur, Sherwood, Woodbury—15.
Assembly Bill No. 259 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 470.
Bill read third time.
Roll call on Senate Bill No. 470:
YEAS—42.
NAYS—None.
Senate Bill No. 470 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 474.
Bill read third time.

Roll call on Senate Bill No. 474:
YEAS—42.
NAYS—None.
Senate Bill No. 474 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 478.
Bill read third time.
Roll call on Assembly Bill No. 478:
YEAS—42.
NAYS—None.
Assembly Bill No. 478 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 479.
Bill read third time.
Roll call on Senate Bill No. 479:
YEAS—42.
NAYS—None.
Senate Bill No. 479 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 482.
Bill read third time.
Roll call on Senate Bill No. 482:
YEAS—42.
NAYS—None.
Senate Bill No. 482 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

REPORTS OF COMMITTEES

Mr. Speaker:
Your Committee on Ways and Means, to which was rereferred Assembly Bill No. 552, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DEBBIE SMITH, *Chair*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Conklin moved that Assembly Bill No. 552, just reported out of committee, be placed at the top of the General File.
Motion carried.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 25, 2011

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bill No. 483.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

GENERAL FILE AND THIRD READING

Assembly Bill No. 552.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 752.

AN ACT relating to genetic marker analysis; imposing an administrative assessment upon a defendant convicted of any crime; requiring that a biological specimen be obtained from a person arrested for a felony or a sexual offense; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 2 of this bill imposes an additional administrative assessment of ~~[$1 for every $10 in fines or fees imposed]~~ **$2.50** on a person convicted of a misdemeanor, gross misdemeanor or felony. **Section 2** also provides that the money collected from the assessments must be used to defray the costs associated with obtaining biological specimens and genetic marker analysis.

Under existing law, if a defendant is convicted of a felony or certain other specified offenses, the court, as part of the defendant's sentence, must order that a biological specimen be obtained from the defendant and that the specimen be used for analysis to determine the genetic markers of the specimen. (NRS 176.0911-176.0917) **Section 3** of this bill requires that a biological specimen be obtained if a person is arrested for a felony or a sexual offense punishable as a misdemeanor. **Section 3** ~~[also]~~ provides that if the person is convicted of the felony or the sexual offense, the specimen must be kept, but if the person is not convicted, the specimen and all records relating thereto must be destroyed and expunged.

Existing law prohibits a person from sharing or disclosing certain information relating to another person's biological specimen or genetic marker analysis and makes such conduct a misdemeanor. (NRS 176.0913) **Sections 3 and 8** of this bill increase the penalty for such conduct from a misdemeanor to a category C felony.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 176 of NRS is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this act.

Sec. 2. ***1. In addition to any other administrative assessment imposed, when a defendant pleads guilty, is found guilty or enters a plea of nolo contendere to a misdemeanor, gross misdemeanor or felony, including the violation of any municipal ordinance, the justice or judge of the justice, municipal or district court, as applicable, shall include in the sentence the sum of*** ~~*[$1 for every $10 or fraction thereof upon every fine or fee imposed and collected by the courts]*~~ ***$2.50 as an administrative assessment for obtaining a biological specimen and conducting genetic marker analysis and shall render a judgment against the defendant for the assessment. If a defendant is sentenced to perform community service in lieu of a fine, the sentence must include the administrative assessment required pursuant to this subsection.***

2. The money collected for an administrative assessment for the provision of genetic marker analysis must not be deducted from the fine imposed by the justice or judge but must be taxed against the defendant in addition to the fine. The money collected for such an administrative assessment must be stated separately on the court's docket and must be included in the amount posted for bail. If bail is forfeited, the administrative assessment included in the bail pursuant to this subsection must be disbursed pursuant to subsection 3. If the defendant is found not guilty or the charges are dismissed, the money deposited with the court must be returned to the defendant. If the justice or judge cancels a fine because the fine has been determined to be uncollectible, any balance of the fine and the administrative assessment remaining unpaid shall be deemed to be uncollectible, and the defendant is not required to pay it. If a fine is determined to be uncollectible, the defendant is not entitled to a refund of the fine or administrative assessment he or she has paid, and the justice or judge shall not recalculate the administrative assessment.

3. If the justice or judge permits the fine and administrative assessment for the provision of genetic marker analysis to be paid in installments, the payments must be applied in the following order:

(a) To pay the unpaid balance of an administrative assessment imposed pursuant to NRS 176.059;

(b) To pay the unpaid balance of an administrative assessment for the provision of court facilities pursuant to NRS 176.0611;

(c) To pay the unpaid balance of an administrative assessment for the provision of specialty court programs pursuant to NRS 176.0613;

(d) To pay the unpaid balance of an administrative assessment for the provision of genetic marker analysis pursuant to this section; and

(e) To pay the fine.

4. The money collected for an administrative assessment for the provision of genetic marker analysis must be paid by the clerk of the court to the county treasurer on or before the fifth day of each month for the preceding month for credit to the fund for genetic marker analysis pursuant to NRS 176.0915.

Sec. 3. ***1. If a person is arrested for a felony pursuant to a warrant, the law enforcement agency making the arrest shall:***

(a) Submit the name, social security number, date of birth and any other information identifying the person to the Central Repository for Nevada Records of Criminal History; and

(b) Upon booking the person into a city or county jail or detention facility, and before the person is released from custody, obtain a biological specimen from the person ~~*[through a cheek swab]*~~ ***pursuant to the provisions of this section so that the specimen can be used for an analysis to determine the genetic markers of the specimen. The biological specimen may be collected by any*** ~~*[authorized agent of a]*~~ ***law enforcement agency.***

2. If a person is arrested for a felony without a warrant, the law enforcement agency making the arrest shall:

(a) Submit the name, social security number, date of birth and any other information identifying the person to the Central Repository for Nevada Records of Criminal History;

(b) Upon booking the person into a city or county jail or detention facility, and before the person is released from custody, obtain a biological specimen from the person ~~*[through a cheek swab]*~~ ***pursuant to the provisions of this section so that the specimen can be used for an analysis to determine the genetic markers of the specimen. The biological specimen may be collected by any*** ~~*[authorized agent of a]*~~ ***law enforcement agency; and***

(c) Not submit the biological specimen for genetic marker analysis pursuant to subsection 4 until a court or magistrate makes a determination that probable cause existed for the person's arrest.

3. If the person is arrested for a sexual offense that is punishable as a misdemeanor, upon booking the person into a city or county jail or detention facility, and before the person is released from custody, the law enforcement agency making the arrest shall obtain a biological specimen from the person ~~*[through a cheek swab]*~~ ***pursuant to the provisions of this section so that the specimen can be used for an analysis to determine the genetic markers of the specimen. The law enforcement agency obtaining the biological specimen shall provide the biological specimen to the forensic laboratory that has been designated in the county in which the person was arrested to conduct or oversee genetic marker analysis for the county pursuant to NRS 176.0917 and shall specifically direct the forensic laboratory to hold the biological specimen in a separate storage area pending notification from:***

(a) The Central Repository for Nevada Records of Criminal History <u>***resulting from a query of records***</u> ***indicating that the person from whom the biological specimen was obtained has been convicted; or***

(b) A court or magistrate indicating that the person from whom the biological specimen was obtained has failed to appear for a scheduled hearing.

➥ ***Upon receipt of ~~[such]~~ notification ~~[,]~~ pursuant to paragraph (a) or (b), the forensic laboratory shall proceed with any genetic marker analysis pursuant to subsection 4.***

4. The law enforcement agency obtaining the biological specimen shall provide the specimen to the forensic laboratory that has been designated by the county in which the person was arrested to conduct or oversee genetic marker analysis for the county pursuant to NRS 176.0917. If the forensic laboratory determines that the biological specimen is inadequate or otherwise unusable, the law enforcement agency may obtain an additional biological specimen from the person arrested. Each designated laboratory is authorized to contract with individuals or organizations for services to perform genetic marker analysis. The identification characteristics resulting from the genetic marker analysis must be stored and maintained by the forensic laboratory in CODIS and only may be made available as provided in section 4 of this act. The information stored and maintained by the forensic laboratory and the computer software used by the forensic laboratory for CODIS are confidential and are not public books or records within the meaning of NRS 239.010. The information may only be disclosed and used as specifically authorized by law.

5. Any cost that is incurred to obtain a biological specimen from a person pursuant to this section is a charge against the county in which the person was arrested and must be paid as provided in NRS 176.0915.

6. A law enforcement agency shall not obtain a biological specimen from a person who has previously submitted such a specimen for an arrest or conviction of a prior offense unless the law enforcement agency, court or magistrate determines that an additional specimen is necessary.

7. A court or magistrate shall:

(a) Make the provision of a biological specimen a condition of any person being admitted to bail or released on the person's own recognizance; and

(b) Require the biological specimen to be provided to the forensic laboratory that has been designated by the county in which the person was arrested to conduct or oversee genetic marker analysis for the county pursuant to NRS 176.0917.

➥ ***Upon receipt of the biological specimen, the forensic laboratory shall proceed with any genetic marker analysis pursuant to subsection 4.***

8. The Attorney General or a district attorney may petition a district court for an order requiring a person under this section to:

(a) Provide a biological specimen; or

(b) Provide a biological specimen by alternative means if the person will not cooperate.

➥ ***Nothing in this subsection shall be construed to prevent the collection of a biological specimen by order of a court of competent jurisdiction or the collection of a biological specimen of persons required to provide such a specimen under this section.***

9. The detention, arrest or conviction of a person based upon a match in CODIS or other information in CODIS is not invalidated if ~~[the]~~ it is later determined that the biological specimen was obtained or placed in CODIS by mistake . ~~[, provided that the forensic laboratory can demonstrate that a good faith effort has been made to comply with all laws and regulations governing the inclusion of such information in CODIS.]~~

10. Upon completion of any genetic marker analysis, the forensic laboratory shall inform the Central Repository for Nevada Records of Criminal History of the existence of such information pursuant to this section.

11. The Central Repository for Nevada Records of Criminal History shall include an indication on the criminal history record regarding the collection of a biological specimen, but may not include the results of the genetic marker analysis or any other information relating to the forensic laboratory's records.

12. A person whose genetic marker analysis has been included in the Central Repository for Nevada Records of Criminal History and CODIS pursuant to this section may make a written request to the Central Repository that it be automatically expunged on the grounds:

(a) That the conviction on which the authority for keeping the biological specimen or the result of the genetic marker analysis has been reversed and the case dismissed; or

(b) That the arrest which led to the inclusion of the biological specimen or the result of the genetic marker analysis has:

(1) Resulted in a felony or sexual offense charge that has been resolved by a dismissal, nolle prosequi, successful completion of a preprosecution diversion program or a conditional discharge or acquittal; or

(2) Not resulted in any additional criminal charges for a felony or sexual offense within 10 years after the arrest.

13. Within 90 days after receiving a written request pursuant to subsection 12, the Central Repository for Nevada Records of Criminal History shall forward such request and documentation to the forensic laboratory holding the biological specimen.

14. Except as otherwise provided in subsection 15, the forensic laboratory holding the biological specimen shall automatically purge all records and identifiable information pertaining to the person and destroy all specimens from the person upon receipt and confirmation of a written request that such data be expunged pursuant to this section, and:

(a) A certified copy of the court order reversing and dismissing the conviction; or

(b) For biological specimens included pursuant to arrest:

(1) A certified copy of the dismissal, nolle prosequi, successful completion of a preprosecution diversion program or a conditional discharge, or acquittal; or

(2) A sworn affidavit from the law enforcement agency which submitted the biological specimen that no felony or sexual offense charges arising out of the arrest have been filed within 10 years after the arrest.

15. The forensic laboratory shall not expunge a person's biological specimen and genetic marker analysis if the forensic laboratory is notified by a law enforcement agency that the person has a prior felony or sexual offense conviction, a new felony or sexual offense arrest or a pending felony or sexual offense charge for which collection of a biological specimen is authorized pursuant to this section.

16. When a person's biological specimen and genetic marker analysis are expunged pursuant to this section, the forensic laboratory shall ensure that the person's biological specimen and genetic marker analysis are expunged from ~~[the Central Repository for Nevada Records of Criminal History and]~~ CODIS ~~[.]~~ and shall inform the Central Repository for Nevada Records of Criminal History that the genetic marker analysis has been expunged from CODIS.

17. Except as otherwise authorized by federal law or specific statute, a biological specimen obtained pursuant to this section, the results of a genetic marker analysis and any information identifying or matching a biological specimen with a person must not knowingly be shared with or knowingly disclosed to any person other than the authorized personnel who have possession and control of the biological specimen, results of a genetic marker analysis or information identifying or matching a biological specimen with a person, except pursuant to:

(a) A court order; or

(b) A request from a law enforcement agency during the course of an investigation.

18. A person who violates any provision of subsection 17 is guilty of a category C felony and shall be punished as provided in NRS 193.130.

19. For the purposes of this section:

(a) "Sexual offense" means any of the following offenses:

(1) Murder of the first degree committed in the perpetration or attempted perpetration of sexual assault or of sexual abuse or sexual molestation of a child less than 14 years of age pursuant to paragraph (b) of subsection 1 of NRS 200.030.

(2) Sexual assault pursuant to NRS 200.366.

(3) Statutory sexual seduction pursuant to NRS 200.368.

(4) Battery with intent to commit sexual assault pursuant to subsection 4 of NRS 200.400.

(5) An offense involving the administration of a drug to another person with the intent to enable or assist the commission of a felony pursuant to NRS 200.405, if the felony is an offense listed in this section.

(6) An offense involving the administration of a controlled substance to another person with the intent to enable or assist the commission of a

crime of violence pursuant to NRS 200.408, if the crime of violence is an offense listed in this section.

(7) Abuse of a child pursuant to NRS 200.508, if the abuse involved sexual abuse or sexual exploitation.

(8) An offense involving pornography and a minor pursuant to NRS 200.710 to 200.730, inclusive.

(9) Incest pursuant to NRS 201.180.

(10) Solicitation of a minor to engage in acts constituting the infamous crime against nature pursuant to NRS 201.195.

(11) Open or gross lewdness pursuant to NRS 201.210.

(12) Indecent or obscene exposure pursuant to NRS 201.220.

(13) Lewdness with a child pursuant to NRS 201.230.

(14) Sexual penetration of a dead human body pursuant to NRS 201.450.

(15) Luring a child or a person with mental illness pursuant to NRS 201.560, if punished as a felony.

(16) Any other offense that has an element involving a sexual act or sexual conduct with another.

(17) An attempt or conspiracy to commit an offense listed in subparagraphs (1) to (16), inclusive.

(18) An offense that is determined to be sexually motivated pursuant to NRS 175.547 or 207.193.

(19) An offense committed in another jurisdiction that, if committed in this State, would be an offense listed in this section. This subparagraph includes, without limitation, an offense prosecuted in:

(I) A tribal court.

(II) A court of the United States or the Armed Forces of the United States.

(20) An offense of a sexual nature committed in another jurisdiction, whether or not the offense would be an offense listed in this section, if the person who committed the offense resides or has resided or is or has been a student or worker in any jurisdiction in which the person is or has been required by the laws of that jurisdiction to register as a sex offender because of the offense. This subparagraph includes, without limitation, an offense prosecuted in:

(I) A tribal court.

(II) A court of the United States or the Armed Forces of the United States.

(III) A court having jurisdiction over juveniles.

(b) "Sexual offense" does not include an offense involving consensual sexual conduct if the victim was:

(1) An adult, unless the adult was under the custodial authority of the offender at the time of the offense; or

(2) At least 13 years of age and the offender was not more than 4 years older than the victim at the time of the commission of the offense.

Sec. 4. ***1. If information related to a biological specimen or genetic marker analysis contained in CODIS is requested, the forensic laboratory shall comply with all applicable federal law and specific statutes and regulations governing the release of such information. In addition, the identity and authority of the requester must be verified. All requests must be directed through the forensic laboratory and the CODIS administrator.***

2. To minimize duplication in collection of biological specimens and genetic marker analysis, a forensic laboratory may make information available to local, state and federal law enforcement agencies, the Department of Corrections, city or county jails or any detention facility to verify whether a biological specimen has been collected from a person. Information provided under this subsection must not include any results of genetic marker analysis.

Sec. 5. NRS 176.0611 is hereby amended to read as follows:

176.0611 1. A county or a city, upon recommendation of the appropriate court, may, by ordinance, authorize the justices or judges of the justice or municipal courts within its jurisdiction to impose for not longer than 50 years, in addition to the administrative assessments imposed pursuant to NRS 176.059 and 176.0613, ***and section 2 of this act,*** an administrative assessment for the provision of court facilities.

2. Except as otherwise provided in subsection 3, in any jurisdiction in which an administrative assessment for the provision of court facilities has been authorized, when a defendant pleads guilty or guilty but mentally ill or is found guilty or guilty but mentally ill of a misdemeanor, including the violation of any municipal ordinance, the justice or judge shall include in the sentence the sum of $10 as an administrative assessment for the provision of court facilities and render a judgment against the defendant for the assessment. If the justice or judge sentences the defendant to perform community service in lieu of a fine, the justice or judge shall include in the sentence the administrative assessment required pursuant to this subsection.

3. The provisions of subsection 2 do not apply to:

(a) An ordinance regulating metered parking; or

(b) An ordinance that is specifically designated as imposing a civil penalty or liability pursuant to NRS 244.3575 or 268.019.

4. The money collected for an administrative assessment for the provision of court facilities must not be deducted from the fine imposed by the justice or judge but must be taxed against the defendant in addition to the fine. The money collected for such an administrative assessment must be stated separately on the court's docket and must be included in the amount posted for bail. If bail is forfeited, the administrative assessment included in the amount posted for bail pursuant to this subsection must be disbursed in the manner set forth in subsection 6 or 7. If the defendant is found not guilty or the charges are dismissed, the money deposited with the court must be

returned to the defendant. If the justice or judge cancels a fine because the fine has been determined to be uncollectible, any balance of the fine and the administrative assessment remaining unpaid shall be deemed to be uncollectible and the defendant is not required to pay it. If a fine is determined to be uncollectible, the defendant is not entitled to a refund of the fine or administrative assessment the defendant has paid and the justice or judge shall not recalculate the administrative assessment.

5. If the justice or judge permits the fine and administrative assessment for the provision of court facilities to be paid in installments, the payments must be applied in the following order:

(a) To pay the unpaid balance of an administrative assessment imposed pursuant to NRS 176.059;

(b) To pay the unpaid balance of an administrative assessment for the provision of court facilities pursuant to this section;

(c) To pay the unpaid balance of an administrative assessment for the provision of specialty court programs pursuant to NRS 176.0613; ~~[and]~~

(d) ***To pay the unpaid balance of an administrative assessment for obtaining a biological specimen and conducting genetic marker analysis pursuant to section 2 of this act; and***

(e) To pay the fine.

6. The money collected for administrative assessments for the provision of court facilities in municipal courts must be paid by the clerk of the court to the city treasurer on or before the fifth day of each month for the preceding month. The city treasurer shall deposit the money received in a special revenue fund. The city may use the money in the special revenue fund only to:

(a) Acquire land on which to construct additional facilities for the municipal courts or a regional justice center that includes the municipal courts.

(b) Construct or acquire additional facilities for the municipal courts or a regional justice center that includes the municipal courts.

(c) Renovate or remodel existing facilities for the municipal courts.

(d) Acquire furniture, fixtures and equipment necessitated by the construction or acquisition of additional facilities or the renovation of an existing facility for the municipal courts or a regional justice center that includes the municipal courts. This paragraph does not authorize the expenditure of money from the fund for furniture, fixtures or equipment for judicial chambers.

(e) Acquire advanced technology for use in the additional or renovated facilities.

(f) Pay debt service on any bonds issued pursuant to subsection 3 of NRS 350.020 for the acquisition of land or facilities or the construction or renovation of facilities for the municipal courts or a regional justice center that includes the municipal courts.

➥ Any money remaining in the special revenue fund after 5 fiscal years must be deposited in the municipal general fund for the continued maintenance of court facilities if it has not been committed for expenditure pursuant to a plan for the construction or acquisition of court facilities or improvements to court facilities. The city treasurer shall provide, upon request by a municipal court, monthly reports of the revenue credited to and expenditures made from the special revenue fund.

7. The money collected for administrative assessments for the provision of court facilities in justice courts must be paid by the clerk of the court to the county treasurer on or before the fifth day of each month for the preceding month. The county treasurer shall deposit the money received to a special revenue fund. The county may use the money in the special revenue fund only to:

(a) Acquire land on which to construct additional facilities for the justice courts or a regional justice center that includes the justice courts.

(b) Construct or acquire additional facilities for the justice courts or a regional justice center that includes the justice courts.

(c) Renovate or remodel existing facilities for the justice courts.

(d) Acquire furniture, fixtures and equipment necessitated by the construction or acquisition of additional facilities or the renovation of an existing facility for the justice courts or a regional justice center that includes the justice courts. This paragraph does not authorize the expenditure of money from the fund for furniture, fixtures or equipment for judicial chambers.

(e) Acquire advanced technology for use in the additional or renovated facilities.

(f) Pay debt service on any bonds issued pursuant to subsection 3 of NRS 350.020 for the acquisition of land or facilities or the construction or renovation of facilities for the justice courts or a regional justice center that includes the justice courts.

➥ Any money remaining in the special revenue fund after 5 fiscal years must be deposited in the county general fund for the continued maintenance of court facilities if it has not been committed for expenditure pursuant to a plan for the construction or acquisition of court facilities or improvements to court facilities. The county treasurer shall provide, upon request by a justice court, monthly reports of the revenue credited to and expenditures made from the special revenue fund.

8. If money collected pursuant to this section is to be used to acquire land on which to construct a regional justice center, to construct a regional justice center or to pay debt service on bonds issued for these purposes, the county and the participating cities shall, by interlocal agreement, determine such issues as the size of the regional justice center, the manner in which the center will be used and the apportionment of fiscal responsibility for the center.

Sec. 6. NRS 176.0613 is hereby amended to read as follows:

176.0613 1. The justices or judges of the justice or municipal courts shall impose, in addition to an administrative assessment imposed pursuant to NRS 176.059 and 176.0611, ***and section 2 of this act,*** an administrative assessment for the provision of specialty court programs.

2. Except as otherwise provided in subsection 3, when a defendant pleads guilty or guilty but mentally ill or is found guilty or guilty but mentally ill of a misdemeanor, including the violation of any municipal ordinance, the justice or judge shall include in the sentence the sum of $7 as an administrative assessment for the provision of specialty court programs and render a judgment against the defendant for the assessment. If a defendant is sentenced to perform community service in lieu of a fine, the sentence must include the administrative assessment required pursuant to this subsection.

3. The provisions of subsection 2 do not apply to:

(a) An ordinance regulating metered parking; or

(b) An ordinance which is specifically designated as imposing a civil penalty or liability pursuant to NRS 244.3575 or 268.019.

4. The money collected for an administrative assessment for the provision of specialty court programs must not be deducted from the fine imposed by the justice or judge but must be taxed against the defendant in addition to the fine. The money collected for such an administrative assessment must be stated separately on the court's docket and must be included in the amount posted for bail. If bail is forfeited, the administrative assessment included in the bail pursuant to this subsection must be disbursed pursuant to subsection 6 or 7. If the defendant is found not guilty or the charges are dismissed, the money deposited with the court must be returned to the defendant. If the justice or judge cancels a fine because the fine has been determined to be uncollectible, any balance of the fine and the administrative assessment remaining unpaid shall be deemed to be uncollectible and the defendant is not required to pay it. If a fine is determined to be uncollectible, the defendant is not entitled to a refund of the fine or administrative assessment the defendant has paid and the justice or judge shall not recalculate the administrative assessment.

5. If the justice or judge permits the fine and administrative assessment for the provision of specialty court programs to be paid in installments, the payments must be applied in the following order:

(a) To pay the unpaid balance of an administrative assessment imposed pursuant to NRS 176.059;

(b) To pay the unpaid balance of an administrative assessment for the provision of court facilities pursuant to NRS 176.0611;

(c) To pay the unpaid balance of an administrative assessment for the provision of specialty court programs; ~~[and]~~

(d) ***To pay the unpaid balance of an administrative assessment for obtaining a biological specimen and conducting genetic marker analysis pursuant to section 2 of this act; and***

(e) To pay the fine.

6. The money collected for an administrative assessment for the provision of specialty court programs in municipal court must be paid by the clerk of the court to the city treasurer on or before the fifth day of each month for the preceding month. On or before the 15th day of that month, the city treasurer shall deposit the money received for each administrative assessment with the State Controller for credit to a special account in the State General Fund administered by the Office of Court Administrator.

7. The money collected for an administrative assessment for the provision of specialty court programs in justice courts must be paid by the clerk of the court to the county treasurer on or before the fifth day of each month for the preceding month. On or before the 15th day of that month, the county treasurer shall deposit the money received for each administrative assessment with the State Controller for credit to a special account in the State General Fund administered by the Office of Court Administrator.

8. The Office of Court Administrator shall allocate the money credited to the State General Fund pursuant to subsections 6 and 7 to courts to assist with the funding or establishment of specialty court programs.

9. Money that is apportioned to a court from administrative assessments for the provision of specialty court programs must be used by the court to:

(a) Pay for the treatment and testing of persons who participate in the program; and

(b) Improve the operations of the specialty court program by any combination of:

(1) Acquiring necessary capital goods;

(2) Providing for personnel to staff and oversee the specialty court program;

(3) Providing training and education to personnel;

(4) Studying the management and operation of the program;

(5) Conducting audits of the program;

(6) Supplementing the funds used to pay for judges to oversee a specialty court program; or

(7) Acquiring or using appropriate technology.

10. As used in this section:

(a) "Office of Court Administrator" means the Office of Court Administrator created pursuant to NRS 1.320; and

(b) "Specialty court program" means a program established by a court to facilitate testing, treatment and oversight of certain persons over whom the court has jurisdiction and who the court has determined suffer from a mental illness or abuses alcohol or drugs. Such a program includes, without limitation, a program established pursuant to NRS 176A.250, 176A.280 or 453.580.

Sec. 7. NRS 176.0911 is hereby amended to read as follows:

176.0911 As used in NRS 176.0911 to 176.0917, inclusive, ***and sections 2, 3 and 4 of this act,*** unless the context otherwise requires, "CODIS" means

the Combined DNA Indexing System operated by the Federal Bureau of Investigation.

Sec. 8. NRS 176.0913 is hereby amended to read as follows:

176.0913 1. If a defendant is convicted of an offense listed in subsection 4, the court, at sentencing, shall order that:

(a) The name, social security number, date of birth and any other information identifying the defendant be submitted to the Central Repository for Nevada Records of Criminal History; and

(b) A biological specimen be obtained from the defendant pursuant to the provisions of this section and that the specimen be used for an analysis to determine the genetic markers of the specimen.

2. If the defendant is committed to the custody of the Department of Corrections, the Department of Corrections shall arrange for the biological specimen to be obtained from the defendant. The Department of Corrections shall provide the specimen to the forensic laboratory that has been designated by the county in which the defendant was convicted to conduct or oversee genetic marker testing for the county pursuant to NRS 176.0917.

3. If the defendant is not committed to the custody of the Department of Corrections, the Division shall arrange for the biological specimen to be obtained from the defendant. The Division shall provide the specimen to the forensic laboratory that has been designated by the county in which the defendant was convicted to conduct or oversee genetic marker testing for the county pursuant to NRS 176.0917. Any cost that is incurred to obtain a biological specimen from a defendant pursuant to this subsection is a charge against the county in which the defendant was convicted and must be paid as provided in NRS 176.0915.

4. Except as otherwise provided in subsection 5, the provisions of subsection 1 apply to a defendant who is convicted of:

(a) A felony;

(b) A crime against a child as defined in NRS 179D.0357;

(c) A sexual offense as defined in NRS 179D.097;

(d) Abuse or neglect of an older person or a vulnerable person pursuant to NRS 200.5099;

(e) A second or subsequent offense for stalking pursuant to NRS 200.575;

(f) An attempt or conspiracy to commit an offense listed in paragraphs (a) to (e), inclusive;

(g) Failing to register with a local law enforcement agency as a convicted person as required pursuant to NRS 179C.100, if the defendant previously was:

(1) Convicted in this State of committing an offense listed in paragraph (a), (d), (e) or (f); or

(2) Convicted in another jurisdiction of committing an offense that would constitute an offense listed in paragraph (a), (d), (e) or (f) if committed in this State;

(h) Failing to register with a local law enforcement agency after being convicted of a crime against a child as required pursuant to NRS 179D.450; or

(i) Failing to register with a local law enforcement agency after being convicted of a sexual offense as required pursuant to NRS 179D.450.

5. A court shall not order a biological specimen to be obtained from a defendant who has previously submitted such a specimen ***pursuant to section 3 of this act or*** for conviction of a prior offense unless the court determines that an additional sample is necessary.

6. Except as otherwise authorized by federal law or by specific statute, a biological specimen obtained pursuant to this section, the results of a genetic marker analysis and any information identifying or matching a biological specimen with a person must not be shared with or disclosed to any person other than the authorized personnel who have possession and control of the biological specimen, results of a genetic marker analysis or information identifying or matching a biological specimen with a person, except pursuant to:

(a) A court order; or

(b) A request from a law enforcement agency during the course of an investigation.

7. A person who violates any provision of subsection 6 is guilty of a ~~[misdemeanor.]~~ ***category C felony and shall be punished as provided in NRS 193.130.***

Sec. 9. NRS 176.0915 is hereby amended to read as follows:

176.0915 1. If a biological specimen is obtained from a ~~[defendant]~~ ***person*** pursuant to NRS 176.0913 ~~[,]~~ ***or section 3 of this act, and the person is convicted of the offense for which the biological specimen was obtained,*** the court, in addition to any other penalty, shall order the ~~[defendant,]~~ ***person,*** to the extent of the ~~[defendant's]~~ ***person's*** financial ability, to pay the sum of $150 as a fee for obtaining the specimen and for conducting the analysis to determine the genetic markers of the specimen. The fee:

(a) Must be stated separately in the judgment of the court or on the docket of the court;

(b) Must be collected from the ~~[defendant]~~ ***person*** before or at the same time that any fine imposed by the court is collected from the ~~[defendant;]~~ ***person;*** and

(c) Must not be deducted from any fine imposed by the court.

2. All money that is collected pursuant to subsection 1 must be paid by the clerk of the court to the county treasurer on or before the fifth day of each month for the preceding month.

3. The board of county commissioners of each county shall by ordinance create in the county treasury a fund to be designated as the fund for genetic marker testing. The county treasurer shall deposit money that is collected pursuant to subsection 2 in the fund for genetic marker testing. The money must be accounted for separately within the fund.

4. Each month, the county treasurer shall use the money deposited in the fund for genetic marker testing to pay for the actual amount charged to the county for obtaining a biological specimen from a ~~[~~defendant~~]~~ ***person*** pursuant to NRS 176.0913 ~~[.]~~ ***or section 3 of this act.***

5. The board of county commissioners of each county may apply for and accept grants, gifts, donations, bequests or devises which the board of county commissioners shall deposit with the county treasurer for credit to the fund for genetic marker testing.

6. If money remains in the fund after the county treasurer makes the payments required by subsection 4, the county treasurer shall pay the remaining money each month to the forensic laboratory that is designated by the county pursuant to NRS 176.0917 to conduct or oversee genetic marker testing for the county. A forensic laboratory that receives money pursuant to this subsection shall use the money to cover any expense related to genetic marker testing.

Sec. 10. NRS 176.0917 is hereby amended to read as follows:

176.0917 1. The board of county commissioners of each county shall designate a forensic laboratory to conduct or oversee for the county any genetic marker testing that is ~~[~~ordered or arranged~~]~~ ***required*** pursuant to NRS 176.0913 or 176.0916 ~~[.]~~ ***or section 3 of this act.***

2. The forensic laboratory designated by the board of county commissioners pursuant to subsection 1:

(a) Must be operated by this State or one of its political subdivisions; and

(b) Must satisfy or exceed the standards for quality assurance that are established by the Federal Bureau of Investigation for participation in CODIS.

Sec. 11. NRS 179.225 is hereby amended to read as follows:

179.225 1. If the punishment of the crime is the confinement of the criminal in prison, the expenses must be paid from money appropriated to the Office of the Attorney General for that purpose, upon approval by the State Board of Examiners. After the appropriation is exhausted, the expenses must be paid from the Reserve for Statutory Contingency Account upon approval by the State Board of Examiners. In all other cases, they must be paid out of the county treasury in the county wherein the crime is alleged to have been committed. The expenses are:

(a) If the prisoner is returned to this State from another state, the fees paid to the officers of the state on whose governor the requisition is made;

(b) If the prisoner is returned to this State from a foreign country or jurisdiction, the fees paid to the officers and agents of this State or the United States; or

(c) If the prisoner is temporarily returned for prosecution to this State from another state pursuant to this chapter or chapter 178 of NRS and is then returned to the sending state upon completion of the prosecution, the fees paid to the officers and agents of this State,

➥ and the per diem allowance and travel expenses provided for state officers and employees generally incurred in returning the prisoner.

2. If a person is returned to this State pursuant to this chapter or chapter 178 of NRS and is convicted of, or pleads guilty, guilty but mentally ill or nolo contendere to, the criminal charge for which the person was returned or a lesser criminal charge, the court shall conduct an investigation of the financial status of the person to determine the ability to make restitution. In conducting the investigation, the court shall determine if the person is able to pay any existing obligations for:

(a) Child support;

(b) Restitution to victims of crimes; and

(c) Any administrative assessment required to be paid pursuant to NRS 62E.270, 176.059, 176.0611, 176.0613 and 176.062 ~~[.]~~ ***and section 2 of this act.***

3. If the court determines that the person is financially able to pay the obligations described in subsection 2, it shall, in addition to any other sentence it may impose, order the person to make restitution for the expenses incurred by the Attorney General or other governmental entity in returning the person to this State. The court shall not order the person to make restitution if payment of restitution will prevent the person from paying any existing obligations described in subsection 2. Any amount of restitution remaining unpaid constitutes a civil liability arising upon the date of the completion of the sentence.

4. The Attorney General may adopt regulations to carry out the provisions of this section.

Sec. 12. NRS 179A.075 is hereby amended to read as follows:

179A.075 1. The Central Repository for Nevada Records of Criminal History is hereby created within the Records and Technology Division of the Department.

2. Each agency of criminal justice and any other agency dealing with crime or delinquency of children shall:

(a) Collect and maintain records, reports and compilations of statistical data required by the Department; and

(b) Submit the information collected to the Central Repository in the manner approved by the Director of the Department.

3. Each agency of criminal justice shall submit the information relating to records of criminal history that it creates or issues, and any information in its possession relating to the genetic markers of a biological specimen of a person ~~[who is convicted of an offense listed in subsection 4 of]~~ ***from whom a biological specimen is obtained pursuant to*** NRS 176.0913 ~~[,]~~ ***or section 3 of this act,*** to the Division. The information must be submitted to the Division:

(a) Through an electronic network;

(b) On a medium of magnetic storage; or

(c) In the manner prescribed by the Director of the Department,

➥ within the period prescribed by the Director of the Department. If an agency has submitted a record regarding the arrest of a person who is later determined by the agency not to be the person who committed the particular crime, the agency shall, immediately upon making that determination, so notify the Division. The Division shall delete all references in the Central Repository relating to that particular arrest.

4. The Division shall, in the manner prescribed by the Director of the Department:

(a) Collect, maintain and arrange all information submitted to it relating to:

(1) Records of criminal history; and

(2) The genetic markers of a biological specimen of a person ~~[who is convicted of an offense listed in subsection 4 of]~~ ***from whom a biological specimen is obtained pursuant to*** NRS 176.0913 ~~[.]~~ ***or section 3 of this act.***

(b) When practicable, use a record of the personal identifying information of a subject as the basis for any records maintained regarding him or her.

(c) Upon request, provide the information that is contained in the Central Repository to the State Disaster Identification Team of the Division of Emergency Management of the Department.

5. The Division may:

(a) Disseminate any information which is contained in the Central Repository to any other agency of criminal justice;

(b) Enter into cooperative agreements with repositories of the United States and other states to facilitate exchanges of information that may be disseminated pursuant to paragraph (a); and

(c) Request of and receive from the Federal Bureau of Investigation information on the background and personal history of any person whose record of fingerprints the Central Repository submits to the Federal Bureau of Investigation and:

(1) Who has applied to any agency of the State of Nevada or any political subdivision thereof for a license which it has the power to grant or deny;

(2) With whom any agency of the State of Nevada or any political subdivision thereof intends to enter into a relationship of employment or a contract for personal services;

(3) Who has applied to any agency of the State of Nevada or any political subdivision thereof to attend an academy for training peace officers approved by the Peace Officers' Standards and Training Commission;

(4) For whom such information is required to be obtained pursuant to NRS 427A.735 and 449.179; or

(5) About whom any agency of the State of Nevada or any political subdivision thereof is authorized by law to have accurate personal information for the protection of the agency or the persons within its jurisdiction.

➥ To request and receive information from the Federal Bureau of Investigation concerning a person pursuant to this subsection, the Central Repository must receive the person's complete set of fingerprints from the agency or political subdivision and submit the fingerprints to the Federal Bureau of Investigation for its report.

6. The Central Repository shall:

(a) Collect and maintain records, reports and compilations of statistical data submitted by any agency pursuant to subsection 2.

(b) Tabulate and analyze all records, reports and compilations of statistical data received pursuant to this section.

(c) Disseminate to federal agencies engaged in the collection of statistical data relating to crime information which is contained in the Central Repository.

(d) Investigate the criminal history of any person who:

(1) Has applied to the Superintendent of Public Instruction for a license;

(2) Has applied to a county school district, charter school or private school for employment; or

(3) Is employed by a county school district, charter school or private school,

➥ and notify the superintendent of each county school district, the governing body of each charter school and the Superintendent of Public Instruction, or the administrator of each private school, as appropriate, if the investigation of the Central Repository indicates that the person has been convicted of a violation of NRS 200.508, 201.230, 453.3385, 453.339 or 453.3395, or convicted of a felony or any offense involving moral turpitude.

(e) Upon discovery, notify the superintendent of each county school district, the governing body of each charter school or the administrator of each private school, as appropriate, by providing the superintendent, governing body or administrator with a list of all persons:

(1) Investigated pursuant to paragraph (d); or

(2) Employed by a county school district, charter school or private school whose fingerprints were sent previously to the Central Repository for investigation,

➥ who the Central Repository's records indicate have been convicted of a violation of NRS 200.508, 201.230, 453.3385, 453.339 or 453.3395, or convicted of a felony or any offense involving moral turpitude since the Central Repository's initial investigation. The superintendent of each county school district, the governing body of a charter school or the administrator of each private school, as applicable, shall determine whether further investigation or action by the district, charter school or private school, as applicable, is appropriate.

(f) Investigate the criminal history of each person who submits fingerprints or has fingerprints submitted pursuant to NRS 427A.735, 449.176 or 449.179.

(g) On or before July 1 of each year, prepare and present to the Governor a printed annual report containing the statistical data relating to crime received during the preceding calendar year. Additional reports may be presented to the Governor throughout the year regarding specific areas of crime if they are approved by the Director of the Department.

(h) On or before July 1 of each year, prepare and submit to the Director of the Legislative Counsel Bureau for submission to the Legislature, or to the Legislative Commission when the Legislature is not in regular session, a report containing statistical data about domestic violence in this State.

(i) Identify and review the collection and processing of statistical data relating to criminal justice and the delinquency of children by any agency identified in subsection 2 and make recommendations for any necessary changes in the manner of collecting and processing statistical data by any such agency.

7. The Central Repository may:

(a) In the manner prescribed by the Director of the Department, disseminate compilations of statistical data and publish statistical reports relating to crime or the delinquency of children.

(b) Charge a reasonable fee for any publication or special report it distributes relating to data collected pursuant to this section. The Central Repository may not collect such a fee from an agency of criminal justice, any other agency dealing with crime or the delinquency of children which is required to submit information pursuant to subsection 2 or the State Disaster Identification Team of the Division of Emergency Management of the Department. All money collected pursuant to this paragraph must be used to pay for the cost of operating the Central Repository.

(c) In the manner prescribed by the Director of the Department, use electronic means to receive and disseminate information contained in the Central Repository that it is authorized to disseminate pursuant to the provisions of this chapter.

8. As used in this section:

(a) "Personal identifying information" means any information designed, commonly used or capable of being used, alone or in conjunction with any other information, to identify a person, including, without limitation:

(1) The name, driver's license number, social security number, date of birth and photograph or computer-generated image of a person; and

(2) The fingerprints, voiceprint, retina image and iris image of a person.

(b) "Private school" has the meaning ascribed to it in NRS 394.103.

Sec. 13. NRS 179D.150 is hereby amended to read as follows:

179D.150 A record of registration must include, if the information is available:

1. Information identifying the offender or sex offender, including, but not limited to:

(a) The name of the offender or sex offender and all aliases that the offender or sex offender has used or under which he or she has been known;

(b) A complete physical description of the offender or sex offender, a current photograph of the offender or sex offender and the fingerprints and palm prints of the offender or sex offender;

(c) The date of birth and the social security number of the offender or sex offender;

(d) The identification number from a driver's license or an identification card issued to the offender or sex offender by this State or any other jurisdiction and a photocopy of such driver's license or identification card;

(e) ***Information indicating whether the genetic marker analysis of the offender or sex offender has been entered in CODIS;***

(f) A report of the analysis of the genetic markers of the specimen obtained from the offender or sex offender pursuant to NRS 176.0913 ~~[;]~~ ***or section 3 of this act;*** and

~~[(f)]~~ ***(g)*** Any other information that identifies the offender or sex offender.

2. Information concerning the residence of the offender or sex offender, including, but not limited to:

(a) The address at which the offender or sex offender resides;

(b) The length of time the offender or sex offender has resided at that address and the length of time the offender or sex offender expects to reside at that address;

(c) The address or location of any other place where the offender or sex offender expects to reside in the future and the length of time the offender or sex offender expects to reside there; and

(d) The length of time the offender or sex offender expects to remain in the county where the offender or sex offender resides and in this State.

3. Information concerning the offender's or sex offender's occupations, employment or work or expected occupations, employment or work, including, but not limited to, the name, address and type of business of all current and expected future employers of the offender or sex offender.

4. Information concerning the offender's or sex offender's volunteer service or expected volunteer service in connection with any activity or organization within this State, including, but not limited to, the name, address and type of each such activity or organization.

5. Information concerning the offender's or sex offender's enrollment or expected enrollment as a student in any public or private educational institution or school within this State, including, but not limited to, the name, address and type of each such educational institution or school.

6. Information concerning whether:

(a) The offender or sex offender is, expects to be or becomes enrolled as a student at an institution of higher education or changes the date of commencement or termination of the offender or sex offender's enrollment at an institution of higher education; or

(b) The offender or sex offender is, expects to be or becomes a worker at an institution of higher education or changes the date of commencement or termination of the offender or sex offender's work at an institution of higher education,

➥ including, but not limited to, the name, address and type of each such institution of higher education.

7. The license plate number and a description of all motor vehicles registered to or frequently driven by the offender or sex offender.

8. The level of registration and community notification of the offender or sex offender.

9. The criminal history of the offender or sex offender, including, without limitation:

(a) The dates of all arrests and convictions of the offender or sex offender;

(b) The status of parole, probation or supervised release of the offender or sex offender;

(c) The status of the registration of the offender or sex offender; and

(d) The existence of any outstanding arrest warrants for the offender or sex offender.

10. The following information for each offense for which the offender or sex offender has been convicted:

(a) The court in which the offender or sex offender was convicted;

(b) The text of the provision of law defining each offense;

(c) The name under which the offender or sex offender was convicted;

(d) The name and location of each penal institution, school, hospital, mental facility or other institution to which the offender or sex offender was committed;

(e) The specific location where the offense was committed;

(f) The age, the gender, the race and a general physical description of the victim; and

(g) The method of operation that was used to commit the offense, including, but not limited to:

(1) Specific sexual acts committed against the victim;

(2) The method of obtaining access to the victim, such as the use of enticements, threats, forced entry or violence against the victim;

(3) The type of injuries inflicted on the victim;

(4) The types of instruments, weapons or objects used;

(5) The type of property taken; and

(6) Any other distinctive characteristic of the behavior or personality of the offender or sex offender.

11. Any other information required by federal law.

12. As used in this section, "CODIS" means the Combined DNA Index System operated by the Federal Bureau of Investigation.

Sec. 14. NRS 179D.443 is hereby amended to read as follows:

179D.443 When an offender convicted of a crime against a child or a sex offender registers with a local law enforcement agency as required pursuant

to NRS 179D.445, 179D.460 or 179D.480, or updates the registration as required pursuant to NRS 179D.447:

1. The offender or sex offender shall provide the local law enforcement agency with the following:

(a) The name of the offender or sex offender and all aliases that the offender or sex offender has used or under which the offender or sex offender has been known;

(b) The social security number of the offender or sex offender;

(c) The address of any residence or location at which the offender or sex offender resides or will reside;

(d) The name and address of any place where the offender or sex offender is a worker or will be a worker;

(e) The name and address of any place where the offender or sex offender is a student or will be a student;

(f) The license plate number and a description of all motor vehicles registered to or frequently driven by the offender or sex offender; and

(g) Any other information required by federal law.

2. If the offender or sex offender has not previously provided a biological specimen pursuant to NRS 176.0913 or 176.0916, ***or section 3 of this act,*** the offender or sex offender shall provide a biological specimen to the local law enforcement agency. The local law enforcement agency shall provide the specimen to the forensic laboratory that has been designated by the county in which the offender or sex offender resides, is present or is a worker or student to conduct or oversee genetic marker testing for the county pursuant to NRS 176.0917.

3. The local law enforcement agency shall ensure that the record of registration of the offender or sex offender includes, without limitation:

(a) A complete physical description of the offender or sex offender, a current photograph of the offender or sex offender and the fingerprints and palm prints of the offender or sex offender;

(b) The text of the provision of law defining each offense for which the offender or sex offender is required to register;

(c) The criminal history of the offender or sex offender, including, without limitation:

(1) The dates of all arrests and convictions of the offender or sex offender;

(2) The status of parole, probation or supervised release of the offender or sex offender;

(3) The status of the registration of the offender or sex offender; and

(4) The existence of any outstanding arrest warrants for the offender or sex offender;

(d) A report of the analysis of the genetic markers of the specimen obtained from the offender or sex offender;

(e) ***Information indicating whether the genetic marker analysis of the offender or sex offender has been entered in CODIS;***

(f) The identification number from a driver's license or an identification card issued to the offender or sex offender by this State or any other jurisdiction and a photocopy of such driver's license or identification card; and

~~[(f)]~~ ***(g)*** Any other information required by federal law.

4. As used in this section, "CODIS" means the Combined DNA Index System operated by the Federal Bureau of Investigation.

Sec. 15. NRS 211.245 is hereby amended to read as follows:

211.245 1. If a prisoner fails to make a payment within 10 days after it is due, the district attorney for a county or the city attorney for an incorporated city may file a civil action in any court of competent jurisdiction within this State seeking recovery of:

(a) The amount of reimbursement due;

(b) Costs incurred in conducting an investigation of the financial status of the prisoner; and

(c) Attorney's fees and costs.

2. A civil action brought pursuant to this section must:

(a) Be instituted in the name of the county or city in which the jail, detention facility or alternative program is located;

(b) Indicate the date and place of sentencing, including, without limitation, the name of the court which imposed the sentence;

(c) Include the record of judgment of conviction, if available;

(d) Indicate the length of time served by the prisoner and, if the prisoner has been released, the date of his or her release; and

(e) Indicate the amount of reimbursement that the prisoner owes to the county or city.

3. The county or city treasurer of the county or incorporated city in which a prisoner is or was confined shall determine the amount of reimbursement that the prisoner owes to the city or county. The county or city treasurer may render a sworn statement indicating the amount of reimbursement that the prisoner owes and submit the statement in support of a civil action brought pursuant to this section. Such a statement is prima facie evidence of the amount due.

4. A court in a civil action brought pursuant to this section may award a money judgment in favor of the county or city in whose name the action was brought.

5. If necessary to prevent the disposition of the prisoner's property by the prisoner, or the prisoner's spouse or agent, a county or city may file a motion for a temporary restraining order. The court may, without a hearing, issue ex parte orders restraining any person from transferring, encumbering, hypothecating, concealing or in any way disposing of any property of the prisoner, real or personal, whether community or separate, except for necessary living expenses.

6. The payment, pursuant to a judicial order, of existing obligations for:

(a) Child support or alimony;

(b) Restitution to victims of crimes; and

(c) Any administrative assessment required to be paid pursuant to NRS 62E.270, 176.059, 176.0611, 176.0613 and 176.062, ***and section 2 of this act,***

➥ has priority over the payment of a judgment entered pursuant to this section.

Sec. 16. NRS 249.085 is hereby amended to read as follows:

249.085 On or before the 15th day of each month, the county treasurer shall report to the State Controller the amount of the administrative assessments paid by each justice court for the preceding month pursuant to NRS 176.059 and 176.0613 ~~.~~ ***and section 2 of this act.***

Sec. 17. The amendatory provisions of this act apply to a person arrested on or after July 1, 2012.

Sec. 18. 1. This section and sections 1, 2, 5, 6, 7, 11, 15 and 16 of this act become effective on July 1, 2011.

2. Sections 3, 4, 8, 9, 10, 12, 13, 14 and 17 of this act become effective on July 1, 2012.

Assemblywoman Smith moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, reengrossed, and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Conklin moved that Senate Bills Nos. 18, 30, 37, 59, 94, 128, 132, 142, 149, 152, 159, 182, 186, 205, 213, 259, 267, 277, 293, 294, 317, 329, 411, 420, and 445 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 25, 2011

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bill No. 566.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 313.

The following Senate amendment was read:

Amendment No. 572.

JOINT SPONSOR: SENATOR GUSTAVSON

AN ACT relating to child custody; providing for the expiration by operation of law of certain orders modifying custody and visitation of children for persons who are members of the military; authorizing a court to

delegate the visitation rights of a member of the military to a family member of the member of the military under certain circumstances; requiring a court, under certain circumstances, to provide an expedited hearing concerning custody or visitation matters to allow participation in such a hearing by affidavit or electronic means, or to both hold an expedited hearing and allow such participation; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that an award of child custody or visitation may only be made by considering the best interest of the child. (NRS 125.480, 125C.010) Existing law further provides that the court is authorized, with certain exceptions, to modify its order at any time. (NRS 125.510) **Section 10** of this bill prohibits a court from entering a final order modifying the terms of an existing custody or visitation order of a parent or legal guardian who is a member of the military and who has received mandatory written orders for deployment until 90 days after the deployment ends. **Section 11** of this bill provides that deployment or the potential for future deployment of a parent or legal guardian must not, by itself, constitute a substantial change sufficient to justify a permanent modification of a custody or visitation order.

Section 12 of this bill authorizes a court to modify a custody or visitation order to reasonably accommodate the deployment of a parent or legal guardian and deems any such modification to be a temporary order. **Section 13** of this bill provides, with certain exceptions, that such a temporary order expires automatically upon the completion of the deployment and the custody or visitation order that was in place before the order was modified by the temporary order is automatically reinstated.

Section 15 of this bill authorizes a court to delegate the visitation rights of the parent or legal guardian who is deployed to a family member of the parent or legal guardian under certain circumstances.

Section 14 of this bill requires a court, upon a motion of a parent or legal guardian who is deployed or has received mandatory written orders for deployment and ~~[who is prevented by military duties from appearing]~~ **whose ability, or anticipated ability, to appear** in person at a regularly scheduled hearing concerning custody or visitation matters ~~[,]~~ **is materially affected by his or her military duties,** to: (1) hold an expedited hearing; (2) allow the parent or legal guardian to present testimony and evidence by affidavit or electronic means; or (3) both hold an expedited hearing and allow testimony and evidence to be presented by affidavit or electronic means.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 125.510 is hereby amended to read as follows:

125.510 1. In determining the custody of a minor child in an action brought pursuant to this chapter, the court may, except as otherwise provided in this section and chapter 130 of NRS ~~[.]~~ ***and sections 3 to 20, inclusive, of this act:***

(a) During the pendency of the action, at the final hearing or at any time thereafter during the minority of any of the children of the marriage, make such an order for the custody, care, education, maintenance and support of the minor children as appears in their best interest; and

(b) At any time modify or vacate its order, even if the divorce was obtained by default without an appearance in the action by one of the parties.

➥ The party seeking such an order shall submit to the jurisdiction of the court for the purposes of this subsection. The court may make such an order upon the application of one of the parties or the legal guardian of the minor.

2. Any order for joint custody may be modified or terminated by the court upon the petition of one or both parents or on the court's own motion if it is shown that the best interest of the child requires the modification or termination. The court shall state in its decision the reasons for the order of modification or termination if either parent opposes it.

3. Any order for custody of a minor child or children of a marriage entered by a court of another state may, subject to ***the provisions of sections 3 to 20, inclusive, of this act and to*** the jurisdictional requirements in chapter 125A of NRS, be modified at any time to an order of joint custody.

4. A party may proceed pursuant to this section without counsel.

5. Any order awarding a party a limited right of custody to a child must define that right with sufficient particularity to ensure that the rights of the parties can be properly enforced and that the best interest of the child is achieved. The order must include all specific times and other terms of the limited right of custody. As used in this subsection, "sufficient particularity" means a statement of the rights in absolute terms and not by the use of the term "reasonable" or other similar term which is susceptible to different interpretations by the parties.

6. All orders authorized by this section must be made in accordance with the provisions of chapter 125A of NRS ***and sections 3 to 20, inclusive, of this act*** and must contain the following language:

PENALTY FOR VIOLATION OF ORDER: THE ABDUCTION, CONCEALMENT OR DETENTION OF A CHILD IN VIOLATION OF THIS ORDER IS PUNISHABLE AS A CATEGORY D FELONY AS PROVIDED IN NRS 193.130. NRS 200.359 provides that every person having a limited right of custody to a child or any parent having no right of custody to the child who willfully detains, conceals or removes the child from a parent, guardian or other person having lawful custody or a right of visitation of the child in violation of an order of this court, or removes the child from the jurisdiction of the court without the consent of either the court or all persons who have the right to custody or visitation is subject to being punished for a category D felony as provided in NRS 193.130.

7. In addition to the language required pursuant to subsection 6, all orders authorized by this section must specify that the terms of the Hague Convention of October 25, 1980, adopted by the 14th Session of the Hague

Conference on Private International Law, apply if a parent abducts or wrongfully retains a child in a foreign country.

8. If a parent of the child lives in a foreign country or has significant commitments in a foreign country:

(a) The parties may agree, and the court shall include in the order for custody of the child, that the United States is the country of habitual residence of the child for the purposes of applying the terms of the Hague Convention as set forth in subsection 7.

(b) Upon motion of one of the parties, the court may order the parent to post a bond if the court determines that the parent poses an imminent risk of wrongfully removing or concealing the child outside the country of habitual residence. The bond must be in an amount determined by the court and may be used only to pay for the cost of locating the child and returning the child to his or her habitual residence if the child is wrongfully removed from or concealed outside the country of habitual residence. The fact that a parent has significant commitments in a foreign country does not create a presumption that the parent poses an imminent risk of wrongfully removing or concealing the child.

9. Except where a contract providing otherwise has been executed pursuant to NRS 123.080, the obligation for care, education, maintenance and support of any minor child created by any order entered pursuant to this section ceases:

(a) Upon the death of the person to whom the order was directed; or

(b) When the child reaches 18 years of age if the child is no longer enrolled in high school, otherwise, when the child reaches 19 years of age.

10. As used in this section, a parent has "significant commitments in a foreign country" if the parent:

(a) Is a citizen of a foreign country;

(b) Possesses a passport in his or her name from a foreign country;

(c) Became a citizen of the United States after marrying the other parent of the child; or

(d) Frequently travels to a foreign country.

Sec. 2. Chapter 125C of NRS is hereby amended by adding thereto the provisions set forth as sections 3 to 20, inclusive, of this act.

Sec. 3. ***As used in sections 3 to 20, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 4 to 9, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 4. ***"Custody or visitation order" means:***

1. A judgment, decree or order issued by a court of competent jurisdiction in this State which provides for custody or visitation with respect to a child; and

2. A judgment, decree or order issued by a court of another state which provides for custody or visitation with respect to a child if the judgment, decree or order has been registered in this State pursuant to NRS 125A.465.

Sec. 5. ***"Deployment" means the transfer or reassignment of a member of the military, unaccompanied by any family member, on active duty status in support of combat or another military operation, including, without limitation, temporary duty. The term does not include annual training of a reserve component of the Armed Forces of the United States or of the National Guard.***

Sec. 6. ***"Member of the military" means a person who is presently serving in the Armed Forces of the United States, a reserve component thereof or the National Guard.***

Sec. 7. ***"Parent" means a parent or legal guardian of a child under the age of 18 years.***

Sec. 8. ***"Parent who received orders for deployment" means a parent who has received mandatory written orders for deployment and who is awaiting deployment or has been deployed pursuant to those orders.***

Sec. 9. ***"Temporary duty" means the transfer of a member of the military, unaccompanied by any family member, from a military base to a different location, including, without limitation, another military base, for a limited time to accomplish training or to assist in the performance of a combat mission.***

Sec. 10. ***1. Except as otherwise provided in subsection 2, if a parent who is a member of the military and who has been awarded sole or joint custody or visitation of a child receives mandatory written orders for deployment, the court shall not enter a final order modifying the terms of the existing custody or visitation order until 90 days after the termination of the parent's deployment.***

2. If the matter was fully adjudicated by a court before the parent's deployment, the court may enter such a final order at any time.

Sec. 11. ***Deployment or the potential for future deployment must not, by itself, constitute a substantial change in circumstances sufficient to warrant a permanent modification of a custody or visitation order.***

Sec. 12. ***1. The court may temporarily modify a custody or visitation order to reasonably accommodate the deployment of a parent. Any such modification by the court of a custody or visitation order shall be deemed a temporary order.***

2. A temporary order issued pursuant to subsection 1 must:

(a) Unless the court determines it is not in the best interest of the child, grant the parent who received orders for deployment reasonable custody or visitation during periods of approved military leave if the existing custody or visitation order granted that parent custody or visitation before deployment;

(b) Include any restrictions concerning custody or visitation set forth in the existing custody or visitation order;

(c) Specify that deployment is the reason for the modification of the existing custody or visitation order; and

(d) Require the other parent to provide the court and the parent who received orders for deployment with written notice of any change of his or her address or telephone number as soon as practicable but not later than 30 days after such change.

3. In issuing a temporary order pursuant to subsection 1, the court shall consider issuing any such appropriate temporary order as will ensure the ability of the parent who received orders for deployment to maintain frequent and continuing contact with the child by means that are reasonably available.

Sec. 13. ***1. Except as otherwise provided in subsection 2, a temporary order issued pursuant to section 12 of this act expires by operation of law upon the completion of the parent's deployment and the previous custody or visitation order is reinstated.***

2. The court may, upon a motion alleging immediate danger of irreparable harm to the child, hold an expedited hearing concerning custody or visitation upon the completion of the parent's deployment.

Sec. 14. ***1. If the military duties [prevent] of a parent who received orders for deployment [from appearing] have a material effect on the ability, or anticipated ability, of the parent to appear in person at a regularly scheduled hearing concerning any custody or visitation matters, the court shall, upon a motion of that parent and for good cause shown:***

(a) Hold an expedited hearing;

(b) Allow the parent who received orders for deployment to present testimony and evidence by affidavit or electronic means; or

(c) Both hold an expedited hearing pursuant to paragraph (a) and allow testimony and evidence to be presented pursuant to paragraph (b).

2. As used in this section, "electronic means" includes, without limitation, telephone, videoconference or the Internet.

Sec. 15. ***1. Upon a motion by the parent who received orders for deployment, the court may delegate his or her visitation rights, or a portion of those rights, to a family member of that parent who has a substantial relationship with the child if the court determines that such delegated visitation is in the best interest of the child.***

2. In determining whether visitation rights should be delegated to a family member pursuant to subsection 1, the court shall consider the factors set forth in paragraphs (a) to (i), inclusive, of subsection 6 of NRS 125C.050.

3. Any visitation rights delegated to a family member pursuant to subsection 1 terminate upon:

(a) The expiration of a temporary order pursuant to section 13 of this act; or

(b) A showing that the delegated visitation is no longer in the best interest of the child.

4. Nothing in this section increases the authority of a family member who is delegated visitation rights pursuant to subsection 1 to seek separate visitation rights of the child pursuant to NRS 125C.050.

Sec. 16. ***If a custody or visitation order has not been issued and a parent's deployment is imminent, the court shall, upon a motion of either parent, hold an expedited hearing for the purpose of issuing a temporary order establishing the custody and visitation arrangement in accordance with sections 3 to 20, inclusive, of this act.***

Sec. 17. ***1. If military necessity precludes court adjudication before deployment, the parent who received orders for deployment and the other parent shall cooperate with and provide information to each other in an effort to reach a mutually agreeable resolution with regard to custody and visitation matters.***

2. Except as otherwise provided in this subsection, the parent who received orders for deployment shall, within 10 days after receiving the orders, provide a copy of the orders to the other parent. If the date of deployment is less than 10 days after receipt of the orders, a copy of the orders must be provided immediately to the other parent.

Sec. 18. ***1. If a court in this State has issued a custody or visitation order, the absence of a child from this State during the deployment of a parent shall be deemed a temporary absence for the purposes of NRS 125A.085 and 125A.135 and this State retains exclusive, continuing jurisdiction as provided in NRS 125A.315.***

2. The deployment of a parent may not be used as a basis to assert the issue of inconvenient forum pursuant to NRS 125A.365.

Sec. 19. ***In making a determination pursuant to sections 3 to 20, inclusive, of this act, a court may award costs and reasonable attorney's fees against any parent:***

1. Who the court determines caused unreasonable delays;

2. Who failed to provide any information required pursuant to sections 3 to 20, inclusive, of this act; and

3. In such other circumstances as the court deems proper.

Sec. 20. ***The provisions of sections 3 to 20, inclusive, of this act do not apply to any custody or visitation arrangement requested in a verified application for a temporary or extended order for protection against domestic violence filed pursuant to NRS 33.020.***

Assemblyman Horne moved that the Assembly concur in the Senate amendment to Assembly Bill No. 313.

Remarks by Assemblyman Horne.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Assembly Bill No. 249.

The following Senate amendment was read:

Amendment No. 577.

AN ACT relating to court reporters; making various changes pertaining to the appointment, duties and work product of court reporters in the district courts and justice courts of this State; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1 of this bill provides that a business organization appointed to provide to a district court the services of a certified court reporter must be licensed by the Certified Court Reporters' Board of Nevada. (NRS 3.320) **Section 2** of this bill clarifies that an official reporter pro tempore of a district court is appointed rather than employed and, like the official reporter he or she replaces, does not have a fixed term of employment. (NRS 3.320, 3.340) **Section 3** of this bill states that prima facie evidence of the testimony and proceedings in a district court is provided by the transcript and not the report of the official reporter. (NRS 3.360) **Section 4** of this bill makes various changes with respect to the compensation of the official reporter of a district court. (NRS 3.370) **Section 5** of this bill provides that, when sound recording equipment is used to record proceedings in a district court and a transcript is subsequently made: (1) the person who transcribes the recording shall subscribe to an oath that he or she has truly and correctly transcribed the proceedings as recorded; and (2) the person who operates the sound recording equipment shall subscribe to an oath that the sound recording is a true and accurate recording of the proceedings and, in the event of an error, malfunction or other problem relating to the sound recording equipment or the sound recording, report that error, malfunction or problem to the court. **Section 5 also requires a copy of a sound recording, if requested, to be provided with a requested transcript. The cost for providing the recording must not exceed the actual cost of producing the recording and must be paid by the party who requests the recording.** (NRS 3.380) **Section 6** of this bill states that, with regard to proceedings in a justice court, compensation for the preparation of a transcript is to be deposited with the certified court reporter and not with the deputy clerk of the court. (NRS 4.410) **Section 7** of this bill provides that: (1) the sound recording of each proceeding in justice court must be preserved until at least 1 year, instead of 30 days, after the time for filing an appeal expires; and (2) with respect to certain criminal proceedings in a justice court, sound recordings must be preserved for a period of at least 8 years. (NRS 4.420)

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 3.320 is hereby amended to read as follows:

3.320 1. The judge or judges of any district court may appoint, subject to the provisions of this chapter and other laws as to the qualifications and examinations of the appointee, one certified court reporter, to be known as official reporter of the court or department and to hold office during the pleasure of the judge appointing the official reporter. The appointee may be

any business organization ***licensed by the Board*** if the person representing ~~[it,]~~ ***the business organization,*** who actually performs the reporting service, is a certified court reporter.

2. The official reporter, or any one of them if there are two or more, shall:

(a) At the request of either party or of the court in a civil action or proceeding, and on the order of the court, the district attorney or the attorney for the defendant in a criminal action or proceeding, make a record of all the testimony, the objections made, the rulings of the court, the exceptions taken, all arraignments, pleas and sentences of defendants in criminal cases, and all statements and remarks made by the district attorney or judge, and all oral instructions given by the judge; and

(b) ~~[If]~~ ***When*** directed by the court or requested by either party, within such reasonable time after the trial of the case as may be designated by law or, in the absence of any law relating thereto, by the court, ~~[write out the record, or such specific portions thereof as may be requested, in plain and legible longhand, or by typewriter or other printing machine.]~~ ***transcribe the record into a written transcript.*** The reporter shall certify ~~[to that copy as being]~~ ***that the action or proceeding was*** correctly reported and transcribed and, when directed by the law or court, shall file ~~[it]~~ ***the written transcript*** with the clerk of the court.

3. As used in this section, "Board" means the Certified Court Reporters' Board of Nevada, created by NRS 656.040.

Sec. 2. NRS 3.340 is hereby amended to read as follows:

3.340 The official reporter of any district court shall attend to the duties of office in person except when excused for good and sufficient reason by order of the court, which order shall be entered upon the minutes of the court. Employment in his or her professional capacity elsewhere shall not be deemed a good and sufficient reason for such excuse. When the official reporter of any court has been excused in the manner provided in this section, the court may designate an official reporter pro tempore who shall perform the same duties and receive the same compensation during the term of his or her ~~[employment]~~ ***appointment*** as the official reporter.

Sec. 3. NRS 3.360 is hereby amended to read as follows:

3.360 The ~~[report]~~ ***transcript*** of the official reporter, or official reporter pro tempore, of any court, duly appointed and sworn, when transcribed and certified as being a correct transcript of the testimony and proceedings in the case, is prima facie evidence of such testimony and proceedings.

Sec. 4. NRS 3.370 is hereby amended to read as follows:

3.370 1. Except as otherwise provided in subsection 3, for his or her services the official reporter or reporter pro tempore is entitled to the following compensation:

(a) For being available to report civil and criminal testimony and proceedings when the court is sitting during traditional business hours on any

day except Saturday or Sunday, $170 per day, to be paid by the county as provided in subsection 4.

(b) For being available to report civil and criminal testimony and proceedings when the court is sitting beyond traditional business hours or on Saturday or Sunday:

(1) If the reporter has been available to report for at least 4 hours, $35 per hour for each hour of availability; or

(2) If the reporter has been available to report for fewer than 4 hours, a pro rata amount based on the daily rate set forth in paragraph (a),

➥ to be paid by the county as provided in subsection 4.

(c) For transcription:

(1) Except as otherwise provided in subparagraph (2), for the original draft and any copy to be delivered:

(I) Within 24 hours after it is requested, $7.50 per page for the original draft and one copy, and $2 per page for each additional copy;

(II) Within 48 hours after it is requested, $5.62 per page for the original draft and one copy, and $1.50 per page for each additional copy;

(III) Within 4 days after it is requested, $4.68 per page for the original draft and one copy, and $1.25 per page for each additional copy; or

(IV) More than 4 days after it is requested, $3.55 per page for the original draft and one copy, and 55 cents per page for each additional copy.

(2) For civil litigants who are ordering the original draft and are represented by a nonprofit legal corporation or a program for pro bono legal assistance, for the original draft and any copy to be delivered:

(I) Within 24 hours after it is requested, $5.50 per page and $1.10 per page for each additional copy;

(II) Within 48 hours after it is requested, $4.13 per page and 83 cents per page for each additional copy;

(III) Within 4 days after it is requested, $3.44 per page and 69 cents per page for each additional copy; or

(IV) More than 4 days after it is requested, $2.75 per page and 55 cents per page for each additional copy.

(3) For any party other than the party ordering the original draft, for the copy of the draft to be delivered:

(I) Within 24 hours after it is requested, $1.10 per page;

(II) Within 48 hours after it is requested, 83 cents per page;

(III) Within 4 days after it is requested, 69 cents per page; or

(IV) More than 4 days after it is requested, 55 cents per page.

(d) For reporting all civil matters, in addition to the compensation provided in paragraphs (a) and (b), $30 for each hour or fraction thereof actually spent, to be taxed as costs pursuant to subsection 5.

(e) For providing an instantaneous translation of testimony into English which appears on a computer that is located at a table in the courtroom where the attorney who requested the translation is seated:

(1) Except as otherwise provided in this subparagraph, in all criminal matters in which a party requests such a translation, in addition to the compensation provided pursuant to paragraphs (a) and (b), $140 for the first day and $90 per day for each subsequent day from the party who makes the request. This additional compensation must be paid by the county as provided pursuant to subsection 4 only if the court issues an order granting the translation service to the prosecuting attorney or to an indigent defendant who is represented by a county or state public defender.

(2) In all civil matters in which a party requests such a translation, in addition to the compensation provided pursuant to paragraphs (a), (b) and (d), $140 for the first day and $90 per day for each subsequent day, to be paid by the party who requests the translation.

(f) For providing a diskette containing testimony prepared from a translation provided pursuant to paragraph (e):

(1) Except as otherwise provided in this subparagraph, in all criminal matters in which a party requests the diskette and the reporter agrees to provide the diskette, in addition to the compensation provided pursuant to paragraphs (a), (b) and (e), $1.50 per page of the translation contained on the diskette from the party who makes the request. This additional compensation must be paid by the county as provided pursuant to subsection 4 only if the court issues an order granting the diskette to the prosecuting attorney or to an indigent defendant who is represented by a county or state public defender.

(2) In all civil matters in which a party requests the diskette and the reporter agrees to provide the diskette, in addition to the compensation provided pursuant to paragraphs (a), (b), (d) and (e), $1.50 per page of the translation contained on the diskette, to be paid by the party who requests the diskette.

2. For the purposes of subsection 1, a page is a sheet of paper 8 1/2 by 11 inches ~~[.]~~ ***and does not include a condensed transcript.*** The left margin must not be more than 1 1/2 inches from the left edge of the paper. The right margin must not be more than three-fourths of an inch from the right edge of the paper. Each sheet must be numbered on the left margin and must contain at least 24 lines of type. The first line of each question and of each answer may be indented not more than five spaces from the left margin. The first line of any paragraph or other material may be indented not more than 10 spaces from the left margin. There must not be more than one space between words or more than two spaces between sentences. The type size must not be larger than 10 characters per inch. The lines of type may be double spaced or one and one-half spaced.

3. If the court determines that the services of more than one reporter are necessary to deliver transcripts on a daily basis in a criminal proceeding, each reporter is entitled to receive:

(a) The compensation set forth in paragraphs (a) and (b) of subsection 1 and subparagraph (1) of paragraph (e) of subsection 1, as appropriate; and

(b) Compensation of $7.50 per page for the original draft and one copy, and $2 per page for each additional copy for transcribing a proceeding of which the transcripts are ordered by the court to be delivered on or before the start of the next day the court is scheduled to conduct business.

4. The compensation specified in paragraphs (a) and (b) of subsection 1, the compensation for transcripts in criminal cases ordered by the court to be made, the compensation for transcripts in civil cases ordered by the court pursuant to NRS 12.015, the compensation for transcripts for parents or guardians or attorneys of parents or guardians who receive transcripts pursuant to NRS 432B.459, the compensation in criminal cases that is ordered by the court pursuant to subparagraph (1) of paragraph (e) and subparagraph (1) of paragraph (f) of subsection 1 and the compensation specified in subsection 3 must be paid out of the county treasury upon the order of the court. When there is no official reporter in attendance and a reporter pro tempore is appointed, his or her reasonable expenses for traveling and detention must be fixed and allowed by the court and paid in the same manner. The respective district judges may, with the approval of the respective board or boards of county commissioners within the judicial district, fix a monthly salary to be paid to the official reporter in lieu of per diem. The salary, and also actual traveling expenses in cases where the reporter acts in more than one county, must be prorated by the judge on the basis of time consumed by work in the respective counties and must be paid out of the respective county treasuries upon the order of the court.

5. Except as otherwise provided in subsection 4, in civil cases, the compensation prescribed in paragraph (d) of subsection 1 and for transcripts ordered by the court to be made must be paid by the parties in equal proportions, and either party may, at the party's option, pay the entire compensation. In either case, all amounts so paid by the party to whom costs are awarded must be taxed as costs in the case. The compensation for transcripts and copies ordered by the parties must be paid by the party ordering them. No reporter may be required to perform any service in a civil case until his or her compensation has been paid to him or her **.** ~~[or deposited with the clerk of the court.]~~

6. Where a transcript is ordered by the court or by any party, the compensation for ~~[it]~~ ***the transcript*** must be paid to the ~~[clerk of the court and by the clerk paid to the]~~ reporter ~~[upon]~~ ***before*** the furnishing of the transcript.

~~[7.]~~ ~~[The testimony and proceedings in an uncontested divorce action need not be transcribed unless requested by a party or ordered by the court.]~~ ~~*[If a proceeding is recorded and a transcript is requested, a copy of any sound recording must, if requested, be provided with the transcript. The cost for providing the sound recording must not exceed the actual cost of production and must be paid by the party who requests the sound recording.]*~~

Sec. 5. NRS 3.380 is hereby amended to read as follows:

3.380 1. The judge or judges of any district court may, with the approval of the board of county commissioners of any one or more of the counties comprising such district, in addition to the appointment of a court reporter as in this chapter provided, enter an order for the installation of sound recording equipment for use in any of the instances recited in NRS 3.320, for the recording of any civil and criminal proceedings, testimony, objections, rulings, exceptions, arraignments, pleas, sentences, statements and remarks made by the district attorney or judge, oral instructions given by the judge and any other proceedings occurring in civil or criminal actions or proceedings, or special proceedings whenever and wherever and to the same extent as any of such proceedings have heretofore under existing statutes been recorded by the official reporter or any special reporter or any reporter pro tempore appointed by the court.

2. For the purpose of operating such sound recording equipment, the court or judge may appoint or designate the official reporter or a special reporter or reporter pro tempore or the county clerk or clerk of the court or deputy clerk. The person so operating such sound recording equipment shall subscribe to an oath that he or she will well and truly operate the equipment so as to record all of the matters and proceedings.

3. The court may then designate the person operating such equipment or any other competent person to ~~[read]~~ ***listen to*** the recording and to transcribe ~~[it]~~ ***the recording*** into ~~[typewriting.]~~ ***written text.*** The person ~~[transcribing]~~ ***who:***

(a) Transcribes the recording shall subscribe to an oath that he or she has truly and correctly transcribed ~~[it.]~~ ***the proceedings as recorded.***

(b) Operates the sound recording equipment as described in subsection 2 shall:

(1) Subscribe to an oath that the sound recording is a true and accurate recording of the proceedings; and

(2) In the event of an error, malfunction or other problem relating to the sound recording equipment or the sound recording, report that error, malfunction or problem to the court.

4. The transcript may be used for all purposes for which transcripts have heretofore been received and accepted under then existing statutes, including transcripts of testimony and transcripts of proceedings as constituting bills of exceptions or part of the bill of exceptions on appeals in all criminal cases and transcripts of the evidence or proceedings as constituting the record on appeal in civil cases and including transcripts of preliminary hearings before justices of the peace and other committing magistrates, and are subject to correction in the same manner as transcripts under existing statutes.

5. ***If a proceeding is recorded and a transcript is requested, a copy of the sound recording must, if requested, be provided with the transcript. The cost for providing the sound recording must not exceed the actual cost of production and must be paid by the party who requests the sound recording.***

6. In civil and criminal cases when the court has ordered the use of such sound recording equipment, any party to the action, at the party's own expense, may provide a certified court reporter to make a record of and transcribe all the matters of the proceeding. In such a case, the record prepared by sound recording is the official record of the proceedings, unless it fails or is incomplete because of equipment or operational failure, in which case the record prepared by the certified court reporter shall be deemed, for all purposes, the official record of the proceedings.

Sec. 6. NRS 4.410 is hereby amended to read as follows:

4.410 1. If the person designated to transcribe the proceedings is:

(a) Regularly employed as a public employee, the person is not entitled to additional compensation for preparing the transcript.

(b) Not regularly employed as a public employee and not a certified court reporter, the person is entitled to such compensation for preparing the transcript as the board of county commissioners determines.

(c) A certified court reporter, the person is entitled to the same compensation as set forth in NRS 3.370.

2. The compensation for transcripts and copies must be paid by the party ordering them. In a civil case, the preparation of the transcript need not commence until the compensation has been deposited with the ~~[deputy clerk of the court.]~~ ***court reporter.***

Sec. 7. NRS 4.420 is hereby amended to read as follows:

4.420 ~~[The]~~

1. Except as otherwise provided in this section:

(a) The sound recording of each proceeding in justice court must be preserved until at least ~~[30 days]~~ ***1 year*** after the time for filing an appeal expires.

(b) With respect to a proceeding in justice court that involves a misdemeanor for which enhanced penalties may be imposed, a gross misdemeanor or a felony, the sound recording of the proceeding must be preserved for at least 8 years after the time for filing an appeal expires.

2 .If no appeal is taken, the justice of the peace may order the destruction of the recording at any time after ~~[that date.]~~ ***the date specified in subsection 1.***

3. If there is an appeal to the district court, the sound recording must be preserved until at least 30 days after final disposition of the case on appeal, but the justice of the peace may order the destruction of the recording at any time after that date.

Sec. 8. This act becomes effective upon passage and approval.

Assemblyman Horne moved that the Assembly concur in the Senate amendment to Assembly Bill No. 249.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Assembly Bill No. 109.

The following Senate amendment was read:

Amendment No. 558.

AN ACT relating to secured transactions; enacting the amendments to Article 9 of the Uniform Commercial Code; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law contains Article 9 of the Uniform Commercial Code, the uniform law governing secured transactions. This bill enacts the 2010 amendments to Article 9.

Sections 2-9 and 25 of this bill provide that the amendments to Article 9 become effective on July 1, 2013, and enact the transitional rules included in those amendments.

Section 10 of this bill enacts the uniform amendments to the definitions of certain terms which are defined for the purposes of Article 9.

Existing law provides that a secured party may perfect a security interest in electronic chattel paper by obtaining control of the electronic chattel paper. **Section 11** of this bill enacts the uniform amendments to the rule governing whether a secured party has such control.

Existing law provides that, in certain circumstances, the law of the jurisdiction in which a debtor is located governs the perfection and priority of a security interest. (NRS 104.9301) **Section 12** of this bill enacts the uniform amendments to the rules for determining the location of an organization that is organized under the law of the United States and the location of a branch or agency of a bank that is not organized under the law of the United States or a state.

Section 13 of this bill enacts the uniform amendments to the rules governing the perfection of a security interest in property covered by a certificate of title.

Section 14 of this bill enacts the uniform amendments governing the perfection of a security interest that attaches before a debtor changes location and the perfection of a security interest when a new debtor becomes bound by a security agreement entered into by another person.

Section 15 of this bill enacts the uniform amendments to certain provisions governing the circumstances under which a buyer of property takes the property free of security interests.

Section 16 of this bill enacts the uniform amendments to provisions concerning the priority of security interests created by a new debtor who becomes bound by a security agreement entered into by another person.

Sections 17 and 18 of this bill enact the uniform amendments to provisions governing the effectiveness of certain contractual terms when a person who has a security interest in certain payment rights enforces the security interest and disposes of the payment rights.

Existing law requires a financing statement to be filed to perfect a security interest in certain circumstances. (NRS 104.9310) To be sufficient, a

financing statement must contain the name of the debtor. (NRS 104.9502) **Section 19** of this bill enacts the uniform amendments to the rules for determining whether a financing statement sufficiently provides the name of the debtor. **Section 20** of this bill enacts the uniform amendments to rules governing the effectiveness of a financing statement when, at the time the financing statement was filed, the debtor's name was sufficiently provided but, at a later date, the debtor's name is no longer sufficiently provided.

Existing law provides that, if a financing statement states that the debtor is a transmitting utility, the financing statement does not lapse and is effective until a termination statement is filed. (NRS 104.9515) **Section 21** of this bill provides that such a financing statement does not lapse only if the initial financing statement states that the debtor is a transmitting utility.

Section 22 of this bill enacts the uniform amendments to the circumstances under which a filing office may refuse to accept a financing statement.

Existing law authorizes a debtor to file a correction statement if the debtor believes that a record indexed under the debtor's name is inaccurate or was wrongfully filed. Under existing law, the correction statement is informational and does not affect the effectiveness of a financing statement. (NRS 104.9518) **Section 23** of this bill enacts the uniform amendment that authorizes a secured party to file ~~[a]~~ **an information** statement ~~[of claim]~~ under certain circumstances.

Existing law provides for the rights of a secured party upon a default by a debtor. (NRS 104.9601-104.9628) **Section 24** of this bill enacts the uniform amendment to certain rights held by a person who has a security interest in a payment right secured by real property.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 104 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 9, inclusive, of this act.

Sec. 2. ***1. Except as otherwise provided in sections 2 to 9, inclusive, of this act, this article as amended applies to a transaction or lien within its scope, even if the transaction or lien was entered into or created before July 1, 2013.***

2. This article as amended does not affect an action, case or proceeding commenced before July 1, 2013.

Sec. 3. ***1. A security interest that is a perfected security interest immediately before July 1, 2013, is a perfected security interest under this article if, when this article as amended takes effect, the applicable requirements for attachment and perfection under this article as amended are satisfied without further action.***

2. Except as otherwise provided in section 5 of this act, if, immediately before July 1, 2013, a security interest is a perfected security interest, but the applicable requirements for perfection under this article as amended are not satisfied on July 1, 2013, the security interest remains perfected

thereafter only if the applicable requirements for perfection under this article as amended are satisfied within 1 year after July 1, 2013.

Sec. 4. *A security interest that is an unperfected security interest immediately before July 1, 2013, becomes a perfected security interest:*

1. Without further action, on that date if the applicable requirements for perfection under this article as amended are satisfied before or at that time; or

2. When the applicable requirements for perfection are satisfied if the requirements are satisfied after that time.

Sec. 5. *1. The filing of a financing statement before July 1, 2013, is effective to perfect a security interest to the extent the filing would satisfy the applicable requirements for perfection under this article as amended.*

2. This article as amended does not render ineffective an effective financing statement that, before July 1, 2013, is filed and satisfies the applicable requirements for perfection under the law of the jurisdiction governing perfection as provided in this article before amendment. However, except as otherwise provided in subsections 3 and 4 and section 6 of this act, the financing statement ceases to be effective:

(a) If the financing statement is filed in this State, at the time the financing statement would have ceased to be effective had this article as amended not taken effect; or

(b) If the financing statement is filed in another jurisdiction, at the earlier of:

(1) The time the financing statement would have ceased to be effective under the law of that jurisdiction; or

(2) June 30, 2018.

3. The filing of a continuation statement on or after July 1, 2013, does not continue the effectiveness of the financing statement filed before that date. However, upon the timely filing of a continuation statement on or after July 1, 2013, and in accordance with the law of the jurisdiction governing perfection as provided in this article as amended, the effectiveness of a financing statement filed in the same office in that jurisdiction before July 1, 2013, continues for the period provided by the law of that jurisdiction.

4. Subparagraph (2) of paragraph (b) of subsection 2 applies to a financing statement that, before July 1, 2013, is filed against a transmitting utility and satisfies the applicable requirements for perfection under the law of the jurisdiction governing perfection as provided in this article before amendment, only to the extent that this article as amended provides that the law of a jurisdiction other than the jurisdiction in which the financing statement is filed governs perfection of a security interest in collateral covered by the financing statement.

5. A financing statement that includes a financing statement filed before July 1, 2013, and a continuation statement filed on or after July 1, 2013, is effective only to the extent that it satisfies the requirements of part

5 for an initial financing statement. A financing statement which indicates that the debtor is a decedent's estate indicates that the collateral is being administered by a personal representative within the meaning of paragraph (b) of subsection 1 of NRS 104.9503. A financing statement which indicates that the debtor is a trust or a trustee acting with respect to property held in trust indicates that the collateral is held in a trust within the meaning of paragraph (c) of subsection 1 of NRS 104.9503.

Sec. 6. *1. The filing of an initial financing statement in the office specified in NRS 104.9501 continues the effectiveness of a financing statement filed before July 1, 2013, if:*

(a) The filing of an initial financing statement in that office would be effective to perfect a security interest under this article as amended;

(b) The pre-effective-date financing statement was filed in an office in another state; and

(c) The initial financing statement satisfies subsection 3.

2. The filing of an initial financing statement under subsection 1 continues the effectiveness of the pre-effective-date financing statement:

(a) If the initial financing statement is filed before July 1, 2013, for the period provided in NRS 104.9515, as it existed before July 1, 2013, with respect to an initial financing statement; and

(b) If the initial financing statement is filed on or after July 1, 2013, for the period provided in NRS 104.9515 with respect to an initial financing statement.

3. To be effective for purposes of subsection 1, an initial financing statement must:

(a) Satisfy the requirements of part 5 for an initial financing statement;

(b) Identify the pre-effective-date financing statement by indicating the office in which the financing statement was filed and providing the dates of filing and file numbers, if any, of the financing statement and of the most recent continuation statement filed with respect to the financing statement; and

(c) Indicate that the pre-effective-date financing statement remains effective.

Sec. 7. *1. In this section, "pre-effective-date financing statement" means a financing statement filed before July 1, 2013.*

2. On or after July 1, 2013, a person may add or delete collateral covered by, continue or terminate the effectiveness of, or otherwise amend the information provided in, a pre-effective-date financing statement only in accordance with the law of the jurisdiction governing perfection as provided in this article as amended. However, the effectiveness of a pre-effective-date financing statement also may be terminated in accordance with the law of the jurisdiction in which the financing statement is filed.

3. Except as otherwise provided in subsection 4, if the law of this State governs perfection of a security interest, the information in a pre-effective-date financing statement may be amended on or after July 1, 2013, only if:

(a) The pre-effective-date financing statement and an amendment are filed in the office specified in NRS 104.9501;

(b) An amendment is filed in the office specified in NRS 104.9501 concurrently with, or after the filing in that office of, an initial financing statement that satisfies subsection 3 of section 6 of this act; or

(c) An initial financing statement that provides the information as amended and satisfies subsection 3 of section 6 of this act is filed in the office specified in NRS 104.9501.

4. If the law of this State governs perfection of a security interest, the effectiveness of a pre-effective-date financing statement may be continued only under subsections 3 and 5 of section 5 of this act or section 6 of this act.

5. Whether or not the law of this State governs perfection of a security interest, the effectiveness of a pre-effective-date financing statement filed in this State may be terminated on or after July 1, 2013, by filing a termination statement in the office in which the pre-effective-date financing statement is filed, unless an initial financing statement that satisfies subsection 3 of section 6 of this act has been filed in the office specified by the law of the jurisdiction governing perfection as provided in this article as amended as the office in which to file a financing statement.

Sec. 8. ***A person may file an initial financing statement or a continuation statement under this part if:***

1. The secured party of record authorizes the filing; and

2. The filing is necessary under this part:

(a) To continue the effectiveness of a financing statement filed before July 1, 2013; or

(b) To perfect or continue the perfection of a security interest.

Sec. 9. ***This article as amended determines the priority of conflicting claims to collateral. However, if the relative priorities of the claims were established before July 1, 2013, this article before amendment determines priority.***

Sec. 10. NRS 104.9102 is hereby amended to read as follows:

104.9102 1. In this Article:

(a) "Accession" means goods that are physically united with other goods in such a manner that the identity of the original goods is not lost.

(b) "Account," except as used in "account for," means a right to payment of a monetary obligation, whether or not earned by performance; for property that has been or is to be sold, leased, licensed, assigned, or otherwise disposed of; for services rendered or to be rendered; for a policy of insurance issued or to be issued; for a secondary obligation incurred or to be incurred; for energy provided or to be provided; for the use or hire of a vessel under a charter or other contract; arising out of the use of a credit or charge card or information contained on or for use with the card; or as winnings in a lottery or other game of chance operated or sponsored by a state, governmental unit of a state, or person licensed or authorized to operate the game by a state or

governmental unit of a state. The term includes health-care-insurance receivables. The term does not include rights to payment evidenced by chattel paper or an instrument; commercial tort claims; deposit accounts; investment property; letter-of-credit rights or letters of credit; or rights to payment for money or funds advanced or sold, other than rights arising out of the use of a credit or charge card or information contained on or for use with the card.

(c) "Account debtor" means a person obligated on an account, chattel paper or general intangible. The term does not include persons obligated to pay a negotiable instrument, even if the instrument constitutes part of chattel paper.

(d) "Accounting," except as used in "accounting for," means a record:

(1) Authenticated by a secured party;

(2) Indicating the aggregate unpaid secured obligations as of a date not more than 35 days earlier or 35 days later than the date of the record; and

(3) Identifying the components of the obligations in reasonable detail.

(e) "Agricultural lien" means an interest, other than a security interest, in farm products:

(1) Which secures payment or performance of an obligation for:

(I) Goods or services furnished in connection with a debtor's farming operation; or

(II) Rent on real property leased by a debtor in connection with its farming operation;

(2) Which is created by statute in favor of a person that:

(I) In the ordinary course of its business furnished goods or services to a debtor in connection with his or her farming operation; or

(II) Leased real property to a debtor in connection with his or her farming operation; and

(3) Whose effectiveness does not depend on the person's possession of the personal property.

(f) "As-extracted collateral" means:

(1) Oil, gas or other minerals that are subject to a security interest that:

(I) Is created by a debtor having an interest in the minerals before extraction; and

(II) Attaches to the minerals as extracted; or

(2) Accounts arising out of the sale at the wellhead or minehead of oil, gas or other minerals in which the debtor had an interest before extraction.

(g) "Authenticate" means:

(1) To sign; or

(2) ~~[To execute or otherwise adopt a symbol, or encrypt or similarly process a record in whole or in part, with the present intent of the authenticating person to identify himself or herself and adopt or accept a record.]~~ ***With present intent to adopt or accept a record, to attach to or logically associate with the record an electronic sound, symbol or process.***

(h) "Bank" means an organization that is engaged in the business of banking. The term includes savings banks, savings and loan associations, credit unions and trust companies.

(i) "Cash proceeds" means proceeds that are money, checks, deposit accounts or the like.

(j) "Certificate of title" means a certificate of title with respect to which a statute provides for the security interest in question to be indicated on the certificate as a condition or result of the security interest's obtaining priority over the rights of a lien creditor with respect to the collateral. ***The term includes another record maintained as an alternative to a certificate of title by the governmental unit that issues certificates of title if a statute permits the security interest in question to be indicated on the record as a condition or result of the security interest's obtaining priority over the rights of a lien creditor with respect to the collateral.***

(k) "Chattel paper" means a record or records that evidence both a monetary obligation and a security interest in or a lease of specific goods or of specific goods and software used in the goods, or a security interest in or a lease of specific goods and a license of software used in the goods. The term does not include charters or other contracts involving the use or hire of a vessel, or records that evidence a right to payment arising out of the use of a credit or charge card or information contained on or for use with the card. If a transaction is evidenced by records that include an instrument or series of instruments, the group of records taken together constitutes chattel paper. As used in this paragraph, "monetary obligation" means a monetary obligation secured by the goods or owed under a lease of the goods and includes a monetary obligation with respect to software used in the goods.

(l) "Collateral" means the property subject to a security interest or agricultural lien. The term includes:

(1) Proceeds to which a security interest attaches;

(2) Accounts, chattel paper, payment intangibles and promissory notes that have been sold; and

(3) Goods that are the subject of a consignment.

(m) "Commercial tort claim" means a claim arising in tort with respect to which:

(1) The claimant is an organization; or

(2) The claimant is a natural person and the claim:

(I) Arose in the course of the claimant's business or profession; and

(II) Does not include damages arising out of personal injury to or the death of a natural person.

(n) "Commodity account" means an account maintained by a commodity intermediary in which a commodity contract is carried for a commodity customer.

(o) "Commodity contract" means a commodity futures contract, an option on a commodity futures contract, a commodity option or another contract if the contract or option is:

(1) Traded on or subject to the rules of a board of trade that has been designated as a contract market for such a contract pursuant to federal commodities laws; or

(2) Traded on a foreign commodity board of trade, exchange or market, and is carried on the books of a commodity intermediary for a commodity customer.

(p) "Commodity customer" means a person for which a commodity intermediary carries a commodity contract on its books.

(q) "Commodity intermediary" means a person that:

(1) Is registered as a futures commission merchant under federal commodities law; or

(2) In the ordinary course of its business provides clearance or settlement services for a board of trade that has been designated as a contract market pursuant to federal commodities law.

(r) "Communicate" means:

(1) To send a written or other tangible record;

(2) To transmit a record by any means agreed upon by the persons sending and receiving the record; or

(3) In the case of transmission of a record to or by a filing office, to transmit a record by any means prescribed by filing-office rule.

(s) "Consignee" means a merchant to which goods are delivered in a consignment.

(t) "Consignment" means a transaction, regardless of its form, in which a person delivers goods to a merchant for the purpose of sale and:

(1) The merchant:

(I) Deals in goods of that kind under a name other than the name of the person making delivery;

(II) Is not an auctioneer; and

(III) Is not generally known by its creditors to be substantially engaged in selling the goods of others;

(2) With respect to each delivery, the aggregate value of the goods is $1,000 or more at the time of delivery;

(3) The goods are not consumer goods immediately before delivery; and

(4) The transaction does not create a security interest that secures an obligation.

(u) "Consignor" means a person that delivers goods to a consignee in a consignment.

(v) "Consumer debtor" means a debtor in a consumer transaction.

(w) "Consumer goods" means goods that are used or bought for use primarily for personal, family or household purposes.

(x) "Consumer-goods transaction" means a consumer transaction to the extent that:

(1) A natural person incurs an obligation primarily for personal, family or household purposes; and

(2) A security interest in consumer goods or in consumer goods and software that is held or acquired primarily for personal, family or household purposes secures the obligation.

(y) "Consumer obligor" means an obligor who is a natural person and who incurred the obligation as part of a transaction entered into primarily for personal, family or household purposes.

(z) "Consumer transaction" means a transaction to the extent that a natural person incurs an obligation primarily for personal, family or household purposes; a security interest secures the obligation; and the collateral is held or acquired primarily for personal, family or household purposes. The term includes consumer-goods transactions.

(aa) "Continuation statement" means a change of a financing statement which:

(1) Identifies, by its file number, the initial financing statement to which it relates; and

(2) Indicates that it is a continuation statement for, or that it is filed to continue the effectiveness of, the identified financing statement.

(bb) "Debtor" means:

(1) A person having an interest, other than a security interest or other lien, in the collateral, whether or not the person is an obligor;

(2) A seller of accounts, chattel paper, payment intangibles or promissory notes; or

(3) A consignee.

(cc) "Deposit account" means a demand, time, savings, passbook or similar account maintained with a bank. The term does not include investment property or accounts evidenced by an instrument.

(dd) "Document" means a document of title or a receipt of the type described in subsection 2 of NRS 104.7201.

(ee) "Electronic chattel paper" means chattel paper evidenced by a record or records consisting of information stored in an electronic medium.

(ff) "Encumbrance" means a right, other than an ownership interest, in real property. The term includes mortgages and other liens on real property.

(gg) "Equipment" means goods other than inventory, farm products or consumer goods.

(hh) "Farm products" means goods, other than standing timber, with respect to which the debtor is engaged in a farming operation and which are:

(1) Crops grown, growing or to be grown, including:

(I) Crops produced on trees, vines and bushes; and

(II) Aquatic goods produced in aquacultural operations;

(2) Livestock, born or unborn, including aquatic goods produced in aquacultural operations;

(3) Supplies used or produced in a farming operation; or

(4) Products of crops or livestock in their unmanufactured states.

(ii) "Farming operation" means raising, cultivating, propagating, fattening, grazing, or any other farming, livestock, or aquacultural operation.

(jj) "File number" means the number assigned to an initial financing statement pursuant to subsection 1 of NRS 104.9519.

(kk) "Filing office" means an office designated in NRS 104.9501 as the place to file a financing statement.

(ll) "Filing-office rule" means a rule adopted pursuant to NRS 104.9526.

(mm) "Financing statement" means a record or records composed of an initial financing statement and any filed record relating to the initial financing statement.

(nn) "Fixture filing" means the filing of a financing statement covering goods that are or are to become fixtures and satisfying subsections 1 and 2 of NRS 104.9502. The term includes the filing of a financing statement covering goods of a transmitting utility which are or are to become fixtures.

(oo) "Fixtures" means goods that have become so related to particular real property that an interest in them arises under real property law.

(pp) "General intangible" means any personal property, including things in action, other than accounts, chattel paper, commercial tort claims, deposit accounts, documents, goods, instruments, investment property, letter-of-credit rights, letters of credit, money, and oil, gas or other minerals before extraction. The term includes payment intangibles and software.

(qq) "Goods" means all things that are movable when a security interest attaches. The term includes fixtures; standing timber that is to be cut and removed under a conveyance or contract for sale; the unborn young of animals; crops grown, growing, or to be grown, even if the crops are produced on trees, vines, or bushes; and manufactured homes. The term also includes a computer program embedded in goods and any supporting information provided in connection with a transaction relating to the program if the program is associated with the goods in such a manner that it customarily is considered part of the goods, or by becoming the owner of the goods, a person acquires a right to use the program in connection with the goods. The term does not include a computer program embedded in goods that consist solely of the medium in which the program is embedded. The term also does not include accounts, chattel paper, commercial tort claims, deposit accounts, documents, general intangibles, instruments, investment property, letter-of-credit rights, letters of credit, money, or oil, gas or other minerals before extraction.

(rr) "Governmental unit" means a subdivision, agency, department, county, parish, municipality, or other unit of the government of the United States, a state, or a foreign country. The term includes an organization having a separate corporate existence if the organization is eligible to issue debt on which interest is exempt from income taxation under the laws of the United States.

(ss) "Health-care-insurance receivable" means an interest in or claim under a policy of insurance which is a right to payment of a monetary obligation for health-care goods or services provided.

(tt) "Instrument" means a negotiable instrument or any other writing that evidences a right to the payment of a monetary obligation, is not itself a security agreement or lease, and is of a type that in ordinary course of business is transferred by delivery with any necessary endorsement or assignment. The term does not include investment property, letters of credit or writings that evidence a right to payment arising out of the use of a credit or charge card or information contained on or for use with the card.

(uu) "Inventory" means goods, other than farm products, which:

(1) Are leased by a person as lessor;

(2) Are held by a person for sale or lease or to be furnished under a contract of service;

(3) Are furnished by a person under a contract of service; or

(4) Consist of raw materials, work in process, or materials used or consumed in a business.

(vv) "Investment property" means a security, whether certificated or uncertificated, security entitlement, securities account, commodity contract, or commodity account.

(ww) "Jurisdiction of organization," with respect to a registered organization, means the jurisdiction under whose law the organization is ***formed or*** organized.

(xx) "Letter-of-credit right" means a right to payment or performance under a letter of credit, whether or not the beneficiary has demanded or is at the time entitled to demand payment or performance. The term does not include the right of a beneficiary to demand payment or performance under a letter of credit.

(yy) "Lien creditor" means:

(1) A creditor that has acquired a lien on the property involved by attachment, levy or the like;

(2) An assignee for benefit of creditors from the time of assignment;

(3) A trustee in bankruptcy from the date of the filing of the petition; or

(4) A receiver in equity from the time of appointment.

(zz) "Manufactured home" means a structure, transportable in one or more sections, which in the traveling mode, is 8 feet or more in body width or 40 feet or more in body length, or, when erected on-site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning and electrical systems contained therein. The term includes any structure that meets all of the requirements of this paragraph except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the United States Secretary of Housing and Urban Development and complies with the standards established under Title 42 of the United States Code.

(aaa) "Manufactured-home transaction" means a secured transaction:

(1) That creates a purchase-money security interest in a manufactured home, other than a manufactured home held as inventory; or

(2) In which a manufactured home, other than a manufactured home held as inventory, is the primary collateral.

(bbb) "Mortgage" means a consensual interest in real property, including fixtures, which is created by a mortgage, deed of trust, or similar transaction.

(ccc) "New debtor" means a person that becomes bound as debtor under subsection 4 of NRS 104.9203 by a security agreement previously entered into by another person.

(ddd) "New value" means money; money's worth in property, services or new credit; or release by a transferee of an interest in property previously transferred to the transferee. The term does not include an obligation substituted for another obligation.

(eee) "Noncash proceeds" means proceeds other than cash proceeds.

(fff) "Obligor" means a person that, with respect to an obligation secured by a security interest in or an agricultural lien on the collateral, owes payment or other performance of the obligation, has provided property other than the collateral to secure payment or other performance of the obligation, or is otherwise accountable in whole or in part for payment or other performance of the obligation. The term does not include an issuer or a nominated person under a letter of credit.

(ggg) "Original debtor" means, except as used in subsection 3 of NRS 104.9310, a person that, as debtor, entered into a security agreement to which a new debtor has become bound under subsection 4 of NRS 104.9203.

(hhh) "Payment intangible" means a general intangible under which the account debtor's principal obligation is a monetary obligation.

(iii) "Person related to," with respect to a natural person, means:

(1) The person's spouse;

(2) The person's brother, brother-in-law, sister or sister-in-law;

(3) The person's or the person's spouse's ancestor or lineal descendant; or

(4) Any other relative, by blood or marriage, of the person or the person's spouse who shares the same home with him or her.

(jjj) "Person related to," with respect to an organization, means:

(1) A person directly or indirectly controlling, controlled by or under common control with the organization;

(2) An officer or director of, or a person performing similar functions with respect to, the organization;

(3) An officer or director of, or a person performing similar functions with respect to, a person described in subparagraph (1);

(4) The spouse of a natural person described in subparagraph (1), (2) or (3); or

(5) A person who is related by blood or marriage to a person described in subparagraph (1), (2), (3) or (4) and shares the same home with that person.

(kkk) "Proceeds" means, except as used in subsection 2 of NRS 104.9609, the following property:

(1) Whatever is acquired upon the sale, lease, license, exchange or other disposition of collateral;

(2) Whatever is collected on, or distributed on account of, collateral;

(3) Rights arising out of collateral;

(4) To the extent of the value of collateral, claims arising out of the loss, nonconformity, or interference with the use of, defects or infringement of rights in, or damage to, the collateral; and

(5) To the extent of the value of collateral and to the extent payable to the debtor or the secured party, insurance payable by reason of the loss or nonconformity of, defects or infringement of rights in, or damage to, the collateral.

(lll) "Promissory note" means an instrument that evidences a promise to pay a monetary obligation, does not evidence an order to pay, and does not contain an acknowledgment by a bank that the bank has received for deposit a sum of money or funds.

(mmm) "Proposal" means a record authenticated by a secured party which includes the terms on which the secured party is willing to accept collateral in full or partial satisfaction of the obligation it secures pursuant to NRS 104.9620, 104.9621 and 104.9622.

(nnn) "Public-finance transaction" means a secured transaction in connection with which:

(1) Debt securities are issued;

(2) All or a portion of the securities issued have an initial stated maturity of at least 20 years; and

(3) The debtor, the obligor, the secured party, the account debtor or other person obligated on collateral, the assignor or assignee of a secured obligation, or the assignor or assignee of a security interest is a state or a governmental unit of a state.

(ooo) ***"Public organic record" means a record that is available to the public for inspection and is:***

(1) A record consisting of the record initially filed with or issued by a state or the United States to form or organize an organization and any record filed with or issued by the state or the United States which amends or restates the initial record;

(2) An organic record of a business trust consisting of the record initially filed with a state and any record filed with the state which amends or restates the initial record, if a statute of the state governing business trusts requires that the record be filed with the state; or

(3) A record consisting of legislation enacted by the legislature of a state or the Congress of the United States which forms or organizes an organization, any record amending the legislation and any record filed with or issued by the state or the United States which amends or restates the name of the organization.

(ppp) **"**Pursuant to commitment," with respect to an advance made or other value given by a secured party, means pursuant to the secured party's obligation, whether or not a subsequent event of default or other event not within the secured party's control has relieved or may relieve the secured party from its obligation.

~~[(ppp)]~~ ***(qqq)*** "Record," except as used in "for record," "of record," "record or legal title," and "record owner," means information that is inscribed on a tangible medium or which is stored in an electronic or other medium and is retrievable in perceivable form.

~~[(qqq)]~~ ***(rrr)*** "Registered organization" means an organization ***formed or*** organized solely under the law of a single state or the United States ~~[and as to which the state or the United States must maintain a public record showing the organization to have been organized.~~

~~(rrr)]~~ ***by the filing of a public organic record with, the issuance of a public organic record by, or the enactment of legislation by the state or the United States. The term includes a business trust that is formed or organized under the law of a single state if a statute of the state governing business trusts requires that the business trust's organic record be filed with the state.***

(sss) "Secondary obligor" means an obligor to the extent that:

(1) The obligor's obligation is secondary; or

(2) The obligor has a right of recourse with respect to an obligation secured by collateral against the debtor, another obligor or property of either.

~~[(sss)]~~ ***(ttt)*** "Secured party" means:

(1) A person in whose favor a security interest is created or provided for under a security agreement, whether or not any obligation to be secured is outstanding;

(2) A person that holds an agricultural lien;

(3) A consignor;

(4) A person to which accounts, chattel paper, payment intangibles or promissory notes have been sold;

(5) A trustee, indenture trustee, agent, collateral agent or other representative in whose favor a security interest or agricultural lien is created or provided for; or

(6) A person that holds a security interest arising under NRS 104.2401, 104.2505, subsection 3 of NRS 104.2711, NRS 104.4210, 104.5118 or subsection 5 of NRS 104A.2508.

~~[(ttt)]~~ ***(uuu)*** "Security agreement" means an agreement that creates or provides for a security interest.

~~[(uuu)]~~ ***(vvv)*** "Send," in connection with a record or notification, means:

(1) To deposit in the mail, deliver for transmission or transmit by any other usual means of communication, with postage or cost of transmission provided for, addressed to any address reasonable under the circumstances; or

(2) To cause the record or notification to be received within the time that it would have been received if properly sent under subparagraph (1).

~~[(vvv)]~~ ***(www)*** "Software" means a computer program and any supporting information provided in connection with a transaction relating to the program. The term does not include a computer program that is contained in goods unless the goods are a computer or computer peripheral.

~~[(www)]~~ ***(xxx)*** "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States.

~~[(xxx)]~~ ***(yyy)*** "Supporting obligation" means a letter-of-credit right or secondary obligation that supports the payment or performance of an account, chattel paper, document, general intangible, instrument or investment property.

~~[(yyy)]~~ ***(zzz)*** "Tangible chattel paper" means chattel paper evidenced by a record or records consisting of information that is inscribed on a tangible medium.

~~[(zzz)]~~ ***(aaaa)*** "Termination statement" means a subsequent filing which:

(1) Identifies, by its file number, the initial financing statement to which it relates; and

(2) Indicates either that it is a termination statement or that the identified financing statement is no longer effective.

~~[(aaaa)]~~ ***(bbbb)*** "Transmitting utility" means a person primarily engaged in the business of:

(1) Operating a railroad, subway, street railway or trolley bus;

(2) Transmitting communications electrically, electromagnetically or by light;

(3) Transmitting goods by pipeline;

(4) Providing sewerage; or

(5) Transmitting or producing and transmitting electricity, steam, gas or water.

2. "Control" as provided in NRS 104.7106 and the following definitions in other Articles apply to this Article:

"Applicant." NRS 104.5102.

"Beneficiary." NRS 104.5102.

"Broker." NRS 104.8102.

"Certificated security." NRS 104.8102.

"Check." NRS 104.3104.

"Clearing corporation." NRS 104.8102.

"Contract for sale." NRS 104.2106.

"Customer." NRS 104.4104.

"Entitlement holder." NRS 104.8102.

"Financial asset." NRS 104.8102.

"Holder in due course." NRS 104.3302.

"Issuer" (with respect to a letter of credit or letter-of-credit right). NRS 104.5102.

"Issuer" (with respect to a security). NRS 104.8201.
"Issuer" (with respect to documents of title). NRS 104.7102.
"Lease." NRS 104A.2103.
"Lease agreement." NRS 104A.2103.
"Lease contract." NRS 104A.2103.
"Leasehold interest." NRS 104A.2103.
"Lessee." NRS 104A.2103.
"Lessee in ordinary course of business." NRS 104A.2103.
"Lessor." NRS 104A.2103.
"Lessor's residual interest." NRS 104A.2103.
"Letter of credit." NRS 104.5102.
"Merchant." NRS 104.2104.
"Negotiable instrument." NRS 104.3104.
"Nominated person." NRS 104.5102.
"Note." NRS 104.3104.
"Proceeds of a letter of credit." NRS 104.5114.
"Prove." NRS 104.3103.
"Sale." NRS 104.2106.
"Securities account." NRS 104.8501.
"Securities intermediary." NRS 104.8102.
"Security." NRS 104.8102.
"Security certificate." NRS 104.8102.
"Security entitlement." NRS 104.8102.
"Uncertificated security." NRS 104.8102.

3. Article 1 contains general definitions and principles of construction and interpretation applicable throughout this Article.

Sec. 11. NRS 104.9105 is hereby amended to read as follows:

104.9105 ***1.*** A secured party has control of electronic chattel paper if ***a system employed for evidencing the transfer of interests in the chattel paper reliably establishes the secured party as the person to which the chattel paper was assigned.***

2. A system satisfies subsection 1 if the record or records comprising the chattel paper are created, stored and assigned in such a manner that:

~~[1.]~~ ***(a)*** A single authoritative copy of the record or records exists which is unique, identifiable and, except as otherwise provided in ~~[subsections 4, 5 and 6,]~~ ***paragraphs (d), (e) and (f),*** unalterable;

~~[2.]~~ ***(b)*** The authoritative copy identifies the secured party as the assignee of the record or records;

~~[3.]~~ ***(c)*** The authoritative copy is communicated to and maintained by the secured party or its designated custodian;

~~[4.]~~ ***(d)*** Copies or ~~[revisions]~~ ***amendments*** that add or change an identified assignee of the authoritative copy can be made only with the ~~[participation]~~ ***consent*** of the secured party;

~~[5.]~~ ***(e)*** Each copy of the authoritative copy and any copy of a copy is readily identifiable as a copy that is not the authoritative copy; and

~~[6.]~~ ***(f)*** Any ~~[revision]~~ ***amendment*** of the authoritative copy is readily identifiable as ~~[an]~~ authorized or unauthorized ***.*** ~~[revision.]~~

Sec. 12. NRS 104.9307 is hereby amended to read as follows:

104.9307 1. In this section, "place of business" means a place where a debtor conducts its affairs.

2. Except as otherwise provided in this section, the following rules determine a debtor's location:

(a) A natural person is located at his or her residence.

(b) Any other debtor having only one place of business is located at its place of business.

(c) Any other debtor having more than one place of business is located at its chief executive office.

3. Subsection 2 applies only if a debtor's residence, place of business or chief executive office, as applicable, is located in a jurisdiction whose law requires information concerning the existence of a nonpossessory security interest to be made generally available in a filing, recording or registration system as a condition or result of the security interest's obtaining priority over the rights of a lien creditor with respect to the collateral. If subsection 2 does not apply, the debtor is deemed to be located in the District of Columbia.

4. A person that ceases to exist, have a residence or have a place of business continues to be located in the jurisdiction specified by subsections 2 and 3.

5. A registered organization that is organized under the law of a state is located in that state.

6. Except as otherwise provided in subsection 9, a registered organization that is organized under the law of the United States and a branch or agency of a bank that is not organized under the law of the United States or a state are located or deemed to be located:

(a) In the state that the law of the United States designates, if the law designates a state of location;

(b) In the state that the registered organization, branch or agency designates, if the law of the United States authorizes the registered organization, branch or agency to designate its state of location ~~[.]~~ ***, including by designating its main office, home office or other comparable office;*** or

(c) In the District of Columbia, if neither paragraph (a) nor paragraph (b) applies.

7. A registered organization continues to be located in the jurisdiction specified by subsection 5 or 6 notwithstanding:

(a) The suspension, revocation, forfeiture or lapse of the registered organization's status as such in its jurisdiction of organization; or

(b) The dissolution, winding up or cancellation of the existence of the registered organization.

8. The United States is deemed to be located in the District of Columbia.

9. A branch or agency of a bank that is not organized under the law of the United States or a state is located in the state in which the branch or agency is licensed, if all branches and agencies of the bank are licensed in only one state.

10. A foreign air carrier under the Federal Aviation Act of 1958, as amended, is located at the designated office of the agent upon which service of process may be made on behalf of the carrier.

11. This section applies only for purposes of this part.

Sec. 13. NRS 104.9311 is hereby amended to read as follows:

104.9311 1. Except as otherwise provided in subsection 4, the filing of a financing statement is not necessary or effective to perfect a security interest in property subject to:

(a) A statute, regulation or treaty of the United States whose requirements for a security interest's obtaining priority over the rights of a lien creditor with respect to the property preempt subsection 1 of NRS 104.9310;

(b) Chapter 105 of NRS, NRS 482.423 to 482.431, inclusive, 488.1793 to 488.1827, inclusive, and 489.501 to 489.581, inclusive; or

(c) A ~~[certificate of title]~~ statute of another jurisdiction which provides for a security interest to be indicated on ~~[the]~~ ***a*** certificate ***of title*** as a condition or result of the security interest's obtaining priority over the rights of a lien creditor with respect to the property.

2. Compliance with the requirements of a statute, regulation or treaty described in subsection 1 for obtaining priority over the rights of a lien creditor is equivalent to the filing of a financing statement under this article. Except as otherwise provided in subsection 4, NRS 104.9313 and subsections 4 and 5 of NRS 104.9316 for goods covered by a certificate of title, a security interest in property subject to a statute, regulation or treaty described in subsection 1 may be perfected only by compliance with those requirements, and a security interest so perfected remains perfected notwithstanding a change in the use or transfer of possession of the collateral.

3. Except as otherwise provided in subsection 4 and subsections 4 and 5 of NRS 104.9316, duration and renewal of perfection of a security interest perfected by compliance with the requirements prescribed by a statute, regulation or treaty described in subsection 1 are governed by the statute, regulation or treaty. In other respects, the security interest is subject to this article.

4. During any period in which collateral subject to a statute specified in paragraph (b) of subsection 1 is inventory held for sale or lease by a person or leased by that person as lessor and that person is in the business of selling goods of that kind, this section does not apply to a security interest in that collateral created by that person.

Sec. 14. NRS 104.9316 is hereby amended to read as follows:

104.9316 1. A security interest perfected pursuant to the law of the jurisdiction designated in subsection 1 of NRS 104.9301 or subsection 3 of NRS 104.9305 remains perfected until the earliest of:

(a) The time perfection would have ceased under the law of that jurisdiction;

(b) The expiration of 4 months after a change of the debtor's location to another jurisdiction; or

(c) The expiration of 1 year after a transfer of collateral to a person that thereby becomes a debtor and is located in another jurisdiction.

2. If a security interest described in subsection 1 becomes perfected under the law of the other jurisdiction before the earliest time or event described in that subsection, it remains perfected thereafter. If the security interest does not become perfected under the law of the other jurisdiction before the earliest time or event, it becomes unperfected and is deemed never to have been perfected as against a purchaser of the collateral for value.

3. A possessory security interest in collateral, other than goods covered by a certificate of title and as-extracted collateral consisting of goods, remains continuously perfected if:

(a) The collateral is located in one jurisdiction and subject to a security interest perfected under the law of that jurisdiction;

(b) Thereafter the collateral is brought into another jurisdiction; and

(c) Upon entry into the other jurisdiction, the security interest is perfected under the law of the other jurisdiction.

4. Except as otherwise provided in subsection 5, a security interest in goods covered by a certificate of title which is perfected by any method under the law of another jurisdiction when the goods become covered by a certificate of title from this State remains perfected until the security interest would have become unperfected under the law of the other jurisdiction had the goods not become so covered.

5. A security interest described in subsection 4 becomes unperfected as against a purchaser of the goods for value and is deemed never to have been perfected as against a purchaser of the goods for value if the applicable requirements for perfection under subsection 2 of NRS 104.9311 or under NRS 104.9313 are not satisfied before the earlier of:

(a) The time the security interest would have become unperfected under the law of the other jurisdiction had the goods not become covered by a certificate of title from this State; or

(b) The expiration of 4 months after the goods had become so covered.

6. A security interest in deposit accounts, letter-of-credit rights or investment property which is perfected under the law of the bank's jurisdiction, the issuer's jurisdiction, a nominated person's jurisdiction, the securities intermediary's jurisdiction or the commodity intermediary's jurisdiction, as applicable, remains perfected until the earlier of:

(a) The time the security interest would have become unperfected under the law of that jurisdiction; or

(b) The expiration of 4 months after a change of the applicable jurisdiction to another jurisdiction.

7. If a security interest described in subsection 6 becomes perfected under the law of the other jurisdiction before the earlier of the time or the end of the period described in that subsection, it remains perfected thereafter. If the security interest does not become perfected under the law of the other jurisdiction before the earlier of that time or the end of that period, it becomes unperfected and is deemed never to have been perfected as against a purchaser of the collateral for value.

8. The following rules apply to collateral to which a security interest attaches within 4 months after the debtor changes its location to another jurisdiction:

(a) A financing statement filed before the change pursuant to the law of the jurisdiction designated in subsection 1 of NRS 104.9301 or subsection 3 of NRS 104.9305 is effective to perfect a security interest in the collateral if the financing statement would have been effective to perfect a security interest in the collateral if the debtor had not changed its location.

(b) If a security interest perfected by a financing statement that is effective under paragraph (a) becomes perfected under the law of the other jurisdiction before the earlier of the time the financing statement would have become ineffective under the law of the jurisdiction designated in subsection 1 of NRS 104.9301 or subsection 3 of NRS 104.9305 or the expiration of the 4-month period, it remains perfected thereafter. If the security interest does not become perfected under the law of the other jurisdiction before the earlier time or event, it becomes unperfected and is deemed never to have been perfected as against a purchaser of the collateral for value.

9. If a financing statement naming an original debtor is filed pursuant to the law of the jurisdiction designated in subsection 1 of NRS 104.9301 or subsection 3 of NRS 104.9305 and the new debtor is located in another jurisdiction, the following rules apply:

(a) The financing statement is effective to perfect a security interest in collateral acquired by the new debtor before, and within 4 months after, the new debtor becomes bound under subsection 4 of NRS 104.9203, if the financing statement would have been effective to perfect a security interest in the collateral had the collateral been acquired by the original debtor.

(b) A security interest perfected by the financing statement which becomes perfected under the law of the other jurisdiction before the earlier of the time the financing statement would have become ineffective under the law of the jurisdiction designated in subsection 1 of NRS 104.9301 or subsection 3 of NRS 104.9305 or the expiration of the 4-month period remains perfected thereafter. A security interest that is perfected by the financing statement but which does not become perfected under the law of the other jurisdiction before the earlier time or event becomes unperfected and is deemed never to have been perfected as against a purchaser of the collateral for value.

Sec. 15. NRS 104.9317 is hereby amended to read as follows:

104.9317 1. A security interest or agricultural lien is subordinate to the rights of:

(a) A person entitled to priority under NRS 104.9322; and

(b) A person that becomes a lien creditor before the earlier of the time:

(1) The security interest or agricultural lien is perfected; or

(2) One of the conditions specified in paragraph (c) of subsection 2 of NRS 104.9203 is met and a financing statement covering the collateral is filed.

2. Except as otherwise provided in subsection 5, a buyer, other than a secured party, of tangible chattel paper, tangible documents, goods, instruments, or a ~~[security certificate]~~ ***certificated security*** takes free of a security interest or agricultural lien if the buyer gives value and receives delivery of the collateral without knowledge of the security interest or agricultural lien and before it is perfected.

3. Except as otherwise provided in subsection 5, a lessee of goods takes free of a security interest or agricultural lien if the lessee gives value and receives delivery of the collateral without knowledge of the security interest or agricultural lien and before it is perfected.

4. A licensee of a general intangible or a buyer, other than a secured party, of ~~[accounts, electronic chattel paper, electronic documents, general intangibles or investment property]~~ ***collateral*** other than ***tangible chattel paper, tangible documents, goods, instruments or*** a certificated security takes free of a security interest if the licensee gives value without knowledge of the security interest and before it is perfected.

5. Except as otherwise provided in NRS 104.9320 and 104.9321, if a person files a financing statement with respect to a purchase-money security interest before or within 20 days after the debtor receives delivery of the collateral, the security interest takes priority over the rights of a buyer, lessee or lien creditor which arise between the time the security interest attaches and the time of filing.

Sec. 16. NRS 104.9326 is hereby amended to read as follows:

104.9326 1. Subject to subsection 2, a security interest ***that is*** created by a new debtor ~~[which is]~~ ***in collateral in which the new debtor has or acquires rights and is*** perfected ***solely*** by a filed financing statement that ~~[is effective solely under NRS 104.9508 in collateral in which a new debtor has or acquires rights]~~ ***would be ineffective to perfect the security interest but for the application of paragraph (a) of subsection 9 of NRS 104.9316 or NRS 104.9508*** is subordinate to a security interest in the same collateral which is perfected other than by ***such*** a filed financing statement ***.*** ~~[that is effective solely under that section.]~~

2. The other provisions of this part determine the priority among conflicting security interests in the same collateral perfected by filed financing statements ~~[that are effective solely under NRS 104.9508.]~~ ***described in subsection 1.*** However, if the security agreements to which a new debtor became bound as debtor were not entered into by the same

original debtor, the conflicting security interests rank according to priority in time of the new debtor's having become bound.

Sec. 17. NRS 104.9406 is hereby amended to read as follows:

104.9406 1. Subject to subsections 2 to 8, inclusive, an account debtor on an account, chattel paper or a payment intangible may discharge its obligation by paying the assignor until, but not after, the account debtor receives a notification, authenticated by the assignor or the assignee, that the amount due or to become due has been assigned and that payment is to be made to the assignee. After receipt of the notification, the account debtor may discharge its obligation by paying the assignee and may not discharge the obligation by paying the assignor.

2. Subject to subsection 8, notification is ineffective under subsection 1:

(a) If it does not reasonably identify the rights assigned;

(b) To the extent that an agreement between an account debtor and a seller of a payment intangible limits the account debtor's duty to pay a person other than the seller and the limitation is effective under law other than this article; or

(c) At the option of an account debtor, if the notification notifies the account debtor to make less than the full amount of any installment or other periodic payment to the assignee, even if:

(1) Only a portion of the account, chattel paper or payment intangible has been assigned to that assignee;

(2) A portion has been assigned to another assignee; or

(3) The account debtor knows that the assignment to that assignee is limited.

3. Subject to subsection 8, if requested by the account debtor, an assignee shall seasonably furnish reasonable proof that the assignment has been made. Unless the assignee complies, the account debtor may discharge its obligation by paying the assignor, even if the account debtor has received a notification under subsection 1.

4. Except as otherwise provided in subsection 5 and NRS 104.9407 and 104A.2303, and subject to subsection 8, a term in an agreement between an account debtor and an assignor or in a promissory note is ineffective to the extent that it:

(a) Prohibits, restricts or requires the consent of the account debtor or person obligated on the promissory note to the assignment or transfer of, or the creation, attachment, perfection or enforcement of a security interest in, the account, chattel paper, payment intangible or promissory note; or

(b) Provides that the assignment or transfer, or the creation, attachment, perfection or enforcement of the security interest may give rise to a default, breach, right of recoupment, claim, defense, termination, right of termination, or remedy under the account, chattel paper, payment intangible or promissory note.

5. Subsection 4 does not apply to the sale of a payment intangible or promissory note ~~[.]~~ ***, other than a sale pursuant to a disposition under NRS 104.9610 or an acceptance of collateral under NRS 104.9620.***

6. Subject to subsections 7 and 8, a rule of law, statute, or regulation, that prohibits, restricts, or requires the consent of a government, governmental body or official, or account debtor to the assignment or transfer of, or creation of a security interest in, an account or chattel paper is ineffective to the extent that the rule of law, statute or regulation:

(a) Prohibits, restricts, or requires the consent of the government, governmental body or official, or account debtor to the assignment or transfer of, or the creation, attachment, perfection, or enforcement of a security interest in, the account or chattel paper; or

(b) Provides that the assignment or transfer, or the creation, attachment, perfection, or enforcement of the security interest may give rise to a default, breach, right of recoupment, claim, defense, termination, right of termination, or remedy under the account or chattel paper.

7. Subject to subsection 8, an account debtor may not waive or vary its option under paragraph (c) of subsection 2.

8. This section is subject to law other than this article which establishes a different rule for an account debtor who is ~~[an individual]~~ ***a natural person*** and who incurred the obligation primarily for personal, family or household purposes.

9. This section does not apply to an assignment of a health-care-insurance receivable or to a transfer of a right to receive payments pursuant to NRS 42.030.

Sec. 18. NRS 104.9408 is hereby amended to read as follows:

104.9408 1. Except as otherwise provided in subsection 2, a term in a promissory note or in an agreement between an account debtor and a debtor which relates to a health-care-insurance receivable or a general intangible, including a contract, permit, license or franchise, and prohibits, restricts or requires the consent of the person obligated on the promissory note or the account debtor to, the assignment or transfer of, or creation, attachment, or perfection of a security interest in, the promissory note, health-care-insurance receivable or general intangible, is ineffective to the extent that the term:

(a) Would impair the creation, attachment or perfection of a security interest; or

(b) Provides that the assignment or transfer, or the creation, attachment or perfection of the security interest may give rise to a default, breach, right of recoupment, claim, defense, termination, right of termination or remedy under the promissory note, health-care-insurance receivable or general intangible.

2. Subsection 1 applies to a security interest in a payment intangible or promissory note only if the security interest arises out of a sale of the payment intangible or promissory note ~~[.]~~ ***, other than a sale pursuant to a***

disposition under NRS 104.9610 or an acceptance of collateral under NRS 104.9620.

3. A rule of law, statute, or regulation that prohibits, restricts, or requires the consent of a government, governmental body or official, person obligated on a promissory note, or account debtor to the assignment or transfer of, or creation of a security interest in, a promissory note, health-care-insurance receivable or general intangible, including a contract, permit, license or franchise between an account debtor and a debtor, is ineffective to the extent that the rule of law, statute or regulation:

(a) Would impair the creation, attachment or perfection of a security interest; or

(b) Provides that the assignment or transfer, or the creation, attachment or perfection of the security interest may give rise to a default, breach, right of recoupment, claim, defense, termination, right of termination or remedy under the promissory note, health-care-insurance receivable or general intangible.

4. To the extent that a term in a promissory note or in an agreement between an account debtor and a debtor which relates to a health-care-insurance receivable or general intangible or a rule of law, statute, or regulation described in subsection 3 would be effective under law other than this article but is ineffective under subsection 1 or 3, the creation, attachment or perfection of a security interest in the promissory note, health-care-insurance receivable or general intangible:

(a) Is not enforceable against the person obligated on the promissory note or the account debtor;

(b) Does not impose a duty or obligation on the person obligated on the promissory note or the account debtor;

(c) Does not require the person obligated on the promissory note or the account debtor to recognize the security interest, pay or render performance to the secured party or accept payment or performance from the secured party;

(d) Does not entitle the secured party to use or assign the debtor's rights under the promissory note, health-care-insurance receivable or general intangible, including any related information or materials furnished to the debtor in the transaction giving rise to the promissory note, health-care-insurance receivable or general intangible;

(e) Does not entitle the secured party to use, assign, possess or have access to any trade secrets or confidential information of the person obligated on the promissory note or the account debtor; and

(f) Does not entitle the secured party to enforce the security interest in the promissory note, health-care-insurance receivable or general intangible.

Sec. 18.5. NRS 104.9502 is hereby amended to read as follows:

104.9502 1. Subject to subsection 2, a financing statement is sufficient only if it:

(a) Provides the name of the debtor;

(b) Provides the name of the secured party or a representative of the secured party; and

(c) Indicates the collateral covered by the financing statement.

2. Except as otherwise provided in subsection 2 of NRS 104.9501, to be sufficient, a financing statement that covers as-extracted collateral or timber to be cut, or which is filed as a fixture filing and covers goods that are or are to become fixtures, must satisfy subsection 1 and also:

(a) Indicate that it covers this type of collateral;

(b) Indicate that it is to be filed for record in the real property records;

(c) Provide a description of the real property to which the collateral is related sufficient to give constructive notice of the mortgage under the law of this State if the description were contained in a mortgage of the real property; and

(d) If the debtor does not have an interest of record in the real property, provide the name of a record owner.

3. A record of a mortgage is effective, from the date of recording, as a financing statement filed as a fixture filing or as a financing statement covering as-extracted collateral or timber to be cut only if:

(a) The record indicates the goods or accounts that it covers;

(b) The goods are or are to become fixtures related to the real property described in the mortgage or the collateral is related to the real property described in the mortgage and is as-extracted collateral or timber to be cut;

(c) The record satisfies the requirements for a financing statement in this section ~~[other than an indication]~~ ***but:***

(1) The record need not indicate that it is to be filed in the real property records; and

(2) The record sufficiently provides the name of a debtor who is a natural person if it provides the individual name of the debtor or the surname and first personal name of the debtor, even if the debtor is a natural person to whom paragraph (d) of subsection 1 of NRS 104.9503 applies; and

(d) The mortgage is recorded.

4. A financing statement may be filed before a security agreement is made or a security interest otherwise attaches.

Sec. 19. NRS 104.9503 is hereby amended to read as follows:

104.9503 1. A financing statement sufficiently provides the name of the debtor:

(a) ~~[If]~~ ***Except as otherwise provided in paragraph (c), if*** the debtor is a registered organization ~~[,]~~ ***or the collateral is held in a trust that is a registered organization,*** only if the financing statement provides the name ~~[of the debtor indicated]~~ ***that is stated to be the registered organization's name*** on the public ***organic*** record ~~[of]~~ ***most recently filed with or issued or enacted by*** the ~~[debtor's]~~ ***registered organization's*** jurisdiction of organization which ~~[shows the debtor to have been organized;]~~ ***purports to state, amend or restate the registered organization's name;***

(b) ~~[If the debtor is a decedent's estate,]~~ ***Subject to subsection 6, if the collateral is being administered by the personal representative of a decedent,*** only if the financing statement provides ***, as the name of the debtor,*** the name of the decedent and ***, in a separate part of the financing statement,*** indicates that the ~~[debtor is an estate;]~~ ***collateral is being administered by a personal representative;***

(c) If the ~~[debtor is a trust or a trustee acting with respect to property held in trust, only if the financing statement:~~

~~(1) Provides the name specified for the trust in its organic documents or, if no name is specified, provides the name of the settlor and additional information sufficient to distinguish the debtor from other trusts having one or more of the same settlors; and~~

~~(2) Indicates, in the debtor's name or otherwise, that the debtor is a trust or is a trustee acting with respect to property held in trust; and]~~ ***collateral is held in a trust that is not a registered organization, only if the financing statement:***

(1) Provides, as the name of the debtor:

(I) If the organic record of the trust specifies a name for the trust, the name so specified; or

(II) If the organic record of the trust does not specify a name for the trust, the name of the settlor or testator; and

(2) In a separate part of the financing statement:

(I) If the name is provided in accordance with sub-subparagraph (I) of subparagraph (1), indicates that the collateral is held in a trust; or

(II) If the name is provided in accordance with sub-subparagraph (II) of subparagraph (1), provides additional information sufficient to distinguish the trust from other trusts having one or more of the same settlors or the same testator and indicates that the collateral is held in a trust, unless the additional information so indicates;

(d) ***Subject to subsection 7, if the debtor is a natural person to whom this State*** ~~***[or any other state]***~~ ***has issued a driver's license*** ***that has not expired*** ***or*** ***to whom the agency of this State that issues driver's licenses has issued, in lieu of a driver's license, a personal identification card that has not expired*** ***,*** ~~***[or to whom the Federal Government has issued an identification card that has not expired,]***~~ ***only if the financing statement provides the name of the natural person which is indicated on the driver's license or personal identification card;***

(e) If the debtor is a natural person to whom paragraph (d) does not apply, only if the financing statement provides the individual name of the debtor or the surname and first personal name of the debtor; and

(f) In other cases:

(1) If the debtor has a name, only if ~~[it]~~ ***the financing statement*** provides the ***organizational*** name of the debtor ***;*** ~~[as a natural person or an organization;]~~ and

(2) If the debtor does not have a name, only if ~~[it]~~ ***the financing statement*** provides the names of the partners, members, associates or other persons comprising the debtor ~~[.]~~ ***, in a manner that each name provided would be sufficient if the person named were the debtor.***

2. A financing statement that provides the name of the debtor in accordance with subsection 1 is not rendered ineffective by the absence of:

(a) A trade name or other name of the debtor; or

(b) Unless required under subparagraph (2) of paragraph ~~[(d)]~~ ***(f)*** of subsection 1, names of partners, members, associates or other persons comprising the debtor.

3. A financing statement that provides only the debtor's trade name does not sufficiently provide the name of the debtor.

4. Failure to indicate the representative capacity of a secured party or representative of a secured party does not affect the sufficiency of a financing statement.

5. A financing statement may provide the name of more than one debtor and the name of more than one secured party.

6. The name of the decedent indicated on the order appointing the personal representative of the decedent issued by the court having jurisdiction over the collateral is sufficient as the "name of the decedent" under paragraph (b) of subsection 1.

7. If this State ~~[, any other state or the Federal Government]~~ ***has issued to a natural person more than one driver's license or , if none, more than one personal identification card , of a kind described in paragraph (d) of subsection 1,*** ~~[or if a person has been issued both a driver's license and an identification card of the kind described in paragraph (d) of subsection 1,]~~ ***the*** ~~[one]~~ ***driver's license or personal identification card, as applicable, that was issued most recently is the one to which paragraph (d) of subsection 1 refers.***

8. In this section, the "name of the settlor or testator" means:

(a) If the settlor is a registered organization, the name that is stated to be the settlor's name on the public organic record most recently filed with or issued or enacted by the registered settlor's jurisdiction of organization which purports to state, amend or restate the settlor's name; or

(b) In other cases, the name of the settlor or testator indicated in the trust's organic record.

Sec. 20. NRS 104.9507 is hereby amended to read as follows:

104.9507 1. A filed financing statement remains effective with respect to collateral that is sold, exchanged, leased, licensed or otherwise disposed of and in which a security interest or agricultural lien continues, even if the secured party knows of or consents to the disposition.

2. Except as otherwise provided in subsection 3 and NRS 104.9508, a financing statement is not rendered ineffective if, after the financing statement is filed, the information provided in the financing statement becomes seriously misleading under NRS 104.9506.

3. If ~~[a debtor so changes its]~~ ***the*** name that a filed financing statement ***provides for a debtor*** becomes ***insufficient as the name of the debtor under subsection 1 of NRS 104.9503 so that the financing statement becomes*** seriously misleading under NRS 104.9506:

(a) The financing statement is effective to perfect a security interest in collateral acquired by the debtor before, or within 4 months after, the ~~[change;]~~ ***filed financing statement becomes seriously misleading;*** and

(b) The financing statement is not effective to perfect a security interest in collateral acquired by the debtor more than 4 months after the ~~[change,]~~ ***filed financing statement becomes seriously misleading,*** unless an amendment to the financing statement which renders the financing statement not seriously misleading is filed within 4 months after ~~[the change.]~~ ***the financing statement became seriously misleading.***

Sec. 21. NRS 104.9515 is hereby amended to read as follows:

104.9515 1. Except as otherwise provided in subsections 2, 5, 6 and 7, a filed financing statement is effective for a period of 5 years after the date of filing.

2. Except as otherwise provided in subsections 5, 6 and 7, an initial financing statement filed in connection with a public-finance transaction or manufactured-home transaction is effective for a period of 30 years after the date of filing if it indicates that it is filed in connection with a public-finance transaction or manufactured-home transaction.

3. The effectiveness of a filed financing statement lapses on the expiration of the period of its effectiveness unless before the lapse a continuation statement is filed pursuant to subsection 4. Upon lapse, a financing statement ceases to be effective and any security interest or agricultural lien that was perfected by the financing statement becomes unperfected, unless the security interest is perfected otherwise. If the security interest or agricultural lien becomes unperfected upon lapse, it is deemed never to have been perfected as against a purchaser of the collateral for value.

4. A continuation statement may be filed only within 6 months before the expiration of the 5-year period specified in subsection 1 or the 30-year period specified in subsection 2, whichever is applicable.

5. Except as otherwise provided in NRS 104.9510, upon timely filing of a continuation statement, the effectiveness of the initial financing statement continues for a period of 5 years commencing on the day on which the financing statement would have become ineffective in the absence of the filing. Upon the expiration of the 5-year period, the financing statement lapses in the same manner as provided in subsection 3, unless, before the lapse, another continuation statement is filed pursuant to subsection 4. Succeeding continuation statements may be filed in the same manner to continue the effectiveness of the initial financing statement.

6. If a debtor is a transmitting utility and a filed ***initial*** financing statement so indicates, the financing statement is effective until a termination statement is filed.

7. A real property mortgage that is effective as a fixture filing under subsection 3 of NRS 104.9502 remains effective as a fixture filing until the mortgage is released or satisfied of record or its effectiveness otherwise terminates as to the real property.

Sec. 22. NRS 104.9516 is hereby amended to read as follows:

104.9516 1. Except as otherwise provided in subsection 2, communication of a record to a filing office and tender of the filing fee or acceptance of the record by the filing office constitutes filing.

2. Filing does not occur with respect to a record that a filing office refuses to accept because:

(a) The record is not communicated by a method or medium of communication authorized by the filing office;

(b) An amount equal to or greater than the applicable filing fee is not tendered;

(c) The filing office is unable to index the record because:

(1) In the case of an initial financing statement, the record does not provide a name for the debtor;

(2) In the case of an amendment or ~~[~~correction~~]~~ ***information*** statement ***,*** ~~*[of claim,]*~~ the record:

(I) Does not identify the initial financing statement as required by NRS 104.9512 or 104.9518, as applicable; or

(II) Identifies an initial financing statement whose effectiveness has lapsed under NRS 104.9515;

(3) In the case of an initial financing statement that provides the name of a debtor identified as a natural person or an amendment that provides a name of a debtor identified as a natural person which was not previously provided in the financing statement to which the record relates, the record does not identify the debtor's ~~[~~last name;~~]~~ ***surname;*** or

(4) In the case of a record filed or recorded in the filing office described in paragraph (a) of subsection 1 of NRS 104.9501, the record does not provide a sufficient description of the real property to which it relates;

(d) In the case of an initial financing statement or an amendment that adds a secured party of record, the record does not provide a name and mailing address for the secured party of record;

(e) In the case of an initial financing statement or an amendment that provides a name of a debtor which was not previously provided in the financing statement to which the amendment relates, the record does not:

(1) Provide a mailing address for the debtor; ***or***

(2) Indicate whether the ***name provided as the name of the*** debtor is ***the name of*** a natural person or an organization; ~~[or~~

~~(3) If the financing statement indicates that the debtor is an organization, provide:~~

~~(I) A type of organization for the debtor;~~

~~(II) A jurisdiction of organization for the debtor; or~~

~~(III) An organizational identification number for the debtor or indicate that the debtor has none;~~

(f) In the case of an assignment reflected in an initial financing statement under subsection 1 of NRS 104.9514 or an amendment filed under subsection 2 of that section, the record does not provide a name and mailing address for the assignee; ~~[or]~~

(g) In the case of a continuation statement, the record is not filed within the 6-month period prescribed by subsection 4 of NRS 104.9515 ~~[.]~~ ***; or***

(h) The record lists a public official of a governmental unit as a debtor and the public official has not authorized the filing of the information in an authenticated record as required pursuant to NRS 104.9509.

3. For purposes of subsection 2:

(a) A record does not provide information if the filing office is unable to read or decipher the information; and

(b) A record that does not indicate that it is an amendment or identify an initial financing statement to which it relates, as required by NRS 104.9512, 104.9514 or 104.9518, is an initial financing statement.

4. A record that is communicated to the filing office with tender of the filing fee, but which the filing office refuses to accept for a reason other than one set forth in subsection 2, is effective as a filed record except as against a purchaser of the collateral which gives value in reasonable reliance upon the absence of the record from the files.

Sec. 23. NRS 104.9518 is hereby amended to read as follows:

104.9518 1. A person may file in the filing office ~~[a]~~ ~~[correction]~~ ***an information*** statement ~~*[of claim]*~~ with respect to a record indexed there under his or her name if the person believes that the record is inaccurate or was wrongfully filed.

2. ~~[A]~~ ~~[correction]~~ ***An information*** statement ~~*[of claim]*~~ ***under subsection 1*** must:

(a) Identify the record to which it relates by:

(1) The file number assigned to the initial financing statement to which the record relates; and

(2) If the ~~[correction]~~ ***information*** statement ~~*[of claim]*~~ relates to a record filed or recorded in a filing office described in paragraph (a) of subsection 1 of NRS 104.9501, the date that the initial financing statement was filed or recorded and the information specified in subsection 2 of NRS 104.9502;

(b) Indicate that it is ~~[a]~~ ~~[correction]~~ ***an information*** statement ; ~~*[of claim;]*~~ and

(c) Provide the basis for the person's belief that the record is inaccurate and indicate the manner in which the person believes the record should be amended to cure any inaccuracy or provide the basis for his or her belief that the record was wrongfully filed.

3. ***A person may file in the filing office*** ~~*[a]*~~ ***an information statement*** ~~*[of claim]*~~ ***with respect to a record filed there if the person is a secured***

party of record with respect to the financing statement to which the record relates and believes that the person that filed the record was not entitled to do so under subsection 3 of NRS 104.9509.

4. ~~[A]~~ An information statement ~~[of claim]~~ under subsection 3 must:

(a) Identify the record to which it relates by:

(1) The file number assigned to the initial financing statement to which the record relates; and

(2) If the information statement ~~[of claim]~~ relates to a record filed or recorded in a filing office described in paragraph (a) of subsection 1 of NRS 104.9501, the date that the initial financing statement was filed or recorded and the information specified in subsection 2 of NRS 104.9502;

(b) Indicate that it is ~~[a]~~ an information statement ; ~~[of claim;]~~ and

(c) Provide the basis for the person's belief that the person that filed the record was not entitled to do so under subsection 3 of NRS 104.9509.

5. The filing of ~~**[a]**~~ ~~**[**correction**]**~~ ***an information*** statement ~~***[of claim]***~~ does not affect the effectiveness of an initial financing statement or other filed record.

Sec. 24. NRS 104.9607 is hereby amended to read as follows:

104.9607 1. If so agreed, and in any event after default, a secured party:

(a) May notify an account debtor or other person obligated on collateral to make payment or otherwise render performance to or for the benefit of the secured party;

(b) May take any proceeds to which the secured party is entitled under NRS 104.9315;

(c) May enforce the obligations of an account debtor or other person obligated on collateral and exercise the rights of the debtor with respect to the obligation of the account debtor or other person obligated on collateral to make payment or otherwise render performance to the debtor, and with respect to any property that secures the obligations of the account debtor or other person obligated on the collateral;

(d) If it holds a security interest in a deposit account perfected by control under paragraph (a) of subsection 1 of NRS 104.9104, may apply the balance of the deposit account to the obligation secured by the deposit account; and

(e) If it holds a security interest in a deposit account perfected by control under paragraph (b) or (c) of subsection 1 of NRS 104.9104, may instruct the bank to pay the balance of the deposit account to or for the benefit of the secured party.

2. If necessary to enable a secured party to exercise under paragraph (c) of subsection 1 the right of a debtor to enforce a mortgage nonjudicially, the secured party may record in the office in which the mortgage is recorded:

(a) A copy of the security agreement that creates or provides for a security interest in the obligation secured by the mortgage; and

(b) The secured party's sworn affidavit in recordable form stating that:

(1) A default has occurred ~~[:]~~ ***with respect to the obligation secured by the mortgage;*** and

(2) The secured party is entitled to enforce the mortgage nonjudicially.

3. A secured party shall proceed in a commercially reasonable manner if the secured party:

(a) Undertakes to collect from or enforce an obligation of an account debtor or other person obligated on collateral; and

(b) Is entitled to charge back uncollected collateral or otherwise to full or limited recourse against the debtor or a secondary obligor.

4. A secured party may deduct from the collections made pursuant to subsection 3 reasonable expenses of collection and enforcement, including reasonable attorney's fees and legal expenses incurred by the secured party.

5. This section does not determine whether an account debtor, bank or other person obligated on collateral owes a duty to a secured party.

Sec. 25. This act becomes effective on July 1, 2013.

Assemblyman Horne moved that the Assembly concur in the Senate amendment to Assembly Bill No. 109.

Remarks by Assemblyman Horne.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Assembly Bill No. 39.

The following Senate amendment was read:

Amendment No. 598.

AN ACT relating to educational personnel; removing the requirement that the Superintendent of Public Instruction notify a licensee by mail of the date of expiration of his or her license; requiring the Department of Education to maintain a directory of licensees on the Internet website maintained by the Department; requiring the Department to provide on a monthly basis an electronic file with a list of each licensed employee whose license will expire to the board of trustees of the school district that employs the person; ~~[requiring]~~ **authorizing** the board of trustees of the school district to notify each licensee of the date of expiration of his or her license; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill removes the requirement that the Superintendent of Public Instruction provide written notice, by first class mail, to each person who is licensed by the Superintendent of the date on which his or her license expires. This bill also requires the Department of Education to: (1) maintain a directory of the name of each person who is licensed and the date on which his or her license expires; (2) make that information available to licensed educational personnel and to the general public on the Department's Internet website; and (3) provide to the board of trustees of each school district, each calendar month, an electronic file with a list of each licensed employee who is employed by the board of trustees and whose license will expire within the

9 months immediately following that calendar month. This bill further ~~[requires]~~ **authorizes** the board of trustees of each school district to notify each licensed employee identified in the list of the date on which his or her license will expire. ~~[Such notification]~~ **If the board of trustees of a school district provides such notice, the notice** must be provided not later than 6 months before the date of expiration.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 391.042 is hereby amended to read as follows:

391.042 ***1.*** The ~~[Superintendent of Public Instruction]~~ ***Department*** shall ~~[provide written notice to each person]~~ ***:***

(a) Maintain a directory of the name of each person who holds a license issued pursuant to this chapter ~~[of]~~ ***and*** the date on which ~~[the]~~ ***his or her*** license expires ~~[. The written notice must be mailed, by first-class mail, to the last known address of the licensee, as reflected in the records of the Superintendent, not less than 6 months and not more than 1 year before the date of expiration.]~~ ***;***

(b) Make the directory readily available to licensed educational personnel and to the general public on the Internet website maintained by the Department; and

(c) Provide to the board of trustees of each school district, at the end of each calendar month, an electronic file with a list of each licensed employee who is employed by the board of trustees and whose license will expire within the 9 months immediately following that calendar month.

2. The board of trustees of a school district ~~*[shall]*~~ ***may notify each licensed employee identified in the list received pursuant to paragraph (c) of subsection 1 of the date on which his or her license will expire.*** ~~*[The]*~~ ***If the board of trustees of a school district provides notice to a licensed employee pursuant to this subsection, the notice must be provided not later than 6 months before the date of expiration of the license.***

Sec. 2. This act becomes effective on July 1, 2011.

Assemblyman Bobzien moved that the Assembly do not concur in the Senate amendment to Assembly Bill No. 39.

Remarks by Assemblyman Bobzien.

Motion carried.

Bill ordered transmitted to the Senate.

Assembly Bill No. 40.

The following Senate amendment was read:

Amendment No. 599.

AN ACT relating to private postsecondary educational institutions; revising the requirements concerning background investigations of certain applicants for employment or contracts with private postsecondary

educational institutions; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires certain persons who apply for employment or a contract with a private postsecondary educational institution to submit a completed fingerprint card that must be taken by an agency of law enforcement and authorization for the postsecondary institution to conduct an investigation of the background of the applicants. (NRS 394.465) This bill allows the fingerprint card and authorization to be submitted electronically to the Central Repository for Nevada Records of Criminal History. This bill also exempts an applicant from the background check if **: (1)** the applicant will provide instruction from a location outside this State through a licensed program of distance education **[.] ; (2) the applicant previously underwent a background check; and (3) the Administrator of the Commission on Postsecondary Education determines that an additional background check is not necessary.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 394.465 is hereby amended to read as follows:

394.465 1. Except as otherwise provided in subsection **[**4,**]** ***6,*** before a postsecondary educational institution employs or contracts with a person:

(a) To occupy an instructional position;

(b) To occupy an administrative or financial position, including a position as school director, personnel officer, counselor, admission representative, solicitor, canvasser, surveyor, financial aid officer or any similar position; or

(c) To act as an agent for the institution,

➥ the applicant must submit to the Administrator **[**completed fingerprint cards**]** ***the information set forth in subsection 2.***

2. The applicant must submit to the Administrator:

(a) A complete set of fingerprints taken by a law enforcement agency and **[**a form**]** ***written permission*** authorizing **[**an investigation of the applicant's background and the submission of a complete set of**]** the ***Administrator to submit the*** applicant's fingerprints to the Central Repository for Nevada Records of Criminal History for **[**its report and for**]** submission to the Federal Bureau of Investigation for **[**its**]** ***a*** report **[**. The fingerprint cards and authorization form submitted must be those which are provided to the applicant by the Administrator. The applicant's fingerprints must be taken by an agency of law enforcement.

2.**]** ***on the applicant's background and to such other law enforcement agencies as the Administrator deems necessary; or***

(b) Written verification, on a form prescribed by the Administrator, stating that the fingerprints of the applicant were taken and directly forwarded electronically or by another means to the Central Repository and that the applicant has given written permission to the law enforcement

agency or other authorized entity taking the fingerprints to submit the fingerprints to the Central Repository for submission to the Federal Bureau of Investigation for a report on the applicant's background and to such other law enforcement agencies as the Administrator deems necessary.

3. The Administrator may:

(a) Unless the applicant's fingerprints are directly forwarded pursuant to paragraph (b) of subsection 2, submit those fingerprints to the Central Repository for submission to the Federal Bureau of Investigation and to such other law enforcement agencies as the Administrator deems necessary; and

(b) Request from each such agency any information regarding the applicant's background as the Administrator deems necessary.

4. Except as otherwise provided in NRS 239.0115, the Administrator shall keep the results of the investigation confidential.

~~[3.]~~ ***5.*** The applicant shall pay the cost of the investigation.

~~[4.]~~ ***6.*** An applicant is not required to satisfy the requirements of ~~[subsection 1]~~ ***this section*** if the applicant:

(a) Is licensed by the Superintendent of Public Instruction;

(b) Is an employee of the United States Department of Defense;

(c) Is a member of the faculty of an accredited postsecondary educational institution in another state who is domiciled in a state other than Nevada and is present in Nevada for a temporary period to teach at a branch of that accredited institution; ~~[or]~~

(d) ***Is an instructor who provides instruction from a location outside this State through a program of distance education for a postsecondary educational institution licensed by the Commission*** ~~[.]~~ ***who previously underwent an investigation of his or her background and the Administrator determines that an additional investigation is not necessary; or***

(e) Has satisfied the requirements of subsection 1 within the immediately preceding 5 years.

7. As used in this section, "distance education" means instruction delivered by means of video, computer, television, or the Internet or other electronic means of communication, or any combination thereof, in such a manner that the person supervising or providing the instruction and the student receiving the instruction are separated geographically.

Sec. 2. This act becomes effective upon passage and approval.

Assemblyman Bobzien moved that the Assembly do not concur in the Senate Amendment No. 599 to Assembly Bill No. 40.

Remarks by Assemblyman Bobzien.

Motion carried.

Bill ordered transmitted to the Senate.

Assembly Bill No. 138.

The following Senate amendment was read:

Amend No. 620.

AN ACT relating to education; authorizing the Department of Education to work in consultation with the Nevada System of Higher Education to establish a plan to ensure that high school pupils are adequately prepared for postsecondary education and success in the workplace; revising certain requirements for the reports of accountability information prepared by the State Board of Education and the boards of trustees of school districts; revising provisions governing the academic plans for ninth grade pupils; authorizing school districts to adopt a policy for pupils to report unlawful activities; repealing certain provisions relating to the exemption of certain children from compulsory school attendance; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1 of this bill authorizes the Department of Education to work in consultation with the Nevada System of Higher Education to establish clearly defined goals and benchmarks for pupils enrolled in public high schools to ensure that those pupils are adequately prepared for the educational requirements of postsecondary education and for success in the workplace.

Sections 2 , 2.5 and 4 of this bill revise the requirements for the reports of accountability information prepared by the State Board of Education and the board of trustees of each school district to include **: (1)** certain information relating to adult diplomas **[.] ; and (2) reports on incidents resulting in suspension or expulsion for bullying, cyber-bullying, harassment and intimidation.**

Section 5 of this bill revises the provisions governing the policy for the 4-year academic plan for ninth grade pupils to provide that the policy may ensure that each ninth grade pupil and his or her parent or legal guardian are provided, to the extent practicable, with information concerning certain courses and programs available to the pupil, as well as the requirements for graduation, for admission to the Nevada System of Higher Education and for receipt of a Governor Guinn Millennium Scholarship.

Section 8 of this bill authorizes the board of trustees of each school district to adopt a policy that allows a pupil enrolled in a public school within a school district to report, anonymously if the pupil chooses, any unlawful activities that are being conducted on school property, at an activity sponsored by the public school or on a school bus, commonly referred to as a "secret witness program."

Section 13 of this bill repeals certain provisions relating to the exemption of children from compulsory school attendance.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 385 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Department may work in consultation with the Nevada System of Higher Education to establish a plan which sets forth clearly defined goals and benchmarks for pupils enrolled in the public high schools to ensure that those pupils are adequately prepared for the educational requirements of postsecondary education and for success in the workplace, including, without limitation, methods to ensure that the high school standards, graduation requirements and assessments are aligned with college and workforce readiness expectations.

2. If such a plan is established, the Superintendent of Public Instruction shall:

(a) On or before February 1 of each odd-numbered year, submit a report on the progress of the plan to the Director of the Legislative Counsel Bureau for transmission to the next regular session of the Legislature; and

(b) On or before February 1 of each even-numbered year, submit a report on the progress of the plan to the Legislative Committee on Education.

Sec. 2. NRS 385.3469 is hereby amended to read as follows:

385.3469 1. The State Board shall prepare an annual report of accountability that includes, without limitation:

(a) Information on the achievement of all pupils based upon the results of the examinations administered pursuant to NRS 389.015 and 389.550, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(b) Except as otherwise provided in subsection 2, pupil achievement, reported separately by gender and reported separately for the following groups of pupils:

(1) Pupils who are economically disadvantaged, as defined by the State Board;

(2) Pupils from major racial and ethnic groups, as defined by the State Board;

(3) Pupils with disabilities;

(4) Pupils who are limited English proficient; and

(5) Pupils who are migratory children, as defined by the State Board.

(c) A comparison of the achievement of pupils in each group identified in paragraph (b) of subsection 1 of NRS 385.361 with the annual measurable objectives of the State Board.

(d) The percentage of all pupils who were not tested, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(e) Except as otherwise provided in subsection 2, the percentage of pupils who were not tested, reported separately by gender and reported separately for the groups identified in paragraph (b).

(f) The most recent 3-year trend in the achievement of pupils in each subject area tested and each grade level tested pursuant to NRS 389.015 and 389.550, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole, which may include information regarding the trend in the achievement of pupils for more than 3 years, if such information is available.

(g) Information on whether each school district has made adequate yearly progress, including, without limitation, the name of each school district, if any, designated as demonstrating need for improvement pursuant to NRS 385.377 and the number of consecutive years that the school district has carried that designation.

(h) Information on whether each public school, including, without limitation, each charter school, has made:

(1) Adequate yearly progress, including, without limitation, the name of each public school, if any, designated as demonstrating need for improvement pursuant to NRS 385.3623 and the number of consecutive years that the school has carried that designation.

(2) Progress based upon the model adopted by the Department pursuant to NRS 385.3595, if applicable for the grade level of pupils enrolled at the school.

(i) Information on the results of pupils who participated in the examinations of the National Assessment of Educational Progress required pursuant to NRS 389.012.

(j) The ratio of pupils to teachers in kindergarten and at each grade level for all elementary schools, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole, and the average class size for each core academic subject, as set forth in NRS 389.018, for each secondary school, reported for each school district and for this State as a whole.

(k) For each school district, including, without limitation, each charter school in the district, and for this State as a whole, information on the professional qualifications of teachers employed by the school districts and charter schools, including, without limitation:

(1) The percentage of teachers who are:

(I) Providing instruction pursuant to NRS 391.125;

(II) Providing instruction pursuant to a waiver of the requirements for licensure for the grade level or subject area in which the teachers are employed; or

(III) Otherwise providing instruction without an endorsement for the subject area in which the teachers are employed;

(2) The percentage of classes in the core academic subjects, as set forth in NRS 389.018, in this State that are not taught by highly qualified teachers;

(3) The percentage of classes in the core academic subjects, as set forth in NRS 389.018, in this State that are not taught by highly qualified teachers, in the aggregate and disaggregated by high-poverty compared to low-poverty schools, which for the purposes of this subparagraph means schools in the top quartile of poverty and the bottom quartile of poverty in this State;

(4) For each middle school, junior high school and high school:

(I) On and after July 1, 2005, the number of persons employed as substitute teachers for 20 consecutive days or more in the same classroom or assignment, designated as long-term substitute teachers, including the total number of days long-term substitute teachers were employed at each school, identified by grade level and subject area; and

(II) On and after July 1, 2006, the number of persons employed as substitute teachers for less than 20 consecutive days, designated as short-term substitute teachers, including the total number of days short-term substitute teachers were employed at each school, identified by grade level and subject area; and

(5) For each elementary school:

(I) On and after July 1, 2005, the number of persons employed as substitute teachers for 20 consecutive days or more in the same classroom or assignment, designated as long-term substitute teachers, including the total number of days long-term substitute teachers were employed at each school, identified by grade level; and

(II) On and after July 1, 2006, the number of persons employed as substitute teachers for less than 20 consecutive days, designated as short-term substitute teachers, including the total number of days short-term substitute teachers were employed at each school, identified by grade level.

(l) The total expenditure per pupil for each school district in this State, including, without limitation, each charter school in the district. If this State has a financial analysis program that is designed to track educational expenditures and revenues to individual schools, the State Board shall use that statewide program in complying with this paragraph. If a statewide program is not available, the State Board shall use the Department's own financial analysis program in complying with this paragraph.

(m) The total statewide expenditure per pupil. If this State has a financial analysis program that is designed to track educational expenditures and revenues to individual schools, the State Board shall use that statewide program in complying with this paragraph. If a statewide program is not available, the State Board shall use the Department's own financial analysis program in complying with this paragraph.

(n) For all elementary schools, junior high schools and middle schools, the rate of attendance, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(o) The annual rate of pupils who drop out of school in grade 8 and a separate reporting of the annual rate of pupils who drop out of school in grades 9 to 12, inclusive, reported for each school district, including, without

limitation, each charter school in the district, and for this State as a whole. The reporting for pupils in grades 9 to 12, inclusive, excludes pupils who:

(1) proof Provide to the school district of successful completion of the examinations of general educational development.

(2) Are enrolled in courses that are approved by the Department as meeting the requirements for an adult standard diploma.

(3) Withdraw from school to attend another school.

(p) The attendance of teachers who provide instruction, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(q) Incidents involving weapons or violence, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(r) Incidents involving the use or possession of alcoholic beverages or controlled substances, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(s) The suspension and expulsion of pupils required or authorized pursuant to NRS 392.466 and 392.467, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(t) The number of pupils who are deemed habitual disciplinary problems pursuant to NRS 392.4655, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(u) The number of pupils in each grade who are retained in the same grade pursuant to NRS 392.033 or 392.125, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(v) The transiency rate of pupils, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole. For the purposes of this paragraph, a pupil is not a transient if the pupil is transferred to a different school within the school district as a result of a change in the zone of attendance by the board of trustees of the school district pursuant to NRS 388.040.

(w) Each source of funding for this State to be used for the system of public education.

(x) A compilation of the programs of remedial study purchased in whole or in part with money received from this State that are used in each school district, including, without limitation, each charter school in the district. The compilation must include:

(1) The amount and sources of money received for programs of remedial study.

(2) An identification of each program of remedial study, listed by subject area.

(y) The percentage of pupils who graduated from a high school or charter school in the immediately preceding year and enrolled in remedial courses in reading, writing or mathematics at a university, state college or community college within the Nevada System of Higher Education, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(z) The technological facilities and equipment available for educational purposes, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(aa) For each school district, including, without limitation, each charter school in the district, and for this State as a whole, the number and percentage of pupils who received:

(1) A standard high school diploma, reported separately for pupils who received the diploma pursuant to:

(I) Paragraph (a) of subsection 1 of NRS 389.805; and

(II) Paragraph (b) of subsection 1 of NRS 389.805.

(2) ***An adult diploma.***

(3) An adjusted diploma.

~~[(3)]~~ ***(4)*** A certificate of attendance.

(bb) For each school district, including, without limitation, each charter school in the district, and for this State as a whole, the number and percentage of pupils who failed to pass the high school proficiency examination.

(cc) The number of habitual truants who are reported to a school police officer or local law enforcement agency pursuant to paragraph (a) of subsection 2 of NRS 392.144 and the number of habitual truants who are referred to an advisory board to review school attendance pursuant to paragraph (b) of subsection 2 of NRS 392.144, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(dd) Information on the paraprofessionals employed at public schools in this State, including, without limitation, the charter schools in this State. The information must include:

(1) The number of paraprofessionals employed, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole; and

(2) For each school district, including, without limitation, each charter school in the district, and for this State as a whole, the number and percentage of all paraprofessionals who do not satisfy the qualifications set forth in 20 U.S.C. § 6319(c). The reporting requirements of this subparagraph apply to paraprofessionals who are employed in programs supported with Title I money and to paraprofessionals who are not employed in programs supported with Title I money.

(ee) An identification of appropriations made by the Legislature to improve the academic achievement of pupils and programs approved by the Legislature to improve the academic achievement of pupils.

(ff) A compilation of the special programs available for pupils at individual schools, listed by school and by school district, including, without limitation, each charter school in the district.

(gg) For each school district, including, without limitation, each charter school in the district and for this State as a whole, information on pupils enrolled in career and technical education, including, without limitation:

(1) The number of pupils enrolled in a course of career and technical education;

(2) The number of pupils who completed a course of career and technical education;

(3) The average daily attendance of pupils who are enrolled in a program of career and technical education;

(4) The annual rate of pupils who dropped out of school and were enrolled in a program of career and technical education before dropping out;

(5) The number and percentage of pupils who completed a program of career and technical education and who received a standard high school diploma, an adjusted diploma or a certificate of attendance; and

(6) The number and percentage of pupils who completed a program of career and technical education and who did not receive a high school diploma because the pupils failed to pass the high school proficiency examination.

(hh) The number of incidents resulting in suspension or expulsion for bullying, cyber-bullying, harassment or intimidation, reported for each school district, including, without limitation, each charter school in the district, and for the State as a whole.

2. A separate reporting for a group of pupils must not be made pursuant to this section if the number of pupils in that group is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual pupil. The State Board shall prescribe a mechanism for determining the minimum number of pupils that must be in a group for that group to yield statistically reliable information.

3. The annual report of accountability must:

(a) Comply with 20 U.S.C. § 6311(h)(1) and the regulations adopted pursuant thereto;

(b) Be prepared in a concise manner; and

(c) Be presented in an understandable and uniform format and, to the extent practicable, provided in a language that parents can understand.

4. On or before September 1 of each year, the State Board shall:

(a) Provide for public dissemination of the annual report of accountability by posting a copy of the report on the Internet website maintained by the Department; and

(b) Provide written notice that the report is available on the Internet website maintained by the Department. The written notice must be provided to the:

(1) Governor;

(2) Committee;

(3) Bureau;

(4) Board of Regents of the University of Nevada;

(5) Board of trustees of each school district; and

(6) Governing body of each charter school.

5. Upon the request of the Governor, an entity described in paragraph (b) of subsection 4 or a member of the general public, the State Board shall provide a portion or portions of the annual report of accountability.

6. As used in this section:

(a) "***Bullying" has the meaning ascribed to it in NRS 388.122.***

(b) "Cyber-bullying" has the meaning ascribed to it in NRS 388.123.

(c) "Harassment" has the meaning ascribed to it in NRS 388.125.

(d) "Highly qualified" has the meaning ascribed to it in 20 U.S.C. § 7801(23).

~~[(b)]~~ ***(e) "Intimidation" has the meaning ascribed to it in NRS 388.129.***

(f) "Paraprofessional" has the meaning ascribed to it in NRS 391.008.

Sec. 2.5. **NRS 385.34692 is hereby amended to read as follows:**

385.34692 1. The State Board shall prepare a summary of the annual report of accountability prepared pursuant to NRS 385.3469 that includes, without limitation, a summary of the following information for each school district, each charter school and the State as a whole:

(a) Demographic information of pupils, including, without limitation, the number and percentage of pupils:

(1) Who are economically disadvantaged, as defined by the State Board;

(2) Who are from major racial or ethnic groups, as defined by the State Board;

(3) With disabilities;

(4) Who are limited English proficient; and

(5) Who are migratory children, as defined by the State Board;

(b) The average daily attendance of pupils, reported separately for the groups identified in paragraph (a);

(c) The transiency rate of pupils;

(d) The percentage of pupils who are habitual truants;

(e) The percentage of pupils who are deemed habitual disciplinary problems pursuant to NRS 392.4655;

(f) The number of incidents resulting in suspension or expulsion for:

(1) Violence to other pupils or to school personnel;

(2) Possession of a weapon;

(3 Distribution) of a controlled substance;

(4) Possession or use of a controlled substance; ~~[and]~~

(5) Possession or use of alcohol; ***and***

(6) Bullying, cyber-bullying, harassment or intimidation;

(g) For kindergarten through grade 8, the number and percentage of pupils who are retained in the same grade;

(h) For grades 9 to 12, inclusive, the number and percentage of pupils who are deficient in the number of credits required for promotion to the next grade or graduation from high school;

(i) The pupil-teacher ratio for kindergarten and grades 1 to 8, inclusive;

(j) The average class size for the subject area of mathematics, English, science and social studies in schools where pupils rotate to different teachers for different subjects;

(k) The number and percentage of pupils who graduated from high school;

(l) The number and percentage of pupils who received a:

(1) Standard diploma;

(2) Adult diploma;

(3) Adjusted diploma; and

(4) Certificate of attendance;

(m) The number and percentage of pupils who graduated from high school and enrolled in remedial courses at the Nevada System of Higher Education;

(n) Per pupil expenditures;

(o) Information on the professional qualifications of teachers;

(p) The average daily attendance of teachers and licensure information;

(q) Information on the adequate yearly progress of the schools and school districts;

(r) Pupil achievement based upon the:

(1) Examinations administered pursuant to NRS 389.550, including, without limitation, whether public schools have made progress based upon the model adopted by the Department pursuant to NRS 385.3595; and

(2) High school proficiency examination;

(s) To the extent practicable, pupil achievement based upon the examinations administered pursuant to NRS 389.015 for grades 4, 7 and 10; and

(t) Other information required by the Superintendent of Public Instruction in consultation with the Bureau.

2. The summary prepared pursuant to subsection 1 must:

(a) Comply with 20 U.S.C. § 6311(h)(1) and the regulations adopted pursuant thereto;

(b) Be prepared in a concise manner; and

(c) Be presented in an understandable and uniform format and, to the extent practicable, provided in a language that parents will likely understand.

3. On or before September 7 of each year, the State Board shall:

(a) Provide for public dissemination of the summary prepared pursuant to subsection 1 by posting the summary on the Internet website maintained by the Department; and

(b) Submit a copy of the summary in an electronic format to the:

(1) Governor;

(2) Committee;
(3) Bureau;
(4) Board of Regents of the University of Nevada;
(5) Board of trustees of each school district; and
(6) Governing body of each charter school.

4. The board of trustees of each school district and the governing body of each charter school shall ensure that the parents and guardians of pupils enrolled in the school district or charter school, as applicable, have sufficient information concerning the availability of the summary prepared by the State Board pursuant to subsection 1, including, without limitation, information that describes how to access the summary on the Internet website maintained by the Department. Upon the request of a parent or guardian of a pupil, the Department shall provide the parent or guardian with a written copy of the summary.

5. The Department shall, in consultation with the Bureau and the school districts, prescribe a form for the summary required by this section.

6. As used in this section:

(a) "Bullying" has the meaning ascribed to it in NRS 388.122.

(b) "Cyber-bullying" has the meaning ascribed to it in NRS 388.123.

(c) "Harassment" has the meaning ascribed to it in NRS 388.125.

(d) "Intimidation" has the meaning ascribed to it in NRS 388.129.

Sec. 3. (Deleted by amendment.)

Sec. 4. NRS 385.347 is hereby amended to read as follows:

385.347 1. The board of trustees of each school district in this State, in cooperation with associations recognized by the State Board as representing licensed educational personnel in the district, shall adopt a program providing for the accountability of the school district to the residents of the district and to the State Board for the quality of the schools and the educational achievement of the pupils in the district, including, without limitation, pupils enrolled in charter schools in the school district. The board of trustees of each school district shall report the information required by subsection 2 for each charter school that is located within the school district, regardless of the sponsor of the charter school. The information for charter schools must be reported separately and must denote the charter schools sponsored by the school district, the charter schools sponsored by the State Board and the charter schools sponsored by a college or university within the Nevada System of Higher Education.

2. The board of trustees of each school district shall, on or before August 15 of each year, prepare an annual report of accountability concerning:

(a) The educational goals and objectives of the school district.

(b) Pupil achievement for each school in the district and the district as a whole, including, without limitation, each charter school in the district. The board of trustees of the district shall base its report on the results of the examinations administered pursuant to NRS 389.015 and 389.550 and shall compare the results of those examinations for the current school year with

those of previous school years. The report must include, for each school in the district, including, without limitation, each charter school in the district, and each grade in which the examinations were administered:

(1) The number of pupils who took the examinations.

(2) A record of attendance for the period in which the examinations were administered, including an explanation of any difference in the number of pupils who took the examinations and the number of pupils who are enrolled in the school.

(3) Except as otherwise provided in this paragraph, pupil achievement, reported separately by gender and reported separately for the following groups of pupils:

(I) Pupils who are economically disadvantaged, as defined by the State Board;

(II) Pupils from major racial and ethnic groups, as defined by the State Board;

(III) Pupils with disabilities;

(IV) Pupils who are limited English proficient; and

(V) Pupils who are migratory children, as defined by the State Board.

(4) A comparison of the achievement of pupils in each group identified in paragraph (b) of subsection 1 of NRS 385.361 with the annual measurable objectives of the State Board.

(5) The percentage of pupils who were not tested.

(6) Except as otherwise provided in this paragraph, the percentage of pupils who were not tested, reported separately by gender and reported separately for the groups identified in subparagraph (3).

(7) The most recent 3-year trend in pupil achievement in each subject area tested and each grade level tested pursuant to NRS 389.015 and 389.550, which may include information regarding the trend in the achievement of pupils for more than 3 years, if such information is available.

(8) Information that compares the results of pupils in the school district, including, without limitation, pupils enrolled in charter schools in the district, with the results of pupils throughout this State. The information required by this subparagraph must be provided in consultation with the Department to ensure the accuracy of the comparison.

(9) For each school in the district, including, without limitation, each charter school in the district, information that compares the results of pupils in the school with the results of pupils throughout the school district and throughout this State. The information required by this subparagraph must be provided in consultation with the Department to ensure the accuracy of the comparison.

(10) Information on whether each school in the district, including, without limitation, each charter school in the district, has made progress based upon the model adopted by the Department pursuant to NRS 385.3595.

➥ A separate reporting for a group of pupils must not be made pursuant to this paragraph if the number of pupils in that group is insufficient to yield

statistically reliable information or the results would reveal personally identifiable information about an individual pupil. The State Board shall prescribe the mechanism for determining the minimum number of pupils that must be in a group for that group to yield statistically reliable information.

(c) The ratio of pupils to teachers in kindergarten and at each grade level for each elementary school in the district and the district as a whole, including, without limitation, each charter school in the district, and the average class size for each core academic subject, as set forth in NRS 389.018, for each secondary school in the district and the district as a whole, including, without limitation, each charter school in the district.

(d) Information on the professional qualifications of teachers employed by each school in the district and the district as a whole, including, without limitation, each charter school in the district. The information must include, without limitation:

(1) The percentage of teachers who are:

(I) Providing instruction pursuant to NRS 391.125;

(II) Providing instruction pursuant to a waiver of the requirements for licensure for the grade level or subject area in which the teachers are employed; or

(III) Otherwise providing instruction without an endorsement for the subject area in which the teachers are employed;

(2) The percentage of classes in the core academic subjects, as set forth in NRS 389.018, that are not taught by highly qualified teachers;

(3) The percentage of classes in the core academic subjects, as set forth in NRS 389.018, that are not taught by highly qualified teachers, in the aggregate and disaggregated by high-poverty compared to low-poverty schools, which for the purposes of this subparagraph means schools in the top quartile of poverty and the bottom quartile of poverty in this State;

(4) For each middle school, junior high school and high school:

(I) On and after July 1, 2005, the number of persons employed as substitute teachers for 20 consecutive days or more in the same classroom or assignment, designated as long-term substitute teachers, including the total number of days long-term substitute teachers were employed at each school, identified by grade level and subject area; and

(II) On and after July 1, 2006, the number of persons employed as substitute teachers for less than 20 consecutive days, designated as short-term substitute teachers, including the total number of days short-term substitute teachers were employed at each school, identified by grade level and subject area; and

(5) For each elementary school:

(I) On and after July 1, 2005, the number of persons employed as substitute teachers for 20 consecutive days or more in the same classroom or assignment, designated as long-term substitute teachers, including the total number of days long-term substitute teachers were employed at each school, identified by grade level; and

(II) On and after July 1, 2006, the number of persons employed as substitute teachers for less than 20 consecutive days, designated as short-term substitute teachers, including the total number of days short-term substitute teachers were employed at each school, identified by grade level.

(e) The total expenditure per pupil for each school in the district and the district as a whole, including, without limitation, each charter school in the district. If this State has a financial analysis program that is designed to track educational expenditures and revenues to individual schools, each school district shall use that statewide program in complying with this paragraph. If a statewide program is not available, each school district shall use its own financial analysis program in complying with this paragraph.

(f) The curriculum used by the school district, including:

(1) Any special programs for pupils at an individual school; and

(2) The curriculum used by each charter school in the district.

(g) Records of the attendance and truancy of pupils in all grades, including, without limitation:

(1) The average daily attendance of pupils, for each school in the district and the district as a whole, including, without limitation, each charter school in the district.

(2) For each elementary school, middle school and junior high school in the district, including, without limitation, each charter school in the district that provides instruction to pupils enrolled in a grade level other than high school, information that compares the attendance of the pupils enrolled in the school with the attendance of pupils throughout the district and throughout this State. The information required by this subparagraph must be provided in consultation with the Department to ensure the accuracy of the comparison.

(h) The annual rate of pupils who drop out of school in grade 8 and a separate reporting of the annual rate of pupils who drop out of school in grades 9 to 12, inclusive, for each such grade, for each school in the district and for the district as a whole. The reporting for pupils in grades 9 to 12, inclusive, excludes pupils who:

(1) Provide proof to the school district of successful completion of the examinations of general educational development.

(2) Are enrolled in courses that are approved by the Department as meeting the requirements for an adult standard diploma.

(3) Withdraw from school to attend another school.

(i) Records of attendance of teachers who provide instruction, for each school in the district and the district as a whole, including, without limitation, each charter school in the district.

(j) Efforts made by the school district and by each school in the district, including, without limitation, each charter school in the district, to increase:

(1) Communication with the parents of pupils in the district; and

(2) The participation of parents in the educational process and activities relating to the school district and each school, including, without limitation, the existence of parent organizations and school advisory committees.

(k) Records of incidents involving weapons or violence for each school in the district, including, without limitation, each charter school in the district.

(l) Records of incidents involving the use or possession of alcoholic beverages or controlled substances for each school in the district, including, without limitation, each charter school in the district.

(m) Records of the suspension and expulsion of pupils required or authorized pursuant to NRS 392.466 and 392.467.

(n) The number of pupils who are deemed habitual disciplinary problems pursuant to NRS 392.4655, for each school in the district and the district as a whole, including, without limitation, each charter school in the district.

(o) The number of pupils in each grade who are retained in the same grade pursuant to NRS 392.033 or 392.125, for each school in the district and the district as a whole, including, without limitation, each charter school in the district.

(p) The transiency rate of pupils for each school in the district and the district as a whole, including, without limitation, each charter school in the district. For the purposes of this paragraph, a pupil is not transient if the pupil is transferred to a different school within the school district as a result of a change in the zone of attendance by the board of trustees of the school district pursuant to NRS 388.040.

(q) Each source of funding for the school district.

(r) A compilation of the programs of remedial study that are purchased in whole or in part with money received from this State, for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district. The compilation must include:

(1) The amount and sources of money received for programs of remedial study for each school in the district and the district as a whole, including, without limitation, each charter school in the district.

(2) An identification of each program of remedial study, listed by subject area.

(s) For each high school in the district, including, without limitation, each charter school in the district, the percentage of pupils who graduated from that high school or charter school in the immediately preceding year and enrolled in remedial courses in reading, writing or mathematics at a university, state college or community college within the Nevada System of Higher Education.

(t) The technological facilities and equipment available at each school, including, without limitation, each charter school, and the district's plan to incorporate educational technology at each school.

(u) For each school in the district and the district as a whole, including, without limitation, each charter school in the district, the number and percentage of pupils who received:

(1) A standard high school diploma, reported separately for pupils who received the diploma pursuant to:

(I) Paragraph (a) of subsection 1 of NRS 389.805; and

(II) Paragraph (b) of subsection 1 of NRS 389.805.

(2) ***An adult diploma.***

(3) An adjusted diploma.

~~[(3)]~~ ***(4)*** A certificate of attendance.

(v) For each school in the district and the district as a whole, including, without limitation, each charter school in the district, the number and percentage of pupils who failed to pass the high school proficiency examination.

(w) The number of habitual truants who are reported to a school police officer or law enforcement agency pursuant to paragraph (a) of subsection 2 of NRS 392.144 and the number of habitual truants who are referred to an advisory board to review school attendance pursuant to paragraph (b) of subsection 2 of NRS 392.144, for each school in the district and for the district as a whole.

(x) The amount and sources of money received for the training and professional development of teachers and other educational personnel for each school in the district and for the district as a whole, including, without limitation, each charter school in the district.

(y) Whether the school district has made adequate yearly progress. If the school district has been designated as demonstrating need for improvement pursuant to NRS 385.377, the report must include a statement indicating the number of consecutive years the school district has carried that designation.

(z) Information on whether each public school in the district, including, without limitation, each charter school in the district, has made adequate yearly progress, including, without limitation:

(1) The number and percentage of schools in the district, if any, that have been designated as needing improvement pursuant to NRS 385.3623; and

(2) The name of each school, if any, in the district that has been designated as needing improvement pursuant to NRS 385.3623 and the number of consecutive years that the school has carried that designation.

(aa) Information on the paraprofessionals employed by each public school in the district, including, without limitation, each charter school the district. The information must include:

(1) The number of paraprofessionals employed at the school; and

(2) The number and percentage of all paraprofessionals who do not satisfy the qualifications set forth in 20 U.S.C. § 6319(c). The reporting requirements of this subparagraph apply to paraprofessionals who are employed in positions supported with Title I money and to paraprofessionals who are not employed in positions supported with Title I money.

(bb) For each high school in the district, including, without limitation, each charter school that operates as a high school, information that provides a comparison of the rate of graduation of pupils enrolled in the high school with the rate of graduation of pupils throughout the district and throughout

this State. The information required by this paragraph must be provided in consultation with the Department to ensure the accuracy of the comparison.

(cc) An identification of the appropriations made by the Legislature that are available to the school district or the schools within the district and programs approved by the Legislature to improve the academic achievement of pupils.

(dd) For each school in the district and the district as a whole, including, without limitation, each charter school in the district, information on pupils enrolled in career and technical education, including, without limitation:

(1) The number of pupils enrolled in a course of career and technical education;

(2) The number of pupils who completed a course of career and technical education;

(3) The average daily attendance of pupils who are enrolled in a program of career and technical education;

(4) The annual rate of pupils who dropped out of school and were enrolled in a program of career and technical education before dropping out;

(5) The number and percentage of pupils who completed a program of career and technical education and who received a standard high school diploma, an adjusted diploma or a certificate of attendance; and

(6) The number and percentage of pupils who completed a program of career and technical education and who did not receive a high school diploma because the pupils failed to pass the high school proficiency examination.

(ee) ***The number of incidents resulting in suspension or expulsion for bullying, cyber-bullying, harassment or intimidation, for each school in the district and the district as a whole, including, without limitation, each charter school in the district.***

(ff) Such other information as is directed by the Superintendent of Public Instruction.

3. The records of attendance maintained by a school for purposes of paragraph (i) of subsection 2 must include the number of teachers who are in attendance at school and the number of teachers who are absent from school. A teacher shall be deemed in attendance if the teacher is excused from being present in the classroom by the school in which the teacher is employed for one of the following reasons:

(a) Acquisition of knowledge or skills relating to the professional development of the teacher; or

(b) Assignment of the teacher to perform duties for cocurricular or extracurricular activities of pupils.

4. The annual report of accountability prepared pursuant to subsection 2 must:

(a) Comply with 20 U.S.C. § 6311(h)(2) and the regulations adopted pursuant thereto; and

(b) Be presented in an understandable and uniform format and, to the extent practicable, provided in a language that parents can understand.

5. The Superintendent of Public Instruction shall:

(a) Prescribe forms for the reports required pursuant to subsection 2 and provide the forms to the respective school districts.

(b) Provide statistical information and technical assistance to the school districts to ensure that the reports provide comparable information with respect to each school in each district and among the districts throughout this State.

(c) Consult with a representative of the:

(1) Nevada State Education Association;

(2) Nevada Association of School Boards;

(3) Nevada Association of School Administrators;

(4) Nevada Parent Teacher Association;

(5) Budget Division of the Department of Administration; and

(6) Legislative Counsel Bureau,

➥ concerning the program and consider any advice or recommendations submitted by the representatives with respect to the program.

6. The Superintendent of Public Instruction may consult with representatives of parent groups other than the Nevada Parent Teacher Association concerning the program and consider any advice or recommendations submitted by the representatives with respect to the program.

7. On or before August 15 of each year, the board of trustees of each school district shall submit to each advisory board to review school attendance created in the county pursuant to NRS 392.126 the information required in paragraph (g) of subsection 2.

8. On or before August 15 of each year, the board of trustees of each school district shall:

(a) Provide written notice that the report required pursuant to subsection 2 is available on the Internet website maintained by the school district, if any, or otherwise provide written notice of the availability of the report. The written notice must be provided to the:

(1) Governor;

(2) State Board;

(3) Department;

(4) Committee; and

(5) Bureau.

(b) Provide for public dissemination of the annual report of accountability prepared pursuant to subsection 2 in the manner set forth in 20 U.S.C. § 6311(h)(2)(E) by posting a copy of the report on the Internet website maintained by the school district, if any. If a school district does not maintain a website, the district shall otherwise provide for public dissemination of the annual report by providing a copy of the report to the schools in the school district, including, without limitation, each charter school in the district, the residents of the district, and the parents and guardians of pupils enrolled in

schools in the district, including, without limitation, each charter school in the district.

9. Upon the request of the Governor, an entity described in paragraph (a) of subsection 8 or a member of the general public, the board of trustees of a school district shall provide a portion or portions of the report required pursuant to subsection 2.

10. As used in this section:

(a) "***Bullying" has the meaning ascribed to it in NRS 388.122.***

(b) "Cyber-bullying" has the meaning ascribed to it in NRS 388.123.

(c) "Harassment" has the meaning ascribed to it in NRS 388.125.

(d) "Highly qualified" has the meaning ascribed to it in 20 U.S.C. § 7801(23).

~~[(b)]~~ ***(e) "Intimidation" has the meaning ascribed to it in NRS 388.129.***

(f) "Paraprofessional" has the meaning ascribed to it in NRS 391.008.

Sec. 5. NRS 388.205 is hereby amended to read as follows:

388.205 1. The board of trustees of each school district shall adopt a policy for each public school in the school district in which ninth grade pupils are enrolled to develop a 4-year academic plan for each of those pupils. The academic plan must set forth the specific educational goals that the pupil intends to achieve before graduation from high school. The plan may include, without limitation, the designation of a career pathway and enrollment in dual credit courses, career and technical education courses, advanced placement courses and honors courses.

2. ***The policy may ensure that each pupil enrolled in ninth grade and the pupil's parent or legal guardian are provided with, to the extent practicable, the following information:***

(a) The advanced placement courses, honors courses, international baccalaureate courses, dual credit courses, career and technical education courses, including, without limitation, career and technical skills-building programs, and any other educational programs, pathways or courses available to the pupil which will assist the pupil in the advancement of his or her education;

(b) The courses of study which the Department recommends that pupils take to prepare the pupils to successfully meet the academic challenges of the high school proficiency examination and pass that examination;

(c) The requirements for graduation from high school with a diploma and the types of diplomas available;

(d) The requirements for admission to the Nevada System of Higher Education and the eligibility requirements for a Governor Guinn Millennium Scholarship; and

(e) The charter schools within the school district.

3. The policy ***required by subsection 1*** must require each pupil enrolled in ninth grade and the pupil's parent or legal guardian to:

(a) ~~[Work in]~~ ***Be notified of opportunities to work in*** consultation with a school counselor to develop ***and review*** an academic plan for the pupil;

(b) Sign the academic plan; and

(c) Review the academic plan at least once each school year in consultation with a school counselor and revise the plan if necessary.

~~[3.]~~ ***4.*** If a pupil enrolls in a high school after ninth grade, an academic plan must be developed for that pupil with appropriate modifications for the grade level of the pupil.

~~[4.]~~ ***5.*** An academic plan for a pupil must be used as a guide for the pupil and the parent or legal guardian of the pupil to plan, monitor and manage the pupil's educational and occupational development and make determinations of the appropriate courses of study for the pupil. If a pupil does not satisfy all the goals set forth in the academic plan, the pupil is eligible to graduate and receive a high school diploma if the pupil otherwise satisfies the requirements for a diploma.

Sec. 6. Chapter 392 of NRS is hereby amended by adding thereto the provisions set forth as sections 7 and 8 of this act.

Sec. 7. (Deleted by amendment.)

Sec. 8. ***1. The board of trustees of each school district may adopt a policy that allows a pupil enrolled in a public school within the school district to report, anonymously if the pupil chooses, any unlawful activity which is being conducted on school property, at an activity sponsored by a public school or on a school bus. The policy may include, without limitation:***

(a) The types of unlawful activities which a pupil may report; and

(b) The manner in which a pupil may report the unlawful activities.

2. The board of trustees of a school district may work in consultation with a local law enforcement agency or other governmental entity, corporation, business, organization or other entity to assist the board of trustees in the implementation of a policy adopted pursuant to subsection 1.

3. If the board of trustees of a school district adopts a policy pursuant to subsection 1, each public school within the school district shall post prominently in various locations at the school the policy adopted pursuant to subsection 1, which must clearly denote the phone number and any other methods by which a report may be made. If a public school maintains an Internet website for the school, the policy must also be posted on the school's website.

4. If the board of trustees of a school district adopts a policy pursuant to subsection 1, the board of trustees shall post the policy on the Internet website maintained by the school district.

Sec. 9. NRS 392.019 is hereby amended to read as follows:

392.019 1. Except as otherwise provided in this subsection, if a child is exempt from compulsory attendance pursuant to NRS 392.070 ~~[~~, 392.100~~]~~ or 392.110, and the child is employed to work in the entertainment industry pursuant to a written contract for a period of more than 91 school days, or its equivalent if the child resides in a school district operating under an alternative schedule authorized pursuant to NRS 388.090, including, without

limitation, employment with a motion picture company or employment with a production company hired by a casino or resort hotel, the entity that employs the child shall, upon the request of the parent or legal guardian of the child, pay the costs for the child to receive at least 3 hours of tutoring per day for at least 5 days per week. In lieu of tutoring, the parent or legal guardian of such a child may agree with the entity that employs the child that the entity will pay the costs for the child to receive other educational or instructional services which are equivalent to tutoring. The provisions of this subsection apply during the period of a child's employment with an entity, regardless of whether the child has obtained the appropriate exemption from compulsory attendance at the time his or her contract with the entity is under negotiation.

2. If such a child is exempt from compulsory attendance pursuant to NRS ~~[392.100 or]~~ 392.110, the tutoring or other educational or instructional services received by the child pursuant to subsection 1 must be approved by the board of trustees of the school district in which the child resides.

Sec. 9.5. NRS 392.110 is hereby amended to read as follows:

392.110 1. Any child between the ages of ~~[14]~~ ***15*** and 18 years who has completed the work of the first eight grades may be excused from full-time school attendance and may be permitted to enter proper employment or apprenticeship, by the written authority of the board of trustees excusing the child from such attendance. The board's written authority must state the reason or reasons for such excuse.

2. employer In all such cases, no or other person shall employ or contract for the services or time of such child until the child presents a written permit therefor from the attendance officer or board of trustees. The permit must be kept on file by the employer and, upon the termination of employment, must be returned by the employer to the board of trustees or other authority issuing it.

Sec. 10. (Deleted by amendment.)

Sec. 11. (Deleted by amendment.)

Sec. 12. (Deleted by amendment.)

Sec. 13. NRS 392.090 and 392.100 are hereby repealed.

Sec. 14. 1. This act becomes effective on July 1, 2011.

2. Section 1 of this act expires by limitation on June 30, 2014.

TEXT OF REPEALED SECTIONS

392.090 Juvenile court may permit child who has completed eighth grade to leave school. After review of the case, the juvenile court may issue a permit authorizing any child who has completed the eighth grade to leave school.

392.100 Attendance excused if child 14 years of age or older must support himself or herself or child's parent. Attendance required by the provisions of NRS 392.040 shall be excused when satisfactory written evidence is presented to the board of trustees of the school district in which

the child resides that the child, 14 years of age or over, must work for his or her own or his or her parent's support.

Assemblyman Bobzien moved that the Assembly concur in the Senate Amendment No. 620 to Assembly Bill No. 138.

Remarks by Assemblyman Bobzien.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Assembly Bill No. 227.

The following Senate amendment was read:

Amend No. 624.

AN ACT relating to school property; requiring boards of trustees of school districts**, under certain circumstances,** to grant the use of certain athletic fields to nonprofit organizations which serve adults and children with disabilities or which provide programs for youth sports; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the board of trustees of a school district is authorized to grant the use of school buildings and grounds to the general public for certain purposes. (NRS 393.071-393.0719)

Section 1 of this bill requires the board of trustees of a school district**, ~~[to,]~~** upon request by a nonprofit organization and subject to availability **~~[,]~~ and other conditions, to** grant the use of any athletic field that does not contain lights at an elementary, middle or junior high school within the school district if the nonprofit organization: (1) serves adults and children with disabilities; or (2) provides programs for youth sports. The provisions of **section 1** do not apply if a school district has entered into an agreement with a local government to provide the use of the athletic fields or playgrounds of the school district to a community organization which provides programs for youth sports.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 393 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsections 3 and 4 and subject to the limitations, requirements and restrictions set forth in this section and in NRS 393.071 to 393.0719, inclusive, the board of trustees of a school district shall, upon request, grant the use of any athletic field at each elementary, middle or junior high school within the school district to a nonprofit organization which serves adults and children with disabilities or which provides programs for youth sports, including, without limitation, baseball, football, soccer or softball. The organization may use the field at any time that:

(a) Is not during regular school hours; ~~[and]~~

(b) Use of the field is not required for school-related activities ~~[.]~~ ***; and***

(c) The field is not in the process of undergoing maintenance or renovation.

2. If a nonprofit organization which serves adults and children with disabilities or which provides programs for youth sports is granted use of an athletic field pursuant to subsection 1, the nonprofit organization shall comply with any insurance coverage and indemnification provisions required by the board of trustees of the school district.

3. If the board of trustees of a school district has entered into an agreement with one or more local governments to provide the use of the athletic fields or playgrounds of the school district to a community organization which provides programs for youth sports, the board of trustees is not required to comply with the provisions of subsection 1.

4. The provisions of this section do not apply to an athletic field that contains lights.

Sec. 2. NRS 393.071 is hereby amended to read as follows:

393.071 ~~[The]~~ ***Except as otherwise provided in section 1 of this act, the*** board of trustees of any school district may grant the use of school buildings or grounds for public, literary, scientific, recreational or educational meetings, or for the discussion of matters of general or public interest upon such terms and conditions as the board deems proper, subject to the limitations, requirements and restrictions set forth in NRS 393.071 to 393.0719, inclusive ~~[.]~~ ***, and section 1 of this act.***

Sec. 3. This act becomes effective on July 1, 2011.

Assemblyman Bobzien moved that the Assembly concur in the Senate Amendment No. 624 to Assembly Bill No. 227.

Remarks by Assemblyman Bobzien.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Assembly Bill No. 290.

The following Senate amendment was read:

Amendment No. 601.

AN ACT relating to education; authorizing the principal of a high school or the principal's designee to postpone the administration of the high school proficiency examination in the subject areas of mathematics and science for a pupil who is not academically ready in those subject areas; authorizing the board of trustees of a school district to administer the practice test of the high school proficiency examination to pupils enrolled in high school; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the high school proficiency examination is administered to pupils enrolled in high school in the subject areas of reading, mathematics, science and writing. (NRS 389.015, 389.550) Also under existing law, unless a pupil satisfies certain alternative criteria, passage of the

high school proficiency examination in its entirety is required for receipt of a standard high school diploma. (NRS 389.805) Existing administrative regulations of the State Board of Education set forth the times for the administration of the high school proficiency examination beginning with grade 10. (NAC 389.051) **Section 4** of this bill authorizes the principal of a high school or the principal's designee to postpone the administration of the high school proficiency examination in the subject area of mathematics or science, or both, for a pupil enrolled in grade 10 for not more than 1 year if: (1) the principal or the principal's designee and the pupil's teacher who provides instruction in the applicable subject area determine **, based upon the criteria for grading established by the school district for the applicable subject area,** that the pupil is not academically ready to take the examination **; [**~~, based upon a determination that the pupil is not achieving at least 79 percent competency in the applicable subject area;~~**]** and (2) the parent or legal guardian of the pupil agrees in writing that the pupil is not academically ready for that subject area of the examination. If the administration of the examination is postponed, the pupil's academic plan for high school must be revised to ensure that: (1) the pupil is enrolled in or scheduled to enroll in the appropriate course work for his or her grade level and receives the necessary preparation to enable the pupil to take the subject area of the high school proficiency examination which was postponed; and (2) the pupil participates in the statewide program to prepare pupils for the high school proficiency examination or enrolls in a course of study offered by the board of trustees of the school district designed to assist pupils with passing the high school proficiency examination.

Effective on July 1, 2011, existing law authorizes the board of trustees of each school district to require the administration of district-wide tests, examinations and assessments that are in addition to any other test, examination or assessment that is required by state or federal law. (NRS 389.006) **Section 4.5** of this bill authorizes the board of trustees of each school district to administer the practice test of the high school proficiency examination to pupils enrolled in high school.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 388.205 is hereby amended to read as follows:

388.205 1. The board of trustees of each school district shall adopt a policy for each public school in the school district in which ninth grade pupils are enrolled to develop a 4-year academic plan for each of those pupils. The academic plan must set forth the specific educational goals that the pupil intends to achieve before graduation from high school. The plan may include, without limitation, the designation of a career pathway and enrollment in dual credit courses, career and technical education courses, advanced placement courses and honors courses.

2. The policy must require each pupil enrolled in ninth grade and the pupil's parent or legal guardian to:

(a) Work in consultation with a school counselor to develop an academic plan for the pupil;

(b) Sign the academic plan; and

(c) Review the academic plan at least once each school year in consultation with a school counselor and revise the plan if necessary.

3. If a pupil enrolls in a high school after ninth grade, an academic plan must be developed for that pupil with appropriate modifications for the grade level of the pupil.

4. ***If the administration of the high school proficiency examination in the subject area of mathematics or science, or both, is postponed for a pupil pursuant to section 4 of this act, the pupil's academic plan must be revised in consultation with the pupil's teacher who provides instruction in the applicable subject area and the pupil's parent or legal guardian as set forth in section 4 of this act.***

5. An academic plan for a pupil must be used as a guide for the pupil and the parent or legal guardian of the pupil to plan, monitor and manage the pupil's educational and occupational development and make determinations of the appropriate courses of study for the pupil. If a pupil does not satisfy all the goals set forth in the academic plan, the pupil is eligible to graduate and receive a high school diploma if the pupil otherwise satisfies the requirements for a diploma.

Sec. 2. Chapter 389 of NRS is hereby amended by adding thereto the provisions set forth as sections 3 and 4 of this act.

Sec. 3. (Deleted by amendment.)

Sec. 4. ***1. The principal of a high school, or the principal's designee, may postpone, for not more than 1 year, the administration of the high school proficiency examination in the subject area of mathematics or science, or both, for a pupil enrolled in grade 10 at the high school if:***

(a) The principal, or the principal's designee, and the pupil's teacher who provides instruction in the applicable subject area determine , based upon the criteria for grading established by the school district for the applicable subject area, that the pupil is not academically ready to take the high school proficiency examination in the subject area of mathematics or science . [, based upon a determination that the pupil is not achieving at least 79 percent competency in the applicable subject area.] If the high school in which the pupil is enrolled administers the practice test of the high school proficiency examination, the results of the pupil on that test may be included as one of the factors to determine the pupil's readiness.

(b) The parent or legal guardian of the pupil agrees in writing with the determination of the principal, or the principal's designee, and the teacher that the pupil is not academically ready to take the high school proficiency examination in the subject area of mathematics or science, or both.

2. If the administration of the mathematics or science subject area of the high school proficiency examination is postponed for a pupil pursuant to subsection 1, the principal of the school, or the principal's designee, shall provide the pupil and his or her parent or legal guardian a copy of the informational pamphlet concerning the high school proficiency examination developed by the Department pursuant to NRS 389.0173.

3. If the administration of the mathematics or science subject area of the high school proficiency examination is postponed for a pupil pursuant to subsection 1, the academic plan of the pupil developed pursuant to NRS 388.205 must be revised to:

(a) Ensure that the pupil is enrolled in or scheduled to enroll in the course work for his or her grade level and receives the necessary preparation to enable the pupil to take the subject area of the high school proficiency examination for which the examination is postponed; and

(b) Require the pupil to participate in the statewide program to prepare pupils for the high school proficiency examination established pursuant to NRS 389.0175 or enroll in the course of study designed to assist pupils with passing the high school proficiency examination prescribed by the State Board pursuant to NRS 389.045, or both.

4. On or before July 1 of each year, the board of trustees of each school district shall submit a report to the Department and the Legislative Committee on Education indicating:

(a) The number of pupils for whom the administration of the high school proficiency examination is postponed in the immediately preceding school year; and

(b) A notation indicating whether the administration was postponed for the subject area of mathematics or science, or both.

Sec. 4.5. NRS 389.006 is hereby amended to read as follows:

389.006 1. In addition to any other test, examination or assessment required by state or federal law, the board of trustees of each school district may require the administration of district-wide tests, examinations and assessments ***, including, without limitation, the practice test of the high school proficiency examination to pupils enrolled in high school,*** that the board of trustees determines are vital to measure the achievement and progress of pupils. In making this determination, the board of trustees shall consider any applicable findings and recommendations of the Legislative Committee on Education.

2. The tests, examinations and assessments required pursuant to subsection 1 must be limited to those which can be demonstrated to provide a direct benefit to pupils or which are used by teachers to improve instruction and the achievement of pupils.

3. The board of trustees of each school district and the State Board shall periodically review the tests, examinations and assessments administered to pupils to ensure that the time taken from instruction to conduct a test,

examination or assessment is warranted because it is still accomplishing its original purpose.

Sec. 5. NRS 389.015 is hereby amended to read as follows:

389.015 1. The board of trustees of each school district shall administer examinations in all public schools of the school district. The governing body of a charter school shall administer the same examinations in the charter school. The examinations administered by the board of trustees and governing body must determine the achievement and proficiency of pupils in:

(a) Reading;

(b) Mathematics; and

(c) Science.

2. The examinations required by subsection 1 must be:

(a) Administered before the completion of grades 4, 7, 10 and 11 ~~[.]~~ ***, except for a pupil enrolled in grade 10 for whom the administration of the high school proficiency examination in the subject area of mathematics or science, or both, is postponed pursuant to section 4 of this act.***

(b) Administered in each school district and each charter school at the same time during the spring semester. The time for the administration of the examinations must be prescribed by the State Board.

(c) Administered in each school in accordance with uniform procedures adopted by the State Board. The Department shall monitor the compliance of school districts and individual schools with the uniform procedures.

(d) Administered in each school in accordance with the plan adopted pursuant to NRS 389.616 by the Department and with the plan adopted pursuant to NRS 389.620 by the board of trustees of the school district in which the examinations are administered. The Department shall monitor the compliance of school districts and individual schools with:

(1) The plan adopted by the Department; and

(2) The plan adopted by the board of trustees of the applicable school district, to the extent that the plan adopted by the board of trustees of the school district is consistent with the plan adopted by the Department.

(e) Scored by a single private entity that has contracted with the State Board to score the examinations. The private entity that scores the examinations shall report the results of the examinations in the form and by the date required by the Department.

3. Not more than 14 working days after the results of the examinations are reported to the Department by a private entity that scored the examinations, the Superintendent of Public Instruction shall certify that the results of the examinations have been transmitted to each school district and each charter school. Not more than 10 working days after a school district receives the results of the examinations, the superintendent of schools of each school district shall certify that the results of the examinations have been transmitted to each school within the school district. Except as otherwise provided in this subsection, not more than 15 working days after each school receives the results of the examinations, the principal of each school and the

governing body of each charter school shall certify that the results for each pupil have been provided to the parent or legal guardian of the pupil:

(a) During a conference between the teacher of the pupil or administrator of the school and the parent or legal guardian of the pupil; or

(b) By mailing the results of the examinations to the last known address of the parent or legal guardian of the pupil.

➥ If a pupil fails the high school proficiency examination, the school shall notify the pupil and the parents or legal guardian of the pupil of each subject area that the pupil failed as soon as practicable but not later than 15 working days after the school receives the results of the examination.

4. If a pupil fails to demonstrate at least adequate achievement on the examination administered before the completion of grade 4, 7 or 10, the pupil may be promoted to the next higher grade, but the results of the pupil's examination must be evaluated to determine what remedial study is appropriate. If such a pupil is enrolled at a school that has failed to make adequate yearly progress or in which less than 60 percent of the pupils enrolled in grade 4, 7 or 10 in the school who took the examinations administered pursuant to this section received an average score on those examinations that is at least equal to the 26th percentile of the national reference group of pupils to which the examinations were compared, the pupil must, in accordance with the requirements set forth in this subsection, complete remedial study that is determined to be appropriate for the pupil.

5. Except as otherwise provided in subsection 6, if a pupil fails to pass the high school proficiency examination, the pupil must not be graduated unless he or she:

(a) Is able, through remedial study, to pass the proficiency examination; or

(b) Passes the subject areas of mathematics and reading tested on the proficiency examination, has at least a 2.75 grade point average on a 4.0 grading scale and satisfies the alternative criteria prescribed by the State Board pursuant to NRS 389.805,

➥ but the pupil may be given a certificate of attendance, in place of a diploma, if the pupil has reached the age of 18 years.

6. A pupil who transfers during grade 12 to a school in this State from a school outside this State because of the military transfer of the parent or legal guardian of the pupil may receive a waiver from the requirements of subsection 5 if, in accordance with the provisions of NRS 392C.010, the school district in which the pupil is enrolled:

(a) Accepts the results of the exit or end-of-course examinations required for graduation in the local education agency in which the pupil was previously enrolled;

(b) Accepts the results of a national norm-referenced achievement examination taken by the pupil; or

(c) Establishes an alternative test for the pupil which demonstrates proficiency in the subject areas tested on the high school proficiency examination, and the pupil successfully passes that test.

7. The State Board shall prescribe standard examinations of achievement and proficiency to be administered pursuant to subsection 1. The high school proficiency examination must include the subjects of reading, mathematics and science and, except for the writing portion prescribed pursuant to NRS 389.550, must be developed, printed and scored by a nationally recognized testing company in accordance with the process established by the testing company. The examinations on reading, mathematics and science prescribed for grades 4, 7 and 10 must be selected from examinations created by private entities and administered to a national reference group, and must allow for a comparison of the achievement and proficiency of pupils in grades 4, 7 and 10 in this State to that of a national reference group of pupils in grades 4, 7 and 10. The questions contained in the examinations and the approved answers used for grading them are confidential, and disclosure is unlawful except:

(a) To the extent necessary for administering and evaluating the examinations.

(b) That a disclosure may be made to a:

(1) State officer who is a member of the Executive or Legislative Branch to the extent that it is necessary for the performance of his or her duties;

(2) Superintendent of schools of a school district to the extent that it is necessary for the performance of his or her duties;

(3) Director of curriculum of a school district to the extent that it is necessary for the performance of his or her duties; and

(4) Director of testing of a school district to the extent that it is necessary for the performance of his or her duties.

(c) That specific questions and answers may be disclosed if the Superintendent of Public Instruction determines that the content of the questions and answers is not being used in a current examination and making the content available to the public poses no threat to the security of the current examination process.

(d) As required pursuant to NRS 239.0115.

Sec. 6. This act becomes effective on July 1, 2011.

Assemblyman Bobzien moved that the Assembly concur in the Senate amendment to Assembly Bill No. 290.

Remarks by Assemblyman Bobzien.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Assembly Bill No. 455.

The following Senate amendment was read:

Amendment No. 622.

SUMMARY—Revises provisions governing ~~[athletics in public schools.]~~ **the participation by pupils and youths in certain sports activities.** (BDR 34-1137)

AN ACT relating to ~~[education;]~~ **public safety;** requiring the Nevada Interscholastic Activities Association and the board of trustees of each school district to adopt policies concerning the prevention and treatment of injuries to the head sustained by pupils while participating in sports and other athletic activities and events; **requiring certain organizations for youth sports in this State to adopt a similar policy;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the county school districts to form a nonprofit association to be known as the Nevada Interscholastic Activities Association for the purposes of controlling, supervising and regulating all interscholastic athletic events and other interscholastic events in the public schools. (NRS 386.420-386.470) **Section 1** of this bill requires the Association to adopt a policy concerning the prevention and treatment of injuries to the head which may occur during a pupil's participation in interscholastic activities and events, including, without limitation, concussion of the brain. The policy must require that a pupil who sustains or is suspected of sustaining an injury to the head while participating in such an activity or event: (1) be immediately removed from the activity or event; and (2) may not return to the activity or event unless the parent or legal guardian of the pupil provides a written statement from a provider of health care indicating that the pupil is medically cleared to participate and the date on which the pupil may return to the activity or event. A pupil who participates in interscholastic activities and events and his or her parent or legal guardian must sign a form acknowledging that they have received a copy of the policy and understand its terms and conditions before the pupil's participation in the activity or event and must sign the form on an annual basis thereafter. **Section 2** of this bill requires the board of trustees of each school district to adopt a similar policy for the participation of pupils in competitive sports within the school district which are not governed by the Association. **Section 2.2 of this bill requires each organization for youth sports that sanctions or sponsors competitive sports for youths in this State to adopt a similar policy for the participation of youths in those competitive sports sanctioned or sponsored by the organization.**

WHEREAS, A concussion is a brain injury that results from a bump, blow or jolt to the head or body which causes the brain to move rapidly in the skull and which disrupts normal brain function; and

WHEREAS, The Centers for Disease Control and Prevention of the United States Department of Health and Human Services estimates that as many as 3.8 million concussions occur each year in the United States which are related to participation in sports and other recreational activities; and

WHEREAS, Children who continue to participate in an athletic activity while suffering from a concussion or suffering from the symptoms of an injury to the head are at a greater risk for catastrophic injury to the brain or even death; and

WHEREAS, Ensuring that a child who sustains or is suspected of sustaining a concussion or other injury to the head receives the appropriate medical care before returning to an athletic activity will significantly reduce the child's risk of sustaining greater injury; now, therefore,

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 386 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Nevada Interscholastic Activities Association shall adopt a policy concerning the prevention and treatment of injuries to the head which may occur during a pupil's participation in interscholastic activities and events, including, without limitation, a concussion of the brain. The policy must provide information concerning the nature and risk of injuries to the head which may occur during ~~[the]~~ a pupil's participation in interscholastic activities and events, including, without limitation, the risks associated with continuing to participate in the activity or event after sustaining such an injury.

2. The policy adopted pursuant to subsection 1 must require that if a pupil sustains or is suspected of sustaining an injury to the head while participating in an interscholastic activity or event, the pupil:

(a) Must be immediately removed from the activity or event; and

(b) May return to the activity or event if the parent or legal guardian of the pupil provides a signed statement of a provider of health care indicating that the pupil is medically cleared for participation in the activity or event and the date on which the pupil may return to the activity or event.

3. Before a pupil participates in an interscholastic activity or event, and on an annual basis thereafter, the pupil and his or her parent or legal guardian:

(a) Must be provided with a copy of the policy adopted pursuant to subsection 1; and

(b) Must sign a statement on a form prescribed by the Nevada Interscholastic Activities Association acknowledging that the pupil and his or her parent or guardian have read and understand the terms and conditions of the policy.

4. As used in this section, "provider of health care" means a physician licensed under chapter 630 or 633 of NRS, a physical therapist licensed under chapter 640 of NRS or an athletic trainer licensed under chapter 640B of NRS.

Sec. 2. Chapter 392 of NRS is hereby amended by adding thereto a new section to read as follows:

1. For those competitive sports not governed by the Nevada Interscholastic Activities Association pursuant to NRS 386.420 to 386.470, inclusive, and section 1 of this act, the board of trustees of each school district shall adopt a policy concerning the prevention and treatment of

injuries to the head which may occur during a pupil's participation in competitive sports within the school district, including, without limitation, a concussion of the brain. To the extent practicable, the policy must be consistent with the policy adopted by the Nevada Interscholastic Activities Association pursuant to section 1 of this act. The policy must provide information concerning the nature and risk of injuries to the head which may occur during a pupil's participation in competitive sports, including, without limitation, the risks associated with continuing to participate in competitive sports after sustaining such an injury.

2. The policy adopted pursuant to subsection 1 must require that if a pupil sustains or is suspected of sustaining an injury to the head while participating in competitive sports, the pupil:

(a) Must be immediately removed from the competitive sport; and

(b) May return to the competitive ~~[sports]~~ sport if the parent or legal guardian of the pupil provides a signed statement of a provider of health care indicating that the pupil is medically cleared for participation in the competitive sport and the date on which the pupil may return to the competitive sport.

3. Before a pupil participates in competitive sports within a school district, and on an annual basis thereafter, the pupil and his or her parent or legal guardian:

(a) Must be provided with a copy of the policy adopted pursuant to subsection 1; and

(b) Must sign a statement on a form prescribed by the board of trustees acknowledging that the pupil and his or her parent or guardian have read and understand the terms and conditions of the policy.

4. As used in this section, "provider of health care" means a physician licensed under chapter 630 or 633 of NRS, a physical therapist licensed under chapter 640 of NRS or an athletic trainer licensed under chapter 640B of NRS.

Sec. 2.2. **Chapter 455A of NRS is hereby amended by adding thereto a new section to read as follows:**

1. Each organization for youth sports that sanctions or sponsors competitive sports for youths in this State shall adopt a policy concerning the prevention and treatment of injuries to the head which may occur during a youth's participation in those competitive sports, including, without limitation, a concussion of the brain. To the extent practicable, the policy must be consistent with the policy adopted by the Nevada Interscholastic Activities Association pursuant to section 1 of this act. The policy must provide information concerning the nature and risk of injuries to the head which may occur during a youth's participation in competitive sports, including, without limitation, the risks associated with continuing to participate in competitive sports after sustaining such an injury.

2. The policy adopted pursuant to subsection 1 must require that if a youth sustains or is suspected of sustaining an injury to the head while participating in competitive sports, the youth:

(a) Must be immediately removed from the competitive sport; and

(b) May return to the competitive sport if the parent or legal guardian of the youth provides a signed statement of a provider of health care indicating that the youth is medically cleared for participation in the competitive sport and the date on which the youth may return to the competitive sport.

3. Before a youth participates in competitive sports sanctioned or sponsored by an organization for youth sports in this State, the youth and his or her parent or legal guardian:

(a) Must be provided with a copy of the policy adopted pursuant to subsection 1; and

(b) Must sign a statement on a form prescribed by the organization for youth sports acknowledging that the youth and his or her parent or legal guardian have read and understand the terms and conditions of the policy.

4. As used in this section:

(a) "Provider of health care" means a physician licensed under chapter 630 or 633 of NRS, a physical therapist licensed under chapter 640 of NRS or an athletic trainer licensed under chapter 640B of NRS.

(b) "Youth" means a person under the age of 18 years.

Sec. 2.4. **NRS 455A.010 is hereby amended to read as follows:**

455A.010 ~~[This chapter]~~ ***NRS 455A.010 to 455A.190, inclusive,*** may be cited as the Skier and Snowboarder Safety Act.

Sec. 2.6. **NRS 455A.020 is hereby amended to read as follows:**

455A.020 As used in ~~[this chapter,]~~ ***NRS 455A.010 to 455A.190, inclusive,*** unless the context otherwise requires, the words and terms defined in NRS 455A.023 to 455A.090, inclusive, have the meanings ascribed to them in those sections.

Sec. 2.8. **NRS 455A.190 is hereby amended to read as follows:**

455A.190 ~~[This chapter does]~~ ***The provisions of NRS 455A.010 to 455A.190, inclusive, do*** not prohibit a county, city or unincorporated town from enacting an ordinance, not in conflict with the provisions of ~~[this chapter,]~~ ***NRS 455A.010 to 455A.190, inclusive,*** regulating skiers, snowboarders or operators.

Sec. 3. This act becomes effective on July 1, 2011.

Assemblyman Bobzien moved that the Assembly concur in the Senate amendment to Assembly Bill No. 455.

Remarks by Assemblyman Bobzien.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Assembly Bill No. 253.

The following Senate amendment was read:

Amendment No. 596.

AN ACT relating to occupational safety; revising certain fines for willful violations of the Nevada Occupational Safety and Health Act; authorizing citations and fines for violation of a settlement agreement; providing for a survey of salaries of safety and mechanical inspectors; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the assessment of certain fines and punishments for violations of the Nevada Occupational Safety and Health Act. (NRS 618.625-618.715)

Sections 1-4 of this bill include within the scope of behavior that may trigger certain fines or punishments the violation of any provision of a settlement agreement entered into that relates to the Nevada Occupational Safety and Health Act **and which requires an employer to correct or modify a condition or practice in or relating to a place of employment,** and authorize the Division of Industrial Relations of the Department of Business and Industry to take certain actions to enforce such a settlement agreement.

Section 2 of this bill increases the maximum and minimum fines for willfully violating any requirement of the Nevada Occupational Safety and Health Act. **Section 4** of this bill revises the punishment for a willful violation of the Nevada Occupational Safety and Health Act that results in the death of an employee by revising the fine that may be assessed for each such violation.

Section 5 of this bill requires the Department of Personnel to complete a survey of the salaries of safety and mechanical inspectors and report its findings to the Director of the Legislative Counsel Bureau by July 1, 2012.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 618.465 is hereby amended to read as follows:

618.465 1. If, upon inspection or investigation, the Administrator or the Administrator's authorized representative believes that an employer has violated ~~[a]~~ ***:***

(a) A requirement of this chapter, or any standard, rule or order adopted or issued pursuant to this chapter, ~~*[or any provision of a settlement agreement entered into relating to this chapter,]*~~ the Division shall with reasonable promptness issue a citation to the employer ~~[.]~~ ***; or***

(b) Any provision of a settlement agreement entered into relating to this chapter which requires the employer to correct or modify a condition or practice in or relating to a place of employment, the Division may issue a citation to the employer.

2. Each citation ***issued under this section*** must be in writing and describe with particularity the nature of the violation, including a reference to the section of this chapter **,** ~~[or]~~ the provision of the standard, rule, regulation

or order ***, or the provision of the settlement agreement*** alleged to have been violated. In addition the citation must fix a reasonable time for the abatement of the violation. The Administrator may prescribe procedures for the issuance of a notice in lieu of a citation with respect to:

(a) Minor violations which have no direct or immediate relationship to safety or health; and

(b) Violations which are not serious and which the employer agrees to correct within a reasonable time.

~~[2.]~~ ***3.*** Each citation issued under this section, or a copy or copies thereof, must be prominently posted as prescribed in regulations adopted by the Administrator at or near each place a violation referred to in the citation occurred.

~~[3.]~~ ***4.*** No citation may be issued under this section after 6 months following the occurrence of any violation.

Sec. 1.3. NRS 618.515 is hereby amended to read as follows:

618.515 If any person disobeys an order of the Division, ***any provision of a settlement agreement entered into relating to this chapter*** ~~[,]~~ ***which requires the employer to correct or modify a condition or practice in or relating to a place of employment, or*** a subpoena issued by ~~[it]~~ ***the Division*** or one of its representatives, refuses to permit an inspection or refuses to testify as a witness to any matter regarding which the person may be lawfully interrogated, ~~[then]~~ the district judge of the county in which the person resides, on application of the Administrator or the Administrator's representative, shall compel obedience by attachment proceedings as for contempt, as in the case of disobedience of the requirements of subpoenas issued from the court on a refusal to testify therein.

Sec. 1.7. NRS 618.525 is hereby amended to read as follows:

618.525 1. The Division may prosecute, defend and maintain actions in the name of the Division for the enforcement of the provisions of this chapter ***or any settlement agreement entered into relating to this chapter*** ~~[,]~~ ***which requires the employer to correct or modify a condition or practice in or relating to a place of employment,*** and is entitled to all extraordinary writs ***or other relief*** provided by the Constitution of the State of Nevada, the statutes of this State and the Nevada Rules of Civil Procedure in connection therewith for the enforcement thereof.

2. Verification of any pleading, affidavit or other paper required may be made by the Division.

3. In any action or proceeding or in the prosecution of any appeal by the Division, no bond or undertaking may be required to be furnished by the Division.

Sec. 2. NRS 618.635 is hereby amended to read as follows:

618.635 Any employer who ~~[willfully]~~ ~~[or repeatedly]~~ ***:***

1. Willfully violates any requirements of this chapter, any standard, rule, regulation or order promulgated or prescribed pursuant to this chapter, ***or any provision of a settlement agreement entered into relating to this chapter***

which requires the employer to correct or modify a condition or practice in or relating to a place of employment, may be assessed an administrative fine of not more than ~~[$70,000 for each violation, but]~~ ***$100,000 and*** not less than ~~[$5,000]~~ ***$8,000*** for each willful violation.

2. Repeatedly violates any requirements of this chapter, any standard, rule, regulation or order promulgated or prescribed pursuant to this chapter, or any provision of a settlement agreement entered into relating to this chapter which requires the employer to correct or modify a condition or practice in or relating to a place of employment, may be assessed an administrative fine of not more than $70,000 and not less than $5,000 for each repeated violation.

Sec. 3. NRS 618.645 is hereby amended to read as follows:

618.645 Any employer who has received a citation for a serious violation of any requirement of this chapter, ~~[or]~~ any standard, rule, regulation or order promulgated or prescribed pursuant to this chapter, ***or any provision of a settlement agreement entered into relating to this chapter which requires the employer to correct or modify a condition or practice in or relating to a place of employment,*** must be assessed an administrative fine of not more than $7,000 for each such violation. If a violation is specifically determined to be of a nonserious nature an administrative fine of not more than $7,000 may be assessed.

Sec. 4. NRS 618.685 is hereby amended to read as follows:

618.685 Any employer who willfully violates any requirement of this chapter, ~~[or]~~ any standard, rule, regulation or order promulgated or prescribed pursuant to this chapter, ***or any provision of a settlement agreement entered into relating to this chapter*** ~~[,]~~ ***which requires the employer to correct or modify a condition or practice in or relating to a place of employment*** where the violation causes the death of any employee, shall be punished:

1. For a first offense, by a fine of not more than ~~[$50,000]~~ ***$100,000 and not less than $50,000,*** or by imprisonment in the county jail for not more than 6 months, or by both fine and imprisonment.

2. For a second or subsequent offense, by a fine of not more than ~~[$100,000]~~ ***$250,000 and not less than $50,000,*** or by imprisonment in the county jail for not more than 1 year, or by both fine and imprisonment.

Sec. 5. 1. The Department of Personnel shall conduct a survey of the salaries of safety and mechanical inspectors employed by the Division of Industrial Relations of the Department of Business and Industry, including, without limitation, salaries for similar positions within the private sector.

2. The Department of Personnel shall seek to obtain relevant information from public and private employers as part of the survey. Any such information obtained by the Department may be used only for the purpose of conducting the survey.

3. The Department of Personnel shall complete the survey and submit a copy of its findings and recommendations on or before July 1, 2012, to the

Director of the Legislative Counsel Bureau for distribution to the Interim Finance Committee.

Sec. 6. This act becomes effective on January 1, 2012.

Assemblyman Atkinson moved that the Assembly concur in the Senate amendment to Assembly Bill No. 253.

Remarks by Assemblyman Atkinson.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Assembly Bill No. 254.

The following Senate amendment was read:

Amendment No. 595.

AN ACT relating to occupational safety; revising provisions governing the grounds for the issuance of a citation for certain occupational safety and health violations; providing for the issuance of a citation for certain occupational safety and health violations upon a determination by the Administrator of the Division of Industrial Relations of the Department of Business and Industry or the Administrator's authorized representative that any employee has access to a hazard; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that if, upon inspection or investigation, the Administrator of the Division of Industrial Relations of the Department of Business and Industry or the Administrator's authorized representative believes an employer is in violation of the Nevada Occupational Safety and Health Act, the Division shall issue a citation to the employer for the violation. (NRS 618.465)

~~[This]~~ **Section 1 of this** bill provides that the Administrator or the authorized representative may find a violation to have occurred based upon a determination of the Administrator or authorized representative that any employee has access to a hazard. ~~[This]~~ **Sections 1, 1.3 and 1.7 of this** bill also ~~[includes]~~ **include** within the scope of behavior for which a citation may be issued the violation of any provision of a settlement agreement entered into that relates to the Nevada Occupational Safety and Health Act **~~[.]~~ and that requires an employer to correct or modify a condition or practice in or relating to a place of employment and authorize the Division to take certain actions to enforce such a settlement agreement.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 618.465 is hereby amended to read as follows:

618.465 1. If, upon inspection or investigation, the Administrator or the Administrator's authorized representative believes that an employer has violated ~~[a]~~ **:**

(a) A requirement of this chapter, or any standard, rule or order adopted or issued pursuant to this chapter, ~~*[or any provision of a settlement agreement entered into relating to this chapter,]*~~ the Division shall with reasonable promptness issue a citation to the employer ~~[.]~~ ***; or***

(b) Any provision of a settlement agreement entered into relating to this chapter which requires the employer to correct or modify a condition or practice in or relating to a place of employment, the Division may issue a citation to the employer.

2. Each citation ***issued under this section*** must be in writing and describe with particularity the nature of the violation, including a reference to the section of this chapter ***,*** ~~[or]~~ the provision of the standard, rule, regulation or order ***, or the provision of the settlement agreement*** alleged to have been violated. In addition the citation must fix a reasonable time for the abatement of the violation. The Administrator may prescribe procedures for the issuance of a notice in lieu of a citation with respect to:

(a) Minor violations which have no direct or immediate relationship to safety or health; and

(b) Violations which are not serious and which the employer agrees to correct within a reasonable time.

~~[2.]~~ ***3. A citation issued under this section may be based upon a determination of the Administrator or the Administrator's authorized representative that any employee has access to a hazard.***

~~*[3.]*~~ ***4.*** Each citation issued under this section, or a copy or copies thereof, must be prominently posted as prescribed in regulations adopted by the Administrator at or near each place a violation referred to in the citation occurred.

~~[3.]~~ ~~*[4.]*~~ ***5.*** No citation may be issued under this section after 6 months following the occurrence of any violation.

~~*[5.]*~~ ***6. The Administrator may adopt regulations to carry out the provisions of this section.***

Sec. 1.3. **NRS 618.515 is hereby amended to read as follows:**

618.515 If any person disobeys an order of the Division, ***any provision of a settlement agreement entered into relating to this chapter which requires the employer to correct or modify a condition or practice in or relating to a place of employment, or*** a subpoena issued by ~~[it]~~ ***the Division*** or one of its representatives, refuses to permit an inspection or refuses to testify as a witness to any matter regarding which the person may be lawfully interrogated, ~~[then]~~ the district judge of the county in which the person resides, on application of the Administrator or the Administrator's representative, shall compel obedience by attachment proceedings as for contempt, as in the case of disobedience of the requirements of subpoenas issued from the court on a refusal to testify therein.

Sec. 1.7. **NRS 618.525 is hereby amended to read as follows:**

618.525 1. The Division may prosecute, defend and maintain actions in the name of the Division for the enforcement of the provisions of this chapter

or any settlement agreement entered into relating to this chapter which requires the employer to correct or modify a condition or practice in or relating to a place of employment, and is entitled to all extraordinary writs ***or other relief*** provided by the Constitution of the State of Nevada, the statutes of this State and the Nevada Rules of Civil Procedure in connection therewith for the enforcement thereof.

2. Verification of any pleading, affidavit or other paper required may be made by the Division.

3. In any action or proceeding or in the prosecution of any appeal by the Division, no bond or undertaking may be required to be furnished by the Division.

Sec. 2. This act becomes effective on January 1, 2012.

Assemblyman Atkinson moved that the Assembly concur in the Senate amendment to Assembly Bill No. 254.

Remarks by Assemblyman Atkinson.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Assembly Bill No. 29.

The following Senate amendment was read:

Amendment No. 586.

AN ACT relating to health care; increasing the compensation of members of hospital advisory boards; revising provisions governing the staff of physicians at public hospitals; requiring certain hospitals to report information concerning the transfers of patients between hospitals to the Legislative Committee on Health Care; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes certain boards of hospital trustees of public hospitals to appoint advisory boards and limits the compensation for the service of members of advisory boards to not more than $100 per month. (NRS 450.175) **Section 1** of this bill increases the limit on compensation to an amount not to exceed ~~[$1,000]~~ **$500** per month.

Existing law requires the board of hospital trustees of a public hospital to organize a staff of physicians composed of each regularly practicing physician, podiatric physician and dentist in the county who requests staff membership and prohibits the board from discriminating against a physician, podiatric physician or dentist. (NRS 450.440, 450.430) **Section 3** of this bill provides that the staff of physicians, podiatric physicians and dentists may be required to be affiliated with the University of Nevada School of Medicine or the University of Nevada, Las Vegas, School of Dental Medicine. **However, section 3 limits the number of physicians who may be required to be so affiliated to not more than 60 percent of the staff of physicians on or before January 1, 2013, and not more than 85 percent after that date but before January 1, 2018, and in such a percentage as the board of hospital**

trustees deems appropriate thereafter. If so required, the physician, podiatric physician or dentist who requests staff membership must meet the standards in the regulations of the board of hospital trustees and hold and maintain a faculty or clinical appointment with one of the two Universities. An exception applies, however, if the board of hospital trustees enters into a contract with a physician or group of physicians to be the exclusive provider of certain services. **Section 2** of this bill further provides that if a physician loses privileges at a hospital because the physician no longer holds a faculty or clinical appointment with one of the Universities, that action shall not be deemed to be an adverse action against the physician.

Hospitals in this State are required to provide emergency services and care, and it is unlawful for a hospital or a physician working in a hospital emergency room to refuse to accept or treat a patient in need of emergency services and care. (NRS 439B.410) **Section 4** of this bill requires certain hospitals located in larger counties to provide a report of certain information to the Legislative Committee on Health Care concerning the transfer of patients from the hospital to another hospital and the availability of specialty medical services in the hospital. Such a report must be made quarterly beginning on October 15, 2011, and cover the period from July 1, 2011, through September 30, 2012.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 450.175 is hereby amended to read as follows:

450.175 1. In counties where the board of county commissioners is the board of hospital trustees, the board of hospital trustees may appoint a hospital advisory board which shall exercise powers and duties delegated to the advisory board by the board of hospital trustees.

2. Members of a hospital advisory board must be appointed by a majority vote of the board of hospital trustees and shall serve at the pleasure of the board.

3. Members of the hospital advisory board may receive compensation for their services ~~[~~of no more than $100 per month.~~]~~ ***in an amount not to exceed*** ~~*[$1,000]*~~ ***$500 per month.***

Sec. 2. NRS 450.430 is hereby amended to read as follows:

450.430 1. ~~[~~In~~]~~ ***Except as otherwise provided in NRS 450.440, in*** the management of the public hospital, no discrimination may be made against physicians, podiatric physicians or dentists licensed under the laws of this state or licensed practitioners of the allied health professions, and all such physicians, dentists, podiatric physicians and practitioners have privileges in treating patients in the hospital in accordance with their training and ability, except that practitioners of the allied health professions may not be members of the staff of physicians described in NRS 450.440. Practitioners of the allied health professions are subject to the bylaws and regulations established by the board of hospital trustees.

2. The patient has the right to employ, at the patient's own expense, his or her own physician, if that physician is a member of the hospital staff, or the patient's own nurse, and when acting for any patient in the hospital, the physician employed by the patient has charge of the care and treatment of the patient, and the nurses in the hospital shall comply with the directions of the physician concerning that patient, subject to the regulations established by the board of hospital trustees.

3. If a physician loses privileges at a hospital because the physician no longer holds a faculty or clinical appointment with the University of Nevada School of Medicine or the University of Nevada, Las Vegas, School of Dental Medicine, as required pursuant to NRS 450.440, that action shall not be deemed to be an adverse action by the hospital against the physician.

Sec. 3. NRS 450.440 is hereby amended to read as follows:

450.440 1. ~~[The]~~ ***Except as otherwise provided in subsection 2, the*** board of hospital trustees shall organize a staff of physicians composed of each regular practicing physician, podiatric physician and dentist in the county in which the hospital is located who requests staff membership and meets the standards set forth in the regulations prescribed by the board of hospital trustees.

2. ***The board of hospital trustees may, after consulting with the chief of staff of the hospital and the deans of the University of Nevada School of Medicine and the University of Nevada, Las Vegas, School of Dental Medicine, organize a staff of physicians composed*** ~~*[solely]*~~ ***of physicians, podiatric physicians and dentists who are affiliated with the University of Nevada School of Medicine or the University of Nevada, Las Vegas, School of Dental Medicine who request staff membership and meet the requirements set forth in subsection 3. If the board of hospital trustees organizes a staff of physicians in accordance with this subsection, the board of hospital trustees may require:***

(a) Not more than 60 percent of the staff of physicians to be so affiliated before January 1, 2013.

(b) Not more than 85 percent of the staff of physicians to be so affiliated on or after January 1, 2013, and before January 1, 2018.

(c) The staff of physicians to have such an affiliation in such a percentage as the board of hospital trustees deems appropriate on or after January 1, 2018.

3. Except as otherwise provided in subsection 4, if the board of hospital trustees decides to organize the staff of physicians in accordance with subsection 2, a physician, podiatric physician or dentist who requests staff membership must:

(a) Meet the standards set forth in the regulations prescribed by the board of hospital trustees; and

(b) Hold a faculty or clinical appointment with the University of Nevada School of Medicine or the University of Nevada, Las Vegas, School of

Dental Medicine and maintain that appointment while he or she is on the staff of physicians.

4. If the board of hospital trustees decides to organize the staff of physicians in accordance with subsection 2, the board of hospital trustees may enter into a contract with a physician or group of physicians who do not meet the requirements of subsection 3 if the physician or group of physicians will be the exclusive provider of certain services for the hospital. Such services may include, without limitation, radiology, pathology, emergency medicine and neonatology services.

5. The provisions of subsections 2 and 3 shall not be deemed to prohibit a physician, podiatric physician or dentist who is on the staff of physicians from being affiliated with another institution of higher education.

6. The staff shall organize in a manner prescribed by the board so that there is a rotation of service among the members of the staff to give proper medical and surgical attention and service to the indigent sick, injured or maimed who may be admitted to the hospital for treatment.

~~[3.]~~ ***7.*** The board of hospital trustees or the board of county commissioners may offer the following assistance to members of the staff to attract and retain them:

(a) Establishment of clinic or group practice;

(b) Malpractice insurance coverage under the hospital's policy of professional liability insurance;

(c) Professional fee billing; and

(d) The opportunity to rent office space in facilities owned or operated by the hospital, as the space is available, if this opportunity is offered to all members of the staff on the same terms and conditions.

Sec. 4. 1. Each hospital located in a county whose population is 700,000 or more which is licensed to have more than 70 beds shall provide to the Legislative Committee on Health Care a report concerning the transfer of patients from one hospital to another hospital. Such information must include:

(a) The number of patients who are transferred from the hospital to another hospital;

(b) The number of patients who were received by the hospital and who were transferred from another hospital;

(c) The reason for each transfer of a patient to another hospital;

(d) The availability of specialty services and care in the hospital; and

(e) Whether each patient who was transferred from the hospital had insurance or some other guaranteed form of payment for services.

2. Each hospital subject to the provisions of subsection 1 shall provide a report to the Legislative Committee on Health Care with the information required at least once every 3 months, and the reports must include information from July 1, 2011, through September 30, 2012. The first report must be made by October 15, 2011, and must include information from July

1, 2011, through September 30, 2011. Subsequent reports must include information for the period since the last report.

3. The information reported pursuant to this section must be made available to each person or entity that provides information pursuant to this section to the extent that it is not required by law to be kept confidential.

4. The information reported pursuant to this section must be maintained and reported in a manner consistent with the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191.

5. As used in this section, "specialty services" includes, without limitation:

(a) Cardiology services;
(b) Gastroenterological services;
(c) General surgical services;
(d) Neurosurgical services;
(e) Ophthalmology services;
(f) Oral and maxillofacial surgical services;
(g) Orthopedic services;
(h) Otolaryngology services; and
(i) Urological services.

Sec. 5. This act becomes effective on July 1, 2011.

Assemblywoman Mastroluca moved that the Assembly concur in the Senate amendment to Assembly Bill No. 29.

Remarks by Assemblywoman Mastroluca.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Assembly Bill No. 154.

The following Senate amendment was read:

Amendment No. 587.

AN ACT relating to the protection of children; establishing provisions which set forth certain rights of children who are placed in foster homes; requiring notice of those rights to children placed in foster homes; establishing a procedure for children who are placed in foster homes to report alleged violations of those rights; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Sections 3-5 of this bill establish certain rights of children who are placed in foster homes. **Section 6** of this bill requires a provider of family foster care which places a child in a foster home to inform the child of his or her rights and provide the child with a written copy of those rights. **Section 6** also requires each group foster home which provides care to more than six children to post a written copy of those rights in the group foster home. **Section 7** of this bill authorizes a provider of family foster care to place reasonable restrictions on the rights of a child based upon the time, place and manner of a child's exercise of those rights if such restrictions are necessary

to preserve the order or safety of the foster home. **Section 8** of this bill authorizes a child placed in foster care who believes that his or her rights as set forth in this bill have been violated to raise and redress a grievance with any of a number of persons or institutions responsible for the child.

Section 9 of this bill prohibits an employee of a school district from disclosing to any person who is not employed by the school district any information relating to a pupil who is placed in foster care.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 432 of NRS is hereby amended by adding thereto the provisions set forth as sections 1.3 to 8, inclusive, of this act.

Sec. 1.3. ***As used in sections 1.3 to 8, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 1.5, 1.7 and 1.9 of this act have the meanings ascribed to them in those sections.***

Sec. 1.5. ***"Foster home" has the meaning ascribed to it in NRS 424.014.***

Sec. 1.7. ***"Group foster home" has the meaning ascribed to it in NRS 424.015.***

Sec. 1.9. ***"Provider of family foster care" has the meaning ascribed to it in NRS 424.017.***

Sec. 2. ***It is the policy of this State that every child placed in a foster home by an agency which provides child welfare services have the rights set forth in sections 3, 4 and 5 of this act.***

Sec. 3. ***A child placed in a foster home by an agency which provides child welfare services has the right:***

1. To receive information concerning his or her rights set forth in this section and sections 4 and 5 of this act.

2. To be treated with dignity and respect.

3. To fair and equal access to services, placement, care, treatment and benefits.

4. To receive adequate, healthy, appropriate and accessible food.

5. To receive adequate, appropriate and accessible clothing and shelter.

6. To receive appropriate medical care, including, without limitation:

(a) Dental, vision and mental health services;

(b) Medical and psychological screening, assessment and testing; and

(c) Referral to and receipt of medical, emotional, psychological or psychiatric evaluation and treatment as soon as practicable after the need for such services has been identified.

7. To be free from:

(a) Abuse or neglect, as defined in NRS 432B.020;

(b) Corporal punishment, as defined in NRS 388.5225;

(c) Unreasonable searches of his or her personal belongings or other unreasonable invasions of privacy;

(d) The administration of psychotropic medication unless the administration is consistent with NRS 432B.197 and the policies established pursuant thereto; and

(e) Discrimination or harassment on the basis of his or her actual or perceived race, ethnicity, ancestry, national origin, color, religion, sex, sexual orientation, gender identity, mental or physical disability or exposure to the human immunodeficiency virus.

8. To attend religious services of his or her choice or to refuse to attend religious services.

9. Except for placement in a facility, as defined in NRS 432B.6072, not to be locked in any room, building or premise or to be subject to other physical restraint or isolation.

10. Except as otherwise prohibited by the agency which provides child welfare services:

(a) To send and receive unopened mail; and

(b) To maintain a bank account and manage personal income, consistent with the age and developmental level of the child.

11. To complete an identification kit, including, without limitation, photographing, and include the identification kit and his or her photograph in a file maintained by ~~[the licensee of the foster home and]~~ the agency which provides child welfare services and any employee thereof who provides child welfare services to the child.

12. To communicate with other persons, including, without limitation, the right:

(a) To communicate regularly, but not less often than once each month, with an employee of the agency which provides child welfare services who provides child welfare services to the child;

(b) To communicate confidentially with the agency which provides child welfare services to the child concerning his or her care;

(c) To report any alleged violation of his or her rights pursuant to section 8 of this act without being threatened or punished;

(d) Except as otherwise prohibited by a court order, to contact a family member, social worker, attorney, advocate for children receiving foster care services or guardian ad litem appointed by a court or probation officer; and

(e) Except as otherwise prohibited by a court order, to contact and visit his or her siblings.

Sec. 4. ***With respect to the placement of a child in a foster home by an agency which provides child welfare services, the child has the right:***

1. To live in a safe, healthy, stable and comfortable environment, including, without limitation, the right:

(a) If safe and appropriate, to remain in his or her home, be placed in the home of a relative or be placed in a home within his or her community;

(b) To be placed in an appropriate foster home best suited to meet the unique needs of the child, including, without limitation, any disability of the child;

(c) To be placed in a foster home where the licensee, employees and residents of the foster home who are 18 years of age or older have submitted to an investigation of their background and personal history in compliance with NRS 424.031; and

(d) To be placed with his or her siblings, whenever possible, and as required by law, if his or her siblings are also placed outside the home.

2. To receive and review information concerning his or her placement, including, without limitation, the right:

(a) To receive information concerning any plan for his or her permanent placement adopted pursuant to NRS 432B.553;

(b) To receive information concerning any changes made to his or her plan for permanent placement; and

(c) If the child is 12 years of age or older, to review the plan for his or her permanent placement.

3. To attend and participate in a court hearing which affects the child, to the extent authorized by law and appropriate given the age and experience of the child.

Sec. 5. ***With respect to the education and vocational training of a child placed in a foster home by an agency which provides child welfare services, the child has the right:***

1. To receive fair and equal access to an education, including, without limitation, the right:

(a) To receive an education as required by law;

(b) To have stability in and minimal disruption to his or her education when the child is placed in a foster home;

(c) To attend the school and remain in the scholastic activities that he or she was enrolled in before placement in a foster home, to the extent practicable and if in the best interests of the child;

(d) To have educational records transferred in a timely manner from the school that he or she was enrolled in before placement in a foster home to a new school, if any;

(e) Not to be identified as a foster child to other students at his or her school by an employee of a school district, including, without limitation, a school administrator, teacher or instructional aide;

(f) To receive any educational screening, assessment or testing required by law;

(g) To be referred to and receive educational evaluation and services as soon as practicable after the need for such services has been identified, including, without limitation, access to special education and special services to meet the unique needs of a child with educational or behavioral disabilities or impairments that adversely affect the child's educational performance;

(h) To have access to information regarding relevant educational opportunities, including, without limitation, course work for vocational and postsecondary educational programs and financial aid for postsecondary education, once the child is 16 years of age or older; and

(i) To attend a class or program concerning independent living for which he or she is qualified that is offered by the agency which provides child welfare services or another agency or contractor of the State.

2. To participate in extracurricular, cultural and personal enrichment activities which are consistent with the age and developmental level of the child.

3. To work and to receive vocational training, to the extent permitted by statute and consistent with the age and developmental level of the child.

4. To have access to transportation, if practicable, to allow the child to participate in extracurricular, cultural, personal and work activities.

Sec. 6. *1. A provider of family foster care that places a child in a foster home shall:*

(a) Inform the child of his or her rights set forth in sections 3, 4 and 5 of this act;

(b) Provide the child with a written copy of those rights; and

(c) Provide an additional written copy of those rights to the child upon request.

2. A group foster home shall post a written copy of the rights set forth in sections 3, 4 and 5 of this act in a conspicuous place inside the group foster home.

Sec. 7. *A provider of family foster care may impose reasonable restrictions on the time, place and manner in which a child may exercise his or her rights set forth in sections 3, 4 and 5 of this act if the provider of family foster care determines that such restrictions are necessary to preserve the order, discipline or safety of the foster home.*

Sec. 8. *If a child believes that his or her rights set forth in sections 3, 4 and 5 of this act have been violated, the child may raise and redress a grievance with, without limitation:*

1. A provider of foster care;

2. An employee of a family foster home, as defined in NRS 424.013, group foster home or specialized foster home;

3. An agency which provides child welfare services to the child, and any employee thereof;

4. A juvenile court with jurisdiction over the child;

5. A guardian ad litem for the child; or

6. An attorney for the child.

Sec. 9. Chapter 391 of NRS is hereby amended by adding thereto a new section to read as follows:

An employee of a school district, including, without limitation, a teacher, an administrator or an instructional aide, shall not disclose to any person

who is not employed by the school district the fact that a pupil is a child who has been placed in a foster home or any related information.

Assemblywoman Mastroluca moved that the Assembly concur in the Senate amendment to Assembly Bill No. 154.

Remarks by Assemblywoman Mastroluca.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Assembly Bill No. 170.

The following Senate amendment was read:

Amendment No. 584.

AN ACT relating to public health; requiring each retail establishment in which cigarettes are sold or offered for sale to post a sign regarding the dangers of smoking tobacco during pregnancy; providing a civil penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires food establishments in which alcoholic beverages are sold for consumption on the premises to post at least one sign in a location conspicuous to the patrons of the establishment regarding the dangers of drinking alcoholic beverages during pregnancy. (NRS 446.842) Existing law also requires the owner of a retail establishment in which cigarettes or smokeless tobacco products are sold or offered for sale to display prominently at the point of sale a notice indicating that the sale of cigarettes and other tobacco products to minors is prohibited by law and that the retailer may ask for proof of age to comply with the prohibition. (NRS 202.2493)

This bill requires each retail establishment in which cigarettes are sold or offered for sale to post at least one sign regarding the dangers of smoking tobacco during pregnancy in a location conspicuous to the patrons of the establishment. A person who fails to post the sign is subject to a civil fine of not more than $100.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 442 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Each retail establishment in which cigarettes are sold or offered for sale shall post at least one sign that meets the requirements of this section in a location conspicuous to the patrons of the establishment. The contents of the warning may be included on any other sign which the retail establishment is required to post in a location conspicuous to the patrons of the establishment.

2. Each sign required by subsection 1 must be not less than ~~*[8 1/2 by 11]*~~

8 by 5 1/2 inches in size and must contain a notice in boldface type that is

clearly legible and, except as otherwise provided in ~~[paragraph (a) of]~~ subsection 4, is in substantially the following form:

HEALTH WARNING

Smoking tobacco during pregnancy can cause birth defects, premature birth and low birth weight.

¡ADVERTENCIA!

Fumar tabaco durante el embarazo puede causar daño a su bebé al nacer, que nazca prematuro y que nazca bajo de peso.

3. The letters in the words "HEALTH WARNING" and "¡ADVERTENCIA!" in the sign must be written in not less than 28-point type, and the letters in all other words in the sign must be written in not less than 24-point type.

4. The Health Division may ~~[:~~

~~(a) Provide]~~ provide by regulation for one or more alternative forms for the language of the warning to be included on the signs required by subsection 1 to increase the effectiveness of the signs. Each alternative form must contain substantially the same message as is stated in subsection 2.

~~[~~ ~~(b) Solicit]~~ The Health Division and the local boards of health may solicit and accept donations of signs that satisfy the requirements of this section from a nonprofit organization or any other source. To the extent that such signs are donated, the Health Division or the local boards of health, as applicable, shall distribute the signs upon request to retail establishments that are required to post such signs.

Sec. 2. NRS 202.2493 is hereby amended to read as follows:

202.2493 1. A person shall not sell, distribute or offer to sell cigarettes or smokeless products made from tobacco in any form other than in an unopened package which originated with the manufacturer and bears any health warning required by federal law. A person who violates this subsection shall be punished by a fine of $100 and a civil penalty of $100.

2. Except as otherwise provided in subsections 3, 4 and 5, it is unlawful for any person to sell, distribute or offer to sell cigarettes, cigarette paper, tobacco of any description or products made from tobacco to any child under the age of 18 years. A person who violates this subsection shall be punished by a fine of not more than $500 and a civil penalty of not more than $500.

3. A person shall be deemed to be in compliance with the provisions of subsection 2 if, before the person sells, distributes or offers to sell to another, cigarettes, cigarette paper, tobacco of any description or products made from tobacco, the person:

(a) Demands that the other person present a valid driver's license or other written or documentary evidence which shows that the other person is 18 years of age or older;

(b) Is presented a valid driver's license or other written or documentary evidence which shows that the other person is 18 years of age or older; and

(c) Reasonably relies upon the driver's license or written or documentary evidence presented by the other person.

4. The employer of a child who is under 18 years of age may, for the purpose of allowing the child to handle or transport tobacco or products made from tobacco in the course of the child's lawful employment, provide tobacco or products made from tobacco to the child.

5. With respect to any sale made by an employee of a retail establishment, the owner of the retail establishment shall be deemed to be in compliance with the provisions of subsection 2 if the owner:

(a) Had no actual knowledge of the sale; and

(b) Establishes and carries out a continuing program of training for employees which is reasonably designed to prevent violations of subsection 2.

6. The owner of a retail establishment shall, whenever any product made from tobacco is being sold or offered for sale at the establishment, display prominently at the point of sale ~~[(a)]~~ ***:***

(a) A notice indicating that:

~~[(a)]~~ ***(1)*** The sale of cigarettes and other tobacco products to minors is prohibited by law; and

~~[(b)]~~ ***(2)*** The retailer may ask for proof of age to comply with this prohibition ~~[.]~~ ***; and***

(b) At least one sign that complies with the requirements of section 1 of this act.

➥ A person who violates this subsection shall be punished by a fine of not more than $100.

7. It is unlawful for any retailer to sell cigarettes through the use of any type of display:

(a) Which contains cigarettes and is located in any area to which customers are allowed access; and

(b) From which cigarettes are readily accessible to a customer without the assistance of the retailer,

➥ except a vending machine used in compliance with NRS 202.2494. A person who violates this subsection shall be punished by a fine of not more than $500.

8. Any money recovered pursuant to this section as a civil penalty must be deposited in a separate account in the State General Fund to be used for the enforcement of this section and NRS 202.2494.

Assemblywoman Mastroluca moved that the Assembly concur in the Senate amendment to Assembly Bill No. 170.

Remarks by Assemblywoman Mastroluca.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Assembly Bill No. 362.

The following Senate amendment was read:

Amendment No. 610.

AN ACT relating to education; establishing the Interim Task Force on Out-of-School-Time Programs; requiring the Task Force to prescribe standards for out-of-school-time programs and to make certain recommendations relating to out-of-school-time programs; exempting an out-of-school-time program from licensure and regulation as a child care facility; authorizing an out-of-school-time program to report certain information to the Bureau of Services for Child Care of the Division of Child and Family Services of the Department of Health and Human Services; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 2 of this bill defines an "out-of-school-time program" as a program that operates for 10 or more hours per week, is offered on a continuing basis, provides supervision of children who are of school age and provides regularly scheduled, structured and supervised activities where learning opportunities take place during times when a child is not in school. **Section 5** of this bill exempts an out-of-school-time program from the licensing requirements for and regulation as a child care facility by excluding an out-of-school-time program from the definition of a "child care facility." **Sections 6-8** of this bill ensure that the existing definition of "child care facility" is not changed for certain other purposes.

Section 9 of this bill establishes the Interim Task Force on Out-of-School-Time Programs and requires the Task Force to prescribe standards for out-of-school-time programs and make certain other recommendations concerning out-of-school-time programs. **Section 9** also requires the Task Force to submit a report of its recommendations to the Governor and to the Director of the Legislative Counsel Bureau for transmittal to the 77th Session of the Nevada Legislature.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 432A of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. ~~*[1.]*~~ ***"Out-of-school-time program" means a program that operates for 10 or more hours per week, is offered on a continuing basis, provides supervision of children who are of*** ~~*[school]*~~ ***the age to attend school from kindergarten through 12th grade and provides regularly scheduled, structured and supervised activities where learning opportunities take place:***

~~*[(a)]*~~ ***1. Before or after school;***

~~*[(b)]*~~ ***2. On the weekend;***

3. During the summer or other seasonal breaks in the school calendar; or

~~[(c)]~~ ***4. Between sessions for children who attend a school which operates on a year-round calendar.***

~~[2. The term does not include programs for children which have a single focus or activity, which may include, without limitation, religious education, instruction in music, participation in a sport, tutoring or participation in a club.]~~

Sec. 3. (Deleted by amendment.)

Sec. 4. NRS 432A.020 is hereby amended to read as follows:

432A.020 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 432A.0205 to 432A.028, inclusive, ***and section 2 of this act*** have the meanings ascribed to them in those sections.

Sec. 5. NRS 432A.024 is hereby amended to read as follows:

432A.024 1. "Child care facility" means:

(a) An establishment operated and maintained for the purpose of furnishing care on a temporary or permanent basis, during the day or overnight, to five or more children under 18 years of age, if compensation is received for the care of any of those children;

(b) An on-site child care facility;

(c) A child care institution; or

(d) An outdoor youth program.

2. "Child care facility" does not include:

(a) The home of a natural parent or guardian, foster home as defined in NRS 424.014 or maternity home;

(b) A home in which the only children received, cared for and maintained are related within the third degree of consanguinity or affinity by blood, adoption or marriage to the person operating the facility; ~~[or]~~

(c) A home in which a person provides care for the children of a friend or neighbor for not more than 4 weeks if the person who provides the care does not regularly engage in that activity ~~[.]~~ ***; or***

(d) A location at which an out-of-school-time program is operated.

Sec. 6. NRS 202.2483 is hereby amended to read as follows:

202.2483 1. Except as otherwise provided in subsection 3, smoking tobacco in any form is prohibited within indoor places of employment including, but not limited to, the following:

(a) Child care facilities;

(b) Movie theatres;

(c) Video arcades;

(d) Government buildings and public places;

(e) Malls and retail establishments;

(f) All areas of grocery stores; and

(g) All indoor areas within restaurants.

2. Without exception, smoking tobacco in any form is prohibited within school buildings and on school property.

3. Smoking tobacco is not prohibited in:

(a) Areas within casinos where loitering by minors is already prohibited by state law pursuant to NRS 463.350;

(b) Stand-alone bars, taverns and saloons;

(c) Strip clubs or brothels;

(d) Retail tobacco stores;

(e) Private residences, including private residences which may serve as an office workplace, except if used as a child care, an adult day care or a health care facility; and

(f) The area of a convention facility in which a meeting or trade show is being held, during the time the meeting or trade show is occurring, if the meeting or trade show:

(1) Is not open to the public;

(2) Is being produced or organized by a business relating to tobacco or a professional association for convenience stores; and

(3) Involves the display of tobacco products.

4. In areas or establishments where smoking is not prohibited by this section, nothing in state law shall be construed to prohibit the owners of said establishments from voluntarily creating nonsmoking sections or designating the entire establishment as smoke free.

5. Nothing in state law shall be construed to restrict local control or otherwise prohibit a county, city or town from adopting and enforcing local tobacco control measures that meet or exceed the minimum applicable standards set forth in this section.

6. "No Smoking" signs or the international "No Smoking" symbol shall be clearly and conspicuously posted in every public place and place of employment where smoking is prohibited by this section. Each public place and place of employment where smoking is prohibited shall post, at every entrance, a conspicuous sign clearly stating that smoking is prohibited. All ashtrays and other smoking paraphernalia shall be removed from any area where smoking is prohibited.

7. Health authorities, police officers of cities or towns, sheriffs and their deputies shall, within their respective jurisdictions, enforce the provisions of this section and shall issue citations for violations of this section pursuant to NRS 202.2492 and 202.24925.

8. No person or employer shall retaliate against an employee, applicant or customer for exercising any rights afforded by, or attempts to prosecute a violation of, this section.

9. For the purposes of this section, the following terms have the following definitions:

(a) "Casino" means an entity that contains a building or large room devoted to gambling games or wagering on a variety of events. A casino must possess a nonrestricted gaming license as described in NRS 463.0177 and typically uses the word 'casino' as part of its proper name.

(b) "Child care facility" has the meaning ascribed to it in NRS ~~[432A.024.]~~ ***441A.030.***

(c) "Completely enclosed area" means an area that is enclosed on all sides by any combination of solid walls, windows or doors that extend from the floor to the ceiling.

(d) "Government building" means any building or office space owned or occupied by:

(1) Any component of the Nevada System of Higher Education and used for any purpose related to the System;

(2) The State of Nevada and used for any public purpose; or

(3) Any county, city, school district or other political subdivision of the State and used for any public purpose.

(e) "Health authority" has the meaning ascribed to it in NRS 202.2485.

(f) "Incidental food service or sales" means the service of prepackaged food items including, but not limited to, peanuts, popcorn, chips, pretzels or any other incidental food items that are exempt from food licensing requirements pursuant to subsection 2 of NRS 446.870.

(g) "Place of employment" means any enclosed area under the control of a public or private employer which employees frequent during the course of employment including, but not limited to, work areas, restrooms, hallways, employee lounges, cafeterias, conference and meeting rooms, lobbies and reception areas.

(h) "Public places" means any enclosed areas to which the public is invited or in which the public is permitted.

(i) "Restaurant" means a business which gives or offers for sale food, with or without alcoholic beverages, to the public, guests or employees, as well as kitchens and catering facilities in which food is prepared on the premises for serving elsewhere.

(j) "Retail tobacco store" means a retail store utilized primarily for the sale of tobacco products and accessories and in which the sale of other products is merely incidental.

(k) "School building" means all buildings on the grounds of any public school described in NRS 388.020 and any private school as defined in NRS 394.103.

(l) "School property" means the grounds of any public school described in NRS 388.020 and any private school as defined in NRS 394.103.

(m) "Stand-alone bar, tavern or saloon" means an establishment devoted primarily to the sale of alcoholic beverages to be consumed on the premises, in which food service is incidental to its operation, and provided that smoke from such establishments does not infiltrate into areas where smoking is prohibited under the provisions of this section. In addition, a stand-alone bar, tavern or saloon must be housed in either:

(1) A physically independent building that does not share a common entryway or indoor area with a restaurant, public place or any other indoor workplaces where smoking is prohibited by this section; or

(2) A completely enclosed area of a larger structure, such as a strip mall or an airport, provided that indoor windows must remain shut at all times and doors must remain closed when not actively in use.

(n) "Video arcade" has the meaning ascribed to it in paragraph (d) of subsection 3 of NRS 453.3345.

10. Any statute or regulation inconsistent with this section is null and void.

11. The provisions of this section are severable. If any provision of this section or the application thereof is declared by a court of competent jurisdiction to be invalid or unconstitutional, such declaration shall not affect the validity of the section as a whole or any provision thereof other than the part declared to be invalid or unconstitutional.

Sec. 7. NRS 441A.030 is hereby amended to read as follows:

441A.030 ***1.*** "Child care facility" ~~[has the meaning ascribed to it in NRS 432A.024.]~~ ***means:***

(a) An establishment operated and maintained for the purpose of furnishing care on a temporary or permanent basis, during the day or overnight, to five or more children under 18 years of age, if compensation is received for the care of any of those children;

(b) An on-site child care facility as defined in NRS 432A.0275;

(c) A child care institution as defined in NRS 432A.0245; or

(d) An outdoor youth program as defined in NRS 432A.028.

2. "Child care facility" does not include:

(a) The home of a natural parent or guardian, foster home as defined in NRS 424.014 or maternity home;

(b) A home in which the only children received, cared for and maintained are related within the third degree of consanguinity or affinity by blood, adoption or marriage to the person operating the facility; or

(c) A home in which a person provides care for the children of a friend or neighbor for not more than 4 weeks if the person who provides the care does not regularly engage in that activity.

Sec. 8. NRS 444.065 is hereby amended to read as follows:

444.065 1. Except as otherwise provided in subsection 2, as used in NRS 444.065 to 444.120, inclusive, "public swimming pool" means any structure containing an artificial body of water that is intended to be used collectively by persons for swimming or bathing, regardless of whether a fee is charged for its use.

2. The term does not include any such structure at:

(a) A private residence if the structure is controlled by the owner or other authorized occupant of the residence and the use of the structure is limited to members of the family of the owner or authorized occupant of the residence or invited guests of the owner or authorized occupant of the residence.

(b) A family foster home as defined in NRS 424.013.

(c) A child care facility, as defined in NRS ~~[432A.024,]~~ ***441A.030,*** furnishing care to 12 children or less.

(d) Any other residence or facility as determined by the State Board of Health.

(e) Any location if the structure is a privately owned pool used by members of a private club or invited guests of the members.

Sec. 9. 1. There is hereby created the Interim Task Force on Out-of-School-Time Programs. The Task Force is composed of the following 12 members:

(a) A representative of the Bureau of Services for Child Care of the Division of Child and Family Services of the Department of Health and Human Services, appointed by the Administrator of the Division;

(b) A representative of local governmental agencies that provide public services for children, appointed by the Nevada Association of Counties or its successor organization;

(c) A representative of the Nevada System of Higher Education, appointed by the Board of Regents of the University of Nevada;

(d) A representative of the public schools in this State, appointed by the State Board of Education;

(e) A representative of a national nonprofit organization that provides services to children, appointed by the Legislative Commission;

(f) A representative of a nonprofit organization that is located in Nevada and provides services to children, appointed by the Legislative Commission;

(g) A representative of a nonprofit organization that is located in Nevada and provides support to an out-of-school-time program, appointed by the Legislative Commission;

(h) A representative of a private, for profit organization that is located in Nevada and provides services to children, appointed by the Legislative Commission;

(i) A representative of an agency that provides resources and referrals to out-of-school-time programs, appointed by the Legislative Commission;

(j) A representative of a faith-based organization that provides services to children, appointed by the Legislative Commission; and

(k) Two members who are parents of children in this State, appointed by the Legislative Commission.

2. The Administrator of the Division of Child and Family Services of the Department of Health and Human Services, the Nevada Association of Counties, the Board of Regents of the University of Nevada, the State Board of Education and the Legislative Commission shall appoint the members of the Task Force as soon as practicable after July 1, 2011. A vacancy on the Task Force must be filled in the same manner as the original appointment.

3. The Task Force shall meet on or before October 1, 2011, and at its first meeting the members of the Task Force shall elect a Chair from among the members. A majority of the members of the Task Force constitutes a quorum for the transaction of business, and a majority of those members present at any meeting is sufficient for any official action taken by the Task Force.

4. The Task Force shall meet at least once every 3 months and at the call of the Chair or a majority of the members of the Task Force.

5. Each member of the Task Force serves without compensation. Each member of the Task Force who is an officer or employee of the State or a local government must be relieved from his or her duties without loss of his or her regular compensation to prepare for and attend meetings of the Task Force and perform any work necessary to carry out the duties of the Task Force in the most timely manner practicable. A state agency or local government shall not require an officer or employee who is a member of the Task Force to make up the time the member is absent from work to carry out his or her duties as a member and shall not require the member to take annual vacation or compensatory time for the absence.

6. The Bureau of Services for Child Care of the Division of Child and Family Services of the Department of Health and Human Services shall provide administrative support to the Task Force and may accept assistance from a nonprofit organization in providing such support.

7. The Task Force shall:

(a) Prescribe standards for out-of-school-time programs;

(b) Make recommendations concerning out-of-school-time programs and the implementation of the standards prescribed by the Task Force, including, without limitation, recommendations for a pilot program for the standards; and

(c) Make recommendations concerning whether out-of-school-time programs should be licensed and regulated by the Bureau of Services for Child Care.

8. The Task Force shall, on or before June 30, 2012, submit a report to the Governor and to the Director of the Legislative Counsel Bureau for transmittal to the 77th Session of the Nevada Legislature. The report must include, without limitation:

(a) A full and detailed description of the standards for out-of-school-time programs prescribed by the Task Force;

(b) Recommendations concerning the establishment of a pilot program for the standards prescribed by the Task Force;

(c) Recommendations concerning whether out-of-school-time programs should be licensed and regulated by the Bureau of Services for Child Care; and

(d) Any other recommendations for legislation relating to out-of-school-time programs.

9. An out-of-school-time program may register with the Bureau of Services for Child Care or other entity designated by the Bureau. By registering with the Bureau, the out-of-school-time program agrees to comply with the standards established by the Task Force and to participate in any pilot project established pursuant to subsection 8.

10. As used in this section, "out-of-school-time program" has the meaning ascribed to it in section 2 of this act.

Sec. 10. 1. This act becomes effective on July 1, 2011.

2. Section 9 of this act expires by limitation on June 30, 2013.

Assemblywoman Mastroluca moved that the Assembly do not concur in the Senate amendment to Assembly Bill No. 362.

Remarks by Assemblywoman Mastroluca.

Motion carried.

Bill ordered transmitted to the Senate.

Assembly Bill No. 533.

The following Senate amendment was read:

Amendment No. 588.

AN ACT relating to group homes; providing certain financial protections for residents of group homes and similar facilities; **providing a penalty;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1 of this bill prohibits the owner or administrator of a medical facility, facility for the dependent or home for individual residential care from receiving: (1) money or property devised by the will of a current or former resident of the facility or home; and (2) proceeds from a life insurance policy upon the life or body of a current or former resident of the facility or home. Under **section 1**, such an owner or administrator is deemed to have predeceased the resident and, as a result, the money, property and proceeds are then distributed to other devisees (in the case of a will) or other beneficiaries (in the case of a life insurance policy). In the event that there is no other devisee or beneficiary, the laws of this State pertaining to testate and intestate succession would control. **Section 1** does not apply in the instance in which the owner or administrator of the facility or home is the spouse, legal guardian or next of kin of the resident or former resident.

Under existing law, a principal may not name his or her provider of health care, an employee of the provider of health care or an operator or employee of a health care facility as his or her agent in a power of attorney for health care; however, an exception is set forth if the provider, operator or employee is the principal's spouse, legal guardian or next of kin. (NRS 162A.840) **Section 3** of this bill establishes a broader prohibition in the context of group homes and similar facilities, providing that a person who resides or is about to reside in a hospital, assisted living facility or facility for skilled nursing may not name such a facility or an owner, operator or employee of such a facility as his or her agent in any power of attorney for any purpose. The prohibition set forth in **section 3** does not apply if the owner, operator or employee is the resident's (principal's) spouse, legal guardian or next of kin **~~.~~ or, when certain conditions are met, if the owner, operator or employee is assisting the principal to establish eligibility for Medicaid. Section 3 further makes it a category C felony to use a power of attorney which is created for the purpose of assisting a principal to establish**

eligibility for Medicaid for any other purpose or in a manner inconsistent with the provisions of the power of attorney.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 449 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection 3 and notwithstanding any other provision of law, an owner or administrator of a medical facility, facility for the dependent or home for individual residential care is not entitled to receive, and must not receive:

(a) Any money, personal property or real property that is devised or bequeathed by will to the owner or administrator by a resident or former resident of the facility or home, as applicable.

(b) Any proceeds from a life insurance policy upon the life or body of a resident or former resident of the facility or home, as applicable.

2. Except as otherwise provided in subsection 3, any money, property, proceeds or interest therein that is described in subsection 1 passes in accordance with law as if the owner or administrator of the medical facility, facility for the dependent or home for individual residential care had predeceased the decedent resident or former resident.

3. The provisions of subsections 1 and 2 do not apply if the owner or administrator of the medical facility, facility for the dependent or home for individual residential care is the spouse, legal guardian or next of kin of the resident or former resident of the facility or home, as applicable.

Sec. 2. NRS 449.730 is hereby amended to read as follows:

449.730 1. Every medical facility, facility for the dependent and home for individual residential care shall inform each patient or the patient's legal representative, upon the admission of the patient to the facility or home, of the patient's rights as listed in NRS 449.700, 449.710, 449.715 **,** ~~[and]~~ 449.720 ~~[.]~~ ***and section 1 of this act.***

2. In addition to the requirements of subsection 1, if a person with a disability is a patient at a facility, as that term is defined in NRS 449.771, the facility shall inform the patient of his or her rights pursuant to NRS 449.765 to 449.786, inclusive.

3. In addition to the requirements of subsections 1 and 2, every hospital shall, upon the admission of a patient to the hospital, provide to the patient or the patient's legal representative a written disclosure approved by the Director ***of the Department of Health and Human Services***, which written disclosure must set forth:

(a) Notice of the existence of the Bureau for Hospital Patients created pursuant to NRS 223.575;

(b) The address and telephone number of the Bureau; and

(c) An explanation of the services provided by the Bureau, including, without limitation, the services for dispute resolution described in subsection 3 of NRS 223.575.

4. In addition to the requirements of subsections 1, 2 and 3, every hospital shall, upon the discharge of a patient from the hospital, provide to the patient or the patient's legal representative a written disclosure approved by the Director, which written disclosure must set forth:

(a) If the hospital is a major hospital:

(1) Notice of the reduction or discount available pursuant to NRS 439B.260, including, without limitation, notice of the criteria a patient must satisfy to qualify for a reduction or discount under that section; and

(2) Notice of any policies and procedures the hospital may have adopted to reduce charges for services provided to persons or to provide discounted services to persons, which policies and procedures are in addition to any reduction or discount required to be provided pursuant to NRS 439B.260. The notice required by this subparagraph must describe the criteria a patient must satisfy to qualify for the additional reduction or discount, including, without limitation, any relevant limitations on income and any relevant requirements as to the period within which the patient must arrange to make payment.

(b) If the hospital is not a major hospital, notice of any policies and procedures the hospital may have adopted to reduce charges for services provided to persons or to provide discounted services to persons. The notice required by this paragraph must describe the criteria a patient must satisfy to qualify for the reduction or discount, including, without limitation, any relevant limitations on income and any relevant requirements as to the period within which the patient must arrange to make payment.

➥ As used in this subsection, "major hospital" has the meaning ascribed to it in NRS 439B.115.

5. In addition to the requirements of subsections 1 to 4, inclusive, every hospital shall post in a conspicuous place in each public waiting room in the hospital a legible sign or notice in 14-point type or larger, which sign or notice must:

(a) Provide a brief description of any policies and procedures the hospital may have adopted to reduce charges for services provided to persons or to provide discounted services to persons, including, without limitation:

(1) Instructions for receiving additional information regarding such policies and procedures; and

(2) Instructions for arranging to make payment;

(b) Be written in language that is easy to understand; and

(c) Be written in English and Spanish.

Sec. 3. NRS 162A.220 is hereby amended to read as follows:

162A.220 1. A power of attorney must be signed by the principal or, in the principal's conscious presence, by another individual directed by the principal to sign the principal's name on the power of attorney. A signature

on a power of attorney is presumed to be genuine if the principal acknowledges the signature before a notary public or other individual authorized by law to take acknowledgments.

2. If the principal resides in a hospital, assisted living facility or facility for skilled nursing at the time of execution of the power of attorney, a certification of competency of the principal from a physician, psychologist or psychiatrist must be attached to the power of attorney.

3. ***If the principal resides or is about to reside in a hospital, assisted living facility or facility for skilled nursing at the time of execution of the power of attorney, in addition to the prohibition set forth in NRS 162A.840 and except as otherwise provided in subsection 4, the principal may not name as agent in any power of attorney for any purpose:***

(a) The hospital, assisted living facility or facility for skilled nursing;

(b) An owner or operator of the hospital, assisted living facility or facility for skilled nursing; or

(c) An employee of the hospital, assisted living facility or facility for skilled nursing.

4. The principal may name as agent any person identified in subsection 3 if that person is ~~[the]~~ :

(a) The spouse, legal guardian or next of kin of the principal ~~[.]~~ ; or

(b) Named only for the purpose of assisting the principal to establish eligibility for Medicaid and the power of attorney complies with the provisions of subsection 5.

5. A person may be named as agent pursuant to paragraph (b) of subsection 4 only if:

(a) A valid financial power of attorney for the principal does not exist;

(b) The agent has made a good faith effort to contact each family member of the principal identified in the records of the hospital, assisted living facility or facility for skilled nursing, as applicable, to request that the family member establish a financial power of attorney for the principal and has documented his or her effort;

(c) The power of attorney specifies that the agent is only authorized to access financial documents of the principal which are necessary to prove eligibility of the principal for Medicaid as described in the application for Medicaid and specifies that any request for such documentation must be accompanied by a copy of the application for Medicaid or by other proof that the document is necessary to prove eligibility for Medicaid;

(d) The power of attorney specifies that the agent does not have authority to access money or any other asset of the principal for any purpose; and

(e) The power of attorney specifies that the power of attorney is only valid until eligibility of the principal for Medicaid is determined or 6 months after the power of attorney is signed, whichever is sooner.

6. A person who is named as agent pursuant to paragraph (b) of subsection 4 shall not use the power of attorney for any purpose other than

to assist the principal to establish eligibility for Medicaid and shall not use the power of attorney in a manner inconsistent with the provisions of subsection 5. A person who violates the provisions of this subsection is guilty of a category C felony and shall be punished as provided in NRS 193.130.

7. As used in this section:

(a) "Assisted living facility" has the meaning ascribed to it in NRS 422.2708.

(b) "Facility for skilled nursing" has the meaning ascribed to it in NRS 449.0039.

(c) "Hospital" has the meaning ascribed to it in NRS 449.012.

Sec. 4. Except as otherwise provided in this act:

1. This act applies to a life insurance policy, power of attorney or will created before, on or after July 1, 2011.

2. This act applies to a judicial proceeding concerning a life insurance policy, power of attorney or will commenced on or after July 1, 2011.

3. This act applies to a judicial proceeding concerning a life insurance policy, power of attorney or will commenced before July 1, 2011, unless the court finds that the application of a provision of this act would substantially interfere with the effective conduct of the judicial proceeding or prejudice the rights of a party, in which case that provision does not apply and the superseded law applies.

4. An act done before July 1, 2011, is not affected by this act.

Sec. 5. This act becomes effective on July 1, 2011.

Assemblywoman Mastroluca moved that the Assembly concur in the Senate amendment to Assembly Bill No. 533.

Remarks by Assemblywoman Mastroluca.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Assembly Bill No. 535.

The following Senate amendment was read:

Amendment No. 589.

AN ACT relating to residential facilities for groups; revising provisions governing the referral of persons to such facilities; requiring the State Board of Health to track certain violations and to disseminate certain information to the public; providing a civil penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

To operate a business which provides referrals to residential facilities for groups, existing law provides that a person must obtain a license from the State Board of Health. Also under existing law, a business so licensed and its employees are prohibited from referring a person to a residential facility for groups if the facility is unlicensed or if the facility is owned by the same person who owns the business. A person who violates that prohibition is

subject to a civil penalty. Existing law does not address referrals to residential facilities for groups that are made directly by individual providers of health care, and specifically exempts medical facilities that were already licensed as of October 1, 1999. (NRS 449.0305)

Section 3 of this bill adds to the list of activities in which a business licensed to provide referrals to residential facilities for groups, and its employees, may not engage by prohibiting a business so licensed and its employees from referring a person to a residential facility for groups if the business or its employee knows or reasonably should know that the facility or its services are not appropriate for the condition of the person being referred. **Section 1** of this bill prohibits a licensed medical facility and its employees from: (1) referring a person to a residential facility for groups that is not licensed **~~[,]~~ by the Health Division of the Department of Health and Human Services;** and (2) referring a person to a residential facility for groups if the licensed medical facility or its employee knows or reasonably should know that the residential facility for groups, or the services provided by the residential facility for groups, are not appropriate for the condition of the person being referred. **"Licensed medical facility" is defined to include medical facilities and facilities for the dependent that are licensed by the Health Division and other facilities that provide medical care and treatment and which are required to be licensed by the State Board of Health.** If a licensed medical facility or an employee of the licensed medical facility violates the prohibitions established by **section 1**, the licensed medical facility is liable to the State Board of Health for a civil penalty of not more than $10,000 for a first offense, and of not less than $10,000 or more than $20,000 for a second or subsequent offense. **Section 1** also requires the State Board of Health to establish and maintain a system to track violations of **section 1** and NRS 449.0305, and directs the Board to educate the public regarding the requirements and prohibitions set forth in those sections.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 449 of NRS is hereby amended by adding thereto a new section to read as follows:

1. In addition to the requirements and prohibitions set forth in NRS 449.0305, and notwithstanding any exceptions set forth in that section, a licensed medical facility or an employee of such a medical facility shall not:

(a) Refer a person to a residential facility for groups that is not licensed ~~[,]~~ by the Health Division;

(b) Refer a person to a residential facility for groups if the licensed medical facility or its employee knows or reasonably should know that the residential facility for groups, or the services provided by the residential facility for groups, are not appropriate for the condition of the person being referred.

2. If a licensed medical facility or an employee of such a medical facility violates the provisions of subsection 1, the licensed medical facility is liable for a civil penalty to be recovered by the Attorney General in the name of the Board for the first offense of not more than $10,000 and for a second or subsequent offense of not less than $10,000 or more than $20,000. Unless otherwise required by federal law, the Board shall deposit all civil penalties collected pursuant to this section into a separate account in the State General Fund to be used for the enforcement of this section and the protection of the health, safety, well-being and property of residents of residential facilities for groups.

3. The Board shall:

(a) Establish and maintain a system to track violations of this section and NRS 449.0305. Except as otherwise provided in this paragraph, records created by or for the system are public records and are available for public inspection. The following information is confidential:

(1) Any personally identifying information relating to a person who is referred to a residential facility for groups.

(2) Information which may not be disclosed under federal law.

(b) Educate the public regarding the requirements and prohibitions set forth in this section and NRS 449.0305.

4. As used in this section, "licensed medical facility" means:

(a) A medical facility that is required to be licensed pursuant to this section and NRS 449.001 to 449.240, inclusive.

(b) A facility for the dependent that is required to be licensed pursuant to this section and NRS 449.001 to 449.240, inclusive.

(c) A facility that provides medical care or treatment and is required by regulation of the Board to be licensed pursuant to NRS 449.038.

Sec. 2. NRS 449.030 is hereby amended to read as follows:

449.030 1. No person, state or local government or agency thereof may operate or maintain in this State any medical facility or facility for the dependent without first obtaining a license therefor as provided in NRS 449.001 to 449.240, inclusive ~~[.]~~ ***, and section 1 of this act.***

2. Unless licensed as a facility for hospice care, a person, state or local government or agency thereof shall not operate a program of hospice care without first obtaining a license for the program from the Board.

Sec. 3. NRS 449.0305 is hereby amended to read as follows:

449.0305 1. Except as otherwise provided in subsection 5, a person must obtain a license from the Board to operate a business that provides referrals to residential facilities for groups.

2. The Board shall adopt:

(a) Standards for the licensing of businesses that provide referrals to residential facilities for groups;

(b) Standards relating to the fees charged by such businesses;

(c) Regulations governing the licensing of such businesses; and

(d) Regulations establishing requirements for training the employees of such businesses.

3. A licensed nurse, social worker, physician or hospital, or a provider of geriatric care who is licensed as a nurse or social worker, may provide referrals to residential facilities for groups through a business that is licensed pursuant to this section. The Board may, by regulation, authorize a public guardian or any other person it determines appropriate to provide referrals to residential facilities for groups through a business that is licensed pursuant to this section.

4. A business that is licensed pursuant to this section or an employee of such a business shall not:

(a) Refer a person to a residential facility for groups that is not licensed.

(b) ***Refer a person to a residential facility for groups if the business or its employee knows or reasonably should know that the facility, or the services provided by the facility, are not appropriate for the condition of the person being referred.***

(c) Refer a person to a residential facility for groups that is owned by the same person who owns the business.

➥ A person who violates the provisions of this subsection is liable for a civil penalty to be recovered by the Attorney General in the name of the ~~[~~State~~]~~ Board ~~[~~of Health~~]~~ for the first offense of not more than $10,000 and for a second or subsequent offense of not less than $10,000 nor more than $20,000. Unless otherwise required by federal law, the ~~[~~State~~]~~ Board ~~[~~of Health~~]~~ shall deposit all civil penalties collected pursuant to this section into a separate account in the State General Fund to be used for the enforcement of this section and the protection of the health, safety, well-being and property of residents of residential facilities for groups.

5. This section does not apply to a medical facility that is licensed pursuant to NRS 449.001 to 449.240, inclusive, ***and section 1 of this act*** on October 1, 1999.

Sec. 4. NRS 654.190 is hereby amended to read as follows:

654.190 1. The Board may, after notice and a hearing as required by law, impose an administrative fine of not more than $10,000 for each violation on, recover reasonable investigative fees and costs incurred from, suspend, revoke, deny the issuance or renewal of or place conditions on the license of, and place on probation or impose any combination of the foregoing on any nursing facility administrator or administrator of a residential facility for groups who:

(a) Is convicted of a felony relating to the practice of administering a nursing facility or residential facility or of any offense involving moral turpitude.

(b) Has obtained his or her license by the use of fraud or deceit.

(c) Violates any of the provisions of this chapter.

(d) Aids or abets any person in the violation of any of the provisions of NRS 449.001 to 449.240, inclusive, ***or section 1 of this act,*** as those

provisions pertain to a facility for skilled nursing, facility for intermediate care or residential facility for groups.

(e) Violates any regulation of the Board prescribing additional standards of conduct for nursing facility administrators or administrators of residential facilities for groups, including, without limitation, a code of ethics.

(f) Engages in conduct that violates the trust of a patient or resident or exploits the relationship between the nursing facility administrator or administrator of a residential facility for groups and the patient or resident for the financial or other gain of the licensee.

2. The Board shall give a licensee against whom proceedings are brought pursuant to this section written notice of a hearing pursuant to NRS 233B.121 and 241.034. A licensee may waive, in writing, his or her right to attend the hearing.

3. The Board may compel the attendance of witnesses or the production of documents or objects by subpoena. The Board may adopt regulations that set forth a procedure pursuant to which the Chair of the Board may issue subpoenas on behalf of the Board. Any person who is subpoenaed pursuant to this subsection may request the Board to modify the terms of the subpoena or grant additional time for compliance.

4. An order that imposes discipline and the findings of fact and conclusions of law supporting that order are public records.

5. The expiration of a license by operation of law or by order or decision of the Board or a court, or the voluntary surrender of a license, does not deprive the Board of jurisdiction to proceed with any investigation of, or action or disciplinary proceeding against, the licensee or to render a decision suspending or revoking the license.

Sec. 5. This act becomes effective on July 1, 2011.

Assemblywoman Mastroluca moved that the Assembly concur in the Senate amendment to Assembly Bill No. 535.

Remarks by Assemblywoman Mastroluca.

Motion carried by a constitutional majority.

Bill ordered enrolled.

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Senate Concurrent Resolution 12.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Benitez-Thompson, the privilege of the floor of the Assembly Chamber for this day was extended to Tammy Soong, Ian Soong-Thunder, and Avery Soong-Thunder.

On request of Assemblyman Goicoechea, the privilege of the floor of the Assembly Chamber for this day was extended to Keith "Charlie" Cooper, Jacob Mikkelsen, and Junior Heriberti Toscano.

On request of Assemblyman Hammond, the privilege of the floor of the Assembly Chamber for this day was extended to Jake Hunter, Jarett Sullivan, and Gregory Johnston.

On request of Assemblyman Hardy, the privilege of the floor of the Assembly Chamber for this day was extended to John Rockenbach, Dallin Watkins, Kalene Gongos, and Ema Cook.

On request of Assemblyman Ohrenschall, the privilege of the floor of the Assembly Chamber for this day was extended to Amy Sussman Hait, Daniel Sussman, and Estrelita Calielso.

On request of Assemblyman Sherwood, the privilege of the floor of the Assembly Chamber for this day was extended to the students and chaperones from David Fox Elementary School.

On request of Assemblyman Stewart, the privilege of the floor of the Assembly Chamber for this day was extended to the following students and chaperones from Wallin Elementary School: Mary Johnson (Abbie), Aislinn Kertesz, Jessabel Rodriguez, Kourtney Vincent, Tanner Billiu, Maya Fairchild, Emily Lookhoff, Garrett Maloney, Jadori Patel, Jordyn Peters, Madison Scott, Kelly Lane Smith, Cole Thurman, Preston Valdez, Carlos Verboonen, Skyler Watson, Clayton Watson, Dylan Avillanoza, Anthony Calderon, Christopher Custer, Mia Cutone, Justin Duross, Joshua Gordon, Camille Jefferies, Armaandeep Singh, Chad Wolin, Jacob Woolstenhulme, Kayla Hurlet, Thor Haynes, Alexa Bailey, Noel Chang, Kelsie Dayrit, Zachary Fears, Vance Ferron, Lacey Foster, Emma Nicole Georgiev, Mark Grismanauskas, Cameron Guibara, Garret Hepworth, Connor Preston, and Melody Rathel.

Assemblyman Conklin moved that the Assembly adjourn until Thursday, May 26, 2011, at 9 a.m.

Motion carried.

Assembly adjourned at 12:23 p.m.

Approved: JOHN OCEGUERA
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE ONE HUNDRED AND NINTH DAY

CARSON CITY (Thursday), May 26, 2011

Assembly called to order at 1:40 p.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Steven Brooks.

Dear Lord, I would like to make a special prayer for my colleagues and myself today, that we would be able to understand that You have assembled special people, in this special place, for this special moment.

I would like to explain that we came to fight, and we came to win, but not against one another, together as one. You see, our war is not a physical warfare; it is deeper than the eye can see. It is a spiritual warfare and is based on principalities and strongholds. Our weapons are not that of mass destruction; our weapon of choice is our tongue. Let us remember that the decisions we make in these beautiful rotundas affect every man, woman, and child in the ugliest of circumstances and in moments of temporary desperation. As we stand in the gap to protect them let us not lose sight of Your plan, O Lord. For a balanced budget will come to pass, but we will be judged on how we protected Your children in a time of great need.

Please arm us with faith, hope, and love. Give us the courage You provided Gideon's army and allow this army of 63 legislators to remember that on this day, You selected each and every one of them to serve Your people. In all of our foolishness, let us not forget that it is You whom we serve.

For it is with great honor that I serve in this army of servants and all of the great people You have provided to support us. For the greatest title one can have is that of a servant. I pray that we serve You well.

I pray this in Jesus' name.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Conklin moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker

Your Committee on Commerce and Labor, to which were referred Senate Bills Nos. 314, 414, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

KELVIN ATKINSON, *Chair*

Mr. Speaker

Your Committee on Government Affairs, to which were referred Senate Bills Nos. 40, 77, 361, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MARILYN K. KIRKPATRICK, *Chair*

Mr. Speaker:

Your Committee on Health and Human Services, to which were referred Senate Bills Nos. 191, 210, 246, 300, 339, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

APRIL MASTROLUCA, *Chair*

Mr. Speaker:

Your Committee on Judiciary, to which was referred Senate Bill No. 221, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

WILLIAM C. HORNE, *Chair*

Mr. Speaker

Your Committee on Legislative Operations and Elections, to which was referred Senate Bill No. 125, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

TICK SEGERBLOM, *Chair*

Mr. Speaker:

Your Committee on Natural Resources, Agriculture, and Mining, to which were referred Senate Bills Nos. 223, 299, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MAGGIE CARLTON, *Chair*

Mr. Speaker:

Your Committee on Transportation, to which were referred Senate Bills Nos. 140, 234, 238, 323, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MARILYN DONDERO LOOP, *Chair*

Mr. Speaker:

Your Committee on Ways and Means, to which were referred Senate Bills Nos. 97, 430, 444, 450, 481, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

DEBBIE SMITH, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 25, 2011

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 365, 382, 422, 477, 551; Assembly Joint Resolution No. 5 of the 75th Session; Senate Bill No. 498.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 20, Amendment No. 618; Assembly Bill No. 456, Amendments Nos. 623, 763, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolution No. 11.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to concur in the Assembly Amendment No. 568 to Senate Bill No. 193.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

NOTICE OF EXEMPTION

May 26, 2011

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Senate Bill No. 192, if the assembly adopts the amendment proposed by the Assembly Committee on Government Affairs.

RICK COMBS
Fiscal Analysis Division

Assemblywoman Kirkpatrick moved that Senate Bills Nos. 40, 77, 97, 125, 140, 191, 210, 221, 223, 234, 238, 246, 299, 300, 314, 323, 339, 361, 414, 430, 444, 450, 481, just reported out of committee, be placed on the Second Reading File.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 498.

Assemblyman Conklin moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 40.

Bill read second time

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 612.

. SUMMARY—Requires ~~[the State Public Works Board to adopt]~~ **certain state agencies and officials to consult with the deputy manager for compliance and code enforcement before adopting** regulations concerning the construction, maintenance, operation ~~[and]~~ **or** safety of ~~[certain]~~ buildings ~~[and]~~ **or** structures. (BDR 28-436)

AN ACT relating to real property; requiring ~~[the State Public Works Board to adopt]~~ **certain state agencies and officials to consult with the deputy manager for compliance and code enforcement before adopting** regulations concerning the construction, maintenance, operation ~~[and]~~ **or** safety of ~~[certain]~~ buildings and structures; ~~[requiring the deputy manager for compliance and code enforcement to make recommendations to the Board concerning such regulations;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Section 1 of this bill requires the State Public Works Board to adopt regulations concerning the construction, maintenance, operation and safety of buildings and structures on property of this State or held in trust for any division of the State Government. Section 2 of this bill requires the deputy~~

~~manager for compliance and code enforcement to make recommendations to the Board concerning these regulations.]~~

Existing law requires the State Public Works Board to appoint a deputy manager for compliance and code enforcement, who serves as the building official for all buildings and structures on property of the State or held in trust for any division of the State Government. (NRS 341.100) Existing law **also** authorizes or, in some cases, requires certain state agencies and officials to adopt regulations concerning the construction, maintenance, operation or safety of certain buildings or structures. (NRS 446.940, 449.250-449.430, 455C.110, 461.170, 472.040, 477.030) Specifically, these agencies and officials include the State Board of Health, the Department of Health and Human Services, the Division of Industrial Relations of the Department of Business and Industry, the Manufactured Housing Division of the Department of Business and Industry, the State Forester Firewarden and the State Fire Marshal. Sections 4-11 of this bill ~~[prohibit these state agencies and officials from adopting regulations which apply to the buildings and structures on property of this State or held in trust for any division of State Government and which conflict with the regulations adopted by the State Public Works Board.]~~ **require these state agencies and officials to consult with the deputy manager for compliance and code enforcement before adopting regulations concerning the construction, maintenance, operation or safety of buildings or structures in the State. Section 2 of this bill requires the deputy manager to consult with such an agency or official and to provide recommendations regarding how the agency or official's regulation, as it applies to buildings and structures on property of this State or held in trust for any division of the State Government, may be made consistent with other regulations which apply to such buildings or structures.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. ~~[~~Chapter 341 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~*1. Subject to the provisions of subsection 2, the Board shall adopt regulations concerning the construction, maintenance, operation and safety of buildings and structures on property of this State or held in trust for any division of the State Government.*~~

~~*2. Before adopting any regulation pursuant to subsection 1, the Board shall consult with the State Board of Health, the Department of Health and Human Services, the Division of Industrial Relations of the Department of Business and Industry, the Manufactured Housing Division of the Department of Business and Industry, the State Forester Firewarden or the State Fire Marshal, as applicable, if such state agency or official has authority to adopt similar regulations which apply to buildings and*~~

~~*structures that are not on property of the State or held in trust for a division of the State Government.]*~~ **(Deleted by amendment.)**

Sec. 2. NRS 341.100 is hereby amended to read as follows:

341.100 1. The Board shall appoint a Manager and a deputy manager for compliance and code enforcement, each of whom must be approved by the Governor. The Manager and the deputy manager for compliance and code enforcement serve at the pleasure of the Board and the Governor.

2. The Manager, with the approval of the Board, shall appoint:

(a) A deputy manager for professional services; and

(b) A deputy manager for administrative, fiscal and constructional services.

➥ Each deputy manager appointed pursuant to this subsection serves at the pleasure of the Manager.

3. The Manager may appoint such other technical and clerical assistants as may be necessary to carry into effect the provisions of this chapter.

4. The Manager and each deputy manager are in the unclassified service of the State. Except as otherwise provided in NRS 284.143, the Manager and each deputy manager shall devote his or her entire time and attention to the business of the office and shall not pursue any other business or occupation or hold any other office of profit.

5. The Manager and the deputy manager for professional services must each be a licensed professional engineer pursuant to the provisions of chapter 625 of NRS or an architect registered pursuant to the provisions of chapter 623 of NRS.

6. The deputy manager for administrative, fiscal and constructional services must have a comprehensive knowledge of the principles of administration and a working knowledge of the principles of engineering or architecture as determined by the Board.

7. The deputy manager for compliance and code enforcement must have a comprehensive knowledge of building codes and a working knowledge of the principles of engineering or architecture as determined by the Board.

8. The Manager shall:

(a) Serve as the Secretary of the Board.

(b) Manage the daily affairs of the Board.

(c) Represent the Board before the Legislature.

(d) Prepare and submit to the Board, for its approval, the recommended priority for proposed capital improvement projects and provide the Board with an estimate of the cost of each project.

(e) Make recommendations to the Board for the selection of architects, engineers and contractors.

(f) Make recommendations to the Board concerning the acceptance of completed projects.

(g) Submit in writing to the Board, the Governor and the Interim Finance Committee a monthly report regarding all public works projects which are a part of the approved capital improvement program. For each such project, the

monthly report must include, without limitation, a detailed description of the progress of the project which highlights any specific events, circumstances or factors that may result in:

(1) Changes in the scope of the design or construction of the project or any substantial component of the project which increase or decrease the total square footage or cost of the project by 10 percent or more;

(2) Increased or unexpected costs in the design or construction of the project or any substantial component of the project which materially affect the project;

(3) Delays in the completion of the design or construction of the project or any substantial component of the project; or

(4) Any other problems which may adversely affect the design or construction of the project or any substantial component of the project.

(h) Have final authority to approve the architecture of all buildings, plans, designs, types of construction, major repairs and designs of landscaping.

9. The deputy manager for compliance and code enforcement shall ~~[~~serve~~]~~ ***:***

(a) Serve as the building official for all buildings and structures on property of the State or held in trust for any division of the State Government ~~[.]~~ ***; and***

(b) ~~*[Provide]*~~ ***Consult with an agency or official that is considering adoption of a regulation described in sections 4, 5 or 8 to 11, inclusive, of this act and provide recommendations regarding*** ~~*[regulations that the Board adopts pursuant to section 1 of this act concerning the construction, maintenance, operation and safety of]*~~ ***how the regulation, as it applies to buildings and structures on property of this State or held in trust for any division of the State Government*** ~~*[.]*~~ ***, may be made consistent with other regulations which apply to such buildings or structures.***

Sec. 3. NRS 353.590 is hereby amended to read as follows:

353.590 If an agreement pursuant to NRS 353.500 to 353.630, inclusive, involves the construction, alteration, repair or remodeling of an improvement:

1. Except as otherwise provided in this section, the construction, alteration, repair or remodeling of the improvement may be conducted as specified in the agreement without complying with the provisions of:

(a) Any law requiring competitive bidding; or

(b) Chapter 341 of NRS.

2. The person or entity that enters into the agreement for the actual construction, alteration, repair or remodeling of the improvement shall include in the agreement the contractual provisions and stipulations that are required to be included in a contract for a public work pursuant to the provisions of NRS 338.013 to 338.090, inclusive.

3. The State or a state agency, the contractor who is awarded the contract or entered into the agreement to perform the construction, alteration, repair or remodeling of the improvement and any subcontractor on the project shall

comply with the provisions of NRS 338.013 to 338.090, inclusive, in the same manner as if the State or a state agency had undertaken the project or had awarded the contract.

4. The provisions of:

(a) ~~[~~Subsection~~]~~ ***Paragraph (b) of subsection*** 9 of NRS 341.100; and

(b) NRS 341.105,

➥ apply to the construction, alteration, repair or remodeling of the improvement.

Sec. 4. Chapter 446 of NRS is hereby amended by adding thereto a new section to read as follows:

~~*[Notwithstanding any provision of law to the contrary,]*~~ ***Before the State Board of Health may*** ~~*[not]*~~ ***adopt any regulation concerning the construction, maintenance, operation or safety of a building , ***~~*[or]*~~ ***structure*** ~~*[on property of]*~~ ***or other property in this State*** ~~*[or held in trust for any division of the State Government that conflicts with a regulation adopted pursuant to section 1 of this act.]*~~ ***, the Board shall consult with the deputy manager for compliance and code enforcement for the purposes of subsection 9 of NRS 341.100.***

Sec. 5. Chapter 449 of NRS is hereby amended by adding thereto a new section to read as follows:

~~*[Notwithstanding any provision of law to the contrary,]*~~ ***Before the State Department may*** ~~*[not]*~~ ***adopt any regulation concerning the construction, maintenance, operation or safety of a building , ***~~*[or]*~~ ***structure*** ~~*[on property of]*~~ ***or other property in this State*** ~~*[or held in trust for any division of the State Government that conflicts with a regulation adopted by the State Public Works Board pursuant to section 1 of this act.]*~~ ***, the State Department shall consult with the deputy manager for compliance and code enforcement for the purposes of subsection 9 of NRS 341.100.***

Sec. 6. NRS 449.250 is hereby amended to read as follows:

449.250 NRS 449.250 to 449.430, inclusive, ***and section 5 of this act*** may be cited as the Nevada Health Facilities Assistance Act.

Sec. 7. NRS 449.260 is hereby amended to read as follows:

449.260 As used in NRS 449.250 to 449.430, inclusive ~~[:]~~ ***, and section 5 of this act:***

1. "Community mental health center" means a facility providing services for the prevention or diagnosis of mental illness, or care and treatment of patients with mental illness, or rehabilitation of such persons, which services are provided principally for persons residing in a particular community in or near which the facility is situated.

2. "Construction" includes the construction of new buildings, modernization, expansion, remodeling and alteration of existing buildings, and initial equipment of such buildings, including medical transportation facilities, and includes architects' fees, but excludes the cost of off-site improvements and, except with respect to public health centers, the cost of the acquisition of the land.

3. "Facility for persons with mental retardation" means a facility specially designed for the diagnosis, treatment, education, training or custodial care of persons with mental retardation, including facilities for training specialists and sheltered workshops for persons with mental retardation, but only if such workshops are part of facilities which provide or will provide comprehensive services for persons with mental retardation.

4. "Federal Act" means 42 U.S.C. §§ 291 to 291o-l, inclusive, and 300k to 300t, inclusive, and any other federal law providing for or applicable to the provision of assistance for health facilities.

5. "Federal agency" means the federal department, agency or official designated by law, regulation or delegation of authority to administer the Federal Act.

6. "Health facility" includes a public health center, hospital, facility for hospice care, facility for persons with mental retardation, community mental health center, and other facility to provide diagnosis, treatment, care, rehabilitation, training or related services to persons with physical or mental impairments, including diagnostic or diagnostic and treatment centers, rehabilitation facilities and nursing homes, as those terms are defined in the Federal Act, and such other facilities for which federal aid may be authorized under the Federal Act, but, except for facilities for persons with mental retardation, does not include any facility furnishing primarily domiciliary care.

7. "Nonprofit health facility" means any health facility owned and operated by a corporation or association, no part of the net earnings of which inures or may lawfully inure to the benefit of any private shareholder or natural person.

8. "Public health center" means a publicly owned facility for the provision of public health services, including related facilities such as laboratories, clinics and administrative offices operated in connection with public health centers.

9. "State Department" means the Department of Health and Human Services, acting through its appropriate divisions.

Sec. 8. Chapter 455C of NRS is hereby amended by adding thereto a new section to read as follows:

~~*[Notwithstanding any provision of law to the contrary,]*~~ ***Before the Division may*** ~~*[not]*~~ ***adopt any regulation concerning the construction, maintenance, operation or safety of a building*** ***,*** ~~*[or]*~~ ***structure*** ~~*[on property of]*~~ ***or other property in this State*** ~~*[or held in trust for any division of the State Government that conflicts with a regulation adopted by the State Public Works Board pursuant to section 1 of this act.]*~~ ***, the Division shall consult with the deputy manager for compliance and code enforcement for the purposes of subsection 9 of NRS 341.100.***

Sec. 9. Chapter 461 of NRS is hereby amended by adding thereto a new section to read as follows:

~~[Notwithstanding any provision of law to the contrary,]~~ ***Before the Division may ~~[not]~~ adopt any regulation concerning the construction, maintenance, operation or safety of a building , ~~[or]~~ structure ~~[on property of]~~ or other property in this State ~~[or held in trust for any division of the State Government that conflicts with a regulation adopted by the State Public Works Board pursuant to section 1 of this act.]~~ , the Division shall consult with the deputy manager for compliance and code enforcement for the purposes of subsection 9 of NRS 341.100.***

Sec. 10. Chapter 472 of NRS is hereby amended by adding thereto a new section to read as follows:

~~[Notwithstanding any provision of law to the contrary,]~~ ***Before the State Forester Firewarden may ~~[not]~~ adopt any regulation concerning the construction, maintenance, operation or safety of a building , ~~[or]~~ structure ~~[on property of]~~ or other property in this State ~~[or held in trust for any division of the State Government that conflicts with a regulation adopted by the State Public Works Board pursuant to section 1 of this act.]~~ , the State Forester Firewarden shall consult with the deputy manager for compliance and code enforcement for the purposes of subsection 9 of NRS 341.100.***

Sec. 11. Chapter 477 of NRS is hereby amended by adding thereto a new section to read as follows:

~~[Notwithstanding any provision of law to the contrary,]~~ ***Before the State Fire Marshal may ~~[not]~~ adopt any regulation concerning the construction, maintenance, operation or safety of a building , ~~[or]~~ structure ~~[on property of]~~ or other property in this State ~~[or held in trust for any division of the State Government that conflicts with a regulation adopted by the State Public Works Board pursuant to section 1 of this act.]~~ that is a state-owned building or facility, the State Fire Marshal shall consult with the deputy manager for compliance and code enforcement for the purposes of subsection 9 of NRS 341.100.***

Sec. 12. ~~[Any regulations of the State Board of Health, the Department of Health and Human Services, the Division of Industrial Relations of the Department of Business and Industry, the Manufactured Housing Division of the Department of Business and Industry, the State Forester Firewarden or the State Fire Marshal existing on the effective date of this act which concern the construction, maintenance, operation or safety of buildings or structures on property of this State or held in trust for any division of the State Government remain in effect until the State Public Works Board adopts the regulations required pursuant to section 1 of this act.]~~ **(Deleted by amendment.)**

Sec. 13. This act becomes effective upon passage and approval.

Assemblywoman Bustamante Adams moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, reengrossed, and to third reading.

Senate Bill No. 77.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 646.

AN ACT relating to notaries public; ~~[subjecting a person to punishment for a category C felony if the person knowingly submits an application for appointment as a notary public that contains a substantial and material misstatement or omission of fact;]~~ revising provisions relating to the requirements for appointment as a notary public, storage of the stamp and journal of a notary public, documentation of notarial acts, and liability and penalties for certain misconduct and violations of law by a notary public or an employer of a notary public; prohibiting a notary public from performing a notarial act on certain documents or from making or noting a protest of a negotiable instrument under certain circumstances; authorizing the Secretary of State to impose a civil penalty for certain violations; ~~[providing a penalty;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Notaries public are appointed by and subject to the authority of the Secretary of State pursuant to the provisions of chapter 240 of NRS. ~~[Section 1 of this bill makes it a category C felony for a person applying for appointment as a notary public to knowingly submit an application that contains a substantial and material misstatement or omission of fact.]~~ **Section 2** of this bill requires, if required by the Secretary of State, a person applying for appointment as a notary public to submit with the application a complete set of his or her fingerprints and a fee. **Sections 3 and 5** of this bill require a notary public to keep his or her stamp and journal in a secure location when not using the stamp or journal. **Section 5** also revises provisions relating to the documentation of notarial acts performed: (1) at the same time and for the same person; or (2) for a person for whom a notary public has performed a notarial act within the previous 6 months. **Section 4** of this bill prohibits a notary public from performing a notarial act on a document that is not completely filled out and signed and prohibits the notary public from making or noting a protest of a negotiable instrument under certain circumstances. **Section 6** of this bill amends provisions relating to penalties for violations of law by notaries public and employers of notaries public.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. ~~[NRS 240.010 is hereby amended to read as follows:~~

~~240.010 1. The Secretary of State may appoint notaries public in this State.~~

~~2. The Secretary of State shall not appoint as a notary public a person:~~

~~(a) Who submits an application containing a substantial and material misstatement or omission of fact.~~

~~(b) Whose previous appointment as a notary public in this State has been revoked.~~

~~(c) Who, except as otherwise provided in subsection 3, has been convicted of:~~

~~(1) A crime involving moral turpitude; or~~

~~(2) Burglary, conversion, embezzlement, extortion, forgery, fraud, identity theft, larceny, obtaining money under false pretenses, robbery or any other crime involving misappropriation of the identity or property of another person or entity,~~

~~➥ if the Secretary of State is aware of such a conviction before the Secretary of State makes the appointment.~~

~~(d) Against whom a complaint that alleges a violation of a provision of this chapter is pending.~~

~~(e) Who has not submitted to the Secretary of State proof satisfactory to the Secretary of State that the person has enrolled in and successfully completed a course of study provided pursuant to NRS 240.018.~~

~~3. A person who has been convicted of a crime involving moral turpitude may apply for appointment as a notary public if the person provides proof satisfactory to the Secretary of State that:~~

~~(a) More than 10 years have elapsed since the date of the person's release from confinement or the expiration of the period of his or her parole, probation or sentence, whichever is later;~~

~~(b) The person has made complete restitution for his or her crime involving moral turpitude, if applicable;~~

~~(c) The person possesses his or her civil rights; and~~

~~(d) The crime for which the person was convicted is not one of the crimes enumerated in subparagraph (2) of paragraph (c) of subsection 2.~~

~~4. A notary public may cancel his or her appointment by submitting a written notice to the Secretary of State.~~

~~5. It is unlawful for a person to:~~

~~(a) Represent himself or herself as a notary public appointed pursuant to this section if the person has not received a certificate of appointment from the Secretary of State pursuant to this chapter.~~

~~(b) Submit an application for appointment as a notary public that contains a substantial and material misstatement or omission of fact.~~

~~6. The Secretary of State may request that the Attorney General bring an action to enjoin any violation of paragraph (a) of subsection 5.~~

~~***7. A person who knowingly violates the provisions of paragraph (b) of subsection 5 is guilty of a category C felony and shall be punished as provided in NRS 193.130.]***~~ **(Deleted by amendment.)**

Sec. 2. NRS 240.030 is hereby amended to read as follows:

240.030 1. Each person applying for appointment as a notary public must:

(a) At the time the applicant submits his or her application, pay to the Secretary of State $35.

(b) Take and subscribe to the oath set forth in Section 2 of Article 15 of the Constitution of the State of Nevada as if the applicant were a public officer.

(c) Submit to the Secretary of State proof satisfactory to the Secretary of State that the applicant has enrolled in and successfully completed a course of study provided pursuant to NRS 240.018.

(d) Enter into a bond to the State of Nevada in the sum of $10,000, to be filed with the clerk of the county in which the applicant resides or, if the applicant is a resident of an adjoining state, with the clerk of the county in this State in which the applicant maintains a place of business or is employed. The applicant must submit to the Secretary of State a certificate issued by the appropriate county clerk which indicates that the applicant filed the bond required pursuant to this paragraph.

(e) If required by the Secretary of State, submit:

(1) A complete set of the fingerprints of the applicant and written permission authorizing the Secretary of State to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report; and

(2) A fee established by regulation of the Secretary of State which must not exceed the sum of the amounts charged by the Central Repository for Nevada Records of Criminal History and the Federal Bureau of Investigation for processing the fingerprints.

2. In addition to the requirements set forth in subsection 1, an applicant for appointment as a notary public who resides in an adjoining state must submit to the Secretary of State with the application:

(a) An affidavit setting forth the adjoining state in which the applicant resides, the applicant's mailing address and the address of the applicant's place of business or employment that is located within the State of Nevada;

(b) A copy of the applicant's state business license issued pursuant to chapter 76 of NRS and any business license required by the local government where the business is located, if the applicant is self-employed; and

(c) Unless the applicant is self-employed, a copy of the state business license of the applicant's employer, a copy of any business license of the applicant's employer that is required by the local government where the business is located and an affidavit from the applicant's employer setting forth the facts which show that the employer regularly employs the applicant at an office, business or facility which is located within the State of Nevada.

3. In completing an application, bond, oath or other document necessary to apply for appointment as a notary public, an applicant must not be required to disclose his or her residential address or telephone number on any such document which will become available to the public.

4. The bond, together with the oath, must be filed and recorded in the office of the county clerk of the county in which the applicant resides when the applicant applies for the appointment or, if the applicant is a resident of an adjoining state, with the clerk of the county in this State in which the

applicant maintains a place of business or is employed. On a form provided by the Secretary of State, the county clerk shall immediately certify to the Secretary of State that the required bond and oath have been filed and recorded. Upon receipt of the application, fee and certification that the required bond and oath have been filed and recorded, the Secretary of State shall issue a certificate of appointment as a notary public to the applicant.

5. The term of a notary public commences on the effective date of the bond required pursuant to paragraph (d) of subsection 1. A notary public shall not perform a notarial act after the effective date of the bond unless the notary public has been issued a certificate of appointment.

6. Except as otherwise provided in this subsection, the Secretary of State shall charge a fee of $10 for each duplicate or amended certificate of appointment which is issued to a notary. If the notary public does not receive an original certificate of appointment, the Secretary of State shall provide a duplicate certificate of appointment without charge if the notary public requests such a duplicate within 60 days after the date on which the original certificate was issued.

Sec. 3. NRS 240.040 is hereby amended to read as follows:

240.040 1. The statement required by paragraph (d) of subsection 1 of NRS 240.1655 must:

(a) Be imprinted in indelible, photographically reproducible ink with a rubber or other mechanical stamp; and

(b) Set forth:

(1) The name of the notary public;

(2) The phrase "Notary Public, State of Nevada";

(3) The date on which the appointment of the notary public expires;

(4) The number of the certificate of appointment of the notary public;

(5) If the notary public so desires, the Great Seal of the State of Nevada; and

(6) If the notary public is a resident of an adjoining state, the word "nonresident."

2. After July 1, 1965, an embossed notarial seal is not required on notarized documents.

3. The stamp required pursuant to subsection 1 must:

(a) Be a rectangle, not larger than 1 inch by 2 1/2 inches, and may contain a border design; and

(b) Produce a legible imprint.

4. A notary public shall not affix his or her stamp over printed material.

5. ***A notary public shall keep his or her stamp in a secure location during any period in which the notary public is not using the stamp to perform a notarial act.***

6. As used in this section, "mechanical stamp" includes an imprint made by a computer or other similar technology.

Sec. 4. NRS 240.075 is hereby amended to read as follows:

240.075 A notary public shall not:

1. Influence a person to enter or not enter into a lawful transaction involving a notarial act performed by the notary public.

2. Certify an instrument containing a statement known by the notary public to be false.

3. Perform any act as a notary public with intent to deceive or defraud, including, without limitation, altering the journal that the notary public is required to keep pursuant to NRS 240.120.

4. Endorse or promote any product, service or offering if his or her appointment as a notary public is used in the endorsement or promotional statement.

5. Certify photocopies of a certificate of birth, death or marriage or a divorce decree.

6. Allow any other person to use his or her notary's stamp.

7. Allow any other person to sign the notary's name in a notarial capacity.

8. Perform a notarial act on a document that contains only a signature.

9. Perform a notarial act on a document, including a form that requires the signer to provide information within blank spaces, unless the document has been filled out completely and has been signed.

10. Make or note a protest of a negotiable instrument unless the notary public is employed by a depository institution and the protest is made or noted within the scope of that employment. As used in this subsection, "depository institution" has the meaning ascribed to it in NRS 657.037.

Sec. 5. NRS 240.120 is hereby amended to read as follows:

240.120 1. ~~[Each]~~ ***Except as otherwise provided in subsection 2, each*** notary public shall keep a journal in his or her office in which the notary public shall enter for each notarial act performed, at the time the act is performed:

(a) The fees charged, if any;

(b) The title of the document;

(c) The date on which the notary public performed the service;

(d) ~~[The]~~ ***Except as otherwise provided in subsection 3, the*** name and signature of the person whose signature is being notarized;

(e) ~~[A]~~ ***Subject to the provisions of subsection 4, a*** description of the evidence used by the notary public to verify the identification of the person whose signature is being notarized;

(f) An indication of whether the notary public administered an oath; and

(g) The type of certificate used to evidence the notarial act, as required pursuant to NRS 240.1655.

2. ***A notary public may make one entry in the journal which documents more than one notarial act if the notarial acts documented are performed:***

(a) For the same person and at the same time; and

(b) On one document or on similar documents.

3. When taking an acknowledgment for a person, a notary public need not require the person to sign the journal if the notary public has

performed a notarial act for the person within the previous 6 months and the notary public has personal knowledge of the identity of the person.

4. If, pursuant to subsection 3, a notary public does not require a person to sign the journal, the notary public shall enter "known personally" as the description required to be entered into the journal pursuant to paragraph (e) of subsection 1.

5. If the notary verifies the identification of the person whose signature is being notarized on the basis of a credible witness, the notary public shall:

(a) Require the witness to sign the journal in the space provided for the description of the evidence used; and

(b) Make a notation in the journal that the witness is a credible witness.

~~[3.]~~ ***6.*** The journal must:

(a) Be open to public inspection.

(b) Be in a bound volume with preprinted page numbers.

~~[4.]~~ ***7.*** A notary public shall, upon request and payment of the fee set forth in NRS 240.100, provide a certified copy of an entry in his or her journal.

~~[5.]~~ ***8. A notary public shall keep his or her journal in a secure location during any period in which the notary public is not making an entry or notation in the journal pursuant to this section.***

9. A notary public shall retain each journal that the notary public has kept pursuant to this section until 7 years after the date on which he or she ceases to be a notary public.

~~[6.]~~ ***10.*** A notary public shall file a report with the Secretary of State and the appropriate law enforcement agency if the journal of the notary public is lost or stolen.

~~[7.]~~ ***11.*** The provisions of this section do not apply to a person who is authorized to perform a notarial act pursuant to paragraph (b), (c) or (d) of subsection 1 of NRS 240.1635.

Sec. 6. NRS 240.150 is hereby amended to read as follows:

240.150 1. For misconduct or neglect in a case in which a notary public appointed pursuant to the authority of this State may act, either by the law of this State or of another state, territory or country, or by the law of nations, or by commercial usage, the notary public is liable on his or her official bond to the parties injured thereby, for all the damages sustained.

2. The employer of a notary public ***may be assessed a civil penalty by the Secretary of State of not more than $2,000 for each violation specified in subsection 4 committed by the notary public, and the employer*** is liable for any damages proximately caused by the misconduct of the notary public, if:

(a) The notary public was acting within the scope of his or her employment at the time the notary public engaged in the misconduct; and

(b) The employer of the notary public consented to the misconduct of the notary public.

3. The Secretary of State may refuse to appoint or may suspend or revoke the appointment of a notary public who fails to provide to the Secretary of State, within a reasonable time, information that the Secretary of State requests from the notary public in connection with a complaint which alleges a violation of this chapter.

4. Except as otherwise provided in this chapter, for any willful violation or neglect of duty or other violation of this chapter, or upon proof that ~~[the]~~ ***a*** notary public has been convicted of a crime ~~[involving moral turpitude:~~

~~(a) A notary public or other person who violates a provision of this chapter may be fined not more than $2000 for each violation;~~

~~(b)]~~ ***described in paragraph (c) of subsection 2 of NRS 240.010:***

(a) The appointment of the notary public may be suspended for a period determined by the Secretary of State, but not exceeding the time remaining on the appointment;

~~[(c)]~~ ***(b)*** The appointment of the notary public may be revoked ~~[; or~~

~~(d)]~~ ***after a hearing; or***

(c) The notary public may be ~~[fined and his or her appointment may be:~~

~~(1) Revoked; or~~

~~(2) Suspended for a period determined by the Secretary of State.]~~ ***assessed a civil penalty of not more than $2,000 for each violation.***

5. If the Secretary of State revokes or suspends the appointment of a notary public pursuant to this section, the Secretary of State shall:

(a) Notify the notary public in writing of the revocation or suspension; and

(b) Cause notice of the revocation or suspension to be published ~~[in a newspaper of general circulation in the county in which the notary public resides or works.]~~ ***on the website of the Secretary of State.***

6. Except as otherwise provided by law, the Secretary of State may ~~[impose the fine]~~ ***assess the civil penalty*** that is authorized pursuant to this section upon a notary public whose appointment has expired if the notary public committed the violation that justifies the ~~[fine]~~ ***civil penalty*** before his or her appointment expired.

7. The appointment of a notary public may be suspended or revoked by the Secretary of State pending a hearing if the Secretary of State believes it is in the public interest or is necessary to protect the public.

Sec. 6.5. NRS 240.201 is hereby amended to read as follows:

240.201 1. An electronic notary public shall keep a journal of each electronic notarial act which includes, without limitation, the requirements of subsections 1 and ~~[2]~~ ***5*** of NRS 240.120.

2. The Secretary of State may suspend the appointment of an electronic notary public who fails to produce any journal entry within 10 days after receipt of a request from the Secretary of State.

3. Upon resignation, revocation or expiration of an appointment as an electronic notary public, all notarial records required pursuant to NRS 240.001 to 240.206, inclusive, must be delivered to the Secretary of State.

Sec. 7. This act becomes effective upon passage and approval for the purpose of adopting regulations by the Secretary of State pursuant to the amendatory provisions of section 2 of this act and on January 1, 2012, for all other purposes.

Assemblywoman Bustamante Adams moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, reengrossed, and to third reading.

Senate Bill No. 97.

Bill read second time and ordered to third reading.

Senate Bill No. 125.

Bill read second time.

The following amendment was proposed by the Committee on Legislative Operations and Elections:

Amendment No. 760.

AN ACT relating to elections; revising the dates by which the contributions to or expenses of a campaign must be reported; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, a candidate for state, district, county, township or city office, as well as certain persons who make expenditures in support of a candidate or group of candidates, who advocate passage or defeat of a ballot question or who advocate the recall of a public officer, must report certain contributions and expenditures by certain deadlines. (NRS 294A.120, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220, 294A.270, 294A.280, 294A.360) This bill revises the dates upon which certain reports are required to be made ~~[from 7 days before a primary, general or special election to 7 days]~~ **to require the reports to be submitted** before the beginning of early voting in a primary, general or special election.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 294A.120 is hereby amended to read as follows:

294A.120 1. Every candidate for state, district, county or township office at a primary or general election shall, not later than January 15 of each year, for the period from January 1 of the previous year through December 31 of the previous year, report each campaign contribution in excess of $100 received during the period and contributions received during the period from a contributor which cumulatively exceed $100. The provisions of this subsection apply to the candidate beginning the year of the general election for that office through the year immediately preceding the next general election for that office.

2. Every candidate for state, district, county or township office at a primary or general election shall, if the general election for the office for which he or she is a candidate is held on or after January 1 and before the July 1 immediately following that January 1, not later than:

(a) ~~[~~Seven~~]~~ ***Twenty-one*** days before the ~~*[beginning of early voting by personal appearance for the]*~~ primary election for that office, for the period from the January 1 immediately preceding the primary election through ~~[~~12~~]~~ ***25*** days before the ~~*[beginning of early voting by personal appearance for the]*~~ primary election;

(b) ~~[~~Seven~~]~~ ***Four*** days before the ~~*[beginning of early voting by personal appearance for the* general~~]~~ ***primary*** election for that office, for the period from ~~[~~11~~]~~ ***24*** days before the ~~*[beginning of early voting by personal appearance for the]*~~ primary election through ~~[~~12~~]~~ ***5*** days before the ~~*[beginning of early voting by personal appearance for the* general election; and~~

~~(c) July 15 of the year of~~~~]~~~~ ***primary election;***

(c) Twenty-one days before the general election for that office, for the period from ~~[~~11~~]~~ ***4*** days before the ~~*[beginning of early voting by personal appearance for the* general~~]~~ ***primary*** election through ~~[~~June 30 of that year,~~]~~ ***25 days before the general election; and***

(d) Four days before the general election for that office, for the period from 24 days before the general election through 5 days before the general election,

➥ report each campaign contribution in excess of $100 received during the period and contributions received during the period from a contributor which cumulatively exceed $100. The report must be completed on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. Each form must be signed by the candidate under penalty of perjury.

3. Every candidate for state, district, county or township office at a primary or general election shall, if the general election for the office for which he or she is a candidate is held on or after July 1 and before the January 1 immediately following that July 1, not later than:

(a) ~~[~~Seven~~]~~ ***Twenty-one*** days before the ~~*[beginning of early voting by personal appearance for the]*~~ primary election for that office, for the period from the January 1 immediately preceding the primary election through ~~[~~12~~]~~ ***25*** days before the ~~*[beginning of early voting by personal appearance for the]*~~ primary election; ~~[~~and~~]~~

(b) ~~[~~Seven~~]~~ ***Four*** days before the ~~*[beginning of early voting by personal appearance for the* general~~]~~ ***primary*** election for that office, for the period from ~~[~~11~~]~~ ***24*** days before the ~~*[beginning of early voting by personal appearance for the]*~~ primary election through ~~[~~12~~]~~ ***5*** days before the ~~*[beginning of early voting by personal appearance for the* general~~]~~ ***primary*** election ~~[~~.~~]~~***;***

(c) Twenty-one days before the general election for that office, for the period from 4 days before the primary election through 25 days before the general election; and

(d) Four days before the general election for that office, for the period from 24 days before the general election through 5 days before the general election.

➥ report each campaign contribution in excess of $100 received during the period and contributions received during the period from a contributor which cumulatively exceed $100. The report must be completed on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. Each form must be signed by the candidate under penalty of perjury.

4. Except as otherwise provided in subsection 5, every candidate for a district office at a special election shall, not later than:

(a) Seven days before the ***beginning of early voting by personal appearance for the*** special election, for the period from the candidate's nomination through 12 days before the ***beginning of early voting by personal appearance for the*** special election; and

(b) Thirty days after the special election, for the remaining period through the special election,

➥ report each campaign contribution in excess of $100 received during the period and contributions received during the reporting period from a contributor which cumulatively exceed $100. The report must be completed on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. Each form must be signed by the candidate under penalty of perjury.

5. Every candidate for state, district, county, municipal or township office at a special election to determine whether a public officer will be recalled shall list each of the campaign contributions received on the form designed and provided by the Secretary of State pursuant to NRS 294A.373 and signed by the candidate under penalty of perjury, 30 days after:

(a) The special election, for the period from the filing of the notice of intent to circulate the petition for recall through the special election; or

(b) A district court determines that the petition for recall is legally insufficient pursuant to subsection 6 of NRS 306.040, for the period from the filing of the notice of intent to circulate the petition for recall through the date of the district court's decision.

6. Reports of campaign contributions must be filed with the officer with whom the candidate filed the declaration of candidacy or acceptance of candidacy. A candidate may mail or transmit the report to that officer by regular mail, certified mail, facsimile machine or electronic means. A report shall be deemed to be filed with the officer:

(a) On the date that it was mailed if it was sent by certified mail; or

(b) On the date that it was received by the officer if the report was sent by regular mail, transmitted by facsimile machine or electronic means, or delivered personally.

7. Every county clerk who receives from candidates for legislative or judicial office, including, without limitation, the office of justice of the peace or municipal judge, reports of campaign contributions pursuant to this section shall file a copy of each report with the Secretary of State within 10 working days after receiving the report.

8. The name and address of the contributor and the date on which the contribution was received must be included on the report for each contribution in excess of $100 and contributions which a contributor has made cumulatively in excess of that amount since the beginning of the current reporting period.

Sec. 2. NRS 294A.140 is hereby amended to read as follows:

294A.140 1. Every person who is not under the direction or control of a candidate for office at a primary election, primary city election, general election or general city election, of a group of such candidates or of any person involved in the campaign of that candidate or group who makes an expenditure on behalf of the candidate or group which is not solicited or approved by the candidate or group, and every committee for political action, political party, committee sponsored by a political party and business entity which makes an expenditure on behalf of such a candidate or group of candidates shall, not later than January 15 of each year that the provisions of this subsection apply to the person, committee, political party or business entity, for the period from January 1 of the previous year through December 31 of the previous year, report each campaign contribution in excess of $100 received during the period and contributions received during the period from a contributor which cumulatively exceed $100. The provisions of this subsection apply to the person, committee, political party or business entity beginning the year of the general election or general city election for that office through the year immediately preceding the next general election or general city election for that office.

2. Every person, committee, political party or business entity described in subsection 1 which makes an expenditure on behalf of the candidate for office at a primary election, primary city election, general election or general city election or on behalf of a group of such candidates shall, if the general election or general city election for the office for which the candidate or a candidate in the group of candidates seeks election is held on or after January 1 and before the July 1 immediately following that January 1, not later than:

(a) ~~[~~Seven~~]~~ ***Twenty-one*** days before the ~~*[beginning of early voting by personal appearance for the]*~~ primary election or primary city election for that office, for the period from the January 1 immediately preceding the primary election or primary city election through ~~[~~12~~]~~ ***25*** days before the ~~*[beginning of early voting by personal appearance for the]*~~ primary election or primary city election;

(b) ~~[~~Seven~~]~~ ***Four*** days before the ~~*[beginning of early voting by personal appearance for the*~~ general~~]~~ ***primary*** election or ~~[~~general~~]~~ ***primary*** city election for that office, for the period from ~~[~~11~~]~~ ***24*** days before the

~~[beginning of early voting by personal appearance for the]~~ primary election or primary city election through ~~[12]~~ ***5*** days before the ~~[beginning of early voting by personal appearance for the general]~~ ***primary*** election or ~~[general]~~ ***primary*** city election; ~~[and~~

~~(c) July 15 of the year of]~~

(c) Twenty-one days before the general election or general city election for that office, for the period from ~~[11]~~ ***4*** days before the ~~[beginning of early voting by personal appearance for the general]~~ ***primary*** election or ~~[general]~~ ***primary*** city election through ~~[June 30 of that year,]~~ ***25 days before the general election or general city election; and***

(d) Four days before the general election or general city election for that office, for the period from 24 days before the general election or general city election through 5 days before the general election or general city election.

➥ report each campaign contribution in excess of $100 received during the period and contributions received during the period from a contributor which cumulatively exceed $100. The report must be completed on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the committee, political party or business entity under penalty of perjury.

3. The name and address of the contributor and the date on which the contribution was received must be included on the report for each contribution in excess of $100 and contributions which a contributor has made cumulatively in excess of $100 since the beginning of the current reporting period.

4. Every person, committee, political party or business entity described in subsection 1 which makes an expenditure on behalf of a candidate for office at a primary election, primary city election, general election or general city election or on behalf of a group of such candidates shall, if the general election or general city election for the office for which the candidate or a candidate in the group of candidates seeks election is held on or after July 1 and before the January 1 immediately following that July 1, not later than:

(a) ~~[Seven]~~ ***Twenty-one*** days before the ~~[beginning of early voting by personal appearance for the]~~ primary election or primary city election for that office, for the period from the January 1 immediately preceding the primary election or primary city election through ~~[12]~~ ***25*** days before the ~~[beginning of early voting by personal appearance for the]~~ primary election or primary city election; ~~[and]~~

(b) ~~[Seven]~~ ***Four*** days before the ~~[beginning of early voting by personal appearance for the general]~~ ***primary*** election or ~~[general]~~ ***primary*** city election for that office, for the period from ~~[11]~~ ***24*** days before the ~~[beginning of early voting by personal appearance for the]~~ primary election or primary city election through ~~[12]~~ ***5*** days before the ~~[beginning of early voting by personal appearance for the general]~~ ***primary*** election or ~~[general]~~ ***primary*** city election ~~[.]~~ ***;***

(c) Twenty-one days before the general election or general city election for that office, for the period from 4 days before the primary election or primary city election through 25 days before the general election or general city election; and

(d) Four days before the general election or general city election for that office, for the period from 24 days before the general election or general city election through 5 days before the general election or general city election,

➥ report each campaign contribution in excess of $100 received during the period and contributions received during the period from a contributor which cumulatively exceed $100. The report must be completed on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the committee, political party or business entity under penalty of perjury.

5. Except as otherwise provided in subsection 6, every person, committee, political party or business entity described in subsection 1 which makes an expenditure on behalf of a candidate for office at a special election or on behalf of a group of such candidates shall, not later than:

(a) Seven days before the ***beginning of early voting by personal appearance for the*** special election for the office for which the candidate or a candidate in the group of candidates seeks election, for the period from the nomination of the candidate through 12 days before the ***beginning of early voting by personal appearance for the*** special election; and

(b) Thirty days after the special election, for the remaining period through the special election,

➥ report each campaign contribution in excess of $100 received during the period and contributions received during the period from a contributor which cumulatively exceed $100. The report must be completed on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the committee, political party or business entity under penalty of perjury.

6. Every person, committee, political party or business entity described in subsection 1 which makes an expenditure on behalf of a candidate for office at a special election to determine whether a public officer will be recalled or on behalf of a group of candidates for offices at such special elections shall report each contribution in excess of $100 received during the period and contributions received during the period from a contributor which cumulatively exceed $100. The report must be completed on the form designed and provided by the Secretary of State pursuant to NRS 294A.373 and signed by the person or a representative of the committee, political party or business entity under penalty of perjury, 30 days after:

(a) The special election, for the period from the filing of the notice of intent to circulate the petition for recall through the special election; or

(b) If the special election is not held because a district court determines that the petition for recall is legally insufficient pursuant to subsection 6 of

NRS 306.040, for the period from the filing of the notice of intent to circulate the petition for recall through the date of the district court's decision.

7. The reports of contributions required pursuant to this section must be filed with:

(a) If the candidate is elected from one county, the county clerk of that county;

(b) If the candidate is elected from one city, the city clerk of that city; or

(c) If the candidate is elected from more than one county or city, the Secretary of State.

8. A person or entity may file the report with the appropriate officer by regular mail, certified mail, facsimile machine or electronic means. A report shall be deemed to be filed with the officer:

(a) On the date that it was mailed if it was sent by certified mail; or

(b) On the date that it was received by the officer if the report was sent by regular mail, transmitted by facsimile machine or electronic means, or delivered personally.

9. Each county clerk or city clerk who receives a report pursuant to this section shall file a copy of the report with the Secretary of State within 10 working days after receiving the report.

10. Every person, committee, political party or business entity described in subsection 1 shall file a report required by this section even if the person, committee, political party or business entity receives no contributions.

Sec. 3. NRS 294A.150 is hereby amended to read as follows:

294A.150 1. Except as otherwise provided in NRS 294A.283, every person or group of persons organized formally or informally, including a business entity, who advocates the passage or defeat of a question or group of questions on the ballot at a primary election, primary city election, general election or general city election and who receives or expends money in an amount in excess of $10,000 to advocate the passage or defeat of such question or group of questions shall, not later than January 15 of each year that the provisions of this subsection apply to the person, group of persons or business entity, for the period from January 1 of the previous year through December 31 of the previous year, report each campaign contribution in excess of $1,000 received during that period and contributions received during the period from a contributor which cumulatively exceed $1,000. The report must be completed on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the group or business entity under penalty of perjury. The provisions of this subsection apply to the person, group of persons or business entity:

(a) Each year in which:

(1) An election or city election is held for each question for which the person, group of persons or business entity advocates passage or defeat; or

(2) A person, group of persons or business entity receives or expends money in excess of $10,000 to advocate the passage or defeat of a question

or group of questions on the ballot at a primary election, primary city election, general election or general city election; and

(b) The year after each year described in paragraph (a).

2. If a question is on the ballot at a primary election or primary city election and the general election or general city election immediately following that primary election or primary city election is held on or after January 1 and before the July 1 immediately following that January 1, every person or group of persons organized formally or informally, including a business entity, who advocates the passage or defeat of the question or a group of questions that includes the question and who receives or expends money in an amount in excess of $10,000 to advocate the passage or defeat of such question or group of questions shall comply with the requirements of this subsection. If a question is on the ballot at a general election or general city election held on or after January 1 and before the July 1 immediately following that January 1, every person or group of persons organized formally or informally, including a business entity, who advocates the passage or defeat of the question or a group of questions that includes the question and who receives or expends money in an amount in excess of $10,000 to advocate the passage or defeat of such question or group of questions shall comply with the requirements of this subsection. A person, group of persons or business entity described in this subsection shall, not later than:

(a) ~~[~~Seven~~]~~ ***Twenty-one*** days before the ~~*[beginning of early voting by personal appearance for the]*~~ primary election or primary city election, for the period from the January 1 immediately preceding the primary election or primary city election through ~~[~~12~~]~~ ***25*** days before the ~~*[beginning of early voting by personal appearance for the]*~~ primary election or primary city election;

(b) ~~[~~Seven~~]~~ ***Four*** days before the ~~*[beginning of early voting by personal appearance for the*~~ general~~]~~ ***primary*** election or ~~[~~general~~]~~ ***primary*** city election, for the period from ~~[~~11~~]~~ ***24*** days before the ~~*[beginning of early voting by personal appearance for the]*~~ primary election or primary city election through ~~[~~12~~]~~ ***5*** days before the ~~*[beginning of early voting by personal appearance for the*~~ general~~]~~ ***primary*** election or ~~[~~general~~]~~ ***primary*** city election; ~~[~~and

~~(c) July 15 of the year of~~]

(c) Twenty-one days before the general election or general city election, for the period from ~~[~~11~~]~~ ***4*** days before the ~~*[beginning of early voting by personal appearance for the*~~ general~~]~~ ***primary*** election or ~~[~~general~~]~~ ***primary*** city election through ~~[~~June 30 of that year,~~]~~ ***25 days before the general election or general city election; and***

(d) Four days before the general election or general city election, for the period from 24 days before the general election or general city election through 5 days before the general election or general city election,

➥ report each campaign contribution in excess of $1,000 received during the period and contributions received during the period from a contributor which cumulatively exceed $1,000. The report must be completed on the form designed and provided by the Secretary of State pursuant to NRS 294A.373 and signed by the person or a representative of the group or business entity under penalty of perjury.

3. The name and address of the contributor and the date on which the contribution was received must be included on the report for each contribution in excess of $1,000 and contributions which a contributor has made cumulatively in excess of that amount since the beginning of the current reporting period.

4. If a question is on the ballot at a primary election or primary city election and the general election or general city election immediately following that primary election or primary city election is held on or after July 1 and before the January 1 immediately following that July 1, every person or group of persons organized formally or informally, including a business entity, who advocates the passage or defeat of the question or a group of questions that includes the question and who receives or expends money in an amount in excess of $10,000 to advocate the passage or defeat of such question or group of questions shall comply with the requirements of this subsection. Except as otherwise provided in NRS 294A.283, if a question is on the ballot at a general election or general city election held on or after July 1 and before the January 1 immediately following that July 1, every person or group of persons organized formally or informally, including a business entity, who advocates the passage or defeat of the question or a group of questions that includes the question and who receives or expends money in an amount in excess of $10,000 to advocate the passage or defeat of such question or group of questions shall comply with the requirements of this subsection. A person, group of persons or business entity described in this subsection shall, not later than:

(a) ~~[~~Seven~~]~~ ***Twenty-one*** days before the ~~*[beginning of early voting by personal appearance for the]*~~ primary election or primary city election, for the period from the January 1 immediately preceding the primary election or primary city election through ~~[~~12~~]~~ ***25*** days before the ~~*[beginning of early voting by personal appearance for the]*~~ primary election or primary city election; ~~[~~and~~]~~

(b) ~~[~~Seven~~]~~ ***Four*** days before the ~~*[beginning of early voting by personal appearance for the*~~ general~~]~~ ***primary*** election or ~~[~~general~~]~~ ***primary*** city election, for the period from ~~[~~11~~]~~ ***24*** days before the ~~*[beginning of early voting by personal appearance for the]*~~ primary election or primary city election through ~~[~~12~~]~~ ***5*** days before the ~~*[beginning of early voting by personal appearance for the*~~ general~~]~~ ***primary*** election or ~~[~~general~~]~~ ***primary*** city election ~~[.]~~ ***;***

(c) Twenty-one days before the general election or general city election, for the period from 4 days before the primary election or primary city

election through 25 days before the general election or general city election; and

(d) Four days before the general election or general city election, for the period from 24 days before the general election or general city election through 5 days before the general election or general city election,

➥ report each campaign contribution in excess of $1,000 received during the period and contributions received during the period from a contributor which cumulatively exceed $1,000. The report must be completed on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the group or business entity under penalty of perjury.

5. Except as otherwise provided in subsection 6, every person or group of persons organized formally or informally, including a business entity, who advocates the passage or defeat of a question or group of questions on the ballot at a special election and who receives or expends money in an amount in excess of $10,000 to advocate the passage or defeat of such question or group of questions shall, not later than:

(a) Seven days before the ***beginning of early voting by personal appearance for the*** special election, for the period from the date that the question qualified for the ballot through 12 days before the ***beginning of early voting by personal appearance for the*** special election; and

(b) Thirty days after the special election, for the remaining period through the special election,

➥ report each campaign contribution in excess of $1,000 received during the period and contributions received during the period from a contributor which cumulatively exceed $1,000. The report must be completed on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the group or business entity under penalty of perjury.

6. Every person or group of persons organized formally or informally, including a business entity, who advocates the passage or defeat of a question or group of questions on the ballot at a special election to determine whether a public officer will be recalled and who receives or expends money in an amount in excess of $10,000 to advocate the passage or defeat of such question or group of questions shall report each of the contributions received on the form designed and provided by the Secretary of State pursuant to NRS 294A.373 and signed by the person or a representative of the group or business entity under penalty of perjury, 30 days after:

(a) The special election, for the period from the filing of the notice of intent to circulate the petition for recall through the special election; or

(b) If the special election is not held because a district court determines that the petition for recall is legally insufficient pursuant to subsection 6 of NRS 306.040, for the period from the filing of the notice of intent to circulate the petition for recall through the date of the district court's decision.

7. The reports required pursuant to this section must be filed with:

(a) If the question is submitted to the voters of one county, the county clerk of that county;

(b) If the question is submitted to the voters of one city, the city clerk of that city; or

(c) If the question is submitted to the voters of more than one county or city, the Secretary of State.

8. A person may mail or transmit the report to the appropriate officer by regular mail, certified mail, facsimile machine or electronic means. A report shall be deemed to be filed with the officer:

(a) On the date that it was mailed if it was sent by certified mail; or

(b) On the date that it was received by the officer if the report was sent by regular mail, transmitted by facsimile machine or electronic means, or delivered personally.

9. If the person or group of persons, including a business entity, is advocating passage or defeat of a group of questions, the reports must be itemized by question or petition.

10. Each county clerk or city clerk who receives a report pursuant to this section shall file a copy of the report with the Secretary of State within 10 working days after receiving the report.

Sec. 4. NRS 294A.200 is hereby amended to read as follows:

294A.200 1. Every candidate for state, district, county or township office at a primary or general election shall, not later than January 15 of each year, for the period from January 1 of the previous year through December 31 of the previous year, report each of the campaign expenses in excess of $100 incurred and each amount in excess of $100 disposed of pursuant to NRS 294A.160 during the period on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the candidate under penalty of perjury. The provisions of this subsection apply to the candidate:

(a) Beginning the year of the general election for that office through the year immediately preceding the next general election for that office; and

(b) Each year immediately succeeding a calendar year during which the candidate disposes of contributions pursuant to NRS 294A.160.

2. Every candidate for state, district, county or township office at a primary or general election shall, if the general election for the office for which he or she is a candidate is held on or after January 1 and before the July 1 immediately following that January 1, not later than:

(a) ~~[Seven]~~ ***Twenty-one*** days before the ~~*[beginning of early voting by personal appearance for the]*~~ primary election for that office, for the period from the January 1 immediately preceding the primary election through ~~[12]~~ ***25*** days before the ~~*[beginning of early voting by personal appearance for the]*~~ primary election;

(b) ~~[Seven]~~ ***Four*** days before the ~~*[beginning of early voting by personal appearance for the* general~~] ***primary*** election for that office, for the period from ~~[11]~~ ***24*** days before the ~~*[beginning of early voting by personal*~~

~~*appearance for the]*~~ primary election through ~~[12]~~ ***5*** days before the ~~*[beginning of early voting by personal appearance for the* general~~]~~ ***primary*** election; ~~[and]~~

(c) ~~[July 15 of the year of]~~ ***Twenty-one days before*** the general election for that office, for the period from ~~[11]~~ ***4*** days before the ~~*[beginning of early voting by personal appearance for the* general~~]~~ ***primary*** election through ~~[June 30 of that year,]~~ ***25 days before the general election; and***

(d) Four days before the general election for that office, for the period from 24 days before the general election through 5 days before the general election,

➥ report each of the campaign expenses in excess of $100 incurred during the period on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. Each form must be signed by the candidate under penalty of perjury.

3. Every candidate for state, district, county or township office at a primary or general election shall, if the general election for the office for which he or she is a candidate is held on or after July 1 and before the January 1 immediately following that July 1, not later than:

(a) ~~[Seven]~~ ***Twenty-one*** days before the ~~*[beginning of early voting by personal appearance for the]*~~ primary election for that office, for the period from the January 1 immediately preceding the primary election through ~~[12]~~ ***25*** days before the ~~*[beginning of early voting by personal appearance for the]*~~ primary election; ~~[and]~~

(b) ~~[Seven]~~ ***Four*** days before the ~~*[beginning of early voting by personal appearance for the* general~~]~~ ***primary*** election for that office, for the period from ~~[11]~~ ***24*** days before the ~~*[beginning of early voting by personal appearance for the]*~~ primary election through ~~[12]~~ ***5*** days before the ~~*[beginning of early voting by personal appearance for the* general~~]~~ ***primary*** election ~~[.]~~ ***;***

(c) Twenty-one days before the general election for that office, for the period from 4 days before the primary election through 25 days before the general election; and

(d) Four days before the general election for that office, for the period from 24 days before the general election through 5 days before the general election,

➥ report each of the campaign expenses in excess of $100 incurred during the period on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the candidate under penalty of perjury.

4. Except as otherwise provided in subsection 5, every candidate for a district office at a special election shall, not later than:

(a) Seven days before the ***beginning of early voting by personal appearance for the*** special election, for the period from the candidate's nomination through 12 days before the ***beginning of early voting by personal appearance for the*** special election; and

(b) Thirty days after the special election, for the remaining period through the special election,

➥ report each of the campaign expenses in excess of $100 incurred during the period on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. Each form must be signed by the candidate under penalty of perjury.

5. Every candidate for state, district, county, municipal or township office at a special election to determine whether a public officer will be recalled shall report each of the campaign expenses in excess of $100 incurred on the form designed and provided by the Secretary of State pursuant to NRS 294A.373 and signed by the candidate under penalty of perjury, 30 days after:

(a) The special election, for the period from the filing of the notice of intent to circulate the petition for recall through the special election; or

(b) If the special election is not held because a district court determines that the petition for recall is legally insufficient pursuant to subsection 6 of NRS 306.040, for the period from the filing of the notice of intent to circulate the petition for recall through the date of the district court's decision.

6. Reports of campaign expenses must be filed with the officer with whom the candidate filed the declaration of candidacy or acceptance of candidacy. A candidate may mail or transmit the report to that officer by regular mail, certified mail, facsimile machine or electronic means. A report shall be deemed to be filed with the officer:

(a) On the date that it was mailed if it was sent by certified mail; or

(b) On the date that it was received by the officer if the report was sent by regular mail, transmitted by facsimile machine or electronic means, or delivered personally.

7. County clerks who receive from candidates for legislative or judicial office, including, without limitation, the office of justice of the peace or municipal judge, reports of campaign expenses pursuant to this section shall file a copy of each report with the Secretary of State within 10 working days after receiving the report.

Sec. 5. NRS 294A.210 is hereby amended to read as follows:

294A.210 1. Every person who is not under the direction or control of a candidate for an office at a primary election, primary city election, general election or general city election, of a group of such candidates or of any person involved in the campaign of that candidate or group who makes an expenditure on behalf of the candidate or group which is not solicited or approved by the candidate or group, and every committee for political action, political party, committee sponsored by a political party or business entity which makes an expenditure on behalf of such a candidate or group of candidates shall, not later than January 15 of each year that the provisions of this subsection apply to the person, committee, political party or business entity, for the period from January 1 of the previous year through December 31 of the previous year, report each expenditure made during the period on

behalf of the candidate, the group of candidates or a candidate in the group of candidates in excess of $100 on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the committee, political party or business entity under penalty of perjury. The provisions of this subsection apply to the person, committee, political party or business entity beginning the year of the general election or general city election for that office through the year immediately preceding the next general election or general city election for that office.

2. Every person, committee, political party or business entity described in subsection 1 which makes an expenditure on behalf of a candidate for office at a primary election, primary city election, general election or general city election or a group of such candidates shall, if the general election or general city election for the office for which the candidate or a candidate in the group of candidates seeks election is held on or after January 1 and before the July 1 immediately following that January 1, not later than:

(a) ~~[Seven]~~ ***Twenty-one*** days before the ~~*[beginning of early voting by personal appearance for the]*~~ primary election or primary city election for that office, for the period from the January 1 immediately preceding the primary election or primary city election through ~~[12]~~ ***25*** days before the ~~*[beginning of early voting by personal appearance for the]*~~ primary election or primary city election;

(b) ~~[Seven]~~ ***Four*** days before the ~~*[beginning of early voting by personal appearance for the* general]~~ ***primary*** election or ~~[general]~~ ***primary*** city election for that office, for the period from ~~[11]~~ ***24*** days before the ~~*[beginning of early voting by personal appearance for the]*~~ primary election or primary city election through ~~[12]~~ ***5*** days before the ~~*[beginning of early voting by personal appearance for the* general]~~ ***primary*** election or ~~[general]~~ ***primary*** city election; ~~[and]~~

(c) ~~[July 15 of the year of]~~ ***Twenty-one days before*** the general election or general city election for that office, for the period from ~~[11]~~ ***4*** days before the ~~*[beginning of early voting by personal appearance for the* general]~~ ***primary*** election or ~~[general]~~ ***primary*** city election through ~~[the June 30 of that year,]~~ ***25 days before the general election or general city election; and***

(d) Four days before the general election or general city election for that office, for the period from 24 days before the general election or general city election through 5 days before the general election or general city election,

➥ report each expenditure made during the period on behalf of the candidate, the group of candidates or a candidate in the group of candidates in excess of $100 on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the committee, political party or business entity under penalty of perjury.

3. Every person, committee, political party or business entity described in subsection 1 which makes an expenditure on behalf of a candidate for

office at a primary election, primary city election, general election or general city election or on behalf of a group of such candidates shall, if the general election or general city election for the office for which the candidate or a candidate in the group of candidates seeks election is held on or after July 1 and before the January 1 immediately following that July 1, not later than:

(a) ~~[Seven]~~ ***Twenty-one*** days before the ~~*[beginning of early voting by personal appearance for the]*~~ primary election or primary city election for that office, for the period from the January 1 immediately preceding the primary election or primary city election through ~~[12]~~ ***25*** days before the ~~*[beginning of early voting by personal appearance for the]*~~ primary election or primary city election; ~~[and]~~

(b) ~~[Seven]~~ ***Four*** days before the ~~*[beginning of early voting by personal appearance for the*~~ general~~]~~ ***primary*** election or ~~[general]~~ ***primary*** city election for that office, for the period from ~~[11]~~ ***24*** days before the ~~*[beginning of early voting by personal appearance for the]*~~ primary election or primary city election through ~~[12]~~ ***5*** days before the ~~*[beginning of early voting by personal appearance for the*~~ general~~]~~ ***primary*** election or ~~[general]~~ ***primary*** city election ~~[.]~~ ***;***

(c) Twenty-one days before the general election or general city election for that office, for the period from 4 days before the primary election or primary city election through 25 days before the general election or general city election; and

(d) Four days before the general election or general city election for that office, for the period from 24 days before the general election or general city election through 5 days before the general election or general city election,

➥ report each expenditure made during the period on behalf of the candidate, the group of candidates or a candidate in the group of candidates in excess of $100 on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the committee, political party or business entity under penalty of perjury.

4. Except as otherwise provided in subsection 5, every person, committee, political party or business entity described in subsection 1 which makes an expenditure on behalf of a candidate for office at a special election or on behalf of a group of such candidates shall, not later than:

(a) Seven days before the ***beginning of early voting by personal appearance for the*** special election for the office for which the candidate or a candidate in the group of candidates seeks election, for the period from the nomination of the candidate through 12 days before the ***beginning of early voting by personal appearance for the*** special election; and

(b) Thirty days after the special election, for the remaining period through the special election,

➥ report each expenditure made during the period on behalf of the candidate, the group of candidates or a candidate in the group of candidates in excess of $100 on the form designed and provided by the Secretary of State pursuant to

NRS 294A.373. The form must be signed by the person or a representative of the committee, political party or business entity under penalty of perjury.

5. Every person, committee, political party or business entity described in subsection 1 which makes an expenditure on behalf of a candidate for office at a special election to determine whether a public officer will be recalled or on behalf of a group of such candidates shall list each expenditure made on behalf of the candidate, the group of candidates or a candidate in the group of candidates in excess of $100 on the form designed and provided by the Secretary of State pursuant to NRS 294A.373 and signed by the person or a representative of the committee, political party or business entity under penalty of perjury, 30 days after:

(a) The special election, for the period from the filing of the notice of intent to circulate the petition for recall through the special election; or

(b) If the special election is not held because a district court determines that the petition for recall is legally insufficient pursuant to subsection 6 of NRS 306.040, for the period from the filing of the notice of intent to circulate the petition for recall through the date of the district court's decision.

6. Expenditures made within the State or made elsewhere but for use within the State, including expenditures made outside the State for printing, television and radio broadcasting or other production of the media, must be included in the report.

7. The reports must be filed with:

(a) If the candidate is elected from one county, the county clerk of that county;

(b) If the candidate is elected from one city, the city clerk of that city; or

(c) If the candidate is elected from more than one county or city, the Secretary of State.

8. If an expenditure is made on behalf of a group of candidates, the reports must be itemized by the candidate. A person may mail or transmit the report to the appropriate officer by regular mail, certified mail, facsimile machine or electronic means. A report shall be deemed to be filed with the officer:

(a) On the date that it was mailed if it was sent by certified mail; or

(b) On the date that it was received by the officer if the report was sent by regular mail, transmitted by facsimile machine or electronic means, or delivered personally.

9. Each county clerk or city clerk who receives a report pursuant to this section shall file a copy of the report with the Secretary of State within 10 working days after receiving the report.

10. Every person, committee, political party or business entity described in subsection 1 shall file a report required by this section even if the person, committee, political party or business entity receives no contributions.

Sec. 6. NRS 294A.220 is hereby amended to read as follows:

294A.220 1. Except as otherwise provided in NRS 294A.283, every person or group of persons organized formally or informally, including a

business entity, who advocates the passage or defeat of a question or group of questions on the ballot at a primary election, primary city election, general election or general city election and who receives or expends money in an amount in excess of $10,000 to advocate the passage or defeat of such question or group of questions shall, not later than January 15 of each year that the provisions of this subsection apply to the person or group of persons, for the period from January 1 of the previous year through December 31 of the previous year, report each expenditure made during the period on behalf of or against the question, the group of questions or a question in the group of questions on the ballot in excess of $1,000 on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the group or business entity under penalty of perjury. The provisions of this subsection apply to the person, group of persons or business entity:

(a) Each year in which:

(1) An election or city election is held for a question for which the person, group of persons or business entity advocates passage or defeat; or

(2) A person, group of persons or business entity receives or expends money in excess of $10,000 to advocate the passage or defeat of a question or group of questions on the ballot at a primary election, primary city election, general election or general city election; and

(b) The year after each year described in paragraph (a).

2. If a question is on the ballot at a primary election or primary city election and the general election or general city election immediately following that primary election or primary city election is held on or after January 1 and before the July 1 immediately following that January 1, every person or group of persons organized formally or informally, including a business entity, who advocates the passage or defeat of the question or a group of questions that includes the question and who receives or expends money in an amount in excess of $10,000 to advocate the passage or defeat of such question or group of questions shall comply with the requirements of this subsection. If a question is on the ballot at a general election or general city election held on or after January 1 and before the July 1 immediately following that January 1, every person or group of persons organized formally or informally, including a business entity, who advocates the passage or defeat of the question or a group of questions that includes the question and who receives or expends money in an amount in excess of $10,000 to advocate the passage or defeat of such question or group of questions shall comply with the requirements of this subsection. A person, group of persons or business entity described in this subsection shall, not later than:

(a) ~~[~~Seven~~]~~ ***Twenty-one*** days before the ~~*[beginning of early voting by personal appearance for the]*~~ primary election or primary city election, for the period from the January 1 immediately preceding the primary election or primary city election through ~~[~~12~~]~~ ***25*** days before the ~~*[beginning of early*~~

~~*voting by personal appearance for the]*~~ primary election or primary city election;

(b) ~~[Seven]~~ ***Four*** days before the ~~*[beginning of early voting by personal appearance for the* general]~~ ***primary*** election or ~~[general]~~ ***primary*** city election, for the period from ~~[11]~~ ***24*** days before the ~~*[beginning of early voting by personal appearance for the]*~~ primary election or primary city election through ~~[12]~~ ***5*** days before the ~~*[beginning of early voting by personal appearance for the* general]~~ ***primary*** election or ~~[general]~~ ***primary*** city election; ~~[and~~

~~(c) July 15 of the year of]~~

(c) Twenty-one days before the general election or general city election, for the period from ~~[11]~~ ***4*** days before the ~~*[beginning of early voting by personal appearance for the* general]~~ ***primary*** election or ~~[general]~~ ***primary*** city election through ~~[the June 30 immediately preceding that July 15,]~~ ***25 days before the general election or general city election; and***

(d) Four days before the general election or general city election, for the period from 24 days before the general election or general city election through 5 days before the general election or general city election,

➥ report each expenditure made during the period on behalf of or against the question, the group of questions or a question in the group of questions on the ballot in excess of $1,000 on the form designed and provided by the Secretary of State pursuant to NRS 294A.373 and signed by the person or a representative of the group or business entity under penalty of perjury.

3. If a question is on the ballot at a primary election or primary city election and the general election or general city election immediately following that primary election or primary city election is held on or after July 1 and before the January 1 immediately following that July 1, every person or group of persons organized formally or informally, including a business entity, who advocates the passage or defeat of the question or a group of questions that includes the question and who receives or expends money in an amount in excess of $10,000 to advocate the passage or defeat of such question or group of questions shall comply with the requirements of this subsection. Except as otherwise provided in NRS 294A.283, if a question is on the ballot at a general election or general city election held on or after July 1 and before the January 1 immediately following that July 1, every person or group of persons organized formally or informally, including a business entity, who advocates the passage or defeat of the question or a group of questions that includes the question and who receives or expends money in an amount in excess of $10,000 to advocate the passage or defeat of such question or group of questions shall comply with the requirements of this subsection. A person, group of persons or business entity described in this subsection shall, not later than:

(a) ~~[Seven]~~ ***Twenty-one*** days before the ~~*[beginning of early voting by personal appearance for the]*~~ primary election or primary city election, for the period from the January 1 immediately preceding the primary election or

primary city election through ~~[12]~~ ***25*** days before the ~~*[beginning of early voting by personal appearance for the]*~~ primary election or primary city election; ~~[and]~~

(b) ~~[Seven]~~ ***Four*** days before the ~~*[beginning of early voting by personal appearance for the* general]~~ ***primary*** election or ~~[general]~~ ***primary*** city election, for the period from ~~[11]~~ ***24*** days before the ~~*[beginning of early voting by personal appearance for the]*~~ primary election or primary city election through ~~[12]~~ ***5*** days before the ~~*[beginning of early voting by personal appearance for the* general]~~ ***primary*** election or ~~[general]~~ ***primary*** city election ~~[.]~~ ***;***

(c) Twenty-one days before the general election or general city election, for the period from 4 days before the primary election or primary city election through 25 days before the general election or general city election; and

(d) Four days before the general election or general city election, for the period from 24 days before the general election or general city election through 5 days before the general election or general city election,

➥ report each expenditure made during the period on behalf of or against the question, the group of questions or a question in the group of questions on the ballot in excess of $1,000 on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the group or business entity under penalty of perjury.

4. Except as otherwise provided in subsection 5, every person or group of persons organized formally or informally, including a business entity, who advocates the passage or defeat of a question or group of questions on the ballot at a special election shall, not later than:

(a) Seven days before the ***beginning of early voting by personal appearance for the*** special election, for the period from the date the question qualified for the ballot through 12 days before the ***beginning of early voting by personal appearance for the*** special election; and

(b) Thirty days after the special election, for the remaining period through the special election,

➥ report each expenditure made during the period on behalf of or against the question, the group of questions or a question in the group of questions on the ballot in excess of $1,000 on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the group or business entity under penalty of perjury.

5. Every person or group of persons organized formally or informally, including a business entity, who advocates the passage or defeat of a question or group of questions on the ballot at a special election to determine whether a public officer will be recalled and who receives or expends money in an amount in excess of $10,000 to advocate the passage or defeat of such question or group of questions shall list each expenditure made during the

period on behalf of or against the question, the group of questions or a question in the group of questions on the ballot in excess of $1,000 on the form designed and provided by the Secretary of State pursuant to NRS 294A.373 and signed by the person or a representative of the group or business entity under penalty of perjury, 30 days after:

(a) The special election, for the period from the filing of the notice of intent to circulate the petition for recall through the special election; or

(b) If the special election is not held because a district court determines that the petition for recall is legally insufficient pursuant to subsection 6 of NRS 306.040, for the period from the filing of the notice of intent to circulate the petition for recall through the date of the district court's decision.

6. Expenditures made within the State or made elsewhere but for use within the State, including expenditures made outside the State for printing, television and radio broadcasting or other production of the media, must be included in the report.

7. The reports required pursuant to this section must be filed with:

(a) If the question is submitted to the voters of one county, the county clerk of that county;

(b) If the question is submitted to the voters of one city, the city clerk of that city; or

(c) If the question is submitted to the voters of more than one county or city, the Secretary of State.

8. If an expenditure is made on behalf of a group of questions, the reports must be itemized by question or petition. A person may mail or transmit the report to the appropriate filing officer by regular mail, certified mail, facsimile machine or electronic means. A report shall be deemed to be filed with the filing officer:

(a) On the date that it was mailed if it was sent by certified mail; or

(b) On the date that it was received by the filing officer if the report was sent by regular mail, transmitted by facsimile machine or electronic means, or delivered personally.

9. Each county clerk or city clerk who receives a report pursuant to this section shall file a copy of the report with the Secretary of State within 10 working days after receiving the report.

Sec. 7. NRS 294A.270 is hereby amended to read as follows:

294A.270 1. Except as otherwise provided in subsection 3, each committee for the recall of a public officer shall, not later than:

(a) Seven days before the ***beginning of early voting by personal appearance for the*** special election to recall a public officer, for the period from the filing of the notice of intent to circulate the petition for recall through 12 days before the ***beginning of early voting by personal appearance for the*** special election; and

(b) Thirty days after the election, for the remaining period through the election,

➥ report each contribution received or made by the committee in excess of $100 on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. The form must be signed by a representative of the committee under penalty of perjury.

2. If a petition for the purpose of recalling a public officer is not filed before the expiration of the notice of intent, the committee for the recall of a public officer shall, not later than 30 days after the expiration of the notice of intent, report each contribution received by the committee, and each contribution made by the committee in excess of $100.

3. If a court does not order a special election for the recall of the public officer, the committee for the recall of a public officer shall, not later than 30 days after the court determines that an election will not be held, for the period from the filing of the notice of intent to circulate the petition for recall through the day the court determines that an election will not be held, report each contribution received by the committee, and each contribution made by the committee in excess of $100.

4. Each report of contributions must be filed with the Secretary of State. The committee may mail or transmit the report by regular mail, certified mail, facsimile machine or electronic means. A report shall be deemed to be filed with the Secretary of State:

(a) On the date that it was mailed if it was sent by certified mail; or

(b) On the date that it was received by the Secretary of State if the report was sent by regular mail, transmitted by facsimile machine or electronic means, or delivered personally.

5. The name and address of the contributor and the date on which the contribution was received must be included on the report for each contribution, whether from or to a natural person, association or corporation, in excess of $100 and contributions which a contributor or the committee has made cumulatively in excess of that amount since the beginning of the current reporting period.

Sec. 8. NRS 294A.280 is hereby amended to read as follows:

294A.280 1. Except as otherwise provided in subsection 3, each committee for the recall of a public officer shall, not later than:

(a) Seven days before the ***beginning of early voting by personal appearance for the*** special election to recall a public officer, for the period from the filing of the notice of intent to circulate the petition for recall through 12 days before the ***beginning of early voting by personal appearance for the*** special election; and

(b) Thirty days after the election, for the remaining period through the election,

➥ report each expenditure made by the committee in excess of $100 on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. The form must be signed by a representative of the committee under penalty of perjury.

2. If a petition for the purpose of recalling a public officer is not filed before the expiration of the notice of intent, the committee for the recall of a public officer shall, not later than 30 days after the expiration of the notice of intent, report each expenditure made by the committee in excess of $100.

3. If a court does not order a special election for the recall of the public officer, the committee for the recall of a public officer shall, not later than 30 days after the court determines that an election will not be held, for the period from the filing of the notice of intent to circulate the petition for recall through the day the court determines that an election will not be held, report each expenditure made by the committee in excess of $100.

4. Each report of expenditures must be filed with the Secretary of State. The committee may mail or transmit the report to the Secretary of State by regular mail, certified mail, facsimile machine or electronic means. A report shall be deemed to be filed with the Secretary of State:

(a) On the date that it was mailed if it was sent by certified mail; or

(b) On the date that it was received by the Secretary of State if the report was sent by regular mail, transmitted by facsimile machine or electronic means, or delivered personally.

Sec. 9. NRS 294A.360 is hereby amended to read as follows:

294A.360 1. Every candidate for city office at a primary city election or general city election shall file the reports in the manner required by NRS 294A.120, 294A.128 and 294A.200 for other offices not later than January 15 of each year, for the period from January 1 of the previous year through December 31 of the previous year. The provisions of this subsection apply to the candidate:

(a) Beginning the year of the general city election for that office through the year immediately preceding the next general city election for that office; and

(b) Each year immediately succeeding a calendar year during which the candidate disposes of contributions pursuant to NRS 294A.160.

2. Every candidate for city office at a primary city election or general city election, if the general city election for the office for which he or she is a candidate is held on or after January 1 and before the July 1 immediately following that January 1, shall file the reports in the manner required by NRS 294A.120, 294A.128 and 294A.200 for other offices not later than:

(a) ~~[Seven]~~ ***Twenty-one*** days before the ~~*[beginning of early voting by personal appearance for the]*~~ primary city election for that office, for the period from the January 1 immediately preceding the primary city election through ~~[12]~~ ***25*** days before the ~~*[beginning of early voting by personal appearance for the]*~~ primary city election;

(b) ~~[Seven]~~ ***Four*** days before the ~~*[beginning of early voting by personal appearance for the general]*~~ ***primary*** city election for that office, for the period from ~~[11]~~ ***24*** days before the ~~*[beginning of early voting by personal appearance for the]*~~ primary city election through ~~[12]~~ ***5*** days before the

~~[beginning of early voting by personal appearance for the~~ general~~]~~ ***primary*** city election; ~~[and~~

~~(c) July 15 of the year of]~~

(c) Twenty-one days before the general city election for that office, for the period from ~~[11]~~ ***4*** days before the ~~[beginning of early voting by personal appearance for the~~ general~~]~~ ***primary*** city election through ~~[the June 30 of that year.]~~ ***25 days before the general city election; and***

(d) Four days before the general city election for that office, for the period from 24 days before the general city election through 5 days before the general city election.

3. Every candidate for city office at a primary city election or general city election, if the general city election for the office for which he or she is a candidate is held on or after July 1 and before the January 1 immediately following that July 1, shall file the reports in the manner required by NRS 294A.120, 294A.128 and 294A.200 for other offices not later than:

(a) ~~[Seven]~~ ***Twenty-one*** days before the ~~[beginning of early voting by personal appearance for the]~~ primary city election for that office, for the period from the January 1 immediately preceding the primary city election through ~~[12]~~ ***25*** days before the ~~[beginning of early voting by personal appearance for the]~~ primary city election; ~~[and]~~

(b) ~~[Seven]~~ ***Four*** days before the ~~[beginning of early voting by personal appearance for the~~ general~~]~~ ***primary*** city election for that office, for the period from ~~[11]~~ ***24*** days before the ~~[beginning of early voting by personal appearance for the]~~ primary city election through ~~[12]~~ ***5*** days before the ~~[beginning of early voting by personal appearance for the~~ general~~]~~ ***primary*** city election~~.[.]~~ ***;***

(c) Twenty-one days before the general city election for that office, for the period from 4 days before the primary city election through 25 days before the general city election; and

(d) Four days before the general city election for that office, for the period from 24 days before the general city election through 5 days before the general city election.

4. Except as otherwise provided in subsection 5, every candidate for city office at a special election shall so file those reports:

(a) Seven days before the ***beginning of early voting by personal appearance for the*** special election, for the period from the candidate's nomination through 12 days before the ***beginning of early voting by personal appearance for the*** special election; and

(b) Thirty days after the special election, for the remaining period through the special election.

5. Every candidate for city office at a special election to determine whether a public officer will be recalled shall so file those reports 30 days after:

(a) The special election, for the period from the filing of the notice of intent to circulate the petition for recall through the special election; or

(b) If the special election is not held because a district court determines that the petition for recall is legally insufficient pursuant to subsection 6 of NRS 306.040, for the period from the filing of the notice of intent to circulate the petition for recall through the date of the district court's decision.

Assemblyman Segerblom moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Senate Bill No. 140.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 670.

SPONSORS: ~~[ASSEMBLYMAN]~~ ASSEMBLYMEN Segerblom**, ATKINSON, MUNFORD AND SMITH**

AN ACT relating to traffic laws; prohibiting a person from using a cellular telephone or other handheld wireless communications device while operating a motor vehicle in certain circumstances; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing traffic laws of this State, it is a crime to engage in various activities while operating a motor vehicle or to operate a motor vehicle in a reckless or unsafe manner. (Chapters 484A-484E of NRS) **Section 1** of this bill makes it a crime for a person to manually type or enter text into a cellular telephone or other similar device, or to send or read data using any such device, while operating a motor vehicle. **Section 1** further prohibits a person from using such a device for voice communications unless the device is used with an accessory which allows the person to communicate without using his or her hands, with certain limited exceptions. **Section 1** provides an exception to the prohibitions when the cellular telephone or other device is used by certain emergency **and law enforcement** personnel and persons designated by a sheriff or chief of police or the Director of the Department of Public Safety who are acting within the course and scope of their employment. Additional exceptions apply if: (1) the person is using the cellular telephone or other device to report or request assistance relating to a medical emergency, a safety hazard or criminal activity; (2) the person is responding to a situation requiring immediate action and stopping the vehicle would be inadvisable, impractical or dangerous; or (3) the person is a licensed amateur radio operator providing communications services in connection with a disaster or emergency, participating in a drill, test, or other exercise in preparation for a disaster or emergency or otherwise communicating public information. A violation of the provisions added by **section 1** is a misdemeanor and punishable by a fine of $50 for a first offense within the immediately preceding 7 years, $100 for a second offense within the immediately preceding 7 years and $250 for a third or subsequent offense

within the immediately preceding 7 years. However, **section 4** of this bill provides that until January 1, 2012, a law enforcement officer must not issue a citation to a person for violating **section 1** but must give the person a verbal or written warning. **Section 1** further provides that a first offense will not be treated as a moving traffic violation. Additionally, if a person is convicted of a third or subsequent offense, in addition to the fine, the driver's license of the person will be suspended for 6 months. **Section 2** of this bill makes the enhanced penalty for certain traffic violations that occur in a temporary traffic control zone applicable to violations of these new crimes.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 484B of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in this section, a person shall not, while operating a motor vehicle on a highway in this State:

(a) Manually type or enter text into a cellular telephone or other handheld wireless communications device, or send or read data using any such device to access or search the Internet or to engage in nonvoice communications with another person, including, without limitation, texting, electronic messaging and instant messaging.

(b) Use a cellular telephone or other handheld wireless communications device to engage in voice communications with another person, unless the device is used with an accessory which allows the person to communicate without using his or her hands, other than to activate, deactivate or initiate a feature or function on the device.

2. The provisions of this section do not apply to:

(a) A paid or volunteer firefighter, emergency medical technician, ambulance attendant or other person trained to provide emergency medical services who is acting within the course and scope of his or her employment.

(b) A law enforcement officer or any person designated by a sheriff or chief of police or the Director of the Department of Public Safety who is acting within the course and scope of his or her employment.

(c) A person who is reporting a medical emergency, a safety hazard or criminal activity or who is requesting assistance relating to a medical emergency, a safety hazard or criminal activity.

(d) A person who is responding to a situation requiring immediate action to protect the health, welfare or safety of the driver or another person and stopping the vehicle would be inadvisable, impractical or dangerous.

(e) A person who is licensed by the Federal Communications Commission as an amateur radio operator and who is providing a communication service in connection with an actual or impending disaster or emergency, participating in a drill, test, or other exercise in preparation

for a disaster or emergency or otherwise communicating public information.

3. The provisions of this section do not prohibit the use of a ~~[voice-activated]~~ voice-operated global positioning or navigation system that is affixed to the vehicle.

4. A person who violates any provision of subsection 1 is guilty of a misdemeanor and:

(a) For the first offense within the immediately preceding 7 years, shall pay a fine of $50.

(b) For the second offense within the immediately preceding 7 years, shall pay a fine of $100.

(c) For the third or subsequent offense within the immediately preceding 7 years, shall pay a fine of $250.

5. A person who violates any provision of subsection 1 may be subject to the additional penalty set forth in NRS 484B.130.

6. The Department of Motor Vehicles shall not treat a first violation of this section in the manner statutorily required for a moving traffic violation.

7. For the purposes of this section, a person shall be deemed not to be operating a motor vehicle if the motor vehicle is driven autonomously through the use of artificial-intelligence software and the autonomous operation of the motor vehicle is authorized by law.

8. As used in this section, "handheld wireless communications device" means a handheld device for the transfer of information without the use of electrical conductors or wires and includes, without limitation, a cellular telephone, a personal digital assistant, a pager and a text messaging device. The term does not include a device used for two-way radio communications if:

(a) The person using the device has a license to operate the device, if required; and

(b) All the controls for operating the device, other than the microphone and a control to speak into the microphone, are located on a unit which is used to transmit and receive communications and which is separate from the microphone and is not intended to be held.

Sec. 2. NRS 484B.130 is hereby amended to read as follows:

484B.130 1. Except as otherwise provided in subsections 2 and 6, a person who is convicted of a violation of a speed limit, or of NRS 484B.150, 484B.163, 484B.200 to 484B.217, inclusive, 484B.223, 484B.227, 484B.300, 484B.303, 484B.317, 484B.320, 484B.327, 484B.330, 484B.403, 484B.587, 484B.600, 484B.603, 484B.610, 484B.613, 484B.650, 484B.653, 484B.657, 484C.110 or 484C.120, ***or section 1 of this act,*** that occurred:

(a) In an area designated as a temporary traffic control zone; and

(b) At a time when the workers who are performing construction, maintenance or repair of the highway or other work are present, or when the effects of the act may be aggravated because of the condition of the highway

caused by construction, maintenance or repair, including, without limitation, reduction in lane width, reduction in the number of lanes, shifting of lanes from the designated alignment and uneven or temporary surfaces, including, without limitation, modifications to road beds, cement-treated bases, chip seals and other similar conditions,

➥ shall be punished by imprisonment or by a fine, or both, for a term or an amount equal to and in addition to the term of imprisonment or amount of the fine, or both, that the court imposes for the primary offense. Any term of imprisonment imposed pursuant to this subsection runs consecutively with the sentence prescribed by the court for the crime. This subsection does not create a separate offense, but provides an additional penalty for the primary offense, whose imposition is contingent upon the finding of the prescribed fact.

2. The additional penalty imposed pursuant to subsection 1 must not exceed a total of $1,000, 6 months of imprisonment or 120 hours of community service.

3. Except as otherwise provided in subsection 5, a governmental entity that designates an area or authorizes the designation of an area as a temporary traffic control zone in which construction, maintenance or repair of a highway or other work is conducted, or the person with whom the governmental entity contracts to provide such service, shall cause to be erected:

(a) A sign located before the beginning of such an area stating "DOUBLE PENALTIES IN WORK ZONES" to indicate a double penalty may be imposed pursuant to this section;

(b) A sign to mark the beginning of the temporary traffic control zone; and

(c) A sign to mark the end of the temporary traffic control zone.

4. A person who otherwise would be subject to an additional penalty pursuant to this section is not relieved of any criminal liability because signs are not erected as required by subsection 3 if the violation results in injury to any person performing highway construction or maintenance or other work in the temporary traffic control zone or in damage to property in an amount equal to $1,000 or more.

5. The requirements of subsection 3 do not apply to an area designated as a temporary traffic control zone:

(a) Pursuant to an emergency which results from a natural or other disaster and which threatens the health, safety or welfare of the public; or

(b) On a public highway where the posted speed limit is 25 miles per hour or less and that provides access to or is appurtenant to a residential area.

6. A person who would otherwise be subject to an additional penalty pursuant to this section is not subject to an additional penalty if the violation occurred in a temporary traffic control zone for which signs are not erected pursuant to subsection 5, unless the violation results in injury to any person performing highway construction or maintenance or other work in the

temporary traffic control zone or in damage to property in an amount equal to $1,000 or more.

Sec. 3. NRS 707.375 is hereby amended to read as follows:

707.375 1. ~~[An]~~ ***Except as otherwise provided in section 1 of this act, an*** agency, board, commission or political subdivision of this State, including, without limitation, any agency, board, commission or governing body of a local government, shall not regulate the use of a telephonic device by a person who is operating a motor vehicle.

2. As used in subsection 1, "telephonic device" means a cellular phone, satellite phone, portable phone or any other similar electronic device that is handheld and designed or used to communicate with ~~[a]~~ ***another*** person.

Sec. 4. Notwithstanding the provisions of section 1 of this act, on or before December 31, 2011, a law enforcement officer shall not issue a citation for a violation of the provisions of section 1 of this act but shall issue a verbal or written warning to a person who violates those provisions informing the person that he or she has violated the provisions of section 1 of this act and of the penalties that will apply to such a violation after December 31, 2011.

Assemblywoman Dondero Loop moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, reengrossed, and to third reading.

Senate Bill No. 191.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 701.

SUMMARY—Revises provisions governing pet **cemeteries and** crematories. (BDR 40-979)

AN ACT relating to ~~[pet crematories; repealing provisions which require a person who operates a crematory for pets to operate the crematory on the property of a cemetery for]~~ pets; **reducing the amount of real property required for the operation of a pet cemetery; revising provisions governing crematories for pets;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[This bill repeals provisions requiring]~~ **Section 2 of this bill authorizes the governing body of a county, city or town to adopt ordinances for the maintenance and operation of a crematory for pets. Section 3 of this bill reduces the amount of real property required to have a pet cemetery from 5 acres to 2.5 acres. Section 4 of this bill removes the requirement that a crematory for pets must be operated by** a person who ~~[operates a crematory for pets to obtain a certificate of authority from the Nevada State Funeral Board to operate a cemetery for pets and to operate the crematory on the premises of the cemetery. (NRS 452.675)]~~ **is a cemetery authority, who**

has a certificate of authority and who operates the crematory on the property of a pet cemetery. Instead, section 4 requires a crematory for pets which is independent of a cemetery for pets to have an area of a facility that is designated only for the cremation of pets and which complies with any applicable laws. Section 5 of the bill allows the operator of a crematory for pets to dispose of the remains of a pet which have been left with the crematory when arrangements have not been made within 7 days.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. ~~[NRS 452.675 is hereby repealed.]~~ **(Deleted by amendment.)**

Sec. 2. **NRS 452.650 is hereby amended to read as follows:**

452.650 The governing body of a county, city or town may adopt such ordinances for the maintenance and operation of cemeteries for pets ~~[,]~~ ***and crematories for pets,*** and for the interment, inurnment and entombment of pets, as it deems appropriate for the public health, safety or welfare. Such an ordinance must not conflict with the provisions of NRS 452.655 to 452.700, inclusive.

Sec. 3. **NRS 452.670 is hereby amended to read as follows:**

452.670 A person shall not operate a cemetery for pets unless:

1. The trust fund for the endowment care of the cemetery contains a principal sum of not less than that amount required pursuant to NRS 452.705.

2. The cemetery is located on not less than ~~[5]~~ ***2.5*** acres of real property which:

(a) Is dedicated for use as a cemetery for pets pursuant to NRS 452.655; and

(b) Is not subject to any liens, mortgages or other encumbrances, except those which are subordinate to the dedication of the property for use as a cemetery for pets.

Sec. 4. **NRS 452.675 is hereby amended to read as follows:**

452.675 1. A person shall not operate a crematory for pets unless the person ~~[is a cemetery authority who:~~

~~(a) Also holds a certificate of authority issued pursuant to NRS 452.340; and~~

~~(b) Operates the crematory on the property to which that certificate of authority relates.]~~ ***has a facility with an area designated only for the cremation of pets and which complies with any applicable federal or state statute or regulation or local ordinance.***

2. The provisions of this section do not apply to ~~[a]~~ **:**

(a) A society:

~~[(a) Formed]~~

(1) Which was formed for the purpose of preventing cruelty to animals as described in NRS 574.010; and

~~[(b)]~~ ***(2)*** Which operates a shelter for animals.

(b) A cemetery for pets that operates a crematory for pets.

Sec. 5. **NRS 452.680 is hereby amended to read as follows:**

452.680 A cemetery authority ~~[,]~~ ***or an operator of a crematory for pets:***

1. May dispose of the remains of any pet which has been left for more than 7 days at the cemetery ~~[,]~~ ***or crematory,*** if arrangements have not been made with the cemetery authority ***or operator of the pet crematory*** for the disposition of the pet.

2. Shall post a notice, in a conspicuous place on the grounds of the cemetery ~~[,]~~ ***or in the portion of the facility of the crematory where the public is allowed*** apprising the public of the provisions of subsection 1.

~~[Sec. 2.]~~ ***Sec. 6.*** This act becomes effective upon passage and approval.

~~[~~

~~TEXT OF REPEALED SECTION~~

~~452.675 Restriction on operation of crematory.~~

~~1. A person shall not operate a crematory for pets unless the person is a cemetery authority who:~~

~~(a) Also holds a certificate of authority issued pursuant to NRS 452.340; and~~

~~(b) Operates the crematory on the property to which that certificate of authority relates.~~

~~2. The provisions of this section do not apply to a society:~~

~~(a) Formed for the purpose of preventing cruelty to animals as described in NRS 574.010; and~~

~~(b) Which operates a shelter for animals.]~~

Assemblywoman Pierce moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Senate Bill No. 210.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 702.

AN ACT relating to food establishments; ~~[requiring a food processing establishment that processes or otherwise prepares wholesale food to comply with nationally recognized guidelines for the manufacturing and processing of food; providing for]~~ **allowing a health authority to require** the testing of ~~[such processed]~~ food **processed or otherwise prepared by a food processing establishment** under certain circumstances; requiring ~~[the recording and review of]~~ **records of the** test results ~~[;]~~ **to be maintained and the results to be reported if contamination is indicated;** providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law sets forth provisions governing the regulation of food establishments, including, without limitation, establishments that manufacture or process food intended for human consumption. (Chapter 446 of NRS) Existing law also requires that such provisions be enforced by the officers and agents of the Health Division of the Department of Health and Human Services and the officers and agents of the local boards of health. (NRS 446.050, 446.940) This bill ~~[: (1) requires a food processing establishment that processes or otherwise prepares wholesale food intended for human consumption to comply with nationally recognized guidelines for the manufacturing and processing of food; (2)]~~ authorizes the health authority, under certain circumstances, to require that the food processed or otherwise prepared in such establishments be tested for the presence of **certain** contaminants **. ~~[; (3)]~~ The bill further** requires that the cost of the testing be paid by the establishments ~~[; (4)]~~ **and** requires that the testing be conducted in accordance with nationally recognized laboratory standards **. ~~[; (5)]~~ Finally, this bill** requires **records of the results of any tests to be retained for at least 2 years and requires** timely reporting to the health authority if the testing indicates contamination **. ~~[; and (6) requires the recording and review of test results.]~~**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 446 of NRS is hereby amended by adding thereto a new section to read as follows:

1. ~~*[A food processing establishment shall comply with nationally recognized guidelines for the manufacturing and processing of food, including, without limitation:*~~

~~*(a) Identifying hazards from biological, chemical, physical and radiological sources;*~~

~~*(b) Establishing and carrying out preventive controls to:*~~

~~*(1) Minimize significantly the contamination of food; or*~~

~~*(2) Prevent hazards from contaminating food; and*~~

~~*(c) Verifying that preventive controls are effectively minimizing or preventing the contamination of food through the use of:*~~

~~*(1) Programs for environmental testing;*~~

~~*(2) Programs for the testing of products; or*~~

~~*(3) Other appropriate means.*~~

~~*2.]*~~ ***Except as otherwise provided in this subsection, whenever the health authority determines there are reasonable grounds to suspect that the food processed or otherwise prepared by a food processing establishment may constitute a substantial health hazard, the health authority may require that the food processing establishment have its food tested for the presence of*** ~~*[any]*~~ ***contaminants*** ~~*[.]*~~ ***typically associated with the suspected health hazard. When carrying out the provisions of this subsection, the health authority shall comply with the Federal Food Safety***

Modernization Act, 21 U.S.C. 2201, et seq., and any regulations adopted pursuant thereto. The provisions of this subsection do not apply to the extent that a food processing establishment is under investigation for the same purpose pursuant to federal law.

[3.] 2. If the health authority requires pursuant to subsection [2] 1 that the food processed or otherwise prepared by a food processing establishment be tested:

(a) The food processing establishment:

(1) Is responsible for the cost of the testing; and

(2) May perform such testing itself or cause the testing to be performed by a third party.

(b) The testing must be conducted in a manner that is consistent with nationally recognized laboratory standards.

[4.] 3. Records of the results of any tests conducted pursuant to this section must be retained by the food processing establishment to which the tests pertain for a period of not less than 2 years. The food processing establishment shall, upon request, make those records available to the health authority for its review.

[5.] 4. If testing required pursuant to subsection [2] 1 indicates that the food processed or otherwise prepared by a food processing establishment is contaminated, the person or entity that conducted the testing shall, within 24 hours after obtaining the test results, report those test results to the health authority.

[6. As used in this section:

(a) "Food processing establishment" means a commercial establishment which processes or otherwise prepares and packages wholesale food for human consumption. The term includes, without limitation, establishments that process:

(1) Vitamins;

(2) Food supplements;

(3) Food additives;

(4) Spices;

(5) Tea;

(6) Coffee;

(7) Salsa;

(8) Jelly or jam; or

(9) Condiments.

(b) "Substantial health hazard" includes, without limitation:

(1) Food from an unapproved or unknown source.

(2) Food that is adulterated, labeled improperly, misbranded, contaminated, showing evidence of temperature abuse or otherwise unfit for human consumption.

(3) Food held or kept under any condition that supports the rapid growth of bacteria, unless time is used properly as a public health control.

(4) Food that is or was handled by a person who:

~~*(I) Is infected with a communicable disease; or*~~

~~*(II) Is not practicing strict standards of cleanliness or personal hygiene.*~~

~~*(5) Food that has come into contact with equipment, utensils or working surfaces which are not cleaned and sanitized effectively.*~~

~~*(6) Food prepared in an area where sewage or liquid waste is not disposed of in an approved and sanitary manner.*~~

~~*(7) Food prepared in an area where contamination may result from insects, rodents or other animals.*~~

~~*(8) Food prepared in an area where contamination may result from toxic materials which are stored or used improperly.*~~

~~*(c) "Wholesale food" means food that is processed or otherwise prepared at a food processing establishment and is:*~~

~~*(1) Used subsequently at another food processing establishment; or*~~

~~*(2) Served to the public at a food establishment.]*~~

Sec. 2. (Deleted by amendment.)

Sec. 3. (Deleted by amendment.)

Sec. 4. **This act becomes effective on July 1, 2011.**

Assemblywoman Pierce moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, reengrossed, and to third reading.

Senate Bill No. 221.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 743.

AN ACT relating to personal financial administration; providing for nonprobate transfers of property to take effect on the death of the owner of the property; establishing provisions relating to transfers of property which are found or presumed to be void and providing the effect of such transfers; providing for the independent administration of estates; revising provisions concerning the administration of trusts and estates; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Sections 1-3 of this bill provide for the exemption of certain trust property, interests or powers from execution and attachment. **Sections 6-47** of this bill provide for nonprobate transfers of property, including certain real property, at the death of the owner of the property. Specifically, **sections 41 and 42** govern the registration of property in beneficiary form and the extent to which the designation of a beneficiary may be revoked or changed during the lifetime of the owner of the property or in the owner's will. **Sections 40 and 45** set forth the rights of the beneficiary during the lifetime of the owner of the property and at the owner's death. **Sections 48-64** of this bill adopt provisions governing accounts in financial institutions in which one or more persons have an interest. **Section 49** provides that an account may: (1) be

owned by a single party or by multiple parties; and (2) include a payable-on-death beneficiary designation or an agency designation, or both. **Section 50** provides sample forms for establishing multiple-person accounts. **Section 53** provides that an account is owned by the parties during their lifetimes in accordance with each party's net contribution to the account. **Section 54** sets forth the rights of the parties with respect to an account upon the death of a party.

Existing law generally provides for the enforcement of a no-contest clause in a will or a trust. (NRS 137.005, 163.00195) **Sections 73 and 177** of this bill provide, with certain exceptions, that a devisee's or beneficiary's share may be reduced or eliminated under a no-contest clause by conduct that is set forth by the testator in the will or by the settlor in the trust. Similarly, **sections 70 and 176** of this bill provide that a disposition of property and the appointment of a fiduciary including, without limitation, a personal representative and a trustee, may be dependent on conditions set forth by the testator in a will or by the settlor in the trust. **Sections 76-144** of this bill set forth the Independent Administration of Estates Act, which allows a personal representative to administer most aspects of a decedent's estate without court supervision. Pursuant to **sections 86 and 88**, the court may: (1) grant the personal representative full authority or limited authority to administer the decedent's estate; or (2) revoke the personal representative's authority to administer the decedent's estate without court supervision. **Section 90** provides that if a personal representative is granted limited authority to administer the estate, court supervision is required for certain actions, including the sale of property of the estate, exchange of property of the estate or granting of an option to purchase property of the estate. **Section 90** further provides that if the personal representative has been granted full authority to administer the estate, court supervision for the sale of property of the estate, exchange of property of the estate or granting of an option to purchase property of the estate is required only under certain circumstances. **Sections 93-106 and 128** of this bill require the personal representative to give notice of a proposed action when exercising certain powers without court supervision, including selling real property of the estate. **Sections 107-115** of this bill require the personal representative to give notice of the proposed action under certain circumstances when exercising certain powers. **Sections 116-127** of this bill authorize the personal representative to exercise certain powers without giving notice of the proposed action, including the power to pay taxes and assessments and expenses incurred in the collection, care and administration of the estate.

Sections 202 and 203 of this bill adopt provisions concerning spendthrift trusts. Further, **sections 204-206** of this bill amend existing law concerning the powers and responsibilities of a settlor or trustee for a spendthrift trust.

Section 209 of this bill repeals the Uniform TOD Security Registration Act and other statutes related to nonprobate transfers of certain accounts

because those issues are addressed in **sections 32-64** of this bill which govern nonprobate transfers on death.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 21.075 is hereby amended to read as follows:

21.075 1. Execution on the writ of execution by levying on the property of the judgment debtor may occur only if the sheriff serves the judgment debtor with a notice of the writ of execution pursuant to NRS 21.076 and a copy of the writ. The notice must describe the types of property exempt from execution and explain the procedure for claiming those exemptions in the manner required in subsection 2. The clerk of the court shall attach the notice to the writ of execution at the time the writ is issued.

2. The notice required pursuant to subsection 1 must be substantially in the following form:

NOTICE OF EXECUTION
YOUR PROPERTY IS BEING ATTACHED OR
YOUR WAGES ARE BEING GARNISHED

A court has determined that you owe money to ..... (name of person), the judgment creditor. The judgment creditor has begun the procedure to collect that money by garnishing your wages, bank account and other personal property held by third persons or by taking money or other property in your possession.

Certain benefits and property owned by you may be exempt from execution and may not be taken from you. The following is a partial list of exemptions:

1. Payments received pursuant to the federal Social Security Act, including, without limitation, retirement and survivors' benefits, supplemental security income benefits and disability insurance benefits.

2. Payments for benefits or the return of contributions under the Public Employees' Retirement System.

3. Payments for public assistance granted through the Division of Welfare and Supportive Services of the Department of Health and Human Services or a local governmental entity.

4. Proceeds from a policy of life insurance.

5. Payments of benefits under a program of industrial insurance.

6. Payments received as disability, illness or unemployment benefits.

7. Payments received as unemployment compensation.

8. Veteran's benefits.

9. A homestead in a dwelling or a mobile home, not to exceed $550,000, unless:

(a) The judgment is for a medical bill, in which case all of the primary dwelling, including a mobile or manufactured home, may be exempt.

(b) Allodial title has been established and not relinquished for the dwelling or mobile home, in which case all of the dwelling or mobile home

and its appurtenances are exempt, including the land on which they are located, unless a valid waiver executed pursuant to NRS 115.010 is applicable to the judgment.

10. All money reasonably deposited with a landlord by you to secure an agreement to rent or lease a dwelling that is used by you as your primary residence, except that such money is not exempt with respect to a landlord or landlord's successor in interest who seeks to enforce the terms of the agreement to rent or lease the dwelling.

11. A vehicle, if your equity in the vehicle is less than $15,000.

12. Seventy-five percent of the take-home pay for any workweek, unless the weekly take-home pay is less than 50 times the federal minimum hourly wage, in which case the entire amount may be exempt.

13. Money, not to exceed $500,000 in present value, held in:

(a) An individual retirement arrangement which conforms with the applicable limitations and requirements of section 408 or 408A of the Internal Revenue Code, 26 U.S.C. §§ 408 and 408A;

(b) A written simplified employee pension plan which conforms with the applicable limitations and requirements of section 408 of the Internal Revenue Code, 26 U.S.C. § 408;

(c) A cash or deferred arrangement that is a qualified plan pursuant to the Internal Revenue Code;

(d) A trust forming part of a stock bonus, pension or profit-sharing plan that is a qualified plan pursuant to sections 401 et seq. of the Internal Revenue Code, 26 U.S.C. §§ 401 et seq.; and

(e) A trust forming part of a qualified tuition program pursuant to chapter 353B of NRS, any applicable regulations adopted pursuant to chapter 353B of NRS and section 529 of the Internal Revenue Code, 26 U.S.C. § 529, unless the money is deposited after the entry of a judgment against the purchaser or account owner or the money will not be used by any beneficiary to attend a college or university.

14. All money and other benefits paid pursuant to the order of a court of competent jurisdiction for the support, education and maintenance of a child, whether collected by the judgment debtor or the State.

15. All money and other benefits paid pursuant to the order of a court of competent jurisdiction for the support and maintenance of a former spouse, including the amount of any arrearages in the payment of such support and maintenance to which the former spouse may be entitled.

16. Regardless of whether a trust contains a spendthrift provision:

(a) A present or future interest in the income or principal of a trust ~~[,]~~ ***that is a contingent interest,*** if the ~~[interest]~~ ***contingency*** has not been ~~[distributed from the trust;]~~ ***satisfied or removed;***

(b) A ~~[remainder]~~ ***present or future*** interest in the ***income or principal of a*** trust ~~[whereby a beneficiary of the trust will receive property from the trust outright at some time in the future under certain circumstances;~~

~~(c) A~~] ***for which*** discretionary power ***is*** held by a trustee to determine whether to make a distribution from the trust, if the interest has not been distributed from the trust;

~~[(d)]~~ ***(c)*** The power to direct dispositions of property in the trust, other than such a power held by a trustee to distribute property to a beneficiary of the trust;

~~[(e)]~~ ***(d)*** Certain powers held by a trust protector or certain other persons;

~~[(f)]~~ ***and***

(e) Any power held by the person who created the trust **.** ~~[; and~~

~~(g) Any other property of the trust that has not been distributed from the trust. Once the property is distributed from the trust, the property is subject to execution.]~~

17. If a trust contains a spendthrift provision:

(a) A ***present or future interest in the income or principal of a trust that is a*** mandatory interest ~~[in the trust]~~ in which the trustee does not have discretion concerning whether to make the distribution from the trust, if the interest has not been distributed from the trust; ***and***

(b) A ***present or future interest in the income or principal of a trust that is a*** support interest ~~[in the trust]~~ in which the standard for distribution may be interpreted by the trustee or a court, if the interest has not been distributed from the trust **.** ~~[; and~~

~~(c) Any other property of the trust that has not been distributed from the trust. Once the property is distributed from the trust, the property is subject to execution.]~~

18. A vehicle for use by you or your dependent which is specially equipped or modified to provide mobility for a person with a permanent disability.

19. A prosthesis or any equipment prescribed by a physician or dentist for you or your dependent.

20. Payments, in an amount not to exceed $16,150, received as compensation for personal injury, not including compensation for pain and suffering or actual pecuniary loss, by the judgment debtor or by a person upon whom the judgment debtor is dependent at the time the payment is received.

21. Payments received as compensation for the wrongful death of a person upon whom the judgment debtor was dependent at the time of the wrongful death, to the extent reasonably necessary for the support of the judgment debtor and any dependent of the judgment debtor.

22. Payments received as compensation for the loss of future earnings of the judgment debtor or of a person upon whom the judgment debtor is dependent at the time the payment is received, to the extent reasonably necessary for the support of the judgment debtor and any dependent of the judgment debtor.

23. Payments received as restitution for a criminal act.

24. Personal property, not to exceed $1,000 in total value, if the property is not otherwise exempt from execution.

25. A tax refund received from the earned income credit provided by federal law or a similar state law.

26. Stock of a corporation described in subsection 2 of NRS 78.746 except as set forth in that section.

➥ These exemptions may not apply in certain cases such as a proceeding to enforce a judgment for support of a person or a judgment of foreclosure on a mechanic's lien. You should consult an attorney immediately to assist you in determining whether your property or money is exempt from execution. If you cannot afford an attorney, you may be eligible for assistance through ..... (name of organization in county providing legal services to indigent or elderly persons).

PROCEDURE FOR CLAIMING EXEMPT PROPERTY

If you believe that the money or property taken from you is exempt, you must complete and file with the clerk of the court a notarized affidavit claiming the exemption. A copy of the affidavit must be served upon the sheriff and the judgment creditor within 8 days after the notice of execution is mailed. The property must be returned to you within 5 days after you file the affidavit unless you or the judgment creditor files a motion for a hearing to determine the issue of exemption. If this happens, a hearing will be held to determine whether the property or money is exempt. The motion for the hearing to determine the issue of exemption must be filed within 10 days after the affidavit claiming exemption is filed. The hearing to determine whether the property or money is exempt must be held within 10 days after the motion for the hearing is filed.

IF YOU DO NOT FILE THE AFFIDAVIT WITHIN THE TIME SPECIFIED, YOUR PROPERTY MAY BE SOLD AND THE MONEY GIVEN TO THE JUDGMENT CREDITOR, EVEN IF THE PROPERTY OR MONEY IS EXEMPT.

Sec. 2. NRS 21.090 is hereby amended to read as follows:

21.090 1. The following property is exempt from execution, except as otherwise specifically provided in this section or required by federal law:

(a) Private libraries, works of art, musical instruments and jewelry not to exceed $5,000 in value, belonging to the judgment debtor or a dependent of the judgment debtor, to be selected by the judgment debtor, and all family pictures and keepsakes.

(b) Necessary household goods, furnishings, electronics, wearing apparel, other personal effects and yard equipment, not to exceed $12,000 in value, belonging to the judgment debtor or a dependent of the judgment debtor, to be selected by the judgment debtor.

(c) Farm trucks, farm stock, farm tools, farm equipment, supplies and seed not to exceed $4,500 in value, belonging to the judgment debtor to be selected by the judgment debtor.

(d) Professional libraries, equipment, supplies, and the tools, inventory, instruments and materials used to carry on the trade or business of the judgment debtor for the support of the judgment debtor and his or her family not to exceed $10,000 in value.

(e) The cabin or dwelling of a miner or prospector, the miner's or prospector's cars, implements and appliances necessary for carrying on any mining operations and the mining claim actually worked by the miner or prospector, not exceeding $4,500 in total value.

(f) Except as otherwise provided in paragraph (p), one vehicle if the judgment debtor's equity does not exceed $15,000 or the creditor is paid an amount equal to any excess above that equity.

(g) For any workweek, 75 percent of the disposable earnings of a judgment debtor during that week, or 50 times the minimum hourly wage prescribed by section 6(a)(1) of the federal Fair Labor Standards Act of 1938, 29 U.S.C. § 206(a)(1), and in effect at the time the earnings are payable, whichever is greater. Except as otherwise provided in paragraphs (o), (s) and (t), the exemption provided in this paragraph does not apply in the case of any order of a court of competent jurisdiction for the support of any person, any order of a court of bankruptcy or of any debt due for any state or federal tax. As used in this paragraph:

(1) "Disposable earnings" means that part of the earnings of a judgment debtor remaining after the deduction from those earnings of any amounts required by law to be withheld.

(2) "Earnings" means compensation paid or payable for personal services performed by a judgment debtor in the regular course of business, including, without limitation, compensation designated as income, wages, tips, a salary, a commission or a bonus. The term includes compensation received by a judgment debtor that is in the possession of the judgment debtor, compensation held in accounts maintained in a bank or any other financial institution or, in the case of a receivable, compensation that is due the judgment debtor.

(h) All fire engines, hooks and ladders, with the carts, trucks and carriages, hose, buckets, implements and apparatus thereunto appertaining, and all furniture and uniforms of any fire company or department organized under the laws of this State.

(i) All arms, uniforms and accouterments required by law to be kept by any person, and also one gun, to be selected by the debtor.

(j) All courthouses, jails, public offices and buildings, lots, grounds and personal property, the fixtures, furniture, books, papers and appurtenances belonging and pertaining to the courthouse, jail and public offices belonging to any county of this State, all cemeteries, public squares, parks and places, public buildings, town halls, markets, buildings for the use of fire

departments and military organizations, and the lots and grounds thereto belonging and appertaining, owned or held by any town or incorporated city, or dedicated by the town or city to health, ornament or public use, or for the use of any fire or military company organized under the laws of this State and all lots, buildings and other school property owned by a school district and devoted to public school purposes.

(k) All money, benefits, privileges or immunities accruing or in any manner growing out of any life insurance, if the annual premium paid does not exceed $15,000. If the premium exceeds that amount, a similar exemption exists which bears the same proportion to the money, benefits, privileges and immunities so accruing or growing out of the insurance that the $15,000 bears to the whole annual premium paid.

(l) The homestead as provided for by law, including a homestead for which allodial title has been established and not relinquished and for which a waiver executed pursuant to NRS 115.010 is not applicable.

(m) The dwelling of the judgment debtor occupied as a home for himself or herself and family, where the amount of equity held by the judgment debtor in the home does not exceed $550,000 in value and the dwelling is situated upon lands not owned by the judgment debtor.

(n) All money reasonably deposited with a landlord by the judgment debtor to secure an agreement to rent or lease a dwelling that is used by the judgment debtor as his or her primary residence, except that such money is not exempt with respect to a landlord or the landlord's successor in interest who seeks to enforce the terms of the agreement to rent or lease the dwelling.

(o) All property in this State of the judgment debtor where the judgment is in favor of any state for failure to pay that state's income tax on benefits received from a pension or other retirement plan.

(p) Any vehicle owned by the judgment debtor for use by the judgment debtor or the judgment debtor's dependent that is equipped or modified to provide mobility for a person with a permanent disability.

(q) Any prosthesis or equipment prescribed by a physician or dentist for the judgment debtor or a dependent of the debtor.

(r) Money, not to exceed $500,000 in present value, held in:

(1) An individual retirement arrangement which conforms with the applicable limitations and requirements of section 408 or 408A of the Internal Revenue Code, 26 U.S.C. §§ 408 and 408A;

(2) A written simplified employee pension plan which conforms with the applicable limitations and requirements of section 408 of the Internal Revenue Code, 26 U.S.C. § 408;

(3) A cash or deferred arrangement which is a qualified plan pursuant to the Internal Revenue Code;

(4) A trust forming part of a stock bonus, pension or profit-sharing plan which is a qualified plan pursuant to sections 401 et seq. of the Internal Revenue Code, 26 U.S.C. §§ 401 et seq.; and

(5) A trust forming part of a qualified tuition program pursuant to chapter 353B of NRS, any applicable regulations adopted pursuant to chapter 353B of NRS and section 529 of the Internal Revenue Code, 26 U.S.C. § 529, unless the money is deposited after the entry of a judgment against the purchaser or account owner or the money will not be used by any beneficiary to attend a college or university.

(s) All money and other benefits paid pursuant to the order of a court of competent jurisdiction for the support, education and maintenance of a child, whether collected by the judgment debtor or the State.

(t) All money and other benefits paid pursuant to the order of a court of competent jurisdiction for the support and maintenance of a former spouse, including the amount of any arrearages in the payment of such support and maintenance to which the former spouse may be entitled.

(u) Payments, in an amount not to exceed $16,150, received as compensation for personal injury, not including compensation for pain and suffering or actual pecuniary loss, by the judgment debtor or by a person upon whom the judgment debtor is dependent at the time the payment is received.

(v) Payments received as compensation for the wrongful death of a person upon whom the judgment debtor was dependent at the time of the wrongful death, to the extent reasonably necessary for the support of the judgment debtor and any dependent of the judgment debtor.

(w) Payments received as compensation for the loss of future earnings of the judgment debtor or of a person upon whom the judgment debtor is dependent at the time the payment is received, to the extent reasonably necessary for the support of the judgment debtor and any dependent of the judgment debtor.

(x) Payments received as restitution for a criminal act.

(y) Payments received pursuant to the federal Social Security Act, including, without limitation, retirement and survivors' benefits, supplemental security income benefits and disability insurance benefits.

(z) Any personal property not otherwise exempt from execution pursuant to this subsection belonging to the judgment debtor, including, without limitation, the judgment debtor's equity in any property, money, stocks, bonds or other funds on deposit with a financial institution, not to exceed $1,000 in total value, to be selected by the judgment debtor.

(aa) Any tax refund received by the judgment debtor that is derived from the earned income credit described in section 32 of the Internal Revenue Code, 26 U.S.C. § 32, or a similar credit provided pursuant to a state law.

(bb) Stock of a corporation described in subsection 2 of NRS 78.746 except as set forth in that section.

(cc) Regardless of whether a trust contains a spendthrift provision:

(1) A ~~[beneficial]~~ ***distribution*** interest in the trust as defined in NRS ~~[163.4145 if the interest has not been distributed;]~~ ***163.4155 that is a contingent interest, if the contingency has not been satisfied or removed;***

(2) A ~~[remainder]~~ ***distribution*** interest in the trust as defined in NRS ~~[163.416 if the trust does not indicate that the remainder interest is certain to be distributed within 1 year after the date on which the instrument that creates the remainder interest becomes irrevocable;~~

~~(3) A~~~~]~~ ***163.4155 that is a*** discretionary interest ~~[in the trust]~~ as described in NRS 163.4185 **,** if the interest has not been distributed;

~~[(4)]~~ ***(3)*** A power of appointment in the trust as defined in NRS 163.4157 regardless of whether the power has been ~~[distributed or transferred;~~

~~(5)]~~ ***exercised;***

(4) A power listed in NRS 163.5553 that is held by a trust protector as defined in NRS 163.5547 or any other person regardless of whether the power has been ~~[distributed or transferred;~~

~~(6)]~~ ***exercised; and***

(5) A reserved power in the trust as defined in NRS 163.4165 regardless of whether the power has been ~~[distributed or transferred; and~~

~~(7) Any other property of the trust that has not been distributed from the trust. Once the property is distributed from the trust, the property is subject to execution.]~~ ***exercised.***

(dd) If a trust contains a spendthrift provision:

(1) A ~~[mandatory]~~ ***distribution*** interest in the trust as ***defined in NRS 163.4155 that is a mandatory interest as*** described in NRS 163.4185 **,** if the interest has not been distributed; ***and***

(2) Notwithstanding a beneficiary's right to enforce a support interest, a ~~[support]~~ ***distribution*** interest in the trust as ***defined in NRS 163.4155 that is a support interest as*** described in NRS 163.4185 **,** if the interest has not been distributed **.** ~~[; and~~

~~(3) Any other property of the trust that has not been distributed from the trust. Once the property is distributed from the trust, the property is subject to execution.]~~

2. Except as otherwise provided in NRS 115.010, no article or species of property mentioned in this section is exempt from execution issued upon a judgment to recover for its price, or upon a judgment of foreclosure of a mortgage or other lien thereon.

3. Any exemptions specified in subsection (d) of section 522 of the Bankruptcy Act of 1978, 11 U.S.C. § 522(d), do not apply to property owned by a resident of this State unless conferred also by subsection 1, as limited by subsection 2.

Sec. 3. NRS 31.045 is hereby amended to read as follows:

31.045 1. Execution on the writ of attachment by attaching property of the defendant may occur only if:

(a) The judgment creditor serves the defendant with notice of the execution when the notice of the hearing is served pursuant to NRS 31.013; or

(b) Pursuant to an ex parte hearing, the sheriff serves upon the judgment debtor notice of the execution and a copy of the writ at the same time and in the same manner as set forth in NRS 21.076.

➥ If the attachment occurs pursuant to an ex parte hearing, the clerk of the court shall attach the notice to the writ of attachment at the time the writ is issued.

2. The notice required pursuant to subsection 1 must be substantially in the following form:

NOTICE OF EXECUTION
YOUR PROPERTY IS BEING ATTACHED OR
YOUR WAGES ARE BEING GARNISHED

Plaintiff, ... (name of person), alleges that you owe the plaintiff money. The plaintiff has begun the procedure to collect that money. To secure satisfaction of judgment, the court has ordered the garnishment of your wages, bank account or other personal property held by third persons or the taking of money or other property in your possession.

Certain benefits and property owned by you may be exempt from execution and may not be taken from you. The following is a partial list of exemptions:

1. Payments received pursuant to the federal Social Security Act, including, without limitation, retirement and survivors' benefits, supplemental security income benefits and disability insurance benefits.

2. Payments for benefits or the return of contributions under the Public Employees' Retirement System.

3. Payments for public assistance granted through the Division of Welfare and Supportive Services of the Department of Health and Human Services or a local governmental entity.

4. Proceeds from a policy of life insurance.

5. Payments of benefits under a program of industrial insurance.

6. Payments received as disability, illness or unemployment benefits.

7. Payments received as unemployment compensation.

8. Veteran's benefits.

9. A homestead in a dwelling or a mobile home, not to exceed $550,000, unless:

(a) The judgment is for a medical bill, in which case all of the primary dwelling, including a mobile or manufactured home, may be exempt.

(b) Allodial title has been established and not relinquished for the dwelling or mobile home, in which case all of the dwelling or mobile home and its appurtenances are exempt, including the land on which they are located, unless a valid waiver executed pursuant to NRS 115.010 is applicable to the judgment.

10. All money reasonably deposited with a landlord by you to secure an agreement to rent or lease a dwelling that is used by you as your primary residence, except that such money is not exempt with respect to a landlord or

the landlord's successor in interest who seeks to enforce the terms of the agreement to rent or lease the dwelling.

11. A vehicle, if your equity in the vehicle is less than $15,000.

12. Seventy-five percent of the take-home pay for any workweek, unless the weekly take-home pay is less than 50 times the federal minimum hourly wage, in which case the entire amount may be exempt.

13. Money, not to exceed $500,000 in present value, held in:

(a) An individual retirement arrangement which conforms with the applicable limitations and requirements of section 408 or 408A of the Internal Revenue Code, 26 U.S.C. §§ 408 and 408A;

(b) A written simplified employee pension plan which conforms with the applicable limitations and requirements of section 408 of the Internal Revenue Code, 26 U.S.C. § 408;

(c) A cash or deferred arrangement that is a qualified plan pursuant to the Internal Revenue Code;

(d) A trust forming part of a stock bonus, pension or profit-sharing plan that is a qualified plan pursuant to sections 401 et seq. of the Internal Revenue Code, 26 U.S.C. §§ 401 et seq.; and

(e) A trust forming part of a qualified tuition program pursuant to chapter 353B of NRS, any applicable regulations adopted pursuant to chapter 353B of NRS and section 529 of the Internal Revenue Code, 26 U.S.C. § 529, unless the money is deposited after the entry of a judgment against the purchaser or account owner or the money will not be used by any beneficiary to attend a college or university.

14. All money and other benefits paid pursuant to the order of a court of competent jurisdiction for the support, education and maintenance of a child, whether collected by the judgment debtor or the State.

15. All money and other benefits paid pursuant to the order of a court of competent jurisdiction for the support and maintenance of a former spouse, including the amount of any arrearages in the payment of such support and maintenance to which the former spouse may be entitled.

16. Regardless of whether a trust contains a spendthrift provision:

(a) A present or future interest in the income or principal of a trust ~~[,]~~ ***that is a contingent interest,*** if the interest has not been ~~[distributed from the trust;]~~ ***satisfied or removed;***

(b) A ~~[remainder]~~ ***present or future*** interest in the ***income or principal of a*** trust ~~[whereby a beneficiary of the trust will receive property from the trust outright at some time in the future under certain circumstances;~~

~~(c) A]~~ ***for which*** discretionary power ***is*** held by a trustee to determine whether to make a distribution from the trust, if the interest has not been distributed from the trust;

~~[(d)]~~ ***(c)*** The power to direct dispositions of property in the trust, other than such a power held by a trustee to distribute property to a beneficiary of the trust;

~~[(e)]~~ ***(d)*** Certain powers held by a trust protector or certain other persons;

~~[(f)]~~ ***and***

(e) Any power held by the person who created the trust **.** ~~[; and~~

~~(g) Any other property of the trust that has not been distributed from the trust. Once the property is distributed from the trust, the property is subject to execution.]~~

17. If a trust contains a spendthrift provision:

(a) A ***present or future interest in the income or principal of a trust that is a*** mandatory interest ~~[in the trust]~~ in which the trustee does not have discretion concerning whether to make the distribution from the trust, if the interest has not been distributed from the trust; ***and***

(b) A ***present or future interest in the income or principal of a trust that is a*** support interest ~~[in the trust]~~ in which the standard for distribution may be interpreted by the trustee or a court, if the interest has not been distributed from the trust **.** ~~[; and~~

~~(c) Any other property of the trust that has not been distributed from the trust. Once the property is distributed from the trust, the property is subject to execution.]~~

18. A vehicle for use by you or your dependent which is specially equipped or modified to provide mobility for a person with a permanent disability.

19. A prosthesis or any equipment prescribed by a physician or dentist for you or your dependent.

20. Payments, in an amount not to exceed $16,150, received as compensation for personal injury, not including compensation for pain and suffering or actual pecuniary loss, by the judgment debtor or by a person upon whom the judgment debtor is dependent at the time the payment is received.

21. Payments received as compensation for the wrongful death of a person upon whom the judgment debtor was dependent at the time of the wrongful death, to the extent reasonably necessary for the support of the judgment debtor and any dependent of the judgment debtor.

22. Payments received as compensation for the loss of future earnings of the judgment debtor or of a person upon whom the judgment debtor is dependent at the time the payment is received, to the extent reasonably necessary for the support of the judgment debtor and any dependent of the judgment debtor.

23. Payments received as restitution for a criminal act.

24. Personal property, not to exceed $1,000 in total value, if the property is not otherwise exempt from execution.

25. A tax refund received from the earned income credit provided by federal law or a similar state law.

26. Stock of a corporation described in subsection 2 of NRS 78.746 except as set forth in that section.

➥ These exemptions may not apply in certain cases such as proceedings to enforce a judgment for support of a child or a judgment of foreclosure on a

mechanic's lien. You should consult an attorney immediately to assist you in determining whether your property or money is exempt from execution. If you cannot afford an attorney, you may be eligible for assistance through ..... (name of organization in county providing legal services to the indigent or elderly persons).

PROCEDURE FOR CLAIMING EXEMPT PROPERTY

If you believe that the money or property taken from you is exempt or necessary for the support of you or your family, you must file with the clerk of the court on a form provided by the clerk a notarized affidavit claiming the exemption. A copy of the affidavit must be served upon the sheriff and the judgment creditor within 8 days after the notice of execution is mailed. The property must be returned to you within 5 days after you file the affidavit unless the judgment creditor files a motion for a hearing to determine the issue of exemption. If this happens, a hearing will be held to determine whether the property or money is exempt. The hearing must be held within 10 days after the motion for a hearing is filed.

IF YOU DO NOT FILE THE AFFIDAVIT WITHIN THE TIME SPECIFIED, YOUR PROPERTY MAY BE SOLD AND THE MONEY GIVEN TO THE JUDGMENT CREDITOR, EVEN IF THE PROPERTY OR MONEY IS EXEMPT.

If you received this notice with a notice of a hearing for attachment and you believe that the money or property which would be taken from you by a writ of attachment is exempt or necessary for the support of you or your family, you are entitled to describe to the court at the hearing why you believe your property is exempt. You may also file a motion with the court for a discharge of the writ of attachment. You may make that motion any time before trial. A hearing will be held on that motion.

IF YOU DO NOT FILE THE MOTION BEFORE THE TRIAL, YOUR PROPERTY MAY BE SOLD AND THE MONEY GIVEN TO THE PLAINTIFF, EVEN IF THE PROPERTY OR MONEY IS EXEMPT OR NECESSARY FOR THE SUPPORT OF YOU OR YOUR FAMILY.

Sec. 4. NRS 41B.090 is hereby amended to read as follows:

41B.090 "Governing instrument" means any of the following:

1. A deed or any other instrument that transfers any property, interest or benefit.

2. An annuity or a policy of insurance.

3. A trust, whether created by an instrument executed during the life of the settlor, a testamentary instrument or any other instrument, judgment or decree, including, without limitation, any of the following:

(a) An express trust, whether private or charitable, and any additions to such a trust.

(b) A trust created or determined by a judgment or decree under which the trust is to be administered in the manner of an express trust.

4. A will, a codicil or any other testamentary instrument, including, without limitation, a testamentary instrument that:

(a) Appoints a person to serve in a fiduciary or representative capacity, nominates a guardian or revokes or revises another will, codicil or testamentary instrument; or

(b) Excludes or limits the right of a person or class of persons to succeed to any property, interest or benefit pursuant to the laws of intestate succession.

5. Any account or deposit that is payable or transferable on the death of a person or any instrument that provides for the payment or transfer of any property, interest or benefit on the death of a person.

6. A security registered as transferable on the death of a person **.** ~~[or a security registered in beneficiary form pursuant to NRS 111.480 to 111.650, inclusive.]~~

7. Any instrument creating or exercising a power of appointment or a durable or nondurable power of attorney.

8. Any instrument that appoints or nominates a person to serve in any fiduciary or representative capacity, including, without limitation, an agent, guardian, executor, personal representative or trustee.

9. Any public or private plan or system that entitles a person to the payment or transfer of any property, interest or benefit, including, without limitation, a plan or system that involves any of the following:

(a) Pension benefits, retirement benefits or other similar benefits.

(b) Profit-sharing or any other form of participation in profits, revenues, securities, capital or assets.

(c) Industrial insurance, workers' compensation or other similar benefits.

(d) Group insurance.

10. A partnership agreement or an agreement concerning any joint adventure, enterprise or venture.

11. A premarital, antenuptial or postnuptial agreement, a marriage contract or settlement or any other similar agreement, contract or settlement.

12. Any instrument that declares a homestead pursuant to chapter 115 of NRS.

13. Any other dispositive, appointive, nominative or declarative instrument.

Sec. 5. Chapter 111 of NRS is hereby amended by adding thereto the provisions set forth as sections 6 to 64, inclusive, of this act.

Sec. 6. ***As used in sections 6 to 64, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 7 to 31, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 7. ***"Account" means an agreement of deposit between a depositor and a financial institution and includes a checking account, savings account, certificate of deposit and share account.***

Sec. 8. *"Agent" has the meaning ascribed to it in NRS 132.045.*

Sec. 9. *"Beneficiary" has the meaning ascribed to it in NRS 132.050.*

Sec. 10. *"Contract" includes an insurance policy, contract of employment, bond, mortgage, promissory note, certificated or uncertificated security, account, custodial agreement, deposit agreement, compensation agreement, deferred compensation plan, pension plan, individual retirement plan, employee benefit plan, trust, conveyance, deed of gift, marital property agreement or other written instrument of a similar nature.*

Sec. 11. *"Devisee" has the meaning ascribed to it in NRS 132.100.*

Sec. 12. *"Financial institution" means an organization authorized to do business under state or federal laws relating to financial institutions and includes a bank, thrift company, trust company, savings bank, building and loan association, savings and loan company or association and credit union.*

Sec. 13. *"Governing instrument" has the meaning ascribed to it in NRS 132.155.*

Sec. 14. *"Heirs" has the meaning ascribed to it in NRS 132.165.*

Sec. 15. *"Held in beneficiary form" means the holding of property which has been registered in beneficiary form or another writing that names the owner of the property followed by a transfer-on-death direction and the designation of a beneficiary.*

Sec. 16. *"Multiple-party account" means an account payable on request to one or more of two or more parties, whether or not a right of survivorship is mentioned.*

Sec. 17. *1. "Nonprobate transfer" means a transfer of any property or interest in property from a decedent to one or more other persons by operation of law or by contract that is effective upon the death of the decedent and includes, without limitation:*

(a) A transfer by right of survivorship, including a transfer pursuant to subsection 1 of NRS 115.060;

(b) A transfer by deed upon death pursuant to NRS 111.109; and

(c) A security registered as transferable on the death of a person.

2. The term does not include:

(a) Property that is subject to administration in probate of the estate of the decedent;

(b) Property that is set aside, without administration, pursuant to NRS 146.070; and

(c) Property transferred pursuant to an affidavit as authorized by NRS 146.080.

Sec. 18. *"Party" means a person who, by the terms of an account, has a present right, subject to request, to payment from the account other than as a beneficiary or agent.*

Sec. 19. *"Payment," as it relates to sums on deposit, includes withdrawal, payment to a party or third person pursuant to a check or*

other request and a pledge of sums on deposit by a party, or a set-off, reduction or other disposition of all or part of an account pursuant to a pledge.

Sec. 20. *"Personal representative" has the meaning ascribed to it in NRS 132.265.*

Sec. 21. *"POD designation" means the designation of:*

1. A beneficiary in an account payable on request to one party during the party's lifetime and on the party's death to one or more beneficiaries, or to one or more parties during their lifetimes and on death of all the parties to one or more beneficiaries; or

2. A beneficiary in an account in the name of one or more parties as trustee for one or more beneficiaries if the relationship is established by the terms of the account and there is no subject of the trust other than the sums on deposit in the account, whether or not payment to the beneficiary is mentioned.

Sec. 22. *"Receive," as it relates to notice to a financial institution, means receipt in the office or branch office of the financial institution in which the account is established or, if the terms of the account require notice at a particular place, in the place required.*

Sec. 23. *"Register in beneficiary form" means to title an account record, certificate or other written instrument evidencing ownership of property in the name of the owner followed by a transfer-on-death direction as described in section 42 of this act and the designation of a beneficiary.*

Sec. 24. *"Request" means a request for payment complying with all terms of the account, including special requirements concerning necessary signatures and regulations of the financial institution. For the purposes of sections 6 to 64, inclusive, of this act, if the terms of the account condition payment on advance notice, a request for payment is treated as immediately effective and a notice of intent to withdraw is treated as a request for payment.*

Sec. 25. *"State" includes any state of the United States, the District of Columbia, the Commonwealth of Puerto Rico and any territory or possession subject to the jurisdiction of the United States.*

Sec. 26. *"Sums on deposit" means the balance payable on an account, including interest and dividends earned, whether or not included in the current balance, and any deposit life insurance proceeds added to the account by reason of the death of a party.*

Sec. 27. *"Terms of the account" includes the deposit agreement and other terms and conditions, including the form, of the deposit.*

Sec. 28. *"Transferring entity" means a person who owes a debt or is obligated to pay money or benefits, render contract performance, deliver or convey property, or change the record of ownership of property on the books, records and accounts of an enterprise or on a certificate or document of title that evidences property rights, and includes any*

governmental agency or business entity that, or transfer agent who, issues certificates of ownership or title to property and a person acting as a custodial agent for an owner's property.

Sec. 29. *"Trust" has the meaning ascribed to it in NRS 132.350.*

Sec. 30. *"Trustee" has the meaning ascribed to it in NRS 132.355.*

Sec. 31. *"Will" has the meaning ascribed to it in NRS 132.370.*

Sec. 32. *1. A provision for a nonprobate transfer on death in a contract is nontestamentary and includes any written provision that:*

(a) Money or other benefits due to, controlled by or owned by a decedent before death must be paid after the decedent's death to a person whom the decedent designates in the contract or in a separate writing, including a will, executed before or at the same time as the contract, or later;

(b) Money due or to become due under the contract ceases to be payable in the event of death of the promisee or the promisor before payment or demand; or

(c) Any property controlled by or owned by the decedent before death which is the subject of the contract passes to a person whom the decedent designates in the contract or in a separate writing, including a will, executed before or at the same time as the contract, or later.

2. A nonprobate transfer described in subsection 1:

(a) Is exempt from the requirements of chapter 133 of NRS;

(b) Is not subject to administration as part of the person's estate at death;

(c) Is not subject to distribution pursuant to the decedent's will or pursuant to chapter 134 of NRS, except to the extent that the beneficiary designation fails; and

(d) May be established in conjunction with the ownership registration of an asset, as provided in section 36 of this act.

3. A beneficiary designation that involves an interest in real property must be done in the form of a deed that satisfies the requirements of NRS 111.109.

4. Upon a decedent's death:

(a) Money or other benefits due to, controlled by or owned by that decedent before death must be paid after the decedent's death to the beneficiary whom the decedent designates in the contract or in a separate writing, including a will, executed before or at the same time as the contract, or later;

(b) If the contract provides that money due or to become due under the contract ceases to be payable in the event of the death of the promisee or the promisor before payment or demand, such provision is effective; and

(c) Any property controlled by or owned by the decedent before death which is the subject of the contract passes to the beneficiary whom the decedent designates in the contract or in a separate writing, including a will, executed before or at the same time as the contract, or later.

5. Notwithstanding the provisions of this section to the contrary, a writing separate from a contract is not effective to the extent it violates the terms of the contract unless it is signed or otherwise ratified by all parties to the contract.

6. Nothing in sections 32 to 64, inclusive, of this act authorizes a married person to transfer or otherwise affect the community property rights of that person's spouse.

Sec. 33. *For the purpose of discharging its duties under sections 32 to 46, inclusive, of this act, the authority of a transferring entity acting as agent for an owner of property subject to a nonprobate transfer does not cease at the death of the owner. The transferring entity shall transfer the property to the designated beneficiary in accordance with the contract between the transferring entity and the deceased owner and with sections 32 to 46, inclusive, of this act.*

Sec. 34. *1. Provision for a nonprobate transfer is a matter of agreement between the owner and the transferring entity, under such rules, terms and conditions as the owner and transferring entity may agree. Before a nonprobate transfer is effective, the contract may require:*

(a) Submission to the transferring entity of a beneficiary designation under a governing instrument;

(b) Registration by a transferring entity of a transfer-on-death direction on any certificate or record evidencing ownership of property;

(c) The consent of a contract obligor for a transfer of performance due under the contract;

(d) The consent of a financial institution for a transfer of an obligation of the financial institution;

(e) The consent of a transferring entity for a transfer of an interest in the transferring entity; or

(f) Compliance with any other express condition.

2. Whenever a contract provision relating to a nonprobate transfer requires any of the conditions set forth in subsection 1, nothing in sections 32 to 46, inclusive, of this act imposes an obligation on a transferring entity to accept an owner's request to make provision for a nonprobate transfer of property unless the conditions have been met.

3. When a beneficiary designation, revocation or change is subject to acceptance by a transferring entity, the transferring entity's acceptance of the beneficiary designation, revocation or change relates back to and is effective as of the time when the request was received by the transferring entity.

Sec. 35. *When a transferring entity accepts a beneficiary designation or beneficiary assignment or registers in beneficiary form certain property, the acceptance or registration constitutes the agreement of the owner and transferring entity that, unless the beneficiary designation is revoked or changed before the death of the owner, on proof of the death of the owner and compliance with the transferring entity's requirements for showing*

proof of entitlement, the property will be transferred to and placed in the name and control of the beneficiary in accordance with the beneficiary designation or transfer-on-death direction, the agreement of the parties and the provisions of sections 32 to 46, inclusive, of this act.

Sec. 36. *A beneficiary designation, under a written instrument or law, that authorizes a transfer of property pursuant to a written designation of beneficiary transfers the right to receive the property to the designated beneficiary who survives, effective on the death of the owner, if the beneficiary designation is executed and delivered in proper form to the transferring entity before the death of the owner.*

Sec. 37. *1. A written assignment of a contract right which assigns the right to receive any performance remaining due under the contract to an assignee designated by the owner and which expressly states that the assignment is not to take effect until the death of the owner transfers the right to receive performance due under the contract to the designated assignee beneficiary, effective on the death of the owner, if the assignment is executed and delivered in proper form to the contract obligor before the death of the owner or is executed in proper form and acknowledged before a notary public or other person authorized to administer oaths. A beneficiary assignment need not be supported by consideration or be delivered to the assignee beneficiary.*

2. This section does not preclude other methods of assignment which are authorized by law and which have the effect of postponing enjoyment of a contract right until the death of the owner.

Sec. 38. *1. A deed of gift, bill of sale or other writing intended to transfer an interest in tangible personal property which expressly states that the transfer is not to take effect until the death of the owner transfers ownership to the designated transferee beneficiary, effective on the death of the owner, if the instrument is in other respects sufficient to transfer the type of property involved and is executed by the owner and acknowledged before a notary public or other person authorized to administer oaths. A beneficiary transfer instrument need not be supported by consideration or be delivered to any transferee beneficiary.*

2. This section does not preclude other methods of transferring ownership of tangible personal property which are authorized by law and which have the effect of postponing enjoyment of property until the death of the owner.

Sec. 39. *1. A transferor of property, with or without consideration, may directly transfer the property to a transferee to be held in beneficiary form, as owner of the property.*

2. A transferee under an instrument described in subsection 1 of section 32 of this act is the owner of the property for all purposes and has all the rights to the property otherwise provided by law to owners, including the right to revoke or change the beneficiary designation.

3. A direct transfer of property to a transferee to be held in beneficiary form is effective when the writing perfecting the transfer becomes effective to make the transferee the owner.

Sec. 40. *1. Before the death of the owner, a designated beneficiary has no rights in the property by reason of the beneficiary designation and the signature or agreement of the beneficiary is not required for any transaction respecting the property.*

2. On the death of one of two or more joint owners, property with respect to which a beneficiary designation has been made belongs to the surviving joint owner or owners and the right of survivorship continues as between two or more surviving joint owners.

3. On the death of a sole owner, property passes by operation of law to the beneficiary.

4. If two or more beneficiaries survive, there is no right of survivorship among the beneficiaries in the event of the death of a beneficiary thereafter unless the beneficiary designation expressly provides for survivorship among them and, unless so expressly provided, surviving beneficiaries hold their separate interests in the property as tenants in common. The share of any subsequently deceased beneficiary belongs to that beneficiary's estate.

5. If no beneficiary survives the owner, the property belongs to the estate of the owner.

Sec. 41. *1. Unless a beneficiary designation is expressly made irrevocable, a beneficiary designation may be revoked or changed in whole or in part during the lifetime of the owner. A revocation or change of a beneficiary designation involving property of joint owners may only be made with the agreement of all owners then living.*

2. A subsequent beneficiary designation revokes a previous beneficiary designation unless the subsequent beneficiary designation expressly provides otherwise.

3. A revocation or change in a beneficiary designation must comply with the terms of the governing instrument, the rules of the transferring entity and the applicable law.

4. A beneficiary designation may not be revoked or changed by the provisions of a will unless the beneficiary designation expressly grants the owner the right to revoke or change a beneficiary designation by will. If a beneficiary designation is revoked by will, it must be revoked by an express provision in the will and extrinsic evidence is not admissible to establish the testator's intent concerning the beneficiary designation.

5. A transfer during the owner's lifetime of the owner's interest in property, with or without consideration, terminates the beneficiary designation with respect to the property transferred.

6. The effective date of a revocation or change in a beneficiary designation must be determined in the same manner as the effective date of a beneficiary designation.

Sec. 42. *1. Property may be held in beneficiary form or registered in beneficiary form by including in the name in which the property is held or registered a direction to transfer the property on the death of the owner to a beneficiary designated by the owner.*

2. Property is registered in beneficiary form by showing on the account record, security certificate or written instrument evidencing ownership of the property the name of the owner, and the form of ownership by which two or more joint owners hold the property, followed in substance by the words "transfer on death to..... (name of beneficiary)." In lieu of the words "transfer on death to," the words "pay on death to" or "pay on death to the owner's lineal descendants, per stirpes" or the abbreviation "TOD," "POD" or "LDPS" may be used. The designation of a person's heirs as beneficiaries does not make the property subject to administration as part of the person's estate, but the identities of the beneficiaries must be determined pursuant to chapter 134 of NRS as they relate to the owner's separate property.

3. A transfer-on-death direction may only be placed on an account record, security certificate or instrument evidencing ownership of property by the transferring entity or a person authorized by the transferring entity.

4. A transfer-on-death direction transfers the owner's interest in the property to the designated beneficiary, effective on the death of the owner, if the property is registered in beneficiary form before the death of the owner or if the request to make the transfer-on-death direction is delivered in proper form to the transferring entity before the death of the owner.

5. An account record, security certificate or written instrument evidencing ownership of property that contains a transfer-on-death direction written as part of the name in which the property is held or registered is conclusive evidence in the absence of fraud, duress, undue influence or evidence of clerical mistake by the transferring entity that the direction was regularly made by the owner and accepted by the transferring entity and was not revoked or changed before the death giving rise to the transfer. The transferring entity has no obligation to retain the original writing, if any, by which the owner caused the property to be held in beneficiary form or registered in beneficiary form, more than 6 months after the transferring entity has mailed or delivered to the owner, at the address shown on the registration, an account statement, certificate or instrument that shows the manner in which the property is held in beneficiary form or registered in beneficiary form.

Sec. 43. *Any interest in property that would be distributed by nonprobate transfer to or for a beneficiary who is disqualified as a beneficiary pursuant to chapter 41B of NRS must be transferred as if the disqualified beneficiary had disclaimed the interest immediately upon the decedent's death.*

Sec. 44. *An agent, guardian of the person or other fiduciary may not make, revoke or change a beneficiary designation unless:*

1. The power of attorney or other document establishing the agent, guardian or other fiduciary's right to act or a court order expressly authorizes such action; and

2. The action complies with the terms of the governing instrument, the rules of the transferring entity and applicable law.

Sec. 45. *If property subject to a beneficiary designation is lost, destroyed, damaged or involuntarily converted during the owner's lifetime, the beneficiary succeeds to any right with respect to the loss, destruction, damage or involuntary conversion which the owner would have had if the owner had survived but has no interest in any payment or substitute property received by the owner during the owner's lifetime.*

Sec. 46. *1. Except as otherwise provided in NRS 21.090 and other applicable law, a transferee of a nonprobate transfer is liable to the probate estate of the decedent for allowed claims against that decedent's probate estate to the extent the estate is insufficient to satisfy those claims.*

2. The liability of a nonprobate transferee may not exceed the value of nonprobate transfers received or controlled by that transferee.

3. Nonprobate transferees are liable for the insufficiency described in subsection 1 in the following order of priority:

(a) A transferee specified in the decedent's will or any other governing instrument as being liable for such an insufficiency, in the order of priority provided in the will or other governing instrument;

(b) The trustee of a trust serving as the principal nonprobate instrument in the decedent's estate plan as shown by its designation as devisee of the decedent's residuary estate or by other facts or circumstances, to the extent of the value of the nonprobate transfer received or controlled; and

(c) Other nonprobate transferees, in proportion to the values received.

4. Unless otherwise provided by the trust instrument, interests of beneficiaries in all trusts incurring liabilities under this section abate as necessary to satisfy the liability, as if all the trust instruments were a single will and the interests were devises under it.

5. If a nonprobate transferee is a spouse or a minor child, the nonprobate transferee may petition the court to be excluded from the liability imposed by this section as if the nonprobate property received by the spouse or minor child were part of the decedent's estate. Such a petition may be made pursuant to the applicable provisions of chapter 146 of NRS, including, without limitation, the provisions of NRS 146.010, NRS 146.020 without regard to the filing of an inventory and subsection 2 of NRS 146.070.

6. A provision made in one instrument may direct the apportionment of the liability among the nonprobate transferees taking under that or any other governing instrument. If a provision in one instrument conflicts with a provision in another, the later one prevails.

7. Upon due notice to a nonprobate transferee, the liability imposed by this section is enforceable in probate proceedings in this State, whether or not the transferee is located in this State.

8. If a probate proceeding is pending, a proceeding under this section may be commenced by the personal representative of the decedent's estate or, if the personal representative declines to do so, by a creditor in the name of the decedent's estate, at the expense of the creditor and not of the estate. If a creditor successfully establishes an entitlement to payment under this section, the court must order the reimbursement of the costs reasonably incurred by the creditor, including attorney's fees, from the transferee from whom the payment is to be made, subject to the limitations of subsection 2, or from the estate as a cost of administration, or partially from each, as the court deems just. A personal representative who declines in good faith to commence a requested proceeding incurs no personal liability for declining.

9. If a probate proceeding is not pending, a proceeding under this section may be commenced as a civil action by a creditor at the expense of the creditor.

10. If a proceeding is commenced pursuant to this section, it must be commenced:

(a) As to a creditor whose claim was allowed after proceedings challenging disallowance of the claim by the personal representative, within 60 days after final allowance of the claim by the probate court or within 1 year after the decedent's death, whichever is later.

(b) As to a creditor whose claim against the decedent is being adjudicated in a separate proceeding that is still pending 1 year after the decedent's death, within 60 days after the adjudication of the claim in favor of the creditor is final and no longer subject to reconsideration or appeal.

(c) As to the recovery of benefits paid for Medicaid, within 3 years after the decedent's death.

(d) As to all other creditors, within 1 year after the decedent's death.

11. Unless a written notice asserting that a decedent's probate estate is nonexistent or insufficient to pay allowed claims and statutory allowances has been received from the decedent's personal representative, the following rules apply:

(a) Payment or delivery of assets by a financial institution, registrar or other obligor to a nonprobate transferee in accordance with the terms of the governing instrument controlling the transfer releases the obligor from all claims for amounts paid or assets delivered.

(b) A trustee receiving or controlling a nonprobate transfer is released from liability under this section with respect to any assets distributed to the trust's beneficiaries. Each beneficiary to the extent of the distribution received becomes liable for the amount of the trustee's liability attributable to assets received by the beneficiary.

12. Notwithstanding any provision of this section to the contrary:

(a) A creditor has no claim against property transferred pursuant to a power of appointment exercised by a decedent unless it was exercisable in favor of the decedent or the decedent's estate.

(b) A purchaser for value of property or a lender who acquires a security interest in the property from a beneficiary of a nonprobate transfer after the death of the owner, in good faith:

(1) Takes the property free of any claims or of liability to the owner's estate, creditors of the owner's estate, persons claiming rights as beneficiaries under the nonprobate transfer or heirs of the owner's estate, in absence of actual knowledge that the transfer was improper; and

(2) Has no duty to verify sworn information relating to the nonprobate transfer. The protection provided by this subparagraph applies to information that relates to the ownership interest of the beneficiary in the property and the beneficiary's right to sell, encumber and transfer good title to a purchaser or lender and does not relieve a purchaser or lender from the notice imparted by instruments of record respecting the property.

13. As used in this section, "devise" has the meaning ascribed to it in NRS 132.095.

Sec. 47. *1. Except as otherwise provided by the express terms of a governing instrument, a court order or a contract relating to the division of the marital estate made between the divorced persons before or after the marriage, divorce or annulment, the divorce or annulment of a marriage:*

(a) Revokes any revocable:

(1) Disposition or appointment of property made by a divorced person to his or her former spouse in a governing instrument and any disposition or appointment created by law or in a governing instrument to a relative of the divorced person's former spouse;

(2) Provision in a governing instrument conferring a general or nongeneral power of appointment on the divorced person's former spouse or on a relative of the divorced person's former spouse; and

(3) Nomination in a governing instrument that nominates a divorced person's former spouse or a relative of the divorced person's former spouse to serve in any fiduciary or representative capacity, including a personal representative capacity, including a personal representative, executor, trustee, conservator, agent or guardian; and

(b) Severs the interest of the former spouses in property held by them at the time of the divorce or annulment as joint tenants with the right of survivorship or as community property with a right of survivorship and transforms the interests of the former spouses into equal tenancies in common.

2. A severance under paragraph (b) of subsection 1 does not affect any third-party interest in property acquired for value and in good faith reliance on an apparent title by survivorship in the survivor of the former spouses unless a writing declaring the severance has been noted, registered, filed or recorded in records appropriate to the kind and location

of the property which records are relied upon, in the ordinary course of transactions involving such property, as evidence of ownership.

3. The provisions of a governing instrument are given effect as if the former spouse and relatives of the former spouse disclaimed all provisions revoked by this section or, in the case of a revoked nomination in a fiduciary or representative capacity, as if the former spouse and relatives of the former spouse died immediately before the divorce or annulment.

4. Any provisions revoked solely by this section are revived by the divorced person's remarriage to the former spouse or by a nullification of the divorce or annulment.

5. Unless a court in an action commenced pursuant to chapter 125 of NRS specifically orders otherwise, a restraining order entered pursuant to NRS 125.050 does not preclude a party to such an action from making or changing beneficiary designations that specify who will receive the party's assets upon the party's death.

6. A payor or other third party is not liable for having made a payment or transferred an item of property or any other benefit to a beneficiary designated in a governing instrument affected by the provisions of this section or for having taken any other action in good faith reliance on the validity of the governing instrument before the payor or other third party received written or actual notice of any event affecting a beneficiary designation. A payor or other third party is liable for a payment made or other action taken after the payor or other third party received written or actual notice of a claimed forfeiture or revocation under this section.

7. Written notice of the divorce, annulment or remarriage or written notice of a complaint or petition for divorce or annulment must be mailed to the payor's or other third party's main office or home by registered or certified mail, return receipt requested, or served upon the payor or other third party in the same manner as a summons in a civil action. Upon receipt of written notice of the divorce, annulment or remarriage, a payor or other third party may pay any amount owed or transfer or deposit any item of property held by it to or with the court having jurisdiction of the probate proceedings relating to the decedent's estate or, if no proceedings have been commenced, to or with the court having jurisdiction of probate proceedings relating to decedents' estates located in the county of the decedent's residence. The court shall hold the funds or item of property and, upon its determination under this section, shall order disbursement or transfer in accordance with the determination. Payments, transfers or deposits made to or with the court discharge the payor or other third party from all claims for the value of amounts paid to or items of property transferred to or deposited with the court.

8. A person who purchases property from a former spouse, relative of a former spouse or any other person for value and without notice, or who receives from a former spouse, relative of a former spouse or any other person a payment or other item of property in partial or full satisfaction of

a legally enforceable obligation, is neither obligated under this section to return the payment, item of property or benefit nor is liable under this section for the amount of the payment or the value of the item of property or benefit. A former spouse, relative of a former spouse or other person who, not for value, received a payment, item of property or any other benefit to which that person is not entitled under this section is obligated to return the payment, item of property or benefit or is personally liable for the amount of the payment or the value of the item of property or benefit to the person who is entitled to it under this section.

9. If this section or any part of this section is preempted by federal law with respect to a payment, an item of property or any other benefit covered by this section, a former spouse, relative of the former spouse or any other person who, not for value, received a payment, item of property or any other benefit to which that person is not entitled under this section is obligated to return that payment, item of property or benefit or is personally liable for the amount of the payment or the value of the item of property or benefit to the person who would have been entitled to it were this section or part of this section not preempted.

10. As used in this section:

(a) "Disposition or appointment of property" includes a transfer of an item of property or any other benefit to a beneficiary designated in a governing instrument.

(b) "Divorce or annulment" means any divorce or annulment or any dissolution or declaration of invalidity of a marriage. A decree of separation that does not terminate the status of husband and wife is not a divorce for purposes of this section.

(c) "Divorced person" includes a person whose marriage has been annulled.

(d) "Governing instrument" means a governing instrument executed by a divorced person before the divorce or annulment of the person's marriage to the person's former spouse.

(e) "Relative of the divorced person's former spouse" means a person who is related to the divorced person's former spouse by blood, adoption or affinity and who, after the divorce or annulment, is not related to the divorced person by blood, adoption or affinity.

(f) "Revocable," with respect to a disposition, appointment, provision or nomination, means one under which the divorced person, at the time of the divorce or annulment, was alone empowered, by law or under the governing instrument, to cancel the designation in favor of the person's former spouse or former spouse's relative, whether or not the divorced person was then empowered to designate himself or herself in place of his or her former spouse or in place of his or her former spouse's relative and whether or not the divorced person then had the capacity to exercise the power.

Sec. 48. ***The provisions of sections 48 to 64, inclusive, of this act:***

1. Apply to accounts in financial institutions in this State for which ownership is determined under Nevada law.

2. Do not apply to:

(a) An account established for a partnership, joint venture or other organization for a business purpose;

(b) An account controlled by one or more persons as an agent or trustee for a corporation, unincorporated association or charitable or civic organization; or

(c) A fiduciary or trust account in which the relationship is established other than by the terms of the account.

Sec. 49. *1. An account may be for a single party or multiple parties. A multiple-party account may be with or without a right of survivorship between the parties. Subject to subsection 3 of section 54 of this act, a single-party account or a multiple-party account may have a POD designation or an agency designation, or both.*

2. An account established before, on or after October 1, 2011, whether in the form prescribed in subsection 1 of section 50 of this act or in any other form, is a single-party account or a multiple-party account, with or without right of survivorship, and with or without a POD designation or an agency designation, and is governed by sections 48 to 64, inclusive, of this act.

Sec. 50. *1. An agreement of deposit that contains provisions in substantially the following form establishes the type of account provided, and the account is governed by the provisions of sections 48 to 64, inclusive, of this act applicable to an account of that type:*

UNIFORM SINGLE- OR MULTIPLE-PARTY ACCOUNT FORM

PARTIES [Name one or more parties]: .....

OWNERSHIP [Select one and initial]:

..... SINGLE-PARTY ACCOUNT

..... MULTIPLE-PARTY ACCOUNT

Parties own the account in proportion to net contributions, unless there is clear and convincing evidence of a different intent.

RIGHTS AT DEATH [Select one and initial]:

..... SINGLE-PARTY ACCOUNT

At death of party, ownership passes as part of party's estate.

..... SINGLE-PARTY ACCOUNT WITH POD (PAY-ON-DEATH) DESIGNATION

[Name one or more beneficiaries]:

....

At death of party, ownership passes to POD beneficiaries and is not part of party's estate but may be subject to party's creditors.

..... MULTIPLE-PARTY ACCOUNT WITH RIGHT OF SURVIVORSHIP

At death of party, ownership passes to surviving parties.

..... MULTIPLE-PARTY ACCOUNT WITH RIGHT OF SURVIVORSHIP AND POD (PAY-ON-DEATH) DESIGNATION

[Name one or more beneficiaries]:

....

At death of last surviving party, ownership passes to POD beneficiaries and is not part of last surviving party's estate.

..... MULTIPLE-PARTY ACCOUNT WITHOUT RIGHT OF SURVIVORSHIP

At death of party, deceased party's ownership passes as part of deceased party's estate.

AGENCY (POWER OF ATTORNEY) DESIGNATION [Optional]

Agents may make account transactions for parties but have no ownership or rights at death unless named as POD beneficiaries.

[To add agency designation to account, name one or more agents]:

....

[Select one and initial]:

..... AGENCY DESIGNATION SURVIVES DISABILITY OR INCAPACITY OF PARTIES

..... AGENCY DESIGNATION TERMINATES ON DISABILITY OR INCAPACITY OF PARTIES

2. An agreement of deposit that does not contain provisions in substantially the form provided in this section is governed by the provisions of sections 48 to 64, inclusive, of this act applicable to the type of account that most nearly conforms to the depositor's intent.

Sec. 51. ***1. By a writing signed by all parties, the parties may designate as agent of all parties on an account a person other than a party to the account.***

2. Unless the terms of an agency designation provide that the authority of the agent terminates on disability or incapacity of a party, the agent's authority survives disability and incapacity. The agent may act for a disabled or incapacitated party until the authority of the agent is terminated.

3. The death of the sole party or last surviving party terminates the authority of an agent.

4. Any designation of an agent on an account is revocable and may be superseded by a subsequent designation:

(a) With regard to a single-party account, by the party; and

(b) With regard to a multiple-party account, by the parties or a surviving party.

➥ *Any designation of an agent is superseded by an acknowledged power of attorney, as described in chapter 162A of NRS, when a copy of that power of attorney is delivered to the financial institution.*

Sec. 52. *The provisions of sections 52 to 57, inclusive, of this act concerning beneficial ownership as between parties or as between parties and beneficiaries:*

1. Apply only to controversies between those persons and their creditors and other successors.

2. Do not apply to the right of those persons to payment as determined by the terms of the account.

Sec. 53. *1. During the lifetime of all parties, an account belongs to the parties in proportion to the net contribution of each to the sums on deposit, unless there is clear and convincing evidence of a different intent. As between parties married to each other, in the absence of proof otherwise, the net contribution of each is presumed to be an equal amount.*

2. A beneficiary in an account having a POD designation has no right to sums on deposit during the lifetime of any party.

3. An agent in an account with an agency designation has no beneficial right to sums on deposit.

4. As used in this section, "net contribution" of a party means the sum of all deposits to an account made by or for the party, less all payments from the account made to or for the party which have not been paid to or applied to the use of another party and a proportionate share of any charges deducted from the account, plus a proportionate share of any interest or dividends earned, whether or not included in the current balance. The term includes any deposit life insurance proceeds added to the account by reason of the death of the party whose net contribution is in question.

Sec. 54. *1. Except as otherwise provided in sections 48 to 64, inclusive, of this act or in an applicable contract, on the death of a party, sums on deposit in a multiple-party account belong to the surviving party or parties. If two or more parties survive and one is the surviving spouse of the decedent, the amount to which the decedent, immediately before death, was beneficially entitled under section 53 of this act belongs to the surviving spouse. If two or more parties survive and none is the surviving spouse of the decedent, the amount to which the decedent, immediately before death, was beneficially entitled under section 53 of this act belongs to the surviving parties in equal shares and augments the proportion to which each survivor, immediately before the decedent's death, was beneficially entitled under section 53 of this act, and the right of survivorship continues between the surviving parties.*

2. In an account with a POD designation:

(a) On the death of one of two or more parties, the rights in sums on deposit are governed by subsection 1.

(b) On the death of the sole party or the last survivor of two or more parties, sums on deposit belong to the surviving beneficiary or beneficiaries. If two or more beneficiaries survive, sums on deposit belong to them in equal and undivided shares and there is no right of survivorship in the event of the death of a beneficiary thereafter. If no beneficiary survives, sums on deposit belong to the estate of the last surviving party.

3. Sums on deposit in a single-party account without a POD designation, or in a multiple-party account that, by the terms of the account, is without right of survivorship, are not affected by the death of a party, but the amount to which the decedent, immediately before death, was beneficially entitled under section 53 of this act is transferred as part of the decedent's estate. A POD designation in a multiple-party account without right of survivorship is ineffective. For the purposes of this section, the designation of an account as a tenancy in common establishes that the account is without right of survivorship.

4. The ownership right of a surviving party or beneficiary, or of the decedent's estate, in sums on deposit is subject to requests for payment made by a party before the party's death, whether paid by the financial institution before or after the death, or unpaid. The surviving party or beneficiary, or the decedent's estate, is liable to the payee of an unpaid request for payment. The liability is limited to a proportionate share of the amount transferred under this section, to the extent necessary to discharge the request for payment.

Sec. 55. *1. The rights at death under section 54 of this act are determined by the type of account at the death of a party. The type of account may be altered by written notice given by a party to the financial institution to change the type of account or to stop or vary payment under the terms of the account. The notice must be signed by a party and received by the financial institution during the party's lifetime.*

2. A right of survivorship arising from the express terms of the account, section 54 of this act or a POD designation may not be altered by a will.

Sec. 56. *A transfer resulting from the application of section 54 of this act is effective by reason of the terms of the account involved and sections 48 to 64, inclusive, of this act and is not testamentary or subject to estate administration. Nonprobate transfers are effective with or without consideration.*

Sec. 57. *A deposit of community property in an account does not alter the community character of the property or community rights in the property, but a right of survivorship between parties married to each other arising from the express terms of the account or section 54 of this act may not be altered by a will.*

Sec. 58. *A financial institution may enter into an agreement of deposit for a multiple-party account to the same extent it may enter into an agreement of deposit for a single-party account, and may provide for a*

POD designation and an agency designation in a single-party account or a multiple-party account. A financial institution need not inquire as to the source of a deposit to an account or as to the proposed application of a payment from an account.

Sec. 59. *A financial institution, on request, may pay sums on deposit in a multiple-party account to:*

1. One or more of the parties, whether or not another party is disabled, incapacitated or deceased when payment is requested and whether or not the party making the request survives another party; or

2. The personal representative, if any, or, if there is none, the heirs or devisees of a deceased party if proof of death is presented to the financial institution showing that the deceased party was the survivor of all other persons named on the account as a party or beneficiary, unless the account is without right of survivorship under section 49 of this act.

Sec. 60. *A financial institution, on request, may pay sums on deposit in an account with a POD designation to:*

1. One or more of the parties, whether or not another party is disabled, incapacitated or deceased when the payment is requested and whether or not a party survives another party;

2. The beneficiary or beneficiaries, if proof of death is presented to the financial institution showing that the beneficiary or beneficiaries survived all persons named as parties; or

3. The personal representative, if any, or, if there is none, the heirs or devisees of a deceased party, if proof of death is presented to the financial institution showing that the deceased party was the survivor of all other persons named on the account as a party or beneficiary.

Sec. 61. *A financial institution, on request of an agent under an agency designation for an account, may pay to the agent sums on deposit in the account, whether or not a party is disabled, incapacitated or deceased when the request is made or received, and whether or not the authority of the agent terminates on the disability or incapacity of a party.*

Sec. 62. *If a financial institution is required or authorized to make payment pursuant to sections 48 to 64, inclusive, of this act to a minor designated as a beneficiary, payment may be made pursuant to Nevada's Uniform Act on Transfers to Minors, as set forth in chapter 167 of NRS, or an equivalent law in another jurisdiction.*

Sec. 63. *1. Payment made pursuant to sections 48 to 64, inclusive, of this act, in accordance with the type of account, discharges the financial institution from all claims for amounts so paid, whether or not the payment is consistent with the beneficial ownership of the account as between parties, beneficiaries or their successors. Payment may be made whether or not a party, beneficiary or agent is disabled, incapacitated or deceased when payment is requested, received or made.*

2. Protection under this section does not extend to payments made after a financial institution has received written notice from a party, or from the

personal representative, surviving spouse, or heir or devisee of a deceased party, to the effect that payments in accordance with the terms of the account, including one having an agency designation, should not be authorized, and the financial institution has had a reasonable opportunity to act on it when the payment is made. Unless the notice is withdrawn by the person giving it, the successor of any deceased party must concur in a request for payment if the financial institution is to be protected under this section. Unless a financial institution has been served with process in an action or proceeding, no other notice or other information shown to have been available to the financial institution affects its right to protection under this section.

3. A financial institution that receives written notice pursuant to this section or otherwise has reason to believe that a dispute exists as to the rights of the parties may refuse, without liability, to make payments in accordance with the terms of the account.

4. Protection of a financial institution under this section does not affect the rights of parties in disputes between themselves or their successors concerning the beneficial ownership of sums on deposit in accounts or payments made from accounts.

Sec. 64. ***A beneficiary of a nonprobate transfer takes the owner's interest in the property at death, subject to all conveyances, assignments, contracts, setoffs, licenses, easements, liens and security interests made by the owner or to which the owner was subject during the owner's lifetime. Subject to the limitation of subsection 2 of section 46:***

1. A beneficiary of a nonprobate transfer of an account with a bank, savings and loan association, credit union, broker or mutual fund takes the owner's interest in the property at death, subject to all requests for payment of money issued by the owner before death, whether paid by the transferring entity before or after the death or unpaid.

2. The beneficiary is liable to the payee of an unsatisfied request for payment, to the extent that it represents an obligation that was enforceable against the owner during the owner's lifetime. To the extent that a claim properly paid by the personal representative of the owner's estate includes the amount of an unsatisfied request for payment to the claimant, the personal representative is subrogated to the rights of the claimant as payee.

3. Each beneficiary's liability with respect to an unsatisfied request for payment is limited to the same proportionate share of the request for payment as the beneficiary's proportionate share of the account under the beneficiary designation. Beneficiaries have the right of contribution among themselves with respect to requests for payment which are satisfied after the death of the owner, to the extent the requests for payment would have been enforceable by the payees.

4. In no event may a beneficiary's liability to payees, to the owner's estate and to other beneficiaries pursuant to this section, with respect to all requests for payment, exceed the value of the account received by the

beneficiary. If a request for payment which would not have been enforceable under this section is satisfied from a beneficiary's share of the account, the beneficiary:

(a) Is not liable to any other payee or the owner's estate pursuant to this section for the amount so paid; and

(b) Has no right of contribution against other beneficiaries with respect to that amount.

Sec. 65. Chapter 132 of NRS is hereby amended by adding thereto a new section to read as follows:

"Nonprobate transfer" has the meaning ascribed to it in section 17 of this act.

Sec. 66. NRS 132.025 is hereby amended to read as follows:

132.025 As used in this title, unless the context otherwise requires, the words and terms defined in NRS 132.030 to 132.370, inclusive, ***and section 65 of this act*** have the meanings ascribed to them in those sections.

Sec. 67. NRS 132.050 is hereby amended to read as follows:

132.050 "Beneficiary," as it relates to:

1. A trust, includes a person who has a present or future interest, vested or contingent, and the owner of an interest by assignment or other transfer;

2. A charitable trust, includes any person entitled to enforce the trust;

3. An instrument designating a beneficiary, includes a beneficiary of ~~[an insurance policy or annuity, of an account designated as payable on death, of a security registered as transferable on death or of a pension, profit-sharing, retirement or similar benefit plan or other]~~ ***any*** nonprobate transfer ***;*** ~~[at death;]~~ and

4. A beneficiary designated in a governing instrument, includes a grantee of a deed, a devisee, a beneficiary of a trust, a beneficiary under a designation, a donee, an appointee or a taker in default under a power of appointment, or a person in whose favor a power of attorney or a power held in any individual, fiduciary or representative capacity is exercised,

➥ but does not include a person who receives less than $100 under a will.

Sec. 68. NRS 132.090 is hereby amended to read as follows:

132.090 "Designation of beneficiary" means a governing instrument naming a beneficiary of an insurance policy or annuity, of an account designated as payable on death, of a security registered as transferable on death, or of a pension, profit-sharing, retirement or similar benefit plan or other nonprobate transfer **.** ~~[at death.]~~

Sec. 69. NRS 132.185 is hereby amended to read as follows:

132.185 ***1.*** "Interested person" includes, without limitation, an heir, devisee, child, spouse, creditor, ***settlor,*** beneficiary and any other person having a property right in or claim against a trust estate or the estate of a decedent, including, without limitation, the Director of the Department of Health and Human Services in any case in which money is owed to the Department of Health and Human Services as a result of the payment of benefits for Medicaid. The term includes a person having priority for

appointment as a personal representative and other fiduciaries representing interested persons. The meaning as it relates to particular persons must be determined according to the particular purposes of, and matter involved in, a proceeding.

2. The term does not include:

(a) After a will has been admitted to probate, an heir, child or spouse who is not a beneficiary of the will, except for purposes of NRS 133.110, 133.160 and 137.080.

(b) A person with regard to a motion, petition or proceeding that does not affect an interest of that person.

(c) A creditor whose claim has not been accepted by the personal representative if the enforcement of the claim of the creditor is barred under the provisions of chapter 11 or 147 of NRS or any other applicable statute of limitation.

Sec. 70. Chapter 133 of NRS is hereby amended by adding thereto a new section to read as follows:

Except to the extent that it violates public policy, a testator may:

1. Make a devise conditional upon a devisee's action or failure to take action or upon the occurrence or nonoccurrence of one or more specified events; and

2. Specify the conditions or actions which would disqualify a person from serving or which would constitute cause for removal of a person who is serving in any capacity under the will, including, without limitation, as a personal representative, guardian or trustee.

Sec. 71. NRS 133.200 is hereby amended to read as follows:

133.200 ~~[When any estate is devised to any child or other relation of the testator, and the devisee dies before the testator, leaving lineal descendants, those descendants, in]~~ ***In*** the absence of a provision in the will to the contrary, ~~[take the estate so given by the will in the same manner as the devisee would have done if the devisee had survived the testator.]~~ ***if any beneficiary who is a descendant of the testator dies before the testator, leaving lineal descendants, the property, share or beneficial interest that would have been distributed or allocated to that deceased beneficiary must be distributed or allocated to that beneficiary's descendants then living, by right of representation, to be distributed under the same terms that would have applied to the deceased beneficiary.***

Sec. 72. Chapter 136 of NRS is hereby amended by adding thereto a new section to read as follows:

The provisions of section 47 of this act concerning the revocation of certain transfers based upon divorce or annulment apply to transfers of property made pursuant to a will.

Sec. 73. NRS 137.005 is hereby amended to read as follows:

137.005 1. Except as otherwise provided in subsections 3 and 4, a no-contest clause in a will must be enforced by the court.

2. A no-contest clause must be construed to carry out the testator's intent. Except to the extent the will is vague or ambiguous, extrinsic evidence is not admissible to establish the testator's intent concerning the no-contest clause. The provisions of this subsection do not prohibit such evidence from being admitted for any other purpose authorized by law. ***Except as otherwise provided in subsections 3 and 4, a devisee's share may be reduced or eliminated under a no-contest clause based upon conduct that is set forth by the testator in the will, including, without limitation, any testamentary trust established in the will. Such conduct may include, without limitation:***

(a) Conduct other than formal court action; and

(b) Conduct which is unrelated to the will itself, including, without limitation:

(1) The commencement of civil litigation against the testator's probate estate or family members;

(2) Interference with the administration of a trust or a business entity;

(3) Efforts to frustrate the intent of the testator's power of attorney; and

(4) Efforts to frustrate the designation of beneficiaries related to a nonprobate transfer by the testator.

3. Notwithstanding any provision to the contrary in the will, a devisee's share must not be reduced or eliminated if the devisee seeks only to:

(a) Enforce the terms of the will ~~[:]~~ ***or any document referenced in or affected by the will;***

(b) Enforce the devisee's legal rights in the probate proceeding; or

(c) Obtain a court ruling with respect to the construction or legal effect of the will.

4. Notwithstanding any provision to the contrary in the will, a devisee's share must not be reduced or eliminated under a no-contest clause because the devisee institutes legal action seeking to invalidate a will if the legal action is instituted in good faith and based on probable cause that would have led a reasonable person, properly informed and advised, to conclude that ~~[there was a substantial likelihood that]~~ the will ~~[was]~~ ***is*** invalid.

5. As used in this section, "no-contest clause" means one or more provisions in a will that express a directive to reduce or eliminate the share allocated to a devisee or to reduce or eliminate the distributions to be made to a devisee if the devisee takes action to frustrate or defeat the testator's intent as expressed in the will.

Sec. 74. NRS 141.120 is hereby amended to read as follows:

141.120 ~~[An]~~ ***Except as otherwise provided in section 170 of this act, an*** interested person may appear at the hearing and file allegations in writing, showing that the personal representative should be removed.

Sec. 75. Chapter 143 of NRS is hereby amended by adding thereto the provisions set forth as sections 76 to 144, inclusive, of this act.

Sec. 76. ***Sections 76 to 144, inclusive, of this act may be cited as the Independent Administration of Estates Act.***

Sec. 77. *As used in sections 76 to 144, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 78, 79 and 80 of this act have the meanings ascribed to them in those sections.*

Sec. 78. *"Court supervision" means the judicial order, authorization, approval, confirmation or instructions that would be required if authority to administer the estate had not been granted pursuant to sections 76 to 144, inclusive, of this act.*

Sec. 79. *"Full authority" means the authority to administer the estate pursuant to sections 76 to 144, inclusive, of this act that includes all the powers granted pursuant to sections 76 to 144, inclusive, of this act.*

Sec. 80. *"Limited authority" means authority to administer the estate pursuant to sections 76 to 144, inclusive, of this act that includes all the powers granted pursuant to sections 76 to 144, inclusive, of this act, except the power to do any of the following:*

1. Sell real property.

2. Exchange real property.

3. Grant an option to purchase real property.

4. Borrow money with the loan secured by an encumbrance upon real property.

Sec. 81. *The personal representative may not be granted authority to administer the estate pursuant to sections 76 to 144, inclusive, of this act if the decedent's will provides that the estate must not be administered pursuant to sections 76 to 144, inclusive, of this act.*

Sec. 82. *A special administrator may be granted authority to administer the estate pursuant to sections 76 to 144, inclusive, of this act if the special administrator is appointed with, or has been granted, the powers of a general personal representative.*

Sec. 83. *The provisions of sections 76 to 144, inclusive, of this act apply in any case where authority to administer the estate is granted pursuant to sections 76 to 144, inclusive, of this act.*

Sec. 84. *1. To obtain authority to administer the estate pursuant to sections 76 to 144, inclusive, of this act, the personal representative must petition the court for that authority in a petition for appointment of the personal representative or in a separate petition filed in the estate proceedings.*

2. The personal representative may request either of the following:

(a) Full authority to administer the estate pursuant to sections 76 to 144, inclusive, of this act; or

(b) Limited authority to administer the estate pursuant to sections 76 to 144, inclusive, of this act.

Sec. 85. *1. If the authority to administer the estate pursuant to sections 76 to 144, inclusive, of this act is requested in a petition for appointment of the personal representative, notice of the hearing on the petition must be given for the period and in the manner applicable to the petition for appointment.*

2. Where proceedings for the administration of the estate are pending at the time a petition is filed pursuant to section 84 of this act, notice of the hearing on the petition must be given for the period and in the manner provided in NRS 155.010 to all the following persons:

(a) Each person specified in NRS 155.010;

(b) Each known heir whose interest in the estate would be affected by the petition;

(c) Each known devisee whose interest in the estate would be affected by the petition; and

(d) Each person named as personal representative in the will of the decedent.

3. The notice of hearing of the petition for authority to administer the estate pursuant to sections 76 to 144, inclusive, of this act, whether included in the petition for appointment or in a separate petition, must include a statement in substantially the following form:

The petition requests authority to administer the estate under the Independent Administration of Estates Act. This will avoid the need to obtain court approval for many actions taken in connection with the estate. However, before taking certain actions, the personal representative will be required to give notice to interested persons unless they have waived notice or have consented to the proposed action. Independent administration authority will be granted unless good cause is shown why it should not be.

Sec. 86. *1. Except as otherwise provided in subsection 2, unless an interested person objects in writing at or before the hearing to the granting of authority to administer the estate pursuant to sections 76 to 144, inclusive, of this act and the court determines that the interested person has shown good cause why the authority to administer the estate under those provisions should not be granted, the court shall grant the requested authority.*

2. If the interested person has shown good cause why only limited authority should be granted, the court shall grant limited authority.

Sec. 87. *1. If the personal representative is otherwise required to file a bond and has full authority, the court shall fix the amount of the bond at not more than the estimated value of the personal property, the estimated value of the decedent's interest in the real property authorized to be sold pursuant to sections 76 to 144, inclusive, of this act and the probable annual gross income of the estate or, if the bond is to be given by personal sureties, at not less than twice that amount.*

2. If the personal representative is otherwise required to file a bond and has limited authority, the court shall fix the amount of the bond at not more than the estimated value of the personal property and the probable annual gross income of the estate or, if the bond is to be given by personal sureties, at not less than twice that amount.

Sec. 88. *1. Any interested person may file a petition requesting that the court make either of the following orders:*

(a) An order revoking the authority of the personal representative to continue administration of the estate pursuant to sections 76 to 144, inclusive, of this act; or

(b) An order revoking the full authority of the personal representative to administer the estate pursuant to sections 76 to 144, inclusive, of this act and granting the personal representative limited authority to administer the estate pursuant to sections 76 to 144, inclusive, of this act.

2. The petition must set forth the basis for the requested order.

3. The petitioner shall give notice for the period and in the manner provided in NRS 155.010.

4. If the court determines that good cause has been shown, the court shall make an order revoking the authority of the personal representative to continue administration of the estate pursuant to sections 76 to 144, inclusive, of this act. Upon the making of the order, new letters must be issued without the authority to act pursuant to sections 76 to 144, inclusive, of this act.

5. If the personal representative was granted full authority and the court determines that good cause has been shown, the court shall make an order revoking the full authority and granting the personal representative limited authority. Upon the making of the order, new letters must be issued indicating whether the personal representative is authorized to act pursuant to sections 76 to 144, inclusive, of this act and, if so authorized, whether the independent administration authority includes or excludes the power to do any of the following:

(a) Sell real property;

(b) Exchange real property;

(c) Grant an option to purchase real property; or

(d) Borrow money with the loan secured by an encumbrance upon real property.

Sec. 89. ***1. Subject to the limitations and conditions of sections 76 to 144, inclusive, of this act, a personal representative who has been granted authority to administer the estate pursuant to sections 76 to 144, inclusive, of this act may administer the estate as provided pursuant to sections 76 to 144, inclusive, of this act without court supervision, but in all other respects, the personal representative shall administer the estate in the same manner as a personal representative who has not been granted authority to administer the estate pursuant to sections 76 to 144, inclusive, of this act.***

2. Notwithstanding the provisions of subsection 1, the personal representative may obtain court supervision of any action to be taken by the personal representative during administration of the estate.

Sec. 90. ***1. Notwithstanding any provision of sections 76 to 144, inclusive, of this act to the contrary, whether the personal representative has been granted limited authority or full authority, a personal representative who has obtained authority to administer the estate pursuant***

to sections 76 to 144, inclusive, of this act is required to obtain court approval for any of the following actions:

(a) Allowance of the personal representative's compensation;

(b) Allowance of compensation of the attorney for the personal representative;

(c) Settlement of accounts;

(d) Preliminary and final distributions and discharge;

(e) Sale of property of the estate to the personal representative or to the attorney for the personal representative;

(f) Exchange of property of the estate for property of the personal representative or for property of the attorney for the personal representative;

(g) Grant of an option to purchase property of the estate to the personal representative or to the attorney for the personal representative;

(h) Allowance, payment or compromise of a claim of the personal representative, or the attorney for the personal representative, against the estate;

(i) Compromise or settlement of a claim, action or proceeding by the estate against the personal representative or against the attorney for the personal representative;

(j) Extension, renewal or modification of the terms of a debt or other obligation of the personal representative, or the attorney for the personal representative, owing to or in favor of the decedent or the estate; and

(k) Any transaction described in this section that would indirectly benefit the personal representative, a relative of the personal representative, the attorney for the personal representative or the attorney for a relative of the personal representative.

2. Notwithstanding any provision of sections 76 to 144, inclusive, of this act to the contrary, a personal representative who has obtained limited authority to administer the estate pursuant to sections 76 to 144, inclusive, of this act is required to obtain court supervision for any of the following actions:

(a) Sale of real property;

(b) Exchange of real property;

(c) Grant of an option to purchase real property; and

(d) Borrowing money with the loan secured by an encumbrance upon real property.

3. Paragraphs (e) to (k), inclusive, of subsection 1 do not apply to a transaction between the personal representative in his or her capacity as a personal representative and the personal representative as a person if all the following requirements are satisfied:

(a) The personal representative is the sole beneficiary of the estate or all the known heirs or devisees have consented to the transaction;

(b) The period for filing creditor claims has expired;

(c) No request for special notice pursuant to NRS 155.030 is on file or all persons who filed a request for special notice have consented to the transaction; and

(d) The claim of each creditor who filed a claim has been paid, settled or withdrawn, or the creditor has consented to the transaction.

4. As used in this section, "relative" has the meaning ascribed to it in NRS 163.020.

Sec. 91. *1. Subject to the conditions and limitations of sections 76 to 144, inclusive, of this act and to the duties and liabilities of the personal representative, a personal representative who has been granted authority to administer the estate pursuant to sections 76 to 144, inclusive, of this act has the powers described in:*

(a) Sections 93 to 106, inclusive, of this act with regard to powers that are exercisable only after giving a notice of proposed action;

(b) Sections 107 to 115, inclusive, of this act with regard to powers the exercise of which requires giving a notice of proposed action under certain circumstances; and

(c) Sections 116 to 127, inclusive, of this act with regard to powers that are exercisable without giving a notice of proposed action.

2. The will may restrict the powers that the personal representative may exercise pursuant to sections 76 to 144, inclusive, of this act.

Sec. 92. *1. Subject to the limitations and requirements of sections 76 to 144, inclusive, of this act, when the personal representative exercises the authority to sell property of the estate pursuant to sections 76 to 144, inclusive, of this act, the personal representative may sell the property at public auction or private sale, and with or without notice, for cash or on credit, for such price and upon such terms and conditions as the personal representative may determine.*

2. The requirements applicable to court confirmation of sales of real property referenced in subsection 1 include, without limitation:

(a) Publication of the notice of sale;

(b) Court approval of agents' and brokers' commissions;

(c) The sale being not less than 90 percent of appraised value of the real property;

(d) An examination by the court into the necessity for the sale of the real property, including, without limitation, any advantage to the estate and benefit to interested persons; and

(e) The efforts of the personal representative to obtain the highest and best price for the property reasonably attainable.

3. The requirements applicable to court confirmation of sales of real property and sales of personal property do not apply to a sale pursuant to this section.

Sec. 93. *The personal representative may exercise the powers described in sections 93 to 106, inclusive, of this act only if the requirements of sections 128 to 140, inclusive, of this act are satisfied.*

Sec. 94. *The personal representative who has full authority has the power to sell or exchange real property of the estate.*

Sec. 95. *The personal representative who has limited authority or full authority has the power to sell or incorporate any of the following:*

1. An unincorporated business or joint venture in which the decedent was engaged at the time of the decedent's death; and

2. An unincorporated business or joint venture which was wholly or partly owned by the decedent at the time of the decedent's death.

Sec. 96. *The personal representative who has limited authority or full authority has the power to abandon tangible personal property where the cost of collecting, maintaining and safeguarding the property would exceed its fair market value.*

Sec. 97. *1. Subject to the limitations provided in subsection 2 and NRS 143.180, the personal representative who has limited authority or full authority has the following powers:*

(a) The power to borrow; and

(b) The power to place, replace, renew or extend any encumbrance upon any property of the estate.

2. Only a personal representative who has full authority has the power to borrow money with the loan secured by an encumbrance upon real property.

Sec. 98. *The personal representative who has full authority has the power to grant an option to purchase real property of the estate for a period within or beyond the period of administration.*

Sec. 99. *If the will gives a person the option to purchase real or personal property and the person has complied with the terms and conditions stated in the will, the personal representative who has limited authority or full authority has the power to convey or transfer the property to the person.*

Sec. 100. *The personal representative who has limited authority or full authority has the power to convey or transfer real or personal property to complete a contract entered into by the decedent to convey or transfer the property.*

Sec. 101. *The personal representative who has limited authority or full authority has the power to allow, compromise or settle any of the following:*

1. A third-party claim to real or personal property if the decedent died in possession of, or holding title to, the property; or

2. The decedent's claim to real or personal property, title to or possession of which is held by another.

Sec. 102. *The personal representative who has limited authority or full authority has the power to make a disclaimer.*

Sec. 103. *If the time for filing creditor claims has expired and it appears that the distribution may be made without loss to creditors or injury to the estate or any interested person, the personal representative*

who has limited authority or full authority has the power to make preliminary distributions of the following:

1. Income received during administration to the persons entitled thereto pursuant to the decedent's will or by intestate succession.

2. Household furniture and furnishings, motor vehicles, clothing, jewelry and other tangible articles of a personal nature to the persons entitled to the property under the decedent's will, not to exceed an aggregate fair market value to all persons of $50,000 computed cumulatively through the date of distribution. Fair market value must be determined on the basis of the inventory and appraisal.

3. Cash to general pecuniary devisees entitled to it under the decedent's will, not to exceed $10,000 to any one person.

Sec. 104. *The personal representative who has limited authority or full authority has the power to do all the following:*

1. Allow, pay, reject or contest any claim by or against the estate.

2. Compromise or settle a claim, action or proceeding by or for the benefit of, or against, the decedent, the personal representative or the estate.

3. Release, in whole or in part, any claim belonging to the estate to the extent that the claim is uncollectible.

4. Allow a claim to be filed after the expiration of the time for filing the claim.

Sec. 105. *The personal representative who has limited authority or full authority has the power to do all the following:*

1. Commence and maintain actions and proceedings for the benefit of the estate.

2. Defend actions and proceedings against the decedent, the personal representative or the estate.

Sec. 106. *The personal representative who has limited authority or full authority has the power to extend, renew or in any manner modify the terms of an obligation owing to or in favor of the decedent or the estate.*

Sec. 107. *Except as otherwise provided in sections 107 to 115, inclusive, of this act, the personal representative who has limited authority or full authority may exercise the powers described in sections 107 to 115, inclusive, of this act without giving notice of the proposed action pursuant to sections 128 to 140, inclusive, of this act.*

Sec. 108. *1. The personal representative who has limited authority or full authority has the power to manage and control property of the estate, including making allocations and determinations pursuant to NRS 164.780 to 164.925, inclusive. Except as otherwise provided in subsection 2, such a personal representative may exercise this power without giving notice of the proposed action pursuant to sections 128 to 140, inclusive, of this act.*

2. The personal representative shall comply with the requirements of sections 128 to 140, inclusive, of this act, and shall give notice of a

proposed action in any case where a provision of sections 93 to 103, inclusive, of this act governing the exercise of a specific power so requires.

Sec. 109. *1. The personal representative who has limited authority or full authority has the power to enter into a contract to carry out the exercise of a specific power granted pursuant to sections 76 to 144, inclusive, of this act, including, without limitation, the powers granted by sections 108 and 117 of this act. Except as otherwise provided in subsection 2, the personal representative may exercise this power without giving notice of the proposed action pursuant to sections 128 to 140, inclusive, of this act.*

2. The personal representative shall comply with the requirements of sections 128 to 140, inclusive, of this act and shall give notice of a proposed action where the contract is one that by its provisions is not to be fully performed within 2 years after the date the parties entered into the contract, except that the personal representative is not required to comply with those requirements if the personal representative has the unrestricted right under the contract to terminate the contract within 2 years after the date the parties entered into the contract.

3. Nothing in this section excuses compliance with the requirements of sections 128 to 140, inclusive, of this act when the contract is made to carry out the exercise of a specific power, and the provision that grants that power requires compliance with sections 128 to 140, inclusive, of this act for the exercise of the power.

Sec. 110. *1. The personal representative who has limited authority or full authority has the power to do all the following:*

(a) Deposit money belonging to the estate in an insured account in a financial institution in this State;

(b) Invest money of the estate in any one or more of the following:

(1) Direct obligations of the United States, or of the State of Nevada, maturing not later than 1 year after the date of making the investment;

(2) Savings accounts in a bank, credit union or savings and loan association in this State, to the extent that the deposit is insured by the Federal Deposit Insurance Corporation, the National Credit Union Share Insurance Fund or a private insurer approved pursuant to NRS 678.755;

(3) Interest-bearing obligations of, or fully guaranteed by, the United States;

(4) Interest bearing obligations of the United States Postal Service or the Federal National Mortgage Association;

(5) Interest-bearing obligations of this State or of a county, city or school district of this State; or

(6) Money-market mutual funds that are invested only in obligations listed in subparagraphs (1) to (5), inclusive; or

(c) Invest money of the estate in any manner provided by the will.

2. The personal representative may exercise the powers described in subsection 1 without giving notice of a proposed action pursuant to sections 128 to 140, inclusive, of this act.

Sec. 111. *1. Subject to the partnership agreement and the applicable provisions of chapter 87 of NRS, the personal representative who has limited authority or full authority has the power to continue as a general partner in any partnership in which the decedent was a general partner at the time of death.*

2. The personal representative who has limited authority or full authority has the power to continue operation of any of the following:

(a) An unincorporated business or joint venture in which the decedent was engaged at the time of the decedent's death.

(b) An unincorporated business or joint venture which was wholly or partly owned by the decedent at the time of the decedent's death.

3. Except as otherwise provided in subsection 4, the personal representative may exercise the powers described in subsections 1 and 2 without giving notice of the proposed action pursuant to sections 128 to 140, inclusive, of this act.

4. The personal representative shall give notice of a proposed action pursuant to sections 128 to 140, inclusive, of this act if the personal representative continues as a general partner under subsection 1, or continues the operation of any unincorporated business or joint venture under subsection 2, for a period of more than 6 months after the date on which letters are first issued to a personal representative.

Sec. 112. *1. The personal representative who has limited authority or full authority has the power to pay a reasonable family allowance. Except as otherwise provided in subsection 2, the personal representative may exercise this power without giving notice of the proposed action pursuant to sections 128 to 140, inclusive, of this act.*

2. The personal representative shall give notice of a proposed action pursuant to sections 128 to 140, inclusive, of this act for all the following:

(a) Making the first payment of a family allowance.

(b) Making the first payment of a family allowance for a period commencing more than 12 months after the death of the decedent.

(c) Making any increase in the amount of the payment of a family allowance.

Sec. 113. *1. The personal representative who has limited authority or full authority has the power to enter as lessor into a lease of property of the estate for:*

(a) Any purpose, including, without limitation, exploration for and production or removal of minerals, oil, gas or other hydrocarbon substances or geothermal energy, including a community oil lease or a pooling or unitization agreement;

(b) A period within or beyond the period of administration; and

(c) Rental or royalty, or both, and upon such other terms and conditions as the personal representative may determine.

2. Except as otherwise provided in subsections 3 and 4, the personal representative may exercise this power without giving notice of the proposed action pursuant to sections 128 to 140, inclusive, of this act.

3. The personal representative shall give notice of a proposed action pursuant to sections 128 to 140, inclusive, of this act where the personal representative enters into a lease of real property for a term in excess of 1 year. If the lease gives the lessee the right to extend the term of the lease, the lease must be considered as if the right to extend has been exercised.

4. The personal representative shall give notice of a proposed action pursuant to sections 128 to 140, inclusive, of this act where the personal representative enters into a lease of personal property and the lease is one that by its provisions is not to be fully performed within 2 years after the date the parties entered into the lease, except that the personal representative is not required to give notice of a proposed action if the personal representative has the unrestricted right under the lease to terminate the lease within 2 years after the date the parties entered into the lease.

Sec. 114. *1. The personal representative who has limited authority or full authority has the power to sell personal property of the estate or to exchange personal property of the estate for other property upon such terms and conditions as the personal representative may determine. Except as otherwise provided in subsection 2, the personal representative shall give notice of the proposed action pursuant to sections 128 to 140, inclusive, of this act in exercising this power.*

2. The personal representative may exercise the power granted by subsection 1 without giving notice of the proposed action pursuant to sections 128 to 140, inclusive, of this act in case of the sale or exchange of any of the following:

(a) A security sold on an established stock or bond exchange;

(b) A security designated as a national market system security on an interdealer quotation system, or subsystem thereof, by the National Association of Securities Dealers Automated Quotations System, NASDAQ, sold through a broker-dealer registered under the Securities Exchange Act of 1934, 15 U.S.C. §§ 78a et seq., during the regular course of business of the broker-dealer;

(c) Subscription rights for the purchase of additional securities which are owned by the estate by reason of the estate's ownership in securities if those rights are sold for cash; or

(d) Personal property which is perishable if the property is sold for cash.

Sec. 115. *1. The personal representative who has limited authority or full authority has the following powers:*

(a) The power to grant an exclusive right to sell property for a period not to exceed 90 days.

(b) The power to grant to the same broker one or more extensions of an exclusive right to sell property, each extension being for a period not to exceed 90 days.

2. Except as otherwise provided in subsection 3, the personal representative may exercise the powers described in subsection 1 without giving notice of the proposed action pursuant to sections 128 to 140, inclusive, of this act.

3. The personal representative shall give notice of a proposed action pursuant to sections 128 to 140, inclusive, of this act where the personal representative grants to the same broker an extension of an exclusive right to sell property and the period of the extension, together with the periods of the original exclusive right to sell the property and any previous extensions of that right, is more than 270 days.

Sec. 116. *The personal representative who has limited authority or full authority may exercise the powers described in sections 116 to 127, inclusive, of this act without giving notice of the proposed action pursuant to sections 128 to 140, inclusive, of this act.*

Sec. 117. *In addition to the powers granted to the personal representative pursuant to sections 76 to 144, inclusive, of this act, the personal representative who has limited authority or full authority has all the powers that the personal representative could exercise without court supervision if the personal representative had not been granted authority to administer the estate pursuant to sections 76 to 144, inclusive, of this act.*

Sec. 118. *The personal representative who has limited authority or full authority has the power to convey or transfer property to carry out the exercise of a specific power granted pursuant to sections 76 to 144, inclusive, of this act.*

Sec. 119. *The personal representative who has limited authority or full authority has the power to pay all the following:*

1. Taxes and assessments.

2. Expenses incurred in the collection, care and administration of the estate.

Sec. 120. *The personal representative who has limited authority or full authority has the power to purchase an annuity from an insurer admitted to do business in this State to satisfy a devise of an annuity or other direction in the will for periodic payments to a devisee.*

Sec. 121. *The personal representative who has limited authority or full authority has the power to exercise an option right that is property of the estate.*

Sec. 122. *The personal representative who has limited authority or full authority has the power to purchase securities or commodities required to perform an incomplete contract of sale where the decedent died having sold but not delivered securities or commodities not owned by the decedent.*

Sec. 123. *The personal representative who has limited authority or full authority has the power to hold a security in the name of a nominee or in*

any other form without disclosure of the estate, so that title to the security may pass by delivery.

Sec. 124. *The personal representative who has limited authority or full authority has the power to exercise security subscription or conversion rights.*

Sec. 125. *The personal representative who has limited authority or full authority has the power to make repairs and improvements to real and personal property of the estate.*

Sec. 126. *The personal representative who has limited authority or full authority has the power to accept a deed to property which is subject to a mortgage or deed of trust in lieu of foreclosure of the mortgage or sale under the deed of trust.*

Sec. 127. *The personal representative who has limited authority or full authority has the power to give a partial satisfaction of a mortgage or to cause a partial reconveyance to be executed by a trustee under a deed of trust held by the estate.*

Sec. 128. *1. A personal representative who has been granted authority to administer the estate pursuant to sections 76 to 144, inclusive, of this act shall give notice of a proposed action as provided in sections 128 to 140, inclusive, of this act before taking the proposed action without court supervision if the provisions of sections 89 to 127, inclusive, of this act giving the personal representative the power to take the action so require. Nothing in this subsection authorizes a personal representative to take an action pursuant to sections 76 to 144, inclusive, of this act if the personal representative does not have the power to take the action pursuant to those provisions.*

2. A personal representative who has been granted authority to administer the estate pursuant to sections 76 to 144, inclusive, of this act may give notice of a proposed action as provided in sections 128 to 140, inclusive, of this act, even if the provisions of sections 89 to 127, inclusive, of this act giving the personal representative the power to take the action authorize the personal representative to take the action without giving notice of the proposed action. Nothing in this subsection requires the personal representative to give notice of a proposed action where not required under subsection 1 or authorizes a personal representative to take any action that the personal representative is not otherwise authorized to take.

Sec. 129. *Except as otherwise provided in sections 130 and 131 of this act, notice of a proposed action must be given to all the following:*

1. Each known devisee whose interest in the estate would be affected by the proposed action.

2. Each known heir whose interest in the estate would be affected by the proposed action.

3. Each person who has filed a request for special notice pursuant to NRS 155.030.

4. The Attorney General, at the Office of the Attorney General in Carson City, if any portion of the estate is to escheat to the State and its interest in the estate would be affected by the proposed action.

Sec. 130. *Notice of a proposed action need not be given to any person who consents in writing to the proposed action. The consent may be executed at any time before or after the proposed action is taken.*

Sec. 131. *1. Notice of a proposed action need not be given to any person who, in writing, waives the right to notice of a proposed action with respect to the particular proposed action. The waiver may be executed at any time before or after the proposed action is taken. The waiver must describe the particular proposed action and may waive particular aspects of the notice, such as the delivery, mailing or time requirements of section 134 of this act or the giving of the notice in its entirety for the particular proposed action.*

2. Notice of a proposed action need not be given to any person who has made either of the following:

(a) A general waiver of the right to notice of a proposed action.

(b) A waiver of the right to notice of a proposed action for all transactions of a type which includes the particular proposed action.

Sec. 132. *1. A waiver or consent pursuant to section 130 or 131 of this act may be revoked only in writing and is effective only when the writing is received by the personal representative.*

2. A copy of the revocation may be filed with the court, but the effectiveness of the revocation is not dependent upon a copy being filed with the court.

Sec. 133. *1. The notice of proposed action must state all the following:*

(a) The name and mailing address of the personal representative.

(b) The person and telephone number to call to get additional information.

(c) The action proposed to be taken, with a reasonably specific description of the action. If the proposed action involves the sale or exchange of real property or the granting of an option to purchase real property, the notice of proposed action must state the material terms of the transaction, including, if applicable, the sale price and the amount of, or method of calculating, any commission or compensation paid or to be paid to an agent or broker in connection with the transaction.

(d) The date on or after which the proposed action is to be taken.

2. The notice of proposed action must include a form for objecting to the proposed action.

Sec. 134. *The notice of proposed action must be mailed or personally delivered to each person required to be given notice of the proposed action not less than 15 days before the date specified in the notice of proposed action on or after which the proposed action is to be taken. If mailed, the notice of proposed action must be addressed to the person at the person's*

last known address. The notice of proposed action must be mailed or delivered in the manner provided in NRS 155.010.

Sec. 135. *1. Any person entitled to notice of a proposed action under section 129 of this act may object to the proposed action as provided in this section.*

2. The objection to the proposed action must be made by delivering or mailing a written objection to the proposed action to the personal representative at the address stated in the notice of proposed action. The person objecting to the proposed action may use the form provided in section 143 of this act or may make the objection in any other writing that identifies the proposed action with reasonable certainty and indicates that the person objects to the taking of the proposed action.

3. The personal representative is deemed to have notice of the objection to the proposed action if the notice is delivered or received at the address stated in the notice of proposed action before:

(a) The date specified in the notice of proposed action on or after which the proposed action is to be taken; or

(b) The date on which the proposed action is actually taken,

whichever occurs later.

Sec. 136. *1. Any person who is entitled to notice of a proposed action for a proposed action described in subsection 1 of section 128 of this act, or any person who is given notice of a proposed action described in subsection 2 of section 128 of this act, may apply to the court having jurisdiction over the proceeding for an order restraining the personal representative from taking the proposed action without court supervision. The court shall grant the requested order without requiring notice to the personal representative and without cause being shown for the order.*

2. The personal representative is deemed to have notice of the restraining order if the notice is given and served upon the personal representative in the manner provided in NRS 155.040 and 155.050, or in the manner authorized by the court, before:

(a) The date specified in the notice of proposed action on or after which the proposed action is to be taken; or

(b) The date on which the proposed action is actually taken,

whichever occurs later.

Sec. 137. *1. If the proposed action is one that would require court supervision if the personal representative had not been granted authority to administer the estate pursuant to sections 76 to 144, inclusive, of this act, and the personal representative has notice of a written objection made pursuant to section 135 of this act or a restraining order issued pursuant to section 136 of this act, the personal representative shall, if the personal representative desires to take the proposed action, petition the court to obtain approval from the court.*

2. If the proposed action is one that would not require court supervision even if the personal representative had not been granted

authority to administer the estate pursuant to sections 76 to 144, inclusive, of this act, but the personal representative has given notice of the proposed action and has notice of a written objection made pursuant to section 135 of this act or a restraining order issued pursuant to section 136 of this act, the personal representative shall, if he or she desires to take the proposed action, request instructions from the court concerning the proposed action. The personal representative may take the proposed action only under such order as may be entered by the court.

3. A person who objects to a proposed action as provided in section 135 of this act or serves a restraining order issued pursuant to section 136 of this act in the manner provided in that section must be given notice of any hearing on a petition for court authorization or confirmation of the proposed action.

Sec. 138. ***1. Except as otherwise provided in subsection 3, only a person described in section 129 of this act has a right to have the court review the proposed action after it has been taken or otherwise to object to the proposed action after it has been taken. Except as otherwise provided in subsections 2 and 3, a person described in section 129 of this act waives the right to have the court review the proposed action after it has been taken, or otherwise to object to the proposed action after it has been taken, if:***

(a) The person has been given notice of the proposed action, as provided in sections 128 to 134, inclusive, of this act, and fails to object as provided in subsection 4; or

(b) The person has waived notice of or consented to the proposed action as provided in sections 130 and 131 of this act.

2. Unless the person has waived notice of or consented to the proposed action as provided in sections 130 and 131 of this act, the court may review the action taken upon a petition filed by a person described in section 129 of this act who establishes that he or she did not actually receive the notice of proposed action before the time to object pursuant to subsection 4 expired.

3. The court may review the action of the personal representative upon a petition filed by an heir or devisee who establishes all the following:

(a) At the time notice of the proposed action was given, the heir or devisee lacked capacity to object to the proposed action or was a minor;

(b) No notice of proposed action was actually received by the guardian, conservator or other legal representative of the heir or devisee;

(c) The guardian, conservator or other legal representative did not waive notice of the proposed action; and

(d) The guardian, conservator or other legal representative did not consent to the proposed action.

4. For the purposes of this section, an objection to a proposed action is made only by one or both of the following methods:

(a) Delivering or mailing a written objection as provided in section 135 of this act within the time specified in subsection 3 of that section; or

(b) Serving a restraining order obtained pursuant to section 136 of this act in the manner prescribed and within the time specified in subsection 2 of that section.

Sec. 139. *1. The failure of the personal representative who has limited authority or full authority to comply with subsection 1 of section 128 of this act and with sections 129, 133, 134 and 137 of this act, and the taking of the action by the personal representative without such compliance, does not affect the validity of the action so taken or the title to any property conveyed or transferred to bona fide purchasers or the rights of third persons who, dealing in good faith with the personal representative, changed their position in reliance upon the action, conveyance or transfer without actual notice of the failure of the personal representative to comply with those provisions.*

2. A person dealing with the personal representative does not have any duty to inquire or investigate whether the personal representative has complied with the provisions listed in subsection 1.

Sec. 140. *1. In a case where notice of a proposed action is required by sections 128 to 140, inclusive, of this act, the court, in its discretion, may remove the personal representative from office unless the personal representative:*

(a) Gives notice of the proposed action as provided in sections 128 to 140, inclusive, of this act;

(b) Obtains a waiver of notice of the proposed action as provided in sections 128 to 140, inclusive, of this act; or

(c) Obtains a consent to the proposed action as provided in sections 128 to 140, inclusive, of this act.

2. The court, in its discretion, may remove the personal representative from office if the personal representative takes a proposed action in violation of section 137 of this act.

Sec. 141. *Letters testamentary or letters of administration pursuant to the Independent Administration of Estates Act as set forth in sections 76 to 144, inclusive, of this act may be in the following form:*

LETTERS TESTAMENTARY / ADMINISTRATION

On....., 20....., the court entered an order admitting the decedent's will to probate and appointing [.....] as personal representative of the decedent's estate. The order includes:

[ ] full authority for the personal representative to administer the estate qqqqqqq Qpursuant to the Independent Administration of Estates Act.

[ ] limited authority to administer the estate pursuant to the Independent Administration of Estates Act. (There is no authority, without court supervision, to: (1) sell or exchange real property; (2) grant an option to purchase real property; or (3) borrow money with the loan secured by an encumbrance upon real property.)

[ ] a directive for the establishment of a blocked account for sums in excess of $.....;

[ ] a directive for the posting of a bond in the sum of $.....; or

[ ] a directive for both the establishment of a blocked account for sums in excess of $..... and the posting of a bond in the sum of $.....

The personal representative, after being duly qualified, may act and has the authority and duties of a personal representative.

In testimony of which, I have this date signed these letters and affixed the seal of the court.

CLERK OF THE COURT
By: .....
Deputy Clerk
Date: .....

OATH

I, [.....], whose mailing address is....., solemnly affirm that I will faithfully perform according to law the duties of personal representative, and that all matters stated in any petition or paper filed with the court by me are true of my own knowledge or, if any matters are stated on information and belief, I believe them to be true.

.....
[ ], Personal Representative

SUBSCRIBED AND AFFIRMED
before me this..... (day) of....., 20.....
By:.....
NOTARY PUBLIC
County of....., State of Nevada

Sec. 142. *A notice of proposed action pursuant to the Independent Administration of Estates Act as set forth in sections 76 to 144, inclusive, of this act may be in the following form:*

NOTICE OF PROPOSED ACTION
Independent Administration of Estates Act

1. The personal representative of the estate of the deceased is.....

2. The personal representative has authority to administer the estate without court supervision pursuant to the Independent Administration of Estates Act:

[ ] with full authority pursuant to the Independent Administration of Estates Act; or

[ ] with limited authority pursuant to the Independent Administration of Estates Act. (There is no authority, without court

supervision, to: (1) sell or exchange real property; (2) grant an option to purchase real property; or (3) borrow money with the loan secured by an encumbrance upon real property.)

3. On or after.....(date), the personal representative will take the following action without court supervision:

Describe in specific terms the proposed action.

If the action involves the sale or exchange of or a grant of an option to purchase real property, provide the sale price, the amount of or method of calculating any commission or compensation of the real estate broker and the value of the property in the probate inventory.

NOTICE: A sale of real property without court supervision means that the sale will NOT be presented to the court for confirmation at a hearing at which higher bids for the property may be presented and the property sold to the highest bidder.

4. If you OBJECT to the proposed action:

(a) Sign the objection form provided with this Notice of Proposed Action and deliver or mail it to the personal representative at the following address ..... (specify name and address);

(b) Send your own written objection to the address set forth in paragraph (a), identifying the proposed action and state that you object to it; or

(c) Apply to the court for an order preventing the personal representative from taking the proposed action without court supervision.

NOTE: Your written objection or the court order must be received by the personal representative before the date indicated in item 3 or before the proposed action is taken, whichever is later. If you object, the personal representative may take the proposed action only under court supervision.

5. If you approve of the proposed action, you may sign the consent form provided with this Notice of Proposed Action and return it to the address set forth in paragraph (a) of item 4. If you do not object in writing or obtain a court order, you will be treated as if you consented to the proposed action.

6. If you need more INFORMATION, call: ..... (name) ..... (telephone).

Date:……..

……

Personal representative

Sec. 143. ***An objection to a proposed action pursuant to the Independent Administration of Estates Act as set forth in sections 76 to 144, inclusive, of this act may be in the following form:***

OBJECTION TO PROPOSED ACTION

I OBJECT to the action proposed in item 3 of the Notice of Proposed Action.

NOTICE: Sign and return this form – all pages – to the address set forth in paragraph (a) of item 4 of the Notice of Proposed Action. This form must be received before the date set forth in item 3 of the Notice of Proposed Action, or before the proposed action is taken, whichever is later. (You may want to use certified mail, with return receipt requested. Make a copy of this form for your records.)

Date:.....

…….. ***……..***

Type or print name ***Signature of Objector***

Sec. 144. ***Consent to a proposed action pursuant to the Independent Administration of Estates Act as set forth in sections 76 to 144, inclusive, of this act may be in the following form:***

CONSENT TO PROPOSED ACTION

I CONSENT to the action proposed in item 3 of the Notice of Proposed Action.

NOTICE: You may indicate your consent by signing and returning this form – all pages – to the address set forth in paragraph (a) of item 4 of the Notice of Proposed Action. If you do not object in writing or obtain a court order, you will be treated as if you consent to the proposed action.

Date:.....

…… ***…….***

Type or print name ***Signature of Objector***

Sec. 145. NRS 143.050 is hereby amended to read as follows:

143.050 ~~[~~After~~]~~ ***Except as otherwise provided in section 111 of this act, after*** notice given as provided in NRS 155.010 or in such other manner as the court directs, the court may authorize the personal representative to continue the operation of the decedent's business to such an extent and subject to such restrictions as may seem to the court to be for the best interest of the estate and any interested persons.

Sec. 146. NRS 143.140 is hereby amended to read as follows:

143.140 1. ~~[~~If~~]~~ ***Except as otherwise provided in section 101, 104, 106, 126 or 127 of this act, if*** a debtor of the decedent is unable to pay all debts,

the personal representative, with the approval of the court, may give the person a discharge upon such terms as may appear to the court to be for the best interest of the estate.

2. A compromise may also be authorized by the court when it appears to be just and for the best interest of the estate.

3. The court may also authorize the personal representative, on such terms and conditions as may be approved by it, to extend or renew, or in any manner modify the terms of, any obligation owing to or running in favor of the decedent or the estate of the decedent.

4. To obtain approval or authorization the personal representative shall file a petition showing the advantage of the settlement, compromise, extension, renewal or modification. The clerk shall set the petition for hearing by the court, and the petitioner shall give notice for the period and in the manner required by NRS 155.010.

Sec. 147. NRS 143.175 is hereby amended to read as follows:

143.175 1. ~~[A]~~ ***Except as otherwise provided in section 110 of this act, a*** personal representative may, with court approval:

(a) Invest the property of the estate, make loans and accept security therefor, in the manner and to the extent authorized by the court; and

(b) Exercise options of the estate to purchase or exchange securities or other property.

2. A personal representative may, without prior approval of the court, invest the property of the estate in:

(a) Savings accounts in a bank, credit union or savings and loan association in this State, to the extent that the deposit is insured by the Federal Deposit Insurance Corporation, the National Credit Union Share Insurance Fund or a private insurer approved pursuant to NRS 678.755;

(b) Interest-bearing obligations of, or fully guaranteed by, the United States;

(c) Interest-bearing obligations of the United States Postal Service or the Federal National Mortgage Association;

(d) Interest-bearing obligations of this State or of a county, city or school district of this State;

(e) Money-market mutual funds that are invested only in obligations listed in paragraphs (a) to (d), inclusive; or

(f) Any other investment authorized by the will of the decedent.

Sec. 148. Chapter 150 of NRS is hereby amended by adding thereto the provisions set forth as sections 149 and 150 of this act.

Sec. 149. ***If the estate is set aside pursuant to NRS 146.070, the court may order reasonable attorney's fees and costs to be paid from the assets being set aside directly to the attorney for the petitioner.***

Sec. 150. ***1. Notwithstanding any provision to the contrary in the will, a personal representative who is an attorney retained to perform services for the personal representative may receive compensation for***

services as a personal representative or for services as an attorney for the personal representative, but not both, unless the court:

(a) Approves a different method of compensation in advance; and

(b) Finds that method of compensation to be for the advantage, benefit and best interests of the decedent's estate.

2. The provisions of this section shall not be construed to disallow compensation for services rendered by an attorney as a personal representative if:

(a) Such services are included as part of the legal services of the attorney in a manner consistent with NRS 150.060; and

(b) The attorney does not receive compensation pursuant to subsection 1 of NRS 150.020.

3. The services which are rendered by a personal representative who is an attorney and for which compensation is requested pursuant to this section include services rendered by an employee, associate or partner in the same firm of such an attorney and services rendered by an affiliate of such an attorney.

4. As used in this section, "affiliate" has the meaning ascribed to it in NRS 163.020.

Sec. 151. NRS 150.010 is hereby amended to read as follows:

150.010 ~~[The]~~ ***A*** personal representative must be allowed all necessary expenses in the administration and settlement of the estate, and fees for services as provided by law, but if the decedent by will makes some other provision for the compensation of the personal representative, this shall be deemed a full compensation for those services, unless within 60 days after his or her appointment the personal representative files a renunciation, in writing, of all claim for the compensation provided by the will.

Sec. 152. NRS 150.050 is hereby amended to read as follows:

150.050 1. A personal representative, at any time after the issuance of letters and upon such notice to the interested persons as the court requires, may apply to the court for an allowance upon his or her fees.

2. On the hearing, the court shall enter an order allowing ~~[the]~~ ***a*** personal representative ***who applied to the court pursuant to subsection 1*** such portion of the fees, for services rendered up to that time, as the court deems proper, and the portion so allowed may be charged against the estate.

Sec. 153. NRS 150.060 is hereby amended to read as follows:

150.060 1. ~~[Attorneys for personal representatives are]~~ ***An attorney for a personal representative is*** entitled to reasonable compensation for ~~[their]~~ ***the attorney's*** services, to be paid out of the decedent's estate.

2. An attorney for a personal representative may be compensated based on:

(a) The applicable hourly rate of the attorney;

(b) The value of the estate accounted for by the personal representative;

(c) An agreement as set forth in subsection 4 of NRS 150.061; or

(d) Any other method preapproved by the court pursuant to a request in the initial petition for the appointment of the personal representative.

3. If the attorney is requesting compensation based on the hourly rate of the attorney, he or she may include, as part of that compensation for ordinary services, a charge for legal services or paralegal services performed by a person under the direction and supervision of the attorney.

4. If the attorney is requesting compensation based on the value of the estate accounted for by the personal representative, the allowable compensation of the attorney for ordinary services must be determined as follows:

(a) For the first $100,000, at the rate of 4 percent;

(b) For the next $100,000, at the rate of 3 percent;

(c) For the next $800,000, at the rate of 2 percent;

(d) For the next $9,000,000, at the rate of 1 percent;

(e) For the next $15,000,000, at the rate of 0.5 percent; and

(f) For all amounts above $25,000,000, a reasonable amount to be determined by the court.

5. Before an attorney may receive compensation based on the value of the estate accounted for by the personal representative, the personal representative must sign a written agreement as required by subsection 8. The agreement must be prepared by the attorney and must include detailed information, concerning, without limitation:

(a) The schedule of fees to be charged by the attorney;

(b) The manner in which compensation for extraordinary services may be charged by the attorney; and

(c) The fact that the court is required to approve the compensation of the attorney pursuant to subsection 8 before the personal representative pays any such compensation to the attorney.

6. For the purposes of determining the compensation of an attorney pursuant to subsection 4, the value of the estate accounted for by the personal representative:

(a) Is the total amount of the appraisal of property in the inventory, plus:

(1) The gains over the appraisal value on sales; and

(2) The receipts, less losses from the appraisal value on sales; and

(b) Does not include encumbrances or other obligations on the property of the estate.

7. In addition to the compensation for ordinary services of an attorney set forth in this section, an attorney may also be entitled to receive compensation for extraordinary services as set forth in NRS 150.061.

8. The compensation of the attorney must be fixed by written agreement between the personal representative and the attorney, and is subject to approval by the court, after petition, notice and hearing as provided in this section. If the personal representative and the attorney fail to reach agreement, or if the attorney is also the personal representative, the amount must be determined and allowed by the court. The petition requesting

approval of the compensation of the attorney must contain specific and detailed information supporting the entitlement to compensation, including:

(a) If the attorney is requesting compensation based upon the value of the estate accounted for by the personal representative, the attorney must provide the manner of calculating the compensation in the petition; and

(b) If the attorney is requesting compensation based on an hourly basis, or is requesting compensation for extraordinary services, the attorney must provide the following information to the court:

(1) Reference to time and hours;

(2) The nature and extent of services rendered;

(3) Claimed ordinary and extraordinary services;

(4) The complexity of the work required; and

(5) Other information considered to be relevant to a determination of entitlement.

9. The clerk shall set the petition for hearing, and the petitioner shall give notice of the petition to the personal representative if he or she is not the petitioner and to all known heirs in an intestacy proceeding and devisees in a will proceeding. The notice must be given for the period and in the manner provided in NRS 155.010. If a complete copy of the petition is not attached to the notice, the notice must include a statement of the amount of the fee which the court will be requested to approve or allow.

10. On similar petition, notice and hearing, the court may make an allowance to an attorney for services rendered up to a certain time during the proceedings. If the attorney is requesting compensation based upon the value of the estate as accounted for by the personal representative, the court may apportion the compensation as it deems appropriate given the amount of work remaining to close the estate.

11. An heir or devisee may file objections to a petition filed pursuant to this section, and the objections must be considered at the hearing.

12. Except as otherwise provided in this subsection, an attorney for minor, absent, unborn, incapacitated or nonresident heirs is entitled to compensation primarily out of the estate of the distributee so represented by the attorney in those cases and to such extent as may be determined by the court. If the court finds that all or any part of the services performed by the attorney for the minor, absent, unborn, incapacitated or nonresident heirs was of value to the decedent's entire estate as such and not of value only to those heirs, the court shall order that all or part of the attorney's fee be paid to the attorney out of the money of the decedent's entire estate as a general administrative expense of the estate. The amount of these fees must be determined in the same manner as the other attorney's fees provided for in this section.

Sec. 154. NRS 150.063 is hereby amended to read as follows:

150.063 ***1.*** If there are two or more attorneys for a personal representative, the compensation must be apportioned among the attorneys

by the court according to the services actually rendered by each attorney unless otherwise provided in an agreement by the attorneys.

2. If there are two or more personal representatives and the personal representatives have separate legal representation, each attorney for each personal representative is entitled to have the compensation for attorneys apportioned among the attorneys by the court according to the services actually rendered by each attorney unless otherwise provided in an agreement by the attorneys.

Sec. 155. NRS 150.065 is hereby amended to read as follows:

150.065 1. At any time after the expiration of the period for creditors of the estate to file their claims in a summary or full administration pursuant to NRS 145.060 or 147.040, as applicable, ~~[the]~~ ***a*** personal representative or ~~[the]~~ ***an*** attorney for ~~[the]~~ ***a*** personal representative may file a petition with the court for an allowance upon the compensation of the attorney for the personal representative.

2. The clerk shall set the petition for hearing and the petitioner shall give notice of the petition to the personal representative if he or she is not the petitioner and to all known heirs in an intestacy proceeding and devisees in a will proceeding. The notice must be given for the period and in the manner provided in NRS 155.010. If a complete copy of the petition is not attached to the notice, the notice must include a statement of the amount of the compensation which the court will be requested to approve or allow and the manner in which the compensation was determined.

3. On the hearing, the court may enter an order allowing the portion of the compensation of the attorney for the personal representative for such services rendered up to that time as the court deems proper. The order must authorize the personal representative to charge against the estate the amount of compensation allowed by the court pursuant to this subsection.

Sec. 156. Chapter 153 of NRS is hereby amended by adding thereto a new section to read as follows:

Except as otherwise provided in a will establishing a testamentary trust, a person holding a power of appointment pursuant to a testamentary trust does not owe a fiduciary duty to any person and is not liable to any person with respect to the exercise or nonexercise of the power of appointment.

Sec. 157. NRS 153.031 is hereby amended to read as follows:

153.031 1. A trustee or beneficiary may petition the court regarding any aspect of the affairs of the trust, including:

(a) Determining the existence of the trust;

(b) Determining the construction of the trust instrument;

(c) Determining the existence of an immunity, power, privilege, right or duty;

(d) Determining the validity of a provision of the trust;

(e) Ascertaining beneficiaries and determining to whom property is to pass or be delivered upon final or partial termination of the trust, to the extent not provided in the trust instrument;

(f) Settling the accounts and reviewing the acts of the trustee, including the exercise of discretionary powers;

(g) Instructing the trustee;

(h) Compelling the trustee to report information about the trust or account, to the beneficiary;

(i) Granting powers to the trustee;

(j) Fixing or allowing payment of the trustee's compensation, or reviewing the reasonableness of the trustee's compensation;

(k) Appointing or removing a trustee;

(l) Accepting the resignation of a trustee;

(m) Compelling redress of a breach of the trust;

(n) Approving or directing the modification or termination of the trust;

(o) Approving or directing the combination or division of trusts;

(p) Amending or conforming the trust instrument in the manner required to qualify the estate of a decedent for the charitable estate tax deduction under federal law, including the addition of mandatory requirements for a charitable-remainder trust;

(q) Compelling compliance with the terms of the trust or other applicable law; and

(r) Permitting the division or allocation of the aggregate value of community property assets in a manner other than on a pro rata basis.

2. A petition under this section must state the grounds of the petition and the name and address of each interested person, including the Attorney General if the petition relates to a charitable trust, and the relief sought by the petition. Except as otherwise provided in this chapter, the clerk shall set the petition for hearing and the petitioner shall give notice for the period and in the manner provided in NRS 155.010. The court may order such further notice to be given as may be proper.

3. If the court grants any relief to the petitioner, the court may, in its discretion, order any or all of the following additional relief if the court determines that such additional relief is appropriate to redress or avoid an injustice:

(a) Order a reduction in the trustee's compensation.

(b) Order the trustee to pay to the petitioner or any other party all reasonable costs incurred by the party to adjudicate the affairs of the trust pursuant to this section, including, without limitation, reasonable attorney's fees. **[**~~The~~**]** ***Except as otherwise provided in section 193 of this act, the*** trustee may not be held personally liable for the payment of such costs unless the court determines that the trustee was negligent in the performance of or breached his or her fiduciary duties.

Sec. 158. Chapter 155 of NRS is hereby amended by adding thereto the provisions set forth as sections 159 to 170, inclusive, of this act.

Sec. 159. ***As used in sections 159 to 169, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 160***

to 166, inclusive, of this act have the meanings ascribed to them in those sections.

Sec. 160. *"Caregiver" means any person who has provided significant assistance or services to or for a person, regardless of whether the person is incompetent, incapacitated or of limited capacity and regardless of whether the person is being compensated for the assistance or services provided.*

Sec. 161. *"Independent attorney" means an attorney, other than a attorney who:*

1. Is described in subsection 2 of section 167 of this act; or

2. Has served as an attorney for a person who is described in subsection 2 of section 167 of this act.

Sec. 162. *"Related to, affiliated with or subordinate to any person" includes, without limitation:*

1. The person's spouse;

2. A relative of the person within the third degree of consanguinity or the spouse of such a relative;

3. A co-owner of a business with the person;

4. An employee of a business if the person:

(a) Has an ownership interest in the business; or

(b) Holds a supervisory position with the business;

5. An attorney or employee of a law firm for which the person is or was a client; and

6. Any entity owned or controlled by a person described in subsections 1 to 5, inclusive.

Sec. 163. *"Spouse" includes a domestic partner as defined in NRS 122A.030.*

Sec. 164. *"Transfer instrument" means the legal document intended to effectuate a transfer effective on or after the transferor's death and includes, without limitation, a will, trust, deed, form designated as payable on death, contract or other beneficiary designation form.*

Sec. 165. *"Transferee" means a devisee, a beneficiary of trust, a grantee of a deed, including a grantee of a deed pursuant to NRS 111.109, and any other person designated in a transfer instrument to receive a nonprobate transfer.*

Sec. 166. *"Transferor" means a testator, settlor, grantor of a deed and a decedent whose interest is transferred pursuant to a nonprobate transfer.*

Sec. 167. *1. To the extent the court finds that a transfer was the product of fraud, duress or undue influence, the transfer is void and each transferee who is found responsible for the fraud, duress or undue influence shall bear the costs of the proceedings, including, without limitation, reasonable attorney's fees.*

2. Except as otherwise provided in section 168 of this act, a transfer is presumed to be void if the transfer is effective on or after a transferor's death and the transfer is to a transferee who is:

(a) The person who drafted the transfer instrument;

(b) A caregiver of the transferor;

(c) A person who arranged for or paid for the drafting of the transfer instrument; or

(d) A person who is related to, affiliated with or subordinate to any person described in paragraph (a), (b) or (c).

Sec. 168. *The presumption established by section 167 of this act does not apply:*

1. To a transfer of property under a will if the transferee is an heir of the testator whose share in the estate of the testator under the terms of the testator's will is not greater than the share the transferee would be entitled to pursuant to chapter 134 of NRS if the testator had died intestate.

2. Except as otherwise provided in this subsection, if the court determines, upon clear and convincing evidence, that the transfer was not the product of fraud, duress or undue influence. The determination of the court pursuant to this subsection must not be based solely upon the testimony of a person described in subsection 2 of section 167 of this act.

3. If the transfer instrument is reviewed by an independent attorney who:

(a) Counsels the transferor about the nature and consequences of the intended transfer;

(b) Attempts to determine if the intended consequence is the result of fraud, duress or undue influence; and

(c) Signs and delivers to the transferor an original certificate of that review in substantially the following form:

CERTIFICATE OF INDEPENDENT REVIEW

I,..... (attorney's name), have reviewed..... (name of transfer instrument) and have counseled my client,..... (name of client), on the nature and consequences of the transfer or transfers of property to..... (name of transferee) contained in the transfer instrument. I am disassociated from the interest of the transferee to the extent that I am in a position to advise my client independently, impartially and confidentially as to the consequences of the transfer. On the basis of this counsel, I conclude that the transfer or transfers of property in the transfer instrument that otherwise might be invalid pursuant to section 167 of this act are valid because the transfer or transfers are not the product of fraud, duress or undue influence.

…….. …….

(Name of Attorney) (Date)

4. To a transferee that is:

(a) A federal, state or local public entity; or

(b) An entity that is recognized as exempt under section 501(c)(3) or 501(c)(19) of the Internal Revenue Code, 26 U.S.C. § 501(c)(3) or

501(c)(19), or a trust holding an interest for such an entity but only to the extent of the interest of the entity or the interest of the trustee of the trust.

5. A transfer of property if the fair market value of the property does not exceed $3,000.

Sec. 169. ***The provisions of sections 167 and 168 of this act do not abrogate or limit any principle or rule of the common law, unless the common law principle or rule is inconsistent with the provisions of sections 167 and 168 of this act.***

Sec. 170. ***1. The court may find that a person is a vexatious litigant if the person files a petition, objection, motion or other pleading which is without merit or intended to harass or annoy the personal representative or a trustee. In determining whether the person is a vexatious litigant, the court may take into consideration whether the person has previously filed pleadings in a proceeding that were without merit or intended to harass or annoy a fiduciary.***

2. If a court finds that a person is a vexatious litigant pursuant to subsection 1, the court may impose sanctions on the person in an amount sufficient to reimburse the estate or trust for all or part of the expenses incurred by the estate or trust to respond to the petition, objection, motion or other pleading and for any other pecuniary losses which are associated with the actions of the vexatious litigant. The court may make an order directing entry of judgment for the amount of such sanctions.

3. The court may deny standing to an interested party to bring a petition or motion if the court finds that:

(a) The subject matter of the petition or motion is unrelated to the interests of the interested party;

(b) The interests of the interested party are minimal as it relates to the subject matter of the petition or motion; or

(c) The interested party is a vexatious litigant pursuant to subsection 1.

4. If a court finds that a person is a vexatious litigant pursuant to subsection 1, that person does not have standing to:

(a) Object to the issuance of letters; or

(b) Request the removal of a personal representative or a trustee.

Sec. 171. NRS 155.030 is hereby amended to read as follows:

155.030 1. At any time after the issuance of letters in the estate of a decedent, an interested person or the person's attorney may serve upon the personal representative or the personal representative's attorney, and file with the clerk of the court wherein administration of the estate is pending, a written request stating that the interested person desires special notice and a copy of any further filings, steps or proceedings in the administration of the estate.

2. The request must state the post office address of the requester or the requester's attorney, and thereafter a brief notice of the filing of any returns, petitions, accounts, reports or other proceedings, together with a copy of the filing, must be addressed to that person or the person's attorney, at his or her

stated mailing address, and deposited with the United States Postal Service with the postage thereon prepaid, within 2 days after each is filed, or personal service of the notice may be made on the person or the person's attorney within the 2 days, and the personal service is equivalent to deposit in the post office, and proof of mailing or of personal service must be filed with the clerk before the hearing of the proceeding.

3. If, upon the hearing, it appears to the satisfaction of the court that the notice has been regularly given, the court shall so find in its order and the order is final and conclusive upon all persons.

4. An interested person in a testamentary trust or its property, or the attorney for that person, may serve upon the trustee or the trustee's attorney, and file with the clerk of the court wherein administration of the trust is pending, a written request stating that he or she desires notice of the filing of accounts and petitions in connection with the trust. The provisions of subsections 2 and 3 apply to such a request.

5. ***An attorney whose only appearance on behalf of an interested person has been the filing of a written request for notice pursuant to subsection 1 may, without further court order:***

(a) Terminate his or her services;

(b) Serve upon the personal representative or the personal representative's attorney an amended written request for notice directing that any further notice be sent to the interested person at his or her last known address; and

(c) File the amended written request for notice with the clerk of the court wherein administration of the estate is pending.

6. Any filing of a motion for substitution of counsel or order authorizing withdrawal of counsel of record for an attorney who has filed a written request for notice on behalf of an interested person pursuant to subsection 1 shall be deemed to be an amended written request for notice as described in subsection 5, and any further notice must be sent to the address provided in the motion for substitution of counsel or the order authorizing the withdrawal of counsel, as applicable.

7. On the filing of an inventory or a inventory or a supplementary inventory, the personal representative shall mail a copy to each person who has requested special notice.

Sec. 172. NRS 155.140 is hereby amended to read as follows:

155.140 1. In a proceeding involving the estate of a decedent or a testamentary trust:

(a) Interests to be affected must be described in pleadings that give reasonable information to owners by name or class, by reference to the instrument creating the interest or in another appropriate manner.

(b) An order binding the sole holder or all co-holders of a power of revocation or presently exercisable general power of appointment, including a power of amendment, binds other persons to the extent their interests, as objects, takers in default or otherwise, are subject to the power.

(c) To the extent there is no conflict of interest between them or among persons represented:

(1) An order binding a guardian of the estate binds the person whose estate the guardian controls.

(2) An order binding a guardian of the person binds the ward if no separate guardian of the estate of the ward has been appointed.

(3) An order binding a trustee binds beneficiaries of the trust in a proceeding to probate a will establishing or adding to the trust, to review the acts or accounts of a previous fiduciary, or involving creditors or other third parties.

(4) An order binding a personal representative binds persons interested in the undistributed assets of the estate of a decedent in an action or proceeding by or against the estate.

(d) If there is no conflict of interest and no guardian of the estate has been appointed, a parent may represent his or her minor child.

(e) An unborn or unascertained person who is not otherwise represented is bound by an order to the extent his or her interest is adequately represented by another person having a substantially identical interest in the proceeding.

(f) Notice as prescribed by this title must be given to every interested person or to one who can bind an interested person under ~~[subsection]~~ ***paragraph*** (b), (c) or (d). Notice may be given both to a person and to another who can bind him or her.

(g) Notice is given to unborn or unascertained persons who are not represented under ~~[subsection]~~ ***paragraph*** (b), (c) or (d) by giving notice to all known persons whose interest in the proceeding is substantially identical to that of the unborn or unascertained persons.

(h) At any stage of a proceeding, the court may appoint a guardian ad litem or an attorney to represent the interest of a minor, an incapacitated, unborn or unascertained person, or a person whose identity or address is unknown, if the court determines that representation of the interest would otherwise be inadequate. If not precluded by conflict of interest, a guardian ad litem or an attorney may be appointed to represent several persons or interests. The court shall set out its reasons for appointing a guardian ad litem or an attorney as a part of the record of the proceeding.

2. If an attorney has been appointed for minors or other interested persons, the attorney, until another may be appointed, shall represent the person or persons for whom the attorney has been appointed in all subsequent proceedings.

3. In any proceeding filed pursuant to this title, the court has jurisdiction and authority to fix and adjudicate fees and costs due an attorney from his or her client for services performed by the attorney in connection with the proceeding.

Sec. 173. NRS 155.170 is hereby amended to read as follows:

155.170 ~~[The testimony of a witness or witnesses in other counties of this State, or in other jurisdictions of the United States, or in foreign~~

~~countries, may be taken by deposition as provided in the Nevada Rules of Civil Procedure.]~~ ***Unless otherwise ordered by the court, upon the filing of a proceeding pursuant to this title and service of the notice of hearing to other interested persons, an interested person who has appeared in the proceeding and given notice of his or her appearance to other interested persons:***

1. May obtain discovery, perpetuate testimony or conduct examinations in any manner authorized by law or by the Nevada Rules of Civil Procedure relevant to such proceeding; and

2. Is not required to satisfy any rule requiring the initial disclosure of experts, attendance at an early case conference or the filing of a report on an early case conference as a prerequisite to commencing an action described in subsection 1.

Sec. 174. NRS 159.065 is hereby amended to read as follows:

159.065 1. Except as otherwise provided by law, every guardian shall, before entering upon his or her duties as guardian, execute and file in the guardianship proceeding a bond, with sufficient surety or sureties, in such amount as the court determines necessary for the protection of the ward and the estate of the ward, and conditioned upon the faithful discharge by the guardian of his or her authority and duties according to law. The bond must be approved by the clerk. Sureties must be jointly and severally liable with the guardian and with each other.

2. If a banking corporation, as defined in NRS 657.016, doing business in this state, is appointed guardian of the estate of a ward, no bond is required of the guardian, unless specifically required by the court.

3. Joint guardians may unite in a bond to the ward or wards, or each may give a separate bond.

4. If there are no assets of the ward, no bond is required of the guardian.

5. If a person ~~[is appointed in a will]~~ ***has been nominated*** to be guardian ***in a will, power of attorney or other written instrument that has been acknowledged before two disinterested witnesses or acknowledged before a notary public*** and the will ***, power of attorney or other written instrument*** provides that no bond is to be required of the guardian, the court may direct letters of guardianship to issue to the guardian after the guardian:

(a) Takes and subscribes the oath of office; and

(b) Files the appropriate documents which contain the full legal name and address of the guardian.

6. In lieu of executing and filing a bond, the guardian may request that access to certain assets be blocked. The court may grant the request and order letters of guardianship to issue to the guardian if sufficient evidence is filed with the court to establish that such assets are being held in a manner that prevents the guardian from accessing the assets without a specific court order.

Sec. 175. Chapter 162 of NRS is hereby amended by adding thereto a new section to read as follows:

1. An attorney who represents a fiduciary does not, solely as a result of such attorney-client relationship, assume a corresponding duty of care or other fiduciary duty to a principal.

2. Nothing in this section limits a principal, fiduciary or successor fiduciary's ability to assert appropriate claims against the attorney resulting from the negligent or intentional acts of the attorney.

3. As used in this section:

(a) "Fiduciary" has the meaning ascribed to it in NRS 162.020.

(b) "Principal" has the meaning ascribed to it in NRS 162.020.

Sec. 176. Chapter 163 of NRS is hereby amended by adding thereto a new section to read as follows:

Except to the extent that it violates public policy, a settlor may:

1. Make a devise conditional upon a beneficiary's action or failure to take action or upon the occurrence or nonoccurrence of one or more specified events; and

2. Specify the conditions or actions which would disqualify a person from serving or which would constitute cause for removal of a person who is serving in any capacity under the trust, including, without limitation, as a trustee, trust protector or trust adviser.

Sec. 177. NRS 163.00195 is hereby amended to read as follows:

163.00195 1. Except as otherwise provided in subsections 3 and 4, a no-contest clause in a trust must be enforced by the court.

2. A no-contest clause must be construed to carry out the settlor's intent. Except to the extent the no-contest clause in the trust is vague or ambiguous, extrinsic evidence is not admissible to establish the settlor's intent concerning the no-contest clause. The provisions of this subsection do not prohibit such evidence from being admitted for any other purpose authorized by law. ***Except as otherwise provided in subsections 3 and 4, a beneficiary's share may be reduced or eliminated under a no-contest clause based upon conduct that is set forth by the settlor in the trust. Such conduct may include, without limitation:***

(a) Conduct other than formal court action; and

(b) Conduct which is unrelated to the trust itself, including, without limitation:

(1) The commencement of civil litigation against the settlor's probate estate or family members;

(2) Interference with the administration of another trust or a business entity;

(3) Efforts to frustrate the intent of the settlor's power of attorney; and

(4) Efforts to frustrate the designation of beneficiaries related to a nonprobate transfer by the settlor.

3. Notwithstanding any provision to the contrary in the trust, a beneficiary's share must not be reduced or eliminated if the beneficiary seeks only to:

(a) Enforce the terms of the trust ***, any document referenced in or affected by the trust,*** or any other trust-related instrument;

(b) Enforce the beneficiary's legal rights related to the trust ***, any document referenced in or affected by the trust,*** or any trust-related instrument; or

(c) Obtain a court ruling with respect to the construction or legal effect of the trust ***, any document referenced in or affected by the trust,*** or any other trust-related instrument.

4. Notwithstanding any provision to the contrary in the trust, a beneficiary's share must not be reduced or eliminated under a no-contest clause in a trust because the beneficiary institutes legal action seeking to invalidate a trust ***, any document referenced in or affected by the trust,*** or any other trust-related instrument if the legal action is instituted in good faith and based on probable cause that would have led a reasonable person, properly informed and advised, to conclude that ~~[there was a substantial likelihood that]~~ the trust ***, any document referenced in or affected by the trust,*** or other trust-related instrument ~~[was]~~ ***is*** invalid.

5. As used in this section:

(a) "No-contest clause" means one or more provisions in a trust that express a directive to reduce or eliminate the share allocated to a beneficiary or to reduce or eliminate the distributions to be made to a beneficiary if the beneficiary takes action to frustrate or defeat the settlor's intent as expressed in the trust or in a trust-related instrument.

(b) "Trust" means the original trust instrument and each amendment made pursuant to the terms of the original trust instrument.

(c) "Trust-related instrument" means any document purporting to transfer property to or from the trust or any document made pursuant to the terms of the trust purporting to direct the distribution of trust assets or to affect the management of trust assets, including, without limitation, documents that attempt to exercise a power of appointment.

Sec. 178. NRS 163.004 is hereby amended to read as follows:

163.004 1. A trust may be created for any purpose that is not illegal or against public policy.

2. ~~[A trust created for an indefinite or general purpose is not invalid for that reason if it can be determined with reasonable certainty that a particular use of the trust property is within that purpose.]~~ ***Except as otherwise provided by a specific statute, federal law or common law, the terms of a trust instrument may vary the rights and interests of beneficiaries in any manner that is not illegal or against public policy, including, without limitation, specifying:***

(a) The grounds for removing a fiduciary;

(b) The circumstances, if any, in which the fiduciary must diversify investments; and

(c) A fiduciary's powers, duties, standards of care, rights of indemnification and liability to persons whose interests arise from the trust instrument.

3. Nothing in this section shall be construed to:

(a) Authorize the exculpation or indemnification of a fiduciary for the fiduciary's own willful misconduct or gross negligence; or

(b) Preclude a court of competent jurisdiction from removing a fiduciary because of the fiduciary's willful misconduct or gross negligence.

4. The rule that statutes in derogation of the common law are to be strictly construed has no application to this section. This section must be liberally construed to give maximum effect to the principle of freedom of disposition and to the enforceability of trust instruments.

Sec. 179. NRS 163.556 is hereby amended to read as follows:

163.556 1. Unless the terms of a testamentary instrument or irrevocable trust provide otherwise, a trustee with discretion or authority to distribute trust income or principal to or for a beneficiary of the trust may exercise such discretion or authority by appointing the property subject to such discretion or authority in favor of a second trust for the benefit of one or more of those beneficiaries.

2. Notwithstanding subsection 1, a trustee may not appoint property of the original trust to a second trust if:

(a) The second trust includes a beneficiary who is not a beneficiary of the original trust. For purposes of this paragraph, a permissible appointee of a power of appointment exercised by a beneficiary of the second trust is not considered a beneficiary of the second trust.

(b) Appointing the property will reduce any current fixed income interest, annuity interest or unitrust interest of a beneficiary of the original trust. As used in this paragraph, "unitrust" has the meaning ascribed to it in NRS 164.700.

(c) A contribution made to the original trust qualified for a marital or charitable deduction for federal or state income, gift or estate taxes or qualified for a gift tax exclusion for federal or state tax purposes and the terms of the second trust include a provision which if included in the original trust would prevent the original trust from qualifying for the tax deduction or exclusion.

(d) The property to be appointed is subject to a power of withdrawal which is held by a beneficiary of the original trust and may be executed at the time of the proposed appointment ~~[.]~~ ***, unless after the exercise of such appointment, the beneficiary of the original trust's power of withdrawal is unchanged with respect to the trust property.***

(e) Property specifically allocated for one beneficiary of the original trust is no longer allocated for that beneficiary under either or both trusts, unless the beneficiary consents in writing.

(f) Property held for the benefit of one or more beneficiaries under both the original and the second trust has a lower value than the value of the

property held for the benefit of the same beneficiaries under only the original trust, unless:

(1) The benefit provided is limited to a specific amount or periodic payments of a specific amount; and

(2) The value of the property held in either or both trusts for the benefit of one or more beneficiaries is actuarially adequate to provide the benefit.

(g) Under the second trust:

(1) Discretionary distributions may be made by the trustee to a beneficiary or group of beneficiaries of the original trust;

(2) Distributions are not limited by an ascertainable standard; and

(3) A beneficiary or group of beneficiaries has the power to remove and replace the trustee of the second trust with a beneficiary of the second trust or with a trustee that is related to or subordinate to a beneficiary of the second trust.

(h) A contribution made to the original trust qualified for a gift tax exclusion as described in section 2503(b) of the Internal Revenue Code, 26 U.S.C. § 2503(b), by reason of the application of section 2503(c) of the Internal Revenue Code, 26 U.S.C. § 2503(c), unless the second trust provides that the beneficiary's remainder interest must vest not later than the date upon which such interest would have vested under the terms of the original trust.

3. Notwithstanding the provisions of subsection 1, a trustee who is a beneficiary of the original trust may not exercise the authority to appoint property of the original trust to a second trust if:

(a) Under the terms of the original trust or pursuant to law governing the administration of the original trust:

(1) The trustee does not have discretion to make distributions to himself or herself;

(2) The trustee's discretion to make distributions to himself or herself is limited by an ascertainable standard ~~[,]~~ ***, and under the terms of the second trust, the trustee's discretion to make distributions to himself or herself is not limited by the same ascertainable standard;*** or

(3) The trustee's discretion to make distributions to himself or herself can only be exercised with the consent of a cotrustee or a person holding an adverse interest and under the terms of the second trust the trustee's discretion to make distributions to himself or herself is not limited by an ascertainable standard and may be exercised without consent; or

(b) Under the terms of the original trust or pursuant to law governing the administration of the original trust, the trustee of the original trust does not have discretion to make distributions that will discharge the trustee's legal support obligations but under the second trust the trustee's discretion is not limited.

4. ***The provisions of subsection 3 do not prohibit a trustee who is not a beneficiary of the original trust from exercising the authority to appoint***

property of the original trust to a second trust pursuant to the provisions of subsection 1.

5. Before appointing property pursuant to subsection 1, a trustee may give notice of a proposed action pursuant to NRS 164.725 or may petition a court for approval pursuant to NRS 153.031, 164.015 or 164.725. Any notice of a proposed action or a petition for a court's approval must include the trustee's opinion of how the appointment of property will affect the trustee's compensation and the administration of other trust expenses.

~~[5. Notwithstanding the provisions of subsection 2 or 3, the]~~

6. The trust instrument of the second trust may:

(a) Grant a power of appointment to one or more of the beneficiaries of the second trust who are proper objects of the exercise of the power in the original trust. The power of appointment includes, without limitation, the power to appoint trust property to the holder of the power, the holder's creditors, the holder's estate, the creditors of the holder's estate or any other person.

(b) Provide that, at a time or occurrence of an event specified in the trust instrument, the remaining trust assets in the second trust must be held for the beneficiaries of the original trust upon terms and conditions that are substantially identical to the terms and conditions of the original trust.

~~[6.]~~ ***7.*** The power to appoint the property of the original trust pursuant to subsection 1 must be exercised by a writing, signed by the trustee and filed with the records of the trust.

~~[7.]~~ ***8.*** The exercise of the power to invade principal of the original trust pursuant to subsection 1 is considered the exercise of a power of appointment, other than power to appoint the property to the trustee, the trustee's creditors, the trustee's estate or the creditors of the trustee's estate and the provisions of NRS 111.1031 apply to such power of appointment.

~~[8.]~~ ***9.*** The provisions of this section do not abridge the right of any trustee who has the power to appoint property which arises under any other law.

~~[9.]~~ ***10.*** The provisions of this section do not impose upon a trustee a duty to exercise the power to appoint property pursuant to subsection 1.

~~[10.]~~ ***11.*** The power to appoint property to another trust pursuant to subsection 1 is not a power to amend the trust and a trustee is not prohibited from appointing property to another trust pursuant to subsection 1 if the original trust is irrevocable or provides that it may not be amended.

~~[11.]~~ ***12.*** A trustee's power to appoint property to another trust pursuant to subsection 1 is not limited by the existence of a spendthrift provision in the original trust.

~~[12.]~~ ***13.*** A trustee exercising any power granted pursuant to this section may designate himself or herself or any other person permitted to act as a trustee as the trustee of the second trust.

~~[13.]~~ ***14.*** The trustee of a second trust, resulting from the exercise of the power to appoint property to another trust pursuant to subsection 1, may also

exercise the powers granted pursuant to this section with respect to the second trust.

~~[14.]~~ ***15.*** As used in this section, "ascertainable standard" means a standard relating to an individual's health, education, support or maintenance within the meaning of section 2041(b)(1)(A) or 2514(c)(1) of the Internal Revenue Code ***, 26 U.S.C. § 2041(b)(1)(A) or 2514(c)(1),*** and any regulations of the United States Treasury promulgated thereunder.

Sec. 179.5. ~~[Chapter 164 of NRS is hereby amended by adding thereto the provisions set forth as sections 180 and 180.5 of this act.]~~ **(Deleted by amendment.)**

Sec. 180. **Chapter 164 of NRS is hereby amended by adding thereto a new section to read as follows:**

The provisions of section 47 of this act concerning the revocation of certain transfers based upon divorce or annulment apply to transfers of property made pursuant to a trust.

Sec. 180.5. ~~[***The notice that a trustee is required to provide pursuant to subsection 3 of NRS** [164.900] **may be in the following form:***~~

~~***NOTICE TO BENEFICIARY***~~

~~***You are hereby notified, as required by subsection 3 of NRS** [164.900,] **that:***~~

~~***1. The undersigned is the trustee of the trust that is designated as.....(specify name and date or another type of identification of the trust).***~~

~~***2. You are being given this notice because, under the terms of the trust instrument, the trustee is authorized or required to make distributions of income to you or for your benefit. The above-named trust became irrevocable before October 1, 2011, and the trust instrument does not contain specific direction as to the amount of income that is to be applied toward standard fiduciary compensation and toward expenses for accountings, judicial proceedings or certain other matters. For the purposes of this notice, "standard fiduciary compensation" means the regular compensation of the trustee and any person providing advisory or custodial services to the trustee whose compensation is based on the value of the trust's principal or a portion of the trust's principal.***~~

~~***3. Under the Uniform Principal and Income Act (1997), as adopted in Nevada, one half of the standard fiduciary compensation and the expenses described above are generally paid from trust income and the balance of the standard fiduciary compensation and expenses are generally paid from the trust's principal.***~~

~~***4. Subsection 2 of NRS** [164.900] **places a limit on the amount of income that can be applied toward standard fiduciary compensation and the expenses described above, but that limit does not apply to this trust unless the adult beneficiaries to whom or for whose benefit net income of the trust presently is or may be payable, by majority vote, make an election***~~

~~*to have the limitation apply as authorized under subsection 7 of NRS [164.900.]*~~

~~***5. If such an election is made, it may or may not increase the income that is available for distribution, but such an election will not reduce distributable income.***~~

~~***6. If you want to have the limitation authorized under subsection 7 of NRS** [164.900] **apply to this trust, you must notify the trustee by signing at the bottom of this form and returning the form to the trustee. Failure to sign this form and return it to the trustee will be considered a negative vote with regard to applying the limitation described in subsection 2 of NRS [164.900] to this trust.***~~

~~***(Signature of Trustee) (Date)***~~

~~***(Address of Trustee)***~~

~~***If you would like to make the election under subsection 7 of NRS [164.900,] as explained above, please sign below and send the signed copy by certified or registered mail to the trustee or personally deliver the signed copy to the trustee.***~~

~~***NOTICE OF ELECTION***~~

~~***UNDER SUBSECTION 7 OF NRS [164.900]***~~

~~***I, the undersigned beneficiary, hereby make the election authorized under subsection 7 of NRS [164.900] to limit the amount of income that can be paid toward the regular compensation of the trustee and of any person providing advisory or custodial services to the trustee whose compensation is based on the value of the trust's principal or a portion of the trust's principal and toward expenses for accountings, judicial proceedings or certain other matters. I understand that the election will only be effective after the adult beneficiaries to whom or for whose benefit net income of the trust presently is or may be payable, by majority vote, make this election.***~~

~~***(Signature of Beneficiary) (Date)]***~~ **(Deleted by amendment.)**

Sec. 181. NRS 164.021 is hereby amended to read as follows:

164.021 1. When a revocable trust becomes irrevocable because of the death of a settlor or by the express terms of the trust, the trustee may, ~~[within 90 days]~~ after the trust becomes irrevocable, provide notice to any beneficiary of the irrevocable trust, any heir of the settlor or to any other interested person.

2. The notice provided by the trustee must contain:

(a) The identity of the settlor of the trust and the date of execution of the trust instrument;

(b) The name, mailing address and telephone number of any trustee of the trust;

(c) Any provision of the trust instrument which pertains to the beneficiary or notice that the heir or interested person is not a beneficiary under the trust;

(d) Any information required to be included in the notice expressly provided by the trust instrument; and

(e) A statement set forth in a separate paragraph, in 12-point boldface type or an equivalent type which states: "You may not bring an action to contest the trust more than 120 days from the date this notice is served upon you."

3. The trustee shall serve the notice pursuant to the provisions of NRS 155.010.

4. No person upon whom notice is served pursuant to this section may bring an action to contest the validity of the trust more than 120 days from the date the notice is served upon the person, unless the person proves that he or she did not receive actual notice.

Sec. 181.5. ~~[NRS 164.780 is hereby amended to read as follows:~~

~~164.780 NRS 164.700, subsection 2 of NRS 164.720 and NRS 164.780 to 164.925, inclusive, *and section 180.5 of this act,* may be cited as the Uniform Principal and Income Act (1997).]~~ **(Deleted by amendment.)**

Sec. 182. NRS 164.900 is hereby amended to read as follows:

164.900 ***1.*** A

~~*[1. Except as otherwise provided in the trust instrument or in an order of the court, a]*~~ trustee shall make the following disbursements from income to the extent that they are not disbursements to which paragraph (b) or (c) of subsection 2 of NRS 164.800 applies:

~~[1.]~~ ***(a)*** Except as otherwise ***provided in subsection 2 or otherwise*** ordered by the court, one-half of the

~~*[(a) One-half of:*~~

~~*(1) Except as otherwise provided in subsection 2:*~~

~~*(I) The]*~~ regular compensation of the trustee and of any person providing investment advisory or custodial services to the trustee ;

~~[2.]~~ ***(b)*** Except as otherwise ordered by the court, one-half of all ~~*[whose compensation is based on the value of the trust's principal or a portion thereof; and*~~

~~*(II) All]*~~ expenses for accountings, judicial proceedings, or other matters that involve both the income and remainder interests;

~~[3.]~~ ***(c)*** All the other ordinary ~~*[and*~~

~~*(2) All other]*~~ expenses incurred in connection with the administration, management or preservation of trust property and the distribution of income, ~~*[not specifically mentioned in subparagraph (1) or in paragraph (b),]*~~ including interest, ordinary repairs , ~~*[on trust property,]*~~ regularly recurring taxes assessed against principal , and ~~*[recurring premiums on insurance covering the loss of a principal asset.*~~

~~*(b) All expenses related to the distribution of income, including interest, the]*~~ expenses of a proceeding or other matter that concerns primarily the income interest ; and

~~[4.]~~ ***(d)*** All ~~*[and the]*~~ recurring premiums on insurance covering the loss of a principal asset or the loss of income from or use of the ~~*[an]*~~ asset.

~~*[2. The amount payable from income for compensation and other expenses specifically mentioned in subparagraph (1) of paragraph (a) of*~~

~~*subsection 1 must not exceed the applicable income percentage of income for the accounting period.*~~

~~*3. The trustee of a trust that became irrevocable before October 1, 2011, and whose trust instrument does not otherwise address the allocation of compensation and other expenses specifically mentioned in subparagraph (1) of paragraph (a) of subsection 1, shall notify each adult beneficiary who, at the time the notice is provided, is a person to whom or for whose benefit net income of the trust presently is or may be payable, of the right to elect to apply the limitation set forth in subsection 2 to the trust.*~~

~~*4. Such an election:*~~

~~*(a) Must be evidenced by a written election to apply the limitation set forth in subsection 2 to the trust which is signed by a majority of the adult beneficiaries described in subsection 3; and*~~

~~*(b) May be applied to the disbursement of income only after a majority of the adult beneficiaries described in subsection 3 have so elected to apply the limitation set forth in subsection 2 to the trust.*~~

~~*5. For the purposes of determining a majority pursuant to subsection 4, each adult beneficiary described in subsection 3 has:*~~

~~*(a) One vote if, pursuant to the terms of the trust instrument, the trustee has the discretion to make distributions to two or more such beneficiaries in equal or unequal amounts; and*~~

~~*(b) One vote for each percentage of income to which that beneficiary is entitled if, pursuant to the terms of the trust instrument, the trustee is required to pay a specific percentage of the net income to two or more such beneficiaries.*~~

~~*6. Except as otherwise provided in subsection 7, the trustee shall provide the notice required pursuant to this section to each adult beneficiary described in subsection 3 at least three times, not less than 30 days apart. The notice must:*~~

~~*(a) Be given by personal delivery or by certified or registered mail to the beneficiary's last known address;*~~

~~*(b) Be in at least 12-point type or font except that the provision in which the beneficiary makes the election to apply the limitation set forth in subsection 2 to the trust must be in at least 16-point bold type or font;*~~

~~*(c) Describe the availability of such an election;*~~

~~*(d) Describe the effect of such an election on the distribution of income from the trust; and*~~

~~*(e) Inform the beneficiary of the manner in which such an election may be made.*~~

~~*7. An adult beneficiary described in subsection 3 may:*~~

~~*(a) By written notice given to the trustee by personal delivery or by certified or registered mail or as otherwise directed by the trustee, consent to a different form of notice or waive the right to receive notice pursuant to this section; and*~~

~~*(b) Elect to apply the limitation set forth in subsection 2 to the trust at any time after the date on which the first notice is personally delivered or mailed to any such beneficiary.*~~

~~*8. The provisions of subsection 2:*~~

~~*(a) Apply to a trust that becomes irrevocable on or after October 1, 2011.*~~

~~*(b) Do not apply to a trust that became irrevocable before October 1, 2011, unless a majority of adult beneficiaries described in subsection 3 elect to apply the limitation in the manner provided in subsection 4.*~~

~~*9. As used in this section, "applicable income percentage" means:*~~

~~*(a) For an accounting period that includes a calendar year, the interest rate fixed on January 1 of that year pursuant to subsection 1 of NRS 99.040, plus 2 percentage points; and*~~

~~*(b) For an accounting period that includes a portion of a calendar year, the income percentage described in paragraph (a) prorated for that portion of the calendar year included in the accounting period.]*~~

2. If the amount charged to the income of an irrevocable trust pursuant to paragraph (a) of subsection 1 exceeds 15 percent of the income of the trust in the accounting period, the trustee shall exercise the authority in NRS 164.795 to equitably reduce the amount charged against income for that accounting period unless:

(a) The trustee, after taking into consideration the terms of the trust instrument, reasonably concludes that the reduction is not in the best interest of the beneficiaries of the trust;

(b) The reduction of the amount charged to income would violate the express terms of the trust instrument other than a general directive to comply with the Uniform Principal and Income Act (1997) or with a general provision that contains language similar to that found in paragraph (a) of subsection 1;

(c) The trustee is authorized under the terms of the trust instrument to distribute trust principal to each income beneficiary; or

(d) The trustee gives notice in compliance with NRS 164.725 of the intent not to make the adjustment and no current income beneficiary objects.

Sec. 183. NRS 164.905 is hereby amended to read as follows:

164.905 1. A trustee shall make the following disbursements from principal:

(a) The remaining portion of the disbursements described in ~~[~~subsections~~]~~ ***paragraph (a) of subsection*** 1 ~~[~~and 2~~]~~ of NRS 164.900;

(b) All the trustee's compensation calculated on principal as a fee for acceptance, distribution or termination, and disbursements made to prepare property for sale;

(c) Payments on the principal of a trust debt;

(d) Expenses of a proceeding that concerns primarily principal, including a proceeding to construe the trust or to protect the trust or its property;

(e) Premiums paid on a policy of insurance not described in ***paragraph (d) of*** subsection ~~[4]~~ ***1*** of NRS 164.900 of which the trust is the owner and beneficiary;

(f) Estate, inheritance and other transfer taxes, including penalties, apportioned to the trust; and

(g) Disbursements related to environmental matters, including reclamation, assessing environmental conditions, remedying and removing environmental contamination, monitoring remedial activities and the release of substances, preventing future releases of substances, collecting amounts from persons liable or potentially liable for the costs of those activities, penalties imposed under environmental laws or regulations and other payments made to comply with those laws or regulations, statutory or common law claims by third parties, and defending claims based on environmental matters.

2. If a principal asset is encumbered with an obligation that requires income from that asset to be paid directly to the creditor, the trustee shall transfer from principal to income an amount equal to the income paid to the creditor in reduction of the principal balance of the obligation.

Sec. 184. Chapter 165 of NRS is hereby amended by adding thereto the provisions set forth as sections 185 to 198, inclusive, of this act.

Sec. 185. ***As used in NRS 165.135 and sections 185 to 198, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 186 to 191, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 186. ***"Accounting period" means the period for which the trustee is accounting, and except as otherwise provided in this section, commencing with the first day following the previous accounting period and ending on the date specified by the trustee or on the date specified by the court if the account is ordered by the court. If the account is an initial account, the account commences on the day the trustee became the trustee.***

Sec. 187. ***"Broad power of appointment" means a power of appointment held by a person, commonly referred to as a power holder, that can be exercised in favor of:***

1. The power holder, without any restriction or limitation; or

2. Any person other than one or more of the following:

(a) The power holder;

(b) The power holder's estate;

(c) The power holder's creditors; or

(d) The creditors of the power holder's estate.

Sec. 188. ***"Current beneficiary" means a distribution beneficiary to whom or for whose benefit the trustee is authorized or required to make distributions of income or principal at any time during the accounting period.***

Sec. 189. ***"Distribution beneficiary" has the meaning ascribed to it in NRS 163.415.***

Sec. 190. ***"Remainder beneficiary" means a beneficiary who will become a current beneficiary upon the death of an existing current beneficiary or upon the occurrence of some other event that may occur during the beneficiary's lifetime, regardless of whether the beneficiary's share is subject to elimination under a power of appointment other than a broad power of appointment.***

Sec. 191. ***"Remote beneficiary" means a beneficiary who may become a current beneficiary upon the death of two or more persons or upon the occurrence of some other event that cannot possibly occur during the beneficiary's lifetime.***

Sec. 192. ***1. The following provisions apply to the extent that the trust instrument does not expressly provide otherwise:***

(a) The trustee shall provide an account to each current beneficiary and to each remainder beneficiary upon request but is not required to provide an account to a remote beneficiary;

(b) A trustee is not required to provide an account more than once in any calendar year unless ordered by a court to do so upon good cause shown;

(c) Each account provided to a beneficiary must comply with the provisions of subsection 3 or 4 of NRS 165.135;

(d) In addition to other methods of providing an account to a beneficiary, a trustee may provide an account to a beneficiary by electronic mail or through a secure website on the Internet;

(e) While a trust is revocable, the trustee is not required to provide an account to any person other than a person having the right of revocation except that a trustee of such a trust shall provide an account if:

(1) A court-appointed guardian of the trust estate requests an account on behalf of the settlor; or

(2) The court, in considering a petition filed under NRS 164.015, determines that the settlor is incompetent or is susceptible to undue influence and directs the trustee to provide an account, specifying the nature and extent of the account to be provided and the person or persons who are entitled to receive the account;

(f) While an irrevocable trust in its entirety is subject to a broad power of appointment, the trustee is not required to provide an account for that trust to any person other than the power holder;

(g) The cost of an account must be charged as provided in the Uniform Principal and Income Act (1997) as set forth in chapter 164 of NRS;

(h) An account shall be deemed approved by a beneficiary who received a copy of the account if no written objection thereto is given to the trustee within 120 days after the date on which the trustee provided the account to that beneficiary;

(i) An account shall be deemed approved by a minor, unborn or unknown beneficiary if it is deemed approved as to an adult beneficiary who has a similar interest;

(j) A trustee is not required to provide to a beneficiary information that does not affect the beneficiary's interest in the trust, and an adult beneficiary may, by a written declaration that is signed by that beneficiary, waive the right to receive any information otherwise required to be provided pursuant to the provisions of subsection 3 or 4 of NRS 165.135; and

(k) For the purposes of paragraph (h), a beneficiary shall be deemed to have received a copy of an account provided by the trustee to the beneficiary by electronic mail or through a secure website on the Internet if the trustee:

(1) Sent the beneficiary an electronic mail in a manner that complies with subsection 1 of NRS 719.320 and the beneficiary received the electronic mail in a manner that complies with subsection 2 of NRS 719.320; and

(2) Attached the account to the electronic mail as an electronic record or included in the electronic mail a notice to the beneficiary indicating the availability of the account on the secure website.

2. As used in this section:

(a) "Electronic mail" has the meaning ascribed to it in NRS 41.715.

(b) "Electronic record" has the meaning ascribed to it in NRS 132.117.

Sec. 193. *Notwithstanding any provision to the contrary in the trust instrument:*

1. If the amount distributable to a current beneficiary is affected by the amount of administrative expenses or is affected by the allocation of receipts and disbursements to income or principal, the trustee shall, upon request, provide an account annually to the current beneficiary. An account provided to a current beneficiary pursuant to this subsection must comply with the provisions of subsection 3 or 4 of NRS 165.135, except to the extent that the current beneficiary agrees otherwise in writing.

2. Except as otherwise provided in this subsection, upon request, an account must be provided annually to each remainder beneficiary of an irrevocable trust. A beneficiary who has been eliminated by the exercise of a power of appointment has no right to request or receive an account pursuant to this subsection.

3. A trustee, at the expense of the trust, may provide:

(a) An unrequested account to one or more beneficiaries at any time; and

(b) More information to beneficiaries, including, without limitation, remote beneficiaries, than is required under the trust instrument or by law.

4. Unless the court determines that there is clear and convincing evidence that the trustee was acting in good faith, a trustee who fails to provide an account when required pursuant to NRS 165.135 and sections 185 to 198, inclusive, of this act is personally liable to each beneficiary who requested the account in writing for all costs reasonably incurred by each such beneficiary to enforce NRS 165.135 and sections 185 to 198,

inclusive, of this act, including, without limitation, reasonable attorney's fees and court costs. The trustee may not expend trust funds therefor.

Sec. 194. ***A beneficiary may send a written demand for an account pursuant to NRS 165.135 and sections 185 to 198, inclusive, of this act to the trustee in accordance with the following procedure:***

1. The demand on the trustee must be sent to the trustee or to the trustee's attorney of record and the demand must include, without limitation:

(a) The identity of the demanding beneficiary, including the beneficiary's mailing address or the address of the beneficiary's attorney;

(b) The accounting period for which an account is demanded; and

(c) The nature and extent of the account demanded and the legal basis for the demand.

2. Within 14 days after the trustee has received a demand for an account from a beneficiary, the trustee shall notify the demanding beneficiary of the trustee's acceptance or rejection of the demand. The trustee shall:

(a) Provide an account within 60 days after receipt of the demand, unless that time is modified by consent of the beneficiary or by order of the court if the trustee accepts the beneficiary's demand for an account; or

(b) Set forth the grounds for rejecting the beneficiary's demand for an account in the notice of rejection and inform the beneficiary that the beneficiary has 60 days in which to petition the court to review the rejection if the trustee rejects the beneficiary's demand for an account.

3. The demand by the beneficiary and the notice of acceptance or rejection of the demand by the trustee must be delivered by first-class mail, personal delivery or commercial carrier. If delivery of the demand or of the notice is in dispute, proof of delivery may be established by a return receipt or other proof of delivery provided by the person making the delivery or by affidavit of the person who arranged for the delivery setting forth the delivery address, the method of delivery arranged for and the actions taken by that person to arrange for the delivery.

4. If the trustee fails to accept or reject a beneficiary's demand for an account as required by subsection 2, the beneficiary's demand shall be deemed rejected.

Sec. 195. ***1. A beneficiary whose demand for an account in compliance with section 194 of this act is rejected or deemed rejected must file a petition seeking the court's review of the trustee's rejection within 60 days after the rejection date as described in subsection 2. A petition filed pursuant to this section may also seek additional relief pursuant to NRS 153.031.***

2. If the trustee rejects the beneficiary's demand for an account, the rejection date is the date on which the trustee provides the beneficiary with a notice of rejection. If the trustee fails to accept or reject the beneficiary's

demand, the rejection date is deemed to be 14 days after the beneficiary gave the trustee the demand.

3. If the court has not previously accepted jurisdiction over the trust, the beneficiary must petition the court to confirm the appointment of the trustee pursuant to NRS 164.010. Such a petition may be combined with the petition for the court's review of the trustee's rejection.

4. The clerk shall set the petition for hearing, and the petitioner shall give notice to all interested persons for the period and in the manner provided in NRS 155.010. The notice must state the filing of the petition, the object and the time and place of the hearing.

5. If one or more other beneficiaries with interests substantially similar to the petitioner request to join the petition at or before the hearing, the court shall consider the other beneficiaries to be additional petitioners without requiring those beneficiaries to file separate petitions or to give separate notices of the hearing.

6. At the hearing, as to each petitioner, the court may enter an order:

(a) Compelling the trustee to provide an account to the petitioner and specifying the nature and extent of the account to be provided;

(b) Declaring that the petitioner is not entitled to an account and setting forth the reason or reasons the petitioner is not so entitled; or

(c) Compelling the trustee to provide an account to the petitioner as described in paragraph (a) and authorizing an independent review of the account using the procedure set forth in section 196 of this act.

7. Except as otherwise provided in subsection 3 of NRS 153.031 and subsection 4 of section 193 of this act, each petitioner shall pay his or her own expenses, including, without limitation, attorney's fees, that arise in conjunction with filing a petition pursuant to this section.

Sec. 196. *If, while considering a petition filed pursuant to section 195 of this act, the court finds that the beneficiary is entitled to an account pursuant to this section and that the trust instrument authorizes or directs the trustee not to provide the account with the disclosures required by this section, the court shall, upon the beneficiary's request, compel the trustee to confidentially provide an account in accordance with the following procedure:*

1. If the beneficiary has not been previously provided with a copy of the trust instrument, the court shall direct the trustee to provide the court and each reviewer selected pursuant to subsection 2 with a copy of the trust instrument, or such portions as the court deems to be pertinent to the determination of the adequacy of the trustee's account and to the enforcement of the beneficiary's rights under the trust.

2. The court shall direct the account to be provided confidentially to the court and to one or more reviewers selected by the beneficiary. The court may direct that the account be filed with the court clerk under seal or delivered to the court for in camera review. The account provided must contain the information required by this section without regard to any trust

provision restricting the information to be provided to the requesting beneficiary.

3. A reviewer must be either a certified public accountant or an attorney.

4. Subject to the provisions of paragraph (b) of subsection 5, the beneficiary requesting the account must pay for the services of each reviewer. The expense of preparing the account must be paid as an expense of the trust.

5. Each reviewer must agree that:

(a) The account provided must be reviewed confidentially and must not be provided to the beneficiary except as otherwise provided in paragraph (b) or in an order of the court; and

(b) The reviewer's duty is to review the account and to prepare a written report, which must be filed with the court clerk under seal or submitted to the court for in camera review, informing the court if there is anything that would indicate that the trust, as it affects the beneficiary's interest, has not been or may not have been properly administered or accounted for in accordance with applicable law, the trust instrument and generally accepted accounting principles applicable to trusts. At the same time a copy of the reviewer's report is provided to the court, a copy of each reviewer's report must be delivered to the trustee or to the trustee's attorney of record.

6. The trustee may submit to the court and to each reviewer an objection to the report of a reviewer within 10 days after the trustee received the reviewer's report. The trustee shall submit the objections to the court and to each reviewer in the same manner as the trustee provided the account. The court may consider each reviewer's report and the objections of the trustee with or without a hearing. If the court, after considering the report of any reviewer and any objection submitted by the trustee, finds that the trust, as it affects the beneficiary's interest, has not been or may not have been properly administered or accounted for in accordance with applicable law, the trust instrument and generally accepted accounting principles applicable to trusts, in addition to any other relief granted by the court pursuant to NRS 153.031 or section 195 of this act, the court shall enter an order granting the relief necessary to protect the beneficiary's interests or to allow the beneficiary to enforce his or her rights under the trust.

7. An order granting relief described in subsection 6 may include one or more of the following:

(a) A directive to the trustee to provide the beneficiary an account which complies with the provisions of subsection 3 or 4 of NRS 165.135, together with such additional information as the beneficiary may require to properly enforce his or her rights under the trust;

(b) A directive to the trustee to provide further annual accounts required under this section without further court order;

(c) A directive to the trustee to provide the court and each reviewer a more complete account or such additional information as the court deems necessary to determine if the trust is being properly administered in compliance with the trust instrument and applicable law;

(d) A directive to the trustee to take action to remedy or mitigate the effects of any improper administration of the trust;

(e) A declaration relieving each reviewer from any further obligation of confidentiality; and

(f) Any such additional relief as the court deems proper to ensure the trustee's compliance with the trust instrument and applicable law and to allow enforcement of the beneficiary's rights.

8. If the beneficiary is granted any relief by the court on the basis that the trust was not properly administered or accounted for, the provisions of subsection 3 of NRS 153.031 and subsection 4 of section 193 of this act apply with regard to the reimbursement of costs incurred by the beneficiary.

Sec. 197. ***1. Upon request by a beneficiary who is entitled to receive an account pursuant to the terms of NRS 165.135 and sections 185 to 198, inclusive, of this act, a trustee shall provide a copy of the trust instrument to that beneficiary except as expressly provided otherwise in the trust instrument.***

2. Notwithstanding the provisions of subsection 1 or any provision to the contrary in the trust instrument, the court may direct the trustee to provide a beneficiary who is entitled to receive an account pursuant to the terms of NRS 165.135 and sections 185 to 198, inclusive, of this act a copy of the trust instrument, or such portions as the court deems to be pertinent to the determination of the adequacy of the trustee's account and to the enforcement of the beneficiary's rights under the trust.

3. Except as otherwise provided in section 196 of this act or by order of the court for good cause shown, the trustee must not be compelled to provide a copy of the trust instrument to a person who is not a beneficiary of the trust or a person who is not entitled to an account of the trust pursuant to the provisions of NRS 165.135 and sections 185 to 198, inclusive, of this act.

Sec. 198. ***Except as otherwise provided in a trust instrument, a person holding a power of appointment pursuant to a nontestamentary trust does not owe a fiduciary duty to any person and is not liable to any person with respect to the exercise or nonexercise of the power of appointment.***

Sec. 199. NRS 165.135 is hereby amended to read as follows:

165.135 ***1.*** The trustee of a nontestamentary trust shall **[**~~, not less often than annually,~~**]** furnish to each beneficiary **[**~~who is currently entitled to receive income pursuant to the terms of the trust, to each residuary beneficiary who is then living, to each specific beneficiary then living who has not received complete distribution, and to any surety on the bond of the trustee of the trust~~**]** an account **[**~~showing:~~

~~1. The period which the account covers;~~

~~2. In a separate schedule:~~

~~(a) Additions to trust principal during the accounting period with the dates and sources of acquisition;~~

~~(b) Investments collected, sold or charged off during the accounting period;~~

~~(c) Investments made during the accounting period, with the date, source and cost of each;~~

~~(d) Deductions from principal during the accounting period, with the date and purpose of each; and~~

~~(e) The trust principal, invested or uninvested, on hand at the end of the accounting period, reflecting the approximate market value thereof;~~

~~3. In a separate schedule:~~

~~(a) Trust income on hand at the beginning of the accounting period, and in what form held;~~

~~(b) Trust income received during the accounting period, when and from what source;~~

~~(c) Trust income paid out during the accounting period, when, to whom and for what purpose; and~~

~~(d) Trust income on hand at the end of the accounting period and how invested;~~

~~4. A statement of any unpaid claims with the reason for failure to pay them; and~~

~~5. A brief summary of the account.]~~ ***in accordance with the provisions of this section and sections 185 to 198, inclusive, of this act.***

2. At a minimum, the trustee shall furnish an account to each beneficiary in accordance with the terms and conditions stated in the trust instrument. The cost of each account must be allocated to income and principal as provided in the trust instrument.

3. Except as otherwise provided in this section, an account provided by a trustee to a beneficiary who is entitled to an account pursuant to this section and sections 185 to 198, inclusive, of this act must include:

(a) A statement indicating the accounting period;

(b) With respect to the trust principal:

(1) The trust principal held at the beginning of the accounting period, and in what form held, and the approximate market value thereof at the beginning of the accounting period;

(2) Additions to the trust principal during the accounting period, with the dates and sources of acquisition;

(3) Investments collected, sold or charged off during the accounting period;

(4) Investments made during the accounting period, with the date, source and cost of each investment;

(5) Any deductions from the trust principal during the accounting period, with the date and purpose of each deduction; and

(6) The trust principal, invested or uninvested, on hand at the end of the accounting period, reflecting the approximate market value thereof at that time;

(c) With respect to trust income, the trust income:

(1) On hand at the beginning of the accounting period, and in what form held;

(2) Received during the accounting period, when and from what source;

(3) Paid out during the accounting period, when, to whom and for what purpose; and

(4) On hand at the end of the accounting period and how invested;

(d) A statement of unpaid claims with the reason for failure to pay them; and

(e) A brief summary of the account.

4. In lieu of the information required to be provided by a trustee to a beneficiary pursuant to subsection 3, a trustee may provide to such a beneficiary a statement indicating the accounting period and a financial report of the trust which is prepared by a certified public accountant and which summarizes the information required by paragraphs (b) to (e), inclusive, of subsection 3. Upon request, the trustee shall make all the information used in the preparation of the financial report available to each beneficiary who was provided a copy of the financial report.

5. For the purposes of NRS 165.135 and sections 185 to 198, inclusive, of this act, the information provided by a trustee to a beneficiary pursuant to subsection 4 shall be deemed to be an account.

Sec. 200. NRS 165.160 is hereby amended to read as follows:

165.160 ***1.*** Except ~~[for the provisions of NRS 165.135, provisions of this chapter shall have no application to nontestamentary trusts unless the settlor shall expressly so declare in the instrument creating the trust. But no expression of intent by any settlor shall affect the jurisdiction of the courts of this state over inventories and accounts of trustees, insofar as such jurisdiction does not depend upon the provisions of this chapter.]~~ ***as otherwise provided by a specific statute, federal law or common law, the terms of a trust instrument may expand, restrict, eliminate or otherwise vary the rights and interests of beneficiaries in any manner that is not illegal or against public policy, including, without limitation, specifying:***

(a) The right to be informed of the beneficiary's interest for a period of time;

(b) The grounds for removing a fiduciary;

(c) The circumstances, if any, in which the fiduciary must diversify investments; and

(d) A fiduciary's powers, duties, standard of care, rights of indemnification and liability to persons whose interests arise from the trust instrument.

2. Nothing in this section shall be construed to:

(a) Authorize the exculpation or indemnification of a fiduciary for the fiduciary's own willful misconduct or gross negligence; or

(b) Preclude a court of competent jurisdiction from removing a fiduciary because of the fiduciary's willful misconduct or gross negligence.

3. The rule that statutes in derogation of the common law are to be strictly construed has no application to this section. This section must be liberally construed to give maximum effect to the principle of freedom of disposition and to the enforceability of trust instruments.

Sec. 201. Chapter 166 of NRS is hereby amended by adding thereto the provisions set forth as sections 202 and 203 of this act.

Sec. 202. ***1. A trust administered under the laws of another state, or under the laws of a foreign jurisdiction, is a spendthrift trust pursuant to this chapter if:***

(a) The trustee of the trust complies with any requirements set forth in the trust instrument and any requirements of the laws of the state or jurisdiction from which the trust is being transferred;

(b) The trustee or other person having the power to transfer the domicile of the trust declares such intent to transfer in writing;

(c) The writing declaring the intent to transfer the domicile of the trust is delivered to the trustee, if it is executed by a person other than the trustee; and

(d) All requirements of this chapter are satisfied simultaneously with, or immediately after, the change of domicile.

2. For purposes of NRS 166.170, if the domicile of an existing trust is transferred from another state or from a foreign jurisdiction to this State and the laws of the other state or jurisdiction are similar to the provisions of this chapter, the transfer shall be deemed to have occurred:

(a) On the date on which the settlor of the trust transferred assets into the trust if the applicable law of the trust has at all times been substantially similar to the provisions of this chapter; or

(b) On the earliest date on which the applicable laws of the trust were substantially similar to the provisions of this chapter.

Sec. 203. ***The settlor of a spendthrift trust has only those powers and rights that are conferred to the settlor by the trust instrument. An agreement or understanding, express or implied, between the settlor and the trustee that attempts to grant or permit the retention of greater rights or authority than is stated in the trust instrument is void.***

Sec. 204. NRS 166.015 is hereby amended to read as follows:

166.015 1. Unless the writing declares to the contrary, expressly, this chapter governs the construction, operation and enforcement, in this State, of all spendthrift trusts created in or outside this State if:

(a) All or part of the land, rents, issues or profits affected are in this State;

(b) All or part of the personal property, interest of money, dividends upon stock and other produce thereof, affected, are in this State;

(c) The declared domicile of the creator of a spendthrift trust affecting personal property is in this State; or

(d) At least one trustee qualified under subsection 2 has powers that include maintaining records and preparing income tax returns for the trust, and all or part of the administration of the trust is performed in this State.

2. If the settlor is a beneficiary of the trust, at least one trustee of a spendthrift trust must be:

(a) A natural person who resides and has his or her domicile in this State;

(b) A trust company that:

(1) Is organized under federal law or under the laws of this State or another state; and

(2) Maintains an office in this State for the transaction of business; or

(c) A bank that:

(1) Is organized under federal law or under the laws of this State or another state;

(2) Maintains an office in this State for the transaction of business; and

(3) Possesses and exercises trust powers.

~~[3. Except as otherwise provided in subsection 1, this chapter also governs the construction, operation and enforcement, outside of this State, of all spendthrift trusts created in this State, except so far as prohibited by valid laws of other states. Unless the writing declares to the contrary, expressly, it shall be deemed to be made in the light of this chapter and all other acts relating to spendthrift trusts enacted in this State.]~~

Sec. 205. NRS 166.040 is hereby amended to read as follows:

166.040 1. Any person competent by law to execute a will or deed may, by writing only, duly executed, by will, conveyance or other writing, create a spendthrift trust in real, personal or mixed property for the benefit of:

(a) A person other than the settlor;

(b) The settlor if the writing is irrevocable, does not require that any part of the income or principal of the trust be distributed to the settlor, and was not intended to hinder, delay or defraud known creditors; or

(c) Both the settlor and another person if the writing meets the requirements of paragraph (b).

2. For the purposes of this section, a writing ~~[:~~

~~(a) Is "irrevocable"]~~ ***meets the requirements of paragraph (b) of subsection 1*** even if ~~[the]~~ ***under the terms of the writing:***

(a) The settlor may prevent a distribution from the trust ~~[or]~~ ***;***

(b) The settlor holds a ***special lifetime or*** testamentary ~~[special]~~ power of appointment ~~[or similar power.~~

~~(b) Does not "require" a distribution to the settlor if the trust instrument provides that the settlor may receive it only in the discretion of another person.]~~ ***that cannot be exercised in favor of the settlor, the settlor's estate, a creditor of the settlor or a creditor of the settlor's estate;***

(c) The settlor is a beneficiary of a trust that qualifies as a charitable remainder trust pursuant to 26 U.S.C. § 664, or any successor provision,

even if the settlor has the right to release the settlor's retained interest in such a trust, in whole or in part, in favor of one or more of the remainder beneficiaries of the trust;

(d) The settlor is authorized or entitled to receive a percentage of the value of the trust each year as specified in the trust instrument of the initial value of the trust assets or their value determined from time to time pursuant to the trust instrument, but not exceeding:

(1) The amount that may be defined as income pursuant to 26 U.S.C. § 643(b); or

(2) With respect to benefits from any qualified retirement plan or any eligible deferred compensation plan, the minimum required distribution as defined in 26 U.S.C. § 4974(b);

(e) The settlor is authorized or entitled to receive income or principal from a grantor retained annuity trust paying out a qualified annuity interest within the meaning of 26 C.F.R. § 25.2702-3(b) or a grantor retained unitrust paying out a qualified unitrust interest within the meaning of 26 C.F.R. § 25.2702-3(c);

(f) The settlor is authorized or entitled to use real property held under a qualified personal residence trust as described in 26 C.F.R. § 25.2702-5(c), and any successor provision, or the settlor may possess or actually possesses a qualified annuity interest within the meaning of that term as described in 26 C.F.R. § 25.2702-3(b), and any successor provision;

(g) The settlor is authorized to receive income or principal from the trust, but only subject to the discretion of another person; or

(h) The settlor is authorized to use real or personal property owned by the trust.

3. Except for the power of the settlor to make distributions to himself or herself without the consent of another person, the provisions of this section shall not be construed to prohibit the settlor of a spendthrift trust from holding other powers under the trust, whether or not the settlor is a cotrustee, including, without limitation, the power to remove and replace a trustee, direct trust investments and execute other management powers.

4. As used in this section, "remainder beneficiary" has the meaning ascribed to it in NRS 164.785.

Sec. 206. NRS 166.170 is hereby amended to read as follows:

166.170 1. A person may not bring an action with respect to a transfer of property to a spendthrift trust:

(a) If the person is a creditor when the transfer is made, unless the action is commenced within:

(1) Two years after the transfer is made; or

(2) Six months after the person discovers or reasonably should have discovered the transfer,

➥ whichever is later.

(b) If the person becomes a creditor after the transfer is made, unless the action is commenced within 2 years after the transfer is made.

2. A person shall be deemed to have discovered a transfer at the time a public record is made of the transfer, including, without limitation, the conveyance of real property that is recorded in the office of the county recorder of the county in which the property is located or the filing of a financing statement pursuant to chapter 104 of NRS.

3. A creditor may not bring an action with respect to transfer of property to a spendthrift trust unless a creditor can prove ***by clear and convincing evidence*** that the transfer of property was a fraudulent transfer pursuant to chapter 112 of NRS or ~~[was otherwise wrongful as to the]~~ ***that the transfer violates a legal obligation owed to the creditor under a contract or a valid court order that is legally enforceable by that*** creditor. In the absence of such ***clear and convincing*** proof, the property transferred is not subject to the claims of the creditor. Proof by one creditor that a transfer of property was fraudulent or wrongful does not constitute proof as to any other creditor and proof of a fraudulent or wrongful transfer of property as to one creditor shall not invalidate any other transfer of property.

4. If property transferred to a spendthrift trust is conveyed to the settlor or to a beneficiary for the purpose of obtaining a loan secured by a mortgage or deed of trust on the property and then reconveyed to the trust, for the purpose of subsection 1, the transfer is disregarded and the reconveyance relates back to the date the property was originally transferred to the trust. The mortgage or deed of trust on the property shall be enforceable against the trust.

5. A person may not bring a claim against an adviser to the settlor or trustee of a spendthrift trust unless the person can show by clear and convincing evidence that the adviser acted in violation of the laws of this State, knowingly and in bad faith, and the adviser's actions directly caused the damages suffered by the person.

6. ***A person other than a beneficiary or settlor may not bring a claim against a trustee of a spendthrift trust unless the person can show by clear and convincing evidence that the trustee acted in violation of the laws of this State, knowingly and in bad faith, and the trustee's actions directly caused the damages suffered by the person. As used in this subsection, "trustee" includes a cotrustee, if any, and a predecessor trustee.***

7. If more than one transfer is made to a spendthrift trust:

(a) The subsequent transfer to the spendthrift trust must be disregarded for the purpose of determining whether a person may bring an action pursuant to subsection 1 with respect to a prior transfer to the spendthrift trust; and

(b) Any distribution to a beneficiary from the spendthrift trust shall be deemed to have been made from the most recent transfer made to the spendthrift trust.

8. Notwithstanding any other provision of law, no action of any kind, including, without limitation, an action to enforce a judgment entered by a court or other body having adjudicative authority, may be brought at law or

in equity against the trustee of a spendthrift trust if, as of the date the action is brought, an action by a creditor with respect to a transfer to the spendthrift trust would be barred pursuant to this section.

9. For purposes of this section, if a trustee exercises his or her discretion or authority to distribute trust income or principal to or for a beneficiary of the spendthrift trust, by appointing the property of the original spendthrift trust in favor of a second spendthrift trust for the benefit of one or more of the beneficiaries as authorized by NRS 163.556, the time of the transfer for purposes of this section shall be deemed to have occurred on the date the settlor of the original spendthrift trust transferred assets into the original spendthrift trust, regardless of the fact that the property of the original spendthrift trust may have been transferred to a second spendthrift trust.

10. As used in this section:

(a) "Adviser" means any person, including, without limitation, an accountant, attorney or investment adviser, who gives advice concerning or was involved in the creation of, transfer of property to, or administration of the spendthrift trust or who participated in the preparation of accountings, tax returns or other reports related to the trust.

(b) "Creditor" has the meaning ascribed to it in subsection 4 of NRS 112.150.

Sec. 207. NRS 253.0415 is hereby amended to read as follows:

253.0415 1. The public administrator shall:

(a) Investigate:

(1) The financial status of any decedent for whom he or she has been requested to serve as administrator to determine the assets and liabilities of the estate.

(2) Whether there is any qualified person who is willing and able to serve as administrator of the estate of an intestate decedent to determine whether he or she is eligible to serve in that capacity.

(3) Whether there are beneficiaries named on any asset of the estate or whether any deed upon death executed pursuant to NRS 111.109 is on file with the county recorder.

(b) Except as otherwise provided in NRS 253.0403 and 253.0425, petition the court for letters of administration of the estate of an intestate decedent if, after investigation, the public administrator finds that there is no other qualified person having a prior right who is willing and able to serve.

(c) Upon court order, act as administrator of the estate of an intestate decedent, regardless of the amount of assets in the estate of the decedent if no other qualified person is willing and able to serve.

2. The public administrator shall not administer any estate:

(a) Held in joint tenancy unless all joint tenants are deceased; ***or***

(b) ~~[For which a beneficiary form has been registered pursuant to NRS 111.480 to 111.650, inclusive; or~~

~~(c)~~] For which a deed upon death has been executed pursuant to NRS 111.109.

3. As used in this section, "intestate decedent" means a person who has died without leaving a valid will, trust or other estate plan.

Sec. 208. NRS 678.630 is hereby amended to read as follows:

678.630 1. Any account payable to a trustee for another person may be paid to the trustee on demand.

2. [~~Unless a credit union has received written notice of the terms of any trust other than the form of the account, payment may be made to the:~~

~~(a) Personal representative or heirs of a deceased trustee if proof of death is presented to the credit union showing that the decedent was the survivor of all other persons named on the account either as trustee or beneficiary; or~~

~~(b) Beneficiary upon presentation to the credit union of proof of death showing that such beneficiary or beneficiaries survived all persons named as trustees.~~

~~3.~~] The protection provided a credit union in [~~subsections 1 and 2~~] ***subsection 1*** has no bearing on the rights of parties in disputes between themselves or their successors concerning the beneficial ownership of funds in, or withdrawn from, multiple-party accounts.

Sec. 209. NRS 111.480, 111.490, 111.500, 111.510, 111.520, 111.530, 111.540, 111.550, 111.560, 111.570, 111.580, 111.590, 111.600, 111.610, 111.620, 111.630, 111.640, 111.650, 133.105, 663.025, 673.370, 677.614, 678.580, 678.590, 678.600, 678.610, 678.620 and 678.640 are hereby repealed.

Sec. 210. The amendatory provisions of:

1. Sections 73 and 177 of this act apply to existing wills, whenever created.

2. Sections 185 to 199, inclusive, of this act apply to nontestamentary trusts, whenever created, but shall not be construed to require a trustee to modify or update an account that:

(a) Has been approved by the court or by the trust's beneficiaries; or

(b) Is deemed approved by the trust's beneficiaries pursuant to the provisions of the trust instrument or pursuant to paragraph (h) of subsection 1 of section 192 of this act.

LEADLINES OF REPEALED SECTIONS

111.480 Short title; uniformity of application and construction.
111.490 Definitions.
111.500 "Beneficiary" defined.
111.510 "Beneficiary form" defined.
111.520 "Register" defined.
111.530 "Registering entity" defined.
111.540 "Security" defined.
111.550 Applicability.

111.560 Persons eligible to obtain registration; manner in which multiple owners of registered securities hold title.

111.570 Validity of registration.

111.580 Designation of beneficiary required for registration.

111.590 Words or abbreviations indicating registration.

111.600 Effect of designation of beneficiary on ownership of registered securities; cancellation or modification of registration.

111.610 Disposition of registered securities upon death of owner.

111.620 Transfer on death of registered security is contractual and not testamentary; rights of creditors.

111.630 Offer or acceptance of requests for registration by registering entity.

111.640 Right of registering entity to establish terms and conditions for receiving and effectuating registrations; substitution and identification of beneficiaries.

111.650 Liability of registering entity.

133.105 Transfer of security issued in registered form or beneficiary form effective without compliance with formal requirements of chapter.

663.025 Deposits in trust.

673.370 Payment to beneficiary on death of trustee; payment as valid discharge of association.

677.614 Payment of withdrawal value and interest to beneficiary upon death of fiduciary.

678.580 Presumptions concerning ownership of accounts.

678.590 Multiple-party accounts: Proportional ownership; tenancy in common.

678.600 Multiple-party accounts: Survivorship.

678.610 Trust accounts.

678.620 Payment as valid discharge of credit union.

678.640 Payment of multiple-party accounts.

Assemblyman Ohrenschall moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, reengrossed, and to third reading.

Senate Bill No. 223.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture, and Mining:

Amendment No. 681.

AN ACT relating to animals; authorizing a person to report an act of cruelty against an animal; requiring such a report to be kept confidential under certain circumstances; making certain willful and malicious acts of cruelty to certain animals punishable as a felony; clarifying that a retailer, dealer or operator who separates a dog or cat from its mother is guilty of a

misdemeanor under certain circumstances; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prohibits a person from committing an act of cruelty against an animal. (NRS 574.100) "Cruelty" is defined to include any act, omission or neglect, whereby unjustifiable physical pain, suffering or death is caused or permitted. (NRS 574.050) For a first or second offense within 7 years, existing law provides that a person who commits an act of cruelty against an animal is guilty of a misdemeanor. For a third or subsequent offense within 7 years, existing law provides that such a person is guilty of a category C felony. (NRS 574.100) Existing law also prohibits a person from committing certain acts against a dog that is owned by another person and that is used in an exhibition, show, contest or other event in which the skill, breeding or stamina of the dog is judged or examined. Specifically, a person who willfully, unjustifiably and maliciously tampers or interferes with such a dog is guilty of a category D felony. A person who willfully and unjustifiably abuses or injures such a dog is guilty of a category D felony and may be further punished by a fine of not more than $10,000. A person who willfully and unjustifiably kills such a dog is guilty of a category C felony. (NRS 574.107) **Section 1** of this bill: (1) authorizes a person to report an act of cruelty against an animal to any peace officer, officer of a society for the prevention of cruelty to animals or animal control officer; (2) provides that the report is confidential; and (3) prohibits releasing any information concerning the report except ~~[pursuant to]~~ **for the purposes of** a criminal **investigation or** prosecution. **Section 4** of this bill provides that a person who willfully and maliciously commits certain acts of cruelty against an animal kept for companionship or pleasure or against any cat or dog is guilty of a category D felony, except that the person is guilty of a category C felony if the act of cruelty is committed against the animal in order to threaten, intimidate or terrorize another person.

Existing law prohibits a retailer, dealer or operator from separating a dog or cat from its mother until it is 8 weeks of age or is accustomed to taking food or nourishment other than by nursing, whichever is later. (NRS 574.500) Although no penalty is specifically provided for violating that prohibition, existing law provides that whenever the performance of any act is prohibited by any statute, and no penalty for the violation of such statute is imposed, a person who commits that act is guilty of a misdemeanor. (NRS 193.170) **Section 6** of this bill clarifies that a person who separates a dog or cat from its mother before it is 8 weeks old or is accustomed to taking food or nourishment other than by nursing is guilty of a misdemeanor.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 574 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Any person who knows or has reasonable cause to believe that an animal has been subjected to an act of cruelty in violation of NRS 574.100 may report the act of cruelty to any:

(a) Peace officer;

(b) Officer of a society for the prevention of cruelty to animals who is authorized to make arrests pursuant to NRS 574.040; or

(c) Animal control officer.

2. Any report made pursuant to subsection 1 is confidential.

3. Any person, law enforcement agency, society for the prevention of cruelty to animals or animal control agency that willfully releases data or information concerning the reports, except ~~*[pursuant to]*~~ ***for the purposes of a criminal investigation or prosecution, is guilty of a misdemeanor.***

Sec. 2. NRS 574.050 is hereby amended to read as follows:

574.050 As used in NRS 574.050 to 574.200, inclusive ~~[,]~~ ***, and section 1 of this act:***

1. "Animal" does not include the human race, but includes every other living creature.

2. "First responder" means a person who has successfully completed the national standard course for first responders.

3. "Police animal" means an animal which is owned or used by a state or local governmental agency and which is used by a peace officer in performing his or her duties as a peace officer.

4. "Torture" or "cruelty" includes every act, omission or neglect, whereby unjustifiable physical pain, suffering or death is caused or permitted.

Sec. 3. NRS 574.055 is hereby amended to read as follows:

574.055 1. Any peace officer or officer of a society for the prevention of cruelty to animals who is authorized to make arrests pursuant to NRS 574.040 shall, upon discovering any animal which is being treated cruelly, take possession of it and provide it with shelter and care or, upon obtaining written permission from the owner of the animal, may destroy it in a humane manner.

2. If an officer takes possession of an animal, the officer shall give to the owner, if the owner can be found, a notice containing a written statement of the reasons for the taking, the location where the animal will be cared for and sheltered, and the fact that there is a limited lien on the animal for the cost of shelter and care. If the owner is not present at the taking and the officer cannot find the owner after a reasonable search, the officer shall post the notice on the property from which the officer takes the animal. If the identity and address of the owner are later determined, the notice must be mailed to the owner immediately after the determination is made.

3. An officer who takes possession of an animal pursuant to this section has a lien on the animal for the reasonable cost of care and shelter furnished to the animal and, if applicable, for its humane destruction. The lien does not extend to the cost of care and shelter for more than 2 weeks.

4. Upon proof that the owner has been notified in accordance with the provisions of subsection 2 or, if the owner has not been found or identified, that the required notice has been posted on the property where the animal was found, a court of competent jurisdiction may, after providing an opportunity for a hearing, order the animal sold at auction, humanely destroyed or continued in the care of the officer for such disposition as the officer sees fit.

5. An officer who seizes an animal pursuant to this section is not liable for any action arising out of the taking or humane destruction of the animal.

6. The provisions of this section do not apply to any animal which is located on land being employed for an agricultural use as defined in NRS 361A.030 unless the owner of the animal or the person charged with the care of the animal is in violation of paragraph ~~[(b)]~~ ***(c)*** of subsection 1 of NRS 574.100 and the impoundment is accomplished with the concurrence and supervision of the sheriff or the sheriff's designee, a licensed veterinarian and the district brand inspector or the district brand inspector's designee. In such a case, the sheriff shall direct that the impoundment occur not later than 48 hours after the veterinarian determines that a violation of paragraph ~~[(b)]~~ ***(c)*** of subsection 1 of NRS 574.100 exists.

7. The owner of an animal impounded in accordance with the provisions of subsection 6 must, before the animal is released to the owner's custody, pay the charges approved by the sheriff as reasonably related to the impoundment, including the charges for the animal's food and water. If the owner is unable or refuses to pay the charges, the State Department of Agriculture shall sell the animal. The Department shall pay to the owner the proceeds of the sale remaining after deducting the charges reasonably related to the impoundment.

Sec. 4. NRS 574.100 is hereby amended to read as follows:

574.100 1. A person shall not:

(a) ~~[Overdrive,]~~ ***Torture or unjustifiably maim, mutilate or kill:***

(1) An animal kept for companionship or pleasure, whether belonging to the person or to another; or

(2) Any cat or dog;

(b) Except as otherwise provided in paragraph (a), overdrive, overload, torture, cruelly beat or unjustifiably injure, maim, mutilate or kill an animal, whether belonging to the person or to another;

~~[(b)]~~ ***(c)*** Deprive an animal of necessary sustenance, food or drink, or neglect or refuse to furnish it such sustenance or drink;

~~[(c)]~~ ***(d)*** Cause, procure or allow an animal to be overdriven, overloaded, tortured, cruelly beaten, or unjustifiably injured, maimed, mutilated or killed or to be deprived of necessary food or drink;

~~[(d)]~~ ***(e)*** Instigate, engage in, or in any way further an act of cruelty to any animal, or any act tending to produce such cruelty; or

~~[(e)]~~ ***(f)*** Abandon an animal in circumstances other than those prohibited in NRS 574.110.

2. Except as otherwise provided in subsections 3 and 4 and NRS 574.210 to 574.510, inclusive, a person shall not restrain a dog:

(a) Using a tether, chain, tie, trolley or pulley system or other device that:

(1) Is less than 12 feet in length;

(2) Fails to allow the dog to move at least 12 feet or, if the device is a pulley system, fails to allow the dog to move a total of 12 feet; or

(3) Allows the dog to reach a fence or other object that may cause the dog to become injured or die by strangulation after jumping the fence or object or otherwise becoming entangled in the fence or object;

(b) Using a prong, pinch or choke collar or similar restraint; or

(c) For more than 14 hours during a 24-hour period.

3. Any pen or other outdoor enclosure that is used to maintain a dog must be appropriate for the size and breed of the dog. If any property that is used by a person to maintain a dog is of insufficient size to ensure compliance by the person with the provisions of paragraph (a) of subsection 2, the person may maintain the dog unrestrained in a pen or other outdoor enclosure that complies with the provisions of this subsection.

4. The provisions of subsections 2 and 3 do not apply to a dog that is:

(a) Tethered, chained, tied, restrained or placed in a pen or enclosure by a veterinarian, as defined in NRS 574.330, during the course of the veterinarian's practice;

(b) Being used lawfully to hunt a species of wildlife in this State during the hunting season for that species;

(c) Receiving training to hunt a species of wildlife in this State;

(d) In attendance at and participating in an exhibition, show, contest or other event in which the skill, breeding or stamina of the dog is judged or examined;

(e) Being kept in a shelter or boarding facility or temporarily in a camping area;

(f) Temporarily being cared for as part of a rescue operation or in any other manner in conjunction with a bona fide nonprofit organization formed for animal welfare purposes;

(g) Living on land that is directly related to an active agricultural operation, if the restraint is reasonably necessary to ensure the safety of the dog. As used in this paragraph, "agricultural operation" means any activity that is necessary for the commercial growing and harvesting of crops or the raising of livestock or poultry; or

(h) With a person having custody or control of the dog, if the person is engaged in a temporary task or activity with the dog for not more than 1 hour.

5. A ***person who willfully and maliciously violates paragraph (a) of subsection 1:***

(a) Except as otherwise provided in paragraph (b), is guilty of a category D felony and shall be punished as provided in NRS 193.130.

(b) If the act is committed in order to threaten, intimidate or terrorize another person, is guilty of a category C felony and shall be punished as provided in NRS 193.130.

6. Except as otherwise provided in subsection 5, a person who violates subsection 1, 2 or 3:

(a) For the first offense within the immediately preceding 7 years, is guilty of a misdemeanor and shall be sentenced to:

(1) Imprisonment in the city or county jail or detention facility for not less than 2 days, but not more than 6 months; and

(2) Perform not less than 48 hours, but not more than 120 hours, of community service.

➥ The person shall be further punished by a fine of not less than $200, but not more than $1,000. A term of imprisonment imposed pursuant to this paragraph may be served intermittently at the discretion of the judge or justice of the peace, except that each period of confinement must be not less than 4 consecutive hours and must occur either at a time when the person is not required to be at the person's place of employment or on a weekend.

(b) For the second offense within the immediately preceding 7 years, is guilty of a misdemeanor and shall be sentenced to:

(1) Imprisonment in the city or county jail or detention facility for not less than 10 days, but not more than 6 months; and

(2) Perform not less than 100 hours, but not more than 200 hours, of community service.

➥ The person shall be further punished by a fine of not less than $500, but not more than $1,000.

(c) For the third and any subsequent offense within the immediately preceding 7 years, is guilty of a category C felony and shall be punished as provided in NRS 193.130.

~~[6.]~~ ***7.*** In addition to any other fine or penalty provided in subsection 5 ~~[,]~~ ***or 6,*** a court shall order a person convicted of violating subsection 1, 2 or 3 to pay restitution for all costs associated with the care and impoundment of any mistreated animal under subsection 1, 2 or 3, including, without limitation, money expended for veterinary treatment, feed and housing.

~~[7.]~~ ***8.*** The court may order the person convicted of violating subsection 1, 2 or 3 to surrender ownership or possession of the mistreated animal.

~~[8.]~~ ***9.*** The provisions of this section do not apply with respect to an injury to or the death of an animal that occurs accidentally in the normal course of:

(a) Carrying out the activities of a rodeo or livestock show; or

(b) Operating a ranch.

Sec. 5. NRS 574.200 is hereby amended to read as follows:

574.200 The provisions of NRS 574.050 to 574.510, inclusive, ***and section 1 of this act*** do not:

1. Interfere with any of the fish and game laws contained in title 45 of NRS or any laws for the destruction of certain birds.

2. Interfere with the right to destroy any venomous reptiles or animals, or any animal known as dangerous to life, limb or property.

3. Interfere with the right to kill all animals and fowl used for food.

4. Prohibit or interfere with any properly conducted scientific experiments or investigations which are performed under the authority of the faculty of some regularly incorporated medical college or university of this State.

5. Interfere with any scientific or physiological experiments conducted or prosecuted for the advancement of science or medicine.

6. Prohibit or interfere with established methods of animal husbandry, including the raising, handling, feeding, housing and transporting of livestock or farm animals.

Sec. 6. NRS 574.500 is hereby amended to read as follows:

574.500 ***1.*** A retailer, dealer or operator shall not separate a dog or cat from its mother until it is 8 weeks of age or accustomed to taking food or nourishment other than by nursing, whichever is later.

2. A person who violates the provisions of this section is guilty of a misdemeanor.

Assemblywoman Carlton moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, reengrossed, and to third reading.

Senate Bill No. 234.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 669.

AN ACT relating to vehicles; prohibiting a manufacturer from requiring a dealer to alter substantially an existing facility of the dealer or construct a new facility; prohibiting a manufacturer from taking adverse action against a dealer relating to the exportation of a vehicle outside the United States except under certain circumstances; revising provisions governing the modification or replacement of a franchise; revising provisions relating to unfair practices; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 2 of this bill prohibits a manufacturer from requiring a dealer to alter substantially an existing facility or to construct a new facility for any new vehicles that are handled by the dealer in certain circumstances and provides that any such requirement constitutes a modification of the franchise of the dealer.

Section 3 of this bill prohibits a manufacturer from taking adverse action against a dealer who sells a vehicle which is later exported outside the United States, unless the dealer had actual knowledge of or reasonably should have known of the exportation of the vehicle.

Section 9 of this bill provides that if a manufacturer is purchased by another manufacturer or entity, a dealer must be offered a franchise agreement that is substantially similar to the franchise agreement offered to other dealers of the same line and make of vehicles.

Section 16 of this bill provides that the forms for the application for credit and contracts to be used in the sale of vehicles prescribed by the Commissioner of Financial Institutions must contain a provision which provides that if the seller elects to rescind the contract, the seller must provide notice to the buyer not less than 20 days after the date of the contract.

Section 10 of this bill provides that a refusal to accept an amended claim for parts and labor or a claim that was not filed before the manufacturer's deadline that is submitted within 60 days after the claim was first filed or was due is an unfair practice. **Section 10** also makes an audit confirming a warranty repair, sales incentive or rebate performed more than 9 months after a claim was made an unfair practice. **Section 11** of this bill prohibits a manufacturer from preventing a dealer from disclosing a service, repair guidance or recall notice or providing certain information relating to warranty coverage.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 482 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 5, inclusive, of this act.

Sec. 2. ***1. A manufacturer shall not require a dealer:***

(a) To alter substantially an existing facility of the dealer; or

(b) To construct a new facility,

➥ for any new vehicles that are handled by the dealer unless the alteration or new construction constitutes a reasonable facility requirement in accordance with the franchise agreement.

2. If a manufacturer requires a substantial alteration of an existing facility of the dealer or requires the dealer to construct a new facility, that requirement constitutes a modification of the franchise of the dealer for the purposes of this section and NRS 482.36311 to 482.36425, inclusive, and section 3 of this act.

Sec. 3. ***A manufacturer shall not modify the franchise of a dealer or take any adverse action against a dealer that sells a vehicle which is later exported outside the United States, unless the dealer had actual knowledge of or reasonably should have known of the exportation of the vehicle.***

Sec. 4. (Deleted by amendment.)

Sec. 5. (Deleted by amendment.)

Sec. 6. (Deleted by amendment.)

Sec. 7. (Deleted by amendment.)

Sec. 8. (Deleted by amendment.)

Sec. 9. NRS 482.36354 is hereby amended to read as follows:

482.36354 1. A manufacturer or distributor shall not modify the franchise of a dealer or replace the franchise with another franchise if the modification or replacement would have a substantially adverse effect upon the dealer's investment or obligations to provide sales and service, unless:

(a) The manufacturer or distributor has given written notice of its intention to the Director and the dealer affected by the intended modification or replacement; and

(b) Either of the following conditions occurs:

(1) The dealer does not file a protest with the Director within 30 days after receiving the notice; or

(2) After a protest has been filed with the Director and the Director has conducted a hearing, the Director issues an order authorizing the manufacturer or distributor to modify or replace the franchise.

2. The notice required by subsection 1 must be given to the dealer and to the Director at least 60 days before the date on which the intended action is to take place.

3. If a manufacturer or distributor changes the area of primary responsibility of a dealer, the change constitutes a modification of the franchise of the dealer for the purposes of NRS 482.36311 to 482.36425, inclusive. As used in this subsection, "area of primary responsibility" means the geographic area in which a dealer, pursuant to a franchise agreement, is responsible for selling, servicing and otherwise representing the products of a manufacturer or distributor.

4. Notwithstanding the provisions of this section, if a manufacturer is purchased by another manufacturer or entity, a dealer must be offered a franchise agreement that is substantially similar to the franchise agreement offered to other dealers of the same line and make of vehicles.

Sec. 10. NRS 482.36385 is hereby amended to read as follows:

482.36385 It is an unfair act or practice for any manufacturer, distributor or factory branch, directly or through any representative, to:

1. Compete with a dealer. A manufacturer or distributor shall not be deemed to be competing when operating a previously existing dealership temporarily for a reasonable period, or in a bona fide retail operation which is for sale to any qualified person at a fair and reasonable price, or in a bona fide relationship in which a person has made a significant investment subject to loss in the dealership and can reasonably expect to acquire full ownership of the dealership on reasonable terms and conditions.

2. Discriminate unfairly among its dealers, or fail without good cause to comply with franchise agreements, with respect to warranty reimbursement or authority granted to its dealers to make warranty adjustments with retail customers.

3. Fail to compensate a dealer fairly for the work and services which the dealer is required to perform in connection with the delivery and preparation obligations under any franchise, or fail to compensate a dealer fairly for labor, parts and other expenses incurred by the dealer under the

manufacturer's warranty agreements. The manufacturer shall set forth in writing the respective obligations of a dealer and the manufacturer in the preparation of a vehicle for delivery, and as between them a dealer's liability for a defective product is limited to the obligation so set forth. Fair compensation includes diagnosis and reasonable administrative and clerical costs. The dealer's compensation for parts and labor to satisfy a warranty must not be less than the amount of money charged to its various retail customers for parts and labor that are not covered by a warranty. If parts are supplied by the manufacturer, including exchanged parts and assembled components, the dealer is entitled with respect to each part to an amount not less than the dealer's normal retail markup for the part. This subsection does not apply to compensation for any part, system, fixture, appliance, furnishing, accessory or feature of a motor home or recreational vehicle that is designed, used and maintained primarily for nonvehicular, residential purposes.

4. Fail to ~~[~~pay~~]~~ ***:***

(a) Pay all claims made by dealers for compensation for delivery and preparation work, transportation claims, special campaigns and work to satisfy warranties within 30 days after approval, or fail to approve or disapprove such claims within 30 days after receipt ~~[, or disapprove]~~ ***;***

(b) Disapprove any claim without notice to the dealer in writing of the grounds for disapproval ~~[.]~~ ***;***

(c) Accept an amended claim for labor and parts if the amended claim is submitted not later than 60 days after the date on which the manufacturer or distributor notifies the dealer that the claim has been disapproved and the disapproval was based on the dealer's failure to comply with a specific requirement for processing the claim, including, without limitation, a clerical error or other administrative technicality that does not relate to the legitimacy of the claim.

➥ Failure to approve or disapprove or to pay within the specified time limits in an individual case does not constitute a violation of this section if the failure is because of reasons beyond the control of the manufacturer, distributor or factory branch.

5. Sell a new vehicle to a person who is not licensed as a new vehicle dealer under the provisions of this chapter.

6. Use false, deceptive or misleading advertising or engage in deceptive acts in connection with the manufacturer's or distributor's business.

7. Perform an audit to confirm a warranty repair, sales incentive or rebate more than ~~[~~12~~]~~ ***9*** months after the date ~~[~~of the transaction.~~]~~ ***on which the claim was made. An audit of a dealer's records pursuant to this subsection may be conducted by the manufacturer or distributor on a reasonable basis, and a dealer's claim for warranty or sales incentive compensation must not be denied except for good cause, including, without limitation, performance of nonwarranty repairs, lack of material documentation, fraud or misrepresentation. A dealer's failure to comply with the specific***

requirements of the manufacturer or distributor for processing the claim does not constitute grounds for the denial of the claim or the reduction of the amount of compensation to the dealer if reasonable documentation or other evidence has been presented to substantiate the claim. The manufacturer or distributor shall not deny a claim or reduce the amount of compensation to the dealer for warranty repairs to resolve a condition discovered by the dealer during the course of a separate repair.

8. Prohibit or prevent a dealer from appealing the results of an audit to confirm a warranty repair, sales incentive or rebate, or to require that such an appeal be conducted at a location other than the dealer's place of business.

Sec. 11. NRS 482.36389 is hereby amended to read as follows:

482.36389 A manufacturer shall not ~~[require]~~ ***:***

1. Require a dealer to disclose information concerning a customer to the manufacturer or a third party if the customer objects or the disclosure is otherwise unlawful ~~[.]~~ ***; or***

2. Prohibit or prevent a dealer from disclosing a service, repair guidance or recall notice that is documented by the manufacturer or notifying customers of available warranty coverage and expiration dates of existing warranty coverage.

Sec. 12. (Deleted by amendment.)

Sec. 13. (Deleted by amendment.)

Sec. 14. (Deleted by amendment.)

Sec. 15. (Deleted by amendment.)

Sec. 15.5. **Chapter 97 of NRS is hereby amended by adding thereto a new section to read as follows:**

Notwithstanding the provisions of any contract to the contrary, default on the part of the buyer is only enforceable to the extent that:

1. The buyer fails to make a payment as required by the agreement; or

2. The prospect of payment, performance or realization of collateral is significantly impaired. The burden of establishing the prospect of significant impairment is on the seller.

Sec. 16. NRS 97.299 is hereby amended to read as follows:

97.299 1. The Commissioner of Financial Institutions shall prescribe, by regulation, forms for the application for credit and contracts to be used in the sale of vehicles if:

(a) The sale involves the taking of a security interest to secure all or a part of the purchase price of the vehicle;

(b) The application for credit is made to or through the seller of the vehicle;

(c) The seller is a dealer; and

(d) The sale is not a commercial transaction.

2. The forms prescribed pursuant to subsection 1 must meet the requirements of NRS 97.165, must be accepted and acted upon by any lender to whom the application for credit is made and, in addition to the information

required in NRS 97.185 and required to be disclosed in such a transaction by federal law, must:

(a) Identify and itemize the items embodied in the cash sale price, including the amount charged for a contract to service the vehicle after it is purchased.

(b) In specifying the amount of the buyer's down payment, identify the amounts paid in money and allowed for property given in trade and the amount of any manufacturer's rebate applied to the down payment.

(c) Contain a description of any property given in trade as part of the down payment.

(d) Contain a description of the method for calculating the unearned portion of the finance charge upon prepayment in full of the unpaid total of payments as prescribed in NRS 97.225.

(e) Contain a provision that default on the part of the buyer is only enforceable to the extent that:

(1) The buyer fails to make a payment as required by the agreement; or

(2) The prospect of payment, performance or realization of collateral is significantly impaired. The burden of establishing the prospect of significant impairment is on the seller.

(f) ***Contain a provision which provides that if the seller*** ~~***[elects to rescind the contract]***~~ ***exercises a valid option to cancel the vehicle sale as a result of being unable to assign the contract to a financial institution with whom the seller regularly does business, the seller must*** ~~***[provide]***~~ ***hand-deliver or send prepaid by United States mail written notice to the buyer not less than 20 days after the date of the contract.***

(g) Include the following notice in at least 10-point bold type:

NOTICE TO BUYER

Do not sign this agreement before you read it or if it contains any blank spaces. You are entitled to a completed copy of this agreement. If you pay the amount due before the scheduled date of maturity of the indebtedness and you are not in default in the terms of the contract for more than 2 months, you are entitled to a refund of the unearned portion of the finance charge. If you fail to perform your obligations under this agreement, the vehicle may be repossessed and you may be liable for the unpaid indebtedness evidenced by this agreement.

3. The Commissioner shall arrange for or otherwise cause the translation into Spanish of the forms prescribed pursuant to subsection 1.

4. If a change in state or federal law requires the Commissioner to amend the forms prescribed pursuant to subsection 1, the Commissioner need not comply with the provisions of chapter 233B of NRS when making those amendments.

5. As used in this section:

(a) "Commercial transaction" means any sale of a vehicle to a buyer who purchases the vehicle solely or primarily for commercial use or resale.

(b) "Dealer" has the meaning ascribed to it in NRS 482.020.

Sec. 17. (Deleted by amendment.)

Sec. 17.5. The Commissioner of Financial Institutions shall adopt the regulations required by section 16 of this act on or before October 1, 2011.

Sec. 18. 1. This section and sections 16 and 17.5 of this act become effective upon passage and approval for the purpose of adopting regulations and on October 1, 2011, for all other purposes.

2. Sections 1 to ~~[15,]~~ **15.5,** inclusive, and 17 of this act become effective on October 1, 2011.

3. The amendatory provisions of section 16 of this act expire by limitation on September 30, 2012.

Assemblywoman Dondero Loop moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, reengrossed, and to third reading.

Senate Bill No. 238.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 668.

AN ACT relating to motor vehicles; increasing the membership and revising the duties of the Advisory Board on Automotive Affairs; establishing certain qualifications for membership on the Board; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The Advisory Board on Automotive Affairs consists of seven members appointed by the Governor. One member represents the Department of Motor Vehicles, the general public is represented by two members, and body shops, automobile wreckers, garages and salvage pools are each represented by one member. The Board's duties include: (1) studying the regulation of the businesses and industries that are represented on the Board; (2) analyzing and advising the Department with respect to consumer complaints relating to those businesses and industries; and (3) making recommendations to the Department for regulations or legislation concerning those businesses and industries. Before each regular session of the Legislature, the Board prepares a report of its activities and recommendations for submission to the Governor and the Legislature. (NRS 487.002)

This bill increases the membership of the Board to 10 members. Three new members are added, one to represent each of the following businesses or industries: (1) authorized emissions stations; (2) insurers of motor vehicles; and (3) new or used motor vehicle dealers. This bill also establishes certain qualifications for membership on the Board. Every member must have been a resident of this state for at least 5 years immediately preceding his or her appointment. This bill also requires that at least one of the two members appointed to represent the general public be a resident of a county whose

population is less than 55,000 (currently counties other than Clark and Washoe Counties and Carson City). In addition, each member appointed to represent a business or industry must hold the appropriate license or registration to engage in that business or industry and must have been actively engaged in that business or industry for at least 3 of the 5 years immediately preceding his or her appointment. Finally, this bill requires the Board to extend the scope of its existing duties to include all the businesses and industries **, except for insurers of motor vehicles,** that are represented on the Board.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 487.002 is hereby amended to read as follows:

487.002 1. The Advisory Board on Automotive Affairs, consisting of ~~[seven]~~ ***10*** members appointed by the Governor, is hereby created within the Department.

2. The Governor shall appoint to the Board:

(a) One representative of the Department;

(b) One representative of licensed operators of body shops;

(c) One representative of licensed automobile wreckers;

(d) One representative of registered garage operators;

(e) One representative of licensed operators of salvage pools; ~~[and]~~

(f) ~~[Two representatives]~~ ***One representative of licensed operators of authorized emissions stations;***

(g) One representative of licensed insurers of motor vehicles;

(h) One representative of licensed new or used motor vehicle dealers; and

(i) Two representatives of the general public ~~[.]~~ ***, at least one of whom must be a resident of a county whose population is less than 55,000. A member appointed pursuant to this paragraph must not be:***

(1) A holder of a license or registration identified in paragraphs (b) to (h), inclusive; or

(2) The spouse or the parent or child, by blood, marriage or adoption, of a holder of such a license or registration.

3. ***Each member appointed must, at the time of his or her appointment, have been a resident of this State for at least 5 years immediately preceding the appointment. Each member who is appointed to represent a business or industry specified in paragraphs (b) to (h), inclusive, of subsection 2, must, at the time of his or her appointment:***

(a) Hold a license or registration to engage in the business or industry that the member is appointed to represent; and

(b) Have been actively engaged in the business or industry that the member is appointed to represent for at least 3 of the 5 years immediately preceding the appointment.

4. After the initial terms, each member of the Board serves a term of 4 years. The members of the Board shall annually elect from among their number a Chair and a Vice Chair. ***The Chair is not entitled to a vote except to break a tie.*** The Department shall provide secretarial services for the Board.

~~[4.]~~ ***5.*** The Board shall meet regularly at least twice each year and may meet at other times upon the call of the Chair ~~[.]~~ ***or a majority of the members of the Board. Six members of the Board constitute a quorum, and a quorum may exercise all the power and authority conferred on the Board.*** Each member of the Board is entitled to the per diem allowance and travel expenses provided for state officers and employees generally ~~[.~~

~~5.]~~ ***while attending meetings of the Board.***

6. The Board shall:

(a) Study the regulation of garage operators, automobile wreckers ***,*** ~~[and]~~ operators of body shops ~~[and]~~ ***, operators of*** salvage pools, ***operators of authorized emissions stations*** ~~*[, insurers of motor vehicles]*~~ ***and new and used motor vehicle dealers,*** including, without limitation, the registration or licensure of such persons and the methods of disciplinary action against such persons;

(b) Analyze and advise the Department relating to any consumer complaints received by the Department concerning garage operators, automobile wreckers ***,*** ~~[or]~~ operators of body shops ***,*** ~~[or]~~ ***operators of*** salvage pools ~~[;]~~ ***, operators of authorized emissions stations*** ~~*[, insurers of motor vehicles]*~~ ***and new and used motor vehicle dealers;***

(c) Make recommendations to the Department for any necessary regulations or proposed legislation pertaining to paragraph (a) or (b);

(d) On or before January 15 of each odd-numbered year, prepare and submit a report concerning its activities and recommendations to the Governor and to the Director of the Legislative Counsel Bureau for transmission to the Legislature ~~[;]~~ ***and the Chairs of the Senate and Assembly Standing Committees on Transportation;*** and

(e) Perform any other duty assigned by the Department.

7. As used in this section, "authorized emissions stations" means stations licensed by the Department pursuant to NRS 445B.775 to inspect, repair, adjust or install devices for the control of emissions of motor vehicles.

Sec. 2. 1. The terms of the current members of the Advisory Board on Automotive Affairs appointed pursuant to paragraph (f) of subsection 2 of NRS 487.002 expire on June 30, 2011.

2. As soon as practicable after July 1, 2011, the Governor shall appoint to the Advisory Board on Automotive Affairs the members required by paragraphs (f) to (i), inclusive, of subsection 2 of NRS 487.002, as amended by section 1 of this act. The initial term of the members appointed pursuant to paragraphs (f) and (g) of subsection 2 of NRS 487.002 as amended by section 1 of this act expire on June 30, 2013. The initial term of the member

appointed pursuant to paragraph (h) of subsection 2 of NRS 487.002 as amended by section 1 of this act expires on June 30, 2015. The initial term of one member appointed pursuant to paragraph (i) of subsection 2 of NRS 487.002 as amended by section 1 of this act expires on June 30, 2013, and the initial term of the other member appointed pursuant to paragraph (i) of subsection 2 of NRS 487.002 as amended by section 1 of this act expires on June 30, 2015.

Sec. 3. Notwithstanding the amendatory provisions of this act, a member of the Advisory Board on Automotive Affairs who was appointed pursuant to paragraphs (a) to (e), inclusive, of subsection 2 of NRS 487.002 and who is serving a term on July 1, 2011, is entitled to serve out the remainder of the term to which he or she was appointed.

Sec. 4. 1. This section and section 2 of this act become effective upon passage and approval.

2. Sections 1 and 3 of this act become effective on July 1, 2011.

Assemblywoman Dondero Loop moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, reengrossed, and to third reading.

Senate Bill No. 246.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 703.

SUMMARY— ~~[Makes various changes concerning required training for employees who administer medication to a child at]~~ **Requires** certain entities that have custody of ~~[the]~~ **a** child pursuant to the order of a court ~~[.]~~ **to adopt a policy concerning the administration and management of medication.** (BDR 40-796)

AN ACT relating to protection of children; requiring ~~[the Administrator of the Health Division of the Department of Health and Human Services to approve or provide, to the extent possible, for training programs]~~ **certain entities that have custody of children pursuant to the order of a court to adopt a policy** concerning the administration and management of medication ~~; [for employees of certain entities that have custody of children pursuant to the order of a court;]~~ requiring ~~[certain]~~ **such entities to ensure that** employees ~~[of certain entities that have custody of such children successfully to complete a training program before administering]~~ **who will administer** medication to a child ~~[;]~~ **receive a copy of and understand the policy; providing a penalty;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires certain employees of certain entities that have custody of children pursuant to the order of a court to receive training on a variety of topics, including the administration of medication to children. (NRS 62B.250, 63.190, 424.0365, 432A.177, 433B.175, 449.037) ~~[Section 1~~

~~of this bill requires the Administrator of the Health Division of the Department of Health and Human Services, to the extent possible, to ensure that adequate training is available in this State to provide necessary instruction concerning the administration and management of medication to employees of public and private entities that have custody of children pursuant to the order of a court. In addition, the Administrator is required to maintain a list of approved training programs and make the list available on the Internet website of the Department.~~] **Section 2** of this bill requires [~~certain employees of~~] a medical facility that accepts custody of children pursuant to the order of a court [~~successfully to complete a training program that has been approved by the Administrator before the employee may be allowed to administer~~] **to adopt a policy concerning the administration and management of medication and to ensure that each employee of the medical facility who will administer** medication to a child in the facility [~~.~~] **receives a copy of and understands the policy. Sections** [~~8-12~~] **8.5-12.5** of this bill impose the same requirement [~~concerning the completion of a training program~~] on **:** [~~an employee of:~~] (1) a public or private institution or agency to which a juvenile court commits a child, including, without limitation, a facility for the detention of children; (2) a state facility for the detention or commitment of children; (3) a specialized foster home or a group foster home; (4) a child care facility which occasionally or regularly has physical custody of children pursuant to the order of a court; and (5) a treatment facility and any other facility of the Division of Child and Family Services of the Department of Health and Human Services into which a child may be committed by a court order.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. [~~Chapter 439 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~***1. The Administrator shall, to the extent possible, ensure that adequate training concerning the administration and management of medication is available to employees of a governmental facility for children, a private facility for children, a group foster home or a specialized foster home that has custody of children pursuant to the order of a court. Such training must include, without limitation, instruction concerning the manner in which to:***~~

~~***(a) Document the orders of the treating physician;***~~

~~***(b) Administer medication to a child;***~~

~~***(c) Store, handle and dispose of medication;***~~

~~***(d) Document the administration of medication and any errors in the administration of medication;***~~

~~***(e) Minimize errors in the administration of medication; and***~~

~~***(f) Address errors in the administration of medication.***~~

~~*2. To ensure that adequate training is available pursuant to subsection 1, the Administrator may:*~~

~~*(a) Approve training programs offered by public or private entities that have the appropriate expertise to provide such training; and*~~

~~*(b) To the extent that money is available for that purpose, provide for training programs through the Health Division.*~~

~~*3. The Administrator shall maintain a list of programs that are approved to provide the training described in subsection 1 and shall cause the list to be placed on the Internet website maintained by the Department.*~~

~~*4. The Administrator is not required to comply with the provisions of chapter 233B of NRS to approve or provide for training programs pursuant to this section.*~~

~~*5. As used in this section:*~~

~~*(a) "Governmental facility for children" has the meaning ascribed to it in NRS 218C.520.*~~

~~*(b) "Group foster home" has the meaning ascribed to it in NRS 424.015.*~~

~~*(c) "Private facility for children" has the meaning ascribed to it in NRS 218C.535.*~~

~~*(d) "Specialized foster home" has the meaning ascribed to it in NRS 424.018.]*~~ **(Deleted by amendment.)**

Sec. 2. Chapter 449 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in this section, a medical facility that has custody of ~~*[children]*~~ ***a child pursuant to the order of a court shall adopt a policy concerning the manner in which to:***

(a) Document the orders of the treating physician of a child;

(b) Administer medication to a child;

(c) Store, handle and dispose of medication;

(d) Document the administration of medication and any errors in the administration of medication;

(e) Minimize errors in the administration of medication; and

(f) Address errors in the administration of medication.

2. Such a medical facility shall ensure that each employee of the medical facility who will administer medication to such ~~*[children receives training at least annually in the administration and management of medication through a program approved or provided by the Administrator of the Health Division pursuant to section 1 of this act.*~~

~~*2. The medical facility shall not allow an employee to administer medication to a child in its custody pursuant to the order of a court unless the employee has successfully completed such training.*~~

~~*3. The provisions of this section do not apply to an employee of:*~~

~~*(a) A residential facility for groups who is required to complete the training and examination set forth in subsection 6 of NRS 449.037.*~~

~~*(b) A medical facility who has a license or certificate issued pursuant to chapter 630, 632 or 633 of NRS.]*~~ ***a child receives a copy of and understands the policy adopted pursuant to subsection 1.***

Sec. 3. NRS 449.070 is hereby amended to read as follows:

449.070 The provisions of NRS 449.001 to 449.240, inclusive, ***and section 2 of this act*** do not apply to:

1. Any facility conducted by and for the adherents of any church or religious denomination for the purpose of providing facilities for the care and treatment of the sick who depend solely upon spiritual means through prayer for healing in the practice of the religion of the church or denomination, except that such a facility shall comply with all regulations relative to sanitation and safety applicable to other facilities of a similar category.

2. Foster homes as defined in NRS 424.014.

3. Any medical facility or facility for the dependent operated and maintained by the United States Government or an agency thereof.

Sec. 4. NRS 449.160 is hereby amended to read as follows:

449.160 1. The Health Division may deny an application for a license or may suspend or revoke any license issued under the provisions of NRS 449.001 to 449.240, inclusive, ***and section 2 of this act*** upon any of the following grounds:

(a) Violation by the applicant or the licensee of any of the provisions of NRS 439B.410 or 449.001 to 449.245, inclusive, ***and section 2 of this act,*** or of any other law of this State or of the standards, rules and regulations adopted thereunder.

(b) Aiding, abetting or permitting the commission of any illegal act.

(c) Conduct inimical to the public health, morals, welfare and safety of the people of the State of Nevada in the maintenance and operation of the premises for which a license is issued.

(d) Conduct or practice detrimental to the health or safety of the occupants or employees of the facility.

(e) Failure of the applicant to obtain written approval from the Director of the Department of Health and Human Services as required by NRS 439A.100 or as provided in any regulation adopted pursuant to this chapter, if such approval is required.

(f) Failure to comply with the provisions of NRS 449.2486.

2. In addition to the provisions of subsection 1, the Health Division may revoke a license to operate a facility for the dependent if, with respect to that facility, the licensee that operates the facility, or an agent or employee of the licensee:

(a) Is convicted of violating any of the provisions of NRS 202.470;

(b) Is ordered to but fails to abate a nuisance pursuant to NRS 244.360, 244.3603 or 268.4124; or

(c) Is ordered by the appropriate governmental agency to correct a violation of a building, safety or health code or regulation but fails to correct the violation.

3. The Health Division shall maintain a log of any complaints that it receives relating to activities for which the Health Division may revoke the license to operate a facility for the dependent pursuant to subsection 2. The Health Division shall provide to a facility for the care of adults during the day:

(a) A summary of a complaint against the facility if the investigation of the complaint by the Health Division either substantiates the complaint or is inconclusive;

(b) A report of any investigation conducted with respect to the complaint; and

(c) A report of any disciplinary action taken against the facility.

➥ The facility shall make the information available to the public pursuant to NRS 449.2486.

4. On or before February 1 of each odd-numbered year, the Health Division shall submit to the Director of the Legislative Counsel Bureau a written report setting forth, for the previous biennium:

(a) Any complaints included in the log maintained by the Health Division pursuant to subsection 3; and

(b) Any disciplinary actions taken by the Health Division pursuant to subsection 2.

Sec. 5. NRS 449.163 is hereby amended to read as follows:

449.163 1. If a medical facility or facility for the dependent violates any provision related to its licensure, including any provision of NRS 439B.410 or 449.001 to 449.240, inclusive, ***and section 2 of this act,*** or any condition, standard or regulation adopted by the Board, the Health Division, in accordance with the regulations adopted pursuant to NRS 449.165, may:

(a) Prohibit the facility from admitting any patient until it determines that the facility has corrected the violation;

(b) Limit the occupancy of the facility to the number of beds occupied when the violation occurred, until it determines that the facility has corrected the violation;

(c) Impose an administrative penalty of not more than $1,000 per day for each violation, together with interest thereon at a rate not to exceed 10 percent per annum; and

(d) Appoint temporary management to oversee the operation of the facility and to ensure the health and safety of the patients of the facility, until:

(1) It determines that the facility has corrected the violation and has management which is capable of ensuring continued compliance with the applicable statutes, conditions, standards and regulations; or

(2) Improvements are made to correct the violation.

2. If a violation by a medical facility or facility for the dependent relates to the health or safety of a patient, an administrative penalty imposed pursuant to paragraph (c) of subsection 1 must be in a total amount of not

less than $1,000 and not more than $10,000 for each patient who was harmed or at risk of harm as a result of the violation.

3. If the facility fails to pay any administrative penalty imposed pursuant to paragraph (c) of subsection 1, the Health Division may:

(a) Suspend the license of the facility until the administrative penalty is paid; and

(b) Collect court costs, reasonable attorney's fees and other costs incurred to collect the administrative penalty.

4. The Health Division may require any facility that violates any provision of NRS 439B.410 or 449.001 to 449.240, inclusive, ***and section 2 of this act,*** or any condition, standard or regulation adopted by the Board to make any improvements necessary to correct the violation.

5. Any money collected as administrative penalties pursuant to this section must be accounted for separately and used to protect the health or property of the residents of the facility in accordance with applicable federal standards.

Sec. 6. NRS 449.220 is hereby amended to read as follows:

449.220 1. The Health Division may bring an action in the name of the State to enjoin any person, state or local government unit or agency thereof from operating or maintaining any facility within the meaning of NRS 449.001 to 449.240, inclusive ~~[.]~~ ***, and section 2 of this act:***

(a) Without first obtaining a license therefor; or

(b) After his or her license has been revoked or suspended by the Health Division.

2. It is sufficient in such action to allege that the defendant did, on a certain date and in a certain place, operate and maintain such a facility without a license.

Sec. 7. NRS 449.240 is hereby amended to read as follows:

449.240 The district attorney of the county in which the facility is located shall, upon application by the Health Division, institute and conduct the prosecution of any action for violation of any provisions of NRS 449.001 to 449.245, inclusive ~~[.]~~ ***, and section 2 of this act.***

Sec. 8. ~~[NRS 62B.250 is hereby amended to read as follows:~~

~~62B.250 1. A public or private institution or agency to which a juvenile court commits a child, including, without limitation, a facility for the detention of children, shall ensure that each employee who comes into direct contact with children who are in custody receives training within 30 days after employment and annually thereafter. Such training must include, without limitation, instruction concerning:~~

~~(a) Controlling the behavior of children;~~

~~(b) Policies and procedures concerning the use of force and restraint on children;~~

~~(c) The rights of children in the institution or agency;~~

~~(d) Suicide awareness and prevention;~~

~~(e) The administration of medication to children;~~

~~(f) Applicable state and federal constitutional and statutory rights of children in the institution or agency;~~

~~(g) Policies and procedures concerning other matters affecting the health, welfare, safety and civil and other rights of children in the institution or agency; and~~

~~(h) Such other matters as required by the Division of Child and Family Services.~~

~~2. *The training received pursuant to paragraph (e) of subsection 1 by an employee who will administer medication to a child must be obtained through a training program approved or provided by the Administrator of the Health Division of the Department of Health and Human Services pursuant to section 1 of this act. A public or private institution or agency to which a juvenile court commits a child, including, without limitation, a facility for the detention of children, shall not allow an employee to administer medication to a child in its custody unless the employee has successfully completed such training.*~~

~~*3.* The Division of Child and Family Services shall adopt regulations necessary to carry out the provisions of this section.~~**] (Deleted by amendment.)**

Sec. 8.5. **Chapter 62B of NRS is hereby amended by adding thereto a new section to read as follows:**

1. A public or private institution or agency to which a juvenile court commits a child, including, without limitation, a facility for the detention of children, shall adopt a policy concerning the manner in which to:

(a) Document the orders of the treating physician of a child;

(b) Administer medication to a child;

(c) Store, handle and dispose of medication;

(d) Document the administration of medication and any errors in the administration of medication;

(e) Minimize errors in the administration of medication; and

(f) Address errors in the administration of medication.

2. Such an institution or agency shall ensure that each employee of the institution or agency who will administer medication to a child at the institution or agency receives a copy of and understands the policy adopted pursuant to subsection 1.

Sec. 9. ~~[NRS 63.190 is hereby amended to read as follows:~~

~~63.190 1. The superintendent of a facility shall ensure that each employee who comes into direct contact with children in the facility receives training within 30 days after employment and annually thereafter. Such training must include, without limitation, instruction concerning:~~

~~(a) Controlling the behavior of children;~~

~~(b) Policies and procedures concerning the use of force and restraint on children;~~

~~(c) The rights of children in the facility;~~

~~(d) Suicide awareness and prevention;~~

~~(e) The administration of medication to children;~~

~~(f) Applicable state and federal constitutional and statutory rights of children in the home;~~

~~(g) Policies and procedures concerning other matters affecting the health, welfare, safety and civil and other rights of children in the facility; and~~

~~(h) Such other matters as required by the Administrator of the Division of Child and Family Services.~~

~~2. *The training received pursuant to paragraph (e) of subsection 1 by an employee who will administer medication to a child must be obtained through a training program approved or provided by the Administrator of the Health Division of the Department of Health and Human Services pursuant to section 1 of this act. The superintendent of a facility shall not allow an employee to administer medication to a child in its custody unless the employee has successfully completed such training.*~~

~~*3.* The Administrator of the Division of Child and Family Services shall provide direction to the superintendent of each facility concerning the manner in which to carry out the provisions of this section.~~**] (Deleted by amendment.)**

Sec. 9.5. **Chapter 63 of NRS is hereby amended by adding thereto a new section to read as follows:**

1. The superintendent of a facility shall adopt a policy concerning the manner in which to:

(a) Document the orders of the treating physician of a child;

(b) Administer medication to a child;

(c) Store, handle and dispose of medication;

(d) Document the administration of medication and any errors in the administration of medication;

(e) Minimize errors in the administration of medication; and

(f) Address errors in the administration of medication.

2. The superintendent shall ensure that each employee of the facility who will administer medication to a child at the facility receives a copy of and understands the policy adopted pursuant to subsection 1.

Sec. 10. ~~[NRS 424.0365 is hereby amended to read as follows:~~

~~424.0365 1. A licensee that operates a specialized foster home or a group foster home shall ensure that each employee who comes into direct contact with children in the home receives training within 30 days after employment and annually thereafter. Such training must include, without limitation, instruction concerning:~~

~~(a) Controlling the behavior of children;~~

~~(b) Policies and procedures concerning the use of force and restraint on children;~~

~~(c) The rights of children in the home;~~

~~(d) Suicide awareness and prevention;~~

~~(e) The administration of medication to children;~~

~~(f) Applicable state and federal constitutional and statutory rights of children in the home;~~

~~(g) Policies and procedures concerning other matters affecting the health, welfare, safety and civil and other rights of children in the home; and~~

~~(h) Such other matters as required by the licensing authority or pursuant to regulations of the Division.~~

~~2. *The training received pursuant to paragraph (e) of subsection 1 by an employee who will administer medication to a child must be obtained through a training program approved or provided by the Administrator of the Health Division of the Department of Health and Human Services pursuant to section 1 of this act. A licensee that operates a specialized foster home or a group foster home shall not allow an employee to administer medication to a child in such a home unless the employee has successfully completed such training.*~~

~~*3.* The Division shall adopt regulations necessary to carry out the provisions of this section.~~] **(Deleted by amendment.)**

Sec. 10.5. **Chapter 424 of NRS is hereby amended by adding thereto a new section to read as follows:**

1. A licensee that operates a specialized foster home or a group foster home shall adopt a policy concerning the manner in which to:

(a) Document the orders of the treating physician of a child;

(b) Administer medication to a child;

(c) Store, handle and dispose of medication;

(d) Document the administration of medication and any errors in the administration of medication;

(e) Minimize errors in the administration of medication; and

(f) Address errors in the administration of medication.

2. The licensee shall ensure that each employee of the specialized foster home or group foster home who will administer medication to a child at the specialized foster home or group foster home receives a copy of and understands the policy adopted pursuant to subsection 1.

Sec. 10.7. **NRS 424.090 is hereby amended to read as follows:**

424.090 The provisions of NRS 424.020 to 424.090, inclusive, ***and section 10.5 of this act,*** do not apply to homes in which:

1. Care is provided only for a neighbor's or friend's child on an irregular or occasional basis for a brief period, not to exceed 90 days.

2. Care is provided by the legal guardian.

3. Care is provided for an exchange student.

4. Care is provided to enable a child to take advantage of educational facilities that are not available in his or her home community.

5. Any child or children are received, cared for and maintained pending completion of proceedings for adoption of such child or children, except as otherwise provided in regulations adopted by the Division.

6. Except as otherwise provided in regulations adopted by the Division, care is voluntarily provided to a minor child who is:

(a) Related to the caregiver by blood, adoption or marriage; and

(b) Not in the custody of an agency which provides child welfare services.

7. Care is provided to a minor child who is in the custody of an agency which provides child welfare services pursuant to chapter 432B of NRS if:

(a) The caregiver is related to the child within the fifth degree of consanguinity; and

(b) The caregiver is not licensed pursuant to the provisions of NRS 424.020 to 424.090, inclusive ~~[.]~~ ***, and section 10.5 of this act.***

Sec. 11. ~~[NRS 432A.177 is hereby amended to read as follows:~~

~~432A.177 1. A licensee that operates a child care facility which occasionally or regularly has physical custody of children pursuant to the order of a court, including, without limitation, an emergency shelter, shall ensure that each employee who comes into direct contact with children in the facility receives training within 30 days after employment and annually thereafter. Such training must include, without limitation, instruction concerning:~~

~~(a) Controlling the behavior of children;~~

~~(b) Policies and procedures concerning the use of force and restraint on children;~~

~~(c) The rights of children in the facility;~~

~~(d) Suicide awareness and prevention;~~

~~(e) The administration of medication to children;~~

~~(f) Applicable state and federal constitutional and statutory rights of children in the facility;~~

~~(g) Policies and procedures concerning other matters affecting the health, welfare, safety and civil and other rights of children in the facility; and~~

~~(h) Such other matters as required by the Board.~~

~~2. The training received pursuant to paragraph (e) of subsection 1 by an employee who will administer medication to a child must be obtained through a training program approved or provided by the Administrator of the Health Division of the Department pursuant to section 1 of this act. A licensee that operates a child care facility which occasionally or regularly has physical custody of children pursuant to the order of a court, including, without limitation, an emergency shelter, shall not allow an employee to administer medication to a child in the child care facility unless the employee has successfully completed such training.~~

~~3. The Board shall adopt regulations necessary to carry out the provisions of this section.]~~ **(Deleted by amendment.)**

Sec. 11.5. **Chapter 432A of NRS is hereby amended by adding thereto a new section to read as follows:**

1. A licensee that operates a child care facility which occasionally or regularly has physical custody of children pursuant to the order of a court, including, without limitation, an emergency shelter, shall adopt a policy concerning the manner in which to:

(a) Document the orders of the treating physician of a child;

(b) Administer medication to a child;

(c) Store, handle and dispose of medication;

(d) Document the administration of medication and any errors in the administration of medication;

(e) Minimize errors in the administration of medication; and

(f) Address errors in the administration of medication.

2. The licensee shall ensure that each employee of the child care facility who will administer medication to a child at the child care facility receives a copy of and understands the policy adopted pursuant to subsection 1.

Sec. 11.7. **NRS 432A.220 is hereby amended to read as follows:**

432A.220 Any person who operates a child care facility without a license issued pursuant to NRS 432A.131 to 432A.220, inclusive, ***and section 11.5 of this act*** is guilty of a misdemeanor.

Sec. 12. ~~[NRS 433B.175 is hereby amended to read as follows:~~

~~433B.175 1. The Administrator shall ensure that each employee who comes into direct contact with children at any treatment facility and any other division facility into which a child may be committed by a court order receives training within 30 days after employment and annually thereafter. Such training must include, without limitation, instruction concerning:~~

~~(a) Controlling the behavior of children;~~

~~(b) Policies and procedures concerning the use of force and restraint on children;~~

~~(c) The rights of children in the facility;~~

~~(d) Suicide awareness and prevention;~~

~~(e) The administration of medication to children;~~

~~(f) Applicable state and federal constitutional and statutory rights of children in the facility;~~

~~(g) Policies and procedures concerning other matters affecting the health, welfare, safety and civil and other rights of children in the facility; and~~

~~(h) Such other matters as required by the Board.~~

~~2. *The training received pursuant to paragraph (e) of subsection 1 by an employee who will administer medication to a child must be obtained through a training program approved or provided by the Administrator of the Health Division of the Department pursuant to section 1 of this act. The Administrator of the Division of Child and Family Services shall not allow an employee to administer medication to a child at any treatment facility and any other division facility into which a child may be committed by a court order unless the employee has successfully completed such training.*~~

~~*3.* The Division shall adopt regulations necessary to carry out the provisions of this section.]~~ **(Deleted by amendment.)**

Sec. 12.5. **Chapter 433B of NRS is hereby amended by adding thereto a new section to read as follows:**

1. The Administrator shall adopt a policy for each treatment facility and any other division facility into which a child may be committed by a court order concerning the manner in which to:

(a) Document the orders of the treating physician of a child;

(b) Administer medication to a child;

(c) Store, handle and dispose of medication;

(d) Document the administration of medication and any errors in the administration of medication;

(e) Minimize errors in the administration of medication; and

(f) Address errors in the administration of medication.

2. The Administrator shall ensure that each employee who comes into direct contact with a child at any treatment facility and any other division facility into which a child may be committed by a court order and who will administer medication to a child receives a copy of and understands the policy adopted pursuant to subsection 1.

Sec. 13. NRS 654.190 is hereby amended to read as follows:

654.190 1. The Board may, after notice and a hearing as required by law, impose an administrative fine of not more than $10,000 for each violation on, recover reasonable investigative fees and costs incurred from, suspend, revoke, deny the issuance or renewal of or place conditions on the license of, and place on probation or impose any combination of the foregoing on any nursing facility administrator or administrator of a residential facility for groups who:

(a) Is convicted of a felony relating to the practice of administering a nursing facility or residential facility or of any offense involving moral turpitude.

(b) Has obtained his or her license by the use of fraud or deceit.

(c) Violates any of the provisions of this chapter.

(d) Aids or abets any person in the violation of any of the provisions of NRS 449.001 to 449.240, inclusive, ***and section 2 of this act,*** as those provisions pertain to a facility for skilled nursing, facility for intermediate care or residential facility for groups.

(e) Violates any regulation of the Board prescribing additional standards of conduct for nursing facility administrators or administrators of residential facilities for groups, including, without limitation, a code of ethics.

(f) Engages in conduct that violates the trust of a patient or resident or exploits the relationship between the nursing facility administrator or administrator of a residential facility for groups and the patient or resident for the financial or other gain of the licensee.

2. The Board shall give a licensee against whom proceedings are brought pursuant to this section written notice of a hearing pursuant to NRS 233B.121 and 241.034. A licensee may waive, in writing, his or her right to attend the hearing.

3. The Board may compel the attendance of witnesses or the production of documents or objects by subpoena. The Board may adopt regulations that

set forth a procedure pursuant to which the Chair of the Board may issue subpoenas on behalf of the Board. Any person who is subpoenaed pursuant to this subsection may request the Board to modify the terms of the subpoena or grant additional time for compliance.

4. An order that imposes discipline and the findings of fact and conclusions of law supporting that order are public records.

5. The expiration of a license by operation of law or by order or decision of the Board or a court, or the voluntary surrender of a license, does not deprive the Board of jurisdiction to proceed with any investigation of, or action or disciplinary proceeding against, the licensee or to render a decision suspending or revoking the license.

Sec. 14. ~~[1. An employee of a governmental facility for children, a group foster home, a private facility for children or a specialized foster home that has custody of a child pursuant to the order of a court who has not successfully completed training in the administration and management of medication through a program that has been approved by the Administrator of the Health Division of the Department of Health and Human Services as required pursuant to sections 2 and 8 to 12, inclusive, of this act, as applicable, on January 1, 2012, may continue to administer medication to a child in the custody of the facility or home if the person is authorized to do so on January 1, 2012, but must complete such training on or before March 31, 2012.~~

~~2. As used in this section:~~

~~(a) "Governmental facility for children" has the meaning ascribed to it in NRS 218G.520.~~

~~(b) "Group foster home" has the meaning ascribed to it in NRS 424.015.~~

~~(c) "Private facility for children" has the meaning ascribed to it in NRS 218G.535.~~

~~(d) "Specialized foster home" has the meaning ascribed to it in NRS 424.018.]~~ **(Deleted by amendment.)**

Sec. 15. This act becomes effective ~~[upon passage and approval for the purpose of taking such actions as are necessary to ensure that adequate training programs concerning the administration and management of medication are available in this State and for performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act, and]~~ on January 1, 2012 **.** ~~[, for all other purposes.]~~

Assemblywoman Pierce moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, reengrossed, and to third reading.

Senate Bill No. 299.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture, and Mining:

Amendment No. 682.

AN ACT relating to animals; requiring the board of county commissioners of each county and the governing body of each incorporated city to adopt an ordinance requiring commercial breeders of dogs or cats to obtain a permit to act as a breeder under certain circumstances; setting forth the requirements for the issuance of those permits; making various changes to the standards of care for dogs and cats; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law specifies standards for the care of dogs and cats by kennel and cattery operators, cat and dog breeders and sellers, and operators of animal shelters. (NRS 574.360-574.440) **Section 1.3** of this bill defines "breeder" as a person who operates a commercial establishment engaged in the business of breeding dogs or cats for sale or trade. **Section 1.3 expressly excludes from that definition any person who breeds dogs or cats as a hobby.** **Section 1.6** of this bill requires the board of county commissioners of each county and the governing body of each incorporated city to adopt an ordinance requiring each breeder to obtain an annual permit to do so from the board or governing body or from the animal control agency of the applicable county or city. **Section 1.6** also requires the applicable authority to issue the permit and assign a permit number to each breeder who applies for a permit, pays ~~[any]~~ **the** prescribed fee **, if any,** and complies with any other requirement established by the ordinance. Each permit issued must specify the premises at which the person may act as a breeder, and the number of the permit assigned to a breeder must be displayed in all advertising in which the breeder offers a dog or cat for sale or trade and on any receipt of sale of a dog or cat sold by the breeder. **Section 1.6** also authorizes an animal control agent of the applicable board or governing body or animal control agency to enter and inspect the specified premises of a breeder during any reasonable hour for the purpose of enforcing the animal care provisions of chapter 574 of NRS. Finally, **section 1.6** authorizes the ordinances required pursuant to this bill to provide for the suspension, revocation or denial of a permit for violating those animal care provisions.

Section 1.9 of this bill prohibits a breeder from selling a dog or cat unless a registered microchip has been subcutaneously inserted into the dog or cat and the dog or cat has had ~~[its]~~ **all the** required ~~[vaccination]~~ **vaccinations** for rabies ~~[.]~~ **which are appropriate for the age of the dog or cat.** In addition, **section 1.9** prohibits a breeder from selling a dog or cat without a written sales contract and further prohibits a breeder from breeding a female dog before she is 18 months old or more than once a year. **Sections 4 and** ~~[8-13]~~ **9-11** of this bill make various changes to certain standards of care for dogs and cats.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 574 of NRS is hereby amended by adding thereto the provisions set forth as sections 1.3, 1.6 and 1.9 of this act.

Sec. 1.3. ***"Breeder" means a dealer, operator or other person who is responsible for the operation of a commercial establishment engaged in the business of breeding dogs or cats for sale or trade. The term does not include a person who breeds dogs or cats as a hobby.***

Sec. 1.6. ***1. In addition to any ordinance adopted pursuant to NRS 244.189 , 244.335 or 244.359, the board of county commissioners of each county, if its jurisdiction to enact and enforce ordinances relating to animals is not limited by an interlocal agreement, shall adopt an ordinance requiring each breeder in an unincorporated area of the county to obtain an annual permit to act as a breeder issued by the board or by the animal control agency of the county, if any. Each such board of county commissioners may impose a fee for the issuance of the annual permit which does not exceed the approximate cost of providing the services associated with the issuance of the annual permits.***

2. In addition to any ordinance adopted pursuant to NRS 266.325 [,] or 266.355, the city council or other governing body of each incorporated city, whether organized under general law or special charter, if its jurisdiction to enact and enforce ordinances relating to animals is not limited by an interlocal agreement, shall adopt an ordinance requiring each breeder in the incorporated area of the city to obtain an annual permit to act as a breeder issued by the city council or other governing body or by the animal control agency, if any. Each such city council or other governing body of an incorporated city may impose a fee for the issuance of the annual permit which does not exceed the approximate cost of providing the services associated with the issuance of the annual permits.

3. After a board of county commissioners or a city council or other governing body of an incorporated city adopts an ordinance pursuant to subsection 1 or 2, as applicable, the board or governing body shall issue a permit and assign a permit number to each breeder who:

(a) Submits an application on a form and in the manner prescribed by the ordinance;

(b) Pays a fee , if any, prescribed by the ordinance; and

(c) Complies with any other requirements prescribed by the ordinance.

4. Each permit issued pursuant to subsection 3 must specify the address of the premises at which the person may act as a breeder.

5. The number of the permit assigned to a breeder pursuant to subsection 3 must be displayed in all advertising in which the breeder offers a dog or cat for sale and on any receipt of sale of a dog or cat sold by the breeder.

6. For the purpose of enforcing the provisions of NRS 574.360 to 574.440, inclusive, as those provisions apply to breeders, any animal control agent of the issuing authority may enter and inspect the premises specified on the permit at any reasonable hour.

7. An ordinance adopted pursuant to subsection 1 or 2 may provide for the suspension, revocation or denial of a permit for a violation of the provisions of NRS 574.360 to 574.440, inclusive, as those provisions apply to breeders.

Sec. 1.9. ***A breeder shall not:***

1. Sell a dog or cat:

(a) Unless the dog or cat has had:

(1) A registered microchip subcutaneously inserted into the dog or cat; and

(2) All ~~*[its]*~~ ***the required vaccinations for rabies*** ~~*[,]*~~ ***which are appropriate based upon the age of the dog or cat; or***

(b) Without providing a written sales contract to the purchaser; or

2. Breed a female dog:

(a) Before she is 18 months old; or

(b) More than once a year.

Sec. 2. NRS 574.210 is hereby amended to read as follows:

574.210 As used in NRS 574.210 to 574.510, inclusive, ***and sections 1.3, 1.6 and 1.9 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 574.220 to 574.330, inclusive, ***and section 1.3 of this act*** have the meanings ascribed to them in those sections.

Sec. 3. (Deleted by amendment.)

Sec. 4. NRS 574.310 is hereby amended to read as follows:

574.310 "Primary enclosure" means a structure used to restrict the immediate movement of a dog or cat to a limited amount of space, such as a room, pen, run, cage, compartment or hutch ~~[.]~~ ***, and in which an animal is regularly so restricted for more than 7 hours during a 24-hour period.***

Sec. 5. NRS 574.340 is hereby amended to read as follows:

574.340 ***1.*** The provisions of NRS 574.210 to 574.510, inclusive, ***and sections 1.3, 1.6 and 1.9 of this act*** do not apply to:

~~[1.]~~ ***(a)*** The exhibition, production, marketing or disposal of any livestock, poultry, fish or other agricultural commodity ~~[.~~

~~2.]~~ ***or animal.***

(b) Activities for which a license is required by the provisions of chapter 466 of NRS.

~~[3.]~~ ***(c)*** The housing of domestic cats or dogs kept as pets or cared for, without remuneration other than payment for reasonable expenses relating to the care of the cats or dogs, on behalf of another person in a home environment.

~~[4.]~~ ***(d)*** The exhibition of dogs or cats.

2. As used in this section:

(a) "Animal" has the meaning ascribed to it in NRS 564.010.

(b) "Livestock" has the meaning ascribed to it in NRS 569.0085.

Sec. 6. NRS 574.350 is hereby amended to read as follows:

574.350 No member, agent or officer of a society for the prevention of cruelty to animals may enforce the provisions of NRS 574.210 to 574.510, inclusive ~~[.]~~ ***, and sections 1.3, 1.6 and 1.9 of this act.***

Sec. 7. (Deleted by amendment.)

Sec. 8. (Deleted by amendment.)

Sec. 9. NRS 574.380 is hereby amended to read as follows:

574.380 If dogs or cats are kept outdoors, an operator shall:

1. Provide a suitable method for the rapid drainage of surface water from the area where each dog or cat is kept.

2. Provide each dog or cat with a sufficient amount of shelter to:

(a) Remain dry from rain and snow;

(b) Have enough shade to protect itself from any direct sunlight that is likely to cause overheating or discomfort; ~~[and]~~

(c) ***Remain cool during a period for which the National Weather Service has issued a heat advisory;***

(d) Protect the animal from wind which creates a wind chill below 50 degrees Fahrenheit or for which the National Weather Service has issued a high wind warning; and

(e) Remain warm when the atmospheric temperature falls below ~~[the temperature to which a dog or cat is acclimated,]~~ ***50 degrees Fahrenheit,*** the operator shall provide such an additional amount of clean bedding material or other protection as necessary for the dog or cat to remain warm.

3. After considering the ambient temperature, provide each dog or cat with a sufficient amount of food and water necessary to sustain it in a healthy condition at that temperature.

Sec. 10. NRS 574.390 is hereby amended to read as follows:

574.390 ***1.*** An operator shall ensure that a primary enclosure ~~[is]~~ ***:***

(a) Has a solid floor;

(b) Is not stacked on top of another primary enclosure; and

(c) Is constructed and maintained in such a manner as to:

~~[1.]~~ ***(1)*** Protect the dogs or cats inside from injury;

~~[2.]~~ ***(2)*** Prevent the dogs or cats inside from escaping;

~~[3.]~~ ***(3)*** Keep other dogs or cats out;

~~[4.]~~ ***(4)*** Allow the dogs or cats inside convenient access to food and water;

~~[5.]~~ ***(5)*** Enable the dogs or cats inside to remain clean and dry; ~~[and~~

~~6.]~~ ***(6)*** Provide sufficient space for each dog or cat inside to turn about freely and to stand, sit and lie in a comfortable, normal position ~~[.]~~ ***; and***

(7) Prevent the dogs or cats inside from biting or otherwise harming an animal or person outside of the primary enclosure.

2. The provisions of paragraphs (a) and (b) of subsection 1 do not apply to an animal shelter.

Sec. 11. NRS 574.430 is hereby amended to read as follows:

574.430 An operator shall ensure that:

1. Insects, ectoparasites and avian, mammalian and reptilian pests are kept under control.

2. Supplies of food and bedding material are stored in facilities that afford adequate protection from infestation or contamination by vermin.

3. ***For primary enclosures used to restrict the immediate movement of a dog or cat:***

(a) Excreta are removed ~~[from primary enclosures]~~ at least once daily to prevent contamination and to reduce to a minimum odors and the risk of disease ~~[. A primary enclosure must be]~~ ***; and***

(b) Each such primary enclosure is disinfected at least once daily and before placing another dog or cat in the primary enclosure. If a hosing or flushing method of cleaning is used, all dogs and cats must be removed from the primary enclosure and adequate measures must be taken to protect the dogs and cats in other primary enclosures from being contaminated with water and other wastes.

4. ~~[Other]~~ ***Primary*** enclosures ***used to restrict the immediate movement of an animal other than a dog or cat*** are cleaned, washed and disinfected at least once every 2 weeks to prevent any accumulation of debris or excreta and to reduce to a practical minimum substances and organisms injurious to the health of animals or humans.

5. Pens or runs with hard surfaces, and cages and rooms, are sanitized at least once every 2 weeks by:

(a) Washing them with water of a temperature not less than 120 degrees Fahrenheit and with soap or detergent;

(b) Washing all soiled surfaces with a safe and effective disinfectant; or

(c) Cleaning all soiled surfaces with live steam.

6. Pens or runs with gravel, sand or dirt surfaces are cleaned as often as necessary by removing and replacing the soiled gravel, sand or dirt.

7. Sewage, solid wastes, soiled bedding, dead animals and debris are removed from housing facilities regularly and disposed of properly.

8. Facilities for disposal are maintained in such a manner as to reduce to a minimum odors and the risk of disease or infestation by vermin.

9. Adequate facilities, such as washrooms, basins or sinks, are provided for the cleanliness of persons handling animals.

Sec. 12. (Deleted by amendment.)

Sec. 13. (Deleted by amendment.)

Sec. 14. **(Deleted by amendment.)**

Assemblywoman Carlton moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, reengrossed, and to third reading.

Senate Bill No. 300.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 712.

AN ACT relating to medical facilities; revising provisions governing billing and related practices of **certain larger** hospitals; revising requirements relating to notices of billing practices which must be provided to patients of certain hospitals; providing administrative penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires major hospitals with 200 or more beds to reduce by at least 30 percent the total billed charges for hospital services provided to inpatients who: (1) do not have insurance; (2) are not eligible for a government program which provides medical assistance; and (3) make arrangements to pay the hospital bill. (NRS 439B.260) **Section 2** of this bill specifies that the reduction in total billed charges applies only to inpatients who do not have health insurance and specifically excludes policies of insurance such as casualty and property insurance for purposes of determining whether an inpatient has insurance. Existing law requires major hospitals to give patients, upon discharge, notice of the provisions concerning the reduction of billed charges. (NRS 449.730) **Section 2** additionally requires major hospitals to include such a notice on or with the first statement of the hospital bill provided to each patient. Existing law prescribes civil and administrative penalties which are applicable to a violation of the provisions of **section 2**. (NRS 439B.500)

Section 3 of this bill prohibits a hospital from collecting any amount owed to the hospital for hospital care from the proceeds or potential proceeds of a civil action or from an insurer other than a health insurer if the patient was covered by health insurance **~~[.]~~ and the hospital has a contractual agreement with the insurer of the patient.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. (Deleted by amendment.)

Sec. 2. NRS 439B.260 is hereby amended to read as follows:

439B.260 1. A major hospital shall reduce or discount the total billed charge by at least 30 percent for hospital services provided to an inpatient who:

(a) Has no ***policy of health*** insurance or other contractual ~~[provision for the payment of the charge by]~~ ***agreement with*** a third party ~~[.]~~ ***that provides health coverage for the charge;***

(b) Is not eligible for coverage by a state or federal program of public assistance that would provide for the payment of the charge; and

(c) Makes reasonable arrangements within 30 days after ~~[discharge]~~ ***the date that notice was sent pursuant to subsection 2*** to pay the hospital bill.

2. ***A major hospital shall include on or with the first statement of the hospital bill provided to the patient after his or her discharge a notice of the reduction or discount available pursuant to this section, including, without limitation, notice of the criteria a patient must satisfy to qualify for a reduction or discount.***

3. A major hospital or patient who disputes the reasonableness of arrangements made pursuant to paragraph (c) of subsection 1 may submit the dispute to the Bureau for Hospital Patients for resolution as provided in NRS 223.575.

~~[3.]~~ ***4.*** A major hospital shall reduce or discount the total billed charge of its outpatient pharmacy by at least 30 percent to a patient who is eligible for Medicare.

5. As used in this section, "third party" means:

(a) An insurer, as that term is defined in NRS 679B.540;

(b) A health benefit plan, as that term is defined in NRS 689A.540, for employees which provides coverage for services and care at a hospital;

(c) A participating public agency, as that term is defined in NRS 287.04052, and any other local governmental agency of the State of Nevada which provides a system of health insurance for the benefit of its officers and employees, and the dependents of officers and employees, pursuant to chapter 287 of NRS; or

(d) Any other insurer or organization providing health coverage or benefits in accordance with state or federal law.

➥ The term does not include an insurer that provides coverage under a policy of casualty or property insurance.

Sec. 3. Chapter 449 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection 2, if a hospital provides hospital care to a person who has a policy of health insurance issued by a third party that provides health coverage for care provided at that hospital ~~[,]~~ and the hospital has a contractual agreement with the third party, the hospital shall proceed with any efforts to collect on any amount owed to the hospital for the hospital care in accordance with the provisions of NRS 449.757 and shall not collect or attempt to collect that amount from:

(a) Any proceeds or potential proceeds of a civil action brought by or on behalf of the patient, including, without limitation, any amount awarded for medical expenses; or

(b) An insurer other than a health insurer, including, without limitation, an insurer that provides coverage under a policy of casualty or property insurance.

2. This section does not apply to:

(a) Amounts owed to the hospital under the policy of health insurance that are not collectible; or

(b) Medicaid, the Children's Health Insurance Program or any other public program which may pay all or part of the bill.

3. This section does not limit any rights of a patient to contest an attempt to collect an amount owed to a hospital, including, without limitation, contesting a lien obtained by a hospital.

4. As used in this section, "third party" has the meaning ascribed to it in NRS 439B.260.

Sec. 4. NRS 449.751 is hereby amended to read as follows:

449.751 As used in NRS 449.751 to 449.759, inclusive, ***and section 3 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 449.753 and 449.755 have the meanings ascribed to them in those sections.

Sec. 5. NRS 449.757 is hereby amended to read as follows:

449.757 1. When a person receives hospital care, the hospital must not proceed with any efforts to collect on any amount owed to the hospital for the hospital care from the responsible party, other than for any copayment or deductible, if the responsible party has health insurance or may be eligible for Medicaid, the Children's Health Insurance Program or any other public program which may pay all or part of the bill, until the hospital has submitted a bill to the ***health*** insurance company or public program and the ***health*** insurance company or public program has made a determination concerning payment of the claim.

2. Collection efforts may begin and interest may begin to accrue on any amount owed to the hospital for hospital care which remains unpaid by the responsible party not sooner than 30 days after the responsible party is sent a bill by mail stating the amount that he or she is responsible to pay which has been established after receiving a determination concerning payment of the claim by any insurer or public program and after applying any discounts. Interest must accrue at a rate which does not exceed the prime rate at the largest bank in Nevada as ascertained by the Commissioner of Financial Institutions on January 1 or July 1, as the case may be, immediately preceding the date on which the payment becomes due, plus 2 percent. The rate must be adjusted accordingly on each January 1 and July 1 thereafter until the payment is satisfied.

3. Except for the interest authorized pursuant to subsection 2 and any court costs and attorney's fees awarded by a court, no other fees may be charged concerning the amount that remains unpaid, including, without limitation, collection fees, other attorney's fees or any other fees or costs.

Pierce moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, reengrossed, and to third reading.

Senate Bill No. 314.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 717.

AN ACT relating to real property; **exempting property managers from certain registration and permitting requirements relating to the practice of asset management;** providing for the registration and regulation of asset management companies; providing for the permitting and regulation of ~~[employees and independent contractors of]~~ **asset managers employed or independently contracted by** asset management companies; **setting forth the causes for disciplinary action for asset management companies and asset managers;** prohibiting a purchaser of residential property from voluntarily waiving or being required to waive his or her right to a disclosure form; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the licensure or registration and regulation of various professions in this State. (Title 54 of NRS) This bill provides for the registration, permitting and regulation of asset management companies and ~~[their employees and agents]~~ **asset managers** by the Real Estate Division of the Department of Business and Industry. Asset management companies provide **asset** management services for real property which is in foreclosure and which is owned by a bank, mortgage broker, mortgage banker, credit union, thrift company or savings and loan association, or any subsidiary thereof **, a mortgage holding entity chartered by Congress** or a **federal, state or local** governmental entity. Such companies **and persons** manage the property, performing services such as securing the property by changing locks, removing trash and debris, cleaning the home and surrounding property, performing maintenance and repairs of homes and disposing of the personal property of homeowners left in homes which are in foreclosure and which the legal owner has deemed abandoned.

Section 13.5 of this bill exempts from the requirements of registration or requirement to obtain a separate permit a person who holds a current permit to engage in property management but requires the person to comply with the remaining provisions of this bill as well as those regulating the practice of property management. Section 23 of this bill sets forth the requirements an asset management company must meet to be registered in this State, including criminal background checks on all principals, partners, directors and officers of the company. **Section 24** of this bill requires asset management companies to carry sufficient insurance to cover any damage to real property, any wrongful evictions or any wrongful disposal of the personal property of a homeowner or a tenant of a homeowner. **Section 27.5 of this bill imposes a $2,000 application fee for registration as an asset management company, as well as a $500 fee for the issuance of a certificate of registration and an annual fee of $500 to renew the certificate of registration. Section 29** of this bill requires all ~~[employees or independent contractors of]~~ **persons employed or independently contracted as an asset manager by** an asset management company to obtain a permit from the Division **, ~~[and]~~** undergo a criminal

background check at the expense of the ~~[employee or independent contractor.]~~ **asset manager and pay a fee of $75 for the issuance of the permit.**

Sections 29.3-29.7, 30.3 and 30.7 of this bill set forth the actions for which an asset management company or asset manager may be investigated or disciplined and the procedures the Division is required to follow in conducting disciplinary action. **Section 31** of this bill specifies the services an asset management company may provide and the steps an asset management company must take before it may dispose of the personal property of a homeowner or a tenant of a homeowner, including storage of the property for 30 days in a secure location and notifying the homeowner or the tenant in writing of the disposal and where the property may be reclaimed. **Section 32** of this bill makes it a misdemeanor for a person to operate an asset management company in this State without being registered with the Division or for an ~~[employee or independent contractor of an asset management company]~~ **asset manager** to engage in asset management without a permit issued by the Division. **Section 33** of this bill makes it a misdemeanor for an asset management company or its agents to: (1) evict a real property owner **or a tenant of a real property owner** without a court order while the real property owner still has time to redeem his or her real property; (2) dispose of any personal property of a homeowner or a tenant of a homeowner except as provided in **section 31**; (3) seize real property that is not in foreclosure; (4) allow any work to be done on real property by a person who is not licensed to do that type of work or allow any work to be done on real property which requires a permit or an inspection unless the permit is obtained or inspection completed; (5) conduct any activities for which a real estate license **or property management permit** is required without such a license ~~[,]~~ or **permit;** (6) fail to provide the real property disclosure to any purchaser of a residence for which the asset management company has provided services ~~[.]~~ **; or (7) receive, collect, hold or manage money which belongs to another person, including, without limitation, rent from a tenant, except in certain circumstances.**

Existing law requires a seller to complete and serve a purchaser of residential property with a disclosure form regarding the property, but allows a purchaser to waive his or her right to receive such a form. (NRS 113.130) **Section 34** of this bill prohibits a purchaser from waiving, or a seller from requiring a purchaser to waive, the purchaser's right to the disclosure form. **In addition, section 34 requires a seller to provide the purchaser with the contact information of any asset management company who repaired or replaced or attempted to repair or replace any defects in the property and requires the asset management company to provide the purchaser with a service report on the property upon request.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Title 54 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 2 to 33, inclusive, of this act.

Sec. 2. *As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 3 to ~~[12,]~~ 12.5, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 3. *"Administrator" means the Real Estate Administrator.*

Sec. 4. *"Asset management" means to manage, oversee or direct actions taken to maintain any real property, including, without limitation, any actions taken to preserve, restore or improve the value and to lessen the risk of damage to the property on behalf of a client before a foreclosure sale ~~[.]~~ or in preparation for liquidation of real property owned by the client pursuant to a foreclosure sale.*

Sec. 5. *"Asset management company" means a person, limited-liability company, partnership, association or corporation which, for compensation and pursuant to a contractual agreement, power of attorney or other legal authorization, ~~[provides services in the maintenance, repair and preparation for liquidation of real property that is owned or secured by a mortgage or lien on the property for an obligation owned by or]~~ engages in asset management on behalf of:*

1. A bank, mortgage broker, mortgage banker, credit union, thrift company or savings and loan association, or any subsidiary ~~[of such]~~ thereof which is authorized to transact business in this State;

2. A mortgage holding entity chartered by Congress; or

3. A federal, state or local governmental entity.

Sec. 5.5. "Asset manager" means a person engaged in the business of asset management who is an employee or independent contractor of a registered asset management company.

Sec. 6. *"Client" means ~~[a]~~ :*

1. A bank, mortgage broker, mortgage banker, credit union, thrift company or savings and loan association, or any subsidiary ~~[of such or governmental entity]~~ thereof that is authorized to transact business in this State;

2. A mortgage holding entity chartered by Congress; or

3. A federal, state or local governmental entity,

➥ *for whom an asset management company provides asset management.*

Sec. 7. *"Division" means the Real Estate Division of the Department of Business and Industry.*

Sec. 8. *"Foreclosure sale" means a sale of real property to enforce an obligation secured by a mortgage or lien on the property, including, without limitation, the exercise of a trustee's power of sale pursuant to NRS 107.080.*

Sec. 9. *"Homeowner" means the owner of record of a residence, including, without limitation, the owner of record of a residence in foreclosure at the time the notice of the pendency of an action for*

foreclosure is recorded pursuant to NRS 14.010 or the notice of default and election to sell is recorded pursuant to NRS 107.080.

Sec. 10. *"Mortgage banker" has the meaning ascribed to it in NRS 645E.100.*

Sec. 11. *"Mortgage broker" has the meaning ascribed to it in NRS 645B.0127.*

Sec. 11.3. *"Real property in foreclosure" includes, without limitation, a residence in foreclosure or commercial real property against which there is an outstanding notice of the pendency of an action for foreclosure recorded pursuant to NRS 14.010 or notice of default and election to sell recorded pursuant to NRS 107.080*

Sec. 11.7. *"Real property owner" means the owner of record of real property, including, without limitation, a homeowner or an owner of real property in foreclosure.*

Sec. 12. *"Residence in foreclosure" means any residential real property consisting of:*

1. Not more than four family dwelling units, one of which the homeowner or a tenant of the homeowner occupies as his or her principal place of residence; or

2. A single-family residential unit, including, without limitation, a condominium, townhouse or home within a subdivision, if the unit is sold, leased or otherwise conveyed unit by unit, regardless of whether the unit is part of a larger building or parcel that consists of more than four units,

➥ against which there is an outstanding notice of the pendency of an action for foreclosure recorded pursuant to NRS 14.010 or notice of default and election to sell recorded pursuant to NRS 107.080.

Sec. 12.5. "Service report" means a written report on a form prescribed by the Division which is provided by an asset management company or asset manager and which lists the specific services performed on real property for a client.

Sec. 13. *The provisions of this chapter do not apply to:*

1. A person who is a regular, full-time employee of a bank, mortgage broker, mortgage banker, credit union, thrift company or savings and loan association, or any subsidiary thereof.

2. A person who takes possession of property from a defendant in connection with a judicial proceeding for eminent domain brought pursuant to chapter 37 of NRS.

Sec. 13.5. 1. The provisions of this chapter which require a certificate of registration or permit do not apply to a person or broker who has a current permit to engage in property management pursuant to chapter 645 of NRS.

2. A person or broker who has a permit to engage in property management pursuant to chapter 645 of NRS may engage in the business of asset management if the provision of asset management services is

included in the property management agreement entered into pursuant to NRS 645.6056.

3. Except as otherwise provided in subsection 1, a person or broker who engages in the business of asset management must comply with the provisions of this chapter and the recordkeeping requirements of chapter 645 of NRS.

Sec. 14. *1. The Division shall administer the provisions of this chapter and may employ legal counsel, investigators and other professional consultants necessary to discharge its duties pursuant to this chapter.*

2. An employee of the Division must not be employed by or have an interest in any business that manages residences in foreclosure or other assets.

3. An employee of the Division shall not act as an asset manager or as an agent for an asset management company.

Sec. 15. *The Division shall adopt:*

1. Regulations prescribing a standard of practice and code of ethics for registered asset management companies. The regulations must include, without limitation, provisions establishing the degree of care that must be exercised by a reasonably prudent registered asset management company.

2. Such other regulations as are necessary for the administration of this chapter.

Sec. 16. *1. The Administrator may adopt regulations which establish procedures for the Division to conduct business electronically pursuant to title 59 of NRS with persons who are regulated pursuant to this chapter and with any other persons with whom the Division conducts business. The regulations may include, without limitation, provisions establishing fees to pay the costs of conducting business electronically with the Division.*

2. In addition to the provisions of NRS 719.280, if the Division conducts business electronically with a person and a law requires a signature or record to be notarized, acknowledged, verified or made under oath, the Division may allow the person to substitute a declaration that complies with the provisions of NRS 53.045 to satisfy the legal requirement.

3. The Division may refuse to conduct business electronically with a person who has failed to pay any money which the person owes to the Division.

Sec. 16.5. 1. The Division may inspect any service report, contractual agreement, power of attorney or other legal authorization entered into by an asset management company and a client to ensure compliance with the provisions of this chapter.

2. The Division shall adopt regulations pertaining to those inspections.

Sec. 17. *1. In addition to any other remedy or penalty, the Division may impose an administrative fine against any person who knowingly:*

(a) Engages or offers to engage in any activity for which a certificate of registration or permit or any other authorization is required pursuant to

this chapter, or any regulation adopted pursuant thereto, if the person does not hold the required certificate of registration or permit or has not received the required authorization; or

(b) Assists or offers to assist another person in the commission of a violation described in paragraph (a).

2. If the Division imposes an administrative fine against a person pursuant to this section, the amount of the administrative fine must not exceed the amount of any gain or economic benefit that the person derived from the violation or $5,000, whichever is greater.

3. In determining the appropriate amount of the administrative fine, the Division shall consider:

(a) The severity of the violation and the degree of any harm that the violation caused to other persons;

(b) The nature and amount of any gain or economic benefit that the person derived from the violation;

(c) The person's history or record of other violations; and

(d) Any other facts or circumstances that the Division deems to be relevant.

4. Before the Division may impose the administrative fine, the Division must provide the person with notice and an opportunity to be heard.

5. The person is entitled to judicial review of the decision of the Division in the manner provided by chapter 233B of NRS.

6. The provisions of this section do not apply to a person who engages or offers to engage in activities within the provisions of this chapter if:

(a) A specific statute exempts the person from complying with the provisions of this chapter with regard to those activities; and

(b) The person is acting in accordance with the exemption while engaging or offering to engage in those activities.

Sec. 18. *1. The Division shall maintain a record of:*

(a) Persons whose applications for registration have been denied;

(b) Formal disciplinary proceedings and any investigations conducted by the Division which result in the initiation of those proceedings; and

(c) Rulings or decisions upon complaints filed with the Division.

2. Except as otherwise provided in this section and section 19 of this act, records kept in the office of the Division pursuant to this chapter are open to the public for inspection pursuant to regulations adopted by the Division. Except as otherwise provided in NRS 239.0115, the Division may keep confidential, unless otherwise ordered by a court any criminal and financial records of an asset management company or applicant for a certificate of registration.

Sec. 19. *1. Except as otherwise provided in this section and section 18 of this act, a complaint filed with the Division, all documents and other information filed with the Division relating to the complaint and all documents and other information compiled as a result of an investigation conducted to determine whether to initiate disciplinary action are*

confidential and may be disclosed in whole or in part only as necessary in the course of administering this chapter or to a licensing board or agency or any other governmental agency, including, without limitation, a law enforcement entity, that is investigating a person who holds a certificate of registration or permit issued pursuant to this chapter.

2. The complaint or other document filed by the Division to initiate disciplinary action and all documents and information considered by the Division when determining whether to impose discipline are public records.

Sec. 20. ***1. All fees and administrative fines received by the Division pursuant to this chapter must be deposited with the State Treasurer for credit to the State General Fund.***

2. Money for the support of the Division in carrying out the provisions of this chapter must be provided by direct legislative appropriation and be paid out on claims as other claims against the State are paid.

Sec. 21. ***1. The Attorney General shall render to the Division opinions upon questions of law relating to the construction or interpretation of this chapter, or arising in the administration thereof, submitted to the Attorney General by the Division.***

2. The Attorney General shall act as the attorney for the Division in all actions and proceedings brought against or by the Division pursuant to any of the provisions of this chapter.

Sec. 22. ***If the Division imposes an administrative fine [,] or collects a fee for registering an asset management company or issuing or renewing a permit to an asset manager, the Division shall deposit the amount collected with the State Treasurer for credit to the State General Fund. The Division may present a claim to the State Board of Examiners for recommendation to the Interim Finance Committee if money is needed to pay an attorney's fee or the cost of an investigation, or both.***

Sec. 23. ***1. A person who wishes to be registered as an asset management company in this State must file a written application with the Division upon a form prepared and furnished by the Division [.] and pay the fee required pursuant to section 27.5 of this act. An application must:***

(a) State the name, residence address and business address of the applicant and the location of each principal office and branch office at which the asset management company will conduct business within this State;

(b) State the name under which the applicant will conduct business as an asset management company;

(c) List the name, residence address and business address of each person who will, if the applicant is not a natural person, have an interest in the asset management company as a principal, partner, officer, director or trustee, specifying the capacity and title of each such person; [and]

(d) Include a complete set of the fingerprints of the applicant or, if the applicant is not a natural person, a complete set of the fingerprints of each person who will have an interest in the asset management company as a

principal, partner, officer, director or trustee, and written permission authorizing the Division to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report [.] ; and

(e) Include a statement signed by the applicant attesting that the applicant has read and understands the provisions of sections 29.5 to 33, inclusive, of this act.

2. Except as otherwise provided in this chapter the Division shall issue a certificate of registration to an applicant as an asset management company if:

(a) The application is verified by the Division and complies with the requirements of this chapter.

(b) The applicant and each general partner, officer or director of the applicant, if the applicant is a partnership, corporation or unincorporated association:

(1) Submits satisfactory proof to the Division that he or she has a good reputation for honesty, trustworthiness and integrity and displays competence to transact the business of an asset management company in a manner which safeguards the interests of the general public.

(2) Has not been convicted of, or entered a plea of nolo contendere to, a felony relating to the practice of asset management or any crime involving fraud, misrepresentation or moral turpitude.

(3) Has not made a false statement of material fact on his or her application.

(4) Has not had a professional license that was issued in this State or any other state, district or territory of the United States or any foreign country suspended or revoked within the 10 years immediately preceding the date of application.

(5) Has not violated any provision of this chapter, a regulation adopted pursuant thereto or an order of the Administrator.

(c) The applicant certifies that he or she:

(1) Has a process in place to verify that each employee or independent contractor that [provides] performs services [to] as directed by the asset management company or an asset manager employed by or under contract with the asset management company is the holder of a license in good standing in this State to perform the services for which the asset management company will use the employee or independent contractor.

(2) Has a process in place to review the work of each independent contractor that [provides] performs services [to] as directed by the asset management company or an asset manager employed by or under contract with the asset management company to ensure that those services are conducted in accordance with all applicable laws and regulations of this State.

(3) Will maintain a detailed record of each request for service it receives and the independent contractor who fulfilled that request.

(d) The applicant submits proof that he or she possesses all business licenses and permits required to do business in this State.

Sec. 24. *1. Before issuing any certificate of registration or annual renewal thereof, the Division shall require satisfactory proof that the asset management company:*

(a) Is covered by a policy of insurance written by an insurance company authorized to do business in this State which is sufficient to reimburse real property owners for, without limitation, any damage to real property in foreclosure, the wrongful disposal of property or wrongful eviction; or

(b) Possesses and will continue to possess sufficient means to act as a self-insurer against that liability.

2. Every asset management company shall maintain the policy of insurance or self-insurance required by this section. The registration of every such asset management company is automatically suspended 10 days after receipt by the asset management company of a notice from the Division that the required insurance is not in effect, unless satisfactory proof of insurance is provided to the Division within that period.

3. Proof of insurance or self-insurance must be in such a form as the Division may require.

Sec. 25. *1. If an asset management company is not a natural person, the company must designate a natural person as a qualified employee to act on behalf of the asset management company.*

2. As used in this section, "qualified employee" means:

(a) A director, officer, member, employee, manager or trustee of a partnership, corporation or limited-liability company designated by the partnership, corporation or limited-liability company to act on the behalf of the partnership, corporation or limited-liability company; or

(b) A person designated by a sole proprietorship who satisfies the requirements set forth in subsection 2 of section 23 of this act.

Sec. 26. *1. In addition to any other requirements set forth in this chapter, an applicant for the issuance of a certificate of registration as an asset management company or a permit to engage in asset management shall:*

(a) Include the social security number of the applicant in the application submitted to the Division.

(b) Submit to the Division the statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520. The statement must be completed and signed by the applicant.

2. The Division shall include the statement required pursuant to subsection 1 in:

(a) The application or any other forms that must be submitted for the issuance or renewal of the certificate of registration or permit; or

(b) A separate form prescribed by the Division.

3. A certificate of registration or permit may not be issued or renewed by the Division pursuant to this chapter if the applicant:

(a) Fails to submit the statement required pursuant to subsection 1; or

(b) Indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.

4. If an applicant indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the Division shall advise the applicant to contact the district attorney or other public agency enforcing the order to determine the actions that the applicant may take to satisfy the arrearage.

Sec. 27. *A certificate of registration issued pursuant to this chapter expires each year on the date of its issuance, unless it is renewed. To renew the certificate of registration, the registrant must submit to the Division on or before the expiration date:*

1. An application for renewal; ~~[and]~~

2. The fee required to renew the certificate of registration pursuant to section 27.5 of this act; and

3. All information required to complete the renewal.

Sec. 27.5. 1. A person must pay the following fees for the issuance or renewal of a certificate of registration as an asset management company:

(a) For the issuance of a certificate of registration, an application fee of $2,000 for the principal office and a fee of $500 for the issuance of the initial certificate of registration.

(b) For the renewal of a certificate of registration, a fee of $500.

2. The following fees must be charged by and paid to the Division:

For each issuance of a duplicate registration or permit……$50
For each change in the name or location of a business…….....20
For each change in the name or business address of a holder of a permit 20

Sec. 28. (Deleted by amendment.)

Sec. 29. *1. A person in this State who is employed ~~[by]~~ or ~~[is an independent contractor for]~~ independently contracted as an asset manager by an asset management company shall apply to the Division for a permit to engage in asset management ~~[.]~~ and pay a fee of $75 for the issuance of the permit.*

2. An applicant for a permit must:

(a) At his or her own expense:

(1) Arrange to have a complete set of fingerprints taken by a law enforcement agency or other authorized entity acceptable to the Division; and

(2) Submit to the Division:

(I) A completed fingerprint card and written permission authorizing the Division to submit the applicant's fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for a report on the applicant's background and to such other law enforcement agencies as the Division deems necessary; or

(II) Written verification, on a form prescribed by the Division, stating that the fingerprints of the applicant were taken by a law enforcement agency or other authorized entity and directly forwarded by electronic or other means to the Central Repository and that the applicant has given written permission to the law enforcement agency or other authorized entity to submit the fingerprints to the Central Repository for submission to the Federal Bureau of Investigation for a report on the applicant's background and to such other law enforcement agencies as the Division deems necessary; ~~[and]~~

(b) Submit to the Division a signed statement attesting that the applicant has read and understands the provisions of sections 29.5 to 33, inclusive, of this act; and

(c) Comply with all other requirements established by the Division for the issuance of a permit.

3. The Division may:

(a) Unless the applicant's fingerprints are forwarded pursuant to sub-subparagraph (II) of subparagraph (2) of paragraph (a) of subsection 2, submit those fingerprints to the Central Repository for submission to the Federal Bureau of Investigation and to such other law enforcement agencies as the Division deems necessary; and

(b) Request from each such agency any information regarding the applicant's background as the Division deems necessary.

Sec. 29.3. 1. The Administrator may investigate the actions of any asset management company or asset manager or any person who acts in any such capacity within this State.

2. The provisions of this chapter do not limit the authority of the Division to take disciplinary action against a registered asset management company or permit holder for a violation of any of the provisions of this chapter or any regulation adopted pursuant to this chapter, nor does the payment in full of all obligations through any insurance proceeds nullify or modify the effect of any other disciplinary proceeding brought pursuant to the provisions of this chapter or any regulation adopted pursuant to this chapter.

Sec. 29.5. 1. The Division may require an asset management company or asset manager to pay an administrative fine of not more than $10,000 for each violation he or she commits or suspend, revoke, deny the

renewal of or place conditions upon his or her certificate of registration or permit, or impose any combination of those actions, at any time if the asset management company or asset manager has, by false or fraudulent representation, obtained a certificate of registration or permit, or the asset management company or asset manager, whether or not acting as such, is found guilty of:

(a) Making any material misrepresentation.

(b) Making any false promises of a character likely to influence, persuade or induce.

(c) Failing to maintain, for review and audit by the Division, each service report, contractual agreement, power of attorney or other legal authorization entered into with a client and governed by the provisions of this chapter.

(d) Accepting or collecting any money which belongs to another person.

(e) Violating any order of the Division, any agreement with the Division, any of the provisions of this chapter or chapters 116, 119, 119A, 119B, 645, 645A or 645C of NRS or any regulation adopted pursuant thereto.

(f) Paying a commission, compensation or a finder's fee to any person for performing the services of an asset management company or asset manager who does not have a certificate of registration or permit in this State.

(g) A conviction of, or the entry of a plea of guilty, guilty but mentally ill or nolo contendere to:

(1) A felony relating to the practice of the asset management company or asset manager; or

(2) Any crime involving fraud, deceit, misrepresentation or moral turpitude.

(h) Gross negligence or incompetence in performing any act for which the person is required to hold a certificate of registration, permit or license pursuant to this chapter or chapter 119, 119A, 119B or 645 of NRS.

(i) Any other conduct which constitutes deceitful, fraudulent or dishonest dealing.

(j) Any conduct which took place before the person obtained his or her certificate of registration or permit which was unknown to the Division and which would have been grounds for denial of the certificate of registration or permit had the Division been aware of the conduct.

(k) Knowingly allowing any person whose certificate of registration or permit has been revoked to act as an asset management company or asset manager with or on behalf of the asset management company or asset manager.

(l) Failing to maintain insurance at the level required pursuant to this chapter.

(m) Failing to produce any document, book or record in his or her possession, or under his or her control, concerning any real estate

transaction or asset management service under investigation by the Division.

2. The Division may take action pursuant to this section against a person who is subject to this chapter for the suspension or revocation of a certificate of registration issued to an asset management company or a permit issued to an asset manager by any other jurisdiction.

3. The Division may take action pursuant to this section against any person who:

(a) Is a registered asset management company or holds a permit as an asset manager pursuant to this chapter; and

(b) In connection with any property for which the person is engaging in the business of asset management pursuant to this chapter:

(1) Is convicted of violating any of the provisions of NRS 202.470;

(2) Has been notified in writing by the appropriate governmental agency of a potential violation of NRS 244.360, 244.3603 or 268.4124 and has failed to inform the owner of the property of such notification; or

(3) Has been directed in writing by the owner of the property to correct a potential violation of NRS 244.360, 244.3603 or 268.4124 and has failed to correct the potential violation, if such corrective action is within the scope of the person's duties pursuant to a contract power of attorney or other legal authorization entered into with a client.

4. The Division shall maintain a log of any complaints that it receives relating to activities for which the Division may take action against a person holding a certificate of registration or permit to engage in the business of asset management pursuant to this chapter.

5. An order that imposes discipline and the findings of fact and conclusions of law supporting that order are public records.

Sec. 29.7. In addition to any other remedy or penalty, the Division may:

1. Refuse to issue a certificate of registration or permit to a person who has failed to pay any money which the person owes to the Division.

2. Refuse to renew, or suspend or revoke, the certificate of registration or permit of a person who has failed to pay that money.

Sec. 30. ***1. If the Division receives a copy of a court order issued pursuant to NRS 425.540 that provides for the suspension of all professional, occupational and recreational licenses, certificates and permits issued to a holder of a certificate of registration or permit, the Division shall deem the certificate of registration or permit to be suspended at the end of the 30th day after the date the court order was issued unless the Division receives a letter issued to the holder of the certificate of registration or permit by the district attorney or other public agency pursuant to NRS 425.550 stating that the holder of the certificate of registration or permit has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.***

2. The Division shall reinstate a certificate of registration or permit that has been suspended by a district court pursuant to NRS 425.540 if the Division receives a letter issued by the district attorney or other public agency pursuant to NRS 425.550 to the holder of the certificate of registration or permit stating that the holder of the certificate of registration or permit has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

Sec. 30.3. 1. Any unlawful act or violation of any of the provisions of this chapter by any asset management company or asset manager is not cause to suspend, revoke or deny the renewal of the certificate of registration or permit of an asset management company or asset manager associated with an asset management company or asset manager, unless it appears to the satisfaction of the Division that the associate knew or should have known thereof. A course of dealing shown to have been persistently and consistently followed by any asset management company or asset manager constitutes prima facie evidence of such knowledge upon the part of the associate.

2. If it appears that a registered asset management company knew or should have known of any unlawful act or violation on the part of an asset manager employed by the asset management company, in the course of his or her employment, the Division may suspend, revoke or deny the renewal of the certificate of registration of the asset management company and may assess a civil penalty of not more than $5,000.

3. The Division may suspend, revoke or deny the renewal of the certificate of registration of an asset management company and may assess a civil penalty of not more than $5,000 against the asset management company if it appears that the asset management company has failed to maintain adequate supervision of an asset manager associated with the asset management company and that asset manager commits any unlawful act or violates any provision of this chapter.

Sec. 30.7. The expiration or revocation of a certificate of registration or permit by operation of law or by order or decision of the Division or a court of competent jurisdiction or the voluntary surrender of a certificate of registration or a permit by an asset management company or asset manager does not:

1. Prohibit the Administrator or Division from initiating or continuing an investigation of, or action or disciplinary proceeding against, the asset management company or asset manager as authorized pursuant to the provisions of this chapter or the regulations adopted pursuant thereto; or

2. Prevent the imposition or collection of any fine or penalty authorized pursuant to the provisions of this chapter or the regulations adopted pursuant thereto against the asset management company or asset manager.

Sec. 31. *1. Subject to the provisions of section 33 of this act, the services an asset management company may provide include, without limitation:*

(a) Securing real property in foreclosure once it has been determined to be abandoned and all notice provisions required by law have been complied with;

(b) Providing maintenance for real property in foreclosure, including landscape and pool maintenance;

(c) Cleaning the interior or exterior of real property in foreclosure;

(d) Providing repair or improvements for real property in foreclosure; and

(e) Removing trash and debris from real property in foreclosure and the surrounding property.

2. An asset management company may dispose of personal property abandoned on the premises of a residence in foreclosure or left on the premises after the eviction of a homeowner or a tenant of a homeowner without incurring civil or criminal liability in the following manner:

(a) The asset management company shall reasonably provide for the safe storage of the property for 30 days after the abandonment or eviction and may charge and collect the reasonable and actual costs of inventory, moving and storage before releasing the property to the homeowner or the tenant of the homeowner or his or her authorized representative rightfully claiming the property within that period. The asset management company is liable to the homeowner or the tenant of the homeowner only for the asset management company's negligent or wrongful acts in storing the property.

(b) After the expiration of the 30-day period, the asset management company may dispose of the property and recover his or her reasonable costs from the property or the value thereof if the asset management company has made reasonable efforts to locate the homeowner or the tenant of the homeowner, has notified the homeowner or the tenant of the homeowner in writing of his or her intention to dispose of the property and 14 days have elapsed since the notice was given to the homeowner or the tenant of the homeowner. The notice must be mailed to the homeowner or the tenant of the homeowner at the present address of the homeowner or the tenant of the homeowner and, if that address is unknown, then at the last known address of the homeowner or the tenant of the homeowner.

(c) Vehicles must be disposed of in the manner provided in chapter 487 of NRS for abandoned vehicles.

3. Any dispute relating to the amount of the costs claimed by the asset management company pursuant to paragraph (a) of subsection 2 may be resolved using the procedure provided in subsection 7 of NRS 40.253.

Sec. 31.3. 1. An asset management company that is a natural person or an asset manager shall notify the Division in writing if he or she is convicted of, or enters a plea of guilty, guilty but mentally ill or nolo contendere to, a felony or any offense involving moral turpitude.

2. An asset management company that is a natural person or an asset manager shall submit the notification required by subsection 1:

(a) Not more than 10 days after the conviction or entry of the plea of guilty, guilty but mentally ill or nolo contendere; and

(b) When submitting an application to renew a certificate of registration or permit issued pursuant to this chapter.

Sec. 31.5. 1. An applicant for a certificate of registration pursuant to section 23 of this act or a permit pursuant to section 29 of this act shall file with the Division, on a form prescribed by a regulation adopted by the Division, an irrevocable consent appointing the Administrator as his or her agent for service of process in a noncriminal proceeding against the applicant, a successor or personal representative which arises under this chapter or a regulation adopted pursuant to this chapter after the consent is filed, with the same force and validity as if served personally on the person filing the consent.

2. A person who has filed an irrevocable consent in accordance with subsection 1 in connection with a previous application for a certificate of registration or permit is not required to file an additional consent.

3. If a person, including a nonresident of this State, engages in conduct prohibited or made actionable by this chapter or a regulation adopted pursuant to this chapter and the person has not filed an irrevocable consent to service of process in accordance with subsection 1, engaging in the conduct constitutes the appointment of the Administrator as the person's agent for service of process in a noncriminal proceeding against the person, a successor or personal representative which arises out of the conduct.

4. Service under subsection 1 or 3 may be made by leaving a copy of the process in the Office of the Administrator, but it is not effective unless:

(a) The plaintiff, who may be the Administrator, sends notice of the service and a copy of the process by registered or certified mail, return receipt requested, to the defendant or respondent at the address set forth in the consent to service of process or, if no consent to service of process has been filed, at the last known address, or takes other steps which are reasonably calculated to give actual notice; and

(b) The plaintiff files an affidavit of compliance with this subsection in the proceeding on or before the return day of the process, if any, or within such further time as the court, or the Administrator in a proceeding before the Administrator, allows.

5. Service as provided in subsection 4 may be used in a proceeding before the Administrator or by the Administrator in a proceeding in which the Administrator is the moving party.

6. If the process is served under subsection 4, the court, or the Administrator in a proceeding before the Administrator, may order continuances as may be necessary to afford the defendant or respondent a reasonable opportunity to defend.

Sec. 31.7. In any proceeding pursuant to this chapter, the Administrator may appoint hearing officers from the Department of

Business and Industry who shall act as his or her agents and conduct any hearing or investigation which may be conducted by the Administrator pursuant to the provisions of this chapter.

Sec. 32. *1. It is unlawful for any person, limited-liability company, partnership, association or corporation to engage in the business of, act in the capacity of, advertise or assume to act as an asset management company without first obtaining a certificate of registration from the Division pursuant to section 23 of this act.*

2. It is unlawful for ~~[an employee or independent contractor of an asset management company]~~ any asset manager to engage in the business of asset management without first obtaining a permit from the Division pursuant to section 29 of this act.

3. A person who violates a provision of this section is guilty of a misdemeanor.

Sec. 33. *1. It is unlawful for an asset management company or an asset manager or other employee, director, officer or agent of an asset management company to:*

(a) Unless the asset management company is acting pursuant to a court order, evict a real property owner or a tenant of a real property owner until after the time during which the real property owner may redeem the real property in foreclosure.

(b) Dispose of the personal property of a homeowner or a tenant of a homeowner except as provided in section 31 of this act.

(c) Seize real property for a client which is not real property in foreclosure.

(d) Perform any repair, maintenance or renovation on the real property in foreclosure:

(1) Which is required to be performed by a person holding a license unless such repair, maintenance or renovation is done by a person licensed in this State to perform such repair, maintenance or renovation; or

(2) Which requires a permit or inspection by any governmental entity in this State, unless the permit is first obtained and the inspection is performed after completion.

(e) Conduct any activity for which a license or permit is required pursuant to chapter 645 of NRS without first obtaining such a license ~~[.]~~ or permit.

(f) Fail to provide the disclosure form required pursuant to NRS 113.130 for a purchaser of a residence in foreclosure for which the asset management company or its asset manager, employee, director, officer or agent has provided asset management.

(g) Receive, collect, hold or manage any money which belongs to another person, including, without limitation, collecting or managing rent from a tenant unless the person holds a permit as a property manager pursuant to chapter 645 of NRS and is receiving, collecting, holding or managing the money pursuant to a property management agreement.

2. A person who violates a provision of this section is guilty of a misdemeanor.

Sec. 33.3. **Chapter 645 of NRS is hereby amended by adding thereto a new section to read as follows:**

1. A broker who enters into an agreement to provide asset management services to a client shall:

(a) Disclose annually to the Division any such agreements to provide asset management services to a client; and

(b) Provide proof satisfactory to the Division on an annual basis that the broker has complied with the requirements of section 24 of this act.

2. In addition to any other remedy or penalty, the Division may take administrative action, including, without limitation, the suspension of a license or permit or the imposition of an administrative fine, against a broker who fails to comply with this section.

3. As used in this section:

(a) "Asset management" has the meaning ascribed to it in section 4 of this act.

(b) "Client" has the meaning ascribed to it in section 6 of this act.

Sec. 33.7. **NRS 645.6056 is hereby amended to read as follows:**

645.6056 1. A real estate broker who holds a permit to engage in property management shall not act as a property manager unless the broker has first obtained a property management agreement signed by the broker and the client for whom the broker will manage the property.

2. A property management agreement must include, without limitation:

(a) The term of the agreement and, if the agreement is subject to renewal, provisions clearly setting forth the circumstances under which the agreement may be renewed and the term of each such renewal;

(b) A provision for the retention and disposition of deposits of the tenants of the property during the term of the agreement and, if the agreement is subject to renewal, during the term of each such renewal;

(c) The fee or compensation to be paid to the broker;

(d) The extent to which the broker may act as the agent of the client; ~~[and]~~

(e) If the agreement is subject to cancellation, provisions clearly setting forth the circumstances under which the agreement may be cancelled. The agreement may authorize the broker or the client, or both, to cancel the agreement with cause or without cause, or both, under the circumstances set forth in the agreement ~~[.]~~ ***; and***

(f) If the broker intends to provide asset management services for the client, a provision indicating the extent to which the broker will provide those services. As used in this paragraph, "client" has the meaning ascribed to it in section 6 of this act.

Sec. 34. NRS 113.130 is hereby amended to read as follows:

113.130 1. Except as otherwise provided in ~~[subsections]~~ ***subsection*** 2 ***:*** ~~[and 3:]~~

(a) At least 10 days before residential property is conveyed to a purchaser:

(1) The seller shall complete a disclosure form regarding the residential property; and

(2) The seller or the seller's agent shall serve the purchaser or the purchaser's agent with the completed disclosure form.

(b) If, after service of the completed disclosure form but before conveyance of the property to the purchaser, a seller or the seller's agent discovers a new defect in the residential property that was not identified on the completed disclosure form or discovers that a defect identified on the completed disclosure form has become worse than was indicated on the form, the seller or the seller's agent shall inform the purchaser or the purchaser's agent of that fact, in writing, as soon as practicable after the discovery of that fact but in no event later than the conveyance of the property to the purchaser. If the seller does not agree to repair or replace the defect, the purchaser may:

(1) Rescind the agreement to purchase the property; or

(2) Close escrow and accept the property with the defect as revealed by the seller or the seller's agent without further recourse.

2. Subsection 1 does not apply to a sale or intended sale of residential property:

(a) By foreclosure pursuant to chapter 107 of NRS.

(b) Between any co-owners of the property, spouses or persons related within the third degree of consanguinity.

(c) Which is the first sale of a residence that was constructed by a licensed contractor.

(d) By a person who takes temporary possession or control of or title to the property solely to facilitate the sale of the property on behalf of a person who relocates to another county, state or country before title to the property is transferred to a purchaser.

3. A purchaser of residential property may ***not*** waive any of the requirements of subsection 1. ~~[~~Any such waiver is effective only if it is made in a written document that is signed by the purchaser and notarized.~~]~~ ***A seller of residential property may not require a purchaser to waive any of the requirements of subsection 1 as a condition of sale or for any other purpose.***

4. If a sale or intended sale of residential property is exempted from the requirements of subsection 1 pursuant to paragraph (a) of subsection 2, the trustee and the beneficiary of the deed of trust shall, not later than at the time of the conveyance of the property to the purchaser of the residential property, ***or upon the request of the purchaser of the residential property,*** provide ~~[~~written~~]~~ ***:***

(a) Written notice to the purchaser of any defects in the property of which the trustee or beneficiary, respectively, is aware ~~[.]~~ ***; and***

(b) If any defects are repaired or replaced or attempted to be repaired or replaced, the contact information of any asset management company who provided asset management services for the property. The asset

management company shall provide a service report to the purchaser upon request.

5. As used in this section:

(a) "Seller" includes, without limitation, a client as defined in section 6 of this act.

(b) "Service report" has the meaning ascribed to it in section 12.5 of this act.

Sec. 35. Section 26 of this act is hereby amended to read as follows:

Sec. 26. 1. In addition to any other requirements set forth in this chapter, an applicant for the issuance of a certificate of registration as an asset management company or a permit to engage in asset management shall ~~[~~:

~~(a) Include the social security number of the applicant in the application submitted to the Division.~~

~~(b) Submit]~~ ***submit*** to the Division the statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520. The statement must be completed and signed by the applicant.

2. The Division shall include the statement required pursuant to subsection 1 in:

(a) The application or any other forms that must be submitted for the issuance or renewal of the certificate of registration or permit; or

(b) A separate form prescribed by the Division.

3. A certificate of registration or permit may not be issued or renewed by the Division pursuant to this chapter if the applicant:

(a) Fails to submit the statement required pursuant to subsection 1; or

(b) Indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.

4. If an applicant indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the Division shall advise the applicant to contact the district attorney or other public agency enforcing the order to determine the actions that the applicant may take to satisfy the arrearage.

Sec. 36. The Real Estate Division of the Department of Business and Industry shall, on or before October 1, 2011, adopt any regulations which are required by or necessary to carry out the provisions of this act.

Sec. 37. 1. This section, sections 1 to 34, inclusive, and section 36 of this act become effective:

(a) Upon passage and approval for the purpose of adopting regulations and performing any preliminary administrative tasks that are necessary to carry out the provisions of this act; and

(b) On October 1, 2011, for all other purposes.

2. Section 35 of this act becomes effective on the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

(a) Have failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or

(b) Are in arrears in the payment of the support of one or more children,

➥ are repealed by the Congress of the United States.

3. Sections 30 and 35 of this act expire by limitation 2 years after the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

(a) Have failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or

(b) Are in arrears in the payment for the support of one or more children,

➥ are repealed by the Congress of the United States.

Assemblyman Atkinson moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, reengrossed, and to third reading.

Senate Bill No. 323.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 672.

AN ACT relating to vehicles; revising provisions governing the reinstatement of the registration of a motor vehicle whose registered owner has allowed his or her policy of liability insurance to lapse; revising provisions governing registration of vehicles in this State by residents of this State; requiring certain nonresidents to register vehicles in this State; **prohibiting the Department of Motor Vehicles from registering a motor vehicle under certain circumstances;** providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, a registered owner who failed to have liability insurance on a date specified by the Department of Motor Vehicles is required, with respect to a vehicle that is not dormant, to pay to the Department a fee of $250 to reinstate the registration of the vehicle.

(NRS 482.480) **Section ~~[1]~~ 2** of this bill replaces the flat $250 reinstatement fee with a tiered system of penalties that includes, depending upon how many times the registered owner has allowed his or her insurance to lapse and depending upon the length of time during which the insurance has lapsed, escalating reinstatement fees, escalating fines, requirements to file and maintain a certificate of financial responsibility and possible suspension of the registered owner's driver's license.

Existing law requires a person, within 60 days after becoming a resident of this State, to apply for the registration of each vehicle he or she owns which is operated in this State. A nonresident owner of a noncommercial vehicle is not required to apply for registration of the vehicle unless the vehicle is furnished to a resident for his or her continuous use within this State. (NRS 482.385) **Section ~~[2]~~ 4** of this bill changes the 60-day period within which a new resident must apply for registration of his or her vehicle to a 30-day period. **Section ~~[2]~~ 4** also requires certain persons to register their vehicles: (1) if the person is a nonresident and the vehicle is operated in this State for a period of more than 30 days in the aggregate in any 1 calendar year; (2) within ~~[10]~~ **30** days if the person is a resident or nonresident and engages in a trade, profession or occupation or accepts gainful employment in this State; (3) within ~~[10]~~ **30** days if the person is a resident or nonresident and enrolls his or her children in a public school in this State; or (4) within 30 days if the person is a resident and operates a vehicle owned by a nonresident. **Section ~~[2]~~ 4** provides exceptions to the preceding requirements for persons who are on active duty in the military service of the United States, out-of-state students, certain students of institutions of higher education who are present in this State to participate in a work-study program, and migrant or seasonal farm workers.

Under existing law, a constable may issue a citation to an owner or driver, as appropriate, of a vehicle that is required to be registered in this State if the constable determines that the vehicle is not properly registered. Such a constable must, upon the issuance of the citation, charge and collect a fee of $100 from the person to whom the citation was issued. (NRS 258.070) Section 3 of this bill prohibits the Department of Motor Vehicles from registering a motor vehicle if the Department has received from a local authority notice that the owner of the vehicle has failed to pay a fee imposed by a constable for noncompliance with the provisions of NRS 482.385, unless the owner provides to the Department a receipt indicating that the owner has paid the fee to the local authority or the local authority transmits to the Department a notice stating that the owner has paid the fee.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 482 of NRS is hereby amended by adding thereto ~~[a new section to read as follows:]~~ **the provisions set forth as sections 2 and 3 of this act.**

Sec. 2. 1. Except as otherwise provided in subsection 7 of NRS 485.317, if a registered owner failed to have insurance on the date specified by the Department pursuant to NRS 485.317:

(a) For a first offense, the registered owner shall pay to the Department a registration reinstatement fee of $250, and if the period during which insurance coverage lapsed was:

(1) At least 31 days but not more than 90 days, pay to the Department a fine of $250.

(2) At least 91 days but not more than 180 days:

(I) Pay to the Department a fine of $500; and

(II) File and maintain with the Department a certificate of financial responsibility for a period of not less than 3 years following the date on which the registration of the applicable vehicle is reinstated.

(3) More than 180 days:

(I) Pay to the Department a fine of $1,000; and

(II) File and maintain with the Department a certificate of financial responsibility for a period of not less than 3 years following the date on which the registration of the applicable vehicle is reinstated.

(b) For a second offense, the registered owner shall pay to the Department a registration reinstatement fee of $500, and if the period during which insurance coverage lapsed was:

(1) At least 31 days but not more than 90 days, pay to the Department a fine of $500.

(2) At least 91 days but not more than 180 days:

(I) Pay to the Department a fine of $500; and

(II) File and maintain with the Department a certificate of financial responsibility for a period of not less than 3 years following the date on which the registration of the applicable vehicle is reinstated.

(3) More than 180 days:

(I) Pay to the Department a fine of $1,000; and

(II) File and maintain with the Department a certificate of financial responsibility for a period of not less than 3 years following the date on which the registration of the applicable vehicle is reinstated.

(c) For a third or subsequent offense:

(1) The driver's license of the registered owner must be suspended for a period to be determined by regulation of the Department but not less than 30 days;

(2) The registered owner shall file and maintain with the Department a certificate of financial responsibility for a period of not less than 3 years following the date on which the registration of the applicable vehicle is reinstated; and

(3) The registered owner shall pay to the Department a registration reinstatement fee of $750, and if the period during which insurance coverage lapsed was:

(I) At least 31 days but not more than 90 days, pay to the Department a fine of $500.

(II) At least 91 days but not more than 180 days, pay to the Department a fine of $750.

(III) More than 180 days, pay to the Department a fine of $1,000.

2. As used in this section, "certificate of financial responsibility" has the meaning ascribed to it in NRS 485.028.

Sec. 3. 1. Except as otherwise provided in subsection 3, the Department shall not register a motor vehicle if a local authority has filed with the Department a notice stating that the owner of the motor vehicle:

(a) Was cited by a constable pursuant to subsection 2 of NRS 258.070 for failure to comply with the provisions of NRS 482.385; and

(b) Has failed to pay the fee charged by the constable pursuant to subsection 2 of NRS 258.070.

2. The Department shall, upon request, furnish to the owner of the motor vehicle a copy of the notice of nonpayment described in subsection 1.

3. The Department may register a motor vehicle for which the Department has received a notice of nonpayment described in subsection 1 if:

(a) The Department receives:

(1) A receipt from the owner of the motor vehicle which indicates that the owner has paid the fee charged by the constable; or

(2) Notification from the applicable local authority that the owner of the motor vehicle has paid the fee charged by the constable; and

(b) The owner of the motor vehicle otherwise complies with the requirements of this chapter for the registration of the motor vehicle.

~~[Sec. 2.]~~ ***Sec. 4.*** NRS 482.385 is hereby amended to read as follows:

482.385 1. Except as otherwise provided in ~~[subsection]~~ ***subsections*** 5 ***and 7*** and NRS 482.390, a nonresident owner of a vehicle of a type subject to registration pursuant to the provisions of this chapter, owning any vehicle which has been registered for the current year in the state, country or other place of which the owner is a resident and which at all times when operated in this State has displayed upon it the registration license plate issued for the vehicle in the place of residence of the owner, may operate or permit the operation of the vehicle within this State without its registration in this State pursuant to the provisions of this chapter and without the payment of any registration fees to this State ~~[.]~~ ***:***

(a) For a period of not more than 30 days in the aggregate in any 1 calendar year; and

(b) Notwithstanding the provisions of paragraph (a), during any period in which the owner is:

(1) On active duty in the military service of the United States;

(2) An out-of-state student;

(3) Registered as a student at a college or university located outside this State and who is in the State for a period of not more than 6 months to participate in a work-study program for which the student earns academic credits from the college or university; or

(4) A migrant or seasonal farm worker.

2. This section does not:

(a) Prohibit the use of manufacturers', distributors' or dealers' license plates issued by any state or country by any nonresident in the operation of any vehicle on the public highways of this State.

(b) Require registration of vehicles of a type subject to registration pursuant to the provisions of this chapter operated by nonresident common motor carriers of persons or property, contract motor carriers of persons or property, or private motor carriers of property as stated in NRS 482.390.

(c) Require registration of a vehicle operated by a border state employee.

3. ~~[When]~~ ***Except as otherwise provided in subsection 5, when*** a person, formerly a nonresident, becomes a resident of this State, the person shall:

(a) Within ~~[60]~~ ***30*** days after becoming a resident; or

(b) At the time he or she obtains a driver's license,

➥ whichever occurs earlier, apply for the registration of each vehicle the person owns which is operated in this State. When a person, formerly a nonresident, applies for a driver's license in this State, the Department shall inform the person of the requirements imposed by this subsection and of the penalties that may be imposed for failure to comply with the provisions of this subsection.

4. A citation may be issued pursuant to ~~[this]~~ subsection ***1, 3 or 5*** only if the violation is discovered when the vehicle is halted or its driver arrested for another alleged violation or offense. The Department shall maintain or cause to be maintained a list or other record of persons who fail to comply with the provisions of ~~[this]~~ subsection ***3*** and shall, at least once each month, provide a copy of that list or record to the Department of Public Safety.

~~[4.]~~ ***5. Except as otherwise provided in this subsection, a resident or nonresident owner of a vehicle of a type subject to registration pursuant to the provisions of this chapter who engages in a trade, profession or occupation or accepts gainful employment in this State or who enrolls his or her children in a public school in this State shall, within*** ~~*[10]*~~ ***30 days after the commencement of such employment or enrollment, apply for the registration of each vehicle the person owns which is operated in this State. The provisions of this subsection do not apply to a nonresident who is:***

(a) On active duty in the military service of the United States;

(b) An out-of-state student;

(c) Registered as a student at a college or university located outside this State and who is in the State for a period of not more than 6 months to participate in a work-study program for which the student earns academic credits from the college or university; or

(d) A migrant or seasonal farm worker.

6. A person who violates the provisions of subsection ***1,*** 3 ***or 5*** is guilty of a misdemeanor and, except as otherwise provided in this subsection, shall be punished by a fine of $1,000. The fine imposed pursuant to this subsection is in addition to any fine or penalty imposed for the other alleged violation or offense for which the vehicle was halted or its driver arrested pursuant to subsection ~~[3.]~~ ***4.*** The fine imposed pursuant to this subsection may be reduced to not less than $200 if the person presents evidence at the time of the hearing that the person has registered the vehicle pursuant to this chapter.

~~[5.]~~ ***7.*** Any resident operating upon a highway of this State a motor vehicle which is owned by a nonresident and which is furnished to the resident operator for his or her continuous use within this State, shall cause that vehicle to be registered within ~~[60]~~ ***30*** days after beginning its operation within this State.

~~[6.]~~ ***8.*** A person registering a vehicle pursuant to the provisions of subsection ***1,*** 3, 5 ***,*** ~~[or]~~ 7 ***or 9*** or pursuant to NRS 482.390:

(a) Must be assessed the registration fees and governmental services tax, as required by the provisions of this chapter and chapter 371 of NRS; and

(b) Must not be allowed credit on those taxes and fees for the unused months of the previous registration.

~~[7.]~~ ***9.*** If a vehicle is used in this State for a gainful purpose, the owner shall immediately apply to the Department for registration, except as otherwise provided in NRS 482.390, 482.395 and 706.801 to 706.861, inclusive.

~~[8.]~~ ***10.*** An owner registering a vehicle pursuant to the provisions of this section shall surrender the existing nonresident license plates and registration certificates to the Department for cancellation.

~~[9.]~~ ***11.*** A vehicle may be cited for a violation of this section regardless of whether it is in operation or is parked on a highway, in a public parking lot or on private property which is open to the public if, after communicating with the owner or operator of the vehicle, the peace officer issuing the citation determines that:

(a) The owner of the vehicle is a resident of this State; ~~[or]~~

(b) The vehicle is used in this State for a gainful purpose ~~[.]~~ ***;***

(c) Except as otherwise provided in paragraph (b) of subsection 1, the owner of the vehicle is a nonresident and has operated the vehicle in this State for more than 30 days in the aggregate in any 1 calendar year; or

(d) The owner of the vehicle is a nonresident required to register the vehicle pursuant to subsection 5.

➥ As used in this subsection, "peace officer" includes a constable.

~~[Sec. 3.]~~ ***Sec. 5.*** NRS 482.480 is hereby amended to read as follows:

482.480 There must be paid to the Department for the registration or the transfer or reinstatement of the registration of motor vehicles, trailers and semitrailers, fees according to the following schedule:

1. Except as otherwise provided in this section, for each stock passenger car and each reconstructed or specially constructed passenger car registered to a person, regardless of weight or number of passenger capacity, a fee for registration of $33.

2. Except as otherwise provided in subsection 3:

(a) For each of the fifth and sixth such cars registered to a person, a fee for registration of $16.50.

(b) For each of the seventh and eighth such cars registered to a person, a fee for registration of $12.

(c) For each of the ninth or more such cars registered to a person, a fee for registration of $8.

3. The fees specified in subsection 2 do not apply:

(a) Unless the person registering the cars presents to the Department at the time of registration the registrations of all the cars registered to the person.

(b) To cars that are part of a fleet.

4. For every motorcycle, a fee for registration of $33 and for each motorcycle other than a trimobile, an additional fee of $6 for motorcycle safety. The additional fee must be deposited in the State Highway Fund for credit to the Account for the Program for the Education of Motorcycle Riders.

5. For each transfer of registration, a fee of $6 in addition to any other fees.

6. Except as otherwise provided in subsection 7 of NRS 485.317, to reinstate the registration of a motor vehicle that is suspended pursuant to that section:

(a) A fee ~~[of $250]~~ ***as specified in section ~~[1]~~ 2 of this act*** for a registered owner who failed to have insurance on the date specified by the Department ~~[;]~~ ***, which fee is in addition to any fine or penalty imposed pursuant to section ~~[1]~~ 2 of this act;*** or

(b) A fee of $50 for a registered owner of a dormant vehicle who cancelled the insurance coverage for that vehicle or allowed the insurance coverage for that vehicle to expire without first cancelling the registration for the vehicle in accordance with subsection 3 of NRS 485.320,

➥ both of which must be deposited in the Account for Verification of Insurance which is hereby created in the State Highway Fund. The money in the Account must be used to carry out the provisions of NRS 485.313 to 485.318, inclusive.

7. For every travel trailer, a fee for registration of $27.

8. For every permit for the operation of a golf cart, an annual fee of $10.

9. For every low-speed vehicle, as that term is defined in NRS 484B.637, a fee for registration of $33.

10. To reinstate the registration of a motor vehicle that is suspended pursuant to NRS 482.451, a fee of $33.

~~[Sec. 4.]~~ ***Sec. 6.*** NRS 485.317 is hereby amended to read as follows:

485.317 1. The Department shall verify that each motor vehicle which is registered in this State is covered by a policy of liability insurance as required by NRS 485.185.

2. Except as otherwise provided in this subsection, the Department may use any information to verify whether a motor vehicle is covered by a policy of liability insurance as required by NRS 485.185. The Department may not use the name of the owner of a motor vehicle as the primary means of verifying that a motor vehicle is covered by a policy of liability insurance.

3. If the Department is unable to verify that a motor vehicle is covered by a policy of liability insurance as required by NRS 485.185, the Department shall send a request for information by first-class mail to the registered owner of the motor vehicle. The owner shall submit all the information which is requested to the Department within 15 days after the date on which the request for information was mailed by the Department. If the Department does not receive the requested information within 15 days after it mailed the request to the owner, the Department shall send to the owner a notice of suspension of registration by certified mail. The notice must inform the owner that unless the Department is able to verify that the motor vehicle is covered by a policy of liability insurance as required by NRS 485.185 within 10 days after the date on which the notice was sent by the Department, the owner's registration will be suspended pursuant to subsection 4.

4. The Department shall suspend the registration and require the return to the Department of the license plates of any vehicle for which the Department cannot verify the coverage of liability insurance required by NRS 485.185.

5. Except as otherwise provided in subsection 6, the Department shall reinstate the registration of the vehicle and reissue the license plates only upon verification of current insurance and ~~[~~payment of the fee~~]~~ ***compliance with the requirements*** for reinstatement of registration prescribed in paragraph (a) of subsection 6 of NRS 482.480.

6. If a registered owner proves to the satisfaction of the Department that the vehicle was a dormant vehicle during the period in which the information provided pursuant to NRS 485.314 indicated that there was no insurance for the vehicle, the Department shall reinstate the registration and, if applicable, reissue the license plates. If such an owner of a dormant vehicle failed to cancel the registration for the vehicle in accordance with subsection 3 of NRS 485.320, the Department shall not reinstate the registration or reissue the license plates unless the owner pays the fee set forth in paragraph (b) of subsection 6 of NRS 482.480.

7. If the Department suspends the registration of a motor vehicle pursuant to subsection 4 because the registered owner of the motor vehicle failed to have insurance on the date specified in the form for verification, and if the registered owner, in accordance with regulations adopted by the Department, proves to the satisfaction of the Department that the owner was unable to comply with the provisions of NRS 485.185 on that date because of extenuating circumstances, the Department may:

(a) Reinstate the registration of the motor vehicle and reissue the license plates upon payment by the registered owner of a fee of $50, which must be deposited in the Account for Verification of Insurance created by subsection 6 of NRS 482.480; or

(b) Rescind the suspension of the registration without the payment of a fee.

➥ The Department shall adopt regulations to carry out the provisions of this subsection.

~~[Sec. 5.]~~ ***Sec. 7.*** Notwithstanding the amendatory provisions of this act:

1. The provisions of subsection 3 of NRS 482.385, as amended by section ~~[2]~~ **4** of this act, do not require a person specified in that subsection to register a vehicle owned by that person and operated in this State until August 1, 2011.

2. The provisions of subsection 5 of NRS 482.385, as added to that section by section ~~[2]~~ **4** of this act, do not require a resident of this State specified in that subsection to register a vehicle owned by that person and operated in this State until September 1, 2011.

3. The provisions of subsection 7 of NRS 482.385, as amended by section ~~[2]~~ **4** of this act, do not require a resident of this State who operates a motor vehicle specified in that subsection to cause that motor vehicle to be registered until August 1, 2011.

~~[Sec. 6.]~~ ***Sec. 8.*** This act becomes effective upon passage and approval for the purpose of adopting regulations and on July 1, 2011, for all other purposes.

Assemblywoman Dondero Loop moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, reengrossed, and to third reading.

Senate Bill No. 339.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 711.

AN ACT relating to public health; requiring certain medical facilities to provide to patients and to post certain information relating to facility-acquired infections; **requiring providers of health care to provide certain information to a patient who has an infection or a person authorized by the patient to receive such information;** revising requirements for patient safety plans adopted by certain medical facilities; requiring certain medical facilities to designate an infection control officer and establish an infection control program; ~~[including facilities for intermediate care and facilities for skilled nursing within the scope of these requirements and other provisions concerning health and safety of patients;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 2 of this bill requires certain medical facilities to provide to their patients certain information relating to facility-acquired infections and to post in public areas of the facilities information on reporting facility-acquired infections.

Section 2.5 of this bill requires a provider of health care or the designee of a provider of health care to inform a patient at a medical facility or the legal guardian or other person authorized by the patient to receive such information of a diagnosis that the patient has an infection as soon as practicable but not later than 5 days after the diagnosis is confirmed, except that such notice may be delayed in certain limited circumstances. Section 2.5 further requires the medical facility to ensure that providers of health care of the medical facility establish protocols for providing such information and for informing a patient or the legal guardian or other person authorized by the patient to receive such information whether the infection was acquired at the medical facility and of the apparent source of the infection. Section ~~[2]~~ 2.5 further provides for immunity from liability for providing certain information to a patient relating to the source of an infection.

Section 3 of this bill requires certain medical facilities to designate an infection control officer to carry out certain duties relating to the prevention and control of infections. **Section 3** also establishes requirements for the qualification and training of infection control officers and requires that at least one employee per 100 occupied beds have certain training in infection control.

~~[Section 4.5 of this bill extends the provisions of this bill and other provisions concerning health and safety of patients at certain medical facilities to facilities for intermediate care and facilities for skilled nursing.]~~

Existing law requires certain medical facilities to prepare a patient safety plan and to submit a copy of the plan to the Health Division of the Department of Health and Human Services on or before March 1 of each year. (NRS 439.843, 439.865) **Section 6** of this bill requires the patient safety plan which is prepared by each medical facility to **include an infection control program to prevent and control infections within the medical facility. In addition, section 6 requires that the patient safety plan** be ~~[revised]~~ **reviewed and updated** annually **.** ~~[and to include a program for the prevention and control of infections.]~~ **Section 5** of this bill requires the Department to post each patient safety plan on an Internet website maintained by the Department.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 439 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 **, 2.5** and 3 of this act.

Sec. 2. ***1. A medical facility shall:***

(a) Provide to each patient of the medical facility, upon admission of the patient, the general and facility-specific information relating to facility-acquired infections required by subsection 2.

(b) Post in publicly accessible areas of the medical facility information on reporting facility-acquired infections, including, without limitation, the contact information for making reports to the Health Division. Such information may be added to other required notices concerning the making of reports to the Health Division.

~~[(c) Ensure that protocols are established for :~~

~~(1) Informing a patient or the legal guardian or other person authorized by the patient to receive such information that the patient has an infection; and~~

~~(2) If known or determined while a patient remains at the medical facility, informing the patient or the legal guardian or other person authorized by the patient to receive such information whether the infection was acquired at the medical facility and the apparent source of the infection.]~~

2. The information provided to each patient pursuant to paragraph (a) of subsection 1 must include, without limitation:

(a) The measures used by the medical facility for preventing infections, including facility-acquired infections;

(b) Information on determining whether a patient had an infection upon admission to the medical facility, risk factors for acquiring infections and determining whether an infection has been acquired;

(c) Information on preventing facility-acquired infections;

(d) Instructions for reporting facility-acquired infections, including, without limitation, the contact information for making reports to the Health Division; and

(e) Any other information that the medical facility deems necessary.

~~[3. A person or governmental entity who, with reasonable care, informs a patient or the legal guardian or other person authorized by the patient to receive such information that an infection was not acquired at the medical facility and of the apparent source of the infection pursuant to subsection 2 is immune from any criminal or civil liability for providing that information.]~~

Sec. 2.5. 1. Except as otherwise provided in subsection 2, when a provider of health care confirms that a patient at the medical facility has an infection, the provider of health care or the designee of the provider of health care shall, as soon as practicable but not later than 5 days after the diagnosis is confirmed, inform the patient or the legal guardian or other person authorized by the patient to receive such information that the patient has an infection.

2. The provider of health care or the designee of the provider of health care may delay providing information about an infection if the patient does not have a legal guardian, has not authorized any other person to receive such information and:

(a) Is not capable of understanding the information;

(b) Is not conscious; or

(c) In the judgment of the provider of health care, is likely to harm himself or herself if informed about the infection.

3. If the provider of health care or the designee of the provider of health care delays providing information about an infection pursuant to subsection 2, such information must be provided as soon as practicable after:

(a) The patient is capable of understanding the information;

(b) The patient regains consciousness;

(c) In the judgment of the provider of health care, the patient is not likely to harm himself or herself if informed about the infection; or

(d) A legal guardian or other person authorized to receive such information is available.

4. A medical facility shall ensure that the providers of health care of the medical facility establish protocols in accordance with this section that provide the manner in which a provider of health care or his or her designee must:

(a) Inform a patient or the legal guardian or other person authorized by a patient to receive such information that the patient has an infection; and

(b) If known or determined while a patient remains at the medical facility, inform the patient or the legal guardian or other person authorized by the patient to receive such information whether the infection was acquired at the medical facility and of the apparent source of the infection.

5. A person or governmental entity who, with reasonable care, informs a patient or the legal guardian or other person authorized by the patient to receive such information that an infection was not acquired at the medical facility and of the apparent source of the infection pursuant to subsection 4 is immune from any criminal or civil liability for providing that information.

Sec. 3. *1. A medical facility shall designate an officer or employee of the facility to serve as the infection control officer of the medical facility.*

2. The person who is designated as the infection control officer of a medical facility:

(a) Shall serve on the patient safety committee.

(b) Shall monitor the occurrences of infections at the medical facility to determine the number and severity of infections.

(c) Shall report to the patient safety committee concerning the number and severity of infections at the medical facility.

(d) Shall take such action as he or she determines is necessary to prevent and control infections alleged to have occurred at the medical facility.

(e) Shall carry out the provisions of the infection control program adopted pursuant to NRS 439.865 and ensure compliance with the program.

3. If a medical facility has 175 or more beds, the person who is designated as the infection control officer of the medical facility must be certified as an infection preventionist by the Certification Board of Infection Control and Epidemiology, Inc., or a successor organization. A person may serve as the certified infection preventionist for more than one medical facility if the facilities have common ownership.

4. A medical facility that designates an infection control officer who is not a certified infection preventionist must ensure that the person has successfully completed a nationally recognized basic training program in infection control, which may include, without limitation, the program offered by the Association for Professionals in Infection Control and Epidemiology, Inc., or a successor organization. A medical facility shall ensure that an infection control officer completes at least 4 hours of continuing education each year on topics relating to current practices in infection control and prevention.

5. A medical facility shall ensure that it maintains a ratio of at least one employee who has the training described in subsection 4 for every 100 occupied beds. The number of beds must be determined based upon the most recent annual calendar-year average reported by the medical facility to the Director pursuant to NRS 449.490 and the regulations adopted pursuant thereto.

6. A medical facility shall maintain records concerning the certification and training required by this section.

7. The Health Division shall provide education and technical assistance relating to infection control and prevention in medical facilities.

Sec. 4. NRS 439.800 is hereby amended to read as follows:

439.800 As used in NRS 439.800 to 439.890, inclusive, ***and sections 2 , 2.5 and 3 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 439.802 to 439.830, inclusive, have the meanings ascribed to them in those sections.

Sec. 4.5. ~~**[**NRS 439.805 is hereby amended to read as follows:~~

~~439.805 "Medical facility" means:~~

~~1. A hospital, as that term is defined in NRS 449.012 **;** **[**and 449.0151;**]**~~

~~2. An obstetric center, as that term is defined in NRS **[**449.0151 and**]** 449.0155;~~

~~3. A surgical center for ambulatory patients, as that term is defined in NRS **[**449.0151 and**]** 449.019; **[**and**]**~~

~~4. An independent center for emergency medical care, as that term is defined in NRS 449.013 **[**and 449.0151.**]** **;**~~

~~***5. A facility for intermediate care, as that term is defined in NRS 449.0038; and***~~

~~***6. A facility for skilled nursing, as that term is defined in NRS 449.0039.]***~~ **(Deleted by amendment.)**

Sec. 5. NRS 439.843 is hereby amended to read as follows:

439.843 1. On or before March 1 of each year, each medical facility shall provide to the Health Division, in the form prescribed by the State Board of Health, a summary of the reports submitted by the medical facility pursuant to NRS 439.835 during the immediately preceding calendar year. The summary must include, without limitation:

(a) The total number and types of sentinel events reported by the medical facility, if any;

(b) A copy of the ***most current*** patient safety plan established pursuant to NRS 439.865;

(c) A summary of the membership and activities of the patient safety committee established pursuant to NRS 439.875; and

(d) Any other information required by the State Board of Health concerning the reports submitted by the medical facility pursuant to NRS 439.835.

2. On or before June 1 of each year, the Health Division shall submit to the State Board of Health an annual summary of the reports and information received by the Health Division pursuant to this section. The annual summary must include, without limitation, a compilation of the information submitted pursuant to subsection 1 and any other pertinent information deemed necessary by the State Board of Health concerning the reports submitted by the medical facility pursuant to NRS 439.835. The Health Division shall maintain the confidentiality of the reports submitted pursuant to NRS 439.835 and any other information requested by the State Board of Health concerning those reports when preparing the annual summary pursuant to this section.

3. The Department shall post on the Internet website maintained pursuant to NRS 439A.270 or any other website maintained by the Department a copy of the most current patient safety plan submitted by each medical facility pursuant to subsection 1.

Sec. 6. NRS 439.865 is hereby amended to read as follows:

439.865 1. Each medical facility that is located within this state shall develop, in consultation with the providers of health care who provide treatment to patients at the medical facility, an internal patient safety plan to improve the health and safety of patients who are treated at that medical facility.

2. ***The patient safety plan must include an infection control program to prevent and control infections within the medical facility. To carry out the program, the medical facility shall adopt an infection control policy. The policy*** ~~*[may]*~~ ***must consist of:***

(a) The current guidelines appropriate for the facility's scope of service developed by a nationally recognized infection control organization as approved by the State Board of Health which may include, without limitation, the Association for Professionals in Infection Control and Epidemiology, Inc., the Centers for Disease Control and Prevention of the United States Department of Health and Human Services, the World

Health Organization and the Society for Healthcare Epidemiology of America; and

(b) Facility-specific infection control developed under the supervision of a certified infection preventionist . ~~*[; or*~~

~~*(c) Any combination thereof.]*~~

3. The program to prevent and control infections within the medical facility must provide for the designation of a person who is responsible for infection control when the infection control officer is absent to ensure that someone is responsible for infection control at all times.

4. A medical facility shall submit its patient safety plan to the governing board of the medical facility for approval in accordance with the requirements of this section.

~~[3.]~~ ***5.*** After a medical facility's patient safety plan is approved, the medical facility shall notify all providers of health care who provide treatment to patients at the medical facility of the existence of the plan and of the requirements of the plan. A medical facility shall require compliance with its patient safety plan.

6. The patient safety plan must be reviewed and updated annually in accordance with the requirements for approval set forth in this section.

Sec. 7. NRS 439.875 is hereby amended to read as follows:

439.875 1. A medical facility shall establish a patient safety committee.

2. Except as otherwise provided in subsection 3:

(a) A patient safety committee established pursuant to subsection 1 must be composed of:

(1) ***The infection control officer of the medical facility.***

(2) The patient safety officer of the medical facility ~~[.]~~ ***, if he or she is not designated as the infection control officer of the medical facility.***

~~[(2)]~~ ***(3)*** At least three providers of health care who treat patients at the medical facility, including, without limitation, at least one member of the medical, nursing and pharmaceutical staff of the medical facility.

~~[(3)]~~ ***(4)*** One member of the executive or governing body of the medical facility.

(b) A patient safety committee shall meet at least once each month.

3. The Administrator shall adopt regulations prescribing the composition and frequency of meetings of patient safety committees at medical facilities having fewer than 25 employees and contractors.

4. A patient safety committee shall:

(a) Receive reports from the patient safety officer pursuant to NRS 439.870.

(b) Evaluate actions of the patient safety officer in connection with all reports of sentinel events alleged to have occurred at the medical facility.

(c) Review and evaluate the quality of measures carried out by the medical facility to improve the safety of patients who receive treatment at the medical facility.

(d) ***Review and evaluate the quality of measures carried out by the medical facility to prevent and control infections at the medical facility.***

(e) Make recommendations to the executive or governing body of the medical facility to reduce the number and severity of sentinel events ***and infections*** that occur at the medical facility.

~~[(e)]~~ ***(f)*** At least once each calendar quarter, report to the executive or governing body of the medical facility regarding:

(1) The number of sentinel events that occurred at the medical facility during the preceding calendar quarter; ~~[and]~~

(2) ***The number and severity of infections that occurred at the medical facility during the preceding calendar quarter; and***

(3) Any recommendations to reduce the number and severity of sentinel events ***and infections*** that occur at the medical facility.

5. The proceedings and records of a patient safety committee are subject to the same privilege and protection from discovery as the proceedings and records described in NRS 49.265.

Sec. 8. This act becomes effective ~~[:~~

~~1. Upon]~~ **upon** passage and approval for the purposes of adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out this act ~~[;~~

~~2. Except as provided in subsection 3,]~~ **, and for all other purposes:**

1. Sections 1 and 2.5 of this act become effective on October 1, 2011.

2. Sections 2 and 4 to 7, inclusive, of this act become effective on January 1, 2012 **.** ~~[, for all other purposes; and~~

~~3. On January 1, 2013,]~~

3. Section 3 of this act becomes effective on January 1, 2012, except that, for the purpose of the continuing education required by ~~[section 3 of this act]~~ **that section** for infection control officers ~~[.]~~ **, it becomes effective on January 1, 2013.**

Assemblywoman Pierce moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, reengrossed, and to third reading.

Senate Bill No. 361.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 614.

AN ACT relating to water; authorizing the issuance of a temporary permit to appropriate water to establish fire-resistant vegetative cover in certain areas; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1 of this bill authorizes a person to apply to the State Engineer for the issuance of a temporary permit to appropriate water to establish vegetative cover that is resistant to fire in an area that has been burned by a

wildfire or to prevent or reduce the impact of a wildfire in an area. ~~[Unless extended by the State Engineer, the]~~ **The** duration of such a temporary permit is limited to 1 year. **Section 2** of this bill declares the use of water to prevent or reduce the impact of wildfires or to rehabilitate areas burned by wildfires as a policy of the State.

Sections 3-7 of this bill exempt an application for such a temporary permit from several requirements in existing law for applications for permits concerning water rights, including publication of notice of the application in a newspaper and authorization for the filing of protests against the granting of the application. This expedited process is similar to the process for the issuance of environmental permits by the State Engineer. (NRS 533.437-533.4377)

Section 8 of this bill requires the State Forester Firewarden, upon the request of the State Engineer, to review the plan for establishing the vegetative cover that is required to be submitted by the applicant for the temporary permit.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 533 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A person may apply for a temporary permit to appropriate water to establish vegetative cover that is resistant to fire in an area that has been burned by a wildfire or to prevent or reduce the impact of a wildfire in an area.

2. In addition to the information required by NRS 533.335, an applicant for a temporary permit shall submit to the State Engineer:

(a) A plan for establishing vegetative cover that is resistant to fire in the area;

(b) Any other information which is necessary for a full understanding of the necessity of the appropriation; and

(c) For:

(1) Examining and filing the application for the temporary permit, $150.

(2) Issuing and recording the temporary permit, $200.

3. The State Engineer may forward a plan submitted pursuant to subsection 2 to the State Forester Firewarden for his or her review and comments.

4. The State Engineer shall approve an application for a temporary permit if:

(a) The application is accompanied by the prescribed fees;

(b) The appropriation is in the public interest; and

(c) The appropriation does not impair water rights held by other persons.

5. A temporary permit issued pursuant to this section must not exceed 1 year in duration . ~~*[, but may be extended by the State Engineer in increments not to exceed 1 year in duration.]*~~

Sec. 2. NRS 533.024 is hereby amended to read as follows:

533.024 The Legislature declares that:

1. It is the policy of this State:

(a) To encourage and promote the use of effluent, where that use is not contrary to the public health, safety or welfare, and where that use does not interfere with federal obligations to deliver water of the Colorado River.

(b) To recognize the importance of domestic wells as appurtenances to private homes, to create a protectable interest in such wells and to protect their supply of water from unreasonable adverse effects which are caused by municipal, quasi-municipal or industrial uses and which cannot reasonably be mitigated.

(c) To encourage the State Engineer to consider the best available science in rendering decisions concerning the available surface and underground sources of water in Nevada.

(d) To encourage and promote the use of water to prevent or reduce the spread of wildfire or to rehabilitate areas burned by wildfire, including, without limitation, through the establishment of vegetative cover that is resistant to fire.

2. The procedures in this chapter for changing the place of diversion, manner of use or place of use of water, and for confirming a report of conveyance, are not intended to have the effect of quieting title to or changing ownership of a water right and that only a court of competent jurisdiction has the power to determine conflicting claims to ownership of a water right.

Sec. 3. NRS 533.360 is hereby amended to read as follows:

533.360 1. Except as otherwise provided in subsection 4, NRS 533.345 and subsection 5 of NRS 533.370, when an application is filed in compliance with this chapter, the State Engineer shall, within 30 days, publish or cause to be published once a week for 4 consecutive weeks in a newspaper of general circulation and printed and published in the county where the water is sought to be appropriated, a notice of the application which sets forth:

(a) That the application has been filed.

(b) The date of the filing.

(c) The name and address of the applicant.

(d) The name of the source from which the appropriation is to be made.

(e) The location of the place of diversion, described by legal subdivision or metes and bounds and by a physical description of that place of diversion.

(f) The purpose for which the water is to be appropriated.

➥ The publisher shall add thereto the date of the first publication and the date of the last publication.

2. Except as otherwise provided in subsection 4, proof of publication must be filed within 30 days after the final day of publication. The State

Engineer shall pay for the publication from the application fee. If the application is cancelled for any reason before publication, the State Engineer shall return to the applicant that portion of the application fee collected for publication.

3. If the application is for a proposed well:

(a) For municipal, quasi-municipal or industrial use; and

(b) Whose reasonably expected rate of diversion is one-half cubic foot per second or more,

➥ the applicant shall mail a copy of the notice of application to each owner of real property containing a domestic well that is within 2,500 feet of the proposed well, to the owner's address as shown in the latest records of the county assessor. If there are not more than six such wells, notices must be sent to each owner by certified mail, return receipt requested. If there are more than six such wells, at least six notices must be sent to owners by certified mail, return receipt requested. The return receipts from these notices must be filed with the State Engineer before the State Engineer may consider the application.

4. The provisions of this section do not apply to an environmental permit ~~[.]~~ ***or a temporary permit issued pursuant to section 1 of this act.***

Sec. 4. NRS 533.363 is hereby amended to read as follows:

533.363 1. Except as otherwise provided in subsection 2, if water for which a permit is requested is to be used in a county other than that county in which it is to be appropriated, or is to be diverted from or used in a different county than that in which it is currently being diverted or used, then the State Engineer shall give notice of the receipt of the request for the permit to:

(a) The board of county commissioners of the county in which the water for which the permit is requested will be appropriated or is currently being diverted or used; and

(b) The board of county commissioners of the county in which the water will be diverted or used.

2. The provisions of subsection 1 do not apply:

(a) To an environmental permit ~~[.]~~ ***or a temporary permit issued pursuant to section 1 of this act.***

(b) If:

(1) The water is to be appropriated and used; or

(2) Both the current and requested place of diversion or use of the water are,

➥ within a single, contiguous parcel of real property.

3. A person who requests a permit to which the provisions of subsection 1 apply shall submit to each appropriate board of county commissioners a copy of the application and any information relevant to the request.

4. Each board of county commissioners which is notified of a request for a permit pursuant to this section shall consider the request at the next regular or special meeting of the board held not earlier than 3 weeks after the notice is received. The board shall provide public notice of the meeting for 3

consecutive weeks in a newspaper of general circulation in its county. The notice must state the time, place and purpose of the meeting. At the conclusion of the meeting the board may recommend a course of action to the State Engineer, but the recommendation is not binding on the State Engineer.

Sec. 5. NRS 533.370 is hereby amended to read as follows:

533.370 1. Except as otherwise provided in this section and NRS 533.345, 533.371, 533.372 and 533.503, the State Engineer shall approve an application submitted in proper form which contemplates the application of water to beneficial use if:

(a) The application is accompanied by the prescribed fees;

(b) The proposed use or change, if within an irrigation district, does not adversely affect the cost of water for other holders of water rights in the district or lessen the efficiency of the district in its delivery or use of water; and

(c) The applicant provides proof satisfactory to the State Engineer of the applicant's:

(1) Intention in good faith to construct any work necessary to apply the water to the intended beneficial use with reasonable diligence; and

(2) Financial ability and reasonable expectation actually to construct the work and apply the water to the intended beneficial use with reasonable diligence.

2. Except as otherwise provided in this subsection and subsections 3 and 11 and NRS 533.365, the State Engineer shall approve or reject each application within 1 year after the final date for filing a protest. The State Engineer may:

(a) Postpone action upon written authorization to do so by the applicant or, if an application is protested, by the protestant and the applicant.

(b) Postpone action if the purpose for which the application was made is municipal use.

(c) In areas where studies of water supplies have been determined to be necessary by the State Engineer pursuant to NRS 533.368 or where court actions are pending, withhold action until it is determined there is unappropriated water or the court action becomes final.

3. Except as otherwise provided in subsection 11, the State Engineer shall approve or reject, within 6 months after the final date for filing a protest, an application filed to change the point of diversion of water already appropriated when the existing and proposed points of diversion are on the same property for which the water has already been appropriated under the existing water right or the proposed point of diversion is on real property that is proven to be owned by the applicant and is contiguous to the place of use of the existing water right. The State Engineer may:

(a) Postpone action upon written authorization to do so by the applicant or, if the application is protested, by the protestant and the applicant.

(b) In areas where studies of water supplies have been determined to be necessary by the State Engineer pursuant to NRS 533.368 or where court actions are pending, withhold action until it is determined there is unappropriated water or the court action becomes final.

4. If the State Engineer does not act upon an application within 1 year after the final date for filing a protest, the application remains active until acted upon by the State Engineer.

5. Except as otherwise provided in subsection 11, where there is no unappropriated water in the proposed source of supply, or where its proposed use or change conflicts with existing rights or with protectable interests in existing domestic wells as set forth in NRS 533.024, or threatens to prove detrimental to the public interest, the State Engineer shall reject the application and refuse to issue the requested permit. If a previous application for a similar use of water within the same basin has been rejected on those grounds, the new application may be denied without publication.

6. In determining whether an application for an interbasin transfer of groundwater must be rejected pursuant to this section, the State Engineer shall consider:

(a) Whether the applicant has justified the need to import the water from another basin;

(b) If the State Engineer determines that a plan for conservation of water is advisable for the basin into which the water is to be imported, whether the applicant has demonstrated that such a plan has been adopted and is being effectively carried out;

(c) Whether the proposed action is environmentally sound as it relates to the basin from which the water is exported;

(d) Whether the proposed action is an appropriate long-term use which will not unduly limit the future growth and development in the basin from which the water is exported; and

(e) Any other factor the State Engineer determines to be relevant.

7. If a hearing is held regarding an application, the decision of the State Engineer must be in writing and include findings of fact, conclusions of law and a statement of the underlying facts supporting the findings of fact. The written decision may take the form of a transcription of an oral ruling. The rejection or approval of an application must be endorsed on a copy of the original application, and a record must be made of the endorsement in the records of the State Engineer. The copy of the application so endorsed must be returned to the applicant. Except as otherwise provided in subsection 12, if the application is approved, the applicant may, on receipt thereof, proceed with the construction of the necessary works and take all steps required to apply the water to beneficial use and to perfect the proposed appropriation. If the application is rejected, the applicant may take no steps toward the prosecution of the proposed work or the diversion and use of the public water while the rejection continues in force.

8. If:

(a) The State Engineer receives an application to appropriate any of the public waters, or to change the point of diversion, manner of use or place of use of water already appropriated;

(b) The application involves an amount of water exceeding 250 acre-feet per annum;

(c) The application involves an interbasin transfer of groundwater; and

(d) Within 7 years after the date of last publication of the notice of application, the State Engineer has not granted the application, denied the application, held an administrative hearing on the application or issued a permit in response to the application,

➥ the State Engineer shall notice a new period of 45 days in which a person who is a successor in interest to a protestant or an affected water right owner may file with the State Engineer a written protest against the granting of the application. Such notification must be entered on the Internet website of the State Engineer and must, concurrently with that notification, be mailed to the board of county commissioners of the county of origin.

9. Except as otherwise provided in subsection 10, a person who is a successor in interest to a protestant or an affected water right owner who wishes to protest an application in accordance with a new period of protest noticed pursuant to subsection 8 shall, within 45 days after the date on which the notification was entered and mailed, file with the State Engineer a written protest that complies with the provisions of this chapter and with the regulations adopted by the State Engineer, including, without limitation, any regulations prescribing the use of particular forms or requiring the payment of certain fees.

10. If a person is the successor in interest of an owner of a water right or an owner of real property upon which a domestic well is located and if the former owner of the water right or real property on which a domestic well is located had previously filed a written protest against the granting of an application, the successor in interest must be allowed to pursue that protest in the same manner as if the successor in interest were the former owner whose interest he or she succeeded. If the successor in interest wishes to pursue the protest, the successor in interest must notify the State Engineer on a form provided by the State Engineer.

11. The provisions of subsections 1 to 6, inclusive, do not apply to an application for an environmental permit ~~[.]~~ ***or a temporary permit issued pursuant to section 1 of this act.***

12. The provisions of subsection 7 do not authorize the recipient of an approved application to use any state land administered by the Division of State Lands of the State Department of Conservation and Natural Resources without the appropriate authorization for that use from the State Land Registrar.

13. As used in this section:

(a) "County of origin" means the county from which groundwater is transferred or proposed to be transferred.

(b) "Domestic well" has the meaning ascribed to it in NRS 534.350.

Sec. 6. NRS 533.380 is hereby amended to read as follows:

533.380 1. Except as otherwise provided in subsection 5, in an endorsement of approval upon any application, the State Engineer shall:

(a) Set a time before which the construction of the work must be completed, which must be within 5 years after the date of approval.

(b) Except as otherwise provided in this paragraph, set a time before which the complete application of water to a beneficial use must be made, which must not exceed 10 years after the date of the approval. The time set under this paragraph respecting an application for a permit to apply water to a municipal or quasi-municipal use on any land:

(1) For which a final subdivision map has been recorded pursuant to chapter 278 of NRS;

(2) For which a plan for the development of a project has been approved by the local government pursuant to NRS 278.010 to 278.460, inclusive; or

(3) On any land for which a plan for the development of a planned unit development has been recorded pursuant to chapter 278A of NRS,

➥ must not be less than 5 years.

2. The State Engineer may limit the applicant to a smaller quantity of water, to a shorter time for the completion of work, and, except as otherwise provided in paragraph (b) of subsection 1, to a shorter time for the perfecting of the application than named in the application.

3. Except as otherwise provided in subsection 4 and NRS 533.395 and 533.4377, the State Engineer may, for good cause shown, grant any number of extensions of time within which construction work must be completed, or water must be applied to a beneficial use under any permit therefor issued by the State Engineer, but a single extension of time for a municipal or quasi-municipal use for a public water system, as defined in NRS 445A.235, must not exceed 5 years, and any other single extension of time must not exceed 1 year. An application for the extension must in all cases be:

(a) Made within 30 days following notice by registered or certified mail that proof of the work is due as provided for in NRS 533.390 and 533.410; and

(b) Accompanied by proof and evidence of the reasonable diligence with which the applicant is pursuing the perfection of the application.

➥ The State Engineer shall not grant an extension of time unless the State Engineer determines from the proof and evidence so submitted that the applicant is proceeding in good faith and with reasonable diligence to perfect the application. The failure to provide the proof and evidence required pursuant to this subsection is prima facie evidence that the holder is not proceeding in good faith and with reasonable diligence to perfect the application.

4. Except as otherwise provided in subsection 5 and NRS 533.395, whenever the holder of a permit issued for any municipal or quasi-municipal use of water on any land referred to in paragraph (b) of subsection 1, or for

any use which may be served by a county, city, town, public water district or public water company, requests an extension of time to apply the water to a beneficial use, the State Engineer shall, in determining whether to grant or deny the extension, consider, among other factors:

(a) Whether the holder has shown good cause for not having made a complete application of the water to a beneficial use;

(b) The number of parcels and commercial or residential units which are contained in or planned for the land being developed or the area being served by the county, city, town, public water district or public water company;

(c) Any economic conditions which affect the ability of the holder to make a complete application of the water to a beneficial use;

(d) Any delays in the development of the land or the area being served by the county, city, town, public water district or public water company which were caused by unanticipated natural conditions; and

(e) The period contemplated in the:

(1) Plan for the development of a project approved by the local government pursuant to NRS 278.010 to 278.460, inclusive; or

(2) Plan for the development of a planned unit development recorded pursuant to chapter 278A of NRS,

➥ if any, for completing the development of the land.

5. The provisions of subsections 1 and 4 do not apply to an environmental permit ~~[.]~~ ***or a temporary permit issued pursuant to section 1 of this act.***

6. For the purposes of this section, the measure of reasonable diligence is the steady application of effort to perfect the application in a reasonably expedient and efficient manner under all the facts and circumstances. When a project or integrated system is composed of several features, work on one feature of the project or system may be considered in finding that reasonable diligence has been shown in the development of water rights for all features of the entire project or system.

Sec. 7. NRS 533.400 is hereby amended to read as follows:

533.400 1. Except as otherwise provided in subsection 2, on or before the date set in the endorsement of a permit for the application of water to beneficial use, or on the date set by the State Engineer under a proper application for extension therefor, any person holding a permit from the State Engineer to appropriate the public waters of the State of Nevada, to change the place of diversion or the manner or place of use, shall file with the State Engineer a statement under oath, on a form prescribed by the State Engineer. The statement must include:

(a) The name and post office address of the person making the proof.

(b) The number and date of the permit for which proof is made.

(c) The source of the water supply.

(d) The name of the canal or other works by which the water is conducted to the place of use.

(e) The name of the original person to whom the permit was issued.

(f) The purpose for which the water is used.

(g) If for irrigation, the actual number of acres of land upon which the water granted in the permit has been beneficially used, giving the same by 40-acre legal subdivisions when possible.

(h) An actual measurement taken by a licensed state water right surveyor or an official or employee of the Office of the State Engineer of the water diverted for beneficial use.

(i) The capacity of the works of diversion.

(j) If for power, the dimensions and capacity of the flume, pipe, ditch or other conduit.

(k) The average grade and difference in elevation between the termini of any conduit.

(l) The number of months, naming them, in which water has been beneficially used.

(m) The amount of water beneficially used, taken from actual measurements, together with such other data as the State Engineer may require to become acquainted with the amount of the appropriation for which the proof is filed.

2. The provisions of subsection 1 do not apply to a person holding an environmental permit ~~[.]~~ ***or a temporary permit issued pursuant to section 1 of this act.***

Sec. 8. NRS 472.040 is hereby amended to read as follows:

472.040 1. The State Forester Firewarden shall:

(a) Supervise or coordinate all forestry and watershed work on state-owned and privately owned lands, including fire control, in Nevada, working with federal agencies, private associations, counties, towns, cities or private persons.

(b) Administer all fire control laws and all forestry laws in Nevada outside of townsite boundaries, and perform any other duties designated by the Director of the State Department of Conservation and Natural Resources or by state law.

(c) Assist and encourage county or local fire protection districts to create legally constituted fire protection districts where they are needed and offer guidance and advice in their operation.

(d) Designate the boundaries of each area of the State where the construction of buildings on forested lands creates such a fire hazard as to require the regulation of roofing materials.

(e) Adopt and enforce regulations relating to standards for fire retardant roofing materials to be used in the construction, alteration, change or repair of buildings located within the boundaries of fire hazardous forested areas.

(f) Purchase communication equipment which can use the microwave channels of the state communications system and store this equipment in regional locations for use in emergencies.

(g) Administer money appropriated and grants awarded for fire prevention, fire control and the education of firefighters and award grants of

money for those purposes to fire departments and educational institutions in this State.

(h) Determine the amount of wages that must be paid to offenders who participate in conservation camps and who perform work relating to fire fighting and other work projects of conservation camps.

(i) Cooperate with the State Fire Marshal in the enforcement of all laws and the adoption of regulations relating to the prevention of fire through the management of vegetation in counties located within or partially within the Lake Tahoe Basin and the Lake Mead Basin.

(j) Assess the codes, rules and regulations which are adopted by other agencies that have specific regulatory authority within the Lake Tahoe Basin and the Lake Mead Basin, and which are not subject to the authority of a state or local fire agency, for consistency with fire codes, rules and regulations.

(k) Ensure that any adopted regulations are consistent with those of fire protection districts created pursuant to chapter 318, 473 or 474 of NRS.

(l) Upon the request of the State Engineer, review a plan submitted with an application for the issuance of a temporary permit pursuant to section 1 of this act.

2. The State Forester Firewarden in carrying out the provisions of this chapter may:

(a) Appoint paid foresters and firewardens to enforce the provisions of the laws of this State respecting forest and watershed management or the protection of forests and other lands from fire, subject to the approval of the board of county commissioners of each county concerned.

(b) Appoint suitable citizen-wardens. Citizen-wardens serve voluntarily except that they may receive compensation when an emergency is declared by the State Forester Firewarden.

(c) Appoint, upon the recommendation of the appropriate federal officials, resident officers of the United States Forest Service and the United States Bureau of Land Management as voluntary firewardens. Voluntary firewardens are not entitled to compensation for their services.

(d) Appoint certain paid foresters or firewardens to be arson investigators.

(e) Employ, with the consent of the Director of the State Department of Conservation and Natural Resources, clerical assistance, county and district coordinators, patrol officers, firefighters, and other employees as needed, and expend such sums as may be necessarily incurred for this purpose.

(f) Purchase, or acquire by donation, supplies, material, equipment and improvements necessary to fire protection and forest and watershed management.

(g) With the approval of the Director of the State Department of Conservation and Natural Resources and the State Board of Examiners, purchase or accept the donation of real property to be used for lookout sites and for other administrative, experimental or demonstration purposes. No real property may be purchased or accepted unless an examination of the title

shows the property to be free from encumbrances, with title vested in the grantor. The title to the real property must be examined and approved by the Attorney General.

(h) Expend any money appropriated by the State to the Division of Forestry of the State Department of Conservation and Natural Resources for paying expenses incurred in fighting fires or in emergencies which threaten human life.

3. The State Forester Firewarden, in carrying out the powers and duties granted in this section, is subject to administrative supervision by the Director of the State Department of Conservation and Natural Resources.

Sec. 9. This act becomes effective upon passage and approval.

Assemblywoman Bustamante Adams moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, reengrossed, and to third reading.

Senate Bill No. 414.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 716.

AN ACT relating to financial institutions; prohibiting a banking or other financial institution from unreasonably delaying a response to an offer for a ~~[short]~~ sale **in lieu of a foreclosure sale** on real property secured by a residential mortgage loan; prohibiting a banking or other financial institution from obtaining a deficiency judgment in certain circumstances; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, a judgment creditor or a beneficiary of a deed of trust may obtain, after a hearing, a deficiency judgment after a foreclosure sale or trustee's sale if it appears from the sheriff's return or the recital of consideration in the trustee's deed that there is a deficiency of the proceeds of the sale and a balance remaining due the judgment creditor or beneficiary of the deed of trust. For an obligation secured by a mortgage or deed of trust on or after October 1, 2009, a court may not award a deficiency judgment to the judgment creditor or the beneficiary of the deed of trust if: (1) the creditor or beneficiary is a financial institution; (2) the real property is a single-family dwelling and the debtor or grantor was the owner of the property; (3) the debtor or grantor used the loan to purchase the property; (4) the debtor or grantor occupied the property continuously after obtaining the loan; and (5) the debtor or grantor did not refinance the loan. (NRS 40.455) **Section ~~[4]~~ 3.5** of this bill prohibits a court from awarding a deficiency judgment to the judgment creditor or the beneficiary of the deed of trust if: (1) the creditor or beneficiary is a banking or other financial institution; (2) the real property is a single-family dwelling and the debtor or grantor was the

owner of the property; (3) the debtor or grantor used the loan to purchase the property; (4) the debtor or grantor occupied the property continuously after obtaining the loan; (5) the debtor or grantor and the banking or other financial institution entered into an agreement **[**~~, commonly known as a short sale,~~**]** to sell the real property to a third party for less than the indebtedness; and (6) the agreement does not state the amount of money still owed by the debtor or grantor or does not authorize the banking or other financial institution to recover that money, and contains a statement that the banking or other financial institution has waived its right to recover the amount owed. **Section 3** of this bill prohibits a banking or other financial institution or its officers, managers or employees from unreasonably delaying its response to an offer for a **[**~~short~~**]** sale **in lieu of a foreclosure sale** on real property secured by a residential mortgage loan.

Under existing law, a violation of **section 3** constitutes a misdemeanor and, in addition to any criminal penalty, is punishable by an administrative fine of not more than $10,000. (NRS 668.112, 668.115)

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 668 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. (Deleted by amendment.)

Sec. 3. ***1. A banking or other financial institution, or an officer, manager or employee of a banking or other financial institution, shall not unreasonably delay responding to an offer for a*** ***[***~~*short*~~***]*** ***sale*** ***in lieu of a foreclosure sale*** ***on real property secured by a residential mortgage loan.***

2. For the purposes of this section, a person is presumed to have unreasonably delayed responding to an offer for a ***[***~~*short*~~***]*** ***sale*** ***in lieu of a foreclosure sale*** ***on real property secured by a residential mortgage loan when the person fails to respond to an offer for a*** ***[***~~*short*~~***]*** ***sale*** ***in lieu of a foreclosure sale*** ***with an acceptance or rejection of the offer within 90 days after receipt of the offer, unless the parties have agreed in writing to a delay of more than 90 days after receipt of the offer.***

3. As used in this section:

(a) "Banking or other financial institution" means any bank, savings and loan association, savings bank, thrift company, credit union or other financial institution that is licensed, registered or otherwise authorized to do business in this State.

(b) "Indebtedness" has the meaning ascribed to it in NRS 40.451.

(c) "Residential mortgage loan" has the meaning ascribed to it in NRS 645B.0132.

(d) ***[***~~*"Short*~~***]*** ***"Sale in lieu of a foreclosure sale" means a sale of real property pursuant to an agreement between a*** ***[***~~*banking or other financial institution and an owner of real property to sell the real property secured by a residential mortgage loan to a third party for an amount less than the*~~

~~*indebtedness secured thereby.*~~] ***person to whom an obligation secured by a mortgage or other lien on real property is owed and the debtor of that obligation in which the sales price of the real property is insufficient to pay the full outstanding balance of the obligation and the costs of the sale. The term includes, without limitation, a deed in lieu of foreclosure.***

Sec. 3.5. **Chapter 40 of NRS is hereby amended by adding thereto a new section to read as follows:**

1. If the judgment creditor or the beneficiary of the deed of trust who applies for a deficiency judgment is a banking or other financial institution, the court may not award a deficiency judgment to the judgment creditor or the beneficiary of the deed of trust if:

(a) The real property is a single-family dwelling and the debtor or the grantor of the deed of trust was the owner of the real property at the time of the sale in lieu of a foreclosure sale;

(b) The debtor or grantor used the amount for which the real property was secured by the mortgage or deed of trust to purchase the real property;

(c) The debtor or grantor continuously occupied the real property as the debtor's or grantor's principal residence after securing the mortgage or deed of trust;

(d) The debtor or grantor and the banking or other financial institution entered into an agreement to sell the real property secured by the mortgage or deed of trust to a third party for an amount less than the indebtedness secured thereby; and

(e) The agreement entered into pursuant to paragraph (d):

(1) Does not state the amount of money still owed to the banking or other financial institution by the debtor or grantor or does not authorize the banking or other financial institution to recover that amount from the debtor or grantor; and

(2) Contains a conspicuous statement that has been acknowledged by the signature of the debtor or grantor which provides that the banking or other financial institution has waived its right to recover the amount owed by the debtor or grantor and which sets forth the amount of recovery that is being waived.

2. As used in this section:

(a) "Banking or other financial institution" means any bank, savings and loan association, savings bank, thrift company, credit union or other financial institution that is licensed, registered or otherwise authorized to do business in this State.

(b) "Sale in lieu of a foreclosure sale" means a sale of real property pursuant to an agreement between a person to whom an obligation secured by a mortgage or other lien on real property is owed and the debtor of that obligation in which the sales price of the real property is insufficient to pay the full outstanding balance of the obligation and the costs of the sale. The term includes, without limitation, a deed in lieu of foreclosure.

Sec. 4. ~~[NRS 40.455 is hereby amended to read as follows:~~

~~40.455 1. Except as otherwise provided in subsection 3~~ **[,]** ***or 4,*** ~~upon application of the judgment creditor or the beneficiary of the deed of trust within 6 months after the date of the foreclosure sale or the trustee's sale held pursuant to NRS 107.080, respectively, and after the required hearing, the court shall award a deficiency judgment to the judgment creditor or the beneficiary of the deed of trust if it appears from the sheriff's return or the recital of consideration in the trustee's deed that there is a deficiency of the proceeds of the sale and a balance remaining due to the judgment creditor or the beneficiary of the deed of trust, respectively.~~

~~2. If the indebtedness is secured by more than one parcel of real property, more than one interest in the real property or more than one mortgage or deed of trust, the 6-month period begins to run after the date of the foreclosure sale or trustee's sale of the last parcel or other interest in the real property securing the indebtedness, but in no event may the application be filed more than 2 years after the initial foreclosure sale or trustee's sale.~~

~~3. If the judgment creditor or the beneficiary of the deed of trust is a financial institution~~ **[,]** ***as defined in NRS 363A.050,*** ~~the court may not award a deficiency judgment to the judgment creditor or the beneficiary of the deed of trust, even if there is a deficiency of the proceeds of the sale and a balance remaining due the judgment creditor or beneficiary of the deed of trust, if:~~

~~(a) The real property is a single-family dwelling and the debtor or grantor was the owner of the real property at the time of the foreclosure sale or trustee's sale;~~

~~(b) The debtor or grantor used the amount for which the real property was secured by the mortgage or deed of trust to purchase the real property;~~

~~(c) The debtor or grantor continuously occupied the real property as the debtor's or grantor's principal residence after securing the mortgage or deed of trust; and~~

~~(d) The debtor or grantor did not refinance the mortgage or deed of trust after securing it.~~

~~4.~~ ***If the judgment creditor or the beneficiary of the deed of trust is a banking or other financial institution, the court may not award a deficiency judgment to the judgment creditor or the beneficiary of the deed of trust if:***

(a) The real property is a single family dwelling and the debtor or grantor was the owner of the real property at the time of the foreclosure sale or trustee's sale;

(b) The debtor or grantor used the amount for which the real property was secured by the mortgage or deed of trust to purchase the real property;

(c) The debtor or grantor continuously occupied the real property as the debtor's or grantor's principal residence after securing the mortgage or deed of trust;

(d) The debtor or grantor and the banking or other financial institution entered into an agreement to sell the real property secured by the mortgage

~~*or deed of trust to a third party for an amount less than the indebtedness secured thereby; and*~~

~~*(c) The agreement entered into pursuant to paragraph (d):*~~

~~*(1) Does not state the amount of money still owed to the banking or other financial institution by the debtor or grantor or does not authorize the banking or other financial institution to recover that amount from the debtor or grantor [.] ; and*~~

~~*(2) Contains a conspicuous statement that has been acknowledged by the signature of the debtor or grantor which provides that the banking or other financial institution has waived its right to recover the amount owed by the debtor or grantor and which sets forth the amount of recovery that is being waived.*~~

~~*5.* As used in this section, *"banking or other* financial institution" [has the meaning ascribed to it in NRS 363A.050.] *means any bank, savings and loan association, savings bank, thrift company, credit union or other financial institution that is licensed, registered or otherwise authorized to do business in this State.]~~ **(Deleted by amendment.)**

Sec. 5. **This act becomes effective upon passage and approval.**

Assemblyman Atkinson moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, reengrossed, and to third reading.

Senate Bill No. 430.

Bill read second time and ordered to third reading.

Senate Bill No. 444.

Bill read second time and ordered to third reading.

Senate Bill No. 450.

Bill read second time and ordered to third reading.

Senate Bill No. 481.

Bill read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 148.

Bill read third time.

Remarks by Assemblywoman Mastroluca.

Roll call on Assembly Bill No. 148:

YEAS—42.

NAYS—None.

Assembly Bill No. 148 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 247.

Bill read third time.

Remarks by Assemblyman Goicoechea.

Roll call on Assembly Bill No. 247:

YEAS—42.

NAYS—None.

Assembly Bill No. 247 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 489.

Bill read third time.

Roll call on Assembly Bill No. 489:

YEAS—42.

NAYS—None.

Assembly Bill No. 489 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 528.

Bill read third time.

Roll call on Assembly Bill No. 528:

YEAS—42.

NAYS—None.

Assembly Bill No. 528 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 529.

Bill read third time.

Roll call on Assembly Bill No. 529:

YEAS—42.

NAYS—None.

Assembly Bill No. 529 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 530.

Bill read third time.

Roll call on Assembly Bill No. 530:

YEAS—42.

NAYS—None.

Assembly Bill No. 530 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 531.

Bill read third time.

Roll call on Assembly Bill No. 531:

YEAS—42.

NAYS—None.

Assembly Bill No. 531 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 552.

Bill read third time.

The following amendment was proposed by Assemblyman Horne:

Amendment No. 801.

AN ACT relating to genetic marker analysis; imposing an administrative assessment upon a defendant convicted of any crime; requiring that a biological specimen be obtained from a person arrested for a felony or a sexual offense; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 2 of this bill imposes an additional administrative assessment of $2.50 on a person convicted of a misdemeanor, gross misdemeanor or felony. **Section 2** also provides that the money collected from the assessments must be used to defray the costs associated with obtaining biological specimens and genetic marker analysis.

Under existing law, if a defendant is convicted of a felony or certain other specified offenses, the court, as part of the defendant's sentence, must order that a biological specimen be obtained from the defendant and that the specimen be used for analysis to determine the genetic markers of the specimen. (NRS 176.0911-176.0917) **Section 3** of this bill requires that a biological specimen be obtained if a person is arrested for a felony or a sexual offense punishable as a misdemeanor. **Section 3** provides that if the person is convicted of the felony or the sexual offense, the specimen must be kept, but if the person is not convicted, the specimen and all records relating thereto must be destroyed and expunged.

Existing law prohibits a person from sharing or disclosing certain information relating to another person's biological specimen or genetic marker analysis and makes such conduct a misdemeanor. (NRS 176.0913) **Sections 3 and 8** of this bill increase the penalty for such conduct from a misdemeanor to a category C felony.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 176 of NRS is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this act.

Sec. 2. ***1. In addition to any other administrative assessment imposed, when a defendant pleads guilty, is found guilty or enters a plea of nolo contendere to a misdemeanor, gross misdemeanor or felony, including the violation of any municipal ordinance, the justice or judge of the justice, municipal or district court, as applicable, shall include in the sentence the sum of $2.50 as an administrative assessment for obtaining a biological***

specimen and conducting genetic marker analysis and shall render a judgment against the defendant for the assessment. If a defendant is sentenced to perform community service in lieu of a fine, the sentence must include the administrative assessment required pursuant to this subsection.

2. The money collected for an administrative assessment for the provision of genetic marker analysis must not be deducted from the fine imposed by the justice or judge but must be taxed against the defendant in addition to the fine. The money collected for such an administrative assessment must be stated separately on the court's docket and must be included in the amount posted for bail. If bail is forfeited, the administrative assessment included in the bail pursuant to this subsection must be disbursed pursuant to subsection 3. If the defendant is found not guilty or the charges are dismissed, the money deposited with the court must be returned to the defendant. If the justice or judge cancels a fine because the fine has been determined to be uncollectible, any balance of the fine and the administrative assessment remaining unpaid shall be deemed to be uncollectible, and the defendant is not required to pay it. If a fine is determined to be uncollectible, the defendant is not entitled to a refund of the fine or administrative assessment he or she has paid, and the justice or judge shall not recalculate the administrative assessment.

3. If the justice or judge permits the fine and administrative assessment for the provision of genetic marker analysis to be paid in installments, the payments must be applied in the following order:

(a) To pay the unpaid balance of an administrative assessment imposed pursuant to NRS 176.059;

(b) To pay the unpaid balance of an administrative assessment for the provision of court facilities pursuant to NRS 176.0611;

(c) To pay the unpaid balance of an administrative assessment for the provision of specialty court programs pursuant to NRS 176.0613;

(d) To pay the unpaid balance of an administrative assessment for the provision of genetic marker analysis pursuant to this section; and

(e) To pay the fine.

4. The money collected for an administrative assessment for the provision of genetic marker analysis must be paid by the clerk of the court to the county treasurer on or before the fifth day of each month for the preceding month for credit to the fund for genetic marker analysis pursuant to NRS 176.0915.

Sec. 3. *1. If a person is arrested for a felony pursuant to a warrant, the law enforcement agency making the arrest shall:*

(a) Submit the name, social security number, date of birth and any other information identifying the person to the Central Repository for Nevada Records of Criminal History; and

(b) Upon booking the person into a city or county jail or detention facility, and before the person is released from custody, obtain a biological specimen from the person <u>through a check swab</u> pursuant to the provisions

of this section so that the specimen can be used for an analysis to determine the genetic markers of the specimen. The biological specimen may be collected by any law enforcement agency.

2. If a person is arrested for a felony without a warrant, the law enforcement agency making the arrest shall:

(a) Submit the name, social security number, date of birth and any other information identifying the person to the Central Repository for Nevada Records of Criminal History;

(b) Upon booking the person into a city or county jail or detention facility, and before the person is released from custody, obtain a biological specimen from the person through a check swab pursuant to the provisions of this section so that the specimen can be used for an analysis to determine the genetic markers of the specimen. The biological specimen may be collected by any law enforcement agency; and

(c) Not submit the biological specimen for genetic marker analysis pursuant to subsection 4 until a court or magistrate makes a determination that probable cause existed for the person's arrest.

3. If the person is arrested for a sexual offense that is punishable as a misdemeanor, upon booking the person into a city or county jail or detention facility, and before the person is released from custody, the law enforcement agency making the arrest shall obtain a biological specimen from the person pursuant to the provisions of this section so that the specimen can be used for an analysis to determine the genetic markers of the specimen. The law enforcement agency obtaining the biological specimen shall provide the biological specimen to the forensic laboratory that has been designated in the county in which the person was arrested to conduct or oversee genetic marker analysis for the county pursuant to NRS 176.0917 and shall specifically direct the forensic laboratory to hold the biological specimen in a separate storage area pending notification from:

(a) The Central Repository for Nevada Records of Criminal History resulting from a query of records indicating that the person from whom the biological specimen was obtained has been convicted; or

(b) A court or magistrate indicating that the person from whom the biological specimen was obtained has failed to appear for a scheduled hearing.

➥ Upon receipt of notification pursuant to paragraph (a) or (b), the forensic laboratory shall proceed with any genetic marker analysis pursuant to subsection 4.

4. The law enforcement agency obtaining the biological specimen shall provide the specimen to the forensic laboratory that has been designated by the county in which the person was arrested to conduct or oversee genetic marker analysis for the county pursuant to NRS 176.0917. If the forensic laboratory determines that the biological specimen is inadequate or otherwise unusable, the law enforcement agency may obtain an additional

biological specimen from the person arrested ~~[.]~~ unless the person arrested is eligible to request expungement of the genetic marker analysis pursuant to subsection 12. Each designated laboratory is authorized to contract with individuals or organizations for services to perform genetic marker analysis. The identification characteristics resulting from the genetic marker analysis must be stored and maintained by the forensic laboratory in CODIS and only may be made available as provided in section 4 of this act. The information stored and maintained by the forensic laboratory and the computer software used by the forensic laboratory for CODIS are confidential and are not public books or records within the meaning of NRS 239.010. The information may only be disclosed and used as specifically authorized by law.

5. Any cost that is incurred to obtain a biological specimen from a person pursuant to this section is a charge against the county in which the person was arrested and must be paid as provided in NRS 176.0915.

6. A law enforcement agency shall not obtain a biological specimen from a person who has previously submitted such a specimen for an arrest or conviction of a prior offense unless the law enforcement agency, court or magistrate determines that an additional specimen is necessary.

7. A court or magistrate shall:

(a) Make the provision of a biological specimen a condition of any person being admitted to bail or released on the person's own recognizance; and

(b) Require the biological specimen to be provided to the forensic laboratory that has been designated by the county in which the person was arrested to conduct or oversee genetic marker analysis for the county pursuant to NRS 176.0917.

➥ Upon receipt of the biological specimen, the forensic laboratory shall proceed with any genetic marker analysis pursuant to subsection 4.

8. The Attorney General or a district attorney may petition a district court for an order requiring a person under this section to:

(a) Provide a biological specimen; or

(b) Provide a biological specimen by alternative means if the person will not cooperate.

➥ Nothing in this subsection shall be construed to prevent the collection of a biological specimen by order of a court of competent jurisdiction or the collection of a biological specimen of persons required to provide such a specimen under this section.

9. The detention, arrest or conviction of a person based upon a match in CODIS or other information in CODIS is not invalidated if it is later determined that the biological specimen was obtained or placed in CODIS by mistake ~~[.]~~ , provided that the forensic laboratory demonstrates that a good faith effort has been made to comply with all laws and regulations governing the inclusion of such information in CODIS.

10. Upon completion of any genetic marker analysis, the forensic laboratory shall inform the Central Repository for Nevada Records of Criminal History of the existence of such information pursuant to this section.

11. The Central Repository for Nevada Records of Criminal History shall include an indication on the criminal history record regarding the collection of a biological specimen, but may not include the results of the genetic marker analysis or any other information relating to the forensic laboratory's records.

12. A person whose genetic marker analysis has been included in the Central Repository for Nevada Records of Criminal History and CODIS pursuant to this section may make a written request to the Central Repository that it be automatically expunged on the grounds:

(a) That the conviction on which the authority for keeping the biological specimen or the result of the genetic marker analysis has been reversed and the case dismissed; or

(b) That the arrest which led to the inclusion of the biological specimen or the result of the genetic marker analysis has:

(1) Resulted in a felony or sexual offense charge that has been resolved by a dismissal, nolle prosequi, successful completion of a preprosecution diversion program or a conditional discharge or acquittal; or

(2) Not resulted in any additional criminal charges for a felony or sexual offense within 10 years after the arrest.

13. Within 90 days after receiving a written request pursuant to subsection 12, the Central Repository for Nevada Records of Criminal History shall forward such request and documentation to the forensic laboratory holding the biological specimen.

14. Except as otherwise provided in subsection 15, the forensic laboratory holding the biological specimen shall automatically purge all records and identifiable information pertaining to the person and destroy all specimens from the person upon receipt and confirmation of a written request that such data be expunged pursuant to this section, and:

(a) A certified copy of the court order reversing and dismissing the conviction; or

(b) For biological specimens included pursuant to arrest:

(1) A certified copy of the dismissal, nolle prosequi, successful completion of a preprosecution diversion program or a conditional discharge, or acquittal; or

(2) A sworn affidavit from the law enforcement agency which submitted the biological specimen that no felony or sexual offense charges arising out of the arrest have been filed within 10 years after the arrest.

15. The forensic laboratory shall not expunge a person's biological specimen and genetic marker analysis if the forensic laboratory is notified by a law enforcement agency that the person has a prior felony or sexual

offense conviction, a new felony or sexual offense arrest or a pending felony or sexual offense charge for which collection of a biological specimen is authorized pursuant to this section.

16. When a person's biological specimen and genetic marker analysis are expunged pursuant to this section, the forensic laboratory shall ensure that the person's biological specimen and genetic marker analysis are expunged from CODIS and shall inform the Central Repository for Nevada Records of Criminal History that the genetic marker analysis has been expunged from CODIS.

17. Except as otherwise authorized by federal law or specific statute, a biological specimen obtained pursuant to this section, the results of a genetic marker analysis and any information identifying or matching a biological specimen with a person must not knowingly be shared with or knowingly disclosed to any person other than the authorized personnel who have possession and control of the biological specimen, results of a genetic marker analysis or information identifying or matching a biological specimen with a person, except pursuant to:

(a) A court order; or

(b) A request from a law enforcement agency during the course of an investigation.

18. A person who violates any provision of subsection 17 is guilty of a category C felony and shall be punished as provided in NRS 193.130.

19. For the purposes of this section:

(a) "Sexual offense" means any of the following offenses:

(1) Murder of the first degree committed in the perpetration or attempted perpetration of sexual assault or of sexual abuse or sexual molestation of a child less than 14 years of age pursuant to paragraph (b) of subsection 1 of NRS 200.030.

(2) Sexual assault pursuant to NRS 200.366.

(3) Statutory sexual seduction pursuant to NRS 200.368.

(4) Battery with intent to commit sexual assault pursuant to subsection 4 of NRS 200.400.

(5) An offense involving the administration of a drug to another person with the intent to enable or assist the commission of a felony pursuant to NRS 200.405, if the felony is an offense listed in this section.

(6) An offense involving the administration of a controlled substance to another person with the intent to enable or assist the commission of a crime of violence pursuant to NRS 200.408, if the crime of violence is an offense listed in this section.

(7) Abuse of a child pursuant to NRS 200.508, if the abuse involved sexual abuse or sexual exploitation.

(8) An offense involving pornography and a minor pursuant to NRS 200.710 to 200.730, inclusive.

(9) Incest pursuant to NRS 201.180.

(10) Solicitation of a minor to engage in acts constituting the infamous crime against nature pursuant to NRS 201.195.

(11) Open or gross lewdness pursuant to NRS 201.210.

(12) Indecent or obscene exposure pursuant to NRS 201.220.

(13) Lewdness with a child pursuant to NRS 201.230.

(14) Sexual penetration of a dead human body pursuant to NRS 201.450.

(15) Luring a child or a person with mental illness pursuant to NRS 201.560, if punished as a felony.

(16) Any other offense that has an element involving a sexual act or sexual conduct with another.

(17) An attempt or conspiracy to commit an offense listed in subparagraphs (1) to (16), inclusive.

(18) An offense that is determined to be sexually motivated pursuant to NRS 175.547 or 207.193.

(19) An offense committed in another jurisdiction that, if committed in this State, would be an offense listed in this section. This subparagraph includes, without limitation, an offense prosecuted in:

(I) A tribal court.

(II) A court of the United States or the Armed Forces of the United States.

(20) An offense of a sexual nature committed in another jurisdiction, whether or not the offense would be an offense listed in this section, if the person who committed the offense resides or has resided or is or has been a student or worker in any jurisdiction in which the person is or has been required by the laws of that jurisdiction to register as a sex offender because of the offense. This subparagraph includes, without limitation, an offense prosecuted in:

(I) A tribal court.

(II) A court of the United States or the Armed Forces of the United States.

(III) A court having jurisdiction over juveniles.

(b) "Sexual offense" does not include an offense involving consensual sexual conduct if the victim was:

(1) An adult, unless the adult was under the custodial authority of the offender at the time of the offense; or

(2) At least 13 years of age and the offender was not more than 4 years older than the victim at the time of the commission of the offense.

Sec. 4. *1. If information related to a biological specimen or genetic marker analysis contained in CODIS is requested, the forensic laboratory shall comply with all applicable federal law and specific statutes and regulations governing the release of such information. In addition, the identity and authority of the requester must be verified. All requests must be directed through the forensic laboratory and the CODIS administrator.*

2. To minimize duplication in collection of biological specimens and genetic marker analysis, a forensic laboratory may make information available to local, state and federal law enforcement agencies, the Department of Corrections, city or county jails or any detention facility to verify whether a biological specimen has been collected from a person. Information provided under this subsection must not include any results of genetic marker analysis.

Sec. 5. NRS 176.0611 is hereby amended to read as follows:

176.0611 1. A county or a city, upon recommendation of the appropriate court, may, by ordinance, authorize the justices or judges of the justice or municipal courts within its jurisdiction to impose for not longer than 50 years, in addition to the administrative assessments imposed pursuant to NRS 176.059 and 176.0613, ***and section 2 of this act,*** an administrative assessment for the provision of court facilities.

2. Except as otherwise provided in subsection 3, in any jurisdiction in which an administrative assessment for the provision of court facilities has been authorized, when a defendant pleads guilty or guilty but mentally ill or is found guilty or guilty but mentally ill of a misdemeanor, including the violation of any municipal ordinance, the justice or judge shall include in the sentence the sum of $10 as an administrative assessment for the provision of court facilities and render a judgment against the defendant for the assessment. If the justice or judge sentences the defendant to perform community service in lieu of a fine, the justice or judge shall include in the sentence the administrative assessment required pursuant to this subsection.

3. The provisions of subsection 2 do not apply to:

(a) An ordinance regulating metered parking; or

(b) An ordinance that is specifically designated as imposing a civil penalty or liability pursuant to NRS 244.3575 or 268.019.

4. The money collected for an administrative assessment for the provision of court facilities must not be deducted from the fine imposed by the justice or judge but must be taxed against the defendant in addition to the fine. The money collected for such an administrative assessment must be stated separately on the court's docket and must be included in the amount posted for bail. If bail is forfeited, the administrative assessment included in the amount posted for bail pursuant to this subsection must be disbursed in the manner set forth in subsection 6 or 7. If the defendant is found not guilty or the charges are dismissed, the money deposited with the court must be returned to the defendant. If the justice or judge cancels a fine because the fine has been determined to be uncollectible, any balance of the fine and the administrative assessment remaining unpaid shall be deemed to be uncollectible and the defendant is not required to pay it. If a fine is determined to be uncollectible, the defendant is not entitled to a refund of the fine or administrative assessment the defendant has paid and the justice or judge shall not recalculate the administrative assessment.

5. If the justice or judge permits the fine and administrative assessment for the provision of court facilities to be paid in installments, the payments must be applied in the following order:

(a) To pay the unpaid balance of an administrative assessment imposed pursuant to NRS 176.059;

(b) To pay the unpaid balance of an administrative assessment for the provision of court facilities pursuant to this section;

(c) To pay the unpaid balance of an administrative assessment for the provision of specialty court programs pursuant to NRS 176.0613; ~~[and]~~

(d) ***To pay the unpaid balance of an administrative assessment for obtaining a biological specimen and conducting genetic marker analysis pursuant to section 2 of this act; and***

(e) To pay the fine.

6. The money collected for administrative assessments for the provision of court facilities in municipal courts must be paid by the clerk of the court to the city treasurer on or before the fifth day of each month for the preceding month. The city treasurer shall deposit the money received in a special revenue fund. The city may use the money in the special revenue fund only to:

(a) Acquire land on which to construct additional facilities for the municipal courts or a regional justice center that includes the municipal courts.

(b) Construct or acquire additional facilities for the municipal courts or a regional justice center that includes the municipal courts.

(c) Renovate or remodel existing facilities for the municipal courts.

(d) Acquire furniture, fixtures and equipment necessitated by the construction or acquisition of additional facilities or the renovation of an existing facility for the municipal courts or a regional justice center that includes the municipal courts. This paragraph does not authorize the expenditure of money from the fund for furniture, fixtures or equipment for judicial chambers.

(e) Acquire advanced technology for use in the additional or renovated facilities.

(f) Pay debt service on any bonds issued pursuant to subsection 3 of NRS 350.020 for the acquisition of land or facilities or the construction or renovation of facilities for the municipal courts or a regional justice center that includes the municipal courts.

➥ Any money remaining in the special revenue fund after 5 fiscal years must be deposited in the municipal general fund for the continued maintenance of court facilities if it has not been committed for expenditure pursuant to a plan for the construction or acquisition of court facilities or improvements to court facilities. The city treasurer shall provide, upon request by a municipal court, monthly reports of the revenue credited to and expenditures made from the special revenue fund.

7. The money collected for administrative assessments for the provision of court facilities in justice courts must be paid by the clerk of the court to the county treasurer on or before the fifth day of each month for the preceding month. The county treasurer shall deposit the money received to a special revenue fund. The county may use the money in the special revenue fund only to:

(a) Acquire land on which to construct additional facilities for the justice courts or a regional justice center that includes the justice courts.

(b) Construct or acquire additional facilities for the justice courts or a regional justice center that includes the justice courts.

(c) Renovate or remodel existing facilities for the justice courts.

(d) Acquire furniture, fixtures and equipment necessitated by the construction or acquisition of additional facilities or the renovation of an existing facility for the justice courts or a regional justice center that includes the justice courts. This paragraph does not authorize the expenditure of money from the fund for furniture, fixtures or equipment for judicial chambers.

(e) Acquire advanced technology for use in the additional or renovated facilities.

(f) Pay debt service on any bonds issued pursuant to subsection 3 of NRS 350.020 for the acquisition of land or facilities or the construction or renovation of facilities for the justice courts or a regional justice center that includes the justice courts.

➥ Any money remaining in the special revenue fund after 5 fiscal years must be deposited in the county general fund for the continued maintenance of court facilities if it has not been committed for expenditure pursuant to a plan for the construction or acquisition of court facilities or improvements to court facilities. The county treasurer shall provide, upon request by a justice court, monthly reports of the revenue credited to and expenditures made from the special revenue fund.

8. If money collected pursuant to this section is to be used to acquire land on which to construct a regional justice center, to construct a regional justice center or to pay debt service on bonds issued for these purposes, the county and the participating cities shall, by interlocal agreement, determine such issues as the size of the regional justice center, the manner in which the center will be used and the apportionment of fiscal responsibility for the center.

Sec. 6. NRS 176.0613 is hereby amended to read as follows:

176.0613 1. The justices or judges of the justice or municipal courts shall impose, in addition to an administrative assessment imposed pursuant to NRS 176.059 and 176.0611, ***and section 2 of this act,*** an administrative assessment for the provision of specialty court programs.

2. Except as otherwise provided in subsection 3, when a defendant pleads guilty or guilty but mentally ill or is found guilty or guilty but mentally ill of a misdemeanor, including the violation of any municipal ordinance, the

justice or judge shall include in the sentence the sum of $7 as an administrative assessment for the provision of specialty court programs and render a judgment against the defendant for the assessment. If a defendant is sentenced to perform community service in lieu of a fine, the sentence must include the administrative assessment required pursuant to this subsection.

3. The provisions of subsection 2 do not apply to:

(a) An ordinance regulating metered parking; or

(b) An ordinance which is specifically designated as imposing a civil penalty or liability pursuant to NRS 244.3575 or 268.019.

4. The money collected for an administrative assessment for the provision of specialty court programs must not be deducted from the fine imposed by the justice or judge but must be taxed against the defendant in addition to the fine. The money collected for such an administrative assessment must be stated separately on the court's docket and must be included in the amount posted for bail. If bail is forfeited, the administrative assessment included in the bail pursuant to this subsection must be disbursed pursuant to subsection 6 or 7. If the defendant is found not guilty or the charges are dismissed, the money deposited with the court must be returned to the defendant. If the justice or judge cancels a fine because the fine has been determined to be uncollectible, any balance of the fine and the administrative assessment remaining unpaid shall be deemed to be uncollectible and the defendant is not required to pay it. If a fine is determined to be uncollectible, the defendant is not entitled to a refund of the fine or administrative assessment the defendant has paid and the justice or judge shall not recalculate the administrative assessment.

5. If the justice or judge permits the fine and administrative assessment for the provision of specialty court programs to be paid in installments, the payments must be applied in the following order:

(a) To pay the unpaid balance of an administrative assessment imposed pursuant to NRS 176.059;

(b) To pay the unpaid balance of an administrative assessment for the provision of court facilities pursuant to NRS 176.0611;

(c) To pay the unpaid balance of an administrative assessment for the provision of specialty court programs; ~~[and]~~

(d) ***To pay the unpaid balance of an administrative assessment for obtaining a biological specimen and conducting genetic marker analysis pursuant to section 2 of this act; and***

(e) To pay the fine.

6. The money collected for an administrative assessment for the provision of specialty court programs in municipal court must be paid by the clerk of the court to the city treasurer on or before the fifth day of each month for the preceding month. On or before the 15th day of that month, the city treasurer shall deposit the money received for each administrative assessment with the State Controller for credit to a special account in the State General Fund administered by the Office of Court Administrator.

7. The money collected for an administrative assessment for the provision of specialty court programs in justice courts must be paid by the clerk of the court to the county treasurer on or before the fifth day of each month for the preceding month. On or before the 15th day of that month, the county treasurer shall deposit the money received for each administrative assessment with the State Controller for credit to a special account in the State General Fund administered by the Office of Court Administrator.

8. The Office of Court Administrator shall allocate the money credited to the State General Fund pursuant to subsections 6 and 7 to courts to assist with the funding or establishment of specialty court programs.

9. Money that is apportioned to a court from administrative assessments for the provision of specialty court programs must be used by the court to:

(a) Pay for the treatment and testing of persons who participate in the program; and

(b) Improve the operations of the specialty court program by any combination of:

(1) Acquiring necessary capital goods;

(2) Providing for personnel to staff and oversee the specialty court program;

(3) Providing training and education to personnel;

(4) Studying the management and operation of the program;

(5) Conducting audits of the program;

(6) Supplementing the funds used to pay for judges to oversee a specialty court program; or

(7) Acquiring or using appropriate technology.

10. As used in this section:

(a) "Office of Court Administrator" means the Office of Court Administrator created pursuant to NRS 1.320; and

(b) "Specialty court program" means a program established by a court to facilitate testing, treatment and oversight of certain persons over whom the court has jurisdiction and who the court has determined suffer from a mental illness or abuses alcohol or drugs. Such a program includes, without limitation, a program established pursuant to NRS 176A.250, 176A.280 or 453.580.

Sec. 7. NRS 176.0911 is hereby amended to read as follows:

176.0911 As used in NRS 176.0911 to 176.0917, inclusive, ***and sections 2, 3 and 4 of this act,*** unless the context otherwise requires, "CODIS" means the Combined DNA Indexing System operated by the Federal Bureau of Investigation.

Sec. 8. NRS 176.0913 is hereby amended to read as follows:

176.0913 1. If a defendant is convicted of an offense listed in subsection 4, the court, at sentencing, shall order that:

(a) The name, social security number, date of birth and any other information identifying the defendant be submitted to the Central Repository for Nevada Records of Criminal History; and

(b) A biological specimen be obtained from the defendant pursuant to the provisions of this section and that the specimen be used for an analysis to determine the genetic markers of the specimen.

2. If the defendant is committed to the custody of the Department of Corrections, the Department of Corrections shall arrange for the biological specimen to be obtained from the defendant. The Department of Corrections shall provide the specimen to the forensic laboratory that has been designated by the county in which the defendant was convicted to conduct or oversee genetic marker testing for the county pursuant to NRS 176.0917.

3. If the defendant is not committed to the custody of the Department of Corrections, the Division shall arrange for the biological specimen to be obtained from the defendant. The Division shall provide the specimen to the forensic laboratory that has been designated by the county in which the defendant was convicted to conduct or oversee genetic marker testing for the county pursuant to NRS 176.0917. Any cost that is incurred to obtain a biological specimen from a defendant pursuant to this subsection is a charge against the county in which the defendant was convicted and must be paid as provided in NRS 176.0915.

4. Except as otherwise provided in subsection 5, the provisions of subsection 1 apply to a defendant who is convicted of:

(a) A felony;

(b) A crime against a child as defined in NRS 179D.0357;

(c) A sexual offense as defined in NRS 179D.097;

(d) Abuse or neglect of an older person or a vulnerable person pursuant to NRS 200.5099;

(e) A second or subsequent offense for stalking pursuant to NRS 200.575;

(f) An attempt or conspiracy to commit an offense listed in paragraphs (a) to (e), inclusive;

(g) Failing to register with a local law enforcement agency as a convicted person as required pursuant to NRS 179C.100, if the defendant previously was:

(1) Convicted in this State of committing an offense listed in paragraph (a), (d), (e) or (f); or

(2) Convicted in another jurisdiction of committing an offense that would constitute an offense listed in paragraph (a), (d), (e) or (f) if committed in this State;

(h) Failing to register with a local law enforcement agency after being convicted of a crime against a child as required pursuant to NRS 179D.450; or

(i) Failing to register with a local law enforcement agency after being convicted of a sexual offense as required pursuant to NRS 179D.450.

5. A court shall not order a biological specimen to be obtained from a defendant who has previously submitted such a specimen ***pursuant to section 3 of this act or*** for conviction of a prior offense unless the court determines that an additional sample is necessary.

6. Except as otherwise authorized by federal law or by specific statute, a biological specimen obtained pursuant to this section, the results of a genetic marker analysis and any information identifying or matching a biological specimen with a person must not be shared with or disclosed to any person other than the authorized personnel who have possession and control of the biological specimen, results of a genetic marker analysis or information identifying or matching a biological specimen with a person, except pursuant to:

(a) A court order; or

(b) A request from a law enforcement agency during the course of an investigation.

7. A person who violates any provision of subsection 6 is guilty of a ~~[misdemeanor.]~~ ***category C felony and shall be punished as provided in NRS 193.130.***

Sec. 9. NRS 176.0915 is hereby amended to read as follows:

176.0915 1. If a biological specimen is obtained from a ~~[defendant]~~ ***person*** pursuant to NRS 176.0913 ~~[,]~~ ***or section 3 of this act, and the person is convicted of the offense for which the biological specimen was obtained,*** the court, in addition to any other penalty, shall order the ~~[defendant,]~~ ***person,*** to the extent of the ~~[defendant's]~~ ***person's*** financial ability, to pay the sum of $150 as a fee for obtaining the specimen and for conducting the analysis to determine the genetic markers of the specimen. The fee:

(a) Must be stated separately in the judgment of the court or on the docket of the court;

(b) Must be collected from the ~~[defendant]~~ ***person*** before or at the same time that any fine imposed by the court is collected from the ~~[defendant;]~~ ***person;*** and

(c) Must not be deducted from any fine imposed by the court.

2. All money that is collected pursuant to subsection 1 must be paid by the clerk of the court to the county treasurer on or before the fifth day of each month for the preceding month.

3. The board of county commissioners of each county shall by ordinance create in the county treasury a fund to be designated as the fund for genetic marker testing. The county treasurer shall deposit money that is collected pursuant to subsection 2 in the fund for genetic marker testing. The money must be accounted for separately within the fund.

4. Each month, the county treasurer shall use the money deposited in the fund for genetic marker testing to pay for the actual amount charged to the county for obtaining a biological specimen from a ~~[defendant]~~ ***person*** pursuant to NRS 176.0913 ~~[.]~~ ***or section 3 of this act.***

5. The board of county commissioners of each county may apply for and accept grants, gifts, donations, bequests or devises which the board of county commissioners shall deposit with the county treasurer for credit to the fund for genetic marker testing.

6. If money remains in the fund after the county treasurer makes the payments required by subsection 4, the county treasurer shall pay the remaining money each month to the forensic laboratory that is designated by the county pursuant to NRS 176.0917 to conduct or oversee genetic marker testing for the county. A forensic laboratory that receives money pursuant to this subsection shall use the money to cover any expense related to genetic marker testing.

Sec. 10. NRS 176.0917 is hereby amended to read as follows:

176.0917 1. The board of county commissioners of each county shall designate a forensic laboratory to conduct or oversee for the county any genetic marker testing that is ~~[ordered or arranged]~~ ***required*** pursuant to NRS 176.0913 or 176.0916 ~~[.]~~ ***or section 3 of this act.***

2. The forensic laboratory designated by the board of county commissioners pursuant to subsection 1:

(a) Must be operated by this State or one of its political subdivisions; and

(b) Must satisfy or exceed the standards for quality assurance that are established by the Federal Bureau of Investigation for participation in CODIS.

Sec. 11. NRS 179.225 is hereby amended to read as follows:

179.225 1. If the punishment of the crime is the confinement of the criminal in prison, the expenses must be paid from money appropriated to the Office of the Attorney General for that purpose, upon approval by the State Board of Examiners. After the appropriation is exhausted, the expenses must be paid from the Reserve for Statutory Contingency Account upon approval by the State Board of Examiners. In all other cases, they must be paid out of the county treasury in the county wherein the crime is alleged to have been committed. The expenses are:

(a) If the prisoner is returned to this State from another state, the fees paid to the officers of the state on whose governor the requisition is made;

(b) If the prisoner is returned to this State from a foreign country or jurisdiction, the fees paid to the officers and agents of this State or the United States; or

(c) If the prisoner is temporarily returned for prosecution to this State from another state pursuant to this chapter or chapter 178 of NRS and is then returned to the sending state upon completion of the prosecution, the fees paid to the officers and agents of this State,

➥ and the per diem allowance and travel expenses provided for state officers and employees generally incurred in returning the prisoner.

2. If a person is returned to this State pursuant to this chapter or chapter 178 of NRS and is convicted of, or pleads guilty, guilty but mentally ill or nolo contendere to, the criminal charge for which the person was returned or a lesser criminal charge, the court shall conduct an investigation of the financial status of the person to determine the ability to make restitution. In conducting the investigation, the court shall determine if the person is able to pay any existing obligations for:

(a) Child support;

(b) Restitution to victims of crimes; and

(c) Any administrative assessment required to be paid pursuant to NRS 62E.270, 176.059, 176.0611, 176.0613 and 176.062 ~~[.]~~ ***and section 2 of this act.***

3. If the court determines that the person is financially able to pay the obligations described in subsection 2, it shall, in addition to any other sentence it may impose, order the person to make restitution for the expenses incurred by the Attorney General or other governmental entity in returning the person to this State. The court shall not order the person to make restitution if payment of restitution will prevent the person from paying any existing obligations described in subsection 2. Any amount of restitution remaining unpaid constitutes a civil liability arising upon the date of the completion of the sentence.

4. The Attorney General may adopt regulations to carry out the provisions of this section.

Sec. 12. NRS 179A.075 is hereby amended to read as follows:

179A.075 1. The Central Repository for Nevada Records of Criminal History is hereby created within the Records and Technology Division of the Department.

2. Each agency of criminal justice and any other agency dealing with crime or delinquency of children shall:

(a) Collect and maintain records, reports and compilations of statistical data required by the Department; and

(b) Submit the information collected to the Central Repository in the manner approved by the Director of the Department.

3. Each agency of criminal justice shall submit the information relating to records of criminal history that it creates or issues, and any information in its possession relating to the genetic markers of a biological specimen of a person ~~[who is convicted of an offense listed in subsection 4 of]~~ ***from whom a biological specimen is obtained pursuant to*** NRS 176.0913 ~~[,]~~ ***or section 3 of this act,*** to the Division. The information must be submitted to the Division:

(a) Through an electronic network;

(b) On a medium of magnetic storage; or

(c) In the manner prescribed by the Director of the Department,

➥ within the period prescribed by the Director of the Department. If an agency has submitted a record regarding the arrest of a person who is later determined by the agency not to be the person who committed the particular crime, the agency shall, immediately upon making that determination, so notify the Division. The Division shall delete all references in the Central Repository relating to that particular arrest.

4. The Division shall, in the manner prescribed by the Director of the Department:

(a) Collect, maintain and arrange all information submitted to it relating to:

(1) Records of criminal history; and

(2) The genetic markers of a biological specimen of a person ~~[who is convicted of an offense listed in subsection 4 of]~~ ***from whom a biological specimen is obtained pursuant to*** NRS 176.0913 ~~[.]~~ ***or section 3 of this act.***

(b) When practicable, use a record of the personal identifying information of a subject as the basis for any records maintained regarding him or her.

(c) Upon request, provide the information that is contained in the Central Repository to the State Disaster Identification Team of the Division of Emergency Management of the Department.

5. The Division may:

(a) Disseminate any information which is contained in the Central Repository to any other agency of criminal justice;

(b) Enter into cooperative agreements with repositories of the United States and other states to facilitate exchanges of information that may be disseminated pursuant to paragraph (a); and

(c) Request of and receive from the Federal Bureau of Investigation information on the background and personal history of any person whose record of fingerprints the Central Repository submits to the Federal Bureau of Investigation and:

(1) Who has applied to any agency of the State of Nevada or any political subdivision thereof for a license which it has the power to grant or deny;

(2) With whom any agency of the State of Nevada or any political subdivision thereof intends to enter into a relationship of employment or a contract for personal services;

(3) Who has applied to any agency of the State of Nevada or any political subdivision thereof to attend an academy for training peace officers approved by the Peace Officers' Standards and Training Commission;

(4) For whom such information is required to be obtained pursuant to NRS 427A.735 and 449.179; or

(5) About whom any agency of the State of Nevada or any political subdivision thereof is authorized by law to have accurate personal information for the protection of the agency or the persons within its jurisdiction.

➥ To request and receive information from the Federal Bureau of Investigation concerning a person pursuant to this subsection, the Central Repository must receive the person's complete set of fingerprints from the agency or political subdivision and submit the fingerprints to the Federal Bureau of Investigation for its report.

6. The Central Repository shall:

(a) Collect and maintain records, reports and compilations of statistical data submitted by any agency pursuant to subsection 2.

(b) Tabulate and analyze all records, reports and compilations of statistical data received pursuant to this section.

(c) Disseminate to federal agencies engaged in the collection of statistical data relating to crime information which is contained in the Central Repository.

(d) Investigate the criminal history of any person who:

(1) Has applied to the Superintendent of Public Instruction for a license;

(2) Has applied to a county school district, charter school or private school for employment; or

(3) Is employed by a county school district, charter school or private school,

➥ and notify the superintendent of each county school district, the governing body of each charter school and the Superintendent of Public Instruction, or the administrator of each private school, as appropriate, if the investigation of the Central Repository indicates that the person has been convicted of a violation of NRS 200.508, 201.230, 453.3385, 453.339 or 453.3395, or convicted of a felony or any offense involving moral turpitude.

(e) Upon discovery, notify the superintendent of each county school district, the governing body of each charter school or the administrator of each private school, as appropriate, by providing the superintendent, governing body or administrator with a list of all persons:

(1) Investigated pursuant to paragraph (d); or

(2) Employed by a county school district, charter school or private school whose fingerprints were sent previously to the Central Repository for investigation,

➥ who the Central Repository's records indicate have been convicted of a violation of NRS 200.508, 201.230, 453.3385, 453.339 or 453.3395, or convicted of a felony or any offense involving moral turpitude since the Central Repository's initial investigation. The superintendent of each county school district, the governing body of a charter school or the administrator of each private school, as applicable, shall determine whether further investigation or action by the district, charter school or private school, as applicable, is appropriate.

(f) Investigate the criminal history of each person who submits fingerprints or has fingerprints submitted pursuant to NRS 427A.735, 449.176 or 449.179.

(g) On or before July 1 of each year, prepare and present to the Governor a printed annual report containing the statistical data relating to crime received during the preceding calendar year. Additional reports may be presented to the Governor throughout the year regarding specific areas of crime if they are approved by the Director of the Department.

(h) On or before July 1 of each year, prepare and submit to the Director of the Legislative Counsel Bureau for submission to the Legislature, or to the Legislative Commission when the Legislature is not in regular session, a report containing statistical data about domestic violence in this State.

(i) Identify and review the collection and processing of statistical data relating to criminal justice and the delinquency of children by any agency identified in subsection 2 and make recommendations for any necessary changes in the manner of collecting and processing statistical data by any such agency.

7. The Central Repository may:

(a) In the manner prescribed by the Director of the Department, disseminate compilations of statistical data and publish statistical reports relating to crime or the delinquency of children.

(b) Charge a reasonable fee for any publication or special report it distributes relating to data collected pursuant to this section. The Central Repository may not collect such a fee from an agency of criminal justice, any other agency dealing with crime or the delinquency of children which is required to submit information pursuant to subsection 2 or the State Disaster Identification Team of the Division of Emergency Management of the Department. All money collected pursuant to this paragraph must be used to pay for the cost of operating the Central Repository.

(c) In the manner prescribed by the Director of the Department, use electronic means to receive and disseminate information contained in the Central Repository that it is authorized to disseminate pursuant to the provisions of this chapter.

8. As used in this section:

(a) "Personal identifying information" means any information designed, commonly used or capable of being used, alone or in conjunction with any other information, to identify a person, including, without limitation:

(1) The name, driver's license number, social security number, date of birth and photograph or computer-generated image of a person; and

(2) The fingerprints, voiceprint, retina image and iris image of a person.

(b) "Private school" has the meaning ascribed to it in NRS 394.103.

Sec. 13. NRS 179D.150 is hereby amended to read as follows:

179D.150 A record of registration must include, if the information is available:

1. Information identifying the offender or sex offender, including, but not limited to:

(a) The name of the offender or sex offender and all aliases that the offender or sex offender has used or under which he or she has been known;

(b) A complete physical description of the offender or sex offender, a current photograph of the offender or sex offender and the fingerprints and palm prints of the offender or sex offender;

(c) The date of birth and the social security number of the offender or sex offender;

(d) The identification number from a driver's license or an identification card issued to the offender or sex offender by this State or any other jurisdiction and a photocopy of such driver's license or identification card;

(e) ***Information indicating whether the genetic marker analysis of the offender or sex offender has been entered in CODIS;***

(f) A report of the analysis of the genetic markers of the specimen obtained from the offender or sex offender pursuant to NRS 176.0913 ~~[.]~~ ***or section 3 of this act;*** and

~~[(f)]~~ ***(g)*** Any other information that identifies the offender or sex offender.

2. Information concerning the residence of the offender or sex offender, including, but not limited to:

(a) The address at which the offender or sex offender resides;

(b) The length of time the offender or sex offender has resided at that address and the length of time the offender or sex offender expects to reside at that address;

(c) The address or location of any other place where the offender or sex offender expects to reside in the future and the length of time the offender or sex offender expects to reside there; and

(d) The length of time the offender or sex offender expects to remain in the county where the offender or sex offender resides and in this State.

3. Information concerning the offender's or sex offender's occupations, employment or work or expected occupations, employment or work, including, but not limited to, the name, address and type of business of all current and expected future employers of the offender or sex offender.

4. Information concerning the offender's or sex offender's volunteer service or expected volunteer service in connection with any activity or organization within this State, including, but not limited to, the name, address and type of each such activity or organization.

5. Information concerning the offender's or sex offender's enrollment or expected enrollment as a student in any public or private educational institution or school within this State, including, but not limited to, the name, address and type of each such educational institution or school.

6. Information concerning whether:

(a) The offender or sex offender is, expects to be or becomes enrolled as a student at an institution of higher education or changes the date of commencement or termination of the offender or sex offender's enrollment at an institution of higher education; or

(b) The offender or sex offender is, expects to be or becomes a worker at an institution of higher education or changes the date of commencement or termination of the offender or sex offender's work at an institution of higher education,

➥ including, but not limited to, the name, address and type of each such institution of higher education.

7. The license plate number and a description of all motor vehicles registered to or frequently driven by the offender or sex offender.

8. The level of registration and community notification of the offender or sex offender.

9. The criminal history of the offender or sex offender, including, without limitation:

(a) The dates of all arrests and convictions of the offender or sex offender;

(b) The status of parole, probation or supervised release of the offender or sex offender;

(c) The status of the registration of the offender or sex offender; and

(d) The existence of any outstanding arrest warrants for the offender or sex offender.

10. The following information for each offense for which the offender or sex offender has been convicted:

(a) The court in which the offender or sex offender was convicted;

(b) The text of the provision of law defining each offense;

(c) The name under which the offender or sex offender was convicted;

(d) The name and location of each penal institution, school, hospital, mental facility or other institution to which the offender or sex offender was committed;

(e) The specific location where the offense was committed;

(f) The age, the gender, the race and a general physical description of the victim; and

(g) The method of operation that was used to commit the offense, including, but not limited to:

(1) Specific sexual acts committed against the victim;

(2) The method of obtaining access to the victim, such as the use of enticements, threats, forced entry or violence against the victim;

(3) The type of injuries inflicted on the victim;

(4) The types of instruments, weapons or objects used;

(5) The type of property taken; and

(6) Any other distinctive characteristic of the behavior or personality of the offender or sex offender.

11. Any other information required by federal law.

12. As used in this section, "CODIS" means the Combined DNA Index System operated by the Federal Bureau of Investigation.

Sec. 14. NRS 179D.443 is hereby amended to read as follows:

179D.443 When an offender convicted of a crime against a child or a sex offender registers with a local law enforcement agency as required pursuant to NRS 179D.445, 179D.460 or 179D.480, or updates the registration as required pursuant to NRS 179D.447:

1. The offender or sex offender shall provide the local law enforcement agency with the following:

(a) The name of the offender or sex offender and all aliases that the offender or sex offender has used or under which the offender or sex offender has been known;

(b) The social security number of the offender or sex offender;

(c) The address of any residence or location at which the offender or sex offender resides or will reside;

(d) The name and address of any place where the offender or sex offender is a worker or will be a worker;

(e) The name and address of any place where the offender or sex offender is a student or will be a student;

(f) The license plate number and a description of all motor vehicles registered to or frequently driven by the offender or sex offender; and

(g) Any other information required by federal law.

2. If the offender or sex offender has not previously provided a biological specimen pursuant to NRS 176.0913 or 176.0916, ***or section 3 of this act,*** the offender or sex offender shall provide a biological specimen to the local law enforcement agency. The local law enforcement agency shall provide the specimen to the forensic laboratory that has been designated by the county in which the offender or sex offender resides, is present or is a worker or student to conduct or oversee genetic marker testing for the county pursuant to NRS 176.0917.

3. The local law enforcement agency shall ensure that the record of registration of the offender or sex offender includes, without limitation:

(a) A complete physical description of the offender or sex offender, a current photograph of the offender or sex offender and the fingerprints and palm prints of the offender or sex offender;

(b) The text of the provision of law defining each offense for which the offender or sex offender is required to register;

(c) The criminal history of the offender or sex offender, including, without limitation:

(1) The dates of all arrests and convictions of the offender or sex offender;

(2) The status of parole, probation or supervised release of the offender or sex offender;

(3) The status of the registration of the offender or sex offender; and

(4) The existence of any outstanding arrest warrants for the offender or sex offender;

(d) A report of the analysis of the genetic markers of the specimen obtained from the offender or sex offender;

(e) ***Information indicating whether the genetic marker analysis of the offender or sex offender has been entered in CODIS;***

(f) The identification number from a driver's license or an identification card issued to the offender or sex offender by this State or any other jurisdiction and a photocopy of such driver's license or identification card; and

~~[(f)]~~ ***(g)*** Any other information required by federal law.

4. As used in this section, "CODIS" means the Combined DNA Index System operated by the Federal Bureau of Investigation.

Sec. 15. NRS 211.245 is hereby amended to read as follows:

211.245 1. If a prisoner fails to make a payment within 10 days after it is due, the district attorney for a county or the city attorney for an

incorporated city may file a civil action in any court of competent jurisdiction within this State seeking recovery of:

(a) The amount of reimbursement due;

(b) Costs incurred in conducting an investigation of the financial status of the prisoner; and

(c) Attorney's fees and costs.

2. A civil action brought pursuant to this section must:

(a) Be instituted in the name of the county or city in which the jail, detention facility or alternative program is located;

(b) Indicate the date and place of sentencing, including, without limitation, the name of the court which imposed the sentence;

(c) Include the record of judgment of conviction, if available;

(d) Indicate the length of time served by the prisoner and, if the prisoner has been released, the date of his or her release; and

(e) Indicate the amount of reimbursement that the prisoner owes to the county or city.

3. The county or city treasurer of the county or incorporated city in which a prisoner is or was confined shall determine the amount of reimbursement that the prisoner owes to the city or county. The county or city treasurer may render a sworn statement indicating the amount of reimbursement that the prisoner owes and submit the statement in support of a civil action brought pursuant to this section. Such a statement is prima facie evidence of the amount due.

4. A court in a civil action brought pursuant to this section may award a money judgment in favor of the county or city in whose name the action was brought.

5. If necessary to prevent the disposition of the prisoner's property by the prisoner, or the prisoner's spouse or agent, a county or city may file a motion for a temporary restraining order. The court may, without a hearing, issue ex parte orders restraining any person from transferring, encumbering, hypothecating, concealing or in any way disposing of any property of the prisoner, real or personal, whether community or separate, except for necessary living expenses.

6. The payment, pursuant to a judicial order, of existing obligations for:

(a) Child support or alimony;

(b) Restitution to victims of crimes; and

(c) Any administrative assessment required to be paid pursuant to NRS 62E.270, 176.059, 176.0611, 176.0613 and 176.062, ***and section 2 of this act,***

➥ has priority over the payment of a judgment entered pursuant to this section.

Sec. 16. NRS 249.085 is hereby amended to read as follows:

249.085 On or before the 15th day of each month, the county treasurer shall report to the State Controller the amount of the administrative

assessments paid by each justice court for the preceding month pursuant to NRS 176.059 and 176.0613 ~~[.]~~ ***and section 2 of this act.***

Sec. 17. The amendatory provisions of this act apply to a person arrested on or after July 1, 2012.

Sec. 18. 1. This section and sections 1, 2, 5, 6, 7, 11, 15 and 16 of this act become effective on July 1, 2011.

2. Sections 3, 4, 8, 9, 10, 12, 13, 14 and 17 of this act become effective on July 1, 2012.

Assemblyman Horne moved the adoption of the amendment.

Remarks by Assemblyman Horne.

Amendment adopted.

Bill ordered reprinted, reengrossed, and to third reading.

Assembly Bill No. 562.

Bill read third time.

Roll call on Assembly Bill No. 562:

YEAS—39.

NAYS—Aizley, Brooks, Pierce—3.

Assembly Bill No. 562 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Conklin moved that Senate Bills Nos. 18, 19, 30, 37, 59, 88, 94, 99, 102, 112, 128, 132, 136, 142, 143, 149, 152, 159, 182, 184, 186, 190, 194, 200, 201, 205, 213, 215, 226, 236, 237, 259, 267, 273, 277, 292, 293, 294, 315, 317, 329, 365, 405, 411, 417, 420, 436, 445; Senate Joint Resolution 3 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 13, 23, 56, 76, 110, 113, 115, 130, 135, 141, 143, 145, 146, 182, 192, 200, 213, and 233.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Benitez-Thompson, the privilege of the floor of the Assembly Chamber for this day was extended to Kit Prendergast, Barbara Klipfel, and Mahnaz Rostrup.

On request of Assemblyman Bobzien, the privilege of the floor of the Assembly Chamber for this day was extended to Branch Rickey and Don Logan.

On request of Assemblyman Hogan, the privilege of the floor of the Assembly Chamber for this day was extended to the following students and chaperones from Cartwright Elementary School: Elizabeth Beatty, Morgan Huddleston, Sherisse Devina, Julie Hawthorne, Amber Mulholland, Alex Navarro, Taylor Daniels, Zoe Strickland, Ella Marakis, Morgan Daniel, John Rico, Marcos Olivares, Hogan Meyer, Benny Gregorich, Matthew Aragon, Jose Sanchez, Gavin Waldner, Clarence CJ Rebanio, Johnny Coyner, Dylan Olah, John Jenkins, James Phelps, Ellie Cipriano, Abby Mahan, Ainsley Hodge, Kaylee Cox, Ally Smith, Starr Walker, Andrea Hicks, Layla Salazar, Noelle Niemeier, Anaii Salazar, Isabella Maffeo, Arianna Loya, Emily Leech, Ben Welte, Seth Rehkop, Mason Georgi, Pierceson Moniz, Noah Taitz, Daniel Doyle, Cody Brindle, Emmanuel King, Beau Hartley, Brody Storbakken, Cameron Chandler, Isabella Moreno, Brianna Guzman, Julianna D'Angelo, Michelle Angeles, Nkemjika Emenike, Briianna Lovett, Marisa Manzi, Kelsey Truby, Kristyn Lommason, Emilee Mannino, Kiera Nolan, Akosua Fosu, Nya Drake, Terra Flannery, Sienna Lau, Hayley Kilgore, Jada Guerra, Adrian Venzon, Zachary Johnston, Christopher Estrada, Matthew Weise, Max Marberry, Blake Fiorillo, Randy Weise, Butch Venzon, Jenniffer Lau-Pahia, Chandra Ramos, Maria Manzi, Martha Angeles, Steve Kilgore, Jody Kilgore, Laura Mulholland, Bertha Parsha, Les Olah, Steve Waldner, Mark Gregorich, Luis Rico, Francis Marakis, Natalia Navarro, Edith Divina, Alicia Beatty, Giselle Moreno, Kendal Hartley, Steve Niemeier, Tom Georgi, Rebecca Lopez, Sarah Jane Salazar, Noemi Hicks, Anne Cox, Melissa Cipriano, Cheryl Walker, Hana Moniz, Becky Smith, Duane Chandler, Melissa Chandler, Jeff Welte, Allison Stemmerik, Ryan Stemmerik, Karen Carlough, Christopher Carlough, Michael Rehkop, Susan Rehkip, Susan Stemmerik, Helen Welte, Jana Stewart, Ashley Chatham, Stacy Mahan, and Todd Lindberg.

On request of Assemblyman Kite, the privilege of the floor of the Assembly Chamber for this day was extended to the following students and chaperones from Grace Christian Academy: Ruth Boogman, Julia Dreyer, Jo Tkaczyk, Sebastian Zeron, Jefferson Cummings, Megan Penwell, Blake Ranalla, Jacob Rodriguez, Ilena Madraso, Tracey Cummings, and Karina Madraso.

On request of Assemblywoman Smith, the privilege of the floor of the Assembly Chamber for this day was extended to Lauren Denison, Bridgette Zunino, and Jayann Sepich.

Assemblyman Conklin moved that the Assembly adjourn until Friday, May 27, 2011, at 10 a.m.

Motion carried.

Assembly adjourned at 2:26 p.m.

Approved: JOHN OCEGUERA
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE ONE HUNDRED TENTH DAY

CARSON CITY (Friday), May 27, 2011

Assembly called to order at 10:29 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Pastor Micheal Hurlbert.

We come before you today, Lord God, to offer our praise and to seek Your intersession. We know You are truly King of kings and Lord of lords. You hold the world in the palm of your hand.

Today Lord, I ask for a special blessing on this assembly. Father, give them focus and courage. Give them strength to shoulder the heavy burdens you have placed on them. And Lord, may they find rest in You. Father, I just pray that you make them into faithful stewards of this great state of Nevada. We thank You that You hold the world in Your control.

We pray this in the name that is above all else.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Conklin moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Ways and Means has had under consideration the following budget for the Health Division and begs leave to report back that the following account has been closed by the Committee:

Early Intervention Services (101-3208)

Also, your Committee on Ways and Means has had under consideration the various budgets for the Office of the Military and begs leave to report back that the following accounts have been closed by the Committee:

Military (101-3650)
Carlin Armory (101-3651)
Emergency Operations Center (101-3655)
Adjutant General Construction Fund (101-3652)
National Guard Benefits (101-3653)
Patriot Relief Fund (110-3654)

DEBBIE SMITH, *Chair*

Mr. Speaker:

Your Committee on Judiciary, to which were referred Senate Bills Nos. 150, 348, 376, 403, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

WILLIAM C. HORNE, *Chair*

Mr. Speaker:

Your Committee on Legislative Operations and Elections, to which were referred Assembly Bills Nos. 570, 573, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Legislative Operations and Elections, to which was referred Assembly Concurrent Resolution No. 10, has had the same under consideration, and begs leave to report the same back with the recommendation: Be adopted.

TICK SEGERBLOM, *Chair*

REMARKS FROM THE FLOOR

Assemblyman Conklin moved that the following budget closure remarks be entered in the Journal.

Motion carried.

ASSEMBLYWOMAN CARLTON:

The Assembly Committee on Ways and Means has completed its review of the various budgets for the Office of the Military for the 2011-13 biennium. The closing recommendations for these accounts result in a General Fund reduction of $899,877 in FY 2012 and $910,115 in FY 2013.

Military (101-3650) Military-1:

The Committee voted to approve the Governor's budget amendment to revise the fund mapping for five positions and designated maintenance and utility expenditures, and reallocating the General Fund savings to meet state match requirements based on increased federal grant revenue projections.

The Committee approved the Governor's amended recommendation to restore 10 FTE positions originally recommended for elimination in The Executive Budget, based on increased federal revenue projections and reallocation of General Fund appropriations.

The Committee voted to approve the Governor's recommendation to eliminate 24 positions during the 2011-13 biennium, resulting in a General Fund savings of $94,607 in FY 2012 and $96,330 in FY 2013.

The Committee approved the Governor's recommendation to add 10 FTE positions in FY 2013, and maintenance and utility expenditures for three facilities in Las Vegas – the Civil Support Team, Field Maintenance Shop, and North Las Vegas Readiness Center – all of which are projected to be online during FY 2013, resulting in General Fund expenditures totaling $419,404 in FY 2013.

The Committee voted to approve the Governor's recommendation to transfer federal funds totaling $2.1 million in each year of the 2011-13 biennium from the Construction Fund account (BA 3652) to this account for major repair contracts.

Carlin Armory (101-3651) Military-13:

The Committee voted not to approve the Governor's recommendation to establish the Carlin Armory account within the Office of the Military; to contingently approve the transfer of operations and maintenance funding for the Fire Science Academy from the University of Nevada, Reno to the Office of the Military pending congressional approval of the relocation of the armory site; and, authorized staff to include language in the Appropriations Act to provide for the transfer of budgeted General Fund appropriations once the federal approvals are received and subject to IFC approval.

National Guard Benefits (101-3653) Military-21:

The Committee voted to approve the Governor's recommendation, as amended, to retain the National Guard Benefits program and to restore General Fund appropriations totaling $67,362 in FY 2012 and $73,542 in FY 2013.

Patriot Relief Fund (101-3654) Military-23:

The Committee voted to approve the Governor's recommendation, as amended, to retain the Military Patriot Relief Fund; restore reserves and program funding during the 2011-13 biennium; and, eliminate the General Fund reversion of $342,368 in FY 2012.

Other accounts with no major closing issues:

The following accounts were closed by the Committee as recommended by the Governor and with staff authority to make technical adjustments that may be needed based on the closing of other Office of the Military accounts:

- Adjutant General Construction Fund (101-3652) MILITARY-18
- Emergency Operations Center (101-3655) MILITARY-14

ASSEMBLYWOMAN MASTROLUCA:

The following comments describe the more significant recommendations of the Committee for the Health Division's Early Intervention Services (EIS) account:

Early Intervention Services (101-3208) DHHS Health-41:

The Committee approved funding 100 percent of the revised projected caseload growth totaling $962,236 in FY 2012 and $2.8 million in FY 2013, and to add back an additional $3.4 million in General Funds for the 2011-13 biennium to fund 100 percent of the base budget caseload, including adjustments for the program efficiencies and cost savings identified to offset the remainder of the base budget caseload shortfall. In addition, the Committee approved the issuance of a letter of intent to the Health Division to form a group to analyze the methodology used to project the EIS caseload and to develop written procedures for the caseload projection, including variables and the rationale for adding referrals. In addition, the group should determine and document a reasonable methodology that will be consistently used to calculate the budget for caseload for the EIS program. The Health Division should also reevaluate the amounts that are reimbursed to the Community Providers to determine if they are appropriate (i.e., a rates study).

Finally, the Committee approved the Governor's recommendation to increase General Funds in this account by $1.4 million each year of the 2011-13 biennium to replace the expired American Recovery and Reinvestment Act of 2009 funding to maintain the base budget caseload.

GENERAL FILE AND THIRD READING

Assembly Bill No. 552.

Bill read third time.

Remarks by Assemblymen Smith, Kite, Sherwood, Pierce, Neal, Ohrenschall, Carlton, Bobzien, Flores, Livermore, Horne, and Hambrick.

Assemblyman Conklin moved that the following remarks be entered in the Journal.

Motion carried.

ASSEMBLYWOMAN SMITH:

Assembly Bill 552 requires a law enforcement agency to take certain actions when a person is arrested for a felony or a sexual offense punishable as a misdemeanor. If the arrest is for a felony, the bill requires the agency to submit the person's name and personal information to the Central Repository for Nevada Records of Criminal History and, upon booking and before release from custody, obtain a biological specimen for analysis by the forensic laboratory overseeing genetic marker analysis for the county. If the felony arrest occurred without a warrant, the agency must not submit the specimen for analysis until a court or magistrate finds that probable cause existed for the arrest.

If the arrest is for a misdemeanor sexual offense, the bill requires the law enforcement agency to obtain a biological specimen upon booking and before release from custody, provide the specimen to the laboratory, and direct the laboratory to hold the specimen for analysis pending notification if the person was convicted or failed to appear for a scheduled hearing. After the laboratory completes the analysis of the specimen, the bill requires it to store and maintain the identification characteristics in the Combined DNA Index System (CODIS). The bill authorizes the person who is arrested, but not convicted, to make a written request to the Central Repository to expunge the genetic marker analysis.

Assembly Bill 552 increases to a category C felony the penalty for knowingly disclosing or sharing information relating to another person's genetic marker analysis and requires a forensic laboratory to comply with applicable federal laws on the release of information in CODIS. To defray the costs of the genetic marker analysis, the bill imposes an administrative assessment on fines or fees imposed on a person convicted of a crime.

The provisions of the measure relating to administrative assessments are effective July 1, 2011, and the other provisions of the bill are effective on July 1, 2012.

I hope my colleagues will seriously consider supporting this bill. This is a very serious opportunity in our state to help prevent horrific crimes using DNA. We have seen the trends across the country, and that tells us that this is a reasonable act to undertake. The majority of the states now are supporting this type of measure, and in addition to helping keep bad people off the streets, it can also help exonerate people who have been erroneously convicted and give them the freedom that they deserve. We know the stories; we know the opportunity. My colleagues who sat in committees and listened to the testimony on this legislation know what happens in both cases when you have people who are on the loose and are committing crimes. You have the opportunity through this very scientific methodology to keep those people off the streets. We also have the opportunity to help people who are sitting in prison and don't deserve to be in prison anymore.

ASSEMBLYMAN KITE:

I rise in support of this bill. I think it is very important if we can prevent one more of these serious crimes or speed up the detection of a perpetrator due to this. I think we owe it to every potential victim that this might affect. I would like to thank my colleagues from Districts 1 and 34 for bringing this forward and keeping it alive.

ASSEMBLYMAN SHERWOOD:

Thank you, Mr. Speaker, and thank you to our colleague from Assembly District 30 for making sure that this came through. I am sitting on the committee where we heard this originally. This was the most compelling testimony for me of the session. It makes sense intellectually and certainly if you are associated with anybody who has been a victim of this kind of crime. We can put these folks away sooner, because typically it is not one incident; it is multiple incidents. The sooner we can put them away, the safer everyone else is.

I appreciate the opposition to this, and I imagine 200 years ago when they were talking about fingerprints there were some people who were opposed to fingerprint science as well. I urge your support of this bill.

ASSEMBLYWOMAN PIERCE:

I rise in opposition to this. I think that this bill—I am not a lawyer—I think this bill turns on its head the idea that we are innocent until proven guilty. I think this allows law enforcement to go on a fishing expedition. I understand the situation that brings this bill forward, but I am always worried about the erosion of civil liberties. I do appreciate that many, many states are adopting this, but many, many once thought I shouldn't be able to vote, so I don't think that is necessarily a litmus test for what we should pass in this house.

ASSEMBLYWOMAN NEAL:

Mr. Speaker, I rise in opposition to A.B. 552. At first I was for the bill—and I can see the exoneration piece that is in the bill. But after further consideration of another bill that came through this body—A.B. 500, which dealt with profiling of minorities—and the impact of 552 having a further impact on profiling if the DNA collection is not separated out where we can

identify the race of the individuals who are part of that, I have to oppose the bill. I see the value, but I can't go for this bill.

ASSEMBLYMAN OHRENSCHALL:

Thank you very much, Mr. Speaker. I must respectfully rise in opposition to this measure. I applaud the work of the chairwoman of the Ways and Means Committee, and I applaud your work on this bill.

I think when we look at a bill like this, there are many things that it brings. Perhaps it might prevent a crime; perhaps it might not. But I think we have to think about what kind of society we want to live in and is someone going to be presumed innocent until they are proven guilty by a jury of their peers. I must rise in opposition. Thank you, Mr. Speaker.

ASSEMBLYWOMAN CARLTON:

Thank you, Mr. Speaker. I do rise in support. Originally when I first went through this bill and spoke with the chair of Ways and Means on this, I, too, had some very serious concerns. Then I listened in on some of the testimony, not being able to be in committee hearing when it was actually heard. It was one of those rare occasions where, having a discussion about this with my family, I tend to be the more liberal person and my husband tends to be a little more conservative. He still managed to stay married almost 30 years; he just knows that I am right. He convinced me that with the appeal process that is built into this, as long as it's not onerous on the person to be able to pull their DNA back, that this is not an onerous, terrible thing. It could a lot worse. I think this is very reasonable. It's a compromise position on this bill.

As a server in Las Vegas for close to 20 years, I had to be fingerprinted before I could serve bacon and eggs, club sandwiches, and coffee. I thought that was wrong and have fought against that, and we have changed those rules. I don't believe someone should have to be fingerprinted to get a job. But in the case of an encounter with law enforcement, when they feel it's reasonable, there is a judicial system that will work through this. I believe justice will be served, and the folks that are asked to do this will have an opportunity to defend themselves. I do rise in support of this bill.

ASSEMBLYMAN BOBZIEN:

I appreciate greatly the positions of conscience that the opponents have taken. But my conscience—when I think about this bill and as I have considered it and the work that has gone into it to really come up with a workable system—brings me back to the memory of why this bill is being considered and where it comes from. I represent Assembly District 24 in northwest Reno, and I will tell you that the situation that spawned this bill will not soon be forgotten by my neighbors and my constituents. If we can do something to prevent future tragedies from occurring, I am very willing to support this bill. Thank you.

ASSEMBLYWOMAN FLORES:

Initially, I didn't plan to make any remarks, but I do see that four of my colleagues and perhaps others are potentially considering not supporting this bill. As someone who has worked on wrongful convictions for a very long time now, 36 percent of the close to 300 people who have been exonerated were exonerated because the true perpetrators were found. The perpetrators were found because they later committed more crimes, and they were run through the database. Had those people been run through the database before, it's possible that they would not have gone on to commit further crimes, and the person who was wrongfully put in prison would not be there. I had some serious reservations about this bill myself, just like my colleague from District 14, but because this is for felony arrests—because there are other provisions in here that prevent people from just randomly being arrested and having their DNA taken—I do believe that is enough safeguard to protect our civil liberties and ensure that DNA is just not being taken from anyone at any random time. So I do urge this body to support this bill. A lot of good is to be gained from supporting this bill, and I hope that people will reconsider if you're thinking of not supporting the bill. Thank you.

ASSEMBLYMAN LIVERMORE:

I ask this body to support this legislation. I remember my wife and I were very watchful as the community went through the process of this horrible crime. This act that we are hopefully

about to enact helps in the future where no other family needs to go through this tragedy, so I ask for support of this bill, and please let's pass this.

ASSEMBLYMAN HORNE:

Last session, I was opposed to this measure. As many of you know, part of my practice of law is criminal defense. Like my colleague from District 8, I don't take lightly looking after the rights of persons who have been arrested and charged with crimes. That said, I sit in a unique position, representing these very persons who have been charged with a crime and representing the people from District 34 and making our community safe. I decided during the interim that I would help in any way I could to make this a better bill, and I think I did that with those of us in Judiciary with the amendment we put on yesterday. This bill is not going to be a profiling bill because the collection is going to occur after such time as a person has been arrested and charged with a crime. There's a threshold that has to be met first. A person has to be charged with a crime, not with speeding and pulled over for a broken tail light. They have been charged with a crime initially. Secondly, if this person's charges have been dismissed or they are acquitted, they have a procedure in place to where they can get this data expunged from CODIS, so it's not sitting there to be used at some other time. There is even provision in there if it's mistakenly put in CODIS, there has to be good faith shown that the collection was done in accordance to law.

I think this is a good bill because it provides the opportunity not only to find offenders who have been out committing crimes that have yet to be caught, but also to exonerate those individuals—and there are many in prisons in Nevada and across the nation—who are in prison for crimes they did not commit. Some will serve out their times for the crimes they were convicted of, but some, as my colleague from District 28 pointed out, have been exonerated because of DNA that has been collected from somebody who had been arrested or convicted of a crime.

I rise in support of this measure because it's good for Nevada. It's not an abuse against those who have been arrested for crimes, and it has the adequate protections of those persons as well. Thank you, Mr. Speaker.

ASSEMBLYMAN HAMBRICK:

The prior Speaker of this body last session started the session with advice to all the members that we should have taken to heart and hopefully we did: Do no harm. As all of us go through our deliberative thought process, particularly on this bill, many things come into our thought process and how we decide things and compartmentalize, but a large segment must be what our constituents want. What do they need? I truly believe that you could pick up the phone and start calling and doing the robocalls that we all love and ask your constituents what do they believe. I think they would want us to support this bill. Thank you, Mr. Speaker.

ASSEMBLYWOMAN SMITH:

Thank you, Mr. Speaker, for recognizing me a second time. I wanted to address a few of the concerns and remarks that have been made by my colleagues. We heard in testimony that in one case, had this procedure—this law—been available, 13 lives could have been saved that were taken by one horrible criminal—13 lives in one case alone. We also know, in response to concerns about any kind of profiling, that the majority of people who have been exonerated are minority. I believe that this legislation has the opportunity to do the opposite, as my colleague the chairman of Judiciary pointed out, on profiling. This very particular science has the ability to free someone as well as convict someone, and right is right and wrong is wrong. I understand that it takes awhile to get to the point of sometimes accepting new technology, and I appreciate the comments from my colleague from District 21 about the fact that this very same conversation probably did take place about fingerprints. Personally, we also heard testimony about fingerprints being out there stapled to a file in a police record, whereas this DNA information is in a very confidential storage system; I feel much more comfortable about the technology and very confidential nature of DNA evidence. So if you listen to the testimony and if you look at the statistics, I think you will be compelled to feel more comfortable about this situation. I am one who, over the last four years as I studied this and learned more about it and as I become more involved through one of our legislative conferences where I first became

interested in this issue, became absolutely comfortable with where this legislation takes us. I thank you, again, for allowing me to make remarks a second time, Mr. Speaker.

Roll call on Assembly Bill No. 552:

YEAS—31.

NAYS—Aizley, Atkinson, Brooks, Carrillo, Daly, Goedhart, Hogan, Neal, Ohrenschall, Pierce, Segerblom—11.

Assembly Bill No. 552 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 26, 2011

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 459, 478; Senate Bill No. 477.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 59, Amendment No. 634; Assembly Bill No. 77, Amendments Nos. 617, 772; Assembly Bill No. 282, Amendments Nos. 576, 780; Assembly Bill No. 309, Amendment No. 597, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly Amendment No. 637 to Senate Bill No. 245.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to concur in the Assembly Amendment No. 636 to Senate Bill No. 264.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Conklin moved that Assembly Bills Nos. 570, 573; Senate Bills Nos. 150, 348, 376, 403, just reported out of committee, be placed on the Second Reading File.

Motion carried.

Assemblyman Conklin moved that Assembly Concurrent Resolution 10, just reported out of committee, be placed on the Resolution File.

Motion carried.

Assembly Concurrent Resolution No. 10.

Assemblywoman Smith moved the adoption of the resolution.

Remarks by Assemblywoman Smith.

Resolution adopted and ordered transmitted to the Senate.

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 477.

Assemblyman Conklin moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 570.
Bill read second time and ordered to third reading.

Assembly Bill No. 573.
Bill read second time and ordered to third reading.

Senate Bill No. 150.
Bill read second time.
The following amendment was proposed by the Committee on Judiciary:
Amendment No. 734.
AN ACT relating to liens; revising certain provisions governing liens of owners of facilities for storage; and providing other matters properly relating thereto.
Legislative Counsel's Digest:
Existing law generally provides that if an occupant of a storage space at a self-storage facility defaults on the payment of rent or other charges that are due to the owner of the facility pursuant to a rental agreement, the owner has a lien on the occupant's personal property contained in the storage space and is entitled to certain remedies until the lien is satisfied. (NRS 108.4753, 108.4763) In addition to being able to deny the occupant access to the storage space and remove the occupant's personal property from the storage space, an owner may also sell the occupant's personal property to satisfy the lien. (NRS 108.4763) **Section 16** of this bill further authorizes an owner to dispose of certain personal property. **Sections 13, 16 ~~[, 17]~~ and 19** of this bill revise various provisions relating to an owner's lien on an occupant's personal property as well as the sale to satisfy such a lien.
Existing law also authorizes an occupant to prevent the sale of his or her personal property to satisfy the lien by executing a declaration ~~[of]~~ **in** opposition to the sale and returning the declaration to the owner. Upon receipt of the declaration ~~[of]~~ **in** opposition to the sale, the owner may commence an action in court to enforce the lien. (NRS 108.4765, 108.478) ~~[Section 22 of this bill repeals these provisions.]~~ **Section 16.5 of this bill revises the information that a declaration in opposition to the sale must contain. Section 18.5 of this bill removes the provision which authorizes an owner to commence an action in court to enforce the lien upon receipt of a declaration in opposition to the sale. Instead, the occupant is required to commence an action not later than 21 days after the owner receives the declaration in opposition to the sale or the owner may sell the property. If an action is commenced, the owner is prohibited from selling the property unless the court enters judgment in favor of the owner.**
Sections 15 and 16 provide that certain notices relating to an occupant's right to use a storage space and a sale to satisfy an owner's

lien on an occupant's personal property must be sent by verified mail and, if available, electronic mail.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 108 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 6, inclusive, of this act.

Sec. 2. *"Electronic mail" means an electronic message, executable program or computer file which contains an image of a message that is transmitted between two or more computers or electronic terminals, or within or between computer networks and from which ~~[an electronic]~~ a confirmation of receipt is received.*

Sec. 3. *"Protected property" means personal property, the sale of which or prohibition against the sale of which is regulated by state or federal law. The term includes, without limitation:*

1. Documents, film or electronic data that contain personal information, such as social security numbers, credit or debit card information, bank account information, passport information and medical or legal records relating to clients, customers, patients or others in connection with an occupant's business.

2. Pharmaceuticals other than those dispensed by a licensed pharmacy for use by an occupant.

3. Alcoholic beverages.

4. Firearms.

Sec. 4. *"Storage space" means a space used for storing personal property, which is rented or leased to an individual occupant who has access to the space.*

Sec. 5. *"Verified mail" means any method of mailing offered by the United States Postal Service that provides evidence of mailing.*

Sec. 6. *If a rental agreement contains a limit on the value of property stored in the storage space of an occupant, the limit is presumed to be the maximum value of the personal property stored in the storage space.*

Sec. 7. NRS 108.473 is hereby amended to read as follows:

108.473 As used in NRS 108.473 to 108.4783, inclusive, ***and sections 2 to 6, inclusive, of this act,*** unless the context otherwise requires, the words and terms defined in NRS 108.4733 to 108.4745, inclusive, ***and sections 2 to 5, inclusive, of this act*** have the meanings ascribed to them in those sections.

Sec. 8. NRS 108.4733 is hereby amended to read as follows:

108.4733 "Facility" means real property divided into individual ***storage*** spaces **.** **[**~~for storing personal property which are rented or leased to individual occupants and to which the individual occupant has access.~~**]** The term does not include a garage or storage area in a private residence.

Sec. 9. NRS 108.4735 is hereby amended to read as follows:

108.4735 "Occupant" includes a person or a person's sublessee, successor or assignee who is entitled to the exclusive use of ~~[a space for]~~ ***an individual*** storage ***space*** at a facility pursuant to a rental agreement.

Sec. 10. NRS 108.4743 is hereby amended to read as follows:

108.4743 "Personal property" means any property not affixed to land and includes ~~[goods,]~~ ***, without limitation,*** merchandise, furniture ***,*** ~~[and]~~ household items ~~[.]~~ ***, motor vehicles, boats and personal watercraft.***

Sec. 11. NRS 108.4745 is hereby amended to read as follows:

108.4745 "Rental agreement" means any written agreement or lease establishing or modifying the terms, conditions or rules concerning the use and occupancy of an individual ~~[space in]~~ ***storage space at*** a facility.

Sec. 12. NRS 108.475 is hereby amended to read as follows:

108.475 1. A person shall not use a ***storage space at a*** facility for a residence. The owner of such a facility shall evict any person who uses ***a storage space at*** the facility as a residence in the manner provided for in NRS 40.760.

2. A facility shall not be deemed to be a warehouse or a public utility.

3. If an owner of a facility issues a warehouse receipt, bill of lading or other document of title for the personal property stored in ***a storage space at*** the facility, the owner and occupant are subject to the provisions of NRS 104.7101 to 104.7603, inclusive, and the provisions of NRS 108.473 to 108.4783, inclusive, ***and sections 2 to 6, inclusive, of this act*** do not apply.

Sec. 13. NRS 108.4753 is hereby amended to read as follows:

108.4753 1. The owner of a facility and the owner's heirs, assignees or successors have a ***possessory*** lien ***, from the date the rent for a storage space at the facility is due and unpaid,*** on all personal property ***, including protected property,*** located ~~[at the facility]~~ ***in the storage space*** for the rent, labor or other charges incurred by the owner pursuant to a rental agreement and for those expenses ~~[necessarily]~~ ***reasonably*** incurred by the owner to preserve, sell or otherwise dispose of the personal property.

2. Any lien created by a document of title for a motor vehicle or boat has priority over a lien attaching to that motor vehicle or boat pursuant to NRS 108.473 to 108.4783, inclusive.

Sec. 14. NRS 108.4755 is hereby amended to read as follows:

108.4755 1. Each rental agreement must be in writing and must contain:

(a) A provision printed in a size equal to at least 10-point type that states, "IT IS UNLAWFUL TO USE ~~[THIS]~~ ***A*** STORAGE ***SPACE IN THIS*** FACILITY AS A RESIDENCE."

(b) A statement that the occupant's personal property will be subject to a claim for a lien and may be sold ~~[to satisfy that lien]~~ ***or disposed of*** if the rent or other charges described in the rental agreement remain unpaid for 14 consecutive days.

(c) A provision requiring the occupant to:

(1) Disclose to the owner any items of protected property in the storage space.

(2) If the occupant is subject to mandatory licensing, registration, permitting or other professional or occupational regulation by a governmental agency, board or commission and the protected property to be stored is related to the practice of that profession or occupation by the occupant, provide written notice to that agency, board or commission stating that the occupant is storing protected property at the facility, identifying the general type of protected property being stored at the facility and providing complete contact information for the facility. The occupant shall give the owner a copy of any written notice provided to such an agency, board or commission.

(3) Provide complete contact information for a secondary contact who may be contacted by the owner if the owner is unable to contact the occupant.

2. If any provision of the rental agreement provides that an owner, lessor, operator, manager or employee of the facility, or any combination thereof, is not liable, jointly or severally, for any loss or theft of personal property stored in ***a storage space at*** the facility, the provision is unenforceable unless:

(a) The rental agreement contains a statement advising the occupant to purchase insurance for any personal property stored in ***a storage space at*** the facility and informing the occupant that such insurance is available through most insurers;

(b) The provision and the statement are:

(1) Printed in all capital letters or, if the rental agreement is printed in all capital letters, printed in all capital letters and boldface type, italic type or underlined type; and

(2) Printed in a size equal to at least 10-point type or, if the rental agreement is printed in 10-point type or larger, printed in type that is at least 2 points larger than the size of type used for other provisions of the rental agreement; and

(c) The provision is otherwise enforceable pursuant to the laws of this state.

3. NRS 108.473 to 108.4783, inclusive, ***and sections 2 to 6, inclusive, of this act*** do not apply and the lien for charges for storage does not attach unless the rental agreement contains a space for the occupant to provide the name and address of an alternative person to whom the notices under those sections may be sent. The occupant's failure to provide an alternative address does not affect the owner's remedies under those sections.

4. The parties may agree in the rental agreement to additional rights, obligations or remedies other than those provided by NRS 108.473 to 108.4783, inclusive ~~[.]~~ ***, and sections 2 to 6, inclusive, of this act.*** The rights provided in those sections are in addition to any other rights of a creditor against a debtor.

Sec. 15. NRS 108.476 is hereby amended to read as follows:

108.476 1. If any charges for rent or other items owed by the occupant remain unpaid for 14 days or more, the owner may terminate the occupant's right to use the ~~[~~individual~~]~~ ***storage*** space ~~[~~for storage~~]~~ at the facility ***, for which charges are owed,*** not less than 14 days after sending a notice by ~~[~~certified~~]~~ ***verified*** mail ~~*[or]*~~ ***and if available, electronic mail*** to the occupant at his or her last ***known*** address and to the alternative address provided by the occupant in the rental agreement. The notice must contain:

(a) An itemized statement of the amount owed by the occupant at the time of the notice and the date when the amount became due;

(b) The name, address and telephone number of the owner or the owner's agent;

(c) A statement that the occupant's right to use the ~~[~~space for~~]~~ storage ***space*** will terminate on a specific date unless the occupant pays the amount owed to the owner; and

(d) A statement that upon the termination of the occupant's right to occupy the ***storage*** space and after the date specified in the notice, an owner's lien pursuant to NRS 108.4753, will be imposed.

2. For the purposes of this section, "last known address" means the ***postal*** ~~*[or]*~~ ***and electronic mail*** address ***, if any,*** provided by the occupant in the most recent rental agreement between the owner and occupant, or the ***postal*** ~~*[or]*~~ ***and electronic mail*** address ***, if any,*** provided by the occupant in a written notice sent to the owner with a change of the occupant's address after the execution of the rental agreement.

Sec. 16. NRS 108.4763 is hereby amended to read as follows:

108.4763 1. After the notice of the lien is mailed by the owner, if the occupant fails to pay the total amount due by the date specified in the notice, the owner may:

(a) Deny the occupant access to the ***storage*** space ***.*** ~~[~~for storage; and~~]~~

(b) Enter the ***storage*** space and remove the personal property within it to a safe place.

(c) Dispose of, but may not sell, any protected property contained in the storage space in accordance with the provisions of subsection ~~*[4]*~~ ***5 if the owner has actual knowledge of such protected property. If the owner disposes of the protected property in accordance with the provisions of subsection*** ~~*[4,]*~~ ***5, the owner is not liable to the occupant or any other person who claims an interest in the protected property.***

(d) If the personal property upon which the lien is claimed is a motor vehicle, boat or personal watercraft, and rent and other charges related to such property remain unpaid or unsatisfied for 60 days, have the property towed by any tow car operator subject to the jurisdiction of the Nevada Transportation Authority. If a motor vehicle, boat or personal watercraft is towed pursuant to this paragraph, the owner is not liable for any damages to such property once the tow car operator takes possession of the motor vehicle, boat or personal watercraft.

2. The owner shall send ***to*** the occupant a notice of a sale to satisfy the lien by ~~[certified]~~ ***verified*** mail ~~[to the occupant at his or her]~~ ***at the*** last known address ***of the occupant*** and ~~[to]~~ ***at*** the alternative address provided by the occupant in the rental agreement at least 14 days before the sale. ***The owner shall also send such notice to the occupant by electronic mail at the last known electronic mail address of the occupant, if any.*** The notice must contain:

(a) A statement that the occupant may no longer use the ~~[space for]~~ storage ***space*** and no longer has access to the occupant's personal property stored therein ~~[.]~~ ;

(b) A statement that the personal property of the occupant is subject to a lien and the amount of the lien ~~[.]~~ ;

(c) A statement that the personal property will be sold ***or disposed of*** to satisfy the lien on a date specified in the notice, unless the total amount of the lien is paid ~~[.]~~ or the occupant executes and returns by ~~[certified]~~ ***verified*** mail, the declaration in opposition to the sale; and

(d) A statement of the provisions of subsection 3.

3. Proceeds of the sale over the amount of the lien and the costs of the sale must be retained by the owner and may be reclaimed by the occupant or the occupant's authorized representative at any time up to 1 year from the date of the sale.

4. The notice of the sale must also contain a blank copy of a declaration ~~[of]~~ ***in*** opposition to the sale to be executed by the occupant if the occupant wishes to do so.

5. The owner may dispose of protected property contained in the storage space by taking the following actions, in the following order of priority, until the protected property is disposed of:

(a) Contacting the occupant and returning the protected property to the occupant.

(b) Contacting the secondary contact listed by the occupant in the rental agreement and returning the protected property to the secondary contact.

(c) Contacting any appropriate state or federal authorities, including, without limitation, any appropriate governmental agency, board or commission listed by the occupant in the rental agreement pursuant to NRS 108.4755, ascertaining whether such authorities will accept the protected property and, if such authorities will accept the protected property, ensuring that the protected property is delivered to such authorities.

(d) Destroying the protected property in an appropriate manner which is authorized by law and which ensures that any confidential information contained in the protected property is completely obliterated and may not be examined or accessed by the public.

Sec. 16.5. **NRS 108.4765 is hereby amended to read as follows:**

108.4765 The occupant may prevent a sale of the personal property to satisfy the lien if the occupant executes a declaration ~~[of]~~ ***in*** opposition to the

sale under penalty of perjury and returns the declaration to the owner by ~~[certified]~~ ***verified*** mail. The declaration must contain the following:

1. The name, address and signature of the occupant;

2. The location of the personal property which is to be sold to satisfy a lien;

3. The date the declaration was executed by the occupant; and

4. A statement that:

(a) The occupant has received the notice of the sale to satisfy the lien;

(b) The occupant opposes the sale of the property; and

(c) The occupant understands that ~~[the owner may commence an]~~ ***any*** action ~~[for the amount]~~ ***concerning the validity*** of the lien ~~[and the costs of the action.]~~ ***must be commenced not later than 21 days after the date on which the owner receives the declaration in opposition to the sale as required pursuant to NRS 108.477.***

Sec. 17. NRS 108.477 is hereby amended to read as follows:

108.477 1. If the declaration in opposition to the lien sale executed by the occupant is not received by the date of the sale specified in the notice mailed to the occupant, the owner may sell the property.

2. The owner shall advertise the sale once a week for 2 consecutive weeks immediately preceding the date of the sale ~~*[on a publicly accessible Internet website and]*~~ in a newspaper of general circulation in the judicial district where the sale is to be held. The advertisement must contain:

(a) A general description of the personal property to be sold;

(b) The name of the occupant;

(c) The number of the individual ***storage*** space ~~[for storage]~~ at the facility where the personal property was stored; and

(d) The name and address of the facility.

3. ~~*[2.]*~~ If there is no newspaper of general circulation in the judicial district where the sale is to be held, the advertisement must be posted 10 days before the sale in at least six conspicuous places near the place of the sale.

4. ~~*[3.]*~~ The sale must be conducted in a commercially reasonable manner. ~~*[If five or more bidders who are unrelated to the owner are in attendance at a sale held to satisfy the lien, the sale and all proceeds from the sale are deemed to be commercially reasonable.]*~~

~~*[4.]*~~ ***5.*** After deducting the amount of the lien and the costs of the sale, the owner shall retain any excess proceeds from the sale on the behalf of the occupant.

~~[5.]~~ ***6.*** The occupant or any person authorized by the occupant or by an order of the court may claim the excess proceeds or the portion of the proceeds necessary to satisfy the person's claim at any time within 1 year after the date of the sale. After 1 year, the owner shall pay any proceeds remaining from the sale to the treasurer of the county where the sale was held for deposit in the general fund of the county.

Sec. 18. NRS 108.4773 is hereby amended to read as follows:

108.4773 1. Any person who has a security interest in the personal property perfected pursuant to NRS 104.9101 to 104.9709, inclusive, may claim the personal property which is subject to the security interest and to the lien for storage charges by paying the amount due, as specified in the preliminary notice of the lien, for the storage of the property ~~[.]~~ , if no declaration in opposition to the sale to satisfy the lien has been executed and returned by the occupant to the owner.

2. Upon payment of the total amount due pursuant to this section, the owner shall deliver the personal property subject to the security interest to the person ***holding such interest and*** paying the amount of the owner's lien. The owner is not liable to any person for any action taken pursuant to this section if the owner complied with the provisions of NRS 108.473 to 108.4783, inclusive ~~[.]~~ ***, and sections 2 to 6, inclusive, of this act.***

Sec. 18.5. **NRS 108.478 is hereby amended to read as follows:**

108.478 ~~[1.]~~ If ~~[~~the occupant signs, and returns to~~]~~ the owner ~~[~~, the~~]~~ ***receives a*** declaration in opposition to the sale ~~[~~, the owner may commence an action in any court of competent jurisdiction to enforce the lien.~~]~~ ***before the date set forth in the notice of the sale to satisfy the lien:***

1. Except as otherwise provided in subsection 2, the owner must not sell the property until at least 30 days after the date on which the owner receives the declaration in opposition to the sale.

2. ~~[~~If, after the action to enforce the lien, the owner obtains a judgment against the occupant for the amount of the lien, the owner may enforce the judgment by a sale of the property conducted in a commercially reasonable manner more than 10 days after the notice of the entry of judgment has been filed with the court, unless within that time the occupant pays the amount of the judgment.~~]~~ ***The occupant must file a complaint in a court of competent jurisdiction not later than 21 days after the date on which the owner receives the declaration in opposition to the sale. If such an action is commenced, the owner must not sell the property unless the court enters judgment in favor of the owner.***

3. ***If the occupant does not commence an action within 21 days after the date on which the owner receives the declaration in opposition to the sale, or if the court enters judgment in favor of the owner, the owner may advertise the property for sale and sell the property as provided in NRS 108.477.***

4. The occupant may stay the enforcement of ~~[~~the~~]~~ ***a*** judgment pending an appeal by posting with the court which entered the judgment ~~[.]~~ a bond in an amount equal to 1.5 times the amount of the judgment. If the occupant posts such a bond, the court may order the owner to return the personal property to the occupant.

Sec. 19. NRS 108.4783 is hereby amended to read as follows:

108.4783 Any person who purchases the personal property in good faith at a sale to satisfy the lien or a sale to enforce a judgment on a lien ***:***

1. Does not acquire ownership of any protected property found in the storage space. The person who purchased the protected property in good faith at a sale to satisfy the lien shall, as soon as reasonably practicable, return the protected property to the occupant or, if the occupant cannot be found after reasonable diligence, to the owner, who shall dispose of the protected property in accordance with the provisions of subsection ~~*[4]*~~ ***5 of NRS 108.4763.***

2. Except as otherwise provided in subsection 1, takes the property free ***and clear*** of ~~[any interests of the occupant,]~~ ***the rights of any party,*** even though the owner who conducted the sale may have failed to comply with the provisions of NRS 108.473 to 108.4783, inclusive ~~[.]~~ ***, and sections 2 to 6, inclusive, of this act.***

Sec. 20. NRS 40.760 is hereby amended to read as follows:

40.760 1. When a person is using a ***storage space at a*** facility ~~[for storage]~~ as a residence, the owner or the owner's agent shall serve or have served a notice in writing which directs the person to cease using the ~~[facility]~~ ***storage space*** as a residence no later than 24 hours after receiving the notice. The notice must advise the person that:

(a) NRS 108.475 requires the owner to ask the court to have the person evicted if the person has not ceased using the ~~[facility]~~ ***storage space*** as a residence within 24 hours; and

(b) The person may continue to use the ~~[facility]~~ ***storage space*** to store the person's personal property in accordance with the rental agreement.

2. If the person does not cease using the ~~[facility]~~ ***storage space*** as a residence within 24 hours after receiving the notice to do so, the owner of the facility or the owner's agent shall apply by affidavit for summary eviction to the justice of the peace of the township wherein the facility is located. The affidavit must contain:

(a) The date the rental agreement became effective.

(b) A statement that the person is using the ~~[facility]~~ ***storage space*** as a residence.

(c) The date and time the person was served with written notice to cease using the ~~[facility]~~ ***storage space*** as a residence.

(d) A statement that the person has not ceased using the facility as a residence within 24 hours after receiving the notice.

3. Upon receipt of such an affidavit the justice of the peace shall issue an order directing the sheriff or constable of the county to remove the person within 24 hours after receipt of the order. The sheriff or constable shall not remove the person's personal property from the facility.

4. For the purposes of this section ~~[, "facility for storage"]~~ ***:***

(a) "Facility" means real property divided into individual ***storage*** spaces ***.*** ~~[which are rented or leased for storing personal property.]~~ The term does not include a garage or storage area in a private residence.

(b) "Storage space" means a space used for storing personal property, which is rented or leased to an individual occupant who has access to the space.

Sec. 21. NRS 597.890 is hereby amended to read as follows:

597.890 1. The owner of a facility for the storage of personal property or a person acting on his or her behalf shall not advertise that the facility is "climate controlled" unless the advertisement specifies the range of the minimum and maximum temperature and humidity within which the facility is maintained.

2. If an owner or a person acting on his or her behalf fails to indicate the range of temperature and humidity of a facility in any advertisement that refers to it as being "climate controlled" or fails to maintain the temperature and humidity of the facility within the advertised range, the owner is guilty of a misdemeanor and is liable to the occupant for any damages that are caused to the occupant's personal property as a result of extremes in temperature or humidity, notwithstanding any contrary provision in the rental agreement.

3. As used in this section, the terms "facility," "occupant," "owner," "personal property" and "rental agreement" have the meanings ascribed to them respectively in NRS 108.4733 to 108.4745, inclusive ~~[.]~~ ***, and sections 2 to 5, inclusive, of this act.***

Sec. 22. ~~[NRS 108.4765 and 108.478 are hereby repealed.]~~ **(Deleted by amendment.)**

~~[~~

~~TEXT OF REPEALED SECTIONS~~

~~108.4765 Occupant's declaration of opposition to sale.~~

~~The occupant may prevent a sale of the personal property to satisfy the lien if the occupant executes a declaration of opposition to the sale under penalty of perjury and returns the declaration to the owner by certified mail. The declaration must contain the following:~~

~~1. The name, address and signature of the occupant;~~

~~2. The location of the personal property which is to be sold to satisfy a lien;~~

~~3. The date the declaration was executed by the occupant; and~~

~~4. A statement that:~~

~~(a) The occupant has received the notice of the sale to satisfy the lien;~~

~~(b) The occupant opposes the sale of the property; and~~

~~(c) The occupant understands that the owner may commence an action for the amount of the lien and the costs of the action.~~

~~108.478 Action to enforce lien; enforcement of judgment; stay of enforcement pending appeal.~~

~~1. If the occupant signs, and returns to the owner, the declaration in opposition to the sale, the owner may commence an action in any court of competent jurisdiction to enforce the lien.~~

~~2. If, after the action to enforce the lien, the owner obtains a judgment against the occupant for the amount of the lien, the owner may enforce the~~

~~judgment by a sale of the property conducted in a commercially reasonable manner more than 10 days after the notice of the entry of judgment has been filed with the court, unless within that time the occupant pays the amount of the judgment.~~

~~3. The occupant may stay the enforcement of the judgment pending an appeal by posting with the court which entered the judgment, a bond in an amount equal to 1.5 times the amount of the judgment. If the occupant posts such a bond, the court may order the owner to return the personal property to the occupant.~~**]**

Assemblyman Ohrenschall moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, reengrossed, and to third reading.

Senate Bill No. 348.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 663.

SUMMARY— ~~**[**Eliminates limits on the amounts of certain property that is exempt from execution.~~**]** **Makes various changes concerning the execution on property of a judgment debtor or defendant.** (BDR 2-779)

AN ACT relating to property; **providing that a certain amount of money held in a personal bank account that is likely to be exempt from execution is not subject to a writ of execution or garnishment; providing a procedure to execute on property held in a safe-deposit box;** eliminating limits on the amounts of certain property that is exempt from execution; **exempting certain property from execution; revising the procedure for claiming an exemption from execution on certain property; making various other changes to provisions governing writs of execution, attachment and garnishment;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law allows a judgment creditor to obtain a writ of execution, attachment or garnishment to levy on the property of a judgment debtor or defendant in certain circumstances. (Chapters 21 and 31 of NRS) Certain property, however, is exempt from execution and therefore cannot be the subject of such a writ. (NRS 21.090) Section 3 of this bill provides that a certain amount of money held in the personal bank account of a judgment debtor which is likely to be exempt from execution is not subject to a writ of execution or garnishment and must remain accessible to the judgment debtor. Section 3 further provides immunity from liability to a financial institution which makes an incorrect determination concerning whether money is subject to execution. Section 4 of this bill provides that notwithstanding the provisions of section 3, if a judgment debtor has personal bank accounts in more than one financial institution, the writ may attach to all money

in those accounts. The judgment debtor then may claim any exemption that may apply.

Section 5 of this bill provides that a separate writ must be issued to levy on property in a safe-deposit box and provides a procedure for executing on such a writ.

Existing law exempts from execution all money, benefits, privileges or immunities arising out of a policy of life insurance if the annual premium paid for the policy does not exceed $15,000 and exempts a portion of those insurance proceeds if the premium does exceed $15,000. (NRS 21.090) **Section ~~[1]~~ 7** of this bill eliminates the $15,000 premium limit, allowing for a complete exemption from the execution of all money, benefits, privileges or immunities arising from a policy of life insurance. **Section 7 also provides additional exemptions from execution which are provided by Nevada law.**

Section 8 of this bill revises the procedures for claiming an exemption from execution, and for objecting to such a claim of exemption. Sections 6 and 10 of this bill revise the notice that is provided to a judgment debtor or defendant when a writ of execution, attachment or garnishment is levied on the property of the judgment debtor or defendant so that the procedures listed in the notice reflect the changes made in section 8. Sections 6 and 10 further revise the notice to provide additional information concerning the claiming of exemptions.

Sections 2 and 9 of this bill clarify that a constable has authority to perform any of the duties assigned to a sheriff and has all of the authority granted to a sheriff with respect to a writ of execution, garnishment or attachment.

Section 11 of this bill revises the interrogatories that are used with a writ of execution, attachment or garnishment to clarify the manner of determining the earnings which must be identified as subject to execution and to provide specific questions for a bank to conform to the new provisions in section 3.

Section 12 of this bill requires the judgment creditor who caused a writ of attachment to issue to prepare an accounting and provide a report to the judgment debtor, the sheriff and each garnishee every 120 days providing information about the debt and the rights of the debtor. The accounting must also be submitted with each subsequent application for a writ filed by the judgment creditor concerning the same judgment.

Section 13 of this bill provides that the fee for receiving, removing and taking care of property on execution, attachment or court order collected by a constable is not payable in advance.

Section 14 of this bill provides that certain unemployment benefits are exempt from execution regardless of whether they are mingled with other money.

Existing law exempts from execution any annuity benefits presently due and payable to an annuitant on a scheduled or periodic basis up to a total of

$350 per month but allows a court to order certain just and proper payments from annuity benefits if those benefits exceed $350 per month. (NRS 687B.290) **Section ~~[2]~~ 15** of this bill eliminates the $350 monthly benefit exemption limit, allowing for a complete exemption from the execution of annuity benefits.

Section 16 of this bill repeals NRS 21.114 concerning the submission of sureties to the jurisdiction of the court because the requirement for an undertaking requiring a surety is removed in section 8.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. **Chapter 21 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 5, inclusive, of this act.**

Sec. 2. ***A constable may perform any of the duties assigned to a sheriff and has all of the authority granted to a sheriff pursuant to this chapter with respect to a writ of execution or garnishment.***

Sec. 3. ***1. If a writ of execution or garnishment is levied on the personal bank account of the judgment debtor and money has been deposited into the account electronically within the immediately preceding 45 days from the date on which the writ was served which is reasonably identifiable as exempt from execution, notwithstanding any other deposits of money into the account, $2,000 or the entire amount in the account, whichever is less, is not subject to execution and must remain accessible to the judgment debtor. For the purposes of this section, money is reasonably identifiable as exempt from execution if the money is deposited in the bank account by the United States Department of the Treasury, including, without limitation, money deposited as:***

(a) Benefits provided pursuant to the Social Security Act which are exempt from execution pursuant to 42 U.S.C. §§ 407 and 1383, including, without limitation, retirement and survivors' benefits, supplemental security income benefits, disability insurance benefits and child support payments that are processed pursuant to Part D of Title IV of the Social Security Act;

(b) Veterans' benefits which are exempt from execution pursuant to 38 U.S.C. § 5301;

(c) Annuities payable to retired railroad employees which are exempt from execution pursuant to 45 U.S.C. § 231m;

(d) Benefits provided for retirement or disability of federal employees which are exempt from execution pursuant to 5 U.S.C. §§ 8346 and 8470;

(e) Annuities payable to retired members of the Armed Forces of the United States and to any surviving spouse or children of such members which are exempt from execution pursuant to 10 U.S.C. §§ 1440 and 1450;

(f) Payments and allowances to members of the Armed Forces of the United States which are exempt from execution pursuant to 37 U.S.C. § 701;

(g) Federal student loan payments which are exempt from execution pursuant to 20 U.S.C. § 1095a;

(h) Wages due or accruing to merchant seamen which are exempt from execution pursuant to 46 U.S.C. § 11109;

(i) Compensation or benefits due or payable to longshore and harbor workers which are exempt from execution pursuant to 33 U.S.C. § 916;

(j) Annuities and benefits for retirement and disability of members of the foreign service which are exempt from execution pursuant to 22 U.S.C. § 4060;

(k) Compensation for injury, death or detention of employees of contractors with the United States outside the United States which is exempt from execution pursuant to 42 U.S.C. § 1717;

(l) Assistance for a disaster from the Federal Emergency Management Agency which is exempt from execution pursuant to 44 C.F.R. § 206.110;

(m) Black lung benefits paid to a miner or a miner's surviving spouse or children pursuant to 30 U.S.C. § 922 or 931 which are exempt from execution; and

(n) Benefits provided pursuant to any other federal law.

2. If a writ of execution or garnishment is levied on the personal bank account of the judgment debtor and the provisions of subsection 1 do not apply, $1,000 or the entire amount in the account, whichever is less, is not subject to execution and must remain accessible to the judgment debtor.

3. If a judgment debtor has more than one personal bank account with the financial institution to which a writ is issued, the amount that is not subject to execution must not in the aggregate exceed the amount specified in subsection 1 or 2, as applicable.

4. A judgment debtor may apply to a court to claim an exemption for any amount subject to a writ levied on a personal bank account which exceeds the amount that is not subject to execution pursuant to subsection 1 or 2.

5. If money in the personal account of the judgment debtor which exceeds the amount that is not subject to execution pursuant to subsection 1 or 2 includes exempt and nonexempt money, the judgment debtor may claim an exemption for the exempt money in the manner set forth in NRS 21.112. To determine whether such money in the account is exempt, the judgment creditor must use the method of accounting which applies the standard that the first money deposited in the account is the first money withdrawn from the account. The court may require a judgment debtor to provide statements from the financial institution which include all deposits into and withdrawals from the account for the immediately preceding 90 days.

6. A financial institution which makes a reasonable effort to determine whether money in the account of a judgment debtor is subject to execution for the purposes of this section is immune from civil liability for any act or omission with respect to that determination, including, without limitation,

when the financial institution makes an incorrect determination after applying commercially reasonable methods for determining whether money in an account is exempt because the source of the money was not clearly identifiable or because the financial institution inadvertently misidentified the source of the money. If a court determines that a financial institution failed to identify that money in an account was not subject to execution pursuant to this section, the financial institution must adjust its actions with respect to a writ of execution as soon as possible but may not be held liable for damages.

7. Nothing in this section requires a financial institution to revise its determination about whether money is exempt, except by an order of a court.

Sec. 4. 1. Notwithstanding the provisions of section 3 of this act, if a judgment debtor has a personal bank account in more than one financial institution, the judgment creditor is entitled to an order from the court to be issued with the writ of execution or garnishment which states that all money held in all such accounts of the judgment debtor that are identified in the application for the order are subject to the writ.

2. A judgment creditor may apply to the court for an order pursuant to subsection 1 by submitting a signed affidavit which identifies each financial institution in which the judgment debtor has a personal account.

3. A judgment debtor may claim an exemption for any exempt money in the account to which the writ attaches in the manner set forth in NRS 21.112.

Sec. 5. 1. If a writ of execution or garnishment is levied on property in a safe-deposit box maintained at a financial institution, a separate writ must be issued from any writ that is issued to levy on an account of the judgment debtor with the financial institution. Notice of the writ must be served personally on the financial institution and promptly thereafter on any third person who is named on the safe-deposit box.

2. During the period in which the writ of execution or garnishment is in effect, the financial institution must not allow the contents of the safe-deposit box to be removed other than as directed by the sheriff or by court order.

3. The sheriff may allow the person in whose name the safe-deposit box is held to open the safe-deposit box so that the contents may be removed pursuant to the levy. The financial institution may refuse to allow the forcible opening of the safe-deposit box to allow the removal of the property levied upon unless the judgment creditor pays in advance the cost of forcibly opening the safe-deposit box and of repairing any damage caused thereby.

Sec. 6. **NRS 21.075 is hereby amended to read as follows:**

21.075 1. Execution on the writ of execution by levying on the property of the judgment debtor may occur only if the sheriff serves the judgment debtor with a notice of the writ of execution pursuant to

NRS 21.076 and a copy of the writ. The notice must describe the types of property exempt from execution and explain the procedure for claiming those exemptions in the manner required in subsection 2. The clerk of the court shall attach the notice to the writ of execution at the time the writ is issued.

2. The notice required pursuant to subsection 1 must be substantially in the following form:

NOTICE OF EXECUTION
YOUR PROPERTY IS BEING ATTACHED OR
YOUR WAGES ARE BEING GARNISHED

A court has determined that you owe money to ..... (name of person), the judgment creditor. The judgment creditor has begun the procedure to collect that money by garnishing your wages, bank account and other personal property held by third persons or by taking money or other property in your possession.

Certain benefits and property owned by you may be exempt from execution and may not be taken from you. The following is a partial list of exemptions:

1. Payments received pursuant to the federal Social Security Act, including, without limitation, retirement and survivors' benefits, supplemental security income benefits and disability insurance benefits.

2. Payments for benefits or the return of contributions under the Public Employees' Retirement System.

3. Payments for public assistance granted through the Division of Welfare and Supportive Services of the Department of Health and Human Services or a local governmental entity.

4. Proceeds from a policy of life insurance.

5. Payments of benefits under a program of industrial insurance.

6. Payments received as disability, illness or unemployment benefits.

7. Payments received as unemployment compensation.

8. Veteran's benefits.

9. A homestead in a dwelling or a mobile home, not to exceed $550,000, unless:

(a) The judgment is for a medical bill, in which case all of the primary dwelling, including a mobile or manufactured home, may be exempt.

(b) Allodial title has been established and not relinquished for the dwelling or mobile home, in which case all of the dwelling or mobile home and its appurtenances are exempt, including the land on which they are located, unless a valid waiver executed pursuant to NRS 115.010 is applicable to the judgment.

10. All money reasonably deposited with a landlord by you to secure an agreement to rent or lease a dwelling that is used by you as your primary residence, except that such money is not exempt with respect to a landlord or landlord's successor in interest who seeks to enforce the terms of the agreement to rent or lease the dwelling.

11. A vehicle, if your equity in the vehicle is less than $15,000.

12. Seventy-five percent of the take-home pay for any workweek, unless the weekly take-home pay is less than 50 times the federal minimum hourly wage, in which case the entire amount may be exempt.

13. Money, not to exceed $500,000 in present value, held in:

(a) An individual retirement arrangement which conforms with the applicable limitations and requirements of section 408 or 408A of the Internal Revenue Code, 26 U.S.C. §§ 408 and 408A;

(b) A written simplified employee pension plan which conforms with the applicable limitations and requirements of section 408 of the Internal Revenue Code, 26 U.S.C. § 408;

(c) A cash or deferred arrangement that is a qualified plan pursuant to the Internal Revenue Code;

(d) A trust forming part of a stock bonus, pension or profit-sharing plan that is a qualified plan pursuant to sections 401 et seq. of the Internal Revenue Code, 26 U.S.C. §§ 401 et seq.; and

(e) A trust forming part of a qualified tuition program pursuant to chapter 353B of NRS, any applicable regulations adopted pursuant to chapter 353B of NRS and section 529 of the Internal Revenue Code, 26 U.S.C. § 529, unless the money is deposited after the entry of a judgment against the purchaser or account owner or the money will not be used by any beneficiary to attend a college or university.

14. All money and other benefits paid pursuant to the order of a court of competent jurisdiction for the support, education and maintenance of a child, whether collected by the judgment debtor or the State.

15. All money and other benefits paid pursuant to the order of a court of competent jurisdiction for the support and maintenance of a former spouse, including the amount of any arrearages in the payment of such support and maintenance to which the former spouse may be entitled.

16. Regardless of whether a trust contains a spendthrift provision:

(a) A present or future interest in the income or principal of a trust, if the interest has not been distributed from the trust;

(b) A remainder interest in the trust whereby a beneficiary of the trust will receive property from the trust outright at some time in the future under certain circumstances;

(c) A discretionary power held by a trustee to determine whether to make a distribution from the trust, if the interest has not been distributed from the trust;

(d) The power to direct dispositions of property in the trust, other than such a power held by a trustee to distribute property to a beneficiary of the trust;

(e) Certain powers held by a trust protector or certain other persons;

(f) Any power held by the person who created the trust; and

(g) Any other property of the trust that has not been distributed from the trust. Once the property is distributed from the trust, the property is subject to execution.

17. If a trust contains a spendthrift provision:

(a) A mandatory interest in the trust in which the trustee does not have discretion concerning whether to make the distribution from the trust, if the interest has not been distributed from the trust;

(b) A support interest in the trust in which the standard for distribution may be interpreted by the trustee or a court, if the interest has not been distributed from the trust; and

(c) Any other property of the trust that has not been distributed from the trust. Once the property is distributed from the trust, the property is subject to execution.

18. A vehicle for use by you or your dependent which is specially equipped or modified to provide mobility for a person with a permanent disability.

19. A prosthesis or any equipment prescribed by a physician or dentist for you or your dependent.

20. Payments, in an amount not to exceed $16,150, received as compensation for personal injury, not including compensation for pain and suffering or actual pecuniary loss, by the judgment debtor or by a person upon whom the judgment debtor is dependent at the time the payment is received.

21. Payments received as compensation for the wrongful death of a person upon whom the judgment debtor was dependent at the time of the wrongful death, to the extent reasonably necessary for the support of the judgment debtor and any dependent of the judgment debtor.

22. Payments received as compensation for the loss of future earnings of the judgment debtor or of a person upon whom the judgment debtor is dependent at the time the payment is received, to the extent reasonably necessary for the support of the judgment debtor and any dependent of the judgment debtor.

23. Payments received as restitution for a criminal act.

24. Personal property, not to exceed $1,000 in total value, if the property is not otherwise exempt from execution.

25. A tax refund received from the earned income credit provided by federal law or a similar state law.

26. Stock of a corporation described in subsection 2 of NRS 78.746 except as set forth in that section.

➥ These exemptions may not apply in certain cases such as a proceeding to enforce a judgment for support of a person or a judgment of foreclosure on a mechanic's lien. You should consult an attorney immediately to assist you in determining whether your property or money is exempt from execution. If you cannot afford an attorney, you may be eligible for assistance through ..... (name of organization in county providing legal services to

indigent or elderly persons). ***If you do not wish to consult an attorney or receive legal services from an organization that provides assistance to persons who qualify, you may obtain the form to be used to claim an exemption from the clerk of the court.***

PROCEDURE FOR CLAIMING EXEMPT PROPERTY

If you believe that the money or property taken from you is exempt, you must complete and file with the clerk of the court ~~[a notarized affidavit claiming the]~~ ***an executed claim of*** exemption. A copy of the ~~[affidavit]~~ ***claim of exemption*** must be served upon the sheriff ***, the garnishee*** and the judgment creditor within ~~[8]~~ ***20 calendar*** days after the notice of execution ***or garnishment*** is ~~[mailed.]~~ ***served on you by mail pursuant to NRS 21.076 which identifies the specific property that is being levied on.*** The property must be ~~[returned to you]~~ ***released by the garnishee or the sheriff*** within ~~[5]~~ ***9 judicial*** days after you ~~[file]~~ ***serve*** the ~~[affidavit]~~ ***claim of exemption upon the sheriff, garnishee and judgment creditor,*** unless ~~[you or the judgment creditor files a motion]~~ ***the sheriff or garnishee receives a copy of an objection to the claim of exemption and a notice*** for a hearing to determine the issue of exemption. If this happens, a hearing will be held to determine whether the property or money is exempt. The ~~[motion]~~ ***objection to the claim of exemption and notice*** for the hearing to determine the issue of exemption must be filed within ~~[10]~~ ***8 judicial*** days after the ~~[affidavit claiming]~~ ***claim of*** exemption is ~~[filed.]~~ ***served on the judgment creditor by mail or in person and served on the judgment debtor, the sheriff and any garnishee not less than 5 judicial days before the date set for the hearing.*** The hearing to determine whether the property or money is exempt must be held within ~~[10]~~ ***7 judicial*** days after the ~~[motion]~~ ***objection to the claim of exemption and notice*** for the hearing is filed. ***You may be able to have your property released more quickly if you mail to the judgment creditor or the attorney of the judgment creditor written proof that the property is exempt. Such proof may include, without limitation, a letter from the government, an annual statement from a pension fund, receipts for payment, copies of checks, records from financial institutions or any other document which demonstrates that the money in your account is exempt.***

IF YOU DO NOT FILE THE ~~[AFFIDAVIT]~~ ***EXECUTED CLAIM OF EXEMPTION*** WITHIN THE TIME SPECIFIED, YOUR PROPERTY MAY BE SOLD AND THE MONEY GIVEN TO THE JUDGMENT CREDITOR, EVEN IF THE PROPERTY OR MONEY IS EXEMPT.

~~[Section 1.]~~ ***Sec. 7.*** NRS 21.090 is hereby amended to read as follows:

21.090 1. The following property is exempt from execution, except as otherwise specifically provided in this section or required by federal law:

(a) Private libraries, works of art, musical instruments and jewelry not to exceed $5,000 in value, belonging to the judgment debtor or a dependent of

the judgment debtor, to be selected by the judgment debtor, and all family pictures and keepsakes.

(b) Necessary household goods, furnishings, electronics, wearing apparel, other personal effects and yard equipment, not to exceed $12,000 in value, belonging to the judgment debtor or a dependent of the judgment debtor, to be selected by the judgment debtor.

(c) Farm trucks, farm stock, farm tools, farm equipment, supplies and seed not to exceed $4,500 in value, belonging to the judgment debtor to be selected by the judgment debtor.

(d) Professional libraries, equipment, supplies, and the tools, inventory, instruments and materials used to carry on the trade or business of the judgment debtor for the support of the judgment debtor and his or her family not to exceed $10,000 in value.

(e) The cabin or dwelling of a miner or prospector, the miner's or prospector's cars, implements and appliances necessary for carrying on any mining operations and the mining claim actually worked by the miner or prospector, not exceeding $4,500 in total value.

(f) Except as otherwise provided in paragraph (p), one vehicle if the judgment debtor's equity does not exceed $15,000 or the creditor is paid an amount equal to any excess above that equity.

(g) For any workweek, 75 percent of the disposable earnings of a judgment debtor during that week, or 50 times the minimum hourly wage prescribed by section 6(a)(1) of the federal Fair Labor Standards Act of 1938, 29 U.S.C. § 206(a)(1), and in effect at the time the earnings are payable, whichever is greater. Except as otherwise provided in paragraphs (o), (s) and (t), the exemption provided in this paragraph does not apply in the case of any order of a court of competent jurisdiction for the support of any person, any order of a court of bankruptcy or of any debt due for any state or federal tax. As used in this paragraph:

(1) "Disposable earnings" means that part of the earnings of a judgment debtor remaining after the deduction from those earnings of any amounts required by law to be withheld.

(2) "Earnings" means compensation paid or payable for personal services performed by a judgment debtor in the regular course of business, including, without limitation, compensation designated as income, wages, tips, a salary, a commission or a bonus. The term includes compensation received by a judgment debtor that is in the possession of the judgment debtor, compensation held in accounts maintained in a bank or any other financial institution or, in the case of a receivable, compensation that is due the judgment debtor.

(h) All fire engines, hooks and ladders, with the carts, trucks and carriages, hose, buckets, implements and apparatus thereunto appertaining, and all furniture and uniforms of any fire company or department organized under the laws of this State.

(i) All arms, uniforms and accouterments required by law to be kept by any person, and also one gun, to be selected by the debtor.

(j) All courthouses, jails, public offices and buildings, lots, grounds and personal property, the fixtures, furniture, books, papers and appurtenances belonging and pertaining to the courthouse, jail and public offices belonging to any county of this State, all cemeteries, public squares, parks and places, public buildings, town halls, markets, buildings for the use of fire departments and military organizations, and the lots and grounds thereto belonging and appertaining, owned or held by any town or incorporated city, or dedicated by the town or city to health, ornament or public use, or for the use of any fire or military company organized under the laws of this State and all lots, buildings and other school property owned by a school district and devoted to public school purposes.

(k) All money, benefits, privileges or immunities accruing or in any manner growing out of any life insurance **. [**~~, if the annual premium paid does not exceed $15,000. If the premium exceeds that amount, a similar exemption exists which bears the same proportion to the money, benefits, privileges and immunities so accruing or growing out of the insurance that the $15,000 bears to the whole annual premium paid.~~**]**

(l) The homestead as provided for by law, including a homestead for which allodial title has been established and not relinquished and for which a waiver executed pursuant to NRS 115.010 is not applicable.

(m) The dwelling of the judgment debtor occupied as a home for himself or herself and family, where the amount of equity held by the judgment debtor in the home does not exceed $550,000 in value and the dwelling is situated upon lands not owned by the judgment debtor.

(n) All money reasonably deposited with a landlord by the judgment debtor to secure an agreement to rent or lease a dwelling that is used by the judgment debtor as his or her primary residence, except that such money is not exempt with respect to a landlord or the landlord's successor in interest who seeks to enforce the terms of the agreement to rent or lease the dwelling.

(o) All property in this State of the judgment debtor where the judgment is in favor of any state for failure to pay that state's income tax on benefits received from a pension or other retirement plan.

(p) Any vehicle owned by the judgment debtor for use by the judgment debtor or the judgment debtor's dependent that is equipped or modified to provide mobility for a person with a permanent disability.

(q) Any prosthesis or equipment prescribed by a physician or dentist for the judgment debtor or a dependent of the debtor.

(r) Money, not to exceed $500,000 in present value, held in:

(1) An individual retirement arrangement which conforms with the applicable limitations and requirements of section 408 or 408A of the Internal Revenue Code, 26 U.S.C. §§ 408 and 408A;

(2) A written simplified employee pension plan which conforms with the applicable limitations and requirements of section 408 of the Internal Revenue Code, 26 U.S.C. § 408;

(3) A cash or deferred arrangement which is a qualified plan pursuant to the Internal Revenue Code;

(4) A trust forming part of a stock bonus, pension or profit-sharing plan which is a qualified plan pursuant to sections 401 et seq. of the Internal Revenue Code, 26 U.S.C. §§ 401 et seq.; and

(5) A trust forming part of a qualified tuition program pursuant to chapter 353B of NRS, any applicable regulations adopted pursuant to chapter 353B of NRS and section 529 of the Internal Revenue Code, 26 U.S.C. § 529, unless the money is deposited after the entry of a judgment against the purchaser or account owner or the money will not be used by any beneficiary to attend a college or university.

(s) All money and other benefits paid pursuant to the order of a court of competent jurisdiction for the support, education and maintenance of a child, whether collected by the judgment debtor or the State.

(t) All money and other benefits paid pursuant to the order of a court of competent jurisdiction for the support and maintenance of a former spouse, including the amount of any arrearages in the payment of such support and maintenance to which the former spouse may be entitled.

(u) Payments, in an amount not to exceed $16,150, received as compensation for personal injury, not including compensation for pain and suffering or actual pecuniary loss, by the judgment debtor or by a person upon whom the judgment debtor is dependent at the time the payment is received.

(v) Payments received as compensation for the wrongful death of a person upon whom the judgment debtor was dependent at the time of the wrongful death, to the extent reasonably necessary for the support of the judgment debtor and any dependent of the judgment debtor.

(w) Payments received as compensation for the loss of future earnings of the judgment debtor or of a person upon whom the judgment debtor is dependent at the time the payment is received, to the extent reasonably necessary for the support of the judgment debtor and any dependent of the judgment debtor.

(x) Payments received as restitution for a criminal act.

(y) Payments received pursuant to the federal Social Security Act, including, without limitation, retirement and survivors' benefits, supplemental security income benefits and disability insurance benefits.

(z) Any personal property not otherwise exempt from execution pursuant to this subsection belonging to the judgment debtor, including, without limitation, the judgment debtor's equity in any property, money, stocks, bonds or other funds on deposit with a financial institution, not to exceed $1,000 in total value, to be selected by the judgment debtor.

(aa) Any tax refund received by the judgment debtor that is derived from the earned income credit described in section 32 of the Internal Revenue Code, 26 U.S.C. § 32, or a similar credit provided pursuant to a state law.

(bb) Stock of a corporation described in subsection 2 of NRS 78.746 except as set forth in that section.

(cc) Regardless of whether a trust contains a spendthrift provision:

(1) A beneficial interest in the trust as defined in NRS 163.4145 if the interest has not been distributed;

(2) A remainder interest in the trust as defined in NRS 163.416 if the trust does not indicate that the remainder interest is certain to be distributed within 1 year after the date on which the instrument that creates the remainder interest becomes irrevocable;

(3) A discretionary interest in the trust as described in NRS 163.4185 if the interest has not been distributed;

(4) A power of appointment in the trust as defined in NRS 163.4157 regardless of whether the power has been distributed or transferred;

(5) A power listed in NRS 163.5553 that is held by a trust protector as defined in NRS 163.5547 or any other person regardless of whether the power has been distributed or transferred;

(6) A reserved power in the trust as defined in NRS 163.4165 regardless of whether the power has been distributed or transferred; and

(7) Any other property of the trust that has not been distributed from the trust. Once the property is distributed from the trust, the property is subject to execution.

(dd) If a trust contains a spendthrift provision:

(1) A mandatory interest in the trust as described in NRS 163.4185 if the interest has not been distributed;

(2) Notwithstanding a beneficiary's right to enforce a support interest, a support interest in the trust as described in NRS 163.4185 if the interest has not been distributed; and

(3) Any other property of the trust that has not been distributed from the trust. Once the property is distributed from the trust, the property is subject to execution.

(ee) Proceeds received from a private disability insurance plan.

(ff) Money in a trust fund for funeral or burial services pursuant to NRS 689.700.

(gg) Compensation that was payable or paid pursuant to chapters 616A to 616D, inclusive, or chapter 617 of NRS as provided in NRS 616C.205.

(hh) Unemployment compensation benefits received pursuant to NRS 612.710.

(ii) Benefits or refunds payable or paid from the Public Employees' Retirement System pursuant to NRS 286.670.

(jj) Money paid or rights existing for vocational rehabilitation pursuant to NRS 615.270.

(kk) Public assistance provided through the Department of Health and Human Services pursuant to NRS 422.291.

(ll) Child welfare assistance provided pursuant to NRS 432.036.

2. Except as otherwise provided in NRS 115.010, no article or species of property mentioned in this section is exempt from execution issued upon a judgment to recover for its price, or upon a judgment of foreclosure of a mortgage or other lien thereon.

3. Any exemptions specified in subsection (d) of section 522 of the Bankruptcy Act of 1978, 11 U.S.C. § 522(d), do not apply to property owned by a resident of this State unless conferred also by subsection 1, as limited by subsection 2.

Sec. 8. **NRS 21.112 is hereby amended to read as follows:**

21.112 1. In order to claim exemption of any property levied on ~~[,]~~ ***pursuant to this section,*** the judgment debtor must, within ~~[8]~~ ***20 calendar*** days after the notice ~~[prescribed in NRS 21.075 is mailed,]~~ ***of a writ of execution or garnishment is served on the judgment debtor by mail pursuant to NRS 21.076 which identifies the specific property that is being levied on,*** serve on the sheriff ***, the garnishee*** and ***the*** judgment creditor and file with the clerk of the court issuing the writ of execution ~~[an affidavit setting out]~~ ***or garnishment*** the judgment debtor's claim of exemption ~~[.]~~ ***which is executed in the manner set forth in NRS 53.045. If the property that is levied on is the earnings of the judgment debtor, the judgment debtor must file the claim of exemption pursuant to this subsection within 20 calendar days after the date of each withholding of the judgment debtor's earnings.***

2. The clerk of the court shall provide the form for the ~~[affidavit.~~

~~2. When the affidavit is served, the sheriff shall release the property if the judgment creditor, within 5 days after written demand by the sheriff:~~

~~(a) Fails to give the sheriff an undertaking executed by two good and sufficient sureties which:~~

~~(1) Is in a sum equal to double the value of the property levied on; and~~

~~(2) Indemnifies the judgment debtor against loss, liability, damages, costs and attorney's fees by reason of the taking, withholding or sale of the property by the sheriff; or~~

~~(b) Fails to file a motion for a hearing to determine whether the property or money is exempt.~~

~~→ The clerk of the court shall provide the form for the motion.~~

~~3. At the time of giving the sheriff the undertaking provided for in subsection 2, the judgment creditor shall give notice of the undertaking to the judgment debtor.~~

~~4.]~~ ***claim of exemption and shall further provide with the form instructions concerning the manner in which to claim an exemption, a checklist and description of the most commonly claimed exemptions, instructions concerning the manner in which the property must be released to the judgment debtor if no objection to the claim of exemption is filed and***

an order to be used by the court to grant or deny an exemption. No fee may be charged for providing such a form or for filing the form with the court.

3. An objection to the claim of exemption and notice for a hearing must be filed with the court within 8 judicial days after the claim of exemption is served on the judgment creditor by mail or in person and served on the judgment debtor, the sheriff and any garnishee. The judgment creditor shall also serve notice of the date of the hearing on the judgment debtor, the sheriff and any garnishee not less than 5 judicial days before the date set for the hearing.

4. If an objection to the claim of exemption and notice for a hearing are not filed within 8 judicial days after the claim of exemption has been served, the property of the judgment debtor must be released by the person who has control or possession over the property in accordance with the instructions set forth on the form for the claim of exemption provided pursuant to subsection 2 within 9 judicial days after the claim of exemption has been served.

5. The sheriff is not liable to the judgment debtor for damages by reason of the taking, withholding or sale of any property ~~[,]~~ where ~~[:~~

~~(a) No affidavit claiming]~~ ***a claim of*** exemption is ***not*** served on the sheriff ~~[, or~~

~~(b) An affidavit claiming exemption is served on the sheriff, but the sheriff fails to release the property in accordance with this section.~~

~~5.]~~ ***6.*** Unless the court continues the hearing for good cause shown, the hearing ***on an objection to a claim of exemption*** to determine whether the property or money is exempt must be held within ~~[10]~~ ***7 judicial*** days after the ~~[motion]~~ ***objection to the claim and notice*** for ~~[the]~~ ***a*** hearing is filed.

~~[6. The judgment creditor shall give the judgment debtor at least 5 days' notice of the hearing.]~~ ***The judgment debtor has the burden to prove that he or she is entitled to the claimed exemption at such a hearing. After determining whether the judgment debtor is entitled to an exemption, the court shall mail a copy of the order to the judgment debtor, the judgment creditor, any other named party, the sheriff and any garnishee.***

7. If the sheriff or a garnishee does not receive a copy of a claim of exemption from the judgment debtor within 25 calendar days after the property is levied on, the garnishee must release the property to the sheriff or, if the property is held by the sheriff, the sheriff must release the property to the judgment creditor.

8. At any time after:

(a) An exemption is claimed pursuant to this section, the judgment debtor may withdraw the claim of exemption and direct that the property be released to the judgment creditor.

(b) An objection to a claim of exemption is filed pursuant to this section, the judgment creditor may withdraw the objection and direct that the property be released to the judgment debtor.

9. The provisions of this section do not limit or prohibit any other remedy provided by law.

10. In addition to any other procedure or remedy authorized by law, a person other than the judgment debtor whose property is the subject of a writ of execution or garnishment may follow the procedures set forth in this section for claiming an exemption to have the property released.

11. A judgment creditor shall not require a judgment debtor to waive any exemption which the judgment debtor is entitled to claim.

Sec. 9. **Chapter 31 of NRS is hereby amended by adding thereto a new section to read as follows:**

A constable may perform any of the duties assigned to a sheriff and has all of the authority granted to a sheriff pursuant to this chapter with respect to a writ of attachment.

Sec. 10. **NRS 31.045 is hereby amended to read as follows:**

31.045 1. Execution on the writ of attachment by attaching property of the defendant may occur only if:

(a) The judgment creditor serves the defendant with notice of the execution when the notice of the hearing is served pursuant to NRS 31.013; or

(b) Pursuant to an ex parte hearing, the sheriff serves upon the judgment debtor notice of the execution and a copy of the writ at the same time and in the same manner as set forth in NRS 21.076.

➥ If the attachment occurs pursuant to an ex parte hearing, the clerk of the court shall attach the notice to the writ of attachment at the time the writ is issued.

2. The notice required pursuant to subsection 1 must be substantially in the following form:

NOTICE OF EXECUTION
YOUR PROPERTY IS BEING ATTACHED OR
YOUR WAGES ARE BEING GARNISHED

Plaintiff, ... (name of person), alleges that you owe the plaintiff money. The plaintiff has begun the procedure to collect that money. To secure satisfaction of judgment, the court has ordered the garnishment of your wages, bank account or other personal property held by third persons or the taking of money or other property in your possession.

Certain benefits and property owned by you may be exempt from execution and may not be taken from you. The following is a partial list of exemptions:

1. Payments received pursuant to the federal Social Security Act, including, without limitation, retirement and survivors' benefits, supplemental security income benefits and disability insurance benefits.

2. Payments for benefits or the return of contributions under the Public Employees' Retirement System.

3. Payments for public assistance granted through the Division of Welfare and Supportive Services of the Department of Health and Human Services or a local governmental entity.

4. Proceeds from a policy of life insurance.

5. Payments of benefits under a program of industrial insurance.

6. Payments received as disability, illness or unemployment benefits.

7. Payments received as unemployment compensation.

8. Veteran's benefits.

9. A homestead in a dwelling or a mobile home, not to exceed $550,000, unless:

(a) The judgment is for a medical bill, in which case all of the primary dwelling, including a mobile or manufactured home, may be exempt.

(b) Allodial title has been established and not relinquished for the dwelling or mobile home, in which case all of the dwelling or mobile home and its appurtenances are exempt, including the land on which they are located, unless a valid waiver executed pursuant to NRS 115.010 is applicable to the judgment.

10. All money reasonably deposited with a landlord by you to secure an agreement to rent or lease a dwelling that is used by you as your primary residence, except that such money is not exempt with respect to a landlord or the landlord's successor in interest who seeks to enforce the terms of the agreement to rent or lease the dwelling.

11. A vehicle, if your equity in the vehicle is less than $15,000.

12. Seventy-five percent of the take-home pay for any workweek, unless the weekly take-home pay is less than 50 times the federal minimum hourly wage, in which case the entire amount may be exempt.

13. Money, not to exceed $500,000 in present value, held in:

(a) An individual retirement arrangement which conforms with the applicable limitations and requirements of section 408 or 408A of the Internal Revenue Code, 26 U.S.C. §§ 408 and 408A;

(b) A written simplified employee pension plan which conforms with the applicable limitations and requirements of section 408 of the Internal Revenue Code, 26 U.S.C. § 408;

(c) A cash or deferred arrangement that is a qualified plan pursuant to the Internal Revenue Code;

(d) A trust forming part of a stock bonus, pension or profit-sharing plan that is a qualified plan pursuant to sections 401 et seq. of the Internal Revenue Code, 26 U.S.C. §§ 401 et seq.; and

(e) A trust forming part of a qualified tuition program pursuant to chapter 353B of NRS, any applicable regulations adopted pursuant to chapter 353B of NRS and section 529 of the Internal Revenue Code, 26 U.S.C. § 529, unless the money is deposited after the entry of a judgment against the purchaser or account owner or the money will not be used by any beneficiary to attend a college or university.

14. All money and other benefits paid pursuant to the order of a court of competent jurisdiction for the support, education and maintenance of a child, whether collected by the judgment debtor or the State.

15. All money and other benefits paid pursuant to the order of a court of competent jurisdiction for the support and maintenance of a former spouse, including the amount of any arrearages in the payment of such support and maintenance to which the former spouse may be entitled.

16. Regardless of whether a trust contains a spendthrift provision:

(a) A present or future interest in the income or principal of a trust, if the interest has not been distributed from the trust;

(b) A remainder interest in the trust whereby a beneficiary of the trust will receive property from the trust outright at some time in the future under certain circumstances;

(c) A discretionary power held by a trustee to determine whether to make a distribution from the trust, if the interest has not been distributed from the trust;

(d) The power to direct dispositions of property in the trust, other than such a power held by a trustee to distribute property to a beneficiary of the trust;

(e) Certain powers held by a trust protector or certain other persons;

(f) Any power held by the person who created the trust; and

(g) Any other property of the trust that has not been distributed from the trust. Once the property is distributed from the trust, the property is subject to execution.

17. If a trust contains a spendthrift provision:

(a) A mandatory interest in the trust in which the trustee does not have discretion concerning whether to make the distribution from the trust, if the interest has not been distributed from the trust;

(b) A support interest in the trust in which the standard for distribution may be interpreted by the trustee or a court, if the interest has not been distributed from the trust; and

(c) Any other property of the trust that has not been distributed from the trust. Once the property is distributed from the trust, the property is subject to execution.

18. A vehicle for use by you or your dependent which is specially equipped or modified to provide mobility for a person with a permanent disability.

19. A prosthesis or any equipment prescribed by a physician or dentist for you or your dependent.

20. Payments, in an amount not to exceed $16,150, received as compensation for personal injury, not including compensation for pain and suffering or actual pecuniary loss, by the judgment debtor or by a person upon whom the judgment debtor is dependent at the time the payment is received.

21. Payments received as compensation for the wrongful death of a person upon whom the judgment debtor was dependent at the time of the wrongful death, to the extent reasonably necessary for the support of the judgment debtor and any dependent of the judgment debtor.

22. Payments received as compensation for the loss of future earnings of the judgment debtor or of a person upon whom the judgment debtor is dependent at the time the payment is received, to the extent reasonably necessary for the support of the judgment debtor and any dependent of the judgment debtor.

23. Payments received as restitution for a criminal act.

24. Personal property, not to exceed $1,000 in total value, if the property is not otherwise exempt from execution.

25. A tax refund received from the earned income credit provided by federal law or a similar state law.

26. Stock of a corporation described in subsection 2 of NRS 78.746 except as set forth in that section.

➥ These exemptions may not apply in certain cases such as proceedings to enforce a judgment for support of a child or a judgment of foreclosure on a mechanic's lien. You should consult an attorney immediately to assist you in determining whether your property or money is exempt from execution. If you cannot afford an attorney, you may be eligible for assistance through ..... (name of organization in county providing legal services to the indigent or elderly persons). ***If you do not wish to consult an attorney or receive legal services from an organization that provides assistance to persons who qualify, you may obtain the form to be used to claim an exemption from the clerk of the court.***

PROCEDURE FOR CLAIMING EXEMPT PROPERTY

If you believe that the money or property taken from you is exempt or necessary for the support of you or your family, you must file with the clerk of the court on a form provided by the clerk ~~[a notarized affidavit claiming the]~~ ***an executed claim of*** exemption. A copy of the ~~[affidavit]~~ ***claim of exemption*** must be served upon the sheriff ***, the garnishee*** and the judgment creditor within ~~[8]~~ ***20 calendar*** days after the notice of execution ***or garnishment*** is ~~[mailed.]~~ ***served on you by mail pursuant to NRS 21.076 which identifies the specific property that is being levied on.*** The property must be ~~[returned to you]~~ ***released by the garnishee or the sheriff*** within ~~[5]~~ ***9 judicial*** days after you ~~[file]~~ ***serve*** the ~~[affidavit]~~ ***claim of exemption upon the sheriff, garnishee and judgment creditor,*** unless the ~~[judgment creditor files a motion]~~ ***sheriff or garnishee receives a copy of an objection to the claim of exemption and a notice*** for a hearing to determine the issue of exemption. If this happens, a hearing will be held to determine whether the property or money is exempt. ***The objection to the claim of exemption and notice for the hearing to determine the issue of exemption must be filed within 8 judicial days after the claim of exemption is served on the***

judgment creditor by mail or in person and served on the judgment debtor, the sheriff and any garnishee not less than 5 judicial days before the date set for the hearing. The hearing must be held within ~~[10]~~ ***7 judicial*** days after the ~~[motion]~~ ***objection to the claim of exemption and notice*** for a hearing is filed. ***You may be able to have your property released more quickly if you mail to the judgment creditor or the attorney of the judgment creditor written proof that the property is exempt. Such proof may include, without limitation, a letter from the government, an annual statement from a pension fund, receipts for payment, copies of checks, records from financial institutions or any other document which demonstrates that the money in your account is exempt.***

IF YOU DO NOT FILE THE ~~[AFFIDAVIT]~~ ***EXECUTED CLAIM OF EXEMPTION*** WITHIN THE TIME SPECIFIED, YOUR PROPERTY MAY BE SOLD AND THE MONEY GIVEN TO THE JUDGMENT CREDITOR, EVEN IF THE PROPERTY OR MONEY IS EXEMPT.

If you received this notice with a notice of a hearing for attachment and you believe that the money or property which would be taken from you by a writ of attachment is exempt or necessary for the support of you or your family, you are entitled to describe to the court at the hearing why you believe your property is exempt. You may also file a motion with the court for a discharge of the writ of attachment. You may make that motion any time before trial. A hearing will be held on that motion.

IF YOU DO NOT FILE THE MOTION BEFORE THE TRIAL, YOUR PROPERTY MAY BE SOLD AND THE MONEY GIVEN TO THE PLAINTIFF, EVEN IF THE PROPERTY OR MONEY IS EXEMPT OR NECESSARY FOR THE SUPPORT OF YOU OR YOUR FAMILY.

Sec. 11. **NRS 31.290 is hereby amended to read as follows:**

31.290 1. The interrogatories to ***be submitted with any writ of execution, attachment or garnishment to*** the garnishee may be in substance as follows:

INTERROGATORIES

Are you in any manner indebted to the defendants ……, or either of them, either in property or money, and is the debt now due? If not due, when is the debt to become due? State fully all particulars.

Answer:

……

Are you an employer of one or all of the defendants? If so, state the length of your pay period and the amount ***of disposable earnings, as defined in NRS 31.295, that*** each defendant presently earns during a pay period. ***State the minimum amount of disposable earnings that is exempt from this garnishment, which is the federal minimum hourly wage prescribed by section 6(a)(1) of the federal Fair Labor Standards Act of 1938, 29 U.S.C. § 206(a)(1), in effect at the time the earnings are payable multiplied by 50***

for each week of the pay period, after deducting any amount required by law to be withheld.

Calculate the attachable amount as follows:

(Check one of the following) The employee is paid:

[A] Weekly: __ [B] Biweekly: __ [C] Semimonthly: __ [D] Monthly: __

(1) Gross Earnings	***$***
(2) Deductions required by law (not including child support)	***$***
(3) Disposable Earnings [Subtract line 2 from line 1]	***$***
(4) Federal Minimum Wage	***$***
(5) Multiply line 4 by 50	***$***
(6) Complete the following directions in accordance with the letter selected above:	
[A] Multiply line 5 by 1	***$***
[B] Multiply line 5 by 2	***$***
[C] Multiply line 5 by 52 and then divide by 24	***$***
[D] Multiply line 5 by 52 and then divide by 12	***$***
(7) Subtract line 6 from line 3	***$***
This is the attachable earnings. This amount must not exceed 25% of the disposable earnings from line 3.	

Answer: …….

……

Did you have in your possession, in your charge or under your control, on the date the writ of garnishment was served upon you, any money, property, effects, goods, chattels, rights, credits or choses in action of the defendants, or either of them, or in which .....is interested? If so, state its value, and state fully all particulars.

Answer: …….

……

Do you know of any debts owing to the defendants, whether due or not due, or any money, property, effects, goods, chattels, rights, credits or choses in action, belonging to ..... or in which .....is interested, and now in the possession or under the control of others? If so, state particulars.

Answer: …….

……

Are you a financial institution with a personal account held by one or all of the defendants? If so, state the account number and the amount of money in the account which is subject to garnishment. As set forth in section 3 of this act, $2,000 or the entire amount in the account, whichever is less, is not subject to garnishment if the financial institution reasonably identifies that an electronic deposit of money has been made into the account within the immediately preceding 45 days which is exempt from execution, including, without limitation, payments of money described in section 3 of this act or, if no such deposit has been made, $1,000 or the

entire amount in the account, whichever is less, is not subject to garnishment. The amount which is not subject to garnishment does not apply to each account of the judgment debtor, but rather is an aggregate amount that is not subject to garnishment.

Answer: ……

……

State your correct name and address, or the name and address of your attorney upon whom written notice of further proceedings in this action may be served.

Answer: …….

……

……..

Garnishee

I (insert the name of the garnishee), ~~[do solemnly swear (or affirm)]~~ ***declare under penalty of perjury*** that the answers to the foregoing interrogatories by me subscribed are true ~~[.]~~ ***and correct.***

…….

(Signature of garnishee)

~~[SUBSCRIBED and SWORN to before me this ..... day of the month of ..... of the year .....]~~

2. The garnishee shall answer the interrogatories in writing upon oath or affirmation and submit the answers to the sheriff within the time required by the writ. ***The garnishee shall submit his or her answers to the judgment debtor within the same time.*** If the garnishee fails to do so, the garnishee shall be deemed in default.

Sec. 12. **NRS 31.296 is hereby amended to read as follows:**

31.296 1. Except as otherwise provided in subsection 3, if the garnishee indicates in the garnishee's answer to garnishee interrogatories that the garnishee is the employer of the defendant, the writ of garnishment served on the garnishee shall be deemed to continue for 120 days or until the amount demanded in the writ is satisfied, whichever occurs earlier.

2. In addition to the fee set forth in NRS 31.270, a garnishee is entitled to a fee from the plaintiff of $3 per pay period, not to exceed $12 per month, for each withholding made of the defendant's earnings. This subsection does not apply to the first pay period in which the defendant's earnings are garnished.

3. If the defendant's employment by the garnishee is terminated before the writ of garnishment is satisfied, the garnishee:

(a) Is liable only for the amount of earned but unpaid, disposable earnings that are subject to garnishment.

(b) Shall provide the plaintiff or the plaintiff's attorney with the last known address of the defendant and the name of any new employer of the defendant, if known by the garnishee.

4. The judgment creditor who caused the writ of attachment to issue pursuant to NRS 31.013 shall prepare an accounting and provide a report to the judgment debtor, the sheriff and each garnishee every 120 days

which sets forth, without limitation, the amount owed by the judgment debtor, the costs and fees allowed pursuant to NRS 18.160 and any accrued interest and costs on the judgment. The report must advise the judgment debtor of the judgment debtor's right to request a hearing pursuant to NRS 18.110 to dispute any accrued interest, fee or other charge. The judgment creditor must submit this accounting with each subsequent application for writ made by the judgment creditor concerning the same debt.

Sec. 13. **NRS 258.230 is hereby amended to read as follows:**

258.230 Except with respect to the ~~[fee]~~ ***fees*** described in ~~[paragraph]~~ ***paragraphs (a) and*** (d) of subsection 2 of NRS 258.125, all fees prescribed in this chapter shall be payable in advance, if demanded. If a constable shall not have received any or all of his or her fees, which may be due the constable for services rendered by him or her in any suit or proceedings, the constable may have execution therefor in his or her own name against the party or parties from whom they are due, to be issued from the court where the action is pending, upon the order of the justice of the peace or court upon affidavit filed.

Sec. 14. **NRS 612.710 is hereby amended to read as follows:**

612.710 Except as otherwise provided in NRS 31A.150:

1. Any assignment, pledge or encumbrance of any right to benefits which are or may become due or payable under this chapter is void, except for a voluntary assignment of benefits to satisfy an obligation to pay support for a child.

2. Benefits are exempt from levy, execution, attachment, or any other remedy provided for the collection of debt. Benefits received by any person ~~[, if they are not mingled with other money of the recipient,]~~ are exempt from any remedy for the collection of all debts, except debts incurred for necessaries furnished to the person or the person's spouse or dependents during the time when the person was unemployed.

3. Any other waiver of any exemption provided for in this section is void.

~~[Sec. 2.]~~ ***Sec. 15.*** NRS 687B.290 is hereby amended to read as follows:

687B.290 1. The benefits, rights, privileges and options which under any annuity contract issued prior to or after January 1, 1972, are due or prospectively due the annuitant shall not be subject to execution nor shall the annuitant be compelled to exercise any such rights, powers or options, nor shall creditors be allowed to interfere with or terminate the contract, except ~~[:~~

~~(a) As~~ ***as*** to amounts paid for or as premium on any such annuity with intent to defraud creditors, with interest thereon, and of which the creditor has given the insurer written notice at its home office prior to the making of the payment to the annuitant out of which the creditor seeks to recover. Any such notice shall specify the amount claimed or such facts as will enable the insurer to ascertain such amount, and shall set forth such facts as will enable

the insurer to ascertain the annuity contract, the annuitant and the payment sought to be avoided on the ground of fraud.

~~[(b) The total exemption of benefits presently due and payable to any annuitant periodically or at stated times under all annuity contracts under which he or she is an annuitant shall not at any time exceed $350 per month for the length of time represented by such installments, and such periodic payments in excess of $350 per month shall be subject to garnishee execution to the same extent as are wages and salaries.~~

~~(c) If the total benefits presently due and payable to any annuitant under all annuity contracts under which he or she is an annuitant, at any time exceed payment at the rate of $350 per month, then the court may order such annuitant to pay to a judgment creditor or apply on the judgment, in installments, such portion of such excess benefits as to the court may appear just and proper, after due regard for the reasonable requirements of the judgment debtor and the family of the judgment debtor, if dependent upon the judgment debtor, as well as any payments required to be made by the annuitant to other creditors under prior court orders.]~~

2. If the contract so provides, the benefits, rights, privileges or options accruing under such contract to a beneficiary or assignee shall not be transferable or subject to commutation, and ~~[if the benefits are payable periodically or at stated times,]~~ the same exemptions and exceptions contained in this section for the annuitant shall apply with respect to such beneficiary or assignee.

Sec. 16. **NRS 21.114 is hereby repealed.**

TEXT OF REPEALED SECTION

21.114 Sureties: Submission to jurisdiction of court; exceptions to sufficiency and justification.

1. By entering into any undertaking provided for in NRS 21.112, the sureties thereunder submit themselves to the jurisdiction of the court and irrevocably appoint the clerk of the court as agent upon whom any papers affecting liability on the undertaking may be served. Liability on such undertaking may be enforced on motion to the court without the necessity of an independent action. The motion and such reasonable notice of the motion as the court prescribes may be served on the clerk of the court, who shall forthwith mail copies to the sureties if their addresses are known.

2. Exceptions to the sufficiency of the sureties and their justification may be had and taken in the same manner as upon an undertaking given in other cases under titles 2 and 3 of NRS. If they, or others in their place, fail to justify at the time and place appointed, the sheriff must release the property; but if no exception is taken within 5 days after notice of receipt of the undertaking, the judgment debtor shall be deemed to have waived any and all objections to the sufficiency of the sureties.

Assemblyman Ohrenschall moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Senate Bill No. 376.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 732.

AN ACT relating to crimes; increasing the penalty for certain technological crimes; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law makes it a misdemeanor to commit certain acts that: (1) interfere with or deny access to or use of a computer, system or network; and (2) relate to the use or access of a computer, system, network, telecommunications device, telecommunications service or information service. (NRS 205.477) Under existing law, a misdemeanor is punishable by imprisonment in the county jail for a term of not more than 6 months, or a fine of up to $1,000, or both. (NRS 193.150) This bill increases the penalty for engaging in such acts from a misdemeanor to a ~~[category E felony]~~ **gross misdemeanor** which is punishable by imprisonment in the ~~[state prison]~~ **county jail** for a ~~[minimum]~~ term of not ~~[less]~~ **more** than 1 year ~~[and a maximum term of not more than 4 years and the court may also impose]~~ **, or** a fine of ~~[not more than $5,000. For this category of felony, the court is required to grant probation except in certain circumstances.]~~ **up to $2,000, or both.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 205.477 is hereby amended to read as follows:

205.477 1. Except as otherwise provided in subsections 3 and 4, a person who knowingly, willfully ***, maliciously*** and without authorization interferes with, denies or causes the denial of access to or use of a computer, system or network to a person who has the duty and right to use it is guilty of a ***gross*** misdemeanor. ~~*[category E felony and shall be punished as provided in NRS 193.130.]*~~

2. Except as otherwise provided in subsections 3 and 4, a person who knowingly, willfully ***, maliciously*** and without authorization uses, causes the use of, accesses, attempts to gain access to or causes access to be gained to a computer, system, network, telecommunications device, telecommunications service or information service is guilty of a ***gross*** misdemeanor. ~~*[category E felony and shall be punished as provided in NRS 193.130.]*~~

3. If the violation of any provision of this section:

(a) Was committed to devise or execute a scheme to defraud or illegally obtain property;

(b) Caused ~~[or attempted to cause]~~ response costs, loss, injury or other damage in excess of $500; or

(c) Caused an interruption or impairment of a public service, including, without limitation, a governmental operation, a system of public communication or transportation or a supply of water, gas or electricity,

➥ the person is guilty of a category C felony and shall be punished as provided in NRS 193.130, and may be further punished by a fine of not more than $100,000. In addition to any other penalty, the court shall order the person to pay restitution.

4. It is an affirmative defense to a charge made pursuant to this section that at the time of the alleged offense the defendant reasonably believed that:

(a) The defendant was authorized to use or access the computer, system, network, telecommunications device, telecommunications service or information service and such use or access by the defendant was within the scope of that authorization; or

(b) The owner or other person authorized to give consent would authorize the defendant to use or access the computer, system, network, telecommunications device, telecommunications service or information service.

5. A defendant who intends to offer an affirmative defense described in subsection 4 at a trial or preliminary hearing must, not less than 14 days before the trial or hearing or at such other time as the court may direct, file and serve on the prosecuting attorney a written notice of that intent.

Sec. 2. This act becomes effective upon passage and approval.

Assemblyman Ohrenschall moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, reengrossed, and to third reading.

Senate Bill No. 403.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 739.

AN ACT relating to common-interest communities; revising provisions relating to the information which must be provided by a unit's owner in a resale transaction; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill revises provisions relating to the information which must be provided in a resale package by a unit's owner for the benefit of a purchaser in a resale transaction.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 116.4109 is hereby amended to read as follows:

116.4109 1. Except in the case of a sale in which delivery of a public offering statement is required, or unless exempt under subsection 2 of

NRS 116.4101, a unit's owner or his or her authorized agent shall, at the expense of the unit's owner, furnish to a purchaser a resale package containing all of the following:

(a) A copy of the declaration, other than any plats, the bylaws, the rules or regulations of the association and the information statement required by NRS 116.41095 **.** ~~[:]~~

(b) A statement ***from the association*** setting forth the amount of the monthly assessment for common expenses and any unpaid ~~[assessment]~~ ***obligation*** of any kind ***, including, without limitation, management fees, transfer fees, fines, penalties, interest, collection costs, foreclosure fees and attorney's fees*** currently due from the selling unit's owner **.** ~~[:]~~ ***The statement remains effective for the period specified in the statement, which must not be less than 15 working days from the date of delivery by the association to the unit's owner or his or her agent. If the association becomes aware of an error in the statement during the period in which the statement is effective but before the consummation of the resale, the association must deliver a replacement statement to the unit's owner or his or her agent and obtain an acknowledgment in writing by the unit's owner or his or her agent before that consummation. Unless the unit's owner or his or her agent receives a replacement statement, the unit's owner or his or her agent may rely upon the accuracy of the information set forth in a statement provided by the association for the resale.***

(c) A copy of the current operating budget of the association and current year-to-date financial statement for the association, which must include a summary of the reserves of the association required by NRS 116.31152 and which must include, without limitation, a summary of the information described in paragraphs (a) to (e), inclusive, of subsection 3 of NRS 116.31152 **.** ~~[:]~~

(d) A statement of any unsatisfied judgments or pending legal actions against the association and the status of any pending legal actions relating to the common-interest community of which the unit's owner has actual knowledge **.** ~~[:]~~

(e) A statement of any transfer fees, transaction fees or any other fees associated with the resale of a unit **.** ~~[; and]~~

(f) In addition to any other document, a statement describing all current and expected fees or charges for each unit, including, without limitation, association fees, fines, assessments, late charges or penalties, interest rates on delinquent assessments, additional costs for collecting past due fines and charges for opening or closing any file for each unit.

2. The purchaser may, by written notice, cancel the contract of purchase until midnight of the fifth calendar day following the date of receipt of the resale package described in subsection 1, and the contract for purchase must contain a provision to that effect. If the purchaser elects to cancel a contract pursuant to this subsection, the purchaser must hand deliver the notice of cancellation to the unit's owner or his or her authorized agent or mail the

notice of cancellation by prepaid United States mail to the unit's owner or his or her authorized agent. Cancellation is without penalty, and all payments made by the purchaser before cancellation must be refunded promptly. If the purchaser has accepted a conveyance of the unit, the purchaser is not entitled to:

(a) Cancel the contract pursuant to this subsection; or

(b) Damages, rescission or other relief based solely on the ground that the unit's owner or his or her authorized agent failed to furnish the resale package, or any portion thereof, as required by this section.

3. Within 10 days after receipt of a written request by a unit's owner or his or her authorized agent, the association shall furnish all of the following to the unit's owner or his or her authorized agent for inclusion in the resale package:

(a) Copies of the documents required pursuant to paragraphs (a) and (c) of subsection 1; and

(b) A certificate containing the information necessary to enable the unit's owner to comply with paragraphs (b), (d) and (e) of subsection 1.

4. If the association furnishes the documents and certificate pursuant to subsection 3:

(a) The unit's owner or his or her authorized agent shall include the documents and certificate in the resale package provided to the purchaser, and neither the unit's owner nor his or her authorized agent is liable to the purchaser for any erroneous information provided by the association and included in the documents and certificate.

(b) The association may charge the unit's owner a reasonable fee to cover the cost of preparing the certificate furnished pursuant to subsection 3. Such a fee must be based on the actual cost the association incurs to fulfill the requirements of this section in preparing the certificate. The Commission shall adopt regulations establishing the maximum amount of the fee that an association may charge for preparing the certificate.

(c) The association may charge the unit's owner a reasonable fee, not to exceed 25 cents per page, to cover the cost of copying the other documents furnished pursuant to subsection 3.

(d) Except for the fees allowed pursuant to paragraphs (b) and (c), the association may not charge the unit's owner any other fees for preparing or furnishing the documents and certificate pursuant to subsection 3.

5. Neither a purchaser nor the purchaser's interest in a unit is liable for any unpaid assessment or fee greater than the amount set forth in the documents and certificate prepared by the association. If the association fails to furnish the documents and certificate within the 10 days allowed by this section, the ~~[seller]~~ ***purchaser*** is not liable for the delinquent assessment.

6. Upon the request of a unit's owner or his or her authorized agent, or upon the request of a purchaser to whom the unit's owner has provided a resale package pursuant to this section or his or her authorized agent, the association shall make the entire study of the reserves of the association

which is required by NRS 116.31152 reasonably available for the unit's owner, purchaser or authorized agent to inspect, examine, photocopy and audit. The study must be made available at the business office of the association or some other suitable location within the county where the common-interest community is situated or, if it is situated in more than one county, within one of those counties.

Assemblyman Ohrenschall moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, reengrossed, and to third reading.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 11:15 a.m.

ASSEMBLY IN SESSION

At 11:21 a.m.

Madam Speaker pro Tempore presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Kirkpatrick moved that Senate Bill No. 358 be taken from the Chief Clerk's desk and placed on the General File.

Motion carried.

Assemblyman Atkinson moved that Senate Bill No. 140 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 358.

Bill read third time.

The following amendment was proposed by Assemblywoman Kirkpatrick:

Amendment No. 642.

JOINT SPONSOR: ASSEMBLYMAN OHRENSCHALL

AN ACT relating to regional transportation commissions; revising provisions pertaining to vending stands provided for by such a commission; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes a priority of right for persons who are blind or visually impaired to operate vending stands in or on any public buildings or properties. (NRS 426.640) Existing law also exempts from that priority of right vending stands in any building, terminal or parking facility owned, operated or leased by a regional transportation commission in a county whose population is 400,000 or more (currently Clark County).

(NRS 277A.320) Section 2 of this bill removes that exemption for both existing and future contracts. Section 3 of this bill clarifies that the removal of the exemption applies with respect to any vending stand contract entered into by such a regional transportation commission on or after the effective date of this bill, and that any such existing vending stand contract must comply with the amendatory provisions of this bill on and after July 1, 2011.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. The Legislature hereby finds and declares that:

1. There is a great need, as described in NRS 426.640, to provide persons who are blind with remunerative employment, enlarge the economic opportunities of persons who are blind and stimulate persons who are blind to greater efforts to make themselves self-supporting with independent livelihoods; and

2. It is the policy of the Legislature and of this State to support the needs of persons who are blind by vigorously enforcing and promoting the provisions of NRS 426.630 to 426.720, inclusive.

Sec. 2. NRS 277A.320 is hereby amended to read as follows:

277A.320 1. In a county whose population is 400,000 or more, the commission may provide for the construction, installation and maintenance of vending stands for passengers of public mass transportation in any building, terminal or parking facility owned, operated or leased by the commission.

2. The provisions of NRS 426.630 to 426.720, inclusive, ~~[do not]~~ apply to a vending stand constructed, installed or maintained pursuant to this section.

Sec. 3. 1. The amendatory provisions of this act apply to any contract for the operation of a vending stand that is entered into on or after the effective date of this act.

2. In addition to the provisions of subsection 1, all contracts for the operation of a vending stand that are in existence on the date on which this act becomes effective and are affected by the amendatory provisions of this act must be in compliance with the amendatory provisions of this act on and after July 1, 2011.

3. As used in this section, "vending stand" has the meaning ascribed to it in NRS 426.630.

Sec. 4. This act becomes effective upon passage and approval.

Assemblywoman Kirkpatrick moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 196.

The following Senate amendment was read:

Amendment No. 571.

SUMMARY—Revises provisions governing the collection of fines, administrative assessments **[,]** **and** fees **[**~~and restitution~~**]** owed by certain convicted persons. (BDR 14-557)

AN ACT relating to the State Controller; authorizing a county treasurer to enter into a cooperative agreement with the Office of the State Controller for the purpose of assigning the responsibility of collecting fines, administrative assessments **[,]** **and** fees **[**~~and restitution~~**]** from certain criminal defendants; making various changes relating to the collection of fines, administrative assessments **[,]** **and** fees **[**~~and restitution~~**]** from certain criminal defendants; making various changes relating to debt collection between this State and the Federal Government; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that if a fine, administrative assessment, fee or restitution imposed upon a defendant is delinquent: (1) the defendant is liable for a collection fee; (2) the entity responsible for collecting the delinquent amount may report the delinquency to credit reporting agencies, may contract with a collection agency and may request that the court take appropriate action; and (3) the court may request that a prosecuting attorney undertake collection efforts, may order the suspension of the driver's license of the defendant and may, in the case of a delinquent fine or administrative assessment, order that the defendant be confined in the appropriate prison, jail or detention facility. (NRS 176.064)

Sections 7 and 11 of this bill require the district court to forward to the county treasurer the necessary information for the collection of the debt of a criminal defendant. If a county is unable to collect the debt, **sections 7, 11 and 14** of this bill authorize the county treasurer to enter into a cooperative agreement with the Office of the State Controller for the purpose of assigning to the Office of the State Controller the responsibility for collecting the debt.

Under existing law, a judgment entered by the court ordering a defendant to pay a fine, administrative assessment or restitution constitutes a lien. (NRS 176.275) **Section 8** of this bill requires a district court judge to inform a defendant at the time of sentencing of the provisions of NRS 176.275, and that if the lien is not satisfied, collection efforts may be undertaken against the defendant.

Sections 9 and 12 of this bill require a defendant to pay costs and fees associated with the efforts to collect a debt.

Section 14 authorizes the Office of the State Controller to enter into a cooperative agreement with a governmental entity for the purpose of

establishing the Office of the State Controller as the collection agent for the governmental entity.

Section 15 of this bill authorizes the State Controller or his or her designee to enter into a reciprocal agreement with the Federal Government for the collection and offset of indebtedness.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. (Deleted by amendment.)

Sec. 2. (Deleted by amendment.)

Sec. 3. (Deleted by amendment.)

Sec. 4. (Deleted by amendment.)

Sec. 5. (Deleted by amendment.)

Sec. 6. Chapter 176 of NRS is hereby amended by adding thereto the provisions set forth as sections 7, 8 and 9 of this act.

Sec. 7. ***1. If a fine, administrative assessment*** ~~[,]~~ ***or fee*** ~~[or restitution]~~ ***is imposed pursuant to this chapter upon a defendant who pleads guilty or guilty but mentally ill or is found guilty or guilty but mentally ill of a felony or gross misdemeanor, the district court entering the judgment of conviction shall forward to the county treasurer or other office assigned by the county to make collections the information necessary to collect the fine, administrative assessment*** ~~[,]~~ ***or fee .*** ~~[or restitution.]~~ ***The county treasurer or other office assigned by the county to make collections is responsible for such collection efforts and has the authority to collect the fine, administrative assessment*** ~~[,]~~ ***or fee .*** ~~[or restitution.]~~

2. If the county treasurer or other office assigned by the county to make collections is unable to collect the fine, administrative assessment ~~[,]~~ ***or fee*** ~~[or restitution]~~ ***after 60 days, the county treasurer may assign to the Office of the State Controller the responsibility for collection of the fine, administrative assessment*** ~~[,]~~ ***or fee*** ~~[or restitution]~~ ***through a cooperative agreement pursuant to section 14 of this act, so long as the Office of the State Controller is willing and able to make such collection efforts.***

3. If the county treasurer and the Office of the State Controller enter into a cooperative agreement pursuant to section 14 of this act, the county treasurer or other county office assigned by the county to make collections shall forward to the Office of the State Controller the necessary information. For the purposes of this section, the information necessary to collect the fine, administrative assessment ~~[,]~~ ***or fee*** ~~[or restitution]~~ ***shall be considered and limited to:***

(a) The name of the defendant;

(b) The date of birth of the defendant;

(c) The social security number of the defendant;

(d) The last known address of the defendant; and

(e) The nature and the amount of money owed by the defendant.

4. If the Office of the State Controller is successful in collecting the fine, administrative assessment [,] or fee , [or restitution,] the money collected must be returned to the originating county, minus the costs and fees actually incurred in collecting the fine, administrative assessment [,] or fee [or restitution] pursuant to section 9 of this act.

5. Any money collected pursuant to subsection 4 must be deposited in the State Treasury, pursuant to NRS 176.265.

6. Any record created pursuant to subsection 3 that contains personal identifying information shall not be considered a public record pursuant to NRS 239.010 and must be treated pursuant to NRS 239.0105.

7. Unless otherwise prohibited by law, the entity responsible for collecting the fine, administrative assessment [,] or fee [or restitution] pursuant to this section [,] has the authority to compromise the amount to be collected for the purpose of satisfying the judgment.

Sec. 8. ***If a district court imposes a fine, administrative assessment [,] or fee [or restitution] upon a defendant who pleads guilty or guilty but mentally ill or is found guilty or guilty but mentally ill of a felony or gross misdemeanor, the district court judge shall advise the defendant at the time of sentencing that:***

1. The judgment constitutes a lien, pursuant to NRS 176.275; and

2. If the defendant does not satisfy the lien, collection efforts may be undertaken against the defendant pursuant to the laws of this State.

Sec. 9. ***1. A defendant who pleads guilty or guilty but mentally ill or is found guilty or guilty but mentally ill who owes a fine, administrative assessment [,] or fee , [or restitution,] pursuant to section 7 of this act, must be assessed by and pay to the county treasurer or other office assigned by the county to make collections the following costs and fees if the county treasurer or other office assigned by the county to make collections is successful in collecting the fine, administrative assessment [,] or fee : [or restitution:]***

(a) The costs and fees actually incurred in collecting the fine, administrative assessment [,] or fee ; [or restitution;] and

(b) A fee payable to the county treasurer in the amount of 2 percent of the amount of the fine, administrative assessment [,] or fee [or restitution] assigned to the county treasurer or other office assigned by the county to make collections.

2. The total amount of the costs and fees required to be collected pursuant to subsection 1 must not exceed 35 percent of the amount of the fine, administrative assessment [,] or fee [or restitution] or $50,000, whichever is less.

Sec. 10. Chapter 178 of NRS is hereby amended by adding thereto the provisions set forth as sections 11 and 12 of this act.

Sec. 11. ***1. If a district court orders a defendant to pay for expenses incurred by the county or State in providing the defendant with an attorney pursuant to NRS 178.3975 or makes an execution on the property of the***

defendant pursuant to NRS 178.398, the district court entering the judgment shall forward to the county treasurer or other office assigned by the county to make collections the information necessary to collect the fee. The county treasurer or other office assigned by the county to make collections is responsible for such collection efforts and has the authority to collect the fee.

2. If the county treasurer or other office assigned by the county to make collections is unable to collect the fee after 60 days, the county treasurer may assign to the Office of the State Controller the responsibility for collection of the fee through a cooperative agreement pursuant to section 14 of this act, so long as the Office of the State Controller is willing and able to make such collection efforts.

3. If the county treasurer and the Office of the State Controller enter into a cooperative agreement pursuant to section 14 of this act, the county treasurer or other county office assigned by the county to make collections shall forward to the Office of the State Controller the necessary information. For purposes of this section, the information necessary to collect the fee shall be considered and limited to:

(a) The name of the defendant;

(b) The date of birth of the defendant;

(c) The social security number of the defendant;

(d) The last known address of the defendant; and

(e) The nature and the amount of money owed by the defendant.

4. If the Office of the State Controller is successful in collecting the fee, the money collected must be returned to the originating county, minus the costs and fees actually incurred in collecting the fee.

5. Any money collected must be paid to the county or state public defender's office which bore the expense and which was not reimbursed by another governmental agency, pursuant to NRS 178.3975.

6. Any record created pursuant to subsection 3 that contains personal identifying information shall not be considered a public record pursuant to NRS 239.010 and must be treated pursuant to NRS 239.0105.

7. Unless otherwise prohibited by law, the entity responsible for collecting the fee pursuant to this section, has the authority to compromise the amount to be collected for the purpose of satisfying the judgment.

Sec. 12. ***1. A defendant who owes a fee pursuant to section 11 of this act, must be assessed by and pay to the county treasurer or other office assigned by the county to make collections, the following costs and fees if the county treasurer or other office assigned by the county to make collections is successful in collecting the fee:***

(a) The costs and fees actually incurred in collecting the fee; and

(b) A fee payable to the county treasurer in the amount of 2 percent of the amount of the fee assigned to the county treasurer or other office assigned by the county to make collections.

2. The total amount of the costs and fees required to be collected pursuant to subsection 1 must not exceed 35 percent of the amount of the fee or $50,000, whichever is less.

Sec. 13. Chapter 353 of NRS is hereby amended by adding thereto the provisions set forth as sections 14 and 15 of this act.

Sec. 14. ***The Office of the State Controller may act as the collection agent for any governmental entity pursuant to a cooperative agreement entered into between the Office of the State Controller and the governmental entity.***

Sec. 15. ***The State Controller or his or her designee may enter into a reciprocal agreement with the Federal Government for the collection and offset of indebtedness, pursuant to which the State will offset from state tax refunds and from payments otherwise due to vendors and contractors providing goods or services to the departments, agencies or institutions of this State, non tax related debt owed to the Federal Government, and the Federal Government will offset from federal payments to vendors and taxpayers debt owed to the State of Nevada.***

Sec. 16. This act becomes effective on July 1, 2011.

Assemblyman Horne moved that the Assembly concur in the Senate amendment to Assembly Bill No. 196.

Remarks by Assemblyman Horne.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Assembly Bill No. 282.

The following Senate amendment was read:

Amendment No. 780.

BROWER, CEGAVSKE, Denis ~~[AND]~~ **, GUSTAVSON, HALSETH, HARDY, KIECKHEFER, MCGINNESS,** Rhoads **, ROBERSON AND SETTELMEYER**

AN ACT relating to firearms; revising provisions concerning permits to carry concealed semiautomatic firearms; revising provisions governing the renewal of a permit to carry a concealed firearm; revising provisions concerning the confidentiality of information relating to permits to carry concealed firearms; revising provisions governing the possession of firearms in state parks; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, a person who wishes to carry a concealed firearm must obtain a permit to carry the firearm. (NRS 202.3657) As part of the application process to obtain a permit, an applicant must undergo an investigation by a sheriff to determine if the applicant is eligible for a permit. Such an investigation must include a report from the Federal Bureau of Investigation. (NRS 202.366) **Section 2** of this bill additionally requires an applicant for the renewal of a permit to undergo an investigation by the sheriff. **Section 2** also specifies that an investigation conducted by the sheriff

for an initial application or a renewal application must include a report from the National Instant Criminal Background Check System. ~~[Section 4 of this bill revises the fee for the renewal of a permit from $25 to the amount of the actual cost to obtain the reports required as part of the investigation by the sheriff.]~~

Existing law also provides that a qualified applicant for a permit to carry a concealed firearm may obtain a permit for revolvers, for one or more specific semiautomatic firearms, or for revolvers and one or more specific semiautomatic firearms. (NRS 202.3657) If the application for a permit involves semiautomatic firearms, the applicant must state the make, model and caliber of each semiautomatic firearm for which the applicant is seeking to obtain a permit. (NRS 202.366) Additionally, to receive and renew a permit involving semiautomatic firearms, an applicant or permittee must demonstrate competence with each semiautomatic firearm to which the application pertains. (NRS 202.3657, 202.3677) **Section 1** of this bill provides that: (1) a qualified applicant for a permit to carry a concealed firearm may obtain one permit for all semiautomatic firearms that the applicant seeks to carry instead of being required to obtain a permit for each specific semiautomatic firearm; and (2) an applicant or permittee may demonstrate competence with semiautomatic firearms in general rather than with each specific semiautomatic firearm.

Existing law further provides that information in an application for a permit to carry a concealed firearm and all information relating to the investigation of an applicant for such a permit is confidential. (NRS 202.3662) However, the Nevada Supreme Court recently held in *Reno Newspapers, Inc. v. Haley*, 126 Nev. Adv. Op. 23, 234 P.3d 922 (2010), that the identity of a holder of a permit to carry a concealed firearm and any postpermit records of investigation, suspension or revocation are not confidential and are therefore public records. **Section 3** of this bill provides that the identity and any information acquired during the investigation of a holder of a permit to carry a concealed firearm are confidential, as are any records regarding the suspension, restoration or revocation of such a permit.

Existing law also allows the Administrator of the Division of State Parks of the State Department of Conservation and Natural Resources to adopt regulations, including, without limitation, prohibitions and restrictions on activities within parks or recreational facilities within the jurisdiction of the Division. (NRS 407.0475) Existing administrative regulations allow a person to carry a concealed firearm in a state park if the person complies with existing laws concerning the carrying of concealed weapons but prohibit a person from discharging a firearm in a state park. (NAC 407.105) Any person who violates a regulation adopted by the Administrator is guilty of a misdemeanor. (NRS 407.0475) While existing law prohibits the discharge of a firearm under various circumstances, it also provides certain defenses for violating such provisions by allowing a person to make sufficient resistance

to prevent the occurrence of certain offenses. (NRS 202.280-202.290, 193.230-193.250)

Section 5 of this bill prohibits the Administrator from adopting any regulation concerning the possession of firearms in state parks or recreational facilities which is more restrictive than the laws of this State relating to: (1) the possession of firearms; and (2) engaging in lawful resistance to prevent an offense against a person or property. **Section 5** also voids any regulation which conflicts with such laws.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 202.3657 is hereby amended to read as follows:

202.3657 1. Any person who is a resident of this State may apply to the sheriff of the county in which he or she resides for a permit on a form prescribed by regulation of the Department. Any person who is not a resident of this State may apply to the sheriff of any county in this State for a permit on a form prescribed by regulation of the Department. Application forms for permits must be furnished by the sheriff of each county upon request.

2. Except as otherwise provided in this section, the sheriff shall issue a permit for revolvers, ~~[one or more specific]~~ ***for*** semiautomatic firearms, or for revolvers and ~~[one or more specific]~~ semiautomatic firearms, as applicable, to any person who is qualified to possess the firearm or firearms to which the application pertains under state and federal law, who submits an application in accordance with the provisions of this section and who:

(a) Is 21 years of age or older;

(b) Is not prohibited from possessing a firearm pursuant to NRS 202.360; and

(c) Demonstrates competence with revolvers, ~~[each specific]~~ semiautomatic ~~[firearm to which the application pertains,]~~ ***firearms,*** or revolvers and ~~[each such]~~ semiautomatic ~~[firearm,]~~ ***firearms,*** as applicable, by presenting a certificate or other documentation to the sheriff which shows that the applicant:

(1) Successfully completed a course in firearm safety approved by a sheriff in this State; or

(2) Successfully completed a course in firearm safety offered by a federal, state or local law enforcement agency, community college, university or national organization that certifies instructors in firearm safety.

➥ Such a course must include instruction in the use of revolvers, ~~[each]~~ semiautomatic ~~[firearm to which the application pertains,]~~ ***firearms,*** or revolvers and ~~[each such]~~ semiautomatic ~~[firearm]~~ ***firearms*** and in the laws of this State relating to the use of a firearm. A sheriff may not approve a course in firearm safety pursuant to subparagraph (1) unless the sheriff determines that the course meets any standards that are established by the Nevada Sheriffs' and Chiefs' Association or, if the Nevada Sheriffs' and Chiefs' Association ceases to exist, its legal successor.

3. The sheriff shall deny an application or revoke a permit if the sheriff determines that the applicant or permittee:

(a) Has an outstanding warrant for his or her arrest.

(b) Has been judicially declared incompetent or insane.

(c) Has been voluntarily or involuntarily admitted to a mental health facility during the immediately preceding 5 years.

(d) Has habitually used intoxicating liquor or a controlled substance to the extent that his or her normal faculties are impaired. For the purposes of this paragraph, it is presumed that a person has so used intoxicating liquor or a controlled substance if, during the immediately preceding 5 years, the person has been:

(1) Convicted of violating the provisions of NRS 484C.110; or

(2) Committed for treatment pursuant to NRS 458.290 to 458.350, inclusive.

(e) Has been convicted of a crime involving the use or threatened use of force or violence punishable as a misdemeanor under the laws of this or any other state, or a territory or possession of the United States at any time during the immediately preceding 3 years.

(f) Has been convicted of a felony in this State or under the laws of any state, territory or possession of the United States.

(g) Has been convicted of a crime involving domestic violence or stalking, or is currently subject to a restraining order, injunction or other order for protection against domestic violence.

(h) Is currently on parole or probation from a conviction obtained in this State or in any other state or territory or possession of the United States.

(i) Has, within the immediately preceding 5 years, been subject to any requirements imposed by a court of this State or of any other state or territory or possession of the United States, as a condition to the court's:

(1) Withholding of the entry of judgment for a conviction of a felony; or

(2) Suspension of sentence for the conviction of a felony.

(j) Has made a false statement on any application for a permit or for the renewal of a permit.

4. The sheriff may deny an application or revoke a permit if the sheriff receives a sworn affidavit stating articulable facts based upon personal knowledge from any natural person who is 18 years of age or older that the applicant or permittee has or may have committed an offense or engaged in any other activity specified in subsection 3 which would preclude the issuance of a permit to the applicant or require the revocation of a permit pursuant to this section.

5. If the sheriff receives notification submitted by a court or law enforcement agency of this or any other state, the United States or a territory or possession of the United States that a permittee or an applicant for a permit has been charged with a crime involving the use or threatened use of force or violence, the conviction for which would require the revocation of a permit or preclude the issuance of a permit to the applicant pursuant to this

section, the sheriff shall suspend the person's permit or the processing of the person's application until the final disposition of the charges against the person. If a permittee is acquitted of the charges, or if the charges are dropped, the sheriff shall restore his or her permit without imposing a fee.

6. An application submitted pursuant to this section must be completed and signed under oath by the applicant. The applicant's signature must be witnessed by an employee of the sheriff or notarized by a notary public. The application must include:

(a) The name, address, place and date of birth, social security number, occupation and employer of the applicant and any other names used by the applicant;

(b) A complete set of the applicant's fingerprints taken by the sheriff or his or her agent;

(c) A front-view colored photograph of the applicant taken by the sheriff or his or her agent;

(d) If the applicant is a resident of this State, the driver's license number or identification card number of the applicant issued by the Department of Motor Vehicles;

(e) If the applicant is not a resident of this State, the driver's license number or identification card number of the applicant issued by another state or jurisdiction;

(f) ~~[~~The make, model and caliber of each semiautomatic firearm to which the application pertains, if any;~~

~~(g)~~] ***Whether the application pertains to semiautomatic firearms;***

(g) Whether the application pertains to revolvers;

(h) A nonrefundable fee in the amount necessary ~~*[of the actual cost]*~~ to obtain the ~~[report]~~ ***reports*** required pursuant to subsection 1 of NRS 202.366; and

(i) A nonrefundable fee set by the sheriff not to exceed $60.

Sec. 2. NRS 202.366 is hereby amended to read as follows:

202.366 1. Upon receipt by a sheriff of an application for a permit, ***including an application for the renewal of a permit pursuant to NRS 202.3677,*** the sheriff shall conduct an investigation of the applicant to determine if the applicant is eligible for a permit. In conducting the investigation, the sheriff shall forward a complete set of the applicant's fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report concerning the criminal history of the applicant. ***The investigation also must include a report from the National Instant Criminal Background Check System.*** The sheriff shall issue a permit to the applicant unless the applicant is not qualified to possess a handgun pursuant to state or federal law or is not otherwise qualified to obtain a permit pursuant to NRS 202.3653 to 202.369, inclusive, or the regulations adopted pursuant thereto.

2. To assist the sheriff in conducting the investigation, any local law enforcement agency, including the sheriff of any county, may voluntarily

submit to the sheriff a report or other information concerning the criminal history of an applicant.

3. Within 120 days after a complete application for a permit is submitted, the sheriff to whom the application is submitted shall grant or deny the application. If the application is denied, the sheriff shall send the applicant written notification setting forth the reasons for the denial. If the application is granted, the sheriff shall provide the applicant with a permit containing a colored photograph of the applicant and containing such other information as may be prescribed by the Department. The permit must be in substantially the following form:

NEVADA CONCEALED FIREARM PERMIT

County……..	Permit Number …….
Expires……..	Date of Birth ……
Height……..	Weight……...
Name…….	Address…….
City……..	Zip…….

Photograph

Signature ……..
Issued by ……
Date of Issue ……

~~[Make, model and caliber of each authorized semiautomatic firearm, if any]~~

Semiautomatic firearms authorized…… Yes……No

Revolvers authorized…….Yes……..No

4. Unless suspended or revoked by the sheriff who issued the permit, a permit expires 5 years after the date on which it is issued.

5. As used in this section, "National Instant Criminal Background Check System" means the national system created by the federal Brady Handgun Violence Prevention Act, Public Law 103-159.

Sec. 3. NRS 202.3662 is hereby amended to read as follows:

202.3662 1. Except as otherwise provided in this section and NRS 202.3665 and 239.0115:

(a) An application for a permit, and all information contained within that application; ~~[and]~~

(b) All information provided to a sheriff or obtained by a sheriff in the course of the investigation of an applicant ~~[,]~~ ***or permittee;***

(c) The identity of the permittee; and

(d) Any records regarding the suspension, restoration or revocation of a permit,

➥ are confidential.

2. Any records regarding an applicant or permittee may be released to a law enforcement agency for the purpose of conducting an investigation or prosecution.

3. Statistical abstracts of data compiled by a sheriff regarding permits applied for or issued pursuant to NRS 202.3653 to 202.369, inclusive, including, but not limited to, the number of applications received and permits issued, may be released to any person.

Sec. 4. NRS 202.3677 is hereby amended to read as follows:

202.3677 1. If a permittee wishes to renew his or her permit, the permittee must ~~[complete]~~ ***:***

(a) Complete and submit to the sheriff who issued the permit an application for renewal of the permit ~~[.]~~ ***; and***

(b) Undergo an investigation by the sheriff pursuant to NRS 202.366 to determine if the permittee is eligible for a permit.

2. An application for the renewal of a permit must:

(a) Be completed and signed under oath by the applicant;

(b) Contain a statement that the applicant is eligible to receive a permit pursuant to NRS 202.3657; and

(c) Be accompanied by a nonrefundable fee of $25. ~~*[in the amount of the actual cost to obtain the reports required pursuant to subsection 1 of NRS 202.366.]*~~

➥ If a permittee fails to renew his or her permit on or before the date of expiration of the permit, the application for renewal must include an additional nonrefundable late fee of $15.

3. No permit may be renewed pursuant to this section unless the permittee has demonstrated continued competence with revolvers, with ~~[each]~~ semiautomatic ~~[firearm to which the application pertains,]~~ ***firearms,*** or with revolvers and ~~[each such]~~ semiautomatic ~~[firearm,]~~ ***firearms,*** as applicable, by successfully completing a course prescribed by the sheriff renewing the permit.

Sec. 5. NRS 407.0475 is hereby amended to read as follows:

407.0475 1. The Administrator shall adopt such regulations as he or she finds necessary for carrying out the provisions of this chapter and other provisions of law governing the operation of the Division. ~~[The]~~ ***Except as otherwise provided in subsection 2, the*** regulations may include prohibitions and restrictions relating to activities within any of the park or recreational facilities within the jurisdiction of the Division.

2. Any regulations relating to the conduct of persons within the park or recreational facilities must:

(a) Be directed toward one or both of the following:

(1) Prevention of damage to or misuse of the facility.

(2) Promotion of the inspiration, use and enjoyment of the people of this State through the preservation and use of the facility.

(b) Apply separately to each park, monument or recreational area and be designed to fit the conditions existing at that park, monument or recreational area.

(c) Not establish restrictions on the possession of firearms within the park or recreational facility which are more restrictive than the laws of this State relating to:

(1) The possession of firearms; or

(2) Engaging in lawful resistance to prevent an offense against a person or property.

➥ Any regulation which violates the provisions of this paragraph is void.

3. Any person whose conduct violates any regulation adopted pursuant to subsection 1, and who refuses to comply with the regulation upon request by any ranger or employee of the Division who has the powers of a peace officer pursuant to NRS 289.260, is guilty of a misdemeanor.

Sec. 5.5. **The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.**

Sec. 6. This act becomes effective on July 1, 2011.

Assemblyman Horne moved that the Assembly do not concur in the Senate Amendment No. 780 to Assembly Bill No. 282.

Remarks by Assemblyman Horne.

Motion carried.

The following Senate amendment was read:

Amendment No. 576.

AN ACT relating to firearms; revising provisions concerning permits to carry concealed semiautomatic firearms; revising provisions governing the renewal of a permit to carry a concealed firearm; revising provisions concerning the confidentiality of information relating to permits to carry concealed firearms; revising provisions governing the possession of firearms in state parks; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, a person who wishes to carry a concealed firearm must obtain a permit to carry the firearm. (NRS 202.3657) As part of the application process to obtain a permit, an applicant must undergo an investigation by a sheriff to determine if the applicant is eligible for a permit. Such an investigation must include a report from the Federal Bureau of Investigation. (NRS 202.366) **Section 2** of this bill additionally requires an applicant for the renewal of a permit to undergo an investigation by the sheriff. **Section 2** also specifies that an investigation conducted by the sheriff for an initial application or a renewal application must include a report from the National Instant Criminal Background Check System. **Section 4** of this bill revises the fee for the renewal of a permit from $25 to the amount of the actual cost to obtain the reports required as part of the investigation by the sheriff.

Existing law also provides that a qualified applicant for a permit to carry a concealed firearm may obtain a permit for revolvers, for one or more specific semiautomatic firearms, or for revolvers and one or more specific semiautomatic firearms. (NRS 202.3657) If the application for a permit

involves semiautomatic firearms, the applicant must state the make, model and caliber of each semiautomatic firearm for which the applicant is seeking to obtain a permit. (NRS 202.366) Additionally, to receive and renew a permit involving semiautomatic firearms, an applicant or permittee must demonstrate competence with each semiautomatic firearm to which the application pertains. (NRS 202.3657, 202.3677) **Section 1** of this bill provides that: (1) a qualified applicant for a permit to carry a concealed firearm may obtain one permit for all semiautomatic firearms that the applicant seeks to carry instead of being required to obtain a permit for each specific semiautomatic firearm; and (2) an applicant or permittee may demonstrate competence with semiautomatic firearms in general rather than with each specific semiautomatic firearm.

Existing law further provides that information in an application for a permit to carry a concealed firearm and all information relating to the investigation of an applicant for such a permit is confidential. (NRS 202.3662) However, the Nevada Supreme Court recently held in *Reno Newspapers, Inc. v. Haley*, 126 Nev. Adv. Op. 23, 234 P.3d 922 (2010), that the identity of a holder of a permit to carry a concealed firearm and any postpermit records of investigation, suspension or revocation are not confidential and are therefore public records. **Section 3** of this bill provides that the identity and any information acquired during the investigation of a holder of a permit to carry a concealed firearm are confidential, as are any records regarding the suspension, restoration or revocation of such a permit.

Existing law also allows the Administrator of the Division of State Parks of the State Department of Conservation and Natural Resources to adopt regulations, including, without limitation, prohibitions and restrictions on activities within parks or recreational facilities within the jurisdiction of the Division. (NRS 407.0475) Existing administrative regulations allow a person to carry a concealed firearm in a state park if the person complies with existing laws concerning the carrying of concealed weapons but prohibit a person from discharging a firearm in a state park. (NAC 407.105) Any person who violates a regulation adopted by the Administrator is guilty of a misdemeanor. (NRS 407.0475) While existing law prohibits the discharge of a firearm under various circumstances, it also provides certain defenses for violating such provisions by allowing a person to make sufficient resistance to prevent the occurrence of certain offenses. (NRS 202.280-202.290, 193.230-193.250)

Section 5 of this bill prohibits the Administrator from adopting any regulation concerning the possession of firearms in state parks or recreational facilities which is more restrictive than the laws of this State relating to: (1) the possession of firearms; and (2) engaging in lawful resistance to prevent an offense against a person or property. **Section 5** also voids any regulation which conflicts with such laws.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 202.3657 is hereby amended to read as follows:

202.3657 1. Any person who is a resident of this State may apply to the sheriff of the county in which he or she resides for a permit on a form prescribed by regulation of the Department. Any person who is not a resident of this State may apply to the sheriff of any county in this State for a permit on a form prescribed by regulation of the Department. Application forms for permits must be furnished by the sheriff of each county upon request.

2. Except as otherwise provided in this section, the sheriff shall issue a permit for revolvers, ~~[one or more specific]~~ ***for*** semiautomatic firearms, or for revolvers and ~~[one or more specific]~~ semiautomatic firearms, as applicable, to any person who is qualified to possess the firearm or firearms to which the application pertains under state and federal law, who submits an application in accordance with the provisions of this section and who:

(a) Is 21 years of age or older;

(b) Is not prohibited from possessing a firearm pursuant to NRS 202.360; and

(c) Demonstrates competence with revolvers, ~~[each specific]~~ semiautomatic ~~[firearm to which the application pertains,]~~ ***firearms,*** or revolvers and ~~[each such]~~ semiautomatic ~~[firearm,]~~ ***firearms,*** as applicable, by presenting a certificate or other documentation to the sheriff which shows that the applicant:

(1) Successfully completed a course in firearm safety approved by a sheriff in this State; or

(2) Successfully completed a course in firearm safety offered by a federal, state or local law enforcement agency, community college, university or national organization that certifies instructors in firearm safety.

➥ Such a course must include instruction in the use of revolvers, ~~[each]~~ semiautomatic ~~[firearm to which the application pertains,]~~ ***firearms,*** or revolvers and ~~[each such]~~ semiautomatic ~~[firearm]~~ ***firearms*** and in the laws of this State relating to the use of a firearm. A sheriff may not approve a course in firearm safety pursuant to subparagraph (1) unless the sheriff determines that the course meets any standards that are established by the Nevada Sheriffs' and Chiefs' Association or, if the Nevada Sheriffs' and Chiefs' Association ceases to exist, its legal successor.

3. The sheriff shall deny an application or revoke a permit if the sheriff determines that the applicant or permittee:

(a) Has an outstanding warrant for his or her arrest.

(b) Has been judicially declared incompetent or insane.

(c) Has been voluntarily or involuntarily admitted to a mental health facility during the immediately preceding 5 years.

(d) Has habitually used intoxicating liquor or a controlled substance to the extent that his or her normal faculties are impaired. For the purposes of this

paragraph, it is presumed that a person has so used intoxicating liquor or a controlled substance if, during the immediately preceding 5 years, the person has been:

(1) Convicted of violating the provisions of NRS 484C.110; or

(2) Committed for treatment pursuant to NRS 458.290 to 458.350, inclusive.

(e) Has been convicted of a crime involving the use or threatened use of force or violence punishable as a misdemeanor under the laws of this or any other state, or a territory or possession of the United States at any time during the immediately preceding 3 years.

(f) Has been convicted of a felony in this State or under the laws of any state, territory or possession of the United States.

(g) Has been convicted of a crime involving domestic violence or stalking, or is currently subject to a restraining order, injunction or other order for protection against domestic violence.

(h) Is currently on parole or probation from a conviction obtained in this State or in any other state or territory or possession of the United States.

(i) Has, within the immediately preceding 5 years, been subject to any requirements imposed by a court of this State or of any other state or territory or possession of the United States, as a condition to the court's:

(1) Withholding of the entry of judgment for a conviction of a felony; or

(2) Suspension of sentence for the conviction of a felony.

(j) Has made a false statement on any application for a permit or for the renewal of a permit.

4. The sheriff may deny an application or revoke a permit if the sheriff receives a sworn affidavit stating articulable facts based upon personal knowledge from any natural person who is 18 years of age or older that the applicant or permittee has or may have committed an offense or engaged in any other activity specified in subsection 3 which would preclude the issuance of a permit to the applicant or require the revocation of a permit pursuant to this section.

5. If the sheriff receives notification submitted by a court or law enforcement agency of this or any other state, the United States or a territory or possession of the United States that a permittee or an applicant for a permit has been charged with a crime involving the use or threatened use of force or violence, the conviction for which would require the revocation of a permit or preclude the issuance of a permit to the applicant pursuant to this section, the sheriff shall suspend the person's permit or the processing of the person's application until the final disposition of the charges against the person. If a permittee is acquitted of the charges, or if the charges are dropped, the sheriff shall restore his or her permit without imposing a fee.

6. An application submitted pursuant to this section must be completed and signed under oath by the applicant. The applicant's signature must be witnessed by an employee of the sheriff or notarized by a notary public. The application must include:

(a) The name, address, place and date of birth, social security number, occupation and employer of the applicant and any other names used by the applicant;

(b) A complete set of the applicant's fingerprints taken by the sheriff or his or her agent;

(c) A front-view colored photograph of the applicant taken by the sheriff or his or her agent;

(d) If the applicant is a resident of this State, the driver's license number or identification card number of the applicant issued by the Department of Motor Vehicles;

(e) If the applicant is not a resident of this State, the driver's license number or identification card number of the applicant issued by another state or jurisdiction;

(f) ~~[~~The make, model and caliber of each semiautomatic firearm to which the application pertains, if any;

~~(g)]~~ ***Whether the application pertains to semiautomatic firearms;***

(g) Whether the application pertains to revolvers;

(h) A nonrefundable fee in the amount ~~[~~necessary~~]~~ ***of the actual cost*** to obtain the ~~[~~report~~]~~ ***reports*** required pursuant to subsection 1 of NRS 202.366; and

(i) A nonrefundable fee set by the sheriff not to exceed $60.

Sec. 2. NRS 202.366 is hereby amended to read as follows:

202.366 1. Upon receipt by a sheriff of an application for a permit, ***including an application for the renewal of a permit pursuant to NRS 202.3677,*** the sheriff shall conduct an investigation of the applicant to determine if the applicant is eligible for a permit. In conducting the investigation, the sheriff shall forward a complete set of the applicant's fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report concerning the criminal history of the applicant. ***The investigation also must include a report from the National Instant Criminal Background Check System.*** The sheriff shall issue a permit to the applicant unless the applicant is not qualified to possess a handgun pursuant to state or federal law or is not otherwise qualified to obtain a permit pursuant to NRS 202.3653 to 202.369, inclusive, or the regulations adopted pursuant thereto.

2. To assist the sheriff in conducting the investigation, any local law enforcement agency, including the sheriff of any county, may voluntarily submit to the sheriff a report or other information concerning the criminal history of an applicant.

3. Within 120 days after a complete application for a permit is submitted, the sheriff to whom the application is submitted shall grant or deny the application. If the application is denied, the sheriff shall send the applicant written notification setting forth the reasons for the denial. If the application is granted, the sheriff shall provide the applicant with a permit containing a colored photograph of the applicant and containing such other information as

may be prescribed by the Department. The permit must be in substantially the following form:

NEVADA CONCEALED FIREARM PERMIT

County……. Permit Number…….
Expires…… Date of Birth ……
Height……. Weight…….
Name……. Address……
City…… Zip ……..
Photograph
Signature…….
Issued by……
Date of Issue ……

~~[Make, model and caliber of each authorized semiautomatic firearm, if any]~~

Semiautomatic firearms authorized……. Yes…… No
Revolvers authorized……. Yes…… No

4. Unless suspended or revoked by the sheriff who issued the permit, a permit expires 5 years after the date on which it is issued.

5. As used in this section, "National Instant Criminal Background Check System" means the national system created by the federal Brady Handgun Violence Prevention Act, Public Law 103-159.

Sec. 3. NRS 202.3662 is hereby amended to read as follows:

202.3662 1. Except as otherwise provided in this section and NRS 202.3665 and 239.0115:

(a) An application for a permit, and all information contained within that application; ~~[and]~~

(b) All information provided to a sheriff or obtained by a sheriff in the course of the investigation of an applicant ~~[.]~~ ***or permittee;***

(c) The identity of the permittee; and

(d) Any records regarding the suspension, restoration or revocation of a permit,

➥ are confidential.

2. Any records regarding an applicant or permittee may be released to a law enforcement agency for the purpose of conducting an investigation or prosecution.

3. Statistical abstracts of data compiled by a sheriff regarding permits applied for or issued pursuant to NRS 202.3653 to 202.369, inclusive, including, but not limited to, the number of applications received and permits issued, may be released to any person.

Sec. 4. NRS 202.3677 is hereby amended to read as follows:

202.3677 1. If a permittee wishes to renew his or her permit, the permittee must ~~[complete]~~ ***:***

(a) Complete and submit to the sheriff who issued the permit an application for renewal of the permit ~~[.]~~ ***; and***

(b) Undergo an investigation by the sheriff pursuant to NRS 202.366 to determine if the permittee is eligible for a permit.

2. An application for the renewal of a permit must:

(a) Be completed and signed under oath by the applicant;

(b) Contain a statement that the applicant is eligible to receive a permit pursuant to NRS 202.3657; and

(c) Be accompanied by a nonrefundable fee ~~[of $25.]~~ ***in the amount of the actual cost to obtain the reports required pursuant to subsection 1 of NRS 202.366.***

➥ If a permittee fails to renew his or her permit on or before the date of expiration of the permit, the application for renewal must include an additional nonrefundable late fee of $15.

3. No permit may be renewed pursuant to this section unless the permittee has demonstrated continued competence with revolvers, with ~~[each]~~ semiautomatic ~~[firearm to which the application pertains.]~~ ***firearms,*** or with revolvers and ~~[each such]~~ semiautomatic ~~[firearm,]~~ ***firearms,*** as applicable, by successfully completing a course prescribed by the sheriff renewing the permit.

Sec. 5. NRS 407.0475 is hereby amended to read as follows:

407.0475 1. The Administrator shall adopt such regulations as he or she finds necessary for carrying out the provisions of this chapter and other provisions of law governing the operation of the Division. ~~[The]~~ ***Except as otherwise provided in subsection 2, the*** regulations may include prohibitions and restrictions relating to activities within any of the park or recreational facilities within the jurisdiction of the Division.

2. Any regulations relating to the conduct of persons within the park or recreational facilities must:

(a) Be directed toward one or both of the following:

(1) Prevention of damage to or misuse of the facility.

(2) Promotion of the inspiration, use and enjoyment of the people of this State through the preservation and use of the facility.

(b) Apply separately to each park, monument or recreational area and be designed to fit the conditions existing at that park, monument or recreational area.

(c) Not establish restrictions on the possession of firearms within the park or recreational facility which are more restrictive than the laws of this State relating to:

(1) The possession of firearms; or

(2) Engaging in lawful resistance to prevent an offense against a person or property.

➥ ***Any regulation which violates the provisions of this paragraph is void.***

3. Any person whose conduct violates any regulation adopted pursuant to subsection 1, and who refuses to comply with the regulation upon request by any ranger or employee of the Division who has the powers of a peace officer pursuant to NRS 289.260, is guilty of a misdemeanor.

Sec. 6. **This act becomes effective on July 1, 2011.**

Assemblyman Horne moved that the Assembly concur in the Senate Amendment No. 576 to Assembly Bill No. 282.

Remarks by Horne.

Motion carried.

Bill ordered transmitted to the Senate.

Assembly Bill No. 498.

The following Senate amendment was read:

Amendment No. 621.

SUMMARY— ~~[Eliminates]~~ **Suspends temporarily** the (BDR requirement for the administration of norm-referenced examinations in public schools. 34-1174)

AN ACT relating to education; ~~[eliminating]~~ **suspending temporarily** the requirement for the administration of norm-referenced examinations in public schools; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the board of trustees of each school district and the governing body of each charter school to administer norm-referenced examinations in grades 4, 7 and 10 which compare the results of pupils enrolled in those grades in public schools in this State to a national reference group of pupils. (NRS 389.015) Senate Bill No. 416 of the 2009 Legislative Session suspended temporarily the administration of the norm-referenced examinations for the 2009-2011 biennium. (Chapter 423, Statutes of Nevada 2009, p. 2340) This bill ~~[eliminates the statutory requirement for]~~ **again suspends temporarily** the administration of **the** norm-referenced examinations ~~[and revises existing law to delete references to the norm-referenced examinations.]~~ **for the 2011-2013 biennium.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section1 . (Deleted by amendment.)

Sec.2 . (Deleted by amendment.)

Sec.3 . (Deleted by amendment.)

Sec.4 . (Deleted by amendment.)

Sec.5 . (Deleted by amendment.)

Sec.6 . (Deleted by amendment.)

Sec.7 . (Deleted by amendment.)

Sec.7 .5. **Notwithstanding the provisions of NRS 389.015 to the contrary, the norm-referenced examinations required to be administered to pupils enrolled in grades 4, 7 and 10 pursuant to that section must not be administered in the public schools of this State during the 2011-2012 school year and the 2012-2013 school year. Any requirements relating to the reporting of test scores of pupils on those examinations that would otherwise be administered during those school years are also suspended.**

Sec.8 . This act becomes effective upon passage and approval. **[**

~~TEXT OF REPEALED SECTION~~

~~Establishment of statewide program—389.640 for preparation of pupils to take examinations; compliance with program required of school districts and schools; use of additional materials and information.~~

~~The Department shall establish a statewide—1. program for use by schools and school districts in their preparation for the examinations that are administered pursuant to NRS 389.015, excluding the high school proficiency examination. The program must:~~

~~Be designed to ensure the consistency and (a) uniformity of all materials and other information used in the preparation for the examinations; and~~

~~Be designed to ensure that the actual (b) examinations administered pursuant to NRS 389.015 are not included within the materials and other information used for preparation.~~

~~If a school, including, without—2. limitation, a charter school, or a school district provides preparation for the examinations that are administered pursuant to NRS 389.015, excluding the high school proficiency examination, the school or school district shall comply with the program established pursuant to subsection 1. A school district may use and provide additional materials and information if the materials and information comply with the program established by the Department. A school, including, without limitation, a charter school, shall use only those materials and information that have been approved or provided by the Department or the school district.~~**]**

Assemblyman Conklin moved that the Assembly do not concur in the Senate amendment to Assembly Bill No. 498.

Remarks by Assemblyman Conklin.

Motion carried.

Bill ordered transmitted to the Senate.

Madam Speaker pro Tempore announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 11:39 a.m.

ASSEMBLY IN SESSION

At 5:38 p.m.

Mr. Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which was rereferred Senate Bill No. 135, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

KELVIN ATKINSON, *Chair*

Mr. Speaker:

Your Committee on Natural Resources, Agriculture, and Mining, to which was referred Senate Bill No. 309, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MAGGIE CARLTON, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 27, 2011

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 122, Amendment No. 707; Assembly Bill No. 132, Amendment No. 687; Assembly Bill No. 160, Amendment No. 664; Assembly Bill No. 179, Amendment No. 773; Assembly Bill No. 230, Amendment No. 727; Assembly Bill No. 238, Amendment No. 633; Assembly Bill No. 283, Amendment No. 705; Assembly Bill No. 289, Amendment No. 709, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 362, Senate Amendment No. 610, and requests a conference, and appointed Senators Kihuen, Hardy and Copening as a Conference Committee to meet with a like committee of the Assembly.

Also, I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 439, 452, 499.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 271, 359.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 13.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 13.

Assemblywoman Mastroluca moved the adoption of the resolution.

Remarks by Assemblywoman Mastroluca.

Resolution adopted and ordered transmitted to the Senate.

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 271.

Assemblyman Conklin moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 359.

Assemblyman Conklin moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 439.

Assemblyman Conklin moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 452.

Assemblyman Conklin moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 499.

Assemblyman Conklin moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Conklin moved that Senate Bills Nos. 135 and 309, just reported out of committee, be placed on the Second Reading File.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 135.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 757.

AN ACT relating to occupational diseases; revising provisions governing the presumption that certain occupational diseases arise out of the employment of certain persons; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides a presumption that certain occupational diseases, including heart disease, lung disease, cancer and hepatitis, diagnosed after the termination of the employment of a person in certain occupations, including as a police officer, firefighter or arson investigator, arose out of the employment of the person if the person was employed full-time, continuously for 5 years or more. (NRS 617.453, 617.455, 617.457, 617.485, 617.487) This bill limits the benefits available for certain occupational diseases that arose out of such employment by providing that the benefits are only available ~~[until]~~ **if** the person ~~[is eligible for Medicare unless the person began receiving benefits while employed or the person ceased employment before reaching an age at which the person is eligible for an unreduced retirement benefit.~~

~~Additionally, sections 2 and 3 of this bill limit the ability of a person to file for benefits for certain diseases of the lungs and heart. Under sections 2 and 3, a person must]~~ **files a claim within a limited period after terminating employment. For certain diseases of the lungs and heart, sections 2 and 3 require a person to** file a claim for benefits within 5 years of ceasing employment if the person ceases employment before reaching an age at which the person is eligible for an unreduced retirement benefit.

The provisions of this bill apply only to a person hired on or after July 1, 2011.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 617.453 is hereby amended to read as follows:

617.453 1. Notwithstanding any other provision of this chapter, cancer, resulting in either temporary or permanent disability, or death, is an occupational disease and compensable as such under the provisions of this chapter if:

(a) The cancer develops or manifests itself out of and in the course of the employment of a person who, for 5 years or more, has been:

(1) Employed in this State in a full-time salaried occupation of fire fighting for the benefit or safety of the public; or

(2) Acting as a volunteer firefighter in this State and is entitled to the benefits of chapters 616A to 616D, inclusive, of NRS pursuant to the provisions of NRS 616A.145; and

(b) It is demonstrated that:

(1) The person was exposed, while in the course of the employment, to a known carcinogen as defined by the International Agency for Research on Cancer or the National Toxicology Program; and

(2) The carcinogen is reasonably associated with the disabling cancer.

2. With respect to a person who, for 5 years or more, has been employed in this State in a full-time salaried occupation of fire fighting for the benefit or safety of the public, the following substances shall be deemed, for the purposes of paragraph (b) of subsection 1, to be known carcinogens that are reasonably associated with the following disabling cancers:

(a) Diesel exhaust, formaldehyde and polycyclic aromatic hydrocarbon shall be deemed to be known carcinogens that are reasonably associated with bladder cancer.

(b) Acrylonitrile, formaldehyde and vinyl chloride shall be deemed to be known carcinogens that are reasonably associated with brain cancer.

(c) Diesel exhaust and formaldehyde shall be deemed to be known carcinogens that are reasonably associated with colon cancer.

(d) Formaldehyde shall be deemed to be a known carcinogen that is reasonably associated with Hodgkin's lymphoma.

(e) Formaldehyde and polycyclic aromatic hydrocarbon shall be deemed to be known carcinogens that are reasonably associated with kidney cancer.

(f) Chloroform, soot and vinyl chloride shall be deemed to be known carcinogens that are reasonably associated with liver cancer.

(g) Acrylonitrile, benzene, formaldehyde, polycyclic aromatic hydrocarbon, soot and vinyl chloride shall be deemed to be known carcinogens that are reasonably associated with lymphatic or haemotopoietic cancer.

(h) Diesel exhaust, soot, aldehydes and polycyclic aromatic hydrocarbon shall be deemed to be known carcinogens that are reasonably associated with basal cell carcinoma, squamous cell carcinoma and malignant melanoma.

(i) Acrylonitrile, benzene and formaldehyde shall be deemed to be known carcinogens that are reasonably associated with prostate cancer.

(j) Diesel exhaust, soot and polychlorinated biphenyls shall be deemed to be known carcinogens that are reasonably associated with testicular cancer.

(k) Diesel exhaust, benzene and X-ray radiation shall be deemed to be known carcinogens that are reasonably associated with thyroid cancer.

3. The provisions of subsection 2 do not create an exclusive list and do not preclude any person from demonstrating, on a case-by-case basis for the purposes of paragraph (b) of subsection 1, that a substance is a known carcinogen that is reasonably associated with a disabling cancer.

4. Compensation awarded to the employee or his or her dependents for disabling cancer pursuant to this section must include:

(a) Full reimbursement for related expenses incurred for medical treatments, surgery and hospitalization in accordance with the schedule of fees and charges established pursuant to NRS 616C.260 or, if the insurer has contracted with an organization for managed care or with providers of health care pursuant to NRS 616B.527, the amount that is allowed for the treatment or other services under that contract; and

(b) The compensation provided in chapters 616A to 616D, inclusive, of NRS for the disability or death.

5. Disabling cancer is presumed to have developed or manifested itself out of and in the course of the employment of any firefighter ~~[~~described in this section.~~]~~ ***who has been employed in a full-time continuous, uninterrupted and salaried occupation as a firefighter for 5 years or more before the date of the diagnosis.*** This rebuttable presumption applies to disabling cancer diagnosed ~~[~~after~~]~~ ***:***

(a) During the person's employment; or

(b) After the termination of the person's employment if the diagnosis occurs within a period, not to exceed ~~[~~60 months,~~]~~ ***5 years after the termination of the person's employment,*** which begins with the last date the employee actually worked in the qualifying capacity ***.*** ~~[~~and extends for a period calculated by multiplying 3 months by the number of full years of his or her employment.~~]~~

➥ This rebuttable presumption must control the awarding of benefits pursuant to this section unless evidence to rebut the presumption is presented.

6. The provisions of this section do not create a conclusive presumption.

~~*[7. Except as otherwise provided in subsection 8, if a person qualifies for medical benefits pursuant to this section, the person may:*~~

~~*(a) Begin receiving those medical benefits only if, at the time the person is to begin receiving those medical benefits, the person is not eligible for Medicare or any successor program; and*~~

~~*(b) Continue receiving those medical benefits only until the person is eligible for Medicare or any successor program.*~~

~~*8. The provisions of subsection 7 do not apply to a person who:*~~

~~*(a) Filed a claim for benefits pursuant to this section that was filed and accepted while the person was employed in the position through which the person qualified for the benefits; or*~~

~~*(b) Ceased employment in the position through which the person qualified for benefits pursuant to this section if at the time the person ceased such employment the person had not reached the required age to retire pursuant to NRS 286.510 without a reduction pursuant to subsection 6 of NRS 286.510.*~~

~~*9. As used in this section, "Medicare" means the program of health insurance for aged persons and persons with disabilities established pursuant to Title XVIII of the Social Security Act, 42 U.S.C. §§ 1395 et seq.]*~~

Sec. 2. NRS 617.455 is hereby amended to read as follows:

617.455 1. Notwithstanding any other provision of this chapter, diseases of the lungs, resulting in either temporary or permanent disability or death, are occupational diseases and compensable as such under the provisions of this chapter if caused by exposure to heat, smoke, fumes, tear gas or any other noxious gases, arising out of and in the course of the employment of a person who, for 2 years or more, has been:

(a) Employed in this State in a full-time salaried occupation of fire fighting or the investigation of arson for the benefit or safety of the public;

(b) Acting as a volunteer firefighter in this State and is entitled to the benefits of chapters 616A to 616D, inclusive, of NRS pursuant to the provisions of NRS 616A.145; or

(c) Employed in a full-time salaried occupation as a police officer in this State.

2. Except as otherwise provided in subsection 3, each employee who is to be covered for diseases of the lungs pursuant to the provisions of this section shall submit to a physical examination, including a thorough test of the functioning of his or her lungs and the making of an X-ray film of the employee's lungs, upon employment, upon commencement of the coverage, once every even-numbered year until the employee is 40 years of age or older and thereafter on an annual basis during his or her employment.

3. A thorough test of the functioning of the lungs is not required for a volunteer firefighter.

4. All physical examinations required pursuant to subsection 2 must be paid for by the employer.

5. A disease of the lungs is conclusively presumed to have arisen out of and in the course of the employment of a person who has been employed in a full-time continuous, uninterrupted and salaried occupation as a police officer, firefighter or arson investigator for 5 years or more before the date of disablement.

6. Failure to correct predisposing conditions which lead to lung disease when so ordered in writing by the examining physician after the annual examination excludes the employee from the benefits of this section if the correction is within the ability of the employee.

7. A person who is determined to be:

(a) Partially disabled from an occupational disease pursuant to the provisions of this section; and

(b) Incapable of performing, with or without remuneration, work as a firefighter, police officer or arson investigator,

➥ may elect to receive the benefits provided under NRS 616C.440 for a permanent total disability.

8. ~~*[Except as otherwise provided in subsection 9, if a person qualifies for medical benefits pursuant to this section, the person may:*~~

~~*(a) Begin receiving those medical benefits only if, at the time the person is to begin receiving those medical benefits, the person is not eligible for Medicare or any successor program; and*~~

~~*(b) Continue receiving those medical benefits only until the person is eligible for Medicare or any successor program.*~~

~~*9. The provisions of subsection 8 do not apply to a person who:*~~

~~*(a) Filed a claim for benefits pursuant to this section that was filed and accepted while the person was employed in the position through which the person qualified for the benefits; or*~~

~~*(b) Ceased employment in the position through which the person qualified for benefits pursuant to this section if at the time the person ceased such employment the person had not reached the required age to retire pursuant to NRS 286.510 without a reduction pursuant to subsection 6 of NRS 286.510.*~~

~~*10.]*~~ ***Except as otherwise provided in subsection*** ~~*[11,]*~~ ***9, a person may not file a claim for benefits pursuant to this section more than 5 years after ceasing employment in the position through which the person qualified for benefits pursuant to this section if at the time the person ceased such employment the person had not reached the required age to retire pursuant to NRS 286.510 without a reduction pursuant to subsection 6 of NRS 286.510.***

~~*[11.]*~~ ***9. The provisions of subsection*** ~~*[10]*~~ ***8 do not limit the ability of a person:***

(a) Pursuant to any other provision of law to reopen a claim for benefits pursuant to this section if the original claim for benefits which is to be reopened was filed and accepted in accordance with the provisions of this section; or

(b) To file a claim pursuant to any provision of law other than this section, including, without limitation, NRS 617.440.

~~*[12. As used in this section, "Medicare" means the program of health insurance for aged persons and persons with disabilities established pursuant to Title XVIII of the Social Security Act, 42 U.S.C. §§ 1395 et seq.]*~~

Sec. 3. NRS 617.457 is hereby amended to read as follows:

617.457 1. Notwithstanding any other provision of this chapter, diseases of the heart of a person who, for 5 years or more, has been employed in a full-time continuous, uninterrupted and salaried occupation as a firefighter, arson investigator or police officer in this State before the date of disablement are conclusively presumed to have arisen out of and in the course of the employment.

2. Notwithstanding any other provision of this chapter, diseases of the heart, resulting in either temporary or permanent disability or death, are occupational diseases and compensable as such under the provisions of this chapter if caused by extreme overexertion in times of stress or danger and a causal relationship can be shown by competent evidence that the disability or death arose out of and was caused by the performance of duties as a volunteer firefighter by a person entitled to the benefits of chapters 616A to 616D, inclusive, of NRS pursuant to the provisions of NRS 616A.145 and who, for 5 years or more, has served continuously as a volunteer firefighter in this State by continuously maintaining an active status on the roster of a volunteer fire department.

3. Except as otherwise provided in subsection 4, each employee who is to be covered for diseases of the heart pursuant to the provisions of this section shall submit to a physical examination, including an examination of the heart, upon employment, upon commencement of coverage and thereafter on an annual basis during his or her employment.

4. A physical examination for a volunteer firefighter is required upon initial employment and once every 3 years after the initial examination until the firefighter reaches the age of 50 years. Each volunteer firefighter who is 50 years of age or older shall submit to a physical examination once each year.

5. The employer of the volunteer firefighter is responsible for scheduling the physical examination.

6. Failure to submit to a physical examination that is scheduled by his or her employer pursuant to subsection 5 excludes the volunteer firefighter from the benefits of this section.

7. The chief of a volunteer fire department may require an applicant to pay for any physical examination required pursuant to this section if the applicant:

(a) Applies to the department for the first time as a volunteer firefighter; and

(b) Is 50 years of age or older on the date of his or her application.

8. The volunteer fire department shall reimburse an applicant for the cost of a physical examination required pursuant to this section if the applicant:

(a) Paid for the physical examination in accordance with subsection 7;

(b) Is declared physically fit to perform the duties required of a firefighter; and

(c) Becomes a volunteer with the volunteer fire department.

9. Except as otherwise provided in subsection 7, all physical examinations required pursuant to subsections 3 and 4 must be paid for by the employer.

10. Failure to correct predisposing conditions which lead to heart disease when so ordered in writing by the examining physician subsequent to the annual examination excludes the employee from the benefits of this section if the correction is within the ability of the employee.

11. A person who is determined to be:

(a) Partially disabled from an occupational disease pursuant to the provisions of this section; and

(b) Incapable of performing, with or without remuneration, work as a firefighter, arson investigator or police officer,

➥ may elect to receive the benefits provided under NRS 616C.440 for a permanent total disability.

12. Claims filed under this section may be reopened at any time during the life of the claimant for further examination and treatment of the claimant upon certification by a physician of a change of circumstances related to the occupational disease which would warrant an increase or rearrangement of compensation.

13. ~~*[Except as otherwise provided in subsection 14, if a person qualifies for medical benefits pursuant to this section, the person may:*~~

~~*(a) Begin receiving those medical benefits only if, at the time the person is to begin receiving those medical benefits, the person is not eligible for Medicare or any successor program; and*~~

~~*(b) Continue receiving those medical benefits only until the person is eligible for Medicare or any successor program.*~~

~~*14. The provisions of subsection 13 do not apply to a person who:*~~

~~*(a) Filed a claim for benefits pursuant to this section that was filed and accepted while the person was employed in the position through which the person qualified for the benefits; or*~~

~~*(b) Ceased employment in the position through which the person qualified for benefits pursuant to this section if at the time the person ceased such employment the person had not reached the required age to retire pursuant to NRS 286.510 without a reduction pursuant to subsection 6 of NRS 286.510.*~~

~~*15.]*~~ ***Except as otherwise provided in subsection*** ~~*[16,]*~~ ***14, a person may not file a claim for benefits pursuant to this section more than 5 years after ceasing employment in the position through which the person qualified for benefits pursuant to this section if at the time the person ceased such employment the person had not reached the required age to retire pursuant to NRS 286.510 without a reduction pursuant to subsection 6 of NRS 286.510.***

~~*[16.]*~~ ***14. The provisions of subsection*** ~~*[15]*~~ ***13 do not limit the ability of a person:***

(a) Pursuant to subsection 12 or any other provision of law to reopen a claim for benefits pursuant to this section if the original claim for benefits which is to be reopened was filed and accepted in accordance with the provisions of this section; or

(b) To file a claim pursuant to any provision of law other than this section, including, without limitation, NRS 617.440.

~~*[17. As used in this section, "Medicare" means the program of health insurance for aged persons and persons with disabilities established pursuant to Title XVIII of the Social Security Act, 42 U.S.C. §§ 1395 et seq.]*~~

Sec. 4. NRS 617.485 is hereby amended to read as follows:

617.485 1. Notwithstanding any other provision of this chapter and except as otherwise provided in this section, if an employee has hepatitis, the disease is conclusively presumed to have arisen out of and in the course of his or her employment if the employee has been ~~[~~continuously~~]~~ employed for 5 years or more ~~[~~as a police officer,~~]~~ ***in a*** full-time ***continuous, uninterrupted and*** salaried ***occupation as a police officer,*** firefighter or emergency medical attendant in this State before the date of any temporary or permanent disability or death resulting from the hepatitis.

2. Compensation awarded to a police officer, firefighter or emergency medical attendant, or to the dependents of such a person, for hepatitis pursuant to this section must include:

(a) Full reimbursement for related expenses incurred for medical treatments, surgery and hospitalization; and

(b) The compensation provided in chapters 616A to 616D, inclusive, of NRS for the disability or death.

3. A police officer, salaried firefighter or emergency medical attendant shall:

(a) Submit to a blood test to screen for hepatitis C upon employment, upon the commencement of coverage and thereafter on an annual basis during his or her employment.

(b) Submit to a blood test to screen for hepatitis A and hepatitis B upon employment, upon the commencement of coverage and thereafter on an annual basis during his or her employment, except that a police officer, salaried firefighter or emergency medical attendant is not required to submit to a blood test to screen for hepatitis A and hepatitis B on an annual basis during his or her employment if he or she has been vaccinated for hepatitis A and hepatitis B upon employment or at other medically appropriate times during his or her employment. Each employer shall provide a police officer, salaried firefighter or emergency medical attendant with the opportunity to be vaccinated for hepatitis A and hepatitis B upon employment and at other medically appropriate times during his or her employment.

4. All blood tests required pursuant to this section and all vaccinations provided pursuant to this section must be paid for by the employer.

5. The provisions of this section:

(a) Except as otherwise provided in paragraph (b), do not apply to a police officer, firefighter or emergency medical attendant who is diagnosed with hepatitis upon employment.

(b) Apply to a police officer, firefighter or emergency medical attendant who is diagnosed with hepatitis upon employment if, during the employment or within 1 year after the last day of the employment, he or she is diagnosed with a different strain of hepatitis.

(c) Apply to a police officer, firefighter or emergency medical attendant who is diagnosed with hepatitis after the termination of the employment if the diagnosis is made within 1 year after the last day of the employment.

6. A police officer, firefighter or emergency medical attendant who is determined to be:

(a) Partially disabled from an occupational disease pursuant to the provisions of this section; and

(b) Incapable of performing, with or without remuneration, work as a police officer, firefighter or emergency medical attendant,

➥ may elect to receive the benefits provided pursuant to NRS 616C.440 for a permanent total disability.

7. ~~*[Except as otherwise provided in subsection 8, if a person qualifies for medical benefits pursuant to this section, the person may:*~~

~~*(a) Begin receiving those medical benefits only if, at the time the person is to begin receiving those medical benefits, the person is not eligible for Medicare or any successor program; and*~~

~~*(b) Continue receiving those medical benefits only until the person is eligible for Medicare or any successor program.*~~

~~*8. The provisions of subsection 7 do not apply to a person who:*~~

~~*(a) Filed a claim for benefits pursuant to this section that was filed and accepted while the person was employed in the position through which the person qualified for the benefits; or*~~

~~*(b) Ceased employment in the position through which the person qualified for benefits pursuant to this section if at the time the person ceased such employment the person had not reached the required age to retire pursuant to NRS 286.510 without a reduction pursuant to subsection 6 of NRS 286.510.*~~

~~*9.]*~~ As used in this section:

(a) "Emergency medical attendant" means a person licensed as an attendant or certified as an emergency medical technician, intermediate emergency medical technician or advanced emergency medical technician pursuant to chapter 450B of NRS, whose primary duties of employment are the provision of emergency medical services.

(b) "Hepatitis" includes hepatitis A, hepatitis B, hepatitis C and any additional diseases or conditions that are associated with or result from hepatitis A, hepatitis B or hepatitis C.

(c) ~~[“Medicare” means the program of health insurance for aged persons and persons with disabilities established pursuant to Title XVIII of the Social Security Act, 42 U.S.C. §§ 1395 et seq.~~

~~(d)~~ **“**Police officer” means a sheriff, deputy sheriff, officer of a metropolitan police department or city police officer.

Sec. 5. NRS 617.487 is hereby amended to read as follows:

617.487 1. Notwithstanding any other provision of this chapter and except as otherwise provided in this section, if an employee has hepatitis, the disease is conclusively presumed to have arisen out of and in the course of his or her employment if the employee has been ~~[~~continuously~~]~~ employed for 5 years or more ***in a full-time continuous, uninterrupted and salaried occupation*** as a police officer or a sheriff, deputy sheriff, officer of a metropolitan police department or city police officer in this State before the date of any temporary or permanent disability or death resulting from the hepatitis.

2. Compensation awarded to a police officer, or to the dependents of a police officer, for hepatitis pursuant to this section must include:

(a) Full reimbursement for related expenses incurred for medical treatments, surgery and hospitalization; and

(b) The compensation provided in chapters 616A to 616D, inclusive, of NRS for the disability or death.

3. A police officer shall:

(a) Submit to a blood test to screen for hepatitis C upon employment and upon the commencement of coverage.

(b) If the employer of the police officer provides screening for hepatitis C for police officers on an annual basis, submit to a blood test to screen for hepatitis C thereafter on an annual basis during his or her employment.

(c) If the employer of the police officer provides screening for hepatitis A and hepatitis B for police officers, submit to a blood test to screen for hepatitis A and hepatitis B upon employment, upon the commencement of coverage and thereafter on an annual basis during his or her employment, except that a police officer is not required to submit to a blood test to screen for hepatitis A and hepatitis B on an annual basis during his or her employment if he or she has been vaccinated for hepatitis A and hepatitis B upon employment or at other medically appropriate times during his or her employment. Each employer shall provide a police officer with the opportunity to be vaccinated for hepatitis A and hepatitis B upon employment and at other medically appropriate times during his or her employment.

4. All blood tests required pursuant to this section and all vaccinations provided pursuant to this section must be paid for by the employer.

5. The provisions of this section:

(a) Except as otherwise provided in paragraph (b), do not apply to a police officer who is diagnosed with hepatitis upon employment.

(b) Apply to a police officer who is diagnosed with hepatitis upon employment if, during the employment or within 1 year after the last day of the employment, the police officer is diagnosed with a different strain of hepatitis.

(c) Apply to a police officer who is diagnosed with hepatitis after the termination of the employment if the diagnosis is made within 1 year after the last day of the employment.

6. A police officer who is determined to be:

(a) Partially disabled from an occupational disease pursuant to the provisions of this section; and

(b) Incapable of performing, with or without remuneration, work as a police officer,

➥ may elect to receive the benefits provided pursuant to NRS 616C.440 for a permanent total disability.

7. ~~*[Except as otherwise provided in subsection 8, if a person qualifies for medical benefits pursuant to this section, the person may:*~~

~~*(a) Begin receiving those medical benefits only if, at the time the person is to begin receiving those medical benefits, the person is not eligible for Medicare or any successor program; and*~~

~~*(b) Continue receiving those medical benefits only until the person is eligible for Medicare or any successor program.*~~

~~*8. The provisions of subsection 7 do not apply to a person who:*~~

~~*(a) Filed a claim for benefits pursuant to this section that was filed and accepted while the person was employed in the position through which the person qualified for the benefits; or*~~

~~*(b) Ceased employment in the position through which the person qualified for benefits pursuant to this section if at the time the person ceased such employment the person had not reached the required age to retire pursuant to NRS 286.510 without a reduction pursuant to subsection 6 of NRS 286.510.*~~

~~*9.]*~~ As used in this section:

(a) "Hepatitis" includes hepatitis A, hepatitis B, hepatitis C and any additional diseases or conditions that are associated with or result from hepatitis A, hepatitis B or hepatitis C.

(b) ~~*[*~~"Medicare" ~~*means the program of health insurance for aged persons and persons with disabilities established pursuant to Title XVIII of the Social Security Act, 42 U.S.C. §§ 1395 et seq.*~~

~~*(c)]*~~ **"**Police officer" means any police officer other than a sheriff, deputy sheriff, officer of a metropolitan police department or city police officer.

Sec. 6. The amendatory provisions of this act apply only to a person hired on or after July 1, 2011.

Sec. 7. This act becomes effective on July 1, 2011.

Assemblyman Atkinson moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, reengrossed, and to third reading.

Senate Bill No. 309.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture, and Mining:

Amendment No. 683.

SUMMARY—Authorizes a person to remove from his or her property ~~[an animal]~~ **livestock** for which he or she has, by contract, provided care and shelter under certain circumstances. (BDR 50-703)

AN ACT relating to ~~[animals;]~~ **livestock;** authorizing a person to remove from his or her property ~~[an animal]~~ **livestock** for which he or she has, by contract, provided care and shelter under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the care of and prevention of cruelty to animals. (NRS 574.050-574.510) This bill provides that: (1) if a person enters into a contract to provide care and shelter for ~~[an animal;]~~ **livestock;** (2) the person gives 30 days' notice of the termination of the contract and requests the removal of the ~~[animal]~~ **livestock** from his or her property at the end of the contract; and (3) the owner fails to remove the ~~[animal]~~ **livestock** from the person's property at the end of that contract, the person providing care and shelter may remove the ~~[animal]~~ **livestock** from his or her property in several ways. However, before the person may remove the ~~[animal,]~~ **livestock,** he or she must provide written notification to the owner by certified mail of his or her intention to remove the ~~[animal]~~ **livestock** if the owner fails to remove the ~~[animal]~~ **livestock** from the person's property. If the owner fails to remove the ~~[animal]~~ **livestock** by the time provided for in the notice, the ~~[animal]~~ **livestock** will be deemed abandoned, and the person may: (1) sell the ~~[animal;]~~ **livestock;** (2) give the ~~[animal]~~ **livestock** to a society for the prevention of cruelty to animals; (3) return the ~~[animal]~~ **livestock** to the owner; (4) transfer the ~~[animal]~~ **livestock** to another facility that is willing to provide care and shelter for the ~~[animal;]~~ **livestock;** or (5) bring an action in court to require the owner to remove the ~~[animal]~~ **livestock** from the person's property. The owner of the ~~[animal]~~ **livestock** is liable for any reasonable and actual costs incurred by the person in removing the ~~[animal]~~ **livestock** from his or her property.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 575 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A person who enters into a contract with an owner of ~~[an animal]~~ livestock to provide care or shelter for the ~~[animal]~~ livestock on the person's property shall give the owner of the ~~[animal]~~ livestock at least 30 days' notice before terminating the contract.

2. After receiving the notice, if the owner of the ~~[animal]~~ livestock fails to remove the ~~[animal]~~ livestock from the property before the termination of the contract, the ~~[animal]~~ livestock shall be deemed abandoned and the person providing care or shelter for the ~~[animal]~~ livestock may remove the ~~[animal]~~ livestock from his or her property as provided in subsection 3 if:

(a) The person notifies the owner of the ~~[animal]~~ livestock in writing of the person's intention to remove the ~~[animal]~~ livestock from the property if the owner fails to remove ~~[it]~~ the livestock before the date the contract is terminated; and

(b) Fourteen days have elapsed since the notice was mailed to the owner of the ~~[animal.]~~ livestock. The notice must be mailed, by certified mail, return receipt requested, to the owner of the ~~[animal]~~ livestock at the owner's present address, and if that address is unknown, then at the owner's last known address.

3. If ~~[an animal]~~ any livestock is deemed abandoned pursuant to subsection 2, a person providing care or shelter for ~~[an animal]~~ that livestock may:

(a) Sell the ~~[animal,]~~ livestock;

(b) Give the ~~[animal]~~ livestock to a society for the prevention of cruelty to animals;

(c) Return the ~~[animal]~~ livestock to the owner at the owner's present address;

(d) Transfer the ~~[animal]~~ livestock to another facility which is able to provide care and shelter for the ~~[animal,]~~ livestock; or

(e) Bring a civil action in a court of competent jurisdiction to require the owner to remove the ~~[animal]~~ livestock from the person's property.

4. If the owner of the ~~[animal]~~ livestock fails to remove the ~~[animal]~~ livestock pursuant to subsection 2, the person providing care and shelter for the ~~[animal]~~ livestock may charge and collect any reasonable and actual costs he or she incurs in removing the ~~[animal]~~ livestock pursuant to subsection 3.

5. ~~[The]~~ Except as otherwise provided in subsection 6, the provisions of this section may be varied by agreement, and the rights conferred by this section may be waived.

6. The remedies provided for in this section are the exclusive remedies for an action brought pursuant to this section. If a person pursues a remedy not provided for in this section including, without limitation, a civil action for breach of contract or trespass, the provisions of this section do not apply, and the remedies provided for in this section are not available.

7. As used in this section, "livestock" means:

(a) All cattle or animals of the bovine species;

(b) All horses, mules, burros and asses or animals of the equine species;

(c) All swine or animals of the porcine species;

(d) All goats or animals of the caprine species; and

(e) All sheep or animals of the ovine species.

Assemblywoman Carlton moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Conklin moved that Senate Bills Nos. 18, 19, 30, 37, 40, 59, 77, 88, 94, 97, 99, 102, 112, 125, 128, 132, 136, 142, 143, 149, 152, 159, 182, 184, 186, 190, 191, 194, 200, 201, 205, 210, 213, 215, 221, 223, 226, 234, 236, 237, 238, 246, 259, 267, 273, 277, 292, 293, 294, 299, 300, 314, 315, 317, 323, 329, 339, 361, 365, 405, 411, 414, 417, 420, 430, 436, 444, 445, 450, 481; Senate Joint Resolution 3 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

Assemblyman Conklin moved that Senate Bill No. 314 be taken from the General File and rereferred to the Committee on Ways and Means.

Motion carried.

Assemblyman Conklin moved that the action whereby Senate Bill No. 314 was rereferred to the Committee on Ways and Means be rescinded.

Motion carried.

Assemblyman Conklin moved that Senate Bill No. 314 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 19, 29, 109, 138, 154, 170, 227, 237, 246, 248, 249, 253, 254, 276, 280, 290, 292, 306, 313, 317, 318, 368, 373, 395, 396, 420, 451, 454, 455, 472, 480, 481, 483, 533, 534, 535, 544, 564, 566; Assembly Joint Resolution No. 1; Senate Bills Nos. 6, 10, 12, 13, 15, 17, 21, 25, 33, 38, 45, 58, 63, 66, 67, 79, 109, 117, 137, 157, 167, 196, 209, 328, 331, 353, 368, 387, 390, 441, 495; Senate Joint Resolution No. 4.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Benitez-Thompson, the privilege of the floor of the Assembly Chamber for this day was extended to Robert Green.

On request of Assemblyman Daly, the privilege of the floor of the Assembly Chamber for this day was extended to the following students and chaperones from Greenbrae Elementary School: Alan Ablao Jr., Maggie Arroyo, Sydney Breen, Trevor Campbell, Justin Michael Caunca, Alfredo Cortes Recendiz, Justin Depoali, Tyler Eisner, Matti Fredell, Jacqueline Garcia Garcia, Dominic Lange, Ysabella Lindsay, Yadhira Lopez-Ortega, Alexa Maldonado, Liliana Marin Gonzalez,

Brayan Parra, Darlin Perez, Rene Perez, Aleki Po'oi, Natalie Ramirez, Stephanie Ramirez, Janely Ramos, Jocelyn Ramos, Adrian Rios, Conseuelo Santana, Bernardo Simental Silva, Matthew Smithee, Andy Solano, Daitrale Steele, Daniel Torres, Chai Verdun, Joshua Advincula, Emily Aguilar, Osvaldo Abla, Maria Andrade, Alberto Arce-Mejorado, Jose Calvillo, Giovanni Cornejo Rodriquez, Citlalli Flores Villa, Cristian Galvan Leon, Savanah Garcia, Cesar Garcia Arellano, Khala Gonzalez, Brian Hernandez, Dianali Hernandez, Alex Holland, Vanessa Martinez Florez, Markina Metoyer, Gissele Mora, Miguel Murrillo Medrano, Alondra Parra, Rayshawn Planas, Vincent Po'oi, Natalie Ramirez, Adriana Rios Murillo, Damaji' Roberts, Jennifer Torres, Adriana Toth, Johana Vasquez, Josue Velazquez, Judy Wells, Nickki Hertzler, Olivia Garcia, Erin Lange, Heidi Charpentier, Sharon Ruth Advincula, Teresa Villa Escobar, and Jose Torres.

On request of Assemblyman Horne, the privilege of the floor of the Assembly Chamber for this day was extended to Danielle Barraza.

On request of Assemblywoman Mastroluca, the privilege of the floor of the Assembly Chamber for this day was extended to William C. Bell, Marva Hammons, Paul Beuhler, and Antoinette Malveaux.

On request of Assemblyman Ohrenschall, the privilege of the floor of the Assembly Chamber for this day was extended to Jack Francis Burns II, Riana Durrett, John Burns, Genie Ohrenschall Daykin, and Frank Daykin.

On request of Assemblywoman Smith, the privilege of the floor of the Assembly Chamber for this day was extended to Lauren Denison, Bridgette Zunino, and Jayann Sepich.

Assemblyman Conklin moved that the Assembly adjourn until Saturday, May 28, 2011, at 10 a.m.

Motion carried.

Assembly adjourned at 5:53 p.m.

Approved: JOHN OCEGUERA
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE ONE HUNDRED AND ELEVENTH DAY

CARSON CITY (Saturday), May 28, 2011

Assembly called to order at 10:51 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Assemblywoman Irene Bustamante Adams.

Good morning my beloved Creator, praise be Your name. Thank You for teaching us yesterday that there is a time to weep and a time to laugh. Humor celebrates the goodness of who You are. It is Your gift to help us deal with the trials and tribulations that we must face.

Thank You for lightening the load and not letting the joy be sucked out of us. I am eternally grateful that You know my name. Lord You also remind us that You have a plan like You did for Your servant Jeremiah. For You said in Jeremiah 29:11:

> For I know the plans I have for you, declares the Lord, plans to prosper you and not to harm you, plans to give you a hope and a future. Then you will call upon me and come and pray to me, and I will listen to you.

Thank You for Your divine guidance individually and as servants to the great people of this state. May the work we do bring You glory. It is in Your precious Son's name.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Conklin moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Ways and Means has had under consideration the various budgets for the Department of Corrections, and begs leave to report back that the following accounts have been closed by the Committee:

Director's Office (101-3710)
Prison Medical Care (101-3706)
Correctional Programs (101-3711)
Ely State Prison (101-3751)
High Desert State Prison (101-3762)
Northern Nevada Correctional Center (101-3717)
Nevada State Prison (101-3718)
Southern Desert Correctional Center (101-3738)
Lovelock Correctional Center (101-3759)
Southern Nevada Correctional Center (101-3715)
Warm Springs Correctional Center (101-3716)
Florence McClure Women's Correctional Center (101-3761)

Casa Grande Transitional Housing (101-3760)
Northern Nevada Restitution Center (101-3724)
Stewart Conservation Camp (101-3722)
Pioche Conservation Camp (101-3723)
Three Lakes Valley Conservation Camp (101-3725)
Wells Conservation Camp (101-3739)
Humboldt Conservation Camp (101-3741)
Ely Conservation Camp (101-3747)
Jean Conservation Camp (101-3748)
Silver Springs Conservation Camp (101-3749)
Carlin Conservation Camp (101-3752)
Tonopah Conservation Camp (101-3754)
Offenders' Store Fund (240-3708)
Inmate Welfare Account (240-3763)
Prison Industry (525-3719)
Prison Dairy (525-3727)

DEBBIE SMITH, *Chair*

Mr. Speaker:

Your Committee on Judiciary, to which was referred Senate Bill No. 101, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Judiciary, to which were referred Senate Bills Nos. 257, 282, 402, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

WILLIAM C. HORNE, *Chair*

Mr. Speaker:

Your Committee on Legislative Operations and Elections, to which was referred Senate Bill No. 133, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

TICK SEGERBLOM, *Chair*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Conklin moved that the following budget closure remarks be entered in the Journal.

Motion carried.

REMARKS FROM THE FLOOR

ASSEMBLYWOMAN SMITH:

The Assembly Committee on Ways and Means developed the following recommendations for the 28 budget accounts within the Department of Corrections, resulting in additional General Fund appropriations of $988,726 in FY 2012 and General Fund reductions of $1.5 million in FY 2013.

The Department’s budget is primarily driven by the projected number of inmates to be housed. The Executive Budget provided funding to house an average of 12,751 inmates in FY 2012 and 12,789 inmates in FY 2013. The budget, as modified by the Committee, will provide funding to house an average of 12,568 inmates in FY 2012 and 12,575 in FY 2013. This budget modification was the result of an updated projection of the inmate population in February 2011, which reflects a decline in the level of inmate population growth due to an increase in parole releases, a decrease in parole and probation returns to prison, and a leveling of new court commitments sent to prison. The revised inmate population levels result in a total savings in inmate-driven expenditures of $515,399 in FY 2012 and $628,863 in FY 2013.

Nevada State Prison (101-3718) CORRECTIONS-56, High Desert State Prison (101-3762) CORRECTIONS-39, and Wells Conservation Camp (101-3739) CORRECTIONS-143:

The Committee approved the Governor's recommendation to close Nevada State Prison and Wells Conservation Camp. However, instead of closing Nevada State Prison on October 31, 2011, and Wells Conservation Camp on August 1, 2011, the Committee chose to delay closing these facilities until April 30, 2012, and February 1, 2012, respectively. The two facility closures generate a combined General Fund savings of $16.3 million over the 2011-13 biennium ($14.8 million from Nevada State Prison and $1.5 million from Wells Conservation Camp). The savings results primarily from the elimination of 128 positions, including 116 positions assigned to Nevada State Prison and 12 positions assigned to Wells Conservation Camp.

The facility closures reduce the Department's total bed capacity by 782 beds; however, the Committee also approved the Governor's recommendation to reopen two vacant housing units at High Desert State Prison in order to accommodate the majority of the inmate population at Nevada State Prison. These housing units will provide the Department with 600 additional beds. With the reduction of 255 beds above emergency capacity, the Department's net bed count will decrease by 437 beds compared to the number of beds approved by the 2009 Legislature.

In order to staff the two vacant housing units, the Committee approved the Governor's recommendation to transfer 59 positions from Nevada State Prison to High Desert State Prison. In addition, the Committee approved the transfer of 27 positions from Nevada State Prison to other facilities, including seven positions to Warm Springs Correctional Center, eight positions to Northern Nevada Correctional Center, nine positions to Southern Desert Correctional Center, and three positions to Florence McClure Women's Correctional Center. The positions transferring to the northern facilities will take effect on July 1, 2011, while the positions transferring to the southern facilities will be phased in through April 2012 in order to minimize staff layoffs.

Both Nevada State Prison and Wells Conservation Camp will be maintained in a mothball status. Accordingly, the Committee approved General Fund appropriations of $1.1 million for Nevada State Prison and $76,208 for Wells Conservation Camp over the 2011-13 biennium to support mothballing costs. A portion of mothballing costs associated with Nevada State Prison will be used to continue operating Prison Industry programs at the facility, including the license plate factory and the print shop. These programs will employ minimum-custody inmates transported from Stewart Conservation Camp.

Director's Office (101-3710) CORRECTIONS-1:

The Committee voted to approve the Governor's recommendation to implement a new Energy Management Program in order to monitor the Department's energy consumption and to undertake appropriate actions identifying and correcting energy waste and inefficiencies at all of the Department's facilities and camps. In order to staff the program, the Committee approved the Governor's recommendation for two new positions, including an Energy Program Manager and a HVACR Specialist II.

The Committee did not approve the Governor's recommendation for General Fund appropriations of $300,454 in FY 2012 for a surveillance system at Ely State Prison, but instead recommended the project be included as part of the 2011 Capital Improvement Program projects and funded with unused bond funding previously allocated by the 2007 Legislature to fund a surveillance system at Nevada State Prison.

Prison Medical Care (101–3706) CORRECTIONS-13:

The Committee voted to approve the Governor's recommendation to create a new stale claims category with General Fund appropriations of $964,857 in each year of the 2011-13 biennium to fund stale claims incurred during the previous year with current year funding contingent upon the passage of Assembly Bill 530. However, the Committee did not approve the Governor's recommendation to account for additional stale claims expenditures included in the base budget as part of the agency's outside medical expenditures for General Fund savings of $366,975 in each year of the biennium.

The Committee voted to approve the Governor's recommendation to provide General Fund appropriations of $1.1 million in FY 2012 and $1.8 million in FY 2013 for projected inflationary increases associated with outside medical care, medical supplies and durable medical equipment.

In response to the State's settlement agreement with the American Civil Liberties Union on behalf of inmates at Ely State Prison, the Committee approved the Governor's recommendation for General Fund appropriations of $818,271 over the 2011-13 biennium to establish six new medical positions, including one Correctional Nurse, three Licensed Practical Nurses, one Psychiatric Nurse and one Administrative Assistant.

The Committee also voted to approve the Governor's recommendation to eliminate two Correctional Nurses and one Director of Nursing Services. These positions are assigned to Nevada State Prison and will no longer be required upon the facility's closure, resulting in a General Fund savings of $617,748 in the 2011-13 biennium.

Correctional Programs (101-3711) CORRECTIONS-23:

The Committee approved the Governor's recommendation for General Funds appropriations of $447,756 in FY 2012 and $476,560 in FY 2013 to continue inmate reentry services in Northern Nevada that have been historically funded with federal funds. The funding provides for two Program Officer positions, a subgrant of $232,232 in each year of the biennium to a nonprofit community organization for post release reentry services, $83,702 each year of the biennium for indigent inmate housing and $47,050 each year to provide inmates with "green construction" job training. In addition, the Committee approved issuing a letter of intent directing the Department to revert General Fund appropriations in support of the two Program Officers in the event federal funds are awarded for the Northern Nevada re-entry program. The Committee also directed the Department to report to the Interim Finance Committee annually regarding the status of its northern and southern re-entry programs.

The Committee approved the Governor's recommendation to eliminate two Psychologist positions assigned to Nevada State Prison, but delayed the termination date of the positions until April 30, 2012, in order to accommodate the revised closure plan approved for Nevada State Prison by the Committee.

Three Lakes Valley Conservation Camp (101-3725) CORRECTIONS-136:

The Executive Budget provided for the transfer of three Correctional Officers from Nevada State Prison to Three Lakes Valley Conservation Camp. However, after re-evaluating the Camp's staffing needs, the Governor submitted a budget amendment to withdraw the transfer recommendation, thereby eliminating the positions as part of the Nevada State Prison closure plan. The Committee voted to approve the Governor's recommendation, as amended, to eliminate the three positions for General Fund savings of $470,985 over the 2011-13 biennium.

Offenders' Store Fund (240-3708) CORRECTIONS-189:

The Committee approved the Governor's recommendation to eliminate two Retail Storekeepers responsible for managing the Offenders' Store at Nevada State Prison. However, the Committee approved delaying the termination date of the two positions until April 30, 2012, in order to accommodate the revised closure plan approved for Nevada State Prison by the Committee.

Inmate Welfare Account (240-3763) CORRECTIONS-197:

The Committee approved the Governor's recommendation to eliminate one Administrative Assistant assigned to the Nevada State Prison law library, and one Athletic and Recreation Specialist responsible for recreational programs at Nevada State Prison. However, the Committee approved delaying the termination date of the two positions until April 30, 2012, in order to accommodate the revised closure plan approved for Nevada State Prison by the Committee.

The following budget accounts were reviewed and closed by the Committee as recommended by the Governor, with adjustments for inmate population changes and minor technical adjustments:

- Southern Nevada Correctional Center (101-3715)
- Warm Springs Correctional Center (101-3716)
- Northern Nevada Correctional Center (101-3717)
- Prison Industry (525-3719)
- Stewart Conservation Camp (101-3722)
- Pioche Conservation Camp (101-3723)

- Northern Nevada Restitution Center (101-3724)
- Prison Dairy (525-3727)
- Southern Desert Correctional Center (101-3738)
- Humboldt Conservation Camp (101-3741)
- Ely Conservation Camp (101-3747)
- Jean Conservation Camp (101-3748)
- Silver Springs Conservation Camp (101-3749)
- Ely State Prison (101-3751)
- Carlin Conservation Camp (101-3752)
- Tonopah Conservation Camp (101-3754)
- Lovelock Correctional Center (101-3759)
- Casa Grande Transitional Housing Center (101-3760)
- Florence McClure Women's Correctional Center (101-3761)

MOTIONS, RESOLUTIONS AND NOTICES

NOTICE OF EXEMPTION

May 28, 2011

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Senate Bill No. 314.

RICK COMBS
Fiscal Analysis Division

Assemblyman Conklin moved that Senate Bills Nos. 101, 133, 257, 282, 402, just reported out of committee, be placed on the Second Reading File.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 101.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 659.

SUMMARY—Revises ~~[~~certain~~]~~ provisions relating to ~~[~~certificates of marriage and the solemnization of~~]~~ marriage. (BDR 11-635)

AN ACT relating to marriage; revising certain provisions relating to certificates of marriage and the solemnization of marriage; **revising provisions governing deputy commissioners of civil marriages;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the county clerk may place an affidavit of application for a marriage license, a certificate of marriage and a marriage license on a single form, on the reverse of which the county clerk must have printed or stamped instructions for obtaining a certified copy or certified abstract of the certificate of marriage. (NRS 122.055) **Section 2** of this bill requires the county clerk to include on the reverse of such a form: (1) instructions for obtaining a certified copy or certified abstract of the certificate of marriage; (2) certain language explaining that the certificate is not a certified copy and that a certified copy will need to be obtained for certain legal matters; and (3) a time stamp used by the clerk to signify that the form has been filed.

Existing law also provides that a certificate of permission to perform marriages expires when a minister or other person who is authorized to solemnize a marriage, to whom the certificate has been issued, moves from the county in which his or her certificate was issued. (NRS 122.066) **Section 3** of this bill specifies that a certificate of permission remains valid when a minister or other person who is authorized to solemnize a marriage, who is retired and who has been issued the certificate, moves to another county in this State.

Existing law authorizes, under certain circumstances, the commissioner of civil marriages in certain counties to appoint deputy commissioners of civil marriages and provides that deputy commissioners of civil marriages are employees of the county clerk's office. (NRS 122.175) Section 5 of this bill: (1) removes the prohibition against deputy commissioners of civil marriages solemnizing marriages at any time other than the working hours or shift during which the deputy commissioners of civil marriages are employed; (2) sets forth certain prerequisites that must be satisfied before a person who will be retained as an independent contractor by the county clerk's office may be appointed as a deputy commissioner of civil marriages; and (3) authorizes the compensation of a deputy commissioner of civil marriages who is retained as an independent contractor by the county clerk's office to be based upon the number or volume of marriages that the deputy commissioner solemnizes.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. (Deleted by amendment.)

Sec. 2. NRS 122.055 is hereby amended to read as follows:

122.055 1. The county clerk may place the affidavit of application for a marriage license, the certificate of marriage and the marriage license on a single form.

2. The county clerk shall have printed or stamped on the reverse of the form ~~[instructions]~~ ***:***

(a) Instructions for obtaining a certified copy or certified abstract of the certificate of marriage.

(b) Language in black ink and at least 16-point bold type in a font that is easy to read and that is in substantially the following form:

This is your certificate. This is not a certified copy. For name changes and other legal matters, you will need to obtain a certified copy.

3. Nothing may be printed, stamped or written on the reverse of the form other than the instructions and language described in subsection 2 and a time stamp used by the county clerk to signify that the form has been filed.

Sec. 3. NRS 122.066 is hereby amended to read as follows:

122.066 1. The Secretary of State shall establish and maintain a statewide database of ministers or other persons authorized to solemnize a marriage. The database must:

(a) Serve as the official list of ministers or other persons authorized to solemnize a marriage approved in this State;

(b) Provide for a single method of storing and managing the official list;

(c) Be a uniform, centralized and interactive database;

(d) Be electronically secure and accessible to each county clerk in this State;

(e) Contain the name, mailing address and other pertinent information of each minister or other person authorized to solemnize a marriage as prescribed by the Secretary of State; and

(f) Include a unique identifier assigned by the Secretary of State to each minister or other person authorized to solemnize a marriage.

2. If the county clerk approves an application for a certificate of permission to perform marriages, the county clerk shall:

(a) Enter all information contained in the application into the electronic statewide database of ministers or other persons authorized to solemnize a marriage maintained by the Secretary of State not later than 10 days after the certificate of permission to perform marriages is approved by the county clerk; and

(b) Provide to the Secretary of State all information related to the minister or other person authorized to solemnize a marriage pursuant to paragraph (e) of subsection 1.

3. Upon approval of an application pursuant to subsection 2, the minister or other person authorized to solemnize a marriage:

(a) Shall comply with the laws of this State governing the solemnization of marriage and conduct of ministers or other persons authorized to solemnize a marriage;

(b) Is subject to further review or investigation by the county clerk to ensure that he or she continues to meet the statutory requirements for a person authorized to solemnize a marriage; and

(c) Shall provide the county clerk with any changes to his or her status or information, including, without limitation, the address or telephone number of the church or religious organization or any other information pertaining to certification.

4. A certificate of permission is valid until the county clerk has received an affidavit of revocation of authority to solemnize marriages pursuant to NRS 122.0665.

5. An affidavit of revocation of authority to solemnize marriages that is received pursuant to subsection 4 must be sent to the county clerk within 5 days after the minister or other person authorized to solemnize a marriage ceased to be a member of the church or religious organization in good standing or ceased to be a minister or other person authorized to solemnize a marriage for the church or religious organization.

6. If the county clerk in the county where the certificate of permission was issued has reason to believe that the minister or other person authorized to solemnize a marriage is no longer in good standing within his or her church or religious organization, or that he or she is no longer a minister or other person authorized to solemnize a marriage, or that such church or religious organization no longer exists, the county clerk may require satisfactory proof of the good standing of the minister or other person authorized to solemnize a marriage. If such proof is not presented within 15 days, the county clerk shall revoke the certificate of permission by amending the electronic record of the minister or other person authorized to solemnize a marriage in the statewide database pursuant to subsection 1.

7. ~~[If]~~ ***Except as otherwise provided in subsection 8, if*** any minister or other person authorized to solemnize a marriage to whom a certificate of permission has been issued severs ties with his or her church or religious organization or moves from the county in which his or her certificate was issued, the certificate shall expire immediately upon such severance or move, and the church or religious organization shall, within 5 days after the severance or move, file an affidavit of revocation of authority to solemnize marriages pursuant to NRS 122.0665. If the minister or other person authorized to solemnize a marriage voluntarily advises the county clerk of the county in which his or her certificate was issued of his or her severance with his or her church or religious organization, or that he or she has moved from the county, the certificate shall expire immediately upon such severance or move without any notification to the county clerk by the church or religious organization.

8. ***If any minister or other person authorized to solemnize a marriage, who is retired and to whom a certificate of permission has been issued, moves from the county in which his or her certificate was issued to another county in this State, the certificate remains valid until such time as the certificate otherwise expires or is revoked as prescribed by law. The minister or other person authorized to solemnize a marriage must provide his or her new address to the county clerk in the county to which the minister or other person authorized to solemnize a marriage has moved.***

9. The Secretary of State may adopt regulations concerning the creation and administration of the statewide database. This section does not prohibit the Secretary of State from making the database publicly accessible for the purpose of viewing ministers or other persons who are authorized to solemnize a marriage in this State.

Sec. 4. (Deleted by amendment.)

Sec. 5. **NRS 122.175 is hereby amended to read as follows:**

122.175 1. In a county whose population is 400,000 or more, the commissioner of civil marriages may appoint deputy commissioners of civil marriages. Such deputies shall:

(a) Solemnize marriages in commissioner townships under the direction of the commissioner; and

(b) Perform such other duties as the commissioner may direct.

2. In a county whose population is less than 400,000 and in which the board of county commissioners has appointed the county clerk to act as the commissioner of civil marriages, the board may, by ordinance, establish the number of deputy commissioners of civil marriages which may be appointed by the commissioner of civil marriages to carry out the duties set forth in subsection 1.

3. ~~[No deputy commissioner of civil marriages may solemnize marriages at any time other than during the working hours or shift during which the deputy commissioner is employed.~~

~~4.]~~ The deputy commissioners of civil marriages ***who*** are employees of the county clerk's office ~~[and]~~ are entitled to be compensated by a salary and by such other benefits as are available to other county personnel regularly employed in the same county clerk's office. The compensation of any deputy commissioner of civil marriages ***who is an employee of the county clerk's office*** must not be based in any manner upon the number or volume of marriages that the deputy commissioner may solemnize in the performance of his or her duties.

4. Before the commissioner of civil marriages may appoint a person who will be retained as an independent contractor by the county clerk's office as a deputy commissioner of civil marriages:

(a) The person must submit to the commissioner of civil marriages for the purposes of a background check:

(1) The person's name and social security number; and

(2) Any other information required by the commissioner of civil marriages.

(b) The commissioner of civil marriages:

(1) May require the district attorney and the sheriff to conduct an investigation of the background and present activities of the person; and

(2) Shall satisfy himself or herself that:

(I) No certificate of permission to perform marriages previously issued to the person has been cancelled for a knowing violation of the laws of this State or of the United States; and

(II) The person has not been convicted of a felony, released from confinement or completed his or her parole or probation, whichever occurs later, within 10 years before the date of submission of the information required pursuant to paragraph (a).

5. ***The compensation of a deputy commissioner of civil marriages who is retained as an independent contractor by the county clerk's office may be based upon the number or volume of marriages that the deputy commissioner solemnizes in the performance of his or her duties.***

6. In counties in which deputy commissioners of civil marriages are ~~[employed,]~~ ***appointed,*** no more than two deputy commissioners may be on duty within the courthouse of such a county for the purpose of solemnizing marriages at any one time.

~~[Sec. 5.]~~ ***Sec. 6.*** This act becomes effective on July 1, 2011.

Assemblyman Ohrenschall moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, reengrossed, and to third reading.

Senate Bill No. 133

Bill read second time and ordered to third reading.

Senate Bill No. 257.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 794.

AN ACT relating to crimes; revising various provisions governing graffiti offenses; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law generally provides that a person who unlawfully places graffiti on or otherwise defaces public or private property is guilty of a misdemeanor, gross misdemeanor or felony, depending on the value of the loss of the property. Additionally, if a person commits more than one offense pursuant to a scheme or continuing course of conduct, the value of the loss of all the property must be aggregated for the purposes of determining a penalty if the value of the loss is $5,000 or more. (NRS 206.330) **Section 1** of this bill revises this provision and requires aggregation when the value of the loss is $500 or more. **Section 1** also provides that a person who commits an offense on any protected site in this State is guilty of a category C felony.

Existing law also requires a person who unlawfully places graffiti on or otherwise defaces public or private property to pay a monetary fine and perform community service. (NRS 206.330) **Section 1** specifies that in addition to any other fine or penalty imposed, a court may order such a person to pay restitution. **Section 1** also provides that a person convicted of a third offense must perform up to 300 hours of community service for up to a year cleaning up, repairing, replacing or keeping clean of graffiti the property damaged or destroyed by the person or another specified property.

Section 2 of this bill also authorizes a court to order a person who unlawfully places graffiti on or otherwise defaces public or private property to participate in counseling, and if the person is less than 18 years of age, order the parent or legal guardian of the person to attend or participate in counseling. **Section 2** further authorizes the owner of public or private property that has been damaged by graffiti to bring a civil action against the person who damaged the property. The property owner may be awarded damages in an amount up to three times **the amount of any loss in value to the property and up to three times** the cost of restoring the property, in addition to attorney's fees and costs.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 206.330 is hereby amended to read as follows:

206.330 1. Unless a greater criminal penalty is provided by a specific statute, a person who places graffiti on or otherwise defaces the public or private property, real or personal, of another, without the permission of the owner:

(a) Where the value of the loss is less than $250, is guilty of a misdemeanor.

(b) Where the value of the loss is $250 or more but less than $5,000, is guilty of a gross misdemeanor.

(c) Where the value of the loss is $5,000 or more or where the damage results in the impairment of public communication, transportation or police and fire protection, is guilty of a category E felony and shall be punished as provided in NRS 193.130. If the court grants probation to such a person, the court shall require as a condition of probation that the person serve at least 10 days in the county jail.

(d) Where the offense is committed on any protected site in this State, is guilty of a category C felony and shall be punished as provided in NRS 193.130. If the court grants probation to such a person, the court shall require as a condition of probation that the person serve at least 10 days in the county jail.

2. If a person commits more than one offense pursuant to a scheme or continuing course of conduct, the value of all property damaged or destroyed by that person in the commission of those offenses must be aggregated for the purpose of determining the penalty prescribed in subsection 1, but only if the value of the loss when aggregated is ~~[~~$5,000~~]~~ ***$500*** or more.

3. A person who violates subsection 1 shall, in addition to any other fine or penalty imposed:

(a) For the first offense, pay a fine of not less than $400 but not more than $1,000 and perform 100 hours of community service.

(b) For the second offense, pay a fine of not less than $750 but not more than $1,000 and perform 200 hours of community service.

(c) For the third and each subsequent offense ~~[~~, pay~~]~~ ***:***

(1) Pay a fine of $1,000 ***;*** and ~~[~~perform 200 hours of~~]~~

(2) Perform up to 300 hours of community service ~~[~~.~~]~~ ***for up to 1 year, as determined by the court. The court may order the person to repair, replace, clean up or keep free of graffiti the property damaged or destroyed by the person or, if it is not practicable for the person to repair, replace, clean up or keep free of graffiti that specific property, the court may order the person to repair, replace, clean up or keep free of graffiti another specified property.***

➥ The community service assigned pursuant to this subsection must, if possible, be related to the abatement of graffiti.

4. ***The court may, in addition to any other fine or penalty imposed, order a person who violates subsection 1 to pay restitution.***

5. The parent or legal guardian of a person under ~~[the age of]~~ 18 years ***of age*** who violates this section is liable for all fines and penalties imposed against the person. If the parent or legal guardian is unable to pay the fine and penalties resulting from a violation of this section because of financial hardship, the court may require the parent or legal guardian to perform community service.

~~[5.]~~ ***6.*** If a person who is 18 years of age or older is found guilty of violating this section, the court shall, in addition to any other penalty imposed, issue an order suspending the driver's license of the person for not less than 6 months but not more than 2 years. The court shall require the person to surrender all driver's licenses then held by the person. If the person does not possess a driver's license, the court shall issue an order prohibiting the person from applying for a driver's license for not less than 6 months but not more than 2 years. The court shall, within 5 days after issuing the order, forward to the Department of Motor Vehicles any licenses together with a copy of the order.

~~[6.]~~ ***7.*** The Department of Motor Vehicles:

(a) Shall not treat a violation of this section in the manner statutorily required for a moving traffic violation.

(b) Shall report the suspension of a driver's license pursuant to this section to an insurance company or its agent inquiring about the person's driving record. An insurance company shall not use any information obtained pursuant to this paragraph for purposes related to establishing premium rates or determining whether to underwrite the insurance.

~~[7.]~~ ***8.*** A criminal penalty imposed pursuant to this section is in addition to any civil penalty or other remedy available pursuant to ***this section or*** another statute for the same conduct.

~~[8.]~~ ***9.*** As used in this section:

(a) ~~[~~"Historic site" means a site, landmark or monument of historical significance pertaining to the history of the settlement of Nevada, or Indian campgrounds, shelters, petroglyphs, pictographs and burials.

~~(b)]~~ **"**Impairment" means the disruption of ordinary and incidental services, the temporary loss of use or the removal of the property from service for repair of damage.

(b) "***Protected site" means:***

(1) A site, landmark, monument, building or structure of historical significance pertaining to the history of the settlement of Nevada;

(2) Any Indian campgrounds, shelters, petroglyphs, pictographs and burials; or

(3) Any archeological or paleontological site, ruin, deposit, fossilized footprints and other impressions, petroglyphs and pictographs, habitation caves, rock shelters, natural caves, burial ground or sites of religious or cultural importance to an Indian tribe.

(c) "Value of the loss" means the cost of repairing, restoring or replacing the property, including, without limitation, the cost of any materials and labor necessary to repair, restore or replace the item.

Sec. 2. NRS 206.345 is hereby amended to read as follows:

206.345 ***1. A court may, in addition to any other fine or penalty imposed, order a person who places graffiti on or otherwise defaces public or private property in violation of NRS 206.125 or 206.330 to participate in counseling, and if the person is less than 18 years of age, order the parent or legal guardian of the person to attend or participate in counseling pursuant to NRS 62E.290.***

2. If a court orders a person who violates the provisions of NRS 206.125 or 206.330 to pay restitution, the person shall pay the restitution to:

~~[1.]~~ ***(a)*** The owner of the property which was affected by the violation; or

~~[2.]~~ ***(b)*** If the violation involved the placing of graffiti on any public property, the governmental entity that incurred expenses for removing, covering or cleaning up the graffiti.

3. The owner of public or private property that has been damaged by graffiti may bring a civil action against the person who placed the graffiti on such property. The court may award to the property owner damages in an amount up to three times the amount of any loss in value to the property and up to three times the cost of restoring the property plus attorney's fees and costs, which may be recovered from the offender or, if the offender is less than 18 years of age, from the parent or legal guardian of the offender.

Sec. 3. NRS 381.225 is hereby amended to read as follows:

381.225 1. It is unlawful for any person to commit vandalism upon any historic or prehistoric sites, natural monuments, speleological sites and objects of antiquity, or to write or paint or carve initials or words, or in any other way deface, any of those objects, Indian paintings or historic buildings.

2. Unless a greater penalty is provided in NRS 206.125 ~~[,]~~ ***or 206.330,*** a person violating the provisions of subsection 1 is guilty of a public offense proportionate to the value of the property damaged or destroyed as set forth in NRS 193.155.

Assemblyman Ohrenschall moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, reengrossed, and to third reading.

Senate Bill No. 282.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 548.

SUMMARY—Prohibits the **willful and** intentional public posting or displaying of the social security number of another person. (BDR 15-792)

AN ACT relating to crimes; prohibiting the **willful and** intentional public posting or displaying of the social security number of another person; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill **generally** prohibits a person from **willfully and** intentionally posting or displaying in any public manner the social security number of another person unless the person is authorized or required to do so by specific federal or state law or regulation. Unless a greater penalty is provided by specific statute, a person who violates this provision is guilty of a misdemeanor, which is punishable by imprisonment in the county jail for not more than 6 months or by a fine of not more than $1,000, or both. This bill also authorizes a person whose social security number has been unlawfully posted or displayed to bring a civil cause of action against the person who posted or displayed his or her social security number and to recover actual damages, reasonable attorney's fees and costs from that person.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 205 of NRS is hereby amended by adding thereto a new section to read as follows:

1. ~~[A]~~ Except as otherwise provided in this section, a person shall not willfully and intentionally post or display in any public manner the social security number of another person unless the person is authorized or required to do so by specific federal or state law or regulation.

2. This section does not:

(a) Prevent the use of a social security number for internal verification or administrative purposes.

(b) Apply to documents that are recorded or required to be open to the public pursuant to federal or state law or regulation.

3. Unless a greater penalty is provided by specific statute, a person who violates ~~[subsection 1]~~ this section is guilty of a misdemeanor.

~~[3.]~~ 4. A person whose social security number has been willfully and intentionally posted or displayed in violation of this section may bring a civil cause of action against the person who commits such a violation. The court may award actual damages, reasonable attorney's fees and costs to the person whose social security number has been willfully and intentionally posted or displayed in violation of this section.

~~[4.]~~ 5. As used in this section ~~[, "person"]~~ :

(a) "Person" includes a government, governmental agency or political subdivision of a government.

(b) "Post or display in any public manner" means to communicate or otherwise make available to the general public. The term includes, without limitation:

(1) Printing the social security number of another person on any card required for the other person to access products or services provided by the person or entity printing the social security number.

(2) Requiring another person to transmit his or her social security number over the Internet, unless the connection is secure or the social security number is encrypted.

(3) Requiring another person to use his or her social security number to access an Internet website, unless a password or unique personal identification number or other authentication device is also required to access the Internet website.

(4) Printing the social security number of another person on any material that is mailed to the person, if the social security number is visible to the public.

Assemblyman Ohrenschall moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Senate Bill No. 402.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 740.

AN ACT relating to real property; revising provisions relating to covenants that may be adopted by reference in a deed of trust; providing methods by which assumption fees for a change of parties in a deed of trust may be set; requiring a foreclosure sale of commercial property to be held in a **public** location specified in certain recorded documents; ~~[limiting the amount of certain secured interests in foreclosure sales and deficiency judgments;]~~ revising provisions relating to accounting for impound accounts for the payment of certain obligations relating to certain real property; providing a civil penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Sections 1 and 2 of this bill amend a statutory covenant that may be adopted by reference in a deed of trust to allow the parties thereto the alternatives of paying, in connection with a trustee's sale, either reasonable counsel fees and actual costs incurred or counsel fees in an amount equal to a specified percentage of the property secured by the deed of trust.

Section 3 of this bill sets forth certain methods of specifying assumption fees for a change in parties in a deed of trust.

Section 4 of this bill requires a foreclosure sale of commercial property to be conducted at the **public** location specified in the notice of sale recorded by the trustee of a trust deed or transfer in trust.

~~[Section 4.5 of this bill revises provisions limiting the amount of certain secured interests included in the term "indebtedness" for the purpose of foreclosure sales and deficiency judgments.]~~

Sections 5 and 6 of this bill revise provisions relating to accountings for impound accounts for the payment of certain obligations relating to certain real property.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 107.030 is hereby amended to read as follows:

107.030 Every deed of trust made after March 29, 1927, may adopt by reference all or any of the following covenants, agreements, obligations, rights and remedies:

1. COVENANT NO. 1. That grantor agrees to pay and discharge at maturity all taxes and assessments and all other charges and encumbrances which now are or shall hereafter be, or appear to be, a lien upon the trust premises, or any part thereof; and that grantor will pay all interest or installments due on any prior encumbrance, and that in default thereof, beneficiary may, without demand or notice, pay the same, and beneficiary shall be sole judge of the legality or validity of such taxes, assessments, charges or encumbrances, and the amount necessary to be paid in satisfaction or discharge thereof.

2. COVENANT NO. 2. That the grantor will at all times keep the buildings and improvements which are now or shall hereafter be erected upon the premises insured against loss or damage by fire, to the amount of at least $....., by some insurance company or companies approved by beneficiary, the policies for which insurance shall be made payable, in case of loss, to beneficiary, and shall be delivered to and held by the beneficiary as further security; and that in default thereof, beneficiary may procure such insurance, not exceeding the amount aforesaid, to be effected either upon the interest of trustee or upon the interest of grantor, or his or her assigns, and in their names, loss, if any, being made payable to beneficiary, and may pay and expend for premiums for such insurance such sums of money as the beneficiary may deem necessary.

3. COVENANT NO. 3. That if, during the existence of the trust, there be commenced or pending any suit or action affecting the conveyed premises, or any part thereof, or the title thereto, or if any adverse claim for or against the premises, or any part thereof, be made or asserted, the trustee or beneficiary may appear or intervene in the suit or action and retain counsel therein and defend same, or otherwise take such action therein as they may be advised, and may settle or compromise same or the adverse claim; and in that behalf and for any of the purposes may pay and expend such sums of money as the trustee or beneficiary may deem to be necessary.

4. COVENANT NO. 4. That the grantor will pay to trustee and to beneficiary respectively, on demand, the amounts of all sums of money which they shall respectively pay or expend pursuant to the provisions of the implied covenants of this section, or any of them, together with interest upon each of the amounts, until paid, from the time of payment thereof, at the rate of ..... percent per annum.

5. COVENANT NO. 5. That in case grantor shall well and truly perform the obligation or pay or cause to be paid at maturity the debt or promissory note, and all moneys agreed to be paid, and interest thereon for the security of

which the transfer is made, and also the reasonable expenses of the trust in this section specified, then the trustee, its successors or assigns, shall reconvey to the grantor all the estate in the premises conveyed to the trustee by the grantor. Any part of the trust property may be reconveyed at the request of the beneficiary.

6. COVENANT NO. 6. That if default be made in the performance of the obligation, or in the payment of the debt, or interest thereon, or any part thereof, or in the payment of any of the other moneys agreed to be paid, or of any interest thereon, or if any of the conditions or covenants in this section adopted by reference be violated, and if the notice of breach and election to sell, required by this chapter, be first recorded, then trustee, its successors or assigns, on demand by beneficiary, or assigns, shall sell the above-granted premises, or such part thereof as in its discretion it shall find necessary to sell, in order to accomplish the objects of these trusts, in the manner following, namely:

The trustees shall first give notice of the time and place of such sale, in the manner provided in NRS 107.080 and may postpone such sale not more than three times by proclamation made to the persons assembled at the time and place previously appointed and advertised for such sale, and on the day of sale so advertised, or to which such sale may have been postponed, the trustee may sell the property so advertised, or any portion thereof, at public auction, at the time and place specified in the notice, at a public location in the county in which the property, or any part thereof, to be sold, is situated, to the highest cash bidder. The beneficiary, obligee, creditor, or the holder or holders of the promissory note or notes secured thereby may bid and purchase at such sale. The beneficiary may, after recording the notice of breach and election, waive or withdraw the same or any proceedings thereunder, and shall thereupon be restored to the beneficiary's former position and have and enjoy the same rights as though such notice had not been recorded.

7. COVENANT NO. 7. That the trustee, upon such sale, shall make (without warranty), execute and, after due payment made, deliver to purchaser or purchasers, his, her or their heirs or assigns, a deed or deeds of the premises so sold which shall convey to the purchaser all the title of the grantor in the trust premises, and shall apply the proceeds of the sale thereof in payment, firstly, of the expenses of such sale, together with the reasonable expenses of the trust, including counsel fees, in an amount equal to ..... percent of the amount secured thereby and remaining unpaid ~~[,]~~ ***or reasonable counsel fees and costs actually incurred,*** which shall become due upon any default made by grantor in any of the payments aforesaid; and also such sums, if any, as trustee or beneficiary shall have paid, for procuring a search of the title to the premises, or any part thereof, subsequent to the execution of the deed of trust; and in payment, secondly, of the obligation or debts secured, and interest thereon then remaining unpaid, and the amount of all other moneys with interest thereon herein agreed or provided to be paid

by grantor; and the balance or surplus of such proceeds of sale it shall pay to grantor, his or her heirs, executors, administrators or assigns.

8. COVENANT NO. 8. That in the event of a sale of the premises conveyed or transferred in trust, or any part thereof, and the execution of a deed or deeds therefor under such trust, the recital therein of default, and of recording notice of breach and election of sale, and of the elapsing of the 3-month period, and of the giving of notice of sale, and of a demand by beneficiary, his or her heirs or assigns, that such sale should be made, shall be conclusive proof of such default, recording, election, elapsing of time, and of the due giving of such notice, and that the sale was regularly and validly made on due and proper demand by beneficiary, his or her heirs and assigns; and any such deed or deeds with such recitals therein shall be effectual and conclusive against grantor, his or her heirs and assigns, and all other persons; and the receipt for the purchase money recited or contained in any deed executed to the purchaser as aforesaid shall be sufficient discharge to such purchaser from all obligation to see to the proper application of the purchase money, according to the trusts aforesaid.

9. COVENANT NO. 9. That the beneficiary or his or her assigns may, from time to time, appoint another trustee, or trustees, to execute the trust created by the deed of trust or other conveyance in trust. A copy of a resolution of the board of directors of beneficiary (if beneficiary be a corporation), certified by the secretary thereof, under its corporate seal, or an instrument executed and acknowledged by the beneficiary (if the beneficiary be a natural person), shall be conclusive proof of the proper appointment of such substituted trustee. Upon the recording of such certified copy or executed and acknowledged instrument, the new trustee or trustees shall be vested with all the title, interest, powers, duties and trusts in the premises vested in or conferred upon the original trustee. If there be more than one trustee, either may act alone and execute the trusts upon the request of the beneficiary, and all of the trustee's acts thereunder shall be deemed to be the acts of all trustees, and the recital in any conveyance executed by such sole trustee of such request shall be conclusive evidence thereof, and of the authority of such sole trustee to act.

Sec. 2. NRS 107.040 is hereby amended to read as follows:

107.040 1. In order to adopt by reference any of the covenants, agreements, obligations, rights and remedies in NRS 107.030, it shall only be necessary to state in the deed of trust the following: "The following covenants, Nos. ....., ... and ..... (inserting the respective numbers) of NRS 107.030 are hereby adopted and made a part of this deed of trust."

2. A deed of trust or other conveyance in trust, in order to fix the amount of insurance to be carried, need not reincorporate the provisions of Covenant No. 2 of NRS 107.030, but may merely state the following: "Covenant No. 2," and set out thereafter the amount of insurance to be carried.

3. In order to fix the rate of interest under Covenant No. 4 of NRS 107.030, it shall only be necessary to state in such trust deed or other conveyance in trust, "Covenant No. 4," and set out thereafter the rate of interest to be charged thereunder.

4. In order to fix the amount or percent of counsel fees under Covenant No. 7 of NRS 107.030, it shall only be necessary to state in such deed of trust, or other conveyance in trust, the following: "Covenant No. 7," and set out thereafter ***either*** the percentage to be allowed ~~[.]~~ ***or, in lieu of the percentage to be allowed, reasonable counsel fees and costs actually incurred.***

Sec. 3. NRS 107.055 is hereby amended to read as follows:

107.055 If a party to a deed of trust, executed after July 1, 1971, desires to charge an assumption fee for a change in parties, the amount of such charge must be clearly set forth in the deed of trust at the time of execution. ***Without limiting or prohibiting any other method by which the amount of the charge may be clearly set forth in the deed of trust, the charge may be set forth as:***

1. A fixed sum;

2. A percentage of the amount secured by the deed of trust and remaining unpaid at the time of assumption; or

3. The lesser of, the greater of or some combination of the amounts determined by subsections 1 and 2.

Sec. 4. NRS 107.081 is hereby amended to read as follows:

107.081 1. All sales of property pursuant to NRS 107.080 must be made at auction to the highest bidder and must be made between the hours of 9 a.m. and 5 p.m. The agent holding the sale must not become a purchaser at the sale or be interested in any purchase at such a sale.

2. All sales of real property must be made:

(a) ***For a residential foreclosure or foreclosure of a residential unit:***

(1) In a county with a population of less than 100,000, at the courthouse in the county in which the property or some part thereof is situated.

~~[(b)]~~ ***(2)*** In a county with a population of 100,000 or more, at the public location in the county designated by the governing body of the county for that purpose.

(b) For a foreclosure of commercial property, at a public location in the county in which the property or some part thereof is situated as specified in the notice of sale recorded by the trustee of the trust deed or transfer in trust.

3. For the purposes of this section:

(a) "Commercial property" has the meaning ascribed to it in NRS 645E.040.

(b) "Residential foreclosure" has the meaning ascribed to it in NRS 107.080.

(c) "Residential unit" means a unit in a common-interest community that is used exclusively for residential use, as those terms are defined in chapter 116 of NRS.

Sec. 4.5. ~~[NRS 40.451 is hereby amended to read as follows:~~

~~40.451 As used in NRS 40.451 to 40.463, inclusive, "indebtedness" means the principal balance of the obligation secured by a mortgage or other lien on real property, together with [all]:~~

~~*1. All* interest accrued and unpaid prior to the time of foreclosure sale [, all];~~

~~*2. All* costs and fees of such a sale [, all];~~

~~*3. All* advances made with respect to the property by the beneficiary ; [,] and [all]~~

~~*4. All* other amounts secured by the mortgage or other lien on the real property in favor of the person seeking the deficiency judgment. Such [amount constituting a lien is] *other amounts are* limited to the amount [of the consideration] paid by the lienholder [.] *or the predecessor of the lienholder.]*~~ **(Deleted by amendment.)**

Sec. 5. NRS 100.091 is hereby amended to read as follows:

100.091 1. For each loan requiring the deposit of money to an escrow account, loan trust account or other impound account for the payment of taxes, assessments, rental or leasehold payments **,** ~~[or fire, hazard or other]~~ insurance premiums ~~[,]~~ ***or other obligations related to the encumbered property,*** the lender shall ~~[, at]~~ ***:***

(a) Require contributions in an amount reasonably necessary to pay the obligations as they become due.

(b) Unless money in the account is insufficient, pay in a timely manner the obligations as they become due.

(c) At least annually, analyze the account. The analysis of each account must be performed to determine whether sufficient money is contributed to the account on a monthly basis to pay for the projected disbursements from the account. At least 30 days before the effective date of any increased contribution to the account based on the analysis, a statement must be sent to the borrower showing the method of determining the amount of money held in the account, the amount of projected disbursements from the account and the amount of the reserves which may be held in accordance with federal guidelines.

2. If, upon completion of the analysis, it is determined that an account is not sufficiently funded to pay from the normal payment the items when due on the account, the lender shall offer the borrower the opportunity to correct the deficiency by making one lump-sum payment or by making increased monthly contributions, in an amount required by the lender. The lender shall not declare a default on the account solely because the borrower is unable to pay the amount of the deficiency in one lump sum.

3. ***Except for payments made by a borrower for a lender to recover previous deficiencies in contributions to the account pursuant to subsection***

2, the borrower is entitled pursuant to subsection 4 to the amount by which the borrower's contributions to the account exceed the amount reasonably necessary to pay the annual obligations due from the account, together with interest thereon at the rate established pursuant to NRS 99.040.

4. If, upon completion of the analysis, it is determined that the amount of money held by the lender in the account, together with anticipated future monthly contributions to the account to be credited to the account before the dates items are due on the account, exceed the amount of money required to pay the items when due, the lender shall, ~~[at the option of]~~ ***not later than 30 days after completion of its annual review of the account, notify the borrower:***

(a) Of the amount by which the contributions and interest earned pursuant to subsection 3 exceed the amount reasonably necessary to pay the annual obligations due from the account; and

(b) That the borrower ~~[, either repay]~~ ***may, not later than 20 days after receipt of the notice, specify that the lender:***

(1) Repay the excess ***money and interest*** promptly to the borrower ~~[, apply]~~ ***;***

(2) Apply the excess ***money and interest*** to the outstanding principal balance ***;*** or ~~[retain]~~

(3) Retain the excess ***money and interest*** in the account.

5. If the borrower fails to specify the disposition of the excess money and interest as provided in paragraph (b) of subsection 4, the lender shall maintain the excess money and interest in the account.

6. If any payment on the loan is delinquent at the time of the analysis, the lender shall retain any excess money ***and interest*** in the account and apply the ***excess*** money ***and interest*** in the account toward payment of the delinquency.

~~[4.]~~ ***7. A lender who violates any provision of subsections 4, 5 and 6 is liable to the borrower for a civil penalty of not more than $1,000.***

8. The provisions of this section apply exclusively to:

(a) A loan secured by a single family residence, as that term is defined in NRS 107.080; and

(b) A unit in a common-interest community that is used exclusively for residential use, as those terms are defined in chapter 116 of NRS.

9. As used in this section:

(a) "Borrower" means any person who receives a loan secured by real property and who is required to make advance contributions for the payment of taxes, insurance premiums or other expenses related to the property.

(b) "Lender" means any person who makes loans secured by real property and who requires advance contributions for the payment of taxes, insurance premiums or other expenses related to the property.

Sec. 6. NRS 106.105 is hereby repealed.

TEXT OF REPEALED SECTION

106.105 Contributions; payment of obligations; notice regarding and disposition of excess money; civil penalty.

1. Except as otherwise provided in subsection 2, a lender who requires a borrower to make advance contributions to an impound trust account, or an account of similar name, for the payment of taxes, insurance premiums or other obligations related to the encumbered property shall:

(a) Require contributions in an amount reasonably necessary to pay the obligations as they become due.

(b) Unless money in the account is insufficient, pay in a timely manner the obligations as they become due.

(c) Within 30 days after the completion of its annual review of the account, notify the borrower:

(1) Of the amount by which the contributions exceed the amount reasonably necessary to pay the annual obligations due from the account; and

(2) That the borrower may specify the disposition of the excess money within 20 days after receipt of the notice. If the borrower fails to specify such a disposition within that time, the lender shall maintain the excess money in the account.

➥ A lender who violates any provision of this subsection is liable to the borrower for a civil penalty of not more than $1,000.

2. A lender, to recover previous deficiencies in contributions to an impound trust account, may require contributions to the account in an amount greater than that reasonably necessary to pay the obligations as they become due. The borrower is otherwise entitled to the amount by which the borrower's contributions to the account exceed the amount reasonably necessary to pay the annual obligations due from the account, together with interest thereon at the rate established pursuant to NRS 99.040.

3. As used in this section:

(a) "Borrower" means a mortgagor, grantor of a deed of trust or other obligor on a loan secured by a lien upon real property.

(b) "Lender" means a mortgagee, beneficiary of a deed of trust or other obligee on a loan secured by a lien upon real property, and his or her successor in interest.

Assemblyman Ohrenschall moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, reengrossed, and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Conklin moved that Senate Bill No. 314 be taken from the General File and rereferred to the Committee on Ways and Means.

Motion carried.

Assemblyman Conklin moved that Assembly Bill No. 525 be taken from the Chief Clerk's desk and placed at the top of the General File.

Motion carried.

Assemblyman Conklin moved that Assembly Bill No. 37, 97, 128, 152, 182, 184, 190, 201, 210, 221, 226, 234, 237, 246, 273, 277, 300, 317, 323, 339, 358, 420, 444, 450, 481; Senate Joint Resolution No. 3 be taken from its position on the General File and placed at the top of the General File.

Motion carried.

Assemblywoman Dondero Loop moved that Senate Bill No. 238 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

Assemblyman Atkinson moved that Senate Bill No. 136 be taken from the General File placed at the top of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 136.

Bill read third time.

The following amendment was proposed by Assemblymen Conklin and Bustamante Adams:

Amendment No. 811.

AN ACT relating to financial institutions; revising provisions governing the period that a bank may hold certain real property; removing provisions requiring a bank annually to charge off a certain percentage of the value of certain real property held by the bank and acquired as a result of a debt owed to the bank; revising provisions governing the review of certain applications for licensure by the Commissioner of Financial Institutions; revising provisions relating to the control of a retail trust company; revising provisions governing the assets which certain trust companies are required to maintain; revising provisions governing applications for a license to operate a retail trust company; authorizing certain persons to appeal certain decisions of the Commissioner; **requiring the State Controller to develop and operate with financial institutions a data-match system for the collection of certain debts owed to the State;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes a bank to hold real property that the bank acquires through the collection of debts owed to it for up to 10 years, and **section 1** of this bill reduces that period to 5 years, except that a bank may request an extension of that period from the Commissioner of Financial Institutions of not more than 5 years. Existing law also requires a bank to charge off the real property on a schedule of not less than 10 percent per year, or at a greater percentage if so required by the Commissioner. (NRS 662.015) **Section 1**

removes the requirement that a bank annually charge off a certain percentage of the value of such real property.

Existing law charges the Commissioner with certain duties and responsibilities related to retail trust companies, including investigating companies that apply for licensure as a retail trust company, issuing licenses to qualified companies to operate as a retail trust company and removing from office an officer, director, manager or employee of a retail trust company for certain conduct. (NRS 657.180, 669.085, 669.090, 669.130, 669.150, 669.160, 669.281) **Section 3** of this bill requires the Commissioner to consider certain criteria related to the potential long-term success of a trust company before approving the company's application for licensure to operate as a retail trust company. **Section 4** of this bill requires a person who intends to obtain control of a retail trust company to submit an application for licensure to the Commissioner. **Section 7** of this bill requires the Commissioner to provide to an applicant for licensure as a retail trust company written notice of any grounds for denial of an application and authorizes the applicant to cure any defect or deficiency in the application and resubmit the application within a certain period. **Section 8** of this bill provides that a person who is removed from office by the Commissioner may appeal his or her removal from office within a certain period.

Existing law requires a retail trust company to maintain at least 50 percent of its required stockholders' equity in cash, unless the Commissioner approves a different amount, with the remaining amount to be held in the form of readily marketable securities or certain other assets that may be approved by the Commissioner. Existing law also requires a noncustodial trust company to maintain 50 percent of its required minimum capital in cash. (NRS 669.100) **Section 6** of this bill requires a retail trust company to maintain a certain amount of its required stockholders' equity in the form of cash or certain cash equivalents and authorizes a retail trust company to hold the remaining amount of the required stockholders' equity in the form of readily marketable securities or certain other assets upon the approval of the Commissioner. **Section 6** further requires that bonds or other evidence of indebtedness held by a retail trust company as part of its required stockholders' equity meet certain investment standards. **Section 6** also requires a noncustodial trust company to maintain 25 percent of its required minimum capital in the form of cash.

Section 10 of this bill requires the State Controller to develop and operate a system for matching data to collect outstanding debts owed to the State. Financial institutions in this State must provide to the State Controller information on persons who maintain accounts at the financial institution and are identified by the State Controller as owing outstanding debts to the State. Financial institutions are then required to encumber assets held in the financial institution by the debtors to pay their debts.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 662.015 is hereby amended to read as follows:

662.015 1. In addition to the powers conferred by law upon private corporations and limited-liability companies, a bank may:

(a) Exercise by its board of directors, managers or authorized officers and agents, subject to law, all powers necessary to carry on the business of banking by:

(1) Discounting and negotiating promissory notes, drafts, bills of exchange and other evidences of indebtedness;

(2) Receiving deposits;

(3) Buying and selling exchange, coin and bullion; and

(4) Loaning money on personal security or real and personal property.

➥ At the time of making loans, banks may take and receive interest or discounts in advance.

(b) Adopt regulations for its own government not inconsistent with the Constitution and laws of this State.

(c) Issue, advise and confirm letters of credit authorizing the beneficiaries to draw upon the bank or its correspondents.

(d) Receive money for transmission.

(e) Establish and become a member of a clearinghouse association and pledge assets required for its qualification.

(f) Exercise any authority and perform all acts that a national bank may exercise or perform, with the consent and written approval of the Commissioner. The Commissioner may, by regulation, waive or modify a requirement of Nevada law if the corresponding requirement for national banks is eliminated or modified.

(g) Provide for the performance of the services of a bank service corporation, such as data processing and bookkeeping, subject to any regulations adopted by the Commissioner.

(h) Unless otherwise specifically prohibited by federal law, sell annuities if licensed by the Commissioner of Insurance.

2. A bank may purchase, hold and convey real property:

(a) As is necessary for the convenient transaction of its business, including furniture and fixtures, with its banking offices and for future site expansion. This investment must not exceed, except as otherwise provided in this section, 60 percent of its stockholders' or members' equity, plus subordinated capital notes and debentures. The Commissioner may authorize any bank located in a city whose population is more than 10,000 to invest more than 60 percent of its stockholders' or members' equity, plus subordinated capital notes and debentures, in its banking offices, furniture and fixtures.

(b) As is mortgaged to it in good faith by way of security for loans made or money due to the bank.

(c) As is permitted by NRS 662.103.

3. This section does not prohibit any bank from holding, developing or disposing of any real property it may acquire through the collection of debts due it. ~~[Any]~~ ***Except as otherwise provided in subsection 4,*** real property acquired through the collection of debts due it may not be held for longer than ~~[10]~~ ***5*** years. It must be sold at private or public sale within 30 days thereafter. ~~[During the time that the bank holds the real property, the bank shall charge off the real property on a schedule of not less than 10 percent per year, or at a greater percentage per year as the Commissioner may require.]~~

4. A bank may request and the Commissioner may grant an extension of the period described in subsection 3 of not more than 5 years. The Commissioner shall not grant a bank more than one extension of the period prescribed in subsection 3 for any real property held by the bank.

Sec. 2. NRS 669.083 is hereby amended to read as follows:

669.083 1. A retail trust company licensed in this State shall maintain its principal office in this State.

2. The conditions for a retail trust company to fulfill the requirements of subsection 1 include, but are not limited to:

(a) A verifiable physical office in this State that conducts such business operations in this State as are necessary to administer trusts in this State;

(b) The presence of an employee that is a resident of Nevada in the principal office who has experience that is satisfactory to the Commissioner in accepting and administering trusts;

(c) Maintenance of originals or true copies of all material business records and accounts of the retail trust company which may be accessed and are readily available for examination by the Division of Financial Institutions;

(d) Maintenance of ***any cash as a portion of*** the required ~~[cash portion of the]~~ stockholders' equity pursuant to NRS 669.100 in accounts with one or more banks or other financial institutions located in this State;

(e) The provision of services to residents of this State consistent with the business plan provided by the trust company with its license application; and

(f) Such other conditions that the Commissioner may ***reasonably*** require to protect the public interest.

Sec. 3. NRS 669.085 is hereby amended to read as follows:

669.085 1. ~~[The Commissioner may conduct a pre-opening examination of a retail trust company and, in]~~ ***In*** rendering a decision on an application for a license as a retail trust company, ***the Commissioner shall*** consider:

(a) The proposed market or markets to be served and, if they extend outside of this State, any exceptional risk, examination or supervision concerns associated with such markets;

(b) Whether the proposed organizational and capital structure and the amount of initial capital appear adequate in relation to the proposed business and market or markets, including, without limitation, the average level of assets under management and administration projected for each of the first 3 years of operation;

(c) ~~[Whether the anticipated volume and nature of business indicate a reasonable probability of success and profitability based on the market or markets proposed to be served;~~

~~(d)]~~ Whether the proposed officers and directors or managers of the proposed retail trust company, as a group, have sufficient experience, ability, standing and competence and whether each individually has sufficient trustworthiness and integrity to justify a belief that the proposed retail trust company will be free from improper or unlawful influence and otherwise will operate in compliance with the law and applicable fiduciary duties and that success of the proposed retail trust company is reasonably probable;

~~[(e)]~~ ***(d)*** Whether any investment services to trusts, estates, charities, employee benefit plans and other fiduciary accounts or to natural persons, partnerships, limited-liability companies and other entities, including, without limitation, providing investment advice with or without discretion or selling investments in or investment products of affiliated or nonaffiliated persons, will be conducted in compliance with all applicable fiduciary standards, including, without limitation, NRS 164.700 to 164.775, inclusive, the duty of loyalty and disclosure of material information;

~~[(f)]~~ ***(e)*** Whether the proposed retail trust company will be exempt from registration under the Investment Advisers Act of 1940, 15 U.S.C. § 80b-1 et seq., and any similar state laws in each state where it would otherwise be required to register and, if not, whether it will comply with such registration requirements before commencing business and thereafter will comply with all federal and state laws and regulations applicable to it, its employees and representatives as a registrant under such laws;

~~[(g)]~~ ***(f)*** Whether the proposed retail trust company will obtain suitable annual audits by qualified outside auditors of its books and records and its fiduciary activities under applicable account rules and standards as well as suitable internal audits; and

~~[(h)]~~ ***(g)*** Any other factors that the Commissioner may ***reasonably*** require.

2. The Commissioner may require a retail trust company to maintain capital in excess of the minimum required either initially or at any subsequent time based on the Commissioner's assessment of the risks associated with the retail trust company's business plan or any other circumstances revealed in the application, the Commissioner's investigation of the application or any examination of or filing by the retail trust company thereafter, including any examination before the opening of the retail trust company for business. In making such a determination, the Commissioner may consider:

(a) The nature and type of business proposed to be conducted by the retail trust company;

(b) The nature and liquidity of assets proposed to be held in its own account;

(c) The amount of fiduciary assets projected to be under management or under administration of the retail trust company;

(d) The type of fiduciary assets proposed to be held and any proposed depository of such assets;

(e) The complexity of fiduciary duties and degree of discretion proposed to be undertaken by the retail trust company;

(f) The competence and experience of proposed management of the retail trust company;

(g) The extent and adequacy of proposed internal controls;

(h) The proposed presence or absence of annual audits by an independent certified public accountant, and the scope and frequency of such audits, whether they result in an opinion of the accountant and any qualifications to the opinion;

(i) The reasonableness of business plans for retaining or acquiring additional equity capital;

(j) The existence and adequacy of insurance proposed to be obtained by the retail trust company for the purpose of protecting its fiduciary assets;

(k) The success of the retail trust company in achieving the financial projections submitted with its licensing application;

(l) The fulfillment by the retail trust company of its representations and its descriptions of its business structures and methods and management set forth in its licensing application; and

(m) Any other factor that the Commissioner may require.

Sec. 4. NRS 669.087 is hereby amended to read as follows:

669.087 1. A license issued pursuant to this chapter is not transferable or assignable ~~[. Upon]~~ ***, but upon*** approval of the Commissioner, a licensee may merge or consolidate with, or transfer its assets and control to, another entity that has been issued a license under this chapter. In making a determination regarding whether to grant such approval, the Commissioner may consider the factors set forth in paragraphs (a) to (m), inclusive, of subsection 2 of NRS 669.085.

2. If there is a change in control of any retail trust company, the chief executive officer or managing member of the retail trust company shall report the fact and the person obtaining control to the Commissioner within 5 business days after obtaining knowledge of the change.

3. A retail trust company shall, within 5 business days after there is a change in the chief executive officer, managing member or a majority of the directors or managing directors of the retail trust company, report the change to the Commissioner. The retail trust company shall include in its report a statement of the past and current business and professional affiliations of each new chief executive officer, managing member, director or managing director. A new chief executive officer, managing member, director or managing director shall furnish to the Commissioner a complete financial statement on a form prescribed by the Commissioner.

4. A person who ~~[~~acquires~~]~~ ***intends to acquire*** control ~~[~~as a result of a change of control~~]~~ of a retail trust company shall submit an application to the Commissioner. The application must be submitted on a form prescribed by the Commissioner. The Commissioner shall conduct an investigation ***pursuant to NRS 669.160*** to determine whether the person has a good reputation for honesty, trustworthiness and integrity and is competent to ~~[~~transact the business of a~~]~~ ***control the*** trust company in a manner which protects the interests of the general public.

5. The retail trust company with which the applicant described in subsection 4 is affiliated shall pay the nonrefundable cost of the investigation as the Commissioner requires. If the Commissioner denies the application, the Commissioner may forbid or limit the applicant's participation in the business of the trust company.

6. As used in this section, "control" means the possession, directly or indirectly, of the power to direct or cause the direction of the management and policy of a retail trust company, or a change in the ownership of at least 25 percent of the outstanding voting stock of, or participating members' interest in, a retail trust company.

Sec. 5. NRS 669.092 is hereby amended to read as follows:

669.092 1. It is unlawful for any retail trust company licensed in this State to engage in trust company business at any office outside this State without the prior approval of the Commissioner.

2. Before the Commissioner will approve a branch to be located in another state, the retail trust company must:

(a) Obtain from that state a license as a trust company; or

(b) ~~[~~Meet~~]~~ ***Provide proof satisfactory to the Commissioner that the retail trust company has met*** all the requirements to do business as a trust company at an office in that state ~~[~~.~~]~~ ***, including, without limitation, written documentation from the appropriate state agency that the retail trust company is authorized to do business in that state.***

Sec. 6. NRS 669.100 is hereby amended to read as follows:

669.100 1. No retail trust company may be organized or operated with a stockholders' equity of less than $1,000,000, or in such greater amount as may be required by the Commissioner. The full amount of the initial stockholders' equity must be paid in cash, exclusive of all organization expenses, before the trust company is authorized to commence business.

2. A retail trust company shall maintain at least ~~[~~50~~]~~ ***25*** percent of its required stockholders' equity in cash ~~[~~unless the Commissioner approves a smaller amount.~~]~~ ***and at least an additional 25 percent of its required stockholders' equity in cash or cash equivalents comprising certificates of deposit, money market funds or other insured deposits. Cash equivalents held by a retail trust company pursuant to this subsection may, upon prior approval by the Commissioner, comprise investments in treasury bills, government obligations or commercial paper which, if acquired after October 1, 2011, must mature not later than 3 months after the date of***

acquisition by the retail trust company. Any certificate of deposit, money market fund, insured deposit, commercial paper, treasury bill or government obligation, other than an obligation of the United States or an obligation guaranteed by the United States, that is held as a cash equivalent by a retail trust company pursuant to this subsection must not exceed 10 percent of the total required stockholders' equity at the time the cash equivalent is purchased. The remaining ~~[50 percent]~~ ***amount*** of ~~[its]~~ ***the retail trust company's*** required stockholders' equity may be a different form of readily marketable securities ***,*** or with prior approval by the Commissioner ***,*** other liquid, secure asset, bond, surety or insurance, or some combination of the foregoing. ***Any bond or other evidence of indebtedness held by a retail trust company pursuant to this subsection must have an investment grade credit rating and must have received a rating within one of the top three rating categories of Moody's Investors Service, Inc. or Standard and Poor's Ratings Services.***

3. Any grandfathered trust company other than a noncustodial trust company that does not have the minimum capital required by this section as of October 1, 2009, shall:

(a) Except as otherwise determined by the Commissioner, increase its capital to a minimum of:

(1) By October 1, 2010, $500,000;

(2) By October 1, 2011, $750,000; and

(3) By October 1, 2012, $1,000,000; and

(b) Maintain ~~[$500,000]~~ ***25 percent*** of such minimum capital in cash on and after October 1, 2010.

4. Any noncustodial trust company that does not have the minimum capital required by this section as of October 1, 2009, shall:

(a) Except as otherwise determined by the Commissioner, increase its capital to a minimum of:

(1) By October 1, 2010, $350,000;

(2) By October 1, 2011, $400,000; and

(3) By October 1, 2012, $500,000; and

(b) Maintain ~~[50]~~ ***25*** percent of such minimum capital in cash on and after October 1, 2010.

5. As used in this section, "in cash" means in depository accounts with one or more banks in this State.

Sec. 7. NRS 669.160 is hereby amended to read as follows:

669.160 1. Within 90 days after the application for a license is filed, the Commissioner shall investigate the facts of the application and the other requirements of this chapter to determine:

(a) That the persons who will serve as directors or officers of the corporation, or the managers or members acting in a managerial capacity of the limited-liability company, as applicable:

(1) Have a good reputation for honesty, trustworthiness and integrity and display competence to transact the business of a trust company in a

manner which safeguards the interests of the general public. The applicant must submit satisfactory proof of these qualifications to the Commissioner.

(2) Have not been convicted of, or entered a plea of nolo contendere to, a felony or any crime involving fraud, misrepresentation or moral turpitude.

(3) Have not made a false statement of material fact on the application.

(4) Have not been an officer or member of the board of directors for an entity which had a license issued pursuant to the provisions of this chapter that was suspended or revoked within the 10 years immediately preceding the date of the application, and in the reasonable judgment of the Commissioner, there is evidence that the officer or member of the board of directors materially contributed to the actions resulting in the license suspension or revocation.

(5) Have not been an officer or member of the board of directors for a company which had a license as a trust company which was issued in any other state, district or territory of the United States or any foreign country suspended or revoked within the 10 years immediately preceding the date of the application, and in the reasonable judgment of the Commissioner, there is evidence that the officer or member of the board of directors materially contributed to the actions resulting in the license suspension or revocation.

(6) Have not violated any of the provisions of this chapter or any regulation adopted pursuant to the provisions of this chapter.

(b) That the financial status of the directors and officers of the corporation or the managers or members acting in a managerial capacity of the limited-liability company is consistent with their responsibilities and duties.

(c) That the name of the proposed company complies with the provisions of NRS 657.200.

(d) That the initial stockholders' equity is not less than the required minimum.

(e) That the applicant has retained the employee required by paragraph (b) of subsection 2 of NRS 669.083.

2. ~~[~~Notice~~]~~ ***After an investigation by the Commissioner pursuant to subsection 1, if the Commissioner finds any defect or deficiency in an application for licensure which would constitute grounds for denial of the application, written notice of such grounds for denial must be served personally or sent by certified mail to the applicant. The Commissioner shall allow the applicant an opportunity to cure any defect or deficiency in the application and, not later than 30 days after receipt of the notice of denial, to resubmit the application for approval.***

3. If a defect or deficiency in an application is not cured pursuant to subsection 2, written notice of the entry of an order refusing a license to a trust company must be ~~[~~given in writing,~~]~~ served personally or sent by certified mail to the company affected. The company, upon application, is entitled to a hearing before the Commissioner, but if no such application is made within 30 days after the entry of an order refusing a license to any company, the Commissioner shall enter a final order.

~~[3.]~~ ***4.*** The order of the Commissioner is final for the purposes of judicial review.

Sec. 8. NRS 669.281 is hereby amended to read as follows:

669.281 ***1.*** The Commissioner may require the immediate removal from office of any officer, director, manager or employee of any retail trust company doing business under this chapter who is found to be dishonest, incompetent or reckless in the management of the affairs of the retail trust company, or who persistently violates the laws of this State or the lawful orders, instructions and regulations issued by the Commissioner.

2. An officer, director, manager or employee of a retail trust company who is removed from office pursuant to subsection 1 may appeal his or her removal by filing a written request for a hearing with the Commissioner within 10 days after the effective date of his or her removal. The Commissioner shall conduct the hearing after providing at least 5 days' written notice to the retail trust company and the officer, director, manager or employee who is removed from office. Within 5 days after the hearing, the Commissioner shall enter an order affirming or disaffirming the removal of the person from office. An order of the Commissioner entered pursuant to this subsection is final for the purposes of judicial review.

Sec. 9. **NRS 239A.070 is hereby amended to read as follows:**

239A.070 This chapter does not apply to any subpoena issued pursuant to title 14 or chapters 616A to 617, inclusive, of NRS or prohibit:

1. Dissemination of any financial information which is not identified with or identifiable as being derived from the financial records of a particular customer.

2. The Attorney General, ***State Controller,*** district attorney, Department of Taxation, Director of the Department of Health and Human Services, Administrator of the Securities Division of the Office of the Secretary of State, public administrator, sheriff or a police department from requesting of a financial institution, and the institution from responding to the request, as to whether a person has an account or accounts with that financial institution and, if so, any identifying numbers of the account or accounts.

3. A financial institution, in its discretion, from initiating contact with and thereafter communicating with and disclosing the financial records of a customer to appropriate governmental agencies concerning a suspected violation of any law.

4. Disclosure of the financial records of a customer incidental to a transaction in the normal course of business of the financial institution if the director, officer, employee or agent of the financial institution who makes or authorizes the disclosure has no reasonable cause to believe that such records will be used by a governmental agency in connection with an investigation of the customer.

5. A financial institution from notifying a customer of the receipt of a subpoena or a search warrant to obtain the customer's financial records, except when ordered by a court to withhold such notification.

6. The examination by or disclosure to any governmental regulatory agency of financial records which relate solely to the exercise of its regulatory function if the agency is specifically authorized by law to examine, audit or require reports of financial records of financial institutions.

7. The disclosure to any governmental agency of any financial information or records whose disclosure to that particular agency is required by the tax laws of this State.

8. The disclosure of any information pursuant to NRS 425.393, 425.400 or 425.460 ~~.~~ ***or section 10 of this act.***

9. A governmental agency from obtaining a credit report or consumer credit report from anyone other than a financial institution.

Sec. 10. **Chapter 353C of NRS is hereby amended by adding thereto a new section to read as follows:**

1. The State Controller shall enter into agreements with financial institutions doing business in this State to coordinate the development and operation of a system for matching data, using automated exchanges of data to the maximum extent feasible.

2. In addition to any other remedy provided for in this chapter, the State Controller may use the system for matching data developed and operated pursuant to subsection 1 to collect a debt, plus any applicable penalties and interest.

3. A financial institution in this State shall:

(a) Cooperate with the State Controller in carrying out the provisions of subsection 1.

(b) Use the system to provide to the State Controller for each calendar quarter the name, address of record, social security number or other number assigned for taxpayer identification of each person who maintains an account at the financial institution, as identified by the State Controller by name and social security number or other number assigned for taxpayer identification.

(c) In response to the receipt from the State Controller of notification of debt that a person owes the State, encumber all assets of the person held by the financial institution on behalf of the State Controller and surrender those assets to the State Controller. A financial institution is not required to encumber or surrender any assets received by the financial institution on behalf of the person after the financial institution received the notice of the debt from the State Controller.

4. A financial institution may not be held liable in any civil or criminal action for:

(a) Any disclosure of information to the State Controller pursuant to this section.

(b) Encumbering or surrendering any assets held by the financial institution pursuant to this section.

(c) Any other action taken in good faith to comply with the requirements of this section.

5. If a court issues an order to return to a person any assets surrendered by a financial institution pursuant to subsection 3, the State Controller is not liable to the person for any of those assets that have been provided to the State Controller in accordance with the order for the payment of a debt.

6. All information provided to the State Controller by a financial institution pursuant to this section is confidential and may only be used by the State Controller for use in the collection of a debt owed to the State.

7. As used in this section, "financial institution" has the meaning ascribed to it in NRS 239A.030.

~~[Sec. 9.]~~ ***Sec. 11.*** This act becomes effective upon passage and approval.

Assemblywoman Bustamante Adams moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, reengrossed, and to third reading.

Assembly Bill No. 525.

Bill read third time.

The following amendment was proposed by Assemblywoman Smith:

Amendment No. 807.

AN ACT relating to wildlife; requiring the Department of Wildlife to establish the Wildlife Trust Fund; authorizing the Department to accept any gift, donation, bequest or devise from any private source for the Wildlife Trust Fund; requiring the Director to report income and expenditures from the Wildlife Trust Fund to the Chief of the Budget Division of the Department of Administration and the Interim Finance Committee; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill requires the Department of Wildlife to establish the Wildlife Trust Fund for the purposes of receiving any gift, donation, bequest or devise from any private source for the Wildlife Trust Fund. The money in the Wildlife Trust Fund must be used either for the specified purpose of the donor who donated the money or, if the donor specified no purpose, then in the sound discretion of the Director of the Department. This bill further establishes that the money in the Wildlife Trust Fund is private money and exempts the **expenditure of** money in the Wildlife Trust Fund from the ~~[statutory requirements relating to the expenditure of public money.]~~ **provisions of the State Purchasing Act.** Finally, this bill requires the Director to report the income and expenditures of the Wildlife Trust Fund to the Chief of the Budget Division of the Department of Administration and to the Interim Finance Committee.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 501 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Department shall establish the Wildlife Trust Fund. The Department may accept any gift, donation, bequest or devise from any private source for deposit in the Wildlife Trust Fund. Any money received is private money and not state money. All money must be accounted for in the Wildlife Trust Fund.

2. All of the money in the Wildlife Trust Fund must be deposited in a financial institution to draw interest or to be expended, invested and reinvested pursuant to the specific instructions of the donor, or if no such specific instructions exist, in the sound discretion of the Director. The provisions of NRS 356.011 apply to any accounts in financial institutions maintained pursuant to this section.

3. The money in the Wildlife Trust Fund must be budgeted and expended, within any limitations which may have been specified by particular donors, at the discretion of the Director. The Director may authorize independent contractors that may be funded in whole or in part from the money in the Wildlife Trust Fund.

4. The Director or the Director's designee shall submit semiannually to the Interim Finance Committee a report concerning the investment and expenditure of the money in the Wildlife Trust Fund in such form and detail as the Interim Finance Committee determines is necessary.

5. A separate statement concerning the anticipated amount and proposed expenditures of the money in the Wildlife Trust Fund must be submitted to the Chief of the Budget Division of the Department of Administration for his or her information at the same time and for the same fiscal years as the requested budget of the Department submitted pursuant to NRS 353.210. The statement must be attached to the requested budget for the Department when the requested budget is submitted to the Fiscal Analysis Division of the Legislative Counsel Bureau pursuant to NRS 353.211.

6. The provisions of ~~[chapters]~~ chapter 333 ~~[, 338 and 341]~~ of NRS ~~[regarding the expenditure of public money]~~ do not apply to the expenditure of money in the Wildlife Trust Fund.

Sec. 2. NRS 501.356 is hereby amended to read as follows:

501.356 1. Money received by the Department from:

(a) The sale of licenses;

(b) Fees pursuant to the provisions of NRS 488.075 and 488.1795;

(c) Remittances from the State Treasurer pursuant to the provisions of NRS 365.535;

(d) Appropriations made by the Legislature; and

(e) All other sources, except money derived from the forfeiture of any property described in NRS 501.3857 or money deposited in the Wildlife Heritage Trust Account pursuant to NRS 501.3575 **,** ~~[or]~~ in the Trout

Management Account pursuant to NRS 502.327 ~~[,]~~ ***or in the Wildlife Trust Fund pursuant to section 1 of this act,***

➥ must be deposited with the State Treasurer for credit to the Wildlife Account in the State General Fund.

2. The interest and income earned on the money in the Wildlife Account, after deducting any applicable charges, must be credited to the Account.

3. Except as otherwise provided in subsection 4, the Department may use money in the Wildlife Account only to carry out the provisions of this title and chapter 488 of NRS and as provided in NRS 365.535, and the money must not be diverted to any other use.

4. Except as otherwise provided in NRS 502.250 and 504.155, all fees for the sale or issuance of stamps, tags, permits and licenses that are required to be deposited in the Wildlife Account pursuant to the provisions of this title and any matching money received by the Department from any source must be accounted for separately and must be used:

(a) Only for the management of wildlife; and

(b) If the fee is for the sale or issuance of a license, permit or tag other than a tag specified in subsection 5 or 6 of NRS 502.250, under the guidance of the Commission pursuant to subsection 2 of NRS 501.181.

Sec. 3. This act becomes effective on July 1, 2011.

Assemblywoman Smith moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, reengrossed, and to third reading.

Assembly Bill No. 570.

Bill read third time.

Remarks by Assemblyman Stewart.

Roll call on Assembly Bill No. 570:

YEAS—42.

NAYS—None.

Assembly Bill No. 570 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 573.

Bill read third time.

Remarks by Assemblywoman Flores.

Roll call on Assembly Bill No. 573:

YEAS—27.

NAYS—Ellison, Goedhart, Goicoechea, Grady, Hambrick, Hammond, Hansen, Hardy, Hickey, Kirner, Kite, Livermore, McArthur, Sherwood, Woodbury—15.

Assembly Bill No. 573 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 37.

Bill read third time.

Roll call on Senate Bill No. 37:
YEAS—42.
NAYS—None.
Senate Bill No. 37 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 97.
Bill read third time.
Roll call on Senate Bill No. 97:
YEAS—42.
NAYS—None.
Senate Bill No. 97 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 128.
Bill read third time.
Roll call on Senate Bill No. 128:
YEAS—42.
NAYS—None.
Senate Bill No. 128 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 152.
Bill read third time.
Roll call on Senate Bill No. 152:
YEAS—38.
NAYS—Ellison, Hammond, Kite, McArthur—4.
Senate Bill No. 152 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 182.
Bill read third time.
Roll call on Senate Bill No. 182:
YEAS—40.
NAYS—Kite, McArthur—2.
Senate Bill No. 182 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 184.
Read third time.
Remarks by Assemblymen Atkinson and Kirkpatrick.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Atkinson moved that Senate Bill No. 184 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Atkinson.

Motion carried on a division of the House.

GENERAL FILE AND THIRD READING

Senate Bill No. 190.

Bill read third time.

Remarks by Assemblymen Sherwood, Carlton, and Atkinson.

Roll call on Senate Bill No. 190:

YEAS—30.

NAYS—Ellison, Goedhart, Hambrick, Hammond, Hansen, Hickey, Kirner, Livermore, McArthur, Sherwood, Stewart, Woodbury—12.

Senate Bill No. 190 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 201.

Bill read third time.

Remarks by Assemblywoman Diaz.

Roll call on Senate Bill No. 201:

YEAS—27.

NAYS—Ellison, Goicoechea, Grady, Hambrick, Hammond, Hansen, Hardy, Hickey, Kirner, Kite, Livermore, McArthur, Sherwood, Stewart, Woodbury—15.

Senate Bill No. 201 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 210.

Bill read third time.

Roll call on Senate Bill No. 210:

YEAS—39.

NAYS—Ellison, Goedhart, Hansen—3.

Senate Bill No. 210 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 221.

Bill read third time.

Remarks by Assemblyman Brooks.

Roll call on Senate Bill No. 221:

YEAS—28.

NAYS—Ellison, Goedhart, Goicoechea, Grady, Hambrick, Hammond, Hardy, Hickey, Kirner, Livermore, McArthur, Sherwood, Stewart, Woodbury—14.

Senate Bill No. 221 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 226.
Bill read third time.
Remarks by Assemblywoman Carlton.
Roll call on Senate Bill No. 226:
YEAS—42.
NAYS—None.
Senate Bill No. 226 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 234.
Bill read third time.
Roll call on Senate Bill No. 234:
YEAS—41.
NAYS—Goedhart.
Senate Bill No. 234 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 237.
Bill read third time.
Roll call on Senate Bill No. 237:
YEAS—36.
NAYS—Ellison, Hammond, Hardy, Hickey, Kite, McArthur—6.
Senate Bill No. 237 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 246.
Bill read third time.
Roll call on Senate Bill No. 246:
YEAS—42.
NAYS—None.
Senate Bill No. 246 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 273.
Bill read third time.
Roll call on Senate Bill No. 273:
YEAS—42.
NAYS—None.
Senate Bill No. 273 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 277.
Bill read third time.

Roll call on Senate Bill No. 277:
YEAS—42.
NAYS—None.
Senate Bill No. 277 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 300.
Bill read third time.
Roll call on Senate Bill No. 300:
YEAS—28.
NAYS—Ellison, Goicoechea, Grady, Hambrick, Hansen, Hardy, Hickey, Kirner, Kite, Livermore, McArthur, Sherwood, Stewart, Woodbury—14.
Senate Bill No. 300 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 317.
Bill read third time.
Roll call on Senate Bill No. 317:
YEAS—42.
NAYS—None.
Senate Bill No. 317 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 323.
Bill read third time.
Roll call on Senate Bill No. 323:
YEAS—42.
NAYS—None.
Senate Bill No. 323 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 339.
Bill read third time.
Roll call on Senate Bill No. 339:
YEAS—42.
NAYS—None.
Senate Bill No. 339 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 358.
Bill read third time.
Roll call on Senate Bill No. 358:
YEAS—42.
NAYS—None.

Senate Bill No. 358 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 420.

Bill read third time.

Roll call on Senate Bill No. 420:

YEAS—42.

NAYS—None.

Senate Bill No. 420 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 444.

Bill read third time.

Roll call on Senate Bill No. 444:

YEAS—42.

NAYS—None.

Senate Bill No. 444 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 450.

Bill read third time.

Roll call on Senate Bill No. 450:

YEAS—42.

NAYS—None.

Senate Bill No. 450 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 481.

Bill read third time.

Roll call on Senate Bill No. 481:

YEAS—42.

NAYS—None.

Senate Bill No. 481 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Joint Resolution No. 3.

Resolution read third time.

Roll call on Senate Joint Resolution No. 3:

YEAS—41.

NAYS—Pierce.

Senate Joint Resolution No. 3 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Resolution ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Atkinson moved that Senate Bill No. 36 be taken from the Chief Clerk's desk and placed at the bottom of the General File.

Motion carried.

Assemblyman Conklin moved that the Assembly recess until 3 p.m.

Motion carried.

Assembly in recess at 12:12 p.m.

ASSEMBLY IN SESSION

At 3:17 p.m.

Mr. Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Senate Bill No. 233, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Government Affairs, to which was referred Senate Bill No. 192, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, but without recommendation.

MARILYN K. KIRKPATRICK, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 28, 2011

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bill No. 98.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 198, Amendment No. 611; Assembly Bill No. 304, Amendment No. 747, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bill No. 231.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Conklin moved that Senate Bills Nos. 192 and 233, just reported out of committee, be placed on the Second Reading File.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 192.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 698.

AN ACT relating to governmental financial administration; requiring the submission of annual reports by certain governmental entities relating to the persons awarded contracts for the design or construction of public works and the compilation of such reports by the Commission on Economic Development; requiring the capital improvement plan of a local government to include certain information regarding expenditures to maintain, renovate and replace capital assets; authorizing certain local governments to expend certain taxes ad valorem to maintain, renovate and replace governmental buildings; requiring the distribution of a portion of the taxes ad valorem levied in certain counties to the regional transportation commissions in those counties and authorizing the distribution to be pledged for bonds and other securities issued for payment of the cost of regional transportation projects; declaring the policy of the State to use private sector services on public works; **providing for an interim study;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Local governments are required under existing law to submit an annual fiscal report to the Department of Taxation. (NRS 354.6015) **Section 6** of this bill requires a local government to include in that annual report the percentage of contracts for the design and construction of public works that were awarded during the reporting period to contractors and design professionals in this State. **Sections 14 and 16** of this bill impose identical reporting requirements on the State Public Works Board and the Department of Transportation with respect to contracts for public works of the State. **Section 2** of this bill requires the Commission on Economic Development to compile those reports and transmit the compilation to the Legislature, or the Interim Finance Committee, if the Legislature is not in regular session.

Under existing law, a local government is required to prepare annually a 6-year capital improvement plan. (NRS 354.5945) **Section 4.5** of this bill requires such a plan to include a separate listing of expenditures to maintain, renovate and replace capital assets, and a comparison of those expenditures to the amount of depreciation of those assets.

Existing law authorizes a county to levy a tax ad valorem for capital projects in the amount of 5 cents per $100 of the assessed valuation of the county and, in a county whose population is 100,000 or more (currently Clark and Washoe Counties), requires the distribution of a portion of the proceeds of the tax among the county and the cities and towns within the county. (NRS 354.59815) **Section 5** of this bill authorizes each of those local governments that receives such a distribution to expend those tax receipts for projects to maintain, renovate and replace its buildings.

Section 7 of this bill requires the distribution to the regional transportation commission created in each county whose population is 100,000 or more (currently Clark and Washoe Counties) of the portion of the property taxes levied for operating purposes by that county at the rate of 2 cents per $100 of assessed valuation. **Section 15** of this bill authorizes this distribution to be

used as pledged revenue for bonds and other securities issued by the county to pay the cost of regional transportation projects in the county.

Under existing law, if the estimated cost of a public work is $100,000 or less, the State or a local government is authorized to award the contract to a contractor or perform the work with its own employees if certain requirements are met. (NRS 338.1386, 338.1442) Similarly, under existing law, if the estimated cost of a public work is less than $35,000, the State or a political subdivision is authorized to prepare the maps, plans, specifications, reports and estimates for the public work itself. (NRS 625.530) The Department of Transportation is also authorized under existing law to perform limited work and improvements itself. (NRS 408.323) **Sections 8, 11, 17 and 18** of this bill add a legislative declaration to those provisions in existing law, stating that, whenever possible, it is in the best interest of the State for those services on public works to be performed by the private sector. **Section 19 of this bill directs the Legislative Commission to conduct an interim study concerning the extent to which contractors and workers who are employed on public projects and large private projects are from this State and provide recommendations for policies and other actions to increase the number of contractors and workers who are from this State.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. The Legislature hereby finds and declares:

1. That infrastructure development is a critical component of this State's long-term economic development strategy.

2. It is paramount that the Nevada Legislature address the State's high unemployment rate through job creation that improves the State's infrastructure for purposes of economic development.

3. This measure is intended to facilitate the development of an integrated approach to Nevada's economic development strategy.

Sec. 2. Chapter 231 of NRS is hereby amended by adding thereto a section to read as follows:

On or before March 1 of each year, the Commission on Economic Development shall compile the reports relating to the persons awarded contracts for the design or construction of public works required pursuant to sections 6, 14 and 16 of this act and transmit the compilation to the Legislature, or the Interim Finance Committee, if the Legislature is not in regular session.

Sec. 3. (Deleted by amendment.)

Sec. 4. (Deleted by amendment.)

Sec. 4.5. NRS 354.5945 is hereby amended to read as follows:

354.5945 1. Except as otherwise provided in subsection ~~[7.]~~ ***8,*** each local government shall annually prepare, on a form prescribed by the Department of Taxation for use by local governments, a capital improvement

plan for the fiscal year ending on June 30 of that year and the ensuing 5 fiscal years.

2. On or before August 1 of each year, each local government shall submit a copy of the capital improvement plan of the local government to the:

(a) Department of Taxation;

(b) Debt management commission of the county in which the local government is located; and

(c) Director of the Legislative Counsel Bureau.

3. Each local government shall file a copy of the capital improvement plan of the local government for public record and inspection by the public in the offices of:

(a) The clerk or secretary of the governing body; and

(b) The county clerk.

4. The total amount of the expenditures contained in the capital improvement plan of the local government for the next ensuing fiscal year must equal the total amount of expenditures for capital outlay set forth in the final budget of the local government for each fund listed in that budget.

5. The capital improvement plan must include the estimated or actual revenues and expenditures for each capital project and the estimated or actual date for completion of each capital project.

6. The capital improvement plan must reconcile the capital outlay in each fund in the final budget for the first year of the capital improvement plan to the final budget in the next ensuing fiscal year. The reconciliation must identify the minimum level of expenditure for items classified as capital assets in the final budget and the minimum level of expenditure for items classified as capital projects in the capital improvement plan. The reconciliation of capital outlay items in the capital improvement plan must be presented on forms created and distributed by the Department of Taxation.

7. ***The capital improvement plan must include:***

(a) A separate listing of estimated or actual expenditures for each year for capital projects to maintain, renovate and replace the capital assets of the local government; and

(b) A comparison of the total amount of those expenditures for each year with the total amount of depreciation of the capital assets of the local government for that year, as determined in accordance with the schedules of depreciation used by the local government in the preparation of its audited financial statements.

8. Local governments that are exempt from the requirements of the Local Government Budget and Finance Act pursuant to subsection 1 of NRS 354.475 are not required to file a capital improvement plan.

Sec. 5. NRS 354.598155 is hereby amended to read as follows:

354.598155 1. Each local government that receives a portion of the revenue from the tax levied pursuant to the provisions of NRS 354.59815 shall establish a special ad valorem capital projects fund and shall deposit all

revenue received pursuant to the provisions of NRS 354.59815 in that fund. All interest and income earned on the money in the fund must also be deposited in the fund.

2. The money in the fund may only be used for:

(a) The purchase of capital assets ***,*** including land, improvements to land and major items of equipment;

(b) ~~[The]~~ ***In a county:***

(1) Whose population is less than 100,000, the renovation of existing governmental facilities ***,*** not including normal recurring maintenance; ***or***

(2) Whose population is 100,000 or more:

(I) The maintenance, renovation and replacement of governmental buildings; and

(II) The renovation of other existing governmental facilities, not including normal recurring maintenance; and

(c) The repayment of a medium-term obligation issued to fund a project described in paragraph (a) or (b).

3. Money may be retained in the fund for not more than 10 years to allow the funding of projects without the issuance of bonds or other obligations. For the purpose of determining the length of time a deposit of money has been retained in the fund, all money withdrawn from the fund shall be deemed to be taken on a first-in, first-out basis.

4. The annual budget and audit report of each local government must specifically identify this fund and must indicate in detail the projects that have been funded with money from the fund. Any planned accumulation of the money in the fund must also be specifically identified.

Sec. 6. NRS 354.6015 is hereby amended to read as follows:

354.6015 1. Except as otherwise provided in subsection 3, the governing board of a local government shall:

(a) Submit electronically a fiscal report of the local government to the Department of Taxation ***and the Commission on Economic Development*** in accordance with the requirements prescribed by the Committee on Local Government Finance pursuant to subsection 2; and

(b) Publish a summary of the fiscal report, which must contain the information required by the Committee on Local Government Finance pursuant to subsection 2, in a newspaper of general circulation in the county in which the local government is situated.

2. The Committee on Local Government Finance shall prescribe, by regulation:

(a) The dates and times for filing a fiscal report, which must require a local government to file at least one fiscal report per year;

(b) The content of a fiscal report, which must include, without limitation, revenues, expenditures, fund balances, cash balances, components of assessed value, debt schedules ***, the percentage of contracts that were awarded during the reporting period to a design professional who is registered or licensed, as applicable, in this State for the design of public***

works of the local government and to a contractor who holds a certificate of eligibility to receive a preference in bidding on public works from the State Contractors' Board pursuant to NRS 338.1389 or 338.147 for the construction of public works of the local government and any other information that the Committee on Local Government Finance determines to be appropriate for determining the financial status of a local government;

(c) The content for a summary of a fiscal report that must be published pursuant to subsection 1; and

(d) A uniform method for creating and submitting a fiscal report electronically pursuant to this section. The method must facilitate the storage and reproduction of the fiscal report in electronic format by the Department of Taxation.

3. The Committee on Local Government Finance may establish, by regulation, an exception to the requirement that a fiscal report be submitted to the Department of Taxation ***and Commission on Economic Development*** in electronic format. The exception must be limited to local governments that the Committee determines do not have the financial ability to comply with the method for submitting a fiscal report to the Department of Taxation ***and Commission on Economic Development*** prescribed by the Committee. If the Committee on Local Government Finance provides an exception pursuant to this subsection, the Committee shall provide, by regulation, specific standards that it will use to determine whether a local government qualifies for an exemption pursuant to this subsection.

4. The Committee on Local Government Finance shall adopt regulations pursuant to this section in the manner prescribed for state agencies in chapter 233B of NRS.

Sec. 7. Chapter 277A of NRS is hereby amended by adding thereto a new section to read as follows:

1. Notwithstanding any other statutory provision to the contrary, the county treasurer of each county whose population is 100,000 or more and in which a commission has been created pursuant to this chapter shall distribute quarterly to that commission, from the proceeds of the taxes ad valorem levied by that county for the operating expenses of the county, the amount of those proceeds attributable to the levy of those taxes on all taxable property in the county at the rate of 2 cents per $100 of assessed valuation.

2. The proceeds distributed by the county treasurer of a county pursuant to this section must be expended for projects in the county in accordance with the provisions of this chapter and chapter 373 of NRS.

3. For the purposes of NRS 354.59811, the amount of the proceeds distributed by the county treasurer of a county pursuant to this section shall be deemed to constitute revenue received by the county.

Sec. 8. NRS 338.1386 is hereby amended to read as follows:

338.1386 ***1. The Legislature hereby finds and declares that it is in the best interest of the State for a public body to use private sector services for***

the performance of a public work, whenever possible, while maintaining an appropriate administrative, management and oversight role on the public work.

2. If the estimated cost of a public work is $100,000 or less, this State or a local government shall:

~~[1.]~~ ***(a)*** Award a contract for the completion of the public work to a properly licensed contractor in accordance with NRS 338.13862; or

~~[2.]~~ ***(b)*** Perform the public work itself in accordance with NRS 338.13864.

Sec. 9. NRS 338.13862 is hereby amended to read as follows:

338.13862 1. Before this State or a local government awards a contract for the completion of a public work in accordance with ***paragraph (a) of*** subsection ~~[1]~~ ***2*** of NRS 338.1386, the State or the local government must:

(a) If the estimated cost of the public work is more than $25,000 but not more than $100,000, solicit bids from at least three properly licensed contractors; and

(b) If the estimated cost of the public work is $25,000 or less, solicit a bid from at least one properly licensed contractor.

2. Any bids received in response to a solicitation for bids made pursuant to this section may be rejected if the State or the local government determines that:

(a) The quality of the services, materials, equipment or labor offered does not conform to the approved plan or specifications;

(b) The bidder is not responsive or responsible; or

(c) The public interest would be served by such a rejection.

3. At least once each quarter, the State and each local government shall prepare a report detailing, for each public work over $25,000 for which a contract for its completion is awarded pursuant to paragraph (a) of subsection 1, if any:

(a) The name of the contractor to whom the contract was awarded;

(b) The amount of the contract awarded;

(c) A brief description of the public work; and

(d) The names of all contractors from whom bids were solicited.

4. A report prepared pursuant to subsection 3 is a public record and must be maintained on file at the administrative offices of the applicable public body.

5. The provisions of this section do not relieve this State from the duty to award the contract for the public work to a bidder who is:

(a) Qualified pursuant to the applicable provisions of NRS 338.1375 to 338.1382, inclusive; and

(b) The lowest responsive and responsible bidder, if bids are required to be solicited from more than one properly licensed contractor pursuant to subsection 1. For the purposes of this paragraph, the lowest responsive and responsible bidder must be determined in consideration of any applicable bidder's preference granted pursuant to NRS 338.13844.

Sec. 10. NRS 338.13864 is hereby amended to read as follows:

338.13864 1. If the State or a local government proposes to perform a public work itself in accordance with ***paragraph (b) of*** subsection 2 of NRS 338.1386, the public officer responsible for the management of the public works of the State or the local government, as applicable, must, if the estimated cost of the public work is more than $25,000 but not more than $100,000 and before work on the public work is commenced, prepare a signed attestation regarding the decision of the State or the local government to perform the public work itself.

2. An attestation prepared pursuant to subsection 1:

(a) Must set forth:

(1) The estimated cost of the public work;

(2) A general statement as to why the State or the local government has decided to perform the public work itself; and

(3) A general statement that the public work will adhere to the same quality and standards as would be required of a properly licensed contractor if the public work had been awarded to a properly licensed contractor; and

(b) Is a public record and must be maintained on file at the administrative offices of the applicable public body.

Sec. 11. NRS 338.1442 is hereby amended to read as follows:

338.1442 ***1. The Legislature hereby finds and declares that it is in the best interest of the State for a public body to use private sector services for the performance of a public work, whenever possible, while maintaining an appropriate administrative, management and oversight role on the public work.***

2. If the estimated cost of a public work is $100,000 or less, a local government shall:

~~[1.]~~ ***(a)*** Award a contract for the completion of the public work to a properly licensed contractor in accordance with NRS 338.1444; or

~~[2.]~~ ***(b)*** Perform the public work itself in accordance with NRS 338.1446.

Sec. 12. NRS 338.1444 is hereby amended to read as follows:

338.1444 1. Before a local government awards a contract for the completion of a public work in accordance with ***paragraph (a) of*** subsection ~~[1]~~ ***2*** of NRS 338.1442, the local government must:

(a) If the estimated cost of the public work is more than $25,000 but not more than $100,000, solicit bids from at least three properly licensed contractors; and

(b) If the estimated cost of the public work is $25,000 or less, solicit a bid from at least one properly licensed contractor.

2. Any bids received in response to a solicitation for bids made pursuant to this section may be rejected if the local government determines that:

(a) The quality of the services, materials, equipment or labor offered does not conform to the approved plan or specifications;

(b) The bidder is not responsive or responsible; or

(c) The public interest would be served by such a rejection.

3. At least once each quarter, a local government shall prepare a report detailing, for each public work over $25,000 for which a contract for its completion is awarded pursuant to paragraph (a) of subsection 1, if any:

(a) The name of the contractor to whom the contract was awarded;

(b) The amount of the contract awarded;

(c) A brief description of the public work; and

(d) The names of all contractors from whom bids were solicited.

4. A report prepared pursuant to subsection 3 is a public record and must be maintained on file at the administrative offices of the applicable public body.

5. The provisions of this section do not relieve a local government from the duty to award the contract for the public work to a bidder who is the lowest responsive and responsible bidder if bids are required to be solicited from more than one properly licensed contractor pursuant to subsection 1.

Sec. 13. NRS 338.1446 is hereby amended to read as follows:

338.1446 1. If a local government proposes to perform a public work itself in accordance with ***paragraph (b) of*** subsection 2 of NRS 338.1442, the public officer responsible for the management of the public works of the local government must, if the estimated cost of the public work is more than $25,000 but not more than $100,000 and before work on the public work is commenced, prepare a signed attestation regarding the decision of the local government to perform the public work itself.

2. An attestation prepared pursuant to subsection 1:

(a) Must set forth:

(1) The estimated cost of the public work;

(2) A general statement as to why the local government has decided to perform the public work itself; and

(3) A general statement that the public work will adhere to the same quality and standards as would be required of a properly licensed contractor if the public work had been awarded to a properly licensed contractor; and

(b) Is a public record and must be maintained on file at the administrative offices of the local government.

Sec. 14. NRS 341.191 is hereby amended to read as follows:

341.191 1. The Board shall submit reports and make recommendations relative to its findings to the Governor and to the Legislature. The Board shall particularly recommend to the Governor and to the Legislature the priority of construction of any buildings or other construction work now authorized or that may hereafter be authorized or proposed.

2. The Board shall submit before October 1 of each even-numbered year its recommendations for projects for capital improvements in the next biennium. The recommendations must, to the extent practicable, provide that each project which exceeds a cost of $10,000,000 be scheduled to receive funding for design and planning during one biennium and funding for construction in the subsequent biennium.

3. The Board shall, not later than December 31 of each year, submit to the Commission on Economic Development a report discussing the percentage of contracts that were awarded during the immediately preceding fiscal year:

(a) To a design professional who is registered or licensed, as applicable, in this State for the design of public works of the State.

(b) To a contractor who holds a certificate of eligibility to receive a preference in bidding on public works from the State Contractors' Board pursuant to NRS 338.1389 for the construction of public works of the State.

Sec. 15. NRS 373.131 is hereby amended to read as follows:

373.131 1. Money for the payment of the cost of a project within the area embraced by a regional plan for transportation established pursuant to NRS 277A.210 may be obtained by the issuance of revenue bonds and other revenue securities as provided in subsection 2 or, subject to any pledges, liens and other contractual limitations made pursuant to the provisions this chapter and chapter 277A of NRS, may be obtained by direct distribution from the regional street and highway fund, except to the extent any such use is prevented by the provisions of NRS 373.150, or may be obtained both by the issuance of such securities and by such direct distribution, as the board may determine. Money for street and highway construction outside the area embraced by the plan may be distributed directly from the regional street and highway fund as provided in NRS 373.150.

2. The board may, after the enactment of any ordinance authorized by the provisions of NRS 373.030, paragraph (d) of subsection 1 of NRS 373.065 or paragraphs (d) to (m), inclusive, of subsection 1 of NRS 373.066, issue revenue bonds and other revenue securities, on the behalf and in the name of the county:

(a) The total of all of which, issued and outstanding at any one time, must not be in an amount requiring a total debt service in excess of the estimated ***distributions made to the commission in the county pursuant to section 7 of this act and the estimated*** receipts to be derived from the taxes imposed pursuant to the provisions of NRS 373.030, paragraph (d) of subsection 1 of NRS 373.065 and paragraphs (d) to (m), inclusive, of subsection 1 of NRS 373.066;

(b) Which must not be general obligations of the county or a charge on any real estate therein; and

(c) Which may be secured as to principal and interest by a pledge authorized by this chapter of the receipts from the fuel taxes designated in this chapter, except such portion of the receipts as may be required for the direct distributions authorized by NRS 373.150.

3. A county is authorized to issue bonds without the necessity of their being authorized at any election in such manner and with such terms as provided in this chapter.

4. Subject to the provisions of this chapter and chapter 277A of NRS, for any project authorized therein, the board of any county may, on the behalf and in the name of the county, borrow money, otherwise become obligated, and evidence obligations by the issuance of bonds and other county securities, and in connection with the undertaking or project, the board may otherwise proceed as provided in the Local Government Securities Law.

5. All such securities constitute special obligations payable from the net receipts of the fuel taxes designated in this chapter except as otherwise provided in NRS 373.150, and the pledge of revenues to secure the payment of the securities must be limited to those net receipts.

6. Except for:

(a) Any notes or warrants which are funded with the proceeds of interim debentures or bonds;

(b) Any interim debentures which are funded with the proceeds of bonds;

(c) Any temporary bonds which are exchanged for definitive bonds;

(d) Any bonds which are reissued or which are refunded; and

(e) The use of any profit from any investment and reinvestment for the payment of any bonds or other securities issued pursuant to the provisions of this chapter,

➥ all bonds and other securities issued pursuant to the provisions of this chapter must be payable solely from the proceeds of fuel taxes collected by or remitted to the county pursuant to chapter 365 of NRS, as supplemented by this chapter. ~~[~~Receipts~~]~~ ***Distributions made to the commission in the county pursuant to section 7 of this act and receipts*** of the taxes levied in NRS 365.180 and 365.190 and pursuant to the provisions of paragraphs (a) and (b) of subsection 1 of NRS 373.065 and paragraphs (a) and (b) of subsection 1 of NRS 373.066 may be used by the county for the payment of securities issued pursuant to the provisions of this chapter and may be pledged therefor. If during any period any securities payable from these tax proceeds are outstanding, the tax receipts must not be used directly for the construction, maintenance and repair of any streets, roads or other highways nor for any purchase of equipment therefor, and the receipts of the tax levied in NRS 365.190 must not be apportioned pursuant to subsection 2 of NRS 365.560 unless, at any time the tax receipts are so apportioned, provision has been made in a timely manner for the payment of such outstanding securities as to the principal of, any prior redemption premiums due in connection with, and the interest on the securities as they become due, as provided in the securities, the ordinance authorizing their issuance and any other instrument appertaining to the securities.

7. The ordinance authorizing the issuance of any bond or other revenue security under this section must describe the purpose for which it is issued at least in general terms and may describe the purpose in detail. This section does not require the purpose so stated to be set forth in the detail in which the project approved by the commission pursuant to subsection 2 of NRS 373.140 is stated, or prevent the modification by the board of details as

to the purpose stated in the ordinance authorizing the issuance of any bond or other security after its issuance, subject to approval by the commission of the project as so modified.

Sec. 16. NRS 408.133 is hereby amended to read as follows:

408.133 1. The Board shall adopt a plan for measuring the performance of the Department, which must include separate sets of performance measurements for each division of the Department and for the Department as a whole.

2. The Director shall, not later than December 31 of each year:

(a) Prepare a report, based upon the relevant performance measurements adopted pursuant to subsection 1, on the level of achievement of each division of the Department and of the Department as a whole during the immediately preceding fiscal year. The report must include a discussion of:

(1) The goals and objectives of the Department, and the current status of the Department in relation to meeting those goals and objectives;

(2) Any applicable directives from the Board or Legislature since the most recent report prepared pursuant to this section;

(3) The scheduling, scope, cost and progress of any current or proposed highway projects;

(4) The sources, amount and expenditure of any funding received during the immediately preceding fiscal year;

(5) The rationale used to establish priorities for the completion of highway projects;

(6) The percentage of contracts that were awarded:

(I) To a design professional who is registered or licensed, as applicable, in this State for the design of works or improvements of the Department; or

(II) To a contractor who holds a certificate of eligibility to receive a preference in bidding on public works from the State Contractors' Board pursuant to NRS 338.1389 for the construction of works or improvements of the Department; and

~~[(6)]~~ ***(7)*** Any recommendations for amendments to the plan adopted pursuant to subsection 1.

(b) Submit the report to:

(1) The Board;

(2) The Commission on Economic Development; and

~~[(2)]~~ ***(3)*** The Director of the Legislative Counsel Bureau for transmittal to the Interim Finance Committee.

Sec. 17. NRS 408.323 is hereby amended to read as follows:

408.323 1. ***The Legislature hereby finds and declares that it is in the best interest of the State for the Department to use private sector services for the performance of a work or improvement, whenever possible, while maintaining an appropriate administrative, management and oversight role on the work or improvement.***

2. Whenever it can be justified by the Director that limited work or improvements can be done in a more economical or other satisfactory manner than by contract under NRS 408.327, the Director may, with the approval of the Board, execute such work or improvements with Department facilities and employees.

~~[2.]~~ ***3.*** In the event of disaster or great emergency the Director may, with the approval of the Board, hire, employ or contract for such labor, materials and equipment as are in the Director's opinion necessary to reroute, repair or replace any highway threatened or damaged by the emergency or disaster, and the provisions of NRS 408.327 and 408.367 do not apply.

Sec. 18. NRS 625.530 is hereby amended to read as follows:

625.530 ***1. The Legislature hereby finds and declares that it is in the best interest of the State of Nevada for the State and its political subdivisions to use private sector services for the performance of work involving the practice of professional engineering or land surveying on a public work, whenever possible, while maintaining an appropriate administrative, management and oversight role on the public work.***

2. Except as otherwise provided in NRS 338.1711 to 338.1727, inclusive, and 408.3875 to 408.3887, inclusive:

~~[1.]~~ ***(a)*** The State of Nevada or any of its political subdivisions, including a county, city or town, shall not engage in any public work requiring the practice of professional engineering or land surveying, unless the maps, plans, specifications, reports and estimates have been prepared by, and the work executed under the supervision of, a professional engineer, professional land surveyor or registered architect.

~~[2.]~~ ***(b)*** The provisions of this ~~[section]~~ ***subsection*** do not ~~[:~~

~~(a) Apply]~~ ***apply*** to any public work wherein the expenditure for the complete project of which the work is a part does not exceed $35,000 ~~[.~~

~~(b)]~~ ***if the public officer responsible for the management of the public works of the State or political subdivision, as applicable, prepares a signed attestation before the design of the public work is commenced regarding the decision of the State or political subdivision to prepare the maps, plans, specifications, reports and estimates for the public work itself. An attestation prepared pursuant to this paragraph:***

(1) Must set forth:

(I) The estimated cost of the preparation of the maps, plans, specifications, reports and estimates for the public work;

(II) A general statement as to why the State or political subdivision has decided to prepare the maps, plans, specifications, reports and estimates for the public work itself; and

(III) A general statement that the maps, plans, specifications, reports and estimates for the public work will adhere to the same quality and standards as would be required of a professional engineer, professional land surveyor or registered architect if the maps, plans, specifications, reports and estimates for the public work had been prepared

by a professional engineer, professional land surveyor or registered architect; and

(2) Is a public record and must be maintained on file at the appropriate administrative offices of the State or political subdivision.

(c) The provisions of this subsection do not:

(1) Include any maintenance work undertaken by the State of Nevada or its political subdivisions.

~~[(c)]~~ ***(2)*** Authorize a professional engineer, registered architect or professional land surveyor to practice in violation of any of the provisions of chapter 623 of NRS or this chapter.

~~[(d)]~~ ***(3)*** Require the services of an architect registered pursuant to the provisions of chapter 623 of NRS for the erection of buildings or structures manufactured in an industrial plant, if those buildings or structures meet the requirements of local building codes of the jurisdiction in which they are being erected.

~~[3.]~~ ***(d)*** The selection of a professional engineer, professional land surveyor or registered architect to perform services pursuant to ~~[subsection 1]~~ ***paragraph (a)*** must be made on the basis of the competence and qualifications of the engineer, land surveyor or architect for the type of services to be performed and not on the basis of competitive fees. If, after selection of the engineer, land surveyor or architect, an agreement upon a fair and reasonable fee cannot be reached with him or her, the public agency may terminate negotiations and select another engineer, land surveyor or architect.

Sec. 19. **1. The Legislative Commission shall appoint a committee to conduct an interim study concerning contractors and workers.**

2. The committee appointed pursuant to subsection 1 must be composed of six Legislators as follows:

(a) Three members appointed by the Majority Leader of the Senate, at least one of whom must be appointed from the membership of the Senate Standing Committee on Commerce and Labor or the Senate Select Committee on Economic Growth and Employment during the immediately preceding session of the Legislature; and

(b) Three members appointed by the Speaker of the Assembly, at least one of whom must be appointed from the membership of the Assembly Standing Committee on Commerce and Labor or the Assembly Standing Committee on Government Affairs during the immediately preceding session of the Legislature.

3. The study must include, without limitation, an examination of:

(a) The extent to which contractors and workers who are employed on public projects and large private projects are from this State.

(b) Recommendations for policies and other actions that may be taken to increase the number of contractors and workers who are from this State.

(c) Any other matter that the committee determines to be relevant to the study.

4. The Legislative Commission shall submit a report of the results of the study and any recommendations for legislation to the 77th Session of the Nevada Legislature.

~~[Sec. 19.]~~ ***Sec. 20.*** This act becomes effective:

1. Upon passage and approval for the purpose of performing any preparatory administrative tasks that are necessary to carry out the provisions of this act; and

2. On July 1, 2011, for all other purposes.

Assemblywoman Bustamante Adams moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, reengrossed, and to third reading.

Senate Bill No. 233.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 699.

SENATORS PARKS **,** [AND] HORSFORD **AND KIECKHEFER**
JOINT SPONSORS: ASSEMBLYMEN OCEGUERA, CONKLIN, HANSEN **,** [AND] BROOKS **, HARDY; ANDERSON, BUSTAMANTE ADAMS, KIRKPATRICK AND SMITH**

SUMMARY— ~~[Establishes the Office of Grant Procurement, Coordination and Management in the Department of Administration.]~~ **Makes various changes concerning the administration of grants.** (BDR 18-1058)

AN ACT relating to grants; establishing the Office of Grant Procurement, Coordination and Management in the Department of Administration; setting forth the duties of the Chief of the Office; requiring all state ~~[and local]~~ agencies to notify the Office of any grants for which the agency applies and any which they receive; **authorizing state agencies, commissions and departments to hold certain hearings relating to grants; authorizing state departments, institutions and agencies to take certain actions to carry out a grant before receiving approval from the Interim Finance Committee; increasing the monetary thresholds at which certain approval of revisions of work programs and acceptance of gifts and grants is required; increasing the amount of certain gifts and grants that certain state agencies may accept under certain circumstances;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the Department of Administration, divides the Department into various divisions and requires the Director of the Department to appoint Chiefs of those divisions. (NRS 232.213, 232.215) **Sections 9 and 10** of this bill establish the Office of Grant Procurement, Coordination and Management in the Department and require the Director to

appoint the Chief of the Office. **Section 2** of this bill sets forth the qualifications for the Chief. **Section 2.5 of this bill requires the Chief to employ two persons to assist him or her in carrying out the duties of the Office.** **Section 3** of this bill sets forth the duties of the Chief, which include: (1) researching and identifying federal grants which may be available to state ~~[and local]~~ agencies **;** ~~[and local nonprofit organizations;]~~ (2) writing grants for federal funds for state agencies; (3) coordinating with members of Congress representing this State to identify and manage available federal grants and programs; (4) seeking out grants and writing grant proposals for state agencies in Nevada; **and** (5) ~~[compiling information about grants and providing information to state and local agencies about grants for which they are eligible to apply; (6)]~~ keeping track of all the grants for which state ~~[and local]~~ agencies have applied and of all grants they have received, and **, if practicable,** coordinating with ~~[those]~~ **state and local** agencies that have received grants for similar projects to ensure they do not duplicate their efforts or services **. [**~~; and (7) seeking grants for which businesses can apply to develop projects in Nevada and offering to help those companies in applying for such grants. In addition, section 3 authorizes the Chief to write grants for federal funds for local agencies and local nonprofit organizations if he or she is requested to do so by the local agency or local nonprofit organization.~~**]**

Section 4 of this bill requires all state ~~[and local]~~ agencies to notify the Office of any grants for which they apply and any grants which they receive.

If a public hearing is required in connection with a grant from the Federal Government to a state agency, commission or department, section 11.3 of this bill authorizes the agency, commission or department to either request that the hearing be included as an agenda item at a meeting of the Interim Finance Committee or conduct the hearing itself. Section 11.5 of this bill authorizes a department, institution or agency of the Executive Department of State Government which has received a grant that requires approval from the Interim Finance Committee to take steps to carry out the grant before receiving such approval, including, without limitation, classifying positions, recruiting for positions, advertising for bids or requesting proposals if the department, institution or agency includes a statement in the notice or advertisement that any position or contract is contingent upon approval by the Interim Finance Committee.

Under the State Budget Act, a department, institution or agency of the Executive Department of State Government is required to obtain approval from the Interim Finance Committee, except in certain limited circumstances, before revising a work program in an amount more than $20,000 if the revision will increase or decrease by 10 percent or $50,000, whichever is less, the expenditure level approved by the Legislature for any of the allotments within the work program. (NRS 353.220) Section 11.7 of this bill increases the monetary threshold to an amount of more

than $30,000 if the revision will increase by 10 percent or $75,000, whichever is less, the expenditure level approved by the Legislature for any of the allotments within the work program. Section 11.9 of this bill increases, under certain circumstances, the maximum amount of gifts, including grants from nongovernmental sources, that certain state agencies can accept from $10,000 to $20,000 and the maximum amount of governmental grants that such an agency can accept from $100,000 to $150,000.

~~[Section 12 of this bill requires the Chief of the Office to develop suggestions and proposals for an incentive program to encourage businesses to apply for grants to develop projects in Nevada and, on or before January 1, 2013, to submit a report setting forth those suggestions and proposals, together with any recommendations for legislation, to the Director of the Legislative Counsel Bureau for transmittal to the Legislature.]~~

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 232 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 6, inclusive, of this act.

Sec. 2. ***1. The person appointed to serve as the Chief of the Office of Grant Procurement, Coordination and Management must have:***

(a) Extensive expertise and experience in applying for and receiving grants;

(b) Specialized knowledge of the process of grant writing and approval in the public and private sector; and

(c) Proven experience in designing and managing programs which rely solely or partially upon money received from grants.

2. The Chief shall devote his or her entire time and attention to the business of his or her office and shall not engage in any other gainful employment or occupation.

Sec. 2.5. 1. The Chief of the Office of Grant Procurement, Coordination and Management shall employ two persons to serve in the unclassified service of the State for the purposes set forth in this section.

2. A person employed pursuant to this section shall, under the direction of the Chief of the Office of Grant Procurement, Coordination and Management, assist the Chief in carrying out the provisions of sections 2 to 6, inclusive, of this act.

Sec. 3. ***1. The Chief of the Office of Grant Procurement, Coordination and Management shall:***

(a) Research and identify federal grants which may be available to state ~~*[or local]*~~ ***agencies .*** ~~*[and local nonprofit organizations.]*~~

(b) Write grants for federal funds for state agencies.

(c) Coordinate with the members of Congress representing this State to combine efforts relating to identifying and managing available federal grants and related programs.

(d) If requested by a state agency, research the availability of grants and write grant proposals and applications for the state agency, giving priority to grants:

(1) For the Department of Health and Human Services;

(2) For the Office of Energy; and

(3) Which may facilitate economic development in this State . ~~*[; and*~~

~~*(2) For research and development at a university, state college, community college or research facility within the Nevada System of Higher Education.]*~~

(e) ~~*[Create and maintain an Internet website which sets forth information relating to grants, including, without limitation, contacts for information and applications for grants, resources for applying for and receiving grants, information concerning grants that have been applied for and awarded to state and local agencies, and notifications of opportunities for grants.*~~

~~*(f)]*~~ ***To the greatest extent practicable, ensure that state*** ~~*[and local]*~~ ***agencies are aware of any grant opportunities for which they are or may be eligible.***

~~*[(g) Advise]*~~

(f) If requested by the Director of a state agency, advise the Director and the state ~~*[and local agencies]*~~ ***agency concerning the requirements for receiving and managing grants.***

~~*[(h) Coordinate]*~~

(g) To the greatest extent practicable, coordinate with ~~*[all]*~~ ***state and local agencies that have received grants for similar projects to ensure that the efforts and services of those state and local agencies are not duplicated.***

~~*[(i) Seek grants for which businesses may apply that may assist those businesses in developing projects in this State and offer to assist those businesses in applying for such grants.*~~

~~*(j)]*~~ ***(h) On or before January 1 of each odd-numbered year, submit to the Director of the Legislative Counsel Bureau for transmittal to the Legislature a report regarding all activity relating to the application for, receipt of and use of grants in this State.***

2. ~~*[If requested by a local agency or local nonprofit organization, the Chief may write grant proposals and applications for federal funds for the local agency or local nonprofit organization.*~~

~~*3.]*~~ ***The Chief may adopt regulations to carry out the provisions of this section and sections 4 and 5 of this act.***

Sec. 4. ***In addition to any other requirement concerning applying for or receiving a grant, a state*** ~~*[or local]*~~ ***agency shall notify the Office of Grant Procurement, Coordination and Management, on a form prescribed by the Office, of any grant:***

1. For which the state ~~*[or local]*~~ ***agency applies; and***

2. Which the state ~~*[or local]*~~ ***agency receives.***

Sec. 5. ***The Office of Grant Procurement, Coordination and Management may apply for and receive any gift, grant, contribution or***

other money from any source to carry out the provisions of sections 2 to 6, inclusive, of this act.

Sec. 6. ***1. The Account for the Office of Grant Procurement, Coordination and Management is hereby created in the State General Fund. The Account must be administered by the Chief of the Office.***

2. Any money accepted pursuant to section 5 of this act must be deposited in the Account.

3. The interest and income earned on the money in the Account, after deducting any applicable charges, must be credited to the Account.

4. The money in the Account which is donated for a purpose specified by the donor, within the scope of the duties of the Chief of the Office of Grant Procurement, Coordination and Management, must only be used for that purpose. If no purpose is specified, the money in the Account must only be used to carry out the duties of the Chief.

5. Claims against the Account must be paid as other claims against the State are paid.

Sec. 7. (Deleted by amendment.)

Sec. 8. NRS 232.212 is hereby amended to read as follows:

232.212 As used in NRS 232.212 to 232.2195, inclusive, ***and sections 2 to 6, inclusive, of this act,*** unless the context requires otherwise:

1. "Department" means the Department of Administration.
2. "Director" means the Director of the Department.

Sec. 9. NRS 232.213 is hereby amended to read as follows:

232.213 1. The Department of Administration is hereby created.

2. The Department consists of a Director and the following ***:*** ~~[~~divisions:~~]~~

(a) Budget Division.

(b) Risk Management Division.

(c) Hearings Division, which consists of hearing officers, compensation officers and appeals officers.

(d) Buildings and Grounds Division.

(e) Purchasing Division.

(f) Administrative Services Division.

(g) Division of Internal Audits.

(h) Office of Grant Procurement, Coordination and Management.

3. The Director may establish a Motor Pool Division or may assign the functions of the State Motor Pool to one of the other divisions of the Department.

Sec. 10. NRS 232.215 is hereby amended to read as follows:

232.215 The Director:

1. Shall appoint a Chief of the:

(a) Risk Management Division;

(b) Buildings and Grounds Division;

(c) Purchasing Division;

(d) Administrative Services Division;

(e) Division of Internal Audits; ~~[~~and~~]~~

(f) ***Office of Grant Procurement, Coordination and Management; and***

(g) Motor Pool Division, if separately established.

2. Shall appoint a Chief of the Budget Division, or may serve in this position if the Director has the qualifications required by NRS 353.175.

3. Shall serve as Chief of the Hearings Division and shall appoint the hearing officers and compensation officers. The Director may designate one of the appeals officers in the Division to supervise the administrative, technical and procedural activities of the Division.

4. Is responsible for the administration, through the divisions of the Department, of the provisions of chapters 331, 333 and 336 of NRS, NRS 353.150 to 353.246, inclusive, and 353A.031 to 353A.100, inclusive, and all other provisions of law relating to the functions of the divisions of the Department.

5. Is responsible for the administration of the laws of this State relating to the negotiation and procurement of medical services and other benefits for state agencies.

6. Has such other powers and duties as are provided by law.

Sec. 11. NRS 232.2165 is hereby amended to read as follows:

232.2165 1. The Chief of:

(a) The Buildings and Grounds Division;

(b) The Purchasing Division;

(c) The Administrative Services Division;

(d) The Division of Internal Audits; and

(e) If separately established, the Motor Pool Division,

➥ of the Department serves at the pleasure of the Director, but, except as otherwise provided in subsection 2, for all purposes except removal is in the classified service of the State.

2. The Chief of the Motor Pool Division, if separately established, and the Chief of the Division of Internal Audits are in the unclassified service of the State.

3. The Chief of the Office of Grant Procurement, Coordination and Management is in the unclassified service of the State and serves at the pleasure of the Director.

Sec. 11.1. **Chapter 353 of NRS is hereby amended by adding thereto the provisions set forth as sections 11.3 and 11.5 of this act.**

Sec. 11.3. If a public hearing is required in connection with a grant from the Federal Government to a state agency, commission or department, the agency, commission or department may:

1. Request that the hearing be included as an item on the agenda of a meeting of the Interim Finance Committee; or

2. Conduct the hearing in accordance with chapter 241 of NRS.

Sec. 11.5. A department, institution or agency of the Executive Department of the State Government that receives a grant for a program which requires the approval of the Interim Finance Committee and which requires the department, institution or agency to take action to carry out

the program, including, without limitation, classifying positions, recruiting for positions, advertising for bids and requesting proposals, may begin to carry out the program before obtaining that approval if the department, institution or agency includes a statement in any notice or advertisement that the position or contract is contingent upon the approval of the Interim Finance Committee.

Sec. 11.7. **NRS 353.220 is hereby amended to read as follows:**

353.220 1. The head of any department, institution or agency of the Executive Department of the State Government, whenever he or she deems it necessary because of changed conditions, may request the revision of the work program of his or her department, institution or agency at any time during the fiscal year, and submit the revised program to the Governor through the Chief with a request for revision of the allotments for the remainder of that fiscal year.

2. Every request for revision must be submitted to the Chief on the form and with supporting information as the Chief prescribes.

3. Before encumbering any appropriated or authorized money, every request for revision must be approved or disapproved in writing by the Governor or the Chief, if the Governor has by written instrument delegated this authority to the Chief.

4. Whenever a request for the revision of a work program of a department, institution or agency in an amount more than ~~[$20,000]~~ ***$30,000*** would, when considered with all other changes in allotments for that work program made pursuant to NRS 353.215 and subsections 1, 2 and 3 of this section, increase or decrease by 10 percent or ~~[$50,000,]~~ ***$75,000,*** whichever is less, the expenditure level approved by the Legislature for any of the allotments within the work program, the request must be approved as provided in subsection 5 before any appropriated or authorized money may be encumbered for the revision.

5. If a request for the revision of a work program requires additional approval as provided in subsection 4 and:

(a) Is necessary because of an emergency as defined in NRS 353.263 or for the protection of life or property, the Governor shall take reasonable and proper action to approve it and shall report the action, and his or her reasons for determining that immediate action was necessary, to the Interim Finance Committee at its first meeting after the action is taken. Action by the Governor pursuant to this paragraph constitutes approval of the revision, and other provisions of this chapter requiring approval before encumbering money for the revision do not apply.

(b) The Governor determines that the revision is necessary and requires expeditious action, he or she may certify that the request requires expeditious action by the Interim Finance Committee. Whenever the Governor so certifies, the Interim Finance Committee has 15 days after the request is submitted to its Secretary within which to consider the revision. Any request

for revision which is not considered within the 15-day period shall be deemed approved.

(c) Does not qualify pursuant to paragraph (a) or (b), it must be submitted to the Interim Finance Committee. The Interim Finance Committee has 45 days after the request is submitted to its Secretary within which to consider the revision. Any request which is not considered within the 45-day period shall be deemed approved.

6. The Secretary shall place each request submitted pursuant to paragraph (b) or (c) of subsection 5 on the agenda of the next meeting of the Interim Finance Committee.

7. In acting upon a proposed revision of a work program, the Interim Finance Committee shall consider, among other things:

(a) The need for the proposed revision; and

(b) The intent of the Legislature in approving the budget for the present biennium and originally enacting the statutes which the work program is designed to effectuate.

Sec. 11.9. **NRS 353.335 is hereby amended to read as follows:**

353.335 1. Except as otherwise provided in subsections 5 and 6, a state agency may accept any gift or grant of property or services from any source only if it is included in an act of the Legislature authorizing expenditures of nonappropriated money or, when it is not so included, if it is approved as provided in subsection 2.

2. If:

(a) Any proposed gift or grant is necessary because of an emergency as defined in NRS 353.263 or for the protection or preservation of life or property, the Governor shall take reasonable and proper action to accept it and shall report the action and his or her reasons for determining that immediate action was necessary to the Interim Finance Committee at its first meeting after the action is taken. Action by the Governor pursuant to this paragraph constitutes acceptance of the gift or grant, and other provisions of this chapter requiring approval before acceptance do not apply.

(b) The Governor determines that any proposed gift or grant would be forfeited if the State failed to accept it before the expiration of the period prescribed in paragraph (c), the Governor may declare that the proposed acceptance requires expeditious action by the Interim Finance Committee. Whenever the Governor so declares, the Interim Finance Committee has 15 days after the proposal is submitted to its Secretary within which to approve or deny the acceptance. Any proposed acceptance which is not considered within the 15-day period shall be deemed approved.

(c) The proposed acceptance of any gift or grant does not qualify pursuant to paragraph (a) or (b), it must be submitted to the Interim Finance Committee. The Interim Finance Committee has 45 days after the proposal is submitted to its Secretary within which to consider acceptance. Any proposed acceptance which is not considered within the 45-day period shall be deemed approved.

3. The Secretary shall place each request submitted to the Secretary pursuant to paragraph (b) or (c) of subsection 2 on the agenda of the next meeting of the Interim Finance Committee.

4. In acting upon a proposed gift or grant, the Interim Finance Committee shall consider, among other things:

(a) The need for the facility or service to be provided or improved;

(b) Any present or future commitment required of the State;

(c) The extent of the program proposed; and

(d) The condition of the national economy, and any related fiscal or monetary policies.

5. A state agency may accept:

(a) Gifts, including grants from nongovernmental sources, not exceeding ~~[$10,000]~~ ***$20,000*** each in value; and

(b) Governmental grants not exceeding ~~[$100,000]~~ ***$150,000*** each in value,

➥ if the gifts or grants are used for purposes which do not involve the hiring of new employees and if the agency has the specific approval of the Governor or, if the Governor delegates this power of approval to the Chief of the Budget Division of the Department of Administration, the specific approval of the Chief.

6. This section does not apply to:

(a) The Nevada System of Higher Education;

(b) The Department of Health and Human Services while acting as the state health planning and development agency pursuant to paragraph (d) of subsection 2 of NRS 439A.081 or for donations, gifts or grants to be disbursed pursuant to NRS 433.395; or

(c) Artifacts donated to the Department of Cultural Affairs.

Sec. 12. ~~[The Chief of the Office of Grant Procurement, Coordination and Management established pursuant to NRS 232.213, as amended by section 9 of this act, shall:~~

~~1. Develop suggestions and proposals for establishing an incentive system to encourage businesses to apply for grants to develop projects in this State pursuant to paragraph (i) of subsection 1 of section 3 of this act; and~~

~~2. On or before January 1, 2013, and in addition to or together with the report required pursuant to paragraph (j) of subsection 1 of section 3 of this act, submit a report setting forth those suggestions and proposals for establishing an incentive system, together with any suggestions for legislation, to the Director of the Legislative Counsel Bureau for transmittal to the Legislature.~~**] (Deleted by amendment.)**

Sec. 12.5. **NRS 353.345 is hereby repealed.**

Sec. 13. This act becomes effective on July 1, 2011.

TEXT OF REPEALED SECTION

353.345 Approval of Interim Finance Committee required for allocation of money received under federal block grant. Whenever

federal funding in the form of a categorical grant of a specific program administered by a state agency, commission or department is terminated and incorporated into a block grant from the Federal Government to the State of Nevada, the state agency, commission or department must obtain the approval of the Interim Finance Committee in order to allocate the money received from any block grant.

Assemblywoman Bustamante Adams moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, reengrossed, and to third reading.

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 231.

Assemblyman Conklin moved that the bill be referred to the Committee on Judiciary.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Ways and Means, to which was rereferred Assembly Bill No. 331, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Ways and Means, to which were rereferred Assembly Bills Nos. 74, 245, 402, 404, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, as amended.

DEBBIE SMITH, *Chair*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Conklin moved that Assembly Bills Nos. 74, 245, 331, 402, and 404, just reported out of committee, be placed at the top of the General File.

Motion carried.

Assemblyman Conklin moved that Assembly Bill No. 331 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 3:29 p.m.

ASSEMBLY IN SESSION

At 3:31p.m.

Mr. Speaker presiding.

Quorum present.

GENERAL FILE AND THIRD READING

Assembly Bill No. 74.
Bill read third time.
Remarks by Assemblywoman Carlton.
Roll call on Assembly Bill No. 74:
YEAS—42.
NAYS—None.
Assembly Bill No. 74 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 245.
Bill read third time.
Remarks by Assemblyman Stewart.
Roll call on Assembly Bill No. 245:
YEAS—42.
NAYS—None.
Assembly Bill No. 245 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 402.
Bill read third time.
Remarks by Assemblywoman Smith.
Roll call on Assembly Bill No. 402:
YEAS—41.
NAYS—None.
EXCUSED—Hammond.
Assembly Bill No. 402 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 404.
Bill read third time.
Remarks by Assemblywoman Smith.
Roll call on Assembly Bill No. 404:
YEAS—41.
NAYS—Livermore.
Assembly Bill No. 404 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Conklin moved that Senate Bills Nos. 77, 88, 102, 112, 132, 213, 236, 259, 292, 299, 411, 414, 417, 430, and 445 be taken from their position on the General File and placed at the top of the General File.
Motion carried.

Assemblyman Atkinson moved that Senate Bill No. 135 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 77.

Bill read third time.

Roll call on Senate Bill No. 77:

YEAS—40.

NAYS—Goedhart, Livermore—2.

Senate Bill No. 77 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 88.

Bill read third time.

Roll call on Senate Bill No. 88:

YEAS—42.

NAYS—None.

Senate Bill No. 88 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 102.

Bill read third time.

Roll call on Senate Bill No. 102:

YEAS—38.

NAYS—Ellison, Hansen, Hardy, McArthur—4.

Senate Bill No. 102 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 112.

Bill read third time.

Roll call on Senate Bill No. 112:

YEAS—42.

NAYS—None.

Senate Bill No. 112 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 132.

Bill read third time.

Roll call on Senate Bill No. 132:

YEAS—42.

NAYS—None.

Senate Bill No. 132 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 213.
Bill read third time.
Roll call on Senate Bill No. 213:
YEAS—42.
NAYS—None.
Senate Bill No. 213 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 236.
Bill read third time.
Roll call on Senate Bill No. 236:
YEAS—42.
NAYS—None.
Senate Bill No. 236 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 259.
Bill read third time.
Roll call on Senate Bill No. 259:
YEAS—42.
NAYS—None.
Senate Bill No. 259 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 292.
Bill read third time.
Roll call on Senate Bill No. 292:
YEAS—30.
NAYS—Ellison, Goedhart, Goicoechea, Grady, Hambrick, Hammond, Hansen, Kirner, Kite, Livermore, McArthur, Sherwood—12.
Senate Bill No. 292 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 299.
Bill read third time.
Roll call on Senate Bill No. 299:
YEAS—31.
NAYS—Ellison, Goedhart, Goicoechea, Grady, Hambrick, Hansen, Hardy, Hickey, Kirner, Sherwood, Woodbury—11.
Senate Bill No. 299 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 411.
Bill read third time.

Roll call on Senate Bill No. 411:
YEAS—42.
NAYS—None.
Senate Bill No. 411 having received a two-thirds majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 414.
Bill read third time.
Roll call on Senate Bill No. 414:
YEAS—42.
NAYS—None.
Senate Bill No. 414 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 417.
Bill read third time.
Roll call on Senate Bill No. 417:
YEAS—32.
NAYS—Ellison, Hambrick, Hammond, Hansen, Hardy, Kirner, Livermore, McArthur, Sherwood, Stewart—10.
Senate Bill No. 417 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 430.
Bill read third time.
Roll call on Senate Bill No. 430:
YEAS—42.
NAYS—None.
Senate Bill No. 430 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 445.
Bill read third time.
Roll call on Senate Bill No. 445:
YEAS—42.
NAYS—None.
Senate Bill No. 445 having received a two-thirds majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Conklin moved that Senate Bill No. 205 be taken from its position on the General File and placed at the top of the General File.
Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 205.

Bill read third time.

Roll call on Senate Bill No. 205:

YEAS—42.

NAYS—None.

Senate Bill No. 205 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Conklin moved that Senate Bills Nos. 18, 19, 30, 40, 94, 99, 125, 142, 143, 149, 150, 159, 186, 191, 194, 200, 215, 223, 267, 293, 294, 309, 315, 329, 348, 361, 365, 376, 403, 405, and 436 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

UNFINISHED BUSINESS

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblyman Atkinson moved that the Assembly do not recede from its action on Senate Bill No. 193, that a conference be requested, and that Mr. Speaker appoint a first Conference Committee consisting of three members to meet with a like committee of the Senate.

Remarks by Assemblyman Atkinson.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Carlton, Atkinson, and Grady as a Conference Committee to meet with a like committee of the Senate for the further consideration of Senate Bill No. 193.

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 20.

The following Senate amendment was read:

Amendment No. 618.

AN ACT relating to optometry; requiring the Nevada State Board of Optometry to issue a license by endorsement to practice optometry in this State in certain circumstances; revising provisions governing the examination for licensure by the Board; revising provisions governing the discipline and unprofessional or unethical conduct of licensees; repealing provisions that require the Board to maintain a roster of licensees; repealing provisions that pertain to the scope of reexaminations for licensure; establishing fees; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law requires each applicant for a license to practice optometry in this State to take and pass an examination prepared and administered by the Nevada State Board of Optometry or by a testing agency that has been designated by the Board. The examination must test the fitness of an applicant to practice optometry and include testing of the applicant's knowledge of statutes and regulations governing the practice of optometry. (NRS 636.150, 636.180, 636.185) Other states have enacted legislation creating exceptions from general licensure provisions which allow certain qualified persons who are licensed in another jurisdiction to receive a license to practice optometry without requiring the licensee to take an examination that is designed to evaluate competency to practice optometry. However, existing law in this State does not authorize such an exception.

Section 2 of this bill provides for the issuance of a license by endorsement to practice optometry and requires the Board to issue a license by endorsement to certain qualified applicants who are licensed to practice optometry in the District of Columbia or other states or territories and who have been continuously and actively engaged in the practice of optometry for the 5 years immediately preceding the date on which they apply to the Board for the issuance of a license by endorsement. **Section 7** of this bill requires an applicant for a license by endorsement to take and pass an examination, but **section 3** of this bill provides that the examination must test only the applicant's knowledge of statutes and regulations governing the practice of optometry in this State. **Section 5** of this bill establishes the fees which must be paid by an applicant for the examination for a license by endorsement and for the issuance and renewal of a license by endorsement.

Section 10 of this bill revises provisions governing the score required to pass the examinations, and **sections 6, 8, 9, 11 and 12** of this bill make certain revisions to distinguish between the examination for and issuance of a license to practice optometry and a license by endorsement.

Existing law also defines the scope of the practice of optometry in this State and authorizes the Board to discipline licensees for certain acts or omissions and determine what acts constitute unethical or unprofessional conduct by licensees. (NRS 636.025, 636.130, 636.290-636.340) **Section 4.5 of this bill provides that a license to practice optometry does not authorize an optometrist to engage in acts or perform procedures which are not authorized by law.** **Section 13** of this bill authorizes the Board to discipline licensees for the commission of a felony **[,] or** for conduct that demonstrates incompetency in the practice of optometry**.** ~~[or for practicing or offering to practice optometry outside the scope of practice authorized by law.]~~ **Sections 14 and 15** of this bill revise provisions pertaining to unprofessional or unethical conduct relating to the use of prescription blanks and the sale, solicitation or advertisement of certain products and services.

Section 16 of this bill repeals provisions requiring the Board to maintain a roster of licensees and authorizing the Board to determine the scope of reexaminations for licensure.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 636 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. ***1. The Board shall, except for good cause, issue a license by endorsement to practice optometry to an applicant who has been issued a license to practice optometry by the District of Columbia or any state or territory of the United States if:***

(a) At the time the applicant files an application with the Board, the license issued to the applicant by the District of Columbia or the other state or territory of the United States is in effect and unrestricted; and

(b) The applicant:

(1) Has obtained a passing score on an examination for licensure that is recognized by the Board as an appropriate examination to assess competency in the practice of optometry;

(2) Has had no adverse actions reported to the National Practitioner Data Bank within the 5 years immediately preceding the date of the application;

(3) Has been continuously and actively engaged in the practice of optometry for the 5 years immediately preceding the date of the application;

(4) Is not involved in and does not have pending any disciplinary action concerning a license to practice optometry in the District of Columbia or any state or territory of the United States;

(5) Provides information to the Board about any malpractice claim that has been brought against the applicant, regardless of when the claim was filed or how the claim was resolved;

(6) Obtains a passing score on the examination for licensure by endorsement administered by the Board pursuant to NRS 636.170; and

(7) Pays the fee required by NRS 636.143.

2. A license by endorsement may be issued at a meeting of the Board or between its meetings by the President and Executive Director. Such action shall be deemed to be an action of the Board.

Sec. 3. ***An examination for licensure by endorsement must:***

1. Test only the examinee's knowledge of statutes and regulations governing the practice of optometry in this State;

2. Be prepared and administered by the Board or a testing agency that has been designated by the Board to conduct its examinations; and

3. Be conducted in the English language.

Sec. 4. (Deleted by amendment.)

Sec. 4.5. **NRS 636.025 is hereby amended to read as follows:**

636.025 1. The acts set forth in this ~~[section,]~~ ***subsection,*** or any of them, whether done severally, collectively or in combination with other acts

that are not set forth in this ~~[section]~~ ***subsection*** constitute practice in optometry within the purview of this chapter:

(a) Advertisement or representation as an optometrist.

(b) Adapting, or prescribing or dispensing, without prescription by a practitioner of optometry or medicine licensed in this State, any ophthalmic lens, frame or mounting, or any part thereof, for correction, relief or remedy of any abnormal condition or insufficiency of the eye or any appendage or visual process. The provisions of this paragraph do not prevent an optical mechanic from doing the mere mechanical work of replacement or duplication of the ophthalmic lens or prevent a licensed dispensing optician from engaging in the practice of ophthalmic dispensing.

(c) The examination of the human eye and its appendages, the measurement of the powers or range of human vision, the determination of the accommodative and refractive states of the eye or the scope of its function in general, or the diagnosis or determination of any visual, muscular, neurological, interpretative or anatomic anomalies or deficiencies of the eye or its appendages or visual processes.

(d) Prescribing, directing the use of or using any optical device in connection with ocular exercises, orthoptics or visual training.

(e) The prescribing of contact lenses.

(f) The measurement, fitting or adaptation of contact lenses to the human eye except under the direction and supervision of a physician, surgeon or optometrist licensed in the State of Nevada.

(g) The topical use of diagnostic pharmaceutical agents to determine any visual, muscular, neurological, interpretative or anatomic anomalies or deficiencies of the eye or its appendages or visual processes.

(h) Prescribing, directing the use of or using a therapeutic pharmaceutical agent to treat an abnormality of the eye or its appendages.

(i) Removing a foreign object from the surface or epithelium of the eye.

(j) The ordering of laboratory tests to assist in the diagnosis of an abnormality of the eye or its appendages.

2. The provisions of ~~[this section]~~ ***subsection 1*** do not authorize an optometrist to engage in any practice which includes:

(a) The incision or suturing of the eye or its appendages; or

(b) The use of lasers for surgical purposes.

3. A license to practice optometry issued pursuant to this chapter does not authorize an optometrist to engage in any act or perform any procedure which is not authorized by this chapter or the regulations adopted pursuant thereto.

Sec. 5. NRS 636.143 is hereby amended to read as follows:

636.143 The Board shall establish within the limits prescribed a schedule of fees for the following purposes:

	Not less than	Not more than
Examination ***, including examination for license by endorsement***	$100	$500

Reexamination ***, including reexamination for license by endorsement***	100	500
Issuance of each license or duplicate license***, including a license by endorsement***	35	75
Renewal of each license or duplicate license***, including a license by endorsement***	100	500
Issuance of a license for an extended clinical Facility	100	500
Issuance of a replacement renewal card for a license	10	50

Sec. 6. NRS 636.150 is hereby amended to read as follows:

636.150 ~~[Any]~~ ***Except as otherwise provided in section 2 of this act, any*** person applying for a license to practice optometry in this State must:

1. File proof of his or her qualifications;
2. Make application for an examination;
3. Take and pass the examination;
4. Pay the prescribed fees; and
5. Verify that all the information he or she has provided to the Board or to any other entity pursuant to the provisions of this chapter is true and correct.

Sec. 7. NRS 636.170 is hereby amended to read as follows:

636.170 The Board shall ~~[~~:

~~1. Conduct a regular annual examination, and may conduct a special examination when it deems that circumstances warrant such examination.~~

~~2. Fix and announce the time and place of any examination at least 30 days prior to the day when it is to be commenced.~~] ***conduct an examination of each applicant for licensure and each applicant for licensure by endorsement by the Board. The examination must be administered at a time and place designated by the Board.***

Sec. 8. NRS 636.180 is hereby amended to read as follows:

636.180 An examination ***other than an examination for licensure by endorsement*** must:

1. Be practical in character and design as determined by the Board;
2. Test the fitness of the examinee to practice optometry;
3. Be prepared and administered by the Board or a testing agency that has been designated by the Board to conduct its examinations; and
4. Be conducted in the English language.

Sec. 9. NRS 636.185 is hereby amended to read as follows:

636.185 1. An examination, other than ~~[one]~~ ***an examination*** conducted solely for reexamination of an examinee who has failed in a previous examination ~~[,]~~ ***or an examination for licensure by endorsement,*** must include testing in the following areas:

(a) General anatomy.
(b) General physiology.
(c) Ocular anatomy.

(d) Ocular physiology.
(e) Ocular pathology.
(f) Geometric optics.
(g) Physiological optics.
(h) Theoretical optometry.
(i) Practical optometry.
(j) Retinoscopy and ophthalmic instruments.
(k) Ophthalmoscopy and biomicroscopy.
(l) Neurology, visual fields and perimetry.
(m) Vision therapy.
(n) Clinical optometry.
(o) Contact lenses.
(p) Pharmacology.
(q) Statutes and regulations governing the practice of optometry.
(r) Such other areas as the Board may prescribe.

2. An examination ***, other than an examination conducted solely for reexamination of an examinee who has failed in a previous examination or an examination for licensure by endorsement,*** must also provide for an evaluation of the examinee's knowledge of the following areas:

(a) Basic science.
(b) Clinical science.
(c) Care and management of patients.

Sec. 10. NRS 636.190 is hereby amended to read as follows:

636.190 Except as otherwise provided in NRS 622.090, a grade of 75 or higher ~~[~~for each area tested on the examination~~]~~ is required to pass an examination.

Sec. 11. NRS 636.215 is hereby amended to read as follows:

636.215 The Board shall execute a license ***other than a license by endorsement*** for each person who has satisfied the requirements of NRS 636.150 and submitted all information required to complete an application for a license. A license must:

1. Certify that the licensee has been examined and found qualified to practice optometry in this State; and
2. Be signed by each member of the Board.

Sec. 12. NRS 636.220 is hereby amended to read as follows:

636.220 ~~[~~The~~]~~ ***A*** license ***executed pursuant to NRS 636.215*** must be issued and delivered by the Executive Director to the licensee upon payment to the Executive Director of the prescribed fee.

Sec. 13. NRS 636.295 is hereby amended to read as follows:

636.295 The following acts, conduct, omissions, or mental or physical conditions, or any of them, committed, engaged in, omitted, or being suffered by a licensee, constitute sufficient cause for disciplinary action:

1. Affliction of the licensee with any communicable disease ~~[~~likely to~~]~~ ***which may*** be communicated to other persons.

2. Commission by the licensee of a felony ~~[relating to the practice of optometry]~~ or ***of*** a gross misdemeanor involving moral turpitude of which the licensee has been convicted and from which he or she has been sentenced by a final judgment of a federal or state court in this or any other state, the judgment not having been reversed or vacated by a competent appellate court and the offense not having been pardoned by executive authority.

3. Conviction of any of the provisions of NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive.

4. Commission of fraud by or on behalf of the licensee in obtaining a license or a renewal thereof, or in practicing optometry thereunder.

5. Habitual drunkenness or addiction to any controlled substance.

6. ~~[Gross incompetency.]~~ ***Incompetency in the practice of optometry or conduct which demonstrates a significant lack of ability, knowledge or fitness to discharge a professional obligation in the practice of optometry.***

7. Affliction with any mental or physical disorder or disturbance ~~[seriously impairing]~~ ***which impairs*** his or her competency as an optometrist.

8. Making false or misleading representations, by or on behalf of the licensee, with respect to optometric materials or services.

9. Practice by the licensee, or attempting or offering so to do, while in an intoxicated condition.

10. Perpetration of unethical or unprofessional conduct in the practice of optometry.

11. Any violation of the provisions of this chapter or any regulations adopted pursuant thereto.

12. ~~*[Practicing or offering to practice optometry outside the scope of practice authorized by law.*~~

~~*13.]*~~ Operation of a medical facility, as defined in NRS 449.0151, at any time during which:

(a) The license of the facility is suspended or revoked; or

(b) An act or omission occurs which results in the suspension or revocation of the license pursuant to NRS 449.160.

➥ This subsection applies to an owner or other principal responsible for the operation of the facility.

Sec. 14. NRS 636.300 is hereby amended to read as follows:

636.300 The following acts, among others, constitute unethical or unprofessional conduct:

1. Association as an optometrist with any person, firm or corporation violating this chapter.

2. Accepting employment ~~[,]~~ ***as an optometrist or in the practice of optometry,*** directly or indirectly, from a person not licensed to practice optometry in this State ***,*** ~~[to assist the person in such practice or enabling the person to engage therein,]~~ except as authorized in NRS 636.347.

3. Signing ***or using*** the prescription blanks of another optometrist ***, ophthalmologist or medical professional*** or allowing another optometrist ***,***

ophthalmologist or medical professional to ***sign or*** use his or her prescription blanks.

4. Except as otherwise provided in NRS 636.372 and 636.373, practicing in or on premises where any materials other than those necessary to render optometric examinations or services are dispensed to the public, or where a business is being conducted not exclusively devoted to optometry or other healing arts and materials or merchandise are displayed having no relation to the practice of optometry or other healing arts.

Sec. 15. NRS 636.302 is hereby amended to read as follows:

636.302 The following acts, among others, constitute unethical or unprofessional conduct:

1. Making a house-to-house canvass, either in person or by another person, for advertising, selling or soliciting the sale of ***contact lenses,*** eyeglasses, frames, lenses, mountings, or optometric examinations or services.

2. Circulating or publishing, directly or indirectly, any false, fraudulent or misleading statement as to optometric materials or services, his or her method of practice or skill, or the method of practice or skill of any other licensee.

3. Advertising in any manner that will tend to deceive, defraud or mislead the public.

~~[4. Advertising, directly or indirectly, free optometric examinations or services.]~~

Sec. 16. NRS 636.120 and 636.200 are hereby repealed.

Sec. 17. This act becomes effective upon passage and approval for the purpose of adopting regulations and on October 1, 2011, for all other purposes.

TEXT OF REPEALED SECTIONS

636.120 Roster of licensees: Preparation and distribution. Once each year, the Board shall prepare and distribute to all licensees a roster containing their names and addresses.

636.200 Scope of reexamination. An examinee whose request for reexamination has been granted may, at the discretion of the Board or the testing agency designated by the Board to conduct its examinations, be required to retake:

1. The entire examination; or

2. Only the section or sections of the examination on which the examinee did not receive the grade required to pass.

Assemblyman Atkinson moved that the Assembly do not concur in the Senate amendment to Assembly Bill No. 20.

Remarks by Assemblyman Atkinson.

Motion carried by a constitutional majority.

Bill ordered to Senate.

Assembly Bill No. 456.

The following Senate amendment was read:

Amendment No. 763.

AN ACT relating to education; authorizing certain pupils to receive a standard high school diploma without passing all subject areas of the high school proficiency examination under certain circumstances; authorizing the board of trustees of a school district to adopt a policy that allows certain pupils enrolled in high school the opportunity to make up credit; authorizing a juvenile court to impose certain orders against the parent or legal guardian of a child who is adjudicated in need of supervision because the child is a habitual truant; revising provisions governing employment of minors; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prescribes a standard high school diploma and an adjusted diploma and requires that to receive a standard high school diploma, a pupil must satisfy the requirements for graduation from high school and either pass the high school proficiency examination in its entirety or fail to pass certain subject areas on the examination and satisfy certain alternative criteria prescribed by the State Board of Education. (NRS 389.805) **Section 5** of this bill provides that a pupil who has failed to pass the same subject area of the high school proficiency examination each time the pupil took the examination, including the final administration of the examination to the pupil before the date on which he or she is otherwise regularly scheduled to graduate, may receive a standard high school diploma if the pupil obtained a cumulative score that meets the required cumulative score prescribed by the State Board and also satisfies certain additional conditions. **Section 5** also removes the satisfaction of the existing alternative criteria as a means by which a pupil may receive a standard high school diploma. **Section 9.5** of this bill requires the board of trustees of each school district, on or before December 31, 2012, to submit to the Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature a report on the number of pupils who were awarded a standard high school diploma pursuant to the criteria prescribed by **section 5**.

Section 6 of this bill authorizes school districts to adopt a policy that allows a high school pupil who has failed to comply with minimum attendance requirements the opportunity to make up the credits which the pupil missed during his or her absence.

Existing law prescribes the actions which must be taken by a juvenile court against a child who has been adjudicated in need of supervision because the child is a habitual truant. (NRS 62E.430) **Section 7** of this bill authorizes a juvenile court to order the parent or legal guardian of such a child to attend conferences with the child's teacher and appropriate school administrators to address the status of the child as a habitual truant and to develop a plan to ensure that the child attends school.

Section 8 of this bill authorizes the parent or legal guardian of a child between the ages of 16 and 18 years to indicate on a work permit that is issued to the child by the county, if any, the maximum number of hours that his or her child may work and the particular hours in which that work may occur during the week or on the weekend.

Existing law provides that a child under the age of 16 years may be employed in certain occupations for not more than 48 hours in any 1 week and 8 hours in any 1 day. (NRS 609.240) **Section 9** of this bill revises the hours that a child may be employed to 20 hours in any 1 week when school is in session and 48 hours in any 1 week when school is not in session.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 385.3469 is hereby amended to read as follows:

385.3469 1. The State Board shall prepare an annual report of accountability that includes, without limitation:

(a) Information on the achievement of all pupils based upon the results of the examinations administered pursuant to NRS 389.015 and 389.550, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(b) Except as otherwise provided in subsection 2, pupil achievement, reported separately by gender and reported separately for the following groups of pupils:

(1) Pupils who are economically disadvantaged, as defined by the State Board;

(2) Pupils from major racial and ethnic groups, as defined by the State Board;

(3) Pupils with disabilities;

(4) Pupils who are limited English proficient; and

(5) Pupils who are migratory children, as defined by the State Board.

(c) A comparison of the achievement of pupils in each group identified in paragraph (b) of subsection 1 of NRS 385.361 with the annual measurable objectives of the State Board.

(d) The percentage of all pupils who were not tested, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(e) Except as otherwise provided in subsection 2, the percentage of pupils who were not tested, reported separately by gender and reported separately for the groups identified in paragraph (b).

(f) The most recent 3-year trend in the achievement of pupils in each subject area tested and each grade level tested pursuant to NRS 389.015 and 389.550, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole, which may include information regarding the trend in the achievement of pupils for more than 3 years, if such information is available.

(g) Information on whether each school district has made adequate yearly progress, including, without limitation, the name of each school district, if any, designated as demonstrating need for improvement pursuant to NRS 385.377 and the number of consecutive years that the school district has carried that designation.

(h) Information on whether each public school, including, without limitation, each charter school, has made:

(1) Adequate yearly progress, including, without limitation, the name of each public school, if any, designated as demonstrating need for improvement pursuant to NRS 385.3623 and the number of consecutive years that the school has carried that designation.

(2) Progress based upon the model adopted by the Department pursuant to NRS 385.3595, if applicable for the grade level of pupils enrolled at the school.

(i) Information on the results of pupils who participated in the examinations of the National Assessment of Educational Progress required pursuant to NRS 389.012.

(j) The ratio of pupils to teachers in kindergarten and at each grade level for all elementary schools, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole, and the average class size for each core academic subject, as set forth in NRS 389.018, for each secondary school, reported for each school district and for this State as a whole.

(k) For each school district, including, without limitation, each charter school in the district, and for this State as a whole, information on the professional qualifications of teachers employed by the school districts and charter schools, including, without limitation:

(1) The percentage of teachers who are:

(I) Providing instruction pursuant to NRS 391.125;

(II) Providing instruction pursuant to a waiver of the requirements for licensure for the grade level or subject area in which the teachers are employed; or

(III) Otherwise providing instruction without an endorsement for the subject area in which the teachers are employed;

(2) The percentage of classes in the core academic subjects, as set forth in NRS 389.018, in this State that are not taught by highly qualified teachers;

(3) The percentage of classes in the core academic subjects, as set forth in NRS 389.018, in this State that are not taught by highly qualified teachers, in the aggregate and disaggregated by high-poverty compared to low-poverty schools, which for the purposes of this subparagraph means schools in the top quartile of poverty and the bottom quartile of poverty in this State;

(4) For each middle school, junior high school and high school:

(I) On and after July 1, 2005, the number of persons employed as substitute teachers for 20 consecutive days or more in the same classroom or assignment, designated as long-term substitute teachers, including the total

number of days long-term substitute teachers were employed at each school, identified by grade level and subject area; and

(II) On and after July 1, 2006, the number of persons employed as substitute teachers for less than 20 consecutive days, designated as short-term substitute teachers, including the total number of days short-term substitute teachers were employed at each school, identified by grade level and subject area; and

(5) For each elementary school:

(I) On and after July 1, 2005, the number of persons employed as substitute teachers for 20 consecutive days or more in the same classroom or assignment, designated as long-term substitute teachers, including the total number of days long-term substitute teachers were employed at each school, identified by grade level; and

(II) On and after July 1, 2006, the number of persons employed as substitute teachers for less than 20 consecutive days, designated as short-term substitute teachers, including the total number of days short-term substitute teachers were employed at each school, identified by grade level.

(l) The total expenditure per pupil for each school district in this State, including, without limitation, each charter school in the district. If this State has a financial analysis program that is designed to track educational expenditures and revenues to individual schools, the State Board shall use that statewide program in complying with this paragraph. If a statewide program is not available, the State Board shall use the Department's own financial analysis program in complying with this paragraph.

(m) The total statewide expenditure per pupil. If this State has a financial analysis program that is designed to track educational expenditures and revenues to individual schools, the State Board shall use that statewide program in complying with this paragraph. If a statewide program is not available, the State Board shall use the Department's own financial analysis program in complying with this paragraph.

(n) For all elementary schools, junior high schools and middle schools, the rate of attendance, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(o) The annual rate of pupils who drop out of school in grade 8 and a separate reporting of the annual rate of pupils who drop out of school in grades 9 to 12, inclusive, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole. The reporting for pupils in grades 9 to 12, inclusive, excludes pupils who:

(1) Provide proof to the school district of successful completion of the examinations of general educational development.

(2) Are enrolled in courses that are approved by the Department as meeting the requirements for an adult standard diploma.

(3) Withdraw from school to attend another school.

(p) The attendance of teachers who provide instruction, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(q) Incidents involving weapons or violence, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(r) Incidents involving the use or possession of alcoholic beverages or controlled substances, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(s) The suspension and expulsion of pupils required or authorized pursuant to NRS 392.466 and 392.467, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(t) The number of pupils who are deemed habitual disciplinary problems pursuant to NRS 392.4655, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(u) The number of pupils in each grade who are retained in the same grade pursuant to NRS 392.033 or 392.125, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(v) The transiency rate of pupils, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole. For the purposes of this paragraph, a pupil is not a transient if the pupil is transferred to a different school within the school district as a result of a change in the zone of attendance by the board of trustees of the school district pursuant to NRS 388.040.

(w) Each source of funding for this State to be used for the system of public education.

(x) A compilation of the programs of remedial study purchased in whole or in part with money received from this State that are used in each school district, including, without limitation, each charter school in the district. The compilation must include:

(1) The amount and sources of money received for programs of remedial study.

(2) An identification of each program of remedial study, listed by subject area.

(y) The percentage of pupils who graduated from a high school or charter school in the immediately preceding year and enrolled in remedial courses in reading, writing or mathematics at a university, state college or community college within the Nevada System of Higher Education, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(z) The technological facilities and equipment available for educational purposes, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(aa) For each school district, including, without limitation, each charter school in the district, and for this State as a whole, the number and percentage of pupils who received:

(1) A standard high school diploma, reported separately for pupils who received the diploma pursuant to:

(I) ~~[Paragraph (a) of subsection]~~ ***Subsection*** 1 of NRS 389.805; and

(II) ~~[Paragraph (b) of subsection 1 of NRS 389.805.]~~ ***Subsection 4 of NRS 389.805.***

(2) An adjusted diploma.

(3) A certificate of attendance.

(bb) For each school district, including, without limitation, each charter school in the district, and for this State as a whole, the number and percentage of pupils who failed to pass the high school proficiency examination.

(cc) The number of habitual truants who are reported to a school police officer or local law enforcement agency pursuant to paragraph (a) of subsection 2 of NRS 392.144 and the number of habitual truants who are referred to an advisory board to review school attendance pursuant to paragraph (b) of subsection 2 of NRS 392.144, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(dd) Information on the paraprofessionals employed at public schools in this State, including, without limitation, the charter schools in this State. The information must include:

(1) The number of paraprofessionals employed, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole; and

(2) For each school district, including, without limitation, each charter school in the district, and for this State as a whole, the number and percentage of all paraprofessionals who do not satisfy the qualifications set forth in 20 U.S.C. § 6319(c). The reporting requirements of this subparagraph apply to paraprofessionals who are employed in programs supported with Title I money and to paraprofessionals who are not employed in programs supported with Title I money.

(ee) An identification of appropriations made by the Legislature to improve the academic achievement of pupils and programs approved by the Legislature to improve the academic achievement of pupils.

(ff) A compilation of the special programs available for pupils at individual schools, listed by school and by school district, including, without limitation, each charter school in the district.

(gg) For each school district, including, without limitation, each charter school in the district and for this State as a whole, information on pupils enrolled in career and technical education, including, without limitation:

(1) The number of pupils enrolled in a course of career and technical education;

(2) The number of pupils who completed a course of career and technical education;

(3) The average daily attendance of pupils who are enrolled in a program of career and technical education;

(4) The annual rate of pupils who dropped out of school and were enrolled in a program of career and technical education before dropping out;

(5) The number and percentage of pupils who completed a program of career and technical education and who received a standard high school diploma, an adjusted diploma or a certificate of attendance; and

(6) The number and percentage of pupils who completed a program of career and technical education and who did not receive a high school diploma because the pupils failed to pass the high school proficiency examination ~~[.]~~ ***or otherwise failed to satisfy the requirements of NRS 389.805.***

2. A separate reporting for a group of pupils must not be made pursuant to this section if the number of pupils in that group is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual pupil. The State Board shall prescribe a mechanism for determining the minimum number of pupils that must be in a group for that group to yield statistically reliable information.

3. The annual report of accountability must:

(a) Comply with 20 U.S.C. § 6311(h)(1) and the regulations adopted pursuant thereto;

(b) Be prepared in a concise manner; and

(c) Be presented in an understandable and uniform format and, to the extent practicable, provided in a language that parents can understand.

4. On or before September 1 of each year, the State Board shall:

(a) Provide for public dissemination of the annual report of accountability by posting a copy of the report on the Internet website maintained by the Department; and

(b) Provide written notice that the report is available on the Internet website maintained by the Department. The written notice must be provided to the:

(1) Governor;

(2) Committee;

(3) Bureau;

(4) Board of Regents of the University of Nevada;

(5) Board of trustees of each school district; and

(6) Governing body of each charter school.

5. Upon the request of the Governor, an entity described in paragraph (b) of subsection 4 or a member of the general public, the State Board shall provide a portion or portions of the annual report of accountability.

6. As used in this section:

(a) "Highly qualified" has the meaning ascribed to it in 20 U.S.C. § 7801(23).

(b) "Paraprofessional" has the meaning ascribed to it in NRS 391.008.

Sec. 2. NRS 385.347 is hereby amended to read as follows:

385.347 1. The board of trustees of each school district in this State, in cooperation with associations recognized by the State Board as representing licensed educational personnel in the district, shall adopt a program providing for the accountability of the school district to the residents of the district and to the State Board for the quality of the schools and the educational achievement of the pupils in the district, including, without limitation, pupils enrolled in charter schools in the school district. The board of trustees of each school district shall report the information required by subsection 2 for each charter school that is located within the school district, regardless of the sponsor of the charter school. The information for charter schools must be reported separately and must denote the charter schools sponsored by the school district, the charter schools sponsored by the State Board and the charter schools sponsored by a college or university within the Nevada System of Higher Education.

2. The board of trustees of each school district shall, on or before August 15 of each year, prepare an annual report of accountability concerning:

(a) The educational goals and objectives of the school district.

(b) Pupil achievement for each school in the district and the district as a whole, including, without limitation, each charter school in the district. The board of trustees of the district shall base its report on the results of the examinations administered pursuant to NRS 389.015 and 389.550 and shall compare the results of those examinations for the current school year with those of previous school years. The report must include, for each school in the district, including, without limitation, each charter school in the district, and each grade in which the examinations were administered:

(1) The number of pupils who took the examinations.

(2) A record of attendance for the period in which the examinations were administered, including an explanation of any difference in the number of pupils who took the examinations and the number of pupils who are enrolled in the school.

(3) Except as otherwise provided in this paragraph, pupil achievement, reported separately by gender and reported separately for the following groups of pupils:

(I) Pupils who are economically disadvantaged, as defined by the State Board;

(II) Pupils from major racial and ethnic groups, as defined by the State Board;

(III) Pupils with disabilities;

(IV) Pupils who are limited English proficient; and

(V) Pupils who are migratory children, as defined by the State Board.

(4) A comparison of the achievement of pupils in each group identified in paragraph (b) of subsection 1 of NRS 385.361 with the annual measurable objectives of the State Board.

(5) The percentage of pupils who were not tested.

(6) Except as otherwise provided in this paragraph, the percentage of pupils who were not tested, reported separately by gender and reported separately for the groups identified in subparagraph (3).

(7) The most recent 3-year trend in pupil achievement in each subject area tested and each grade level tested pursuant to NRS 389.015 and 389.550, which may include information regarding the trend in the achievement of pupils for more than 3 years, if such information is available.

(8) Information that compares the results of pupils in the school district, including, without limitation, pupils enrolled in charter schools in the district, with the results of pupils throughout this State. The information required by this subparagraph must be provided in consultation with the Department to ensure the accuracy of the comparison.

(9) For each school in the district, including, without limitation, each charter school in the district, information that compares the results of pupils in the school with the results of pupils throughout the school district and throughout this State. The information required by this subparagraph must be provided in consultation with the Department to ensure the accuracy of the comparison.

(10) Information on whether each school in the district, including, without limitation, each charter school in the district, has made progress based upon the model adopted by the Department pursuant to NRS 385.3595.

➥ A separate reporting for a group of pupils must not be made pursuant to this paragraph if the number of pupils in that group is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual pupil. The State Board shall prescribe the mechanism for determining the minimum number of pupils that must be in a group for that group to yield statistically reliable information.

(c) The ratio of pupils to teachers in kindergarten and at each grade level for each elementary school in the district and the district as a whole, including, without limitation, each charter school in the district, and the average class size for each core academic subject, as set forth in NRS 389.018, for each secondary school in the district and the district as a whole, including, without limitation, each charter school in the district.

(d) Information on the professional qualifications of teachers employed by each school in the district and the district as a whole, including, without limitation, each charter school in the district. The information must include, without limitation:

(1) The percentage of teachers who are:

(I) Providing instruction pursuant to NRS 391.125;

(II) Providing instruction pursuant to a waiver of the requirements for licensure for the grade level or subject area in which the teachers are employed; or

(III) Otherwise providing instruction without an endorsement for the subject area in which the teachers are employed;

(2) The percentage of classes in the core academic subjects, as set forth in NRS 389.018, that are not taught by highly qualified teachers;

(3) The percentage of classes in the core academic subjects, as set forth in NRS 389.018, that are not taught by highly qualified teachers, in the aggregate and disaggregated by high-poverty compared to low-poverty schools, which for the purposes of this subparagraph means schools in the top quartile of poverty and the bottom quartile of poverty in this State;

(4) For each middle school, junior high school and high school:

(I) On and after July 1, 2005, the number of persons employed as substitute teachers for 20 consecutive days or more in the same classroom or assignment, designated as long-term substitute teachers, including the total number of days long-term substitute teachers were employed at each school, identified by grade level and subject area; and

(II) On and after July 1, 2006, the number of persons employed as substitute teachers for less than 20 consecutive days, designated as short-term substitute teachers, including the total number of days short-term substitute teachers were employed at each school, identified by grade level and subject area; and

(5) For each elementary school:

(I) On and after July 1, 2005, the number of persons employed as substitute teachers for 20 consecutive days or more in the same classroom or assignment, designated as long-term substitute teachers, including the total number of days long-term substitute teachers were employed at each school, identified by grade level; and

(II) On and after July 1, 2006, the number of persons employed as substitute teachers for less than 20 consecutive days, designated as short-term substitute teachers, including the total number of days short-term substitute teachers were employed at each school, identified by grade level.

(e) The total expenditure per pupil for each school in the district and the district as a whole, including, without limitation, each charter school in the district. If this State has a financial analysis program that is designed to track educational expenditures and revenues to individual schools, each school district shall use that statewide program in complying with this paragraph. If a statewide program is not available, each school district shall use its own financial analysis program in complying with this paragraph.

(f) The curriculum used by the school district, including:

(1) Any special programs for pupils at an individual school; and

(2) The curriculum used by each charter school in the district.

(g) Records of the attendance and truancy of pupils in all grades, including, without limitation:

(1) The average daily attendance of pupils, for each school in the district and the district as a whole, including, without limitation, each charter school in the district.

(2) For each elementary school, middle school and junior high school in the district, including, without limitation, each charter school in the district that provides instruction to pupils enrolled in a grade level other than high school, information that compares the attendance of the pupils enrolled in the school with the attendance of pupils throughout the district and throughout this State. The information required by this subparagraph must be provided in consultation with the Department to ensure the accuracy of the comparison.

(h) The annual rate of pupils who drop out of school in grade 8 and a separate reporting of the annual rate of pupils who drop out of school in grades 9 to 12, inclusive, for each such grade, for each school in the district and for the district as a whole. The reporting for pupils in grades 9 to 12, inclusive, excludes pupils who:

(1) Provide proof to the school district of successful completion of the examinations of general educational development.

(2) Are enrolled in courses that are approved by the Department as meeting the requirements for an adult standard diploma.

(3) Withdraw from school to attend another school.

(i) Records of attendance of teachers who provide instruction, for each school in the district and the district as a whole, including, without limitation, each charter school in the district.

(j) Efforts made by the school district and by each school in the district, including, without limitation, each charter school in the district, to increase:

(1) Communication with the parents of pupils in the district; and

(2) The participation of parents in the educational process and activities relating to the school district and each school, including, without limitation, the existence of parent organizations and school advisory committees.

(k) Records of incidents involving weapons or violence for each school in the district, including, without limitation, each charter school in the district.

(l) Records of incidents involving the use or possession of alcoholic beverages or controlled substances for each school in the district, including, without limitation, each charter school in the district.

(m) Records of the suspension and expulsion of pupils required or authorized pursuant to NRS 392.466 and 392.467.

(n) The number of pupils who are deemed habitual disciplinary problems pursuant to NRS 392.4655, for each school in the district and the district as a whole, including, without limitation, each charter school in the district.

(o) The number of pupils in each grade who are retained in the same grade pursuant to NRS 392.033 or 392.125, for each school in the district and the district as a whole, including, without limitation, each charter school in the district.

(p) The transiency rate of pupils for each school in the district and the district as a whole, including, without limitation, each charter school in the district. For the purposes of this paragraph, a pupil is not transient if the pupil is transferred to a different school within the school district as a result of a change in the zone of attendance by the board of trustees of the school district pursuant to NRS 388.040.

(q) Each source of funding for the school district.

(r) A compilation of the programs of remedial study that are purchased in whole or in part with money received from this State, for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district. The compilation must include:

(1) The amount and sources of money received for programs of remedial study for each school in the district and the district as a whole, including, without limitation, each charter school in the district.

(2) An identification of each program of remedial study, listed by subject area.

(s) For each high school in the district, including, without limitation, each charter school in the district, the percentage of pupils who graduated from that high school or charter school in the immediately preceding year and enrolled in remedial courses in reading, writing or mathematics at a university, state college or community college within the Nevada System of Higher Education.

(t) The technological facilities and equipment available at each school, including, without limitation, each charter school, and the district's plan to incorporate educational technology at each school.

(u) For each school in the district and the district as a whole, including, without limitation, each charter school in the district, the number and percentage of pupils who received:

(1) A standard high school diploma, reported separately for pupils who received the diploma pursuant to:

(I) ~~[Paragraph (a) of subsection]~~ ***Subsection*** 1 of NRS 389.805; and

(II) ~~[Paragraph (b) of subsection 1 of NRS 389.805.]~~ ***Subsection 4 of NRS 389.805.***

(2) An adjusted diploma.

(3) A certificate of attendance.

(v) For each school in the district and the district as a whole, including, without limitation, each charter school in the district, the number and percentage of pupils who failed to pass the high school proficiency examination.

(w) The number of habitual truants who are reported to a school police officer or law enforcement agency pursuant to paragraph (a) of subsection 2 of NRS 392.144 and the number of habitual truants who are referred to an advisory board to review school attendance pursuant to paragraph (b) of subsection 2 of NRS 392.144, for each school in the district and for the district as a whole.

(x) The amount and sources of money received for the training and professional development of teachers and other educational personnel for each school in the district and for the district as a whole, including, without limitation, each charter school in the district.

(y) Whether the school district has made adequate yearly progress. If the school district has been designated as demonstrating need for improvement pursuant to NRS 385.377, the report must include a statement indicating the number of consecutive years the school district has carried that designation.

(z) Information on whether each public school in the district, including, without limitation, each charter school in the district, has made adequate yearly progress, including, without limitation:

(1) The number and percentage of schools in the district, if any, that have been designated as needing improvement pursuant to NRS 385.3623; and

(2) The name of each school, if any, in the district that has been designated as needing improvement pursuant to NRS 385.3623 and the number of consecutive years that the school has carried that designation.

(aa) Information on the paraprofessionals employed by each public school in the district, including, without limitation, each charter school in the district. The information must include:

(1) The number of paraprofessionals employed at the school; and

(2) The number and percentage of all paraprofessionals who do not satisfy the qualifications set forth in 20 U.S.C. § 6319(c). The reporting requirements of this subparagraph apply to paraprofessionals who are employed in positions supported with Title I money and to paraprofessionals who are not employed in positions supported with Title I money.

(bb) For each high school in the district, including, without limitation, each charter school that operates as a high school, information that provides a comparison of the rate of graduation of pupils enrolled in the high school with the rate of graduation of pupils throughout the district and throughout this State. The information required by this paragraph must be provided in consultation with the Department to ensure the accuracy of the comparison.

(cc) An identification of the appropriations made by the Legislature that are available to the school district or the schools within the district and programs approved by the Legislature to improve the academic achievement of pupils.

(dd) For each school in the district and the district as a whole, including, without limitation, each charter school in the district, information on pupils enrolled in career and technical education, including, without limitation:

(1) The number of pupils enrolled in a course of career and technical education;

(2) The number of pupils who completed a course of career and technical education;

(3) The average daily attendance of pupils who are enrolled in a program of career and technical education;

(4) The annual rate of pupils who dropped out of school and were enrolled in a program of career and technical education before dropping out;

(5) The number and percentage of pupils who completed a program of career and technical education and who received a standard high school diploma, an adjusted diploma or a certificate of attendance; and

(6) The number and percentage of pupils who completed a program of career and technical education and who did not receive a high school diploma because the pupils failed to pass the high school proficiency examination ~~[.]~~ ***or otherwise failed to satisfy the requirements of NRS 389.805.***

(ee) Such other information as is directed by the Superintendent of Public Instruction.

3. The records of attendance maintained by a school for purposes of paragraph (i) of subsection 2 must include the number of teachers who are in attendance at school and the number of teachers who are absent from school. A teacher shall be deemed in attendance if the teacher is excused from being present in the classroom by the school in which the teacher is employed for one of the following reasons:

(a) Acquisition of knowledge or skills relating to the professional development of the teacher; or

(b) Assignment of the teacher to perform duties for cocurricular or extracurricular activities of pupils.

4. The annual report of accountability prepared pursuant to subsection 2 must:

(a) Comply with 20 U.S.C. § 6311(h)(2) and the regulations adopted pursuant thereto; and

(b) Be presented in an understandable and uniform format and, to the extent practicable, provided in a language that parents can understand.

5. The Superintendent of Public Instruction shall:

(a) Prescribe forms for the reports required pursuant to subsection 2 and provide the forms to the respective school districts.

(b) Provide statistical information and technical assistance to the school districts to ensure that the reports provide comparable information with respect to each school in each district and among the districts throughout this State.

(c) Consult with a representative of the:

(1) Nevada State Education Association;

(2) Nevada Association of School Boards;

(3) Nevada Association of School Administrators;

(4) Nevada Parent Teacher Association;

(5) Budget Division of the Department of Administration; and

(6) Legislative Counsel Bureau,

➥ concerning the program and consider any advice or recommendations submitted by the representatives with respect to the program.

6. The Superintendent of Public Instruction may consult with representatives of parent groups other than the Nevada Parent Teacher

Association concerning the program and consider any advice or recommendations submitted by the representatives with respect to the program.

7. On or before August 15 of each year, the board of trustees of each school district shall submit to each advisory board to review school attendance created in the county pursuant to NRS 392.126 the information required in paragraph (g) of subsection 2.

8. On or before August 15 of each year, the board of trustees of each school district shall:

(a) Provide written notice that the report required pursuant to subsection 2 is available on the Internet website maintained by the school district, if any, or otherwise provide written notice of the availability of the report. The written notice must be provided to the:

(1) Governor;

(2) State Board;

(3) Department;

(4) Committee; and

(5) Bureau.

(b) Provide for public dissemination of the annual report of accountability prepared pursuant to subsection 2 in the manner set forth in 20 U.S.C. § 6311(h)(2)(E) by posting a copy of the report on the Internet website maintained by the school district, if any. If a school district does not maintain a website, the district shall otherwise provide for public dissemination of the annual report by providing a copy of the report to the schools in the school district, including, without limitation, each charter school in the district, the residents of the district, and the parents and guardians of pupils enrolled in schools in the district, including, without limitation, each charter school in the district.

9. Upon the request of the Governor, an entity described in paragraph (a) of subsection 8 or a member of the general public, the board of trustees of a school district shall provide a portion or portions of the report required pursuant to subsection 2.

10. As used in this section:

(a) "Highly qualified" has the meaning ascribed to it in 20 U.S.C. § 7801(23).

(b) "Paraprofessional" has the meaning ascribed to it in NRS 391.008.

Sec. 3. NRS 389.015 is hereby amended to read as follows:

389.015 1. The board of trustees of each school district shall administer examinations in all public schools of the school district. The governing body of a charter school shall administer the same examinations in the charter school. The examinations administered by the board of trustees and governing body must determine the achievement and proficiency of pupils in:

(a) Reading;

(b) Mathematics; and

(c) Science.

2. The examinations required by subsection 1 must be:

(a) Administered before the completion of grades 4, 7, 10 and 11.

(b) Administered in each school district and each charter school at the same time during the spring semester. The time for the administration of the examinations must be prescribed by the State Board.

(c) Administered in each school in accordance with uniform procedures adopted by the State Board. The Department shall monitor the compliance of school districts and individual schools with the uniform procedures.

(d) Administered in each school in accordance with the plan adopted pursuant to NRS 389.616 by the Department and with the plan adopted pursuant to NRS 389.620 by the board of trustees of the school district in which the examinations are administered. The Department shall monitor the compliance of school districts and individual schools with:

(1) The plan adopted by the Department; and

(2) The plan adopted by the board of trustees of the applicable school district, to the extent that the plan adopted by the board of trustees of the school district is consistent with the plan adopted by the Department.

(e) Scored by a single private entity that has contracted with the State Board to score the examinations. The private entity that scores the examinations shall report the results of the examinations in the form and by the date required by the Department.

3. Not more than 14 working days after the results of the examinations are reported to the Department by a private entity that scored the examinations, the Superintendent of Public Instruction shall certify that the results of the examinations have been transmitted to each school district and each charter school. Not more than 10 working days after a school district receives the results of the examinations, the superintendent of schools of each school district shall certify that the results of the examinations have been transmitted to each school within the school district. Except as otherwise provided in this subsection, not more than 15 working days after each school receives the results of the examinations, the principal of each school and the governing body of each charter school shall certify that the results for each pupil have been provided to the parent or legal guardian of the pupil:

(a) During a conference between the teacher of the pupil or administrator of the school and the parent or legal guardian of the pupil; or

(b) By mailing the results of the examinations to the last known address of the parent or legal guardian of the pupil.

➥ If a pupil fails the high school proficiency examination, the school shall notify the pupil and the parents or legal guardian of the pupil of each subject area that the pupil failed as soon as practicable but not later than 15 working days after the school receives the results of the examination.

4. If a pupil fails to demonstrate at least adequate achievement on the examination administered before the completion of grade 4, 7 or 10, the pupil may be promoted to the next higher grade, but the results of the pupil's examination must be evaluated to determine what remedial study is

appropriate. If such a pupil is enrolled at a school that has failed to make adequate yearly progress or in which less than 60 percent of the pupils enrolled in grade 4, 7 or 10 in the school who took the examinations administered pursuant to this section received an average score on those examinations that is at least equal to the 26th percentile of the national reference group of pupils to which the examinations were compared, the pupil must, in accordance with the requirements set forth in this subsection, complete remedial study that is determined to be appropriate for the pupil.

5. Except as otherwise provided in subsection 6, if a pupil fails to pass the high school proficiency examination, the pupil must not be graduated unless he or she:

(a) Is able, through remedial study, to pass the proficiency examination; or

(b) ***Failed to pass the same subject area of the proficiency examination each time the pupil took the examination, including the final administration of the examination to the pupil before the date on which he or she is otherwise regularly scheduled to graduate, and satisfies the requirements of subsection 4 of NRS 389.805,*** **[**~~Passes the subject areas of mathematics and reading tested on the proficiency examination, has at least a 2.75 grade point average on a 4.0 grading scale and satisfies the alternative criteria prescribed by the State Board pursuant to NRS 389.805,~~**]**

➥ but the pupil may be given a certificate of attendance, in place of a diploma, if the pupil has reached the age of 18 years.

6. A pupil who transfers during grade 12 to a school in this State from a school outside this State because of the military transfer of the parent or legal guardian of the pupil may receive a waiver from the requirements of subsection 5 if, in accordance with the provisions of NRS 392C.010, the school district in which the pupil is enrolled:

(a) Accepts the results of the exit or end-of-course examinations required for graduation in the local education agency in which the pupil was previously enrolled;

(b) Accepts the results of a national norm-referenced achievement examination taken by the pupil; or

(c) Establishes an alternative test for the pupil which demonstrates proficiency in the subject areas tested on the high school proficiency examination, and the pupil successfully passes that test.

7. The State Board shall prescribe standard examinations of achievement and proficiency to be administered pursuant to subsection 1. The high school proficiency examination must include the subjects of reading, mathematics and science and, except for the writing portion prescribed pursuant to NRS 389.550, must be developed, printed and scored by a nationally recognized testing company in accordance with the process established by the testing company. The examinations on reading, mathematics and science prescribed for grades 4, 7 and 10 must be selected from examinations created by private entities and administered to a national reference group, and must allow for a comparison of the achievement and proficiency of pupils in grades 4, 7 and

10 in this State to that of a national reference group of pupils in grades 4, 7 and 10. The questions contained in the examinations and the approved answers used for grading them are confidential, and disclosure is unlawful except:

(a) To the extent necessary for administering and evaluating the examinations.

(b) That a disclosure may be made to a:

(1) State officer who is a member of the Executive or Legislative Branch to the extent that it is necessary for the performance of his or her duties;

(2) Superintendent of schools of a school district to the extent that it is necessary for the performance of his or her duties;

(3) Director of curriculum of a school district to the extent that it is necessary for the performance of his or her duties; and

(4) Director of testing of a school district to the extent that it is necessary for the performance of his or her duties.

(c) That specific questions and answers may be disclosed if the Superintendent of Public Instruction determines that the content of the questions and answers is not being used in a current examination and making the content available to the public poses no threat to the security of the current examination process.

(d) As required pursuant to NRS 239.0115.

Sec. 4. NRS 389.0173 is hereby amended to read as follows:

389.0173 1. The Department shall develop an informational pamphlet concerning the high school proficiency examination for pupils who are enrolled in junior high, middle school and high school, and their parents and legal guardians. The pamphlet must include a written explanation of the:

(a) Importance of passing the examination, including, without limitation, an explanation that if the pupil fails the examination, or does not satisfy the requirements of ~~[paragraph (b) of]~~ subsection ~~[1]~~ ***4*** of NRS 389.805, the pupil is not eligible to receive a standard high school diploma;

(b) Subject areas tested on the examination;

(c) Format for the examination, including, without limitation, the range of items that are contained on the examination;

(d) Manner by which the scaled score, as reported to pupils and their parents or legal guardians, is derived from the raw score;

(e) Timeline by which the results of the examination must be reported to pupils and their parents or legal guardians;

(f) Maximum number of times that a pupil is allowed to take the examination if the pupil fails to pass the examination after the first administration;

(g) Courses of study that the Department recommends that pupils take to prepare the pupils to successfully meet the academic challenges of the examination and pass the examination; and

(h) Courses of study which the Department recommends that pupils take in high school to successfully prepare for the college entrance examinations.

2. The Department shall review the pamphlet on an annual basis and make such revisions to the pamphlet as it considers necessary to ensure that pupils and their parents or legal guardians fully understand the examination.

3. On or before September 1, the Department shall provide a copy of the pamphlet or revised pamphlet to the board of trustees of each school district and the governing body of each charter school that includes pupils enrolled in a junior high, middle school or high school grade level.

4. The board of trustees of each school district shall provide a copy of the pamphlet to each junior high, middle school or high school within the school district for posting. The governing body of each charter school shall ensure that a copy of the pamphlet is posted at the charter school. Each principal of a junior high, middle school, high school or charter school shall ensure that the teachers, counselors and administrators employed at the school fully understand the contents of the pamphlet.

5. On or before January 15, the:

(a) Board of trustees of each school district shall provide a copy of the pamphlet to each pupil who is enrolled in a junior high, middle school or high school of the school district and to the parents or legal guardians of such a pupil.

(b) Governing body of each charter school shall provide a copy of the pamphlet to each pupil who is enrolled in the charter school at a junior high, middle school or high school grade level and to the parents or legal guardians of such a pupil.

Sec. 5. NRS 389.805 is hereby amended to read as follows:

389.805 1. Except as otherwise provided in **[**~~subsection 3,~~**]** ***subsections 3 and 4,*** a pupil must receive a standard high school diploma if the pupil **[**~~:~~

~~(a) Passes~~**]** ***passes*** all subject areas of the high school proficiency examination administered pursuant to NRS 389.015 and otherwise satisfies the requirements for graduation from high school **. [**~~; or~~

~~(b) Has failed to pass the high school proficiency examination administered pursuant to NRS 389.015 in its entirety not less than two times before beginning grade 12 and the pupil:~~

~~(1) Passes the subject areas of mathematics and reading on the proficiency examination;~~

~~(2) Has an overall grade point average of not less than 2.75 on a 4.0 grading scale;~~

~~(3) Satisfies the alternative criteria prescribed by the State Board pursuant to subsection 4; and~~

~~(4) Otherwise satisfies the requirements for graduation from high school.~~**]**

2. A pupil with a disability who does not satisfy the requirements for receipt of a standard high school diploma may receive a diploma designated as an adjusted diploma if the pupil satisfies the requirements set forth in his

or her individualized education program. As used in this subsection, "individualized education program" has the meaning ascribed to it in 20 U.S.C. § 1414(d)(1)(A).

3. A pupil who transfers during grade 12 to a school in this State from a school outside this State because of the military transfer of the parent or legal guardian of the pupil may receive a waiver from the requirements of ~~[paragraphs (a) and (b) of subsection]~~ ***subsections*** 1 ***and 4*** if, in accordance with the provisions of NRS 392C.010, the school district in which the pupil is enrolled:

(a) Accepts the results of the exit or end-of-course examinations required for graduation in the local education agency in which the pupil was previously enrolled;

(b) Accepts the results of a national norm-referenced achievement examination taken by the pupil; or

(c) Establishes an alternative test for the pupil which demonstrates proficiency in the subject areas tested on the high school proficiency examination, and the pupil successfully passes that test.

4. ***A pupil must receive a standard high school diploma if the pupil has failed to pass the same subject area of the high school proficiency examination administered pursuant to NRS 389.015 each time the pupil took the examination, including the final administration of the examination to the pupil before the date on which he or she is otherwise regularly scheduled to graduate and the pupil:***

(a) Has earned sufficient credits to receive a standard high school diploma;

(b) Has an overall grade point average of not less than 2.75 on a 4.0 grading scale;

(c) Satisfies the minimum attendance requirements established by the board of trustees of the school district pursuant to NRS 392.122;

(d) Does not have any disciplinary action pending against him or her; and

(e) Has obtained a cumulative score on the high school proficiency examinations that meets the required cumulative score prescribed by the State Board, which must be calculated using the highest scores received over all instances in which the examination was taken. ~~[The State Board shall adopt regulations that prescribe the alternative criteria for a pupil to receive a standard high school diploma pursuant to paragraph (b) of subsection 1, including, without limitation:~~

~~(a) An essay;~~

~~(b) A senior project; or~~

~~(c) A portfolio of work,~~

~~➥ or any combination thereof, that demonstrate proficiency in the subject areas on the high school proficiency examination which the pupil failed to pass.]~~

Sec. 6. NRS 392.122 is hereby amended to read as follows:

392.122 1. The board of trustees of each school district shall prescribe a minimum number of days that a pupil who is subject to compulsory attendance and enrolled in a school in the district must be in attendance for the pupil to obtain credit or to be promoted to the next higher grade. The board of trustees of a school district may adopt a policy prescribing a minimum number of days that a pupil who is enrolled in kindergarten or first grade in the school district must be in attendance for the pupil to obtain credit or to be promoted to the next higher grade.

2. For the purposes of this section, the days on which a pupil is not in attendance because the pupil is absent for up to 10 days within 1 school year with the approval of the teacher or principal of the school pursuant to NRS 392.130, must be credited towards the required days of attendance if the pupil has completed course-work requirements. The teacher or principal of the school may approve the absence of a pupil for deployment activities of the parent or legal guardian of the pupil, as defined in NRS 392C.010. If the board of trustees of a school district has adopted a policy pursuant to subsection 5, the 10-day limitation on absences does not apply to absences that are excused pursuant to that policy.

3. Except as otherwise provided in ~~[subsection 5,]~~ ***subsections 5 and 6,*** before a pupil is denied credit or promotion to the next higher grade for failure to comply with the attendance requirements prescribed pursuant to subsection 1, the principal of the school in which the pupil is enrolled or the principal's designee shall provide written notice of the intended denial to the parent or legal guardian of the pupil. The notice must include a statement indicating that the pupil and the pupil's parent or legal guardian may request a review of the absences of the pupil and a statement of the procedure for requesting such a review. Upon the request for a review by the pupil and the pupil's parent or legal guardian, the principal or the principal's designee shall review the reason for each absence of the pupil upon which the intended denial of credit or promotion is based. After the review, the principal or the principal's designee shall credit towards the required days of attendance each day of absence for which:

(a) There is evidence or a written affirmation by the parent or legal guardian of the pupil that the pupil was physically or mentally unable to attend school on the day of the absence; and

(b) The pupil has completed course-work requirements.

4. A pupil and the pupil's parent or legal guardian may appeal a decision of a principal or the principal's designee pursuant to subsection 3 to the board of trustees of the school district in which the pupil is enrolled.

5. The board of trustees of a school district may adopt a policy to exempt pupils who are physically or mentally unable to attend school from the limitations on absences set forth in subsection 1. If a board of trustees adopts a policy pursuant to this subsection:

(a) A pupil who receives an exemption pursuant to this subsection is not exempt from the minimum number of days of attendance prescribed pursuant to subsection 1.

(b) The days on which a pupil is physically or mentally unable to attend school must be credited towards the required days of attendance if the pupil has completed course-work requirements.

(c) The procedure for review of absences set forth in subsection 3 does not apply to days on which the pupil is absent because the pupil is physically or mentally unable to attend school.

6. ***The board of trustees of a school district may adopt a policy that allows a pupil enrolled in high school who has failed to comply with the minimum attendance requirements pursuant to subsection 1 for which he or she will be denied credit the opportunity to make up those credits. The policy must provide that such a pupil may obtain credit if the pupil is not absent from school for any additional days during the current grading period for which credit may be earned and the pupil:***

(a) Enrolls in a program in addition to the regular high school program that provides additional time and instruction for the pupil to make up the material missed due to the pupil's absences; or

(b) Passes a comprehensive examination demonstrating competence in the subject area for which the pupil would otherwise be denied credit.

➥ A pupil who does not satisfy the requirements of paragraph (a) or (b) will be denied credit, and the principal of the school shall provide notice of the intended denial pursuant to subsection 3.

7. A school shall inform the parents or legal guardian of each pupil who is enrolled in the school that the parents or legal guardian and the pupil are required to comply with the provisions governing the attendance and truancy of pupils set forth in NRS 392.040 to 392.160, inclusive, and any other rules concerning attendance and truancy adopted by the board of trustees of the school district.

Sec. 7. NRS 62E.430 is hereby amended to read as follows:

62E.430 1. If a child is adjudicated to be in need of supervision because the child is a habitual truant, the juvenile court shall:

(a) The first time the child is adjudicated to be in need of supervision because the child is a habitual truant:

(1) Order:

(I) The child to pay a fine of not more than $100 and the administrative assessment required by NRS 62E.270 or if the parent or guardian of the child knowingly induced the child to be a habitual truant, order the parent or guardian to pay the fine and the administrative assessment; or

(II) The child to perform not less than 8 hours but not more than 16 hours of community service; and

(2) If the child is 14 years of age or older, order the suspension of the driver's license of the child for at least 30 days but not more than 6 months.

If the child does not possess a driver's license, the juvenile court shall prohibit the child from applying for a driver's license for 30 days:

(I) Immediately following the date of the order if the child is eligible to apply for a driver's license; or

(II) After the date the child becomes eligible to apply for a driver's license if the child is not eligible to apply for a driver's license.

(b) The second or any subsequent time the child is adjudicated to be in need of supervision because the child is a habitual truant:

(1) Order:

(I) The child to pay a fine of not more than $200 and the administrative assessment required by NRS 62E.270 or if the parent or guardian of the child knowingly induced the child to be a habitual truant, order the parent or guardian to pay the fine and the administrative assessment;

(II) The child to perform not more than 10 hours of community service; or

(III) Compliance with the requirements set forth in both sub-subparagraphs (I) and (II); and

(2) If the child is 14 years of age or older, order the suspension of the driver's license of the child for at least 60 days but not more than 1 year. If the child does not possess a driver's license, the juvenile court shall prohibit the child from applying for a driver's license for 60 days:

(I) Immediately following the date of the order if the child is eligible to apply for a driver's license; or

(II) After the date the child becomes eligible to apply for a driver's license if the child is not eligible to apply for a driver's license.

2. The juvenile court may suspend the payment of a fine ordered pursuant to paragraph (a) of subsection 1 if the child attends school for 60 consecutive school days, or its equivalent in a school district operating under an alternative schedule authorized pursuant to NRS 388.090, after the imposition of the fine, or has a valid excuse acceptable to the child's teacher or the principal for any absence from school within that period.

3. The juvenile court may suspend the payment of a fine ordered pursuant to this section if the parent or guardian of a child is ordered to pay a fine by another court of competent jurisdiction in a case relating to or arising out of the same circumstances that caused the juvenile court to adjudicate the child in need of supervision.

4. The community service ordered pursuant to this section must be performed at the child's school of attendance, if practicable.

5. If a child is adjudicated in need of supervision because the child is a habitual truant, the juvenile court may, the first time, the second time or any subsequent time the child is adjudicated to be in need of supervision because the child is a habitual truant, order the parent or legal guardian of the child to attend conferences with the child's teacher and appropriate

school administrators to address the status of the child as a habitual truant and to develop a plan to ensure that the child attends school.

Sec. 8. Chapter 609 of NRS is hereby amended by adding thereto a new section to read as follows:

If a county requires the issuance of work permits and a work permit is issued to a child between the ages of 16 and 18 years, the parent or legal guardian of the child may indicate on the work permit the maximum number of hours that his or her child may work and specify the time periods in which that work may occur during the week and on the weekend.

Sec. 9. NRS 609.240 is hereby amended to read as follows:

609.240 1. No child under the age of 16 years may be employed, permitted or suffered to work at any gainful occupation, other than domestic service, employment as a performer in the production of a motion picture or work on a farm, more than ~~[~~48~~]~~ ***:***

(a) Twenty hours in any 1 week ~~[~~,~~]~~ ***when school is in session;***

(b) Forty-eight hours in any 1 week when school is not in session; or ~~[~~more than 8~~]~~

(c) Eight hours in any 1 day.

2. The presence of a child in any establishment during working hours is prima facie evidence of employment of the child therein.

Sec. 9.5. 1. On or before December 31, 2012, the board of trustees of each school district shall submit to the Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature a report on the standard high school diplomas awarded to pupils pursuant to the criteria prescribed by subsection 4 of NRS 389.805, as amended by section 5 of this act.

2. The report submitted pursuant to subsection 1 must include:

(a) The number of pupils who were awarded a standard high school diploma pursuant to the criteria prescribed by subsection 4 of NRS 389.805, as amended by section 5 of this act;

(b) An assessment of the effectiveness of the criteria prescribed by subsection 4 of NRS 389.805, as amended by section 5 of this act, with enabling pupils to receive a standard high school diploma who would not otherwise have been eligible for such a diploma; and

(c) A determination as to whether the awarding of a standard high school diploma pursuant to the criteria prescribed by subsection 4 of NRS 389.805, as amended by section 5 of this act, should continue to be a means by which pupils may receive a standard high school diploma.

Sec. 10. ~~[~~This act becomes effective on July 1, 2011.~~]~~

1. The State Board of Education shall prescribe the cumulative score on the high school proficiency examination necessary to implement the provisions of paragraph (e) of subsection 4 of NRS 389.805, as amended by section 5 of this act, as soon as practicable after the effective date of section 5 of this act.

2. The State Board of Education is exempt from the provisions of chapter 233B of NRS for the purposes of prescribing the score pursuant to subsection 1 for the pupils currently enrolled in grade 12 but shall adopt a permanent regulation prescribing the score for future school years on or before January 1, 2012, pursuant to chapter 233B of NRS.

Sec. 11. **1. This section and section 5 of this act become effective upon passage and approval.**

2. Sections 1 to 4, inclusive, and 6 to 10, inclusive, of this act become effective on July 1, 2011.

Assemblyman Bobzien moved that the Assembly concur in the Senate Amendment No. 763 to Assembly Bill No. 456.

Remarks by Assemblyman Bobzien.

Motion carried.

The following Senate amendment was read:

Amendment No. 623.

AN ACT relating to education; authorizing certain pupils to receive a standard high school diploma without passing all subject areas of the high school proficiency examination under certain circumstances; authorizing the board of trustees of a school district to adopt a policy that allows certain pupils enrolled in high school the opportunity to make up credit; authorizing a juvenile court to impose certain orders against the parent or legal guardian of a child who is adjudicated in need of supervision because the child is a habitual truant; revising provisions governing employment of minors; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prescribes a standard high school diploma and an adjusted diploma and requires that to receive a standard high school diploma, a pupil must satisfy the requirements for graduation from high school and either pass the high school proficiency examination in its entirety or fail to pass certain subject areas on the examination and satisfy certain alternative criteria prescribed by the State Board of Education. (NRS 389.805) **Section 5** of this bill provides that a pupil who has failed to pass the same subject area of the high school proficiency examination ~~[not less than six times]~~ **each time the pupil took the examination, including the final administration of the examination to the pupil before the date on which he or she is otherwise regularly scheduled to graduate,** may receive a standard high school diploma if the pupil obtained a cumulative score that meets the required cumulative score prescribed by the State Board and also satisfies certain additional conditions. **Section 5 also removes the satisfaction of the existing alternative criteria as a means by which a pupil may receive a standard high school diploma. Section 9.5 of this bill requires the board of trustees of each school district, on or before December 31, 2012, to submit to the Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature a report on the number of**

pupils who were awarded a standard high school diploma pursuant to the criteria prescribed by section 5.

Section 6 of this bill authorizes school districts to adopt a policy that allows a high school pupil who has failed to comply with minimum attendance requirements the opportunity to make up the credits which the pupil missed during his or her absence.

Existing law prescribes the actions which must be taken by a juvenile court against a child who has been adjudicated in need of supervision because the child is a habitual truant. (NRS 62E.430) **Section 7** of this bill authorizes a juvenile court to order the parent or legal guardian of such a child to attend conferences with the child's teacher and appropriate school administrators to address the status of the child as a habitual truant and to develop a plan to ensure that the child attends school.

Section 8 of this bill authorizes the parent or legal guardian of a child between the ages of 16 and 18 years to indicate on a work permit that is issued to the child by the county, if any, the maximum number of hours that his or her child may work and the particular hours in which that work may occur during the week or on the weekend.

Existing law provides that a child under the age of 16 years may be employed in certain occupations for not more than 48 hours in any 1 week and 8 hours in any 1 day. (NRS 609.240) **Section 9** of this bill revises the hours that a child may be employed to 20 hours in any 1 week when school is in session and 48 hours in any 1 week when school is not in session.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 385.3469 is hereby amended to read as follows:

385.3469 1. The State Board shall prepare an annual report of accountability that includes, without limitation:

(a) Information on the achievement of all pupils based upon the results of the examinations administered pursuant to NRS 389.015 and 389.550, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(b) Except as otherwise provided in subsection 2, pupil achievement, reported separately by gender and reported separately for the following groups of pupils:

(1) Pupils who are economically disadvantaged, as defined by the State Board;

(2) Pupils from major racial and ethnic groups, as defined by the State Board;

(3) Pupils with disabilities;

(4) Pupils who are limited English proficient; and

(5) Pupils who are migratory children, as defined by the State Board.

(c) A comparison of the achievement of pupils in each group identified in paragraph (b) of subsection 1 of NRS 385.361 with the annual measurable objectives of the State Board.

(d) The percentage of all pupils who were not tested, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(e) Except as otherwise provided in subsection 2, the percentage of pupils who were not tested, reported separately by gender and reported separately for the groups identified in paragraph (b).

(f) The most recent 3-year trend in the achievement of pupils in each subject area tested and each grade level tested pursuant to NRS 389.015 and 389.550, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole, which may include information regarding the trend in the achievement of pupils for more than 3 years, if such information is available.

(g) Information on whether each school district has made adequate yearly progress, including, without limitation, the name of each school district, if any, designated as demonstrating need for improvement pursuant to NRS 385.377 and the number of consecutive years that the school district has carried that designation.

(h) Information on whether each public school, including, without limitation, each charter school, has made:

(1) Adequate yearly progress, including, without limitation, the name of each public school, if any, designated as demonstrating need for improvement pursuant to NRS 385.3623 and the number of consecutive years that the school has carried that designation.

(2) Progress based upon the model adopted by the Department pursuant to NRS 385.3595, if applicable for the grade level of pupils enrolled at the school.

(i) Information on the results of pupils who participated in the examinations of the National Assessment of Educational Progress required pursuant to NRS 389.012.

(j) The ratio of pupils to teachers in kindergarten and at each grade level for all elementary schools, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole, and the average class size for each core academic subject, as set forth in NRS 389.018, for each secondary school, reported for each school district and for this State as a whole.

(k) For each school district, including, without limitation, each charter school in the district, and for this State as a whole, information on the professional qualifications of teachers employed by the school districts and charter schools, including, without limitation:

(1) The percentage of teachers who are:

(I) Providing instruction pursuant to NRS 391.125;

(II) Providing instruction pursuant to a waiver of the requirements for licensure for the grade level or subject area in which the teachers are employed; or

(III) Otherwise providing instruction without an endorsement for the subject area in which the teachers are employed;

(2) The percentage of classes in the core academic subjects, as set forth in NRS 389.018, in this State that are not taught by highly qualified teachers;

(3) The percentage of classes in the core academic subjects, as set forth in NRS 389.018, in this State that are not taught by highly qualified teachers, in the aggregate and disaggregated by high-poverty compared to low-poverty schools, which for the purposes of this subparagraph means schools in the top quartile of poverty and the bottom quartile of poverty in this State;

(4) For each middle school, junior high school and high school:

(I) On and after July 1, 2005, the number of persons employed as substitute teachers for 20 consecutive days or more in the same classroom or assignment, designated as long-term substitute teachers, including the total number of days long-term substitute teachers were employed at each school, identified by grade level and subject area; and

(II) On and after July 1, 2006, the number of persons employed as substitute teachers for less than 20 consecutive days, designated as short-term substitute teachers, including the total number of days short-term substitute teachers were employed at each school, identified by grade level and subject area; and

(5) For each elementary school:

(I) On and after July 1, 2005, the number of persons employed as substitute teachers for 20 consecutive days or more in the same classroom or assignment, designated as long-term substitute teachers, including the total number of days long-term substitute teachers were employed at each school, identified by grade level; and

(II) On and after July 1, 2006, the number of persons employed as substitute teachers for less than 20 consecutive days, designated as short-term substitute teachers, including the total number of days short-term substitute teachers were employed at each school, identified by grade level.

(l) The total expenditure per pupil for each school district in this State, including, without limitation, each charter school in the district. If this State has a financial analysis program that is designed to track educational expenditures and revenues to individual schools, the State Board shall use that statewide program in complying with this paragraph. If a statewide program is not available, the State Board shall use the Department's own financial analysis program in complying with this paragraph.

(m) The total statewide expenditure per pupil. If this State has a financial analysis program that is designed to track educational expenditures and revenues to individual schools, the State Board shall use that statewide program in complying with this paragraph. If a statewide program is not

available, the State Board shall use the Department's own financial analysis program in complying with this paragraph.

(n) For all elementary schools, junior high schools and middle schools, the rate of attendance, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(o) The annual rate of pupils who drop out of school in grade 8 and a separate reporting of the annual rate of pupils who drop out of school in grades 9 to 12, inclusive, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole. The reporting for pupils in grades 9 to 12, inclusive, excludes pupils who:

(1) Provide proof to the school district of successful completion of the examinations of general educational development.

(2) Are enrolled in courses that are approved by the Department as meeting the requirements for an adult standard diploma.

(3) Withdraw from school to attend another school.

(p) The attendance of teachers who provide instruction, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(q) Incidents involving weapons or violence, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(r) Incidents involving the use or possession of alcoholic beverages or controlled substances, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(s) The suspension and expulsion of pupils required or authorized pursuant to NRS 392.466 and 392.467, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(t) The number of pupils who are deemed habitual disciplinary problems pursuant to NRS 392.4655, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(u) The number of pupils in each grade who are retained in the same grade pursuant to NRS 392.033 or 392.125, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(v) The transiency rate of pupils, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole. For the purposes of this paragraph, a pupil is not a transient if the pupil is transferred to a different school within the school district as a result of a change in the zone of attendance by the board of trustees of the school district pursuant to NRS 388.040.

(w) Each source of funding for this State to be used for the system of public education.

(x) A compilation of the programs of remedial study purchased in whole or in part with money received from this State that are used in each school district, including, without limitation, each charter school in the district. The compilation must include:

(1) The amount and sources of money received for programs of remedial study.

(2) An identification of each program of remedial study, listed by subject area.

(y) The percentage of pupils who graduated from a high school or charter school in the immediately preceding year and enrolled in remedial courses in reading, writing or mathematics at a university, state college or community college within the Nevada System of Higher Education, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(z) The technological facilities and equipment available for educational purposes, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(aa) For each school district, including, without limitation, each charter school in the district, and for this State as a whole, the number and percentage of pupils who received:

(1) A standard high school diploma, reported separately for pupils who received the diploma pursuant to:

(I) ~~[Paragraph (a) of subsection]~~ ***Subsection*** 1 of NRS 389.805; and

(II) ~~[Paragraph (b) of subsection 1 of NRS 389.805]~~ ~~[.]~~ ~~*[; and (III)]*~~ ***Subsection 4 of NRS 389.805.***

(2) An adjusted diploma.

(3) A certificate of attendance.

(bb) For each school district, including, without limitation, each charter school in the district, and for this State as a whole, the number and percentage of pupils who failed to pass the high school proficiency examination.

(cc) The number of habitual truants who are reported to a school police officer or local law enforcement agency pursuant to paragraph (a) of subsection 2 of NRS 392.144 and the number of habitual truants who are referred to an advisory board to review school attendance pursuant to paragraph (b) of subsection 2 of NRS 392.144, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(dd) Information on the paraprofessionals employed at public schools in this State, including, without limitation, the charter schools in this State. The information must include:

(1) The number of paraprofessionals employed, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole; and

(2) For each school district, including, without limitation, each charter school in the district, and for this State as a whole, the number and percentage of all paraprofessionals who do not satisfy the qualifications set forth in 20 U.S.C. § 6319(c). The reporting requirements of this subparagraph apply to paraprofessionals who are employed in programs supported with Title I money and to paraprofessionals who are not employed in programs supported with Title I money.

(ee) An identification of appropriations made by the Legislature to improve the academic achievement of pupils and programs approved by the Legislature to improve the academic achievement of pupils.

(ff) A compilation of the special programs available for pupils at individual schools, listed by school and by school district, including, without limitation, each charter school in the district.

(gg) For each school district, including, without limitation, each charter school in the district and for this State as a whole, information on pupils enrolled in career and technical education, including, without limitation:

(1) The number of pupils enrolled in a course of career and technical education;

(2) The number of pupils who completed a course of career and technical education;

(3) The average daily attendance of pupils who are enrolled in a program of career and technical education;

(4) The annual rate of pupils who dropped out of school and were enrolled in a program of career and technical education before dropping out;

(5) The number and percentage of pupils who completed a program of career and technical education and who received a standard high school diploma, an adjusted diploma or a certificate of attendance; and

(6) The number and percentage of pupils who completed a program of career and technical education and who did not receive a high school diploma because the pupils failed to pass the high school proficiency examination ~~[.]~~ ***or otherwise failed to satisfy the requirements of NRS 389.805.***

2. A separate reporting for a group of pupils must not be made pursuant to this section if the number of pupils in that group is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual pupil. The State Board shall prescribe a mechanism for determining the minimum number of pupils that must be in a group for that group to yield statistically reliable information.

3. The annual report of accountability must:

(a) Comply with 20 U.S.C. § 6311(h)(1) and the regulations adopted pursuant thereto;

(b) Be prepared in a concise manner; and

(c) Be presented in an understandable and uniform format and, to the extent practicable, provided in a language that parents can understand.

4. On or before September 1 of each year, the State Board shall:

(a) Provide for public dissemination of the annual report of accountability by posting a copy of the report on the Internet website maintained by the Department; and

(b) Provide written notice that the report is available on the Internet website maintained by the Department. The written notice must be provided to the:

(1) Governor;

(2) Committee;

(3) Bureau;

(4) Board of Regents of the University of Nevada;

(5) Board of trustees of each school district; and

(6) Governing body of each charter school.

5. Upon the request of the Governor, an entity described in paragraph (b) of subsection 4 or a member of the general public, the State Board shall provide a portion or portions of the annual report of accountability.

6. As used in this section:

(a) "Highly qualified" has the meaning ascribed to it in 20 U.S.C. § 7801(23).

(b) "Paraprofessional" has the meaning ascribed to it in NRS 391.008.

Sec. 2. NRS 385.347 is hereby amended to read as follows:

385.347 1. The board of trustees of each school district in this State, in cooperation with associations recognized by the State Board as representing licensed educational personnel in the district, shall adopt a program providing for the accountability of the school district to the residents of the district and to the State Board for the quality of the schools and the educational achievement of the pupils in the district, including, without limitation, pupils enrolled in charter schools in the school district. The board of trustees of each school district shall report the information required by subsection 2 for each charter school that is located within the school district, regardless of the sponsor of the charter school. The information for charter schools must be reported separately and must denote the charter schools sponsored by the school district, the charter schools sponsored by the State Board and the charter schools sponsored by a college or university within the Nevada System of Higher Education.

2. The board of trustees of each school district shall, on or before August 15 of each year, prepare an annual report of accountability concerning:

(a) The educational goals and objectives of the school district.

(b) Pupil achievement for each school in the district and the district as a whole, including, without limitation, each charter school in the district. The board of trustees of the district shall base its report on the results of the examinations administered pursuant to NRS 389.015 and 389.550 and shall compare the results of those examinations for the current school year with those of previous school years. The report must include, for each school in the district, including, without limitation, each charter school in the district, and each grade in which the examinations were administered:

(1) The number of pupils who took the examinations.

(2) A record of attendance for the period in which the examinations were administered, including an explanation of any difference in the number of pupils who took the examinations and the number of pupils who are enrolled in the school.

(3) Except as otherwise provided in this paragraph, pupil achievement, reported separately by gender and reported separately for the following groups of pupils:

(I) Pupils who are economically disadvantaged, as defined by the State Board;

(II) Pupils from major racial and ethnic groups, as defined by the State Board;

(III) Pupils with disabilities;

(IV) Pupils who are limited English proficient; and

(V) Pupils who are migratory children, as defined by the State Board.

(4) A comparison of the achievement of pupils in each group identified in paragraph (b) of subsection 1 of NRS 385.361 with the annual measurable objectives of the State Board.

(5) The percentage of pupils who were not tested.

(6) Except as otherwise provided in this paragraph, the percentage of pupils who were not tested, reported separately by gender and reported separately for the groups identified in subparagraph (3).

(7) The most recent 3-year trend in pupil achievement in each subject area tested and each grade level tested pursuant to NRS 389.015 and 389.550, which may include information regarding the trend in the achievement of pupils for more than 3 years, if such information is available.

(8) Information that compares the results of pupils in the school district, including, without limitation, pupils enrolled in charter schools in the district, with the results of pupils throughout this State. The information required by this subparagraph must be provided in consultation with the Department to ensure the accuracy of the comparison.

(9) For each school in the district, including, without limitation, each charter school in the district, information that compares the results of pupils in the school with the results of pupils throughout the school district and throughout this State. The information required by this subparagraph must be provided in consultation with the Department to ensure the accuracy of the comparison.

(10) Information on whether each school in the district, including, without limitation, each charter school in the district, has made progress based upon the model adopted by the Department pursuant to NRS 385.3595.

➥ A separate reporting for a group of pupils must not be made pursuant to this paragraph if the number of pupils in that group is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual pupil. The State Board shall

prescribe the mechanism for determining the minimum number of pupils that must be in a group for that group to yield statistically reliable information.

(c) The ratio of pupils to teachers in kindergarten and at each grade level for each elementary school in the district and the district as a whole, including, without limitation, each charter school in the district, and the average class size for each core academic subject, as set forth in NRS 389.018, for each secondary school in the district and the district as a whole, including, without limitation, each charter school in the district.

(d) Information on the professional qualifications of teachers employed by each school in the district and the district as a whole, including, without limitation, each charter school in the district. The information must include, without limitation:

(1) The percentage of teachers who are:

(I) Providing instruction pursuant to NRS 391.125;

(II) Providing instruction pursuant to a waiver of the requirements for licensure for the grade level or subject area in which the teachers are employed; or

(III) Otherwise providing instruction without an endorsement for the subject area in which the teachers are employed;

(2) The percentage of classes in the core academic subjects, as set forth in NRS 389.018, that are not taught by highly qualified teachers;

(3) The percentage of classes in the core academic subjects, as set forth in NRS 389.018, that are not taught by highly qualified teachers, in the aggregate and disaggregated by high-poverty compared to low-poverty schools, which for the purposes of this subparagraph means schools in the top quartile of poverty and the bottom quartile of poverty in this State;

(4) For each middle school, junior high school and high school:

(I) On and after July 1, 2005, the number of persons employed as substitute teachers for 20 consecutive days or more in the same classroom or assignment, designated as long-term substitute teachers, including the total number of days long-term substitute teachers were employed at each school, identified by grade level and subject area; and

(II) On and after July 1, 2006, the number of persons employed as substitute teachers for less than 20 consecutive days, designated as short-term substitute teachers, including the total number of days short-term substitute teachers were employed at each school, identified by grade level and subject area; and

(5) For each elementary school:

(I) On and after July 1, 2005, the number of persons employed as substitute teachers for 20 consecutive days or more in the same classroom or assignment, designated as long-term substitute teachers, including the total number of days long-term substitute teachers were employed at each school, identified by grade level; and

(II) On and after July 1, 2006, the number of persons employed as substitute teachers for less than 20 consecutive days, designated as short-term

substitute teachers, including the total number of days short-term substitute teachers were employed at each school, identified by grade level.

(e) The total expenditure per pupil for each school in the district and the district as a whole, including, without limitation, each charter school in the district. If this State has a financial analysis program that is designed to track educational expenditures and revenues to individual schools, each school district shall use that statewide program in complying with this paragraph. If a statewide program is not available, each school district shall use its own financial analysis program in complying with this paragraph.

(f) The curriculum used by the school district, including:

(1) Any special programs for pupils at an individual school; and

(2) The curriculum used by each charter school in the district.

(g) Records of the attendance and truancy of pupils in all grades, including, without limitation:

(1) The average daily attendance of pupils, for each school in the district and the district as a whole, including, without limitation, each charter school in the district.

(2) For each elementary school, middle school and junior high school in the district, including, without limitation, each charter school in the district that provides instruction to pupils enrolled in a grade level other than high school, information that compares the attendance of the pupils enrolled in the school with the attendance of pupils throughout the district and throughout this State. The information required by this subparagraph must be provided in consultation with the Department to ensure the accuracy of the comparison.

(h) The annual rate of pupils who drop out of school in grade 8 and a separate reporting of the annual rate of pupils who drop out of school in grades 9 to 12, inclusive, for each such grade, for each school in the district and for the district as a whole. The reporting for pupils in grades 9 to 12, inclusive, excludes pupils who:

(1) Provide proof to the school district of successful completion of the examinations of general educational development.

(2) Are enrolled in courses that are approved by the Department as meeting the requirements for an adult standard diploma.

(3) Withdraw from school to attend another school.

(i) Records of attendance of teachers who provide instruction, for each school in the district and the district as a whole, including, without limitation, each charter school in the district.

(j) Efforts made by the school district and by each school in the district, including, without limitation, each charter school in the district, to increase:

(1) Communication with the parents of pupils in the district; and

(2) The participation of parents in the educational process and activities relating to the school district and each school, including, without limitation, the existence of parent organizations and school advisory committees.

(k) Records of incidents involving weapons or violence for each school in the district, including, without limitation, each charter school in the district.

(l) Records of incidents involving the use or possession of alcoholic beverages or controlled substances for each school in the district, including, without limitation, each charter school in the district.

(m) Records of the suspension and expulsion of pupils required or authorized pursuant to NRS 392.466 and 392.467.

(n) The number of pupils who are deemed habitual disciplinary problems pursuant to NRS 392.4655, for each school in the district and the district as a whole, including, without limitation, each charter school in the district.

(o) The number of pupils in each grade who are retained in the same grade pursuant to NRS 392.033 or 392.125, for each school in the district and the district as a whole, including, without limitation, each charter school in the district.

(p) The transiency rate of pupils for each school in the district and the district as a whole, including, without limitation, each charter school in the district. For the purposes of this paragraph, a pupil is not transient if the pupil is transferred to a different school within the school district as a result of a change in the zone of attendance by the board of trustees of the school district pursuant to NRS 388.040.

(q) Each source of funding for the school district.

(r) A compilation of the programs of remedial study that are purchased in whole or in part with money received from this State, for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district. The compilation must include:

(1) The amount and sources of money received for programs of remedial study for each school in the district and the district as a whole, including, without limitation, each charter school in the district.

(2) An identification of each program of remedial study, listed by subject area.

(s) For each high school in the district, including, without limitation, each charter school in the district, the percentage of pupils who graduated from that high school or charter school in the immediately preceding year and enrolled in remedial courses in reading, writing or mathematics at a university, state college or community college within the Nevada System of Higher Education.

(t) The technological facilities and equipment available at each school, including, without limitation, each charter school, and the district's plan to incorporate educational technology at each school.

(u) For each school in the district and the district as a whole, including, without limitation, each charter school in the district, the number and percentage of pupils who received:

(1) A standard high school diploma, reported separately for pupils who received the diploma pursuant to:

(I) ~~[Paragraph (a) of subsection]~~ ***Subsection*** 1 of NRS 389.805; and

(II) ~~[Paragraph (b) of subsection 1 of NRS 389.805]~~ ~~[.]~~ ~~*[; and (III)]*~~ ***Subsection 4 of NRS 389.805.***

(2) An adjusted diploma.

(3) A certificate of attendance.

(v) For each school in the district and the district as a whole, including, without limitation, each charter school in the district, the number and percentage of pupils who failed to pass the high school proficiency examination.

(w) The number of habitual truants who are reported to a school police officer or law enforcement agency pursuant to paragraph (a) of subsection 2 of NRS 392.144 and the number of habitual truants who are referred to an advisory board to review school attendance pursuant to paragraph (b) of subsection 2 of NRS 392.144, for each school in the district and for the district as a whole.

(x) The amount and sources of money received for the training and professional development of teachers and other educational personnel for each school in the district and for the district as a whole, including, without limitation, each charter school in the district.

(y) Whether the school district has made adequate yearly progress. If the school district has been designated as demonstrating need for improvement pursuant to NRS 385.377, the report must include a statement indicating the number of consecutive years the school district has carried that designation.

(z) Information on whether each public school in the district, including, without limitation, each charter school in the district, has made adequate yearly progress, including, without limitation:

(1) The number and percentage of schools in the district, if any, that have been designated as needing improvement pursuant to NRS 385.3623; and

(2) The name of each school, if any, in the district that has been designated as needing improvement pursuant to NRS 385.3623 and the number of consecutive years that the school has carried that designation.

(aa) Information on the paraprofessionals employed by each public school in the district, including, without limitation, each charter school in the district. The information must include:

(1) The number of paraprofessionals employed at the school; and

(2) The number and percentage of all paraprofessionals who do not satisfy the qualifications set forth in 20 U.S.C. § 6319(c). The reporting requirements of this subparagraph apply to paraprofessionals who are employed in positions supported with Title I money and to paraprofessionals who are not employed in positions supported with Title I money.

(bb) For each high school in the district, including, without limitation, each charter school that operates as a high school, information that provides a comparison of the rate of graduation of pupils enrolled in the high school with the rate of graduation of pupils throughout the district and throughout this State. The information required by this paragraph must be provided in consultation with the Department to ensure the accuracy of the comparison.

(cc) An identification of the appropriations made by the Legislature that are available to the school district or the schools within the district and programs approved by the Legislature to improve the academic achievement of pupils.

(dd) For each school in the district and the district as a whole, including, without limitation, each charter school in the district, information on pupils enrolled in career and technical education, including, without limitation:

(1) The number of pupils enrolled in a course of career and technical education;

(2) The number of pupils who completed a course of career and technical education;

(3) The average daily attendance of pupils who are enrolled in a program of career and technical education;

(4) The annual rate of pupils who dropped out of school and were enrolled in a program of career and technical education before dropping out;

(5) The number and percentage of pupils who completed a program of career and technical education and who received a standard high school diploma, an adjusted diploma or a certificate of attendance; and

(6) The number and percentage of pupils who completed a program of career and technical education and who did not receive a high school diploma because the pupils failed to pass the high school proficiency examination ~~[.]~~ ***or otherwise failed to satisfy the requirements of NRS 389.805.***

(ee) Such other information as is directed by the Superintendent of Public Instruction.

3. The records of attendance maintained by a school for purposes of paragraph (i) of subsection 2 must include the number of teachers who are in attendance at school and the number of teachers who are absent from school. A teacher shall be deemed in attendance if the teacher is excused from being present in the classroom by the school in which the teacher is employed for one of the following reasons:

(a) Acquisition of knowledge or skills relating to the professional development of the teacher; or

(b) Assignment of the teacher to perform duties for cocurricular or extracurricular activities of pupils.

4. The annual report of accountability prepared pursuant to subsection 2 must:

(a) Comply with 20 U.S.C. § 6311(h)(2) and the regulations adopted pursuant thereto; and

(b) Be presented in an understandable and uniform format and, to the extent practicable, provided in a language that parents can understand.

5. The Superintendent of Public Instruction shall:

(a) Prescribe forms for the reports required pursuant to subsection 2 and provide the forms to the respective school districts.

(b) Provide statistical information and technical assistance to the school districts to ensure that the reports provide comparable information with

respect to each school in each district and among the districts throughout this State.

(c) Consult with a representative of the:

(1) Nevada State Education Association;

(2) Nevada Association of School Boards;

(3) Nevada Association of School Administrators;

(4) Nevada Parent Teacher Association;

(5) Budget Division of the Department of Administration; and

(6) Legislative Counsel Bureau,

➥ concerning the program and consider any advice or recommendations submitted by the representatives with respect to the program.

6. The Superintendent of Public Instruction may consult with representatives of parent groups other than the Nevada Parent Teacher Association concerning the program and consider any advice or recommendations submitted by the representatives with respect to the program.

7. On or before August 15 of each year, the board of trustees of each school district shall submit to each advisory board to review school attendance created in the county pursuant to NRS 392.126 the information required in paragraph (g) of subsection 2.

8. On or before August 15 of each year, the board of trustees of each school district shall:

(a) Provide written notice that the report required pursuant to subsection 2 is available on the Internet website maintained by the school district, if any, or otherwise provide written notice of the availability of the report. The written notice must be provided to the:

(1) Governor;

(2) State Board;

(3) Department;

(4) Committee; and

(5) Bureau.

(b) Provide for public dissemination of the annual report of accountability prepared pursuant to subsection 2 in the manner set forth in 20 U.S.C. § 6311(h)(2)(E) by posting a copy of the report on the Internet website maintained by the school district, if any. If a school district does not maintain a website, the district shall otherwise provide for public dissemination of the annual report by providing a copy of the report to the schools in the school district, including, without limitation, each charter school in the district, the residents of the district, and the parents and guardians of pupils enrolled in schools in the district, including, without limitation, each charter school in the district.

9. Upon the request of the Governor, an entity described in paragraph (a) of subsection 8 or a member of the general public, the board of trustees of a school district shall provide a portion or portions of the report required pursuant to subsection 2.

10. As used in this section:

(a) "Highly qualified" has the meaning ascribed to it in 20 U.S.C. § 7801(23).

(b) "Paraprofessional" has the meaning ascribed to it in NRS 391.008.

Sec. 3. NRS 389.015 is hereby amended to read as follows:

389.015 1. The board of trustees of each school district shall administer examinations in all public schools of the school district. The governing body of a charter school shall administer the same examinations in the charter school. The examinations administered by the board of trustees and governing body must determine the achievement and proficiency of pupils in:

(a) Reading;

(b) Mathematics; and

(c) Science.

2. The examinations required by subsection 1 must be:

(a) Administered before the completion of grades 4, 7, 10 and 11.

(b) Administered in each school district and each charter school at the same time during the spring semester. The time for the administration of the examinations must be prescribed by the State Board.

(c) Administered in each school in accordance with uniform procedures adopted by the State Board. The Department shall monitor the compliance of school districts and individual schools with the uniform procedures.

(d) Administered in each school in accordance with the plan adopted pursuant to NRS 389.616 by the Department and with the plan adopted pursuant to NRS 389.620 by the board of trustees of the school district in which the examinations are administered. The Department shall monitor the compliance of school districts and individual schools with:

(1) The plan adopted by the Department; and

(2) The plan adopted by the board of trustees of the applicable school district, to the extent that the plan adopted by the board of trustees of the school district is consistent with the plan adopted by the Department.

(e) Scored by a single private entity that has contracted with the State Board to score the examinations. The private entity that scores the examinations shall report the results of the examinations in the form and by the date required by the Department.

3. Not more than 14 working days after the results of the examinations are reported to the Department by a private entity that scored the examinations, the Superintendent of Public Instruction shall certify that the results of the examinations have been transmitted to each school district and each charter school. Not more than 10 working days after a school district receives the results of the examinations, the superintendent of schools of each school district shall certify that the results of the examinations have been transmitted to each school within the school district. Except as otherwise provided in this subsection, not more than 15 working days after each school receives the results of the examinations, the principal of each school and the

governing body of each charter school shall certify that the results for each pupil have been provided to the parent or legal guardian of the pupil:

(a) During a conference between the teacher of the pupil or administrator of the school and the parent or legal guardian of the pupil; or

(b) By mailing the results of the examinations to the last known address of the parent or legal guardian of the pupil.

➥ If a pupil fails the high school proficiency examination, the school shall notify the pupil and the parents or legal guardian of the pupil of each subject area that the pupil failed as soon as practicable but not later than 15 working days after the school receives the results of the examination.

4. If a pupil fails to demonstrate at least adequate achievement on the examination administered before the completion of grade 4, 7 or 10, the pupil may be promoted to the next higher grade, but the results of the pupil's examination must be evaluated to determine what remedial study is appropriate. If such a pupil is enrolled at a school that has failed to make adequate yearly progress or in which less than 60 percent of the pupils enrolled in grade 4, 7 or 10 in the school who took the examinations administered pursuant to this section received an average score on those examinations that is at least equal to the 26th percentile of the national reference group of pupils to which the examinations were compared, the pupil must, in accordance with the requirements set forth in this subsection, complete remedial study that is determined to be appropriate for the pupil.

5. Except as otherwise provided in subsection 6, if a pupil fails to pass the high school proficiency examination, the pupil must not be graduated unless he or she:

(a) Is able, through remedial study, to pass the proficiency examination; or

(b) ***Failed to pass the same subject area of the proficiency examination*** ~~***[not less than six times]***~~ ***each time the pupil took the examination, including the final administration of the examination to the pupil before the date on which he or she is otherwise regularly scheduled to graduate, and satisfies the requirements of subsection 4 of NRS 389.805*** ***,*** ~~***[; or***~~

~~*(c) Passes the subject areas of mathematics and reading tested on the proficiency examination, has at least a 2.75 grade point average on a 4.0 grading scale and satisfies the alternative criteria prescribed by the State Board pursuant to NRS 389.805,]*~~

➥ but the pupil may be given a certificate of attendance, in place of a diploma, if the pupil has reached the age of 18 years.

6. A pupil who transfers during grade 12 to a school in this State from a school outside this State because of the military transfer of the parent or legal guardian of the pupil may receive a waiver from the requirements of subsection 5 if, in accordance with the provisions of NRS 392C.010, the school district in which the pupil is enrolled:

(a) Accepts the results of the exit or end-of-course examinations required for graduation in the local education agency in which the pupil was previously enrolled;

(b) Accepts the results of a national norm-referenced achievement examination taken by the pupil; or

(c) Establishes an alternative test for the pupil which demonstrates proficiency in the subject areas tested on the high school proficiency examination, and the pupil successfully passes that test.

7. The State Board shall prescribe standard examinations of achievement and proficiency to be administered pursuant to subsection 1. The high school proficiency examination must include the subjects of reading, mathematics and science and, except for the writing portion prescribed pursuant to NRS 389.550, must be developed, printed and scored by a nationally recognized testing company in accordance with the process established by the testing company. The examinations on reading, mathematics and science prescribed for grades 4, 7 and 10 must be selected from examinations created by private entities and administered to a national reference group, and must allow for a comparison of the achievement and proficiency of pupils in grades 4, 7 and 10 in this State to that of a national reference group of pupils in grades 4, 7 and 10. The questions contained in the examinations and the approved answers used for grading them are confidential, and disclosure is unlawful except:

(a) To the extent necessary for administering and evaluating the examinations.

(b) That a disclosure may be made to a:

(1) State officer who is a member of the Executive or Legislative Branch to the extent that it is necessary for the performance of his or her duties;

(2) Superintendent of schools of a school district to the extent that it is necessary for the performance of his or her duties;

(3) Director of curriculum of a school district to the extent that it is necessary for the performance of his or her duties; and

(4) Director of testing of a school district to the extent that it is necessary for the performance of his or her duties.

(c) That specific questions and answers may be disclosed if the Superintendent of Public Instruction determines that the content of the questions and answers is not being used in a current examination and making the content available to the public poses no threat to the security of the current examination process.

(d) As required pursuant to NRS 239.0115.

Sec. 4. NRS 389.0173 is hereby amended to read as follows:

389.0173 1. The Department shall develop an informational pamphlet concerning the high school proficiency examination for pupils who are enrolled in junior high, middle school and high school, and their parents and legal guardians. The pamphlet must include a written explanation of the:

(a) Importance of passing the examination, including, without limitation, an explanation that if the pupil fails the examination, or does not satisfy the

requirements of ~~[paragraph (b) of]~~ subsection ~~[1 or subsection]~~ ***4*** of NRS 389.805, the pupil is not eligible to receive a standard high school diploma;

(b) Subject areas tested on the examination;

(c) Format for the examination, including, without limitation, the range of items that are contained on the examination;

(d) Manner by which the scaled score, as reported to pupils and their parents or legal guardians, is derived from the raw score;

(e) Timeline by which the results of the examination must be reported to pupils and their parents or legal guardians;

(f) Maximum number of times that a pupil is allowed to take the examination if the pupil fails to pass the examination after the first administration;

(g) Courses of study that the Department recommends that pupils take to prepare the pupils to successfully meet the academic challenges of the examination and pass the examination; and

(h) Courses of study which the Department recommends that pupils take in high school to successfully prepare for the college entrance examinations.

2. The Department shall review the pamphlet on an annual basis and make such revisions to the pamphlet as it considers necessary to ensure that pupils and their parents or legal guardians fully understand the examination.

3. On or before September 1, the Department shall provide a copy of the pamphlet or revised pamphlet to the board of trustees of each school district and the governing body of each charter school that includes pupils enrolled in a junior high, middle school or high school grade level.

4. The board of trustees of each school district shall provide a copy of the pamphlet to each junior high, middle school or high school within the school district for posting. The governing body of each charter school shall ensure that a copy of the pamphlet is posted at the charter school. Each principal of a junior high, middle school, high school or charter school shall ensure that the teachers, counselors and administrators employed at the school fully understand the contents of the pamphlet.

5. On or before January 15, the:

(a) Board of trustees of each school district shall provide a copy of the pamphlet to each pupil who is enrolled in a junior high, middle school or high school of the school district and to the parents or legal guardians of such a pupil.

(b) Governing body of each charter school shall provide a copy of the pamphlet to each pupil who is enrolled in the charter school at a junior high, middle school or high school grade level and to the parents or legal guardians of such a pupil.

Sec. 5. NRS 389.805 is hereby amended to read as follows:

389.805 1. Except as otherwise provided in ~~[subsection 3,]~~ ***subsections 3 and 4,*** a pupil must receive a standard high school diploma if the pupil ~~[:~~

~~(a) Passes~~] ***passes*** all subject areas of the high school proficiency examination administered pursuant to NRS 389.015 and otherwise satisfies the requirements for graduation from high school**.** [~~; or~~

~~(b) Has failed to pass the high school proficiency examination administered pursuant to NRS 389.015 in its entirety not less than two times before beginning grade 12 and the pupil:~~

~~(1) Passes the subject areas of mathematics and reading on the proficiency examination;~~

~~(2) Has an overall grade point average of not less than 2.75 on a 4.0 grading scale;~~

~~(3) Satisfies the alternative criteria prescribed by the State Board pursuant to subsection~~] [~~4;~~] ~~[5; and~~

~~(4) Otherwise satisfies the requirements for graduation from high school.~~]

2. A pupil with a disability who does not satisfy the requirements for receipt of a standard high school diploma may receive a diploma designated as an adjusted diploma if the pupil satisfies the requirements set forth in his or her individualized education program. As used in this subsection, "individualized education program" has the meaning ascribed to it in 20 U.S.C. § 1414(d)(1)(A).

3. A pupil who transfers during grade 12 to a school in this State from a school outside this State because of the military transfer of the parent or legal guardian of the pupil may receive a waiver from the requirements of [~~paragraphs (a) and (b) of subsection~~] ***subsections*** 1 ***and 4*** if, in accordance with the provisions of NRS 392C.010, the school district in which the pupil is enrolled:

(a) Accepts the results of the exit or end-of-course examinations required for graduation in the local education agency in which the pupil was previously enrolled;

(b) Accepts the results of a national norm-referenced achievement examination taken by the pupil; or

(c) Establishes an alternative test for the pupil which demonstrates proficiency in the subject areas tested on the high school proficiency examination, and the pupil successfully passes that test.

4. ***A pupil must receive a standard high school diploma if the pupil has failed to pass*** ~~*[one]*~~ ***the same subject area of the high school proficiency examination administered pursuant to NRS 389.015*** ~~*[not less than six times]*~~ ***each time the pupil took the examination, including the final administration of the examination to the pupil before the date on which he or she is otherwise regularly scheduled to graduate and the pupil:***

(a) Has earned sufficient credits to receive a standard high school diploma;

(b) Has an overall grade point average of not less than 2.75 on a 4.0 grading scale;

(c) Satisfies the minimum attendance requirements established by the board of trustees of the school district pursuant to NRS 392.122;

(d) Does not have any disciplinary action pending against him or her; and

(e) Has obtained a cumulative score on the high school proficiency examinations that meets the required cumulative score prescribed by the State Board, which must be calculated using the highest scores received over all instances in which the examination was taken.

~~*[5. The State Board shall adopt regulations that prescribe the alternative criteria for a pupil to receive a standard high school diploma pursuant to paragraph (b) of subsection 1, including, without limitation:*~~

~~(a) An essay;~~

~~(b) A senior project; or~~

~~(c) A portfolio of work,~~

~~, or any combination thereof, that demonstrate proficiency in the subject areas on the high school proficiency examination which the pupil failed to pass.]~~

Sec. 6. NRS 392.122 is hereby amended to read as follows:

392.122 1. The board of trustees of each school district shall prescribe a minimum number of days that a pupil who is subject to compulsory attendance and enrolled in a school in the district must be in attendance for the pupil to obtain credit or to be promoted to the next higher grade. The board of trustees of a school district may adopt a policy prescribing a minimum number of days that a pupil who is enrolled in kindergarten or first grade in the school district must be in attendance for the pupil to obtain credit or to be promoted to the next higher grade.

2. For the purposes of this section, the days on which a pupil is not in attendance because the pupil is absent for up to 10 days within 1 school year with the approval of the teacher or principal of the school pursuant to NRS 392.130, must be credited towards the required days of attendance if the pupil has completed course-work requirements. The teacher or principal of the school may approve the absence of a pupil for deployment activities of the parent or legal guardian of the pupil, as defined in NRS 392C.010. If the board of trustees of a school district has adopted a policy pursuant to subsection 5, the 10-day limitation on absences does not apply to absences that are excused pursuant to that policy.

3. Except as otherwise provided in ~~[subsection 5,]~~ ***subsections 5 and 6,*** before a pupil is denied credit or promotion to the next higher grade for failure to comply with the attendance requirements prescribed pursuant to subsection 1, the principal of the school in which the pupil is enrolled or the principal's designee shall provide written notice of the intended denial to the parent or legal guardian of the pupil. The notice must include a statement indicating that the pupil and the pupil's parent or legal guardian may request a review of the absences of the pupil and a statement of the procedure for requesting such a review. Upon the request for a review by the pupil and the

pupil's parent or legal guardian, the principal or the principal's designee shall review the reason for each absence of the pupil upon which the intended denial of credit or promotion is based. After the review, the principal or the principal's designee shall credit towards the required days of attendance each day of absence for which:

(a) There is evidence or a written affirmation by the parent or legal guardian of the pupil that the pupil was physically or mentally unable to attend school on the day of the absence; and

(b) The pupil has completed course-work requirements.

4. A pupil and the pupil's parent or legal guardian may appeal a decision of a principal or the principal's designee pursuant to subsection 3 to the board of trustees of the school district in which the pupil is enrolled.

5. The board of trustees of a school district may adopt a policy to exempt pupils who are physically or mentally unable to attend school from the limitations on absences set forth in subsection 1. If a board of trustees adopts a policy pursuant to this subsection:

(a) A pupil who receives an exemption pursuant to this subsection is not exempt from the minimum number of days of attendance prescribed pursuant to subsection 1.

(b) The days on which a pupil is physically or mentally unable to attend school must be credited towards the required days of attendance if the pupil has completed course-work requirements.

(c) The procedure for review of absences set forth in subsection 3 does not apply to days on which the pupil is absent because the pupil is physically or mentally unable to attend school.

6. ***The board of trustees of a school district may adopt a policy that allows a pupil enrolled in high school who has failed to comply with the minimum attendance requirements pursuant to subsection 1 for which he or she will be denied credit the opportunity to make up those credits. The policy must provide that such a pupil may obtain credit if the pupil is not absent from school for any additional days during the current grading period for which credit may be earned and the pupil:***

(a) Enrolls in a program in addition to the regular high school program that provides additional time and instruction for the pupil to make up the material missed due to the pupil's absences; or

(b) Passes a comprehensive examination demonstrating competence in the subject area for which the pupil would otherwise be denied credit.

➥ A pupil who does not satisfy the requirements of paragraph (a) or (b) will be denied credit, and the principal of the school shall provide notice of the intended denial pursuant to subsection 3.

7. A school shall inform the parents or legal guardian of each pupil who is enrolled in the school that the parents or legal guardian and the pupil are required to comply with the provisions governing the attendance and truancy of pupils set forth in NRS 392.040 to 392.160, inclusive, and any other rules

concerning attendance and truancy adopted by the board of trustees of the school district.

Sec. 7. NRS 62E.430 is hereby amended to read as follows:

62E.430 1. If a child is adjudicated to be in need of supervision because the child is a habitual truant, the juvenile court shall:

(a) The first time the child is adjudicated to be in need of supervision because the child is a habitual truant:

(1) Order:

(I) The child to pay a fine of not more than $100 and the administrative assessment required by NRS 62E.270 or if the parent or guardian of the child knowingly induced the child to be a habitual truant, order the parent or guardian to pay the fine and the administrative assessment; or

(II) The child to perform not less than 8 hours but not more than 16 hours of community service; and

(2) If the child is 14 years of age or older, order the suspension of the driver's license of the child for at least 30 days but not more than 6 months. If the child does not possess a driver's license, the juvenile court shall prohibit the child from applying for a driver's license for 30 days:

(I) Immediately following the date of the order if the child is eligible to apply for a driver's license; or

(II) After the date the child becomes eligible to apply for a driver's license if the child is not eligible to apply for a driver's license.

(b) The second or any subsequent time the child is adjudicated to be in need of supervision because the child is a habitual truant:

(1) Order:

(I) The child to pay a fine of not more than $200 and the administrative assessment required by NRS 62E.270 or if the parent or guardian of the child knowingly induced the child to be a habitual truant, order the parent or guardian to pay the fine and the administrative assessment;

(II) The child to perform not more than 10 hours of community service; or

(III) Compliance with the requirements set forth in both sub-subparagraphs (I) and (II); and

(2) If the child is 14 years of age or older, order the suspension of the driver's license of the child for at least 60 days but not more than 1 year. If the child does not possess a driver's license, the juvenile court shall prohibit the child from applying for a driver's license for 60 days:

(I) Immediately following the date of the order if the child is eligible to apply for a driver's license; or

(II) After the date the child becomes eligible to apply for a driver's license if the child is not eligible to apply for a driver's license.

2. The juvenile court may suspend the payment of a fine ordered pursuant to paragraph (a) of subsection 1 if the child attends school for 60

consecutive school days, or its equivalent in a school district operating under an alternative schedule authorized pursuant to NRS 388.090, after the imposition of the fine, or has a valid excuse acceptable to the child's teacher or the principal for any absence from school within that period.

3. The juvenile court may suspend the payment of a fine ordered pursuant to this section if the parent or guardian of a child is ordered to pay a fine by another court of competent jurisdiction in a case relating to or arising out of the same circumstances that caused the juvenile court to adjudicate the child in need of supervision.

4. The community service ordered pursuant to this section must be performed at the child's school of attendance, if practicable.

5. If a child is adjudicated in need of supervision because the child is a habitual truant, the juvenile court may, the first time, the second time or any subsequent time the child is adjudicated to be in need of supervision because the child is a habitual truant, order the parent or legal guardian of the child to attend conferences with the child's teacher and appropriate school administrators to address the status of the child as a habitual truant and to develop a plan to ensure that the child attends school.

Sec. 8. Chapter 609 of NRS is hereby amended by adding thereto a new section to read as follows:

If a county requires the issuance of work permits and a work permit is issued to a child between the ages of 16 and 18 years, the parent or legal guardian of the child may indicate on the work permit the maximum number of hours that his or her child may work and specify the time periods in which that work may occur during the week and on the weekend.

Sec. 9. NRS 609.240 is hereby amended to read as follows:

609.240 1. No child under the age of 16 years may be employed, permitted or suffered to work at any gainful occupation, other than domestic service, employment as a performer in the production of a motion picture or work on a farm, more than ~~[~~48~~]~~ ***:***

(a) Twenty hours in any 1 week ~~[~~,~~]~~ ***when school is in session;***

(b) Forty-eight hours in any 1 week when school is not in session; or ~~[~~more than 8~~]~~

(c) Eight hours in any 1 day.

2. The presence of a child in any establishment during working hours is prima facie evidence of employment of the child therein.

Sec. 9.5. **1. On or before December 31, 2012, the board of trustees of each school district shall submit to the Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature a report on the standard high school diplomas awarded to pupils pursuant to the criteria prescribed by subsection 4 of NRS 389.805, as amended by section 5 of this act.**

2. The report submitted pursuant to subsection 1 must include:

(a) The number of pupils who were awarded a standard high school diploma pursuant to the criteria prescribed by subsection 4 of NRS 389.805, as amended by section 5 of this act;

(b) An assessment of the effectiveness of the criteria prescribed by subsection 4 of NRS 389.805, as amended by section 5 of this act, with enabling pupils to receive a standard high school diploma who would not otherwise have been eligible for such a diploma; and

(c) A determination as to whether the awarding of a standard high school diploma pursuant to the criteria prescribed by subsection 4 of NRS 389.805, as amended by section 5 of this act, should continue to be a means by which pupils may receive a standard high school diploma.

Sec. 10. This act becomes effective on July 1, 2011.

Assemblyman Bobzien moved that the Assembly concur in the Senate Amendment No. 623 to Assembly Bill No. 456.

Remarks by Assemblymen Bobzien and Hansen.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Assembly Bill No. 132.

The following Senate amendment was read:

Amendment No. 687.

AN ACT relating to elections; revising provisions governing the dates for certain city elections; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Certain cities that are created by charters hold ~~[general]~~ municipal elections in ~~[June of]~~ odd-numbered years (Boulder City, Caliente, Elko, Henderson, Las Vegas, North Las Vegas and Yerington). **Sections 20-47** of this bill amend the charters of ~~[those cities]~~ **Boulder City, Caliente, Henderson, Las Vegas, North Las Vegas and Yerington** to authorize the city councils of those cities to choose by ordinance ~~[whether]~~ to ~~[: (1)]~~ hold city elections on the state election cycle ~~[, or (2) continue holding the elections in June, as provided in their respective city charters.]~~ **, which is in even-numbered years. If the city council of Boulder City, Henderson, Las Vegas or North Las Vegas adopts such an ordinance, sections 21, 33, 39 and 40.5 of this bill provide that the ordinance must not affect the term of office of any elected official of the city serving in office on the effective date of the ordinance but may affect the next succeeding term for that office. If such an ordinance is adopted and subsequently repealed, the city would return to holding its elections in odd-numbered years, as provided in its existing city charter.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. (Deleted by amendment.)

Sec. 2. (Deleted by amendment.)

Sec. 3. (Deleted by amendment.)
Sec. 4. (Deleted by amendment.)
Sec. 5. (Deleted by amendment.)
Sec. 6. (Deleted by amendment.)
Sec. 7. (Deleted by amendment.)
Sec. 8. (Deleted by amendment.)
Sec. 9. (Deleted by amendment.)
Sec. 10. (Deleted by amendment.)
Sec. 11. (Deleted by amendment.)
Sec. 12. (Deleted by amendment.)
Sec. 13. (Deleted by amendment.)
Sec. 14. (Deleted by amendment.)
Sec. 15. (Deleted by amendment.)
Sec. 16. (Deleted by amendment.)
Sec. 17. (Deleted by amendment.)
Sec. 18. (Deleted by amendment.)
Sec. 19. (Deleted by amendment.)

Sec. 20. Section 4 of the charter of Boulder City is hereby amended to read as follows:

Section 4. Number; selection and term; recall.

1. ~~[~~The~~]~~ ***Except as otherwise provided in section 96, the*** City Council shall have four Council Members and a Mayor elected from the City at large in the manner provided in Article IX, for terms of four years and until their successors have been elected and have taken office as provided in section 16 ***.*** ~~[~~, subject to recall as provided in section 111.5.~~]~~ No Council Member shall represent any particular constituency or district of the City, and each Council Member shall represent the entire City. (Amd. 2; 6-4-1991; Add. 17; Amd. 1; 11-5-1996)

2. (Repealed by Amd. 1; 6-4-1991)

3. The Council Members and the Mayor are subject to recall as provided in section 111.5.

Sec. 21. Section 96 of the charter of Boulder City is hereby amended to read as follows:

Section 96. Conduct of ~~[~~city~~]~~ ***municipal*** elections.

1. All ~~[~~city~~]~~ ***municipal*** elections must be nonpartisan in character and must be conducted in accordance with the provisions of the general election laws of the State of Nevada and any ordinance regulations as adopted by the City Council which are consistent with law and this Charter. (1959 Charter)

2. All full terms of office in the City Council are ~~[~~four~~]~~ ***4*** years, and Council Members must be elected at large without regard to precinct residency. ~~[~~Two~~]~~ ***Except as otherwise provided in subsection 8, two*** full-term Council members and the Mayor are to be elected in each year immediately preceding a federal presidential election, and two full-term Council members are to be elected in each year immediately following a federal presidential election. In each election, the candidates receiving the

greatest number of votes must be declared elected to the vacant full-term positions. (Add. 17; Amd. 1; 11-5-1996)

~~[(a)]~~ ***3.*** In the event one or more ~~[two]~~ ***2***-year term positions on the Council will be available at the time of a municipal election as provided in section 12, candidates must file specifically for such position(s). Candidates receiving the greatest respective number of votes must be declared elected to the respective available ~~[two]~~ ***2***-year positions. (Add. 15; Amd. 2; 6-4-1991)

~~[3. A city]~~

4. Except as otherwise provided in subsection 8, a primary ***municipal*** election must be held on the first Tuesday after the first Monday in April of each odd-numbered year and a ~~[city]~~ general ***municipal*** election must be held on the first Tuesday after the first Monday in June of each odd-numbered year.

~~[(a)]~~ ***5.*** A primary ***municipal*** election must not be held if no more than double the number of Council Members to be elected file as candidates. A primary ***municipal*** election must not be held for the office of Mayor if no more than two candidates file for that position. The primary ***municipal*** election must be held for the purpose of eliminating candidates in excess of a figure double the number of Council Members to be elected. (Add. 17; Amd. 1; 11-5-1996)

~~[(b)]~~ ***6.*** If, in the primary ~~[city]~~ ***municipal*** election, a candidate receives votes equal to a majority of voters casting ballots in that election, he or she shall be considered elected to one of the vacancies and his or her name shall not be placed on the ballot for the general ~~[city]~~ ***municipal*** election. (Add. 10; Amd. 7; 6-2-1981)

~~[(c)]~~ ***7.*** In each primary and general ***municipal*** election, voters ~~[shall be]~~ ***are*** entitled to cast ballots for candidates in a number equal to the number of seats to be filled in the ~~[city]~~ ***municipal*** elections. (Add. 11; Amd. 5; 6-7-1983)

~~[4.]~~ ***8. The City Council may by ordinance provide for a primary municipal election and general municipal election on the dates set forth for primary elections and general elections pursuant to the provisions of chapter 293 of NRS.***

9. If the City Council adopts an ordinance pursuant to subsection 8, the dates set forth in NRS 293.12755, in subsections 2 to 5, inclusive, of NRS 293.165 and in NRS 293.175, 293.177, 293.345 and 293.368 apply for the purposes of conducting the primary municipal elections and general municipal elections.

10. If the City Council adopts an ordinance pursuant to subsection 8, the ordinance must not affect the term of office of any elected official of the City serving in office on the effective date of the ordinance. The next succeeding term for that office may be shortened but may not be lengthened as a result of the ordinance.

11. The conduct of all municipal elections ~~[shall]~~ ***must*** be under the control of the City Council, which shall adopt by ordinance all regulations

which it considers desirable and consistent with law and this Charter. Nothing in this Charter shall be construed as to deny or abridge the power of the City Council to provide for supplemental regulations for the prevention of fraud in such elections and for the recount of ballots in cases of doubt or fraud. (Add. 24; Amd. 1; 6-3-2003)

Sec. 22. Section 111.5 of the charter of Boulder City is hereby amended to read as follows:

Section 111.5. Recall of ***the Mayor and*** Council Members.

As provided by the general laws of this State, ***the Mayor and*** every member of the City Council ~~[is]~~ ***are*** subject to recall from office. (Add. 5; Amd. 5; 6-8-1971; Add. 24; Amd. 1; 6-3-2003)

Sec. 23. (Deleted by amendment.)

Sec. 24. Section 2.010 of the Charter of the City of Caliente, being chapter 31, Statutes of Nevada 1971, as last amended by chapter 98, Statutes of Nevada 1977, at page 202, is hereby amended to read as follows:

Sec. 2.010 City Council: Qualifications; election; term of office; salary.

1. The legislative power of the City is vested in a City Council consisting of five Council Members, including the Mayor.

2. The Mayor and each Council Member ~~[shall]~~ ***must*** be:

(a) Bona fide residents of the City for at least 2 years immediately prior to their election.

(b) Qualified electors within the City.

3. All Council Members, including the Mayor, ~~[shall]~~ ***must*** be voted upon by the registered voters of the City at large and shall serve for terms of 4 years except as ***otherwise*** provided in ~~[subsection 3 of]~~ section 5.010.

4. The Mayor and Council Members shall receive a salary in an amount fixed by the City Council. Such salary ~~[shall]~~ ***must*** not be increased or diminished during the term of the recipient.

Sec. 25. Section 5.010 of the Charter of the City of Caliente, being chapter 31, Statutes of Nevada 1971, as amended by chapter 71, Statutes of Nevada 1975, at page 82, is hereby amended to read as follows:

Sec. 5.010 Municipal elections.

1. ***Except as otherwise provided in subsection 2:***

(a) On the ~~[1st]~~ ***first*** Tuesday after the ~~[1st]~~ ***first*** Monday in June 1973, there ~~[shall]~~ ***must*** be elected by the qualified voters of the City, at a general ***municipal*** election to be held for that purpose, a Mayor and one Council Member who shall hold office for a period of 4 years and until their successors have been elected and qualified.

~~[2.]~~ ***(b)*** On the ~~[1st]~~ ***first*** Tuesday after the ~~[1st]~~ ***first*** Monday in June 1975, and at each successive interval of 4 years thereafter, there ~~[shall]~~ ***must*** be elected by the qualified voters of the City **,** at a general ***municipal*** election to be held for that purpose **,** two Council Members ~~[,]~~ who shall hold office for a period of 4 years and until their successors have been elected and qualified.

~~[3.]~~ ***(c)*** On the ~~[1st]~~ ***first*** Tuesday after the ~~[1st]~~ ***first*** Monday in June 1975, there shall be elected by the qualified voters of the City at a general ***municipal*** election to be held for that purpose one Council Member who shall hold office for a period of 2 years and until his or her successor has been elected and qualified.

~~[4.]~~ ***(d)*** On the ~~[1st]~~ ***first*** Tuesday after the ~~[1st]~~ ***first*** Monday in June 1977, and at each successive interval of 4 years, there ~~[shall]~~ ***must*** be elected by the qualified voters of the City, at a general ***municipal*** election to be held for that purpose, a Mayor and two Council Members, who shall hold office for a period of 4 years and until their successors have been elected and qualified.

2. The City Council may by ordinance provide for a primary municipal election and general municipal election on the dates set forth for primary elections and general elections pursuant to the provisions of chapter 293 of NRS.

3. If the City Council adopts an ordinance pursuant to subsection 2, the dates set forth in NRS 293.12755, in subsections 2 to 5, inclusive, of NRS 293.165 and in NRS 293.175, 293.177, 293.345 and 293.368 apply for the purposes of conducting the primary municipal elections and general municipal elections.

4. If the City Council adopts an ordinance pursuant to subsection 2, the term of office of any elected official may be shortened but may not be lengthened as a result of the ordinance.

Sec. 26. (Deleted by amendment.)

Sec. 27. ~~[Section 2.010 of the Charter of the City of Elko, being chapter 276, Statutes of Nevada 1971, as last amended by chapter 51, Statutes of Nevada 2001, at page 449, is hereby amended to read as follows:~~

~~Sec. 2.010 City Council: Qualifications; election; term of office; salary.~~

~~1. The legislative power of the City is vested in a City Council consisting of four members and the Mayor.~~

~~2. The members of the City Council must be:~~

~~(a) Bona fide residents of the City for at least 2 years before their election.~~

~~(b) Qualified electors within the City.~~

~~3. All members of the City Council must be voted upon by the registered voters of the City at large and , except as otherwise provided in section 5.010, shall serve for terms of 4 years.~~

~~4. The members of the City Council must receive a salary in an amount fixed by the City Council.]~~ **(Deleted by amendment.)**

Sec. 28. ~~[Section 5.010 of the Charter of the City of Elko, being chapter 276, Statutes of Nevada 1971, as amended by chapter 51, Statutes of Nevada 2001, at page 463, is hereby amended to read as follows:~~

~~Sec. 5.010 Municipal elections.~~

~~1. Except as otherwise provided in subsection 2:~~

~~(a) On the first Tuesday after the first Monday in June 1975, and at each successive interval of 4 years, there must be elected by the qualified voters of~~

~~the City, at a general ***municipal*** election to be held for that purpose, a Mayor and two members of the City Council, who shall hold office for a period of 4 years and until their successors have been elected and qualified.~~

~~[~~2.~~]~~ ~~***(b)*** On the first Tuesday after the first Monday in June 1973, and at each successive interval of 4 years thereafter, there must be elected by the qualified voters of the City, at a general ***municipal*** election to be held for that purpose, two members of the City Council, who shall hold office for a period of 4 years and until their successors have been elected and qualified.~~

~~***2. The City Council may by ordinance provide for a primary municipal election and general municipal election on the dates set forth for primary elections and general elections pursuant to the provisions of chapter 293 of NRS.***~~

~~***3. If the City Council adopts an ordinance pursuant to subsection 2, the dates set forth in NRS 293.12755, in subsections 2 to 5, inclusive, of NRS 293.165 and in NRS 293.175, 293.177, 293.345 and 293.368 apply for the purposes of conducting the primary municipal elections and general municipal elections.***~~

~~***4. If the City Council adopts an ordinance pursuant to subsection 2, the term of office of any elected official may be shortened but may not be lengthened as a result of the ordinance.]***~~ **(Deleted by amendment.)**

Sec. 29. (Deleted by amendment.)

Sec. 30. Section 2.010 of the Charter of the City of Henderson, being chapter 266, Statutes of Nevada 1971, as last amended by chapter 596, Statutes of Nevada 1995, at page 2206, is hereby amended to read as follows:

Sec. 2.010 City Council: Qualifications; election; term of office; salary.

1. The legislative power of the City is vested in a City Council consisting of four Council Members and the Mayor.

2. The Mayor must be:

(a) A bona fide resident of the territory which is established by the boundaries of the City for the 12 months immediately preceding the last day for filing a declaration of candidacy for the office.

(b) A qualified elector within the City.

3. Each Council Member must be:

(a) A bona fide resident of the territory which is established by the boundaries of the City for the 12 months immediately preceding the last day for filing a declaration of candidacy for the office.

(b) A qualified elector within the ward which he or she represents.

(c) A resident of the ward which he or she represents for at least 30 days immediately preceding the last day for filing a declaration of candidacy for the office, except that changes in ward boundaries pursuant to the provisions of section 1.040 do not affect the right of any elected Council Member to continue in office for the term for which he or she was elected.

4. All Council Members, including the Mayor, must be voted upon by the registered voters of the City at large and ***, except as otherwise provided in section 5.020,*** shall serve for terms of 4 years.

5. The Mayor and Council Members are entitled to receive a salary in an amount fixed by the City Council. The City Council shall not adopt an ordinance which increases or decreases the salary of the Mayor or the Council Members during the term for which they have been elected or appointed.

Sec. 31. Section 4.015 of the Charter of the City of Henderson, being chapter 231, Statutes of Nevada 1991, as last amended by chapter 209, Statutes of Nevada 2001, at page 970, is hereby amended to read as follows:

Sec. 4.015 Municipal Court.

1. There is a Municipal Court of the City which consists of at least one department. Each department must be presided over by a Municipal Judge and has such power and jurisdiction as is prescribed in, and is, in all respects which are not inconsistent with this Charter, governed by, the provisions of chapters 5 and 266 of NRS which relate to municipal courts.

2. The City Council may from time to time establish additional departments of the Municipal Court and shall appoint an additional Municipal Judge for each.

3. At the first ~~[municipal]~~ primary or general ***municipal*** election which follows the appointment of an additional Municipal Judge to a newly created department of the Municipal Court, the successor to that Municipal Judge must be elected for a term of not more than 5 years, as determined by the City Council, in order that, as nearly as practicable, one-third of the number of Municipal Judges be elected every 2 years.

4. ~~[Each]~~ ***Except as otherwise provided in subsection 3, each*** Municipal Judge must be voted upon by the registered voters of the City at large ~~[.]~~ ***and, except as otherwise provided in section 5.020, shall serve for a term of 6 years.***

5. The respective departments of the Municipal Court must be numbered 1 through the appropriate Arabic number, as additional departments are approved by the City Council. A Municipal Judge must be elected for each department by number.

6. The Senior Municipal Judge is selected by a majority of the sitting judges for a term of 2 years. If no Municipal Judge receives a majority of the votes, the Senior Municipal Judge is the Municipal Judge who has continuously served as a Municipal Judge for the longest period.

Sec. 32. Section 5.010 of the Charter of the City of Henderson, being chapter 266, Statutes of Nevada 1971, as last amended by chapter 637, Statutes of Nevada 1999, at page 3565, is hereby amended to read as follows:

Sec. 5.010 Primary ***municipal*** election.

1. ~~[A]~~ ***Except as otherwise provided in section 5.020, a*** primary ***municipal*** election must be held on the Tuesday after the first Monday in April of each odd-numbered year, at which time there must be nominated candidates for offices to be voted for at the next general municipal election.

2. A candidate for any office to be voted for at any primary municipal election must file a declaration of candidacy as provided by the election laws of this State.

3. All candidates for elective office must be voted upon by the registered voters of the City at large.

4. If in the primary ***municipal*** election no candidate receives a majority of votes cast in that election for the office for which he or she is a candidate, the names of the two candidates receiving the highest number of votes must be placed on the ballot for the general ***municipal*** election. If in the primary ***municipal*** election, regardless of the number of candidates for an office, one candidate receives a majority of votes cast in that election for the office for which he or she is a candidate, he or she must be declared elected and no general ***municipal*** election need be held for that office.

Sec. 33. Section 5.020 of the Charter of the City of Henderson, being chapter 266, Statutes of Nevada 1971, as last amended by chapter 209, Statutes of Nevada 2001, at page 971, is hereby amended to read as follows:

Sec. 5.020 General municipal election.

1. ***Except as otherwise provided in subsection 2:***

(a) A general ***municipal*** election must be held in the City on the first Tuesday after the first Monday in June of each odd-numbered year and on the same day every 2 years thereafter, at which time the registered voters of the City shall elect city officers to fill the available elective positions.

~~[2.]~~ ***(b)*** All candidates for the office of Mayor, Council Member and Municipal Judge must be voted upon by the registered voters of the City at large. The term of office for members of the City Council and the Mayor is 4 years. Except as otherwise provided in subsection 3 of section 4.015**,** ~~[of this Charter,]~~ the term of office for a Municipal Judge is 6 years.

~~[3.]~~ ***(c)*** On the Tuesday after the first Monday in June 2001 **,** and every 6 years thereafter, there must be elected by the qualified voters of the City, at a general municipal election to be held for that purpose, a Municipal Judge for Department 1 who will hold office until his or her successor has been elected and qualified.

~~[4.]~~ ***(d)*** On the Tuesday after the first Monday in June 2003 and every 6 years thereafter, there must be elected by the qualified voters of the City, at a general municipal election to be held for that purpose, a Municipal Judge for Department 2 who will hold office until his or her successor has been elected and qualified.

~~[5.]~~ ***(e)*** On the Tuesday after the first Monday in June 2005 **,** and every 6 years thereafter, there must be elected by the qualified voters of the City, at a general municipal election to be held for that purpose, a Municipal Judge for Department 3 who will hold office until his or her successor has been elected and qualified.

2. The City Council may by ordinance provide for a primary municipal election and general municipal election on the dates set forth for primary

elections and general elections pursuant to the provisions of chapter 293 of NRS.

3. If the City Council adopts an ordinance pursuant to subsection 2, the dates set forth in NRS 293.12755, in subsections 2 to 5, inclusive, of NRS 293.165 and in NRS 293.175, 293.177, 293.345 and 293.368 apply for the purposes of conducting the primary municipal elections and general municipal elections.

4. If the City Council adopts an ordinance pursuant to subsection 2, the ordinance must not affect the term of office of any elected official of the City serving in office on the effective date of the ordinance. The next succeeding term for that office may be shortened but may not be lengthened as a result of the ordinance.

Sec. 34. (Deleted by amendment.)

Sec. 35. Section 1.140 of the Charter of the City of Las Vegas, being chapter 517, Statutes of Nevada 1983, as last amended by chapter 6, Statutes of Nevada 2001, at page 10, is hereby amended to read as follows:

Sec. 1.140 Elective offices.

1. The elective officers of the City consist of:

(a) A Mayor.

(b) One Council Member from each ward.

(c) Municipal Judges.

2. ~~[The]~~ ***Except as otherwise provided in section 5.020, the*** terms of office of the Mayor and Council Members are 4 years.

3. Except as otherwise provided in subsection 3 of section 4.010 ~~[of this Charter,]~~ ***and section 5.020,*** the term of office of a Municipal Judge is 6 years.

Sec. 36. Section 1.160 of the Charter of the City of Las Vegas, being chapter 517, Statutes of Nevada 1983, as last amended by chapter 338, Statutes of Nevada 2007, at page 1533, is hereby amended to read as follows:

Sec. 1.160 Elective offices: Vacancies. Except as otherwise provided in NRS 268.325:

1. A vacancy in the office of Mayor, Council Member or Municipal Judge must be filled by the majority vote of the entire City Council within 30 days after the occurrence of that vacancy. A person may be selected to fill a prospective vacancy before the vacancy occurs. In such a case, each member of the Council, except any member whose term of office expires before the occurrence of the vacancy, may participate in any action taken by the Council pursuant to this section. The appointee must have the same qualifications as are required of the elective official, including, without limitation, any applicable residency requirement.

2. ~~[No]~~ ***Except as otherwise provided in section 5.010, no*** appointment extends beyond the first regular meeting of the City Council that follows the next general municipal election, at that election the office must be filled for the remainder of the unexpired term, or beyond the first regular meeting of the City Council after the Tuesday after the first Monday in the next

succeeding June in an odd-numbered year, if no general municipal election is held in that year.

Sec. 37. Section 4.020 of the Charter of the City of Las Vegas, being chapter 517, Statutes of Nevada 1983, as last amended by chapter 338, Statutes of Nevada 2007, at page 1536, is hereby amended to read as follows:

Sec. 4.020 Municipal Court: Qualifications of Municipal Judges; salary; Master Judge; departments; Alternate Judges.

1. Each Municipal Judge shall devote his or her full time to the duties of his or her office and must be:

(a) A duly licensed member, in good standing, of the State Bar of Nevada, but this qualification does not apply to any Municipal Judge who is an incumbent when this Charter becomes effective as long as he or she continues to serve as such in uninterrupted terms.

(b) A qualified elector who has resided within the territory which is established by the boundaries of the City for a period of not less than 30 days immediately before the last day for filing a declaration of candidacy for the department for which he or she is a candidate.

(c) Voted upon by the registered voters of the City at large.

2. The salary of the Municipal Judges must be fixed by ordinance and be uniform for all departments of the Municipal Court. The salary may be increased during the terms for which the Judges are elected or appointed.

3. The Municipal Judges of the six departments shall elect a Master Judge from among their number. The Master Judge shall hold office for a term of 2 years commencing on July 1 of each ~~[odd-numbered year.]~~ ***year of a general municipal election.*** If a vacancy occurs in the position of Master Judge, the Municipal Judges shall elect a replacement for the remainder of the unexpired term. If two or more Municipal Judges receive an equal number of votes for the position of Master Judge, the candidates who have received the tie votes shall resolve the tie vote by the drawing of lots. The Master Judge:

(a) Shall establish and enforce administrative regulations for governing the affairs of the Municipal Court.

(b) Is responsible for setting trial dates and other matters which pertain to the Court calendar.

(c) Shall perform such other Court administrative duties as may be required by the City Council.

4. Alternate Judges in sufficient numbers may be appointed annually by the Mayor, each of whom:

(a) Must be a duly licensed member, in good standing, of the State Bar of Nevada and have such other qualifications as are prescribed by ordinance.

(b) Has all of the powers and jurisdiction of a Municipal Judge while acting as such.

(c) Is entitled to such compensation as may be fixed by the City Council.

5. Any Municipal Judge, other than an Alternate Judge, automatically forfeits his or her office if he or she ceases to be a resident of the City.

Sec. 38. Section 5.010 of the Charter of the City of Las Vegas, being chapter 517, Statutes of Nevada 1983, as last amended by chapter 637, Statutes of Nevada 1999, at page 3565, is hereby amended to read as follows:

Sec. 5.010 Primary municipal elections. ***Except as otherwise provided in section 5.020:***

1. On the Tuesday after the first Monday in April 2001, and at each successive interval of 4 years, a primary municipal election must be held in the City at which time candidates for half of the offices of Council Member and for Municipal Judge, Department 2, must be nominated.

2. On the Tuesday after the first Monday in April 2003, and at each successive interval of 4 years, a primary municipal election must be held in the City at which time candidates for Mayor, for the other half of the offices of Council Member and for Municipal Judge, Department 1, must be nominated.

3. The candidates for Council Members who are to be nominated as provided in subsections 1 and 2 must be nominated and voted for separately according to the respective wards. The candidates from each even-numbered ward must be nominated as provided in subsection 1, and the candidates from each odd-numbered ward must be nominated as provided in subsection 2.

4. If the City Council has established an additional department or departments of the Municipal Court pursuant to section 4.010 ~~[of this Charter,]~~ and, as a result, more than one office of Municipal Judge is to be filled at any election, the candidates for those offices must be nominated and voted upon separately according to the respective departments.

5. Each candidate for the municipal offices which are provided for in subsections 1, 2 and 4 must file a declaration of candidacy with the City Clerk. All filing fees collected by the City Clerk must be paid into the City Treasury.

6. If, in the primary ***municipal*** election, regardless of the number of candidates for an office, one candidate receives a majority of votes which are cast in that election for the office for which he or she is a candidate, he or she must be declared elected for the term which commences on the day of the first regular meeting of the City Council next succeeding the meeting at which the canvass of the returns is made, and no general ***municipal*** election need be held for that office. If, in the primary ***municipal*** election, no candidate receives a majority of votes which are cast in that election for the office for which he or she is a candidate, the names of the two candidates who receive the highest number of votes must be placed on the ballot for the general ***municipal*** election.

Sec. 39. Section 5.020 of the Charter of the City of Las Vegas, being chapter 517, Statutes of Nevada 1983, at page 1415, is hereby amended to read as follows:

Sec. 5.020 General municipal election.

1. ~~[A]~~ ***Except as otherwise provided in subsection 2, a*** general municipal election must be held in the City on the Tuesday after the 1st

Monday in June of each odd-numbered year and on the same day every 2 years thereafter, at which time there must be elected those officers whose offices are required to be filled by election in that year.

2. ***The City Council may by ordinance provide for a primary municipal election and general municipal election on the dates set forth for primary elections and general elections pursuant to the provisions of chapter 293 of NRS.***

3. If the City Council adopts an ordinance pursuant to subsection 2, the dates set forth in NRS 293.12755, in subsections 2 to 5, inclusive, of NRS 293.165 and in NRS 293.175, 293.177, 293.345 and 293.368 apply for the purposes of conducting the primary municipal elections and general municipal elections.

4. If the City Council adopts an ordinance pursuant to subsection 2, the ordinance must not affect the term of office of any elected official of the City serving in office on the effective date of the ordinance. The next succeeding term for that office may be shortened but may not be lengthened as a result of the ordinance.

5. All candidates for elective office, except the office of Council Member, must be voted upon by the registered voters of the City at large.

Sec. 40. (Deleted by amendment.)

Sec. 40.5. The Charter of the City of North Las Vegas, being chapter 573, Statutes of Nevada 1971, at page 1210, is hereby amended by adding thereto a new section to be designated as section 5.025, immediately following section 5.020, to read as follows:

Sec. 5.025 City Council authorized to [choose dates] provide for primary and general municipal elections [; dates to be in accordance with this Charter or chapter 293 of NRS; effect upon terms of serving city officials.] in even-numbered years.

1. The City Council may by ordinance provide for a primary municipal election and general municipal election on the dates set forth for primary elections and general elections pursuant to the provisions of chapter 293 of NRS.

2. If the City Council adopts an ordinance pursuant to subsection 1, the dates set forth in NRS 293.12755, in subsections 2 to 5, inclusive, of NRS 293.165 and in NRS 293.175, 293.177, 293.345 and 293.368 apply for the purposes of conducting the primary municipal [election] elections and general municipal [election.] elections.

3. If the City Council adopts an ordinance pursuant to subsection 1, the ordinance must not affect the term of office of any elected official of the City serving in office on the effective date of the ordinance. The next succeeding term for that office may be shortened but may not be lengthened as a result of the ordinance.

Sec. 41. Section 2.010 of the Charter of the City of North Las Vegas, being chapter 573, Statutes of Nevada 1971, as last amended by chapter 499, Statutes of Nevada 2005, at page 2691, is hereby amended to read as follows:

Sec. 2.010 City Council: Qualifications; election; term of office; salary.

1. The legislative power of the City is vested in a City Council consisting of four Council Members and a Mayor.

2. The Mayor must be:

(a) A bona fide resident of the City for at least 6 months immediately preceding his or her election.

(b) A qualified elector within the City.

3. Each Council Member:

(a) Must be a qualified elector who has resided in the ward which he or she represents for at least 30 days immediately preceding the last day for filing a declaration of candidacy for his or her office.

(b) Must continue to live in the ward he or she represents, except that changes in ward boundaries made pursuant to section 1.045 ~~[of this Charter]~~ will not affect the right of any elected Council Member to continue in office for the term for which he or she was elected.

4. At the time of filing, if so required by an ordinance duly enacted, candidates for the office of Mayor and Council Member shall produce evidence in satisfaction of any or all of the qualifications provided in subsection 2 or 3, whichever is applicable.

5. Each Council Member must be voted upon only by the registered voters of the ward that he or she seeks to represent, and ***except as otherwise provided in sections 5.010 and 5.025,*** his or her term of office is 4 years.

6. The Mayor must be voted upon by the registered voters of the City at large, and ***except as otherwise provided in sections 5.010 and 5.025,*** his or her term of office is 4 years.

7. The Mayor and Council Members are entitled to receive a salary in an amount fixed by the City Council.

Sec. 42. Section 4.005 of the Charter of the City of North Las Vegas, being chapter 215, Statutes of Nevada 1997, as amended by chapter 73, Statutes of Nevada 2003, at page 484, is hereby amended to read as follows:

Sec. 4.005 Municipal Court.

1. There is a Municipal Court of the City which consists of at least one department. Each department must be presided over by a Municipal Judge and has such power and jurisdiction as is prescribed in, and is, in all respects which are not inconsistent with this Charter, governed by the provisions of chapters 5 and 266 of NRS which relate to municipal courts.

2. The City Council may, from time to time, by ordinance, establish additional departments of the Municipal Court and shall appoint an additional Municipal Judge for each additional department.

3. At the first ~~[municipal]~~ primary or ~~[municipal]~~ general ***municipal*** election that follows the appointment of an additional Municipal Judge to a newly created department of the Municipal Court, the successor to that Municipal Judge must be elected for an initial term of not more than 6 years, as determined by the City Council, in order that, as nearly as practicable, one-third of the number of Municipal Judges be elected every 2 years.

4. Except as otherwise provided by the ordinance establishing an additional department, each Municipal Judge must be voted upon by the registered voters of the City at large and ***, except as otherwise provided in sections 5.010 and 5.025,*** holds office for a period of 6 years and until his or her successor has been elected and qualified.

5. The respective departments of the Municipal Court must be numbered 1 through the appropriate Arabic numeral, as additional departments are approved by the City Council. A Municipal Judge must be elected for each department by number.

Sec. 43. Section 5.010 of the Charter of the City of North Las Vegas, being chapter 573, Statutes of Nevada 1971, as last amended by chapter 499, Statutes of Nevada 2005, at page 2691, is hereby amended to read as follows:

Sec. 5.010 General municipal elections.

1. ***Except as otherwise provided in section 5.025:***

(a) On the Tuesday after the first Monday in June 1977, and at each successive interval of 4 years thereafter, there must be elected, at a general ***municipal*** election to be held for that purpose, a Mayor and two Council Members who shall hold office for a period of 4 years and until their successors have been elected and qualified.

~~[2.]~~ ***(b)*** On the Tuesday after the first Monday in June 1975, and at each successive interval of 4 years thereafter, there must be elected, at a general ***municipal*** election to be held for that purpose, two Council Members, who shall hold office for a period of 4 years and until their successors have been elected and qualified.

~~[3.]~~ ***2.*** In ~~[such]~~ a general ***municipal*** election:

(a) A candidate for the office of City Council Member must be elected only by the registered voters of the ward that he or she seeks to represent.

(b) Candidates for all other elective offices must be elected by the registered voters of the City at large.

Sec. 44. Section 5.020 of the Charter of the City of North Las Vegas, being chapter 573, Statutes of Nevada 1971, as last amended by chapter 9, Statutes of Nevada 2009, at page 17, is hereby amended to read as follows:

Sec. 5.020 Primary municipal elections; declaration of candidacy.

1. The City Council shall provide by ordinance for candidates for elective office to declare their candidacy and file the necessary documents. The seats for City Council Members must be designated by the numbers one through four, which numbers must correspond with the wards the candidates for City Council Members will seek to represent. A candidate for the office of City Council Member shall include in his or her declaration of candidacy the number of the ward which he or she seeks to represent. Each candidate for City Council must be designated as a candidate for the City Council seat that corresponds with the ward that he or she seeks to represent.

2. ~~[A]~~ ***Except as otherwise provided in section 5.025, a*** primary ***municipal*** election must be held on the Tuesday following the first Monday in April preceding the general ***municipal*** election, at which time there must

be nominated candidates for offices to be voted for at the next general ***municipal*** election. In the primary ***municipal*** election:

(a) A candidate for the office of City Council Member must be voted upon only by the registered voters of the ward that he or she seeks to represent.

(b) Candidates for all other elective offices must be voted upon by the registered voters of the City at large.

3. Except as otherwise provided in subsection 4, after the primary ***municipal*** election, the names of the two candidates who receive the highest number of votes must be placed on the ballot for the general ***municipal*** election.

4. If, regardless of the number of candidates for an office, one candidate receives a majority of the total votes cast for that office in the primary ***municipal*** election, he or she must be declared elected to that office and no general ***municipal*** election need be held for that office.

Sec. 45. (Deleted by amendment.)

Sec. 46. Section 2.010 of the Charter of the City of Yerington, being chapter 465, Statutes of Nevada 1971, as last amended by chapter 98, Statutes of Nevada 1977, at page 213, is hereby amended to read as follows:

Sec. 2.010 City Council: Qualifications; election; term of office; salary.

1. The legislative power of the City is vested in a City Council consisting of four Council Members.

2. The Council Members ~~[shall]~~ ***must*** be:

(a) Bona fide residents of the City for at least 6 months immediately preceding their election.

(b) Qualified electors in the City.

3. All Council Members ~~[shall]~~ ***must*** be voted upon by the registered voters of the City at large and ***, except as otherwise provided in section 5.010,*** shall serve for terms of 4 years.

4. The Council Members shall receive a salary in an amount fixed by the City Council.

Sec. 47. Section 5.010 of the Charter of the City of Yerington, being chapter 465, Statutes of Nevada 1971, at page 912, is hereby amended to read as follows:

Sec. 5.010 Municipal elections.

1. ***Except as otherwise provided in subsection 2:***

(a) On the ~~[1st]~~ ***first*** Tuesday after the ~~[1st]~~ ***first*** Monday in June 1975, and at each successive interval of 4 years, there ~~[shall]~~ ***must*** be elected by the qualified voters of the City ***,*** at a general ***municipal*** election to be held for that purpose ***,*** a Mayor and two Council Members, who shall hold office for a period of 4 years and until their successors have been elected and qualified.

~~[2.]~~ ***(b)*** On the ~~[1st]~~ ***first*** Tuesday after the ~~[1st]~~ ***first*** Monday in June 1977, and at each successive interval of 4 years thereafter, there ~~[shall]~~ ***must*** be elected by the qualified voters of the City ***,*** at a general ***municipal*** election to be held for that purpose ***,*** two Council Members, who shall hold office for a period of 4 years and until their successors have been elected and qualified.

2. The City Council may by ordinance provide for a primary municipal election and general municipal election on the dates set forth for primary elections and general elections pursuant to the provisions of chapter 293 of NRS.

3. If the City Council adopts an ordinance pursuant to subsection 2, the dates set forth in NRS 293.12755, in subsections 2 to 5, inclusive, of NRS 293.165 and in NRS 293.175, 293.177, 293.345 and 293.368 apply for the purposes of conducting the primary municipal elections and general municipal elections.

4. If the City Council adopts an ordinance pursuant to subsection 2, the term of office of any elected official may be shortened but may not be lengthened as a result of the ordinance.

Sec. 48. (Deleted by amendment.)

Sec. 49. (Deleted by amendment.)

Sec. 50. This act becomes effective upon passage and approval.

Assemblyman Segerblom moved that the Assembly concur in the Senate amendment to Assembly Bill No. 132.

Remarks by Assemblyman Segerblom.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Assembly Bill No. 160.

The following Senate amendment was read:

Amendment No. 664.

AN ACT relating to medical facilities; revising provisions governing the form and publication of financial reports of certain medical facilities; requiring hospitals to include certain information in the financial reports submitted by the hospitals; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires certain medical facilities to file financial information with the Department of Health and Human Services. (NRS 449.490) **Section 2** of this bill requires that financial statements filed by certain hospitals include additional financial information about the hospitals. **Section 2** further requires these reports and other related reports from medical institutions to be in a form which is readily understandable by members of the general public and included on an Internet website maintained by the Nevada Department of Health and Human Services. In addition, **section 1** of this bill specifies additional information that must be included on the Internet website. Under existing law, the Director of the Department is authorized to impose an administrative penalty of not more than $500 per day for a violation of these reporting requirements. (NRS 449.530)

Existing law requires the Director of the Department to submit a report to the Legislative Committee on Health Care and the Interim Finance Committee of the Department's operations and activities for the preceding

fiscal year. (NRS 449.520) **Section 3** of this bill requires that the report include an analysis of the methodologies used to determine the corporate home office allocation of hospitals in this State.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 439A.270 is hereby amended to read as follows:

439A.270 1. The Department shall establish and maintain an Internet website that includes the information concerning the charges imposed and the quality of the services provided by the hospitals and surgical centers for ambulatory patients in this State as required by the programs established pursuant to NRS 439A.220 and 439A.240. The information must:

(a) Include, for each hospital in this State, the total number of patients discharged, the average length of stay and the average billed charges, reported for the 50 most frequent diagnosis-related groups for inpatients and 50 medical treatments for outpatients that the Department determines are most useful for consumers;

(b) Include, for each surgical center for ambulatory patients in this State, the total number of patients discharged and the average billed charges, reported for 50 medical treatments for outpatients that the Department determines are most useful for consumers;

(c) Be presented in a manner that allows a person to view and compare the information for the hospitals by:

(1) Geographic location of each hospital;

(2) Type of medical diagnosis; and

(3) Type of medical treatment;

(d) Be presented in a manner that allows a person to view and compare the information for the surgical centers for ambulatory patients by:

(1) Geographic location of each surgical center for ambulatory patients;

(2) Type of medical diagnosis; and

(3) Type of medical treatment;

(e) Be presented in a manner that allows a person to view and compare the information separately for:

(1) The inpatients and outpatients of each hospital; and

(2) The outpatients of each surgical center for ambulatory patients;

(f) Be readily accessible and understandable by a member of the general public;

(g) Include the annual summary of reports of sentinel events prepared pursuant to paragraph (d) of subsection 1 of NRS 439.840; ~~[and]~~

(h) ***Include a link to electronic copies of all reports, summaries, compilations and supplementary reports required by NRS 449.450 to 449.530, inclusive;***

(i) Include, for each hospital ~~*[in this State,]*~~ ***with 100 or more beds, a summary of financial information which is readily understandable by a***

member of the general public and which includes, without limitation, a summary of:

(1) The expenses of the hospital which are attributable to providing community benefits and in-kind services as reported pursuant to NRS 449.490;

(2) The capital improvement report submitted to the Department pursuant to NRS 449.490;

(3) The net income of the hospital;

(4) The net income of the consolidated corporation, if the hospital is owned by such a corporation and if that information is publicly available;

(5) The operating margin of the hospital;

(6) The ratio of the cost of providing care to patients covered by Medicare to the charges for such care;

(7) The ratio of the total costs to charges of the hospital; and

(8) The average daily occupancy of the hospital; and

(j) Provide any other information relating to the charges imposed and the quality of the services provided by the hospitals and surgical centers for ambulatory patients in this State which the Department determines is:

(1) Useful to consumers;

(2) Nationally recognized; and

(3) Reported in a standard and reliable manner.

2. The Department shall:

(a) Publicize the availability of the Internet website;

(b) Update the information contained on the Internet website at least quarterly;

(c) Ensure that the information contained on the Internet website is accurate and reliable;

(d) Ensure that the information contained on the Internet website is aggregated so as not to reveal the identity of a specific inpatient or outpatient of a hospital;

(e) Post a disclaimer on the Internet website indicating that the information contained on the website is provided to assist with the comparison of hospitals and is not a guarantee by the Department or its employees as to the charges imposed by the hospitals in this State or the quality of the services provided by the hospitals in this State, including, without limitation, an explanation that the actual amount charged to a person by a particular hospital may not be the same charge as posted on the website for that hospital;

(f) Provide on the Internet website established pursuant to this section a link to the Internet website of the Centers for Medicare and Medicaid Services of the United States Department of Health and Human Services; and

(g) Upon request, make the information that is contained on the Internet website available in printed form.

3. As used in this section, "diagnosis-related group" means groupings of medical diagnostic categories used as a basis for hospital payment schedules by Medicare and other third-party health care plans.

Sec. 2. NRS 449.490 is hereby amended to read as follows:

449.490 1. Every institution which is subject to the provisions of NRS 449.450 to 449.530, inclusive, shall file with the Department the following financial statements or reports in a form and at intervals specified by the Director but at least annually:

(a) A balance sheet detailing the assets, liabilities and net worth of the institution for its fiscal year; and

(b) A statement of income and expenses for the fiscal year.

2. Each hospital with 100 or more beds shall file with the Department, in a form and at intervals specified by the Director but at least annually, a capital improvement report which includes, without limitation, any major service line that the hospital has added or is in the process of adding since the previous report was filed, any major expansion of the existing facilities of the hospital that has been completed or is in the process of being completed since the previous report was filed, and any major piece of equipment that the hospital has acquired or is in the process of acquiring since the previous report was filed.

3. In addition to the information required to be filed pursuant to subsections 1 and 2, each hospital with 100 or more beds shall file with the Department, in a form and at intervals specified by the Director but at least annually:

(a) ~~[The corporate home office allocation methodology of the hospital, if any.~~

~~(b)]~~ The expenses that the hospital has incurred for providing community benefits and the in-kind services that the hospital has provided to the community in which it is located. ***These expenses must be reported as the total amount expended for community benefits and in-kind services and reported as a percentage of the total net revenues of the hospital.*** For the purposes of this paragraph, "community benefits" includes, without limitation, goods, services and resources provided by a hospital to a community to address the specific needs and concerns of that community, services provided by a hospital to the uninsured and underserved persons in that community, training programs for employees in a community and health care services provided in areas of a community that have a critical shortage of such services, for which the hospital does not receive full reimbursement.

~~[(c)]~~ ***(b)*** A statement of its policies and procedures for providing discounted services to, or reducing charges for services provided to, persons without health insurance that are in addition to any reduction or discount required to be provided pursuant to NRS 439B.260.

~~[(d)]~~ ***(c) A list of the services which the hospital purchased from its corporate home office;***

(d) A report of the cost to the hospital of providing services to patients covered by Medicare;

(e) Financial information from the consolidated corporation, if the hospital is owned by such a corporation and if that information is publicly available, including, without limitation, the annual report of the consolidated corporation;

(f) A statement of its policies regarding patients' account receivables, including, without limitation, the manner in which a hospital collects or makes payment arrangements for patients' account receivables, the factors that initiate collections and the method by which unpaid account receivables are collected.

4. A complete current charge master must be available at each hospital during normal business hours for review by the Director, any payor that has a contract with the hospital to pay for services provided by the hospital, any payor that has received a bill from the hospital and any state agency that is authorized to review such information. The complete and current charge master must be made available to the Department, at the request of the Director, in an electronic format specified by the Department. The Department may use the electronic copy of the charge master to review and analyze the data contained in the charge master and, except as otherwise provided in NRS 439A.200 to 439A.290, inclusive, shall not release or publish the information contained in the charge master.

5. The Director shall require the certification of specified financial reports by an independent certified public accountant and may require attestations from responsible officers of the institution that the reports are, to the best of their knowledge and belief, accurate and complete to the extent that the certifications and attestations are not required by federal law.

6. The Director shall require ~~[the]~~ ***:***

(a) The filing of all reports by specified dates, and may adopt regulations which assess penalties for failure to file as required ~~[, but the Director shall not require the]~~ ***; and***

(b) The submission of a final annual report ~~[sooner]~~ ***not later*** than 6 months after the close of the fiscal year,

➥ and may grant extensions to institutions which can show that the required information is not available on the required reporting date.

7. All reports, except privileged medical information, filed under any provisions of NRS 449.450 to 449.530, inclusive ~~[, are]~~ ***:***

(a) Are open to public inspection ~~[and must]~~ ***;***

(b) Must be in a form which is readily understandable by a member of the general public;

(c) Must, as soon as practicable after those reports become available, be ***posted on the Internet website maintained pursuant to NRS 439A.270; and***

(d) Must be available for examination at the office of the Department during regular business hours.

Sec. 3. NRS 449.520 is hereby amended to read as follows:

449.520 1. On or before October 1 of each year, the Director shall prepare and transmit to the Governor, the Legislative Committee on Health Care and the Interim Finance Committee a report of the Department's operations and activities for the preceding fiscal year.

2. The report prepared pursuant to subsection 1 must include:

(a) Copies of all ***reports,*** summaries, compilations and supplementary reports required by NRS 449.450 to 449.530, inclusive, together with such facts, suggestions and policy recommendations as the Director deems necessary;

(b) A summary of the trends of the audits of hospitals in this State that the Department required or performed during the previous year;

(c) An analysis of the trends in the costs, expenses and profits of hospitals in this State;

(d) An analysis of the ***methodologies used to determine the*** corporate home office allocation ~~[methodologies]~~ of hospitals in this State;

(e) An examination and analysis of the manner in which hospitals are reporting the information that is required to be filed pursuant to NRS 449.490, including, without limitation, an examination and analysis of whether that information is being reported in a standard and consistent manner, which fairly reflect the operations of each hospital;

(f) A review and comparison of the policies and procedures used by hospitals in this State to provide discounted services to, and to reduce charges for services provided to, persons without health insurance;

(g) A review and comparison of the policies and procedures used by hospitals in this State to collect unpaid charges for services provided by the hospitals; and

(h) A summary of the status of the programs established pursuant to NRS 439A.220 and 439A.240 to increase public awareness of health care information concerning the hospitals and surgical centers for ambulatory patients in this State, including, without limitation, the information that was posted in the preceding fiscal year on the Internet website maintained for those programs pursuant to NRS 439A.270.

3. The Legislative Committee on Health Care shall develop a comprehensive plan concerning the provision of health care in this State which includes, without limitation:

(a) A review of the health care needs in this State as identified by state agencies, local governments, providers of health care and the general public; and

(b) A review of the capital improvement reports submitted by hospitals pursuant to subsection 2 of NRS 449.490.

Sec. 4. (Deleted by amendment.)

Assemblywoman Smith moved that the Assembly concur in the Senate amendment to Assembly Bill No. 160.

Remarks by Assemblywoman Smith.
Motion carried by a constitutional majority.
Bill ordered enrolled.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Frierson, Benitez-Thompson, and Hammond as a Conference Committee to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 362.

RECEDE FROM ASSEMBLY AMENDMENTS

Senate Bill No. 264
Assemblywoman Mastroluca moved that the Assembly do not recede from its action on Senate Bill No. 264, that a conference be requested, and that Mr. Speaker appoint a first Conference Committee consisting of three members to meet with a like committee of the Senate.
Remarks by Assemblywoman Mastroluca.
Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Pierce, Hammond, and Benitez-Thompson as a Conference Committee to meet with a like committee of the Senate for the further consideration of Senate Bill No. 264.

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 196, 365, 382, 422, 459, 477, 478, 551; Assembly Joint Resolution No. 5 of the 75th Session; Assembly Concurrent Resolution No. 11; Senate Bills Nos. 245, 470, 474, 478, 479, 482; Senate Concurrent Resolutions Nos. 1 and 2.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Frierson, the privilege of the floor of the Assembly Chamber for this day was extended to Abbie Parolise.

Assemblyman Conklin moved that the Assembly adjourn until Sunday, May 29, 2011, at 12:30 p.m.
Motion carried.

Assembly adjourned at 4:25 p.m.

Approved: JOHN OCEGUERA
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE ONE HUNDRED TWELFTH DAY

CARSON CITY (Sunday) May 29, 2011

Assembly called to order at 1:41 p.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, April Mastroluca.

Good afternoon. Today I would like to read a passage from 2 Corinthians. The author Paul sends a letter to the church in Corinth to address his concerns by false teachers that Paul was not a genuine Apostle and that he was keeping money that was being collected for the poor.

In Chapter 9 Paul writes:

> "Remember this: Whoever sows sparingly will also reap sparingly, and whoever sows generously will also reap generously. Each man should give what he has decided in his heart to give, not reluctantly or under compulsion, for God loves a cheerful giver.
>
> Now he who supplies seed to the sower and bread for food will also supply and increase your store of seed and will enlarge the harvest of your righteousness. You will be made rich in every way so that you can be generous on every occasion, and through us your generosity will result in thanksgiving to God. This service that you perform is not only supplying the needs of God's people but is also overflowing in many expressions of thanks to God. Because of the service by which you have proved yourselves, men will praise God for the obedience that accompanies your confession of the gospel of Christ, and for your generosity in sharing with them and with everyone else. And in their prayers for you their hearts will go out to you, because of the surpassing grace God has given you. Thanks be to God for his indescribable gift!"

Heavenly Father, we hear Your Word and it reminds us that we are here to share Your Grace that You have generously bestowed upon us with others. Please help us remember this in all that we do. We ask for Your blessing on this day and all we will accomplish. In Matthew chapter 12, Your Son Jesus tells the Pharisees that the law permits a person to do good on the Sabbath. Allow us to do our work for Your good on this Holy day. It is in Your Son's name we pray.

AMEN.

Pledge of allegiance to the Flag.

Assemblywoman Kirkpatrick moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which was referred Senate Bill No. 106, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

KELVIN ATKINSON, *Chair*

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Senate Bills Nos. 65, 110, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Government Affairs, to which was rereferred Senate Bill No. 432, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MARILYN K. KIRKPATRICK, *Chair*

Mr. Speaker

Your Committee on Health and Human Services, to which was referred Senate Bill No. 419, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

APRIL MASTROLUCA, *Chair*

Mr. Speaker:

Your Committee on Judiciary, to which was referred Senate Bill No. 187, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Judiciary, to which were referred Senate Bills Nos. 24, 47, 55, 381, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

WILLIAM C. HORNE, *Chair*

Mr. Speaker:

Your Committee on Legislative Operations and Elections, to which was referred Senate Bill No. 304, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

TICK SEGERBLOM, *Chair*

Mr. Speaker:

Your Committee on Transportation, to which was referred Senate Bill No. 48, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Transportation, to which was referred Senate Bill No. 321, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MARILYN DONDERO LOOP, *Chair*

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Assembly Bill No. 515, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which was referred Assembly Bill No. 563, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which was rereferred Assembly Bill No. 171, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which was rereferred Assembly Bill No. 300, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which was rereferred Assembly Bill No. 332, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which was rereferred Assembly Bill No. 432, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DEBBIE SMITH, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 28, 2011

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 500, 519, 521.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 308, Amendment No. 706; Assembly Bill No. 393, Amendment No. 759; Assembly Bill No. 398, Amendments Nos. 619, 778; Assembly Bill No. 419, Amendment No. 789; Assembly Bill No. 501, Amendment No. 692; Assembly Bill No. 545, Amendment No. 750, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 282, Senate Amendments Nos. 780, and requests a conference, and appointed Senators Kihuen, McGinness and Copening as a Conference Committee to meet with a like committee of the Assembly.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly Amendment No. 721 to Senate Bill No. 190; Assembly Amendment No. 669 to Senate Bill No. 234; Assembly Amendment No. 638 to Senate Bill No. 237; Assembly Amendment No. 718 to Senate Bill No. 273; Assembly Amendment No. 642 to Senate Bill No. 358.

Also, I have the honor to inform your honorable body that the Senate on this day passed Senate Joint Resolution No. 15.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Conklin moved that Assembly Bills Nos. 171, 300, and 432, just reported out of committee, be placed at the top of the General File.

Motion carried.

Assemblyman Conklin moved that Assembly Bills Nos. 332, 515, 563; Senate Bills Nos. 24, 47, 48, 55, 65, 106, 110, 187, 304, 321, 381, 419, and 432, just reported out of committee, be placed on the Second Reading File.

Motion carried.

Assemblyman Conklin moved that Assembly Bill No. 300 be taken from the General File and placed on the Chief Clerk’s desk.

Motion carried.

Assemblyman Conklin moved that the action whereby Senate Bill No. 475 was referred to the Committee on Transportation be rescinded.

Motion carried.

Assemblyman Conklin moved that Senate Bill No. 475 be referred to the Committee on Ways and Means.

Motion carried.

Assemblywoman Kirkpatrick moved that Assembly Amendment No. 700 to Senate Bill No. 432 be withdrawn.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 332.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 784.

AN ACT relating to state financial administration; ~~[requiring the Economic Forum to hold at least one regular meeting during each calendar quarter; providing for a member of the Economic Forum to be considered present at a meeting of the Economic Forum if the member is participating in the meeting by telephone or video conference;]~~ amending certain reporting requirements of the Economic Forum; ~~[authorizing the Chair of the Economic Forum to limit certain deliberations of the Economic Forum;]~~ **requiring the Economic Forum to hold additional meetings;** authorizing the ~~[Chair of the]~~ Economic Forum to request certain information and testimony; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the Economic Forum, a panel of economic and financial experts appointed by the Governor, the Majority Floor Leader of the Senate and the Speaker of the Assembly, provides revenue estimates and projections to the Governor and the Legislature. (NRS 353.226, 353.228) This bill makes a number of changes to the operations of the Economic Forum. ~~[Section 1 of this bill requires the Economic Forum to hold at least one meeting during each calendar quarter rather than the current requirement of meeting as often as necessary to accomplish its statutory duties. Section 1 also requires the Chair of the Economic Forum to set the agenda for the meetings and authorizes the Chair to consider a member present at a meeting, for purposes of complying with the Open Meeting Law, if the member is participating in the meeting by telephone or video conference.]~~ **Section 2** of this bill requires certain reports of the Economic Forum that currently must be made, respectively, on or before December 1 before each regular session of the Legislature and on or before May 1 of the following year to instead be made on or before December ~~[1]~~ **3 of each even-numbered year** and May 1 of each **odd-numbered** year. **Section 2** also **requires the Economic Forum to hold additional meetings, on or before June 10 of each even-numbered year and December 10 of each odd-numbered year, to consider current economic indicators and to update the status of actual State General**

Fund revenue accordingly, as compared to the most recent revenue estimates made by the Economic Forum. The Economic Forum then must present the updated information to the Interim Finance Committee and must make the information available to the public on the website of the Legislature. Finally, section 2 authorizes the ~~[Chair to limit certain deliberations of the]~~ Economic Forum ~~[and]~~ to request testimony and ~~[written]~~ information from any state agency, which then must provide the testimony or information.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. ~~[~~NRS 353.227 is hereby amended to read as follows:

353.227 1. The Economic Forum impaneled pursuant to NRS 353.226 shall:

(a) Elect a Chair and Vice Chair from among its members at its first meeting;

(b) Adopt such rules governing the conduct of the Economic Forum as it deems necessary; and

(c) Hold ~~[~~such number of~~]~~ ~~:~~

~~*(1) One meeting each calendar quarter; and*~~

~~*(2) Such number of additional*~~ meetings as may be necessary to accomplish the tasks assigned to it in the time allotted.

2. ~~*The Chair of the Economic Forum shall set the agenda for each meeting of the Economic Forum.*~~

~~*3.*~~ The Director of the Legislative Counsel Bureau and Chief of the Budget Division of the Department of Administration shall jointly provide the Economic Forum with:

(a) Meeting rooms;

(b) Staff;

(c) Data processing services; and

(d) Clerical assistance.

~~[~~3. A~~]~~ ~~*4. Subject to the provisions of subsection 5, a*~~ majority of the members constitutes a quorum and a majority of those present must concur in any decision.

~~[~~4.~~]~~ ~~*5. For the purposes of complying with the provisions of chapter 241 of NRS, at the discretion of the Chair, a member is present at a meeting if the member is participating in the meeting by telephone or video conference.*~~

~~*6.*~~ While engaged in the business of the Economic Forum, each member is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

~~[~~5.~~]~~ ~~*7.*~~ In addition to the per diem allowance and travel expenses provided in subsection ~~[~~4,~~]~~ ~~*6,*~~ each member of the Economic Forum who is

~~appointed by the Governor pursuant to subsection 2 of NRS 353.226 is entitled to receive for each meeting of the Economic Forum:~~

~~(a) Eighty dollars for 1 day of preparation for that meeting; and~~

~~(b) Eighty dollars for each day or part of a day during which the meeting lasts.~~**] (Deleted by amendment.)**

Sec. 2. NRS 353.228 is hereby amended to read as follows:

353.228 1. The Economic Forum impaneled pursuant to NRS 353.226 shall:

(a) Make such projections for economic indicators as it deems necessary to ensure that an accurate estimate is produced pursuant to paragraph (b);

(b) Provide an accurate estimate of the revenue that will be collected by the State for general, unrestricted uses, and not for special purposes, during the biennium that begins on July 1 of the year following the date on which the Economic Forum was empaneled;

(c) Request such technical assistance as the Economic Forum deems necessary from the Technical Advisory Committee created by NRS 353.229;

(d) On or before December ~~[1]~~ ***3*** of ~~[the]~~ ***each*** ***even-numbered*** year **,** ~~[in which the Economic Forum was empaneled,]~~ prepare a written report of its projections of economic indicators and estimate of future state revenue required by paragraphs (a) and (b) and present the report to the Governor and the Legislature; ~~[and]~~

(e) On or before May 1 of ~~[the]~~ ***each*** ***odd-numbered*** year **,** ~~[following the year in which the Economic Forum was empaneled,]~~ prepare a written report confirming or revising the projections of economic indicators and estimate of future state revenue contained in the report prepared pursuant to paragraph (d) and present the report to the Governor and the Legislature ~~[.]~~ ***; and***

(f) Except as otherwise provided in subsection 2, on or before June 10 of each even-numbered year and December 10 of each odd-numbered year, hold a meeting to consider current economic indicators, including, without limitation, employment, unemployment, personal income and any other indicators deemed appropriate by the Economic Forum. Based on current economic indicators, the Economic Forum shall update the status of actual State General Fund revenue compared to the most recent forecast of the Economic Forum. The provisions of this paragraph are not intended to authorize the Economic Forum to make additional forecasts pursuant to paragraph (b). At the next appropriate meeting of the Interim Finance Committee, the Chair of the Economic Forum or a member of the staff of the Economic Forum shall present to the Interim Finance Committee such matters considered at the meeting of the Economic Forum held pursuant to this paragraph, as the Economic Forum determines appropriate. Any such information presented to the Interim Finance Committee must be made available on the Internet website of the Legislature.

2. ***If the deadline for preparing a report or holding a meeting as required in subsection 1 falls on a Saturday, Sunday or legal holiday, the deadline is extended to the second business day following the deadline.***

3. The ~~*[At the discretion of the Chair, the]*~~ Economic Forum may make preliminary projections of economic indicators and estimates of future state revenue at any time. Any such projections and estimates must be made available to the various agencies of the State through the Chief. ~~*[, for the reports prepared and presented pursuant to paragraphs (d) and (e) of subsection 1:*~~

~~*(a) Limit its deliberations regarding future state revenue to major sources of revenue; and*~~

~~*(b) Accept written estimates of other sources of revenue.*~~

~~**3.]**~~ ***4.*** The Economic Forum ~~*[Chair]*~~ may request ~~*[, on behalf of the Economic Forum, written]*~~ information directly from any state agency ~~**[.]**~~ ***, including, without limitation, the Nevada System of Higher Education.*** A state agency ***, including, without limitation, the Nevada System of Higher Education,*** that receives a reasonable request for ~~*[written]*~~ information from the Economic Forum shall comply with the request as soon as is reasonably practicable after receiving the request.

~~**[4.]**~~ ***5. The*** ~~*[Chair]*~~ ***Economic Forum may request direct testimony from any state agency, including, without limitation, the Nevada System of Higher Education, at a meeting of the Economic Forum or the Technical Advisory Committee. The head, or a designee thereof, of a state agency, including, without limitation, the Nevada System of Higher Education, who receives a reasonable request for direct testimony at a meeting of the Economic Forum or the Technical Advisory Committee shall appear at the meeting and shall comply with the request.***

~~*[5.]*~~ ***6.*** To carry out its duties pursuant to this section, the Economic Forum may consider any ~~*[request]*~~ information ~~*[and direct testimony from the Technical Advisory Committee and from independent sources and may consider any information]*~~ received from ~~*[and direct testimony given by]*~~ the Technical Advisory Committee and any other information received from independent sources.

~~**[5.]**~~ ~~*[6.]*~~ ***7.*** Copies of the projections and estimates made pursuant to this section must be made available to the public by the Director of the Legislative Counsel Bureau for the cost of reproducing the material.

Sec. 3. This act becomes effective on July 1, 2011.

Assemblyman Hickey moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 515.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 786.

AN ACT relating to the promotion of livestock; ~~**[**creating the Fund for the Nevada Junior Livestock Show Board;**]**~~ making various changes to the

Nevada Junior Livestock Show Board; ~~[authorizing the Board to charge and collect a reasonable fee for participation in the Nevada Junior Livestock Show and the Nevada Youth Livestock and Dairy Show;]~~ repealing the requirement that the promotion of livestock be funded by direct legislative appropriation from the State General Fund; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Under existing law, money used to carry out the provisions of chapter 563 of NRS concerning the promotion of livestock is required to be provided by direct legislative appropriation from the State General Fund. (NRS 563.140) Section 7 of this bill repeals that provision, and section 2 of this bill creates the Fund for the Nevada Junior Livestock Show Board for the purpose of funding the activities of the Board. Section 5 of this bill authorizes the Board to impose an entry fee for participation in the Nevada Junior Livestock Show and the Nevada Youth Livestock and Dairy Show. Section 6 of this bill requires participants to pay such a fee if one is imposed by the Board, which must be deposited in the Fund.]~~

Under existing law, members of the **Nevada Junior Livestock Show** Board are entitled to receive compensation, per diem allowances and travel expenses provided for state officers and employees generally. (NRS 563.060) **Section 7** of this bill repeals that provision, and **section 3** of this bill prohibits members of the Board from receiving compensation, per diem allowances and travel expenses.

Under existing law, one of the members of the Board must be a member of the staff of the State Board for Career and Technical Education. (NRS 563.030) **Section 4** of this bill replaces that member with a person who is a secondary agriculture educator nominated by the agriculture education program ~~[specialist]~~ **professional** at the Department of Education.

Existing law requires the Board to maintain possession and care of all property of the Nevada Junior Livestock Show, the Nevada Youth Livestock and Dairy Show and the Nevada State Horse Program and each year to conduct the Nevada Junior Livestock Show, the Nevada Youth Livestock and Dairy Show and the Nevada State Horse Program. (NRS 563.080, 563.100) Sections 5 and 6 of this bill delete the Nevada State Horse Program from those requirements.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. ~~[Chapter 563 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.]~~ **(Deleted by amendment.)**

Sec. 2. ~~*[1. The Fund for the Nevada Junior Livestock Show Board is hereby created. The Fund must be administered by the Board.*~~

~~*2. Any money received by the Board pursuant to NRS 563.010 to 563.140, inclusive, and sections 2 and 3 of this act must be deposited into the Fund.*~~

~~*3. The interest and income earned on the money in the Fund, after deducting any applicable charges, must be credited to the Fund.*~~

~~*4. The money in the Fund must only be used for the promotion of agriculture within this State and must not be used to replace or supplant money available from other sources.*~~

~~*5. Any fees collected from participants of the annual Nevada Junior Livestock Show and the Nevada Youth Livestock and Dairy Show must be deposited in the Fund and expended only for the Board and for the annual Nevada Junior Livestock Show and Nevada Youth Livestock and Dairy Show.*~~

~~*6. The money in the Fund does not lapse to the State General Fund at the end of a fiscal year.]*~~ **(Deleted by amendment.)**

Sec. 3. **Chapter 563 of NRS is hereby amended by adding thereto a new section to read as follows:**

The members of the Board serve without compensation and are not entitled to the per diem and travel expenses provided for state officers and employees generally.

Sec. 4. NRS 563.030 is hereby amended to read as follows:

563.030 1. One member of the Board must be a member of the teaching staff of the College of Agriculture ***, Biotechnology and Natural Resources*** of the University of Nevada, Reno.

2. One member of the Board must be a member of the staff of the ~~[Agricultural Extension Department of the Public Service Division of the Nevada System of Higher Education.]~~ ***University of Nevada Cooperative Extension.***

3. One member of the Board must be a ~~[member of the staff of the State Board for Career and Technical Education.]~~ ***secondary agriculture educator nominated by the agriculture education program*** ~~*[specialist]*~~ ***professional at the Department of Education.***

4. Four members of the Board must be persons concerned with the raising and improving of livestock in the State of Nevada, not necessarily stock raisers, selected as follows:

(a) Two persons whose interest is in cattle and sheep;

(b) One person whose interest is in ~~[horses;]~~ ***general agriculture;*** and

(c) One person whose interest is in dairying.

5. All members must be residents of the State of Nevada.

Sec. 5. NRS 563.080 is hereby amended to read as follows:

563.080 1. The Board shall have possession and care of all property of the Nevada Junior Livestock Show ~~[,]~~ ***and*** the Nevada Youth Livestock and Dairy Show ~~[and the Nevada State Horse Program]~~ and shall be entrusted with the direction of the entire business and financial affairs of these exhibitions.

2. The Board ~~[shall have the power:]~~ ***may:***

(a) ~~[To appoint]~~ ***Appoint*** employees and define their duties.

(b) ~~[To adopt]~~ ***Adopt*** bylaws, rules and regulations for the government of the Nevada Junior Livestock Show Board, the ***Nevada*** Junior Livestock Show ~~[,]~~ ***and*** the Nevada Youth Livestock and Dairy Show ~~[, the Nevada State Horse Program,]~~ and for all exhibitions of livestock.

(c) ~~[To acquire]~~ ***Acquire*** or lease real and personal property, buildings and improvements.

~~[~~ ~~*(d) Charge and collect a reasonable entry fee from each participant in the Nevada Junior Livestock Show and the Nevada Youth Livestock and Dairy Show.]*~~

Sec. 6. NRS 563.100 is hereby amended to read as follows:

563.100 1. The Nevada Junior Livestock Show Board shall each year conduct the ***Nevada*** Junior Livestock Show ~~[,]~~ ***and*** the Nevada Youth Livestock and Dairy Show ~~[and the Nevada State Horse Program]~~ at places to be determined by the Board.

2. To enter any exhibition named in subsection 1, a person must ***:*** ~~[be:]~~

(a) ~~[Certified]~~ ***Be certified*** by the State 4-H Club Leader or the ~~[State Supervisor of]~~ ~~[Occupational Agricultural]~~ ~~*[Secondary Agriculture]*~~ ***agriculture education program professional at the Department of*** Education ~~*[;]*~~ ; and

(b) ~~[Under]~~ ***Be under*** 19 years of age except that the Board, upon considering the requirements of a specific event involved may allow entry by a person 19 years of age or older who is registered as a regular student in an animal science course under the Nevada System of Higher Education . ~~*[; and*~~

~~*(c) Pay the entry fee imposed pursuant to paragraph (d) of subsection 2 of NRS 563.080, if any.]*~~

3. Entries of animals in any exhibition named in subsection 1 are limited to those owned or controlled according to the requirements of the exhibition.

Sec. 7. NRS 563.060 and 563.140 are hereby repealed.

Sec. 8. Any remaining balance of an appropriation made pursuant to NRS 563.140 must not be committed for expenditure after June 30, 2011, and reverts to the State General Fund as soon as all payments of money committed have been made.

Sec. 9. Notwithstanding the amendatory provisions of this act, the member of the Nevada Junior Livestock Show Board who is a member of the staff of the **Agricultural Extension Department of the Public Service Division of the Nevada System of Higher Education pursuant to subsection 2 of NRS 563.030 and the member of that Board who is a member of the staff of the** State Board for Career and Technical Education appointed pursuant to subsection 3 of NRS 563.030 on July 1, 2011, and who ~~[is]~~ **are** otherwise qualified to serve ~~[in that capacity]~~ **as members of that Board** on that date may continue to serve for the remainder of ~~[his or her]~~ **their respective** unexpired ~~[term]~~ **terms** or until ~~[his or her successor is]~~ **their respective successors are** appointed pursuant to ~~[subsection]~~

subsections 2 and 3 of NRS 563.030, as amended by section 4 of this act, whichever occurs first.

Sec. 10. This act becomes effective on July 1, 2011.

TEXT OF REPEALED SECTIONS

563.060 Compensation of members and employees.

1. The members of the Board are entitled to receive a salary of not more than $80, as fixed by the Board, for each day's attendance at a meeting of the Board.

2. While engaged in the business of the Board, each member and employee of the Board is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

563.140 Legislative appropriations. Funds to carry out the provisions of this chapter shall be provided by direct legislative appropriation from the General Fund, upon the presentation of budgets in the manner required by law, and shall be paid out on claims as other claims against the State are paid.

Assemblyman Hickey moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 563.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 782.

AN ACT relating to programs for public personnel; establishing for the next biennium the amount to be paid to the Public Employees' Benefits Program for insurance for certain active and retired public officers and employees; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1 of this bill establishes the amount of the State's share of the costs of premiums or contributions for group insurance for active state officers and employees who participate in the Public Employees' Benefits Program. **Section 2** of this bill establishes the base amount that is used to calculate the share of the costs of premiums or contributions for group insurance under the Program that is required to be paid by the State and local governments for retired public officers and employees. **Section 2** of this bill also establishes the base amount that is used to calculate the share of the cost of qualified medical expenses for individual Medicare insurance plans through the Program that is required to be paid by the State and local governments for retired public officers and employees **~~[.]~~ and provides for an increase to that base amount in Fiscal Year 2012-2013 if the Board of the Program determines that additional reserves of the Program are available for this purpose.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. 1. For the purposes of NRS 287.044 and 287.0445, the State's share of the cost of premiums or contributions for group insurance for each active state officer or employee who elects to participate in the Public Employees' Benefits Program is:

(a) For the Fiscal Year 2011-2012, $644.81 per month.

(b) For the Fiscal Year 2012-2013, $733.64 per month.

2. If the amount of the State's share pursuant to this section exceeds the actual premium or contribution for the plan of the Public Employees' Benefits Program that the state officer or employee selects less any amount paid by the state officer or employee toward the premium or contribution, the balance must be credited to the Fund for the Public Employees' Benefits Program created by NRS 287.0435, which may be used to pay a portion of the premiums or contributions for persons that are eligible to participate in the Public Employees' Benefits Program through such a state officer or employee.

Sec. 2. 1. Except as otherwise provided in subsection 2, for the purposes of NRS 287.023 and 287.046, the base amount for the share of the cost of premiums or contributions for group insurance for each person who has retired with state service and continues to participate in the Public Employees' Benefits Program is:

(a) For the Fiscal Year 2011-2012, $418.41 per month.

(b) For the Fiscal Year 2012-2013, $472.64 per month.

2. For the purposes of NRS 287.023 and 287.046, the base amount for the share of the cost of qualified medical expenses for each person who has retired with state service and whose coverage is provided through the Public Employees' Benefits Program by an individual medical plan offered pursuant to the Health Insurance for the Aged Act, 42 U.S.C. §§ 1395 et seq., for Fiscal Year 2011-2012 and Fiscal Year 2012-2013 is:

(a) For those persons who retired before January 1, 1994, $150 per month.

(b) For those persons who retired on or after January 1, 1994, $10 per month per year of service, excluding service purchased pursuant to NRS 1A.310 or 286.300, up to a maximum of $200 per month.

➥ For Fiscal Year 2012-2013, the amounts specified in paragraphs (a) and (b) may be increased by an amount based on the percentage increase in the premium for Part B of the Health Insurance for the Aged Act, 42 U.S.C. §§ 1395 et seq., between the calendar year ending on December 31, 2011, and the calendar year ending on December 31, 2012, which must be rounded to the nearest dollar. The amount of such an increase must be paid from the reserves of the Program if the Board of the Program determines that reserves in excess of the actuarially required reserves of the Program are available for this purpose.

3. No money may be paid by the State Retirees' Health and Welfare Benefits Fund created by NRS 287.0436 on behalf of a person who is initially hired by the State on or after January 1, 2010, and who:

(a) Has not participated in the Program on a continuous basis since his or her retirement from such employment; or

(b) Does not have at least 15 years of service credit upon retirement, unless the person does not have at least 15 years of service credit as a result of a disability for which disability benefits are received under the Public Employees' Retirement System or a retirement program for professional employees offered by or through the Nevada System of Higher Education, and has participated in the Program on a continuous basis since his or her retirement from such employment.

4. If the amount calculated pursuant to this section exceeds the actual premium or contribution for the plan of the Program that the retired participant selects, the balance must be credited to the Fund for the Public Employees' Benefits Program created by NRS 287.0435.

Sec. 3. This act becomes effective on July 1, 2011.

Assemblyman Hickey moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Senate Bill No. 24.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 731.

AN ACT relating to courts; revising provisions concerning writs of execution in justice courts; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that a writ of execution in a justice court may be issued by the justice of the peace who entered the judgment or any successor in office. (NRS 70.010) A justice of the peace may also renew such a writ of execution. (NRS 70.030) Additionally, existing law requires that a writ of execution in a justice court must contain certain information. (NRS 70.020)

Sections 1 and 2 of this bill authorize a justice of the peace or the clerk of the justice court **, under the direction and supervision of a justice of the peace,** to issue writs of execution in the justice court. **Section 2** also revises the required information that such a writ of execution must contain. **Section 3** of this bill provides that in addition to issuing writs of execution, a justice of the peace or the clerk of the justice court **, under the direction and supervision of a justice of the peace,** may also renew writs of execution.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 70.010 is hereby amended to read as follows:

70.010 1. Execution for the enforcement of a judgment of a justice court may be issued by ~~[the]~~ ***a*** justice ~~[who entered the judgment, or any successor in office,]~~ ***or the clerk of the court , under the direction and supervision of a justice,*** on the application of the party entitled thereto, at any time within 6 years from the entry of judgment.

2. The court, or any justice thereof, may stay the execution of any judgment, including any judgment in a case of forcible or unlawful detainer, for a period not exceeding 10 days.

Sec. 2. NRS 70.020 is hereby amended to read as follows:

70.020 The execution must:

1. Be directed to a sheriff of any county in the State or to a constable of the county in which the justice court is located.

2. Be ~~[subscribed by the justice.]~~ ***issued in the name of the State of Nevada, sealed with the seal of the court and subscribed by a justice or the clerk of the justice court ~~[.]~~ , under the direction and supervision of a justice.***

3. ~~[Bear date the day of its delivery to the officer.~~

~~4.]~~ Intelligibly refer to the judgment, by stating the ~~[names]~~ ***:***

(a) Justice court in which the judgment was entered;

(b) Date when the judgment was entered;

(c) Names of the parties ~~[, and the name]~~ ***;***

(d) Name of the justice ~~[before whom, and of the county]~~ ***who entered the judgment; and***

(e) County and the township or city where ~~[, and the time when it was rendered.~~

~~5.]~~ ***the judgment was entered.***

4. State the ~~[amount of]~~ judgment, ***and*** if it ~~[be]~~ ***is*** for money, ~~[and, if less than the whole is due,]~~ the ~~[true]~~ amount ***thereof, and the amount actually*** due thereon.

~~[6.]~~ ***5.*** Contain, in like cases, similar directions to the sheriff or constable, as are required by the provisions of chapter 21 of NRS, in an execution to the sheriff.

Sec. 3. NRS 70.030 is hereby amended to read as follows:

70.030 An execution may, at the request of the judgment creditor, be renewed before the expiration of the time fixed for its return, by the word "renewed" written thereon, with the date thereof, and subscribed by ~~[the justice.]~~ ***a justice or the clerk of the justice court ~~[.]~~ , under the direction and supervision of a justice.*** Such renewal has the effect of an original issue ~~[,]~~ and may be repeated as often as necessary. If an execution is returned unsatisfied, another may be afterwards issued.

Sec. 4. NRS 70.050 is hereby amended to read as follows:

70.050 ~~[The]~~ ***Except as otherwise provided in this chapter, the*** provisions of chapter 21 of NRS are applicable to justice courts, the word "justice" being inserted in lieu of the ~~[words]~~ ***word*** "judge" ~~[and "clerk" whenever they occur,]~~ ***wherever the word appears*** and the word "constable"

being ~~[substituted to that end for]~~ ***inserted in lieu of*** the word ~~[“sheriff.”]~~ ***“sheriff” wherever the word appears.***

Sec. 5. This act becomes effective upon passage and approval.

Assemblyman Ohrenschall moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, reengrossed, and to third reading.

Senate Bill No. 47.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 736.

SUMMARY— ~~[Clarifies the definition of]~~ **Defines the term** “minor” for the purposes of ~~[certain criminal statutes.]~~ **the crime of kidnapping in the first degree.** (BDR 15-121)

AN ACT relating to crimes; ~~[clarifying the definition of]~~ **defining the term** “minor” for the purposes of ~~[certain criminal statutes;]~~ **the crime of kidnapping in the first degree;** and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

~~[On July 30, 2009, the Fourth Judicial District Court, in and for the County of Elko, held that the provisions of NRS 200.710 concerning the unlawful use of a minor in producing pornography or as a subject of sexual portrayal in a performance are unconstitutionally vague because it is unclear whether the term “minor” means a person under 16 years of age or a person under 18 years of age. (State of Nevada v. Aaron Taylor Hughes, Nev. Fourth Jud. Dist. Ct. Case No. CR-FP-08-2848 (July 30, 2009))~~

~~This bill defines “minor,” as used in title 15 of NRS (Crimes and Punishments), to mean a person who is under 18 years of age, except as otherwise defined by specific statute.]~~

Existing law establishes degrees of kidnapping and provides that kidnapping in the first degree includes certain actions performed with the intent to keep a minor away from his or her parents, guardians or any person who has lawful custody of the minor, or with the intent to hold the minor to unlawful service, or perpetrate any unlawful act upon the minor. (NRS 200.310) This bill defines the term “minor” as used in those provisions of existing law as a person who is under 18 years of age.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. ~~[Chapter 193 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~***Except as otherwise defined by specific statute, “minor” means a person who is under 18 years of age.]***~~ **(Deleted by amendment.)**

Sec. 2. ~~[NRS 193.010 is hereby amended to read as follows:~~

~~193.010 As used in this title, unless the context otherwise requires, the words and terms defined in NRS 193.011 to 193.0245, inclusive, *and section 1 of this act* have the meanings ascribed to them in those sections.~~] **(Deleted by amendment.)**

Sec. 2.5. **NRS 200.310 is hereby amended to read as follows:**

200.310 1. A person who willfully seizes, confines, inveigles, entices, decoys, abducts, conceals, kidnaps or carries away a person by any means whatsoever with the intent to hold or detain, or who holds or detains, the person for ransom, or reward, or for the purpose of committing sexual assault, extortion or robbery upon or from the person, or for the purpose of killing the person or inflicting substantial bodily harm upon the person, or to exact from relatives, friends, or any other person any money or valuable thing for the return or disposition of the kidnapped person, and a person who leads, takes, entices, or carries away or detains any minor with the intent to keep, imprison, or confine the minor from his or her parents, guardians, or any other person having lawful custody of the minor, or with the intent to hold the minor to unlawful service, or perpetrate upon the person of the minor any unlawful act is guilty of kidnapping in the first degree which is a category A felony.

2. A person who willfully and without authority of law seizes, inveigles, takes, carries away or kidnaps another person with the intent to keep the person secretly imprisoned within the State, or for the purpose of conveying the person out of the State without authority of law, or in any manner held to service or detained against the person's will, is guilty of kidnapping in the second degree which is a category B felony.

3. As used in this section, "minor" means a person who is under 18 years of age.

Sec. 3. This act becomes effective on July 1, 2011.

Assemblyman Ohrenschall moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Senate Bill No. 48.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 671.

AN ACT relating to vehicles; revising provisions relating to the issuance of permits for travel on the highways of this State for certain oversize or overweight vehicles; revising provisions regarding administrative fines and penalties for certain violations of such permits; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Department of Transportation to issue permits for travel on the highways of this State by vehicles that exceed certain limits

regarding size or weight, and provides criminal penalties for the failure to obtain such a permit or to misuse such a permit. (NRS 484D.600, 484D.620, 484D.680, 484D.745) **Sections 25, 26 and 35** of this bill require the Department of Motor Vehicles to issue permits for vehicles that exceed certain length requirements. **Section 25** also authorizes the Department of Transportation to issue permits that further restrict size or weight limits in certain circumstances, and to allow reciprocity with other states regarding various vehicle permits. **Section 19** of this bill authorizes the Department of Transportation to impose an administrative fine for certain violations of a permit, and **sections 27 and 35** of this bill give the Department of Motor Vehicles similar authority. **Section 19** also requires the Department of Transportation to issue, free of charge, a replacement for a permit that has been lost or stolen, and **section 35** also authorizes the Department of Motor Vehicles to charge a fee for a similar replacement permit. **Section 20** of this bill authorizes both the Department of Transportation and the Department of Motor Vehicles to impose certain penalties for repeated permit violations within 1 year. **Section 32** of this bill authorizes a city, a county, the Department of Transportation and any other agency involved to charge the holder of certain permits for ~~[any]~~ **certain** costs incurred in the travel of the permitted vehicle**.** ~~[, such as traffic escorts, movement of various utilities to allow travel and damage done to any highway of this State.]~~

Sections 14 and 17 of this bill provide various definitions to comport with certain federal regulations.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. (Deleted by amendment.)

Sec. 2. (Deleted by amendment.)

Sec. 3. (Deleted by amendment.)

Sec. 4. (Deleted by amendment.)

Sec. 5. (Deleted by amendment.)

Sec. 6. (Deleted by amendment.)

Sec. 7. (Deleted by amendment.)

Sec. 8. (Deleted by amendment.)

Sec. 9. (Deleted by amendment.)

Sec. 10. (Deleted by amendment.)

Sec. 11. (Deleted by amendment.)

Sec. 12. (Deleted by amendment.)

Sec. 13. Chapter 484D of NRS is hereby amended by adding thereto the provisions set forth as sections 14 to 20, inclusive, of this act.

Sec. 14. *"**Divisible" means capable of being separated into smaller loads or vehicle combinations without:*

*1. **Compromising the intended use of the load or vehicles;***

*2. **Destroying the value of the load or a vehicle; or***

3. Requiring more than 8 hours of work, using appropriate equipment, to separate.

Sec. 15. (Deleted by amendment.)

Sec. 16. *"**Longer combination vehicle" means a truck or truck-tractor, coupled with at least two ~~[or three]~~ trailers and any load that is divisible, which is longer than 70 feet and ~~[has been]~~ may be issued a permit ~~[by the Department of Motor Vehicles, in cooperation with the Department of Transportation,]~~ to operate, or to operate at a gross vehicle weight that is over 80,000 pounds but under 129,001 pounds.***

Sec. 17. *"**Over-dimensional vehicle" means a vehicle, including its load, that is nondivisible as defined in 23 C.F.R. § 658.5, and exceeds the weight or size requirements of this chapter.***

Sec. 18. *"**Special mobile equipment" has the meaning ascribed to it in NRS 484A.245.***

Sec. 19. ***1. Except as otherwise provided in subsection 3, the Department of Transportation shall issue, free of charge, a replacement permit to any original purchaser of a permit issued by the Department of Transportation pursuant to this chapter upon receipt from the purchaser of a signed and notarized statement that the original permit was lost or stolen.***

2. The Department of Motor Vehicles shall issue replacement permits for longer combination vehicles for a fee of $50 upon receipt from the purchaser of a signed and notarized statement that the original permit was lost or stolen.

3. Any person who uses or attempts to use a permit issued pursuant to this chapter that has been reported lost or stolen is guilty of a misdemeanor and subject to an administrative fine of $2,500. The Department of Transportation or the Department of Motor Vehicles shall afford to any person so fined an opportunity for a hearing pursuant to the provisions of NRS 233B.121.

4. All administrative fines and fees for replacement permits that are collected by the Department of Transportation or the Department of Motor Vehicles pursuant to this section must be deposited with the State Treasurer to the credit of the State Highway Fund.

5. The administrative remedy provided in this section is not exclusive and is in addition to any other remedy provided by law.

Sec. 20. ***1. If a person to whom a permit is issued pursuant to this chapter receives more than one citation within 12 months for violations of the permit conditions or restrictions, the Department of Transportation or the Department of Motor Vehicles may take the following actions:***

(a) After the second citation within 12 months, the issuance of a warning letter.

(b) After the third citation within 12 months, suspension of permit privileges for 14 days from the date of receipt of written notification of the suspension.

(c) After the fourth and any subsequent citations within 12 months, suspension of permit privileges for 30 days from the date of receipt of written notification of the suspension.

2. The Department of Transportation or the Department of Motor Vehicles shall afford to any person receiving a suspension pursuant to this section an opportunity for a hearing pursuant to the provisions of NRS 233B.121.

3. As used in this section, "suspension of permit privileges" means that the permittee may not operate a vehicle under any permit issued pursuant to this chapter for the duration of the suspension.

Sec. 21. NRS 484D.010 is hereby amended to read as follows:

484D.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 484D.015 to 484D.055, inclusive, ***and sections 14 to 18, inclusive, of this act*** have the meanings ascribed to them in those sections.

Sec. 22. (Deleted by amendment.)

Sec. 23. (Deleted by amendment.)

Sec. 24. NRS 484D.445 is hereby amended to read as follows:

484D.445 1. Every motor vehicle, except motorcycles or mopeds, equipped with a windshield ~~[shall]~~ ***must*** be equipped with a self-operating windshield wiper system which ~~[shall]~~ ***must*** be so constructed as to be controlled by the driver.

2. The windshield wiper system with which the vehicle is equipped ~~[shall]~~ ***must*** be maintained in good operating condition and capable of effectively clearing the windshield so as to provide clear vision through the windshield for the driver under all ordinary conditions of rain, snow or other moisture.

3. The wiper system ~~[shall]~~ ***must*** be operated while the vehicle is being driven during conditions of rain, snow or other moisture which obstruct or reduce the driver's clear view through the windshield.

4. Subsection 1 does not apply to ~~[highway maintenance vehicles, special mobile equipment, implements of husbandry, or]~~ vehicles manufactured before July 1, 1935, with adequate manually operated windshield wipers.

Sec. 25. NRS 484D.600 is hereby amended to read as follows:

484D.600 1. Except as otherwise provided in this section, a person shall not drive, move, stop or park any vehicle or combination of vehicles, and an owner shall not cause or knowingly ~~[permit]~~ ***allow*** any vehicle or combination of vehicles to be driven, moved, stopped or parked, on any highway if the vehicle or combination of vehicles exceeds in size or weight or gross loaded weight the maximum limitation specified by law for that size, weight and gross loaded weight unless the person or owner is authorized to drive, move, stop or park the vehicle or combination of vehicles by ~~[a special]~~ ***an oversize or overweight vehicle*** permit issued by the ~~[proper public authority.]~~ ***Department of Transportation or the Department of Motor Vehicles.***

2. ***The Department of Motor Vehicles shall issue longer combination vehicle permits as provided for in this section and pursuant to regulations promulgated by the Department of Transportation.***

3. If the Department of Transportation ***, the Nevada Highway Patrol*** or a local law enforcement agency determines that an emergency exists, the Department ***of Transportation, the Nevada Highway Patrol*** or the local law enforcement agency may authorize ***, orally or in writing,*** a person to drive, move, stop or park a vehicle or combination of vehicles without obtaining ~~[a special]~~ ***an oversize or overweight*** permit pursuant to subsection 1 ~~[. Such an authorization may be given orally and may, if requested by a local law enforcement agency or a public safety agency,]~~ ***in or to the nearest safe location and may*** include driving or moving the vehicle or combination of vehicles to and from the site of the emergency. If a person receives such an authorization, the person shall, on the next business day after receiving the authorization, obtain a ~~[special]~~ permit pursuant to subsection 1.

~~[3. This section does not apply to:~~

~~(a) Fire apparatus, highway machinery or snowplows temporarily moved upon a highway.~~

~~(b) A farm tractor or other implement of husbandry temporarily moved upon a highway other than an interstate highway or a controlled access highway.]~~

4. The Department of Transportation may issue permits that further limit vehicle size, vehicle weight, or the duration or repetition of any authorized movement pursuant to this section or impose other vehicle or movement restrictions as the Department of Transportation deems necessary for public safety and the preservation of the highway infrastructure, in such a manner that does not jeopardize the ability of this State to receive federal money for highway purposes and does not adversely impede interstate or intrastate commerce.

5. All vehicles, including, without limitation, any vehicle exempted from obtaining an oversize or overweight permit pursuant to this chapter, are subject to any highway-specific or bridge-specific size or weight restrictions established by the Department of Transportation, except during an emergency as determined by the Department of Transportation, the Nevada Highway Patrol or a local law enforcement agency.

6. The Department of Transportation may, by regulation, restrict and require permits of those vehicles providing public transit, public safety, military and other governmental functions, in such a manner that does not jeopardize the ability of this State to receive federal money for highway purposes. The Department of Transportation shall issue such permits to government agencies without charge.

7. To facilitate interstate commerce and uniformity and pursuant to this chapter, the Department of Transportation may, by regulation and appropriate agreements, authorize reciprocity with authorities who issue

vehicle permits in other states and with the Western Association of State Highway and Transportation Officials.

Sec. 26. NRS 484D.615 is hereby amended to read as follows:

484D.615 1. Except as otherwise provided in subsection 2, the length of a bus may not exceed 45 feet and the length of a motortruck may not exceed 40 feet.

2. A passenger bus which has three or more axles and two sections joined together by an articulated joint with a trailer which is equipped with a mechanically steered rear axle may not exceed a length of 65 feet.

3. Except as otherwise provided in subsections 4, 7 and 9, no combination of vehicles, including any attachments thereto coupled together, may exceed a length of 70 feet.

4. The Department of Transportation, by regulation, shall provide for the operation of ~~[combinations of]~~ ***longer combination vehicles and over-dimensional*** vehicles in excess of 70 feet in length. The regulations must establish standards for the operation of such vehicles which must be consistent with their safe operation upon the public highways and with the provisions of 23 C.F.R. § 658.23. Such standards must include:

(a) Types and number of vehicles to be permitted in combination;

(b) Horsepower of a motortruck;

(c) Operating speeds;

(d) Braking ability; and

(e) Driver qualifications.

➥ The operation of such vehicles is not permitted on highways where, in the opinion of the Department of Transportation, their use would be inconsistent with the public safety because of a narrow roadway, excessive grades, extreme curvature or vehicular congestion.

5. ~~[Combinations of]~~ ***Longer combination vehicles and over-dimensional*** vehicles operated under the provisions of subsection 4 may, after obtaining a ~~[special]~~ permit ***,*** ~~[issued at the discretion of, and in accordance with procedures established by, the Department of Transportation,]~~ carry loads not to exceed the values set forth in the following formula: W=500 [LN/(N-1) + 12N + 36], wherein:

(a) W equals the maximum load in pounds carried on any group of two or more consecutive axles computed to the nearest 500 pounds;

(b) L equals the distance in feet between the extremes of any group of two or more consecutive axles; and

(c) N equals the number of axles in the group under consideration.

➥ The distance between axles must be measured to the nearest foot. If a fraction is exactly one-half foot, the next largest whole number must be used. The permits may be restricted in such manner as the Department of Transportation ***or the Department of Motor Vehicles*** considers necessary and may, at the option of the Department ~~[,]~~ ***that issued the permit,*** be cancelled without notice. No such permits may be issued for operation on

any highway where that operation would prevent this State from receiving federal money for highway purposes.

6. ~~[Upon approving an application for a permit to operate combinations of vehicles pursuant to subsection 5, the Department of Transportation shall withhold issuance of the permit until the applicant has furnished proof of compliance with the provisions of]~~ ***The Department of Motor Vehicles shall issue permits for longer combination vehicles pursuant to subsection 5 and*** NRS 706.531.

7. The load upon any motor vehicle operated alone, or the load upon any combination of vehicles, must not extend beyond the front or the rear of the vehicle or combination of vehicles for a distance of more than 10 feet, or a total of 10 feet both to the front or the rear, and a combination of vehicles and load thereon may not exceed a total of 75 feet without having secured a permit pursuant to subsection 4 or NRS 484D.600. The provisions of this subsection do not apply to the booms or masts of shovels, cranes or water well drilling and servicing equipment carried upon a vehicle if:

(a) The booms or masts do not extend by a distance greater than two-thirds of the wheelbase beyond the front tires of the vehicle.

(b) The projecting structure or attachments thereto are securely held in place to prevent dropping or swaying.

(c) No part of the structure which extends beyond the front tires is less than 7 feet from the roadway.

(d) The driver's vision is not impaired by the projecting or supporting structure.

8. Lights and other warning devices which are required to be mounted on a vehicle pursuant to this chapter must not be included in determining the length of a vehicle or combination of vehicles and the load thereon.

9. This section does not apply to:

(a) Vehicles used by a public utility for the transportation of poles;

(b) A combination of vehicles consisting of a truck-tractor drawing a semitrailer that does not exceed 53 feet in length;

(c) A combination of vehicles consisting of a truck-tractor drawing a semitrailer and a trailer, neither of which exceeds 28 1/2 feet in length; or

(d) A driveaway saddle mount with full mount vehicle transporter combination that does not exceed 97 feet in length.

10. As used in this section:

(a) "Driveaway saddle mount with full mount vehicle transporter combination" means a vehicle combination designed and specifically used to tow up to three trucks or truck-tractors, each connected by a saddle to the frame or fifth wheel of the forward vehicle of the truck-tractor in front of it.

(b) "Motortruck" has the meaning ascribed to it in NRS 482.073.

Sec. 27. NRS 484D.620 is hereby amended to read as follows:

484D.620 ***1.*** Any person operating or moving any vehicle or equipment over any highway who violates any ~~[length]~~ ***size*** limitation in this chapter is guilty of a misdemeanor.

2. Any size violation of an oversize permit issued pursuant to this chapter is subject to an administrative fine to be administered by the Department of Motor Vehicles in the amount of $100 for each foot and fraction thereof that the size exceeds permit limits. The Department shall afford to any person so fined an opportunity for a hearing pursuant to the provisions of NRS 233B.121.

3. All administrative fines collected by the Department of Motor Vehicles pursuant to this section must be deposited with the State Treasurer to the credit of the State Highway Fund.

4. The administrative remedy provided in this section is not exclusive and is in addition to any other remedy provided by law.

Sec. 28. NRS 484D.685 is hereby amended to read as follows:

484D.685 1. ~~[As used in this section and NRS 484D.700, "special mobile equipment" means a vehicle, not self-propelled, not designed or used primarily for the transportation of persons or property, and only incidentally operated or moved over a highway, excepting implements of husbandry.~~

~~2.]~~ The Department of Transportation with respect to highways under its jurisdiction and governing bodies of cities and counties with respect to roads under their jurisdiction may, upon application in writing, authorize the applicant to operate or move ~~[a]~~ ***any*** vehicle, combination of vehicles, special mobile equipment, ***farm tractor, implement of husbandry*** or load thereon of a size or weight exceeding the legal maximum, or to use corrugations on the periphery of the movable tracks on a traction engine or tractor, the propulsive power of which is not exerted through wheels resting on the roadway but by means of a flexible band or chain, or, under emergency conditions, to operate or move a type of vehicle otherwise prohibited by law, upon any highway under the jurisdiction of the Department of Transportation or governing body granting that permit.

~~[3.]~~ ***2.*** Except as otherwise provided in ***this section and*** NRS ~~[484D.690 to 484D.725, inclusive,]~~ ***484D.700,*** the legal maximum ~~[width of any vehicle, combination of vehicles, special mobile equipment or load thereon is]~~ ***size of any vehicle, including combinations of vehicles, special mobile equipment, a farm tractor, implement of husbandry, or load thereon, is:***

(a) Width of 102 inches.

(b) Height of 14 feet.

(c) Length of 70 feet.

(d) Overhang, front or rear, from the vehicle of 10 feet.

~~[4.]~~ ***3.*** If a vehicle is equipped with pneumatic tires, the maximum width from the outside of one wheel and tire to the outside of the opposite outer wheel and tire must not exceed 108 inches, and the outside width of the body of the vehicle or the load thereon must not exceed 102 inches.

~~[5.]~~ ***4.*** Lights ~~[or]~~ ***, mirrors or other*** devices ***for safety*** which must be mounted upon a vehicle under this chapter may extend beyond the permissible width of the vehicle to a distance not exceeding 10 inches on each side of the vehicle, but the maximum width must not exceed 126 inches.

~~[6.]~~ ***5.*** Door handles, hinges, cable cinchers and chain binders may extend 3 inches on each side, but the maximum width of body and door handles, hinges, cable cinchers or chain binders must not exceed 108 inches.

~~[7.]~~ ***6.*** A person shall not operate a passenger vehicle on any highway with any load carried thereon extending beyond the line of the hubcaps on its left side or more than 6 inches beyond the line of the hubcaps on its right side.

7. An awning attached to a recreational vehicle and any hardware required for the awning may extend beyond the permissible width of the vehicle to a distance not exceeding 10 inches on either side of the vehicle, but the maximum width must not exceed 126 inches.

Sec. 29. NRS 484D.700 is hereby amended to read as follows:

484D.700 ***1.*** Subject to the provisions of subsection ~~[2.]~~ ***1*** of NRS 484D.685, the following vehicles must not exceed a width of 120 inches:

~~[1. Any trailer or semitrailer, including lift carriers and tip-bed trailers, used exclusively for the transportation of implements of husbandry by farmers or implement dealers.~~

~~2.]~~ ***(a)*** Special mobile equipment.

~~[3. Highway construction or maintenance equipment.]~~

(b) Fire apparatus.

(c) Snow removal equipment.

2. A vehicle carrying a load of loosely piled agricultural products, including, without limitation, hay or leguminous plants, that are in bulk but not crated, boxed, baled or sacked, the load and any racks or other structures or devices retaining the load must not exceed 120 inches in width.

3. A farm tractor or implement of husbandry operated, towed or moved as a load on another vehicle over any highway other than an interstate highway or a controlled-access highway may travel during daylight hours only, must travel as far to the right side of the highway as is practicable, and may not:

(a) Exceed 14 feet in width;

(b) Travel for a distance of more than 25 miles from the point of origin; and

(c) Exceed a speed of 30 miles per hour.

4. Notwithstanding any other provision of law to the contrary, a permit is not required to operate, tow or move a vehicle, farm tractor or implement of husbandry in the manner allowed by this section. If a vehicle, farm tractor or implement of husbandry is not operated, towed or moved in the manner allowed by this section, a permit for the vehicle, farm tractor or implement of husbandry must be obtained pursuant to NRS 484D.725.

Sec. 30. NRS 484D.725 is hereby amended to read as follows:

484D.725 ***1.*** Upon receipt of the necessary application in writing, the Department of Transportation shall issue a permit to operate or move a vehicle ***, including, without limitation, a combination of vehicles, special***

mobile equipment, a farm tractor or implement of husbandry on the highways of this State which has a load that ~~[~~:

~~1.]~~ ***meets the definition of nondivisible in 23 C.F.R. § 658.5 and:***

(a) Exceeds 14 feet in height;

~~[2.]~~ ***(b)*** Exceeds 70 feet in length; ~~[or~~

~~3.]~~ ***(c)*** Exceeds 102 inches in width ~~[.]~~ ***;***

(d) Exceeds 10 feet of front or rear overhang; or

(e) Exceeds 80,000 pounds of gross weight,

➥ unless the Department of Transportation determines that the operation of the vehicle would be a safety hazard or impede the flow of traffic.

2. The Department of Transportation shall issue a permit pursuant to subsection 1 for a farm tractor or implement of husbandry at no cost to any farmer or rancher who is not engaged in a commercial enterprise.

3. As used in this section, the term "commercial enterprise" means the activity of producing goods or services for profit. The term does not include operation of a family farm as that term is defined in 7 C.F.R. § 761.2, or the vehicles and equipment used in that operation.

Sec. 31. NRS 484D.730 is hereby amended to read as follows:

484D.730 The application for a permit under NRS 484D.685 to 484D.725, inclusive, must ~~[:]~~ ***specifically identify:***

1. ~~[Specifically describe the vehicle or special mobile equipment and load to be operated or moved and the particular highways over which the permit to operate is requested.]~~ ***The vehicle to be operated;***

2. ~~[State whether the permit is requested for a single trip, for continuous use or for multiple trips over a limited time.]~~ ***Any load to be moved; and***

3. The intended route for movement.

Sec. 32. NRS 484D.735 is hereby amended to read as follows:

484D.735 1. ~~[No vehicle operated or moved upon any public highway under the authority of a continuous or multiple trip limited time permit may exceed a maximum weight of 20,000 pounds on any single axle. Before any continuous permit is issued,]~~ ***Upon a determination by the Department of Transportation that the potential exists for*** ~~*[significant]*~~ ***substantial traffic impact or substantial damage to the highway or highways based on an application for a permit issued pursuant to this chapter,*** the applicant shall pay a reasonable fee to be determined by the Department of Transportation to pay the costs and expenses of conducting ~~[an initial investigation of]~~ ***a movement impact survey*** ~~*[of]*~~ ***and plan for*** the highway or highways involved.

2. If, after issuance of a ~~[continuous or multiple trip limited time]~~ permit, the Department of Transportation finds that the traffic authorized by such ~~[continuous or multiple trip limited time]~~ permit has caused substantial highway ~~[distress,]~~ ***damage,*** the permit may be revoked summarily, but the revocation does not operate to prevent a subsequent filing of a new application for another ~~[continuous or multiple trip limited time]~~ permit.

3. The Department of Transportation shall consider the recommendation of a city or county regarding whether traffic authorized by the issuance of a ~~[~~continuous or multiple trip limited time~~]~~ permit ***may cause or*** has caused substantial ~~[~~distress~~]~~ ***damage*** to a highway under the jurisdiction of that city or county, and whether the permit should be ***issued or*** revoked.

4. ~~*[A county or city, the]*~~ ***The Department of Transportation and any other agencies involved, including, without limitation, the Nevada Highway Patrol, may charge the permittee for the actual costs incurred by the agency for preparation for, participation in and any documented damages caused by the traffic authorized by the permit.***

5. A city or county may charge the permittee for the actual costs incurred by the city or county for any documented damages to specific city or county property, as applicable, caused by the traffic authorized by the permit.

Sec. 33. (Deleted by amendment.)

Sec. 34. (Deleted by amendment.)

Sec. 35. NRS 706.531 is hereby amended to read as follows:

706.531 1. The Department ~~[of Transportation]~~ shall approve an application for a permit pursuant to the provisions of subsection 5 of NRS 484D.615. The permit must be carried and displayed in such a manner as the Department determines on every combination so operating. The permit issued may be transferred from one combination to another, under such conditions as the Department may by regulation prescribe, but must not be transferred from one person or operator to another without prior approval of the Department. The permit may be used only on motor vehicles regularly licensed pursuant to the provisions of NRS 482.482.

2. The annual fee for each permit for a ***longer*** combination ~~[of vehicles]~~ ***vehicle*** is $60 for each 1,000 pounds or fraction thereof of gross weight in excess of 80,000 pounds. The fee must be reduced one-twelfth for each month ***or portion thereof*** that ~~[has elapsed since the beginning of each calendar year,]~~ ***the permit is valid,*** rounded to the nearest dollar, but must not be less than $50. The annual fee for each permit for a ***longer*** combination ~~[of vehicles]~~ ***vehicle*** not exceeding 80,000 pounds is $10. The fee must be paid in addition to all other fees required by the provisions of this chapter.

3. Any person operating a ***longer*** combination ~~[of vehicles]~~ ***vehicle*** licensed pursuant to the provisions of subsection 2 who is apprehended operating a combination in excess of the gross weight for which the fee in subsection 2 has been paid is, in addition to all other penalties provided by law, liable for the difference between the fee for the load being carried and the fee paid, for the full licensing period.

4. Any person apprehended operating a ***longer*** combination ~~[of vehicles]~~ ***vehicle*** without having complied with the provisions of this section and NRS 484D.615 is, in addition to all other penalties provided by law, liable for the payment of the fee which would be due pursuant to the provisions of

subsection 2 for the balance of the calendar year for the gross load being carried at the time of apprehension.

5. The holder of an original permit may, ~~[upon surrendering the permit to the Department or]~~ upon delivering to the Department a signed and notarized statement that the permit was lost or stolen and such other documentation as the Department may require, apply to the Department ~~[:~~

~~(a) For a refund of an amount equal to that portion of the fees paid for the permit that is attributable, on a pro rata monthly basis, to the remainder of the calendar year; or~~

~~(b) To have that amount credited against excise taxes due pursuant to the provisions of chapter 366 of NRS.]~~ ***for a replacement permit. The Department shall issue such a replacement permit and may charge a fee not to exceed $50.***

6. Any person who uses or attempts to use a permit issued pursuant to this chapter that has been reported lost or stolen is guilty of a misdemeanor and subject to an administrative fine of $2,500. The Department shall afford to any person so fined an opportunity for a hearing pursuant to the provisions of NRS 233B.121.

7. All administrative fines collected by the Department pursuant to this section must be deposited with the State Treasurer to the credit of the State Highway Fund.

8. The administrative remedy provided in this section is not exclusive and is in addition to any other remedy provided by law.

9. As used in this section, "longer combination vehicle" has the meaning ascribed to it in section 16 of this act.

Sec. 36. NRS 484D.645, 484D.690, 484D.695 and 484D.705 are hereby repealed.

Sec. 37. This act becomes effective upon passage and approval for the purpose of adopting regulations and on July 1, 2011, for all other purposes.

TEXT OF REPEALED SECTIONS

484D.645 Limitations on weight for vehicle used by regional transportation commission or its contractor to provide public mass transportation; exception for certain vehicles used as part of demonstration project; definitions.

1. Except as otherwise provided in subsection 2, a vehicle that is used by a regional transportation commission or its contractor to provide public mass transportation may be operated or moved upon a public highway, other than a highway within the designated interstate system, if the maximum weight does not exceed, on a single axle with:

(a) Single tires, 20,000 pounds; or

(b) Dual tires, 25,000 pounds.

2. A vehicle with a maximum weight on a single axle with single tires of more than 20,000 pounds but not more than 29,000 pounds that is used by a regional transportation commission or its contractor to provide public mass

transportation as part of a demonstration project may be operated or moved upon a public highway, other than a highway within the designated interstate system, if the tires are not less than 20 inches in width and the Department of Transportation, after conducting an evaluation of the vehicle:

(a) Determines that such operation or movement of the vehicle is in the best interest of the Department; and

(b) In its discretion, issues a permit authorizing such operation or movement of the vehicle.

3. As used in this section:

(a) "Contractor" means any person or governmental entity that has entered into a contract with a regional transportation commission to provide services related to the provision of public mass transportation, but only during the period in which the contract remains legally effective.

(b) "Regional transportation commission" means any regional transportation commission created and organized in accordance with chapter 277A of NRS, and which provides or sponsors public mass transportation services.

484D.690 Maximum width of bus. The legal maximum width of a bus is 102 inches, excluding mirrors, lights and other devices required for safety.

484D.695 Maximum width of recreational vehicle. The legal maximum width of a recreational vehicle is 102 inches, excluding:

1. Mirrors, lights and other devices required for safety; and

2. An awning and any hardware required for the awning which is attached to the recreational vehicle and which does not extend beyond any mirror specified in subsection 1 which is attached to the side of the recreational vehicle.

484D.705 Width of load of loosely piled agricultural products; restrictions for implement of husbandry moved over highway.

1. If a vehicle is carrying a load of loosely piled agricultural products such as hay, straw or leguminous plants in bulk but not crated, baled, boxed or sacked, the load of loosely piled material and any loading racks retaining the load must not exceed 120 inches in width.

2. The provisions of NRS 484D.685 with respect to maximum widths do not apply to implements of husbandry incidentally operated, transported, moved or towed over a highway other than an interstate highway or a controlled-access highway.

3. If an implement of husbandry is transported or moved as a load on another vehicle over:

(a) An interstate highway or a controlled-access highway, and the load exceeds 102 inches in width, the movement is subject to the provisions of NRS 484D.720 and the regulations adopted pursuant thereto.

(b) Any highway other than an interstate highway or a controlled-access highway, and the load exceeds 120 inches in width, the vehicle and load must

not be operated for a distance of more than 25 miles from the point of origin of the trip and must not be operated at a speed in excess of 30 miles per hour.

Assemblywoman Dondero Loop moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, reengrossed, and to third reading.

Senate Bill No. 55.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 625.

AN ACT relating to older persons; revising the crimes against an older person that are subject to an additional civil penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the Attorney General to bring a civil action to recover a civil penalty against any person who is found guilty of abuse, neglect, exploitation or isolation of an older person. (NRS 228.280) This bill expands the list of crimes that are subject to an additional civil penalty to include certain crimes committed against a person who is 60 years of age or older.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 228.280 is hereby amended to read as follows:

228.280 1. In addition to any criminal penalty, a person who is ~~[found guilty]~~ ***convicted*** of ***a crime against an older person for which an additional term of imprisonment may be imposed pursuant to paragraph (h), (i) or (j) of subsection 1 of NRS 193.167 or of the*** abuse, neglect, exploitation or isolation of an older person pursuant to NRS 200.5099 or 200.50995 is liable for a civil penalty to be recovered by the Attorney General in a civil action brought in the name of the State of Nevada:

(a) For the first offense, in an amount which is not less than $5,000 and not more than $20,000.

(b) For a second or subsequent offense, in an amount which is not less than $10,000 and not more than $30,000.

2. The Attorney General shall deposit any money collected for civil penalties pursuant to subsection 1 in equal amounts to:

(a) A separate account in the Fund for the Compensation of Victims of Crime created pursuant to NRS 217.260 to provide compensation to older persons who are ~~[abused,]~~ ***:***

(1) Victims of a crime for which an additional term of imprisonment may be imposed pursuant to paragraph (h), (i) or (j) of subsection 1 of NRS 193.167; or

(2) Abused, neglected, exploited or isolated in violation of NRS 200.5099 and 200.50995 ***.*** ~~[; and]~~

(b) The Account for the Unit for the Investigation and Prosecution of Crimes Against Older Persons created pursuant to NRS 228.285.

Sec. 2. This act becomes effective on July 1, 2011.

Assemblyman Ohrenschall moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Senate Bill No. 65.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 645.

SUMMARY—Revises provisions concerning the ~~[quarterly]~~ publication of certain financial information by certain local governments. (BDR 21-400)

AN ACT relating to local financial administration; revising provisions concerning the ~~[quarterly]~~ publication of certain financial information by an incorporated city or a county; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the clerk and council of each city incorporated under general law or charter to publish in a newspaper a quarterly statement of the city's finances that shows the receipts and disbursements and the details of each bill that the city has paid. (NRS 268.030) **Section 2** of this bill requires the publication of only the total amounts of the city's receipts, disbursements and bills paid for the quarter but expressly provides that the receipts, bills and other documents which support each transaction that is included in the published totals are public records which are available for inspection and copying. **Section 2** also requires publication of the financial statement on the Internet website of the city, if the city maintains an Internet website. **Section 1** of this bill eliminates a duplicative requirement for the publication of financial information that only applies to the city clerks of cities incorporated under general law.

Under existing law, a board of county commissioners is required to publish in a newspaper a quarterly financial statement of receipts, expenditures and bills allowed. (NRS 244.225, 354.210) **Sections 3 and ~~[4]~~ 5** of this bill require the publication of only the total amounts of the county's receipts, expenditures and bills allowed but expressly provides that the receipts, bills and other documents which support each transaction that is included in the published totals are public records which are available for inspection and copying. **Sections 3 and ~~[4]~~ 5** also require publication of the financial statement on the Internet website of the county if the county maintains an Internet website.

Section 4 of this bill requires the Committee on Local Government Finance to adopt regulations regarding the appropriate format for the financial statements posted on the Internet website of cities and counties.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 266.480 is hereby amended to read as follows:

266.480 The city clerk shall:

1. Keep the office of the city clerk at the place of meeting of the city council, or some other place convenient thereto, as the council may direct.

2. Keep the corporate seal and all papers and records of the city.

3. Keep a record of the proceedings of the city council, whose meetings the city clerk shall attend.

4. Countersign all contracts made in behalf of the city, and every such contract or contracts to which the city is a party shall be void unless signed by the city clerk.

~~[5. Cause to be published quarterly in some newspaper published in the city a statement of the finances of the city, showing receipts and disbursements, and bills allowed and paid. The statement shall be signed by the mayor and attested by the city clerk. If there should be no newspaper published in the county, the financial statement shall be published in a newspaper of general circulation in the county.]~~

Sec. 2. NRS 268.030 is hereby amended to read as follows:

268.030 1. After March 23, 1939, the city clerk and city council of every incorporated city in this state, whether incorporated under the provisions of chapter 266 of NRS or under the provisions of a special act, shall cause to be published quarterly in some newspaper, published as hereinafter provided, a statement of the finances of the city, showing ***the total amounts of*** receipts ***,*** ~~[and]~~ disbursements ~~[, exhibiting in detail the]~~ ***and*** bills allowed and paid ~~[.]~~ ***for the period covered by the statement.*** The statement ~~[shall be]~~ ***must:***

(a) Inform the public of the provisions of subsection 3;

(b) If the city maintains an official Internet website, inform the public of where the financial statement is posted on the Internet website pursuant to subsection 2;

(c) Provide a telephone number the public may call for further instructions on how to obtain the detailed financial documents;

(d) Provide the address of the city office or offices where the public may view the detailed financial documents;

(e) Be signed by the mayor and attested by the city clerk ***;*** ~~[,]~~ and ~~[shall be]~~

(f) Be published in a newspaper published in ~~[such]~~ ***the*** city ~~[.]~~ ***for a period of at least 5 consecutive days.*** If ~~[there shall be]~~ no newspaper ***is*** published in ~~[such]~~ ***the*** city, then the financial statement ~~[shall]~~ ***must*** be published in a newspaper published in the county, and if ~~[there be]~~ no newspaper ***is*** published in the county, ~~[such]~~ ***the*** financial statement ~~[shall]~~ ***must*** be ***published in a newspaper of general circulation in the county or*** posted by the city clerk at the door of the city hall.

2. ***If a city maintains an official Internet website, the city clerk and city council shall*** ~~***[cease to be published]***~~ ***maintain and update quarterly on the Internet website of the city a statement of the finances of the city, showing the*** ~~***[total amounts of]***~~ ***receipts, disbursements and bills allowed and paid for the period covered by the statement. The statement must:***

(a) Inform the public of the provisions of subsection 3;

(b) Provide a telephone number the public may call for further instructions on how to obtain the detailed financial documents;

(c) Provide the address of the city office or offices where the public may view the detailed financial documents; and

(d) Be signed by the mayor and attested by the city clerk . ~~***[; and***~~

~~***(e) Be published on the Internet website of the city for a period of at least 5 consecutive days.]***~~

3. The original and any duplicate or copy of each receipt, bill, invoice, check, warrant, voucher or other similar document that supports a transaction, the amount of which is ~~***[included in the total amounts]***~~ ***shown in the financial statement published pursuant to this section is a public record that is available for inspection and copying by any person pursuant to the provisions of chapter 239 of NRS.***

4. Any city officer ~~**[**in this state**]**~~ who ~~**[**shall violate**]**~~ ***violates*** the provisions of this section ~~**[**shall be deemed**]**~~ ***is*** guilty of a misdemeanor.

Sec. 3. NRS 244.225 is hereby amended to read as follows:

244.225 ***1.*** The board of county commissioners shall publish quarterly a statement of the ***total amounts of*** receipts and expenditures of the 3 months next preceding, and the ***total amounts of*** accounts allowed. Publications shall be made by making one insertion of the statement in a newspaper published in the county, but if no newspaper ~~**[**be**]**~~ ***is*** published in the county, then such publication shall be made by posting a copy of the statement at the courthouse door and at two other public places in the county. ***The statement must:***

(a) Inform the public of the provisions of subsection 3;

(b) If the county maintains an official Internet website, inform the public of where the financial statement is posted on the Internet website pursuant to subsection 2;

(c) Provide a telephone number the public may call for further instructions on how to obtain the detailed financial documents;

(d) Provide the address of the county office or offices where the public may view the detailed financial documents; and

(e) Be published for a period of at least 5 consecutive days.

2. If a county maintains an official Internet website, the board of county commissioners shall ~~***[publish]***~~ ***maintain and update quarterly on the Internet website of the county a statement of the*** ~~***[total amounts of]***~~ ***receipts and expenditures of the 3 months next preceding and the*** ~~***[total amounts of]***~~ ***accounts allowed. The statement must:***

(a) Inform the public of the provisions of subsection 3;

(b) Provide a telephone number the public may call for further instructions on how to obtain the detailed financial documents; and

(c) Provide the address of the county office or offices where the public may view the detailed financial documents . [; and

(d) Be published on the official Internet website of the county for a period of at least 5 consecutive days.]

3. The original and any duplicate or copy of each receipt, bill, invoice, check, warrant, voucher or other similar document that supports a transaction, the amount of which is [included in the total amounts] shown in the statement published pursuant to this section, is a public record that is available for inspection and copying by any person pursuant to the provisions of chapter 239 of NRS.

Sec. 4. **NRS 354.107 is hereby amended to read as follows:**

354.107 1. The Committee on Local Government Finance may adopt such regulations as are necessary for the administration of this chapter.

2. ***The Committee on Local Government Finance shall adopt regulations prescribing the format of the financial statement posted on the Internet website of a city or county pursuant to NRS 244.225, 268.030 and 354.210.***

3. Any regulations adopted by the Committee on Local Government Finance must be adopted in the manner prescribed for state agencies in chapter 233B of NRS.

[Sec. 4.**]** ***Sec. 5.*** NRS 354.210 is hereby amended to read as follows:

354.210 1. Except as provided in subsection 3, the board of county commissioners shall cause ***a statement of*** the ***total*** amount of **[**all**]** bills allowed by it **[**, together with the names of the persons to whom such allowances are made and for what such allowances are made,**]** to be published in some newspaper published in the county. ***The statement must:***

(a) Inform the public of the provisions of subsection 5;

(b) If the county maintains an official Internet website, inform the public of where the financial statement is posted on the Internet website pursuant to subsection 4;

(c) Provide a telephone number the public may call for further instructions on how to obtain the detailed financial documents;

(d) Provide the address of the county office or offices where the public may view the detailed financial documents; and

(e) Be published for a period of at least 5 consecutive days.

2. The amount paid for such publication shall not exceed the statutory rate for publication of legal notices, and the publication shall not extend beyond a single insertion.

3. Where no newspaper is published in a county, the board of county commissioners may cause to be published, in some newspaper having a general circulation within the county, the allowances provided for in subsection 1, or shall cause the clerk of the board to post such allowances at the door of the courthouse.

4. If a county maintains an official Internet website, the board of county commissioners shall ~~[publish]~~ maintain and update quarterly on the official Internet website of the county a statement of the ~~[total amount of]~~ bills allowed by it. The statement must:

(a) Inform the public of the provisions of subsection 5;

(b) Provide a telephone number the public may call for further instructions on how to obtain the detailed financial documents; and

(c) Provide the address of the county office or offices where the public may view the detailed financial documents . ~~[; and~~

~~(d) Be published on the official Internet website of the county for a period of at least 5 consecutive days.]~~

5. The original and any duplicate or copy of each bill, including, without limitation, the amount of the bill, the name of the person to whom such allowance is made and for what such allowance is made, or any other document that supports a transaction, the amount of which is ~~[included in the total amount]~~ shown in the statement published pursuant to this section, is a public record that is available for inspection and copying by any person pursuant to the provisions of chapter 239 of NRS.

Sec. 6. **The Committee on Local Government Finance shall adopt the regulations required pursuant to subsection 2 of NRS 354.107, as amended by section 4 of this act, on or before January 15, 2012.**

~~[~~~~Sec. 5.~~**~~]~~** ***Sec. 7.*** This act becomes effective upon passage and approval **~~[.]~~ for the purpose of adopting regulations and performing any other preparatory tasks that are necessary to carry out the provisions of this act and on January 15, 2012, for all other purposes.**

Assemblywoman Bustamante Adams moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, reengrossed, and to third reading.

Senate Bill No. 106.

Bill read second time and ordered to third reading.

Senate Bill No. 110.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 594.

SUMMARY— **~~[~~**~~Requires the establishment of a~~**~~]~~** **Revises provisions governing the issuance of** business **~~[~~**~~license to engage in contracting~~**~~]~~** **licenses** in certain counties and cities in this State. (BDR 20-820)

AN ACT relating to businesses; requiring a board of county commissioners and the governing bodies of certain incorporated cities to enter into an agreement to establish a business license to allow a licensed contractor to engage in the business of contracting in the county and cities under certain circumstances; **authorizing a board of county commissioners**

and the governing bodies of certain other incorporated cities to enter into such an agreement; revising the circumstances for obtaining a county or city business license; revising certain provisions for the issuance of a license for a food establishment; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes counties, cities and towns to issue business licenses and permits to operate a business within the limits of the county, city or town and to collect taxes on those licenses. (NRS 244.335, 266.355, 268.095, 269.170) **Sections 1 and 2** of this bill require the board of county commissioners in a county whose population is 700,000 or more (currently Clark County) and the governing body of each incorporated city whose population is 150,000 or more located in such a county (currently Henderson, Las Vegas and North Las Vegas) to enter into an agreement with each other for the establishment of a business license to allow a licensed contractor to engage in the business of contracting in the county and cities if the contractor: (1) has a place of business in an unincorporated area of the county; or (2) does not have a place of business in the county. **Sections 1 and 2 also require such a board of county commissioners to enter into similar agreements with the governing body of each incorporated city whose population is less than 150,000 located in the county (currently Boulder City and Mesquite) who chooses to enter into such an agreement.** **Sections 1 and 2** further require the board of county commissioners and governing body of each **such** incorporated city to establish by ordinance a system for issuing the business license which sets forth the requirements for obtaining the license and the fees for the issuance and renewal of the license.

Existing law requires an applicant for a county or city business license to sign an affidavit to affirm that he or she has complied with the business licensing provisions of this State. (NRS 244.335, 268.095) Sections 1.5 and 3 of this bill provide for an alternative procedure for an applicant to prove compliance by providing his or her entity number assigned by the Secretary of State for investigation by the city council or board of county commissioners to whom he or she is applying. Existing law also requires an applicant for a city or county business license to sign an affidavit affirming that the business maintains certain insurance requirements. (NRS 244.33505, 268.0955) Sections 1.7 and 3.5 of this bill allow an applicant to attest to his or her compliance with these provisions instead of providing a physical signature if the applicant submits his or her application electronically.

Existing law prohibits a city, county or other licensing authority from issuing a license for the operation of a food establishment until the owner has obtained the required permit by the health authority. (NRS 446.877) Section 3.7 of this bill authorizes the board of county commissioners or the governing body of an incorporated city to issue a

license to a food establishment contingent upon the owner's obtaining the required health permit.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 244 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The board of county commissioners in each county whose population is 700,000 or more shall enter into an agreement in accordance with the provisions of NRS 277.080 to 277.180, inclusive, with the governing body of each city whose population is 150,000 or more located within the county and with the governing body of each city located within the county whose population is less than 150,000 who chooses to enter into such an agreement for the establishment of a business license to authorize a person who is licensed as a contractor pursuant to chapter 624 of NRS to engage in the business of contracting within the county and each of those cities.

2. The agreement required pursuant to subsection 1 must set forth the purposes, powers, rights, obligations and responsibilities, financial and otherwise, of the county and each city that enters into the agreement.

3. Upon entering into the agreement required pursuant to subsection 1, the board of county commissioners shall establish by ordinance a system for issuing such a business license that authorizes a person who is licensed as a contractor pursuant to chapter 624 of NRS to engage in the business of contracting within the county and each city that entered into the agreement [.] pursuant to subsection 1 and in which the person intends to conduct business.

4. An ordinance adopted pursuant to the provisions of subsection 3 must include, without limitation:

(a) The requirements for obtaining the business license;

(b) The fees for the issuance and renewal of the business license; and

(c) Any other requirements necessary to establish the system for issuing the business license.

5. A person who is licensed as a contractor pursuant to chapter 624 of NRS is eligible to obtain from the county a business license that authorizes the person to engage in the business of contracting within the county and each city located in the county which enters into an agreement pursuant to subsection 1 and in which the person intends to conduct business if the person meets the requirements set forth in the ordinance to qualify for the license and:

(a) The person maintains only one place of business within the county and the place of business is located within the unincorporated area of the county;

(b) The person maintains more than one place of business within the county and each of those places of business is located within the unincorporated area of the county; or

(c) The person does not maintain any place of business within the county.

6. A person who obtains a business license described in this section is subject to all other licensing and permitting requirements of the State and any other counties and cities in which the person does business.

Sec. 1.5. NRS 244.335 is hereby amended to read as follows:

244.335 1. Except as otherwise provided in subsections 2, 3 and 4, ***and section 1 of this act,*** a board of county commissioners may:

(a) Except as otherwise provided in NRS 244.331 to 244.3345, inclusive, 598D.150 and 640C.100, regulate all character of lawful trades, callings, industries, occupations, professions and business conducted in its county outside of the limits of incorporated cities and towns.

(b) Except as otherwise provided in NRS 244.3359 and 576.128, fix, impose and collect a license tax for revenue or for regulation, or for both revenue and regulation, on such trades, callings, industries, occupations, professions and business.

2. The county license boards have the exclusive power in their respective counties to regulate entertainers employed by an entertainment by referral service and the business of conducting a dancing hall, escort service, entertainment by referral service or gambling game or device permitted by law, outside of an incorporated city. The county license boards may fix, impose and collect license taxes for revenue or for regulation, or for both revenue and regulation, on such employment and businesses.

3. A board of county commissioners shall not require that a person who is licensed as a contractor pursuant to chapter 624 of NRS obtain more than one license to engage in the business of contracting or pay more than one license tax related to engaging in the business of contracting, regardless of the number of classifications or subclassifications of licensing for which the person is licensed pursuant to chapter 624 of NRS.

4. The board of county commissioners or county license board shall not require a person to obtain a license or pay a license tax on the sole basis that the person is a professional. ***As used in this subsection, "professional" means a person who:***

(a) Holds a license, certificate, registration, permit or similar type of authorization issued by a regulatory body as defined in NRS 622.060 or who is regulated pursuant to the Nevada Supreme Court Rules; and

(b) Practices his or her profession for any type of compensation as an employee.

5. The county license board shall provide upon request an application for a state business license pursuant to chapter 76 of NRS. No license to engage in any type of business may be granted unless the applicant for the license ~~[signs]~~ **:**

(a) Signs an affidavit affirming that the business has complied with the provisions of chapter 76 of NRS. ~~[. The county license board shall provide upon request an application for a business license pursuant to chapter 76 of NRS. As used in this subsection, "professional" means a person who:~~

~~(a) Holds a license, certificate, registration, permit or similar type of authorization issued by a regulatory body as defined in NRS 622.060, or who is regulated pursuant to the Nevada Supreme Court Rules; and~~

~~(b) Practices his or her profession for any type of compensation as an employee.~~

~~5.]~~ ***; or***

(b) Provides to the county license board the entity number of the applicant assigned by the Secretary of State which the county may use to validate that the applicant is currently in good standing with the State and has complied with the provisions of chapter 76 of NRS.

6. No license to engage in business as a seller of tangible personal property may be granted unless the applicant for the license ~~[presents]~~ ***:***

(a) Presents written evidence that:

~~[(a)]~~ ***(1)*** The Department of Taxation has issued or will issue a permit for this activity, and this evidence clearly identifies the business by name; or

~~[(b)]~~ ***(2)*** Another regulatory agency of the State has issued or will issue a license required for this activity ~~[.~~

~~6.]~~ ***; or***

(b) Provides to the county license board the entity number of the applicant assigned by the Secretary of State which the county may use to validate that the applicant is currently in good standing with the State and has complied with the provisions of paragraph (a).

7. Any license tax levied for the purposes of NRS 244.3358 or 244A.597 to 244A.655, inclusive, constitutes a lien upon the real and personal property of the business upon which the tax was levied until the tax is paid. The lien has the same priority as a lien for general taxes. The lien must be enforced:

(a) By recording in the office of the county recorder, within 6 months after the date on which the tax became delinquent or was otherwise determined to be due and owing, a notice of the tax lien containing the following:

(1) The amount of tax due and the appropriate year;

(2) The name of the record owner of the property;

(3) A description of the property sufficient for identification; and

(4) A verification by the oath of any member of the board of county commissioners or the county fair and recreation board; and

(b) By an action for foreclosure against the property in the same manner as an action for foreclosure of any other lien, commenced within 2 years after the date of recording of the notice of the tax lien, and accompanied by appropriate notice to other lienholders.

~~[7.]~~ ***8.*** The board of county commissioners may delegate the authority to enforce liens from taxes levied for the purposes of NRS 244A.597 to 244A.655, inclusive, to the county fair and recreation board. If the authority

is so delegated, the board of county commissioners shall revoke or suspend the license of a business upon certification by the county fair and recreation board that the license tax has become delinquent, and shall not reinstate the license until the tax is paid. Except as otherwise provided in NRS 239.0115 and 244.3357, all information concerning license taxes levied by an ordinance authorized by this section or other information concerning the business affairs or operation of any licensee obtained as a result of the payment of such license taxes or as the result of any audit or examination of the books by any authorized employee of a county fair and recreation board of the county for any license tax levied for the purpose of NRS 244A.597 to 244A.655, inclusive, is confidential and must not be disclosed by any member, officer or employee of the county fair and recreation board or the county imposing the license tax unless the disclosure is authorized by the affirmative action of a majority of the members of the appropriate county fair and recreation board. Continuing disclosure may be so authorized under an agreement with the Department of Taxation or Secretary of State for the exchange of information concerning taxpayers.

Sec. 1.7. **NRS 244.33505 is hereby amended to read as follows:**

244.33505 1. In a county in which a license to engage in a business is required, the board of county commissioners shall not issue such a license unless the applicant for the license ~~[signs]~~ **:**

(a) Signs an affidavit affirming that the business:

~~[(a)]~~ ***(1)*** Has received coverage by a private carrier as required pursuant to chapters 616A to 616D, inclusive, and chapter 617 of NRS;

~~[(b)]~~ ***(2)*** Maintains a valid certificate of self-insurance pursuant to chapters 616A to 616D, inclusive, of NRS;

~~[(c)]~~ ***(3)*** Is a member of an association of self-insured public or private employers; or

~~[(d)]~~ ***(4)*** Is not subject to the provisions of chapters 616A to 616D, inclusive, or chapter 617 of NRS ~~[.]~~ ***; or***

(b) If the applicant submits his or her application electronically, attests to his or her compliance with the provisions of paragraph (a).

2. In a county in which such a license is not required, the board of county commissioners shall require a business, when applying for a post office box, to submit to the board the affidavit ***or attestation*** required by subsection 1.

3. Each board of county commissioners shall submit to the Administrator of the Division of Industrial Relations of the Department of Business and Industry monthly a list of the names of those businesses which have submitted an affidavit ***or attestation*** required by subsections 1 and 2.

4. Upon receiving an affidavit ***or attestation*** required by this section, a board of county commissioners shall provide the owner of the business with a document setting forth the rights and responsibilities of employers and employees to promote safety in the workplace, in accordance with regulations adopted by the Division of Industrial Relations of the Department of Business and Industry pursuant to NRS 618.376.

Sec. 2. Chapter 268 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The governing body of each incorporated city whose population is 150,000 or more and which is located in a county whose population is 700,000 or more, whether organized under general law or special charter, shall enter into an agreement in accordance with the provisions of NRS 277.080 to 277.180, inclusive, with the board of county commissioners of the county in which the city is located ~~[and]~~ , with the governing body of every other city located within the county whose population is 150,000 or more and with the governing body of each city located within the county whose population is less than 150,000 who chooses to enter into such an agreement for the establishment of a business license to authorize a person who is licensed as a contractor pursuant to chapter 624 of NRS to engage in the business of contracting within the county and each of those cities.

2. The agreement required pursuant to subsection 1 must set forth the purposes, powers, rights, obligations and responsibilities, financial and otherwise, of the county and each city that enters into the agreement.

3. Upon entering into the agreement required pursuant to subsection 1, the governing body of the city shall establish by ordinance a system for issuing such a business license that authorizes a person who is licensed as a contractor pursuant to chapter 624 of NRS to engage in the business of contracting within the county and cities that entered into the agreement pursuant to subsection 1 ~~[.]~~ and in which the person intends to conduct business.

4. An ordinance adopted pursuant to the provisions of subsection 3 must include, without limitation:

(a) The requirements for obtaining the business license;

(b) The fees for the issuance and renewal of the business license; and

(c) Any other requirements necessary to establish the system for issuing the business license.

5. A person who is licensed as a contractor pursuant to chapter 624 of NRS is eligible to obtain from the city a business license that authorizes the person to engage in the business of contracting within the county and each city located in the county which enters into an agreement pursuant to subsection 1 and in which the person intends to conduct business if the person meets the requirements set forth in the ordinance to qualify for the license and:

(a) The person maintains only one place of business within the county and the place of business is located within the jurisdiction of the city;

(b) The person maintains more than one place of business within the county and each of those places of business is located within the jurisdiction of the city; or

(c) The person does not maintain any place of business within the county.

6. A person who obtains a business license described in this section is subject to all other licensing and permitting requirements of the State and any other counties and cities in which the person does business.

Sec. 3. NRS 268.095 is hereby amended to read as follows:

268.095 1. Except as otherwise provided in subsection 4 ~~[,]~~ ***and section 2 of this act,*** the city council or other governing body of each incorporated city in this State, whether organized under general law or special charter, may:

(a) Except as otherwise provided in subsection 2 and NRS 268.0968 and 576.128, fix, impose and collect for revenues or for regulation, or both, a license tax on all character of lawful trades, callings, industries, occupations, professions and businesses conducted within its corporate limits.

(b) Assign the proceeds of any one or more of such license taxes to the county within which the city is situated for the purpose or purposes of making the proceeds available to the county:

(1) As a pledge as additional security for the payment of any general obligation bonds issued pursuant to NRS 244A.597 to 244A.655, inclusive;

(2) For redeeming any general obligation bonds issued pursuant to NRS 244A.597 to 244A.655, inclusive;

(3) For defraying the costs of collecting or otherwise administering any such license tax so assigned, of the county fair and recreation board and of officers, agents and employees hired thereby, and of incidentals incurred thereby;

(4) For operating and maintaining recreational facilities under the jurisdiction of the county fair and recreation board;

(5) For improving, extending and bettering recreational facilities authorized by NRS 244A.597 to 244A.655, inclusive; and

(6) For constructing, purchasing or otherwise acquiring such recreational facilities.

(c) Pledge the proceeds of any tax imposed on the revenues from the rental of transient lodging pursuant to this section for the payment of any general or special obligations issued by the city for a purpose authorized by the laws of this State.

(d) Use the proceeds of any tax imposed pursuant to this section on the revenues from the rental of transient lodging:

(1) To pay the principal, interest or any other indebtedness on any general or special obligations issued by the city pursuant to the laws of this State;

(2) For the expense of operating or maintaining, or both, any facilities of the city; and

(3) For any other purpose for which other money of the city may be used.

2. The city council or other governing body of an incorporated city shall not require that a person who is licensed as a contractor pursuant to chapter 624 of NRS obtain more than one license to engage in the business of

contracting or pay more than one license tax related to engaging in the business of contracting, regardless of the number of classifications or subclassifications of licensing for which the person is licensed pursuant to chapter 624 of NRS.

3. The proceeds of any tax imposed pursuant to this section that are pledged for the repayment of general obligations may be treated as "pledged revenues" for the purposes of NRS 350.020.

4. The city council or other governing body of an incorporated city shall not require a person to obtain a license or pay a license tax on the sole basis that the person is a professional. ***As used in this subsection, "professional" means a person who:***

(a) Holds a license, certificate, registration, permit or similar type of authorization issued by a regulatory body as defined in NRS 622.060 or who is regulated pursuant to the Nevada Supreme Court Rules; and

(b) Practices his or her profession for any type of compensation as an employee.

5. The city licensing agency shall provide upon request an application for a state business license pursuant to chapter 76 of NRS. No license to engage in any type of business may be granted unless the applicant for the license ~~[signs]~~ **:**

(a) Signs an affidavit affirming that the business has complied with the provisions of chapter 76 of NRS ~~[. The city licensing agency shall provide upon request an application for a business license pursuant to chapter 76 of NRS. As used in this subsection, "professional" means a person who:~~

~~(a) Holds a license, certificate, registration, permit or similar type of authorization issued by a regulatory body as defined in NRS 622.060, or who is regulated pursuant to the Nevada Supreme Court Rules; and~~

~~(b) Practices his or her profession for any type of compensation as an employee.~~

~~5.]~~ ***; or***

(b) Provides to the city licensing agency the entity number of the applicant assigned by the Secretary of State which the city may use to validate that the applicant is currently in good standing with the State and has complied with the provisions of chapter 76 of NRS.

6. No license to engage in business as a seller of tangible personal property may be granted unless the applicant for the license ~~[presents]~~ **:**

(a) Presents written evidence that:

~~[(a)]~~ ***(1)*** The Department of Taxation has issued or will issue a permit for this activity, and this evidence clearly identifies the business by name; or

~~[(b)]~~ ***(2)*** Another regulatory agency of the State has issued or will issue a license required for this activity ~~[.~~

~~6.]~~ ***; or***

(b) Provides to the city licensing agency the entity number of the applicant assigned by the Secretary of State which the city may use to

validate that the applicant is currently in good standing with the State and has complied with the provisions of paragraph (a).

7. Any license tax levied under the provisions of this section constitutes a lien upon the real and personal property of the business upon which the tax was levied until the tax is paid. The lien has the same priority as a lien for general taxes. The lien must be enforced:

(a) By recording in the office of the county recorder, within 6 months following the date on which the tax became delinquent or was otherwise determined to be due and owing, a notice of the tax lien containing the following:

(1) The amount of tax due and the appropriate year;

(2) The name of the record owner of the property;

(3) A description of the property sufficient for identification; and

(4) A verification by the oath of any member of the board of county commissioners or the county fair and recreation board; and

(b) By an action for foreclosure against such property in the same manner as an action for foreclosure of any other lien, commenced within 2 years after the date of recording of the notice of the tax lien, and accompanied by appropriate notice to other lienholders.

~~[7.]~~ ***8.*** The city council or other governing body of each incorporated city may delegate the power and authority to enforce such liens to the county fair and recreation board. If the authority is so delegated, the governing body shall revoke or suspend the license of a business upon certification by the board that the license tax has become delinquent, and shall not reinstate the license until the tax is paid. Except as otherwise provided in NRS 239.0115 and 268.0966, all information concerning license taxes levied by an ordinance authorized by this section or other information concerning the business affairs or operation of any licensee obtained as a result of the payment of those license taxes or as the result of any audit or examination of the books of the city by any authorized employee of a county fair and recreation board for any license tax levied for the purpose of NRS 244A.597 to 244A.655, inclusive, is confidential and must not be disclosed by any member, official or employee of the county fair and recreation board or the city imposing the license tax unless the disclosure is authorized by the affirmative action of a majority of the members of the appropriate county fair and recreation board. Continuing disclosure may be so authorized under an agreement with the Department of Taxation or the Secretary of State for the exchange of information concerning taxpayers.

~~[8.]~~ ***9.*** The powers conferred by this section are in addition and supplemental to, and not in substitution for, and the limitations imposed by this section do not affect the powers conferred by, any other law. No part of this section repeals or affects any other law or any part thereof, it being intended that this section provide a separate method of accomplishing its objectives, and not an exclusive one.

Sec. 3.5. **NRS 268.0955 is hereby amended to read as follows:**

268.0955 1. In an incorporated city in which a license to engage in a business is required, the city council or other governing body of the city shall not issue such a license unless the applicant for the license ~~[signs]~~ ***:***

(a) Signs an affidavit affirming that the business:

~~[(a)]~~ ***(1)*** Has received coverage by a private carrier as required pursuant to chapters 616A to 616D, inclusive, and chapter 617 of NRS;

~~[(b)]~~ ***(2)*** Maintains a valid certificate of self-insurance pursuant to chapters 616A to 616D, inclusive, of NRS;

~~[(c)]~~ ***(3)*** Is a member of an association of self-insured public or private employers; or

~~[(d)]~~ ***(4)*** Is not subject to the provisions of chapters 616A to 616D, inclusive, or chapter 617 of NRS ~~[.]~~ ***; or***

(b) If the applicant submits his or her application electronically, attests to his or her compliance with the provisions of paragraph (a).

2. In an incorporated city in which such a license is not required, the city council or other governing body of the city shall require a business, when applying for a post office box, to submit to the governing body the affidavit ***or attestation*** required by subsection 1.

3. Each city council or other governing body of an incorporated city shall submit to the Administrator of the Division of Industrial Relations of the Department of Business and Industry monthly a list of the names of those businesses which have submitted an affidavit ***or attestation*** required by subsections 1 and 2.

4. Upon receiving an affidavit ***or attestation*** required by this section, the city council or other governing body of an incorporated city shall provide the applicant with a document setting forth the rights and responsibilities of employers and employees to promote safety in the workplace in accordance with regulations adopted by the Division of Industrial Relations of the Department of Business and Industry pursuant to NRS 618.376.

Sec. 3.7. **NRS 446.877 is hereby amended to read as follows:**

446.877 ~~[No]~~

1. Except as otherwise provided in subsection 2, no license under any license ordinance of ~~[a city, county or other]~~ ***any*** licensing authority ~~[shall]~~ ***may*** be issued for the operation of a food establishment to any person owning or operating such food establishment unless the permit required by this chapter has first been granted by the health authority.

2. A board of county commissioners or the city council or other governing body of an incorporated city, whether organized under general law or special charter, may issue a license to operate a food establishment to any person owning or operating the food establishment contingent upon the person's obtaining the permit required by this chapter from the health authority.

Sec. 4. (Deleted by amendment.)

Sec. 4.5. The governing body of a county whose population is 700,000 or more and each city whose population is 150,000 or more located in the county shall:

1. Enter into the agreements required pursuant to sections 1 and 2 of this act; and

2. Adopt the ordinances required pursuant to section 1 and 2 of this act, ➥ on or before 1 year after the effective date of this act.

Sec. 5. This act becomes effective upon passage and approval.

Assemblywoman Bustamante Adams moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, reengrossed, and to third reading.

Senate Bill No. 187.

Bill read second time and ordered to third reading.

Senate Bill No. 304.

Bill read second time.

The following amendment was proposed by the Committee on Legislative Operations and Elections:

Amendment No. 804.

SUMMARY—~~[Provides for redistricting of election districts in Carson City and the Cities of Henderson, Reno and Sparks, contingent upon voter approval.]~~ **Revises provisions governing elections and officers in certain cities.** (BDR S-731)

AN ACT relating to ~~[redistricting;]~~ **cities;** creating, contingent upon voter approval, a sixth ward for the City of Reno; requiring, contingent upon voter approval, that the candidates for Supervisor in Carson City and for Council Member in the City of Henderson, the City of Reno and the City of Sparks be voted upon in a primary or general election only by the registered voters of the ward that a candidate seeks to represent; **revising the requirements for serving as the City Attorney for the City of Sparks;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The existing Charter of the City of Reno divides the City into five wards, each of which is represented on the City Council by a Council Member. A sixth Council Member represents the City at large. (Reno City Charter §§ 1.050, 2.010) **Section 7** of this bill increases the number of wards in Reno to six, and **sections 8-10** of this bill replace the office of Council Member at large with the office of Council Member to represent the newly created sixth ward.

The existing Charters of the Cities of Reno and Sparks provide that the candidates for Council Member to represent a particular ward must be voted on in a primary election only by the registered voters of that ward but in a general election, must be elected by the registered voters of the City at large. (Reno City Charter §§ 5.010, 5.020; Sparks City Charter §§ 5.010, 5.020)

Sections 9 and 10 of this bill amend the Charter of the City of Reno, and **sections 11 and 12** of this bill amend the Charter of the City of Sparks, to provide that all candidates for Council Member must be elected in a general election by only the registered voters of the ward that a candidate seeks to represent. The existing Charters of Carson City and the City of Henderson provide that the candidates for Supervisor and Council Member, respectively, must be elected by the registered voters of the City at large in both a primary and a general election. (Carson City Charter §§ 2.010, 5.010, 5.020; Henderson City Charter §§ 2.010, 5.010, 5.020) **Sections 1-3** of this bill amend the Charter of Carson City, and **sections 4-6** of this bill amend the Charter of the City of Henderson, to provide that all candidates for Supervisor and Council Member, respectively, must be elected in a primary or general election only by the registered voters of the ward that a candidate seeks to represent.

Sections 15-18 of this bill require Carson City and the Cities of Henderson, Reno and Sparks to place on the ballot for the 2012 general election the question of whether to amend their respective charters to provide that all candidates for Supervisor or Council Member, as appropriate, must be elected in a primary or general election by only the registered voters of the ward that a candidate seeks to represent.

The existing Charter of the City of Sparks provides that all elective officers, including the City Attorney, must be: (1) residents of the City for at least 30 days before the end of the period for filing for office and for the duration of their term of office; and (2) registered voters within the City. (Sparks City Charter § 1.060) Section 10.5 of this bill revises these requirements for the City Attorney, requiring instead that the City Attorney be a resident of and registered to vote in Washoe County, rather than the City of Sparks.

Section 19 of this bill provides that the sections of this bill relating to ~~[each]~~ **Carson** City **and the Cities of Henderson and Sparks** become effective only if the voters of that City approve the ballot question required by this bill. **Section 19 also provides that the sections of this bill relating to the City of Reno and the City Attorney for the City of Sparks become effective on July 1, 2011. Finally, section 19 provides that the sections of this bill relating to the City of Reno expire on June 30, 2015, if the voters of that City do not approve the ballot question required by this bill.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Section 2.010 of the Charter of Carson City, being chapter 213, Statutes of Nevada 1969, as last amended by chapter 118, Statutes of Nevada 1985, at page 474, is hereby amended to read as follows:

Sec. 2.010 Board of Supervisors: Qualifications; election; term of office.

1. The legislative power of Carson City is vested in a Board of Supervisors consisting of five Supervisors, including the Mayor.

2. The Mayor must be:

(a) An actual and bona fide resident of Carson City for at least 6 months immediately preceding his election.

(b) A qualified elector within Carson City.

3. Each Supervisor must be:

(a) An actual and bona fide resident of Carson City for at least 6 months immediately preceding his election.

(b) A qualified elector within the ward which he represents.

(c) A resident of the ward which he represents, except that changes effected in the boundaries of a ward pursuant to the provisions of section 1.060 do not affect the right of any elected Supervisor to continue in office for the term for which he was elected.

4. All Supervisors, including the Mayor, ~~[must be voted upon by the registered voters of Carson City at large and]~~ shall serve for terms of 4 years.

Sec. 2. Section 5.010 of the Charter of Carson City, being chapter 213, Statutes of Nevada 1969, as last amended by chapter 100, Statutes of Nevada 1999, at page 271, is hereby amended to read as follows:

Sec. 5.010 Primary election.

1. A primary election must be held on the date fixed by the election laws of this state for statewide elections, at which time there must be nominated candidates for offices to be voted for at the next general election.

2. A candidate for any office to be voted for at any primary election must file a declaration of candidacy as provided by the election laws of this state.

3. ***In an election that is held pursuant to this section:***

(a) All candidates for the office of Mayor ***,*** ~~[and Supervisor,]~~ and candidates for the office of Municipal Judge if a third department of the Municipal Court has been established, must be voted upon by the registered voters of Carson City at large.

(b) A candidate for the office of Supervisor must be elected only by the registered voters of the ward that the candidate seeks to represent.

4. If only two persons file for a particular office, their names must not appear on the primary ballot but their names must be placed on the ballot for the general election.

5. If in the primary election one candidate receives more than a majority of votes cast in that election for the office for which he is a candidate, his name alone must be placed on the ballot for the general election. If in the primary election no candidate receives a majority of votes cast in that election for the office for which he is a candidate, the names of the two candidates receiving the highest numbers of votes must be placed on the ballot for the general election.

Sec. 3. Section 5.020 of the Charter of Carson City, being chapter 213, Statutes of Nevada 1969, as last amended by chapter 96, Statutes of Nevada 1997, at page 183, is hereby amended to read as follows:

Sec. 5.020 General election.

1. A general election must be held in Carson City on the first Tuesday after the first Monday in November 1970, and on the same day every 2 years thereafter, at which time there must be elected such officers, the offices of which are required next to be filled by election.

2. ***In an election that is held pursuant to this section:***

(a) All candidates for the office of Mayor **,** ~~[and Supervisor,]~~ and all candidates for the office of Municipal Judge if a third department of the Municipal Court has been established, must be voted upon by the registered voters of Carson City at large.

(b) A candidate for the office of Supervisor must be voted upon only by the registered voters of the ward that the candidate seeks to represent.

Sec. 4. Section 2.010 of the Charter of the City of Henderson, being chapter 266, Statutes of Nevada 1971, as last amended by chapter 596, Statutes of Nevada 1995, at page 2206, is hereby amended to read as follows:

Sec. 2.010 City Council: Qualifications; election; term of office; salary.

1. The legislative power of the City is vested in a City Council consisting of four Councilmen and the Mayor.

2. The Mayor must be:

(a) A bona fide resident of the territory which is established by the boundaries of the City for the 12 months immediately preceding the last day for filing a declaration of candidacy for the office.

(b) A qualified elector within the City.

3. Each Councilman must be:

(a) A bona fide resident of the territory which is established by the boundaries of the City for the 12 months immediately preceding the last day for filing a declaration of candidacy for the office.

(b) A qualified elector within the ward which he represents.

(c) A resident of the ward which he represents for at least 30 days immediately preceding the last day for filing a declaration of candidacy for the office, except that changes in ward boundaries pursuant to the provisions of section 1.040 do not affect the right of any elected Councilman to continue in office for the term for which he was elected.

4. All Councilmen, including the Mayor, ~~[must be voted upon by the registered voters of the City at large and]~~ shall serve for terms of 4 years.

5. The Mayor and Councilmen are entitled to receive a salary in an amount fixed by the City Council. The City Council shall not adopt an ordinance which increases or decreases the salary of the Mayor or the Councilmen during the term for which they have been elected or appointed.

Sec. 5. Section 5.010 of the Charter of the City of Henderson, being chapter 266, Statutes of Nevada 1971, as last amended by chapter 637, Statutes of Nevada 1999, at page 3565, is hereby amended to read as follows:

Sec. 5.010 Primary election.

1. A primary election must be held on the Tuesday after the first Monday in April of each odd-numbered year, at which time there must be nominated candidates for offices to be voted for at the next general municipal election.

2. A candidate for any office to be voted for at any primary municipal election must file a declaration of candidacy as provided by the election laws of this State.

3. ***In an election that is held pursuant to this section:***

(a) All candidates for ~~[elective office]~~ ***the offices of Mayor and Municipal Judge*** must be voted upon by the registered voters of the City at large.

(b) A candidate for the office of City Council Member must be elected only by the registered voters of the ward that the candidate seeks to represent.

4. If in the primary election no candidate receives a majority of votes cast in that election for the office for which he is a candidate, the names of the two candidates receiving the highest number of votes must be placed on the ballot for the general election. If in the primary election, regardless of the number of candidates for an office, one candidate receives a majority of votes cast in that election for the office for which he is a candidate, he must be declared elected and no general election need be held for that office.

Sec. 6. Section 5.020 of the Charter of the City of Henderson, being chapter 266, Statutes of Nevada 1971, as last amended by chapter 209, Statutes of Nevada 2001, at page 971, is hereby amended to read as follows:

Sec. 5.020 General municipal election.

1. A general election must be held in the City on the first Tuesday after the first Monday in June of each odd-numbered year and on the same day every 2 years thereafter, at which time the registered voters of the City shall elect city officers to fill the available elective positions.

2. ***In an election that is held pursuant to this section:***

(a) All candidates for the office of Mayor ~~[, Councilman]~~ and Municipal Judge must be voted upon by the registered voters of the City at large.

(b) A candidate for the office of City Council Member must be voted upon only by the registered voters of the ward that the candidate seeks to represent.

3. The term of office for members of the City Council and the Mayor is 4 years. Except as otherwise provided in subsection 3 of section 4.015 of this Charter, the term of office for a Municipal Judge is 6 years.

~~[3.]~~ ***4.*** On the Tuesday after the first Monday in June 2001 and every 6 years thereafter, there must be elected by the qualified voters of the City, at a general municipal election to be held for that purpose, a Municipal Judge for Department 1 who will hold office until his successor has been elected and qualified.

~~[4.]~~ ***5.*** On the Tuesday after the first Monday in June 2003 and every 6 years thereafter, there must be elected by the qualified voters of the City, at a general municipal election to be held for that purpose, a Municipal Judge for Department 2 who will hold office until his successor has been elected and qualified.

~~[5.]~~ ***6.*** On the Tuesday after the first Monday in June 2005 and every 6 years thereafter, there must be elected by the qualified voters of the City, at a general municipal election to be held for that purpose, a Municipal Judge for Department 3 who will hold office until his successor has been elected and qualified.

Sec. 7. Section 1.050 of the Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, as last amended by chapter 327, Statutes of Nevada 1999, at page 1365, is hereby amended to read as follows:

Sec. 1.050 Wards: Creation; boundaries.

1. The City must be divided into ~~[five]~~ ***six*** wards, which must be as nearly equal in population as can be conveniently provided. The territory comprising each ward must be contiguous, except that if any territory of the City which is not contiguous to the remainder of the City does not contain sufficient population to constitute a separate ward, it may be placed in any ward of the City.

2. The boundaries of the wards must be established and changed by ordinance, passed by a vote of at least five-sevenths of the City Council. The boundaries of the wards:

(a) Must be changed whenever the population, as determined by the last preceding national census of the Bureau of the Census of the United States Department of Commerce, in any ward exceeds the population in any other ward by more than 5 percent.

(b) May be changed to include territory that has been annexed, or whenever the population in any ward exceeds the population in another ward by more than 5 percent by any measure that is found to be reliable by the City Council.

Sec. 8. Section 2.010 of the Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, as last amended by chapter 327, Statutes of Nevada 1999, at page 1366, is hereby amended to read as follows:

Sec. 2.010 Mayor and City Council: Qualifications; election; term of office; salary.

1. The legislative power of the City is vested in a City Council consisting of six Councilmen and a Mayor.

2. The Mayor and Councilmen must be qualified electors within the City. Each Councilman ***must be a resident of the ward from which he or she is*** elected ~~[from a ward]~~ ***and*** must continue to live in that ward for as long as he represents the ward.

3. The Mayor ~~[and one Councilman represent]~~ ***represents*** the City at large and one Councilman represents each ward. The Mayor and Councilmen serve for terms of 4 years.

4. The Mayor and Councilmen are entitled to receive a salary in an amount fixed by the City Council.

Sec. 9. Section 5.010 of the Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, as last amended by chapter 87, Statutes of Nevada 2001, at page 557, is hereby amended to read as follows:

Sec. 5.010 General elections.

1. ~~[On the Tuesday after the first Monday in November 1998, and at each successive interval of 4 years, there must be elected by the qualified voters of the City, at the general election, a Mayor, Councilmen from the second and fourth wards, a Municipal Judge and a City Attorney, all of whom hold office for a term of 4 years and until their successors have been elected and qualified pursuant to subsection 3 or 4.~~

~~2. On the Tuesday after the first Monday in November 2000, and at each successive interval of 4 years, there must be elected by the qualified voters of the City, at the general election, Councilmen from the first, third and fifth wards, one Councilman at large and two Municipal Judges, all of whom hold office for a term of 4 years and until their successors have been elected and qualified pursuant to subsection 5 or 6.~~

~~3.]~~ On the Tuesday after the first Monday in November 2002, and at each successive interval of 6 years, there must be elected **,** ~~[by the qualified voters of the City,]~~ at the general election, a Municipal Judge, who holds office for a term of 6 years and until his successor has been elected and qualified.

~~[4.]~~ ***2.*** On the Tuesday after the first Monday in November 2002, and at each successive interval of 4 years, there must be elected **,** ~~[by the qualified voters of the City,]~~ at the general election, a Mayor, Councilmen from the second and fourth wards, and a City Attorney, all of whom hold office for a term of 4 years and until their successors have been elected and qualified **.**

~~[5.]~~ ~~*[pursuant to subsection 5.]*~~

3. On the Tuesday after the first Monday in November 2004, and at each successive interval of 6 years, there must be elected **,** ~~[by the qualified voters of the City,]~~ at the general election, three Municipal Judges, all of whom hold office for a term of 6 years and until their successors have been elected and qualified.

~~[6.]~~ ***4.*** On the Tuesday after the first Monday in November 2004, and at each successive interval of 4 years, there must be elected **,** ~~[by the qualified voters of the City,]~~ at the general election, Councilmen from the first, third and fifth wards **,** ~~[and one Councilman at large,]~~ all of whom hold office for a term of 4 years and until their successors have been elected and qualified ~~[.]~~ ***pursuant to subsection 5.***

5. On the Tuesday after the first Monday in November ~~*[2014,]*~~ ***2012, and at each successive interval of 4 years, there must be elected, at the general election,*** ~~*[a Mayor,]*~~ ***Council Members from the*** ~~*[second, fourth]*~~ ***first, third, fifth and sixth wards,*** ~~*[and a City Attorney,]*~~ ***all of whom hold office for a term of 4 years and until their successors have been elected and qualified.***

6. In an election held pursuant to this section:

(a) A candidate for the office of City Council Member must be elected only by the registered voters of the ward that the candidate seeks to represent.

(b) Candidates for Mayor, Municipal Judge and City Attorney must be elected by the registered voters of the city at large.

Sec. 10. Section 5.020 of the Charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, as last amended by chapter 376, Statutes of Nevada 2005, at page 1438, is hereby amended to read as follows:

Sec. 5.020 Primary elections; declaration of candidacy.

1. A candidate for any office to be voted for at an election must file a declaration of candidacy with the City Clerk. All filing fees collected by the City Clerk must be deposited to the credit of the General Fund of the City.

2. If for any general election, there are three or more candidates for any office to be filled at that election, a primary election for any such office must be held on the date fixed by the election laws of this State for statewide elections, at which time there must be nominated candidates for the office to be voted for at the next general election. If for any general election there are two or fewer candidates for any office to be filled at that election, their names must not be placed on the ballot for the primary election but must be placed on the ballot for the general election.

3. In the primary election:

(a) The names of the two candidates for Municipal Judge, City Attorney or a particular City Council seat, as the case may be, who receive the highest number of votes must be placed on the ballot for the general election.

(b) ~~[~~Candidates~~]~~ ***A candidate*** for ***the office of City*** Councilman ~~[~~who represent a specific ward~~]~~ must be voted upon only by the registered voters of ~~[~~that ward.~~]~~ ***the ward that the candidate seeks to represent.***

(c) Candidates for Mayor ~~[~~and Councilman at large~~]~~ ***, Municipal Judge and City Attorney*** must be voted upon by ~~[~~all~~]~~ ***the*** registered voters of the City ~~[~~.

~~4. The Mayor and all Councilmen must be voted upon by all registered voters of the City at the general election.~~]~~ ***at large.***

Sec. 10.5. **Section 1.060 of the Charter of the City of Sparks, being chapter 470, Statutes of Nevada 1975, as last amended by chapter 41, Statutes of Nevada 2001, at page 394, is hereby amended to read as follows:**

Sec. 1.060 Elective officers: Qualifications; salaries.

1. The elective officers of the City consist of:

(a) A Mayor.

(b) Five members of the Council.

(c) A City Attorney.

(d) Municipal Judges, the number to be determined pursuant to section 4.010.

2. ~~[~~All~~]~~ ***Except as otherwise provided in subsection 4, all*** elective officers of the City must be:

(a) Bona fide residents of the City for at least 30 days immediately preceding the last day for filing a declaration of candidacy for such an office.

(b) Residents of the City during their term of office, and, in the case of a member of the Council, a resident of the ward the member represents.

(c) Registered voters within the City.

3. No person may be elected or appointed as a member of the Council who was not an actual bona fide resident of the ward to be represented by him for a period of at least 30 days immediately preceding the last day for filing a declaration of candidacy for the office, or, in the case of appointment, 30 days immediately preceding the day the office became vacant.

4. The City Attorney must be ~~[a]~~ **:**

(a) A bona fide resident of Washoe County for at least 30 days immediately preceding the last day for filing a declaration of candidacy for such an office.

(b) A resident of Washoe County during his or her term of office.

(c) Registered to vote within Washoe County.

(d) A licensed member of the State Bar of Nevada.

5. Each elective officer is entitled to receive a salary in an amount fixed by the City Council. At any time before January 1 of the year in which a general election is held, the City Council shall enact an ordinance fixing the initial salary for each elective office for the term beginning on the first Monday following that election. This ordinance may not be amended to increase or decrease the salary for the office of Mayor, City Councilman or City Attorney during the term. If the City Council fails to enact such an ordinance before January 1 of the election year, the succeeding elective officers are entitled to receive the same salaries as their respective predecessors.

Sec. 11. Section 5.010 of the Charter of the City of Sparks, being chapter 470, Statutes of Nevada 1975, as last amended by chapter 52, Statutes of Nevada 2005, at page 104, is hereby amended to read as follows:

Sec. 5.010 General elections.

1. ~~[On the Tuesday after the first Monday in June 2001, there must be elected by the registered voters of the City, at a general municipal election, Council members to represent the first, third and fifth wards, a Municipal Judge for Department 1 and a City Attorney, all of whom hold office until their successors have been elected and qualified, pursuant to subsection 3 or 4.~~

~~2. On the Tuesday after the first Monday in June 2003, there must be elected by the registered voters of the City, at a general municipal election, Council members to represent the second and fourth wards, a Mayor and a Municipal Judge for Department 2, all of whom hold office until their successors have been elected and qualified, pursuant to subsection 5 or 6.~~

~~3.]~~ On the Tuesday after the first Monday in November 2004, and at each successive interval of 4 years, there must be elected **,** ~~[by the registered voters of the City,]~~ at the general election, Council members to represent the first, third and fifth wards and a City Attorney, all of whom hold office for a term of 4 years and until their successors have been elected and qualified.

~~[4. On the Tuesday after the first Monday in November 2004, and at each successive interval of 4 years, there must be elected by the registered voters of the City, at the general election, a Municipal Judge for Department 1, who holds office for a term of 4 years and until his successor has been elected and qualified, pursuant to subsection 7.~~

~~5.]~~ ***2.*** On the Tuesday after the first Monday in November 2006, and at each successive interval of 4 years, there must be elected **,** ~~[by the registered voters of the City,]~~ at the general election, Council members to represent the second and fourth wards and a Mayor, all of whom hold office for a term of 4 years and until their successors have been elected and qualified.

~~[6.]~~ ***3.*** On the Tuesday after the first Monday in November 2006, and at each successive interval of 6 years, there must be elected **,** ~~[by the registered voters of the City,]~~ at the general election, a Municipal Judge for Department 2, who holds office for a term of 6 years and until his successor has been elected and qualified.

~~[7.]~~ ***4.*** On the Tuesday after the first Monday in November 2008, and at each successive interval of 6 years, there must be elected **,** ~~[by the registered voters of the City,]~~ at the general election, a Municipal Judge for Department 1, who holds office for a term of 6 years and until his successor has been elected and qualified.

~~[8. All candidates at]~~

5. In an election that is held pursuant to this section ***:***

(a) Candidates for the offices of Mayor, City Attorney and Municipal Judge must be voted upon by the registered voters of the City at large.

(b) A candidate for the office of City Council Member must be voted upon only by the registered voters of the ward that the candidate seeks to represent.

Sec. 12. Section 5.020 of the Charter of the City of Sparks, being chapter 470, Statutes of Nevada 1975, as last amended by chapter 41, Statutes of Nevada 2001, at page 398, is hereby amended to read as follows:

Sec. 5.020 Primary elections.

1. ***At an election that is held pursuant to this section:***

(a) Candidates for the offices of Mayor, City Attorney and Municipal Judge must be voted upon by the registered voters of the City at large. ~~[Candidates to represent a ward as a member of the City Council]~~

(b) A candidate for the office of City Council Member must be voted upon ***only*** by the registered voters of the ward ~~[to be represented by them.]~~ ***that the candidate seeks to represent.***

2. The names of the two candidates for Mayor, City Attorney and Municipal Judge and the names of the two candidates to represent the ward as a member of the City Council from each ward who receive the highest number of votes at the primary election must be placed on the ballot for the general election.

Sec. 13. The City Council of the City of Reno shall, not later than ~~[July]~~ **October** 1, ~~[2013,]~~ **2011,** establish the boundaries of the ward created by the

amendatory provisions of section 7 of this act, which must be designated the sixth ward, and change the boundaries of the first through fifth wards to comply with the provisions of section 1.050 of the Charter of the City of Reno, as amended by section 7 of this act.

Sec. 13.5. **The City Council of the City of Reno shall, not later than October 1, 2015, change the boundaries of the first through fifth wards to comply with the expiration by limitation of the provisions of section 1.050 of the Charter of the City of Reno, as amended by section 7 of this act.**

Sec. 14. Notwithstanding the amendatory provisions of sections 8 and 9 of this act, a Council Member of the City of Reno who holds office on July 1, ~~[~~2013,~~]~~ **2011,** shall:

1. If elected or appointed to represent a ward, continue to represent that ward for the remainder of his or her term of office.

2. If elected or appointed to represent the City at large, be deemed to represent only the ward created by the amendatory provisions of section 7 of this act **, upon the creation of that ward,** for the remainder of his or her term of office.

Sec. 14.5. **Notwithstanding the expiration by limitation of the amendatory provisions of sections 8 and 9 of this act, a Council Member of the City of Reno who holds office on July 1, 2015, shall:**

1. If elected or appointed to represent the first through fifth ward, continue to represent that ward for the remainder of his or her term of office.

2. If elected or appointed to represent the sixth ward, be deemed to represent the City at large for the remainder of his or her term of office.

Sec. 15. The Board of Supervisors of Carson City shall place on the ballot for the general election to be held on November 6, 2012, a question in substantially the following form:

Shall the Charter of Carson City be amended to provide for a ward system for the election of Supervisors, providing that each Supervisor must be elected in a primary or general election by only the registered voters of the ward that he or she seeks to represent?

Sec. 16. The City Council of the City of Henderson shall place on the ballot for the general election to be held on November 6, 2012, a question in substantially the following form:

Shall the Charter of the City of Henderson be amended to provide for a ward system for the election of Council Members, providing that each Council Member must be elected in a primary or general election by only the registered voters of the ward that he or she seeks to represent?

Sec. 17. The City Council of the City of Reno shall place on the ballot for the general election to be held on November 6, 2012, a question in substantially the following form:

Shall the Charter of the City of Reno be amended to provide for a ward system for the election of Council Members, providing that each Council

Member must be elected in a general election by only the registered voters of the ward that he or she seeks to represent?

Sec. 18. The City Council of the City of Sparks shall place on the ballot for the general election to be held on November 6, 2012, a question in substantially the following form:

Shall the Charter of the City of Sparks be amended to provide for a ward system for the election of Council Members, providing that each Council Member must be elected in a general election by only the registered voters of the ward that he or she seeks to represent?

Sec. 19. 1. This section and sections 15 to 18, inclusive, of this act become effective upon passage and approval.

2. **Sections 7 to 10.5, inclusive, 13 and 14 of this act become effective on July 1, 2011.**

3. Sections 1, 2 and 3 of this act become effective on July 1, 2013, only if a majority of the voters voting on the question placed on the ballot pursuant to section 15 of this act vote affirmatively on the question.

~~[3.]~~ **4.** Sections 4, 5 and 6 of this act become effective on July 1, 2013, only if a majority of the voters voting on the question placed on the ballot pursuant to section 16 of this act vote affirmatively on the question.

~~[4. Sections 7 to 10, inclusive, 13 and 14 of this act become effective on July 1, 2013, only if a majority of the voters voting on the question placed on the ballot pursuant to section 17 of this act vote affirmatively on the question.]~~

5. Sections 11 and 12 of this act become effective on July 1, 2013, only if a majority of the voters voting on the question placed on the ballot pursuant to section 18 of this act vote affirmatively on the question.

6. Sections 7 to 10, inclusive, of this act expire by limitation on June 30, 2015, unless a majority of the voters voting on the question placed on the ballot pursuant to section 17 of this act vote affirmatively on the question.

7. Sections 13.5 and 14.5 of this act become effective on July 1, 2015, only if a majority of the voters voting on the question placed on the ballot pursuant to section 17 of this act disapproves the question.

Assemblyman Segerblom moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Senate Bill No. 321.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 799.

AN ACT relating to taxicabs; requiring the Taxicab Authority to establish a system for the use of radio frequency identification or other electronic means in the enforcement of its allocations of taxicabs; providing for the use

of **a physical security seal or** an electronic security seal for a taximeter **; ~~[under certain circumstances;]~~** requiring the establishment of standards for a daily trip sheet in electronic form; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the Taxicab Authority regulates taxicabs in a county whose population is 400,000 or more (currently Clark County) and in any county that, by ordinance, has placed itself under the jurisdiction of the Taxicab Authority. (NRS 706.881) The Taxicab Authority is responsible, among other things, for determining whether conditions in a county require the establishment of a system of allocations of the number of taxicabs allowed to operate in the county. If so, the Taxicab Authority is responsible for allocating the taxicabs among the existing operators of taxicab businesses in the county. The Taxicab Authority also performs allocations if it subsequently determines that circumstances require a permanent increase in the number of taxicabs allocated. (NRS 706.8824) Similarly, the Taxicab Authority determines whether circumstances require a temporary increase in the allocations and, if so, the additional number of taxicabs to be allocated, the limits on their operations and the duration of the temporary increase. (NRS 706.88245) **The Administrator of the Taxicab Authority issues each allocated taxicab a medallion which must be affixed on the left rear fender of the taxicab. (NAC 706.450, 706.489) Section 1** of this bill requires the Taxicab Authority to establish by regulation a system for the use of radio frequency identification or other electronic means to verify **~~[and confirm compliance with any terms and conditions placed on the allocations of taxicabs made by]~~ the validity of the medallion on any taxicab located within the jurisdiction of** the Taxicab Authority.

Existing law requires an operator of a taxicab business subject to the jurisdiction of the Taxicab Authority to equip each taxicab with a two-way mobile radio and to maintain central facilities for dispatching the taxicabs. The operator may maintain the facilities individually or in cooperation with other operators, but the facilities must be principally engaged in communication by radio with the taxicabs. (NRS 706.8832) **Section 1.5** of this bill **deletes the requirement that the mobile radio be a two-way radio and** provides a definition of "communication by radio."

Under existing law, each taxicab must be equipped with a taximeter that clearly displays the fare, the miles traveled and certain other information. After installation, the taximeter is sealed by the Administrator of the Taxicab Authority. (NRS 706.8836) **Section 2** of this bill provides that **~~[the Administrator will determine the kind of seal to be used, and also specifies that]~~** the seal may **~~[include]~~ be a physical security seal on each access point of the taximeter or** an electronic security seal that is encrypted and protected by **~~[a password.]~~ an audited authentication and authorization mechanism. Section 2 further authorizes the Administrator to require use of the electronic security seal if the Administrator makes certain findings**

relating to the availability and cost of the sealing method and provides at least 12 months' notice to the operators of taxicabs.

Existing law requires that an operator of a taxicab business subject to the jurisdiction of the Taxicab Authority require its drivers to fill out daily trip sheets that include information such as the time, place of origin and destination of each trip. The operator of the taxicab business is required to maintain the daily trip sheets for at least 3 years and make them available to the Administrator for inspection. (NRS 706.8844) **Section 3** of this bill requires the Administrator to establish requirements for the use of an electronic version of a daily trip sheet. If an operator of a taxicab business requires its drivers to keep the daily trip sheet in electronic form, **section 3** requires the operator to maintain the resulting information in a secure database and provide the Administrator with access to the information in the database.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 706 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Taxicab Authority shall establish by regulation a system for the use of radio frequency identification or other electronic means to verify ~~*[and confirm compliance with any terms and conditions placed on the allocations of taxicabs made by the Taxicab Authority pursuant to NRS 706.8824 and 706.88245.]*~~ ***the validity of a medallion affixed to any taxicab within the jurisdiction of the Taxicab Authority.***

2. As used in this section, "medallion" means the metal plate issued by the Taxicab Authority to be affixed to each taxicab allocated by the Taxicab Authority.

Sec. 1.5. NRS 706.8832 is hereby amended to read as follows:

706.8832 ***1.*** A certificate holder shall have each taxicab equipped with a ~~[two-way]~~ mobile radio and shall maintain central facilities for dispatching taxicabs at all times. The facilities:

~~[1.]~~ ***(a)*** May be maintained individually or in cooperation with other certificate holders.

~~[2.]~~ ***(b)*** Must be principally engaged in communication by radio with the taxicabs of the certificate holder or holders.

2. As used in this section, "communication by radio" means the transmission of writing, signs, signals, pictures, and sounds of all kinds by radio or other wireless methods, including all facilities and services incidental to such transmission, which facilities and services include, without limitation, the receipt, forwarding and delivering of communications.

Sec. 2. NRS 706.8836 is hereby amended to read as follows:

706.8836 1. A certificate holder shall equip each of the certificate holder's taxicabs with a taximeter and shall make provisions when installing the taximeter to allow sealing by the Administrator.

2. The Administrator shall approve the types of taximeters which may be used on a taxicab. All taximeters must conform to a 2-percent plus or minus tolerance on the fare recording, must be equipped with a signal device plainly visible from outside of the taxicab, must be equipped with a device which records fares and is plainly visible to the passenger and must register upon plainly visible counters the following items:

(a) Total miles;

(b) Paid miles;

(c) Number of units;

(d) Number of trips; and

(e) Number of extra passengers or extra charges.

3. The Administrator shall inspect each taximeter before its use in a taxicab and shall, if the taximeter conforms to the standards specified in subsection 2, seal the taximeter.

4. ~~*[The Administrator shall determine the manner in which to seal a]*~~ ***Except as otherwise provided in subsection 5, a taximeter*** ~~*[, which may include, without limitation:]*~~ ***may be sealed by:***

(a) Affixing a ~~*[tamper-evident]*~~ ***physical security seal to each access point of the taximeter; or***

(b) Using an electronic security seal that is encrypted and protected by ~~*[a password.]*~~ ***an audited authentication and authorization mechanism for each user that is accessible only by the Administrator.***

5. The Administrator may require that each taximeter be sealed by an electronic security seal that is encrypted and protected by an audited authentication and authorization mechanism for each user that is accessible only by the Administrator if the Administrator:

(a) Makes a finding that the technology for the sealing method is commercially available and will reduce the costs to the Taxicab Authority for inspecting taximeters; and

(b) Provides notice to each certificate holder at least 12 months before requiring the use of the sealing method.

6. The Administrator may reinspect the taximeter at any reasonable time.

7. For the purposes of this section, "sealing" means prohibiting access to the elements of the taximeter used to calculate the items specified in subsection 2 by anyone other than the Administrator.

Sec. 3. NRS 706.8844 is hereby amended to read as follows:

706.8844 1. A certificate holder shall require the certificate holder's drivers to keep a daily trip sheet in a form to be prescribed by the Taxicab Authority ~~[.]~~ ***, including, without limitation, in electronic form.***

2. At the beginning of each period of duty the driver shall record on the driver's trip sheet:

(a) The driver's name and the number of the taxicab;

(b) The time at which the driver began the period of duty by means of a time clock provided by the certificate holder;

(c) The meter readings for total miles, paid miles, trips, units, extra passengers and extra charges; and

(d) The odometer reading of the taxicab.

3. During each period of duty the driver shall record on the driver's trip sheet:

(a) The time, place of origin and destination of each trip; and

(b) The number of passengers and amount of fare for each trip.

4. At the end of each period of duty the driver shall record on the driver's trip sheet:

(a) The time at which the driver ended the period of duty by means of a time clock provided by the certificate holder;

(b) The meter readings for total miles, paid miles, trips, units and extra passengers; and

(c) The odometer reading of the taxicab.

5. A certificate holder shall furnish a trip sheet form for each taxicab operated by a driver during the driver's period of duty and shall require the drivers to return their completed trip sheets at the end of each period of duty.

6. A certificate holder shall retain all trip sheets of all drivers in a safe place for a period of 3 years immediately succeeding December 31 of the year to which they respectively pertain and shall make such manifests available for inspection by the Administrator upon reasonable demand.

7. Any driver who maintains a trip sheet in a form less complete than that required by subsection 1 is guilty of a misdemeanor.

8. The Administrator shall prescribe the requirements for the use of an electronic version of a daily trip sheet. If a certificate holder requires its drivers to keep a daily trip sheet in electronic form, the certificate holder shall maintain the information collected from the daily trip sheet in a secure database and provide the Administrator with access to the information in the database at regular intervals established by the Administrator and upon reasonable demand.

Sec. 4. NRS 706.885 is hereby amended to read as follows:

706.885 1. Any person who knowingly makes or causes to be made, either directly or indirectly, a false statement on an application, account or other statement required by the Taxicab Authority or the Administrator or who violates any of the provisions of NRS 706.881 to 706.885, inclusive, ***and section 1 of this act*** is guilty of a misdemeanor.

2. The Taxicab Authority or Administrator may at any time, for good cause shown and upon at least 5 days' notice to the grantee of any certificate or driver's permit, and after a hearing unless waived by the grantee, penalize the grantee of a certificate to a maximum amount of $15,000 or penalize the grantee of a driver's permit to a maximum amount of $500 or suspend or revoke the certificate or driver's permit granted by the Taxicab Authority or Administrator, respectively, for:

(a) Any violation of any provision of NRS 706.881 to 706.885, inclusive, ***and section 1 of this act*** or any regulation of the Taxicab Authority or Administrator.

(b) Knowingly permitting or requiring any employee to violate any provision of NRS 706.881 to 706.885, inclusive, ***and section 1 of this act*** or any regulation of the Taxicab Authority or Administrator.

➥ If a penalty is imposed on the grantee of a certificate pursuant to this section, the Taxicab Authority or Administrator may require the grantee to pay the costs of the proceeding, including investigative costs and attorney's fees.

3. When a driver or certificate holder fails to appear at the time and place stated in the notice for the hearing, the Administrator shall enter a finding of default. Upon a finding of default, the Administrator may suspend or revoke the license, permit or certificate of the person who failed to appear and impose the penalties provided in this chapter. For good cause shown, the Administrator may set aside a finding of default and proceed with the hearing.

4. Any person who operates or permits a taxicab to be operated in passenger service without a certificate of public convenience and necessity issued pursuant to NRS 706.8827, is guilty of a gross misdemeanor. If a law enforcement officer witnesses a violation of this subsection, the law enforcement officer may cause the vehicle to be towed immediately from the scene.

5. The conviction of a person pursuant to subsection 1 does not bar the Taxicab Authority or Administrator from suspending or revoking any certificate, permit or license of the person convicted. The imposition of a fine or suspension or revocation of any certificate, permit or license by the Taxicab Authority or Administrator does not operate as a defense in any proceeding brought under subsection 1.

Sec. 5. This act becomes effective upon passage and approval for the purposes of adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act and on July 1, 2011, for all other purposes.

Assemblywoman Dondero Loop moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, reengrossed, and to third reading.

Senate Bill No. 381.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 730.

AN ACT relating to marriage; revising provisions concerning the issuance of marriage licenses; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that before two people may be joined in marriage, they must obtain a marriage license from the county clerk of any county in the State. (NRS 122.040) **Section 8.5** of this bill requires the board of county commissioners in each county whose population is **100,000 or more but** less than 700,000 (currently ~~[all counties other than Clark]~~ **Washoe** County) and in which a commercial wedding chapel has been in business for 5 years or more to: (1) ensure that an office where marriage licenses may be issued is open to the public for the purpose of issuing such licenses from 8 a.m. to 12 a.m. every day, including holidays; or (2) provide for the establishment of a program whereby a commercial wedding chapel that has been in business in the county for 5 years or more is authorized to issue marriage licenses during the hours when an office where marriage licenses may be issued is not open to the public. **Additionally, section 8.5 authorizes the board of county commissioners in each county whose population is less than 100,000 (currently all counties other than Clark County and Washoe County) and in which a commercial wedding chapel has been in business for 5 years or more to provide for the establishment of a program whereby such a commercial wedding chapel may issue marriage licenses during the hours when an office where marriage licenses may be issued is not open to the public.** Any such program that ~~[is established]~~ **a board of county commissioners is required or authorized to establish** must authorize a commercial wedding chapel that has been in business in the county for 5 years or more to begin issuing marriage licenses upon filing a completed registration form with the county clerk, along with a performance bond in the amount of $50,000.

Section 8.5 also requires a commercial wedding chapel to refer any application for a marriage license that includes the signature of a guardian for a minor applicant to the county clerk for review and issuance of the marriage license, and provides that the persons to whom a commercial wedding chapel issues a marriage license may only be joined in marriage in the county in which the marriage license is issued. **Section 8.5** further provides that a commercial wedding chapel that violates any provision relating to the issuance of marriage licenses is guilty of a misdemeanor.

Section 12 of this act provides that the sections of this bill that provide for the establishment of county programs for the issuance of marriage licenses by certain commercial wedding chapels expire by limitation in 2 years.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 122 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 8.5, inclusive, of this act.

Sec. 2. "***Commercial wedding chapel" means a permanently affixed structure which operates a business principally for the performance of weddings and which is licensed for that purpose.***

Sec. 3. (Deleted by amendment.)

Sec. 4. (Deleted by amendment.)

Sec. 5. (Deleted by amendment.)

Sec. 6. (Deleted by amendment.)

Sec. 7. (Deleted by amendment.)

Sec. 8. (Deleted by amendment.)

Sec. 8.5. ***1. In each county whose population is 100,000 or more but less than 700,000, in which a commercial wedding chapel has been in business for 5 years or more, the board of county commissioners shall:***

(a) Ensure that an office where marriage licenses may be issued is open to the public for the purpose of issuing such licenses from 8 a.m. to 12 a.m. every day, including holidays; or

(b) Provide for the establishment of a program whereby a commercial wedding chapel that has been in business in the county for 5 years or more is authorized to issue marriage licenses to qualified applicants during the hours when an office where marriage licenses may be issued pursuant to paragraph (a) is not open to the public.

2. In each county whose population is less than 100,000, in which a commercial wedding chapel has been in business in the county for 5 years or more, the board of county commissioners may provide for the establishment of a program whereby a commercial wedding chapel that has been in business in the county for 5 years or more is authorized to issue marriage licenses to qualified applicants during the hours when an office where marriage licenses may be issued is not open to the public.

3. Except as otherwise provided in subsection [3,] 4, a program established pursuant to [paragraph (b) of] subsection 1 or 2 must authorize each commercial wedding chapel that has been in business in the county for 5 years or more to begin issuing marriage licenses upon filing with the county clerk a completed registration form prescribed by the board of county commissioners, along with a performance bond in the amount of $50,000. The performance bond must be conditioned upon the faithful performance of all statutory duties related to the issuance of marriage licenses and compliance with the provisions of chapter 603A of NRS that ensure the security of personal information submitted by applicants for a marriage license.

[3.] 4. A commercial wedding chapel shall refer any application for a marriage license that includes the signature of a guardian for a minor applicant to the county clerk for review and issuance of the marriage license pursuant to NRS 122.040.

[4.] 5. The county clerk of the county in which a commercial wedding chapel that issues marriage licenses pursuant to this section is located shall provide to the commercial wedding chapel, without charge, any materials necessary for the commercial wedding chapel to issue marriage licenses. The number of marriage licenses that the commercial wedding chapel may issue must not be limited.

~~[5.]~~ ***6. A commercial wedding chapel that issues marriage licenses pursuant to this section shall comply with all statutory provisions governing the issuance of marriage licenses in the same manner as the county clerk is required to comply, and shall:***

(a) File the original application for a marriage license with the county clerk on the first available business day after completion of the application;

(b) Collect from an applicant for a marriage license all fees required by law to be collected; and

(c) Remit all fees collected to the county clerk, in the manner required by the standard of practice adopted by the county clerk.

~~[6.]~~ ***7. The records of a commercial wedding chapel that issues marriage licenses pursuant to this section which pertain to the issuance of a marriage license are public records and must be made available for public inspection at reasonable times. Such a commercial wedding chapel shall comply with the provisions of chapter 603A of NRS in the same manner as all other data collectors to ensure the security of all personal information submitted by applicants for a marriage license.***

~~[7.]~~ ***8. The persons to whom a commercial wedding chapel issues a marriage license may not be joined in marriage in any county other than the county in which the marriage license is issued.***

~~[8.]~~ ***9. A commercial wedding chapel that violates any provision of this section is guilty of a misdemeanor.***

Sec. 9. NRS 122.001 is hereby amended to read as follows:

122.001 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 122.002 and 122.006 ***and section 2 of this act*** have the meanings ascribed to them in those sections.

Sec. 9.5. NRS 122.040 is hereby amended to read as follows:

122.040 1. ~~[Before]~~ ***Except as otherwise provided in section 8.5 of this act, before*** persons may be joined in marriage, a license must be obtained for that purpose from the county clerk of any county in the State. Except as otherwise provided in this subsection, the license must be issued at the county seat of that county. The board of county commissioners:

(a) In a county whose population is 400,000 or more:

(1) Shall designate one branch office of the county clerk at which marriage licenses may be issued and shall establish and maintain the designated branch office in an incorporated city whose population is 150,000 or more but less than 300,000; and

(2) May, in addition to the branch office described in subparagraph (1), at the request of the county clerk, designate not more than four branch offices of the county clerk at which marriage licenses may be issued, if the designated branch offices are located outside of the county seat.

(b) In a county whose population is less than 400,000 may, at the request of the county clerk, designate one branch office of the county clerk at which marriage licenses may be issued, if the designated branch office is

established in a county office building which is located outside of the county seat.

2. Except as otherwise provided in this section, before issuing a marriage license, the county clerk shall require each applicant to provide proof of the applicant's name and age. The county clerk may accept as proof of the applicant's name and age an original or certified copy of any of the following:

(a) A driver's license, instruction permit or identification card issued by this State or another state, the District of Columbia or any territory of the United States.

(b) A passport.

(c) A birth certificate and:

(1) Any secondary document that contains the name and a photograph of the applicant; or

(2) Any document for which identification must be verified as a condition to receipt of the document.

➥ If the birth certificate is written in a language other than English, the county clerk may request that the birth certificate be translated into English and notarized.

(d) A military identification card or military dependent identification card issued by any branch of the Armed Forces of the United States.

(e) A Certificate of Citizenship, Certificate of Naturalization, Permanent Resident Card or Temporary Resident Card issued by the United States Citizenship and Immigration Services of the Department of Homeland Security.

(f) Any other document that provides the applicant's name and age. If the applicant clearly appears over the age of 25 years, no documentation of proof of age is required.

3. Except as otherwise provided in subsection 4, the county clerk issuing the license shall require each applicant to answer under oath each of the questions contained in the form of license. The county clerk shall, except as otherwise provided in this subsection, require each applicant to include the applicant's social security number on the affidavit of application for the marriage license. If a person does not have a social security number, the person must state that fact. The county clerk shall not require any evidence to verify a social security number. If any of the information required is unknown to the person, the person must state that the answer is unknown. The county clerk shall not deny a license to an applicant who states that the applicant does not have a social security number or who states that any requested information concerning the applicant's parents is unknown.

4. Upon finding that extraordinary circumstances exist which result in only one applicant being able to appear before the county clerk, the county clerk may waive the requirements of subsection 3 with respect to the person who is unable to appear before the county clerk, or may refer the applicant to the district court. If the applicant is referred to the district court, the district

court may waive the requirements of subsection 3 with respect to the person who is unable to appear before the county clerk. If the district court waives the requirements of subsection 3, the district court shall notify the county clerk in writing. If the county clerk or the district court waives the requirements of subsection 3, the county clerk shall require the applicant who is able to appear before the county clerk to:

(a) Answer under oath each of the questions contained in the form of license. The applicant shall answer any questions with reference to the other person named in the license.

(b) Include the applicant's social security number and the social security number of the other person named in the license on the affidavit of application for the marriage license. If either person does not have a social security number, the person responding to the question must state that fact. The county clerk shall not require any evidence to verify a social security number.

➥ If any of the information required on the application is unknown to the person responding to the question, the person must state that the answer is unknown. The county clerk shall not deny a license to an applicant who states that the applicant does not have a social security number or who states that any requested information concerning the parents of either the person who is responding to the question or the person who is unable to appear is unknown.

5. If any of the persons intending to marry are under age and have not been previously married, and if the authorization of a district court is not required, the clerk shall issue the license if the consent of the parent or guardian is:

(a) Personally given before the clerk;

(b) Certified under the hand of the parent or guardian, attested by two witnesses, one of whom must appear before the clerk and make oath that the witness saw the parent or guardian subscribe his or her name to the annexed certificate, or heard him or her acknowledge it; or

(c) In writing, subscribed to and acknowledged before a person authorized by law to administer oaths. A facsimile of the acknowledged writing must be accepted if the original is not available.

6. If a parent giving consent to the marriage of a minor pursuant to subsection 5 has a last name different from that of the minor seeking to be married, the county clerk shall accept, as proof that the parent is the legal parent of the minor, a certified copy of the birth certificate of the minor which shows the parent's first and middle name and which matches the first and middle name of the parent on any document listed in subsection 2.

7. If the authorization of a district court is required, the county clerk shall issue the license if that authorization is given to the county clerk in writing.

8. All records pertaining to marriage licenses are public records and open to inspection pursuant to the provisions of NRS 239.010.

9. A marriage license issued on or after July 1, 1987, expires 1 year after its date of issuance.

Sec. 10. (Deleted by amendment.)

Sec. 11. The board of county commissioners of each county whose population is **100,000 or more but** less than 700,000, in which a commercial wedding chapel has been in business for 5 years or more, shall take such actions as are necessary to ensure compliance with the provisions of section 8.5 of this act on or before July 1, 2011.

Sec. 12. This act becomes effective upon passage and approval and expires by limitation on June 30, 2013.

Assemblyman Ohrenschall moved the adoption of the amendment.

Amendment adopted.

The following amendment was proposed by Assemblyman Horne:

Amendment No. 765.

SUMMARY—Revises provisions concerning ~~[the issuance of marriage licenses.]~~ **counties.** (BDR 11-227)

AN ACT relating to ~~[marriage; revising provisions concerning the issuance of marriage licenses;]~~ **counties; providing for the establishment of county programs for the issuance of marriage licenses by certain commercial wedding chapels; removing the prospective expiration of provisions allowing a county office to deviate from the required hours of operation under certain circumstances;** providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that before two people may be joined in marriage, they must obtain a marriage license from the county clerk of any county in the State. (NRS 122.040) **Section 8.5** of this bill requires the board of county commissioners in each county whose population is less than 700,000 (currently all counties other than Clark County) and in which a commercial wedding chapel has been in business for 5 years or more to: (1) ensure that an office where marriage licenses may be issued is open to the public for the purpose of issuing such licenses from 8 a.m. to 12 a.m. every day, including holidays; or (2) provide for the establishment of a program whereby a commercial wedding chapel that has been in business in the county for 5 years or more is authorized to issue marriage licenses during the hours when an office where marriage licenses may be issued is not open to the public. Any such program that is established must authorize a commercial wedding chapel that has been in business in the county for 5 years or more to begin issuing marriage licenses upon filing a completed registration form with the county clerk, along with a performance bond in the amount of $50,000.

Section 8.5 also requires a commercial wedding chapel to refer any application for a marriage license that includes the signature of a guardian for a minor applicant to the county clerk for review and issuance of the marriage license, and provides that the persons to whom a commercial wedding chapel issues a marriage license may only be joined in marriage in the county in

which the marriage license is issued. **Section 8.5** further provides that a commercial wedding chapel that violates any provision relating to the issuance of marriage licenses is guilty of a misdemeanor.

Existing law also establishes the required hours of operation for county offices, including offices where marriage licenses may be issued. (NRS 122.061, 245.040, 252.050) However, for the period between March 11, 2010, and June 30, 2011, county offices are authorized under existing law to deviate from those required hours of operation if the board of county commissioners approves the plan for the deviation submitted by the office. (Chapter 9, Statutes of Nevada 2010, 26th Special Session, p. 50) Section 9.7 of this bill makes the temporary authority to deviate from the required hours of operation permanent.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 122 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 8.5, inclusive, of this act.

Sec. 2. *"**Commercial wedding chapel" means a permanently affixed structure which operates a business principally for the performance of weddings and which is licensed for that purpose.***

Sec. 3. (Deleted by amendment.)

Sec. 4. (Deleted by amendment.)

Sec. 5. (Deleted by amendment.)

Sec. 6. (Deleted by amendment.)

Sec. 7. (Deleted by amendment.)

Sec. 8. (Deleted by amendment.)

Sec. 8.5. ***1. In each county whose population is less than 700,000, in which a commercial wedding chapel has been in business for 5 years or more, the board of county commissioners shall:***

(a) Ensure that an office where marriage licenses may be issued is open to the public for the purpose of issuing such licenses from 8 a.m. to 12 a.m. every day, including holidays; or

(b) Provide for the establishment of a program whereby a commercial wedding chapel that has been in business in the county for 5 years or more is authorized to issue marriage licenses to qualified applicants during the hours when an office where marriage licenses may be issued pursuant to paragraph (a) is not open to the public.

2. Except as otherwise provided in subsection 3, a program established pursuant to paragraph (b) of subsection 1 must authorize each commercial wedding chapel that has been in business in the county for 5 years or more to begin issuing marriage licenses upon filing with the county clerk a completed registration form prescribed by the board of county commissioners, along with a performance bond in the amount of $50,000. The performance bond must be conditioned upon the faithful performance of all statutory duties related to the issuance of marriage licenses and

compliance with the provisions of chapter 603A of NRS that ensure the security of personal information submitted by applicants for a marriage license.

3. A commercial wedding chapel shall refer any application for a marriage license that includes the signature of a guardian for a minor applicant to the county clerk for review and issuance of the marriage license.

4. The county clerk of the county in which a commercial wedding chapel that issues marriage licenses pursuant to this section is located shall provide to the commercial wedding chapel, without charge, any materials necessary for the commercial wedding chapel to issue marriage licenses. The number of marriage licenses that the commercial wedding chapel may issue must not be limited.

5. A commercial wedding chapel that issues marriage licenses pursuant to this section shall comply with all statutory provisions governing the issuance of marriage licenses in the same manner as the county clerk is required to comply, and shall:

(a) File the original application for a marriage license with the county clerk on the first available business day after completion of the application;

(b) Collect from an applicant for a marriage license all fees required by law to be collected; and

(c) Remit all fees collected to the county clerk, in the manner required by the standard of practice adopted by the county clerk.

6. The records of a commercial wedding chapel that issues marriage licenses pursuant to this section which pertain to the issuance of a marriage license are public records and must be made available for public inspection at reasonable times. Such a commercial wedding chapel shall comply with the provisions of chapter 603A of NRS in the same manner as all other data collectors to ensure the security of all personal information submitted by applicants for a marriage license.

7. The persons to whom a commercial wedding chapel issues a marriage license may not be joined in marriage in any county other than the county in which the marriage license is issued.

8. A commercial wedding chapel that violates any provision of this section is guilty of a misdemeanor.

Sec. 9. NRS 122.001 is hereby amended to read as follows:

122.001 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 122.002 and 122.006 ***and section 2 of this act*** have the meanings ascribed to them in those sections.

Sec. 9.5. NRS 122.040 is hereby amended to read as follows:

122.040 1. ~~[~~Before~~]~~ ***Except as otherwise provided in section 8.5 of this act, before*** persons may be joined in marriage, a license must be obtained for that purpose from the county clerk of any county in the State. Except as otherwise provided in this subsection, the license must be issued at the county seat of that county. The board of county commissioners:

(a) In a county whose population is 400,000 or more:

(1) Shall designate one branch office of the county clerk at which marriage licenses may be issued and shall establish and maintain the designated branch office in an incorporated city whose population is 150,000 or more but less than 300,000; and

(2) May, in addition to the branch office described in subparagraph (1), at the request of the county clerk, designate not more than four branch offices of the county clerk at which marriage licenses may be issued, if the designated branch offices are located outside of the county seat.

(b) In a county whose population is less than 400,000 may, at the request of the county clerk, designate one branch office of the county clerk at which marriage licenses may be issued, if the designated branch office is established in a county office building which is located outside of the county seat.

2. Except as otherwise provided in this section, before issuing a marriage license, the county clerk shall require each applicant to provide proof of the applicant's name and age. The county clerk may accept as proof of the applicant's name and age an original or certified copy of any of the following:

(a) A driver's license, instruction permit or identification card issued by this State or another state, the District of Columbia or any territory of the United States.

(b) A passport.

(c) A birth certificate and:

(1) Any secondary document that contains the name and a photograph of the applicant; or

(2) Any document for which identification must be verified as a condition to receipt of the document.

➥ If the birth certificate is written in a language other than English, the county clerk may request that the birth certificate be translated into English and notarized.

(d) A military identification card or military dependent identification card issued by any branch of the Armed Forces of the United States.

(e) A Certificate of Citizenship, Certificate of Naturalization, Permanent Resident Card or Temporary Resident Card issued by the United States Citizenship and Immigration Services of the Department of Homeland Security.

(f) Any other document that provides the applicant's name and age. If the applicant clearly appears over the age of 25 years, no documentation of proof of age is required.

3. Except as otherwise provided in subsection 4, the county clerk issuing the license shall require each applicant to answer under oath each of the questions contained in the form of license. The county clerk shall, except as otherwise provided in this subsection, require each applicant to include the applicant's social security number on the affidavit of application for the

marriage license. If a person does not have a social security number, the person must state that fact. The county clerk shall not require any evidence to verify a social security number. If any of the information required is unknown to the person, the person must state that the answer is unknown. The county clerk shall not deny a license to an applicant who states that the applicant does not have a social security number or who states that any requested information concerning the applicant's parents is unknown.

4. Upon finding that extraordinary circumstances exist which result in only one applicant being able to appear before the county clerk, the county clerk may waive the requirements of subsection 3 with respect to the person who is unable to appear before the county clerk, or may refer the applicant to the district court. If the applicant is referred to the district court, the district court may waive the requirements of subsection 3 with respect to the person who is unable to appear before the county clerk. If the district court waives the requirements of subsection 3, the district court shall notify the county clerk in writing. If the county clerk or the district court waives the requirements of subsection 3, the county clerk shall require the applicant who is able to appear before the county clerk to:

(a) Answer under oath each of the questions contained in the form of license. The applicant shall answer any questions with reference to the other person named in the license.

(b) Include the applicant's social security number and the social security number of the other person named in the license on the affidavit of application for the marriage license. If either person does not have a social security number, the person responding to the question must state that fact. The county clerk shall not require any evidence to verify a social security number.

➥ If any of the information required on the application is unknown to the person responding to the question, the person must state that the answer is unknown. The county clerk shall not deny a license to an applicant who states that the applicant does not have a social security number or who states that any requested information concerning the parents of either the person who is responding to the question or the person who is unable to appear is unknown.

5. If any of the persons intending to marry are under age and have not been previously married, and if the authorization of a district court is not required, the clerk shall issue the license if the consent of the parent or guardian is:

(a) Personally given before the clerk;

(b) Certified under the hand of the parent or guardian, attested by two witnesses, one of whom must appear before the clerk and make oath that the witness saw the parent or guardian subscribe his or her name to the annexed certificate, or heard him or her acknowledge it; or

(c) In writing, subscribed to and acknowledged before a person authorized by law to administer oaths. A facsimile of the acknowledged writing must be accepted if the original is not available.

6. If a parent giving consent to the marriage of a minor pursuant to subsection 5 has a last name different from that of the minor seeking to be married, the county clerk shall accept, as proof that the parent is the legal parent of the minor, a certified copy of the birth certificate of the minor which shows the parent's first and middle name and which matches the first and middle name of the parent on any document listed in subsection 2.

7. If the authorization of a district court is required, the county clerk shall issue the license if that authorization is given to the county clerk in writing.

8. All records pertaining to marriage licenses are public records and open to inspection pursuant to the provisions of NRS 239.010.

9. A marriage license issued on or after July 1, 1987, expires 1 year after its date of issuance.

Sec. 9.7. **Section 5 of chapter 9, Statutes of Nevada 2010, 26th Special Session, at page 52, is hereby amended to read as follows:**

Sec. 5. This act becomes effective upon passage and approval **. [**~~and expires by limitation on June 30, 2011.~~**]**

Sec. 10. (Deleted by amendment.)

Sec. 11. The board of county commissioners of each county whose population is less than 700,000, in which a commercial wedding chapel has been in business for 5 years or more, shall take such actions as are necessary to ensure compliance with the provisions of section 8.5 of this act on or before July 1, 2011.

Sec. 12. **1.** This act becomes effective upon passage and approval **.** ~~[and expires]~~

2. This section and sections 1 to 9.5, inclusive, and 10 and 11 of this act expire by limitation on June 30, 2013.

Assemblyman Horne moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, reengrossed, and to third reading.

Senate Bill No. 419.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 710.

AN ACT relating to public health; requiring certain persons ~~[and entities that]~~ **who** are licensed, registered or certified by the Health Division of the Department of Health and Human Services, certain district boards of health or certain boards which license, register or certify health care professionals to attest that they have knowledge of and are in compliance with certain guidelines concerning safe infection practices as a condition of the issuance or renewal of their licenses, registration or certificates; **requiring certain**

medical laboratories licensed by the Health Division and persons who register a radiation machine with the Health Division to provide similar attestations regarding certain employees; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

[This**]** **Sections 1, 24 and 25-30 of this** bill **[**requires**]** **require** the Health Division of the Department of Health and Human Services, certain district boards of health and certain boards that license, register or certify health care professionals to require, as a condition of issuing or renewing a license, registration or certificate, that the applicant for issuance or renewal of the license, registration or certificate must attest to knowledge of and compliance with the guidelines of the Centers for Disease Control and Prevention concerning the prevention of transmission of infectious agents through safe and appropriate injection practices. **Sections 24.3 and 31 of this bill similarly require certain medical laboratories licensed by the Health Division and persons who register a radiation machine with the Health Division, as a condition of issuing or renewing a license or registration, to attest that certain employees have such knowledge of and are in compliance with such guidelines.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 449 of NRS is hereby amended by adding thereto a new section to read as follows:

The Health Division shall not issue or renew a license for a home for individual residential care unless the applicant for issuance or renewal of the license attests to knowledge of and compliance with the guidelines of the Centers for Disease Control and Prevention concerning the prevention of transmission of infectious agents through safe and appropriate injection practices.

Sec. 2. (Deleted by amendment.)

Sec. 3. (Deleted by amendment.)

Sec. 4. (Deleted by amendment.)

Sec. 5. (Deleted by amendment.)

Sec. 6. (Deleted by amendment.)

Sec. 7. (Deleted by amendment.)

Sec. 8. (Deleted by amendment.)

Sec. 9. (Deleted by amendment.)

Sec. 10. (Deleted by amendment.)

Sec. 11. (Deleted by amendment.)

Sec. 12. (Deleted by amendment.)

Sec. 13. (Deleted by amendment.)

Sec. 14. (Deleted by amendment.)

Sec. 15. (Deleted by amendment.)

Sec. 16. (Deleted by amendment.)

Sec. 17. (Deleted by amendment.)

Sec. 18. (Deleted by amendment.)

Sec. 19. (Deleted by amendment.)

Sec. 20. (Deleted by amendment.)

Sec. 21. (Deleted by amendment.)

Sec. 22. (Deleted by amendment.)

Sec. 23. (Deleted by amendment.)

Sec. 24. Chapter 450B of NRS is hereby amended by adding thereto a new section to read as follows:

The health authority shall not issue or renew:

1. A license to an attendant or firefighter; or

2. A certificate as an emergency medical technician,

↪ unless the applicant for issuance or renewal of the license or certificate attests to knowledge of and compliance with the guidelines of the Centers for Disease Control and Prevention concerning the prevention of transmission of infectious agents through safe and appropriate injection practices.

Sec. 24.3. **Chapter 459 of NRS is hereby amended by adding thereto a new section to read as follows:**

The Health Division shall not issue or renew the registration of a radiation machine pursuant to regulations adopted by the State Board of Health unless the applicant for issuance or renewal of the registration attests that the radiologic technologists and nuclear medicine technologists employed by the applicant have knowledge of and are in compliance with the guidelines of the Centers for Disease Control and Prevention concerning the prevention of transmission of infectious agents through safe and appropriate injection practices.

Sec. 24.7. **NRS 459.010 is hereby amended to read as follows:**

459.010 As used in NRS 459.010 to 459.290, inclusive, ***and section 24.3 of this act,*** unless the context requires otherwise:

1. "By-product material" means:

(a) Any radioactive material, except special nuclear material, yielded in or made radioactive by exposure to the radiation incident to the process of producing or making use of special nuclear material; and

(b) The tailings or wastes produced by the extraction or concentration of uranium or thorium from any ore which is processed primarily for the extraction of the uranium or thorium.

2. "General license" means a license effective pursuant to regulations adopted by the State Board of Health without the filing of an application to transfer, acquire, own, possess or use quantities of, or devices or equipment for utilizing, by-product material, source material, special nuclear material or other radioactive material occurring naturally or produced artificially.

3. "Health Division" means the Health Division of the Department of Health and Human Services.

4. "Ionizing radiation" means gamma rays and X rays, alpha and beta particles, high-speed electrons, neutrons, protons and other nuclear particles, but not sound or radio waves, or visible, infrared or ultraviolet light.

5. "Person" includes any agency or political subdivision of this State, any other state or the United States, but not the Nuclear Regulatory Commission or its successor, or any federal agency licensed by the Nuclear Regulatory Commission or any successor to such a federal agency.

6. "Source material" means:

(a) Uranium, thorium or any other material which the Governor declares by order to be source material after the Nuclear Regulatory Commission or any successor thereto has determined that material to be source material.

(b) Any ore containing one or more of the materials enumerated in paragraph (a) in such concentration as the Governor declares by order to be source material after the Nuclear Regulatory Commission or any successor thereto has determined the material in the concentration to be source material.

7. "Special nuclear material" means:

(a) Plutonium, uranium 233, uranium enriched in the isotope 233 or in the isotope 235 and any other material which the Governor declares by order to be special nuclear material after the Nuclear Regulatory Commission or any successor thereto has determined such material to be special nuclear material, but does not include source material.

(b) Any material artificially enriched by any of the materials enumerated in paragraph (a), but does not include source material.

8. "Specific license" means a license issued pursuant to the filing of an application to use, manufacture, produce, transfer, receive, acquire, own or possess quantities of, or devices or equipment for utilizing, by-product material, source material, special nuclear material or other radioactive material occurring naturally or produced artificially.

Sec. 25. Chapter 630 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Board shall not issue or renew a license to practice as a physician, physician assistant or perfusionist unless the applicant for issuance or renewal of the license attests to knowledge of and compliance with the guidelines of the Centers for Disease Control and Prevention concerning the prevention of transmission of infectious agents through safe and appropriate injection practices.

2. In addition to the attestation provided pursuant to subsection 1, a physician shall attest that any person:

(a) Who is under the control and supervision of the physician;

(b) Who is not licensed pursuant to this chapter; and

(c) Whose duties involve injection practices,

➥ has knowledge of and is in compliance with the guidelines of the Centers for Disease Control and Prevention concerning the prevention of

transmission of infectious agents through safe and appropriate injection practices.

Sec. 26. Chapter 632 of NRS is hereby amended by adding thereto a new section to read as follows:

The Board shall not issue or renew a license to practice as a professional nurse or a practical nurse unless the applicant for issuance or renewal of the license attests to knowledge of and compliance with the guidelines of the Centers for Disease Control and Prevention concerning the prevention of transmission of infectious agents through safe and appropriate injection practices.

Sec. 27. Chapter 633 of NRS is hereby amended by adding thereto a new section to read as follows:

The Board shall not issue or renew a license to practice osteopathic medicine or as a physician assistant unless the applicant for issuance or renewal of the license attests to knowledge of and compliance with the guidelines of the Centers for Disease Control and Prevention concerning the prevention of transmission of infectious agents through safe and appropriate injection practices.

Sec. 28. Chapter 634A of NRS is hereby amended by adding thereto a new section to read as follows:

The Board shall not issue or renew a license to practice Oriental medicine unless the applicant for issuance or renewal of the license attests to knowledge of and compliance with the guidelines of the Centers for Disease Control and Prevention concerning the prevention of transmission of infectious agents through safe and appropriate injection practices.

Sec. 29. Chapter 635 of NRS is hereby amended by adding thereto a new section to read as follows:

The Board shall not issue or renew a license to practice podiatry unless the applicant for issuance or renewal of the license attests to knowledge of and compliance with the guidelines of the Centers for Disease Control and Prevention concerning the prevention of transmission of infectious agents through safe and appropriate injection practices.

Sec. 30. Chapter 639 of NRS is hereby amended by adding thereto a new section to read as follows:

The Board shall not approve an application for registration or renewal of registration as a pharmacist or intern pharmacist unless the applicant for issuance or renewal of registration attests to knowledge of and compliance with the guidelines of the Centers for Disease Control and Prevention concerning the prevention of transmission of infectious agents through safe and appropriate injection practices.

Sec. 31. Chapter 652 of NRS is hereby amended by adding thereto a new section to read as follows:

The Health Division shall not issue or renew a license to a medical laboratory whose licensed personnel have job duties that include the administration of injections unless the applicant for issuance or renewal of

the license attests that the laboratory director and laboratory personnel <u>whose job duties include the administration of injections</u> have knowledge of and are in compliance with the guidelines of the Centers for Disease Control and Prevention concerning the prevention of transmission of infectious agents through safe and appropriate injection practices.

Assemblywoman Pierce moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, reengrossed, and to third reading.

Senate Bill No. 432.

Bill read second time.

The following amendment was proposed by Assemblywoman Kirkpatrick:

Amendment No. 812.

AN ACT relating to governmental financing; authorizing regional transportation commissions in certain counties to issue revenue bonds and other securities to finance certain projects under certain circumstances; ~~[deleting]~~ **<u>providing an exception to</u>** certain limitations on the issuance of such bonds and other securities by certain counties under certain circumstances; extending the period within which the repayment of certain bonds or other securities must commence; extending the period within which certain general obligation bonds issued for a water facility or wastewater facility must mature; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes counties to impose a county tax on the sale of motor vehicle fuel. (NRS 373.030, 373.065, 373.066) Existing law also authorizes counties to issue revenue bonds and other revenue securities to obtain money for the payment of the cost of a street and highway construction project, subject to the limitation that the total of all such revenue bonds and other revenue securities issued and outstanding by a county must not be in an amount requiring a total debt service in excess of the estimated receipts to be derived from the county tax on sales of motor vehicle fuel in the county. (NRS 373.028, 373.131) **Sections 1-4** of this bill authorize a regional transportation commission in a county whose population is 100,000 or more (currently Clark and Washoe Counties) to issue revenue bonds and other revenue securities to finance such a project if the commission has executed an interlocal agreement with the county relating to the issuance of such bonds and other securities by the commission.

Existing law authorizes counties to impose a special tax for a public transit system, for the construction, maintenance and repair of public roads or for the improvement of air quality. (NRS 377A.020) Existing law also authorizes counties to issue bonds and other securities to obtain money to pay for the cost of establishing and maintaining a public transit system, for the construction, maintenance and repair of public roads or for the improvement of air quality. (NRS 377A.090) **Sections 5-7** of this bill authorize a regional transportation commission in a county whose population is 100,000 or more

(currently Clark and Washoe Counties) to issue revenue bonds and other revenue securities to finance such a project if the commission has executed an interlocal agreement with the county relating to the issuance of such bonds and other securities by the commission.

Existing law authorizes counties to impose a tax for infrastructure upon the gross receipts of retail sales. (NRS 377B.100, 377B.110) Existing law also authorizes counties to issue bonds and other securities to obtain money to pay for the cost of one or more projects for which the tax was imposed. (NRS 377B.190) **Section 8** of this bill ~~[deletes a requirement that an ordinance imposing]~~ **provides for the continuation of** such a tax in a county whose population is 400,000 or more (currently Clark County) ~~[provide for]~~ **after** the **date of** cessation of the tax ~~[not later than June 30, 2025, or when the total sum collected from the tax exceeds $2.3 billion, whichever occurs earlier.]~~ **specified in the ordinance creating the tax if the board of county commissioners determines by a two-thirds majority vote that the cessation of the tax is not advisable. Section 9** of this bill ~~[deletes a prohibition on]~~ **similarly provides for** the **continued** issuance of such bonds or securities in such a county after ~~[June 30, 2025, or when the total sum collected from the tax exceeds $2.3 billion, whichever occurs earlier.]~~ **the date of cessation of the tax specified in the ordinance creating the tax if the board of county commissioners pursuant to section 8 has determined by a two-thirds majority vote that the cessation of the tax is not advisable.**

Section 10 of this bill extends the period within which the repayment of bonds or other securities that are issued by a political subdivision of this State and that pay compound interest must commence from not later than the fifth year after issuance to not later than the fifteenth year after issuance. **Section 11** of this bill extends the period within which general obligation bonds issued for a water facility or wastewater facility must mature to not later than 40 years from their respective dates.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 373.024 is hereby amended to read as follows:

373.024 "Cost of the project," or any phrase of similar import, means all or any part designated by the board ***or, in the case of a project financed with bonds or other securities issued by a commission, the commission,*** of the cost of any project, or interest therein, being acquired, which cost, at the option of the board ***or, in the case of a project financed with bonds or other securities issued by a commission, the commission,*** may include all or any part of the incidental costs pertaining to the project, including, without limitation, preliminary expenses advanced by the county ***or, in the case of a project financed with bonds or other securities issued by a commission, the commission,*** from money available for use therefor or any other source, or advanced by any city with the approval of the county from money available

therefor or from any other source, or advanced by the State of Nevada or the Federal Government, or any corporation, agency or instrumentality thereof, with the approval of the county, or any combination thereof, in the making of surveys, preliminary plans, estimates of costs, other preliminaries, the costs of appraising, printing, estimates, advice, contracting for the services of engineers, architects, financial consultants, attorneys at law, clerical help, other agents or employees, the costs of making, publishing, posting, mailing and otherwise giving any notice in connection with the project, the taking of options, the issuance of bonds and other securities, contingencies, the capitalization with bond proceeds of any interest on the bonds for any period not exceeding 1 year and of any reserves for the payment of the principal of an interest on the bonds, the filing or recordation of instruments, the costs of medium-term obligations, construction loans and other temporary loans of not exceeding 10 years appertaining to the project and of the incidental expenses incurred in connection with such financing or loans, and all other expenses necessary or desirable and appertaining to any project, as estimated or otherwise ascertained by the board ~~[.]~~ ***or, in the case of a project financed with bonds or other securities issued by a commission, the commission.***

Sec. 2. NRS 373.131 is hereby amended to read as follows:

373.131 1. Money for the payment of the cost of a project within the area embraced by a regional plan for transportation established pursuant to NRS 277A.210 may be obtained by the issuance of revenue bonds and other revenue securities as provided in subsection 2 or, subject to any pledges, liens and other contractual limitations made pursuant to the provisions this chapter and chapter 277A of NRS, may be obtained by direct distribution from the regional street and highway fund, except to the extent any such use is prevented by the provisions of NRS 373.150, or may be obtained both by the issuance of such securities and by such direct distribution, as the board may determine. Money for street and highway construction outside the area embraced by the plan may be distributed directly from the regional street and highway fund as provided in NRS 373.150.

2. The board ***or, in a county whose population is 100,000 or more, a commission,*** may, after the enactment of any ordinance authorized by the provisions of NRS 373.030, paragraph (d) of subsection 1 of NRS 373.065 or paragraphs (d) to (m), inclusive, of subsection 1 of NRS 373.066, issue revenue bonds and other revenue securities, on the behalf and in the name of the county ~~[.]~~ ***or the commission, as the case may be:***

(a) The total of all of which, issued and outstanding at any one time, must not be in an amount requiring a total debt service in excess of the estimated receipts to be derived from the taxes imposed pursuant to the provisions of NRS 373.030, paragraph (d) of subsection 1 of NRS 373.065 and paragraphs (d) to (m), inclusive, of subsection 1 of NRS 373.066;

(b) Which must not be general obligations of the county ***or the commission*** or a charge on any real estate ~~[therein;]~~ ***within the county;*** and

(c) Which may be secured as to principal and interest by a pledge authorized by this chapter of the receipts from the fuel taxes designated in this chapter, except such portion of the receipts as may be required for the direct distributions authorized by NRS 373.150.

3. A county ***or a commission as provided in subsection 2*** is authorized to issue bonds ***or other securities*** without the necessity of their being authorized at any election in such manner and with such terms as provided in this chapter.

4. Subject to the provisions of this chapter and chapter 277A of NRS, for any project authorized therein, the board of any county may, on the behalf and in the name of the county, ***or, in a county whose population is 100,000 or more, a commission may, on behalf and in the name of the commission,*** borrow money, otherwise become obligated, and evidence obligations by the issuance of bonds and other county ***or commission*** securities, and in connection with the undertaking or project, the board ***or the commission, as the case may be,*** may otherwise proceed as provided in the Local Government Securities Law.

5. All such securities constitute special obligations payable from the net receipts of the fuel taxes designated in this chapter except as otherwise provided in NRS 373.150, and the pledge of revenues to secure the payment of the securities must be limited to those net receipts.

6. Except for:

(a) Any notes or warrants which are funded with the proceeds of interim debentures or bonds;

(b) Any interim debentures which are funded with the proceeds of bonds;

(c) Any temporary bonds which are exchanged for definitive bonds;

(d) Any bonds which are reissued or which are refunded; and

(e) The use of any profit from any investment and reinvestment for the payment of any bonds or other securities issued pursuant to the provisions of this chapter,

➥ all bonds and other securities issued pursuant to the provisions of this chapter must be payable solely from the proceeds of fuel taxes collected by or remitted to the county pursuant to chapter 365 of NRS, as supplemented by this chapter. Receipts of the taxes levied in NRS 365.180 and 365.190 and pursuant to the provisions of paragraphs (a) and (b) of subsection 1 of NRS 373.065 and paragraphs (a) and (b) of subsection 1 of NRS 373.066 may be used by the county for the payment of securities issued pursuant to the provisions of this chapter and may be pledged therefor. ***Such taxes may also be used by a commission in a county whose population is 100,000 or more for the payment of bonds or other securities issued pursuant to the provisions of this chapter and may be pledged therefor if the board of the county consents to such use.*** If during any period any securities payable from these tax proceeds are outstanding, the tax receipts must not be used directly for the construction, maintenance and repair of any streets, roads or other highways nor for any purchase of equipment therefor, and the receipts

of the tax levied in NRS 365.190 must not be apportioned pursuant to subsection 2 of NRS 365.560 unless, at any time the tax receipts are so apportioned, provision has been made in a timely manner for the payment of such outstanding securities as to the principal of, any prior redemption premiums due in connection with, and the interest on the securities as they become due, as provided in the securities, the ordinance ***, in the case of securities issued by a county, or the resolution, in the case of securities issued by a commission,*** authorizing their issuance and any other instrument appertaining to the securities.

7. The ordinance ***, in the case of securities issued by a county, or the resolution, in the case of securities issued by a commission,*** authorizing the issuance of any bond or other revenue security under this section must describe the purpose for which it is issued at least in general terms and may describe the purpose in detail. This section does not require the purpose so stated to be set forth in the detail in which the project approved by the commission pursuant to subsection 2 of NRS 373.140 is stated, or prevent the modification by the board ***or commission, as the case may be,*** of details as to the purpose stated in the ordinance authorizing the issuance of any bond or other security after its issuance, subject to approval by the commission of the project as so modified ~~[.]~~ ***, if such bond or other security is issued by the county and not the commission.***

8. Notwithstanding any other provision of this chapter, no commission has authority to issue bonds or other securities pursuant to this chapter unless the commission has executed an interlocal agreement with the county relating to the issuance of bonds or other securities by the commission. Any such interlocal agreement must include an acknowledgment of the authority of the commission to issue bonds and other securities and contain provisions relating to the pledge of revenues for the repayment of the bonds or other securities, the lien priority of the pledge of revenues securing the bonds or other securities, and related matters.

Sec. 3. NRS 373.160 is hereby amended to read as follows:

373.160 1. The ordinance or ordinances ***, or the resolution or resolutions,*** providing for the issuance of any bonds or other securities issued under this chapter payable from the receipts from the fuel excise taxes designated in this chapter may at the discretion of the board ~~[,]~~ ***or, in the case of bonds or other securities issued by a commission, the commission,*** in addition to covenants and other provisions authorized in the Local Government Securities Law, contain covenants or other provisions as to the pledge of and the creation of a lien upon the receipts of the taxes collected for the county pursuant to the provisions of NRS 373.030, paragraph (d) of subsection 1 of NRS 373.065 and paragraphs (d) to (m), inclusive, of subsection 1 of NRS 373.066, excluding any tax proceeds to be distributed directly under the provisions of NRS 373.150, or the proceeds of the bonds or other securities pending their application to defray the cost of the project,

or both such tax proceeds and security proceeds, to secure the payment of revenue bonds or other securities issued under this chapter.

2. If the board ***or, in the case of bonds or other securities issued by a commission, the commission,*** determines in any ordinance ***or resolution*** authorizing the issuance of any bonds or other securities under this chapter that the proceeds of the taxes levied and collected pursuant to the provisions of NRS 373.030, paragraph (d) of subsection 1 of NRS 373.065 and paragraphs (d) to (m), inclusive, of subsection 1 of NRS 373.066 are sufficient to pay all bonds and securities, including the proposed issue, from the proceeds thereof, the board ***or, in the case of bonds or other securities issued by a commission, the commission with the consent of the board as provided in subsection 6 of NRS 373.131,*** may additionally secure the payment of any bonds or other securities issued pursuant to the ordinance ***or resolution*** under this chapter by a pledge of and the creation of a lien upon not only the proceeds of any fuel tax authorized at the time of the issuance of such securities to be used for such payment in subsection 6 of NRS 373.131, but also the proceeds of any such tax thereafter authorized to be used or pledged, or used and pledged, for the payment of such securities, whether such tax be levied or collected by the county, the State of Nevada, or otherwise, or be levied in at least an equivalent value in lieu of any such tax existing at the time of the issuance of such securities or be levied in supplementation thereof.

3. The pledges and liens authorized by subsections 1 and 2 extend to the proceeds of any tax collected for use by the county on any fuel so long as any bonds or other securities issued under this chapter remain outstanding and are not limited to any type or types of fuel in use when the bonds or other securities are issued.

Sec. 4. NRS 373.190 is hereby amended to read as follows:

373.190 The board ***, or a commission authorized to issue bonds or other securities pursuant to subsection 2 of NRS 373.131,*** is authorized to sell such bonds ***or other securities*** from time to time at public or private sale as the board ***or the commission, as the case may be,*** may determine.

Sec. 5. NRS 377A.090 is hereby amended to read as follows:

377A.090 1. Money for the payment of the cost of establishing and maintaining a public transit system, for the construction, maintenance and repair of public roads, for the improvement of air quality or for any combination of those purposes may be obtained by the issuance of bonds and other securities as provided in subsection 2 ***or 3*** or, subject to any pledges, liens and other contractual limitations made pursuant to this chapter, may be obtained by direct distribution from the public transit fund, or may be obtained both by the issuance of such securities and by such direct distribution as the board ***or, in the case of securities issued by a regional transportation commission, the regional transportation commission,*** may determine.

2. The board may, after the enactment of an ordinance authorized by paragraph (a) of subsection 1 of NRS 377A.020, from time to time issue bonds and other securities, which are general or special obligations of the county and which may be secured as to principal and interest by a pledge authorized by this chapter of the receipts from the tax imposed by that ordinance.

3. ***A regional transportation commission authorized to issue bonds or other securities pursuant to subsection 2 of NRS 373.131 may, after the enactment by a board of county commissioners of an ordinance authorized by paragraph (a) of subsection 1 of NRS 377A.020, from time to time issue bonds and other securities, which are special obligations of the regional transportation commission and which may be secured as to principal and interest by a pledge authorized by this chapter or the receipts from the tax imposed by that ordinance.***

4. Notwithstanding any other provision of this chapter, no regional transportation commission may issue bonds or other securities pursuant to this chapter unless the regional transportation commission has executed an interlocal agreement with the county relating to the issuance of bonds or other securities by the regional transportation commission. Any such interlocal agreement must include an acknowledgment of the authority of the regional transportation commission to issue bonds or other securities and contain provisions relating to the pledge of revenues for the repayment of the bonds or other securities, the lien priority of the pledge of revenues securing the bonds or other securities, and related matters.

5. The ordinance ***or resolution*** authorizing the issuance of any bond or other security must describe the purpose for which it is issued.

Sec. 6. NRS 377A.100 is hereby amended to read as follows:

377A.100 1. Each ordinance ***or resolution*** providing for the issuance of any bond or security issued under this chapter payable from the receipts of the tax imposed pursuant to paragraph (b) of subsection 1 of NRS 377A.030 may, in addition to covenants and other provisions authorized in the Local Government Securities Law, contain a covenant or other provision to pledge and create a lien upon the receipts of the tax or upon the proceeds of any bond or security pending their application to defray the cost of establishing or operating a public transit system, constructing, maintaining or repairing public roads or improving air quality, or both tax proceeds and security proceeds, to secure the payment of any bond or security issued under this chapter.

2. Each ordinance providing for the issuance of any bond or security issued under this chapter payable from the receipts of the tax imposed pursuant to paragraph (d) of subsection 1 of NRS 377A.030 may, in addition to covenants and other provisions authorized in the Local Government Securities Law, contain a covenant or other provision to pledge and create a lien upon:

(a) The receipts of the tax;

(b) The proceeds of any bond or security pending their application to defray the cost of acquiring, developing, constructing, equipping, operating, maintaining, improving and managing libraries, parks, recreational programs and facilities, and facilities and services for senior citizens, and for preserving and protecting agriculture, or for any combination of those purposes; or

(c) Both tax proceeds and security proceeds,

➥ to secure the payment of any bond or security issued under this chapter. The provisions of this subsection do not authorize the board of county commissioners of a county to obtain money to acquire, develop, construct, equip, operate, maintain, improve and manage recreational programs by the issuance of bonds.

3. Any money pledged to the payment of bonds or other securities pursuant to subsection 1 or 2 may be treated as pledged revenues of the project for the purposes of subsection 3 of NRS 350.020.

Sec. 7. NRS 377A.110 is hereby amended to read as follows:

377A.110 1. Subject to the provisions of subsection 2, the board may gradually reduce the amount of any tax imposed pursuant to this chapter for a public transit system, for the construction, maintenance and repair of public roads, for the improvement of air quality or for any combination of those purposes as revenue from the operation of those projects permits. The date on which any reduction in the tax becomes effective must be the first day of the first calendar quarter that begins at least 120 days after the effective date of the ordinance reducing the amount of tax imposed.

2. No such taxing ordinance may be repealed or amended or otherwise directly or indirectly modified in such a manner as to impair any outstanding bonds issued under this chapter, or other obligations incurred under this chapter, until all obligations, for which revenues from the ordinance have been pledged or otherwise made payable from such revenues pursuant to this chapter, have been discharged in full, but the board may at any time dissolve the regional transportation commission ***as provided in NRS 373.120*** and provide that no further obligations be incurred thereafter.

Sec. 8. NRS 377B.100 is hereby amended to read as follows:

377B.100 1. The board of county commissioners of any county may by ordinance, but not as in a case of emergency, impose a tax for infrastructure pursuant to this section and NRS 377B.110.

2. An ordinance enacted pursuant to this chapter may not become effective before a question concerning the imposition of the tax is approved by a two-thirds majority of the members of the board of county commissioners. Any proposal to increase the rate of the tax or change the previously approved uses for the proceeds of the tax must be approved by a two-thirds majority of the members of the board of county commissioners. The board of county commissioners shall not change a previously approved use for the proceeds of the tax to a use that is not authorized for that county pursuant to NRS 377B.160.

3. An ordinance enacted pursuant to this section must :

(a) Specify ~~[specify]~~ the date on which the tax must first be imposed or on which an increase in the rate of the tax becomes effective, which must occur on the first day of the first month of the next calendar quarter that is at least 120 days after the date on which a two-thirds majority of the board of county commissioners approved the question.

(b) In a county whose population is 400,000 or more, provide for the cessation of the tax not later than:

(1) The last day of the month in which the Department determines that the total sum collected since the tax was first imposed, exclusive of any penalties and interest, exceeds $2.3 billion; or

(2) June 30, 2025,

➥ whichever occurs earlier.

4. ***Notwithstanding the provisions of an ordinance described in subsection 3, in a county whose population is 400,000 or more, the tax may continue to be imposed after the date set forth in the ordinance for the cessation of the tax if the board of county commissioners determines by an affirmative vote of at least two-thirds of its members that the cessation of the tax is not advisable.***

5. The board of county commissioners in a county whose population is 400,000 or more and in which a water authority exists shall review the necessity for the continued imposition of the tax authorized pursuant to this chapter at least once every 10 years.

~~[5.]~~ ***6.*** Before enacting an ordinance pursuant to this chapter, the board of county commissioners shall hold a public hearing regarding the imposition of a tax for infrastructure. In a county whose population is 400,000 or more and in which a water authority exists, the water authority shall also hold a public hearing regarding the tax for infrastructure. Notice of the time and place of each hearing must be:

(a) Published in a newspaper of general circulation in the county at least once a week for the 2 consecutive weeks immediately preceding the date of the hearing. Such notice must be a display advertisement of not less than 3 inches by 5 inches.

(b) Posted at the building in which the meeting is to be held and at not less than three other separate, prominent places within the county at least 2 weeks before the date of the hearing.

~~[6.]~~ ***7.*** Before enacting an ordinance pursuant to this chapter, the board of county commissioners of a county whose population is less than 400,000 or a county whose population is 400,000 or more and in which no water authority exists, shall develop a plan for the expenditure of the proceeds of a tax imposed pursuant to this chapter for the purposes set forth in NRS 377B.160. The plan may include a regional project for which two or more such counties have entered into an interlocal agreement to expend jointly all or a portion of the proceeds of a tax imposed in each county pursuant to this chapter. Such a plan must include, without limitation, the date on which the

plan expires, a description of each proposed project, the method of financing each project and the costs related to each project. Before adopting a plan pursuant to this subsection, the board of county commissioners of a county in which a regional planning commission has been established pursuant to NRS 278.0262 shall transmit to the regional planning commission a list of the proposed projects for which a tax for infrastructure may be imposed. The regional planning commission shall hold a public hearing at which it shall rank each project in relative priority. The regional planning commission shall transmit its rankings to the board of county commissioners. The recommendations of the regional planning commission regarding the priority of the proposed projects are not binding on the board of county commissioners. The board of county commissioners shall hold at least one public hearing on the plan. Notice of the time and place of the hearing must be provided in the manner set forth in subsection ~~[5.]~~ ***6.*** The plan must be approved by the board of county commissioners at a public hearing. Subject to the provisions of subsection ~~[7.]~~ ***8.*** on or before the date on which a plan expires, the board of county commissioners shall determine whether a necessity exists for the continued imposition of the tax. If the board determines that such a necessity does not exist, the board shall repeal the ordinance that enacted the tax. If the board of county commissioners determines that the tax must be continued for a purpose set forth in NRS 377B.160, the board shall adopt, in the manner prescribed in this subsection, a new plan for the expenditure of the proceeds of the tax for such a purpose.

~~[7.]~~ ***8.*** No ordinance imposing a tax which is enacted pursuant to this chapter may be repealed or amended or otherwise directly or indirectly modified in such a manner as to impair any outstanding bonds or other obligations which are payable from or secured by a pledge of a tax enacted pursuant to this chapter until those bonds or other obligations have been discharged in full.

Sec. 8.3. **NRS 377B.150 is hereby amended to read as follows:**

377B.150 1. In a county whose population is less than 400,000 or a county whose population is 400,000 or more and in which no water authority exists, the county treasurer shall deposit the money received from the State Controller pursuant to NRS 377B.130 in the county treasury for credit to a fund to be known as the infrastructure fund. The infrastructure fund must be accounted for as a separate fund and not as a part of any other fund. The money for each project included in the plan adopted pursuant to subsection ~~[6]~~ *7* of NRS 377B.100 must be accounted for separately in the fund.

2. In a county whose population is 400,000 or more and in which a water authority exists, the water authority shall deposit the money received from the State Controller pursuant to NRS 377B.130 in a separate account of the water authority to be known as the infrastructure fund. This fund must be accounted for as a separate fund and not as part of any other fund of the water authority.

Sec. 8.7. **NRS 377B.160 is hereby amended to read as follows:**

377B.160 The money in the infrastructure fund, including interest and any other income from the fund:

1. In a county whose population is 400,000 or more, must only be expended by the water authority, distributed by the water authority to its members, distributed by the water authority pursuant to NRS 377B.170 to a city or town located in the county whose territory is not within the boundaries of the area served by the water authority or to a public entity in the county which provides water or wastewater services and which is not a member of the water authority or, if no water authority exists in the county, expended by the board of county commissioners for:

(a) The acquisition, establishment, construction, improvement or equipping of water and wastewater facilities;

(b) The payment of principal and interest on notes, bonds or other securities issued to provide money for the cost of projects described in paragraph (a); or

(c) Any combination of those purposes.

➥ The board of county commissioners may only expend money from the infrastructure fund pursuant to this subsection in the manner set forth in the plan adopted pursuant to subsection ~~[6]~~ *7* of NRS 377B.100.

2. In a county whose population is 100,000 or more but less than 400,000, must only be expended by the board of county commissioners in the manner set forth in the plan adopted pursuant to subsection ~~[6]~~ *7* of NRS 377B.100 for:

(a) The acquisition, establishment, construction or expansion of:

(1) Projects for the management of floodplains or the prevention of floods; or

(2) Facilities relating to public safety;

(b) The payment of principal and interest on notes, bonds or other securities issued to provide money for the cost of projects described in paragraph (a);

(c) The ongoing expenses of operation and maintenance of projects described in subparagraph (1) of paragraph (a), if such projects were included in a plan adopted by the board of county commissioners pursuant to subsection ~~[6]~~ *7* of NRS 377B.100 before January 1, 2003;

(d) Any program to provide financial assistance to owners of public and private property in areas likely to be flooded in order to make such property resistant to flood damage that is established pursuant to NRS 244.3653; or

(e) Any combination of those purposes.

3. In a county whose population is less than 100,000, must only be expended by the board of county commissioners in the manner set forth in the plan adopted pursuant to subsection ~~[6]~~ *7* of NRS 377B.100 for:

(a) The acquisition, establishment, construction, improvement or equipping of:

(1) Water facilities; or

(2) Wastewater facilities;

(b) The acquisition, establishment, construction, operation, maintenance or expansion of:

(1) Projects for the management of floodplains or the prevention of floods; or

(2) Facilities for the disposal of solid waste;

(c) The construction or renovation of facilities for schools;

(d) The construction or renovation of facilities having cultural or historical value;

(e) Projects described in subsection 2 of NRS 373.028;

(f) The acquisition, establishment, construction, expansion, improvement or equipping of facilities relating to public safety or to cultural and recreational or judicial functions;

(g) The payment of principal and interest on notes, bonds or other securities issued to provide money for the cost of projects, facilities and activities described in paragraphs (a) to (f), inclusive; or

(h) Any combination of those purposes.

Sec. 9. NRS 377B.190 is hereby amended to read as follows:

377B.190 1. Money for the payment of the cost of one or more projects for which the board of county commissioners has imposed all or a portion of the tax authorized pursuant to this chapter may be obtained by the issuance of bonds and other securities as provided in this section, or, subject to any pledges, liens and other contractual limitations made pursuant to this chapter, may be obtained by direct distribution from the infrastructure fund, or may be obtained both by the issuance of such securities and by such direct distribution as determined by the board of county commissioners or, in a county whose population is 400,000 or more and in which a water authority exists, by the water authority.

2. The board of county commissioners of a county whose population is less than 400,000 or of a county whose population is 400,000 or more and in which no water authority exists may, after the enactment of an ordinance imposing a tax for infrastructure as authorized by NRS 377B.100, from time to time issue bonds and other securities, which are general or special obligations of the county and which may be secured as to principal and interest by a pledge authorized by this chapter of the receipts from the taxes imposed by this chapter. The ordinance authorizing the issuance of any bond or other security must describe the purpose for which it was issued.

3. After the enactment of an ordinance imposing a tax for infrastructure by the board of county commissioners of a county whose population is 400,000 or more and in which a water authority exists, the water authority or, if so provided in an interlocal agreement to which the water authority is a party, one or more of the members of the water authority, may from time to time issue bonds and other securities, which are general or special obligations and which may be secured as to principal and interest by a pledge authorized by this chapter of the receipts from the taxes imposed by this chapter.

4. In a county whose population is 400,000 or more, no bonds or other securities may be issued pursuant to this section which are payable from or secured by, in whole or in part, any revenue from a tax enacted pursuant to this chapter to be collected after:

(a) The last day of the month in which the Department determines that the total sum collected since the tax was first imposed, exclusive of any penalties and interest, exceeds $2.3 billion; or

(b) June 30, 2025,

➥ whichever occurs earlier ~~[.]~~ ***, unless the board of county commissioners pursuant to subsection 4 of NRS 377B.100 has determined by an affirmative vote of at least two-thirds of its members that the cessation of the tax is not advisable.***

Sec. 10. NRS 99.065 is hereby amended to read as follows:

99.065 1. Bonds or other securities issued by this state or any of its political subdivisions may provide for the payment of compound interest. The amount of the compound interest must be treated as interest and not as an addition to the principal of the bond or other security.

2. If interest is compounded on some or all of an issue of securities, repayment of the securities:

(a) Must commence no later than the ~~[fifth]~~ ***15th*** year after issue; and

(b) If in installments, must be made no less often than annually.

Sec. 11. NRS 350.630 is hereby amended to read as follows:

350.630 1. As the governing body may determine, any bonds and other municipal securities issued hereunder, except as otherwise provided in the Local Government Securities Law, or in any act supplemental thereto, must:

(a) Be of a convenient denomination or denominations;

(b) Be fully negotiable within the meaning of and for all the purposes of the Uniform Commercial Code—Investment Securities;

(c) Mature at such time or serially at such times in regular numerical order at annual or other designated intervals in amounts designated and fixed by the governing body, except as herein otherwise provided;

(d) Bear interest at a rate or rates which do not exceed the limit provided in NRS 350.2011, payable annually, semiannually or at other designated intervals, but the first interest payment date may be for interest accruing for any other period;

(e) Be made payable in lawful money of the United States, at the office of the treasurer or any commercial bank or commercial banks within or without or both within and without the State as may be provided by the governing body; and

(f) Be printed at such a place, within or without this State, as the governing body may determine.

2. ~~[General]~~ ***Except as otherwise provided in subsection 3, general*** obligation bonds must mature within 30 years from their respective dates and, if they mature serially, commencing not later than the fifth year thereafter, in such manner as the governing body may determine.

3. ***General obligation bonds issued for a water facility or wastewater facility must mature within 40 years from their respective dates and, if they mature serially, commencing not later than the 15th year thereafter, in such manner as the governing body may determine.***

4. Special obligation bonds must mature within 50 years from their respective dates.

5. As used in this section:

(a) "Wastewater facility" has the meaning ascribed to it in NRS 377B.030.

(b) "Water facility" has the meaning ascribed to it in NRS 377B.050.

Sec. 12. NRS 350.678 is hereby amended to read as follows:

350.678 1. Except as otherwise provided in NRS 350.674, the proceeds of taxes, pledged revenues and other money, including without limitation proceeds of bonds to be issued or reissued after the issuance of interim debentures, and bonds issued to secure the payment of interim debentures, or any combination thereof, may be pledged to secure the payment of interim debentures; but the proceeds of taxes and the proceeds of bonds payable from taxes, or any combination thereof, must not be used to pay any special obligation interim debentures nor may their payment be secured by a pledge of any such general obligation bonds.

2. Any bonds pledged as collateral security for the payment of any interim debentures must mature at such time or times as the governing body may determine, except as otherwise provided in subsections 2 ***,*** ~~[and]~~ 3 ***and 4*** of NRS 350.630.

3. Any bonds pledged as collateral security must not be issued in an aggregate principal amount exceeding the aggregate principal amount of the interim debenture or interim debentures secured by a pledge of such bonds, nor may they bear interest at any time which, with any interest accruing at the same time on the interim debenture or interim debentures so secured, exceeds the rate permitted on the debenture or debentures secured, computed from the appropriate index which was most recently published before the bids are received or a negotiated offer is accepted.

Sec. 13. NRS 350.682 is hereby amended to read as follows:

350.682 1. For the purpose of funding any interim debentures, any bonds pledged as collateral security to secure the payment of such interim debentures, upon their surrender as pledged property, may be reissued without an election, and any bonds not previously issued but authorized to be issued, at an election in the case of bonds required by law so to be authorized, and otherwise merely by the governing body, for a purpose or purposes the same as or encompassing the purpose or purposes for which the interim debentures were issued, may be issued for such a funding.

2. Any such bonds shall mature at such time or times as the governing body may determine, except as otherwise provided in subsections 2 ***,*** ~~[and]~~ 3 ***and 4*** of NRS 350.630.

3. Bonds for funding, including but not necessarily limited to any such reissued bonds, and bonds for any other purpose or purposes may be issued separately or issued in combination in one series or more.

4. Except as herein otherwise provided in this section and in NRS 350.676, 350.678 and 350.680, any such funding bonds shall be issued as is provided herein for other bonds.

Sec. 14. NRS 350.694 is hereby amended to read as follows:

350.694 1. No bonds may be refunded under this chapter unless the holders thereof voluntarily surrender them for exchange or payment, or unless they either mature or are callable for prior redemption under their terms within 25 years from the date of issuance of the refunding bonds. Provision must be made for paying the securities within that period.

2. The maturity of any bond refunded may not be extended beyond 25 years, or beyond 1 year next following the date of the last outstanding maturity, whichever limitation is later, nor may any interest on any bond refunded be increased to any rate which exceeds the limit provided in NRS 350.2011.

3. The principal amount of the refunding bonds may exceed the principal amount of the refunded bonds, but in the case of any bonds constituting a debt the principal of the bonds may not be increased to any amount in excess of any municipal debt limitation.

4. The principal amount of the refunding bonds may also be less than or the same as the principal amount of the bonds being refunded so long as provision is duly and sufficiently made for their payment.

5. If at the time of the issuance of any issue of general obligation refunding bonds provision is not made for the redemption of all the outstanding bonds of the ~~[or]~~ ***issue refunded or the outstanding bonds of*** each issue refunded, as the case may be, by the use of proceeds of the refunding bonds and any other money available for the redemption, the general obligation refunding bonds may mature but are not required to mature serially ~~[commencing not later than the fifth year after their respective dates]~~ in accordance with ~~[subsection]~~ ***subsections*** 2 ***and 3*** of NRS 350.630.

Sec. 15. This act becomes effective on July 1, 2011.

Assemblywoman Bustamante Adams moved the adoption of the amendment.

Remarks by Assemblywoman Kirkpatrick.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

INTRODUCTION, FIRST READING AND REFERENCE

Senate Joint Resolution No. 15.

Assemblyman Conklin moved that the resolution be referred to the Committee on Legislative Operations and Elections.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Conklin moved that Senate Bills Nos. 36, 59, 101, 125, 136, 143, 150, 215, 233, 257, 361, 402, 403, be taken from their position on the General File and placed at the top of the Senate Bills currently on the General File.

Motion carried.

Assemblyman Conklin moved that Senate Bill No. 192 be taken from the General File and rereferred to the Committee on Ways and Means.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 171.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 787.

AN ACT relating to education; revising provisions governing the membership of a committee to form a charter school and the governing body of a charter school; revising provisions for the process of review of an application to form a charter school; authorizing the governing body of a charter school to set a salary for the attendance of its members at meetings of the governing body; revising the requirements for a charter school to be eligible for an exemption from annual performance audits and to receive certain money for facilities; revising provisions governing the employment of licensed employees by a charter school; revising various other provisions governing charter schools; repealing the Subcommittee on Charter Schools; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1 of this bill revises the membership of a committee to form a charter school and revises the process for review of an application to form a charter school by the Department of Education.

Section 2 of this bill revises the procedure for the review of an application to form a charter school if the proposed sponsor is the State Board of Education.

Section 3 of this bill provides that if the sponsor of a charter school denies a request for an amendment of a written charter of the charter school, the sponsor must provide written notice to the governing body which sets forth the reasons for the denial.

Section 3.5 of this bill provides that the sponsor of a charter school may revoke the written charter before the expiration of the charter if the sponsor determines that the charter school failed to comply with the material terms and conditions of the written charter.

Section 5 of this bill authorizes the Department to request certain information from a charter school, regardless of whether that information is required by specific statute, and provides that if the Department requests such information, the Department shall include in the request a mechanism by which the Department will pay or reimburse the charter school for the requested information, if the provision of the information will incur any costs for the charter school.

Section 6 of this bill revises the membership of the governing body of a charter school and authorizes the governing body, upon a majority vote of members, to set a salary for the attendance of its members at meetings of the governing body, not to exceed $80 per meeting per month.

Existing law prescribes the requirement for a charter school to be exempt from an annual performance audit and undergo a performance audit every 3 years and to be eligible for available money from legislative appropriations or otherwise for facilities. A charter school is eligible if at least 75 percent of the pupils enrolled in the charter school who are required to take the high school proficiency examination have passed that examination. (NRS 386.5515) **Section 7** of this bill revises this eligibility requirement to require that at least 75 percent of the pupils enrolled in the charter school in grade 12 in the immediately preceding school year who have satisfied the course work requirements for graduation have passed the high school proficiency examination.

Existing law provides that the pupils enrolled in charter schools must be included in the count of pupils for purposes of the apportionments and allowances from the State Distributive School Account and provides for the reimbursement of administrative costs to the sponsor of a charter school. (NRS 386.570) **Section 9** of this bill requires the State Board to prescribe a process which ensures that all charter schools, regardless of the sponsor, have information of all sources of funding for the public schools provided through the Department. ~~[Section 9 also changes the percentage of administrative costs that the State Board or a college or university may receive for sponsorship after the first year of operation of a charter school from 1.5 percent to 1 percent.]~~

Existing law requires a school district to grant a leave of absence to an employee of the school district, not to exceed 3 years, to accept employment with a charter school sponsored by the school district. The school district is required to grant such an employee's request to return to his or her former teaching position or a comparable teaching position within the school district after the approved leave of absence is complete. (NRS 386.595) **Section 9.7** of this bill removes the provision which specifies that the school district which is the sponsor of the charter school shall grant a leave of absence, so that a school district, regardless of sponsor, shall grant such a leave of absence for its licensed employees. **Section 9.7** also removes the provision which provides that the employee may return to his or her former teaching position and instead authorizes the employee to return to a comparable

teaching position. **Section 9.7** further requires that upon the request of a governing body of a charter school, the board of trustees of a school district, with the permission of the licensed employee who is seeking employment with the charter school, transmit to the governing body a copy of the employment record of the employee that is maintained by the school district. **Section 9.7** also requires that upon request of the board of trustees of a school district, the governing body of a charter school, with the permission of the licensed employee who is granted a leave of absence from the school district, transmit to the school district a copy of the employment record of the employee maintained by the charter school. Finally, **section 9.7** authorizes the school district to conduct an investigation of any misconduct of the licensed employee who was granted a leave of absence for employment with a charter school and who requests to return to employment with the school district.

Under existing law, a parent may homeschool a child if the parent submits to the superintendent of schools of the school district in which the child resides a notice of intent to homeschool the child. (NRS 392.700) **Section 10** of this bill requires a charter school, to the extent practicable, to notify the school district in which the child resides if the child who is or was homeschooled enrolls in the charter school and provides that the child may be counted for the purposes of the calculation of basic support whether or not the charter school provides the notice.

Section 11 of this bill repeals the Subcommittee on Charter Schools.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 386.520 is hereby amended to read as follows:

386.520 1. A committee to form a charter school must consist of ~~[at least three teachers, as defined in subsection 4.]~~ ***:***

(a) One member who is a teacher or other person licensed pursuant to chapter 391 of NRS or who previously held such a license and is retired, as long as his or her license was held in good standing;

(b) One member who:

(1) Satisfies the qualifications of paragraph (a); or

(2) Is a school administrator with a license issued by another state or who previously held such a license and is retired, as long as his or her license was held in good standing;

(c) One parent or legal guardian who is not a teacher or employee of the proposed charter school; and

(d) Two members who possess knowledge and expertise in one or more of the following areas:

(1) Accounting;

(2) Financial services;

(3) Law; or

(4) Human resources.

2. In addition to the ~~[teachers]~~ ***members*** who serve ~~[.]~~ ***pursuant to subsection 1,*** the committee ***to form a charter school*** may ~~[consist of:]~~ ***include, without limitation, not more than four additional members as follows:***

(a) Members of the general public;

(b) Representatives of nonprofit organizations and businesses; or

(c) Representatives of a college or university within the Nevada System of Higher Education.

~~[~~ ***3.*** A majority of the persons ~~[described in paragraphs (a), (b) and (c)]~~ who serve on the committee ***to form a charter school*** must be residents of this State at the time that the application to form the charter school is submitted to the Department.

~~[2.]~~ ***4.*** Before a committee to form a charter school may submit an application to the board of trustees of a school district, ~~[the Subcommittee on Charter Schools,]~~ the State Board or a college or university within the Nevada System of Higher Education, it must submit the application to the Department. The application must include all information prescribed by the Department by regulation and:

(a) A written description of how the charter school will carry out the provisions of NRS 386.500 to 386.610, inclusive.

(b) A written description of the mission and goals for the charter school. A charter school must have as its stated purpose at least one of the following goals:

(1) Improving the opportunities for pupils to learn;

(2) Encouraging the use of effective methods of teaching;

(3) Providing an accurate measurement of the educational achievement of pupils;

(4) Establishing accountability of public schools;

(5) Providing a method for public schools to measure achievement based upon the performance of the schools; or

(6) Creating new professional opportunities for teachers.

(c) The projected enrollment of pupils in the charter school.

(d) The proposed dates ~~[of]~~ ***for accepting applications for*** enrollment ~~[for]~~ ***in the initial year of operation of*** the charter school.

(e) The proposed system of governance for the charter school, including, without limitation, the number of persons who will govern, the method ~~[of selecting]~~ ***for nominating and electing*** the persons who will govern and the term of office for each person.

(f) The method by which disputes will be resolved between the governing body of the charter school and the sponsor of the charter school.

(g) The proposed curriculum for the charter school and, if applicable to the grade level of pupils who are enrolled in the charter school, the requirements for the pupils to receive a high school diploma, including, without limitation, whether those pupils will satisfy the requirements of the

school district in which the charter school is located for receipt of a high school diploma.

(h) The textbooks that will be used at the charter school.

(i) The qualifications of the persons who will provide instruction at the charter school.

(j) Except as otherwise required by NRS 386.595, the process by which the governing body of the charter school will negotiate employment contracts with the employees of the charter school.

(k) A financial plan for the operation of the charter school. The plan must include, without limitation, procedures for the audit of the programs and finances of the charter school and guidelines for determining the financial liability if the charter school is unsuccessful.

(l) A statement of whether the charter school will provide for the transportation of pupils to and from the charter school. If the charter school will provide transportation, the application must include the proposed plan for the transportation of pupils. If the charter school will not provide transportation, the application must include a statement that the charter school will work with the parents and guardians of pupils enrolled in the charter school to develop a plan for transportation to ensure that pupils have access to transportation to and from the charter school.

(m) The procedure for the evaluation of teachers of the charter school, if different from the procedure prescribed in NRS 391.3125. If the procedure is different from the procedure prescribed in NRS 391.3125, the procedure for the evaluation of teachers of the charter school must provide the same level of protection and otherwise comply with the standards for evaluation set forth in NRS 391.3125.

(n) The time by which certain academic or educational results will be achieved.

(o) The kind of school, as defined in subsections 1 to 4, inclusive, of NRS 388.020, for which the charter school intends to operate.

(p) A statement of whether the charter school will enroll pupils who are in a particular category of at-risk pupils before enrolling other children who are eligible to attend the charter school pursuant to NRS 386.580 and the method for determining eligibility for enrollment in each such category of at-risk pupils served by the charter school.

~~[3.]~~ ***5.*** The Department shall review an application to form a charter school to determine whether it is ***substantially*** complete ~~[.]~~ ***and compliant.*** If an application proposes to convert an existing public school, homeschool or other program of home study into a charter school, the Department shall ~~[deny the application.]~~ ***provide written notice to the applicant that the application is ineligible for consideration by the proposed sponsor.***

6. The Department shall provide written notice to the applicant of its ~~[approval or denial of]~~ ***determination whether*** the application ~~[.]~~ ***is substantially complete and compliant.*** If the Department ~~[denies]~~ ***determines that*** an application ~~[,]~~ ***is not substantially complete and***

compliant, the Department shall include in the written notice the ~~[reason for the denial]~~ ***basis for that determination*** and the deficiencies in the application. ***The staff designated by the Department shall meet with the applicant to confer on the method to correct the identified deficiencies.*** The applicant must be granted 30 days after receipt of the written notice to correct any deficiencies identified in the written notice and resubmit the application.

~~[4.]~~ ***7.*** As used in subsection 1, "teacher" means a person who:

(a) Holds a current license to teach issued pursuant to chapter 391 of NRS ~~[.]~~ ***or who previously held such a license and is retired, as long as his or her license was held in good standing;*** and

(b) Has at least 2 years of experience as an employed teacher.

➥ The term does not include a person who is employed as a substitute teacher.

Sec. 2. NRS 386.525 is hereby amended to read as follows:

386.525 1. Upon ~~[approval of an application]~~ ***determination*** by the Department ~~[,]~~ ***that an application is substantially complete and compliant,*** a committee to form a charter school may submit the application to the board of trustees of the school district in which the proposed charter school will be located, a college or university within the Nevada System of Higher Education or ~~[directly to the Subcommittee on Charter Schools.]~~ ***the State Board.*** If the board of trustees of a school district, a college or a university, as applicable, receives an application to form a charter school, the board of trustees or the institution, as applicable, shall consider the application at a meeting that must be held not later than 45 days after the receipt of the application, or a period mutually agreed upon by the committee to form the charter school and the board of trustees of the school district or the institution, as applicable, and ensure that notice of the meeting has been provided pursuant to chapter 241 of NRS. The board of trustees, the college, the university or the ~~[Subcommittee on Charter Schools,]~~ ***State Board,*** as applicable, shall review an application to determine whether the application:

(a) Complies with NRS 386.500 to 386.610, inclusive, and the regulations applicable to charter schools; and

(b) Is complete in accordance with the regulations of the Department.

2. The Department shall assist the board of trustees of a school district, the college or the university, as applicable, in the review of an application. The board of trustees, the college or the university, as applicable, may approve an application if it satisfies the requirements of paragraphs (a) and (b) of subsection 1. The board of trustees, the college or the university, as applicable, shall provide written notice to the applicant of its approval or denial of the application.

3. If the board of trustees, the college or the university, as applicable, denies an application, it shall include in the written notice the reasons for the denial and the deficiencies in the application. The applicant must be granted 30 days after receipt of the written notice to correct any deficiencies identified in the written notice and resubmit the application.

4. If the board of trustees, the college or the university, as applicable, denies an application after it has been resubmitted pursuant to subsection 3, the applicant may submit a written request ***to the State Board*** for sponsorship by the State Board ~~[to the Subcommittee on Charter Schools created pursuant to NRS 386.507]~~ not more than 30 days after receipt of the written notice of denial. Any request that is submitted pursuant to this subsection must be accompanied by the application to form the charter school.

5. If the ~~[Subcommittee on Charter Schools]~~ ***State Board*** receives an application pursuant to subsection 1 or 4, it shall ~~[hold]~~ ***consider the application at*** a meeting ~~[to consider the application. The meeting]~~ ***which*** must be held not later than 45 days after receipt of the application. Notice of the meeting must be posted in accordance with chapter 241 of NRS. The ~~[Subcommittee]~~ ***State Board*** shall review the application in accordance with the factors set forth in paragraphs (a) and (b) of subsection 1. The ~~[Subcommittee]~~ ***State Board*** may approve an application if it satisfies the requirements of paragraphs (a) and (b) of subsection 1.

~~[6. The Subcommittee on Charter Schools shall transmit the application and the recommendation of the Subcommittee for approval or denial of the application to the State Board. Not more than 14 days after the date of the meeting of the Subcommittee pursuant to subsection 5, the State Board shall hold a meeting to consider the recommendation of the Subcommittee. Notice of the meeting must be posted in accordance with chapter 241 of NRS. The State Board shall review the application in accordance with the factors set forth in paragraphs (a) and (b) of subsection 1. The State Board may approve an application if it satisfies the requirements of paragraphs (a) and (b) of subsection 1.]~~ Not more than 30 days after the meeting, the State Board shall provide written notice of its determination to the applicant.

~~[7.]~~ ***6.*** If the State Board denies ***or fails to act upon*** an application, ~~[it]~~ ***the denial or failure to act must be based upon a finding that the applicant failed to adequately address objective criteria established by regulation of the Department or the State Board. The State Board*** shall include in the written notice the reasons for the denial ***or the failure to act*** and the deficiencies in the application. ***The staff designated by the Department shall meet with the applicant to confer on the method to correct the identified deficiencies.*** The applicant must be granted 30 days after receipt of the written notice to correct any deficiencies identified in the written notice and resubmit the application.

~~[8.]~~ ***7.*** If the State Board denies an application after it has been resubmitted pursuant to subsection ~~[7,]~~ ***6,*** the applicant may, not more than 30 days after the receipt of the written notice from the State Board, appeal the final determination to the district court of the county in which the proposed charter school will be located.

~~[9.]~~ ***8.*** On or before January 1 of each odd-numbered year, the Superintendent of Public Instruction shall submit a written report to the

Director of the Legislative Counsel Bureau for transmission to the next regular session of the Legislature. The report must include:

(a) A list of each application to form a charter school that was submitted to the board of trustees of a school district, the State Board, a college or a university during the immediately preceding biennium;

(b) The educational focus of each charter school for which an application was submitted;

(c) The current status of the application; and

(d) If the application was denied, the reasons for the denial.

Sec. 3. NRS 386.527 is hereby amended to read as follows:

386.527 1. If the State Board, the board of trustees of a school district or a college or university within the Nevada System of Higher Education approves an application to form a charter school, it shall grant a written charter to the applicant. The State Board, the board of trustees, the college or the university, as applicable, shall, not later than 10 days after the approval of the application, provide written notice to the Department of the approval and the date of the approval. If the board of trustees approves the application, the board of trustees shall be deemed the sponsor of the charter school.

2. If the State Board approves the application:

(a) The State Board shall be deemed the sponsor of the charter school.

(b) Neither the State of Nevada, the State Board nor the Department is an employer of the members of the governing body of the charter school or any of the employees of the charter school.

3. If a college or university within the Nevada System of Higher Education approves the application:

(a) That institution shall be deemed the sponsor of the charter school.

(b) Neither the State of Nevada, the State Board nor the Department is an employer of the members of the governing body of the charter school or any of the employees of the charter school.

4. The governing body of a charter school may request, at any time, a change in the sponsorship of the charter school to an entity that is authorized to sponsor charter schools pursuant to NRS 386.515. The State Board shall adopt:

(a) An application process for a charter school that requests a change in the sponsorship of the charter school, which must not require the applicant to undergo the requirements of an initial application to form a charter school; and

(b) Objective criteria for the conditions under which such a request may be granted.

5. Except as otherwise provided in subsection 7, a written charter must be for a term of 6 years unless the governing body of a charter school renews its initial charter after 3 years of operation pursuant to subsection 2 of NRS 386.530. A written charter must include all conditions of operation set forth in subsection ~~[2]~~ ***4*** of NRS 386.520 and include the kind of school, as defined in subsections 1 to 4, inclusive, of NRS 388.020 for which the

charter school is authorized to operate. If the State Board or a college or university within the Nevada System of Higher Education is the sponsor of the charter school, the written charter must set forth the responsibilities of the sponsor and the charter school with regard to the provision of services and programs to pupils with disabilities who are enrolled in the charter school in accordance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., and NRS 388.440 to 388.520, inclusive. As a condition of the issuance of a written charter pursuant to this subsection, the charter school must agree to comply with all conditions of operation set forth in NRS 386.550.

6. The governing body of a charter school may submit to the sponsor of the charter school a written request for an amendment of the written charter of the charter school. Such an amendment may include, without limitation, the expansion of instruction and other educational services to pupils who are enrolled in grade levels other than the grade levels of pupils currently approved for enrollment in the charter school **.** ~~[if the expansion of grade levels does not change the kind of school, as defined in NRS 388.020, for which the charter school is authorized to operate.]~~ If the proposed amendment complies with the provisions of this section, NRS 386.500 to 386.610, inclusive, and any other statute or regulation applicable to charter schools, the sponsor may amend the written charter in accordance with the proposed amendment. ~~[If a charter school wishes to expand the instruction and other educational services offered by the charter school to pupils who are enrolled in grade levels other than the grade levels of pupils currently approved for enrollment in the charter school and the expansion of grade levels changes the kind of school, as defined in NRS 388.020, for which the charter school is authorized to operate, the governing body of the charter school must submit a new application to form a charter school. If such an application is approved, the charter school may continue to operate under the same governing body and an additional governing body does not need to be selected to operate the charter school with the expanded grade levels.]~~ ***If the sponsor denies the request for an amendment, the sponsor shall provide written notice to the governing body of the charter school setting forth the reasons for the denial.***

7. The State Board shall adopt objective criteria for the issuance of a written charter to an applicant who is not prepared to commence operation on the date of issuance of the written charter. The criteria must include, without limitation, the:

(a) Period for which such a written charter is valid; and

(b) Timelines by which the applicant must satisfy certain requirements demonstrating its progress in preparing to commence operation.

➥ A holder of such a written charter may apply for grants of money to prepare the charter school for operation. A written charter issued pursuant to this subsection must not be designated as a conditional charter or a

provisional charter or otherwise contain any other designation that would indicate the charter is issued for a temporary period.

8. The holder of a written charter that is issued pursuant to subsection 7 shall not commence operation of the charter school and is not eligible to receive apportionments pursuant to NRS 387.124 until the sponsor has determined that the requirements adopted by the State Board pursuant to subsection 7 have been satisfied and that the facility the charter school will occupy has been inspected and meets the requirements of any applicable building codes, codes for the prevention of fire, and codes pertaining to safety, health and sanitation. Except as otherwise provided in this subsection, the sponsor shall make such a determination 30 days before the first day of school for the:

(a) Schools of the school district in which the charter school is located that operate on a traditional school schedule and not a year-round school schedule; or

(b) Charter school,

➥ whichever date the sponsor selects. The sponsor shall not require a charter school to demonstrate compliance with the requirements of this subsection more than 30 days before the date selected. However, it may authorize a charter school to demonstrate compliance less than 30 days before the date selected.

Sec. 3.5. NRS 386.535 is hereby amended to read as follows:

386.535 1. The sponsor of a charter school may revoke the written charter of the charter school before the expiration of the charter if the sponsor determines that:

(a) The charter school, its officers or its employees have failed to comply with:

(1) The ***material*** terms and conditions of the written charter;

(2) Generally accepted standards of accounting and fiscal management; or

(3) The provisions of NRS 386.500 to 386.610, inclusive, or any other statute or regulation applicable to charter schools;

(b) The charter school has filed for a voluntary petition of bankruptcy, is adjudicated bankrupt or insolvent, or is otherwise financially impaired such that the charter school cannot continue to operate; or

(c) There is reasonable cause to believe that revocation is necessary to protect the health and safety of the pupils who are enrolled in the charter school or persons who are employed by the charter school from jeopardy, or to prevent damage to or loss of the property of the school district or the community in which the charter school is located.

2. Before the sponsor revokes a written charter, the sponsor shall provide written notice of its intention to the governing body of the charter school. The written notice must:

(a) Include a statement of the deficiencies or reasons upon which the action of the sponsor is based;

(b) Except as otherwise provided in subsection 4, prescribe a period, not less than 30 days, during which the charter school may correct the deficiencies, including, without limitation, the date on which the period to correct the deficiencies begins and the date on which that period ends;

(c) Prescribe the date on which the sponsor will make a determination regarding whether the charter school has corrected the deficiencies, which determination may be made during the public hearing held pursuant to subsection 3; and

(d) Prescribe the date on which the sponsor will hold a public hearing to consider whether to revoke the charter.

3. Except as otherwise provided in subsection 4, not more than 90 days after the notice is provided pursuant to subsection 2, the sponsor shall hold a public hearing to make a determination regarding whether to revoke the written charter. If the charter school corrects the deficiencies to the satisfaction of the sponsor within the time prescribed in paragraph (b) of subsection 2, the sponsor shall not revoke the written charter of the charter school. The sponsor may not include in a written notice pursuant to subsection 2 any deficiency which was included in a previous written notice and which was corrected by the charter school, unless the deficiency recurred after being corrected.

4. The sponsor of a charter school and the governing body of the charter school may enter into a written agreement that prescribes different time periods than those set forth in subsections 2 and 3.

Sec. 4. NRS 386.540 is hereby amended to read as follows:

386.540 1. The Department shall adopt regulations that prescribe:

(a) The process for submission of an application by the board of trustees of a school district to the Department for authorization to sponsor charter schools and the contents of the application;

(b) The process for submission of an application to form a charter school to the Department, the board of trustees of a school district, the ~~[~~Subcommittee on Charter Schools~~]~~ ***State Board*** and a college or university within the Nevada System of Higher Education, and the contents of the application;

(c) The process for submission of an application to renew a written charter; ~~[~~and~~]~~

(d) The criteria and type of investigation that must be applied by the board of trustees, ~~[~~the Subcommittee on Charter Schools,~~]~~ the State Board and a college or university within the Nevada System of Higher Education in determining whether to approve an application to form a charter school ***,*** ~~[~~or~~]~~ an application to renew a written charter ~~[~~.~~]~~ ***or a request for an amendment of a written charter; and***

(e) The process for submission of an amendment of a written charter pursuant to NRS 386.527 and the contents of the application.

2. The Department may adopt regulations as it determines are necessary to carry out the provisions of NRS 386.500 to 386.610, inclusive, including, without limitation, regulations that prescribe the:

(a) Procedures for accounting and budgeting;

(b) Requirements for performance audits and financial audits of charter schools on an annual basis for charter schools that do not satisfy the requirements of subsection 1 of NRS 386.5515; and

(c) Requirements for performance audits every 3 years and financial audits on an annual basis for charter schools that satisfy the requirements of subsection 1 of NRS 386.5515.

Sec. 5. NRS 386.545 is hereby amended to read as follows:

386.545 1. The Department and the board of trustees of a school district shall:

(a) Upon request, provide information to the general public concerning the formation and operation of charter schools; and

(b) Maintain a list available for public inspection that describes the location of each charter school.

2. The sponsor of a charter school shall:

(a) Provide reasonable assistance to an applicant for a charter school and to a charter school in carrying out the provisions of NRS 386.500 to 386.610, inclusive;

(b) Provide technical and other reasonable assistance to a charter school for the operation of the charter school;

(c) Provide information to the governing body of a charter school concerning the availability of money for the charter school, including, without limitation, money available from the Federal Government; and

(d) Provide timely access to the electronic data concerning the pupils enrolled in the charter school that is maintained pursuant to NRS 386.650.

3. If the board of trustees of a school district is the sponsor of a charter school, the sponsor shall:

(a) Provide the charter school with an updated list of available substitute teachers within the school district.

(b) Provide access to school buses for use by the charter school for field trips. The school district may charge a reasonable fee for the use of the school buses.

(c) If the school district offers summer school or Internet-based credit recovery classes, allow the pupils enrolled in the charter school to participate if space is available. The school district shall apply the same fees, if any, for participation of the pupils enrolled in the charter school as it applies to pupils enrolled in the school district.

4. The Department shall provide appropriate information, education and training for charter schools and the governing bodies of charter schools concerning the applicable provisions of title 34 of NRS and other laws and regulations that affect charter schools and the governing bodies of charter schools.

5. If the Department prescribes a process for charter schools to report certain information, the Department may request the identified information regardless if that information is required to be submitted by charter schools pursuant to a specific statute. Upon such a request, a charter school shall provide the information if the Department includes a detailed description of the requested information and the mechanism by which the Department will pay or reimburse the charter school for the requested information, if the provision of the information will incur any costs for the charter school.

Sec. 6. NRS 386.549 is hereby amended to read as follows:

386.549 1. The governing body of a charter school ~~[~~**:**

~~(a) Must~~**]** ***must*** consist of:

~~[~~(1) At least three teachers, as defined in subsection 5; or

(2) Two teachers, as defined in subsection 5, and one person~~]~~

(a) One member who is licensed pursuant to chapter 391 of NRS or who previously held such a license and is retired, as long as his or her license was held in good standing;

(b) One member who ~~[~~previously held a license to teach pursuant to chapter 391 of NRS~~]~~ ***:***

(1) Satisfies the qualifications of paragraph (a); or

(2) Is a school administrator with a license issued by another state or who previously held such a license and is retired, as long as his or her license was held in good standing ***.*** ~~[~~, including, without limitation, a retired teacher.

~~(b)~~**]**

(c) One parent or legal guardian of a pupil enrolled in the charter school who is not a teacher or an administrator at the charter school.

~~[~~May consist of,~~]~~

(d) Two members who possess knowledge and experience in one or more of the following areas:

(1) Accounting;

(2) Financial services;

(3) Law; or

(4) Human resources.

2. In addition to the members who serve pursuant to subsection 1, the governing body of a charter school may include, without limitation, parents and representatives of nonprofit organizations and businesses. Not more than two persons who serve on the governing body may represent the same organization or business or otherwise represent the interests of the same organization or business. A majority of the members of the governing body must reside in this State. If the membership of the governing body changes, the governing body shall provide written notice to the sponsor of the charter school within 10 working days after such change.

~~[~~2.~~]~~ ***3.*** A person may serve on the governing body only if the person submits an affidavit to the Department indicating that the person:

(a) Has not been convicted of a felony relating to serving on the governing body of a charter school or any offense involving moral turpitude.

(b) Has read and understands material concerning the roles and responsibilities of members of governing bodies of charter schools and other material designed to assist the governing bodies of charter schools, if such material is provided to the person by the Department.

~~[3.]~~ ***4.*** The governing body of a charter school is a public body. It is hereby given such reasonable and necessary powers, not conflicting with the Constitution and the laws of the State of Nevada, as may be requisite to attain the ends for which the charter school is established and to promote the welfare of pupils who are enrolled in the charter school.

~~[4.]~~ ***5.*** The governing body of a charter school shall, during each calendar quarter, hold at least one regularly scheduled public meeting in the county in which the charter school is located. ***Upon an affirmative vote of a majority of the membership of the governing body, each member is entitled to receive a salary of not more than $80 for attendance at each meeting, as fixed by the governing body, not to exceed payment for more than one meeting per month.***

~~[5.]~~ ***6.*** As used in subsection 1, "teacher" means a person who:

(a) Holds a current license to teach issued pursuant to chapter 391 of NRS ~~[;]~~ ***or who previously held such a license and is retired, as long as his or her license was held in good standing;*** and

(b) Has at least 2 years of experience as an employed teacher.

➥ The term does not include a person who is employed as a substitute teacher.

Sec. 7. NRS 386.5515 is hereby amended to read as follows:

386.5515 1. To the extent money is available from legislative appropriation or otherwise, a charter school may apply to the Department for money for facilities if:

(a) The charter school has been operating in this State for at least 5 consecutive years and is in good financial standing;

(b) Each financial audit and each performance audit of the charter school required by the Department contains no major notations, corrections or errors concerning the charter school for at least 5 consecutive years;

(c) The charter school has met or exceeded adequate yearly progress as determined pursuant to NRS 385.3613 or has demonstrated improvement in the achievement of pupils enrolled in the charter school, as indicated by annual measurable objectives determined by the State Board, for the majority of the years of its operation;

(d) The charter school offers instruction on a daily basis during the school week of the charter school on the campus of the charter school; and

(e) At least 75 percent of the pupils enrolled in ***grade 12 in*** the charter school ~~[who are required to take]~~ ***in the immediately preceding school year who have completed the required course work for graduation have passed***

the high school proficiency examination **,** ~~[have passed that examination,]~~ if the charter school enrolls pupils at a high school grade level.

2. A charter school that satisfies the requirements of subsection 1 shall submit to a performance audit as required by the Department one time every 3 years. The sponsor of the charter school and the Department shall not request a performance audit of the charter school more frequently than every 3 years without reasonable evidence of noncompliance in achieving the educational goals and objectives of the charter school based upon the annual report submitted to the State Board pursuant to NRS 386.610. If the charter school no longer satisfies the requirements of subsection 1 or if reasonable evidence of noncompliance in achieving the educational goals and objectives of the charter school exists based upon the annual report, the charter school shall, upon written notice from the sponsor, submit to an annual performance audit. Notwithstanding the provisions of paragraph (b) of subsection 1, such a charter school:

(a) May, after undergoing the annual performance audit, reapply to the sponsor to determine whether the charter school satisfies the requirements of paragraphs (a), (c), (d) and (e) of subsection 1.

(b) Is not eligible for any available money pursuant to subsection 1 until the sponsor determines that the charter school satisfies the requirements of that subsection.

3. A charter school that does not satisfy the requirements of subsection 1 shall submit a quarterly report of the financial status of the charter school if requested by the sponsor of the charter school.

Sec. 8. NRS 386.560 is hereby amended to read as follows:

386.560 1. The governing body of a charter school may contract with the board of trustees of the school district in which the charter school is located ***or in which a pupil enrolled in the charter school resides*** or the Nevada System of Higher Education for the provision of facilities to operate the charter school or to perform any service relating to the operation of the charter school, including, without limitation, transportation, the provision of health services for the pupils who are enrolled in the charter school and the provision of school police officers.

2. A charter school may use any public facility located within the school district in which the charter school is located. A charter school may use school buildings owned by the school district only upon approval of the board of trustees of the school district and during times that are not regular school hours.

3. The board of trustees of a school district may donate surplus personal property of the school district to a charter school that is located within the school district.

4. Except as otherwise provided in this subsection, upon the request of a parent or legal guardian of a pupil who is enrolled in a charter school, the board of trustees of the school district in which the pupil resides shall authorize the pupil to participate in a class that is not available to the pupil at

the charter school or participate in an extracurricular activity, ~~[excluding]~~ ***including*** sports, at a public school within the school district if:

(a) Space for the pupil in the class or extracurricular activity is available; and

(b) The parent or legal guardian demonstrates to the satisfaction of the board of trustees that the pupil is qualified to participate in the class or extracurricular activity.

➥ If the board of trustees of a school district authorizes a pupil to participate in a class or extracurricular activity, ~~[excluding]~~ ***including*** sports, pursuant to this subsection, the board of trustees is not required to provide transportation for the pupil to attend the class or activity. The provisions of this subsection do not apply to a pupil who is enrolled in a charter school and who desires to participate on a part-time basis in a program of distance education provided by the board of trustees of a school district pursuant to NRS 388.820 to 388.874, inclusive. Such a pupil must comply with NRS 388.858.

5. ~~[Upon the request of a parent or legal guardian of a pupil who is enrolled in a charter school, the board of trustees of the school district in which the pupil resides shall authorize the pupil to participate in sports at the public school that he or she would otherwise be required to attend within the school district, or upon approval of the board of trustees, any public school within the same zone of attendance as the charter school if:~~

~~(a) Space is available for the pupil to participate; and~~

~~(b) The parent or legal guardian demonstrates to the satisfaction of the board of trustees that the pupil is qualified to participate.~~

~~➥ If the board of trustees of a school district authorizes a pupil to participate in sports pursuant to this subsection, the board of trustees is not required to provide transportation for the pupil to participate.~~

~~6.]~~ The board of trustees of a school district may revoke its approval for a pupil to participate in a class, extracurricular activity or sports at a public school pursuant to ~~[subsections 4 and 5]~~ ***subsection 4*** if the board of trustees or the public school determines that the pupil has failed to comply with applicable statutes, or applicable rules and regulations of the board of trustees, the public school or the Nevada Interscholastic Activities Association. If the board of trustees so revokes its approval, neither the board of trustees nor the public school is liable for any damages relating to the denial of services to the pupil.

Sec. 9. NRS 386.570 is hereby amended to read as follows:

386.570 1. Each pupil who is enrolled in a charter school, including, without limitation, a pupil who is enrolled in a program of special education in a charter school, must be included in the count of pupils in the school district for the purposes of apportionments and allowances from the State Distributive School Account pursuant to NRS 387.121 to 387.126, inclusive, unless the pupil is exempt from compulsory attendance pursuant to NRS 392.070. A charter school is entitled to receive its proportionate share of any other money available from federal, state or local sources that the school or

the pupils who are enrolled in the school are eligible to receive. If a charter school receives special education program units directly from this State, the amount of money for special education that the school district pays to the charter school may be reduced proportionately by the amount of money the charter school received from this State for that purpose. ***The State Board shall prescribe a process which ensures that all charter schools, regardless of the sponsor, have information about all sources of funding for the public schools provided through the Department, including local funds pursuant to NRS 387.1235.***

2. All money received by the charter school from this State or from the board of trustees of a school district must be deposited in an account with a bank, credit union or other financial institution in this State. The governing body of a charter school may negotiate with the board of trustees of the school district and the State Board for additional money to pay for services which the governing body wishes to offer.

3. Upon completion of each school quarter, the sponsor of a charter school may request reimbursement from the governing body of the charter school for the administrative costs associated with sponsorship for that school quarter if the sponsor provided administrative services during that school quarter. The request must include an itemized list of those costs. Unless a delay is granted pursuant to subsection 9, upon receipt of such a request, the governing body shall pay the reimbursement to the board of trustees of the school district if the board of trustees sponsors the charter school, to the Department if the State Board sponsors the charter school or to the college or university within the Nevada System of Higher Education if that institution sponsors the charter school. If a governing body fails to pay the reimbursement pursuant to this subsection or pursuant to a plan approved by the Superintendent of Public Instruction in accordance with subsection 9, the charter school shall be deemed to have violated its written charter and the sponsor may take such action to revoke the written charter pursuant to NRS 386.535 as it deems necessary. If the board of trustees of a school district is the sponsor of a charter school, the amount of money that may be paid to the sponsor pursuant to this subsection for administrative expenses in 1 school year must not exceed:

(a) For the first year of operation of the charter school, 2 percent of the total amount of money apportioned to the charter school during the year pursuant to NRS 387.124, as adjusted by the final computation of apportionment pursuant to subsection 4 of NRS 387.1243.

(b) For any year after the first year of operation of the charter school, 1 percent of the total amount of money apportioned to the charter school during the year pursuant to NRS 387.124, as adjusted by the final computation of apportionment pursuant to subsection 4 of NRS 387.1243.

4. If the State Board or a college or university within the Nevada System of Higher Education is the sponsor of a charter school, the amount of money that may be paid to the Department or to the institution, as applicable,

pursuant to subsection 3 for administrative expenses in 1 school year must not exceed:

(a) For the first year of operation of the charter school, 2 percent of the total amount of money apportioned to the charter school during the year pursuant to NRS 387.124, as adjusted by the final computation of apportionment pursuant to subsection 4 of NRS 387.1243.

(b) For any year after the first year of operation of the charter school, 1.5 ~~[1]~~ percent of the total amount of money apportioned to the charter school during the year pursuant to NRS 387.124, as adjusted by the final computation of apportionment pursuant to subsection 4 of NRS 387.1243.

5. To determine the amount of money for distribution to a charter school in its first year of operation, the count of pupils who are enrolled in the charter school must initially be determined 30 days before the beginning of the school year of the school district, based on the number of pupils whose applications for enrollment have been approved by the charter school. The count of pupils who are enrolled in the charter school must be revised on the last day of the first school month of the school district in which the charter school is located for the school year, based on the actual number of pupils who are enrolled in the charter school. Pursuant to subsection 5 of NRS 387.124, the governing body of a charter school may request that the apportionments made to the charter school in its first year of operation be paid to the charter school 30 days before the apportionments are otherwise required to be made.

6. If a charter school ceases to operate as a charter school during a school year, the remaining apportionments that would have been made to the charter school pursuant to NRS 387.124 for that year must be paid on a proportionate basis to the school districts where the pupils who were enrolled in the charter school reside.

7. The governing body of a charter school may solicit and accept donations, money, grants, property, loans, personal services or other assistance for purposes relating to education from members of the general public, corporations or agencies. The governing body may comply with applicable federal laws and regulations governing the provision of federal grants for charter schools. The State Board may assist a charter school that operates exclusively for the enrollment of pupils who receive special education in identifying sources of money that may be available from the Federal Government or this State for the provision of educational programs and services to such pupils.

8. If a charter school uses money received from this State to purchase real property, buildings, equipment or facilities, the governing body of the charter school shall assign a security interest in the property, buildings, equipment and facilities to the State of Nevada.

9. The governing body of a charter school may submit to the Superintendent of Public Instruction a written request to delay a quarterly payment of a reimbursement for the administrative costs that a charter school

owes pursuant to this section. The written request must be in the form prescribed by the Superintendent and must include, without limitation, documentation that a financial hardship exists for the charter school and a plan for the payment of the reimbursement. The Superintendent may approve or deny the request and shall notify the governing body and the sponsor of the charter school of the approval or denial of the request.

Sec. 9.5. NRS 386.590 is hereby amended to read as follows:

386.590 1. Except as otherwise provided in this subsection, at least 70 percent of the teachers who provide instruction at a charter school must be licensed teachers. If a charter school is a vocational school, the charter school shall, to the extent practicable, ensure that at least 70 percent of the teachers who provide instruction at the school are licensed teachers, but in no event may more than 50 percent of the teachers who provide instruction at the school be unlicensed teachers.

2. A governing body of a charter school shall employ:

(a) If the charter school offers instruction in kindergarten or grade 1, 2, 3, 4, 5, 6, 7 or 8, a licensed teacher to teach pupils who are enrolled in those grades. If required by subsection 3 or 4, such a teacher must possess the qualifications required by 20 U.S.C. § 6319(a).

(b) If the charter school offers instruction in grade 9, 10, 11 or 12, a licensed teacher to teach pupils who are enrolled in those grades for the subjects set forth in subsection 4. If required by subsection 3 or 4, such a teacher must possess the qualifications required by 20 U.S.C. § 6319(a).

(c) In addition to the requirements of paragraphs (a) and (b):

(1) If a charter school specializes in arts and humanities, physical education or health education, a licensed teacher to teach those courses of study.

(2) If a charter school specializes in the construction industry or other building industry, licensed teachers to teach courses of study relating to the industry if those teachers are employed full-time.

(3) If a charter school specializes in the construction industry or other building industry and the school offers courses of study in computer education, technology or business, licensed teachers to teach those courses of study if those teachers are employed full-time.

3. A person who is initially hired by the governing body of a charter school on or after January 8, 2002, to teach in a program supported with money from Title I must possess the qualifications required by 20 U.S.C. § 6319(a). For the purposes of this subsection, a person is not "initially hired" if the person has been employed as a teacher by another school district or charter school in this State without an interruption in employment before the date of hire by his or her current employer.

4. A teacher who is employed by a charter school, regardless of the date of hire, must, on or before July 1, 2006, possess the qualifications required by 20 U.S.C. § 6319(a) if the teacher teaches one or more of the following subjects:

(a) English, reading or language arts;
(b) Mathematics;
(c) Science;
(d) Foreign language;
(e) Civics or government;
(f) Economics;
(g) Geography;
(h) History; or
(i) The arts.

5. Except as otherwise provided in NRS 386.588, a charter school may employ a person who is not licensed pursuant to the provisions of chapter 391 of NRS to teach a course of study for which a licensed teacher is not required pursuant to subsections 2, 3 and 4 if the person has:

(a) A degree, a license or a certificate in the field for which the person is employed to teach at the charter school; and

(b) At least 2 years of experience in that field.

6. Except as otherwise provided in NRS 386.588, a charter school shall employ such administrators for the school as it deems necessary. A person employed as an administrator must possess:

(a) A valid teacher's license issued pursuant to chapter 391 of NRS with an administrative endorsement;

(b) A master's degree in school administration, public administration or business administration; or

(c) At least 5 years of experience in school administration, public administration or business administration and a baccalaureate degree.

7. Except as otherwise provided in subsection 8, the portion of the salary or other compensation of an administrator employed by a charter school that is derived from public funds must not exceed the salary or other compensation, as applicable, of the highest paid administrator in a comparable position in the school district in which the charter school is located. For purposes of determining the salary or other compensation of the highest paid administrator in a comparable position in the school district, the salary or other compensation of the superintendent of schools of that school district must not be included in the determination.

8. If the salary or other compensation paid to an administrator employed by a charter school from public funds exceeds the maximum amount prescribed in subsection 7, the sponsor of the charter school shall conduct an audit of the salary or compensation. The audit must include, without limitation, a review of the reasons set forth by the governing body of the charter school for the salary or other compensation and the interests of the public in using public funds to pay that salary or compensation. If the sponsor determines that the payment of the salary or other compensation from public funds is justified, the sponsor shall provide written documentation of its determination to the governing body of the charter school and to the Department. If the sponsor determines that the payment of

the salary or other compensation from public funds is not justified, the governing body of the charter school shall reduce the salary or compensation paid to the administrator from public funds to an amount not to exceed the maximum amount prescribed in subsection 7.

9. A charter school shall not employ a person pursuant to this section if the person's license to teach or provide other educational services has been revoked or suspended in this State or another state.

10. On or before November 15 of each year, a charter school shall submit to the Department, in a format prescribed by the Superintendent of Public Instruction, the following information for each ***person who is*** licensed ~~[employee]~~ ***pursuant to chapter 391 of NRS and*** who is employed by the governing body on October 1 of that year:

(a) The amount of salary ***or compensation*** of the ~~[employee,]~~ ***licensed person,*** including, without limitation, verification of compliance with subsection 7, if applicable to that ~~[employee;]~~ ***person;*** and

(b) The designated assignment, as that term is defined by the Department, of the ~~[employee.]~~ ***licensed person.***

Sec. 9.7. NRS 386.595 is hereby amended to read as follows:

386.595 1. All employees of a charter school shall be deemed public employees.

2. The governing body of a charter school may make all decisions concerning the terms and conditions of employment with the charter school and any other matter relating to employment with the charter school. In addition, the governing body may make all employment decisions with regard to its employees pursuant to NRS 391.311 to 391.3197, inclusive, unless a collective bargaining agreement entered into by the governing body pursuant to chapter 288 of NRS contains separate provisions relating to the discipline of licensed employees of a school.

3. ***Upon the request of the governing body of a charter school, the board of trustees of a school district shall, with the permission of the licensed employee who is seeking employment with the charter school, transmit to the governing body a copy of the employment record of the employee that is maintained by the school district. The employment record must include, without limitation, each evaluation of the licensed employee conducted by the school district and any disciplinary action taken by the school district against the licensed employee.***

4. Except as otherwise provided in this subsection, if the written charter of a charter school is revoked or if a charter school ceases to operate as a charter school, the ***licensed*** employees of the charter school must be reassigned to employment within the school district in accordance with the applicable collective bargaining agreement. A school district is not required to reassign ~~[an]~~ ***a licensed*** employee of a charter school pursuant to this subsection if the employee:

(a) Was not granted a leave of absence by the school district to ~~[teach]~~ ***accept employment*** at the charter school pursuant to subsection ~~[4; or]~~ ***5;***

(b) Was granted a leave of absence by the school district and did not submit a written request to return to employment with the school district in accordance with subsection ~~[4.~~

~~4.]~~ ***5; or***

(c) Does not comply with or is otherwise not eligible to return to employment pursuant to subsection 6, including, without limitation, the refusal of the licensed employee to allow the school district to obtain the employment record of the employee that is maintained by the charter school.

5. The board of trustees of a school district ~~[that is a sponsor of a charter school]~~ shall grant a leave of absence, not to exceed 3 years, to any ***licensed*** employee who is employed by the board of trustees who requests such a leave of absence to accept employment with ~~[the]~~ ***a*** charter school. After the first school year in which ~~[an]~~ ***a licensed*** employee is on a leave of absence, the employee may return to ~~[his or her former]~~ ***a comparable*** teaching position with the board of trustees. After the third school year, ~~[an]~~ ***a licensed*** employee shall either submit a written request to return to a comparable teaching position or resign from the position for which the employee's leave was granted. The board of trustees shall grant a written request to return to a comparable position pursuant to this subsection even if the return of the ***licensed*** employee requires the board of trustees to reduce the existing workforce of the school district. ***The board of trustees is not required to accept the return of the licensed employee if the employee does not comply with or is otherwise not eligible to return to employment pursuant to subsection 6, including, without limitation, the refusal of the licensed employee to allow the school district to obtain the employment record of the employee that is maintained by the charter school.*** The board of trustees may require that a request to return to a ***comparable*** teaching position submitted pursuant to this subsection be submitted at least 90 days before the employee would otherwise be required to report to duty.

~~[5. An~~

6. Upon the request of the board of trustees of a school district, the governing body of a charter school shall, with the permission of the licensed employee who is granted a leave of absence from the school district pursuant to this section, transmit to the school district a copy of the employment record of the employee that is maintained by the charter school before the return of the employee to employment with the school district pursuant to subsection 4 or 5. The employment record must include, without limitation, each evaluation of the licensed employee conducted by the charter school and any disciplinary action taken by the charter school against the licensed employee. Before the return of the licensed employee, the board of trustees of the school district may conduct an investigation into any misconduct of the licensed employee during the leave of absence from the school district and take any appropriate

disciplinary action as to the status of the person as an employee of the school district, including, without limitation:

(a) The dismissal of the employee from employment with the school district; or

(b) Upon the employee's return to employment with the school district, documentation of the disciplinary action taken against the employee into the employment record of the employee that is maintained by the school district.

7. If a school district conducts an investigation pursuant to subsection 6:

(a) The licensed employee is not entitled to return to employment with the school district until the investigation is complete; and

(b) The investigation must be conducted within a reasonable time.

8. A licensed employee who is on a leave of absence from a school district pursuant to this section:

(a) Shall contribute to and be eligible for all benefits for which the employee would otherwise be entitled, including, without limitation, participation in the Public Employees' Retirement System and accrual of time for the purposes of leave and retirement.

(b) Continues, while the employee is on leave, to be covered by the collective bargaining agreement of the school district only with respect to any matter relating to his or her status or employment with the district.

➥ The time during which such an employee is on a leave of absence and employed in a charter school does not count toward the acquisition of permanent status with the school district.

~~[6.]~~ ***9.*** Upon the return of a teacher to employment in the school district, the teacher is entitled to the same level of retirement, salary and any other benefits to which the teacher would otherwise be entitled if the teacher had not taken a leave of absence to teach in a charter school.

~~[7.]~~ ***10.*** An employee of a charter school who is not on a leave of absence from a school district is eligible for all benefits for which the employee would be eligible for employment in a public school, including, without limitation, participation in the Public Employees' Retirement System.

~~[8.]~~ ***11.*** For all employees of a charter school:

(a) The compensation that a teacher or other school employee would have received if he or she were employed by the school district must be used to determine the appropriate levels of contribution required of the employee and employer for purposes of the Public Employees' Retirement System.

(b) The compensation that is paid to a teacher or other school employee that exceeds the compensation that the employee would have received if he or she were employed by the school district must not be included for the purposes of calculating future retirement benefits of the employee.

~~[9.]~~ ***12.*** If the board of trustees of a school district in which a charter school is located manages a plan of group insurance for its employees, the

governing body of the charter school may negotiate with the board of trustees to participate in the same plan of group insurance that the board of trustees offers to its employees. If the employees of the charter school participate in the plan of group insurance managed by the board of trustees, the governing body of the charter school shall:

(a) Ensure that the premiums for that insurance are paid to the board of trustees; and

(b) Provide, upon the request of the board of trustees, all information that is necessary for the board of trustees to provide the group insurance to the employees of the charter school.

Sec. 10. NRS 392.700 is hereby amended to read as follows:

392.700 1. If the parent of a child who is subject to compulsory attendance wishes to homeschool the child, the parent must file with the superintendent of schools of the school district in which the child resides a written notice of intent to homeschool the child. The Department shall develop a standard form for the notice of intent to homeschool. The form must not require any information or assurances that are not otherwise required by this section or other specific statute. The board of trustees of each school district shall, in a timely manner, make only the form developed by the Department available to parents who wish to homeschool their child.

2. The notice of intent to homeschool must be filed before beginning to homeschool the child or:

(a) Not later than 10 days after the child has been formally withdrawn from enrollment in public school; or

(b) Not later than 30 days after establishing residency in this State.

3. The purpose of the notice of intent to homeschool is to inform the school district in which the child resides that the child is exempt from the requirement of compulsory attendance.

4. If the name or address of the parent or child as indicated on a notice of intent to homeschool changes, the parent must, not later than 30 days after the change, file a new notice of intent to homeschool with the superintendent of schools of the school district in which the child resides.

5. A notice of intent to homeschool must include only the following:

(a) The full name, age and gender of the child;

(b) The name and address of each parent filing the notice of intent to homeschool;

(c) A statement signed and dated by each such parent declaring that the parent has control or charge of the child and the legal right to direct the education of the child, and assumes full responsibility for the education of the child while the child is being homeschooled;

(d) An educational plan for the child that is prepared pursuant to subsection 12;

(e) If applicable, the name of the public school in this State which the child most recently attended; and

(f) An optional statement that the parent may sign which provides:

I expressly prohibit the release of any information contained in this document, including, without limitation, directory information as defined in 20 U.S.C. § 1232g(a)(5)(A), without my prior written consent.

6. Each superintendent of schools of a school district shall accept notice of intent to homeschool that is filed with the superintendent pursuant to this section and meets the requirements of subsection 5, and shall not require or request any additional information or assurances from the parent who filed the notice.

7. The school district shall provide to a parent who files a notice a written acknowledgment which clearly indicates that the parent has provided notification required by law and that the child is being homeschooled. The written acknowledgment shall be deemed proof of compliance with Nevada's compulsory school attendance law. The school district shall retain a copy of the written acknowledgment for not less than 15 years. The written acknowledgment may be retained in electronic format.

8. The superintendent of schools of a school district shall process a written request for a copy of the records of the school district, or any information contained therein, relating to a child who is being or has been homeschooled not later than 5 days after receiving the request. The superintendent of schools may only release such records or information:

(a) To a person or entity specified by the parent of the child, or by the child if the child is at least 18 years of age, upon suitable proof of identity of the parent or child; or

(b) If required by specific statute.

9. If a child who is or was homeschooled seeks admittance or entrance to any school in this State, the school may use only commonly used practices in determining the academic ability, placement or eligibility of the child. ***If the child enrolls in a charter school, the charter school shall, to the extent practicable, notify the board of trustees of the school district in which the child resides of the child's enrollment in the charter school. Regardless of whether the charter school provides such notification to the board of trustees, the charter school may count the child who is enrolled for the purposes of the calculation of basic support pursuant to NRS 387.1233.*** A homeschooled child seeking admittance to public high school must comply with NRS 392.033.

10. A school or organization shall not discriminate in any manner against a child who is or was homeschooled.

11. Each school district shall allow homeschooled children to participate in the high school proficiency examination administered pursuant to NRS 389.015 and all college entrance examinations offered in this State, including, without limitation, the ~~[Scholastic Aptitude Test,]~~ ***SAT,*** the ~~[American College Test,]~~ ***ACT,*** the Preliminary ~~[Scholastic Aptitude Test]~~ ***SAT*** and the National Merit Scholarship Qualifying Test. Each school district shall ensure that the homeschooled children who reside in the school district have adequate notice of the availability of information concerning such

examinations on the Internet website of the school district maintained pursuant to NRS 389.004.

12. The parent of a child who is being homeschooled shall prepare an educational plan of instruction for the child in the subject areas of English, including reading, composition and writing, mathematics, science and social studies, including history, geography, economics and government, as appropriate for the age and level of skill of the child as determined by the parent. The educational plan must be included in the notice of intent to homeschool filed pursuant to this section. If the educational plan contains the requirements of this section, the educational plan must not be used in any manner as a basis for denial of a notice of intent to homeschool that is otherwise complete. The parent must be prepared to present the educational plan of instruction and proof of the identity of the child to a court of law if required by the court. This subsection does not require a parent to ensure that each subject area is taught each year that the child is homeschooled.

13. No regulation or policy of the State Board, any school district or any other governmental entity may infringe upon the right of a parent to educate his or her child based on religious preference unless it is:

(a) Essential to further a compelling governmental interest; and

(b) The least restrictive means of furthering that compelling governmental interest.

14. As used in this section, "parent" means the parent, custodial parent, legal guardian or other person in this State who has control or charge of a child and the legal right to direct the education of the child.

Sec. 11. NRS 386.507 is hereby repealed.

Sec. 12. The Legislative Counsel shall, in preparing supplements to the Nevada Administrative Code, appropriately change any references to an officer, agency or other entity whose name is changed or whose duties are transferred pursuant to the provisions of this act to refer to the appropriate officer, agency or other entity.

Sec. 13. This act becomes effective on July 1, 2011.

TEXT OF REPEALED SECTION

386.507 Subcommittee on Charter Schools: Appointment of members; terms. The Subcommittee on Charter Schools of the State Board is hereby created. The President of the State Board shall appoint three members of the State Board to serve on the Subcommittee. Except as otherwise provided in this section, the members of the Subcommittee serve terms of 2 years. If a member is not reelected to the State Board during his or her service on the Subcommittee, the term of the member on the Subcommittee expires when his or her membership on the State Board expires. Members of the Subcommittee may be reappointed.

Assemblyman Hickey moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, reengrossed, and to third reading.

Assembly Bill No. 432.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 788.

AN ACT relating to energy auditors; establishing the qualifications for an energy auditor; providing for the licensure of energy auditors by the Real Estate Division of the Department of Business and Industry; establishing the requirements with which an energy auditor must comply when conducting an energy audit; repealing provisions that require the Nevada Energy Commissioner to establish a program for evaluating the energy consumption of residential property in this State; **making an appropriation;** providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Nevada Energy Commissioner to establish a program for evaluating energy consumption in residential property in this State and requires a seller to provide a copy of this evaluation to a purchaser of his or her property. (NRS 113.115, 701.250) This bill repeals those provisions. Instead, **section 5** of this bill provides for the licensure of energy auditors by the Real Estate Division of the Department of Business and Industry and establishes the training and qualifications an energy auditor must have to be licensed to conduct energy audits in this State. **Section 6** of this bill establishes the requirements for conducting an energy audit, limited energy audit or energy assessment, including, without limitation, the elements of the home which must be evaluated, the software and tools the energy auditor must use and the report the energy auditor must provide to the homeowner and the United States Department of Energy.

Sections 7-28 of this bill are technical amendments required to carry out the administration of the licensure of the energy auditors, including making the provision of energy audits without a license a misdemeanor. In addition, **section 28** makes it a category E felony to attempt to obtain a license as an energy auditor through intentional misrepresentation, deceit or fraud. **Section 30.5 of this bill makes an appropriation to the Real Estate Division for personnel and other costs associated with licensing energy auditors.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 645D of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 6, inclusive, of this act.

Sec. 2. *"Energy audit" means a consultation to improve the energy efficiency of a home conducted pursuant to section 6 of this act.*

Sec. 3. *"Energy auditor" means a person who is licensed pursuant to this chapter, or regulated by the Public Utilities Commission of Nevada, to conduct energy audits of homes.*

Sec. 4. *"License" means a license issued to an energy auditor pursuant to this chapter.*

Sec. 5. *1. The Administrator shall issue a license to any person who:*

(a) Is of good moral character, honesty and integrity;

(b) Holds a certification or accreditation from an organization approved by the Administrator;

(c) Has successfully completed not less than 40 hours of training and practice in the following areas:

(1) Building science and working with a home as a system, including, without limitation, training in making recommendations based on the proper loading order of improvements;

(2) The transfer of heat;

(3) Testing building performance;

(4) Air distribution and leakage;

(5) The calculation of gross and net areas;

(6) Energy terms and definitions;

(7) Concerns relating to combustion appliances;

(8) Envelope leakage, thermal bypass and thermal bridging;

(9) The presence or absence of insulation and, when observable, the quality of its installation;

(10) The recommended levels of insulation for different climate zones;

(11) Determinations of the efficiency of heating, ventilating and air-conditioning equipment from model numbers and default tables;

(12) The strengths and weaknesses, drivers and sensitivities of major types of heating, ventilating and air-conditioning systems;

(13) Estimations of the efficiency of household appliances based on their model numbers or age;

(14) Energy, power, heat-conductivity or resistance and temperature units and key conversion factors;

(15) Measuring building dimensions;

(16) Identification and documentation of inspected features of the home during an energy audit;

(17) Basics of specifications;

(18) Determination of the efficiency of windows and doors;

(19) Determination of the orientation of buildings and the characteristics of the shading around them;

(20) Defining the thermal boundary and making appropriate recommendations for changing it; and

(21) The basic concepts of measure interaction, expected life and bundling for optimal performance when the home is considered as a system and taking into consideration the need for savings;

(d) Has submitted proof that the person or his or her employer holds a policy of insurance that complies with the requirements of subsection 1 of NRS 645D.190; and

(e) Has submitted all information required to complete an application for a license.

2. The Administrator may deny an application for a license to any person who:

(a) Has been convicted of, or entered a plea of guilty, guilty but mentally ill or nolo contendere to, forgery, embezzlement, obtaining money under false pretenses, larceny, extortion, conspiracy to defraud or any crime involving moral turpitude;

(b) Makes a false statement of a material fact on the application;

(c) Has had a license suspended or revoked pursuant to this chapter within the 10 years immediately preceding the date of application;

(d) Does not possess the training or certification required pursuant to subsection 1; or

(e) Has not submitted proof that the person or his or her employer holds a policy of insurance that complies with the requirements of subsection 1 of NRS 645D.190.

Sec. 6. *1. Except as otherwise provided in subsection 5, when conducting an energy audit, an energy auditor shall evaluate the entire home and must include, without limitation, in his or her evaluation:*

(a) A visual inspection, diagnostic overview and health and safety test of the energy features of the entire home;

(b) Documentation of the general condition of the home, including, without limitation:

(1) Envelope features and ages;

(2) Types, characteristics and ages of equipment;

(3) Characteristics of appliances and lighting; and

(4) Any anticipated remediation issues, including, without limitation, moisture or combustion appliance problems;

(c) An assessment of the performance and efficiency of the building airflow and indoor air quality and ventilation, including, without limitation:

(1) Any visible sources of indoor air pollution;

(2) The flow rate of exhaust fans and whether the clothes dryer vent is properly vented; and

(3) An evaluation of the connection of any attached garage to the home for possible air leaks;

(d) An assessment of the control of moisture in the home, including, without limitation:

(1) A visual identification of any moisture present from roof leaks, wall penetrations or door or window openings; and

(2) An identification of any potential areas where mold may grow;

(e) An estimation of U-factors and solar heat gain coefficients of the windows and doors;

(f) An evaluation of the efficiency of the heating and cooling of the home, including, without limitation, the performance and efficiency of any:

(1) Furnace;

(2) Air-conditioning system;

(3) Heat pump;

(4) Air duct system;

(5) Thermal insulation;

(6) Boiler;

(7) System for providing steam heat;

(8) Hot water heater; or

(9) Heating, ventilating and air-conditioning system;

(g) An analysis of the base load energy use and advice to clients on reduction strategies, including, without limitation, an examination of:

(1) The utility use and the billing history for the immediately preceding 12 months;

(2) The efficiency of major appliances;

(3) Lighting efficiency and alternatives; or

(4) The energy used by any pool or spa; and

(h) Testing of combustion appliances in accordance with the standards issued by the American National Standards Institute or the American Society for Testing and Materials.

2. After conducting an energy audit, an energy auditor shall prepare and provide to the homeowner and the United States Department of Energy a report based upon the energy audit that includes, without limitation:

(a) Any energy programs, incentives, regulations, energy costs or fuel types which apply to the homeowner;

(b) A specific recommendation that any combustion appliance which is post-retrofit be tested;

(c) A prioritization of health and safety hazards in the home and recommendations for improvements according to their urgency and importance, in relation to any energy efficiency measures which have been installed;

(d) Suggestions for home repairs and renovations based on a loading order that will maximize cost effectiveness and feasibility using computer software approved by the United States Department of Energy;

(e) In addition to the provisions of paragraph (c), an identification of existing hazards and potential hazards which may develop, together with specific preventative measures; and

(f) Measures to save energy and changes in the behavior of the homeowner to increase energy efficiency, including the use of consumer electronics.

3. An energy auditor shall not base an energy audit upon a single product line, the services of a contractor or his or her own convenience.

4. An energy auditor shall use survey and labeling software programs or rating tools for performing an energy audit which have been approved by the United States Department of Energy.

5. In lieu of an energy audit, an energy auditor may perform a limited energy audit or energy assessment of a home. If an energy auditor performs a limited energy audit or energy assessment, the energy auditor must comply with the requirements of subsections 2, 3 and 4. As used in this subsection:

(a) "Energy assessment" means an evaluation of one or more of the appliances or systems listed in paragraph (f) of subsection 1.

(b) "Limited energy audit" means an evaluation of a home which includes less than the entire home, but includes the provision of at least one of the services specified in paragraphs (a) to (e), inclusive, (g) or (h) of subsection 1.

Sec. 7. NRS 645D.010 is hereby amended to read as follows:

645D.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 645D.020 to 645D.080, inclusive, ***and sections 2, 3 and 4 of this act,*** have the meanings ascribed to them in those sections.

Sec. 8. NRS 645D.100 is hereby amended to read as follows:

645D.100 The provisions of this chapter do not apply to:

1. A federal or state employee, or an employee of a local government, who prepares or communicates an inspection report ***or energy audit*** as part of his or her official duties, unless a certificate ***or license*** is required as a condition of his or her employment.

2. A person appointed to evaluate real estate pursuant to chapter 152 of NRS or NRS 269.125, except as required by the appointing judge.

3. A board of appraisers acting pursuant to NRS 269.135.

4. A person licensed, certified or registered pursuant to chapter 645, 645C or 684A of NRS while performing an act within the scope of his or her license, certification or registration. For the purposes of this subsection, a person licensed, certified or registered pursuant to chapter 645C of NRS shall be deemed to be acting within the scope of his or her license, certification or registration while performing an appraisal prescribed by federal law that requires a statement of visual condition and while preparing or communicating a report of such an appraisal.

5. A person who makes an evaluation of an improvement as an incidental part of his or her employment for which special compensation is not provided, if that evaluation is only provided to his or her employer for internal use within the place of employment.

6. A person who provides an estimate of cost, repair or replacement of any improvements upon real estate.

7. Any person who reviews plans, performs inspections, prepares inspection reports or examines any component of a structure or construction pursuant to NRS 278.570 or 278.575.

8. An independent registered architect or a licensed professional engineer while performing an inspection pursuant to NRS 116.4106.

Sec. 9. NRS 645D.110 is hereby amended to read as follows:

645D.110 1. The Division shall administer the provisions of this chapter and may employ legal counsel, investigators and other professional consultants necessary to discharge its duties pursuant to this chapter.

2. An employee of the Division shall not:

(a) Be employed by or have an interest in any business that prepares inspection reports ~~[,]~~ or ***energy audits;***

(b) Act as an inspector or as an agent for an inspector ~~[.]~~ ***; or***

(c) Act as an energy auditor or as an agent for an energy auditor.

Sec. 10. NRS 645D.120 is hereby amended to read as follows:

645D.120 The Division shall adopt:

1. Regulations prescribing the education and experience required to obtain a certificate.

2. Regulations prescribing a standard of practice and code of ethics for certified inspectors. Such regulations must establish a degree of care that must be exercised by a reasonably prudent certified inspector.

3. ***Regulations prescribing the education and experience required to obtain a license.***

4. Such other regulations as are necessary for the administration of this chapter.

Sec. 11. NRS 645D.130 is hereby amended to read as follows:

645D.130 1. The Division shall maintain a record of:

(a) Persons from whom it receives applications for a certificate ~~[,]~~ ***or license;***

(b) Investigations conducted by it that result in the initiation of formal disciplinary proceedings;

(c) Formal disciplinary proceedings; and

(d) Rulings or decisions upon complaints filed with it.

2. Except as otherwise provided in this section and NRS 645D.135, records kept in the office of the Division pursuant to this chapter are open to the public for inspection pursuant to regulations adopted by the Division. The Division shall keep confidential, except as otherwise provided in NRS 239.0115 or unless otherwise ordered by a court, the criminal and financial records of an inspector ***, energy auditor*** or of an applicant for a certificate ~~[.]~~ ***or license.***

Sec. 12. NRS 645D.135 is hereby amended to read as follows:

645D.135 1. Except as otherwise provided in this section and NRS 239.0115, a complaint filed with the Division, all documents and other information filed with the complaint and all documents and other information compiled as a result of an investigation conducted to determine whether to initiate disciplinary action are confidential and may be disclosed in whole or in part only as necessary in the course of administering this chapter or to a licensing board or agency or any other governmental agency, including,

without limitation, a law enforcement agency, that is investigating a person who holds a certificate ***or license*** issued pursuant to this chapter.

2. The complaint or other document filed by the Division to initiate disciplinary action and all documents and information considered by the Division when determining whether to impose discipline are public records.

Sec. 13. NRS 645D.160 is hereby amended to read as follows:

645D.160 1. Any person who, in this state, engages in the business of, acts in the capacity of, or advertises or assumes to act as an inspector without first obtaining a certificate pursuant to this chapter is guilty of a misdemeanor.

2. ***Any person who, in this state, engages in the business of, acts in the capacity of, or advertises or assumes to act as an energy auditor without first obtaining a license pursuant to this chapter is guilty of a misdemeanor.***

3. The Division may file a complaint in any court of competent jurisdiction for a violation of this section and assist in presenting the law or facts at any hearing upon the complaint.

~~[3.]~~ ***4.*** At the request of the Administrator, the Attorney General shall prosecute such a violation. Unless the violation is prosecuted by the Attorney General, the district attorney shall prosecute a violation that occurs in the county of the district attorney.

Sec. 14. NRS 645D.170 is hereby amended to read as follows:

645D.170 An application for a certificate ***or license*** must be in writing upon a form prepared and furnished by the Division. The application must include the following information:

1. The name, age and address of the applicant.

2. The place or places, including the street number, city and county, at which the applicant intends to maintain an office to conduct business as an inspector ~~[.]~~ ***or energy auditor.***

3. The business, occupation or other employment of the applicant during the 5 years immediately preceding the date of the application, and the location thereof.

4. The applicant's education and experience to qualify for a certificate ~~[.]~~ ***or license.***

5. Whether the applicant has ever been convicted of, is under indictment for, or has entered a plea of guilty, guilty but mentally ill or nolo contendere to:

(a) A felony and, if so, the nature of the felony.

(b) Forgery, embezzlement, obtaining money under false pretenses, larceny, extortion, conspiracy to defraud or any crime involving moral turpitude.

6. If the applicant is a member of a partnership or association or is an officer of a corporation, the name and address of the principal office of the partnership, association or corporation.

7. Any other information relating to the qualifications or background of the applicant that the Division requires.

8. All other information required to complete the application.

Sec. 15. NRS 645D.180 is hereby amended to read as follows:

645D.180 1. Each application for a certificate ***or license*** must be accompanied by the fee for the certificate ***or license*** and the fee to pay the costs of an investigation of the applicant's background.

2. Each applicant must, as part of the application and at his or her own expense:

(a) Arrange to have a complete set of fingerprints taken by a law enforcement agency or other authorized entity acceptable to the Division; and

(b) Submit to the Division:

(1) A completed fingerprint card and written permission authorizing the Division to submit the applicant's fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for a report on the applicant's background and to such other law enforcement agencies as the Division deems necessary; or

(2) Written verification, on a form prescribed by the Division, stating that the fingerprints of the applicant were taken and directly forwarded electronically or by another means to the Central Repository and that the applicant has given written permission to the law enforcement agency or other authorized entity taking the fingerprints to submit the fingerprints to the Central Repository for submission to the Federal Bureau of Investigation for a report on the applicant's background and to such other law enforcement agencies as the Division deems necessary.

3. The Division may:

(a) Require more than one complete set of fingerprints;

(b) Unless the applicant's fingerprints are directly forwarded pursuant to subparagraph (2) of paragraph (b) of subsection 2, submit those fingerprints to the Central Repository for submission to the Federal Bureau of Investigation and to such other law enforcement agencies as the Division deems necessary; and

(c) Request from each such agency any information regarding the applicant's background that the Division deems necessary.

Sec. 16. NRS 645D.190 is hereby amended to read as follows:

645D.190 1. The Administrator shall require each applicant for an original certificate ***or license*** and each applicant for renewal of a certificate ***or license*** to submit proof that the applicant or his or her employer holds a policy of insurance covering:

(a) Liability for errors or omissions in an amount of not less than $100,000; and

(b) General liability in an amount of not less than $100,000.

2. Each certified inspector ***, energy auditor*** or his or her employer shall maintain a policy of insurance that complies with the requirements of subsection 1.

Sec. 17. NRS 645D.195 is hereby amended to read as follows:

645D.195 1. In addition to any other requirements set forth in this chapter:

(a) A person who applies for the issuance of a certificate ***or license*** shall include the social security number of the applicant in the application submitted to the Administrator.

(b) A person who applies for the issuance or renewal of a certificate ***or license*** shall submit to the Administrator the statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520. The statement must be completed and signed by the applicant.

2. The Administrator shall include the statement required pursuant to subsection 1 in:

(a) The application or any other forms that must be submitted for the issuance or renewal of the certificate ~~[,]~~ ***or license;*** or

(b) A separate form prescribed by the Administrator.

3. A certificate ***or license*** may not be issued or renewed by the Administrator if the applicant:

(a) Fails to submit the statement required pursuant to subsection 1; or

(b) Indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.

4. If an applicant indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the Administrator shall advise the applicant to contact the district attorney or other public agency enforcing the order to determine the actions that the applicant may take to satisfy the arrearage.

Sec. 18. NRS 645D.210 is hereby amended to read as follows:

645D.210 1. If an application for a certificate ***or license*** is denied:

(a) The Division shall notify the applicant within 15 days after its decision; and

(b) The applicant may not reapply until he or she petitions the Division for leave to file another application. The Division may grant or deny that leave in its sole discretion.

2. If the applicant, within 30 days after receipt of the notice denying the application, files a written request containing allegations that, if true, qualify the applicant for a certificate ~~[,]~~ ***or license,*** the Administrator shall set the matter for a hearing before a hearing officer of the Division to be conducted within 60 days after receipt of the applicant's request. The decision of the hearing officer is a final decision for the purposes of judicial review.

Sec. 19. NRS 645D.220 is hereby amended to read as follows:

645D.220 The Division, upon the discovery of an error in the issuance of a certificate ***or license*** that is related to the qualifications or fitness of the holder thereof, may invalidate the certificate ***or license*** upon written notice to the holder. The holder shall surrender the certificate ***or license*** to the Division within 20 days after the notice is sent by the Division. A person whose certificate ***or license*** is invalidated pursuant to this section, and who has surrendered his or her certificate ~~[,]~~ ***or license,*** may request a hearing on the matter in the same manner as for the denial of an application pursuant to NRS 645D.210.

Sec. 20. NRS 645D.230 is hereby amended to read as follows:

645D.230 1. The Division shall issue a certificate ***or license*** to each eligible person in the form and size prescribed by the Division. A certificate ***or license*** must:

(a) Indicate the name and address of the inspector ***or energy auditor*** and the location of each place where he or she transacts business as an inspector ~~[.]~~ ***or energy auditor;*** and

(b) Contain any additional matter prescribed by the Division.

2. A certificate ~~*[or license]*~~ is valid for 2 years after the first day of the first calendar month immediately following the date it is issued.

3. ***A license is valid for 1 year after the first day of the first calendar month immediately following the date it is issued.***

4. If an inspector ***or energy auditor*** fails to apply for the renewal of his or her certificate ***or license*** and pay the fee for renewal before the certificate ***or license*** expires, and applies for renewal:

(a) Not later than 1 year after the date of expiration, he or she must pay a fee equal to 150 percent of the amount otherwise required for renewal.

(b) Later than 1 year after the date of expiration, he or she must apply in the same manner as for an original certificate ~~[.]~~ ***or license.***

~~[4.]~~ ***5.*** The Division may:

(a) Create and maintain a secure website on the Internet through which each certificate ***or license*** issued pursuant to the provisions of this chapter may be renewed; and

(b) For each certificate ***or license*** renewed through the use of a website created and maintained pursuant to paragraph (a), charge a fee in addition to any other fee provided for pursuant to this chapter which must not exceed the actual cost to the Division for providing that service.

Sec. 21. NRS 645D.235 is hereby amended to read as follows:

645D.235 1. A certified inspector ***or energy auditor*** shall notify the Division in writing if he or she is convicted of, or enters a plea of guilty, guilty but mentally ill or nolo contendere to, a felony or any offense involving moral turpitude.

2. A certified inspector ***or energy auditor*** shall submit the notification required by subsection 1:

(a) Not more than 10 days after the conviction or entry of the plea of guilty, guilty but mentally ill or nolo contendere; and

(b) When submitting an application to renew a certificate ***or license*** issued pursuant to this chapter.

Sec. 22. NRS 645D.240 is hereby amended to read as follows:

645D.240 1. The following fees must be charged and collected by the Division:

For each application for a certificate ***or license*****……** $100
For the issuance or renewal of a **certificate *or license*……** 250
~~*[For the issuance or renewal of a license……500]*~~
For each penalty for a late renewal of a certificate ***or license*****……**125
For each change of name, address or association…… 20
For each duplicate certificate ***or license*** where the original is lost ordestroyed and an affidavit is made thereof……20
For each reinstatement to active status of an inactive certificate ***or license.*** 20
For each annual approval of a course of instruction offered in preparation for an original certificate ***or license*****……100**
For each original accreditation of a course of continuing education……...100
For each renewal of accreditation of a course of continuing education…….50

2. The Division shall adopt regulations which establish the fees to be charged and collected by the Division to pay the costs of:

(a) Any examination for a certificate ~~[,]~~ ***or license,*** including any costs which are necessary for the administration of such an examination.

(b) Any investigation of a person's background.

Sec. 23. NRS 645D.690 is hereby amended to read as follows:

645D.690 The expiration or revocation of a certificate ***or license*** by operation of law or by order or decision of a hearing officer or court of competent jurisdiction, or the voluntary surrender of a certificate ***or license*** by a certified inspector ***or energy auditor*** does not:

1. Prohibit the Division from initiating or continuing an investigation of, or action or disciplinary proceeding against, the certified inspector ***or energy auditor*** as authorized pursuant to the provisions of this chapter or the regulations adopted pursuant thereto; or

2. Prevent the imposition or collection of any fine or penalty authorized pursuant to the provisions of this chapter or the regulations adopted pursuant thereto against the certified inspector ~~[.]~~ ***or energy auditor.***

Sec. 24. NRS 645D.700 is hereby amended to read as follows:

645D.700 1. Grounds for disciplinary action against a certified inspector ***or energy auditor*** are:

(a) Unprofessional conduct;

(b) Professional incompetence; and

(c) A criminal conviction for a felony or any offense involving moral turpitude.

2. If grounds for disciplinary action against a certified inspector ***or energy auditor*** exist, the Division may, after providing the inspector ***or energy auditor*** with notice and an opportunity for a hearing, do one or more of the following:

(a) Revoke or suspend the certificate ~~[.]~~ ***or license.***

(b) Place conditions upon the certificate ***or license*** or upon the reissuance of a certificate ***or license*** revoked pursuant to this section.

(c) Deny the renewal of the certificate ~~[.]~~ ***or license.***

(d) Impose a fine of not more than $1,000 for each violation.

3. If a certificate ***or license*** is revoked by the Division, another certificate ***or license*** must not be issued to the same inspector ***or energy auditor*** for at least 1 year after the date of the revocation, or at any time thereafter except in the sole discretion of the Administrator, and then only if the inspector ***or energy auditor*** satisfies the requirements for an original certificate ~~[.]~~ ***or license.***

4. An order that imposes discipline and the findings of fact and conclusions of law supporting that order are public records.

Sec. 25. NRS 645D.703 is hereby amended to read as follows:

645D.703 In addition to any other remedy or penalty, the Administrator may:

1. Refuse to issue a certificate ***or license*** to a person who has failed to pay money which the person owes to the Division.

2. Refuse to renew, or suspend or revoke, the certificate ***or license*** of a person who has failed to pay money which the person owes to the Division.

Sec. 26. NRS 645D.705 is hereby amended to read as follows:

645D.705 1. If the Administrator receives a copy of a court order issued pursuant to NRS 425.540 that provides for the suspension of all professional, occupational and recreational licenses, certificates and permits issued to a certified inspector ~~[.]~~ ***or energy auditor,*** the Administrator shall deem the certificate ***or license*** issued to that person to be suspended at the end of the 30th day after the date on which the court order was issued unless the Administrator receives a letter issued to the certified inspector ***or energy auditor*** by the district attorney or other public agency pursuant to NRS 425.550 stating that the certified inspector ***or energy auditor*** has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

2. The Administrator shall reinstate a certificate ***or license*** that has been suspended by a district court pursuant to NRS 425.540 if the Administrator receives a letter issued by the district attorney or other public agency pursuant to NRS 425.550 to the person whose certificate ***or license*** was suspended stating that the person whose certificate ***or license*** was suspended has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

Sec. 27. NRS 645D.730 is hereby amended to read as follows:

645D.730 1. In addition to any other remedy or penalty, the Administrator may impose an administrative fine against any person who knowingly:

(a) Engages or offers to engage in any activity for which a certificate ***or license*** or any type of authorization is required pursuant to this chapter, or any regulation adopted pursuant thereto, if the person does not hold the required certificate ***or license*** or has not been given the required authorization; or

(b) Assists or offers to assist another person to commit a violation described in paragraph (a).

2. If the Administrator imposes an administrative fine against a person pursuant to this section, the amount of the administrative fine may not exceed the amount of any gain or economic benefit that the person derived from the violation or $5,000, whichever amount is greater.

3. In determining the appropriate amount of the administrative fine, the Administrator shall consider:

(a) The severity of the violation and the degree of any harm that the violation caused to other persons;

(b) The nature and amount of any gain or economic benefit that the person derived from the violation;

(c) The person's history or record of other violations; and

(d) Any other facts or circumstances that the Administrator deems to be relevant.

4. Before the Administrator may impose the administrative fine, the Administrator must provide the person with notice and an opportunity to be heard.

5. The person is entitled to judicial review of the decision of the Administrator in the manner provided by chapter 233B of NRS.

6. The provisions of this section do not apply to a person who engages or offers to engage in activities within the purview of this chapter if:

(a) A specific statute exempts the person from complying with the provisions of this chapter with regard to those activities; and

(b) The person is acting in accordance with the exemption while engaging or offering to engage in those activities.

Sec. 28. NRS 645D.900 is hereby amended to read as follows:

645D.900 1. A person who obtains or attempts to obtain a certificate ***or license*** by means of intentional misrepresentation, deceit or fraud is guilty of a category E felony and shall be punished as provided in NRS 193.130. In addition to any other penalty, the court may impose a fine of not more than $10,000.

2. A person who:

(a) Holds himself or herself out as a certified inspector ~~[.]~~ ***or energy auditor;***

(b) Uses in connection with his or her name the words "licensed," "registered," "certified" or any other title, word, letter or other designation

intended to imply or designate that he or she is a certified inspector ~~[.]~~ ***or energy auditor;*** or

(c) Describes or refers to any inspection report ***or energy audit*** prepared by him or her as "certified" or "licensed" in this state, without first obtaining a certificate ***or license*** as provided in this chapter,

➥ is guilty of a gross misdemeanor.

Sec. 29. (Deleted by amendment.)

Sec. 30. NRS 113.115 and 701.250 are hereby repealed.

Sec. 30.5. **1. There is hereby appropriated from the State General Fund to the Real Estate Division of the Department of Business and Industry for personnel and other related costs for the licensure of energy auditors pursuant to the provisions of this act:**

For the Fiscal Year 2011-2012	**$46,780**
For the Fiscal Year 2012-2013	**$58,214**

2. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the Real Estate Division of the Department of Business and Industry or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 21, 2012, and September 20, 2013, respectively, by either the Division or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 21, 2012, and September 20, 2013, respectively.

Sec. 31. Any regulations adopted by the Nevada Energy Commissioner pursuant to NRS 701.250 are void. The Legislative Counsel shall remove those regulations from the Nevada Administrative Code as soon as practicable after the effective date of this section.

Sec. 32. The Real Estate Division of the Department of Business and Industry and the Director of the Office of Energy shall, on or before July 1, 2011, adopt any regulations which are required by or necessary to carry out the provisions of this act.

Sec. 33. 1. This section and sections 30 ~~[, 31 and]~~ **to** 32 **, inclusive,** of this act become effective upon passage and approval.

2. Sections 1 to 29, inclusive, of this act become effective on July 1, 2011.

3. Section 17 of this act expires by limitation on the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

(a) Have failed to comply with a subpoena or warrant relating to a procedure to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or

(b) Are in arrears in the payment of the support of one or more children,

➥ are repealed by the Congress of the United States.

4. Section 26 of this act expires by limitation on the date 2 years after the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

(a) Have failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or

(b) Are in arrears in the payment for the support of one or more children,

➥ are repealed by the Congress of the United States.

TEXT OF REPEALED SECTIONS

113.115 Seller to provide evaluation of energy consumption of property; limitations.

1. Except as otherwise provided in subsection 3, the seller shall have the energy consumption of the residential property evaluated pursuant to the program established in NRS 701.250.

2. Except as otherwise provided in subsection 4, before closing a transaction for the conveyance of residential property, the seller shall serve the purchaser with the completed evaluation required pursuant to subsection 1, if any, on a form to be provided by the Nevada Energy Commissioner, as prescribed in regulations adopted pursuant to NRS 701.250.

3. Subsection 1 does not apply to a sale or intended sale of residential property:

(a) By foreclosure pursuant to chapter 107 of NRS.

(b) Between any co-owners of the property, spouses or persons related within the third degree of consanguinity.

(c) By a person who takes temporary possession or control of or title to the property solely to facilitate the sale of the property on behalf of a person who relocates to another county, state or country before title to the property is transferred to a purchaser.

(d) If the seller and purchaser agree to waive the requirements of subsection 1.

4. If an evaluation of a residential property was completed not more than 5 years before the seller and purchaser entered into the agreement to purchase the residential property, the seller may serve the purchaser with that evaluation.

701.250 Program to evaluate energy consumption of residential property.

1. The Commissioner shall adopt regulations establishing a program for evaluating the energy consumption of residential property in this State.

2. The regulations must include, without limitation:

(a) Standards for evaluating the energy consumption of residential property; and

(b) Provisions prescribing a form to be used pursuant to NRS 113.115, including, without limitation, provisions that require a portion of the form to provide information on programs created pursuant to NRS 702.275 and other programs of improving energy conservation and energy efficiency in residential property.

3. As used in this section:

(a) "Dwelling unit" means any building, structure or portion thereof which is occupied as, or designed or intended for occupancy as, a residence by one person who maintains a household or by two or more persons who maintain a common household.

(b) "Residential property" means any land in this State to which is affixed not less than one or more than four dwelling units.

Assemblyman Hickey moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, reengrossed, and to third reading.

Assembly Bill No. 525.

Bill read third time.

Remarks by Assemblywoman Smith.

Roll call on Assembly Bill No. 525:

YEAS—40.

NAYS—Ellison, Hansen—2.

Assembly Bill No. 525 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 36.

Bill read third time.

The following amendment was proposed by Assemblyman Atkinson:

Amendment No. 823.

SUMMARY—Revises provisions governing ~~[the State Board of Podiatry.]~~ **health care providers.** (BDR 54-502)

AN ACT relating to ~~[podiatry;]~~ **health care providers;** requiring each person licensed by the State Board of Podiatry to maintain a permanent mailing address with the Board; requiring each licensee to provide the Board with written notification of any change in his or her permanent address; requiring the Board to impose a fine if a licensee fails to notify the Board of a change in his or her permanent address; requiring a licensee who closes his or her office in this State to notify the Board of the location and custodian of the medical records of the patients of the licensee for a certain period; codifying in statutory form the requirement in administrative regulation that an applicant for a license issued by the Board submit to a criminal background check; **revising provisions governing the qualifications for obtaining a license to practice dental hygiene;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the State Board of Podiatry to license and regulate the conduct of podiatrists and podiatry hygienists. (NRS 635.050-635.180) **Section 2** of this bill requires a licensee to maintain a permanent mailing address with the Board and notify the Board in writing of any change in the licensee's permanent address. **Section 2** also requires the Board to impose a fine against any licensee who fails to notify the Board of a change in his or her permanent address. Additionally, **section 2** requires a licensee who changes the location of his or her office to notify the Board of the new location and requires a licensee who closes his or her office to notify the Board of the closure within 14 days after closing the office. **Section 2** further requires a licensee who closes his or her office to keep the Board apprised of the location and custodian of the medical records of the licensee's patients for a minimum of 5 years.

Existing regulation requires each applicant for licensure by the Board to submit to the Board a complete set of fingerprints and written permission authorizing the Board to submit the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report. (NAC 635.023) **Section 3** of this bill codifies in statute this existing requirement in regulation.

Section 4 of this bill provides that a licensee is subject to disciplinary action if he or she fails to notify the Board in writing of a change in permanent mailing address in the manner required by **section 2** of this bill.

Section 4.5 of this bill revises provisions governing the qualifications for obtaining a license to practice dental hygiene by providing that an applicant may satisfy the clinical examination requirement for licensure if he or she presents evidence to the Board of Dental Examiners of Nevada that the applicant has, within the 5 years immediately preceding the date of the application, passed a clinical examination approved by the Board and the American Board of Dental Examiners.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 635 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. ***1. Each licensee shall:***

(a) Maintain a permanent mailing address with the Board; and

(b) If the licensee changes his or her permanent mailing address, notify the Board in writing of the new permanent mailing address within 30 days after the change of address.

2. If a licensee fails to provide the written notice required by paragraph (b) of subsection 1, the Board shall, in addition to any disciplinary action taken or fine imposed pursuant to NRS 635.130, impose upon the licensee a fine not to exceed $250.

3. A licensee who changes the location of his or her office in this State shall notify the Board in writing of the change in location before practicing at the new location.

4. A licensee who closes his or her office in this State shall:

(a) Notify the Board in writing of the closure within 14 days after closing the office; and

(b) For a period of 5 years thereafter, unless a longer period of retention is provided by federal law, keep the Board apprised in writing of the location and custodian of the medical records of the patients of the licensee.

Sec. 3. ***Each applicant for a license, including, without limitation, a limited or provisional license, must submit to the Board:***

1. A complete set of fingerprints; and

2. Written permission authorizing the Board to forward the fingerprints submitted pursuant to subsection 1 to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.

Sec. 4. NRS 635.130 is hereby amended to read as follows:

635.130 1. The Board, after notice and a hearing as required by law, and upon any cause enumerated in subsection 2, may take one or more of the following disciplinary actions:

(a) Deny an application for a license or refuse to renew a license.

(b) Suspend or revoke a license.

(c) Place a licensee on probation.

(d) Impose a fine not to exceed $5,000.

2. The Board may take disciplinary action against a licensee for any of the following causes:

(a) The making of a false statement in any affidavit required of the applicant for application, examination or licensure pursuant to the provisions of this chapter.

(b) Lending the use of the holder's name to an unlicensed person.

(c) If the holder is a podiatric physician, permitting an unlicensed person in his or her employ to practice as a podiatry hygienist.

(d) Habitual indulgence in the use of alcohol or any controlled substance which impairs the intellect and judgment to such an extent as in the opinion of the Board incapacitates the holder in the performance of his or her professional duties.

(e) Conviction of a crime involving moral turpitude.

(f) Conviction of violating any of the provisions of NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive.

(g) Conduct which in the opinion of the Board disqualifies the licensee to practice with safety to the public.

(h) The commission of fraud by or on behalf of the licensee regarding his or her license or practice.

(i) Gross incompetency.

(j) Affliction of the licensee with any mental or physical disorder which seriously impairs his or her competence as a podiatric physician or podiatry hygienist.

(k) False representation by or on behalf of the licensee regarding his or her practice.

(l) Unethical or unprofessional conduct.

(m) ***Failure to comply with the requirements of subsection 1 of section 2 of this act.***

(n) Willful or repeated violations of this chapter or regulations adopted by the Board.

~~[(n)]~~ ***(o)*** Willful violation of the regulations adopted by the State Board of Pharmacy.

~~[(o)]~~ ***(p)*** Operation of a medical facility, as defined in NRS 449.0151, at any time during which:

(1) The license of the facility is suspended or revoked; or

(2) An act or omission occurs which results in the suspension or revocation of the license pursuant to NRS 449.160.

➥ This paragraph applies to an owner or other principal responsible for the operation of the facility.

Sec. 4.5. **Section 1.5 of Assembly Bill No. 55 of this session is hereby amended to read as follows:**

Sec. 1.5. NRS 631.300 is hereby amended to read as follows:

631.300 1. Any person desiring to obtain a license to practice dental hygiene, after having complied with the regulations of the Board to determine eligibility:

(a) Except as otherwise provided in NRS 622.090, must pass a written examination given by the Board upon such subjects as the Board deems necessary for the practice of dental hygiene or must present a certificate granted by the Joint Commission on National Dental Examinations which contains a notation that the applicant has passed the National Board Dental Hygiene Examination with a score of at least 75; and

(b) Except as otherwise provided in this chapter, must:

(1) Successfully pass a clinical examination approved by the Board and the American Board of Dental Examiners ~~[.]~~ ***or present evidence to the Board that the applicant has passed such a clinical examination within the 5 years immediately preceding the date of the application;***

(2) Successfully complete a clinical examination in dental hygiene given by the Board which examines the applicant's practical knowledge of dental hygiene and which includes, but is not limited to, demonstrations in the removal of deposits from, and the polishing of, the exposed surface of the teeth; or

(3) Present to the Board a certificate granted by the Western Regional Examining Board which contains a notation that the applicant has passed, within the 5 years immediately preceding the date of the application, a

clinical examination administered by the Western Regional Examining Board.

2. The clinical examination given by the Board must include components that are:

(a) Written or oral, or a combination of both; and

(b) Practical, as in the opinion of the Board is necessary to test the qualifications of the applicant.

3. The Board shall examine each applicant in writing on the contents and interpretation of this chapter and the regulations of the Board.

4. All persons who have satisfied the requirements for licensure as a dental hygienist must be registered as licensed dental hygienists on the board register, as provided in this chapter, and are entitled to receive a certificate of registration, signed by all members of the Board.

Sec. 5. This act becomes effective upon passage and approval.

Assemblyman Atkinson moved the adoption of the amendment.

Remarks by Assemblyman Atkinson.

Amendment adopted.

Bill ordered reprinted, reengrossed, and to third reading.

Senate Bill No. 59.

Bill read third time.

Remarks by Assemblymen Sherwood, Conklin, and Bobzien.

Roll call on Senate Bill No. 59:

YEAS—39.

NAYS—Hansen, Kite, Sherwood—3.

Senate Bill No. 59 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 101.

Bill read third time.

Remarks by Assemblyman Frierson.

Roll call on Senate Bill No. 101:

YEAS—32.

NAYS—Ellison, Goedhart, Goicoechea, Hammond, Hardy, Kirner, Livermore, McArthur, Sherwood, Woodbury—10.

Senate Bill No. 101 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 125.

Bill read third time.

Roll call on Senate Bill No. 125:

YEAS—42.

NAYS—None.

Senate Bill No. 125 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 136.

Bill read third time.

Roll call on Senate Bill No. 136:

YEAS—42.

NAYS—None.

Senate Bill No. 136 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 143.

Bill read third time.

Roll call on Senate Bill No. 143:

YEAS—41.

NAYS—Carlton.

Senate Bill No. 143 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 150.

Bill read third time.

Roll call on Senate Bill No. 150:

YEAS—42.

NAYS—None.

Senate Bill No. 150 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 215.

Bill read third time.

Roll call on Senate Bill No. 215:

YEAS—42.

NAYS—None.

Senate Bill No. 215 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 233.

Bill read third time.

Remarks by Assemblywoman Kirkpatrick.

Roll call on Senate Bill No. 233:

YEAS—42.

NAYS—None.

Senate Bill No. 233 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 257.
Bill read third time.
Remarks by Assemblymen Horne, Neal and Oceguera.
Roll call on Senate Bill No. 257:
YEAS—40.
NAYS—Aizley, Neal—2.
Senate Bill No. 257 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 361.
Bill read third time.
Roll call on Senate Bill No. 361:
YEAS—42.
NAYS—None.
Senate Bill No. 361 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 402.
Bill read third time.
Roll call on Senate Bill No. 402:
YEAS—42.
NAYS—None.
Senate Bill No. 402 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 403.
Bill read third time.
Roll call on Senate Bill No. 403:
YEAS—41.
NAYS—McArthur.
Senate Bill No. 403 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Conklin moved that Senate Bill No. 238 be taken from the Chief Clerk's desk and placed on the General File in numerical order.
Motion carried.

Assemblywoman Kirkpatrick moved that Senate Bill No. 329 be taken from its position on the General File and placed at the top of the General File.
Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 329.
Bill read third time.

The following amendment was proposed by Assemblywoman Kirkpatrick:

Amendment No. 826.

AN ACT relating to pharmacy; authorizing certain education and training to be provided to practitioners concerning the management by a patient of medications of the patient; requiring practitioners to post a sign informing patients of the right to have the symptom or purpose for which a drug is prescribed be included on the label of the container of the drug; **revising provisions relating to prescriptions for controlled substances included in schedule II;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes, but does not require, a practitioner to ask a patient if the patient wishes to have included on the label of a prescription the symptom or purpose for which the drug is dispensed and, if the patient so requests, requires the practitioner to include such information on the written prescription. (NRS 639.2352) **Section 2** of this bill requires practitioners to post signs in English and Spanish informing patients of the right to have certain information included on the label attached to the container of the drug. **Sections 1.3 and 1.7** of this bill require the Board of Medical Examiners and the State Board of Osteopathic Medicine to encourage physicians to obtain continuing education concerning methods of educating patients about how to effectively manage medications. **Section 6.5** of this bill authorizes the State Board of Pharmacy or the Investigation Division of the Department of Public Safety, in cooperation with the Health Division of the Department of Health and Human Services, to carry out education and training regarding the rights of patients to have the symptom or purpose of a medication printed on the label attached to the container for that medication.

Section 6.3 of this bill authorizes the issuance of an electronic prescription for a controlled substance included in schedule II if such an electronic prescription is issued in compliance with any regulations adopted by the Board concerning electronic prescriptions.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. (Deleted by amendment.)

Sec. 1.3. NRS 630.253 is hereby amended to read as follows:

630.253 1. The Board shall, as a prerequisite for the:

(a) Renewal of a license as a physician assistant; or

(b) Biennial registration of the holder of a license to practice medicine,

➥ require each holder to comply with the requirements for continuing education adopted by the Board.

2. These requirements:

(a) May provide for the completion of one or more courses of instruction relating to risk management in the performance of medical services.

(b) Must provide for the completion of a course of instruction, within 2 years after initial licensure, relating to the medical consequences of an act of

terrorism that involves the use of a weapon of mass destruction. The course must provide at least 4 hours of instruction that includes instruction in the following subjects:

(1) An overview of acts of terrorism and weapons of mass destruction;

(2) Personal protective equipment required for acts of terrorism;

(3) Common symptoms and methods of treatment associated with exposure to, or injuries caused by, chemical, biological, radioactive and nuclear agents;

(4) Syndromic surveillance and reporting procedures for acts of terrorism that involve biological agents; and

(5) An overview of the information available on, and the use of, the Health Alert Network.

➥ The Board may thereafter determine whether to include in a program of continuing education additional courses of instruction relating to the medical consequences of an act of terrorism that involves the use of a weapon of mass destruction.

3. The Board shall encourage each holder of a license who treats or cares for persons who are more than 60 years of age to receive, as a portion of their continuing education, education in geriatrics and gerontology, including such topics as:

(a) The skills and knowledge that the licensee needs to address aging issues;

(b) Approaches to providing health care to older persons, including both didactic and clinical approaches;

(c) The biological, behavioral, social and emotional aspects of the aging process; and

(d) The importance of maintenance of function and independence for older persons.

4. ***The Board shall encourage each holder of a license to practice medicine to receive, as a portion of his or her continuing education, training concerning methods for educating patients about how to effectively manage medications, including, without limitation, the ability of the patient to request to have the symptom or purpose for which a drug is prescribed included on the label attached to the container of the drug.***

5. As used in this section:

(a) "Act of terrorism" has the meaning ascribed to it in NRS 202.4415.

(b) "Biological agent" has the meaning ascribed to it in NRS 202.442.

(c) "Chemical agent" has the meaning ascribed to it in NRS 202.4425.

(d) "Radioactive agent" has the meaning ascribed to it in NRS 202.4437.

(e) "Weapon of mass destruction" has the meaning ascribed to it in NRS 202.4445.

Sec. 1.7. NRS 633.471 is hereby amended to read as follows:

633.471 1. Except as otherwise provided in subsection ~~[4]~~ ***5*** and NRS 633.491, every holder of a license to practice osteopathic medicine issued

under this chapter, except a temporary or a special license, may renew the license on or before January 1 of each calendar year after its issuance by:

(a) Applying for renewal on forms provided by the Board;

(b) Paying the annual license renewal fee specified in this chapter;

(c) Submitting a list of all actions filed or claims submitted to arbitration or mediation for malpractice or negligence against the holder during the previous year;

(d) Submitting an affidavit to the Board that in the year preceding the application for renewal the holder has attended courses or programs of continuing education approved by the Board totaling a number of hours established by the Board which must not be less than 35 hours nor more than that set in the requirements for continuing medical education of the American Osteopathic Association; and

(e) Submitting all information required to complete the renewal.

2. The Secretary of the Board shall notify each licensee of the practice of osteopathic medicine of the requirements for renewal not less than 30 days before the date of renewal.

3. The Board shall request submission of verified evidence of completion of the required number of hours of continuing medical education annually from no fewer than one-third of the applicants for renewal of a license to practice osteopathic medicine. Upon a request from the Board, an applicant for renewal of a license to practice osteopathic medicine shall submit verified evidence satisfactory to the Board that in the year preceding the application for renewal the applicant attended courses or programs of continuing medical education approved by the Board totaling the number of hours established by the Board.

4. ***The Board shall encourage each holder of a license to practice osteopathic medicine to receive, as a portion of his or her continuing education, training concerning methods for educating patients about how to effectively manage medications, including, without limitation, the ability of the patient to request to have the symptom or purpose for which a drug is prescribed included on the label attached to the container of the drug.***

5. Members of the Armed Forces of the United States and the United States Public Health Service are exempt from payment of the annual license renewal fee during their active duty status.

Sec. 2. NRS 639.2352 is hereby amended to read as follows:

639.2352 ***1.*** Before issuing a prescription, a practitioner may ask the patient whether he or she wishes to have included on the label ~~[of the prescription]~~ ***attached to the container of the drug*** the symptom or purpose for which the drug is prescribed. If the patient requests that the information be included on the label, the practitioner shall include on the prescription the symptom or purpose for which the drug is prescribed.

2. Each practitioner shall post in a conspicuous location in each room used for the examination of a patient a sign which is not less than 8.5

inches wide and not less than 11 inches high and which contains, in at least 12-point boldface type, the following:

NOTICE TO PATIENTS

You have the right to have the symptom or purpose for which a drug is prescribed included on the label attached to the container of your prescribed drug.

You have the right to ask the person writing your prescription to instruct the pharmacy to print this information on the label attached to the container of your prescribed drug.

Having the purpose or symptom printed on the label attached to the container of your drug may help you to properly use and track your prescribed drugs.

AVISO A LOS PACIENTES

Tiene derecho de que se imprima cierta información en la etiqueta de sus medicamentos. Específicamente, usted puede elegir que la etiqueta incluya los síntomas o el propósito para que el medicamento se prescribe.

Tiene derecho de pedirle a la person que prescriba su medicamento que dirija a la farmacia que imprima la información en la etiqueta.

Si se imprimen los síntomas o el propósito en la etiqueta de sus medicamentos, le puede ayudar a mantenerlos y usarlos apropriadamente.

Sec. 3. (Deleted by amendment.)

Sec. 4. (Deleted by amendment.)

Sec. 5. (Deleted by amendment.)

Sec. 6. (Deleted by amendment.)

Sec. 6.3. **NRS 453.256 is hereby amended to read as follows:**

453.256 1. Except as otherwise provided in subsection 2, a substance included in schedule II must not be dispensed without the written prescription of a practitioner.

2. A controlled substance included in schedule II may be dispensed without the written prescription of a practitioner only:

(a) In an emergency, as defined by regulation of the Board, upon oral prescription of a practitioner, reduced to writing promptly and in any case within 72 hours, signed by the practitioner and filed by the pharmacy.

(b) ***Pursuant to an electronic prescription of a practitioner which complies with any regulations adopted by the Board concerning the use of electronic prescriptions.***

(c) Upon the use of a facsimile machine to transmit the prescription for a substance included in schedule II by a practitioner or a practitioner's agent to a pharmacy for:

(1) Direct administration to a patient by parenteral solution; or

(2) A resident of a facility for intermediate care or a facility for skilled nursing which is licensed as such by the Health Division of the Department.

➥ A prescription transmitted by a facsimile machine pursuant to this paragraph must be printed on paper which is capable of being retained for at least 2 years. For the purposes of this section, ~~[such a]~~ ***an electronic*** prescription ***or a prescription transmitted by facsimile machine*** constitutes a written prescription. The pharmacy shall keep prescriptions in conformity with the requirements of NRS 453.246. A prescription for a substance included in schedule II must not be refilled.

3. Except when dispensed directly by a practitioner, other than a pharmacy, to an ultimate user, a substance included in schedule III or IV which is a dangerous drug as determined under NRS 454.201, must not be dispensed without a written or oral prescription of a practitioner. The prescription must not be filled or refilled more than 6 months after the date thereof or be refilled more than five times, unless renewed by the practitioner.

4. A substance included in schedule V may be distributed or dispensed only for a medical purpose, including medical treatment or authorized research.

5. A practitioner may dispense or deliver a controlled substance to or for a person or animal only for medical treatment or authorized research in the ordinary course of his or her profession.

6. No civil or criminal liability or administrative sanction may be imposed on a pharmacist for action taken in good faith in reliance on a reasonable belief that an order purporting to be a prescription was issued by a practitioner in the usual course of professional treatment or in authorized research.

7. An individual practitioner may not dispense a substance included in schedule II, III or IV for the practitioner's own personal use except in a medical emergency.

8. A person who violates this section is guilty of a category E felony and shall be punished as provided in NRS 193.130.

9. As used in this section:

(a) "Facsimile machine" means a device which sends or receives a reproduction or facsimile of a document or photograph which is transmitted electronically or telephonically by telecommunications lines.

(b) "Medical treatment" includes dispensing or administering a narcotic drug for pain, whether or not intractable.

(c) "Parenteral solution" has the meaning ascribed to it in NRS 639.0105.

Sec. 6.5. NRS 453.155 is hereby amended to read as follows:

453.155 1. The Board or Division, in cooperation with the Health Division of the Department, may carry out educational programs designed to prevent and deter misuse and abuse of controlled substances. In connection with these programs the Board or Division may:

(a) Promote better recognition of the problems of misuse and abuse of controlled substances within the regulated industry and among interested groups and organizations;

(b) Assist the regulated industry and interested groups and organizations in contributing to the reduction of misuse and abuse of controlled substances;

(c) Consult with interested groups and organizations to aid them in solving administrative and organizational problems;

(d) Evaluate procedures, projects, techniques and controls conducted or proposed as part of educational programs on misuse and abuse of controlled substances;

(e) Disseminate the results of research on misuse and abuse of controlled substances to promote a better public understanding of what problems exist and what can be done to alleviate them; ~~[and]~~

(f) Assist in the education and training of state and local law enforcement officials in their efforts to control misuse and abuse of controlled substances ~~[.]~~ ***; and***

(g) Carry out education and training for physicians, pharmacists and patients regarding the ability of the patient to request to have the symptom or purpose for which a controlled substance is prescribed included on the label attached to the container of the controlled substance.

2. The Board shall encourage research on misuse and abuse of controlled substances. In connection with the research, and in furtherance of the enforcement of the provisions of NRS 453.011 to 453.552, inclusive, it may:

(a) Establish methods to assess accurately the effects of controlled substances and identify and characterize those with potential for abuse;

(b) Make studies and undertake programs of research to:

(1) Develop new or improved approaches, techniques, systems, equipment and devices to strengthen the enforcement of such sections;

(2) Determine patterns of misuse and abuse of controlled substances and the social effects thereof; and

(3) Improve methods for preventing, predicting, understanding and dealing with the misuse and abuse of controlled substances; and

(c) Enter into contracts with public agencies, institutions of higher education, and private organizations or individuals for the purpose of conducting research, demonstrations or special projects which bear directly on misuse and abuse of controlled substances.

3. The Board may authorize persons engaged in research on the use and effects of controlled substances to withhold the names and other identifying characteristics of individuals who are the subject of the research. A person who obtains this authorization is not compelled in any civil, criminal, administrative, legislative or other proceeding to identify the individuals who are the subjects of research for which the authorization was obtained.

4. The Board may authorize the possession and distribution of controlled substances by persons engaged in research. A person who obtains this authorization is exempt from state prosecution for possession and distribution of controlled substances to the extent of the authorization. The Board shall promptly notify the Division of any such authorization.

Sec. 7. (Deleted by amendment.)

Assemblywoman Kirkpatrick moved the adoption of the amendment.
Remarks by Assemblywoman Kirkpatrick.
Amendment adopted.
Bill ordered reprinted, reengrossed, and to third reading.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 2:47 p.m.

ASSEMBLY IN SESSION

At 2:48 p.m.
Madam Speaker pro Tempore presiding.
Quorum present.

UNFINISHED BUSINESS

APPOINTMENT OF CONFERENCE COMMITTEES

Madam Speaker pro Tempore appointed Assemblymen Oceguera, Horne, and Goicoechea as a Conference Committee to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 282.

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 17.
The following Senate amendment was read:
Amendment No. 592.
SUMMARY—Revises ~~[the applicability of the Nevada Administrative Procedure Act to]~~ **provisions concerning the judicial review of decisions of** the Public Utilities Commission of Nevada. (BDR 18-455)
AN ACT relating to administrative procedure; exempting the judicial review of decisions of the Public Utilities Commission of Nevada from the requirements of the Nevada Administrative Procedure Act; **revising provisions governing the procedure for the judicial review of decisions of the Commission;** and providing other matters properly relating thereto.
Legislative Counsel's Digest:
Existing law provides that the provisions of chapter 703 of NRS that relate to the judicial review of decisions of the Public Utilities Commission of Nevada prevail over the general provisions of the Nevada Administrative Procedure Act, which is contained in chapter 233B of NRS. (NRS 233B.039) ~~[This]~~ **Section 1 of this** bill removes that existing provision and instead provides that the provisions of the Nevada Administrative Procedure Act do not apply to the judicial review of decisions of the Commission.
Existing law also sets forth provisions relating to the procedure for the judicial review of decisions of the Commission. (NRS 703.373) Section 1.7 of this bill revises various provisions relating to that procedure and: (1) requires a party seeking judicial review to exhaust all administrative

remedies before the party is entitled to seek judicial review of a final decision of the Commission; (2) specifies certain periods in which certain documents must be filed with the court and served upon the parties involved in the judicial review; and (3) provides that a final decision of the Commission is deemed reasonable and lawful until reversed or set aside in whole or in part by the court.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 233B.039 is hereby amended to read as follows:

233B.039 1. The following agencies are entirely exempted from the requirements of this chapter:

(a) The Governor.

(b) Except as otherwise provided in NRS 209.221, the Department of Corrections.

(c) The Nevada System of Higher Education.

(d) The Office of the Military.

(e) The State Gaming Control Board.

(f) Except as otherwise provided in NRS 368A.140, the Nevada Gaming Commission.

(g) The Division of Welfare and Supportive Services of the Department of Health and Human Services.

(h) Except as otherwise provided in NRS 422.390, the Division of Health Care Financing and Policy of the Department of Health and Human Services.

(i) The State Board of Examiners acting pursuant to chapter 217 of NRS.

(j) Except as otherwise provided in NRS 533.365, the Office of the State Engineer.

(k) The Division of Industrial Relations of the Department of Business and Industry acting to enforce the provisions of NRS 618.375.

(l) The Administrator of the Division of Industrial Relations of the Department of Business and Industry in establishing and adjusting the schedule of fees and charges for accident benefits pursuant to subsection 2 of NRS 616C.260.

(m) The Board to Review Claims in adopting resolutions to carry out its duties pursuant to NRS 590.830.

2. Except as otherwise provided in subsection 5 and NRS 391.323, the Department of Education, the Board of the Public Employees' Benefits Program and the Commission on Professional Standards in Education are subject to the provisions of this chapter for the purpose of adopting regulations but not with respect to any contested case.

3. The special provisions of:

(a) Chapter 612 of NRS for the distribution of regulations by and the judicial review of decisions of the Employment Security Division of the Department of Employment, Training and Rehabilitation;

(b) Chapters 616A to 617, inclusive, of NRS for the determination of contested claims;

(c) ~~[~~Chapter 703 of NRS for the judicial review of decisions of the Public Utilities Commission of Nevada;

~~(d)]~~ Chapter 91 of NRS for the judicial review of decisions of the Administrator of the Securities Division of the Office of the Secretary of State; and

~~[~~(e)~~]~~ ***(d)*** NRS 90.800 for the use of summary orders in contested cases,

➥ prevail over the general provisions of this chapter.

4. The provisions of NRS 233B.122, 233B.124, 233B.125 and 233B.126 do not apply to the Department of Health and Human Services in the adjudication of contested cases involving the issuance of letters of approval for health facilities and agencies.

5. The provisions of this chapter do not apply to:

(a) Any order for immediate action, including, but not limited to, quarantine and the treatment or cleansing of infected or infested animals, objects or premises, made under the authority of the State Board of Agriculture, the State Board of Health, or any other agency of this State in the discharge of a responsibility for the preservation of human or animal health or for insect or pest control;

(b) An extraordinary regulation of the State Board of Pharmacy adopted pursuant to NRS 453.2184; ~~[or]~~

(c) A regulation adopted by the State Board of Education pursuant to NRS 392.644 or 394.1694 ~~[.]~~ ***; or***

(d) The judicial review of decisions of the Public Utilities Commission of Nevada.

6. The State Board of Parole Commissioners is subject to the provisions of this chapter for the purpose of adopting regulations but not with respect to any contested case.

Sec. 1.3. **NRS 703.330 is hereby amended to read as follows:**

703.330 1. A complete record must be kept of all hearings before the Commission. All testimony at such hearings must be taken down by the stenographer appointed by the Commission or, under the direction of any competent person appointed by the Commission, must be reported by sound recording equipment in the manner authorized for reporting testimony in district courts. The testimony reported by a stenographer must be transcribed, and the transcript filed with the record in the matter. The Commission may by regulation provide for the transcription or safekeeping of sound recordings. The costs of recording and transcribing testimony at any hearing, except those hearings ordered pursuant to NRS 703.310, must be paid by the applicant. If a complaint is made pursuant to NRS 703.310 by a customer or by a political subdivision of the State or municipal organization, the complainant is not liable for any costs. Otherwise, if there are several applicants or parties to any hearing, the Commission may apportion the costs among them in its discretion.

2. ~~[If a petition is served upon the Commission as provided in NRS 703.373 for the bringing of an action against the Commission, before the action is reached for trial, the Commission shall file a certified copy of all proceedings and testimony taken with the clerk of the court in which the action is pending.~~

~~3.]~~ A copy of the proceedings and testimony must be furnished to any party, on payment of a reasonable amount to be fixed by the Commission, and the amount must be the same for all parties.

~~[4.]~~ ***3.*** The provisions of this section do not prohibit the Commission from:

(a) Restricting access to the records and transcripts of a hearing pursuant to paragraph (a) of subsection 3 of NRS 703.196.

(b) Protecting the confidentiality of information pursuant to NRS 704B.310, 704B.320 or 704B.325.

Sec. 1.7. **NRS 703.373 is hereby amended to read as follows:**

703.373 1. Any party of record to a proceeding before the Commission is entitled to judicial review of the final decision ~~[.]~~ ***upon the exhaustion of all administrative remedies by the party of record seeking judicial review.***

2. Proceedings for review may be instituted by filing a petition ***for judicial review*** in the District Court in and for Carson City, in and for the county in which the party ***of record seeking judicial review*** resides, or in and for the county where the act on which the proceeding is based occurred.

3. A petition ***for judicial review*** must be filed within ~~[90]~~ ***30*** days after ~~[the service of the]~~ final ~~[decision of]~~ ***action by*** the Commission ***on reconsideration*** or ~~[, if a]~~ rehearing ~~[is held,]~~ ***, or if the Commission takes no action on reconsideration or rehearing,*** within 30 days after the ~~[decision thereon.]~~ ***date on which reconsideration or rehearing is deemed denied.*** Copies of the petition ***for judicial review*** must be served upon the Commission and all other parties of record.

~~[3.]~~ ***4. The Commission shall participate in the judicial review. Any party of record desiring to participate in the judicial review must file a statement of intent to participate in the petition for judicial review and serve the statement upon the Commission and every party within 15 days after service of the petition for judicial review.***

5. Within 30 days after the service of the petition for judicial review or such time as is allowed by the court, the Commission shall transmit to the reviewing court a certified copy of the entire record of the proceeding under review, including a transcript of the evidence resulting in the final decision of the Commission. The record may be shortened by stipulation of the parties to the proceedings.

6. A petitioner who is seeking judicial review must serve and file a memorandum of points and authorities within 30 days after the Commission gives written notice to the parties that the record of the proceeding under review has been filed with the court.

7. The Commission and ***any*** other ~~[defendants]~~ ***respondents*** shall ***serve and*** file ~~[their answers to the petition]~~ ***a reply memorandum of points and authorities*** within 30 days after ~~[the]~~ service ~~[thereof,]~~ ***of the memorandum of points and authorities,*** whereupon the action is at issue and ~~[they]~~ ***the parties*** must be ready for a hearing upon 20 days' notice***.*** ~~[to either party.~~

~~4. The]~~

8. Judicial review ***of a final decision of the Commission*** must be ~~[conducted]~~ ***:***

(a) Conducted by the court without a jury ***;*** and ~~[be confined]~~

(b) Confined to the record.

➥ In cases ~~[of]~~ ***concerning*** alleged irregularities in procedure before the Commission ~~[,]~~ ***that are*** not shown in the record, ~~[proof thereon may be taken in]~~ the court ~~[. The court, upon request, shall hear oral argument and receive written briefs.~~

~~5.]~~ ***may receive evidence concerning the irregularities.***

9. The final decision of the Commission shall be deemed reasonable and lawful until reversed or set aside in whole or in part by the court. The burden of proof is on the petitioner to show that the final decision is invalid pursuant to subsection 11.

10. All actions brought under this section have precedence over any civil action of a different nature pending in the court.

~~[6.]~~ ***11.*** The court shall not substitute its judgment for that of the Commission as to the weight of the evidence on questions of fact. The court may affirm the decision of the Commission or set it aside in whole or in part if substantial rights of the ~~[appellant]~~ ***petitioner*** have been prejudiced because the ~~[administrative findings, inferences, conclusions or decisions are]~~ ***final decision of the Commission is:***

(a) In violation of constitutional or statutory provisions;

(b) In excess of the statutory authority of the Commission;

(c) Made upon unlawful procedure;

(d) Affected by other error of law;

(e) Clearly erroneous in view of the reliable, probative and substantial evidence on the whole record; or

(f) Arbitrary or capricious or characterized by abuse of discretion.

Sec. 2. This act becomes effective upon passage and approval.

Assemblywoman Kirkpatrick moved that the Assembly concur in the Senate amendment to Assembly Bill No. 17.

Remarks by Assemblywoman Kirkpatrick.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Assembly Bill No. 122.

The following Senate amendment was read:

Amendment No. 707.

SUMMARY—~~[Authorizes]~~ **Revises provisions concerning** the imposition of certain reasonable restrictions or requirements relating to systems for obtaining wind ~~[and solar]~~ energy. (BDR 22-592)

AN ACT relating to energy; ~~[authorizing]~~ **revising provisions concerning** the imposition of certain reasonable restrictions or requirements relating to systems for obtaining wind ~~[and solar]~~ energy; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the governing body of a city or county: (1) may enact zoning regulations and restrictions to promote the health, safety, morals or general welfare of the community; (2) is prohibited from adopting an ordinance or taking any other action which unreasonably prohibits or restricts an owner of real property from using a system for obtaining ~~[solar or]~~ wind energy on his or her property; **and** (3) may impose a reasonable restriction on the use of a system for obtaining wind energy which is related to the height, noise or safety of the system**.** ~~[; and (4) is required to authorize the use of a system which uses solar or wind energy to reduce energy costs for a structure if the system and structure comply with all applicable building codes and zoning ordinances.]~~ (NRS 278.020, 278.02077**)** ~~[, 278.0208, 278. 580) The governing body of a city or county unreasonably prohibits or restricts the use of a system for obtaining solar or wind energy if the governing body imposes restrictions that significantly decrease the efficiency or performance of the solar or wind energy system unless the restriction provides for the use of a comparable alternative system. (NRS 278.02077, 278.0208) Section 1 of this]~~ **This** bill provides that, in addition to reasonable restrictions relating to height, noise or safety, reasonable restrictions on the use of a system for obtaining wind energy may include restrictions relating to setback, location and finish. ~~[Section 2 of this bill authorizes a governing body to require that a special use permit or conditional permit be obtained for a system for obtaining solar energy proposed to be installed or constructed within the boundaries of an incorporated city or town on nonresidential property that is adjacent to residential property.]~~ **This bill also deletes provisions which provide that the governing body of a city or county unreasonably prohibits or restricts the use of a system for obtaining wind energy if the governing body imposes restrictions that significantly decrease the efficiency or performance of the wind energy system unless the restriction provides for the use of a comparable alternative system.**

WHEREAS, Nevada has significant amounts of ~~[solar and]~~ wind resources available for use in the production of clean, renewable sources of energy; and

WHEREAS, It has been a stated goal of the Nevada Legislature to encourage the availability of these ~~[solar and]~~ wind resources for use by the residents of this State; and

WHEREAS, Local governments have traditionally been authorized to enact zoning and land use regulations and restrictions to promote the health, safety, morals and general welfare of their communities; and

WHEREAS, It is the intent of the Nevada Legislature to encourage local governments to balance the use of clean, renewable sources of energy with the promotion of the health, safety, morals and general welfare of their communities; now, therefore

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 278.02077 is hereby amended to read as follows:

278.02077 1. Except as otherwise provided in subsection 2:

(a) A governing body shall not adopt an ordinance, regulation or plan or take any other action that prohibits or unreasonably restricts the owner of real property from using a system for obtaining wind energy on his or her property.

(b) Any covenant, restriction or condition contained in a deed, contract or other legal instrument which affects the transfer or sale of, or any other interest in, real property and which prohibits or unreasonably restricts the owner of the property from using a system for obtaining wind energy on his or her property is void and unenforceable.

2. The provisions of subsection 1 do not prohibit a reasonable restriction or requirement:

(a) Imposed pursuant to a determination by the Federal Aviation Administration that the installation of the system for obtaining wind energy would create a hazard to air navigation; or

(b) Relating to the ***finish,*** height, ***location,*** noise **,** ~~[or]~~ safety ***or setback*** of a system for obtaining wind energy.

~~[3. For the purposes of this section, "unreasonably restricts the owner of the property from using a system for obtaining wind energy" includes the placing of a restriction or requirement on the use of a system for obtaining wind energy which significantly decreases the efficiency or performance of the system and which does not allow for the use of an alternative system at a substantially comparable cost and with substantially comparable efficiency and performance.]~~

Sec. 2. ~~[NRS 278.0208 is hereby amended to read as follows:~~

~~278.0208 1.~~ ***Except as otherwise provided in subsection 2:***

~~***(a)*** A governing body shall not adopt an ordinance, regulation or plan or take any other action that prohibits or unreasonably restricts or has the effect of prohibiting or unreasonably restricting the owner of real property from using a system for obtaining solar energy on his or her property.~~

~~[2.]~~ ~~***(b)*** Any covenant, restriction or condition contained in a deed, contract or other legal instrument which affects the transfer or sale of, or any other interest in, real property and which prohibits or unreasonably restricts or has the effect of prohibiting or unreasonably restricting the owner of the property from using a system for obtaining solar energy on his or her property is void and unenforceable.~~

~~*2. A governing body may require that a special use permit or conditional permit be obtained in the manner provided in NRS 278.315 for the construction or installation of a system for obtaining solar energy within the boundaries of an incorporated city or town on nonresidential property that is adjacent to residential property. As used in this subsection, "nonresidential property" means all real property other than residential property and includes, without limitation, real property owned by a governmental entity.*~~

~~3. For the purposes of this section, the following shall be deemed to be unreasonable restrictions:~~

~~(a) The placing of a restriction or requirement on the use of a system for obtaining solar energy which decreases the efficiency or performance of the system by more than 10 percent of the amount that was originally specified for the system, as determined by the Director of the Office of Energy, and which does not allow for the use of an alternative system at a substantially comparable cost and with substantially comparable efficiency and performance.~~

~~(b) The prohibition of a system for obtaining solar energy that uses components painted with black solar glazing.~~] **(Deleted by amendment.)**

Sec. 3. This act becomes effective upon passage and approval.

Assemblywoman Kirkpatrick moved that the Assembly concur in the Senate amendment to Assembly Bill No. 122.

Remarks by Assemblywoman Kirkpatrick.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Assembly Bill No. 501.

The following Senate amendment was read:

Amendment No. 692.

SUMMARY—Provides for ~~[a study of issues regarding]~~ **an audit of the fiscal costs of** the death penalty. (BDR S-1103)

AN ACT relating to the death penalty; providing for ~~[a study of issues regarding]~~ **an audit of the fiscal costs of** the death penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill requires the ~~[Audit Division of the Legislative Counsel Bureau]~~ **Legislative Commission to direct the Legislative Auditor** to conduct ~~[a staff study on]~~ **an audit of** the fiscal costs of the death penalty in Nevada. The ~~[study]~~ **audit** must include, without limitation, an examination and analysis of the costs of prosecuting and adjudicating capital cases compared to noncapital cases. The Legislative Auditor is required to ~~[submit]~~ **present** a **final** written report of ~~[findings to the Director of the Legislative Counsel Bureau]~~ **the audit to the Audit Subcommittee of the Legislative Commission** on or before January 31, 2013.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. (Deleted by amendment.)

Sec. 2. 1. The Legislative Commission shall direct the ~~[Audit Division of the]~~ Legislative ~~[Counsel Bureau]~~ **Auditor** to conduct ~~[a staff study]~~ **an audit** of the fiscal costs associated with the death penalty in this State.

2. The ~~[study]~~ **audit** conducted pursuant to this section must include an examination and analysis concerning the costs of prosecuting and adjudicating capital murder cases as compared to noncapital murder cases, including, without limitation, the costs relating to the death penalty borne by the State of Nevada and by the local governments in this State at each stage of the proceedings in capital murder cases, including pretrial costs, trial costs, appellate and postconviction costs and costs of incarceration such as:

(a) The costs of legal counsel involved in the prosecution and defense of a capital murder case for all pretrial, trial and postconviction proceedings; and

(b) Additional procedural costs involved in capital murder cases as compared to noncapital murder cases, including, without limitation, costs relating to:

(1) Processing of bonds, including investigative costs of prosecutors, police and other staff;

(2) Investigation of a case before a person is charged with a crime, including costs for investigation by the prosecution and the defense;

(3) Pretrial motions;

(4) Extradition;

(5) Psychiatric and medical evaluations;

(6) Expert witnesses;

(7) Juries;

(8) Sentencing proceedings;

(9) Appellate and postconviction proceedings, including motions, writs of certiorari and state and federal petitions for postconviction relief;

(10) Requests for clemency;

(11) Incarceration of persons awaiting trial in capital murder cases and persons sentenced to death; and

(12) Execution of a sentence of death, including costs of facilities and staff.

3. **The audit must be conducted in the manner set forth in NRS 218G.010 to 218G.450, inclusive, and for purposes of the audit the provisions of those sections are applicable to a local government in the same manner as to an agency of the State.**

4. On or before January 31, 2013, the Legislative Auditor shall ~~[submit]~~ **present** a **final** written report of ~~[any findings to the Director of the Legislative Counsel Bureau for transmittal to the 77th Session of the Nevada Legislature.]~~ **the audit to the Audit Subcommittee of the Legislative Commission created by NRS 218E.240.**

Sec. 3. This act becomes effective upon passage and approval.

Assemblyman Segerblom moved that the Assembly concur in the Senate amendment to Assembly Bill No. 501.

Remarks by Assemblyman Segerblom.

Motion carried by a constitutional majority.

Bill ordered enrolled.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Conklin moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 2:56 p.m.

ASSEMBLY IN SESSION

At 6:14 p.m.

Mr. Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Senate Bill No. 92, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Government Affairs, to which were referred Senate Bills Nos. 151, 251, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Government Affairs, to which was referred Senate Bill No. 400, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MARILYN K. KIRKPATRICK, *Chair*

Mr. Speaker:

Your Committee on Judiciary, to which was referred Senate Bill No. 222, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Judiciary, to which were referred Senate Bills Nos. 57, 307, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Judiciary, to which was referred Senate Bill No. 204, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

WILLIAM C. HORNE, *Chair*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Conklin moved that Senate Bills Nos. 57, 92, 151, 204, 222, 251, 307, and 400, just reported out of committee, be placed on the Second Reading File.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Judiciary, to which was referred Senate Bill No. 254, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

WILLIAM C. HORNE, *Chair*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Conklin moved that Senate Bill No. 254, just reported out of committee, be placed on the Second Reading File.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 57.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 735.

SUMMARY— ~~[~~Expands the circumstances pursuant to which a court is authorized to issue~~]~~ **Establishes procedures for the Children's Advocate or his or her designee to obtain** certain warrants. (BDR ~~[~~11-289~~]~~ **38-289)**

AN ACT relating to children; ~~[~~expanding the circumstances pursuant to which a court is authorized to issue~~]~~ **establishing procedures for the Children's Advocate or his or her designee to obtain, under certain circumstances,** a warrant to take physical custody of a **missing** child ~~[.]~~ **who was allegedly abducted;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law as set forth in the Uniform Child Custody Jurisdiction and Enforcement Act (chapter 125A of NRS) authorizes a court in a proceeding to enforce a child custody determination to issue a warrant to take physical custody of a child in an emergency situation if the court finds that the child is immediately likely to suffer serious physical harm or to be removed from this State. Before issuing the warrant, the court is required to hold a hearing at which the party alleging the need for the warrant is present but not the party who has physical custody of the child. (NRS 125A.525) The Uniform Child Custody Jurisdiction and Enforcement Act also authorizes a court in this State, to enforce a child custody determination issued by a court in another state, to issue an order to take physical custody of a child in a nonemergency situation after holding a hearing at which both parties, the petitioner and the respondent, are given an opportunity to be heard. (NRS 125A.495)

Existing law as set forth in the Uniform Child Abduction Prevention Act (chapter 125D of NRS) authorizes a court, pursuant to a petition filed either before or after a child custody determination has been made, to issue a warrant to take physical custody of a child in an emergency situation if the court finds that there is a credible risk that the child is imminently likely to be wrongfully removed. The court may issue the warrant without providing

prior notice and an opportunity to be heard to the party who has physical custody of the child. (NRS 125D.200)

~~[Existing law also authorizes the court in divorce or other dissolution of marriage proceedings to enter an order allowing a party, under certain circumstances and with the assistance of a law enforcement agency, to obtain physical custody of a child from the party having physical custody of the child if the court finds that it would be in the best interest of the child to do so. (NRS 125.470) Section 1 of this bill deletes this provision regarding divorce and other dissolution of marriage proceedings, and section 2 of this bill sets forth a new procedure.~~

~~Section 2 expands the circumstances in which a court is authorized to issue a warrant to take physical custody of a child. Specifically, section 2 authorizes a court, upon a petition submitted during a proceeding to establish custody of a child or to enforce or modify a child custody determination, to issue a warrant to take physical custody of the child where there is probable cause to believe that the child has been abducted. If the court determines that the child has been abducted and that an emergency situation exists, including, without limitation, a situation in which the child is in imminent danger of being removed from this State or in imminent danger of serious physical harm, the court is authorized to issue a warrant. Before issuing the warrant in an emergency situation, the court must hold a hearing at which the party alleging the need for the warrant is present but not the party alleged to have committed the act of abduction. If the court determines that the situation is not an emergency situation, before issuing the warrant, the court must hold a hearing at which both parties, the party alleging the need for the warrant and the party alleged to have committed the act of abduction, are given an opportunity to be heard.]~~

Finally, existing law establishes the Office of Advocate for Missing or Exploited Children within the Office of the Attorney General and requires the Children's Advocate to carry out various duties relating to missing or exploited children in this State. (NRS 432.157) Section 2 of this bill authorizes the Children's Advocate or his or her designee, under certain circumstances, to apply to a court for a warrant to take physical custody of a missing child where there is probable cause to believe that the child has been abducted. Further, section 2 establishes the procedures for issuing such a warrant. Section 2 also defines the term "abduction" to include kidnapping, aiding and abetting kidnapping and the willful detaining, concealing or removing of a child from a person having lawful custody or a right of visitation of the child by a person who has a limited right of custody to the child by operation of law or pursuant to a court order, judgment or decree or who has no right of custody to the child.

~~[Section 2 differs from the similar provisions of the Uniform Child Custody Jurisdiction and Enforcement Act and the Uniform Child Abduction Prevention Act in various ways, including, without limitation, with regard to the types of cases to which it applies. For example, section 2 applies to: (1) a~~

~~broader category of emergency situations; (2) emergency situations which occur before a child custody determination has been made and in which the child is in imminent danger of serious physical harm; (3) nonemergency situations for child custody determinations that are issued by courts in this State; and (4) children who are willfully detained or concealed from persons having lawful custody or a right of visitation of the child, in addition to children who are removed from such persons.~~**]**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. **[**~~NRS 125.470 is hereby amended to read as follows:~~

~~125.470 1. If, during any proceeding brought under this chapter, either before or after the entry of a final order concerning the custody of a minor child, it appears to the court that any minor child of either party has been, or is likely to be, taken or removed out of this State or concealed within this State, the court shall forthwith order such child to be produced before it and make such disposition of the child's custody as appears most advantageous to and in the best interest of the child and most likely to secure to him or her the benefit of the final order or the modification or termination of the final order to be made in his or her behalf.~~

~~2.~~ **[**~~If, during any proceeding brought under this chapter, either before or after the entry of a final order concerning the custody of a minor child, the court finds that it would be in the best interest of the minor child, the court may enter an order providing that a party may, with the assistance of the appropriate law enforcement agency, obtain physical custody of the child from the party having physical custody of the child. The order must provide that if the party obtains physical custody of the child, the child must be produced before the court as soon as practicable to allow the court to make such disposition of the child's custody as appears most advantageous to and in the best interest of the child and most likely to secure to him or her the benefit of the final order or the modification or termination of the final order to be made in his or her behalf.~~

~~3. If the court enters an order pursuant to subsection 2 providing that a party may obtain physical custody of a child, the court shall order that party to give the party having physical custody of the child notice at least 24 hours before the time at which he or she intends to obtain physical custody of the child, unless the court deems that requiring the notice would likely defeat the purpose of the order.~~

~~4.~~**]** ~~All orders for a party to appear with a child issued pursuant to this section may be enforced by issuing a warrant of arrest against that party to secure his or her appearance with the child.~~

[~~5.~~**]** ~~3. A proceeding under this section must be given priority on the court calendar.~~**] (Deleted by amendment.)**

Sec. 2. Chapter **[**~~125C~~**]** **432** of NRS is hereby amended by adding thereto a new section to read as follows:

~~[1. If, during any proceeding to establish custody of a child or enforce or modify a child custody determination, brought pursuant to this chapter or chapter 125 or 125A of NRS, it appears to the court upon a petition submitted by an aggrieved party or any other person having knowledge of the relevant facts]~~

1. The Children's Advocate or his or her designee may apply to the court for a warrant to take physical custody of a missing child if, during an investigation of the missing child, it appears that there is probable cause to believe that : [an]

(a) An act of abduction has been committed against the child ; and [that the]

(b) The act of abduction was not committed [without just cause, the court may issue a warrant to take physical custody of the child. A copy of a petition submitted pursuant to this subsection must be served upon the Children's Advocate appointed pursuant to NRS 432.157 before any hearing is held by the court pursuant to this section.] to protect:

(1) The child from continued abuse or neglect or from a bona fide and imminent threat of abuse or neglect; or

(2) The person who allegedly abducted the child from continued domestic violence or a bona fide and imminent threat of domestic violence.

2. In filing the application for a warrant, the Children's Advocate and his or her designee acts on behalf of the court and not on behalf of any party.

3. The [petition] application must include, without limitation:

(a) [An affidavit or other sworn declaration, signed by the petitioner under penalty of perjury, attesting to the truth and accuracy of the petition;

(b) A copy of the most recent child custody determination, if any, of the child;

(c)] The name of the person [or persons] having legal custody of the child;

(b) The name of the person alleged to have committed the act of abduction of the child;

(c) The name of the person alleged to have possession of the child, if different from the person described in paragraph (b);

(d) A statement of the facts and circumstances pertaining to the abduction of the child;

(e) A statement indicating whether, to the knowledge of the applicant after reasonable investigation under the circumstances, the child, the person having legal custody of the child, the person alleged to have committed the act of abduction or [the petitioner] the person alleged to have possession of the child has been:

(1) The subject of an investigation of alleged abuse or neglect of a child or domestic violence;

(2) A party to a proceeding concerning the alleged abuse or neglect of a child, an act of abduction of a child or domestic violence; or

(3) A party against whom an order for protection against domestic violence was issued; ~~[and]~~

(f) A statement indicating ~~[whether any other]~~ which court , if any, has exercised jurisdiction over the custody or welfare of the child ~~[.]~~ ;

(g) A copy of the most recent child custody determination, if any, concerning the child, or if there is no such determination, a statement as to the legal basis for the custody of the child; and

(h) A declaration made under oath and penalty of perjury that every factual representation made in the application is true and correct to the best of the knowledge of the applicant.

~~[3.]~~ 4. The court may, in its discretion, supplement the allegations made in the ~~[petition]~~ application with the sworn testimony of the ~~[petitioner]~~ applicant at a hearing before the court. Any such testimony must be recorded and preserved in the records of the court.

~~[4.]~~ 5. If an application is filed pursuant to this section:

(a) The Children's Advocate or his or her designee may not be assessed a filing fee for the application; and

(b) Any proceedings regarding the application must be expedited by the court.

6. If the court determines that no exigent circumstances exist in relation to the issuance of the warrant, the court:

(a) Shall hold a hearing before it issues the warrant;

(b) Shall provide, or ensure that the Children's Advocate or his or her designee provides, notice of the hearing to the custodial parent, the person alleged to have committed the act of abduction and, if different, the person alleged to have possession of the child;

(c) If the person alleged to have committed the act of abduction or, if different, the person alleged to have possession of the child is present at the hearing or otherwise appears at the hearing, may:

(1) Order such person to return the child in accordance with the determination of the court regarding the placement of the child; and

(2) Issue the warrant in accordance with subsection 9; and

(d) If the person alleged to have committed the act of abduction and, if different, the person alleged to have possession of the child received notice but are not present at the hearing, do not otherwise appear at the hearing and do not submit statements to the court, may issue the warrant in accordance with subsection 9.

7. If the court determines that exigent circumstances exist in relation to the issuance of the warrant, including, without limitation, that the child is in imminent danger of being removed from this State or in imminent danger of serious physical harm, the court may issue the warrant ~~[described in subsection 6]~~ after an ex parte hearing. If the court issues the warrant after an ex parte hearing : ~~[, the court:]~~

(a) ~~[Shall]~~ The court shall afford the ~~[party]~~ custodial parent, the person alleged to have committed the act of abduction and, if different, the

person alleged to have possession of the child an opportunity to be heard at the earliest possible time after the warrant is executed, but not later than [the next judicial day] 48 hours after the warrant is executed unless a hearing [on that date] within that period is impossible. If a hearing [on the next judicial day] within that period is impossible, the court shall hold the hearing on the first judicial day possible.

(b) [Shall provide, or cause the petitioner to provide,] The Children's Advocate or his or her designee shall provide notice of the hearing to be held pursuant to paragraph (a) to the custodial parent, the [party] person alleged to have committed the act of abduction and [all other interested parties.] , if different, the person alleged to have possession of the child.

[5. If the court determines that no exigent circumstances exist in relation to the issuance of the warrant, the court:

(a) Shall hold a hearing before it issues the warrant described in subsection 6;

(b) Shall provide, or cause the petitioner to provide, notice of the hearing to all interested parties;

(c) If the party alleged to have committed the act of abduction is present at the hearing, may order the party to return the child in accordance with the placement of the child pursuant to subsection 7 and may issue the warrant described in subsection 6; and

(d) If the party alleged to have committed the act of abduction received notice but is not present at the hearing, may issue the warrant described in subsection 6.

6.] 8. The custodial parent of the child, the person alleged to have committed the act of abduction and, if different, the person alleged to have possession of the child may:

(a) Appear at a hearing held pursuant to subsection 6 or 7 in person, by telephone or by video; and

(b) Submit written statements to the court electronically or by other means.

9. If, after a hearing held pursuant to subsection 6 or 7, as applicable, the court:

(a) Determines that there is probable cause to believe that an act of abduction has been committed against the child and that the act of abduction was not committed for the protection of the child or the person who allegedly abducted the child as described in subsection 1, the court may issue a warrant to take physical custody of the child; or

(b) Finds by a preponderance of the evidence that the act of abduction of the child was committed for the protection of the child or the person who allegedly abducted the child as described in subsection 1, the court shall:

(1) Assume temporary emergency jurisdiction of the matter and shall enter a temporary emergency order for the custody of the child which is in the best interest of the child and which is sufficient to protect the safety and welfare of all interested persons; and

(2) Provide in the order a period of time which the court considers adequate and within which the person seeking the emergency order may obtain an initial or modified child custody determination regarding the child from a court that has jurisdiction to enter such an order.

10. A warrant issued by the court pursuant to this section:

(a) Must set forth findings of fact that establish probable cause for believing that an act of abduction occurred and that the act of abduction was ~~[without just cause;]~~ not committed for the protection of the child or the person who allegedly abducted the child as described in subsection 1;

(b) Must direct law enforcement officers to take physical custody of the child and deliver the child in accordance with the determination of the court regarding the placement of the child ; ~~[pursuant to subsection 7;]~~

(c) Must specify the property that may be searched and the child ~~[that]~~ who may be seized pursuant to the warrant;

(d) ~~[May]~~ Must authorize law enforcement officers to enter private property as described in paragraph (c) to take physical custody of the child; ~~[and]~~

(e) Must order that the child be returned to his or her legal custodian unless such placement is not in the best interest of the child; and

(f) Is enforceable throughout this State.

~~[7. Based on the statements in the petition and the testimony provided at any hearing held by the court, the court shall provide for the placement of the child pending final relief.~~

~~8.]~~ 11. As soon as reasonably practicable but not later than 24 hours after ~~[executing]~~ a law enforcement officer executes a warrant issued pursuant to this section, the ~~[law enforcement officer who or the law enforcement agency which executed the warrant]~~ Children's Advocate or his or her designee shall inform the court of the execution of the warrant.

~~[~~ ~~9. After the hearing required by subsection 4 or 5 to afford all interested parties an opportunity to be heard, the court shall enter an order for temporary or permanent custody of the child.~~

~~10. If the court finds, after a hearing, that a petitioner sought a warrant pursuant to this section for the purpose of harassment or in bad faith, the court may:~~

~~(a) Award the other party reasonable attorney's fees, costs and expenses; and~~

~~(b) Impose a civil penalty of not more than $1,000 on the petitioner.~~

~~11. The remedies available pursuant to this section are in addition to the remedies available pursuant to any other applicable provision of law, including, without limitation, NRS 125.470.]~~

12. As used in this section:

(a) "Abduction" means the commission of an act described in NRS 200.310 to 200.340, inclusive, or 200.359.

(b) "Abuse or neglect of a child" has the meaning ascribed to it in NRS 432B.020.

(c) "Child custody determination" means a judgment, decree or other order of a court providing for the legal custody, physical custody or visitation with respect to a child. The term includes a permanent, temporary, initial and modification order.

(d) "Court" means a court of this state authorized to establish, enforce or modify a child custody determination.

(e) "Domestic violence" means the commission of any act described in NRS 33.018.

Sec. 2.5. **NRS 432.150 is hereby amended to read as follows:**

432.150 As used in NRS 432.150 to 432.220, inclusive, ***and section 2 of this act,*** unless the context otherwise requires:

1. "Clearinghouse" means the program established by the Attorney General pursuant to NRS 432.170.

2. "Director" means the Director of the Clearinghouse.

3. "Exploited child" means a person under the age of 18 years who has been:

(a) Used in the production of pornography in violation of the provisions of NRS 200.710;

(b) Subjected to sexual exploitation as defined in NRS 432B.110; or

(c) Employed or exhibited in any injurious, immoral or dangerous business or occupation in violation of the provisions of NRS 609.210.

4. "Missing child" means a person under the age of 18 years who has run away or is otherwise missing from the lawful care, custody and control of a parent or guardian.

Sec. 3. (Deleted by amendment.)

Sec. 4. This act becomes effective on July 1, 2011.

Assemblyman Ohrenschall moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, reengrossed, and to third reading.

Senate Bill No. 92.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 593.

SUMMARY— ~~[Authorizes redevelopment agencies to expend money to improve schools.]~~ **Makes various changes relating to development.** (BDR 22-579)

AN ACT relating to ~~[community redevelopment;]~~ **development; revising provisions relating to the preservation of historic neighborhoods in certain regional plans;** authorizing redevelopment agencies to expend money, subject to certain limitations, to improve ~~[schools]~~ **educational facilities** located within certain cities or counties; requiring redevelopment agencies to file reports with their respective governing bodies and the Director of the Legislative Counsel Bureau; **requiring certain**

redevelopment agencies to set aside certain revenue from property taxes for an additional purpose; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1 of this bill removes the specific requirement of addressing the preservation of historic neighborhoods in the regional plan of a county whose population is 100,000 or more but less than 400,000 (currently Washoe County).

Section 2 of this bill requires a redevelopment agency to submit, upon adoption of a redevelopment plan for a redevelopment area, an initial report containing certain specified information regarding each redevelopment area to the legislative body of the community and to the Nevada Legislature. Each agency is also required to submit an annual report containing information for the redevelopment area for the previous fiscal year, including with respect to areas in existence on July 1, 2011. Section 7 of this bill provides for the submission of an initial report for each redevelopment area for which a redevelopment plan has been adopted before July 1, 2011.

Existing law authorizes the legislative body of a community, having recognized the need for a redevelopment agency to function in the community, to establish a redevelopment revolving fund. (NRS 279.386, 279.392, 279.396, 279.410, 279.620) Existing law also specifies the manner in which, and the permissible purposes for which, money may be expended from the redevelopment revolving fund. (NRS 279.628) ~~[This]~~ **Section 5 of this** bill expands the permissible purposes for which money may be expended from a redevelopment revolving fund to include use by a redevelopment agency for the improvement, with certain limitations, of ~~[schools]~~ **educational facilities** in a city or county with a redevelopment area within its boundaries.

Section 6 of this bill requires the redevelopment agency of a city whose population is 300,000 or more (currently the City of Las Vegas) that receives certain revenue from taxes to set aside a portion of those revenues received on or after October 1, 2011, to be used to increase, improve and preserve, in addition to the number of dwelling units in the community for low-income households, the number of educational facilities within the redevelopment area.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. **NRS 278.0274 is hereby amended to read as follows:**

278.0274 The comprehensive regional plan must include goals, policies, maps and other documents relating to:

1. Population, including a projection of population growth in the region and the resources that will be necessary to support that population.

2. Conservation, including policies relating to the use and protection of air, land, water and other natural resources, ambient air quality, natural recharge areas, floodplains and wetlands, and a map showing the areas that are best suited for development based on those policies.

3. The limitation of the premature expansion of development into undeveloped areas, preservation of neighborhoods [, including, without limitation, historic neighborhoods,] and revitalization of urban areas, including, without limitation, policies that relate to the interspersion of new housing and businesses in established neighborhoods and set forth principles by which growth will be directed to older urban areas.

4. Land use and transportation, including the classification of future land uses by density or intensity of development based upon the projected necessity and availability of public facilities, including, without limitation, schools, and services and natural resources, and the compatibility of development in one area with that of other areas in the region. This portion of the plan must:

(a) Address, if applicable:

(1) Mixed-use development, transit-oriented development, master-planned communities and gaming enterprise districts; and

(2) The coordination and compatibility of land uses with each military installation in the region, taking into account the location, purpose and stated mission of the military installation;

(b) Allow for a variety of uses;

(c) Describe the transportation facilities that will be necessary to satisfy the requirements created by those future uses; and

(d) Be based upon the policies and map relating to conservation that are developed pursuant to subsection 2, surveys, studies and data relating to the area, the amount of land required to accommodate planned growth, the population of the area projected pursuant to subsection 1, and the characteristics of undeveloped land in the area.

5. Public facilities and services, including provisions relating to sanitary sewer facilities, solid waste, flood control, potable water and groundwater aquifer recharge which are correlated with principles and guidelines for future land uses, and which specify ways to satisfy the requirements created by those future uses. This portion of the plan must:

(a) Describe the problems and needs of the area relating to public facilities and services and the general facilities that will be required for their solution and satisfaction;

(b) Identify the providers of public services within the region and the area within which each must serve, including service territories set by the Public Utilities Commission of Nevada for public utilities;

(c) Establish the time within which those public facilities and services necessary to support the development relating to land use and transportation must be made available to satisfy the requirements created by that development; and

(d) Contain a summary prepared by the regional planning commission regarding the plans for capital improvements that:

(1) Are required to be prepared by each local government in the region pursuant to NRS 278.0226; and

(2) May be prepared by the water planning commission of the county, the regional transportation commission and the county school district.

6. Annexation, including the identification of spheres of influence for each unit of local government, improvement district or other service district and specifying standards and policies for changing the boundaries of a sphere of influence and procedures for the review of development within each sphere of influence. As used in this subsection, "sphere of influence" means an area into which a political subdivision may expand in the foreseeable future.

7. Intergovernmental coordination, including the establishment of guidelines for determining whether local master plans and facilities plans conform with the comprehensive regional plan.

8. Any utility project required to be reported pursuant to NRS 278.145.

[~~Section 1.~~**]** ***Sec. 2.*** Chapter 279 of NRS is hereby amended by adding thereto a new section to read as follows:

1. In addition to the report required pursuant to the provisions of subsection 2, ~~*[and subject to the provisions of subsection 3,]*~~ ***for each redevelopment area for which a redevelopment plan is adopted pursuant to the provisions of NRS 279.586*** ***on or*** ***after*** ~~*[the effective date of this act,]*~~ ***July 1, 2011, the agency shall, on or before the January 1 next after the adoption of the plan,*** ~~*[the agency shall]*~~ ***submit to the Director of the Legislative Counsel Bureau, for transmittal to the Legislature, and to the legislative body a report on a form prescribed by the Committee on Local Government Finance that includes, without limitation, the following information for the redevelopment area:***

(a) A legal description of the boundaries of the redevelopment area;

(b) The date on which the redevelopment plan for the redevelopment area was adopted;

(c) The scheduled termination date of the redevelopment plan;

(d) The total sum of the assessed value of the taxable property in the redevelopment area for:

(1) The fiscal year immediately preceding the adoption of the redevelopment plan; and

(2) The fiscal year during which the redevelopment plan was adopted, if such fiscal year ends before the reporting deadline;

(e) The combined overlapping tax rate of the redevelopment area;

(f) The property tax rate of the redevelopment area;

(g) The property tax revenue expected to be received from any tax increment area, as defined in NRS 278C.130, within the redevelopment area during the first fiscal year that the agency will receive an allocation pursuant to the provisions of NRS 279.676;

(h) Copies of any memoranda of understanding into which the agency enters during the fiscal year in which the redevelopment plan was adopted; and

(i) The amortization schedule for any debt incurred for the redevelopment area and the reasons for incurring the debt.

2. On or before January 1 of each year, for each redevelopment area for which a redevelopment plan has been adopted pursuant to the provisions of NRS 279.586, the agency shall submit to the Director of the Legislative Counsel Bureau, for transmittal to the Legislature, and to the legislative body a report on a form prescribed by the Committee on Local Government Finance that includes, without limitation, the following information for the redevelopment area for the previous fiscal year:

(a) The property tax revenue received from any tax increment area, as defined in NRS 278C.130, within the redevelopment area;

(b) The combined overlapping tax rate of the redevelopment area;

(c) The property tax rate of the redevelopment area;

(d) The total sum of the assessed value of the taxable property in the redevelopment area;

(e) If the amount reported pursuant to the provisions of paragraph (d) is less than the total sum of the assessed value of the taxable property in the redevelopment area for any other previous fiscal year, an explanation of the reason for the difference;

(f) Copies of any memoranda of understanding into which the agency enters;

(g) The amortization schedule for any debt incurred for the redevelopment area and the reasons for incurring the debt; and

(h) Any change to the boundary of the redevelopment area and an explanation of the reason for the change.

3. Any report for a redevelopment area submitted pursuant to the provisions of subsection 1 must be submitted with the report for the redevelopment area submitted pursuant to the provisions of subsection 2.

~~[Sec. 2.]~~ ***Sec. 3.*** NRS 279.382 is hereby amended to read as follows:

279.382 The provisions contained in NRS 279.382 to 279.685, inclusive, ***and section*** ~~*[1]*~~ ***2 of this act*** may be cited as the Community Redevelopment Law.

~~[Sec. 3.]~~ ***Sec. 4.*** NRS 279.384 is hereby amended to read as follows:

279.384 As used in NRS 279.382 to 279.685, inclusive, ***and section*** ~~*[1]*~~ ***2 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 279.386 to 279.414, inclusive, have the meanings ascribed to them in those sections.

~~[Sec. 4.]~~ ***Sec. 5.*** NRS 279.628 is hereby amended to read as follows:

279.628 1. By resolution of the legislative body adopted by a majority vote any money in the redevelopment revolving fund may be expended from time to time for:

(a) The acquisition of real property in any redevelopment area.

(b) The clearance, aiding in relocation of occupants of the site and preparation of any redevelopment area for redevelopment.

2. By resolution of the legislative body adopted by a two-thirds vote, any money in the redevelopment revolving fund may be paid to the agency, upon such terms and conditions as the legislative body may prescribe for any of the following purposes:

(a) Deposit in a trust fund to be expended for the acquisition of real property in any redevelopment area.

(b) The clearance of any redevelopment area for redevelopment.

(c) Any expenses necessary or incidental to the carrying out of a redevelopment plan which has been adopted by the legislative body.

(d) ~~*[Subject to the provisions of subsection 3, to be used by the agency for]*~~ ***For the provision of grants to pay the costs related to the improvement of*** ~~*[schools]*~~ ***educational facilities in the community*** ~~*[.*~~

~~*3. Money paid to the agency pursuant to paragraph (d) of subsection 2 may only be in the form of grants and may not be used]*~~ ***, except for the cost of any regular expenses of*** ~~*[a school.]*~~ ***such an educational facility.***

Sec. 6. **NRS 279.685 is hereby amended to read as follows:**

279.685 1. Except as otherwise provided in this section, an agency of a city whose population is 300,000 or more that receives revenue from taxes pursuant to paragraph (b) of subsection 1 of NRS 279.676 shall set aside not less than ~~[15]~~ ***:***

(a) Fifteen percent of that revenue received on or before October 1, 1999, and 18 percent of that revenue received after October 1, 1999, ***but before October 1, 2011,*** to increase, improve and preserve the number of dwelling units in the community for low-income households ~~[.]~~ ***; and***

(b) Eighteen percent of that revenue received on or after October 1, 2011, to increase, improve and preserve the number of:

(1) Dwelling units in the community for low-income households; and

(2) Educational facilities within the redevelopment area.

2. The obligation of an agency to set aside not less than 15 percent of the revenue from taxes allocated to and received by the agency pursuant to paragraph (b) of subsection 1 of NRS 279.676 is subordinate to any existing obligations of the agency. As used in this subsection, "existing obligations" means the principal and interest, when due, on any bonds, notes or other indebtedness whether funded, refunded, assumed or otherwise incurred by the agency before July 1, 1993, to finance or refinance in whole or in part, the redevelopment of a redevelopment area. For the purposes of this subsection, obligations incurred by an agency after July 1, 1993, shall be deemed existing obligations if the net proceeds are used to refinance existing obligations of the agency.

3. The obligation of an agency to set aside an additional 3 percent of the revenue from taxes allocated to and received by the agency pursuant to paragraph (b) of subsection 1 of NRS 279.676 is subordinate to any existing obligations of the agency. As used in this subsection, "existing obligations"

means the principal and interest, when due, on any bonds, notes or other indebtedness whether funded, refunded, assumed or otherwise incurred by the agency before October 1, 1999, to finance or refinance in whole or in part, the redevelopment of a redevelopment area. For the purposes of this subsection, obligations incurred by an agency after October 1, 1999, shall be deemed existing obligations if the net proceeds are used to refinance existing obligations of the agency.

4. ~~[The]~~ ***From the revenue set aside by an agency pursuant to paragraph (b) of subsection 1, not more than 50 percent of that amount may be used to:***

(a) Increase, improve and preserve the number of dwelling units in the community for low-income households; or

(b) Increase, improve and preserve the number of educational facilities within the redevelopment area,

➥ unless the agency establishes that such an amount is insufficient to pay the cost of a project identified in the redevelopment plan for the redevelopment area.

5. Except as otherwise provided in paragraph (b) of subsection 1 and subsection 4, the agency may expend or otherwise commit money for the purposes of subsection 1 outside the boundaries of the redevelopment area.

~~[Sec. 5.]~~ ***Sec. 7.*** 1. On or before January 1, 2012, for each redevelopment area for which a redevelopment plan has been adopted pursuant to the provisions of NRS 279.586 ~~[,]~~ **before July 1, 2011,** the agency shall submit to the Director of the Legislative Counsel Bureau, for transmittal to the Legislature and to the legislative body a report on a form prescribed by the Committee on Local Government Finance that includes, without limitation, the following information for the redevelopment area:

(a) A legal description of the boundaries of the redevelopment area;

(b) The date on which the redevelopment plan for the redevelopment area was adopted;

(c) The scheduled termination date of the redevelopment plan;

(d) The total sum of the assessed value of the taxable property in the redevelopment area for:

(1) The fiscal year immediately preceding the adoption of the redevelopment plan;

(2) The fiscal year during which the redevelopment plan was adopted;

(3) The combined overlapping tax rate of the redevelopment area;

(4) The property tax rate of the redevelopment area;

(5) The property tax revenue received from any tax increment area, as defined in NRS 278C.130, within the redevelopment area for the fiscal year ending June 30, 2011;

(6) Copies of any memoranda of understanding into which the agency enters during the fiscal year ending June 30, 2011; and

(7) The amortization schedule for any debt incurred for the redevelopment area and the reasons for incurring the debt.

2. As used in this section:

(a) "Agency" has the meaning ascribed to it in NRS 279.386.

(b) "Legislative body" has the meaning ascribed to it in NRS 279.396.

(c) "Redevelopment area" has the meaning ascribed to it in NRS 279.410.

~~[Sec. 6.]~~ ***Sec. 8.*** This act becomes effective ~~[upon passage and approval.]~~ **on July 1, 2011.**

Assemblywoman Kirkpatrick moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Senate Bill No. 151.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 648.

AN ACT relating to transportation; requiring certain governmental entities in certain counties to develop a plan for a regional rapid transit system; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill requires the regional transportation commission in any county whose population is 700,000 or more (currently Clark County) to establish a regional rapid transit authority. The authority is required to analyze various considerations concerning the development of a regional rapid transit system, to develop a plan for such a system and to report to the appropriate committees of the Legislature the progress made on such analyses and plan development.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. (Deleted by amendment.)

Sec. 2. (Deleted by amendment.)

Sec. 3. (Deleted by amendment.)

Sec. 4. Chapter 277A of NRS is hereby amended by adding thereto a new section to read as follows:

1. In a county whose population is 700,000 or more, the commission shall establish a regional rapid transit authority. The membership of the regional rapid transit authority must consist of:

(a) The general manager of the commission, who shall act as chair of the authority;

(b) One member appointed by the board of county commissioners;

(c) Three members, one from each of the three largest cities within the county, who are appointed by the respective governing bodies of each city;

(d) One member selected by the association of gaming establishments whose membership collectively paid the most gaming license fees to the State pursuant to NRS 463.370 in the county in the preceding year;

(e) One member who is selected by the economic development authority in the county;

(f) One member selected by the Department of Transportation; and

(g) One member who has expertise in urban planning and design or architecture selected by the Nevada Arts Council.

2. The regional rapid transit authority shall develop a plan for the establishment of a regional rapid transit system:

(a) In cooperation with economic development, engineering, planning, [and] tourism and utility interests in the county; and

(b) With the goal of quantifying the implications of introducing an exclusive rapid transit system in identified corridors in the county.

3. In carrying out its duties pursuant to subsection 2, the regional rapid transit authority shall:

(a) Hold public meetings to, without limitation:

(1) Evaluate the need for and desirability of a regional rapid transit system;

(2) Assess corridor and route feasibility and desirability; and

(3) Review existing mass transit options to determine how to incorporate such options into a regional rapid transit system;

(b) Undertake an analysis of various considerations involved with introducing and implementing a regional rapid transit system in the county, including, without limitation:

(1) An assessment of the available rapid transit technologies, including, without limitation, technologies that use solar power or other renewable energy sources to minimize or eliminate the use of carbon-based fuels;

(2) An assessment of the opportunities, costs and constraints of corridor options, including, without limitation:

(I) An examination and evaluation of existing rail corridors and transit routes for inclusion in the regional rapid transit system;

(II) An evaluation of potential sites for stations and facilities for the regional rapid transit system; and

(III) Identification of locations in the county that would benefit most from proximity to a regional rapid transit system, including, without limitation, airports and existing or proposed special event venues such as stadiums and racetracks;

(3) Estimates as to capital and operating costs;

(4) An assessment of potential ridership and passenger demand;

(5) An assessment of the environmental impact;

(6) A potential project schedule; and

(7) An assessment of financing options and funding sources, including, without limitation:

(I) Processes for securing federal funding; and

(II) The potential for voter approval for bonds to support any portion of the regional rapid transit system.

4. On or before February 1 of each year, the regional rapid transit authority shall submit a written report to the Director of the Legislative Counsel Bureau for transmittal to the appropriate committee or committees of the Legislature. The report must set forth, without limitation:

(a) The activities and meetings of the authority;

(b) Any findings made by the authority regarding the analysis required by subsection 3; and

(c) The plan or current draft of the plan developed by the authority pursuant to subsection 2.

Sec. 5. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 6. This act becomes effective upon passage and approval.

Assemblywoman Bustamante Adams moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, reengrossed, and to third reading.

Senate Bill No. 204.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 744.

AN ACT relating to common-interest communities; enacting certain amendments to the Uniform Common-Interest Ownership Act; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law relating to common-interest communities is based on the Uniform Common-Interest Ownership Act (UCIOA), which was proposed by the Uniform Law Commission (ULC). (Chapter 116 of NRS) This bill enacts certain amendments to the UCIOA which have been proposed by the ULC.

Sections 2, 40 and 41 of this bill prescribe the manner in which an association must provide notice of meetings of units' owners and of the executive board and any other notice required to be given by an association other than notices relating to the foreclosure of a lien on a unit held by the association.

Section 4 of this bill authorizes the executive board or any other ~~[interested]~~ person **with an interest in the common-interest community** to commence an action in the district court for the termination of a common-interest community if: (1) substantially all the units in the common-interest community have been destroyed or are uninhabitable; and (2) the available methods for giving notice of a meeting of units' owners to consider termination are not likely to result in receipt of the notice.

Sections 5 and 6 of this bill reorganize and reenact certain provisions of existing law relating to the indemnification of members of executive boards and the provision of equal space to opposing views in official publications under certain circumstances. Additionally, **section 6** enacts provisions

providing for equal time for candidates and representatives of ballot questions on a closed-circuit television station maintained by an association.

Under existing law, the definitions applicable to laws relating to common-interest communities apply to the declarations and bylaws of associations. (NRS 116.003) **Section 7** of this bill ~~[provides]~~ **clarifies** that those definitions ~~[no longer]~~ apply to those declarations and bylaws.

Sections 8-16 of this bill change certain definitions set forth in existing law to conform to the language of the UCIOA.

Existing law provides that other principles of law, including, without limitation, the law of corporations and the law of unincorporated associations, supplement the existing law relating to common-interest communities. (NRS 116.1108) **Section 18** of this bill provides that the laws governing other forms of organization supplement the existing law relating to common-interest communities.

Sections 20-22 of this bill adopt the language of certain amendments to the UCIOA relating to the applicability of existing law governing common-interest communities. **Section 21 also requires certain associations containing not more than 12 units to provide each unit with a copy of any changes made to the governing documents within 30 days after such changes are made.**

Sections 24-31 of this bill adopt the language of certain amendments to the UCIOA relating to the creation, alteration and termination of common-interest communities. **Section 29** grants units' owners the right to use the common elements for the purposes for which they were intended rather than granting an easement to use the common elements for all purposes. **Section 30** amends provisions relating to requirements for amending the declaration of a common-interest community and to the enforcement of certain amendments. **Section 31** amends the requirements for the termination of a common-interest community.

Sections 32-51 of this bill enact certain amendments to the UCIOA which relate to the governance of common-interest communities. **Section 32** requires ~~[the]~~ **an** association **larger than 12 units** to have an executive board and allows ~~[the]~~ **an** association to be organized as any form of organization authorized by the law of this State. **Section 33** allows the executive board not to take enforcement action if it determines that: (1) the law does not support such action; (2) the violation is not so material as to be objectionable to a reasonable person or to justify expending the association's resources; or (3) it is not in the best interest of the association to pursue an enforcement action. **Section 34** provides that officers of the association and members of the executive board are subject to the conflict of interest rules which govern officers and directors of nonprofit corporations organized under the law of this State. **Section 34.5 provides that if an association seeks to impose and enforce a construction penalty, the association must provide notice of the maximum allowable penalty and schedule in the public offering statement or resale package. Section 36** authorizes a declarant to end the

period of declarant's control by giving notice to units' owners and recording an instrument stating that the declarant surrenders all rights to control activities of the association. **Section 37** amends provisions relating to the removal of members of the executive board. **Section 38** amends provisions relating to the termination of certain contracts entered into before the election of an executive board by units' owners. **Section 40** provides that the portion of a meeting of the units' owners devoted to comments by units' owners is limited to comments by units' owners regarding any matter affecting the common-interest community or the association. **Section 42** amends requirements for determining whether a quorum is present at a meeting of the executive board to provide that a majority of the votes on the executive board must be present at the time a vote is taken rather than at the beginning of the meeting. **Section 43** authorizes units' owners to vote by absentee ballot at a meeting of the units' owners. **Section 44** provides that a unit's owner is not liable, by reason of being a unit's owner, for injuries or damage arising out of the condition or use of the common elements. **Sections 45 and 59.5** of this bill require an association to obtain crime insurance and remove the requirement that a community manager post a bond. **Section 45** also requires the association to maintain property, liability and crime insurance subject to reasonable deductibles. **Section 48** amends provisions relating to common expenses caused by a unit's owner, a tenant or an invitee of a unit's owner or tenant. **Section 49** ~~[amends provisions relating to liens for certain charges imposed by an association and]~~ authorizes a court to appoint a receiver when an association brings an action to foreclose a lien or collect assessments. **Sections 51 and 60** amend provisions relating to the books and records of an association and the inspection of such books and records by units' owners.

Sections 52-58 of this bill enact certain amendments to the UCIOA which relate to the disclosures provided to purchasers of real estate located in a common-interest community and the warranties applicable to real estate located in a common-interest community. **Section 52** exempts the disposition of a unit restricted to nonresidential purposes from the requirement to provide a public offering statement or certificate of resale. **Section 53** amends the information required to be included in the public offering statement provided to an initial purchaser of a unit.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 116 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 6, inclusive, of this act.

Sec. 2. ***1. Except as otherwise provided in subsection 3, an association shall deliver any notice required to be given by the association under this chapter to any mailing or electronic mail address a unit's owner designates. Except as otherwise provided in subsection 3, if a unit's owner has not designated a mailing or electronic mail address to which a notice must be delivered, the association may deliver notices by:***

(a) Hand delivery to each unit's owner;

(b) Hand delivery, United States mail, postage paid, or commercially reasonable delivery service to the mailing address of each unit;

(c) Electronic means, if the unit's owner has given the association an electronic mail address; or

(d) Any other method reasonably calculated to provide notice to the unit's owner.

2. The ineffectiveness of a good faith effort to deliver notice by an authorized means does not invalidate action taken at or without a meeting.

3. The provisions of this section do not apply:

(a) To a notice required to be given pursuant to NRS 116.3116 to 116.31168, inclusive; or

(b) If any other provision of this chapter specifies the manner in which a notice must be given by an association.

Sec. 3. *This chapter modifies, limits and supersedes the federal Electronic Signatures in Global and National Commerce Act, 15 U.S.C. §§ 7001 et seq., but does not modify, limit or supersede Section 101(c) of that Act, 15 U.S.C. § 7001(c), or authorize electronic delivery of any of the notices described in Section 103(b) of that Act, 15 U.S.C. § 7003(b).*

Sec. 4. *If substantially all the units in a common-interest community have been destroyed or are uninhabitable and the available methods for giving notice under NRS 116.3108 of a meeting of units' owners to consider termination under NRS 116.2118 will not likely result in receipt of the notice, the executive board or any other ~~[interested]~~ person holding an interest in the common-interest community may commence an action in the district court of the county in which the common-interest community is located seeking to terminate the common-interest community. During the pendency of the action, the court may issue whatever orders it considers appropriate, including, without limitation, an order for the appointment of a receiver. After a hearing, the court may terminate the common-interest community or reduce its size and may issue any other order the court considers to be in the best interest of the units' owners and persons holding an interest in the common-interest community.*

Sec. 5. *If a member of an executive board is named as a respondent or sued for liability for actions undertaken in his or her role as a member of the board, the association shall indemnify the member for his or her losses or claims, and undertake all costs of defense, unless it is proven that the member acted with willful or wanton misfeasance or with gross negligence. After such proof, the association is no longer liable for the cost of defense, and may recover costs already expended from the member of the executive board who so acted.*

Sec. 6. *1. If an official publication contains any mention of a candidate or ballot question, the official publication must, upon request and under the same terms and conditions, provide equal space to all*

candidates or to a representative of an organization which supports the passage or defeat of the ballot question.

2. If an official publication contains the views or opinions of the association, the executive board, a community manager or an officer, employee or agent of an association concerning an issue of official interest, the official publication must, upon request and under the same terms and conditions, provide equal space to opposing views and opinions of a unit's owner of the common-interest community.

3. If an association has a closed-circuit television station and that station interviews, or provides time to, a candidate or a representative of an organization which supports the passage or defeat of a ballot question, the closed-circuit television station must, under the same terms and conditions, allow equal time for all candidates or a representative of an opposing view to the ballot question.

4. The association and its officers, employees and agents are immune from criminal or civil liability for any act or omission which arises out of the publication or disclosure of any information related to any person and which occurs in the course of carrying out any duties required pursuant to subsection 1, 2 or 3.

5. As used in this section:

(a) "Issue of official interest" means:

(1) Any issue on which the executive board or the units' owners will be voting, including, without limitation, elections; and

(2) The enactment or adoption of rules or regulations that will affect the common-interest community.

(b) "Official publication" means:

(1) An official website;

(2) An official newsletter or other similar publication that is circulated to each unit's owner; or

(3) An official bulletin board that is available to each unit's owner.

Sec. 7. NRS 116.003 is hereby amended to read as follows:

116.003 As used in this chapter ~~[,]~~ and in the declaration and bylaws of an association, ~~[unless the context otherwise requires,]~~ the words and terms defined in NRS 116.005 to 116.095, inclusive, have the meanings ascribed to them in those sections.

Sec. 8. NRS 116.007 is hereby amended to read as follows:

116.007 ~~[1.]~~ "Affiliate of a declarant" means any person who controls, is controlled by or is under common control with a declarant.

~~[2.]~~ ***For purposes of this section:***

1. A person ~~["controls"]~~ ***controls*** a declarant if the person:

(a) Is a general partner, officer, director or employer of the declarant;

(b) Directly or indirectly or acting in concert with one or more other persons, or through one or more subsidiaries, owns, controls, holds with power to vote or holds proxies representing, more than 20 percent of the voting interest in the declarant;

(c) Controls in any manner the election of a majority of the directors of the declarant; or

(d) Has contributed more than 20 percent of the capital of the declarant.

~~[3.]~~ ***2.*** A person ~~["is]~~ ***is*** controlled ~~[by"]~~ ***by*** a declarant if the declarant:

(a) Is a general partner, officer, director or employer of the person;

(b) Directly or indirectly or acting in concert with one or more other persons, or through one or more subsidiaries, owns, controls, holds with power to vote or holds proxies representing, more than 20 percent of the voting interest in the person;

(c) Controls in any manner the election of a majority of the directors of the person; or

(d) Has contributed more than 20 percent of the capital of the person.

~~[4.]~~ ***3.*** Control does not exist if the powers described in this section are held solely as security for an obligation and are not exercised.

Sec. 9. NRS 116.009 is hereby amended to read as follows:

116.009 "Allocated interests" means the following interests allocated to each unit:

1. In a condominium, the undivided interest in the common elements, the liability for common expenses, and votes in the association;

2. In a cooperative, the liability for common expenses ***,*** ~~[and]~~ the ownership ***interest*** and votes in the association; and

3. In a planned community, the liability for common expenses and votes in the association.

Sec. 10. NRS 116.017 is hereby amended to read as follows:

116.017 "Common elements" means:

1. In ~~[a]~~ ***the case of:***

(a) A condominium or cooperative, all portions of the common-interest community other than the units, including easements in favor of units or the common elements over other units ***.*** ~~[; and~~

~~2. In a]~~

(b) A planned community, any real estate within ~~[the]~~ ***a*** planned community ***which is*** owned or leased by the association, other than a unit.

2. In all common-interest communities, any other interests in real estate for the benefit of units' owners which are subject to the declaration.

Sec. 11. NRS 116.035 is hereby amended to read as follows:

116.035 "Declarant" means any person or group of persons acting in concert who:

1. As part of a common promotional plan, offers to dispose of ~~[his or her or its]~~ ***the*** interest ***of the person or group of persons*** in a unit not previously disposed of; or

2. Reserves or succeeds to any special declarant's right.

Sec. 12. NRS 116.045 is hereby amended to read as follows:

116.045 "Executive board" means the body, regardless of name, designated in the declaration ***or bylaws*** to act on behalf of the association.

Sec. 13. NRS 116.079 is hereby amended to read as follows:

116.079 "Purchaser" means a person, other than a declarant or a dealer, who by means of a voluntary transfer acquires a legal or equitable interest in a unit other than ~~[(a)]~~ ***:***

1. ***A*** leasehold interest, including options to renew, of less than 20 years ~~[, or as]~~ ***; or***

2. ***As*** security for an obligation.

Sec. 14. NRS 116.081 is hereby amended to read as follows:

116.081 "Real estate" means any leasehold or other estate or interest in, over or under land, including structures, fixtures and other improvements and interests that by custom, usage or law pass with a conveyance of land though not described in the contract of sale or instrument of conveyance. ~~["Real estate"]~~ ***The term*** includes parcels with or without upper or lower boundaries and spaces that may be filled with air or water.

Sec. 15. NRS 116.089 is hereby amended to read as follows:

116.089 "Special declarant's rights" means rights reserved for the benefit of a declarant to:

1. Complete improvements indicated on plats or in the declaration ~~[(NRS 116.2109)]~~ or, in a cooperative, to complete improvements described in the public offering statement pursuant to ***paragraph (b) of*** subsection ~~[2]~~ ***1*** of NRS 116.4103;

2. Exercise any developmental right ***;*** ~~[(NRS 116.211);]~~

3. Maintain sales offices, management offices, signs advertising the common-interest community and models ***;*** ~~[(NRS 116.2115);]~~

4. Use easements through the common elements for the purpose of making improvements within the common-interest community or within real estate which may be added to the common-interest community ***;*** ~~[(NRS 116.2116);]~~

5. Make the common-interest community subject to a master association ***;*** ~~[(NRS 116.212);]~~

6. Merge or consolidate a common-interest community with another common-interest community of the same form of ownership ***;*** ~~[(NRS 116.2121);]~~ or

7. Appoint or remove any officer of the association or any master association or any member of an executive board during any period of declarant's control ***.*** ~~[(NRS 116.31032).]~~

Sec. 16. NRS 116.095 is hereby amended to read as follows:

116.095 "Unit's owner" means a declarant or other person who owns a unit, or a lessee of a unit in a leasehold common-interest community whose lease expires simultaneously with any lease the expiration or termination of which will remove the unit from the common-interest community, but does not include a person having an interest in a unit solely as security for an obligation. In a condominium or planned community, the declarant is the owner of any unit created by the declaration until that unit is conveyed to another person. In a cooperative, the declarant is treated as the owner of any

unit to which allocated interests have been allocated ~~[~~(NRS 116.2107)~~]~~ until that unit has been conveyed to another person.

Sec. 17. NRS 116.1104 is hereby amended to read as follows:

116.1104 Except as expressly provided in this chapter, its provisions may not be varied by agreement, and rights conferred by it may not be waived. ~~[~~A~~]~~ ***Except as otherwise provided in paragraph (b) of subsection 2 of NRS 116.12075, a*** declarant may not act under a power of attorney, or use any other device, to evade the limitations or prohibitions of this chapter or the declaration.

Sec. 18. NRS 116.1108 is hereby amended to read as follows:

116.1108 The principles of law and equity, including the law of corporations ~~[~~,~~]~~ ***and any other form of organization authorized by law of this State,*** the law of unincorporated associations, the law of real property, and the law relative to capacity to contract, principal and agent, eminent domain, estoppel, fraud, misrepresentation, duress, coercion, mistake, receivership, substantial performance, or other validating or invalidating cause supplement the provisions of this chapter, except to the extent inconsistent with this chapter.

Sec. 19. NRS 116.1114 is hereby amended to read as follows:

116.1114 ~~[~~1.~~]~~ The remedies provided by this chapter must be liberally administered to the end that the aggrieved party is put in as good a position as if the other party had fully performed. Consequential, special or punitive damages may not be awarded except as specifically provided in this chapter or by other rule of law.

~~[~~2. Any right or obligation declared by this chapter is enforceable by judicial proceeding.~~]~~

Sec. 20. NRS 116.1201 is hereby amended to read as follows:

116.1201 1. Except as otherwise provided in this section and NRS 116.1203, this chapter applies to all common-interest communities created within this State.

2. This chapter does not apply to:

(a) A limited-purpose association, except that a limited-purpose association:

(1) Shall pay the fees required pursuant to NRS 116.31155, except that if the limited-purpose association is created for a rural agricultural residential common-interest community, the limited-purpose association is not required to pay the fee unless the association intends to use the services of the Ombudsman;

(2) Shall register with the Ombudsman pursuant to NRS 116.31158;

(3) Shall comply with the provisions of:

(I) NRS 116.31038;

(II) NRS 116.31083 and 116.31152, unless the limited-purpose association is created for a rural agricultural residential common-interest community;

(III) NRS 116.31073, if the limited-purpose association is created for maintaining the landscape of the common elements of the common-interest community; and

(IV) NRS 116.31075, if the limited-purpose association is created for a rural agricultural residential common-interest community;

(4) Shall comply with the provisions of NRS 116.4101 to 116.412, inclusive, as required by the regulations adopted by the Commission pursuant to paragraph (b) of subsection 5; and

(5) Shall not enforce any restrictions concerning the use of units by the units' owners, unless the limited-purpose association is created for a rural agricultural residential common-interest community.

(b) A planned community in which all units are restricted exclusively to nonresidential use unless the declaration provides that this chapter or a part of this chapter does apply to that planned community pursuant to NRS 116.12075. This chapter applies to a planned community containing both units that are restricted exclusively to nonresidential use and other units that are not so restricted only if the declaration so provides or if the real estate comprising the units that may be used for residential purposes would be a planned community in the absence of the units that may not be used for residential purposes.

(c) Common-interest communities or units located outside of this State, but ~~[~~the provisions of~~]~~ NRS 116.4102 ~~[~~to 116.4108,~~]~~ ***and 116.4103, and, to the extent applicable, NRS 116.41035 to 116.4107,*** inclusive, apply to ~~[~~all contracts~~]~~ ***a contract*** for the disposition ~~[~~thereof~~]~~ ***of a unit in that common-interest community*** signed in this State by any party unless exempt under subsection 2 of NRS 116.4101.

(d) A common-interest community that was created before January 1, 1992, is located in a county whose population is less than 50,000, and has less than 50 percent of the units within the community put to residential use, unless a majority of the units' owners otherwise elect in writing.

(e) Except as otherwise provided in this chapter, time shares governed by the provisions of chapter 119A of NRS.

3. The provisions of this chapter do not:

(a) Prohibit a common-interest community created before January 1, 1992, from providing for separate classes of voting for the units' owners;

(b) Require a common-interest community created before January 1, 1992, to comply with the provisions of NRS 116.2101 to 116.2122, inclusive;

(c) Invalidate any assessments that were imposed on or before October 1, 1999, by a common-interest community created before January 1, 1992;

(d) Except as otherwise provided in subsection 8 of NRS 116.31105, prohibit a common-interest community created before January 1, 1992, or a common-interest community described in NRS 116.31105 from providing for a representative form of government, except that, in the election or removal of a member of the executive board, the voting rights of the units' owners may not be exercised by delegates or representatives;

(e) Prohibit a master association which governs a time-share plan created pursuant to chapter 119A of NRS from providing for a representative form of government for the time-share plan; or

(f) Prohibit a master association which governs a planned community containing both units that are restricted exclusively to nonresidential use and other units that are not so restricted and which is exempt from the provisions of this chapter pursuant to paragraph (b) of subsection 2 from providing for a representative form of government.

4. The provisions of chapters 117 and 278A of NRS do not apply to common-interest communities.

5. The Commission shall establish, by regulation:

(a) The criteria for determining whether an association, a limited-purpose association or a common-interest community satisfies the requirements for an exemption or limited exemption from any provision of this chapter; and

(b) The extent to which a limited-purpose association must comply with the provisions of NRS 116.4101 to 116.412, inclusive.

6. As used in this section, "limited-purpose association" means an association that:

(a) Is created for the limited purpose of maintaining:

(1) The landscape of the common elements of a common-interest community;

(2) Facilities for flood control; or

(3) A rural agricultural residential common-interest community; and

(b) Is not authorized by its governing documents to enforce any restrictions concerning the use of units by units' owners, unless the limited-purpose association is created for a rural agricultural residential common-interest community.

Sec. 21. NRS 116.1203 is hereby amended to read as follows:

116.1203 1. Except as otherwise provided in ~~[subsection 2,]~~ ***subsections 2 and 3,*** if a planned community contains no more than 12 units and is not subject to any developmental rights, it is subject only to NRS 116.1106 and 116.1107 unless the declaration provides that this entire chapter is applicable.

2. ***The provisions of NRS 116.12065 and the definitions set forth in NRS 116.005 to 116.095, inclusive, to the extent that the definitions are necessary to construe any of those provisions, apply to a residential planned community containing more than 6 units.***

3. Except for NRS 116.3104, 116.31043, 116.31046 and 116.31138, the provisions of NRS 116.3101 to 116.350, inclusive, ***and sections 5 and 6 of this act*** and the definitions set forth in NRS 116.005 to 116.095, inclusive, to the extent that such definitions are necessary in construing any of those provisions, apply to a residential planned community containing more than ~~[six]~~ ***6*** units.

Sec. 22. NRS 116.1206 is hereby amended to read as follows:

116.1206 1. Any provision contained in a declaration, bylaw or other governing document of a common-interest community that violates the provisions of this chapter:

(a) Shall be deemed to conform with those provisions by operation of law, and any such declaration, bylaw or other governing document is not required to be amended to conform to those provisions.

(b) Is superseded by the provisions of this chapter, regardless of whether the provision contained in the declaration, bylaw or other governing document became effective before the enactment of the provision of this chapter that is being violated.

2. In the case of amendments to the declaration, bylaws or plats of any common-interest community created before January 1, 1992:

(a) If the result accomplished by the amendment was permitted by law before January 1, 1992, the amendment may be made either in accordance with that law, in which case that law applies to that amendment, or it may be made under this chapter; and

(b) If the result accomplished by the amendment is permitted by this chapter, and was not permitted by law before January 1, 1992, the amendment may be made under this chapter.

3. An amendment to the declaration, bylaws or plats authorized by this section to be made under this chapter must be adopted in conformity with the applicable provisions of chapter 117 or 278A of NRS and ***, except as otherwise provided in subsection 8 of NRS 116.2117,*** with the procedures and requirements specified by those instruments. If an amendment grants to ~~[any]~~ ***a*** person ~~[any rights, powers or privileges]~~ ***a right, power or privilege*** permitted by this chapter, ~~[all]~~ ***any*** correlative ~~[obligations, liabilities and restrictions]~~ ***obligation, liability or restriction*** in this chapter also ~~[apply to that]~~ ***applies to the*** person.

Sec. 23. NRS 116.12075 is hereby amended to read as follows:

116.12075 1. The provisions of this chapter do not apply to a nonresidential condominium except to the extent that the declaration for the nonresidential condominium provides that:

(a) This entire chapter applies to the condominium;

(b) Only the provisions of NRS 116.001 to 116.2122, inclusive, and 116.3116 to 116.31168, inclusive, apply to the condominium; or

(c) Only the provisions of NRS 116.3116 to 116.31168, inclusive, apply to the condominium.

2. If this entire chapter applies to a nonresidential condominium, the declaration may also require, subject to NRS 116.1112, that:

(a) Notwithstanding NRS 116.3105, any management, maintenance operations or employment contract, lease of recreational or parking areas or facilities and any other contract or lease between the association and a declarant or an affiliate of a declarant continues in force after the declarant turns over control of the association; and

(b) Notwithstanding NRS 116.1104 and subsection ~~[2]~~ ***3*** of NRS 116.311, purchasers of units must execute proxies, powers of attorney or similar devices in favor of the declarant regarding particular matters enumerated in those instruments.

Sec. 24. NRS 116.2103 is hereby amended to read as follows:

116.2103 1. The inclusion in a governing document of an association of a provision that violates any provision of this chapter does not render any other provisions of the governing document invalid or otherwise unenforceable if the other provisions can be given effect in accordance with their original intent and the provisions of this chapter.

2. The rule against perpetuities and NRS 111.103 to 111.1039, inclusive, do not apply to defeat any provision of the declaration, bylaws, rules or regulations adopted pursuant to NRS 116.3102.

3. ~~[In the event of]~~ ***If*** a conflict ***exists*** between ~~[the provisions of]~~ the declaration and the bylaws, the declaration prevails except to the extent the declaration is inconsistent with this chapter.

4. Title to a unit and common elements is not rendered unmarketable or otherwise affected by reason of an insubstantial failure of the declaration to comply with this chapter. Whether a substantial failure impairs marketability is not affected by this chapter.

Sec. 25. NRS 116.2105 is hereby amended to read as follows:

116.2105 1. The declaration must contain:

(a) The names of the common-interest community and the association and a statement that the common-interest community is either a condominium, cooperative or planned community;

(b) The name of every county in which any part of the common-interest community is situated;

(c) A ***legally*** sufficient description of the real estate included in the common-interest community;

(d) A statement of the maximum number of units that the declarant reserves the right to create;

(e) In a condominium or planned community, a description of the boundaries of each unit created by the declaration, including the unit's identifying number or, in a cooperative, a description, which may be by plats, of each unit created by the declaration, including the unit's identifying number, its size or number of rooms, and its location within a building if it is within a building containing more than one unit;

(f) A description of any limited common elements, other than those specified in subsections 2 and 4 of NRS 116.2102, as provided in paragraph (g) of subsection 2 of NRS 116.2109 and, in a planned community, any real estate that is or must become common elements;

(g) A description of any real estate, except real estate subject to developmental rights, that may be allocated subsequently as limited common elements, other than limited common elements specified in subsections 2 and 4 of NRS 116.2102, together with a statement that they may be so allocated;

(h) A description of any developmental rights and other special declarant's rights reserved by the declarant, together with a legally sufficient description of the real estate to which each of those rights applies, and a time ***limit*** within which each of those rights must be exercised;

(i) If any developmental right may be exercised with respect to different parcels of real estate at different times, a statement to that effect together with:

(1) Either a statement fixing the boundaries of those portions and regulating the order in which those portions may be subjected to the exercise of each developmental right or a statement that no assurances are made in those regards; and

(2) A statement whether, if any developmental right is exercised in any portion of the real estate subject to that developmental right, that developmental right must be exercised in all or in any other portion of the remainder of that real estate;

(j) Any other conditions or limitations under which the rights described in paragraph (h) may be exercised or will lapse;

(k) An allocation to each unit of the allocated interests in the manner described in NRS 116.2107;

(l) Any restrictions:

(1) On use, occupancy and alienation of the units; and

(2) On the amount for which a unit may be sold or on the amount that may be received by a unit's owner on sale, condemnation or casualty to the unit or to the common-interest community, or on termination of the common-interest community;

(m) The file number and book or other information ~~[to show where]~~ ***for recorded*** easements and licenses ~~[are recorded]~~ appurtenant to or included in the common-interest community or to which any portion of the common-interest community is or may become subject by virtue of a reservation in the declaration; and

(n) All matters required by NRS 116.2106 to 116.2109, inclusive, 116.2115, 116.2116 and 116.31032.

2. The declaration may contain any other matters the declarant considers appropriate.

Sec. 26. NRS 116.2106 is hereby amended to read as follows:

116.2106 1. Any lease the expiration or termination of which may terminate the common-interest community or reduce its size must be recorded. Every lessor of those leases in a condominium or planned community shall sign the declaration. The declaration must state:

(a) The recording data ~~[where]~~ ***for*** the lease ~~[is]~~ ***or a statement of where the*** recorded ~~[;]~~ ***lease may be inspected;***

(b) The date on which the lease is scheduled to expire;

(c) A legally sufficient description of the real estate subject to the lease;

(d) Any right of the units' owners to redeem the reversion and the manner whereby those rights may be exercised, or a statement that they do not have those rights;

(e) Any right of the units' owners to remove any improvements within a reasonable time after the expiration or termination of the lease, or a statement that they do not have those rights; and

(f) Any rights of the units' owners to renew the lease and the conditions of any renewal, or a statement that they do not have those rights.

2. After the declaration for a leasehold condominium or leasehold planned community is recorded, neither the lessor nor the lessor's successor in interest may terminate the leasehold interest of a unit's owner who makes timely payment of his or her share of the rent and otherwise complies with all covenants which, if violated, would entitle the lessor to terminate the lease. The leasehold interest of a unit's owner in a condominium or planned community is not affected by failure of any other person to pay rent or fulfill any other covenant.

3. Acquisition of the leasehold interest of any unit's owner by the owner of the reversion or remainder does not merge the leasehold and freehold interests unless the leasehold interests of all units' owners subject to that reversion or remainder are acquired.

4. If the expiration or termination of a lease decreases the number of units in a common-interest community, the allocated interests must be reallocated in accordance with subsection 1 of NRS 116.1107 as if those units had been taken by eminent domain. Reallocations must be confirmed by an amendment to the declaration prepared, executed and recorded by the association.

Sec. 27. NRS 116.2107 is hereby amended to read as follows:

116.2107 1. The declaration must allocate to each unit:

(a) In a condominium, a fraction or percentage of undivided interests in the common elements and in the common expenses of the association **,** **[**~~(NRS 116.3115)~~**]** and a portion of the votes in the association;

(b) In a cooperative, a proportionate ownership in the association, a fraction or percentage of the common expenses of the association **[**~~(NRS 116.3115)~~**]** and a portion of the votes in the association; and

(c) In a planned community, a fraction or percentage of the common expenses of the association **[**~~(NRS 116.3115)~~**]** and a portion of the votes in the association.

2. The declaration must state the formulas used to establish allocations of interests. Those allocations may not discriminate in favor of units owned by the declarant or an affiliate of the declarant.

3. If units may be added to or withdrawn from the common-interest community, the declaration must state the formulas to be used to reallocate the allocated interests among all units included in the common-interest community after the addition or withdrawal.

4. The declaration may provide:

(a) That different allocations of votes are made to the units on particular matters specified in the declaration;

(b) For cumulative voting only for the purpose of electing members of the executive board; and

(c) For class voting on specified issues affecting the class if necessary to protect valid interests of the class.

➥ Except as otherwise provided in NRS 116.31032, a declarant may not utilize cumulative or class voting for the purpose of evading any limitation imposed on declarants by this chapter nor may units constitute a class because they are owned by a declarant.

5. Except for minor variations because of rounding, the sum of the liabilities for common expenses and, in a condominium, the sum of the undivided interests in the common elements allocated at any time to all the units must each equal one if stated as a fraction or 100 percent if stated as a percentage. In the event of discrepancy between an allocated interest and the result derived from application of the pertinent formula, the allocated interest prevails.

6. In a condominium, the common elements are not subject to partition, and any purported conveyance, encumbrance, judicial sale or other voluntary or involuntary transfer of an undivided interest in the common elements made without the unit to which that interest is allocated is void.

7. In a cooperative, any purported conveyance, encumbrance, judicial sale or other voluntary or involuntary transfer of an ownership interest in the association made without the possessory interest in the unit to which that interest is related is void.

Sec. 28. NRS 116.2113 is hereby amended to read as follows:

116.2113 1. If the declaration expressly so permits, a unit may be subdivided into two or more units. Subject to ~~[the provisions of]~~ the declaration and ~~[other provisions of]~~ law ~~[,]~~ ***other than this chapter,*** upon application of the unit's owner to subdivide a unit, the association shall prepare, execute and record an amendment to the declaration, including **,** in a condominium or planned community **,** the plats, subdividing that unit.

2. The amendment to the declaration must be executed by the owner of the unit to be subdivided, assign an identifying number to each unit created, and reallocate the allocated interests formerly allocated to the subdivided unit to the new units in any reasonable manner prescribed by the owner of the subdivided unit ~~[.]~~ ***or on any other basis the declaration requires.***

Sec. 29. NRS 116.2116 is hereby amended to read as follows:

116.2116 1. Subject to ~~[the provisions of]~~ the declaration, a declarant has an easement through the common elements as may be reasonably necessary to discharge the declarant's obligations or exercise special declarant's rights, whether arising under this chapter or reserved in the declaration.

2. ~~[In a planned community, subject to the provisions of]~~ ***Subject to*** paragraph (f) of subsection 1 of NRS 116.3102 and NRS 116.3112, the units' owners have an easement ~~[:~~

~~(a) In]~~ ***in*** the common elements for purposes of access to their units ***.*** ~~[;~~ ~~and~~

~~(b) To]~~

3. Subject to the declaration and any rules adopted by the association, the units' owners have a right to use the common elements ***that are not limited common elements*** and all real estate that must become common elements ~~[(paragraph (f) of subsection 1 of NRS 116.2105) for all other]~~ ***for the*** purposes ~~[.]~~ ***for which they were intended.***

~~[3.]~~ ***4.*** Unless the terms of an easement in favor of an association prohibit a residential use of a servient estate, if the owner of the servient estate has obtained all necessary approvals required by law or any covenant, condition or restriction on the property, the owner may use such property in any manner authorized by law without obtaining any additional approval from the association. Nothing in this subsection authorizes an owner of a servient estate to impede the lawful and contractual use of the easement.

~~[4.]~~ ***5.*** The provisions of subsection ~~[3]~~ ***4*** do not abrogate any easement, restrictive covenant, decision of a court, agreement of a party or any contract, governing document or declaration of covenants, conditions and restrictions, or any other decision, rule or regulation that a local governing body or other entity that makes decisions concerning land use or planning is authorized to make or enact that exists before October 1, 1999, including, without limitation, a zoning ordinance, permit or approval process or any other requirement of a local government or other entity that makes decisions concerning land use or planning.

Sec. 30. NRS 116.2117 is hereby amended to read as follows:

116.2117 1. Except as otherwise provided in NRS 116.21175, and except in cases of amendments that may be executed by a declarant under subsection 5 of NRS 116.2109 or NRS 116.211, or by the association under NRS 116.1107, 116.2106, subsection 3 of NRS 116.2108, subsection 1 of NRS 116.2112 or NRS 116.2113, or by certain units' owners under subsection 2 of NRS 116.2108, subsection 1 of NRS 116.2112, subsection 2 of NRS 116.2113 or subsection 2 of NRS 116.2118, and except as otherwise limited by ~~[subsection]~~ ***subsections*** 4, ***7 and 8,*** the declaration, including any plats, may be amended only by vote or agreement of units' owners of units to which at least a majority of the votes in the association are allocated, ~~[or any larger majority]~~ ***unless*** the declaration specifies ~~[. The declaration may specify a smaller number only if all of the units are restricted exclusively to nonresidential use.]~~ ***a different percentage for all amendments or for specified subjects of amendment. If the declaration requires the approval of another person as a condition of its effectiveness, the amendment is not valid without that approval.***

2. No action to challenge the validity of an amendment adopted by the association pursuant to this section may be brought more than 1 year after the amendment is recorded.

3. Every amendment to the declaration must be recorded in every county in which any portion of the common-interest community is located and is effective only upon recordation. An amendment, except an amendment pursuant to NRS 116.2112, must be indexed in the grantee's index in the name of the common-interest community and the association and in the grantor's index in the name of the parties executing the amendment.

4. Except to the extent expressly permitted or required by other provisions of this chapter, no amendment may change the boundaries of any unit ~~[or]~~ ***, change*** the allocated interests of a unit ***or change the uses to which any unit is restricted,*** in the absence of unanimous consent of ~~[the]~~ ***only those*** units' owners ***whose units are*** affected and the consent of a majority of the owners of the remaining units.

5. Amendments to the declaration required by this chapter to be recorded by the association must be prepared, executed, recorded and certified on behalf of the association by any officer of the association designated for that purpose or, in the absence of designation, by the president of the association.

6. An amendment to the declaration which prohibits or materially restricts the permitted uses of ~~*[or behavior in]*~~ ***a unit or the number or other qualifications of persons who may occupy units may not be enforced against a unit's owner who was the owner of the unit on the date of the recordation of the amendment as long as the unit's owner remains the owner of that unit.***

7. A provision in the declaration creating special declarant's rights that have not expired may not be amended without the consent of the declarant.

8. If any provision of this chapter or of the declaration requires the consent of a holder of a security interest in a unit, or an insurer or guarantor of such interest, as a condition to the effectiveness of an amendment to the declaration, that consent is deemed granted if:

(a) The holder, insurer or guarantor has not requested, in writing, notice of any proposed amendment; or

(b) Notice of any proposed amendment is required or has been requested and a written refusal to consent is not received by the association within 60 days after the association delivers notice of the proposed amendment to the holder, insurer or guarantor, by certified mail, return receipt requested, to the address for notice provided by the holder, insurer or guarantor in a prior written request for notice.

Sec. 31. NRS 116.2118 is hereby amended to read as follows:

116.2118 1. Except in the case of a taking of all the units by eminent domain ***,*** ~~[(NRS 116.1107) or]~~ in the case of foreclosure against an entire cooperative of a security interest that has priority over the declaration, ***or in the circumstances described in section 4 of this act,*** a common-interest community may be terminated only by agreement of units' owners to whom

at least 80 percent of the votes in the association are allocated, or any larger percentage the declaration specifies ~~[.]~~ ***, and with any other approvals required by the declaration.*** The declaration may specify a smaller percentage only if all of the units are restricted exclusively to nonresidential uses.

2. An agreement to terminate must be evidenced by the execution of an agreement to terminate, or ratifications thereof, in the same manner as a deed, by the requisite number of units' owners. The agreement must specify a date after which the agreement will be void unless it is recorded before that date. An agreement to terminate and all ratifications thereof must be recorded in every county in which a portion of the common-interest community is situated and is effective only upon recordation.

3. In the case of a condominium or planned community containing only units having horizontal boundaries described in the declaration, an agreement to terminate may provide that all of the common elements and units of the common-interest community must be sold following termination. If, pursuant to the agreement, any real estate in the common-interest community is to be sold following termination, the agreement must set forth the minimum terms of the sale.

4. In the case of a condominium or planned community containing any units not having horizontal boundaries described in the declaration, an agreement to terminate may provide for sale of the common elements, but it may not require that the units be sold following termination, unless the declaration as originally recorded provided otherwise or all the units' owners consent to the sale.

5. The association, on behalf of the units' owners, may contract for the sale of real estate in a common-interest community, but the contract is not binding on the units' owners until approved pursuant to subsections 1 and 2. If any real estate is to be sold following termination, title to that real estate, upon termination, vests in the association as trustee for the holders of all interests in the units. Thereafter, the association has all powers necessary and appropriate to effect the sale. Until the sale has been concluded and the proceeds thereof distributed, the association continues in existence with all powers it had before termination. Proceeds of the sale must be distributed to units' owners and lienholders as their interests may appear, in accordance with NRS 116.21183 and 116.21185. Unless otherwise specified in the agreement to terminate, as long as the association holds title to the real estate, each unit's owner and his or her successors in interest have an exclusive right to occupancy of the portion of the real estate that formerly constituted the unit. During the period of that occupancy, each unit's owner and his or her successors in interest remain liable for all assessments and other obligations imposed on units' owners by this chapter or the declaration.

6. In a condominium or planned community, if the real estate constituting the common-interest community is not to be sold following termination, title to the common elements and, in a common-interest

community containing only units having horizontal boundaries described in the declaration, title to all the real estate in the common-interest community, vests in the units' owners upon termination as tenants in common in proportion to their respective interests as provided in NRS 116.21185, and liens on the units shift accordingly. While the tenancy in common exists, each unit's owner and his or her successors in interest have an exclusive right to occupancy of the portion of the real estate that formerly constituted the unit.

7. Following termination of the common-interest community, the proceeds of ~~[any]~~ ***a*** sale of real estate, together with the assets of the association, are held by the association as trustee for units' owners and holders of liens on the units as their interests may appear.

Sec. 32. NRS 116.3101 is hereby amended to read as follows:

116.3101 1. A unit-owners' association must be organized no later than the date the first unit in the common-interest community is conveyed.

2. The membership of the association at all times consists exclusively of all units' owners or, following termination of the common-interest community, of all owners of former units entitled to distributions of proceeds under NRS 116.2118, 116.21183 and 116.21185, or their heirs, successors or assigns.

3. ~~*[The]*~~ ***Except for a residential planned community containing not more than 12 units, the association must have an executive board.***

4. The association must:

(a) Be organized as a profit or nonprofit corporation, association, limited-liability company, trust ***,*** ~~[or]~~ partnership ~~[,]~~ ***or any other form of organization authorized by the law of this State;***

(b) Include in its articles of incorporation, articles of association, articles of organization, certificate of registration, certificate of limited partnership, certificate of trust or other documents of organization, or any amendment thereof, that the purpose of the corporation, association, limited-liability company, trust or partnership is to operate as an association pursuant to this chapter;

(c) Contain in its name the words "common-interest community," "community association," "master association," "homeowners' association" or "unit-owners' association"; and

(d) Comply with the applicable provisions of chapters 78, 81, 82, 86, 87, 87A, 88 and 88A of NRS when filing with the Secretary of State its articles of incorporation, articles of association, articles of organization, certificate of registration, certificate of limited partnership, certificate of trust or other documents of organization, or any amendment thereof.

Sec. 33. NRS 116.3102 is hereby amended to read as follows:

116.3102 1. Except as otherwise provided in this ~~[section,]~~ ***chapter,*** and subject to the provisions of the declaration, the association ***:*** ~~[may do any or all of the following:]~~

(a) ~~[~~Adopt~~]~~ ***Shall adopt*** and ***, except as otherwise provided in the bylaws, may*** amend bylaws ~~[~~,~~]~~ ***and may adopt and amend*** rules and regulations.

(b) ~~[~~Adopt~~]~~ ***Shall adopt*** and ***may*** amend budgets ~~[~~for revenues, expenditures and reserves and~~]~~ ***in accordance with the requirements set forth in NRS 116.31151, may*** collect assessments for common expenses from the units' owners ~~[~~.~~]~~ ***and may invest funds of the association in accordance with the requirements set forth in NRS 116.311395.***

(c) ~~[~~Hire~~]~~ ***May hire*** and discharge managing agents and other employees, agents and independent contractors.

(d) ~~[~~Institute,~~]~~ ***May institute,*** defend or intervene in litigation ***or in arbitration, mediation*** or administrative proceedings in its own name on behalf of itself or two or more units' owners on matters affecting the common-interest community.

(e) ~~[~~Make~~]~~ ***May make*** contracts and incur liabilities. Any contract between the association and a private entity for the furnishing of goods or services must not include a provision granting the private entity the right of first refusal with respect to extension or renewal of the contract.

(f) ~~[~~Regulate~~]~~ ***May regulate*** the use, maintenance, repair, replacement and modification of common elements.

(g) ~~[~~Cause~~]~~ ***May cause*** additional improvements to be made as a part of the common elements.

(h) ~~[~~Acquire,~~]~~ ***May acquire,*** hold, encumber and convey in its own name any right, title or interest to real estate or personal property, but:

(1) Common elements in a condominium or planned community may be conveyed or subjected to a security interest only pursuant to NRS 116.3112; and

(2) Part of a cooperative may be conveyed, or all or part of a cooperative may be subjected to a security interest, only pursuant to NRS 116.3112.

(i) ~~[~~Grant~~]~~ ***May grant*** easements, leases, licenses and concessions through or over the common elements.

(j) ~~[~~Impose~~]~~ ***May impose*** and receive any payments, fees or charges for the use, rental or operation of the common elements, other than limited common elements described in subsections 2 and 4 of NRS 116.2102, and for services provided to the units' owners, including, without limitation, any services provided pursuant to NRS 116.310312.

(k) ~~[~~Impose~~]~~ ***May impose*** charges for late payment of assessments pursuant to NRS 116.3115.

(l) ~~[~~Impose~~]~~ ***May impose*** construction penalties when authorized pursuant to NRS 116.310305.

(m) ~~[~~Impose~~]~~ ***May impose*** reasonable fines for violations of the governing documents of the association only if the association complies with the requirements set forth in NRS 116.31031.

(n) ~~[~~Impose~~]~~ ***May impose*** reasonable charges for the preparation and recordation of any amendments to the declaration or any statements of

unpaid assessments, and impose reasonable fees, not to exceed the amounts authorized by NRS 116.4109, for preparing and furnishing the documents and certificate required by that section.

(o) ~~[Provide]~~ ***May provide*** for the indemnification of its officers and executive board and maintain ~~[directors' and officers']~~ ***directors and officers*** liability insurance.

(p) ~~[Assign]~~ ***May assign*** its right to future income, including the right to receive assessments for common expenses, but only to the extent the declaration expressly so provides.

(q) ~~[Exercise]~~ ***May exercise*** any other powers conferred by the declaration or bylaws.

(r) ~~[Exercise]~~ ***May exercise*** all other powers that may be exercised in this State by legal entities of the same type as the association.

(s) ~~[Direct]~~ ***May direct*** the removal of vehicles improperly parked on property owned or leased by the association, as authorized pursuant to NRS 487.038, or improperly parked on any road, street, alley or other thoroughfare within the common-interest community in violation of the governing documents. In addition to complying with the requirements of NRS 487.038 and any requirements in the governing documents, if a vehicle is improperly parked as described in this paragraph, the association must post written notice in a conspicuous place on the vehicle or provide oral or written notice to the owner or operator of the vehicle at least 48 hours before the association may direct the removal of the vehicle, unless the vehicle:

(1) Is blocking a fire hydrant, fire lane or parking space designated for the handicapped; or

(2) Poses an imminent threat of causing a substantial adverse effect on the health, safety or welfare of the units' owners or residents of the common-interest community.

(t) ~~[Exercise]~~ ***May exercise*** any other powers necessary and proper for the governance and operation of the association.

2. The declaration may not ~~[impose limitations on]~~ ***limit*** the power of the association to deal with the declarant ~~[which are]~~ ***if the limit is*** more restrictive than the ~~[limitations]~~ ***limit*** imposed on the power of the association to deal with other persons.

3. ***The executive board may determine whether to take enforcement action by exercising the association's power to impose sanctions or commence an action for a violation of the declaration, bylaws or rules, including whether to compromise any claim for unpaid assessments or other claim made by or against it. The executive board does not have a duty to take enforcement action if it determines that, under the facts and circumstances presented:***

(a) The association's legal position does not justify taking any or further enforcement action;

(b) The covenant, restriction or rule being enforced is, or is likely to be construed as, inconsistent with current law;

(c) Although a violation may exist or may have occurred, it is not so material as to be objectionable to a reasonable person or to justify expending the association's resources; or

(d) It is not in the association's best interests to pursue an enforcement action.

4. The executive board's decision under subsection 3 not to pursue enforcement under one set of circumstances does not prevent the executive board from taking enforcement action under another set of circumstances, but the executive board may not be arbitrary or capricious in taking enforcement action.

5. Notwithstanding any provision of this chapter or the governing documents to the contrary, an association may not impose any assessment pursuant to this chapter or the governing documents on the owner of any property in the common-interest community that is exempt from taxation pursuant to NRS 361.125. For the purposes of this subsection, "assessment" does not include any charge for any utility services, including, without limitation, telecommunications, broadband communications, cable television, electricity, natural gas, sewer services, garbage collection, water or for any other service which is delivered to and used or consumed directly by the property in the common-interest community that is exempt from taxation pursuant to NRS 361.125.

Sec. 34. NRS 116.3103 is hereby amended to read as follows:

116.3103 1. Except as otherwise provided in the declaration, the bylaws, this section or other provisions of this chapter, the executive board ~~[may act in all instances]~~ ***acts*** on behalf of the association. In the performance of their duties, the officers and members of the executive board are fiduciaries and shall act on an informed basis, in good faith and in the honest belief that their actions are in the best interest of the association. ~~[The]~~ ***Officers and*** members of the executive board ~~[are]~~ ***:***

(a) Are required to exercise the ordinary and reasonable care of ***officers and*** directors of a ***nonprofit*** corporation, subject to the business-judgment rule ~~[.]~~ ***; and***

(b) Are subject to conflict of interest rules governing the officers and directors of a nonprofit corporation organized under the law of this State.

2. The executive board may not act ~~[on behalf of the association]~~ to ~~[amend]~~ ***:***

(a) Amend the declaration ***.*** ~~[.]~~ ~~[to terminate]~~ ~~*[except as otherwise provided in NRS 116.2117.]*~~

(b) Terminate the common-interest community ***.*** ~~[, or to elect]~~

(c) Elect members of the executive board ~~[or determine their]~~ ***, but unless the governing documents provide that a vacancy on the executive board must be filled by a vote of the membership of the association, the executive board may fill vacancies in its membership for the unexpired portion of any term or until the next regularly scheduled election of executive board members, whichever is earlier. Any executive board member elected to a***

previously vacant position which was temporarily filled by board appointment may only be elected to fulfill the remainder of the unexpired portion of the term.

(d) Determine the qualifications, powers ***,*** ~~[and]~~ duties or terms of office ~~[, but the executive board may fill vacancies in its membership for the unexpired portion of any term unless the governing documents provide that a vacancy on the executive board must be filled by a vote of the membership of the association.]~~ ***of members of the executive board.***

3. The executive board shall adopt budgets as provided in NRS 116.31151.

Sec. 34.5. **NRS 116.310305 is hereby amended to read as follows:**

116.310305 1. A unit's owner shall adhere to a schedule required by the association for:

(a) The completion of the design of a unit or the design of an improvement to a unit;

(b) The commencement of the construction of a unit or the construction of an improvement to a unit;

(c) The completion of the construction of a unit or the construction of an improvement to the unit; or

(d) The issuance of a permit which is necessary for the occupancy of a unit or for the use of an improvement to a unit.

2. The association may impose and enforce a construction penalty against a unit's owner who fails to adhere to a schedule as required pursuant to subsection 1 if:

(a) The ~~[maximum amount of the]~~ ***right to assess and collect a*** construction penalty ~~[and the schedule are]~~ ***is*** set forth in:

(1) The declaration;

(2) Another document related to the common-interest community that is recorded before the date on which the unit's owner acquired title to the unit; or

(3) A contract between the unit's owner and the association; ~~[and]~~

(b) ***The association has included notice of the maximum amount of the construction penalty and schedule as part of any public offering statement or resale package required by this chapter; and***

(c) The unit's owner receives notice of the alleged violation which informs the unit's owner that he or she has a right to a hearing on the alleged violation.

3. For the purposes of this chapter, a construction penalty is not a fine.

Sec. 35. NRS 116.31031 is hereby amended to read as follows:

116.31031 1. Except as otherwise provided in this section, if a unit's owner or a tenant or an invitee of a unit's owner or a tenant violates any provision of the governing documents of an association, the executive board may, if the governing documents so provide:

(a) Prohibit, for a reasonable time, the unit's owner or the tenant or the invitee of the unit's owner or the tenant from:

(1) Voting on matters related to the common-interest community.

(2) Using the common elements. The provisions of this subparagraph do not prohibit the unit's owner or the tenant or the invitee of the unit's owner or the tenant from using any vehicular or pedestrian ingress or egress to go to or from the unit, including any area used for parking.

(b) Impose a fine against the unit's owner or the tenant or the invitee of the unit's owner or the tenant for each violation, except that:

(1) A fine may not be imposed for a violation that is the subject of a construction penalty pursuant to NRS 116.310305; and

(2) A fine may not be imposed against a unit's owner or a tenant or invitee of a unit's owner or a tenant for a violation of the governing documents which involves a vehicle and which is committed by a person who is delivering goods to, or performing services for, the unit's owner or tenant or invitee of the unit's owner or the tenant.

➥ If the violation poses an imminent threat of causing a substantial adverse effect on the health, safety or welfare of the units' owners or residents of the common-interest community, the amount of the fine must be commensurate with the severity of the violation and must be determined by the executive board in accordance with the governing documents. If the violation does not pose an imminent threat of causing a substantial adverse effect on the health, safety or welfare of the units' owners or residents of the common-interest community, the amount of the fine must be commensurate with the severity of the violation and must be determined by the executive board in accordance with the governing documents, but the amount of the fine must not exceed $100 for each violation or a total amount of $1,000, whichever is less. The limitations on the amount of the fine do not apply to any charges or costs that may be collected by the association pursuant to this section if the fine becomes past due.

2. The executive board may not impose a fine pursuant to subsection 1 against a unit's owner for a violation of any provision of the governing documents of an association committed by an invitee of the unit's owner or the tenant unless the unit's owner:

(a) Participated in or authorized the violation;

(b) Had prior notice of the violation; or

(c) Had an opportunity to stop the violation and failed to do so.

3. ***If the association adopts a policy imposing fines for any violations of the governing documents of the association, the secretary or other officer specified in the bylaws shall prepare and cause to be hand-delivered or sent prepaid by United States mail to the mailing address of each unit or to any other mailing address designated in writing by the unit's owner, a schedule of the fines that may be imposed for those violations.***

4. The executive board may not impose a fine pursuant to subsection 1 unless:

(a) Not less than 30 days before the violation, the unit's owner and, if different, the person against whom the fine will be imposed had been

provided with written notice of the applicable provisions of the governing documents that form the basis of the violation; and

(b) Within a reasonable time after the discovery of the violation, the unit's owner and, if different, the person against whom the fine will be imposed has been provided with:

(1) Written notice specifying the details of the violation, the amount of the fine, and the date, time and location for a hearing on the violation; and

(2) A reasonable opportunity to contest the violation at the hearing.

➥ For the purposes of this subsection, a unit's owner shall not be deemed to have received written notice unless written notice is mailed to the address of the unit and, if different, to a mailing address specified by the unit's owner.

~~[4.]~~ ***5.*** The executive board must schedule the date, time and location for the hearing on the violation so that the unit's owner and, if different, the person against whom the fine will be imposed is provided with a reasonable opportunity to prepare for the hearing and to be present at the hearing.

~~[5.]~~ ***6.*** The executive board must hold a hearing before it may impose the fine, unless the fine is paid before the hearing or unless the unit's owner and, if different, the person against whom the fine will be imposed:

(a) Executes a written waiver of the right to the hearing; or

(b) Fails to appear at the hearing after being provided with proper notice of the hearing.

~~[6.]~~ ***7.*** If a fine is imposed pursuant to subsection 1 and the violation is not cured within 14 days, or within any longer period that may be established by the executive board, the violation shall be deemed a continuing violation. Thereafter, the executive board may impose an additional fine for the violation for each 7-day period or portion thereof that the violation is not cured. Any additional fine may be imposed without notice and an opportunity to be heard.

~~[7.]~~ ***8.*** If the governing documents so provide, the executive board may appoint a committee, with not less than three members, to conduct hearings on violations and to impose fines pursuant to this section. While acting on behalf of the executive board for those limited purposes, the committee and its members are entitled to all privileges and immunities and are subject to all duties and requirements of the executive board and its members.

~~[8.]~~ ***9.*** A member of the executive board shall not participate in any hearing or cast any vote relating to a fine imposed pursuant to subsection 1 if the member has not paid all assessments which are due to the association by the member. If a member of the executive board:

(a) Participates in a hearing in violation of this subsection, any action taken at the hearing is void.

(b) Casts a vote in violation of this subsection, the vote is void.

~~[9.]~~ ***10.*** The provisions of this section establish the minimum procedural requirements that the executive board must follow before it may impose a fine. The provisions of this section do not preempt any provisions of the governing documents that provide greater procedural protections.

~~[10.]~~ ***11.*** Any past due fine must not bear interest, but may include any costs incurred by the association during a civil action to enforce the payment of the past due fine.

~~[11.]~~ ***12.*** If requested by a person upon whom a fine was imposed, not later than 60 days after receiving any payment of a fine, an association shall provide to the person upon whom the fine was imposed a statement of the remaining balance owed.

Sec. 36. NRS 116.31032 is hereby amended to read as follows:

116.31032 1. Except as otherwise provided in this section, the declaration may provide for a period of declarant's control of the association, during which a declarant, or persons designated by a declarant, may appoint and remove the officers of the association and members of the executive board. ***A declarant may voluntarily surrender the right to appoint and remove officers and members of the executive board before termination of that period and, in that event, the declarant may require, for the duration of the period of declarant's control, that specified actions of the association or executive board, as described in a recorded instrument executed by the declarant, be approved by the declarant before they become effective.*** Regardless of the period provided in the declaration, a period of declarant's control terminates no later than ~~[:]~~ ***the earliest of:***

(a) Sixty days after conveyance of 75 percent of the units that may be created to units' owners other than a declarant or, if the association exercises powers over a common-interest community pursuant to this chapter and a time-share plan pursuant to chapter 119A of NRS, 120 days after conveyance of 80 percent of the units that may be created to units' owners other than a declarant;

(b) Five years after all declarants have ceased to offer units for sale in the ordinary course of business; ~~[or]~~

(c) Five years after any right to add new units was last exercised ~~[,~~ ~~whichever occurs earlier.]~~ ***; or***

(d) The day the declarant, after giving notice to units' owners, records an instrument voluntarily surrendering all rights to control activities of the association.

2. ~~[A declarant may voluntarily surrender the right to appoint and remove officers and members of the executive board before termination of that period, but in that event the declarant may require, for the duration of the period of declarant's control, that specified actions of the association or executive board, as described in a recorded instrument executed by the declarant, be approved by the declarant before they become effective.~~

~~3.]~~ Not later than 60 days after conveyance of 25 percent of the units that may be created to units' owners other than a declarant, at least one member and not less than 25 percent of the members of the executive board must be elected by units' owners other than the declarant. Not later than 60 days after conveyance of 50 percent of the units that may be created to units' owners other than a declarant, not less than ~~[33 1/3 percent]~~ ***one-third*** of the

members of the executive board must be elected by units' owners other than the declarant.

Sec. 37. NRS 116.31036 is hereby amended to read as follows:

116.31036 1. Notwithstanding any provision of the declaration or bylaws to the contrary, any member of the executive board, other than a member appointed by the declarant, may be removed from the executive board, with or without cause, if at a removal election held pursuant to this section ~~[~~:

~~(a) The~~~~]~~ ***, the*** number of votes cast ***in favor of removal*** constitutes ~~[~~at~~]~~ ***:***

(a) At least 35 percent of the total number of voting members of the association; and

(b) At least a majority of all votes cast in that removal election **.** ~~[~~are cast in favor of removal.~~]~~

2. ***A removal election may be called by units' owners constituting at least 10 percent, or any lower percentage specified in the bylaws, of the total number of voting members of the association. To call a removal election, the units' owners must submit a written petition which is signed by the required percentage of the total number of voting members of the association pursuant to this subsection and which is mailed, return receipt requested, or served by a process server to the executive board or the community manager for the association. If a removal election is called pursuant to this subsection and:***

(a) The voting rights of the units' owners will be exercised through the use of secret written ballots pursuant to this section:

(1) The secret written ballots for the removal election must be sent in the manner required by this section not less than 15 days or more than 60 days after the date on which the petition is received; and

(2) The executive board shall set the date for the meeting to open and count the secret written ballots so that the meeting is held not more than 15 days after the deadline for returning the secret written ballots and not later than 90 days after the date on which the petition was received.

(b) The voting rights of the owners of time shares will be exercised by delegates or representatives as set forth in NRS 116.31105, the executive board shall set the date for the removal election so that the removal election is held not less than 15 days or more than 90 days after the date on which the petition is received.

➥ The association shall not adopt any rule or regulation which prevents or unreasonably interferes with the collection of the required percentage of signatures for a petition pursuant to this subsection.

3. Except as otherwise provided in NRS 116.31105, the removal of any member of the executive board must be conducted by secret written ballot in the following manner:

(a) The secretary or other officer specified in the bylaws of the association shall cause a secret ballot and a return envelope to be sent, prepaid by United States mail, to the mailing address of each unit within the common-interest

community or to any other mailing address designated in writing by the unit's owner.

(b) Each unit's owner must be provided with at least 15 days after the date the secret written ballot is mailed to the unit's owner to return the secret written ballot to the association.

(c) Only the secret written ballots that are returned to the association may be counted to determine the outcome.

(d) The secret written ballots must be opened and counted at a meeting of the association. A quorum is not required to be present when the secret written ballots are opened and counted at the meeting.

(e) The incumbent members of the executive board, including, without limitation, the member who is subject to the removal, may not possess, be given access to or participate in the opening or counting of the secret written ballots that are returned to the association before those secret written ballots have been opened and counted at a meeting of the association.

~~[3. If a member of an executive board is named as a respondent or sued for liability for actions undertaken in his or her role as a member of the board, the association shall indemnify the member for his or her losses or claims, and undertake all costs of defense, unless it is proven that the member acted with willful or wanton misfeasance or with gross negligence. After such proof, the association is no longer liable for the cost of defense, and may recover costs already expended from the member of the executive board who so acted. Members of the executive board are not personally liable to the victims of crimes occurring on the property. Punitive damages may not be recovered against:~~

~~(a) The association;~~

~~(b) The members of the executive board for acts or omissions that occur in their official capacity as members of the executive board; or~~

~~(c) The officers of the association for acts or omissions that occur in their capacity as officers of the association.~~

~~4. The provisions of this section do not prohibit the Commission from taking any disciplinary action against a member of an executive board pursuant to NRS 116.745 to 116.795, inclusive.]~~

Sec. 38. NRS 116.3105 is hereby amended to read as follows:

116.3105 ~~[If entered into before]~~

1. Within 2 years after the executive board elected by the units' owners pursuant to NRS 116.31034 takes office, ~~[any]~~ ***the association may terminate without penalty, upon not less than 90 days' notice to the other party, any of the following if it was entered into before that executive board was elected:***

(a) Any management ~~[contract,]~~ ***, maintenance, operations or*** employment contract, or lease of recreational or parking areas or facilities ~~[, any]~~ ***; or***

(b) Any other contract or lease between the association and a declarant or an affiliate of a declarant ***.*** ~~[or any contract or lease that is not in good faith or~~

~~was unconscionable to the units' owners at the time entered into under the circumstances then prevailing may be terminated~~]

2. The association may terminate without penalty **,** [~~by the association~~] at any time after the executive board elected by the units' owners ***pursuant to NRS 116.31034*** takes office upon not less than 90 days' notice to the other party [~~.~~] **,** ***any contract or lease that is not in good faith or was unconscionable to the units' owners at the time entered into.***

3. This section does not apply to [~~any~~] ***:***

(a) Any lease the termination of which would terminate the common-interest community or reduce its size, unless the real estate subject to that lease was included in the common-interest community for the purpose of avoiding the right of the association to terminate a lease under this section [~~, or to a~~] ***; or***

(b) A proprietary lease.

Sec. 39. NRS 116.3106 is hereby amended to read as follows:

116.3106 1. The bylaws of the association must ***:*** [~~provide:~~]

(a) [~~The~~] ***Provide the*** number of members of the executive board and the titles of the officers of the association;

(b) [~~For~~] ***Provide for*** election by the executive board of a president, treasurer, secretary and any other officers of the association the bylaws specify;

(c) [~~The~~] ***Specify the*** qualifications, powers and duties, terms of office and manner of electing and removing officers of the association and members of the executive board and filling vacancies;

(d) [~~Which~~] ***Specify the*** powers [~~, if any, that~~] the executive board or the officers of the association may delegate to other persons or to a community manager;

(e) [~~Which of its~~] ***Specify the*** officers ***who*** may prepare, execute, certify and record amendments to the declaration on behalf of the association;

(f) [~~Procedural~~] ***Provide procedural*** rules for conducting meetings of the association;

(g) [~~A~~] ***Specify a*** method for [~~amending~~] ***the units' owners to amend*** the bylaws; [~~and~~]

(h) [~~Procedural~~] ***Provide procedural*** rules for conducting elections [~~.~~] ***;***

(i) Contain any provision necessary to satisfy requirements in this chapter or the declaration concerning meetings, voting, quorums and other activities of the association; and

(j) Provide for any matter required by law of this State other than this chapter to appear in the bylaws of organizations of the same type as the association.

2. Except as otherwise provided in ***this chapter or*** the declaration, the bylaws may provide for any other ***necessary or appropriate*** matters [~~the association deems necessary and appropriate.~~] ***, including, without limitation, matters that could be adopted as rules.***

3. The bylaws must be written in plain English.

Sec. 40. NRS 116.3108 is hereby amended to read as follows:

116.3108 1. A meeting of the units' owners must be held at least once each year ~~[.]~~ ***at a time and place stated in or fixed in accordance with the bylaws.*** If the governing documents do not designate an annual meeting date of the units' owners, a meeting of the units' owners must be held 1 year after the date of the last meeting of the units' owners. If the units' owners have not held a meeting for 1 year, a meeting of the units' owners must be held on the following March 1.

2. ~~[Special meetings]~~ ***An association shall hold a special meeting*** of the units' owners ~~[may be called by the]~~ ***to address any matter affecting the common-interest community or the association if its*** president, ~~[by]~~ a majority of the executive board or ~~[by]~~ units' owners constituting at least 10 percent, or any lower percentage specified in the bylaws, of the total number of ~~[voting members of]~~ ***votes in*** the association ~~[. The same number of units' owners may also call a removal election pursuant to NRS 116.31036.]~~ ***request that the secretary call such a meeting.*** To call a special meeting ***,*** ~~[or a removal election,]~~ the units' owners must submit a written petition which is signed by the required percentage of the total number of voting members of the association pursuant to this subsection and which is mailed, return receipt requested, or served by a process server to the executive board or the community manager for the association. If the petition calls for a special meeting, the executive board shall set the date for the special meeting so that the special meeting is held not less than 15 days or more than 60 days after the date on which the petition is received. ~~[If the petition calls for a removal election and:~~

~~(a) The voting rights of the owners of time shares will be exercised by delegates or representatives as set forth in NRS 116.31105, the executive board shall set the date for the removal election so that the removal election is held not less than 15 days or more than 60 days after the date on which the petition is received; or~~

~~(b) The voting rights of the units' owners will be exercised through the use of secret written ballots pursuant to NRS 116.31036, the secret written ballots for the removal election must be sent in the manner required by NRS 116.31036 not less than 15 days or more than 60 days after the date on which the petition is received, and the executive board shall set the date for the meeting to open and count the secret written ballots so that the meeting is held not more than 15 days after the deadline for returning the secret written ballots.~~

~~→~~ ~~]~~ The association shall not adopt any rule or regulation which prevents or unreasonably interferes with the collection of the required percentage of signatures for a petition pursuant to this subsection.

3. Not less than 15 days or more than 60 days in advance of any meeting of the units' owners, the secretary or other officer specified in the bylaws shall cause notice of the meeting to be ~~[hand-delivered, sent prepaid by United States mail to the mailing address of each unit or to any other mailing~~

~~address designated in writing by the unit's owner or, if the association offers to send notice by electronic mail, sent by electronic mail at the request of the unit's owner to an electronic mail address designated in writing by the unit's owner.~~] ***given to the units' owners in the manner set forth in section 2 of this act.*** The notice of the meeting must state the time and place of the meeting and include a copy of the agenda for the meeting. The notice must include notification of the right of a unit's owner to:

(a) Have a copy of the minutes or a summary of the minutes of the meeting provided to the unit's owner upon request, in electronic format at no charge to the unit's owner or, if the association is unable to provide the copy or summary in electronic format, in paper format at a cost not to exceed 25 cents per page for the first 10 pages, and 10 cents per page thereafter.

(b) Speak to the association or executive board, unless the executive board is meeting in executive session.

4. The agenda for a meeting of the units' owners must consist of:

(a) A clear and complete statement of the topics scheduled to be considered during the meeting, including, without limitation, any proposed amendment to the declaration or bylaws, any fees or assessments to be imposed or increased by the association, any budgetary changes and any proposal to remove an officer of the association or member of the executive board.

(b) A list describing the items on which action may be taken and clearly denoting that action may be taken on those items. In an emergency, the units' owners may take action on an item which is not listed on the agenda as an item on which action may be taken.

(c) A period devoted to comments by units' owners ***regarding any matter affecting the common-interest community or the association*** and discussion of those comments. Except in emergencies, no action may be taken upon a matter raised under this item of the agenda until the matter itself has been specifically included on an agenda as an item upon which action may be taken pursuant to paragraph (b).

5. ~~[If the association adopts a policy imposing fines for any violations of the governing documents of the association, the secretary or other officer specified in the bylaws shall prepare and cause to be hand-delivered or sent prepaid by United States mail to the mailing address of each unit or to any other mailing address designated in writing by the unit's owner, a schedule of the fines that may be imposed for those violations.~~

~~6.~~] The secretary or other officer specified in the bylaws shall cause minutes to be recorded or otherwise taken at each meeting of the units' owners. Not more than 30 days after each such meeting, the secretary or other officer specified in the bylaws shall cause the minutes or a summary of the minutes of the meeting to be made available to the units' owners. Except as otherwise provided in this subsection, a copy of the minutes or a summary of the minutes must be provided to any unit's owner upon request, in electronic format at no charge to the unit's owner or, if the association is

unable to provide the copy or summary in electronic format, in paper format at a cost not to exceed 25 cents per page for the first 10 pages, and 10 cents per page thereafter.

~~[7.]~~ ***6.*** Except as otherwise provided in subsection ~~[8.]~~ ***7,*** the minutes of each meeting of the units' owners must include:

(a) The date, time and place of the meeting;

(b) The substance of all matters proposed, discussed or decided at the meeting; and

(c) The substance of remarks made by any unit's owner at the meeting if the unit's owner requests that the minutes reflect his or her remarks or, if the unit's owner has prepared written remarks, a copy of his or her prepared remarks if the unit's owner submits a copy for inclusion.

~~[8.]~~ ***7.*** The executive board may establish reasonable limitations on materials, remarks or other information to be included in the minutes of a meeting of the units' owners.

~~[9.]~~ ***8.*** The association shall maintain the minutes of each meeting of the units' owners until the common-interest community is terminated.

~~[10.]~~ ***9.*** A unit's owner may record on audiotape or any other means of sound reproduction a meeting of the units' owners if the unit's owner, before recording the meeting, provides notice of his or her intent to record the meeting to the other units' owners who are in attendance at the meeting.

~~[11.]~~ ***10.*** The units' owners may approve, at the annual meeting of the units' owners, the minutes of the prior annual meeting of the units' owners and the minutes of any prior special meetings of the units' owners. A quorum is not required to be present when the units' owners approve the minutes.

~~[12.]~~ ***11.*** As used in this section, "emergency" means any occurrence or combination of occurrences that:

(a) Could not have been reasonably foreseen;

(b) Affects the health, welfare and safety of the units' owners or residents of the common-interest community;

(c) Requires the immediate attention of, and possible action by, the executive board; and

(d) Makes it impracticable to comply with the provisions of subsection 3 or 4.

Sec. 41. NRS 116.31083 is hereby amended to read as follows:

116.31083 1. A meeting of the executive board must be held at least once every quarter, and not less than once every 100 days and must be held at a time other than during standard business hours at least twice annually.

2. Except in an emergency or unless the bylaws of an association require a longer period of notice, the secretary or other officer specified in the bylaws of the association shall, not less than 10 days before the date of a meeting of the executive board, cause notice of the meeting to be given to the units' owners. Such notice must be:

(a) ~~[Sent prepaid by United States mail to the mailing address of each unit within the common-interest community or to any other mailing address designated in writing by the unit's owner;~~

~~(b) If the association offers to send notice by electronic mail, sent by electronic mail at the request of the unit's owner to an electronic mail address designated in writing by the unit's owner; or~~

~~(c)]~~ ***Given to the units' owners in the manner set forth in section 2 of this act; or***

(b) Published in a newsletter or other similar publication that is circulated to each unit's owner.

3. In an emergency, the secretary or other officer specified in the bylaws of the association shall, if practicable, cause notice of the meeting to be sent prepaid by United States mail to the mailing address of each unit within the common-interest community. If delivery of the notice in this manner is impracticable, the notice must be hand-delivered to each unit within the common-interest community or posted in a prominent place or places within the common elements of the association.

4. The notice of a meeting of the executive board must state the time and place of the meeting and include a copy of the agenda for the meeting or the date on which and the locations where copies of the agenda may be conveniently obtained by the units' owners. The notice must include notification of the right of a unit's owner to:

(a) Have a copy of the audio recording, the minutes or a summary of the minutes of the meeting provided to the unit's owner upon request, in electronic format at no charge to the unit's owner or, if the association is unable to provide the copy or summary in electronic format, in paper format at a cost not to exceed 25 cents per page for the first 10 pages, and 10 cents per page thereafter.

(b) Speak to the association or executive board, unless the executive board is meeting in executive session.

5. The agenda of the meeting of the executive board must comply with the provisions of subsection 4 of NRS 116.3108. A period required to be devoted to comments by the units' owners and discussion of those comments must be scheduled for both the beginning and the end of each meeting. During the period devoted to comments by the units' owners and discussion of those comments at the beginning of each meeting, comments by the units' owners and discussion of those comments must be limited to items listed on the agenda. In an emergency, the executive board may take action on an item which is not listed on the agenda as an item on which action may be taken.

6. At least once every quarter, and not less than once every 100 days, unless the declaration or bylaws of the association impose more stringent standards, the executive board shall review, at a minimum, the following financial information at one of its meetings:

(a) A current year-to-date financial statement of the association;

(b) A current year-to-date schedule of revenues and expenses for the operating account and the reserve account, compared to the budget for those accounts;

(c) A current reconciliation of the operating account of the association;

(d) A current reconciliation of the reserve account of the association;

(e) The latest account statements prepared by the financial institutions in which the accounts of the association are maintained; and

(f) The current status of any civil action or claim submitted to arbitration or mediation in which the association is a party.

7. The secretary or other officer specified in the bylaws shall cause each meeting of the executive board to be audio recorded and the minutes to be recorded or otherwise taken at each meeting of the executive board, but if the executive board is meeting in executive session, the meeting must not be audio recorded. Not more than 30 days after each such meeting, the secretary or other officer specified in the bylaws shall cause the audio recording of the meeting, the minutes of the meeting and a summary of the minutes of the meeting to be made available to the units' owners. Except as otherwise provided in this subsection, a copy of the audio recording, the minutes or a summary of the minutes must be provided to any unit's owner upon request, in electronic format at no charge to the unit's owner or, if the association is unable to provide the copy or summary in electronic format, in paper format at a cost not to exceed 25 cents per page for the first 10 pages, and 10 cents per page thereafter.

8. Except as otherwise provided in subsection 9 and NRS 116.31085, the minutes of each meeting of the executive board must include:

(a) The date, time and place of the meeting;

(b) Those members of the executive board who were present and those members who were absent at the meeting;

(c) The substance of all matters proposed, discussed or decided at the meeting;

(d) A record of each member's vote on any matter decided by vote at the meeting; and

(e) The substance of remarks made by any unit's owner who addresses the executive board at the meeting if the unit's owner requests that the minutes reflect his or her remarks or, if the unit's owner has prepared written remarks, a copy of his or her prepared remarks if the unit's owner submits a copy for inclusion.

9. The executive board may establish reasonable limitations on materials, remarks or other information to be included in the minutes of its meetings.

10. The association shall maintain the minutes of each meeting of the executive board until the common-interest community is terminated.

11. A unit's owner may record on audiotape or any other means of sound reproduction a meeting of the executive board, unless the executive board is meeting in executive session, if the unit's owner, before recording the meeting, provides notice of his or her intent to record the meeting to the

members of the executive board and the other units' owners who are in attendance at the meeting.

12. As used in this section, "emergency" means any occurrence or combination of occurrences that:

(a) Could not have been reasonably foreseen;

(b) Affects the health, welfare and safety of the units' owners or residents of the common-interest community;

(c) Requires the immediate attention of, and possible action by, the executive board; and

(d) Makes it impracticable to comply with the provisions of subsection 2 or 5.

Sec. 42. NRS 116.3109 is hereby amended to read as follows:

116.3109 1. Except as otherwise provided in this section and NRS 116.31034, and except when the governing documents provide otherwise, a quorum is present throughout any meeting of the ~~[association if the number of members of]~~ ***units' owners if persons entitled to cast 20 percent of the votes in*** the association ~~[who are]~~ ***:***

(a) Are present in person ~~[or]~~ ***;***

(b) Are present by proxy ~~[at the beginning of the meeting equals or exceeds 20 percent of the total number of voting members of the association.]~~ ***;***

(c) Have cast absentee ballots in accordance with paragraph (d) of subsection 2 of NRS 116.311; or

(d) Are present by any combination of paragraphs (a), (b) and (c).

2. If the governing documents of an association contain a quorum requirement for a meeting of the association that is greater than the 20 percent required by subsection 1 and, after proper notice has been given for a meeting, the members of the association who are present in person or by proxy at the meeting are unable to hold the meeting because a quorum is not present at the beginning of the meeting, the members who are present in person at the meeting may adjourn the meeting to a time that is not less than 48 hours or more than 30 days from the date of the meeting. At the subsequent meeting:

(a) A quorum shall be deemed to be present if the number of members of the association who are present in person or by proxy at the beginning of the subsequent meeting equals or exceeds 20 percent of the total number of voting members of the association; and

(b) If such a quorum is deemed to be present but the actual number of members who are present in person or by proxy at the beginning of the subsequent meeting is less than the number of members who are required for a quorum under the governing documents, the members who are present in person or by proxy at the subsequent meeting may take action only on those matters that were included as items on the agenda of the original meeting.

➥ The provisions of this subsection do not change the actual number of votes that are required under the governing documents for taking action on any particular matter.

3. Unless the governing documents specify a larger ~~[percentage,]~~ ***number,*** a quorum ***of the executive board*** is ~~[deemed]~~ present ~~[throughout any]~~ ***for purposes of determining the validity of any action taken at a*** meeting of the executive board ***only*** if ~~[persons]~~ ***individuals*** entitled to cast ~~[50 percent]~~ ***a majority*** of the votes on that board are present at the ~~[beginning of the meeting.]~~ ***time a vote regarding that action is taken. If a quorum is present when a vote is taken, the affirmative vote of a majority of the members present is the act of the executive board unless a greater vote is required by the declaration or bylaws.***

4. Meetings of the association must be conducted in accordance with the most recent edition of Robert's Rules of Order Newly Revised, unless the bylaws or a resolution of the executive board adopted before the meeting provide otherwise.

Sec. 43. NRS 116.311 is hereby amended to read as follows:

116.311 1. ***Unless prohibited or limited by the declaration or bylaws and except as otherwise provided in this section, units' owners may vote at a meeting in person, by absentee ballot pursuant to paragraph (d) of subsection 2, by a proxy pursuant to subsections 3 to 8, inclusive, or, when a vote is conducted without a meeting, by electronic or paper ballot pursuant to subsection 9.***

2. At a meeting of units' owners, the following requirements apply:

(a) Units' owners who are present in person may vote by voice vote, show of hands, standing or any other method for determining the votes of units' owners, as designated by the person presiding at the meeting.

(b) If only one of several owners of a unit is present ***,*** ~~[at a meeting of the association,]~~ that owner is entitled to cast all the votes allocated to that unit. If more than one of the owners are present, the votes allocated to that unit may be cast only in accordance with the agreement of a majority in interest of the owners, unless the declaration expressly provides otherwise. There is majority agreement if any one of the owners cast the votes allocated to ~~[that]~~ ***the*** unit without protest ***being*** made promptly to the person presiding over the meeting by any of the other owners of the unit.

~~[2.]~~ ***(c) Unless a greater number or fraction of the votes in the association is required by this chapter or the declaration, a majority of the votes cast determines the outcome of any action of the association.***

(d) Subject to subsection 1, a unit's owner may vote by absentee ballot without being present at the meeting. The association promptly shall deliver an absentee ballot to an owner who requests it if the request is made at least 3 days before the scheduled meeting. Votes cast by absentee ballot must be included in the tally of a vote taken at that meeting.

(e) When a unit's owner votes by absentee ballot, the association must be able to verify that the ballot is cast by the unit's owner having the right to do so.

3. Except as otherwise provided in this section, votes allocated to a unit may be cast pursuant to a proxy executed by a unit's owner. A unit's owner may give a proxy only to a member of his or her immediate family, a tenant of the unit's owner who resides in the common-interest community, another unit's owner who resides in the common-interest community, or a delegate or representative when authorized pursuant to NRS 116.31105. If a unit is owned by more than one person, each owner of the unit may vote or register protest to the casting of votes by the other owners of the unit through an executed proxy. A unit's owner may revoke a proxy given pursuant to this section only by actual notice of revocation to the person presiding over a meeting of the association.

~~[3.]~~ ***4.*** Before a vote may be cast pursuant to a proxy:

(a) The proxy must be dated.

(b) The proxy must not purport to be revocable without notice.

(c) The proxy must designate the meeting for which it is executed ~~[.]~~ ***, and such a designation includes any recessed session of that meeting.***

(d) The proxy must designate each specific item on the agenda of the meeting for which the unit's owner has executed the proxy, except that the unit's owner may execute the proxy without designating any specific items on the agenda of the meeting if the proxy is to be used solely for determining whether a quorum is present for the meeting. If the proxy designates one or more specific items on the agenda of the meeting for which the unit's owner has executed the proxy, the proxy must indicate, for each specific item designated in the proxy, whether the holder of the proxy must cast a vote in the affirmative or the negative on behalf of the unit's owner. If the proxy does not indicate whether the holder of the proxy must cast a vote in the affirmative or the negative for a particular item on the agenda of the meeting, the proxy must be treated, with regard to that particular item, as if the unit's owner were present but not voting on that particular item.

(e) The holder of the proxy must disclose at the beginning of the meeting for which the proxy is executed ***and any recessed session of that meeting*** the number of proxies pursuant to which the holder will be casting votes.

~~[4.]~~ ***5.*** A proxy terminates immediately after the conclusion of the meeting ***, and any recessed sessions of the meeting,*** for which it is executed.

~~[5.]~~ ***6.*** Except as otherwise provided in this subsection, a vote may not be cast pursuant to a proxy for the election or removal of a member of the executive board of an association. A vote may be cast pursuant to a proxy for the election or removal of a member of the executive board of a master association which governs a time-share plan created pursuant to chapter 119A of NRS if the proxy is exercised through a delegate or representative authorized pursuant to NRS 116.31105.

~~[6.]~~ ***7.*** The holder of a proxy may not cast a vote on behalf of the unit's owner who executed the proxy in a manner that is contrary to the proxy.

~~[7.]~~ ***8.*** A proxy is void if the proxy or the holder of the proxy violates any provision of subsections ~~[1]~~ ***3*** to ~~[6,]~~ ***7,*** inclusive.

~~[8.]~~ ***9. Unless prohibited or limited by the declaration or bylaws, an association may conduct a vote without a meeting. Except as otherwise provided in NRS 116.31034 and 116.31036, if an association conducts a vote without a meeting, the following requirements apply:***

(a) The association shall notify the units' owners that the vote will be taken by ballot.

(b) The association shall deliver a paper or electronic ballot to every unit's owner entitled to vote on the matter.

(c) The ballot must set forth each proposed action and provide an opportunity to vote for or against the action.

(d) When the association delivers the ballots, it shall also:

(1) Indicate the number of responses needed to meet the quorum requirements;

(2) State the percentage of votes necessary to approve each matter other than election of directors;

(3) Specify the time and date by which a ballot must be delivered to the association to be counted, which time and date may not be fewer than 3 days after the date the association delivers the ballot; and

(4) Describe the time, date and manner by which units' owners wishing to deliver information to all units' owners regarding the subject of the vote may do so.

(e) Except as otherwise provided in the declaration or bylaws, a ballot is not revoked after delivery to the association by death or disability of or attempted revocation by the person who cast that vote.

(f) Approval by ballot pursuant to this subsection is valid only if the number of votes cast by ballot equals or exceeds the quorum required to be present at a meeting authorizing the action.

10. If the declaration requires that votes on specified matters affecting the common-interest community must be cast by the lessees of leased units rather than the units' owners who have leased the units:

(a) ~~[The provisions of subsections 1 to 7, inclusive, apply]~~ ***This section applies*** to the lessees as if they were the units' owners;

(b) The units' owners who have leased their units to the lessees may not cast votes on those specified matters;

(c) The lessees are entitled to notice of meetings, access to records and other rights respecting those matters as if they were the units' owners; and

(d) The units' owners must be given notice, in the manner provided in NRS 116.3108, of all meetings at which the lessees are entitled to vote.

~~[9.]~~ ***11.*** If any votes are allocated to a unit that is owned by the association, those votes may not be cast, by proxy or otherwise, for any purpose.

Sec. 44. NRS 116.3111 is hereby amended to read as follows:

116.3111 ***1. A unit's owner is not liable, solely by reason of being a unit's owner, for an injury or damage arising out of the condition or use of the common elements.*** Neither the association nor any unit's owner except the declarant is liable for that declarant's torts in connection with any part of the common-interest community which that declarant has the responsibility to maintain. ~~[Otherwise, an]~~

2. An action alleging a wrong done by the association ~~[must be brought]~~ ***, including, without limitation, an action arising out of the condition or use of the common elements, may be maintained only*** against the association and not against any unit's owner. If the wrong occurred during any period of declarant's control and the association gives the declarant reasonable notice of and an opportunity to defend against the action, the declarant who then controlled the association is liable to the association or to any unit's owner for all tort losses not covered by insurance suffered by the association or that unit's owner, and all costs that the association would not have incurred but for a breach of contract or other wrongful act or omission. Whenever the declarant is liable to the association under this section, the declarant is also liable for all expenses of litigation, including reasonable attorney's fees, incurred by the association. ~~[Any]~~

3. Except as otherwise provided in subsection 4 of NRS 116.4116 with respect to warranty claims, any statute of limitation affecting the association's right of action ***against a declarant*** under this section is tolled until the period of declarant's control terminates. A unit's owner is not precluded from maintaining an action contemplated by this section because he or she is a unit's owner or a member or officer of the association. ***Liens resulting from judgments against the association are governed by NRS 116.3117.***

Sec. 45. NRS 116.3113 is hereby amended to read as follows:

116.3113 1. Commencing not later than the time of the first conveyance of a unit to a person other than a declarant, the association shall maintain, to the extent reasonably available ~~[, both of the following:]~~ ***and subject to reasonable deductibles:***

(a) Property insurance on the common elements and, in a planned community, also on property that must become common elements, insuring against ~~[all]~~ risks of direct physical loss commonly insured against ~~[or, in the case of a converted building, against fire and extended coverage perils. The total amount of]~~ ***, which*** insurance ***,*** after application of any deductibles ***,*** must be not less than 80 percent of the actual cash value of the insured property at the time the insurance is purchased and at each renewal date, exclusive of land, excavations, foundations and other items normally excluded from property policies ***;*** ~~[.]~~

(b) ~~[Liability]~~ ***Commercial general liability*** insurance, including insurance for medical payments, in an amount determined by the executive board but not less than any amount specified in the declaration, covering all

occurrences commonly insured against for ~~[~~death,~~]~~ bodily injury ~~[.]~~ and property damage arising out of or in connection with the use, ownership, or maintenance of the common elements and, in cooperatives, also of all units ~~[.]~~ ***; and***

(c) Crime insurance which includes coverage for dishonest acts by members of the executive board and the officers, employees, agents, directors and volunteers of the association and which extends coverage to any business entity that acts as the community manager of the association and the employees of that entity. Such insurance may not contain a conviction requirement, and the minimum amount of the policy must be not less than an amount equal to 3 months of aggregate assessments on all units plus reserve funds ~~*[.]*~~ ***or $5,000,000, whichever is less.***

2. In the case of a building ~~[~~that is part of a cooperative or~~]~~ that contains units ~~[~~having~~]~~ ***divided by*** horizontal boundaries described in the declaration, ***or vertical boundaries that comprise common walls between units,*** the insurance maintained under paragraph (a) of subsection 1, to the extent reasonably available, must include the units, but need not include improvements and betterments installed by units' owners.

3. If the insurance described in subsections 1 and 2 is not reasonably available, the association promptly shall cause notice of that fact to be ~~[~~hand-delivered or sent prepaid by United States mail~~]~~ ***given*** to all units' owners. The declaration may require the association to carry any other insurance, and the association ~~[~~in any event~~]~~ may carry any other insurance it considers appropriate to protect the association or the units' owners.

4. An insurance policy issued to the association does not prevent a unit's owner from obtaining insurance for the unit's owner's own benefit.

Sec. 46. NRS 116.31133 is hereby amended to read as follows:

116.31133 1. Insurance policies carried pursuant to NRS 116.3113 must provide ~~[~~to the extent reasonably available~~]~~ that:

(a) Each unit's owner is an insured person under the policy with respect to liability arising out of the unit's owner's interest in the common elements or membership in the association;

(b) The insurer waives its right to subrogation under the policy against any unit's owner or member of his or her household;

(c) No act or omission by any unit's owner, unless acting within the scope of his or her authority on behalf of the association, ~~[~~will void~~]~~ ***voids*** the policy or ~~[~~be~~]~~ ***is*** a condition to recovery under the policy; and

(d) If, at the time of a loss under the policy, there is other insurance in the name of a unit's owner covering the same risk covered by the policy, the association's policy provides primary insurance.

2. Any loss covered by the property policy under subsections 1 and 2 of NRS 116.3113 must be adjusted with the association, but the proceeds for that loss are payable to any ***insurance*** trustee designated for that purpose, or otherwise to the association, and not to any holder of a security interest. The ***insurance*** trustee or the association shall hold any ***insurance*** proceeds in

trust for the association, units' owners and lienholders as their interests may appear. Subject to ~~[the provisions of]~~ NRS 116.31135, the proceeds must be disbursed first for the repair or restoration of the damaged property, and the association, units' owners, and lienholders are not entitled to receive payment of any portion of the proceeds unless there is a surplus of proceeds after the property has been completely repaired or restored, or the common-interest community is terminated.

3. An insurer that has issued an insurance policy under this section shall issue certificates or memoranda of insurance to the association and, upon written request, to any unit's owner or holder of a security interest. The insurer issuing the policy may not cancel or refuse to renew it until 30 days after notice of the proposed cancellation or nonrenewal has been mailed to the association ***, each unit's owner*** and ~~[to any person]~~ ***each holder of a security interest*** to whom a certificate or memorandum of insurance has been issued at their respective last known addresses.

Sec. 47. NRS 116.31135 is hereby amended to read as follows:

116.31135 1. Any portion of the common-interest community for which insurance is required under NRS 116.3113 which is damaged or destroyed must be repaired or replaced promptly by the association unless:

(a) The common-interest community is terminated, in which case NRS 116.2118, 116.21183 and 116.21185 apply;

(b) Repair or replacement would be illegal under any state or local statute or ordinance governing health or safety; or

(c) Eighty percent of the units' owners, including every owner of a unit or assigned limited common element that will not be rebuilt, vote not to rebuild.

~~[~~***2.*** The cost of repair or replacement in excess of insurance proceeds ***, deductibles*** and reserves is a common expense.

~~[~~2.~~]~~ If the entire common-interest community is not repaired or replaced ~~[~~, the~~]~~ ***:***

(a) The insurance proceeds attributable to the damaged common elements ~~[~~,~~]~~ must be used to restore the damaged area to a condition compatible with the remainder of the common-interest community ***;*** ~~[~~,~~]~~ and ~~[~~except~~]~~

(b) Except to the extent that other persons will be distributees ~~[~~(subparagraph 2 of paragraph (l) of subsection 1 of NRS 116.2105):

(a)~~]~~ ***:***

(1) The ***insurance*** proceeds attributable to units and limited common elements that are not rebuilt must be distributed to the owners of those units and the owners of the units to which those limited common elements were allocated, or to lienholders, as their interests may appear; and

~~[~~(b)~~]~~ ***(2)*** The remainder of the proceeds must be distributed to all the units' owners or lienholders, as their interests may appear, as follows:

~~[~~(1)~~]~~ ***(I)*** In a condominium, in proportion to the interests of all the units in the common elements; and

~~[~~(2)~~]~~ ***(II)*** In a cooperative or planned community, in proportion to the liabilities of all the units for common expenses.

3. If the units' owners vote not to rebuild any unit, that unit's allocated interests are automatically reallocated upon the vote as if the unit had been condemned under subsection 1 of NRS 116.1107, and the association promptly shall prepare, execute and record an amendment to the declaration reflecting the reallocations.

Sec. 48. NRS 116.3115 is hereby amended to read as follows:

116.3115 1. Until the association makes an assessment for common expenses, the declarant shall pay all common expenses. After an assessment has been made by the association, assessments must be made at least annually, based on a budget adopted at least annually by the association in accordance with the requirements set forth in NRS 116.31151. Unless the declaration imposes more stringent standards, the budget must include a budget for the daily operation of the association and a budget for the reserves required by paragraph (b) of subsection 2.

2. Except for assessments under subsections 4 to 7, inclusive ~~[.]~~ ***, or as otherwise provided in this chapter:***

(a) All common expenses, including the reserves, must be assessed against all the units in accordance with the allocations set forth in the declaration pursuant to subsections 1 and 2 of NRS 116.2107.

(b) The association shall establish adequate reserves, funded on a reasonable basis, for the repair, replacement and restoration of the major components of the common elements and any other portion of the common-interest community that the association is obligated to maintain, repair, replace or restore. The reserves may be used only for those purposes, including, without limitation, repairing, replacing and restoring roofs, roads and sidewalks, and must not be used for daily maintenance. The association may comply with the provisions of this paragraph through a funding plan that is designed to allocate the costs for the repair, replacement and restoration of the major components of the common elements and any other portion of the common-interest community that the association is obligated to maintain, repair, replace or restore over a period of years if the funding plan is designed in an actuarially sound manner which will ensure that sufficient money is available when the repair, replacement and restoration of the major components of the common elements or any other portion of the common-interest community that the association is obligated to maintain, repair, replace or restore are necessary. Notwithstanding any provision of the governing documents to the contrary, to establish adequate reserves pursuant to this paragraph, including, without limitation, to establish or carry out a funding plan, the executive board may, without seeking or obtaining the approval of the units' owners, impose any necessary and reasonable assessments against the units in the common-interest community. Any such assessments imposed by the executive board must be based on the study of the reserves of the association conducted pursuant to NRS 116.31152.

3. Any assessment for common expenses or installment thereof that is 60 days or more past due bears interest at a rate equal to the prime rate at the

largest bank in Nevada as ascertained by the Commissioner of Financial Institutions on January 1 or July 1, as the case may be, immediately preceding the date the assessment becomes past due, plus 2 percent. The rate must be adjusted accordingly on each January 1 and July 1 thereafter until the balance is satisfied.

4. Except as otherwise provided in the governing documents:

(a) Any common expense associated with the maintenance, repair, restoration or replacement of a limited common element must be assessed against the units to which that limited common element is assigned, equally, or in any other proportion the declaration provides;

(b) Any common expense ~~[or portion thereof]~~ benefiting fewer than all of the units ~~[must]~~ ***or their owners may*** be assessed exclusively against the units ***or units' owners*** benefited; and

(c) The costs of insurance must be assessed in proportion to risk and the costs of utilities must be assessed in proportion to usage.

5. Assessments to pay a judgment against the association may be made only against the units in the common-interest community at the time the judgment was entered, in proportion to their liabilities for common expenses.

6. If ***damage to a unit or other part of the common-interest community, or if*** any ***other*** common expense is caused by the ***willful*** misconduct ***or gross negligence*** of any unit's owner, ***tenant or invitee of a unit's owner or tenant,*** the association may assess that expense exclusively against his or her unit ~~[.]~~ ***, even if the association maintains insurance with respect to that damage or common expense, unless the damage or other common expense is caused by a vehicle and is committed by a person who is delivering goods to, or performing services for, the unit's owner, tenant or invitee of the unit's owner or tenant.***

7. The association of a common-interest community created before January 1, 1992, is not required to make an assessment against a vacant lot located within the community that is owned by the declarant.

8. If liabilities for common expenses are reallocated, assessments for common expenses and any installment thereof not yet due must be recalculated in accordance with the reallocated liabilities.

9. The association shall provide written notice to each unit's owner of a meeting at which an assessment for a capital improvement is to be considered or action is to be taken on such an assessment at least 21 calendar days before the date of the meeting.

Sec. 49. NRS 116.3116 is hereby amended to read as follows:

116.3116 1. The association has a ~~*[statutory]*~~ lien on a unit for any construction penalty that is imposed against the unit's owner pursuant to NRS 116.310305, any assessment levied against ~~*[attributable to]*~~ that unit or any fines imposed against the unit's owner from the time the construction penalty, assessment or fine becomes due. Unless the declaration otherwise provides, ~~*[reasonable attorney's fees and costs,]*~~ any penalties, ~~*[other]*~~ fees, charges, late charges, fines and interest charged pursuant to paragraphs (j) to

(n), inclusive, of subsection 1 of NRS 116.3102 ~~[, and any other sums due to the association under the declaration, this chapter, or as a result of an administrative, arbitration, mediation or judicial decision]~~ are enforceable ~~[in the same manner]~~ as ~~[unpaid]~~ assessments under this section. If an assessment is payable in installments, the full amount of the assessment is a lien from the time the first installment thereof becomes due.

2. A lien under this section is prior to all other liens and encumbrances on a unit except:

(a) Liens and encumbrances recorded before the recordation of the declaration and, in a cooperative, liens and encumbrances which the association creates, assumes or takes subject to;

(b) A ~~[Except as otherwise provided in subsection 3, a]~~ first security interest on the unit recorded before the date on which the assessment sought to be enforced became delinquent or, in a cooperative, the first security interest encumbering only the unit's owner's interest and perfected before the date on which the assessment sought to be enforced became delinquent; and

(c) Liens for real estate taxes and other governmental assessments or charges against the unit or cooperative.

➥ The

~~[~~ ~~3. A]~~ lien ~~[under this section]~~ is also prior to all security interests described in paragraph (b) ~~[of subsection 2]~~ to the extent of any charges incurred by the association on a unit pursuant to NRS 116.310312 and to the extent of the assessments for common expenses based on the periodic budget adopted by the association pursuant to NRS 116.3115 which would have become due in the absence of acceleration during the 9 months immediately preceding institution of an action to enforce the lien, unless federal regulations adopted by the Federal Home Loan Mortgage Corporation or the Federal National Mortgage Association require a shorter period of priority for the lien. If federal regulations adopted by the Federal Home Loan Mortgage Corporation or the Federal National Mortgage Association require a shorter period of priority for the lien, the period during which the lien is prior to all security interests described in paragraph (b) ~~[of subsection 2]~~ must be determined in accordance with those federal regulations, except that notwithstanding the provisions of the federal regulations, the period of priority for the lien must not be less than the 6 months immediately preceding institution of an action to enforce the lien. This subsection does not affect the priority of mechanics' or materialmen's liens, or the priority of liens for other assessments made by the association.

3. ~~[4.]~~ Unless the declaration otherwise provides, if two or more associations have liens for assessments created at any time on the same property, those liens have equal priority.

4. ~~[5.]~~ Recording of the declaration constitutes record notice and perfection of the lien. No further recordation of any claim of lien for assessment under this section is required.

5. ~~[6.]~~ A lien for unpaid assessments is extinguished unless proceedings to enforce the lien are instituted within 3 years after the full amount of the assessments becomes due.

6. ~~[7.]~~ This section does not prohibit actions ~~[against units' owners]~~ to recover sums for which subsection 1 creates a lien or prohibit an association from taking a deed in lieu of foreclosure.

7. ~~[8.]~~ A judgment or decree in any action brought under this section must include costs and reasonable attorney's fees for the prevailing party.

8. ~~[9.]~~ The association, upon written request, shall furnish to a unit's owner a statement setting forth the amount of unpaid assessments against the unit. If the interest of the unit's owner is real estate or if a lien for the unpaid assessments may be foreclosed under NRS 116.31162 to 116.31168, inclusive, the statement must be in recordable form. The statement must be furnished within 10 business days after receipt of the request and is binding on the association, the executive board and every unit's owner.

9. ~~[10.]~~ In a cooperative, upon nonpayment of an assessment on a unit, the unit's owner may be evicted in the same manner as provided by law in the case of an unlawful holdover by a commercial tenant, and:

(a) In a cooperative where the owner's interest in a unit is real estate under NRS 116.1105, the association's lien may be foreclosed under NRS 116.31162 to 116.31168, inclusive.

(b) In a cooperative where the owner's interest in a unit is personal property under NRS 116.1105, the association's lien:

(1) May be foreclosed as a security interest under NRS 104.9101 to 104.9709, inclusive; or

(2) If the declaration so provides, may be foreclosed under NRS 116.31162 to 116.31168, inclusive.

~~[11.]~~ 10. In an action by an association to collect assessments or to foreclose a lien created under this section, the court may appoint a receiver to collect all rents or other income from the unit alleged to be due and owing to a unit's owner before commencement or during pendency of the action. The receivership is governed by chapter 32 of NRS. The court may order the receiver to pay any sums held by the receiver to the association during pendency of the action to the extent of the association's common expense assessments based on a periodic budget adopted by the association pursuant to NRS 116.3115.

Sec. 50. NRS 116.3117 is hereby amended to read as follows:

116.3117 1. In a condominium or planned community:

(a) Except as otherwise provided in paragraph (b), a judgment for money against the association, if a copy of the docket or an abstract or copy of the judgment is recorded, is not a lien on the common elements, but is a lien in favor of the judgment lienholder against all of ***the other real property of the association and all of*** the units in the common-interest community at the time the judgment was entered. No other property of a unit's owner is subject to the claims of creditors of the association.

(b) If the association has granted a security interest in the common elements to a creditor of the association pursuant to NRS 116.3112, the holder of that security interest shall exercise its right against the common elements before its judgment lien on any unit may be enforced.

(c) Whether perfected before or after the creation of the common-interest community, if a lien, other than a deed of trust or mortgage, including a judgment lien or lien attributable to work performed or materials supplied before creation of the common-interest community, becomes effective against two or more units, the owner of an affected unit may pay to the lienholder the amount of the lien attributable to his or her unit, and the lienholder, upon receipt of payment, promptly shall deliver a release of the lien covering that unit. The amount of the payment must be proportionate to the ratio which that owner's liability for common expenses bears to the liabilities for common expenses of all owners whose units are subject to the lien. After payment, the association may not assess or have a lien against that owner's unit for any portion of the common expenses incurred in connection with that lien.

(d) A judgment against the association must be indexed in the name of the common-interest community and the association and, when so indexed, is notice of the lien against the units.

2. In a cooperative:

(a) If the association receives notice of an impending foreclosure on all or any portion of the association's real estate, the association shall promptly transmit a copy of that notice to each owner of a unit located within the real estate to be foreclosed. Failure of the association to transmit the notice does not affect the validity of the foreclosure.

(b) Whether ~~[or not]~~ an owner's unit is subject to the claims of the association's creditors, no other property of an owner is subject to those claims.

Sec. 51. NRS 116.31175 is hereby amended to read as follows:

116.31175 1. Except as otherwise provided in ~~[this]~~ subsection ~~[3,]~~ ***4,*** the executive board of an association shall, upon the written request of a unit's owner, make available the books, records and other papers of the association for review at the business office of the association or a designated business location not to exceed 60 miles from the physical location of the common-interest community and during the regular working hours of the association, including, without limitation ~~[, all]~~ ***:***

(a) The financial statement of the association;

(b) The budgets of the association required to be prepared pursuant to NRS 116.31151;

(c) The study of the reserves of the association required to be conducted pursuant to NRS 116.31152; and

(d) All contracts to which the association is a party and all records filed with a court relating to a civil or criminal action to which the association is a party.

2. The executive board shall provide a copy of any of the records described in paragraphs (a), (b) and (c) of subsection 1 to a unit's owner or the Ombudsman within ~~[14]~~ 21 days after receiving a written request therefor. ~~[The]~~ Such records must be provided in electronic format at no charge to the unit's owner or, if the association is unable to provide the records in electronic format, the executive board may charge a fee to cover the actual costs of preparing a copy, but the fee may not exceed 25 cents per page for the first 10 pages, and 10 cents per page thereafter.

3. If the executive board fails to provide a copy of any of the records pursuant to subsection 2 within 21 days, the executive board must pay a penalty of $25 for each day the executive board fails to provide the records.

4. The provisions of ~~[~~this~~]~~ subsection ***1*** do not apply to:

(a) The personnel records of the employees of the association, except for those records relating to the number of hours worked and the salaries and benefits of those employees;

(b) The records of the association relating to another unit's owner, including, without limitation, any architectural plan or specification submitted by a unit's owner to the association during an approval process required by the governing documents, except for those records described in subsection ~~[~~2.~~]~~ ~~[4.]~~ ***5;*** and

(c) Any document, including, without limitation, minutes of an executive board meeting, a reserve study and a budget, if the document:

(1) Is in the process of being developed for final consideration by the executive board; and

(2) Has not been placed on an agenda for final approval by the executive board.

~~[~~2.~~]~~ ~~[4.]~~ ***5.*** The executive board of an association shall maintain a general record concerning each violation of the governing documents, other than a violation involving a failure to pay an assessment, for which the executive board has imposed a fine, a construction penalty or any other sanction. The general record:

(a) Must contain a general description of the nature of the violation and the type of the sanction imposed. If the sanction imposed was a fine or construction penalty, the general record must specify the amount of the fine or construction penalty.

(b) Must not contain the name or address of the person against whom the sanction was imposed or any other personal information which may be used to identify the person or the location of the unit, if any, that is associated with the violation.

(c) Must be maintained in an organized and convenient filing system or data system that allows a unit's owner to search and review the general records concerning violations of the governing documents.

~~[~~3.~~]~~ ~~[5.]~~ ***6.*** If the executive board refuses to allow a unit's owner to review the books, records or other papers of the association, the Ombudsman may:

(a) On behalf of the unit's owner and upon written request, review the books, records or other papers of the association during the regular working hours of the association; and

(b) If the Ombudsman is denied access to the books, records or other papers, request the Commission, or any member thereof acting on behalf of the Commission, to issue a subpoena for their production.

~~[4.]~~ ~~*[6.]*~~ ***7.*** The books, records and other papers of an association must be maintained for at least 10 years. The provisions of this subsection do not apply to:

(a) The minutes of a meeting of the units' owners which must be maintained in accordance with NRS 116.3108; or

(b) The minutes of a meeting of the executive board which must be maintained in accordance with NRS 116.31083.

~~[5.]~~ ~~*[7.]*~~ ***8.*** The executive board shall not require a unit's owner to pay an amount in excess of $10 per hour to review any books, records, contracts or other papers of the association pursuant to the provisions of ~~[~~this section.

~~6. If an official publication contains or will contain any mention of a candidate or ballot question, the official publication must, upon request and without charge, provide equal space to the candidate or a representative of an organization which supports the passage or defeat of the ballot question.~~

~~7. If an official publication contains or will contain the views or opinions of the association, the executive board, a community manager or an officer, employee or agent of an association concerning an issue of official interest, the official publication must, upon request and without charge, provide equal space to opposing views and opinions of a unit's owner, tenant or resident of the common interest community.~~

~~8. The association and its officers, employees and agents are immune from criminal or civil liability for any act or omission which arises out of the publication or disclosure of any information related to any person and which occurs in the course of carrying out any duties required pursuant to subsection 6 or 7.~~

~~9. As used in this section:~~

~~(a) "Issue of official interest" includes, without limitation:~~

~~(1) Any issue on which the executive board or the units' owners will be voting, including, without limitation, the election of members of the executive board; and~~

~~(2) The enactment or adoption of rules or regulations that will affect a common interest community.~~

~~(b) "Official publication" means:~~

~~(1) An official website;~~

~~(2) An official newsletter or other similar publication that is circulated to each unit's owner; or~~

~~(3) An official bulletin board that is available to each unit's owner,~~

~~➥ which is published or maintained at the cost of an association and by an association, an executive board, a member of an executive board, a~~

~~community manager or an officer, employee or agent of an association.]~~ ***subsection 1.***

Sec. 52. NRS 116.4101 is hereby amended to read as follows:

116.4101 1. NRS 116.4101 to 116.412, inclusive, apply to all units subject to this chapter, except as otherwise provided in ~~[this section]~~ ***subsection 2*** or as modified or waived by agreement of purchasers of units in a common-interest community in which all units are restricted to nonresidential use.

2. Neither a public offering statement nor a certificate of resale need be prepared or delivered in the case of a:

(a) Gratuitous disposition of a unit;

(b) Disposition pursuant to court order;

(c) Disposition by a government or governmental agency;

(d) Disposition by foreclosure or deed in lieu of foreclosure;

(e) Disposition to a dealer;

(f) Disposition that may be cancelled at any time and for any reason by the purchaser without penalty; ~~[or]~~

(g) Disposition of a unit in a planned community which contains no more than 12 units if:

(1) The declarant reasonably believes in good faith that the maximum assessment stated in the declaration will be sufficient to pay the expenses of the planned community; and

(2) The declaration cannot be amended to increase the assessment during the period of the declarant's control without the consent of all units' owners ~~[.~~

~~3. Except as otherwise provided in subsection 2, the provisions of NRS 116.4101 to 116.412, inclusive, do not apply to a planned community described in NRS 116.1203.]~~ ***; or***

(h) Disposition of a unit restricted to nonresidential purposes.

Sec. 53. NRS 116.4103 is hereby amended to read as follows:

116.4103 1. Except as otherwise provided in NRS 116.41035, a public offering statement must set forth or fully and accurately disclose each of the following:

(a) The name and principal address of the declarant and of the common-interest community, and a statement that the common-interest community is ~~[either]~~ a condominium, cooperative or planned community.

(b) A general description of the common-interest community, including to the extent possible, the types, number and declarant's schedule of commencement and completion of construction of buildings, and amenities that the declarant anticipates including in the common-interest community.

(c) The estimated number of units in the common-interest community.

(d) Copies of the declaration, bylaws, and any rules or regulations of the association, but a plat is not required.

(e) ~~[A current year to date financial statement, including the most recent audited or reviewed financial statement, and the projected budget for the~~

~~association, either within or as an exhibit to the public offering statement, for 1 year after the date of the first conveyance to a purchaser, and thereafter the current budget of the association. The budget must include, without limitation:~~

~~(1) A statement of the amount included in the budget as reserves for repairs, replacement and restoration pursuant to NRS 116.3115; and~~

~~(2) The projected monthly assessment for common expenses for each type of unit, including the amount established as reserves pursuant to NRS 116.3115.~~**]** ***The financial information required by subsection 2.***

(f) A description of any services or subsidies being provided by the declarant or an affiliate of the declarant, not reflected in the budget **[**~~.~~**]** ***that the declarant provides, or expenses which the declarant pays and which the declarant expects may become at any subsequent time a common expense of the association and the projected common expense assessment attributable to each of those services or expenses for the association and for each type of unit.***

(g) Any initial or special fee due from the purchaser ***or seller*** at closing, ***including, without limitation, any transfer fees, whether payable to the association, the community manager of the association or any third party,*** together with a description of the purpose and method of calculating the fee.

(h) The terms and significant limitations of any warranties provided by the declarant, including statutory warranties and limitations on the enforcement thereof or on damages.

(i) A statement that unless the purchaser or his or her agent has personally inspected the unit, the purchaser may cancel, by written notice, his or her contract for purchase until midnight of the fifth calendar day following the date of execution of the contract, and the contract must contain a provision to that effect.

(j) A statement of any unsatisfied **[**~~judgments~~**]** ***judgment*** or pending **[**~~suits~~**]** ***action*** against the association, and the status of any pending **[**~~suits~~**]** ***action*** material to the common-interest community of which a declarant has actual knowledge.

(k) Any current or expected fees or charges to be paid by units' owners for the use of the common elements and other facilities related to the common-interest community.

(l) In addition to any other document, a statement describing all current and expected fees or charges for each unit, including, without limitation, association fees, fines, assessments, late charges or penalties, interest rates on delinquent assessments, additional costs for collecting past due fines and charges for opening or closing any file for each unit.

(m) ***Any restraints on alienation of any portion of the common-interest community and any restrictions:***

(1) On the leasing or renting of units; and

(2) On the amount for which a unit may be sold or on the amount that may be received by a unit's owner on the sale or condemnation of or

casualty loss to the unit or to the common-interest community, or on termination of the common-interest community.

(n) A description of any arrangement described in NRS 116.1209 binding the association.

(o) The information statement set forth in NRS 116.41095.

2. ***The public offering statement must contain any current balance sheet and a projected budget for the association, either within or as an exhibit to the public offering statement, for 1 year after the date of the first conveyance to a purchaser, and thereafter the current budget of the association, a statement of who prepared the budget and a statement of the budget's assumptions concerning occupancy and inflation factors. The budget must include:***

(a) A statement of the amount included in the budget as a reserve for repairs, replacement and restoration pursuant to NRS 116.3115;

(b) A statement of any other reserves;

(c) The projected common expense assessment by category of expenditures for the association; and

(d) The projected monthly common expense assessment for each type of unit, including the amount established as reserves pursuant to NRS 116.3115.

3. A declarant is not required to revise a public offering statement more than once each calendar quarter, if the following warning is given prominence in the statement: "THIS PUBLIC OFFERING STATEMENT IS CURRENT AS OF (insert a specified date). RECENT DEVELOPMENTS REGARDING (here refer to particular provisions of NRS 116.4103 and 116.4105) MAY NOT BE REFLECTED IN THIS STATEMENT."

Sec. 54. NRS 116.41035 is hereby amended to read as follows:

116.41035 If a common-interest community composed of not more than 12 units is not subject to any developmental rights and no power is reserved to a declarant to make the common-interest community part of a larger common-interest community, group of common-interest communities or other real estate, a public offering statement may ~~[but need not]~~ include the information otherwise required by paragraphs (h) and (k) of subsection 1 of NRS 116.4103.

Sec. 55. NRS 116.4109 is hereby amended to read as follows:

116.4109 1. Except in the case of a sale in which delivery of a public offering statement is required, or unless exempt under subsection 2 of NRS 116.4101, a unit's owner or his or her authorized agent shall, at the expense of the unit's owner, furnish to a purchaser a resale package containing all of the following:

(a) A copy of the declaration, other than any plats, the bylaws, the rules or regulations of the association and the information statement required by NRS 116.41095;

(b) A statement setting forth the amount of the monthly assessment for common expenses and any unpaid assessment of any kind currently due from the selling unit's owner;

(c) A copy of the current operating budget of the association and current year-to-date financial statement for the association, which must include a summary of the reserves of the association required by NRS 116.31152 and which must include, without limitation, a summary of the information described in paragraphs (a) to (e), inclusive, of subsection 3 of NRS 116.31152;

(d) A statement of any unsatisfied judgments or pending legal actions against the association and the status of any pending legal actions relating to the common-interest community of which the unit's owner has actual knowledge;

(e) A statement of any transfer fees, transaction fees or any other fees associated with the resale of a unit; and

(f) In addition to any other document, a statement describing all current and expected fees or charges for each unit, including, without limitation, association fees, fines, assessments, late charges or penalties, interest rates on delinquent assessments, additional costs for collecting past due fines and charges for opening or closing any file for each unit.

2. The purchaser may, by written notice, cancel the contract of purchase until midnight of the fifth calendar day following the date of receipt of the resale package described in subsection 1, and the contract for purchase must contain a provision to that effect. If the purchaser elects to cancel a contract pursuant to this subsection, the purchaser must hand deliver the notice of cancellation to the unit's owner or his or her authorized agent or mail the notice of cancellation by prepaid United States mail to the unit's owner or his or her authorized agent. Cancellation is without penalty, and all payments made by the purchaser before cancellation must be refunded promptly. If the purchaser has accepted a conveyance of the unit, the purchaser is not entitled to:

(a) Cancel the contract pursuant to this subsection; or

(b) Damages, rescission or other relief based solely on the ground that the unit's owner or his or her authorized agent failed to furnish the resale package, or any portion thereof, as required by this section.

3. Within 10 days after receipt of a written request by a unit's owner or his or her authorized agent, the association shall furnish all of the following to the unit's owner or his or her authorized agent for inclusion in the resale package:

(a) Copies of the documents required pursuant to paragraphs (a) and (c) of subsection 1; and

(b) A certificate containing the information necessary to enable the unit's owner to comply with paragraphs (b), (d) ***,*** ~~[and]~~ (e) ***and (f)*** of subsection 1.

4. If the association furnishes the documents and certificate pursuant to subsection 3:

(a) The unit's owner or his or her authorized agent shall include the documents and certificate in the resale package provided to the purchaser, and neither the unit's owner nor his or her authorized agent is liable to the purchaser for any erroneous information provided by the association and included in the documents and certificate.

(b) The association may charge the unit's owner a reasonable fee to cover the cost of preparing the certificate furnished pursuant to subsection 3. Such a fee must be based on the actual cost the association incurs to fulfill the requirements of this section in preparing the certificate. The Commission shall adopt regulations establishing the maximum amount of the fee that an association may charge for preparing the certificate.

(c) The ***other documents furnished pursuant to subsection 3 must be provided in electronic format at no charge to the unit's owner or, if the association is unable to provide such documents in electronic format, the*** association may charge the unit's owner a reasonable fee, not to exceed 25 cents per page ~~[.]~~ ***for the first 10 pages, and 10 cents per page thereafter,*** to cover the cost of copying ***.*** ~~[the other documents furnished pursuant to subsection 3.]~~

(d) Except for the fees allowed pursuant to paragraphs (b) and (c), the association may not charge the unit's owner any other fees for preparing or furnishing the documents and certificate pursuant to subsection 3.

5. Neither a purchaser nor the purchaser's interest in a unit is liable for any unpaid assessment or fee greater than the amount set forth in the documents and certificate prepared by the association. If the association fails to furnish the documents and certificate within the 10 days allowed by this section, the ~~[seller]~~ ***purchaser*** is not liable for the delinquent assessment.

6. Upon the request of a unit's owner or his or her authorized agent, or upon the request of a purchaser to whom the unit's owner has provided a resale package pursuant to this section or his or her authorized agent, the association shall make the entire study of the reserves of the association which is required by NRS 116.31152 reasonably available for the unit's owner, purchaser or authorized agent to inspect, examine, photocopy and audit. The study must be made available at the business office of the association or some other suitable location within the county where the common-interest community is situated or, if it is situated in more than one county, within one of those counties.

Sec. 56. **(Deleted by amendment.)**

Sec. 57. NRS 116.4114 is hereby amended to read as follows:

116.4114 1. A declarant and any dealer warrant that a unit will be in at least as good condition at the earlier of the time of the conveyance or delivery of possession as it was at the time of contracting, reasonable wear and tear excepted.

2. A declarant and any dealer impliedly warrant that a unit and the common elements in the common-interest community are suitable for the ordinary uses of real estate of its type and that any improvements made or

contracted for by ~~[him or her,]~~ ***a declarant or dealer,*** or made by any person before the creation of the common-interest community, will be:

(a) Free from defective materials; and

(b) Constructed in accordance with applicable law, according to sound standards of engineering and construction, and in a workmanlike manner.

3. ~~[In addition, a]~~ ***A*** declarant and any dealer warrant to a purchaser of a unit that may be used for residential use that an existing use, continuation of which is contemplated by the parties, does not violate applicable law at the earlier of the time of conveyance or delivery of possession.

4. Warranties imposed by this section may be excluded or modified as specified in NRS 116.4115.

5. For purposes of this section, improvements made or contracted for by an affiliate of a declarant are made or contracted for by the declarant.

6. Any conveyance of a unit transfers to the purchaser all of the declarant's implied warranties of quality.

Sec. 58. NRS 116.4116 is hereby amended to read as follows:

116.4116 1. ~~[A]~~ ***Unless a period of limitation is tolled under NRS 116.3111 or affected by subsection 4, a*** judicial proceeding for breach of any obligation arising under NRS 116.4113 or 116.4114 must be commenced within 6 years after the cause of action accrues, but the parties may agree to reduce the period of limitation to not less than 2 years. With respect to a unit that may be occupied for residential use, an agreement to reduce the period of limitation must be evidenced by a separate instrument executed by the purchaser.

2. Subject to subsection 3, a cause of action for breach of warranty of quality, regardless of the purchaser's lack of knowledge of the breach, accrues:

(a) As to a unit, at the time the purchaser to whom the warranty is first made enters into possession if a possessory interest was conveyed or at the time of acceptance of the instrument of conveyance if a nonpossessory interest was conveyed; and

(b) As to each common element, at the time the common element is completed or, if later, as to:

(1) A common element that may be added to the common-interest community or portion thereof, at the time the first unit therein is conveyed to a bona fide purchaser; or

(2) A common element within any other portion of the common-interest community, at the time the first unit is conveyed to a purchaser in good faith.

3. If a warranty of quality explicitly extends to future performance or duration of any improvement or component of the common-interest community, the cause of action accrues at the time the breach is discovered or at the end of the period for which the warranty explicitly extends, whichever is earlier.

4. During the period of declarant control, the association may authorize an independent committee of the executive board to evaluate and

enforce any warranty claims involving the common elements, and to ~~[compromise]~~ address those claims. Only members of the executive board elected by units' owners other than the declarant and other persons appointed by those independent members may serve on the committee, and the committee's decision must be free of any control by the declarant or any member of the executive board or officer appointed by the declarant. All costs reasonably incurred by the committee, including attorney's fees, are common expenses, and must be added to the budget annually adopted by the association in accordance with the requirements of NRS 116.31151. If the committee is so created, the period of limitation for a warranty claim considered by the committee begins to run from the date of the first meeting of the committee.

Sec. 59. NRS 116.4117 is hereby amended to read as follows:

116.4117 1. Subject to the requirements set forth in subsection 2, if a declarant, community manager or any other person subject to this chapter fails to comply with any of its provisions or any provision of the declaration or bylaws, any person or class of persons suffering actual damages from the failure to comply may bring a civil action for damages or other appropriate relief.

2. Subject to the requirements set forth in NRS 38.310 and except as otherwise provided in NRS 116.3111, a civil action for damages or other appropriate relief for a failure or refusal to comply with any provision of this chapter or the governing documents of an association may be brought:

(a) By the association against:

(1) A declarant;

(2) A community manager; or

(3) A unit's owner.

(b) By a unit's owner against:

(1) The association;

(2) A declarant; or

(3) Another unit's owner of the association.

(c) By a class of units' owners constituting at least 10 percent of the total number of voting members of the association against a community manager.

3. ***Members of the executive board are not personally liable to the victims of crimes occurring on the property.***

4. Except as otherwise provided in ~~[NRS 116.31036,]~~ ***subsection 5,*** punitive damages may be awarded for a willful and material failure to comply with any provision of this chapter if the failure is established by clear and convincing evidence.

~~[4.]~~ ***5. Punitive damages may not be awarded against:***

(a) The association;

(b) The members of the executive board for acts or omissions that occur in their official capacity as members of the executive board; or

(c) The officers of the association for acts or omissions that occur in their capacity as officers of the association.

6. The court may award reasonable attorney's fees to the prevailing party.

~~[5.]~~ ***7.*** The civil remedy provided by this section is in addition to, and not exclusive of, any other available remedy or penalty.

8. The provisions of this section do not prohibit the Commission from taking any disciplinary action against a member of an executive board pursuant to NRS 116.745 to 116.795, inclusive.

Sec. 59.5. NRS 116A.410 is hereby amended to read as follows:

116A.410 1. The Commission shall by regulation provide for the issuance by the Division of certificates. The regulations:

(a) Must establish the qualifications for the issuance of such a certificate, including, without limitation, the education and experience required to obtain such a certificate. The regulations must include, without limitation, provisions that:

(1) Provide for the issuance of a temporary certificate for a 1-year period to a person who:

(I) Holds a professional designation in the field of management of a common-interest community from a nationally recognized organization;

(II) Provides evidence that the person has been engaged in the management of a common-interest community for at least 5 years; and

(III) Has not been the subject of any disciplinary action in another state in connection with the management of a common-interest community.

(2) Except as otherwise provided in subparagraph (3), provide for the issuance of a temporary certificate for a 1-year period to a person who:

(I) Receives an offer of employment as a community manager from an association or its agent; and

(II) Has management experience determined to be sufficient by the executive board of the association or its agent making the offer in sub-subparagraph (I). The executive board or its agent must have sole discretion to make the determination required in this sub-subparagraph.

(3) Require a temporary certificate described in subparagraph (2) to expire before the end of the 1-year period if the certificate holder ceases to be employed by the association, or its agent, which offered the person employment as described in subparagraph (2).

(4) Require a person who is issued a temporary certificate as described in subparagraph (1) or (2) to successfully complete not less than 18 hours of instruction relating to the Uniform Common-Interest Ownership Act within the 1-year period.

(5) Provide for the issuance of a certificate at the conclusion of the 1-year period if the person:

(I) Has successfully completed not less than 18 hours of instruction relating to the Uniform Common-Interest Ownership Act; and

(II) Has not been the subject of any disciplinary action pursuant to this chapter or chapter 116 of NRS or any regulations adopted pursuant thereto.

(6) Provide that a temporary certificate described in subparagraph (1) or (2) and a certificate described in subparagraph (5):

(I) Must authorize the person who is issued a temporary certificate described in subparagraph (1) or (2) or certificate described in subparagraph (5) to act in all respects as a community manager and exercise all powers available to any other community manager without regard to experience; and

(II) Must not be treated as a limited, restricted or provisional form of a certificate.

(b) ~~[Must require an applicant or the employer of the applicant to post a bond in a form and in an amount established by regulation. The Commission shall, by regulation, adopt a sliding scale for the amount of the bond that is based upon the amount of money that applicants are expected to control. In adopting the regulations establishing the form and sliding scale for the amount of a bond required to be posted pursuant to this paragraph, the Commission shall consider the availability and cost of such bonds.~~

~~(c)]~~ May require applicants to pass an examination in order to obtain a certificate other than a temporary certificate described in paragraph (a). If the regulations require such an examination, the Commission shall by regulation establish fees to pay the costs of the examination, including any costs which are necessary for the administration of the examination.

~~[(d)]~~ ***(c)*** Must establish a procedure for a person who was previously issued a certificate and who no longer holds a certificate to reapply for and obtain a new certificate without undergoing any period of supervision under another community manager, regardless of the length of time that has passed since the person last acted as a community manager.

~~[(e)]~~ ***(d)*** May require an investigation of an applicant's background. If the regulations require such an investigation, the Commission shall by regulation establish fees to pay the costs of the investigation.

~~[(f)]~~ ***(e)*** Must establish the grounds for initiating disciplinary action against a person to whom a certificate has been issued, including, without limitation, the grounds for placing conditions, limitations or restrictions on a certificate and for the suspension or revocation of a certificate.

~~[(g)]~~ ***(f)*** Must establish rules of practice and procedure for conducting disciplinary hearings.

2. The Division may collect a fee for the issuance of a certificate in an amount not to exceed the administrative costs of issuing the certificate.

3. As used in this section, "management experience" means experience in a position in business or government, including, without limitation, in the military:

(a) In which the person holding the position was required, as part of holding the position, to engage in one or more management activities, including, without limitation, supervision of personnel, development of budgets or financial plans, protection of assets, logistics, management of human resources, development or training of personnel, public relations, or protection or maintenance of facilities; and

(b) Without regard to whether the person holding the position has any experience managing or otherwise working for an association.

Sec. 60. NRS 116.31177 is hereby repealed.

Sec. 61. This act becomes effective on January 1, 2012.

TEXT OF REPEALED SECTION

116.31177 Maintenance and availability of certain financial records of association; provision of copies to units' owners and Ombudsman.

1. The executive board of an association shall maintain and make available for review at the business office of the association or some other suitable location within the county where the common-interest community is situated or, if it is situated in more than one county, within one of those counties:

(a) The financial statement of the association;

(b) The budgets of the association required to be prepared pursuant to NRS 116.31151; and

(c) The study of the reserves of the association required to be conducted pursuant to NRS 116.31152.

2. The executive board shall provide a copy of any of the records required to be maintained pursuant to subsection 1 to a unit's owner or the Ombudsman within 14 days after receiving a written request therefor. The executive board may charge a fee to cover the actual costs of preparing a copy, but not to exceed 25 cents per page.

Assemblyman Ohrenschall moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, reengrossed, and to third reading.

Senate Bill No. 222.

Bill read second time and ordered to third reading.

Senate Bill No. 251.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 805.

JOINT SPONSORS: ASSEMBLYMEN SMITH, BROOKS AND HANSEN

SUMMARY—Creates the ~~[~~Nevada~~]~~ Sunset **Subcommittee of the Legislative** Commission to evaluate certain governmental programs and services. (BDR 18-745)

AN ACT relating to ~~[~~commissions;~~]~~ **governmental administration; prohibiting the appointment of a person to a board, commission or similar body if the person is serving on another board, commission or similar body;** creating the ~~[~~Nevada~~]~~ Sunset **Subcommittee of the Legislative** Commission; providing for its membership; requiring the ~~[~~Commission~~]~~ **Sunset Subcommittee** to ~~[~~evaluate the necessity and efficacy

~~of all governmental programs and services provided~~] **review certain boards and commissions** in this State **[;] to determine the need for the termination, consolidation, modification or continuation of those boards and commissions;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Section 3 of this bill creates the Nevada Sunset Commission and sets forth the details regarding the members of the Commission, who are appointed by seven different appointing authorities. Section 5 of this bill sets forth the duties of the Commission which include, without limitation, reviewing and evaluating all governmental programs and services in this State for necessity and efficacy and for duplication by other programs and services offered by the Federal Government, this State or local governments in this State. Section 4 of this bill requires the Commission to meet at least bimonthly and to annually report its findings and recommendations to the Governor and the Legislature. Section 6 of this bill authorizes the Commission, with limited exception, to apply for and receive gifts, grants, contributions or other money to carry out its duties.]~~

Existing law sets forth various requirements for serving on boards, commissions and similar bodies, including residency requirements, the procedure for filling vacancies and the qualifications and length of terms for members. (NRS 232A.020) Section 1 of this bill prohibits the Governor from appointing a person to a board, commission or similar body if the person is a member of another board, commission or similar body.

Existing law establishes the Legislative Commission and provides for its powers and duties, which consist of, in part, investigating and inquiring into subjects upon which the Legislature may act by the enactment or amendment of statutes, governmental problems, important issues of public policy or questions of statewide interest. (NRS 218E.150, 218E.175) Existing law also provides for certain standing subcommittees of the Legislative Commission to carry out ongoing duties, such as the Audit Subcommittee and the Budget Subcommittee. (NRS 218E.240, 218E.255) Finally, existing law requires the Legislative Commission to conduct reviews of existing agencies to determine whether each agency should be terminated, consolidated with another agency or continued. (NRS 232B.010-232B.100)

Section 8 of this bill creates the Sunset Subcommittee of the Legislative Commission and sets forth its membership. Section 9 of this bill specifies the Sunset Subcommittee's primary duties, which are: (1) to conduct reviews of all boards and commissions in this State which are not provided for in the Nevada Constitution or established by an executive order of the Governor and determine whether each board or commission should be terminated, modified, consolidated with another agency or continued; (2) to make recommendations for improving the boards or commissions which are to be modified, consolidated or

continued; and (3) to determine whether any tax exemptions, abatements or money set aside for a board or commission should be terminated, modified or continued. Section 9 also requires the Sunset Subcommittee to assess each board or commission reviewed for the cost of conducting the review.

Section 10 of this bill requires each board and commission to submit certain information about itself and how it operates to the Sunset Subcommittee and authorizes the Sunset Subcommittee to direct the Legislative Counsel Bureau to assist the Sunset Subcommittee in investigating, reviewing and analyzing the information submitted. Section 11 of this bill requires the Sunset Subcommittee to hold public hearings to receive commentary on whether a board or commission should be terminated, modified, consolidated or continued. Section 12 of this bill requires the Sunset Subcommittee to make recommendations for direct legislative action to carry out its recommendations regarding the termination, modification, consolidation or continuation of a board or commission.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. **NRS 232A.020 is hereby amended to read as follows:**

232A.020 1. Except as otherwise provided in this section, a person appointed to a new term or to fill a vacancy on a board, commission or similar body by the Governor must have, in accordance with the provisions of NRS 281.050, actually, as opposed to constructively, resided, for the 6 months immediately preceding the date of the appointment:

(a) In this State; and

(b) If current residency in a particular county, district, ward, subdistrict or any other unit is prescribed by the provisions of law that govern the position, also in that county, district, ward, subdistrict or other unit.

2. After the Governor's initial appointments of members to boards, commissions or similar bodies, all such members shall hold office for terms of 3 years or until their successors have been appointed and have qualified.

3. A vacancy on a board, commission or similar body occurs when a member dies, resigns, becomes ineligible to hold office or is absent from the State for a period of 6 consecutive months.

4. Any vacancy must be filled by the Governor for the remainder of the unexpired term.

5. A member appointed to a board, commission or similar body as a representative of the general public must be a person who:

(a) Has an interest in and a knowledge of the subject matter which is regulated by the board, commission or similar body; and

(b) Does not have a pecuniary interest in any matter which is within the jurisdiction of the board, commission or similar body.

6. ***The Governor shall not appoint a person to a board, commission or similar body if the person is a member of any other board, commission or similar body.***

7. The provisions of subsection 1 do not apply if:

(a) A requirement of law concerning another characteristic or status that a member must possess, including, without limitation, membership in another organization, would make it impossible to fulfill the provisions of subsection 1; or

(b) The membership of the particular board, commission or similar body includes residents of another state and the provisions of subsection 1 would conflict with a requirement that applies to all members of that body.

~~[Section 1.]~~ *Sec. 1.5.* ~~[Title 18]~~ **Chapter 232B** of NRS is hereby amended by adding thereto ~~[a new chapter to consist of]~~ the provisions set forth as sections ~~[2 to 6,]~~ **8 to 12,** inclusive, of this act.

Sec. 2. **(Deleted by amendment.)**

Sec. 3. **(Deleted by amendment.)**

Sec. 4. **(Deleted by amendment.)**

Sec. 5. **(Deleted by amendment.)**

Sec. 6. **(Deleted by amendment.)**

Sec. 7. **(Deleted by amendment.)**

Sec. 8. ***1. The Sunset Subcommittee of the Legislative Commission, consisting of nine members, is hereby created. The membership of the Sunset Subcommittee consists of:***

(a) Three members of the Legislature appointed by the Majority Leader of the Senate, at least one of whom must be a member of the minority political party;

(b) Three members of the Legislature appointed by the Speaker of the Assembly, at least one of whom must be a member of the minority political party; and

(c) Three members of the general public appointed by the Chair of the Legislative Commission from among the names of nominees submitted by the Governor pursuant to subsection 2.

2. The Governor shall, at least 30 days before the beginning of the term of any member appointed pursuant to paragraph (c) of subsection 1, or within 30 days after such a position on the Sunset Subcommittee becomes vacant, submit to the Legislative Commission the names of at least three persons qualified for membership on the Sunset Subcommittee. The Chair of the Legislative Commission shall appoint a new member or fill the vacancy from the list, or request a new list. The Chair of the Legislative Commission may appoint any qualified person who is a resident of this State to a position described in paragraph (c) of subsection 1.

3. Each member of the Sunset Subcommittee serves at the pleasure of the appointing authority.

4. The members of the Sunset Subcommittee shall elect a Chair from one House of the Legislature and a Vice Chair from the other House. Each

Chair and Vice Chair holds office for a term of 2 years commencing on July 1 of each odd-numbered year. If a vacancy occurs in the office of Chair or Vice Chair, the vacancy must be filled in the same manner as the original selection for the remainder of the unexpired term.

5. The membership of any member of the Sunset Subcommittee who is a Legislator and who is not a candidate for reelection or who is defeated for reelection terminates on the day next after the general election.

6. A vacancy on the Sunset Subcommittee must be filled in the same manner as the original appointment.

7. The Sunset Subcommittee shall meet at the times and places specified by a call of the Chair. Five members of the Sunset Subcommittee constitute a quorum, and a quorum may exercise any power or authority conferred on the Sunset Subcommittee.

8. For each day or portion of a day during which a member of the Sunset Subcommittee who is a Legislator attends a meeting of the Sunset Subcommittee or is otherwise engaged in the business of the Sunset Subcommittee, except during a regular or special session of the Legislature, the Legislator is entitled to receive the:

(a) Compensation provided for a majority of the members of the Legislature during the first 60 days of the preceding regular session;

(b) Per diem allowance provided for state officers generally; and

(c) Travel expenses provided pursuant to NRS 218A.655.

➥ The compensation, per diem allowances and travel expenses of the members of the Sunset Subcommittee who are Legislators must be paid from the Legislative Fund.

9. While engaged in the business of the Sunset Subcommittee, the members of the Subcommittee who are not Legislators are entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

Sec. 9. ***1. The Sunset Subcommittee of the Legislative Commission shall conduct a review of each board and commission in this State which is not provided for in the Nevada Constitution or established by an executive order of the Governor to determine whether the board or commission should be terminated, modified, consolidated with another board or commission or continued. Such a review must include, without limitation:***

(a) An evaluation of the major policies and programs of the board or commission, including, without limitation, an examination of other programs or services offered in this State to determine if any other provided programs or services duplicate those offered by the board or commission;

(b) Any recommendations for improvements in the policies and programs offered by the board or commission; and

(c) A determination of whether any statutory tax exemptions, abatements or money set aside to be provided to the board or commission should be terminated, modified or continued.

2. The Sunset Subcommittee shall review:

(a) Not less than 20 boards and commissions specified in subsection 1 each year; and

(b) Each of those boards and commissions not less than once every 10 years.

3. For each review of a board or commission that the Sunset Subcommittee conducts, the Sunset Subcommittee shall submit a written assessment to the board or commission setting forth the costs of the review. In determining the amount of an assessment pursuant to this subsection, the Sunset Subcommittee shall consider, based upon the information provided by the board or commission pursuant to section 10 of this act, whether any additional analysis or evaluation is required to review the board or commission because of the specialized nature of the board or commission. As soon as practicable after a board or commission receives a written assessment pursuant to this subsection, the board or commission shall pay the amount set forth in the written assessment to the Sunset Subcommittee.

4. Any action taken by the Sunset Subcommittee concerning a board or commission pursuant to sections 8 to 12, inclusive, of this act is in addition or supplemental to any action taken by the Legislative Commission pursuant to NRS 232B.010 to 232B.100, inclusive.

Sec. 10. ***1. Each board and commission subject to review by the Sunset Subcommittee of the Legislative Commission shall submit information to the Sunset Subcommittee on a form prescribed by the Sunset Subcommittee. The information must include, without limitation:***

(a) The name of the board or commission;

(b) The name of each member of the board or commission;

(c) The address of the Internet website established and maintained by the board or commission, if any;

(d) The name and contact information of the executive director of the board or commission, if any;

(e) A list of the members of the staff of the board or commission;

(f) The authority by which the board or commission was created;

(g) The governing structure of the board or commission, including, without limitation, information concerning the method, terms, qualifications and conditions of appointment and removal of the members of the board or commission;

(h) The duties of the board or commission;

(i) The operating budget of the board or commission;

(j) A statement setting forth the income and expenses of the board or commission for at least 3 years immediately preceding the date on which the board or commission submits the form required by this subsection, including the balances of any fund or account maintained by or on behalf of the board or commission;

(k) The most recent audit conducted of the board or commission, if any;

(l) The dates of the immediately preceding six meetings held by the board or commission;

(m) A statement of the objectives and programs of the board or commission;

(n) A conclusion concerning the effectiveness of the objectives and programs of the board or commission;

(o) Any recommendations for statutory changes which are necessary for the board or commission to carry out its objectives and programs; and

(p) Such other information as the Sunset Subcommittee may require.

2. The Sunset Subcommittee may direct the Legislative Counsel Bureau to assist in its research, investigations, review and analysis of the information submitted by each board and commission pursuant to subsection 1.

Sec. 11. ***1. The Sunset Subcommittee of the Legislative Commission shall conduct public hearings for the purpose of obtaining comments on, and may require the Legislative Counsel Bureau to submit reports on, the need for the termination, modification, consolidation or continued operation of a board or commission.***

2. The Sunset Subcommittee shall consider any report submitted to it by the Legislative Counsel Bureau.

3. A board or commission has the burden of proving that there is a public need for its continued existence.

Sec. 12. ***1. If the Sunset Subcommittee of the Legislative Commission determines to recommend the termination of a board or commission, its recommendation must include suggestions for appropriate direct legislative action, if any, which is made necessary or desirable by the termination of the board or commission.***

2. If the Sunset Subcommittee determines to recommend the consolidation, modification or continuation of a board or commission, its recommendation must include suggestions for appropriate direct legislative action, if any, which would make the operation of the board or commission or its successor more efficient or effective.

3. On or before June 30, 2012, the Sunset Subcommittee shall make all its initial recommendations pursuant to this section, if any. The Sunset Subcommittee shall make all subsequent recommendations pursuant to this section, if any, on or before June 30 of each even-numbered year occurring thereafter.

Sec. 13. **NRS 232B.010 is hereby amended to read as follows:**

232B.010 As used in ~~[this chapter,]~~ ***NRS 232B.010 to 232B.100, inclusive,*** unless the context otherwise requires, "agency" means any public agency which the Legislature has designated to be the subject of a review by the Legislative Commission.

Sec. 14. **NRS 232B.080 is hereby amended to read as follows:**

232B.080 1. The Legislative Commission shall conduct public hearings for the purpose of obtaining comments on, and may require the Legislative

Counsel Bureau to submit reports on, the need for the continued operation of an agency, and its efficiency and effectiveness.

2. At any hearing held ~~[under this chapter,]~~ ***pursuant to NRS 232B.010 to 232B.100, inclusive,*** information may be presented by:

(a) Members of the general public;

(b) Any person who is regulated by the agency; and

(c) Representatives of the agency.

3. The Legislative Commission shall consider any report submitted to it by the Legislative Counsel Bureau.

4. An agency has the burden of proving that there is a public need for its continued existence or regulatory function.

Sec. 15. **1. On or before August 1, 2011, the Governor shall submit to the Legislative Commission the names of at least three nominees who are qualified for membership on the Sunset Subcommittee of the Legislative Commission pursuant to subsection 2 of section 8 of this act.**

2. On or before September 1, 2011:

(a) The Majority Leader of the Senate shall appoint three members of the Sunset Subcommittee pursuant to paragraph (a) of subsection 1 of section 8 of this act.

(b) The Speaker of the Assembly shall appoint three members of the Sunset Subcommittee pursuant to paragraph (b) of subsection 1 of section 8 of this act.

(c) The Chair of the Legislative Commission shall appoint three members of the general public from among the names of the nominees submitted by the Governor pursuant to subsection 1.

Sec. 15.5. **1. If on the effective date of this act any person is currently serving as a member of more than one board, commission or similar body pursuant to an appointment by the Governor, the person shall, on or before December 31, 2011, resign from all but one such board, commission or similar body.**

2. A vacancy created by such a resignation must be filled in the manner prescribed by the relevant statute or by NRS 232A.020, if no relevant statute applies, to fill a vacancy on the board, commission or similar body.

~~[Sec. 8.]~~ *Sec. 16.* **1.** This **section and section 15.5 of this act become effective upon passage and approval.**

2. Sections 1, 1.5 and 8 to 15, inclusive, of this act ~~[becomes]~~ **become** effective on July 1, 2011.

Assemblywoman Bustamante Adams moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, reengrossed, and to third reading.

Senate Bill No. 254.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 742.

AN ACT relating to common-interest communities; revising procedures for alternative dispute resolution of certain claims relating to common-interest communities; revising provisions governing the review of certain books, papers and records of an association; revising provisions governing the confidentiality of certain documents and information obtained by the Real Estate Division of the Department of Business and Industry; revising the penalties for filing frivolous, false or fraudulent claims; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Sections 1, 2 and 6-21 of this bill revise the procedures for: (1) the alternative dispute resolution of civil actions which relate to any governing documents or covenants, conditions or restrictions applicable to residential property; and (2) administrative proceedings which relate to a violation of existing law governing common-interest communities and condominium hotels. **Sections 10 and 18** require a person to include in a written claim filed with the Real Estate Division of the Department of Business and Industry all claims which: (1) allege a violation of the governing documents or covenants, conditions or restrictions; and (2) allege a violation of existing law governing common-interest communities and condominium hotels. Under **sections 1 and 15**, the Ombudsman for Owners in Common-Interest Communities and Condominium Hotels must refer all claims to a mediator, and the Commission for Common-Interest Communities and Condominium Hotels shall adopt regulations establishing the maximum amount **, not to exceed $500,** of the fees and costs of the mediation and governing the manner in which such fees and costs are paid. If the mediation does not result in a settlement of the claim, **sections 1 and 15** require the mediator to refer the claim: (1) to arbitration if the claim relates to the governing documents or covenants, conditions or restrictions applicable to the property; and (2) to the Division if the claim relates to a violation of a provision of existing law governing common-interest communities. If the claim is referred to an arbitrator, the arbitration is conducted in accordance with: (1) the rules of the American Arbitration Association or other comparable rules for speedy arbitration approved by the Division or the Commission; and (2) existing law governing the arbitration of such claims. If the claim is referred to the Division, **section 11** requires the Division to determine whether good cause exists to proceed with a hearing on the alleged violation and, if good cause exists, to refer the claim to the Ombudsman or file a complaint with the Commission. If the claim is referred to the Ombudsman, the parties do not resolve the alleged violation with the assistance of the Ombudsman and the Division, after investigation, makes certain findings, the Administrator of the Division must file a formal complaint with the Commission.

Sections 5, 10 and 18 of this bill revise the penalties which may be imposed against a person who files with the Division a frivolous, false or

fraudulent claim **or response** and provide for penalties against a person who files a claim with the Division for the purpose of delay or harassment.

Existing law authorizes an association of a common-interest community to foreclose a lien by sale of a unit and prescribes the procedures for such a foreclosure. (NRS 116.31162-116.31168) Section 3.5 of this bill revises provisions governing foreclosures by prohibiting an association from foreclosing a lien by sale during the pendency of any mediation or arbitration if the issue in dispute is the basis for the foreclosure.

Section 4 of this bill provides that, unless and until a complaint is filed by the Real Estate Administrator, the executive board is not required to make available certain confidential documents and information relating to certain claims filed with the Division.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 116 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Not later than 5 business days after receipt of a written response filed with the Division pursuant to subsection 5 of NRS 116.760, the Division shall provide:

(a) To the claimant, a copy of the response.

(b) To the parties, the list of mediators maintained by the Division pursuant to NRS 38.340.

2. The parties may select a mediator from the list of mediators provided pursuant to subsection 1. If the parties fail to agree upon a mediator, the Ombudsman shall appoint a mediator from the list of mediators maintained by the Division [.] within 5 business days. Any mediator selected by the parties or appointed by the Ombudsman must be available within the geographic area [.] , unless such a requirement is determined by the parties or the Ombudsman to be unreasonable. Upon appointing a mediator, the Ombudsman shall provide the name of the mediator to the parties.

3. Not later than 5 business days after his or her selection or appointment pursuant to subsection 2, the mediator shall provide to the parties an informational statement relating to a mediation conducted pursuant to this section. The written informational statement:

(a) Must be in a form approved by the Commission;

(b) Must be written in plain English;

(c) Must explain the procedures and applicable law relating to a mediation conducted pursuant to this section, including, without limitation, the confidentiality of the mediation, the nature of the mediation process, the enforceability of a settlement obtained through mediation and the procedures for resolution of the claim if the parties fail to reach a settlement through mediation; and

(d) Must be accompanied by a separate form acknowledging that the party has received and read the informational statement and agrees to comply with the provisions of law governing the confidentiality of the mediation, which must be returned to the mediator by the party not later than 10 days after receipt of the informational statement.

4. Unless otherwise provided by an agreement of the parties, a mediation conducted pursuant to this section must be completed within 60 days after the selection or appointment of the mediator.

5. Upon the conclusion of the settlement discussions, any agreement obtained through mediation conducted pursuant to this section must be reduced to writing by the mediator and signed by the parties. The mediator shall provide a copy of the written agreement signed by the parties to each party and to the Division. Any written agreement received by the Division pursuant to this subsection is confidential. The agreement may be enforced as any other written agreement. Except as otherwise provided in this section and subject to any regulations adopted by the Commission, the parties are responsible for the payment of all fees and costs of mediation in the manner provided by the mediator. The Commission shall adopt regulations governing the maximum amount , not to exceed $500 per mediation, that may be charged for fees and costs of mediation and the manner in which such fees and costs of mediation are paid.

6. The Division may provide for the payment of the fees of a mediator selected or appointed pursuant to this section from the Account for Common-Interest Communities and Condominium Hotels created by NRS 116.630, to the extent that:

(a) The Commission approves the payment; and

(b) There is money available in the Account for this purpose.

7. If either party fails to participate in the mediation or if, within 60 days after the selection or appointment of the mediator or any longer period agreed to by the parties, the parties are unable with the assistance of the mediator to resolve any of the disputes included in the written claim, the mediator shall, not later than 5 business days after the conclusion of the mediation:

(a) Certify to the Ombudsman that the mediation was unsuccessful; and

(b) Recommend that the claim be referred:

(1) To arbitration pursuant to NRS 38.330, if the claim relates to any governing documents or covenants, conditions or restrictions applicable to the real estate which is the subject of the claim; or

(2) To the Division for proceedings pursuant to this section and NRS 116.745 to 116.795, inclusive, if the claim relates to an alleged violation of a provision of this chapter or any regulation adopted pursuant thereto.

➥ The mediator may not provide any other information relating to the mediation to the Division, and the Division, the Commission and a hearing panel may not request from the mediator any other information relating to the mediation.

8. If any party fails to participate in the mediation in good faith, the party is liable for all fees and costs associated with the mediation.

9. No admission, representation or statement made during a mediation conducted pursuant to this section, not otherwise discoverable or obtainable, is admissible as evidence or subject to discovery in a civil action or administrative proceeding.

~~*[9.]*~~ ***10. As used in this section, "geographic area" has the meaning ascribed to it in NRS 38.330.***

Sec. 2. NRS 116.085 is hereby amended to read as follows:

116.085 "Respondent" means a person against whom:

1. ~~[An affidavit]~~ ***A claim*** has been filed pursuant to NRS ***38.320 or*** 116.760.

2. A complaint has been filed pursuant to NRS 116.765.

Sec. 3. (Deleted by amendment.)

Sec. 3.5. **NRS 116.31162 is hereby amended to read as follows:**

116.31162 1. Except as otherwise provided in subsection 4, in a condominium, in a planned community, in a cooperative where the owner's interest in a unit is real estate under NRS 116.1105, or in a cooperative where the owner's interest in a unit is personal property under NRS 116.1105 and the declaration provides that a lien may be foreclosed under NRS 116.31162 to 116.31168, inclusive, the association may foreclose its lien by sale after all of the following occur:

(a) The association has mailed by certified or registered mail, return receipt requested, to the unit's owner or his or her successor in interest, at his or her address, if known, and at the address of the unit, a notice of delinquent assessment which states the amount of the assessments and other sums which are due in accordance with subsection 1 of NRS 116.3116, a description of the unit against which the lien is imposed and the name of the record owner of the unit.

(b) Not less than 30 days after mailing the notice of delinquent assessment pursuant to paragraph (a), the association or other person conducting the sale has executed and caused to be recorded, with the county recorder of the county in which the common-interest community or any part of it is situated, a notice of default and election to sell the unit to satisfy the lien which must contain the same information as the notice of delinquent assessment and which must also comply with the following:

(1) Describe the deficiency in payment.

(2) State the name and address of the person authorized by the association to enforce the lien by sale.

(3) Contain, in 14-point bold type, the following warning:

WARNING! IF YOU FAIL TO PAY THE AMOUNT SPECIFIED IN THIS NOTICE, YOU COULD LOSE YOUR HOME, EVEN IF THE AMOUNT IS IN DISPUTE!

(c) The unit's owner or his or her successor in interest has failed to pay the amount of the lien, including costs, fees and expenses incident to its enforcement, for 90 days following the recording of the notice of default and election to sell.

2. The notice of default and election to sell must be signed by the person designated in the declaration or by the association for that purpose or, if no one is designated, by the president of the association.

3. The period of 90 days begins on the first day following:

(a) The date on which the notice of default is recorded; or

(b) The date on which a copy of the notice of default is mailed by certified or registered mail, return receipt requested, to the unit's owner or his or her successor in interest at his or her address, if known, and at the address of the unit,

➥ whichever date occurs later.

4. The association may not foreclose a lien by sale ~~[based]~~ ***:***

(a) Based on a fine or penalty for a violation of the governing documents of the association unless:

~~[(a)]~~ ***(1)*** The violation poses an imminent threat of causing a substantial adverse effect on the health, safety or welfare of the units' owners or residents of the common-interest community; or

~~[(b)]~~ ***(2)*** The penalty is imposed for failure to adhere to a schedule required pursuant to NRS 116.310305.

(b) During the pendency of any mediation or arbitration conducted pursuant to NRS 38.300 to 38.360, inclusive, and section 15 of this act and 116.745 to 116.795, inclusive, and section 1 of this act, if the issue in dispute is the basis for instituting the foreclosure.

Sec. 4. NRS 116.31175 is hereby amended to read as follows:

116.31175 1. Except as otherwise provided in this subsection, the executive board of an association shall, upon the written request of a unit's owner, make available the books, records and other papers of the association for review at the business office of the association or a designated business location not to exceed 60 miles from the physical location of the common-interest community and during the regular working hours of the association, including, without limitation, all contracts to which the association is a party and all records filed with a court relating to a civil or criminal action to which the association is a party. The provisions of this subsection do not apply to:

(a) The personnel records of the employees of the association, except for those records relating to the number of hours worked and the salaries and benefits of those employees;

(b) The records of the association relating to another unit's owner, including, without limitation, any architectural plan or specification submitted by a unit's owner to the association during an approval process required by the governing documents, except for those records described in subsection 2; ~~[and]~~

(c) Any document, including, without limitation, minutes of an executive board meeting, a reserve study and a budget, if the document:

(1) Is in the process of being developed for final consideration by the executive board; and

(2) Has not been placed on an agenda for final approval by the executive board ~~[.]~~ ***; and***

(d) Except as otherwise provided by law, any document or information which is:

(1) Submitted to the Division in response to a claim filed with the Division pursuant to NRS 38.320 or 116.760;

(2) Received from the Division as a result of the filing of a claim pursuant to NRS 38.320 or 116.760 or an investigation of that claim; or

(3) Otherwise required to be kept confidential by the Division pursuant to subsection 1 of NRS 116.757,

➥ unless and until the Administrator files a formal complaint with the Commission.

2. The executive board of an association shall maintain a general record concerning each violation of the governing documents, other than a violation involving a failure to pay an assessment, for which the executive board has imposed a fine, a construction penalty or any other sanction. The general record:

(a) Must contain a general description of the nature of the violation and the type of the sanction imposed. If the sanction imposed was a fine or construction penalty, the general record must specify the amount of the fine or construction penalty.

(b) Must not contain the name or address of the person against whom the sanction was imposed or any other personal information which may be used to identify the person or the location of the unit, if any, that is associated with the violation.

(c) Must be maintained in an organized and convenient filing system or data system that allows a unit's owner to search and review the general records concerning violations of the governing documents.

3. If the executive board refuses to allow a unit's owner to review the books, records or other papers of the association, the Ombudsman may:

(a) On behalf of the unit's owner and upon written request, review the books, records or other papers of the association during the regular working hours of the association; and

(b) If the Ombudsman is denied access to the books, records or other papers, request the Commission, or any member thereof acting on behalf of the Commission, to issue a subpoena for their production.

4. The books, records and other papers of an association must be maintained for at least 10 years. The provisions of this subsection do not apply to:

(a) The minutes of a meeting of the units' owners which must be maintained in accordance with NRS 116.3108; or

(b) The minutes of a meeting of the executive board which must be maintained in accordance with NRS 116.31083.

5. The executive board shall not require a unit's owner to pay an amount in excess of $10 per hour to review any books, records, contracts or other papers of the association pursuant to the provisions of this section.

6. If an official publication contains or will contain any mention of a candidate or ballot question, the official publication must, upon request and without charge, provide equal space to the candidate or a representative of an organization which supports the passage or defeat of the ballot question.

7. If an official publication contains or will contain the views or opinions of the association, the executive board, a community manager or an officer, employee or agent of an association concerning an issue of official interest, the official publication must, upon request and without charge, provide equal space to opposing views and opinions of a unit's owner, tenant or resident of the common-interest community.

8. The association and its officers, employees and agents are immune from criminal or civil liability for any act or omission which arises out of the publication or disclosure of any information related to any person and which occurs in the course of carrying out any duties required pursuant to subsection 6 or 7.

9. As used in this section:

(a) "Issue of official interest" includes, without limitation:

(1) Any issue on which the executive board or the units' owners will be voting, including, without limitation, the election of members of the executive board; and

(2) The enactment or adoption of rules or regulations that will affect a common-interest community.

(b) "Official publication" means:

(1) An official website;

(2) An official newsletter or other similar publication that is circulated to each unit's owner; or

(3) An official bulletin board that is available to each unit's owner,

➥ which is published or maintained at the cost of an association and by an association, an executive board, a member of an executive board, a community manager or an officer, employee or agent of an association.

Sec. 5. NRS 116.675 is hereby amended to read as follows:

116.675 1. The Commission may appoint one or more hearing panels. Each hearing panel must consist of one or more independent hearing officers. An independent hearing officer may be, without limitation, a member of the Commission or an employee of the Commission.

2. The Commission may by regulation delegate to one or more hearing panels the power of the Commission to conduct hearings and other proceedings, determine violations, impose fines and penalties and take other disciplinary action authorized by the provisions of this chapter.

3. While acting under the authority of the Commission, a hearing panel and its members are entitled to all privileges and immunities and are subject to all duties and requirements of the Commission and its members.

4. A final order of a hearing panel:

(a) May be appealed to the Commission if, not later than 20 days after the date that the final order is issued by the hearing panel, any party aggrieved by the final order files a written notice of appeal with the Commission.

(b) Must be reviewed and approved by the Commission if, not later than 40 days after the date that the final order is issued by the hearing panel, the Division, upon the direction of the Chair of the Commission, provides written notice to all parties of the intention of the Commission to review the final order.

5. If the Commission finds that an appeal from a final order of a hearing panel is filed in bad faith or without reasonable cause for the purpose of delay or harassment, the Commission may impose any of the sanctions set forth in subsection ~~[8]~~ 9 of NRS 116.760 against the person who filed the appeal.

Sec. 6. NRS 116.745 is hereby amended to read as follows:

116.745 As used in NRS 116.745 to 116.795, inclusive, ***and section 1 of this act,*** unless the context otherwise requires, "violation" means a violation of any provision of this chapter, any regulation adopted pursuant thereto or any order of the Commission or a hearing panel.

Sec. 7. NRS 116.750 is hereby amended to read as follows:

116.750 1. In carrying out the provisions of NRS 116.745 to 116.795, inclusive, ***and section 1 of this act,*** the Division and the Ombudsman have jurisdiction to investigate and the Commission and each hearing panel has jurisdiction to take appropriate action against any person who commits a violation, including, without limitation:

(a) Any association and any officer, employee or agent of an association.

(b) Any member of an executive board.

(c) Any community manager who holds a certificate and any other community manager.

(d) Any person who is registered as a reserve study specialist, or who conducts a study of reserves, pursuant to chapter 116A of NRS.

(e) Any declarant or affiliate of a declarant.

(f) Any unit's owner.

(g) Any tenant of a unit's owner if the tenant has entered into an agreement with the unit's owner to abide by the governing documents of the association and the provisions of this chapter and any regulations adopted pursuant thereto.

2. The jurisdiction set forth in subsection 1 applies to any officer, employee or agent of an association or any member of an executive board who commits a violation and who:

(a) Currently holds his or her office, employment, agency or position or who held the office, employment, agency or position at the commencement of proceedings against him or her.

(b) Resigns his or her office, employment, agency or position:

(1) After the commencement of proceedings against him or her; or

(2) Within 1 year after the violation is discovered or reasonably should have been discovered.

Sec. 8. NRS 116.755 is hereby amended to read as follows:

116.755 1. The rights, remedies and penalties provided by NRS 116.745 to 116.795, inclusive, ***and section 1 of this act*** are cumulative and do not abrogate and are in addition to any other rights, remedies and penalties that may exist at law or in equity.

2. If the Commission, a hearing panel or another agency or officer elects to take a particular action or pursue a particular remedy or penalty authorized by NRS 116.745 to 116.795, inclusive, ***and section 1 of this act*** or another specific statute, that election is not exclusive and does not preclude the Commission, the hearing panel or another agency or officer from taking any other actions or pursuing any other remedies or penalties authorized by NRS 116.745 to 116.795, inclusive, ***and section 1 of this act*** or another specific statute.

3. In carrying out the provisions of NRS 116.745 to 116.795, inclusive, ***and section 1 of this act,*** the Commission or a hearing panel shall not intervene in any internal activities of an association except to the extent necessary to prevent or remedy a violation.

Sec. 9. NRS 116.757 is hereby amended to read as follows:

116.757 1. Except as otherwise provided in this section and NRS 239.0115, a ~~[written affidavit]~~ ***claim and a response*** filed with the Division pursuant to NRS ***38.320 or*** 116.760, all documents and other information filed with the ~~[written affidavit]~~ ***claim or response*** and all documents and other information compiled as a result of an investigation conducted to determine whether to file a formal complaint with the Commission are confidential. ~~[The]~~ ***Except as otherwise provided in this section, the*** Division shall not disclose any information that is confidential pursuant to this subsection, in whole or in part, to any person, including, without limitation, a person who is the subject of an investigation or complaint, unless and until a formal complaint is filed pursuant to subsection ~~[2]~~ ***3*** and the disclosure is required pursuant to subsection ~~[2.]~~ ***3.***

2. ***The Division may disclose a claim and response filed with the Division pursuant to NRS 38.320 or 116.760 and any documents or other information filed with the claim or response to:***

(a) The parties to the claim, as required by NRS 38.320 or 116.760 or section 1 or 15 of this act;

(b) The mediator selected or appointed pursuant to section 1 or 15 of this act; and

(c) An arbitrator selected or appointed pursuant to NRS 38.330.

3. A formal complaint filed by the Administrator with the Commission and all documents and other information considered by the Commission or a hearing panel when determining whether to impose discipline or take other administrative action pursuant to NRS 116.745 to 116.795, inclusive, ***and section 1 of this act*** are public records.

Sec. 10. NRS 116.760 is hereby amended to read as follows:

116.760 1. Except as otherwise provided in this section, a person who is aggrieved by an alleged violation may, not later than 1 year after the person discovers or reasonably should have discovered the alleged violation, file with the Division a written ~~[affidavit that sets forth the facts constituting the alleged violation. The affidavit may allege any actual damages suffered by the aggrieved person as a result of the alleged violation.]~~ ***claim pursuant to this section.*** ~~*[A claim may not be filed pursuant to this section if:*~~

~~*(a) The claimant previously filed a claim with the Division; and*~~

~~*(b) At the time the claimant filed the previous claim, the claimant was aware or reasonably should have been aware of the facts and circumstances underlying the current claim.]*~~

2. An aggrieved person may not file ~~[such an affidavit]~~ ***a claim pursuant to this section*** unless ***all administrative procedures specified in the governing documents have been exhausted and*** the aggrieved person has provided the respondent by certified mail, return receipt requested, with written notice of the alleged violation set forth in the ~~[affidavit.]~~ ***claim.*** The notice must:

(a) Be mailed to the respondent's last known address.

(b) Specify, in reasonable detail, the alleged violation, any actual damages suffered by the aggrieved person as a result of the alleged violation, and any corrective action proposed by the aggrieved person.

3. A ~~[written affidavit]~~ ***claim*** filed with the Division pursuant to this section ***or NRS 38.320*** must be ~~[:~~

~~(a) On]~~ ***on*** a form ~~[prescribed]~~ ***approved*** by the ~~[Division.~~

~~(b) Be accompanied by evidence that:~~

~~(1)]~~ ***Commission and must include:***

(a) The complete names, addresses and telephone numbers of all parties to the claim.

(b) A statement of whether all administrative procedures specified in the governing documents have been exhausted.

(c) A specific statement of the nature of the claim, including, without limitation, a description, in reasonable detail, of:

(1) The alleged violation of the provisions of this chapter or any regulation adopted pursuant thereto or an alleged violation of the governing documents;

(2) Any alleged damages suffered by the aggrieved person as a result of the actions underlying the claim; and

(3) Any corrective action proposed by the claimant.

(d) A statement that:

(1) The claimant has given the respondent written notice of the claim;

(2) The respondent has been given a reasonable opportunity after receiving the written notice to correct the alleged violation ~~[;]~~ ***of the provisions of this chapter or any regulation adopted pursuant thereto or an alleged violation of the governing documents;*** and

~~[(2)]~~ ***(3)*** Reasonable efforts to resolve the alleged violation have failed.

(e) All claims of which the claimant is aware or reasonably should be aware, including, without limitation, any claims that relate to a violation of the governing documents applicable to the real estate which is the subject of the claim.

(f) Such other information as the Division may require by regulation.

4. ~~[The]~~ ***Upon the filing of a claim that satisfies the requirements of this section, the Division shall serve a copy of the claim on the respondent by certified mail, return receipt requested, to his or her last known address.***

5. Upon being served pursuant to subsection 4, the person upon whom a copy of the claim was served shall, not later than 30 days after the date of service, file a written response with the Division. The response must:

(a) Contain an admission or a denial of the allegations contained in the claim and any defenses upon which the respondent will rely; and

(b) Be delivered personally to the Division or mailed to the Division by certified mail, return receipt requested.

6. Except for good cause shown, if a person fails to file a written response pursuant to subsection 5, the claim may be deemed substantiated upon the filing of an affidavit with the Division.

7. The Division may consolidate multiple claims involving the same parties for the purposes of a mediation conducted pursuant to section 1 of this act.

~~*[7.]*~~ ***8. By filing a claim or response with the Division pursuant to this section, a person is certifying that to the best of the person's knowledge, information and belief, formed after an inquiry reasonable under the circumstances:***

(a) The claim or response is not being filed for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of proceedings before the Division or the Commission; and

(b) The allegations and other factual contentions in the claim or response have evidentiary support or, if specifically so identified, are likely to have evidentiary support after a reasonable opportunity for further investigation or discovery.

~~*[8.]*~~ ***9. If a person files a claim or response pursuant to this section or NRS 38.320 which the person knows is false or fraudulent or if a person files such a claim or response in bad faith or without reasonable cause for the purpose of harassment, the*** Commission or a hearing panel may ~~[impose]~~ ***:***

(a) Impose an administrative fine of not more than $1,000 against ~~[any]~~ ***the*** person who ~~[knowingly files a false or fraudulent affidavit with the Division.]~~ ***filed the claim*** ~~[;]~~ ***or response;***

(b) Issue an order directing the person who filed the claim or response to pay the costs incurred by the Division as a result of that filing, including, without limitation, the costs incurred by the Division in investigating the allegations in the claim ~~[;]~~ ***or response; or***

(c) Take any combination of the actions set forth in paragraphs (a) ~~[or]~~ ***and (b).***

~~[9. If a person files a frivolous claim with the Division pursuant to this section or NRS 38.320, the Commission may issue an order directing the person who filed the frivolous claim to pay the costs incurred by the Division as a result of that filing, including, without limitation, the costs incurred by the Division in investigating the allegations in the claim.]~~

Sec. 11. NRS 116.765 is hereby amended to read as follows:

116.765 1. Upon ~~[receipt of an affidavit that complies with the provisions of NRS 116.760,]~~ ***referral of a claim to the Division pursuant to subsection 7 of section 1 of this act or subsection 7 of section 15 of this act,*** the Division shall ~~[refer]~~ ***determine whether good cause exists to proceed with a hearing on the alleged violation. If, after investigating the alleged violation, the Division determines that the allegations in the claim are not frivolous, false or fraudulent and that good cause exists to proceed with a hearing on the alleged violation, the Administrator shall:***

(a) File a formal complaint with the Commission, with the Division as complainant, and schedule a hearing on the complaint before the Commission or a hearing panel; or

(b) Refer the ~~[affidavit]~~ ***claim*** to the Ombudsman.

2. ~~[The]~~ ***If the Administrator refers a claim to the Ombudsman pursuant to subsection 1, the*** Ombudsman shall give such guidance to the parties as the Ombudsman deems necessary to assist the parties to resolve the alleged violation. ~~[~~

~~3.]~~ If the parties are unable to resolve the alleged violation with the assistance of the Ombudsman, the Ombudsman shall provide to the Division a report concerning the alleged violation and ***, except as otherwise provided in subsection 4,*** any information collected by the Ombudsman during his or her efforts to assist the parties to resolve the alleged violation.

~~[4.]~~ ***3.*** Upon receipt of the report from the Ombudsman ~~[,]~~ ***pursuant to subsection 2,*** the Division shall conduct an investigation to determine whether good cause exists to proceed with a hearing on the alleged violation. ~~[~~

~~5.]~~ If, after investigating the alleged violation, the Division determines that the allegations in the ~~[affidavit]~~ ***claim*** are not frivolous, false or fraudulent and that good cause exists to proceed with a hearing on the alleged violation, the Administrator shall file a formal complaint with the

Commission ***, with the Division as complainant,*** and schedule a hearing on the complaint before the Commission or a hearing panel.

4. No admission, representation or statement made in the course of the Ombudsman's efforts to assist the parties to resolve the alleged violation, not otherwise discoverable or obtainable, is admissible as evidence or subject to discovery in a civil action or administrative proceeding.

Sec. 12. NRS 116.770 is hereby amended to read as follows:

116.770 1. Except as otherwise provided in subsection 2, if the Administrator files a formal complaint with the Commission, the Commission or a hearing panel shall hold a hearing on the complaint not later than 90 days after the date that the complaint is filed.

2. The Commission or the hearing panel may continue the hearing upon its own motion or upon the written request of a party to the complaint, for good cause shown, including, without limitation, the existence of proceedings for mediation or arbitration or a civil action involving the facts that constitute the basis of the complaint.

3. The Division shall give the respondent ***and, if the Division is not a party to the hearing, the claimant*** written notice of the date, time and place of the hearing ~~[on the complaint]~~ at least 30 days before the date of the hearing. The notice must be:

(a) Delivered personally to the ***claimant and*** respondent or mailed to the ***claimant and*** respondent by certified mail, return receipt requested, to ~~[his or her]~~ ***their*** last known ~~[address.]~~ ***addresses.***

(b) Accompanied by:

(1) A copy of the complaint; and

(2) Copies of all communications, reports, affidavits and depositions in the possession of the Division that are relevant to the complaint.

4. At any hearing ~~[on the complaint,]~~ ***held pursuant to this section,*** the Division may not present evidence that was obtained after the notice was given to the respondent pursuant to this section, unless the Division proves to the satisfaction of the Commission or the hearing panel that:

(a) The evidence was not available, after diligent investigation by the Division, before such notice was given to the respondent; and

(b) The evidence was given or communicated to the respondent immediately after it was obtained by the Division.

5. ~~[The]~~ ***If the Administrator files a formal complaint, the*** respondent must file an answer not later than 30 days after the date that notice of the complaint is delivered or mailed by the Division. The answer must:

(a) Contain an admission or a denial of the allegations contained in the complaint and any defenses upon which the respondent will rely; and

(b) Be delivered personally to the Division or mailed to the Division by certified mail, return receipt requested.

6. If the ***Administrator files a formal complaint and the*** respondent does not file an answer within the time required by subsection 5, the Division may, after giving the respondent written notice of the default, request the

Commission or the hearing panel to enter a finding of default against the respondent. The notice of the default must be delivered personally to the respondent or mailed to the respondent by certified mail, return receipt requested, to his or her last known address.

Sec. 13. NRS 116.775 is hereby amended to read as follows:

116.775 ~~[Any]~~ ***If the Administrator files a formal complaint with the Commission, any*** party to the complaint may be represented by an attorney at any hearing on the complaint.

Sec. 14. NRS 116.780 is hereby amended to read as follows:

116.780 1. After conducting its hearings on ~~[the]~~ ***a*** complaint ~~[,]~~ ***filed by the Administrator or a claim referred by the Administrator,*** the Commission or the hearing panel shall render a final decision on the merits of the complaint ***or claim*** not later than 20 days after the date of the final hearing.

2. The Commission or the hearing panel shall notify all parties to the complaint ***or claim*** of its decision in writing by certified mail, return receipt requested, not later than 60 days after the date of the final hearing. The written decision must include findings of fact and conclusions of law.

Sec. 15. Chapter 38 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Not later than 5 business days after receipt of a written response filed with the Division pursuant to subsection 6 of NRS 38.320, the Division shall provide:

(a) To the claimant, a copy of the response.

(b) To the parties, the list of mediators maintained by the Division pursuant to NRS 38.340.

2. The parties may select a mediator from the list of mediators provided pursuant to subsection 1. If the parties fail to agree upon a mediator, the Ombudsman shall appoint a mediator from the list of mediators maintained by the Division ~~[.]~~ ***within 5 business days. Any mediator selected by the parties or appointed by the Ombudsman must be available within the geographic area*** ~~[.]~~ ***, unless such a requirement is determined by the parties or the Ombudsman to be unreasonable. Upon appointing a mediator, the Ombudsman shall provide the name of the mediator to the parties.***

3. Not later than 5 business days after his or her selection or appointment pursuant to subsection 2, the mediator shall provide to the parties an informational statement relating to a mediation conducted pursuant to this section. The informational statement:

(a) Must be in a form approved by the Commission;

(b) Must be written in plain English;

(c) Must explain the procedures and applicable law relating to a mediation conducted pursuant to this section, including, without limitation, the confidentiality of the mediation, the nature of the mediation process, the enforceability of a settlement obtained through mediation and the

procedures for resolution of the claim if the parties fail to reach a settlement through mediation; and

(d) Must be accompanied by a separate form acknowledging that the party has received and read the informational statement and agrees to comply with the provisions of law governing the confidentiality of the mediation, which must be returned to the mediator by the party not later than 10 days after receipt of the informational statement.

4. Unless otherwise provided by an agreement of the parties, a mediation conducted pursuant to this section must be completed within 60 days after the selection or appointment of the mediator.

5. Upon the conclusion of the settlement discussions, any agreement obtained through mediation conducted pursuant to this section must be reduced to writing by the mediator and signed by the parties. The mediator shall provide a copy of the written agreement signed by the parties to each party and the Division. Any written agreement received by the Division pursuant to this subsection is confidential. The agreement may be enforced as any other written agreement. Except as otherwise provided in this section and subject to any regulations adopted by the Commission, the parties are responsible for the payment of all fees and costs of mediation in the manner provided by the mediator. The Commission shall adopt regulations governing the maximum amount , not to exceed $500 per mediation, that may be charged for fees and costs of mediation and the manner in which such fees and costs of mediation are paid.

6. The Division may provide for the payment of the fees for a mediator selected or appointed pursuant to this section from the Account for Common-Interest Communities and Condominium Hotels created by NRS 116.630, to the extent that:

(a) The Commission approves the payment; and

(b) There is money available in the Account for this purpose.

7. If either party fails to participate in the mediation or if, within 60 days after the selection or appointment of the mediator or any longer period agreed to by the parties, the parties are unable with the assistance of the mediator to resolve any of the disputes included in the claim, the mediator shall, not later than 5 business days after the conclusion of the mediation:

(a) Certify to the Ombudsman that the mediation was unsuccessful; and

(b) Recommend that the claim be referred:

(1) To arbitration pursuant to NRS 38.330, if the claim relates to any governing documents or covenants, conditions or restrictions applicable to the real estate which is the subject of the claim; or

(2) To the Division for proceedings pursuant to NRS 116.745 to 116.795, inclusive, and section 1 of this act, if the claim relates to an alleged violation of a provision of chapter 116 of NRS or any regulation adopted pursuant thereto.

➥ ***The mediator may not provide any other information relating to the mediation to the Division, and the Division, the Commission and a hearing panel may not request from the mediator any other information relating to the mediation.***

8. If either party fails to participate in the mediation in good faith, the party is liable for all fees and costs associated with the mediation.

9. No admission, representation or statement made during a mediation conducted pursuant to this section, not otherwise discoverable or obtainable, is admissible as evidence or subject to discovery in a civil action or administrative proceeding.

~~*[9.]*~~ ***10. As used in this section, "geographic area" has the meaning ascribed to in NRS 38.330.***

Sec. 16. NRS 38.300 is hereby amended to read as follows:

38.300 As used in NRS 38.300 to 38.360, inclusive, ***and section 15 of this act,*** unless the context otherwise requires:

1. ~~[~~"Assessments" means:

~~(a) Any charge which an association may impose against an owner of residential property pursuant to a declaration of covenants, conditions and restrictions, including any late charges, interest and costs of collecting the charges; and~~

~~(b) Any penalties, fines, fees and other charges which may be imposed by an association pursuant to paragraphs (j) to (n), inclusive, of subsection 1 of NRS 116.3102 or subsections 10, 11 and 12 of NRS 116B.420.~~

~~2.]~~ "Association" has the meaning ascribed to it in NRS 116.011 or 116B.030.

~~[~~3.~~]~~ ***2. "Charges" means:***

(a) Any charge which an association may impose against an owner of residential property pursuant to the governing documents of an association or a declaration of covenants, conditions and restrictions, including, without limitation, any assessments, penalties and fines and any late charges, interest and costs of collecting the charges; and

(b) Any penalties, fines, fees and other charges which may be imposed by an association pursuant to paragraphs (j) to (n), inclusive, of subsection 1 of NRS 116.3102, subsection 4 of NRS 116.310312 or subsections 10, 11 and 12 of NRS 116B.420.

3. "Civil action" includes an action for money damages or equitable relief. The term does not include an action in equity ***solely*** for ***the purpose of seeking or obtaining interim or provisional relief of any kind, including, without limitation,*** injunctive relief ~~[~~in which~~]~~ ***, where*** there is an immediate threat of irreparable harm, or an action relating to the ***ownership of*** title to residential property. ***As used in this subsection, "irreparable harm" means harm or an injury for which the remedy of damages or monetary compensation is inadequate and does not exist solely because a claim involves real estate.***

4. *"Commission" means the Commission for Common-Interest Communities and Condominium Hotels created by NRS 116.600.*

5. "Division" means the Real Estate Division of the Department of Business and Industry.

~~[5.]~~ *6. "Governing documents" has the meaning ascribed to it in NRS 116.049 or 116B.110.*

7. "Residential property" includes, but is not limited to, real estate within a ~~[planned community]~~ ***common-interest community*** subject to the provisions of chapter 116 of NRS or real estate within a condominium hotel subject to the provisions of chapter 116B of NRS. The term does not include commercial property if no portion thereof contains property which is used for residential purposes.

Sec. 17. NRS 38.310 is hereby amended to read as follows:

38.310 1. No civil action based upon a claim relating to:

(a) The interpretation, application ***,*** ~~[or]~~ enforcement ***or violation*** of any ***governing documents or*** covenants, conditions or restrictions applicable to residential property ~~[or any bylaws, rules or regulations adopted by an association;]~~ or

(b) The procedures used for increasing, decreasing or imposing ~~[additional assessments]~~ ***charges*** upon residential property,

➥ may be commenced in any court in this State unless the action has been submitted to mediation or arbitration pursuant to the provisions of NRS 38.300 to 38.360, inclusive, and ~~[, if the civil action concerns real estate within a planned community subject to the provisions of chapter 116 of NRS or real estate within a condominium hotel subject to the provisions of chapter 116B of NRS, all administrative procedures specified in any covenants, conditions or restrictions applicable to the property or in any bylaws, rules and regulations of an association have been exhausted.]~~ ***section 15 of this act.***

2. A court shall dismiss any civil action which is commenced in violation of the provisions of subsection 1.

Sec. 18. NRS 38.320 is hereby amended to read as follows:

38.320 1. Any civil action described in NRS 38.310 must be submitted for mediation or arbitration by filing a written claim with the Division ~~[. The claim]~~ ***pursuant to this section.*** ~~*[A claim may not be filed pursuant to this section if:*~~

~~*(a) The claimant previously filed a claim with the Division; and*~~

~~*(b) At the time the claimant filed the previous claim, the claimant was aware or reasonably should have been aware of the facts and circumstances underlying the current claim.]*~~

2. A claim may not be filed with the Division pursuant to this section unless:

(a) The claimant has provided the respondent by certified mail, return receipt requested, at his or her last known address, with written notice of the claim which specifies, in reasonable detail:

(1) The nature of the claim;

(2) Any actual damages suffered by the claimant as a result of the actions underlying the claim; and

(3) Any corrective action proposed by the claimant; and

(b) If the claim concerns real estate within a common-interest community subject to the provisions of chapter 116 of NRS or real estate within a condominium hotel subject to the provisions of chapter 116B of NRS, all administrative procedures specified in the governing documents applicable to the property or in any bylaws, rules and regulations of the association have been exhausted.

3. A claim filed with the Division pursuant to subsection 1 must be on a form approved by the Commission and must include:

(a) The complete names, addresses and telephone numbers of all parties to the claim**.** ~~[;]~~

(b) ***If the claim concerns real estate within a common-interest community subject to the provisions of chapter 116 of NRS, a statement of whether all administrative procedures specified in the governing documents have been exhausted.***

(c) A specific statement of the nature of the claim ~~[;~~

~~(c) A statement of whether the person wishes to have the claim submitted to a mediator or to an arbitrator and, if the person wishes to have the claim submitted to an arbitrator, whether the person agrees to binding arbitration; and~~

~~(d)]~~ ***, including, without limitation, a description, in reasonable detail, of:***

(1) Any alleged violation of the governing documents or conditions, covenants or restrictions applicable to the real estate that is the subject of the claim;

(2) Any alleged damages suffered by the claimant as a result of the actions underlying the claim; and

(3) Any corrective action proposed by the claimant.

(d) A statement that:

(1) The respondent has been given written notice of the claim;

(2) The respondent has been given a reasonable opportunity after receiving the written notice to correct or remedy the claim; and

(3) Reasonable efforts to resolve the claim have failed.

(e) All claims of which the claimant is aware or reasonably should be aware, including, without limitation, any claims which relate to a violation of a provision of chapter 116 of NRS, any regulation adopted pursuant thereto or an order of the Commission or a hearing panel issued pursuant thereto.

(f) Such other information as the Division may require ~~[.~~

~~2.]~~ ***by regulation.***

4. The ~~[written]~~ claim must be accompanied by a reasonable fee as determined by the Division.

~~[~~3.~~]~~ ***5.*** Upon the filing of ~~[~~the written~~]~~ ***a*** claim ~~[~~,~~]~~ ***that satisfies the requirements of this section,*** the claimant shall serve a copy of the claim ~~[~~in the manner prescribed in Rule 4 of the Nevada Rules of Civil Procedure for the service of a summons and complaint.~~]~~ ***on the respondent by certified mail, return receipt requested, to his or her last known address.*** The claim so served must be accompanied by a statement ~~[~~explaining~~]~~ ***prepared by the Division which explains*** the procedures for mediation and arbitration set forth in NRS 38.300 to 38.360, inclusive ~~[~~.~~]~~

~~4.~~ ***, and section 15 of this act.***

6. Upon being served pursuant to subsection ~~[~~3,~~]~~ ***5,*** the person upon whom a copy of the ~~[~~written~~]~~ claim was served shall, within 30 days after the date of service, file a written ~~[~~answer~~]~~ ***response*** with the Division. The ~~[~~answer~~]~~ ***response*** must ~~[~~be~~]~~ ***:***

(a) Contain an admission or a denial of the allegations contained in the claim and any defenses upon which the respondent will rely;

(b) Be delivered personally to the Division or mailed to the Division by certified mail, return receipt requested; and

(c) Be accompanied by a reasonable fee as determined by the Division.

7. Except for good cause shown, if a person fails to file a written response pursuant to subsection 6, the claim may be deemed substantiated upon the filing of an affidavit with the Division.

8. The Division may consolidate multiple claims involving the same parties for the purposes of a mediation conducted pursuant to section 15 of this act.

~~*[8.]*~~ ***9. By filing a claim or response with the Division pursuant to this section, a person is certifying that to the best of the person's knowledge, information and belief, formed after an inquiry reasonable under the circumstances:***

(a) The claim or response is not being filed for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of proceedings before the Division or the Commission; and

(b) The allegations and other factual contentions in the claim or response have evidentiary support or, if specifically so identified, are likely to have evidentiary support after a reasonable opportunity for further investigation or discovery.

~~*[9.]*~~ ***10. If a person files a claim or response pursuant to this section which the person knows is false or fraudulent or if a person files such a claim or response in bad faith or without reasonable cause for the purpose of harassment, or if the claim or response is frivolous, the Commission or a hearing panel may impose the penalties set forth in subsection*** ~~*[8 or]*~~ ***9 of NRS 116.760 .*** ~~*[, whichever is applicable.]*~~

Sec. 19. NRS 38.330 is hereby amended to read as follows:

38.330 1. If ~~[~~all parties named in a written claim filed pursuant to NRS 38.320 agree to have the claim submitted for mediation, the parties shall reduce the agreement to writing and shall select a mediator from the list of

~~mediators maintained by the Division pursuant to NRS 38.340. Any mediator selected must be available within the geographic area. If the parties fail to agree upon a mediator, the Division shall appoint a mediator from the list of mediators maintained by the Division. Any mediator appointed must be available within the geographic area. Unless otherwise provided by an agreement of the parties, mediation must be completed within 60 days after the parties agree to mediation. Any agreement obtained through mediation conducted pursuant to this section must, within 20 days after the conclusion of mediation, be reduced to writing by the mediator and a copy thereof provided to each party. The agreement may be enforced as any other written agreement. Except as otherwise provided in this section, the parties are responsible for all costs of mediation conducted pursuant to this section.~~

~~2. If all the parties named in the claim do not agree to mediation, the parties shall select an arbitrator from~~**]** ***, pursuant to subsection 7 of section 1 of this act or subsection 7 of section 15 of this act, a mediator recommends that a claim be referred to arbitration, the Division shall, not later than 10 days after receipt of the referral, provide to the parties*** the list of arbitrators maintained by the Division pursuant to NRS 38.340. ~~[Any arbitrator selected must be available within the geographic area.]~~ ***The parties may select an arbitrator from that list.*** If the parties fail to agree upon an arbitrator, the Division shall appoint an arbitrator from the list maintained by the Division. Any arbitrator ***selected by the parties or*** appointed ***by the Division*** must be available within the geographic area. Upon appointing an arbitrator, the Division shall provide the name of the arbitrator to each party.

2. An arbitrator ***selected or appointed pursuant to subsection 1*** shall, not later than 5 days after the arbitrator's selection or appointment ***,*** ~~[pursuant to this subsection,]~~ provide to the parties an informational statement relating to the arbitration of a claim pursuant to this section. The ~~[written]~~ informational statement:

(a) ***Must be in a form approved by the Commission;***

(b) Must be written in plain English;

~~[(b)]~~ ***(c)*** Must explain the procedures and applicable law relating to the arbitration of a claim conducted pursuant to this section, including, without limitation, the procedures, timelines and applicable law relating to confirmation of an award pursuant to NRS 38.239, vacation of an award pursuant to NRS 38.241, judgment on an award pursuant to NRS 38.243, and any applicable statute or court rule governing the award of attorney's fees or costs to any party; and

~~[(c)]~~ ***(d)*** Must be accompanied by a separate form acknowledging that the party has received and read the informational statement, which must be returned to the arbitrator by the party not later than 10 days after receipt of the informational statement.

3. ***Arbitration conducted pursuant to this section must be nonbinding arbitration, unless all the parties agree in writing to binding arbitration.***

4. The Division may provide for the payment of the fees for ~~[a mediator or]~~ an arbitrator selected or appointed pursuant to this section from the Account for Common-Interest Communities and Condominium Hotels created by NRS 116.630, to the extent that:

(a) The Commission ~~[for Common-Interest Communities and Condominium Hotels]~~ approves the payment; and

(b) There is money available in the account for this purpose.

~~[4.]~~ ***5. The Division may adopt regulations governing:***

(a) The maximum amount that may be charged for arbitration;

(b) The procedures for conducting arbitration; and

(c) Reasonable limitations on excessive arbitration related activities, including, without limitation, site visits, charges for travel time, pre-arbitration costs and charges for excessive or unnecessary correspondence.

6. The fees for an arbitrator selected or appointed pursuant to this section must not exceed $1,000, unless a greater fee is authorized for good cause shown. Except as otherwise provided in subsection 4, each party to the arbitration must pay an equal percentage of the fees for the arbitration.

7. Unless all the parties to the arbitration otherwise agree in writing, the arbitration of a claim pursuant to this section must be conducted in accordance with:

(a) The rules of the American Arbitration Association or its successor organization concerning the manner in which to provide speedy arbitration; or

(b) Other comparable rules for speedy arbitration approved by the Commission or the Division.

~~*[6.]*~~ ***8.*** Except as otherwise provided in this section and except where inconsistent with the provisions of NRS 38.300 to 38.360, inclusive, ***and section 15 of this act,*** the arbitration of a claim pursuant to this section must be conducted in accordance with the provisions of NRS 38.231, 38.232, 38.233, 38.236 to 38.239, inclusive, 38.242 and 38.243. At any time during the arbitration of a claim relating to the interpretation, application ***,*** ~~[or]~~ enforcement ***or violation*** of any ***governing documents or*** covenants, conditions or restrictions applicable to residential property ***,*** ~~[or any bylaws, rules or regulations adopted by an association,]~~ the arbitrator may issue an order prohibiting the action upon which the claim is based. An award must be made within 30 days after the conclusion of arbitration, unless a shorter period is agreed upon by the parties to the arbitration.

~~[5.]~~ ***9. The arbitrator shall provide a copy of a final arbitration award to the Division.***

~~*[7.]*~~ ***10. Except as otherwise provided in subsection 4 and subject to subsection 6 and any regulations adopted by the Commission, the parties to an arbitration conducted pursuant to this section are responsible for the payment of all fees and costs of arbitration in the manner provided by the arbitrator.***

~~*[8.]*~~ ***11.*** If ~~[all the parties have agreed to]~~ ***an arbitration conducted pursuant to this section is*** nonbinding arbitration, any party to the nonbinding arbitration may, within 30 days after a decision and award have been served upon the parties, commence a civil action in the proper court concerning the claim which was submitted for arbitration. Any complaint filed in such an action must contain a sworn statement indicating that the issues addressed in the complaint have been arbitrated pursuant to the provisions of NRS 38.300 to 38.360, inclusive ~~[.]~~ ***, and section 15 of this act.*** If such an action is not commenced within that period, any party to the arbitration may, within 1 year after the service of the award, apply to the proper court for a confirmation of the award pursuant to NRS 38.239.

~~[6.]~~ ~~*[9.]*~~ ***12.*** If all the parties agree in writing to ~~[binding]~~ arbitration, the arbitration must be conducted in accordance with the provisions of this chapter. An award procured pursuant to such binding arbitration may be vacated and a rehearing granted upon application of a party pursuant to the provisions of NRS 38.241.

~~[7.]~~ ~~*[10.]*~~ ***13.*** If, after the conclusion of binding arbitration, a party:

(a) Applies to have an award vacated and a rehearing granted pursuant to NRS 38.241; or

(b) Commences a civil action based upon any claim which was the subject of arbitration,

➥ the party shall, if the party fails to obtain a more favorable award or judgment than that which was obtained in the initial ~~[binding]~~ arbitration, pay all costs and reasonable attorney's fees incurred by the opposing party after the application for a rehearing was made or after the complaint in the civil action was filed.

~~[8. Upon request by a party, the Division shall provide a statement to the party indicating the amount of the fees for a mediator or an arbitrator selected or appointed pursuant to this section.~~

~~9.]~~ ~~*[11.]*~~ ***14.*** As used in this section, "geographic area" means an area within 150 miles from any residential property or association which is the subject of a written claim submitted pursuant to NRS 38.320.

Sec. 20. NRS 38.340 is hereby amended to read as follows:

38.340 ***1.*** For the purposes of NRS 38.300 to 38.360, inclusive, ***and section 15 of this act and 116.745 to 116.795, inclusive, and section 1 of this act,*** the Division shall establish and maintain:

~~[1.]~~ ***(a)*** A list of mediators and arbitrators who are available for mediation and arbitration of claims. The list must include mediators and arbitrators who, as determined by the Division, have received training and experience in mediation or arbitration and in the resolution of disputes concerning associations, including, without limitation, the interpretation, application and enforcement of ***governing documents,*** covenants, conditions and restrictions pertaining to residential property and the articles of incorporation, bylaws, rules and regulations of an association. In establishing and maintaining the list, the Division may use lists of qualified persons maintained by any

organization which provides mediation or arbitration services. Before including a mediator or arbitrator on a list established and maintained pursuant to this ~~[~~section.~~]~~ ***subsection,*** the Division may require the mediator or arbitrator to present proof satisfactory to the Division that the mediator or arbitrator has received the training and experience required for mediators or arbitrators pursuant to this ~~[~~section.

~~2.]~~ ***subsection.***

(b) A document which contains a written explanation of the procedures for mediating and arbitrating claims pursuant to NRS 38.300 to 38.360, inclusive ~~[.]~~ ***, and section 15 of this act and 116.745 to 116.795, inclusive, and section 1 of this act.***

(c) A record of each final arbitration award of an arbitration conducted pursuant to NRS 38.330 which is indexed by topic and made available to the public through any means deemed appropriate by the Division.

2. Upon the request of a party to a mediation or arbitration conducted pursuant to NRS 38.300 to 38.360, inclusive, and section 15 of this act and 116.745 to 116.795, inclusive, and section 1 of this act, the Division shall provide a statement to the party indicating the amount of the fees for a mediator selected or appointed pursuant to section 1 or 15 of this act or an arbitrator selected or appointed pursuant to NRS 38.330.

Sec. 21. NRS 38.350 is hereby amended to read as follows:

38.350 Any statute of limitations applicable to a claim described in ***subsection 1 of*** NRS 38.310 is tolled from the time the claim is submitted for mediation or arbitration pursuant to NRS 38.320 ***, 38.330 or 116.760, as applicable,*** until the conclusion of mediation or arbitration of the claim and the period for vacating the award has expired.

Assemblyman Ohrenschall moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, reengrossed, and to third reading.

Senate Bill No. 307.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 741.

AN ACT relating to real property; revising provisions governing the exercise of the power of sale under a deed of trust concerning owner-occupied property; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the trustee under a deed of trust concerning owner-occupied housing has the power to sell the property to which the deed of trust applies, subject to certain restrictions. (NRS 107.080, 107.085, 107.086) ~~[Existing law prohibits the exercise of the trustee's power of sale concerning owner-occupied property unless the trustee records in the office of the county recorder a certificate issued by the entity designated as the Mediation~~

~~Administrator for the foreclosure mediation program which indicates that foreclosure mediation is not required or has been completed. (NRS 107.086)~~

~~This bill establishes additional restrictions on the trustee's power of sale with respect to owner-occupied housing which are based on Maryland law and which require an analysis of the eligibility of the grantor or person who holds the title of record for a loan modification or other loss mitigation alternative. Section 1 of this bill provides that, not later than 30 days before the notice of default and election to sell is recorded in the office of the county recorder of the county in which the property is located, the beneficiary of the deed of trust must mail to the grantor or the person who holds title of record an application for a loan modification program or other loss mitigation alternative. If the application is returned to the beneficiary within 30 days after the date on which it is received by the grantor or person who holds title of record: (1) the beneficiary must forward it to the person responsible for analyzing the eligibility of the grantor or the person who holds title of record for a loan modification or other loss mitigation alternative; (2) that person must complete an analysis of the application; and (3) the trustee may not exercise the power of sale unless the beneficiary has mailed to the grantor or the person who holds title of record an affidavit certifying that an analysis of the application was completed. If the grantor or person who holds title of record returns a loss mitigation application within the required time period and requests foreclosure mediation in accordance with existing law: (1) under section 1, the analysis of the application must be completed before the mediation is conducted; and (2) under section 1.7 of this bill, the beneficiary of the deed of trust must bring to the mediation certain information related to the loss mitigation application. Section 1 further provides that if the grantor or the person who holds title of record does not return the loss mitigation application within 30 days after receipt of the application: (1) the beneficiary shall mail an affidavit to the grantor or person who holds title of record attesting to that fact; and (2) the trustee may exercise the power of sale in accordance with existing law.~~

~~Existing law provides that if certain provisions of existing law governing the exercise of the trustee's power of sale are not followed, a court of competent jurisdiction may void the sale. (NRS 107.080) Section 1.3 of this bill authorizes a court of competent jurisdiction to void a sale made pursuant to the exercise of the trustee's power of sale if the beneficiary of the deed of trust does not comply with the provisions of this bill.~~**]** **One such restriction: (1) requires the trustee under the deed of trust to include a form to request mediation with the notice of default and election to sell which is mailed to the grantor of the deed of trust or the person who holds title of record; and (2) authorizes the grantor of the deed of trust or the person who holds the title of record to request mediation under rules adopted by the Supreme Court. (NRS 107.086) Section 1.7 of this bill requires the notice of default and election to sell that is mailed to the grantor or the person who holds the title of record to include a notice provided by the**

entity designated to administer the Foreclosure Mediation Program which states that the grantor or the person who holds the title of record has a right to seek foreclosure mediation in the Foreclosure Mediation Program.

Under existing law, another restriction on the exercise of the trustee's power of sale prohibits the trustee from exercising the power of sale unless, not later than 60 days before the date of the sale, the trustee causes a notice to be served on the grantor or the person who holds the title of record which contains the telephone numbers of certain agencies which may provide assistance to the grantor or the person who holds the title of record. (NRS 107.085) Section 1.5 of this bill amends this notice to include: (1) a statement that the person receiving the notice may have a right to participate in the State of Nevada Foreclosure Mediation Program if the time to request mediation has not expired; (2) the telephone number of the State of Nevada Foreclosure Mediation Program; and (3) the telephone number of the Division of Mortgage Lending of the Department of Business and Industry.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. ~~[Chapter 107 of NRS is hereby amended by adding thereto a new section to read as follows:~~

1. In addition to the requirements of NRS 107.085 and 107.086, the exercise of the power of sale pursuant to NRS 107.080 with respect to any trust agreement which concerns owner-occupied housing is subject to the provisions of this section.

2. The trustee shall not exercise a power of sale pursuant to NRS 107.080 unless:

(a) Not later than 30 days before the notice of default and election to sell is recorded in the office of the county recorder of the county in which the property is located pursuant to subsection 3 of NRS 107.080, the beneficiary of the deed of trust mails by registered or certified mail, return receipt requested and with postage prepaid, to the grantor or to the person who holds the title of record:

(1) A loss mitigation application for loss mitigation programs that are applicable to the obligation secured by the deed of trust;

(2) Instructions for completing the loss mitigation application;

(3) A description of the eligibility requirements for the loss mitigation programs offered by the beneficiary that may be applicable to the obligation secured by the deed of trust;

(4) A telephone number which the grantor or the person who holds title of record may call to confirm receipt of the completed loss mitigation application; and

(5) An envelope preprinted with the address of the beneficiary.

~~*(b) The beneficiary mails by registered or certified mail, return receipt requested and with postage prepaid, to the grantor or the person who holds title of record, the affidavit described in subsection 3 or a final loss mitigation affidavit.*~~

~~*3. If the grantor or the person who holds the title of record fails to return the loss mitigation application to the beneficiary of the deed of trust within 30 days after receipt of the application, the beneficiary shall execute an affidavit attesting to that fact under penalty of perjury and mail a copy of the affidavit to the grantor or the person who holds the title of record by registered or certified mail, return receipt requested and with postage prepaid.*~~

~~*4. If the grantor or the person who holds the title of record returns the loss mitigation application to the beneficiary of the deed of trust within 30 days after receipt of the application, the beneficiary shall forward the loss mitigation application to the person responsible for conducting loss mitigation analysis on behalf of the beneficiary. Upon receipt of a loss mitigation application pursuant to this subsection, the person responsible for conducting loss mitigation analysis shall perform and complete a loss mitigation analysis. If the grantor or the person who holds the title of record has returned the loss mitigation application to the beneficiary within the time specified in this subsection and has elected to enter into mediation pursuant to NRS 107.086, the loss mitigation analysis must be completed before the mediation is conducted.*~~

~~*5. Upon completion of the loss mitigation analysis pursuant to subsection 4, the beneficiary shall:*~~

~~*(a) Execute a final loss mitigation affidavit; and*~~

~~*(b) Mail the final loss mitigation affidavit by registered or certified mail, return receipt requested and with postage prepaid, to the grantor or the person who holds the title of record.*~~

~~*6. A beneficiary of a deed of trust, or a person conducting loss mitigation analysis on behalf of the beneficiary, which has received a loan mitigation application within the time specified in subsection 4 shall not deny a loan modification or any other loss mitigation program because of an inability to establish communication with the grantor or the person who holds the title of record or obtain all documentation and information necessary to conduct the loss mitigation analysis unless, for at least 30 days after receipt of the loss mitigation application, the beneficiary or the person acting on its behalf has made good faith attempts to:*~~

~~*(a) Establish communication with the grantor or the person who holds the title of record; and*~~

~~*(b) Obtain all documentation and information necessary to conduct the loss mitigation analysis.*~~

~~*7. As used in this section:*~~

~~*(a) "Final loss mitigation affidavit" means an affidavit that:*~~

~~*(1) Is made by the beneficiary of a deed of trust or a person authorized to act on behalf of the beneficiary;*~~

~~*(2) Certifies the completion of the final determination of loss mitigation analysis in connection with a deed of trust; and*~~

~~*(3) Certifies the denial of a loan modification or other loss mitigation.*~~

~~*(b) "Loss mitigation analysis" means an evaluation of the facts and circumstances of an obligation secured by a deed of trust concerning owner-occupied housing to determine:*~~

~~*(1) Whether the grantor or the person who holds the title of record qualifies for a loan modification; and*~~

~~*(2) If there will not be a loan modification, whether any other loss mitigation program may be made available to the grantor or the person who holds the title of record.*~~

~~*(c) "Loss mitigation program" means an option in connection with an obligation secured by a deed of trust concerning owner-occupied housing that:*~~

~~*(1) Avoids the exercise of the trustee's power of sale through loan modification or other changes to the existing terms of the obligation that are intended to allow the grantor or the person who holds the title of record to stay in the property;*~~

~~*(2) Avoids the exercise of the trustee's power of sale through a short sale, deed in lieu of trustee's sale or other alternative that is intended to simplify the relinquishment of ownership of the property by the grantor or the person who holds the title of record; or*~~

~~*(3) Lessens the harmful impact of the exercise of the trustee's power of sale on the grantor or the person who holds the title of record.*~~

~~*(d) "Owner-occupied housing" has the meaning ascribed to it in NRS 107.086.]*~~ **(Deleted by amendment.)**

Sec. 1.3. ~~[~~NRS 107.080 is hereby amended to read as follows:

~~107.080 1. Except as otherwise provided in NRS 107.085 and 107.086,~~ ***and section 1 of this act,*** ~~if any transfer in trust of any estate in real property is made after March 29, 1927, to secure the performance of an obligation or the payment of any debt, a power of sale is hereby conferred upon the trustee to be exercised after a breach of the obligation for which the transfer is security.~~

~~2. The power of sale must not be exercised, however, until:~~

~~(a) Except as otherwise provided in paragraph (b), in the case of any trust agreement coming into force:~~

~~(1) On or after July 1, 1949, and before July 1, 1957, the grantor, the person who holds the title of record, a beneficiary under a subordinate deed of trust or any other person who has a subordinate lien or encumbrance of record on the property has, for a period of 15 days, computed as prescribed in subsection 3, failed to make good the deficiency in performance or payment; or~~

~~(2) On or after July 1, 1957, the grantor, the person who holds the title of record, a beneficiary under a subordinate deed of trust or any other person who has a subordinate lien or encumbrance of record on the property has, for a period of 35 days, computed as prescribed in subsection 3, failed to make good the deficiency in performance or payment;~~

~~(b) In the case of any trust agreement which concerns owner-occupied housing as defined in NRS 107.086, the grantor, the person who holds the title of record, a beneficiary under a subordinate deed of trust or any other person who has a subordinate lien or encumbrance of record on the property has, for a period that commences in the manner and subject to the requirements described in subsection 3 and expires 5 days before the date of sale, failed to make good the deficiency in performance or payment;~~

~~(c) The beneficiary, the successor in interest of the beneficiary or the trustee first executes and causes to be recorded in the office of the recorder of the county wherein the trust property, or some part thereof, is situated a notice of the breach and of the election to sell or cause to be sold the property to satisfy the obligation; and~~

~~(d) Not less than 3 months have elapsed after the recording of the notice.~~

~~3. The 15- or 35-day period provided in paragraph (a) of subsection 2, or the period provided in paragraph (b) of subsection 2, commences on the first day following the day upon which the notice of default and election to sell is recorded in the office of the county recorder of the county in which the property is located and a copy of the notice of default and election to sell is mailed by registered or certified mail, return receipt requested and with postage prepaid to the grantor or, to the person who holds the title of record on the date the notice of default and election to sell is recorded, and, if the property is operated as a facility licensed under chapter 449 of NRS, to the State Board of Health, at their respective addresses, if known, otherwise to the address of the trust property. The notice of default and election to sell must:~~

~~(a) Describe the deficiency in performance or payment and may contain a notice of intent to declare the entire unpaid balance due if acceleration is permitted by the obligation secured by the deed of trust, but acceleration must not occur if the deficiency in performance or payment is made good and any costs, fees and expenses incident to the preparation or recordation of the notice and incident to the making good of the deficiency in performance or payment are paid within the time specified in subsection 2; and~~

~~(b) If the property is a residential foreclosure, comply with the provisions of NRS 107.087.~~

~~4. The trustee, or other person authorized to make the sale under the terms of the trust deed or transfer in trust, shall, after expiration of the 3-month period following the recording of the notice of breach and election to sell, and before the making of the sale, give notice of the time and place thereof by recording the notice of sale and by:~~

~~(a) Providing the notice to each trustor, any other person entitled to notice pursuant to this section and, if the property is operated as a facility licensed under chapter 449 of NRS, the State Board of Health, by personal service or by mailing the notice by registered or certified mail to the last known address of the trustor and any other person entitled to such notice pursuant to this section;~~

~~(b) Posting a similar notice particularly describing the property, for 20 days successively, in three public places of the township or city where the property is situated and where the property is to be sold;~~

~~(c) Publishing a copy of the notice three times, once each week for 3 consecutive weeks, in a newspaper of general circulation in the county where the property is situated; and~~

~~(d) If the property is a residential foreclosure, complying with the provisions of NRS 107.087.~~

~~5. Every sale made under the provisions of this section and other sections of this chapter vests in the purchaser the title of the grantor and any successors in interest without equity or right of redemption. A sale made pursuant to this section may be declared void by any court of competent jurisdiction in the county where the sale took place if:~~

~~(a) The trustee or other person authorized to make the sale does not substantially comply with the provisions of this section or any applicable provision of NRS 107.086 and 107.087~~ **[**;**]** ~~*or the beneficiary of the deed of trust does not comply with any applicable provision of section 1 of this act;*~~

~~(b) Except as otherwise provided in subsection 6, an action is commenced in the county where the sale took place within 90 days after the date of the sale; and~~

~~(c) A notice of lis pendens providing notice of the pendency of the action is recorded in the office of the county recorder of the county where the sale took place within 30 days after commencement of the action.~~

~~6. If proper notice is not provided pursuant to subsection 3 or paragraph (a) of subsection 4 to the grantor, to the person who holds the title of record on the date the notice of default and election to sell is recorded, to each trustor or to any other person entitled to such notice, the person who did not receive such proper notice may commence an action pursuant to subsection 5 within 120 days after the date on which the person received actual notice of the sale.~~

~~7. The sale of a lease of a dwelling unit of a cooperative housing corporation vests in the purchaser title to the shares in the corporation which accompany the lease.~~

~~8. After a sale of property is conducted pursuant to this section, the trustee shall:~~

~~(a) Within 30 days after the date of the sale, record the trustee's deed upon sale in the office of the county recorder of the county in which the property is located; or~~

~~(b) Within 20 days after the date of the sale, deliver the trustee's deed upon sale to the successful bidder. Within 10 days after the date of delivery of the deed by the trustee, the successful bidder shall record the trustee's deed upon sale in the office of the county recorder of the county in which the property is located.~~

~~9. If the successful bidder fails to record the trustee's deed upon sale pursuant to paragraph (b) of subsection 8, the successful bidder:~~

~~(a) Is liable in a civil action to any party that is a senior lienholder against the property that is the subject of the sale in a sum of up to $500 and for reasonable attorney's fees and the costs of bringing the action; and~~

~~(b) Is liable in a civil action for any actual damages caused by the failure to comply with the provisions of subsection 8 and for reasonable attorney's fees and the costs of bringing the action.~~

~~10. The county recorder shall, in addition to any other fee, at the time of recording a notice of default and election to sell collect:~~

~~(a) A fee of $150 for deposit in the State General Fund.~~

~~(b) A fee of $50 for deposit in the Account for Foreclosure Mediation, which is hereby created in the State General Fund. The Account must be administered by the Court Administrator, and the money in the Account may be expended only for the purpose of supporting a program of foreclosure mediation established by Supreme Court Rule.~~

~~The fees collected pursuant to this subsection must be paid over to the county treasurer by the county recorder on or before the fifth day of each month for the preceding calendar month, and, except as otherwise provided in this subsection, must be placed to the credit of the State General Fund or the Account as prescribed pursuant to this subsection. The county recorder may direct that 1.5 percent of the fees collected by the county recorder be transferred into a special account for use by the office of the county recorder. The county treasurer shall, on or before the 15th day of each month, remit the fees deposited by the county recorder pursuant to this subsection to the State Controller for credit to the State General Fund or the Account as prescribed in this subsection.~~

~~11. The beneficiary, the successor in interest of the beneficiary or the trustee who causes to be recorded the notice of default and election to sell shall not charge the grantor or the successor in interest of the grantor any portion of any fee required to be paid pursuant to subsection 10.~~

~~12. As used in this section, "residential foreclosure" means the sale of a single family residence under a power of sale granted by this section. As used in this subsection, "single family residence":~~

~~(a) Means a structure that is comprised of not more than four units.~~

~~(b) Does not include any time share or other property regulated under chapter 119A of NRS.~~**] (Deleted by amendment.)**

Sec. 1.5. **NRS 107.085 is hereby amended to read as follows:**

107.085 1. With regard to a transfer in trust of an estate in real property to secure the performance of an obligation or the payment of a debt, the

provisions of this section apply to the exercise of a power of sale pursuant to NRS 107.080 only if:

(a) The trust agreement becomes effective on or after October 1, 2003, and, on the date the trust agreement is made, the trust agreement is subject to the provisions of § 152 of the Home Ownership and Equity Protection Act of 1994, 15 U.S.C. § 1602 ~~[(aa),]~~ ***(bb),*** and the regulations adopted by the Board of Governors of the Federal Reserve System pursuant thereto, including, without limitation, 12 C.F.R. § 226.32; or

(b) The trust agreement concerns owner-occupied housing as defined in NRS 107.086.

2. The trustee shall not exercise a power of sale pursuant to NRS 107.080 unless:

(a) In the manner required by subsection 3, not later than 60 days before the date of the sale, the trustee causes to be served upon the grantor or the person who holds the title of record a notice in the form described in subsection 3; and

(b) If an action is filed in a court of competent jurisdiction claiming an unfair lending practice in connection with the trust agreement, the date of the sale is not less than 30 days after the date the most recent such action is filed.

3. The notice described in subsection 2 must be:

(a) Served upon the grantor or the person who holds the title of record:

(1) Except as otherwise provided in subparagraph (2), by personal service or, if personal service cannot be timely effected, in such other manner as a court determines is reasonably calculated to afford notice to the grantor or the person who holds the title of record; or

(2) If the trust agreement concerns owner-occupied housing as defined in NRS 107.086:

(I) By personal service;

(II) If the grantor or the person who holds the title of record is absent from his or her place of residence or from his or her usual place of business, by leaving a copy with a person of suitable age and discretion at either place and mailing a copy to the grantor or the person who holds the title of record at his or her place of residence or place of business; or

(III) If the place of residence or business cannot be ascertained, or a person of suitable age or discretion cannot be found there, by posting a copy in a conspicuous place on the trust property, delivering a copy to a person there residing if the person can be found and mailing a copy to the grantor or the person who holds the title of record at the place where the trust property is situated; and

(b) In substantially the following form, with the applicable telephone numbers and mailing addresses provided on the notice and, except as otherwise provided in subsection 4, a copy of the promissory note attached to the notice:

NOTICE

YOU ARE IN DANGER OF LOSING YOUR HOME!

YOU MAY HAVE A RIGHT TO PARTICIPATE IN THE STATE OF NEVADA FORECLOSURE MEDIATION PROGRAM IF THE TIME TO REQUEST MEDIATION HAS NOT EXPIRED!

Your home loan is being foreclosed. In not less than 60 days your home ~~[will]~~ ***may*** be sold and you ~~[will]~~ ***may*** be forced to move. For help, call:

State of Nevada Foreclosure Mediation Program _____
Consumer Credit Counseling _____
The Attorney General _____
The Division of Mortgage Lending _____
The Division of Financial Institutions _____
Legal Services _____
Your Lender _____
Nevada Fair Housing Center _____

4. The trustee shall cause all social security numbers to be redacted from the copy of the promissory note before it is attached to the notice pursuant to paragraph (b) of subsection 3.

5. This section does not prohibit a judicial foreclosure.

6. As used in this section, "unfair lending practice" means an unfair lending practice described in NRS 598D.010 to 598D.150, inclusive.

Sec. 1.7. NRS 107.086 is hereby amended to read as follows:

107.086 1. In addition to the requirements of NRS 107.085, ~~*[and section 1 of this act,]*~~ the exercise of the power of sale pursuant to NRS 107.080 with respect to any trust agreement which concerns owner-occupied housing is subject to the provisions of this section.

2. The trustee shall not exercise a power of sale pursuant to NRS 107.080 unless the trustee:

(a) Includes with the notice of default and election to sell which is mailed to the grantor or the person who holds the title of record as required by subsection 3 of NRS 107.080:

(1) Contact information which the grantor or the person who holds the title of record may use to reach a person with authority to negotiate a loan modification on behalf of the beneficiary of the deed of trust;

(2) Contact information for at least one local housing counseling agency approved by the United States Department of Housing and Urban Development; ~~[and]~~

(3) ***A notice provided by the Mediation Administrator indicating that the grantor or the person who holds the title of record has the right to seek mediation pursuant to this section; and***

(4) A form upon which the grantor or the person who holds the title of record may indicate an election to enter into mediation or to waive mediation ***pursuant to this section*** and one envelope addressed to the trustee and one envelope addressed to the Mediation Administrator, which the grantor or the

person who holds the title of record may use to comply with the provisions of subsection 3;

(b) Serves a copy of the notice upon the Mediation Administrator; and

(c) Causes to be recorded in the office of the recorder of the county in which the trust property, or some part thereof, is situated:

(1) The certificate provided to the trustee by the Mediation Administrator pursuant to subsection 3 or 6 which provides that no mediation is required in the matter; or

(2) The certificate provided to the trustee by the Mediation Administrator pursuant to subsection 7 which provides that mediation has been completed in the matter.

3. The grantor or the person who holds the title of record shall, not later than 30 days after service of the notice in the manner required by NRS 107.080, complete the form required by subparagraph ~~[(3)]~~ ***(4)*** of paragraph (a) of subsection 2 and return the form to the trustee by certified mail, return receipt requested. If the grantor or the person who holds the title of record indicates on the form an election to enter into mediation, the trustee shall notify the beneficiary of the deed of trust and every other person with an interest as defined in NRS 107.090, by certified mail, return receipt requested, of the election of the grantor or the person who holds the title of record to enter into mediation and file the form with the Mediation Administrator, who shall assign the matter to a senior justice, judge, hearing master or other designee and schedule the matter for mediation. No further action may be taken to exercise the power of sale until the completion of the mediation. If the grantor or the person who holds the title of record indicates on the form an election to waive mediation or fails to return the form to the trustee as required by this subsection, the trustee shall execute an affidavit attesting to that fact under penalty of perjury and serve a copy of the affidavit, together with the waiver of mediation by the grantor or the person who holds the title of record, or proof of service on the grantor or the person who holds the title of record of the notice required by subsection 2 of this section and subsection 3 of NRS 107.080, upon the Mediation Administrator. Upon receipt of the affidavit and the waiver or proof of service, the Mediation Administrator shall provide to the trustee a certificate which provides that no mediation is required in the matter.

4. Each mediation required by this section must be conducted by a senior justice, judge, hearing master or other designee pursuant to the rules adopted pursuant to subsection 8. The beneficiary of the deed of trust or a representative shall attend the mediation. The grantor or a representative shall attend the mediation if the grantor elected to enter into mediation, or the person who holds the title of record or a representative shall attend the mediation if the person who holds the title of record elected to enter into mediation. The beneficiary of the deed of trust shall bring to the mediation the original or a certified copy of the deed of trust, the mortgage note and each assignment of the deed of trust or mortgage note . ~~[and, if the grantor or~~

~~*the person who holds the title of record has returned to the beneficiary a loss mitigation application pursuant to section 1 of this act, a copy of the loss mitigation application, a final loss mitigation affidavit and the information obtained in connection with the loss mitigation analysis.]*~~ If the beneficiary of the deed of trust is represented at the mediation by another person, that person must have authority to negotiate a loan modification on behalf of the beneficiary of the deed of trust or have access at all times during the mediation to a person with such authority.

5. If the beneficiary of the deed of trust or the representative fails to attend the mediation, fails to participate in the mediation in good faith or does not bring to the mediation each document required by subsection 4 or does not have the authority or access to a person with the authority required by subsection 4, the mediator shall prepare and submit to the Mediation Administrator a petition and recommendation concerning the imposition of sanctions against the beneficiary of the deed of trust or the representative. The court may issue an order imposing such sanctions against the beneficiary of the deed of trust or the representative as the court determines appropriate, including, without limitation, requiring a loan modification in the manner determined proper by the court.

6. If the grantor or the person who holds the title of record elected to enter into mediation and fails to attend the mediation, the Mediation Administrator shall provide to the trustee a certificate which states that no mediation is required in the matter.

7. If the mediator determines that the parties, while acting in good faith, are not able to agree to a loan modification, the mediator shall prepare and submit to the Mediation Administrator a recommendation that the matter be terminated. The Mediation Administrator shall provide to the trustee a certificate which provides that the mediation required by this section has been completed in the matter.

8. The Supreme Court shall adopt rules necessary to carry out the provisions of this section. The rules must, without limitation, include provisions:

(a) Designating an entity to serve as the Mediation Administrator pursuant to this section. The entities that may be so designated include, without limitation, the Administrative Office of the Courts, the district court of the county in which the property is situated or any other judicial entity.

(b) Ensuring that mediations occur in an orderly and timely manner.

(c) Requiring each party to a mediation to provide such information as the mediator determines necessary.

(d) Establishing procedures to protect the mediation process from abuse and to ensure that each party to the mediation acts in good faith.

(e) Establishing a total fee of not more than $400 that may be charged and collected by the Mediation Administrator for mediation services pursuant to this section and providing that the responsibility for payment of the fee must be shared equally by the parties to the mediation.

9. Except as otherwise provided in subsection 11, the provisions of this section do not apply if:

(a) The grantor or the person who holds the title of record has surrendered the property, as evidenced by a letter confirming the surrender or delivery of the keys to the property to the trustee, the beneficiary of the deed of trust or the mortgagee, or an authorized agent thereof; or

(b) A petition in bankruptcy has been filed with respect to the grantor or the person who holds the title of record under chapter 7, 11, 12 or 13 of Title 11 of the United States Code and the bankruptcy court has not entered an order closing or dismissing the case or granting relief from a stay of foreclosure.

10. A noncommercial lender is not excluded from the application of this section.

11. The Mediation Administrator and each mediator who acts pursuant to this section in good faith and without gross negligence are immune from civil liability for those acts.

12. As used in this section:

(a) ~~*[“Final loss mitigation affidavit” has the meaning ascribed to it in section 1 of this act.*~~

~~*(b)]*~~ **“**Mediation Administrator” means the entity so designated pursuant to subsection 8.

(b) ~~*[(c)]*~~ **“**Noncommercial lender” means a lender which makes a loan secured by a deed of trust on owner-occupied housing and which is not a bank, financial institution or other entity regulated pursuant to title 55 or 56 of NRS.

(c) ~~*[(d)]*~~ **“**Owner-occupied housing” means housing that is occupied by an owner as the owner’s primary residence. The term does not include any time share or other property regulated under chapter 119A of NRS.

Sec. 2. The amendatory provisions of this act apply only with respect to trust agreements ~~**[**which concern owner-occupied housing, as defined in NRS 107.086, as amended by section 1.7 of this act,**]**~~ for which a notice of default is recorded on or after July 1, 2011.

Sec. 3. This act becomes effective on July 1, 2011.

Assemblyman Ohrenschall moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, reengrossed, and to third reading.

Senate Bill No. 400.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 615.

AN ACT relating to records; establishing a process by which a state agency may obtain certain county records at no charge for the purpose of economic development and population estimate research; prohibiting certain

uses of confidential information contained in such county records; providing civil and criminal penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill establishes a process by which a state agency engaged in activities related to economic development and population research may obtain at no charge **information on each parcel in a county, known as** the **parcel dataset, and the** digital parcel base **map** of a county **.** ~~[and electronic county assessor files.]~~ **Section 1** of this bill requires a county assessor to provide each year to the ~~[demographer]~~ **State Demographer** employed by the Department of Taxation, at no charge, the fiscal year-end ~~[datasets]~~ **parcel dataset** of the county **.** ~~[electronic assessor files.]~~ **Section 5** of this bill requires a county which maintains or possesses a digital parcel base **map** of the county to provide the fiscal year-end digital parcel base **map** to the ~~[demographer]~~ **State Demographer** each year at no charge. Under **sections 1 and 5 ,** ~~[of this bill,]~~ the ~~[demographer]~~ **State Demographer** may not require a county to provide ~~[electronic assessor files]~~ **a parcel dataset** or a digital parcel base **map** in any particular **digital or electronic** format or to use any specific software to provide such information. Not more than once each year, the ~~[demographer]~~ **State Demographer** must provide the **parcel dataset and** digital parcel base ~~[and the electronic assessor files]~~ **map** at no charge to a state agency engaged in economic development and population research that submits a written request for the information. The state agency receiving the **parcel dataset or** digital parcel base ~~[and the electronic assessor files]~~ **map** must provide a summary of the research produced from the information to the county providing the information and the Commission on Economic Development at no charge. Under **sections 1 and 5**, a state agency receiving ~~[electronic assessor files]~~ **a parcel dataset** or a digital parcel base **map** for a county must keep such information confidential and must not knowingly redistribute the information to any other person or governmental agency.

Under existing law, the personal information of certain persons which is contained in the records of a county assessor is deemed confidential, except that a county assessor is authorized to release this confidential information for certain limited purposes. (NRS 250.100-250.230) Existing law provides criminal and civil penalties for improper acts related to obtaining or disclosing these confidential records. (NRS 250.210-250.230) **Section 1** of this bill makes these civil and criminal penalties applicable to an employee or agent of a state agency obtaining confidential information **in parcel datasets** from the ~~[demographer.]~~ **State Demographer.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 250 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Notwithstanding any other provision of law, not later than September 1 of each year, a county assessor shall provide to the State Demographer at no charge the [fiscal year-end datasets] parcel dataset of the county [electronic] assessor [files.] as of June 30 of that year. The State Demographer may not require a county assessor to provide information pursuant to this subsection in a particular digital or electronic format or to use any specific software to provide the information. The State Demographer shall keep confidential the information provided to him or her pursuant to this subsection, except that the State Demographer shall provide such information at no charge to a state agency which satisfies the requirements of this section.

2. A state agency engaged in activities related to economic development or population estimate research may request the [electronic] parcel datasets [of the electronic assessor files] provided to the State Demographer pursuant to subsection 1 by submitting a written request to the State Demographer. The written request must include, without limitation:

(a) The name and address of the state agency;

(b) A statement of the purpose for which the state agency is seeking the [electronic assessor files;] parcel datasets; and

(c) A summary of the research or statistical reports which will be produced from the [electronic assessor files.] parcel datasets.

3. Except as otherwise provided in subsection 4, if the State Demographer finds that a written request complies with subsection 2, the State Demographer shall provide to the state agency at no charge the [electronic assessor files] parcel datasets provided to the State Demographer pursuant to subsection 1.

4. The State Demographer may refuse a request submitted by a state agency pursuant to subsection 2 if the State Demographer has provided the requested information to the state agency during the calendar year in which the request is made.

5. A state agency receiving [electronic assessor files] parcel datasets pursuant to this section shall provide to the county that provided the [files] parcel datasets and the Commission on Economic Development, at no charge, a summary of the research produced from that information.

6. The State Demographer or any employee or other agent of a state agency receiving [electronic assessor files] parcel datasets pursuant to this section shall not knowingly:

(a) Publish or otherwise disclose any information made confidential pursuant to NRS 250.100 to 250.230, inclusive; or

(b) Use any information made confidential pursuant to NRS 250.100 to 250.230, inclusive, to contact any person.

7. A person who violates subsection 6 is guilty of a misdemeanor and, in addition, the court may order a person who violates subsection 6 to pay a civil penalty in an amount not to exceed $2,500 for each act.

8. A state agency receiving ~~[electronic assessor files]~~ a parcel dataset pursuant to this section shall keep the ~~[electronic assessor files]~~ parcel dataset confidential, and , except as otherwise provided in subsection 5, the State Demographer, or any employee or other agent of a state agency receiving ~~[electronic assessor files]~~ a parcel dataset pursuant to this section, shall not provide the ~~[electronic assessor files]~~ parcel dataset to any person or governmental agency.

9. As used in this section:

(a) "Parcel dataset" means data or files maintained in digital or electronic format by a county assessor in the course of his or her duties that contain information on each parcel in the county, including, without limitation, information concerning ownership, parcel number, address, land designations and zoning, improvements and, if applicable, the date and price of sale.

(b) "State agency" means:

(1) The State of Nevada, or any agency, instrumentality or corporation thereof; and

(2) Faculty ~~[belonging to]~~ of the Nevada System of Higher Education or any branch or facility thereof.

~~[(b)]~~ (c) "State Demographer" means the demographer employed pursuant to NRS 360.283.

Sec. 2. NRS 250.150 is hereby amended to read as follows:

250.150 If a person listed in NRS 250.140 requests confidentiality, the confidential information of that person may only be disclosed as provided in NRS 239.0115, 250.160 or 250.180 ~~[.]~~ ***or section 1 of this act.***

Sec. 3. NRS 250.160 is hereby amended to read as follows:

250.160 1. A county assessor may provide confidential information for use:

(a) By any governmental entity, including, without limitation, any court or law enforcement agency, in carrying out its functions, or any person acting on behalf of a federal, state or local governmental agency in carrying out its functions.

(b) In connection with any civil, criminal, administrative or arbitration proceeding before any federal or state court, regulatory body, board, commission or agency, including, without limitation, use for service of process, investigation in anticipation of litigation, and execution or enforcement of judgments and orders or pursuant to an order of a federal or state court.

(c) By a private investigator, private patrol officer or security consultant who is licensed pursuant to chapter 648 of NRS, for any use authorized pursuant to this section.

(d) In connection with an investigation conducted pursuant to NRS 253.0415 or 253.220.

(e) In activities relating to research and the production of statistical reports, if the address or information will not be published or otherwise disclosed or used to contact any person.

(f) In the bulk distribution of surveys, marketing material or solicitations, if the assessor has adopted policies and procedures to ensure that the information will be used or sold only for use in the bulk distribution of surveys, marketing material or solicitations.

(g) By a reporter or editorial employee who is employed by or affiliated with any newspaper, press association or commercially operated, federally licensed radio or television station.

(h) In accordance with section 1 of this act.

2. Except for a reporter or editorial employee described in paragraph (g) of subsection 1, a person who obtains information pursuant to this section and sells or discloses that information shall keep and maintain for at least 5 years a record of:

(a) Each person to whom the information is sold or disclosed; and

(b) The purpose for which that person will use the information.

Sec. 4. NRS 250.210 is hereby amended to read as follows:

250.210 1. A person shall not:

(a) Make a false representation to obtain any information pursuant to NRS 250.100 to 250.180, inclusive; or

(b) Knowingly obtain or disclose information pursuant to NRS 250.100 to 250.180, inclusive, for any use not authorized pursuant to NRS 250.100 to 250.180, inclusive ~~[.]~~ ***, or section 1 of this act.***

2. A person who violates the provisions of this section is guilty of a misdemeanor.

Sec. 5. Chapter 237 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Notwithstanding any other provision of law, not later than September 1 of each year, each county which possesses or maintains a digital parcel base map for the county shall provide the ~~[fiscal year-end]~~ digital parcel base map for the county , as of June 30 of that year, to the State Demographer at no charge. The State Demographer may not require a county to provide a digital parcel base map in a particular electronic format or to use any specific software to provide the digital parcel base ~~[.]~~ map. The State Demographer shall keep confidential the information provided to him or her pursuant to this subsection, except that the State Demographer shall provide such information at no charge to a state agency which satisfies the requirements of this section.

2. A state agency engaged in activities related to economic development or population estimate research may request the digital parcel ~~[bases]~~ base maps for each county that possesses or maintains a digital parcel base map by submitting a written request to the State Demographer. The written request must include, without limitation:

(a) The name and address of the state agency;

(b) A statement of the purpose for which the state agency is seeking the digital parcel ~~[bases;]~~ base maps; and

(c) A summary of the research or statistical reports which will be produced from the digital parcel ~~[bases.]~~ base maps.

3. Except as otherwise provided in subsection 4, if the State Demographer finds that a written request complies with subsection 2, the State Demographer shall provide to the state agency at no charge the digital parcel ~~[bases]~~ base maps provided to the State Demographer pursuant to subsection 1.

4. The State Demographer may refuse a request submitted by a state agency pursuant to subsection 2 if the State Demographer has provided the requested information to the state agency during the calendar year in which the request is made.

5. A state agency receiving a digital parcel ~~[bases]~~ base map pursuant to this section shall provide to the county that provided the digital parcel ~~[bases]~~ base map and the Commission on Economic Development, at no charge, a summary of the research produced from that information.

6. A state agency receiving a digital parcel base map pursuant to this section shall keep the digital parcel base map confidential, and , except as otherwise provided in subsection 5, the State Demographer, or any employee or other agent of a state agency receiving a digital parcel base map for a county pursuant to this section, shall not provide the digital parcel base map to any person or governmental agency.

7. As used in this section:

(a) "Digital parcel base map" means a map in an electronic format that contains the boundaries of the parcels in the county.

(b) "State agency" means:

(1) The State of Nevada, or any agency, instrumentality or corporation thereof; and

(2) Faculty ~~[belonging to]~~ of the Nevada System of Higher Education or any branch or facility thereof.

~~[(b)]~~ (c) "State Demographer" means the demographer employed pursuant to NRS 360.283.

Sec. 6. This act becomes effective on July 1, 2011.

Assemblywoman Bustamante Adams moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, reengrossed, and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Conklin moved that Senate Bills Nos. 99, 142, 200, 223, 309, and 436 be taken from their position on the General File and placed at the top of the General File.

Motion carried.

Assemblyman Atkinson moved that Senate Bill No. 140 be taken from the Chief Clerk's desk and placed at the top of the General File.

Motion carried.

Assemblywoman Smith moved that Assembly Bill No. 300 be taken from the Chief Clerk's desk and placed at the top of the General File.

Motion carried.

Assemblywoman Smith moved that Assembly Amendment No. 783 to Assembly Bill No. 300 be withdrawn.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 300.

Bill read third time.

Remarks by Assemblyman Frierson.

Roll call on Assembly Bill No. 300:

YEAS—26.

NAYS—Ellison, Goedhart, Goicoechea, Grady, Hambrick, Hammond, Hansen, Hardy, Hickey, Kirner, Kite, Livermore, McArthur, Sherwood, Stewart, Woodbury—16.

Assembly Bill No. 300 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 140.

Bill read third time.

The following amendment was proposed by Assemblyman Atkinson:

Amendment No. 809.

AN ACT relating to traffic laws; prohibiting a person from using a cellular telephone or other handheld wireless communications device while operating a motor vehicle in certain circumstances; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing traffic laws of this State, it is a crime to engage in various activities while operating a motor vehicle or to operate a motor vehicle in a reckless or unsafe manner. (Chapters 484A-484E of NRS) **Section 1** of this bill makes it a crime for a person to manually type or enter text into a cellular telephone or other similar device, or to send or read data using any such device, while operating a motor vehicle. **Section 1** further prohibits a person from using such a device for voice communications unless the device is used with an accessory which allows the person to communicate without using his or her hands, with certain limited exceptions. **Section 1** provides an exception to the prohibitions when the cellular telephone or other device is used by certain emergency and law enforcement personnel and persons designated by a sheriff or chief of police or the Director of the Department of Public Safety who are acting within the course and scope of their employment. Additional exceptions apply if: (1) the person is using the

cellular telephone or other device to report or request assistance relating to a medical emergency, a safety hazard or criminal activity; (2) the person is responding to a situation requiring immediate action and stopping the vehicle would be inadvisable, impractical or dangerous; ~~[or]~~ (3) the person is a licensed amateur radio operator providing communications services in connection with a disaster or emergency, participating in a drill, test, or other exercise in preparation for a disaster or emergency or otherwise communicating public information ~~[.]~~ **; or (4) the person is an employee or contractor of a public utility and is responding to an emergency dispatch.** A violation of the provisions added by **section 1** is a misdemeanor and punishable by a fine of $50 for a first offense within the immediately preceding 7 years, $100 for a second offense within the immediately preceding 7 years and $250 for a third or subsequent offense within the immediately preceding 7 years. However, **section 4** of this bill provides that until January 1, 2012, a law enforcement officer must not issue a citation to a person for violating **section 1** but must give the person a verbal or written warning. **Section 1** further provides that a first offense will not be treated as a moving traffic violation. Additionally, if a person is convicted of a third or subsequent offense, in addition to the fine, the driver's license of the person will be suspended for 6 months. **Section 2** of this bill makes the enhanced penalty for certain traffic violations that occur in a temporary traffic control zone applicable to violations of these new crimes.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 484B of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in this section, a person shall not, while operating a motor vehicle on a highway in this State:

(a) Manually type or enter text into a cellular telephone or other handheld wireless communications device, or send or read data using any such device to access or search the Internet or to engage in nonvoice communications with another person, including, without limitation, texting, electronic messaging and instant messaging.

(b) Use a cellular telephone or other handheld wireless communications device to engage in voice communications with another person, unless the device is used with an accessory which allows the person to communicate without using his or her hands, other than to activate, deactivate or initiate a feature or function on the device.

2. The provisions of this section do not apply to:

(a) A paid or volunteer firefighter, emergency medical technician, ambulance attendant or other person trained to provide emergency medical services who is acting within the course and scope of his or her employment.

(b) A law enforcement officer or any person designated by a sheriff or chief of police or the Director of the Department of Public Safety who is acting within the course and scope of his or her employment.

(c) A person who is reporting a medical emergency, a safety hazard or criminal activity or who is requesting assistance relating to a medical emergency, a safety hazard or criminal activity.

(d) A person who is responding to a situation requiring immediate action to protect the health, welfare or safety of the driver or another person and stopping the vehicle would be inadvisable, impractical or dangerous.

(e) A person who is licensed by the Federal Communications Commission as an amateur radio operator and who is providing a communication service in connection with an actual or impending disaster or emergency, participating in a drill, test, or other exercise in preparation for a disaster or emergency or otherwise communicating public information.

(f) An employee or contractor of a public utility who uses a handheld wireless communications device:

(1) That has been provided by the public utility; and

(2) While responding to a dispatch by the public utility to respond to an emergency, including, without limitation, a response to a power outage or an interruption in utility service.

3. The provisions of this section do not prohibit the use of a voice-operated global positioning or navigation system that is affixed to the vehicle.

4. A person who violates any provision of subsection 1 is guilty of a misdemeanor and:

(a) For the first offense within the immediately preceding 7 years, shall pay a fine of $50.

(b) For the second offense within the immediately preceding 7 years, shall pay a fine of $100.

(c) For the third or subsequent offense within the immediately preceding 7 years, shall pay a fine of $250.

5. A person who violates any provision of subsection 1 may be subject to the additional penalty set forth in NRS 484B.130.

6. The Department of Motor Vehicles shall not treat a first violation of this section in the manner statutorily required for a moving traffic violation.

7. For the purposes of this section, a person shall be deemed not to be operating a motor vehicle if the motor vehicle is driven autonomously through the use of artificial-intelligence software and the autonomous operation of the motor vehicle is authorized by law.

8. As used in this section ~~*[, "handheld]*~~ ***:***

(a) "Handheld wireless communications device" means a handheld device for the transfer of information without the use of electrical

conductors or wires and includes, without limitation, a cellular telephone, a personal digital assistant, a pager and a text messaging device. The term does not include a device used for two-way radio communications if:

~~[(a)]~~ (1) The person using the device has a license to operate the device, if required; and

~~[(b)]~~ (2) All the controls for operating the device, other than the microphone and a control to speak into the microphone, are located on a unit which is used to transmit and receive communications and which is separate from the microphone and is not intended to be held.

(b) "Public utility" means a supplier of electricity or natural gas or a provider of telecommunications service for public use who is subject to regulation by the Public Utilities Commission of Nevada.

Sec. 2. NRS 484B.130 is hereby amended to read as follows:

484B.130 1. Except as otherwise provided in subsections 2 and 6, a person who is convicted of a violation of a speed limit, or of NRS 484B.150, 484B.163, 484B.200 to 484B.217, inclusive, 484B.223, 484B.227, 484B.300, 484B.303, 484B.317, 484B.320, 484B.327, 484B.330, 484B.403, 484B.587, 484B.600, 484B.603, 484B.610, 484B.613, 484B.650, 484B.653, 484B.657, 484C.110 or 484C.120, ***or section 1 of this act,*** that occurred:

(a) In an area designated as a temporary traffic control zone; and

(b) At a time when the workers who are performing construction, maintenance or repair of the highway or other work are present, or when the effects of the act may be aggravated because of the condition of the highway caused by construction, maintenance or repair, including, without limitation, reduction in lane width, reduction in the number of lanes, shifting of lanes from the designated alignment and uneven or temporary surfaces, including, without limitation, modifications to road beds, cement-treated bases, chip seals and other similar conditions,

➥ shall be punished by imprisonment or by a fine, or both, for a term or an amount equal to and in addition to the term of imprisonment or amount of the fine, or both, that the court imposes for the primary offense. Any term of imprisonment imposed pursuant to this subsection runs consecutively with the sentence prescribed by the court for the crime. This subsection does not create a separate offense, but provides an additional penalty for the primary offense, whose imposition is contingent upon the finding of the prescribed fact.

2. The additional penalty imposed pursuant to subsection 1 must not exceed a total of $1,000, 6 months of imprisonment or 120 hours of community service.

3. Except as otherwise provided in subsection 5, a governmental entity that designates an area or authorizes the designation of an area as a temporary traffic control zone in which construction, maintenance or repair of a highway or other work is conducted, or the person with whom the governmental entity contracts to provide such service, shall cause to be erected:

(a) A sign located before the beginning of such an area stating "DOUBLE PENALTIES IN WORK ZONES" to indicate a double penalty may be imposed pursuant to this section;

(b) A sign to mark the beginning of the temporary traffic control zone; and

(c) A sign to mark the end of the temporary traffic control zone.

4. A person who otherwise would be subject to an additional penalty pursuant to this section is not relieved of any criminal liability because signs are not erected as required by subsection 3 if the violation results in injury to any person performing highway construction or maintenance or other work in the temporary traffic control zone or in damage to property in an amount equal to $1,000 or more.

5. The requirements of subsection 3 do not apply to an area designated as a temporary traffic control zone:

(a) Pursuant to an emergency which results from a natural or other disaster and which threatens the health, safety or welfare of the public; or

(b) On a public highway where the posted speed limit is 25 miles per hour or less and that provides access to or is appurtenant to a residential area.

6. A person who would otherwise be subject to an additional penalty pursuant to this section is not subject to an additional penalty if the violation occurred in a temporary traffic control zone for which signs are not erected pursuant to subsection 5, unless the violation results in injury to any person performing highway construction or maintenance or other work in the temporary traffic control zone or in damage to property in an amount equal to $1,000 or more.

Sec. 3. NRS 707.375 is hereby amended to read as follows:

707.375 1. ~~[An]~~ ***Except as otherwise provided in section 1 of this act, an*** agency, board, commission or political subdivision of this State, including, without limitation, any agency, board, commission or governing body of a local government, shall not regulate the use of a telephonic device by a person who is operating a motor vehicle.

2. As used in subsection 1, "telephonic device" means a cellular phone, satellite phone, portable phone or any other similar electronic device that is handheld and designed or used to communicate with ~~[a]~~ ***another*** person.

Sec. 4. Notwithstanding the provisions of section 1 of this act, on or before December 31, 2011, a law enforcement officer shall not issue a citation for a violation of the provisions of section 1 of this act but shall issue a verbal or written warning to a person who violates those provisions informing the person that he or she has violated the provisions of section 1 of this act and of the penalties that will apply to such a violation after December 31, 2011.

Assemblyman Atkinson moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, reengrossed, and to third reading.

Senate Bill No. 99.
Bill read third time.
Roll call on Senate Bill No. 99:
YEAS—37.
NAYS—Goedhart, Hammond, Hansen, Livermore, McArthur—5.
Senate Bill No. 99 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 142.
Bill read third time.
Roll call on Senate Bill No. 142:
YEAS—42.
NAYS—None.
Senate Bill No. 142 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 200.
Bill read third time.
Roll call on Senate Bill No. 200:
YEAS—42.
NAYS—None.
Senate Bill No. 200 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 223.
Bill read third time.
Roll call on Senate Bill No. 223:
YEAS—34.
NAYS—Ellison, Goicoechea, Grady, Hammond, Hansen, Hardy, Kirner, McArthur—8.
Senate Bill No. 223 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 309.
Bill read third time.
Roll call on Senate Bill No. 309:
YEAS—42.
NAYS—None.
Senate Bill No. 309 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 436.
Bill read third time.

Roll call on Senate Bill No. 436:
YEAS—42.
NAYS—None.
Senate Bill No. 436 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 6:38 p.m.

ASSEMBLY IN SESSION

At 6:40 p.m.
Mr. Speaker presiding.
Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Conklin moved that Senate Bills Nos. 18, 19, 30, 40, 94, 133, 149, 159, 186, 191, 194, 267, 282, 293, 294, 315, 348, 365, 376, and 405 be taken from the General File and placed on the General File for the next legislative day.
Motion carried.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Hickey, the privilege of the floor of the Assembly Chamber for this day was extended to Nancy S. Sorensen.

Assemblyman Conklin moved that the Assembly adjourn until Monday, May 30, 2011, at 10 a.m.
Motion carried.

Assembly adjourned at 6:41 p.m.

Approved: JOHN OCEGUERA
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

The

Journal of the Assembly

OF THE

SEVENTY-SIXTH SESSION

OF THE

LEGISLATURE OF THE STATE OF NEVADA

2011

BEGUN ON MONDAY, THE SEVENTH DAY OF FEBRUARY, AND ENDED ON MONDAY, THE SIXTH DAY OF JUNE

VOLUME 5

**THE ONE HUNDRED AND THIRTEENTH DAY—
THE ONE HUNDRED AND EIGHTEENTH DAY**

**SEE VOLUME 1 FOR TABLE OF CONTENTS
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ASSEMBLY PROCEEDINGS 4809

THE ONE HUNDRED THIRTEENTH DAY

CARSON CITY (Monday), May 30, 2011

Assembly called to order at 10:19 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblyman Grady, who was excused.

Prayer by the Chaplain, Steven Brooks.

Today we celebrate Memorial Day, O Lord. Let us not forget those who have laid down their lives in the quest for freedom for this great nation that we serve. Please help us to remember that as they have served us, we in turn must serve them.

Let this body understand that it is You who chooses soldiers to fight Your battles as You did with Gideon's army; for Gideon assembled 32,000 soldiers, but You only allowed him to defeat the vast army of enemies with 300. You did this to demonstrate Your power when Your people put their trust in You.

As we enter this institution that soldiers and Americans have fought so hard to protect, let us remember that it is Your people that we serve. We have been dealt a great task, but please do not let us think for one minute it is about us. Let us not forget that this is the "People's House," and the will of the people shall, and should always be, heard.

As I mentioned before, we came to fight a spiritual battle. Ephesians 12 tells us:

> "For our struggle is not against enemies of blood and flesh, but against the rulers, against the authorities, against the cosmic powers of this present darkness, and against the spiritual forces of evil in the heavenly places. Therefore let us take up your whole armor of God so that you may be able to withstand on that evil day, and having done everything, to stand firm."

With that, I pray that You be with the families that have buried a loved one and of the troops that are fighting overseas. I also ask that You be with our families as we serve You in Carson City.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Conklin moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Senate Bill No. 82, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Government Affairs, to which was referred Senate Bill No. 384, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MARILYN K. KIRKPATRICK, *Chair*

Mr. Speaker:

Your Committee on Taxation, to which was referred Senate Bill No. 32, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Taxation, to which was referred Senate Bill No. 34, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MARILYN K. KIRKPATRICK, *Chair*

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Assembly Bill No. 497, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which was referred Senate Bill No. 472, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, Your Committee on Ways and Means, to which was rereferred Assembly Bill No. 511, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which was rereferred Assembly Bill No. 546, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DEBBIE SMITH, *Chair*

Mr. Speaker:

Your Concurrent Committee on Ways and Means, to which was referred Assembly Bill No. 222, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DEBBIE SMITH, *Chair*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Conklin moved that for the balance of the session, all rules be suspended, reading so far had considered second reading, rules further suspended, and all bills and joint resolutions be declared emergency measures under the Constitution and immediately placed on third reading and final passage.

Motion carried.

Assemblyman Conklin moved that for the balance of session, all rules be suspended and that all bills and joint resolutions reported out of committee, having already received their second reading, be immediately placed on third reading and final passage.

Motion carried.

Assemblyman Conklin moved that all rules be suspended and the Assembly dispense with the reprinting of all legislative measures for the current legislative day.

Motion carried.

Assemblyman Conklin moved that all rules be suspended and that all bills and joint resolutions reported out of committee with amendments be placed at the top of the General File for the current legislative day.

Motion carried.

Assemblyman Conklin moved that all rules be suspended and that all bills and joint resolutions taken from the Chief Clerk's desk for purposes of amendment be immediately placed at the top of General File.

Motion carried.

MESSAGES FROM THE SENATE

SENATE CHAMBER Carson City, May 29, 2011

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 20, Senate Amendment No. 618, and requests a conference, and appointed Senators Schneider, Breeden and Roberson as a Conference Committee to meet with a like committee of the Assembly.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 39, Senate Amendment No. 598, and requests a conference, and appointed Senators Wiener, Kihuen and Cegavske as a Conference Committee to meet with a like committee of the Assembly.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 40, Senate Amendment No. 599, and requests a conference, and appointed Senators Kihuen, Wiener and Gustavson as a Conference Committee to meet with a like committee of the Assembly.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 498, Senate Amendment No. 621, and requests a conference, and appointed Senators Denis, Leslie and Cegavske as a Conference Committee to meet with a like committee of the Assembly.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 54, 207, 208, 429.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly Amendment No. 660 to Senate Bill No. 128; Assembly Amendment No. 743 to Senate Bill No. 221.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly Amendment No. 653 to Senate Bill No. 205; Assembly Amendment No. 702 to Senate Bill No. 210; Assembly Amendment No. 703 to Senate Bill No. 246; Assembly Amendment No. 712 to Senate Bill No. 300.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators Breeden, Copening and Hardy as a Conference Committee concerning Senate Bill No. 193.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 54.

Assemblyman Conklin moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 207.

Assemblyman Conklin moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 208.

Assemblyman Conklin moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 429.

Assemblyman Conklin moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 222.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 827.

AN ACT relating to education; creating the Teachers and Leaders Council of Nevada; prescribing the membership and duties of the Council; requiring the State Board of Education to establish a statewide performance evaluation system for teachers and administrators; revising provisions governing the policies for the evaluation of teachers and administrators; revising the designations required of the evaluations of teachers and administrators; **making an appropriation;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Sections 4-6 of this bill create the Teachers and Leaders Council of Nevada and prescribe the membership and duties of the Council. **Section 6** requires the Council to make recommendations to the State Board of Education for the establishment of a statewide performance evaluation system for teachers and administrators employed by school districts.

Existing law requires the automated system of accountability information for Nevada to track the achievement of pupils over time and to identify

which teachers and paraprofessionals are assigned to individual pupils. The information is required to be considered, but must not be the sole criterion, in evaluating the performance of or taking disciplinary action against an individual teacher, paraprofessional or other employee. (NRS 386.650) Existing law also requires the board of trustees of each school district to develop a policy for the evaluation of teachers and administrators pursuant to which the performance of an individual teacher or administrator is designated as "satisfactory" or "unsatisfactory." (NRS 391.3125, 391.3127) **Section 7** of this bill requires the State Board of Education, based upon the recommendations of the Council, to establish a statewide performance evaluation system for teachers and administrators employed by school districts. Effective July 1, 2013, the statewide performance evaluation system will require the evaluation of an individual teacher or administrator as "highly effective," "effective," "minimally effective" or "ineffective." Also effective July 1, 2013, **section 2** of this bill requires that certain information on pupil achievement which is maintained by the automated system of accountability information for Nevada account for 50 percent of the evaluations of teachers and administrators. **Sections 8.5 and 9.5** of this bill require the policies for the evaluations of teachers and administrators employed by school districts to comply with the statewide performance evaluation system established by the State Board.

Until the implementation of the statewide performance evaluation system, **sections 8 and 9** of this bill provide that the policies for the evaluations of teachers and administrators employed by school districts must require that certain information on pupil achievement which is maintained by the automated system of accountability information for Nevada account for a significant portion of the evaluation, as determined by the board of trustees.

Section 10.5 of this bill makes an appropriation to the Department of Education for the costs associated with the Teachers and Leaders Council of Nevada created by section 5.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. (Deleted by amendment.)

Sec. 2. NRS 386.650 is hereby amended to read as follows:

386.650 1. The Department shall establish and maintain an automated system of accountability information for Nevada. The system must:

(a) Have the capacity to provide and report information, including, without limitation, the results of the achievement of pupils:

(1) In the manner required by 20 U.S.C. §§ 6301 et seq., and the regulations adopted pursuant thereto, and NRS 385.3469 and 385.347; and

(2) In a separate reporting for each group of pupils identified in paragraph (b) of subsection 1 of NRS 385.361;

(b) Include a system of unique identification for each pupil:

(1) To ensure that individual pupils may be tracked over time throughout this State; and

(2) That, to the extent practicable, may be used for purposes of identifying a pupil for both the public schools and the Nevada System of Higher Education, if that pupil enrolls in the System after graduation from high school;

(c) Have the capacity to provide longitudinal comparisons of the academic achievement, rate of attendance and rate of graduation of pupils over time throughout this State;

(d) Have the capacity to perform a variety of longitudinal analyses of the results of individual pupils on assessments, including, without limitation, the results of pupils by classroom and by school;

(e) Have the capacity to identify which teachers are assigned to individual pupils and which paraprofessionals, if any, are assigned to provide services to individual pupils;

(f) Have the capacity to provide other information concerning schools and school districts that is not linked to individual pupils, including, without limitation, the designation of schools and school districts pursuant to NRS 385.3623 and 385.377, respectively, and an identification of which schools, if any, are persistently dangerous;

(g) Have the capacity to access financial accountability information for each public school, including, without limitation, each charter school, for each school district and for this State as a whole; and

(h) Be designed to improve the ability of the Department, school districts and the public schools in this State, including, without limitation, charter schools, to account for the pupils who are enrolled in the public schools, including, without limitation, charter schools.

➥ The information maintained pursuant to paragraphs (c), (d) and (e) must be used for the purpose of improving the achievement of pupils and improving classroom instruction. The information must ~~[be considered,]~~ ***account for 50 percent,*** but must not be used as the sole criterion, in evaluating the performance of or taking disciplinary action against an individual teacher, paraprofessional or other employee.

2. The board of trustees of each school district shall:

(a) Adopt and maintain the program prescribed by the Superintendent of Public Instruction pursuant to subsection 3 for the collection, maintenance and transfer of data from the records of individual pupils to the automated system of information, including, without limitation, the development of

plans for the educational technology which is necessary to adopt and maintain the program;

(b) Provide to the Department electronic data concerning pupils as required by the Superintendent of Public Instruction pursuant to subsection 3; and

(c) Ensure that an electronic record is maintained in accordance with subsection 3 of NRS 386.655.

3. The Superintendent of Public Instruction shall:

(a) Prescribe a uniform program throughout this State for the collection, maintenance and transfer of data that each school district must adopt, which must include standardized software;

(b) Prescribe the data to be collected and reported to the Department by each school district and each sponsor of a charter school pursuant to subsection 2 and by each university school for profoundly gifted pupils;

(c) Prescribe the format for the data;

(d) Prescribe the date by which each school district shall report the data to the Department;

(e) Prescribe the date by which each charter school shall report the data to the sponsor of the charter school;

(f) Prescribe the date by which each university school for profoundly gifted pupils shall report the data to the Department;

(g) Prescribe standardized codes for all data elements used within the automated system and all exchanges of data within the automated system, including, without limitation, data concerning:

(1) Individual pupils;

(2) Individual teachers and paraprofessionals;

(3) Individual schools and school districts; and

(4) Programs and financial information;

(h) Provide technical assistance to each school district to ensure that the data from each public school in the school district, including, without limitation, each charter school and university school for profoundly gifted pupils located within the school district, is compatible with the automated system of information and comparable to the data reported by other school districts; and

(i) Provide for the analysis and reporting of the data in the automated system of information.

4. The Department shall establish, to the extent authorized by the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g, and any regulations adopted pursuant thereto, a mechanism by which persons or entities, including, without limitation, state officers who are members of the Executive or Legislative Branch, administrators of public schools and school districts, teachers and other educational personnel, and parents and guardians,

will have different types of access to the accountability information contained within the automated system to the extent that such information is necessary for the performance of a duty or to the extent that such information may be made available to the general public without posing a threat to the confidentiality of an individual pupil.

5. The Department may, to the extent authorized by the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g, and any regulations adopted pursuant thereto, enter into an agreement with the Nevada System of Higher Education to provide access to data contained within the automated system for research purposes.

Sec. 3. Chapter 391 of NRS is hereby amended by adding thereto the provisions set forth as sections 4 to 7, inclusive, of this act.

Sec. 4. ***As used in sections 5 and 6 of this act, "Council" means the Teachers and Leaders Council of Nevada created by section 5 of this act.***

Sec. 5. ***1. There is hereby created the Teachers and Leaders Council of Nevada consisting of the following 15 members:***

(a) The Superintendent of Public Instruction, or his or her designee, who serves as an ex officio member of the Council.

(b) The Chancellor of the Nevada System of Higher Education, or his or her designee, who serves as an ex officio member of the Council.

(c) Four teachers in public schools appointed by the Governor from a list of nominees submitted by the Nevada State Education Association. The members appointed pursuant to this paragraph must represent the geographical diversity of the school districts in this State.

(d) Two administrators in public schools ~~*[and one superintendent of schools of a school district]*~~ ***appointed by the Governor from a list of nominees submitted by the Nevada Association of School Administrators*** ~~*[.]*~~ ***and one superintendent of schools of a school district appointed by the Governor from a list of nominees submitted by the Nevada Association of School Superintendents. The members appointed pursuant to this paragraph must represent the geographical diversity of the school districts in this State.***

(e) Two persons who are members of boards of trustees of school districts and who are appointed by the Governor from a list of nominees submitted by the Nevada Association of School Boards.

(f) One representative of the regional training programs for the professional development of teachers and administrators created by NRS 391.512 appointed by the Governor from a list of nominees submitted by the Nevada Association of School Superintendents.

(g) One parent or legal guardian of a pupil enrolled in public school appointed by the Governor from a list of nominees submitted by the Nevada Parent Teacher Association.

(h) Two persons with expertise in the development of public policy relating to education appointed by the Superintendent of Public Instruction. The members appointed pursuant to this paragraph must not otherwise be eligible for appointment pursuant to paragraphs (a) to (g), inclusive.

2. After the initial terms, each appointed member of the Council serves a term of 3 years commencing on July 1 and may be reappointed to one additional 3-year term following his or her initial term. If any appointed member of the Council ceases to be qualified for the position to which he or she was appointed, the position shall be deemed vacant and the appointing authority shall appoint a replacement for the remainder of the unexpired term. A vacancy must be filled in the same manner as the original appointment.

3. The Council shall, at its first meeting and annually thereafter, elect a Chair from among its members.

4. The Council shall meet at least semiannually and may meet at other times upon the call of the Chair or a majority of the members of the Council. Nine members of the Council constitute a quorum, and a quorum may exercise all the power and authority conferred on the Council.

5. Members of the Council serve without compensation, except that for each day or portion of a day during which a member of the Council attends a meeting of the Council or is otherwise engaged in the business of the Council, the member is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

6. A member of the Council who is a public employee must be granted administrative leave from the member's duties to engage in the business of the Council without loss of his or her regular compensation. Such leave does not reduce the amount of the member's other accrued leave.

7. The Department shall provide administrative support to the Council.

8. The Council may apply for and accept gifts, grants, donations and contributions from any source for the purpose of carrying out its duties pursuant to section 6 of this act.

Sec. 6. *1. The Council shall:*

(a) Make recommendations to the State Board concerning the adoption of regulations for establishing a statewide performance evaluation system to ensure that teachers and administrators employed by school districts are:

(1) Evaluated using multiple, fair, timely, rigorous and valid methods, which includes evaluations based upon pupil achievement data as required by NRS 386.650 and section 7 of this act;

(2) Afforded a meaningful opportunity to improve their effectiveness through professional development that is linked to their evaluations; and

(3) Provided with the means to share effective educational methods with other teachers and administrators throughout this State.

(b) Develop and recommend to the State Board a plan, including duties and associated costs, for the development and implementation of the performance evaluation system by the Department and school districts.

(c) Consider the role of professional standards for teachers and administrators and, as it determines appropriate, develop a plan for recommending the adoption of such standards by the State Board.

2. The performance evaluation system recommended by the Council must ensure that:

(a) Data derived from the evaluations is used to create professional development programs that enhance the effectiveness of teachers and administrators; and

(b) A timeline is included for monitoring the performance evaluation system at least annually for quality, reliability, validity, fairness, consistency and objectivity.

3. The Council may establish such working groups, task forces and similar entities from within or outside its membership as necessary to address specific issues or otherwise to assist in its work.

4. The State Board shall consider the recommendations made by the Council pursuant to this section and shall adopt regulations establishing a statewide performance evaluation system as required by section 7 of this act.

Sec. 7. *1. The State Board shall, based upon the recommendations of the Teachers and Leaders Council of Nevada submitted pursuant to section 6 of this act, adopt regulations establishing a statewide performance evaluation system which incorporates multiple measures of an employee's performance.*

2. The statewide performance evaluation system must:

(a) Require that an employee's overall performance is determined to be:

(1) Highly effective;

(2) Effective;

(3) Minimally effective; or

(4) Ineffective.

(b) Include the criteria for making each designation identified in paragraph (a).

(c) Require that the information maintained pursuant to paragraphs (c), (d) and (e) of subsection 1 of NRS 386.650 account for 50 percent of the evaluation.

(d) Include an evaluation of whether the teacher or administrator employs practices and strategies to involve and engage the parents and families of pupils.

Sec. 8. NRS 391.3125 is hereby amended to read as follows:

391.3125 1. It is the intent of the Legislature that a uniform system be developed for objective evaluation of teachers and other licensed personnel in each school district.

2. Each board, following consultation with and involvement of elected representatives of the teachers or their designees, shall develop a policy for objective evaluations in narrative form. The policy must set forth a means according to which an employee's overall performance may be determined to be satisfactory or unsatisfactory. ***The policy must require that the information maintained pursuant to paragraphs (c), (d) and (e) of subsection 1 of NRS 386.650 account for a significant portion of the evaluation, as determined by the board.*** The policy may include an evaluation by the teacher, pupils, administrators or other teachers or any combination thereof. In a similar manner, counselors, librarians and other licensed personnel must be evaluated on forms developed specifically for their respective specialties. A copy of the policy adopted by the board must be filed with the Department. The primary purpose of an evaluation is to provide a format for constructive assistance. Evaluations, while not the sole criterion, must be used in the dismissal process.

3. A conference and a written evaluation for a probationary employee must be concluded not later than:

(a) December 1;

(b) February 1; and

(c) April 1,

➥ of each school year of the probationary period, except that a probationary employee assigned to a school that operates all year must be evaluated at least three times during each 12 months of employment on a schedule determined by the board. An administrator charged with the evaluation of a probationary teacher shall personally observe the performance of the teacher in the classroom for not less than a cumulative total of 60 minutes during each evaluation period, with at least one observation during that 60-minute evaluation period consisting of at least 45 consecutive minutes.

4. Whenever an administrator charged with the evaluation of a probationary employee believes the employee will not be reemployed for the second year of the probationary period or the school year following the probationary period, the administrator shall bring the matter to the employee's attention in a written document which is separate from the evaluation not later than March 1 of the current school year. The notice must include the reasons for the potential decision not to reemploy or refer to the evaluation in which the reasons are stated. Such a notice is not required if the probationary employee has received a letter of admonition during the current school year.

5. Each postprobationary teacher must be evaluated at least once each year. An administrator charged with the evaluation of a postprobationary teacher shall personally observe the performance of the teacher in the classroom for not less than a cumulative total of 60 minutes during each evaluation period, with at least one observation during that 60-minute evaluation period consisting of at least 30 consecutive minutes.

6. The evaluation of a probationary teacher or a postprobationary teacher must include, without limitation:

(a) An evaluation of the classroom management skills of the teacher;

(b) A review of the lesson plans and the work log or grade book of pupils prepared by the teacher;

(c) An evaluation of whether the curriculum taught by the teacher is aligned with the standards of content and performance established pursuant to NRS 389.520, as applicable for the grade level taught by the teacher;

(d) An evaluation of whether the teacher is appropriately addressing the needs of the pupils in the classroom, including, without limitation, special educational needs, cultural and ethnic diversity, the needs of pupils enrolled in advanced courses of study and the needs of pupils who are limited English proficient;

(e) If necessary, recommendations for improvements in the performance of the teacher;

(f) A description of the action that will be taken to assist the teacher in correcting any deficiencies reported in the evaluation; and

(g) A statement by the administrator who evaluated the teacher indicating the amount of time that the administrator personally observed the performance of the teacher in the classroom.

7. The teacher must receive a copy of each evaluation not later than 15 days after the evaluation. A copy of the evaluation and the teacher's response must be permanently attached to the teacher's personnel file. Upon the request of a teacher, a reasonable effort must be made to assist the teacher to correct those deficiencies reported in the evaluation of the teacher for which the teacher requests assistance.

Sec. 8.5. NRS 391.3125 is hereby amended to read as follows:

391.3125 1. It is the intent of the Legislature that a uniform system be developed for objective evaluation of teachers and other licensed personnel in each school district.

2. Each board, following consultation with and involvement of elected representatives of the teachers or their designees, shall develop a policy for objective evaluations in narrative form. The policy must ~~[set forth a means according to which an employee's overall performance may be determined to be satisfactory or unsatisfactory. The policy must require that the information maintained pursuant to paragraphs (c), (d) and (e) of subsection 1 of NRS~~

~~386.650 account for a significant portion of the evaluation, as determined by the board.~~] ***comply with the statewide performance evaluation system established by the State Board pursuant to section 7 of this act.*** The policy may include an evaluation by the teacher, pupils, administrators or other teachers or any combination thereof. In a similar manner, counselors, librarians and other licensed personnel must be evaluated on forms developed specifically for their respective specialties. A copy of the policy adopted by the board must be filed with the Department. The primary purpose of an evaluation is to provide a format for constructive assistance. Evaluations, while not the sole criterion, must be used in the dismissal process.

3. A conference and a written evaluation for a probationary employee must be concluded not later than:

(a) December 1;

(b) February 1; and

(c) April 1,

➥ of each school year of the probationary period, except that a probationary employee assigned to a school that operates all year must be evaluated at least three times during each 12 months of employment on a schedule determined by the board. An administrator charged with the evaluation of a probationary teacher shall personally observe the performance of the teacher in the classroom for not less than a cumulative total of 60 minutes during each evaluation period, with at least one observation during that 60-minute evaluation period consisting of at least 45 consecutive minutes.

4. Whenever an administrator charged with the evaluation of a probationary employee believes the employee will not be reemployed for the second year of the probationary period or the school year following the probationary period, the administrator shall bring the matter to the employee's attention in a written document which is separate from the evaluation not later than March 1 of the current school year. The notice must include the reasons for the potential decision not to reemploy or refer to the evaluation in which the reasons are stated. Such a notice is not required if the probationary employee has received a letter of admonition during the current school year.

5. Each postprobationary teacher must be evaluated at least once each year. An administrator charged with the evaluation of a postprobationary teacher shall personally observe the performance of the teacher in the classroom for not less than a cumulative total of 60 minutes during each evaluation period, with at least one observation during that 60-minute evaluation period consisting of at least 30 consecutive minutes.

6. The evaluation of a probationary teacher or a postprobationary teacher must include, without limitation:

(a) An evaluation of the classroom management skills of the teacher;

(b) A review of the lesson plans and the work log or grade book of pupils prepared by the teacher;

(c) An evaluation of whether the curriculum taught by the teacher is aligned with the standards of content and performance established pursuant to NRS 389.520, as applicable for the grade level taught by the teacher;

(d) An evaluation of whether the teacher is appropriately addressing the needs of the pupils in the classroom, including, without limitation, special educational needs, cultural and ethnic diversity, the needs of pupils enrolled in advanced courses of study and the needs of pupils who are limited English proficient;

(e) ***An evaluation of whether the teacher employs practices and strategies to involve and engage the parents and families of pupils in the classroom;***

(f) If necessary, recommendations for improvements in the performance of the teacher;

~~[(f)]~~ ***(g)*** A description of the action that will be taken to assist the teacher in correcting any deficiencies reported in the evaluation; and

~~[(g)]~~ ***(h)*** A statement by the administrator who evaluated the teacher indicating the amount of time that the administrator personally observed the performance of the teacher in the classroom.

7. The teacher must receive a copy of each evaluation not later than 15 days after the evaluation. A copy of the evaluation and the teacher's response must be permanently attached to the teacher's personnel file. Upon the request of a teacher, a reasonable effort must be made to assist the teacher to correct those deficiencies reported in the evaluation of the teacher for which the teacher requests assistance.

Sec. 9. NRS 391.3127 is hereby amended to read as follows:

391.3127 1. Each board, following consultation with and involvement of elected representatives of administrative personnel or their designated representatives, shall develop an objective policy for the objective evaluation of administrators in narrative form. The policy must set forth a means according to which an administrator's overall performance may be determined to be satisfactory or unsatisfactory. ***The policy must require that the information maintained pursuant to paragraphs (c), (d) and (e) of subsection 1 of NRS 386.650 account for a significant portion of the evaluation, as determined by the board.*** The policy may include an evaluation by the administrator, superintendent, pupils or other administrators or any combination thereof. A copy of the policy adopted by the board must be filed with the Department and made available to the Commission.

2. Each administrator must be evaluated in writing at least once a year.

3. Before a superintendent transfers or assigns an administrator to another administrative position as part of an administrative reorganization, if the transfer or reassignment is to a position of lower rank, responsibility or pay, the superintendent shall give written notice of the proposed transfer or assignment to the administrator at least 30 days before the date on which it is to be effective. The administrator may appeal the decision of the superintendent to the board by requesting a hearing in writing to the president of the board within 5 days after receiving the notice from the superintendent. The board shall hear the matter within 10 days after the president receives the request, and shall render its decision within 5 days after the hearing. The decision of the board is final.

Sec. 9.5. NRS 391.3127 is hereby amended to read as follows:

391.3127 1. Each board, following consultation with and involvement of elected representatives of administrative personnel or their designated representatives, shall develop an objective policy for the objective evaluation of administrators in narrative form. The policy must ~~[set forth a means according to which an administrator's overall performance may be determined to be satisfactory or unsatisfactory. The policy must require that the information maintained pursuant to paragraphs (c), (d) and (e) of subsection 1 of NRS 386.650 account for a significant portion of the evaluation, as determined by the board.]~~ ***comply with the statewide performance evaluation system established by the State Board pursuant to section 7 of this act.*** The policy may include an evaluation by the administrator, superintendent, pupils or other administrators or any combination thereof. A copy of the policy adopted by the board must be filed with the Department and made available to the Commission.

2. Each administrator must be evaluated in writing at least once a year.

3. Before a superintendent transfers or assigns an administrator to another administrative position as part of an administrative reorganization, if the transfer or reassignment is to a position of lower rank, responsibility or pay, the superintendent shall give written notice of the proposed transfer or assignment to the administrator at least 30 days before the date on which it is to be effective. The administrator may appeal the decision of the superintendent to the board by requesting a hearing in writing to the president of the board within 5 days after receiving the notice from the superintendent. The board shall hear the matter within 10 days after the president receives the request, and shall render its decision within 5 days after the hearing. The decision of the board is final.

Sec. 10. NRS 391.3197 is hereby amended to read as follows:

391.3197 1. A probationary employee is employed on a contract basis for two 1-year periods and has no right to employment after either of the two probationary contract years.

2. The board shall notify each probationary employee in writing on or before May 1 of the first and second school years of the employee's probationary period, as appropriate, whether the employee is to be reemployed for the second year of the probationary period or for the next school year as a postprobationary employee. The employee must advise the board in writing on or before May 10 of the first or second year of the employee's probationary period, as appropriate, of the employee's acceptance of reemployment. If a probationary employee is assigned to a school that operates all year, the board shall notify the employee in writing, in both the first and second years of the employee's probationary period, no later than 45 days before his or her last day of work for the year under his or her contract whether the employee is to be reemployed for the second year of the probationary period or for the next school year as a postprobationary employee. The employee must advise the board in writing within 10 days after the date of notification of his or her acceptance or rejection of reemployment for another year. Failure to advise the board of the employee's acceptance of reemployment constitutes rejection of the contract.

3. A probationary employee who completes a 2-year probationary period and receives a notice of reemployment from the school district in the second year of the employee's probationary period is entitled to be a postprobationary employee in the ensuing year of employment.

4. If a probationary employee receives notice pursuant to subsection 4 of NRS 391.3125 not later than March 1 of a potential decision not to reemploy him or her, the employee may request a supplemental evaluation by another administrator in the school district selected by the employee and the superintendent. If a school district has five or fewer administrators, the supplemental evaluator may be an administrator from another school district in this State. If a probationary employee has received during the first school year of the employee's probationary period three evaluations which state that the employee's overall performance has been ~~[satisfactory,]~~ ***highly effective or effective,*** the superintendent of schools of the school district or the superintendent's designee shall waive the second year of the employee's probationary period by expressly providing in writing on the final evaluation of the employee for the first probationary year that the second year of the employee's probationary period is waived. Such an employee is entitled to be a postprobationary employee in the ensuing year of employment.

5. If a probationary employee is notified that the employee will not be reemployed for the second year of the employee's probationary period or the ensuing school year, his or her employment ends on the last day of the current school year. The notice that the employee will not be reemployed must include a statement of the reasons for that decision.

6. A new employee or a postprobationary teacher who is employed as an administrator shall be deemed to be a probationary employee for the purposes of this section and must serve a 2-year probationary period as an administrator in accordance with the provisions of this section. If the administrator does not receive an ~~[unsatisfactory]~~ evaluation ***indicating that his or her performance is minimally effective or ineffective*** during the first year of probation, the superintendent or the superintendent's designee shall waive the second year of the administrator's probationary period. Such an administrator is entitled to be a postprobationary employee in the ensuing year of employment. If:

(a) A postprobationary teacher who is an administrator is not reemployed as an administrator after either year of his or her probationary period; and

(b) There is a position as a teacher available for the ensuing school year in the school district in which the person is employed,

➥ the board of trustees of the school district shall, on or before May 1, offer the person a contract as a teacher for the ensuing school year. The person may accept the contract in writing on or before May 10. If the person fails to accept the contract as a teacher, the person shall be deemed to have rejected the offer of a contract as a teacher.

7. An administrator who has completed his or her probationary period pursuant to subsection 6 and is thereafter promoted to the position of principal must serve an additional probationary period of 1 year in the position of principal. If the administrator serving the additional probationary period is not reemployed as a principal after the expiration of the additional probationary period, the board of trustees of the school district in which the person is employed shall, on or before May 1, offer the person a contract for the ensuing school year for the administrative position in which the person attained postprobationary status. The person may accept the contract in writing on or before May 10. If the person fails to accept such a contract, the person shall be deemed to have rejected the offer of employment.

8. Before dismissal, the probationary employee is entitled to a hearing before a hearing officer which affords due process as set out in NRS 391.311 to 391.3196, inclusive.

Sec. 10.5. **1. There are hereby appropriated from the State General Fund to the Department of Education the following sums for the costs associated with the Teachers and Leaders Council of Nevada created by section 5 of this act:**

For the Fiscal Year 2011-2012	**$24,000**
For the Fiscal Year 2012-2013	**$8,000**

2. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the

Department of Education or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 21, 2012, and September 20, 2013, respectively, by either the Department of Education or the entity to which the money from the appropriation was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 21, 2012, and September 20, 2013, respectively.

Sec. 11. The Teachers and Leaders Council of Nevada created by section 5 of this act shall, not later than June 1, 2012, submit to the State Board of Education the recommendations of the Council for the adoption of regulations establishing a statewide performance evaluation system for teachers and administrators pursuant to section 7 of this act.

Sec. 12. On or before June 1, 2013, the State Board of Education shall, based upon the recommendations of the Teachers and Leaders Council of Nevada submitted pursuant to section 6 of this act, adopt regulations establishing a statewide performance evaluation system for teachers and administrators that complies with section 7 of this act.

Sec. 13. Each school district in this State shall, not later than the 2013-2014 school year, implement a performance evaluation policy for teachers and administrators that complies with the statewide performance evaluation system established by the State Board of Education pursuant to section 7 of this act.

Sec. 14. The appointed members of the Teachers and Leaders Council of Nevada created by section 5 of this act must be appointed to initial terms as follows:

1. The Governor shall appoint to the Council the members described in:

(a) Paragraph (c) of subsection 1 of section 5 of this act to initial terms of 2 years.

(b) Paragraphs (d) and (e) of subsection 1 of section 5 of this act to initial terms of 3 years.

(c) Paragraphs (f) and (g) of subsection 1 of section 5 of this act to initial terms of 1 year.

2. The Superintendent of Public Instruction shall appoint to the Council the members described in paragraph (h) of subsection 1 of section 5 of this act to initial terms of 3 years.

Sec. 15. 1. This section and sections 3 to 8, inclusive, 9**, 10.5** and 11 to 14, inclusive, of this act become effective on July 1, 2011.

2. Sections 1, 2, 8.5, 9.5 and 10 of this act become effective on July 1, 2013.

Assemblyman Hickey moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, reengrossed, and to third reading.

Assembly Bill No. 497.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 830.

SUMMARY—Makes ~~[a]~~ supplemental ~~[appropriation]~~ **appropriations** to the ~~[Real Estate Division of the]~~ Department of Business and Industry **.** ~~[for an unanticipated shortfall in Fiscal Year 2010-2011.]~~ (BDR S-1226)

AN ACT making a supplemental appropriation to the Real Estate Division of the Department of Business and Industry for an unanticipated shortfall in Fiscal Year 2010-2011; **making a supplemental appropriation to the Department of Business and Industry for costs associated with relocation of the Director's office;** and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. There is hereby appropriated from the State General Fund to the Department of Business and Industry the sum of ~~[$317,092]~~ **$213, 599** to cover an unanticipated shortfall in the Real Estate Division. This appropriation is supplemental to that made by section 24 of chapter 388, Statutes of Nevada 2009, at page 2111.

Sec. 2. **There is hereby appropriated from the State General Fund to the Department of Business and Industry the sum of $6,157 for costs associated with the relocation of the Director's office in Carson City. This appropriation is supplemental to that made by section 24 of chapter 388, Statutes of Nevada 2009, at page 2111.**

~~[Sec. 2.]~~ ***Sec. 3.*** This act becomes effective upon passage and approval.

Assemblyman Hickey moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 511.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 785.

AN ACT relating to transportation; providing certain privileges to the owner or long-term lessee of a qualified plug-in electric drive vehicle; authorizing in this State the operation of, and a driver's license endorsement for operators of, autonomous vehicles; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the Department of Transportation to adopt regulations to allow certified low emission and energy-efficient vehicles to be operated in a lane on a highway under its jurisdiction designated for the preferential use or exclusive use of high-occupancy vehicles. (NRS 484A.463) **Section 6** of this bill defines the term "qualified plug-in electric drive vehicle" in a manner substantially similar to the definition used by the Internal Revenue Service for the purpose of the tax credit made available for the initial acquisition of such vehicles. **Section 7** of this bill requires that, with limited exceptions, each local authority shall establish a parking program for qualified plug-in electric drive vehicles. **Section 7** provides that the owner or long-term lessee of such a vehicle may: (1) apply to the local authority for a distinctive decal, label or other identifier that distinguishes the vehicle from other vehicles; and (2) while displaying the distinctive identifier, park the vehicle without the payment of a parking fee at certain times in certain public parking lots, parking areas and metered parking zones. **Section 10** of this bill authorizes the use of a qualified plug-in electric drive vehicle in high-occupancy vehicle lanes irrespective of the occupancy of the vehicle, if the Department of Transportation has adopted the necessary regulations. **Section 13** of this bill causes the provisions of this bill that pertain to qualified plug-in electric drive vehicles to expire by limitation ("sunset") as of January 1, 2018.

Section 8 of this bill requires the Department of Motor Vehicles to adopt regulations authorizing the operation of autonomous vehicles on highways within the State of Nevada. **Section 8** defines an "autonomous vehicle" to mean a motor vehicle that uses artificial intelligence, sensors and global positioning system coordinates to drive itself without the active intervention of a human operator. **Section 2** of this bill requires the Department, by regulation, to establish a driver's license endorsement for the operation of an autonomous vehicle on the highways of this State.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. (Deleted by amendment.)

Sec. 2. Chapter 483 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Department shall by regulation establish a driver's license endorsement for the operation of an autonomous vehicle on the highways of this State. The driver's license endorsement described in this subsection must, in its restrictions or lack thereof, recognize the fact that a person is not required to actively drive an autonomous vehicle.

2. As used in this section, "autonomous vehicle" has the meaning ascribed to it in section 8 of this act.

Sec. 3. NRS 483.230 is hereby amended to read as follows:

483.230 1. Except persons expressly exempted in NRS 483.010 to 483.630, inclusive, ***and section 2 of this act,*** a person shall not drive any motor vehicle upon a highway in this State unless such person has a valid license as a driver under the provisions of NRS 483.010 to 483.630, inclusive, ***and section 2 of this act*** for the type or class of vehicle being driven.

2. Any person licensed as a driver under the provisions of NRS 483.010 to 483.630, inclusive, ***and section 2 of this act*** may exercise the privilege thereby granted upon all streets and highways of this State and shall not be required to obtain any other license to exercise such privilege by any county, municipal or local board or body having authority to adopt local police regulations.

3. Except persons expressly exempted in NRS 483.010 to 483.630, inclusive, ***and section 2 of this act,*** a person shall not steer or exercise any degree of physical control of a vehicle being towed by a motor vehicle upon a highway unless such person has a license to drive the type or class of vehicle being towed.

4. A person shall not receive a driver's license until the person surrenders to the Department all valid licenses in his or her possession issued to the person by this or any other jurisdiction. Surrendered licenses issued by another jurisdiction shall be returned by the Department to such jurisdiction. A person shall not have more than one valid driver's license.

Sec. 4. NRS 483.620 is hereby amended to read as follows:

483.620 It is a misdemeanor for any person to violate any of the provisions of NRS 483.010 to 483.630, inclusive, ***and section 2 of this act*** unless such violation is, by NRS 483.010 to 483.630, inclusive, ***and section 2 of this act*** or other law of this State, declared to be a felony.

Sec. 5. Chapter 484A of NRS is hereby amended by adding thereto the provisions set forth as sections 6, 7 and 8 of this act.

Sec. 6. ***"Qualified plug-in electric drive vehicle" means a motor vehicle that:***

1. Is equipped with four wheels;

2. Is made by a manufacturer;

3. Is manufactured primarily for use on public streets, roads and highways;

4. Has a manufacturer's gross vehicle weight rating of less than 8,500 pounds;

5. Can maintain a maximum rate of speed of at least 70 miles per hour; and

6. Is propelled to a significant extent by an electric motor which draws electricity from a battery that:

(a) Has a capacity of not less than 4 kilowatt hours; and

(b) Can be recharged from a source of electricity that is external to the vehicle.

Sec. 7. *1. Except as otherwise provided in subsection 6, a local authority that has within its jurisdiction a public metered parking zone, parking lot or parking area for the use of which a fee is charged, shall by ordinance establish a parking program for qualified plug-in electric drive vehicles pursuant to this section.*

2. Upon the application of the owner or long-term lessee of a qualified plug-in electric drive vehicle, the local authority or its designee shall issue to the owner or long-term lessee a distinctive decal, label or other identifier that clearly distinguishes the qualified plug-in electric drive vehicle from other vehicles.

3. The ~~[local authority]~~ board of county commissioners or the governing body of the city may charge a fee for the distinctive decal, label or other identifier issued pursuant to subsection 2 in an amount not to exceed $10 annually.

4. Except as otherwise provided in subsection 5, the driver of a qualified plug-in electric drive vehicle displaying the distinctive decal, label or other identifier issued pursuant to subsection 2 may:

(a) Stop, stand or park the qualified plug-in electric drive vehicle in any public metered parking zone within the jurisdiction of the local authority without depositing a coin of United States currency of the designated denomination, or making payment using another acceptable method of payment, in the applicable parking meter; and

(b) Stop, stand or park the qualified plug-in electric drive vehicle in any public parking lot or parking area within the jurisdiction of the local authority without paying a parking fee.

5. In addition to the requirements set forth in this section, the local authority may by ordinance establish such other requirements as it determines necessary for the parking program for qualified plug-in electric drive vehicles, including, without limitation:

(a) Requiring that the driver of a qualified plug-in electric drive vehicle comply with any limits on the amount of time for stopping, standing or parking imposed on other drivers; and

(b) Requiring that the driver of a qualified plug-in electric drive vehicle pay applicable parking fees during certain special events or activities designated by the local authority, regardless of whether the vehicle displays a distinctive decal, label or other identifier issued pursuant to subsection 2.

6. The provisions of this section do not apply to any public metered parking zone, parking lot or parking area of an airport.

Sec. 8. ***1. The Department shall adopt regulations authorizing the operation of autonomous vehicles on highways within the State of Nevada.***

2. The regulations required to be adopted by subsection 1 must:

(a) Set forth requirements that an autonomous vehicle must meet before it may be operated on a highway within this State;

(b) Set forth requirements for the insurance that is required to test or operate an autonomous vehicle on a highway within this State;

(c) Establish minimum safety standards for autonomous vehicles and their operation;

(d) Provide for the testing of autonomous vehicles;

(e) Restrict the testing of autonomous vehicles to specified geographic areas; and

(f) Set forth such other requirements as the Department determines to be necessary.

3. As used in this section:

(a) "Artificial intelligence" means the use of computers and related equipment to enable a machine to duplicate or mimic the behavior of human beings.

(b) "Autonomous vehicle" means a motor vehicle that uses artificial intelligence, sensors and global positioning system coordinates to drive itself without the active intervention of a human operator.

(c) "Sensors" includes, without limitation, cameras, lasers and radar.

Sec. 9. NRS 484A.010 is hereby amended to read as follows:

484A.010 As used in chapters 484A to 484E, inclusive, of NRS, unless the context otherwise requires, the words and terms defined in NRS 484A.015 to 484A.320, inclusive, ***and section 6 of this act*** have the meanings ascribed to them in those sections.

Sec. 10. NRS 484A.463 is hereby amended to read as follows:

484A.463 1. To the extent not inconsistent with federal law, the Department of Transportation may, in consultation with the Federal Highway Administration and the United States Environmental Protection Agency, adopt regulations establishing a program to allow a vehicle that is certified by the Administrator of the United States Environmental Protection Agency as a

low emission and energy-efficient vehicle to be operated in a lane that is designated for the use of high-occupancy vehicles pursuant to NRS 484A.460.

2. As used in this section, "low emission and energy-efficient vehicle" has the meaning ascribed to it in 23 U.S.C. § 166(f)(3). ***The term includes, without limitation, a qualified plug-in electric drive vehicle.***

Sec. 11. NRS 484B.523 is hereby amended to read as follows:

484B.523 1. ~~[When]~~ ***Except as otherwise provided in section 7 of this act, when*** parking meters are erected by any local authority pursuant to an adopted ordinance giving notice thereof, it is unlawful for any person to stop, stand or park a vehicle in any metered parking zone for a period of time longer than designated by such parking meters upon a deposit of a coin of United States currency of the designated denomination.

2. Every vehicle shall be parked wholly within the metered parking space for which the meter shows parking privilege has been granted.

3. It is unlawful for any unauthorized person to remove, deface, tamper with, open, willfully break, destroy or damage any parking meter, or willfully to manipulate any parking meter in such a manner that the indicator will fail to show the correct amount of unexpired time before a violation occurs.

Sec. 12. 1. The Department of Motor Vehicles shall adopt the regulations necessary to implement the provisions of sections 2 and 8 of this act on or before March 1, 2012.

2. Each local authority to which the provisions of section 7 of this act apply shall adopt the ordinances necessary to implement the provisions of sections 6, 7, 9, 10 and 11 of this act on or before January 1, 2012.

3. As used in this section, "local authority" has the meaning ascribed to it in NRS 484A.115.

Sec. 13. 1. This section and section 12 of this act become effective upon passage and approval.

2. Sections 5, 6, 7, 9, 10 and 11 of this act become effective on January 1, 2012.

3. Sections 2, 3, 4 and 8 of this act become effective on March 1, 2012.

4. The following provisions expire by limitation on January 1, 2018:

(a) Sections 5, 6 and 7 of this act;

(b) The amendatory provisions of sections 9, 10 and 11 of this act; and

(c) Subsections 2 and 3 of section 12 of this act.

Assemblyman Hickey moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, reengrossed, and to third reading.

Assembly Bill No. 546.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 829.

AN ACT relating to children; making various changes to provisions governing early childhood care and education; providing for the establishment by statute of the Early Childhood Advisory Council; requiring certain training of persons who are employed in early childhood care; requiring annual reports concerning such training to be submitted to the Department of Education and the Legislative Committee on Education; requiring the Board for Child Care to adopt regulations establishing requirements for courses of training in child care for employees of a child care facility; **making an appropriation;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill makes various changes to the provisions governing early childhood care and education. The Nevada Early Childhood Advisory Council was created by an Executive Order of the Governor on September 11, 2009. By the terms of the Executive Order, the Council will cease to exist on July 31, 2011, if it is not continued by Executive Order. **Section 5** of this bill statutorily provides for the establishment of the Early Childhood Advisory Council by the Director of the Department of Health and Human Services. The statutory Council has substantially the same duties as the Council created by the Executive Order. **Section 13** of this bill provides that the Nevada Early Childhood Advisory Council created by the Governor shall be deemed to be the Council required to be established by the Director until such time as the Director revises the membership or duties of the Council. **Section 6** of this bill requires the Council, in consultation with the Department of Education, to establish goals for the training of persons who are employed in early childhood care in the Pre-Kindergarten Content Standards developed by the Department of Education, assist in developing standards and qualifications for such training, develop standards for professional development, create or adopt a model for highly effective teachers for use as a resource in early childhood education and study and develop recommendations for appropriate group sizes in early childhood education and care. **Section 7** of this bill requires the Department of Education to develop the training module that must be used in such training **~~[.]~~ and authorizes the Department of Education to accept gifts, grants and donations to develop the training module. Section 12.2 of this bill makes an appropriation to the Department of Education to fund the development of the training module.** **Section 8** of this bill requires licensed child care facilities which receive certain government subsidies to ensure that each employee who provides child care services to children who are in early

childhood receives approved training in the Pre-Kindergarten Content Standards. **Section 9** of this bill requires the Council to submit an annual report to the Department of Education and the Legislative Committee on Education concerning such training. **Section 12** of this bill requires the Board for Child Care to adopt regulations establishing requirements for courses of training in child care for employees of a child care facility. The regulations must provide for the annual completion of not less than 24 hours of such training, at least 16 hours of which must be training relating to early childhood development and the Pre-Kindergarten Content Standards.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 432A of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 9, inclusive, of this act.

Sec. 2. *"Council" means the Early Childhood Advisory Council established within the Department pursuant to section 5 of this act.*

Sec. 3. *"Nevada Registry" means the organization that operates the statewide system of career development and recognition created to:*

1. Acknowledge and encourage professional achievement in the early childhood care and education workforce in this State;

2. Establish a professional development system in this State in the field of early childhood care and education;

3. Approve and track all informal training in the field of early childhood care and education in this State; and

4. Act as a statewide clearinghouse for information concerning early childhood care and education.

Sec. 4. *"Pre-Kindergarten Content Standards" means the content standards developed by the Department of Education in conjunction with various other state agencies which describe appropriate outcomes for children who are completing their preschool development.*

Sec. 5. *The Director shall establish the Early Childhood Advisory Council within the Department and shall appoint such members to the Council as the Director determines appropriate. The Council shall:*

1. Work to strengthen state-level coordination and collaboration among the various sectors and settings of early childhood programs in this State.

2. Conduct periodic statewide assessments of needs relating to the quality and availability of programs and services for children who are in early childhood and identify opportunities for and barriers to coordination and collaboration among existing federally-funded and state-funded early childhood programs.

3. Develop recommendations for:

(a) Increasing the overall participation of children in existing federal, state and local programs for child care and early childhood education, including, without limitation, providing information on such programs to underrepresented and special populations;

(b) The establishment or improvement of core elements of the early childhood system in this State, including, without limitation, a statewide unified system for collecting data relating to early childhood programs;

(c) A statewide professional development system for teachers engaged in early childhood education; and

(d) The establishment of statewide standards for early childhood education in this State.

4. Assess the capacity and effectiveness of institutions of higher education in this State in developing teachers in the field of early childhood education.

5. Perform such other duties relating to early childhood education and programs as designated by the Director.

Sec. 6. *The Council, in consultation with the Department of Education, shall, to the extent practicable:*

1. Establish goals for the training of all persons who are employed in early childhood care in the Pre-Kindergarten Content Standards;

2. Assist the Nevada Registry or its successor organization, or any other agency designated by the Director of the Department of Health and Human Services, in developing the qualifications required of persons who conduct training in the Pre-Kindergarten Content Standards and the approval of such training;

3. Develop standards for professional development in the Pre-Kindergarten Content Standards;

4. Create or adopt a model for highly effective teachers that can be used as a resource in early childhood education for teachers and caregivers of children; and

5. Study and develop recommendations for appropriate group sizes in early childhood education and care.

Sec. 7. *1. The Department of Education shall, in consultation with persons who are qualified to conduct training in the Pre-Kindergarten Content Standards, develop the training module that must be used in such training.*

2. To the extent that money is available to pay for the training, the Department of Education shall arrange to have the training provided at no or reduced cost to the employees of child care facilities.

3. The Department of Education may accept gifts, grants and donations from any source for assistance in developing the training module required by this section.

Sec. 8. ***Each child care facility which is licensed pursuant to this chapter or by a city or county or which receives reimbursement from the Program for Child Care and Development administered by the Division of Welfare and Supportive Services of the Department pursuant to chapter 422A of NRS shall ensure that, in accordance with the regulations adopted by the Board pursuant to paragraph (c) of subsection 1 of NRS 432A.077, each employee of the child care facility who provides child care services in the child care facility to children who are in early childhood receives training which is approved by the Nevada Registry or its successor organization, or any other agency designated by the Director, in the Pre-Kindergarten Content Standards.***

Sec. 9. ***The Council shall submit annually to the Department of Education and the Legislative Committee on Education a report concerning:***

1. The number of persons employed in early childhood care in this State, categorized by types of early childhood certification held, if any;

2. The status of the goals for the training of all such persons in the Pre-Kindergarten Content Standards; and

3. The money spent on the training of all such persons in the Pre-Kindergarten Content Standards.

Sec. 10. NRS 432A.020 is hereby amended to read as follows:

432A.020 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 432A.0205 to 432A.028, inclusive, ***and sections 2, 3 and 4 of this act*** have the meanings ascribed to them in those sections.

Sec. 11. NRS 432A.035 is hereby amended to read as follows:

432A.035 ~~[The]~~ ***Except as otherwise provided in section 8 of this act, the*** provisions of this chapter do not apply to the Program for Child Care and Development administered by the Division of Welfare and Supportive Services of the Department pursuant to chapter 422A of NRS.

Sec. 12. NRS 432A.077 is hereby amended to read as follows:

432A.077 1. The Board shall adopt:

(a) Licensing standards for child care facilities.

(b) In consultation with the State Fire Marshal, plans and requirements to ensure that each child care facility and its staff is prepared to respond to emergencies, including, without limitation:

(1) The conducting of fire drills on a monthly basis;

(2) The adoption of plans to respond to natural disasters and emergencies other than those involving fire; and

(3) The adoption of plans to provide for evacuation of child care facilities in an emergency.

(c) ***Regulations establishing the requirements for courses of training in child care for employees of a child care facility. The regulations must provide for continuing training in child care which must include, without limitation, the annual completion by each employee of not less than 24 hours of such training, not less than 16 hours of which must be training relating to early childhood development and the Pre-Kindergarten Content Standards which is approved by the Nevada Registry or its successor organization, or any other agency designated by the Director.***

(d) Such other regulations as it deems necessary or convenient to carry out the provisions of this chapter.

2. The Board shall require that the practices and policies of each child care facility provide adequately for the protection of the health and safety and the physical, moral and mental well-being of each child accommodated in the facility.

3. If the Board finds that the practices and policies of a child care facility are substantially equivalent to those required by the Board in its regulations, it may waive compliance with a particular standard or other regulation by that facility.

Sec. 12.2. **1. There is hereby appropriated from the State General Fund to the Department of Education the sum of $10,000 to fund the development of the training module that must be used to conduct training in Pre-Kindergarten Content Standards pursuant to section 7 of this act.**

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2013, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 20, 2013, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 20, 2013.

Sec. 12.5. The Board for Child Care shall, on or before July 1, 2012, adopt the regulations required by paragraph (c) of subsection 1 of NRS 432A.077, as amended by section 12 of this act.

Sec. 13. Notwithstanding the provisions of section 5 of this act, the Nevada Early Childhood Advisory Council created by the Governor by Executive Order on September 11, 2009, shall be deemed to be the Early Childhood Advisory Council required to be established by the Director of the Department of Health and Human Services pursuant to section 5 of this act until such time as the Director revises the membership or duties of the Council.

Sec. 14. 1. This section and sections 5 and 13 of this act become effective upon passage and approval.

2. Sections 1 to 4, inclusive, and 6, 7, 9, 10, 12 **, 12.2** and 12.5 of this act become effective on July 1, 2011.

3. Sections 8 and 11 of this act become effective on July 1, 2012.

Assemblyman Hickey moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, reengrossed, and to third reading.

Senate Bill No. 32.

Bill read third time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 665.

AN ACT relating to the equalization of property valuations; extending under certain circumstances the deadline for appeals to county boards of equalization; extending certain deadlines for the State Board of Equalization to conclude the business of equalization; requiring the State Board to post a schedule of certain meetings on the Internet website of the Department of Taxation; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

A taxpayer who desires to appeal the valuation of his or her property to a county board of equalization must file the appeal on or before January 15. (NRS 361.340) **Section 1** of this bill extends that deadline to the next business day if January 15 falls on a Saturday, Sunday or legal holiday.

The State Board of Equalization hears appeals from the actions of the county boards of equalization and is required to equalize property valuations in the State by reviewing the tax rolls of the various counties and raising or lowering assessed property values, if appropriate, to ensure a uniform and equal rate of assessment and taxation in this State. (NRS 361.395, 361.400) Existing law requires the State Board to conclude the business of equalization on or before April 15 on cases that in its opinion have a substantial effect on tax revenues, while cases having a less substantive effect on tax revenues may be heard at additional meetings before October 1. (NRS 361.380) **Section 3** of this bill instead requires that if a proposed equalization affects local governmental entities in more than one county and is likely to have a substantial effect on tax revenues, the State Board must notify each affected local governmental entity of the proposed equalization on or before April 30. In addition, **sections 2 and 3** of this bill extend the deadline for cases which have a less substantive effect, or those arising from decisions made in individual cases, to November 1. **Section 3** also requires the State Board to post a schedule of its meetings concerning such equalization on the Department of Taxation's Internet website ~~[and removes the requirement that~~

~~the State Board publish~~] **in addition to publishing** notice of meetings to be held in locations other than Carson City in a newspaper in the county where the meetings are to be held.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 361.340 is hereby amended to read as follows:

361.340 1. Except as otherwise provided in subsection 2, the board of equalization of each county consists of:

(a) Five members, only two of whom may be elected public officers, in counties having a population of 15,000 or more; and

(b) Three members, only one of whom may be an elected public officer, in counties having a population of less than 15,000.

2. The board of county commissioners may by resolution provide for an additional panel of like composition to be added to the board of equalization to serve for a designated fiscal year. The board of county commissioners may also appoint alternate members to either panel.

3. A district attorney, county treasurer or county assessor or any of their deputies or employees may not be appointed to the county board of equalization.

4. The chair of the board of county commissioners shall nominate persons to serve on the county board of equalization who are sufficiently experienced in business generally to be able to bring knowledge and sound judgment to the deliberations of the board or who are elected public officers. The nominees must be appointed upon a majority vote of the board of county commissioners. The chair of the board of county commissioners shall designate one of the appointees to serve as chair of the county board of equalization.

5. Except as otherwise provided in this subsection, the term of each member is 4 years and any vacancy must be filled by appointment for the unexpired term. The term of any elected public officer expires upon the expiration of the term of his or her elected office.

6. The county clerk or his or her designated deputy is the clerk of each panel of the county board of equalization.

7. Any member of the county board of equalization may be removed by the board of county commissioners if, in its opinion, the member is guilty of malfeasance in office or neglect of duty.

8. The members of the county board of equalization are entitled to receive per diem allowance and travel expenses as provided for state officers and employees. The board of county commissioners of any county may by resolution provide for compensation to members of the board of equalization in its county who are not elected public officers as it deems adequate for time

actually spent on the work of the board of equalization. In no event may the rate of compensation established by a board of county commissioners exceed $125 per day.

9. A majority of the members of the county board of equalization constitutes a quorum, and a majority of the board determines the action of the board.

10. A county board of equalization shall comply with any applicable regulation adopted by the Nevada Tax Commission.

11. The county board of equalization of each county shall hold such number of meetings as may be necessary to care for the business of equalization presented to it. Every appeal to the county board of equalization must be filed not later than January 15. ***If January 15 falls on a Saturday, Sunday or legal holiday, the appeal may be filed on the next business day.*** Each county board shall cause to be published, in a newspaper of general circulation published in that county, a schedule of dates, times and places of the board meetings at least 5 days before the first meeting. The county board of equalization shall conclude the business of equalization on or before the last day of February of each year except as to matters remanded by the State Board of Equalization. The State Board of Equalization may establish procedures for the county boards, including setting the period for hearing appeals and for setting aside time to allow the county board to review and make final determinations. The district attorney or his or her deputy shall be present at all meetings of the county board of equalization to explain the law and the board's authority.

12. The county assessor or his or her deputy shall attend all meetings of each panel of the county board of equalization.

Sec. 2. NRS 361.360 is hereby amended to read as follows:

361.360 1. Any taxpayer aggrieved at the action of the county board of equalization in equalizing, or failing to equalize, the value of his or her property, or property of others, or a county assessor, may file an appeal with the State Board of Equalization on or before March 10 and present to the State Board of Equalization the matters complained of at one of its sessions. If March 10 falls on a Saturday, Sunday or legal holiday, the appeal may be filed on the next business day.

2. All such appeals must be presented upon the same facts and evidence as were submitted to the county board of equalization in the first instance, unless there is discovered new evidence pertaining to the matter which could not, by due diligence, have been discovered before the final adjournment of the county board of equalization. The new evidence must be submitted in writing to the State Board of Equalization and served upon the county assessor not less than 7 days before the hearing.

3. Any taxpayer whose real or personal property placed on the unsecured tax roll was assessed after December 15 but before or on the following April 30 may likewise protest to the State Board of Equalization. Every such appeal must be filed on or before May 15. If May 15 falls on a Saturday, Sunday or legal holiday, the appeal may be filed on the next business day. A meeting must be held before May 31 to hear those protests that in the opinion of the State Board of Equalization may have a substantial effect on tax revenues. One or more meetings may be held at any time and place in the State before ~~[October]~~ ***November*** 1 to hear all other protests.

4. The State Board of Equalization may not reduce the assessment of the county assessor if:

(a) The appeal involves an assessment on property which the taxpayer has refused or, without good cause, has neglected to include in the list required of the taxpayer pursuant to NRS 361.265 or if the taxpayer has refused or, without good cause, has neglected to provide the list to the county assessor; or

(b) The taxpayer has, without good cause, refused entry to the assessor for the purpose of conducting the physical examination authorized by NRS 361.260.

5. Any change made in an assessment appealed to the State Board of Equalization is effective only for the fiscal year for which the assessment was made. The county assessor shall review each such change and maintain or remove the change as circumstances warrant for the next fiscal year.

6. If the State Board of Equalization determines that the record of a case on appeal from the county board of equalization is inadequate because of an act or omission of the county assessor, the district attorney or the county board of equalization, the State Board of Equalization may remand the case to the county board of equalization with directions to develop an adequate record within 30 days after the remand. The directions must indicate specifically the inadequacies to be remedied. If the State Board of Equalization determines that the record returned from the county board of equalization after remand is still inadequate, the State Board of Equalization may hold a hearing anew on the appellant's complaint or it may, if necessary, contract with an appropriate person to hear the matter, develop an adequate record in the case and submit recommendations to the State Board. The cost of the contract and all costs, including attorney's fees, to the State or the appellant necessary to remedy the inadequate record on appeal are a charge against the county.

Sec. 3. NRS 361.380 is hereby amended to read as follows:

361.380 1. Except as otherwise provided in subsection 3, annually, the State Board of Equalization shall convene on the fourth Monday in March in Carson City, Nevada, and shall hold such number of meetings as may be

necessary to care for the business of equalization presented to it. ~~[The]~~ ***If a proposed equalization affects local governmental entities in more than one county and the equalization, in the opinion of the State Board of Equalization, is likely to have a substantial effect on tax revenues, the*** State Board of Equalization shall ~~[conclude the business]~~ ***notify each affected local governmental entity*** of ***the proposed*** equalization on ~~[cases that in its opinion have a substantial effect on tax revenues on]~~ or before April ~~[15. Cases having less than a substantial effect on tax revenues]~~ ***30. Cases*** may be heard at additional meetings which may be held at any time and place in the state before ~~[October]~~ ***November*** 1.

2. The publication in the statutes of the foregoing time, place and purpose of each regular session of the State Board of Equalization is notice of such sessions, or if it so elects, the State Board of Equalization may cause published notices of such regular sessions to be made in the press, or may notify parties in interest by letter or otherwise.

3. The State Board of Equalization may designate some place other than Carson City, Nevada, for any of the meetings specified in subsection 1. If such other place is so designated, notice thereof must be given by publication of a notice once a week for 2 consecutive weeks in some newspaper of general circulation in the county in which such meeting or meetings are to be held. ~~*[In addition to any other notice required by law, the]*~~ ***The State Board of Equalization must also post a schedule of each such meeting on the Internet website maintained by the Department.***

Sec. 4. NRS 361.405 is hereby amended to read as follows:

361.405 1. The Secretary of the State Board of Equalization forthwith shall certify any change made by the Board in the assessed valuation of any property in whole or in part to the county auditor of the county where the property is assessed, and whenever the valuation of any property is raised, the Secretary of the State Board of Equalization shall forward by certified mail to the property owner or owners affected, notice of the increased valuation.

2. As soon as changes resulting from cases having a substantial effect on tax revenues have been certified to the county auditor by the Secretary of the State Board of Equalization, the county auditor shall:

(a) Enter all such changes and the value of any construction work in progress and net proceeds of minerals which were certified to him or her by the Department, on the assessment roll before the delivery thereof to the tax receiver.

(b) Add up the valuations and enter the total valuation of each kind of property and the total valuation of all property on the assessment roll.

(c) Certify the results to the board of county commissioners and the Department . ~~[on or before April 15 of each year.]~~

3. The board of county commissioners shall not levy a tax on the net proceeds of minerals added to the assessed valuation pursuant to paragraph (a) of subsection 2, but, except as otherwise provided by specific statute, the net proceeds of minerals must be included in the assessed valuation of the taxable property of the county and all local governments in the county for the determination of the rate of tax and all other purposes for which assessed valuation is used.

4. As soon as changes resulting from cases having less than a substantial effect on tax revenue have been certified to the county tax receiver by the Secretary of the State Board of Equalization, the county tax receiver shall adjust the assessment roll or the tax statement or make a tax refund, as directed by the State Board of Equalization.

Sec. 5. This act becomes effective upon passage and approval.

Assemblywoman Kirkpatrick moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, reengrossed, and to third reading.

Senate Bill No. 34.

Bill read third time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 666.

AN ACT relating to taxation; revising the provisions governing the administration of sales and use taxes to ensure continued compliance with the Streamlined Sales and Use Tax Agreement, apply the taxes to retailers whose activities have a sufficient nexus with this State and provide for the rebuttal of certain presumptions regarding the application of use taxes to property delivered outside of or brought into this State; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the administration of sales and use taxes in this State pursuant to the Simplified Sales and Use Tax Administration Act, the Sales and Use Tax Act and the Local School Support Tax Law. (Chapters 360B, 372 and 374 of NRS) Under existing law, the Legislature has found and declared that this State should enter into an interstate agreement to simplify and modernize sales and use tax administration to reduce the burden of tax compliance for all sellers and types of commerce. (NRS 360B.020) Existing law requires the Nevada Tax Commission to enter into the Streamlined Sales and Use Tax Agreement and take all other actions reasonably required to implement the provisions of the Agreement. (NRS 360B.110)

This bill carries out various requirements of the Streamlined Sales and Use Tax Agreement. **Sections 2 and 26** of this bill replace superseded

requirements for purchases of direct mail with new requirements regarding the sourcing of those transactions to various jurisdictions and the respective responsibilities of sellers and purchasers for the collection, reporting and payment of the applicable taxes. **Section 3** of this bill sets forth a new requirement regarding the registration of certain sellers who anticipate making no sales into certain states. **Sections 3, 14 and 23** of this bill carry out a new requirement to allow the electronic filing of simplified tax returns. **Sections 4 and 7** of this bill carry out a recent amendment to the Agreement governing the taxation of delivery charges. **Section 4.5** of this bill carries out a recent amendment to the Agreement regarding the due dates for tax returns and payments. **Sections 13 and 22** of this bill set forth new requirements regarding the liability of a seller for accepting certain certificates of exemption which indicate that the claimed exemption is not available. **Sections 5 and 6** of this bill delete certain provisions of the Agreement that do not apply in this State. **Sections 9, 10, 18 and 19** of this bill delete a requirement for good faith which is not allowed by the Agreement.

Under existing law, the Commerce Clause of the United States Constitution prohibits a state from requiring a retailer to collect sales and use taxes unless the activities of the retailer have a substantial nexus with the taxing state. (*Quill Corp. v. North Dakota*, 504 U.S. 298, 112 S.Ct. 1904 (1992)) **Sections 8 and 17** of this bill apply the sales and use taxes imposed in this State to every retailer whose activities have such a nexus.

Existing law creates various presumptions regarding the application of the use taxes imposed in this State to property which is delivered outside of this State to a purchaser or brought into this State by a purchaser. (NRS 372.250, 372.255, 372.258, 374.255, 374.260, 374.263) **Sections 11, 12, 20, 21 and 26** of this bill revise that law to specify the methods for controverting a presumption that those taxes apply.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 360.299 is hereby amended to read as follows:

360.299 1. In determining the amount of:

(a) Sales tax due on a sale at retail, the rate of tax used must be the sum of the rates of all taxes imposed upon sales at retail in:

(1) The county determined pursuant to the provisions of NRS 360B.350 to 360B.375, inclusive **[.]** ***, or section 2 of this act;*** or

(2) If those provisions do not apply to the sale, the county in which the property is or will be delivered to the purchaser or the agent or designee of the purchaser.

(b) Use tax due on the purchase of tangible personal property for use, storage or other consumption in this state, the rate of tax used must be the

sum of the rates of all taxes imposed upon the use, storage or other consumption of property in:

(1) The county determined pursuant to the provisions of NRS 360B.350 to 360B.375, inclusive ~~[.]~~ ***, or section 2 of this act;*** or

(2) If those provisions do not apply to the purchase, the county in which the property is first used, stored or consumed.

2. In determining the amount of taxes due pursuant to subsection 1:

(a) The amount due must be computed to the third decimal place and rounded to a whole cent using a method that rounds up to the next cent if the numeral in the third decimal place is greater than 4.

(b) A retailer may compute the amount due on a transaction on the basis of each item involved in the transaction or a single invoice for the entire transaction.

3. On or before January 1 of each year, the Department shall transmit to each retailer to whom a permit has been issued a notice which contains the provisions of subsections 1 and 2 and NRS 372.365.

Sec. 2. Chapter 360B of NRS is hereby amended by adding thereto a new section to read as follows:

1. Notwithstanding the provisions of NRS 360B.350 to 360B.375, inclusive:

(a) A purchaser of advertising and promotional direct mail may provide the seller with:

(1) Documentation of the direct pay permit of the purchaser issued pursuant NRS 360B.260;

(2) A certificate or written statement, in a form approved by the Department in accordance with the provisions of the Agreement, claiming the direct mail; or

(3) An informational statement of the jurisdictions to which the advertising and promotional direct mail is to be delivered to recipients.

(b) If the purchaser provides the documentation, certificate or statement pursuant to subparagraph (1) or (2) of paragraph (a), the sale shall be deemed to take place in the jurisdictions to which the advertising and promotional direct mail is to be delivered to the recipients and:

(1) If the seller does not maintain a place of business in this State:

(I) The purchaser shall report and pay any applicable sales or use taxes due; and

(II) The seller, in the absence of bad faith, is relieved of all obligations to collect, pay or remit any sales or use taxes applicable to any transaction involving the advertising and promotional direct mail to which the documentation, certificate or statement applies; or

(2) If the seller maintains a place of business in this State:

(I) The seller shall collect and remit any applicable sales or use taxes due in this State;

(II) The purchaser shall report and pay any applicable sales or use taxes due in any other state; and

(III) The seller, in the absence of bad faith, is relieved of all obligations to collect, pay or remit any sales or use taxes applicable to any transaction involving the advertising and promotional direct mail to which the documentation, certificate or statement applies which are due in any other state.

(c) If the purchaser provides the informational statement pursuant to subparagraph (3) of paragraph (a):

(1) The sale shall be deemed to take place in the jurisdictions to which the advertising and promotional direct mail is to be delivered;

(2) The seller shall collect and remit any applicable sales or use taxes due to those jurisdictions; and

(3) If the seller complies with subparagraph (2) in accordance with the delivery information provided by the purchaser, the seller, in the absence of bad faith, is relieved of any further obligation to collect any additional sales or use taxes on the sale.

(d) If the purchaser does not provide the seller with any of the items listed in paragraph (a), the sale shall be deemed to take place at the location described in subsection 5 of NRS 360B.360. The state to which the advertising and promotional direct mail is delivered may disallow credit for any sales or use taxes paid in accordance with this paragraph.

2. Notwithstanding the provisions of NRS 360B.350 to 360B.375, inclusive:

(a) Except as otherwise provided in this subsection, the sale of other direct mail shall be deemed to take place at the location described in subsection 3 of NRS 360B.360.

(b) A purchaser of other direct mail may provide the seller with:

(1) Documentation of the direct pay permit of the purchaser issued pursuant NRS 360B.260; or

(2) A certificate or written statement, in a form approved by the Department in accordance with the provisions of the Agreement, claiming the direct mail.

(c) If the purchaser provides the documentation, certificate or statement pursuant to paragraph (b), the sale shall be deemed to take place in the jurisdictions to which the other direct mail is to be delivered to the recipients and:

(1) If the seller does not maintain a place of business in this State:

(I) The purchaser shall report and pay any applicable sales or use taxes due; and

(II) The seller, in the absence of bad faith, is relieved of all obligations to collect, pay or remit any sales or use taxes applicable to any transaction involving the other direct mail to which the documentation, certificate or statement applies; or

(2) If the seller maintains a place of business in this State:

(I) The seller shall collect and remit any applicable sales or use taxes due in this State;

(II) The purchaser shall report and pay any applicable sales or use taxes due in any other state; and

(III) The seller, in the absence of bad faith, is relieved of all obligations to collect, pay or remit any sales or use taxes applicable to any transaction involving the other direct mail to which the documentation, certificate or statement applies which are due in any other state.

3. This section does not apply to any transaction that includes the development of billing information or the provision of any data processing service that is more than incidental, regardless of whether any advertising and promotional direct mail is included in the same mailing.

4. If a transaction is a bundled transaction, as defined by a regulation of the Department in accordance with the provisions of the Agreement, that includes advertising and promotional direct mail, this section applies only if the primary purpose of the transaction is the sale of products that meet the definition set forth in paragraph (a) of subsection 6.

5. The provisions of this section do not limit any purchaser's:

(a) Liability for any sales or use taxes to any states to which the direct mail is delivered;

(b) Rights under local, state, federal or constitutional law, to a credit for sales or use taxes due and paid to other jurisdictions; or

(c) Right to a refund of any sales or use taxes overpaid to any jurisdiction.

6. As used in this section:

(a) "Advertising and promotional direct mail" means direct mail, the primary purpose of which is to attract public attention to a product, person, business or organization, or to attempt to sell, popularize or secure financial support for a product, person, business or organization. As used in this paragraph, "product" means tangible personal property, a product transferred electronically or a service.

(b) "Direct mail" means printed material delivered or distributed by the United States Postal Service or another delivery service to a mass audience or to addresses contained on a mailing list provided by a purchaser or at the direction of a purchaser when the cost of the items purchased is not billed directly to the recipients. The term includes tangible personal property supplied directly or indirectly by the purchaser to the seller of the

direct mail for inclusion in the package containing the printed material. The term does not include multiple items of printed material delivered to a single address.

(c) "Other direct mail" means any direct mail that is not advertising and promotional direct mail, regardless of whether any advertising and promotional direct mail is included in the same mailing. The term:

(1) Includes, but is not limited to:

(I) Transactional direct mail that contains personal information specific to the addressee, including, but not limited to, invoices, bills, statements of account and payroll advices;

(II) Any legally required mailings, including, but not limited to, privacy notices, tax reports and stockholder reports; and

(III) Other nonpromotional direct mail delivered to existing or former shareholders, customers, employees or agents, including, but not limited to, newsletters and informational pieces; and

(2) Does not include the development of billing information or the provision of any data processing service that is more than incidental.

Sec. 3. NRS 360B.200 is hereby amended to read as follows:

360B.200 1. The Department shall, in cooperation with any other states that are members of the Agreement, establish and maintain a central, electronic registration system that allows a seller to register to collect and remit the sales and use taxes imposed in this State and in the other states that are members of the Agreement.

2. A seller who registers pursuant to this section agrees to collect and remit sales and use taxes in accordance with the provisions of this chapter, the regulations of the Department and the applicable law of each state that is a member of the Agreement, including any state that becomes a member of the Agreement after the registration of the seller pursuant to this section. The cancellation or revocation of the registration of a seller pursuant to this section, the withdrawal of a state from the Agreement or the revocation of the Agreement does not relieve a seller from liability pursuant to this subsection to remit any taxes previously or subsequently collected on behalf of a state.

3. When registering pursuant to this section, a seller may:

(a) Elect to use a certified service provider as its agent to perform all the functions of the seller relating to sales and use taxes, other than the obligation of the seller to remit the taxes on its own purchases;

(b) Elect to use a certified automated system to calculate the amount of sales or use taxes due on its sales transactions;

(c) Under such conditions as the Department deems appropriate in accordance with the Agreement, elect to use its own proprietary automated system to calculate the amount of sales or use taxes due on its sales transactions; or

(d) Elect to use any other method authorized by the Department for performing the functions of the seller relating to sales and use taxes.

4. ***A seller who registers pursuant to this section and does not make the election allowed pursuant to paragraph (a) of subsection 3 may elect to be registered in any state that:***

(a) Is a member of the Agreement at the time of that registration, as a seller who anticipates making no sales into that state if the seller has not had any sales into that state for the preceding 12 months; and

(b) Becomes a member of the Agreement after that registration, as a seller who anticipates making no sales into that state.

5. A seller who registers pursuant to this section agrees to submit its sales and use tax returns, and to remit any sales and use taxes due, to the Department at such times and in such a manner and format as the Department prescribes by regulation. Those regulations must:

(a) Require from each seller who registers pursuant to this section:

(1) Only ~~[one]~~ ***a single*** tax return for each taxing period for all the sales and use taxes collected on behalf of this State and each local government in this State; and

(2) Only one remittance of taxes for each tax return, except that the Department may require additional remittances of taxes if the seller:

(I) Collects more than $30,000 in sales and use taxes on behalf of this State and the local governments in this State during the preceding calendar year;

(II) Is allowed to determine the amount of any additional remittance by a method of calculation instead of by the actual amount collected; and

(III) Is not required to file any tax returns in addition to those otherwise required in accordance with this subsection.

(b) Allow any seller who registers pursuant to this section ~~[and makes an election pursuant to paragraph (a), (b) or (c) of subsection 3]~~ to submit tax returns ***electronically*** in a simplified format ***.*** ~~[that does not include any more data fields than are permitted in accordance with the Agreement.]~~

(c) Allow any seller who registers pursuant to this section, does not maintain a place of business in this State and has not made an election pursuant to paragraph (a), (b) or (c) of subsection 3, to file tax returns at a frequency that does not exceed once per year unless the seller accumulates more than $1,000 in the collection of sales and use taxes on behalf of this State and the local governments in this State.

(d) Provide an alternative method for a seller who registers pursuant to this section to make tax payments the same day as the seller intends if an electronic transfer of money fails.

(e) Require any data that accompanies the remittance of a tax payment by or on behalf of a seller who registers pursuant to this section to be formatted

using uniform codes for the type of tax and payment in accordance with the Agreement.

~~[5.]~~ ***6.*** The registration of a seller and the collection and remission of sales and use taxes pursuant to this section may not be considered as a factor in determining whether a seller has a nexus with this State for the purposes of determining the liability of the seller to pay any tax imposed by this State.

Sec. 4. NRS 360B.290 is hereby amended to read as follows:

360B.290 Any invoice, billing or other document given to a purchaser that indicates the sales price for which tangible personal property is sold ~~[must]~~ ***:***

1. May state separately any amount received by the seller for ~~[:~~

~~1. Any]~~ ***any*** transportation, shipping or postage charges for the delivery of the property to a location designated by the purchaser ~~[.]~~ ***; and***

2. ***Must state separately any amount received by the seller for:***

(a) Any installation charges for the property;

~~[3.]~~ ***(b)*** Any credit for any trade-in which is specifically exempted from the sales price of the property pursuant to chapter 372 or 374 of NRS;

~~[4.]~~ ***(c)*** Any interest, financing and carrying charges from credit extended on the sale; and

~~[5.]~~ ***(d)*** Any taxes legally imposed directly on the consumer.

Sec. 4.5. NRS 360B.300 is hereby amended to read as follows:

360B.300 Notwithstanding the provisions of any other specific statute ~~[, if]~~ ***:***

1. If any sales or use tax is due and payable on ~~[a]~~ ***:***

(a) A Saturday, Sunday or legal holiday, the tax may be paid on the next succeeding business day ~~[.]~~ ***; or***

(b) A day on which a Federal Reserve bank is closed and, as a result of that closure, the taxpayer is not able to remit the tax electronically in accordance with the regulations adopted by the Department pursuant to NRS 360.092, the tax may be paid on the next succeeding day on which the Federal Reserve bank is open.

2. If any sales or use tax return is:

(a) Due on a Saturday, Sunday or legal holiday, the return may be filed on the next succeeding business day; or

(b) Required to be filed in conjunction with a remittance of the tax and paragraph (b) of subsection 1 applies to that remittance, the return may be filed on the same day as the tax may be paid in accordance with that paragraph.

Sec. 5. NRS 360B.350 is hereby amended to read as follows:

360B.350 As used in NRS 360B.350 to 360B.375, inclusive:

1. "Receive" means taking possession of ~~[or making the first use of]~~ tangible personal property **.** ~~[, whichever occurs first.]~~ The term does not include possession by a shipping company on behalf of a purchaser.

2. "Transportation equipment" means:

(a) Locomotives and railcars used for the carriage of persons or property in interstate commerce.

(b) Trucks and truck-tractors having a manufacturer's gross vehicle weight rating of more than 10,000 pounds, and trailers, semitrailers and passenger buses that are:

(1) Registered pursuant to the International Registration Plan, as adopted by the Department of Motor Vehicles pursuant to NRS 706.826; or

(2) Operated under the authority of a carrier who is authorized by the Federal Government to engage in the carriage of persons or property in interstate commerce.

(c) Aircraft operated by an air carrier who is authorized by the Federal Government or a foreign government to engage in the carriage of persons or property in interstate or foreign commerce.

(d) Containers designed for use on and component parts attached or secured to any of the items described in paragraph (a), (b) or (c).

Sec. 5.5. NRS 360B.355 is hereby amended to read as follows:

360B.355 1. Except as otherwise provided in this section ~~[,]~~ ***and section 2 of this act,*** for the purpose of determining the liability of a seller for sales and use taxes, a retail sale shall be deemed to take place at the location determined pursuant to NRS 360B.350 to 360B.375, inclusive.

2. NRS 360B.350 to 360B.375, inclusive, do not:

(a) Affect any liability of a purchaser or lessee for a use tax.

(b) Apply to:

(1) The retail sale or transfer of watercraft, modular homes, manufactured homes or mobile homes.

(2) The retail sale, other than the lease or rental, of motor vehicles, trailers, semitrailers or aircraft that do not constitute transportation equipment.

Sec. 6. NRS 360B.360 is hereby amended to read as follows:

360B.360 Except as otherwise provided in NRS 360B.350 to 360B.375, inclusive, the retail sale, excluding the lease or rental, of tangible personal property shall be deemed to take place:

1. If the property is received by the purchaser at a place of business of the seller, at that place of business.

2. If the property is not received by the purchaser at a place of business of the seller:

(a) At the location indicated to the seller pursuant to any instructions provided for the delivery of the property to the purchaser or to another recipient who is designated by the purchaser as his or her donee; or

(b) If no such instructions are provided and if known by the seller, at the location where the purchaser or another recipient who is designated by the purchaser as his or her donee, receives the property.

3. If subsections 1 and 2 do not apply, at the address of the purchaser indicated in the business records of the seller that are maintained in the ordinary course of the seller's business, unless the use of that address would constitute bad faith.

4. If subsections 1, 2 and 3 do not apply, at the address of the purchaser obtained during the consummation of the sale, including, if no other address is available, the address of the purchaser's instrument of payment, unless the use of an address pursuant to this subsection would constitute bad faith.

5. In all other circumstances, at the address from which the property was shipped **. [**~~or, if it was delivered electronically, at the address from which it was first available for transmission by the seller.~~**]**

Sec. 7. NRS 360B.480 is hereby amended to read as follows:

360B.480 1. "Sales price" means the total amount of consideration, including cash, credit, property and services, for which personal property is sold, leased or rented, valued in money, whether received in money or otherwise, and without any deduction for:

(a) The seller's cost of the property sold;

(b) The cost of materials used, labor or service cost, interest, losses, all costs of transportation to the seller, all taxes imposed on the seller, and any other expense of the seller;

(c) Any charges by the seller for any services necessary to complete the sale, including any delivery charges which are not stated separately pursuant to ***subsection 1 of*** NRS 360B.290 and excluding any installation charges which are stated separately pursuant to ***subsection 2 of*** NRS 360B.290; and

(d) Except as otherwise provided in subsection 2, any credit for any trade-in.

2. The term does not include:

(a) Any delivery charges which are stated separately pursuant to ***subsection 1 of*** NRS 360B.290;

(b) Any installation charges which are stated separately pursuant to ***subsection 2 of*** NRS 360B.290;

(c) Any credit for any trade-in which is:

(1) Specifically exempted from the sales price pursuant to chapter 372 or 374 of NRS; and

(2) Stated separately pursuant to ***subsection 2 of*** NRS 360B.290;

(d) Any discounts, including those in the form of cash, term or coupons that are not reimbursed by a third party, which are allowed by a seller and taken by the purchaser on a sale;

(e) Any interest, financing and carrying charges from credit extended on the sale of personal property, if stated separately pursuant to ***subsection 2 of*** NRS 360B.290; and

(f) Any taxes legally imposed directly on the consumer which are stated separately pursuant to ***subsection 2 of*** NRS 360B.290.

3. The term includes consideration received by a seller from a third party if:

(a) The seller actually receives consideration from a person other than the purchaser and the consideration is directly related to a price reduction or discount on the sale;

(b) The seller has an obligation to pass the price reduction or discount through to the purchaser;

(c) The amount of the consideration attributable to the sale is fixed and determinable by the seller at the time of the sale of the item to the purchaser; and

(d) Any of the following criteria is satisfied:

(1) The purchaser presents a coupon, certificate or other documentation to the seller to claim a price reduction or discount, and the coupon, certificate or other documentation is authorized, distributed or granted by a third party with the understanding that the third party will reimburse any seller to whom the coupon, certificate or other documentation is presented.

(2) The purchaser identifies himself or herself to the seller as a member of a group or organization entitled to a price reduction or discount. For the purposes of this subparagraph, a preferred customer card that is available to any patron does not constitute membership in such a group.

(3) The price reduction or discount is identified as a third-party price reduction or discount on the invoice received by the purchaser or on a coupon, certificate or other documentation presented by the purchaser.

Sec. 8. Chapter 372 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The provisions of this chapter relating to:

(a) The imposition, collection and remittance of the sales tax apply to every retailer whose activities have a sufficient nexus with this State to satisfy the requirements of the United States Constitution.

(b) The collection and remittance of the use tax apply to every retailer whose activities have a sufficient nexus with this State to satisfy the requirements of the United States Constitution.

2. In administering the provisions of this chapter, the Department shall construe the terms "seller," "retailer" and "retailer maintaining a place of business in this State" in accordance with the provisions of subsection 1.

Sec. 9. NRS 372.155 is hereby amended to read as follows:

372.155 1. For the purpose of the proper administration of this chapter and to prevent evasion of the sales tax, it is presumed that all gross receipts are subject to the tax until the contrary is established. The burden of proving that a sale of tangible personal property is not a sale at retail is upon the person who makes the sale unless the person takes ~~[in good faith]~~ from the purchaser a certificate to the effect that the property is purchased for resale and the purchaser:

(a) Is engaged in the business of selling tangible personal property;

(b) Is registered pursuant to NRS 360B.200 or holds a permit issued pursuant to NRS 372.135; and

(c) At the time of purchasing the property, intends to sell it in the regular course of business or is unable to ascertain at the time of purchase whether the property will be sold or will be used for some other purpose.

2. If a sale of tangible personal property is transacted by drop shipment, the third-party vendor is relieved of the burden of proving that the sale is not a sale at retail if:

(a) The third-party vendor:

(1) Takes ~~[in good faith]~~ from his or her customer a certificate to the effect that the property is purchased for resale; or

(2) Obtains any other evidence acceptable to the Department that the property is purchased for resale; and

(b) His or her customer:

(1) Is engaged in the business of selling tangible personal property; and

(2) Is selling the property in the regular course of business.

Sec. 10. NRS 372.225 is hereby amended to read as follows:

372.225 1. For the purpose of the proper administration of this chapter and to prevent evasion of the use tax and the duty to collect the use tax, it is presumed that tangible personal property sold by any person for delivery in this State is sold for storage, use or other consumption in this State until the contrary is established. The burden of proving the contrary is upon the person who makes the sale unless the person takes ~~[in good faith]~~ from the purchaser a certificate to the effect that the property is purchased for resale and the purchaser:

(a) Is engaged in the business of selling tangible personal property;

(b) Is registered pursuant to NRS 360B.200 or holds a permit issued pursuant to NRS 372.135; and

(c) At the time of purchasing the property, intends to sell it in the regular course of business or is unable to ascertain at the time of purchase whether the property will be sold or will be used for some other purpose.

2. If a sale of tangible personal property is transacted by drop shipment, the third-party vendor is relieved of the burden of proving that the property is sold for storage, use or other consumption in this State if:

(a) The third-party vendor:

(1) Takes ~~[in good faith]~~ from his or her customer a certificate to the effect that the property is purchased for resale; or

(2) Obtains any other evidence acceptable to the Department that the property is purchased for resale; and

(b) His or her customer:

(1) Is engaged in the business of selling tangible personal property; and

(2) Is selling the property in the regular course of business.

Sec. 11. NRS 372.250 is hereby amended to read as follows:

372.250 ***1.*** It is presumed that tangible personal property shipped or brought to this State by the purchaser on or after July 1, 1979, was purchased from a retailer on or after July 1, 1979, for storage, use or other consumption in this State.

2. This presumption may be controverted by the vendor or purchaser by evidence showing that the property was stored or used:

(a) Exclusively outside of this State during the initial 30 days after its purchase; and

(b) Outside of this State for a majority of the time during the initial 12 months after its purchase.

Sec. 12. NRS 372.255 is hereby amended to read as follows:

372.255 1. ~~[Except as otherwise provided in NRS 372.258, on]~~ ***On*** and after July 1, 1979, it is presumed that tangible personal property delivered outside this State to a purchaser known by the retailer to be a resident of this State was purchased from a retailer for storage, use or other consumption in this State and stored, used or otherwise consumed in this State.

2. This presumption may be controverted by:

(a) ~~[A]~~ ***The vendor by a written*** statement ~~[in writing, signed by the purchaser or his or her authorized representative, and retained by the vendor,]~~ that the property was purchased for use at a designated point or points outside this State ~~[.~~

~~(b) Other evidence satisfactory to the Department that the property was not purchased for storage, use or other consumption in this State.]~~ ***, if the statement is:***

(1) Signed by the purchaser or his or her authorized representative; and

(2) Taken and retained by the vendor **;** ~~*[in good faith;]*~~ ***or***

(b) The vendor or purchaser by evidence showing that the property was stored or used:

(1) Exclusively outside of this State during the initial 30 days after its purchase; and

(2) Outside of this State for a majority of the time during the initial 12 months after its purchase.

Sec. 13. NRS 372.347 is hereby amended to read as follows:

372.347 1. If a purchaser wishes to claim an exemption from the taxes imposed by this chapter, the retailer shall obtain such ~~[~~identifying~~]~~ information from the purchaser ~~[~~at the time of sale~~]~~ as is required by the Department.

2. The Department shall, to the extent feasible, establish an electronic system for submitting a request for an exemption. A purchaser is not required to provide a signature to claim an exemption if the request is submitted electronically.

3. The Department may establish a system whereby a purchaser who is exempt from the payment of the taxes imposed by this chapter is issued an identification number that can be presented to the retailer at the time of sale.

4. A retailer shall maintain such records of exempt transactions as are required by the Department and provide those records to the Department upon request.

5. Except as otherwise provided in this subsection, a retailer who complies with the provisions of this section is not liable for the payment of any tax imposed by this chapter if the purchaser improperly claims an exemption. If the purchaser improperly claims an exemption, the purchaser is liable for the payment of the tax. The provisions of this subsection do not apply if the retailer ~~[~~fraudulently~~]~~ ***:***

(a) Fraudulently fails to collect the tax ~~[~~or solicits~~]~~ ***;***

(b) Solicits a purchaser to participate in an unlawful claim of an exemption ~~[~~.~~]~~ ***; or***

(c) Accepts a certificate of exemption from a purchaser who claims an entity-based exemption, the subject of the transaction sought to be covered by the certificate is actually received by the purchaser at a location operated by the seller, and the Department provides, and posts on a website or other Internet site that is operated or administered by or on behalf of the Department, a certificate of exemption which clearly and affirmatively indicates that the claimed exemption is not available.

6. As used in this section ~~[~~, "retailer"~~]~~ ***:***

(a) "Entity-based exemption" means an exemption based on who purchases the product or who sells the product, and which is not available to all.

(b) "Retailer" includes a certified service provider, as that term is defined in NRS 360B.060, acting on behalf of a retailer who is registered pursuant to NRS 360B.200.

Sec. 14. NRS 372.360 is hereby amended to read as follows:

372.360 Except as otherwise required by the Department pursuant to NRS 360B.200:

1. On or before the last day of the month following each reporting period, a return for the preceding period must be filed with the Department in such form ***and manner*** as the Department may prescribe. Any return required to be filed by this section must be combined with any return required to be filed pursuant to the provisions of chapter 374 of NRS.

2. For purposes of:

(a) The sales tax, a return must be filed by each seller.

(b) The use tax, a return must be filed by each retailer maintaining a place of business in the State and by each person purchasing tangible personal property, the storage, use or other consumption of which is subject to the use tax, who has not paid the use tax due.

3. ~~[~~Returns~~]~~ ***Unless filed electronically, returns*** must be signed by the person required to file the return or by his or her authorized agent but need not be verified by oath.

Sec. 15. NRS 372.365 is hereby amended to read as follows:

372.365 1. Except as otherwise required by the Department pursuant to NRS 360B.200 or provided in NRS 360B.350 to 360B.375, inclusive ~~[.]~~ ***, or section 2 of this act:***

(a) For the purposes of the sales tax:

(1) The return must show the gross receipts of the seller during the preceding reporting period.

(2) The gross receipts must be segregated and reported separately for each county to which a sale of tangible personal property pertains.

(3) A sale pertains to the county in this State in which the tangible personal property is or will be delivered to the purchaser or his or her agent or designee.

(b) For purposes of the use tax:

(1) In the case of a return filed by a retailer, the return must show the total sales price of the property purchased by him or her, the storage, use or consumption of which property became subject to the use tax during the preceding reporting period.

(2) The sales price must be segregated and reported separately for each county to which a purchase of tangible personal property pertains.

(3) If the property was:

(I) Brought into this State by the purchaser or his or her agent or designee, the sale pertains to the county in this State in which the property is or will be first used, stored or otherwise consumed.

(II) Not brought into this State by the purchaser or his or her agent or designee, the sale pertains to the county in this State in which the property was delivered to the purchaser or his or her agent or designee.

2. In case of a return filed by a purchaser, the return must show the total sales price of the property purchased by him or her, the storage, use or consumption of which became subject to the use tax during the preceding reporting period and indicate the county in this State in which the property was first used, stored or consumed.

3. The return must also show the amount of the taxes for the period covered by the return and such other information as the Department deems necessary for the proper administration of this chapter.

4. Except as otherwise provided in subsection 5, upon determining that a retailer has filed a return which contains one or more violations of the provisions of this section, the Department shall:

(a) For the first return of any retailer which contains one or more violations, issue a letter of warning to the retailer which provides an explanation of the violation or violations contained in the return.

(b) For the first or second return, other than a return described in paragraph (a), in any calendar year which contains one or more violations, assess a penalty equal to the amount of the tax which was not reported or was reported for the wrong county or $1,000, whichever is less.

(c) For the third and each subsequent return in any calendar year which contains one or more violations, assess a penalty of three times the amount of the tax which was not reported or was reported for the wrong county or $3,000, whichever is less.

5. For the purposes of subsection 4, if the first violation of this section by any retailer was determined by the Department through an audit which covered more than one return of the retailer, the Department shall treat all returns which were determined through the same audit to contain a violation or violations in the manner provided in paragraph (a) of subsection 4.

Sec. 16. NRS 372.375 is hereby amended to read as follows:

372.375 1. Except as otherwise ***authorized or*** required by the Department ***,*** ~~[~~pursuant to NRS 360B.200,~~]~~ the person required to file a return shall deliver the return together with a remittance of the amount of the tax due to the Department.

2. The Department shall provide for the acceptance of credit cards, debit cards or electronic transfers of money for the payment of the tax due in the manner prescribed pursuant to NRS 360.092.

Sec. 17. Chapter 374 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The provisions of this chapter relating to:

(a) The imposition, collection and remittance of the sales tax apply to every retailer whose activities have a sufficient nexus with a county to satisfy the requirements of the United States Constitution.

(b) The collection and remittance of the use tax apply to every retailer whose activities have a sufficient nexus with a county to satisfy the requirements of the United States Constitution.

2. In administering the provisions of this chapter, the Department shall construe the terms "seller," "retailer" and "retailer maintaining a place of business in a county" in accordance with the provisions of subsection 1.

Sec. 18. NRS 374.160 is hereby amended to read as follows:

374.160 1. For the purpose of the proper administration of this chapter and to prevent evasion of the sales tax it is presumed that all gross receipts are subject to the tax until the contrary is established. The burden of proving that a sale of tangible personal property is not a sale at retail is upon the person who makes the sale unless the person takes **[**~~in good faith~~**]** from the purchaser a certificate to the effect that the property is purchased for resale and the purchaser:

(a) Is engaged in the business of selling tangible personal property;

(b) Is registered pursuant to NRS 360B.200 or holds a permit issued pursuant to NRS 374.140; and

(c) At the time of purchasing the property, intends to sell it in the regular course of business or is unable to ascertain at the time of purchase whether the property will be sold or will be used for some other purpose.

2. If a sale of tangible personal property is transacted by drop shipment, the third-party vendor is relieved of the burden of proving that the sale is not a sale at retail if:

(a) The third-party vendor:

(1) Takes **[**~~in good faith~~**]** from his or her customer a certificate to the effect that the property is purchased for resale; or

(2) Obtains any other evidence acceptable to the Department that the property is purchased for resale; and

(b) His or her customer:

(1) Is engaged in the business of selling tangible personal property; and

(2) Is selling the property in the regular course of business.

Sec. 19. NRS 374.230 is hereby amended to read as follows:

374.230 1. For the purpose of the proper administration of this chapter and to prevent evasion of the use tax and the duty to collect the use tax, it is presumed that tangible personal property sold by any person for delivery in a county is sold for storage, use or other consumption in the county until the

contrary is established. The burden of proving the contrary is upon the person who makes the sale unless the person takes ~~[in good faith]~~ from the purchaser a certificate to the effect that the property is purchased for resale and the purchaser:

(a) Is engaged in the business of selling tangible personal property;

(b) Is registered pursuant to NRS 360B.200 or holds a permit issued pursuant to NRS 374.140; and

(c) At the time of purchasing the property, intends to sell it in the regular course of business or is unable to ascertain at the time of purchase whether the property will be sold or will be used for some other purpose.

2. If a sale of tangible personal property is transacted by drop shipment, the third-party vendor is relieved of the burden of proving that the property is sold for storage, use or other consumption in this State if:

(a) The third-party vendor:

(1) Takes ~~[in good faith]~~ from his or her customer a certificate to the effect that the property is purchased for resale; or

(2) Obtains any other evidence acceptable to the Department that the property is purchased for resale; and

(b) His or her customer:

(1) Is engaged in the business of selling tangible personal property; and

(2) Is selling the property in the regular course of business.

Sec. 20. NRS 374.255 is hereby amended to read as follows:

374.255 ***1.*** It ~~[shall be further]~~ ***is*** presumed that tangible personal property shipped or brought to a county by the purchaser after July 1, 1967, was purchased from a retailer on or after July 1, 1967, for storage, use or other consumption in the county.

2. This presumption may be controverted by the vendor or purchaser by evidence showing that the property was stored or used:

(a) Exclusively outside of a county during the initial 30 days after its purchase; and

(b) Outside of a county for a majority of the time during the initial 12 months after its purchase.

Sec. 21. NRS 374.260 is hereby amended to read as follows:

374.260 1. ~~[Except as otherwise provided in NRS 374.263, on]~~ ***On*** and after July 1, 1967, it is ~~[further]~~ presumed that tangible personal property delivered outside this State to a purchaser known by the retailer to be a resident of the county was purchased from a retailer for storage, use or other consumption in the county and stored, used or otherwise consumed in the county.

2. This presumption may be controverted by:

(a) ~~[A]~~ ***The vendor by a written*** statement ~~[in writing, signed by the purchaser or his or her authorized representative, and retained by the vendor,]~~

that the property was purchased for use at a designated point or points outside this State ~~[~~.

~~(b) Other evidence satisfactory to the Department that the property was not purchased for storage, use or other consumption in this State.]~~ ***, if the statement is:***

(1) Signed by the purchaser or his or her authorized representative; and

(2) Taken and retained by the vendor ***;*** ~~*[in good faith;]*~~ ***or***

(b) The vendor or purchaser by evidence showing that the property was stored or used:

(1) Exclusively outside of this State during the initial 30 days after its purchase; and

(2) Outside of this State for a majority of the time during the initial 12 months after its purchase.

Sec. 22. NRS 374.352 is hereby amended to read as follows:

374.352 1. If a purchaser wishes to claim an exemption from the taxes imposed by this chapter, the retailer shall obtain such ~~[~~identifying~~]~~ information from the purchaser ~~[~~at the time of sale~~]~~ as is required by the Department.

2. The Department shall, to the extent feasible, establish an electronic system for submitting a request for an exemption. A purchaser is not required to provide a signature to claim an exemption if the request is submitted electronically.

3. The Department may establish a system whereby a purchaser who is exempt from the payment of the taxes imposed by this chapter is issued an identification number that can be presented to the retailer at the time of sale.

4. A retailer shall maintain such records of exempt transactions as are required by the Department and provide those records to the Department upon request.

5. Except as otherwise provided in this subsection, a retailer who complies with the provisions of this section is not liable for the payment of any tax imposed by this chapter if the purchaser improperly claims an exemption. If the purchaser improperly claims an exemption, the purchaser is liable for the payment of the tax. The provisions of this subsection do not apply if the retailer ~~[~~fraudulently~~]~~ ***:***

(a) Fraudulently fails to collect the tax ~~[~~or solicits~~]~~ ***;***

(b) Solicits a purchaser to participate in an unlawful claim of an exemption ~~[.]~~ ***; or***

(c) Accepts a certificate of exemption from a purchaser who claims an entity-based exemption, the subject of the transaction sought to be covered by the certificate is actually received by the purchaser at a location operated by the seller, and the Department provides, and posts on a website

or other Internet site that is operated or administered by or on behalf of the Department, a certificate of exemption which clearly and affirmatively indicates that the claimed exemption is not available.

6. As used in this section ~~[, "retailer"]~~ ***:***

(a) "Entity-based exemption" means an exemption based on who purchases the product or who sells the product, and which is not available to all.

(b) "Retailer" includes a certified service provider, as that term is defined in NRS 360B.060, acting on behalf of a retailer who is registered pursuant to NRS 360B.200.

Sec. 23. NRS 374.365 is hereby amended to read as follows:

374.365 Except as otherwise required by the Department pursuant to NRS 360B.200:

1. On or before the last day of the month following each reporting period, a return for the preceding period must be filed with the Department in such form ***and manner*** as the Department may prescribe. Any return required to be filed by this section must be combined with any return required to be filed pursuant to the provisions of chapter 372 of NRS.

2. For purposes of:

(a) The sales tax, a return must be filed by every seller.

(b) The use tax, a return must be filed by every retailer maintaining a place of business in the county and by every person purchasing tangible personal property, the storage, use or other consumption of which is subject to the use tax, who has not paid the use tax due.

3. ~~[~~Returns~~]~~ ***Unless filed electronically, returns*** must be signed by the person required to file the return or by his or her authorized agent but need not be verified by oath.

Sec. 24. NRS 374.370 is hereby amended to read as follows:

374.370 1. Except as otherwise required by the Department pursuant to NRS 360B.200 or provided in NRS 360B.350 to 360B.375, inclusive ~~[.]~~ ***, or section 2 of this act:***

(a) For the purposes of the sales tax:

(1) The return must show the gross receipts of the seller during the preceding reporting period.

(2) The gross receipts must be segregated and reported separately for each county to which a sale of tangible personal property pertains.

(3) A sale pertains to the county in this State in which the tangible personal property is or will be delivered to the purchaser or his or her agent or designee.

(b) For purposes of the use tax:

(1) In the case of a return filed by a retailer, the return must show the total sales price of the property purchased by him or her, the storage, use or

consumption of which property became subject to the use tax during the preceding reporting period.

(2) The sales price must be segregated and reported separately for each county to which a purchase of tangible personal property pertains.

(3) If the property was:

(I) Brought into this State by the purchaser or his or her agent or designee, the sale pertains to the county in this State in which the property is or will be first used, stored or otherwise consumed.

(II) Not brought into this State by the purchaser or his or her agent or designee, the sale pertains to the county in this State in which the property was delivered to the purchaser or his or her agent or designee.

2. In case of a return filed by a purchaser, the return must show the total sales price of the property purchased by him or her, the storage, use or consumption of which became subject to the use tax during the preceding reporting period and indicate the county in this State in which the property was first used, stored or consumed.

3. The return must also show the amount of the taxes for the period covered by the return and such other information as the Department deems necessary for the proper administration of this chapter.

4. Except as otherwise provided in subsection 5, upon determining that a retailer has filed a return which contains one or more violations of the provisions of this section, the Department shall:

(a) For the first return of any retailer which contains one or more violations, issue a letter of warning to the retailer which provides an explanation of the violation or violations contained in the return.

(b) For the first or second return, other than a return described in paragraph (a), in any calendar year which contains one or more violations, assess a penalty equal to the amount of the tax which was not reported or was reported for the wrong county or $1,000, whichever is less.

(c) For the third and each subsequent return in any calendar year which contains one or more violations, assess a penalty of three times the amount of the tax which was not reported or was reported for the wrong county or $3,000, whichever is less.

5. For the purposes of subsection 4, if the first violation of this section by any retailer was determined by the Department through an audit which covered more than one return of the retailer, the Department shall treat all returns which were determined through the same audit to contain a violation or violations in the manner provided in paragraph (a) of subsection 4.

Sec. 25. NRS 374.380 is hereby amended to read as follows:

374.380 1. Except as otherwise ***authorized or*** required by the Department **,** ~~[~~pursuant to NRS 360B.200,~~]~~ the person required to file a

return shall deliver the return together with a remittance of the amount of the tax due to the Department.

2. The Department shall provide for the acceptance of credit cards, debit cards or electronic transfers of money for the payment of the tax due in the manner prescribed pursuant to NRS 360.092.

Sec. 26. NRS 360B.280, 372.258 and 374.263 are hereby repealed.

Sec. 27. This act becomes effective upon passage and approval.

TEXT OF REPEALED SECTIONS

360B.280 Purchases of direct mail.

1. A purchaser of direct mail must provide to the seller at the time of the purchase:

(a) If the seller does not maintain a place of business in this State:

(1) A form for direct mail approved by the Department;

(2) An informational statement of the jurisdictions to which the direct mail will be delivered to recipients; or

(3) Documentation of the direct pay permit of the purchaser issued pursuant to NRS 360B.260; or

(b) If the seller maintains a place of business in this State, an informational statement of the jurisdictions to which the direct mail will be delivered to recipients.

➥ If a purchaser of direct mail provides documentation of a direct pay permit to a seller in accordance with subparagraph (3) of paragraph (a), the seller shall not require the purchaser to comply with any other provision of that paragraph.

2. Notwithstanding the provisions of NRS 360B.350 to 360B.375, inclusive:

(a) Upon the receipt pursuant to subsection 1 of:

(1) A form for direct mail by a seller who does not maintain a place of business in this State:

(I) The seller is relieved of any liability for the collection, payment or remission of any sales or use taxes applicable to the purchase of direct mail by that purchaser from that seller; and

(II) The purchaser is liable for any sales or use taxes applicable to the purchase of direct mail by that purchaser from that seller.

➥ Any form for direct mail provided to a seller pursuant to this subparagraph applies to all future sales of direct mail made by that seller to that purchaser until the purchaser delivers a written notice of revocation to the seller.

(2) An informational statement by any seller, the seller shall collect, pay or remit any applicable sales and use taxes in accordance with the information contained in that statement. In the absence of bad faith, the seller

is relieved of any liability to collect, pay or remit any sales and use taxes other than in accordance with that information received.

(b) If a purchaser of direct mail does not comply with subsection 1, the seller shall determine the location of the sale pursuant to subsection 5 of NRS 360B.360 and collect, pay or remit any applicable sales and use taxes. This paragraph does not limit the liability of the purchaser for the payment of any of those taxes.

3. As used in this section, "direct mail" means printed material delivered or distributed by the United States Postal Service or another delivery service to a mass audience or to addresses contained on a mailing list provided by a purchaser or at the direction of a purchaser when the cost of the items purchased is not billed directly to the recipients. The term includes tangible personal property supplied directly or indirectly by the purchaser to the seller of the direct mail for inclusion in the package containing the printed material. The term does not include multiple items of printed material delivered to a single address.

372.258 Presumption that certain property delivered outside this State was not purchased for use in this State.

1. It is presumed that tangible personal property delivered outside this State to a purchaser was not purchased from a retailer for storage, use or other consumption in this State if the property:

(a) Was first used in interstate or foreign commerce outside this State; and

(b) Is used continuously in interstate or foreign commerce, but not exclusively in this State, for at least 12 months after the date that the property was first used pursuant to paragraph (a).

2. As used in this section:

(a) "Interstate or foreign commerce" means the transportation of passengers or property between:

(1) A point in one state and a point in:

(I) Another state;

(II) A possession or territory of the United States; or

(III) A foreign country; or

(2) Points in the same state when such transportation consists of one or more segments of transportation that immediately follow movement of the property into the state from a point beyond its borders or immediately precede movement of the property from within the state to a point outside its borders.

(b) "State" includes the District of Columbia.

374.263 Presumption that certain property delivered outside this State was not purchased for use in this State.

1. It is presumed that tangible personal property delivered outside this State to a purchaser was not purchased from a retailer for storage, use or other consumption in this State if the property:

(a) Was first used in interstate or foreign commerce outside this State; and

(b) Is used continuously in interstate or foreign commerce, but not exclusively in this State, for at least 12 months after the date that the property was first used pursuant to paragraph (a).

2. As used in this section:

(a) "Interstate or foreign commerce" means the transportation of passengers or property between:

(1) A point in one state and a point in:

(I) Another state;

(II) A possession or territory of the United States; or

(III) A foreign country; or

(2) Points in the same state when such transportation consists of one or more segments of transportation that immediately follow movement of the property into the state from a point beyond its borders or immediately precede movement of the property from within the state to a point outside its borders.

(b) "State" includes the District of Columbia.

Assemblywoman Kirkpatrick moved the adoption of the amendment.

Amendment adopted.

The following amendment was proposed by Assemblywoman Kirkpatrick:

Amendment No. 825.

AN ACT relating to taxation; revising the provisions governing the administration of sales and use taxes to ensure continued compliance with the Streamlined Sales and Use Tax Agreement ~~[,]~~ **and to** apply the taxes to retailers whose activities have a sufficient nexus with this State **;** ~~[and provide for the rebuttal of certain presumptions regarding the application of use taxes to property delivered outside of or brought into this State;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the administration of sales and use taxes in this State pursuant to the Simplified Sales and Use Tax Administration Act, the Sales and Use Tax Act and the Local School Support Tax Law. (Chapters 360B, 372 and 374 of NRS) Under existing law, the Legislature has found and declared that this State should enter into an interstate agreement to simplify and modernize sales and use tax administration to reduce the burden of tax compliance for all sellers and types of commerce. (NRS 360B.020) Existing law requires the Nevada Tax Commission to enter into the Streamlined Sales and Use Tax Agreement and take all other actions

reasonably required to implement the provisions of the Agreement. (NRS 360B.110)

This bill carries out various requirements of the Streamlined Sales and Use Tax Agreement. **Sections 2 and 26** of this bill replace superseded requirements for purchases of direct mail with new requirements regarding the sourcing of those transactions to various jurisdictions and the respective responsibilities of sellers and purchasers for the collection, reporting and payment of the applicable taxes. **Section 3** of this bill sets forth a new requirement regarding the registration of certain sellers who anticipate making no sales into certain states. **Sections 3, 14 and 23** of this bill carry out a new requirement to allow the electronic filing of simplified tax returns. **Sections 4 and 7** of this bill carry out a recent amendment to the Agreement governing the taxation of delivery charges. **Section 4.5** of this bill carries out a recent amendment to the Agreement regarding the due dates for tax returns and payments. **Sections 13 and 22** of this bill set forth new requirements regarding the liability of a seller for accepting certain certificates of exemption which indicate that the claimed exemption is not available. **Sections 5 and 6** of this bill delete certain provisions of the Agreement that do not apply in this State. **Sections 9, 10, 18 and 19** of this bill delete a requirement for good faith which is not allowed by the Agreement.

Under existing law, the Commerce Clause of the United States Constitution prohibits a state from requiring a retailer to collect sales and use taxes unless the activities of the retailer have a substantial nexus with the taxing state. (*Quill Corp. v. North Dakota*, 504 U.S. 298, 112 S.Ct. 1904 (1992)) **Sections 8 and 17** of this bill apply the sales and use taxes imposed in this State to every retailer whose activities have such a nexus.

~~[Existing law creates various presumptions regarding the application of the use taxes imposed in this State to property which is delivered outside of this State to a purchaser or brought into this State by a purchaser. (NRS 372.250, 372.255, 372.258, 374.255, 374.260, 374.263) Sections 11, 12, 20, 21 and 26 of this bill revise that law to specify the methods for controverting a presumption that those taxes apply.]~~

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 360.299 is hereby amended to read as follows:

360.299 1. In determining the amount of:

(a) Sales tax due on a sale at retail, the rate of tax used must be the sum of the rates of all taxes imposed upon sales at retail in:

(1) The county determined pursuant to the provisions of NRS 360B.350 to 360B.375, inclusive ~~[.]~~ ***, or section 2 of this act;*** or

(2) If those provisions do not apply to the sale, the county in which the property is or will be delivered to the purchaser or the agent or designee of the purchaser.

(b) Use tax due on the purchase of tangible personal property for use, storage or other consumption in this state, the rate of tax used must be the sum of the rates of all taxes imposed upon the use, storage or other consumption of property in:

(1) The county determined pursuant to the provisions of NRS 360B.350 to 360B.375, inclusive ~~[.]~~ ***, or section 2 of this act;*** or

(2) If those provisions do not apply to the purchase, the county in which the property is first used, stored or consumed.

2. In determining the amount of taxes due pursuant to subsection 1:

(a) The amount due must be computed to the third decimal place and rounded to a whole cent using a method that rounds up to the next cent if the numeral in the third decimal place is greater than 4.

(b) A retailer may compute the amount due on a transaction on the basis of each item involved in the transaction or a single invoice for the entire transaction.

3. On or before January 1 of each year, the Department shall transmit to each retailer to whom a permit has been issued a notice which contains the provisions of subsections 1 and 2 and NRS 372.365.

Sec. 2. Chapter 360B of NRS is hereby amended by adding thereto a new section to read as follows:

1. Notwithstanding the provisions of NRS 360B.350 to 360B.375, inclusive:

(a) A purchaser of advertising and promotional direct mail may provide the seller with:

(1) Documentation of the direct pay permit of the purchaser issued pursuant NRS 360B.260;

(2) A certificate or written statement, in a form approved by the Department in accordance with the provisions of the Agreement, claiming the direct mail; or

(3) An informational statement of the jurisdictions to which the advertising and promotional direct mail is to be delivered to recipients.

(b) If the purchaser provides the documentation, certificate or statement pursuant to subparagraph (1) or (2) of paragraph (a), the sale shall be deemed to take place in the jurisdictions to which the advertising and promotional direct mail is to be delivered to the recipients and:

(1) If the seller does not maintain a place of business in this State:

(I) The purchaser shall report and pay any applicable sales or use taxes due; and

(II) The seller, in the absence of bad faith, is relieved of all obligations to collect, pay or remit any sales or use taxes applicable to any transaction involving the advertising and promotional direct mail to which the documentation, certificate or statement applies; or

(2) If the seller maintains a place of business in this State:

(I) The seller shall collect and remit any applicable sales or use taxes due in this State;

(II) The purchaser shall report and pay any applicable sales or use taxes due in any other state; and

(III) The seller, in the absence of bad faith, is relieved of all obligations to collect, pay or remit any sales or use taxes applicable to any transaction involving the advertising and promotional direct mail to which the documentation, certificate or statement applies which are due in any other state.

(c) If the purchaser provides the informational statement pursuant to subparagraph (3) of paragraph (a):

(1) The sale shall be deemed to take place in the jurisdictions to which the advertising and promotional direct mail is to be delivered;

(2) The seller shall collect and remit any applicable sales or use taxes due to those jurisdictions; and

(3) If the seller complies with subparagraph (2) in accordance with the delivery information provided by the purchaser, the seller, in the absence of bad faith, is relieved of any further obligation to collect any additional sales or use taxes on the sale.

(d) If the purchaser does not provide the seller with any of the items listed in paragraph (a), the sale shall be deemed to take place at the location described in subsection 5 of NRS 360B.360. The state to which the advertising and promotional direct mail is delivered may disallow credit for any sales or use taxes paid in accordance with this paragraph.

2. Notwithstanding the provisions of NRS 360B.350 to 360B.375, inclusive:

(a) Except as otherwise provided in this subsection, the sale of other direct mail shall be deemed to take place at the location described in subsection 3 of NRS 360B.360.

(b) A purchaser of other direct mail may provide the seller with:

(1) Documentation of the direct pay permit of the purchaser issued pursuant NRS 360B.260; or

(2) A certificate or written statement, in a form approved by the Department in accordance with the provisions of the Agreement, claiming the direct mail.

(c) If the purchaser provides the documentation, certificate or statement pursuant to paragraph (b), the sale shall be deemed to take place in the

jurisdictions to which the other direct mail is to be delivered to the recipients and:

(1) If the seller does not maintain a place of business in this State:

(I) The purchaser shall report and pay any applicable sales or use taxes due; and

(II) The seller, in the absence of bad faith, is relieved of all obligations to collect, pay or remit any sales or use taxes applicable to any transaction involving the other direct mail to which the documentation, certificate or statement applies; or

(2) If the seller maintains a place of business in this State:

(I) The seller shall collect and remit any applicable sales or use taxes due in this State;

(II) The purchaser shall report and pay any applicable sales or use taxes due in any other state; and

(III) The seller, in the absence of bad faith, is relieved of all obligations to collect, pay or remit any sales or use taxes applicable to any transaction involving the other direct mail to which the documentation, certificate or statement applies which are due in any other state.

3. This section does not apply to any transaction that includes the development of billing information or the provision of any data processing service that is more than incidental, regardless of whether any advertising and promotional direct mail is included in the same mailing.

4. If a transaction is a bundled transaction, as defined by a regulation of the Department in accordance with the provisions of the Agreement, that includes advertising and promotional direct mail, this section applies only if the primary purpose of the transaction is the sale of products that meet the definition set forth in paragraph (a) of subsection 6.

5. The provisions of this section do not limit any purchaser's:

(a) Liability for any sales or use taxes to any states to which the direct mail is delivered;

(b) Rights under local, state, federal or constitutional law, to a credit for sales or use taxes due and paid to other jurisdictions; or

(c) Right to a refund of any sales or use taxes overpaid to any jurisdiction.

6. As used in this section:

(a) "Advertising and promotional direct mail" means direct mail, the primary purpose of which is to attract public attention to a product, person, business or organization, or to attempt to sell, popularize or secure financial support for a product, person, business or organization. As used in this paragraph, "product" means tangible personal property, a product transferred electronically or a service.

(b) "Direct mail" means printed material delivered or distributed by the United States Postal Service or another delivery service to a mass audience or to addresses contained on a mailing list provided by a purchaser or at the direction of a purchaser when the cost of the items purchased is not billed directly to the recipients. The term includes tangible personal property supplied directly or indirectly by the purchaser to the seller of the direct mail for inclusion in the package containing the printed material. The term does not include multiple items of printed material delivered to a single address.

(c) "Other direct mail" means any direct mail that is not advertising and promotional direct mail, regardless of whether any advertising and promotional direct mail is included in the same mailing. The term:

(1) Includes, but is not limited to:

(I) Transactional direct mail that contains personal information specific to the addressee, including, but not limited to, invoices, bills, statements of account and payroll advices;

(II) Any legally required mailings, including, but not limited to, privacy notices, tax reports and stockholder reports; and

(III) Other nonpromotional direct mail delivered to existing or former shareholders, customers, employees or agents, including, but not limited to, newsletters and informational pieces; and

(2) Does not include the development of billing information or the provision of any data processing service that is more than incidental.

Sec. 3. NRS 360B.200 is hereby amended to read as follows:

360B.200 1. The Department shall, in cooperation with any other states that are members of the Agreement, establish and maintain a central, electronic registration system that allows a seller to register to collect and remit the sales and use taxes imposed in this State and in the other states that are members of the Agreement.

2. A seller who registers pursuant to this section agrees to collect and remit sales and use taxes in accordance with the provisions of this chapter, the regulations of the Department and the applicable law of each state that is a member of the Agreement, including any state that becomes a member of the Agreement after the registration of the seller pursuant to this section. The cancellation or revocation of the registration of a seller pursuant to this section, the withdrawal of a state from the Agreement or the revocation of the Agreement does not relieve a seller from liability pursuant to this subsection to remit any taxes previously or subsequently collected on behalf of a state.

3. When registering pursuant to this section, a seller may:

(a) Elect to use a certified service provider as its agent to perform all the functions of the seller relating to sales and use taxes, other than the obligation of the seller to remit the taxes on its own purchases;

(b) Elect to use a certified automated system to calculate the amount of sales or use taxes due on its sales transactions;

(c) Under such conditions as the Department deems appropriate in accordance with the Agreement, elect to use its own proprietary automated system to calculate the amount of sales or use taxes due on its sales transactions; or

(d) Elect to use any other method authorized by the Department for performing the functions of the seller relating to sales and use taxes.

4. ***A seller who registers pursuant to this section and does not make the election allowed pursuant to paragraph (a) of subsection 3 may elect to be registered in any state that:***

(a) Is a member of the Agreement at the time of that registration, as a seller who anticipates making no sales into that state if the seller has not had any sales into that state for the preceding 12 months; and

(b) Becomes a member of the Agreement after that registration, as a seller who anticipates making no sales into that state.

5. A seller who registers pursuant to this section agrees to submit its sales and use tax returns, and to remit any sales and use taxes due, to the Department at such times and in such a manner and format as the Department prescribes by regulation. Those regulations must:

(a) Require from each seller who registers pursuant to this section:

(1) Only ~~[one]~~ ***a single*** tax return for each taxing period for all the sales and use taxes collected on behalf of this State and each local government in this State; and

(2) Only one remittance of taxes for each tax return, except that the Department may require additional remittances of taxes if the seller:

(I) Collects more than $30,000 in sales and use taxes on behalf of this State and the local governments in this State during the preceding calendar year;

(II) Is allowed to determine the amount of any additional remittance by a method of calculation instead of by the actual amount collected; and

(III) Is not required to file any tax returns in addition to those otherwise required in accordance with this subsection.

(b) Allow any seller who registers pursuant to this section ~~[and makes an election pursuant to paragraph (a), (b) or (c) of subsection 3]~~ to submit tax returns ***electronically*** in a simplified format ***.*** ~~[that does not include any more data fields than are permitted in accordance with the Agreement.]~~

(c) Allow any seller who registers pursuant to this section, does not maintain a place of business in this State and has not made an election pursuant to paragraph (a), (b) or (c) of subsection 3, to file tax returns at a frequency that does not exceed once per year unless the seller accumulates

more than $1,000 in the collection of sales and use taxes on behalf of this State and the local governments in this State.

(d) Provide an alternative method for a seller who registers pursuant to this section to make tax payments the same day as the seller intends if an electronic transfer of money fails.

(e) Require any data that accompanies the remittance of a tax payment by or on behalf of a seller who registers pursuant to this section to be formatted using uniform codes for the type of tax and payment in accordance with the Agreement.

~~[5.]~~ ***6.*** The registration of a seller and the collection and remission of sales and use taxes pursuant to this section may not be considered as a factor in determining whether a seller has a nexus with this State for the purposes of determining the liability of the seller to pay any tax imposed by this State.

Sec. 4. NRS 360B.290 is hereby amended to read as follows:

360B.290 Any invoice, billing or other document given to a purchaser that indicates the sales price for which tangible personal property is sold ~~[must]~~ ***:***

1. ***May*** state separately any amount received by the seller for ~~[:~~

~~1. Any]~~ ***any*** transportation, shipping or postage charges for the delivery of the property to a location designated by the purchaser ~~[.]~~ ***; and***

2. ***Must state separately any amount received by the seller for:***

(a) Any installation charges for the property;

~~[3.]~~ ***(b)*** Any credit for any trade-in which is specifically exempted from the sales price of the property pursuant to chapter 372 or 374 of NRS;

~~[4.]~~ ***(c)*** Any interest, financing and carrying charges from credit extended on the sale; and

~~[5.]~~ ***(d)*** Any taxes legally imposed directly on the consumer.

Sec. 4.5. NRS 360B.300 is hereby amended to read as follows:

360B.300 Notwithstanding the provisions of any other specific statute ~~[, if]~~ ***:***

1. ***If*** any sales or use tax is due and payable on ~~[a]~~ ***:***

(a) ***A*** Saturday, Sunday or legal holiday, the tax may be paid on the next succeeding business day ~~[.]~~ ***; or***

(b) A day on which a Federal Reserve bank is closed and, as a result of that closure, the taxpayer is not able to remit the tax electronically in accordance with the regulations adopted by the Department pursuant to NRS 360.092, the tax may be paid on the next succeeding day on which the Federal Reserve bank is open.

2. If any sales or use tax return is:

(a) Due on a Saturday, Sunday or legal holiday, the return may be filed on the next succeeding business day; or

(b) Required to be filed in conjunction with a remittance of the tax and paragraph (b) of subsection 1 applies to that remittance, the return may be filed on the same day as the tax may be paid in accordance with that paragraph.

Sec. 5. NRS 360B.350 is hereby amended to read as follows:

360B.350 As used in NRS 360B.350 to 360B.375, inclusive:

1. "Receive" means taking possession of ~~[or making the first use of]~~ tangible personal property ***.*** ~~[, whichever occurs first.]~~ The term does not include possession by a shipping company on behalf of a purchaser.

2. "Transportation equipment" means:

(a) Locomotives and railcars used for the carriage of persons or property in interstate commerce.

(b) Trucks and truck-tractors having a manufacturer's gross vehicle weight rating of more than 10,000 pounds, and trailers, semitrailers and passenger buses that are:

(1) Registered pursuant to the International Registration Plan, as adopted by the Department of Motor Vehicles pursuant to NRS 706.826; or

(2) Operated under the authority of a carrier who is authorized by the Federal Government to engage in the carriage of persons or property in interstate commerce.

(c) Aircraft operated by an air carrier who is authorized by the Federal Government or a foreign government to engage in the carriage of persons or property in interstate or foreign commerce.

(d) Containers designed for use on and component parts attached or secured to any of the items described in paragraph (a), (b) or (c).

Sec. 5.5. NRS 360B.355 is hereby amended to read as follows:

360B.355 1. Except as otherwise provided in this section ~~[,]~~ ***and section 2 of this act,*** for the purpose of determining the liability of a seller for sales and use taxes, a retail sale shall be deemed to take place at the location determined pursuant to NRS 360B.350 to 360B.375, inclusive.

2. NRS 360B.350 to 360B.375, inclusive, do not:

(a) Affect any liability of a purchaser or lessee for a use tax.

(b) Apply to:

(1) The retail sale or transfer of watercraft, modular homes, manufactured homes or mobile homes.

(2) The retail sale, other than the lease or rental, of motor vehicles, trailers, semitrailers or aircraft that do not constitute transportation equipment.

Sec. 6. NRS 360B.360 is hereby amended to read as follows:

360B.360 Except as otherwise provided in NRS 360B.350 to 360B.375, inclusive, the retail sale, excluding the lease or rental, of tangible personal property shall be deemed to take place:

1. If the property is received by the purchaser at a place of business of the seller, at that place of business.

2. If the property is not received by the purchaser at a place of business of the seller:

(a) At the location indicated to the seller pursuant to any instructions provided for the delivery of the property to the purchaser or to another recipient who is designated by the purchaser as his or her donee; or

(b) If no such instructions are provided and if known by the seller, at the location where the purchaser or another recipient who is designated by the purchaser as his or her donee, receives the property.

3. If subsections 1 and 2 do not apply, at the address of the purchaser indicated in the business records of the seller that are maintained in the ordinary course of the seller's business, unless the use of that address would constitute bad faith.

4. If subsections 1, 2 and 3 do not apply, at the address of the purchaser obtained during the consummation of the sale, including, if no other address is available, the address of the purchaser's instrument of payment, unless the use of an address pursuant to this subsection would constitute bad faith.

5. In all other circumstances, at the address from which the property was shipped **. [**~~or, if it was delivered electronically, at the address from which it was first available for transmission by the seller.~~**]**

Sec. 7. NRS 360B.480 is hereby amended to read as follows:

360B.480 1. "Sales price" means the total amount of consideration, including cash, credit, property and services, for which personal property is sold, leased or rented, valued in money, whether received in money or otherwise, and without any deduction for:

(a) The seller's cost of the property sold;

(b) The cost of materials used, labor or service cost, interest, losses, all costs of transportation to the seller, all taxes imposed on the seller, and any other expense of the seller;

(c) Any charges by the seller for any services necessary to complete the sale, including any delivery charges which are not stated separately pursuant to ***subsection 1 of*** NRS 360B.290 and excluding any installation charges which are stated separately pursuant to ***subsection 2 of*** NRS 360B.290; and

(d) Except as otherwise provided in subsection 2, any credit for any trade-in.

2. The term does not include:

(a) Any delivery charges which are stated separately pursuant to ***subsection 1 of*** NRS 360B.290;

(b) Any installation charges which are stated separately pursuant to ***subsection 2 of*** NRS 360B.290;

(c) Any credit for any trade-in which is:

(1) Specifically exempted from the sales price pursuant to chapter 372 or 374 of NRS; and

(2) Stated separately pursuant to ***subsection 2 of*** NRS 360B.290;

(d) Any discounts, including those in the form of cash, term or coupons that are not reimbursed by a third party, which are allowed by a seller and taken by the purchaser on a sale;

(e) Any interest, financing and carrying charges from credit extended on the sale of personal property, if stated separately pursuant to ***subsection 2 of*** NRS 360B.290; and

(f) Any taxes legally imposed directly on the consumer which are stated separately pursuant to ***subsection 2 of*** NRS 360B.290.

3. The term includes consideration received by a seller from a third party if:

(a) The seller actually receives consideration from a person other than the purchaser and the consideration is directly related to a price reduction or discount on the sale;

(b) The seller has an obligation to pass the price reduction or discount through to the purchaser;

(c) The amount of the consideration attributable to the sale is fixed and determinable by the seller at the time of the sale of the item to the purchaser; and

(d) Any of the following criteria is satisfied:

(1) The purchaser presents a coupon, certificate or other documentation to the seller to claim a price reduction or discount, and the coupon, certificate or other documentation is authorized, distributed or granted by a third party with the understanding that the third party will reimburse any seller to whom the coupon, certificate or other documentation is presented.

(2) The purchaser identifies himself or herself to the seller as a member of a group or organization entitled to a price reduction or discount. For the purposes of this subparagraph, a preferred customer card that is available to any patron does not constitute membership in such a group.

(3) The price reduction or discount is identified as a third-party price reduction or discount on the invoice received by the purchaser or on a coupon, certificate or other documentation presented by the purchaser.

Sec. 8. Chapter 372 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The provisions of this chapter relating to:

(a) The imposition, collection and remittance of the sales tax apply to every retailer whose activities have a sufficient nexus with this State to satisfy the requirements of the United States Constitution.

(b) The collection and remittance of the use tax apply to every retailer whose activities have a sufficient nexus with this State to satisfy the requirements of the United States Constitution.

2. In administering the provisions of this chapter, the Department shall construe the terms "seller," "retailer" and "retailer maintaining a place of business in this State" in accordance with the provisions of subsection 1.

Sec. 9. NRS 372.155 is hereby amended to read as follows:

372.155 1. For the purpose of the proper administration of this chapter and to prevent evasion of the sales tax, it is presumed that all gross receipts are subject to the tax until the contrary is established. The burden of proving that a sale of tangible personal property is not a sale at retail is upon the person who makes the sale unless the person takes ~~[in good faith]~~ from the purchaser a certificate to the effect that the property is purchased for resale and the purchaser:

(a) Is engaged in the business of selling tangible personal property;

(b) Is registered pursuant to NRS 360B.200 or holds a permit issued pursuant to NRS 372.135; and

(c) At the time of purchasing the property, intends to sell it in the regular course of business or is unable to ascertain at the time of purchase whether the property will be sold or will be used for some other purpose.

2. If a sale of tangible personal property is transacted by drop shipment, the third-party vendor is relieved of the burden of proving that the sale is not a sale at retail if:

(a) The third-party vendor:

(1) Takes ~~[in good faith]~~ from his or her customer a certificate to the effect that the property is purchased for resale; or

(2) Obtains any other evidence acceptable to the Department that the property is purchased for resale; and

(b) His or her customer:

(1) Is engaged in the business of selling tangible personal property; and

(2) Is selling the property in the regular course of business.

Sec. 10. NRS 372.225 is hereby amended to read as follows:

372.225 1. For the purpose of the proper administration of this chapter and to prevent evasion of the use tax and the duty to collect the use tax, it is presumed that tangible personal property sold by any person for delivery in this State is sold for storage, use or other consumption in this State until the contrary is established. The burden of proving the contrary is upon the person who makes the sale unless the person takes ~~[in good faith]~~ from the purchaser a certificate to the effect that the property is purchased for resale and the purchaser:

(a) Is engaged in the business of selling tangible personal property;

(b) Is registered pursuant to NRS 360B.200 or holds a permit issued pursuant to NRS 372.135; and

(c) At the time of purchasing the property, intends to sell it in the regular course of business or is unable to ascertain at the time of purchase whether the property will be sold or will be used for some other purpose.

2. If a sale of tangible personal property is transacted by drop shipment, the third-party vendor is relieved of the burden of proving that the property is sold for storage, use or other consumption in this State if:

(a) The third-party vendor:

(1) Takes ~~[in good faith]~~ from his or her customer a certificate to the effect that the property is purchased for resale; or

(2) Obtains any other evidence acceptable to the Department that the property is purchased for resale; and

(b) His or her customer:

(1) Is engaged in the business of selling tangible personal property; and

(2) Is selling the property in the regular course of business.

Sec. 11. ~~[NRS 372.250 is hereby amended to read as follows:~~

~~372.250 *1.* It is presumed that tangible personal property shipped or brought to this State by the purchaser on or after July 1, 1979, was purchased from a retailer on or after July 1, 1979, for storage, use or other consumption in this State.~~

~~*2. This presumption may be controverted by the vendor or purchaser by evidence showing that the property was stored or used:*~~

~~*(a) Exclusively outside of this State during the initial 30 days after its purchase; and*~~

~~*(b) Outside of this State for a majority of the time during the initial 12 months after its purchase.]~~ (Deleted by amendment.)**

Sec. 12. ~~[NRS 372.255 is hereby amended to read as follows:~~

~~372.255 1. [Except as otherwise provided in NRS 372.258, on] *On* and after July 1, 1979, it is presumed that tangible personal property delivered outside this State to a purchaser known by the retailer to be a resident of this State was purchased from a retailer for storage, use or other consumption in this State and stored, used or otherwise consumed in this State.~~

~~2. This presumption may be controverted by:~~

~~(a) [A] *The vendor by a written* statement [in writing, signed by the purchaser or his or her authorized representative, and retained by the vendor,] that the property was purchased for use at a designated point or points outside this State [.~~

~~(b) Other evidence satisfactory to the Department that the property was not purchased for storage, use or other consumption in this State.] *, if the statement is:*~~

~~*(1) Signed by the purchaser or his or her authorized representative; and*~~

~~*(2) Taken and retained by the vendor in good faith; or*~~

~~*(b) The vendor or purchaser by evidence showing that the property was stored or used:*~~

~~*(1) Exclusively outside of this State during the initial 30 days after its purchase; and*~~

~~*(2) Outside of this State for a majority of the time during the initial 12 months after its purchase.]*~~ **(Deleted by amendment.)**

Sec. 13. NRS 372.347 is hereby amended to read as follows:

372.347 1. If a purchaser wishes to claim an exemption from the taxes imposed by this chapter, the retailer shall obtain such ~~[~~identifying~~]~~ information from the purchaser ~~[~~at the time of sale~~]~~ as is required by the Department.

2. The Department shall, to the extent feasible, establish an electronic system for submitting a request for an exemption. A purchaser is not required to provide a signature to claim an exemption if the request is submitted electronically.

3. The Department may establish a system whereby a purchaser who is exempt from the payment of the taxes imposed by this chapter is issued an identification number that can be presented to the retailer at the time of sale.

4. A retailer shall maintain such records of exempt transactions as are required by the Department and provide those records to the Department upon request.

5. Except as otherwise provided in this subsection, a retailer who complies with the provisions of this section is not liable for the payment of any tax imposed by this chapter if the purchaser improperly claims an exemption. If the purchaser improperly claims an exemption, the purchaser is liable for the payment of the tax. The provisions of this subsection do not apply if the retailer ~~[~~fraudulently~~]~~ ***:***

(a) Fraudulently fails to collect the tax ~~[~~or solicits~~]~~ ***;***

(b) Solicits a purchaser to participate in an unlawful claim of an exemption ~~[.]~~ ***; or***

(c) Accepts a certificate of exemption from a purchaser who claims an entity-based exemption, the subject of the transaction sought to be covered by the certificate is actually received by the purchaser at a location operated by the seller, and the Department provides, and posts on a website or other Internet site that is operated or administered by or on behalf of the Department, a certificate of exemption which clearly and affirmatively indicates that the claimed exemption is not available.

6. As used in this section ~~[~~, "retailer"~~]~~ ***:***

(a) "Entity-based exemption" means an exemption based on who purchases the product or who sells the product, and which is not available to all.

(b) "Retailer" includes a certified service provider, as that term is defined in NRS 360B.060, acting on behalf of a retailer who is registered pursuant to NRS 360B.200.

Sec. 14. NRS 372.360 is hereby amended to read as follows:

372.360 Except as otherwise required by the Department pursuant to NRS 360B.200:

1. On or before the last day of the month following each reporting period, a return for the preceding period must be filed with the Department in such form ***and manner*** as the Department may prescribe. Any return required to be filed by this section must be combined with any return required to be filed pursuant to the provisions of chapter 374 of NRS.

2. For purposes of:

(a) The sales tax, a return must be filed by each seller.

(b) The use tax, a return must be filed by each retailer maintaining a place of business in the State and by each person purchasing tangible personal property, the storage, use or other consumption of which is subject to the use tax, who has not paid the use tax due.

3. ~~[~~Returns~~]~~ ***Unless filed electronically, returns*** must be signed by the person required to file the return or by his or her authorized agent but need not be verified by oath.

Sec. 15. NRS 372.365 is hereby amended to read as follows:

372.365 1. Except as otherwise required by the Department pursuant to NRS 360B.200 or provided in NRS 360B.350 to 360B.375, inclusive ~~[.]~~ ***, or section 2 of this act:***

(a) For the purposes of the sales tax:

(1) The return must show the gross receipts of the seller during the preceding reporting period.

(2) The gross receipts must be segregated and reported separately for each county to which a sale of tangible personal property pertains.

(3) A sale pertains to the county in this State in which the tangible personal property is or will be delivered to the purchaser or his or her agent or designee.

(b) For purposes of the use tax:

(1) In the case of a return filed by a retailer, the return must show the total sales price of the property purchased by him or her, the storage, use or consumption of which property became subject to the use tax during the preceding reporting period.

(2) The sales price must be segregated and reported separately for each county to which a purchase of tangible personal property pertains.

(3) If the property was:

(I) Brought into this State by the purchaser or his or her agent or designee, the sale pertains to the county in this State in which the property is or will be first used, stored or otherwise consumed.

(II) Not brought into this State by the purchaser or his or her agent or designee, the sale pertains to the county in this State in which the property was delivered to the purchaser or his or her agent or designee.

2. In case of a return filed by a purchaser, the return must show the total sales price of the property purchased by him or her, the storage, use or consumption of which became subject to the use tax during the preceding reporting period and indicate the county in this State in which the property was first used, stored or consumed.

3. The return must also show the amount of the taxes for the period covered by the return and such other information as the Department deems necessary for the proper administration of this chapter.

4. Except as otherwise provided in subsection 5, upon determining that a retailer has filed a return which contains one or more violations of the provisions of this section, the Department shall:

(a) For the first return of any retailer which contains one or more violations, issue a letter of warning to the retailer which provides an explanation of the violation or violations contained in the return.

(b) For the first or second return, other than a return described in paragraph (a), in any calendar year which contains one or more violations, assess a penalty equal to the amount of the tax which was not reported or was reported for the wrong county or $1,000, whichever is less.

(c) For the third and each subsequent return in any calendar year which contains one or more violations, assess a penalty of three times the amount of the tax which was not reported or was reported for the wrong county or $3,000, whichever is less.

5. For the purposes of subsection 4, if the first violation of this section by any retailer was determined by the Department through an audit which covered more than one return of the retailer, the Department shall treat all returns which were determined through the same audit to contain a violation or violations in the manner provided in paragraph (a) of subsection 4.

Sec. 16. NRS 372.375 is hereby amended to read as follows:

372.375 1. Except as otherwise ***authorized or*** required by the Department **,** ~~[~~pursuant to NRS 360B.200,~~]~~ the person required to file a return shall deliver the return together with a remittance of the amount of the tax due to the Department.

2. The Department shall provide for the acceptance of credit cards, debit cards or electronic transfers of money for the payment of the tax due in the manner prescribed pursuant to NRS 360.092.

Sec. 17. Chapter 374 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The provisions of this chapter relating to:

(a) The imposition, collection and remittance of the sales tax apply to every retailer whose activities have a sufficient nexus with a county to satisfy the requirements of the United States Constitution.

(b) The collection and remittance of the use tax apply to every retailer whose activities have a sufficient nexus with a county to satisfy the requirements of the United States Constitution.

2. In administering the provisions of this chapter, the Department shall construe the terms "seller," "retailer" and "retailer maintaining a place of business in a county" in accordance with the provisions of subsection 1.

Sec. 18. NRS 374.160 is hereby amended to read as follows:

374.160 1. For the purpose of the proper administration of this chapter and to prevent evasion of the sales tax it is presumed that all gross receipts are subject to the tax until the contrary is established. The burden of proving that a sale of tangible personal property is not a sale at retail is upon the person who makes the sale unless the person takes **[**~~in good faith~~**]** from the purchaser a certificate to the effect that the property is purchased for resale and the purchaser:

(a) Is engaged in the business of selling tangible personal property;

(b) Is registered pursuant to NRS 360B.200 or holds a permit issued pursuant to NRS 374.140; and

(c) At the time of purchasing the property, intends to sell it in the regular course of business or is unable to ascertain at the time of purchase whether the property will be sold or will be used for some other purpose.

2. If a sale of tangible personal property is transacted by drop shipment, the third-party vendor is relieved of the burden of proving that the sale is not a sale at retail if:

(a) The third-party vendor:

(1) Takes **[**~~in good faith~~**]** from his or her customer a certificate to the effect that the property is purchased for resale; or

(2) Obtains any other evidence acceptable to the Department that the property is purchased for resale; and

(b) His or her customer:

(1) Is engaged in the business of selling tangible personal property; and

(2) Is selling the property in the regular course of business.

Sec. 19. NRS 374.230 is hereby amended to read as follows:

374.230 1. For the purpose of the proper administration of this chapter and to prevent evasion of the use tax and the duty to collect the use tax, it is presumed that tangible personal property sold by any person for delivery in a county is sold for storage, use or other consumption in the county until the

contrary is established. The burden of proving the contrary is upon the person who makes the sale unless the person takes ~~[in good faith]~~ from the purchaser a certificate to the effect that the property is purchased for resale and the purchaser:

(a) Is engaged in the business of selling tangible personal property;

(b) Is registered pursuant to NRS 360B.200 or holds a permit issued pursuant to NRS 374.140; and

(c) At the time of purchasing the property, intends to sell it in the regular course of business or is unable to ascertain at the time of purchase whether the property will be sold or will be used for some other purpose.

2. If a sale of tangible personal property is transacted by drop shipment, the third-party vendor is relieved of the burden of proving that the property is sold for storage, use or other consumption in this State if:

(a) The third-party vendor:

(1) Takes ~~[in good faith]~~ from his or her customer a certificate to the effect that the property is purchased for resale; or

(2) Obtains any other evidence acceptable to the Department that the property is purchased for resale; and

(b) His or her customer:

(1) Is engaged in the business of selling tangible personal property; and

(2) Is selling the property in the regular course of business.

Sec. 20. ~~[NRS 374.255 is hereby amended to read as follows:~~

~~374.255 *1.* It [shall be further]~~ ***is*** ~~presumed that tangible personal property shipped or brought to a county by the purchaser after July 1, 1967, was purchased from a retailer on or after July 1, 1967, for storage, use or other consumption in the county.~~

~~***2. This presumption may be controverted by the vendor or purchaser by evidence showing that the property was stored or used:***~~

~~***(a) Exclusively outside of a county during the initial 30 days after its purchase; and***~~

~~***(b) Outside of a county for a majority of the time during the initial 12 months after its purchase.]*** **(Deleted by amendment.)**

Sec. 21. ~~[NRS 374.260 is hereby amended to read as follows:~~

~~374.260 1. [Except as otherwise provided in NRS 374.263, on]~~ ***On*** ~~and after July 1, 1967, it is [further] presumed that tangible personal property delivered outside this State to a purchaser known by the retailer to be a resident of the county was purchased from a retailer for storage, use or other consumption in the county and stored, used or otherwise consumed in the county.~~

~~2. This presumption may be controverted by:~~

~~(a) [A]~~ ***The vendor by a written*** ~~statement [in writing, signed by the purchaser or his or her authorized representative, and retained by the vendor,]~~

~~that the property was purchased for use at a designated point or points outside this State~~ **[**~~.~~

~~(b) Other evidence satisfactory to the Department that the property was not purchased for storage, use or other consumption in this State.~~**] , *if the statement is:***

(1) Signed by the purchaser or his or her authorized representative; and

(2) Taken and retained by the vendor in good faith; or

(b) The vendor or purchaser by evidence showing that the property was stored or used:

(1) Exclusively outside of this State during the initial 30 days after its purchase; and

(2) Outside of this State for a majority of the time during the initial 12 months after its purchase.] **(Deleted by amendment.)**

Sec. 22. NRS 374.352 is hereby amended to read as follows:

374.352 1. If a purchaser wishes to claim an exemption from the taxes imposed by this chapter, the retailer shall obtain such **[**~~identifying~~**]** information from the purchaser **[**~~at the time of sale~~**]** as is required by the Department.

2. The Department shall, to the extent feasible, establish an electronic system for submitting a request for an exemption. A purchaser is not required to provide a signature to claim an exemption if the request is submitted electronically.

3. The Department may establish a system whereby a purchaser who is exempt from the payment of the taxes imposed by this chapter is issued an identification number that can be presented to the retailer at the time of sale.

4. A retailer shall maintain such records of exempt transactions as are required by the Department and provide those records to the Department upon request.

5. Except as otherwise provided in this subsection, a retailer who complies with the provisions of this section is not liable for the payment of any tax imposed by this chapter if the purchaser improperly claims an exemption. If the purchaser improperly claims an exemption, the purchaser is liable for the payment of the tax. The provisions of this subsection do not apply if the retailer **[**~~fraudulently~~**]** ***:***

(a) Fraudulently fails to collect the tax **[**~~or solicits~~**]** ***;***

(b) Solicits a purchaser to participate in an unlawful claim of an exemption **[**~~.~~**]** ***; or***

(c) Accepts a certificate of exemption from a purchaser who claims an entity-based exemption, the subject of the transaction sought to be covered by the certificate is actually received by the purchaser at a location operated by the seller, and the Department provides, and posts on a website

or other Internet site that is operated or administered by or on behalf of the Department, a certificate of exemption which clearly and affirmatively indicates that the claimed exemption is not available.

6. As used in this section ~~[, "retailer"]~~ ***:***

(a) "Entity-based exemption" means an exemption based on who purchases the product or who sells the product, and which is not available to all.

(b) "Retailer" includes a certified service provider, as that term is defined in NRS 360B.060, acting on behalf of a retailer who is registered pursuant to NRS 360B.200.

Sec. 23. NRS 374.365 is hereby amended to read as follows:

374.365 Except as otherwise required by the Department pursuant to NRS 360B.200:

1. On or before the last day of the month following each reporting period, a return for the preceding period must be filed with the Department in such form ***and manner*** as the Department may prescribe. Any return required to be filed by this section must be combined with any return required to be filed pursuant to the provisions of chapter 372 of NRS.

2. For purposes of:

(a) The sales tax, a return must be filed by every seller.

(b) The use tax, a return must be filed by every retailer maintaining a place of business in the county and by every person purchasing tangible personal property, the storage, use or other consumption of which is subject to the use tax, who has not paid the use tax due.

3. ~~[~~Returns~~]~~ ***Unless filed electronically, returns*** must be signed by the person required to file the return or by his or her authorized agent but need not be verified by oath.

Sec. 24. NRS 374.370 is hereby amended to read as follows:

374.370 1. Except as otherwise required by the Department pursuant to NRS 360B.200 or provided in NRS 360B.350 to 360B.375, inclusive ~~[.]~~ ***, or section 2 of this act:***

(a) For the purposes of the sales tax:

(1) The return must show the gross receipts of the seller during the preceding reporting period.

(2) The gross receipts must be segregated and reported separately for each county to which a sale of tangible personal property pertains.

(3) A sale pertains to the county in this State in which the tangible personal property is or will be delivered to the purchaser or his or her agent or designee.

(b) For purposes of the use tax:

(1) In the case of a return filed by a retailer, the return must show the total sales price of the property purchased by him or her, the storage, use or

consumption of which property became subject to the use tax during the preceding reporting period.

(2) The sales price must be segregated and reported separately for each county to which a purchase of tangible personal property pertains.

(3) If the property was:

(I) Brought into this State by the purchaser or his or her agent or designee, the sale pertains to the county in this State in which the property is or will be first used, stored or otherwise consumed.

(II) Not brought into this State by the purchaser or his or her agent or designee, the sale pertains to the county in this State in which the property was delivered to the purchaser or his or her agent or designee.

2. In case of a return filed by a purchaser, the return must show the total sales price of the property purchased by him or her, the storage, use or consumption of which became subject to the use tax during the preceding reporting period and indicate the county in this State in which the property was first used, stored or consumed.

3. The return must also show the amount of the taxes for the period covered by the return and such other information as the Department deems necessary for the proper administration of this chapter.

4. Except as otherwise provided in subsection 5, upon determining that a retailer has filed a return which contains one or more violations of the provisions of this section, the Department shall:

(a) For the first return of any retailer which contains one or more violations, issue a letter of warning to the retailer which provides an explanation of the violation or violations contained in the return.

(b) For the first or second return, other than a return described in paragraph (a), in any calendar year which contains one or more violations, assess a penalty equal to the amount of the tax which was not reported or was reported for the wrong county or $1,000, whichever is less.

(c) For the third and each subsequent return in any calendar year which contains one or more violations, assess a penalty of three times the amount of the tax which was not reported or was reported for the wrong county or $3,000, whichever is less.

5. For the purposes of subsection 4, if the first violation of this section by any retailer was determined by the Department through an audit which covered more than one return of the retailer, the Department shall treat all returns which were determined through the same audit to contain a violation or violations in the manner provided in paragraph (a) of subsection 4.

Sec. 25. NRS 374.380 is hereby amended to read as follows:

374.380 1. Except as otherwise ***authorized or*** required by the Department **,** ~~[~~pursuant to NRS 360B.200,~~]~~ the person required to file a

return shall deliver the return together with a remittance of the amount of the tax due to the Department.

2. The Department shall provide for the acceptance of credit cards, debit cards or electronic transfers of money for the payment of the tax due in the manner prescribed pursuant to NRS 360.092.

Sec. 26. NRS 360B.280 ~~[, 372.258 and 374.263 are]~~ **is** hereby repealed.

Sec. 27. This act becomes effective upon passage and approval.

TEXT OF REPEALED SECTION

360B.280 Purchases of direct mail.

1. A purchaser of direct mail must provide to the seller at the time of the purchase:

(a) If the seller does not maintain a place of business in this State:

(1) A form for direct mail approved by the Department;

(2) An informational statement of the jurisdictions to which the direct mail will be delivered to recipients; or

(3) Documentation of the direct pay permit of the purchaser issued pursuant to NRS 360B.260; or

(b) If the seller maintains a place of business in this State, an informational statement of the jurisdictions to which the direct mail will be delivered to recipients.

➥ If a purchaser of direct mail provides documentation of a direct pay permit to a seller in accordance with subparagraph (3) of paragraph (a), the seller shall not require the purchaser to comply with any other provision of that paragraph.

2. Notwithstanding the provisions of NRS 360B.350 to 360B.375, inclusive:

(a) Upon the receipt pursuant to subsection 1 of:

(1) A form for direct mail by a seller who does not maintain a place of business in this State:

(I) The seller is relieved of any liability for the collection, payment or remission of any sales or use taxes applicable to the purchase of direct mail by that purchaser from that seller; and

(II) The purchaser is liable for any sales or use taxes applicable to the purchase of direct mail by that purchaser from that seller.

➥ Any form for direct mail provided to a seller pursuant to this subparagraph applies to all future sales of direct mail made by that seller to that purchaser until the purchaser delivers a written notice of revocation to the seller.

(2) An informational statement by any seller, the seller shall collect, pay or remit any applicable sales and use taxes in accordance with the information contained in that statement. In the absence of bad faith, the seller

is relieved of any liability to collect, pay or remit any sales and use taxes other than in accordance with that information received.

(b) If a purchaser of direct mail does not comply with subsection 1, the seller shall determine the location of the sale pursuant to subsection 5 of NRS 360B.360 and collect, pay or remit any applicable sales and use taxes. This paragraph does not limit the liability of the purchaser for the payment of any of those taxes.

3. As used in this section, "direct mail" means printed material delivered or distributed by the United States Postal Service or another delivery service to a mass audience or to addresses contained on a mailing list provided by a purchaser or at the direction of a purchaser when the cost of the items purchased is not billed directly to the recipients. The term includes tangible personal property supplied directly or indirectly by the purchaser to the seller of the direct mail for inclusion in the package containing the printed material. The term does not include multiple items of printed material delivered to a single address.

~~[372.258 Presumption that certain property delivered outside this State was not purchased for use in this State.~~

~~1. It is presumed that tangible personal property delivered outside this State to a purchaser was not purchased from a retailer for storage, use or other consumption in this State if the property:~~

~~(a) Was first used in interstate or foreign commerce outside this State; and~~

~~(b) Is used continuously in interstate or foreign commerce, but not exclusively in this State, for at least 12 months after the date that the property was first used pursuant to paragraph (a).~~

~~2. As used in this section:~~

~~(a) "Interstate or foreign commerce" means the transportation of passengers or property between:~~

~~(1) A point in one state and a point in:~~

~~(I) Another state;~~

~~(II) A possession or territory of the United States; or~~

~~(III) A foreign country; or~~

~~(2) Points in the same state when such transportation consists of one or more segments of transportation that immediately follow movement of the property into the state from a point beyond its borders or immediately precede movement of the property from within the state to a point outside its borders.~~

~~(b) "State" includes the District of Columbia.~~

~~374.263 Presumption that certain property delivered outside this State was not purchased for use in this State.~~

~~1. It is presumed that tangible personal property delivered outside this State to a purchaser was not purchased from a retailer for storage, use or other consumption in this State if the property:~~

~~(a) Was first used in interstate or foreign commerce outside this State; and~~

~~(b) Is used continuously in interstate or foreign commerce, but not exclusively in this State, for at least 12 months after the date that the property was first used pursuant to paragraph (a).~~

~~2. As used in this section:~~

~~(a) "Interstate or foreign commerce" means the transportation of passengers or property between:~~

~~(1) A point in one state and a point in:~~

~~(I) Another state;~~

~~(II) A possession or territory of the United States; or~~

~~(III) A foreign country; or~~

~~(2) Points in the same state when such transportation consists of one or more segments of transportation that immediately follow movement of the property into the state from a point beyond its borders or immediately precede movement of the property from within the state to a point outside its borders.~~

~~(b) "State" includes the District of Columbia.]~~

Assemblywoman Kirkpatrick moved the adoption of the amendment.

Remarks by Assemblywoman Kirkpatrick.

Amendment adopted.

Bill ordered reprinted, reengrossed, and to third reading.

Senate Bill No. 82.

Bill read third time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 647.

AN ACT relating to governmental administration; requiring the Chief of the Office of Information Security of the Department of Information Technology to investigate and resolve certain matters relating to security breaches of information systems of certain state agencies and elected officers; authorizing the Director of the Department or the Chief of the Office of Information Security to inform members of certain governmental entities of such security breaches; amending the membership and increasing certain terms of office of the Information Technology Advisory Board; revising the authority of the Department to provide services and equipment to local governmental agencies; requiring certain agencies and officers that use the equipment and information services of the Department to report certain incidents to the Office of Information Security; making various other changes

relating to governmental information systems; requiring the Chief of the Purchasing Division of the Department of Administration and local governments to publish certain advertisements for bids or proposals on their respective Internet websites; ~~[authorizing the Chief to purchase and acquire services from a vendor who has entered into an agreement with the General Services Administration;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 4 of this bill requires the Chief of the Office of Information Security of the Department of Information Technology to investigate and resolve any security breach or unauthorized acquisition of computerized data that materially compromises the security, confidentiality or integrity of an information system of a state agency or elected officer that uses the equipment or services of the Department. **Section 4** also authorizes the Director to inform the members of certain boards and commissions of such security breaches and unauthorized acquisitions.

Section 12 of this bill adds the Attorney General or his or her designee to and removes the Superintendent of Public Instruction or his or her designee from the membership of the Information Technology Advisory Board. **Section 12** also increases from one person to three persons the number of members who are appointed to the Board by the Governor as representatives of a city or county in this State and increases from 2 to 4 years the term of the members of the Board who are appointed by the Governor.

Under existing law, the Department is authorized to provide services to counties, cities and towns, and their agencies, if there are sufficient resources available. (NRS 242.141) **Section 13** of this bill authorizes the Department to provide services to those local governmental agencies if the provision of services would result in reduced costs to the State for equipment and services.

Under existing law, the Department is responsible for the information systems of state agencies and elected state officers that are required to use its services and equipment. (NRS 242.171) **Section 14** of this bill adds certain testing and monitoring of information systems to the duties of the Department.

Under existing law, all users of equipment or services of the Department are required to comply with certain regulations. (NRS 242.181) **Section 15** of this bill requires such users to report security-related noncompliance and unauthorized access to their information systems or applications of their information systems to the Office of Information Security of the Department within 24 hours after discovery.

Existing law requires the Chief of the Purchasing Division of the Department of Administration to publish advertisements for bids or proposals

for commodities or services in at least one newspaper of general circulation in the State. (NRS 333.310) **Section 20** of this bill requires the Chief to publish the advertisement on the Internet website of the Purchasing Division and in a newspaper.

~~[Section 21 of this bill authorizes the Chief of the Purchasing Division to purchase and acquire services from a vendor who has entered into an agreement with the General Services Administration.]~~

Under existing law, local governments are required to publish advertisements for bids or proposals for purchasing and public works in a newspaper. (NRS 332.045, 338.1378, 338.1385, 338.143, 338.1692, 338.1723, 338.1907 and 496.090) **Sections 19 and ~~[22-28]~~ 26-28** of this bill require a local government to publish such advertisements on the Internet website of the local government, if the local government maintains an Internet website, in addition to publishing such advertisements in a newspaper.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 242 of NRS is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4, of this act.

Sec. 2. ***"Local governmental agency" means any branch, agency, bureau, board, commission, department or division of a county, incorporated city or town in this State.***

Sec. 3. ***"Security validation" means a process or processes used to ensure that an information system or a network associated with an information system is resistant to any known threat.***

Sec. 4. ***1. The Chief of the Office of Information Security shall investigate and resolve any breach of an information system of a state agency or elected officer that uses the equipment or services of the Department or an application of such an information system or unauthorized acquisition of computerized data that materially compromises the security, confidentiality or integrity of such an information system.***

2. The Director or Chief of the Office of Information Security, at his or her discretion, may inform members of the Technological Crime Advisory Board created by NRS 205A.040, the Nevada Commission on Homeland Security created by NRS 239C.120 and the Information Technology Advisory Board created by NRS 242.122 of any breach of an information system of a state agency or elected officer or application of such an information system or unauthorized acquisition of computerized data that materially compromises the security, confidentiality or integrity of such an information system.

Sec. 5. NRS 242.011 is hereby amended to read as follows:

242.011 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 242.015 to 242.068, inclusive, ***and sections 2 and 3 of this act*** have the meanings ascribed to them in those sections.

Sec. 6. NRS 242.055 is hereby amended to read as follows:

242.055 "Information service" means any service relating to the creation, maintenance, operation **,** ***security validation, testing, continuous monitoring*** or use of an information system.

Sec. 7. NRS 242.057 is hereby amended to read as follows:

242.057 **"**Information system" means any communications or computer equipment, computer software, procedures, personnel or technology used to collect, process, distribute or store information **.** ~~[within the Executive Branch of State Government.]~~

Sec. 8. NRS 242.059 is hereby amended to read as follows:

242.059 **"**Information technology" means any information, information system or information service acquired, developed, operated, maintained or otherwise used **.** ~~[within the Executive Branch of State Government.]~~

Sec. 9. NRS 242.071 is hereby amended to read as follows:

242.071 1. The Legislature hereby determines and declares that the creation of the Department of Information Technology is necessary for the coordinated, orderly and economical processing of information in State Government, to ensure economical use of information systems and to prevent the unnecessary proliferation of equipment and personnel among the various state agencies.

2. The purposes of the Department are:

(a) To perform information services for state agencies.

(b) To provide technical advice but not administrative control of the information systems within the state agencies ~~[, county agencies and governing bodies and agencies of incorporated cities and towns.]~~ ***and, as authorized, of local governmental agencies.***

Sec. 10. NRS 242.101 is hereby amended to read as follows:

242.101 1. The Director shall:

(a) Appoint the chiefs of the ~~[divisions]~~ ***Programming Division and the Communication and Computing Division of the Department who are*** in the unclassified service of the State;

(b) ***Appoint the Chief of the Office of Information Security who is in the classified service of the State;***

(c) Administer the provisions of this chapter and other provisions of law relating to the duties of the Department; and

~~[(c)]~~ ***(d)*** Carry out other duties and exercise other powers specified by law.

2. The Director may form committees to establish standards and determine criteria for evaluation of policies relating to informational services.

Sec. 11. ~~[~~NRS 242.105 is hereby amended to read as follows:

~~242.105 1. Except as otherwise provided in subsection 3, records and portions of records that are assembled, maintained, overseen or prepared by the Department *or a local governmental agency* to mitigate, prevent or respond to acts of terrorism, *or to maintain the continuity of government and governmental services in the case of an act of terrorism,* the public disclosure of which would, in the determination of the Director, create a substantial likelihood of threatening the safety of the general public are confidential and not subject to inspection by the general public to the extent that such records and portions of records consist of or include:~~

~~(a) Information regarding the infrastructure and security of information systems, including, without limitation:~~

~~(1) Access codes, passwords and programs used to ensure the security of an information system;~~

~~(2) Access codes used to ensure the security of software applications;~~

~~(3) Procedures and processes used to ensure the security of an information system; and~~

~~(4) Plans used to reestablish security and service with respect to an information system after security has been breached or service has been interrupted.~~

~~(b) Assessments and plans that relate specifically and uniquely to the vulnerability of *such* an information system or to the measures which will be taken to respond to such vulnerability, including, without limitation, any compiled underlying data necessary to prepare such assessments and plans.~~

~~(c) The results of tests of the security of *such* an information system, insofar as those results reveal specific vulnerabilities relative to the information system.~~

~~2. The Director shall maintain or cause to be maintained a list of each record or portion of a record that the Director has determined to be confidential pursuant to subsection 1. The list described in this subsection must be prepared and maintained so as to recognize the existence of each such record or portion of a record without revealing the contents thereof.~~

~~3. At least once each biennium, the Director shall review the list described in subsection 2 and shall, with respect to each record or portion of a record that the Director has determined to be confidential pursuant to subsection 1:~~

~~(a) Determine that the record or portion of a record remains confidential in accordance with the criteria set forth in subsection 1;~~

~~(b) Determine that the record or portion of a record is no longer confidential in accordance with the criteria set forth in subsection 1; or~~

~~(c) If the Director determines that the record or portion of a record is obsolete, cause the record or portion of a record to be disposed of in the manner described in NRS 239.073 to 239.125, inclusive.~~

~~4. On or before February 15 of each year, the Director shall:~~

~~(a) Prepare a report setting forth a detailed description of each record or portion of a record determined to be confidential pursuant to this section, if any, accompanied by an explanation of why each such record or portion of a record was determined to be confidential; and~~

~~(b) Submit a copy of the report to the Director of the Legislative Counsel Bureau for transmittal to:~~

~~(1) If the Legislature is in session, the standing committees of the Legislature which have jurisdiction of the subject matter; or~~

~~(2) If the Legislature is not in session, the Legislative Commission.~~

~~5. As used in this section, "act of terrorism" has the meaning ascribed to it in NRS 239C.030.~~**] (Deleted by amendment.)**

Sec. 12. NRS 242.122 is hereby amended to read as follows:

242.122 1. There is hereby created an Information Technology Advisory Board. The Board consists of:

(a) One member appointed by the Majority Floor Leader of the Senate from the membership of the Senate Standing Committee on Finance **.** **[**~~during the immediately preceding session of the Legislature.~~**]**

(b) One member appointed by the Speaker of the Assembly from the membership of the Assembly Standing Committee on Ways and Means **.** **[**~~during the immediately preceding session of the Legislature.~~**]**

(c) Two representatives of using agencies which are major users of the services of the Department. The Governor shall appoint the two representatives. Each such representative serves for a term of **[**~~2~~**]** ***4*** years. For the purposes of this paragraph, an agency is a "major user" if it is among the top five users of the services of the Department, based on the amount of money paid by each agency for the services of the Department during the immediately preceding biennium.

(d) The Director of the Department of Administration or his or her designee.

(e) **[**~~The Superintendent of Public Instruction of the Department of Education or his or her designee.~~

~~(f) Three~~**]** ***The Attorney General or his or her designee.***

(f) Five persons appointed by the Governor **[**~~in July of each odd-numbered year~~**]** as follows:

(1) **[**~~One person~~**]** ***Three persons*** who **[**~~represents~~**]** ***represent*** a city or county in this State **[**~~.~~**]** ***, at least one of whom is engaged in the information technology or information security;*** and

(2) Two persons who represent the information technology industry but who:

(I) Are not employed by this State;

(II) Do not hold any elected or appointed office in State Government;

(III) Do not have an existing contract or other agreement to provide information services, systems or technology to an agency of this State; and

(IV) Are independent of and have no direct or indirect pecuniary interest in a corporation, association, partnership or other business organization which provides information services, systems or technology to an agency of this State.

2. Each person appointed pursuant to paragraph (f) of subsection 1 serves for a term of ~~[~~2~~]~~ ***4*** years. No person so appointed may serve more than 2 consecutive terms.

3. At the first regular meeting of each calendar year, the members of the Board shall elect a Chair by majority vote.

Sec. 13. NRS 242.141 is hereby amended to read as follows:

242.141 To facilitate the economical processing of data throughout the State Government, the Department may provide service for agencies not under the control of the Governor, upon the request of any such agency. ~~[~~If there are sufficient resources available to the Department, it~~]~~ ***The Department*** may provide services ***, including, without limitation, purchasing services,*** to ~~[~~counties, cities and towns and to their agencies.~~]~~ ***a local governmental agency upon request, if provision of such services will result in reduced costs to the State for equipment and services.***

Sec. 14. NRS 242.171 is hereby amended to read as follows:

242.171 1. The Department is responsible for:

(a) The applications of information systems;

(b) Designing and placing those ***information*** systems in operation;

(c) Any application of an information system which it furnishes to state agencies and officers after negotiation; and

(d) The ~~[~~writing,~~]~~ ***security validation,*** testing ***, including, without limitation, penetration testing,*** and ~~[~~performance of programs,~~]~~ ***continuous monitoring of information systems,***

➥ for ~~[~~the state~~]~~ ***using*** agencies and ~~[~~elected state officers which are required to use its services.~~]~~ ***for state agencies and officers which use the equipment or services of the Department pursuant to subsection 2 of NRS 242.131.***

2. The Director shall review and approve or disapprove, pursuant to standards for justifying cost, any application of an information system having an estimated developmental cost of $50,000 or more. No using agency may commence development work on any such applications until approval and authorization have been obtained from the Director.

3. As used in this section, "penetration testing" means a method of evaluating the security of an information system or application of an information system by simulating unauthorized access to the information system or application.

Sec. 15. NRS 242.181 is hereby amended to read as follows:

242.181 1. Any state agency or elected state officer which uses the equipment or services of the Department shall adhere to the regulations, standards, practices, policies and conventions of the Department.

2. ***Each state agency or elected state officer described in subsection 1 shall report any suspected incident of:***

(a) Unauthorized access to an information system or application of an information system of the Department used by the state agency or elected state officer; and

(b) Noncompliance with the regulations, standards, practices, policies and conventions of the Department that is identified by the Department as security-related,

➥ to the Office of Information Security of the Department within 24 hours after discovery of the suspected incident. If the Office determines that an incident of unauthorized access or noncompliance occurred, the Office shall immediately report the incident to the Director. The Director shall assist in the investigation and resolution of any such incident.

3. The Department shall provide services to each ***state*** agency ***and elected state officer described in subsection 1*** uniformly with respect to degree of service, priority of service, availability of service and cost of service.

Sec. 16. NRS 242.191 is hereby amended to read as follows:

242.191 1. Except as otherwise provided in subsection 3, the amount receivable from ~~[an]~~ ***a state agency or officer or local governmental*** agency ~~[availing itself of]~~ ***which uses*** the services of the Department must be determined by the Director in each case and include:

(a) The annual expense, including depreciation, of operating and maintaining the Communication and Computing Division, distributed among the agencies in proportion to the services performed for each agency.

(b) A service charge in an amount determined by distributing the monthly installment for the construction costs of the computer facility among the agencies in proportion to the services performed for each agency.

2. The Director shall prepare and submit monthly to the ***state agencies and officers and local governmental*** agencies for which services of the Department have been performed an itemized statement of the amount receivable from each ***state agency or officer or local governmental*** agency.

3. The Director may authorize, if in his or her judgment the circumstances warrant, a fixed cost billing, including a factor for

depreciation, for services rendered to ~~[an]~~ ***a state agency or officer or local governmental*** agency.

Sec. 17. NRS 242.231 is hereby amended to read as follows:

242.231 Upon the receipt of a statement submitted pursuant to subsection 2 of NRS 242.191, each ***state*** agency ***or officer*** shall authorize the State Controller by transfer or warrant to draw money from the agency's account in the amount of the statement for transfer to or placement in the Fund for Information Services.

Sec. 18. NRS 205.4765 is hereby amended to read as follows:

205.4765 1. Except as otherwise provided in subsection 6, a person who knowingly, willfully and without authorization:

(a) Modifies;

(b) Damages;

(c) Destroys;

(d) Discloses;

(e) Uses;

(f) Transfers;

(g) Conceals;

(h) Takes;

(i) Retains possession of;

(j) Copies;

(k) Obtains or attempts to obtain access to, permits access to or causes to be accessed; or

(l) Enters,

➥ data, a program or any supporting documents which exist inside or outside a computer, system or network is guilty of a misdemeanor.

2. Except as otherwise provided in subsection 6, a person who knowingly, willfully and without authorization:

(a) Modifies;

(b) Destroys;

(c) Uses;

(d) Takes;

(e) Damages;

(f) Transfers;

(g) Conceals;

(h) Copies;

(i) Retains possession of; or

(j) Obtains or attempts to obtain access to, permits access to or causes to be accessed,

➥ equipment or supplies that are used or intended to be used in a computer, system or network is guilty of a misdemeanor.

3. Except as otherwise provided in subsection 6, a person who knowingly, willfully and without authorization:

(a) Destroys;

(b) Damages;

(c) Takes;

(d) Alters;

(e) Transfers;

(f) Discloses;

(g) Conceals;

(h) Copies;

(i) Uses;

(j) Retains possession of; or

(k) Obtains or attempts to obtain access to, permits access to or causes to be accessed,

➥ a computer, system or network is guilty of a misdemeanor.

4. Except as otherwise provided in subsection 6, a person who knowingly, willfully and without authorization:

(a) Obtains and discloses;

(b) Publishes;

(c) Transfers; or

(d) Uses,

➥ a device used to access a computer, network or data is guilty of a misdemeanor.

5. Except as otherwise provided in subsection 6, a person who knowingly, willfully and without authorization introduces, causes to be introduced or attempts to introduce a computer contaminant into a computer, system or network is guilty of a misdemeanor.

6. If the violation of any provision of this section:

(a) Was committed to devise or execute a scheme to defraud or illegally obtain property;

(b) Caused response costs, loss, injury or other damage in excess of $500; or

(c) Caused an interruption or impairment of a public service, including, without limitation, a governmental operation, a system of public communication or transportation or a supply of water, gas or electricity,

➥ the person is guilty of a category C felony and shall be punished as provided in NRS 193.130, and may be further punished by a fine of not more than $100,000. In addition to any other penalty, the court shall order the person to pay restitution.

7. The provisions of this section do not apply to a person performing any testing, including, without limitation, penetration testing, of an information system of an agency that uses the equipment or services of the

Department of Information Technology that is authorized by the Director of the Department of Information Technology or the chief of the Office of Information Security of the Department. As used in this subsection:

(a) "Information system" has the meaning ascribed to it in NRS 242.057.

(b) "Penetration testing" has the meaning ascribed to it in NRS 242.171.

Sec. 19. NRS 332.045 is hereby amended to read as follows:

332.045 1. The advertisement required by paragraph (a) of subsection 1 of NRS 332.039 must ~~[be published at least once and not less than 7 days before the opening of bids. The advertisement must]~~ be by notice to bid and must be published ~~[in]~~ ***:***

(a) In a newspaper qualified pursuant to chapter 238 of NRS that has a general circulation within the county wherein the local government, or a major portion thereof, is situated ~~[.]~~ ***at least once and not less than 7 days before the opening of bids; and***

(b) On the Internet website of the local government, if the local government maintains an Internet website, every day for not less than 7 days before the opening of bids.

2. The notice must state:

(a) The nature, character or object of the contract.

(b) If plans and specifications are to constitute part of the contract, where the plans and specifications may be seen.

(c) The time and place where bids will be received and opened.

(d) Such other matters as may properly pertain to giving notice to bid.

Sec. 20. NRS 333.310 is hereby amended to read as follows:

333.310 1. An advertisement must contain a general description of the classes of commodities or services for which a bid or proposal is wanted and must state:

(a) The name and location of the department, agency, local government, district or institution for which the purchase is to be made.

(b) Where and how specifications and quotation forms may be obtained.

(c) If the advertisement is for bids, whether the Chief is authorized by the using agency to be supplied to consider a bid for an article that is an alternative to the article listed in the original request for bids if:

(1) The specifications of the alternative article meet or exceed the specifications of the article listed in the original request for bids;

(2) The purchase of the alternative article results in a lower price; and

(3) The Chief deems the purchase of the alternative article to be in the best interests of the State of Nevada.

(d) Notice of the preference set forth in NRS 333.3366.

(e) The date and time not later than which responses must be received by the Purchasing Division.

(f) The date and time when responses will be opened.

➥ The Chief or a designated agent of the Chief shall approve the copy for the advertisement.

2. Each advertisement must be published ~~[in]~~ ***:***

(a) In at least one newspaper of general circulation in the State. The selection of the newspaper to carry the advertisement must be made in the manner provided by this chapter for other purchases, on the basis of the lowest price to be secured in relation to the paid circulation ~~[.]~~ ***; and***

(b) On the Internet website of the Purchasing Division.

Sec. 21. ~~[NRS 333.480 is hereby amended to read as follows:~~

~~333.480 The Chief may purchase or acquire on behalf of the State of Nevada, and all officers, departments, institutions, boards, commissions, schools and other agencies in the Executive Department of the State Government, volunteer fire departments, local governments as defined in NRS 354.474, conservation districts or irrigation districts of the State of Nevada, any supplies, *services,* materials or equipment of any kind required or deemed advisable for the state officers, departments, institutions, boards, commissions, schools, volunteer fire departments and other agencies or local governments as defined in NRS 354.474, conservation districts or irrigation districts that may be available pursuant to an agreement with a vendor who has entered into an agreement with the General Services Administration or another governmental agency dealing in supplies, *services,* materials, equipment or donable surplus material if:~~

~~1. The prices for the supplies, *services,* materials or equipment negotiated in the agreement that the Chief enters into with the vendor are substantially similar to the prices for those supplies, *services,* materials or equipment that the vendor had negotiated with the General Services Administration or other governmental agency; and~~

~~2. The Chief determines that such an agreement would be in the best interests of the State.~~**]** **(Deleted by amendment.)**

Sec. 22. ~~[NRS 338.1378 is hereby amended to read as follows:~~

~~338.1378 1. Before a local government accepts applications pursuant to NRS 338.1379, the local government must :~~**[**, in accordance with subsection 2, advertise in a newspaper that is:**]**

~~(a) *Publish an advertisement at least once and not less than 21 days before applications are to be submitted to the local government in a newspaper that is:*~~

~~*(1)* Qualified pursuant to the provisions of chapter 238 of NRS; and~~

~~**[**(b)**]** *(2)* Published in a county in which the contracts for the potential public works will be performed or, if no qualified newspaper is published in that county, published in a qualified newspaper that is published in the State of Nevada and which has a general circulation in the county in which the contracts for the potential public works will be performed.~~

~~*(b) Post on the Internet website of the local government, if the local government maintains an Internet website, an advertisement every day for not less than 21 days before applications are to be submitted to the local government.*~~

~~2. An advertisement required pursuant to subsection 1 [:~~

~~(a) Must be published at least once not less than 21 days before applications are to be submitted to the local government; and~~

~~(b) Must]~~ ~~*must* include:~~

~~[(1)]~~ ~~*(a)* A description of the potential public works for which applications to qualify as a bidder are being accepted;~~

~~[(2)]~~ ~~*(b)* The time and place at which applications are to be submitted to the local government;~~

~~[(3)]~~ ~~*(c)* The place at which applications may be obtained; and~~

~~[(4)]~~ ~~*(d)* Any other information that the local government deems necessary.]~~ **(Deleted by amendment.)**

Sec. 23. ~~[NRS 338.1385 is hereby amended to read as follows:~~

~~338.1385 1. Except as otherwise provided in subsection 9 and NRS 338.1906 and 338.1907, this State, or a governing body or its authorized representative that awards a contract for a public work in accordance with paragraph (a) of subsection 1 of NRS 338.1373 shall not:~~

~~(a) Commence a public work for which the estimated cost exceeds $100,000 unless it advertises~~ ~~*on the Internet website of the county where the public work will be performed, if the county maintains an Internet website, and*~~ ~~in a newspaper qualified pursuant to chapter 238 of NRS that is published in the county where the public work will be performed for bids for the public work. If no qualified newspaper is published in the county where the public work will be performed, the required advertisement must be published in some qualified newspaper that is printed in the State of Nevada and has a general circulation in the county.~~

~~(b) Commence a public work for which the estimated cost is $100,000 or less unless it complies with the provisions of NRS 338.1386, 338.13862 and 338.13864 and, with respect to the State, NRS 338.1384 to 338.13847, inclusive.~~

~~(c) Divide a public work into separate portions to avoid the requirements of paragraph (a) or (b).~~

~~2. At least once each quarter, the authorized representative of a public body shall report to the public body any contract that the authorized representative awarded pursuant to subsection 1 in the immediately preceding quarter.~~

~~3. Each advertisement for bids must include a provision that sets forth the requirement that a contractor must be qualified pursuant to NRS 338.1379 or 338.1382 to bid on the contract.~~

~~4. Approved plans and specifications for the bids must be on file at a place and time stated in the advertisement for the inspection of all persons desiring to bid thereon and for other interested persons. Contracts for the public work must be awarded on the basis of bids received.~~

~~5. Except as otherwise provided in subsection 6 and NRS 338.1389, a public body or its authorized representative shall award a contract to the lowest responsive and responsible bidder.~~

~~6. Any bids received in response to an advertisement for bids may be rejected if the public body or its authorized representative responsible for awarding the contract determines that:~~

~~(a) The bidder is not a qualified bidder pursuant to NRS 338.1379 or 338.1382;~~

~~(b) The bidder is not responsive or responsible;~~

~~(c) The quality of the services, materials, equipment or labor offered does not conform to the approved plans or specifications; or~~

~~(d) The public interest would be served by such a rejection.~~

~~7. A public body may let a contract without competitive bidding if no bids were received in response to an advertisement for bids and:~~

~~(a) The public body publishes a notice stating that no bids were received and that the contract may be let without further bidding;~~

~~(b) The public body considers any bid submitted in response to the notice published pursuant to paragraph (a);~~

~~(c) The public body lets the contract not less than 7 days after publishing a notice pursuant to paragraph (a); and~~

~~(d) The contract is awarded to the bidder who has submitted the lowest responsive and responsible bid.~~

~~8. Before a public body may commence the performance of a public work itself pursuant to the provisions of this section, based upon a determination that the public interest would be served by rejecting any bids received in response to an advertisement for bids, the public body shall prepare and make available for public inspection a written statement containing:~~

~~(a) A list of all persons, including supervisors, whom the public body intends to assign to the public work, together with their classifications and an estimate of the direct and indirect costs of their labor;~~

~~(b) A list of all equipment that the public body intends to use on the public work, together with an estimate of the number of hours each item of equipment will be used and the hourly cost to use each item of equipment;~~

~~(c) An estimate of the cost of administrative support for the persons assigned to the public work;~~

~~(d) An estimate of the total cost of the public work, including the fair market value of or, if known, the actual cost of all materials, supplies, labor and equipment to be used for the public work; and~~

~~(e) An estimate of the amount of money the public body expects to save by rejecting the bids and performing the public work itself.~~

~~9. This section does not apply to:~~

~~(a) Any utility subject to the provisions of chapter 318 or 710 of NRS;~~

~~(b) Any work of construction, reconstruction, improvement and maintenance of highways subject to NRS 408.323 or 408.327;~~

~~(c) Normal maintenance of the property of a school district;~~

~~(d) The Las Vegas Valley Water District created pursuant to chapter 167, Statutes of Nevada 1947, the Moapa Valley Water District created pursuant to chapter 477, Statutes of Nevada 1983 or the Virgin Valley Water District created pursuant to chapter 100, Statutes of Nevada 1993;~~

~~(e) The design and construction of a public work for which a public body contracts with a design-build team pursuant to NRS 338.1711 to 338.1727, inclusive;~~

~~(f) A constructability review of a public work, which review a local government or its authorized representative is required to perform pursuant to NRS 338.1435; or~~

~~(g) The preconstruction or construction of a public work for which a public body enters into a contract with a construction manager at risk pursuant to NRS 338.169 to 338.1699, inclusive.~~**]** **(Deleted by amendment.)**

Sec. 24. **[**~~NRS 338.143 is hereby amended to read as follows:~~

~~338.143 1. Except as otherwise provided in subsection 8 and NRS 338.1907, a local government or its authorized representative that awards a contract for a public work in accordance with paragraph (b) of subsection 1 of NRS 338.1373 shall not:~~

~~(a) Commence a public work for which the estimated cost exceeds $100,000 unless it advertises~~ ***on the Internet website of the local government, if the local government maintains an Internet website, and*** ~~in a newspaper qualified pursuant to chapter 238 of NRS that is published in the county where the public work will be performed for bids for the public work. If no qualified newspaper is published in the county where the public work will be performed, the required advertisement must be published in some qualified newspaper that is printed in the State of Nevada and has a general circulation in the county.~~

~~(b) Commence a public work for which the estimated cost is $100,000 or less unless it complies with the provisions of NRS 338.1442, 338.1444 and 338.1446.~~

~~(c) Divide a project work into separate portions to avoid the requirements of paragraph (a) or (b).~~

~~2. At least once each quarter, the authorized representative of a local government shall report to the governing body any contract that the authorized representative awarded pursuant to subsection 1 in the immediately preceding quarter.~~

~~3. Approved plans and specifications for the bids must be on file at a place and time stated in the advertisement for the inspection of all persons desiring to bid thereon and for other interested persons. Contracts for the public work must be awarded on the basis of bids received.~~

~~4. Except as otherwise provided in subsection 5 and NRS 338.147, the local government or its authorized representative shall award a contract to the lowest responsive and responsible bidder.~~

~~5. Any bids received in response to an advertisement for bids may be rejected if the local government or its authorized representative responsible for awarding the contract determines that:~~

~~(a) The bidder is not responsive or responsible;~~

~~(b) The quality of the services, materials, equipment or labor offered does not conform to the approved plans or specifications; or~~

~~(c) The public interest would be served by such a rejection.~~

~~6. A local government may let a contract without competitive bidding if no bids were received in response to an advertisement for bids and:~~

~~(a) The local government publishes a notice stating that no bids were received and that the contract may be let without further bidding;~~

~~(b) The local government considers any bid submitted in response to the notice published pursuant to paragraph (a);~~

~~(c) The local government lets the contract not less than 7 days after publishing a notice pursuant to paragraph (a); and~~

~~(d) The contract is awarded to the lowest responsive and responsible bidder.~~

~~7. Before a local government may commence the performance of a public work itself pursuant to the provisions of this section, based upon a determination that the public interest would be served by rejecting any bids received in response to an advertisement for bids, the local government shall prepare and make available for public inspection a written statement containing:~~

~~(a) A list of all persons, including supervisors, whom the local government intends to assign to the public work, together with their classifications and an estimate of the direct and indirect costs of their labor;~~

~~(b) A list of all equipment that the local government intends to use on the public work, together with an estimate of the number of hours each item of equipment will be used and the hourly cost to use each item of equipment;~~

~~(c) An estimate of the cost of administrative support for the persons assigned to the public work;~~

~~(d) An estimate of the total cost of the public work, including the fair market value of or, if known, the actual cost of all materials, supplies, labor and equipment to be used for the public work; and~~

~~(e) An estimate of the amount of money the local government expects to save by rejecting the bids and performing the public work itself.~~

~~8. This section does not apply to:~~

~~(a) Any utility subject to the provisions of chapter 318 or 710 of NRS;~~

~~(b) Any work of construction, reconstruction, improvement and maintenance of highways subject to NRS 408.323 or 408.327;~~

~~(c) Normal maintenance of the property of a school district;~~

~~(d) The Las Vegas Valley Water District created pursuant to chapter 167, Statutes of Nevada 1947, the Moapa Valley Water District created pursuant to chapter 477, Statutes of Nevada 1983 or the Virgin Valley Water District created pursuant to chapter 100, Statutes of Nevada 1993;~~

~~(e) The design and construction of a public work for which a public body contracts with a design build team pursuant to NRS 338.1711 to 338.1727, inclusive;~~

~~(f) A constructability review of a public work, which review a local government or its authorized representative is required to perform pursuant to NRS 338.1435; or~~

~~(g) The preconstruction or construction of a public work for which a public body enters into a contract with a construction manager at risk pursuant to NRS 338.169 to 338.1699, inclusive.~~**]** **(Deleted by amendment.)**

Sec. 25. **[**~~NRS 338.1692 is hereby amended to read as follows:~~

~~338.1692 1. A public body shall advertise for statements of qualifications for a construction manager at risk~~ ~~*on the Internet website of the public body, if the public body maintains an Internet website, and*~~ ~~in a newspaper qualified pursuant to chapter 238 of NRS that is published in the county where the public work will be performed. If no qualified newspaper is published in the county where the public work will be performed, the required advertisement must be published in some qualified newspaper that is printed in the State of Nevada and has a general circulation in the county.~~

~~2. A request for a statement of qualifications published pursuant to subsection 1 must include, without limitation:~~

~~(a) A description of the public work;~~

~~(b) An estimate of the cost of construction;~~

~~(c) A description of the work that the public body expects a construction manager at risk to perform;~~

~~(d) The dates on which it is anticipated that the separate phases of the preconstruction and construction of the public work will begin and end;~~

~~(e) The date by which statements of qualifications must be submitted to the public body;~~

~~(f) If the project is a public work of the State, a statement setting forth that the construction manager at risk must be qualified to bid on a public work of the State pursuant to NRS 338.1379 before submitting a statement of qualifications;~~

~~(g) The name, title, address and telephone number of a person employed by the public body that an applicant may contact for further information regarding the public work; and~~

~~(h) A list of the selection criteria and relative weight of the selection criteria that will be used to evaluate statements of qualifications.~~

~~3. A statement of qualifications must include, without limitation:~~

~~(a) An explanation of the experience that the applicant has with projects of similar size and scope;~~

~~(b) The contact information for references who have knowledge of the background, character and technical competence of the applicant;~~

~~(c) The applicant's preliminary proposal for managing the preconstruction and construction of the public work;~~

~~(d) Evidence of the ability of the applicant to obtain the necessary bonding for the work to be required by the public body;~~

~~(e) Evidence that the applicant has obtained or has the ability to obtain such insurance as may be required by law; and~~

~~(f) A statement of whether the applicant has been:~~

~~(1) Found liable for breach of contract with respect to a previous project, other than a breach for legitimate cause; and~~

~~(2) Disqualified from being awarded a contract pursuant to NRS 338.017, 338.13895, 338.1475 or 408.333.~~] **(Deleted by amendment.)**

Sec. 26. NRS 338.1723 is hereby amended to read as follows:

338.1723 1. A public body shall advertise for preliminary proposals for the design and construction of a public work by a design-build team. ~~[on the Internet website of the public body, if the public body maintains an Internet website, and in]~~ ***The advertisement must be published:***

(a) In a newspaper qualified pursuant to chapter 238 of NRS that is published in the county where the public work will be performed ~~[.]~~ ***at least once and not less than 7 days before the opening of bids; and***

(b) On the Internet website of the public body, if the public body maintains an Internet website, every day for not less than 7 days before the opening of bids.

➥ If no qualified newspaper is published in the county where the public work will be performed, the required advertisement must be published in some qualified newspaper that is printed in the State of Nevada and has a general circulation in the county.

2. A request for preliminary proposals published pursuant to subsection 1 must include, without limitation:

(a) A description of the public work to be designed and constructed;

(b) An estimate of the cost to design and construct the public work;

(c) The dates on which it is anticipated that the separate phases of the design and construction of the public work will begin and end;

(d) The date by which preliminary proposals must be submitted to the public body;

(e) If the proposal is for a public work of the State, a statement setting forth that the prime contractor must be qualified to bid on a public work of the State pursuant to NRS 338.1379 before submitting a preliminary proposal;

(f) A description of the extent to which designs must be completed for both preliminary and final proposals and any other requirements for the design and construction of the public work that the public body determines to be necessary;

(g) A list of the requirements set forth in NRS 338.1721;

(h) A list of the factors and relative weight assigned to each factor that the public body will use to evaluate design-build teams who submit a proposal for the public work;

(i) Notice that a design-build team desiring to submit a proposal for the public work must include with its proposal the information used by the public body to determine finalists among the design-build teams submitting proposals pursuant to subsection 2 of NRS 338.1725 and a description of that information; and

(j) A statement as to whether a design-build team that is selected as a finalist pursuant to NRS 338.1725 but is not awarded the design-build contract pursuant to NRS 338.1727 will be partially reimbursed for the cost of preparing a final proposal and, if so, an estimate of the amount of the partial reimbursement.

Sec. 27. NRS 338.1907 is hereby amended to read as follows:

338.1907 1. A governing body may designate one or more energy retrofit coordinators for the buildings occupied by the local government.

2. If such a coordinator is designated, upon request by or consultation with an officer or employee of the local government who is responsible for the budget of a department, board, commission or other entity of the local government, the coordinator may request the approval of the governing body to advertise a request for proposals to retrofit a building, or any portion thereof, that is occupied by the department, board, commission or other entity, to make the use of energy in the building, or portion thereof, more efficient.

3. Upon approval of the governing body, the coordinator shall prepare a request for proposals for the retrofitting of one or more buildings, or any portion thereof, which includes:

(a) The name and location of the coordinator;

(b) A brief description of the requirements for the initial audit of the use of energy and the retrofitting;

(c) Where and how specifications of the requirements for the initial audit of the use of energy and the retrofitting may be obtained;

(d) The date and time not later than which proposals must be received by the coordinator; and

(e) The date and time when responses will be opened.

4. The request for proposals must be published ~~[on]~~ ***:***

(a) On the Internet website of the governing body, if the governing body maintains an Internet website, every day for not less than 7 days before the opening of bids; and ~~[in]~~

(b) In a newspaper qualified pursuant to chapter 238 of NRS that is published in the county where the public work will be performed ~~[.]~~ ***at least once and not less than 7 days before the opening of bids.***

➥ If no qualified newspaper is published in the county where the public work will be performed, the required advertisement must be published in some qualified newspaper that is printed in the State of Nevada and has a general circulation in the county where the public work will be performed.

5. After receiving the proposals but before making a decision on the proposals, the coordinator shall consider:

(a) The best interests of the local government;

(b) The experience and financial stability of the persons submitting the proposals;

(c) Whether the proposals conform with the terms of the request for proposals;

(d) The prices of the proposals; and

(e) Any other factor disclosed in the request for proposals.

6. The coordinator shall determine the relative weight of each factor before a request for proposals is advertised. The weight of each factor must not be disclosed before the date proposals are required to be submitted to the coordinator.

7. After reviewing the proposals, if the coordinator determines that the dollar value of the annual energy savings resulting from the retrofit will meet or exceed the total annual contract payments to be made by the local government, including any financing charges to be incurred by the local government over the life of the contract, the coordinator shall select the best proposal and request the approval of the governing body to award the contract. The request for approval must include the proposed method of financing the audit and retrofit, which may include an installment contract, a shared savings contract or any other contract for a reasonable financing arrangement. Such a contract may commit the local government to make

payments beyond the fiscal year in which the contract is executed or beyond the terms of office of the governing body, or both.

8. Before approving a retrofit pursuant to this section, the governing body shall evaluate any projects that would utilize shared savings as a method of payment or any method of financing that would commit the local government to make payments beyond the fiscal year in which the contract is executed or beyond the terms of office of the governing body to ensure that:

(a) The dollar value of the annual energy savings resulting from the retrofit will meet or exceed the total annual contract payments to be made by the local government related to the retrofit, including any financing charges to be incurred by the local government over the life of the contract; and

(b) The local government is likely to continue to occupy the building for the entire period required to recoup the cost of the retrofit in energy savings.

9. Upon approval of the governing body, the coordinator shall execute the contract and notify each officer or employee who is responsible for the budget of a department, board, commission or other entity which occupies a portion of a building that will be retrofitted of the amount of money it will be required to pay annually for its portion of the retrofit.

10. A change order to a contract executed pursuant to this section may not be approved by the local government if the cost of the change order would cause the dollar value of the annual energy savings resulting from the retrofit to be less than the total annual contract payments to be made by the local government, including financing charges to be incurred by the local government over the life of the contract, unless approval of the change order is more economically feasible than termination of the retrofit.

11. NRS 338.1385 and 338.143 do not apply to a project for which a request for proposals is advertised and the contract is awarded pursuant to the provisions of this section.

Sec. 28. NRS 496.090 is hereby amended to read as follows:

496.090 1. In operating an airport or air navigation facility or any other facilities appertaining to the airport owned, leased or controlled by a municipality, the municipality may, except as limited by the terms and conditions of any grant, loan or agreement pursuant to NRS 496.180, enter into:

(a) Contracts, leases and other arrangements with any persons:

(1) Granting the privilege of using or improving the airport or air navigation facility, or any portion or facility thereof, or space therein, for commercial purposes. The municipality may, if it determines that an improvement benefits the municipality, reimburse the person granted the privilege for all or any portion of the cost of making the improvement.

(2) Conferring the privilege of supplying goods, commodities, things, services or facilities at the airport or air navigation facility or other facilities.

(3) Making available services to be furnished by the municipality or its agents or by other persons at the airport or air navigation facility or other facilities.

(4) Providing for the maintenance of the airport or air navigation facility, or any portion or facility thereof, or space therein.

(5) Allowing residential occupancy of property acquired by the municipality.

(b) Contracts for the sale of revenue bonds or other securities whose issuance is authorized by the Local Government Securities Law or NRS 496.150 or 496.155, for delivery within 10 years after the date of the contract.

2. In each case the municipality may establish the terms and conditions and fix the charges, rentals or fees for the privileges or services, which must be reasonable and uniform for the same class of privilege or service and must be established with due regard to the property and improvements used and the expenses of operation to the municipality.

3. Except as otherwise provided in this subsection, and as an alternative to the procedure provided in subsection 2 of NRS 496.080, to the extent of its applicability, the governing body of any municipality may authorize it to enter into any such contracts, leases and other arrangements with any persons, as provided in this section, for a period not exceeding 50 years, upon such terms and conditions as the governing body deems proper. The provisions of this subsection must not be used to circumvent the requirement set forth in subsection 2 of NRS 496.080 that the disposal of real property be made by public auction.

4. Before entering into any such contract, lease or other arrangements, the municipality shall publish notice of its intention in general terms ***on the Internet website of the municipality, if the municipality maintains an Internet website, for a period of not less than 10 consecutive days, and*** in a newspaper of general circulation within the municipality at least once a week for 21 days or three times during a period of 10 days. If there is not a newspaper of general circulation within the municipality, the municipality shall post a notice of its intention in a public place at least once a week for 30 days. The notice must specify that a regular meeting of the governing body is to be held, at which meeting any interested person may appear. No such contract, lease or other arrangement may be entered into by the municipality until after the notice has been given and a meeting held as provided in this subsection.

5. Any member of a municipality's governing body may vote on any such contract, lease or other arrangement notwithstanding the fact that the term of the contract, lease or other arrangement may extend beyond the member's term of office.

Sec. 29. Notwithstanding the provisions of NRS 242.122, as amended by section 12 of this act, the existing members of the Information Technology Advisory Board who are appointed to 2-year terms by the Governor pursuant to NRS 242.122 may continue to serve as a member of the Board until the expiration of their current terms and until the Governor appoints successors to 4-year terms pursuant to NRS 242.122, as amended by section 12 of this act. If a position on the Board becomes vacant on or after July 1, 2011, the vacancy must be filled in the manner provided in NRS 242.122, as amended by section 12 of this act.

Sec. 30. This act becomes effective on July 1, 2011.

Assemblywoman Bustamante Adams moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, reengrossed, and to third reading.

Senate Bill No. 384.

Bill read third time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 650.

SUMMARY—Authorizes the governing body of ~~[a]~~ **certain** local ~~[government]~~ **governments** to adopt procedures for the sale of naming rights to certain public facilities. (BDR ~~[28-172)]~~ **20-172)**

AN ACT relating to public facilities; authorizing the governing body of a ~~[local government]~~ **county or city** to adopt procedures for the sale of the naming rights to certain parks, recreational facilities and other public facilities owned by the ~~[local government;]~~ **county or city;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the board of county commissioners in a county whose population is 400,000 or more (currently Clark County) to adopt, by ordinance, procedures for the sale of naming rights relating to a shooting range that is owned by the county. (NRS 244.30701) This bill authorizes the governing body of a ~~[local government (including counties, cities, towns, school districts and general improvement districts),]~~ **county or city,** with limited exceptions, to adopt, by ordinance, procedures for the sale of the naming rights to a park, recreational facility or other public facility owned by the ~~[local government.]~~ **county or city.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter ~~[338]~~ **244** of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection 2, the ~~[governing body of a local government]~~ board of county commissioners may adopt, by ordinance, procedures for the sale of naming rights to a park, recreational facility or other public facility that is owned by the ~~[local government,]~~ county, including, without limitation, the sale of naming rights to:

(a) Buildings, improvements, facilities, features, fixtures and sites located within the boundaries of the park, recreational facility or other public facility; and

(b) Activities, events and programs held at the park, recreational facility or other public facility.

2. In adopting an ordinance pursuant to subsection 1, a ~~[governing body]~~ board of county commissioners shall not ~~[authorize]~~ :

(a) Authorize the sale of naming rights to any park, recreational facility or other public facility which is:

~~[(a)]~~ (1) Subject to a lease agreement authorizing the lessee to sell such naming rights; or

~~[(b)]~~ (2) Currently named after a person of historical significance.

(b) Delegate authority to make a decision regarding the sale of naming rights that is authorized pursuant to this section to any department, division, agency or employee of the county.

3. As used in this section:

(a) ~~[“Local government” means any political subdivision of this State, including, without limitation, a county, city, town, school district, general improvement district or other district which performs a governmental function.~~

~~(b)~~] “Park” means real property and any improvements made thereon that are designed to serve the cultural, leisure, recreational and outdoor needs of natural persons.

~~[(c)]~~ (b) “Public facility” means any facility, including, without limitation, real or personal property, which is owned by a ~~[local government.~~

~~(d)~~] county.

(c) “Recreational facility” means real and personal property and improvements to real property for athletic, cultural and leisure activities and all appurtenances or customary facilities and uses associated therewith.

Sec. 2. **Chapter 268 of NRS is hereby amended by adding thereto a new section to read as follows:**

1. Except as otherwise provided in subsection 2, the governing body of a city may adopt, by ordinance, procedures for the sale of naming rights to

a park, recreational facility or other public facility that is owned by the city, including, without limitation, the sale of naming rights to:

(a) Buildings, improvements, facilities, features, fixtures and sites located within the boundaries of the park, recreational facility or other public facility; and

(b) Activities, events and programs held at the park, recreational facility or other public facility.

2. In adopting an ordinance pursuant to subsection 1, a governing body shall not:

(a) Authorize the sale of naming rights to any park, recreational facility or other public facility which is:

(1) Subject to a lease agreement authorizing the lessee to sell such naming rights; or

(2) Currently named after a person of historical significance.

(b) Delegate authority to make a decision regarding the sale of naming rights that is authorized pursuant to this section to any department, division, agency or employee of the city.

3. As used in this section:

(a) "Park" means real property and any improvements made thereon that are designed to serve the cultural, leisure, recreational and outdoor needs of natural persons.

(b) "Public facility" means any facility, including, without limitation, real or personal property, which is owned by a city.

(c) "Recreational facility" means real and personal property and improvements to real property for athletic, cultural and leisure activities and all appurtenances or customary facilities and uses associated therewith.

~~[Sec. 2.]~~ ***Sec. 3.*** This act becomes effective on July 1, 2011.

Assemblywoman Bustamante Adams moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, reengrossed, and to third reading.

Senate Bill No. 472.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 781.

AN ACT making a supplemental appropriation to the Department of Corrections to cover stale claims for prison medical care for Fiscal Year 2007-2008; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. There is hereby appropriated from the State General Fund to the Department of Corrections the sum of $9,579 to cover stale claims for **personnel expenditures for** prison medical care for Fiscal Year 2007-2008. This appropriation is supplemental to that made in section 23 of chapter 388, Statutes of Nevada 2009, at page 2111.

Sec. 2. This act becomes effective upon passage and approval.

Assemblyman Hickey moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Conklin moved that Assembly Bills Nos. 332, 432, 515, 563; Senate Bills Nos. 36, 55, 57, 65, 110, 133, 140, 151, 159, 187, 238, 251, 282, 304, 321, 329, 348, 376, 381, 400, 419 be taken from their position on the General File and placed at the top of the General File.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Senate Bill No. 268, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MARILYN K. KIRKPATRICK, *Chair*

GENERAL FILE AND THIRD READING

Senate Bill No. 268.

Bill read third time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 833.

SUMMARY—Revises provisions relating to ~~[competing for]~~ public works **.** ~~[by design professionals.]~~ (BDR 28-740)

AN ACT relating to public works; revising provisions relating to preferences when competing for contracts for certain public works projects; **requiring a contractor to replace an unacceptable subcontractor on a public work of this State without an increase in the amount of the bid; requiring a prime contractor to forfeit a portion of the amount of a contract for a public work under certain circumstances; revising the manner in which a construction manager at risk may solicit bids and select a subcontractor for a public work; revising provisions governing**

the selection of a construction manager at risk for preconstruction services and the construction of a public work; revising the manner in which a construction manager at risk may solicit bids and select a subcontractor for a public work; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, a contract for a public work involving a design-build team is awarded by a public body based on the application of certain criteria. A design-build team may qualify for a preference in bidding on such a contract if the contractor on the design-build team has submitted proof to the State Contractors' Board that the contractor has paid certain taxes to the State for the past 5 years. (NRS 338.1389, 338.147, 338.1727, 408.3886)

Section ~~[1]~~ 2 of this bill allows a person who holds a certificate of registration to engage in the practice of architecture or landscape architecture or who holds a license as a professional engineer or professional land surveyor to qualify for a preference when competing for public works if the person has submitted proof to the appropriate licensing board that the person has paid certain taxes to the State for the past ~~[5]~~ **3** years. **Sections ~~[4]~~ 26 and ~~[7]~~ 31** of this bill allow a design-build team to receive a preference in selection as a finalist for a public work or a project for the construction, reconstruction or improvement of a highway if both the contractor and the design professionals on the design-build team possess a certificate of eligibility to receive their respective preferences. **Sections ~~[5]~~ 28** and ~~[8]~~ **32** of this bill allow a design-build team that has been selected as a finalist for a public work or a project for the construction, reconstruction or improvement of a highway to receive a preference in selection for a contract only if both the contractor and the design professionals on the design-build team possess a certificate of eligibility to receive their respective preferences. **Section ~~[9]~~ 33** of this bill allows an architect, professional engineer or professional land surveyor to receive a preference in selection for certain public works if the architect, professional engineer or professional land surveyor possesses a certificate of eligibility to receive a preference when competing for public works.

Existing law provides that a public body which selects a design-build team as a finalist in the selection process for a contract for a public work must make public specified information concerning the design-build team and its selection. (NRS 338.1725) **Section ~~[7]~~ 31** of this bill adds a similar requirement for the Department of Transportation to make public specified information concerning a design-build team and the selection of that design-build team as a finalist in the selection process for a contract for a project for the construction, reconstruction or improvement of a highway. **Section ~~[3]~~ 16** of this bill requires that a public body must, after selecting but before

entering into a contract with a design professional who is not a member of a design-build team, transmit certain information concerning the selection of the design profession to the licensing board that regulates the design professional. That licensing board must post the information on its Internet website.

Before a contract for a public work of this State is awarded, existing law requires a contractor to replace a subcontractor that is named in the contractor's bid for the contract if the subcontractor is not properly licensed or has been disqualified from participating in public works sponsored by the State Public Works Board. (NRS 338.13895) Section 12 of this bill requires the contractor to replace such a subcontractor without an increase in the amount of the bid. This same requirement currently applies with respect to the replacement of a subcontractor named in a bid for a contract for a public work of a local government if the subcontractor is not properly licensed. (NRS 338.13895)

Under existing law, a contractor is required to list in his or her bid for a public work the names of certain subcontractors who will be performing work on the public work if the contractor is awarded the contract. Existing law sets forth requirements with which a prime contractor who is awarded the contract must comply to substitute a subcontractor for another subcontractor. (NRS 338.141) If a prime contractor does not comply with the requirements related to the substitution of subcontractors, section 13 of this bill requires the prime contractor to forfeit 1 percent of the contract amount as a penalty.

Existing law also requires a contractor to include his or her name on a bid for a public work if, as the prime contractor, the contractor will perform a portion of the work on the public work which is estimated to exceed 3 percent of the estimated cost of the public work. (NRS 338.141) Section 13 of this bill requires a prime contractor to forfeit a specified amount as a penalty if the prime contractor substitutes a subcontractor to perform the work that the prime contractor indicated on the bid that the prime contractor or another subcontractor would perform.

In order for a subcontractor to be eligible to provide materials, equipment, work or other services on a public work for which a construction manager at risk was awarded a contract, existing law requires the subcontractor to be licensed and to be selected based on a process of competitive bidding set forth for all subcontractors on any public work in the State. (NRS 338.1699) Sections 4 and 5 of this bill changes the manner in which a construction manager at risk selects subcontractors and sets forth specific procedures a construction manager at risk must follow when selecting subcontractors to provide

materials, equipment, work or other services on a public work for which the construction manager at risk was awarded a contract.

Existing law authorizes a public body to construct a public work by selecting a construction manager at risk and sets forth certain procedures the public body must follow when selecting the construction manager at risk and entering into a contract with him or her for preconstruction services or to construct the public work. (NRS 338.169-338.1699) Sections 18-22 of this bill amend the provisions governing the way in which a public body must select a construction manager at risk. Existing law provides for a two-step selection process, wherein construction managers at risk must first submit a statement of qualifications, and then the public body selects finalists who are requested to submit final proposals and are interviewed before one is chosen to be awarded the contract. (NRS 338.1692-338.1695) Instead, sections 20 and 21 of this bill change the process to a single step: a construction manager at risk submits a proposal from the start, which contains a combination of the statement of qualifications and any material existing law required to be included in a final proposal, and the public body chooses which applicants to interview and which to select from those proposals. Section 22 of this bill allows a public body to enter into negotiations with the construction manager at risk who is providing the preconstruction services for the construction of a portion of the public work as soon as that portion of the design is finalized instead of waiting until the complete design is finished, as is currently required by existing law. In addition, section 22 allows the construction manager at risk providing preconstruction services to bid on the project if negotiations for the contract fail and the public body opens it up for bids.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 338 of NRS is hereby amended by adding thereto ~~*[a new section to read as follows:]*~~ **the provisions set forth as sections 2 to 5, inclusive, of this act.**

Sec. 2. 1. The State Board of Architecture, Interior Design and Residential Design shall issue a certificate of eligibility to receive a preference when competing for public works to a person who holds a certificate of registration to engage in the practice of architecture pursuant to the provisions of chapter 623 of NRS and submits to the Board an affidavit from a certified public accountant setting forth that the person has, while holding a certificate of registration to engage in the practice of architecture in this State:

(a) Paid directly, on his or her own behalf the excise tax imposed upon an employer by NRS 363B.110 of not less than $1,500 for each consecutive 12-month period for ~~[60]~~ 36 months immediately preceding the submission of the affidavit from the certified public accountant; or

(b) Acquired, by purchase, inheritance, gift or transfer through a stock option plan, all the assets and liabilities of a viable, operating business that engages in the practice of architecture that:

(1) Satisfies the requirements of NRS 623.350; and

(2) Possesses a certificate of eligibility to receive a preference when competing for public works.

2. The State Board of Landscape Architecture shall issue a certificate of eligibility to receive a preference when competing for public works to a person who holds a certificate of registration to engage in the practice of landscape architecture pursuant to the provisions of chapter 623A of NRS and submits to the Board an affidavit from a certified public accountant setting forth that the person has, while holding a certificate of registration to engage in the practice of landscape architecture in this State:

(a) Paid directly, on his or her own behalf the excise tax imposed upon an employer by NRS 363B.110 of not less than $1,500 for each consecutive 12-month period for ~~[60]~~ 36 months immediately preceding the submission of the affidavit from the certified public accountant; or

(b) Acquired, by purchase, inheritance, gift or transfer through a stock option plan, all the assets and liabilities of a viable, operating business that engages in the practice of landscape architecture that:

(1) Satisfies the requirements of NRS 623A.250; and

(2) Possesses a certificate of eligibility to receive a preference when competing for public works.

3. The State Board of Professional Engineers and Land Surveyors shall issue a certificate of eligibility to receive a preference when competing for public works to a professional engineer or professional land surveyor who is licensed pursuant to the provisions of chapter 625 of NRS and submits to the Board an affidavit from a certified public accountant setting forth that the professional engineer or professional land surveyor has, while licensed as a professional engineer or professional land surveyor in this State:

(a) Paid directly, on his or her own behalf the excise tax imposed upon an employer by NRS 363B.110 of not less than $1,500 for each consecutive 12-month period for ~~[60]~~ 36 months immediately preceding the submission of the affidavit from the certified public accountant; or

(b) Acquired, by purchase, inheritance, gift or transfer through a stock option plan, all the assets and liabilities of a viable, operating business that engages in engineering or land surveying that:

(1) Satisfies the requirements of NRS 625.407; and

(2) Possesses a certificate of eligibility to receive a preference when competing for public works.

4. For the purposes of complying with the requirements set forth in paragraph (a) of subsection 1, paragraph (a) of subsection 2 and paragraph (a) of subsection 3, a person shall be deemed to have paid:

(a) The excise tax imposed upon an employer by NRS 363B.110 by an affiliate or parent company of the person, if the affiliate or parent company also satisfies the requirements of NRS 623.350, 623A.250 or 625.407, as applicable; and

(b) The excise tax imposed upon an employer by NRS 363B.110 by a joint venture in which the person is a participant, in proportion to the amount of interest the person has in the joint venture.

5. A design professional who has received a certificate of eligibility to receive a preference when competing for public works pursuant to subsection 1, 2 or 3 must, at the time for the renewal of his or her professional license or certificate of registration, as applicable, pursuant to chapter 623, 623A or 625 of NRS, submit to the applicable licensing board an affidavit from a certified public accountant setting forth that the design professional has, during the immediately preceding 12 months, paid the taxes required pursuant to paragraph (a) of subsection 1, paragraph (a) of subsection 2 or paragraph (a) of subsection 3, as applicable, to maintain eligibility to hold such a certificate.

6. A design professional who fails to submit an affidavit to the applicable licensing board pursuant to subsection 5 ceases to be eligible to receive a preference when competing for public works unless the design professional reapplies for and receives a certificate of eligibility pursuant to subsection 1, 2 or 3, as applicable.

7. If a design professional holds more than one license or certificate of registration, the design professional must submit a separate application for each license or certificate of registration pursuant to which the design professional wishes to qualify for a preference when competing for public works. Upon issuance, the certificate of eligibility to receive a preference when competing for public works becomes part of the design professional's license or certificate of registration for which the design professional submitted the application.

8. If a design professional who applies to a licensing board for a certificate of eligibility to receive a preference when competing for public works pursuant to subsection 1, 2 or 3 submits false information to the licensing board regarding the required payment of taxes, the design professional is not eligible to receive a preference when competing for

public works for a period of 5 years after the date on which the licensing board becomes aware of the submission of the false information.

9. The State Board of Architecture, Interior Design and Residential Design, the State Board of Landscape Architecture and the State Board of Professional Engineers and Land Surveyors shall adopt regulations and may assess reasonable fees relating to their respective certification of design professionals for a preference when competing for public works.

10. A person or entity who believes that a design professional wrongfully holds a certificate of eligibility to receive a preference when competing for public works may challenge the validity of the certificate by filing a written objection with the public body which selected, for the purpose of providing services for a public work, the design professional who holds the certificate. A written objection authorized pursuant to this subsection must:

(a) Set forth proof or substantiating evidence to support the belief of the person or entity that the design professional wrongfully holds a certificate of eligibility to receive a preference when competing for public works; and

(b) Be filed with the public body not later than 3 business days after:

(1) The date on which the public body makes available to the public pursuant to subsection 3 of NRS 338.1725 the information required by that subsection, if the design-build team of which the design profession who holds the certificate is a part was selected as a finalist pursuant to NRS 338.1725;

(2) The date on which the Department of Transportation makes available to the public pursuant to subsection 3 of NRS 408.3885 the information required by that subsection, if the design-build team of which the design professional who holds the certificate is a part was selected as a finalist pursuant to NRS 408.3885; or

(3) The date on which the licensing board which issued the certificate to the design professional posted on its Internet website the information required by subsection 3 of NRS 338.155, if the design professional is identified in that information as being selected for a contract governed by NRS 338.155.

11. If a public body receives a written objection pursuant to subsection 10, the public body shall determine whether the objection is accompanied by the proof or substantiating evidence required pursuant to paragraph (a) of that subsection. If the public body determines that the objection is not accompanied by the required proof or substantiating evidence, the public body shall dismiss the objection and the public body or its authorized representative may proceed immediately to award the contract. If the public body determines that the objection is accompanied by the required proof or substantiating evidence, the public body shall determine whether the design

professional qualifies for the certificate pursuant to the provisions of this section and the public body or its authorized representative may proceed to award the contract accordingly.

Sec. 3. 1. Notwithstanding the provisions of sections 4 and 5 of this act, and subject to the provisions of subsection 2, if a public body enters into a contract with a construction manager at risk for preconstruction services pursuant to NRS 338.1693, the construction manager at risk may enter into a contract with a subcontractor licensed pursuant to chapter 624 of NRS to provide any of the following preconstruction services, the basis of payment for which is a negotiated price:

(a) Assisting the construction manager at risk in identifying and selecting materials and equipment to be provided by each subcontractor;

(b) Assisting the construction manager at risk in creating a schedule for the provision of labor, materials or equipment by each subcontractor;

(c) For the purpose of enabling the construction manager at risk to establish a budget for the construction of the public work, estimating the cost of labor, materials or equipment to be provided by each subcontractor; and

(d) Providing recommendations to the construction manager at risk regarding the design for the public work, as the design pertains to the labor, materials or equipment to be provided by each subcontractor.

2. A subcontractor may not provide preconstruction services pursuant to this section in an area of work outside the field or scope of the license of the subcontractor.

Sec. 4. 1. To be eligible to provide labor, materials or equipment on a public work, the contract for which a public body has entered into with a construction manager at risk pursuant to NRS 338.1696, a subcontractor must be:

(a) Licensed pursuant to chapter 624 of NRS; and

(b) Qualified pursuant to the provisions of this section to submit a proposal for the provision of labor, materials or equipment on a public work.

2. Subject to the provisions of subsections 3, 4 and 5, the construction manager at risk shall determine whether an applicant is qualified to submit a proposal for the provision of labor, materials or equipment on the public work for the purposes of paragraph (b) of subsection 1.

3. After the design and schedule for the construction of the public work is sufficiently detailed and complete to allow a subcontractor to apply to qualify to submit a meaningful and responsive proposal for the provision of labor, materials or equipment on the public work, and not later than 21 days before the date by which such an application must be submitted, the construction manager at risk shall advertise for such applications in a

newspaper qualified pursuant to chapter 238 of NRS that is published in the county where the public work will be performed. If no qualified newspaper is published in the county where the public work will be performed, the advertisement must be published in some qualified newspaper that is printed in the State of Nevada and has a general circulation in the county.

4. The criteria to be used by the construction manager at risk when determining whether an applicant is qualified to submit a proposal for the provision of labor, materials or equipment must include, and must be limited to:

(a) The monetary limit placed on the license of the applicant by the State Contractors' Board pursuant to NRS 624.220;

(b) The financial ability of the applicant to provide the labor, materials or equipment required on the public work;

(c) Whether the applicant has the ability to obtain the necessary bonding for the work required by the public body;

(d) The safety programs established and the safety records accumulated by the applicant;

(e) Whether the applicant has breached any contracts with a public body or person in this State or any other state during the 5 years immediately preceding the application;

(f) Whether the applicant has been disciplined or fined by the State Contractors' Board or another state or federal agency for conduct that relates to the ability of the applicant to perform the public work;

(g) The performance history of the applicant concerning other recent, similar public or private contracts, if any, completed by the applicant in Nevada;

(h) The principal personnel of the applicant;

(i) Whether the applicant has been disqualified from the award of any contract pursuant to NRS 338.017 or 338.13895; and

(j) The truthfulness and completeness of the application.

5. The public body or its authorized representative shall ensure that each determination made pursuant to subsection 2 is made subject to the provisions of subsection 4.

6. The construction manager at risk shall notify each applicant and the public body in writing of a determination made pursuant to subsection 2.

7. A determination made pursuant to subsection 2 that an applicant is not qualified may be appealed pursuant to NRS 338.1381 to the public body with whom the construction manager at risk has entered into a contract for the construction of the public work.

Sec. 5. 1. If a public body enters into a contract with a construction manager at risk for the construction of a public work pursuant to NRS

338.1696, the construction manager at risk may enter into a subcontract for the provision of labor, materials and equipment necessary for the construction of the public work only as provided in this section.

2. The provisions of this section apply only to a subcontract for which the estimated value is at least 1 percent of the total cost of the public work.

3. After the design and schedule for the construction of the public work is sufficiently detailed and complete to allow a subcontractor to submit a meaningful and responsive proposal, and not later than 21 days before the date by which a proposal for the provision of labor, materials or equipment by a subcontractor must be submitted, the construction manager at risk shall notify in writing each subcontractor who was determined pursuant to section 4 of this act to be qualified to submit such a proposal of a request for such proposals. A copy of the notice required pursuant to this subsection must be provided to the public body.

4. The notice required pursuant to subsection 3 must include, without limitation:

(a) A description of the design for the public work and a statement indicating where a copy of the documents relating to that design may be obtained;

(b) A description of the type and scope of labor, equipment and materials for which subcontractor proposals are being sought;

(c) The dates on which it is anticipated that construction of the public work will begin and end;

(d) The date, time and place at which a preproposal meeting will be held;

(e) The date and time by which proposals must be received, and to whom they must be submitted;

(f) The date, time and place at which proposals will be opened for evaluation;

(g) A description of the bonding and insurance requirements for subcontractors;

(h) Any other information reasonably necessary for a subcontractor to submit a responsive proposal; and

(i) A statement in substantially the following form:

Notice: For a proposal for a subcontract on the public work to be considered:

1. The subcontractor must be licensed pursuant to chapter 624 of NRS;

2. The proposal must be timely received;

3. The subcontractor must attend the preproposal meeting; and

4. The subcontractor may not modify the proposal after the date and time the proposal is received.

5. A subcontractor may not modify a proposal after the date and time the proposal is received.

6. To be considered responsive, a proposal must:

(a) Be timely received by the construction manager at risk; and

(b) Substantially and materially conform to the details and requirements included in the proposal instructions and for the finalized bid package for the public work, including, without limitation, details and requirements affecting price and performance.

7. The opening of the proposals must be attended by an authorized representative of the public body and the architect or engineer responsible for the design of the public work but is not otherwise open to the public.

8. At the time the proposals are opened, the construction manager at risk shall compile and provide to the public body or its authorized representative a list that includes, without limitation, the name and contact information of each subcontractor who submits a timely proposal and the price of the proposal submitted by the subcontractor. The list must be made available to the public upon request.

9. Not less than 10 working days after opening the proposal, the construction manager at risk shall:

(a) Evaluate the proposals and determine which proposals are responsive.

(b) Select the subcontractor who submits the proposal that the construction manager at risk determines is the best proposal. The subcontractor must be selected from among those:

(1) Who attended the preproposal meeting;

(2) Who submitted a responsive proposal; and

(3) Whose names are included on the list compiled and provided to the public body or its authorized representative pursuant to subsection 8.

(c) Inform the public body or its authorized representative which subcontractor has been selected.

10. The public body or its authorized representative shall ensure that the evaluation of proposals and selection of subcontractors are done pursuant to the provisions of this section and regulations adopted by the State Public Works Board.

11. A subcontractor selected pursuant to subsection 9 need not be selected by the construction manager at risk solely on the basis of lowest price.

12. Except as otherwise provided in subsection 13, the construction manager at risk shall enter into a subcontract with a subcontractor selected pursuant to subsection 9 to provide the labor, materials or equipment described in the request for proposals.

13. A construction manager at risk shall not substitute a subcontractor for any subcontractor selected pursuant to subsection 9 unless:

(a) The public body or its authorized representative objects to the subcontractor, requests in writing a change in the subcontractor and pays any increase in costs resulting from the change; or

(b) The substitution is approved by the public body after the selected subcontractor:

(1) Files for bankruptcy or becomes insolvent;

(2) After having a reasonable opportunity, fails or refuses to execute a written contract with the construction manager at risk which was offered to the selected subcontractor with the same general terms that all other subcontractors on the project were offered;

(3) Fails or refuses to perform the subcontract within a reasonable time;

(4) Is unable to furnish a performance bond and payment bond pursuant to NRS 339.025, if required for the public work; or

(5) Is not properly licensed to provide that labor or portion of the work.

14. The construction manager at risk shall make available to the public, including, without limitation, each subcontractor who submits a proposal, the final rankings of the subcontractors and shall provide, upon request, an explanation to any subcontractor who is not selected of the reasons why the subcontractor was not selected.

15. If a public work is being constructed in phases, and a construction manager at risk selects a subcontractor pursuant to subsection 9 for the provision of labor, materials or equipment for any phase of that construction, the construction manager at risk may select that subcontractor for the provision of labor, materials or equipment for any other phase of the construction without following the requirements of subsections 3 to 11, inclusive.

Sec. 6. **NRS 338.1373 is hereby amended to read as follows:**

338.1373 1. A local government or its authorized representative shall award a contract for a public work pursuant to the provisions of:

(a) NRS 338.1377 to 338.139, inclusive;

(b) NRS 338.143 to 338.148, inclusive;

(c) NRS 338.169 to ~~[338.1699,]~~ ***338.16985,*** inclusive ~~[,]~~ ***, and sections 3, 4 and 5 of this act;*** or

(d) NRS 338.1711 to 338.1727, inclusive.

2. The provisions of NRS 338.1375 to 338.1382, inclusive, 338.1386, 338.13862, 338.13864, 338.139, 338.142 ~~[, 338.169 to 338.1699, inclusive,]~~ and 338.1711 to 338.1727, inclusive, do not apply with respect to contracts for the construction, reconstruction, improvement and maintenance of

highways that are awarded by the Department of Transportation pursuant to NRS 408.313 to 408.433, inclusive.

~~[Sec. 2.]~~ ***Sec. 7.*** NRS 338.1373 is hereby amended to read as follows:

338.1373 1. A local government or its authorized representative shall award a contract for a public work pursuant to the provisions of:

(a) NRS 338.1377 to 338.139, inclusive;

(b) NRS 338.143 to 338.148, inclusive;

(c) NRS 338.169 to 338.16985, inclusive, and sections 3, 4 and 5 of this act; or

(d) NRS 338.1711 to 338.1727, inclusive ~~[.]~~ ***, and section*** ~~*[1]*~~ ***2 of this act.***

2. The provisions of NRS 338.1375 to 338.1382, inclusive, 338.1386, 338.13862, 338.13864, 338.139, 338.142 and 338.1711 to 338.1727, inclusive, do not apply with respect to contracts for the construction, reconstruction, improvement and maintenance of highways that are awarded by the Department of Transportation pursuant to NRS 408.313 to 408.433, inclusive.

Sec. 8. **NRS 338.1373 is hereby amended to read as follows:**

338.1373 1. A local government or its authorized representative shall award a contract for a public work pursuant to the provisions of:

(a) NRS 338.1377 to 338.139, inclusive;

(b) NRS 338.143 to 338.148, inclusive;

(c) NRS 338.169 to 338.16985, inclusive, and sections 3, 4 and 5 of this act; or

(d) NRS 338.1711 to 338.1727, inclusive, and section 2 of this act.

2. The provisions of NRS 338.1375 to 338.1382, inclusive, 338.1386, 338.13862, 338.13864, 338.139, 338.142***, 338.169 to 338.16985, inclusive, and sections 3, 4 and 5 of this act*** and 338.1711 to 338.1727, inclusive, do not apply with respect to contracts for the construction, reconstruction, improvement and maintenance of highways that are awarded by the Department of Transportation pursuant to NRS 408.313 to 408.433, inclusive.

Sec. 9. **NRS 338.1373 is hereby amended to read as follows:**

338.1373 1. A local government or its authorized representative shall award a contract for a public work pursuant to the provisions of:

(a) NRS 338.1377 to 338.139, inclusive;

(b) NRS 338.143 to 338.148, inclusive;

(c) NRS 338.169 to 338.16985, inclusive, and sections 3, 4 and 5 of this act; or

(d) NRS 338.1711 to 338.1727, inclusive**.** ~~[, and section 2 of this act.]~~

2. The provisions of NRS 338.1375 to 338.1382, inclusive, 338.1386, 338.13862, 338.13864, 338.139, 338.142, 338.169 to 338.16985, inclusive,

and sections 3, 4 and 5 of this act and 338.1711 to 338.1727, inclusive, do not apply with respect to contracts for the construction, reconstruction, improvement and maintenance of highways that are awarded by the Department of Transportation pursuant to NRS 408.313 to 408.433, inclusive.

Sec. 10. **NRS 338.1381 is hereby amended to read as follows:**

338.1381 1. If, within 10 days after receipt of the notice denying an application pursuant to NRS 338.1379 ***or section 4 of this act*** or disqualifying a subcontractor pursuant to NRS 338.1376, the applicant or subcontractor, as applicable, files a written request for a hearing with the State Public Works Board or the local government, the Board or governing body shall set the matter for a hearing within 20 days after receipt of the request. The hearing must be held not later than 45 days after the receipt of the request for a hearing unless the parties, by written stipulation, agree to extend the time.

2. The hearing must be held at a time and place prescribed by the Board or local government. At least 10 days before the date set for the hearing, the Board or local government shall serve the applicant or subcontractor with written notice of the hearing. The notice may be served by personal delivery to the applicant or subcontractor or by certified mail to the last known business or residential address of the applicant or subcontractor.

3. The applicant or subcontractor has the burden at the hearing of proving by substantial evidence that the applicant is entitled to be qualified to bid on a contract for a public work, or that the subcontractor is qualified to be a subcontractor on a contract for a public work.

4. In conducting a hearing pursuant to this section, the Board or governing body may:

(a) Administer oaths;

(b) Take testimony;

(c) Issue subpoenas to compel the attendance of witnesses to testify before the Board or governing body;

(d) Require the production of related books, papers and documents; and

(e) Issue commissions to take testimony.

5. If a witness refuses to attend or testify or produce books, papers or documents as required by the subpoena issued pursuant to subsection 4, the Board or governing body may petition the district court to order the witness to appear or testify or produce the requested books, papers or documents.

6. The Board or governing body shall issue a decision on the matter during the hearing. The decision of the Board or governing body is a final decision for purposes of judicial review.

Sec. 11. **NRS 338.1385 is hereby amended to read as follows:**

338.1385 1. Except as otherwise provided in subsection 9 and NRS 338.1906 and 338.1907, this State, or a governing body or its authorized representative that awards a contract for a public work in accordance with paragraph (a) of subsection 1 of NRS 338.1373 shall not:

(a) Commence a public work for which the estimated cost exceeds $100,000 unless it advertises in a newspaper qualified pursuant to chapter 238 of NRS that is published in the county where the public work will be performed for bids for the public work. If no qualified newspaper is published in the county where the public work will be performed, the required advertisement must be published in some qualified newspaper that is printed in the State of Nevada and has a general circulation in the county.

(b) Commence a public work for which the estimated cost is $100,000 or less unless it complies with the provisions of NRS 338.1386, 338.13862 and 338.13864 and, with respect to the State, NRS 338.1384 to 338.13847, inclusive.

(c) Divide a public work into separate portions to avoid the requirements of paragraph (a) or (b).

2. At least once each quarter, the authorized representative of a public body shall report to the public body any contract that the authorized representative awarded pursuant to subsection 1 in the immediately preceding quarter.

3. Each advertisement for bids must include a provision that sets forth the requirement that a contractor must be qualified pursuant to NRS 338.1379 or 338.1382 to bid on the contract.

4. Approved plans and specifications for the bids must be on file at a place and time stated in the advertisement for the inspection of all persons desiring to bid thereon and for other interested persons. Contracts for the public work must be awarded on the basis of bids received.

5. Except as otherwise provided in subsection 6 and NRS 338.1389, a public body or its authorized representative shall award a contract to the lowest responsive and responsible bidder.

6. Any bids received in response to an advertisement for bids may be rejected if the public body or its authorized representative responsible for awarding the contract determines that:

(a) The bidder is not a qualified bidder pursuant to NRS 338.1379 or 338.1382;

(b) The bidder is not responsive or responsible;

(c) The quality of the services, materials, equipment or labor offered does not conform to the approved plans or specifications; or

(d) The public interest would be served by such a rejection.

7. A public body may let a contract without competitive bidding if no bids were received in response to an advertisement for bids and:

(a) The public body publishes a notice stating that no bids were received and that the contract may be let without further bidding;

(b) The public body considers any bid submitted in response to the notice published pursuant to paragraph (a);

(c) The public body lets the contract not less than 7 days after publishing a notice pursuant to paragraph (a); and

(d) The contract is awarded to the bidder who has submitted the lowest responsive and responsible bid.

8. Before a public body may commence the performance of a public work itself pursuant to the provisions of this section, based upon a determination that the public interest would be served by rejecting any bids received in response to an advertisement for bids, the public body shall prepare and make available for public inspection a written statement containing:

(a) A list of all persons, including supervisors, whom the public body intends to assign to the public work, together with their classifications and an estimate of the direct and indirect costs of their labor;

(b) A list of all equipment that the public body intends to use on the public work, together with an estimate of the number of hours each item of equipment will be used and the hourly cost to use each item of equipment;

(c) An estimate of the cost of administrative support for the persons assigned to the public work;

(d) An estimate of the total cost of the public work, including the fair market value of or, if known, the actual cost of all materials, supplies, labor and equipment to be used for the public work; and

(e) An estimate of the amount of money the public body expects to save by rejecting the bids and performing the public work itself.

9. This section does not apply to:

(a) Any utility subject to the provisions of chapter 318 or 710 of NRS;

(b) Any work of construction, reconstruction, improvement and maintenance of highways subject to NRS 408.323 or 408.327;

(c) Normal maintenance of the property of a school district;

(d) The Las Vegas Valley Water District created pursuant to chapter 167, Statutes of Nevada 1947, the Moapa Valley Water District created pursuant to chapter 477, Statutes of Nevada 1983 or the Virgin Valley Water District created pursuant to chapter 100, Statutes of Nevada 1993;

(e) The design and construction of a public work for which a public body contracts with a design-build team pursuant to NRS 338.1711 to 338.1727, inclusive;

(f) A constructability review of a public work, which review a local government or its authorized representative is required to perform pursuant to NRS 338.1435; or

(g) The preconstruction or construction of a public work for which a public body enters into a contract with a construction manager at risk pursuant to NRS 338.169 to ~~[~~338.1699,~~]~~ ***338.16985,*** inclusive ~~[.]~~ ***, and sections 3, 4 and 5 of this act.***

Sec. 12. **NRS 338.13895 is hereby amended to read as follows:**

338.13895 1. The State Public Works Board shall not award a contract to a person who, at the time of the bid, is not properly licensed under the provisions of chapter 624 of NRS or if the contract would exceed the limit of the person's license. A subcontractor who is:

(a) Named in the bid for the contract as a subcontractor who will provide a portion of the work on the public work pursuant to NRS 338.141; and

(b) Not properly licensed for that portion of the work, or who, at the time of the bid, is on disqualified status with the State Public Works Board pursuant to NRS 338.1376,

➥ shall be deemed unacceptable. If the subcontractor is deemed unacceptable pursuant to this subsection, the contractor shall provide an acceptable subcontractor ~~[.]~~ ***with no increase in the amount of the contract or bid.***

2. A local government awarding a contract for a public work shall not award the contract to a person who, at the time of the bid, is not properly licensed under the provisions of chapter 624 of NRS or if the contract would exceed the limit of the person's license. A subcontractor who is:

(a) Named in the bid for the contract as a subcontractor who will provide a portion of the work on the public work pursuant to NRS 338.141; and

(b) Not properly licensed for that portion of work,

➥ shall be deemed unacceptable. If the subcontractor is deemed unacceptable pursuant to this subsection, the contractor shall provide an acceptable subcontractor with no increase in the amount of the contract ~~[.]~~ ***or bid.***

3. If, after awarding the contract, but before commencement of the work, the public body or its authorized representative discovers that the person to whom the contract was awarded is not licensed, or that the contract would exceed the person's license, the public body or its authorized representative shall rescind the award of the contract and may accept the next lowest bid for that public work from a responsive bidder who was determined by the public body or its authorized representative to be a qualified bidder pursuant to NRS 338.1379 or 338.1382 without requiring that new bids be submitted.

Sec. 13. **NRS 338.141 is hereby amended to read as follows:**

338.141 1. Except as otherwise provided in NRS 338.1727, each bid submitted to a public body for any public work to which paragraph (a) of subsection 1 of NRS 338.1385 or paragraph (a) of subsection 1 of NRS 338.143 applies, must include:

(a) If the public body provides a list of the labor or portions of the public work which are estimated by the public body to exceed 3 percent of the estimated cost of the public work, the name of each first tier subcontractor who will provide such labor or portion of the work on the public work which is estimated to exceed 3 percent of the estimated cost of the public work; or

(b) If the public body does not provide a list of the labor or portions of the public work which are estimated by the public body to exceed 3 percent of the estimated cost of the public work, the name of each first tier subcontractor who will provide labor or a portion of the work on the public work to the prime contractor for which the first tier subcontractor will be paid an amount exceeding 5 percent of the prime contractor's total bid. If the bid is submitted pursuant to this paragraph, within 2 hours after the completion of the opening of the bids, the contractors who submitted the three lowest bids must submit a list containing the name of each first tier subcontractor who will provide labor or a portion of the work on the public work to the prime contractor for which the first tier subcontractor will be paid an amount exceeding 1 percent of the prime contractor's total bid or $50,000, whichever is greater, and the number of the license issued to the first tier subcontractor pursuant to chapter 624 of NRS.

2. The lists required by subsection 1 must include a description of the labor or portion of the work which each first tier subcontractor named in the list will provide to the prime contractor.

3. A prime contractor shall include his or her name on a list required by paragraph (a) ***or (b)*** of subsection 1 if ***, as*** the prime contractor ***, the prime contractor*** will perform any of the work required to be listed pursuant to paragraph (a) ***or (b)*** of subsection 1.

4. Except as otherwise provided in this subsection, if a contractor:

(a) Fails to submit the list within the required time; or

(b) Submits a list that includes the name of a subcontractor who, at the time of the submission of the list, is on disqualified status with the State Public Works Board pursuant to NRS 338.1376,

➥ the contractor's bid shall be deemed not responsive. A contractor's bid shall not be deemed not responsive on the grounds that the contractor submitted a list that includes the name of a subcontractor who, at the time of the submission of the list, is on disqualified status with the State Public Works Board pursuant to NRS 338.1376 if the contractor, before the award of the contract, provides an acceptable replacement subcontractor in the manner set forth in subsection 1 or 2 of NRS 338.13895.

5. A ***prime*** contractor ~~[whose bid is accepted]~~ shall not substitute a subcontractor for any subcontractor who is named in the bid, unless:

(a) The public body or its authorized representative objects to the subcontractor, requests in writing a change in the subcontractor and pays any increase in costs resulting from the change.

(b) The substitution is approved by the public body or its authorized representative. The substitution must be approved if the public body or its authorized representative determines that:

(1) The named subcontractor, after having a reasonable opportunity, fails or refuses to execute a written contract with the contractor which was offered to the named subcontractor with the same general terms that all other subcontractors on the project were offered;

(2) The named subcontractor files for bankruptcy or becomes insolvent;

(3) The named subcontractor fails or refuses to perform his or her subcontract within a reasonable time or is unable to furnish a performance bond and payment bond pursuant to NRS 339.025; or

(4) The named subcontractor is not properly licensed to provide that labor or portion of the work.

(c) If the public body awarding the contract is a governing body, the public body or its authorized representative, in awarding the contract pursuant to NRS 338.1375 to 338.139, inclusive:

(1) Applies such criteria set forth in NRS 338.1377 as are appropriate for subcontractors and determines that the subcontractor does not meet that criteria; and

(2) Requests in writing a substitution of the subcontractor.

6. ***If a prime contractor substitutes a subcontractor for any subcontractor who is named in the bid without complying with the provisions of subsection 5, the prime contractor shall forfeit, as a penalty to the public body that awarded the contract, an amount equal to 1 percent of the total amount of the contract.***

7. If a ***prime*** contractor ~~[indicates]~~ ***indicated*** pursuant to subsection ~~[1]~~ ***3*** that he or she ~~[will]~~ ***would*** perform a portion of work on the public work and ~~[thereafter requests to substitute]~~ ***, after the submission of the bid, substitutes*** a subcontractor to perform such work, the ***prime*** contractor shall ~~[provide to the public body a written explanation in the form required by the public body which contains the reasons that:~~

~~(a) A subcontractor was not originally contemplated to be used on that portion of the public work; and~~

~~(b) The substitution is in the best interest of the public body.~~

~~7.]~~ ***forfeit as a penalty to the public body that awarded the contract, the lesser of, and excluding any amount of the contract that is attributable to change orders:***

(a) An amount equal to 2.5 percent of the total amount of the contract; or

(b) An amount equal to 35 percent of the estimate by the engineer of the cost of the work the prime contractor indicated pursuant to subsection 3 that he or she would perform on the public work.

8. As used in this section:

(a) "First tier subcontractor" means a subcontractor who contracts directly with a prime contractor to provide labor, materials or services for a construction project.

(b) "General terms" means the terms and conditions of a contract that set the basic requirements for a public work and apply without regard to the particular trade or specialty of a subcontractor, but does not include any provision that controls or relates to the specific portion of the public work that will be completed by a subcontractor, including, without limitation, the materials to be used by the subcontractor or other details of the work to be performed by the subcontractor.

Sec. 14. **NRS 338.142 is hereby amended to read as follows:**

338.142 1. A person who bids on a contract may file a notice of protest regarding the awarding of the contract with the authorized representative designated by the public body within 5 business days after the date the ~~[bids were opened]~~ ***recommendation to award a contract is issued*** by the public body or its authorized representative.

2. The notice of protest must include a written statement setting forth with specificity the reasons the person filing the notice believes the applicable provisions of law were violated.

3. A person filing a notice of protest may be required by the public body or its authorized representative, at the time the notice of protest is filed, to post a bond with a good and solvent surety authorized to do business in this state or submit other security, in a form approved by the public body, to the public body who shall hold the bond or other security until a determination is made on the protest. A bond posted or other security submitted with a notice of protest must be in an amount equal to the lesser of:

(a) Twenty-five percent of the total value of the bid submitted by the person filing the notice of protest; or

(b) Two hundred fifty thousand dollars.

4. A notice of protest filed in accordance with the provisions of this section operates as a stay of action in relation to the awarding of any contract until a determination is made by the public body on the protest.

5. A person who makes an unsuccessful bid may not seek any type of judicial intervention until the public body has made a determination on the protest and awarded the contract.

6. Neither a public body nor any authorized representative of the public body is liable for any costs, expenses, attorney's fees, loss of income or other

damages sustained by a person who makes a bid, whether or not the person files a notice of protest pursuant to this section.

7. If the protest is upheld, the bond posted or other security submitted with the notice of protest must be returned to the person who posted the bond or submitted the security. If the protest is rejected, a claim may be made against the bond or other security by the public body in an amount equal to the expenses incurred by the public body because of the unsuccessful protest. Any money remaining after the claim has been satisfied must be returned to the person who posted the bond or submitted the security.

Sec. 15. **NRS 338.143 is hereby amended to read as follows:**

338.143 1. Except as otherwise provided in subsection 8 and NRS 338.1907, a local government or its authorized representative that awards a contract for a public work in accordance with paragraph (b) of subsection 1 of NRS 338.1373 shall not:

(a) Commence a public work for which the estimated cost exceeds $100,000 unless it advertises in a newspaper qualified pursuant to chapter 238 of NRS that is published in the county where the public work will be performed for bids for the public work. If no qualified newspaper is published in the county where the public work will be performed, the required advertisement must be published in some qualified newspaper that is printed in the State of Nevada and has a general circulation in the county.

(b) Commence a public work for which the estimated cost is $100,000 or less unless it complies with the provisions of NRS 338.1442, 338.1444 and 338.1446.

(c) Divide a project work into separate portions to avoid the requirements of paragraph (a) or (b).

2. At least once each quarter, the authorized representative of a local government shall report to the governing body any contract that the authorized representative awarded pursuant to subsection 1 in the immediately preceding quarter.

3. Approved plans and specifications for the bids must be on file at a place and time stated in the advertisement for the inspection of all persons desiring to bid thereon and for other interested persons. Contracts for the public work must be awarded on the basis of bids received.

4. Except as otherwise provided in subsection 5 and NRS 338.147, the local government or its authorized representative shall award a contract to the lowest responsive and responsible bidder.

5. Any bids received in response to an advertisement for bids may be rejected if the local government or its authorized representative responsible for awarding the contract determines that:

(a) The bidder is not responsive or responsible;

(b) The quality of the services, materials, equipment or labor offered does not conform to the approved plans or specifications; or

(c) The public interest would be served by such a rejection.

6. A local government may let a contract without competitive bidding if no bids were received in response to an advertisement for bids and:

(a) The local government publishes a notice stating that no bids were received and that the contract may be let without further bidding;

(b) The local government considers any bid submitted in response to the notice published pursuant to paragraph (a);

(c) The local government lets the contract not less than 7 days after publishing a notice pursuant to paragraph (a); and

(d) The contract is awarded to the lowest responsive and responsible bidder.

7. Before a local government may commence the performance of a public work itself pursuant to the provisions of this section, based upon a determination that the public interest would be served by rejecting any bids received in response to an advertisement for bids, the local government shall prepare and make available for public inspection a written statement containing:

(a) A list of all persons, including supervisors, whom the local government intends to assign to the public work, together with their classifications and an estimate of the direct and indirect costs of their labor;

(b) A list of all equipment that the local government intends to use on the public work, together with an estimate of the number of hours each item of equipment will be used and the hourly cost to use each item of equipment;

(c) An estimate of the cost of administrative support for the persons assigned to the public work;

(d) An estimate of the total cost of the public work, including the fair market value of or, if known, the actual cost of all materials, supplies, labor and equipment to be used for the public work; and

(e) An estimate of the amount of money the local government expects to save by rejecting the bids and performing the public work itself.

8. This section does not apply to:

(a) Any utility subject to the provisions of chapter 318 or 710 of NRS;

(b) Any work of construction, reconstruction, improvement and maintenance of highways subject to NRS 408.323 or 408.327;

(c) Normal maintenance of the property of a school district;

(d) The Las Vegas Valley Water District created pursuant to chapter 167, Statutes of Nevada 1947, the Moapa Valley Water District created pursuant to chapter 477, Statutes of Nevada 1983 or the Virgin Valley Water District created pursuant to chapter 100, Statutes of Nevada 1993;

(e) The design and construction of a public work for which a public body contracts with a design-build team pursuant to NRS 338.1711 to 338.1727, inclusive;

(f) A constructability review of a public work, which review a local government or its authorized representative is required to perform pursuant to NRS 338.1435; or

(g) The preconstruction or construction of a public work for which a public body enters into a contract with a construction manager at risk pursuant to NRS 338.169 to ~~[338.1699,]~~ ***338.16985,*** inclusive ~~[.]~~ ***, and sections 3, 4 and 5 of this act.***

~~[Sec. 3.]~~ ***Sec. 16.*** NRS 338.155 is hereby amended to read as follows:

338.155 1. If a public body enters into a contract with a design professional who is not a member of a design-build team, for the provision of services in connection with a public work, the contract:

(a) Must set forth:

(1) The specific period within which the public body must pay the design professional.

(2) The specific period and manner in which the public body may dispute a payment or portion thereof that the design professional alleges is due.

(3) The terms of any penalty that will be imposed upon the public body if the public body fails to pay the design professional within the specific period set forth in the contract pursuant to subparagraph (1).

(4) That the prevailing party in an action to enforce the contract is entitled to reasonable attorney's fees and costs.

(b) May set forth the terms of any discount that the public body will receive if the public body pays the design professional within the specific period set forth in the contract pursuant to subparagraph (1) of paragraph (a).

(c) May set forth the terms by which the design professional agrees to name the public body, at the cost of the public body, as an additional insured in an insurance policy held by the design professional, if the policy allows such an addition.

(d) Must not require the design professional to defend, indemnify or hold harmless the public body or the employees, officers or agents of that public body from any liability, damage, loss, claim, action or proceeding caused by the negligence, errors, omissions, recklessness or intentional misconduct of the employees, officers or agents of the public body.

(e) Except as otherwise provided in this paragraph, may require the design professional to defend, indemnify and hold harmless the public body, and the employees, officers and agents of the public body from any liabilities, damages, losses, claims, actions or proceedings, including, without limitation, reasonable attorneys' fees and costs, to the extent that such

liabilities, damages, losses, claims, actions or proceedings are caused by the negligence, errors, omissions, recklessness or intentional misconduct of the design professional or the employees or agents of the design professional in the performance of the contract. If the insurer by which the design professional is insured against professional liability does not so defend the public body and the employees, officers and agents of the public body and the design professional is adjudicated to be liable by a trier of fact, the trier of fact shall award reasonable attorney's fees and costs to be paid to the public body by the design professional in an amount which is proportionate to the liability of the design professional.

2. Any provision of a contract entered into by a public body and a design professional who is not a member of a design-build team that conflicts with the provisions of paragraph (d) or (e) of subsection 1 is void.

3. ***A public body shall not enter into a contract with a design professional who is not a member of a design-build team for the provision of services in connection with a public work until 3 days after the public body has transmitted the information relating to the selection of the design professional to the licensing board that regulates the design professional, including, without limitation, the name of the public body, the name of the design professional, whether the design professional possesses a certificate of eligibility to receive a preference when competing for public works and a brief description of the project and services the design professional was selected for, and the licensing board has posted such information on its Internet website. A licensing board shall post any information received pursuant to this subsection within 1 business day after receiving such information.***

4. As used in this section, "agents" means those persons who are directly involved in and acting on behalf of the public body or the design professional, as applicable, in furtherance of the contract or the public work to which the contract pertains.

Sec. 17. **NRS 338.155 is hereby amended to read as follows:**

338.155 1. If a public body enters into a contract with a design professional who is not a member of a design-build team, for the provision of services in connection with a public work, the contract:

(a) Must set forth:

(1) The specific period within which the public body must pay the design professional.

(2) The specific period and manner in which the public body may dispute a payment or portion thereof that the design professional alleges is due.

(3) The terms of any penalty that will be imposed upon the public body if the public body fails to pay the design professional within the specific period set forth in the contract pursuant to subparagraph (1).

(4) That the prevailing party in an action to enforce the contract is entitled to reasonable attorney's fees and costs.

(b) May set forth the terms of any discount that the public body will receive if the public body pays the design professional within the specific period set forth in the contract pursuant to subparagraph (1) of paragraph (a).

(c) May set forth the terms by which the design professional agrees to name the public body, at the cost of the public body, as an additional insured in an insurance policy held by the design professional, if the policy allows such an addition.

(d) Must not require the design professional to defend, indemnify or hold harmless the public body or the employees, officers or agents of that public body from any liability, damage, loss, claim, action or proceeding caused by the negligence, errors, omissions, recklessness or intentional misconduct of the employees, officers or agents of the public body.

(e) Except as otherwise provided in this paragraph, may require the design professional to defend, indemnify and hold harmless the public body, and the employees, officers and agents of the public body from any liabilities, damages, losses, claims, actions or proceedings, including, without limitation, reasonable attorneys' fees and costs, to the extent that such liabilities, damages, losses, claims, actions or proceedings are caused by the negligence, errors, omissions, recklessness or intentional misconduct of the design professional or the employees or agents of the design professional in the performance of the contract. If the insurer by which the design professional is insured against professional liability does not so defend the public body and the employees, officers and agents of the public body and the design professional is adjudicated to be liable by a trier of fact, the trier of fact shall award reasonable attorney's fees and costs to be paid to the public body by the design professional in an amount which is proportionate to the liability of the design professional.

2. Any provision of a contract entered into by a public body and a design professional who is not a member of a design-build team that conflicts with the provisions of paragraph (d) or (e) of subsection 1 is void.

3. A public body shall not enter into a contract with a design professional who is not a member of a design-build team for the provision of services in connection with a public work until 3 days after the public body has transmitted the information relating to the selection of the design professional to the licensing board that regulates the design professional, including, without limitation, the name of the public body, the name of the design professional **[**~~, whether the design professional possesses a certificate of~~

~~eligibility to receive a preference when competing for public works~~] and a brief description of the project and services the design professional was selected for, and the licensing board has posted such information on its Internet website. A licensing board shall post any information received pursuant to this subsection within 1 business day after receiving such information.

4. As used in this section, "agents" means those persons who are directly involved in and acting on behalf of the public body or the design professional, as applicable, in furtherance of the contract or the public work to which the contract pertains.

Sec. 18. **NRS 338.169 is hereby amended to read as follows:**

338.169 A public body may construct a public work by:

1. Selecting a construction manager at risk pursuant to the provisions of NRS 338.1691 to 338.1696, inclusive; and

2. Entering into separate contracts with a construction manager at risk:

(a) For preconstruction services, including, without limitation:

(1) Assisting the public body in determining whether scheduling or ~~[design]~~ ***constructability*** problems exist that would delay the construction of the public work;

(2) Estimating the cost of the labor and material for the public work; and

(3) Assisting the public body in determining whether the public work can be constructed within the public body's budget; and

(b) To construct the public work.

Sec. 19. **NRS 338.1691 is hereby amended to read as follows:**

338.1691 To qualify to enter into contracts with a public body for preconstruction services and to construct a public work, a construction manager at risk must:

1. Not have been found liable for breach of contract with respect to a previous project, other than a breach for legitimate cause, during the 5 years immediately preceding the date of the advertisement for ~~[statements of qualifications]~~ ***proposals*** pursuant to NRS 338.1692;

2. Not have been disqualified from being awarded a contract pursuant to NRS 338.017, 338.13895, 338.1475 or 408.333;

3. Be licensed as a contractor pursuant to chapter 624 of NRS; and

4. If the project is for the ~~[design]~~ ***construction*** of a public work of the State, be qualified to bid on a public work of the State pursuant to NRS 338.1379.

Sec. 20. **NRS 338.1692 is hereby amended to read as follows:**

338.1692 1. A public body ***or its authorized representative*** shall advertise for ~~[statements of qualifications]~~ ***proposals*** for a construction manager at risk in a newspaper qualified pursuant to chapter 238 of NRS that

is published in the county where the public work will be performed. If no qualified newspaper is published in the county where the public work will be performed, the required advertisement must be published in some qualified newspaper that is printed in the State of Nevada and has a general circulation in the county.

2. A request for ~~[a statement of qualifications]~~ ***proposals*** published pursuant to subsection 1 must include, without limitation:

(a) A description of the public work;

(b) An estimate of the cost of construction;

(c) A description of the work that the public body expects a construction manager at risk to perform;

(d) The dates on which it is anticipated that the separate phases of the preconstruction and construction of the public work will begin and end;

(e) The date by which ~~[statements of qualifications]~~ ***proposals*** must be submitted to the public body;

(f) If the project is a public work of the State, a statement setting forth that the construction manager at risk must be qualified to bid on a public work of the State pursuant to NRS 338.1379 before submitting a ~~[statement of qualifications;]~~ ***proposal;***

(g) The name, title, address and telephone number of a person employed by the public body that an applicant may contact for further information regarding the public work; ~~[and]~~

(h) A list of the selection criteria and relative weight of the selection criteria that will be used to evaluate ~~[statements of qualifications.]~~ ***proposals; and***

(i) A notice that the proposed form of the contract to assist in the preconstruction of the public work or to construct the public work, including, without limitation, the terms and general conditions of the contract, is available from the public body.

3. A ~~[statement of qualifications]~~ ***proposal*** must include, without limitation:

(a) An explanation of the experience that the applicant has with projects of similar size and scope ~~[;]~~ ***in both the public and private sectors, including, without limitation, an explanation of the experience that the applicant has in assisting in the design of such projects and an explanation of the experience that the applicant has in such projects in Nevada;***

(b) The contact information for references who have knowledge of the background, character and technical competence of the applicant;

(c) ~~[The applicant's preliminary proposal for managing the preconstruction and construction of the public work;~~

~~(d)]~~ Evidence of the ability of the applicant to obtain the necessary bonding for the work to be required by the public body;

~~[(e)]~~ ***(d)*** Evidence that the applicant has obtained or has the ability to obtain such insurance as may be required by law; ~~[and]~~

~~[(f)]~~ ***(e)*** A statement of whether the applicant has been:

(1) Found liable for breach of contract with respect to a previous project, other than a breach for legitimate cause ~~[.]~~ ***, during the 5 years immediately preceding the date of the advertisement for proposals;*** and

(2) Disqualified from being awarded a contract pursuant to NRS 338.017, 338.13895, 338.1475 or 408.333 ~~[.]~~ ***;***

(f) The professional qualifications and experience of the applicant, including, without limitation, the resume of any employee of the applicant who will be managing the preconstruction and construction of the public work;

(g) The safety programs established and the safety records accumulated by the applicant;

(h) Evidence that the applicant is licensed as a contractor pursuant to chapter 624 of NRS;

(i) The proposed plan of the applicant to manage the preconstruction and construction of the public work which sets forth in detail the ability of the applicant to provide preconstruction services and to construct the public work; and

(j) If the project is for the design of a public work of the State, evidence that the applicant is qualified to bid on a public work of the State pursuant to NRS 338.1379.

Sec. 21. **NRS 338.1693 is hereby amended to read as follows:**

338.1693 1. The public body ***or its authorized representative*** shall appoint a panel consisting of at least three members ***, at least two of whom must have experience in the construction industry,*** to rank the ~~[statements of qualifications]~~ ***proposals*** submitted to the public body by evaluating the ~~[statements of qualifications]~~ ***proposals*** as required pursuant to subsections 2 and 3.

2. The panel shall rank the ~~[statements of qualifications]~~ ***proposals*** by:

(a) Verifying that each applicant satisfies the requirements of NRS 338.1691; and

(b) ~~[Conducting an evaluation of the qualifications of each applicant based on the factors and relative weight assigned to each factor that the public body specified in the request for statements of qualifications advertised pursuant to NRS 338.1692.]~~ ***Evaluating and assigning a score to each of the proposals received by the public body based on the factors and relative weight assigned to each factor that the public body specified in the request for proposals.***

3. When ranking the ~~[statements of qualifications,]~~ ***proposals,*** the panel shall assign a relative weight of 5 percent to the possession of a certificate of

eligibility to receive a preference in bidding on public works. ***If any federal statute or regulation precludes the granting of federal assistance or reduces the amount of that assistance for a particular public work because of the provisions of this subsection, those provisions of this subsection do not apply insofar as their application would preclude or reduce federal assistance for that work.***

4. After the panel ranks the ~~[statements of qualifications,]~~ ***proposals,*** the public body ***or its authorized representative*** shall ~~[:~~

~~(a) Make available to the public the rankings of the applicants; and~~

~~(b) Except]~~ ***, except*** as otherwise provided in subsection 5, select at least the two but not more than the five applicants ~~[that the panel determined to be most qualified as finalists to submit final proposals to the public body pursuant to NRS 338.1694.]~~ ***whose proposals received the highest scores for interviews. During the interview process, the public body or its authorized representative may require the applicants to submit a preliminary proposed amount of compensation for managing the preconstruction and construction of the public work, but in no event shall the proposed amount of compensation exceed 20 percent of the scoring for the selection of the most qualified applicant. After conducting such interviews, the panel shall rank the applicants by using a ranking process that is separate from the process used to rank proposals pursuant to subsection 2 and is based only on information submitted during the interview process. The score to be given for the proposed amount of compensation, if any, must be calculated by dividing the lowest of all the proposed amounts of compensation by the applicant's proposed amount of compensation multiplied by the total possible points available to each applicant.***

5. If the public body did not receive at least two ~~[statements of qualifications from applicants that the panel determines to be qualified pursuant to this section and NRS 338.1691,]~~ ***proposals,*** the public body may not contract with a construction manager at risk.

6. Upon receipt of the final rankings of the applicants from the panel, the public body or its authorized representative shall enter into negotiations with the most qualified applicant determined pursuant to subsections 2, 3 and 4 for a contract for preconstruction services, unless the public body required the submission of a proposed amount of compensation, in which case the proposed amount of compensation submitted by the applicant must be the amount offered for the contract. If the public body or its authorized representative is unable to negotiate a contract with the most qualified applicant for an amount of compensation that the public body or its authorized representative and the most qualified applicant determine to be fair and reasonable, the public body or its authorized representative shall terminate negotiations with that applicant. The public body or its

authorized representative may then undertake negotiations with the next most qualified applicant in sequence until an agreement is reached and, if the negotiation is undertaken by an authorized representative of the public body, approved by the public body or until a determination is made by the public body to reject all applicants.

7. The public body or its authorized representative shall make available to all applicants and the public the final rankings of the applicants and shall provide, upon request, an explanation to any unsuccessful applicant of the reasons why the applicant was unsuccessful.

Sec. 22. **NRS 338.1696 is hereby amended to read as follows:**

338.1696 1. If a public body enters into a contract with a construction manager at risk for preconstruction services pursuant to NRS ~~[338.1695,]~~ ***338.1693,*** after the public body has finalized the design for the public work, ***or any portion thereof sufficient to determine the provable cost of that portion,*** the public body shall enter into negotiations with the construction manager at risk for a contract to construct the public work ***or the portion thereof*** for the public body for:

(a) The cost of the work, plus a fee, with a guaranteed maximum price;

(b) A fixed price; or

(c) A fixed price plus reimbursement for overhead and other costs and expenses related to the construction of the public work ~~[.]~~ ***or portion thereof.***

2. If the public body is unable to negotiate a satisfactory contract with the construction manager at risk to construct the public work ~~[.]~~ ***or portion thereof,*** the public body ~~[:~~

~~(a) Shall]~~ ***shall*** terminate negotiations with that applicant ~~[;]~~ and ***:***

~~[(b)]~~ ***(a)*** May award the contract for the public work:

(1) If the public body is not a local government, pursuant to the provisions of NRS 338.1377 to 338.139, inclusive.

(2) If the public body is a local government, pursuant to the provisions of NRS 338.1377 to 338.139, inclusive, or 338.143 to 338.148, inclusive ~~[.]~~ ***; and***

(b) Shall accept a bid to construct the public work from the construction manager at risk with whom the public body entered into a contract for preconstruction services.

Sec. 23. **NRS 338.1698 is hereby amended to read as follows:**

338.1698 A contract awarded to a construction manager at risk pursuant to NRS ~~[338.1695 or]~~ 338.1696:

1. Must comply with the provisions of NRS 338.020 to 338.090, inclusive.

2. Must specify a date by which performance of the work required by the contract must be completed.

3. May set forth the terms by which the construction manager at risk agrees to name the public body, at the cost of the public body, as an additional insured in an insurance policy held by the construction manager at risk.

4. Must require that the construction manager at risk to whom a contract is awarded assume overall responsibility for ensuring that the preconstruction or construction of the public work, as applicable, is completed in a satisfactory manner.

5. May include such additional provisions as may be agreed upon by the public body and the construction manager at risk.

Sec. 24. **NRS 338.1711 is hereby amended to read as follows:**

338.1711 1. Except as otherwise provided in this section and NRS 338.161 to ~~[~~338.1699,~~]~~ ***338.16985,*** inclusive, ***and sections 3, 4 and 5 of this act,*** a public body shall contract with a prime contractor for the construction of a public work for which the estimated cost exceeds $100,000.

2. A public body may contract with a design-build team for the design and construction of a public work that is a discrete project if the public body has approved the use of a design-build team for the design and construction of the public work ~~[~~:

~~(a) Is the construction of a park and appurtenances thereto, the rehabilitation or remodeling of a public building, or the construction of an addition to a public building; or~~

~~(b) Has~~] ***has*** an estimated cost which exceeds ~~[~~$10,000,000.~~]~~ ***$5,000,000.***

Sec. 25. **NRS 338.1718 is hereby amended to read as follows:**

338.1718 1. A construction manager as agent:

(a) Must:

(1) Be a contractor licensed pursuant to chapter 624 of NRS;

(2) Hold a certificate of registration to practice architecture, interior design or residential design pursuant to chapter 623 of NRS; or

(3) Be licensed as a professional engineer pursuant to chapter 625 of NRS.

(b) May enter into a contract with a public body to assist in the planning, scheduling and management of the construction of a public work without assuming any responsibility for the cost, quality or timely completion of the construction of the public work. A construction manager as agent who enters into a contract with a public body pursuant to this section may not ~~[~~take~~]~~ ***:***

(1) Take part in the design or construction of the public work ~~[~~.~~]~~ ***; or***

(2) Act as an agent of the public body to select a subcontractor if the work to be performed by the subcontractor is part of a larger public work.

2. A contract between a public body and a construction manager as agent is not required to be awarded by competitive bidding.

~~[Sec. 4.]~~ ***Sec. 26.*** NRS 338.1725 is hereby amended to read as follows:

338.1725 1. The public body shall select at least two but not more than four finalists from among the design-build teams that submitted preliminary proposals. If the public body does not receive at least two preliminary proposals from design-build teams that the public body determines to be qualified pursuant to this section and NRS 338.1721, the public body may not contract with a design-build team for the design and construction of the public work.

2. The public body shall select finalists pursuant to subsection 1 by:

(a) Verifying that each design-build team which submitted a preliminary proposal satisfies the requirements of NRS 338.1721; ~~[and]~~

(b) Conducting an evaluation of the qualifications of each design-build team that submitted a preliminary proposal, including, without limitation, an evaluation of:

(1) The professional qualifications and experience of the members of the design-build team;

(2) The performance history of the members of the design-build team concerning other recent, similar projects completed by those members, if any;

(3) The safety programs established and the safety records accumulated by the members of the design-build team; and

(4) The proposed plan of the design-build team to manage the design and construction of the public work that sets forth in detail the ability of the design-build team to design and construct the public work ~~[.]~~ ***; and***

(c) Except as otherwise provided in this paragraph, assigning, without limitation, a relative weight of 5 percent to the possession of both a certificate of eligibility to receive a preference in bidding on public works by all contractors on the design-build team and a certificate of eligibility to receive a preference when competing for public works by all design professionals on the design-build team. If any federal statute or regulation precludes the granting of federal assistance or reduces the amount of that assistance for a particular public work because of the provisions of this paragraph relating to a preference in bidding on public works or a preference when competing for public works, those provisions of this paragraph do not apply insofar as their application would preclude or reduce federal assistance for that public work.

3. After the selection of finalists pursuant to this section, the public body shall make available to the public the results of the evaluations of preliminary proposals conducted pursuant to paragraph (b) of subsection 2 and ~~[the rankings of the design-build teams who submitted preliminary proposals.]~~

identify which of the finalists, if any, received an assignment of 5 percent pursuant to paragraph (c) of subsection 2.

~~[Sec. 5.]~~ ***Sec. 27.*** NRS 338.1727 is hereby amended to read as follows:

338.1727 1. After selecting the finalists pursuant to NRS 338.1725, the public body shall provide to each finalist a request for final proposals for the public work. The request for final proposals must:

(a) Set forth the factors that the public body will use to select a design-build team to design and construct the public work, including the relative weight to be assigned to each factor; and

(b) Set forth the date by which final proposals must be submitted to the public body.

2. If one or more of the finalists selected pursuant to NRS 338.1725 is disqualified or withdraws, the public body may select a design-build team from the remaining finalist or finalists.

3. Except as otherwise provided in this subsection, in assigning the relative weight to each factor for selecting a design-build team pursuant to subsection 1, the public body shall assign, without limitation, a relative weight of 5 percent to the possession of ~~*[both]*~~ a certificate of eligibility to receive a preference in bidding on public works ~~*[by all contractors on the design-build team and a certificate of eligibility to receive a preference when competing for public works by all design professionals on the design-build team,]*~~ and a relative weight of at least 30 percent to the proposed cost of design and construction of the public work. If any federal statute or regulation precludes the granting of federal assistance or reduces the amount of that assistance for a particular public work because of the provisions of this subsection relating to ~~*[a]*~~ preference in bidding on public works, ~~*[for a preference when competing for public works,]*~~ those provisions of this subsection do not apply insofar as their application would preclude or reduce federal assistance for that public work.

4. A final proposal submitted by a design-build team pursuant to this section must be prepared thoroughly and be responsive to the criteria that the public body will use to select a design-build team to design and construct the public work described in subsection 1. A design-build team that submits a final proposal which is not responsive shall not be awarded the contract and shall not be eligible for the partial reimbursement of costs provided for in subsection 7.

5. A final proposal is exempt from the requirements of NRS 338.141.

6. After receiving and evaluating the final proposals for the public work, the public body ~~[, at a regularly scheduled meeting,]~~ ***or its authorized representative*** shall ~~[:~~

~~(a) Select the final proposal, using~~ ***enter into negotiations with the most qualified applicant, as determined pursuant to*** the criteria set forth pursuant to subsections 1 and 3, and award the design-build contract to the design-build team whose proposal is selected. ~~; or~~

~~(b) Reject all the final proposals.~~ ***If the public body or its authorized representative is unable to negotiate with the most qualified applicant a contract that is determined by the parties to be fair and reasonable, the public body may terminate negotiations with that applicant. The public body or its authorized representative may then undertake negotiations with the next most qualified applicant in sequence until an agreement is reached and, if the negotiation is undertaken by an authorized representative of the public body, approved by the public body or until a determination is made by the public body to reject all applicants.***

7. If a public body selects a final proposal and awards a design-build contract pursuant to ~~paragraph (a) of~~ subsection 6, the public body shall:

(a) Partially reimburse the unsuccessful finalists if partial reimbursement was provided for in the request for preliminary proposals pursuant to paragraph (j) of subsection 2 of NRS 338.1723. The amount of reimbursement must not exceed, for each unsuccessful finalist, 3 percent of the total amount to be paid to the design-build team as set forth in the design-build contract.

(b) Make available to the public the results of the evaluation of final proposals that was conducted and the ranking of the design-build teams who submitted final proposals. The public body shall not release to a third party, or otherwise make public, financial or proprietary information submitted by a design-build team.

8. A contract awarded pursuant to this section:

(a) Must comply with the provisions of NRS 338.020 to 338.090, inclusive.

(b) Must specify:

(1) An amount that is the maximum amount that the public body will pay for the performance of all the work required by the contract, excluding any amount related to costs that may be incurred as a result of unexpected conditions or occurrences as authorized by the contract;

(2) An amount that is the maximum amount that the public body will pay for the performance of the professional services required by the contract; and

(3) A date by which performance of the work required by the contract must be completed.

(c) May set forth the terms by which the design-build team agrees to name the public body, at the cost of the public body, as an additional insured in an insurance policy held by the design-build team.

(d) Except as otherwise provided in paragraph (e), must not require the design professional to defend, indemnify or hold harmless the public body or the employees, officers or agents of that public body from any liability, damage, loss, claim, action or proceeding caused by the negligence, errors, omissions, recklessness or intentional misconduct of the employees, officers and agents of the public body.

(e) May require the design-build team to defend, indemnify and hold harmless the public body, and the employees, officers and agents of the public body from any liabilities, damages, losses, claims, actions or proceedings, including, without limitation, reasonable attorneys' fees, that are caused by the negligence, errors, omissions, recklessness or intentional misconduct of the design-build team or the employees or agents of the design-build team in the performance of the contract.

(f) Must require that the design-build team to whom a contract is awarded assume overall responsibility for ensuring that the design and construction of the public work is completed in a satisfactory manner.

9. Upon award of the design-build contract, the public body shall make available to the public copies of all preliminary and final proposals received.

Sec. 28. **NRS 338.1727 is hereby amended to read as follows:**

338.1727 1. After selecting the finalists pursuant to NRS 338.1725, the public body shall provide to each finalist a request for final proposals for the public work. The request for final proposals must:

(a) Set forth the factors that the public body will use to select a design-build team to design and construct the public work, including the relative weight to be assigned to each factor; and

(b) Set forth the date by which final proposals must be submitted to the public body.

2. If one or more of the finalists selected pursuant to NRS 338.1725 is disqualified or withdraws, the public body may select a design-build team from the remaining finalist or finalists.

3. Except as otherwise provided in this subsection, in assigning the relative weight to each factor for selecting a design-build team pursuant to subsection 1, the public body shall assign, without limitation, a relative weight of 5 percent to the possession of ***both*** a certificate of eligibility to receive a preference in bidding on public works ***by all contractors on the design-build team and a certificate of eligibility to receive a preference when competing for public works by all design professionals on the design-build team,*** and a relative weight of at least 30 percent to the proposed cost of design and construction of the public work. If any federal statute or regulation precludes the granting of federal assistance or reduces the amount of that assistance for a particular public work because of the provisions of this subsection relating to ***a*** preference in bidding on public ***works, or a***

preference when competing for public works, those provisions of this subsection do not apply insofar as their application would preclude or reduce federal assistance for that public work.

4. A final proposal submitted by a design-build team pursuant to this section must be prepared thoroughly and be responsive to the criteria that the public body will use to select a design-build team to design and construct the public work described in subsection 1. A design-build team that submits a final proposal which is not responsive shall not be awarded the contract and shall not be eligible for the partial reimbursement of costs provided for in subsection 7.

5. A final proposal is exempt from the requirements of NRS 338.141.

6. After receiving and evaluating the final proposals for the public work, the public body or its authorized representative shall enter into negotiations with the most qualified applicant, as determined pursuant to the criteria set forth pursuant to subsections 1 and 3, and award the design-build contract to the design-build team whose proposal is selected. If the public body or its authorized representative is unable to negotiate with the most qualified applicant a contract that is determined by the parties to be fair and reasonable, the public body may terminate negotiations with that applicant. The public body or its authorized representative may then undertake negotiations with the next most qualified applicant in sequence until an agreement is reached and, if the negotiation is undertaken by an authorized representative of the public body, approved by the public body or until a determination is made by the public body to reject all applicants.

7. If a public body selects a final proposal and awards a design-build contract pursuant to subsection 6, the public body shall:

(a) Partially reimburse the unsuccessful finalists if partial reimbursement was provided for in the request for preliminary proposals pursuant to paragraph (j) of subsection 2 of NRS 338.1723. The amount of reimbursement must not exceed, for each unsuccessful finalist, 3 percent of the total amount to be paid to the design-build team as set forth in the design-build contract.

(b) Make available to the public the results of the evaluation of final proposals that was conducted and the ranking of the design-build teams who submitted final proposals. The public body shall not release to a third party, or otherwise make public, financial or proprietary information submitted by a design-build team.

8. A contract awarded pursuant to this section:

(a) Must comply with the provisions of NRS 338.020 to 338.090, inclusive.

(b) Must specify:

(1) An amount that is the maximum amount that the public body will pay for the performance of all the work required by the contract, excluding any amount related to costs that may be incurred as a result of unexpected conditions or occurrences as authorized by the contract;

(2) An amount that is the maximum amount that the public body will pay for the performance of the professional services required by the contract; and

(3) A date by which performance of the work required by the contract must be completed.

(c) May set forth the terms by which the design-build team agrees to name the public body, at the cost of the public body, as an additional insured in an insurance policy held by the design-build team.

(d) Except as otherwise provided in paragraph (e), must not require the design professional to defend, indemnify or hold harmless the public body or the employees, officers or agents of that public body from any liability, damage, loss, claim, action or proceeding caused by the negligence, errors, omissions, recklessness or intentional misconduct of the employees, officers and agents of the public body.

(e) May require the design-build team to defend, indemnify and hold harmless the public body, and the employees, officers and agents of the public body from any liabilities, damages, losses, claims, actions or proceedings, including, without limitation, reasonable attorneys' fees, that are caused by the negligence, errors, omissions, recklessness or intentional misconduct of the design-build team or the employees or agents of the design-build team in the performance of the contract.

(f) Must require that the design-build team to whom a contract is awarded assume overall responsibility for ensuring that the design and construction of the public work is completed in a satisfactory manner.

9. Upon award of the design-build contract, the public body shall make available to the public copies of all preliminary and final proposals received.

Sec. 29. **NRS 338.485 is hereby amended to read as follows:**

338.485 1. A person may not waive or modify a right, obligation or liability set forth in the provisions of NRS 338.400 to 338.645, inclusive.

2. A condition, stipulation or provision in a contract or other agreement that:

(a) Requires a person to waive a right set forth in the provisions of NRS 338.400 to 338.645, inclusive; ~~[or]~~

(b) Relieves a person of an obligation or liability imposed by the provisions of NRS 338.400 to 338.645, inclusive ~~[.]~~ **;**

(c) Requires a contractor to waive, release or extinguish a claim or right for damages or an extension of time that the contractor may otherwise possess or acquire as a result of a delay that is:

(1) So unreasonable in length as to amount to an abandonment of the public work;

(2) Caused by fraud, misrepresentation, concealment or other bad faith by the public body;

(3) Caused by active interference by the public body; or

(4) Caused by a decision by the public body to significantly add to the scope or duration of the public work; or

(d) Requires a contractor or public body to be responsible for any consequential damages suffered or incurred by the other party that arise from or relate to a contract for a public work, including, without limitation, rental expenses or other damages resulting from a loss of use or availability of the public work, lost income, lost profit, lost financing or opportunity, business or reputation, and loss of management or employee availability, productivity, opportunity or services,

➥ ***is against public policy and*** is void ~~.~~ ***and unenforceable.***

3. The provisions of subsection 2 do not prohibit the use of a liquidated damages clause which otherwise satisfies the requirements of law.

~~[Sec. 6.]~~ ***Sec. 30.*** NRS 408.3883 is hereby amended to read as follows:

408.3883 1. The Department shall advertise for preliminary proposals for the design and construction of a project by a design-build team in a newspaper of general circulation in this State.

2. A request for preliminary proposals published pursuant to subsection 1 must include, without limitation:

(a) A description of the proposed project;

(b) Separate estimates of the costs of designing and constructing the project;

(c) The dates on which it is anticipated that the separate phases of the design and construction of the project will begin and end;

(d) The date by which preliminary proposals must be submitted to the Department, which must not be less than 30 days after the date that the request for preliminary proposals is first published in a newspaper pursuant to subsection 1; and

(e) A statement setting forth the place and time in which a design-build team desiring to submit a proposal for the project may obtain the information necessary to submit a proposal, including, without limitation, the information set forth in subsection 3.

3. The Department shall maintain at the time and place set forth in the request for preliminary proposals the following information for inspection by a design-build team desiring to submit a proposal for the project:

(a) The extent to which designs must be completed for both preliminary and final proposals and any other requirements for the design and construction of the project that the Department determines to be necessary;

(b) A list of the requirements set forth in NRS 408.3884;

(c) A list of the factors that the Department will use to evaluate design-build teams who submit a proposal for the project, including, without limitation:

(1) The relative weight to be assigned to each factor pursuant to NRS 408.3886; and

(2) A disclosure of whether the factors that are not related to cost are, when considered as a group, more or less important in the process of evaluation than the factor of cost;

(d) Notice that a design-build team desiring to submit a proposal for the project must include with its proposal the information used by the Department to determine finalists among the design-build teams submitting proposals pursuant to subsection 2 of NRS 408.3885 and a description of that information;

(e) A statement that a design-build team whose prime contractor holds a certificate of eligibility to receive a preference in bidding on public works issued pursuant to NRS 338.1389 or 338.147 ***and whose members who hold a certificate of registration to practice architecture or a license as a professional engineer and who hold a certificate of eligibility to receive a preference when competing for public works issued pursuant to section ~~[1]~~ 2 of this act*** should submit a copy of ~~[the]~~ ***each*** certificate of eligibility with its proposal; and

(f) A statement as to whether a ~~[bidding]~~ design-build team that is selected as a finalist pursuant to NRS 408.3885 but is not awarded the design-build contract pursuant to NRS 408.3886 will be partially reimbursed for the cost of preparing a final proposal or best and final offer, or both, and, if so, an estimate of the amount of the partial reimbursement.

~~[Sec. 7.]~~ ***Sec. 31.*** NRS 408.3885 is hereby amended to read as follows:

408.3885 1. The Department shall select at least three but not more than five finalists from among the design-build teams that submitted preliminary proposals. If the Department does not receive at least three preliminary proposals from design-build teams that the Department determines to be qualified pursuant to this section and NRS 408.3884, the Department may not contract with a design-build team for the design and construction of the project.

2. The Department shall select finalists pursuant to subsection 1 by:

(a) Verifying that each design-build team which submitted a preliminary proposal satisfies the requirements of NRS 408.3884; ~~[and]~~

(b) Conducting an evaluation of the qualifications of each design-build team that submitted a preliminary proposal, including, without limitation, an evaluation of:

(1) The professional qualifications and experience of the members of the design-build team;

(2) The performance history of the members of the design-build team concerning other recent, similar projects completed by those members, if any;

(3) The safety programs established and the safety records accumulated by the members of the design-build team;

(4) The proposed plan of the design-build team to manage the design and construction of the project that sets forth in detail the ability of the design-build team to design and construct the project; and

(5) The degree to which the preliminary proposal is responsive to the requirements of the Department for the submittal of a preliminary proposal ~~[.]~~ ***; and***

(c) Except as otherwise provided in this paragraph, assigning, without limitation, a relative weight of 5 percent to the possession of both a certificate of eligibility to receive a preference in bidding on public works by the prime contractor on the design-build team and a certificate of eligibility to receive a preference when competing for public works by all persons who hold a certificate of registration to practice architecture or a license as a professional engineer on the design-build team. If any federal statute or regulation precludes the granting of federal assistance or reduces the amount of that assistance for a particular public work because of the provisions of this paragraph relating to a preference in bidding on public works or a preference when competing for public works, those provisions of this paragraph do not apply insofar as their application would preclude or reduce federal assistance for that public work.

3. After the selection of finalists pursuant to this section, the Department shall make available to the public the results of the evaluations of preliminary proposals conducted pursuant to paragraph (b) of subsection 2 and identify which of the finalists, if any, received an assignment of 5 percent pursuant to paragraph (c) of subsection 2.

~~[Sec. 8.]~~ ***Sec. 32.*** NRS 408.3886 is hereby amended to read as follows:

408.3886 1. After selecting the finalists pursuant to NRS 408.3885, the Department shall provide to each finalist a request for final proposals for the project. The request for final proposals must:

(a) Set forth the factors that the Department will use to select a design-build team to design and construct the project, including the relative weight to be assigned to each factor; and

(b) Set forth the date by which final proposals must be submitted to the Department.

2. Except as otherwise provided in this subsection, in assigning the relative weight to each factor for selecting a design-build team pursuant to subsection 1, the Department shall assign, without limitation, a relative weight of 5 percent to the possession of ***both*** a certificate of eligibility to receive a preference in bidding on public works ***by the prime contractor on the design-build team and a certificate of eligibility to receive a preference when competing for public works by all persons who hold a certificate of registration to practice architecture or a license as a professional engineer on the design-build team,*** and a relative weight of at least 30 percent for the proposed cost of design and construction of the project. If any federal statute or regulation precludes the granting of federal assistance or reduces the amount of that assistance for a particular project because of the provisions of this subsection relating to ***a*** preference in bidding on public works ~~[,]~~ ***or a preference when competing for public works,*** those provisions of this subsection do not apply insofar as their application would preclude or reduce federal assistance for that project.

3. A final proposal submitted by a design-build team pursuant to this section must be prepared thoroughly, be responsive to the criteria that the Department will use to select a design-build team to design and construct the project described in subsection 1 and comply with the provisions of NRS 338.141.

4. After receiving the final proposals for the project, the Department shall:

(a) Select the most cost-effective and responsive final proposal, using the criteria set forth pursuant to subsections 1 and 2;

(b) Reject all the final proposals; or

(c) Request best and final offers from all finalists in accordance with subsection 5.

5. If the Department determines that no final proposal received is cost-effective or responsive and the Department further determines that requesting best and final offers pursuant to this subsection will likely result in the submission of a satisfactory offer, the Department may prepare and provide to each finalist a request for best and final offers for the project. In conjunction with preparing a request for best and final offers pursuant to this subsection, the Department may alter the scope of the project, revise the estimates of the costs of designing and constructing the project, and revise the selection factors and relative weights described in paragraph (a) of subsection 1. A request for best and final offers prepared pursuant to this subsection must set forth the date by which best and final offers must be

submitted to the Department. After receiving the best and final offers, the Department shall:

(a) Select the most cost-effective and responsive best and final offer, using the criteria set forth in the request for best and final offers; or

(b) Reject all the best and final offers.

6. If the Department selects a final proposal pursuant to paragraph (a) of subsection 4 or selects a best and final offer pursuant to paragraph (a) of subsection 5, the Department shall hold a public meeting to:

(a) Review and ratify the selection.

(b) Partially reimburse the unsuccessful finalists if partial reimbursement was provided for in the request for preliminary proposals pursuant to paragraph (f) of subsection 3 of NRS 408.3883. The amount of reimbursement must not exceed, for each unsuccessful finalist, 3 percent of the total amount to be paid to the design-build team as set forth in the design-build contract.

(c) Make available to the public a summary setting forth the factors used by the Department to select the successful design-build team and the ranking of the design-build teams who submitted final proposals and, if applicable, best and final offers. The Department shall not release to a third party, or otherwise make public, financial or proprietary information submitted by a design-build team.

7. A contract awarded pursuant to this section:

(a) Must comply with the provisions of NRS 338.020 to 338.090, inclusive; and

(b) Must specify:

(1) An amount that is the maximum amount that the Department will pay for the performance of all the work required by the contract, excluding any amount related to costs that may be incurred as a result of unexpected conditions or occurrences as authorized by the contract;

(2) An amount that is the maximum amount that the Department will pay for the performance of the professional services required by the contract; and

(3) A date by which performance of the work required by the contract must be completed.

8. A design-build team to whom a contract is awarded pursuant to this section shall:

(a) Assume overall responsibility for ensuring that the design and construction of the project is completed in a satisfactory manner; and

(b) Use the workforce of the prime contractor on the design-build team to construct at least 15 percent of the project.

~~[Sec. 9.]~~ ***Sec. 33.*** NRS 625.530 is hereby amended to read as follows:

625.530 Except as otherwise provided in NRS 338.1711 to 338.1727, inclusive, ***and section ~~[1]~~ 2 of this act*** and 408.3875 to 408.3887, inclusive:

1. The State of Nevada or any of its political subdivisions, including a county, city or town, shall not engage in any public work requiring the practice of professional engineering or land surveying, unless the maps, plans, specifications, reports and estimates have been prepared by, and the work executed under the supervision of, a professional engineer, professional land surveyor or registered architect.

2. The provisions of this section do not:

(a) Apply to any public work wherein the expenditure for the complete project of which the work is a part does not exceed $35,000.

(b) Include any maintenance work undertaken by the State of Nevada or its political subdivisions.

(c) Authorize a professional engineer, registered architect or professional land surveyor to practice in violation of any of the provisions of this chapter or chapter 623 of NRS.

(d) Require the services of an architect registered pursuant to the provisions of chapter 623 of NRS for the erection of buildings or structures manufactured in an industrial plant, if those buildings or structures meet the requirements of local building codes of the jurisdiction in which they are being erected.

3. The selection of a professional engineer, professional land surveyor or registered architect to perform services pursuant to subsection 1 must be made on the basis of the competence and qualifications of the engineer, land surveyor or architect for the type of services to be performed and not on the basis of competitive fees. If, after selection of the engineer, land surveyor or architect, an agreement upon a fair and reasonable fee cannot be reached with him or her, the public agency may terminate negotiations and select another engineer, land surveyor or architect. ***Except as otherwise provided in this subsection, in assigning the relative weight to each factor for selecting a professional engineer, professional land surveyor or registered architect pursuant to this subsection, the public agency shall assign, without limitation, a relative weight of 5 percent to the possession of a certificate of eligibility to receive a preference when competing for public works. If any federal statute or regulation precludes the granting of federal assistance or reduces the amount of that assistance for a particular public work because of the provisions of this subsection relating to a preference when competing for public works, those provisions of this subsection do not apply insofar as their application would preclude or reduce federal assistance for that public work.***

Sec. 34. **NRS 338.1694, 338.1695 and 338.1699 are hereby repealed.**

~~[Sec. 10.]~~ ***Sec. 35.*** **1.** The State Board of Architecture, Interior Design and Residential Design, the State Board of Landscape Architecture and the State Board of Professional Engineers and Land Surveyors shall, before October 1, 2011, adopt any regulations which are required by or necessary to carry out the provisions of this act.

2. The State Public Works Board shall, as soon as practicable after the effective date of this section, adopt regulations governing the acts required by subsection 9 of section 5 of this act.

Sec. 36. **1. The State Public Works Board and each local government that awards a contract pursuant to NRS 338.1727, as amended by section 28 of this act, or NRS 408.3886, as amended by section 32 of this act, or selects a professional engineer, professional land surveyor or registered architect pursuant to NRS 625.530, as amended by section 33 of this act, shall, on or before October 1 of the year in which it awards such a contract or makes such a selection, submit to the Director of the Legislative Counsel Bureau a report detailing those contracts and selections on the form prescribed by the Committee on Local Government Finance.**

2. Before August 1, 2011, the Committee on Local Government Finance created pursuant to NRS 354.105 shall prescribe a form for the report described in subsection 1, which must include, without limitation:

(a) The total number of contracts and selections described in subsection 1 awarded and made by the State Public Works Board or local government during the year to which the report pertains; and

(b) A description of each such contract or selection, including, without limitation:

(1) The name of the person or entity who was selected or to whom the contract was awarded.

(2) The particular type of goods or services involved in the contract or selection.

(3) The dollar amount of the contract or selection.

(4) Whether the person or entity who was selected or to whom the contract was awarded was awarded the contract or selected as a result of the person or entity possessing a certificate of eligibility to receive a preference when competing for public works pursuant to subsection 1, 2 or 3 of section 2 of this act.

(5) If the person or entity who was selected or to whom the contract was awarded did not possess a certificate for eligibility to receive a preference when competing for public works pursuant to subsection 1, 2 or 3 of section 2 of this act, the number of persons or entities that did possess such a certificate that bid on the contract or were considered for selection.

Sec. 37. **The provisions of sections 4 and 5 of this act apply only to contracts entered into on or after July 1, 2011.**

~~[Sec. 11.]~~ ***Sec. 38.*** **1.** This **section and sections 1, 3 to 6, inclusive, 10 to 15, inclusive, 18 to 25, inclusive, 27, 29, 34, 35 and 37 of this** act ~~[becomes]~~ **become** effective:

~~[1.]~~ **(a)** Upon passage and approval for the purposes of adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of ~~[this act;]~~ ***those sections;*** and

~~[2.]~~ **(b)** On **July 1, 2011, for all other purposes.**

2. Sections 2, 7, 16, 26, 28, 30 to 33, inclusive, and 36 of this act become effective:

(a) Upon passage and approval for the purpose of adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of those sections; and

(b) On October 1, 2011, for all other purposes.

3. Section 8 of this act becomes effective on July 1, 2013.

4. Sections 2, 26, 28, 30 to 33, inclusive, and 36 of this act expire by limitation on September 30, 2013.

5. Sections 9 and 17 of this act become effective on October 1, 2013.

TEXT OF REPEALED SECTIONS

NRS 338.1694 Final proposals: Requests; requirements.

1. After the finalists are selected pursuant to paragraph (b) of subsection 4 of NRS 338.1693, the public body shall provide to each finalist a request for final proposals. The request for final proposals must:

(a) Set forth the date by which final proposals must be submitted to the public body;

(b) Set forth the proposed forms of the contract to assist in the preconstruction of the public work and the contract to construct the public work that include, without limitation, the proposed terms and general conditions of the contracts; and

(c) Set forth the selection criteria and relative weight of the selection criteria that will be used to evaluate the final proposals.

2. A final proposal must include, without limitation:

(a) The professional qualifications and experience of the applicant, including, without limitation, the resumes of any employees of the applicant who will be managing the preconstruction and construction of the public work;

(b) The performance history of the applicant concerning other recent, similar projects completed by the applicant, if any;

(c) The safety programs established and the safety records accumulated by the applicant;

(d) The proposed plan of the applicant to manage the preconstruction and construction of the public work, which plan sets forth in detail the ability of the applicant to provide preconstruction services and to construct the public work; and

(e) A proposed plan of the applicant for the selection of any necessary subcontractors.

NRS 338.1695 Ranking of applicants based on final proposals and interviews; negotiations with certain applicants for contract for preconstruction services; availability to applicants and public of certain information.

1. The panel appointed by the public body pursuant to NRS 338.1693 shall evaluate and assign a score to each of the final proposals received by the public body based on the factors and relative weight assigned to each factor that the public body specified in the request for final proposals. The panel shall interview the two or three applicants whose final proposals received the highest scores. After conducting such interviews, the panel shall rank the applicants based on the final proposals and interviews, which must be given equal weight.

2. Upon receipt of the final rankings of the applicants from the panel, the public body shall enter into negotiations with the most qualified applicant determined pursuant to subsection 1 for a contract for preconstruction services. If the public body is unable to negotiate a contract with the most qualified applicant at an amount of compensation that the public body and the most qualified applicant determine to be fair and reasonable, the public body shall terminate negotiations with that applicant. The public body may then undertake negotiations with the next most qualified applicant in sequence until an agreement is reached or a determination is made by the public body to reject all applicants.

3. The public body shall make available to the applicants and the public the results of the evaluations of final proposals and interviews conducted pursuant to subsection 1 and the final rankings of the applicants.

NRS 338.1699 Subcontractors on public works for which contractor at risk was awarded contract: Eligibility; submission of list to public body.

1. To be eligible to provide materials, equipment, work or other services on a public work for which a construction manager at risk was awarded a contract pursuant to NRS 338.1696, a subcontractor must be:

(a) Licensed pursuant to chapter 624 of NRS; and

(b) Selected by the construction manager at risk based on the process of competitive bidding set forth in the applicable provisions of NRS 338.1373 to 338.148, inclusive.

2. A construction manager at risk to whom a contract for the construction of a public work is awarded pursuant to NRS 338.1696 shall submit to the public body that awarded the contract a list containing the names of each subcontractor with whom the construction manager at risk intends to enter into a contract for the provision of materials, equipment, work or other services on the public work.

Assemblywoman Bustamante Adams moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, reengrossed, and to third reading.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 10:48 a.m.

ASSEMBLY IN SESSION

At 10:53 a.m.

Mr. Speaker presiding.

Quorum present.

GENERAL FILE AND THIRD READING

Assembly Bill No. 332.

Bill read third time.

Remarks by Assemblymen Conklin and Hickey.

Roll call on Assembly Bill No. 332:

YEAS—26.

NAYS—Ellison, Goedhart, Goicoechea, Hambrick, Hammond, Hansen, Hardy, Hickey, Kirner, Kite, Livermore, McArthur, Sherwood, Stewart, Woodbury—15.

EXCUSED—Grady.

Assembly Bill No. 332 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 432.

Bill read third time.

Remarks by Assemblywoman Benitez-Thompson.

Roll call on Assembly Bill No. 432:

YEAS—41.

NAYS—None.

EXCUSED—Grady.

Assembly Bill No. 432 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 515.

Bill read third time.

Roll call on Assembly Bill No. 515:

YEAS—41.

NAYS—None.

EXCUSED—Grady.

Assembly Bill No. 515 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 563.

Bill read third time.

Remarks by Assemblyman Kirner.

Roll call on Assembly Bill No. 563:

YEAS—40.

NAYS—Aizley.

EXCUSED—Grady.

Assembly Bill No. 563 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 36.

Bill read third time.

Roll call on Senate Bill No. 36:

YEAS—41.

NAYS—None.

EXCUSED—Grady.

Senate Bill No. 36 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 55.

Bill read third time.

Roll call on Senate Bill No. 55:

YEAS—41.

NAYS—None.

EXCUSED—Grady.

Senate Bill No. 55 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 57.

Bill read third time.

Roll call on Senate Bill No. 57:

YEAS—41.

NAYS—None.

EXCUSED—Grady.

Senate Bill No. 57 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Conklin moved that Assembly Bill No. 171 be taken from its position on the General File and placed at the top of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 171.

Bill read third time.

The following amendment was proposed by Assemblymen Bobzien and Frierson:

Amendment No. 840.

AN ACT relating to education; revising provisions governing the membership of a committee to form a charter school and the governing body of a charter school; revising provisions for the process of review of an application to form a charter school; authorizing the governing body of a charter school to set a salary for the attendance of its members at meetings of the governing body; revising the requirements for a charter school to be eligible for an exemption from annual performance audits and to receive certain money for facilities; revising provisions governing the employment of licensed employees by a charter school; revising various other provisions governing charter schools; repealing the Subcommittee on Charter Schools; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1 of this bill revises the membership of a committee to form a charter school and revises the process for review of an application to form a charter school by the Department of Education.

Section 2 of this bill revises the procedure for the review of an application to form a charter school if the proposed sponsor is the State Board of Education.

Section 3 of this bill provides that if the sponsor of a charter school denies a request for an amendment of a written charter of the charter school, the sponsor must provide written notice to the governing body which sets forth the reasons for the denial.

Section 3.5 of this bill provides that the sponsor of a charter school may revoke the written charter before the expiration of the charter if the sponsor determines that the charter school failed to comply with the material terms and conditions of the written charter.

Section 5 of this bill authorizes the Department to request certain information from a charter school, regardless of whether that information is required by specific statute, and provides that if the Department requests such information, the Department shall include in the request a mechanism by which the Department will pay or reimburse the charter school for the requested information, if the provision of the information will incur any costs for the charter school.

Section 6 of this bill revises the membership of the governing body of a charter school and authorizes the governing body, upon a majority vote of members, to set a salary for the attendance of its members at meetings of the governing body, not to exceed $80 per meeting per month.

Existing law prescribes the requirement for a charter school to be exempt from an annual performance audit and undergo a performance audit every 3 years and to be eligible for available money from legislative appropriations or otherwise for facilities. A charter school is eligible if at least 75 percent of the pupils enrolled in the charter school who are required to take the high school proficiency examination have passed that examination. (NRS 386.5515) **Section 7** of this bill revises this eligibility requirement to require that at least 75 percent of the pupils enrolled in the charter school in grade 12 in the immediately preceding school year who have satisfied the course work requirements for graduation have passed the high school proficiency examination.

Existing law provides that the pupils enrolled in charter schools must be included in the count of pupils for purposes of the apportionments and allowances from the State Distributive School Account and provides for the reimbursement of administrative costs to the sponsor of a charter school. (NRS 386.570) **Section 9** of this bill requires the State Board to prescribe a process which ensures that all charter schools, regardless of the sponsor, have information of all sources of funding for the public schools provided through the Department.

Existing law requires a school district to grant a leave of absence to an employee of the school district, not to exceed 3 years, to accept employment with a charter school sponsored by the school district. The school district is required to grant such an employee's request to return to his or her former teaching position or a comparable teaching position within the school district after the approved leave of absence is complete. (NRS 386.595) **Section 9.7** of this bill removes the provision which specifies that the school district which is the sponsor of the charter school shall grant a leave of absence, so

that a school district, regardless of sponsor, shall grant such a leave of absence for its licensed employees. **Section 9.7** also removes the provision which provides that the employee may return to his or her former teaching position and instead authorizes the employee to return to a comparable teaching position. **Section 9.7** further requires that upon the request of a governing body of a charter school, the board of trustees of a school district, with the permission of the licensed employee who is seeking employment with the charter school, transmit to the governing body a copy of the employment record of the employee that is maintained by the school district. **Section 9.7** also requires that upon request of the board of trustees of a school district, the governing body of a charter school, with the permission of the licensed employee who is granted a leave of absence from the school district, transmit to the school district a copy of the employment record of the employee maintained by the charter school. Finally, **section 9.7** authorizes the school district to conduct an investigation of any misconduct of the licensed employee who was granted a leave of absence for employment with a charter school and who requests to return to employment with the school district.

Under existing law, a parent may homeschool a child if the parent submits to the superintendent of schools of the school district in which the child resides a notice of intent to homeschool the child. (NRS 392.700) **Section 10** of this bill requires a charter school, to the extent practicable, to notify the school district in which the child resides if the child who is or was homeschooled enrolls in the charter school and provides that the child may be counted for the purposes of the calculation of basic support whether or not the charter school provides the notice.

Section 11 of this bill repeals the Subcommittee on Charter Schools.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 386.520 is hereby amended to read as follows:

386.520 1. A committee to form a charter school must consist of ~~[at least three teachers, as defined in subsection 4.]~~ ***:***

(a) One member who is a teacher or other person licensed pursuant to chapter 391 of NRS or who previously held such a license and is retired, as long as his or her license was held in good standing;

(b) One member who:

(1) Satisfies the qualifications of paragraph (a); or

(2) Is a school administrator with a license issued by another state or who previously held such a license and is retired, as long as his or her license was held in good standing;

(c) One parent or legal guardian who is not a teacher or employee of the proposed charter school; and

(d) Two members who possess knowledge and expertise in one or more of the following areas:

(1) Accounting;

(2) Financial services;

(3) Law; or

(4) Human resources.

2. In addition to the ~~[teachers]~~ ***members*** who serve ~~[.]~~ ***pursuant to subsection 1,*** the committee ***to form a charter school*** may ~~[consist of:]~~ ***include, without limitation, not more than four additional members as follows:***

(a) Members of the general public;

(b) Representatives of nonprofit organizations and businesses; or

(c) Representatives of a college or university within the Nevada System of Higher Education.

~~[2.]~~ ***3.*** A majority of the persons ~~[described in paragraphs (a), (b) and (c)]~~ who serve on the committee ***to form a charter school*** must be residents of this State at the time that the application to form the charter school is submitted to the Department.

~~[2.]~~ ***4.*** Before a committee to form a charter school may submit an application to the board of trustees of a school district, ~~[the Subcommittee on Charter Schools,]~~ the State Board or a college or university within the Nevada System of Higher Education, it must submit the application to the Department. The application must include all information prescribed by the Department by regulation and:

(a) A written description of how the charter school will carry out the provisions of NRS 386.500 to 386.610, inclusive.

(b) A written description of the mission and goals for the charter school. A charter school must have as its stated purpose at least one of the following goals:

(1) Improving the opportunities for pupils to learn;

(2) Encouraging the use of effective methods of teaching;

(3) Providing an accurate measurement of the educational achievement of pupils;

(4) Establishing accountability of public schools;

(5) Providing a method for public schools to measure achievement based upon the performance of the schools; or

(6) Creating new professional opportunities for teachers.

(c) The projected enrollment of pupils in the charter school.

(d) The proposed dates ~~[of]~~ ***for accepting applications for*** enrollment ~~[for]~~ ***in the initial year of operation of*** the charter school.

(e) The proposed system of governance for the charter school, including, without limitation, the number of persons who will govern, the method ~~[of selecting]~~ ***for nominating and electing*** the persons who will govern and the term of office for each person.

(f) The method by which disputes will be resolved between the governing body of the charter school and the sponsor of the charter school.

(g) The proposed curriculum for the charter school and, if applicable to the grade level of pupils who are enrolled in the charter school, the requirements for the pupils to receive a high school diploma, including, without limitation, whether those pupils will satisfy the requirements of the school district in which the charter school is located for receipt of a high school diploma.

(h) The textbooks that will be used at the charter school.

(i) The qualifications of the persons who will provide instruction at the charter school.

(j) Except as otherwise required by NRS 386.595, the process by which the governing body of the charter school will negotiate employment contracts with the employees of the charter school.

(k) A financial plan for the operation of the charter school. The plan must include, without limitation, procedures for the audit of the programs and finances of the charter school and guidelines for determining the financial liability if the charter school is unsuccessful.

(l) A statement of whether the charter school will provide for the transportation of pupils to and from the charter school. If the charter school will provide transportation, the application must include the proposed plan for the transportation of pupils. If the charter school will not provide transportation, the application must include a statement that the charter school will work with the parents and guardians of pupils enrolled in the charter school to develop a plan for transportation to ensure that pupils have access to transportation to and from the charter school.

(m) The procedure for the evaluation of teachers of the charter school, if different from the procedure prescribed in NRS 391.3125. If the procedure is different from the procedure prescribed in NRS 391.3125, the procedure for the evaluation of teachers of the charter school must provide the same level of protection and otherwise comply with the standards for evaluation set forth in NRS 391.3125.

(n) The time by which certain academic or educational results will be achieved.

(o) The kind of school, as defined in subsections 1 to 4, inclusive, of NRS 388.020, for which the charter school intends to operate.

(p) A statement of whether the charter school will enroll pupils who are in a particular category of at-risk pupils before enrolling other children who are

eligible to attend the charter school pursuant to NRS 386.580 and the method for determining eligibility for enrollment in each such category of at-risk pupils served by the charter school.

~~[3.]~~ ***5.*** The Department shall review an application to form a charter school to determine whether it is ***substantially*** complete ~~[.]~~ ***and compliant.*** If an application proposes to convert an existing public school, homeschool or other program of home study into a charter school, the Department shall ~~[deny the application.]~~ ***provide written notice to the applicant that the application is ineligible for consideration by the proposed sponsor.***

6. The Department shall provide written notice to the applicant of its ~~[approval or denial of]~~ ***determination whether*** the application ~~[.]~~ ***is substantially complete and compliant.*** If the Department ~~[denies]~~ ***determines that*** an application ~~[.]~~ ***is not substantially complete and compliant,*** the Department shall include in the written notice the ~~[reason for the denial]~~ ***basis for that determination*** and the deficiencies in the application. ***The staff designated by the Department shall meet with the applicant to confer on the method to correct the identified deficiencies.*** The applicant must be granted 30 days after receipt of the written notice to correct any deficiencies identified in the written notice and resubmit the application.

~~[4.]~~ ***7.*** As used in subsection 1, "teacher" means a person who:

(a) Holds a current license to teach issued pursuant to chapter 391 of NRS ~~[;]~~ ***or who previously held such a license and is retired, as long as his or her license was held in good standing;*** and

(b) Has at least 2 years of experience as an employed teacher.

➥ The term does not include a person who is employed as a substitute teacher.

Sec. 2. NRS 386.525 is hereby amended to read as follows:

386.525 1. Upon ~~[approval of an application]~~ ***determination*** by the Department ~~[,]~~ ***that an application is substantially complete and compliant,*** a committee to form a charter school may submit the application to the board of trustees of the school district in which the proposed charter school will be located, a college or university within the Nevada System of Higher Education or ~~[directly to the Subcommittee on Charter Schools.]~~ ***the State Board.*** If the board of trustees of a school district, a college or a university, as applicable, receives an application to form a charter school, the board of trustees or the institution, as applicable, shall consider the application at a meeting that must be held not later than 45 days after the receipt of the application, or a period mutually agreed upon by the committee to form the charter school and the board of trustees of the school district or the institution, as applicable, and ensure that notice of the meeting has been provided pursuant to chapter 241 of NRS. The board of trustees, the college,

the university or the ~~[Subcommittee on Charter Schools,]~~ ***State Board,*** as applicable, shall review an application to determine whether the application:

(a) Complies with NRS 386.500 to 386.610, inclusive, and the regulations applicable to charter schools; and

(b) Is complete in accordance with the regulations of the Department.

2. The Department shall assist the board of trustees of a school district, the college or the university, as applicable, in the review of an application. The board of trustees, the college or the university, as applicable, may approve an application if it satisfies the requirements of paragraphs (a) and (b) of subsection 1. The board of trustees, the college or the university, as applicable, shall provide written notice to the applicant of its approval or denial of the application.

3. If the board of trustees, the college or the university, as applicable, denies an application, it shall include in the written notice the reasons for the denial and the deficiencies in the application. The applicant must be granted 30 days after receipt of the written notice to correct any deficiencies identified in the written notice and resubmit the application.

4. If the board of trustees, the college or the university, as applicable, denies an application after it has been resubmitted pursuant to subsection 3, the applicant may submit a written request ***to the State Board*** for sponsorship by the State Board ~~[to the Subcommittee on Charter Schools created pursuant to NRS 386.507]~~ not more than 30 days after receipt of the written notice of denial. Any request that is submitted pursuant to this subsection must be accompanied by the application to form the charter school.

5. If the ~~[Subcommittee on Charter Schools]~~ ***State Board*** receives an application pursuant to subsection 1 or 4, it shall ~~[hold]~~ ***consider the application at*** a meeting ~~[to consider the application. The meeting]~~ ***which*** must be held not later than 45 days after receipt of the application. Notice of the meeting must be posted in accordance with chapter 241 of NRS. The ~~[Subcommittee]~~ ***State Board*** shall review the application in accordance with the factors set forth in paragraphs (a) and (b) of subsection 1. The ~~[Subcommittee]~~ ***State Board*** may approve an application if it satisfies the requirements of paragraphs (a) and (b) of subsection 1.

~~[6. The Subcommittee on Charter Schools shall transmit the application and the recommendation of the Subcommittee for approval or denial of the application to the State Board. Not more than 14 days after the date of the meeting of the Subcommittee pursuant to subsection 5, the State Board shall hold a meeting to consider the recommendation of the Subcommittee. Notice of the meeting must be posted in accordance with chapter 241 of NRS. The State Board shall review the application in accordance with the factors set forth in paragraphs (a) and (b) of subsection 1. The State Board may approve~~

~~an application if it satisfies the requirements of paragraphs (a) and (b) of subsection 1.~~] Not more than 30 days after the meeting, the State Board shall provide written notice of its determination to the applicant.

[~~7.~~] ***6.*** If the State Board denies ***or fails to act upon*** an application, [~~it~~] ***the denial or failure to act must be based upon a finding that the applicant failed to adequately address objective criteria established by regulation of the Department or the State Board. The State Board*** shall include in the written notice the reasons for the denial ***or the failure to act*** and the deficiencies in the application. ***The staff designated by the Department shall meet with the applicant to confer on the method to correct the identified deficiencies.*** The applicant must be granted 30 days after receipt of the written notice to correct any deficiencies identified in the written notice and resubmit the application.

[~~8.~~] ***7.*** If the State Board denies an application after it has been resubmitted pursuant to subsection [~~7.~~] ***6,*** the applicant may, not more than 30 days after the receipt of the written notice from the State Board, appeal the final determination to the district court of the county in which the proposed charter school will be located.

[~~9.~~] ***8.*** On or before January 1 of each odd-numbered year, the Superintendent of Public Instruction shall submit a written report to the Director of the Legislative Counsel Bureau for transmission to the next regular session of the Legislature. The report must include:

(a) A list of each application to form a charter school that was submitted to the board of trustees of a school district, the State Board, a college or a university during the immediately preceding biennium;

(b) The educational focus of each charter school for which an application was submitted;

(c) The current status of the application; and

(d) If the application was denied, the reasons for the denial.

Sec. 3. NRS 386.527 is hereby amended to read as follows:

386.527 1. If the State Board, the board of trustees of a school district or a college or university within the Nevada System of Higher Education approves an application to form a charter school, it shall grant a written charter to the applicant. The State Board, the board of trustees, the college or the university, as applicable, shall, not later than 10 days after the approval of the application, provide written notice to the Department of the approval and the date of the approval. If the board of trustees approves the application, the board of trustees shall be deemed the sponsor of the charter school.

2. If the State Board approves the application:

(a) The State Board shall be deemed the sponsor of the charter school.

(b) Neither the State of Nevada, the State Board nor the Department is an employer of the members of the governing body of the charter school or any of the employees of the charter school.

3. If a college or university within the Nevada System of Higher Education approves the application:

(a) That institution shall be deemed the sponsor of the charter school.

(b) Neither the State of Nevada, the State Board nor the Department is an employer of the members of the governing body of the charter school or any of the employees of the charter school.

4. The governing body of a charter school may request, at any time, a change in the sponsorship of the charter school to an entity that is authorized to sponsor charter schools pursuant to NRS 386.515. The State Board shall adopt:

(a) An application process for a charter school that requests a change in the sponsorship of the charter school, which must not require the applicant to undergo the requirements of an initial application to form a charter school; and

(b) Objective criteria for the conditions under which such a request may be granted.

5. Except as otherwise provided in subsection 7, a written charter must be for a term of 6 years unless the governing body of a charter school renews its initial charter after 3 years of operation pursuant to subsection 2 of NRS 386.530. A written charter must include all conditions of operation set forth in subsection ~~[2]~~ *4* of NRS 386.520 and include the kind of school, as defined in subsections 1 to 4, inclusive, of NRS 388.020 for which the charter school is authorized to operate. If the State Board or a college or university within the Nevada System of Higher Education is the sponsor of the charter school, the written charter must set forth the responsibilities of the sponsor and the charter school with regard to the provision of services and programs to pupils with disabilities who are enrolled in the charter school in accordance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., and NRS 388.440 to 388.520, inclusive. As a condition of the issuance of a written charter pursuant to this subsection, the charter school must agree to comply with all conditions of operation set forth in NRS 386.550.

6. The governing body of a charter school may submit to the sponsor of the charter school a written request for an amendment of the written charter of the charter school. Such an amendment may include, without limitation, the expansion of instruction and other educational services to pupils who are enrolled in grade levels other than the grade levels of pupils currently approved for enrollment in the charter school . ~~[if the expansion of grade levels does not change the kind of school, as defined in NRS 388.020, for~~

~~which the charter school is authorized to operate.]~~ If the proposed amendment complies with the provisions of this section, NRS 386.500 to 386.610, inclusive, and any other statute or regulation applicable to charter schools, the sponsor may amend the written charter in accordance with the proposed amendment. **[**~~If a charter school wishes to expand the instruction and other educational services offered by the charter school to pupils who are enrolled in grade levels other than the grade levels of pupils currently approved for enrollment in the charter school and the expansion of grade levels changes the kind of school, as defined in NRS 388.020, for which the charter school is authorized to operate, the governing body of the charter school must submit a new application to form a charter school. If such an application is approved, the charter school may continue to operate under the same governing body and an additional governing body does not need to be selected to operate the charter school with the expanded grade levels.~~**]** ***If the sponsor denies the request for an amendment, the sponsor shall provide written notice to the governing body of the charter school setting forth the reasons for the denial.***

7. The State Board shall adopt objective criteria for the issuance of a written charter to an applicant who is not prepared to commence operation on the date of issuance of the written charter. The criteria must include, without limitation, the:

(a) Period for which such a written charter is valid; and

(b) Timelines by which the applicant must satisfy certain requirements demonstrating its progress in preparing to commence operation.

➥ A holder of such a written charter may apply for grants of money to prepare the charter school for operation. A written charter issued pursuant to this subsection must not be designated as a conditional charter or a provisional charter or otherwise contain any other designation that would indicate the charter is issued for a temporary period.

8. The holder of a written charter that is issued pursuant to subsection 7 shall not commence operation of the charter school and is not eligible to receive apportionments pursuant to NRS 387.124 until the sponsor has determined that the requirements adopted by the State Board pursuant to subsection 7 have been satisfied and that the facility the charter school will occupy has been inspected and meets the requirements of any applicable building codes, codes for the prevention of fire, and codes pertaining to safety, health and sanitation. Except as otherwise provided in this subsection, the sponsor shall make such a determination 30 days before the first day of school for the:

(a) Schools of the school district in which the charter school is located that operate on a traditional school schedule and not a year-round school schedule; or

(b) Charter school,

➥ whichever date the sponsor selects. The sponsor shall not require a charter school to demonstrate compliance with the requirements of this subsection more than 30 days before the date selected. However, it may authorize a charter school to demonstrate compliance less than 30 days before the date selected.

Sec. 3.5. NRS 386.535 is hereby amended to read as follows:

386.535 1. The sponsor of a charter school may revoke the written charter of the charter school before the expiration of the charter if the sponsor determines that:

(a) The charter school, its officers or its employees have failed to comply with:

(1) The ***material*** terms and conditions of the written charter;

(2) Generally accepted standards of accounting and fiscal management; or

(3) The provisions of NRS 386.500 to 386.610, inclusive, or any other statute or regulation applicable to charter schools;

(b) The charter school has filed for a voluntary petition of bankruptcy, is adjudicated bankrupt or insolvent, or is otherwise financially impaired such that the charter school cannot continue to operate; or

(c) There is reasonable cause to believe that revocation is necessary to protect the health and safety of the pupils who are enrolled in the charter school or persons who are employed by the charter school from jeopardy, or to prevent damage to or loss of the property of the school district or the community in which the charter school is located.

2. Before the sponsor revokes a written charter, the sponsor shall provide written notice of its intention to the governing body of the charter school. The written notice must:

(a) Include a statement of the deficiencies or reasons upon which the action of the sponsor is based;

(b) Except as otherwise provided in subsection 4, prescribe a period, not less than 30 days, during which the charter school may correct the deficiencies, including, without limitation, the date on which the period to correct the deficiencies begins and the date on which that period ends;

(c) Prescribe the date on which the sponsor will make a determination regarding whether the charter school has corrected the deficiencies, which determination may be made during the public hearing held pursuant to subsection 3; and

(d) Prescribe the date on which the sponsor will hold a public hearing to consider whether to revoke the charter.

3. Except as otherwise provided in subsection 4, not more than 90 days after the notice is provided pursuant to subsection 2, the sponsor shall hold a

public hearing to make a determination regarding whether to revoke the written charter. If the charter school corrects the deficiencies to the satisfaction of the sponsor within the time prescribed in paragraph (b) of subsection 2, the sponsor shall not revoke the written charter of the charter school. The sponsor may not include in a written notice pursuant to subsection 2 any deficiency which was included in a previous written notice and which was corrected by the charter school, unless the deficiency recurred after being corrected.

4. The sponsor of a charter school and the governing body of the charter school may enter into a written agreement that prescribes different time periods than those set forth in subsections 2 and 3.

Sec. 4. NRS 386.540 is hereby amended to read as follows:

386.540 1. The Department shall adopt regulations that prescribe:

(a) The process for submission of an application by the board of trustees of a school district to the Department for authorization to sponsor charter schools and the contents of the application;

(b) The process for submission of an application to form a charter school to the Department, the board of trustees of a school district, the ~~[Subcommittee on Charter Schools]~~ ***State Board*** and a college or university within the Nevada System of Higher Education, and the contents of the application;

(c) The process for submission of an application to renew a written charter; ~~[and]~~

(d) The criteria and type of investigation that must be applied by the board of trustees, ~~[the Subcommittee on Charter Schools,]~~ the State Board and a college or university within the Nevada System of Higher Education in determining whether to approve an application to form a charter school ***,*** ~~[or]~~ an application to renew a written charter ~~[.]~~ ***or a request for an amendment of a written charter; and***

(e) The process for submission of an amendment of a written charter pursuant to NRS 386.527 and the contents of the application.

2. The Department may adopt regulations as it determines are necessary to carry out the provisions of NRS 386.500 to 386.610, inclusive, including, without limitation, regulations that prescribe the:

(a) Procedures for accounting and budgeting;

(b) Requirements for performance audits and financial audits of charter schools on an annual basis for charter schools that do not satisfy the requirements of subsection 1 of NRS 386.5515; and

(c) Requirements for performance audits every 3 years and financial audits on an annual basis for charter schools that satisfy the requirements of subsection 1 of NRS 386.5515.

Sec. 5. NRS 386.545 is hereby amended to read as follows:

386.545 1. The Department and the board of trustees of a school district shall:

(a) Upon request, provide information to the general public concerning the formation and operation of charter schools; and

(b) Maintain a list available for public inspection that describes the location of each charter school.

2. The sponsor of a charter school shall:

(a) Provide reasonable assistance to an applicant for a charter school and to a charter school in carrying out the provisions of NRS 386.500 to 386.610, inclusive;

(b) Provide technical and other reasonable assistance to a charter school for the operation of the charter school;

(c) Provide information to the governing body of a charter school concerning the availability of money for the charter school, including, without limitation, money available from the Federal Government; and

(d) Provide timely access to the electronic data concerning the pupils enrolled in the charter school that is maintained pursuant to NRS 386.650.

3. If the board of trustees of a school district is the sponsor of a charter school, the sponsor shall:

(a) Provide the charter school with an updated list of available substitute teachers within the school district.

(b) Provide access to school buses for use by the charter school for field trips. The school district may charge a reasonable fee for the use of the school buses.

(c) If the school district offers summer school or Internet-based credit recovery classes, allow the pupils enrolled in the charter school to participate if space is available. The school district shall apply the same fees, if any, for participation of the pupils enrolled in the charter school as it applies to pupils enrolled in the school district.

4. The Department shall provide appropriate information, education and training for charter schools and the governing bodies of charter schools concerning the applicable provisions of title 34 of NRS and other laws and regulations that affect charter schools and the governing bodies of charter schools.

5. If the Department prescribes a process for charter schools to report certain information, the Department may request the identified information regardless if that information is required to be submitted by charter schools pursuant to a specific statute. Upon such a request, a charter school shall provide the information if the Department includes a detailed description of the requested information and the mechanism by which the Department will pay or reimburse the charter school for the requested information, if the provision of the information will incur any costs for the charter school.

Sec. 6. NRS 386.549 is hereby amended to read as follows:

386.549 1. The governing body of a charter school ~~[~~**:**

~~(a) Must]~~ ***must*** consist of:

~~[(1) At least three teachers, as defined in subsection 5; or~~

~~(2) Two teachers, as defined in subsection 5, and one person]~~

(a) One member who is licensed pursuant to chapter 391 of NRS or who previously held such a license and is retired, as long as his or her license was held in good standing;

(b) One member who ~~[previously held a license to teach pursuant to chapter 391 of NRS]~~ ***:***

(1) Satisfies the qualifications of paragraph (a); or

(2) Is a school administrator with a license issued by another state or who previously held such a license and is retired, as long as his or her license was held in good standing **.** ~~[, including, without limitation, a retired teacher.~~

~~(b)]~~

(c) One parent or legal guardian of a pupil enrolled in the charter school who is not a teacher or an administrator at the charter school.

~~[May consist of,]~~

(d) Two members who possess knowledge and experience in one or more of the following areas:

(1) Accounting;

(2) Financial services;

(3) Law; or

(4) Human resources.

2. In addition to the members who serve pursuant to subsection 1, the governing body of a charter school may include, without limitation, parents and representatives of nonprofit organizations and businesses. Not more than two persons who serve on the governing body may represent the same organization or business or otherwise represent the interests of the same organization or business. A majority of the members of the governing body must reside in this State. If the membership of the governing body changes, the governing body shall provide written notice to the sponsor of the charter school within 10 working days after such change.

~~[2.]~~ ***3.*** A person may serve on the governing body only if the person submits an affidavit to the Department indicating that the person:

(a) Has not been convicted of a felony relating to serving on the governing body of a charter school or any offense involving moral turpitude.

(b) Has read and understands material concerning the roles and responsibilities of members of governing bodies of charter schools and other material designed to assist the governing bodies of charter schools, if such material is provided to the person by the Department.

~~[3.]~~ ***4.*** The governing body of a charter school is a public body. It is hereby given such reasonable and necessary powers, not conflicting with the Constitution and the laws of the State of Nevada, as may be requisite to attain the ends for which the charter school is established and to promote the welfare of pupils who are enrolled in the charter school.

~~[4.]~~ ***5.*** The governing body of a charter school shall, during each calendar quarter, hold at least one regularly scheduled public meeting in the county in which the charter school is located. ***Upon an affirmative vote of a majority of the membership of the governing body, each member is entitled to receive a salary of not more than $80 for attendance at each meeting, as fixed by the governing body, not to exceed payment for more than one meeting per month.***

~~[5.]~~ ***6.*** As used in subsection 1, "teacher" means a person who:

(a) Holds a current license to teach issued pursuant to chapter 391 of NRS ~~[,]~~ ***or who previously held such a license and is retired, as long as his or her license was held in good standing;*** and

(b) Has at least 2 years of experience as an employed teacher.

➥ The term does not include a person who is employed as a substitute teacher.

Sec. 7. NRS 386.5515 is hereby amended to read as follows:

386.5515 1. To the extent money is available from legislative appropriation or otherwise, a charter school may apply to the Department for money for facilities if:

(a) The charter school has been operating in this State for at least 5 consecutive years and is in good financial standing;

(b) Each financial audit and each performance audit of the charter school required by the Department contains no major notations, corrections or errors concerning the charter school for at least 5 consecutive years;

(c) The charter school has met or exceeded adequate yearly progress as determined pursuant to NRS 385.3613 or has demonstrated improvement in the achievement of pupils enrolled in the charter school, as indicated by annual measurable objectives determined by the State Board, for the majority of the years of its operation;

(d) The charter school offers instruction on a daily basis during the school week of the charter school on the campus of the charter school; and

(e) At least 75 percent of the pupils enrolled in ***grade 12 in*** the charter school ~~[who are required to take]~~ ***in the immediately preceding school year who have completed the required course work for graduation have passed*** the high school proficiency examination ***,*** ~~[have passed that examination,]~~ if the charter school enrolls pupils at a high school grade level.

2. A charter school that satisfies the requirements of subsection 1 shall submit to a performance audit as required by the Department one time every

3 years. The sponsor of the charter school and the Department shall not request a performance audit of the charter school more frequently than every 3 years without reasonable evidence of noncompliance in achieving the educational goals and objectives of the charter school based upon the annual report submitted to the State Board pursuant to NRS 386.610. If the charter school no longer satisfies the requirements of subsection 1 or if reasonable evidence of noncompliance in achieving the educational goals and objectives of the charter school exists based upon the annual report, the charter school shall, upon written notice from the sponsor, submit to an annual performance audit. Notwithstanding the provisions of paragraph (b) of subsection 1, such a charter school:

(a) May, after undergoing the annual performance audit, reapply to the sponsor to determine whether the charter school satisfies the requirements of paragraphs (a), (c), (d) and (e) of subsection 1.

(b) Is not eligible for any available money pursuant to subsection 1 until the sponsor determines that the charter school satisfies the requirements of that subsection.

3. A charter school that does not satisfy the requirements of subsection 1 shall submit a quarterly report of the financial status of the charter school if requested by the sponsor of the charter school.

Sec. 8. NRS 386.560 is hereby amended to read as follows:

386.560 1. The governing body of a charter school may contract with the board of trustees of the school district in which the charter school is located ***or in which a pupil enrolled in the charter school resides*** or the Nevada System of Higher Education for the provision of facilities to operate the charter school or to perform any service relating to the operation of the charter school, including, without limitation, transportation, the provision of health services for the pupils who are enrolled in the charter school and the provision of school police officers.

2. A charter school may use any public facility located within the school district in which the charter school is located. A charter school may use school buildings owned by the school district only upon approval of the board of trustees of the school district and during times that are not regular school hours.

3. The board of trustees of a school district may donate surplus personal property of the school district to a charter school that is located within the school district.

4. Except as otherwise provided in this subsection, upon the request of a parent or legal guardian of a pupil who is enrolled in a charter school, the board of trustees of the school district in which the pupil resides shall authorize the pupil to participate in a class that is not available to the pupil at

the charter school or participate in an extracurricular activity, excluding ~~[including]~~ sports, at a public school within the school district if:

(a) Space for the pupil in the class or extracurricular activity is available; and

(b) The parent or legal guardian demonstrates to the satisfaction of the board of trustees that the pupil is qualified to participate in the class or extracurricular activity.

➥ If the board of trustees of a school district authorizes a pupil to participate in a class or extracurricular activity, excluding ~~[including]~~ sports, pursuant to this subsection, the board of trustees is not required to provide transportation for the pupil to attend the class or activity. The provisions of this subsection do not apply to a pupil who is enrolled in a charter school and who desires to participate on a part-time basis in a program of distance education provided by the board of trustees of a school district pursuant to NRS 388.820 to 388.874, inclusive. Such a pupil must comply with NRS 388.858.

5. Upon the request of a parent or legal guardian of a pupil who is enrolled in a charter school, the board of trustees of the school district in which the pupil resides shall authorize the pupil to participate in sports at the public school that he or she would otherwise be required to attend within the school district, or upon approval of the board of trustees, any public school within the same zone of attendance as the charter school if:

(a) Space is available for the pupil to participate; and

(b) The parent or legal guardian demonstrates to the satisfaction of the board of trustees that the pupil is qualified to participate.

➥ If the board of trustees of a school district authorizes a pupil to participate in sports pursuant to this subsection, the board of trustees is not required to provide transportation for the pupil to participate.

6. The board of trustees of a school district may revoke its approval for a pupil to participate in a class, extracurricular activity or sports at a public school pursuant to subsections 4 and 5 ~~[subsection 4]~~ if the board of trustees or the public school determines that the pupil has failed to comply with applicable statutes, or applicable rules and regulations of the board of trustees, the public school or the Nevada Interscholastic Activities Association. If the board of trustees so revokes its approval, neither the board of trustees nor the public school is liable for any damages relating to the denial of services to the pupil.

Sec. 9. NRS 386.570 is hereby amended to read as follows:

386.570 1. Each pupil who is enrolled in a charter school, including, without limitation, a pupil who is enrolled in a program of special education in a charter school, must be included in the count of pupils in the school district for the purposes of apportionments and allowances from the State Distributive School Account pursuant to NRS 387.121 to 387.126, inclusive,

unless the pupil is exempt from compulsory attendance pursuant to NRS 392.070. A charter school is entitled to receive its proportionate share of any other money available from federal, state or local sources that the school or the pupils who are enrolled in the school are eligible to receive. If a charter school receives special education program units directly from this State, the amount of money for special education that the school district pays to the charter school may be reduced proportionately by the amount of money the charter school received from this State for that purpose. ***The State Board shall prescribe a process which ensures that all charter schools, regardless of the sponsor, have information about all sources of funding for the public schools provided through the Department, including local funds pursuant to NRS 387.1235.***

2. All money received by the charter school from this State or from the board of trustees of a school district must be deposited in an account with a bank, credit union or other financial institution in this State. The governing body of a charter school may negotiate with the board of trustees of the school district and the State Board for additional money to pay for services which the governing body wishes to offer.

3. Upon completion of each school quarter, the sponsor of a charter school may request reimbursement from the governing body of the charter school for the administrative costs associated with sponsorship for that school quarter if the sponsor provided administrative services during that school quarter. The request must include an itemized list of those costs. Unless a delay is granted pursuant to subsection 9, upon receipt of such a request, the governing body shall pay the reimbursement to the board of trustees of the school district if the board of trustees sponsors the charter school, to the Department if the State Board sponsors the charter school or to the college or university within the Nevada System of Higher Education if that institution sponsors the charter school. If a governing body fails to pay the reimbursement pursuant to this subsection or pursuant to a plan approved by the Superintendent of Public Instruction in accordance with subsection 9, the charter school shall be deemed to have violated its written charter and the sponsor may take such action to revoke the written charter pursuant to NRS 386.535 as it deems necessary. If the board of trustees of a school district is the sponsor of a charter school, the amount of money that may be paid to the sponsor pursuant to this subsection for administrative expenses in 1 school year must not exceed:

(a) For the first year of operation of the charter school, 2 percent of the total amount of money apportioned to the charter school during the year pursuant to NRS 387.124, as adjusted by the final computation of apportionment pursuant to subsection 4 of NRS 387.1243.

(b) For any year after the first year of operation of the charter school, 1 percent of the total amount of money apportioned to the charter school during the year pursuant to NRS 387.124, as adjusted by the final computation of apportionment pursuant to subsection 4 of NRS 387.1243.

4. If the State Board or a college or university within the Nevada System of Higher Education is the sponsor of a charter school, the amount of money that may be paid to the Department or to the institution, as applicable, pursuant to subsection 3 for administrative expenses in 1 school year must not exceed:

(a) For the first year of operation of the charter school, 2 percent of the total amount of money apportioned to the charter school during the year pursuant to NRS 387.124, as adjusted by the final computation of apportionment pursuant to subsection 4 of NRS 387.1243.

(b) For any year after the first year of operation of the charter school, 1.5 percent of the total amount of money apportioned to the charter school during the year pursuant to NRS 387.124, as adjusted by the final computation of apportionment pursuant to subsection 4 of NRS 387.1243.

5. To determine the amount of money for distribution to a charter school in its first year of operation, the count of pupils who are enrolled in the charter school must initially be determined 30 days before the beginning of the school year of the school district, based on the number of pupils whose applications for enrollment have been approved by the charter school. The count of pupils who are enrolled in the charter school must be revised on the last day of the first school month of the school district in which the charter school is located for the school year, based on the actual number of pupils who are enrolled in the charter school. Pursuant to subsection 5 of NRS 387.124, the governing body of a charter school may request that the apportionments made to the charter school in its first year of operation be paid to the charter school 30 days before the apportionments are otherwise required to be made.

6. If a charter school ceases to operate as a charter school during a school year, the remaining apportionments that would have been made to the charter school pursuant to NRS 387.124 for that year must be paid on a proportionate basis to the school districts where the pupils who were enrolled in the charter school reside.

7. The governing body of a charter school may solicit and accept donations, money, grants, property, loans, personal services or other assistance for purposes relating to education from members of the general public, corporations or agencies. The governing body may comply with applicable federal laws and regulations governing the provision of federal grants for charter schools. The State Board may assist a charter school that operates exclusively for the enrollment of pupils who receive special

education in identifying sources of money that may be available from the Federal Government or this State for the provision of educational programs and services to such pupils.

8. If a charter school uses money received from this State to purchase real property, buildings, equipment or facilities, the governing body of the charter school shall assign a security interest in the property, buildings, equipment and facilities to the State of Nevada.

9. The governing body of a charter school may submit to the Superintendent of Public Instruction a written request to delay a quarterly payment of a reimbursement for the administrative costs that a charter school owes pursuant to this section. The written request must be in the form prescribed by the Superintendent and must include, without limitation, documentation that a financial hardship exists for the charter school and a plan for the payment of the reimbursement. The Superintendent may approve or deny the request and shall notify the governing body and the sponsor of the charter school of the approval or denial of the request.

Sec. 9.5. NRS 386.590 is hereby amended to read as follows:

386.590 1. Except as otherwise provided in this subsection, at least 70 percent of the teachers who provide instruction at a charter school must be licensed teachers. If a charter school is a vocational school, the charter school shall, to the extent practicable, ensure that at least 70 percent of the teachers who provide instruction at the school are licensed teachers, but in no event may more than 50 percent of the teachers who provide instruction at the school be unlicensed teachers.

2. A governing body of a charter school shall employ:

(a) If the charter school offers instruction in kindergarten or grade 1, 2, 3, 4, 5, 6, 7 or 8, a licensed teacher to teach pupils who are enrolled in those grades. If required by subsection 3 or 4, such a teacher must possess the qualifications required by 20 U.S.C. § 6319(a).

(b) If the charter school offers instruction in grade 9, 10, 11 or 12, a licensed teacher to teach pupils who are enrolled in those grades for the subjects set forth in subsection 4. If required by subsection 3 or 4, such a teacher must possess the qualifications required by 20 U.S.C. § 6319(a).

(c) In addition to the requirements of paragraphs (a) and (b):

(1) If a charter school specializes in arts and humanities, physical education or health education, a licensed teacher to teach those courses of study.

(2) If a charter school specializes in the construction industry or other building industry, licensed teachers to teach courses of study relating to the industry if those teachers are employed full-time.

(3) If a charter school specializes in the construction industry or other building industry and the school offers courses of study in computer

education, technology or business, licensed teachers to teach those courses of study if those teachers are employed full-time.

3. A person who is initially hired by the governing body of a charter school on or after January 8, 2002, to teach in a program supported with money from Title I must possess the qualifications required by 20 U.S.C. § 6319(a). For the purposes of this subsection, a person is not "initially hired" if the person has been employed as a teacher by another school district or charter school in this State without an interruption in employment before the date of hire by his or her current employer.

4. A teacher who is employed by a charter school, regardless of the date of hire, must, on or before July 1, 2006, possess the qualifications required by 20 U.S.C. § 6319(a) if the teacher teaches one or more of the following subjects:

(a) English, reading or language arts;
(b) Mathematics;
(c) Science;
(d) Foreign language;
(e) Civics or government;
(f) Economics;
(g) Geography;
(h) History; or
(i) The arts.

5. Except as otherwise provided in NRS 386.588, a charter school may employ a person who is not licensed pursuant to the provisions of chapter 391 of NRS to teach a course of study for which a licensed teacher is not required pursuant to subsections 2, 3 and 4 if the person has:

(a) A degree, a license or a certificate in the field for which the person is employed to teach at the charter school; and

(b) At least 2 years of experience in that field.

6. Except as otherwise provided in NRS 386.588, a charter school shall employ such administrators for the school as it deems necessary. A person employed as an administrator must possess:

(a) A valid teacher's license issued pursuant to chapter 391 of NRS with an administrative endorsement;

(b) A master's degree in school administration, public administration or business administration; or

(c) At least 5 years of experience in school administration, public administration or business administration and a baccalaureate degree.

7. Except as otherwise provided in subsection 8, the portion of the salary or other compensation of an administrator employed by a charter school that is derived from public funds must not exceed the salary or other compensation, as applicable, of the highest paid administrator in a

comparable position in the school district in which the charter school is located. For purposes of determining the salary or other compensation of the highest paid administrator in a comparable position in the school district, the salary or other compensation of the superintendent of schools of that school district must not be included in the determination.

8. If the salary or other compensation paid to an administrator employed by a charter school from public funds exceeds the maximum amount prescribed in subsection 7, the sponsor of the charter school shall conduct an audit of the salary or compensation. The audit must include, without limitation, a review of the reasons set forth by the governing body of the charter school for the salary or other compensation and the interests of the public in using public funds to pay that salary or compensation. If the sponsor determines that the payment of the salary or other compensation from public funds is justified, the sponsor shall provide written documentation of its determination to the governing body of the charter school and to the Department. If the sponsor determines that the payment of the salary or other compensation from public funds is not justified, the governing body of the charter school shall reduce the salary or compensation paid to the administrator from public funds to an amount not to exceed the maximum amount prescribed in subsection 7.

9. A charter school shall not employ a person pursuant to this section if the person's license to teach or provide other educational services has been revoked or suspended in this State or another state.

10. On or before November 15 of each year, a charter school shall submit to the Department, in a format prescribed by the Superintendent of Public Instruction, the following information for each ***person who is*** licensed ~~[employee]~~ ***pursuant to chapter 391 of NRS and*** who is employed by the governing body on October 1 of that year:

(a) The amount of salary ***or compensation*** of the ~~[employee,]~~ ***licensed person,*** including, without limitation, verification of compliance with subsection 7, if applicable to that ~~[employee;]~~ ***person;*** and

(b) The designated assignment, as that term is defined by the Department, of the ~~[employee.]~~ ***licensed person.***

Sec. 9.7. NRS 386.595 is hereby amended to read as follows:

386.595 1. All employees of a charter school shall be deemed public employees.

2. The governing body of a charter school may make all decisions concerning the terms and conditions of employment with the charter school and any other matter relating to employment with the charter school. In addition, the governing body may make all employment decisions with regard to its employees pursuant to NRS 391.311 to 391.3197, inclusive, unless a collective bargaining agreement entered into by the governing body

pursuant to chapter 288 of NRS contains separate provisions relating to the discipline of licensed employees of a school.

3. ***Upon the request of the governing body of a charter school, the board of trustees of a school district shall, with the permission of the licensed employee who is seeking employment with the charter school, transmit to the governing body a copy of the employment record of the employee that is maintained by the school district. The employment record must include, without limitation, each evaluation of the licensed employee conducted by the school district and any disciplinary action taken by the school district against the licensed employee.***

4. Except as otherwise provided in this subsection, if the written charter of a charter school is revoked or if a charter school ceases to operate as a charter school, the ***licensed*** employees of the charter school must be reassigned to employment within the school district in accordance with the applicable collective bargaining agreement. A school district is not required to reassign ~~[an]~~ ***a licensed*** employee of a charter school pursuant to this subsection if the employee:

(a) Was not granted a leave of absence by the school district to ~~[teach]~~ ***accept employment*** at the charter school pursuant to subsection ~~[4; or]~~ ***5;***

(b) Was granted a leave of absence by the school district and did not submit a written request to return to employment with the school district in accordance with subsection ~~[4.~~

~~4.]~~ ***5; or***

(c) Does not comply with or is otherwise not eligible to return to employment pursuant to subsection 6, including, without limitation, the refusal of the licensed employee to allow the school district to obtain the employment record of the employee that is maintained by the charter school.

5. The board of trustees of a school district ~~[that is a sponsor of a charter school]~~ shall grant a leave of absence, not to exceed 3 years, to any ***licensed*** employee who is employed by the board of trustees who requests such a leave of absence to accept employment with ~~[the]~~ ***a*** charter school. After the first school year in which ~~[an]~~ ***a licensed*** employee is on a leave of absence, the employee may return to ~~[his or her former]~~ ***a comparable*** teaching position with the board of trustees. After the third school year, ~~[an]~~ ***a licensed*** employee shall either submit a written request to return to a comparable teaching position or resign from the position for which the employee's leave was granted. The board of trustees shall grant a written request to return to a comparable position pursuant to this subsection even if the return of the ***licensed*** employee requires the board of trustees to reduce the existing workforce of the school district. ***The board of trustees is not required to accept the return of the licensed employee if the employee does***

not comply with or is otherwise not eligible to return to employment pursuant to subsection 6, including, without limitation, the refusal of the licensed employee to allow the school district to obtain the employment record of the employee that is maintained by the charter school. The board of trustees may require that a request to return to a ***comparable*** teaching position submitted pursuant to this subsection be submitted at least 90 days before the employee would otherwise be required to report to duty.

~~[5. An]~~

6. Upon the request of the board of trustees of a school district, the governing body of a charter school shall, with the permission of the licensed employee who is granted a leave of absence from the school district pursuant to this section, transmit to the school district a copy of the employment record of the employee that is maintained by the charter school before the return of the employee to employment with the school district pursuant to subsection 4 or 5. The employment record must include, without limitation, each evaluation of the licensed employee conducted by the charter school and any disciplinary action taken by the charter school against the licensed employee. Before the return of the licensed employee, the board of trustees of the school district may conduct an investigation into any misconduct of the licensed employee during the leave of absence from the school district and take any appropriate disciplinary action as to the status of the person as an employee of the school district, including, without limitation:

(a) The dismissal of the employee from employment with the school district; or

(b) Upon the employee's return to employment with the school district, documentation of the disciplinary action taken against the employee into the employment record of the employee that is maintained by the school district.

7. If a school district conducts an investigation pursuant to subsection 6:

(a) The licensed employee is not entitled to return to employment with the school district until the investigation is complete; and

(b) The investigation must be conducted within a reasonable time.

8. A licensed employee who is on a leave of absence from a school district pursuant to this section:

(a) Shall contribute to and be eligible for all benefits for which the employee would otherwise be entitled, including, without limitation, participation in the Public Employees' Retirement System and accrual of time for the purposes of leave and retirement.

(b) Continues, while the employee is on leave, to be covered by the collective bargaining agreement of the school district only with respect to any matter relating to his or her status or employment with the district.

➥ The time during which such an employee is on a leave of absence and employed in a charter school does not count toward the acquisition of permanent status with the school district.

~~[6.]~~ ***9.*** Upon the return of a teacher to employment in the school district, the teacher is entitled to the same level of retirement, salary and any other benefits to which the teacher would otherwise be entitled if the teacher had not taken a leave of absence to teach in a charter school.

~~[7.]~~ ***10.*** An employee of a charter school who is not on a leave of absence from a school district is eligible for all benefits for which the employee would be eligible for employment in a public school, including, without limitation, participation in the Public Employees' Retirement System.

~~[8.]~~ ***11.*** For all employees of a charter school:

(a) The compensation that a teacher or other school employee would have received if he or she were employed by the school district must be used to determine the appropriate levels of contribution required of the employee and employer for purposes of the Public Employees' Retirement System.

(b) The compensation that is paid to a teacher or other school employee that exceeds the compensation that the employee would have received if he or she were employed by the school district must not be included for the purposes of calculating future retirement benefits of the employee.

~~[9.]~~ ***12.*** If the board of trustees of a school district in which a charter school is located manages a plan of group insurance for its employees, the governing body of the charter school may negotiate with the board of trustees to participate in the same plan of group insurance that the board of trustees offers to its employees. If the employees of the charter school participate in the plan of group insurance managed by the board of trustees, the governing body of the charter school shall:

(a) Ensure that the premiums for that insurance are paid to the board of trustees; and

(b) Provide, upon the request of the board of trustees, all information that is necessary for the board of trustees to provide the group insurance to the employees of the charter school.

Sec. 10. NRS 392.700 is hereby amended to read as follows:

392.700 1. If the parent of a child who is subject to compulsory attendance wishes to homeschool the child, the parent must file with the superintendent of schools of the school district in which the child resides a written notice of intent to homeschool the child. The Department shall develop a standard form for the notice of intent to homeschool. The form

must not require any information or assurances that are not otherwise required by this section or other specific statute. The board of trustees of each school district shall, in a timely manner, make only the form developed by the Department available to parents who wish to homeschool their child.

2. The notice of intent to homeschool must be filed before beginning to homeschool the child or:

(a) Not later than 10 days after the child has been formally withdrawn from enrollment in public school; or

(b) Not later than 30 days after establishing residency in this State.

3. The purpose of the notice of intent to homeschool is to inform the school district in which the child resides that the child is exempt from the requirement of compulsory attendance.

4. If the name or address of the parent or child as indicated on a notice of intent to homeschool changes, the parent must, not later than 30 days after the change, file a new notice of intent to homeschool with the superintendent of schools of the school district in which the child resides.

5. A notice of intent to homeschool must include only the following:

(a) The full name, age and gender of the child;

(b) The name and address of each parent filing the notice of intent to homeschool;

(c) A statement signed and dated by each such parent declaring that the parent has control or charge of the child and the legal right to direct the education of the child, and assumes full responsibility for the education of the child while the child is being homeschooled;

(d) An educational plan for the child that is prepared pursuant to subsection 12;

(e) If applicable, the name of the public school in this State which the child most recently attended; and

(f) An optional statement that the parent may sign which provides:

I expressly prohibit the release of any information contained in this document, including, without limitation, directory information as defined in 20 U.S.C. § 1232g(a)(5)(A), without my prior written consent.

6. Each superintendent of schools of a school district shall accept notice of intent to homeschool that is filed with the superintendent pursuant to this section and meets the requirements of subsection 5, and shall not require or request any additional information or assurances from the parent who filed the notice.

7. The school district shall provide to a parent who files a notice a written acknowledgment which clearly indicates that the parent has provided notification required by law and that the child is being homeschooled. The written acknowledgment shall be deemed proof of compliance with Nevada's compulsory school attendance law. The school district shall retain a copy of

the written acknowledgment for not less than 15 years. The written acknowledgment may be retained in electronic format.

8. The superintendent of schools of a school district shall process a written request for a copy of the records of the school district, or any information contained therein, relating to a child who is being or has been homeschooled not later than 5 days after receiving the request. The superintendent of schools may only release such records or information:

(a) To a person or entity specified by the parent of the child, or by the child if the child is at least 18 years of age, upon suitable proof of identity of the parent or child; or

(b) If required by specific statute.

9. If a child who is or was homeschooled seeks admittance or entrance to any school in this State, the school may use only commonly used practices in determining the academic ability, placement or eligibility of the child. ***If the child enrolls in a charter school, the charter school shall, to the extent practicable, notify the board of trustees of the school district in which the child resides of the child's enrollment in the charter school. Regardless of whether the charter school provides such notification to the board of trustees, the charter school may count the child who is enrolled for the purposes of the calculation of basic support pursuant to NRS 387.1233.*** A homeschooled child seeking admittance to public high school must comply with NRS 392.033.

10. A school or organization shall not discriminate in any manner against a child who is or was homeschooled.

11. Each school district shall allow homeschooled children to participate in the high school proficiency examination administered pursuant to NRS 389.015 and all college entrance examinations offered in this State, including, without limitation, the ~~[Scholastic Aptitude Test,]~~ ***SAT,*** the ~~[American College Test,]~~ ***ACT,*** the Preliminary ~~[Scholastic Aptitude Test]~~ ***SAT*** and the National Merit Scholarship Qualifying Test. Each school district shall ensure that the homeschooled children who reside in the school district have adequate notice of the availability of information concerning such examinations on the Internet website of the school district maintained pursuant to NRS 389.004.

12. The parent of a child who is being homeschooled shall prepare an educational plan of instruction for the child in the subject areas of English, including reading, composition and writing, mathematics, science and social studies, including history, geography, economics and government, as appropriate for the age and level of skill of the child as determined by the parent. The educational plan must be included in the notice of intent to homeschool filed pursuant to this section. If the educational plan contains the requirements of this section, the educational plan must not be used in any

manner as a basis for denial of a notice of intent to homeschool that is otherwise complete. The parent must be prepared to present the educational plan of instruction and proof of the identity of the child to a court of law if required by the court. This subsection does not require a parent to ensure that each subject area is taught each year that the child is homeschooled.

13. No regulation or policy of the State Board, any school district or any other governmental entity may infringe upon the right of a parent to educate his or her child based on religious preference unless it is:

(a) Essential to further a compelling governmental interest; and

(b) The least restrictive means of furthering that compelling governmental interest.

14. As used in this section, "parent" means the parent, custodial parent, legal guardian or other person in this State who has control or charge of a child and the legal right to direct the education of the child.

Sec. 11. NRS 386.507 is hereby repealed.

Sec. 12. The Legislative Counsel shall, in preparing supplements to the Nevada Administrative Code, appropriately change any references to an officer, agency or other entity whose name is changed or whose duties are transferred pursuant to the provisions of this act to refer to the appropriate officer, agency or other entity.

Sec. 13. This act becomes effective on July 1, 2011.

TEXT OF REPEALED SECTION

386.507 Subcommittee on Charter Schools: Appointment of members; terms. The Subcommittee on Charter Schools of the State Board is hereby created. The President of the State Board shall appoint three members of the State Board to serve on the Subcommittee. Except as otherwise provided in this section, the members of the Subcommittee serve terms of 2 years. If a member is not reelected to the State Board during his or her service on the Subcommittee, the term of the member on the Subcommittee expires when his or her membership on the State Board expires. Members of the Subcommittee may be reappointed.

Assemblyman Bobzien moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, reengrossed, and to third reading.

Senate Bill No. 65.

Bill read third time.

Roll call on Senate Bill No. 65:

YEAS—40.

NAYS—Livermore.

EXCUSED—Grady.

Senate Bill No. 65 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 110.

Bill read third time.

Roll call on Senate Bill No. 110:

YEAS—41.

NAYS—None.

EXCUSED—Grady.

Senate Bill No. 110 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 133.

Bill read third time.

Roll call on Senate Bill No. 133:

YEAS—41.

NAYS—None.

EXCUSED—Grady.

Senate Bill No. 133 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 140.

Bill read third time.

Roll call on Senate Bill No. 140:

YEAS—41.

NAYS—None.

EXCUSED—Grady.

Senate Bill No. 140 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 151.

Bill read third time.

Roll call on Senate Bill No. 151:

YEAS—41.

NAYS—None.

EXCUSED—Grady.

Senate Bill No. 151 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 159.

Read third time.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 11:17 a.m.

ASSEMBLY IN SESSION

At 11:20 a.m.
Mr. Speaker presiding.
Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Conklin moved that Senate Bill No. 159 be taken from the General File and placed on the Chief Clerk's desk.
Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 187.
Bill read third time.
Remarks by Assemblyman Kite.
Roll call on Senate Bill No. 187:
YEAS—41.
NAYS—None.
EXCUSED—Grady.
Senate Bill No. 187 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 238.
Bill read third time.
Roll call on Senate Bill No. 238:
YEAS—41.
NAYS—None.
EXCUSED—Grady.
Senate Bill No. 238 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 251.
Bill read third time.
Remarks by Assemblywoman Smith.
Roll call on Senate Bill No. 251:
YEAS—41.
NAYS—None.
EXCUSED—Grady.

Senate Bill No. 251 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 282.

Bill read third time.

Roll call on Senate Bill No. 282:

YEAS—41.

NAYS—None.

EXCUSED—Grady.

Senate Bill No. 282 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 304.

Bill read third time.

Remarks by Assemblymen Livermore, Kirner, Hickey, Kirkpatrick, Segerblom, and Sherwood.

Roll call on Senate Bill No. 304:

YEAS—29.

NAYS—Ellison, Goedhart, Goicoechea, Hambrick, Hammond, Hansen, Hardy, Hickey, Kirner, Kite, McArthur, Woodbury—12.

EXCUSED—Grady.

Senate Bill No. 304 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 321.

Bill read third time.

Roll call on Senate Bill No. 321:

YEAS—41.

NAYS—None.

EXCUSED—Grady.

Senate Bill No. 321 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 329.

Bill read third time.

Roll call on Senate Bill No. 329:

YEAS—39.

NAYS—Livermore, McArthur—2.

EXCUSED—Grady.

Senate Bill No. 329 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 348.
Bill read third time.
Remarks by Assemblymen Frierson, Hickey, Horne, Hansen, and Brooks.
Roll call on Senate Bill No. 348:
YEAS—26.
NAYS—Ellison, Goedhart, Goicoechea, Hambrick, Hammond, Hansen, Hardy, Hickey, Kirner, Kite, Livermore, McArthur, Sherwood, Stewart, Woodbury—15.
EXCUSED—Grady.
Senate Bill No. 348 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 376.
Bill read third time.
Roll call on Senate Bill No. 376:
YEAS—39.
NAYS—Diaz, Ohrenschall—2.
EXCUSED—Grady.
Senate Bill No. 376 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 381.
Bill read third time.
Remarks by Assemblymen Horne and Pierce.
Roll call on Senate Bill No. 381:
YEAS—35.
NAYS—Aizley, Carlton, Hardy, Kirner, Mastroluca, Pierce—6.
EXCUSED—Grady.
Senate Bill No. 381 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 400.
Bill read third time.
Roll call on Senate Bill No. 400:
YEAS—41.
NAYS—None.
EXCUSED—Grady.
Senate Bill No. 400 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 419.
Bill read third time.

Roll call on Senate Bill No. 419:

YEAS—41.

NAYS—None.

EXCUSED—Grady.

Senate Bill No. 419 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 419.

The following Senate amendment was read:

Amendment No. 789.

AN ACT relating to water; requiring the State Engineer to designate certain groundwater basins as critical management areas in certain circumstances; requiring the State Engineer to take certain actions in such a basin unless a groundwater management plan has been approved for the basin; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the State Engineer has various powers and duties with respect to regulating the groundwater in this State. (Chapter 534 of NRS) **Section 3** of this bill requires the State Engineer to designate as a critical management area any basin in which withdrawals of groundwater consistently exceed the perennial yield of the basin upon the petition of a majority of the holders of certificates or permits to appropriate water in the basin that are on file in the Office of the State Engineer. If a basin is so designated for at least 10 consecutive years, **section 3** requires the State Engineer to order that withdrawals of groundwater be restricted in the basin to conform to priority rights, unless a groundwater management plan has been approved for the basin. **Section 1** of this bill prescribes the procedure for the proposal, approval and revision of such a plan. **Section 2** of this bill includes the existence of a groundwater management plan in a basin as a consideration for the State Engineer in determining whether to grant a request for an extension of the time necessary to work a forfeiture of water in such a basin.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 534 of NRS is hereby amended by adding thereto a new section to read as follows:

1. In a basin that has been designated as a critical management area by the State Engineer pursuant to subsection 7 of NRS 534.110, a petition

for the approval of a groundwater management plan for the basin may be submitted to the State Engineer. The petition must be signed by a majority of the holders of permits or certificates to appropriate water in the basin that are on file in the Office of the State Engineer and must be accompanied by a groundwater management plan which must set forth the necessary steps for removal of the basin's designation as a critical management area.

2. In determining whether to approve a groundwater management plan submitted pursuant to subsection 1, the State Engineer shall consider, without limitation:

(a) The hydrology of the basin;

(b) The physical characteristics of the basin;

(c) ~~*[The relationship between surface water and groundwater in the basin;*~~

~~*[(d)]*~~ ***The geographic spacing and location of the withdrawals of groundwater in the basin;***

~~*[(e)]*~~ ***(d) The quality of the water in the basin;***

~~*[(f)]*~~ ***(e) The wells located in the basin, including, without limitation, domestic wells;***

~~*[(g)]*~~ ***(f) Whether a groundwater management plan already exists for the basin; and***

~~*[(h)]*~~ ***(g) Any other factor deemed relevant by the State Engineer.***

3. Before approving or disapproving a groundwater management plan submitted pursuant to subsection 1, the State Engineer shall hold a public hearing to take testimony on the plan in the county where the basin lies or, if the basin lies in more than one county, within the county where the major portion of the basin lies. The State Engineer shall cause notice of the hearing to be:

(a) Given once each week for 2 consecutive weeks before the hearing in a newspaper of general circulation in the county or counties in which the basin lies.

(b) Posted on the Internet website of the State Engineer for at least 2 consecutive weeks immediately preceding the date of the hearing.

4. The decision of the State Engineer on a groundwater management plan may be reviewed by the district court of the county pursuant to NRS 533.450.

5. An amendment to a groundwater management plan must be proposed and approved in the same manner as an original groundwater management plan is proposed and approved pursuant to this section.

Sec. 2. NRS 534.090 is hereby amended to read as follows:

534.090 1. Except as otherwise provided in this section, failure for 5 successive years after April 15, 1967, on the part of the holder of any right,

whether it is an adjudicated right, an unadjudicated right or a permitted right, and further whether the right is initiated after or before March 25, 1939, to use beneficially all or any part of the underground water for the purpose for which the right is acquired or claimed, works a forfeiture of both undetermined rights and determined rights to the use of that water to the extent of the nonuse. If the records of the State Engineer or any other documents specified by the State Engineer indicate at least 4 consecutive years, but less than 5 consecutive years, of nonuse of all or any part of a water right which is governed by this chapter, the State Engineer shall notify the owner of the water right, as determined in the records of the Office of the State Engineer, by registered or certified mail that the owner has 1 year after the date of the notice in which to use the water right beneficially and to provide proof of such use to the State Engineer or apply for relief pursuant to subsection 2 to avoid forfeiting the water right. If, after 1 year after the date of the notice, proof of beneficial use is not sent to the State Engineer, the State Engineer shall, unless the State Engineer has granted a request to extend the time necessary to work a forfeiture of the water right, declare the right forfeited within 30 days. Upon the forfeiture of a right to the use of groundwater, the water reverts to the public and is available for further appropriation, subject to existing rights. If, upon notice by registered or certified mail to the owner of record whose right has been declared forfeited, the owner of record fails to appeal the ruling in the manner provided for in NRS 533.450, and within the time provided for therein, the forfeiture becomes final. The failure to receive a notice pursuant to this subsection does not nullify the forfeiture or extend the time necessary to work the forfeiture of a water right.

2. The State Engineer may, upon the request of the holder of any right described in subsection 1, extend the time necessary to work a forfeiture under that subsection if the request is made before the expiration of the time necessary to work a forfeiture. The State Engineer may grant, upon request and for good cause shown, any number of extensions, but a single extension must not exceed 1 year. In determining whether to grant or deny a request, the State Engineer shall, among other reasons, consider:

(a) Whether the holder has shown good cause for the holder's failure to use all or any part of the water beneficially for the purpose for which the holder's right is acquired or claimed;

(b) The unavailability of water to put to a beneficial use which is beyond the control of the holder;

(c) Any economic conditions or natural disasters which made the holder unable to put the water to that use;

(d) Any prolonged period in which precipitation in the basin where the water right is located is below the average for that basin or in which indexes

that measure soil moisture show that a deficit in soil moisture has occurred in that basin; ~~[and]~~

(e) ***Whether a groundwater management plan has been approved for the basin pursuant to section 1 of this act; and***

(f) Whether the holder has demonstrated efficient ways of using the water for agricultural purposes, such as center-pivot irrigation.

➥ The State Engineer shall notify, by registered or certified mail, the owner of the water right, as determined in the records of the Office of the State Engineer, of whether the State Engineer has granted or denied the holder's request for an extension pursuant to this subsection.

3. If the failure to use the water pursuant to subsection 1 is because of the use of center-pivot irrigation before July 1, 1983, and such use could result in a forfeiture of a portion of a right, the State Engineer shall, by registered or certified mail, send to the owner of record a notice of intent to declare a forfeiture. The notice must provide that the owner has at least 1 year after the date of the notice to use the water beneficially or apply for additional relief pursuant to subsection 2 before forfeiture of the owner's right is declared by the State Engineer.

4. A right to use underground water whether it is vested or otherwise may be lost by abandonment. If the State Engineer, in investigating a groundwater source, upon which there has been a prior right, for the purpose of acting upon an application to appropriate water from the same source, is of the belief from his or her examination that an abandonment has taken place, the State Engineer shall so state in the ruling approving the application. If, upon notice by registered or certified mail to the owner of record who had the prior right, the owner of record of the prior right fails to appeal the ruling in the manner provided for in NRS 533.450, and within the time provided for therein, the alleged abandonment declaration as set forth by the State Engineer becomes final.

Sec. 3. NRS 534.110 is hereby amended to read as follows:

534.110 1. The State Engineer shall administer this chapter and shall prescribe all necessary regulations within the terms of this chapter for its administration.

2. The State Engineer may:

(a) Require periodical statements of water elevations, water used, and acreage on which water was used from all holders of permits and claimants of vested rights.

(b) Upon his or her own initiation, conduct pumping tests to determine if overpumping is indicated, to determine the specific yield of the aquifers and to determine permeability characteristics.

3. The State Engineer shall determine whether there is unappropriated water in the area affected and may issue permits only if the determination is

affirmative. The State Engineer may require each applicant to whom a permit is issued for a well:

(a) For municipal, quasi-municipal or industrial use; and

(b) Whose reasonably expected rate of diversion is one-half cubic foot per second or more,

➥ to report periodically to the State Engineer concerning the effect of that well on other previously existing wells that are located within 2,500 feet of the well.

4. It is a condition of each appropriation of groundwater acquired under this chapter that the right of the appropriator relates to a specific quantity of water and that the right must allow for a reasonable lowering of the static water level at the appropriator's point of diversion. In determining a reasonable lowering of the static water level in a particular area, the State Engineer shall consider the economics of pumping water for the general type of crops growing and may also consider the effect of using water on the economy of the area in general.

5. This section does not prevent the granting of permits to applicants later in time on the ground that the diversions under the proposed later appropriations may cause the water level to be lowered at the point of diversion of a prior appropriator, so long as any protectable interests in existing domestic wells as set forth in NRS 533.024 and the rights of holders of existing appropriations can be satisfied under such express conditions. At the time a permit is granted for a well:

(a) For municipal, quasi-municipal or industrial use; and

(b) Whose reasonably expected rate of diversion is one-half cubic foot per second or more,

➥ the State Engineer shall include as a condition of the permit that pumping water pursuant to the permit may be limited or prohibited to prevent any unreasonable adverse effects on an existing domestic well located within 2,500 feet of the well, unless the holder of the permit and the owner of the domestic well have agreed to alternative measures that mitigate those adverse effects.

6. ~~[The]~~ ***Except as otherwise provided in subsection 7, the*** State Engineer shall conduct investigations in any basin or portion thereof where it appears that the average annual replenishment to the groundwater supply may not be adequate for the needs of all permittees and all vested-right claimants, and if the findings of the State Engineer so indicate, the State Engineer may order that withdrawals ***, including, without limitation, withdrawals from domestic wells,*** be restricted to conform to priority rights.

7. ***The State Engineer:***

(a) May designate as a critical management area any basin in which withdrawals of groundwater consistently exceed the perennial yield of the basin.

(b) Shall designate as a critical management area any basin in which withdrawals of groundwater consistently exceed the perennial yield of the basin upon receipt of a petition for such a designation which is signed by a majority of the holders of certificates or permits to appropriate water in the basin that are on file in the Office of the State Engineer.

➥ The designation of a basin as a critical management area pursuant to this subsection may be appealed pursuant to NRS 533.450. If a basin has been designated as a critical management area for at least 10 consecutive years, the State Engineer shall order that withdrawals, including, without limitation, withdrawals from domestic wells, be restricted in that basin to conform to priority rights, unless a groundwater management plan has been approved for the basin pursuant to section 1 of this act.

8. In any basin or portion thereof in the State designated by the State Engineer, the State Engineer may restrict drilling of wells in any portion thereof if the State Engineer determines that additional wells would cause an undue interference with existing wells. Any order or decision of the State Engineer so restricting drilling of such wells may be reviewed by the district court of the county pursuant to NRS 533.450.

Sec. 4. This act becomes effective on July 1, 2011.

Assemblywoman Smith moved that the Assembly concur in the Senate amendment to Assembly Bill No. 419.

Remarks by Assemblywoman Smith.

Motion carried by a constitutional majority.

Bill ordered enrolled.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Diaz, Anderson, and Stewart as a Conference Committee to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 39.

Mr. Speaker appointed Assemblywomen Dondero Loop, Neal, and Woodbury as a Conference Committee to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 40.

Mr. Speaker appointed Assemblymen Atkinson, Bustamante Adams, and Goedhart as a Conference Committee to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 20.

Mr. Speaker appointed Assemblymen Bobzien, Mastroluca, and Stewart as a Conference Committee to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 498.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Judiciary, to which was referred Senate Bill No. 126, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

WILLIAM C. HORNE, *Chair*

Assemblyman Conklin moved that the Assembly recess until 3 p.m.
Motion carried.

Assembly in recess at 12 noon.

ASSEMBLY IN SESSION

At 6:39 p.m.
Mr. Speaker presiding.
Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker

Your Committee on Health and Human Services, to which were referred Senate Bills Nos. 43, 113, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

APRIL MASTROLUCA, *Chair*

Mr. Speaker:

Your Committee on Taxation, to which was referred Assembly Bill No. 572, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Taxation, to which was referred Senate Bill No. 249, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MARILYN K. KIRKPATRICK, *Chair*

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Assembly Bill No. 449, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which was rereferred Assembly Bill No. 307, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which was rereferred Assembly Bill No. 453, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, as amended.

Also, your Committee on Ways and Means, to which was rereferred Senate Bill No. 154, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

DEBBIE SMITH, *Chair*

MOTIONS, RESOLUTIONS AND NOTICES

By the Committee on Legislative Operations and Elections:

Assembly Resolution No. 9—Designating certain members of the Assembly as regular and alternate members of the Legislative Commission for the 2011-2013 biennium.

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, That pursuant to the provisions of NRS 218E.150 and the Joint Standing Rules of the Legislature, the following Assemblymen are designated regular and alternate members of the Legislative Commission to serve until their successors are designated: Mr. Marcus Conklin, Ms. Debbie Smith, Ms. Marilyn K. Kirkpatrick, Mr. Lynn D. Stewart, Mr. Richard McArthur and Mr. Ira Hansen are designated as the regular Assembly members; Mr. William C. Horne and Mr. Tick Segerblom are designated as the first and second alternate members, respectively, for Mr. Marcus Conklin; Mr. David Bobzien and Ms. Teresa Benitez-Thompson are designated as the first and second alternate members, respectively, for Ms. Debbie Smith; Mr. Kelvin Atkinson and Ms. April Mastroluca are designated as the first and second alternate members, respectively, for Ms. Marilyn K. Kirkpatrick; Mr. Kelly Kite and Ms. Melissa Woodbury are designated as the first and second alternate members, respectively, for Mr. Lynn D. Stewart; Mr. Pete Livermore and Mr. Mark Sherwood are designated as the first and second alternate members, respectively, for Mr. Richard McArthur; and Mr. Edwin Alex Goedhart and Mr. Scott Hammond are designated as the first and second alternate members, respectively, for Mr. Ira Hansen.

Assemblyman Segerblom moved the adoption of the resolution.

Remarks by Assemblyman Segerblom.

Resolution adopted.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Ways and Means:

Assembly Bill No. 574—AN ACT relating to breaches of contracts for public works; revising the provisions of Assembly Bill No. 144 of this session relating to a material breach of certain contracts; providing for a study of the availability of sureties for parties entering into such contracts; appropriating money for a consultant for such a study; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 307.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 828.

SUMMARY—~~[Requires the monitoring of the effects of certain]~~ **Enacts provisions governing** energy development projects**__.** ~~[on wildlife.]~~ (BDR 45-872)

AN ACT relating to governmental administration; ~~[prohibiting a person from commencing the construction of]~~ **requiring a person who files certain applications for** an energy development project ~~[without first filing]~~ **to file** a notice **concurrently** with the ~~[Office of Energy within the Office of the Governor;]~~ **Department of Wildlife; requiring the Department of Wildlife to adopt regulations for the provision of information relating to wildlife based on the location of an energy development project; authorizing a developer of an energy development project to request the Director of the Office of Energy to coordinate certain discussions relating to an energy development project in certain circumstances;** creating the Energy Planning and Conservation Fund; requiring the ~~[Office of Energy to coordinate with the]~~ Department of Wildlife to use money from the **Energy Planning and Conservation** Fund for certain wildlife ~~[monitoring]~~ activities; **creating the Fund for the Recovery of Costs; requiring the Department of Wildlife to use money from the Fund for the Recovery of Costs solely to provide certain information relating to wildlife based on the location of an energy development project;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law creates the Department of Wildlife and requires the Department to administer the wildlife laws of this State. (NRS 501.331) Existing law also creates the Office of Energy within the Office of the Governor to analyze, review and study the use of energy and availability of energy in this State, as well as to coordinate activities with other agencies to administer programs related to the use of renewable energy and to conserve or reduce the demand for energy. (NRS 701.150, 701.180) This bill requires the Department of Wildlife and the Office of Energy to cooperate in ~~[monitoring the effects of]~~ **acting as a resource for the Federal Government, the Public Utilities Commission of Nevada, the counties of this State and the public by compiling and providing certain information relating to** certain energy development projects **.** ~~[on wildlife and its habitat.]~~

Section 5 of this bill defines an "energy development project" as any project for the generation, transmission and development of energy, whether on public or private land. **Section 6** of this bill exempts from the provisions of this bill ~~[projects and systems: (1) which have]~~ **a project that has** a **generating** capacity of ~~[not more]~~ **less** than ~~[400 kilowatts; (2) which are attached to school property or private residential property; or (3) which do not require the disturbance of any soil from the provisions of this bill.]~~ **10 megawatts.**

Section 7 of this bill requires any person who ~~[wishes to commence construction of]~~ **files an application with the Federal Government for a lease or easement for a right-of-way for** an energy development project **or**

an application with the Public Utilities Commission of Nevada or any county in this State relating to the construction of an energy development project to file **a** notice **concurrently** with the ~~[Office of Energy at the same time that the person files for any permits, leases or easements for rights-of-way required by state or federal law.]~~ **Department of Wildlife.** The notice required by **section 7** must include a description of the location, boundaries and estimated infrastructure requirements for the project and a description of the project itself and an estimate of the energy output of the project. **Section 7** further requires ~~[a person to pay both a filing fee of not more than $500 and a second fee of at least $35,000 but not more than $100,000 based upon the potential of the energy development project for impact on wildlife and its habitat, the acreage of the energy development project and the area of land to be disturbed by the energy development project. The Office of Energy is required to establish the second fee in consultation with the Department of Wildlife, and those fees are to be deposited in the Energy Planning and Conservation Fund created by section 9 of this bill.]~~ **the Department to provide a copy of the notice to the Office of Energy and requires the Department, in consultation with the Office of Energy, to adopt regulations to provide for making reasonable deposits and reimbursing the Department for providing information relating to wildlife or wildlife habitat based on the location of an energy development project and to allow for developers to request the Director of the Office of Energy to coordinate discussions with interested parties concerning the potential effects of energy development projects.**

Section 9 of this bill creates the Energy Planning and Conservation Fund and requires the money in the Fund to be administered by the Director of the ~~[Office of Energy]~~ **Department of Wildlife** and used by the Department ~~[of Wildlife]~~ **in accordance with the State Wildlife Action Plan** for conducting surveys of wildlife, for mapping locations of wildlife and its habitat**,** ~~[and]~~ for conservation projects for the habitat of wildlife impacted by energy development projects ~~[.]~~ **and to match any federal money for a project or program for the conservation of any species of wildlife which is of critical concern. Section 9.5 of this bill creates the Fund for the Recovery of Costs and requires the money in the Fund to be administered by the Director of the Department of Wildlife and used by the Department solely to provide to the Federal Government, the Public Utilities Commission of Nevada or any person with information relating to wildlife or wildlife habitat based on the location of an energy development project or to match any federal money for a project or program for the conservation of any species of wildlife.**

Section 8 of this bill requires the ~~[Office of Energy]~~ **Department of Wildlife** to compile and maintain information on all energy development

projects for which notice is filed pursuant to **section 7** and to prepare and submit a report detailing such projects to the Legislative Commission in even-numbered years and, in odd-numbered years, to the Director of the Legislative Counsel Bureau for transmittal to the Legislature.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 501.331 is hereby amended to read as follows:

501.331 The Department of Wildlife is hereby created. The Department:

1. Shall administer the wildlife laws of this State **,** ~~[and]~~ chapter 488 of NRS ~~[.]~~ ***and sections 7*** ~~*[and 9]*~~ ***to 9.5, inclusive, of this act.***

2. Shall, on or before the fifth calendar day of each regular session of the Legislature, submit to the Legislature a financial report for each of the immediately preceding 2 fiscal years setting forth the activity and status of the Wildlife Obligated Reserve Account in the State General Fund, each subaccount within that Account and any other account or subaccount administered by the Department for which the use of the money in the account or subaccount is restricted. The report must include, without limitation:

(a) A description of each project for which money is expended from each of those accounts and subaccounts and a description of each recipient of that money; and

(b) The total amount of money expended from each of those accounts and subaccounts for each fiscal year, including, without limitation, the amount of any matching contributions received for those accounts and subaccounts for each fiscal year.

Sec. 2. NRS 501.337 is hereby amended to read as follows:

501.337 The Director shall:

1. Carry out the policies and regulations of the Commission.

2. Direct and supervise all administrative and operational activities of the Department, and all programs administered by the Department as provided by law. Except as otherwise provided in NRS 284.143, the Director shall devote his or her entire time to the duties of the office and shall not follow any other gainful employment or occupation.

3. Within such limitations as may be provided by law, organize the Department and, from time to time with the consent of the Commission, may alter the organization. The Director shall reassign responsibilities and duties as he or she may deem appropriate.

4. Appoint or remove such technical, clerical and operational staff as the execution of his or her duties and the operation of the Department may require, and all those employees are responsible to the Director for the proper carrying out of the duties and responsibilities of their respective positions.

The Director shall designate a number of employees as game wardens and provide for their training.

5. Submit technical and other reports to the Commission as may be necessary or as may be requested, which will enable the Commission to establish policy and regulations.

6. Prepare, in consultation with the Commission, the biennial budget of the Department consistent with the provisions of this title **,** ~~[and]~~ chapter 488 of NRS ***and sections 7*** ~~*[and 9]*~~ ***to 9.5, inclusive, of this act*** and submit it to the Commission for its review and recommendation before the budget is submitted to the Chief of the Budget Division of the Department of Administration pursuant to NRS 353.210.

7. Administer real property assigned to the Department.

8. Maintain full control, by proper methods and inventories, of all personal property of the State acquired and held for the purposes contemplated by this title and by chapter 488 of NRS.

9. Act as nonvoting Secretary to the Commission.

10. Adopt the regulations required pursuant to sections 7 and 9 of this act.

Sec. 3. NRS 501.356 is hereby amended to read as follows:

501.356 1. Money received by the Department from:

(a) The sale of licenses;

(b) Fees pursuant to the provisions of NRS 488.075 and 488.1795;

(c) Remittances from the State Treasurer pursuant to the provisions of NRS 365.535;

(d) Appropriations made by the Legislature; and

(e) All other sources, except money derived from the forfeiture of any property described in NRS 501.3857 or money deposited in the Wildlife Heritage Trust Account pursuant to NRS 501.3575 **,** ~~[or in]~~ the Trout Management Account pursuant to NRS 502.327 , ~~*[or money received from the Director of the Office of Energy from]*~~ ***the Energy Planning and Conservation Fund created by section 9 of this act*** ~~*[,]*~~ ***or the Fund for the Recovery of Costs created by section 9.5 of this act,***

➥ must be deposited with the State Treasurer for credit to the Wildlife Account in the State General Fund.

2. The interest and income earned on the money in the Wildlife Account, after deducting any applicable charges, must be credited to the Account.

3. Except as otherwise provided in subsection 4, the Department may use money in the Wildlife Account only to carry out the provisions of this title and chapter 488 of NRS and as provided in NRS 365.535, and the money must not be diverted to any other use.

4. Except as otherwise provided in NRS 502.250 and 504.155, all fees for the sale or issuance of stamps, tags, permits and licenses that are required

to be deposited in the Wildlife Account pursuant to the provisions of this title and any matching money received by the Department from any source must be accounted for separately and must be used:

(a) Only for the management of wildlife; and

(b) If the fee is for the sale or issuance of a license, permit or tag other than a tag specified in subsection 5 or 6 of NRS 502.250, under the guidance of the Commission pursuant to subsection 2 of NRS 501.181.

Sec. 4. Chapter 701 of NRS is hereby amended by adding thereto the provisions set forth as sections 5 to ~~[9,]~~ **9.5,** inclusive, of this act.

Sec. 5. *"Energy development project" means a project for the generation, transmission and development of energy located on public or private land. The term includes, without limitation:*

1. A utility facility, as defined in NRS 704.860, constructed on private land; and

2. Electric generating plants and their associated facilities which use or will use renewable energy, as defined in NRS 704.7811, as their primary source of energy to generate electricity . ~~[and which have or will have a nameplate capacity of not more than 70 megawatts, including, without limitation, a net metering system, as defined in NRS 704.771, constructed on private land.]~~

Sec. 6. *The provisions of sections 7, 8 and 9 of this act do not apply to ~~[:~~*

~~1. A facility or energy system with a capacity of not more than 400 kilowatts;~~

~~2. A net metering system attached to school property or private residential property; or~~

~~3. A project or energy system the construction of which does not require the disturbance of any soil, including, without limitation, projects or systems constructed on an existing structure or atop existing pavement.]~~ a project that has a generating capacity of less than 10 megawatts.

Sec. 7. *1. Except as otherwise provided in section 6 of this act, a person ~~[shall not commence construction of]~~ who files an application with the Federal Government for a lease or easement for a right-of-way for an energy development project ~~[without first filing]~~ or an application with the Public Utilities Commission of Nevada or any county in this State relating to the construction of an energy development project shall, concurrently with the filing of the application, file a notice of the energy development project with the ~~[Office of Energy.]~~ Department of Wildlife.*

2. The notice required by subsection 1 must be ~~[:~~

~~(a) Provided]~~ provided to the ~~[Office of Energy]~~ Department of Wildlife in such form as the ~~[Office]~~ Department prescribes and contain:

~~[(1)]~~ (a) A description of the location and the energy development project to be built thereon;

~~[(2)]~~ (b) A description of the boundaries of the project and the estimated requirements for infrastructure of the project; and

~~[(3)]~~ (c) The estimated energy output for the energy development project. ~~[;~~

~~(b) Filed with the Office concurrently with any application for permits, leases or easements for rights-of-way for the energy development project filed with:~~

~~(1) The Federal Government, pursuant to any federal law or regulation; or~~

~~(2) Any state or local governmental entity; and~~

~~(c) Accompanied by a filing fee of not more than $500, as specified in regulations adopted by the Office.]~~

3. ~~[In addition to the fee required by subsection 2, the Office of Energy]~~ Within 30 days after a notice is filed pursuant to subsection 1, the Department of Wildlife shall provide a copy of the notice to the Office of Energy.

4. The Department of Wildlife shall, in consultation with the ~~[Department of Wildlife, establish and collect a fee for each energy development project of at least $35,000 but not more than $100,000, pursuant to a schedule of fees set forth in regulations adopted by the Office based on the potential for impact on wildlife and its habitat and the acreage of the energy development project, including, without limitation, any roads used for access to the energy development project and the area of land disturbed by the energy development project.]~~ Office of Energy, adopt regulations to carry out the provisions of this section. The regulations must include, without limitation:

(a) Provisions setting forth the requirements for making reasonable deposits and reimbursing the Department of Wildlife for the actual costs, not to exceed $100,000, incurred by the Department of Wildlife for providing to the Federal Government, the Public Utilities Commission of Nevada, an applicant or any county in this State any information relating to any wildlife or wildlife habitat based on the location of the energy development project for which a notice is filed pursuant to subsection 1;

(b) Provisions setting forth the requirements for allowing a developer of an energy development project or a local government in a county in which an energy development project is proposed to be located to request the Director of the Office of Energy to coordinate discussions, not otherwise required by any existing regulatory agency, with interested parties concerning any potential effect of the energy development project; and

(c) Except as otherwise provided in subsection 5, any other requirements concerning the filing of a notice pursuant to subsection 1.

5. Any regulations adopted pursuant to subsection 4 must not require a person to reimburse any costs incurred by the Department of Wildlife for providing any information requested by the Federal Government, the Public Utilities Commission of Nevada or an applicant relating to an energy development project that was previously provided pursuant to paragraph (a) of subsection 4.

Sec. 8. *The ~~[Office of Energy]~~ Department of Wildlife shall:*

1. Compile and maintain detailed information concerning each energy development project for which notice is filed pursuant to section 7 of this act. The information must include, without limitation:

(a) The location of the energy development project;

(b) A description of the energy development project; ~~[and]~~

(c) The estimated energy output of the energy development project ~~[.]~~ ; and

(d) The amount charged for the reimbursement of costs for the energy development project in accordance with the regulations specified in subsection 4 of section 7 of this act.

2. Prepare a report ~~[containing]~~ :

(a) Containing the information compiled pursuant to subsection 1 ~~[.]~~ ; and

(b) Setting forth the effect, if any, on the budget of the Department of Wildlife as a result of receiving the reimbursement of costs for providing information concerning energy development projects and the manner in which the total amount received for those costs was used by the Department of Wildlife.

3. On or before January 1 of each even-numbered year, submit the report required pursuant to subsection 2 to the Legislative Commission. On or before January 1 of each odd-numbered year, the ~~[Office of Energy]~~ Department of Wildlife shall submit the report required pursuant to subsection 2 to the Director of the Legislative Counsel Bureau for transmittal to the Legislature.

Sec. 9. *1. The Energy Planning and Conservation Fund is hereby created in the State Treasury as a special revenue fund.*

2. ~~[All money collected by the Office of Energy pursuant to subsection 3 of section 7 of this act must be deposited in the State Treasury for credit to the Fund.]~~ The Director of the ~~[Office of Energy]~~ Department of Wildlife may apply for and accept any gift, donation, bequest, grant or other source of money for use by the Fund. Any money so received must be deposited in the State Treasury for credit to the Fund.

3. The Fund is a continuing fund without reversion. The money in the Fund must be invested as the money in other state funds is invested. The interest and income earned on the money in the Fund, after deducting any applicable charges, must be credited to the Fund. Claims against the Fund must be paid as other claims against the State are paid.

4. The Director of the ~~[Office of Energy]~~ Department of Wildlife shall administer the Fund. The money in the Fund must be ~~[provided to]~~ used in accordance with the State Wildlife Action Plan and used by the Department of Wildlife : ~~[and used:]~~

(a) To conduct surveys of wildlife;

(b) To map locations of wildlife and wildlife habitat in this State;

(c) To pay for conservation projects for wildlife and its habitat;

(d) To ~~[provide staff to assist the Director of the Department of Wildlife in carrying out the provisions of paragraphs (a), (b) and (c);]~~ match any federal money for a project or program for the conservation of any species of wildlife which is of critical concern; and

(e) To coordinate carrying out the provisions of ~~[paragraphs (a), (b) and (c)]~~ this subsection in cooperation with the ~~[State Department of Conservation and Natural Resources.]~~ Office of Energy.

5. The ~~[Director of the Office of Energy]~~ Department of Wildlife shall adopt regulations to carry out the provisions of this section. The regulations must include, without limitation ~~[:~~

~~(a) The~~ , the criteria for projects for which the Department of Wildlife may use money from the Fund . ~~[; and~~

~~(b) Procedures to distribute money from the Fund.]~~

6. As used in this section, "State Wildlife Action Plan" means a statewide plan prepared by the Department of Wildlife and approved by the United States Fish and Wildlife Service which sets forth provisions for the conservation of wildlife and wildlife habitat, including, without limitation, provisions for assisting in the prevention of any species of wildlife from becoming threatened or endangered.

Sec. 9.5. 1. The Fund for the Recovery of Costs is hereby created in the State Treasury as a special revenue fund.

2. All money collected by the Department of Wildlife in accordance with regulations adopted pursuant to section 7 of this act must be deposited in the State Treasury for credit to the Fund.

3. The Fund is a continuing fund without reversion. The money in the Fund must be invested as the money in other state funds is invested.

4. The interest and income earned on the money in the Fund, after deducting any applicable charges, must be credited to the Fund. Claims against the Fund must be paid as other claims against the State are paid.

5. The Director of the Department of Wildlife may apply for and accept any gift, donation, bequest, grant or other source of money for use by the Fund. Any money so received must be deposited in the State Treasury for credit to the Fund. If the Director of the Department of Wildlife receives any matching federal money which is credited to the Fund pursuant to this subsection, the amount of money credited may be transferred to the Energy Planning and Conservation Fund created by section 9 of this act.

6. The Director of the Department of Wildlife shall administer the Fund. The money in the Fund must be used by the Department of Wildlife solely:

(a) To provide to the Federal Government, the Public Utilities Commission of Nevada or any person any information relating to wildlife or wildlife habitat based on the location of an energy development project; or

(b) To match any federal money for a project or program for the conservation of any species of wildlife.

Sec. 10. NRS 701.020 is hereby amended to read as follows:

701.020 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 701.025 to 701.090, inclusive, ***and section 5 of this act*** have the meanings ascribed to them in those sections.

Sec. 11. NRS 701.180 is hereby amended to read as follows:

701.180 The Director shall:

1. Acquire and analyze information relating to energy and to the supply, demand and conservation of its sources, including, without limitation:

(a) Information relating to the Solar Energy Systems Incentive Program created pursuant to NRS 701B.240 including, without limitation, information relating to:

(1) The development of distributed generation systems in this State pursuant to participation in the Solar Energy Systems Incentive Program;

(2) The use of carbon-based energy in residential and commercial applications due to participation in the Program; and

(3) The average cost of generation on a kilowatt-hour basis for residential and commercial applications due to participation in the Program; and

(b) Information relating to any money distributed pursuant to NRS 702.270.

2. Review and evaluate information which identifies trends and permits forecasting of the energy available to the State. Such forecasts must include estimates on:

(a) The level of demand for energy in the State for 5-, 10- and 20-year periods;

(b) The amount of energy available to meet each level of demand;

(c) The probable implications of the forecast on the demand and supply of energy; and

(d) The sources of renewable energy and other alternative sources of energy which are available and their possible effects.

3. Study means of reducing wasteful, inefficient, unnecessary or uneconomical uses of energy and encourage the maximum utilization of existing sources of energy in the State.

4. Solicit and serve as the point of contact for grants and other money from the Federal Government, including, without limitation, any grants and other money available pursuant to any program administered by the United States Department of Energy, and other sources to cooperate with the Commissioner and the Authority:

(a) To promote energy projects that enhance the economic development of the State;

(b) To promote the use of renewable energy in this State;

(c) To promote the use of measures which conserve or reduce the demand for energy or which result in more efficient use of energy;

(d) To develop a comprehensive program for retrofitting public buildings in this State with energy efficiency measures; and

(e) If the Commissioner determines that it is feasible and cost-effective, to enter into contracts with researchers from the Nevada System of Higher Education for the design of energy efficiency and retrofit projects to carry out the comprehensive program for retrofitting public buildings in this State developed pursuant to paragraph (d).

5. Coordinate the activities and programs of the Office of Energy with the activities and programs of the Authority, the Consumer's Advocate and the Public Utilities Commission of Nevada, and with other federal, state and local officers and agencies that promote, fund, administer or operate activities and programs related to the use of renewable energy and the use of measures which conserve or reduce the demand for energy or which result in more efficient use of energy.

6. If requested to make a determination pursuant to NRS 111.239 or 278.0208, make the determination within 30 days after receiving the request. If the Director needs additional information to make the determination, the Director may request the information from the person making the request for a determination. Within 15 days after receiving the additional information, the Director shall make a determination on the request.

7. ~~*[Adopt any regulations necessary to carry out the provisions of sections 6 to 9, inclusive, of this act and shall coordinate]*~~ ***Cooperate with the Department of Wildlife*** ~~*[to carry]*~~ ***in carrying out*** ~~*[those]*~~ ***the provisions*** ~~*[.]*~~ ***of sections 6 to 9.5, inclusive, of this act.***

8. Carry out all other directives concerning energy that are prescribed by the Governor.

Sec. 12. The ~~[Office of Energy]~~ **Department of Wildlife** shall, before October 1, 2011, adopt any regulations which are required by or necessary to carry out the provisions of this act.

Sec. 13. This act becomes effective:

1. Upon passage and approval for the purposes of adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

2. On October 1, 2011, for all other purposes.

Assemblyman Hickey moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, reengrossed, and to third reading.

Assembly Bill No. 449.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 643.

; AIZLEY, ANDERSON, ATKINSON, BENITEZ-THOMPSON, BOBZIEN, BROOKS, BUSTAMANTE ADAMS, CARLTON, CARRILLO, DALY, DIAZ, DONDERO LOOP, ELLISON, FLORES, FRIERSON, GOEDHART, GRADY, HAMBRICK, HAMMOND, HANSEN, HARDY, HICKEY, HOGAN, HORNE, KIRNER, KITE, LIVERMORE, MASTROLUCA, MUNFORD, NEAL, OHRENSCHALL, PIERCE, SEGERBLOM, SHERWOOD, STEWART AND WOODBURY

AN ACT relating to economic development; creating an Advisory Council on Economic Development; prescribing the duties of the Advisory Council; creating the Board of Economic Development; prescribing the duties and powers of the Board; creating the Office of Economic Development; prescribing the duties and powers of the Office and the Executive Director of the Office; establishing a fund to provide grants **and loans** to ~~[local governments]~~ **regional development agencies** for the purpose of economic development; establishing a fund to provide financial assistance to ~~[research]~~ **certain** institutions within the Nevada System of Higher Education for the development and commercialization of new technologies; amending provisions relating to the Commission on Economic Development, the Governor's Workforce Investment Board and the Secretary of State's business portal; transferring the duties and powers of the Commission on Economic Development to the ~~[Board]~~ **Office** of Economic Development; **revising the provisions governing certain partial abatements from taxation and the issuance of certain revenue bonds;** revising **and**

repealing various provisions relating to economic development; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

[Sections 1-15, 24-45 and 47-78**]** **The provisions** of this bill establish a structure for the economic development programs of this State. **Section 8** creates an Advisory Council on Economic Development and prescribes its duties. **Section 10** creates the **[**permanent**]** Board of Economic Development **,** consisting of the Governor or his or her designee, the Lieutenant Governor or his or her designee, the Secretary of State or his or her designee **, [**and eight**] the Chancellor of the Nevada System of Higher Education or his or her designee and seven** persons appointed by the Governor, the Speaker of the Assembly, the Majority Leader of the Senate **, [**and**]** the Minority Leaders of the Assembly and Senate **[.] and the Department of Employment, Training and Rehabilitation. Sections 12 and 13** create the Office of Economic Development **within the Office of the Governor** and the position of Executive Director **[.] of the Office,** who must be appointed by the Governor from a list of three persons recommended by the Board. **Section 11** prescribes the duties of the Board. **Sections [**12.**]** 14 **and 15** prescribe the duties of the Office and its Executive Director, which include, without limitation **[**: (1) developing an economic development strategy for this State; (2) designating a regional organization for economic development for each of the northern, southern and rural regions of this State, which is eligible to receive economic development grants provided by local governments from money received from the Catalyst Fund created by section 16 of this bill; and (3) coordinating and overseeing economic development programs in this State to ensure that such programs are consistent with the economic development strategy. Upon the hiring of the Executive Director of the Office of Economic Development, sections 24-45 and 47-78**]** **, the development of a State Plan for Economic Development and the designation of regional development agencies for the regions of this State. Section 86 repeals the provisions authorizing the establishment of regional development districts by the Governor. On and after July 1, 2012, sections 82 and 83 authorize the Office and its Executive Director to coordinate, oversee and reorganize the programs for economic development in this State consistently with the State Plan for Economic Development. On July 1, 2012, sections 1.5, 24-29, 30, 31, 31.7-36, 43-45, 47-51, 54-69, 71 and 79-80** transfer **[**all**]** **the** existing powers and duties of the Commission on Economic Development to the **[**Board**]** **Office of Economic Development** and require the coordination of certain activities **[**of the Governor's Workforce Investment Board and the Secretary of State's business portal**]** **of various public entities** with the activities of the Office **. [**of Economic Development and the Board.**] In addition, sections 49-51**

require the recipients of certain partial tax abatements approved by the Office to repay the abated amounts if the recipients cease to meet the eligibility requirements for the abatements.

Sections 52.3-53.7 of this bill require the Director of the Department of Business and Industry to obtain the approval of the Office of Economic Development before the Director issues certain revenue bonds for industrial development.

Section 70 of this bill transfers the authority to grant partial abatements of property taxes for certain energy-efficient buildings from the Director of the Office of Energy to the Office of Economic Development and requires the recipients of those abatements to repay the abated amounts if the recipients cease to meet the eligibility requirements for the abatements.

Sections 72-78 of this bill transfer the authority to grant partial tax abatements for certain renewable energy facilities from the Nevada Energy Commissioner to the Office of Economic Development and require the recipients of those abatements to repay the abated amounts if the recipients cease to meet the eligibility requirements for the abatements.

Sections 9, 16, 17 , 17.5 and 46 ~~[of this bill]~~ create **and provide for the administration of** the Catalyst Fund. Under **section 46**, during the 2011-2012 Fiscal Year, $10,000,000 must be transferred to the Catalyst Fund from the Abandoned Property Trust Account in the State General Fund. This money does not revert and may be supplemented by gifts, grants, donations, bequests or other sources of money. ~~[Before the Executive Director of the Office of Economic Development is hired, section]~~ **Section** 9 authorizes ~~[: (1)]~~ the Commission on Economic Development to make, after considering the advice and recommendations of the Advisory Council ~~[of]~~ **on** Economic Development, grants **or loans** of money from the Catalyst Fund to ~~[local governmental entities; and (2) local governmental entities to use this money to make grants to the local or regional organizations for economic development.]~~ **regional development agencies.** The grants **or loans** must be used to make grants or loans to, or investments in, businesses seeking to create or expand in this State or relocate to this State. ~~[Under]~~ **On July 1, 2012, section 17** ~~[, after]~~ **transfers the authority to make those grants or loans to** the Executive Director of the Office of Economic Development **.** ~~[is hired, the Executive Director is authorized to make grants of money from the Catalyst Fund and must establish the procedures for obtaining these grants reporting requirements concerning the use of grants from the Catalyst Fund.]~~

Sections 18-22 ~~[of this bill]~~ establish a program for the development and commercialization of research and technology at the University of Nevada, Las Vegas, the University of Nevada, Reno, and the Desert Research

Institute. **Section 19** creates the Knowledge Fund**.** ~~[and requires the University of Nevada, Las Vegas, the University of Nevada, Reno, and the Desert Research Institute to transfer a certain amount of money each year, beginning with the 2011-2012 Fiscal Year, from each institution's legislative appropriation to the Knowledge Fund.]~~ **Section 22** requires the Executive Director of the Office **of Economic Development** to allocate money in the Knowledge Fund to **be used by** the Universities and the Desert Research Institute to provide funding for: (1) the recruitment**,** ~~[and]~~ hiring **and retention** of faculty and teams to conduct research in science and technology; (2) research laboratories and related equipment; ~~[and]~~ (3) the construction of research clinics, institutes and facilities and related buildings in this State**.** ~~[.]~~ **; and (4) matching funds for federal and private grants that further economic development.** Under **section 21**, the Executive Director must use money in the Knowledge Fund to establish a technology outreach program at strategic locations throughout this State and ensure that the program assists with the development of commercial applications of research. Section 20 requires the Executive Director to establish economic development **goals and** objectives for these programs and **to** monitor the programs and the use of money from the Knowledge Fund. **Section 19.3 authorizes the Executive Director, the University of Nevada, Las Vegas, the University of Nevada, Reno and the Desert Research Institute to enter into agreements for the allocation of commercialization revenue generated from programs receiving money from the Knowledge Fund.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. **NRS 223.085 is hereby amended to read as follows:**

223.085 1. The Governor may, within the limits of available money, employ such persons as he or she deems necessary to provide an appropriate staff for the Office of the Governor, including, without limitation, ***the Office of Economic Development,*** the Office of Science, Innovation and Technology and the Governor's mansion. Any such employees are not in the classified or unclassified service of the State and ***, except as otherwise provided in sections 12 and 13 of this act,*** serve at the pleasure of the Governor.

2. The Governor shall:

(a) Determine the salaries and benefits of the persons employed pursuant to subsection 1, within limits of money available for that purpose; and

(b) Adopt such rules and policies as he or she deems appropriate to establish the duties and employment rights of the persons employed pursuant to subsection 1.

~~[Section 1.]~~ *Sec. 1.5.* NRS 223.610 is hereby amended to read as follows:

223.610 The Director of the Office of Science, Innovation and Technology shall:

1. Advise the Governor ***and the Executive Director of the Office of Economic Development*** on matters relating to science, innovation and technology.

2. Work in coordination with the **[**Commission on**]** ***Office of*** Economic Development to establish criteria and goals for economic development and diversification in this State in the areas of science, innovation and technology.

3. As directed by the Governor ~~[,]~~ ***and the Executive Director of the Office of Economic Development,*** identify, recommend and carry out policies related to science, innovation and technology.

4. Report periodically to the ~~[Chair and]~~ Executive Director of the ~~[Commission on]~~ ***Office of*** Economic Development concerning the administration of the policies and programs of the Office of Science, Innovation and Technology.

5. Develop and coordinate efforts to attract biotechnological companies to this State.

6. Establish and maintain a clearinghouse of information regarding biotechnological business in this State.

7. In carrying out his or her duties pursuant to this section, consult with the Executive Director of the Office of Economic Development and cooperate with the Executive Director in implementing the State Plan for Economic Development developed by the Executive Director pursuant to subsection 2 of section 14 of this act.

Sec. 2. Chapter 231 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 22, inclusive, of this act.

Sec. 3. ***As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 4 to*** ~~[7,]~~ ***7.5, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 4. ***"Board" means the Board of Economic Development created by section 10 of this act.***

Sec. 4.5. ***"Development resource" means any funding or other resource for economic development, including, without limitation, a structured lease of real property. The term does not include any grant, loan or allocation of money from the Catalyst Fund created by section 16 of this act or the Knowledge Fund created by section 19 of this act.***

Sec. 5. ***"Executive Director" means the Executive Director of the Office.***

Sec. 6. *"Office" means the Office of Economic Development created by section 12 of this act.*

Sec. 7. *"Organization for economic development" means an organization which promotes, aids or encourages economic development in this State or a locality or region of this State.* ~~[The term includes, without limitation, a regional development district created pursuant to NRS 277.300 to 277.390, inclusive.]~~

Sec. 7.5. "Regional development agency" means an organization for economic development which is:

1. A local governmental entity or composed solely of two or more local governmental entities; and

2. Designated by the Executive Director as a regional development agency pursuant to subsection 4 of section 14 of this act.

Sec. 8. *1. The Advisory Council on Economic Development is hereby created. The Advisory Council consists of:*

(a) The Governor;

(b) The Lieutenant Governor;

(c) The Speaker of the Assembly;

(d) The Majority Leader of the Senate;

(e) The Minority Leader of the Assembly;

(f) The Minority Leader of the Senate; and

(g) The Secretary of State.

2. The Lieutenant Governor shall serve as the Chair of the Advisory Council.

3. The members of the Advisory Council shall serve without compensation ~~[.~~

~~3.]~~ *except that, to the extent approved by the Executive Director, the members are entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally while engaged in the official business of the Advisory Council.*

4. The members of the Advisory Council ~~[may:]~~ *shall:*

(a) Meet at least once each quarter to discuss the efforts made by each member to further the economic development of this State and the results and expected results of those efforts.

(b) Market this State to further the economic development of this State and, after the Executive Director has developed the State Plan for Economic Development pursuant to subsection 2 of section 14 of this act, conduct such marketing in accordance with the State Plan for Economic Development. The efforts made pursuant to this paragraph may include, without limitation, attending industry conferences, publicizing the economic development programs of this State and meeting with the leaders

of businesses who express interest in expanding or relocating in this State ***.*** *~~[; and~~*

~~(b) At the request of the Board, provide]~~

(c) Provide advice to the Board concerning the economic development of this State.

Sec. 9. *1. ~~[The]~~ In consultation with the Advisory Council on Economic Development created by section 8 of this act, the Commission on Economic Development shall:*

(a) Evaluate the performance of local and regional organizations for economic development in this State and, based on the evaluation, make recommendations concerning the funding ~~[or defunding]~~ of or withdrawal of funding from specific local and regional organizations for economic development ***.*** *~~[;]~~*

(b) Establish procedures for applying ~~[for an economic development grant from]~~ to the Commission on Economic Development ~~[and]~~ for a development resource or a grant or loan of money from the Catalyst Fund created by section 16 of this act ***.*** *~~[;]~~ The procedures must:*

(1) Include, without limitation, a requirement that applications for development resources, grants or loans must set forth:

(I) The proposed use of the development resource, grant or loan;

(II) The plans, projects and programs for which the development resource, grant or loan will be used;

(III) The expected benefits of the development resource, grant or loan; and

(IV) A statement of the short-term and long-term impacts of the use of the development resource, grant or loan; and

(2) Allow an applicant to revise his or her application upon the recommendation of the Commission on Economic Development.

(c) Develop the criteria for awarding grants and loans from the Catalyst Fund created by section 16 of this act ***.*** *~~[;]~~*

(d) Develop criteria for evaluating the performance of local and regional organizations for economic development ***.*** *~~[; and]~~*

(e) Establish ~~[the]~~ requirements for reports from ~~[local governmental entities concerning the use of]~~ the recipients of development resources and grants or loans of money from the Catalyst Fund ~~[.]~~ concerning the use thereof. The requirements must include, without limitation, a requirement that the recipient of a grant or loan of money include in such a report:

(1) A description of each activity undertaken with money from the grant or loan and the amount of money used for each such activity;

(2) The return on the money provided by the grant or loan;

(3) A statement of the benefit to the public from the grant or loan; and

(4) Such documentation as the Commission deems appropriate to support the information provided in the report.

2. Upon receipt of an application for a development resource or a grant or loan of money from the Catalyst Fund created by section 16 of this act, the Commission on Economic Development may provide development resources or make grants or loans of money from the Catalyst Fund to ~~[local governmental entities that apply either singly or jointly]~~ regional development agencies that apply for such ~~[grants. Local governmental entities that receive a grant of money from the Catalyst Fund shall use the money to make grants of money to a local or regional organization for economic development approved by the Commission.]~~ development resources, grants or loans. The development resource, grant or loan must be used to provide development resources, grants or loans to, or to make investments in, businesses seeking to create or expand in this State or relocate to this State. ~~[Upon awarding a grant to a local governmental entity]~~ Before providing a development resource, grant or loan to a regional development agency pursuant to this subsection, the Commission shall enter into an agreement with the ~~[local governmental entity]~~ regional development agency which sets forth terms and conditions for the development resource, grant ~~[,]~~ or loan, including, without limitation, ~~[the return of the grant if the grant]~~ a requirement that the regional development agency must enter into a separate agreement with each business to which the regional development agency provides any portion of the development resource, grant or loan which requires the business to return the development resource, grant or loan to the Commission if it is not used in accordance with the agreement ~~[.]~~ between the regional development agency and the Commission.

3. The Advisory Council on Economic Development ~~[may]~~ shall provide advice and recommendations to assist the Commission on Economic Development in carrying out the duties prescribed by this section. The Commission must consider the advice and recommendations of the Advisory Council but is not required to follow the advice and recommendations of the Advisory Council, and any such recommendations are advisory in nature.

Sec. 10. ***1. There is hereby created the Board of Economic Development, consisting of ~~[the]~~ :***

(a) The following voting members:

~~[(a)]~~ (1) The Governor or his or her designee;

~~[(b)]~~ (2) The Lieutenant Governor or his or her designee;

~~[(c)]~~ (3) The Secretary of State or his or her designee; and

~~[~~ ~~(d) Eight]~~

(4) Six members who must be selected from the private sector and appointed as follows:

[(1)] (I) Three members appointed by the Governor;

[(2) Two members]

(II) One member appointed by the Speaker of the Assembly;

[(3) Two members]

(III) One member appointed by the Majority Leader of the Senate; and

[(4)] (IV) One member appointed [as agreed] by the Minority [Leaders] Leader of the Assembly [and] or the Minority Leader of the Senate. The Minority Leader of the Assembly shall appoint the member for the initial term, the Minority Leader of the Senate shall appoint the member for the next succeeding term, and thereafter, the authority to appoint the member for each subsequent term alternates between the Minority Leader of the Assembly and the Minority Leader of the Senate.

(b) The following nonvoting members:

(1) The Chancellor of the Nevada System of Higher Education or his or her designee; and

(2) One member appointed by the Department of Employment, Training and Rehabilitation from the membership of the Governor's Workforce Investment Board.

2. In appointing the members of the Board described in subsection 1, the appointing authorities shall coordinate the appointments when practicable so that the members of the Board represent the diversity of this State, including without limitation, different strategically important industries, different geographic regions of this State and different professions.

3. The [members of the Board shall elect a] Governor or his or her designee shall serve as the Chair of the Board.

4. Except as otherwise provided in this subsection, the members of the Board appointed pursuant to subparagraph (4) of paragraph (a) of subsection 1 and subparagraph (2) of paragraph (b) of subsection 1 are appointed for terms of 4 years. The initial members of the Board shall by lot select [five] three of the initial members of the Board appointed pursuant to subparagraph (4) of paragraph (a) of subsection 1 to serve an initial term of 2 years.

5. Vacancies in the appointed positions on the Board must be filled by the appointing authority for the unexpired term.

6. The Executive Director shall serve as the nonvoting Secretary of the Board.

7. A majority of the Board constitutes a quorum, and a majority of the Board is required to exercise any power conferred on the Board.

8. The Board shall meet at least once each quarter but may meet more often at the call of the Chair or a majority of the members of the Board.

9. The members of the Board serve without compensation but are entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally while engaged in the official business of the Board.

Sec. 11. ***The Board shall:***

1. Review and evaluate all programs of economic development in this State and make recommendations to the Legislature for legislation to improve the effectiveness of those programs in implementing the State Plan for Economic Development developed by the Executive Director pursuant to subsection 2 of section 14 of this act.

2. Recommend to the Executive Director a State Plan for Economic Development ~~[.]~~ ***and make recommendations to the Executive Director for carrying out the State Plan for Economic Development.***

3. Recommend to the Executive Director the criteria for the designation of regional ~~[organizations for economic development.]~~ ***development agencies.***

4. Make recommendations to the Executive Director for the designation for the southern region of this State, the northern region of this State and the rural region of this State, one or more regional ~~[organization for economic]~~ ***development agencies for each region .*** ~~[which is eligible to receive grants from local governmental entities pursuant to subsection 1 of section 17 of this act. and from the Commission on Economic Development pursuant to subsection 4 of NRS 231.067. Upon the recommendation of the Executive Director, the Board may remove the designation of a regional organization for economic development and designate a different regional organization for that region.]~~

5. Provide advice and recommendations to the Executive Director concerning:

(a) The procedures to be followed by ~~[local governmental entities]~~ ***any entity seeking to obtain*** ~~[a]~~ ***any development resource, allocation, grant or loan from the*** ~~[Catalyst Fund created by section 16 of this act;]~~ ***Office;***

(b) The criteria to be used by the Office in providing development resources and making ~~[grants to local governmental entities pursuant to section 16 of this act;]~~ ***allocations, grants and loans;*** ~~[and]~~

(c) The requirements for reports from ~~[local governmental entities]~~ ***the recipients of development resources, allocations, grants and loans from the Office concerning the use*** ~~[of grants of money from the Catalyst Fund.~~

~~6. Within the limits of legislative appropriations, determine the salaries and benefits of the Executive Director and the employees of the Office.]~~ ***thereof; and***

(d) Any other activities of the Office.

6. Review each proposal by the Executive Director to grant more than $250,000 or loan more than $500,000 to any entity and, as the Board determines to be in the best interests of the State, approve or disapprove the proposed grant or loan. Notwithstanding any other statutory provision to the contrary, the Executive Director shall not grant more than $250,000 or loan more than $500,000 to any entity unless the grant or loan is approved by the Board.

Sec. 12. ***1. There is hereby created within the Office of the Governor the Office of Economic Development . [, consisting of:***

(a) A Division of Economic Development; and

(b) A Division of motion Pictures.]

2. The Governor shall propose a budget for the Office.

3. Employees of the Office are not in the classified or unclassified service of this State [.] and serve at the pleasure of the Executive Director.

Sec. 13. ***The Executive Director:***

1. Must be appointed by the Governor from a list of three persons recommended by the Board.

2. Is not in the classified or unclassified service of this State.

3. [May] Serves at the pleasure of the Board, except that he or she may be removed by the Board only if the Board finds that his or her performance is unsatisfactory.

4. Shall devote his or her entire time to the duties of his or her office and shall not engage in any other gainful employment or occupation.

Sec. 14. ***[The] After considering any pertinent advice and recommendations of the Board, the Executive Director:***

1. Shall direct and supervise the administrative and technical activities of the Office.

2. Shall develop and may periodically revise a State Plan for Economic Development, which must include a statement of:

(a) New industries which have the potential to be developed in this State;

(b) The strengths and weaknesses of this State for business incubation;

(c) The competitive advantages and weaknesses of this State;

(d) The manner in which this State can leverage its competitive advantages and address its competitive weaknesses;

(e) A strategy to encourage the creation and expansion of businesses in this State and the relocation of businesses to this State; and

(f) Potential partners for the implementation of the strategy, including, without limitation, the Federal Government, local governments, local and regional organizations for economic development, chambers of commerce, and private businesses [and investors.] , investors and nonprofit entities.

3. ~~[Develop]~~ Shall develop criteria for the designation of regional ~~[organizations for economic]~~ development agencies pursuant to subsection 4.

4. ~~[Designate for]~~ Shall, in consultation with local governmental entities in the southern region of this State, the northern region of this State and the rural region of this State, ~~[one regional organization for economic development]~~ designate as many regional development agencies for each region ~~[which is eligible to receive grants from local governmental entities pursuant to subsection 1 of section 17 of this act.]~~ as the Executive Director determines to be appropriate to implement the State Plan for Economic Development. The Executive Director may , if he or she determines that such action would aid in the implementation of the State Plan for Economic Development, remove the designation of ~~[a regional organization for economic development and designate a different regional organization for that region. A county, city, town or other political subdivision shall not provide grants or any financial assistance to a local or regional organization for economic development which has been designated by the Executive Director pursuant to this subsection.~~

~~5. Within the limits of legislative appropriations, may appoint such professional, technical, clerical and operational employees as the execution of his or her duties and the operation of the Office may require.~~

~~6. In a manner consistent with the laws of this State, may reorganize the programs of economic development in this State to further the State Plan for Economic Development developed by the Executive Director pursuant to subsection 2. If, in the opinion of the Executive Director, changes to the laws of this State are necessary to implement the economic development strategy for this State, the Executive Director must recommend the changes to the Governor and the Legislature.]~~ any regional development agency previously designated pursuant to this section.

5. May apply for and accept any gift, donation, bequest, grant or other source of money to carry out the provisions of sections 12 to 15, inclusive, and 17 to 22, inclusive, of this act.

6. May adopt such regulations as may be necessary to carry out the provisions of sections 12 to 15, inclusive, and 17 to 22, inclusive, of this act.

Sec. 15. ***Under the direction of the Executive Director, the Office shall:***

1. Provide administrative and technical support to the Board.

2. Support the efforts of the Board, the regional ~~[organizations for economic]~~ development agencies designated by the Executive Director pursuant to subsection 4 of section 14 of this act and the private sector to encourage the creation and expansion of businesses in Nevada and the relocation of businesses to Nevada.

~~3. [Coordinate and oversee all economic development programs in this State to ensure that such programs are consistent with the State Plan for Economic Development developed by the Executive Director pursuant to subsection 2 of section 14 of this act, including, without limitation:~~

~~(a) Coordinating the economic development activities of agencies of this State, local governments in this State and local and regional organizations for economic development to avoid duplication of effort or conflicting efforts;~~

~~(b) Working with local, state and federal authorities to streamline the process for obtaining abatements, financial incentives, grants, loans and all necessary permits and licenses for the creation or expansion of business in Nevada or the relocation of businesses to Nevada; and~~

~~(c) Reviewing, analyzing and making recommendations for the approval or disapproval of applications for abatements, financial incentives and grants of money provided by the Commission on Economic Development pursuant to NRS 231.020 to 231.156, inclusive.]~~ ***Ensure that each fiscal year the University of Nevada, Las Vegas, the University of Nevada, Reno, and the Desert Research Institute each receive an equitable share, as practicable, of the money available from the Office for those entities for that fiscal year in accordance with the opportunities for economic development that are available to each of those entities.***

Sec. 16. ***1. The Catalyst Fund is hereby created as a special revenue fund in the State Treasury.***

2. The Catalyst Fund is a continuing fund without reversion. The interest and income earned on money in the Catalyst Fund, after deducting any applicable charges, must be credited to the Catalyst Fund.

3. ~~[The Executive Director]~~ All payments of principal and interest on any loan made with money from the Catalyst Fund must be deposited in the State Treasury for credit to the Fund.

4. The Commission on Economic Development shall administer the Catalyst Fund and may apply for and accept any gift, grant, donation, bequest or other source of money ~~[. Any money so received must be deposited]~~ for deposit in the Catalyst Fund . ~~[or the Knowledge Fund created pursuant to section 19 of this act.]~~

Sec. 17. ***1. The Executive Director shall ~~[administer the Catalyst Fund and, after considering the recommendations of the Board, may make grants of money from the Catalyst Fund to local governmental entities in this State that apply for a grant either singly or jointly with other local governments. A local governmental entity which receives a grant of money from the Catalyst Fund shall use the money to make grants of money to the regional organization for economic development designated for that local government by the Executive Director pursuant to subsection 4 of section 14~~***

~~of this act. The grant must be used to provide grants or loans to or to make investments in, businesses seeking to create or expand in this State or relocate to this State.~~] , after considering the advice and recommendations of the Board, establish procedures for applying to the Office for a development resource or a grant or loan of money from the Catalyst Fund created by section 16 of this act. The procedures must:

(a) Include, without limitation, a requirement that applications for development resources, grants or loans must set forth:

(1) The proposed use of the development resource, grant or loan;

(2) The plans, projects and programs for which the development resource, grant or loan will be used;

(3) The expected benefits of the development resource, grant or loan; and

(4) A statement of the short-term and long-term impacts of the use of the development resource, grant or loan; and

(b) Allow an applicant to revise his or her application upon the recommendation of the Executive Director.

2. In accordance with the procedures established pursuant to subsection 1, any regional development agency may apply for a development resource or a grant or loan of money from the Catalyst Fund. Upon receipt of such an application ~~[for a grant from the Catalyst Fund pursuant to subsection 1, the Commission on Economic Development shall provide a copy of the application to the Executive Director. The]~~ , the Executive Director ~~[and the Board]~~ shall review the application and ~~[make a recommendation to the Commission on Economic Development concerning]~~ determine whether the approval of the application would promote the economic development of this State and aid the implementation of the State Plan for Economic Development developed by the Executive Director pursuant to subsection 2 of section 14 of this act.

~~[3.]~~ If the Executive Director determines that approving the application will promote the economic development of this State and aid the implementation of the State Plan for Economic Development, the Executive Director may approve the application and provide a development resource or make a grant or loan of money from the Catalyst Fund to the applicant.

3. Except as otherwise provided in this subsection or another specific statute, each development resource or grant or loan of money from the Catalyst Fund which the Office provides to a regional development agency must be used to provide development resources, grants or loans to or to make investments in, businesses seeking to create or expand in this State or relocate to this State. The Executive Director may provide a development resource or a grant or loan of money to a regional development agency to

be used for administrative or operating purposes, but no money from the Catalyst Fund may be used by any organization for economic development for such purposes.

4. After considering the advice and recommendations of the Board, the Executive Director shall:

(a) [Establish the procedures to be followed by local governmental entities to obtain a grant from the Catalyst Fund and the criteria to be used in making grants to local governmental entities pursuant to this section.

(b) Enter] Require each regional development agency to which the Executive Director proposes to provide a development resource or a grant or loan of money from the Catalyst Fund to enter into an agreement with [local governmental entities receiving a grant from the Catalyst Fund which] the Executive Director that sets forth terms and conditions of the development resource, grant [,] or loan, which must include, without limitation, a provision requiring [a local governmental entity to return the grant if the grant] the regional development agency to enter into a separate agreement with each business to which the regional development agency provides any portion of the development resource, grant or loan which requires the business to return the development resource, grant or loan to the Office if it is not used in accordance with the agreement [.

(c)] between the regional development agency and the Executive Director.

(b) Establish the requirements for reports from [local governmental entities] regional development agencies concerning the use of development resources and grants and loans of money from the Catalyst Fund.

[4.] The requirements must include, without limitation, a requirement that the recipient of a grant or loan of money include in such a report:

(1) A description of each activity undertaken with money from the grant or loan and the amount of money used for each such activity;

(2) The return on the money provided by the grant or loan;

(3) A statement of the benefit to the public from the grant or loan; and

(4) Such documentation as the Executive Director deems appropriate to support the information provided in the report.

5. On or before November 1, 2012, and on or before November 1 of every year thereafter, the Executive Director shall submit a report to the Governor and to the Director of the Legislative Counsel Bureau for transmittal to the Interim Finance Committee, if the report is received during an odd-numbered year, or to the next session of the Legislature, if the report is received during an even-numbered year. The report must include, without limitation:

[(1)] (a) The amount of grants and loans awarded from the Catalyst Fund;

~~[(2)]~~ ***(b) The amount of all grants, gifts and donations to the Catalyst Fund from public and private sources;***

~~[(3)]~~ ***(c) The number of businesses which have been created or expanded in this State, or which have relocated to this State, because of grants and loans from the Catalyst Fund; and***

~~[(4)]~~ ***(d) The number of jobs which have been created or saved because of grants and loans from the Catalyst Fund.***

~~[5. The Executive Director shall ensure that each fiscal year each regional organization for economic development designated by the Executive Director pursuant to subsection 4 of section 14 of this act receives an equitable share of the grants, as practicable, from the Catalyst Fund during that fiscal year.]~~

Sec. 17.5. ***After considering the advice and recommendations of the Board, the Executive Director shall establish procedures pursuant to which a regional development agency may grant to another organization for economic development any money granted by the Office to the regional development agency to be used for administrative or operating purposes. The procedures must include, without limitation, a requirement that:***

1. The applications for the grants must set forth:

(a) The proposed use of the grant;

(b) The plans, projects and programs for which the grant will be used;

(c) The expected benefits of the grant; and

(d) A statement of the short-term and long-term impacts of the use of the grant.

2. The grants must:

(a) Promote the economic development of this State and aid in the implementation of the State Plan for Economic Development developed by the Executive Director pursuant to subsection 2 of section 14 of this act; and

(b) Be used by the organizations for economic development receiving the grants for administrative or operating purposes.

3. The regional development agencies making the grants and the organizations for economic development receiving the grants must submit to the Office reports concerning the use of the grants which must include, without limitation:

(a) A description of each activity undertaken with money from the grant and the amount of money used for each such activity;

(b) The return on the money provided by the grant;

(c) A statement of the benefit to the public from the grant; and

(d) Such documentation as the Executive Director deems appropriate to support the information provided in the report.

Sec. 18. ***As used in sections 18 to 22, inclusive, of this act, unless the context otherwise requires*** ~~[, "research]~~ ***:***

1. "Chancellor" means the Chancellor of the Nevada System of Higher Education or his or her designee.

2. "Research universities" means the University of Nevada, Las Vegas, and the University of Nevada, Reno.

Sec. 19. ***1. The Knowledge Fund is hereby created*** ~~*[as a special revenue fund]*~~ ***in the State Treasury.***

2. The Knowledge Fund is a continuing fund without reversion. The interest and income earned on money in the Knowledge Fund, after deducting any applicable charges, must be credited to the Knowledge Fund.

3. The Executive Director ~~*[may]*~~ ***:***

(a) Shall administer the Knowledge Fund in a manner that is consistent with the State Plan for Economic Development developed by the Executive Director pursuant to subsection 2 of section 14 of this act;

(b) May apply for and accept any gift, grant, donation, bequest or other source of money ~~*[. Any money so received must be deposited]*~~ ***for deposit in the Knowledge Fund*** ~~*[or the Catalyst Fund.*~~

~~*4.]*~~ ***; and***

(c) Subject to any restrictions imposed by ~~*[the]*~~ ***such a grant, gift, donation or appropriation,*** ~~*[the Executive Director]*~~ ***may allocate money in the Knowledge Fund among the research universities, the Desert Research Institute, the technology outreach program established pursuant to section 21 of this act and the technology transfer*** ~~*[officers]*~~ ***offices of the research universities and the Desert Research Institute to support commercialization and technology transfer to the private sector.***

~~*[5. On or before August 1 of each year, the research universities shall each transfer to the Knowledge Fund $3,000,000 of the amount appropriated to the institution by the Legislature, and the Desert Research Institute shall transfer to the Knowledge Fund $2,000,000 of the amount appropriated to the institution by the Legislature.]*~~

Sec. 19.3. ***1. The Executive Director may enter into agreements, when the Executive Director deems such an agreement to be appropriate, with the research universities and the Desert Research Institute for the allocation of commercialization revenue between the Office, the research universities and the Desert Research Institute. Any commercialization revenue received by the Office pursuant to such an agreement must be deposited in the Knowledge Fund created by section 19 of this act.***

2. In consideration of the money and services provided or agreed to be provided by the Office, the research universities and the Desert Research Institute shall agree to allocate commercialization revenue in accordance with any agreement entered into pursuant to subsection 1.

3. As used in this section, "commercialization revenue" means dividends, realized capital gains, license fees, royalty fees and other revenues received by a research university or the Desert Research Institute as a result of commercial applications developed as a result of the programs established pursuant to sections 18 to 22, inclusive, of this act, less:

(a) The portion of those revenues allocated to the inventor; and

(b) Expenditures incurred by the research university or the Desert Research Institute to legally protect the intellectual property.

Sec. 19.7. ***1. After considering the advice and recommendations of the Board, the Executive Director shall establish procedures for applying for an allocation of money from the Knowledge Fund created by section 19 of this act. The procedures must include, without limitation, a requirement that applications for allocations of money set forth:***

(a) The proposed use of the money;

(b) The plans, projects and programs for which the money will be used;

(c) The expected benefits of the money; and

(d) A statement of the short-term and long-term impacts of the use of the money.

2. In accordance with the procedures established pursuant to subsection 1, a research university or the Desert Research Institute may apply for an allocation of money from the Knowledge Fund. Upon receipt of an application for an allocation from the Knowledge Fund, the Executive Director shall review the application and determine whether the approval of the application would promote the economic development of this State and aid the implementation of the State Plan for Economic Development developed by the Executive Director pursuant to subsection 2 of section 14 of this act. If the Executive Director determines that approving the application will promote the economic development of this State and aid the implementation of the State Plan for Economic Development, the Executive Director may approve the application and make an allocation of money from the Knowledge Fund to the applicant.

3. If a research university or the Desert Research Institute receives an allocation of money from the Knowledge Fund, the money must be used for the purposes set forth in section 22 of this act.

Sec. 20. ***1.*** ~~*[The]*~~ ***In consultation with the Board and the Chancellor, the Executive Director shall:***

(a) Establish ~~*[of the research universities and the Desert Research Institute;]*~~ ***, for the programs established pursuant to sections 18 to 22, inclusive, of this act, economic development goals which are consistent with the State Plan for Economic Development developed by the Executive***

Director pursuant to subsection 2 of section 14 of this act and the strategic plans of the research universities and the Desert Research Institute.

(b) In cooperation with the administration of the research universities and the Desert Research Institute, expand science and technology research at the research universities and the Desert Research Institute . [;]

(c) Enhance technology transfer and commercialization of research and technologies developed at the research universities and the Desert Research Institute to create high-quality jobs and new industries in this State . [;]

(d) Establish economic development objectives for the programs established pursuant to sections 18 to 22, inclusive, of this act . [;]

(e) Verify that the programs established pursuant to sections 18 to 22, inclusive, of this act are being enhanced by research grants and that such programs are meeting the Board's economic development objectives . [;]

(f) Monitor all research plans that are part of the programs established pursuant to sections 18 to 22 inclusive, of this act at the research universities and the Desert Research Institute to determine that allocations from the Knowledge Fund created by section 19 of this act are being spent in accordance with legislative intent and to maximize the benefit and return to this State . [;]

(g) Develop methods and incentives to encourage investment in and contributions to the programs established pursuant to sections 18 to 22, inclusive, of this act from the private sector . [; and]

(h) Establish requirements for periodic reports from the research universities and the Desert Research Institute concerning the use of allocations from the Knowledge Fund pursuant to section 22 of this act. The requirements must include, without limitation, a requirement that the recipient of the allocation include in such a report:

(1) A description of each activity undertaken with money from the allocation and the amount of money used for each such activity; and

(2) Such documentation as the Executive Director deems appropriate to support the information provided in the report.

(i) On or before November 1, 2012, and on or before November 1 of every year thereafter, submit a report to the Governor and to the Director of the Legislative Counsel Bureau for transmittal to the Interim Finance Committee, if the report is received during an odd-numbered year, or to the next session of the Legislature, if the report is received during an even-numbered year. The report must include, without limitation:

(1) The number of research teams and faculty recruited , [and] hired and retained pursuant to section 22 of this act and the amount of funding provided to those research teams;

(2) A description of the research being conducted by the research teams and faculty for which the Executive Director has provided funding pursuant to section 22 of this act;

(3) The number of patents which have been filed as a result of the programs established pursuant to sections 18 to 22, inclusive, of this act;

(4) The amount of research grants awarded to the research teams and faculty recruited , [and] hired and retained pursuant to section 22 of this act;

(5) The amount of all grants, gifts and donations to the Knowledge Fund from public and private sources;

(6) The number of businesses which have been created or expanded in this State, or relocated to this State, because of the programs established pursuant to sections 18 to 22, inclusive, of this act; and

(7) The number of jobs which have been created or saved as a result of the activities of the Office.

2. The Executive Director may enter into any agreements necessary to obtain private equity investment in the programs established pursuant to sections 18 to 22, inclusive, of this act.

Sec. 21. ***1. The Executive Director shall use money in the Knowledge Fund created by section 19 of this act to establish a technology outreach program at locations distributed strategically throughout this State.***

2. The Executive Director shall ensure that the technology outreach program acts as a resource to:

(a) Broker ideas, new technologies and services to entrepreneurs and businesses throughout a defined service area;

(b) Engage local entrepreneurs and faculty and staff at state colleges [,] and community colleges [and the Desert Research Institute] by connecting them to the research universities [,] and the Desert Research Institute;

(c) Assist professors and researchers in finding entrepreneurs and investors for the commercialization of their ideas and technologies;

(d) Connect market ideas and technologies in new or existing businesses or industries or in state colleges [,] and community colleges [or the Desert Research Institute] with the expertise of the research universities [,] and the Desert Research Institute;

(e) Assist businesses, the research universities, state colleges, community colleges and the Desert Research Institute in developing commercial applications for their research; and

(f) Disseminate and share discoveries and technologies emanating from the research universities and the Desert Research Institute to local entrepreneurs, businesses, state colleges and community colleges.

3. In designing and operating the technology outreach program, the Board shall work cooperatively with the technology transfer offices at the research universities and the Desert Research Institute.

Sec. 22. ~~*[Subject to any restrictions or directions established by the Legislature,]*~~ ***In consultation with the Board and the Chancellor, the Executive Director shall allocate money in the Knowledge Fund created by section 19 of this act to the research universities and the Desert Research Institute to provide funding for:***

1. The recruitment , ~~[and]~~ hiring and retention of research teams and faculty to conduct research in science and technology which has the potential to contribute to economic development in this State;

2. Research laboratories and related equipment located or to be located in this State; ~~[and]~~

3. The construction of research clinics, institutes and facilities and related buildings located or to be located in this State ~~[.]~~ ; and

4. Matching funds for federal and private sector grants and contract opportunities that support economic development consistent with the State Plan for Economic Development developed by the Executive Director pursuant to subsection 2 of section 14 of this act.

Sec. 23. NRS 231.015 is hereby amended to read as follows:

231.015 1. The Interagency Committee for Coordinating Tourism and Economic Development is hereby created. The Committee consists of the Governor, who is its Chair, the Lieutenant Governor, who is its Vice Chair, the Director of the Commission on Tourism, the Executive Director of the ~~[Commission on]~~ ***Office of*** Economic Development and such other members as the Governor may from time to time appoint. The appointed members of the Committee serve at the pleasure of the Governor.

2. The Committee shall meet at the call of the Governor.

3. The Committee shall:

(a) Identify the strengths and weaknesses in state and local governmental agencies which enhance or diminish the possibilities of tourism and economic development in this State.

(b) Foster coordination and cooperation among state and local governmental agencies, and enlist the cooperation and assistance of federal agencies, in carrying out the policies and programs of the Commission on Tourism and the ~~[Commission on]~~ ***Office of*** Economic Development.

(c) Formulate cooperative agreements between the Commission on Tourism or the ~~[Commission on]~~ ***Office of*** Economic Development, and state and other public agencies pursuant to the Interlocal Cooperation Act, so that ~~[each of those commissions]~~ ***the Commission and Office*** may receive applications from and, as appropriate, give governmental approval for

necessary permits and licenses to persons who wish to promote tourism, develop industry or produce motion pictures in this State.

4. The Governor may from time to time establish regional or local subcommittees to work on regional or local problems of economic development or the promotion of tourism.

Sec. 23.3. **NRS 231.020 is hereby amended to read as follows:**

231.020 As used in NRS 231.020 to 231.139, inclusive, unless the context otherwise requires, "motion pictures" includes feature films, movies made for broadcast ~~[on television]~~ ***or other electronic transmission,*** and programs made for broadcast ~~[on television]~~ ***or other electronic transmission*** in episodes.

Sec. 23.7. **NRS 231.050 is hereby amended to read as follows:**

231.050 1. The Commission on Economic Development may meet regularly each month or at more frequent times if it deems necessary, and may, within the limits of its budget, hold special meetings at the call of the Chair.

2. The Executive Director ***of the Commission*** is the Secretary of the Commission.

3. The Commission shall prescribe rules for its own management and government.

4. Four members of the Commission constitute a quorum, but a majority of the Commission is required to exercise the power conferred on the Commission.

5. The Governor may remove a member from the Commission if the member neglects his or her duty or commits malfeasance in office.

Sec. 24. NRS 231.060 is hereby amended to read as follows:

231.060 The ~~[Commission on Economic Development:]~~ ***Office:***

1. Shall establish the policies and approve the programs ~~[and budgets]~~ of the ~~[Division of Economic Development and]~~ Division of Motion Pictures concerning ~~[:~~

~~(a) The promotion of industrial development and diversification in this State; and~~

~~(b) The]~~ ***the*** promotion of the production of motion pictures in this State.

2. May from time to time create special advisory committees to advise it on special problems of economic development. Members of special advisory committees ~~[, other than members of the Commission,]~~ may be paid the per diem allowance and travel expenses provided for state officers and employees, as the budget of the ~~[Commission]~~ ***Office*** permits.

Sec. 25. NRS 231.064 is hereby amended to read as follows:

231.064 In addition to its other duties, the ~~[Commission on Economic Development]~~ ***Office*** shall:

1. Investigate and study conditions affecting Nevada business, industry and commerce, and engage in technical studies, scientific investigations, statistical research and educational activities necessary or useful for the proper execution of the function of the ~~[Division of Economic Development]~~ ***Office*** in promoting and developing Nevada business, industry and commerce, both within and outside the State.

2. Conduct or encourage research designed to further new and more extensive uses of the natural and other resources of the State and designed to develop new products and industrial processes.

3. Serve as a center of public information for the State of Nevada by answering general inquiries concerning the resources and economic advantages of this state and by furnishing information and data on these and related subjects.

4. Prepare, and disseminate in any medium, informational material designed to promote community, economic and industrial development in Nevada.

5. Plan and develop an effective service for business information, both for the direct assistance of business and industry of the State and for the encouragement of business and industry outside the State to use economic facilities within the State, including readily accessible information on state and local taxes, local zoning regulations and environmental standards, the availability and cost of real estate, labor, energy, transportation and occupational education and related subjects.

Sec. 26. ~~[NRS 231.065 is hereby amended to read as follows:~~

~~231.065 1. The [Commission on Economic Development] *Office* shall provide and administer grants of money to political subdivisions of the State and to [local or] regional organizations for economic development *designated by the Executive Director pursuant to subsection 4 of section 14 of this act* to assist projects of economic diversification in counties:~~

~~(a) Whose economies are subject to dramatic fluctuations because of their dependence on mining; and~~

~~(b) That do not qualify for funding from the Economic Development Administration of the United States Department of Commerce.~~

~~2. The [Commission] *Office* shall establish eligibility criteria for recipients and may require a recipient to provide matching funds.~~

~~3. A recipient of a grant may use the money only to assist projects of economic diversification, including, without limitation:~~

~~(a) Analysis of industrial property;~~

~~(b) Feasibility studies;~~

~~(c) Construction of industrial park infrastructure; and~~

~~(d) Purchase of publicly owned industrial property.]~~ **(Deleted by amendment.)**

Sec. 27. ~~[NRS 231.067 is hereby amended to read as follows:~~

~~231.067 The~~ **[**~~Commission on Economic Development~~**]** ***Office*** ~~shall:~~

~~1. Develop a State Plan for Industrial Development and Diversification.~~

~~2.~~**]** ~~Except as otherwise provided in this subsection, promote, encourage and aid the development of commercial, industrial, agricultural, mining and other vital economic interests of this State, except for travel and tourism~~ **[**~~.~~**]** ~~,~~ ***to implement the State Plan for Economic Development developed by the Executive Director pursuant to subsection 2 of section 14 of this act.*** ~~In a county whose population is less than 50,000, the county may include community development and the development of the nongaming recreation and tourism industry in its economic development efforts.~~

[~~3.~~**]** ***2.*** ~~Identify sources of financing to assist businesses and industries which wish to locate or expand in Nevada.~~

[~~4.~~**]** ***3.*** ~~**[**Provide and administer grants of money to political subdivisions of the State and to local or regional organizations for economic development to assist them in promoting the advantages of their communities, in expanding and retaining businesses in those communities and in recruiting businesses to those communities. Each recipient must provide an amount of money, at least equal to the grant, for the same purpose, except in a county whose population is less than 50,000, the Commission may, if convinced that the recipient is financially unable to do so, provide such a grant with less than equal matching money provided by the recipient.~~

~~5.~~**]** ~~Encourage and assist state, county and city agencies in planning and preparing projects for community, economic and industrial development and financing those projects with revenue bonds or community development block grants.~~

[~~6.~~**]** ***4.*** ~~Except as otherwise provided in this subsection, coordinate and assist the activities of counties, cities~~ **[**~~, local~~**]** ~~and regional organizations for economic development~~ **[**~~in the State~~**]** ***designated by the Executive Director pursuant to subsection 4 of section 14 of this act*** ~~which affect economic~~ **[**~~and industrial~~**]** ~~development, except for travel and tourism. In a county whose population is less than 50,000, the county may include community development and the development of the nongaming recreation and tourism industry in its economic development efforts.~~

[~~7.~~**]** ***5.*** ~~Arrange by cooperative agreements with local governments to serve as the single agency in the State where relocating or expanding businesses may obtain all required permits.~~

[~~8.~~**]** ***6.*** ~~Promote close cooperation between public agencies and private persons who have an interest in industrial development and diversification in Nevada.~~

~~[9.] 7. Organize and coordinate the activities of a group of volunteers which will aggressively select and recruit businesses and industries, especially small industries, to locate their offices and facilities in Nevada.~~

~~[10.] 8. As used in this section, "community development block grant" means a grant administered or made available by the United States Department of Housing and Urban Development pursuant to 24 C.F.R. Part 570.]~~ **(Deleted by amendment.)**

Sec. 28. NRS 231.068 is hereby amended to read as follows:

231.068 1. The ~~[Commission on Economic Development,]~~ ***Office,*** to the extent of legislative appropriations, may grant money to a postsecondary educational institution to develop a program for occupational education which is designed to teach skills in a short period to persons who are needed for employment by new or existing businesses.

2. Any money appropriated to the ~~[Commission on Economic Development]~~ ***Office*** for awarding grants to develop a program specified in subsection 1 must be accounted for separately in the State General Fund. The money in the account:

(a) Does not revert to the State General Fund at the end of any fiscal year; and

(b) Must be carried forward to the next fiscal year.

Sec. 29. NRS 231.0685 is hereby amended to read as follows:

231.0685 The ~~[Commission on Economic Development]~~ ***Office*** shall, on or before January 15 of each odd-numbered year, prepare and submit to the Director of the Legislative Counsel Bureau for transmission to the Legislature a report concerning the abatements from taxation that the ~~[Commission]~~ ***Office*** approved pursuant to NRS 274.310, 274.320, 274.330**,** ~~[or]~~ 360.750 ~~[.]~~ **,** ***701A.110 or 701A.365.*** The report must set forth, for each abatement from taxation that the ~~[Commission]~~ ***Office*** approved in the 2-year period immediately preceding the submission of the report:

1. The dollar amount of the abatement;

2. The location of the business **,** ***facility or building*** for which the abatement was approved;

3. If applicable, the number of employees that the business ***or facility*** for which the abatement was approved employs or will employ;

4. ~~[Whether]~~ ***If applicable, whether*** the business for which the abatement was approved is a new business or an existing business; and

5. Any other information that the ~~[Commission]~~ ***Office*** determines to be useful.

Sec. 29.5. **NRS 231.069 is hereby amended to read as follows:**

231.069 1. Except as otherwise provided in NRS 239.0115, if so requested by a client, the Commission on Economic Development shall keep confidential any record or other document in its possession concerning the

initial contact with and research and planning for that client. If such a request is made, the Executive Director ***of the Commission*** shall attach to the file containing the record or document a certificate signed by him or her stating that a request for confidentiality was made by the client and the date of the request.

2. Records and documents that are confidential pursuant to subsection 1 remain confidential until the client:

(a) Initiates any process regarding the location of his or her business in Nevada which is within the jurisdiction of a state agency other than the Commission; or

(b) Decides to locate his or her business in Nevada.

Sec. 30. NRS 231.069 is hereby amended to read as follows:

231.069 1. Except as otherwise provided in NRS 239.0115, if so requested by a client, the ~~[Commission on Economic Development]~~ ***Office*** shall keep confidential any record or other document in its possession concerning the initial contact with and research and planning for that client. If such a request is made, the Executive Director ~~[of the Commission]~~ shall attach to the file containing the record or document a certificate signed by him or her stating that a request for confidentiality was made by the client and the date of the request.

2. Records and documents that are confidential pursuant to subsection 1 remain confidential until the client:

(a) Initiates any process regarding the location of his or her business in Nevada which is within the jurisdiction of a state agency other than the ~~[Commission;]~~ ***Office;*** or

(b) Decides to locate his or her business in Nevada.

Sec. 30.3. **NRS 231.080 is hereby amended to read as follows:**

231.080 The Executive Director of the Commission on Economic Development:

1. Must be appointed by the Governor from a list of three persons submitted to the Governor by the Commission. The person appointed as Executive Director ***of the Commission*** must have had successful experience in the administration and promotion of a program comparable to that provided in NRS 231.020 to 231.130, inclusive.

2. Is responsible to the Commission and serves at its pleasure.

3. Shall, except as otherwise provided in NRS 284.143, devote his or her entire time to the duties of his or her office and shall not follow any other gainful employment or occupation.

Sec. 30.7. **NRS 231.090 is hereby amended to read as follows:**

231.090 The Executive Director of the Commission on Economic Development shall direct and supervise all its administrative and technical activities, including coordinating its plans for economic development,

promoting the production of motion pictures, scheduling the Commission's programs, analyzing the effectiveness of those programs and associated expenditures, and cooperating with other governmental agencies which have programs related to economic development. In addition to other powers and duties, the Executive Director ~~[:]~~ ***of the Commission:***

1. Shall attend all meetings of the Commission and act as its Secretary, keeping minutes and audio recordings or transcripts of its proceedings.

2. Shall report regularly to the Commission concerning the administration of its policies and programs.

3. Shall report annually to the Governor and the Commission regarding the work of the Commission and may make such special reports as he or she considers desirable to the Governor.

4. May perform any other lawful acts which he or she considers desirable to carry out the provisions of NRS 231.020 to 231.130, inclusive.

Sec. 31. NRS 231.125 is hereby amended to read as follows:

231.125 1. The ~~[Commission on Economic Development]~~ ***Office*** may charge such fees for:

(a) Materials prepared for distribution by the ~~[Commission;]~~ ***Office;***

(b) Advertising in materials prepared by the ~~[Commission;]~~ ***Office;*** and

(c) Services performed by the ~~[Commission]~~ ***Office*** on behalf of others, such as the procurement of permits,

➥ as it deems necessary to support the activities of the ~~[Commission.]~~ ***Office.***

2. All such fees must be deposited with the State Treasurer for credit to the ~~[Commission]~~ ***Office*** and may be expended in addition to other money appropriated for the support of the ~~[Commission.]~~ ***Office.***

Sec. 31.3. **NRS 231.127 is hereby amended to read as follows:**

231.127 1. The Division of Motion Pictures shall formulate a program to promote the production of motion pictures in Nevada. The program must include development of:

(a) A directory of the names of persons, firms and governmental agencies in this State which are capable of furnishing the skills and facilities needed in all phases of the production of motion pictures; and

(b) A library containing ~~[videotapes]~~ ***audiovisual recordings*** which depict the variety and extent of the locations in this State which are available for the production of motion pictures.

➥ The directory of names and the library of ~~[videotapes]~~ ***audiovisual recordings*** must be kept current and be cross-referenced.

2. The program may include:

(a) The preparation and distribution of other appropriate promotional and informational material, including advertising, which points out desirable locations within the State for the production of motion pictures, explains the

benefits and advantages of producing motion pictures in this State, and describes the services and assistance available from this State and its local governments;

(b) Assistance to motion picture companies in securing permits to film at certain locations and in obtaining other services connected with the production of motion pictures; and

(c) Encouragement of cooperation among local, state and federal agencies and public organizations in the location and production of motion pictures.

Sec. 31.5. **NRS 231.130 is hereby amended to read as follows:**

231.130 In performing their duties, the Executive Director of the Commission on Economic Development and the Administrator of the Division of Motion Pictures shall not interfere with the functions of any other state agencies, but those agencies shall, from time to time, on request, furnish the Executive Director ***of the Commission*** with data and other information from their records bearing on the objectives of the Commission. The Executive Director ***of the Commission*** shall avail himself or herself of records and assistance of such other state agencies as in the opinion of the Governor or Executive Director ***of the Commission*** might make a contribution to the work of the Commission.

Sec. 31.7. **NRS 231.130 is hereby amended to read as follows:**

231.130 ~~[In]~~ ***Except as otherwise provided by law, in*** performing their duties, the Executive Director of the ~~[Commission on Economic Development]~~ ***Office*** and the Administrator of the Division of Motion Pictures shall not interfere with the functions of any other state agencies, but those agencies shall, from time to time, on request, furnish the Executive Director ~~[of the Commission]~~ with data and other information from their records bearing on the objectives of the ~~[Commission.]~~ ***Office.*** The Executive Director ~~[of the Commission]~~ shall avail himself or herself of records and assistance of such other state agencies as in the opinion of the Governor or Executive Director ~~[of the Commission]~~ might make a contribution to the work of the ~~[Commission.]~~ ***Office.***

Sec. 32. NRS 231.139 is hereby amended to read as follows:

231.139 1. The ~~[Commission on Economic Development]~~ ***Office*** shall certify a business for the benefits provided pursuant to NRS 704.223 if the ~~[Commission]~~ ***Office*** finds that:

(a) The business is consistent with the State Plan for ~~[Industrial]~~ ***Economic*** Development ~~[and]~~ ~~[Diversification and any guidelines adopted pursuant to the Plan;]~~ ***developed by the Executive Director pursuant to subsection 2 of section 14 of this act;***

(b) The business is engaged in the primary trade of preparing, fabricating, manufacturing or otherwise processing raw material or an intermediate

product through a process in which at least 50 percent of the material or product is recycled on-site;

(c) Establishing the business will require the business to make a capital investment of $50,000,000 in Nevada; and

(d) The economic benefit to the State of approving the certification exceeds the cost to the State.

2. The ~~[Commission on Economic Development]~~ ***Office*** may:

(a) Request an allocation from the Contingency Fund pursuant to NRS 353.266, 353.268 and 353.269 to cover the costs incurred by the ~~[Commission]~~ ***Office*** pursuant to this section and NRS 704.032.

(b) Impose a reasonable fee for an application for certification pursuant to this section to cover the costs incurred by the ~~[Commission]~~ ***Office*** in investigating and ruling on the application.

(c) Adopt such regulations as it deems necessary to carry out the provisions of this section.

Sec. 32.5. **NRS 231.141 is hereby amended to read as follows:**

231.141 As used in NRS 231.141 to 231.152, inclusive, unless the context otherwise requires, the words and terms defined in NRS ~~[231.142,]~~ 231.143 and 231.146 have the meanings ascribed to them in those sections.

Sec. 33. NRS 231.147 is hereby amended to read as follows:

231.147 1. A person who operates a business or will operate a business in this State may apply to the ~~[Commission]~~ ***Office*** for approval of a program. The application must be submitted on a form prescribed by the ~~[Commission.]~~ ***Office.***

2. Each application must include:

(a) The name, address and telephone number of the business;

(b) The number and types of jobs for the business that are available or will be available upon completion of the program;

(c) A statement of the objectives of the proposed program;

(d) The estimated cost for each person enrolled in the program; and

(e) A statement signed by the applicant certifying that, if the program set forth in the application is approved and money is granted by the ~~[Commission]~~ ***Office*** to a community college for the program, each employee who completes the program:

(1) Will be employed in a full-time and permanent position in the business; and

(2) While employed in that position, will be paid not less than 80 percent of the lesser of the average industrial hourly wage in:

(I) This State; or

(II) The county in which the business is located,

➥ as determined by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year.

3. Upon request, the ~~[Commission]~~ ***Office*** may assist an applicant in completing an application pursuant to the provisions of this section.

4. Except as otherwise provided in subsection 5, the ~~[Commission]~~ ***Office*** shall approve or deny each application ~~[at the next regularly scheduled meeting of the Commission.]~~ ***within 45 days ~~[of]~~ after receipt of the application.*** When considering an application, the ~~[Commission]~~ ***Office*** shall give priority to a business that:

(a) Provides high-skill and high-wage jobs to residents of this State; ~~[and]~~

(b) To the greatest extent practicable, uses materials for the business that are produced or bought in this State ~~[.]~~ ***; and***

(c) Is consistent with the State Plan for Economic Development developed by the Executive Director pursuant to subsection 2 of section 14 of this act.

5. Before approving an application, the ~~[Commission]~~ ***Office*** shall establish the amount of matching money that the applicant must provide for the program. The amount established by the ~~[Commission]~~ ***Office*** for that applicant must not be less than 25 percent of the amount the ~~[Commission]~~ ***Office*** approves for the program.

6. If the ~~[Commission]~~ ***Office*** approves an application, it shall notify the applicant, in writing, within 10 days after the application is approved.

7. If the ~~[Commission]~~ ***Office*** denies an application, it shall, within 10 days after the application is denied, notify the applicant in writing. The notice must include the reason for denying the application.

Sec. 34. NRS 231.149 is hereby amended to read as follows:

231.149 1. The ~~[Commission]~~ ***Office*** may apply for or accept any gifts, grants, donations or contributions from any source to carry out the provisions of NRS 231.141 to 231.152, inclusive.

2. Any money the ~~[Commission]~~ ***Office*** receives pursuant to subsection 1 must be deposited in the State Treasury pursuant to NRS 231.151.

Sec. 35. NRS 231.151 is hereby amended to read as follows:

231.151 1. Any money the ~~[Commission]~~ ***Office*** receives pursuant to NRS 231.149 or that is appropriated to carry out the provisions of NRS 231.141 to 231.152, inclusive:

(a) Must be deposited in the State Treasury and accounted for separately in the State General Fund; and

(b) May only be used to carry out those provisions.

2. Except as otherwise provided in subsection 3, the balance remaining in the account that has not been committed for expenditure on or before June 30 of a fiscal year reverts to the State General Fund.

3. In calculating the uncommitted remaining balance in the account at the end of a fiscal year, any money in the account that is attributable to a gift, grant, donation or contribution:

(a) To the extent not inconsistent with a term of the gift, grant, donation or contribution, shall be deemed to have been committed for expenditure before any money that is attributable to a legislative appropriation; and

(b) Must be excluded from the calculation of the uncommitted remaining balance in the account at the end of the fiscal year if necessary to comply with a term of the gift, grant, donation or contribution.

4. The **[**~~Commission~~**]** ***Office*** shall administer the account. Any interest or income earned on the money in the account must be credited to the account. Any claims against the account must be paid as other claims against the State are paid.

Sec. 36. NRS 231.152 is hereby amended to read as follows:

231.152 The **[**~~Commission~~**]** ***Office*** may adopt such regulations as are necessary to carry out the provisions of NRS 231.147.

Sec. 37. ~~[NRS 231.153 is hereby amended to read as follows:~~

~~231.153 1. The Nevada Economic Development Fund is hereby created in the State Treasury as a special revenue fund.~~

~~2. Except as otherwise provided in subsection 4, the Nevada Economic Development Fund is a continuing fund without reversion. The money in the Fund must be invested as the money in other state funds is invested. The interest and income earned on the money in the Fund, after deducting any applicable charges, must be credited to the Fund. Claims against the Fund must be paid as other claims against the State are paid.~~

~~3. The [Commission on Economic Development] *Office* may accept gifts, grants and donations from any source for deposit in the Nevada Economic Development Fund.~~

~~4. The State Board of Examiners may, upon making a determination that any portion of any amount appropriated by the Legislature for deposit in the Fund is necessary to meet existing or future obligations of the State, recommend to the Interim Finance Committee that the amount so needed be transferred from the Fund to the State General Fund. Upon approval of the Interim Finance Committee, the money may be so transferred.]~~ **(Deleted by amendment.)**

Sec. 38. ~~[NRS 231.154 is hereby amended to read as follows:~~

~~231.154 1. Except as otherwise provided in subsections 2 and 3, the [Commission on Economic Development] *Office* shall administer the Nevada Economic Development Fund and may make grants of money to a public agency or nonprofit private entity for the purpose of economic development in a rural area or blighted urban area.~~

~~2. If a nonprofit private entity applies for a grant for the purpose of economic development in a rural area or blighted urban area, the [Commission on Economic Development] *Office* shall consult with the board~~

~~of county commissioners for the county in which the rural area or blighted urban area is located before making a grant to the nonprofit private entity.~~

~~3. The [Commission on Economic Development]~~ ***Office*** ~~shall not make a grant from the Nevada Economic Development Fund for the purpose of any economic development relating to the location of a federal nuclear waste repository at Yucca Mountain.~~

~~4. As used in this section:~~

~~(a) "Blighted urban area" means an area in a county whose population is 100,000 or more which is characterized by one or more of the following factors:~~

~~(1) The existence of buildings and structures, used or intended to be used for residential, commercial, industrial or other purposes, or any combination thereof, which are unfit or unsafe for those purposes and are conducive to ill health, transmission of disease, infant mortality, juvenile delinquency or crime because of one or more of the following factors:~~

~~(I) Defective design and character of physical construction.~~

~~(II) Faulty arrangement of the interior and spacing of buildings.~~

~~(III) Overcrowding.~~

~~(IV) Inadequate provision for ventilation, light, sanitation, open spaces and recreational facilities.~~

~~(V) Age, obsolescence, deterioration, dilapidation, mixed character or shifting of uses.~~

~~(2) An economic dislocation, deterioration or disuse, resulting from faulty planning.~~

~~(3) The subdividing and sale of lots of irregular form and shape and inadequate size for proper usefulness and development.~~

~~(4) The laying out of lots in disregard of the contours and other physical characteristics of the ground and surrounding conditions.~~

~~(5) The existence of inadequate streets, open spaces and utilities.~~

~~(6) The existence of lots or other areas which may be submerged.~~

~~(7) Prevalence of depreciated values, impaired investments and social and economic maladjustment to such an extent that the capacity to pay taxes is reduced and tax receipts are inadequate for the cost of public services rendered.~~

~~(8) A growing or total lack of proper utilization of some parts of the area, resulting in a stagnant and unproductive condition of land which is potentially useful and valuable for contributing to the public health, safety and welfare.~~

~~(9) A loss of population and a reduction of proper use of some parts of the area, resulting in its further deterioration and added costs to the taxpayer for the creation of new public facilities and services elsewhere.~~

~~(b) "Public agency" means:~~

~~(1) This State or any agency of this State; or~~

~~(2) Any local government of this State.~~

~~(c) "Rural area" means an area in a county whose population is less than 100,000.]~~ **(Deleted by amendment.)**

Sec. 39. ~~[NRS 231.155 is hereby amended to read as follows:~~

~~231.155 The [~~Commission on Economic Development~~]~~ ***~~Office~~*** ~~shall adopt regulations establishing criteria and standards for the eligibility for and use of any grants made pursuant to NRS 231.154.]~~ **(Deleted by amendment.)**

Sec. 40. ~~[NRS 231.156 is hereby amended to read as follows:~~

~~231.156 The [~~Commission on Economic Development~~]~~ ***~~Office~~*** ~~shall submit, on or before February 28 of each odd-numbered year, a report to the Director of the Legislative Counsel Bureau for distribution to the regular session of the Legislature. The report must include, without limitation:~~

~~1. The type and amount of each grant of money made pursuant to NRS 231.154 during the previous biennium; and~~

~~2. The progress of each project for economic development that received a grant of money from the Nevada Economic Development Fund.]~~ **(Deleted by amendment.)**

Sec. 41. NRS 231.350 is hereby amended to read as follows:

231.350 1. The Committee for the Development of Projects Relating to Tourism is hereby created within the Commission on Tourism. The Committee consists of:

(a) The Lieutenant Governor, who is an ex officio member of the Committee and shall serve as the Chair of the Committee;

(b) Three members of the ~~[Commission on Economic Development,]~~ ***Board,*** appointed by the Lieutenant Governor; and

(c) Three members of the Commission on Tourism, appointed by the Lieutenant Governor.

2. If an appointed member of the Committee ceases to be a member of the ~~[Commission on Economic Development]~~ ***Board*** or the Commission on Tourism, the appointed member becomes ineligible for membership on the Committee and the Lieutenant Governor shall appoint a replacement from the ~~[Commission on Economic Development]~~ ***Board*** or the Commission on Tourism, respectively.

3. The Lieutenant Governor may remove an appointed member from the Committee if the member neglects his or her duty or commits malfeasance in office.

4. The appointed members of the Committee who are members of the ~~[Commission on Economic Development]~~ ***Board*** or the Commission on Tourism, respectively, may be paid the per diem allowance and travel

expenses provided for state officers and employees generally by their respective commissions, as the budgets of those commissions allow.

5. The Committee shall meet at the call of the Lieutenant Governor.

6. The Commission on Tourism and the ~~[Commission on Economic Development]~~ ***Office*** shall jointly provide administrative support for the Committee.

Sec. 42. ~~[NRS 231.360 is hereby amended to read as follows:~~

~~231.360 1. The Committee may provide grants of money to counties, cities, and local and regional organizations in this State for the development of projects relating to tourism to the extent that:~~

~~(a) Money in the Fund for the Promotion of Tourism created by NRS 231.250 is made available for that purpose. Not more than $200,000 of revenue from taxes on the gross receipts from the rental of transient lodging may be made available for that purpose in any biennium.~~

~~(b) Gifts, grants or other money is made available for that purpose.~~

~~2. Except as otherwise provided in this subsection, the State Controller shall, upon the request of the Committee, transfer to the State General Fund all money made available for the use of the Committee pursuant to subsection 1. All such money must be accounted for separately in the State General Fund. The State Controller shall not transfer any revenue from taxes on the gross receipts from the rental of transient lodging from the Fund for the Promotion of Tourism to the State General Fund unless the transfer is approved by the Interim Finance Committee.~~

~~3. The Committee shall administer the account created pursuant to subsection 2 and may make grants only from that account. Any interest earned on the money in the account must be credited to the account quarterly. The money in the account does not revert to the State General Fund at the end of any fiscal year and must be carried forward to the next fiscal year.~~

~~4. The Committee shall:~~

~~(a) Develop and administer the Grant Program for the Development of Projects Relating to Tourism;~~

~~(b) Establish guidelines for the submission and review of applications to receive money from the Grant Program;~~

~~(c) Establish the criteria for eligibility to receive money from the Grant Program; and~~

~~(d) Consider and approve or disapprove applications for money from the Grant Program.~~

~~5. Except as otherwise provided in subsection 6, as a condition of eligibility for a grant from the Committee pursuant to this section, an applicant must provide an amount of money, at least equal to the amount of the grant, for the same purpose.~~

~~6. If an applicant for a grant is from a county whose population is less than 100,000 and the Committee determines that the applicant is financially unable to provide the matching money otherwise required by subsection 5, the Committee may provide a grant with less than equal matching money provided by the applicant.]~~ **(Deleted by amendment.)**

Sec. 43. NRS 232.522 is hereby amended to read as follows:

232.522 The Director may:

1. Create within the Department, as part of the Office of the Director, an Office of Business Finance and Planning to:

(a) Administer and coordinate programs related to financing for the assistance of entities engaged in business and industry in this state;

(b) Provide information to the public concerning the regulatory programs, assistance programs, and other services and activities of the Department; and

(c) Interact with other public or private entities to coordinate and improve access to the Department's programs related to the growth and retention of business and industry in this state.

2. Create within the Department, as part of the Office of Business Finance and Planning, a Center for Business Advocacy and Services:

(a) To assist small businesses in obtaining information about financing and other basic resources which are necessary for success;

(b) In cooperation with the Executive Director of the ~~[Commission on]~~ ***Office of*** Economic Development, to increase public awareness of the importance of developing manufacturing as an industry and to assist in identifying and encouraging public support of businesses and industries that manufacture goods in this state;

(c) To serve as an advocate for small businesses, subject to the supervision of the Director or the Director's representative, both within and outside the Department;

(d) To assist the Office of Business Finance and Planning in establishing an information and referral service within the Department that is responsive to the inquiries of business and industry which are directed to the Department or any entity within the Department; and

(e) In cooperation with the Executive Director of the ~~[Commission on]~~ ***Office of*** Economic Development, to advise the Director and the Office of Business Finance and Planning in developing and improving programs of the Department to serve more effectively and support the growth, development and diversification of business and industry in this state.

3. Require divisions, offices, commissions, boards, agencies or other entities of the Department to work together to carry out their statutory duties, to resolve or address particular issues or projects or otherwise to increase the efficiency of the operation of the Department as a whole and the level of

communication and cooperation among the various entities within the Department.

Sec. 44. NRS 232.935 is hereby amended to read as follows:

232.935 1. In appointing members of the Governor's Workforce Investment Board, the Governor shall ensure that the membership as a whole represents:

(a) Industry sectors which are essential to this State and which are driven primarily by demand;

(b) Communities and areas of economic development which are essential to this State; and

(c) The diversity of the workforce of this State, including, without limitation, geographic diversity and the diversity within regions of this State.

2. The Governor's Workforce Investment Board shall:

(a) Identify:

(1) Industry sectors which are essential to this State; and

(2) The region or regions of this State where the majority of the operations of each of those industry sectors is conducted.

(b) Establish:

(1) Regional goals for economic development for each of the industry sectors identified pursuant to paragraph (a); and

(2) A council for each industry sector.

(c) Consider and develop programs to promote:

(1) Strategies to improve labor markets for industries and regions of this State, including, without limitation, improving the availability of relevant information;

(2) Coordination of the efforts of relevant public and private agencies and organizations;

(3) Strategies for providing funding as needed by various industry sectors;

(4) Increased production capacities for various industry sectors;

(5) The development of useful measurements of performance and outcomes in various industry sectors;

(6) Participation by and assistance from state and local government agencies;

(7) Expanded market penetration, including, without limitation, by providing assistance to employers with small numbers of employees;

(8) Partnerships between labor and management;

(9) Business associations;

(10) The development of improved instructional and educational resources for employers and employees; and

(11) The development of improved economies of scale, as applicable, in industry sectors.

3. Each industry sector council established pursuant to subparagraph (2) of paragraph (b) of subsection 2:

(a) Must be composed of representatives from:

(1) Employers within that industry;

(2) Organized labor within that industry;

(3) Universities and community colleges; and

(4) Any other relevant group of persons deemed to be appropriate by the Board.

(b) Shall, within the parameters set forth in the American Recovery and Reinvestment Act of 2009 or the parameters of any other program for which the federal funding is available, identify job training and education programs which the industry sector council determines to have the greatest likelihood of meeting the regional goals for economic development established for that industry sector pursuant to subparagraph (1) of paragraph (b) of subsection 2.

4. The Board shall:

(a) Identify and apply for federal funding available for the job training and education programs identified pursuant to paragraph (b) of subsection 3;

(b) Consider and approve or disapprove applications for money;

(c) Provide and administer grants of money to industry sector councils for the purpose of establishing job training and education programs in industry sectors for which regional goals for economic development have been established pursuant to subparagraph (1) of paragraph (b) of subsection 2; and

(d) Adopt regulations establishing:

(1) Guidelines for the submission and review of applications to receive grants of money from the Department; and

(2) Criteria and standards for the eligibility for and use of any grants made pursuant to paragraph (c).

➥ Except as otherwise required as a condition of federal funding, the regulations required by this subsection must give priority to job training and education programs that are consistent with the State Plan for Economic Development developed by the Executive Director of the Office of Economic Development pursuant to subsection 2 of section 14 of this act.

5. ***In carrying out its powers and duties pursuant to this section, the Board shall consult with the Executive Director of the Office of Economic Development and shall cooperate with the Executive Director in implementing the State Plan for Economic Development developed by the Executive Director pursuant to subsection 2 of section 14 of this act.***

6. As used in this section, "industry sector" means a group of employers closely linked by common products or services, workforce needs, similar technologies, supply chains or other economic links.

Sec. 45. NRS 75.100 is hereby amended to read as follows:

75.100 1. The Secretary of State shall provide for the establishment of a state business portal to facilitate interaction among businesses and governmental agencies in this State by allowing businesses to conduct necessary transactions with governmental agencies in this State through use of the state business portal.

2. The Secretary of State shall:

(a) Establish, through cooperative efforts, the standards and requirements necessary to design, build and implement the state business portal;

(b) Establish the standards and requirements necessary for a state or local agency to participate in the state business portal;

(c) Authorize a state or local agency to participate in the state business portal if the Secretary of State determines that the agency meets the standards and requirements necessary for such participation;

(d) Determine the appropriate requirements to be used by businesses and governmental agencies conducting transactions through use of the state business portal; ~~[and]~~

(e) ***In carrying out the provisions of this section, consult with the Executive Director of the Office of Economic Development to ensure that the activities of the Secretary of State are consistent with the State Plan for Economic Development developed by the Executive Director pursuant to subsection 2 of section 14 of this act; and***

(f) Adopt such regulations and take any appropriate action as necessary to carry out the provisions of this chapter.

Sec. 46. NRS 120A.620 is hereby amended to read as follows:

120A.620 1. There is hereby created in the State General Fund the Abandoned Property Trust Account.

2. All money received by the Administrator under this chapter, including the proceeds from the sale of abandoned property, must be deposited by the Administrator in the State General Fund for credit to the Account.

3. Before making a deposit, the Administrator shall record the name and last known address of each person appearing from the holders' reports to be entitled to the abandoned property and the name and last known address of each insured person or annuitant, and with respect to each policy or contract listed in the report of an insurance company, its number, the name of the company and the amount due. The record must be available for public inspection at all reasonable business hours.

4. The Administrator may pay from money available in the Account:

(a) Any costs in connection with the sale of abandoned property.

(b) Any costs of mailing and publication in connection with any abandoned property.

(c) Reasonable service charges.

(d) Any costs incurred in examining the records of a holder and in collecting the abandoned property.

(e) Any valid claims filed pursuant to this chapter.

5. Except as otherwise provided in NRS 120A.610, by the end of each fiscal year, the balance in the Account must be transferred as follows:

(a) ***The sum of $10,000,000 to the Catalyst Fund created by section 16 of this act.***

(b) The sum of $7,600,000 ~~[each year must be transferred]~~ to the Millennium Scholarship Trust Fund created by NRS 396.926.

~~[(b)]~~ ***(c)*** The remainder must be transferred to the State General Fund, but remains subject to the valid claims of holders pursuant to NRS 120A.590 and owners pursuant to NRS 120A.640. No such claim may be satisfied from money in the ***Catalyst Fund or the*** Millennium Scholarship Trust Fund.

6. If there is an insufficient amount of money in the Account to pay any cost or charge pursuant to subsection 4, the State Board of Examiners may, upon the application of the Administrator, authorize a temporary transfer from the State General Fund to the Account of an amount necessary to pay those costs or charges. The Administrator shall repay the amount of the transfer as soon as sufficient money is available in the Account.

Sec. 47. NRS 218D.355 is hereby amended to read as follows:

218D.355 1. Any state legislation enacted on or after July 1, ~~[2009,]~~ ***2012,*** which authorizes or requires the ~~[Commission on Economic Development]~~ ***Office*** to approve any abatement of taxes or increases the amount of any abatement of taxes which the ~~[Commission]~~ ***Office*** is authorized or required to approve:

(a) Expires by limitation 10 years after the effective date of that legislation.

(b) Does not apply to:

(1) Any taxes imposed pursuant to NRS 374.110 or 374.190; or

(2) Any entity that receives:

(I) Any funding from a governmental entity, other than any private activity bonds as defined in 26 U.S.C. § 141; or

(II) Any real or personal property from a governmental entity at no cost or at a reduced cost.

(c) Requires each recipient of the abatement to submit to the Department of Taxation, on or before the last day of each even-numbered year, a report on whether the recipient is in compliance with the terms of the abatement. The Department of Taxation shall establish a form for the report and may adopt such regulations as it determines to be appropriate to carry out this paragraph. The report must include, without limitation:

(1) The date the recipient commenced operation in this State;

(2) The number of employees actually employed by the recipient and the average hourly wage of those employees;

(3) An accounting of any fees paid by the recipient to the State and to local governmental entities;

(4) An accounting of the property taxes paid by the recipient and the amount of those taxes that would have been due if not for the abatement;

(5) An accounting of the sales and use taxes paid by the recipient and the amount of those taxes that would have been due if not for the abatement;

(6) An accounting of the total capital investment made in connection with the project to which the abatement applies; and

(7) An accounting of the total investment in personal property made in connection with the project to which the abatement applies.

2. On or before January 15 of each odd-numbered year, the Department of Taxation shall:

(a) Based upon the information submitted to the Department of Taxation pursuant to paragraph (c) of subsection 1, prepare a written report of its findings regarding whether the costs of the abatement exceed the benefits of the abatement; and

(b) Submit the report to the Director of the Legislative Counsel Bureau for transmittal to the Legislature.

Sec. 47.5. **NRS 274.020 is hereby amended to read as follows:**

274.020 "Administrator" means the ~~[state officer appointed by the Governor to administer the provisions of this chapter.]~~ ***Executive Director of the Office of Economic Development.***

Sec. 48. NRS 274.090 is hereby amended to read as follows:

274.090 1. The ~~[Governor shall appoint a qualified person in the Commission on]~~ ***Executive Director of the Office of*** Economic Development ~~[to]~~ ***shall*** serve as Administrator.

2. The Administrator shall:

(a) Administer this chapter.

(b) Submit reports evaluating the effectiveness of the programs established pursuant to this chapter together with any suggestions for legislation to the Legislature by February 1 of every odd-numbered year. The reports must contain statistics concerning initial and current population, employment, per capita income, corporate income and the construction of housing for each specially benefited zone.

(c) Adopt all necessary regulations to carry out the provisions of this chapter.

Sec. 49. NRS 274.310 is hereby amended to read as follows:

274.310 1. A person who intends to locate a business in this State within:

(a) A historically underutilized business zone, as defined in 15 U.S.C. § 632;

(b) A redevelopment area created pursuant to NRS 279.382 to 279.685, inclusive;

(c) An area eligible for a community development block grant pursuant to 24 C.F.R. Part 570; or

(d) An enterprise community established pursuant to 24 C.F.R. Part 597,

➥ may submit a request to the governing body of the county, city or town in which the business would operate for an endorsement of an application by the person to the ~~[Commission on]~~ ***Office of*** Economic Development for a partial abatement of one or more of the taxes imposed pursuant to chapter 361 or 374 of NRS. The governing body of the county, city or town shall provide notice of the request to the board of trustees of the school district in which the business would operate. The notice must set forth the date, time and location of the hearing at which the governing body will consider whether to endorse the application.

2. The governing body of a county, city or town shall develop procedures for:

(a) Evaluating whether such an abatement would be beneficial for the economic development of the county, city or town.

(b) Issuing a certificate of endorsement for an application for such an abatement that is found to be beneficial for the economic development of the county, city or town.

3. A person whose application has been endorsed by the governing body of the county, city or town, as applicable, pursuant to this section may submit the application to the ~~[Commission on]~~ ***Office of*** Economic Development. The ~~[Commission]~~ ***Office*** shall approve the application if the ~~[Commission]~~ ***Office*** makes the following determinations:

(a) The business is consistent with:

(1) The State Plan for ~~[Industrial Development and Diversification that is developed by the Commission pursuant to NRS 231.067;]~~ ***Economic Development developed by the Executive Director of the Office of Economic Development pursuant to subsection 2 of section 14 of this act;*** and

(2) Any guidelines adopted ~~[pursuant to the State Plan.]~~ ***by the Executive Director of the Office of Economic Development to implement the State Plan for Economic Development.***

(b) The applicant has executed an agreement with the ~~[Commission]~~ ***Office*** which states that the business will, after the date on which a certificate of eligibility for the abatement is issued pursuant to subsection 4:

(1) Commence operation and continue in operation in the historically underutilized business zone, as defined in 15 U.S.C. § 632, redevelopment

area created pursuant to NRS 279.382 to 279.685, inclusive, area eligible for a community development block grant pursuant to 24 C.F.R. Part 570 or enterprise community established pursuant to 24 C.F.R. Part 597 for a period specified by the ~~[Commission,]~~ ***Office,*** which must be at least 5 years; and

(2) Continue to meet the eligibility requirements set forth in this subsection.

➥ The agreement must bind successors in interest of the business for the specified period.

(c) The business is registered pursuant to the laws of this State or the applicant commits to obtain a valid business license and all other permits required by the county, city or town in which the business will operate.

(d) The applicant invested or commits to invest a minimum of $500,000 in capital.

4. If the ~~[Commission on]~~ ***Office of*** Economic Development approves an application for a partial abatement, the ~~[Commission]~~ ***Office*** shall immediately forward a certificate of eligibility for the abatement to:

(a) The Department of Taxation;

(b) The Nevada Tax Commission; and

(c) If the partial abatement is from the property tax imposed pursuant to chapter 361 of NRS, the county treasurer of the county in which the business will be located.

5. ***If a business whose partial abatement has been approved pursuant to this section and is in effect ceases:***

(a) To meet the eligibility requirements for the partial abatement; or

(b) Operation before the time specified in the agreement described in paragraph (b) of subsection 3,

➥ the business shall repay to the Department of Taxation or, if the partial abatement was from the property tax imposed pursuant to chapter 361 of NRS, to the county treasurer, the amount of the exemption that was allowed pursuant to this section before the failure of the business to comply unless the Nevada Tax Commission determines that the business has substantially complied with the requirements of this section. Except as otherwise provided in NRS 360.232 and 360.320, the business shall, in addition to the amount of the exemption required to be paid pursuant to this subsection, pay interest on the amount due at the rate most recently established pursuant to NRS 99.040 for each month, or portion thereof, from the last day of the month following the period for which the payment would have been made had the partial abatement not been approved until the date of payment of the tax.

6. The ~~[Commission on]~~ ***Office of*** Economic Development may adopt such regulations as the ~~[Commission]~~ ***Office*** determines to be necessary or advisable to carry out the provisions of this section.

~~[6.]~~ *7.* An applicant for an abatement who is aggrieved by a final decision of the ~~[Commission on]~~ ***Office of*** Economic Development may petition for judicial review in the manner provided in chapter 233B of NRS.

Sec. 50. NRS 274.320 is hereby amended to read as follows:

274.320 1. A person who intends to expand a business in this State within:

(a) A historically underutilized business zone, as defined in 15 U.S.C. § 632;

(b) A redevelopment area created pursuant to NRS 279.382 to 279.685, inclusive;

(c) An area eligible for a community development block grant pursuant to 24 C.F.R. Part 570; or

(d) An enterprise community established pursuant to 24 C.F.R. Part 597,

➥ may submit a request to the governing body of the county, city or town in which the business operates for an endorsement of an application by the person to the ~~[Commission on]~~ ***Office of*** Economic Development for a partial abatement of the taxes imposed on capital equipment pursuant to chapter 374 of NRS. The governing body of the county, city or town shall provide notice of the request to the board of trustees of the school district in which the business operates. The notice must set forth the date, time and location of the hearing at which the governing body will consider whether to endorse the application.

2. The governing body of a county, city or town shall develop procedures for:

(a) Evaluating whether such an abatement would be beneficial for the economic development of the county, city or town.

(b) Issuing a certificate of endorsement for an application for such an abatement that is found to be beneficial for the economic development of the county, city or town.

3. A person whose application has been endorsed by the governing body of the county, city or town, as applicable, pursuant to this section may submit the application to the ~~[Commission on]~~ ***Office of*** Economic Development. The ~~[Commission]~~ ***Office*** shall approve the application if the ~~[Commission]~~ ***Office*** makes the following determinations:

(a) The business is consistent with:

(1) The State Plan for ~~[Industrial Development and Diversification that is developed by the Commission pursuant to NRS 231.067;]~~ ***Economic Development developed by the Executive Director of Economic Development pursuant to subsection 2 of section 14 of this act;*** and

(2) Any guidelines adopted ~~[pursuant to the State Plan.]~~ ***by the Executive Director of the Office of Economic Development to implement the State Plan for Economic Development.***

(b) The applicant has executed an agreement with the ~~[Commission]~~ ***Office*** which states that the business will, after the date on which a certificate of eligibility for the abatement is issued pursuant to subsection 4:

(1) Continue in operation in the historically underutilized business zone, as defined in 15 U.S.C. § 632, redevelopment area created pursuant to NRS 279.382 to 279.685, inclusive, area eligible for a community development block grant pursuant to 24 C.F.R. Part 570 or enterprise community established pursuant to 24 C.F.R. Part 597 for a period specified by the ~~[Commission,]~~ ***Office,*** which must be at least 5 years; and

(2) Continue to meet the eligibility requirements set forth in this subsection.

➥ The agreement must bind successors in interest of the business for the specified period.

(c) The business is registered pursuant to the laws of this State or the applicant commits to obtain a valid business license and all other permits required by the county, city or town in which the business operates.

(d) The applicant invested or commits to invest a minimum of $250,000 in capital equipment.

4. If the ~~[Commission on]~~ ***Office of*** Economic Development approves an application for a partial abatement, the ~~[Commission]~~ ***Office*** shall immediately forward a certificate of eligibility for the abatement to:

(a) The Department of Taxation; and

(b) The Nevada Tax Commission.

5. ***If a business whose partial abatement has been approved pursuant to this section and is in effect ceases:***

(a) To meet the eligibility requirements for the partial abatement; or

(b) Operation before the time specified in the agreement described in paragraph (b) of subsection 3,

➥ the business shall repay to the Department of Taxation the amount of the exemption that was allowed pursuant to this section before the failure of the business to comply unless the Nevada Tax Commission determines that the business has substantially complied with the requirements of this section. Except as otherwise provided in NRS 360.232 and 360.320, the business shall, in addition to the amount of the exemption required to be paid pursuant to this subsection, pay interest on the amount due at the rate most recently established pursuant to NRS 99.040 for each month, or portion thereof, from the last day of the month following the period for which the payment would have been made had the partial abatement not been approved until the date of payment of the tax.

6. The ~~[Commission on]~~ ***Office of*** Economic Development may adopt such regulations as the ~~[Commission]~~ ***Office*** determines to be necessary or advisable to carry out the provisions of this section.

~~[6.]~~ *7.* An applicant for an abatement who is aggrieved by a final decision of the ~~[Commission on]~~ ***Office of*** Economic Development may petition for judicial review in the manner provided in chapter 233B of NRS.

Sec. 51. NRS 274.330 is hereby amended to read as follows:

274.330 1. A person who owns a business which is located within an enterprise community established pursuant to 24 C.F.R. Part 597 in this State may submit a request to the governing body of the county, city or town in which the business is located for an endorsement of an application by the person to the ~~[Commission on]~~ ***Office of*** Economic Development for a partial abatement of one or more of the taxes imposed pursuant to chapter 361 or 374 of NRS. The governing body of the county, city or town shall provide notice of the request to the board of trustees of the school district in which the business operates. The notice must set forth the date, time and location of the hearing at which the governing body will consider whether to endorse the application.

2. The governing body of a county, city or town shall develop procedures for:

(a) Evaluating whether such an abatement would be beneficial for the economic development of the county, city or town.

(b) Issuing a certificate of endorsement for an application for such an abatement that is found to be beneficial for the economic development of the county, city or town.

3. A person whose application has been endorsed by the governing body of the county, city or town, as applicable, pursuant to this section may submit the application to the ~~[Commission on]~~ ***Office of*** Economic Development. The ~~[Commission]~~ ***Office*** shall approve the application if the ~~[Commission]~~ ***Office*** makes the following determinations:

(a) The business is consistent with:

(1) The State Plan for ~~[Industrial Development and Diversification that is developed by the Commission pursuant to NRS 231.067;]~~ ***Economic Development developed by the Executive Director of the Office of Economic Development pursuant to subsection 2 of section 14 of this act;*** and

(2) Any guidelines adopted ~~[pursuant to the State Plan.]~~ ***by the Executive Director of the Office of Economic Development to implement the State Plan for Economic Development.***

(b) The applicant has executed an agreement with the ~~[Commission]~~ ***Office*** which states that the business will, after the date on which a certificate of eligibility for the abatement is issued pursuant to subsection 4:

(1) Continue in operation in the enterprise community for a period specified by the ~~[Commission,]~~ ***Office,*** which must be at least 5 years; and

(2) Continue to meet the eligibility requirements set forth in this subsection.

➥ The agreement must bind successors in interest of the business for the specified period.

(c) The business is registered pursuant to the laws of this State or the applicant commits to obtain a valid business license and all other permits required by the county, city or town in which the business operates.

(d) The business:

(1) Employs one or more dislocated workers who reside in the enterprise community; and

(2) Pays such employees a wage of not less than 100 percent of the federally designated level signifying poverty for a family of four persons and provides medical benefits to the employees and their dependents.

4. If the ~~[Commission on]~~ ***Office of*** Economic Development approves an application for a partial abatement, the ~~[Commission]~~ ***Office*** shall:

(a) Determine the percentage of employees of the business which meet the requirements of paragraph (d) of subsection 3 and grant a partial abatement equal to that percentage; and

(b) Immediately forward a certificate of eligibility for the abatement to:

(1) The Department of Taxation;

(2) The Nevada Tax Commission; and

(3) If the partial abatement is from the property tax imposed pursuant to chapter 361 of NRS, the county treasurer of the county in which the business is located.

5. ***If a business whose partial abatement has been approved pursuant to this section and is in effect ceases:***

(a) To meet the eligibility requirements for the partial abatement; or

(b) Operation before the time specified in the agreement described in paragraph (b) of subsection 3,

➥ the business shall repay to the Department of Taxation or, if the partial abatement was from the property tax imposed pursuant to chapter 361 of NRS, to the county treasurer, the amount of the exemption that was allowed pursuant to this section before the failure of the business to comply unless the Nevada Tax Commission determines that the business has substantially complied with the requirements of this section. Except as otherwise provided in NRS 360.232 and 360.320, the business shall, in addition to the amount of the exemption required to be paid pursuant to this subsection, pay interest on the amount due at the rate most recently established pursuant to NRS 99.040 for each month, or portion thereof, from the last day of the month following the period for which the payment would have been made had the partial abatement not been approved until the date of payment of the tax.

6. The ~~[Commission on]~~ ***Office of*** Economic Development:

(a) Shall adopt regulations relating to the minimum level of benefits that a business must provide to its employees to qualify for an abatement pursuant to this section.

(b) May adopt such other regulations as the ~~[Commission]~~ ***Office*** determines to be necessary or advisable to carry out the provisions of this section.

~~[6.]~~ ***7.*** An applicant for an abatement who is aggrieved by a final decision of the ~~[Commission on]~~ ***Office of*** Economic Development may petition for judicial review in the manner provided in chapter 233B of NRS.

~~[7.]~~ ***8.*** As used in this section, "dislocated worker" means a person who:

(a) Has been terminated, laid off or received notice of termination or layoff from employment;

(b) Is eligible for or receiving or has exhausted his or her entitlement to unemployment compensation;

(c) Has been dependent on the income of another family member but is no longer supported by that income;

(d) Has been self-employed but is no longer receiving an income from self-employment because of general economic conditions in the community or natural disaster; or

(e) Is currently unemployed and unable to return to a previous industry or occupation.

Sec. 52. ~~[NRS 277.340 is hereby amended to read as follows:~~

~~277.340 1. The initial governing body of a regional development district consists of the representatives of the counties and cities appointed pursuant to NRS 277.335. The initial governing body shall meet to determine the composition of the board of directors of the district. The board must include:~~

~~(a) At least one representative of each county and city that has elected to be a member of the district;~~

~~(b) At least one member from each economic development authority in the development region that is~~ **[**~~recognized~~**]** ~~*designated* by the~~ **[**~~Executive Director of the Commission on~~**]** ~~*Board of* Economic Development~~ ***[;] pursuant to subsection 4 of section 14 of this act;***

~~(c) At least one member appointed by the native American tribal councils located in the region; and~~

~~(d) Representatives of the general public in the development region representing broad public interests within the region and a diversity of membership based on factors such as age, gender and race.~~

~~2. At least 51 percent of the members of the board must be elected officers who represent counties and cities in the region.~~

~~2. After the initial governing body has established a board, the board shall meet to adopt bylaws setting forth its procedures and governing its operations. The bylaws must provide for the terms of office and method of selection of members of the board, and must establish a name for the organization.~~

~~3. The board shall annually establish an operating budget, the amount of dues that must be paid by members of the district and a schedule for payment of the dues.~~

~~4. Membership in a regional development district is voluntary. Each county and city within the development region shall determine annually whether to remain or become a member of the regional development district. If a county or city determines to become a member of the district, it shall pay the dues established pursuant to subsection 3. A county or city that is not a member of the district is not entitled to be represented on the board.]~~ **(Deleted by amendment.)**

Sec. 52.3. **Chapter 349 of NRS is hereby amended by adding thereto a new section to read as follows:**

1. Except as otherwise provided in NRS 349.640, the Director shall not finance a project without the approval of the Office of Economic Development. The Office shall approve the financing of a project if it determines that the project is consistent with the State Plan for Economic Development developed by the Executive Director of the Office pursuant to subsection 2 of section 14 of this act.

2. The Director shall cooperate with the Office of Economic Development in carrying out the provisions of this section and provide such assistance as the Office determines to be necessary for that purpose.

Sec. 52.5. **NRS 349.400 is hereby amended to read as follows:**

349.400 As used in NRS 349.400 to 349.670, inclusive, ***and section 52.3 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 349.405 to 349.540, inclusive, have the meanings ascribed to them in those sections.

Sec. 52.7. **NRS 349.560 is hereby amended to read as follows:**

349.560 It is the intent of the Legislature to authorize the Director ***, with the approval of the Office of Economic Development,*** to finance, acquire, own, lease, improve and dispose of properties to:

1. Promote industry and employment and develop trade by inducing manufacturing, industrial, warehousing and commercial enterprises and organizations for research and development to locate, remain or expand in this state to further prosperity throughout the State and to further the use of the agricultural products and the natural resources of this state.

2. Enhance public safety by protecting hotels, motels, apartment buildings, casinos, office buildings and their occupants from fire.

3. Promote the public health by enabling the acquisition, development, expansion and maintenance of health and care facilities and supplemental facilities for health and care facilities which will provide services of high quality at reasonable rates to the residents of the community in which the facilities are situated.

4. Promote the educational, cultural, economic and general welfare of the public by financing civic and cultural enterprises, certain educational institutions and the preservation or restoration of historic structures.

5. Promote the social welfare of the residents of this state by enabling a corporation for public benefit to acquire, develop, expand and maintain facilities that provide services for those residents.

6. Promote the generation of electricity in this state.

Sec. 53. ~~[NRS 345.100 is hereby amended to read as follows:~~

~~345.100 The Director shall determine the format, substance, time of preparation, distribution, cost and all other matters pertaining to the publication of the biennial report and the statistical abstract after consultation with the Bureau of Business and Economic Research of the Nevada System of Higher Education, the~~ **[**~~Commission on~~**]** ***Office of*** ~~Economic Development and the State Library and Archives.~~**]** **(Deleted by amendment.)**

Sec. 53.3. **NRS 349.580 is hereby amended to read as follows:**

349.580 Except as otherwise provided in NRS 349.595 and 349.640, the Director shall not finance a project unless, before financing:

1. The Director finds that:

(a) The project to be financed has been approved for financing pursuant to the requirements of NRS 244A.669 to 244A.763, inclusive, or 268.512 to 268.568, inclusive; and

(b) There has been a request by a city or county to have the Director issue bonds to finance the project; or

2. The Director finds and both the Board and the governing body of the city or county where the project is to be located approve the findings of the Director that:

(a) The project consists of any land, building or other improvement and all real and personal properties necessary in connection therewith, excluding inventories, raw materials and working capital, whether or not in existence, which is suitable for new construction, improvement, preservation, restoration, rehabilitation or redevelopment:

(1) For manufacturing, industrial, warehousing, civic, cultural or other commercial enterprises, educational institutions, corporations for public benefit or organizations for research and development;

(2) For a health and care facility or a supplemental facility for a health and care facility;

(3) Of real or personal property appropriate for addition to a hotel, motel, apartment building, casino or office building to protect it or its occupants from fire;

(4) Of a historic structure; or

(5) For a renewable energy generation project;

(b) The project will provide a public benefit;

(c) The contemplated lessee, purchaser or other obligor has sufficient financial resources to place the project in operation and to continue its operation, meeting the obligations of the lease, purchase contract or financing agreement;

(d) There are sufficient safeguards to assure that all money provided by the Department will be expended solely for the purposes of the project;

(e) The project would be compatible with existing facilities in the area adjacent to the location of the project;

(f) ~~[~~The project:

~~(1) Is compatible with the plan of the State for economic diversification and development or for the marketing and development of tourism in this state; or~~

~~(2) Promotes the generation of electricity in this state;~~

~~(g)]~~ Through the advice of counsel or other reliable source, the project has received all approvals by the local, state and federal governments which may be necessary to proceed with construction, improvement, rehabilitation or redevelopment of the project; and

~~[(h)]~~ ***(g)*** There has been a request by a city, county, lessee, purchaser, other obligor or other enterprise to have the Director issue revenue bonds for industrial development to finance the project.

Sec. 53.5. **NRS 349.595 is hereby amended to read as follows:**

349.595 1. ~~[The]~~ ***Except as otherwise provided in section 52.3 of this act, the*** Director may provide financing for a project pursuant to this section if:

(a) The financing is limited in amount and purpose to the payment of the costs associated with:

(1) The acquisition, refurbishing, replacement and installation of equipment for the project; and

(2) The issuance of bonds pursuant to this section;

(b) The total amount of the bonds issued pursuant to this section for a particular project does not exceed $2,500,000;

(c) The Director determines that the bonds will:

(1) Be sold only to qualified institutional buyers, as defined in Rule 144A of the Securities and Exchange Commission, 17 C.F.R. § 230.144A, in minimum denominations of at least $100,000; or

(2) Receive a rating within one of the top four rating categories of Moody's Investors Service, Inc., Standard and Poor's Rating Services or Fitch IBCA, Inc.;

(d) The Director makes the findings set forth in paragraphs (a) to ~~[(c), inclusive, (g) and (h)]~~ ***(g), inclusive,*** of subsection 2 of NRS 349.580, and the governing body of the city or county where the project is to be located approves the findings of the Director; and

(e) The Director complies with the guidelines established pursuant to subsection 2.

2. The Board shall establish guidelines for the provision of financing for a project pursuant to this section.

Sec. 53.7. **NRS 349.640 is hereby amended to read as follows:**

349.640 1. Any bonds issued under the provisions of NRS 244A.669 to 244A.763, inclusive, 268.512 to 268.568, inclusive, or 349.400 to 349.670, inclusive, ***and section 52.3 of this act*** may be refunded by the Director by the issuance of refunding bonds in an amount which the Director deems necessary to refund the principal of the bonds to be so refunded, any unpaid interest thereon and any premiums and incidental expenses necessary to be paid in connection with refunding.

2. Refunding may be carried out whether the bonds to be refunded have matured or thereafter mature, either by sale of the refunding bonds and the application of the proceeds to the payment of the bonds to be refunded, or by exchange of the refunding bonds for the bonds to be refunded. The holders of the bonds to be refunded must not be compelled, without their consent, to surrender their bonds for payment or exchange before the date on which they are payable by maturity, option to redeem or otherwise, or if they are called for redemption before the date on which they are by their terms subject to redemption by option or otherwise.

3. All refunding bonds issued pursuant to this section must be payable solely from revenues and other money out of which the bonds to be refunded thereby are payable or from revenues out of which bonds of the same character may be made payable under this or any other law then in effect at the time of the refunding.

4. The Director shall not issue refunding bonds unless before the refinancing the Director finds that issuance of refunding bonds will provide a lower cost of financing for the obligor or provide some other public benefit, but the findings **,** ~~[and]~~ determinations ***and approval*** required by NRS 349.580, 349.590 and 349.595 ***and section 52.3 of this act*** are not required with respect to refunding bonds issued pursuant to this section.

Sec. 54. NRS 349.800 is hereby amended to read as follows:

349.800 1. If the Director certifies to the Governor that there is a need to issue revenue bonds to carry out the program and that it is feasible to do

so, the Governor may issue an executive order creating an Advisory Committee on Financing Exports, consisting of three members appointed by the Director.

2. The Director, in consultation with the Executive Director of the ~~[Commission on]~~ ***Office of*** Economic Development and with the approval of the Governor, shall appoint to serve as members of the Committee three persons who have proven experience in international trade and economic development which they acquired while engaged in finance, manufacturing, business administration, municipal finance, economics, law or general business.

3. After the initial terms, the term of each member is 3 years.

Sec. 55. NRS 360.225 is hereby amended to read as follows:

360.225 1. During the course of an investigation undertaken pursuant to NRS 360.130 of a person claiming:

(a) A partial abatement of property taxes pursuant to NRS 361.0687;

(b) An exemption from taxes pursuant to NRS 363B.120;

(c) A deferral of the payment of taxes on the sale of capital goods pursuant to NRS 372.397 or 374.402; or

(d) An abatement of taxes on the gross receipts from the sale, storage, use or other consumption of eligible machinery or equipment pursuant to NRS 374.357,

➥ the Department shall investigate whether the person meets the eligibility requirements for the abatement, partial abatement, exemption or deferral that the person is claiming.

2. If the Department finds that the person does not meet the eligibility requirements for the abatement, exemption or deferral which the person is claiming, the Department shall report its findings to the ~~[Commission on]~~ ***Office of*** Economic Development and take any other necessary actions.

Sec. 56. NRS 360.750 is hereby amended to read as follows:

360.750 1. A person who intends to locate or expand a business in this State may apply to the ~~[Commission on]~~ ***Office of*** Economic Development for a partial abatement of one or more of the taxes imposed on the new or expanded business pursuant to chapter 361, 363B or 374 of NRS.

2. The ~~[Commission on]~~ ***Office of*** Economic Development shall approve an application for a partial abatement if the ~~[Commission]~~ ***Office*** makes the following determinations:

(a) The business is consistent with:

(1) The State Plan for ~~[Industrial Development and Diversification that is developed by the Commission pursuant to NRS 231.067;]~~ ***Economic Development developed by the Executive Director of the Office of Economic Development pursuant to subsection 2 of section 14 of this act;*** and

(2) Any guidelines adopted ~~[pursuant to the State Plan.]~~ ***by the Executive Director of the Office to implement the State Plan for Economic Development.***

(b) The applicant has executed an agreement with the ~~[Commission]~~ ***Office*** which must:

(1) Comply with the requirements of NRS 360.755;

(2) State that the business will, after the date on which a certificate of eligibility for the abatement is issued pursuant to subsection 4, continue in operation in this State for a period specified by the ~~[Commission,]~~ ***Office,*** which must be at least 5 years, and will continue to meet the eligibility requirements set forth in this subsection; and

(3) Bind the successors in interest of the business for the specified period.

(c) The business is registered pursuant to the laws of this State or the applicant commits to obtain a valid business license and all other permits required by the county, city or town in which the business operates.

(d) Except as otherwise provided in NRS 361.0687, if the business is a new business in a county whose population is 100,000 or more or a city whose population is 60,000 or more, the business meets at least two of the following requirements:

(1) The business will have 75 or more full-time employees on the payroll of the business by the fourth quarter that it is in operation.

(2) Establishing the business will require the business to make a capital investment of at least $1,000,000 in this State.

(3) The average hourly wage that will be paid by the new business to its employees in this State is at least 100 percent of the average statewide hourly wage as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year and:

(I) The business will provide a health insurance plan for all employees that includes an option for health insurance coverage for dependents of the employees; and

(II) The cost to the business for the benefits the business provides to its employees in this State will meet the minimum requirements for benefits established by the ~~[Commission]~~ ***Office*** by regulation pursuant to subsection 8.

(e) Except as otherwise provided in NRS 361.0687, if the business is a new business in a county whose population is less than 100,000 or a city whose population is less than 60,000, the business meets at least two of the following requirements:

(1) The business will have 15 or more full-time employees on the payroll of the business by the fourth quarter that it is in operation.

(2) Establishing the business will require the business to make a capital investment of at least $250,000 in this State.

(3) The average hourly wage that will be paid by the new business to its employees in this State is at least 100 percent of the average statewide hourly wage or the average countywide hourly wage, whichever is less, as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year and:

(I) The business will provide a health insurance plan for all employees that includes an option for health insurance coverage for dependents of the employees; and

(II) The cost to the business for the benefits the business provides to its employees in this State will meet the minimum requirements for benefits established by the ~~[Commission]~~ ***Office*** by regulation pursuant to subsection 8.

(f) If the business is an existing business, the business meets at least two of the following requirements:

(1) The business will increase the number of employees on its payroll by 10 percent more than it employed in the immediately preceding fiscal year or by six employees, whichever is greater.

(2) The business will expand by making a capital investment in this State in an amount equal to at least 20 percent of the value of the tangible property possessed by the business in the immediately preceding fiscal year. The determination of the value of the tangible property possessed by the business in the immediately preceding fiscal year must be made by the:

(I) County assessor of the county in which the business will expand, if the business is locally assessed; or

(II) Department, if the business is centrally assessed.

(3) The average hourly wage that will be paid by the existing business to its new employees in this State is at least the amount of the average hourly wage required to be paid by businesses pursuant to subparagraph (2) of either paragraph (a) or (b) of subsection 2 of NRS 361.0687, whichever is applicable, and:

(I) The business will provide a health insurance plan for all new employees that includes an option for health insurance coverage for dependents of the employees; and

(II) The cost to the business for the benefits the business provides to its new employees in this State will meet the minimum requirements for benefits established by the ~~[Commission]~~ ***Office*** by regulation pursuant to subsection 8.

(g) In lieu of meeting the requirements of paragraph (d), (e) or (f), if the business furthers the development and refinement of intellectual property, a

patent or a copyright into a commercial product, the business meets at least two of the following requirements:

(1) The business will have 10 or more full-time employees on the payroll of the business by the fourth quarter that it is in operation.

(2) Establishing the business will require the business to make a capital investment of at least $500,000 in this State.

(3) The average hourly wage that will be paid by the new business to its employees in this State is at least the amount of the average hourly wage required to be paid by businesses pursuant to subparagraph (2) of either paragraph (a) or (b) of subsection 2 of NRS 361.0687, whichever is applicable, and:

(I) The business will provide a health insurance plan for all employees that includes an option for health insurance coverage for dependents of the employees; and

(II) The cost to the business for the benefits the business provides to its employees in this State will meet with minimum requirements established by the ~~[~~Commission~~]~~ ***Office*** by regulation pursuant to subsection 8.

3. Notwithstanding the provisions of subsection 2, the ~~[~~Commission on~~]~~ ***Office of*** Economic Development:

(a) Shall not consider an application for a partial abatement unless the ~~[~~Commission~~]~~ ***Office*** has requested a letter of acknowledgment of the request for the abatement from any affected county, school district, city or town.

(b) May, if the ~~[~~Commission~~]~~ ***Office*** determines that such action is necessary:

(1) Approve an application for a partial abatement by a business that does not meet the requirements set forth in paragraph (d), (e), (f) or (g) of subsection 2;

(2) Make the requirements set forth in paragraph (d), (e), (f) or (g) of subsection 2 more stringent; or

(3) Add additional requirements that a business must meet to qualify for a partial abatement.

4. If the ~~[~~Commission on~~]~~ ***Office of*** Economic Development approves an application for a partial abatement, the ~~[~~Commission~~]~~ ***Office*** shall immediately forward a certificate of eligibility for the abatement to:

(a) The Department;

(b) The Nevada Tax Commission; and

(c) If the partial abatement is from the property tax imposed pursuant to chapter 361 of NRS, the county treasurer.

5. An applicant for a partial abatement pursuant to this section or an existing business whose partial abatement is in effect shall, upon the request of the Executive Director of the ~~[~~Commission on~~]~~ ***Office of*** Economic

Development, furnish the Executive Director with copies of all records necessary to verify that the applicant meets the requirements of subsection 2.

6. If a business whose partial abatement has been approved pursuant to this section and is in effect ceases:

(a) To meet the requirements set forth in subsection 2; or

(b) Operation before the time specified in the agreement described in paragraph (b) of subsection 2,

➥ the business shall repay to the Department or, if the partial abatement was from the property tax imposed pursuant to chapter 361 of NRS, to the county treasurer, the amount of the exemption that was allowed pursuant to this section before the failure of the business to comply unless the Nevada Tax Commission determines that the business has substantially complied with the requirements of this section. Except as otherwise provided in NRS 360.232 and 360.320, the business shall, in addition to the amount of the exemption required to be paid pursuant to this subsection, pay interest on the amount due at the rate most recently established pursuant to NRS 99.040 for each month, or portion thereof, from the last day of the month following the period for which the payment would have been made had the partial abatement not been approved until the date of payment of the tax.

7. A county treasurer:

(a) Shall deposit any money that he or she receives pursuant to subsection 6 in one or more of the funds established by a local government of the county pursuant to NRS 354.6113 or 354.6115; and

(b) May use the money deposited pursuant to paragraph (a) only for the purposes authorized by NRS 354.6113 and 354.6115.

8. The ~~[Commission on]~~ ***Office of*** Economic Development:

(a) Shall adopt regulations relating to the minimum level of benefits that a business must provide to its employees if the business is going to use benefits paid to employees as a basis to qualify for a partial abatement; and

(b) May adopt such other regulations as the ~~[Commission on]~~ ***Office of*** Economic Development determines to be necessary to carry out the provisions of this section and NRS 360.755.

9. The Nevada Tax Commission:

(a) Shall adopt regulations regarding:

(1) The capital investment that a new business must make to meet the requirement set forth in paragraph (d), (e) or (g) of subsection 2; and

(2) Any security that a business is required to post to qualify for a partial abatement pursuant to this section.

(b) May adopt such other regulations as the Nevada Tax Commission determines to be necessary to carry out the provisions of this section and NRS 360.755.

10. An applicant for an abatement who is aggrieved by a final decision of the ~~[Commission on]~~ ***Office of*** Economic Development may petition for judicial review in the manner provided in chapter 233B of NRS.

Sec. 57. NRS 360.755 is hereby amended to read as follows:

360.755 1. If the ~~[Commission on]~~ ***Office of*** Economic Development approves an application by a business for a partial abatement pursuant to NRS 360.750, the agreement with the ~~[Commission]~~ ***Office*** must provide that the business:

(a) Agrees to allow the Department to conduct audits of the business to determine whether the business is in compliance with the requirements for the partial abatement; and

(b) Consents to the disclosure of the audit reports in the manner set forth in this section.

2. If the Department conducts an audit of the business to determine whether the business is in compliance with the requirements for the partial abatement, the Department shall, upon request, provide the audit report to the ~~[Commission on]~~ ***Office of*** Economic Development.

3. Until the business has exhausted all appeals to the Department and the Nevada Tax Commission relating to the audit, the information contained in the audit report provided to the ~~[Commission on]~~ ***Office of*** Economic Development:

(a) Is confidential proprietary information of the business;

(b) Is not a public record; and

(c) Must not be disclosed to any person who is not an officer or employee of the ~~[Commission on]~~ ***Office of*** Economic Development unless the business consents to the disclosure.

4. After the business has exhausted all appeals to the Department and the Nevada Tax Commission relating to the audit:

(a) The audit report provided to the ~~[Commission on]~~ ***Office of*** Economic Development is a public record; and

(b) Upon request by any person, the Executive Director of the ~~[Commission on]~~ ***Office of*** Economic Development shall disclose the audit report to the person who made the request, except for any information in the audit report that is protected from disclosure pursuant to subsection 5.

5. Before the Executive Director of the ~~[Commission on]~~ ***Office of*** Economic Development discloses the audit report to the public, the business may submit a request to the Executive Director to protect from disclosure any information in the audit report which, under generally accepted business practices, would be considered a trade secret or other confidential proprietary information of the business. After consulting with the business, the Executive Director shall determine whether to protect the information from disclosure. The decision of the Executive Director is final and is not subject to judicial

review. If the Executive Director determines to protect the information from disclosure, the protected information:

(a) Is confidential proprietary information of the business;

(b) Is not a public record;

(c) Must be redacted by the Executive Director from any audit report that is disclosed to the public; and

(d) Must not be disclosed to any person who is not an officer or employee of the ~~[Commission on]~~ ***Office of*** Economic Development unless the business consents to the disclosure.

Sec. 58. NRS 360.757 is hereby amended to read as follows:

360.757 1. ~~[If the]~~ ~~[Commission on]~~ ***The Office of*** Economic Development ~~[receives an]~~ ***shall not take any action on an*** application for any abatement of taxes ~~[imposed on a business, the]~~ ~~[Commission]~~ ~~[Office shall, at]~~ ***pursuant to NRS 274.310, 274.320, 274.330, 360.750, 701A.110 or 701A.365 or any other specific statute unless the Office:***

(a) Takes that action at a public hearing conducted for that purpose; and

(b) At least 30 days before the ~~[meeting at which the]~~ ~~[Commission]~~ ~~[Office takes any action on the application, provide]~~ ***hearing, provides*** notice of the application to:

~~[(a)]~~ ***(1)*** The governing body of the county, the board of trustees of the school district and the governing body of the city or town, if any, in which the ***pertinent*** business ***, facility or building*** is or will be located; ~~[and~~

~~(b)]~~ ***(2)*** The governing body of any other political subdivision that could be affected by the abatement ~~[.]~~ ***; and***

(3) The general public.

2. The notice required by this section must set forth the date, time and location of the ~~[meeting]~~ ***hearing*** at which the ~~[Commission on]~~ ***Office of*** Economic Development will consider the application.

3. The ~~[Commission on]~~ ***Office of*** Economic Development shall adopt regulations relating to the notice required by this section.

Sec. 59. NRS 361.0687 is hereby amended to read as follows:

361.0687 1. A person who intends to locate or expand a business in this State may, pursuant to NRS 360.750, apply to the ~~[Commission on]~~ ***Office of*** Economic Development for a partial abatement from the taxes imposed by this chapter.

2. For a business to qualify pursuant to NRS 360.750 for a partial abatement from the taxes imposed by this chapter, the ~~[Commission on]~~ ***Office of*** Economic Development must determine that, in addition to meeting the other requirements set forth in subsection 2 of that section:

(a) If the business is a new business in a county whose population is 100,000 or more or a city whose population is 60,000 or more:

(1) The business will make a capital investment in the county of at least $50,000,000 if the business is an industrial or manufacturing business or at least $5,000,000 if the business is not an industrial or manufacturing business; and

(2) The average hourly wage that will be paid by the new business to its employees in this State is at least 100 percent of the average statewide hourly wage as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year.

(b) If the business is a new business in a county whose population is less than 100,000 or a city whose population is less than 60,000:

(1) The business will make a capital investment in the county of at least $5,000,000 if the business is an industrial or manufacturing business or at least $500,000 if the business is not an industrial or manufacturing business; and

(2) The average hourly wage that will be paid by the new business to its employees in this State is at least 100 percent of the average statewide hourly wage or the average countywide hourly wage, whichever is less, as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year.

3. Except as otherwise provided in NRS 701A.210, if a partial abatement from the taxes imposed by this chapter is approved by the ~~[Commission on]~~ ***Office of*** Economic Development pursuant to NRS 360.750:

(a) The partial abatement must:

(1) Be for a duration of at least 1 year but not more than 10 years;

(2) Not exceed 50 percent of the taxes on personal property payable by a business each year pursuant to this chapter; and

(3) Be administered and carried out in the manner set forth in NRS 360.750.

(b) The Executive Director of the ~~[Commission on]~~ ***Office of*** Economic Development shall notify the county assessor of the county in which the business is located of the approval of the partial abatement, including, without limitation, the duration and percentage of the partial abatement that the ~~[Commission]~~ ***Office*** granted. The Executive Director shall, on or before April 15 of each year, advise the county assessor of each county in which a business qualifies for a partial abatement during the current fiscal year as to whether the business is still eligible for the partial abatement in the next succeeding fiscal year.

Sec. 60. NRS 363B.120 is hereby amended to read as follows:

363B.120 1. An employer that qualifies pursuant to the provisions of NRS 360.750 is entitled to an exemption of 50 percent of the amount of tax otherwise due pursuant to NRS 363B.110 during the first 4 years of its operation.

2. If a partial abatement from the taxes otherwise due pursuant to NRS 363B.110 is approved by the ~~[Commission on]~~ ***Office of*** Economic Development pursuant to NRS 360.750, the partial abatement must be administered and carried out in the manner set forth in NRS 360.750.

Sec. 61. NRS 372.397 is hereby amended to read as follows:

372.397 1. Payment of the tax on the sale of capital goods for a sales price of $100,000 or more may be deferred without interest in accordance with this section. If the sales price is:

(a) At least $100,000 but less than $350,000, the tax must be paid within 12 months.

(b) At least $350,000 but less than $600,000, the tax must be paid within 24 months.

(c) At least $600,000 but less than $850,000, the tax must be paid within 36 months.

(d) At least $850,000 but less than $1,000,000, the tax must be paid within 48 months.

(e) One million dollars or more, the tax must be paid within 60 months.

➥ Payment must be made in each month at a rate which is at least sufficient to result in payment of the total obligation within the permitted period.

2. A person may apply to the ~~[Commission on]~~ ***Office of*** Economic Development for such a deferment. If a purchase is made outside of the State from a retailer who is not registered with the Department, an application for a deferment must be made in advance or, if the purchase has been made, within 60 days after the date on which the tax is due. If a purchase is made in this State from a retailer who is registered with the Department and to whom the tax is paid, an application must be made within 60 days after the payment of the tax. If the application for a deferment is approved, the taxpayer is eligible for a refund of the tax paid.

3. The ~~[Commission on]~~ ***Office of*** Economic Development shall certify the person's eligibility for a deferment if:

(a) The purchase is consistent with the ~~[Commission's plan for industrial development and diversification;]~~ ***State Plan for Economic Development developed by the Executive Director of the Office pursuant to subsection 2 of section 14 of this act;*** and

(b) The ~~[Commission]~~ ***Office*** determines that the deferment is a significant factor in the decision of the person to locate or expand a business in this State.

➥ Upon certification, the ~~[Commission]~~ ***Office*** shall immediately forward the deferment to the Nevada Tax Commission.

4. Upon receipt of such a certification, the Nevada Tax Commission shall verify the sale, the price paid and the date of the sale and assign the

applicable period for payment of the deferred tax. It may require security for the payment in an amount which does not exceed the amount of tax deferred.

5. The Nevada Tax Commission shall adopt regulations governing:

(a) The aggregation of related purchases which are made to expand a business, establish a new business, or renovate or replace capital equipment; and

(b) The period within which such purchases may be aggregated.

Sec. 62. NRS 374.357 is hereby amended to read as follows:

374.357 1. A person who maintains a business or intends to locate a business in this State may, pursuant to NRS 360.750, apply to the ~~[Commission on]~~ ***Office of*** Economic Development for an abatement from the taxes imposed by this chapter on the gross receipts from the sale, and the storage, use or other consumption, of eligible machinery or equipment for use by a business which has been approved for an abatement pursuant to NRS 360.750.

2. If an application for an abatement is approved pursuant to NRS 360.750:

(a) The taxpayer is eligible for an abatement from the tax imposed by this chapter for not more than 2 years.

(b) The abatement must be administered and carried out in the manner set forth in NRS 360.750.

3. As used in this section, unless the context otherwise requires, "eligible machinery or equipment" means machinery or equipment for which a deduction is authorized pursuant to 26 U.S.C. § 179. The term does not include:

(a) Buildings or the structural components of buildings;

(b) Equipment used by a public utility;

(c) Equipment used for medical treatment;

(d) Machinery or equipment used in mining; or

(e) Machinery or equipment used in gaming.

Sec. 63. NRS 374.402 is hereby amended to read as follows:

374.402 1. Payment of the tax on the sale of capital goods for a sales price of $100,000 or more may be deferred without interest in accordance with this section. If the sales price is:

(a) At least $100,000 but less than $350,000, the tax must be paid within 12 months.

(b) At least $350,000 but less than $600,000, the tax must be paid within 24 months.

(c) At least $600,000 but less than $850,000, the tax must be paid within 36 months.

(d) At least $850,000 but less than $1,000,000, the tax must be paid within 48 months.

(e) One million dollars or more, the tax must be paid within 60 months.

➥ Payment must be made in each month at a rate which is at least sufficient to result in payment of the total obligation within the permitted period.

2. A person may apply to the ~~[Commission on]~~ ***Office of*** Economic Development for such a deferment. If a purchase is made outside of the State from a retailer who is not registered with the Department, an application for a deferment must be made in advance or, if the purchase has been made, within 60 days after the date on which the tax is due. If a purchase is made in this State from a retailer who is registered with the Department and to whom the tax is paid, an application must be made within 60 days after the payment of the tax. If the application for a deferment is approved, the taxpayer is eligible for a refund of the tax paid.

3. The ~~[Commission on]~~ ***Office of*** Economic Development shall certify the person's eligibility for a deferment if:

(a) The purchase is consistent with the ~~[Commission's plan for industrial development and diversification;]~~ ***State Plan for Economic Development developed by the Executive Director of the Office pursuant to subsection 2 of section 14 of this act;*** and

(b) The ~~[Commission]~~ ***Office*** determines that the deferment is a significant factor in the decision of the person to locate or expand a business in this State.

➥ Upon certification, the ~~[Commission]~~ ***Office*** shall immediately forward the deferment to the Nevada Tax Commission.

4. Upon receipt of such a certification, the Nevada Tax Commission shall verify the sale, the price paid and the date of the sale and assign the applicable period for payment of the deferred tax. It may require security for the payment in an amount which does not exceed the amount of tax deferred.

5. The Nevada Tax Commission shall adopt regulations governing:

(a) The aggregation of related purchases which are made to expand a business, establish a new business, or renovate or replace capital equipment; and

(b) The period within which such purchases may be aggregated.

Sec. 64. NRS 380A.041 is hereby amended to read as follows:

380A.041 1. The Governor shall appoint to the Council:

(a) A representative of public libraries;

(b) A trustee of a legally established library or library system;

(c) A representative of school libraries;

(d) A representative of academic libraries;

(e) A representative of special libraries or institutional libraries;

(f) A representative of persons with disabilities;

(g) A representative of the public who uses these libraries;

(h) A representative of recognized state labor organizations;

(i) A representative of private sector employers;

(j) A representative of private literacy organizations, voluntary literacy organizations or community-based literacy organizations; and

(k) A classroom teacher who has demonstrated outstanding results in teaching children or adults to read.

2. The director of the following state agencies or their designees shall serve as ex officio members of the Council:

(a) The Department of Cultural Affairs;

(b) The Department of Education;

(c) The Department of Employment, Training and Rehabilitation;

(d) The Department of Health and Human Services;

(e) The ~~[Commission on]~~ ***Office of*** Economic Development; and

(f) The Department of Corrections.

3. Officers of State Government whose agencies provide funding for literacy services may be designated by the Governor or the Chair of the Council to serve whenever matters within the jurisdiction of the agency are considered by the Council.

4. The Governor shall ensure that there is appropriate representation on the Council of urban and rural areas of the State, women, persons with disabilities, and racial and ethnic minorities.

5. A person may not serve as a member of the Council for more than two consecutive terms.

Sec. 65. NRS 408.210 is hereby amended to read as follows:

408.210 1. The Director may restrict the use of, or close, any highway whenever the Director considers the closing or restriction of use necessary:

(a) For the protection of the public.

(b) For the protection of such highway from damage during storms or during construction, reconstruction, improvement or maintenance operations thereon.

(c) To promote economic development or tourism in the best interest of the State or upon the written request of the Executive Director of the ~~[Commission on]~~ ***Office of*** Economic Development or the Director of the Commission on Tourism.

2. The Director may:

(a) Divide or separate any highway into separate roadways, wherever there is particular danger to the traveling public of collisions between vehicles proceeding in opposite directions or from vehicular turning movements or cross-traffic, by constructing curbs, central dividing sections or other physical dividing lines, or by signs, marks or other devices in or on the highway appropriate to designate the dividing line.

(b) Lay out and construct frontage roads on and along any highway or freeway and divide and separate any such frontage road from the main

highway or freeway by means of curbs, physical barriers or by other appropriate devices.

3. The Director may remove from the highways any unlicensed encroachment which is not removed, or the removal of which is not commenced and thereafter diligently prosecuted, within 5 days after personal service of notice and demand upon the owner of the encroachment or the owner's agent. In lieu of personal service upon that person or agent, service of the notice may also be made by registered or certified mail and by posting, for a period of 5 days, a copy of the notice on the encroachment described in the notice. Removal by the Department of the encroachment on the failure of the owner to comply with the notice and demand gives the Department a right of action to recover the expense of the removal, cost and expenses of suit, and in addition thereto the sum of $100 for each day the encroachment remains beyond 5 days after the service of the notice and demand.

4. If the Director determines that the interests of the Department are not compromised by a proposed or existing encroachment, the Director may issue a license to the owner or the owner's agent permitting an encroachment on the highway. Such a license is revocable and must provide for relocation or removal of the encroachment in the following manner. Upon notice from the Director to the owner of the encroachment or the owner's agent, the owner or agent may propose a time within which he or she will relocate or remove the encroachment as required. If the Director and the owner or the owner's agent agree upon such a time, the Director shall not himself remove the encroachment unless the owner or the owner's agent has failed to do so within the time agreed. If the Director and the owner or the owner's agent do not agree upon such a time, the Director may remove the encroachment at any time later than 30 days after the service of the original notice upon the owner or the owner's agent. Service of notice may be made in the manner provided by subsection 3. Removal of the encroachment by the Director gives the Department the right of action provided by subsection 3, but the penalty must be computed from the expiration of the agreed period or 30-day period, as the case may be.

Sec. 66. NRS 417.105 is hereby amended to read as follows:

417.105 1. Each year on or before October 1, the Office of Veterans' Services shall review the reports submitted pursuant to NRS 333.3368 and 338.13846.

2. In carrying out the provisions of subsection 1, the Office of Veterans' Services shall seek input from:

(a) The Purchasing Division of the Department of Administration.

(b) The State Public Works Board.

(c) The ~~[Commission on]~~ ***Office of*** Economic Development.

(d) Groups representing the interests of veterans of the Armed Forces of the United States.

(e) The business community.

(f) Local businesses owned by veterans with service-connected disabilities.

3. After performing the duties described in subsections 1 and 2, the Office of Veterans' Services shall make recommendations to the Legislative Commission regarding the continuation, modification, promotion or expansion of the preferences for local businesses owned by veterans with service-connected disabilities which are described in NRS 333.3366 and 338.13844.

4. As used in this section:

(a) "Business owned by a veteran with a service-connected disability" has the meaning ascribed to it in NRS 338.13841.

(b) "Local business" has the meaning ascribed to it in NRS 333.3363.

(c) "Veteran with a service-connected disability" has the meaning ascribed to it in NRS 338.13843.

Sec. 67. NRS 670.130 is hereby amended to read as follows:

670.130 In furtherance of its purposes and in addition to the powers conferred on business corporations by law, the corporation has, subject to the restrictions and limitations contained in this chapter, the following powers:

1. To elect, appoint and employ officers, agents and employees, to make contracts and incur liabilities for any of the purposes of the corporation. The corporation shall not incur any secondary liability by way of guaranty or endorsement of the obligations of any natural person, firm, corporation, joint-stock company, association or trust, or in any other manner, except that the corporation may guarantee or endorse obligations of borrowers.

2. To borrow money and negotiate guarantees from federal agencies for any of the purposes of the corporation, to issue its bonds, debentures, notes or other evidences of indebtedness, whether secured or unsecured, and to secure them by mortgage, pledge, deed of trust or other lien on its property, franchises, rights and privileges of every kind and nature, or any part of them or interest in them, without securing stockholder approval.

3. To make loans to any natural person, firm, corporation, joint-stock company, association or trust, and to establish and regulate the terms and conditions with respect to those loans and the charges for interest and service connected therewith, except that the corporation shall not approve any application for a loan unless the person applying for the loan shows that he or she has applied for the loan through ordinary banking channels and that the loan has been refused by at least one bank or other financial institution.

4. To purchase, receive, hold, lease or otherwise acquire, and to sell, convey, transfer, lease or otherwise dispose of real and personal property,

together with such rights and privileges as may be incidental and appurtenant to the property and the use of it, including but not restricted to any real or personal property acquired by the corporation from time to time in the satisfaction of debts or enforcement of obligations.

5. To acquire the goodwill, business, rights, real and personal property and other assets, or any part of them, or interest in them, of any natural person, firm, corporation, joint-stock company, association or trust, and to assume, undertake or pay the obligations, debts and liabilities of that natural person, firm, corporation, joint-stock company, association or trust; to acquire improved or unimproved real estate for the purpose of constructing industrial plants or other business establishments on it or for the purpose of disposing of that real estate to others for the construction of industrial plants or other business establishments; and to acquire, construct or reconstruct, alter, repair, maintain, operate, sell, convey, transfer, lease or otherwise dispose of industrial plants or business establishments.

6. To acquire, subscribe for, own, hold, sell, assign, transfer, mortgage, pledge or otherwise dispose of the stock, shares, bonds, debentures, notes or other securities and evidences of interest in or indebtedness of any natural person, firm, corporation, joint-stock company, association or trust, and while the owner or holder thereof to exercise all the rights, powers and privileges of ownership including the right to vote thereon.

7. To mortgage, pledge or otherwise encumber any property, right or thing of value acquired pursuant to the powers contained in subsection 4, 5 or 6 as security for the payment of any part of the purchase price of them.

8. To cooperate with and avail itself of the facilities of the United States Department of Commerce, the ~~[Commission on]~~ ***Office of*** Economic Development and any other similar state or federal governmental agencies; and to cooperate with and assist, and otherwise encourage organizations in the various communities of the State in the promotion, assistance and development of the business prosperity and economic welfare of those communities or of this state.

9. To do all acts and things necessary or convenient to carry out the powers expressly granted in this chapter.

Sec. 68. NRS 670A.150 is hereby amended to read as follows:

670A.150 In furtherance of its purposes and in addition to the powers conferred on business corporations by law, the corporation may, subject to the restrictions and limitations contained in this chapter:

1. Elect, appoint and employ officers, agents and employees, make contracts, including without limitation, contracts to share personnel and services with other public or private entities to carry out the State Plan for Economic Development, and may incur liabilities for any of the purposes of the corporation. The corporation shall not incur any secondary liability by

way of guaranty or endorsement of the obligations of any natural person, firm, corporation, joint-stock company, association or trust, or in any other manner, except that the corporation may guarantee or endorse industrial revenue bonds, individually or in groups, issued under the laws of this state and the obligations of borrowers.

2. Borrow money and negotiate guarantees from federal agencies for any of the purposes of the corporation, issue its bonds, debentures, notes or other evidences of indebtedness, whether secured or unsecured, and may secure them by mortgage, pledge, deed of trust or other lien on its property, franchises, rights and privileges of every kind and nature, or any part of them or interest in them, without securing stockholder approval.

3. Make loans to any natural person, firm, corporation, joint-stock company, association or trust, and may establish and regulate the terms and conditions with respect to those loans and the charges for interest and service connected therewith, except that the corporation shall not approve any application for a loan unless the person applying for the loan shows that he or she has applied for the loan through ordinary banking channels and that the loan has been refused by at least one bank or other financial institution.

4. Purchase, receive, hold, lease or otherwise acquire, and to sell, convey, transfer, lease or otherwise dispose of real and personal property, together with such rights and privileges as may be incidental and appurtenant to the property and the use of it, including but not restricted to any real or personal property acquired by the corporation from time to time in the satisfaction of debts or enforcement of obligations.

5. Acquire the goodwill, business, rights, real and personal property and other assets, or any part of them, or interest in them, of any natural person, firm, corporation, joint-stock company, association or trust, and assume, undertake or pay the obligations, debts and liabilities of that natural person, firm, corporation, joint-stock company, association or trust; to acquire improved or unimproved real estate to construct industrial plants or other business establishments on it or to dispose of that real estate to others for the construction of industrial plants or other business establishments; and may acquire, construct or reconstruct, alter, repair, maintain, operate, sell, convey, transfer, lease or otherwise dispose of industrial plants or business establishments.

6. Acquire, subscribe for, own, hold, sell, assign, transfer, mortgage, pledge or otherwise dispose of the stock, shares, bonds, debentures, notes or other securities and evidences of interest in or indebtedness of any natural person, firm, corporation, joint-stock company, association or trust, and while the owner or holder thereof may exercise all the rights, powers and privileges of ownership including the right to vote thereon.

7. Mortgage, pledge or otherwise encumber any property, right or thing of value acquired pursuant to the powers contained in subsection 4, 5 or 6 as security for the payment of any part of the purchase price of them.

8. Cooperate with and avail itself of the facilities of the United States Department of Commerce, the ~~[Commission on]~~ ***Office of*** Economic Development and any other similar state or federal governmental agencies and may cooperate with and assist, and otherwise encourage organizations in the various communities of the State in the promotion, assistance and development of the business prosperity and economic welfare of those communities or of this state.

9. Do all acts and things necessary or convenient to carry out the powers expressly granted in this chapter.

Sec. 69. NRS 670A.180 is hereby amended to read as follows:

670A.180 1. The business and affairs of the corporation must be managed and conducted by a board of directors, a president, a vice president, a secretary, a treasurer and such other officers and agents as the corporation by its bylaws may authorize. The board of directors must consist of a number not less than 9 nor more than 15 as may be determined in the first instance by the incorporators and after that annually by the stockholders of the corporation. The Director of the Department of Business and Industry and the Executive Director of the ~~[Commission on]~~ ***Office of*** Economic Development shall serve ex officio as nonvoting directors, but without any liability as such, except for gross negligence or willful misconduct.

2. The board of directors may exercise all the powers of the corporation except those conferred by law or by the bylaws of the corporation upon the stockholders and shall choose and appoint all the agents and officers of the corporation and fill all vacancies except vacancies in the office of director, which must be filled as provided in this section.

3. The voting directors must be elected in the first instance by the incorporators and after that at least five directors must be elected by the members of the corporation and at least two directors must be elected by the stockholders at the annual meeting. The annual meeting must be held during the month of January or, if no annual meeting is held in the year of incorporation, then within 90 days after the approval of the articles of incorporation at a special meeting as provided in this chapter.

4. The voting directors shall hold office until the next annual meeting of the corporation or special meeting held in lieu of the annual meeting after the election and until their successors are elected and qualified, unless sooner removed in accordance with the provisions of the bylaws.

5. Any vacancy in the office of a voting director must be filled by the directors.

6. Directors and officers are not responsible for losses unless the losses have been occasioned by the willful misconduct of those directors and officers.

Sec. 70. NRS 701A.110 is hereby amended to read as follows:

701A.110 1. Except as otherwise provided in this section, the ~~[Director]~~ ***Office of Economic Development*** shall grant a partial abatement from the portion of the taxes imposed pursuant to chapter 361 of NRS, other than any taxes imposed for public education, on a building or other structure that is determined to meet the equivalent of the silver level or higher by an independent contractor authorized to make that determination in accordance with the Green Building Rating System adopted by the Director pursuant to NRS 701A.100, if:

(a) No funding is provided by any governmental entity in this State for the acquisition, design or construction of the building or other structure or for the acquisition of any land therefor. For the purposes of this paragraph:

(1) Private activity bonds must not be considered funding provided by a governmental entity.

(2) The term "private activity bond" has the meaning ascribed to it in 26 U.S.C. § 141.

(b) The owner of the property:

(1) Submits an application for the partial abatement to the Director. If such an application is submitted for a project that has not been completed on the date of that submission and there is a significant change in the scope of the project after that date, the application must be amended to include the change or changes.

(2) Except as otherwise provided in this subparagraph, provides to the Director, within 48 months after applying for the partial abatement, proof that the building or other structure meets the equivalent of the silver level or higher, as determined by an independent contractor authorized to make that determination in accordance with the Green Building Rating System adopted by the Director pursuant to NRS 701A.100. The Director may, for good cause shown, extend the period for providing such proof.

(3) Files a copy of each application and amended application submitted to the Director pursuant to subparagraph (1) with the:

(I) Chief of the Budget Division of the Department of Administration;

(II) Department of Taxation;

(III) County assessor;

(IV) County treasurer;

(V) ~~[Commission on]~~ ***Office of*** Economic Development;

(VI) Board of county commissioners; and

(VII) City manager and city council, if any.

(c) The abatement is consistent with the State Plan for Economic Development developed by the Executive Director of the Office of Economic Development pursuant to subsection 2 of section 14 of this act.

2. As soon as practicable after the Director receives the application and proof required by subsection 1, the ~~[Director]~~ ***Office of Economic Development*** shall ***, with the assistance of the Director,*** determine whether the building or other structure is eligible for the abatement and, if so, forward a certificate of eligibility for the abatement to the:

(a) Department of Taxation;

(b) County assessor; ***and***

(c) County treasurer***.*** ~~[; and~~

~~(d)]~~ ~~[Commission on]~~ ~~*[Office of* Economic Development.]~~

3. As soon as practicable after receiving a copy of:

(a) An application pursuant to subparagraph (3) of paragraph (b) of subsection 1:

(1) The Chief of the Budget Division shall publish a fiscal note that indicates an estimate of the fiscal impact of the partial abatement on the State; and

(2) The Department of Taxation shall publish a fiscal note that indicates an estimate of the fiscal impact of the partial abatement on each affected local government, and forward a copy of the fiscal note to each affected local government.

(b) A certificate of eligibility pursuant to subsection 2, the Department of Taxation shall forward a copy of the certificate to each affected local government.

4. The partial abatement:

(a) Must be for a duration of not more than 10 years and in an annual amount that equals, for a building or other structure that meets the equivalent of:

(1) The silver level, 25 percent of the portion of the taxes imposed pursuant to chapter 361 of NRS, other than any taxes imposed for public education, that would otherwise be payable for the building or other structure, excluding the associated land;

(2) The gold level, 30 percent of the portion of the taxes imposed pursuant to chapter 361 of NRS, other than any taxes imposed for public education, that would otherwise be payable for the building or other structure, excluding the associated land; or

(3) The platinum level, 35 percent of the portion of the taxes imposed pursuant to chapter 361 of NRS, other than any taxes imposed for public education, that would otherwise be payable for the building or other structure, excluding the associated land.

(b) Does not apply during any period in which the owner of the building or other structure is receiving another abatement or exemption pursuant to this chapter or NRS 361.045 to 361.159, inclusive, from the taxes imposed pursuant to chapter 361 of NRS.

(c) Terminates upon any determination by the Director that the building or other structure has ceased to meet the equivalent of the silver level or higher. The Director shall provide notice and a reasonable opportunity to cure any noncompliance issues before making a determination that the building or other structure has ceased to meet that standard. The Director shall immediately provide notice of each determination of termination to the:

(1) Department of Taxation, who shall immediately notify each affected local government of the determination;

(2) County assessor;

(3) County treasurer; and

(4) ~~[~~Commission on~~]~~ ***Office of*** Economic Development.

5. ***If a partial abatement terminates pursuant to paragraph (c) of subsection 4, the owner of the property to which the partial abatement applied shall repay to the county treasurer the amount of the exemption that was allowed pursuant to this section before the date of that termination. The owner shall, in addition to the amount of the exemption required to be paid pursuant to this subsection, pay interest on the amount due at the rate most recently established pursuant to NRS 99.040 for each month, or portion thereof, from the last day of the month following the period for which the payment would have been made had the partial abatement not been approved until the date of payment of the tax.***

6. The ***Office of Economic Development, with the assistance of the*** Director***,*** shall adopt regulations:

(a) Establishing the qualifications and methods to determine eligibility for the abatement;

(b) Prescribing such forms as will ensure that all information and other documentation necessary to make an appropriate determination is filed with the Director; and

(c) Prescribing the criteria for determining when there is a significant change in the scope of a project for the purposes of subparagraph (1) of paragraph (b) of subsection 1,

➥ and the Department of Taxation shall adopt such additional regulations as it determines to be appropriate to carry out the provisions of this section.

~~[6.]~~ ***7. The Director shall:***

(a) Cooperate with the Office of Economic Development in carrying out the provisions of this section and provide such assistance as the Office determines to be necessary for that purpose; and

(b) Submit to the Office of Economic Development an annual report, at such a time and containing such information as the Office may require, regarding the partial abatements granted by the Office pursuant to this section.

8. As used in this section:

(a) "Building or other structure" does not include any building or other structure for which the principal use is as a residential dwelling for not more than four families.

(b) "Director" means the Director of the Office of Energy appointed pursuant to NRS 701.150.

(c) "Taxes imposed for public education" means:

(1) Any ad valorem tax authorized or required by chapter 387 of NRS;

(2) Any ad valorem tax authorized or required by chapter 350 of NRS for the obligations of a school district, including, without limitation, any ad valorem tax necessary to carry out the provisions of subsection 5 of NRS 350.020; and

(3) Any other ad valorem tax for which the proceeds thereof are dedicated to the public education of pupils in kindergarten through grade 12.

Sec. 71. NRS 701A.210 is hereby amended to read as follows:

701A.210 1. Except as otherwise provided in this section, if a:

(a) Business that engages in the primary trade of preparing, fabricating, manufacturing or otherwise processing raw material or an intermediate product through a process in which at least 50 percent of the material or product is recycled on-site; or

(b) Business that includes as a primary component a facility for the generation of electricity from recycled material,

➥ is found by the ~~[Commission on]~~ ***Office of*** Economic Development to have as a primary purpose the conservation of energy or the substitution of other sources of energy for fossil sources of energy and obtains certification from the ~~[Commission on]~~ ***Office of*** Economic Development pursuant to NRS 360.750, the ~~[Commission]~~ ***Office*** may, if the business additionally satisfies the requirements set forth in subsection 2 of NRS 361.0687, grant to the business a partial abatement from the taxes imposed on real property pursuant to chapter 361 of NRS.

2. If a partial abatement from the taxes imposed on real property pursuant to chapter 361 of NRS is approved by the ~~[Commission on]~~ ***Office of*** Economic Development pursuant to NRS 360.750 for a business described in subsection 1:

(a) The partial abatement must:

(1) Be for a duration of at least 1 year but not more than 10 years;

(2) Not exceed 50 percent of the taxes on real property payable by the business each year; and

(3) Be administered and carried out in the manner set forth in NRS 360.750.

(b) The Executive Director of the ~~[Commission on]~~ ***Office of*** Economic Development shall notify the county assessor of the county in which the business is located of the approval of the partial abatement, including, without limitation, the duration and percentage of the partial abatement that the ~~[Commission]~~ ***Office*** granted. The Executive Director shall, on or before April 15 of each year, advise the county assessor of each county in which a business qualifies for a partial abatement during the current fiscal year as to whether the business is still eligible for the partial abatement in the next succeeding fiscal year.

3. The partial abatement provided in this section applies only to the business for which certification was granted pursuant to NRS 360.750 and the property used in connection with that business. The exemption does not apply to property in this State that is not related to the business for which the certification was granted pursuant to NRS 360.750 or to property in existence and subject to taxation before the certification was granted.

4. As used in this section, "facility for the generation of electricity from recycled material" means a facility for the generation of electricity that uses recycled material as its primary fuel, including material from:

(a) Industrial or domestic waste, other than hazardous waste, even though it includes a product made from oil, natural gas or coal, such as plastics, asphalt shingles or tires;

(b) Agricultural crops, whether terrestrial or aquatic, and agricultural waste, such as manure and residue from crops; and

(c) Municipal waste, such as sewage and sludge.

➥ The term includes all the equipment in the facility used to process and convert into electricity the energy derived from a recycled material fuel.

Sec. 72. NRS 701A.360 is hereby amended to read as follows:

701A.360 1. A person who intends to locate a facility for the generation of process heat from solar renewable energy, a wholesale facility for the generation of electricity from renewable energy, a facility for the generation of electricity from geothermal resources or a facility for the transmission of electricity produced from renewable energy or geothermal resources in this State may apply to the Director for a partial abatement of the local sales and use taxes, the taxes imposed pursuant to chapter 361 of NRS, or both local sales and use taxes and taxes imposed pursuant to chapter 361 of NRS.

2. A facility that is owned, operated, leased or otherwise controlled by a governmental entity is not eligible for an abatement pursuant to NRS 701A.300 to 701A.390, inclusive.

3. As soon as practicable after the Director receives an application for a partial abatement, the Director shall submit the application to the Commissioner and forward a copy of the application to:

(a) The Chief of the Budget Division of the Department of Administration;

(b) The Department of Taxation;

(c) The board of county commissioners;

(d) The county assessor;

(e) The county treasurer; and

(f) The ~~[Commission on]~~ ***Office of*** Economic Development.

4. With the copy of the application forwarded to the county treasurer, the Director shall include a notice that the local jurisdiction may request a presentation regarding the facility. A request for a presentation must be made within 30 days after receipt of the application.

5. The Commissioner shall hold a public hearing on the application. The hearing must not be held earlier than 30 days after all persons listed in subsection 3 have received a copy of the application.

Sec. 73. **NRS 701A.365 is hereby amended to read as follows:**

701A.365 1. Except as otherwise provided in subsection 2, the ~~[Commissioner]~~ ***Office of Economic Development*** shall approve an application for a partial abatement pursuant to NRS 701A.300 to 701A.390, inclusive, if the ***Office, with the assistance of the*** Commissioner **,** makes the following determinations:

(a) The applicant has executed an agreement with the Commissioner which must:

(1) State that the facility will, after the date on which a certificate of eligibility for the abatement is issued pursuant to NRS 701A.370, continue in operation in this State for a period specified by the Commissioner, which must be at least 10 years, and will continue to meet the eligibility requirements for the abatement; and

(2) Bind the successors in interest in the facility for the specified period.

(b) The facility is registered pursuant to the laws of this State or the applicant commits to obtain a valid business license and all other permits required by the county, city or town in which the facility operates.

(c) No funding is or will be provided by any governmental entity in this State for the acquisition, design or construction of the facility or for the acquisition of any land therefor, except any private activity bonds as defined in 26 U.S.C. § 141.

(d) If the facility will be located in a county whose population is 100,000 or more or a city whose population is 60,000 or more, the facility meets the following requirements:

(1) There will be 75 or more full-time employees working on the construction of the facility during the second quarter of construction, including, unless waived by the Commissioner for good cause, at least 30 percent who are residents of Nevada;

(2) Establishing the facility will require the facility to make a capital investment of at least $10,000,000 in this State;

(3) The average hourly wage that will be paid by the facility to its employees in this State is at least 110 percent of the average statewide hourly wage, excluding management and administrative employees, as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year; and

(4) The average hourly wage of the employees working on the construction of the facility will be at least 150 percent of the average statewide hourly wage, excluding management and administrative employees, as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year and:

(I) The employees working on the construction of the facility must be provided a health insurance plan that includes an option for health insurance coverage for dependents of the employees; and

(II) The cost of the benefits provided to the employees working on the construction of the facility will meet the minimum requirements for benefits established by the Commissioner by regulation pursuant to NRS 701A.390.

(e) If the facility will be located in a county whose population is less than 100,000 or a city whose population is less than 60,000, the facility meets the following requirements:

(1) There will be 50 or more full-time employees working on the construction of the facility during the second quarter of construction, including, unless waived by the Commissioner for good cause, at least 30 percent who are residents of Nevada;

(2) Establishing the facility will require the facility to make a capital investment of at least $3,000,000 in this State;

(3) The average hourly wage that will be paid by the facility to its employees in this State is at least 110 percent of the average statewide hourly wage, excluding management and administrative employees, as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year; and

(4) The average hourly wage of the employees working on the construction of the facility will be at least 150 percent of the average statewide hourly wage, excluding management and administrative employees, as established by the Employment Security Division of the

Department of Employment, Training and Rehabilitation on July 1 of each fiscal year and:

(I) The employees working on the construction of the facility must be provided a health insurance plan that includes an option for health insurance coverage for dependents of the employees; and

(II) The cost of the benefits provided to the employees working on the construction of the facility will meet the minimum requirements for benefits established by the Commissioner by regulation pursuant to NRS 701A.390.

(f) The financial benefits that will result to this State from the employment by the facility of the residents of this State and from capital investments by the facility in this State will exceed the loss of tax revenue that will result from the abatement.

(g) The facility is consistent with the State Plan for Economic Development developed by the Executive Director of the Office of Economic Development pursuant to subsection 2 of section 14 of this act.

2. The ~~[Commissioner]~~ ***Office of Economic Development*** shall not approve an application for a partial abatement of the taxes imposed pursuant to chapter 361 of NRS submitted pursuant to NRS 701A.360 by a facility for the generation of electricity from geothermal resources unless the application is approved pursuant to this subsection. The board of county commissioners of a county must approve or deny the application not later than 30 days after the board receives a copy of the application. The board of county commissioners must not condition the approval of the application on a requirement that the facility for the generation of electricity from geothermal resources agree to purchase, lease or otherwise acquire in its own name or on behalf of the county any infrastructure, equipment, facilities or other property in the county that is not directly related to or otherwise necessary for the construction and operation of the facility. If the board of county commissioners does not approve or deny the application within 30 days after the board receives the application, the application shall be deemed denied.

3. Notwithstanding the provisions of subsection 1, the ~~[Commissioner]~~ ***Office of Economic Development*** may, if the ~~[Commissioner]~~ ***Office*** determines that such action is necessary:

(a) Approve an application for a partial abatement for a facility that does not meet the requirements set forth in paragraph (d) or (e) of subsection 1; or

(b) Add additional requirements that a facility must meet to qualify for a partial abatement.

4. The Commissioner and the Director shall cooperate with the Office of Economic Development in carrying out the provisions of this section and provide such assistance as the Office determines to be necessary for that purpose.

5. The Commissioner shall submit to the Office of Economic Development an annual report, at such a time and containing such information as the Office may require, regarding the partial abatements granted by the Office pursuant to this section.

~~[Sec. 73.]~~ *Sec. 74.* NRS 701A.370 is hereby amended to read as follows:

701A.370 1. If the ~~[Commissioner]~~ ***Office of Economic Development*** approves an application for a partial abatement pursuant to NRS 701A.300 to 701A.390, inclusive, of:

(a) Property taxes imposed pursuant to chapter 361 of NRS, the partial abatement must:

(1) Be for a duration of the 20 fiscal years immediately following the date of approval of the application;

(2) Be equal to 55 percent of the taxes on real and personal property payable by the facility each year; and

(3) Not apply during any period in which the facility is receiving another abatement or exemption from property taxes imposed pursuant to chapter 361 of NRS, other than any partial abatement provided pursuant to NRS 361.4722.

(b) Local sales and use taxes:

(1) The partial abatement must:

(I) Be for the 3 years beginning on the date of approval of the application;

(II) Be equal to that portion of the combined rate of all the local sales and use taxes payable by the facility each year which exceeds 0.25 percent; and

(III) Not apply during any period in which the facility is receiving another abatement or exemption from local sales and use taxes.

(2) The Department of Taxation shall issue to the facility a document certifying the abatement which can be presented to retailers at the time of sale. The document must clearly state that the purchaser is only required to pay sales and use taxes imposed in this State at the rate of 2.25 percent.

2. Upon approving an application for a partial abatement pursuant to NRS 701A.300 to 701A.390, inclusive, the ~~[Commissioner]~~ ***Office of Economic Development*** shall immediately notify the Director of the terms of the abatement and the Director shall immediately forward a certificate of eligibility for the abatement to:

(a) The Department of Taxation;

(b) The board of county commissioners;

(c) The county assessor;

(d) The county treasurer; and

(e) The ~~[Commission on]~~ ~~[Office of Economic Development.]~~ ***Commissioner.***

Sec. 75. **NRS 701A.375 is hereby amended to read as follows:**

701A.375 1. As soon as practicable after receiving a copy of an application pursuant to NRS 701A.360:

(a) The Chief of the Budget Division of the Department of Administration shall publish a fiscal note that indicates an estimate of the fiscal impact of the partial abatement on the State and forward a copy of the fiscal note to the Director for submission to the Commissioner ~~[;]~~ and ***the Office of Economic Development; and***

(b) The Department of Taxation shall publish a fiscal note that indicates an estimate of the fiscal impact of the partial abatement on each affected local government, and forward a copy of the fiscal note to each affected local government and to the Director for submission to the Commissioner ~~[.]~~ ***and the Office of Economic Development.***

2. As soon as practicable after receiving a copy of a certificate of eligibility pursuant to NRS 701A.370, the Department of Taxation shall forward a copy of the certificate to each affected local government.

~~[Sec. 74.]~~ *Sec. 76.* NRS 701A.380 is hereby amended to read as follows:

701A.380 1. A partial abatement approved by the ~~[Commissioner]~~ ***Office of Economic Development*** pursuant to NRS 701A.300 to 701A.390, inclusive, terminates upon any determination by the Commissioner that the facility has ceased to meet any eligibility requirements for the abatement.

2. The Commissioner shall provide notice and a reasonable opportunity to cure any noncompliance issues before making a determination that the facility has ceased to meet those requirements.

3. The Commissioner shall immediately provide notice of each determination of termination to the Director, and the Director shall immediately provide a copy of the notice to:

(a) The Department of Taxation, which shall immediately notify each affected local government of the determination;

(b) The board of county commissioners;

(c) The county assessor;

(d) The county treasurer; and

(e) The ~~[Commission on]~~ ***Office of*** Economic Development.

4. A facility whose partial abatement is terminated pursuant to this section shall repay to:

(a) The county treasurer the amount of the exemption from property taxes imposed pursuant to chapter 361 of NRS; and

(b) The Department of Taxation the amount of the exemption from local sales and use taxes,

➥ that was allowed pursuant to this section before the date of that termination. Except as otherwise provided in NRS 360.232 and 360.320, the facility shall, in addition to the amount of the exemption required to be paid pursuant to this subsection, pay interest on the amount due at the rate most recently established pursuant to NRS 99.040 for each month, or portion thereof, from the last day of the month following the period for which the payment would have been made had the partial abatement not been approved until the date of payment of the tax.

Sec. 77. **NRS 701A.385 is hereby amended to read as follows:**

701A.385 Notwithstanding any statutory provision to the contrary, if the ~~[Commissioner]~~ ***Office of Economic Development*** approves an application for a partial abatement pursuant to NRS 701A.300 to 701A.390, inclusive, of:

1. Property taxes imposed pursuant to chapter 361 of NRS, the amount of all the property taxes which are collected from the facility for the period of the abatement must be allocated and distributed in such a manner that:

(a) Forty-five percent of that amount is deposited in the Renewable Energy Fund created by NRS 701A.450; and

(b) Fifty-five percent of that amount is distributed to the local governmental entities that would otherwise be entitled to receive those taxes in proportion to the relative amount of those taxes those entities would otherwise be entitled to receive.

2. Local sales and use taxes, the State Controller shall allocate, transfer and remit an amount equal to all the sales and use taxes imposed in this State and collected from the facility for the period of the abatement in the same manner as if that amount consisted solely of the proceeds of taxes imposed by NRS 374.110 and 374.190.

Sec. 78. **NRS 701A.390 is hereby amended to read as follows:**

701A.390 The Commissioner:

1. Shall adopt regulations:

(a) Prescribing the minimum level of benefits that a facility must provide to its employees if the facility is going to use benefits paid to employees as a basis to qualify for a partial abatement pursuant to NRS 701A.300 to 701A.390, inclusive;

(b) Prescribing such requirements for an application for a partial abatement pursuant to NRS 701A.300 to 701A.390, inclusive, as will ensure that all information and other documentation necessary for the Commissioner ***and the Office of Economic Development*** to make an appropriate determination is filed with the Director;

(c) Requiring each recipient of a partial abatement pursuant to NRS 701A.300 to 701A.390, inclusive, to file annually with the Director, for submission to the Commissioner, such information and documentation as

may be necessary for the Commissioner to determine whether the recipient is in compliance with any eligibility requirements for the abatement; and

(d) Regarding the capital investment that a facility must make to meet the requirement set forth in paragraph (d) or (e) of subsection 1 of NRS 701A.365; and

2. May adopt such other regulations as the Commissioner determines to be necessary to carry out the provisions of NRS 701A.300 to 701A.390, inclusive.

~~[Sec. 75.]~~ *Sec. 79.* NRS 704.032 is hereby amended to read as follows:

704.032 The ~~[Commission on]~~ ***Office of*** Economic Development may participate in proceedings before the Public Utilities Commission of Nevada concerning a public utility in the business of supplying electricity or natural gas to advocate the accommodation of the State Plan for ~~[Industrial Development and Diversification.]~~ ***Economic Development developed by the Executive Director of the Office pursuant to subsection 2 of section 14 of this act.*** The ~~[Commission on]~~ ***Office of*** Economic Development may intervene as a matter of right in a proceeding pursuant to NRS 704.736 to 704.754, inclusive, or 704.991.

~~[Sec. 76.]~~ *Sec. 80.* NRS 704.223 is hereby amended to read as follows:

704.223 1. If a business with a new industrial load has been certified by the ~~[Commission on]~~ ***Office of*** Economic Development pursuant to NRS 231.139, the Public Utilities Commission of Nevada may authorize a public utility that furnishes electricity for the business to purchase or transmit a portion of the electricity provided to the business to reduce the overall cost of the electricity to the business. The purchases of electricity may be made by the business with the new industrial load, by agreement between the public utility and the business or by the public utility on behalf of the business, and must be made in accordance with such rates, terms and conditions as are established by the Public Utilities Commission of Nevada.

2. If additional facilities are determined by the affected utility to be required as the result of authorization granted pursuant to subsection 1, the facilities must be constructed, owned and operated by the affected utility. The business must agree as a condition to the authorization granted pursuant to subsection 1 to continue its business in operation in Nevada for 30 years. The agreement must require appropriate security for the reimbursement of the utility for the remaining portion of the value of the facilities which has not been depreciated by the utility and will not be mitigated by use of the facilities for other customers in the event that the business, or its successor in interest, does not remain in operation for 30 years.

3. Nothing in this section authorizes the Federal Energy Regulatory Commission to order the purchase or transmittal of electricity in the manner described in subsection 1.

4. All of the rules, regulations and statutes pertaining to the Public Utilities Commission of Nevada and public utilities apply to actions taken pursuant to this section.

5. Any authorization granted by the Public Utilities Commission of Nevada pursuant to this section must include such terms and conditions as the Commission determines are necessary to ensure that the rates or charges assessed to other customers of the public utility do not subsidize the cost of providing service to the business.

Sec. 81. **Section 12 of this act is hereby amended to read as follows:**

Sec. 12. 1. There is hereby created within the Office of the Governor the Office of Economic Development ~~[.]~~ ***, consisting of:***

(a) A Division of Economic Development; and

(b) A Division of Motion Pictures.

2. The Governor shall propose a budget for the Office.

3. Employees of the Office are not in the classified or unclassified service of this State and serve at the pleasure of the Executive Director.

Sec. 82. **Section 14 of this act is hereby amended to read as follows:**

Sec. 14. After considering any pertinent advice and recommendations of the Board, the Executive Director:

1. Shall direct and supervise the administrative and technical activities of the Office.

2. Shall develop and may periodically revise a State Plan for Economic Development, which must include a statement of:

(a) New industries which have the potential to be developed in this State;

(b) The strengths and weaknesses of this State for business incubation;

(c) The competitive advantages and weaknesses of this State;

(d) The manner in which this State can leverage its competitive advantages and address its competitive weaknesses;

(e) A strategy to encourage the creation and expansion of businesses in this State and the relocation of businesses to this State; and

(f) Potential partners for the implementation of the strategy, including, without limitation, the Federal Government, local governments, local and regional organizations for economic development, chambers of commerce, and private businesses, investors and nonprofit entities.

3. Shall develop criteria for the designation of regional development agencies pursuant to subsection 4.

4. Shall, in consultation with local governmental entities in the southern region of this State, the northern region of this State and the rural region of this State, designate as many regional development agencies for each region

as the Executive Director determines to be appropriate to implement the State Plan for Economic Development. The Executive Director may, if he or she determines that such action would aid in the implementation of the State Plan for Economic Development, remove the designation of any regional development agency previously designated pursuant to this section.

5. ***In a manner consistent with the laws of this State, may reorganize the programs of economic development in this State to further the State Plan for Economic Development developed by the Executive Director pursuant to subsection 2. If, in the opinion of the Executive Director, changes to the laws of this State are necessary to implement the economic development strategy for this State, the Executive Director must recommend the changes to the Governor and the Legislature.***

6. May apply for and accept any gift, donation, bequest, grant or other source of money to carry out the provisions of ***NRS 231.020 to 231.139, inclusive, and*** sections 12 to ~~[15, inclusive, and 17 to]~~ 22, inclusive, of this act.

~~[6.]~~ ***7.*** May adopt such regulations as may be necessary to carry out the provisions of ***NRS 231.020 to 231.139, inclusive, and*** sections 12 to ~~[15, inclusive, and 17 to]~~ 22, inclusive, of this act.

Sec. 83. **Section 15 of this act is hereby amended to read as follows:**

Sec. 15. Under the direction of the Executive Director, the Office ~~[shall:]~~ ***:***

1. ~~[Provide]~~ ***Shall provide*** administrative and technical support to the Board.

2. ~~[Support]~~ ***Shall support*** the efforts of the Board, the regional development agencies designated by the Executive Director pursuant to subsection 4 of section 14 of this act and the private sector to encourage the creation and expansion of businesses in Nevada and the relocation of businesses to Nevada.

3. ~~[Ensure]~~ ***Shall coordinate and oversee all economic development programs in this State to ensure that such programs are consistent with the State Plan for Economic Development developed by the Executive Director pursuant to subsection 2 of section 14 of this act, including, without limitation:***

(a) Coordinating the economic development activities of agencies of this State, local governments in this State and local and regional organizations for economic development to avoid duplication of effort or conflicting efforts;

(b) Working with local, state and federal authorities to streamline the process for obtaining abatements, financial incentives, grants, loans and all necessary permits and licenses for the creation or expansion of business in Nevada or the relocation of businesses to Nevada; and

(c) Reviewing, analyzing and making recommendations for the approval or disapproval of applications for abatements, financial incentives, development resources, and grants and loans of money provided by the Office.

4. May:

(a) Participate in any federal programs for economic development that are consistent with the State Plan for Economic Development developed by the Executive Director pursuant to subsection 2 of section 14 of this act; and

(b) When practicable and authorized by federal law, act as the agency of this State to administer such federal programs.

5. Shall ensure that each fiscal year ~~[the]~~ ***:***

(a) The money available from the Office for regional development agencies for administrative and operating purposes during that fiscal year is allocated in an equitable manner to each region of this State in accordance with the opportunities for economic development that are available in each region.

(b) The University of Nevada, Las Vegas, the University of Nevada, Reno, and the Desert Research Institute each receive an equitable share, as practicable, of the money available from the Office for those entities for that fiscal year in accordance with the opportunities for economic development that are available to each of those entities.

Sec. 84. **Section 16 of this act is hereby amended to read as follows:**

Sec. 16. 1. The Catalyst Fund is hereby created as a special revenue fund in the State Treasury.

2. The Catalyst Fund is a continuing fund without reversion. The interest and income earned on money in the Catalyst Fund, after deducting any applicable charges, must be credited to the Catalyst Fund.

3. All payments of principal and interest on any loan made with money from the Catalyst Fund must be deposited in the State Treasury for credit to the Fund.

4. The ~~[Commission on Economic Development]~~ ***Executive Director*** shall administer the Catalyst Fund and may apply for and accept any gift, grant, donation, bequest or other source of money for deposit in the Catalyst Fund.

~~[Sec. 77.]~~ *Sec. 85.* 1. On or before ~~[August]~~ **October** 1, 2011, the Advisory Council on Economic Development created by section 8 of this act shall ~~[complete]~~ **conduct** an analysis **and evaluation** of the effectiveness of the programs of economic development in this State and the economic strengths and weaknesses of this State ~~[.~~

~~2. To conduct the analysis required by subsection 1, the Board shall organize]~~ **, by organizing** teams, which may include, without limitation:

(a) An oversight team, consisting of the leaders of State Government and the Nevada System of Higher Education selected by the ~~[Board,]~~ **Advisory Council,** to manage the work of conducting the analysis and evaluation and **to** compile interim reports and a final report ~~[.]~~ **on the analysis and evaluation.**

(b) A research team to work with the Nevada System of Higher Education and existing organizations for economic development to:

(1) Identify and analyze industry clusters and innovation opportunities in this State; and

(2) Evaluate the best practices of economic development programs nationwide.

(c) An infrastructure planning team to:

(1) Inventory existing infrastructure in this State; and

(2) Identify the improvements to the infrastructure in this State which are needed to aid and encourage the economic development of this State.

(d) A technology commercialization and capital planning team to:

(1) Research best practices for the commercialization of research and technology; and

(2) Engage businesses, entrepreneurs and investors to commercialize research and technology developed in this State.

(e) An economic impact analysis team to develop an investment prospectus for this State based on the work performed by the other teams.

(f) An external research validation team to recommend a consulting firm to be hired by the ~~[Board.]~~ **Advisory Council.** Within the limits of legislative appropriations ~~[and through competitive bidding, the Board]~~ **, the Advisory Council** shall retain a qualified, independent consultant to validate the economic assumptions used by the teams and review completed economic analyses.

2. In establishing the State Plan for Economic Development pursuant to subsection 2 of section 14 of this act, the Executive Director of the Office of Economic Development created pursuant to section 12 of this act shall use the analysis and evaluation conducted pursuant to this section.

~~[Sec. 78.]~~ *Sec. 86.* **1.** NRS ~~[231.015,]~~ 231.030, 231.040, 231.050, **231.065, 231.067,** 231.070, 231.080, 231.090, 231.110 ~~[, 231.130,]~~ **and** 231.142 are hereby repealed.

2. NRS 231.153, 231.154, 231.155, 231.156, 277.300, 277.305, 277.310, 277.315, 277.320, 277.325, 277.330, 277.335, 277.340, 277.345, 277.350, 277.355, 277.360, 277.365, 277.370, 277.375, 277.380, 277.385 and 277.390 are hereby repealed.

Sec. 87. **On July 1, 2011, the State Controller shall transfer the unexpended balance, if any, remaining in the Nevada Economic**

Development Account in the State General Fund to the Catalyst Fund created by section 16 of this act.

Sec. 88. **The board of directors of each regional development district created pursuant to NRS 277.300 to 277.390, inclusive, before July 1, 2011, shall settle the affairs of and dissolve the district not later than December 31, 2011.**

Sec. 89. **Sections 52.3 to 53.7, inclusive, of this act do not apply to or affect any bonds, notes or other securities issued before July 1, 2012, pursuant to NRS 244A.669 to 244A.763, inclusive, 268.512 to 268.568, inclusive, 349.400 to 349.670, inclusive, or 349.935 to 349.961, inclusive.**

Sec. 90. **1. Any administrative regulations adopted by an officer, agency or other entity whose name has been changed or whose responsibilities have been transferred pursuant to the provisions of this act to another officer, agency or other entity remain in force until amended by the officer, agency or other entity to which the responsibility for the adoption of the regulations has been transferred.**

2. Any contracts or other agreements entered into by an officer, agency or other entity whose name has been changed or whose responsibilities have been transferred pursuant to the provisions of this act to another officer, agency or other entity are binding upon the officer, agency or other entity to which the responsibility for the administration of the provisions of the contract or other agreement has been transferred. Such contracts and other agreements may be enforced by the officer, agency or other entity to which the responsibility for the enforcement of the provisions of the contract or other agreement has been transferred.

3. Any action taken by an officer, agency or other entity whose name has been changed or whose responsibilities have been transferred pursuant to the provisions of this act to another officer, agency or other entity remains in effect as if taken by the officer, agency or other entity to which the responsibility for the enforcement of such actions has been transferred.

~~[Sec. 79.]~~ *Sec. 91.* The Legislative Counsel shall:

1. In preparing the reprint and supplements to the Nevada Revised Statutes, appropriately change any references to an officer, agency or other entity whose name is changed or whose responsibilities are transferred pursuant to the provisions of this act to refer to the appropriate officer, agency or other entity.

2. In preparing supplements to the Nevada Administrative Code, appropriately change any references to an officer, agency or other entity whose name is changed or whose responsibilities are transferred pursuant to

the provisions of this act to refer to the appropriate officer, agency or other entity.

Sec. 92. **As soon as practicable after the effective date of this section, each entity that received a grant pursuant to NRS 231.065 or 231.067 on or after July 1, 2009, and before July 1, 2011, shall provide a report to the Commission on Economic Development and the Advisory Council on Economic Development which includes:**

1. A detailed accounting for the use of all money received;

2. A description of the results achieved from the expenditures accounted for pursuant to subsection 1; and

3. A statement of the leads on future business growth developed as a direct result of the grant.

~~[Sec. 80.]~~ *Sec. 93.* 1. This section and sections **2 to** 8, ~~[77 and 79]~~ **inclusive, 23.7, 29.5, 30.3, 30.7, 31.5, 85 and 87 to 92, inclusive,** of this act become effective upon passage and approval.

2. **Sections 1, 9 to 16, inclusive, 18 to 22, inclusive, 23.3, 31.3 and 46 and subsection 2 of section 86 of this act become effective on July 1, 2011.**

3. Sections ~~[1,]~~ **1.5,** 17, ~~[24]~~ **17.5, 23, 24 to 29, inclusive, 30, 31, 31.7** to 45, inclusive, **and** 47 to ~~[76,]~~ **84,** inclusive, and ~~[78]~~ **subsection 1 of section 86** of this act become effective on ~~[the date on which the Executive Director of the Office of Economic Development is appointed by the Governor pursuant to section 13 of this act.~~

~~3. Sections 2 to 7, inclusive, 9 to 22, inclusive, and 46 of this act become effective on July 1, 2011.~~

~~4. Section 9 of this act expires by limitation on the date on which the Executive Director of the Office of Economic Development is appointed by the Governor pursuant to section 13 of this act.~~

~~5. Section]~~ **July 1, 2012.**

4. Sections 9 and 46 of this act ~~[expires]~~ **expire** by limitation on June 30, 2012.

LEADLINES OF REPEALED SECTIONS

~~[231.015 Interagency Committee for Coordinating Tourism and Economic Development.]~~

231.030 Creation; divisions.

231.040 Members: Appointment; qualifications.

231.050 Meetings; quorum; Secretary; removal of members.

231.065 Powers and duties: Grants to assist projects of economic diversification in certain counties.

231.067 Powers and duties: State Plan for Industrial Development and Diversification; promotion of economic interests of State; grants for

economic development; agency for issuing permits to relocating or expanding businesses.

231.070 Salary of members.

231.080 Executive Director: Qualifications; appointment; restrictions on other employment.

231.090 Executive Director: Powers and duties.

231.110 Employees.

~~**[231.130 Use of records and assistance of other state agencies.]**~~

231.142 "Commission" defined.

231.153 Creation; transfer of money to State General Fund.

231.154 Administration; grants for purpose of economic development; exceptions.

231.155 Regulations.

231.156 Biennial report to Director of Legislative Counsel Bureau; required contents of report.

277.300 Legislative findings; purpose; general duties of district.

277.305 Definitions.

277.310 "Board" defined.

277.315 "Development region" and "region" defined.

277.320 "Governmental unit" defined.

277.325 "Regional development district" and "district" defined.

277.330 "Subregional" defined.

277.335 Authority of counties and cities to establish district; petitioning of Governor; contiguity; duties of Governor; ability of other counties and cities to join district.

277.340 Initial governing body; composition of board of directors; bylaws; operating budget; dues; membership.

277.345 Board of directors: Qualifications and duties of chair; election of officers; meetings; staff; executive director; personnel system; independent audits; contracting for services.

277.350 Powers; preparation and submission of comprehensive economic development strategies and other plans; right of counties and cities to conduct local or subregional planning unaffected.

277.355 Additional discretionary powers of district.

277.360 Establishment of nonprofit corporation; powers of nonprofit corporation; authority of district to receive and administer certain housing funds; rights of counties and cities unaffected.

277.365 Reassignment or addition of county to development region; requirement of contiguity; approval or denial of request; appeal to Governor.

277.370 Preparation and contents of annual reports; periodic reports assessing performance of district.

277.375 Advisory committees.

277.380 Cooperation by state departments and agencies; Governor to develop working agreements.

277.385 Grants and financial assistance: Designation of responsible state agency; distribution of money from State General Fund; gifts, grants and loans; depositories.

277.390 Population of county or city.

Assemblyman Hickey moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 572.

Bill read third time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 842.

AN ACT relating to taxation; revising provisions governing the expenditure by police departments of the proceeds of the sales and use tax imposed pursuant to the Clark County Sales and Use Tax Act of 2005; revising certain reporting requirements concerning such expenditures; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The Clark County Sales and Use Tax Act of 2005 authorizes the Board of County Commissioners of Clark County to enact an ordinance imposing a local sales and use tax to employ and equip additional police officers in certain police departments in Clark County. (Sections 9-10 of the Act) A police department is prohibited from spending the proceeds of the tax unless the expenditure has been approved by a designated body and only if the use will not replace or supplant existing funding for the police department. (Section 13 of the Act) **Section 1** of this bill revises the requirements governing the approval and expenditure of the proceeds of the tax **~~[.]~~ to allow, under certain circumstances, for the approval and expenditure of such proceeds during fiscal years in which the designated body projects a decrease in its receipt of certain other tax revenue. Section 1 also establishes a procedure pursuant to which, under certain circumstances, the County Treasurer may approve the use by a police department of the proceeds of the tax that have been allocated to another police department.**

The Act also requires that certain reports concerning expenditures pursuant to the Act be submitted to the Director of the Legislative Counsel Bureau for transmittal to the Legislature or to the Legislative Commission if the Legislature is not in session. (Section 13.5 of the Act) **Section 2** of this bill requires that the reports be submitted instead to the Department of Taxation.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Section 13 of the Clark County Sales and Use Tax Act of 2005, being chapter 249, Statutes of Nevada 2005, at page 915, is hereby amended to read as follows:

Sec. 13. 1. A police department shall not expend proceeds received from any sales and use tax imposed pursuant to this act unless the expenditure has been approved by the body designated pursuant to this section for the approval of expenditures of that police department. The body designated pursuant to this section must approve the expenditure of the proceeds by the police department if it determines that:

(a) The proposed use of the money conforms to all provisions of this act; and

(b) The proposed use will not replace or supplant existing funding for the police department.

2. The body designated to approve an expenditure for:

(a) The Boulder City Police Department is the City Council of the City of Boulder City;

(b) The Henderson Police Department is the City Council of the City of Henderson;

(c) The Las Vegas Metropolitan Police Department is the Metropolitan Police Committee on Fiscal Affairs;

(d) The Mesquite Police Department is the City Council of the City of Mesquite; and

(e) The North Las Vegas Police Department is the City Council of the City of North Las Vegas.

3. In determining ~~[whether]~~ ***that*** a proposed use meets the requirement set forth in paragraph (b) of subsection 1, a body designated pursuant to ~~[paragraph (a), (b), (d) or (e) of]~~ subsection 2 ~~[, shall determine whether the]~~ ***must find that either:***

(a) The amount approved for expenditure by the body for the fiscal year for the support of the police department, not including any money received or expended pursuant to this act, is equal to or greater than the amount approved for expenditure in the immediately preceding fiscal year for the support of the police department ~~[.~~

~~4. In determining whether a proposed use meets the requirements set forth in paragraph (b) of subsection 1, a body designated pursuant to paragraph (c) of subsection 2 shall determine whether:~~

~~(a) The amount approved for expenditure by the City of Las Vegas for the fiscal year for the support of the police department, not including any money received or expended pursuant to this act or any money collected pursuant to~~

~~an additional ad valorem tax approved by the voters pursuant to NRS 280.265, is equal to or greater than the amount determined by multiplying the sum of the amounts approved for expenditure by both the City of Las Vegas and Clark County for the support of the police department during the immediately preceding fiscal year by the percentage of the expense of the operating and maintaining the police department apportioned to the City of Las Vegas for the fiscal year pursuant to NRS 280.201; and~~

~~(b) The amount approved for expenditure by the County for the fiscal year for the support of the police department, not including any money received or expended pursuant to this act or any money collected pursuant to an additional ad valorem tax approved by the voters pursuant to NRS 280.265, is equal to or greater than the amount determined by multiplying the sum of the amounts approved for expenditure by both the City of Las Vegas and the County for the support of the police department during the immediately preceding fiscal year by the percentage of the expense of operating and maintaining the police department apportioned to the County for the fiscal year pursuant to NRS 280.210.]~~ ***; or***

(b) The amount approved for expenditure by the body for the fiscal year for the support of the police department, not including any money received or expended pursuant to this act, is less than the amount approved for expenditure in the immediately preceding fiscal year for the support of the police department and the body has experienced a decrease in its combined revenue from consolidated taxes and property taxes of more than 2 percent from Fiscal Year 2009-2010.

4. If a body designated pursuant to subsection 2 makes a finding pursuant to subsection 3, the body shall adopt a resolution setting forth the finding and the reasons therefor.

5. If a body designated pursuant to subsection 2 does not make a finding pursuant to subsection 3 for a fiscal year ~~[,]~~ ***on or before July 1 of that fiscal year, the*** ~~[city or county treasurer, as appropriate,]~~ ***body shall retain the proceeds received for that fiscal year from any sales and use tax imposed pursuant to this act*** ~~[and shall not permit the expenditure of those proceeds for any purpose during that fiscal year.]~~ ***in the special revenue fund created by the body pursuant to section 17 of this act for use pursuant to this section. Any other body designated pursuant to subsection 2 which makes a finding pursuant to subsection 3 for that fiscal year may apply to the County Treasurer requesting approval for the use by the police department for which the other body approves expenditures of any portion of those proceeds in accordance with the provisions of this section.***

6. The County Treasurer, upon receiving a request pursuant to subsection 5 and proper documentation of compliance with the provisions of this section, shall provide written notice to the designated body which

failed to make a finding pursuant to subsection 3 that it is required to transfer from the special revenue fund created by the body pursuant to section 17 of this act to the County Treasurer such amount of the proceeds received for that fiscal year from any sales and use tax imposed pursuant to this act as approved by the County Treasurer for use by the designated body that submitted the request.

7. Notwithstanding the provisions of subsection 3 of section 17 of this act, a designated body that receives written notice from the County Treasurer pursuant to subsection 6 shall transfer all available required money to the County Treasurer as soon as practicable following its receipt of any portion of the proceeds. Upon receipt of the money, the County Treasurer shall transfer the money to the designated body that submitted the request, which shall deposit the money in the special revenue fund created by that designated body pursuant to section 17 of this act.

Sec. 2. Section 13.5 of the Clark County Sales and Use Tax Act of 2005, being chapter 249, Statutes of Nevada 2005, as added by chapter 545, Statutes of Nevada 2007, at page 3422, is hereby amended to read as follows:

Sec. 13.5. 1. Any governing body that has approved expenditures pursuant to section 13 of this act shall submit to the ~~[Director of the Legislative Counsel Bureau for transmittal to the members of the Legislature, or the Legislative Commission when the Legislature is not in regular session,]~~ ***Department*** the periodic reports required pursuant to this section and such other information relating to the provisions of this act as may be requested by the ~~[Director of the Legislative Counsel Bureau.]~~ ***Department.***

2. The reports required pursuant to this section must be submitted:

(a) On or before:

(1) February 15 for the 3-month period ending on the immediately preceding December 31;

(2) May 15 for the 3-month period ending on the immediately preceding March 31;

(3) August 15 for the 3-month period ending on the immediately preceding June 30; and

(4) November 15 for the 3-month period ending on the immediately preceding September 30; and

(b) On or before August 15 for the 12-month period ending on the immediately preceding June 30.

3. Each report must be submitted on a form provided by the ~~[Director of the Legislative Counsel Bureau]~~ ***Department*** and include, with respect to the period covered by the report:

(a) The total proceeds received by the respective police department from the sales and use tax imposed pursuant to this act;

(b) A detailed description of the use of the proceeds, including, without limitation:

(1) The total expenditures made by the respective police department from the sales and use tax imposed pursuant to this act;

(2) The total number of police officers hired by the police department and the number of those officers that are filling authorized, funded positions for new officers; and

(3) A detailed analysis of the manner in which each expenditure:

(I) Conforms to all provisions of this act; and

(II) Does not replace or supplant funding which existed before October 1, 2005, for the police department; and

(c) Any other information required to complete the form for the report.

4. The ~~[Legislative Commission]~~ ***Department*** may review and investigate the reports submitted pursuant to this section and the expenditure of any proceeds pursuant to section 13 of this act.

Sec. 3. This act becomes effective upon passage and approval.

Assemblywoman Kirkpatrick moved the adoption of Amendment No. 842 to Assembly Bill No. 572.

Amendment adopted.

The following amendment was proposed by Assemblywoman Kirkpatrick:

Amendment No. 843.

AN ACT relating to taxation; revising provisions governing the expenditure by police departments of the proceeds of the sales and use tax imposed pursuant to the Clark County Sales and Use Tax Act of 2005; revising certain reporting requirements concerning such expenditures; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The Clark County Sales and Use Tax Act of 2005 authorizes the Board of County Commissioners of Clark County to enact an ordinance imposing a local sales and use tax to employ and equip additional police officers in certain police departments in Clark County. (Sections 9-10 of the Act) A police department is prohibited from spending the proceeds of the tax unless the expenditure has been approved by a designated body and only if the use will not replace or supplant existing funding for the police department. (Section 13 of the Act) **Section 1** of this bill revises the requirements governing the approval and expenditure of the proceeds of the tax ~~[.]~~ **to allow, under certain circumstances, for the approval and expenditure of such proceeds during fiscal years in which the designated body projects a decrease in its receipt of certain other tax revenue.**

The Act also requires that certain reports concerning expenditures pursuant to the Act be submitted to the Director of the Legislative Counsel Bureau for transmittal to the Legislature or to the Legislative Commission if the

Legislature is not in session. (Section 13.5 of the Act) **Section 2** of this bill requires that the reports be submitted instead to the Department of Taxation.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Section 13 of the Clark County Sales and Use Tax Act of 2005, being chapter 249, Statutes of Nevada 2005, at page 915, is hereby amended to read as follows:

Sec. 13. 1. A police department shall not expend proceeds received from any sales and use tax imposed pursuant to this act unless the expenditure has been approved by the body designated pursuant to this section for the approval of expenditures of that police department. The body designated pursuant to this section must approve the expenditure of the proceeds by the police department if it determines that:

(a) The proposed use of the money conforms to all provisions of this act; and

(b) The proposed use will not replace or supplant existing funding for the police department.

2. The body designated to approve an expenditure for:

(a) The Boulder City Police Department is the City Council of the City of Boulder City;

(b) The Henderson Police Department is the City Council of the City of Henderson;

(c) The Las Vegas Metropolitan Police Department is the Metropolitan Police Committee on Fiscal Affairs;

(d) The Mesquite Police Department is the City Council of the City of Mesquite; and

(e) The North Las Vegas Police Department is the City Council of the City of North Las Vegas.

3. In determining ~~[whether]~~ ***that*** a proposed use meets the requirement set forth in paragraph (b) of subsection 1, a body designated pursuant to ~~[paragraph (a), (b), (d) or (e) of]~~ subsection 2 ~~[, shall determine whether the]~~ ***must find that either:***

(a) The amount approved for expenditure by the body for the fiscal year for the support of the police department, not including any money received or expended pursuant to this act, is equal to or greater than the amount approved for expenditure in the immediately preceding fiscal year for the support of the police department ~~[.~~

~~4. In determining whether a proposed use meets the requirements set forth in paragraph (b) of subsection 1, a body designated pursuant to paragraph (c) of subsection 2 shall determine whether:~~

~~(a) The amount approved for expenditure by the City of Las Vegas for the fiscal year for the support of the police department, not including any money received or expended pursuant to this act or any money collected pursuant to an additional ad valorem tax approved by the voters pursuant to NRS 280.265, is equal to or greater than the amount determined by multiplying the sum of the amounts approved for expenditure by both the City of Las Vegas and Clark County for the support of the police department during the immediately preceding fiscal year by the percentage of the expense of the operating and maintaining the police department apportioned to the City of Las Vegas for the fiscal year pursuant to NRS 280.201; and~~

~~(b) The amount approved for expenditure by the County for the fiscal year for the support of the police department, not including any money received or expended pursuant to this act or any money collected pursuant to an additional ad valorem tax approved by the voters pursuant to NRS 280.265, is equal to or greater than the amount determined by multiplying the sum of the amounts approved for expenditure by both the City of Las Vegas and the County for the support of the police department during the immediately preceding fiscal year by the percentage of the expense of operating and maintaining the police department apportioned to the County for the fiscal year pursuant to NRS 280.210.]~~ ***; or***

(b) The amount approved for expenditure by the body for the fiscal year for the support of the police department, not including any money received or expended pursuant to this act, is less than the amount approved for expenditure in the immediately preceding fiscal year for the support of the police department and the body ~~[has experienced]~~ projects a decrease in its ~~[combined]~~ receipt of revenue in that fiscal year from consolidated taxes and property taxes of more than 2 percent from ~~[Fiscal Year 2009-2010.]~~ its base fiscal year.

4. If a body designated pursuant to subsection 2 makes a finding pursuant to subsection 3, the body shall adopt a resolution setting forth the finding and the reasons therefor. If the finding is made pursuant to paragraph (b) of subsection 3, the finding must include, without limitation, all facts supporting the projection of a decrease in revenue.

5. If a body designated pursuant to subsection 2 does not make a finding pursuant to subsection 3 for a fiscal year, the ~~[city or county treasurer, as appropriate,]~~ body shall retain the proceeds received for that fiscal year from any sales and use tax imposed pursuant to this act ~~[and shall not permit the expenditure of those proceeds for any purpose during that fiscal year.]~~ in the special revenue fund created by the body pursuant to section 17 of this act for use pursuant to this section.

6. As used in this section, "base fiscal year" means, with respect to a body designated pursuant to subsection 2, Fiscal Year 2009-2010, except that:

(a) If, in any subsequent fiscal year, the amount approved for expenditure by the body for that subsequent fiscal year for the support of the police department, not including any money received or expended pursuant to this act, exceeds by more than 2 percent the amount approved for expenditure in Fiscal Year 2009-2010, the base fiscal year for that body becomes the most recent of such subsequent fiscal years.

(b) If the base fiscal year is revised pursuant to paragraph (a) and, in any subsequent fiscal year, the amount approved for expenditure by the body for that subsequent fiscal year for the support of the police department, not including any money received or expended pursuant to this act, is equal to or less than the amount approved for expenditure in Fiscal Year 2009-2010, the base fiscal year for that body becomes Fiscal Year 2009-2010 but is subject to subsequent revision pursuant to paragraph (a).

Sec. 2. Section 13.5 of the Clark County Sales and Use Tax Act of 2005, being chapter 249, Statutes of Nevada 2005, as added by chapter 545, Statutes of Nevada 2007, at page 3422, is hereby amended to read as follows:

Sec. 13.5. 1. Any governing body that has approved expenditures pursuant to section 13 of this act shall submit to the ~~[~~Director of the Legislative Counsel Bureau for transmittal to the members of the Legislature, or the Legislative Commission when the Legislature is not in regular session,~~]~~ ***Department*** the periodic reports required pursuant to this section and such other information relating to the provisions of this act as may be requested by the ~~[~~Director of the Legislative Counsel Bureau.~~]~~ ***Department.***

2. The reports required pursuant to this section must be submitted:

(a) On or before:

(1) February 15 for the 3-month period ending on the immediately preceding December 31;

(2) May 15 for the 3-month period ending on the immediately preceding March 31;

(3) August 15 for the 3-month period ending on the immediately preceding June 30; and

(4) November 15 for the 3-month period ending on the immediately preceding September 30; and

(b) On or before August 15 for the 12-month period ending on the immediately preceding June 30.

3. Each report must be submitted on a form provided by the ~~[~~Director of the Legislative Counsel Bureau~~]~~ ***Department*** and include, with respect to the period covered by the report:

(a) The total proceeds received by the respective police department from the sales and use tax imposed pursuant to this act;

(b) A detailed description of the use of the proceeds, including, without limitation:

(1) The total expenditures made by the respective police department from the sales and use tax imposed pursuant to this act;

(2) The total number of police officers hired by the police department and the number of those officers that are filling authorized, funded positions for new officers; and

(3) A detailed analysis of the manner in which each expenditure:

(I) Conforms to all provisions of this act; and

(II) Does not replace or supplant funding which existed before October 1, 2005, for the police department; and

(c) Any other information required to complete the form for the report.

4. The ~~[Legislative Commission]~~ ***Department*** may review and investigate the reports submitted pursuant to this section and the expenditure of any proceeds pursuant to section 13 of this act.

Sec. 3. This act becomes effective upon passage and approval.

Assemblywoman Kirkpatrick moved the adoption of Amendment No. 843 to Assembly Bill No. 572.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Senate Bill No. 249.

Bill read third time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 838.

AN ACT relating to the taxation of property; revising the provisions governing the administration of certain exemptions from taxation, the determination of the taxable value of the community units of a common-interest community, the conversion of mobile or manufactured homes from real to personal property, **the issuance of certain notices by the county assessor and county treasurer,** the payment of taxes on personal property in installments, and the determination of when an overpayment of taxes on personal property will not be refunded or a deficiency in the payment of such taxes will be exempted from collection; postponing the prospective expiration of certain provisions for the funding of accounts for the acquisition and improvement of technology in the offices of county assessors and revising the authorized uses of such accounts; repealing certain requirements relating to the minimum valuation of certain land; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides various exemptions from property taxes for surviving spouses, persons who are blind and veterans, if the persons claiming the exemptions are bona fide residents of this State, and requires the county assessors to mail annually to each person who claims such an exemption a form for the renewal of the exemption. (NRS 361.080, 361.085, 361.090, 361.091) **Section 1** of this bill clarifies that these tax exemptions do not apply to a person who holds an identification card indicating that the person is only a seasonal resident of this State, unless the person has actually resided in Nevada for at least 6 months. **Sections 2-5** of this bill authorize the county assessors to provide, upon request, the forms for renewal by electronic means and to authorize the return of those forms by electronic means.

Under existing law, the taxable value of the common elements of a common-interest community must be allocated on an equal basis to each of the community units of that common-interest community. (NRS 361.233) **Section 6** of this bill instead requires, under certain conditions, the allocation of that taxable value to the community units in accordance with a formula for allocation set forth in the declaration creating the common-interest community or, if there is no such declaration, in the recorded deeds for the community units.

Under existing law, a mobile or manufactured home may not be converted from real to personal property and removed from the real property to which it is affixed unless the county assessor certifies that the current taxes on that home and real property have been paid. (NRS 361.2445) **Section 7** of this bill instead requires this certification from the county tax receiver.

Existing law requires each board of county commissioners to pass a resolution during each fiscal year which directs the county assessor to prepare a secured tax roll of taxable property in the county. The resolution must further direct the county assessor to mail a copy of the secured tax roll to each taxpayer in the county and publish the secured tax roll in a newspaper of general circulation in the county. Existing law also requires the county assessor to issue certain notices indicating that the secured tax roll is complete and available for inspection. (NRS 361.300) Section 9.5 of this bill requires the county assessor to, pursuant to a resolution adopted by the board of county commissioners, additionally post the secured tax roll in certain public areas, post the secured tax roll at the office of the county assessor and publish the secured tax roll on an Internet website maintained by the county assessor or the county. In addition, section 9.5 requires that notices to the effect that the secured tax roll is complete and open for inspection also indicate the locations at which the secured tax roll is available for inspection.

Existing law requires a county tax receiver to publish certain notices of delinquent taxes in a newspaper of general circulation in the county or, if no such newspaper exists, in at least five conspicuous places in the county. (NRS 361.565) Section 11.5 of this bill requires the county tax receiver to additionally publish such notices of delinquency on an Internet website maintained by the county treasurer or the county.

Existing law authorizes a taxpayer, upon request, to pay the personal property taxes imposed on the property of a business in installments if the total taxes exceed $10,000 and certain other conditions are met. (NRS 361.483) **Section 10** of this bill revises this authorization to include the taxes imposed on personal property which is not the property of a business, to require the total amount of taxes to exceed $5,000 and to allow the installment payments only if the pertinent tax bill is issued on or before September 15.

Under existing law, an overpayment of personal property taxes in an amount which is less than the average cost of collecting taxes in this State must be paid into the county general fund unless the taxpayer requests a refund within 6 months, and a deficiency in the payment of personal property taxes must be exempted from collection efforts if the deficiency is less than that average cost of collecting taxes. (NRS 361.485) **Section 11** of this bill requires, when calculating the amount paid to determine the existence and amount of such an overpayment or deficiency, the inclusion of the amount of any applicable penalties paid and the amount of any applicable partial abatements of taxes.

Existing law provides various exemptions from the governmental services taxes otherwise due on vehicles of surviving spouses, persons who are blind and veterans and requires the county assessors to mail annually to each person who claims such an exemption a form for the renewal of the exemption. (NRS 371.101, 371.102, 371.103, 371.104) **Sections 12-15** of this bill authorize the county assessors to provide, upon request, the forms for renewal by electronic means.

Under existing law, 2 percent of the property taxes collected for each county on personal property and the net proceeds of mines must be deposited into an account for the acquisition and improvement of technology in the office of the county assessor. (NRS 361.530, 362.170) **Section 16** of this bill provides for the continuation of this funding during the next biennium by postponing its prospective expiration until June 30, 2013. **Section 15.5** of this bill revises the authorized uses of the money in such an account.

Existing law requires persons who desire to claim a property tax exemption for personal property which is in transit through this State to make their claims in the form and manner prescribed by the regulations of the Department of Taxation. (NRS 361.170) Existing law also requires county

assessors to assess all patented land and land held under a state land contract at a minimum rate of $1.25 per acre and requires county assessors to pay the difference between that amount and the amount of any lower assessments of that land. (NRS 361.230) **Section 17** of this bill repeals these requirements.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 361.015 is hereby amended to read as follows:

361.015 "Bona fide resident" means a person who ~~[~~has:~~]~~

~~1. Established~~ ***:***

1. Has established a residence in the State of Nevada; and

2. ~~[~~Actually~~]~~ ***Has:***

(a) Actually resided in this state for at least 6 months ***;*** or ~~[~~has a~~]~~

(b) A valid driver's license or identification card issued by the Department of Motor Vehicles of this state ~~[.]~~ ***, other than such an identification card which indicates that the person is a seasonal resident.***

Sec. 2. NRS 361.080 is hereby amended to read as follows:

361.080 1. The property of surviving spouses, not to exceed the amount of $1,000 assessed valuation, is exempt from taxation, but no such exemption may be allowed to anyone but a bona fide resident of this State, and must be allowed in but one county in this State to the same family.

2. For the purpose of this section, property in which the surviving spouse has any interest shall be deemed the property of the surviving spouse.

3. The person claiming such an exemption must file with the county assessor an affidavit declaring that the person is a bona fide resident of this State and that the exemption has been claimed in no other county in this State. The affidavit must be made before the county assessor or a notary public. After the filing of the original affidavit, the county assessor shall ***, except as otherwise provided in this subsection,*** mail a form for renewal of the exemption to the person each year following a year in which the exemption was allowed for that person. The form must be designed to facilitate its return by mail by the person claiming the exemption. ***If so requested by the person claiming the exemption, the county assessor may provide the form to the person by electronic means in lieu of by mail. The county assessor may authorize the return of the form by electronic means in accordance with the provisions of chapter 719 of NRS.***

4. A surviving spouse is not entitled to the exemption provided by this section in any fiscal year beginning after any remarriage, even if the remarriage is later annulled.

5. If any person files a false affidavit or provides false proof to the county assessor or a notary public and, as a result of the false affidavit or

false proof, the person is allowed a tax exemption to which the person is not entitled, the person is guilty of a gross misdemeanor.

6. Beginning with the 2005-2006 Fiscal Year, the monetary amount in subsection 1 must be adjusted for each fiscal year by adding to the amount the product of the amount multiplied by the percentage increase in the Consumer Price Index (All Items) from July 2003 to the July preceding the fiscal year for which the adjustment is calculated. The Department shall provide to each county assessor the adjusted amount, in writing, on or before September 30 of each year.

Sec. 3. NRS 361.085 is hereby amended to read as follows:

361.085 1. The property of each person who is blind, not to exceed the amount of $3,000 of assessed valuation, is exempt from taxation, including community property to the extent only of the interest therein of the person who is blind, but no such exemption may be allowed to anyone but a bona fide resident of this State, and must be allowed in but one county in this State on account of the same person.

2. The person claiming such an exemption must file with the county assessor an affidavit declaring that the person is a bona fide resident of the State of Nevada who meets all the other requirements for the exemption and that the exemption is not claimed in any other county in this State. The affidavit must be made before the county assessor or a notary public. After the filing of the original affidavit, the county assessor shall ***, except as otherwise provided in this subsection,*** mail a form for renewal of the exemption to the person each year following a year in which the exemption was allowed for that person. The form must be designed to facilitate its return by mail by the person claiming the exemption. ***If so requested by the person claiming the exemption, the county assessor may provide the form to the person by electronic means in lieu of by mail. The county assessor may authorize the return of the form by electronic means in accordance with the provisions of chapter 719 of NRS.***

3. Upon first claiming the exemption in a county the claimant shall furnish to the assessor a certificate of a licensed physician setting forth that the physician has examined the claimant and has found him or her to be a person who is blind.

4. If any person files a false affidavit or provides false proof to the county assessor or a notary public and, as a result of the false affidavit or false proof, the person is allowed a tax exemption to which the person is not entitled, the person is guilty of a gross misdemeanor.

5. Beginning with the 2005-2006 Fiscal Year, the monetary amount in subsection 1 must be adjusted for each fiscal year by adding to the amount the product of the amount multiplied by the percentage increase in the Consumer Price Index (All Items) from July 2003 to the July preceding the

fiscal year for which the adjustment is calculated. The Department shall provide to each county assessor the adjusted amount, in writing, on or before September 30 of each year.

6. As used in this section, "person who is blind" includes any person whose visual acuity with correcting lenses does not exceed 20/200 in the better eye, or whose vision in the better eye is restricted to a field which subtends an angle of not greater than 20°.

Sec. 4. NRS 361.090 is hereby amended to read as follows:

361.090 1. The property, to the extent of $2,000 assessed valuation, of any actual bona fide resident of the State of Nevada who:

(a) Has served a minimum of 90 continuous days on active duty, who was assigned to active duty at some time between April 21, 1898, and June 15, 1903, or between April 6, 1917, and November 11, 1918, or between December 7, 1941, and December 31, 1946, or between June 25, 1950, and May 7, 1975, or between September 26, 1982, and December 1, 1987, or between October 23, 1983, and November 21, 1983, or between December 20, 1989, and January 31, 1990, or between August 2, 1990, and April 11, 1991, or between December 5, 1992, and March 31, 1994, or between November 20, 1995, and December 20, 1996;

(b) Has served on active duty in connection with carrying out the authorization granted to the President of the United States in Public Law 102-1; or

(c) Has served on active duty in connection with a campaign or expedition for service in which a medal has been authorized by the Government of the United States, regardless of the number of days served on active duty,

➥ and who received, upon severance from service, an honorable discharge or certificate of satisfactory service from the Armed Forces of the United States, or who, having so served, is still serving in the Armed Forces of the United States, is exempt from taxation.

2. For the purpose of this section, the first $2,000 assessed valuation of property in which an applicant has any interest shall be deemed the property of the applicant.

3. The exemption may be allowed only to a claimant who files an affidavit with his or her claim for exemption on real property pursuant to NRS 361.155. The affidavit may be filed at any time by a person claiming exemption from taxation on personal property.

4. The affidavit must be made before the county assessor or a notary public and filed with the county assessor. It must state that the affiant is a bona fide resident of the State of Nevada who meets all the other requirements of subsection 1 and that the exemption is not claimed in any other county in this State. After the filing of the original affidavit, the county

assessor shall ***, except as otherwise provided in this subsection,*** mail a form for:

(a) The renewal of the exemption; and

(b) The designation of any amount to be credited to the Gift Account for Veterans' Homes established pursuant to NRS 417.145,

➥ to the person each year following a year in which the exemption was allowed for that person. The form must be designed to facilitate its return by mail by the person claiming the exemption. ***If so requested by the person claiming the exemption, the county assessor may provide the form to the person by electronic means in lieu of by mail. The county assessor may authorize the return of the form by electronic means in accordance with the provisions of chapter 719 of NRS.***

5. Persons in actual military service are exempt during the period of such service from filing the annual forms for renewal of the exemption, and the county assessors shall continue to grant the exemption to such persons on the basis of the original affidavits filed. In the case of any person who has entered the military service without having previously made and filed an affidavit of exemption, the affidavit may be filed in his or her behalf during the period of such service by any person having knowledge of the facts.

6. Before allowing any veteran's exemption pursuant to the provisions of this chapter, the county assessor shall require proof of status of the veteran, and for that purpose shall require production of an honorable discharge or certificate of satisfactory service or a certified copy thereof, or such other proof of status as may be necessary.

7. If any person files a false affidavit or produces false proof to the county assessor or a notary public and, as a result of the false affidavit or false proof, the person is allowed a tax exemption to which the person is not entitled, the person is guilty of a gross misdemeanor.

8. Beginning with the 2005-2006 Fiscal Year, the monetary amounts in subsections 1 and 2 must be adjusted for each fiscal year by adding to the amount the product of the amount multiplied by the percentage increase in the Consumer Price Index (All Items) from July 2003 to the July preceding the fiscal year for which the adjustment is calculated. The Department shall provide to each county assessor the adjusted amount, in writing, on or before September 30 of each year.

Sec. 5. NRS 361.091 is hereby amended to read as follows:

361.091 1. A bona fide resident of the State of Nevada who has incurred a permanent service-connected disability and has been honorably discharged from the Armed Forces of the United States, or his or her surviving spouse, is entitled to an exemption.

2. The amount of exemption is based on the total percentage of permanent service-connected disability. The maximum allowable exemption

for total permanent disability is the first $20,000 assessed valuation. A person with a permanent service-connected disability of:

(a) Eighty to 99 percent, inclusive, is entitled to an exemption of $15,000 assessed value.

(b) Sixty to 79 percent, inclusive, is entitled to an exemption of $10,000 assessed value.

➥ For the purposes of this section, any property in which an applicant has any interest is deemed to be the property of the applicant.

3. The exemption may be allowed only to a claimant who has filed an affidavit with his or her claim for exemption on real property pursuant to NRS 361.155. The affidavit may be made at any time by a person claiming an exemption from taxation on personal property.

4. The affidavit must be made before the county assessor or a notary public and be filed with the county assessor. It must state that the affiant is a bona fide resident of the State of Nevada, that the affiant meets all the other requirements of subsection 1 and that the exemption is not claimed in any other county within this State. After the filing of the original affidavit, the county assessor shall ***, except as otherwise provided in this subsection,*** mail a form for:

(a) The renewal of the exemption; and

(b) The designation of any amount to be credited to the Gift Account for Veterans' Homes established pursuant to NRS 417.145,

➥ to the person each year following a year in which the exemption was allowed for that person. The form must be designed to facilitate its return by mail by the person claiming the exemption. ***If so requested by the person claiming the exemption, the county assessor may provide the form to the person by electronic means in lieu of by mail. The county assessor may authorize the return of the form by electronic means in accordance with the provisions of chapter 719 of NRS.***

5. Before allowing any exemption pursuant to the provisions of this section, the county assessor shall require proof of the applicant's status, and for that purpose shall require the applicant to produce an original or certified copy of:

(a) An honorable discharge or other document of honorable separation from the Armed Forces of the United States which indicates the total percentage of his or her permanent service-connected disability;

(b) A certificate of satisfactory service which indicates the total percentage of his or her permanent service-connected disability; or

(c) A certificate from the Department of Veterans Affairs or any other military document which shows that he or she has incurred a permanent service-connected disability and which indicates the total percentage of that

disability, together with a certificate of honorable discharge or satisfactory service.

6. A surviving spouse claiming an exemption pursuant to this section must file with the county assessor an affidavit declaring that:

(a) The surviving spouse was married to and living with the veteran who incurred a permanent service-connected disability for the 5 years preceding his or her death;

(b) The veteran was eligible for the exemption at the time of his or her death or would have been eligible if the veteran had been a resident of the State of Nevada;

(c) The surviving spouse has not remarried; and

(d) The surviving spouse is a bona fide resident of the State of Nevada.

➥ The affidavit required by this subsection is in addition to the certification required pursuant to subsections 4 and 5. After the filing of the original affidavit required by this subsection, the county assessor shall ***, except as otherwise provided in this subsection,*** mail a form for renewal of the exemption to the person each year following a year in which the exemption was allowed for that person. The form must be designed to facilitate its return by mail by the person claiming the exemption. ***If so requested by the person claiming the exemption, the county assessor may provide the form to the person by electronic means in lieu of by mail. The county assessor may authorize the return of the form by electronic means in accordance with the provisions of chapter 719 of NRS.***

7. If a veteran or the surviving spouse of a veteran submits, as proof of disability, documentation that indicates a percentage of permanent service-connected disability for more than one permanent service-connected disability, the amount of the exemption must be based on the total of those combined percentages, not to exceed 100 percent.

8. If a tax exemption is allowed under this section, the claimant is not entitled to an exemption under NRS 361.090.

9. If any person files a false affidavit or produces false proof to the county assessor or a notary public and, as a result of the false affidavit or false proof, the person is allowed a tax exemption to which the person is not entitled, the person is guilty of a gross misdemeanor.

10. Beginning with the 2005-2006 Fiscal Year, the monetary amounts in subsection 2 must be adjusted for each fiscal year by adding to the amount the product of the amount multiplied by the percentage increase in the Consumer Price Index (All Items) from July 2003 to the July preceding the fiscal year for which the adjustment is calculated. The Department shall provide to each county assessor the adjusted amount, in writing, on or before September 30 of each year.

Sec. 6. NRS 361.233 is hereby amended to read as follows:

361.233 1. Notwithstanding any other provision of law:

(a) Any ad valorem taxes or special assessments assessed upon any real property within a common-interest community:

(1) Must be assessed upon the community units and not upon the common-interest community as a whole; and

(2) Must not be assessed upon any common elements of the common-interest community.

(b) ~~[The]~~ ***Except as otherwise provided in subsection 2, the*** taxable value of each parcel:

(1) Composed solely of a community unit must consist of:

(I) The taxable value of that community unit; and

(II) A percentage of the taxable value of all the common elements of that common-interest community which is equal to 1 divided by the total number of community units in that common-interest community; or

(2) Composed of a community unit and any portion of the common elements of the common-interest community must consist of:

(I) The taxable value of that community unit only; and

(II) A percentage of the taxable value of all the common elements of that common-interest community which is equal to 1 divided by the total number of community units in that common-interest community.

2. ***If the declaration for a common-interest community or, in the absence of such a declaration, the recorded deeds for the community units of a common-interest community:***

(a) Provide for the allocation to the community units of, except for any minor variations because of rounding, all the interests in the common elements of the common-interest community; or

(b) Do not provide for the allocation described in paragraph (a) but provide for the allocation to the community units of, except for any minor variations because of rounding, all the liabilities for the common expenses of the common-interest community,

➥ and the formula for allocation provided in the declaration or deeds differs from the formula for allocation set forth in sub-subparagraph (II) of subparagraph (1) of paragraph (b) of subsection 1 and sub-subparagraph (II) of subparagraph (2) of paragraph (b) of subsection 1, those sub-subparagraphs do not apply to the common-interest community, and the taxable value of the common elements of the common-interest community must be allocated to the community units in accordance with the formula for allocation provided in the declaration or deeds.

3. The Nevada Tax Commission shall adopt such regulations as it determines to be appropriate to ensure that this section is carried out in a uniform and equal manner that does not result in the double taxation of any common elements of a common-interest community.

~~[3.]~~ ***4.*** For the purposes of this section:

(a) "Ad valorem tax" means an ad valorem tax levied by any governmental entity or political subdivision in this State on or after July 1, 2006.

(b) "Common elements" means the physical portion of a common-interest community, including, without limitation, any landscaping, swimming pools, fitness centers, community centers, maintenance and service areas, parking areas, hallways, elevators and mechanical rooms, which is:

(1) Intended for the general benefit of and potential use by all the owners of the community units and their invitees; and

(2) Owned:

(I) By the community association;

(II) By any person on behalf or for the benefit of the owners of the community units; or

(III) Jointly by the owners of the community units.

(c) "Common-interest community" means real property with respect to which a person, by virtue of his or her ownership of a community unit, is obligated to pay for any real property other than that unit. The term includes a common-interest community governed by the provisions of chapter 116 of NRS, a condominium hotel governed by the provisions of chapter 116B of NRS, a condominium project governed by the provisions of chapter 117 of NRS and any time-share project, planned unit development or other real property which is organized as a common-interest community in this State.

(d) "Community association" means an association whose membership:

(1) Consists exclusively of the owners of the community units or their elected or appointed representatives; and

(2) Is a required condition of the ownership of a community unit.

(e) "Community unit" means a physical portion of a common-interest community, other than the common elements, which is:

(1) Designated for separate ownership or occupancy; and

(2) Intended for:

(I) Residential use by the owner of that unit and his or her invitees; or

(II) Commercial use by the owner of that unit for the generation of revenue from any persons other than the owners of community units in that common-interest community and their invitees.

(f) "***Declaration" means any instrument, however denominated, that creates a common-interest community, including any amendment to an instrument.***

(g) **"**Special assessment" means a special assessment levied by any governmental entity or political subdivision in this State on or after July 1, 2006.

Sec. 7. NRS 361.2445 is hereby amended to read as follows:

361.2445 1. A mobile or manufactured home which has been converted to real property pursuant to NRS 361.244 may not be removed from the real property to which it is affixed unless, at least 30 days before removing the mobile or manufactured home:

(a) The owner:

(1) Files with the Division an affidavit stating that the sole purpose for converting the mobile or manufactured home from real to personal property is to effect a transfer of the title to the mobile or manufactured home;

(2) Files with the Division the affidavit of consent to the removal of the mobile or manufactured home of each person who holds any legal interest in the real property to which the mobile or manufactured home is affixed; and

(3) Gives written notice to the county assessor of the county in which the real property is situated; and

(b) The county ~~[assessor]~~ ***tax receiver*** certifies in writing that all taxes for the fiscal year on the mobile or manufactured home and the real property to which the mobile or manufactured home is affixed have been paid.

2. The county assessor shall not remove a mobile or manufactured home from the tax rolls until:

(a) The county assessor has received verification that there is no security interest in the mobile or manufactured home or the holders of security interests have agreed in writing to the conversion of the mobile or manufactured home to personal property; and

(b) An affidavit of conversion of the mobile or manufactured home from real to personal property has been recorded in the county recorder's office of the county in which the real property to which the mobile or manufactured home was affixed is situated.

3. A mobile or manufactured home which is physically removed from real property pursuant to this section shall be deemed to be personal property immediately upon its removal.

4. The Department shall adopt:

(a) Such regulations as are necessary to carry out the provisions of this section; and

(b) A standard form for the affidavits required by this section.

5. Before the owner of a mobile or manufactured home that has been converted to personal property pursuant to this section may transfer ownership of the mobile or manufactured home, he or she must obtain a certificate of ownership from the Division.

6. For the purposes of this section, the removal of a mobile or manufactured home from real property includes the detachment of the mobile or manufactured home from its foundation, other than temporarily for the purpose of making repairs or improvements to the mobile or manufactured home or the foundation.

7. An owner who physically removes a mobile or manufactured home from real property in violation of this section is liable for all legal costs and fees, plus the actual expenses, incurred by a person who holds any interest in the real property to restore the real property to its former condition. Any judgment obtained pursuant to this section may be recorded as a lien upon the mobile or manufactured home so removed.

8. As used in this section:

(a) "Division" means the Manufactured Housing Division of the Department of Business and Industry.

(b) "Owner" means any person who holds an interest in the mobile or manufactured home or the real property to which the mobile or manufactured home is affixed evidenced by a conveyance or other instrument which transfers that interest to him or her and is recorded in the office of the county recorder of the county in which the mobile or manufactured home and real property are situated, but does not include the owner or holder of a right-of-way, easement or subsurface property right appurtenant to the real property.

Sec. 8. (Deleted by amendment.)

Sec. 9. (Deleted by amendment.)

Sec. 9.5. **NRS 361.300 is hereby amended to read as follows:**

361.300 1. On or before January 1 of each year, the county assessor shall transmit to the county clerk, post at the front door of the courthouse and publish in a newspaper published in the county a notice to the effect that the secured tax roll is completed and open for inspection by interested persons of the county. ***A notice issued pursuant to this subsection must include a statement that the secured tax roll is available for inspection as specified in paragraphs (b), (c), (d) and (e) of subsection 3. The statement published in the newspaper must be displayed in the format used for advertisements and printed in at least 10-point bold type or font.***

2. If the county assessor fails to complete the assessment roll in the manner and at the time specified in this section, the board of county commissioners shall not allow the county assessor a salary or other compensation for any day after January 1 during which the roll is not completed, unless excused by the board of county commissioners.

3. Except as otherwise provided in subsection 4, each board of county commissioners shall by resolution, before December 1 of any fiscal year in which assessment is made, require the county assessor to prepare a list of all the taxpayers on the secured roll in the county and the total valuation of property on which they severally pay taxes **.** ~~[and]~~ ***A resolution adopted pursuant to this subsection must also*** direct the county assessor ~~[:~~

~~(a) To]~~ ***to*** cause such list and valuations to be ~~[printed]~~ **:**

(a) Printed and delivered by the county assessor or mailed by him or her on or before January 1 of the fiscal year in which assessment is made to each taxpayer in the county; ~~[or]~~

(b) ~~[To cause such list and valuations to be published]~~ ***Published*** once on or before January 1 of the fiscal year in which assessment is made in a newspaper of general circulation in the county ~~[.~~

~~* In addition to complying with paragraph (a) or (b), the list and valuations may also be posted]~~ ***;***

(c) Posted in a public area of the public libraries and branch libraries located in the county ~~[, in a public area of the county courthouse and the county office building in which the county assessor's office is located,]~~ ***;***

(d) Posted at the office of the county assessor; and

(e) Published on ~~[a]~~ ***an Internet*** website ~~[or other Internet site that is operated or administered by or on behalf of the county or]~~ ***that is maintained by the*** county assessor ~~[.]~~ ***or, if the county assessor does not maintain an Internet website, on an Internet website that is maintained by the county.***

4. A board of county commissioners may, in the resolution required by subsection 3, authorize the county assessor not to deliver or mail the list, as provided in paragraph (a) of subsection 3, to taxpayers whose property is assessed at $1,000 or less and direct the county assessor to mail to each such taxpayer a statement of the amount of his or her assessment. Failure by a taxpayer to receive such a mailed statement does not invalidate any assessment.

5. The several boards of county commissioners in the State may allow the bill contracted with their approval by the county assessor under this section on a claim to be allowed and paid as are other claims against the county.

6. Whenever:

(a) Any property on the secured tax roll is appraised or reappraised pursuant to NRS 361.260, the county assessor shall, on or before December 18 of the fiscal year in which the appraisal or reappraisal is made, deliver or mail to each owner of such property a written notice stating the assessed valuation of the property as determined from the appraisal or reappraisal. ***A notice issued pursuant to this paragraph must include a statement that the secured tax roll is available for inspection as specified in paragraphs (b), (c), (d) and (e) of subsection 3. If such a statement is published in a newspaper, the statement must be displayed in the format used for advertisements and printed in at least 10-point bold type or font.***

(b) Any personal property billed on the unsecured tax roll is appraised or reappraised pursuant to NRS 361.260, the delivery or mailing to the owner of such property of an individual tax bill or individual tax notice for the property shall be deemed to constitute adequate notice to the owner of the

assessed valuation of the property as determined from the appraisal or reappraisal.

7. If the secured tax roll is changed pursuant to NRS 361.310, the county assessor shall mail an amended notice of assessed valuation to each affected taxpayer. The notice must include:

(a) The information set forth in subsection 6 for the new assessed valuation.

(b) The dates for appealing the new assessed valuation.

8. Failure by the taxpayer to receive a notice required by this section does not invalidate the appraisal or reappraisal.

9. In addition to complying with subsections 6 and 7, a county assessor shall:

(a) Provide without charge a copy of a notice of assessed valuation to the owner of the property upon request.

(b) Post the information included in a notice of assessed valuation on a website or other Internet site, if any, that is operated or administered by or on behalf of the county or the county assessor.

Sec. 10. NRS 361.483 is hereby amended to read as follows:

361.483 1. Except as otherwise provided in ~~[subsection 6]~~ ***this section*** and NRS 361.736 to 361.7398, inclusive, taxes assessed upon the real property tax roll and upon mobile or manufactured homes are due on the third Monday of August.

2. Taxes assessed upon the real property tax roll may be paid in four approximately equal installments if the taxes assessed on the parcel exceed $100.

3. Except as otherwise provided in this section, taxes assessed upon a mobile or manufactured home may be paid in four installments if the taxes assessed exceed $100.

4. If a taxpayer owns at least 25 mobile or manufactured homes in a county that are leased for commercial purposes, and those mobile or manufactured homes have not been converted to real property pursuant to NRS 361.244, taxes assessed upon those homes may be paid in four installments if, not later than July 31, the taxpayer returns to the county assessor the written statement of personal property required pursuant to NRS 361.265.

5. Except as otherwise provided in this section and NRS 361.505, taxes assessed upon personal property may be paid in four approximately equal installments if:

(a) The total personal property taxes assessed exceed ~~[$10,000;]~~ ***$5,000;***

(b) Not later than July 31, the taxpayer returns to the county assessor the written statement of personal property required pursuant to NRS 361.265;

(c) The taxpayer files with the county assessor, or county treasurer if the county treasurer has been designated to collect taxes, a written request to be billed in ~~[~~quarterly~~]~~ installments and includes with the request a copy of the written statement of personal property required pursuant to NRS 361.265; ~~[~~and~~]~~

(d) The ***owner of the*** personal property assessed ~~[~~is the property of a business and the business~~]~~ has paid ~~[~~its~~]~~ ***all the*** personal property taxes ***assessed on the property*** without accruing penalties for the immediately preceding 2 fiscal years in any county in the State ~~[~~.~~]~~ ***; and***

(e) Not later than September 15, the county tax receiver issues to the taxpayer an individual tax bill for the personal property which itemizes the dates on which the installments are due. If that tax bill is issued on or after August 1 and on or before September 15, the first two installments are due on the first Monday of October, the third installment on the first Monday of January, and the fourth installment on the first Monday of March.

6. ~~[~~If~~]~~ ***Except as otherwise provided in subsection 5, if*** a person elects to pay in installments, the first installment is due on the third Monday of August, the second installment on the first Monday of October, the third installment on the first Monday of January, and the fourth installment on the first Monday of March.

7. If any person charged with taxes which are a lien on real property fails to pay:

(a) Any one installment of the taxes on or within 10 days following the day the taxes become due, there must be added thereto a penalty of 4 percent.

(b) Any two installments of the taxes, together with accumulated penalties, on or within 10 days following the day the later installment of taxes becomes due, there must be added thereto a penalty of 5 percent of the two installments due.

(c) Any three installments of the taxes, together with accumulated penalties, on or within 10 days following the day the latest installment of taxes becomes due, there must be added thereto a penalty of 6 percent of the three installments due.

(d) The full amount of the taxes, together with accumulated penalties, on or within 10 days following the first Monday of March, there must be added thereto a penalty of 7 percent of the full amount of the taxes.

8. Any person charged with taxes which are a lien on a mobile or manufactured home who fails to pay the taxes within 10 days after an installment payment is due is subject to the following provisions:

(a) A penalty of 10 percent of the taxes due; and

(b) The county assessor may proceed under NRS 361.535.

9. If any property tax postponed pursuant to NRS 361.736 to 361.7398, inclusive, becomes due and payable and the person charged with that tax fails

to make the required payment within 10 days after it becomes due, there must be added thereto a penalty of 7 percent of the amount of the tax that is due. If the required payment is not paid within 30 days after it becomes due, there must be added thereto all penalties and interest that would have accrued had the property tax not been postponed pursuant to NRS 361.736 to 361.7398, inclusive.

10. The ex officio tax receiver of a county shall notify each person in the county who is subject to a penalty pursuant to this section of the provisions of NRS 360.419 and 361.4835.

Sec. 11. NRS 361.485 is hereby amended to read as follows:

361.485 1. Whenever any tax is paid to the ex officio tax receiver, he or she shall appropriately record the payment and the date thereof on the tax roll contiguously with the name of the person or the description of the property liable for the taxes, and shall give a receipt for the payment if requested by the taxpayer.

2. If the assessment roll is maintained on magnetic storage files in a computer system, the requirement of subsection 1 is met if the system is capable of producing, as printed output, the assessment roll with the dates of payments shown opposite the name of the person or the description of the property liable for the taxes.

3. If the amount of taxes ***and penalties*** paid on personal property ~~[:]~~ ***, together with the amount of any partial abatements of those taxes to which the taxpayer may be entitled:***

(a) Results in an overpayment that is less than the average cost of collecting property taxes in this State as determined by the Nevada Tax Commission, the ex officio tax receiver shall pay the amount of the overpayment into the county treasury for the benefit of the general fund of the county, unless the taxpayer who made the overpayment requests a refund within 6 months after the original payment. All interest paid on money deposited in the county treasury pursuant to this paragraph is the property of the county.

(b) Results in a deficiency, the amount of the deficiency, other than a payment for a penalty, must be exempted from collection if the amount of the deficiency is less than the average cost of collecting property taxes in this State as determined by the Nevada Tax Commission.

4. If the amount of taxes paid on real property:

(a) Results in an overpayment that does not exceed the amount due by more than $5, the ex officio tax receiver shall pay the amount of the overpayment into the county treasury for the benefit of the general fund of the county, unless the taxpayer who made the overpayment requests a refund within 6 months after the original payment. All interest paid on money

deposited in the county treasury pursuant to this paragraph is the property of the county.

(b) Results in a deficiency that is $5 or less than the amount due, the ex officio tax receiver may exempt the amount of the deficiency from collection.

Sec. 11.5. **NRS 361.565 is hereby amended to read as follows:**

361.565 1. Except as otherwise provided in subsection 3, if the tax remains delinquent 30 days after the first Monday in April of each year, the tax receiver of the county shall cause notice of the delinquency to be published ~~[at]~~ **:**

(a) At least once in the newspaper which publishes the list of taxpayers pursuant to NRS 361.300. If there is no newspaper in the county, the notice must be posted in at least five conspicuous places within the county.

(b) On an Internet website that is maintained by the county treasurer or, if the county treasurer does not maintain an Internet website, on an Internet website maintained by the county.

2. The cost of publication in each case must be charged to the delinquent taxpayer, and is not a charge against the State or county. The publication must be made at not more than legal rates.

3. If the delinquent property consists of unimproved real estate assessed at a sum not exceeding $25, the notice must be given by posting a copy of the notice in three conspicuous places within the county without publishing the notice in a newspaper.

4. The notice must contain the information required for a notice ~~[mailed]~~ ***of delinquency*** pursuant to ***subsection 2 of*** NRS 361.5648.

Sec. 12. NRS 371.101 is hereby amended to read as follows:

371.101 1. Vehicles registered by surviving spouses, not to exceed the amount of $1,000 determined valuation, are exempt from taxation, but the exemption must not be allowed to anyone but actual bona fide residents of this State, and must be filed in but one county in this State to the same family.

2. For the purpose of this section, vehicles in which the surviving spouse has any interest shall be deemed to belong entirely to that surviving spouse.

3. The person claiming the exemption shall file with the Department in the county where the exemption is claimed an affidavit declaring his or her residency and that the exemption has been claimed in no other county in this State for that year. The affidavit must be made before the county assessor or a notary public. After the filing of the original affidavit, the county assessor shall ***, except as otherwise provided in this subsection,*** mail a form for renewal of the exemption to the person each year following a year in which the exemption was allowed for that person. The form must be designed to facilitate its return by mail by the person claiming the exemption. ***If so***

requested by the person claiming the exemption, the county assessor may provide the form to the person by electronic means in lieu of by mail.

4. A surviving spouse is not entitled to the exemption provided by this section in any fiscal year beginning after any remarriage, even if the remarriage is later annulled.

5. Beginning with the 2005-2006 Fiscal Year, the monetary amount in subsection 1 must be adjusted for each fiscal year by adding to each amount the product of the amount multiplied by the percentage increase in the Consumer Price Index (All Items) from December 2003 to the December preceding the fiscal year for which the adjustment is calculated.

Sec. 13. NRS 371.102 is hereby amended to read as follows:

371.102 1. Vehicles registered by a person who is blind, not to exceed the amount of $3,000 determined valuation, are exempt from taxation, but the exemption must not be allowed to anyone but bona fide residents of this State, and must be filed in but one county in this State on account of that person.

2. The person claiming the exemption must file with the county assessor of the county where the exemption is claimed an affidavit declaring that the person is an actual bona fide resident of the State of Nevada, that he or she is a person who is blind and that the exemption is claimed in no other county in this State. The affidavit must be made before the county assessor or a notary public. After the filing of the original affidavit, the county assessor shall ***, except as otherwise provided in this subsection,*** mail a form for renewal of the exemption to the person each year following a year in which the exemption was allowed for that person. The form must be designed to facilitate its return by mail by the person claiming the exemption. ***If so requested by the person claiming the exemption, the county assessor may provide the form to the person by electronic means in accordance with the provisions of chapter 719 of NRS.***

3. Upon first claiming the exemption in a county, the claimant shall furnish to the county assessor a certificate of a physician licensed under the laws of this State setting forth that the physician has examined the claimant and has found him or her to be a person who is blind.

4. Beginning with the 2005-2006 Fiscal Year, the monetary amount in subsection 1 must be adjusted for each fiscal year by adding to each amount the product of the amount multiplied by the percentage increase in the Consumer Price Index (All Items) from December 2003 to the December preceding the fiscal year for which the adjustment is calculated.

5. As used in this section, "person who is blind" includes any person whose visual acuity with correcting lenses does not exceed 20/200 in the better eye, or whose vision in the better eye is restricted to a field which subtends an angle of not greater than 20 degrees.

Sec. 14. NRS 371.103 is hereby amended to read as follows:

371.103 1. Vehicles, to the extent of $2,000 determined valuation, registered by any actual bona fide resident of the State of Nevada who:

(a) Has served a minimum of 90 days on active duty, who was assigned to active duty at some time between April 21, 1898, and June 15, 1903, or between April 6, 1917, and November 11, 1918, or between December 7, 1941, and December 31, 1946, or between June 25, 1950, and May 7, 1975, or between September 26, 1982, and December 1, 1987, or between October 23, 1983, and November 21, 1983, or between December 20, 1989, and January 31, 1990, or between August 2, 1990, and April 11, 1991, or between December 5, 1992, and March 31, 1994, or between November 20, 1995, and December 20, 1996;

(b) Has served a minimum of 90 continuous days on active duty none of which was for training purposes, who was assigned to active duty at some time between January 1, 1961, and May 7, 1975;

(c) Has served on active duty in connection with carrying out the authorization granted to the President of the United States in Public Law 102-1; or

(d) Has served on active duty in connection with a campaign or expedition for service in which a medal has been authorized by the Government of the United States, regardless of the number of days served on active duty,

➥ and who received, upon severance from service, an honorable discharge or certificate of satisfactory service from the Armed Forces of the United States, or who, having so served, is still serving in the Armed Forces of the United States, is exempt from taxation.

2. For the purpose of this section, the first $2,000 determined valuation of vehicles in which such a person has any interest shall be deemed to belong to that person.

3. A person claiming the exemption shall file annually with the Department in the county where the exemption is claimed an affidavit declaring that he or she is an actual bona fide resident of the State of Nevada who meets all the other requirements of subsection 1 and that the exemption is claimed in no other county in this State. The affidavit must be made before the county assessor or a notary public. After the filing of the original affidavit, the county assessor shall ***, except as otherwise provided in this subsection,*** mail a form for:

(a) The renewal of the exemption; and

(b) The designation of any amount to be credited to the Gift Account for Veterans' Homes established pursuant to NRS 417.145,

➥ to the person each year following a year in which the exemption was allowed for that person. The form must be designed to facilitate its return by mail by the person claiming the exemption. ***If so requested by the person***

claiming the exemption, the county assessor may provide the form to the person by electronic means in lieu of by mail.

4. Persons in actual military service are exempt during the period of such service from filing annual affidavits of exemption and the Department shall grant exemptions to those persons on the basis of the original affidavits filed. In the case of any person who has entered the military service without having previously made and filed an affidavit of exemption, the affidavit may be filed in his or her behalf during the period of such service by any person having knowledge of the facts.

5. Before allowing any veteran's exemption pursuant to the provisions of this chapter, the Department shall require proof of status of the veteran, and for that purpose shall require production of an honorable discharge or certificate of satisfactory service or a certified copy thereof, or such other proof of status as may be necessary.

6. If any person files a false affidavit or produces false proof to the Department, and as a result of the false affidavit or false proof a tax exemption is allowed to a person not entitled to the exemption, the person is guilty of a gross misdemeanor.

7. Beginning with the 2005-2006 Fiscal Year, the monetary amounts in subsections 1 and 2 must be adjusted for each fiscal year by adding to each amount the product of the amount multiplied by the percentage increase in the Consumer Price Index (All Items) from December 2003 to the December preceding the fiscal year for which the adjustment is calculated.

Sec. 15. NRS 371.104 is hereby amended to read as follows:

371.104 1. A bona fide resident of the State of Nevada who has incurred a permanent service-connected disability and has been honorably discharged from the Armed Forces of the United States, or his or her surviving spouse, is entitled to a veteran's exemption from the payment of governmental services taxes on vehicles of the following determined valuations:

(a) If he or she has a disability of 100 percent, the first $20,000 of determined valuation.

(b) If he or she has a disability of 80 to 99 percent, inclusive, the first $15,000 of determined valuation.

(c) If he or she has a disability of 60 to 79 percent, inclusive, the first $10,000 of determined valuation.

2. For the purpose of this section, the first $20,000 of determined valuation of vehicles in which an applicant has any interest shall be deemed to belong entirely to that person.

3. A person claiming the exemption shall file annually with the Department in the county where the exemption is claimed an affidavit declaring that he or she is a bona fide resident of the State of Nevada who

meets all the other requirements of subsection 1 and that the exemption is claimed in no other county within this State. After the filing of the original affidavit, the county assessor shall ***, except as otherwise provided in this subsection,*** mail a form for:

(a) The renewal of the exemption; and

(b) The designation of any amount to be credited to the Gift Account for Veterans' Homes established pursuant to NRS 417.145,

➥ to the person each year following a year in which the exemption was allowed for that person. The form must be designed to facilitate its return by mail by the person claiming the exemption. ***If so requested by the person claiming the exemption, the county assessor may provide the form to the person by electronic means in lieu of by mail.***

4. Before allowing any exemption pursuant to the provisions of this section, the Department shall require proof of the applicant's status, and for that purpose shall require production of:

(a) A certificate from the Department of Veterans Affairs that the veteran has incurred a permanent service-connected disability, which shows the percentage of that disability; and

(b) Any one of the following:

(1) An honorable discharge;

(2) A certificate of satisfactory service; or

(3) A certified copy of either of these documents.

5. A surviving spouse claiming an exemption pursuant to this section must file with the Department in the county where the exemption is claimed an affidavit declaring that:

(a) The surviving spouse was married to and living with the veteran with a disability for the 5 years preceding his or her death;

(b) The veteran with a disability was eligible for the exemption at the time of his or her death; and

(c) The surviving spouse has not remarried.

➥ The affidavit required by this subsection is in addition to the certification required pursuant to subsections 3 and 4. After the filing of the original affidavit required by this subsection, the county assessor shall ***, except as otherwise provided in this subsection,*** mail a form for renewal of the exemption to the person each year following a year in which the exemption was allowed for that person. The form must be designed to facilitate its return by mail by the person claiming the exemption. ***If so requested by the person claiming the exemption, the county assessor may provide the form to the person by electronic means in lieu of by mail.***

6. If a tax exemption is allowed under this section, the claimant is not entitled to an exemption under NRS 371.103.

7. If any person makes a false affidavit or produces false proof to the Department, and as a result of the false affidavit or false proof the person is allowed a tax exemption to which he or she is not entitled, the person is guilty of a gross misdemeanor.

8. Beginning with the 2005-2006 Fiscal Year, the monetary amounts in subsections 1 and 2 must be adjusted for each fiscal year by adding to each amount the product of the amount multiplied by the percentage increase in the Consumer Price Index (All Items) from December 2003 to the December preceding the fiscal year for which the adjustment is calculated.

Sec. 15.5. NRS 250.085 is hereby amended to read as follows:

250.085 1. The board of county commissioners of each county shall by ordinance create in the county general fund an account to be designated as the Account for the Acquisition and Improvement of Technology in the Office of the County Assessor.

2. The money in the Account:

(a) Must be accounted for separately and not as a part of any other account; and

(b) Must not be used to replace or supplant any money available from other sources to acquire technology for and improve technology used in the office of the county assessor.

3. The money in the Account must be used to acquire technology for or improve the technology used in the office of the county assessor ~~[,]~~ ***or by another entity with operational impact on the office of the county assessor,*** including, without limitation, the payment of costs associated with acquiring or improving technology for converting and archiving records, purchasing hardware and software, maintaining the technology, training employees in the operation of the technology and contracting for professional services relating to the technology. ~~[At the discretion of the county assessor, the money may be used by other county offices that do business with the county assessor.]~~

4. On or before July 1 of each year, the county assessor shall submit to the board of county commissioners a report of the projected expenditures of the money in the Account for the following fiscal year. Any money remaining in the Account at the end of a fiscal year that has not been committed for expenditure reverts to the county general fund.

Sec. 16. Section 57 of chapter 496, Statutes of Nevada 2005, as last amended by chapter 287, Statutes of Nevada 2009, at page 1232, is hereby amended to read as follows:

Sec. 57. 1. This section and sections 52.1 to 52.8, inclusive, of this act become effective upon passage and approval.

2. Sections 1 to 22, inclusive, 24 to 28, inclusive, 42 to 52, inclusive, and 53 to 56, inclusive, of this act become effective on July 1, 2005.

3. Sections 29 to 41, inclusive, of this act become effective:

(a) Upon passage and approval for the purpose of performing any preparatory administrative tasks that are necessary to carry out the provisions of those sections; and

(b) On July 1, 2006, for all other purposes.

4. Section 23 of this act becomes effective on July 1, ~~[2011.]~~ ***2013.***

5. Section 43 of this act expires by limitation on June 30, ~~[2011.]~~ ***2013.***

Sec. 17. NRS 361.170 and 361.230 are hereby repealed.

Sec. 18. The provisions of sections 1, 6 and 17 of this act do not apply to or affect the assessment of any taxes, the application or administration of any exemptions from taxation or the valuation of any property for any fiscal year beginning before July 1, 2012.

Sec. 19. 1. This section and sections 2 to 5, inclusive, 10**, 11, 12** to 15, inclusive, and 16 of this act become effective upon passage and approval.

2. Sections 1, 6, 7, **9.5, 11.5,** 15.5, 17 and 18 of this act become effective on July 1, 2011.

TEXT OF REPEALED SECTIONS

361.170 Claims for exemption: Requirements. Any person, copartnership, association or corporation making claim to no situs status on any property under NRS 361.160 to 361.185, inclusive, shall do so in the form and manner prescribed by the Department. All such claims shall be accompanied by a certification of the warehouse company as to the status on its books of the property involved.

361.230 Minimum valuation of patented land and land held under state land contract.

1. No patented land of any description in the State of Nevada owned by any individual, partnership, association, estate, corporation or otherwise, and no land held under any state land contract, shall be assessed for less than $1.25 per acre by the county assessors of the various counties.

2. If the county board of equalization shall ascertain that any land within its county has been assessed upon a valuation of less than $1.25 per acre, or has not been assessed at all, the board shall notify the county assessor immediately to pay into the county treasury the taxes due on such land, in such a sum as will yield the full amount of taxes due upon such land upon its true value, which valuation shall not be less than $1.25 per acre. If a county assessor fails to pay such taxes within 10 days after such notification by the county board of equalization, the district attorney shall file and prosecute diligently a suit against the county assessor and his or her surety or sureties on his or her official bond for the amount of such taxes.

Assemblywoman Kirkpatrick moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, reengrossed, and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Conklin moved that Assembly Bill No. 186; Senate Bills Nos. 18, 19, 30, 48, 94, 106, 149, 186, 194, 267, 293, 315, and 365 be taken from their position on the General File and placed at the bottom of the General File.

Motion carried.

Assemblywoman Kirkpatrick moved that Senate Bill No. 262 be taken from the Chief Clerk's desk and placed at the top of the General File.

Motion carried.

Assemblyman Conklin moved that Senate Bill No. 294 be taken from the General File and placed at the top of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 294.

Bill read third time.

The following amendment was proposed by Assemblywoman Carlton:

Amendment No. 815.

AN ACT relating to public health; revising provisions governing persons authorized to possess and administer dangerous drugs; revising provisions regarding certain acts of physicians; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law sets forth the exclusive list of persons who may possess and administer dangerous drugs in this State. (NRS 454.213) ~~[~~Sections 1 and 7~~]~~ **Section 1** of this bill ~~[~~authorize~~]~~ **authorizes** medical assistants, under the supervision of a physician or physician assistant, to possess and administer ~~[~~dangerous drugs~~]~~ **immunizations** under certain circumstances. **Section 1** also authorizes a veterinary assistant, at the direction of a supervising veterinarian, to possess and administer dangerous drugs.

Sections 4 and 10 of this bill ~~[~~authorize~~]~~ **require** the Board of Medical Examiners and the State Board of Osteopathic Medicine to adopt regulations relating to the supervision of medical assistants, including **: (1)** limitations on the possession and administration of dangerous drugs **~~[.]~~ ; (2) any certification, training and educational requirements relating to the administration of immunizations; and (3) the clinical tasks which may be performed by a medical assistant.**

Sections 6 and 12 of this bill provide that failure to supervise adequately a medical assistant is grounds for disciplinary action.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 454.213 is hereby amended to read as follows:

454.213 A drug or medicine referred to in NRS 454.181 to 454.371, inclusive, may be possessed and administered by:

1. A practitioner.

2. A physician assistant licensed pursuant to chapter 630 or 633 of NRS, at the direction of his or her supervising physician or a licensed dental hygienist acting in the office of and under the supervision of a dentist.

3. Except as otherwise provided in subsection 4, a registered nurse licensed to practice professional nursing or licensed practical nurse, at the direction of a prescribing physician, physician assistant licensed pursuant to chapter 630 or 633 of NRS, dentist, podiatric physician or advanced practitioner of nursing, or pursuant to a chart order, for administration to a patient at another location.

4. In accordance with applicable regulations of the Board, a registered nurse licensed to practice professional nursing or licensed practical nurse who is:

(a) Employed by a health care agency or health care facility that is authorized to provide emergency care, or to respond to the immediate needs of a patient, in the residence of the patient; and

(b) Acting under the direction of the medical director of that agency or facility who works in this State.

5. Except as otherwise provided in subsection 6, an intermediate emergency medical technician or an advanced emergency medical technician, as authorized by regulation of the State Board of Pharmacy and in accordance with any applicable regulations of:

(a) The State Board of Health in a county whose population is less than 100,000;

(b) A county board of health in a county whose population is 100,000 or more; or

(c) A district board of health created pursuant to NRS 439.362 or 439.370 in any county.

6. An intermediate emergency medical technician or an advanced emergency medical technician who holds an endorsement issued pursuant to NRS 450B.1975, under the direct supervision of a local health officer or a designee of the local health officer pursuant to that section.

7. A respiratory therapist employed in a health care facility. The therapist may possess and administer respiratory products only at the direction of a physician.

8. A dialysis technician, under the direction or supervision of a physician or registered nurse only if the drug or medicine is used for the process of renal dialysis.

9. A medical student or student nurse in the course of his or her studies at an approved college of medicine or school of professional or practical nursing, at the direction of a physician and:

(a) In the presence of a physician or a registered nurse; or

(b) Under the supervision of a physician or a registered nurse if the student is authorized by the college or school to administer the drug or medicine outside the presence of a physician or nurse.

➥ A medical student or student nurse may administer a dangerous drug in the presence or under the supervision of a registered nurse alone only if the circumstances are such that the registered nurse would be authorized to administer it personally.

10. Any person designated by the head of a correctional institution.

11. An ultimate user or any person designated by the ultimate user pursuant to a written agreement.

12. A nuclear medicine technologist, at the direction of a physician and in accordance with any conditions established by regulation of the Board.

13. A radiologic technologist, at the direction of a physician and in accordance with any conditions established by regulation of the Board.

14. A chiropractic physician, but only if the drug or medicine is a topical drug used for cooling and stretching external tissue during therapeutic treatments.

15. A physical therapist, but only if the drug or medicine is a topical drug which is:

(a) Used for cooling and stretching external tissue during therapeutic treatments; and

(b) Prescribed by a licensed physician for:

(1) Iontophoresis; or

(2) The transmission of drugs through the skin using ultrasound.

16. In accordance with applicable regulations of the State Board of Health, an employee of a residential facility for groups, as defined in NRS 449.017, pursuant to a written agreement entered into by the ultimate user.

17. A veterinary technician ***or a veterinary assistant*** at the direction of his or her supervising veterinarian.

18. In accordance with applicable regulations of the Board, a registered pharmacist who:

(a) Is trained in and certified to carry out standards and practices for immunization programs;

(b) Is authorized to administer immunizations pursuant to written protocols from a physician; and

(c) Administers immunizations in compliance with the "Standards ~~[of]~~ ***for*** Immunization Practices" recommended and approved by the ~~[United States Public Health Service]~~ Advisory Committee on Immunization Practices.

19. A person who is enrolled in a training program to become a physician assistant licensed pursuant to chapter 630 or 633 of NRS, dental hygienist, intermediate emergency medical technician, advanced emergency medical technician, respiratory therapist, dialysis technician, nuclear medicine technologist, radiologic technologist, physical therapist or veterinary technician if the person possesses and administers the drug or medicine in the same manner and under the same conditions that apply, respectively, to a physician assistant licensed pursuant to chapter 630 or 633 of NRS, dental hygienist, intermediate emergency medical technician, advanced emergency medical technician, respiratory therapist, dialysis technician, nuclear medicine technologist, radiologic technologist, physical therapist or veterinary technician who may possess and administer the drug or medicine, and under the direct supervision of a person licensed or registered to perform the respective medical art or a supervisor of such a person.

20. ~~[A]~~ If the drug or medicine is an immunization, a medical assistant, in accordance with applicable regulations of the:

(a) Board of Medical Examiners, at the direction of the prescribing physician and under the supervision of a physician or physician assistant.

(b) State Board of Osteopathic Medicine, at the direction of the prescribing physician and under the supervision of a physician or physician assistant.

Sec. 2. Chapter 630 of NRS is hereby amended by adding thereto the provisions set forth as sections 3 and 4 of this act.

Sec. 3. ***1. "Medical assistant" means a person who:***

(a) Performs clinical tasks under the supervision of a physician or physician assistant; and

(b) Does not hold a license, certificate or registration issued by a professional licensing or regulatory board in this State to perform such clinical tasks.

2. The term does not include a person who performs only administrative, clerical, executive or other nonclinical tasks.

Sec. 4. ***The Board ~~[may]~~ shall adopt regulations governing the supervision of a medical assistant, including, without limitation, regulations which prescribe ~~[limitations]~~ :***

1. Limitations on the possession and administration of a dangerous drug by a medical assistant.

2. Any certification, training or educational requirements for a medical assistant to administer immunizations.

3. The clinical tasks that may be performed by a medical assistant, which must not include any invasive procedure other than the administration of an immunization.

Sec. 5. NRS 630.005 is hereby amended to read as follows:

630.005 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 630.007 to 630.026, inclusive, ***and section 3 of this act*** have the meanings ascribed to them in those sections.

Sec. 6. NRS 630.306 is hereby amended to read as follows:

630.306 The following acts, among others, constitute grounds for initiating disciplinary action or denying licensure:

1. Inability to practice medicine with reasonable skill and safety because of illness, a mental or physical condition or the use of alcohol, drugs, narcotics or any other substance.

2. Engaging in any conduct:

(a) Which is intended to deceive;

(b) Which the Board has determined is a violation of the standards of practice established by regulation of the Board; or

(c) Which is in violation of a regulation adopted by the State Board of Pharmacy.

3. Administering, dispensing or prescribing any controlled substance, or any dangerous drug as defined in chapter 454 of NRS, to or for himself or herself or to others except as authorized by law.

4. Performing, assisting or advising the injection of any substance containing liquid silicone into the human body, except for the use of silicone oil to repair a retinal detachment.

5. Practicing or offering to practice beyond the scope permitted by law or performing services which the licensee knows or has reason to know that he or she is not competent to perform or which are beyond the scope of his or her training.

6. Performing, without first obtaining the informed consent of the patient or the patient's family, any procedure or prescribing any therapy which by the current standards of the practice of medicine is experimental.

7. Continual failure to exercise the skill or diligence or use the methods ordinarily exercised under the same circumstances by physicians in good standing practicing in the same specialty or field.

8. Habitual intoxication from alcohol or dependency on controlled substances.

9. Making or filing a report which the licensee or applicant knows to be false or failing to file a record or report as required by law or regulation.

10. Failing to comply with the requirements of NRS 630.254.

11. Failure by a licensee or applicant to report in writing, within 30 days, any disciplinary action taken against the licensee or applicant by another state, the Federal Government or a foreign country, including, without limitation, the revocation, suspension or surrender of a license to practice medicine in another jurisdiction.

12. Failure by a licensee or applicant to report in writing, within 30 days, any criminal action taken or conviction obtained against the licensee or applicant, other than a minor traffic violation, in this State or any other state or by the Federal Government, a branch of the Armed Forces of the United States or any local or federal jurisdiction of a foreign country.

13. Failure to be found competent to practice medicine as a result of an examination to determine medical competency pursuant to NRS 630.318.

14. Operation of a medical facility at any time during which:

(a) The license of the facility is suspended or revoked; or

(b) An act or omission occurs which results in the suspension or revocation of the license pursuant to NRS 449.160.

➥ This subsection applies to an owner or other principal responsible for the operation of the facility.

15. Failure to comply with the requirements of NRS 630.373.

16. Engaging in any act that is unsafe or unprofessional conduct in accordance with regulations adopted by the Board.

17. Failure to supervise adequately a medical assistant pursuant to the regulations of the Board.

Sec. 7. ~~[NRS 630.369 is hereby amended to read as follows:~~

~~630.369 1. A person, other than a physician, shall not inject a patient with any chemotherapeutic agent classified as a prescription drug unless:~~

~~(a) The person is licensed or certified to perform medical services pursuant to this title~~ **[**~~;~~

~~(b) The~~**]** ***and the*** ~~administration of the injection is within the scope of the person's license or certificate;~~ **[**~~and~~

~~(c) The person administers the injection under the supervision of a physician.~~**]** ***or***

(b) The person is a medical assistant authorized to administer a dangerous drug pursuant to NRS 454.213, the chemotherapeutic agent is classified as a dangerous drug and the person administers the injection under the supervision of a physician or physician assistant.

~~➥ The Board shall prescribe the requirements for supervision pursuant to this subsection.~~

~~2. As used in this section:~~

~~(a) "Dangerous drug" has the meaning ascribed to it in NRS 454.201.~~

~~(b) "Prescription drug" means:~~

~~(1) A controlled substance or dangerous drug that may be dispensed to an ultimate user only pursuant to a lawful prescription; and~~

~~(2) Any other substance or drug substituted for such a controlled substance or dangerous drug.~~**] (Deleted by amendment.)**

Sec. 8. Chapter 633 of NRS is hereby amended by adding thereto the provisions set forth as sections 9 and 10 of this act.

Sec. 9. ***1. "Medical assistant" means a person who:***

(a) Performs clinical tasks under the supervision of an osteopathic physician or physician assistant; and

(b) Does not hold a license, certificate or registration issued by a professional licensing or regulatory board in this State to perform such clinical tasks.

2. The term does not include a person who performs only administrative, clerical, executive or other nonclinical tasks.

Sec. 10. ***The Board ~~[may]~~ shall adopt regulations governing the supervision of a medical assistant, including, without limitation, regulations which prescribe ~~[limitations]~~ :***

1. Limitations on the possession and administration of a dangerous drug by a medical assistant.

2. Any certification, training or educational requirements for a medical assistant to administer immunizations.

3. The clinical tasks that may be performed by a medical assistant, which must not include any invasive procedure other than the administration of an immunization.

Sec. 11. NRS 633.011 is hereby amended to read as follows:

633.011 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 633.021 to 633.131, inclusive, ***and section 9 of this act*** have the meanings ascribed to them in those sections.

Sec. 12. NRS 633.511 is hereby amended to read as follows:

633.511 The grounds for initiating disciplinary action pursuant to this chapter are:

1. Unprofessional conduct.

2. Conviction of:

(a) A violation of any federal or state law regulating the possession, distribution or use of any controlled substance or any dangerous drug as defined in chapter 454 of NRS;

(b) A felony relating to the practice of osteopathic medicine;

(c) A violation of any of the provisions of NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive;

(d) Murder, voluntary manslaughter or mayhem;

(e) Any felony involving the use of a firearm or other deadly weapon;

(f) Assault with intent to kill or to commit sexual assault or mayhem;

(g) Sexual assault, statutory sexual seduction, incest, lewdness, indecent exposure or any other sexually related crime;

(h) Abuse or neglect of a child or contributory delinquency; or

(i) Any offense involving moral turpitude.

3. The suspension of the license to practice osteopathic medicine by any other jurisdiction.

4. Malpractice or gross malpractice, which may be evidenced by a claim of malpractice settled against a practitioner.

5. Professional incompetence.

6. Failure to comply with the requirements of NRS 633.527.

7. Failure to comply with the requirements of subsection 3 of NRS 633.471.

8. Failure to comply with the provisions of NRS 633.694.

9. Operation of a medical facility, as defined in NRS 449.0151, at any time during which:

(a) The license of the facility is suspended or revoked; or

(b) An act or omission occurs which results in the suspension or revocation of the license pursuant to NRS 449.160.

➥ This subsection applies to an owner or other principal responsible for the operation of the facility.

10. Failure to comply with the provisions of subsection 2 of NRS 633.322.

11. Signing a blank prescription form.

12. Attempting, directly or indirectly, by intimidation, coercion or deception, to obtain or retain a patient or to discourage the use of a second opinion.

13. Terminating the medical care of a patient without adequate notice or without making other arrangements for the continued care of the patient.

14. In addition to the provisions of subsection 3 of NRS 633.524, making or filing a report which the licensee knows to be false, failing to file a record or report that is required by law or willfully obstructing or inducing another to obstruct the making or filing of such a record or report.

15. Failure to report any person the licensee knows, or has reason to know, is in violation of the provisions of this chapter or the regulations of the Board within 30 days after the date the licensee knows or has reason to know of the violation.

16. Failure by a licensee or applicant to report in writing, within 30 days, any criminal action taken or conviction obtained against the licensee or applicant, other than a minor traffic violation, in this State or any other state

or by the Federal Government, a branch of the Armed Forces of the United States or any local or federal jurisdiction of a foreign country.

17. Engaging in any act that is unsafe in accordance with regulations adopted by the Board.

18. Failure to supervise adequately a medical assistant pursuant to the regulations of the Board.

Sec. 13. (Deleted by amendment.)

Sec. 14. This act becomes effective upon passage and approval for the purpose of adopting regulations and on January 1, 2012, for all other purposes.

Assemblywoman Carlton moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, reengrossed, and to third reading.

Senate Bill No. 262.

Bill read third time.

The following amendment was proposed by Assemblywoman Kirkpatrick:

Amendment No. 844.

AN ACT providing a charter for the City of Laughlin, in Clark County, Nevada; providing for an election to be held on the question of incorporation; making the incorporation of the City contingent upon a determination by the Board of County Commissioners of Clark County or the Legislative Commission and approval of this act by qualified electors of the City; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the Legislature may provide for the incorporation of a city by a special act. (Nev. Const. Art. 8, § 8) **Section 1** of this bill provides a charter for the City of Laughlin. **Section 4** of this bill requires the Committee on Local Government Finance to prepare a report with respect to the fiscal feasibility of the incorporation of the City of Laughlin and submit it to the Board of County Commissioners of Clark County and the Legislative Commission by December 31, 2011. **Sections 4, 5 and 17** of this bill make the incorporation of the City of Laughlin contingent upon whether the Board of County Commissioners of Clark County or the Legislative Commission determines that the incorporation is fiscally feasible and, if so, upon the approval of the Charter by the qualified electors of the City. **Sections 5-9** of this bill provide, under such circumstances, for the Board of County Commissioners of Clark County to conduct an election on the question of incorporation and a consolidated primary election for candidates for City Council and Mayor. **Sections 11 and 12** of this bill provide for a general election of members of the City Council and a Mayor, contingent upon the approval of incorporation. **Section 10** of this bill authorizes the Board of

County Commissioners to accept gifts, grants and donations to pay for any expenses associated with incorporation, including, without limitation, the costs of the Committee on Local Government Finance for preparing the fiscal feasibility report and for an election held on the question of incorporation and a general election of the Mayor and City Council. **Sections 2 and 10** of this bill provide that to the extent that gifts, grants and donations do not cover such expenses, the Board of County Commissioners shall use the Fort Mohave Valley Development Fund to pay the costs.

Sections 13-15 of this bill authorize the elected City Council to perform various functions before the effective date of incorporation, including preparing and adopting a budget, preparing and adopting ordinances, negotiating and preparing contracts for personnel and various services, negotiating with Clark County for the equitable apportionment of the fixed assets of Clark County that are located in the City of Laughlin and negotiating and preparing certain cooperative agreements with the County. **Section 17** provides for the effective date of incorporation, which will be July 1, 2013, if approved by the voters**.** ~~[on that day.]~~

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. The Charter of the City of Laughlin is as follows. Each section of the Charter shall be deemed to be a section of this act for the purpose of any subsequent amendment.

ARTICLE I

INCORPORATION OF CITY; GENERAL POWERS; BOUNDARIES; ANNEXATIONS; CITY OFFICES

Section 1.010 Preamble: Legislative intent; powers.

1. In order to provide for the orderly government of the City of Laughlin and the general welfare of its residents, the Legislature hereby establishes this Charter for the government of the City of Laughlin. It is expressly declared as the intent of the Legislature that all provisions of this Charter be liberally construed to carry out the express purposes of the Charter and that the specific mention of particular powers shall not be construed as limiting in any way the general powers necessary to carry out the purposes of the Charter.

2. Any powers expressly granted by this Charter are in addition to any powers granted to a city by the general law of this State. All provisions of the Nevada Revised Statutes which are applicable generally to cities, unless otherwise expressly mentioned in this Charter or chapter 265, 266 or 267 of NRS, and which are not in conflict with the provisions of this Charter apply to the City of Laughlin.

Sec. 1.020 Incorporation of City.

1. All persons who are inhabitants of that portion of the State of Nevada embraced within the limits set forth in section 1.030 shall constitute a political and corporate body by the name of "City of Laughlin," and by that name they and their successors shall be known in law, have perpetual succession and may sue and be sued in all courts.

2. Whenever used throughout this Charter, "City" means the City of Laughlin.

Sec. 1.030 Description of territory. The territory embraced in the City is hereby defined and established as follows:

1. All those portions of Township 32 South, Range 64 East; Township 32 South, Range 65 East; Township 32 South, Range 66 East; Township 33 South, Range 65 East; Township 33 South, Range 66 East; Township 34 South, Range 66 East, M.D.B. & M., which are located in the County of Clark, State of Nevada.

2. Excepting therefrom the following described land:

(a) That land referred to as the Fort Mojave Indian Reservation, approximately 3,842 acres of land, being a portion of Sections 17, 19, 20 thru 22, 27 thru 28, 30 thru 33 and all of Section 29 of Township 33 South, Range 66 East, Clark County, Nevada, and a portion of Section 5 of Township 34 South, Range 66 East, Clark County, Nevada.

(b) Further excepting therefrom Township 34 South, Range 66 East, M.D.B. & M., Clark County, Nevada.

(c) Further excepting therefrom the following described Parcels of land referred to as the "Hotel Corridor":

(1) Parcel 1. The South Half (S 1/2) of the South Half of Section 12 of Township 32 South, Range 66 East, M.D.M., Clark County, Nevada, excepting therefrom State Route 163 recorded in Book 920722 as Instrument 00564, Official Records of Clark County, Nevada, together with Parcel 1 of File 70 of Parcel Maps at Page 20, Official Records of Clark County Nevada, also together with Civic Way recorded in Book 910906 as Instrument Number 00680, Official Records of Clark County, Nevada, lying within the South Half (S 1/2) of the South Half (S 1/2) of said Section 12.

(2) Parcel 2. Section 13, Township 32 South, Range 66 East, M.D.M., Clark County, Nevada, excepting therefrom that remaining portion of Parcel 1 of File 53 of Parcel Maps at Page 53, Official Records of Clark County, Nevada, lying within the Southwest Quarter (SW 1/4) of said Section 13, more particularly described as beginning at the Northeast corner of said Parcel 1, said point being on the Southerly right-of-way line of Bruce Woodbury Drive (90.00 feet wide); thence departing said Southerly right-of-way line and along the Easterly line of said Parcel 1, South 01°08'21" West, 100.00 feet to the Northerly line of Parcel 4 as

shown by map thereof recorded in File 98 of Parcel Maps at Page 17, Official Records of Clark County, Nevada; thence along said Northerly line of Parcel 4 the following 2 courses: North 89°59'51" West, 75.00 feet; North 01°08'21" East, 100.00 feet to said Southerly right-of-way and said Northerly line of Parcel 1; thence along said Southerly right-of-way line and along said Northerly line of Parcel 1, South 89°59'51" East, 75.00 feet to the Point of Beginning.

(3) Parcel 3. Section 24 of Township 32 South, Range 66 East, M.D.M., Clark County, Nevada excepting therefrom Government Lots 7 & 8 of said Section 24, together with Lots 1 & 2 of File 54 of Parcel Maps at Page 79, Official Records of Clark County, Nevada, lying within the Southwest Quarter (SW 1/4) of said Section 24.

Sec. 1.040 Limitation on future annexation. Notwithstanding any provision of law to the contrary, no area may be annexed into the boundaries of the City unless a majority of the owners of the real property that make up the area petition the City Council for annexation into the City.

Sec. 1.050 Form of government.

1. The municipal government provided by this Charter shall be known as the "council-manager government." Pursuant to its provisions and subject only to the limitations imposed by the Constitution of this State and by this Charter, all powers of the City shall be vested in an elective council, hereinafter referred to as "the Council," which shall:

(a) Enact local legislation;

(b) Adopt budgets;

(c) Determine policies; and

(d) Appoint the City Manager, who shall execute the laws and administer the government of the City.

2. All powers of the City shall be exercised in the manner prescribed by this Charter, or if the manner is not prescribed, then in such manner as may be prescribed by ordinance.

Sec. 1.060 Construction of Charter. This Charter, except where the context by clear implication otherwise requires, must be construed as follows:

1. The titles or leadlines which are applied to the articles and sections of this Charter are inserted only as a matter of convenience and ease in reference and in no way define, limit or describe the scope or intent of any provision of this Charter.

2. The singular number includes the plural number, and the plural includes the singular.

3. The present tense includes the future tense.

ARTICLE II
CITY COUNCIL

Sec. 2.010 Number; selection and term; recall. The Council shall have four Council members and a Mayor elected from the City at large in the manner provided in Article X, for terms of 4 years and until their successors have been elected and have taken office as provided in section 2.100, subject to recall as provided in Article XI. No Council member shall represent any particular constituency or district of the City, and each Council member shall represent the entire City.

Sec. 2.020 Qualifications.

1. No person shall be eligible for the office of Council member or Mayor unless he or she is a qualified elector of the City and has been a resident of the City for at least 1 year immediately before the election in which he or she is a candidate. He or she shall hold no other elective public office, but may hold a commission as a notary public or be a member of the Armed Forces reserve. No employee of the City or officer thereof, excluding Council members, receiving compensation under the provisions of this Charter or any City ordinance, shall be a candidate for or eligible for the office of Council member or Mayor without first resigning from city employment or city office.

2. If a Council member or the Mayor ceases to possess any of the qualifications enumerated in subsection 1 or is convicted of a felony, or ceases to be resident of the City, his or her office shall immediately become vacant.

Sec. 2.030 Salaries.

1. For the first 2 years after election of the first members of the Council after adoption of this Charter, each member of the Council shall receive as compensation for his or her services as such a monthly salary of $125.00, and the member elected to fill the Office of Mayor shall receive the additional amount of $25.00 for each month said member shall fill the Office of Mayor.

2. After the period specified in subsection 1 [,] and upon recommendation from the Charter Committee established pursuant to section 9.100 of Article IX, the Council may determine the annual salaries of the Mayor and Council members by ordinance. The Council shall not adopt an ordinance which increases or decreases the salary of the Mayor or the Council members during the term for which they have been elected or appointed.

3. Absence of a member of the Council from all regular and special meetings of the Council during any calendar month shall render him or

her ineligible to receive the monthly salary for such a calendar month unless by permission of the Council expressed in its official minutes.

4. The Mayor and Council members shall be reimbursed for their personal expenses when conducting or traveling on city business as authorized by the Council. Reimbursement for use of their personal automobiles will be at the rate per mile established by the rules of the Internal Revenue Service of the United States.

5. The Mayor and Council members shall receive no additional compensation or benefit other than that mandated by state or federal law.

Sec. 2.040 Mayor; Mayor Pro Tem; duties.

1. The Mayor shall:

(a) Serve as a member of the Council and preside over its meetings;

(b) Have no administrative duties; and

(c) Be recognized as the head of the city government for all ceremonial purposes and for the purposes of dealing with emergencies if martial law has been imposed on the City by the State or Federal Government.

2. The Council shall elect one of its members to be Mayor Pro Tem, who shall:

(a) Hold such office and title, without additional compensation, for the period of 1 year;

(b) Perform the duties of the Mayor during the absence or disability of the Mayor; and

(c) Assume the position of Mayor, if that office becomes vacant, until the next regular election.

Sec. 2.050 Powers. Except as otherwise provided in this Charter, all powers of the City and the determination of all matters of policy shall be vested in the Council. The Council shall have, without limitation, the power to:

1. Establish other administrative departments and distribute the work of divisions.

2. Adopt the budget of the City.

3. Adopt civil service rules and regulations.

4. Inquire into the conduct of any office, department or agency of the City and make investigations as to municipal affairs.

5. Appoint the members of all boards, commissions and committees for specific or indefinite terms as provided elsewhere in this Charter or in various resolutions or ordinances, with all such persons serving at the pleasure of the Council, provided, however, that all persons so appointed must be and remain bona fide residents of the City during the tenure of each appointment.

6. Levy such taxes as are authorized by applicable laws.

Sec. 2.060 Powers: Zoning and Planning. The Council may:

1. Divide the City into districts and regulate and restrict the erection, construction, reconstruction, alteration, repair or use of buildings, structures or land within the districts.

2. Establish and adopt ordinances and regulations relating to the subdivision of land.

Sec. 2.070 Council not to interfere in removals.

1. Neither the Council nor any of its members shall direct or request the removal of any person from office by the City Manager or by any of his or her subordinates, or in any manner take part in the removal of officers and employees in the administrative service of the City. Except for the purpose of inquiry and as otherwise provided in this Charter, the Council and its members shall deal with the administrative service solely through the City Manager and neither the Council nor any member thereof shall give orders to any subordinates of the City Manager, either publicly or privately.

2. Any Council member violating the provisions of this section, or voting for a resolution or ordinance in violation of this section, is guilty of a misdemeanor and upon conviction thereof shall cease to be a Council member.

Sec. 2.080 Vacancies in Council. Except as otherwise provided in NRS 268.325, a vacancy on the Council must be filled by appointment by a majority of the remaining members of the Council within 30 days or after three regular or special meetings, whichever is the shorter period of time. In the event of a tie vote among the remaining members of the Council, selection must be made by lot. No such appointment extends beyond the next municipal election.

Sec. 2.090 Creation of new departments or offices; change of duties. The Council by ordinance may:

1. Create, change and abolish offices, departments or agencies, other than offices, departments and agencies established by this Charter.

2. Assign additional functions or duties to offices, departments or agencies established by this Charter, but may not discontinue or assign to any other office, department or agency any function or duty assigned by this Charter to a particular office, department or agency.

Sec. 2.100 Induction of Council into office; meetings of Council.

1. The Council shall meet within 10 days after each ~~[city]~~ primary municipal election and each ~~[city]~~ general municipal election specified in Article X, to canvass the returns and to declare the results. All newly elected or reelected Mayor or Council members shall be inducted into office at the next regular Council meeting following certification of the applicable ~~[city]~~ general municipal election results. Immediately following such induction, the Mayor Pro Tem shall be designated as provided in

section 2.040. Thereafter, the Council shall meet regularly at such times as it shall set by resolution from time to time, but not less frequently than once each month.

2. Special meetings may be held on a call of the Mayor or by a majority of the Council. Reasonable effort must be made to give notice of the special meeting to each Council member, the Mayor, City Clerk, City Attorney and City Manager. Only that business which was stated in the call of the special meeting may be discussed.

3. Except as otherwise provided in NRS 241.0355, a majority of all Council members constitutes a quorum to do business, but a lesser number may meet and recess from time to time, and compel the attendance of the absent Council members.

4. No meeting of the Council may be held for the purpose of conducting or discussing City business except as provided in this section.

Sec. 2.110 ~~*[Council to be judge of qualifications of its members. The Council shall be the judge of the election and qualifications of its members and for such purpose shall have the power to subpoena witnesses and require the production of records, but the decision of the Council in any such case shall be subject to review by the courts.*~~

~~*Sec. 2.120]*~~ ***Rules of procedure.***

1. The Council shall establish rules by ordinance for the conduct of its proceedings and to preserve order at its meetings. It shall, through the City Clerk, maintain a journal record of its proceedings which shall be open to public inspection. Any member of the Council may place items on the Council agenda to be considered by the Council.

2. The Council may organize special committees of its members for the principal functions of the government of the City. It shall be the duty of each such committee to be informed of the business of the city government included within the assigned functions of the committee, and, as ordered by the Council, to report to the Council information or recommendations which shall enable the Council properly to legislate.

Sec. ~~*[2.130]*~~ ***2.120 Investigations by Council.***

1. The Council shall have power to inquire into the conduct of any office, department, agency or officer of the City and to make investigations as to municipal affairs. The Council shall have the power and authority on any investigation or proceeding pending before it to impel the attendance of witnesses, to examine them under oath and to compel the production of evidence before it. Each member of the Council shall have the power to administer oaths and affirmations in any investigation or proceeding pending before the Council.

2. Subpoenas may be issued in the name of the City pursuant to subsection 1 and may be attested by the City Clerk. Disobedience of such

subpoenas or the refusal to testify upon other than constitutional grounds shall constitute a misdemeanor, and shall be punishable in the same manner as violations of this Charter are punishable.

Sec. ~~[2.140]~~ 2.130 Council's power to make and pass ordinances, resolutions.

1. The Council shall have the power to make and pass all ordinances, resolutions and orders, not repugnant to the Constitution of the United States or of the State of Nevada or to the provisions of this Charter, necessary for the municipal government and the management of the city affairs, for the execution of all powers vested in the City, and for making effective the provisions of this Charter.

2. The Council shall have the power to enforce obedience to its ordinances by such fines, imprisonments or other penalties as the Council may deem proper, but the punishment for any offense shall not be greater than the penalties specified for misdemeanors under applicable provisions of Nevada Revised Statutes in effect at the time such offense occurred.

3. The Council may enact and enforce such local police ordinances as are not in conflict with the general laws of the State of Nevada.

4. Any offense made a misdemeanor by the laws of the State of Nevada shall also be deemed to be a misdemeanor in the City of Laughlin whenever such offense is committed within the city limits.

Sec. ~~[2.150]~~ 2.140 Voting on ordinances and resolutions.

1. No ordinance or resolution shall be passed without receiving the affirmative votes of at least three members of the Council.

2. The ayes and noes shall be taken upon the passage of all ordinances and resolutions and entered upon the journal of the proceedings of the Council. Upon the request of any member of the Council, the ayes and noes shall be taken and recorded upon any vote. All members of the Council present at any meeting shall vote, except ~~[upon]~~ :

(a) Upon matters in which they have financial interest ~~[or when]~~ ;

(b) When they are reviewing an appeal from a decision of a city commission, before which they have appeared as an advocate for or an adversary against the decision being appealed ~~[.]~~ ; or

(c) When they are required to abstain from voting pursuant to the provisions of NRS 281A.420.

Sec. ~~[2.160]~~ 2.150 Enactment of ordinances; subject matter, titles.

1. No ordinance shall be passed except by bill, and when any ordinance is amended, the section or sections thereof must be reenacted as amended, and no ordinance shall be revised or amended by reference only to its title.

2. Every ordinance, except those revising the city ordinances, shall embrace but one subject and matters necessarily connected therewith and pertaining thereto, and the subject shall be clearly indicated in the title,

and in all cases where the subject of the ordinance is not so expressed in the title, the ordinance shall be void as to the matter not expressed in the title.

Sec. ~~[2.170]~~ 2.160 Introduction of ordinances; notice; final action; publication.

1. The style of ordinances must be as follows: "The Council of the City of Laughlin does ordain." All proposed ordinances, when first proposed, must be read by title to the Council, after which an adequate number of copies of the ordinance must be deposited with the City Clerk for public examination and distribution upon request. Notice of the deposit of the copies, together with an adequate summary of the ordinance, must be published once in a newspaper published in the City, if any, otherwise in some newspaper published in the County which has a general circulation in the City, at least 10 days before the adoption of the ordinance. At any meeting at which final action on the ordinance is considered, at least one copy of the ordinance must be available for public examination. The Council shall adopt or reject the ordinance, or the ordinance as amended, within 30 days after the date of publication, except that in cases of emergency, by unanimous consent of the whole Council, final action may be taken immediately or at a special meeting called for that purpose.

2. After final adoption, the ordinance must be signed by the Mayor, and, together with the votes cast on it, must be:

(a) Published by title, together with an adequate summary including any amendments, once in a newspaper published in the City, if any, otherwise in a newspaper published in the County and having a general circulation in the City; and

(b) Posted in full in the city hall.

3. Except as otherwise provided in subsections 4 and 5, all ordinances become effective 20 days after publication.

4. Emergency ordinances having for their purpose the immediate preservation of the public peace, health or safety, containing a declaration of and the facts constituting its urgency and passed by a four-fifths vote of the Council, and ordinances calling or otherwise relating to a municipal election, become effective on the date specified therein.

5. All ordinances having for their purpose the lease or sale of real estate owned by the City, except city-owned subdivision or cemetery lots, may be effective not fewer than 5 days after the publication.

Sec. ~~[2.180]~~ 2.170 Adoption of specialized, uniform codes. An ordinance adopting any specialized or uniform building, plumbing or electrical code or codes, printed in book or pamphlet form or any other specialized or uniform code or codes of any nature whatsoever so printed, may adopt such code, or any portion thereof, with such changes as may be

necessary to make the same applicable to conditions in the City, and with such other changes as may be desirable, by reference thereto, without the necessity of reading the same at length. Such code, upon adoption, need not be published if an adequate number of copies of such code, either typewritten or printed, with such changes, if any, have been filed for use and examination by the public in the Office of the City Clerk at least 1 week before the passage of the ordinance adopting the code, or any amendment thereto. Notice of such filing shall be given in accordance with the provisions of subsection 2 of section ~~[2.170.]~~ 2.160.

Sec. ~~[2.190]~~ 2.180 Codification of ordinances; publication of Code.

1. The Council shall have the power to codify and publish a code of its municipal ordinances in the form of a Municipal Code, which Code may, at the election of the Council, have incorporated therein a copy of this Charter and such additional data as the Council may prescribe.

2. The ordinances in the Code shall be arranged in appropriate chapters, articles and sections, excluding the titles, enacting clauses, attestations and other formal parts.

3. The codification shall be adopted by an ordinance which shall not contain any substantive changes, modifications or alterations of existing ordinances, and the only title necessary for the ordinance shall be "An ordinance for codifying and compiling the general ordinances of the City of Laughlin."

4. The codification may, by ordinance regularly passed, adopted and published, be amended or extended.

Sec. ~~[2.200]~~ 2.190 Independent annual audit. Before the end of each fiscal year, the Council shall designate qualified accountants who, as of the end of the fiscal year, shall make a complete and independent audit of accounts and other evidences of financial transactions of the city government and shall submit their report to the Council and to the City Manager. Such accountants shall have no personal interest, direct or indirect, in the fiscal affairs of the city government or of any of its officers. They shall not maintain any accounts or records of the city business, but, within specifications approved by the Council, shall postaudit the books and documents kept by the Department of Finance and any separate or subordinate accounts kept by any other office, department or agency of the city government.

ARTICLE III
CITY MANAGER

Sec. 3.010 Appointment and qualifications.

1. The Council shall appoint a City Manager by a majority vote who by virtue of his or her position as City Manager shall be an officer of the City

and who shall have the powers and shall perform the duties in this Charter provided. No member of the Council shall receive such appointment during the term for which he or she shall have been elected, nor within 1 year after the expiration of his or her term.

2. The City Manager shall be chosen on the basis of his or her executive and administrative qualifications. The City Manager shall be paid a salary commensurate with his or her responsibilities as Chief Administrative Officer of the City as set by resolution of the Council.

3. The Council shall appoint the City Manager for an indefinite term and may remove him or her in accordance with the procedures set forth in section 3.020.

Sec. 3.020 Removal.

1. Before removal of the City Manager may become effective, the Council must adopt, by the affirmative votes of at least four members, a resolution that must state the reasons for the proposed removal of the City Manager and may provide for the suspension of the City Manager from duty, but shall in any case cause to be paid him or her forthwith any unpaid balance of his or her salary and his or her salary for the next calendar month following the date of adoption of the resolution. A copy of the resolution must be delivered promptly to the City Manager.

2. The City Manager may reply in writing, and any member of the Council may request a public hearing, which, if requested, shall be held not earlier than 20 days or later than 30 days after the filing of such request. After such public hearing, if one be requested, and after full consideration, the Council may remove the City Manager by motion adopted by the affirmative votes of at least four members of the Council.

Sec. 3.030 Powers and duties. The City Manager shall be the Chief Administrative Officer and the Head of the Administrative Branch of the city government. The City Manager shall be responsible to and under the direction of the Council for the proper administration of all affairs of the City. Without limiting the foregoing general grant of powers, responsibilities, and duties, the City Manager shall have the power and be required to:

1. Subject to the civil service rules and regulations adopted by the Council, and with the approval of the Council, appoint all department heads and officers of the City except those officers the power of appointment of whom is vested in the Council and as otherwise provided in this Charter;

2. Subject to the civil service rules and regulations adopted by the Council and ordinances adopted pursuant thereto, pass upon and approve all proposed appointments and removals of subordinate employees, by all officers and heads of offices, agencies and departments;

3. Prepare the budget annually and submit it to the Council and be responsible for its administration after adoption;

4. Prepare and submit to the Council at the end of the fiscal year a complete report of the finances and administrative activities of the City for the preceding fiscal year;

5. Keep the Council advised of the financial condition and future needs of the City and make such recommendations as may seem to him or her desirable;

6. Keep himself or herself informed of the activities of the several agencies, offices and departments of the City and see to the proper administration of their affairs and the efficient conduct of their business;

7. Be vigilant and active in causing all provisions of the law to be executed and enforced;

8. Perform all such duties as may be prescribed by this Charter or required of him or her by the Council, not inconsistent with this Charter;

9. Submit a monthly report to the Council covering significant activities of the city agencies, offices and departments under his or her supervision and any significant changes in administrative rules and procedures promulgated by him or her; and

10. Submit special reports in writing to the Council in answer to any requests for information filed with the City Manager by a member of the Council.

Sec. 3.040 Seat at Council table. The City Manager shall be accorded a seat at the Council table and shall be entitled to participate in the deliberations of the Council, but shall not have a vote. The City Manager shall attend all regular and special meetings of the Council unless physically unable to do so or unless his or her absence has received prior approval by a majority of the Council.

Sec. 3.050 Absence, disability. To perform his or her duties during his or her temporary absence or disability, the City Manager may designate by letter filed with the City Clerk one of the other officers or department heads of the City to serve as acting City Manager during such temporary absence or disability. Such designation shall be subject to change thereof by the Council. In the event of the failure of the City Manager to make such a designation, the Council may by resolution appoint an officer or department head of the City to perform the duties of the City Manager until he or she shall be prepared to resume the duties of office.

ARTICLE IV
OFFICERS AND EMPLOYEES

Sec. 4.010 City administrative organization.

1. The Council may provide by ordinance not inconsistent with this Charter for the organization, conduct and operation of the several offices, departments and other agencies of the City as established by this Charter, for the creation of additional departments, divisions, offices and agencies and for their alteration or abolition, for their assignment and reassignment to departments, and for the number, titles, qualifications, powers, duties and compensation of all officers and employees.

2. The Council by ordinance may assign additional functions or duties to offices, departments or other agencies established by this Charter, but, except as otherwise provided in subsection 3, shall not discontinue or assign to any other office, department or other agency any function or duty assigned by this Charter to a particular office, department or agency. No office provided in this Charter, to be filled by appointment by the City Manager, shall be combined with an office provided in this Charter to be filled by appointment by the Council.

3. Notwithstanding the foregoing, the Council may transfer or consolidate functions of the city government to or with appropriate functions of the state or county government and, in case of any such transfer or consolidation, the provisions of this Charter providing for the functions of the city government so transferred or consolidated, shall be deemed suspended during the continuance of such transfer or consolidation, to the extent that such suspension is made necessary or convenient and is set forth in the ordinance establishing such transfer or consolidation. Any such transfer or consolidation may be repealed by ordinance.

4. Subject to the civil service rules and regulations adopted by the Council and section 3.020 of Article III, all officers and department heads of the City, except the City Attorney, Municipal Judge and the City Clerk, shall be appointed by the City Manager and shall thereafter serve at the pleasure of the City Manager.

5. Officers of the City appointed by the Council shall be required to reside within the city limits within 3 months of appointment. Employees of the City shall be required to live within a 50-mile radius of the City within 6 months of employment.

Sec. 4.020 Officers appointed by the Council.

1. In addition to the City Manager, the Council shall appoint the City Attorney and the Municipal Judge, if required pursuant to section 5.020 of Article V, who shall serve at the pleasure of the Council and may be removed by motion of the Council adopted by the affirmative votes of at least four members of the Council.

2. Subject to the provisions of this Charter and rules and regulations adopted by the Council, the Council shall appoint the City Clerk who shall

serve at the pleasure of the Council and may be removed by motion of the Council adopted by the affirmative votes of three members of the Council.

3. The appointments of city officers pursuant to subsections 1 and 2 shall be for indefinite terms, and each such officer shall receive such compensation and other benefits as may be determined by resolution of the Council from time to time.

4. Any city officer may be temporarily suspended with full pay at any time by a majority vote of the Council, but no city officer may be removed from office unless he or she has first been given an opportunity for a hearing before the Council, at his or her request, with not less than 7 days' prior notice of the time and place of the hearing. Such hearing may be either public or private, as requested by the officer, and at the hearing, the officer may be assisted by his or her own legal counsel. Any action of the Council following such hearing shall be considered final and conclusive. If a city officer is so removed, the Council will appoint a person as a temporary replacement to perform the duties of the removed officer, and will appoint a qualified person as a permanent replacement officer as soon as practicable.

5. No person shall be appointed as a city officer who is a grandparent, parent, uncle, aunt, brother, sister, nephew, niece, child or grandchild, by birth, marriage or adoption, of a city officer, employee or Council member at the time of appointment.

Sec. 4.030 City Clerk powers and duties. The City Clerk shall have the power and be required to:

1. Receive all documents addressed to the Council and present such documents to the Council.

2. Attend all meetings of the Council and its committees and be responsible for:

(a) Recording and maintaining an accurate journal of Council proceedings;

(b) Recording the ayes and noes in the final action upon the questions of granting franchises, making of contracts, approving of bills, disposing of or leasing city property, the passage or reconsideration of any ordinance, or upon any other act that involves the payment of money or the incurring of debt by the City; and

(c) Other duties as required upon the call of any member of the Council.

3. Maintain the journal of Council proceedings in books which shall bear appropriate titles and which shall be available for public inspection.

4. Maintain separate books in which shall be recorded respectively all ordinances and resolutions, with the certificate of the City Clerk annexed to each thereof stating the same to be the original or a correct copy, and as to an ordinance requiring publication, stating that the same has been

published or posted in accordance with this Charter, and maintain all such books properly indexed and available for public inspection when not in actual use.

5. Have charge of the repository for contracts, surety bonds, agreements, and other related documents of City business.

6. Maintain custody of the City seal.

7. Administer oaths or affirmations, take affidavits and depositions pertaining to the affairs and business of the City, and issue certified copies of official City records.

8. Conduct all City elections.

Sec. 4.040 City Attorney; qualifications, power and duties.

1. The City Attorney shall be an attorney at law duly licensed under the laws of the State of Nevada. He or she shall devote such time to the duties of his or her office as may be specified in the ordinance or resolution fixing the compensation of such office. If practicable, the Council shall appoint an attorney who has had special training or experience in municipal corporation law.

2. The City Attorney shall have the power and be required to:

(a) Represent and advise the Council and all city officers in all matters of law pertaining to their offices;

(b) Attend all meetings of the Council and give his or her advice or opinion in writing whenever requested to do so by the Council or by any of the officers and boards of the City;

(c) Prepare or approve all proposed ordinances and resolutions for the City, and amendments thereto;

(d) Prosecute on behalf of the people such criminal cases for violation of this Charter or city ordinances, and of misdemeanor offenses and infractions arising upon violations of the laws of the State as, in his or her opinion, that of the Council or of the City Manager, warrant his or her attention;

(e) Represent and appear for the City, any city officer or employee, or former city officer or employee, in any or all actions and proceedings in which the City or any such officer or employee, in or by reason of his or her official capacity, is concerned or is a party;

(f) Approve the form of all bonds given to, and all contracts made by, the City, endorsing his or her approval thereon in writing; and

(g) On vacating the office, surrender to his or her successor all books, papers, files and documents pertaining to the City's affairs.

3. The Council shall have control of all legal business and proceedings and may employ other attorneys to take charge of any litigation or matter or to assist the City Attorney therein.

Sec. 4.050 Director of Finance; qualifications, powers and duties.

1. The person appointed by the City Manager for the position of Director of Finance shall be qualified to administer and direct an integrated Department of Finance.

2. The Director of Finance shall have the power and be required to:

(a) Have charge of the administration of the financial affairs of the City under the direction of the City Manager.

(b) Supervise and be responsible for the disbursement of all money and have control over all expenditures to ensure that budget appropriations are not exceeded.

(c) Supervise a system of financial internal control including the auditing of all purchase orders before issuance, the auditing and approving before payment of all invoices, bills, payrolls, claims, demands or other charges against the City, and, with the advice of the City Attorney, when necessary, determining the regularity, legality and correctness of such charges.

(d) With the advice of the City Attorney, settle claims, demands or other charges, including the issuing of warrants therefor.

(e) Maintain general and cost accounting systems for the city government and each of its offices, departments and other agencies.

(f) Keep separate accounts for the items of appropriation contained in the city budget. Each account shall show the amount of appropriations, the amounts paid therefrom, the unpaid obligations against it and the unencumbered balance.

(g) Require reports of the receipts and disbursements from each receiving and expending agency of the city government to be made daily or at such intervals as he or she may deem expedient.

(h) Submit to the Council through the City Manager a monthly statement of all receipts and disbursements and other financial data in sufficient detail to show the exact financial condition of the City, and, as of the end of each fiscal year, submit a complete financial statement and report.

(i) Administer the license and business tax program of the City.

(j) Direct treasury administration for the City, including, without limitation:

(1) Receiving and collecting revenues and receipts from whatever source;

(2) Maintaining custody of all public funds belonging to or under the control of the City or any office, department or other agency of the city government; and

(3) Depositing all funds coming into his or her hands in such depository as may be designated by resolution of the Council, or, if no such resolution is adopted, by the City Manager, in compliance with all of the

provisions of the Constitution and laws of this State governing the handling, depositing, and securing of public funds.

(k) Direct centralized purchasing and a property control system for the city government under rules and regulations to be prescribed by ordinance.

Sec. 4.060 Performance review. On or before the annual anniversary date of the appointment of persons serving in the positions of City Manager, City Attorney and City Clerk, the Council shall review and evaluate the performance of such appointees.

Sec. 4.070 Appointment powers of department heads. Subject to the approval of the City Manager and subject to civil service rules and regulations adopted by the Council, each head of a department, office or other agency shall have the power to appoint and remove such deputies, assistants, subordinates and employees as are provided for by the Council for his or her department, office or other agency.

ARTICLE V
JUDICIAL

Sec. 5.010 Municipal court. The municipal court must be presided over by the Justice of the Peace of Laughlin Township as ex officio municipal judge.

Sec. 5.020 Municipal judge appointed. If the Office of Justice of the Peace of Laughlin Township ceases to exist, the municipal court shall be presided over by a municipal judge appointed by the Council.

ARTICLE VI
CITY BUDGETS

Sec. 6.010 Budgets. Budgets for the City shall be prepared in accordance with and shall be governed by the provisions of the general laws of the State pertaining to budgets of cities.

ARTICLE VII
Public Improvements and Repairs

Sec. 7.010 Expenses of improvements; payment by funds or by special assessments. The expenses of public improvements and repairs, such as the improvement of streets and alleys by grading, paving, graveling and curbing, the construction, repair, maintenance and preservation of sidewalks, drains, curbs, gutters, storm sewers, drainage systems, sewerage systems and sewerage disposal plants, may be paid from the General Fund or Street Fund or the cost or portion thereof as the Council shall determine, may be defrayed by special assessments upon lots and premises abutting upon that part of the street or alley so improved or proposed so to be, or the land abutting upon such improvement and such other lands as in

the opinion of the Council may benefit by the improvement all in the manner contained in the provisions of the Nevada Revised Statutes.

ARTICLE VIII

CITY ASSESSOR; TAX RECEIVER; FINANCES AND PURCHASING

Sec. 8.010 Clark County Assessor to be ex officio City Assessor. The County Assessor of Clark County shall, in addition to the duties now imposed upon him or her by law, act as the Assessor of the City and shall be ex officio City Assessor, without further compensation. He or she shall perform such duties as the Council may by ordinance prescribe with the County Assessor's consent.

Sec. 8.020 Clark County Treasurer to be ex officio City Tax Receiver. The County Treasurer of Clark County shall, in addition to the duties now imposed upon him or her by law, act as ex officio City Tax Receiver. He or she shall receive and safely keep all moneys that come to the City by taxation, and shall pay the same to the Director of Finance. The City Tax Receiver may, with the consent of the Council, collect special assessments which may be levied by authority of this Charter or city ordinance when they become due and payable, and whenever and wherever the general laws of the State of Nevada regarding the authorized acts of tax receivers may be, the same hereby are, made applicable to the City Tax Receiver of the City of Laughlin, in the collection of city special assessments.

Sec. 8.030 Procedures for city purchasing. All purchases of goods or services of every kind or description for the City by any office, commission, board, department or any division thereof shall be made in conformance with the Nevada Revised Statutes, as amended from time to time.

Sec. 8.040 Transfer of appropriations. The City Manager may at any time transfer any unencumbered appropriation balance or portion thereof between general classifications of expenditures within an office, department or agency.

Sec. 8.050 When contracts and expenditures prohibited.

1. No officer, department or agency shall, during any budget year, expend or contract to expend any money or incur any liability, or enter into any contract which by its terms involves the expenditure of money, for any purpose, in excess of the amounts appropriated for that general classification of expenditure pursuant to this Charter. Any contract, verbal or written, made in violation of this Charter shall be null and void. Any officer or employee of the City who violates this section shall be guilty of a misdemeanor and, upon conviction thereof, shall cease to hold his or her office or employment.

2. Nothing in this section shall prevent the making of contracts or the spending of money for capital improvements to be financed in whole or in

part by the issuance of bonds, nor the making of contracts of lease or for services for a period exceeding the budget year in which such contract is made, when such contract is permitted by law.

ARTICLE IX
APPOINTIVE BOARDS AND COMMISSIONS

Sec. 9.010 Established; enumerated.

1. The Council may create by ordinance such other appointive boards or commissions as in its judgment are required and may grant to them powers and duties as are consistent with the provisions of this Charter. The Council, by motion adopted by the affirmative votes of at least a majority of its members, may appoint from time to time temporary committees as deemed advisable to render counsel and advice to the appointing authorities on any designated matters or subjects within the jurisdiction of such authorities.

2. The Personnel Board is hereby established and has the powers and duties contained in this Article.

Sec. 9.020 Appointments, removals, vacancies, terms.

1. Except as otherwise specified in this Charter, the members of each of the appointive boards and commissions shall be appointed, and may be removed, by the Council, subject in both appointment and removal by the affirmative votes of a majority of the Council. For the purposes of this rule, residency is only required at the time of nomination.

2. If a member of a board or commission:

(a) Is absent from two regular meetings of such board or commission, consecutively, unless by permission of such board or commission expressed in its official minutes;

(b) Fails to attend at least one-half of the regular meetings of such board or commission within a calendar year;

(c) Is convicted of a crime involving moral turpitude; or

(d) Ceases to be a qualified elector of the City,

➥ the office of that member shall become vacant and shall be so declared by the Council.

3. Except as otherwise provided in subsection 2 or section 9.030, the members of such boards and commissions shall serve for a term of 2 years and until their respective successors are appointed and qualified.

Sec. 9.030 Prohibition against serving as treasurer for campaign committee. If any member of an appointive board or commission shall become the treasurer of a campaign committee which receives contributions for any candidate for Mayor or Council member, his or her office shall become vacant and shall be so declared by the Council. Any provisions of this Article notwithstanding, no person who serves as the

treasurer of a campaign committee which receives contributions for any candidate for Mayor or Council member shall be eligible for appointment to any appointive board or commission.

Sec. 9.040 Appropriations therefor. The Council shall include in its annual budget such appropriations of funds as, in its opinion, shall be sufficient for the efficient and proper functioning of such appointive boards and commissions.

Sec. 9.050 Meetings; chair.

1. The election of each chair and vice chair shall be held at the meetings of the respective boards and commissions during the month of July of each year. The board or commission, in the event of a vacancy in the office of the chair or vice chair, shall elect one of its members for the unexpired term. The chair shall have the responsibility for informing the Council or board, commission or committee of actions or inactions and the reasons therefor.

2. Each board or commission, other than the Personnel Board, shall hold a regular meeting at least once a month with reasonable provision for attendance by the public. The City Manager shall designate a secretary for the recording of minutes for each such board and commission, who shall keep a record of its proceedings and transactions. Each board and commission shall prescribe rules and regulations governing its operations which shall be consistent with this Charter and shall be filed with the City Clerk for public inspection. The Personnel Board shall meet monthly, provided there is business on the agenda to come before it. In the event no business is placed on the Personnel Board's agenda 5 days preceding the tentative meeting date, no meeting need be held, provided that in no event shall more than 3 months intervene between meetings of the Personnel Board.

Sec. 9.060 Compensation. The members of appointive boards and commissions shall receive such compensation, if any, as may be prescribed by ordinance and may receive reimbursement for necessary traveling and other expenses when on official duty of the City when such expenditure has been so authorized by the board or commission and subject to rules and regulations prescribed by ordinance or order of the Council.

Sec. 9.070 Attendance of witnesses; oaths and affirmations. Each appointive board or commission shall have the same power as the Council to compel the attendance of witnesses, to examine them under oath and to compel the production of evidence before it. Each member of any such board or commission shall have the power to administer oaths and affirmations in any investigation or proceeding pending before such board or commission.

Sec. 9.080 Personnel Board: Membership. The Personnel Board shall consist of five members to be appointed by the Council from the qualified electors of the City. None of the members shall be removed from office without reasonable and sufficient cause, in accordance with procedures as provided by ordinance. None of the members shall hold public office or employment in the city government or be a candidate for any other public office or position, be an officer of any local, state or national partisan political club or organization, or while a member of the Personnel Board or for a period of 1 year after he or she has ceased for any reason to be a member, be eligible for appointment to any salaried office or employment in the service of the City.

Sec. 9.090 Personnel Board: Powers and duties. The Personnel Board shall have the power and be required to:

1. Hear appeals pertaining to the disciplinary suspension, demotion or dismissal of any officer or employee having permanent status in any office, position or employment in the civil service, and as otherwise provided for in the civil service rules and regulations;

2. Consider matters that may be referred to it by the Council or the City Manager and render such counsel and advice in regard thereto as may be requested by the referring authorities;

3. By its own motion, make such studies and investigations as it may deem necessary for the review of civil service rules and regulations, or to determine the wisdom and efficacy of the rules, regulations, policies, plans and procedures dealing with civil service matters and report its findings and recommendations to the City Manager or the Council, or to both such authorities, as it may see fit; and

4. Conduct public hearings on proposed revisions of civil service rules and regulations in the manner as prescribed by ordinance and advise the Council of its findings in such matters within 60 days.

Sec. 9.100 Charter Committee: Appointment; terms; qualifications; compensation.

1. The Charter Committee must be appointed as follows:

(a) One member by each member of the Council.

(b) One member by the Mayor.

(c) One member by each member of the Senate and Assembly delegation representing the residents of the City.

2. Each member shall:

(a) Serve during the term of the person by whom he or she was appointed;

(b) Be a registered voter of the City; and

(c) Reside in the City during his or her term of office.

3. Members of the Committee are entitled to receive compensation, in an amount set by ordinance of the Council, for each full meeting of the Committee they attend.

Sec. 9.110 Charter Committee: Meetings; duties.

The Charter Committee shall:

1. Meet at least once every 2 years immediately before the beginning of each regular session of the Legislature and when requested by the Council or the Chair of the Committee.

2. Prepare recommendations to be presented to the Legislature on behalf of the City concerning all necessary amendments to this Charter.

3. Recommend to the Council the salary to be paid all elective officers for the ensuing term.

4. Perform all functions and do all things necessary to accomplish the purposes for which it is established, including, but not limited to, holding meetings and public hearings, and obtaining assistance from City officers.

Sec. 9.120 Charter Committee members: Removal; grounds.

1. Any member of the Charter Committee may be removed by a majority of the remaining members of the Committee for cause, including the failure or refusal to perform the duties of office, the absence from three successive regular meetings, or ceasing to meet any qualification for appointment to the Committee.

2. In case of removal, a replacement must be appointed by the officer who appointed the removed member.

ARTICLE X
CITY ELECTIONS

Sec. 10.010 Applicability of state election laws. All city elections must be nonpartisan in character and must be conducted in accordance with the provisions of the general election laws of the State of Nevada and any ordinance regulations as adopted by the Council which are consistent with law and this Charter.

Sec. 10.020 Terms. All full terms of office in the Council are 4 years, and Council members and the Mayor must be elected at large without regard to precinct residency. Two full-term Council members and the Mayor are to be elected in each year ~~[immediately preceding]~~ of a federal presidential election, and two full-term Council members are to be elected ~~[in each year]~~ 2 years immediately following a federal presidential election. In each election, the candidates receiving the greatest number of votes must be declared elected to the vacant full-term positions.

Sec. 10.030 Specific Council positions. In the event a 2-year term position on the Council will be available at the time of a municipal election as provided in section 10.020, a candidate must file specifically for such a

position. The candidate receiving the greatest respective number of votes must be declared elected to the available 2-year position.

Sec. 10.040 ~~[Primary municipal]~~ Municipal elections. ~~[A city]~~ Except as otherwise provided in this Charter, a primary municipal election and a general municipal election must be held on ~~[the first Tuesday after the first Monday in April of each odd-numbered year. , and a city general election must be held on the first Tuesday after the first Monday in June of each odd-numbered year.]~~ the dates fixed by the election laws of this State for statewide elections.

Sec. 10.050 Primary not required. A primary municipal election must not be held if not more than double the number of Council members to be elected file as candidates. A primary municipal election must not be held for the Office of Mayor if not more than two candidates file for that position. The primary municipal election must be held for the purpose of eliminating candidates in excess of a figure double the number of Council members to be elected.

Sec. 10.060 General municipal election not required. If, in the primary ~~[city]~~ municipal election, a candidate receives votes equal to a majority of voters casting ballots in that election, he or she shall be considered elected to one of the vacancies and his or her name shall not be placed on the ballot for the general ~~[city]~~ municipal election.

Sec. 10.070 Voters entitled to vote for each seat on ballot. In each primary municipal election and general municipal election, voters shall be entitled to cast ballots for candidates in a number equal to the number of seats to be filled in the city elections.

Sec. 10.080 Council to control elections. The conduct of all municipal elections shall be under the control of the Council, which shall adopt by ordinance all regulations which it considers desirable and consistent with law and this Charter. Nothing in this Charter shall be construed as to deny or abridge the power of the Council to provide for supplemental regulations for the prevention of fraud in such elections and for the recount of ballots in cases of doubt or fraud.

ARTICLE XI

INITIATIVE, REFERENDUM AND RECALL

Sec. 11.010 Registered voters' power of initiative and referendum concerning city ordinances. The registered voters of a city may:

1. Propose ordinances to the Council and, if the Council fails to adopt an ordinance so proposed without change in substance, adopt or reject it at a primary or general municipal election or primary or general state election; and

2. Require reconsideration by the Council of any adopted ordinance, and if the Council fails to repeal an ordinance so considered, approve or reject it at a primary or general municipal election or primary or general state election.

Sec. 11.020 Initiative and referendum proceedings. All initiative and referendum proceedings shall be conducted in conformance with the provisions of the Nevada Revised Statutes, as amended from time to time.

Sec. 11.030 Results of election.

1. If a majority of the registered voters voting on a proposed initiative ordinance vote in its favor, it shall be considered adopted upon certification of the results of the election and must be treated in all respects in the same manner as ordinances of the same kind adopted by the Council. If conflicting ordinances are approved at the same election, the one receiving the greatest number of affirmative votes prevails to the extent of the conflict.

2. If a majority of the registered voters voting on a referred ordinance vote against it, it shall be considered repealed upon certification of the results of the election.

3. No initiative ordinance voted upon by the registered voters or an initiative ordinance in substantially the same form as one voted upon by the people, may again be placed on the ballot until the next primary or general municipal election or primary or general state election.

Sec. 11.040 Repealing ordinances; publication. Initiative and referendum ordinances adopted or approved by the voters may be published and shall not be amended or repealed by the Council, as in the case of other ordinances.

Sec. 11.050 Recall of Council members. As provided by the general laws of this State, every member of the Council is subject to recall from office.

ARTICLE XII
PUBLIC UTILITIES

Sec. 12.010 Granting of franchises.

1. The City shall have the power to grant a franchise to any private corporation for the use of streets and other public places in the furnishing of any public utility service to the City and to its inhabitants.

2. All franchises and any renewals, extensions and amendments thereto shall be granted only by ordinance. A proposed franchise ordinance shall be submitted to the City Manager, and he or she shall render to the Council a written report containing recommendations thereon.

3. The City shall have the power, as one of the conditions of granting any franchise, to impose a franchise tax, either for the purpose of license or for revenue.

Sec. 12.020 Conditions and transfer of franchises.

1. Every franchise or renewal, extension or amendment of a franchise hereafter granted shall:

(a) Include that the City may issue such orders with respect to safety and other matters as may be necessary or desirable for the community; and

(b) Reserve to the City the right to make all future regulations or ordinances deemed necessary for the preservation of the health, safety and public welfare of the City, including, without limitation, regulations concerning the imposition of uniform codes upon the utilities, standards and rules concerning the excavations and use to which the streets, alleys and public thoroughfares may be put and regulations concerning placement of easement improvements such as poles, valves, hydrants and the like.

2. No franchise shall be transferred hereafter by any utility to another without the approval of the Council, and as a condition to such approval, the successor in interest to the said franchise shall execute a written agreement containing a covenant that it will comply with all the terms and conditions of the franchise then in existence.

Sec. 12.030 Condemnation. The City, by initiative ordinance, shall have the right to condemn the property of any public utility subject to the provisions of chapter 37 of NRS. The public utility shall receive just compensation for the taking of its property. Such an initiative petition must be voted on by the people and cannot be passed by simple acceptance of the Council.

Sec. 12.040 Establishment of municipally owned and operated utilities.

1. The City shall have power to own and operate any public utility, to construct and install all facilities that are reasonably needed and to lease or purchase any existing utility properties used and useful in public service.

2. The Council may provide by ordinance for the establishment of such utility, but an ordinance providing for a newly owned and operated utility shall be enacted only after such hearings and procedure as required herein for the granting of a franchise, and shall also be submitted to and approved at a popular referendum provided that an ordinance providing for any extension, enlargement or improvement of an existing utility may be enacted as a matter of general municipal administration.

3. The City shall have the power to execute long-term contracts for the purpose of augmenting the services of existing municipally owned utilities.

Such contracts shall be passed only in the form of ordinances and may exceed in length the terms of office of the members of the Council.

Sec. 12.050 Municipal utility organizations.

1. The Council may provide for the establishment of a separate department to administer the utility function, including the regulation of privately owned and operated utilities and the operation of municipally owned utilities. Such department shall keep separate financial and accounting records for each municipally owned and operated utility and before February 1 of each fiscal year, shall prepare for the City Manager, in accordance with his or her specifications, a comprehensive report of each utility. The responsible departments or officer shall endeavor to make each utility financially self-sustaining, unless the Council shall by ordinance adopt a different policy. All net profits derived from municipally owned and operated utilities may be expended in the discretion of the Council for general municipal purposes.

2. The rates for the products and services of any municipally owned and operated utility shall only be established, reduced, altered or increased by resolution of the Council following a public hearing.

Sec. 12.060 Financial provisions.

1. The City may finance the acquisition of privately owned utility properties, the purchase of land and the cost of all construction and property installation for utility purposes by borrowing in accordance with the provisions of general law.

2. Appropriate provisions shall be made for the amortization and retirement of all bonds within a maximum period of 40 years. Such amortization and retirement may be effected through the use of depreciation funds or other financial resources provided through the earnings of the utility.

Sec. 12.070 Sale of public utilities; proviso.

1. No public utility of any kind, after having been acquired by the City, may thereafter be sold or leased by the City, unless the proposition for the sale or lease has been submitted to the electors of the City at a special election or primary or general municipal election or primary or general state election. After a majority vote of those electors in favor of the sale, the sale may not be made except after 30 days' published notice thereof, except that the provisions of this section do not apply to a sale by the Council of parts, equipment, trucks, engines and tools which have become obsolete or worn out, any of which equipment may be sold by the Council in the regular course of business.

2. A special election may be held only if the Council determines, by a unanimous vote, that an emergency exists. The determination made by the Council is conclusive unless it is shown that the Council acted with fraud

or a gross abuse of discretion. An action to challenge the determination made by the Council must be commenced within 15 days after the Council's determination is final. As used in this subsection, "emergency" means any unexpected occurrence or combination of occurrences which requires immediate action by the Council to prevent or mitigate a substantial financial loss to the City or to enable the Council to provide an essential service to the residents of the City.

ARTICLE XIII
MISCELLANEOUS PROVISIONS

Sec. 13.010 Removal of officers and employees. Subject to the provisions of this Charter not inconsistent herewith, any employee of the City may be suspended or dismissed from employment at any time by the City Manager or by any applicable person appointed by the City Manager pursuant to this Charter. Unless otherwise provided in this Charter, any such action shall be considered final and conclusive and shall not be subject to appeal to any city governmental entity.

Sec. 13.020 Right of City Manager and other officers of Council. The City Manager shall have the right to take part in the discussion of all matters coming before the Council, and the directors and other officers shall be entitled to take part in all discussions of the Council relating to their respective offices, departments or agencies.

Sec. 13.030 Personal interest.

1. No elective or appointive officer shall take any official action on any contract or other matter in which he or she has any financial interest.

2. A violation of the provisions of this section shall constitute a misdemeanor, subject to a penalty not to exceed the penalties specified for misdemeanors under applicable provisions of Nevada Revised Statutes in effect at the time of such violation.

Sec. 13.040 Official bonds. Officers or employees, as the Council may by general ordinance require so to do, including a municipal court judge appointed pursuant to section 5.020 of Article V, if any, shall give bond in such amount and with such surety as may be approved by the Council. The premiums on such bonds shall be paid by the City.

Sec. 13.050 Oath of office. Every officer of the City shall, before entering upon the duties of his or her office, take and subscribe to the official oath of office of the State of Nevada:

"I,....., do solemnly swear (or affirm) that I will support, protect and defend the Constitution and Government of the United States and the Constitution and Government of the State of Nevada, against all enemies, whether domestic or foreign, and that I will bear true faith, allegiance and loyalty to the same, any Ordinance, Resolution or Law of any State

notwithstanding, and I will well and faithfully perform all the duties of the Office of..... on which I am about to enter; (if any oath) so help me God; (if any affirmation) under the pains and penalties of perjury."

Sec. 13.060 ~~*[Amending the Charter.*~~

~~*1. An amendment to this Charter:*~~

~~*(a) May be made by the Legislature directly by the use of mandatory specific wording or indirectly by the use of wording allowing flexibility in expressing the required change. If a law is enacted which:*~~

~~*(1) Directly amends this Charter, such an amendment is not subject to public approval as provided in paragraph (b) and must be included in the Charter and identified as having been amended by the particular law involved.*~~

~~*(2) Requires that this Charter be amended but does not require the specific wording to be used, the Council shall propose a suitable amendment to be submitted to the registered voters of the City as provided by paragraph (b). If such a proposed amendment is not adopted by the voters, it must be redrafted and resubmitted to the voters at one or more general city elections or general state elections until an amendment is adopted.*~~

~~*(b) May be proposed by the Council and submitted to the registered voters of the City at a general city election or general state election.*~~

~~*(c) May be proposed by a petition signed by registered voters of the City equal in number to 15 percent or more of the voters who voted at the latest preceding general city election and submitted to registered voters of the City at the next general city election or general state election.*~~

~~*2. The City Attorney shall draft any amendment proposed pursuant to subparagraph (2) of paragraph (a) or paragraph (b) of subsection 1, or if such a proposed amendment has been previously drafted, the City Attorney shall review the previous draft and recommend to the Council any suggested changes or corrections.*~~

~~*3. The City Attorney shall, upon request, review any amendment intended to be proposed by petition pursuant to paragraph (c) of subsection 1, make only such corrections as are agreed to by the proposers and report to the Council his or her analysis of the significance and potential effects of the proposed amendment.*~~

~~*4. A petition for amendment must be in the form specified by state law for city initiative petitions and must be filed with the City Clerk not later than 6 months before the date of the general city election or general state election at which the proposed amendment is to be submitted to the voters of the City.*~~

~~*5. When an amendment is adopted by the registered voters of the City, the City Clerk shall, within 30 days thereafter, transmit a certified copy of the amendment to the Legislative Counsel.*~~

~~*6. Any amendment to the Charter proposed under the provisions of this section shall be adopted by a simple majority of the voters casting ballots on that question at two consecutive general elections before any such amendment shall become effective.*~~

~~*Sec. 13.070]*~~ ***Short title; citation of City of Laughlin Act of 2011. This Charter shall be known and may be cited as the City of Laughlin Charter.***

Sec. ~~*[13.080]*~~ ***13.070 Construction of Charter; separability of provisions.***

1. Whenever any reference is made to any portion of the Nevada Revised Statutes or of any other law of the State or of the United States, such reference shall apply to all amendments and additions thereto now or hereafter made.

2. If any section or part of a section of this Charter shall be held invalid by a court of competent jurisdiction, such holding shall not affect the remainder of this Charter nor the context in which such section or part of section so held invalid may appear, except to the extent that an entire section or part of a section may be inseparably connected in meaning and effect with the section or part of the section to which such holding shall directly apply.

Sec. 2. Section 9 of the Fort Mohave Valley Development Law, being chapter 427, Statutes of Nevada 2007, as amended by chapter 369, Statutes of Nevada 2009, at page 1860, is hereby amended to read as follows:

Sec. 9. Limitations on use of money.

~~[~~The~~]~~

1. Except as otherwise provided in subsection 2, the Board of County Commissioners may use money in the Fort Mohave Valley Development Fund only to:

~~[~~1.~~]~~ ***(a)*** Purchase or otherwise acquire lands described in sections 4 and 8 of this act; and

~~[~~2.~~]~~ ***(b)*** Administer the Fort Mohave Valley Development Law exclusively for the purposes of developing the Fort Mohave Valley and any general improvement district, special district, town or city whose territory contains all or a part of the land in the Fort Mohave Valley, including, without limitation, the planning, design and construction of capital improvements which develop the land in the Fort Mohave Valley or in any general improvement district, special district, town or city whose territory contains all or a part of the land in the Fort Mohave Valley.

2. The Board of County Commissioners shall use money in the Fort Mohave Valley Development Fund to pay:

(a) Any costs incurred by the Committee on Local Government Finance created by NRS 354.105, for the preparation of the report related to the

fiscal feasibility of the incorporation of the City of Laughlin that is required by section 4 of this act;

(b) Any costs incurred by the County to hold the elections described in sections 5 and 11 this act; and

(c) Any other costs incurred by the County or City of Laughlin associated with the incorporation of the City of Laughlin,

➥ to the extent that gifts, grants or donations are not available to pay for the expenses.

Sec. 3. As used in sections 3 to 16, inclusive, of this act:

1. "Board of County Commissioners" means the Board of County Commissioners of Clark County.

2. "City" means the City of Laughlin.

3. "City Council" means the City Council elected pursuant to section 11 of this act.

4. "County" means the County of Clark.

5. "Fort Mohave Valley Development Fund" means the fund created in the County Treasury pursuant to section 6 of the Fort Mohave Valley Development Law.

6. "Qualified elector" means a person who is registered to vote in this State and is a resident of the area to be included in the City, as shown by the last official registration lists before the election.

Sec. 4. 1. On or before December 31, 2011, the Committee on Local Government Finance, created by NRS 354.105, shall prepare and submit a report to the Board of County Commissioners and the Legislative Commission with respect to the fiscal feasibility of the incorporation of the City. This report must:

(a) Include, without limitation analyses of:

(1) The tax revenue and other revenues of the County that may be impacted by the incorporation of the City.

(2) The tax revenue and other revenues of the Township of Laughlin compared to the potential tax revenue and other revenues of the City after incorporation.

(3) The expenditures made by the Township of Laughlin compared to the anticipated expenditures of the City after incorporation.

(4) The expenditures made by the County for support of the Township of Laughlin that may or may not be impacted by the incorporation of the City.

(b) Be made available to the public for consideration before any election on the question of incorporation held pursuant to section 5 of this act.

2. Not later than 90 days after receiving the report, the Board of County Commissioners and the Legislative Commission shall review the report and

make a determination as to whether the incorporation of the City is fiscally feasible.

3. The County Clerk shall cause the report to be published in a newspaper printed in the County and having a general circulation in the City at least once a week for 3 consecutive weeks. If the Board of County Commissioners or the Legislative Commission determines that the incorporation of the City is fiscally feasible, the final publication of the report must be published before the date of the election held pursuant to section 5 of this act.

Sec. 5. 1. If the Board of County Commissioners or the Legislative Commission determines pursuant to section 4 of this act that the incorporation of the City is fiscally feasible, an election on the question of incorporation of the City of Laughlin must be held. The election will also be a primary election for the offices of Mayor and City Council.

2. The Board of County Commissioners may call a special election for the purposes of subsection 1, or may conduct an election pursuant to subsection 1 on the date of the first primary election held in the County after the Board of County Commissioners receives the report required by section 4 of this act. The special election, if any, must be held within 90 days after the Board of County Commissioners receives the report prepared pursuant to section 4 of this act and conducted in accordance with the provisions of law relating to general elections so far as the same can be made applicable.

3. If the Board of County Commissioners calls a special election for the purposes of subsection 1, the County Clerk shall cause a notice of the election to be published in a newspaper printed in the County and having a general circulation in the City at least once a week for 3 consecutive weeks. The final publication of notice must be published before the date of the election.

4. If the Board of County Commissioners conducts an election pursuant to subsection 1 on the day of the first primary election held in the County after the Board of County Commissioners receives the report required by section 4 of this act, the County Clerk shall cause notice of the election to be published pursuant to NRS 293.203.

5. The notice of the election held pursuant to subsection 3 or 4 must contain:

(a) The date of the election;

(b) The hours during the day in which the polls will be open;

(c) The location of the polling places;

(d) A statement of the question in substantially the same form as it will appear on the ballots;

(e) The names of the candidates; and

(f) A list of the offices to which the candidates seek election.

Sec. 6. The incorporation question on the ballots used for an election held pursuant to section 5 of this act must be in substantially the following form:

Shall the area described as.....(describe area) be incorporated as the City of Laughlin?

Yes ☐ No ☐

The voter shall mark the ballot by placing a cross (x) next to the word "yes" or "no."

Sec. 7. 1. A person who wishes to become a candidate for any office to be voted for at an election held pursuant to section 5 of this act must:

(a) Reside within the boundaries of the City;

(b) File an affidavit of candidacy, which must include a declaration of residency, with the County Clerk not later than the date for the filing of such affidavits as set by the County Clerk; and

(c) File a nomination petition containing at least 100 signatures of qualified electors.

2. Qualified electors may sign more than one nominating petition for candidates for the same office.

3. A candidate may withdraw his or her candidacy pursuant to the provisions of NRS 293.202.

4. If there are less than three candidates for any office to be filled at a primary election held pursuant to section 5 of this act, their names must not be placed on the ballot for the primary election but must be placed on the ballot for a general election held pursuant to section 11 of this act.

5. The names of the two candidates for mayor and for each seat on the City Council who receive the highest number of votes in a primary election held pursuant to section 5 of this act must be placed on the ballot for a general election held pursuant to section 11 of this act.

Sec. 8. 1. At least 10 days before an election held pursuant to section 5 of this act, the County Clerk shall cause to be mailed to each qualified elector a sample ballot for his or her precinct with a notice informing the elector of the location of his or her polling place.

2. The sample ballot must:

(a) Include the question in the form required by section 6 of this act;

(b) Describe the area proposed to be incorporated by assessor's parcel maps, existing boundaries of subdivision or parcel maps, identifying visible ground features, extensions of the visible ground features, or by any boundary that coincides with the official boundary of the state, a county, a city, a township, a section or any combination of these; and

(c) Include the names of candidates for the various offices as determined pursuant to section 7 of this act.

Sec. 9. 1. The Board of County Commissioners shall canvass the votes cast in an election held pursuant to section 5 of this act in the same manner as votes are canvassed in a general election. Upon completion of the canvass, the Board shall immediately notify the County Clerk of the results.

2. The County Clerk shall, upon receiving notice of the canvass from the Board of County Commissioners, immediately cause to be published a notice of the results of the election in a newspaper of general circulation in the County. If the incorporation is approved by the voters, the notice must include the category of the City according to population, as described in NRS 266.055. The County Clerk shall file a copy of the notice with the Secretary of State.

Sec. 10. 1. The Board of County Commissioners may accept gifts, grants and donations to pay for any expenses that are related to the incorporation of the City, including, without limitation:

(a) The costs incurred by the Committee on Local Government Finance for preparing the fiscal feasibility report required by section 4 of this act;

(b) The costs incurred by the County to hold any elections described in sections 5 and 11 of this act; and

(c) Any other costs incurred by the County or City associated with the incorporation of the City of Laughlin.

2. To the extent that gifts, grants and donations do not pay the costs of the expenses described in subsection 1, the Board of County Commissioners shall order the County Treasurer to pay such expenses from the Fort Mohave Valley Development Fund.

3. The County Clerk shall submit to the Board of County Commissioners a statement of all expenses related to conducting any elections held pursuant to sections 5 and 11 of this act.

Sec. 11. 1. If the incorporation of the City is approved by the voters at an election held pursuant to section 5 of this act, a general election must be held to elect four members of the City Council and the Mayor. The Board of County Commissioners may conduct a special election for the purposes of this subsection, or may conduct the election required by this subsection on the date of the first general election held in the County after the date of the election held pursuant to section 5 of this act. The election must be conducted in accordance with the provisions of law relating to general elections so far as the same can be made applicable.

2. The names of the two candidates for Mayor and for each particular seat on the City Council who receive the highest number of votes in the primary election must be placed on the ballot for the general election. A candidate for Mayor or a seat on the City Council may not withdraw from the general election.

Sec. 12. 1. The term of the Mayor elected pursuant to section 11 of this act expires upon the election and qualification of the person elected Mayor in the ~~[first]~~ general **municipal** election held **in 2016** pursuant to section 10.020 of the City of Laughlin Charter.

2. ~~[The terms of two of the members of the City Council elected pursuant to section 11 of this act expire upon the election and qualification of the persons elected to the City Council in the first general election held pursuant to section 10.020 of the City of Laughlin Charter. The terms of the remaining members of the City Council elected pursuant to section 11 of this act expire upon the election and qualification of the persons elected to the City Council in the second general election held pursuant to section 10.020 of the City of Laughlin Charter.~~

~~3.]~~ The members of the City Council elected pursuant to section 11 of this act shall, at the first meeting of the City Council after their election and qualification, draw lots to determine the length of their respective terms.

3. The terms of two of the members of the City Council elected pursuant to section 11 of this act expire upon the election and qualification of the persons elected to the City Council in the general municipal election held in 2014 pursuant to section 10.020 of the City of Laughlin Charter. The terms of the two other members of the City Council elected pursuant to section 11 of this act expire upon the election and qualification of the persons elected to the City Council in the general municipal election held in 2016 pursuant to section 10.020.

Sec. 13. Before the incorporation of the City becomes effective but after the general election held pursuant to section 11 of this act, the City Council may:

1. Prepare and adopt a budget;

2. Prepare and adopt ordinances;

3. Prepare to levy an ad valorem tax on property within the area of the City, at the time and in the amount prescribed by law for cities, for the fiscal year beginning on the date the incorporation of the City becomes effective;

4. Negotiate and prepare an equitable apportionment of the fixed assets of the County pursuant to section 15 of this act;

5. Negotiate and prepare contracts for the employment of personnel;

6. Negotiate and prepare contracts to provide services for the City, including, without limitation, those services provided for by chapter 277 of NRS;

7. Negotiate and prepare contracts for the purchase of equipment, materials and supplies;

8. Negotiate and prepare contracts or memorandums of understanding with the County for the City to provide services to unincorporated areas of the County that are contiguous to the City;

9. Negotiate and prepare a cooperative agreement pursuant to NRS 360.730; and

10. Communicate with and provide information to the Department of Taxation to effectuate the allocation of tax revenues on the date the incorporation of the City becomes effective.

Sec. 14. 1. During the period from the filing of the notice of results of an election conducted pursuant to section 5 of this act by the County Clerk until the date the incorporation of the City becomes effective, the County is entitled to receive the taxes and other revenue from the City and shall continue to provide services to the City.

2. Except as otherwise provided in NRS 318.492, all special districts, except fire protection districts, located within the boundaries of the City continue to exist within the City after the incorporation becomes effective.

Sec. 15. 1. The City Council and the Board of County Commissioners shall, before the date that the incorporation becomes effective or within 90 days after that date, equitably apportion those fixed assets of the County which are located within the boundaries of the City. The City Council and the Board of County Commissioners shall consider the location, use and types of assets in determining an equitable apportionment between the County and the City.

2. Any real property and its appurtenances located within the City and not required for the efficient operation of the County's duties must first be applied toward the City's share of the assets of the County. Any real property which is required by the County for the efficient operation of its duties must not be transferred to the City.

3. If an agreement to apportion the assets of the County is not reached within 90 days after the incorporation of the City, the matter may be submitted to arbitration upon the motion of either party.

4. Any appeal of the arbitration award must be filed with the district court within 30 days after the award is granted.

Sec. 16. Any property located within the City which was assessed and taxed by the County before incorporation must continue to be assessed and taxed to pay for the indebtedness incurred by the County before incorporation.

Sec. 17. 1. This section and sections 2 to 16, inclusive, of this act become effective upon passage and approval.

2. Section 1 of this act becomes effective, if the incorporation of the City of Laughlin is approved by the voters at an election held pursuant to section 5 of this act, on July 1, 2013.

Assemblywoman Kirkpatrick moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, reengrossed, and to third reading.

Senate Bill No. 24.
Bill read third time.
Roll call on Senate Bill No. 24:
YEAS—42.
NAYS—None.
Senate Bill No. 24 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 40.
Bill read third time.
Roll call on Senate Bill No. 40:
YEAS—42.
NAYS—None.
Senate Bill No. 40 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 47
Bill read third time.
Remarks by Assemblyman McArthur.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 6:59 p.m.

ASSEMBLY IN SESSION

At 7:01 p.m.
Mr. Speaker presiding.
Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Horne moved that Senate Bill No. 47 be taken from the General File and placed on the Chief Clerk's desk.
Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 92.
Bill read third time.
Roll call on Senate Bill No. 92:
YEAS—37.
NAYS—Ellison, Hambrick, Hammond, Hardy, Kite—5.

Senate Bill No. 92 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 191.

Bill read third time.

Roll call on Senate Bill No. 191:

YEAS—42.

NAYS—None.

Senate Bill No. 191 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 204.

Bill read third time.

Roll call on Senate Bill No. 204:

YEAS—37.

NAYS—Ellison, Goedhart, Hardy, Livermore, Munford—5.

Senate Bill No. 204 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 222.

Bill read third time.

Roll call on Senate Bill No. 222:

YEAS—42.

NAYS—None.

Senate Bill No. 222 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 254.

Bill read third time.

Remarks by Assemblyman Ohrenschall.

Roll call on Senate Bill No. 254:

YEAS—35.

NAYS—Ellison, Goedhart, Hardy, Hickey, Kite, Munford, Woodbury—7.

Senate Bill No. 254 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 307.

Bill read third time.

Roll call on Senate Bill No. 307:
YEAS—28.
NAYS—Ellison, Goedhart, Goicoechea, Grady, Hammond, Hansen, Hardy, Hickey, Kirner, Kite, Livermore, Munford, Sherwood, Woodbury—14.
Senate Bill No. 307 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 405.
Bill read third time.
Roll call on Senate Bill No. 405:
YEAS—42.
NAYS—None.
Senate Bill No. 405 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 432.
Bill read third time.
Roll call on Senate Bill No. 432:
YEAS—38.
NAYS—Ellison, Goedhart, Hickey, Livermore—4.
Senate Bill No. 432 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Smith moved that Assembly Bill No. 222 be taken from the General File and placed on the Chief Clerk's desk.
Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 497.
Bill read third time.
Roll call on Assembly Bill No. 497:
YEAS—42.
NAYS—None.
Assembly Bill No. 497 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 511.
Bill read third time.

Remarks by Assemblyman Bobzien.

Roll call on Assembly Bill No. 511:

YEAS—36.

NAYS—Ellison, Hansen, Kite, McArthur, Munford, Stewart—6.

Assembly Bill No. 511 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 546.

Bill read third time.

Remarks by Assemblyman Bobzien.

Roll call on Assembly Bill No. 546:

YEAS—31.

NAYS—Ellison, Goedhart, Grady, Hambrick, Hammond, Hansen, Hardy, Kite, McArthur, Sherwood, Woodbury—11.

Assembly Bill No. 546 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 32.

Bill read third time.

Roll call on Senate Bill No. 32:

YEAS—42.

NAYS—None.

Senate Bill No. 32 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 34.

Bill read third time.

Roll call on Senate Bill No. 34:

YEAS—42.

NAYS—None.

Senate Bill No. 34 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 82.

Bill read third time.

Roll call on Senate Bill No. 82:

YEAS—42.

NAYS—None.

Senate Bill No. 82 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Kirkpatrick moved that Senate Bill No. 384 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 472.

Bill read third time.

Roll call on Senate Bill No. 472:

YEAS—42.

NAYS—None.

Senate Bill No. 472 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 268.

Bill read third time.

Remarks by Assemblyman Daly.

Roll call on Senate Bill No. 268:

YEAS—28.

NAYS—Ellison, Goedhart, Goicoechea, Grady, Hambrick, Hammond, Hansen, Hardy, Hickey, Kirner, Kite, Livermore, McArthur, Sherwood—14.

Senate Bill No. 268 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 171.

Bill read third time.

Remarks by Assemblywoman Benitez-Thompson.

Roll call on Assembly Bill No. 171:

YEAS—42.

NAYS—None.

Assembly Bill No. 171 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 7:35 p.m.

ASSEMBLY IN SESSION

At 7:38 p.m.

Mr. Speaker presiding.

Quorum present.

GENERAL FILE AND THIRD READING

Senate Bill No. 126.

Bill read third time.

Roll call on Senate Bill No. 126:

YEAS—40.

NAYS—Carlton, Pierce—2.

Senate Bill No. 126 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

NOTICE OF EXEMPTION

May 30, 2011

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Senate Bill No. 159.

RICK COMBS
Fiscal Analysis Division

Assemblyman Conklin moved that Senate Bill No. 159 be taken from the Chief Clerk's desk and rereferred to the Committee on Ways and Means.

Motion carried.

Assemblyman Conklin moved that the Assembly recess until 8:30 p.m.

Motion carried.

Assembly in recess at 7:41 p.m.

ASSEMBLY IN SESSION

At 10:06 p.m.

Madam Speaker pro Tempore presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Conklin moved that Senate Bill No. 48 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

Assemblyman Conklin moved that Senate Bill No. 149 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

Assemblyman Conklin moved that Senate Bill No. 98 be taken from the Chief Clerk's desk and placed at the top of the General File.

Motion carried.

Assemblyman Conklin moved that Senate Bill No. 267 be taken from the General File and placed at the top of the General File.

Motion carried.

Assemblyman Conklin moved that Senate Bill No. 289 be taken from the Chief Clerk's desk and placed at the top of the General File.

Motion carried.

Assemblyman Atkinson moved to withdraw Amendment 715 to Senate Bill No. 289.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 289.

Bill read third time.

The following amendment was proposed by Assemblyman Atkinson:

Amendment No. 855.

AN ACT relating to insurance; revising provisions relating to nonadmitted insurance; authorizing the Commissioner of Insurance to enter ~~[the Nonadmitted Insurance Multi-State Agreement;]~~ **into a multi-state agreement concerning nonadmitted insurance;** revising provisions relating to the assessment and disbursement of taxes on nonadmitted insurance; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, certain insurance coverages that cannot be procured from authorized insurers in Nevada, known as surplus lines, may be obtained from unauthorized insurers if certain conditions are met. (NRS 685A.040) Additionally, a tax is assessed on the premiums charged for surplus lines coverages. (NRS 685A175, 685A.180) On July 21, 2010, the Dodd-Frank Wall Street Reform and Consumer Protection Act, of which the Nonadmitted and Reinsurance Reform Act (NRRA) was a part, was signed into law. (Pub. L. No. 111-203, 124 Stat. 1376) The NRRA authorizes the states to participate in a multi-state agreement to allocate premium tax proceeds for nonadmitted insurance on multi-state risks amongst the states and prohibits any state other than the insured's home state from collecting premium taxes on nonadmitted insurance. The NRRA also prohibits any state other than the insured's home state from regulating the placement of nonadmitted insurance and from requiring a surplus lines broker to be licensed. (15 U.S.C. §§ 8201 et seq.)

This bill makes various changes to existing law to conform to the NRRA. **Sections 17, 32 and 33** of this bill authorize the Commissioner to enter into ~~[the Nonadmitted Insurance Multi-State Agreement]~~ **a multi-state agreement concerning nonadmitted insurance** and to provide for the

payment of premium tax to and disbursement of premium tax from the clearinghouse established through the ~~[Nonadmitted Insurance Multi-State Agreement.]~~ **multi-state agreement.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 680B.040 is hereby amended to read as follows:

680B.040 1. Every insured ~~[in]~~ ***for whom*** this State ***is the home state as defined in section 8 of this act*** who procures or causes to be procured or continues or renews insurance in an unauthorized alien or foreign insurer, or any self-insurer in this State who ~~[so]~~ procures or continues excess loss, catastrophe or other insurance, ~~[upon a subject of insurance resident, located or to be performed within this State,]~~ other than insurance procured through a surplus line broker pursuant to chapter 685A of NRS or exempted from that chapter, shall within ~~[30]~~ ***45*** days after the ~~[date]~~ ***end of each quarter in which*** such insurance was so procured, continued or renewed, file a written report ~~[with the Department of Taxation on forms prescribed by the Executive Director of the Department of Taxation in cooperation with]~~ ***as directed by*** the Commissioner ***pursuant to chapter 685A of NRS*** and furnished to such an insured upon request. The report must show:

(a) The name and address of the insured or insureds.

(b) The name and address of the insurer.

(c) The subject of the insurance.

(d) A general description of the coverage.

(e) The premium currently charged therefor.

(f) Such additional pertinent information as is reasonably requested by the Commissioner or the ~~[Executive Director of the Department of Taxation.]~~ ***designee of the Commissioner.***

➥ If any such insurance covers also a subject of insurance resident, located or to be performed outside of this State ~~[,]~~ ***for which this State is the home state of the insured as defined in section 8 of this act,*** for the purposes of this section a proper pro rata portion of the entire premium payable for all such insurance must be allocated ~~[as to the subjects of insurance resident, located or to be performed in this State.]~~ ***and disbursed pursuant to the provisions of chapter 685A of NRS.***

2. ~~[Any insurance in an unauthorized insurer procured through negotiations or an application in whole or in part occurring or made within or from within this State, or for which premiums in whole or in part are remitted directly or indirectly from within this State, shall be deemed to be insurance procured or continued or renewed in this State within the intent of subsection 1.~~

~~3.~~] For the general support of the government of this State there is levied upon the obligation, chose in action or right represented by the premium charged or payable for such insurance a tax at the rate prescribed in NRS [~~680B.027.~~] ***685A.175 and 685A.180.*** The insured shall withhold the amount of the tax from the amount of premium charged by and otherwise payable to the insurer for such insurance, and within 30 days after the insurance was so procured, continued or renewed, and coincidentally with the filing of the report provided for in subsection 1, the insured shall pay the amount of the tax [~~to the State Treasurer through the Department of Taxation.~~

~~4.~~] ***as directed by the Commissioner***

3. If the insured fails to withhold from the premium the amount of tax levied in this section, the insured is liable for the amount of the tax and shall pay it [~~to the Department of Taxation~~] ***as directed by the Commissioner*** within the time stated in subsection [~~3.~~

~~5.~~] ***2.***

4. If the insured fails to pay the tax imposed by this section, the insured shall in addition to any other applicable penalty pay a penalty of not more than 10 percent of the amount of the tax which is owed, as determined by the Department of Taxation, in addition to the tax, plus interest at the rate of 1.5 percent per month, or fraction of a month, from the date on which the tax should have been paid until the date of payment.

[~~6.~~] ***5.*** The tax is collectible from the insured by civil action brought by the Department of Taxation, and by the seizure, distraint and sale of any property of the insured situated in this State.

[~~7.~~] ***6.*** This section does not abrogate or modify any other provision of this Code.

[~~8.~~] ***7.*** This section does not apply to life or disability insurances.

[~~9.~~] ***8.*** The provisions of this section do not prohibit the procurement of insurance from an unauthorized alien or foreign insurer by a person in accordance with the requirements of subsection 9 of NRS 680A.070.

[~~10. The Department of Taxation shall report to the Commissioner concerning independently procured insurance transactions reported to the Department of Taxation pursuant to this section.~~]

Sec. 2. NRS 680C.110 is hereby amended to read as follows:

680C.110 1. In addition to any other fee or charge, the Commissioner shall collect in advance and receipt for, and persons so served must pay to the Commissioner, the fees required by this section.

2. A fee required by this section must be:

(a) If an initial fee, paid at the time of an initial application or issuance of a license, as applicable;

(b) If an annual fee, paid on or before March 1 of every year;

(c) If a triennial fee, paid on or before the time of continuation, renewal or other similar action in regard to a certificate, license, permit or other type of authorization, as applicable; and

(d) Deposited in the Fund for Insurance Administration and Enforcement created by NRS 680C.100.

3. The fees required pursuant to this section are not refundable.

4. The following fees must be paid by the following persons to the Commissioner:

(a) Associations of self-insured private employers, as defined in NRS 616A.050:

(1) Initial fee…… $1,300

(2) Annual fee …… $1,300

(b) Associations of self-insured public employers, as defined in NRS 616A.055:

(1) Initial fee …… $1,300

(2) Annual fee …… $1,300

(c) External review organizations, as provided for in NRS 616A.469 or 683A.371, or both:

(1) Initial fee……..$60

(2) Annual fee……. $60

(d) Insurers not otherwise provided for in this subsection:

(1) Initial fee…… $1,300

(2) Annual fee…….. $1,300

(e) Producers of insurance, as defined in NRS 679A.117:

(1) Initial fee…… $60

(2) Triennial fee…….. $60

(f) Accredited reinsurers, as provided for in NRS 681A.160:

(1) Initial fee…… $1,300

(2) Annual fee …… $1,300

(g) Intermediaries, as defined in NRS 681A.330:

(1) Initial fee…… $60

(2) Triennial fee ……. $60

(h) Reinsurers, as defined in NRS 681A.370:

(1) Initial fee …… $1,300

(2) Annual fee…….. $1,300

(i) Administrators, as defined in NRS 683A.025:

(1) Initial fee…… $60

(2) Triennial fee ……. $60

(j) Managing general agents, as defined in NRS 683A.060:

(1) Initial fee …….. $60

(2) Triennial fee ……. $60

(k) Agents who perform utilization reviews, as defined in NRS 683A.376:

(1) Initial fee …….. $60
(2) Annual fee …… $60
(l) Insurance consultants, as defined in NRS 683C.010:
(1) Initial fee …….. $60
(2) Triennial fee ……. $60
(m) Independent adjusters, as defined in NRS 684A.030:
(1) Initial fee …….. $60
(2) Triennial fee…….. $60
(n) Public adjusters, as defined in NRS 684A.030:
(1) Initial fee …….. $60
(2) Triennial fee ……. $60
(o) Associate adjusters, as defined in NRS 684A.030:
(1) Initial fee ……$60
(2) Triennial fee…… $60
(p) Motor vehicle physical damage appraisers, as defined in NRS 684B.010:
(1) Initial fee …… $60
(2) Triennial fee ……$60
(q) Brokers, as defined in ~~[NRS 685A.030:]~~ ***section 5 of this act:***
(1) Initial fee …….. $60
(2) Triennial fee ……. $60
(r) Eligible surplus line insurers, as provided for in NRS 685A.070:
(1) Initial fee …… $1,300
(2) Annual fee …… $1,300
(s) Companies, as defined in NRS 686A.330:
(1) Initial fee …… $1,300
(2) Annual fee …… $1,300
(t) Rate service organizations, as defined in NRS 686B.020:
(1) Initial fee …… $1,300
(2) Annual fee …… $1,300
(u) Brokers of viatical settlements, as defined in NRS 688C.030:
(1) Initial fee …… $60
(2) Annual fee …… $60
(v) Providers of viatical settlements, as defined in NRS 688C.080:
(1) Initial fee …… $60
(2) Annual fee …… $60
(w) Agents for prepaid burial contracts subject to the provisions of chapter 689 of NRS:
(1) Initial fee …… $60
(2) Annual fee …… $60
(x) Agents for prepaid funeral contracts subject to the provisions of chapter 689 of NRS:

(1) Initial fee $60
(2) Annual fee $60

(y) Sellers of prepaid burial contracts subject to the provisions of chapter 689 of NRS:
(1) Initial fee $60
(2) Annual fee $60

(z) Sellers of prepaid funeral contracts subject to the provisions of chapter 689 of NRS:
(1) Initial fee $60
(2) Annual fee $60

(aa) Providers, as defined in NRS 690C.070:
(1) Initial fee $1,300
(2) Annual fee $1,300

(bb) Escrow officers, as defined in NRS 692A.028:
(1) Initial fee $60
(2) Triennial fee $60

(cc) Title agents, as defined in NRS 692A.060:
(1) Initial fee $60
(2) Triennial fee $60

(dd) Captive insurers, as defined in NRS 694C.060:
(1) Initial fee $250
(2) Annual fee $250

(ee) Fraternal benefit societies, as defined in NRS 695A.010:
(1) Initial fee $1,300
(2) Annual fee $1,300

(ff) Insurance agents for societies, as provided for in NRS 695A.330:
(1) Initial fee $60
(2) Triennial fee $60

(gg) Corporations subject to the provisions of chapter 695B of NRS:
(1) Initial fee $1,300
(2) Annual fee $1,300

(hh) Health maintenance organizations, as defined in NRS 695C.030:
(1) Initial fee $1,300
(2) Annual fee $1,300

(ii) Organizations for dental care, as defined in NRS 695D.060:
(1) Initial fee $1,300
(2) Annual fee $1,300

(jj) Purchasing groups, as defined in NRS 695E.100:
(1) Initial fee $250
(2) Annual fee $250

(kk) Risk retention groups, as defined in NRS 695E.110:
(1) Initial fee..... $250

(2) Annual fee $250
(ll) Prepaid limited health service organizations, as defined in NRS 695F.050:
(1) Initial fee $1,300
(2) Annual fee $1,300
(mm) Medical discount plans, as defined in NRS 695H.050:
(1) Initial fee $1,300
(2) Annual fee $1,300
(nn) Club agents, as defined in NRS 696A.040:
(1) Initial fee $60
(2) Triennial fee $60
(oo) Motor clubs, as defined in NRS 696A.050:
(1) Initial fee $1,300
(2) Annual fee $1,300
(pp) Bail agents, as defined in NRS 697.040:
(1) Initial fee $60
(2) Triennial fee $60
(qq) Bail enforcement agents, as defined in NRS 697.055:
(1) Initial fee $60
(2) Triennial fee $60
(1) Initial fee $60
(2) Triennial fee $60
(rr) Bail solicitors, as defined in NRS 697.060:
(1) Initial fee $60
(2) Triennial fee $60
(ss) General agents, as defined in NRS 697.070:
(1) Initial fee $60
(2) Triennial fee $60

Sec. 3. NRS 683A.321 is hereby amended to read as follows:

683A.321 1. A producer of insurance shall not act as an agent unless he or she is appointed as an agent by the insurer. A producer who is not acting as an agent is a broker who does not need to be appointed.

2. To appoint a producer of insurance as its agent, an insurer must file, in a form approved by the Commissioner, a notice of appointment within 15 days after the contract is executed or the first application for insurance is submitted. An insurer may appoint a producer to act as agent for all or some insurers within its holding company or group by filing a single notice of appointment. A notice of appointment may include several agents.

3. Upon receipt of a notice of appointment, the Commissioner shall determine within 30 days whether the producer of insurance is eligible for appointment. If the producer of insurance is not, the Commissioner shall so notify the insurer within 5 days after the determination is made.

4. An insurer shall pay an appointment fee and remit an annual renewal fee for each producer of insurance appointed as its agent. A payment or remittance may include fees for several agents.

5. A broker shall not place insurance, other than life insurance, health insurance, annuity contracts or coverage written pursuant to the ~~[~~Surplus Lines~~]~~ ***Nonadmitted Insurance*** Law set forth in chapter 685A of NRS, that covers property or risks within this state unless the broker does so with a licensed agent of an authorized insurer.

6. A producer who is acting as an agent may also act as and be a broker with regard to insurers for which he or she is not acting as an agent. The sole relationship between an insurer and a broker who is appointed as an agent by the insurer as to any transactions arising during the period in which the broker is appointed as an agent is that of insurer and agent, and not insurer and broker.

7. As used in this section:

(a) "Agent" means a producer of insurance who is compensated by the insurer and sells, solicits or negotiates insurance for the insurer.

(b) "Broker" means a producer of insurance who:

(1) Is not an agent of an insurer;

(2) Solicits, negotiates or procures insurance on behalf of an insured or prospective insured; and

(3) Does not have the power, by his or her own actions as a broker, to obligate an insurer upon any risk or with reference to any transaction of insurance.

Sec. 4. Chapter 685A of NRS is hereby amended by adding thereto the provisions set forth as sections 5 to 17, inclusive, of this act.

Sec. 5. "***Broker" means a surplus lines broker duly licensed as such under this chapter.***

Sec. 6. ***1. "Exempt commercial purchaser" means any person or political subdivision of this State purchasing commercial insurance:***

(a) Who, at the time of placement, employs or retains a qualified risk manager to negotiate insurance coverage;

(b) Who, at the time of placement, has paid aggregate nationwide commercial property and casualty insurance premiums of more than $100,000 in the immediately preceding 12 months; and

(c) Who, at the time of placement, satisfies one of the following conditions:

(1) Possesses a net worth of more than $20,000,000;

(2) Generates annual revenues of more than $50,000,000;

(3) Employs more than 500 full-time or full-time equivalent employees or is a member of an affiliated group that employs more than 1,000 employees in the aggregate;

(4) Is a nonprofit organization or public entity that generates annual budgeted expenditures of $30,000,000 or more; or

(5) Is a city whose population is 25,000 or more or a county whose population is 20,000 or more.

2. The amounts set forth in subparagraphs (1), (2) and (4) of paragraph (c) of subsection 1 must be adjusted on or before January 1, 2015, and every 5 years thereafter to reflect inflation, as measured by the average percentage of increase or decrease in the Consumer Price Index for All Urban Consumers of the United States Department of Labor, Bureau of Labor Statistics for the preceding 5 years. The Commissioner shall determine the amount of the increase or decrease required by this subsection and establish the adjusted amounts to take effect on January 1 of that year.

Sec. 7. *"Export" means to place insurance in an unauthorized insurer under this chapter.*

Sec. 8. *"Home state" means:*

1. For an insured:

(a) The state in which the insured maintains its principal place of business or, in the case of an individual, the individual's principal residence; or

(b) If 100 percent of the insured risk is located outside of the state determined pursuant to paragraph (a), the state to which the greatest percentage of the insured's taxable premium for that insurance contract is allocated.

2. If more than one insured from an affiliated group is a named insured on a single nonadmitted insurance contract, the state determined pursuant to paragraph (a) of subsection 1 for the member of the affiliated group that has the largest percentage of premium attributed to it under the nonadmitted insurance contract.

3. For a policy of group insurance:

(a) If the group policyholder pays 100 percent of the premium from its own funds, the state determined pursuant to paragraph (a) of subsection 1 for the group policyholder.

(b) If the group policyholder does not pay 100 percent of the premium from its own funds, the state determined pursuant to paragraph (a) of subsection 1 for the group member.

Sec. 9. *"Independently procured insurance" means insurance procured directly by an insured from a nonadmitted insurer.*

Sec. 10. *"Multi-state risk" means a risk covered by a nonadmitted insurer to which the insured is exposed in more than one state.*

Sec. 11. *"Nonadmitted insurance" means any property and casualty insurance permitted to be placed directly or through a broker with a*

nonadmitted insurer eligible to accept such insurance. The term includes both independently procured insurance and surplus lines insurance.

Sec. 12. *"Nonadmitted insurer" means an insurer not authorized to engage in the business of insurance in this State. The term does not include a risk retention group as that term is defined in 15 U.S.C. § 3901(a)(4).*

Sec. 13. *"Principal place of business" means, for the purpose of determining the home state of the insured:*

1. The state where the insured maintains its headquarters and where the insured's high-level officers direct, control and coordinate its business activities;

2. If the insured's high-level officers direct, control and coordinate its business activities in more than one state, the state in which the greatest percentage of the insured's taxable premium for that insurance contract is allocated; or

3. If the insured's high-level officers direct, control and coordinate its business activities outside of any state, the state to which the greatest percentage of the insured's taxable premium for that insurance contract is allocated.

Sec. 14. *"Principal residence" means, for the purpose of determining the home state of the insured:*

1. The state where the insured resides for the greatest number of days during a calendar year; or

2. If the insured's principal residence is located outside of any state, the state to which the greatest percentage of the insured's taxable premium for that insurance contract is allocated.

Sec. 15. *"Surplus lines insurance" means insurance procured by an insured through a broker with a nonadmitted insurer eligible to accept such insurance.*

Sec. 16. *Except as otherwise provided in NRS 685A.020, this chapter applies to nonadmitted insurance.*

Sec. 17. *1. The Commissioner may, with the approval of the State Board of Examiners, on behalf of the State [,] enter into [the Nonadmitted Insurance Multi-State Agreement or any other] a multi-state agreement to preserve the ability of this State to collect premium tax on multi-state risks.*

2. If , within 18 months after the Commissioner enters into [an] a multi-state agreement pursuant to subsection 1, the Commissioner [shall:

(a) Adopt the agreement by regulation as soon as is practicable after entering into the agreement; and

(b) Submit] conducts a hearing pursuant to the provisions of chapter 233B of NRS concerning participation in the multi-state agreement, the Commissioner shall submit to the State Board of Examiners and to the

Director of the Legislative Counsel Bureau for transmittal to the Legislature a report ~~[stating that]~~ concerning the findings of the Commissioner ~~[has entered into such an agreement and including the contents of the agreement.]~~ pursuant to the hearing.

3. The State Board of Examiners shall review and may accept the findings of the Commissioner. If the Commissioner finds and the State Board of Examiners accepts that because of the effect of the multi-state agreement on the gross receipt of premiums collected in this State:

(a) It is in the best interest of the State to continue to participate in the multi-state agreement, the State Board of Examiners may approve the State's continued participation in the multi-state agreement.

(b) It is not in the best interest of the State to continue to participate in the multi-state agreement, the State Board of Examiners may approve the State's withdrawal from the multi-state agreement.

Sec. 18. *The Commissioner ~~[shall]~~ may adopt regulations as necessary ~~[:~~*

~~1. To effectuate the Nonadmitted Insurance Multi-State Agreement or any other multi-state agreement for the purposes of complying with federal law, facilitating the collection, allocation and disbursement of premium taxes attributable to the placement of nonadmitted insurance, providing for a uniform method of allocation and reporting among nonadmitted insurance risk classifications and sharing information among states relating to nonadmitted insurance premium taxes.~~

~~2. For participation in the clearinghouse established through the Nonadmitted Insurance Multi State Agreement or any other such multi state agreement for the purposes of collecting and disbursing to states any funds collected as the home state and applicable to properties, risks or exposures located or to be performed outside of this State. To the extent that a portion of the properties, risks or exposures are located or to be performed in a state that has failed to enter the Nonadmitted Insurance Multi-State Agreement or any other such multi state agreement, the net premium tax collected must be retained by this State.~~

~~3. For adoption of the allocation schedule established through the Nonadmitted Insurance Multi State Agreement or any other such multi state agreement for the purpose of allocating risk and computing the tax due on the portion of the premium attributable to each risk classification and to each state where properties, risks or exposures are located.~~

~~4. To]~~ to ensure compliance with federal law relating to nonadmitted insurance ~~[.~~

~~5. For the administration of and compliance with the Nonadmitted Insurance Multi-State Agreement or any other such multi-state agreement.]~~ ,

including, without limitation, the Nonadmitted and Reinsurance Reform Act, 15 U.S.C. §§ 8201, et seq.

Sec. 19. NRS 685A.010 is hereby amended to read as follows:

685A.010 This chapter constitutes and may be cited as the ~~[Surplus Lines]~~ ***Nonadmitted Insurance*** Law.

Sec. 20. NRS 685A.020 is hereby amended to read as follows:

685A.020 The ~~[Surplus Lines]~~ ***Nonadmitted Insurance*** Law shall not apply to reinsurance, or to the following insurances when placed by general lines agents or general lines brokers or surplus lines brokers licensed as such by this state ~~[:]~~ ***or when procured directly by an insured from a nonadmitted insurer:***

1. Wet marine and transportation insurance;

2. Insurance of subjects located, resident or to be performed wholly outside of this state, or on vehicles or aircraft owned and principally garaged outside this state;

3. Insurance of property and operations of railroads engaged in interstate commerce;

4. Insurance of aircraft of common carriers, or cargo of such aircraft, or against liability, other than employer's liability, arising out of the ownership, maintenance or use of such aircraft; or

5. Insurance of automobile bodily injury and property damage liability risks when written in Mexican insurers and covering in Mexico and not in the United States of America.

Sec. 21. NRS 685A.030 is hereby amended to read as follows:

685A.030 As used in this chapter ~~[:~~

~~1. Unless]~~ ***, unless*** the context otherwise requires, ~~[~~"broker" means a surplus lines broker duly licensed as such under this chapter.

~~2. To "export" means to place in an unauthorized insurer under this chapter insurance covering a subject of insurance resident, located or to be performed in Nevada.]~~ ***the words and terms defined in sections 5 to 15, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 22. NRS 685A.040 is hereby amended to read as follows:

685A.040 If ***this State is the insured's home state and*** certain insurance coverages cannot be procured from authorized insurers, such coverages, designated in this chapter as ~~["surplus lines,"]~~ ***nonadmitted insurance,*** may be procured from unauthorized insurers, subject to the following conditions:

1. The insurance must be procured through a ~~[surplus lines]~~ broker licensed as such under this chapter ~~[.]~~ ***or procured by an insured directly from a nonadmitted insurer as permitted by law.***

2. ~~[The]~~ ***Except as otherwise provided in subsection 5, the*** full amount of insurance required must not be procurable ~~[,]~~ ***from an insurer authorized***

to engage in the business of insurance in this State, after diligent effort has been made to do so.

3. The insurance must not be so exported for the purpose of procuring it at a premium rate lower than would be accepted by any authorized insurer; difference in rates alone will not support the export of the insurance if any authorized insurer is able and willing to carry the risk.

4. Differences, bearing directly upon the cost of insurance, in the terms of policies which otherwise provide substantially the same coverage will not support the export of the insurance.

5. A broker is not required to make a diligent effort to determine whether the full amount or type of insurance can be obtained from admitted insurers when the broker is seeking to procure or place nonadmitted insurance for an exempt commercial purchaser if:

(a) The broker procuring or placing the nonadmitted insurance has disclosed to the exempt commercial purchaser that such insurance may or may not be available from the admitted market that may provide greater protection with more regulatory oversight; and

(b) The exempt commercial purchaser has subsequently requested in writing for the broker to procure or place such insurance from a nonadmitted insurer.

Sec. 23. NRS 685A.050 is hereby amended to read as follows:

685A.050 1. At the time of effecting any surplus lines insurance ***for which this State is the home state,*** the broker shall ~~[execute an affidavit]~~ ***, within 90 days after such insurance is so effected, submit a report,*** in the form prescribed or accepted by the Commissioner, setting forth facts from which it can be determined whether such insurance is eligible for export under NRS 685A.040.

2. The broker shall ~~[file this affidavit]~~ ***keep in his or her office the report prepared pursuant to subsection 1 along*** with the report of coverage and any other information the Commissioner requires ***.*** ~~[within 90 days after the insurance is so effected, as required under regulations adopted pursuant to NRS 685A.210.]~~

3. The report prepared pursuant to subsection 1 must not be removed from the office of the broker and must be open to examination by the Commissioner or a representative of the Commissioner at all times within 5 years after issuance of the coverage to which it relates.

Sec. 24. NRS 685A.060 is hereby amended to read as follows:

685A.060 1. The Commissioner may by order declare eligible for export generally and without compliance with subsections 2, 3 and 4 of NRS 685A.040 and NRS 685A.050, any class or classes of insurance coverage or risk for which the Commissioner finds that there is not a reasonable or adequate market among authorized insurers either as to acceptance of the

risk, contract terms, or premium or premium rate. Any such order shall continue in effect during the existence of the conditions upon which predicated, but subject to earlier termination by the Commissioner.

2. ~~[The]~~ ***For surplus lines insurance, the*** broker shall file with or as directed by the Commissioner a memorandum as to each such coverage placed by the broker in an unauthorized insurer, in such form and context as the Commissioner may reasonably require for the identification of the coverage and determination of the tax payable to the State relative thereto.

3. The broker, or a licensed Nevada agent of the authorized insurer or a general lines broker, may also place with authorized insurers any insurance coverage made eligible for export generally under subsection 1, and without regard to rate or form filings which may otherwise be applicable to the authorized insurer. As to coverages so placed in an authorized insurer the premium tax thereon shall be reported and paid by the insurer as required generally under chapter 680B of NRS.

Sec. 25. NRS 685A.070 is hereby amended to read as follows:

685A.070 1. A broker shall not knowingly place surplus lines insurance with an insurer which is unsound financially or ineligible pursuant to this section.

2. ~~[Except]~~ ***With respect to nonadmitted insurance for insureds for which this State is the home state, except*** as otherwise provided in this section, an insurer is not eligible to accept surplus lines ***or independently procured*** risks pursuant to this chapter unless it has ***capital and*** surplus ~~[as to policyholders]~~ ***or its equivalent*** in an amount of not less than $15,000,000 ~~[and, if]~~ ***or the minimum capital and surplus requirements pursuant to NRS 680A.120, whichever is greater.***

3. The requirements of subsection 2 may be satisfied by an insurer possessing less than the minimum capital and surplus upon an affirmative finding of acceptability by the Commissioner. The finding must be based upon such factors as quality of management, capital and surplus of any parent company, company underwriting profit and investment income trends, market availability and company record and reputation within the industry. The Commissioner shall not make an affirmative finding of acceptability when the nonadmitted insurer's capital and surplus is less than $4,500,000.

4. A broker shall not place surplus lines insurance with an alien insurer, unless ***the alien insurer is listed on the Quarterly Listing of Alien Insurers maintained by the International Insurers Department of the National Association of Insurance Commissioners or, if the alien insurer is not listed on the Quarterly Listing of Alien Insurers,*** it has and maintains in a bank or trust company which is a member of the United States Federal Reserve System a trust fund established pursuant to terms that are reasonably

adequate to protect all of its policyholders in the United States. Such a trust fund must not have an expiration date which is at any time less than 5 years in the future, on a continuing basis. In the case of:

(a) A single alien insurer, such a trust fund must not be less than the greater of $5,400,000 or 30 percent of the gross liabilities of the alien insurer for surplus lines in the United States, excluding any liabilities for aviation, wet marine and transportation insurance, not to exceed $60,000,000, to be determined annually on the basis of accounting practices and procedures that are substantially equivalent to the accounting practices and procedures applicable in this State as of December 31 of the year immediately preceding the date of the determination where:

(1) The liabilities are maintained in an irrevocable trust account in a qualified financial institution in the United States, on behalf of policyholders in the United States, consisting of cash, securities, letters of credit or any other investments of substantially the same character and quality as investments that are eligible investments pursuant to chapter 682A of NRS for the capital and statutory reserves of admitted insurers to write like kinds of insurance in this State. The trust fund, which must be included in any calculation of capital and surplus or its equivalent, must comply with the requirements set forth in the Standard Trust Agreement required for listing with the International Insurers Department of the National Association of Insurance Commissioners;

(2) The alien insurer may request approval by the Commissioner to use the trust fund to pay any valid claim against a surplus line if the balance of the trust fund is not, during any period, less than $5,400,000 or 30 percent of the alien insurer's current gross liabilities for surplus lines in the United States, excluding any liabilities for aviation, wet marine and transportation insurance; and

(3) In calculating the amount of the trust fund required by this subsection, credit must be given for any deposits for any surplus lines that are separately required and maintained within a state or territory of the United States, not to exceed the amount of the alien insurer's loss and loss adjustment reserves maintained in that state or territory.

(b) A group of insurers which includes individual unincorporated insurers, such a trust fund must not be less than $100,000,000.

(c) A group of incorporated insurers under common administration, such a trust fund must not be less than $100,000,000. Each insurer within the group must individually maintain capital and surplus of not less than $25,000,000. The group of incorporated insurers must:

(1) Operate under the supervision of the Department of Trade and Industry of the United Kingdom;

(2) Possess aggregate policyholders surplus of $10,000,000,000, which must consist of money in trust in an amount not less than the assuming insurers' liabilities attributable to insurance written in the United States; and

(3) Maintain a joint trusteed surplus of which $100,000,000 must be held jointly for the benefit of United States ceding insurers of any member of the group.

~~[(d) An insurance exchange created by the laws of a state, the insurance exchange shall have and maintain a trust fund in an amount of not less than $75,000,000 or have a surplus as to policyholders in an amount of not less than $75,000,000. If an insurance exchange maintains money for the protection of all policyholders, each syndicate shall maintain minimum capital and surplus of not less than $15,000,000 and must qualify separately to be eligible for the acceptance of surplus lines risks pursuant to this chapter. ➥ The Commissioner may require larger trust funds or surplus as to policyholders than those set forth in this section if, in the judgment of the Commissioner, the volume of business being transacted or proposed to be transacted warrants larger amounts.~~

~~3. An insurer is not eligible to write surplus lines of insurance unless it has established a reputation for financial integrity and satisfactory practices in underwriting and handling claims. In addition, a]~~

5. ***A*** foreign insurer must be authorized in the state of its domicile to write the kinds of insurance which it intends to write in Nevada ~~[.~~

~~4. The Commissioner may from time to time compile or approve a list of all surplus lines insurers deemed by the Commissioner to be eligible currently, and may mail a copy of the list to each broker at his or her office last of record with the Commissioner. To be placed on the list, a surplus lines insurer must file an application with the Commissioner. The application must be accompanied by a nonrefundable fee of $2,450 and, in addition to any other fee or charge, all applicable fees required pursuant to NRS 680C.110. To remain on the list, a surplus lines insurer must pay, in addition to any other fee or charge, all applicable fees required pursuant to NRS 680C.110. This subsection does not require the Commissioner to determine the actual financial condition or claims practices of any unauthorized insurer. The status of eligibility, if granted by the Commissioner, indicates only that the insurer appears to be sound financially and to have satisfactory claims practices, and that the Commissioner has no credible evidence to the contrary. While any such list is in effect, the broker shall restrict to the insurers so listed all surplus lines business placed by the broker.]~~ ***and for which this State is the home state of the insured.***

Sec. 26. NRS 685A.090 is hereby amended to read as follows:

685A.090 Each insurance contract procured and delivered as a ~~[surplus lines]~~ ***nonadmitted*** coverage pursuant to this chapter must have conspicuously stamped upon it:

This insurance contract is issued pursuant to the Nevada insurance laws by an insurer neither licensed by nor under the supervision of the Division of Insurance of the Department of Business and Industry of the State of Nevada. If the insurer is found insolvent, a claim under this contract is not covered by the Nevada Insurance Guaranty Association Act.

Sec. 27. NRS 685A.100 is hereby amended to read as follows:

685A.100 Insurance contracts procured as ~~[surplus lines]~~ ***nonadmitted*** coverage from unauthorized insurers in accordance with this chapter shall be fully valid and enforceable as to all parties, and shall be given recognition in all matters and respects to the same effect as like contracts issued by authorized insurers.

Sec. 28. NRS 685A.110 is hereby amended to read as follows:

685A.110 1. As to a surplus lines risk which has been assumed by an unauthorized insurer pursuant to the ~~[Surplus Lines]~~ ***Nonadmitted Insurance*** Law, and if the premium thereon has been received by the surplus lines broker who placed such insurance, in all questions thereafter arising under the coverage between the insurer and the insured the insurer shall be deemed to have received the premium due to it for such coverage; and the insurer shall be liable to the insured for losses covered by such insurance, and for unearned premiums which may become payable to the insured upon cancellation of such insurance, whether or not in fact the broker is indebted to the insurer with respect to such insurance or for any other cause.

2. Each unauthorized insurer assuming a surplus lines risk under the ~~[Surplus Lines]~~ ***Nonadmitted Insurance*** Law shall be deemed thereby to have subjected itself to the terms of this section.

Sec. 29. NRS 685A.120 is hereby amended to read as follows:

685A.120 1. No person may act as, hold himself or herself out as or be a surplus lines broker with respect to subjects of insurance ~~[resident, located or to be performed in this State or elsewhere]~~ ***for which this State is the insured's home state*** unless the person is licensed as such by the Commissioner pursuant to this chapter.

2. Any person who has been licensed by this State as a producer of insurance for general lines for at least 6 months, or has been licensed in another state as a surplus lines broker and continues to be licensed in that state, and who is deemed by the Commissioner to be competent and trustworthy with respect to the handling of surplus lines may be licensed as a surplus lines broker upon:

(a) Application for a license and payment of all applicable fees for a license and a fee established by the Commissioner of not more than $15 for deposit in the Insurance Recovery Account created by NRS 679B.305;

(b) Submitting the statement required pursuant to NRS 685A.127; and

(c) Passing any examination prescribed by the Commissioner on the subject of surplus lines.

3. An application for a license must be submitted to the Commissioner on a form designated and furnished by the Commissioner. The application must include the social security number of the applicant.

4. A license issued pursuant to this chapter continues in force for 3 years unless it is suspended, revoked or otherwise terminated. The license may be renewed upon submission of the statement required pursuant to NRS 685A.127 and payment of all applicable fees for renewal and a fee established by the Commissioner of not more than $15 for deposit in the Insurance Recovery Account created by NRS 679B.305 to the Commissioner on or before the last day of the month in which the license is renewable.

5. A license which is not renewed expires at midnight on the last day specified for its renewal. The Commissioner may accept a request for renewal received by the Commissioner within 30 days after the expiration of the license if the request is accompanied by:

(a) The statement required pursuant to NRS 685A.127;

(b) All applicable fees for renewal;

(c) A penalty in an amount that is equal to 50 percent of all applicable fees for renewal, except for any fee required pursuant to NRS 680C.110; and

(d) A fee established by the Commissioner of not more than $15 for deposit in the Insurance Recovery Account created by NRS 679B.305.

Sec. 30. NRS 685A.140 is hereby amended to read as follows:

685A.140 1. In addition to other grounds therefor, the Commissioner may suspend or revoke any surplus lines broker's license:

(a) If the broker fails to file the ~~[annual]~~ ***quarterly*** statement or to remit the tax as required by NRS ~~[685A.170]~~ ***685A.175*** and 685A.180;

(b) If the broker fails to maintain an office in this state or in the state where the broker was issued a license as a resident broker, or to keep the records, or to allow the Commissioner to examine his or her records as required by this chapter, or if the broker removes his or her records from the state; or

(c) If ***this State is the insured's home state and*** the broker places a surplus lines coverage in an insurer other than as authorized under this chapter.

2. Upon suspending or revoking the broker's surplus lines license the Commissioner may also suspend or revoke all other licenses of or as to the same individual under this Code.

Sec. 31. NRS 685A.160 is hereby amended to read as follows:

685A.160 1. Each broker shall keep in his or her office a full and true record of each surplus lines coverage procured by the broker ~~[,]~~ ***for which this State is the insured's home state,*** including a copy of each daily report, if any, a copy of each certificate of insurance issued by the broker, and such of the following items as may be applicable:

(a) The amount of the insurance;

(b) The gross premium charged;

(c) The return premium paid, if any;

(d) The rate of premium charged upon the several items of property;

(e) The effective date of the contract, and the terms thereof;

(f) The name and address of each insurer on the direct risk and the proportion of the entire risk assumed by that insurer if less than the entire risk;

(g) The name and address of the insured;

(h) A brief general description of the property or risk insured and where located or to be performed; and

(i) Any other information as may be required by the Commissioner.

2. The record must not be removed from the office of the broker and must be open to examination by the Commissioner or a representative of the Commissioner at all times within 5 years after issuance of the coverage to which it relates.

Sec. 32. NRS 685A.175 is hereby amended to read as follows:

685A.175 ~~[Within 45 days after the end of each calendar quarter, a]~~

1. A broker who has written coverage ~~[which will require the broker to pay more than $1,000 in taxes for coverage written in that calendar quarter]~~ ***for which this State is the insured's home state*** shall pay ***, by the date described in subsection 2,*** the tax for ~~[the]~~ ***each calendar*** quarter ~~[to]~~ ***as directed by*** the Commissioner and shall file ~~[with]~~ ***as directed by*** the Commissioner ~~[, or with a nonprofit organization of brokers in accordance with regulations adopted by the Commissioner pursuant to NRS 685A.210,]~~ a copy of a quarterly report which includes an accounting of:

~~[1.]~~ ***(a)*** The aggregate gross premiums for the quarter;

~~[2.]~~ ***(b)*** The aggregate of the return premiums received;

~~[3.]~~ ***(c)*** The amount of tax remitted to the Commissioner; and

~~[4.]~~ ***(d)*** The ~~[amount of aggregate tax remitted to each other state for which an allocation is made pursuant to NRS 680B.030.]~~ ***distribution of the exposures of insureds by state in accordance with the requirements of*** ~~*[the Nonadmitted Insurance Multi-State Agreement or]*~~ ***any*** ~~*[other such]*~~ ***multi-state agreement*** ~~*[.]*~~ ***entered into by the Commissioner pursuant to section 17 of this act.***

➥ The report must be on a form approved by the Commissioner.

2. The tax filings and payments required by subsection 1 must be submitted by:

(a) February 15 for the calendar quarter ending the preceding December 31.

(b) May 15 for the calendar quarter ending the preceding March 31.

(c) August 15 for the calendar quarter ending the preceding June 30.

(d) November 15 for the calendar quarter ending the preceding September 30.

Sec. 33. NRS 685A.180 is hereby amended to read as follows:

685A.180 1. ~~[On]~~ ***Except as otherwise provided in subsection 6, on*** or before ~~[March 1 of each year,]~~ ***the date described in subsection 2 of NRS 685A.175 for each quarter,*** each broker shall pay ~~[to]~~ ***as directed by*** the Commissioner a tax on surplus lines coverages ***for which this State is the insured's home state*** written by the broker in unauthorized insurers during the preceding calendar ~~[year]~~ ***quarter*** at the same rate of tax as imposed by law on the premiums of similar coverages written by authorized insurers ~~[. If a broker has paid any taxes pursuant to NRS 685A.175, the broker shall deduct the total paid from the tax due and pay the remainder, if any.]~~ ***, in addition to any fees imposed pursuant to NRS 685A.075.***

2. ***Except as otherwise provided in subsection 6, on or before the date described in subsection 2 of NRS 685A.175 for each quarter, each insured for which this State is the home state shall pay as directed by the Commissioner a tax on independently procured insurance written for the insured by an unauthorized insurer during the preceding calendar quarter at the same rate of tax as imposed by law on the premiums of similar coverages written by authorized insurers, in addition to any fees imposed pursuant to NRS 685A.075.***

3. For the purposes of this section, the "premium" on surplus lines coverages includes:

(a) The gross amount charged by the insurer for the insurance, less any return premium;

(b) Any fee allowed by NRS 685A.155;

(c) Any policy fee;

(d) Any membership fee;

(e) Any inspection fee; and

(f) Any other fees or assessments charged by the insurer as consideration for the insurance.

➥ Premium does not include any additional amount charged for state or federal tax, or for ~~[filing]~~ ***executing or completing*** affidavits or reports of coverage.

~~[3. If a contract for surplus lines insurance covers risks or exposures only partially in this State, the tax so payable must be computed on that portion of~~

~~the premium properly allocable to the risks or exposures located in this State. The Commissioner may adopt regulations which establish standards for allocating premiums for risks located in this State in the same manner as premiums are allocated pursuant to NRS 680B.030.~~**]**

4. **[**~~The Commissioner shall promptly deposit all~~**]** ***All*** taxes collected ***as directed*** by the Commissioner pursuant to this section ***and not intended for disbursement to other states by*** ~~*[the]*~~ ***a clearinghouse established through*** ~~*[the Nonadmitted Insurance Multi-State Agreement or in accordance with]*~~ ***any*** ~~*[other such]*~~ ***multi-state agreement entered into by the Commissioner pursuant to section 17 of this act must be promptly deposited*** with the State Treasurer, to the credit of the State General Fund.

5. A broker who receives a credit for tax paid shall refund to each insured the amount of the credit attributable to the insured when the insurer pays a return premium or within 30 days, whichever is earlier.

6. If the Commissioner has entered into ~~*[the Nonadmitted Insurance Multi-State Agreement or any other such]*~~ ***a multi-state agreement*** ~~*[,]*~~ ***pursuant to section 17 of this act, the Commissioner may require that each broker who has written surplus line coverages for multi-state risks for which this State is the insured's home state and each insured for which this State is the home state who has obtained independently procured insurance for multi-state risks pay a premium tax:***

(a) For the portion of the premium allocated to Nevada, at the tax rate applicable to nonadmitted insurance pursuant to this chapter;

(b) For the portion of the premium allocated to any other state that also participates in the ~~*[Nonadmitted Insurance Multi-State Agreement or any other such]*~~ ***multi-state agreement, at the tax rate applicable to nonadmitted insurance as established by that state; and***

(c) For the portion of the premium allocated to any other state that does not participate in the ~~*[Nonadmitted Insurance Multi-State Agreement or any other such]*~~ ***multi-state agreement, at the tax rate applicable to nonadmitted insurance pursuant to this chapter. The tax for this portion of the premium must be deposited with the State Treasurer, to the credit of the State General Fund, after it is processed by the clearinghouse established through the*** ~~*[Nonadmitted Insurance Multi-State Agreement or other similar]*~~ ***multi-state agreement.***

Sec. 34. NRS 685A.190 is hereby amended to read as follows:

685A.190 1. A broker who fails to make and file the **[**~~annual~~**]** ***quarterly*** statement required pursuant to NRS **[**~~685A.170 before April 1 after the due date of the statement,~~**]** ***685A.175*** is liable for a penalty of $500.

2. Except as otherwise provided in this subsection, a broker who fails to pay the tax required by NRS 685A.180 **[**~~before April 1 after the date upon which the tax is due~~**]** is liable:

(a) If the aggregate amount of the tax owed by the broker is more than $50, for a penalty in the first year of delinquency in the amount of $1,000 or 125 percent of the delinquent tax, whichever is larger; or

(b) If the aggregate amount of the tax owed by the broker is $50 or less, for a penalty in the first year of delinquency in an amount equal to the amount of the delinquent tax.

3. Interest must be charged on all penalties imposed pursuant to subsection 2 in an amount equal to the prime rate at the largest bank in the State of Nevada, as ascertained by the Commissioner of Financial Institutions on January 1 of the year in which the tax became due, plus 2 percent. The rate must be adjusted on July 1 and January 1 thereafter. The interest charged must be compounded monthly and must continue to accrue until the penalty and interest are paid in full.

4. The tax may be collected by distraint, or the tax and penalty may be recovered by an action instituted by the Commissioner, in the name of the State, the Attorney General representing the Commissioner, in any court of competent jurisdiction. The penalty, when so collected, must be paid to the State Treasurer for credit to the State General Fund.

5. No proceeding to recover taxes, penalties or fines pursuant to this section may be maintained unless it is commenced by the giving of notice to the person against whom the proceeding is brought within 5 years after the occurrence of the charged act or omission. This limitation does not apply if the Commissioner finds fraudulent or willful evasion of taxes.

Sec. 35. NRS 685A.200 is hereby amended to read as follows:

685A.200 1. An unauthorized insurer effecting insurance under the provisions of the ~~[Surplus Lines]~~ ***Nonadmitted Insurance*** Law shall be deemed to be transacting insurance in this state as an unlicensed insurer and may be sued in a district court of this state upon any cause of action arising against it in this state under any insurance contract entered into by it under this chapter.

2. Service of legal process against the insurer may be made in any such action by service of two copies thereof upon the Commissioner or an authorized representative of the Commissioner and payment of the fee specified in NRS 680B.010. The Commissioner or an authorized representative of the Commissioner shall forthwith mail a copy of the process served to the person designated by the insurer in the policy for the purpose by prepaid registered or certified mail with return receipt requested. If no such person is so designated in the policy, the Commissioner or an authorized representative of the Commissioner shall in like manner mail a copy of the process to the broker through whom the insurance was procured, or to the insurer at its principal place of business, addressed to the address of the broker or insurer, as the case may be, last of record with the Commissioner.

Upon service of process upon the Commissioner or an authorized representative of the Commissioner and its mailing in accordance with this subsection, the court shall be deemed to have jurisdiction in personam of the insurer.

3. The defendant insurer has 40 days from the date of service of the summons and complaint upon the Commissioner or an authorized representative of the Commissioner within which to plead, answer or defend any such suit.

4. An unauthorized insurer entering into such an insurance contract shall be deemed thereby to have authorized service of process against it in the manner and to the effect provided in this section. Any such contract, if issued, must contain a provision stating the substance of this section and designating the person to whom the Commissioner or an authorized representative of the Commissioner shall mail process as provided in subsection 2.

5. For the purposes of this section, "process" includes only a summons or the initial documents served in an action. The Commissioner or an authorized representative of the Commissioner is not required to serve any documents after the initial service of process.

Sec. 36. NRS 685A.170 is hereby repealed.

Sec. 37. This act becomes effective upon passage and approval.

TEXT OF REPEALED SECTION

685A.170 Annual statement of broker.

1. Each broker shall on or before March 1 of each year file with the Commissioner a statement verified by the broker of all surplus lines insurance transacted by the broker during the preceding calendar year. A statement must be filed whether or not the broker has transacted any business during the preceding year.

2. The statement must be on forms as prescribed and furnished by the Commissioner, and must contain such information as the Commissioner may reasonably require.

3. If a broker has filed any reports pursuant to NRS 685A.175, the annual statement must include any necessary reconciliation of the quarterly reports.

Assemblyman Atkinson moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Senate Bill No. 267.

Bill read third time.

The following amendment was proposed by Assemblywoman Kirkpatrick:

Amendment No. 858.

AN ACT relating to personal information; **authorizing the Office of Information Security of the Department of Information Technology to adopt certain regulations relating to encryption;** revising provisions governing the protection of personal information collected by a data collector; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prohibits a data collector from moving any data storage device containing personal information beyond the control of the data collector or its data storage contractor unless the data collector uses encryption to ensure the security of the information. (NRS 603A.215) **Section 5.5 of this bill authorizes the Office of Information Security of the Department of Information Technology, upon receipt of a well-founded petition, to adopt regulations which identify alternative methods or technologies which may be used by a data collector to encrypt certain data. Section 6** of this bill additionally prohibits a data collector from moving a data storage device which is used by or is a component of a multifunctional device beyond the control of the data collector, its data storage contractor or a person who assumes the obligation of the data collector to protect personal information unless the data collector uses encryption to ensure the security of the information.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. (Deleted by amendment.)

Sec. 2. (Deleted by amendment.)

Sec. 3. (Deleted by amendment.)

Sec. 4. (Deleted by amendment.)

Sec. 5. (Deleted by amendment.)

Sec. 5.5. **Chapter 603A of NRS is hereby amended by adding thereto a new section to read as follows:**

Upon receipt of a well-founded petition, the Office of Information Security of the Department of Information Technology may, pursuant to chapter 233B of NRS, adopt regulations which identify alternative methods or technologies which may be used to encrypt data pursuant to NRS 603A.215.

Sec. 6. NRS 603A.215 is hereby amended to read as follows:

603A.215 1. If a data collector doing business in this State accepts a payment card in connection with a sale of goods or services, the data collector shall comply with the current version of the Payment Card Industry (PCI) Data Security Standard, as adopted by the PCI Security Standards Council or its successor organization, with respect to those transactions, not later than the date for compliance set forth in the Payment Card Industry

(PCI) Data Security Standard or by the PCI Security Standards Council or its successor organization.

2. A data collector doing business in this State to whom subsection 1 does not apply shall not:

(a) Transfer any personal information through an electronic, nonvoice transmission other than a facsimile to a person outside of the secure system of the data collector unless the data collector uses encryption to ensure the security of electronic transmission; or

(b) Move any data storage device containing personal information beyond the logical or physical controls of the data collector ***,*** ~~[or]~~ its data storage contractor ***or, if the data storage device is used by or is a component of a multifunctional device, a person who assumes the obligation of the data collector to protect personal information,*** unless the data collector uses encryption to ensure the security of the information.

3. A data collector shall not be liable for damages for a breach of the security of the system data if:

(a) The data collector is in compliance with this section; and

(b) The breach is not caused by the gross negligence or intentional misconduct of the data collector, its officers, employees or agents.

4. The requirements of this section do not apply to:

(a) A telecommunication provider acting solely in the role of conveying the communications of other persons, regardless of the mode of conveyance used, including, without limitation:

(1) Optical, wire line and wireless facilities;

(2) Analog transmission; and

(3) Digital subscriber line transmission, voice over Internet protocol and other digital transmission technology.

(b) Data transmission over a secure, private communication channel for:

(1) Approval or processing of negotiable instruments, electronic fund transfers or similar payment methods; or

(2) Issuance of reports regarding account closures due to fraud, substantial overdrafts, abuse of automatic teller machines or related information regarding a customer.

5. As used in this section:

(a) "Data storage device" means any device that stores information or data from any electronic or optical medium, including, but not limited to, computers, cellular telephones, magnetic tape, electronic computer drives and optical computer drives, and the medium itself.

(b) "Encryption" means the protection of data in electronic or optical form, in storage or in transit, using:

(1) An encryption technology that has been adopted by an established standards setting body, including, but not limited to, the Federal Information

Processing Standards issued by the National Institute of Standards and Technology, which renders such data indecipherable in the absence of associated cryptographic keys necessary to enable decryption of such data; ~~[and]~~

(2) Appropriate management and safeguards of cryptographic keys to protect the integrity of the encryption using guidelines promulgated by an established standards setting body, including, but not limited to, the National Institute of Standards and Technology ~~[.]~~ ***; and***

(3) Any other technology or method identified by the Office of Information Security of the Department of Information Technology in regulations adopted pursuant to section 5.5 of this act.

(c) "Facsimile" means an electronic transmission between two dedicated fax machines using Group 3 or Group 4 digital formats that conform to the International Telecommunications Union T.4 or T.38 standards or computer modems that conform to the International Telecommunications Union T.31 or T.32 standards. The term does not include onward transmission to a third device after protocol conversion, including, but not limited to, any data storage device.

(d) ***"Multifunctional device" means a machine that incorporates the functionality of devices, which may include, without limitation, a printer, copier, scanner, facsimile machine or electronic mail terminal, to provide for the centralized management, distribution or production of documents.***

(e) **"**Payment card" has the meaning ascribed to it in NRS 205.602.

~~[(e)]~~ ***(f)*** **"**Telecommunication provider" has the meaning ascribed to it in NRS 704.027.

Assemblywoman Kirkpatrick moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, reengrossed, and to third reading.

Senate Bill No. 98.

Bill read third time.

The following amendment was proposed by Assemblywoman Kirkpatrick:

Amendment No. 857.

AN ACT relating to local governments; revising provisions relating to mediation during the process of collective bargaining; revising provisions relating to certain reports on final agreements between local government employers and employee organizations; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1.3 of this bill revises provisions relating to mediation between local governments and employee organizations during collective bargaining. **Sections 1, 1.7, 3 and 4** of this bill require that the reports made by the chief

executive officer of a local government or the superintendent of a school district to the local government or to the board of trustees of the school district, respectively, concerning the fiscal impact of a collective bargaining agreement between the local government and an employee organization include information relating to the estimated total cost of the agreement and the difference in that cost and the total cost of the immediately preceding agreement.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 288.153 is hereby amended to read as follows:

288.153 Any new, extended or modified collective bargaining agreement or similar agreement between a local government employer and an employee organization must be approved by the governing body of the local government employer at a public hearing. The chief executive officer of the local government shall report to the local government the fiscal impact of the agreement. ***The report must include, without limitation:***

1. The estimated total cost of the agreement, including, without limitation, the estimated total cost of the employees' portion of contributions to the Public Employees' Retirement System that the local government employer will pay on behalf of the employees during the period of the agreement in lieu of equivalent base salary increases or cost-of-living increases, or both, in the employees' salaries; and

2. The difference between the estimated total cost of the agreement and the total cost of the immediately preceding agreement between the parties.

Sec. 1.3. NRS 288.190 is hereby amended to read as follows:

288.190 Except ~~[in cases to which]~~ ***as otherwise provided in*** NRS 288.205 ***:*** ~~[and 288.215 apply:]~~

1. ~~[Anytime before March 1, the dispute may be submitted to a mediator, if both parties agree. Anytime after March 1,]~~ ***If the parties to a negotiation have failed to reach an agreement after at least four meetings of negotiation,*** either party involved ~~[in negotiations]~~ may request a mediator. If the parties do not agree upon a mediator, ~~[the Commissioner shall submit to the parties a list of seven potential mediators.]~~ ***either party may request from the American Arbitration Association or the Federal Mediation and Conciliation Service a list of seven potential mediators. If the parties are unable to agree upon which mediation service should be used, the Federal Mediation and Conciliation Service must be used.*** The parties shall select their mediator from the list by alternately striking one name until the name of only one mediator remains, who will be the mediator to hear the dispute. The employee organization shall strike the first name.

2. If mediation is ~~[agreed to or]~~ requested pursuant to subsection 1, the mediator must be selected at the time the parties agree upon a mediator or, if the parties do not agree upon a mediator, within 5 days after the parties receive the list of potential mediators**.** ~~[from the Commissioner.]~~

3. The mediator shall bring the parties together as soon as possible and, unless otherwise agreed upon by the parties, attempt to settle the dispute within 30 days after being notified of the mediator's selection as mediator. The mediator may establish the times and dates for meetings and compel the parties to attend but has no power to compel the parties to agree.

4. ~~[The]~~ ***If the parties do not use a mediator provided by the Federal Mediation and Conciliation Service, the*** local government employer and employee organization each shall pay one-half of the cost of mediation. Each party shall pay its own costs of preparation and presentation of its case in mediation.

5. If the dispute is submitted to a mediator and then submitted to a fact finder, the mediator shall, within 15 days after the last meeting between the parties, give to the Commissioner of the Board a report of the efforts made to settle the dispute.

Sec. 1.7. NRS 288.200 is hereby amended to read as follows:

288.200 Except in cases to which NRS 288.205 and 288.215, or NRS 288.217 apply:

1. If:

(a) The parties have failed to reach an agreement after at least six ~~*[four]*~~ meetings of negotiations; and

(b) The parties have participated in mediation and by April 1, have not reached agreement,

➥ either party to the dispute, at any time after April 1, may submit the dispute to an impartial fact finder for the findings and recommendations of the fact finder. The findings and recommendations of the fact finder are not binding on the parties except as provided in subsections 5, 6 and 11. The mediator of a dispute may also be chosen by the parties to serve as the fact finder.

2. If the parties are unable to agree on an impartial fact finder or a panel of neutral arbitrators within 5 days, either party may request from the American Arbitration Association or the Federal Mediation and Conciliation Service a list of seven potential fact finders. If the parties are unable to agree upon which arbitration service should be used, the Federal Mediation and Conciliation Service must be used. Within 5 days after receiving a list from the applicable arbitration service, the parties shall select their fact finder from this list by alternately striking one name until the name of only one fact finder remains, who will be the fact finder to hear the dispute in question. The employee organization shall strike the first name.

3. The local government employer and employee organization each shall pay one-half of the cost of fact-finding. Each party shall pay its own costs of preparation and presentation of its case in fact-finding.

4. A schedule of dates and times for the hearing must be established within 10 days after the selection of the fact finder pursuant to subsection 2, and the fact finder shall report the findings and recommendations of the fact finder to the parties to the dispute within 30 days after the conclusion of the fact-finding hearing.

5. The parties to the dispute may agree, before the submission of the dispute to fact-finding, to make the findings and recommendations on all or any specified issues final and binding on the parties.

6. If the parties do not agree on whether to make the findings and recommendations of the fact finder final and binding, either party may request the formation of a panel to determine whether the findings and recommendations of a fact finder on all or any specified issues in a particular dispute which are within the scope of subsection 11 are to be final and binding. The determination must be made upon the concurrence of at least two members of the panel and not later than the date which is 30 days after the date on which the matter is submitted to the panel, unless that date is extended by the Commissioner of the Board. Each panel shall, when making its determination, consider whether the parties have bargained in good faith and whether it believes the parties can resolve any remaining issues. Any panel may also consider the actions taken by the parties in response to any previous fact-finding between these parties, the best interests of the State and all its citizens, the potential fiscal effect both within and outside the political subdivision, and any danger to the safety of the people of the State or a political subdivision.

7. Except as otherwise provided in subsection 10, any fact finder, whether the fact finder's recommendations are to be binding or not, shall base such recommendations or award on the following criteria:

(a) A preliminary determination must be made as to the financial ability of the local government employer based on all existing available revenues as established by the local government employer and within the limitations set forth in NRS 354.6241, with due regard for the obligation of the local government employer to provide facilities and services guaranteeing the health, welfare and safety of the people residing within the political subdivision.

(b) Once the fact finder has determined in accordance with paragraph (a) that there is a current financial ability to grant monetary benefits, and subject to the provisions of paragraph (c), the fact finder shall consider, to the extent appropriate, compensation of other government employees, both in and out of the State and use normal criteria for interest disputes regarding the terms

and provisions to be included in an agreement in assessing the reasonableness of the position of each party as to each issue in dispute and the fact finder shall consider whether the Board found that either party had bargained in bad faith.

(c) A consideration of funding for the current year being negotiated. If the parties mutually agree to arbitrate a multiyear contract, the fact finder must consider the ability to pay over the life of the contract being negotiated or arbitrated.

➥ The fact finder's report must contain the facts upon which the fact finder based the fact finder's determination of financial ability to grant monetary benefits and the fact finder's recommendations or award.

8. Within 45 days after the receipt of the report from the fact finder, the governing body of the local government employer shall hold a public meeting in accordance with the provisions of chapter 241 of NRS. The meeting must include a discussion of:

(a) The issues of the parties submitted pursuant to subsection 3;

(b) The report of findings and recommendations of the fact finder; and

(c) The overall fiscal impact of the findings and recommendations, which must not include a discussion of the details of the report.

➥ The fact finder must not be asked to discuss the decision during the meeting.

9. The chief executive officer of the local government shall report to the local government the fiscal impact of the findings and recommendations. The report must include, without limitation ~~[, an]~~ ***:***

(a) An analysis of the impact of the findings and recommendations on compensation and reimbursement, funding, benefits, hours, working conditions or other terms and conditions of employment ~~[.]~~ ***; and***

(b) If any of the findings or recommendations of the fact finder are to be binding:

(1) The estimated total cost of any contract resulting from the findings or recommendations which are to be binding, including, without limitation, the estimated total cost of the employees' portion of contributions to the Public Employees' Retirement System that the local government employer will pay on behalf of the employees during the period of the contract in lieu of equivalent base salary increases of cost-of-living increases, or both, in the employees' salaries; and

(2) The difference between the estimated total cost of the contract and the total cost of the immediately preceding contract between the parties.

10. Any sum of money which is maintained in a fund whose balance is required by law to be:

(a) Used only for a specific purpose other than the payment of compensation to the bargaining unit affected; or

(b) Carried forward to the succeeding fiscal year in any designated amount, to the extent of that amount,

➥ must not be counted in determining the financial ability of a local government employer and must not be used to pay any monetary benefits recommended or awarded by the fact finder.

11. The issues which may be included in a panel's order pursuant to subsection 6 are:

(a) Those enumerated in subsection 2 of NRS 288.150 as the subjects of mandatory bargaining, unless precluded for that year by an existing collective bargaining agreement between the parties; and

(b) Those which an existing collective bargaining agreement between the parties makes subject to negotiation in that year.

➥ This subsection does not preclude the voluntary submission of other issues by the parties pursuant to subsection 5.

Sec. 2. (Deleted by amendment.)

Sec. 3. NRS 288.215 is hereby amended to read as follows:

288.215 1. As used in this section:

(a) "Firefighters" means those persons who are salaried employees of a fire prevention or suppression unit organized by a political subdivision of the State and whose principal duties are controlling and extinguishing fires.

(b) "Police officers" means those persons who are salaried employees of a police department or other law enforcement agency organized by a political subdivision of the State and whose principal duties are to enforce the law.

2. The provisions of this section apply only to firefighters and police officers and their local government employers.

3. If the parties have not agreed to make the findings and recommendations of the fact finder final and binding upon all issues, and do not otherwise resolve their dispute, they shall, within 10 days after the fact finder's report is submitted, submit the issues remaining in dispute to an arbitrator who must be selected in the manner provided in NRS 288.200 and have the same powers provided for fact finders in NRS 288.210.

4. The arbitrator shall, within 10 days after the arbitrator is selected, and after 7 days' written notice is given to the parties, hold a hearing to receive information concerning the dispute. The hearings must be held in the county in which the local government employer is located and the arbitrator shall arrange for a full and complete record of the hearings.

5. At the hearing, or at any subsequent time to which the hearing may be adjourned, information may be presented by:

(a) The parties to the dispute; or

(b) Any interested person.

6. The parties to the dispute shall each pay one-half of the costs incurred by the arbitrator.

7. A determination of the financial ability of a local government employer must be based on:

(a) All existing available revenues as established by the local government employer and within the limitations set forth in NRS 354.6241, with due regard for the obligation of the local government employer to provide facilities and services guaranteeing the health, welfare and safety of the people residing within the political subdivision.

(b) Consideration of funding for the current year being negotiated. If the parties mutually agree to arbitrate a multi-year contract the arbitrator must consider the ability to pay over the life of the contract being negotiated or arbitrated.

➥ Once the arbitrator has determined in accordance with this subsection that there is a current financial ability to grant monetary benefits, the arbitrator shall consider, to the extent appropriate, compensation of other governmental employees, both in and out of this State.

8. At the recommendation of the arbitrator, the parties may, before the submission of a final offer, enter into negotiations. If the negotiations are begun, the arbitrator may adjourn the hearings for a period of 3 weeks. An agreement by the parties is final and binding, and upon notification to the arbitrator, the arbitration terminates.

9. If the parties do not enter into negotiations or do not agree within 30 days, each of the parties shall submit a single written statement containing its final offer for each of the unresolved issues.

10. The arbitrator shall, within 10 days after the final offers are submitted, accept one of the written statements, on the basis of the criteria provided in NRS 288.200, and shall report the decision to the parties. The decision of the arbitrator is final and binding on the parties. Any award of the arbitrator is retroactive to the expiration date of the last contract.

11. The decision of the arbitrator must include a statement:

(a) Giving the arbitrator's ~~[reason]~~ ***reasons*** for accepting the final offer that is the basis of the arbitrator's award; and

(b) Specifying the arbitrator's estimate of the total cost of the award.

12. Within 45 days after the receipt of the decision from the arbitrator pursuant to subsection 10, the governing body of the local government employer shall hold a public meeting in accordance with the provisions of chapter 241 of NRS. The meeting must include a discussion of:

(a) The issues submitted pursuant to subsection 3;

(b) The statement of the arbitrator pursuant to subsection 11; and

(c) The overall fiscal impact of the decision, which must not include a discussion of the details of the decision.

➥ The arbitrator must not be asked to discuss the decision during the meeting.

13. The chief executive officer of the local government shall report to the local government the fiscal impact of the decision. The report must include, without limitation ~~[, an]~~ ***:***

(a) An analysis of the impact of the decision on compensation and reimbursement, funding, benefits, hours, working conditions or other terms and conditions of employment~~[.]~~ ***;***

(b) The estimated total cost of any contract resulting from the decision, including, without limitation, the estimated total cost of the employees' portion of contributions to the Public Employees' Retirement System that the local government employer will pay on behalf of firefighters or police officers, as applicable, during the period of the contract in lieu of equivalent base salary increases or cost-of-living increases, or both, in the employees' salaries; and

(c) The difference between the estimated total cost of the contract and the total cost of the immediately preceding contract between the parties.

Sec. 4. NRS 288.217 is hereby amended to read as follows:

288.217 1. The provisions of this section govern negotiations between school districts and employee organizations representing teachers and educational support personnel.

2. If the parties to a negotiation pursuant to this section have failed to reach an agreement after at least four sessions of negotiation, either party may declare the negotiations to be at an impasse and, after 5 days' written notice is given to the other party, submit the issues remaining in dispute to an arbitrator. The arbitrator must be selected in the manner provided in subsection 2 of NRS 288.200 and has the powers provided for fact finders in NRS 288.210.

3. The arbitrator shall, within 30 days after the arbitrator is selected, and after 7 days' written notice is given to the parties, hold a hearing to receive information concerning the dispute. The hearing must be held in the county in which the school district is located and the arbitrator shall arrange for a full and complete record of the hearing.

4. The parties to the dispute shall each pay one-half of the costs of the arbitration.

5. A determination of the financial ability of a school district must be based on:

(a) All existing available revenues as established by the school district and within the limitations set forth in NRS 354.6241, with due regard for the obligation of the school district to provide an education to the children residing within the district.

(b) Consideration of funding for the current year being negotiated. If the parties mutually agree to arbitrate a multi-year contract the arbitrator must

consider the ability to pay over the life of the contract being negotiated or arbitrated.

➥ Once the arbitrator has determined in accordance with this subsection that there is a current financial ability to grant monetary benefits, the arbitrator shall consider, to the extent appropriate, compensation of other governmental employees, both in and out of this State.

6. At the recommendation of the arbitrator, the parties may, before the submission of a final offer, enter into negotiations. If the negotiations are begun, the arbitrator may adjourn the hearing for a period of 3 weeks. If an agreement is reached, it must be submitted to the arbitrator, who shall certify it as final and binding.

7. If the parties do not enter into negotiations or do not agree within 30 days after the hearing held pursuant to subsection 3, each of the parties shall submit a single written statement containing its final offer for each of the unresolved issues.

8. The arbitrator shall, within 10 days after the final offers are submitted, render a decision on the basis of the criteria set forth in NRS 288.200. The arbitrator shall accept one of the written statements and shall report the decision to the parties. The decision of the arbitrator is final and binding on the parties. Any award of the arbitrator is retroactive to the expiration date of the last contract between the parties.

9. The decision of the arbitrator must include a statement:

(a) Giving the arbitrator's ~~[reason]~~ ***reasons*** for accepting the final offer that is the basis of the arbitrator's award; and

(b) Specifying the arbitrator's estimate of the total cost of the award.

10. Within 45 days after the receipt of the decision from the arbitrator, the board of trustees of the school district shall hold a public meeting in accordance with the provisions of chapter 241 of NRS. The meeting must include a discussion of:

(a) The issues submitted pursuant to subsection 2;

(b) The statement of the arbitrator pursuant to subsection 9; and

(c) The overall fiscal impact of the decision which must not include a discussion of the details of the decision.

➥ The arbitrator must not be asked to discuss the decision during the meeting.

11. The superintendent of the school district shall report to the board of trustees the fiscal impact of the decision. The report must include, without limitation ~~[, an]~~ ***:***

(a) An analysis of the impact of the decision on compensation and reimbursement, funding, benefits, hours, working conditions or other terms and conditions of employment ~~[.]~~ ***;***

(b) The estimated total cost of any contract resulting from the decision, including, without limitation, the estimated total cost of the employees' portion of contributions to the Public Employees' Retirement System that the school district will pay on behalf of teachers and educational support personnel during the period of the contract in lieu of equivalent base salary increases or cost-of-living increases, or both, in the salaries of the teachers and educational support personnel; and

(c) The difference between the estimated total cost of the contract and the total cost of the immediately preceding contract between the parties.

12. As used in this section:

(a) "Educational support personnel" means all classified employees of a school district, other than teachers, who are represented by an employee organization.

(b) "Teacher" means an employee of a school district who is licensed to teach in this State and who is represented by an employee organization.

Sec. 5. This act becomes effective on July 1, 2011.

Assemblywoman Kirkpatrick moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, reengrossed, and to third reading.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 545.

The following Senate amendment was read:

Amendment No. 750.

Section 42 of Assembly Bill No. 545 is hereby amended as follows:

Sec. 42. NRS 248.100 is hereby amended to read as follows:

248.100 1. The sheriff shall:

(a) Except in a county whose population is ~~[~~400,000~~]~~ ~~*[100,000]*~~ ***700,000*** or more, attend in person, or by deputy, all sessions of the district court in his or her county.

(b) Obey all the lawful orders and directions of the district court in his or her county.

(c) Except as otherwise provided in subsection 2, execute the process, writs or warrants of courts of justice, judicial officers and coroners, when delivered to the sheriff for that purpose.

2. The sheriff may authorize the constable of the appropriate township to receive and execute the process, writs or warrants of courts of justice, judicial officers and coroners.

Section 43 of Assembly Bill No. 545 is hereby amended as follows:

Sec. 43. NRS 252.070 is hereby amended to read as follows:

252.070 1. All district attorneys may appoint deputies, who are authorized to transact all official business relating to those duties of the office set forth in NRS 252.080 and 252.090 to the same extent as their principals and perform such other duties as the district attorney may from time to time direct. The appointment of a deputy district attorney must not be construed to confer upon that deputy policymaking authority for the office of the district attorney or the county by which the deputy district attorney is employed.

2. District attorneys are responsible on their official bonds for all official malfeasance or nonfeasance of the deputies. Bonds for the faithful performance of their official duties may be required of deputies by district attorneys.

3. All appointments of deputies under the provisions of this section must be in writing and must, together with the oath of office of the deputies, be recorded in the office of the recorder of the county within which the district attorney legally holds and exercises his or her office. Revocations of those appointments must also be recorded as provided in this section. From the time of the recording of the appointments or revocations therein, persons shall be deemed to have notice of the appointments or revocations.

4. Deputy district attorneys of counties whose population is less than 100,000 may engage in the private practice of law. In any other county, except as otherwise provided in NRS 7.065 and this subsection, deputy district attorneys shall not engage in the private practice of law. An attorney appointed to prosecute a person for a limited duration with limited jurisdiction may engage in private practice which does not present a conflict with his or her appointment.

5. Any district attorney may, subject to the approval of the board of county commissioners, appoint such clerical, investigational and operational staff as the execution of duties and the operation of his or her office may require. The compensation of any person so appointed must be fixed by the board of county commissioners.

6. In a county whose population is ~~[~~400,000~~]~~ *[100,000]* ***700,000*** or more, deputies are governed by the merit personnel system of the county.

Section 46 of Assembly Bill No. 545 is hereby amended as follows:

Sec. 46. NRS 260.040 is hereby amended to read as follows:

260.040 1. The compensation of the public defender must be fixed by the board of county commissioners. The public defender of any two or more counties must be compensated and be permitted private civil practice of the law as determined by the boards of county commissioners of those counties, subject to the provisions of subsection 4 of this section and NRS 7.065.

2. The public defender may appoint as many deputies or assistant attorneys, clerks, investigators, stenographers and other employees as the public defender considers necessary to enable him or her to carry out his or her responsibilities, with the approval of the board of county commissioners. An assistant attorney must be a qualified attorney licensed to practice in this State and may be placed on a part-time or full-time basis. The appointment of a deputy, assistant attorney or other employee pursuant to this subsection must not be construed to confer upon that deputy, assistant attorney or other employee policymaking authority for the office of the public defender or the county or counties by which the deputy, assistant attorney or other employee is employed.

3. The compensation of persons appointed under subsection 2 must be fixed by the board of county commissioners of the county or counties so served.

4. The public defender and his or her deputies and assistant attorneys in a county whose population is less than 100,000 may engage in the private practice of law. Except as otherwise provided in this subsection, in any other county, the public defender and his or her deputies and assistant attorneys shall not engage in the private practice of law except as otherwise provided in NRS 7.065. An attorney appointed to defend a person for a limited duration with limited jurisdiction may engage in private practice which does not present a conflict with his or her appointment.

5. The board of county commissioners shall provide office space, furniture, equipment and supplies for the use of the public defender suitable for the conduct of the business of his or her office. However, the board of county commissioners may provide for an allowance in place of facilities. Each of those items is a charge against the county in which public defender services are rendered. If the public defender serves more than one county, expenses that are properly allocable to the business of more than one of those counties must be prorated among the counties concerned.

6. In a county whose population is ~~[~~400,000~~]~~ ~~*[100,000]*~~ ***700,000*** or more, deputies are governed by the merit personnel system of the county.

Section 47 of Assembly Bill No. 545 is hereby amended as follows:

Sec. 47. NRS 3.310 is hereby amended to read as follows:

3.310 1. Except as otherwise provided in this subsection, the judge of each district court may appoint a bailiff for the court in counties polling 4,500 or more votes. In counties polling less than 4,500 votes, the judge may appoint a bailiff with the concurrence of the sheriff. Subject to the provisions of subsections 2, 4 and 10, in a county whose population is ~~[~~400,000~~]~~ ~~*[100,000]*~~ ***700,000*** or more, the judge of each district court may appoint a

deputy marshal for the court instead of a bailiff. In each case, the bailiff or deputy marshal serves at the pleasure of the judge he or she serves.

2. In all judicial districts where there is more than one judge, there may be a number of bailiffs or deputy marshals at least equal to the number of judges, and in any judicial district where a circuit judge has presided for more than 50 percent of the regular judicial days of the prior calendar year, there may be one additional bailiff or deputy marshal, each bailiff or deputy marshal to be appointed by the joint action of the judges. If the judges cannot agree upon the appointment of any bailiff or deputy marshal within 30 days after a vacancy occurs in the office of bailiff or deputy marshal, then the appointment must be made by a majority of the board of county commissioners.

3. Each bailiff or deputy marshal shall:

(a) Preserve order in the court.

(b) Attend upon the jury.

(c) Open and close court.

(d) Perform such other duties as may be required of him or her by the judge of the court.

4. The bailiff or deputy marshal must be a qualified elector of the county and shall give a bond, to be approved by the district judge, in the sum of $2,000, conditioned for the faithful performance of his or her duty.

5. The compensation of each bailiff or deputy marshal for his or her services must be fixed by the board of county commissioners of the county and his or her salary paid by the county wherein he or she is appointed, the same as the salaries of other county officers are paid.

6. The board of county commissioners of the respective counties shall allow the salary stated in subsection 5 as other salaries are allowed to county officers, and the county auditor shall draw his or her warrant for it, and the county treasurer shall pay it.

7. The provisions of this section do not:

(a) Authorize the bailiff or deputy marshal to serve any civil or criminal process, except such orders of the court which are specially directed by the court or the presiding judge thereof to him or her for service.

(b) Except in a county whose population is ~~[~~400,000~~]~~ ~~*[100,000]*~~ ***700,000*** or more, relieve the sheriff of any duty required of him or her by law to maintain order in the courtroom.

8. If a deputy marshal is appointed for a court pursuant to subsection 1, each session of the court must be attended by the deputy marshal.

9. For good cause shown, a deputy marshal appointed for a court pursuant to subsection 1 may be assigned temporarily to assist other judicial departments or assist with court administration as needed.

10. A person appointed to be a deputy marshal for a court pursuant to subsection 1 must be certified by the Peace Officers' Standards and Training Commission as a category I peace officer not later than 18 months after appointment.

Section 75.5 of Assembly Bill No. 545 is hereby amended as follows:

Sec. 75.5. **Chapter 218D of NRS is hereby amended by adding thereto a new section to read as follows:**

1. Before changing a classification in a statute based upon population as defined in NRS 0.050, the Legislature shall review the classification, consider the suggestions of all interested persons in the State relating to whether the classification should remain unchanged or be amended, and find that the classification should be amended to a different level. The determination that a classification should be amended must not solely be based upon changes in the population of local governments in this State.

2. In determining whether a classification should be amended, the Legislature shall consider:

(a) The appropriateness of the statute to local governments or other entities of a particular population classification;

(b) Any changes in conditions that are applicable to the affected entities;

(c) Changes in state or federal law other than the law being amended; and

(d) The testimony of representatives of local governments and other persons indicating a need for and desire to apply the statute to the local government or to exclude the local government from the applicability of the statute.

Assemblywoman Kirkpatrick moved that the Assembly concur in the Senate amendment to Assembly Bill No. 545.

Remarks by Assemblywoman Kirkpatrick.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Assembly Bill No. 283.

The following Senate amendment was read:

Amendment No. 705.

AN ACT relating to mortgage loans; revising provisions governing the requirement for certain mortgage agents, mortgage bankers, mortgage brokers and other employees to register with the Nationwide Mortgage Licensing System and Registry; revising provisions governing continuing education requirements for certain licensees; ~~[providing]~~ **clarifying that** certain investors who deposit money with a mortgage broker ~~[with an exemption]~~ **are exempt** from criminal and civil liability for the acts or

omissions of the mortgage broker; revising provisions governing the employment or association of mortgage agents; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The federal Secure and Fair Enforcement for Mortgage Licensing Act of 2008 requires that a person who originates residential mortgage loans be licensed as a loan originator and requires that such a loan originator be registered with the Nationwide Mortgage Licensing System and Registry. (12 U.S.C. § 5103) Existing law in Nevada prescribes the requirements for a license as a mortgage agent, mortgage banker, mortgage broker or a qualified employee who is a residential mortgage loan originator, which include, without limitation, registration with the Nationwide Mortgage Licensing System and Registry. (NRS 645B.0137, 645E.200) **Section 6** of this bill provides that such a person is not required to register or renew with the Nationwide Mortgage Licensing System and Registry, or provide reports of financial condition to the Registry, if: (1) the person is not a residential mortgage loan originator or the supervisor of a residential mortgage loan originator; and (2) the person is not required to register pursuant to the federal Act. **Section 6** also provides that such a person who voluntarily registers or renews with the Registry shall comply with all requirements of the federal Act.

Under existing law, the Commissioner of Mortgage Lending is required to adopt such regulations as necessary to carry out the provisions of the federal Act. (NRS 645F.293) **Section 7** of this bill provides that the regulations must not require registration of a person who is exempt pursuant to **section 6**.

Sections ~~[1,]~~ 1.5, 2 and 4 of this bill revise provisions governing continuing education requirements for persons who are exempt pursuant to **section 6** and who have not voluntarily registered or renewed with the Registry. **~~[~~Section~~]~~ Sections 1 and 3** of this bill **~~[~~exempts~~]~~ clarify that** certain investors who deposit money with a mortgage broker **are exempt** from criminal and civil liability for the acts or omissions of the mortgage broker. **Section 5** of this bill revises provisions governing the employment of or association with a mortgage agent by a mortgage broker, mortgage banker or person who holds a certificate of exemption issued by the Commissioner of Mortgage Lending. **Section 8** of this bill repeals certain provisions governing mortgage bankers which are included within the amendatory provisions of **section 5**.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. **The Legislature hereby finds and declares that:**

1. It is the intent of the Legislature to encourage investment in real property in this State;

2. It is the intent of the Legislature to ensure the integrity of transactions relating to investments in real property and the proper regulation of the actions of persons who facilitate such transactions, including, without limitation, mortgage brokers; and

3. It is the intent of the Legislature in enacting the amendatory provisions of NRS 645B.175, as amended by section 3 of this act, to clarify that the scope of the protection afforded to an investor under the existing provisions of chapter 645B of NRS includes protections from the imposition of any duty, responsibility, obligation or liability of a mortgage broker on an investor who only provides money to acquire, through the actions of a mortgage broker, ownership of or a beneficial interest in a loan secured by a lien on real property.

~~[Section 1.]~~ ***Sec. 1.5.*** NRS 645B.0138 is hereby amended to read as follows:

645B.0138 1. A course of continuing education that is required pursuant to this chapter must meet the requirements set forth by the Commissioner by regulation.

2. The Commissioner shall adopt regulations:

(a) Relating to the requirements for courses of continuing education, including, without limitation, regulations relating to the providers and instructors of such courses, records kept for such courses, approval and revocation of approval of such courses, monitoring of such courses and disciplinary action taken regarding such courses.

(b) Allowing for the participation of representatives of the mortgage lending industry pertaining to the creation of regulations regarding such courses.

(c) Ensuring compliance with the requirements for registration with the Registry and any other applicable federal law.

3. The regulations adopted by the Commissioner pursuant to subsection 2 must not require a mortgage agent, mortgage banker or mortgage broker or an employee of a mortgage banker or mortgage broker who, pursuant to subsection 1 of section 6 of this act, is not required to register or renew with the Registry and who has not voluntarily registered or renewed with the Registry to complete any continuing education relating to residential mortgage loans.

Sec. 2. NRS 645B.051 is hereby amended to read as follows:

645B.051 1. Except as otherwise provided in ~~[this section,]~~ ***subsection 2,*** in addition to the requirements set forth in NRS 645B.050, to renew a license as a mortgage broker:

(a) If the licensee is a natural person, the licensee must submit to the Commissioner satisfactory proof that the licensee attended at least 10 hours of certified courses of continuing education during the 12 months immediately preceding the date on which the license expires.

(b) If the licensee is not a natural person, the licensee must submit to the Commissioner satisfactory proof that each natural person who supervises the daily business of the licensee attended at least 10 hours of certified courses of continuing education during the 12 months immediately preceding the date on which the license expires.

2. ~~[The Commissioner may provide by regulation that if a person attends more than 10 hours of certified courses of continuing education during a 12-month period, the extra hours may be used to satisfy the requirement for the immediately following 12-month period and for that immediately following 12-month period only.]~~ ***In lieu of the continuing education requirements set forth in paragraph (a) or (b) of subsection 1, a licensee or any natural person who supervises the daily business of the licensee who, pursuant to subsection 1 of section 6 of this act, is not required to register or renew with the Registry and who has not voluntarily registered or renewed with the Registry must submit to the Commissioner satisfactory proof that he or she attended at least 5 hours of certified courses of continuing education during the 12 months immediately preceding the date on which the license expires. The hours of continuing education required by this subsection must include:***

(a) At least 3 hours relating to the laws and regulations of this State; and

(b) At least 2 hours relating to ethics.

3. As used in this section, "certified course of continuing education" means a course of continuing education which relates to the mortgage industry or mortgage transactions and which meets the requirements set forth by the Commissioner by regulation pursuant to NRS 645B.0138.

Sec. 3. NRS 645B.175 is hereby amended to read as follows:

645B.175 1. Except as otherwise provided in this section, all money received by a mortgage broker and his or her mortgage agents from an investor to acquire ownership of or a beneficial interest in a loan secured by a lien on real property must:

(a) Be deposited in:

(1) An insured depository financial institution; or

(2) An escrow account which is controlled by a person who is independent of the parties and subject to instructions regarding the account which are approved by the parties.

(b) Be kept separate from money:

(1) Belonging to the mortgage broker in an account appropriately named to indicate that the money does not belong to the mortgage broker.

(2) Received pursuant to subsection 4.

2. Except as otherwise provided in this section, the amount held in trust pursuant to subsection 1 must be released:

(a) Upon completion of the loan, including proper recordation of the respective interests or release, or upon completion of the transfer of the ownership or beneficial interest therein, to the debtor or the debtor's designee less the amount due the mortgage broker for the payment of any fee or service charge;

(b) If the loan or the transfer thereof is not consummated, to each investor who furnished the money held in trust; or

(c) Pursuant to any instructions regarding the escrow account.

3. The amount held in trust pursuant to subsection 1 must not be released to the debtor or the debtor's designee unless:

(a) The amount released is equal to the total amount of money which is being loaned to the debtor for that loan, less the amount due the mortgage broker for the payment of any fee or service charge; and

(b) The mortgage broker has provided a written instruction to a title agent or title insurer requiring that a lender's policy of title insurance or appropriate title endorsement, which names as an insured each investor who owns a beneficial interest in the loan, be issued for the real property securing the loan.

4. Except as otherwise provided in this section, all money paid to a mortgage broker and his or her mortgage agents by a person in full or in partial payment of a loan secured by a lien on real property, must:

(a) Be deposited in:

(1) An insured depository financial institution; or

(2) An escrow account which is controlled by a person who is subject to instructions regarding the account which are approved by the parties.

(b) Be kept separate from money:

(1) Belonging to the mortgage broker in an account appropriately named to indicate that it does not belong to the mortgage broker.

(2) Received pursuant to subsection 1.

5. Except as otherwise provided in this section, the amount held in trust pursuant to subsection 4:

(a) Must be released, upon the deduction and payment of any fee or service charge due the mortgage broker, to each investor who owns a beneficial interest in the loan in exact proportion to the beneficial interest that the investor owns in the loan; and

(b) Must not be released, in any proportion, to an investor who owns a beneficial interest in the loan, unless the amount described in paragraph (a) is

also released to every other investor who owns a beneficial interest in the loan.

6. An investor may waive, in writing, the right to receive one or more payments, or portions thereof, that are released to other investors in the manner set forth in subsection 5. A mortgage broker or mortgage agent shall not act as the attorney-in-fact or the agent of an investor with respect to the giving of a written waiver pursuant to this subsection. Any such written waiver applies only to the payment or payments, or portions thereof, that are included in the written waiver and does not affect the right of the investor to:

(a) Receive the waived payment or payments, or portions thereof, at a later date; or

(b) Receive all other payments in full and in accordance with the provisions of subsection 5.

7. Upon reasonable notice, any mortgage broker described in this section shall:

(a) Account to any investor or debtor who has paid to the mortgage broker or his or her mortgage agents money that is required to be deposited in a trust account pursuant to this section; and

(b) Account to the Commissioner for all money which the mortgage broker and his or her mortgage agents have received from each investor or debtor and which the mortgage broker is required to deposit in a trust account pursuant to this section.

8. Money received by a mortgage broker and his or her mortgage agents pursuant to this section from a person who is not associated with the mortgage broker may be held in trust for not more than 45 days before an escrow account must be opened in connection with the loan. If, within this 45-day period, the loan or the transfer therefor is not consummated, the money must be returned within 24 hours. If the money is so returned, it may not be reinvested with the mortgage broker for at least 15 days.

9. If a mortgage broker or a mortgage agent receives any money pursuant to this section, the mortgage broker or mortgage agent, after the deduction and payment of any fee or service charge due the mortgage broker, shall not release the money to:

(a) Any person who does not have a contractual or legal right to receive the money; or

(b) Any person who has a contractual right to receive the money if the mortgage broker or mortgage agent knows or, in light of all the surrounding facts and circumstances, reasonably should know that the person's contractual right to receive the money violates any provision of this chapter or a regulation adopted pursuant to this chapter.

10. If a mortgage broker maintains any accounts described in subsection 1 or subsection 4, the mortgage broker shall, in addition to the annual

financial statement audited pursuant to NRS 645B.085, submit to the Commissioner each 6 calendar months a financial statement concerning those trust accounts.

11. The Commissioner shall adopt regulations concerning the form and content required for financial statements submitted pursuant to subsection 10.

12. Any duty, responsibility or obligation of a mortgage broker pursuant to this chapter is not delegable or transferable to an investor, and, if an investor only provides money to acquire ownership of or a beneficial interest in a loan secured by a lien on real property, no criminal or civil liability may be imposed on the investor for any act or omission of a mortgage broker.

Sec. 4. NRS 645B.430 is hereby amended to read as follows:

645B.430 1. A license as a mortgage agent issued pursuant to NRS 645B.410 expires 1 year after the date the license is issued, unless it is renewed. To renew a license as a mortgage agent, the holder of the license must submit to the Commissioner each year, on or before the date the license expires:

(a) An application for renewal;

(b) Except as otherwise provided in this section, satisfactory proof that the holder of the license as a mortgage agent attended at least 10 hours of certified courses of continuing education during the 12 months immediately preceding the date on which the license expires; and

(c) A renewal fee set by the Commissioner of not more than $170.

2. ***In lieu of the continuing education requirement set forth in paragraph (b) of subsection 1, the holder of a license as a mortgage agent who, pursuant to subsection 1 of section 6 of this act, is not required to register or renew with the Registry and who has not voluntarily registered or renewed with the Registry must submit to the Commissioner satisfactory proof that he or she attended at least 5 hours of certified courses of continuing education during the 12 months immediately preceding the date on which the license expires. The hours of continuing education required by this subsection must include:***

(a) At least 3 hours relating to the laws and regulations of this State; and

(b) At least 2 hours relating to ethics.

3. If the holder of the license as a mortgage agent fails to submit any item required pursuant to subsection 1 ***or 2*** to the Commissioner each year on or before the date the license expires, the license is cancelled. The Commissioner may reinstate a cancelled license if the holder of the license submits to the Commissioner:

(a) An application for renewal;

(b) The fee required to renew the license pursuant to this section; and

(c) A reinstatement fee of $75.

~~[3.]~~ ***4.*** To be issued a duplicate copy of a license as a mortgage agent, a person must make a satisfactory showing of its loss and pay a fee of $10.

~~[4.]~~ ***5.*** To change the mortgage broker with whom the mortgage agent is associated, a person must pay a fee of $10.

~~[5.]~~ ***6.*** Money received by the Commissioner pursuant to this section is in addition to any fee that must be paid to the Registry and must be deposited in the Fund for Mortgage Lending created by NRS 645F.270.

~~[6. The Commissioner may provide by regulation that any hours of a certified course of continuing education attended during a 12-month period, but not needed to satisfy a requirement set forth in this section for the 12-month period in which the hours were taken, may be used to satisfy a requirement set forth in this section for a later 12-month period.]~~

7. As used in this section, "certified course of continuing education" has the meaning ascribed to it in NRS 645B.051.

Sec. 5. NRS 645B.450 is hereby amended to read as follows:

645B.450 1. A person licensed as a mortgage agent pursuant to the provisions of NRS 645B.410 may not be associated with or employed by more than one ***licensed or registered*** mortgage broker ***or mortgage banker or person who holds a certificate of exemption pursuant to NRS 645B.016*** at the same time.

2. A mortgage broker ***, mortgage banker or person who holds a certificate of exemption pursuant to NRS 645B.016*** shall not associate with or employ a person as a mortgage agent or authorize a person to be associated with the mortgage broker ***, mortgage banker or person who holds a certificate of exemption pursuant to NRS 645B.016*** as a mortgage agent if the mortgage agent is not licensed with the Division pursuant to NRS 645B.410. ***Before allowing a mortgage agent to act on its behalf, a mortgage broker, mortgage banker or person who holds a certificate of exemption pursuant to NRS 645B.016, must:***

(a) Enter its sponsorship of the mortgage agent with the Registry; or

(b) If the mortgage agent is not required to be registered with the Registry, notify the Division of its sponsorship of the mortgage agent.

3. If a mortgage agent terminates his or her association or employment with a mortgage broker ***, mortgage banker or person who holds a certificate of exemption pursuant to NRS 645B.016*** for any reason, the mortgage broker ***, mortgage banker or person who holds a certificate of exemption pursuant to NRS 645B.016*** shall, not later than the third business day following the date of termination:

(a) ~~[Deliver]~~ ***Remove its sponsorship of the mortgage agent from the Registry; or***

(b) If the mortgage agent is not required to be registered with the Registry, deliver to the ***Division and to the*** mortgage agent ~~[or send by certified mail to]~~ ***at*** the last known residence address of the mortgage agent a written statement which ~~[advises the mortgage agent that the termination is being reported to the Division; and~~

~~(b) Deliver or send by certified mail to the Division:~~

~~(1) The license or license number of the mortgage agent;~~

~~(2) A written statement of the circumstances surrounding the termination; and~~

~~(3) A copy of the written statement that the mortgage broker delivers or mails to the mortgage agent pursuant to paragraph (a).]~~ ***includes the name, address and license number of the mortgage agent and a statement of the circumstances of the termination.***

Sec. 6. Chapter 645F of NRS is hereby amended by adding thereto a new section to read as follows:

1. A mortgage agent, mortgage banker or mortgage broker or an employee of a mortgage banker or mortgage broker is not required to register or renew with the Registry, or provide reports of financial condition to the Registry, if the mortgage agent, mortgage banker, mortgage broker or employee:

(a) Is not a residential mortgage loan originator or the supervisor of a residential mortgage loan originator; and

(b) Is not required to register pursuant to the provisions of the federal Secure and Fair Enforcement for Mortgage Licensing Act of 2008.

2. A mortgage agent, mortgage banker or mortgage broker or an employee of a mortgage banker or mortgage broker who, pursuant to subsection 1, is not required to register or renew with the Registry and who voluntarily registers or renews with the Registry shall comply with all requirements of the federal Secure and Fair Enforcement for Mortgage Licensing Act of 2008, and any regulations adopted pursuant thereto.

3. As used in this section, "residential mortgage loan originator" has the meaning ascribed to it in NRS 645B.01325.

Sec. 7. NRS 645F.293 is hereby amended to read as follows:

645F.293 1. The Commissioner shall adopt regulations to carry out the provisions of the federal Secure and Fair Enforcement for Mortgage Licensing Act of 2008.

2. The regulations must include, without limitation:

(a) A method by which to allow for reporting regularly violations of the relevant provisions of chapter 645B or 645E of NRS, enforcement actions and other relevant information to the Registry; and

(b) A process whereby a person may challenge information reported to the Registry by the Commissioner.

3. The regulations must not require a mortgage agent, mortgage banker or mortgage broker or an employee of a mortgage banker or mortgage broker to register with the Registry if the mortgage agent, mortgage banker, mortgage broker or employee is exempt from registration pursuant to subsection 1 of section 6 of this act.

Sec. 8. NRS 645E.292 is hereby repealed.

Sec. 9. This act becomes effective upon passage and approval.

TEXT OF REPEALED SECTION

645E.292 Duties of mortgage banker upon termination of mortgage agent. If a mortgage agent terminates his or her association or employment with a mortgage banker for any reason, the mortgage banker shall, not later than 3 business days following knowledge of the date of termination:

1. Deliver to the mortgage agent or send by certified mail to the last known residence address of the mortgage agent a written statement which advises the mortgage agent that the termination is being reported to the Division; and

2. Deliver or send by certified mail to the Division:

(a) The license or license number of the mortgage agent;

(b) A written statement of the circumstances surrounding the termination; and

(c) A copy of the written statement that the mortgage banker delivers or mails to the mortgage agent pursuant to subsection 1.

Assemblyman Atkinson moved that the Assembly concur in the Senate amendment to Assembly Bill No. 283.

Remarks by Assemblyman Atkinson.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Assembly Bill No. 289.

The following Senate amendment was read:

Amendment No. 709.

AN ACT relating to dietetics; ~~[creating the State Board of Dietetics; prescribing the powers and duties of the Board; providing for the membership of the Board;]~~ providing for the licensure of dietitians ~~[;]~~ **by the State Board of Health;** prohibiting a person from engaging in the practice of dietetics without a license issued by the Board; setting forth the grounds for disciplinary action against a licensed dietitian; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill provides for the licensing and regulation of the practice of dietetics by the State Board of ~~[Dietetics.]~~ **Health.** The practice of dietetics is

the performance of acts of assessment, evaluation, diagnosis, counseling, intervention, monitoring or treatment of a person relating to nutrition, food, biology, and behavior to achieve and maintain proper nourishment and care of the health of the person.

~~[Sections 11-19 of this bill create the State Board of Dietetics and prescribe the powers and duties of the Board and include provisions concerning: (1) the membership of the Board; (2) the meetings of the Board; (3) the compensation of Board members; (4) a waiver of liability for actions taken by members or employees of the Board within the scope of their duties; and (5) the authority of the Board to adopt certain regulations.]~~

Sections 2-10 and 20-31 of this bill regulate the activities of persons who engage in the practice of dietetics and include provisions concerning: (1) applications for and renewals of a license to engage in the practice of dietetics; and (2) the duties and scope of practice of a licensed dietitian.

Sections 18 and 33 of this bill require the Board to charge and collect certain fees relating to the issuance of licenses and to carry out its other duties.

Section 23 of this bill authorizes the Board to issue a provisional license to a person who does not meet all the qualifications for licensure under certain circumstances. **Section 24** of this bill authorizes the Board to issue a temporary license to a person for the limited purpose of treating patients in this State for a limited period under certain circumstances.

Sections 34-44 of this bill govern disciplinary proceedings against a licensed dietitian and authorize the Board to suspend or revoke a license or deny an application for a license under certain circumstances. **Section 45** of this bill prohibits a person who is not licensed pursuant to the provisions of this bill from acting or holding himself or herself out as a licensed dietitian. **Section 46** of this bill provides that a violation of any provision of this bill is a misdemeanor and, in addition to any criminal penalty that may be imposed, authorizes the Board to impose a civil penalty for each violation.

Sections 47-51 and 58-60 of this bill include licensed dietitians in the definition of "provider of health care" to ensure that licensed dietitians comply with the same requirements for standards of care, medical records and medical devices as other providers of health care such as doctors or nurses.

Sections 52-54 of this bill require a licensed dietitian to report suspected incidents of abuse or neglect of an older or vulnerable person, and require a report to be forwarded to the Board if a licensed dietitian is suspected of abuse or neglect of an older or vulnerable person.

~~[Section 63 of this bill authorizes the Governor, for the initial appointments to the Board, to appoint persons who are not licensed dietitians but who meet the qualifications for licensure.]~~ **Section 64** of this bill requires

the Board to grant a license to engage in the practice of dietetics to a person who does not meet the qualifications for licensure but who was engaged in the practice of dietetics in this State before 2012 and meets certain other requirements.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Title 54 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 1.5 to 46, inclusive, of this act.

Sec. 1.5. ***The Legislature hereby declares that the practice of dietetics is a learned profession affecting the safety, health and welfare of the public and is subject to regulation to protect the public from the practice of dietetics by unqualified and unlicensed persons and from unprofessional conduct by persons licensed to practice dietetics.*** ~~*[The Legislature further declares that the purpose of the State Board of Dietetics is to regulate the practice of dietetics and to enforce the provisions of this chapter.]*~~

Sec. 2. ***As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 3 to 8, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 3. ***"Board" means the State Board of*** ~~*[Dietetics.]*~~ ***Health.***

Sec. 4. ***"Licensed dietitian" means a person licensed pursuant to this chapter to engage in the practice of dietetics or to provide nutrition services, including, without limitation, medical nutrition therapy.***

Sec. 4.5. ***"Medical nutrition therapy" means the use of nutrition services by a licensed dietitian to manage, treat or rehabilitate a disease, illness, injury or medical condition of a patient.***

Sec. 5. ***"Nutrition services" means the performance of acts designated by the Board which are within the practice of dietetics.***

Sec. 6. ***1. "Practice of dietetics" means the performance of any act in the nutrition care process, including, without limitation, assessment, evaluation, diagnosis, counseling, intervention, monitoring and treatment, of a person which requires substantial specialized judgment and skill based on the knowledge, application and integration of the principles derived from the sciences of food, nutrition, management, communication, biology, behavior, physiology and social science to achieve and maintain proper nourishment and care of the health of the person.***

2. The term does not include acts of medical diagnosis.

Sec. 7. (Deleted by amendment.)

Sec. 8. ***"Registered dietitian" means a person who is registered as a dietitian by the Commission on Dietetic Registration of the American Dietetic Association.***

Sec. 9. *1. The provisions of this chapter do not apply to:*

(a) Any person who is licensed or registered in this State as a physician pursuant to chapter 630, 630A or 633 of NRS, dentist, nurse, dispensing optician, optometrist, occupational therapist, practitioner of respiratory care, physical therapist, podiatric physician, psychologist, marriage and family therapist, chiropractor, athletic trainer, massage therapist, perfusionist, doctor of Oriental medicine in any form, medical laboratory director or technician or pharmacist who:

(1) Practices within the scope of that license or registration;

(2) Does not represent that he or she is a licensed dietitian or registered dietitian; and

(3) Provides nutrition information incidental to the practice for which he or she is licensed or registered.

(b) A student enrolled in an educational program accredited by the Commission on Accreditation for Dietetics Education of the American Dietetic Association, if the student engages in the practice of dietetics under the supervision of a licensed dietitian or registered dietitian as part of that educational program.

(c) A registered dietitian employed by the Armed Forces of the United States, the United States Department of Veterans Affairs or any division or department of the Federal Government in the discharge of his or her official duties, including, without limitation, the practice of dietetics or providing nutrition services.

(d) A person who furnishes nutrition information , provides recommendations or advice concerning nutrition, or markets food, food materials or dietary supplements and provides nutrition information , recommendations or advice related to that marketing, if the person ~~[is not engaged in the practice of dietetics and does not provide nutrition services.]~~ does not represent that he or she is a licensed dietitian or registered dietitian. While performing acts described in this paragraph, a person shall be deemed not to be engaged in the practice of dietetics or the providing of nutrition services.

(e) A person who provides services relating to weight loss or weight control through a program reviewed by and in consultation with a licensed dietitian or physician or a dietitian licensed or registered in another state which has equivalent licensure requirements as this State, as long as the person does not change the services or program without the approval of the person with whom he or she is consulting.

2. As used in this section, "nutrition information" means information relating to the principles of nutrition and the effect of nutrition on the human body, including, without limitation:

(a) Food preparation;

(b) Food included in a normal daily diet;

(c) Essential nutrients required by the human body and recommended amounts of essential nutrients, based on nationally established standards;

(d) The effect of nutrients on the human body and the effect of deficiencies in or excess amounts of nutrients in the human body; and

(e) Specific foods or supplements that are sources of essential nutrients.

Sec. 10. *1. The purpose of licensing dietitians is to protect the public health, safety and welfare of the people of this State.*

2. Any license issued pursuant to this chapter is a revocable privilege.

Sec. 11. **(Deleted by amendment.)**

Sec. 12. **(Deleted by amendment.)**

Sec. 13. **(Deleted by amendment.)**

Sec. 14. **(Deleted by amendment.)**

Sec. 15. **(Deleted by amendment.)**

Sec. 16. **(Deleted by amendment.)**

Sec. 17. *1. The Board shall make and keep a complete record of all its proceedings* ~~[,]~~ *pursuant to this chapter, including, without limitation:*

(a) A file of all applications for licenses pursuant to this chapter, together with the action of the Board upon each application;

(b) A register of all licensed dietitians in this State; and

(c) Documentation of any disciplinary action taken by the Board against a licensee.

2. The Board shall maintain in its main office a public docket or other record in which it shall record, from time to time as made, the rulings or decisions upon all complaints filed with the Board and all investigations instituted by it, upon or in connection with which any hearing has been held or in which the licensee charged has made no defense.

Sec. 18. *1. The Board* ~~*[shall:]*~~ *may:*

(a) Adopt regulations establishing reasonable standards:

(1) For the denial, renewal, suspension and revocation of, and the placement of conditions, limitations and restrictions upon, a license to engage in the practice of dietetics.

(2) Of professional conduct for the practice of dietetics.

(b) Investigate and determine the eligibility of an applicant for a license pursuant to this chapter.

(c) Carry out and enforce the provisions of this chapter and the regulations adopted pursuant thereto.

2. The Board shall adopt regulations establishing reasonable:

(a) Qualifications for the issuance of a license pursuant to this chapter.

(b) Standards for the continuing professional competence of licensees. The Board may evaluate licensees periodically for compliance with those standards.

3. The Board shall adopt regulations establishing a schedule of reasonable fees and charges for:

(a) Investigating licensees and applicants for a license pursuant to this chapter;

(b) Evaluating the professional competence of licensees;

(c) Conducting hearings pursuant to this chapter;

(d) Duplicating and verifying records of the Board; and

(e) Surveying, evaluating and approving schools and courses of dietetics,

➥ *and may collect the fees established pursuant to this subsection.*

4. The Board may adopt such other regulations as it determines necessary ~~[:~~

~~*(a) For its own government; and*~~

~~*(b) To]*~~ *to carry out the provisions of this chapter relating to the practice of dietetics.*

Sec. 19. *The Board may:*

1. Accept gifts or grants of money to pay for the costs of administering the provisions of this chapter.

2. Enter into contracts with other public agencies and accept payment from those agencies to pay the expenses incurred by the Board in carrying out the provisions of this chapter relating to the practice of dietetics.

Sec. 19.5. 1. The Board may establish a Dietitian Advisory Group consisting of persons familiar with the practice of dietetics to provide the Board with expertise and assistance in carrying out its duties pursuant to this chapter. If a Dietitian Advisory Group is established, the Board shall:

(a) Determine the number of members;

(b) Appoint the members;

(c) Establish the terms of the members; and

(d) Determine the duties of the Dietitian Advisory Group.

2. Members of a Dietitian Advisory Group established pursuant to subsection 1 serve without compensation.

Sec. 20. *1. An applicant for a license to engage in the practice of dietetics in this State must submit to the Board a completed application on a form prescribed by the Board. The application must include, without limitation, written evidence that the applicant:*

(a) Is 21 years of age or older.

(b) Is of good moral character.

(c) Has completed a course of study and holds a bachelor's degree or higher in human nutrition, nutrition education, food and nutrition, dietetics, food systems management or an equivalent course of study approved by the Board from a college or university that:

(1) Was accredited, at the time the degree was received, by a regional accreditation body in the United States which is recognized by the Council for Higher Education Accreditation, or its successor organization, and the United States Department of Education; or

(2) Is located in a foreign country if the application includes the documentation required by section 21 of this act.

(d) Has completed not less than 1,200 hours of training and experience within the United States in the practice of dietetics under the direct supervision of a licensed dietitian, registered dietitian or a person who holds a doctorate degree in human nutrition, nutrition education, food and nutrition, dietetics or food systems management from a college or university that is:

(1) Accredited by a regional accreditation body in the United States which is recognized by the Council for Higher Education Accreditation, or its successor organization, and the United States Department of Education; or

(2) Located in a foreign country if the application includes the documentation required by section 21 of this act.

(e) Has successfully completed the Registration Examination for Dietitians administered by the Commission on Dietetic Registration of the American Dietetic Association.

(f) Meets such other reasonable requirements as prescribed by the Board.

2. Each applicant must remit the applicable fee required pursuant to this chapter with the application for a license to engage in the practice of dietetics in this State.

3. Each applicant shall submit to the Central Repository for Nevada Records of Criminal History two complete sets of fingerprints for submission to the Federal Bureau of Investigation for its report. The Central Repository for Nevada Records of Criminal History shall determine whether the applicant has been convicted of a crime listed in paragraph (a) of subsection 1 of NRS 449.188 and immediately inform the Board of whether the applicant has been convicted of such a crime.

Sec. 21. *1. If an applicant for a license to engage in the practice of dietetics is a graduate of a college or university located in a foreign country, the applicant must include with his or her application a written statement or other proof from the Council for Higher Education Accreditation or its successor organization that the degree is equivalent to a degree issued by a college or university accredited by a regional accreditation body in the United States which is recognized by the Council for Higher Education Accreditation, or its successor organization, and the United States Department of Education.*

2. If an applicant for a license to engage in the practice of dietetics completed his or her hours of training and experience under the supervision of a person who holds a doctorate degree conferred by a college or university located in a foreign country, the applicant must include with his or her application a written statement or other proof from the Council for Higher Education Accreditation or its successor organization that the degree held by the person who supervised the training and experience is equivalent to a degree issued by a college or university accredited by a regional accreditation body in the United States which is recognized by the Council for Higher Education Accreditation, or its successor organization, and the United States Department of Education.

Sec. 22. *1. A person who has the education and experience required by section 20 of this act but who has not passed the examination required for licensure may engage in the practice of dietetics under the direct supervision of a licensed dietitian who is professionally and legally responsible for the applicant's performance.*

2. A person shall not engage in the practice of dietetics pursuant to subsection 1 for a period of more than 1 year.

Sec. 23. *1. Upon application and payment of the applicable fee required pursuant to this chapter, the Board may grant a provisional license to engage in the practice of dietetics in this State to an applicant who provides evidence to the Board that the applicant has completed a course of study and holds a bachelor's degree or higher in human nutrition, nutrition education, food and nutrition, dietetics, food systems management or an equivalent course of study approved by the Board from a college or university that:*

(a) Was accredited, at the time the degree was received, by a regional accreditation body in the United States which is recognized by the Council for Higher Education Accreditation, or its successor organization, and the United States Department of Education; or

(b) Is located in a foreign country if the application includes the documentation required by section 21 of this act.

2. A provisional license is valid for 1 year after the date of issuance. A provisional license may be renewed for not more than 6 months if the applicant submits evidence satisfactory to the Board for the failure of the applicant to obtain a license to engage in the practice of dietetics during the time the applicant held the provisional license.

3. A person who holds a provisional license may engage in the practice of dietetics only under the supervision of a licensed dietitian.

Sec. 24. *1. Upon application and payment of the applicable fee required pursuant to this chapter, the Board may grant a temporary license*

to engage in the practice of dietetics in this State to a person who holds a corresponding license in another jurisdiction if:

(a) The corresponding license is in good standing; and

(b) The requirements for licensure in the other jurisdiction are substantially equal to the requirements for licensure in this State.

2. A temporary license may be issued for the limited purpose of authorizing the licensee to treat patients in this State.

3. A temporary license is valid for the 10-day period designated on the license.

Sec. 25. (Deleted by amendment.)

Sec. 26. ***1. In addition to any other requirements set forth in this chapter:***

(a) An applicant for the issuance of a license to engage in the practice of dietetics in this State shall include the social security number of the applicant in the application submitted to the Board.

(b) An applicant for the issuance or renewal of a license to engage in the practice of dietetics in this State shall submit to the Board the statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520. The statement must be completed and signed by the applicant.

2. The Board shall include the statement required pursuant to subsection 1 in:

(a) The application or any other forms that must be submitted for the issuance or renewal of the license; or

(b) A separate form prescribed by the Board.

3. A license to engage in the practice of dietetics may not be issued or renewed by the Board if the applicant:

(a) Fails to submit the statement required pursuant to subsection 1; or

(b) Indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.

4. If an applicant indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the Board shall advise the applicant to contact the district attorney or other public agency enforcing the order to determine the actions that the applicant may take to satisfy the arrearage.

Sec. 27. *1. A licensed dietitian shall provide nutrition services to assist a person in achieving and maintaining proper nourishment and care of his or her body, including, without limitation:*

(a) Assessing the nutritional needs of a person and determining resources for and constraints in meeting those needs by obtaining, verifying and interpreting data;

(b) Determining the metabolism of a person and identifying the food, nutrients and supplements necessary for growth, development, maintenance or attainment of proper nourishment of the person;

(c) Considering the cultural background and socioeconomic needs of a person in achieving or maintaining proper nourishment;

(d) Identifying and labeling nutritional problems of a person;

(e) Recommending the appropriate method of obtaining proper nourishment, including, without limitation, orally, intravenously or through a feeding tube;

(f) Providing counseling, advice and assistance concerning health and disease with respect to the nutritional intake of a person;

(g) Establishing priorities, goals and objectives that meet the nutritional needs of a person and are consistent with the resources of the person, including, without limitation, providing instruction on meal preparation;

(h) Treating nutritional problems of a person and identifying patient outcomes to determine the progress made by the person;

(i) Planning activities to change the behavior, risk factors, environmental conditions or other aspects of the health and nutrition of a person, a group of persons or the community at large;

(j) Developing, implementing and managing systems to provide care related to nutrition;

(k) Evaluating and maintaining appropriate standards of quality in the services provided;

(l) Accepting and transmitting verbal and electronic orders from a physician consistent with an established protocol to implement medical nutrition therapy; and

(m) Ordering medical laboratory tests relating to the therapeutic treatment concerning the nutritional needs of a patient when authorized to do so by a written protocol prepared or approved by a physician.

2. A licensed dietitian may use medical nutrition therapy to manage, treat or rehabilitate a disease, illness, injury or medical condition of a patient, including, without limitation:

(a) Interpreting data and recommending the nutritional needs of the patient through methods such as diet, feeding tube, intravenous solutions or specialized oral feedings;

(b) Determining the interaction between food and drugs prescribed to the patient; and

(c) Developing and managing operations to provide food, care and treatment programs prescribed by a physician, physician assistant, dentist, advanced practitioner of nursing or podiatric physician that monitor or alter the food and nutrient levels of the patient.

3. A licensed dietitian shall not provide medical diagnosis of the health of a person.

Sec. 28. (Deleted by amendment.)

Sec. 29. ***1. Except as otherwise provided in subsection 2, the Board may waive any requirement of section 20 or 23 of this act for an applicant who proves to the satisfaction of the Board that his or her education and experience are substantially equivalent to the education and experience required by the respective section.***

2. The Board may waive the requirement of an examination that is set forth in section 20 of this act in accordance with regulations adopted by the Board that prescribe the circumstances under which the Board may waive the requirement of the examination.

Sec. 30. (Deleted by amendment.)

Sec. 31. ***1. A license to engage in the practice of dietetics expires 2 years after the date of issuance.***

2. The Board may renew a license if the applicant:

(a) Submits a completed written application and the appropriate fee required pursuant to this chapter;

(b) Submits documentation of completion of such continuing training and education as required by regulations adopted by the Board;

(c) Has not committed any act which is grounds for disciplinary action, unless the Board determines that sufficient restitution has been made or the act was not substantially related to the practice of dietetics;

(d) Submits information that the credentials of the applicant are in good standing; and

(e) Submits all other information required to complete the renewal.

3. The Board shall require a licensed dietitian who fails to submit an application for the renewal of his or her license within 2 years after the date of the expiration of the license to take the examination required by section 20 of this act before renewing the license.

Sec. 32. ***The Board shall act upon an application for a license submitted pursuant to this chapter without unnecessary delay. If an applicant is found qualified, the applicant must be issued a license to engage in the practice of dietetics.***

Sec. 33. ***1. The Board shall adopt regulations establishing reasonable fees for:***

(a) The examination of an applicant for a license;

(b) The issuance of a license;

(c) The issuance of a provisional license;

(d) The issuance of a temporary license;

(e) The renewal of a license;

(f) The late renewal of a license;

(g) The reinstatement of a license which has been suspended or revoked; and

(h) The issuance of a duplicate license or for changing the name on a license.

2. The fees established pursuant to subsection 1 must be set in such an amount as to reimburse the Board for the cost of carrying out the provisions of this chapter [.] , except that no such fee may exceed $250.

Sec. 34. *1. The Board may deny, refuse to renew, revoke or suspend any license applied for or issued pursuant to this chapter, or take such other disciplinary action against a licensee as authorized by regulations adopted by the Board, upon determining that the licensee:*

(a) Is guilty of fraud or deceit in procuring or attempting to procure a license pursuant to this chapter.

(b) Is guilty of any offense:

(1) Involving moral turpitude; or

(2) Relating to the qualifications, functions or duties of a licensee.

(c) Uses any controlled substance, dangerous drug as defined in chapter 454 of NRS, or intoxicating liquor to an extent or in a manner which is dangerous or injurious to any other person or which impairs his or her ability to conduct the practice authorized by the license.

(d) Is guilty of unprofessional conduct, which includes, without limitation:

(1) Impersonating an applicant or acting as proxy for an applicant in any examination required pursuant to this chapter for the issuance of a license.

(2) Impersonating another licensed dietitian.

(3) Permitting or allowing another person to use his or her license to engage in the practice of dietetics.

(4) Repeated malpractice, which may be evidenced by claims of malpractice settled against the licensee.

(5) Physical, verbal or psychological abuse of a patient.

(6) Conviction for the use or unlawful possession of a controlled substance or dangerous drug as defined in chapter 454 of NRS.

(e) Has willfully or repeatedly violated any provision of this chapter.

(f) Is guilty of aiding or abetting any person in violating any provision of this chapter.

(g) Has been disciplined in another state in connection with the practice of dietetics or has committed an act in another state which would constitute a violation of this chapter.

(h) Has engaged in conduct likely to deceive, defraud or endanger a patient or the general public.

(i) Has willfully failed to comply with a regulation, subpoena or order of the Board.

2. In addition to any criminal or civil penalty that may be imposed pursuant to this chapter, the Board may assess against and collect from a licensee all costs incurred by the Board in connection with any disciplinary action taken against the licensee, including, without limitation, costs for investigators and stenographers, attorney's fees and other costs of the hearing.

3. For the purposes of this section, a plea or verdict of guilty or guilty but mentally ill or a plea of nolo contendere constitutes a conviction of an offense. The Board may take disciplinary action pending the appeal of a conviction.

Sec. 35. *1. If the Board receives a copy of a court order issued pursuant to NRS 425.540 that provides for the suspension of all professional, occupational and recreational licenses, certificates and permits issued to a person who is the holder of a license issued pursuant to this chapter, the Board shall deem the license issued to that person to be suspended at the end of the 30th day after the date on which the court order was issued unless the Board receives a letter issued to the holder of the license by the district attorney or other public agency pursuant to NRS 425.550 stating that the holder of the license has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.*

2. The Board shall reinstate a license issued pursuant to this chapter that has been suspended by a district court pursuant to NRS 425.540 if:

(a) The Board receives a letter issued by the district attorney or other public agency pursuant to NRS 425.550 to the person whose license was suspended stating that the person whose license was suspended has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560; and

(b) The person whose license was suspended pays the appropriate fee required pursuant to this chapter.

Sec. 36. *1.* ~~*[Before suspending or revoking any license or taking other disciplinary action against a licensee, the Board shall cause an administrative complaint to be filed against the licensee. The]*~~ ***If any member of the Board or a Dietitian Advisory Group established pursuant to section 19.5 of this act becomes aware of any ground for initiating***

disciplinary action against a licensee, the member shall file an administrative complaint with the Board.

2. As soon as practical after receiving an administrative complaint, the Board shall ~~[notify]~~ :

(a) Notify the licensee in writing of the charges against him or her, accompanying the notice with a copy of the administrative complaint ~~[.]~~ ; and

(b) Forward a copy of the complaint to the Commission on Dietetic Registration of the American Dietetic Association or its successor organization for investigation of the complaint and request a written report of the findings of the investigation or, to the extent money is available to do so, conduct an investigation of the complaint to determine whether the allegations in the complaint merit the initiation of disciplinary proceedings against the licensee.

~~[2.]~~ 3. Written notice to the licensee may be served by delivering it personally to the licensee, or by mailing it by registered or certified mail to the last known residential address of the licensee.

~~[3.]~~ 4. If the licensee, after receiving a copy of the administrative complaint pursuant to subsection 1, submits a written request, the Board shall furnish the licensee with a copy of each communication, report and affidavit in the possession of the Board which relates to the matter in question.

~~[4. As soon as practicable after the filing of the administrative complaint,]~~

5. If, after an investigation conducted by the Board or receiving the findings from an investigation of the complaint from the Commission on Dietetic Registration of the American Dietetic Association or its successor organization, the Board determines that the administrative complaint is valid, the Board shall hold a hearing on the charges at such time and place as the Board prescribes. If the Board receives a report pursuant to subsection 5 of NRS 228.420, the hearing must be held within 30 days after receiving the report. If requested by the licensee, the hearing must be held within the county in which the licensee resides.

Sec. 37. *The Board may delegate its authority to conduct hearings pursuant to section 36 of this act concerning the discipline of a licensee to a hearing officer. The hearing officer has the powers of the Board in connection with such hearings, and shall report to the Board his or her findings of fact and conclusions of law within 30 days after the final hearing on the matter. The Board may take action based upon the report of the hearing officer, refer the matter to the hearing officer for further hearings or conduct its own hearings on the matter.*

Sec. 38. *The Board may:*

1. Issue subpoenas for the attendance of witnesses and the production of books, papers and documents; and

2. Administer oaths when taking testimony in any matter relating to the duties of the Board . ~~[; and~~

~~3. Adopt a seal which must be judicially noticed by the courts of this State.]~~

Sec. 39. *1. The district court in and for the county in which any hearing is held by the Board may compel the attendance of witnesses, the giving of testimony and the production of books, papers and documents as required by any subpoena issued by the Board.*

2. In case of the refusal of any witness to attend or testify or produce any books, papers or documents required by a subpoena, the Board may report to the district court in and for the county in which the hearing is pending, by petition setting forth:

(a) That due notice has been given of the time and place of attendance of the witness or the production of books, papers or documents;

(b) That the witness has been subpoenaed in the manner prescribed by this chapter; and

(c) That the witness has failed and refused to attend or produce the books, papers or documents required by the subpoena before the Board in the cause or proceeding named in the subpoena, or has refused to answer questions propounded to him or her in the course of the hearing,

➥ and ask an order of the court compelling the witness to attend and testify or produce the books, papers or documents before the Board.

3. The court, upon petition of the Board, shall enter an order directing the witness to appear before the court at a time and place to be fixed by the court in the order, the time to be not more than 10 days after the date of the order, to show cause why the witness has not attended or testified or produced the books, papers or documents before the Board. A certified copy of the order must be served upon the witness.

4. If it appears to the court that the subpoena was regularly issued by the Board, the court shall enter an order that the witness appear before the Board at the time and place fixed in the order and testify or produce the required books, papers or documents. Upon failure to obey the order, the witness must be dealt with as for contempt of court.

Sec. 40. *1. The Board shall render a decision on any administrative complaint within 60 days after the final hearing thereon. For the purposes of this subsection, the final hearing on a matter delegated to a hearing officer pursuant to section 37 of this act is the final hearing conducted by the hearing officer unless the Board conducts a hearing with regard to the administrative complaint.*

2. The Board shall notify the licensee of its decision in writing by certified mail, return receipt requested. The decision of the Board becomes effective on the date the licensee receives the notice or on the date the Board receives a notice from the United States Postal Service stating that the licensee refused to accept delivery or could not be located.

Sec. 41. **(Deleted by amendment.)**

Sec. 42. ***1. Any licensee whose license ~~[was]~~ is revoked by the Board may apply for reinstatement of the license pursuant to ~~[the provisions of chapter 622A of NRS.~~***

~~2. In addition to the requirements for reinstatement of the license pursuant to chapter 622A of NRS, the]~~ regulations adopted by the Board.

2. The Board may reinstate the license upon compliance by the licensee with all requirements for reinstatement established by regulations adopted by the Board and payment of the applicable fee required pursuant to this chapter.

Sec. 43. ***1. Except as otherwise provided in this section and NRS 239.0115, any records or information obtained during the course of an investigation by the Board and any record of the investigation are confidential.***

2. Any complaint or other document filed by the Board to initiate disciplinary action and all documents and information considered by the Board when determining whether to impose disciplinary action are public records.

3. This section does not prevent or prohibit the Board from communicating or cooperating with another licensing board or any agency that is investigating a licensee, including a law enforcement agency.

Sec. 44. ***If the Board, based on evidence satisfactory to it, believes that any person has violated or is about to violate any provision of this chapter, the terms of any license, or any order, decision, demand or requirement, or any part thereof, the Board may bring an action, in the name of the Board, in the district court in and for the county in which the person resides, against the person to enjoin the person from continuing the violation or engaging in any act that constitutes such a violation. The court may enter an order or judgment granting such injunctive relief as it determines proper, but no such injunctive relief may be granted without at least 5 days' notice to the opposite party.***

Sec. 45. ***If a person is not licensed to engage in the practice of dietetics pursuant to this chapter, or if a person's license to engage in the practice of dietetics has been suspended or revoked by the Board, the person shall not:***

1. Engage in the practice of dietetics;

2. Use in connection with his or her name the words or letters "L.D.," "licensed dietitian" ~~[," "L.N.," "licensed nutritionist,"]~~ or any other letters, words or insignia indicating or implying that he or she is licensed to engage in the practice of dietetics, or in any other way, orally, or in writing or print, or by sign, directly or by implication, use the word "dietetics" ~~[or "nutritionist"]~~ or represent himself or herself as licensed or qualified to engage in the practice of dietetics in this State; or

3. List or cause to have listed in any directory, including, without limitation, a telephone directory, his or her name or the name of his or her company under the heading "Dietitian" ~~[or "Nutritionist"]~~ or any other term that indicates or implies that he or she is licensed or qualified to engage in the practice of dietetics in this State.

Sec. 46. ***1. A person who violates any provision of this chapter or any regulation adopted pursuant thereto is guilty of a misdemeanor.***

2. In addition to any criminal penalty that may be imposed pursuant to subsection 1, the Board may, after notice and hearing, impose a civil penalty of not more than $100 for each such violation. For the purposes of this subsection, each day on which a violation occurs constitutes a separate offense, except that the aggregate civil penalty that may be imposed against a person pursuant to this subsection may not exceed $10,000.

Sec. 47. NRS 629.031 is hereby amended to read as follows:

629.031 Except as otherwise provided by a specific statute:

1. "Provider of health care" means a physician licensed pursuant to chapter 630, 630A or 633 of NRS, physician assistant, dentist, licensed nurse, dispensing optician, optometrist, practitioner of respiratory care, registered physical therapist, podiatric physician, licensed psychologist, licensed marriage and family therapist, licensed clinical professional counselor, chiropractor, athletic trainer, perfusionist, doctor of Oriental medicine in any form, medical laboratory director or technician, pharmacist **,** ***licensed dietitian*** or a licensed hospital as the employer of any such person.

2. For the purposes of NRS 629.051, 629.061 and 629.065, the term includes a facility that maintains the health care records of patients.

Sec. 48. NRS 7.095 is hereby amended to read as follows:

7.095 1. An attorney shall not contract for or collect a fee contingent on the amount of recovery for representing a person seeking damages in connection with an action for injury or death against a provider of health care based upon professional negligence in excess of:

(a) Forty percent of the first $50,000 recovered;

(b) Thirty-three and one-third percent of the next $50,000 recovered;

(c) Twenty-five percent of the next $500,000 recovered; and

(d) Fifteen percent of the amount of recovery that exceeds $600,000.

2. The limitations set forth in subsection 1 apply to all forms of recovery, including, without limitation, settlement, arbitration and judgment.

3. For the purposes of this section, "recovered" means the net sum recovered by the plaintiff after deducting any disbursements or costs incurred in connection with the prosecution or settlement of the claim. Costs of medical care incurred by the plaintiff and general and administrative expenses incurred by the office of the attorney are not deductible disbursements or costs.

4. As used in this section:

(a) "Professional negligence" means a negligent act or omission to act by a provider of health care in the rendering of professional services, which act or omission is the proximate cause of a personal injury or wrongful death. The term does not include services that are outside the scope of services for which the provider of health care is licensed or services for which any restriction has been imposed by the applicable regulatory board or health care facility.

(b) "Provider of health care" means a physician licensed under chapter 630 or 633 of NRS, dentist, registered nurse, dispensing optician, optometrist, registered physical therapist, podiatric physician, licensed psychologist, chiropractor, doctor of Oriental medicine, medical laboratory director or technician, ***licensed dietitian*** or a licensed hospital and its employees.

Sec. 49. NRS 41A.017 is hereby amended to read as follows:

41A.017 "Provider of health care" means a physician licensed under chapter 630 or 633 of NRS, dentist, licensed nurse, dispensing optician, optometrist, registered physical therapist, podiatric physician, licensed psychologist, chiropractor, doctor of Oriental medicine, medical laboratory director or technician, ***licensed dietitian*** or a licensed hospital and its employees.

Sec. 50. NRS 42.021 is hereby amended to read as follows:

42.021 1. In an action for injury or death against a provider of health care based upon professional negligence, if the defendant so elects, the defendant may introduce evidence of any amount payable as a benefit to the plaintiff as a result of the injury or death pursuant to the United States Social Security Act, any state or federal income disability or worker's compensation act, any health, sickness or income-disability insurance, accident insurance that provides health benefits or income-disability coverage, and any contract or agreement of any group, organization, partnership or corporation to provide, pay for or reimburse the cost of medical, hospital, dental or other health care services. If the defendant elects to introduce such evidence, the plaintiff may introduce evidence of any amount that the plaintiff has paid or contributed to secure the plaintiff's right to any insurance benefits concerning which the defendant has introduced evidence.

2. A source of collateral benefits introduced pursuant to subsection 1 may not:

(a) Recover any amount against the plaintiff; or

(b) Be subrogated to the rights of the plaintiff against a defendant.

3. In an action for injury or death against a provider of health care based upon professional negligence, a district court shall, at the request of either party, enter a judgment ordering that money damages or its equivalent for future damages of the judgment creditor be paid in whole or in part by periodic payments rather than by a lump-sum payment if the award equals or exceeds $50,000 in future damages.

4. In entering a judgment ordering the payment of future damages by periodic payments pursuant to subsection 3, the court shall make a specific finding as to the dollar amount of periodic payments that will compensate the judgment creditor for such future damages. As a condition to authorizing periodic payments of future damages, the court shall require a judgment debtor who is not adequately insured to post security adequate to assure full payment of such damages awarded by the judgment. Upon termination of periodic payments of future damages, the court shall order the return of this security, or so much as remains, to the judgment debtor.

5. A judgment ordering the payment of future damages by periodic payments entered pursuant to subsection 3 must specify the recipient or recipients of the payments, the dollar amount of the payments, the interval between payments, and the number of payments or the period of time over which payments will be made. Such payments must only be subject to modification in the event of the death of the judgment creditor. Money damages awarded for loss of future earnings must not be reduced or payments terminated by reason of the death of the judgment creditor, but must be paid to persons to whom the judgment creditor owed a duty of support, as provided by law, immediately before the judgment creditor's death. In such cases, the court that rendered the original judgment may, upon petition of any party in interest, modify the judgment to award and apportion the unpaid future damages in accordance with this subsection.

6. If the court finds that the judgment debtor has exhibited a continuing pattern of failing to make the periodic payments as specified pursuant to subsection 5, the court shall find the judgment debtor in contempt of court and, in addition to the required periodic payments, shall order the judgment debtor to pay the judgment creditor all damages caused by the failure to make such periodic payments, including, but not limited to, court costs and attorney's fees.

7. Following the occurrence or expiration of all obligations specified in the periodic payment judgment, any obligation of the judgment debtor to

make further payments ceases and any security given pursuant to subsection 4 reverts to the judgment debtor.

8. As used in this section:

(a) "Future damages" includes damages for future medical treatment, care or custody, loss of future earnings, loss of bodily function, or future pain and suffering of the judgment creditor.

(b) "Periodic payments" means the payment of money or delivery of other property to the judgment creditor at regular intervals.

(c) "Professional negligence" means a negligent act or omission to act by a provider of health care in the rendering of professional services, which act or omission is the proximate cause of a personal injury or wrongful death. The term does not include services that are outside the scope of services for which the provider of health care is licensed or services for which any restriction has been imposed by the applicable regulatory board or health care facility.

(d) "Provider of health care" means a physician licensed under chapter 630 or 633 of NRS, dentist, licensed nurse, dispensing optician, optometrist, registered physical therapist, podiatric physician, licensed psychologist, chiropractor, doctor of Oriental medicine, medical laboratory director or technician, ***licensed dietitian*** or a licensed hospital and its employees.

Sec. 51. NRS 200.471 is hereby amended to read as follows:

200.471 1. As used in this section:

(a) "Assault" means:

(1) Unlawfully attempting to use physical force against another person; or

(2) Intentionally placing another person in reasonable apprehension of immediate bodily harm.

(b) "Officer" means:

(1) A person who possesses some or all of the powers of a peace officer;

(2) A person employed in a full-time salaried occupation of fire fighting for the benefit or safety of the public;

(3) A member of a volunteer fire department;

(4) A jailer, guard or other correctional officer of a city or county jail;

(5) A justice of the Supreme Court, district judge, justice of the peace, municipal judge, magistrate, court commissioner, master or referee, including a person acting pro tempore in a capacity listed in this subparagraph; or

(6) An employee of the State or a political subdivision of the State whose official duties require the employee to make home visits.

(c) "Provider of health care" means a physician, a perfusionist or a physician assistant licensed pursuant to chapter 630 of NRS, a practitioner of respiratory care, a homeopathic physician, an advanced practitioner of

homeopathy, a homeopathic assistant, an osteopathic physician, a physician assistant licensed pursuant to chapter 633 of NRS, a podiatric physician, a podiatry hygienist, a physical therapist, a medical laboratory technician, an optometrist, a chiropractor, a chiropractor's assistant, a doctor of Oriental medicine, a nurse, a student nurse, a certified nursing assistant, a nursing assistant trainee, a dentist, a dental hygienist, a pharmacist, an intern pharmacist, an attendant on an ambulance or air ambulance, a psychologist, a social worker, a marriage and family therapist, a marriage and family therapist intern, a clinical professional counselor, a clinical professional counselor intern ***, a licensed dietitian*** and an emergency medical technician.

(d) "School employee" means a licensed or unlicensed person employed by a board of trustees of a school district pursuant to NRS 391.100.

(e) "Sporting event" has the meaning ascribed to it in NRS 41.630.

(f) "Sports official" has the meaning ascribed to it in NRS 41.630.

(g) "Taxicab" has the meaning ascribed to it in NRS 706.8816.

(h) "Taxicab driver" means a person who operates a taxicab.

(i) "Transit operator" means a person who operates a bus or other vehicle as part of a public mass transportation system.

2. A person convicted of an assault shall be punished:

(a) If paragraph (c) or (d) does not apply to the circumstances of the crime and the assault is not made with the use of a deadly weapon or the present ability to use a deadly weapon, for a misdemeanor.

(b) If the assault is made with the use of a deadly weapon or the present ability to use a deadly weapon, for a category B felony by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, or by a fine of not more than $5,000, or by both fine and imprisonment.

(c) If paragraph (d) does not apply to the circumstances of the crime and if the assault is committed upon an officer, a provider of health care, a school employee, a taxicab driver or a transit operator who is performing his or her duty or upon a sports official based on the performance of his or her duties at a sporting event and the person charged knew or should have known that the victim was an officer, a provider of health care, a school employee, a taxicab driver, a transit operator or a sports official, for a gross misdemeanor, unless the assault is made with the use of a deadly weapon or the present ability to use a deadly weapon, then for a category B felony by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, or by a fine of not more than $5,000, or by both fine and imprisonment.

(d) If the assault is committed upon an officer, a provider of health care, a school employee, a taxicab driver or a transit operator who is performing his or her duty or upon a sports official based on the performance of his or her

duties at a sporting event by a probationer, a prisoner who is in lawful custody or confinement or a parolee, and the probationer, prisoner or parolee charged knew or should have known that the victim was an officer, a provider of health care, a school employee, a taxicab driver, a transit operator or a sports official, for a category D felony as provided in NRS 193.130, unless the assault is made with the use of a deadly weapon or the present ability to use a deadly weapon, then for a category B felony by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, or by a fine of not more than $5,000, or by both fine and imprisonment.

Sec. 52. NRS 200.5093 is hereby amended to read as follows:

200.5093 1. Any person who is described in subsection 4 and who, in a professional or occupational capacity, knows or has reasonable cause to believe that an older person has been abused, neglected, exploited or isolated shall:

(a) Except as otherwise provided in subsection 2, report the abuse, neglect, exploitation or isolation of the older person to:

(1) The local office of the Aging and Disability Services Division of the Department of Health and Human Services;

(2) A police department or sheriff's office;

(3) The county's office for protective services, if one exists in the county where the suspected action occurred; or

(4) A toll-free telephone service designated by the Aging and Disability Services Division of the Department of Health and Human Services; and

(b) Make such a report as soon as reasonably practicable but not later than 24 hours after the person knows or has reasonable cause to believe that the older person has been abused, neglected, exploited or isolated.

2. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that the abuse, neglect, exploitation or isolation of the older person involves an act or omission of the Aging and Disability Services Division, another division of the Department of Health and Human Services or a law enforcement agency, the person shall make the report to an agency other than the one alleged to have committed the act or omission.

3. Each agency, after reducing a report to writing, shall forward a copy of the report to the Aging and Disability Services Division of the Department of Health and Human Services and the Unit for the Investigation and Prosecution of Crimes.

4. A report must be made pursuant to subsection 1 by the following persons:

(a) Every physician, dentist, dental hygienist, chiropractor, optometrist, podiatric physician, medical examiner, resident, intern, professional or

practical nurse, physician assistant licensed pursuant to chapter 630 or 633 of NRS, perfusionist, psychiatrist, psychologist, marriage and family therapist, clinical professional counselor, clinical alcohol and drug abuse counselor, alcohol and drug abuse counselor, athletic trainer, driver of an ambulance, advanced emergency medical technician ***, licensed dietitian*** or other person providing medical services licensed or certified to practice in this State, who examines, attends or treats an older person who appears to have been abused, neglected, exploited or isolated.

(b) Any personnel of a hospital or similar institution engaged in the admission, examination, care or treatment of persons or an administrator, manager or other person in charge of a hospital or similar institution upon notification of the suspected abuse, neglect, exploitation or isolation of an older person by a member of the staff of the hospital.

(c) A coroner.

(d) Every person who maintains or is employed by an agency to provide personal care services in the home.

(e) Every person who maintains or is employed by an agency to provide nursing in the home.

(f) Every person who operates, who is employed by or who contracts to provide services for an intermediary service organization as defined in NRS 427A.0291.

(g) Any employee of the Department of Health and Human Services.

(h) Any employee of a law enforcement agency or a county's office for protective services or an adult or juvenile probation officer.

(i) Any person who maintains or is employed by a facility or establishment that provides care for older persons.

(j) Any person who maintains, is employed by or serves as a volunteer for an agency or service which advises persons regarding the abuse, neglect, exploitation or isolation of an older person and refers them to persons and agencies where their requests and needs can be met.

(k) Every social worker.

(l) Any person who owns or is employed by a funeral home or mortuary.

5. A report may be made by any other person.

6. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that an older person has died as a result of abuse, neglect or isolation, the person shall, as soon as reasonably practicable, report this belief to the appropriate medical examiner or coroner, who shall investigate the cause of death of the older person and submit to the appropriate local law enforcement agencies, the appropriate prosecuting attorney, the Aging and Disability Services Division of the Department of Health and Human Services and the Unit for the Investigation and Prosecution of Crimes his or her written findings. The written findings must

include the information required pursuant to the provisions of NRS 200.5094, when possible.

7. A division, office or department which receives a report pursuant to this section shall cause the investigation of the report to commence within 3 working days. A copy of the final report of the investigation conducted by a division, office or department, other than the Aging and Disability Services Division of the Department of Health and Human Services, must be forwarded within 30 days after the completion of the report to the:

(a) Aging and Disability Services Division;

(b) Repository for Information Concerning Crimes Against Older Persons created by NRS 179A.450; and

(c) Unit for the Investigation and Prosecution of Crimes.

8. If the investigation of a report results in the belief that an older person is abused, neglected, exploited or isolated, the Aging and Disability Services Division of the Department of Health and Human Services or the county's office for protective services may provide protective services to the older person if the older person is able and willing to accept them.

9. A person who knowingly and willfully violates any of the provisions of this section is guilty of a misdemeanor.

10. As used in this section, "Unit for the Investigation and Prosecution of Crimes" means the Unit for the Investigation and Prosecution of Crimes Against Older Persons in the Office of the Attorney General created pursuant to NRS 228.265.

Sec. 53. NRS 200.50935 is hereby amended to read as follows:

200.50935 1. Any person who is described in subsection 3 and who, in a professional or occupational capacity, knows or has reasonable cause to believe that a vulnerable person has been abused, neglected, exploited or isolated shall:

(a) Report the abuse, neglect, exploitation or isolation of the vulnerable person to a law enforcement agency; and

(b) Make such a report as soon as reasonably practicable but not later than 24 hours after the person knows or has reasonable cause to believe that the vulnerable person has been abused, neglected, exploited or isolated.

2. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that the abuse, neglect, exploitation or isolation of the vulnerable person involves an act or omission of a law enforcement agency, the person shall make the report to a law enforcement agency other than the one alleged to have committed the act or omission.

3. A report must be made pursuant to subsection 1 by the following persons:

(a) Every physician, dentist, dental hygienist, chiropractor, optometrist, podiatric physician, medical examiner, resident, intern, professional or

practical nurse, perfusionist, physician assistant licensed pursuant to chapter 630 or 633 of NRS, psychiatrist, psychologist, marriage and family therapist, clinical professional counselor, clinical alcohol and drug abuse counselor, alcohol and drug abuse counselor, athletic trainer, driver of an ambulance, advanced emergency medical technician ***, licensed dietitian*** or other person providing medical services licensed or certified to practice in this State, who examines, attends or treats a vulnerable person who appears to have been abused, neglected, exploited or isolated.

(b) Any personnel of a hospital or similar institution engaged in the admission, examination, care or treatment of persons or an administrator, manager or other person in charge of a hospital or similar institution upon notification of the suspected abuse, neglect, exploitation or isolation of a vulnerable person by a member of the staff of the hospital.

(c) A coroner.

(d) Every person who maintains or is employed by an agency to provide nursing in the home.

(e) Any employee of the Department of Health and Human Services.

(f) Any employee of a law enforcement agency or an adult or juvenile probation officer.

(g) Any person who maintains or is employed by a facility or establishment that provides care for vulnerable persons.

(h) Any person who maintains, is employed by or serves as a volunteer for an agency or service which advises persons regarding the abuse, neglect, exploitation or isolation of a vulnerable person and refers them to persons and agencies where their requests and needs can be met.

(i) Every social worker.

(j) Any person who owns or is employed by a funeral home or mortuary.

4. A report may be made by any other person.

5. If a person who is required to make a report pursuant to subsection 1 knows or has reasonable cause to believe that a vulnerable person has died as a result of abuse, neglect or isolation, the person shall, as soon as reasonably practicable, report this belief to the appropriate medical examiner or coroner, who shall investigate the cause of death of the vulnerable person and submit to the appropriate local law enforcement agencies and the appropriate prosecuting attorney his or her written findings. The written findings must include the information required pursuant to the provisions of NRS 200.5094, when possible.

6. A law enforcement agency which receives a report pursuant to this section shall immediately initiate an investigation of the report.

7. A person who knowingly and willfully violates any of the provisions of this section is guilty of a misdemeanor.

Sec. 54. NRS 200.5095 is hereby amended to read as follows:

200.5095 1. Reports made pursuant to NRS 200.5093, 200.50935 and 200.5094, and records and investigations relating to those reports, are confidential.

2. A person, law enforcement agency or public or private agency, institution or facility who willfully releases data or information concerning the reports and investigation of the abuse, neglect, exploitation or isolation of older persons or vulnerable persons, except:

(a) Pursuant to a criminal prosecution;

(b) Pursuant to NRS 200.50982; or

(c) To persons or agencies enumerated in subsection 3,

➥ is guilty of a misdemeanor.

3. Except as otherwise provided in subsection 2 and NRS 200.50982, data or information concerning the reports and investigations of the abuse, neglect, exploitation or isolation of an older person or a vulnerable person is available only to:

(a) A physician who is providing care to an older person or a vulnerable person who may have been abused, neglected, exploited or isolated;

(b) An agency responsible for or authorized to undertake the care, treatment and supervision of the older person or vulnerable person;

(c) A district attorney or other law enforcement official who requires the information in connection with an investigation of the abuse, neglect, exploitation or isolation of the older person or vulnerable person;

(d) A court which has determined, in camera, that public disclosure of such information is necessary for the determination of an issue before it;

(e) A person engaged in bona fide research, but the identity of the subjects of the report must remain confidential;

(f) A grand jury upon its determination that access to such records is necessary in the conduct of its official business;

(g) Any comparable authorized person or agency in another jurisdiction;

(h) A legal guardian of the older person or vulnerable person, if the identity of the person who was responsible for reporting the alleged abuse, neglect, exploitation or isolation of the older person or vulnerable person to the public agency is protected, and the legal guardian of the older person or vulnerable person is not the person suspected of such abuse, neglect, exploitation or isolation;

(i) If the older person or vulnerable person is deceased, the executor or administrator of his or her estate, if the identity of the person who was responsible for reporting the alleged abuse, neglect, exploitation or isolation of the older person or vulnerable person to the public agency is protected, and the executor or administrator is not the person suspected of such abuse, neglect, exploitation or isolation; or

(j) The older person or vulnerable person named in the report as allegedly being abused, neglected, exploited or isolated, if that person is not legally incompetent.

4. If the person who is reported to have abused, neglected, exploited or isolated an older person or a vulnerable person is the holder of a license or certificate issued pursuant to chapters 449, 630 to 641B, inclusive, or 654 of NRS, ***or sections 1.5 to 46, inclusive, of this act, the*** information contained in the report must be submitted to the board that issued the license.

Sec. 55. **(Deleted by amendment.)**

Sec. 56. **(Deleted by amendment.)**

Sec. 57. **(Deleted by amendment.)**

Sec. 58. NRS 372.7285 is hereby amended to read as follows:

372.7285 1. In administering the provisions of NRS 372.325, the Department shall apply the exemption to the sale of a medical device to a governmental entity that is exempt pursuant to that section without regard to whether the person using the medical device or the governmental entity that purchased the device is deemed to be the holder of title to the device if:

(a) The medical device was ordered or prescribed by a provider of health care, within his or her scope of practice, for use by the person to whom it is provided;

(b) The medical device is covered by Medicaid or Medicare; and

(c) The purchase of the medical device is made pursuant to a contract between the governmental entity that purchases the medical device and the person who sells the medical device to the governmental entity.

2. As used in this section:

(a) "Medicaid" means the program established pursuant to Title XIX of the Social Security Act, 42 U.S.C. §§ 1396 et seq., to provide assistance for part or all of the cost of medical care rendered on behalf of indigent persons.

(b) "Medicare" means the program of health insurance for aged persons and persons with disabilities established pursuant to Title XVIII of the Social Security Act, 42 U.S.C. §§ 1395 et seq.

(c) "Provider of health care" means a physician licensed pursuant to chapter 630, 630A or 633 of NRS, perfusionist, dentist, licensed nurse, dispensing optician, optometrist, practitioner of respiratory care, registered physical therapist, podiatric physician, licensed psychologist, licensed audiologist, licensed speech pathologist, licensed hearing aid specialist, licensed marriage and family therapist, licensed clinical professional counselor, chiropractor ***, licensed dietitian*** or doctor of Oriental medicine in any form.

Sec. 59. NRS 374.731 is hereby amended to read as follows:

374.731 1. In administering the provisions of NRS 374.330, the Department shall apply the exemption to the sale of a medical device to a

governmental entity that is exempt pursuant to that section without regard to whether the person using the medical device or the governmental entity that purchased the device is deemed to be the holder of title to the device if:

(a) The medical device was ordered or prescribed by a provider of health care, within his or her scope of practice, for use by the person to whom it is provided;

(b) The medical device is covered by Medicaid or Medicare; and

(c) The purchase of the medical device is made pursuant to a contract between the governmental entity that purchases the medical device and the person who sells the medical device to the governmental entity.

2. As used in this section:

(a) "Medicaid" means the program established pursuant to Title XIX of the Social Security Act, 42 U.S.C. §§ 1396 et seq., to provide assistance for part or all of the cost of medical care rendered on behalf of indigent persons.

(b) "Medicare" means the program of health insurance for aged persons and persons with disabilities established pursuant to Title XVIII of the Social Security Act, 42 U.S.C. §§ 1395 et seq.

(c) "Provider of health care" means a physician licensed pursuant to chapter 630, 630A or 633 of NRS, perfusionist, dentist, licensed nurse, dispensing optician, optometrist, practitioner of respiratory care, registered physical therapist, podiatric physician, licensed psychologist, licensed audiologist, licensed speech pathologist, licensed hearing aid specialist, licensed marriage and family therapist, licensed clinical professional counselor, chiropractor ***, licensed dietitian*** or doctor of Oriental medicine in any form.

Sec. 60. NRS 442.003 is hereby amended to read as follows:

442.003 As used in this chapter, unless the context requires otherwise:

1. "Advisory Board" means the Advisory Board on Maternal and Child Health.

2. "Department" means the Department of Health and Human Services.

3. "Director" means the Director of the Department.

4. "Fetal alcohol syndrome" includes fetal alcohol effects.

5. "Health Division" means the Health Division of the Department.

6. "Obstetric center" has the meaning ascribed to it in NRS 449.0155.

7. "Provider of health care or other services" means:

(a) A clinical alcohol and drug abuse counselor who is licensed, or an alcohol and drug abuse counselor who is licensed or certified, pursuant to chapter 641C of NRS;

(b) A physician or a physician assistant who is licensed pursuant to chapter 630 or 633 of NRS and who practices in the area of obstetrics and gynecology, family practice, internal medicine, pediatrics or psychiatry;

(c) A licensed nurse;

(d) A licensed psychologist;

(e) A licensed marriage and family therapist;

(f) A licensed clinical professional counselor;

(g) A licensed social worker; ~~[or]~~

(h) ***A licensed dietitian; or***

(i) The holder of a certificate of registration as a pharmacist.

Sec. 61. NRS 608.0116 is hereby amended to read as follows:

608.0116 "Professional" means pertaining to an employee who is licensed or certified by the State of Nevada for and engaged in the practice of law or any of the professions regulated by chapters 623 to 645, inclusive, 645G and 656A of NRS ~~[.]~~ ***and sections 1.5 to 46, inclusive, of this act.***

Sec. 62. Section 26 of this act is hereby amended to read as follows:

Sec. 26. 1. In addition to any other requirements set forth in this chapter ~~[:~~

~~(a) An applicant for the issuance of a license to engage in the practice of dietetics in this State shall include the social security number of the applicant in the application submitted to the Board.~~

~~(b) An~~**]** ***, an*** applicant for the issuance or renewal of a license to engage in the practice of dietetics in this State shall submit to the Board the statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520. The statement must be completed and signed by the applicant.

2. The Board shall include the statement required pursuant to subsection 1 in:

(a) The application or any other forms that must be submitted for the issuance or renewal of the license; or

(b) A separate form prescribed by the Board.

3. A license to engage in the practice of dietetics may not be issued or renewed by the Board if the applicant:

(a) Fails to submit the statement required pursuant to subsection 1; or

(b) Indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.

4. If an applicant indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the Board shall advise the applicant to contact the district attorney or other public agency enforcing the

order to determine the actions that the applicant may take to satisfy the arrearage.

Sec. 63. **(Deleted by amendment.)**

Sec. 63.5. **Except for the suspension of a license pursuant to section 35 of this act, no disciplinary action may be initiated, investigated or imposed pursuant to sections 1.5 to 46, inclusive, of this act before July 1, 2013.**

Sec. 64. Notwithstanding the provisions of section 20 of this act, the State Board of ~~[Dietetics]~~ **Health** shall grant a license to engage in the practice of dietetics in this state without examination to a person who:

1. Was engaged in the practice of dietetics in this State on or before January 1, 2012;

2. Submits an application for a license to the Board on or before January 1, 2013; and

3. Presents proof that the person:

(a) Is a registered dietitian; or

(b) Meets the education and experience requirements set forth in section 20 of this act.

Sec. 65. 1. This section and sections 11 and 63 of this act become effective upon passage and approval.

2. Sections 1 to 10, inclusive, 12 to 61, inclusive, **63.5** and 64 of this act become effective on July 1, 2011, for the purpose of adopting regulations and carrying out any other administrative tasks, and on January 1, 2012, for all other purposes.

3. Section 62 of this act becomes effective on the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

(a) Have failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or

(b) Are in arrears in the payment for the support of one or more children,

➥ are repealed by the Congress of the United States.

4. Sections 35 and 62 of this act expire by limitation on the date 2 years after the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

(a) Have failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or

(b) Are in arrears in the payment for the support of one or more children,

➥ are repealed by the Congress of the United States.

Assemblyman Atkinson moved that the Assembly concur in the Senate amendment to Assembly Bill No. 289.

Remarks by Assemblyman Atkinson.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Assembly Bill No. 309.

The following Senate amendment was read:

Amendment No. 597.

AN ACT relating to insurance; creating the Office of the Consumer Advocate within the Division of Insurance of the Department of Business and Industry; requiring the Governor to appoint a Consumer Advocate as the executive head of the office; requiring the Consumer Advocate to intervene in and represent the public interest in public hearings relating to rates for certain ~~[policies, contracts or plans of health insurance;]~~ **health benefit plans;** requiring an insurer to provide certain information to the Consumer Advocate and the Division and publish on an Internet website maintained by the insurer certain information concerning each ~~[policy, contract or plan of health insurance]~~ **such health benefit plan** offered by the insurer in this State; requiring the Commissioner of Insurance to publish on an Internet website maintained by the Division certain information relating to health insurance rates and public hearings relating to rates for ~~[certain policies, contracts or plans of health insurance;]~~ **such health benefit plans;** authorizing an insurer and the Consumer Advocate to request a public hearing on any rate or proposed rate increase or decrease of **such** a ~~[policy, contract or plan of health insurance]~~ **health benefit plan** filed by the insurer with the Commissioner; authorizing a consumer of health insurance to request a public hearing on certain rates and proposed rate increases or decreases of **such** a ~~[policy, contract or plan of health insurance]~~ **health benefit plan** filed by an insurer with the Commissioner; authorizing the Commissioner to hold a public hearing on a rate or proposed rate increase or decrease of **such** a ~~[policy, contract or plan of health insurance]~~ **health benefit plan** filed by an insurer; ~~[removing]~~ **revising** certain provisions relating to trade secrets of insurers; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The Nevada Insurance Code is set forth in title 57 of NRS. Section 1 of this bill provides that no provision of the Code applies to Medicaid or the Children's Health Insurance Program.

The Commissioner of Insurance has exclusive authority to regulate insurers in this State and to approve or disapprove rates or proposed rate

increases of insurers. (Chapters 679B, 680A and 686B of NRS) **Section 2** of this bill creates the Office of the Consumer Advocate within the Division of Insurance of the Department of Business and Industry and requires the Governor to appoint a Consumer Advocate to serve as executive head of the office and to intervene in and represent the public interest in certain public hearings relating to rates or proposed rate increases or decreases for ~~[certain policies, contracts or plans of health insurance.]~~ **individual health benefit plans and group health plans for small employers.** **Section 3** of this bill requires an insurer to provide certain information to the Consumer Advocate and the Division, and **section 6** of this bill requires an insurer to publish on an Internet website maintained by the insurer the ~~[provisions, terms, rates,]~~ **base** premiums, certificates of coverage and actual and projected loss ratios of ~~[each policy, contract or plan of health insurance]~~ **such health benefit plans** offered by the insurer to consumers in this State. **Section 6** also requires the Division to maintain a link to the Internet website of the insurer on an Internet website maintained by the Division.

Section 7 of this bill authorizes the Commissioner to hold a public hearing before approving or denying a rate or proposed rate increase or decrease of **such** a ~~[policy, contract or plan of health insurance.]~~ **health benefit plan.** **Section 7** also authorizes an insurer, the Consumer Advocate or a consumer of health insurance to request such a public hearing. **Section 7** further requires the insurer and Commissioner to publish on an Internet website maintained by the insurer or Division, respectively, certain information relating to a request for approval of a rate or proposed rate increase or decrease, including the date by which a person must request a public hearing concerning a rate or proposed rate increase. **Section 12** of this bill requires that certain information be filed with the Commissioner and provides that **, with certain exceptions relating to confidentiality and trade secrets,** the information which is filed by certain insurers is available to the public upon a written request.

Existing law prohibits the Commissioner from disclosing to a third party certain proprietary information of an insurer. (NRS 689A.695, 689B.115, 689C.250) **Sections 18-20** of this bill delete those provisions.

An insurer that violates the provisions of **section 3, 6, 7 or 21** of this bill is guilty of a misdemeanor. (NRS 679A.180)

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. **NRS 679A.160 is hereby amended to read as follows:**

679A.160 Except as otherwise provided by specific statute, no provision of this Code applies to:

1. Fraternal benefit societies, as identified in chapter 695A of NRS, except as stated in chapter 695A of NRS.

2. Hospital, medical or dental service corporations, as identified in chapter 695B of NRS, except as stated in chapter 695B of NRS.

3. Motor clubs, as identified in chapter 696A of NRS, except as stated in chapter 696A of NRS.

4. Bail agents, as identified in chapter 697 of NRS, except as stated in NRS 680B.025 to 680B.039, inclusive, and chapter 697 of NRS.

5. Risk retention groups, as identified in chapter 695E of NRS, except as stated in chapter 695E of NRS.

6. Captive insurers, as identified in chapter 694C of NRS, with respect to their activities as captive insurers, except as stated in chapter 694C of NRS.

7. Health and welfare plans arising out of collective bargaining under chapter 288 of NRS, except that the Commissioner may review the plan to ensure that the benefits are reasonable in relation to the premiums and that the fund is financially sound.

8. Medicaid or the Children's Health Insurance Program as described in chapter 422 of NRS.

~~[Section 1.]~~ ***Sec. 1.5.*** Chapter 679B of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. ***1. The Office of the Consumer Advocate is hereby created within the Division. The Governor shall appoint the Consumer Advocate as the executive head of the office. The Consumer Advocate is not subject to the supervision or control of the Division or the Commissioner in carrying out his or her duties.***

2. The Governor shall appoint the Consumer Advocate for a term of 4 years. The Consumer Advocate is in the unclassified service of the State.

3. The Consumer Advocate shall intervene in and represent the public interest in all public hearings conducted by the Commissioner pursuant to section 7 of this act.

4. The Consumer Advocate may apply to the Commissioner for the issuance of a subpoena pursuant to NRS 679B.340 for the appearance of witnesses or the production of books, papers and documents in any public hearing in which the Consumer Advocate intervenes and may make arrangements for and pay the fees or costs of any witnesses and consultants necessary to the public hearing.

5. The Commissioner may apply for any available grants and may accept any gifts, grants and donations from any source to defray the costs of the Consumer Advocate in carrying out his or her duties.

~~[5.]~~ 6. To the extent money is available for this purpose, the Commissioner may employ in the unclassified service of the State any

personnel necessary to assist with the duties and responsibilities of the Consumer Advocate.

~~[6.]~~ 7. The Governor may remove the Consumer Advocate from office for inefficiency, neglect of duty or malfeasance in office.

Sec. 3. ***1. An insurer that offers any ~~[policy, contract or plan of health insurance]~~ health benefit plan in this State shall provide the Consumer Advocate and the Division with copies of any proposed changes in rates and any other information used to calculate a rate or proposed rate increase or decrease. Information provided to the Consumer Advocate and the Division pursuant to this section must be submitted in an electronic format prescribed by the Commissioner.***

2. The provisions of this section apply only to individual health benefit plans described in chapter 689A of NRS and group health plans for small employers described in chapter 689C of NRS.

Sec. 4. NRS 679B.510 is hereby amended to read as follows:

679B.510 As used in NRS 679B.510 to 679B.560, inclusive, ***and sections 2 and 3 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 679B.520, 679B.530 and 679B.540 have the meanings ascribed to them in those sections.

Sec. 5. Chapter 686B of NRS is hereby amended by adding thereto the provisions set forth as sections 6, 7 and 7.5 of this act.

Sec. 6. ***1. An insurer shall, on or before a date established by the Commissioner, publish on an Internet website maintained by the insurer the ~~[provisions, terms, rates,]~~ base premiums, certificates of coverage, projected loss ratio reported to the Department of Health and Human Services for the current fiscal year and the next following fiscal year ~~[of each policy, contract or plan of health insurance]~~ for each health benefit plan offered by the insurer in this State, and actual loss ratio ~~[of each policy, contract or plan of health insurance]~~ reported to the Department of Health and Human Services for the immediately preceding fiscal year for each health benefit plan offered by the insurer in this State . ~~[for the immediately preceding fiscal year.]~~ An insurer shall update the information published pursuant to this subsection each time the insurer changes or modifies ~~[any provision, term, rate or]~~ the base premium or certificate of coverage of such a ~~[policy, contract or]~~ health benefit plan and shall ensure that the information published pursuant to this subsection does not include any personally identifying information or confidential medical information.***

2. The Division shall publish on an Internet website maintained by the Division a link to the Internet website maintained by each insurer on which information is published as required by subsection 1.

3. The provisions of this section apply only to individual health benefit plans described in chapter 689A of NRS and group health plans for small employers described in chapter 689C of NRS.

4. As used in this section, "loss ratio" has the meaning ascribed to it in section 2718(b)(1)(A) of the Public Health Service Act, as amended by Public Law 111-148.

Sec. 7. ***1. Upon the filing of a rate or proposed rate increase or decrease pursuant to NRS 686B.070 for a [policy, contract or plan of health insurance,] health benefit plan and upon a determination by the Commissioner that the proposal is complete, the insurer and Commissioner shall publish on an Internet website maintained by the insurer and Division, respectively, notice of the filing, any information relating to the rate or proposed rate increase or decrease, other than confidential medical information, and the date by which a request for a public hearing on the rate or proposed rate increase or decrease must be submitted pursuant to subsection 2.***

2. Upon the filing of a rate or proposed rate increase or decrease pursuant to NRS 686B.070 for a [policy, contract or plan of health insurance:] health benefit plan:

(a) The insurer or rate service organization that files the rate or proposed rate increase or decrease or the Consumer Advocate may request that the Commissioner conduct a public hearing on the rate or proposed rate increase or decrease; and

(b) A consumer of health insurance may request that the Commissioner conduct a public hearing on the rate or proposed rate increase or decrease if:

(1) The proposed rate increase or decrease is more than 10 percent of the current rate; or

(2) The [policy, contract or plan of health insurance] health benefit plan represents more than 5 percent of its market segment in the State,

➥ by submitting to the Commissioner a written request for a public hearing not later than [30] 28 days after the date of first publication of the notice of the rate or proposed rate increase or decrease pursuant to subsection 1.

3. Upon the filing of a rate or proposed rate increase or decrease pursuant to NRS 686B.070 for a [policy, contract or plan of health insurance] health benefit plan or upon a request for a public hearing pursuant to subsection 2, the Commissioner may conduct a public hearing on the rate or proposed rate increase or decrease. In determining whether a public hearing should be held upon a request submitted by a consumer of health insurance covered by a group health plan for small employers, the Commissioner may, without limitation, consider whether the consumer of

health insurance is representative of a majority of the employees covered under the group health plan.

4. If the Commissioner determines that a public hearing should be held pursuant to subsection 3, the Commissioner shall provide notice to the insurer or rate service organization and to the general public of the public hearing not later than 15 days before the date of the public hearing and shall conduct the public hearing not later than 45 days after a determination by the Commissioner that the filing of the rate or proposed rate increase or decrease is complete.

5. Upon receipt of the notice of a public hearing from the Commissioner, an insurer or rate service organization shall provide notice of the public hearing on its website and to each of its policyholders who would be affected by the proposed change at his or her mailing address or electronic mailing address not later than 10 days before the date of the public hearing.

6. To the extent practicable, a public hearing that is conducted pursuant to this section on a weekday must be conducted after 5 p.m.

7. If a public hearing is conducted pursuant to subsection 3, the Commissioner , in addition to complying with the requirements of NRS 241.035, shall publish on an Internet website maintained by the Division:

(a) A transcript of the public hearing not later than [15] 30 days after the date of the hearing; and

(b) Any finding, decision or order of the Commissioner not later than 15 days after the date of issuance of the finding, decision or order.

8. The provisions of this section apply only to individual health benefit plans described in chapter 689A of NRS and group health plans for small employers described in chapter 689C of NRS.

9. As used in this section, "Consumer Advocate" means the Consumer Advocate appointed by the Governor pursuant to section 2 of this act.

Sec. 7.5. (Deleted by amendment.)

Sec. 8. NRS 686B.010 is hereby amended to read as follows:

686B.010 1. The Legislature intends that NRS 686B.010 to 686B.1799, inclusive, ***and sections 6, 7 and 7.5 of this act*** be liberally construed to achieve the purposes stated in subsection 2, which constitute an aid and guide to interpretation but not an independent source of power.

2. The purposes of NRS 686B.010 to 686B.1799, inclusive, ***and sections 6, 7 and 7.5 of this act*** are to:

(a) Protect policyholders and the public against the adverse effects of excessive, inadequate or unfairly discriminatory rates;

(b) Encourage, as the most effective way to produce rates that conform to the standards of paragraph (a), independent action by and reasonable price competition among insurers;

(c) Provide formal regulatory controls for use if independent action and price competition fail;

(d) Authorize cooperative action among insurers in the rate-making process, and to regulate such cooperation in order to prevent practices that tend to bring about monopoly or to lessen or destroy competition;

(e) Encourage the most efficient and economic marketing practices; and

(f) Regulate the business of insurance in a manner that will preclude application of federal antitrust laws.

Sec. 9. NRS 686B.020 is hereby amended to read as follows:

686B.020 As used in NRS 686B.010 to 686B.1799, inclusive, ***and sections 6, 7 and 7.5 of this act,*** unless the context otherwise requires:

1. "Advisory organization," except as limited by NRS 686B.1752, means any person or organization which is controlled by or composed of two or more insurers and which engages in activities related to rate making. For the purposes of this subsection, two or more insurers with common ownership or operating in this State under common ownership constitute a single insurer. An advisory organization does not include:

(a) A joint underwriting association;

(b) An actuarial or legal consultant; or

(c) An employee or manager of an insurer.

2. "Market segment" means any line or kind of insurance or, if it is described in general terms, any subdivision thereof or any class of risks or combination of classes.

3. "Rate service organization" means any person, other than an employee of an insurer, who assists insurers in rate making or filing by:

(a) Collecting, compiling and furnishing loss or expense statistics;

(b) Recommending, making or filing rates or supplementary rate information; or

(c) Advising about rate questions, except as an attorney giving legal advice.

4. "Supplementary rate information" includes any manual or plan of rates, statistical plan, classification, rating schedule, minimum premium, policy fee, rating rule, rule of underwriting relating to rates and any other information prescribed by regulation of the Commissioner.

Sec. 10. NRS 686B.030 is hereby amended to read as follows:

686B.030 1. Except as otherwise provided in subsection 2 , ~~*[and sections 6, 7 and 7.5 of this act, the provisions of]*~~ NRS 686B.010 to 686B.1799, inclusive, ***and sections 6, 7 and 7.5 of this act*** apply to all kinds and lines of direct insurance written on risks or operations in this State by any insurer authorized to do business in this State, except:

(a) Ocean marine insurance;

(b) Contracts issued by fraternal benefit societies;

(c) Life insurance and credit life insurance;

(d) Variable and fixed annuities;

(e) ~~[Group and blanket health insurance and credit]~~ ***Credit*** health insurance;

(f) Property insurance for business and commercial risks;

(g) Casualty insurance for business and commercial risks other than insurance covering the liability of a practitioner licensed pursuant to chapters 630 to 640, inclusive, of NRS; ~~[and]~~

(h) Surety insurance. ~~[.]~~ ***; and***

(i) Contracts relating to Medicaid or the Children's Health Insurance Program as described in chapter 422 of NRS.

2. The exclusions set forth in paragraphs (f) and (g) of subsection 1 extend only to issues related to the determination or approval of premium rates.

Sec. 11. NRS 686B.040 is hereby amended to read as follows:

686B.040 1. Except as otherwise provided in subsection 2, the Commissioner may by rule exempt any person or class of persons or any market segment from any or all of the provisions of NRS 686B.010 to 686B.1799, inclusive, ***and sections 6, 7 and 7.5 of this act*** if and to the extent that the Commissioner finds their application unnecessary to achieve the purposes of those sections.

2. The Commissioner may not, by rule or otherwise, exempt an insurer from the provisions of NRS 686B.010 to 686B.1799, inclusive, ***and sections 6, 7 and 7.5 of this act*** with regard to insurance covering the liability of a practitioner licensed pursuant to chapter 630, 631, 632 or 633 of NRS for a breach of the practitioner's professional duty toward a patient.

Sec. 12. NRS 686B.070 is hereby amended to read as follows:

686B.070 1. Every authorized insurer and every rate service organization licensed under NRS 686B.140 which has been designated by any insurer for the filing of rates under subsection 2 of NRS 686B.090 shall file with the Commissioner ~~[all:]~~ ***for approval:***

(a) ~~[Rates]~~ ***All rates*** and proposed ***rate*** increases ~~[thereto;]~~ ***or decreases;***

(b) ~~[Forms]~~ ***All forms*** of policies to which the rates apply;

(c) ~~[Supplementary]~~ ***All supplementary*** rate information; and

(d) ~~[Changes and amendments thereof,~~

~~made by it for use in this state.]~~ ***Any formula, supporting data or other information used to calculate the rate or proposed rate increase or decrease filed pursuant to paragraph (a).***

2. If an insurer makes a filing for a proposed increase in a rate for insurance covering the liability of a practitioner licensed pursuant to chapter 630, 631, 632 or 633 of NRS for a breach of the practitioner's professional

duty toward a patient, the insurer shall not include in the filing any component that is directly or indirectly related to the following:

(a) Capital losses, diminished cash flow from any dividends, interest or other investment returns, or any other financial loss that is materially outside of the claims experience of the professional liability insurance industry, as determined by the Commissioner.

(b) Losses that are the result of any criminal or fraudulent activities of a director, officer or employee of the insurer.

➥ If the Commissioner determines that a filing includes any such component, the Commissioner shall, pursuant to NRS 686B.110, disapprove the proposed increase, in whole or in part, to the extent that the proposed increase relies upon such a component.

3. A rate or proposed rate increase or decrease filed pursuant to subsection 1 must not go into effect until approved pursuant to NRS 686B.110.

4. ~~[Except for the filing of a rate or proposed rate increase or decrease of a policy, contract or plan of health insurance issued to a group pursuant to NRS 689B.026, the]~~ The information submitted with the filing of a rate or proposed rate or rate increase pursuant to subsection 1, other than confidential medical information , ~~[or]~~ any information relating to the amount, terms or conditions of reimbursement pursuant to a contract between the insurer and a third party ~~[.]~~ or any information the Commissioner determines is a trade secret, is public and must be provided to any person upon written request.

5. As used in this section, "trade secret" has the meaning ascribed to it in subsection 5 of NRS 600A.030.

Sec. 13. NRS 686B.090 is hereby amended to read as follows:

686B.090 1. An insurer shall establish rates and supplementary rate information for any market segment based on the factors in NRS 686B.060. If an insurer has insufficient creditable loss experience, it may use rates and supplementary rate information prepared by a rate service organization, with modification for its own expense and loss experience.

2. ~~[An]~~ ***Except as otherwise provided in section 7 of this act, an*** insurer may discharge its obligation under subsection 1 of NRS 686B.070 by giving notice to the Commissioner that it uses rates and supplementary rate information prepared by a designated rate service organization, with such information about modifications thereof as are necessary fully to inform the Commissioner. The insurer's rates and supplementary rate information shall be deemed those filed from time to time by the rate service organization, including any amendments thereto as filed, subject to the modifications filed by the insurer.

Sec. 14. NRS 686B.110 is hereby amended to read as follows:

686B.110 1. The Commissioner shall consider each ***rate or*** proposed increase or decrease in the rate of any kind or line of insurance or subdivision thereof filed with the Commissioner pursuant to subsection 1 of NRS 686B.070. If the Commissioner finds that a proposed increase will result in a rate which is not in compliance with NRS 686B.050 or subsection 2 of NRS 686B.070, the Commissioner shall disapprove the proposal. The Commissioner shall approve or disapprove each proposal ~~[no]~~ ***:***

(a) If the Commissioner conducts a public hearing on the proposal pursuant to section 7 of this act, not later than ~~[60]~~ ***30*** days after ~~[it is determined by]~~ ***the date of the public hearing; or***

(b) If no public hearing is held on the proposal pursuant to section 7 of this act, not later than ~~*[30]*~~ ***45 days after the date on which*** the Commissioner ***determines the proposal*** to be complete pursuant to subsection ~~[4.]~~ ***5.***

2. If the Commissioner fails to approve or disapprove the proposal within ~~[that]~~ ***the*** period ~~[,]~~ ***specified in subsection 1,*** the proposal shall be deemed approved.

~~[2.]~~ ***3.*** Whenever an insurer has no legally effective rates as a result of the Commissioner's disapproval of rates or other act, the Commissioner shall on request specify interim rates for the insurer that are high enough to protect the interests of all parties and may order that a specified portion of the premiums be placed in an escrow account approved by the Commissioner. When new rates become legally effective, the Commissioner shall order the escrowed funds or any overcharge in the interim rates to be distributed appropriately, except that refunds to policyholders that are de minimis must not be required.

~~[3.]~~ ***4.*** If the Commissioner disapproves a ***rate or*** proposed rate ***increase or decrease*** and an insurer requests a hearing to determine the validity of the action of the Commissioner, the insurer has the burden of showing compliance with the applicable standards for rates established in NRS 686B.010 to 686B.1799, inclusive ~~[.]~~ ***, and sections 6, 7 and 7.5 of this act.*** Any such hearing must be held:

(a) Within 30 days after the request for a hearing has been submitted to the Commissioner; or

(b) Within a period agreed upon by the insurer and the Commissioner.

➥ If the hearing is not held within the period specified in paragraph (a) or (b), or if the Commissioner fails to issue an order concerning the ***rate or*** proposed rate ***increase or decrease*** for which the hearing is held within 45 days after the hearing, the proposed rate ***or proposed rate increase or decrease*** shall be deemed approved.

~~[4.]~~ ***5.*** The Commissioner shall by regulation specify the documents or any other information which must be included in a proposal for a rate or to

increase or decrease a rate ~~[submitted to]~~ ***filed with*** the Commissioner pursuant to subsection 1 ~~[.]~~ ***of NRS 686B.070.*** Each such proposal shall be deemed complete upon its filing with the Commissioner, unless the Commissioner, within 15 business days after the proposal is filed with the Commissioner, determines that the proposal is incomplete because the proposal does not comply with the regulations adopted by the Commissioner pursuant to this subsection.

Sec. 15. NRS 686B.117 is hereby amended to read as follows:

686B.117 If a filing made with the Commissioner pursuant to ~~[paragraph (a) of]~~ subsection 1 of NRS 686B.070 pertains to insurance covering the liability of a practitioner licensed pursuant to chapter 630, 631, 632 or 633 of NRS for a breach of the practitioner's professional duty toward a patient, any interested person, and any association of persons or organization whose members may be affected, may intervene as a matter of right in any hearing or other proceeding conducted to determine whether the applicable rate or proposed increase thereto:

1. Complies with the standards set forth in NRS 686B.050 and subsection 2 of NRS 686B.070.

2. Should be approved or disapproved.

Sec. 16. NRS 687B.120 is hereby amended to read as follows:

687B.120 1. No life or health insurance policy or contract, annuity contract form, policy form, health care plan or plan for dental care, whether individual, group or blanket, including those to be issued by a health maintenance organization, organization for dental care or prepaid limited health service organization, or application form where a written application is required and is to be made a part of the policy or contract, or printed rider or endorsement form or form of renewal certificate, or form of individual certificate or statement of coverage to be issued under group or blanket contracts, or by a health maintenance organization, organization for dental care or prepaid limited health service organization, may be delivered or issued for delivery in this state, unless the form has been filed with and approved by the Commissioner. ~~[This subsection does not apply to any special rider or endorsement which relates to the manner of distribution of benefits or to the reservation of rights and benefits under life or health insurance policies, which special riders or endorsements are used at the request of the individual policyholder, contract holder or certificate holder.]~~ As to group insurance policies effectuated and delivered outside this state but covering persons resident in this state, the group certificates to be delivered or issued for delivery in this state must be filed, for informational purposes only, with the Commissioner at the request of the Commissioner.

2. Every ~~[such]~~ filing ***made pursuant to subsection 1*** must be made not less than 45 days in advance of any ~~[such]~~ delivery ~~[.]~~ ***pursuant to***

subsection 1. At the expiration of 45 days the form so filed shall be deemed approved unless prior thereto it has been affirmatively approved or disapproved by order of the Commissioner. Approval of any such form by the Commissioner constitutes a waiver of any unexpired portion of such waiting period. The Commissioner may extend by not more than an additional 30 days the period within which the Commissioner may so affirmatively approve or disapprove any such form, by giving notice to the insurer of the extension before expiration of the initial 45-day period. At the expiration of any such period as so extended, and in the absence of prior affirmative approval or disapproval, any such form shall be deemed approved. The Commissioner may at any time, after notice and for cause shown, withdraw any such approval.

3. Any order of the Commissioner disapproving any such form or withdrawing a previous approval must state the grounds therefor and the particulars thereof in such detail as reasonably to inform the insurer thereof. Any such withdrawal of a previously approved form is effective at the expiration of such a period, not less than 30 days after the giving of notice of withdrawal, as the Commissioner in such notice prescribes.

4. The Commissioner may, by order, exempt from the requirements of this section for so long as the Commissioner deems proper any insurance document or form or type thereof specified in the order, to which, in the opinion of the Commissioner, this section may not practicably be applied, or the filing and approval of which are, in the opinion of the Commissioner, not desirable or necessary for the protection of the public.

5. Appeals from orders of the Commissioner disapproving any such form or withdrawing a previous approval may be taken as provided in NRS 679B.310 to 679B.370, inclusive.

Sec. 17. (Deleted by amendment.)

Sec. 18. NRS 689A.695 is hereby amended to read as follows:

689A.695 An individual carrier shall make the information and documents described in NRS 689A.680 to 689A.700, inclusive, available to the Commissioner upon request. **[**~~Except in cases of violations of the provisions of this chapter, the information, other than the premium rates charged by the individual carrier, is proprietary, constitutes a trade secret and is not subject to disclosure by the Commissioner to persons outside of the Division except as agreed to by the individual carrier or as ordered by a court of competent jurisdiction.~~**]**

Sec. 19. NRS 689B.115 is hereby amended to read as follows:

689B.115 An insurer providing blanket health insurance shall make all information concerning rates available to the Commissioner upon request. **[**~~The information is proprietary, constitutes a trade secret, and may not be~~

~~disclosed by the Commissioner to any person outside the Division except as agreed by the insurer or ordered by a court of competent jurisdiction.]~~

Sec. 20. NRS 689C.250 is hereby amended to read as follows:

689C.250 A carrier serving small employers shall make the information and documents described in NRS 689C.210 to 689C.240, inclusive, available to the Commissioner upon request. ~~[Except in cases of violations of NRS 689C.015 to 689C.355, inclusive, the information is proprietary, constitutes a trade secret, and is not subject to disclosure by the Commissioner to persons outside of the Division except as agreed to by the carrier or as ordered by a court of competent jurisdiction.]~~

Sec. 21. Section 7 of this act is hereby amended to read as follows:

Sec. 7. 1. Upon the filing of a rate or proposed rate increase or decrease pursuant to NRS 686B.070 for a health benefit plan and upon a determination by the Commissioner that the proposal is complete, the insurer and Commissioner shall publish on an Internet website maintained by the insurer and Division, respectively, notice of the filing, any information relating to the rate or proposed rate increase or decrease, other than confidential medical information, and the date by which a request for a public hearing on the rate or proposed rate increase or decrease must be submitted pursuant to subsection 2.

2. Upon the filing of a rate or proposed rate increase or decrease pursuant to NRS 686B.070 for a health benefit plan:

(a) The insurer or rate service organization that files the rate or proposed rate increase or decrease ~~[or the Consumer Advocate]~~ may request that the Commissioner conduct a public hearing on the rate or proposed rate increase or decrease; and

(b) A consumer of health insurance may request that the Commissioner conduct a public hearing on the rate or proposed rate increase or decrease if:

(1) The proposed rate increase or decrease is more than 10 percent of the current rate; or

(2) The health benefit plan represents more than 5 percent of its market segment in the State,

➥ by submitting to the Commissioner a written request for a public hearing not later than 28 days after the date of first publication of the notice of the rate or proposed rate increase or decrease pursuant to subsection 1.

3. Upon the filing of a rate or proposed rate increase or decrease pursuant to NRS 686B.070 for a health benefit plan or upon a request for a public hearing pursuant to subsection 2, the Commissioner may conduct a public hearing on the rate or proposed rate increase or decrease. In determining whether a public hearing should be held upon a request submitted by a consumer of health insurance covered by a group health plan for small employers, the Commissioner may, without limitation, consider whether the

consumer of health insurance is representative of a majority of the employees covered under the group health plan.

4. If the Commissioner determines that a public hearing should be held pursuant to subsection 3, the Commissioner shall provide notice to the insurer or rate service organization and to the general public of the public hearing not later than 15 days before the date of the public hearing and shall conduct the public hearing not later than 45 days after a determination by the Commissioner that the filing of the rate or proposed rate increase or decrease is complete.

5. Upon receipt of the notice of a public hearing from the Commissioner, an insurer or rate service organization shall provide notice of the public hearing on its website and to each of its policyholders who would be affected by the proposed change at his or her mailing address or electronic mailing address not later than 10 days before the date of the public hearing.

6. To the extent practicable, a public hearing that is conducted pursuant to this section on a weekday must be conducted after 5 p.m.

7. If a public hearing is conducted pursuant to subsection 3, the Commissioner, in addition to complying with the requirements of NRS 241.035, shall publish on an Internet website maintained by the Division:

(a) A transcript of the public hearing not later than 30 days after the date of the hearing; and

(b) Any finding, decision or order of the Commissioner not later than 15 days after the date of issuance of the finding, decision or order.

8. The provisions of this section apply only to individual health benefit plans described in chapter 689A of NRS and group health plans for small employers described in chapter 689C of NRS.

~~[9. As used in this section, "Consumer Advocate" means the Consumer Advocate appointed by the Governor pursuant to section 2 of this act.]~~

Sec. 22. **(Deleted by amendment.)**

Sec. 23. 1. This section and sections 1 to **4, inclusive, 10, 12 and 15 to** 20, inclusive, **and 22** of this act become effective on July 1, 2011.

2. **Sections 5 to 9, inclusive, 11, 13 and 14 of this act become effective on October 1, 2011.**

3. Sections 2, 3, ~~[7,]~~ 13 and 14 of this act expire by limitation on the date on which the Governor by proclamation declares that the money for funding the Office of the Consumer Advocate will no longer be available.

~~[3. Sections~~]

4. Section 21 ~~[and 22]~~ of this act ~~[become]~~ **becomes** effective on the date on which the Governor by proclamation declares that the money for funding the Office of the Consumer Advocate will no longer be available.

Assemblyman Atkinson moved that the Assembly concur in the Senate amendment to Assembly Bill No. 309.

Remarks by Assemblyman Atkinson.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Assembly Bill No. 398.

The following Senate amendment was read:

Amendment No. 619.

AN ACT relating to commercial tenancies; prohibiting a landlord's interference with a tenant's use of commercial premises under certain circumstances; establishing a procedure for a tenant to recover possession of commercial premises following a lockout; ~~[establishing requirements for accounting for, charges against and refund of security deposits; prohibiting a landlord from assessing charges against a tenant except under certain circumstances;]~~ setting forth the circumstances under which a tenant can be presumed to have abandoned commercial premises; repealing and reenacting provisions relating to the disposal of personal property abandoned by a tenant on commercial premises; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 14 of this bill prohibits a landlord from interfering in certain manners with a tenant's use of commercial premises.

Section 15 of this bill establishes a process for a tenant to recover possession of commercial premises from which a landlord has locked the tenant out.

Section 15.5 of this bill provides that the justice court has jurisdiction over any civil action or proceeding concerning the exclusion of a tenant from commercial premises or the summary eviction of a tenant from commercial premises in which no party is seeking damages. Section 15.5 also provides that certain provisions of existing law governing actions for the recovery of a debt secured by a mortgage or other lien and the doctrines of res judicata and collateral estoppel do not apply to: (1) a claim by a landlord for contractual damages which is brought subsequent to an action by the landlord for the summary eviction of a tenant from commercial premises; or (2) an action by a landlord for the summary eviction of a tenant from commercial premises which is brought subsequent to a claim by the landlord for contractual damages.

Sections 16 and 27 of this bill repeal and reenact provisions authorizing a landlord to dispose of abandoned personal property left on commercial premises by a tenant under certain circumstances.

~~[~~ ~~Sections 17-23 of this bill set forth requirements for the accounting for, refund of and charges against security deposits.~~

~~Section 24 of this bill prohibits a landlord from charging a tenant for rent or physical damages to commercial premises except under certain circumstances.]~~

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Title 10 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 2 to 24, inclusive, of this act.

Sec. 2. ***As used in sections 2 to 24, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 to 12, inclusive, of this act, have the meanings ascribed to them in those sections.***

Sec. 3. ***"Abandoned personal property" means any personal property which is left unattended on commercial premises after the termination of the tenancy and which is not removed by the tenant or a person who has an ownership interest in the personal property within 14 days after the date on which the landlord mailed, by certified mail, return receipt requested, notice of the landlord's intention to dispose of the personal property, as required by paragraph (a) of subsection 1 of section 16 of this act.***

Sec. 4. ***"Action" includes a counterclaim, crossclaim, third-party claim or any other proceeding in which rights are determined.***

Sec. 4.5. ***"Commercial premises" means any real property other than premises as defined in NRS 118A.140.***

Sec. 5. ***"Court" means the district court, justice court or other court of competent jurisdiction situated in the county or township wherein the commercial premises are located.***

Sec. 6. ***"Landlord" means a person who provides commercial premises for use by another person pursuant to a rental agreement.***

Sec. 7. ***"Owner" means one or more persons, jointly or severally, in whom is vested:***

1. All or part of the legal title to a commercial premises, except a trustee under a deed of trust who is not in possession of the commercial premises; or

2. All or part of the beneficial ownership, and a right to present use and enjoyment of the commercial premises.

Sec. 8. ***"Person" includes a government, a governmental agency and a political subdivision of a government.***

Sec. 9. ***"Rent" means all periodic payments to be made to the landlord for occupancy of commercial premises, including, without limitation, all reasonable and actual late fees set forth in the rental agreement.***

Sec. 10. *"Rental agreement" means an agreement to lease or sublease commercial premises for a term less than life which provides for the periodic payment of rent.*

Sec. 11. ~~*[*"Security deposit" means any advance of money, other than a deposit for a rental application or a payment in advance of rent, that is intended primarily to secure performance under a rental agreement.]*~~ **(Deleted by amendment.)**

Sec. 12. *"Tenant" means a person who has the right to possess commercial premises pursuant to a rental agreement.*

Sec. 13. *The provisions of sections 2 to 24, inclusive, of this act apply only to the relationship between landlords and tenants of commercial premises.*

Sec. 14. *1. A landlord or a landlord's agent may not interrupt or cause the interruption of utility service paid for directly to the utility company by a tenant unless the interruption results from construction, bona fide repairs or an emergency.*

2. A landlord may not remove:

(a) A door, window or attic hatchway cover;

(b) A lock, latch, hinge, hinge pin, doorknob or other mechanism connected to a door, window or attic hatchway cover; or

(c) Furniture, fixtures or appliances furnished by the landlord,

➥ from commercial premises unless the landlord removes the item for a bona fide repair or replacement. If a landlord removes any of the items listed in this subsection for a bona fide repair or replacement, the repair or replacement must be promptly performed.

3. A landlord may not intentionally prevent a tenant from entering the commercial premises except by judicial process unless the exclusion results from:

(a) Construction, bona fide repairs or an emergency;

(b) Removing the contents of commercial premises abandoned by a tenant; or

(c) Changing the door locks of a tenant who is delinquent in paying at least part of the rent.

4. If a landlord or a landlord's agent changes the door lock of commercial premises leased to a tenant who is delinquent in paying rent, the landlord or agent must **, for a period of not less than 5 business days,** *place a written notice on the front door of the commercial premises stating the name and the address or telephone number of the person or company from which the new key may be obtained. The new key is required to be provided only during the regular business hours of the tenant and only if the tenant pays the delinquent rent.*

5. If a landlord or a landlord's agent violates this section, the tenant may:

(a) Recover possession of the commercial premises ***;*** ~~*[or terminate the rental agreement;]*~~ *and*

(b) Recover from the landlord an amount equal to the sum of the tenant's actual damages, one month's rent or $500, whichever is greater, reasonable attorney's fees and court costs, less any delinquent rents or other sums for which the tenant is liable to the landlord.

6. A rental agreement supersedes this section to the extent of any conflict.

Sec. 15. *1. If a landlord locks a tenant out of commercial premises that* ~~*[is]*~~ ***are*** *subject to a rental agreement in violation of section 14 of this act, the tenant may recover possession of the commercial premises as provided by this section.*

2. A tenant must file with the justice court of the township in which the commercial premises are located ~~*[or with the district court of the county in which the commercial premises are located, whichever has jurisdiction over the matter,]*~~ *a verified complaint for reentry, specifying the facts of the alleged unlawful lockout by the landlord or the landlord's agent. The tenant must also state orally under oath to the court the facts of the alleged unlawful lockout.*

3. If a tenant has complied with subsection 2 and if the court reasonably believes an unlawful lockout may have occurred, the court ***:***

(a) Shall issue an order requiring the tenant to post a bond in an amount equal to 1 month of rent; and

(b) Upon the posting of the bond, *may issue, ex parte, a temporary writ of restitution that entitles the tenant to immediate and temporary possession of the commercial premises, pending a final hearing on the tenant's verified complaint for reentry.*

4. A temporary writ of restitution must be served on the landlord or the landlord's agent in the same manner as a writ of restitution in a forcible detainer action. A sheriff or constable may use reasonable force in executing a temporary writ of restitution under this subsection.

5. ~~*[A landlord is entitled to]*~~ ***The court shall hold*** *a hearing on a tenant's verified complaint for reentry. A temporary writ of restitution must notify the landlord of the* ~~*[right to a hearing.]*~~ ***pendency of the matter and the date of the hearing. The hearing must be held not earlier than the first judicial*** *day and not later than the* ~~*[seventh]*~~ ***fifth judicial*** *day after the date* ***on which*** *the* ~~*[landlord requests a hearing.]*~~ ***court issues the temporary writ of restitution.***

6. ~~*[If a landlord fails to request a hearing on a tenant's verified complaint for reentry before the eighth day after the date of service of the*~~

~~*temporary writ of restitution on the landlord under subsection 4, a judgment for court costs may be rendered against the landlord.*~~

~~*7.]*~~ ***A party may appeal from the court's judgment at the hearing on the verified complaint for reentry in the same manner as a party may appeal a judgment in an action for forcible detainer.***

~~*[8.]*~~ ***7. If a writ of restitution is issued, the writ supersedes a temporary writ of restitution.***

~~*[9.]*~~ ***8. If the landlord or the person on whom a writ of restitution is served fails to immediately comply with the writ or later disobeys the writ, the failure is grounds for contempt of court against the landlord or the person on whom the writ was served, under chapter 22 of NRS.*** ~~*If the writ is disobeyed, the tenant or the tenant's attorney may file in the court in which the reentry action is pending an affidavit stating the name of the person who has disobeyed the writ and describing the acts or omissions constituting the disobedience. On receipt of an affidavit, the court shall issue an order to show cause, directing the person to appear on a designated date and show cause why the person should not be adjudged in contempt of court. If the court finds, after considering the evidence at the hearing, that the person has directly or indirectly disobeyed the writ, the court may commit the person to jail without bail until the person purges himself or herself of the contempt in a manner and form as the court may direct. If the person disobeyed the writ before receiving the order to show cause but has complied with the writ after receiving the order, the court may find the person in contempt and punish the person under chapter 22 of NRS.*~~

~~*10.]*~~ ***9. This section does not affect a tenant's right to pursue a separate cause of action under section 14 of this act.***

~~*[11.]*~~ ***10. If a tenant in bad faith files a sworn complaint for reentry resulting in a writ of restitution being served on the landlord or landlord's agent, the landlord may in a separate cause of action recover from the tenant an amount equal to actual damages, one month's rent or $500, whichever is greater, reasonable attorney's fees, and costs of court, less any sums for which the landlord is liable to the tenant.***

~~*[12. The fee for filing a verified complaint for reentry is the same as that for filing a civil action in the court in which the verified complaint is filed. The court may defer payment of the tenant's filing fees and service costs for the verified complaint for reentry and writ of restitution. Court costs may be waived only if the tenant files an affidavit under NRS 12.015.*~~

~~*13.]*~~ ***11. This section does not affect the rights of a landlord or tenant in a forcible detainer, unlawful detainer or forcible entry and detainer action.***

Sec. 15.5. 1. Except as otherwise provided in subsection 2, the justice court has jurisdiction over any civil action or proceeding concerning the

exclusion of a tenant from commercial premises or the summary eviction of a tenant from commercial premises in which no party is seeking damages.

2. If a landlord combines an action for summary eviction of a tenant from commercial premises with a claim to recover contractual damages, jurisdiction over the claims rests with the court which has jurisdiction over the amount in controversy.

3. The provisions of NRS 40.430 and the doctrines of res judicata and collateral estoppel do not apply to:

(a) A claim by a landlord for contractual damages which is brought subsequent to an action by the landlord for the summary eviction of a tenant from commercial premises; or

(b) An action by a landlord for the summary eviction of a tenant from commercial premises which is brought subsequent to a claim by the landlord for contractual damages.

Sec. 16. ***1. Except as otherwise provided in subsection 3, a landlord who leases or subleases any commercial premises under a rental agreement that has been terminated for any reason may, in accordance with the following provisions, dispose of any abandoned personal property, regardless of its character, left on the commercial premises without incurring any civil or criminal liability:***

(a) The landlord may dispose of the abandoned personal property and recover his or her reasonable costs out of the abandoned personal property or the value thereof if the landlord has notified the tenant in writing of the landlord's intention to dispose of the abandoned personal property and 14 days have elapsed since the notice was mailed to the tenant. The notice must be mailed, by certified mail, return receipt requested, to the tenant at the tenant's present address, and if that address is unknown, then at the tenant's last known address.

(b) The landlord may charge and collect the reasonable and actual costs of inventory, moving and safe storage, if necessary, before releasing the abandoned personal property to the tenant or his or her authorized representative rightfully claiming the abandoned personal property within the appropriate period set forth in paragraph (a).

(c) Vehicles must be disposed of in the manner provided in chapter 487 of NRS for abandoned vehicles.

2. A tenant of commercial premises is presumed to have abandoned the premises if:

(a) Goods, equipment or other property, in an amount substantial enough to indicate a probable intent to abandon the commercial premises, is being or has been removed from the commercial premises; and

(b) The removal is not within the normal course of business of the tenant.

3. If a written agreement between a landlord and a person who has an ownership interest in any abandoned personal property of the tenant contains provisions which relate to the removal and disposal of abandoned personal property, the provisions of the agreement determine the rights and obligations of the landlord and the person with respect to the removal and disposal of the abandoned personal property.

4. Any dispute relating to the amount of the costs claimed by the landlord pursuant to paragraph (b) of subsection 1 may be resolved using the procedure provided in subsection 7 of NRS 40.253.

Sec. 17. ~~***[1. A landlord shall refund a security deposit to a tenant not later than 60 days after the date on which the tenant surrenders the commercial premises and provides notice to the landlord or the landlord's agent of the mailing address of the tenant pursuant to section 21 of this act.***~~

~~***2. A claim of a tenant to a security deposit to which the tenant is entitled takes priority over the claim of any creditor of the landlord, including a trustee in bankruptcy.]***~~ **(Deleted by amendment.)**

Sec. 18. ~~***[1. Before returning a security deposit, a landlord may deduct from the deposit damages and charges for which the tenant is legally liable under the rental agreement or damages and charges that result from a breach of the rental agreement.***~~

~~***2. A landlord may not retain any portion of a security deposit to cover normal wear and tear. For the purposes of this subsection, "normal wear and tear" means deterioration that results from the intended use of the commercial premises, including breakage or malfunction because of age or deteriorated condition, but the term does not include deterioration that results from negligence, carelessness, accident or abuse of the commercial premises, equipment, or chattels by the tenant or by a guest or invitee of the tenant.***~~

~~***3. If a landlord retains all or part of a security deposit under this section, the landlord shall give to the tenant the balance of the security deposit, if any, together with a written description and itemized list of all deductions. The landlord is not required to give the tenant a description and itemized list of deductions if:***~~

~~***(a) The tenant owes rent when the tenant surrenders possession of the commercial premises; and***~~

~~***(b) No controversy exists concerning the amount of rent owed.]***~~ **(Deleted by amendment.)**

Sec. 19. ~~***[1. Except as otherwise provided in subsection 4, if an owner's interest in commercial premises is terminated by sale, assignment, death, appointment of a receiver, bankruptcy or otherwise, the new owner***~~

~~*is liable with respect to the security deposit pursuant to sections 2 to 24, inclusive, of this act from the date title to the premises is acquired, regardless of whether an acknowledgment is given to the tenant under subsection 2.*~~

~~*2. Except as otherwise provided in subsection 1, a person who no longer owns an interest in the commercial premises remains liable for a security deposit received while the person was the owner until the new owner delivers to the tenant a signed statement acknowledging that the new owner has received and is responsible for the tenant's security deposit and specifying the exact dollar amount of the deposit.*~~

~~*3. The amount of a security deposit for which a new owner is liable pursuant to this section is the greater of:*~~

~~*(a) The amount provided in the tenant's rental agreement; or*~~

~~*(b) The amount provided in an estoppel certificate prepared by the owner at the time the rental agreement was executed or prepared by the new owner at the time the commercial premises is transferred.*~~

~~*4. Subsection 1 does not apply to a person who acquires title to the premises by foreclosure.]*~~ **(Deleted by amendment.)**

Sec. 20. ~~*[A landlord shall keep accurate records of all security deposits.]*~~ **(Deleted by amendment.)**

Sec. 21. ~~*[1. A landlord is not obligated to return a security deposit to a tenant or give the tenant a written description of damages and charges until the tenant provides to the landlord in writing a mailing address to which the security deposit or written description are to be sent.*~~

~~*2. A tenant does not forfeit the right to a refund of a security deposit or the right to receive a description of damages and charges for failing to give a mailing address to the landlord.]*~~ **(Deleted by amendment.)**

Sec. 22. ~~*[1. A tenant may not withhold payment of any portion of the last month's rent on grounds that a security deposit is security for unpaid rent.*~~

~~*2. A tenant who violates this section is presumed to have acted in bad faith. A tenant who in bad faith violates this section is liable to the landlord for an amount equal to three times the rent wrongfully withheld and the landlord's reasonable attorney's fees in an action to recover the rent.]*~~ **(Deleted by amendment.)**

Sec. 23. ~~*[1. A landlord who in bad faith retains a security deposit in violation of sections 2 to 24, inclusive, of this act is liable for an amount equal to the sum of $100, three times the portion of the deposit wrongfully withheld, and the tenant's reasonable attorney's fees incurred in an action to recover the deposit after the period prescribed for returning the deposit expires.*~~

~~*2. A landlord who in bad faith does not provide a written description and itemized list of damages and charges in violation of sections 2 to 24, inclusive, of this act:*~~

~~*(a) Forfeits the right to withhold any portion of the security deposit or to bring suit against the tenant for damages to the commercial premises; and*~~

~~*(b) Is liable for the tenant's reasonable attorney's fees in an action to recover the deposit.*~~

~~*3. In an action brought by a tenant under sections 2 to 24, inclusive, of this act, the landlord has the burden of proving that the retention of any portion of a security deposit was reasonable.*~~

~~*4. Except as otherwise provided in subsection 1 of section 21 of this act, a landlord who fails to return a security deposit or to provide a written description and itemized list of deductions within 60 days after the date the tenant surrenders possession of the commercial premises is presumed to have acted in bad faith.]*~~ **(Deleted by amendment.)**

Sec. 24. ~~*[1. A landlord may not assess a charge, excluding a charge for rent or physical damage to the commercial premises, to a tenant unless the amount of the charge or the method by which the charge is to be computed is stated in the rental agreement, an exhibit or attachment that is part of the rental agreement or an amendment to the rental agreement.*~~

~~*2. This section does not affect the right of a landlord to assess a charge or obtain a remedy allowed under a statute or common law.]*~~ **(Deleted by amendment.)**

Sec. 25. NRS 118.171 is hereby amended to read as follows:

118.171 As used in NRS 118.171 to ~~[118.207,]~~ ***118.205,*** inclusive, unless the context otherwise requires:

1. ~~[“Abandoned personal property” means any personal property which is left unattended on any commercial premises after the termination of the tenancy and which is not removed by the tenant or a person who has a perfected lien on, or perfected security interest in, the personal property within 14 days after the later of the date on which the landlord:~~

~~(a) Mailed, by certified mail, return receipt requested, notice of the landlord's intention to dispose of the personal property, as required by subparagraph (1) of paragraph (a) of subsection 1 of NRS 118.207; or~~

~~(b) Provided notice to a person who has a perfected lien on, or a perfected security interest in, the personal property that the personal property has been left on the premises, as required by subparagraph (2) of paragraph (a) of subsection 1 of NRS 118.207.~~

~~2.]~~ “Real property” includes an apartment, a dwelling, a mobile home that is owned by a landlord and located on property owned by the landlord and commercial premises.

~~[3.]~~ ***2.*** "Rental agreement" means an agreement to lease or sublease real property for a term less than life which provides for the periodic payment of rent.

~~[4.]~~ ***3.*** "Tenant" means a person who has the right to possess real property pursuant to a rental agreement.

Sec. 26. NRS 40.253 is hereby amended to read as follows:

40.253 1. Except as otherwise provided in subsection 10, in addition to the remedy provided in NRS 40.2512 and 40.290 to 40.420, inclusive, when the tenant of any dwelling, apartment, mobile home, recreational vehicle or commercial premises with periodic rent reserved by the month or any shorter period is in default in payment of the rent, the landlord or the landlord's agent, unless otherwise agreed in writing, may serve or have served a notice in writing, requiring in the alternative the payment of the rent or the surrender of the premises:

(a) At or before noon of the fifth full day following the day of service; or

(b) If the landlord chooses not to proceed in the manner set forth in paragraph (a) and the rent is reserved by a period of 1 week or less and the tenancy has not continued for more than 45 days, at or before noon of the fourth full day following the day of service.

➥ As used in this subsection, "day of service" means the day the landlord or the landlord's agent personally delivers the notice to the tenant. If personal service was not so delivered, the "day of service" means the day the notice is delivered, after posting and mailing pursuant to subsection 2, to the sheriff or constable for service if the request for service is made before noon. If the request for service by the sheriff or constable is made after noon, the "day of service" shall be deemed to be the day next following the day that the request is made for service by the sheriff or constable.

2. A landlord or the landlord's agent who serves a notice to a tenant pursuant to paragraph (b) of subsection 1 shall attempt to deliver the notice in person in the manner set forth in paragraph (a) of subsection 1 of NRS 40.280. If the notice cannot be delivered in person, the landlord or the landlord's agent:

(a) Shall post a copy of the notice in a conspicuous place on the premises and mail the notice by overnight mail; and

(b) After the notice has been posted and mailed, may deliver the notice to the sheriff or constable for service in the manner set forth in subsection 1 of NRS 40.280. The sheriff or constable shall not accept the notice for service unless it is accompanied by written evidence, signed by the tenant when the tenant took possession of the premises, that the landlord or the landlord's agent informed the tenant of the provisions of this section which set forth the lawful procedures for eviction from a short-term tenancy. Upon acceptance,

the sheriff or constable shall serve the notice within 48 hours after the request for service was made by the landlord or the landlord's agent.

3. A notice served pursuant to subsection 1 or 2 must:

(a) Identify the court that has jurisdiction over the matter; and

(b) Advise the tenant of the tenant's right to contest the matter by filing, within the time specified in subsection 1 for the payment of the rent or surrender of the premises, an affidavit with the court that has jurisdiction over the matter stating that the tenant has tendered payment or is not in default in the payment of the rent.

4. If the tenant files such an affidavit at or before the time stated in the notice, the landlord or the landlord's agent, after receipt of a file-stamped copy of the affidavit which was filed, shall not provide for the nonadmittance of the tenant to the premises by locking or otherwise.

5. Upon noncompliance with the notice:

(a) The landlord or the landlord's agent may apply by affidavit of complaint for eviction to the justice court of the township in which the dwelling, apartment, mobile home or commercial premises are located or to the district court of the county in which the dwelling, apartment, mobile home or commercial premises are located, whichever has jurisdiction over the matter. The court may thereupon issue an order directing the sheriff or constable of the county to remove the tenant within 24 hours after receipt of the order. The affidavit must state or contain:

(1) The date the tenancy commenced.

(2) The amount of periodic rent reserved.

(3) The amounts of any cleaning, security or rent deposits paid in advance, in excess of the first month's rent, by the tenant.

(4) The date the rental payments became delinquent.

(5) The length of time the tenant has remained in possession without paying rent.

(6) The amount of rent claimed due and delinquent.

(7) A statement that the written notice was served on the tenant in accordance with NRS 40.280.

(8) A copy of the written notice served on the tenant.

(9) A copy of the signed written rental agreement, if any.

(b) Except when the tenant has timely filed the affidavit described in subsection 3 and a file-stamped copy of it has been received by the landlord or the landlord's agent, and except when the landlord is prohibited pursuant to NRS 118A.480, the landlord or the landlord's agent may, in a peaceable manner, provide for the nonadmittance of the tenant to the premises by locking or otherwise.

6. Upon the filing by the tenant of the affidavit permitted in subsection 3, regardless of the information contained in the affidavit, and the filing by the

landlord of the affidavit permitted by subsection 5, the justice court or the district court shall hold a hearing, after service of notice of the hearing upon the parties, to determine the truthfulness and sufficiency of any affidavit or notice provided for in this section. If the court determines that there is no legal defense as to the alleged unlawful detainer and the tenant is guilty of an unlawful detainer, the court may issue a summary order for removal of the tenant or an order providing for the nonadmittance of the tenant. If the court determines that there is a legal defense as to the alleged unlawful detainer, the court shall refuse to grant either party any relief, and, except as otherwise provided in this subsection, shall require that any further proceedings be conducted pursuant to NRS 40.290 to 40.420, inclusive. The issuance of a summary order for removal of the tenant does not preclude an action by the tenant for any damages or other relief to which the tenant may be entitled. If the alleged unlawful detainer was based upon subsection 5 of NRS 40.2514, the refusal by the court to grant relief does not preclude the landlord thereafter from pursuing an action for unlawful detainer in accordance with NRS 40.251.

7. The tenant may, upon payment of the appropriate fees relating to the filing and service of a motion, file a motion with the court, on a form provided by the clerk of the court, to dispute the amount of the costs, if any, claimed by the landlord pursuant to NRS ~~[118.207 or]~~ 118A.460 ***or section 16 of this act*** for the inventory, moving and storage of personal property left on the premises. The motion must be filed within 20 days after the summary order for removal of the tenant or the abandonment of the premises by the tenant, or within 20 days after:

(a) The tenant has vacated or been removed from the premises; and

(b) A copy of those charges has been requested by or provided to the tenant,

➥ whichever is later.

8. Upon the filing of a motion pursuant to subsection 7, the court shall schedule a hearing on the motion. The hearing must be held within 10 days after the filing of the motion. The court shall affix the date of the hearing to the motion and order a copy served upon the landlord by the sheriff, constable or other process server. At the hearing, the court may:

(a) Determine the costs, if any, claimed by the landlord pursuant to NRS ~~[118.207 or]~~ 118A.460 ***or section 16 of this act*** and any accumulating daily costs; and

(b) Order the release of the tenant's property upon the payment of the charges determined to be due or if no charges are determined to be due.

9. A landlord shall not refuse to accept rent from a tenant that is submitted after the landlord or the landlord's agent has served or had served a notice pursuant to subsection 1 if the refusal is based on the fact that the

tenant has not paid collection fees, attorney's fees or other costs other than rent, a reasonable charge for late payments of rent or dishonored checks, or a security. As used in this subsection, "security" has the meaning ascribed to it in NRS 118A.240.

10. This section does not apply to the tenant of a mobile home lot in a mobile home park or to the tenant of a recreational vehicle lot in an area of a mobile home park in this State other than an area designated as a recreational vehicle lot pursuant to the provisions of subsection 6 of NRS 40.215.

Sec. 26.5. **NRS 40.430 is hereby amended to read as follows:**

40.430 1. Except in cases where a person proceeds under subsection 2 of NRS 40.495 or subsection 1 of NRS 40.512, ***and except as otherwise provided in section 15.5 of this act,*** there may be but one action for the recovery of any debt, or for the enforcement of any right secured by a mortgage or other lien upon real estate. That action must be in accordance with the provisions of NRS 40.430 to 40.459, inclusive. In that action, the judgment must be rendered for the amount found due the plaintiff, and the court, by its decree or judgment, may direct a sale of the encumbered property, or such part thereof as is necessary, and apply the proceeds of the sale as provided in NRS 40.462.

2. This section must be construed to permit a secured creditor to realize upon the collateral for a debt or other obligation agreed upon by the debtor and creditor when the debt or other obligation was incurred.

3. At any time not later than 5 business days before the date of sale directed by the court, if the deficiency resulting in the action for the recovery of the debt has arisen by failure to make a payment required by the mortgage or other lien, the deficiency may be made good by payment of the deficient sum and by payment of any costs, fees and expenses incident to making the deficiency good. If a deficiency is made good pursuant to this subsection, the sale may not occur.

4. A sale directed by the court pursuant to subsection 1 must be conducted in the same manner as the sale of real property upon execution, by the sheriff of the county in which the encumbered land is situated, and if the encumbered land is situated in two or more counties, the court shall direct the sheriff of one of the counties to conduct the sale with like proceedings and effect as if the whole of the encumbered land were situated in that county.

5. Within 30 days after a sale of property is conducted pursuant to this section, the sheriff who conducted the sale shall record the sale of the property in the office of the county recorder of the county in which the property is located.

6. As used in this section, an "action" does not include any act or proceeding:

(a) To appoint a receiver for, or obtain possession of, any real or personal collateral for the debt or as provided in NRS 32.015.

(b) To enforce a security interest in, or the assignment of, any rents, issues, profits or other income of any real or personal property.

(c) To enforce a mortgage or other lien upon any real or personal collateral located outside of the State which does not, except as required under the laws of that jurisdiction, result in a personal judgment against the debtor.

(d) For the recovery of damages arising from the commission of a tort, including a recovery under NRS 40.750, or the recovery of any declaratory or equitable relief.

(e) For the exercise of a power of sale pursuant to NRS 107.080.

(f) For the exercise of any right or remedy authorized by chapter 104 of NRS or by the Uniform Commercial Code as enacted in any other state.

(g) For the exercise of any right to set off, or to enforce a pledge in, a deposit account pursuant to a written agreement or pledge.

(h) To draw under a letter of credit.

(i) To enforce an agreement with a surety or guarantor if enforcement of the mortgage or other lien has been automatically stayed pursuant to 11 U.S.C. § 362 or pursuant to an order of a federal bankruptcy court under any other provision of the United States Bankruptcy Code for not less than 120 days following the mailing of notice to the surety or guarantor pursuant to subsection 1 of NRS 107.095.

(j) To collect any debt, or enforce any right, secured by a mortgage or other lien on real property if the property has been sold to a person other than the creditor to satisfy, in whole or in part, a debt or other right secured by a senior mortgage or other senior lien on the property.

(k) Relating to any proceeding in bankruptcy, including the filing of a proof of claim, seeking relief from an automatic stay and any other action to determine the amount or validity of a debt.

(l) For filing a claim pursuant to chapter 147 of NRS or to enforce such a claim which has been disallowed.

(m) Which does not include the collection of the debt or realization of the collateral securing the debt.

(n) Pursuant to NRS 40.507 or 40.508.

(o) Which is exempted from the provisions of this section by specific statute.

(p) To recover costs of suit, costs and expenses of sale, attorneys' fees and other incidental relief in connection with any action authorized by this subsection.

Sec. 27. NRS 118.207 is hereby repealed.

TEXT OF REPEALED SECTION

118.207 Disposal of personal property abandoned by tenant on commercial premises; notice; procedure by landlord; releasing property to tenant; limitation on landlord's liability.

1. Except as otherwise provided in subsection 2, a landlord who leases or subleases any commercial premises under a rental agreement that has been terminated for any reason may, in accordance with the following provisions, dispose of any abandoned personal property, regardless of its character, left on the commercial premises without incurring any civil or criminal liability:

(a) The landlord may dispose of the abandoned personal property and recover his or her reasonable costs out of the abandoned personal property or the value thereof if the conditions set forth in subparagraphs (1) and (2) are satisfied:

(1) The landlord has notified the tenant in writing of the landlord's intention to dispose of the abandoned personal property and 14 days have elapsed since the notice was mailed to the tenant. The notice must be mailed, by certified mail, return receipt requested, to the tenant at the tenant's present address, and if that address is unknown, then at the tenant's last known address.

(2) The landlord has taken reasonable steps to:

(I) Determine whether the tenant has subjected the abandoned personal property to a perfected lien or security interest; and

(II) If the landlord determines that the tenant has subjected the abandoned personal property to a perfected lien or security interest, notify the holder of the perfected lien or the security interest that the abandoned personal property has been left on the premises.

➥ The landlord shall be deemed to have taken the reasonable steps required by subparagraph (2) if the landlord has reviewed the results of a current search of the records in which a financing statement must be filed in order to perfect a lien or security interest pursuant to chapter 104 of NRS for a financing statement naming the tenant as the debtor of a debt secured by the abandoned personal property and, if such a financing statement is found, mailed, to any secured party named on the financing statement at the address indicated on the financing statement, by certified mail, return receipt requested, a written notice stating that the abandoned personal property has been left on the premises.

(b) The landlord may charge and collect the reasonable and actual costs of inventory, moving and safe storage, if necessary, before releasing the abandoned personal property to the tenant or his or her authorized representative rightfully claiming the abandoned personal property within the appropriate period set forth in paragraph (a).

(c) Vehicles must be disposed of in the manner provided in chapter 487 of NRS for abandoned vehicles.

2. If a written agreement between a landlord and a secured party who has a perfected lien on, or a perfected security interest in, any abandoned personal property of the tenant contains provisions which relate to the removal and disposal of abandoned personal property, the provisions of the agreement determine the rights and obligations of the landlord and the secured party with respect to the removal and disposal of the abandoned personal property.

3. Any dispute relating to the amount of the costs claimed by the landlord pursuant to paragraph (b) of subsection 1 may be resolved using the procedure provided in subsection 7 of NRS 40.253.

Assemblyman Atkinson moved that the Assembly concur in the Senate Amendment No. 619 to Assembly Bill No. 398.

Remarks by Assemblyman Atkinson.

Motion carried.

Amendment No. 778.

AN ACT relating to commercial tenancies; prohibiting a landlord's interference with a tenant's use of commercial premises under certain circumstances; establishing a procedure for a tenant to recover possession of commercial premises following a lockout; establishing requirements for accounting for, charges against and refund of security deposits; prohibiting a landlord from assessing charges against a tenant except under certain circumstances; setting forth the circumstances under which a tenant can be presumed to have abandoned commercial premises; repealing and reenacting provisions relating to the disposal of personal property abandoned by a tenant on commercial premises; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 14 of this bill prohibits a landlord from interfering in certain manners with a tenant's use of commercial premises.

Section 15 of this bill establishes a process for a tenant to recover possession of commercial premises from which a landlord has locked the tenant out.

Sections 16 and 27 of this bill repeal and reenact provisions authorizing a landlord to dispose of abandoned personal property left on commercial premises by a tenant under certain circumstances.

Sections 17-23 of this bill set forth requirements for the accounting for, refund of and charges against security deposits.

Section 24 of this bill prohibits a landlord from charging a tenant for rent or physical damages to commercial premises except under certain circumstances.

Section 26.3 of this bill revises provisions governing the granting of a stay of execution to a tenant of commercial property who appeals an order of eviction by providing that the tenant may obtain a stay of execution only upon the issuance of a stay pursuant to Rule 8 of the Nevada Rules of Appellate Procedure and the posting of a supersedeas bond in the amount of 100 percent of the unpaid rent claim of the landlord.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Title 10 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 2 to 24, inclusive, of this act.

Sec. 2. ***As used in sections 2 to 24, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 to 12, inclusive, of this act, have the meanings ascribed to them in those sections.***

Sec. 3. ***"Abandoned personal property" means any personal property which is left unattended on commercial premises after the termination of the tenancy and which is not removed by the tenant or a person who has an ownership interest in the personal property within 14 days after the date on which the landlord mailed, by certified mail, return receipt requested, notice of the landlord's intention to dispose of the personal property, as required by paragraph (a) of subsection 1 of section 16 of this act.***

Sec. 4. ***"Action" includes a counterclaim, crossclaim, third-party claim or any other proceeding in which rights are determined.***

Sec. 4.5. ***"Commercial premises" means any real property other than premises as defined in NRS 118A.140.***

Sec. 5. ***"Court" means the district court, justice court or other court of competent jurisdiction situated in the county or township wherein the commercial premises are located.***

Sec. 6. ***"Landlord" means a person who provides commercial premises for use by another person pursuant to a rental agreement.***

Sec. 7. ***"Owner" means one or more persons, jointly or severally, in whom is vested:***

1. All or part of the legal title to a commercial premises, except a trustee under a deed of trust who is not in possession of the commercial premises; or

2. All or part of the beneficial ownership, and a right to present use and enjoyment of the commercial premises.

Sec. 8. ***"Person" includes a government, a governmental agency and a political subdivision of a government.***

Sec. 9. *"Rent" means all periodic payments to be made to the landlord for occupancy of commercial premises, including, without limitation, all reasonable and actual late fees set forth in the rental agreement.*

Sec. 10. *"Rental agreement" means an agreement to lease or sublease commercial premises for a term less than life which provides for the periodic payment of rent.*

Sec. 11. *"Security deposit" means any advance of money, other than a deposit for a rental application or a payment in advance of rent, that is intended primarily to secure performance under a rental agreement.*

Sec. 12. *"Tenant" means a person who has the right to possess commercial premises pursuant to a rental agreement.*

Sec. 13. *The provisions of sections 2 to 24, inclusive, of this act apply only to the relationship between landlords and tenants of commercial premises.*

Sec. 14. *1. A landlord or a landlord's agent may not interrupt or cause the interruption of utility service paid for directly to the utility company by a tenant unless the interruption results from construction, bona fide repairs or an emergency.*

2. A landlord may not remove:

(a) A door, window or attic hatchway cover;

(b) A lock, latch, hinge, hinge pin, doorknob or other mechanism connected to a door, window or attic hatchway cover; or

(c) Furniture, fixtures or appliances furnished by the landlord,

➥ from commercial premises unless the landlord removes the item for a bona fide repair or replacement. If a landlord removes any of the items listed in this subsection for a bona fide repair or replacement, the repair or replacement must be promptly performed.

3. A landlord may not intentionally prevent a tenant from entering the commercial premises except by judicial process unless the exclusion results from:

(a) Construction, bona fide repairs or an emergency;

(b) Removing the contents of commercial premises abandoned by a tenant; or

(c) Changing the door locks of a tenant who is delinquent in paying at least part of the rent.

4. If a landlord or a landlord's agent changes the door lock of commercial premises leased to a tenant who is delinquent in paying rent, the landlord or agent must place a written notice on the front door of the commercial premises stating the name and the address or telephone number of the person or company from which the new key may be obtained. The new key is required to be provided only during the regular

business hours of the tenant and only if the tenant pays the delinquent rent.

5. If a landlord or a landlord's agent violates this section, the tenant may:

(a) Recover possession of the commercial premises or terminate the rental agreement; and

(b) Recover from the landlord an amount equal to the sum of the tenant's actual damages, one month's rent or $500, whichever is greater, reasonable attorney's fees and court costs, less any delinquent rents or other sums for which the tenant is liable to the landlord.

6. A rental agreement supersedes this section to the extent of any conflict.

Sec. 15. ***1. If a landlord locks a tenant out of commercial premises that*** ~~[is]~~ ***are subject to a rental agreement in violation of section 14 of this act, the tenant may recover possession of the commercial premises as provided by this section.***

2. A tenant must file with the justice court of the township in which the commercial premises are located or with the district court of the county in which the commercial premises are located, whichever has jurisdiction over the matter, a verified complaint for reentry, specifying the facts of the alleged unlawful lockout by the landlord or the landlord's agent. The tenant must also state orally under oath to the court the facts of the alleged unlawful lockout.

3. If a tenant has complied with subsection 2 and if the court reasonably believes an unlawful lockout may have occurred, the court may issue, ex parte, a temporary writ of restitution that entitles the tenant to immediate and temporary possession of the commercial premises, pending a final hearing on the tenant's verified complaint for reentry.

4. A temporary writ of restitution must be served on the landlord or the landlord's agent in the same manner as a writ of restitution in a forcible detainer action. A sheriff or constable may use reasonable force in executing a temporary writ of restitution under this subsection.

5. A landlord is entitled to a hearing on a tenant's verified complaint for reentry. A temporary writ of restitution must notify the landlord of the right to a hearing. The hearing must be held not earlier than the first day and not later than the seventh day after the date the landlord requests a hearing.

6. If a landlord fails to request a hearing on a tenant's verified complaint for reentry before the eighth day after the date of service of the temporary writ of restitution on the landlord under subsection 4, a judgment for court costs may be rendered against the landlord.

7. A party may appeal from the court's judgment at the hearing on the verified complaint for reentry in the same manner as a party may appeal a judgment in an action for forcible detainer.

8. If a writ of restitution is issued, the writ supersedes a temporary writ of restitution.

9. If the landlord or the person on whom a writ of restitution is served fails to immediately comply with the writ or later disobeys the writ, the failure is grounds for contempt of court against the landlord or the person on whom the writ was served, under chapter 22 of NRS. If the writ is disobeyed, the tenant or the tenant's attorney may file in the court in which the reentry action is pending an affidavit stating the name of the person who has disobeyed the writ and describing the acts or omissions constituting the disobedience. On receipt of an affidavit, the court shall issue an order to show cause, directing the person to appear on a designated date and show cause why the person should not be adjudged in contempt of court. If the court finds, after considering the evidence at the hearing, that the person has directly or indirectly disobeyed the writ, the court may commit the person to jail without bail until the person purges himself or herself of the contempt in a manner and form as the court may direct. If the person disobeyed the writ before receiving the order to show cause but has complied with the writ after receiving the order, the court may find the person in contempt and punish the person under chapter 22 of NRS.

10. This section does not affect a tenant's right to pursue a separate cause of action under section 14 of this act.

11. If a tenant in bad faith files a sworn complaint for reentry resulting in a writ of restitution being served on the landlord or landlord's agent, the landlord may in a separate cause of action recover from the tenant an amount equal to actual damages, one month's rent or $500, whichever is greater, reasonable attorney's fees, and costs of court, less any sums for which the landlord is liable to the tenant.

12. The fee for filing a verified complaint for reentry is the same as that for filing a civil action in the court in which the verified complaint is filed. The court may defer payment of the tenant's filing fees and service costs for the verified complaint for reentry and writ of restitution. Court costs may be waived only if the tenant files an affidavit under NRS 12.015.

13. This section does not affect the rights of a landlord or tenant in a forcible detainer, unlawful detainer or forcible entry and detainer action.

Sec. 16. *1. Except as otherwise provided in subsection 3, a landlord who leases or subleases any commercial premises under a rental agreement that has been terminated for any reason may, in accordance with the following provisions, dispose of any abandoned personal property,*

regardless of its character, left on the commercial premises without incurring any civil or criminal liability:

(a) The landlord may dispose of the abandoned personal property and recover his or her reasonable costs out of the abandoned personal property or the value thereof if the landlord has notified the tenant in writing of the landlord's intention to dispose of the abandoned personal property and 14 days have elapsed since the notice was mailed to the tenant. The notice must be mailed, by certified mail, return receipt requested, to the tenant at the tenant's present address, and if that address is unknown, then at the tenant's last known address.

(b) The landlord may charge and collect the reasonable and actual costs of inventory, moving and safe storage, if necessary, before releasing the abandoned personal property to the tenant or his or her authorized representative rightfully claiming the abandoned personal property within the appropriate period set forth in paragraph (a).

(c) Vehicles must be disposed of in the manner provided in chapter 487 of NRS for abandoned vehicles.

2. A tenant of commercial premises is presumed to have abandoned the premises if:

(a) Goods, equipment or other property, in an amount substantial enough to indicate a probable intent to abandon the commercial premises, is being or has been removed from the commercial premises; and

(b) The removal is not within the normal course of business of the tenant.

3. If a written agreement between a landlord and a person who has an ownership interest in any abandoned personal property of the tenant contains provisions which relate to the removal and disposal of abandoned personal property, the provisions of the agreement determine the rights and obligations of the landlord and the person with respect to the removal and disposal of the abandoned personal property.

4. Any dispute relating to the amount of the costs claimed by the landlord pursuant to paragraph (b) of subsection 1 may be resolved using the procedure provided in subsection 7 of NRS 40.253.

Sec. 17. *1. A landlord shall refund a security deposit to a tenant not later than 60 days after the date on which the tenant surrenders the commercial premises and provides notice to the landlord or the landlord's agent of the mailing address of the tenant pursuant to section 21 of this act.*

2. A claim of a tenant to a security deposit to which the tenant is entitled takes priority over the claim of any creditor of the landlord, including a trustee in bankruptcy.

Sec. 18. *1. Before returning a security deposit, a landlord may deduct from the deposit damages and charges for which the tenant is*

legally liable under the rental agreement or damages and charges that result from a breach of the rental agreement.

2. A landlord may not retain any portion of a security deposit to cover normal wear and tear. For the purposes of this subsection, "normal wear and tear" means deterioration that results from the intended use of the commercial premises, including breakage or malfunction because of age or deteriorated condition, but the term does not include deterioration that results from negligence, carelessness, accident or abuse of the commercial premises, equipment, or chattels by the tenant or by a guest or invitee of the tenant.

3. If a landlord retains all or part of a security deposit under this section, the landlord shall give to the tenant the balance of the security deposit, if any, together with a written description and itemized list of all deductions. The landlord is not required to give the tenant a description and itemized list of deductions if:

(a) The tenant owes rent when the tenant surrenders possession of the commercial premises; and

(b) No controversy exists concerning the amount of rent owed.

Sec. 19. *1. Except as otherwise provided in subsection 4, if an owner's interest in commercial premises is terminated by sale, assignment, death, appointment of a receiver, bankruptcy or otherwise, the new owner is liable with respect to the security deposit pursuant to sections 2 to 24, inclusive, of this act from the date title to the premises is acquired, regardless of whether an acknowledgment is given to the tenant under subsection 2.*

2. Except as otherwise provided in subsection 1, a person who no longer owns an interest in the commercial premises remains liable for a security deposit received while the person was the owner until the new owner delivers to the tenant a signed statement acknowledging that the new owner has received and is responsible for the tenant's security deposit and specifying the exact dollar amount of the deposit.

3. The amount of a security deposit for which a new owner is liable pursuant to this section is the greater of:

(a) The amount provided in the tenant's rental agreement; or

(b) The amount provided in an estoppel certificate prepared by the owner at the time the rental agreement was executed or prepared by the new owner at the time the commercial premises is transferred.

4. Subsection 1 does not apply to a person who acquires title to the premises by foreclosure.

Sec. 20. *A landlord shall keep accurate records of all security deposits.*

Sec. 21. *1. A landlord is not obligated to return a security deposit to a tenant or give the tenant a written description of damages and charges*

until the tenant provides to the landlord in writing a mailing address to which the security deposit or written description are to be sent.

2. A tenant does not forfeit the right to a refund of a security deposit or the right to receive a description of damages and charges for failing to give a mailing address to the landlord.

Sec. 22. ***1. A tenant may not withhold payment of any portion of the last month's rent on grounds that a security deposit is security for unpaid rent.***

2. A tenant who violates this section is presumed to have acted in bad faith. A tenant who in bad faith violates this section is liable to the landlord for an amount equal to three times the rent wrongfully withheld and the landlord's reasonable attorney's fees in an action to recover the rent.

Sec. 23. ***1. A landlord who in bad faith retains a security deposit in violation of sections 2 to 24, inclusive, of this act is liable for an amount equal to the sum of $100, three times the portion of the deposit wrongfully withheld, and the tenant's reasonable attorney's fees incurred in an action to recover the deposit after the period prescribed for returning the deposit expires.***

2. A landlord who in bad faith does not provide a written description and itemized list of damages and charges in violation of sections 2 to 24, inclusive, of this act:

(a) Forfeits the right to withhold any portion of the security deposit or to bring suit against the tenant for damages to the commercial premises; and

(b) Is liable for the tenant's reasonable attorney's fees in an action to recover the deposit.

3. In an action brought by a tenant under sections 2 to 24, inclusive, of this act, the landlord has the burden of proving that the retention of any portion of a security deposit was reasonable.

4. Except as otherwise provided in subsection 1 of section 21 of this act, a landlord who fails to return a security deposit or to provide a written description and itemized list of deductions within 60 days after the date the tenant surrenders possession of the commercial premises is presumed to have acted in bad faith.

Sec. 24. ***1. A landlord may not assess a charge, excluding a charge for rent or physical damage to the commercial premises, to a tenant unless the amount of the charge or the method by which the charge is to be `computed is stated in the rental agreement, an exhibit or attachment that is part of the rental agreement or an amendment to the rental agreement.***

2. This section does not affect the right of a landlord to assess a charge or obtain a remedy allowed under a statute or common law.

Sec. 25. NRS 118.171 is hereby amended to read as follows:

118.171 As used in NRS 118.171 to ~~[118.207,]~~ ***118.205,*** inclusive, unless the context otherwise requires:

1. ~~[“Abandoned personal property” means any personal property which is left unattended on any commercial premises after the termination of the tenancy and which is not removed by the tenant or a person who has a perfected lien on, or perfected security interest in, the personal property within 14 days after the later of the date on which the landlord:~~

~~(a) Mailed, by certified mail, return receipt requested, notice of the landlord’s intention to dispose of the personal property, as required by subparagraph (1) of paragraph (a) of subsection 1 of NRS 118.207; or~~

~~(b) Provided notice to a person who has a perfected lien on, or a perfected security interest in, the personal property that the personal property has been left on the premises, as required by subparagraph (2) of paragraph (a) of subsection 1 of NRS 118.207.~~

~~2.]~~ “Real property” includes an apartment, a dwelling, a mobile home that is owned by a landlord and located on property owned by the landlord and commercial premises.

~~[3.]~~ ***2.*** “Rental agreement” means an agreement to lease or sublease real property for a term less than life which provides for the periodic payment of rent.

~~[4.]~~ ***3.*** “Tenant” means a person who has the right to possess real property pursuant to a rental agreement.

Sec. 26. NRS 40.253 is hereby amended to read as follows:

40.253 1. Except as otherwise provided in subsection 10, in addition to the remedy provided in NRS 40.2512 and 40.290 to 40.420, inclusive, when the tenant of any dwelling, apartment, mobile home, recreational vehicle or commercial premises with periodic rent reserved by the month or any shorter period is in default in payment of the rent, the landlord or the landlord’s agent, unless otherwise agreed in writing, may serve or have served a notice in writing, requiring in the alternative the payment of the rent or the surrender of the premises:

(a) At or before noon of the fifth full day following the day of service; or

(b) If the landlord chooses not to proceed in the manner set forth in paragraph (a) and the rent is reserved by a period of 1 week or less and the tenancy has not continued for more than 45 days, at or before noon of the fourth full day following the day of service.

➥ As used in this subsection, “day of service” means the day the landlord or the landlord’s agent personally delivers the notice to the tenant. If personal service was not so delivered, the “day of service” means the day the notice is delivered, after posting and mailing pursuant to subsection 2, to the sheriff or constable for service if the request for service is made before noon. If the request for service by the sheriff or constable is made after noon, the “day of

service" shall be deemed to be the day next following the day that the request is made for service by the sheriff or constable.

2. A landlord or the landlord's agent who serves a notice to a tenant pursuant to paragraph (b) of subsection 1 shall attempt to deliver the notice in person in the manner set forth in paragraph (a) of subsection 1 of NRS 40.280. If the notice cannot be delivered in person, the landlord or the landlord's agent:

(a) Shall post a copy of the notice in a conspicuous place on the premises and mail the notice by overnight mail; and

(b) After the notice has been posted and mailed, may deliver the notice to the sheriff or constable for service in the manner set forth in subsection 1 of NRS 40.280. The sheriff or constable shall not accept the notice for service unless it is accompanied by written evidence, signed by the tenant when the tenant took possession of the premises, that the landlord or the landlord's agent informed the tenant of the provisions of this section which set forth the lawful procedures for eviction from a short-term tenancy. Upon acceptance, the sheriff or constable shall serve the notice within 48 hours after the request for service was made by the landlord or the landlord's agent.

3. A notice served pursuant to subsection 1 or 2 must:

(a) Identify the court that has jurisdiction over the matter; and

(b) Advise the tenant of the tenant's right to contest the matter by filing, within the time specified in subsection 1 for the payment of the rent or surrender of the premises, an affidavit with the court that has jurisdiction over the matter stating that the tenant has tendered payment or is not in default in the payment of the rent.

4. If the tenant files such an affidavit at or before the time stated in the notice, the landlord or the landlord's agent, after receipt of a file-stamped copy of the affidavit which was filed, shall not provide for the nonadmittance of the tenant to the premises by locking or otherwise.

5. Upon noncompliance with the notice:

(a) The landlord or the landlord's agent may apply by affidavit of complaint for eviction to the justice court of the township in which the dwelling, apartment, mobile home or commercial premises are located or to the district court of the county in which the dwelling, apartment, mobile home or commercial premises are located, whichever has jurisdiction over the matter. The court may thereupon issue an order directing the sheriff or constable of the county to remove the tenant within 24 hours after receipt of the order. The affidavit must state or contain:

(1) The date the tenancy commenced.

(2) The amount of periodic rent reserved.

(3) The amounts of any cleaning, security or rent deposits paid in advance, in excess of the first month's rent, by the tenant.

(4) The date the rental payments became delinquent.

(5) The length of time the tenant has remained in possession without paying rent.

(6) The amount of rent claimed due and delinquent.

(7) A statement that the written notice was served on the tenant in accordance with NRS 40.280.

(8) A copy of the written notice served on the tenant.

(9) A copy of the signed written rental agreement, if any.

(b) Except when the tenant has timely filed the affidavit described in subsection 3 and a file-stamped copy of it has been received by the landlord or the landlord's agent, and except when the landlord is prohibited pursuant to NRS 118A.480, the landlord or the landlord's agent may, in a peaceable manner, provide for the nonadmittance of the tenant to the premises by locking or otherwise.

6. Upon the filing by the tenant of the affidavit permitted in subsection 3, regardless of the information contained in the affidavit, and the filing by the landlord of the affidavit permitted by subsection 5, the justice court or the district court shall hold a hearing, after service of notice of the hearing upon the parties, to determine the truthfulness and sufficiency of any affidavit or notice provided for in this section. If the court determines that there is no legal defense as to the alleged unlawful detainer and the tenant is guilty of an unlawful detainer, the court may issue a summary order for removal of the tenant or an order providing for the nonadmittance of the tenant. If the court determines that there is a legal defense as to the alleged unlawful detainer, the court shall refuse to grant either party any relief, and, except as otherwise provided in this subsection, shall require that any further proceedings be conducted pursuant to NRS 40.290 to 40.420, inclusive. The issuance of a summary order for removal of the tenant does not preclude an action by the tenant for any damages or other relief to which the tenant may be entitled. If the alleged unlawful detainer was based upon subsection 5 of NRS 40.2514, the refusal by the court to grant relief does not preclude the landlord thereafter from pursuing an action for unlawful detainer in accordance with NRS 40.251.

7. The tenant may, upon payment of the appropriate fees relating to the filing and service of a motion, file a motion with the court, on a form provided by the clerk of the court, to dispute the amount of the costs, if any, claimed by the landlord pursuant to NRS ~~[118.207 or]~~ 118A.460 ***or section 16 of this act*** for the inventory, moving and storage of personal property left on the premises. The motion must be filed within 20 days after the summary order for removal of the tenant or the abandonment of the premises by the tenant, or within 20 days after:

(a) The tenant has vacated or been removed from the premises; and

(b) A copy of those charges has been requested by or provided to the tenant,

➥ whichever is later.

8. Upon the filing of a motion pursuant to subsection 7, the court shall schedule a hearing on the motion. The hearing must be held within 10 days after the filing of the motion. The court shall affix the date of the hearing to the motion and order a copy served upon the landlord by the sheriff, constable or other process server. At the hearing, the court may:

(a) Determine the costs, if any, claimed by the landlord pursuant to NRS ~~[118.207 or]~~ 118A.460 ***or section 16 of this act*** and any accumulating daily costs; and

(b) Order the release of the tenant's property upon the payment of the charges determined to be due or if no charges are determined to be due.

9. A landlord shall not refuse to accept rent from a tenant that is submitted after the landlord or the landlord's agent has served or had served a notice pursuant to subsection 1 if the refusal is based on the fact that the tenant has not paid collection fees, attorney's fees or other costs other than rent, a reasonable charge for late payments of rent or dishonored checks, or a security. As used in this subsection, "security" has the meaning ascribed to it in NRS 118A.240.

10. This section does not apply to the tenant of a mobile home lot in a mobile home park or to the tenant of a recreational vehicle lot in an area of a mobile home park in this State other than an area designated as a recreational vehicle lot pursuant to the provisions of subsection 6 of NRS 40.215.

Sec. 26.3. **NRS 40.385 is hereby amended to read as follows:**

40.385 Upon an appeal from an order entered pursuant to NRS 40.253:

1. Except as otherwise provided in this subsection, a stay of execution may be obtained by filing with the trial court a bond in the amount of $250 to cover the expected costs on appeal. ~~[In an action concerning a lease of commercial property or any other property for which the monthly rent exceeds $1,000, the court may, upon its own motion or that of a party, and upon a showing of good cause, order an additional bond to be posted to cover the expected costs on appeal.]~~ A surety upon the bond submits to the jurisdiction of the appellate court and irrevocably appoints the clerk of that court as the surety's agent upon whom papers affecting the surety's liability upon the bond may be served. Liability of a surety may be enforced, or the bond may be released, on motion in the appellate court without independent action. ***A tenant of commercial property may obtain a stay of execution only upon the issuance of a stay pursuant to Rule 8 of the Nevada Rules of Appellate Procedure and the posting of a supersedeas bond in the amount of 100 percent of the unpaid rent claim of the landlord.***

2. A tenant who retains possession of the premises that are the subject of the appeal during the pendency of the appeal shall pay to the landlord rent in the amount provided in the underlying contract between the tenant and the landlord as it becomes due. If the tenant fails to pay such rent, the landlord may initiate new proceedings for a summary eviction by serving the tenant with a new notice pursuant to NRS 40.253.

Sec. 27. NRS 118.207 is hereby repealed.

TEXT OF REPEALED SECTION

118.207 Disposal of personal property abandoned by tenant on commercial premises; notice; procedure by landlord; releasing property to tenant; limitation on landlord's liability.

1. Except as otherwise provided in subsection 2, a landlord who leases or subleases any commercial premises under a rental agreement that has been terminated for any reason may, in accordance with the following provisions, dispose of any abandoned personal property, regardless of its character, left on the commercial premises without incurring any civil or criminal liability:

(a) The landlord may dispose of the abandoned personal property and recover his or her reasonable costs out of the abandoned personal property or the value thereof if the conditions set forth in subparagraphs (1) and (2) are satisfied:

(1) The landlord has notified the tenant in writing of the landlord's intention to dispose of the abandoned personal property and 14 days have elapsed since the notice was mailed to the tenant. The notice must be mailed, by certified mail, return receipt requested, to the tenant at the tenant's present address, and if that address is unknown, then at the tenant's last known address.

(2) The landlord has taken reasonable steps to:

(I) Determine whether the tenant has subjected the abandoned personal property to a perfected lien or security interest; and

(II) If the landlord determines that the tenant has subjected the abandoned personal property to a perfected lien or security interest, notify the holder of the perfected lien or the security interest that the abandoned personal property has been left on the premises.

➥ The landlord shall be deemed to have taken the reasonable steps required by subparagraph (2) if the landlord has reviewed the results of a current search of the records in which a financing statement must be filed in order to perfect a lien or security interest pursuant to chapter 104 of NRS for a financing statement naming the tenant as the debtor of a debt secured by the abandoned personal property and, if such a financing statement is found, mailed, to any secured party named on the financing statement at the address indicated on the financing statement, by certified mail, return receipt

requested, a written notice stating that the abandoned personal property has been left on the premises.

(b) The landlord may charge and collect the reasonable and actual costs of inventory, moving and safe storage, if necessary, before releasing the abandoned personal property to the tenant or his or her authorized representative rightfully claiming the abandoned personal property within the appropriate period set forth in paragraph (a).

(c) Vehicles must be disposed of in the manner provided in chapter 487 of NRS for abandoned vehicles.

2. If a written agreement between a landlord and a secured party who has a perfected lien on, or a perfected security interest in, any abandoned personal property of the tenant contains provisions which relate to the removal and disposal of abandoned personal property, the provisions of the agreement determine the rights and obligations of the landlord and the secured party with respect to the removal and disposal of the abandoned personal property.

3. Any dispute relating to the amount of the costs claimed by the landlord pursuant to paragraph (b) of subsection 1 may be resolved using the procedure provided in subsection 7 of NRS 40.253.

Assemblyman Atkinson moved that the Assembly concur in the Senate Amendment No. 778 to Assembly Bill No. 398.

Remarks by Assemblyman Atkinson.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Assembly Bill No. 393.

The following Senate amendment was read:

Amendment No. 759.

AN ACT relating to educational personnel; **requiring the board of trustees of each school district and the governing body of each charter school to adopt a policy requiring the licensed employees of the school district or charter school to report information concerning arrests for or convictions of certain crimes;** requiring the Commission on Professional Standards in Education to include in the fee for the renewal of licensure of teachers and other educational personnel the amount required for processing the fingerprints of the applicant for renewal by the Central Repository for Nevada Records of Criminal History and the Federal Bureau of Investigation; requiring the Central Repository to investigate the criminal background of each applicant for renewal of a license submitted to the Superintendent of Public Instruction; revising other provisions governing the renewal of licensure of teachers and other educational personnel; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the Department of Education is required to establish a procedure for the notification, tracking and monitoring of the status of criminal cases involving persons who are licensed by the Superintendent of Public Instruction and for the reporting by a school district or charter school to the Department if a licensed employee is arrested for certain crimes. (NRS 391.053-391.059) Section 1 of this bill requires the board of trustees of each school district and the governing body of each charter school to adopt a policy which requires a licensed employee of the school district or charter school to report to the school district or charter school if the employee is arrested for or convicted of a crime which is required to be reported pursuant to the policy.

Under existing law, an applicant for a license to teach must submit to the Superintendent of Public Instruction with his or her application a complete set of his or her fingerprints and written permission authorizing the Superintendent to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for its report on the criminal history of the applicant and for submission to the Federal Bureau of Investigation for its report on the criminal history of the applicant. (NRS 391.033) Also under existing law, the Central Repository is required to notify the Superintendent of Public Instruction if the background check indicates that an applicant for licensure has been convicted of certain criminal violations. In addition, the Central Repository is required to notify a county school district, charter school or private school if the investigation of an employee of the school district, charter school or private school whose fingerprints are submitted to the Central Repository indicates that the person has been convicted of certain criminal violations. (NRS 179A.075) An applicant for renewal of a license issued by the Superintendent of Public Instruction is not required to undergo a subsequent background investigation of his or her criminal history upon renewal of the license.

Under existing law, the Commission on Professional Standards in Education is required to fix fees of not less than $65 for the issuance and renewal of a license to teach. (NRS 391.040) Existing administrative regulations of the Commission prescribe a fee for: (1) initial licensure of $110, plus the amount charged for the criminal history of the applicant; and (2) renewal of a license of $80. (NAC 391.045, 391.070) **Section ~~[2]~~ 3** of this bill requires the Commission to set the fees for renewal of a license to include the fees for processing the fingerprints of the applicant for renewal by the Central Repository and the Federal Bureau of Investigation. **Section ~~[3]~~ 4** of this bill requires the Central Repository to investigate the criminal history of applicants for renewal of a license submitted to the Superintendent of Public Instruction. **Section ~~[4]~~ 5** of this bill makes the provisions of the

bill effective on July 1, 2011, for the purposes of adopting regulations **and policies** and performing any other preparatory administrative tasks and on January 1, 2012, for all other purposes.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. **Chapter 391 of NRS is hereby amended by adding thereto a new section to read as follows:**

The board of trustees of each school district and the governing body of each charter school shall adopt a policy which requires a licensed employee of the school district or charter school to report to the school district or charter school if the employee is arrested for or convicted of a crime. The policy must include, without limitation, an identification of:

1. The crimes for which an arrest or conviction must be reported;

2. The person to whom the report must be made; and

3. The time period after the arrest or conviction in which the report must be made.

~~[Section 1.]~~ ***Sec. 2.*** NRS 391.033 is hereby amended to read as follows:

391.033 1. All licenses for teachers and other educational personnel are granted by the Superintendent of Public Instruction pursuant to regulations adopted by the Commission and as otherwise provided by law.

2. An application for the issuance of a license must include the social security number of the applicant.

3. Every applicant for a license must submit with his or her application a complete set of his or her fingerprints and written permission authorizing the Superintendent to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for its ***initial*** report on the criminal history of the applicant ***and for reports thereafter upon renewal of the license pursuant to subsection 6 of NRS 179A.075,*** and for submission to the Federal Bureau of Investigation for its report on the criminal history of the applicant.

4. The Superintendent may issue a provisional license pending receipt of the reports of the Federal Bureau of Investigation and the Central Repository for Nevada Records of Criminal History if the Superintendent determines that the applicant is otherwise qualified.

5. A license must be issued to ***, or renewed for, as applicable,*** an applicant if:

(a) The Superintendent determines that the applicant is qualified;

(b) The reports on the criminal history of the applicant from the Federal Bureau of Investigation and the Central Repository for Nevada Records of Criminal History:

(1) Do not indicate that the applicant has been convicted of a felony or any offense involving moral turpitude; or

(2) Indicate that the applicant has been convicted of a felony or an offense involving moral turpitude but the Superintendent determines that the conviction is unrelated to the position within the county school district or charter school for which the applicant applied ~~[.]~~ ***or for which he or she is currently employed, as applicable;*** and

(c) ~~[The]~~ ***For initial licensure, the*** applicant submits the statement required pursuant to NRS 391.034.

~~[Sec. 2.]~~ ***Sec. 3.*** NRS 391.040 is hereby amended to read as follows:

391.040 1. The Commission shall fix fees of not less than $65 for the ~~[issuance and renewal]~~ ***:***

(a) Initial issuance of a license ~~[.]~~ ***, which must include the fees for processing the fingerprints of the applicant by the Central Repository for Nevada Records of Criminal History and the Federal Bureau of Investigation; and***

(b) Renewal of a license, which must include the fees for processing the fingerprints of the applicant for renewal by the Central Repository for Nevada Records of Criminal History and the Federal Bureau of Investigation.

2. The fee for issuing a duplicate license is the same as for issuing the original.

~~[2.]~~ ***3.*** The portion of each fee which represents the amount charged by the Federal Bureau of Investigation for processing the fingerprints of the applicant must be deposited with the State Treasurer for credit to the appropriate account of the Department of Public Safety. The remaining portion of the money received from the fees must be deposited with the State Treasurer for credit to the appropriate account of the Department of Education.

Sec. 3.5. **NRS 391.053 is hereby amended to read as follows:**

391.053 As used in NRS 391.053 to 391.059, inclusive, ***and section 1 of this act,*** "arrest" has the meaning ascribed to it in NRS 171.104.

Sec. 3.7. **NRS 391.059 is hereby amended to read as follows:**

391.059 Immunity from civil or criminal liability extends to every person who, pursuant to NRS 391.053 to 391.059, inclusive, ***and section 1 of this act,*** in good faith:

1. Participates in the making of a report;

2. Causes or conducts an investigation of a person who is licensed pursuant to this chapter and who is arrested; or

3. Submits information to the Department concerning a person who is licensed pursuant to this chapter and who is arrested.

~~[Sec. 3.]~~ ***Sec. 4.*** NRS 179A.075 is hereby amended to read as follows:

179A.075 1. The Central Repository for Nevada Records of Criminal History is hereby created within the Records and Technology Division of the Department.

2. Each agency of criminal justice and any other agency dealing with crime or delinquency of children shall:

(a) Collect and maintain records, reports and compilations of statistical data required by the Department; and

(b) Submit the information collected to the Central Repository in the manner approved by the Director of the Department.

3. Each agency of criminal justice shall submit the information relating to records of criminal history that it creates or issues, and any information in its possession relating to the genetic markers of a biological specimen of a person who is convicted of an offense listed in subsection 4 of NRS 176.0913, to the Division. The information must be submitted to the Division:

(a) Through an electronic network;

(b) On a medium of magnetic storage; or

(c) In the manner prescribed by the Director of the Department,

➥ within the period prescribed by the Director of the Department. If an agency has submitted a record regarding the arrest of a person who is later determined by the agency not to be the person who committed the particular crime, the agency shall, immediately upon making that determination, so notify the Division. The Division shall delete all references in the Central Repository relating to that particular arrest.

4. The Division shall, in the manner prescribed by the Director of the Department:

(a) Collect, maintain and arrange all information submitted to it relating to:

(1) Records of criminal history; and

(2) The genetic markers of a biological specimen of a person who is convicted of an offense listed in subsection 4 of NRS 176.0913.

(b) When practicable, use a record of the personal identifying information of a subject as the basis for any records maintained regarding him or her.

(c) Upon request, provide the information that is contained in the Central Repository to the State Disaster Identification Team of the Division of Emergency Management of the Department.

5. The Division may:

(a) Disseminate any information which is contained in the Central Repository to any other agency of criminal justice;

(b) Enter into cooperative agreements with repositories of the United States and other states to facilitate exchanges of information that may be disseminated pursuant to paragraph (a); and

(c) Request of and receive from the Federal Bureau of Investigation information on the background and personal history of any person whose record of fingerprints the Central Repository submits to the Federal Bureau of Investigation and:

(1) Who has applied to any agency of the State of Nevada or any political subdivision thereof for a license which it has the power to grant or deny;

(2) With whom any agency of the State of Nevada or any political subdivision thereof intends to enter into a relationship of employment or a contract for personal services;

(3) Who has applied to any agency of the State of Nevada or any political subdivision thereof to attend an academy for training peace officers approved by the Peace Officers' Standards and Training Commission;

(4) For whom such information is required to be obtained pursuant to NRS 427A.735 and 449.179; or

(5) About whom any agency of the State of Nevada or any political subdivision thereof is authorized by law to have accurate personal information for the protection of the agency or the persons within its jurisdiction.

➥ To request and receive information from the Federal Bureau of Investigation concerning a person pursuant to this subsection, the Central Repository must receive the person's complete set of fingerprints from the agency or political subdivision and submit the fingerprints to the Federal Bureau of Investigation for its report.

6. The Central Repository shall:

(a) Collect and maintain records, reports and compilations of statistical data submitted by any agency pursuant to subsection 2.

(b) Tabulate and analyze all records, reports and compilations of statistical data received pursuant to this section.

(c) Disseminate to federal agencies engaged in the collection of statistical data relating to crime information which is contained in the Central Repository.

(d) Investigate the criminal history of any person who:

(1) Has applied to the Superintendent of Public Instruction for ***the issuance or renewal of*** a license;

(2) Has applied to a county school district, charter school or private school for employment; or

(3) Is employed by a county school district, charter school or private school,

➥ and notify the superintendent of each county school district, the governing body of each charter school and the Superintendent of Public Instruction, or the administrator of each private school, as appropriate, if the investigation of

the Central Repository indicates that the person has been convicted of a violation of NRS 200.508, 201.230, 453.3385, 453.339 or 453.3395, or convicted of a felony or any offense involving moral turpitude.

(e) Upon discovery, notify the superintendent of each county school district, the governing body of each charter school or the administrator of each private school, as appropriate, by providing the superintendent, governing body or administrator with a list of all persons:

(1) Investigated pursuant to paragraph (d); or

(2) Employed by a county school district, charter school or private school whose fingerprints were sent previously to the Central Repository for investigation,

➥ who the Central Repository's records indicate have been convicted of a violation of NRS 200.508, 201.230, 453.3385, 453.339 or 453.3395, or convicted of a felony or any offense involving moral turpitude since the Central Repository's initial investigation. The superintendent of each county school district, the governing body of a charter school or the administrator of each private school, as applicable, shall determine whether further investigation or action by the district, charter school or private school, as applicable, is appropriate.

(f) Investigate the criminal history of each person who submits fingerprints or has fingerprints submitted pursuant to NRS 427A.735, 449.176 or 449.179.

(g) On or before July 1 of each year, prepare and present to the Governor a printed annual report containing the statistical data relating to crime received during the preceding calendar year. Additional reports may be presented to the Governor throughout the year regarding specific areas of crime if they are approved by the Director of the Department.

(h) On or before July 1 of each year, prepare and submit to the Director of the Legislative Counsel Bureau for submission to the Legislature, or to the Legislative Commission when the Legislature is not in regular session, a report containing statistical data about domestic violence in this State.

(i) Identify and review the collection and processing of statistical data relating to criminal justice and the delinquency of children by any agency identified in subsection 2 and make recommendations for any necessary changes in the manner of collecting and processing statistical data by any such agency.

7. The Central Repository may:

(a) In the manner prescribed by the Director of the Department, disseminate compilations of statistical data and publish statistical reports relating to crime or the delinquency of children.

(b) Charge a reasonable fee for any publication or special report it distributes relating to data collected pursuant to this section. The Central

Repository may not collect such a fee from an agency of criminal justice, any other agency dealing with crime or the delinquency of children which is required to submit information pursuant to subsection 2 or the State Disaster Identification Team of the Division of Emergency Management of the Department. All money collected pursuant to this paragraph must be used to pay for the cost of operating the Central Repository.

(c) In the manner prescribed by the Director of the Department, use electronic means to receive and disseminate information contained in the Central Repository that it is authorized to disseminate pursuant to the provisions of this chapter.

8. As used in this section:

(a) "Personal identifying information" means any information designed, commonly used or capable of being used, alone or in conjunction with any other information, to identify a person, including, without limitation:

(1) The name, driver's license number, social security number, date of birth and photograph or computer-generated image of a person; and

(2) The fingerprints, voiceprint, retina image and iris image of a person.

(b) "Private school" has the meaning ascribed to it in NRS 394.103.

~~[Sec. 4.]~~ ***Sec. 5.*** This act becomes effective on July 1, 2011, for the purposes of adopting any necessary regulations **and policies** and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act and on January 1, 2012, for all other purposes.

Assemblyman Bobzien moved that the Assembly concur in the Senate amendment to Assembly Bill No. 393.

Remarks by Assemblyman Bobzien.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Assembly Bill No. 179.

The following Senate amendment was read:

Amendment No. 773.

AN ACT relating to public personnel; requiring that certain procedures be followed before taking disciplinary action against a public employee; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, an appointing authority may dismiss or demote a permanent classified employee if the appointing authority considers that the dismissal or demotion will serve the good of the public service, and the appointing authority may suspend a permanent employee without pay for disciplinary purposes for up to 30 days. (NRS 284.385) The employee may then request a hearing to determine whether the dismissal, demotion or suspension was reasonable. (NRS 284.390)

Section 1.5 of this bill requires an appointing authority to provide each employee of the appointing authority with a copy of a policy approved by the Personnel Commission that explains certain information relating to disciplinary action. **Section 2** of this bill requires an appointing authority to consult with the Attorney General or, if the appointing authority is part of the Nevada System of Higher Education, its general counsel, regarding any proposed disciplinary action before imposing the disciplinary action. **Section 3** of this bill requires certain investigations relating to disciplinary action against a public employee to be completed within 90 days after the employee is given notice of the allegations or investigation and provide for an extension of that time period.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. (Deleted by amendment.)

Sec. 1.5. NRS 284.383 is hereby amended to read as follows:

284.383 1. The Commission shall adopt by regulation a system for administering disciplinary measures against a state employee in which, except in cases of serious violations of law or regulations, less severe measures are applied at first, after which more severe measures are applied only if less severe measures have failed to correct the employee's deficiencies.

2. The system adopted pursuant to subsection 1 must provide that a state employee is entitled to receive a copy of any findings or recommendations made by an appointing authority or the representative of the appointing authority, if any, regarding proposed disciplinary action.

3. An appointing authority shall provide each permanent classified employee of the appointing authority with a copy of a policy approved by the Commission that explains prohibited acts, possible violations and penalties and a fair and equitable process for taking disciplinary action against such an employee.

Sec. 2. NRS 284.385 is hereby amended to read as follows:

284.385 1. An appointing authority may:

(a) Dismiss or demote any permanent classified employee when the appointing authority considers that the good of the public service will be served thereby.

(b) Except as otherwise provided in NRS 284.148, suspend without pay, for disciplinary purposes, a permanent employee for a period not to exceed 30 days.

2. ***Before a permanent classified employee is dismissed, involuntarily demoted or suspended, the appointing authority must consult with the Attorney General or, if the employee is employed by the Nevada System of***

Higher Education, the appointing authority's general counsel, regarding the proposed discipline. After such consultation, the appointing authority may take such lawful action regarding the proposed discipline as it deems necessary under the circumstances.

3. A dismissal, involuntary demotion or suspension does not become effective until the employee is notified in writing of the dismissal, involuntary demotion or suspension and the reasons therefor. The notice may be delivered personally to the employee or mailed to the employee at the employee's last known address by registered or certified mail, return receipt requested. If the notice is mailed, the effective date of the dismissal, involuntary demotion or suspension shall be deemed to be the date of delivery or if the letter is returned to the sender, 3 days after mailing.

~~[3.]~~ ***4.*** No employee in the classified service may be dismissed for religious or racial reasons.

Sec. 3. NRS 284.387 is hereby amended to read as follows:

284.387 ***1.*** An employee who is the subject of an internal administrative investigation that could lead to disciplinary action against the employee pursuant to NRS 284.385 must be:

~~[1.]~~ ***(a)*** Provided notice in writing of the allegations against the employee before the employee is questioned regarding the allegations; and

~~[2.]~~ ***(b)*** Afforded the right to have a lawyer or other representative of the employee's choosing present with the employee at any time that the employee is questioned regarding those allegations. The employee must be given not less than 2 business days to obtain such representation, unless the employee waives the employee's right to be represented.

2. An internal administrative investigation that could lead to disciplinary action against an employee pursuant to NRS 284.385 and any determination made as a result of such an investigation must be completed and the employee notified of any disciplinary action within 90 days after the employee is provided notice of the allegations pursuant to paragraph (a) of subsection 1. If the appointing authority cannot complete the investigation and make a determination within 90 days after the employee is provided notice of the allegations pursuant to paragraph (a) of subsection 1, the appointing authority may request an extension of not more than 60 days from the Director upon showing good cause for the delay. No further extension may be granted unless approved by the Governor.

Sec. 4. This act becomes effective on July 1, 2011.

Assemblywoman Kirkpatrick moved that the Assembly concur in the Senate amendment to Assembly Bill No. 179.

Remarks by Assemblywoman Kirkpatrick.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Assembly Bill No. 198.

The following Senate amendment was read:

Amendment No. 611.

AN ACT relating to the Nevada Rural Housing Authority; revising the definition of "local government" to include the Authority for the purpose of loans from a local government **in certain counties** to the Authority; revising the requirements for eligibility to serve as a commissioner of the Authority; authorizing the Authority to receive a loan from a local government; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, before a local government may make an interfund loan or loan of money to another local government, the governing body of the local government that wishes to make the loan must determine at a public hearing that a sufficient amount of unrestricted money is available for the loan and that the loan will not compromise the economic viability of the fund from which the money is loaned. The local government must also establish at the public hearing: (1) the amount of time the money will be on loan from the fund; (2) the terms and conditions for repaying the loan; and (3) the rate of interest, if any, to be charged for the loan. (NRS 354.6118) For the purpose of making such a loan, the term "local government" does not include the Nevada Rural Housing Authority. (NRS 354.474) Existing law confers upon the Nevada Rural Housing Authority the authority to engage in various activities relating to the purposes for which the Authority was created, including, without limitation, the authority to enter into agreements or other transactions with any governmental agency or other source to further those purposes. (NRS 315.983)

Section 1 of this bill revises the definition of "local government" to include the Nevada Rural Housing Authority for the sole purpose of loans from a local government **in a county whose population is less than 100,000 (currently counties other than Clark and Washoe Counties)** to the Authority in accordance with existing law. **Section 3** of this bill expands the authorized actions of the Nevada Rural Housing Authority to include receipt by the Authority of such a loan of money from a local government.

Existing law provides for the appointment of five commissioners to serve as members of the Nevada Rural Housing Authority. Of those five commissioners, one commissioner must be appointed jointly by the Nevada League of Cities and the Nevada Association of Counties and must be a recipient of assistance from the Authority. If that commissioner ceases to

receive assistance from the Authority, he or she must be replaced by a person who receives such assistance. (NRS 315.977) **Section 2** of this bill revises the requirements for appointing that commissioner by providing that, if the commissioner no longer receives assistance from the Authority, he or she may continue to serve as a commissioner for the remainder of the unexpired term for which he or she was appointed if he or she resides within the area of operation of the Authority.

Existing law authorizes the Authority to operate in any area of this State which is not included within the corporate limits of a city or town having a population of 100,000 or more. (NRS 315.9835) **Section 4** of this bill authorizes the Authority to provide services in any area of the State if the Authority has contracted with the State or a local government to provide those services in that area. **Section 4** specifies that the provision of those services does not include the making of a mortgage loan ~~[.]~~ **, the issuance of a mortgage credit certificate or bonds to finance a multifamily housing project, the allocation of a low-income housing tax credit or weatherization.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 354.474 is hereby amended to read as follows:

354.474 1. Except as otherwise provided in subsections 2 and 3, the provisions of NRS 354.470 to 354.626, inclusive, apply to all local governments. For the purpose of NRS 354.470 to 354.626, inclusive:

(a) "Local government" means every political subdivision or other entity which has the right to levy or receive money from ad valorem or other taxes or any mandatory assessments, and includes, without limitation, counties, cities, towns, boards, school districts and other districts organized pursuant to chapters 244A, 309, 318 and 379 of NRS, NRS 450.550 to 450.750, inclusive, and chapters 474, 541, 543 and 555 of NRS, and any agency or department of a county or city which prepares a budget separate from that of the parent political subdivision.

(b) "Local government" ***includes the Nevada Rural Housing Authority for the purpose of loans of money from a local government in a county whose population is less than 100,000 to the Nevada Rural Housing Authority in accordance with NRS 354.6118. The term*** does not include the Nevada Rural Housing Authority ~~[.]~~ ***for any other purpose.***

2. An irrigation district organized pursuant to chapter 539 of NRS shall fix rates and levy assessments as provided in NRS 539.667 to 539.683, inclusive. The levy of such assessments and the posting and publication of claims and annual financial statements as required by chapter 539 of NRS shall be deemed compliance with the budgeting, filing and publication

requirements of NRS 354.470 to 354.626, inclusive, but any such irrigation district which levies an ad valorem tax shall comply with the filing and publication requirements of NRS 354.470 to 354.626, inclusive, in addition to the requirements of chapter 539 of NRS.

3. An electric light and power district created pursuant to chapter 318 of NRS shall be deemed to have fulfilled the requirements of NRS 354.470 to 354.626, inclusive, for a year in which the district does not issue bonds or levy an assessment if the district files with the Department of Taxation a copy of all documents relating to its budget for that year which the district submitted to the Rural Utilities Service of the United States Department of Agriculture.

Sec. 2. NRS 315.977 is hereby amended to read as follows:

315.977 1. The Nevada Rural Housing Authority, consisting of five commissioners, is hereby created.

2. The commissioners must be appointed as follows:

(a) Two commissioners must be appointed by the Nevada League of Cities.

(b) Two commissioners must be appointed by the Nevada Association of Counties.

(c) One commissioner must be appointed jointly by the Nevada League of Cities and the Nevada Association of Counties. This commissioner must be a current recipient of assistance from the Authority and must be selected from a list of at least five eligible nominees submitted for this purpose by an organization which represents tenants of housing projects operated by the Authority. If no such organization exists, the commissioner must be selected from a list of nominees submitted for this purpose from persons who currently receive assistance from the Authority. If during his or her term the commissioner ceases to be a recipient of assistance, the commissioner ~~[must be replaced by a person who is a recipient of assistance.]~~ ***may continue to serve as a commissioner for the remainder of the unexpired term for which he or she was appointed if he or she resides within the area of operation of the Authority.***

3. After the initial terms, the term of office of a commissioner is 4 years or until his or her successor takes office.

4. A majority of the commissioners constitutes a quorum, and a vote of the majority is necessary to carry any question.

5. If either of the appointing entities listed in subsection 2 ceases to exist, the pertinent appointments required by subsection 2 must be made by the successor in interest of that entity or, if there is no successor in interest, by the other appointing entity.

Sec. 3. NRS 315.983 is hereby amended to read as follows:

315.983 1. Except as otherwise provided in NRS 354.474 and 377.057, the Authority:

(a) Shall be deemed to be a public body corporate and politic, and an instrumentality, local government and political subdivision of the State, exercising public and essential governmental functions, and having all the powers necessary or convenient to carry out the purposes and provisions of NRS 315.961 to 315.99874, inclusive, but not the power to levy and collect taxes or special assessments.

(b) Is not an agency, board, bureau, commission, council, department, division, employee or institution of the State.

2. The Authority may:

(a) Sue and be sued.

(b) Have a seal.

(c) Have perpetual succession.

(d) Make and execute contracts and other instruments necessary or convenient to the exercise of its powers.

(e) Deposit money it receives in any insured state or national bank, insured credit union, insured savings and loan association, or in the Local Government Pooled Long-Term Investment Account created by NRS 355.165 or the Local Government Pooled Investment Fund created by NRS 355.167.

(f) Adopt bylaws, rules and regulations to carry into effect the powers and purposes of the Authority.

(g) Create a nonprofit organization which is exempt from taxation pursuant to 26 U.S.C. § 501(c)(3) and which has as its principal purpose the development of housing projects.

(h) Enter into agreements or other transactions with, and accept grants from and cooperate with, any governmental agency or other source in furtherance of the purposes of NRS 315.961 to 315.99874, inclusive.

(i) ***Enter into an agreement with a local government in a county whose population is less than 100,000 to receive a loan of money from the local government in accordance with NRS 354.6118.***

(j) Acquire real or personal property or any interest therein, by gift, purchase, foreclosure, deed in lieu of foreclosure, lease, option or otherwise.

Sec. 4. NRS 315.9835 is hereby amended to read as follows:

315.9835 The State Authority may ***:***

1. Except as otherwise provided in subsection 2, operate in any area of the State which is not included within the corporate limits of a city or town having a population of 100,000 or more.

2. Provide services in any area of the State if the State Authority has contracted with the State or a local government to provide those services in that area. As used in this subsection, "services" does not include ~~*[the]*~~ ***:***

(a) The making of a mortgage loan pursuant to NRS 315.9981 to 315.99874, inclusive ~~[.]~~ ***;***

(b) The issuance of a mortgage credit certificate;

(c) The issuance of bonds to finance a multifamily housing project;

(d) The allocation of a low-income housing tax credit; or

(e) Weatherization other than an assessment or inspection of property for weatherization.

3. As used in this section, "weatherization" means materials or measures, and their installation, that are used to improve the thermal efficiency of a building, facility, residence or structure.

Sec. 5. (Deleted by amendment.)

Sec. 6. This act becomes effective on July 1, 2011.

Assemblywoman Kirkpatrick moved that the Assembly concur in the Senate amendment to Assembly Bill No. 198.

Remarks by Assemblywoman Kirkpatrick.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Assembly Bill No. 304.

The following Senate amendment was read:

Amendment No. 747.

AN ACT relating to fire protection; codifying in statute the requirement in regulation that a person obtain a certificate of registration before acting as a fire performer; authorizing a person to act as a fire performer if the person holds a certificate of registration as an apprentice fire performer; providing for the application for and issuance of a certificate of registration as an apprentice fire performer; prohibiting an apprentice fire performer from acting as a fire performer without certain supervision; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Currently, regulations adopted by the State Fire Marshal, who is charged with enforcing all laws and adopting regulations relating to fire prevention, require a person to apply to the State Fire Marshal for a certificate of registration as a fire performer before entertaining or otherwise performing before an audience using an open flame. (NRS 477.030; NAC 477.630) Any person who knowingly violates any of those laws or regulations is guilty of a misdemeanor. (NRS 477.250)

This bill codifies in statute the requirements in those regulations and adds requirements for both fire performers and apprentice fire performers. Under **section 5** of this bill, a person is prohibited from acting as a fire performer unless the person is the holder of a certificate of registration as a fire performer, as in existing regulation. **Section 5** also authorizes a person to act

as a fire performer if the person is the holder of a certificate of registration as an apprentice fire performer. **Section 5** authorizes the State Fire Marshal to issue either certificate to a person who ~~[~~is at least 18 years of age,~~]~~ **meets the age requirement for that certificate,** submits an application that includes a description of the person's experience as a fire performer or apprentice fire performer and all safety precautions used by the applicant while acting as a fire performer or apprentice fire performer, and pays an application fee prescribed by regulations adopted by the State Fire Marshal. **Section 5** also provides for the renewal of each such certificate.

Section 6 of this bill prohibits an apprentice fire performer from acting as a fire performer unless the apprentice is directly supervised at all times by a registered fire performer who is at least 21 years of age. The person supervising must ensure that the apprentice fire performer safely handles and operates any equipment and complies with all applicable laws relating to acting as a fire performer.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 477 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 8, inclusive, of this act.

Sec. 2. ***As used in sections 2 to 8, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 and 4 of this act have the meanings ascribed to them in those sections.***

Sec. 3. ***"Apprentice fire performer" means a person who is issued a certificate of registration as an apprentice fire performer pursuant to section 5 of this act.***

Sec. 4. ***"Fire performer" means an entertainer or other performer who performs for an audience using an open flame*** ~~[.]~~ ***in a venue authorized by permit of a governmental entity.***

Sec. 5. ***1. A person shall not act as a fire performer unless the person is the holder of a certificate of registration as a fire performer or apprentice fire performer issued by the State Fire Marshal pursuant to this section.***

2. An applicant for a certificate of registration as a fire performer or apprentice fire performer must:

(a) Be a natural person ~~[who is]~~ ***and, if the application is:***

(1) For a fire performer, be at least 21 years of age; or

(2) For an apprentice fire performer, be at least 18 years of age;

(b) Make a written notarized application to the State Fire Marshal on a form provided by the State Fire Marshal;

(c) Submit to the State Fire Marshal a resume setting forth the experience of the applicant as a fire performer or apprentice fire performer

and a description of all safety precautions used by the applicant while acting as a fire performer or apprentice fire performer; and

(d) Pay an application fee in an amount prescribed by regulations adopted by the State Fire Marshal.

3. The State Fire Marshal may:

(a) Issue to any person who applies for either certificate pursuant to subsection 2 a certificate of registration as a fire performer or apprentice fire performer; and

(b) Renew a certificate of registration as a fire performer or apprentice fire performer to any person who applies for a renewal in a manner specified by the State Fire Marshal and pays a renewal fee in an amount prescribed by regulations adopted by the State Fire Marshal.

4. A certificate of registration as a fire performer or apprentice fire performer is valid for the period prescribed by regulations adopted by the State Fire Marshal.

Sec. 6. *1. An apprentice fire performer may not act as a fire performer unless, at all times while the apprentice fire performer is acting as a fire performer, the apprentice fire performer is directly supervised by a person who:*

(a) Is at least 21 years of age; and

(b) Is the holder of a certificate of registration as a fire performer issued pursuant to section 5 of this act.

2. While an apprentice fire performer is acting as a fire performer, the fire performer who is directly supervising the apprentice fire performer shall ensure that the apprentice fire performer:

(a) Safely handles and operates any equipment used by the apprentice fire performer; and

(b) Complies with all applicable laws and regulations concerning acting as a fire performer.

Sec. 7. *1. In addition to any other requirements set forth in sections 2 to 8, inclusive, of this act, an applicant for the issuance or renewal of a certificate of registration pursuant to section 5 of this act shall:*

(a) Include the social security number of the applicant in the application submitted to the State Fire Marshal.

(b) Submit to the State Fire Marshal the statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520. The statement must be completed and signed by the applicant.

2. The State Fire Marshal shall include the statement required pursuant to subsection 1 in:

(a) The application or any other forms that must be submitted for the issuance or renewal of the certificate of registration; or

(b) A separate form prescribed by the State Fire Marshal.

3. A certificate of registration may not be issued or renewed by the State Fire Marshal pursuant to section 5 of this act if the applicant:

(a) Fails to submit the statement required pursuant to subsection 1; or

(b) Indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.

4. If an applicant indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the State Fire Marshal shall advise the applicant to contact the district attorney or other public agency enforcing the order to determine the actions that the applicant may take to satisfy the arrearage.

Sec. 8. ***1. If the State Fire Marshal receives a copy of a court order issued pursuant to NRS 425.540 that provides for the suspension of all professional, occupational and recreational licenses, certificates and permits issued to a person who is the holder of a certificate of registration as a fire performer or apprentice fire performer, the State Fire Marshal shall deem the certificate of registration issued to that person to be suspended at the end of the 30th day after the date on which the court order was issued unless the State Fire Marshal receives a letter issued to the holder of the certificate of registration by the district attorney or other public agency pursuant to NRS 425.550 stating that the holder of the certificate of registration has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.***

2. The State Fire Marshal shall reinstate a certificate of registration as a fire performer or apprentice fire performer that has been suspended by a district court pursuant to NRS 425.540 if the State Fire Marshal receives a letter issued by the district attorney or other public agency pursuant to NRS 425.550 to the person whose certificate of registration was suspended stating that the person whose certificate of registration was suspended has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

Sec. 9. On or before December 30, 2011, the State Fire Marshal shall adopt any regulations necessary to carry out the amendatory provisions of this act.

Sec. 10. 1. This act becomes effective upon passage and approval for the purpose of adopting regulations and on January 1, 2012, for all other purposes.

2. Sections 7 and 8 of this act expire by limitation on the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

(a) Have failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or

(b) Are in arrears in the payment for the support of one or more children,

➥ are repealed by the Congress of the United States.

Assemblywoman Kirkpatrick moved that the Assembly concur in the Senate amendment to Assembly Bill No. 304.

Remarks by Assemblywoman Kirkpatrick.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Assembly Bill No. 238.

The following Senate amendment was read:

Amendment No. 633.

AN ACT relating to local government finance; revising provisions concerning the refunding of municipal securities related to infrastructure projects in certain counties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Since October 1, 1999, a county has been authorized, as part of a lending project under the County Bond Law, to acquire securities issued by a municipality located wholly or partially within the county: (1) to undertake one or more infrastructure projects; or (2) to refund those securities. In the latter case, a county's authority is limited to acquiring only those securities issued to refund municipal securities for infrastructure projects that were previously acquired by the county. (NRS 244A.0343, 244A.064) This bill **partially** eliminates this limitation on a county's authority in a county whose population is 100,000 or more but less than 700,000 (currently Washoe County) and thereby allows such a county to acquire securities that were issued by a ~~[municipality to refund municipal securities issued previously for infrastructure]~~ **water authority for water** projects regardless of whether those securities are held by the county or another entity. However, such a county may only acquire those municipal securities issued for purposes of refunding if the initial securities for the ~~[infrastructure]~~ **water** projects were issued by the municipality on or after October 1, 1999.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 244A.0343 is hereby amended to read as follows:

244A.0343 "Lending project" means ***:***

1. In a county whose population is 100,000 or more but less than 700,000, the acquisition of municipal securities issued by a ~~[municipality]~~ water authority located wholly or partially within the county acquiring the municipal securities for one or more infrastructure projects which consist of capital improvements for a water system or for the refunding of municipal securities issued on or ~~[before]~~ after October 1, 1999, for one or more infrastructure projects which consist of capital improvements for a water system or any combination thereof.

2. In all other counties, the acquisition of municipal securities issued by a municipality located wholly or partially within the county acquiring the municipal securities for one or more infrastructure projects or for the refunding of municipal securities previously acquired as part of a lending project by a county for one or more infrastructure projects or any combination thereof.

Sec. 2. NRS 244A.064 is hereby amended to read as follows:

244A.064 In connection with any lending project, a county may:

1. Require additional security or credit enhancement for payment of municipal securities acquired as it deems prudent.

2. Make contracts and execute all necessary or desirable instruments or documents not in conflict with the requirements of the County Bond Law.

3. Provide by ordinance for its standards, policies and procedures for financing lending projects.

4. Acquire and hold municipal securities and execute the rights of the holder of those municipal securities.

5. Sell or otherwise dispose of municipal securities unless the county is limited by any agreement that is related to those securities.

6. ~~[Refund any county general obligations issued for a lending project if]~~ ***If*** the county and the municipality agree to the disposition of any savings resulting from the refunding ~~[.]~~ ***:***

(a) In a county whose population is 100,000 or more but less than 700,000, refund:

(1) Any county general obligations issued for a lending project;

(2) Any municipal securities issued on or after October 1, 1999, for one or more infrastructure projects which consist of capital improvements for a water system ; or

(3) Any combination of subparagraphs (1) and (2).

(b) In all other counties, refund any county general obligations issued for a lending project.

7. Require payment by a municipality that participates in a lending project of the fees and expenses of the county in connection with the lending project.

8. Secure the payment of county general obligations issued for a lending project with a pledge of revenues of the lending project. If the revenues of a lending project are formally pledged to the county bonds issued to finance a lending project, the board may treat the revenues of the lending project financed by an issue of county general obligation bonds as pledged revenues pursuant to subsection 3 of NRS 350.020.

Sec. 3. This act becomes effective upon passage and approval.

Assemblywoman Kirkpatrick moved that the Assembly concur in the Senate amendment to Assembly Bill No. 238.

Remarks by Assemblywoman Kirkpatrick.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Madam Speaker pro Tempore announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 10:36 p.m.

ASSEMBLY IN SESSION

At 10:40 p.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

NOTICE OF EXEMPTION

May 30, 2011

The Fiscal Analysis Division, pursuant to Joint Standing Rule 14.6, has determined the eligibility for exemption of: Assembly Bill No. 351.

MARK KRMPOTIC
Fiscal Analysis Division

GENERAL FILE AND THIRD READING

Assembly Bill No. 453.

Bill read third time.

Roll call on Assembly Bill No. 453:

YEAS—33.

NAYS—Aizley, Hambrick, Hammond, Hardy, Hickey, Hogan, Kirner, McArthur, Sherwood—9.

Assembly Bill No. 453 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 43.

Bill read third time.

Remarks by Assemblyman Carrillo.

Roll call on Senate Bill No. 43:

YEAS—38.

NAYS—Ellison, Hambrick, Hansen, McArthur—4.

Senate Bill No. 43 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 113.

Bill read third time.

Roll call on Senate Bill No. 113:

YEAS—42.

NAYS—None.

Senate Bill No. 113 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 154.

Bill read third time.

Roll call on Senate Bill No. 154:

YEAS—34.

NAYS—Ellison, Goedhart, Hardy, Hickey, Kirner, Kite, McArthur, Stewart—8.

Senate Bill No. 154 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 18.

Bill read third time.

Roll call on Senate Bill No. 18:

YEAS—42.

NAYS—None.

Senate Bill No. 18 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 19.

Bill read third time.

Roll call on Senate Bill No. 19:

YEAS—38.

NAYS—Carlton, Carrillo, Hickey, Mastroluca—4.

Senate Bill No. 19 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 30.

Bill read third time.

Roll call on Senate Bill No. 30:

YEAS—42.

NAYS—None.

Senate Bill No. 30 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 94.

Bill read third time.

Roll call on Senate Bill No. 94:

YEAS—42.

NAYS—None.

Senate Bill No. 94 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 106.

Bill read third time.

Roll call on Senate Bill No. 106:

YEAS—42.

NAYS—None.

Senate Bill No. 106 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 186.

Bill read third time.

Roll call on Senate Bill No. 186:

YEAS—42.

NAYS—None.

Senate Bill No. 186 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 194.

Bill read third time.

Roll call on Senate Bill No. 194:

YEAS—42.

NAYS—None.

Senate Bill No. 194 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 293.

Bill read third time.

Roll call on Senate Bill No. 293:

YEAS—42.

NAYS—None.

Senate Bill No. 293 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 315.

Bill read third time.

Roll call on Senate Bill No. 315:

YEAS—42.

NAYS—None.

Senate Bill No. 315 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 365.

Bill read third time.

Remarks by Assemblywoman Dondero Loop.

Potential conflict of interest declared by Assemblywoman Dondero Loop.

Roll call on Senate Bill No. 365:

YEAS—40.

NAYS—Anderson, Smith—2.

Senate Bill No. 365 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 307.

Bill read third time.

Roll call on Assembly Bill No. 307:

YEAS—38.

NAYS—Ellison, Hammond, Hansen, Livermore—4.

Assembly Bill No. 307 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Conklin moved that Assembly Bill No. 449 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 572.

Bill read third time.

Remarks by Assemblywoman Kirkpatrick.

Roll call on Assembly Bill No. 572:

YEAS—42.

NAYS—None.

Assembly Bill No. 572 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 249.

Bill read third time.

Roll call on Senate Bill No. 249:

YEAS—38.

NAYS—Aizley, Hardy, Hickey, Sherwood—4.

Senate Bill No. 249 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 294.

Bill read third time.

Roll call on Senate Bill No. 294:

YEAS—42.

NAYS—None.

Senate Bill No. 294 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 262.

Bill read third time.

Remarks by Assemblyman Hardy.

Roll call on Senate Bill No. 262:

YEAS—42.

NAYS—None.

Senate Bill No. 262 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 289.
Bill read third time.
Remarks by Assemblyman Atkinson.
Roll call on Senate Bill No. 289:
YEAS—42.
NAYS—None.
Senate Bill No. 289 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 267.
Bill read third time.
Remarks by Assemblywoman Kirkpatrick.
Roll call on Senate Bill No. 267:
YEAS—34.
NAYS—Goicoechea, Grady, Hambrick, Hammond, Hansen, Hardy, Hickey, Livermore—8.
Senate Bill No. 267 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 98.
Bill read third time.
Remarks by Assemblywoman Kirkpatrick.
Roll call on Senate Bill No. 98:
YEAS—42.
NAYS—None.
Senate Bill No. 98 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 11:22 p.m.

ASSEMBLY IN SESSION

At 11:48 p.m.
Mr. Speaker presiding.
Quorum present.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 17, 98, 122, 132, 160, 456, 500, 519, 521; Senate Bills Nos. 37, 88, 97, 102, 112, 128, 132, 152, 182, 190, 201, 205, 210, 213, 221, 226, 234,

237, 246, 273, 277, 300, 317, 358, 411, 417, 420, 430, 444, 445, 450, 481; Senate Concurrent Resolution No. 13.

Assemblyman Conklin moved that the Assembly adjourn until Tuesday, May 31, 2011, at 11 a.m., and that it do so in honor of all of the past and present military personnel serving this country in great distinction.

Motion carried.

Assembly adjourned at 11:51 p.m.

Approved: JOHN OCEGUERA
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE ONE HUNDRED FOURTEENTH DAY

CARSON CITY (Tuesday), May 31, 2011

Assembly called to order at 11:58 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblyman Goicoechea, who was excused.

Prayer by the Chaplain, Pat Hickey.

"But the one who looks into the perfect law, the law of liberty, and perseveres, being no hearer who forgets but a doer who acts, he will be blessed in his doing." (James 1:25)—and from my Catholic tradition—Lord, pray for us sinners now and in the hour of our death or sine die.

AMEN.

Pledge of allegiance to the Flag.

Assemblywoman Kirkpatrick moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 30, 2011

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bill No. 78.

Also, I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 152, 212, 232, 384, 463; Assembly Joint Resolution No. 6.

Also, I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 202, 204, 358, 390, 489, 530.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 2, Amendment No. 776; Assembly Bill No. 81, Amendment No. 685; Assembly Bill No. 117, Amendment No. 831; Assembly Bill No. 199, Amendment No. 658; Assembly Bill No. 240, Amendment No. 764; Assembly Bill No. 242, Amendment No. 745; Assembly Bill No. 257, Amendment No. 591; Assembly Bill No. 265, Amendment No. 800; Assembly Bill No. 277, Amendment No. 677; Assembly Bill No. 291, Amendment No. 678; Assembly Bill No. 294, Amendment No. 695; Assembly Bill No. 301, Amendment No. 688; Assembly Bill No. 322, Amendment No. 714; Assembly Bill No. 328, Amendment No. 675; Assembly Bill No. 337, Amendment No. 689; Assembly Bill No. 360, Amendment No. 748; Assembly Bill No. 374, Amendment No. 676; Assembly Bill No. 376, Amendment No. 632; Assembly Bill No. 379, Amendments Nos. 635, 656; Assembly Bill No. 388, Amendment No. 696; Assembly Bill No. 413, Amendment No. 631; Assembly Bill No. 433, Amendment No. 690; Assembly Bill No. 504, Amendment No. 738; Assembly Joint Resolution No. 5, Amendment No. 713, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 53, Amendment No. 673; Assembly Bill No. 80,

Amendments Nos. 686, 845; Assembly Bill No. 223, Amendments Nos. 694, 851; Assembly Bill No. 260, Amendment No. 856; Assembly Bill No. 452, Amendment No. 834, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 136, Amendment No. 693; Assembly Bill No. 258, Amendment No. 777; Assembly Bill No. 273, Amendments Nos. 679, 824; Assembly Bill No. 410, Amendment No. 590; Assembly Bill No. 471, Amendment No. 749; Assembly Bill No. 473, Amendment No. 836; Assembly Bill No. 549, Amendment No. 751, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 60, 426, 437, 440, 443, 446.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 168, 276.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly Amendment No. 646 to Senate Bill No. 77; Assembly Amendment No. 654 to Senate Bill No. 259; Assembly Amendment No. 655 to Senate Bill No. 292; Assembly Amendment No. 672 to Senate Bill No. 323; Assembly Amendment No. 711 to Senate Bill No. 339; Assembly Amendment No. 716 to Senate Bill No. 414.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators Leslie, Kihuen and Kieckhefer as a Conference Committee concerning Senate Bill No. 264.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 60.

Assemblywoman Kirkpatrick moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 168.

Assemblywoman Kirkpatrick moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 276.

Assemblywoman Kirkpatrick moved that the bill be referred to the Committee on Education.

Motion carried.

Senate Bill No. 426.

Assemblywoman Kirkpatrick moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 437.

Assemblywoman Kirkpatrick moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 440.

Assemblywoman Kirkpatrick moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 443.

Assemblywoman Kirkpatrick moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 446.

Assemblywoman Kirkpatrick moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Conklin moved that the Assembly recess until 3:30 p.m.

Motion carried.

Assembly in recess at 12:18 p.m.

ASSEMBLY IN SESSION

At 4:02 p.m.

Mr. Speaker presiding.

Quorum present.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 31, 2011

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bill No. 421.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly Amendment No. 794 to Senate Bill No. 257.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to concur in the Assembly Amendment No. 659 to Senate Bill No. 101.

SHERRY L. Rodriguez

Assistant Secretary of the Senate

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 53.

The following Senate amendment was read:

Amendment No. 673.

AN ACT relating to transportation; requiring the Director of the Department of Transportation to charge fees based upon market value for authorizing the placement of trademarks or symbols identifying individual enterprises on certain signs and for providing information regarding attractions and services along highways of the State; authorizing the Director to recommend to the Board of Directors of the Department programs for providing information to the traveling public to be funded from money received from fees charged on those signs; **exempting certain signs located in a redevelopment area from certain restrictions on the proximity of advertising to certain highways in this State;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Director of the Department of Transportation to adopt regulations to fix reasonable fees to recover the actual cost of administering a program for erecting certain signs on highways. Existing law provides that in certain larger counties, the Department is required to establish the fees based upon the market value as determined by the Department. **Section 3** of this bill instead requires the Department to fix the fees in all counties based upon market value as determined by the Department. Existing law provides that the fees collected by the Department are to be credited to the Account for Systems of Providing Information to the Traveling Public in the State Highway Fund. **Section 1** of this bill authorizes the Director to recommend to the Board of Directors of the Department programs to provide information to the traveling public to be paid from money available for that purpose from the Account.

Existing law provides that outdoor advertising shall not be maintained within 660 feet of the nearest edge of the right-of-way and visible from the main-traveled way of the interstate or primary highway systems of this State. Exemptions are provided for: (1) certain directional, warning, landmark, informational and other official signs; (2) signs which advertise the sale or lease of the property on which they are located or advertise for a business or activities conducted on the property on which they are located; (3) signs in zoned commercial or industrial areas; and (4) certain directional information signs in hardship areas which have been approved by the Secretary of Transportation pursuant to certain federal regulations. (NRS 410.320) Sections 10 and 13 of this bill provide

an exemption from the 660-foot restriction for certain signs located in a redevelopment area.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 408 of NRS is hereby amended by adding thereto a new section to read as follows:

The Director may recommend to the Board, for its approval, programs to provide information to the traveling public to be paid from such money as is available for this purpose pursuant to NRS 408.567.

Sec. 2. NRS 408.551 is hereby amended to read as follows:

408.551 As used in NRS 408.551 to 408.567, inclusive, ***and section 1 of this act,*** "center" means a facility to provide information to members of the traveling public, concerning accommodations, food, fuel and recreation, through an attendant or some means of communication.

Sec. 3. NRS 408.557 is hereby amended to read as follows:

408.557 1. The Director shall adopt regulations:

(a) Governing the size, shape, lighting and other characteristics of a sign to be erected at ~~[such]~~ a location ~~[,]~~ ***designated pursuant to NRS 408.553;***

(b) Authorizing the use of trademarks and symbols identifying an individual enterprise on a sign erected at the location;

(c) Fixing the qualifications of a person or governmental agency to operate a center and of an enterprise to be identified on a directional or informational sign;

(d) ~~[Fixing reasonable fees to recover the actual administrative cost incurred by the Department for:~~

~~(1) Authorizing the use of trademarks and symbols identifying an individual enterprise on a directional or informational sign; and~~

~~(2) Providing information concerning commercial attractions and services.~~

~~(e)]~~ Fixing reasonable fees, based upon the market value as determined by the Department, for:

(1) Authorizing the use of trademarks and symbols identifying an individual enterprise on a directional or informational sign ~~[in an urban area of a county whose population is 100,000 or more;]~~ ***;*** and

(2) Providing information ~~[in an urban area of a county whose population is 100,000 or more]~~ concerning commercial attractions and services; and

~~[(f)]~~ ***(e)*** Otherwise necessary to carry out the provisions of NRS 408.551 to 408.567, inclusive ~~[.]~~ ***, and section 1 of this act.***

2. The regulations adopted by the Director pursuant to subsection 1 must be consistent with the provisions of 23 U.S.C. § 131.

Sec. 4. NRS 408.559 is hereby amended to read as follows:

408.559 The Department shall develop a plan, in cooperation with the Commission on Tourism, to carry out the provisions of NRS 408.551 to 408.567, inclusive ~~[.]~~ ***, and section 1 of this act.*** The plan must take into consideration such factors as:

1. Economic development in this state.
2. Availability of money for the purposes of NRS 408.551 to 408.567, inclusive ~~[.]~~ ***, and section 1 of this act.***
3. Population in a particular area.
4. Proposed highway construction.
5. Need for information.

➥ The Department and the Commission shall review the plan at least once each year and revise it until the provisions of NRS 408.551 to 408.567, inclusive, ***and section 1 of this act*** have been uniformly put into effect throughout the State.

Sec. 5. NRS 408.567 is hereby amended to read as follows:

408.567 1. Money received by the Department from:

(a) Fees for:

(1) Authorizing the use of trademarks and symbols identifying an individual enterprise on a directional or informational sign; and

(2) Providing information concerning commercial attractions and services;

(b) Participants in a telephone system established to reserve accommodations for travelers; and

(c) Appropriations made by the Legislature for the purposes of NRS 408.551 to 408.567, inclusive, ***and section 1 of this act,***

➥ must be deposited with the State Treasurer for credit to the Account for Systems of Providing Information to the Traveling Public in the State Highway Fund, which is hereby created.

2. Money in the Account must only be used to carry out the provisions of NRS 408.551 to 408.567, inclusive ~~[.]~~ ***, and section 1 of this act.***

Sec. 6. **Chapter 410 of NRS is hereby amended by adding thereto the provisions set forth as sections 7 to 10, inclusive, of this act.**

Sec. 7. *"**Agency" has the meaning ascribed to it in NRS 279.386.***

Sec. 8. *"**Redevelopment area" has the meaning ascribed to it in NRS 279.410.***

Sec. 9. *"**Redevelopment project" has the meaning ascribed to it in NRS 279.412.***

Sec. 10. ***1. An application for a permit for a sign, display or device to be erected or maintained in a redevelopment area pursuant to subsection 7 of NRS 410.320 must be submitted to the Department, on a form provided***

by the Department, by the agency undertaking the redevelopment project. The application must include, without limitation:

(a) Certification by the agency that the sign, display or device meets the requirements of subsection 4 of NRS 410.320; and

(b) A finding by the agency that the sign, display or device will not result in a concentration of outdoor advertising that would have a negative impact on the safety or aesthetic quality of the redevelopment area.

2. The Department shall issue a permit upon receipt of an application that meets the requirements of subsection 1 unless the Department determines that the sign, display or device does not conform to the national standards adopted by the Secretary of Transportation pursuant to 23 U.S.C. § 131.

3. A permit issued pursuant to this section is valid for 10 years or until the completion of the redevelopment project, whichever occurs earlier. The Department may, for good cause shown by the agency that obtained the permit, allow for an extension of a permit beyond a 10-year period, provided that the redevelopment project has not been completed.

4. Upon expiration of a permit, the Department shall personally serve or send by registered or certified mail notice to the landowner and the owner of the sign, display or device that the sign, display or device must be removed within 30 days thereafter, unless the sign, display or device is otherwise exempt pursuant to subsections 1 to 6, inclusive, of NRS 410.320.

5. If a person fails to remove a sign, display or device pursuant to subsection 4, the Department may:

(a) Impose an administrative fine of $10,000 plus $100 per day for each day after the receipt of notice that the sign, display or device has not been removed;

(b) Impose an additional civil penalty equal to any gross revenue earned by the person from the sign, display or device during the period that:

(1) Begins on the date of receipt of the notice to remove the sign, display or device; and

(2) Ends on the date on which the sign, display or device is removed; and

(c) Charge the person any costs incurred by the Department in removing the sign, display or device.

Sec. 11. **NRS 410.220 is hereby amended to read as follows:**

410.220 1. The Legislature hereby finds and declares that:

(a) The erection and maintenance of outdoor advertising signs, displays and devices, in areas adjacent to the rights-of-way of the interstate highway system and the primary highway system within this state, is a legitimate commercial use of private property adjacent to roads and highways and that

regulation and control or removal of such outdoor advertising is necessary to the system of state highways declared essential by NRS 408.100.

(b) The erection and maintenance of such advertising in such locations must be regulated:

(1) To prevent unreasonable distraction of operators of motor vehicles, confusion with regard to traffic lights, signs or signals and other interference with the effectiveness of traffic regulations;

(2) To promote the safety, convenience and enjoyment of travel on the state highways in this state;

(3) To attract tourists and promote the prosperity, economic well-being and general welfare of the State;

(4) For the protection of the public investment in the state highways; and

(5) To preserve and enhance the natural scenic beauty and aesthetic features of the highways and adjacent areas.

(c) All outdoor advertising which does not conform to the requirements of NRS 410.220 to 410.410, inclusive, ***and sections 7 to 10, inclusive, of this act*** is contrary to the public safety, health and general welfare of the people of this state.

(d) The removal of signs adjacent to the rights-of-way of the interstate or primary highway system within this state which provide directional information about goods and services in the interest of the traveling public and which:

(1) Were erected in conformance with the laws of the State of Nevada and subsequently became nonconforming under the requirements of 23 U.S.C. § 131; and

(2) Were in existence on May 6, 1976,

➥ could create substantial economic hardships in defined hardship areas within the State of Nevada.

2. It is the intent of the Legislature in NRS 410.220 to 410.410, inclusive, ***and sections 7 to 10, inclusive, of this act*** to provide a statutory basis for regulation of outdoor advertising consistent with the public policy declared by the Congress of the United States in areas adjacent to the interstate and primary highway systems.

Sec. 12. **NRS 410.230 is hereby amended to read as follows:**

410.230 As used in NRS 410.220 to 410.410, inclusive, ***and sections 7 to 10, inclusive, of this act,*** the words and terms defined in NRS 410.250 to 410.310, inclusive, ***and sections 7, 8 and 9 of this act*** have the meanings ascribed to them in those sections, unless a different meaning clearly appears in the context.

Sec. 13. **NRS 410.320 is hereby amended to read as follows:**

410.320 Outdoor advertising shall not be erected or maintained within 660 feet of the nearest edge of the right-of-way and visible from the main-traveled way of the interstate or primary highway systems in this state, and, outside urban areas outdoor advertising shall not be erected or maintained beyond 660 feet from the nearest edge of the right-of-way of the interstate and primary highway systems which is visible and placed with the purpose of having its message read from the main-traveled way of the interstate and primary highway systems in this state, except the following:

1. Directional, warning, landmark, informational and other official signs and notices, including but not limited to signs and notices pertaining to natural wonders, scenic and historic attractions. Only signs which are required or authorized by law or by federal, state or county authority, and which conform to national standards promulgated by the Secretary of Transportation pursuant to 23 U.S.C. § 131, are permitted.

2. Signs, displays and devices which advertise the sale or lease of the property upon which they are located.

3. Signs, displays and devices which advertise the activities conducted or services rendered or the goods produced or sold upon the property upon which the advertising sign, display or device is erected.

4. Signs, displays and devices located in zoned commercial or industrial areas, when located within 660 feet of the nearest edge of the right-of-way and visible from the main-traveled way of the interstate and primary highway systems within this state.

5. Signs, displays and devices located in an unzoned commercial or industrial area as defined in NRS 410.300, when located within 660 feet of the nearest edge of the right-of-way and visible from the main-traveled way of the interstate and primary highway systems within this state.

6. Nonconforming signs in defined hardship areas which provide directional information about goods and services in the interest of the traveling public and are approved by the Secretary of Transportation pursuant to 23 U.S.C. § 131(o).

7. Signs, displays and devices which:

(a) Are located within a redevelopment area;

(b) Advertise businesses or activities within the redevelopment area as part of the redevelopment project; and

(c) Have been:

(1) Approved by the agency undertaking the redevelopment project; and

(2) Issued a permit by the Department pursuant to an application submitted pursuant to section 10 of this act by the agency undertaking the redevelopment project.

Sec. 14. **NRS 410.340 is hereby amended to read as follows:**

410.340 1. Any outdoor advertising sign, display or device located within 660 feet of the nearest edge of the right-of-way and visible from the main-traveled way of the interstate or primary highway systems in this state, and, in the case of any outdoor advertising sign, display or device located beyond 660 feet from the nearest edge of the right-of-way for interstate and primary highway systems, which is located outside of urban areas and placed with the purpose of having its message read from the main-traveled way of the interstate and primary highway systems, which was lawfully in existence and maintained on October 22, 1965, and which is not within one of the exceptions set forth in NRS 410.320, shall be removed no later than July 1, 1973, or 3 years from the date funds are available for such removal, except as provided in subsection 3.

2. ~~[Any]~~ ***Except as otherwise provided in section 10 of this act, any*** other outdoor advertising sign, display or device located within 660 feet of the nearest edge of the right-of-way and visible from the main-traveled way of any highway of the interstate or primary system, and, in the case of any outdoor advertising sign, display or device located beyond 660 feet from the nearest edge of the right-of-way for interstate and primary highway systems, which is located outside of urban areas and placed with the purpose of having its message read from the main-traveled way of the interstate and primary highway systems, and which is not within one of the exceptions set forth in NRS 410.320, shall be removed not later than the end of the fifth year after it becomes nonconforming.

3. Any outdoor advertising sign, display or device located within 660 feet of the nearest edge of the right-of-way and visible from the main-traveled way of the interstate or primary highway system, and, in the case of any outdoor advertising sign, display or device located beyond 660 feet from the nearest edge of the right-of-way for interstate and primary highway systems, which is located outside of urban areas and placed with the purpose of having its message read from the main-traveled way of the interstate and primary highway systems, and which is lawfully maintained on or after February 20, 1972, but which subsequently becomes nonconforming with the provisions of NRS 410.220 to 410.410, inclusive, by reason of amendment of such provisions or change in regulations or agreements prescribed or entered into as authorized by NRS 410.220 to 410.410, inclusive, may be maintained until the end of the fifth year after it becomes nonconforming.

4. No compensation shall be paid upon removal of any outdoor advertising sign, display or device erected after February 20, 1972, which as a result thereof become nonconforming. However, such outdoor advertising sign, display or device shall be removed only when all other outdoor advertising signs, displays or devices existing on February 20, 1972, have been removed.

Sec. 15. **NRS 410.360 is hereby amended to read as follows:**

410.360 1. Any outdoor advertising sign, display or device erected after February 20, 1972, which violates the provisions of NRS 410.220 to 410.410, inclusive, is hereby declared to be a public nuisance and the Director shall remove any such sign, display or device which is not removed before the expiration of 30 days after notice of the violation and demand for removal have been served personally or by registered or certified mail upon the landowner and the owner of the sign or their agents. Removal by the Department of the sign, display or device on the failure of the owners to comply with the notice and demand gives the Department a right of action to recover the expense of the removal, cost and expenses of suit.

2. ~~[Any]~~ ***Except as otherwise provided in section 10 of this act, any*** person who erects or causes to be erected an outdoor advertising sign, display or device which violates the provisions of NRS 410.220 to 410.410, inclusive, shall pay to the Department:

(a) For the first violation, a fine of $50;

(b) For the second violation, a fine of $250;

(c) For the third or subsequent violation, a fine of $500 per violation; and

(d) The reasonable costs of collection.

~~[Sec. 6.]~~ ***Sec. 16.*** This act becomes effective on July 1, 2011.

Assemblywoman Dondero Loop moved that the Assembly do not concur in the Senate Amendment No. 673 to Assembly Bill No. 53.

Remarks by Assemblywoman Dondero Loop.

Motion carried.

Bill ordered transmitted to the Senate.

Assembly Bill No. 277.

The following Senate amendment was read:

Amendment No. 677.

AN ACT relating to motor vehicles; requiring the Department of Motor Vehicles, with respect to special license plates for the support of outreach programs and services for veterans and their families, to make such plates available to female veterans with an optional image representative of female veterans; **providing for the issuance of special license plates inscribed with the words "DISABLED FEMALE VETERAN";** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Director of the Department of Motor Vehicles to order the preparation of special license plates for the support of outreach programs and services for veterans and their families. These special license plates are available to veterans of the Army, Navy, Air Force, Marine Corps or Coast Guard of the United States, a reserve component thereof or the

National Guard, or the spouse, parent or child of such a veteran. (NRS 482.3763) **Section 4** of this bill requires the Department to make the plates available: (1) to female veterans; and (2) with an optional image representative of female veterans. The fees for the initial issuance and renewal of the optional version of the special license plates for the support of outreach programs and services for veterans and their families are the same as for the regular version.

Under existing law, new special license plates authorized by an act of the Legislature typically are subject to all of the following: (1) approval or disapproval by the Commission on Special License Plates; (2) the limitation on the number of separate designs of special license plates that may be issued by the Department at any one time; and (3) the requirement that the Department receive at least 1,000 applications for the issuance of the plate within 2 years after the effective date of the act of the Legislature. (NRS 482.367004, 482.367008, 482.36705) The optional special license plates for female veterans are exempt from all three of the preceding requirements because the plates are simply an optional version of existing special license plates for veterans.

Existing law entitles a veteran who has suffered a 100-percent service-connected disability and who receives compensation from the United States for the disability to receive special license plates inscribed with the words "DISABLED VETERAN" or "VETERAN WHO IS DISABLED." (NRS 482.377) Veterans with these license plates are entitled to certain privileges and exemptions related to parking. (NRS 482.377, 484B.463, 484B.467) Section 4.5 of this bill provides for the issuance of such plates inscribed with the words "DISABLED FEMALE VETERAN."

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. (Deleted by amendment.)

Sec. 2. (Deleted by amendment.)

Sec. 3. (Deleted by amendment.)

Sec. 4. NRS 482.3763 is hereby amended to read as follows:

482.3763 1. The Director shall order the preparation of special license plates for the support of outreach programs and services for veterans and their families and establish procedures for the application for and issuance of the plates.

2. The Department shall, upon application therefor and payment of the prescribed fees, issue special license plates for the support of outreach programs and services for veterans and their families to:

(a) A veteran of the Army, Navy, Air Force, Marine Corps or Coast Guard of the United States, a reserve component thereof or the National Guard; ~~[or]~~

(b) ***A female veteran; or***

(c) The spouse, parent or child of a person described in paragraph (a) ~~[.]~~ ***or (b).***

➥ The plates must be inscribed with the word "VETERAN" and with the seal of the branch of the Armed Forces of the United States ***,*** ~~[or]~~ the seal of the National Guard ~~[.]~~ ***or an image representative of the female veterans,*** as applicable, requested by the applicant. A person may request that personalized prestige license plates issued pursuant to NRS 482.3667 be combined with special license plates for the support of outreach programs and services for veterans and their families if that person pays the fees for the personalized prestige license plates in addition to the fees for the special license plates for the support of outreach programs and services for veterans and their families pursuant to subsection 4.

3. If, during a registration year, the holder of special plates issued pursuant to this section disposes of the vehicle to which the plates are affixed, the holder shall:

(a) Retain the plates and affix them to another vehicle which meets the requirements of this section if the holder pays the fee for the transfer of the registration and any registration fee or governmental services tax due pursuant to NRS 482.399; or

(b) Within 30 days after removing the plates from the vehicle, return them to the Department.

4. In addition to all other applicable registration and license fees and governmental services taxes, and to the special fee imposed pursuant to NRS 482.3764 for the support of outreach programs and services for veterans and their families, the fee for:

(a) The initial issuance of the special license plates is $35.

(b) The annual renewal sticker is $10.

5. If the special plates issued pursuant to this section are lost, stolen or mutilated, the owner of the vehicle may secure a set of replacement license plates from the Department for a fee of $10.

Sec. 4.5. **NRS 482.377 is hereby amended to read as follows:**

482.377 1. A veteran of the Armed Forces of the United States who, as a result of his or her service:

(a) Has suffered a 100-percent service-connected disability and who receives compensation from the United States for the disability is entitled to specially designed license plates inscribed with the words "DISABLED ~~[VETERAN"]~~ ***VETERAN," "DISABLED FEMALE VETERAN"*** or "VETERAN WHO IS DISABLED," at the option of the veteran, and three or four consecutive numbers.

(b) Has been captured and held prisoner by a military force of a foreign nation is entitled to specially designed license plates inscribed with the words "EX PRISONER OF WAR" and three or four consecutive numbers.

2. Each person who qualifies for special license plates pursuant to this section may apply for not more than two sets of plates. If the person applies for a second set of plates for an additional vehicle, the second set of plates must have a different number than the first set of plates issued to the same applicant. Special license plates issued pursuant to this section may be used only on a private passenger vehicle, a noncommercial truck or a motor home.

3. The Department shall issue specially designed license plates for persons qualified pursuant to this section who submit an application on a form prescribed by the Department and evidence of disability or former imprisonment required by the Department.

4. A vehicle on which license plates issued by the Department pursuant to this section are displayed is exempt from the payment of any parking fees, including those collected through parking meters, charged by the State or any political subdivision or other public body within the State, other than the United States.

5. If, during a registration year, the holder of a set of special license plates issued pursuant to this section disposes of the vehicle to which the plates are affixed, the holder shall:

(a) Retain the plates and affix them to another vehicle which meets the requirements of this section and report the change to the Department in accordance with the procedure set forth for other transfers; or

(b) Within 30 days after removing the plates from the vehicle, return them to the Department.

Sec. 5. The Nevada Veterans' Services Commission, created by NRS 417.150, shall provide an image representative of female veterans to the Department of Motor Vehicles for the purposes of NRS 482.3763, as amended by section 4 of this act.

Assemblywoman Dondero Loop moved that the Assembly do not concur in the Senate Amendment No. 677 to Assembly Bill No. 277.

Remarks by Assemblywoman Dondero Loop.

Motion carried.

Bill ordered transmitted to the Senate.

Assembly Bill No. 2.

The following Senate amendment was read:

Amendment No. 776.

ASSEMBLYMEN Kirkpatrick **AND KIRNER**

AN ACT relating to motor vehicles; providing an exemption from emissions inspection for certain motor vehicles; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the issuance of special license plates for certain older motor vehicles in categories including antique vehicles, street rods, classic rods and classic vehicles. (NRS 482.381, 482.3812, 482.3814, 482.3816) Existing law also requires the State Environmental Commission to establish criteria that allow motor vehicles with such license plates to qualify for an exemption from standards for the control of emissions from motor vehicles, and to provide by regulation that an evaluation required of such motor vehicles to qualify for the exemption may be conducted at stations authorized to perform inspections of motor vehicles and devices for compliance with emissions standards. (NRS 445B.760)

Section 5 of this bill provides for the exemption of those older motor vehicles that have been issued the special license plates from standards for the control of emissions without the performance of any such evaluation if the owner of the motor vehicle certifies that the motor vehicle has not been driven more than 5,000 miles the previous year. Sections ~~[1–4]~~ **1.7-4** of this bill require that the owner of such a motor vehicle which qualifies for the exemption pay a fee to the Department of Motor Vehicles, to be accounted for in the Pollution Control Account, in an amount equal to the cost for a certificate of compliance with emissions standards ~~[.]~~ **(currently $6, but subject to statutory change).**

Section 1 of this bill provides that if an authorized inspection station or authorized station tests the emissions from a motor vehicle and the motor vehicle fails the emissions test, the Department of Motor Vehicles is prohibited, for a period of 90 days after the motor vehicle fails the emissions test, from issuing for the motor vehicle an "Old Timer," "Street Rod," "Classic Rod" or "Classic Vehicle" special license plate. The effect of section 1 is to discourage persons from attempting to obtain such a special license plate for the express purpose of circumventing the laws of this State pertaining to emissions from motor vehicles. Section 1 applies only within the geographic areas of this State in which motor vehicles are subject to emissions testing.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. **Chapter 482 of NRS is hereby amended by adding thereto a new section to read as follows:**

1. If, with respect to a motor vehicle that is required to comply with the provisions of NRS 445B.700 to 445B.815, inclusive, and the regulations

adopted pursuant thereto, an authorized inspection station or authorized station tests the emissions from the motor vehicle and the motor vehicle fails the emissions test, the Department shall not issue a special license plate for that vehicle pursuant to NRS 482.381, 482.3812, 482.3814 or 482.3816 for a period of 90 days after the motor vehicle fails the emissions test.

2. As used in this section:

(a) "Authorized inspection station" has the meaning ascribed to it in NRS 445B.710.

(b) "Authorized station" has the meaning ascribed to it in NRS 445B.720.

(c) "Fails the emissions test" means that a motor vehicle does not comply with the applicable provisions of NRS 445B.700 to 445B.815, inclusive, and the regulations adopted pursuant thereto.

~~[Section 1.]~~ *Sec. 1.7.* NRS 482.381 is hereby amended to read as follows:

482.381 1. ~~[The]~~ ***Except as otherwise provided in section 1 of this act, the*** Department may issue special license plates and registration certificates to residents of Nevada for any motor vehicle which is a model manufactured more than 40 years before the date of application for registration pursuant to this section.

2. License plates issued pursuant to this section must bear the inscription "Old Timer," and the plates must be numbered consecutively.

3. The Nevada Old Timer Club members shall bear the cost of the dies for carrying out the provisions of this section.

4. The Department shall charge and collect the following fees for the issuance of these license plates, which fees are in addition to all other license fees and applicable taxes:

(a) For the first issuance ……$35

(b) For a renewal sticker…… 10

5. In addition to the fees required pursuant to subsection 4, the Department shall charge and collect a fee ~~*[of $6]*~~ ***for the first issuance of the license plates for those motor vehicles exempted pursuant to NRS 445B.760 from the provisions of NRS 445B.770 to 445B.815, inclusive. The amount of the fee must be equal to the amount of the fee for a form certifying emission control compliance set forth in paragraph (c) of subsection 1 of NRS 445B.830.***

6. Fees paid to the Department pursuant to subsection 5 must be accounted for in the Pollution Control Account created by NRS 445B.830.

Sec. 2. NRS 482.3812 is hereby amended to read as follows:

482.3812 1. ~~[The]~~ ***Except as otherwise provided in section 1 of this act, the*** Department may issue special license plates and registration

certificates to residents of Nevada for any passenger car or light commercial vehicle:

(a) Having a manufacturer's rated carrying capacity of 1 ton or less; and

(b) Manufactured not later than 1948.

2. License plates issued pursuant to this section must be inscribed with the words "STREET ROD" and three or four consecutive numbers.

3. If during a registration year, the holder of special plates issued pursuant to this section disposes of the vehicle to which the plates are affixed, the holder shall retain the plates and:

(a) Affix them to another vehicle which meets the requirements of this section and report the change to the Department in accordance with the procedure set forth for other transfers; or

(b) Within 30 days after removing the plates from the vehicle, return them to the Department.

4. The fee for the special license plates is $35, in addition to all other applicable registration and license fees and governmental services taxes. The fee for an annual renewal sticker is $10.

5. In addition to the fees required pursuant to subsection 4, the Department shall charge and collect a fee ~~*[of $6]*~~ ***for the first issuance of the special license plates for those motor vehicles exempted pursuant to NRS 445B.760 from the provisions of NRS 445B.770 to 445B.815, inclusive. The amount of the fee must be equal to the amount of the fee for a form certifying emission control compliance set forth in paragraph (c) of subsection 1 of NRS 445B.830.***

6. Fees paid to the Department pursuant to subsection 5 must be accounted for in the Pollution Control Account created by NRS 445B.830.

Sec. 3. NRS 482.3814 is hereby amended to read as follows:

482.3814 1. ~~[The]~~ ***Except as otherwise provided in section 1 of this act, the*** Department may issue special license plates and registration certificates to residents of Nevada for any passenger car or light commercial vehicle:

(a) Having a manufacturer's rated carrying capacity of 1 ton or less; and

(b) Manufactured not earlier than 1949, but at least 20 years before the application is submitted to the Department.

2. License plates issued pursuant to this section must be inscribed with the words "CLASSIC ROD" and three or four consecutive numbers.

3. If during a registration year, the holder of special plates issued pursuant to this section disposes of the vehicle to which the plates are affixed, the holder shall retain the plates and:

(a) Affix them to another vehicle which meets the requirements of this section and report the change to the Department in accordance with the procedure set forth for other transfers; or

(b) Within 30 days after removing the plates from the vehicle, return them to the Department.

4. The fee for the special license plates is $35, in addition to all other applicable registration and license fees and government services taxes. The fee for an annual renewal sticker is $10.

5. In addition to the fees required pursuant to subsection 4, the Department shall charge and collect a fee ~~*[of $6]*~~ ***for the first issuance of the special license plates for those motor vehicles exempted pursuant to NRS 445B.760 from the provisions of NRS 445B.770 to 445B.815, inclusive. The amount of the fee must be equal to the amount of the fee for a form certifying emission control compliance set forth in paragraph (c) of subsection 1 of NRS 445B.830.***

6. Fees paid to the Department pursuant to subsection 5 must be accounted for in the Pollution Control Account created by NRS 445B.830.

Sec. 4. NRS 482.3816 is hereby amended to read as follows:

482.3816 1. ~~[The]~~ ***Except as otherwise provided in section 1 of this act, the*** Department may issue special license plates and registration certificates to residents of Nevada for any passenger car or light commercial vehicle:

(a) Having a manufacturer's rated carrying capacity of 1 ton or less;

(b) Manufactured at least 25 years before the application is submitted to the Department; and

(c) Containing only the original parts which were used to manufacture the vehicle or replacement parts that duplicate those original parts.

2. License plates issued pursuant to this section must be inscribed with the words "CLASSIC VEHICLE" and three or four consecutive numbers.

3. If during a registration year, the holder of special plates issued pursuant to this section disposes of the vehicle to which the plates are affixed, the holder shall retain the plates and:

(a) Affix them to another vehicle which meets the requirements of this section and report the change to the Department in accordance with the procedure set forth for other transfers; or

(b) Within 30 days after removing the plates from the vehicle, return them to the Department.

4. The fee for the special license plates is $35, in addition to all other applicable registration and license fees and governmental services taxes. The fee for an annual renewal sticker is $10.

5. In addition to the fees required pursuant to subsection 4, the Department shall charge and collect a fee ~~*[of $6]*~~ ***for the first issuance of the special license plates for those motor vehicles exempted pursuant to NRS 445B.760 from the provisions of NRS 445B.770 to 445B.815, inclusive. The amount of the fee must be equal to the amount of the fee for***

a form certifying emission control compliance set forth in paragraph (c) of subsection 1 of NRS 445B.830.

6. Fees paid to the Department pursuant to subsection 5 must be accounted for in the Pollution Control Account created by NRS 445B.830.

Sec. 5. NRS 445B.760 is hereby amended to read as follows:

445B.760 1. The Commission may by regulation prescribe standards for exhaust emissions, fuel evaporative emissions and visible emissions of smoke from mobile internal combustion engines on the ground or in the air, including, but not limited to, aircraft, motor vehicles, snowmobiles and railroad locomotives. The regulations must ~~[~~:

~~(a) Provide~~~]~~ ***provide*** for the exemption from such standards of ~~[~~~restored vehicles~~~]~~ ***a vehicle*** for which special license plates have been issued pursuant to NRS 482.381, 482.3812, 482.3814 or 482.3816 ~~[~~.

~~(b) Establish criteria for the condition and functioning of a restored vehicle to qualify for the exemption, and provide that the evaluation of the condition and functioning of such a vehicle may be conducted at an authorized inspection station or authorized station as defined in NRS 445B.710 and 445B.720, respectively.~~

~~(c) Define "restored vehicle" for the purposes of the regulations.~~~]~~ ***if the owner of such a vehicle certifies to the Department of Motor Vehicles, on a form provided by the Department of Motor Vehicles, that the vehicle was not driven more than 5,000 miles during the immediately preceding year.***

2. Except as otherwise provided in subsection 3, standards for exhaust emissions which apply to a:

(a) Reconstructed vehicle, as defined in NRS 482.100; and

(b) Trimobile, as defined in NRS 482.129,

➥ must be based on standards which were in effect in the year in which the engine of the vehicle was built.

3. A trimobile that meets the definition of a motorcycle in 40 C.F.R. § 86.402-78 or 86.402-98, as applicable, is not subject to emissions standards under this chapter.

4. Any such standards which pertain to motor vehicles must be approved by the Department of Motor Vehicles before they are adopted by the Commission.

Sec. 6. ~~[This act becomes effective on July 1, 2011.]~~ **(Deleted by amendment.)**

Assemblywoman Dondero Loop moved that the Assembly concur in the Senate Amendment No. 776 to Assembly Bill No. 2.

Remarks by Assemblywoman Dondero Loop.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 374.

The following Senate amendment was read:

Amendment No. 676.

ASSEMBLYMEN WOODBURY **[**;**]** **, ATKINSON;** DALY AND HAMMOND

AN ACT relating to mobile equipment; requiring the Director of the Department of Transportation to submit a report to the Governor and the Legislature relating to the elimination by outsourcing or the purchase or leasing of certain mobile equipment; requiring the Department to prepare and present an analysis of the costs and benefits associated with the purchasing or leasing of certain mobile equipment or contracting for the performance of the work which would have been performed using that mobile equipment; prohibiting the Board of Directors of the Department from approving the purchase of certain mobile equipment unless the Department justifies the purchase based on the costs and benefits analysis; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Director of the Department of Transportation to submit various reports to the Legislature concerning the activities of the Department. (NRS 408.203) **Section 2** of this bill provides that, on or before February 1 of each odd-numbered year, the Director is required to submit a report to the Governor and the Legislature concerning all mobile equipment eliminated by outsourcing or purchased or leased in the previous 2 years. **Section 2** further requires that the report include, without limitation, the costs and benefits analysis prepared pursuant to **section 3** of this bill and the justification for the decision to purchase or lease the mobile equipment or to enter into a contract for the performance of the work which would have been performed using the mobile equipment.

Existing law requires the Board of Directors of the Department to authorize the purchase by the Department of any equipment which exceeds $50,000. (NRS 408.389) **Section 3** provides that, before the Board may approve the purchase of any mobile equipment which exceeds $50,000, the Department is required to: (1) prepare and present a costs and benefits analysis of purchasing or leasing the mobile equipment or contracting for the performance of the work which would have been performed using the mobile equipment; and (2) justify purchasing instead of leasing or contracting based on that analysis. **Section 3** further prohibits the Board from approving any purchase of mobile equipment which exceeds $50,000 unless the Department is able to justify purchasing based on that analysis.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. (Deleted by amendment.)

Sec. 2. NRS 408.203 is hereby amended to read as follows:

408.203 The Director shall:

1. Compile a comprehensive report outlining the requirements for the construction and maintenance of highways for the next 10 years, including anticipated revenues and expenditures of the Department, and submit it to the Director of the Legislative Counsel Bureau for transmittal to the Chairs of the Senate and Assembly Standing Committees on Transportation.

2. Compile a comprehensive report of the requirements for the construction and maintenance of highways for the next 3 years, including anticipated revenues and expenditures of the Department, no later than October 1 of each even-numbered year, and submit it to the Director of the Legislative Counsel Bureau for transmittal to the Chairs of the Senate and Assembly Standing Committees on Transportation.

3. Report to the Legislature by February 1 of odd-numbered years the progress being made in the Department's 12-year plan for the resurfacing of state highways. The report must include an accounting of revenues and expenditures in the preceding 2 fiscal years, a list of the projects which have been completed, including mileage and cost, and an estimate of the adequacy of projected revenues for timely completion of the plan.

4. On or before February 1 of each odd-numbered year, submit to the Governor and to the Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature a written report concerning all mobile equipment eliminated by outsourcing or purchased or leased by the Department in the preceding 2 fiscal years. The report must include, without limitation, an analysis of the costs and benefits of each purchase, lease or contract prepared pursuant to subsection 2 of NRS 408.389, the justification for the decision to purchase, lease or contract and any other information required by the Director relating to such purchase, lease or contract.

Sec. 3. NRS 408.389 is hereby amended to read as follows:

408.389 1. ~~[The]~~ ***Except as otherwise provided in subsection 2, the*** Department shall not purchase any equipment which exceeds $50,000, unless the purchase is first approved by the Board.

2. ***Before the Board may approve the purchase of any mobile equipment which exceeds $50,000, the Department shall:***

(a) Prepare and present to the Board an analysis of the costs and benefits, including, without limitation, all related personnel costs, that are associated with:

(1) Purchasing, operating and maintaining the same item of equipment;

(2) Leasing, operating and maintaining the same item of mobile equipment; or

(3) Contracting for the performance of the work which would have been performed using the mobile equipment; and

(b) Justify the need for the purchase based on that analysis.

3. The Board shall not ~~[~~delegate~~]~~ ***:***

(a) Delegate to the Director its authority to approve purchases of equipment pursuant to subsection 1 ~~[.]~~ ***; or***

(b) Approve any purchase of mobile equipment which exceeds $50,000 and for which the Department is unable to provide justification pursuant to subsection 2.

Sec. 4. This act becomes effective on July 1, 2011.

Assemblywoman Dondero Loop moved that the Assembly concur in the Senate Amendment No. 676 to Assembly Bill No. 374.

Remarks by Assemblywoman Dondero Loop.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 257.

The following Senate amendment was read:

Amendment No. 591.

AN ACT relating to the Open Meeting Law; revising provisions governing periods devoted to public comment; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The Open Meeting Law requires that meetings of public bodies be open to the public, with limited exceptions. Under the Open Meeting Law, a public body is required to provide written notice of all such meetings, which must include an agenda with a period devoted to comments by the general public and discussion of those comments. However, a public body is prohibited from taking action upon a matter that is raised during such a period for public comment until the matter has been specifically included on an agenda and is denoted to be an item upon which the public body may take action. (NRS 241.020) This bill requires the public body **, at a minimum,** to provide ~~[two separate]~~ periods devoted to public comment **[.] and discussion of any public comments as follows:** (1) one **period** at the beginning of the meeting **[,] before any items on which action may be taken are heard by the public body** and ~~[(2)]~~ one **period** before the adjournment of the meeting ~~[,~~ ~~each of which must allow for discussion of any public comments.~~] **; or (2) a period after each item on the agenda on which action may be taken is discussed by the public body, but before the public body takes action on the item.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 241.020 is hereby amended to read as follows:

241.020 1. Except as otherwise provided by specific statute, all meetings of public bodies must be open and public, and all persons must be permitted to attend any meeting of these public bodies. A meeting that is closed pursuant to a specific statute may only be closed to the extent specified in the statute allowing the meeting to be closed. All other portions of the meeting must be open and public, and the public body must comply with all other provisions of this chapter to the extent not specifically precluded by the specific statute. Public officers and employees responsible for these meetings shall make reasonable efforts to assist and accommodate persons with physical disabilities desiring to attend.

2. Except in an emergency, written notice of all meetings must be given at least 3 working days before the meeting. The notice must include:

(a) The time, place and location of the meeting.

(b) A list of the locations where the notice has been posted.

(c) An agenda consisting of:

(1) A clear and complete statement of the topics scheduled to be considered during the meeting.

(2) A list describing the items on which action may be taken and clearly denoting that action may be taken on those items.

(3) ~~[~~A period~~]~~ ~~*[At least two periods]*~~ ***Periods*** devoted to comments by the general public, if any, ~~*[which must be taken at the beginning of the meeting and before the adjournment of the meeting,]*~~ and discussion of those comments. ***Comments by the general public must be taken:***

(I) At the beginning of the meeting before any items on which action may be taken are heard by the public body and again before the adjournment of the meeting; or

(II) After each item on the agenda on which action may be taken is discussed by the public body, but before the public body takes action on the item.

➥ The provisions of this subparagraph do not prohibit a public body from taking comments by the general public in addition to what is required pursuant to sub-subparagraph (I) or (II). No action may be taken upon a matter raised ~~[~~under this item of the agenda~~]~~ ***during a period devoted to comments by the general public*** until the matter itself has been specifically included on an agenda as an item upon which action may be taken pursuant to subparagraph (2).

(4) If any portion of the meeting will be closed to consider the character, alleged misconduct or professional competence of a person, the name of the person whose character, alleged misconduct or professional competence will be considered.

(5) If, during any portion of the meeting, the public body will consider whether to take administrative action against a person, the name of the person against whom administrative action may be taken.

3. Minimum public notice is:

(a) Posting a copy of the notice at the principal office of the public body or, if there is no principal office, at the building in which the meeting is to be held, and at not less than three other separate, prominent places within the jurisdiction of the public body not later than 9 a.m. of the third working day before the meeting; and

(b) Providing a copy of the notice to any person who has requested notice of the meetings of the public body. A request for notice lapses 6 months after it is made. The public body shall inform the requester of this fact by enclosure with, notation upon or text included within the first notice sent. The notice must be:

(1) Delivered to the postal service used by the public body not later than 9 a.m. of the third working day before the meeting for transmittal to the requester by regular mail; or

(2) If feasible for the public body and the requester has agreed to receive the public notice by electronic mail, transmitted to the requester by electronic mail sent not later than 9 a.m. of the third working day before the meeting.

4. If a public body maintains a website on the Internet or its successor, the public body shall post notice of each of its meetings on its website unless the public body is unable to do so because of technical problems relating to the operation or maintenance of its website. Notice posted pursuant to this subsection is supplemental to and is not a substitute for the minimum public notice required pursuant to subsection 3. The inability of a public body to post notice of a meeting pursuant to this subsection as a result of technical problems with its website shall not be deemed to be a violation of the provisions of this chapter.

5. Upon any request, a public body shall provide, at no charge, at least one copy of:

(a) An agenda for a public meeting;

(b) A proposed ordinance or regulation which will be discussed at the public meeting; and

(c) Subject to the provisions of subsection 6, any other supporting material provided to the members of the public body for an item on the agenda, except materials:

(1) Submitted to the public body pursuant to a nondisclosure or confidentiality agreement which relates to proprietary information;

(2) Pertaining to the closed portion of such a meeting of the public body; or

(3) Declared confidential by law, unless otherwise agreed to by each person whose interest is being protected under the order of confidentiality.

➥ The public body shall make at least one copy of the documents described in paragraphs (a), (b) and (c) available to the public at the meeting to which the documents pertain. As used in this subsection, "proprietary information" has the meaning ascribed to it in NRS 332.025.

6. A copy of supporting material required to be provided upon request pursuant to paragraph (c) of subsection 5 must be:

(a) If the supporting material is provided to the members of the public body before the meeting, made available to the requester at the time the material is provided to the members of the public body; or

(b) If the supporting material is provided to the members of the public body at the meeting, made available at the meeting to the requester at the same time the material is provided to the members of the public body.

➥ If the requester has agreed to receive the information and material set forth in subsection 5 by electronic mail, the public body shall, if feasible, provide the information and material by electronic mail.

7. A public body may provide the public notice, information and material required by this section by electronic mail. If a public body makes such notice, information and material available by electronic mail, the public body shall inquire of a person who requests the notice, information or material if the person will accept receipt by electronic mail. The inability of a public body, as a result of technical problems with its electronic mail system, to provide a public notice, information or material required by this section to a person who has agreed to receive such notice, information or material by electronic mail shall not be deemed to be a violation of the provisions of this chapter.

8. As used in this section, "emergency" means an unforeseen circumstance which requires immediate action and includes, but is not limited to:

(a) Disasters caused by fire, flood, earthquake or other natural causes; or

(b) Any impairment of the health and safety of the public.

Sec. 2. This act becomes effective on July 1, 2011.

Assemblywoman Kirkpatrick moved that the Assembly do not concur in the Senate Amendment No. 591 to Assembly Bill No. 257.

Remarks by Assemblywoman Kirkpatrick.

Motion carried.

Bill ordered transmitted to the Senate.

Assembly Bill No. 59.

The following Senate amendment was read:

Amendment No. 634.

AN ACT relating to the Open Meeting Law; requiring a public body to take certain actions if the Attorney General finds that the public body has violated the Open Meeting Law; authorizing the Attorney General to issue subpoenas during investigations of such violations; ~~[revising the definition of "public body" for the purposes of the Open Meeting Law;]~~ **providing that meetings of a public body that are quasi-judicial in nature are subject to the Open Meeting Law under certain circumstances;** requiring a public body to include certain notifications on an agenda for a public meeting; excluding a meeting held to consider an applicant for employment from certain notice requirements; making members of a public body subject to a civil penalty for violations; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes the Open Meeting Law which requires, except in certain limited situations, that all meetings of public bodies be open and public. It further requires that all persons be allowed to attend any meeting of these public bodies. (NRS 241.020) Existing law makes any action of a public body in violation of the Open Meeting Law void, and requires the Attorney General to investigate and prosecute any violation of the Open Meeting Law. (NRS 241.036, 241.040) If the Attorney General finds that a public body has taken an action which violates the Open Meeting Law, **section 2** of this bill requires the public body to include an item on the next agenda posted for a meeting of the public body acknowledging the finding of the Attorney General regarding such a violation. **Section 2** also provides that such acknowledgment is not an admission of wrongdoing on the part of the public body for the purposes of a civil action, criminal prosecution or injunctive relief. **Section 3** of this bill authorizes the Attorney General to issue subpoenas for the production of documents, records or materials in the course of his or her investigation of any violation of the Open Meeting Law and makes failure or refusal to comply with such a subpoena a misdemeanor.

Section 1.5 of this bill provides that meetings of a public body that are quasi-judicial in nature are subject to the provisions of the Open Meeting Law unless exempted by the Legislative Commission. Section ~~[4 of this bill revises the definition of "public body"]~~ **1.5 also defines when a meeting is quasi-judicial in nature** for purposes of the Open Meeting Law**.** ~~[to identify the manner in which an entity must be created to be considered a public body and to clarify that a public body consists of at least two members. Section 4 also excludes proceedings of a public body that are judicial or quasi-judicial in nature from the requirements of the Open Meeting Law, unless the public body in question is also a regulatory body.]~~

Section 5 of this bill adds certain notifications that must be included on an agenda for a meeting of a public body.

Under existing law, if a public body holds a meeting to consider the character, alleged misconduct, professional competence, or physical or mental health of a person, it must first provide written notice of that fact and, if such a meeting will be closed, must allow the attendance of certain individuals. Existing law also provides that casual or tangential references to a person or the person's name during a closed meeting do not constitute consideration of the character, alleged misconduct, professional competence, or physical or mental health of the person. (NRS 241.033) **Section 6** of this bill provides that a meeting to consider an applicant for employment does not require prior notice to be given to the applicant.

Existing law makes each member of a public body who attends a meeting where action is taken in violation of the Open Meeting Law with knowledge of the fact that the meeting is in violation guilty of a misdemeanor. (NRS 241.040) **Section 7** of this bill further makes each such member who attends such a meeting subject to a civil penalty in an amount not to exceed $500.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 241 of NRS is hereby amended by adding thereto the provisions set forth as sections **1.5,** 2 and 3 of this act.

Sec. 1.5. ***1. Meetings of a public body that are quasi-judicial in nature are subject to the provisions of this chapter unless the public body has received an exemption from the Legislative Commission.***

2. For the purposes of this section, a meeting is quasi-judicial in nature if it is judicial in character and the public body affords to each party in the meeting:

(a) The ability to present and object to evidence;

(b) The ability to cross-examine witnesses;

(c) A written decision; and

(d) An opportunity to appeal the written decision.

Sec. 2. ***1. If the Attorney General makes findings of fact and conclusions of law that a public body has taken action in violation of any provision of this chapter, the public body must include an item on the next agenda posted for a meeting of the public body which acknowledges the findings of fact and conclusions of law. The opinion of the Attorney General must be treated as supporting material for the item on the agenda for the purposes of NRS 241.020.***

2. The inclusion of an item on the agenda for a meeting of a public body pursuant to subsection 1 is not an admission of wrongdoing for the purposes of a civil action, criminal prosecution or injunctive relief.

Sec. 3. ***1. The Attorney General shall investigate and prosecute any violation of this chapter.***

2. In any investigation conducted pursuant to subsection 1, the Attorney General may issue subpoenas for the production of any relevant documents, records or materials.

3. A person who willfully fails or refuses to comply with a subpoena issued pursuant to this section is guilty of a misdemeanor.

Sec. 4. NRS 241.015 is hereby amended to read as follows:

241.015 As used in this chapter, unless the context otherwise requires:

1. "Action" means:

(a) A decision made by a majority of the members present during a meeting of a public body;

(b) A commitment or promise made by a majority of the members present during a meeting of a public body;

(c) If a public body may have a member who is not an elected official, an affirmative vote taken by a majority of the members present during a meeting of the public body; or

(d) If all the members of a public body must be elected officials, an affirmative vote taken by a majority of all the members of the public body.

2. "Meeting":

(a) Except as otherwise provided in paragraph (b), means:

(1) The gathering of members of a public body at which a quorum is present to deliberate toward a decision or to take action on any matter over which the public body has supervision, control, jurisdiction or advisory power.

(2) Any series of gatherings of members of a public body at which:

(I) Less than a quorum is present at any individual gathering;

(II) The members of the public body attending one or more of the gatherings collectively constitute a quorum; and

(III) The series of gatherings was held with the specific intent to avoid the provisions of this chapter.

(b) Does not include a gathering or series of gatherings of members of a public body, as described in paragraph (a), at which a quorum is actually or collectively present:

(1) Which occurs at a social function if the members do not deliberate toward a decision or take action on any matter over which the public body has supervision, control, jurisdiction or advisory power.

(2) To receive information from the attorney employed or retained by the public body regarding potential or existing litigation involving a matter over which the public body has supervision, control, jurisdiction or advisory power and to deliberate toward a decision on the matter, or both.

3. Except as otherwise provided in this subsection, "public body" means:

(a) Any administrative, advisory, executive or legislative body of the State or a local government ***consisting of at least two persons*** which expends or

disburses or is supported in whole or in part by tax revenue or which advises or makes recommendations to any entity which expends or disburses or is supported in whole or in part by tax revenue, including, but not limited to, any board, commission, committee, subcommittee or other subsidiary thereof and includes an educational foundation as defined in subsection 3 of NRS 388.750 and a university foundation as defined in subsection 3 of NRS 396.405 ~~[; and]~~ ***, if the administrative, advisory, executive or legislative body is created by:***

(1) The Constitution of this State;

(2) Any statute of this State;

(3) A city charter and any city ordinance which has been filed or recorded as required by the applicable law;

(4) The Nevada Administrative Code;

(5) A resolution or other formal designation by such a body created by a statute of this State or an ordinance of a local government;

(6) An executive order issued by the Governor; or

(7) A resolution or ~~*[order]*~~ ***an action by the governing body of a political subdivision of this State;***

(b) ***Any board, commission or committee consisting of at least two persons appointed by:***

(1) The Governor or a public officer who is under the direction of the Governor, if the board, commission or committee has at least two members who are not employees of the Executive Department of the State Government;

(2) An entity in the Executive Department of the State Government consisting of members appointed by the Governor, if the board, commission or committee otherwise meets the definition of a public body pursuant to this subsection; or

(3) A public officer who is under the direction of an agency or other entity in the Executive Department of the State Government consisting of members appointed by the Governor, if the board, commission or committee has at least two members who are not employed by the public officer or entity; and

(c) A limited-purpose association that is created for a rural agricultural residential common-interest community as defined in subsection 6 of NRS 116.1201.

➥ "Public body" does not include the Legislature of the State of Nevada. ~~*[or an entity, other than a regulatory body as defined in NRS 622.060, which would otherwise be considered a public body when such entity is engaged in proceedings that are judicial or quasi-judicial in nature.]*~~

4. "Quorum" means a simple majority of the constituent membership of a public body or another proportion established by law.

Sec. 5. NRS 241.020 is hereby amended to read as follows:

241.020 1. Except as otherwise provided by specific statute, all meetings of public bodies must be open and public, and all persons must be permitted to attend any meeting of these public bodies. A meeting that is closed pursuant to a specific statute may only be closed to the extent specified in the statute allowing the meeting to be closed. All other portions of the meeting must be open and public, and the public body must comply with all other provisions of this chapter to the extent not specifically precluded by the specific statute. Public officers and employees responsible for these meetings shall make reasonable efforts to assist and accommodate persons with physical disabilities desiring to attend.

2. Except in an emergency, written notice of all meetings must be given at least 3 working days before the meeting. The notice must include:

(a) The time, place and location of the meeting.

(b) A list of the locations where the notice has been posted.

(c) An agenda consisting of:

(1) A clear and complete statement of the topics scheduled to be considered during the meeting.

(2) A list describing the items on which action may be taken and clearly denoting that action may be taken on those items ~~[.]~~ ***by placing the term "for possible action" next to the appropriate item.***

(3) A period devoted to comments by the general public, if any, and discussion of those comments. No action may be taken upon a matter raised under this item of the agenda until the matter itself has been specifically included on an agenda as an item upon which action may be taken pursuant to subparagraph (2).

(4) If any portion of the meeting will be closed to consider the character, alleged misconduct or professional competence of a person, the name of the person whose character, alleged misconduct or professional competence will be considered.

(5) If, during any portion of the meeting, the public body will consider whether to take administrative action against a person, the name of the person against whom administrative action may be taken.

(6) Notification that:

(I) Items on the agenda may be taken out of order;

(II) The public body may combine two or more agenda items for consideration; and

(III) The public body may remove an item from the agenda or delay discussion relating to an item on the agenda at any time.

(7) Any restrictions on comments by the general public. Any such restrictions must be reasonable and may restrict the time, place and

manner of the comments, but may not restrict comments based upon viewpoint.

3. Minimum public notice is:

(a) Posting a copy of the notice at the principal office of the public body or, if there is no principal office, at the building in which the meeting is to be held, and at not less than three other separate, prominent places within the jurisdiction of the public body not later than 9 a.m. of the third working day before the meeting; and

(b) Providing a copy of the notice to any person who has requested notice of the meetings of the public body. A request for notice lapses 6 months after it is made. The public body shall inform the requester of this fact by enclosure with, notation upon or text included within the first notice sent. The notice must be:

(1) Delivered to the postal service used by the public body not later than 9 a.m. of the third working day before the meeting for transmittal to the requester by regular mail; or

(2) If feasible for the public body and the requester has agreed to receive the public notice by electronic mail, transmitted to the requester by electronic mail sent not later than 9 a.m. of the third working day before the meeting.

4. If a public body maintains a website on the Internet or its successor, the public body shall post notice of each of its meetings on its website unless the public body is unable to do so because of technical problems relating to the operation or maintenance of its website. Notice posted pursuant to this subsection is supplemental to and is not a substitute for the minimum public notice required pursuant to subsection 3. The inability of a public body to post notice of a meeting pursuant to this subsection as a result of technical problems with its website shall not be deemed to be a violation of the provisions of this chapter.

5. Upon any request, a public body shall provide, at no charge, at least one copy of:

(a) An agenda for a public meeting;

(b) A proposed ordinance or regulation which will be discussed at the public meeting; and

(c) Subject to the provisions of subsection 6, any other supporting material provided to the members of the public body for an item on the agenda, except materials:

(1) Submitted to the public body pursuant to a nondisclosure or confidentiality agreement which relates to proprietary information;

(2) Pertaining to the closed portion of such a meeting of the public body; or

(3) Declared confidential by law, unless otherwise agreed to by each person whose interest is being protected under the order of confidentiality.

➥ The public body shall make at least one copy of the documents described in paragraphs (a), (b) and (c) available to the public at the meeting to which the documents pertain. As used in this subsection, "proprietary information" has the meaning ascribed to it in NRS 332.025.

6. A copy of supporting material required to be provided upon request pursuant to paragraph (c) of subsection 5 must be:

(a) If the supporting material is provided to the members of the public body before the meeting, made available to the requester at the time the material is provided to the members of the public body; or

(b) If the supporting material is provided to the members of the public body at the meeting, made available at the meeting to the requester at the same time the material is provided to the members of the public body.

➥ If the requester has agreed to receive the information and material set forth in subsection 5 by electronic mail, the public body shall, if feasible, provide the information and material by electronic mail.

7. A public body may provide the public notice, information and material required by this section by electronic mail. If a public body makes such notice, information and material available by electronic mail, the public body shall inquire of a person who requests the notice, information or material if the person will accept receipt by electronic mail. The inability of a public body, as a result of technical problems with its electronic mail system, to provide a public notice, information or material required by this section to a person who has agreed to receive such notice, information or material by electronic mail shall not be deemed to be a violation of the provisions of this chapter.

8. As used in this section, "emergency" means an unforeseen circumstance which requires immediate action and includes, but is not limited to:

(a) Disasters caused by fire, flood, earthquake or other natural causes; or

(b) Any impairment of the health and safety of the public.

Sec. 6. NRS 241.033 is hereby amended to read as follows:

241.033 1. ~~[A]~~ ***Except as otherwise provided in subsection 7, a*** public body shall not hold a meeting to consider the character, alleged misconduct, professional competence, or physical or mental health of any person or to consider an appeal by a person of the results of an examination conducted by or on behalf of the public body unless it has:

(a) Given written notice to that person of the time and place of the meeting; and

(b) Received proof of service of the notice.

2. The written notice required pursuant to subsection 1:

(a) Except as otherwise provided in subsection 3, must be:

(1) Delivered personally to that person at least 5 working days before the meeting; or

(2) Sent by certified mail to the last known address of that person at least 21 working days before the meeting.

(b) May, with respect to a meeting to consider the character, alleged misconduct, professional competence, or physical or mental health of a person, include an informational statement setting forth that the public body may, without further notice, take administrative action against the person if the public body determines that such administrative action is warranted after considering the character, alleged misconduct, professional competence, or physical or mental health of the person.

(c) Must include:

(1) A list of the general topics concerning the person that will be considered by the public body during the closed meeting; and

(2) A statement of the provisions of subsection 4, if applicable.

3. The Nevada Athletic Commission is exempt from the requirements of subparagraphs (1) and (2) of paragraph (a) of subsection 2, but must give written notice of the time and place of the meeting and must receive proof of service of the notice before the meeting may be held.

4. If a public body holds a closed meeting or closes a portion of a meeting to consider the character, alleged misconduct, professional competence, or physical or mental health of a person, the public body must allow that person to:

(a) Attend the closed meeting or that portion of the closed meeting during which the character, alleged misconduct, professional competence, or physical or mental health of the person is considered;

(b) Have an attorney or other representative of the person's choosing present with the person during the closed meeting; and

(c) Present written evidence, provide testimony and present witnesses relating to the character, alleged misconduct, professional competence, or physical or mental health of the person to the public body during the closed meeting.

5. Except as otherwise provided in subsection 4, with regard to the attendance of persons other than members of the public body and the person whose character, alleged misconduct, professional competence, physical or mental health or appeal of the results of an examination is considered, the chair of the public body may at any time before or during a closed meeting:

(a) Determine which additional persons, if any, are allowed to attend the closed meeting or portion thereof; or

(b) Allow the members of the public body to determine, by majority vote, which additional persons, if any, are allowed to attend the closed meeting or portion thereof.

6. A public body shall provide a copy of any record of a closed meeting prepared pursuant to NRS 241.035, upon the request of any person who received written notice of the closed meeting pursuant to subsection 1.

7. For the purposes of this section ~~[, casual]~~ ***:***

(a) A meeting held to consider an applicant for employment is not subject to the notice requirements otherwise imposed by this section.

(b) Casual or tangential references to a person or the name of a person during a closed meeting do not constitute consideration of the character, alleged misconduct, professional competence, or physical or mental health of the person.

Sec. 7. NRS 241.040 is hereby amended to read as follows:

241.040 1. Each member of a public body who attends a meeting of that public body where action is taken in violation of any provision of this chapter, with knowledge of the fact that the meeting is in violation thereof, is guilty of a misdemeanor.

2. Wrongful exclusion of any person or persons from a meeting is a misdemeanor.

3. A member of a public body who attends a meeting of that public body at which action is taken in violation of this chapter is not the accomplice of any other member so attending.

4. ***In addition to any criminal penalty imposed pursuant to this section, each member of a public body who attends a meeting of that public body where action is taken in violation of any provision of this chapter, and who participates in such action with knowledge of the violation, is subject to a civil penalty in an amount not to exceed $500.*** The Attorney General ~~[shall investigate and prosecute any violation of this chapter.]~~ ***may recover the penalty in a civil action brought in the name of the State of Nevada in any court of competent jurisdiction. Such an action must be commenced within 1 year after the date of the action taken in violation of this chapter.***

Sec. 8. **1.** This ~~[act becomes]~~ **section and sections 1 and 2 to 7, inclusive, of this act become** effective on July 1, 2011.

2. Section 1.5 of this act becomes effective on January 1, 2012.

Assemblywoman Kirkpatrick moved that the Assembly do not concur in the Senate Amendment No. 634 to Assembly Bill No. 59.

Remarks by Assemblywoman Kirkpatrick.

Motion carried.

Bill ordered transmitted to the Senate.

Assembly Bill No. 117.

The following Senate amendment was read:

Amendment No. 831.

SUMMARY— ~~[Revises]~~ **Temporarily revises** provisions governing the required minimum number of school days in public schools. (BDR 34-91)

AN ACT relating to education; authorizing the board of trustees of a school district and the governing body of a charter school to request **, for the 2011-2013 biennium,** a waiver from the required minimum number of school days in a school year during an economic hardship; setting forth certain provisions governing a furlough program of employees of school districts and charter schools as the program relates to the Public Employees' Retirement System; **expiring the provisions of this act;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, each school district is required to schedule and provide annually a minimum of 180 days of school in the schools of the school district and a charter school is required to schedule and provide at least as many days of instruction as are required of other public schools in the school district in which the charter school is located. (NRS 386.550, 388.090) ~~[Section 2]~~ **For the 2011-2013 biennium, section 6.5** of this bill authorizes the board of trustees of a school district and the governing body of a charter school to request a waiver of not more than ~~[10 school]~~ **5 noninstructional** days from the required minimum number of school days for a school year **in that biennium** during an economic hardship to avoid the layoff of teachers and other educational personnel employed by the school district or charter school. A request for a waiver must be reviewed by the Superintendent of Public Instruction and, if approved, transmitted to the Interim Finance Committee, which makes the final determination of whether to grant a waiver. For purposes of requesting a waiver from the required minimum school days, the circumstances in which an economic hardship exists for a school district or charter school are identical to the circumstances in which an economic hardship exists under existing law for a school district or charter school to request a waiver from the required minimum expenditures for textbooks, instructional supplies, instructional software and instructional hardware. (NRS 387.2065)

The 2009 Session of the Legislature enacted provisions requiring furlough leave of certain state employees and set forth provisions relating to the furlough program and the manner in which the program is carried out as it relates to the Public Employees' Retirement System. (Chapter 391, Statutes of Nevada 2009, p. 2160) **Section 7** of this bill sets forth the intent of the Legislature in the establishment of a program certified by the board of trustees of a school district or the governing body of a charter school

whereby employees of school districts and charter schools who are members of the Public Employees' Retirement System and who take furlough leave due to extreme fiscal need be held harmless in the accumulation of retirement service credit and reported salary. **Section 7** further sets forth provisions concerning the furlough leave as it relates to the Public Employees' Retirement System in a manner similar to the furlough program of state employees.

Section 8 of this bill expires the provisions of this bill on June 30, 2013.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. (Deleted by amendment.)

Sec. 2. (Deleted by amendment.)

Sec. 3. (Deleted by amendment.)

Sec. 4. (Deleted by amendment.)

Sec. 5. (Deleted by amendment.)

Sec. 6. (Deleted by amendment.)

Sec. 6.5. **1. Notwithstanding the provisions of NRS 386.550, 388.090, 388.537 and 388.842, for the 2011-2013 biennium the board of trustees of a school district or the governing body of a charter school that experiences an economic hardship may submit a written request to the Superintendent of Public Instruction on a form prescribed by the Department of Education for a waiver of not more than 5 noninstructional days of the required minimum number of school days in a school year to avoid, during the economic hardship, the layoff of teachers and other educational personnel employed by the school district or charter school.**

2. Upon receipt of a written request pursuant to subsection 1, the Superintendent of Public Instruction shall consider the request and determine whether an economic hardship exists for the school district or charter school and whether a waiver of the required number of school days is necessary to avoid, during the economic hardship, the layoff of teachers and other educational personnel employed by the school district or charter school. The Superintendent of Public Instruction may request additional information from the applicant in making the determination. If the Superintendent of Public Instruction determines that an economic hardship exists for the applicant and that a waiver of the required minimum number of school days is necessary to avoid, during the economic hardship, the layoff of teachers and other educational personnel employed by the applicant, the Superintendent shall forward the written request to the Interim Finance Committee, including the basis for the Superintendent's determination and any recommendations

for the number of school days that may be waived, which must not exceed 5 noninstructional days.

3. Upon receipt of a written request from the Superintendent of Public Instruction pursuant to subsection 2, the Interim Finance Committee shall consider the request and determine whether an economic hardship exists for the school district or charter school and whether a waiver of the required minimum number of school days is necessary to avoid, during the economic hardship, the layoff of teachers and other educational personnel employed by the school district or charter school. The Interim Finance Committee may request additional information from the applicant in making the determination. If the Interim Finance Committee grants a waiver, the Committee shall by resolution set forth:

(a) The grounds for its determination; and

(b) The number of school days that may be waived for the school year by the school district or charter school, which must not exceed 5 noninstructional days.

4. For the purposes of this section, an economic hardship exists for a school district or charter school if:

(a) Projections of revenue do not meet or exceed the revenue anticipated at the time the basic support guarantees are established for the fiscal year pursuant to NRS 387.122; or

(b) The school district or charter school incurs unforeseen expenses, including, without limitation, expenses related to a natural disaster.

5. A waiver granted pursuant to this section does not affect any right or remedy available pursuant to the provisions of chapter 288 of NRS, any obligation of the board of trustees of a school district or the governing body of a charter school pursuant to chapter 288 of NRS or any contract negotiated by the board of trustees of a school district or the governing body of a charter school pursuant to chapter 288 of NRS.

Sec. 7. 1. It is the intent of the Legislature that if the board of trustees of a school district or the governing body of a charter school certifies a furlough program whereby employees of the school district or charter school who are members of the Public Employees' Retirement System and who take furlough leave pursuant to the program due to extreme fiscal need be held harmless in the accumulation of retirement service credit and reported salary pursuant to chapter 286 of NRS.

2. If the board of trustees of a school district or the governing body of a charter school certifies a furlough program, the program must require that any furlough time taken by the employees of the school district or charter school:

(a) Be noninstructional days or minutes, as applicable; and

(b) Not exceed the number of professional development days or minutes and other noninstructional days or minutes which provide time for teachers before and after the school year and which the school district or charter school used for the 2010-2011 school year.

~~[2.]~~ **3.** Except as otherwise required as a result of NRS 286.537 and notwithstanding the provisions of NRS 286.481, if an employee of a school district or charter school who participates in the Public Employees' Retirement System is required to take furlough leave pursuant to a furlough program certified by the board of trustees of the school district or the governing body of the charter school, the employee is entitled to receive full service credit for the time taken as furlough leave in the same manner as service credit is computed pursuant to NRS 286.501 if:

(a) The employee does not take more than **the equivalent of** 96 hours of furlough leave in a school year; and

(b) The board of trustees of the school district or the governing body of the charter school certifies to the Public Employees' Retirement System that the school district or charter school is participating in a furlough program and that the furlough leave which is reported for the employee is taken in accordance with the requirements of that program.

~~[3.]~~ **4.** In any month in which ~~[a day off]~~ furlough leave is taken, an employee is entitled to receive full-time service credit in the same manner as service credit is computed pursuant to NRS 286.501 for the furlough leave in accordance with the normal workday for the employee. An employee who is less than full-time is entitled to service credit in the same manner as service credit is computed pursuant to NRS 286.501 and in the same manner and to the same extent as though the employee had worked the ~~[hours]~~ **time** taken as furlough leave.

~~[4.]~~ **5.** When a member is on furlough leave pursuant to this section as certified by the board of trustees of the school district or the governing body of the charter school, the board of trustees or the governing body must:

(a) Include all information required by the Public Employees' Retirement System on the board of trustees' or governing body's regular monthly retirement report as provided in NRS 286.460; and

(b) Pay all required employer and employee contributions to the Public Employees' Retirement System based on the compensation that would have been paid to the member but for the member's participation in the program. The board of trustees of the school district and the governing body of the charter school may recover from the employee the amount of the employee contributions set forth in NRS 286.410.

~~[5.]~~ **6.** Except as otherwise required by this section, the terms and conditions of any furlough program certified by the board of trustees of the

school district or the governing body of a charter school must be negotiated pursuant to chapter 288 of NRS.

~~[6.]~~ **7.** Service credit under a furlough program certified by the board of trustees of a school district or the governing body of a charter school must be computed according to the school year.

~~[7.]~~ **8.** As used in this section, "member" has the meaning ascribed to it in NRS 286.050.

Sec. 7.5. **The provisions of this act apply to the 2011-2012 school year and the 2012-2013 school year.**

Sec. 8. ~~[1. This section and sections 1 to 6, inclusive, of this act become effective on July 1, 2011.~~

~~2. Section 7 of this act]~~ **This act** becomes effective ~~[on July 1, 2011,]~~ **upon passage and approval** and expires by limitation on June 30, 2013.

Assemblyman Bobzien moved that the Assembly concur in the Senate Amendment No. 831 to Assembly Bill No. 117.

Remarks by Assemblyman Bobzien.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 379.

The following Senate amendment was read:

Amendment No. 635.

AN ACT relating to crimes; establishing the crime of stolen valor; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The federal Stolen Valor Act of 2005 prohibits a person from falsely representing himself or herself, verbally or in writing, to have been awarded certain military decorations or awards. A person who violates this provision may be fined, imprisoned for not more than 6 months or both fined and imprisoned. (18 U.S.C. § 704(b)) The United States Court of Appeals for the Ninth Circuit recently held that the Stolen Valor Act is facially invalid pursuant to the First Amendment to the Constitution of the United States and is therefore unconstitutional. The Ninth Circuit Court found that the Act as currently drafted restricts free speech rights, but the Court suggested that the statute could be modified into a constitutional anti-fraud statute. (*United States v. Alvarez*, 617 F.3d 1198, 1212, 1217 (9th Cir. 2010)) The Court noted that to prove that a person is liable for fraud, it must be shown that the person knowingly made a false representation of fact to intentionally mislead another person and successfully misled the other person through such false representation. (*United States v. Alvarez*, 617 F.3d 1198, 1211 (9th Cir. 2010) (citing *Ill. ex rel. Madigan v. Telemarketing Assocs., Inc.*, 538 U.S. 600, 620 (2003)))

Existing Nevada law prohibits a person from willfully wearing the badge, button, insigne or rosette of any military order or of any secret order or society, or from using any such item to obtain aid, assistance or any other benefit or advantage, if the person is not entitled to wear or use any such items. (NRS 205.410) This bill repeals existing Nevada law and provides that a person commits the crime of stolen valor if the person knowingly, with the intent to mislead or defraud and with the intent to obtain **some benefit or** something of **monetary** value, misleads or defrauds another person by ~~[making any]~~ **committing various acts concerning the** false representation of ~~[his or her]~~ **himself or herself with relation to** military service **.** ~~[and obtains something of value. If the amount of the loss caused by the violation: (1) is less than $2,500, the person who committed the violation is guilty of a gross misdemeanor; and (2) is $2,500 or more, the person who committed the violation is guilty of a category E felony.]~~

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 205 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A person ~~*[is guilty of the crime of stolen valor if the person]*~~ ***shall not knowingly, with the intent to mislead or defraud:***

(a) ~~*[Makes]*~~ ***Make any false representation of military service, including, without limitation, falsely representing his or her current or former military status, claiming that he or she served in the Armed Forces of the United States, a reserve component thereof or the National Guard, or that he or she served in a combat zone;***

(b) ~~*[Makes]*~~ ***Make any such false representation with the intent to obtain employment, be elected or appointed to public office or obtain something of monetary value; and***

(c) ~~*[Misleads]*~~ ***Mislead or*** ~~*[defrauds]*~~ ***defraud another person through such false representation and*** ~~*[obtains]*~~ ***obtain employment, be elected or appointed to public office or obtain something of monetary value.***

2. ~~*[If the amount of the loss caused by a violation of subsection 1:*~~

~~*(a) Is less than $2,500, the person who committed the violation]*~~

A person shall not knowingly, with the intent to mislead or defraud:

(a) Falsely represent himself or herself by wearing any military decoration or medal authorized by Congress for the Armed Forces of the United States, any service medal or badge awarded to members of such forces, any ribbon, button or rosette of any such badge, decoration or medal, or any colorable imitation of such items;

(b) Make such false representation with the intent to obtain something of monetary value; and

(c) Mislead or defraud another person through such false representation and obtain something of monetary value.

3. A person shall not knowingly, with the intent to mislead or defraud:

(a) Falsely represent himself or herself, verbally or in writing, to have been awarded any military decoration or medal authorized by Congress for the Armed Forces of the United States, any service medal or badge awarded to members of such forces, any ribbon, button or rosette of any such badge, decoration or medal, or any colorable imitation of such items;

(b) Make such false representation with the intent to obtain something of monetary value; and

(c) Mislead or defraud another person through such false representation and obtain something of monetary value.

4. A person shall not knowingly, with the intent to mislead or defraud:

(a) Falsely claim to be or to have been a member of any elite United States Special Operations Command (USSOCOM) of the Armed Forces of the United States, any of its component units or the predecessors of any such units verbally, in writing or by wearing or displaying the distinctive emblem, badge or pin thereof;

(b) Make such false claims with the intent to obtain something of monetary value; and

(c) Mislead or defraud another person through such false claims and obtain something of monetary value.

5. A person shall not knowingly, with the intent to mislead or defraud:

(a) Forge, counterfeit or falsely alter any military document of any military service of the United States, including, without limitation, a certificate of discharge or a military identification card or badge;

(b) Use for any purpose, unlawfully possess, display or exhibit any such false document with the intent to obtain something of monetary value; and

(c) Mislead or defraud another person through the use of any such false document and obtain something of monetary value.

6. A person who violates any provision of this section is guilty of the crime of stolen valor. A person who violates:

(a) Subsection 1 is guilty of a misdemeanor.

(b) Subsection 2, except as otherwise provided in subsection 7 or 8, is guilty of a misdemeanor.

(c) Subsection 3, except as otherwise provided in subsection 7 or 8, is guilty of a misdemeanor.

(d) Subsection 4 is guilty of a misdemeanor.

(e) Subsection 5 is guilty of a gross misdemeanor.

7. A person who violates subsection 2 or 3 by wearing or falsely representing himself or herself to have been awarded a Distinguished Service Cross, Navy Cross, Air Force Cross, Silver Star or Purple Heart, or

any replacement or duplicate medal for any such medal as authorized by law, is guilty of a gross misdemeanor.

~~[~~ ~~(b) Is $2,500 or more, the person who committed the violation]~~

8. A person who violates subsection 2 or 3 by wearing or falsely representing himself or herself to have been awarded a Medal of Honor is guilty of a category E felony and shall be punished as provided in NRS 193.130.

Sec. 2. NRS 205.410 is hereby repealed.

TEXT OF REPEALED SECTION

205.410 Improper use of insignia.

Every person who shall willfully wear the badge, button, insigne or rosette of any military order or of any secret order or society, or any similitude thereof; or who shall use any such badge, button, insigne or rosette to obtain aid or assistance, or any other benefit or advantage, unless the person shall be entitled to so wear or use the same under the constitution, bylaws, rules and regulations of such order or society, shall be fined not more than $500.

Assemblyman Horne moved that the Assembly do not concur in the Senate Amendment No. 635 to Assembly Bill No. 379.

Remarks by Assemblyman Horne.

Motion carried.

The following Senate amendment was read:

Amendment No. 656.

JOINT SPONSOR: SENATOR HALSETH

AN ACT relating to crimes; establishing the crime of stolen valor; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The federal Stolen Valor Act of 2005 prohibits a person from falsely representing himself or herself, verbally or in writing, to have been awarded certain military decorations or awards. A person who violates this provision may be fined, imprisoned for not more than 6 months or both fined and imprisoned. (18 U.S.C. § 704(b)) The United States Court of Appeals for the Ninth Circuit recently held that the Stolen Valor Act is facially invalid pursuant to the First Amendment to the Constitution of the United States and is therefore unconstitutional. The Ninth Circuit Court found that the Act as currently drafted restricts free speech rights, but the Court suggested that the statute could be modified into a constitutional anti-fraud statute. (*United States v. Alvarez*, 617 F.3d 1198, 1212, 1217 (9th Cir. 2010)) The Court noted that to prove that a person is liable for fraud, it must be shown that the person knowingly made a false representation of fact to intentionally mislead another person and successfully misled the other person through such false representation. (*United States v. Alvarez*, 617 F.3d 1198, 1211 (9th Cir.

2010) (citing *Ill. ex rel. Madigan v. Telemarketing Assocs., Inc.*, 538 U.S. 600, 620 (2003)))

Existing Nevada law prohibits a person from willfully wearing the badge, button, insigne or rosette of any military order or of any secret order or society, or from using any such item to obtain aid, assistance or any other benefit or advantage, if the person is not entitled to wear or use any such items. (NRS 205.410) This bill repeals existing Nevada law and provides that a person commits the crime of stolen valor if the person knowingly, with the intent to mislead or defraud and with the intent to obtain something of value, misleads or defrauds another person by making any false representation of his or her military service and obtains something of value. If the amount of the loss caused by the violation: (1) is less than $2,500, the person who committed the violation is guilty of a gross misdemeanor; and (2) is $2,500 or more, the person who committed the violation is guilty of a category E felony.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 205 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A person is guilty of the crime of stolen valor if the person knowingly, with the intent to mislead or defraud:

(a) Makes any false representation of military service, including, without limitation, falsely representing his or her current or former military status, claiming that he or she served in the Armed Forces of the United States, a reserve component thereof or the National Guard, or that he or she served in a combat zone;

(b) Makes any such false representation with the intent to obtain something of value; and

(c) Misleads or defrauds another person through such false representation and obtains something of value.

2. If the amount of the loss caused by a violation of subsection 1:

(a) Is less than $2,500, the person who committed the violation is guilty of a gross misdemeanor.

(b) Is $2,500 or more, the person who committed the violation is guilty of a category E felony and shall be punished as provided in NRS 193.130.

Sec. 2. NRS 205.410 is hereby repealed.

TEXT OF REPEALED SECTION

205.410 Improper use of insignia.

Every person who shall willfully wear the badge, button, insigne or rosette of any military order or of any secret order or society, or any similitude

thereof; or who shall use any such badge, button, insigne or rosette to obtain aid or assistance, or any other benefit or advantage, unless the person shall be entitled to so wear or use the same under the constitution, bylaws, rules and regulations of such order or society, shall be fined not more than $500.

Assemblyman Horne moved that the Assembly do not concur in the Senate Amendment No. 656 to Assembly Bill No. 379.

Remarks by Assemblyman Horne.

Motion carried.

Bill ordered transmitted to the Senate.

Assembly Bill No. 136.

The following Senate amendment was read:

Amendment No. 693.

AN ACT relating to offenders; revising provisions governing credits for offenders sentenced for certain crimes; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that certain credits to the sentence of an offender convicted of certain category C, D or E felonies must be deducted from the minimum term imposed by the sentence until the offender becomes eligible for parole and from the maximum term imposed by the sentence ~~[.]~~ **, except in certain circumstances.** (NRS 209.4465) **This bill adds to the exceptions that an offender who has been convicted of being a habitual criminal or a habitual felon may not have credits applied to both the minimum and maximum term imposed by the sentence.** This bill **further** provides that an offender convicted of ~~[certain]~~ **a** category B ~~[felonies]~~ **felony** also qualifies to have certain credits deducted from the minimum term imposed by the sentence until the offender becomes eligible for parole and from the maximum term imposed by the sentence ~~[. However, an offender who has been convicted of being a habitual criminal, a habitual felon or a habitually fraudulent felon does not qualify for such credits.]~~ **, except in certain circumstances.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 209.4465 is hereby amended to read as follows:

209.4465 1. An offender who is sentenced to prison for a crime committed on or after July 17, 1997, who has no serious infraction of the regulations of the Department, the terms and conditions of his or her residential confinement or the laws of the State recorded against the offender, and who performs in a faithful, orderly and peaceable manner the duties assigned to the offender, must be allowed:

(a) For the period the offender is actually incarcerated pursuant to his or her sentence;

(b) For the period the offender is in residential confinement; and

(c) For the period the offender is in the custody of the Division of Parole and Probation of the Department of Public Safety pursuant to NRS 209.4886 or 209.4888,

➥ a deduction of 20 days from his or her sentence for each month the offender serves.

2. In addition to the credits allowed pursuant to subsection 1, the Director may allow not more than 10 days of credit each month for an offender whose diligence in labor and study merits such credits. In addition to the credits allowed pursuant to this subsection, an offender is entitled to the following credits for educational achievement:

(a) For earning a general educational development certificate, 60 days.

(b) For earning a high school diploma, 90 days.

(c) For earning his or her first associate degree, 120 days.

3. The Director may, in his or her discretion, authorize an offender to receive a maximum of 90 days of credit for each additional degree of higher education earned by the offender.

4. The Director may allow not more than 10 days of credit each month for an offender who participates in a diligent and responsible manner in a center for the purpose of making restitution, program for reentry of offenders and parolees into the community, conservation camp, program of work release or another program conducted outside of the prison. An offender who earns credit pursuant to this subsection is eligible to earn the entire 30 days of credit each month that is allowed pursuant to subsections 1 and 2.

5. The Director may allow not more than 90 days of credit each year for an offender who engages in exceptional meritorious service.

6. The Board shall adopt regulations governing the award, forfeiture and restoration of credits pursuant to this section.

7. Except as otherwise provided in subsection 8, credits earned pursuant to this section:

(a) Must be deducted from the maximum term imposed by the sentence; and

(b) Apply to eligibility for parole unless the offender was sentenced pursuant to a statute which specifies a minimum sentence that must be served before a person becomes eligible for parole.

8. Credits earned pursuant to this section by an offender who has not been convicted of:

(a) Any crime that is punishable as a felony involving the use or threatened use of force or violence against the victim;

(b) A sexual offense that is punishable as a felony;

(c) A violation of NRS 484C.110, 484C.120, 484C.130 or 484C.430 that is punishable as a felony; ~~[or]~~

(d) ***Being a habitual criminal pursuant to NRS 207.010, a habitual felon pursuant to NRS 207.012 or a habitually fraudulent felon pursuant to NRS 207.014; or***

(e) ~~[A]~~ ***Except as otherwise provided in subsection 9, a*** category A or B felony,

➥ apply to eligibility for parole and must be deducted from the minimum term imposed by the sentence until the offender becomes eligible for parole and must be deducted from the maximum term imposed by the sentence.

9. Credits earned by an offender who has been convicted of a category B felony apply to eligibility for parole, must be deducted from the minimum term imposed by the sentence until the offender becomes eligible for parole and must be deducted from the maximum term imposed by the sentence if the offender:

(a) Has not been convicted of an offense listed in paragraphs (a) to (d), inclusive, of subsection 8;

(b) Has not served three or more separate terms of imprisonment for three separate felony convictions in this State;

(c) Is not serving a sentence for which an additional penalty was imposed for the use of a firearm pursuant to NRS 193.165; and

(d) Is not serving a sentence for violating the provisions of NRS 202.360.

Sec. 2. For the purpose of calculating the credits earned by an offender pursuant to NRS 209.4465, the amendatory provisions of section 1 of this act must be applied:

1. Retroactively to January 1, 2005, to reduce the minimum term of imprisonment of an offender described in ~~[subsection]~~ **subsections** 8 **and 9** of NRS 209.4465, as amended by section 1 of this act, who was placed in the custody of the Department of Corrections before January 1, 2012, and who remains in such custody on January 1, 2012.

2. Retroactively to January 1, 2011, to reduce the maximum term of imprisonment of an offender who was placed on parole before January 1, 2012.

3. In the manner set forth in NRS 209.4465 for all offenders in the custody of the Department of Corrections commencing on January 1, 2012, and for all offenders who are on parole commencing on January 1, 2012.

Sec. 3. This act becomes effective on January 1, 2012.

Assemblyman Horne moved that the Assembly do not concur in the Senate Amendment No. 693 to Assembly Bill No. 136.

Remarks by Assemblyman Horne.

Motion carried.

Bill ordered transmitted to the Senate.

Assembly Bill No. 294.

The following Senate amendment was read:

Amendment No. 695.

SUMMARY—Revises various provisions ~~[governing mobile]~~ **relating to** gaming. (BDR 41-1042)

AN ACT relating to gaming; ~~[clarifying that for purposes of regulation under the Nevada Gaming Control Act, the term "slot machine" does not include any item used for mobile gaming;]~~ **revising certain definitions relating to gaming for the purposes of the Nevada Gaming Control Act; removing the authority of the Nevada Gaming Commission to regulate certain independent contractors; making it unlawful to distribute gaming devices, systems or related equipment under certain circumstances;** revising provisions relating to the location of a computer system associated with mobile gaming; **providing a penalty;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Section 2 of this bill clarifies that for purposes of regulation under the Nevada Gaming Control Act, the term "slot machine" does not include any item used for mobile gaming.]~~ **Existing law provides that mobile gaming may only be conducted in public areas of an establishment which holds a nonrestricted gaming license. (NRS 463.0176) Section 3.6 of this bill authorizes mobile gaming to be conducted in any area of such an establishment.**

Section 3.8 of this bill removes the authority of the Nevada Gaming Commission to regulate independent contractors which manufacture certain property related to gaming. Section 3.8 also makes it unlawful to knowingly distribute any gaming device, system or related equipment from Nevada to any other jurisdiction where the use of any such device, system or related equipment is illegal.

Section 4 of this bill clarifies that a computer system associated with mobile gaming may be located outside a licensed gaming establishment but must be located within this State.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. (Deleted by amendment.)

Sec. 2. **(Deleted by amendment.)**

Sec. 3. (Deleted by amendment.)

Sec. 3.2. **NRS 463.0155 is hereby amended to read as follows:**

463.0155 "Gaming device" means any object used remotely or directly in connection with gaming or any game which affects the result of a wager by determining win or loss and which does not otherwise constitute associated equipment. The term includes, without limitation:

1. A slot machine.

2. A collection of two or more of the following components:

(a) An assembled electronic circuit which cannot be reasonably demonstrated to have any use other than in a slot machine;

(b) A cabinet with electrical wiring and provisions for mounting a coin, token or currency acceptor and provisions for mounting a dispenser of coins, tokens or anything of value;

(c) ~~[A storage medium containing a control program;~~

~~(d)]~~ An assembled mechanical or electromechanical display unit intended for use in gambling; or

~~[(e)]~~ ***(d)*** An assembled mechanical or electromechanical unit which cannot be demonstrated to have any use other than in a slot machine.

3. Any object which may be connected to or used with a slot machine to alter the normal criteria of random selection or affect the outcome of a game.

4. A system for the accounting or management of any game in which the result of the wager is determined electronically by using any combination of hardware or software for computers.

5. A control program.

6. Any combination of one of the components set forth in paragraphs (a) to ~~[(e),]~~ ***(d),*** inclusive, of subsection 2 and any other component which the Commission determines by regulation to be a machine used directly or remotely in connection with gaming or any game which affects the results of a wager by determining a win or loss.

7. Any object that has been determined to be a gaming device pursuant to regulations adopted by the Commission.

➥ As used in this section, "control program" means any software, source language or executable code which affects the result of a wager by determining win or loss as determined pursuant to regulations adopted by the Commission.

Sec. 3.4. **NRS 463.01715 is hereby amended to read as follows:**

463.01715 1. "Manufacture" means:

(a) To manufacture, produce, program, design, control the design of ~~[, maintain a copyright over]~~ or make modifications to a gaming device, cashless wagering system, mobile gaming system or interactive gaming system ~~[,]~~ ***for use or play in Nevada;***

(b) To direct, control or assume responsibility for the methods and processes used to design, develop, program, assemble, produce, fabricate,

compose and combine the components and other tangible objects of any gaming device, cashless wagering system, mobile gaming system or interactive gaming system ~~[.]~~ ***for use or play in Nevada;*** or

(c) To assemble, or control the assembly of, a gaming device, cashless wagering system, mobile gaming system or interactive gaming system ~~[.]~~ ***for use or play in Nevada.***

2. As used in this section ~~[, "assume]~~ ***:***

(a) "Assume responsibility" means to ~~[acquire]~~ ***:***

(1) Acquire complete control over, or ownership of, the applicable gaming device, cashless wagering system, mobile gaming system or interactive gaming system ~~[.]~~ ***; and***

(2) Accept continuing legal responsibility for the gaming device, cashless wagering system, mobile gaming system or interactive gaming system, including, without limitation, any form of manufacture performed by an affiliate or independent contractor.

(b) "Independent contractor" means, with respect to a manufacturer, any person who:

(1) Is not an employee of the manufacturer; and

(2) Pursuant to an agreement with the manufacturer, designs, develops, programs, produces or composes a control program used in the manufacture of a gaming device. As used in this subparagraph, "control program" has the meaning ascribed to it in NRS 463.0155.

Sec. 3.6. **NRS 463.0176 is hereby amended to read as follows:**

463.0176 "Mobile gaming" means the conduct of gambling games through communications devices operated solely in ~~[public areas of]~~ an establishment which holds a nonrestricted gaming license and which operates at least 100 slot machines and at least one other game by the use of communications technology that allows a person to transmit information to a computer to assist in the placing of a bet or wager and corresponding information related to the display of the game, game outcomes or other similar information. For the purposes of this section ~~[:~~

~~1. "Communications]~~ ***, "communications*** technology" means any method used and the components employed by an establishment to facilitate the transmission of information, including, without limitation, transmission and reception by systems based on wireless network, wireless fidelity, wire, cable, radio, microwave, light, optics or computer data networks. The term does not include the Internet.

~~[2. "Public areas" does not include rooms available for sleeping or living accommodations.]~~

Sec. 3.8. **NRS 463.650 is hereby amended to read as follows:**

463.650 1. Except as otherwise provided in subsections 2 to 5, inclusive, it is unlawful for any person, either as owner, lessee or employee,

whether for hire or not, to operate, carry on, conduct or maintain any form of manufacture, selling or distribution of any gaming device, cashless wagering system, mobile gaming system or interactive gaming system for use or play in Nevada ~~[or for distribution outside of Nevada]~~ without first procuring and maintaining all required federal, state, county and municipal licenses.

2. A lessor who specifically acquires equipment for a capital lease is not required to be licensed under this section or NRS 463.660.

3. The holder of a state gaming license or the holding company of a corporation, partnership, limited partnership, limited-liability company or other business organization holding a license may, within 2 years after cessation of business or upon specific approval by the Board, dispose of by sale in a manner approved by the Board, any or all of its gaming devices, including slot machines, mobile gaming systems and cashless wagering systems, without a distributor's license. In cases of bankruptcy of a state gaming licensee or foreclosure of a lien by a bank or other person holding a security interest for which gaming devices are security in whole or in part for the lien, the Board may authorize the disposition of the gaming devices without requiring a distributor's license.

4. The Commission may, by regulation, authorize a person who owns:

(a) Gaming devices for home use in accordance with NRS 463.160; or

(b) Antique gaming devices,

➥ to sell such devices without procuring a license therefor to residents of jurisdictions wherein ownership of such devices is legal.

5. Upon approval by the Board, a gaming device owned by:

(a) A law enforcement agency;

(b) A court of law; or

(c) A gaming device repair school licensed by the Commission on Postsecondary Education,

➥ may be disposed of by sale, in a manner approved by the Board, without a distributor's license. An application for approval must be submitted to the Board in the manner prescribed by the Chair.

6. Any person who the Commission determines is a suitable person to receive a license under the provisions of this section and NRS 463.660 may be issued a manufacturer's or distributor's license. The burden of proving his or her qualification to receive or hold a license under this section and NRS 463.660 is at all times on the applicant or licensee.

7. Every person who must be licensed pursuant to this section is subject to the provisions of NRS 463.482 to 463.645, inclusive, unless exempted from those provisions by the Commission.

8. The Commission may exempt, for any purpose, a manufacturer, seller or distributor from the provisions of NRS 463.482 to 463.645, inclusive, if

the Commission determines that the exemption is consistent with the purposes of this chapter.

9. ~~[The Commission may provide by regulation for:~~

~~(a) The filing by a manufacturer of reports and information regarding:~~

~~(1) Any independent contractor; and~~

~~(2) The business arrangements between the manufacturer and an independent contractor.~~

~~(b) Registration of independent contractors.~~

~~(c) Procedures pursuant to which an independent contractor may be required to file an application for a finding of suitability.~~

~~(d) Such other regulatory oversight of independent contractors as the Commission determines is necessary and appropriate.]~~ ***Any person conducting business in Nevada who is not required to be licensed as a manufacturer, seller or distributor pursuant to subsection 1, but who otherwise must register with the Attorney General of the United States pursuant to Title 15 of U.S.C., must submit to the Board a copy of such registration within 10 days after submission to the Attorney General of the United States.***

10. ***It is unlawful for any person, either as owner, lessee or employee, whether for hire or not, to knowingly distribute any gaming device, cashless wagering system, mobile gaming system, interactive gaming system or associated equipment from Nevada to any jurisdiction where the possession, ownership or use of any such device, system or equipment is illegal.***

11. As used in this section:

(a) "Antique gaming device" means a gaming device that was manufactured before 1961.

(b) "Holding company" has the meaning ascribed to it in NRS 463.485.

~~[(c) "Independent contractor" means, with respect to a manufacturer, any person who:~~

~~(1) Is not an employee of the manufacturer; and~~

~~(2) Pursuant to an agreement with the manufacturer, designs, develops, programs, produces or composes a control program used in the manufacture of a gaming device. As used in this subparagraph, "control program" has the meaning ascribed to it in NRS 463.0155.]~~

Sec. 4. NRS 463.730 is hereby amended to read as follows:

463.730 1. Except as otherwise provided in subsection 2, the Commission may, with the advice and assistance of the Board, adopt regulations governing the operation of mobile gaming and the licensing of:

(a) An operator of a mobile gaming system;

(b) A manufacturer, seller or distributor of a mobile gaming system; and

(c) A manufacturer of equipment associated with mobile gaming.

2. The Commission may not adopt regulations pursuant to this section until the Commission first determines that:

(a) Mobile gaming systems are secure and reliable, and provide reasonable assurance that players will be of lawful age and communicating only from areas of licensed gaming establishments that have been approved by the Commission for that purpose; and

(b) Mobile gaming can be operated in a manner which complies with all applicable laws.

3. The regulations adopted by the Commission pursuant to this section must:

(a) Provide that gross revenue received by a licensed gaming establishment or the operator or the manufacturer of a mobile gaming system from the operation of mobile gaming is subject to the same license fee provisions of NRS 463.370 as the other games and gaming devices operated at the licensed gaming establishment.

(b) Provide that a mobile communications device which displays information relating to the game to a participant in the game as part of a mobile gaming system is subject to the same fees and taxes applicable to slot machines as set forth in NRS 463.375 and 463.385.

(c) Set forth standards for the ~~[~~location and~~]~~ security of the computer system ***and its location, which may be outside a licensed gaming establishment but must be within this State,*** and for approval of hardware and software used in connection with mobile gaming.

(d) Define "mobile gaming system," "operator of a mobile gaming system ~~[,"]~~ ***" and*** "equipment associated with mobile gaming" ~~[~~and "public area"~~]~~ as the terms are used in this chapter.

Assemblyman Horne moved that the Assembly concur in the Senate Amendment No. 695 to Assembly Bill No. 294.

Remarks by Assemblyman Horne.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 291.

The following Senate amendment was read:

Amendment No. 678.

AN ACT relating to estates; making certain agreements between an heir finder and an apparent heir relating to the recovery of property in an estate void and unenforceable under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill provides that an agreement between an heir finder and an apparent heir relating to the recovery of property in an estate for which the

public administrator petitioned for letters of administration is void and unenforceable if the agreement is entered into during the period beginning with the death of the person whose estate is in probate until ~~[6 months]~~ **90 days** thereafter.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 139 of NRS is hereby amended by adding thereto a new section to read as follows:

1. An agreement between an heir finder and an apparent heir, the primary purpose of which is to locate, recover or assist in the recovery of an estate for which the public administrator has petitioned for letters of administration, is void and unenforceable if the agreement is entered into during the period beginning with the death of the person whose estate is in probate until ~~[6 months]~~ 90 days thereafter.

2. As used in this section, "heir finder" means a person who, for payment of a fee, assignment of a portion of any interest in a decedent's estate or other consideration, provides information, assistance, forensic genealogy research or other efforts related to another person's right to or interest in a decedent's estate. The term does not include:

(a) A person acting in the capacity of a personal representative or guardian ad litem;

(b) A person appointed to perform services by a probate court in which a proceeding in connection with a decedent's estate is pending; or

(c) An attorney providing legal services to a decedent's family member if the attorney has not agreed to pay to any other person a portion of the fees received from the family member or the family member's interest in the decedent's estate.

Sec. 2. The provisions of this act apply to agreements described in section 1 of this act that are entered into on or after July 1, 2011.

Sec. 3. This act becomes effective on July 1, 2011.

Assemblyman Horne moved that the Assembly concur in the Senate Amendment No. 678 to Assembly Bill No. 291.

Remarks by Assemblyman Horne.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 388.

The following Senate amendment was read:

Amendment No. 696.

AN ACT relating to real property; revising provisions governing the exercise of the power of sale under a deed of trust concerning owner-

occupied real property; ~~[providing civil remedies for failure to comply with certain provisions governing the exercise of the power of sale under a deed of trust concerning owner-occupied real property; providing civil penalties;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the trustee under a deed of trust concerning owner-occupied housing has the power to sell the property to which the deed of trust applies, subject to certain restrictions. (NRS 107.080, 107.085, 107.086) ~~[Sections 4-22 of this bill establish additional restrictions on the trustee's power of sale with respect to owner-occupied housing which are based on Senate Bill No. 729 of the current session of the California Legislature, as amended. Section 23 of this bill provides that these additional restrictions apply only to a notice of default and election to sell which is recorded on or after July 1, 2011.~~

~~Section 13 prohibits the recording of a notice of default and election to sell unless reasonable and good faith efforts have been made to evaluate the borrower for all available alternatives to the exercise of the trustee's power of sale. Section 14 prohibits the recording of a notice of default and election to sell until the trustee, beneficiary or authorized agent complies with certain requirements regarding contact with, or attempts to contact, the borrower. Under section 15, if an eligible borrower requests, either orally or in writing, a loan modification, a notice of default and election to sell may not be recorded unless the borrower's application has been reviewed in good faith and a decision has been rendered on that application. Sections 17 and 19 require a declaration of compliance to be recorded with the notice of default and election to sell and section 17 provides a form for that declaration. Section 18: (1) authorizes a borrower to bring a civil action to enjoin a trustee's sale, to void a trustee's sale and to recover a specified amount of damages and reasonable attorney's fee and costs under certain circumstances; (2) authorizes the Attorney General to obtain civil penalties for violations of the provisions of this bill; and (3) provides that a violation of the provisions of this bill by a person which is licensed in this State is deemed to be a violation of the law governing that license.~~

~~Additionally, section 19: (1) requires a life of loan accounting containing certain information to be included with the copy of the notice of default and election to sell which is mailed to the borrower; and (2) prohibits the recording of a notice of sale if the borrower has entered into a contract to sell the property which has been approved by the lender or the borrower has requested approval of such a contract but the lender has not yet approved or disapproved the sale.]~~ **One such restriction: (1) requires the trustee under the deed of trust to include a form to request mediation with the notice of default and election to sell which is mailed to the grantor of the deed**

of trust or the person who holds the title of record; and (2) authorizes the grantor of the deed of trust or the person who holds the title of record to request mediation under rules adopted by the Supreme Court. (NRS 107.086) Section 20.7 of this bill requires the notice of default and election to sell which is mailed to the grantor or the person who holds the title of record to include a notice provided by the entity designated to administer the Foreclosure Mediation Program which states that the grantor or the person who holds the title of record has a right to seek foreclosure mediation in the Foreclosure Mediation Program.

Under existing law, another restriction on the exercise of the trustee's power of sale prohibits the trustee from exercising the power of sale unless, not later than 60 days before the date of the sale, the trustee causes a notice to be served on the grantor or the person who holds the title of record which contains the telephone numbers of certain agencies which may provide assistance to the grantor or the person who holds the title of record. (NRS 107.085) Section 20.3 of this bill amends this notice to include: (1) a statement that the person receiving the notice may have a right to participate in the State of Nevada Foreclosure Mediation Program if the time to request mediation has not expired; (2) the telephone number of the State of Nevada Foreclosure Mediation Program; and (3) the telephone number of the Division of Mortgage Lending of the Department of Business and Industry.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. (Deleted by amendment.)

Sec. 2. (Deleted by amendment.)

Sec. 3. (Deleted by amendment.)

Sec. 4. ~~[Chapter 107 of NRS is hereby amended by adding thereto the provisions set forth as sections 5 to 18, inclusive, of this act.]~~ **(Deleted by amendment.)**

Sec. 5. ~~*[As used in sections 5 to 18, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 6 to 11, inclusive, of this act have the meanings ascribed to them in those sections.]*~~ **(Deleted by amendment.)**

Sec. 6. ~~*[“Authorized agent” means an agent designated by a trustee or beneficiary to act on behalf of the trustee or beneficiary.]*~~ **(Deleted by amendment.)**

Sec. 7. ~~*[“Beneficiary” means the beneficiary of a deed of trust which concerns owner-occupied housing.]*~~ **(Deleted by amendment.)**

Sec. 8. ~~[*"Borrower" means the grantor of a deed of trust which concerns owner-occupied housing or the person who holds the title of record.]~~ **(Deleted by amendment.)**

Sec. 9. ~~[*"Mortgage servicer" means a person responsible for the day-to-day management of a mortgage loan account, including, without limitation, collecting and crediting periodic loan payments, handling any escrow account or enforcing mortgage loan terms either as the holder of the loan note or on behalf of the holder of the loan note.]~~ **(Deleted by amendment.)**

Sec. 10. ~~[*"Owner-occupied housing" has the meaning ascribed to it in NRS 107.086.]~~ **(Deleted by amendment.)**

Sec. 11. ~~[*"Trustee" means the trustee under a deed of trust which concerns owner-occupied housing.]~~ **(Deleted by amendment.)**

Sec. 12. ~~[*1. In addition to the requirements of NRS 107.085 and 107.086, the exercise of the power of sale pursuant to NRS 107.080 with respect to any trust agreement which concerns owner-occupied housing is subject to the provisions of sections 5 to 18, inclusive, of this act.*

*2. The provisions of sections 5 to 18, inclusive, of this act apply only to a deed of trust under a trust agreement which concerns owner-occupied housing.]~~ **(Deleted by amendment.)**

Sec. 13. ~~[*1. A trustee, beneficiary or authorized agent shall not record a notice of default and election to sell pursuant to subsection 3 of NRS 107.080 unless the trustee, beneficiary or authorized agent makes reasonable and good faith efforts to evaluate the borrower for all available loss mitigation options to avoid foreclosure.*

*2. This section must not be construed to require a trustee, beneficiary or authorized agent to act in a manner inconsistent with the terms of any applicable contract for the servicing of the loan at issue.]~~ **(Deleted by amendment.)**

Sec. 14. ~~[*1. Except as otherwise provided in this section, a trustee, beneficiary or authorized agent shall not record a notice of default and election to sell pursuant to subsection 3 of NRS 107.080 until:*

(a) Thirty days after initial contact is made with the borrower as required by subsection 2 or 30 days after satisfying the requirements of subsection 5; and

(b) If applicable, the requirements of section 15 of this act have been satisfied.

2. Except as otherwise provided in subsection 6, a beneficiary or its authorized agent shall contact the borrower in person or by telephone to assess the borrower's financial situation and to explore options to avoid the exercise of the trustee's power of sale pursuant to NRS 107.080. During the initial contact, the beneficiary or its authorized agent shall advise the

~~*borrower that he or she has the right to request a subsequent meeting and, if requested, the beneficiary or its authorized agent shall schedule the meeting to occur within 14 days. The assessment of the borrower's financial situation and the discussion of the options to avoid the exercise of the trustee's power of sale may occur during the initial contact or at the subsequent meeting scheduled for that purpose. In either case, the beneficiary or its authorized agent shall provide to the borrower the toll-free telephone number made available by the United States Department of Housing and Urban Development to find a housing counseling agency certified by that Department and, if the borrower may be eligible for a loan modification, a deadline for the borrower to submit an initial application for a loan modification which must not be earlier than 45 days after the initial contact.*~~

~~*3. The loss mitigation personnel of the beneficiary or its authorized agent may participate by telephone during any contact required by this section.*~~

~~*4. A borrower may designate, in writing, a housing counseling agency certified by the United States Department of Housing and Urban Development, an attorney or any other advisor to discuss with the beneficiary or its authorized agent, on the borrower's behalf, the borrower's financial situation and options for the borrower to avoid the exercise of the trustee's power of sale. Contact with a person or agency designated by a borrower pursuant to this subsection satisfies the requirements of subsection 2. A loan modification or workout plan offered to a person or agency designated by a borrower pursuant to this subsection is subject to approval by the borrower.*~~

~~*5. Subject to the requirements of section 15 of this act and except as otherwise provided in subsection 6, even if the beneficiary or its authorized agent has not contacted the borrower as required by subsection 2, a notice of default may be recorded pursuant to subsection 3 of NRS 107.080 if the beneficiary or its authorized agent has taken all the following actions:*~~

~~*(a) The beneficiary or its authorized agent has mailed by registered or certified mail, return receipt requested and with postage prepaid, to the borrower a letter which includes:*~~

~~*(1) The toll-free telephone number made available by the United States Department of Housing and Urban Development to find a housing counseling agency certified by that Department; and*~~

~~*(2) If the borrower may be eligible for a loan modification, a deadline for the submission of an initial application for a loan modification which must not be earlier than 45 days after the date of the letter mailed pursuant to this paragraph or 45 days after the date on which the beneficiary or its*~~

~~*authorized agent made initial contact with the borrower pursuant to subsection 2, whichever is earlier.*~~

~~*(b) After mailing the letter required by paragraph (a), the beneficiary or its authorized agent has attempted to contact the borrower by telephone at least 3 times at different hours and on different days. Telephone calls made pursuant to this paragraph must be made to the primary telephone number of the borrower which is on file with the beneficiary. The beneficiary or its authorized agent satisfies the requirements of this paragraph if it determines, after attempting contact pursuant to this paragraph, that the primary telephone number of the borrower on file and any secondary telephone numbers on file have been disconnected.*~~

~~*(c) If the borrower does not respond within 2 weeks after the beneficiary or its authorized agent has satisfied the requirements of paragraph (b), the beneficiary or its authorized agent has mailed to the borrower, by registered or certified mail, return receipt requested and with postage prepaid, a letter which includes the information required by paragraph (a).*~~

~~*(d) The beneficiary or its authorized agent provides a means for the borrower to contact the beneficiary or its authorized agent in a timely manner, including, without limitation, a toll-free telephone number that will provide access to a live representative during business hours.*~~

~~*(e) The beneficiary or its authorized agent posts a prominent link on its Internet website, if any, to the following information:*~~

~~*(1) Options that may be available to borrowers who are unable to afford their mortgage payments and who wish to avoid the exercise of the trustee's power of sale, and instructions to such borrowers advising them on steps to take to explore those options.*~~

~~*(2) A list of financial documents the borrower should collect and be prepared to present to the beneficiary or its authorized agent when discussing options for avoiding the exercise of the trustee's power of sale.*~~

~~*(3) A toll-free telephone number for borrowers who wish to discuss with the beneficiary or its authorized agent options for avoiding the exercise of the trustee's power of sale.*~~

~~*(4) The toll-free telephone number made available by the United States Department of Housing and Urban Development to find a housing counseling agency certified by that Department.*~~

~~*6. The requirements of subsections 1, 2 and 5 do not apply if the borrower:*~~

~~*(a) Has surrendered the property as evidenced by either a letter confirming the surrender or delivery of the keys to the property to the trustee, beneficiary or authorized agent;*~~

~~*(b) Has contracted with a person whose primary business is advising persons who have decided to leave their homes on how to extend the*~~

~~*foreclosure process and avoid their contractual obligations to beneficiaries; or*~~

~~*(c) Has filed a petition pursuant to Title 11 of the United States Code and the bankruptcy court has not entered an order closing or dismissing the petition or granting relief from a stay of the trustee's sale.]*~~ **(Deleted by amendment.)**

Sec. 15. ~~*[1. Except as otherwise provided in this section, if an eligible borrower requests an application for a loan modification, either orally or in writing, not later than 90 days after the date on which the obligation became delinquent or not later than 45 days after the beneficiary or its authorized agent makes initial contact with the borrower pursuant to section 14 of this act, whichever is later, the trustee, beneficiary or authorized agent shall not record a notice of default and election to sell pursuant to subsection 3 of NRS 107.080 unless and until it has, in good faith, reviewed the application, rendered a decision on the application and sent the borrower a denial explanation letter as required by section 16 of this act.*~~

~~*2. If a borrower requests a loan modification, either orally or in writing, by the deadline described in subsection 1, but does not initially submit all the documentation or information the beneficiary or its authorized agent requires to consider the borrower for a loan modification, the beneficiary or its authorized agent shall provide the borrower with a written notice that:*~~

~~*(a) Lists any supplemental documentation or information required; and*~~

~~*(b) Includes the deadline for providing that documentation or information, which must not be earlier than 30 calendar days from the date on which the borrower receives the notice.*~~

~~*3. Except as otherwise provided in this subsection, if a borrower requests a loan modification, either orally or in writing, within 15 days after receiving a copy of the notice of default and election to sell as required by subsection 3 of NRS 107.080 and submits a completed application for a loan modification within 15 days after receiving application instructions from the mortgage servicer or any other application deadline communicated in writing by the mortgage servicer, whichever is later, the trustee, beneficiary or authorized agent shall not record a notice of sale pursuant to subsection 5 of NRS 107.080 until at least 10 business days after it has, in good faith, reviewed the application, rendered a decision on the application and sent the borrower a denial explanation letter in accordance with section 16 of this act. This subsection does not apply if a borrower applied for a loan modification before the notice of default and election to sell was recorded pursuant to subsection 3*~~

~~*of NRS 107.080 and the trustee, beneficiary or authorized agent satisfied the requirements of sections 16 and 17 of this act.*~~

~~*4. If the mortgage servicer has signed a Making Home Affordable Servicer Participation Agreement with the Federal National Mortgage Association or is otherwise required to review the borrower's loan under the guidelines of the federal Making Home Affordable Modification Program, compliance with applicable rules of that program regarding deadlines and timeframes for the borrower to submit and complete an application for a loan modification satisfy the requirements of this section while that program remains in effect.*~~

~~*5. The provisions of this section must not be construed:*~~

~~*(a) To require a mortgage servicer to perform services in a manner inconsistent with the terms of any applicable contract for the servicing of the loan at issue.*~~

~~*(b) To diminish in any way the obligations of a trustee, beneficiary or authorized agent that has signed a Making Home Affordable Servicer Participation Agreement with the Federal National Mortgage Association or is otherwise required to review a loan under the guidelines of the federal Making Home Affordable Modification Program.*~~

~~*6. The requirements of this section do not apply if:*~~

~~*(a) The borrower has surrendered the property as evidenced by either a letter confirming the surrender or delivery of the keys to the property to the trustee, beneficiary or authorized agent; or*~~

~~*(b) The beneficiary or its authorized agent does not offer any loan modifications.]*~~ **(Deleted by amendment.)**

Sec. 16. ~~*[1. If a borrower who requests a loan modification, either orally or in writing, is denied either a permanent loan modification or a trial period plan through the federal Making Home Affordable Modification Program, the beneficiary or its authorized agent shall mail to the borrower by certified mail, not later than 10 business days following the denial, a denial explanation letter that states the reason or reasons for the denial.*~~

~~*2. If an application for a loan modification is denied because the borrower failed to provide all required documents or information by the applicable deadline set forth in subsection 2 of section 15 of this act, the denial explanation letter mailed pursuant to subsection 1 must:*~~

~~*(a) Indicate the deadline for the submission of the documents or information;*~~

~~*(b) List the documents or information that were not provided; and*~~

~~*(c) State that the application for a loan modification was denied for that reason.*~~

~~*3. If the borrower submits all required written application materials for a loan modification by the applicable deadline as set forth in subsection 2 or 3 of section 15 of this act and the application is denied, the denial explanation letter must include:*~~

~~*(a) The date on which the beneficiary or its authorized agent received the final materials required to complete its review of the borrower's application for a loan modification.*~~

~~*(b) The date on which the beneficiary or its authorized agent made the decision to deny the borrower's application for a loan modification.*~~

~~*(c) If the beneficiary or its authorized agent was required to consider the borrower for a loan modification under the guidelines of the federal Making Home Affordable Modification Program, the information required to be provided in the borrower notice described in the most current version of the Making Home Affordable Program Handbook for Servicers of Non-GSE Mortgages and any subsequent amendments thereto.*~~

~~*(d) The reason or reasons the borrower did not qualify for a loan modification, including, as applicable:*~~

~~*(1) If the denial is based on any investor guideline or restriction on loan modifications, a description of the guideline or restriction that resulted in the denial with a copy of the applicable provision in the pooling and servicing agreement or other controlling document evidencing that guideline or restriction;*~~

~~*(2) If the denial is based on the borrower's income or expenses, the income and expense figures used to determine the borrower's qualification for a loan modification, including, without limitation, the borrower's gross and net monthly income, property taxes and hazard insurance premiums;*~~

~~*(3) If the denial is based on a determination that the net present value of the income stream expected from the modified loan is not greater than the net present value of the income stream that is expected from the loan without modification, all the inputs, assumptions and calculations used to make that determination; and*~~

~~*(4) If applicable, a finding that the borrower was previously offered a loan modification but failed to successfully make payments under the terms of the loan modification.*~~

~~*(e) The name and contact information of the holder of the note for the borrower's loan.*~~

~~*(f) A description of alternatives to avoid the exercise of the trustee's sale other than a loan modification for which the borrower may be eligible, if any, including, without limitation, other loan modification programs, a short sale, a deed in lieu of a trustee's sale or a forbearance, and a list of the steps the borrower must take to be considered for those options. If the borrower has already been approved for another alternative to the exercise*~~

~~*of the trustee's sale, information necessary to participate in or complete the alternative should be included.*~~

~~*(g) Contact information which the borrower may use to reach the beneficiary or its authorized agent to discuss the reasons for the denial of the loan modification.*~~

~~*4. If a borrower is denied a loan modification and the beneficiary or its authorized agent sends a denial explanation letter pursuant to this section, the trustee, beneficiary or authorized agent may record a notice of default and election to sell pursuant to subsection 3 of NRS 107.080 even if the borrower initiates a dispute relating to the denial and the dispute has not yet been resolved.]*~~ **(Deleted by amendment.)**

Sec. 17. ~~*[1. After satisfying the requirements of sections 15 and 16 of this act, as applicable, a mortgage servicer shall take the following action to initiate the process of exercising the trustee's power of sale pursuant to NRS 107.080:*~~

~~*(a) Compile in one place a record demonstrating that the initial contact required by subsection 2 of section 14 of this act has occurred or the requirements of subsection 5 of section 14 of this act have been satisfied. The record must:*~~

~~*(1) Include the dates and times of, and addresses and telephone numbers used for, the contact or attempted contacts with the borrower, as well as a record of the good faith efforts undertaken pursuant to sections 13 and 15 of this act; and*~~

~~*(2) After the recording of a notice of default and election to sell pursuant to subsection 3 of NRS 107.080, be made available to the borrower within 10 business days after a written request for the record by the borrower; and*~~

~~*(b) Transmit to the trustee or its authorized agent a declaration of compliance that is signed on behalf of the mortgage servicer by a natural person having personal knowledge of the facts stated in the declaration, or by a natural person with authority to bind the mortgage servicer, who certifies that the declaration is based on records which were made in the regular course of business at or near the time of the events recorded. The declaration of compliance must be included as part of, or attached to, every notice of default and election to sell which is recorded pursuant to subsection 3 of NRS 107.080. A notice of default and election to sell which does not include the declaration of compliance described in this paragraph is void.*~~

~~*2. The declaration of compliance described in paragraph (b) of subsection 1 must be in substantially the following form:*~~

~~*DECLARATION OF COMPLIANCE*~~

~~*I. BORROWER CONTACT*~~

~~*A. (_) This loan is not subject to section 14 of this act pursuant to subsection 6 of section 14 of this act.*~~

~~*If item (I)(A) is checked, no further information regarding borrower contact is required. If item (I)(A) is not checked, complete item (I)(B).*~~

~~*B. (_) This loan is subject to section 14 of this act, and the beneficiary or authorized agent has complied with the requirements of section 14 of this act by satisfying the applicable contact or due diligence requirements described in subsection 2 or 3 of section 14 of this act. If checked, insert the date that the applicable borrower contact requirements were completed here:*~~

~~*II. FORECLOSURE AVOIDANCE REVIEW*~~

~~*A. (_) This loan is not subject to section 15 of this act pursuant to (check all that apply):*~~

~~*(_) Paragraph (a) of subsection 6 of section 15 of this act.*~~

~~*(_) Paragraph (b) of subsection 6 of section 15 of this act.*~~

~~*(_) Section 12 of this act.*~~

~~*If item (II)(A) is checked, no further information regarding borrower solicitation efforts is required. If item (II)(A) is not checked, complete item (II)(B).*~~

~~*B. (_) This loan is subject to section 15 of this act (check only one):*~~

~~*(_) The borrower was evaluated for a loan modification, was not approved, and the beneficiary or authorized agent sent the borrower a denial explanation letter in compliance with the requirements of subsection 3 of section 16 of this act.*~~

~~*(_) The borrower did not submit all required written application materials by the applicable deadline, and the beneficiary or authorized agent sent the borrower a denial explanation letter in compliance with the requirements of subsection 2 of section 16 of this act.*~~

~~*(_) The borrower did not initiate an application for a loan modification by the applicable deadline.*~~

~~*(_) The borrower was offered a HAMP trial period plan, but did not accept the trial period plan or did not complete the plan.*~~

~~*(_) The borrower was offered a permanent loan modification, but the borrower did not accept the modification offered.*~~

~~*(_) The borrower was offered and accepted a permanent loan modification, but did not comply with the terms of the modification.*~~

~~*(_) The borrower communicated to the beneficiary or authorized agent that he or she does not intend to apply for loan modification.*~~

~~*III. PROOF OF OWNERSHIP*~~

~~*(_) Attached is a copy of the note and all assignments and endorsements of the note, along with a declaration attesting to the existence and possession of the original note as well as all the assignments and*~~

~~*endorsements, and certifying ownership of the mortgage and the right to foreclose.*~~

~~*(c) The trustee, beneficiary or any of their authorized agents are not reasonably able to obtain possession of the note and/or all assignments and endorsements thereof. Attached is a declaration of lost note that complies with the requirements of paragraph (b) of subsection 3 of NRS 107.080.]*~~ **(Deleted by amendment.)**

Sec. 18. ~~*[1. If the trustee, beneficiary or authorized agent records a notice of sale pursuant to subsection 5 of NRS 107.080:*~~

~~*(a) Without completing an evaluation of a timely completed application for a loan modification;*~~

~~*(b) Before the borrower's deadline for requesting and applying for a loan modification; or*~~

~~*(c) Without sending a denial explanation letter that materially complies with section 16 of this act,*~~

~~*→ the borrower may seek an order in any court having jurisdiction to enjoin the exercise of the trustee's power of sale with respect to the property until any of these requirements not previously satisfied are satisfied.*~~

~~*2. If:*~~

~~*(a) The trustee, beneficiary or authorized agent records a notice of default and election to sell pursuant to subsection 3 of NRS 107.080:*~~

~~*(1) Without completing its evaluation of the borrower's timely completed application for a loan modification;*~~

~~*(2) Before the borrower's deadline for requesting and applying for a loan modification; or*~~

~~*(3) Without sending a denial explanation letter that materially complies with section 16 of this act;*~~

~~*(b) The trustee, beneficiary or authorized agent causes the property at issue to be sold at a trustee's sale pursuant to NRS 107.080; and*~~

~~*(c) The property at issue is sold to a bona fide purchaser at a trustee's sale pursuant to NRS 107.080,*~~

~~*→ the borrower may recover in a civil action which must be commenced within 1 year following the trustee's sale the greater of treble actual damages or statutory damages in the amount of $15,000, plus reasonable attorney's fees and costs.*~~

~~*3. If:*~~

~~*(a) The trustee, beneficiary or authorized agent records a notice of default and election to sell pursuant to subsection 3 of NRS 107.080:*~~

~~*(1) Without completing its evaluation of the borrower's timely completed application for a loan modification;*~~

~~*(2) Before the borrower's deadline for requesting and applying for a loan modification; or*~~

~~*(3) Without sending a denial explanation letter that materially complies with section 16 of this act;*~~

~~*(b) The trustee, beneficiary or authorized agent causes the property at issue to be sold at a trustee's sale pursuant to NRS 107.080; and*~~

~~*(c) Before commencement of an action pursuant to this subsection, the property at issue is sold by the trustee, beneficiary or authorized agent to a bona fide purchaser after a trustee's sale at which the trustee, beneficiary or authorized agent acquired title to the property,*~~

~~*→ the borrower may recover in a civil action which must be commenced within 1 year following the trustee's sale the greater of treble actual damages or statutory damages in the amount of $15,000, plus reasonable attorney's fees and costs. If the trustee, beneficiary or authorized agent had actual notice of the borrower's claim under this subsection before selling the property to a bona fide purchaser, the borrower is entitled to recover statutory damages in the amount of $20,000 in addition to other damages recoverable under this subsection.*~~

~~*4. If the trustee, beneficiary or authorized agent:*~~

~~*(a) Records a notice of default and election to sell pursuant to subsection 3 of NRS 107.080:*~~

~~*(1) Without completing its evaluation of the borrower's timely completed application for a loan modification;*~~

~~*(2) Before the borrower's deadline for requesting and applying for a loan modification; or*~~

~~*(3) Without sending a denial explanation letter that materially complies with section 16 of this act;*~~

~~*(b) Causes the property at issue to be sold at a trustee's sale pursuant to NRS 107.080; and*~~

~~*(c) Acquired title to the property at the trustee's sale but has not sold the property to a bona fide purchaser,*~~

~~*→ the borrower may, within 1 year following the trustee's sale, bring an action to void the trustee's sale, to enjoin the recording of any further notice of sale until at least 30 days after any requirement of sections 5 to 18, inclusive, of this act not previously satisfied is satisfied and for reasonable attorney's fees and costs.*~~

~~*5. If the mortgage servicer fails to cause the declaration of compliance required by section 17 of this act to be included with, or attached to, a notice of default and election to sell which is recorded pursuant to subsection 3 of NRS 107.080, the borrower may recover from the mortgage servicer statutory damages of not less than $1,500 but not more than $10,000, plus reasonable attorney's fees and costs. If the mortgage servicer*~~

~~*records, or causes to be recorded, a materially false declaration of compliance, a borrower may recover from the mortgage servicer statutory damages of not less than $10,000 but not more than $25,000, plus attorney's fees and costs. For the purposes of this subsection, the declaration of compliance is not false if it lists any incorrect dates for the date that the requirements described in the declaration were completed, unless the mortgage servicer knowingly included the wrong date on the declaration.*~~

~~*6. A beneficiary or mortgage servicer is not civilly liable under subsections 2, 3 and 4 if, before commencement of an action by the borrower and not later than 180 days after the date of the trustee's sale pursuant to NRS 107.080:*~~

~~*(a) The trustee, beneficiary or authorized agent:*~~

~~*(1) Voluntarily rescinds the trustee's sale before filing an unlawful detainer action against the borrower;*~~

~~*(2) Provides a written notice of that rescission to the borrower not later than 3 days after the rescission;*~~

~~*(3) Lists in the notice the steps the beneficiary or mortgage servicer will take before recording any further notice of sale;*~~

~~*(4) Materially complies with any requirements of sections 5 to 18, inclusive, of this act that were not previously satisfied not later than 30 days before recording any further notice of sale; and*~~

~~*(5) Sends the borrower a written communication stating that the beneficiary or mortgage servicer will not file an unlawful detainer action against the borrower before completing the steps set forth in the letter; or*~~

~~*(b) The trustee, beneficiary or authorized agent refrains from filing an unlawful detainer action against the borrower until at least 30 days after the beneficiary or mortgage servicer:*~~

~~*(1) Materially complies with all the applicable requirements of sections 5 to 18, inclusive, of this act that were not previously satisfied and sends the borrower a written communication informing the borrower of the actions taken and the outcome of those actions, including, without limitation, any reason for the denial of a loan modification, if applicable; and*~~

~~*(2) Sends the borrower a written communication stating the steps that were taken and the outcome, including, without limitation, any reason for the denial of a loan modification, if applicable. If the beneficiary or mortgage servicer determines that the borrower qualifies for a loan modification, it shall rescind the trustee's sale and offer the borrower the loan modification.*~~

~~*7. A borrower shall not have any cause of action under this section for any failure or error that is technical or de minimis in nature.*~~

~~*8. A mortgage servicer, trustee, beneficiary or authorized agent who violates a provision of sections 5 to 18, inclusive, of this act is liable, in addition to any other penalty or remedy that may be provided by law, to a civil penalty of not more than $10,000 for each violation and not more than $25,000 for each violation involving the recording of a false or fraudulent declaration of compliance pursuant to section 17 of this act, which may be recovered by civil action on complaint of the Attorney General. All money collected as civil penalties pursuant to this section must be deposited in the State General Fund.*~~

~~*9. A trustee, beneficiary or authorized agent who is licensed by this State and who violates any provision of sections 5 to 18, inclusive, of this act shall be deemed to have violated the law governing that person's license and is subject to enforcement action by the licensing agency.]*~~ **(Deleted by amendment.)**

Sec. 19. ~~[~~NRS 107.080 is hereby amended to read as follows:

~~107.080 1. Except as otherwise provided in NRS 107.085 and 107.086,~~ ***and sections 5 to 18, inclusive, of this act,*** ~~if any transfer in trust of any estate in real property is made after March 29, 1927, to secure the performance of an obligation or the payment of any debt, a power of sale is hereby conferred upon the trustee to be exercised after a breach of the obligation for which the transfer is security.~~

~~2. The power of sale must not be exercised, however, until:~~

~~(a) Except as otherwise provided in paragraph (b), in the case of any trust agreement coming into force:~~

~~(1) On or after July 1, 1949, and before July 1, 1957, the grantor, the person who holds the title of record, a beneficiary under a subordinate deed of trust or any other person who has a subordinate lien or encumbrance of record on the property has, for a period of 15 days, computed as prescribed in subsection 3, failed to make good the deficiency in performance or payment; or~~

~~(2) On or after July 1, 1957, the grantor, the person who holds the title of record, a beneficiary under a subordinate deed of trust or any other person who has a subordinate lien or encumbrance of record on the property has, for a period of 35 days, computed as prescribed in subsection 3, failed to make good the deficiency in performance or payment;~~

~~(b) In the case of any trust agreement which concerns owner-occupied housing as defined in NRS 107.086, the grantor, the person who holds the title of record, a beneficiary under a subordinate deed of trust or any other person who has a subordinate lien or encumbrance of record on the property has, for a period that commences in the manner and subject to the requirements described in subsection 3 and expires 5 days before the date of sale, failed to make good the deficiency in performance or payment;~~

~~(c) The beneficiary, the successor in interest of the beneficiary or the trustee first executes and causes to be recorded in the office of the recorder of the county wherein the trust property, or some part thereof, is situated a notice of the breach and of the election to sell or cause to be sold the property to satisfy the obligation; and~~

~~(d) Not less than 3 months have elapsed after the recording of the notice.~~

~~3. The 15- or 35-day period provided in paragraph (a) of subsection 2, or the period provided in paragraph (b) of subsection 2, commences on the first day following the day upon which the notice of default and election to sell is recorded in the office of the county recorder of the county in which the property is located and a copy of the notice of default and election to sell is mailed by registered or certified mail, return receipt requested and with postage prepaid to the grantor or, to the person who holds the title of record on the date the notice of default and election to sell is recorded, and, if the property is operated as a facility licensed under chapter 449 of NRS, to the State Board of Health, at their respective addresses, if known, otherwise to the address of the trust property. The notice of default and election to sell must:~~

~~(a) Describe the deficiency in performance or payment and may contain a notice of intent to declare the entire unpaid balance due if acceleration is permitted by the obligation secured by the deed of trust, but acceleration must not occur if the deficiency in performance or payment is made good and any costs, fees and expenses incident to the preparation or recordation of the notice and incident to the making good of the deficiency in performance or payment are paid within the time specified in subsection 2~~**.** **[**~~; and~~**]**

~~(b)~~ ***~~If the property is owner-occupied housing as defined in NRS 107.086, include, or have attached to it, the declaration of compliance required by section 16 of this act and proof of ownership of the note secured by the deed of trust. Proof of ownership of the note must include a copy of the note secured by the deed of trust, evidence of all assignments and endorsements of the deed of trust and the note secured by the deed of trust and a declaration which attests to the existence and possession of the note secured by the deed of trust and to all assignments and endorsements of that note and certifies ownership of the deed of trust and the right to exercise the trustee's power of sale. If this proof cannot be located, the trustee, beneficiary or authorized agent shall include with, or attach to, the notice of default and election to sell a declaration signed either by a natural person having personal knowledge of the facts stated within, or by a natural person with authority to bind the trustee, beneficiary or authorized agent, who certifies that the declaration is based upon records that were made in the regular course of business at or near the time of the events recorded, including the following:~~***

(1) Facts sufficient to show that the trustee, beneficiary or authorized agent has the right to enforce the note secured by the deed of trust;

(2) A statement that the person cannot reasonably obtain possession of the note and a description of the reasonable efforts made to obtain the note; and

(3) A description of the terms of the note and any riders attached thereto, including, without limitation:

(I) The date on which the note was executed;

(II) The parties to the note;

(III) The principal amount of the loan;

(IV) The amortization period of the loan;

(V) The initial interest rate of the loan and, if applicable, the initial date and the frequency of any adjustments to the interest rate, and the index and margin used to calculate the interest rate at the time of any scheduled adjustment; and

(VI) The expiration date of any interest-only period, if applicable.

→ This paragraph must not be construed in derogation of the parties' rights established under NRS 104.3309 or any similar right established under the law of this State.

~~***(c)*** If the property is a residential foreclosure, comply with the provisions of NRS 107.087.~~

~~4.~~ ***If the property is owner-occupied housing as defined in NRS 107.086, the copy of the notice of default and election to sell which is mailed to the grantor or the person who holds the title of record pursuant to subsection 3 must include:***

(a) An accounting of all payments made on the obligation secured by the deed of trust from the close of escrow to the date on which the notice of default and election to sell is recorded pursuant to subsection 3 in the form of a spreadsheet showing all account activity;

(b) An itemization and description of all late fees, late charges, appraisal fees, property inspection fees, forced-placed insurance charges, legal fees and recoverable advances charged on the obligation secured by the deed of trust and an explanation of the reason for such charges;

(c) A copy of all interest rate adjustment notices and the two most recent escrow analysis notices sent to the grantor or the person who holds the title of record; and

(d) A breakdown of the current escrow charges which indicates how the charges are calculated and the reason for any increase in the charges within the preceding 24 months, and any shortage or surplus in the escrow account in the past three years.

~~***5.*** The trustee, or other person authorized to make the sale under the terms of the trust deed or transfer in trust, shall, after expiration of the 3-~~

~~month period following the recording of the notice of breach and election to sell, and before the making of the sale, give notice of the time and place thereof by recording the notice of sale and by:~~

~~(a) Providing the notice to each trustor, any other person entitled to notice pursuant to this section and, if the property is operated as a facility licensed under chapter 449 of NRS, the State Board of Health, by personal service or by mailing the notice by registered or certified mail to the last known address of the trustor and any other person entitled to such notice pursuant to this section;~~

~~(b) Posting a similar notice particularly describing the property, for 20 days successively, in three public places of the township or city where the property is situated and where the property is to be sold;~~

~~(c) Publishing a copy of the notice three times, once each week for 3 consecutive weeks, in a newspaper of general circulation in the county where the property is situated; and~~

~~(d) If the property is a residential foreclosure, complying with the provisions of NRS 107.087.~~

~~***4. A notice of sale may not be recorded pursuant to this subsection if the grantor or the person who holds the title of record has entered into a contract to sell the property and the beneficiary of the deed of trust has approved the sale or the grantor or the person who holds the title of record has requested the beneficiary's approval of the sale but the beneficiary has not yet approved or disapproved the sale.***~~

[5.**]** ~~***6.***~~ Every sale made under the provisions of this section and other sections of this chapter vests in the purchaser the title of the grantor and any successors in interest without equity or right of redemption. A sale made pursuant to this section may be declared void by any court of competent jurisdiction in the county where the sale took place if:

~~(a) The trustee or other person authorized to make the sale does not substantially comply with the provisions of this section or any applicable~~ provision of NRS 107.086 and 107.087 **[**;**]** ~~***and sections 5 to 18, inclusive, of this act;***~~

~~(b) Except as otherwise provided in subsection~~ **[**6,**]** ~~***7,*** an action is commenced in the county where the sale took place within 90 days after the date of the sale; and~~

~~(c) A notice of lis pendens providing notice of the pendency of the action is recorded in the office of the county recorder of the county where the sale took place within 30 days after commencement of the action.~~

[6.**]** ~~***7.***~~ If proper notice is not provided pursuant to subsection 3 or paragraph (a) of subsection **[**4**]** ~~***5*** to the grantor, to the person who holds the title of record on the date the notice of default and election to sell is recorded, to each trustor or to any other person entitled to such notice, the person who~~

~~did not receive such proper notice may commence an action pursuant to subsection [5]~~ ***6*** ~~within 120 days after the date on which the person received actual notice of the sale.~~

~~[7.]~~ ***8.*** ~~The sale of a lease of a dwelling unit of a cooperative housing corporation vests in the purchaser title to the shares in the corporation which accompany the lease.~~

~~[8.]~~ ***9.*** ~~After a sale of property is conducted pursuant to this section, the trustee shall:~~

~~(a) Within 30 days after the date of the sale, record the trustee's deed upon sale in the office of the county recorder of the county in which the property is located; or~~

~~(b) Within 20 days after the date of the sale, deliver the trustee's deed upon sale to the successful bidder. Within 10 days after the date of delivery of the deed by the trustee, the successful bidder shall record the trustee's deed upon sale in the office of the county recorder of the county in which the property is located.~~

~~[9.]~~ ***10.*** ~~If the successful bidder fails to record the trustee's deed upon sale pursuant to paragraph (b) of subsection [8,]~~ ***9,*** ~~the successful bidder:~~

~~(a) Is liable in a civil action to any party that is a senior lienholder against the property that is the subject of the sale in a sum of up to $500 and for reasonable attorney's fees and the costs of bringing the action; and~~

~~(b) Is liable in a civil action for any actual damages caused by the failure to comply with the provisions of subsection [8]~~ ***9*** ~~and for reasonable attorney's fees and the costs of bringing the action.~~

~~[10.]~~ ***11.*** ~~The county recorder shall, in addition to any other fee, at the time of recording a notice of default and election to sell collect:~~

~~(a) A fee of $150 for deposit in the State General Fund.~~

~~(b) A fee of $50 for deposit in the Account for Foreclosure Mediation, which is hereby created in the State General Fund. The Account must be administered by the Court Administrator, and the money in the Account may be expended only for the purpose of supporting a program of foreclosure mediation established by Supreme Court Rule.~~

~~→ The fees collected pursuant to this subsection must be paid over to the county treasurer by the county recorder on or before the fifth day of each month for the preceding calendar month, and, except as otherwise provided in this subsection, must be placed to the credit of the State General Fund or the Account as prescribed pursuant to this subsection. The county recorder may direct that 1.5 percent of the fees collected by the county recorder be transferred into a special account for use by the office of the county recorder. The county treasurer shall, on or before the 15th day of each month, remit the fees deposited by the county recorder pursuant to this subsection to the State~~

~~Controller for credit to the State General Fund or the Account as prescribed in this subsection.~~

~~[~~11.~~]~~ ~~*12.* The beneficiary, the successor in interest of the beneficiary or the trustee who causes to be recorded the notice of default and election to sell shall not charge the grantor or the successor in interest of the grantor any portion of any fee required to be paid pursuant to subsection [~~10.~~ 12.~~]~~ ~~*11.*~~

~~*13.* As used in this section, "residential foreclosure" means the sale of a single family residence under a power of sale granted by this section. As used in this subsection, "single family residence":~~

~~(a) Means a structure that is comprised of not more than four units.~~

~~(b) Does not include any time share or other property regulated under chapter 119A of NRS.]~~ **(Deleted by amendment.)**

Sec. 20. ~~[NRS 107.084 is hereby amended to read as follows:~~

~~107.084 It is unlawful for a person to willfully remove or deface a notice posted pursuant to subsection [4]~~ ~~*5*~~ of NRS 107.080, if done before the sale or, if the default is satisfied before the sale, before the satisfaction of the default. In addition to any other penalty, any person who violates this section is liable in the amount of $500 to any person aggrieved by the removal or defacing of the notice.]~~ **(Deleted by amendment.)**

Sec. 20.3. **NRS 107.085 is hereby amended to read as follows:**

107.085 1. With regard to a transfer in trust of an estate in real property to secure the performance of an obligation or the payment of a debt, the provisions of this section apply to the exercise of a power of sale pursuant to NRS 107.080 only if:

(a) The trust agreement becomes effective on or after October 1, 2003, and, on the date the trust agreement is made, the trust agreement is subject to the provisions of § 152 of the Home Ownership and Equity Protection Act of 1994, ~~[15 U.S.C. § 1602(aa),]~~ ***15 U.S.C. § 1602(bb)*** and the regulations adopted by the Board of Governors of the Federal Reserve System pursuant thereto, including, without limitation, 12 C.F.R. § 226.32; or

(b) The trust agreement concerns owner-occupied housing as defined in NRS 107.086.

2. The trustee shall not exercise a power of sale pursuant to NRS 107.080 unless:

(a) In the manner required by subsection 3, not later than 60 days before the date of the sale, the trustee causes to be served upon the grantor or the person who holds the title of record a notice in the form described in subsection 3; and

(b) If an action is filed in a court of competent jurisdiction claiming an unfair lending practice in connection with the trust agreement, the date of the sale is not less than 30 days after the date the most recent such action is filed.

3. The notice described in subsection 2 must be:

(a) Served upon the grantor or the person who holds the title of record:

(1) Except as otherwise provided in subparagraph (2), by personal service or, if personal service cannot be timely effected, in such other manner as a court determines is reasonably calculated to afford notice to the grantor or the person who holds the title of record; or

(2) If the trust agreement concerns owner-occupied housing as defined in NRS 107.086:

(I) By personal service;

(II) If the grantor or the person who holds the title of record is absent from his or her place of residence or from his or her usual place of business, by leaving a copy with a person of suitable age and discretion at either place and mailing a copy to the grantor or the person who holds the title of record at his or her place of residence or place of business; or

(III) If the place of residence or business cannot be ascertained, or a person of suitable age or discretion cannot be found there, by posting a copy in a conspicuous place on the trust property, delivering a copy to a person there residing if the person can be found and mailing a copy to the grantor or the person who holds the title of record at the place where the trust property is situated; and

(b) In substantially the following form, with the applicable telephone numbers and mailing addresses provided on the notice and, except as otherwise provided in subsection 4, a copy of the promissory note attached to the notice:

NOTICE

YOU ARE IN DANGER OF LOSING YOUR HOME!

YOU MAY HAVE A RIGHT TO PARTICIPATE IN THE STATE OF NEVADA FORECLOSURE MEDIATION PROGRAM IF THE TIME TO REQUEST MEDIATION HAS NOT EXPIRED!

Your home loan is being foreclosed. In not less than 60 days your home ~~[will]~~ ***may*** be sold and you ~~[will]~~ ***may*** be forced to move. For help, call:

State of Nevada Foreclosure Mediation Program

Consumer Credit Counseling _____

The Attorney General _____

The Division of Mortgage Lending

The Division of Financial Institutions _____

Legal Services _____

Your Lender _____

Nevada Fair Housing Center _____

4. The trustee shall cause all social security numbers to be redacted from the copy of the promissory note before it is attached to the notice pursuant to paragraph (b) of subsection 3.

5. This section does not prohibit a judicial foreclosure.

6. As used in this section, "unfair lending practice" means an unfair lending practice described in NRS 598D.010 to 598D.150, inclusive.

Sec. 20.7. **NRS 107.086 is hereby amended to read as follows:**

107.086 1. In addition to the requirements of NRS 107.085, the exercise of the power of sale pursuant to NRS 107.080 with respect to any trust agreement which concerns owner-occupied housing is subject to the provisions of this section.

2. The trustee shall not exercise a power of sale pursuant to NRS 107.080 unless the trustee:

(a) Includes with the notice of default and election to sell which is mailed to the grantor or the person who holds the title of record as required by subsection 3 of NRS 107.080:

(1) Contact information which the grantor or the person who holds the title of record may use to reach a person with authority to negotiate a loan modification on behalf of the beneficiary of the deed of trust;

(2) Contact information for at least one local housing counseling agency approved by the United States Department of Housing and Urban Development; ~~[and]~~

(3) ***A notice provided by the Mediation Administrator indicating that the grantor or the person who holds the title of record has the right to seek mediation pursuant to this section; and***

(4) A form upon which the grantor or the person who holds the title of record may indicate an election to enter into mediation or to waive mediation ***pursuant to this section*** and one envelope addressed to the trustee and one envelope addressed to the Mediation Administrator, which the grantor or the person who holds the title of record may use to comply with the provisions of subsection 3;

(b) Serves a copy of the notice upon the Mediation Administrator; and

(c) Causes to be recorded in the office of the recorder of the county in which the trust property, or some part thereof, is situated:

(1) The certificate provided to the trustee by the Mediation Administrator pursuant to subsection 3 or 6 which provides that no mediation is required in the matter; or

(2) The certificate provided to the trustee by the Mediation Administrator pursuant to subsection 7 which provides that mediation has been completed in the matter.

3. The grantor or the person who holds the title of record shall, not later than 30 days after service of the notice in the manner required by NRS

107.080, complete the form required by subparagraph ~~[(3)]~~ ***(4)*** of paragraph (a) of subsection 2 and return the form to the trustee by certified mail, return receipt requested. If the grantor or the person who holds the title of record indicates on the form an election to enter into mediation, the trustee shall notify the beneficiary of the deed of trust and every other person with an interest as defined in NRS 107.090, by certified mail, return receipt requested, of the election of the grantor or the person who holds the title of record to enter into mediation and file the form with the Mediation Administrator, who shall assign the matter to a senior justice, judge, hearing master or other designee and schedule the matter for mediation. No further action may be taken to exercise the power of sale until the completion of the mediation. If the grantor or the person who holds the title of record indicates on the form an election to waive mediation or fails to return the form to the trustee as required by this subsection, the trustee shall execute an affidavit attesting to that fact under penalty of perjury and serve a copy of the affidavit, together with the waiver of mediation by the grantor or the person who holds the title of record, or proof of service on the grantor or the person who holds the title of record of the notice required by subsection 2 of this section and subsection 3 of NRS 107.080, upon the Mediation Administrator. Upon receipt of the affidavit and the waiver or proof of service, the Mediation Administrator shall provide to the trustee a certificate which provides that no mediation is required in the matter.

4. Each mediation required by this section must be conducted by a senior justice, judge, hearing master or other designee pursuant to the rules adopted pursuant to subsection 8. The beneficiary of the deed of trust or a representative shall attend the mediation. The grantor or a representative shall attend the mediation if the grantor elected to enter into mediation, or the person who holds the title of record or a representative shall attend the mediation if the person who holds the title of record elected to enter into mediation. The beneficiary of the deed of trust shall bring to the mediation the original or a certified copy of the deed of trust, the mortgage note and each assignment of the deed of trust or mortgage note. If the beneficiary of the deed of trust is represented at the mediation by another person, that person must have authority to negotiate a loan modification on behalf of the beneficiary of the deed of trust or have access at all times during the mediation to a person with such authority.

5. If the beneficiary of the deed of trust or the representative fails to attend the mediation, fails to participate in the mediation in good faith or does not bring to the mediation each document required by subsection 4 or does not have the authority or access to a person with the authority required by subsection 4, the mediator shall prepare and submit to the Mediation Administrator a petition and recommendation concerning the imposition of

sanctions against the beneficiary of the deed of trust or the representative. The court may issue an order imposing such sanctions against the beneficiary of the deed of trust or the representative as the court determines appropriate, including, without limitation, requiring a loan modification in the manner determined proper by the court.

6. If the grantor or the person who holds the title of record elected to enter into mediation and fails to attend the mediation, the Mediation Administrator shall provide to the trustee a certificate which states that no mediation is required in the matter.

7. If the mediator determines that the parties, while acting in good faith, are not able to agree to a loan modification, the mediator shall prepare and submit to the Mediation Administrator a recommendation that the matter be terminated. The Mediation Administrator shall provide to the trustee a certificate which provides that the mediation required by this section has been completed in the matter.

8. The Supreme Court shall adopt rules necessary to carry out the provisions of this section. The rules must, without limitation, include provisions:

(a) Designating an entity to serve as the Mediation Administrator pursuant to this section. The entities that may be so designated include, without limitation, the Administrative Office of the Courts, the district court of the county in which the property is situated or any other judicial entity.

(b) Ensuring that mediations occur in an orderly and timely manner.

(c) Requiring each party to a mediation to provide such information as the mediator determines necessary.

(d) Establishing procedures to protect the mediation process from abuse and to ensure that each party to the mediation acts in good faith.

(e) Establishing a total fee of not more than $400 that may be charged and collected by the Mediation Administrator for mediation services pursuant to this section and providing that the responsibility for payment of the fee must be shared equally by the parties to the mediation.

9. Except as otherwise provided in subsection 11, the provisions of this section do not apply if:

(a) The grantor or the person who holds the title of record has surrendered the property, as evidenced by a letter confirming the surrender or delivery of the keys to the property to the trustee, the beneficiary of the deed of trust or the mortgagee, or an authorized agent thereof; or

(b) A petition in bankruptcy has been filed with respect to the grantor or the person who holds the title of record under chapter 7, 11, 12 or 13 of Title 11 of the United States Code and the bankruptcy court has not entered an order closing or dismissing the case or granting relief from a stay of foreclosure.

10. A noncommercial lender is not excluded from the application of this section.

11. The Mediation Administrator and each mediator who acts pursuant to this section in good faith and without gross negligence are immune from civil liability for those acts.

12. As used in this section:

(a) "Mediation Administrator" means the entity so designated pursuant to subsection 8.

(b) "Noncommercial lender" means a lender which makes a loan secured by a deed of trust on owner-occupied housing and which is not a bank, financial institution or other entity regulated pursuant to title 55 or 56 of NRS.

(c) "Owner-occupied housing" means housing that is occupied by an owner as the owner's primary residence. The term does not include any time share or other property regulated under chapter 119A of NRS.

Sec. 21. **[**~~NRS 107.087 is hereby amended to read as follows:~~

~~107.087 1. In addition to the requirements of NRS 107.080, if the sale of property is a residential foreclosure, a copy of the notice of default and election to sell and the notice of sale must:~~

~~(a) Be posted in a conspicuous place on the property not later than 3 business days after the notice of default and election to sell or the notice of sale is recorded pursuant to NRS 107.080; and~~

~~(b) Include, without limitation:~~

~~(1) The physical address of the property; and~~

~~(2) The contact information of the trustee or the person conducting the foreclosure who is authorized to provide information relating to the foreclosure status of the property.~~

~~2. In addition to the requirements of NRS 107.084, the notices must not be defaced or removed until the transfer of title is recorded or the property becomes occupied after completion of the sale, whichever is earlier.~~

~~3. A separate notice must be posted in a conspicuous place on the property and mailed, with a certificate of mailing issued by the United States Postal Service or another mail delivery service, to any tenant or subtenant, if any, other than the grantor or the grantor's successor in interest, in actual occupation of the premises not later than 3 business days after the notice of the sale is given pursuant to subsection~~ **[**~~4~~**]** ~~5 of NRS 107.080. The separate notice must be in substantially the following form:~~

~~NOTICE TO TENANTS OF THE PROPERTY~~

~~Foreclosure proceedings against this property have started, and a notice of sale of the property to the highest bidder has been issued.~~

~~You may either: (1) terminate your lease or rental agreement and move out; or (2) remain and possibly be subject to eviction proceedings under chapter~~

~~40 of the Nevada Revised Statutes. Any subtenants may also be subject to eviction proceedings.~~

~~Between now and the date of the sale, you may be evicted if you fail to pay rent or live up to your other obligations to the landlord.~~

~~After the date of the sale, you may be evicted if you fail to pay rent or live up to your other obligations to the successful bidder, in accordance with chapter 118A of the Nevada Revised Statutes.~~

~~Under the Nevada Revised Statutes eviction proceedings may begin against you after you have been given a notice to quit.~~

~~If the property is sold and you pay rent by the week or another period of time that is shorter than 1 month, you should generally receive notice after not less than the number of days in that period of time.~~

~~If the property is sold and you pay rent by the month or any other period of time that is 1 month or longer, you should generally receive notice at least 60 days in advance.~~

~~Under Nevada Revised Statutes 40.280, notice must generally be served on you pursuant to chapter 40 of the Nevada Revised Statutes and may be served by:~~

~~(1) Delivering a copy to you personally in the presence of a witness;~~

~~(2) If you are absent from your place of residence or usual place of business, leaving a copy with a person of suitable age and discretion at either place and mailing a copy to you at your place of residence or business; or~~

~~(3) If your place of residence or business cannot be ascertained, or a person of suitable age or discretion cannot be found there, posting a copy in a conspicuous place on the leased property, delivering a copy to a person residing there, if a person can be found, and mailing a copy to you at the place where the leased property is.~~

~~If the property is sold and a landlord, successful bidder or subsequent purchaser files an eviction action against you in court, you will be served with a summons and complaint and have the opportunity to respond. Eviction actions may result in temporary evictions, permanent evictions, the awarding of damages pursuant to Nevada Revised Statutes 40.360 or some combination of those results.~~

~~Under the Justice Court Rules of Civil Procedure:~~

~~(1) You will be given at least 10 days to answer a summons and complaint;~~

~~(2) If you do not file an answer, an order evicting you by default may be obtained against you;~~

~~(3) A hearing regarding a temporary eviction may be called as soon as 11 days after you are served with the summons and complaint; and~~

~~(4) A hearing regarding a permanent eviction may be called as soon as 20 days after you are served with the summons and complaint.~~

~~4. As used in this section, "residential foreclosure" has the meaning ascribed to it in NRS 107.080.~~] **(Deleted by amendment.)**

Sec. 22. [~~NRS 459.646 is hereby amended to read as follows:~~

~~459.646 1. A person who, without participating in the management of a parcel of real property, holds or is the beneficiary of evidence of title to the property primarily to protect a security interest in the property is not a responsible party with respect to a release of a hazardous substance on the property if:~~

~~(a) The owner of the property is relieved from liability under NRS 459.610 to 459.658, inclusive, with respect to the release;~~

~~(b) The owner or holder of evidence of title did not cause the release; and~~

~~(c) The owner or holder of evidence of title does not participate actively in decisions concerning hazardous substances on the property.~~

~~2. A lender to a prospective purchaser who has filed an application to participate in the program pursuant to NRS 459.634 or a lender who forecloses his or her security interest in property pursuant to NRS 40.430 to 40.450, inclusive, or 107.080 to 107.110, inclusive,~~ ~~*and sections 5 to 18, inclusive, of this act*~~ and within a reasonable period after the foreclosure, not to exceed 2 years, sells, transfers or conveys the property to a prospective purchaser who has filed an application to participate in the program pursuant to NRS 459.634 is not a responsible party solely as a result of:

~~(a) Foreclosing a security interest in the property; or~~

~~(b) Making a loan to the prospective purchaser if the loan:~~

~~(1) Is to be used for acquiring property or removing or remediating hazardous substances on property; and~~

~~(2) Is secured by the property that is to be acquired or on which is located the hazardous substances that are to be removed or remediated.~~] **(Deleted by amendment.)**

Sec. 23. The amendatory provisions of [~~sections 4 to 22, inclusive, of~~] this act apply only with respect to trust agreements [~~which concern owner-occupied housing, as defined in NRS 107.086,~~] for which a notice of default is recorded on or after July 1, 2011.

Sec. 24. This act becomes effective on July 1, 2011.

Assemblyman Horne moved that the Assembly concur in the Senate Amendment No. 696 to Assembly Bill No. 388.

Remarks by Assemblyman Horne.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 240.

The following Senate amendment was read:

Amendment No. 764.

AN ACT relating to public agencies; revising the restrictions on contracts with or employment of former or current state employees by a state agency; **providing certain exceptions;** requiring state agencies to report all contracts for services as part of the budget process; requiring that a contractor with a state agency be in active and good standing with the Secretary of State; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law restricts the employment of consultants by public agencies and requires the approval of certain contracts with consultants by the Interim Finance Committee. (NRS 284.1729) **Section 1** of this bill expands those restrictions to apply to all contracts to provide services to state agencies, revises the exceptions to the restrictions and requires approval of the State Board of Examiners rather than the Interim Finance Committee of contracts subject to the restrictions. **Section 1** also prohibits a state agency from entering into a contract with a person for services without ensuring that the person is in active and good standing with the Secretary of State. **Section 1 also provides that certain provisions governing state purchasing apply to such contracts.** **Section 2** of this bill requires state agencies to report all contracts for services as part of the budget process instead of only reporting contracts with consultants and temporary employment services. **Section 3** moves the reporting requirements for school districts regarding consultants to the chapter which specifically governs school districts.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 284.1729 is hereby amended to read as follows:

284.1729 1. Except as otherwise provided in this section, a department, division or other agency of this State shall not ~~[employ, by]~~ ***enter into a*** contract ~~[or otherwise,]~~ ***with*** a person to provide services ~~[as a consultant]~~ for the agency if:

(a) The person is a current employee of an agency of this State;

(b) The person is a former employee of an agency of this State and less than ~~[1 year has]~~ ***2 years have*** expired since the termination of the person's employment with the State;

(c) Except as otherwise provided in paragraph (d), the term of the contract is for more than 2 years, or is amended or otherwise extended beyond 2 years; or

(d) The person is employed by the Department of Transportation for a transportation project that is ~~[federally]~~ ***entirely*** funded ***by federal money*** and the term of the contract is for more than 4 years, ~~[or is amended or otherwise extended beyond 4 years,]~~

➥ unless, before the ~~[person is employed]~~ ***contract is executed*** by the agency, the ~~[Interim Finance Committee]~~ ***State Board of Examiners*** approves the employment of the person. ***The requirements of this subsection apply to any person employed by a business or other entity that enters into a contract to provide services for a department, division or agency of this State if the person will be performing or producing the services for which the business or entity is employed.***

2. The provisions of paragraph (b) of subsection 1 apply to employment through a temporary employment service. A temporary employment service providing employees for a state agency shall provide the agency with the names of the employees to be provided to the agency. The ~~[Interim Finance Committee]~~ ***State Board of Examiners*** shall not approve ~~[the employment of a consultant]~~ ***a contract*** pursuant to paragraph (b) of subsection 1 unless the ~~[Interim Finance Committee]~~ ***Board*** determines that one or more of the following circumstances exist:

(a) The person provides services that are not provided by any other employee of the agency or for which a critical labor shortage exists; or

(b) A short-term need or unusual economic circumstance exists for the agency to ~~[employ]~~ ***contract with*** the person **.** ~~[as a consultant.]~~

3. A department, division or other agency of this State may ~~[employ]~~ ***contract with*** a person pursuant to paragraph (a) or (b) of subsection 1 without obtaining the approval of the ~~[Interim Finance Committee]~~ ***State Board of Examiners*** if the term of ~~[employment]~~ ***the contract*** is for less than 4 months and the executive head of the department, division or agency determines that an emergency exists which necessitates the ~~[employment.]~~ ***contract.*** If a department, division or agency ~~[employs]~~ ***contracts with*** a person pursuant to this subsection, the department, division or agency shall ~~[include in the report to the]~~ ~~[Interim Finance Committee]~~ ~~*[State Board of Examiners* pursuant to subsection 4]~~ ***submit a copy of the contract and*** a description of the emergency ~~[,]~~ ***to the State Board of Examiners, which shall review the contract and the description of the emergency and notify the department, division or agency whether the State Board of Examiners would have approved the contract if it had not been entered into pursuant to this subsection.***

4. Except as otherwise provided in subsection ~~[7,]~~ ~~*[8,]*~~ ***9,*** a department, division or other agency of this State shall ***, not later than 10 days after the end of each fiscal quarter,*** report to the Interim Finance Committee ~~[whenever it]~~ ~~[employs, by contract or otherwise,]~~ ***concerning all contracts*** ~~*[with* a person]~~ to provide services ~~[as a consultant]~~ for the agency ***that were entered into by the agency during the fiscal quarter with a person*** who is a ***current or*** former employee of a department, division or other agency of this State.

5. Except as otherwise provided in subsection ~~[~~7,~~]~~ ~~*[8,]*~~ ***9,*** a department, division or other agency of this State shall not contract with a temporary employment service unless the contracting process is controlled by rules of open competitive bidding.

6. Each board or commission of this State ~~[, each school district in this State]~~ and each institution of the Nevada System of Higher Education that employs a consultant shall, at least once every 6 months, submit to the Interim Finance Committee a report setting forth:

(a) The number of consultants employed by the board, commission ~~[, school district]~~ or institution;

(b) The purpose for which the board, commission ~~[, school district]~~ or institution employs each consultant;

(c) The amount of money or other remuneration received by each consultant from the board, commission ~~[, school district]~~ or institution; and

(d) The length of time each consultant has been employed by the board, commission ~~[, school district]~~ or institution.

7. ***A department, division or other agency of this State, including a board or commission of this State and each institution of the Nevada System of Higher Education, shall not enter into a contract with a person to provide services without ensuring that the person is in active and good standing with the Secretary of State.***

8. The provisions of chapter 333 of NRS that are not in conflict or otherwise inconsistent with this section apply to a contract entered into pursuant to this section.

9. The provisions of subsections 1 to 5, inclusive, do not apply to ***:*** ~~[~~the:~~]~~

(a) ***The*** Nevada System of Higher Education or a board or commission of this State.

(b) ~~[~~Employment~~]~~ ***The employment*** of professional engineers by the Department of Transportation if those engineers are employed for a transportation project that is ~~[~~federally funded.

~~8. For the purposes of this section, "consultant" includes any person employed by a business or other entity that is providing consulting services if the person will be performing or producing the work for which the business or entity is employed.~~] ***entirely funded by federal money.***

(c) Contracts in the amount of $1 million or more entered into:

(1) Pursuant to the State Plan for Medicaid established pursuant to NRS 422.271.

(2) For financial services.

(3) Pursuant to the Public Employees' Benefits Program.

(d) The employment of a person by a business or entity which is a provider of services under the State Plan for Medicaid and which provides such services on a fee-for-service basis or through managed care.

Sec. 2. NRS 353.210 is hereby amended to read as follows:

353.210 1. Except as otherwise provided in subsection 6, on or before September 1 of each even-numbered year, all departments, institutions and other agencies of the Executive Department of the State Government, and all agencies of the Executive Department of the State Government receiving state money, fees or other money under the authority of the State, including those operating on money designated for specific purposes by the Nevada Constitution or otherwise, shall prepare, on blanks furnished them by the Chief, and submit to the Chief:

(a) The number of positions within the department, institution or agency that have been vacant for at least 12 months, the number of months each such position has been vacant and the reasons for each such vacancy;

(b) Any existing contracts ***for services*** the department, institution or agency has with ~~[~~consultants or~~]~~ temporary employment services ~~[,]~~ ***or other persons,*** the proposed expenditures for such contracts in the next 2 fiscal years and the reasons for the use of such ~~[~~consultants or~~]~~ services; and

(c) Estimates of their expenditure requirements, together with all anticipated income from fees and all other sources, for the next 2 fiscal years compared with the corresponding figures of the last completed fiscal year and the estimated figures for the current fiscal year.

2. The Chief shall direct that one copy of the forms submitted pursuant to subsection 1, accompanied by every supporting schedule and any other related material, be delivered directly to the Fiscal Analysis Division of the Legislative Counsel Bureau on or before September 1 of each even-numbered year.

3. The Budget Division of the Department of Administration shall give advance notice to the Fiscal Analysis Division of the Legislative Counsel Bureau of any conference between the Budget Division of the Department of Administration and personnel of other state agencies regarding budget estimates. A Fiscal Analyst of the Legislative Counsel Bureau or his or her designated representative may attend any such conference.

4. The estimates of expenditure requirements submitted pursuant to subsection 1 must be classified to set forth the data of funds, organizational units, and the character and objects of expenditures, and must include a mission statement and measurement indicators for each program. The organizational units may be subclassified by functions and activities, or in any other manner at the discretion of the Chief.

5. If any department, institution or other agency of the Executive Department of the State Government, whether its money is derived from state money or from other money collected under the authority of the State, fails or neglects to submit estimates of its expenditure requirements as provided in this section, the Chief may, from any data at hand in the Chief's office or

which the Chief may examine or obtain elsewhere, make and enter a proposed budget for the department, institution or agency in accordance with the data.

6. Agencies, bureaus, commissions and officers of the Legislative Department, the Public Employees' Retirement System and the Judicial Department of the State Government shall submit to the Chief for his or her information in preparing the proposed executive budget the budgets which they propose to submit to the Legislature.

Sec. 3. Chapter 391 of NRS is hereby amended by adding thereto a new section to read as follows:

Each school district in this State that employs a consultant shall, at least once every 6 months, submit to the Interim Finance Committee a report setting forth:

1. The number of consultants employed by the school district;

2. The purpose for which the school district employs each consultant;

3. The amount of money or other remuneration received by each consultant from the school district; and

4. The length of time each consultant has been employed by the school district.

Sec. 4. This act becomes effective on July 1, 2011.

Assemblywoman Kirkpatrick moved that the Assembly do not concur in the Senate Amendment No. 764 to Assembly Bill No. 240.

Remarks by Assemblywoman Kirkpatrick.

Motion carried.

Bill ordered transmitted to the Senate.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Legislative Operations and Elections:

Assembly Bill No. 575—AN ACT relating to Legislature; making various changes relating to the Legislature and the Legislative Counsel Bureau; authorizing the Legislative Commission to adopt reasonable regulations governing vehicle and pedestrian traffic on certain property within the supervision and control of the Legislature; providing that a violation of such regulations is a misdemeanor; providing penalties; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

By the Committee on Legislative Operations and Elections:

Assembly Bill No. 576—AN ACT relating to government; revising provisions relating to the Legislative Department of the State Government; providing penalties; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

By the Committee on Legislative Operations and Elections:

Assembly Bill No. 577—AN ACT relating to the Legislature; establishing deadlines by which sufficient detail must be submitted concerning bill draft requests submitted by Legislators and legislative committees; providing that bill draft requests submitted by Legislators who will not be returning to the Legislature count against limitations on requests for Legislators or standing committees that become primary sponsors of the requests; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

By the Committee on Legislative Operations and Elections:

Assembly Bill No. 578—AN ACT relating to the Legislature; providing for the establishment of Joint Interim Standing Committees of the Legislature; specifying the powers and duties of the Joint Interim Standing Committees; repealing various statutory committees; assigning certain powers and duties of repealed statutory committees to the Joint Interim Standing Committees; making various other changes relating to interim legislative activity; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

Senate Bill No. 421.

Assemblyman Conklin moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Conklin moved that Assembly Bill No. 449 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 179, 198, 238, 283, 289, 304, 309, 393, 398, 419, 501, 545; Senate Bills Nos. 59, 89, 96, 111, 134, 142, 225, 322, 337, and 436.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Dondero Loop, the privilege of the floor of the Assembly Chamber for this day was extended to Mistia Zuckerman, Henry Michael Zuckerman, and Harmon Zuckerman.

On request of Assemblyman Hardy, the privilege of the floor of the Assembly Chamber for this day was extended to the following students and chaperones from Martha P. King Elementary School: Bryanna Daugherty, Arleene Castillomacias, Kyle Ressler, Mackenzie Saulsbury, Greg McCambly, Sabrina Somers, Cason Segundo, Nick Ariotti, Bailey Willis, Jennifer Willis, Tami Pratt, Alondra Cordova, Amelia Root, Clairese Murray, Robert Murray, Heather Patterson, Steve Patterson, Julia Ward, Jennifer Ward, Ryan Hirsbrunner, Dustin Hirsbrunner, Amy Loving, Craig Loving, Haley Loving, Karson Bailey, Kurt Bailey, Millie Belcourt, Donovan Brooks, Noah Calvert, Brigid Calvert, Anthony Clary, Magdalene Clary, Kenon Cowley, Daryl Cowley, James Dunagan, Maryanna Dunagan, Tanner Graham, Brianna Graydon, Roxanne Pickens, Geneva Jeffreys, Leaf Kaboli, Kaitlin Larkin, June Ballestrazze, Maile Lunden, Kaitlyn Miller, Hailey Powell, Heather Powell, Ryann Reese, Douglas Kadell, Nathan Campbell, Joshua Newkirk, Terry Willis, Megan Wardell, Anthony Gelsone, and Anthony Somers.

On request of Assemblyman Livermore, the privilege of the floor of the Assembly Chamber for this day was extended to Kaden Walt and Chloe Walt.

Assemblyman Conklin moved that the Assembly adjourn until Wednesday, June 1, 2011, at 11 a.m., and that it do so in memory of Madeleine J. Goicoechea, with thoughts and prayers for the Goicoechea family.

Motion carried.

Assembly adjourned at 4:35 p.m.

Approved: JOHN OCEGUERA
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE ONE HUNDRED FIFTEENTH DAY

CARSON CITY (Wednesday), June 1, 2011

Assembly called to order at 3:20 p.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, Jason Frierson.

Lord, our Creator—the reason we have been blessed to represent Your children.

Hebrews 12:1-2 tells us that since we are surrounded by so great a cloud of witnesses, let us also lay aside every weight and sin which clings so closely, and let us run with endurance the race that is set before us, looking to Jesus, the founder and perfecter of our faith.

But Your word in Ecclesiastes 5:3 also says, "a dream cometh through the multitude of business; and a fool's voice is known by multitude of words." God, bless us that we have the endurance to lay every weight aside to finish this race and complete our work through a multitude of business rather than a multitude of foolish words; and like You did when You rested on the seventh day, bless us that we might be able to rest seven days from now.

With all the Glory to You, we pray.

Amen

Pledge of allegiance to the Flag.

Assemblyman Conklin moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Ways and Means has had under consideration the various budgets for the Department of Health and Human Services, Division of Welfare and Supportive Services, and begs leave to report back that the following accounts have been closed by the Committee:

Administration (101-3228)
TANF (101-3230)
Assistance to Aged and Blind (101-3232)
Field Services (101-3233)
Child Support Enforcement Program (101-3238)
Child Support Federal Reimbursement (101-3239)
Child Assistance and Development (101-3267)
Energy Assistance Program (101-4862)

DEBBIE SMITH, *Chair*

Mr. Speaker:

Your Committee on Health and Human Services, to which was referred Senate Bill No. 54, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

APRIL MASTROLUCA, *Chair*

Mr. Speaker

Your Committee on Ways and Means, to which were referred Senate Bills Nos. 429, 442, 452, 477, 498, 499, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Ways and Means, to which was referred Senate Bill No. 475, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

DEBBIE SMITH, *Chair*

COMMUNICATIONS

MESSAGES FROM THE GOVERNOR

OFFICE OF THE GOVERNOR

May 31, 2011

SPEAKER JOHN OCEGUERA, *Nevada State Assembly*, 401 South Carson Street, Carson City, NV 89701

RE: Assembly Bill 566 of the 76th Legislative Session

DEAR MR. SPEAKER:

I am herewith forwarding to you, for filing within the constitutional time limit and without my approval, Assembly Bill 566, which is entitled:

> AN ACT relating to elections; revising the legislative districts from which the members of the Senate and Assembly are elected; revising the districts from which Representatives in the Congress of the United States are elected; and providing other matters properly relating thereto.

This bill relates to the revision of legislative and Congressional districts in our state. On May 14, 2011, I vetoed Senate Bill 497 relating to the same subject. In my message to the President of the Senate, I stated my objections: the plan reflected in the bill did not provide for the fair representation of the people of the state of Nevada, nor did it comply with the Voting Rights Act of 1965. I veto this bill for the same reasons, incorporating by reference my letter to the President of the Senate of March 14, 2011 relating to Senate Bill 497 in support of this action.

Sincere regards,
BRIAN SANDOVAL
Governor

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 3:27 p.m.

ASSEMBLY IN SESSION

At 3:28 p.m.
Madam Speaker pro Tempore presiding.
Quorum present.

GENERAL FILE AND THIRD READING

Assembly Bill No. 449.
Bill read third time.

Remarks by Assemblymen Oceguera and Goicoechea.

Assemblyman Conklin moved that the following remarks be entered in the Journal.

Motion carried.

ASSEMBLYMAN OCEGUERA:

Assembly Bill 449 came together as a result of many meetings over several months between legislative leadership, the governor's office, economic development entities, and business, community, and government organizations. This bill revises the structure of the state's economic development program in several important ways.

As amended, the provisions of Assembly Bill 449 establish a new governance structure for the economic development programs of the state. The bill creates certain entities including an Advisory Council on Economic Development composed of the state's elected leaders, a Board of Economic Development to provide general guidance for the state's economic development efforts, an Office of Economic Development within the Office of Governor, and the position of Executive Director for the Office of Economic Development to create and implement a State Plan for Economic Development.

Assembly Bill 449 provides that on or after July 1, 2011, the Office of Economic Development and its Executive Director are authorized to coordinate, oversee, and reorganize the state's economic development programs to be consistent with the State Plan for Economic Development.

This bill also transfers the Commission on Economic Development's existing powers and duties to the Office of Economic Development on July 1, 2012. It also requires certain activities of the Office of Economic Development to be coordinated with certain activities of various public entities.

Assembly Bill 449 also creates the Catalyst Fund from $10 million from the Abandoned Property Trust Account during Fiscal Year 2012 and authorizes grants or loans of money from the catalyst fund for the purposes of assisting businesses seeking to create or expand in this state in order to not only bring new businesses to the state, but to strengthen businesses that already exist here.

The bill also establishes the Knowledge Fund and a program for the development and commercialization of research and technology at the University of Nevada, Reno, the University of Nevada, Las Vegas, and the Desert Research Institute.

A.B. 449 also transfers additional authority to grant partial tax abatements to the Economic Development Office and requires the Office of Economic Development's approval prior to issuing certain revenue bonds for industrial development.

Certain provisions, including the creation of the Advisory Council on Economic Development, become effective upon passage and approval. Certain provisions, including creation of the Board of Economic Development, the Office of Economic Development and its Executive Director, the Catalyst Fund, and the Knowledge Fund, become effective July 1, 2011.

Certain other provisions, including the transfer of authority from the Commission on Economic Development to the Office of Economic Development, become effective on July 1, 2012.

Assembly Bill 449, as amended, is modeled on methods that are recommended by successful economic development experts and reflects the input of many stakeholders statewide. It represents a significant amount of work on the part of the Assembly, the Senate, and the Governor's Office. And if I may quote Governor Sandoval as he testified in the Assembly Committee on Ways and Means, "This bill redoubles efforts to make economic development an even bigger priority for the state of Nevada . . . . It is a priority for all of us." I urge your support.

ASSEMBLYMAN GOICOECHEA:

Thank you, Madam Speaker pro Tempore. I know there was a lengthy amendment that came out on this. Could you just kind of give us a thumbnail of exactly what that all does? I know what is in the bill, but just what changes that brings.

ASSEMBLYMAN OCEGUERA:

Two things, there was a considerable amount of technical adjustments in that lengthy amendment. I think it was like 93 pages long. On top of the technical adjustments, there were adjustments to the board composition and who would be represented, including who you get to pick. If you have a question, I might be able to answer it specifically.

Roll call on Assembly Bill No. 449:

YEAS—33.

NAYS—Ellison, Goedhart, Hambrick, Hammond, Hansen, Hardy, Kite, McArthur, Sherwood—9.

Assembly Bill No. 449 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Madam Speaker pro Tempore announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 3:34 p.m.

ASSEMBLY IN SESSION

At 3:35 p.m.
Mr. Speaker presiding.
Quorum present.

GENERAL FILE AND THIRD READING

Senate Bill No. 54
Read third time.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 3:36 p.m.

ASSEMBLY IN SESSION

At 3:38 p.m.
Mr. Speaker presiding.
Quorum present.

GENERAL FILE AND THIRD READING

Senate Bill No. 54.
Remarks by Assemblywoman Mastroluca.

Roll call on Senate Bill No. 54:
YEAS—42.
NAYS—None.
Senate Bill No. 54 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 429.
Bill read third time.
Remarks by Assemblywoman Smith.
Roll call on Senate Bill No. 429:
YEAS—42.
NAYS—None.
Senate Bill No. 429 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 442.
Bill read third time.
Remarks by Assemblywoman Smith.
Roll call on Senate Bill No. 442:
YEAS—42.
NAYS—None.
Senate Bill No. 442 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 452.
Bill read third time.
Remarks by Assemblywoman Smith.
Roll call on Senate Bill No. 452:
YEAS—42.
NAYS—None.
Senate Bill No. 452 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 475.
Bill read third time.
Remarks by Assemblywoman Smith.
Roll call on Senate Bill No. 475:
YEAS—42.
NAYS—None.
Senate Bill No. 475 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 477.
Bill read third time.
Remarks by Assemblywoman Smith.
Roll call on Senate Bill No. 477:
YEAS—42.
NAYS—None.
Senate Bill No. 477 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 498.
Bill read third time.
Remarks by Assemblywoman Smith.
Roll call on Senate Bill No. 498:
YEAS—42.
NAYS—None.
Senate Bill No. 498 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 499.
Bill read third time.
Remarks by Assemblywoman Smith.
Roll call on Senate Bill No. 499:
YEAS—42.
NAYS—None.
Senate Bill No. 499 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Smith moved that Assembly Bill No. 222 be taken from the Chief Clerk's desk and placed on the General File.
Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 222.
Bill read third time.
Remarks by Assemblywoman Smith.
Roll call on Assembly Bill No. 222:
YEAS—42.
NAYS—None.
Assembly Bill No. 222 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 328.

The following Senate amendment was read:

Amendment No. 675.

AN ACT relating to motor vehicles; providing that a person who, while violating certain rules of the road, causes a collision with a pedestrian or person riding a bicycle has committed reckless driving; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that certain conduct by a driver of a vehicle constitutes reckless driving. (NRS 484B.653) **Section 31** of this bill provides that a person who, while violating certain rules of the road relating to bicycles, pedestrians, crosswalks, school crossing guards, school zones or speeding, is the proximate cause of a collision with a pedestrian or person riding a bicycle has committed reckless driving.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. (Deleted by amendment.)

Sec. 2. (Deleted by amendment.)

Sec. 3. (Deleted by amendment.)

Sec. 4. (Deleted by amendment.)

Sec. 5. (Deleted by amendment.)

Sec. 6. (Deleted by amendment.)

Sec. 7. (Deleted by amendment.)

Sec. 8. (Deleted by amendment.)

Sec. 9. (Deleted by amendment.)

Sec. 10. (Deleted by amendment.)

Sec. 11. (Deleted by amendment.)

Sec. 12. (Deleted by amendment.)

Sec. 12.3. NRS 483.460 is hereby amended to read as follows:

483.460 1. Except as otherwise provided by specific statute, the Department shall revoke the license, permit or privilege of any driver upon receiving a record of his or her conviction of any of the following offenses, when that conviction has become final, and the driver is not eligible for a license, permit or privilege to drive for the period indicated:

(a) For a period of 3 years if the offense is:

(1) A violation of subsection ~~[5]~~ ***6*** of NRS 484B.653.

(2) A third or subsequent violation within 7 years of NRS 484C.110 or 484C.120.

(3) A violation of NRS 484C.110 or 484C.120 resulting in a felony conviction pursuant to NRS 484C.400 or 484C.410.

(4) A violation of NRS 484C.430 or a homicide resulting from driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance or resulting from any other conduct prohibited by NRS 484C.110, 484C.130 or 484C.430.

➥ The period during which such a driver is not eligible for a license, permit or privilege to drive must be set aside during any period of imprisonment and the period of revocation must resume when the Department is notified pursuant to NRS 209.517 or 213.12185 that the person has completed the period of imprisonment or that the person has been placed on residential confinement or parole.

(b) For a period of 1 year if the offense is:

(1) Any other manslaughter, including vehicular manslaughter as described in NRS 484B.657, resulting from the driving of a motor vehicle or felony in the commission of which a motor vehicle is used, including the unlawful taking of a motor vehicle.

(2) Failure to stop and render aid as required pursuant to the laws of this State in the event of a motor vehicle accident resulting in the death or bodily injury of another.

(3) Perjury or the making of a false affidavit or statement under oath to the Department pursuant to NRS 483.010 to 483.630, inclusive, or pursuant to any other law relating to the ownership or driving of motor vehicles.

(4) Conviction, or forfeiture of bail not vacated, upon three charges of reckless driving committed within a period of 12 months.

(5) A second violation within 7 years of NRS 484C.110 or 484C.120 and the driver is not eligible for a restricted license during any of that period.

(6) A violation of NRS 484B.550.

(c) For a period of 90 days, if the offense is a first violation within 7 years of NRS 484C.110 or 484C.120.

2. The Department shall revoke the license, permit or privilege of a driver convicted of violating NRS 484C.110 or 484C.120 who fails to complete the educational course on the use of alcohol and controlled substances within the time ordered by the court and shall add a period of 90 days during which the driver is not eligible for a license, permit or privilege to drive.

3. When the Department is notified by a court that a person who has been convicted of a first violation within 7 years of NRS 484C.110 has been permitted to enter a program of treatment pursuant to NRS 484C.320, the Department shall reduce by one-half the period during which the person is not eligible for a license, permit or privilege to drive, but shall restore that

reduction in time if notified that the person was not accepted for or failed to complete the treatment.

4. The Department shall revoke the license, permit or privilege to drive of a person who is required to install a device pursuant to NRS 484C.460 but who operates a motor vehicle without such a device:

(a) For 3 years, if it is his or her first such offense during the period of required use of the device.

(b) For 5 years, if it is his or her second such offense during the period of required use of the device.

5. A driver whose license, permit or privilege is revoked pursuant to subsection 4 is not eligible for a restricted license during the period set forth in paragraph (a) or (b) of that subsection, whichever applies.

6. In addition to any other requirements set forth by specific statute, if the Department is notified that a court has ordered the revocation, suspension or delay in the issuance of a license pursuant to title 5 of NRS, NRS 176.064 or 206.330, chapters 484A to 484E, inclusive, of NRS or any other provision of law, the Department shall take such actions as are necessary to carry out the court's order.

7. As used in this section, "device" has the meaning ascribed to it in NRS 484C.450.

Sec. 12.5. NRS 483.490 is hereby amended to read as follows:

483.490 1. Except as otherwise provided in this section, after a driver's license has been suspended or revoked for an offense other than a second violation within 7 years of NRS 484C.110, and one-half of the period during which the driver is not eligible for a license has expired, the Department may, unless the statute authorizing the suspension prohibits the issuance of a restricted license, issue a restricted driver's license to an applicant permitting the applicant to drive a motor vehicle:

(a) To and from work or in the course of his or her work, or both; or

(b) To acquire supplies of medicine or food or receive regularly scheduled medical care for himself, herself or a member of his or her immediate family.

➥ Before a restricted license may be issued, the applicant must submit sufficient documentary evidence to satisfy the Department that a severe hardship exists because the applicant has no alternative means of transportation and that the severe hardship outweighs the risk to the public if the applicant is issued a restricted license.

2. A person who has been ordered to install a device in a motor vehicle pursuant to NRS 484C.460:

(a) Shall install the device not later than 21 days after the date on which the order was issued; and

(b) May not receive a restricted license pursuant to this section until:

(1) After at least 1 year of the period during which the person is not eligible for a license, if the person was convicted of:

(I) A violation of NRS 484C.430 or a homicide resulting from driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance or resulting from any other conduct prohibited by NRS 484C.110, 484C.130 or 484C.430; or

(II) A violation of NRS 484C.110 that is punishable as a felony pursuant to NRS 484C.410 or 484C.420;

(2) After at least 180 days of the period during which the person is not eligible for a license, if the person was convicted of a violation of subsection ~~[5]~~ ***6*** of NRS 484B.653; or

(3) After at least 45 days of the period during which the person is not eligible for a license, if the person was convicted of a first violation within 7 years of NRS 484C.110.

3. If the Department has received a copy of an order requiring a person to install a device in a motor vehicle pursuant to NRS 484C.460, the Department shall not issue a restricted driver's license to such a person pursuant to this section unless the applicant has submitted proof of compliance with the order and subsection 2.

4. After a driver's license has been revoked or suspended pursuant to title 5 of NRS, the Department may issue a restricted driver's license to an applicant permitting the applicant to drive a motor vehicle:

(a) If applicable, to and from work or in the course of his or her work, or both; or

(b) If applicable, to and from school.

5. After a driver's license has been suspended pursuant to NRS 483.443, the Department may issue a restricted driver's license to an applicant permitting the applicant to drive a motor vehicle:

(a) If applicable, to and from work or in the course of his or her work, or both;

(b) To receive regularly scheduled medical care for himself, herself or a member of his or her immediate family; or

(c) If applicable, as necessary to exercise a court-ordered right to visit a child.

6. A driver who violates a condition of a restricted license issued pursuant to subsection 1 or by another jurisdiction is guilty of a misdemeanor and, if the license of the driver was suspended or revoked for:

(a) A violation of NRS 484C.110, 484C.210 or 484C.430;

(b) A homicide resulting from driving or being in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance or resulting from any other conduct prohibited by NRS 484C.110, 484C.130 or 484C.430; or

(c) A violation of a law of any other jurisdiction that prohibits the same or similar conduct as set forth in paragraph (a) or (b),

➥ the driver shall be punished in the manner provided pursuant to subsection 2 of NRS 483.560.

7. The periods of suspensions and revocations required pursuant to this chapter and NRS 484C.210 must run consecutively, except as otherwise provided in NRS 483.465 and 483.475, when the suspensions must run concurrently.

8. Whenever the Department suspends or revokes a license, the period of suspension, or of ineligibility for a license after the revocation, begins upon the effective date of the revocation or suspension as contained in the notice thereof.

Sec. 12.7. NRS 484B.270 is hereby amended to read as follows:

484B.270 1. The driver of a motor vehicle shall not:

(a) Intentionally interfere with the movement of a person lawfully riding a bicycle or an electric bicycle; or

(b) Overtake and pass a person riding a bicycle or an electric bicycle unless the driver can do so safely without endangering the person riding the bicycle or electric bicycle.

2. The driver of a motor vehicle shall yield the right-of-way to any person riding a bicycle or an electric bicycle on the pathway or lane. The driver of a motor vehicle shall not enter, stop, stand, park or drive within a pathway or lane provided for bicycles or electric bicycles except:

(a) When entering or exiting an alley or driveway;

(b) When operating or parking a disabled vehicle;

(c) To avoid conflict with other traffic;

(d) In the performance of official duties;

(e) In compliance with the directions of a police officer; or

(f) In an emergency.

3. Except as otherwise provided in subsection 2, the driver of a motor vehicle shall not enter or proceed through an intersection while driving within a pathway or lane provided for bicycles or electric bicycles.

4. The driver of a motor vehicle shall:

(a) Exercise due care to avoid a collision with a person riding a bicycle or an electric bicycle; and

(b) Give an audible warning with the horn of the vehicle if appropriate and when necessary to avoid such a collision.

5. ***If, while violating any provision of subsections 1 to 4, inclusive, the driver of a motor vehicle is the proximate cause of a collision with a person riding a bicycle, the driver is subject to the additional penalty set forth in subsection 4 of NRS 484B.653.***

6. The operator of a bicycle or an electric bicycle shall not:

(a) Intentionally interfere with the movement of a motor vehicle; or

(b) Overtake and pass a motor vehicle unless the operator can do so safely without endangering himself or herself or the occupants of the motor vehicle.

Sec. 13. NRS 484B.280 is hereby amended to read as follows:

484B.280 ***1.*** A driver of a motor vehicle shall:

~~[1.]~~ ***(a)*** Exercise due care to avoid a collision with a pedestrian;

~~[2.]~~ ***(b)*** Give an audible warning with the horn of the vehicle if appropriate and when necessary to avoid such a collision; and

~~[3.]~~ ***(c)*** Exercise proper caution upon observing a pedestrian ~~[on]~~ ***:***

(1) On or near a highway, street or road ***;***

(2) At or near a bus stop or bench, shelter or transit stop for passengers of public mass transportation or in the act of boarding a bus or other public transportation vehicle; or ~~[in]~~

(3) In or near a school crossing zone marked in accordance with NRS 484B.363 or a marked or unmarked crosswalk.

2. If, while violating any provision of this section, the driver of a motor vehicle is the proximate cause of a collision with a pedestrian, the driver is subject to the additional penalty set forth in subsection 4 of NRS 484B.653.

Sec. 14. NRS 484B.283 is hereby amended to read as follows:

484B.283 ***1.*** Except as otherwise provided in NRS 484B.287, 484B.290 and 484B.350:

~~[1.]~~ ***(a)*** When official traffic-control devices are not in place or not in operation the driver of a vehicle shall yield the right-of-way, slowing down or stopping if need be so to yield, to a pedestrian crossing the highway within a crosswalk when the pedestrian is upon the half of the highway upon which the vehicle is traveling, or when the pedestrian is approaching so closely from the opposite half of the highway as to be in danger.

~~[2.]~~ ***(b)*** A pedestrian shall not suddenly leave a curb or other place of safety and walk or run into the path of a vehicle which is so close that it is impossible for the driver to yield.

~~[3.]~~ ***(c)*** Whenever a vehicle is stopped at a marked crosswalk or at an unmarked crosswalk at an intersection, the driver of any other vehicle approaching from the rear shall not overtake and pass the stopped vehicle until the driver has determined that the vehicle being overtaken was not stopped for the purpose of permitting a pedestrian to cross the highway.

~~[4.]~~ ***(d)*** Whenever signals exhibiting the words "Walk" or "Don't Walk" are in place, such signals indicate as follows:

~~[(a)]~~ ***(1)*** While the "Walk" indication is illuminated, pedestrians facing the signal may proceed across the highway in the direction of the signal and must be given the right-of-way by the drivers of all vehicles.

~~[(b)]~~ ***(2)*** While the "Don't Walk" indication is illuminated, either steady or flashing, a pedestrian shall not start to cross the highway in the direction

of the signal, but any pedestrian who has partially completed the crossing during the "Walk" indication shall proceed to a sidewalk, or to a safety zone if one is provided.

~~[(c)]~~ ***(3)*** Whenever the word "Wait" still appears in a signal, the indication has the same meaning as assigned in this section to the "Don't Walk" indication.

~~[(d)]~~ ***(4)*** Whenever a signal system provides a signal phase for the stopping of all vehicular traffic and the exclusive movement of pedestrians, and "Walk" and "Don't Walk" indications control pedestrian movement, pedestrians may cross in any direction between corners of the intersection offering the shortest route within the boundaries of the intersection when the "Walk" indication is exhibited, and when signals and other official traffic-control devices direct pedestrian movement in the manner provided in this section and in NRS 484B.307.

2. If, while violating paragraph (a) or (c) of subsection 1, the driver of a motor vehicle is the proximate cause of a collision with a pedestrian, the driver is subject to the additional penalty set forth in subsection 4 of NRS 484B.653.

Sec. 15. (Deleted by amendment.)

Sec. 16. (Deleted by amendment.)

Sec. 17. (Deleted by amendment.)

Sec. 18. (Deleted by amendment.)

Sec. 19. NRS 484B.350 is hereby amended to read as follows:

484B.350 1. The driver of a vehicle:

(a) Shall stop in obedience to the direction or traffic-control signal of a school crossing guard; and

(b) Shall not proceed until the highway is clear of all persons, including, without limitation, the school crossing guard.

2. A person who violates ~~[any of the provisions of this section]~~ ***subsection 1*** is guilty of a misdemeanor.

3. ***If, while violating subsection 1, the driver of a motor vehicle is the proximate cause of a collision with a pedestrian or a person riding a bicycle, the driver is subject to the additional penalty set forth in subsection 4 of NRS 484B.653.***

4. As used in this section, "school crossing guard" means a volunteer or paid employee of a local authority, local law enforcement agency or school district whose duties include assisting pupils to cross a highway.

Sec. 20. (Deleted by amendment.)

Sec. 21. NRS 484B.363 is hereby amended to read as follows:

484B.363 1. A person shall not drive a motor vehicle at a speed in excess of 15 miles per hour in an area designated as a school zone except:

(a) On a day on which school is not in session;

(b) During the period from a half hour after school is no longer in operation to a half hour before school is next in operation;

(c) If the zone is designated by an operational speed limit beacon, during the hours when the pupils of the school are in class and the yellow lights of the speed limit beacon are not flashing in the manner which indicates that the speed limit is in effect; or

(d) If the zone is not designated by an operational speed limit beacon, during the times when the sign designating the school zone indicates that the speed limit is not in effect.

2. A person shall not drive a motor vehicle at a speed in excess of 25 miles per hour in an area designated as a school crossing zone except:

(a) On a day on which school is not in session;

(b) During the period from a half hour after school is no longer in operation to a half hour before school is next in operation;

(c) If the zone is designated by an operational speed limit beacon, during the hours when the pupils of the school are in class and the yellow lights of the speed limit beacon are not flashing in the manner which indicates that the speed limit is in effect; or

(d) If the zone is not designated by an operational speed limit beacon, during the times when the sign designating the school zone indicates that the speed limit is not in effect.

3. The governing body of a local government or the Department of Transportation shall designate school zones and school crossing zones. An area must not be designated as a school zone if imposing a speed limit of 15 miles per hour would be unsafe because of higher speed limits in adjoining areas.

4. Each such governing body and the Department shall provide signs to mark the beginning and end of each school zone and school crossing zone which it respectively designates. Each sign marking the beginning of such a zone must include a designation of the hours when the speed limit is in effect or that the speed limit is in effect when children are present.

5. With respect to each school zone and school crossing zone in a school district, the superintendent of the school district or his or her designee, in conjunction with the Department of Transportation and the governing body of the local government that designated the school zone or school crossing zone and after consulting with the principal of the school and the agency that is responsible for enforcing the speed limit in the zone, shall determine the times when the speed limit is in effect.

6. ***If, while violating subsection 1 or 2, the driver of a motor vehicle is the proximate cause of a collision with a pedestrian or a person riding a bicycle, the driver is subject to the additional penalty set forth in subsection 4 of NRS 484B.653.***

7. As used in this section, "speed limit beacon" means a device which is used in conjunction with a sign and equipped with two or more yellow lights that flash alternately to indicate when the speed limit in a school zone or school crossing zone is in effect.

Sec. 22. (Deleted by amendment.)

Sec. 23. (Deleted by amendment.)

Sec. 24. (Deleted by amendment.)

Sec. 25. NRS 484B.600 is hereby amended to read as follows:

484B.600 1. It is unlawful for any person to drive or operate a vehicle of any kind or character at:

(a) A rate of speed greater than is reasonable or proper, having due regard for the traffic, surface and width of the highway, the weather and other highway conditions.

(b) Such a rate of speed as to endanger the life, limb or property of any person.

(c) A rate of speed greater than that posted by a public authority for the particular portion of highway being traversed.

(d) In any event, a rate of speed greater than 75 miles per hour.

2. ***If, while violating any provision of subsection 1, the driver of a motor vehicle is the proximate cause of a collision with a pedestrian or a person riding a bicycle, the driver is subject to the additional penalty set forth in subsection 4 of NRS 484B.653.***

3. A person who violates any provision of ~~[this section]~~ ***subsection 1*** may be subject to the additional penalty set forth in NRS 484B.130.

Sec. 26. (Deleted by amendment.)

Sec. 27. (Deleted by amendment.)

Sec. 28. (Deleted by amendment.)

Sec. 29. (Deleted by amendment.)

Sec. 30. (Deleted by amendment.)

Sec. 31. NRS 484B.653 is hereby amended to read as follows:

484B.653 1. It is unlawful for a person to:

(a) Drive a vehicle in willful or wanton disregard of the safety of persons or property.

(b) Drive a vehicle in an unauthorized speed contest on a public highway.

(c) Organize an unauthorized speed contest on a public highway.

➥ A violation of paragraph (a) or (b) of this subsection or subsection 1 of NRS 484B.550 constitutes reckless driving.

2. ***If, while violating the provisions of subsections 1 to 4, inclusive, of NRS 484B.270, NRS 484B.280, paragraph (a) or (c) of subsection 1 of NRS 484B.283, NRS 484B.350, subsection 1 or 2 of NRS 484B.363 or subsection 1 of NRS 484B.600, the driver of a motor vehicle is the***

proximate cause of a collision with a pedestrian or a person riding a bicycle, the violation constitutes reckless driving.

3. A person who violates paragraph (a) of subsection 1 is guilty of a misdemeanor and:

(a) For the first offense, shall be punished:

(1) By a fine of not less than $250 but not more than $1,000; or

(2) By both fine and imprisonment in the county jail for not more than 6 months.

(b) For the second offense, shall be punished:

(1) By a fine of not less than $1,000 but not more than $1,500; or

(2) By both fine and imprisonment in the county jail for not more than 6 months.

(c) For the third and each subsequent offense, shall be punished:

(1) By a fine of not less than $1,500 but not more than $2,000; or

(2) By both fine and imprisonment in the county jail for not more than 6 months.

~~[3.]~~ ***4.*** A person who violates paragraph (b) or (c) of subsection 1 ***or commits a violation which constitutes reckless driving pursuant to subsection 2*** is guilty of a misdemeanor and:

(a) For the first offense:

(1) Shall be punished by a fine of not less than $250 but not more than $1,000;

(2) Shall perform not less than 50 hours, but not more than 99 hours, of community service; and

(3) May be punished by imprisonment in the county jail for not more than 6 months.

(b) For the second offense:

(1) Shall be punished by a fine of not less than $1,000 but not more than $1,500;

(2) Shall perform not less than 100 hours, but not more than 199 hours, of community service; and

(3) May be punished by imprisonment in the county jail for not more than 6 months.

(c) For the third and each subsequent offense:

(1) Shall be punished by a fine of not less than $1,500 but not more than $2,000;

(2) Shall perform 200 hours of community service; and

(3) May be punished by imprisonment in the county jail for not more than 6 months.

~~[4.]~~ ***5.*** In addition to any fine, community service and imprisonment imposed upon a person pursuant to subsection ~~[3,]~~ ***4,*** the court:

(a) Shall issue an order suspending the driver's license of the person for a period of not less than 6 months but not more than 2 years and requiring the person to surrender all driver's licenses then held by the person;

(b) Within 5 days after issuing an order pursuant to paragraph (a), shall forward to the Department any licenses, together with a copy of the order;

(c) For the first offense, may issue an order impounding, for a period of 15 days, any vehicle that is registered to the person who violates paragraph (b) or (c) of subsection 1 if the vehicle is used in the commission of the offense; and

(d) For the second and each subsequent offense, shall issue an order impounding, for a period of 30 days, any vehicle that is registered to the person who violates paragraph (b) or (c) of subsection 1 if the vehicle is used in the commission of the offense.

~~[5.]~~ ***6.*** Unless a greater penalty is provided pursuant to subsection 4 of NRS 484B.550, a person who does any act or neglects any duty imposed by law while driving or in actual physical control of any vehicle in willful or wanton disregard of the safety of persons or property, if the act or neglect of duty proximately causes the death of or substantial bodily harm to another person, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years and by a fine of not less than $2,000 but not more than $5,000.

~~[6.]~~ ***7.*** A person who violates any provision of this section may be subject to the additional penalty set forth in NRS 484B.130 unless the person is subject to the penalty provided pursuant to subsection 4 of NRS 484B.550.

~~[7.]~~ ***8.*** As used in this section, "organize" means to plan, schedule or promote, or assist in the planning, scheduling or promotion of, an unauthorized speed contest on a public highway, regardless of whether a fee is charged for attending the unauthorized speed contest.

Sec. 32. (Deleted by amendment.)

Sec. 33. (Deleted by amendment.)

Sec. 34. (Deleted by amendment.)

Sec. 35. (Deleted by amendment.)

Assemblywoman Dondero Loop moved that the Assembly concur in the Senate Amendment No. 675 to Assembly Bill No. 328.

Remarks by Assemblywoman Dondero Loop.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Assembly Bill No. 258.

The following Senate amendment was read:

Amendment No. 777.

AN ACT relating to gaming; requiring the Nevada Gaming Commission to adopt regulations relating to the licensing and operation of interactive gaming; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes certain gaming establishments to obtain a license to operate interactive gaming. (NRS 463.750) This bill requires the Nevada Gaming Commission to establish by regulation certain provisions authorizing the licensing and operation of interactive gaming under certain circumstances. This bill further provides that a license to operate **interstate** interactive gaming does not become effective until: (1) the passage of federal legislation authorizing interactive gaming; or (2) the United States Department of Justice notifies the Commission or the State Gaming Control Board that interactive gaming is permissible under federal law.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 463 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 7, inclusive, of this act.

Sec. 2. ***The Legislature hereby finds and declares that:***

1. The State of Nevada leads the nation in gaming regulation and enforcement, such that the State of Nevada is uniquely positioned to develop an effective and comprehensive regulatory structure related to interactive gaming.

2. A comprehensive regulatory structure, coupled with strict licensing standards, will ensure the protection of consumers, prevent fraud, guard against underage and problem gambling and aid in law enforcement efforts.

3. To provide for licensed and regulated interactive gaming and to prepare for possible federal legislation, the State of Nevada must develop the necessary structure for licensure, regulation and enforcement.

Sec. 3. (Deleted by amendment.)

Sec. 4. (Deleted by amendment.)

Sec. 5. (Deleted by amendment.)

Sec. 6. (Deleted by amendment.)

Sec. 7. (Deleted by amendment.)

Sec. 8. (Deleted by amendment.)

Sec. 9. (Deleted by amendment.)

Sec. 10. (Deleted by amendment.)

Sec. 10.5. NRS 463.016425 is hereby amended to read as follows:

463.016425 1. "Interactive gaming" means the conduct of gambling games through the use of communications technology that allows a person,

utilizing money, checks, electronic checks, electronic transfers of money, credit cards, debit cards or any other instrumentality, to transmit to a computer information to assist in the placing of a bet or wager and corresponding information related to the display of the game, game outcomes or other similar information. The term ~~[does]~~ ***:***

(a) Includes, without limitation, Internet poker.

(b) Does not include the operation of a race book or sports pool that uses communications technology approved by the Board pursuant to regulations adopted by the Commission to accept wagers originating within this state for races, or sporting events or other events.

2. As used in this section, "communications technology" means any method used and the components employed by an establishment to facilitate the transmission of information, including, without limitation, transmission and reception by systems based on wire, cable, radio, microwave, light, optics or computer data networks, including, without limitation, the Internet and intranets.

Sec. 11. NRS 463.160 is hereby amended to read as follows:

463.160 1. Except as otherwise provided in subsection 4 and NRS 463.172, it is unlawful for any person, either as owner, lessee or employee, whether for hire or not, either solely or in conjunction with others:

(a) To deal, operate, carry on, conduct, maintain or expose for play in the State of Nevada any gambling game, gaming device, inter-casino linked system, mobile gaming system, slot machine, race book or sports pool;

(b) To provide or maintain any information service;

(c) To operate a gaming salon; ~~[or]~~

(d) To receive, directly or indirectly, any compensation or reward or any percentage or share of the money or property played, for keeping, running or carrying on any gambling game, slot machine, gaming device, mobile gaming system, race book or sports pool ~~[,]~~ ***; or***

(e) To operate, carry on, conduct, maintain or expose for play in or from the State of Nevada any interactive gaming system,

➥ without having first procured, and thereafter maintaining in effect, all federal, state, county and municipal gaming licenses as required by statute, regulation or ordinance or by the governing board of any unincorporated town.

2. The licensure of an operator of an inter-casino linked system is not required if:

(a) A gaming licensee is operating an inter-casino linked system on the premises of an affiliated licensee; or

(b) An operator of a slot machine route is operating an inter-casino linked system consisting of slot machines only.

3. Except as otherwise provided in subsection 4, it is unlawful for any person knowingly to permit any gambling game, slot machine, gaming device, inter-casino linked system, mobile gaming system, race book or sports pool to be conducted, operated, dealt or carried on in any house or building or other premises owned by the person, in whole or in part, by a person who is not licensed pursuant to this chapter, or that person's employee.

4. The Commission may, by regulation, authorize a person to own or lease gaming devices for the limited purpose of display or use in the person's private residence without procuring a state gaming license.

5. As used in this section, "affiliated licensee" has the meaning ascribed to it in NRS 463.430.

Sec. 12. NRS 463.750 is hereby amended to read as follows:

463.750 1. ~~[~~Except as otherwise provided in subsections 2 and 3, the~~]~~ ***The*** Commission ~~[~~may,~~]~~ ***shall,*** with the advice and assistance of the Board, adopt regulations governing the licensing and operation of interactive gaming.

2. ~~[~~The Commission may not adopt regulations governing the licensing and operation of interactive gaming until the Commission first determines that:

(a) Interactive gaming can be operated in compliance with all applicable laws;

(b) Interactive gaming systems are secure and reliable, and provide reasonable assurance that players will be of lawful age and communicating only from jurisdictions where it is lawful to make such communications; and

(c) Such regulations are consistent with the public policy of the State to foster the stability and success of gaming.

3.~~]~~ The regulations adopted by the Commission pursuant to this section must:

(a) Establish the investigation fees for:

(1) A license to operate interactive gaming;

(2) A license for a manufacturer of interactive gaming systems; and

(3) A license for a manufacturer of equipment associated with interactive gaming.

(b) Provide that:

(1) A person must hold a license for a manufacturer of interactive gaming systems to supply or provide any interactive gaming system, including, without limitation, any piece of proprietary software or hardware; and

(2) A person may be required by the Commission to hold a license for a manufacturer of equipment associated with interactive gaming.

(c) Set forth standards for the suitability of a person to be licensed as a manufacturer of interactive gaming systems or manufacturer of equipment associated with interactive gaming that are as stringent as the standards for a nonrestricted license.

(d) Provide that gross revenue received by an establishment from the operation of interactive gaming is subject to the same license fee provisions of NRS 463.370 as the games and gaming devices of the establishment ~~[.]~~ ***, unless federal law otherwise provides for a similar fee or tax.***

(e) Set forth standards for the location and security of the computer system and for approval of hardware and software used in connection with interactive gaming.

(f) Define "equipment associated with interactive gaming," "interactive gaming system," "manufacturer of equipment associated with interactive gaming," "manufacturer of interactive gaming systems," "operate interactive gaming" and "proprietary hardware and software" as the terms are used in this chapter.

~~[4.]~~ ***(g) Provide that any license to operate interstate interactive gaming does not become effective until:***

(1) A federal law authorizing the specific type of interactive gaming for which the license was granted is enacted; or

(2) The United States Department of Justice notifies the Board or Commission in writing that it is permissible under federal law to operate the specific type of interactive gaming for which the license was granted.

3. Except as otherwise provided in ~~[subsection 5,]~~ ***subsections 4 and 5,*** the Commission shall not approve a license for an establishment to operate interactive gaming unless:

(a) In a county whose population is 400,000 or more, the establishment is a resort hotel that holds a nonrestricted license to operate games and gaming devices.

(b) In a county whose population is more than 40,000 but less than 400,000, the establishment is a resort hotel that holds a nonrestricted license to operate games and gaming devices or the establishment:

(1) Holds a nonrestricted license for the operation of games and gaming devices;

(2) Has more than 120 rooms available for sleeping accommodations in the same county;

(3) Has at least one bar with permanent seating capacity for more than 30 patrons that serves alcoholic beverages sold by the drink for consumption on the premises;

(4) Has at least one restaurant with permanent seating capacity for more than 60 patrons that is open to the public 24 hours each day and 7 days each week; and

(5) Has a gaming area that is at least 18,000 square feet in area with at least 1,600 slot machines, 40 table games, and a sports book and race pool.

(c) In all other counties, the establishment is a resort hotel that holds a nonrestricted license to operate games and gaming devices or the establishment:

(1) Has held a nonrestricted license for the operation of games and gaming devices for at least 5 years before the date of its application for a license to operate interactive gaming;

(2) Meets the definition of group 1 licensee as set forth in the regulations of the Commission on the date of its application for a license to operate interactive gaming; and

(3) Operates either:

(I) More than 50 rooms for sleeping accommodations in connection therewith; or

(II) More than 50 gaming devices in connection therewith.

~~[5.]~~ ***4.*** The Commission may:

(a) Issue a license to operate interactive gaming to an affiliate of an establishment if:

(1) The establishment satisfies the applicable requirements set forth in subsection ~~[4; and]~~ ***3;***

(2) The affiliate is located in the same county as the establishment; and

(3) The establishment has held a nonrestricted license for at least 5 years before the date on which the application is filed; and

(b) Require an affiliate that receives a license pursuant to this subsection to comply with any applicable provision of this chapter.

~~[6.]~~ ***5. The Commission may issue a license to operate interactive gaming to an applicant that meets any qualifications established by federal law regulating the licensure of interactive gaming.***

6. It is unlawful for any person, either as owner, lessee or employee, whether for hire or not, either solely or in conjunction with others, to operate interactive gaming:

(a) Until the Commission adopts regulations pursuant to this section; and

(b) Unless the person first procures, and thereafter maintains in effect, all appropriate licenses as required by the regulations adopted by the Commission pursuant to this section.

7. A person who violates subsection 6 is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 10 years or by a fine of not more than $50,000, or both.

Sec. 12.5. **NRS 463.770 is hereby amended to read as follows:**

463.770 1. ~~[All]~~ ***Unless federal law otherwise provides for a similar fee or tax, all*** gross revenue from operating interactive gaming received by

an establishment licensed to operate interactive gaming, regardless of whether any portion of the revenue is shared with another person, must be attributed to the licensee and counted as part of the gross revenue of the licensee for the purpose of computing the license fee required by NRS 463.370.

2. A manufacturer of interactive gaming systems who is authorized by an agreement to receive a share of the revenue from an interactive gaming system from an establishment licensed to operate interactive gaming is liable to the establishment for a portion of the license fee paid pursuant to subsection 1. The portion for which the manufacturer of interactive gaming systems is liable is 6.75 percent of the amount of revenue to which the manufacturer of interactive gaming systems is entitled pursuant to the agreement.

3. For the purposes of subsection 2, the amount of revenue to which the manufacturer of interactive gaming systems is entitled pursuant to an agreement to share the revenue from an interactive gaming system:

(a) Includes all revenue of the manufacturer of interactive gaming systems that is the manufacturer of interactive gaming systems' share of the revenue from the interactive gaming system pursuant to the agreement; and

(b) Does not include revenue that is the fixed purchase price for the sale of a component of the interactive gaming system.

Sec. 13. (Deleted by amendment.)

Sec. 14. (Deleted by amendment.)

Sec. 14.5. The Nevada Gaming Commission shall, on or before January 31, 2012, adopt regulations to carry out the amendatory provisions of this act.

Sec. 15. This act becomes effective upon passage and approval.

Assemblywoman Smith moved that the Assembly concur in the Senate Amendment No. 777 to Assembly Bill No. 258.

Remarks by Assemblywoman Smith.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Assembly Bill No. 452.

The following Senate amendment was read:

Amendment No. 834.

AN ACT relating to governmental administration; requiring the electronic filing of certain campaign contribution and expenditure reports and statements of financial disclosure; amending the deadlines for filing certain campaign contribution and expenditure reports; requiring candidates to report certain contributions and expenditures in the aggregate on campaign contribution and expenditure reports; requiring candidates to report the disposal of certain unspent campaign contributions in the aggregate on

campaign contribution and expenditure reports; ~~[prohibiting certain former public officers from receiving compensation or other consideration to lobby for 2 years after leaving office; increasing the "cooling-off" period for former members of the Public Utilities Commission of Nevada, the State Gaming Control Board and the Nevada Gaming Commission to lobby on behalf of certain regulated businesses and industries;]~~ making various other changes relating to campaign finance; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Sections 2-20 of this bill provide that, except under certain circumstances, campaign contribution and expenditure reports related to candidates for state, county, city and district offices must be filed electronically with the Secretary of State. **Sections 4, 7-11 and 16** also revise the deadlines for filing such reports.

Existing law requires a candidate to report on his or her campaign contribution and expenditure report: (1) each campaign contribution in excess of $100 received during the reporting period and contributions received during the period from a contributor which cumulatively exceed $100; (2) each campaign expense incurred, or expenditure made, in excess of $100 during the reporting period; and (3) any unspent campaign contribution that is disposed of during the reporting period in excess of $100. (NRS 294A.120, 294A.125, 294A.200) **Sections 4, 5 and 9** of this bill require candidates to report, in the aggregate, contributions, expenses, expenditures or amounts of unspent campaign contributions disposed of which are less than $100.

Existing law requires a candidate, person, committee, political party, group of persons or business entity to sign all campaign contribution and expenditure reports under penalty of perjury. (NRS 294A.120, 249A.125, 294A.128, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220, 294A.270, 294A.280, 294A.283, 294A.286) Sections 2-15, 18 and 23 of this bill authorize a person signing such a report the alternative option of signing under an oath to God but provides that a person who signs a report under an oath to God is subject to the same penalties as if he or she signed the report under penalty of perjury.

Section 18 of this bill requires the Secretary of State to design a form for each campaign contribution and expenditure report rather than requiring the design of a single form for all campaign contribution and expenditure reports in order to accommodate the new electronic filing requirements.

Sections 23-26 and 28-33 of this bill provide that, except under certain circumstances, appointed and elected public officers must file statements of financial disclosure electronically with the Secretary of State rather than the Commission on Ethics.

~~[Under existing law, former members of the Public Utilities Commission of Nevada, the State Gaming Control Board and the Nevada Gaming Commission must observe a 1-year "cooling-off" period prior to appearing before the Public Utilities Commission of Nevada, the State Gaming Control Board or the Nevada Gaming Commission, as applicable, on behalf of certain regulated businesses or industries. (NRS 281A.550) Section 27 of this bill increases this "cooling-off" period to 2 years. Section 22 of this bill prohibits former public officers from receiving compensation or other consideration to lobby any member of the governing body of the State or a political subdivision, as applicable, to which the former public officer was elected or appointed for 2 years after leaving office.]~~

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 294A of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3, of this act.

Sec. 2. ***1. A candidate who is required to file a report described in subsection 1 of NRS 294A.373 is not required to file the report electronically if the candidate:***

(a) Did not receive or expend money in excess of $10,000 after becoming a candidate pursuant to NRS 294A.005; and

(b) Has on file with the Secretary of State an affidavit which satisfies the requirements set forth in subsection 2 and which states that:

(1) The candidate does not own or have the ability to access the technology necessary to file electronically the report described in subsection 1 of NRS 294A.373; and

(2) The candidate does not have the financial ability to purchase or obtain access to the technology necessary to file electronically the report described in subsection 1 of NRS 294A.373.

2. The affidavit described in subsection 1 must be:

(a) In the form prescribed by the Secretary of State and signed under an oath to God or penalty of perjury. A candidate who signs the affidavit under an oath to God is subject to the same penalties as if the candidate had signed the affidavit under penalty of perjury.

(b) Filed not later than 15 days before the candidate is required to file a report described in subsection 1 of NRS 294A.373.

3. A candidate who is not required to file the report electronically may file the report by transmitting the report by regular mail, certified mail, facsimile machine or personal delivery. A report transmitted pursuant to this subsection shall be deemed to be filed on the date on which it is received by the Secretary of State.

Sec. 3. ***1. A person, committee, political party, group of persons or business entity that is required to file a report described in subsection 1 of NRS 294A.373 is not required to file the report electronically if the person, committee, political party, group or business entity:***

(a) Did not receive or expend money in excess of $10,000 in the previous calendar year; and

(b) Has on file with the Secretary of State an affidavit which satisfies the requirements set forth in subsection 2 and which states that:

(1) The person, committee, political party, group or business entity does not own or have the ability to access the technology necessary to file electronically the report described in subsection 1 of NRS 294A.373; and

(2) The person, committee, political party, group or business entity does not have the financial ability to purchase or obtain access to the technology necessary to file electronically the report described in subsection 1 of NRS 294A.373.

2. The affidavit described in subsection 1 must be:

(a) In the form prescribed by the Secretary of State and signed under an oath to God or penalty of perjury. A person who signs the affidavit under an oath to God is subject to the same penalties as if the person had signed the affidavit under penalty of perjury.

(b) Filed:

(1) At least 15 days before any report described in subsection 1 of NRS 294A.373 is required to be filed by the person, committee, political party, group or business entity.

(2) Not earlier than January 1 and not later than January 15 of each year, regardless of whether or not the person, committee, political party, group or business entity was required to file any report described in subsection 1 of NRS 294A.373 in the previous year.

3. A person, committee, political party, group of persons or business entity that has properly filed the affidavit pursuant to this section may file the relevant report with the Secretary of State by transmitting the report by regular mail, certified mail, facsimile machine or personal delivery. A report transmitted pursuant to this subsection shall be deemed to be filed on the date on which it is received by the Secretary of State.

Sec. 4. NRS 294A.120 is hereby amended to read as follows:

294A.120 1. Every candidate for state, district, county or township office at a primary or general election shall, not later than January 15 of each year, for the period from January 1 of the previous year through December 31 of the previous year, report ~~[each]~~ ***:***

(a) Each campaign contribution in excess of $100 received during the period ~~[and contributions]~~ ***;***

(b) Contributions received during the period from a contributor which cumulatively exceed $100 ~~[.]~~ ***; and***

(c) The total of all contributions received during the period which are $100 or less and which are not otherwise required to be reported pursuant to paragraph (b).

➥ The provisions of this subsection apply to the candidate beginning the year of the general election for that office through the year immediately preceding the next general election for that office.

2. Every candidate for state, district, county or township office at a primary or general election shall, if the general election for the office for which he or she is a candidate is held on or after January 1 and before the July 1 immediately following that January 1, not later than:

(a) ~~[Seven]~~ ***Twenty-one*** days before the primary election for that office, for the period from the January 1 immediately preceding the primary election through ~~[12]~~ ***25*** days before the primary election;

(b) ~~[Seven]~~ ***Four*** days before the ~~[general]~~ ***primary*** election for that office, for the period from ~~[11]~~ ***24*** days before the primary election through ~~[12]~~ ***5*** days before the ~~[general election; and~~

~~(c) July 15 of the year of]~~ ***primary election;***

(c) Twenty-one days before the general election for that office, for the period from ~~[11]~~ ***4*** days before the ~~[general]~~ ***primary*** election through ~~[June 30 of that year,]~~ ***25 days before the general election; and***

(d) Four days before the general election for that office, for the period from 24 days before the general election through 5 days before the general election,

➥ report each campaign contribution ~~[in excess of $100]~~ ***described in subsection 1*** received during the period ***.*** ~~[and contributions received during the period from a contributor which cumulatively exceed $100.]~~ The report must be completed on the form designed and ~~[provided]~~ ***made available*** by the Secretary of State pursuant to NRS 294A.373. Each form must be signed by the candidate under ***an oath to God or*** penalty of perjury. ***A candidate who signs the form under an oath to God is subject to the same penalties as if the candidate had signed the form under penalty of perjury.***

3. Every candidate for state, district, county or township office at a primary or general election shall, if the general election for the office for which he or she is a candidate is held on or after July 1 and before the January 1 immediately following that July 1, not later than:

(a) ~~[Seven]~~ ***Twenty-one*** days before the primary election for that office, for the period from the January 1 immediately preceding the primary election through ~~[12]~~ ***25*** days before the primary election; ~~[and]~~

(b) ~~[Seven]~~ ***Four*** days before the ~~[general]~~ ***primary*** election for that office, for the period from ~~[11]~~ ***24*** days before the primary election through ~~[12]~~ ***5*** days before the ~~[general election,]~~ ***primary election;***

(c) Twenty-one days before the general election for that office, for the period from 4 days before the primary election through 25 days before the general election; and

(d) Four days before the general election for that office, for the period from 24 days before the general election through 5 days before the general election,

➥ report each campaign contribution ~~[in excess of $100]~~ ***described in subsection 1*** received during the period ***.*** ~~[and contributions received during the period from a contributor which cumulatively exceed $100.]~~ The report must be completed on the form designed and ~~[provided]~~ ***made available*** by the Secretary of State pursuant to NRS 294A.373. Each form must be signed by the candidate under ***an oath to God or*** penalty of perjury. ***A candidate who signs the form under an oath to God is subject to the same penalties as if the candidate had signed the form under penalty of perjury.***

4. Except as otherwise provided in subsection 5, every candidate for a district office at a special election shall, not later than:

(a) Seven days before the special election, for the period from the candidate's nomination through 12 days before the special election; and

(b) Thirty days after the special election, for the remaining period through the special election,

➥ report each campaign contribution ~~[in excess of $100]~~ ***described in subsection 1*** received during the period ***.*** ~~[and contributions received during the reporting period from a contributor which cumulatively exceed $100.]~~ The report must be completed on the form designed and ~~[provided]~~ ***made available*** by the Secretary of State pursuant to NRS 294A.373. Each form must be signed by the candidate under ***an oath to God or*** penalty of perjury. ***A candidate who signs the form under an oath to God is subject to the same penalties as if the candidate had signed the form under penalty of perjury.***

5. Every candidate for state, district, county, municipal or township office at a special election to determine whether a public officer will be recalled shall list each of the campaign contributions received on the form designed and ~~[provided]~~ ***made available*** by the Secretary of State pursuant to NRS 294A.373 and signed by the candidate under ***an oath to God or*** penalty of perjury, 30 days after:

(a) The special election, for the period from the filing of the notice of intent to circulate the petition for recall through the special election; or

(b) A district court determines that the petition for recall is legally insufficient pursuant to subsection 6 of NRS 306.040, for the period from the

filing of the notice of intent to circulate the petition for recall through the date of the district court's decision.

➥ A candidate who signs the form under an oath to God is subject to the same penalties as if the candidate had signed the form under penalty of perjury.

6. ~~[Reports]~~ ***Except as otherwise provided in section 2 of this act, reports*** of campaign contributions must be filed ***electronically*** with the ~~[officer with whom the candidate filed the declaration of candidacy or acceptance of candidacy. A candidate may mail or transmit the report to that officer by regular mail, certified mail, facsimile machine or electronic means.]~~ ***Secretary of State.***

7. A report shall be deemed to be filed ~~[with the officer:~~

~~(a) On the date that it was mailed if it was sent by certified mail; or~~

~~(b) On]~~ ***on*** the date that it was received by the ~~[officer if the report was sent by regular mail, transmitted by facsimile machine or electronic means, or delivered personally.~~

~~7. Every county clerk who receives from candidates for legislative or judicial office, including, without limitation, the office of justice of the peace or municipal judge, reports of campaign contributions pursuant to this section shall file a copy of each report with the]~~ Secretary of State **.** ~~[within 10 working days after receiving the report.]~~

8. The name and address of the contributor and the date on which the contribution was received must be included on the report for each contribution in excess of $100 and contributions which a contributor has made cumulatively in excess of that amount since the beginning of the current reporting period.

Sec. 5. NRS 294A.125 is hereby amended to read as follows:

294A.125 1. In addition to complying with the requirements set forth in NRS 294A.120, 294A.200 and 294A.360, a candidate who receives contributions in any year before the year in which the general election or general city election in which the candidate intends to seek election to public office is held shall, for:

(a) The year in which the candidate receives contributions in excess of $10,000, list ~~[each]~~ ***:***

(1) Each of the contributions received and the expenditures in excess of $100 made in that year ~~[.]~~ ***; and***

(2) The total of all contributions received and expenditures which are $100 or less.

(b) Each year after the year in which the candidate received contributions in excess of $10,000, until the year of the general election or general city election in which the candidate intends to seek election to public office is held, list ~~[each]~~ ***:***

(1) Each of the contributions received and the expenditures in excess of $100 made in that year ~~[.]~~ ***; and***

(2) The total of all contributions received and expenditures which are $100 or less.

2. The reports required by subsection 1 must be submitted on the form designed and ~~[provided]~~ ***made available*** by the Secretary of State pursuant to NRS 294A.373. Each form must be signed by the candidate under ***an oath to God or*** penalty of perjury. ***A candidate who signs the form under an oath to God is subject to the same penalties as if the candidate had signed the form under penalty of perjury.***

3. The name and address of the contributor and the date on which the contribution was received must be included on the list for each contribution in excess of $100 and contributions that a contributor has made cumulatively in excess of that amount.

4. ~~[The]~~ ***Except as otherwise provided in section 2 of this act, the*** report must be ~~filed [:~~

~~(a) With the officer with whom the candidate will file the declaration of candidacy or acceptance of candidacy for the public office the candidate intends to seek. A candidate may mail or transmit the report to that officer by regular mail, certified mail, facsimile machine or electronic means.]~~ ***electronically with the Secretary of State.***

5. A report shall be deemed to be filed ~~[with the officer:~~

~~(1) On the date it was mailed if it was sent by certified mail.~~

~~(2) On]~~ ***on*** the date it was received by the ~~[officer if the report was sent by regular mail, transmitted by facsimile machine or electronic means, or delivered personally.~~

~~(b) On or before January 15 of the year immediately after the year for which the report is made.~~

~~5. A county clerk who receives from a candidate for legislative or judicial office, including, without limitation, the office of justice of the peace or municipal judge, a report of contributions and expenditures pursuant to subsection 4 shall file a copy of the report with the]~~ Secretary of State ~~.~~ ~~[within 10 working days after receiving the report.]~~

Sec. 6. NRS 294A.128 is hereby amended to read as follows:

294A.128 1. In addition to complying with the requirements set forth in NRS 294A.120, 294A.200 and 294A.360, a candidate who receives a loan which is guaranteed by a third party, forgiveness of a loan previously made to the candidate or a written commitment for a contribution shall, for the period covered by the report filed pursuant to NRS 294A.120, 294A.200 or 294A.360, report:

(a) If a loan received by the candidate was guaranteed by a third party, the amount of the loan and the name and address of each person who guaranteed the loan;

(b) If a loan received by the candidate was forgiven by the person who made the loan, the amount that was forgiven and the name and address of the person who forgave the loan; and

(c) If the candidate received a written commitment for a contribution, the amount committed to be contributed and the name and address of the person who made the written commitment.

2. The reports required by subsection 1 must be submitted on the form designed and ~~[provided]~~ ***made available*** by the Secretary of State pursuant to NRS 294A.373. Each form must be signed by the candidate under ***an oath to God or*** penalty of perjury. ***A candidate who signs the form under an oath to God is subject to the same penalties as if the candidate had signed the form under penalty of perjury.***

3. ~~[The]~~ ***Except as otherwise provided in section 2 of this act, the*** reports required by subsection 1 must be filed in the same manner and at the same time as the report filed pursuant to NRS 294A.120, 294A.200 or 294A.360.

~~[4. A county clerk who receives from a candidate for legislative or judicial office, including, without limitation, the office of justice of the peace or municipal judge, a report pursuant to subsection 1 shall file a copy of the report with the Secretary of State within 10 working days after receiving the report.]~~

Sec. 7. NRS 294A.140 is hereby amended to read as follows:

294A.140 1. Every person who is not under the direction or control of a candidate for office at a primary election, primary city election, general election or general city election, of a group of such candidates or of any person involved in the campaign of that candidate or group who makes an expenditure on behalf of the candidate or group which is not solicited or approved by the candidate or group, and every committee for political action, political party, committee sponsored by a political party and business entity which makes an expenditure on behalf of such a candidate or group of candidates shall, not later than January 15 of each year that the provisions of this subsection apply to the person, committee, political party or business entity, for the period from January 1 of the previous year through December 31 of the previous year, report each campaign contribution in excess of $100 received during the period and contributions received during the period from a contributor which cumulatively exceed $100. The provisions of this subsection apply to the person, committee, political party or business entity beginning the year of the general election or general city election for that

office through the year immediately preceding the next general election or general city election for that office.

2. Every person, committee, political party or business entity described in subsection 1 which makes an expenditure on behalf of the candidate for office at a primary election, primary city election, general election or general city election or on behalf of a group of such candidates shall, if the general election or general city election for the office for which the candidate or a candidate in the group of candidates seeks election is held on or after January 1 and before the July 1 immediately following that January 1, not later than:

(a) ~~[Seven]~~ ***Twenty-one*** days before the primary election or primary city election for that office, for the period from the January 1 immediately preceding the primary election or primary city election through ~~[12]~~ ***25*** days before the primary election or primary city election;

(b) ~~[Seven]~~ ***Four*** days before the ~~[general]~~ ***primary*** election or ~~[general]~~ ***primary*** city election for that office, for the period from ~~[11]~~ ***24*** days before the primary election or primary city election through ~~[12]~~ ***5*** days before the ~~[general]~~ ***primary*** election or ~~[general]~~ ***primary*** city election; ~~[and~~

~~(c) July 15 of the year of]~~

(c) Twenty-one days before the general election or general city election for that office, for the period from ~~[11]~~ ***4*** days before the ~~[general]~~ ***primary*** election or ~~[general]~~ ***primary*** city election through ~~[June 30 of that year,]~~ ***25 days before the general election or general city election; and***

(d) Four days before the general election or general city election for that office, for the period from 24 days before the general election or general city election through 5 days before the general election or general city election,

➥ report each campaign contribution in excess of $100 received during the period and contributions received during the period from a contributor which cumulatively exceed $100. The report must be completed on the form designed and ~~[provided]~~ ***made available*** by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the committee, political party or business entity under ***an oath to God or*** penalty of perjury. ***A person who signs the form under an oath to God is subject to the same penalties as if the person had signed the form under penalty of perjury.***

3. The name and address of the contributor and the date on which the contribution was received must be included on the report for each contribution in excess of $100 and contributions which a contributor has made cumulatively in excess of $100 since the beginning of the current reporting period.

4. Every person, committee, political party or business entity described in subsection 1 which makes an expenditure on behalf of a candidate for

office at a primary election, primary city election, general election or general city election or on behalf of a group of such candidates shall, if the general election or general city election for the office for which the candidate or a candidate in the group of candidates seeks election is held on or after July 1 and before the January 1 immediately following that July 1, not later than:

(a) ~~[Seven]~~ ***Twenty-one*** days before the primary election or primary city election for that office, for the period from the January 1 immediately preceding the primary election or primary city election through ~~[12]~~ ***25*** days before the primary election or primary city election; ~~[and]~~

(b) ~~[Seven]~~ ***Four*** days before the ~~[general]~~ ***primary*** election or ~~[general]~~ ***primary*** city election for that office, for the period from ~~[11]~~ ***24*** days before the primary election or primary city election through ~~[12]~~ ***5*** days before the ~~[general]~~ ***primary*** election or ~~[general]~~ ***primary*** city election ~~[.]~~ ***;***

(c) Twenty-one days before the general election or general city election for that office, for the period from 4 days before the primary election or primary city election through 25 days before the general election or general city election; and

(d) Four days before the general election or general city election for that office, for the period from 24 days before the general election or general city election through 5 days before the general election or general city election,

➥ report each campaign contribution in excess of $100 received during the period and contributions received during the period from a contributor which cumulatively exceed $100. The report must be completed on the form designed and ~~[provided]~~ ***made available*** by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the committee, political party or business entity under ***an oath to God or*** penalty of perjury. ***A person who signs the form under an oath to God is subject to the same penalties as if the person had signed the form under penalty of perjury.***

5. Except as otherwise provided in subsection 6, every person, committee, political party or business entity described in subsection 1 which makes an expenditure on behalf of a candidate for office at a special election or on behalf of a group of such candidates shall, not later than:

(a) Seven days before the special election for the office for which the candidate or a candidate in the group of candidates seeks election, for the period from the nomination of the candidate through 12 days before the special election; and

(b) Thirty days after the special election, for the remaining period through the special election,

➥ report each campaign contribution in excess of $100 received during the period and contributions received during the period from a contributor which

cumulatively exceed $100. The report must be completed on the form designed and [provided] ***made available*** by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the committee, political party or business entity under ***an oath to God or*** penalty of perjury. ***A person who signs the form under an oath to God is subject to the same penalties as if the person had signed the form under penalty of perjury.***

6. Every person, committee, political party or business entity described in subsection 1 which makes an expenditure on behalf of a candidate for office at a special election to determine whether a public officer will be recalled or on behalf of a group of candidates for offices at such special elections shall report each contribution in excess of $100 received during the period and contributions received during the period from a contributor which cumulatively exceed $100. The report must be completed on the form designed and [provided] ***made available*** by the Secretary of State pursuant to NRS 294A.373 and signed by the person or a representative of the committee, political party or business entity under ***an oath to God or*** penalty of perjury, 30 days after:

(a) The special election, for the period from the filing of the notice of intent to circulate the petition for recall through the special election; or

(b) If the special election is not held because a district court determines that the petition for recall is legally insufficient pursuant to subsection 6 of NRS 306.040, for the period from the filing of the notice of intent to circulate the petition for recall through the date of the district court's decision.

➥ A person who signs the form under an oath to God is subject to the same penalties as if the person had signed the form under penalty of perjury.

7. [The] ***Except as otherwise provided in section 3 of this act,*** the reports of contributions required pursuant to this section must be filed ***electronically*** with [:

(a) If the candidate is elected from one county, the county clerk of that county;

(b) If the candidate is elected from one city, the city clerk of that city; or

(c) If the candidate is elected from more than one county or city,] the Secretary of State.

8. [A person or entity may file the report with the appropriate officer by regular mail, certified mail, facsimile machine or electronic means.] A report shall be deemed to be filed [with the officer:

(a) On the date that it was mailed if it was sent by certified mail; or

(b) On] ***on*** the date that it was received by the [officer if the report was sent by regular mail, transmitted by facsimile machine or electronic means, or delivered personally.

~~9. Each county clerk or city clerk who receives a report pursuant to this section shall file a copy of the report with the Secretary of State within 10 working days after receiving the report.~~

~~10.]~~ ***Secretary of State.***

9. Every person, committee, political party or business entity described in subsection 1 shall file a report required by this section even if the person, committee, political party or business entity receives no contributions.

Sec. 8. NRS 294A.150 is hereby amended to read as follows:

294A.150 1. Except as otherwise provided in NRS 294A.283, every person or group of persons organized formally or informally, including a business entity, who advocates the passage or defeat of a question or group of questions on the ballot at a primary election, primary city election, general election or general city election and who receives or expends money in an amount in excess of $10,000 to advocate the passage or defeat of such question or group of questions shall, not later than January 15 of each year that the provisions of this subsection apply to the person, group of persons or business entity, for the period from January 1 of the previous year through December 31 of the previous year, report each campaign contribution in excess of $1,000 received during that period and contributions received during the period from a contributor which cumulatively exceed $1,000. The report must be completed on the form designed and ~~[provided]~~ ***made available*** by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the group or business entity under ***an oath to God or*** penalty of perjury. ***A person who signs the form under an oath to God is subject to the same penalties as if the person had signed the form under penalty of perjury.*** The provisions of this subsection apply to the person, group of persons or business entity:

(a) Each year in which:

(1) An election or city election is held for each question for which the person, group of persons or business entity advocates passage or defeat; or

(2) A person, group of persons or business entity receives or expends money in excess of $10,000 to advocate the passage or defeat of a question or group of questions on the ballot at a primary election, primary city election, general election or general city election; and

(b) The year after each year described in paragraph (a).

2. If a question is on the ballot at a primary election or primary city election and the general election or general city election immediately following that primary election or primary city election is held on or after January 1 and before the July 1 immediately following that January 1, every person or group of persons organized formally or informally, including a business entity, who advocates the passage or defeat of the question or a group of questions that includes the question and who receives or expends

money in an amount in excess of $10,000 to advocate the passage or defeat of such question or group of questions shall comply with the requirements of this subsection. If a question is on the ballot at a general election or general city election held on or after January 1 and before the July 1 immediately following that January 1, every person or group of persons organized formally or informally, including a business entity, who advocates the passage or defeat of the question or a group of questions that includes the question and who receives or expends money in an amount in excess of $10,000 to advocate the passage or defeat of such question or group of questions shall comply with the requirements of this subsection. A person, group of persons or business entity described in this subsection shall, not later than:

(a) ~~[Seven]~~ ***Twenty-one*** days before the primary election or primary city election, for the period from the January 1 immediately preceding the primary election or primary city election through ~~[12]~~ ***25*** days before the primary election or primary city election;

(b) ~~[Seven]~~ ***Four*** days before the ~~[general]~~ ***primary*** election or ~~[general]~~ ***primary*** city election, for the period from ~~[11]~~ ***24*** days before the primary election or primary city election through ~~[12]~~ ***5*** days before the ~~[general]~~ ***primary*** election or ~~[general]~~ ***primary*** city election; ~~[and~~

~~(c) July 15 of the year of]~~

(c) Twenty-one days before the general election or general city election, for the period from ~~[11]~~ ***4*** days before the ~~[general]~~ ***primary*** election or ~~[general]~~ ***primary*** city election through ~~[June 30 of that year,]~~ ***25 days before the general election or general city election; and***

(d) Four days before the general election or general city election, for the period from 24 days before the general election or general city election through 5 days before the general election or general city election,

➥ report each campaign contribution in excess of $1,000 received during the period and contributions received during the period from a contributor which cumulatively exceed $1,000. The report must be completed on the form designed and ~~[provided]~~ ***made available*** by the Secretary of State pursuant to NRS 294A.373 and signed by the person or a representative of the group or business entity under ***an oath to God or*** penalty of perjury. ***A person who signs the form under an oath to God is subject to the same penalties as if the person had signed the form under penalty of perjury.***

3. The name and address of the contributor and the date on which the contribution was received must be included on the report for each contribution in excess of $1,000 and contributions which a contributor has made cumulatively in excess of that amount since the beginning of the current reporting period.

4. If a question is on the ballot at a primary election or primary city election and the general election or general city election immediately following that primary election or primary city election is held on or after July 1 and before the January 1 immediately following that July 1, every person or group of persons organized formally or informally, including a business entity, who advocates the passage or defeat of the question or a group of questions that includes the question and who receives or expends money in an amount in excess of $10,000 to advocate the passage or defeat of such question or group of questions shall comply with the requirements of this subsection. Except as otherwise provided in NRS 294A.283, if a question is on the ballot at a general election or general city election held on or after July 1 and before the January 1 immediately following that July 1, every person or group of persons organized formally or informally, including a business entity, who advocates the passage or defeat of the question or a group of questions that includes the question and who receives or expends money in an amount in excess of $10,000 to advocate the passage or defeat of such question or group of questions shall comply with the requirements of this subsection. A person, group of persons or business entity described in this subsection shall, not later than:

(a) ~~[Seven]~~ ***Twenty-one*** days before the primary election or primary city election, for the period from the January 1 immediately preceding the primary election or primary city election through ~~[12]~~ ***25*** days before the primary election or primary city election; ~~[and]~~

(b) ~~[Seven]~~ ***Four*** days before the ~~[general]~~ ***primary*** election or ~~[general]~~ ***primary*** city election, for the period from ~~[11]~~ ***24*** days before the primary election or primary city election through ~~[12]~~ ***5*** days before the ~~[general]~~ ***primary*** election or ~~[general]~~ ***primary*** city election ~~[.]~~ ***;***

(c) Twenty-one days before the general election or general city election, for the period from 4 days before the primary election or primary city election through 25 days before the general election or general city election; and

(d) Four days before the general election or general city election, for the period from 24 days before the general election or general city election through 5 days before the general election or general city election,

➥ report each campaign contribution in excess of $1,000 received during the period and contributions received during the period from a contributor which cumulatively exceed $1,000. The report must be completed on the form designed and ~~[provided]~~ ***made available*** by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the group or business entity under ***an oath to God or*** penalty of perjury. ***A person who signs the form under an oath to God is subject to the same penalties as if the person had signed the form under penalty of perjury.***

5. Except as otherwise provided in subsection 6, every person or group of persons organized formally or informally, including a business entity, who advocates the passage or defeat of a question or group of questions on the ballot at a special election and who receives or expends money in an amount in excess of $10,000 to advocate the passage or defeat of such question or group of questions shall, not later than:

(a) Seven days before the special election, for the period from the date that the question qualified for the ballot through 12 days before the special election; and

(b) Thirty days after the special election, for the remaining period through the special election,

➥ report each campaign contribution in excess of $1,000 received during the period and contributions received during the period from a contributor which cumulatively exceed $1,000. The report must be completed on the form designed and ~~[provided]~~ ***made available*** by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the group or business entity under ***an oath to God or*** penalty of perjury. ***A person who signs the form under an oath to God is subject to the same penalties as if the person had signed the form under penalty of perjury.***

6. Every person or group of persons organized formally or informally, including a business entity, who advocates the passage or defeat of a question or group of questions on the ballot at a special election to determine whether a public officer will be recalled and who receives or expends money in an amount in excess of $10,000 to advocate the passage or defeat of such question or group of questions shall report each of the contributions received on the form designed and ~~[provided]~~ ***made available*** by the Secretary of State pursuant to NRS 294A.373 and signed by the person or a representative of the group or business entity under ***an oath to God or*** penalty of perjury, 30 days after:

(a) The special election, for the period from the filing of the notice of intent to circulate the petition for recall through the special election; or

(b) If the special election is not held because a district court determines that the petition for recall is legally insufficient pursuant to subsection 6 of NRS 306.040, for the period from the filing of the notice of intent to circulate the petition for recall through the date of the district court's decision.

➥ A person who signs the form under an oath to God is subject to the same penalties as if the person had signed the form under penalty of perjury.

7. ~~[The]~~ ***Except as otherwise provided in section 3 of this act, the*** reports required pursuant to this section must be filed ***electronically*** with ~~[:~~

~~(a) If the question is submitted to the voters of one county, the county clerk of that county;~~

~~(b) If the question is submitted to the voters of one city, the city clerk of that city; or~~

~~(c) If the question is submitted to the voters of more than one county or city,~~] the Secretary of State.

8. ~~[A person may mail or transmit the report to the appropriate officer by regular mail, certified mail, facsimile machine or electronic means.]~~ A report shall be deemed to be filed ~~[with the officer:~~

~~(a) On the date that it was mailed if it was sent by certified mail; or~~

~~(b) On~~] ***on*** the date that it was received by the ~~[officer if the report was sent by regular mail, transmitted by facsimile machine or electronic means, or delivered personally.]~~ ***Secretary of State.***

9. If the person or group of persons, including a business entity, is advocating passage or defeat of a group of questions, the reports must be itemized by question or petition.

~~[10. Each county clerk or city clerk who receives a report pursuant to this section shall file a copy of the report with the Secretary of State within 10 working days after receiving the report.]~~

Sec. 9. NRS 294A.200 is hereby amended to read as follows:

294A.200 1. Every candidate for state, district, county or township office at a primary or general election shall, not later than January 15 of each year, for the period from January 1 of the previous year through December 31 of the previous year, report ~~[each]~~ ***:***

(a) Each of the campaign expenses in excess of $100 incurred ~~[and each]~~ ***during the period;***

(b) Each amount in excess of $100 disposed of pursuant to NRS 294A.160 ***during the period;***

(c) The total of all campaign expenses incurred during the period which are $100 or less; and

(d) The total of all amounts disposed of during the period ***pursuant to NRS 294A.160 which are $100 or less,***

➥ on the form designed and ~~[provided]~~ ***made available*** by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the candidate under ***an oath to God or*** penalty of perjury. ***A candidate who signs the form under an oath to God is subject to the same penalties as if the candidate had signed the form under penalty of perjury.***

2. The provisions of ~~[this]~~ subsection ***1*** apply to the candidate:

(a) Beginning the year of the general election for that office through the year immediately preceding the next general election for that office; and

(b) Each year immediately succeeding a calendar year during which the candidate disposes of contributions pursuant to NRS 294A.160.

~~[2.]~~ ***3.*** Every candidate for state, district, county or township office at a primary or general election shall, if the general election for the office for

which he or she is a candidate is held on or after January 1 and before the July 1 immediately following that January 1, not later than:

(a) ~~[Seven]~~ ***Twenty-one*** days before the primary election for that office, for the period from the January 1 immediately preceding the primary election through ~~[12]~~ ***25*** days before the primary election;

(b) ~~[Seven]~~ ***Four*** days before the ~~[general]~~ ***primary*** election for that office, for the period from ~~[11]~~ ***24*** days before the primary election through ~~[12]~~ ***5*** days before the ~~[general]~~ ***primary*** election; ~~[and]~~

(c) ~~[July 15 of the year of]~~ ***Twenty-one days before*** the general election for that office, for the period from ~~[11]~~ ***4*** days before the ~~[general]~~ ***primary*** election through ~~[June 30 of that year,]~~ ***25 days before the general election; and***

(d) Four days before the general election for that office, for the period from 24 days before the general election through 5 days before the general election,

➥ report each of the campaign expenses ~~[in excess of $100]~~ ***described in subsection 1*** incurred during the period on the form designed and ~~[provided]~~ ***made available*** by the Secretary of State pursuant to NRS 294A.373. Each form must be signed by the candidate under ***an oath to God or*** penalty of perjury.

~~[3.]~~ ***A candidate who signs the form under an oath to God is subject to the same penalties as if the candidate had signed the form under penalty of perjury.***

4. Every candidate for state, district, county or township office at a primary or general election shall, if the general election for the office for which he or she is a candidate is held on or after July 1 and before the January 1 immediately following that July 1, not later than:

(a) ~~[Seven]~~ ***Twenty-one*** days before the primary election for that office, for the period from the January 1 immediately preceding the primary election through ~~[12]~~ ***25*** days before the primary election; ~~[and]~~

(b) ~~[Seven]~~ ***Four*** days before the ~~[general]~~ ***primary*** election for that office, for the period from ~~[11]~~ ***24*** days before the primary election through ~~[12]~~ ***5*** days before the ~~[general]~~ ***primary*** election ~~[.]~~ ***;***

(c) Twenty-one days before the general election for that office, for the period from 4 days before the primary election through 25 days before the general election; and

(d) Four days before the general election for that office, for the period from 24 days before the general election through 5 days before the general election,

➥ report each of the campaign expenses ~~[in excess of $100]~~ ***described in subsection 1*** incurred during the period on the form designed and ~~[provided]~~ ***made available*** by the Secretary of State pursuant to NRS 294A.373. The

form must be signed by the candidate under ***an oath to God or*** penalty of perjury.

~~[4.]~~ ***A candidate who signs the form under an oath to God is subject to the same penalties as if the candidate had signed the form under penalty of perjury.***

5. Except as otherwise provided in subsection ~~[5,]~~ ***6,*** every candidate for a district office at a special election shall, not later than:

(a) Seven days before the special election, for the period from the candidate's nomination through 12 days before the special election; and

(b) Thirty days after the special election, for the remaining period through the special election,

➥ report each of the campaign expenses ~~[in excess of $100]~~ ***described in subsection 1*** incurred during the period on the form designed and ~~[provided]~~ ***made available*** by the Secretary of State pursuant to NRS 294A.373. Each form must be signed by the candidate under ***an oath to God or*** penalty of perjury.

~~[5.]~~ ***A candidate who signs the form under an oath to God is subject to the same penalties as if the candidate had signed the form under penalty of perjury.***

6. Every candidate for state, district, county, municipal or township office at a special election to determine whether a public officer will be recalled shall report each of the campaign expenses ~~[in excess of $100]~~ ***described in subsection 1*** incurred on the form designed and ~~[provided]~~ ***made available*** by the Secretary of State pursuant to NRS 294A.373 and signed by the candidate under ***an oath to God or*** penalty of perjury, 30 days after:

(a) The special election, for the period from the filing of the notice of intent to circulate the petition for recall through the special election; or

(b) If the special election is not held because a district court determines that the petition for recall is legally insufficient pursuant to subsection 6 of NRS 306.040, for the period from the filing of the notice of intent to circulate the petition for recall through the date of the district court's decision.

~~[6.]~~

➥ ***A candidate who signs the form under an oath to God is subject to the same penalties as if the candidate had signed the form under penalty of perjury.***

7. ~~[Reports]~~ ***Except as otherwise provided in section 2 of this act, reports*** of campaign expenses must be filed ***electronically*** with the ~~[officer with whom the candidate filed the declaration of candidacy or acceptance of candidacy. A candidate may mail or transmit the report to that officer by regular mail, certified mail, facsimile machine or electronic means.]~~ ***Secretary of State.***

8. A report shall be deemed to be filed ~~[with the officer:~~

~~(a) On the date that it was mailed if it was sent by certified mail; or~~

~~(b) On~~] ***on*** the date that it was received by the ~~[officer if the report was sent by regular mail, transmitted by facsimile machine or electronic means, or delivered personally.~~

~~7. County clerks who receive from candidates for legislative or judicial office, including, without limitation, the office of justice of the peace or municipal judge, reports of campaign expenses pursuant to this section shall file a copy of each report with the~~] Secretary of State **.** ~~[within 10 working days after receiving the report.]~~

Sec. 10. NRS 294A.210 is hereby amended to read as follows:

294A.210 1. Every person who is not under the direction or control of a candidate for an office at a primary election, primary city election, general election or general city election, of a group of such candidates or of any person involved in the campaign of that candidate or group who makes an expenditure on behalf of the candidate or group which is not solicited or approved by the candidate or group, and every committee for political action, political party, committee sponsored by a political party or business entity which makes an expenditure on behalf of such a candidate or group of candidates shall, not later than January 15 of each year that the provisions of this subsection apply to the person, committee, political party or business entity, for the period from January 1 of the previous year through December 31 of the previous year, report each expenditure made during the period on behalf of the candidate, the group of candidates or a candidate in the group of candidates in excess of $100 on the form designed and ~~[provided]~~ ***made available*** by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the committee, political party or business entity under ***an oath to God or*** penalty of perjury. ***A person who signs the form under an oath to God is subject to the same penalties as if the person had signed the form under penalty of perjury.*** The provisions of this subsection apply to the person, committee, political party or business entity beginning the year of the general election or general city election for that office through the year immediately preceding the next general election or general city election for that office.

2. Every person, committee, political party or business entity described in subsection 1 which makes an expenditure on behalf of a candidate for office at a primary election, primary city election, general election or general city election or a group of such candidates shall, if the general election or general city election for the office for which the candidate or a candidate in the group of candidates seeks election is held on or after January 1 and before the July 1 immediately following that January 1, not later than:

(a) ~~[Seven]~~ ***Twenty-one*** days before the primary election or primary city election for that office, for the period from the January 1 immediately preceding the primary election or primary city election through ~~[12]~~ ***25*** days before the primary election or primary city election;

(b) ~~[Seven]~~ ***Four*** days before the ~~[general]~~ ***primary*** election or ~~[general]~~ ***primary*** city election for that office, for the period from ~~[11]~~ ***24*** days before the primary election or primary city election through ~~[12]~~ ***5*** days before the ~~[general]~~ ***primary*** election or ~~[general]~~ ***primary*** city election; ~~[and]~~

(c) ~~[July 15 of the year of]~~ ***Twenty-one days before*** the general election or general city election for that office, for the period from ~~[11]~~ ***4*** days before the ~~[general]~~ ***primary*** election or ~~[general]~~ ***primary*** city election through ~~[the June 30 of that year,]~~ ***25 days before the general election or general city election; and***

(d) Four days before the general election or general city election for that office, for the period from 24 days before the general election or general city election through 5 days before the general election or general city election,

➥ report each expenditure made during the period on behalf of the candidate, the group of candidates or a candidate in the group of candidates in excess of $100 on the form designed and ~~[provided]~~ ***made available*** by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the committee, political party or business entity under ***an oath to God or*** penalty of perjury. ***A person who signs the form under an oath to God is subject to the same penalties as if the person had signed the form under penalty of perjury.***

3. Every person, committee, political party or business entity described in subsection 1 which makes an expenditure on behalf of a candidate for office at a primary election, primary city election, general election or general city election or on behalf of a group of such candidates shall, if the general election or general city election for the office for which the candidate or a candidate in the group of candidates seeks election is held on or after July 1 and before the January 1 immediately following that July 1, not later than:

(a) ~~[Seven]~~ ***Twenty-one*** days before the primary election or primary city election for that office, for the period from the January 1 immediately preceding the primary election or primary city election through ~~[12]~~ ***25*** days before the primary election or primary city election; ~~[and]~~

(b) ~~[Seven]~~ ***Four*** days before the ~~[general]~~ ***primary*** election or ~~[general]~~ ***primary*** city election for that office, for the period from ~~[11]~~ ***24*** days before the primary election or primary city election through ~~[12]~~ ***5*** days before the ~~[general]~~ ***primary*** election or ~~[general]~~ ***primary*** city election ~~[,]~~ ***;***

(c) Twenty-one days before the general election or general city election for that office, for the period from 4 days before the primary election or

primary city election through 25 days before the general election or general city election; and

(d) Four days before the general election or general city election for that office, for the period from 24 days before the general election or general city election through 5 days before the general election or general city election,

➥ report each expenditure made during the period on behalf of the candidate, the group of candidates or a candidate in the group of candidates in excess of $100 on the form designed and ~~[provided]~~ ***made available*** by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the committee, political party or business entity under ***an oath to God or*** penalty of perjury. ***A person who signs the form under an oath to God is subject to the same penalties as if the person had signed the form under penalty of perjury.***

4. Except as otherwise provided in subsection 5, every person, committee, political party or business entity described in subsection 1 which makes an expenditure on behalf of a candidate for office at a special election or on behalf of a group of such candidates shall, not later than:

(a) Seven days before the special election for the office for which the candidate or a candidate in the group of candidates seeks election, for the period from the nomination of the candidate through 12 days before the special election; and

(b) Thirty days after the special election, for the remaining period through the special election,

➥ report each expenditure made during the period on behalf of the candidate, the group of candidates or a candidate in the group of candidates in excess of $100 on the form designed and ~~[provided]~~ ***made available*** by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the committee, political party or business entity under ***an oath to God or*** penalty of perjury. ***A person who signs the form under an oath to God is subject to the same penalties as if the person had signed the form under penalty of perjury.***

5. Every person, committee, political party or business entity described in subsection 1 which makes an expenditure on behalf of a candidate for office at a special election to determine whether a public officer will be recalled or on behalf of a group of such candidates shall list each expenditure made on behalf of the candidate, the group of candidates or a candidate in the group of candidates in excess of $100 on the form designed and ~~[provided]~~ ***made available*** by the Secretary of State pursuant to NRS 294A.373 and signed by the person or a representative of the committee, political party or business entity under ***an oath to God or*** penalty of perjury, 30 days after:

(a) The special election, for the period from the filing of the notice of intent to circulate the petition for recall through the special election; or

(b) If the special election is not held because a district court determines that the petition for recall is legally insufficient pursuant to subsection 6 of NRS 306.040, for the period from the filing of the notice of intent to circulate the petition for recall through the date of the district court's decision.

A person who signs the form under an oath to God is subject to the same penalties as if the person had signed the form under penalty of perjury.

6. Expenditures made within the State or made elsewhere but for use within the State, including expenditures made outside the State for printing, television and radio broadcasting or other production of the media, must be included in the report.

7. ~~[The]~~ ***Except as otherwise provided in section 3 of this act, the*** reports must be filed ***electronically*** with ~~[:~~

~~(a) If the candidate is elected from one county, the county clerk of that county;~~

~~(b) If the candidate is elected from one city, the city clerk of that city; or~~

~~(c) If the candidate is elected from more than one county or city,]~~ the Secretary of State.

8. If an expenditure is made on behalf of a group of candidates, the reports must be itemized by the candidate. ~~[A person may mail or transmit the report to the appropriate officer by regular mail, certified mail, facsimile machine or electronic means.]~~

9. A report shall be deemed to be filed ~~[with the officer:~~

~~(a) On the date that it was mailed if it was sent by certified mail; or~~

~~(b) On]~~ ***on*** the date that it was received by the ~~[officer if the report was sent by regular mail, transmitted by facsimile machine or electronic means, or delivered personally.~~

~~9. Each county clerk or city clerk who receives a report pursuant to this section shall file a copy of the report with the]~~ Secretary of State **.** ~~[within 10 working days after receiving the report.~~

~~10.]~~ Every person, committee, political party or business entity described in subsection 1 shall file a report required by this section even if the person, committee, political party or business entity receives no contributions.

Sec. 11. NRS 294A.220 is hereby amended to read as follows:

294A.220 1. Except as otherwise provided in NRS 294A.283, every person or group of persons organized formally or informally, including a business entity, who advocates the passage or defeat of a question or group of questions on the ballot at a primary election, primary city election, general election or general city election and who receives or expends money in an amount in excess of $10,000 to advocate the passage or defeat of such question or group of questions shall, not later than January 15 of each year

that the provisions of this subsection apply to the person or group of persons, for the period from January 1 of the previous year through December 31 of the previous year, report each expenditure made during the period on behalf of or against the question, the group of questions or a question in the group of questions on the ballot in excess of $1,000 on the form designed and ~~[provided]~~ ***made available*** by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the group or business entity under ***an oath to God or*** penalty of perjury. ***A person who signs the form under an oath to God is subject to the same penalties as if the person had signed the form under penalty of perjury.*** The provisions of this subsection apply to the person, group of persons or business entity:

(a) Each year in which:

(1) An election or city election is held for a question for which the person, group of persons or business entity advocates passage or defeat; or

(2) A person, group of persons or business entity receives or expends money in excess of $10,000 to advocate the passage or defeat of a question or group of questions on the ballot at a primary election, primary city election, general election or general city election; and

(b) The year after each year described in paragraph (a).

2. If a question is on the ballot at a primary election or primary city election and the general election or general city election immediately following that primary election or primary city election is held on or after January 1 and before the July 1 immediately following that January 1, every person or group of persons organized formally or informally, including a business entity, who advocates the passage or defeat of the question or a group of questions that includes the question and who receives or expends money in an amount in excess of $10,000 to advocate the passage or defeat of such question or group of questions shall comply with the requirements of this subsection. If a question is on the ballot at a general election or general city election held on or after January 1 and before the July 1 immediately following that January 1, every person or group of persons organized formally or informally, including a business entity, who advocates the passage or defeat of the question or a group of questions that includes the question and who receives or expends money in an amount in excess of $10,000 to advocate the passage or defeat of such question or group of questions shall comply with the requirements of this subsection. A person, group of persons or business entity described in this subsection shall, not later than:

(a) ~~[Seven]~~ ***Twenty-one*** days before the primary election or primary city election, for the period from the January 1 immediately preceding the

primary election or primary city election through ~~[12]~~ ***25*** days before the primary election or primary city election;

(b) ~~[Seven]~~ ***Four*** days before the ~~[general]~~ ***primary*** election or ~~[general]~~ ***primary*** city election, for the period from ~~[11]~~ ***24*** days before the primary election or primary city election through ~~[12]~~ ***5*** days before the ~~[general]~~ ***primary*** election or ~~[general]~~ ***primary*** city election; ~~[and~~

~~(c) July 15 of the year of]~~

(c) Twenty-one days before the general election or general city election, for the period from ~~[11]~~ ***4*** days before the ~~[general]~~ ***primary*** election or ~~[general]~~ ***primary*** city election through ~~[the June 30 immediately preceding that July 15,]~~ ***25 days before the general election or general city election; and***

(d) Four days before the general election or general city election, for the period from 24 days before the general election or general city election through 5 days before the general election or general city election,

➥ report each expenditure made during the period on behalf of or against the question, the group of questions or a question in the group of questions on the ballot in excess of $1,000 on the form designed and ~~[provided]~~ ***made available*** by the Secretary of State pursuant to NRS 294A.373 and signed by the person or a representative of the group or business entity under ***an oath to God or*** penalty of perjury. ***A person who signs the form under an oath to God is subject to the same penalties as if the person had signed the form under penalty of perjury.***

3. If a question is on the ballot at a primary election or primary city election and the general election or general city election immediately following that primary election or primary city election is held on or after July 1 and before the January 1 immediately following that July 1, every person or group of persons organized formally or informally, including a business entity, who advocates the passage or defeat of the question or a group of questions that includes the question and who receives or expends money in an amount in excess of $10,000 to advocate the passage or defeat of such question or group of questions shall comply with the requirements of this subsection. Except as otherwise provided in NRS 294A.283, if a question is on the ballot at a general election or general city election held on or after July 1 and before the January 1 immediately following that July 1, every person or group of persons organized formally or informally, including a business entity, who advocates the passage or defeat of the question or a group of questions that includes the question and who receives or expends money in an amount in excess of $10,000 to advocate the passage or defeat of such question or group of questions shall comply with the requirements of this subsection. A person, group of persons or business entity described in this subsection shall, not later than:

(a) ~~[Seven]~~ ***Twenty-one*** days before the primary election or primary city election, for the period from the January 1 immediately preceding the primary election or primary city election through ~~[12]~~ ***25*** days before the primary election or primary city election; ~~[and]~~

(b) ~~[Seven]~~ ***Four*** days before the ~~[general]~~ ***primary*** election or ~~[general]~~ ***primary*** city election, for the period from ~~[11]~~ ***24*** days before the primary election or primary city election through ~~[12]~~ ***5*** days before the ~~[general]~~ ***primary*** election or ~~[general]~~ ***primary*** city election ~~[.]~~ ***;***

(c) Twenty-one days before the general election or general city election, for the period from 4 days before the primary election or primary city election through 25 days before the general election or general city election; and

(d) Four days before the general election or general city election, for the period from 24 days before the general election or general city election through 5 days before the general election or general city election,

➥ report each expenditure made during the period on behalf of or against the question, the group of questions or a question in the group of questions on the ballot in excess of $1,000 on the form designed and ~~[provided]~~ ***made available*** by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the group or business entity under ***an oath to God or*** penalty of perjury. ***A person who signs the form under an oath to God is subject to the same penalties as if the person had signed the form under penalty of perjury.***

4. Except as otherwise provided in subsection 5, every person or group of persons organized formally or informally, including a business entity, who advocates the passage or defeat of a question or group of questions on the ballot at a special election shall, not later than:

(a) Seven days before the special election, for the period from the date the question qualified for the ballot through 12 days before the special election; and

(b) Thirty days after the special election, for the remaining period through the special election,

➥ report each expenditure made during the period on behalf of or against the question, the group of questions or a question in the group of questions on the ballot in excess of $1,000 on the form designed and ~~[provided]~~ ***made available*** by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the group or business entity under ***an oath to God or*** penalty of perjury. ***A person who signs the form under an oath to God is subject to the same penalties as if the person had signed the form under penalty of perjury.***

5. Every person or group of persons organized formally or informally, including a business entity, who advocates the passage or defeat of a question

or group of questions on the ballot at a special election to determine whether a public officer will be recalled and who receives or expends money in an amount in excess of $10,000 to advocate the passage or defeat of such question or group of questions shall list each expenditure made during the period on behalf of or against the question, the group of questions or a question in the group of questions on the ballot in excess of $1,000 on the form designed and ~~[provided]~~ ***made available*** by the Secretary of State pursuant to NRS 294A.373 and signed by the person or a representative of the group or business entity under ***an oath to God or*** penalty of perjury, 30 days after:

(a) The special election, for the period from the filing of the notice of intent to circulate the petition for recall through the special election; or

(b) If the special election is not held because a district court determines that the petition for recall is legally insufficient pursuant to subsection 6 of NRS 306.040, for the period from the filing of the notice of intent to circulate the petition for recall through the date of the district court's decision.

➥ A person who signs the form under an oath to God is subject to the same penalties as if the person had signed the form under penalty of perjury.

6. Expenditures made within the State or made elsewhere but for use within the State, including expenditures made outside the State for printing, television and radio broadcasting or other production of the media, must be included in the report.

7. ~~[The]~~ ***Except as otherwise provided in section 3 of this act,*** reports required pursuant to this section must be filed ***electronically*** with ~~[:~~

~~(a) If the question is submitted to the voters of one county, the county clerk of that county;~~

~~(b) If the question is submitted to the voters of one city, the city clerk of that city; or~~

~~(c) If the question is submitted to the voters of more than one county or city,]~~ the Secretary of State.

8. If an expenditure is made on behalf of a group of questions, the reports must be itemized by question or petition. ~~[A person may mail or transmit the report to the appropriate filing officer by regular mail, certified mail, facsimile machine or electronic means.]~~

9. A report shall be deemed to be filed ~~[with the filing officer:~~

~~(a) On the date that it was mailed if it was sent by certified mail; or~~

~~(b) On]~~ ***on*** the date that it was received by the ~~[filing officer if the report was sent by regular mail, transmitted by facsimile machine or electronic means, or delivered personally.~~

~~9. Each county clerk or city clerk who receives a report pursuant to this section shall file a copy of the report with the]~~ Secretary of State ~~. [within 10 working days after receiving the report.]~~

Sec. 12. NRS 294A.270 is hereby amended to read as follows:

294A.270 1. Except as otherwise provided in subsection 3, each committee for the recall of a public officer shall, not later than:

(a) Seven days before the special election to recall a public officer, for the period from the filing of the notice of intent to circulate the petition for recall through 12 days before the special election; and

(b) Thirty days after the election, for the remaining period through the election,

➥ report each contribution received or made by the committee in excess of $100 on the form designed and ~~[provided]~~ ***made available*** by the Secretary of State pursuant to NRS 294A.373. The form must be signed by a representative of the committee under ***an oath to God or*** penalty of perjury. ***A person who signs the form under an oath to God is subject to the same penalties as if the person had signed the form under penalty of perjury.***

2. If a petition for the purpose of recalling a public officer is not filed before the expiration of the notice of intent, the committee for the recall of a public officer shall, not later than 30 days after the expiration of the notice of intent, report each contribution received by the committee, and each contribution made by the committee in excess of $100.

3. If a court does not order a special election for the recall of the public officer, the committee for the recall of a public officer shall, not later than 30 days after the court determines that an election will not be held, for the period from the filing of the notice of intent to circulate the petition for recall through the day the court determines that an election will not be held, report each contribution received by the committee, and each contribution made by the committee in excess of $100.

4. ~~[Each]~~ ***Except as otherwise provided in section 3 of this act, each*** report of contributions must be filed ***electronically*** with the Secretary of State. ~~[The committee may mail or transmit the report by regular mail, certified mail, facsimile machine or electronic means.]~~

5. A report shall be deemed to be filed ~~[with the Secretary of State:~~

~~(a) On the date that it was mailed if it was sent by certified mail; or~~

~~(b) On]~~ ***on*** the date that it was received by the Secretary of State **.** ~~[if the report was sent by regular mail, transmitted by facsimile machine or electronic means, or delivered personally.~~

~~5.]~~ ***6.*** The name and address of the contributor and the date on which the contribution was received must be included on the report for each contribution, whether from or to a natural person, association or corporation, in excess of $100 and contributions which a contributor or the committee has made cumulatively in excess of that amount since the beginning of the current reporting period.

Sec. 13. NRS 294A.280 is hereby amended to read as follows:

294A.280 1. Except as otherwise provided in subsection 3, each committee for the recall of a public officer shall, not later than:

(a) Seven days before the special election to recall a public officer, for the period from the filing of the notice of intent to circulate the petition for recall through 12 days before the special election; and

(b) Thirty days after the election, for the remaining period through the election,

➥ report each expenditure made by the committee in excess of $100 on the form designed and ~~[provided]~~ ***made available*** by the Secretary of State pursuant to NRS 294A.373. The form must be signed by a representative of the committee under ***an oath to God or*** penalty of perjury. ***A person who signs the form under an oath to God is subject to the same penalties as if the person had signed the form under penalty of perjury.***

2. If a petition for the purpose of recalling a public officer is not filed before the expiration of the notice of intent, the committee for the recall of a public officer shall, not later than 30 days after the expiration of the notice of intent, report each expenditure made by the committee in excess of $100.

3. If a court does not order a special election for the recall of the public officer, the committee for the recall of a public officer shall, not later than 30 days after the court determines that an election will not be held, for the period from the filing of the notice of intent to circulate the petition for recall through the day the court determines that an election will not be held, report each expenditure made by the committee in excess of $100.

4. ~~[Each]~~ ***Except as otherwise provided in section 3 of this act, each*** report of expenditures must be filed ***electronically*** with the Secretary of State. ~~[The committee may mail or transmit the report to the Secretary of State by regular mail, certified mail, facsimile machine or electronic means.]~~

5. A report shall be deemed to be filed ~~[with the Secretary of State:~~

~~(a) On the date that it was mailed if it was sent by certified mail; or~~

~~(b) On]~~ ***on*** the date that it was received by the Secretary of State **.** ~~[if the report was sent by regular mail, transmitted by facsimile machine or electronic means, or delivered personally.]~~

Sec. 14. NRS 294A.283 is hereby amended to read as follows:

294A.283 1. Every person or group of persons organized formally or informally, including a business entity, who advocates the passage or defeat of a constitutional amendment or statewide measure proposed by an initiative or referendum, including, without limitation, the initiation or circulation thereof, and who receives or expends money in an amount in excess of $10,000 for such advocacy shall, not later than the dates listed in subsection 2, report:

(a) Each campaign contribution in excess of $1,000 received during each period described in subsection 2;

(b) Contributions received during each period described in subsection 2 from a contributor which cumulatively exceed $1,000;

(c) Each expenditure in excess of $1,000 the person, group of persons or business entity makes during each period described in subsection 2; and

(d) The total amount of money the person, group of persons or business entity has at the beginning of each period described in subsection 2, accounting for all contributions received and expenditures made during each previous period.

2. Every person, group of persons or business entity required to report pursuant to subsection 1 shall file that report with the Secretary of State:

(a) For the period beginning on the first day a copy of the petition may be filed with the Secretary of State before it is circulated for signatures pursuant to Section 1 or Section 2 of Article 19 of the Nevada Constitution, as applicable, and ending on the following March 31, not later than April 15;

(b) For the period beginning on April 1 and ending on July 31, not later than August 15;

(c) For the period beginning on August 1 and ending on September 30, not later than October 15; and

(d) For the period beginning on October 1 and ending on December 31, not later than the following January 15.

3. The name and address of the contributor and the date on which the contribution was received must be included on each report for each contribution in excess of $1,000 and contributions which a contributor has made cumulatively in excess of that amount since the beginning of the applicable reporting period.

4. Expenditures made within the State or made elsewhere but for use within the State, including expenditures made outside the State for printing, television and radio broadcasting or other production of the media, must be included in each report.

5. Each report required pursuant to this section must:

(a) Be on the form designed and ~~[provided]~~ ***made available*** by the Secretary of State pursuant to NRS 294A.373; and

(b) Be signed by the person or a representative of the group of persons or business entity under ***an oath to God or*** penalty of perjury. ***A person who signs the form under an oath to God is subject to the same penalties as if the person had signed the form under penalty of perjury.***

6. ~~[A]~~ ***Except as otherwise provided in section 3 of this act, a*** person, group of persons or business entity ~~[may mail or transmit]~~ ***shall file*** each report ~~[to]~~ ***electronically with*** the Secretary of State **.** ~~[by certified mail, regular mail, facsimile machine or electronic means or may deliver the report personally.]~~

7. A report shall be deemed to be filed ~~[with the Secretary of State:~~

~~(a) On the date that it was mailed if it was sent by certified mail; or~~

~~(b) On~~ ***on*** the date that it was received by the Secretary of State **.** ~~[if the report was sent by regular mail, transmitted by facsimile machine or electronic means, or delivered personally.]~~

Sec. 15. NRS 294A.286 is hereby amended to read as follows:

294A.286 1. A person who administers a legal defense fund shall:

(a) Within 5 days after the creation of the legal defense fund, notify the Secretary of State of the creation of the fund on a form provided by the Secretary of State; and

(b) For the same period covered by the report filed pursuant to NRS 294A.120, 294A.200 or 294A.360, report any contribution received by or expenditure made from the legal defense fund.

2. The reports required by paragraph (b) of subsection 1 must be submitted on the form designed and ~~[provided]~~ ***made available*** by the Secretary of State pursuant to NRS 294A.373. Each form must be signed by the administrator of the legal defense fund under ***an oath to God or*** penalty of perjury. ***A person who signs the form under an oath to God is subject to the same penalties as if the person had signed the form under penalty of perjury.***

3. ~~[The]~~ ***Except as otherwise provided in section 2 of this act, the*** reports required by paragraph (b) of subsection 1 must be filed in the same manner and at the same time as the report filed pursuant to NRS 294A.120, 294A.200 or 294A.360.

Sec. 16. NRS 294A.360 is hereby amended to read as follows:

294A.360 1. ~~[Every]~~ ***Except as otherwise provided in section 2 of this act, every*** candidate for city office at a primary city election or general city election shall file the reports in the manner required by NRS 294A.120, 294A.128 and 294A.200 for other offices not later than January 15 of each year, for the period from January 1 of the previous year through December 31 of the previous year. The provisions of this subsection apply to the candidate:

(a) Beginning the year of the general city election for that office through the year immediately preceding the next general city election for that office; and

(b) Each year immediately succeeding a calendar year during which the candidate disposes of contributions pursuant to NRS 294A.160.

2. ~~[Every]~~ ***Except as otherwise provided in section 2 of this act, every*** candidate for city office at a primary city election or general city election, if the general city election for the office for which he or she is a candidate is held on or after January 1 and before the July 1 immediately following that January 1, shall file the reports in the manner required by NRS 294A.120, 294A.128 and 294A.200 for other offices not later than:

(a) ~~[Seven]~~ ***Twenty-one*** days before the primary city election for that office, for the period from the January 1 immediately preceding the primary city election through ~~[12]~~ ***25*** days before the primary city election;

(b) ~~[Seven]~~ ***Four*** days before the ~~[general]~~ ***primary*** city election for that office, for the period from ~~[11]~~ ***24*** days before the primary city election through ~~[12]~~ ***5*** days before the ~~[general]~~ ***primary*** city election; ~~[and~~

~~(c) July 15 of the year of]~~

(c) Twenty-one days before the general city election for that office, for the period from ~~[11]~~ ***4*** days before the ~~[general]~~ ***primary*** city election through ~~[the June 30 of that year.]~~ ***25 days before the general city election; and***

(d) Four days before the general city election for that office, for the period from 24 days before the general city election through 5 days before the general city election.

3. ~~[Every]~~ ***Except as otherwise provided in section 2 of this act, every*** candidate for city office at a primary city election or general city election, if the general city election for the office for which he or she is a candidate is held on or after July 1 and before the January 1 immediately following that July 1, shall file the reports in the manner required by NRS 294A.120, 294A.128 and 294A.200 for other offices not later than:

(a) ~~[Seven]~~ ***Twenty-one*** days before the primary city election for that office, for the period from the January 1 immediately preceding the primary city election through ~~[12]~~ ***25*** days before the primary city election; ~~[and]~~

(b) ~~[Seven]~~ ***Four*** days before the ~~[general]~~ ***primary*** city election for that office, for the period from ~~[11]~~ ***24*** days before the primary city election through ~~[12]~~ ***5*** days before the ~~[general]~~ ***primary*** city election ~~[.]~~ ***;***

(c) Twenty-one days before the general city election for that office, for the period from 4 days before the primary city election through 25 days before the general city election; and

(d) Four days before the general city election for that office, for the period from 24 days before the general city election through 5 days before the general city election.

4. Except as otherwise provided in subsection 5, every candidate for city office at a special election shall so file those reports:

(a) Seven days before the special election, for the period from the candidate's nomination through 12 days before the special election; and

(b) Thirty days after the special election, for the remaining period through the special election.

5. Every candidate for city office at a special election to determine whether a public officer will be recalled shall so file those reports 30 days after:

(a) The special election, for the period from the filing of the notice of intent to circulate the petition for recall through the special election; or

(b) If the special election is not held because a district court determines that the petition for recall is legally insufficient pursuant to subsection 6 of NRS 306.040, for the period from the filing of the notice of intent to circulate the petition for recall through the date of the district court's decision.

Sec. 17. NRS 294A.362 is hereby amended to read as follows:

294A.362 1. In addition to reporting information pursuant to NRS 294A.120, 294A.125, 294A.128, 294A.200 and 294A.360, each candidate who is required to file a report of campaign contributions and expenses pursuant to NRS 294A.120, 294A.125, 294A.128, 294A.200 or 294A.360 shall report on the form designed and ~~[provided]~~ ***made available*** by the Secretary of State pursuant to NRS 294A.373 goods and services provided in kind for which money would otherwise have been paid. The candidate shall list on the form ~~[each]~~ ***:***

(a) Each such campaign contribution in excess of $100 received during the reporting period ~~[, each]~~ ***;***

(b) Each such campaign contribution from a contributor received during the reporting period which cumulatively exceeds $100 ~~[, and each]~~ ***;***

(c) Each such expense in excess of $100 incurred during the reporting period ~~[.]~~ ***;***

(d) The total of all such campaign contributions received during the reporting period which are $100 or less and which are not otherwise required to be reported pursuant to paragraph (b); and

(e) The total of all such expenses incurred during the reporting period which are $100 or less.

2. The Secretary of State and each city clerk shall not require a candidate to list the campaign contributions and expenses described in this section on any form other than the form designed and ~~[provided]~~ ***made available*** by the Secretary of State pursuant to NRS 294A.373.

3. Except as otherwise provided in section 2 of this act, the report required by subsection 1 must be filed in the same manner and at the same time as the report filed pursuant to NRS 294A.120, 294A.125, 294A.128, 294A.200 or 294A.360.

Sec. 18. NRS 294A.373 is hereby amended to read as follows:

294A.373 1. The Secretary of State shall design ~~[a single form]~~ ***forms*** to be used for all reports of campaign contributions and expenses or expenditures that are required to be filed pursuant to NRS 294A.120, 294A.125, 294A.128, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220, 294A.270, 294A.280, 294A.283, 294A.360 and 294A.362 and reports of contributions received by and expenditures made from a legal defense fund that are required to be filed pursuant to NRS 294A.286.

2. The ~~[form]~~ ***forms*** designed by the Secretary of State pursuant to this section must only request information specifically required by statute.

3. [Upon request, the] ***The*** Secretary of State shall [provide] ***make available to each candidate, person, committee, political party, group of persons or business entity that is required to file a report described in subsection 1:***

(a) If the candidate, person, committee, political party, group or business entity has submitted an affidavit to the Secretary of State pursuant to section 2 or 3 of this act, as applicable, a copy of the form [designed pursuant to this section to each person, committee, political party, group and business entity that is required to file a report described in subsection 1.] ***; or***

(b) If the candidate, person, committee, political party, group or business entity is required to submit the report electronically to the Secretary of State, access through a secure website to the form.

4. ***If the candidate, person, committee, political party, group of persons or business entity is required to submit electronically a report described in subsection 1, the form must be signed electronically under an oath to God or penalty of perjury. A person who signs the form under an oath to God is subject to the same penalties as if the person had signed the form under penalty of perjury.***

5. The Secretary of State must obtain the advice and consent of the Legislative Commission before [providing] ***making*** a copy of ***, or access to,*** a form designed or revised by the Secretary of State pursuant to this section ***available*** to a ***candidate,*** person, committee, political party, group ***of persons*** or business entity ***.*** [that is required to use the form.]

Sec. 18.5. **NRS 294A.382 is hereby amended to read as follows:**

294A.382 The Secretary of State shall not request or require a candidate, person, group of persons, committee, political party or business entity to list each of the expenditures or campaign expenses of $100 or less on a form designed and **[**provided**]** ***made available*** pursuant to NRS 294A.373.

Sec. 19. NRS 294A.390 is hereby amended to read as follows:

294A.390 The officer from whom a candidate or entity requests a form for:

1. A declaration of candidacy;

2. An acceptance of candidacy;

3. The registration of a committee for political action pursuant to NRS 294A.230, a committee for the recall of a public officer pursuant to NRS 294A.250 or a business entity that wishes to engage in certain political activity pursuant to NRS 294A.227; ***or***

4. The reporting of the creation of a legal defense fund pursuant to NRS 294A.286 ***,*** [; or

5. The reporting of campaign contributions, expenses or expenditures pursuant to NRS 294A.120, 294A.128, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220, 294A.270, 294A.280, 294A.283 or 294A.360 and the

~~reporting of contributions received by and expenditures made from a legal defense fund pursuant to NRS 294A.286,]~~

➥ shall furnish the candidate ***or entity*** with the necessary forms for reporting and copies of the regulations adopted by the Secretary of State pursuant to this chapter. An explanation of the applicable provisions of NRS 294A.100, 294A.120, 294A.128, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220, 294A.270, 294A.280, 294A.283 or 294A.360 relating to the making, accepting or reporting of campaign contributions, expenses or expenditures and the penalties for a violation of those provisions as set forth in NRS 294A.100 or 294A.420, and an explanation of NRS 294A.286 and 294A.287 relating to the accepting or reporting of contributions received by and expenditures made from a legal defense fund and the penalties for a violation of those provisions as set forth in NRS 294A.287 and 294A.420, must be developed by the Secretary of State and provided upon request. The candidate or entity shall acknowledge receipt of the material.

Sec. 20. NRS 294A.400 is hereby amended to read as follows:

294A.400 The Secretary of State shall, within 30 days after receipt of the reports required by NRS 294A.120, 294A.125, 294A.128, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220, 294A.270, 294A.280, 294A.283 ***,*** ~~[and]~~ 294A.286, ***294A.360 and 294A.362,*** prepare and make available for public inspection a compilation of:

1. The total campaign contributions, the contributions which are in excess of $100 and the total campaign expenses of each of the candidates from whom reports of those contributions and expenses are required.

2. The total amount of loans to a candidate guaranteed by a third party, the total amount of loans made to a candidate that have been forgiven and the total amount of written commitments for contributions received by a candidate.

3. The contributions made to a committee for the recall of a public officer in excess of $100.

4. The expenditures exceeding $100 made by a:

(a) Person on behalf of a candidate other than the person.

(b) Group of persons or business entity advocating the election or defeat of a candidate.

(c) Committee for the recall of a public officer.

5. The contributions in excess of $100 made to:

(a) A person who is not under the direction or control of a candidate or group of candidates or of any person involved in the campaign of the candidate or group who makes an expenditure on behalf of the candidate or group which is not solicited or approved by the candidate or group.

(b) A committee for political action, political party, committee sponsored by a political party or business entity which makes an expenditure on behalf of a candidate or group of candidates.

6. The contributions in excess of $1,000 made to and the expenditures exceeding $1,000 made by a:

(a) Person or group of persons organized formally or informally, including a business entity who advocates the passage or defeat of a question or group of questions on the ballot and who receives or expends money in an amount in excess of $10,000 for such advocacy, except as otherwise provided in paragraph (b).

(b) Person or group of persons organized formally or informally, including a business entity, who advocates the passage or defeat of a constitutional amendment or statewide measure proposed by an initiative or referendum, including, without limitation, the initiation or circulation thereof, and who receives or expends money in an amount in excess of $10,000 for such advocacy.

7. The total contributions received by and expenditures made from a legal defense fund.

Sec. 21. Chapter 281A of NRS is hereby amended by adding thereto the provisions set forth as sections 22 and 23 of this act.

Sec. 22. ~~[~~*~~1. Except as otherwise provided in subsection 2, a former public officer shall not receive compensation or other consideration to:~~*

~~(a) Appear in person in the building in which the governing body holds meetings; and~~

~~(b) Communicate directly with a member of the governing body on behalf of someone other than himself or herself to influence legislative action,~~

~~→ for a period of 2 years after the end of his or her term of office or appointment.~~

~~2. The provisions of subsection 1 do not apply to a former public officer in any of the following circumstances:~~

~~(a) The former public officer is an employee of a bona fide news medium who engages in conduct described in subsection 1 only in the course of his or her professional duties and who contacts members of the governing body for the sole purpose of carrying out his or her news gathering function.~~

~~(b) The former public officer is now an officer or employee of a governing body other than the governing body to which the former public officer was elected or appointed, if the appearance or communication is for the purpose of influencing legislative action on behalf of that governing body.~~

~~*(c) The former public officer is an elected officer of this State or a political subdivision who confines his or her appearance or communication with the governing body to issues directly related to the scope of the office to which he or she was elected.*~~

~~*3. As used in this section:*~~

~~*(a) "Consideration" means a gift, salary, payment, distribution, loan, advance or deposit of money or anything of value and includes, without limitation, a contract, promise or agreement, whether or not legally enforceable.*~~

~~*(b) "Governing body" means the legislative body of the State or political subdivision to which the former public officer was elected or appointed, or any standing committee thereof.*~~

~~*(c) "Legislative action" means introduction, sponsorship, debate, voting and any other official action on any bill, resolution, ordinance, amendment, nomination, appointment, report and any other matter pending before or proposed by a governing body, or on any matter which may be the subject of action by the governing body.]*~~ **(Deleted by amendment.)**

Sec. 23. *1. A candidate or public officer who is required to file a statement of financial disclosure with the Secretary of State pursuant to NRS 281A.600 or 281A.610 is not required to file the statement electronically if the candidate or public officer has on file with the Secretary of State an affidavit which satisfies the requirements set forth in subsection 2 and which states that:*

(a) The candidate or public officer does not own or have the ability to access the technology necessary to file electronically the statement of financial disclosure; and

(b) The candidate or public officer does not have the financial ability to purchase or obtain access to the technology necessary to file electronically the statement of financial disclosure.

2. The affidavit described in subsection 1 must be:

(a) In the form prescribed by the Secretary of State and signed under an oath to God or penalty of perjury. A candidate or public officer who signs the affidavit under an oath to God is subject to the same penalties as if the candidate or public officer had signed the affidavit under penalty of perjury.

(b) Except as otherwise provided in subsection 4, filed not less than 15 days before the statement of financial disclosure is required to be filed.

3. A candidate or public officer who is not required to file the statement of financial disclosure electronically may file the statement of financial disclosure by transmitting the statement by regular mail, certified mail, facsimile machine or personal delivery. A statement of financial disclosure

transmitted pursuant to this subsection shall be deemed to be filed on the date that it was received by the Secretary of State.

4. A person who is appointed to fill the unexpired term of an elected or appointed public officer must file the affidavit described in subsection 1 not later than 15 days after his or her appointment to be exempted from the requirement of filing a report electronically.

Sec. 24. NRS 281A.240 is hereby amended to read as follows:

281A.240 1. In addition to any other duties imposed upon the Executive Director, the Executive Director shall:

(a) Maintain complete and accurate records of all transactions and proceedings of the Commission.

(b) Receive requests for opinions pursuant to NRS 281A.440.

(c) Gather information and conduct investigations regarding requests for opinions received by the Commission and submit recommendations to the investigatory panel appointed pursuant to NRS 281A.220 regarding whether there is just and sufficient cause to render an opinion in response to a particular request.

(d) Recommend to the Commission any regulations or legislation that the Executive Director considers desirable or necessary to improve the operation of the Commission and maintain high standards of ethical conduct in government.

(e) Upon the request of any public officer or the employer of a public employee, conduct training on the requirements of this chapter, the rules and regulations adopted by the Commission and previous opinions of the Commission. In any such training, the Executive Director shall emphasize that the Executive Director is not a member of the Commission and that only the Commission may issue opinions concerning the application of the statutory ethical standards to any given set of facts and circumstances. The Commission may charge a reasonable fee to cover the costs of training provided by the Executive Director pursuant to this subsection.

(f) Perform such other duties, not inconsistent with law, as may be required by the Commission.

2. The Executive Director shall, within the limits of legislative appropriation, employ such persons as are necessary to carry out any of the Executive Director's duties relating to:

(a) The administration of the affairs of the Commission; ***and***

(b) ~~[The review of statements of financial disclosure; and~~

~~(c)]~~ The investigation of matters under the jurisdiction of the Commission.

Sec. 25. NRS 281A.290 is hereby amended to read as follows:

281A.290 The Commission shall:

1. Adopt procedural regulations:

(a) To facilitate the receipt of inquiries by the Commission;

(b) For the filing of a request for an opinion with the Commission;

(c) For the withdrawal of a request for an opinion by the person who filed the request; and

(d) To facilitate the prompt rendition of opinions by the Commission.

2. Prescribe, by regulation, ~~[forms for the submission of statements of financial disclosure and procedures for the submission of statements of financial disclosure filed pursuant to NRS 281A.600 and]~~ forms and procedures for the submission of statements of acknowledgment filed by public officers pursuant to NRS 281A.500, maintain files of such statements and make the statements available for public inspection.

3. Cause the making of such investigations as are reasonable and necessary for the rendition of its opinions pursuant to this chapter.

4. ~~[Except as otherwise provided in NRS 281A.600, inform]~~ ***Inform*** the Attorney General or district attorney of all cases of noncompliance with the requirements of this chapter ~~[.]~~ ***, other than cases of noncompliance with NRS 281A.600, 281A.610 and 281A.620.***

5. Recommend to the Legislature such further legislation as the Commission considers desirable or necessary to promote and maintain high standards of ethical conduct in government.

6. Publish a manual for the use of public officers and employees that contains:

(a) Hypothetical opinions which are abstracted from opinions rendered pursuant to subsection 1 of NRS 281A.440, for the future guidance of all persons concerned with ethical standards in government;

(b) Abstracts of selected opinions rendered pursuant to subsection 2 of NRS 281A.440; and

(c) An abstract of the requirements of this chapter.

➥ The Legislative Counsel shall prepare annotations to this chapter for inclusion in the Nevada Revised Statutes based on the abstracts and published opinions of the Commission.

Sec. 26. NRS 281A.470 is hereby amended to read as follows:

281A.470 1. Any department, board, commission or other agency of the State or the governing body of a county or an incorporated city may establish a specialized or local ethics committee to complement the functions of the Commission. A specialized or local ethics committee may:

(a) Establish a code of ethical standards suitable for the particular ethical problems encountered in its sphere of activity. The standards may not be less restrictive than the statutory ethical standards.

(b) Render an opinion upon the request of any public officer or employee of its own organization or level seeking an interpretation of its ethical standards on questions directly related to the propriety of the public officer's or employee's own future official conduct or refer the request to the

Commission. Any public officer or employee subject to the jurisdiction of the committee shall direct the public officer's or employee's inquiry to that committee instead of the Commission.

(c) Require the filing of statements of financial disclosure by public officers on forms prescribed by the committee or the city clerk if the form has been:

(1) Submitted, at least 60 days before its anticipated distribution, to the ~~[Commission]~~ ***Secretary of State*** for review; and

(2) Upon review, approved by the ~~[Commission.]~~ ***Secretary of State.***

2. A specialized or local ethics committee shall not attempt to interpret or render an opinion regarding the statutory ethical standards.

3. Each request for an opinion submitted to a specialized or local ethics committee, each hearing held to obtain information on which to base an opinion, all deliberations relating to an opinion, each opinion rendered by a committee and any motion relating to the opinion are confidential unless:

(a) The public officer or employee acts in contravention of the opinion; or

(b) The requester discloses the content of the opinion.

Sec. 27. ~~**[**NRS 281A.550 is hereby amended to read as follows:~~

~~281A.550 1. A former member of the Public Utilities Commission of Nevada shall not:~~

~~(a) Be employed by a public utility or parent organization or subsidiary of a public utility~~ **[**~~;~~**]** ***for 1 year after the termination of the member's service on the Public Utilities Commission of Nevada;*** ~~or~~

~~(b) Appear before the Public Utilities Commission of Nevada to testify on behalf of a public utility or parent organization or subsidiary of a public utility~~ **[**~~,~~

~~for 1 year~~**]** ***for 2 years*** ~~after the termination of the member's service on the Public Utilities Commission of Nevada.~~

~~2. A former member of the State Gaming Control Board or the Nevada Gaming Commission shall not:~~

~~(a) Appear before the State Gaming Control Board or the Nevada Gaming Commission on behalf of a person who holds a license issued pursuant to chapter 463 or 464 of NRS or who is required to register with the Nevada Gaming Commission pursuant to chapter 463 of NRS~~ **[**~~;~~**]** ***for 2 years after the termination of the member's service on the State Gaming Control Board or the Nevada Gaming Commission;*** ~~or~~

~~(b) Be employed by such a person~~ **[**~~,~~

~~for 1 year after the termination of the member's service on the State Gaming Control Board or the Nevada Gaming Commission.~~

~~3. In addition to the prohibitions set forth in subsections 1 and 2, and except as otherwise provided in subsections 4 and 6, a former public officer or employee of a board, commission, department, division or other agency of~~

~~the Executive Department of State Government, except a clerical employee, shall not solicit or accept employment from a business or industry whose activities are governed by regulations adopted by the board, commission, department, division or other agency for 1 year after the termination of the former public officer's or employee's service or period of employment if:~~

~~(a) The former public officer's or employee's principal duties included the formulation of policy contained in the regulations governing the business or industry;~~

~~(b) During the immediately preceding year, the former public officer or employee directly performed activities, or controlled or influenced an audit, decision, investigation or other action, which significantly affected the business or industry which might, but for this section, employ the former public officer or employee; or~~

~~(c) As a result of the former public officer's or employee's governmental service or employment, the former public officer or employee possesses knowledge of the trade secrets of a direct business competitor.~~

~~4. The provisions of subsection 3 do not apply to a former public officer who was a member of a board, commission or similar body of the State if:~~

~~(a) The former public officer is engaged in the profession, occupation or business regulated by the board, commission or similar body;~~

~~(b) The former public officer holds a license issued by the board, commission or similar body; and~~

~~(c) Holding a license issued by the board, commission or similar body is a requirement for membership on the board, commission or similar body.~~

~~5. Except as otherwise provided in subsection 6, a former public officer or employee of the State or a political subdivision, except a clerical employee, shall not solicit or accept employment from a person to whom a contract for supplies, materials, equipment or services was awarded by the State or political subdivision, as applicable, for 1 year after the termination of the officer's or employee's service or period of employment, if:~~

~~(a) The amount of the contract exceeded $25,000;~~

~~(b) The contract was awarded within the 12-month period immediately preceding the termination of the officer's or employee's service or period of employment; and~~

~~(c) The position held by the former public officer or employee at the time the contract was awarded allowed the former public officer or employee to affect or influence the awarding of the contract.~~

~~6. A current or former public officer or employee may request that the Commission apply the relevant facts in that person's case to the provisions of subsection 3 or 5, as applicable, and determine whether relief from the strict application of those provisions is proper. If the Commission determines that~~

~~relief from the strict application of the provisions of subsection 3 or 5, as applicable, is not contrary to:~~

~~(a) The best interests of the public;~~

~~(b) The continued ethical integrity of the State Government or political subdivision, as applicable; and~~

~~(c) The provisions of this chapter,~~

~~→ it may issue an opinion to that effect and grant such relief. The opinion of the Commission in such a case is final and subject to judicial review pursuant to NRS 233B.130, except that a proceeding regarding this review must be held in closed court without admittance of persons other than those necessary to the proceeding, unless this right to confidential proceedings is waived by the current or former public officer or employee.~~

~~7. Each request for an opinion that a current or former public officer or employee submits to the Commission pursuant to subsection 6, each opinion rendered by the Commission in response to such a request and any motion, determination, evidence or record of a hearing relating to such a request are confidential unless the current or former public officer or employee who requested the opinion:~~

~~(a) Acts in contravention of the opinion, in which case the Commission may disclose the request for the opinion, the contents of the opinion and any motion, evidence or record of a hearing related thereto;~~

~~(b) Discloses the request for the opinion, the contents of the opinion or any motion, evidence or record of a hearing related thereto; or~~

~~(c) Requests the Commission to disclose the request for the opinion, the contents of the opinion, or any motion, evidence or record of a hearing related thereto.~~

~~8. A meeting or hearing that the Commission or an investigatory panel holds to receive information or evidence concerning the propriety of the conduct of a current or former public officer or employee pursuant to this section and the deliberations of the Commission and the investigatory panel on such information or evidence are not subject to the provisions of chapter 241 of NRS.~~

~~9. As used in this section, "regulation" has the meaning ascribed to it in NRS 233B.038 and also includes regulations adopted by a board, commission, department, division or other agency of the Executive Department of State Government that is exempted from the requirements of chapter 233B of NRS.~~**]** **(Deleted by amendment.)**

Sec. 28. NRS 281A.600 is hereby amended to read as follows:

281A.600 1. Except as otherwise provided in ~~[subsection 2,]~~ ***subsections 2 and 3 and section 23 of this act,*** if a public officer who was appointed to the office for which the public officer is serving is entitled to receive annual compensation of $6,000 or more for serving in that office, the

public officer shall file ***electronically*** with the ~~[Commission]~~ ***Secretary of State*** a statement of financial disclosure, as follows:

(a) A public officer appointed to fill the unexpired term of an elected or appointed public officer shall file a statement of financial disclosure within 30 days after the public officer's appointment.

(b) Each public officer appointed to fill an office shall file a statement of financial disclosure on or before January 15 of each year of the term, including the year the term expires.

➥ The statement must disclose the required information for the full calendar year immediately preceding the date of filing.

2. If a person is serving in a public office for which the person is required to file a statement pursuant to subsection 1, the person may use the statement the person files for that initial office to satisfy the requirements of subsection 1 for every other public office to which the person is appointed and in which the person is also serving.

3. A judicial officer who is appointed to fill the unexpired term of a predecessor or to fill a newly created judgeship shall file a statement of financial disclosure pursuant to the requirements of Canon 4I of the Nevada Code of Judicial Conduct. Such a statement of financial disclosure must include, without limitation, all information required to be included in a statement of financial disclosure pursuant to NRS 281A.620.

4. ~~[The Commission shall provide written notification to the Secretary of State of the public officers who failed to file the statements of financial disclosure required by subsection 1 or who failed to file those statements in a timely manner. The notice must be sent within 30 days after the deadlines set forth in subsection 1 and must include:~~

~~(a) The name of each public officer who failed to file a statement of financial disclosure within the period before the notice is sent;~~

~~(b) The name of each public officer who filed a statement of financial disclosure after the deadlines set forth in subsection 1 but within the period before the notice is sent;~~

~~(c) For the first notice sent after the public officer filed a statement of financial disclosure, the name of each public officer who filed a statement of financial disclosure after the deadlines set forth in subsection 1 but within the period before the notice is sent; and~~

~~(d) For each public officer listed in paragraph (c), the date on which the statement of financial disclosure was due and the date on which the public officer filed the statement.~~

~~5. In addition to the notice provided pursuant to subsection 4, the Commission shall notify the Secretary of State of each public officer who files a statement of financial disclosure more than 30 days after the deadlines~~

~~set forth in subsection 1. The notice must include the information described in paragraphs (c) and (d) of subsection 4.~~

~~6.~~] A statement of financial disclosure shall be deemed to be filed ~~[with the Commission:~~

~~(a) On the date that it was mailed if it was sent by certified mail; or~~

~~(b) On~~] ***on*** the date that it was received by the ~~[Commission if the statement was sent by regular mail, transmitted by facsimile machine or electronic means, or delivered personally.]~~ ***Secretary of State.***

5. Except as otherwise provided in section 23 of this act, the Secretary of State shall provide access through a secure website to the statement of financial disclosure to each person who is required to file the statement with the Secretary of State pursuant to this section.

6. The Secretary of State may adopt regulations necessary to carry out the provisions of this section.

Sec. 29. NRS 281A.610 is hereby amended to read as follows:

281A.610 1. Except as otherwise provided in ~~[subsection 2,]~~ ***subsections 2 and 3 and section 23 of this act,*** each candidate for public office who will be entitled to receive annual compensation of $6,000 or more for serving in the office that the candidate is seeking and, except as otherwise provided in subsection 3, each public officer who was elected to the office for which the public officer is serving shall file ***electronically*** with the Secretary of State a statement of financial disclosure, as follows:

(a) A candidate for nomination, election or reelection to public office shall file a statement of financial disclosure no later than the 10th day after the last day to qualify as a candidate for the office. The statement must disclose the required information for the full calendar year immediately preceding the date of filing and for the period between January 1 of the year in which the election for the office will be held and the last day to qualify as a candidate for the office. The filing of a statement of financial disclosure for a portion of a calendar year pursuant to this paragraph does not relieve the candidate of the requirement of filing a statement of financial disclosure for the full calendar year pursuant to paragraph (b) in the immediately succeeding year, if the candidate is elected to the office.

(b) Each public officer shall file a statement of financial disclosure on or before January 15 of each year of the term, including the year the term expires. The statement must disclose the required information for the full calendar year immediately preceding the date of filing.

2. Except as otherwise provided in this subsection, if a candidate for public office is serving in a public office for which the candidate is required to file a statement pursuant to paragraph (b) of subsection 1 or subsection 1 of NRS 281A.600, the candidate need not file the statement required by subsection 1 for the full calendar year for which the candidate previously

filed a statement. The provisions of this subsection do not relieve the candidate of the requirement pursuant to paragraph (a) of subsection 1 to file a statement of financial disclosure for the period between January 1 of the year in which the election for the office will be held and the last day to qualify as a candidate for the office.

3. A person elected pursuant to NRS 548.285 to the office of supervisor of a conservation district is not required to file a statement of financial disclosure relative to that office pursuant to subsection 1.

4. A candidate for judicial office or a judicial officer shall file a statement of financial disclosure pursuant to the requirements of Canon 4I of the Nevada Code of Judicial Conduct. Such a statement of financial disclosure must include, without limitation, all information required to be included in a statement of financial disclosure pursuant to NRS 281A.620.

5. A statement of financial disclosure shall be deemed to be filed ~~[with the Secretary of State:~~

~~(a) On the date that it was mailed if it was sent by certified mail; or~~

~~(b) On]~~ ***on*** the date that it was received by the Secretary of State **.** ~~[if the statement was sent by regular mail, transmitted by facsimile machine or electronic means, or delivered personally.~~

~~6. The statement of financial disclosure filed pursuant to this section must be filed on the form prescribed by the Commission pursuant to NRS 281A.290.~~

~~7. The]~~

6. Except as otherwise provided in section 23 of this act, the Secretary of State shall ~~[prescribe, by regulation, procedures for the submission of statements of financial disclosure filed pursuant to this section, maintain files of such statements and make the statements available for public inspection.]~~ ***provide access through a secure website to the statement of financial disclosure to each person who is required to file the statement with the Secretary of State pursuant to this section.***

7. The Secretary of State may adopt regulations necessary to carry out the provisions of this section.

Sec. 30. NRS 281A.620 is hereby amended to read as follows:

281A.620 1. Statements of financial disclosure, as approved pursuant to NRS 281A.470 or in such ***electronic*** form as the ~~[Commission]~~ ***Secretary of State*** otherwise prescribes, must contain the following information concerning the candidate for public office or public officer:

(a) The candidate's or public officer's length of residence in the State of Nevada and the district in which the candidate for public office or public officer is registered to vote.

(b) Each source of the candidate's or public officer's income, or that of any member of the candidate's or public officer's household who is 18 years

of age or older. No listing of individual clients, customers or patients is required, but if that is the case, a general source such as "professional services" must be disclosed.

(c) A list of the specific location and particular use of real estate, other than a personal residence:

(1) In which the candidate for public office or public officer or a member of the candidate's or public officer's household has a legal or beneficial interest;

(2) Whose fair market value is $2,500 or more; and

(3) That is located in this State or an adjacent state.

(d) The name of each creditor to whom the candidate for public office or public officer or a member of the candidate's or public officer's household owes $5,000 or more, except for:

(1) A debt secured by a mortgage or deed of trust of real property which is not required to be listed pursuant to paragraph (c); and

(2) A debt for which a security interest in a motor vehicle for personal use was retained by the seller.

(e) If the candidate for public office or public officer has received gifts in excess of an aggregate value of $200 from a donor during the preceding taxable year, a list of all such gifts, including the identity of the donor and value of each gift, except:

(1) A gift received from a person who is related to the candidate for public office or public officer within the third degree of consanguinity or affinity.

(2) Ceremonial gifts received for a birthday, wedding, anniversary, holiday or other ceremonial occasion if the donor does not have a substantial interest in the legislative, administrative or political action of the candidate for public office or public officer.

(f) A list of each business entity with which the candidate for public office or public officer or a member of the candidate's or public officer's household is involved as a trustee, beneficiary of a trust, director, officer, owner in whole or in part, limited or general partner, or holder of a class of stock or security representing 1 percent or more of the total outstanding stock or securities issued by the business entity.

(g) A list of all public offices presently held by the candidate for public office or public officer for which this statement of financial disclosure is required.

2. The ~~[Commission shall distribute or cause to be distributed the forms required for such a statement to each candidate for public office and public officer who is required to file one. The Commission is not responsible for the costs of producing or distributing a form for filing statements of financial disclosure which is prescribed pursuant to subsection 1 of NRS 281A.470.]~~

Secretary of State may adopt regulations necessary to carry out the provisions of this section.

3. As used in this section, "member of the candidate's or public officer's household" includes:

(a) The spouse of the candidate for public office or public officer;

(b) A person who does not live in the same home or dwelling, but who is dependent on and receiving substantial support from the candidate for public office or public officer; and

(c) A person who lived in the home or dwelling of the candidate for public office or public officer for 6 months or more in the year immediately preceding the year in which the candidate for public office or public officer files the statement of financial disclosure.

Sec. 31. NRS 281A.630 is hereby amended to read as follows:

281A.630 1. Except as otherwise provided in subsection 2, statements of financial disclosure required by the provisions of NRS 281A.600, 281A.610 and 281A.620 must be retained by the ~~[Commission or]~~ Secretary of State for 6 years after the date of filing.

2. For public officers who serve more than one term in either the same public office or more than one public office, the period prescribed in subsection 1 begins on the date of the filing of the last statement of financial disclosure for the last public office held.

Sec. 32. NRS 281A.640 is hereby amended to read as follows:

281A.640 1. A list of each public officer who is required to file a statement of financial disclosure must be submitted electronically to the ~~[Commission and to the]~~ Secretary of State, in a form prescribed by the ~~[Commission,]~~ ***Secretary of State,*** on or before December 1 of each year by:

(a) Each county clerk for all public officers of the county and other local governments within the county other than cities;

(b) Each city clerk for all public officers of the city;

(c) The Director of the Legislative Counsel Bureau for all public officers of the Legislative Branch; and

(d) The Chief of the Budget Division of the Department of Administration for all public officers of the Executive Branch.

2. ~~[The Secretary of State, each county clerk, or the registrar of voters of the county if one was appointed pursuant to NRS 244.164, and each city clerk shall submit electronically to the Commission, and each]~~ ***Each*** county clerk, or the registrar of voters of the county if one was appointed pursuant to NRS 244.164, and each city clerk shall submit electronically to the Secretary of State, in a form prescribed by the ~~[Commission,]~~ ***Secretary of State,*** a list of each candidate for public office who filed a declaration of candidacy or acceptance of candidacy with that officer within 10 days after the last day to qualify as a candidate for the applicable office.

Sec. 33. NRS 281A.650 is hereby amended to read as follows:

281A.650 The Secretary of State and each county clerk, or the registrar of voters of the county if one was appointed pursuant to NRS 244.164, or city clerk who receives from a candidate for public office a declaration of candidacy, acceptance of candidacy or certificate of candidacy shall give to the candidate ***:***

1. If the candidate is a candidate for judicial office, the form prescribed by the ~~[Commission]~~ ***Administrative Office of the Courts*** for the making of a statement of financial disclosure ~~[.]~~ ***;***

2. If the candidate is not a candidate for judicial office and is required to file electronically the statement of financial disclosure, access to the electronic form prescribed by the Secretary of State; or

3. If the candidate is not a candidate for judicial office, is required to submit the statement of financial disclosure electronically and has submitted an affidavit to the Secretary of State pursuant to section 23 of this act, the form prescribed by the Secretary of State,

➥ accompanied by instructions on how to complete the form ~~[, where it must be filed]~~ and the time by which it must be filed.

Sec. 34. ~~[1. This section and sections 22 and 27 of this act become effective on July 1, 2011.~~

~~2. Sections 1 to 21, inclusive, 23 to 26, inclusive, and 28 to 33, inclusive, of this]~~ **This** act ~~[become]~~ **becomes** effective on January 1, 2012.

Assemblyman Segerblom moved that the Assembly concur in the Senate Amendment No. 834 to Assembly Bill No. 452.

Remarks by Assemblyman Segerblom.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Assembly Bill No. 260.

The following Senate amendment was read:

Amendment No. 856.

AN ACT relating to the Legislature; requiring newly elected Legislators to attend training before the beginning of their first legislative session; ~~[providing a monetary penalty for failure to attend the training sessions;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Section 3 of this]~~ **This** bill requires newly elected Legislators to attend training before the beginning of their first legislative session. The Speaker of the Assembly and the Majority Leader of the Senate are required to specify the dates of the training and to indicate which training sessions are mandatory. ~~[Section 4 of this bill provides that a Legislator who does not attend a mandatory training session without being excused must pay a~~

~~penalty during the regular legislative session equal to one day of salary for each training session that was missed, to be deducted from the salary otherwise payable to the Legislator during the regular session.]~~

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 218A of NRS is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this act.

Sec. 2. ***For the purposes of ~~[sections]~~ section 3 ~~[and 4]~~ of this act , the Speaker of the Assembly, the Majority Leader of the Senate, the Minority Leader of the Assembly and the Minority Leader of the Senate are:***

1. For the period that begins immediately following a regular session of the Legislature until the day of the next general election, the members of the Legislature who served in those positions during that regular session or the persons designated as replacements in those positions; and

2. For the period that begins on the day next after the general election until the commencement of the ensuing regular session of the Legislature, the persons designated for those positions for the ensuing session.

Sec. 3. ***1. A Legislator who is elected to the Assembly or the Senate who has not previously served in either House of the Legislature shall attend the training required pursuant to this section unless his or her attendance is excused pursuant to subsection 6.***

2. A member of the Assembly who is required to attend training pursuant to this section shall attend each training session designated as mandatory by the Speaker of the Assembly. A member of the Senate who is required to attend training pursuant to this section shall attend each training session designated as mandatory by the Majority Leader of the Senate.

3. The training required pursuant to this section must be recorded electronically and include:

(a) Legislative procedure and protocol;

(b) Overviews of the state budget and the budgetary process;

(c) Briefings on policy issues relevant to the State; and

(d) Such other matters as are deemed appropriate by the Speaker of the Assembly, the Majority Leader of the Senate, the Minority Leader of the Assembly and the Minority Leader of the Senate for their respective Houses.

4. The Director of the Legislative Counsel Bureau shall provide staff support for the training required pursuant to this section.

5. The training required pursuant to this section must not exceed a total of 10 days and must be conducted between the day next after the general election and the commencement of the ensuing regular session of

the Legislature. The dates for the training must be determined by the Speaker of the Assembly and the Majority Leader of the Senate and posted on the public website of the Nevada Legislature on an Internet website not later than 90 days before the first day on which training will be conducted.

6. The Speaker of the Assembly or the Majority Leader of the Senate may excuse a Legislator from attending a training session otherwise required pursuant to this section in case of illness, injury, emergency , employment or other good cause as determined by the Speaker or Majority Leader.

7. The Director of the Legislative Counsel Bureau shall provide an electronic copy of a training session and a form for attesting completion of the training session to any Legislator who was unable to attend the training session. To successfully complete the training required pursuant to this section, such a Legislator must view the training session electronically and submit the attestation to the Director of the Legislative Counsel Bureau.

8. The Director of the Legislative Counsel Bureau shall issue a "Certificate of Graduation from the Legislative Training Academy" to each Legislator who successfully completes the training required pursuant to this section.

Sec. 4. ~~*[1. A Legislator who fails to attend a training session designated as mandatory pursuant to section 3 of this act, unless excused by the Speaker of the Assembly or the Majority Leader of the Senate, as applicable, shall pay a penalty equal to one day of salary for each mandatory training session which he or she failed to attend. The penalty must be withheld from the salary otherwise payable to the Legislator pursuant to NRS 218A.630.*~~

~~*2. A Legislator may appeal a penalty imposed pursuant to subsection 1 to the Assembly or Senate, as applicable. The Assembly or Senate, or a committee appointed to hear the appeal, may affirm the penalty, reduce the amount of the penalty or excuse the penalty. Each House shall determine the procedure for such an appeal.]*~~ **(Deleted by amendment.)**

Sec. 5. NRS 218A.635 is hereby amended to read as follows:

218A.635 1. Except as otherwise provided in subsections 2 and 4, each Senator, Assemblywoman and Assemblyman is entitled to receive the compensation provided for a majority of the members of the Legislature during the first 60 days of the preceding session, and the per diem allowance and travel expenses provided by law, for each day of attendance at a presession orientation conference ***or a training session conducted pursuant to section 3 of this act*** or at a conference, meeting, seminar or other gathering at which the Legislator officially represents the State of Nevada or its Legislature.

2. A nonreturning Legislator must not be paid the compensation or per diem allowance and travel expenses provided in subsection 1 for attendance at a conference, meeting, seminar or other gathering unless:

(a) It is conducted by a statutory committee or a committee of the Legislature and the Legislator is a member of that committee; or

(b) The Majority Leader of the Senate or Speaker of the Assembly designates the Legislator to attend because of the Legislator's knowledge or expertise.

3. For the purposes of this section, "nonreturning Legislator" means a Legislator who, in the year that the Legislator's term of office expires:

(a) Has not filed a declaration or an acceptance of candidacy within the time allowed for filing for election as a Senator, Assemblywoman or Assemblyman;

(b) Has failed to win nomination as a candidate for the Senate or the Assembly at the primary election; or

(c) Has withdrawn as a candidate for the Senate or the Assembly.

4. This section does not apply:

(a) During a regular or special session of the Legislature; or

(b) To any Senator, Assemblywoman or Assemblyman who is otherwise entitled to receive a salary and the per diem allowance and travel expenses.

Sec. 6. NRS 218A.640 is hereby amended to read as follows:

218A.640 A Legislator who attends and is compensated for attending a:

1. Session or presession orientation conference of the Legislature ~~[,]~~ ***or a training session conducted pursuant to section 3 of this act;***

2. Meeting of an interim legislative committee; or

3. Meeting of the Legislative Commission or its Audit Subcommittee,

➥ is not entitled to receive an additional day's salary or compensation for any other such meeting or conference the Legislator attends in that day.

Sec. 7. NRS 218A.645 is hereby amended to read as follows:

218A.645 1. The per diem expense allowance and the travel and telephone expenses of Senators, Assemblymen and Assemblywomen elected or appointed and in attendance at any session or presession orientation conference of the Legislature ***or training session conducted pursuant to section 3 of this act*** must be allowed in the manner set forth in this section.

2. For initial travel from the Legislator's home to Carson City, Nevada, to attend a session or presession orientation conference of the Legislature ~~[,]~~ ***or a training session conducted pursuant to section 3 of this act,*** and for return travel from Carson City, Nevada, to the Legislator's home upon adjournment sine die of a session or termination of a presession orientation conference of the Legislature ~~[,]~~ ***or termination of a training session conducted pursuant to section 3 of this act,*** each Senator, Assemblyman and Assemblywoman is entitled to receive:

(a) A per diem expense allowance, not to exceed the maximum rate established by the Federal Government for the Carson City area, for 1 day's travel to and 1 day's travel from the session ***, training session*** or conference.

(b) Travel expenses.

3. In addition to the per diem and travel expenses authorized by subsection 2, each Senator, Assemblyman and Assemblywoman is entitled to receive a supplemental allowance which must not exceed:

(a) A total of $10,000 during each regular session of the Legislature for:

(1) The Legislator's actual expenses in moving to and from Carson City for the session;

(2) Travel to and from the Legislator's home or temporary residence or for traveling to and from legislative committee and subcommittee meetings or hearings or for individual travel within the State which relates to legislative business;

(3) If the Legislator rents furniture for the Legislator's temporary residence rather than moving similar furniture from the Legislator's home, the cost of renting that furniture not to exceed the amount that it would have cost to move the furniture to and from the Legislator's home; and

(4) If:

(I) The Legislator's home is more than 50 miles from Carson City; and

(II) The Legislator maintains temporary quarters in or near Carson City for which the Legislator has entered into a lease or other agreement for occupancy during a regular legislative session,

➥ the cost of such additional housing, paid at the end of each month during the legislative session, beginning the month of the first day of the legislative session and ending the month of the adjournment sine die of the legislative session, in an amount that is the fair market rent for a one bedroom unit in Carson City as published by the United States Department of Housing and Urban Development prorated for the number of days of the month that the Legislator actually maintained the temporary quarters in or near Carson City. For the purposes of this subparagraph, any day before the first day of the legislative session or after the day of the adjournment sine die of the legislative session may not be counted as a day for which the Legislator actually maintained such temporary quarters; and

(b) A total of $1,200 during each special session of the Legislature for travel to and from the Legislator's home or temporary residence or for traveling to and from legislative committee and subcommittee meetings or hearings or for individual travel within the State which relates to legislative business.

4. Each Senator, Assemblyman and Assemblywoman is entitled to receive a per diem expense allowance, not to exceed the maximum rate

established by the Federal Government for the Carson City area, for each day that the Legislature is in session or in a presession orientation conference ~~[.]~~ ***or a training session conducted pursuant to section 3 of this act,*** and for each day that the Legislator attends a meeting of a standing committee of which the Legislator is a member when the Legislature has adjourned for more than 4 days.

5. Each Senator, Assemblyman and Assemblywoman who maintains temporary quarters in or near Carson City for which the Legislator has entered into a lease or other agreement for continuous occupancy for the duration of a legislative session is entitled to receive a lodging allowance equal to that portion of the expense allowance which the Legislative Commission designates by rule as being allocated to lodging, for not more than 14 days in each period in which:

(a) The Legislature has adjourned until a time certain; and

(b) The Senator, Assemblyman or Assemblywoman is not entitled to a per diem expense allowance pursuant to subsection 4.

6. In addition to the per diem expense allowance authorized by subsection 4 and the lodging allowance authorized by subsection 5, each Senator, Assemblyman and Assemblywoman who maintains temporary quarters in or near Carson City for which the Legislator has entered into a lease or other agreement for continuous occupancy for the duration of a legislative session is entitled to receive a lodging allowance equal to that portion of the expense allowance which the Legislative Commission designates by rule as being allocated to lodging, for not more than 17 days in each period in which:

(a) The Legislature has adjourned for more than 4 days; and

(b) The Senator, Assemblyman or Assemblywoman must obtain temporary lodging in a location that a standing committee of which the Legislator is a member is meeting.

7. Each Senator, Assemblyman and Assemblywoman is entitled to receive a lodging allowance equal to that portion of the expense allowance which the Legislative Commission designates by rule as being allocated to lodging, for not more than 6 days in each period in which:

(a) The Legislature has adjourned for more than 4 days; and

(b) The Senator, Assemblyman or Assemblywoman must obtain temporary lodging in a location that a standing committee of which the Legislator is a member is meeting,

➥ if the Senator, Assemblyman or Assemblywoman is not entitled to the per diem expense allowance authorized by subsection 4 or the lodging allowances authorized by subsections 5 and 6.

8. Each Senator, Assemblyman and Assemblywoman is entitled to receive a telephone allowance of not more than $2,800 for the payment of

tolls and charges incurred by the Legislator in the performance of official business during each regular session of the Legislature and not more than $300 during each special session of the Legislature.

9. An employee of the Legislature assigned to serve a standing committee is entitled to receive the travel expenses and per diem allowance provided for state officers and employees generally if the employee is required to attend a hearing of the committee outside Carson City.

10. Claims for per diem expense allowances authorized by subsection 4 and lodging allowances authorized by subsections 5, 6 and 7 must be paid once each week during a legislative session and upon completion of a presession orientation conference ~~[.]~~ ***or a training session conducted pursuant to section 3 of this act.***

11. A claim for travel expenses authorized by subsection 2 or 3 must not be paid unless the Senator, Assemblyman or Assemblywoman submits a signed statement affirming:

(a) The date of the travel; and

(b) The places of departure and arrival and, if the travel is by private conveyance, the actual miles traveled. If the travel is not by private conveyance, the claim must include a receipt or other evidence of the expenditure.

12. Travel expenses authorized by subsections 2 and 3 are limited to:

(a) If the travel is by private conveyance, a rate equal to the standard mileage reimbursement rate for which a deduction is allowed for the purposes of federal income tax. If two or more Legislators travel in the same private conveyance, the Legislator who provided or arranged for providing the transportation is presumed entitled to reimbursement.

(b) If the travel is not by private conveyance, the actual amount expended.

➥ Transportation must be by the most economical means, considering total cost, time spent in transit and the availability of state-owned automobiles.

Assemblyman Segerblom moved that the Assembly concur in the Senate Amendment No. 856 to Assembly Bill No. 260.

Remarks by Assemblyman Segerblom.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Assembly Bill No. 77.

The following Senate amendment was read:

Amendment No. 617.

AN ACT relating to mortgage lending; revising provisions relating to the licensing of escrow agents and escrow agencies; revising provisions relating to a surety bond or substitute security posted by an escrow agency; requiring the Commissioner of Mortgage Lending to establish certain fees; revising

provisions relating to disciplinary action for an escrow agent or escrow agency; establishing provisions governing the arranging or servicing of loans in which an investor has an interest; requiring a mortgage broker who services a loan to make certain reports; exempting certain natural persons and nonprofit organizations from statutes governing mortgage brokers and mortgage agents; revising provisions relating to a surety bond posted by a mortgage broker; requiring a mortgage broker to review an impound trust account annually; revising provisions relating to the renewal of a license as a mortgage banker; enacting requirements for mortgage brokers and for mortgage bankers to make the statutory schemes governing the two professions more similar; allowing disclosure of certain confidential information relating to an investigation; enacting provisions for the enforcement of the federal Secure and Fair Enforcement for Mortgage Licensing Act of 2008; requiring the licensing of a person who performs the services of a construction control; requiring the licensing of a provider of certain additional services as a provider of covered services; revising provisions relating to compensation for a provider of covered services; increasing certain administrative fines; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law governs the conduct of escrow agents and escrow agencies and requires the Commissioner of Mortgage Lending to supervise and control the conduct of escrow agents and escrow agencies within this State. (Chapter 645A of NRS) **Section 3.5** of this bill includes the performance of the services of a construction control within the definition of escrow. **Sections 4 and 5** of this bill revise provisions relating to the licensing of escrow agents and escrow agencies. **Section 6** of this bill revises provisions relating to the surety bond posted by an escrow agency. **Sections 8 and 9** of this bill revise provisions relating to the fees and costs relating to escrow agents and escrow agencies that the Commissioner is authorized to collect. **Sections 2 and 10-12** of this bill revise provisions relating to discipline for activities relating to escrow agents and escrow agencies.

Existing law governs the conduct of mortgage agents and mortgage brokers and requires the Commissioner of Mortgage Lending to supervise and control the conduct of mortgage agents and mortgage brokers within this State. (Chapter 645B of NRS) **Sections 21, 22, 24, 25, 34 and 37** of this bill establish provisions governing the arranging or servicing of loans by a mortgage broker in which an investor has an interest. **Section 44** of this bill revises the exemptions from the statutes governing mortgage agents and mortgage brokers. **Sections 47 and 48** of this bill revise provisions relating to a surety bond posted by a mortgage broker. **Section 53** of this bill authorizes the Commissioner to disclose certain confidential information

relating to an investigation. **Section 56** of this bill requires a mortgage broker to review an impound trust account annually.

Existing law governs the conduct of mortgage bankers and requires the Commissioner of Mortgage Lending to supervise and control the conduct of mortgage bankers within this State. (Chapter 645E of NRS) **Section 72** of this bill revises the exemptions from the statutes governing mortgage bankers. **Section 81** of this bill authorizes the Commissioner to disclose certain confidential information relating to an investigation.

Existing law requires the Commissioner to adopt regulations concerning the licensing of persons who provide certain covered services. (NRS 645F.390) **Section 96** of this bill includes additional services within the definition of "covered services." **Section 101** of this bill revises provisions governing the compensation a provider of covered services may receive. **Existing law exempts an attorney at law from the requirements concerning the licensing of persons who provide covered services for compensation, but section 98 of this bill specifically provides that an attorney at law is subject to the provisions of section 88.5 of this bill, which prohibit a person who performs any covered service for compensation, a foreclosure consultant or a loan modification consultant from requesting or receiving any compensation before a homeowner executes a written agreement that incorporates an offer of mortgage assistance.**

Sections 42, 45, 46, 50-55, 59, 60, 62-64, 67, 69, 73, 76, 79-82 and 99 of this bill enact or revise provisions to implement the federal Secure and Fair Enforcement for Mortgage Licensing Act of 2008.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 645.8725 is hereby amended to read as follows:

645.8725 "Escrow" has the meaning ascribed to it in subsection ~~[3]~~ ***4*** of NRS 645A.010.

Sec. 1.3. NRS 645.8731 is hereby amended to read as follows:

645.8731 "Escrow agent" has the meaning ascribed to it in subsection ~~[3]~~ ***4*** of NRS 645A.010.

Sec. 1.7. Chapter 645A of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. ***If a person offers or provides any of the services of an escrow agent or escrow agency or otherwise engages in, carries on or holds himself or herself out as engaging in or carrying on the business of an escrow agent or escrow agency and, at the time:***

1. The person was required to have a license pursuant to this chapter and the person did not have such a license; or

2. The person's license was suspended or revoked pursuant to this chapter,

➥ the Commissioner shall impose upon the person an administrative fine of not more than $25,000 for each violation and, if the person has a license, the Commissioner may suspend or revoke it.

Sec. 3. ***1. If an escrow agency is not a natural person, the escrow agency must designate a natural person as a qualified employee to act on behalf of the escrow agency.***

2. The Division shall adopt regulations regarding a qualified employee, including, without limitation, regulations that establish:

(a) A definition for the term "qualified employee";

(b) Any duties of a qualified employee; and

(c) Any requirements regarding a qualified employee.

Sec. 3.5. NRS 645A.010 is hereby amended to read as follows:

645A.010 As used in this chapter, unless the context otherwise requires:

1. "Commissioner" means the Commissioner of Mortgage Lending.

2. "***Construction control" has the meaning ascribed to it in NRS 627.050.***

3. **"**Division" means the Division of Mortgage Lending of the Department of Business and Industry.

~~[3.]~~ ***4.*** "Escrow" means any transaction wherein one person, for the purpose of effecting the sale, transfer, encumbering or leasing of real or personal property to another person, delivers any written instrument, money, evidence of title to real or personal property, or other thing of value to a third person until the happening of a specified event or the performance of a prescribed condition, when it is then to be delivered by such third person to a grantee, grantor, promisee, promisor, obligee, obligor, bailee, bailor or any agent or employee of any of the latter. The term includes the collection of payments and the performance of related services by a third person in connection with a loan secured by a lien on real property ~~[~~.

~~4.]~~ ***and the performance of the services of a construction control.***

5. "Escrow agency" means:

(a) Any person who employs one or more escrow agents; or

(b) An escrow agent who administers escrows on his or her own behalf.

~~[5.]~~ ***6.*** "Escrow agent" means any person engaged in the business of administering escrows for compensation.

Sec. 4. NRS 645A.020 is hereby amended to read as follows:

645A.020 1. A person who wishes to be licensed as an escrow agent or agency must file a written application in the Office of the Commissioner.

2. The application must:

(a) Be verified.

(b) Be accompanied by the appropriate fee prescribed in NRS 645A.040.

(c) State the location of the applicant's principal office and branch offices in the State and residence address.

(d) State the name under which the applicant will conduct business.

(e) List the names, residence and business addresses of all persons having an interest in the business as principals, partners, officers, trustees or directors, specifying the capacity and title of each.

(f) Indicate the general plan and character of the business.

(g) State the length of time the applicant has been engaged in the escrow business.

(h) Require a financial statement of the applicant.

(i) Require such other information as the Commissioner determines necessary.

(j) If for an escrow agency, designate a natural person to receive service of process in this State for the agency.

(k) ***Include a complete set of the fingerprints of the applicant or, if the applicant is not a natural person, a complete set of the fingerprints of each person who will have an interest in the escrow agency as a principal, partner, officer, director or trustee, and written permission authorizing the Division to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.***

(l) Include all information required to complete the application.

3. If the Commissioner determines, after investigation, that the experience, character, financial condition, business reputation and general fitness of the applicant are such as to command the confidence of the public and to warrant the belief that the business conducted will protect and safeguard the public, the Commissioner shall issue a license to the applicant as an escrow agent or agency.

4. The Commissioner may waive the investigation required by subsection 3 if the applicant submits with the application satisfactory proof that the applicant, in good standing, currently holds a license, or held a license, within 1 year before the date the applicant submits his or her application, which was issued pursuant to the provisions of NRS 692A.103.

5. An escrow agent or agency shall immediately notify the Division of any material change in the information contained in the application.

6. A person may not be licensed as an escrow agent or agency or be a principal ***, partner,*** officer, director or trustee of an escrow agency if the person is the holder of an active license issued pursuant to chapter 645 of NRS.

7. If the Commissioner finds that additional information is required to consider the application, the Commissioner shall send a letter to the applicant which specifies the additional requirements that the applicant

must satisfy within 30 days after receiving the letter to obtain a license. If the applicant does not satisfy all additional requirements set forth in the letter within 30 days after receipt of the letter, the application will be deemed to have been denied, and the applicant must reapply to obtain a license. The Commissioner may, for good cause, extend the 30-day period prescribed in this subsection.

Sec. 5. NRS 645A.040 is hereby amended to read as follows:

645A.040 1. Every license issued pursuant to the provisions of this chapter expires on July 1 of each year if it is not renewed. A license may be renewed by filing an application for renewal, paying the annual fee for the succeeding year and submitting all information required to complete the renewal.

2. The fees for the issuance or renewal of a license for an escrow agency are:

(a) For filing an application for an initial license, $500 for the principal office and $100 for each branch office.

(b) If the license is approved for issuance, $200 for the principal office and $100 for each branch office. The fee must be paid before issuance of the license.

(c) For filing an application for renewal, $200 for the principal office and $100 for each branch office.

3. The fees for the issuance or renewal of a license for an escrow agent are:

(a) For filing an application for an initial license or for the renewal of a license, $100.

(b) If a license is approved for issuance or renewal, $25. The fee must be paid before the issuance or renewal of the license.

4. If a licensee fails to pay the fee or submit all required information for the annual renewal of his or her license before its expiration, the license may be renewed only upon the payment of a fee one and one-half times the amount otherwise required for renewal. A license may be renewed pursuant to this subsection only if all the fees are paid and all required information is submitted within ~~[1 year]~~ ***2 months*** after the date on which the license expired.

5. In addition to the other fees set forth in this section, each applicant or licensee shall pay:

(a) For filing an application for a duplicate copy of any license, upon satisfactory showing of its loss, $10.

(b) For filing any change of information contained in the application, $10.

(c) For each change of association with an escrow agency, $25.

6. Except as otherwise provided in this chapter, all fees received pursuant to this chapter must be deposited in the Fund for Mortgage Lending created by NRS 645F.270.

Sec. 6. NRS 645A.041 is hereby amended to read as follows:

645A.041 1. Except as otherwise provided in NRS 645A.042, as a condition to doing business in this State, each escrow agency shall deposit with the Commissioner and keep in full force and effect a corporate surety bond payable to the State of Nevada, in the amount set forth in subsection 4, which is executed by a corporate surety satisfactory to the Commissioner and which names as principals the escrow agency and all escrow agents employed by or associated with the escrow agency.

2. At the time of filing an application for a license as an escrow agent, the applicant shall file with the Commissioner proof that the applicant is named as a principal on the corporate surety bond deposited with the Commissioner by the escrow agency with whom he or she is associated or employed.

3. The bond must be in substantially the following form:

Know All Persons by These Presents, that ....., as principal, and ....., as surety, are held and firmly bound unto the State of Nevada for the use and benefit of any person who suffers damages because of a violation of any of the provisions of chapter 645A of NRS, in the sum of ....., lawful money of the United States, to be paid to the State of Nevada for such use and benefit, for which payment well and truly to be made, and that we bind ourselves, our heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

The condition of that obligation is such that: Whereas, the principal has been issued a license as an escrow agency or escrow agent by the Commissioner of Mortgage Lending of the Department of Business and Industry of the State of Nevada and is required to furnish a bond, which is conditioned as set forth in this bond:

Now, therefore, if the principal, his or her agents and employees, strictly, honestly and faithfully comply with the provisions of chapter 645A of NRS, and pay all damages suffered by any person because of a violation of any of the provisions of chapter 645A of NRS, or by reason of any fraud, dishonesty, misrepresentation or concealment of material facts growing out of any transaction governed by the provisions of chapter 645A of NRS, then this obligation is void; otherwise it remains in full force.

This bond becomes effective on the .....(day) of .....(month) of .....(year), and remains in force until the surety is released from liability by the Commissioner of Mortgage Lending or until this bond is cancelled by the surety. The surety may cancel this bond and be relieved of further liability

hereunder by giving 60 days' written notice to the principal and to the Commissioner of Mortgage Lending of the Department of Business and Industry of the State of Nevada.

In Witness Whereof, the seal and signature of the principal hereto is affixed, and the corporate seal and the name of the surety hereto is affixed and attested by its authorized officers at ....., Nevada, this .....(day) of .....(month) of ...….(year).

……(Seal)
Principal
……(Seal)
Surety
By……..…….
Attorney-in-fact
Nevada Licensed
~~[~~resident agent~~]~~ ***Insurance Agent***

4. Each escrow agency shall deposit a corporate surety bond that complies with the provisions of this section or a substitute form of security that complies with the provisions of NRS 645A.042 in the following amount based upon the average monthly balance of the trust account or escrow account maintained by the escrow agency pursuant to NRS 645A.160:

AVERAGE MONTHLY BALANCE	AMOUNT OF BOND OR SECURITY REQUIRED
$50,000 or less	$20,000
More than $50,000 but not more than $250,000	50,000
More than $250,000 but not more than $500,000	100,000
More than $500,000 but not more than $750,000	150,000
More than $750,000 but not more than $1,000,000	200,000
More than $1,000,000	250,000

The Commissioner shall determine the appropriate amount of the surety bond or substitute form of security that must be deposited initially by the escrow agency based upon the expected average monthly balance of the trust account or escrow account maintained by the escrow agency pursuant to NRS 645A.160. After the initial deposit, the Commissioner shall, on a semiannual basis, determine the appropriate amount of the surety bond or substitute form of security that must be deposited by the escrow agency based upon the average monthly balance of the trust account or escrow account maintained by the escrow agency pursuant to NRS 645A.160.

5. A bond used to satisfy the requirements of NRS 627.180 or a substitute for that bond which satisfies the requirements of NRS 627.183 may be used to satisfy the requirements of this section if:

(a) The amount required by NRS 627.180 for a bond is not less than the amount required by this section for a bond; or

(b) The amount required by NRS 627.180 for a bond is less than the amount required by this section for a bond, and the escrow agency deposits an additional bond in an amount not less than the difference between the amount required by NRS 627.180 and the amount required by this section.

Sec. 7. (Deleted by amendment.)

Sec. 8. NRS 645A.065 is hereby amended to read as follows:

645A.065 1. The Commissioner shall establish by regulation the fees to be paid by ~~[escrow agencies]~~ ***all persons subject to the provisions of this chapter*** for the supervision ***, investigation*** and examination of such ~~[agencies]~~ ***persons*** by the Commissioner or the Division.

2. In establishing the fees, the Commissioner shall consider:

(a) The complexity of the various ***investigations and*** examinations to which the fees apply;

(b) The skill required to conduct such ***investigations and*** examinations;

(c) The expenses associated with conducting such ***investigations and*** examinations and preparing reports; and

(d) Any other factors the Commissioner deems relevant.

3. The Commissioner shall adopt regulations prescribing the standards for determining whether an escrow agency has maintained adequate supervision of an escrow agent pursuant to the provisions of this chapter.

Sec. 9. NRS 645A.085 is hereby amended to read as follows:

645A.085 1. An escrow agency shall immediately notify the Commissioner of any change in the ownership of 5 percent or more of its outstanding voting stock.

2. An application must be submitted to the Commissioner, pursuant to NRS 645A.020, by a person who acquires:

(a) At least 25 percent of the outstanding voting stock of an escrow agency; or

(b) Any outstanding voting stock of an escrow agency if the change will result in a change in the control of the escrow agency.

3. Except as otherwise provided in subsection 5, the Commissioner shall conduct an investigation to determine whether the applicant has the experience, character, financial condition, business reputation and general fitness to command the confidence of the public and to warrant the belief that the business conducted will protect and safeguard the public. If the Commissioner denies the application, the Commissioner may forbid the applicant from participating in the business of the escrow agency.

4. The escrow agency with which the applicant is affiliated shall pay ~~[a portion of]~~ the cost of the investigation as the Commissioner requires. All

money received by the Commissioner pursuant to this section must be deposited in the Fund for Mortgage Lending created by NRS 645F.270.

5. An escrow agency may submit a written request to the Commissioner to waive an investigation pursuant to subsection 3. The Commissioner may grant a waiver if the applicant has undergone a similar investigation by a state or federal agency in connection with the licensing of or his or her employment with a financial institution.

Sec. 10. NRS 645A.090 is hereby amended to read as follows:

645A.090 1. The Commissioner may refuse to license any escrow agent or agency or may suspend ***,*** ~~[or]~~ revoke ***or place conditions upon*** any license or impose a fine ***on any person*** of not more than ~~[~~$10,000~~]~~ ***$25,000*** for each violation by entering an order to that effect, with the Commissioner's findings in respect thereto, if upon a hearing, it is determined that the applicant ***,*** ~~[or]~~ licensee ~~[.]~~ ***or person:***

(a) In the case of an escrow agency, is insolvent;

(b) Has violated any provision of this chapter ***,*** ~~[or]~~ any regulation adopted pursuant thereto or ***an order of the Commissioner or*** has aided and abetted another to do so;

(c) In the case of an escrow agency, is in such a financial condition that he or she cannot continue in business with safety to his or her customers;

(d) Has committed fraud in connection with any transaction governed by this chapter;

(e) Has intentionally or knowingly made any misrepresentation or false statement to, or concealed any essential or material fact from, any principal or designated agent of a principal in the course of the escrow business;

(f) Has intentionally or knowingly made or caused to be made to the Commissioner any false representation of a material fact or has suppressed or withheld from the Commissioner any information which the applicant ***,*** ~~[or]~~ licensee ***or person*** possesses;

(g) Has failed without reasonable cause to furnish to the parties of an escrow their respective statements of the settlement within a reasonable time after the close of escrow;

(h) Has failed without reasonable cause to deliver, within a reasonable time after the close of escrow, to the respective parties of an escrow transaction any money, documents or other properties held in escrow in violation of the provisions of the escrow instructions;

(i) Has refused to permit an examination by the Commissioner of his or her books and affairs or has refused or failed, within a reasonable time, to furnish any information or make any report that may be required by the Commissioner pursuant to the provisions of this chapter;

(j) Has been convicted of ***, entered or agreed to enter a plea of guilty or nolo contendere to,*** a felony relating to the practice of escrow agents or

agencies or any ***felony or*** misdemeanor of which an essential element is ***an act of*** fraud ~~[,]~~ ***, dishonesty or a breach of trust, moral turpitude or money laundering;***

(k) In the case of an escrow agency, has failed to maintain complete and accurate records of all transactions within the last 6 years;

(l) Has commingled the money of others with his or her own or converted the money of others to his or her own use;

(m) Has failed, before the close of escrow, to obtain written escrow instructions concerning any essential or material fact or intentionally failed to follow the written instructions which have been agreed upon by the parties and accepted by the holder of the escrow;

(n) Has failed to disclose in writing that he or she is acting in the dual capacity of escrow agent or agency and undisclosed principal in any transaction; ~~[or]~~

(o) In the case of an escrow agency, has:

(1) Failed to maintain adequate supervision of an escrow agent; or

(2) Instructed an escrow agent to commit an act which would be cause for the revocation of the escrow agent's license and the escrow agent committed the act. An escrow agent is not subject to disciplinary action ***by the Commissioner*** for committing such an act under instruction by the escrow agency ~~[.]~~ ***;***

(p) In the case of an escrow agency, if the applicant or licensee is a partnership, corporation or unincorporated association, has a member of the partnership or an officer or director of the corporation or unincorporated association who has been convicted of, entered or agreed to enter a plea of guilty or nolo contendere to, a felony in a domestic, foreign or military court relating to the practice of escrow agents or agencies, or any felony or misdemeanor of which an essential element is an act of fraud, dishonesty or a breach of trust, moral turpitude or money laundering; or

(q) In the case of a person who performs the services of a construction control, has failed to comply with the provisions of chapter 627 of NRS.

2. It is sufficient cause for the imposition of a fine or the refusal, suspension or revocation of ***, or the placement of conditions upon,*** the license of a partnership, corporation or any other association that any member of the partnership or any officer or director of the corporation or association has been guilty of any act or omission which would be cause for such action had the applicant or licensee been a natural person.

3. The Commissioner may suspend any license for not more than 30 days, pending a hearing, if upon examination into the affairs of the licensee it is determined that any of the grounds enumerated in subsection 1 or 2 exist.

4. The Commissioner may refuse to issue a license to any person who, within 10 years before the date of applying for a current license, has had suspended or revoked a license issued pursuant to this chapter or a comparable license issued by any other state, district or territory of the United States or any foreign country.

5. An order that imposes discipline and the findings of fact and conclusions of law supporting that order are public records.

Sec. 11. NRS 645A.100 is hereby amended to read as follows:

645A.100 1. Notice of the entry of any order of suspension ***,*** ~~[or]~~ revocation or ***placement of conditions upon a license or*** of imposing a fine or refusing a license to any escrow agent or agency must be given in writing, served personally or sent by certified mail or by telegram to the last known address of the agent or agency affected.

2. The agent or agency, upon application, is entitled to a hearing. If an application is not made within 20 days after the entry of the order, the Commissioner shall enter a final order.

Sec. 12. NRS 645A.235 is hereby amended to read as follows:

645A.235 1. ~~[The holder of]~~ ***A person who engages in an activity for which*** a license as an escrow agent or escrow agency ~~[may be]~~ ***is*** required ***pursuant to this chapter, without regard to whether such a person is licensed pursuant to this chapter, may be required*** by the Commissioner to pay restitution to any person who has suffered an economic loss as a result of a violation of the provisions of this chapter or any regulation adopted pursuant thereto.

2. Notwithstanding the provision of paragraph (m) of subsection 1 of NRS 622A.120, payment of restitution pursuant to subsection 1 shall be done in a manner consistent with the provisions of chapter 622A of NRS.

Sec. 13. Chapter 645B of NRS is hereby amended by adding thereto the provisions set forth as sections 16 to 40.7, inclusive, of this act.

Sec. 14. (Deleted by amendment.)

Sec. 15. (Deleted by amendment.)

Sec. 16. *"**Dwelling" has the meaning ascribed to it in section 103(v) of the federal Truth in Lending Act, 15 U.S.C. § 1602(v).***

Sec. 17. (Deleted by amendment.)

Sec. 17.5. ***1. "Loan processor" means a natural person who:***

(a) Receives, collects, distributes or analyzes information that is commonly used for the processing of a residential mortgage loan; and

(b) Communicates with a consumer to obtain the information necessary for the activities described in paragraph (a).

2. The communication described in paragraph (b) of subsection 1 does not include communication offering or negotiating loan rates or terms or counseling consumers about residential mortgage loan rates or terms.

Sec. 18. *"Majority of the investors" means the investors holding 51 percent or more of the beneficial interests in a loan.*

Sec. 19. (Deleted by amendment.)

Sec. 20. (Deleted by amendment.)

Sec. 21. *A mortgage broker shall not accept money from an investor to acquire ownership of or a beneficial interest in a loan which has more than one investor at the time of origination unless the mortgage broker provides to each investor a form which allows the investor to choose one of the following options:*

1. That, upon receipt of a written request submitted by another investor who owns or has a beneficial interest in the loan, the mortgage broker may provide to that other investor the name, address, telephone number and electronic mail address of the investor;

2. That, upon receipt of a written request submitted by another investor who owns or has a beneficial interest in the loan, the mortgage broker may provide to that other investor the name, address, telephone number and electronic mail address of the investor only if the loan is in default; or

3. That the address, telephone number and electronic mail address of the investor must remain confidential and that the mortgage broker may not provide that information to any other investor unless the investor provides the mortgage broker with subsequent written permission to provide such information to other investors.

Sec. 22. *1. A mortgage broker who makes or arranges a loan shall not include in any loan document a provision which requires a private investor to participate in binding arbitration of disputes relating to the loan.*

2. The provisions of this section may not be varied by agreement, and the rights conferred by this section may not be waived. Any provision included in a loan document agreement that conflicts with this section is void.

Sec. 23. (Deleted by amendment.)

Sec. 24. *1. Before servicing a loan in which a private investor has acquired a beneficial interest, a mortgage broker must enter into a written servicing agreement with each investor which describes specifically the services which the mortgage broker will provide and the compensation the mortgage broker will receive for those services. The compensation of the mortgage broker must include an amount reasonably necessary to pay the cost of servicing the loan.*

2. A mortgage broker shall include in each servicing agreement provisions which:

(a) Require the mortgage broker to:

(1) Deposit in a trust account all money paid to the mortgage broker in full or partial payment of a loan, unless a provision of law authorizes the mortgage broker to deposit such money in a different manner;

(2) Release to the investors, pursuant to paragraph (a) of subsection 5 of NRS 645B.175, within 15 days after receipt of all money paid to the mortgage broker in full or partial payment of a loan;

(3) Record a request for special notice and notice of default for any encumbrance on the real property which has priority over the lien securing the loan or any other real property securing the loan;

(4) Provide to each investor prompt written notice of:

(I) Any lis pendens, mechanic's lien or other lien recorded against the real property securing the loan after the origination of the loan if the mortgage broker has become aware that such an instrument has been recorded; and

(II) Any delinquent taxes or insurance premiums;

(5) Upon receiving a written request from an investor for a tally of any vote of the investors, provide to the investor a statement of the number of investors voting in favor of an action and the number of investors voting against the action and the percentage of beneficial interest represented by each such vote; and

(6) Respond within a reasonable time under the circumstances to the request of the borrower or investor to correct any errors relating to the loan.

(b) Prohibit the mortgage broker from:

(1) Commingling with the assets of the mortgage broker any money paid to the mortgage broker in full or partial payment of a loan, unless a provision of law authorizes such commingling;

(2) Using money paid to the mortgage broker in full or partial payment of a loan for any transaction other than the servicing transaction for which the money was paid, unless a provision of law authorizes such use ; or

(3) Requiring an investor to participate in binding arbitration of disputes relating to the loan.

(c) Allow the majority of investors or the mortgage broker to transfer the servicing agreement to another entity authorized to service loans or terminate the servicing agreement for any reason, upon providing written notice at least 30 days before the effective date of the transfer or termination.

Sec. 25. ***Except as otherwise permitted by law, a mortgage broker shall not release a borrower or guarantor from personal liability for a loan unless a majority of the investors approve such a release.***

Sec. 26. (Deleted by amendment.)

Sec. 27. (Deleted by amendment.)

Sec. 28. (Deleted by amendment.)

Sec. 29. (Deleted by amendment.)

Sec. 30. (Deleted by amendment.)

Sec. 31. (Deleted by amendment.)

Sec. 32. (Deleted by amendment.)

Sec. 33. (Deleted by amendment.)

Sec. 34. ***1. If an investor owes money to the mortgage broker who is servicing a loan or to other investors, the mortgage broker shall not withhold money due the investor in order to offset the money owed to the mortgage broker or to another investor, unless:***

(a) The mortgage broker obtains the written consent of the investor who owes the money; or

(b) A court order requires the mortgage broker to withhold the money.

2. A mortgage broker may include in a loan servicing agreement a provision which provides written consent to withhold money due an investor in order to offset money owed by the investor to the mortgage broker or other investors.

Sec. 35. (Deleted by amendment.)

Sec. 36. (Deleted by amendment.)

Sec. 37. ***A mortgage broker shall not act as a construction control with respect to money belonging to a borrower or investor. If a borrower or investor wishes to utilize a construction control for money belonging to the borrower or investor, a mortgage broker must place the money with a person who is independent of the mortgage broker and is licensed or authorized to accept such money. The money must be subject to the control of a construction control which is in compliance with, or exempt from, the provisions of NRS 627.180 or 627.183.***

Sec. 38. (Deleted by amendment.)

Sec. 39. (Deleted by amendment.)

Sec. 40. (Deleted by amendment.)

Sec. 40.3. ***1. A mortgage broker shall not place or arrange to place a private investor into a limited-liability company, business trust or other entity before foreclosure of the real property securing the loan unless the mortgage broker:***

(a) Provides a copy of the organizational documents of the limited-liability company, business trust or other entity to each investor not later than 5 days before the investor transfers his or her interest in the loan; and

(b) Obtains the written authorization of each investor who wishes to transfer his or her interest in the loan to the limited-liability company, business trust or other entity.

2. The documents provided to each investor pursuant to paragraph (a) of subsection 1 must clearly and concisely state any fees which will be paid to the mortgage broker by the limited-liability company, business trust or other entity, and the sections of the documents that state fees must be initialed by the investor.

3. A mortgage broker or mortgage agent shall not act as the attorney-in-fact or the agent of a private investor for the signing or dating of the written authorization.

4. Any term of a contract or other agreement that attempts to alter or waive the requirements of this section is void.

Sec. 40.7. ***1. A mortgage broker shall not assess or collect any fee which is not:***

(a) Authorized by the loan documents or loan servicing agreement; and

(b) Assessed or collected in exchange for bona fide services rendered or costs incurred.

2. A mortgage broker shall apply all fees collected in the manner set forth in the loan documents or loan servicing agreement.

Sec. 41. NRS 645B.010 is hereby amended to read as follows:

645B.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 645B.0104 to 645B.0135, inclusive, ***and sections 14 to 18, inclusive, of this act*** have the meanings ascribed to them in those sections.

Sec. 42. NRS 645B.0125 is hereby amended to read as follows:

645B.0125 1. "Mortgage agent" means:

(a) A natural person who:

(1) Is an employee of a mortgage broker or mortgage banker who is required to be licensed pursuant to this chapter or chapter 645E of NRS; and

(2) Is authorized by the mortgage broker or mortgage banker to engage in, on behalf of the mortgage broker or mortgage banker, any activity that would require the person, if the person were not an employee of the mortgage broker or mortgage banker, to be licensed as a mortgage broker or mortgage banker pursuant to this chapter or chapter 645E of NRS; ~~[or]~~

(b) A mortgage broker, qualified employee or mortgage banker who is required by NRS 645B.405 or 645E.290 to be licensed as a mortgage agent ~~[.]~~ ***; or***

(c) A loan processor who is an independent contractor and who is associated with a mortgage broker, mortgage banker or person who holds a certificate of exemption pursuant to NRS 645B.016.

2. The term includes ***, but is not limited to,*** a residential mortgage loan originator.

3. The term does not include a person who:

(a) Except as otherwise provided in paragraph (b) of subsection 1, is licensed as a mortgage broker or mortgage banker;

(b) Is an owner, general partner, officer or director of a mortgage broker or mortgage banker ~~[,]~~ ***who does not engage in any activity that would otherwise require a license as a mortgage broker or mortgage banker;***

(c) ~~[Performs]~~ ***Except as otherwise provided in paragraph (c) of subsection 1, performs*** only clerical or ministerial tasks for a mortgage broker ~~[,]~~ or ***mortgage banker; or***

(d) Collects payments and performs related services, including, without limitation, the modification of an existing loan, in connection with a loan secured by a lien on real property and who does not undertake any other activity that would otherwise require a license pursuant to this chapter or chapter 645E ***or 645F*** of NRS.

Sec. 43. NRS 645B.0132 is hereby amended to read as follows:

645B.0132 "Residential mortgage loan" means any loan primarily for personal, family or household use that is secured by a mortgage, deed of trust or other equivalent consensual security interest on a dwelling or residential real estate upon which is constructed or intended to be constructed a dwelling. ~~[For purposes of this section, "dwelling" has the meaning ascribed to it section 103(v) of the federal Truth in Lending Act, 15 U.S.C. § 1602(v).]~~

Sec. 44. NRS 645B.015 is hereby amended to read as follows:

645B.015 Except as otherwise provided in NRS 645B.016, ***the Secure and Fair Enforcement for Mortgage Licensing Act of 2008, 12 U.S.C. §§ 5101 et seq., and any regulations adopted pursuant thereto and other applicable law,*** the provisions of this chapter do not apply to:

1. Any person doing business under the laws of this State, any other state or the United States relating to banks, savings banks, trust companies, savings and loan associations, industrial loan companies, credit unions, thrift companies or insurance companies ~~[.]~~ , including, without limitation, a subsidiary or a holding company of such a bank, company, association or union.

2. A real estate investment trust, as defined in 26 U.S.C. § 856, unless the business conducted in this State is not subject to supervision by the regulatory authority of the other jurisdiction, in which case licensing pursuant to this chapter is required.

3. An employee benefit plan, as defined in 29 U.S.C. § 1002(3), if the loan is made directly from money in the plan by the plan's trustee.

4. An attorney at law rendering services in the performance of his or her duties as an attorney at law.

5. A real estate broker rendering services in the performance of his or her duties as a real estate broker.

6. Any person doing any act under an order of any court.

7. Any one natural person, or husband and wife, who provides money for investment in ***commercial*** loans secured by a lien on real property, on his or her own account, unless such a person makes a loan secured by a lien on real property using his or her own money and assigns all or a part of his or her interest in the loan to another person, other than his or her spouse or child, within ~~[5.]~~ ***3*** years after the date on which the loan is made or the deed of trust is recorded, whichever occurs later.

8. A natural person who only offers or negotiates terms of a residential mortgage loan:

(a) With or on behalf of an immediate family member of the person; or

(b) Secured by a dwelling that served as the person's residence.

~~[8.]~~ ***9.*** Agencies of the United States and of this State and its political subdivisions, including the Public Employees' Retirement System.

~~[9.]~~ ***10.*** A seller of real property who offers credit secured by a mortgage of the property sold.

11. A nonprofit agency or organization:

(a) Which provides self-help housing for a borrower who has provided part of the labor to construct the dwelling securing the borrower's loan;

(b) Which does not charge or collect origination fees in connection with the origination of residential mortgage loans;

(c) Which only makes residential mortgage loans at an interest rate of 0 percent per annum;

(d) Whose volunteers, if any, do not receive compensation for their services in the construction of a dwelling; and

(e) Which does not profit from the sale of a dwelling to a borrower.

12. A housing counseling agency approved by the United States Department of Housing and Urban Development.

Sec. 45. NRS 645B.016 is hereby amended to read as follows:

645B.016 Except as otherwise provided in subsection 2 and NRS 645B.690:

1. A person who claims an exemption from the provisions of this chapter pursuant to subsection 1 of NRS 645B.015 must:

(a) File a written application for a certificate of exemption with the Office of the Commissioner;

(b) Pay the fee required pursuant to NRS 645B.050;

(c) Include with the written application satisfactory proof that the person meets the requirements of subsection 1 of NRS 645B.015; and

(d) Provide evidence to the Commissioner that the person is duly licensed to conduct his or her business, including, if applicable, the right to transact mortgage loans, and such license is in good standing pursuant to the laws of this State, any other state or the United States.

2. The provisions of subsection 1 do not apply to the extent preempted by federal law.

3. The Commissioner may require a person who claims an exemption from the provisions of this chapter pursuant to subsections 2 to ~~[9,]~~ ***12,*** inclusive, of NRS 645B.015 to:

(a) File a written application for a certificate of exemption with the Office of the Commissioner;

(b) Pay the fee required pursuant to NRS 645B.050; and

(c) Include with the written application satisfactory proof that the person meets the requirements of at least one of those exemptions.

4. A certificate of exemption expires automatically if, at any time, the person who claims the exemption no longer meets the requirements of at least one exemption set forth in the provisions of NRS 645B.015.

5. If a certificate of exemption expires automatically pursuant to this section, the person shall not provide any of the services of a mortgage broker or mortgage agent or otherwise engage in, carry on or hold himself or herself out as engaging in or carrying on the business of a mortgage broker or mortgage agent unless the person applies for and is issued:

(a) A license as a mortgage broker or mortgage agent, as applicable, pursuant to this chapter; or

(b) Another certificate of exemption.

6. The Commissioner may impose upon a person who is required to apply for a certificate of exemption or who holds a certificate of exemption an administrative fine of not more than $10,000 for each violation that the person commits, if the person:

(a) Has knowingly made or caused to be made to the Commissioner any false representation of material fact;

(b) Has suppressed or withheld from the Commissioner any information which the person possesses and which, if submitted by the person, would have rendered the person ineligible to hold a certificate of exemption; or

(c) Has violated any provision of this chapter, a regulation adopted pursuant to this chapter or an order of the Commissioner that applies to a person who is required to apply for a certificate of exemption or who holds a certificate of exemption.

7. A person who is exempt from the requirements of this chapter may file a written application for a certificate of exemption with the Office of the Commissioner for the purposes of complying with the requirements of the Registry or enabling a mortgage agent to comply with the requirements of the Registry.

8. The Commissioner may require an applicant or person described in subsection 7 to submit the information or pay the fee directly to the

Division or, if the applicant or person is required to register or voluntarily registers with the Registry, to the Division through the Registry.

9. An application filed pursuant to subsection 7 does not affect the applicability of this chapter to such an applicant or person.

Sec. 46. NRS 645B.020 is hereby amended to read as follows:

645B.020 1. A person who wishes to be licensed as a mortgage broker must file a written application for a license with the Office of the Commissioner and pay the fee required pursuant to NRS 645B.050. ***The Commissioner may require the applicant or person to submit the information or pay the fee directly to the Division or, if the applicant or person is required to register or voluntarily registers with the Registry, to the Division through the Registry.*** An application for a license as a mortgage broker must:

(a) State the name, residence address and business address of the applicant and the location of each principal office and branch office at which the mortgage broker will conduct business within this State ~~[.]~~ ***, including, without limitation, any office or other place of business located outside this State from which the mortgage broker will conduct business in this State and any office or other place of business which the applicant maintains as a corporate or home office.***

(b) State the name under which the applicant will conduct business as a mortgage broker.

(c) List the name, residence address and business address of each person who will:

(1) If the applicant is not a natural person, have an interest in the mortgage broker as a principal, partner, officer, director or trustee, specifying the capacity and title of each such person.

(2) Be associated with or employed by the mortgage broker as a mortgage agent.

(d) Include a general business plan and a description of the policies and procedures that the mortgage broker and his or her mortgage agents will follow to arrange and service loans and to conduct business pursuant to this chapter.

(e) State the length of time the applicant has been engaged in the business of a ***mortgage*** broker.

(f) Include a financial statement of the applicant and, if applicable, satisfactory proof that the applicant will be able to maintain continuously the net worth required pursuant to NRS 645B.115.

(g) Include all information required to complete the application.

(h) ***Unless fingerprints were submitted to the Registry for the person, include a complete set of fingerprints for each natural person who is a principal, partner, officer, director or trustee of the applicant which the***

Division may forward to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.

(i) Include any other information required pursuant to the regulations adopted by the Commissioner or an order of the Commissioner.

2. If a mortgage broker will conduct business ***in this State*** at one or more branch offices ***,*** ~~[within this State,]~~ the mortgage broker must apply for a license for each such branch office.

3. Except as otherwise provided ~~[in this chapter,]~~ ***by law,*** the Commissioner shall issue a license to an applicant as a mortgage broker if:

(a) The application is verified by the Commissioner and complies with the requirements of this chapter; and

(b) The applicant and each general partner, officer or director of the applicant, if the applicant is a partnership, corporation or unincorporated association:

(1) Has demonstrated financial responsibility, character and general fitness so as to command the confidence of the community and warrant a determination that the applicant will operate honestly, fairly and efficiently for the purposes of this chapter.

(2) Has not been convicted of, or entered ***or agreed to enter*** a plea of guilty or nolo contendere to, a felony in a domestic, foreign or military court within the 7 years immediately preceding the date of the application, or at any time if such felony involved an act of fraud, dishonesty or a breach of trust, ***moral turpitude*** or money laundering.

(3) Has not made a false statement of material fact on the application.

(4) Has never had a license or registration as a mortgage agent, mortgage banker, mortgage broker or residential mortgage loan originator revoked in this State or any other jurisdiction or had a financial services license ~~[suspended or]~~ revoked within the immediately preceding 10 years.

(5) Has not violated any provision of this chapter or chapter 645E of NRS, a regulation adopted pursuant thereto or an order of the Commissioner.

4. A person may apply for a license for an office or other place of business located outside this State from which the applicant will conduct business in this State if the applicant has a license issued pursuant to this chapter for an office or other place of business located in this State, and the applicant submits with the application for a license a statement signed by the applicant which states that the applicant agrees to:

(a) Make available at a location within this State the books, accounts, papers, records and files of the office or place of business located outside this State to the Commissioner or a representative of the Commissioner; or

(b) Pay the reasonable expenses for travel, meals and lodging of the Commissioner or a representative of the Commissioner incurred during

any investigation or examination made at the office or place of business located outside this State.

➥ The applicant must be allowed to choose between paragraph (a) or (b) in complying with the provisions of this subsection.

Sec. 47. NRS 645B.042 is hereby amended to read as follows:

645B.042 1. ~~[Except as otherwise provided in NRS 645B.044, as]~~ ***As*** a condition to doing business in this State, each mortgage broker shall deposit with the Commissioner and keep in full force and effect a corporate surety bond payable to the State of Nevada, in the amount set forth in subsection 4, which is executed by a corporate surety satisfactory to the Commissioner and which names as principals the mortgage broker and all mortgage agents employed by or associated with the mortgage broker.

2. At the time of filing an application for a license as a mortgage agent and at the time of filing an application for the renewal of a license as a mortgage agent, the applicant shall file with the Commissioner proof that the applicant is named as a principal on the corporate surety bond deposited with the Commissioner by the mortgage broker with whom the applicant is associated or employed.

3. The bond must be in substantially the following form:

Know All Persons by These Presents, that ....., as principal, and ....., as surety, are held and firmly bound unto the State of Nevada for the use and benefit of any person who suffers damages because of a violation of any of the provisions of chapter 645B of NRS, in the sum of ....., lawful money of the United States, to be paid to the State of Nevada for such use and benefit, for which payment well and truly to be made, and that we bind ourselves, our heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

The condition of that obligation is such that: Whereas, the principal has been issued a license as a mortgage broker or mortgage agent by the Commissioner of Mortgage Lending and is required to furnish a bond, which is conditioned as set forth in this bond:

Now, therefore, if the principal, his or her agents and employees, strictly, honestly and faithfully comply with the provisions of chapter 645B of NRS, and pay all damages suffered by any person because of a violation of any of the provisions of chapter 645B of NRS, or by reason of any fraud, dishonesty, misrepresentation or concealment of material facts growing out of any transaction governed by the provisions of chapter 645B of NRS, then this obligation is void; otherwise it remains in full force.

This bond becomes effective on the ..... (day) of ..... (month) of ..... (year), and remains in force until the surety is released from liability by the Commissioner of Mortgage Lending or until this bond is cancelled by the surety. The surety may cancel this bond and be relieved of further

liability hereunder by giving 60 days' written notice to the principal and to the Commissioner of Mortgage Lending.

In Witness Whereof, the seal and signature of the principal hereto is affixed, and the corporate seal and the name of the surety hereto is affixed and attested by its authorized officers at ....., Nevada, this ..... (day) of ..... (month) of ..... (year).

……(Seal)
Principal
……(Seal)
Surety
By……..…….
Attorney-in-fact
Nevada Licensed
~~[resident agent]~~ ***Insurance Agent***

4. Each mortgage broker shall deposit a corporate surety bond that complies with the provisions of this section ~~[or a substitute form of security that complies with the provisions of NRS 645B.044]~~ in the following amounts:

(a) For ~~[the principal office,]~~ ***an annual loan production of $20,000,000 or less,*** $50,000.

(b) For ~~[each branch office, $25,000.~~

~~➥ The total amount required for the corporate surety bond may not exceed $75,000, without regard to the number of branch offices, if any.]~~ ***an annual loan production of more than $20,000,000, $75,000.***

5. Except as otherwise required by federal law or regulation, for the purposes of subsection 4, the Commissioner shall determine the appropriate amount of the surety bond that must be deposited initially by a mortgage broker based upon the expected annual loan production amount and shall determine the appropriate amount of the surety bond annually based upon the actual annual loan production.

Sec. 48. NRS 645B.046 is hereby amended to read as follows:

645B.046 1. The surety may cancel a bond upon giving 60 days' notice to the Commissioner by certified mail. Upon receipt by the Commissioner of such a notice, the Commissioner immediately shall notify the licensee who is the principal on the bond of the effective date of cancellation of the bond, and that his or her license will be revoked unless the licensee furnishes an equivalent bond ~~[or a substitute form of security authorized by NRS 645B.044]~~ before the effective date of the cancellation. The notice must be sent to the licensee by certified mail to his or her last address of record filed in the office of the Division.

2. If the licensee does not comply with the requirements set out in the notice from the Commissioner, the license must be revoked on the date the bond is cancelled.

Sec. 49. (Deleted by amendment.)

Sec. 50. NRS 645B.050 is hereby amended to read as follows:

645B.050 1. A license as a mortgage broker issued pursuant to this chapter expires each year on ~~[~~June 30,~~]~~ ***December 31,*** unless it is renewed. To renew such a license, the licensee must submit to the Commissioner ***on or after November 1 and*** on or before ~~[~~May 31~~]~~ ***December 31*** of each year ~~[~~.~~]~~ ***, or on a date otherwise specified by the Commissioner by regulation:***

(a) An application for renewal;

(b) The fee required to renew the license pursuant to this section;

(c) The information required pursuant to NRS 645B.051; and

(d) All information required ***by the Commissioner or, if applicable, required by the Registry*** to complete the renewal.

2. If the licensee fails to submit any item required pursuant to subsection 1 to the Commissioner ***on or after November 1 and*** on or before ~~[~~May 31~~]~~ ***December 31*** of any year, ***unless a different date is specified by the Commissioner by regulation,*** the license is cancelled as of ~~[~~June 30~~]~~ ***December 31*** of that year. The Commissioner may reinstate a cancelled license if the licensee submits to the Commissioner ~~[~~.~~]~~ ***on or before February 28 of the following year:***

(a) An application for renewal;

(b) The fee required to renew the license pursuant to this section;

(c) The information required pursuant to NRS 645B.051;

(d) Except as otherwise provided in this section, a reinstatement fee of not more than $200; and

(e) All information required to complete the reinstatement.

3. Except as otherwise provided in NRS 645B.016, a certificate of exemption issued pursuant to this chapter expires each year on December 31, unless it is renewed. To renew a certificate of exemption, a person must submit to the Commissioner ***on or after November 1 and*** on or before ~~[~~November 30~~]~~ ***December 31*** of each year ~~[~~.~~]~~ ***or on a date otherwise specified by the Commissioner by regulation:***

(a) An application for renewal that includes satisfactory proof that the person meets the requirements for an exemption from the provisions of this chapter; and

(b) The fee required to renew the certificate of exemption.

4. If the person fails to submit any item required pursuant to subsection 3 to the Commissioner ***on or after November 1 and*** on or before ~~[~~November 30~~]~~ ***December 31*** of any year, ***unless a different date is specified by the Commissioner by regulation,*** the certificate of exemption is cancelled as of

December 31 of that year. Except as otherwise provided in NRS 645B.016, the Commissioner may reinstate a cancelled certificate of exemption if the person submits to the Commissioner ~~[:]~~ ***on or before February 28 of the following year:***

(a) An application for renewal that includes satisfactory proof that the person meets the requirements for an exemption from the provisions of this chapter;

(b) The fee required to renew the certificate of exemption; and

(c) Except as otherwise provided in this section, a reinstatement fee of not more than $100.

5. Except as otherwise provided in this section, a person must pay the following fees to apply for, to be issued or to renew a license as a mortgage broker pursuant to this chapter:

(a) To file an original application for a license, not more than $1,500 for the principal office and not more than $40 for each branch office. The person must also pay such additional expenses incurred in the process of investigation as the Commissioner deems necessary.

(b) To be issued a license, not more than $1,000 for the principal office and not more than $60 for each branch office.

(c) To renew a license, not more than $500 for the principal office and not more than $100 for each branch office.

6. Except as otherwise provided in this section, a person must pay the following fees to apply for or to renew a certificate of exemption pursuant to this chapter:

(a) To file an application for a certificate of exemption, not more than $200.

(b) To renew a certificate of exemption, not more than $100.

7. To be issued a duplicate copy of any license or certificate of exemption, a person must make a satisfactory showing of its loss and pay a fee of not more than $10.

8. Except as otherwise provided in this chapter, all fees received pursuant to this chapter are in addition to any fee required to be paid to the Registry and must be deposited in the Fund for Mortgage Lending created by NRS 645F.270.

9. The Commissioner may, by regulation, adjust any fee or date set forth in this section if the Commissioner determines that such an adjustment is necessary for the Commissioner to carry out his or her duties pursuant to this chapter. The amount of any adjustment in a fee pursuant to this subsection must not exceed the amount determined to be necessary for the Commissioner to carry out his or her duties pursuant to this chapter.

10. The Commissioner may require a licensee to submit an item or pay a fee required by this section directly to the Commissioner or, if the

licensee is required to register or voluntarily registers with the Registry, to the Commissioner through the Registry.

Sec. 51. NRS 645B.080 is hereby amended to read as follows:

645B.080 1. Each mortgage broker shall keep and maintain at all times at each location where the mortgage broker conducts business in this state complete and suitable records of all mortgage transactions made by the mortgage broker at that location. Each mortgage broker shall also keep and maintain at all times at each such location all original books, papers and data, or copies thereof, clearly reflecting the financial condition of the business of the mortgage broker.

2. Each mortgage broker shall submit to the Commissioner each month a report of the mortgage broker's activity for the previous month. The report must:

(a) Specify the volume of loans arranged by the mortgage broker for the month or state that no loans were arranged in that month;

(b) Include any information required pursuant to NRS 645B.260 or pursuant to the regulations adopted by the Commissioner; and

(c) Be submitted to the Commissioner by the 15th day of the month following the month for which the report is made.

3. The Commissioner may adopt regulations prescribing accounting procedures for mortgage brokers handling trust accounts and the requirements for keeping records relating to such accounts.

4. Each mortgage broker who is required to register or voluntarily registers with the Registry shall submit to the Registry and the Commissioner a report of condition or any other report required by the Registry in the form and at the time required by the Registry.

Sec. 52. NRS 645B.085 is hereby amended to read as follows:

645B.085 1. Except as otherwise provided in this section, not later than ~~[120]~~ ***90*** days after the last day of each fiscal year for a mortgage broker, the mortgage broker shall submit to the Commissioner a financial statement that:

(a) Is dated not earlier than the last day of the fiscal year; and

(b) Has been prepared from the books and records of the mortgage broker by an independent ***certified*** public accountant who holds a ~~[permit]~~ ***license*** to ~~[engage in the]~~ practice ~~[of public accounting]~~ in this State ***or in any other state*** that has not been revoked or suspended.

2. ~~[The]~~ ***Unless otherwise prohibited by the Registry, the*** Commissioner may grant a reasonable extension for the submission of a financial statement pursuant to this section if a mortgage broker requests such an extension before the date on which the financial statement is due.

3. If a mortgage broker maintains any accounts described in subsection 1 of NRS 645B.175, the financial statement submitted pursuant to this section must be audited. If a mortgage broker maintains any accounts described in

subsection ***1 or*** 4 of NRS 645B.175, those accounts must be audited. ~~[The public accountant who prepares the report of an audit shall submit a copy of the report to the Commissioner at the same time that the public accountant submits the report to the mortgage broker.]~~

4. The Commissioner shall adopt regulations prescribing the scope of an audit conducted pursuant to subsection 3.

Sec. 53. NRS 645B.092 is hereby amended to read as follows:

645B.092 1. Except as otherwise provided in this section and NRS 239.0115, a complaint filed with the Commissioner, all documents and other information filed with the complaint and all documents and other information compiled as a result of an investigation conducted to determine whether to initiate disciplinary action are confidential.

2. The complaint or other document filed by the Commissioner to initiate disciplinary action and all documents and information considered by the Commissioner when determining whether to impose discipline are public records.

3. An order that imposes discipline and the findings of fact and conclusions of law supporting that order are public records.

4. The Commissioner may disclose any document or information made confidential under subsection 1 to the party against whom the complaint is made, a licensing board or agency, the Registry or any other governmental agency, including, without limitation, a law enforcement agency.

Sec. 54. NRS 645B.095 is hereby amended to read as follows:

645B.095 1. As used in this section, "change of control" means:

(a) A transfer of voting stock which results in giving a person, directly or indirectly, the power to direct the management and policy of a mortgage broker; or

(b) A transfer of at least 25 percent of the outstanding voting stock of a mortgage broker.

2. The Commissioner must be notified ***in writing*** of a transfer of ~~[5]~~ ***10*** percent or more of the outstanding voting stock of a mortgage broker ***at least 15 days before such a transfer*** and must approve a transfer of voting stock of a mortgage broker which constitutes a change of control.

3. The person who acquires stock resulting in a change of control of the mortgage broker shall apply to the Commissioner for approval of the transfer. The application must contain information which shows that the requirements of this chapter ***and the Registry, if applicable,*** for obtaining a license will be satisfied after the change of control. Except as otherwise provided in subsection 4, the Commissioner shall conduct an investigation to determine whether those requirements will be satisfied. If, after the investigation, the Commissioner denies the application, the Commissioner may forbid the applicant from participating in the business of the mortgage broker.

4. A mortgage broker may submit a written request to the Commissioner to waive an investigation pursuant to subsection 3. The Commissioner may grant a waiver if the applicant has undergone a similar investigation by a state or federal agency in connection with the licensing of or his or her employment with a financial institution.

Sec. 55. NRS 645B.165 is hereby amended to read as follows:

645B.165 1. Except as otherwise ***permitted by law and as otherwise*** provided in subsection 3, the amount of any advance fee, salary, deposit or money paid to a mortgage broker and his or her mortgage agents or any other person to obtain a loan which will be secured by a lien on real property must be placed in escrow pending completion of the loan or a commitment for the loan.

2. The amount held in escrow pursuant to subsection 1 must be released:

(a) Upon completion of the loan or commitment for the loan, to the mortgage broker or other person to whom the advance fee, salary, deposit or money was paid.

(b) If the loan or commitment for the loan fails, to the person who made the payment.

3. Advance payments to cover reasonably estimated costs paid to third persons are excluded from the provisions of subsections 1 and 2 if the person making them first signs a written agreement which specifies the estimated costs by item and the estimated aggregate cost, and which recites that money advanced for costs will not be refunded. If an itemized service is not performed and the estimated cost thereof is not refunded, the recipient of the advance payment is subject to the penalties provided in NRS 645B.960.

Sec. 56. NRS 645B.170 is hereby amended to read as follows:

645B.170 1. All money paid to a mortgage broker and his or her mortgage agents for payment of taxes or insurance premiums on real property which secures any loan arranged by the mortgage broker must be deposited in an insured depository financial institution and kept separate, distinct and apart from money belonging to the mortgage broker. Such money, when deposited, is to be designated as an "impound trust account" or under some other appropriate name indicating that the accounts are not the money of the mortgage broker.

2. The mortgage broker has a fiduciary duty to each debtor with respect to the money in an impound trust account.

3. The mortgage broker shall, upon reasonable notice, account to any debtor whose real property secures a loan arranged by the mortgage broker for any money which that person has paid to the mortgage broker for the payment of taxes or insurance premiums on the real property.

4. The mortgage broker shall, upon reasonable notice, account to the Commissioner for all money in an impound trust account.

5. A mortgage broker shall:

(a) Require contributions to an impound trust account in an amount reasonably necessary to pay the obligations as they become due.

(b) ***Undertake an annual review of an impound trust account.***

(c) Within 30 days after the completion of the annual review of an impound trust account, notify the debtor:

(1) Of the amount by which the contributions exceed the amount reasonably necessary to pay the annual obligations due from the account; and

(2) That the debtor may specify the disposition of the excess money within 20 days after receipt of the notice. If the debtor fails to specify such a disposition within that time, the mortgage broker shall maintain the excess money in the account.

➥ This subsection does not prohibit a mortgage broker from requiring additional amounts to be paid into an impound trust account to recover a deficiency that exists in the account.

6. A mortgage broker shall not make payments from an impound trust account in a manner that causes a policy of insurance to be cancelled or causes property taxes or similar payments to become delinquent.

Sec. 57. NRS 645B.186 is hereby amended to read as follows:

645B.186 1. If a licensee or a relative of the licensee is licensed as, conducts business as or holds a controlling interest or position in:

(a) A construction control;

(b) An escrow agency or escrow agent; or

(c) A title agent, a title insurer or an escrow officer of a title agent or title insurer,

➥ the licensee shall fully disclose his or her status as, connection to or relationship with the construction control, escrow agency, escrow agent, title agent, title insurer or escrow officer to each investor, and the licensee shall not require, as a condition to an investor acquiring ownership of or a beneficial interest in a loan secured by a lien on real property, that the investor transact business with or use the services of the construction control, escrow agency, escrow agent, title agent, title insurer or escrow officer or that the investor authorize the licensee to transact business with or use the services of the construction control, escrow agency, escrow agent, title agent, title insurer or escrow officer on behalf of the investor.

2. For the purposes of this section, a person shall be deemed to hold a controlling interest or position if the person:

(a) Owns or controls a majority of the voting stock or holds any other controlling interest, directly or indirectly, that gives the person the power to direct management or determine policy; or

(b) Is a partner, officer, director or trustee.

3. As used in this section, "licensee" means:

(a) A person who is licensed as a mortgage broker ***or mortgage agent*** pursuant to this chapter; and

(b) Any general partner, officer or director of such a person.

Sec. 58. NRS 645B.305 is hereby amended to read as follows:

645B.305 A mortgage broker shall ensure that each loan secured by a lien on real property for which he or she engages in activity as a mortgage broker ~~[.~~

~~1. Includes]~~ ***includes*** a disclosure:

~~[(a)]~~ ***1.*** Describing, in a specific dollar amount, all fees earned by the mortgage broker;

~~[(b)]~~ ***2.*** Explaining which party is responsible for the payment of the fees described in ~~[paragraph (a);]~~ ***subsection 1;*** and

~~[(c)]~~ ***3.*** Explaining the probable impact the fees described in ~~[paragraph (a)]~~ ***subsection 1*** may have on the terms of the loan, including, without limitation, the interest rates.

~~[2. If a private investor has acquired a beneficial interest in the loan, includes a fee for servicing the loan which must be specified in the loan. The fee must be in an amount reasonably necessary to pay the cost of servicing the loan.]~~

Sec. 59. NRS 645B.307 is hereby amended to read as follows:

645B.307 A mortgage broker shall ensure that each loan secured by a lien on real property for which he or she engages in activity as a mortgage broker includes ~~[the]~~ ***:***

1. If the mortgage broker is not registered with the Registry, the license number of the mortgage broker ~~[.]~~ ***; or***

2. Any identifying number issued by the Registry.

Sec. 60. NRS 645B.400 is hereby amended to read as follows:

645B.400 A person shall not act as or provide any of the services of a mortgage agent or otherwise engage in, carry on or hold himself or herself out as engaging in or carrying on the activities of a mortgage agent unless the person ~~[has]~~ ***:***

1. Has a license as a mortgage agent issued pursuant to NRS 645B.410.

2. Is an employee of or associated with a mortgage broker or mortgage banker.

3. If the person is required to register with the Registry, is registered with and provides any identifying number issued by the Registry.

Sec. 61. NRS 645B.410 is hereby amended to read as follows:

645B.410 1. To obtain a license as a mortgage agent, a person must:

(a) Be a natural person;

(b) File a written application for a license as a mortgage agent with the Office of the Commissioner;

(c) Comply with the applicable requirements of this chapter; ~~[and]~~

(d) Pay an application fee set by the Commissioner of not more than $185 ~~[.]~~ ***; and***

(e) Be:

(1) Employed by, or have received an offer of employment from, a mortgage broker;

(2) Employed by, or have received an offer of employment from, a mortgage banker;

(3) Associated with or employed by, or have received an offer of a contract with or an offer of employment from, a person who holds a certificate of exemption pursuant to NRS 645B.016; or

(4) A loan processor who is not an employee and who is associated with, or has received an offer of a contract with, a mortgage broker, mortgage banker or person who holds a certificate of exemption pursuant to NRS 645B.016.

2. An application for a license as a mortgage agent must:

(a) State the name and residence address of the applicant;

(b) Include a provision by which the applicant gives written consent to ***the Division and, if applicable, the Registry for*** an investigation of his or her credit history, criminal history and background;

(c) ~~[Include]~~ ***Unless fingerprints were submitted to the Registry, include*** a complete set of fingerprints which the Division may forward to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report;

(d) ~~[If not licensed as a mortgage broker or mortgage banker pursuant to this chapter or chapter 645E of NRS, include]~~ ***Include*** a verified statement from the mortgage broker ***,*** ~~[or]~~ mortgage banker ***or person who holds a certificate of exemption pursuant to NRS 645B.016*** with whom the applicant will be associated ***or employed*** that expresses the intent of that mortgage broker ***,*** ~~[or]~~ mortgage banker ***or exempt person*** to ***employ or*** associate the applicant with the mortgage broker ***,*** ~~[or]~~ mortgage banker ***or exempt person*** and to be responsible for the activities of the applicant as a mortgage agent; and

(e) Include any other information or supporting materials required pursuant to the regulations adopted by the Commissioner ***,*** ~~[or]~~ by an order of the Commissioner ~~[.]~~ ***or, if applicable, by the Registry.*** Such information or supporting materials may include, without limitation, other forms of identification of the person.

3. Except as otherwise provided ~~[in this chapter,]~~ ***by law,*** the Commissioner shall issue a license as a mortgage agent to an applicant if:

(a) The application is verified by the Commissioner and complies with the applicable requirements of this chapter ~~[;]~~ ***, other applicable law and, if applicable, the Registry;*** and

(b) The applicant:

(1) Has not been convicted of, or entered ***or agreed to enter*** a plea of guilty or nolo contendere to, a felony in a domestic, foreign or military court within the 7 years immediately preceding the date of the application, or at any time if such felony involved an act of fraud, dishonesty or a breach of trust, ~~[or]~~ money laundering ~~[;]~~ ***or moral turpitude;***

(2) Has never had a license or registration as a mortgage agent, mortgage banker, mortgage broker or residential mortgage loan originator revoked in this State or any other jurisdiction, or had a financial services license ~~[suspended or]~~ revoked within the immediately preceding 10 years;

(3) Has not made a false statement of material fact on his or her application;

(4) Has not violated any provision of this chapter or chapter 645E of NRS, a regulation adopted pursuant thereto or an order of the Commissioner; and

(5) Has demonstrated financial responsibility, character and general fitness so as to command the confidence of the community and warrant a determination that the applicant will operate honestly, fairly and efficiently for the purposes of this chapter.

4. Money received by the Commissioner pursuant to this section is in addition to any fee required to be paid to the Registry and must be deposited in the Fund for Mortgage Lending created by NRS 645F.270.

5. The Commissioner may require the submission of an item or the payment of a fee required by this section directly to the Commissioner or, if the person submitting the item or fee is required to register or voluntarily registers with the Registry, to the Commissioner through the Registry.

Sec. 62. NRS 645B.430 is hereby amended to read as follows:

645B.430 1. A license as a mortgage agent issued pursuant to NRS 645B.410 expires ~~[1 year after the date the license is issued,]~~ ***each year on December 31,*** unless it is renewed. To renew a license as a mortgage agent, the holder of the license must ***continue to meet the requirements of subsection 3 of NRS 645B.410 and must*** submit to the Commissioner ~~[each year,]~~ ***on or after November 1 and*** on or before ~~[the date the license expires:]~~ ***December 31 of each year, or on a date otherwise specified by the Commissioner by regulation:***

(a) An application for renewal;

(b) Except as otherwise provided in this section, satisfactory proof that the holder of the license as a mortgage agent attended at least 10 hours of certified courses of continuing education during the 12 months immediately preceding the date on which the license expires; and

(c) A renewal fee set by the Commissioner of not more than $170.

2. If the holder of the license as a mortgage agent fails to submit any item required pursuant to subsection 1 to the Commissioner ~~[each year]~~ ***on or after November 1 and*** on or before ~~[the date the license expires,]~~ ***December 31 of any year, unless a different date is specified by the Commissioner by regulation,*** the license is cancelled ~~[.]~~ ***as of December 31 of that year.*** The Commissioner may reinstate a cancelled license if the holder of the license submits to the Commissioner ~~[:]~~ ***on or before February 28 of the following year:***

(a) An application for renewal;

(b) The fee required to renew the license pursuant to this section; and

(c) A reinstatement fee of $75.

3. ~~[To be issued a duplicate copy of a license as a mortgage agent, a person must make a satisfactory showing of its loss and pay a fee of $10.~~

~~4.]~~ To change the mortgage broker with whom the mortgage agent is associated, a person must pay a fee of $10.

~~[5.]~~ ***4.*** Money received by the Commissioner pursuant to this section is in addition to any fee that must be paid to the Registry and must be deposited in the Fund for Mortgage Lending created by NRS 645F.270.

~~[6. The Commissioner may provide by regulation that any hours of a certified course of continuing education attended during a 12-month period, but not needed to satisfy a requirement set forth in this section for the 12-month period in which the hours were taken, may be used to satisfy a requirement set forth in this section for a later 12-month period.~~

~~7.]~~ ***5. The Commissioner may require a licensee to submit an item or pay a fee required by this section directly to the Division or, if the licensee is required to register or voluntarily registers with the Registry, to the Division through the Registry.***

6. As used in this section, "certified course of continuing education" has the meaning ascribed to it in NRS 645B.051.

Sec. 63. NRS 645B.450 is hereby amended to read as follows:

645B.450 1. A person licensed as a mortgage agent pursuant to the provisions of NRS 645B.410 may not be associated with or employed by more than one ***licensed or registered*** mortgage broker ***or mortgage banker or person who holds a certificate of exemption pursuant to NRS 645B.016*** at the same time.

2. A mortgage broker ***, mortgage banker or person who holds a certificate of exemption pursuant to NRS 645B.016*** shall not associate with or employ a person as a mortgage agent or authorize a person to be associated with the mortgage broker ***, mortgage banker or exempt person*** as a mortgage agent if the mortgage agent is not licensed with the Division pursuant to NRS 645B.410. ***Before allowing a mortgage agent to act on its***

behalf, a mortgage broker, mortgage banker or person who holds a certificate of exemption pursuant to NRS 645B.016 must:

(a) Enter its sponsorship of the mortgage agent with the Registry; or

(b) If the mortgage agent is not required to be registered with the Registry, notify the Division of its sponsorship of the mortgage agent.

3. If a mortgage agent terminates his or her association or employment with a mortgage broker ***, mortgage banker or person who holds a certificate of exemption pursuant to NRS 645B.016*** for any reason, the mortgage broker ***, mortgage banker or exempt person*** shall, not later than the third business day following the date of termination:

(a) ~~[Deliver]~~ ***Remove its sponsorship of the mortgage agent from the Registry; or***

(b) If the mortgage agent is not required to be registered with the Registry, deliver to the ***Division and to the*** mortgage agent ~~[or send by certified mail to]~~ ***at*** the last known residence address of the mortgage agent a written statement which ~~[advises the mortgage agent that the termination is being reported to the Division; and~~

~~(b) Deliver or send by certified mail to the Division:~~

~~(1) The license or license number of the mortgage agent;~~

~~(2) A written statement of the circumstances surrounding the termination; and~~

~~(3) A copy of the written statement that the mortgage broker delivers or mails to the mortgage agent pursuant to paragraph (a).~~] ***includes the name, address and license number of the mortgage agent and a statement of the circumstances of the termination.***

Sec. 64. NRS 645B.490 is hereby amended to read as follows:

645B.490 ***Except as otherwise required by the Registry for persons who are required to register or voluntarily register with the Registry:***

1. Any mortgage broker or mortgage agent licensed under the provisions of this chapter who is called into military service of the United States shall, at his or her request, be relieved from compliance with the provisions of this chapter and placed on inactive status for the period of such military service and for a period of 6 months after discharge therefrom.

2. At any time within 6 months after termination of such service, if the mortgage broker or mortgage agent complies with the provisions of subsection 1, the mortgage broker or mortgage agent may be reinstated, without having to meet any qualification or requirement other than the payment of the reinstatement fee, as provided in NRS 645B.050 or 645B.430, and the mortgage broker or mortgage agent is not required to make payment of the renewal fee for the current year.

3. Any mortgage broker or mortgage agent seeking to qualify for reinstatement, as provided in subsections 1 and 2, must present a certified

copy of his or her honorable discharge or certificate of satisfactory service to the Commissioner.

Sec. 65. NRS 645B.600 is hereby amended to read as follows:

645B.600 1. A person may file with the Commissioner a complaint alleging that another person has violated a provision of this chapter, a regulation adopted pursuant to this chapter or an order of the Commissioner.

2. A complaint filed pursuant to this section must:

(a) Be in writing;

(b) Be signed by the person filing the complaint or the ~~[authorized representative]~~ ***designee*** of the person filing the complaint;

(c) Contain an address and a telephone number for the person filing the complaint or the ~~[authorized representative]~~ ***designee*** of the person filing the complaint;

(d) Describe the nature of the alleged violation in as much detail as possible;

(e) Include as exhibits copies of all documentation supporting the complaint; and

(f) Include any other information or supporting materials required by the regulations adopted by the Commissioner or by an order of the Commissioner.

Sec. 66. NRS 645B.670 is hereby amended to read as follows:

645B.670 Except as otherwise provided in NRS 645B.690:

1. For each violation committed by an applicant for a license issued pursuant to this chapter, whether or not the applicant is issued a license, the Commissioner may impose upon the applicant an administrative fine of not more than $25,000 if the applicant:

(a) Has knowingly made or caused to be made to the Commissioner any false representation of material fact;

(b) Has suppressed or withheld from the Commissioner any information which the applicant possesses and which, if submitted by the applicant, would have rendered the applicant ineligible to be licensed pursuant to the provisions of this chapter; or

(c) Has violated any provision of this chapter, a regulation adopted pursuant to this chapter or an order of the Commissioner in completing and filing his or her application for a license or during the course of the investigation of his or her application for a license.

2. For each violation committed by a mortgage broker, the Commissioner may impose upon the mortgage broker an administrative fine of not more than $25,000, may suspend, revoke or place conditions upon the mortgage broker's license, or may do both, if the mortgage broker, whether or not acting as such:

(a) Is insolvent;

(b) Is grossly negligent or incompetent in performing any act for which the mortgage broker is required to be licensed pursuant to the provisions of this chapter;

(c) Does not conduct his or her business in accordance with law or has violated any provision of this chapter, a regulation adopted pursuant to this chapter or an order of the Commissioner;

(d) Is in such financial condition that the mortgage broker cannot continue in business with safety to his or her customers;

(e) Has made a material misrepresentation in connection with any transaction governed by this chapter;

(f) Has suppressed or withheld from a client any material facts, data or other information relating to any transaction governed by the provisions of this chapter which the mortgage broker knew or, by the exercise of reasonable diligence, should have known;

(g) Has knowingly made or caused to be made to the Commissioner any false representation of material fact or has suppressed or withheld from the Commissioner any information which the mortgage broker possesses and which, if submitted by the mortgage broker, would have rendered the mortgage broker ineligible to be licensed pursuant to the provisions of this chapter;

(h) Has failed to account to persons interested for all money received for a trust account;

(i) Has refused to permit an examination by the Commissioner of his or her books and affairs or has refused or failed, within a reasonable time, to furnish any information or make any report that may be required by the Commissioner pursuant to the provisions of this chapter or a regulation adopted pursuant to this chapter;

(j) Has been convicted of, or entered ***or agreed to enter*** a plea of guilty or nolo contendere to, a felony in a domestic, foreign or military court within the 7 years immediately preceding the date of the application, or at any time if such felony involved an act of fraud, dishonesty or a breach of trust, ***moral turpitude*** or money laundering.

(k) Has refused or failed to pay, within a reasonable time, any fees, assessments, costs or expenses that the mortgage broker is required to pay pursuant to this chapter or a regulation adopted pursuant to this chapter;

(l) Has failed to satisfy a claim made by a client which has been reduced to judgment;

(m) Has failed to account for or to remit any money of a client within a reasonable time after a request for an accounting or remittal;

(n) Has commingled the money or other property of a client with his or her own or has converted the money or property of others to his or her own use;

(o) Has engaged in any other conduct constituting a deceitful, fraudulent or dishonest business practice;

(p) Has repeatedly violated the policies and procedures of the mortgage broker;

(q) Has failed to exercise reasonable supervision over the activities of a mortgage agent as required by NRS 645B.460;

(r) Has instructed a mortgage agent to commit an act that would be cause for the revocation of the license of the mortgage broker, whether or not the mortgage agent commits the act;

(s) Has employed a person as a mortgage agent or authorized a person to be associated with the mortgage broker as a mortgage agent at a time when the mortgage broker knew or, in light of all the surrounding facts and circumstances, reasonably should have known that the person:

(1) Had been convicted of, or entered ***or agreed to enter*** a plea of guilty or nolo contendere to, a felony in a domestic, foreign or military court within the 7 years immediately preceding the date of application, or at any time if such felony involved an act of fraud, dishonesty or a breach of trust, ***moral turpitude*** or money laundering; or

(2) Had a license or registration as a mortgage agent, mortgage banker, mortgage broker or residential mortgage loan originator revoked in this State or any other jurisdiction or had a financial services license or registration ~~[~~suspended or~~]~~ revoked within the immediately preceding 10 years;

(t) Has violated NRS 645C.557; ***or***

(u) Has failed to pay a tax as required pursuant to the provisions of chapter 363A of NRS ***.*** ~~[~~; or

~~(v) Has not conducted verifiable business as a mortgage broker for 12 consecutive months, except in the case of a new applicant. The Commissioner shall determine whether a mortgage broker is conducting business by examining the monthly reports of activity submitted by the mortgage broker or by conducting an examination of the mortgage broker.~~]

3. For each violation committed by a mortgage agent, the Commissioner may impose upon the mortgage agent an administrative fine of not more than $25,000, may suspend, revoke or place conditions upon the mortgage agent's license, or may do both, if the mortgage agent, whether or not acting as such:

(a) Is grossly negligent or incompetent in performing any act for which the mortgage agent is required to be licensed pursuant to the provisions of this chapter;

(b) Has made a material misrepresentation in connection with any transaction governed by this chapter;

(c) Has suppressed or withheld from a client any material facts, data or other information relating to any transaction governed by the provisions of

this chapter which the mortgage agent knew or, by the exercise of reasonable diligence, should have known;

(d) Has knowingly made or caused to be made to the Commissioner any false representation of material fact or has suppressed or withheld from the Commissioner any information which the mortgage agent possesses and which, if submitted by the mortgage agent, would have rendered the mortgage agent ineligible to be licensed pursuant to the provisions of this chapter;

(e) Has been convicted of, or entered ***or agreed to enter*** a plea of guilty or nolo contendere to, a felony in a domestic, foreign or military court within the 7 years immediately preceding the date of the application, or at any time if such felony involved an act of fraud, dishonesty or a breach of trust, ***moral turpitude*** or money laundering.

(f) Has failed to account for or to remit any money of a client within a reasonable time after a request for an accounting or remittal;

(g) Has commingled the money or other property of a client with his or her own or has converted the money or property of others to his or her own use;

(h) Has engaged in any other conduct constituting a deceitful, fraudulent or dishonest business practice;

(i) Has violated NRS 645C.557;

(j) Has repeatedly violated the policies and procedures of the mortgage broker with whom the mortgage agent is associated or by whom he or she is employed; or

(k) Has violated any provision of this chapter, a regulation adopted pursuant to this chapter or an order of the Commissioner or has assisted or offered to assist another person to commit such a violation.

Sec. 67. NRS 645B.690 is hereby amended to read as follows:

645B.690 1. If a person offers or provides any of the services of a mortgage broker or mortgage agent or otherwise engages in, carries on or holds himself or herself out as engaging in or carrying on the business of a mortgage broker or mortgage agent and, at the time:

(a) The person was required to have a license pursuant to this chapter and the person did not have such a license; ~~[or]~~

(b) ***The person was required to be registered with the Registry and the person was not so registered; or***

(c) The person's license was suspended or revoked pursuant to this chapter,

➥ the Commissioner shall impose upon the person an administrative fine of not more than $50,000 for each violation and, if the person has a license, the Commissioner may suspend or revoke it.

2. If a mortgage broker violates any provision of subsection 1 of NRS 645B.080 and the mortgage broker fails, without reasonable cause, to remedy the violation within 20 business days after being ordered by the Commissioner to do so or within such later time as prescribed by the Commissioner, or if the Commissioner orders a mortgage broker to provide information, make a report or permit an examination of his or her books or affairs pursuant to this chapter and the mortgage broker fails, without reasonable cause, to comply with the order within 20 business days or within such later time as prescribed by the Commissioner, the Commissioner shall:

(a) Impose upon the mortgage broker an administrative fine of not more than ~~[~~$10,000~~]~~ ***$25,000*** for each violation;

(b) Suspend or revoke the license of the mortgage broker; and

(c) Conduct a hearing to determine whether the mortgage broker is conducting business in an unsafe and injurious manner that may result in danger to the public and whether it is necessary for the Commissioner to take possession of the property of the mortgage broker pursuant to NRS 645B.630.

3. If a mortgage broker:

(a) Makes or offers for sale in this State any investments in promissory notes secured by liens on real property; and

(b) Receives the lowest possible rating on two consecutive annual or biennial examinations pursuant to NRS 645B.060,

➥ the Commissioner shall suspend or revoke the license of the mortgage broker.

Sec. 68. NRS 645B.955 is hereby amended to read as follows:

645B.955 1. ~~[~~The holder of~~]~~ ***A person who engages in an activity for which*** a license as a mortgage broker or mortgage agent ~~[~~may be~~]~~ ***is*** required ***pursuant to this chapter, without regard to whether such a person is licensed pursuant to this chapter, may be required*** by the Commissioner to pay restitution to any person who has suffered an economic loss as a result of a violation of the provisions of this chapter or any regulation adopted pursuant thereto.

2. Notwithstanding the provision of paragraph (m) of subsection 1 of NRS 622A.120, payment of restitution pursuant to subsection 1 shall be done in a manner consistent with the provisions of chapter 622A of NRS.

Sec. 69. Chapter 645E of NRS is hereby amended by adding thereto a new section to read as follows:

"Nationwide Mortgage Licensing System and Registry" or "Registry" has the meaning ascribed to it in NRS 645B.0128.

Sec. 70. NRS 645E.010 is hereby amended to read as follows:

645E.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 645E.020 to 645E.100, inclusive, ***and section 69 of this act*** have the meanings ascribed to them in those sections.

Sec. 71. NRS 645E.040 is hereby amended to read as follows:

645E.040 "Commercial property" means any real property which is located in this state and which is ~~[not]~~ ***neither*** used ~~[for a residential dwelling or dwellings intended for occupancy by four or fewer families.]~~ ***as a dwelling nor upon which a dwelling is constructed or intended to be constructed. For the purposes of this section, "dwelling" has the meaning ascribed to it in section 103(v) of the federal Truth in Lending Act, 15 U.S.C. § 1602(v).***

Sec. 72. NRS 645E.150 is hereby amended to read as follows:

645E.150 Except as otherwise provided in NRS 645E.160, ***the Secure and Fair Enforcement for Mortgage Licensing Act of 2008, 12 U.S.C. §§ 5101 et seq., and any regulations adopted pursuant thereto or other applicable law,*** the provisions of this chapter do not apply to:

1. Any person doing business under the laws of this State, any other state or the United States relating to banks, savings banks, trust companies, savings and loan associations, industrial loan companies, credit unions, thrift companies or insurance companies, including, without limitation, a subsidiary or a holding company of such a bank, company, association or union.

2. A real estate investment trust, as defined in 26 U.S.C. § 856, unless the business conducted in this State is not subject to supervision by the regulatory authority of the other jurisdiction, in which case licensing pursuant to this chapter is required.

3. An employee benefit plan, as defined in 29 U.S.C. § 1002(3), if the loan is made directly from money in the plan by the plan's trustee.

4. An attorney at law rendering services in the performance of his or her duties as an attorney at law.

5. A real estate broker rendering services in the performance of his or her duties as a real estate broker.

6. Any person doing any act under an order of any court.

7. Any one natural person, or husband and wife, who provides money for investment in ***commercial*** loans secured by a lien on real property, on his or her own account, unless such a person makes a loan secured by a lien on real property using his or her own money and assigns all or a part of his or her interest in the loan to another person, other than his or her spouse or child, within ~~[5]~~ ***3*** years after the date on which the loan is made or the deed of trust is recorded, whichever occurs later.

8. A natural person who only offers or negotiates terms of a residential mortgage loan:

(a) With or on behalf of an immediate family member of the person; or

(b) Secured by a dwelling that served as the person's residence.

~~[8.]~~ ***9.*** Agencies of the United States and of this State and its political subdivisions, including the Public Employees' Retirement System.

~~[9.]~~ ***10.*** A seller of real property who offers credit secured by a mortgage of the property sold.

11. A nonprofit agency or organization:

(a) Which provides self-help housing for a borrower who has provided part of the labor to construct the dwelling securing the borrower's loan;

(b) Which does not charge or collect origination fees in connection with the origination of residential mortgage loans;

(c) Which only makes residential mortgage loans at an interest rate of 0 percent per annum;

(d) Whose volunteers, if any, do not receive compensation for their services in the construction of a dwelling; and

(e) Which does not profit from the sale of a dwelling to a borrower.

12. A housing counseling agency approved by the United States Department of Housing and Urban Development.

Sec. 73. NRS 645E.160 is hereby amended to read as follows:

645E.160 1. Except as otherwise provided in subsection 2, a person who claims an exemption from the provisions of this chapter pursuant to subsection 1 of NRS 645E.150 must:

(a) File a written application for a certificate of exemption with the Office of the Commissioner;

(b) Pay the fee required pursuant to NRS 645E.280;

(c) Include with the written application satisfactory proof that the person meets the requirements of subsection 1 of NRS 645E.150; and

(d) Provide evidence to the Commissioner that the person is duly licensed to conduct his or her business, including, if applicable, the right to transact mortgage loans, and such license is in good standing pursuant to the laws of this State, any other state or the United States.

2. The provisions of subsection 1 do not apply to the extent preempted by federal law.

3. The Commissioner may require a person who claims an exemption from the provisions of this chapter pursuant to subsections 2 to ~~[9,]~~ ***12,*** inclusive, of NRS 645E.150 to:

(a) File a written application for a certificate of exemption with the Office of the Commissioner;

(b) Pay the fee required pursuant to NRS 645E.280; and

(c) Include with the written application satisfactory proof that the person meets the requirements of at least one of those exemptions.

4. A certificate of exemption expires automatically if, at any time, the person who claims the exemption no longer meets the requirements of at least one exemption set forth in the provisions of NRS 645E.150.

5. If a certificate of exemption expires automatically pursuant to this section, the person shall not provide any of the services of a mortgage banker or otherwise engage in, carry on or hold himself or herself out as engaging in or carrying on the business of a mortgage banker unless the person applies for and is issued:

(a) A license as a mortgage banker pursuant to this chapter; or

(b) Another certificate of exemption.

6. The Commissioner may impose upon a person who is required to apply for a certificate of exemption or who holds a certificate of exemption an administrative fine of not more than $10,000 for each violation that he or she commits, if the person:

(a) Has knowingly made or caused to be made to the Commissioner any false representation of material fact;

(b) Has suppressed or withheld from the Commissioner any information which the person possesses and which, if submitted by him or her, would have rendered the person ineligible to hold a certificate of exemption; or

(c) Has violated any provision of this chapter, a regulation adopted pursuant to this chapter or an order of the Commissioner that applies to a person who is required to apply for a certificate of exemption or who holds a certificate of exemption.

7. A person who is exempt from the requirements of this chapter may file a written application for a certificate of exemption with the Office of the Commissioner for the purposes of complying with the requirements of the Registry or enabling a mortgage agent to comply with the requirements of the Registry.

8. The Commissioner may require an applicant or person described in subsection 7 to submit the information or pay the fee directly to the Division or, if the applicant or person is required to register or voluntarily registers with the Registry, to the Division through the Registry.

9. An application filed pursuant to subsection 7 does not affect the applicability of this chapter to such an applicant or person.

Sec. 74. NRS 645E.170 is hereby amended to read as follows:

645E.170 1. A person may apply to the Commissioner for an exemption from the provisions of this chapter governing the making of a loan of money ~~[.]~~ ***only for a loan secured by commercial property.***

2. The Commissioner may grant the exemption if the Commissioner finds that:

(a) The making of the loan would not be detrimental to the financial condition of the lender or the debtor;

(b) The lender or the debtor has established a record of sound performance, efficient management, financial responsibility and integrity;

(c) The making of the loan is likely to increase the availability of capital for a sector of the state economy; and

(d) The making of the loan is not detrimental to the public interest.

3. The Commissioner:

(a) May revoke an exemption unless the loan for which the exemption was granted has been made; and

(b) Shall issue a written statement setting forth the reasons for his or her decision to grant, deny or revoke an exemption.

Sec. 75. NRS 645E.200 is hereby amended to read as follows:

645E.200 1. A person who wishes to be licensed as a mortgage banker must file a written application for a license with the Office of the Commissioner and pay the fee required pursuant to NRS 645E.280. An application for a license as a mortgage banker must:

(a) Be verified.

(b) State the name, residence address and business address of the applicant and the location of each principal office and branch office at which the mortgage banker will conduct business in this State, including, without limitation, any office or other place of business located outside this State from which the mortgage banker will conduct business in this State ~~[.]~~ ***and any office or other place of business which the applicant maintains as a corporate or home office.***

(c) State the name under which the applicant will conduct business as a mortgage banker.

(d) If the applicant is not a natural person, list the name, residence address and business address of each person who will have an interest in the mortgage banker as a principal, partner, officer, director or trustee, specifying the capacity and title of each such person.

(e) Indicate the general plan and character of the business.

(f) State the length of time the applicant has been engaged in the business of a mortgage banker.

(g) Include a financial statement of the applicant.

(h) ***Include a complete set of fingerprints for each natural person who is a principal, partner, officer, director or trustee of the applicant which the Division may forward to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.***

(i) Include any other information required pursuant to the regulations adopted by the Commissioner or an order of the Commissioner.

2. If a mortgage banker will conduct business in this State at one or more branch offices, the mortgage banker must apply for a license for each such branch office.

3. Except as otherwise provided ~~[in this chapter,]~~ ***by law,*** the Commissioner shall issue a license to an applicant as a mortgage banker if:

(a) The application ***is verified by the Commissioner and*** complies with the requirements of this chapter ~~[:]~~ ***, other applicable law and, if applicable, the Registry;*** and

(b) The applicant and each general partner, officer or director of the applicant, if the applicant is a partnership, corporation or unincorporated association:

(1) Has ~~[a good reputation for honesty, trustworthiness and integrity and displays competence to transact the business of a mortgage banker in a manner which safeguards the interests of the general public. The applicant must submit satisfactory proof of these qualifications to the Commissioner.~~

~~(2) Has not been convicted of, or entered a plea of nolo contendere to, a felony relating to the practice of mortgage bankers or any crime involving fraud, misrepresentation or moral turpitude.~~

~~(3) Has not made a false statement of material fact on his or her application.~~

~~(4) Has not had a license that was issued pursuant to the provisions of this chapter or chapter 645B of NRS suspended or revoked within the 10 years immediately preceding the date of application.~~

~~(5) Has not had a license that was issued in any other state, district or territory of the United States or any foreign country suspended or revoked within the 10 years immediately preceding the date of application.~~

~~(6)]~~ ***demonstrated financial responsibility, character and general fitness so as to command the confidence of the community and warrant a determination that the applicant will operate honestly, fairly and efficiently for the purposes of this chapter. For the purposes of this subparagraph, the factors considered in determining whether a person has demonstrated financial responsibility include, without limitation:***

(I) Whether the person's personal credit history indicates any adverse material items, including, without limitation, liens, judgments, disciplinary action, bankruptcies, foreclosures or failures to comply with court-approved payment plans;

(II) The circumstances surrounding any adverse material items in the person's personal credit history; and

(III) Any instance of fraud, misrepresentation, dishonest business practices, the mishandling of trust funds or other types of comparable behavior.

(2) Has not been convicted of, or entered or agreed to enter a plea of guilty or nolo contendere to, a felony in a domestic, foreign or military court within the 7 years immediately preceding the date of the application, or at any time if such felony involved an act of fraud, dishonesty or a breach of trust, moral turpitude or money laundering.

(3) Has not made a false statement of material fact on the application.

(4) Has never had a license or registration as a mortgage agent, mortgage banker, mortgage broker or residential mortgage loan originator revoked in this State or any other jurisdiction or had a financial services license revoked within the immediately preceding 10 years.

(5) Has not violated any provision of this chapter or chapter 645B of NRS, a regulation adopted pursuant thereto or an order of the Commissioner.

4. If an applicant is a partnership, corporation or unincorporated association, the Commissioner may refuse to issue a license to the applicant if any member of the partnership or any officer or director of the corporation or unincorporated association has committed any act or omission that would be cause for refusing to issue a license to a natural person.

5. A person may apply for a license for an office or other place of business located outside this State from which the applicant will conduct business in this State if the applicant or a subsidiary or affiliate of the applicant has a license issued pursuant to this chapter for an office or other place of business located in this State and if the applicant submits with the application for a license a statement signed by the applicant which states that the applicant agrees to:

(a) Make available at a location within this State the books, accounts, papers, records and files of the office or place of business located outside this State to the Commissioner or a representative of the Commissioner; or

(b) Pay the reasonable expenses for travel, meals and lodging of the Commissioner or a representative of the Commissioner incurred during any investigation or examination made at the office or place of business located outside this State.

➥ The applicant must be allowed to choose between paragraph (a) or (b) in complying with the provisions of this subsection.

Sec. 76. NRS 645E.280 is hereby amended to read as follows:

645E.280 1. A license issued to a mortgage banker pursuant to this chapter expires each year on December 31, unless it is renewed. To renew a license, the licensee must submit to the Commissioner ***on or after November 1 and*** on or before December 31 of each year ~~[.]~~ ***, or on a date otherwise specified by the Commissioner by regulation:***

(a) An application for renewal that complies with the requirements of this chapter; ~~[and]~~

(b) The fee required to renew the license pursuant to this section ~~[.]~~ ***; and***

(c) All information required by the Commissioner or, if applicable, required by the Registry to complete the renewal.

2. If the licensee fails to submit any item required pursuant to subsection 1 to the Commissioner ***on or after November 1 and*** on or before December 31 of any year, ***unless a different date is specified by the Commissioner by regulation,*** the license is cancelled ~~[.]~~ ***as of December 31 of that year.*** The Commissioner may reinstate a cancelled license if the licensee submits to the Commissioner ~~[.]~~ ***on or before February 28 of the following year:***

(a) An application for renewal that complies with the requirements of this chapter;

(b) The fee required to renew the license pursuant to this section; ~~[and]~~

(c) ~~[A]~~ ***Except as otherwise provided in this section, a*** reinstatement fee of not more than $200 ~~[.]~~ ***; and***

(d) All information required to complete the reinstatement.

3. Except as otherwise provided in NRS 645E.160, a certificate of exemption issued pursuant to this chapter expires each year on December 31, unless it is renewed. To renew a certificate of exemption, a person must submit to the Commissioner ***on or after November 1 and*** on or before December 31 of each year ~~[.]~~ ***, or on a date otherwise specified by the Commissioner by regulation:***

(a) An application for renewal that complies with the requirements of this chapter; and

(b) The fee required to renew the certificate of exemption.

4. If the person fails to submit any item required pursuant to subsection 3 to the Commissioner ***on or after November 1 and*** on or before December 31 of any year, ***unless a different date is specified by the Commissioner by regulation,*** the certificate of exemption is cancelled. Except as otherwise provided in NRS 645E.160, the Commissioner may reinstate a cancelled certificate of exemption if the person submits to the Commissioner ~~[.]~~ ***on or before February 28 of the following year:***

(a) An application for renewal that complies with the requirements of this chapter;

(b) The fee required to renew the certificate of exemption; and

(c) ~~[A]~~ ***Except as otherwise provided in this section, a*** reinstatement fee of not more than $100.

5. ~~[A]~~ ***Except as otherwise provided in this section, a*** person must pay the following fees to apply for, to be issued or to renew a license as a mortgage banker pursuant to this chapter:

(a) To file an original application for a license, not more than $1,500 for the principal office and not more than $40 for each branch office. The person must also pay such additional expenses incurred in the process of investigation as the Commissioner deems necessary.

(b) To be issued a license, not more than $1,000 for the principal office and not more than $60 for each branch office.

(c) To renew a license, not more than $500 for the principal office and not more than $100 for each branch office.

6. ~~[A]~~ ***Except as otherwise provided in this section, a*** person must pay the following fees to apply for or to renew a certificate of exemption pursuant to this chapter:

(a) To file an application for a certificate of exemption, not more than $200.

(b) To renew a certificate of exemption, not more than $100.

7. To be issued a duplicate copy of any license or certificate of exemption, a person must make a satisfactory showing of its loss and pay a fee of not more than $10.

8. Except as otherwise provided in this chapter, all fees received pursuant to this chapter ***are in addition to any fee required to be paid to the Registry and*** must be deposited in the Fund for Mortgage Lending created by NRS 645F.270.

9. The Commissioner may, by regulation, adjust any fee set forth in this section if the Commissioner determines that such an adjustment is necessary for the Commissioner to carry out his or her duties pursuant to this chapter. The amount of any adjustment in a fee pursuant to this subsection must not exceed the amount determined to be necessary for the Commissioner to carry out his or her duties pursuant to this chapter.

10. The Commissioner may require a licensee to submit an item or pay a fee required by this section directly to the Division or, if the licensee is required to register or voluntarily registers with the Registry, to the Division through the Registry.

Sec. 77. NRS 645E.290 is hereby amended to read as follows:

645E.290 1. Any person licensed as a mortgage banker under this chapter and who engages in activities as a ~~[residential mortgage]~~ loan originator or who supervises a mortgage agent who engages in activities as a ~~[residential mortgage]~~ loan originator, and any employee or independent contractor of a mortgage banker who engages in activities as a ~~[residential mortgage]~~ loan originator, must be licensed as a mortgage agent pursuant to the provisions of NRS 645B.400 to 645B.460, inclusive.

2. As used in this section ~~[, "residential mortgage loan originator" has the meaning ascribed to it in NRS 645B.01325.]~~ ***:***

(a) "Clerical or ministerial tasks" means communication with a person to obtain, and the receipt, collection and distribution of, information necessary for the processing or underwriting of a loan.

(b) "Loan originator" means a natural person who takes a loan application or offers or negotiates terms of a loan for compensation or other pecuniary gain. The term does not include:

(1) A person who performs clerical or ministerial tasks as an employee at the direction of and subject to the supervision and instruction of a person licensed or exempt from licensing under this chapter, unless the person who performs such clerical or ministerial tasks is an independent contractor; or

(2) A person solely involved in extensions of credit relating to timeshare plans, as that term is defined in 11 U.S.C. § 101(53D).

Sec. 78. NRS 645E.291 is hereby amended to read as follows:

645E.291 1. A mortgage banker shall exercise reasonable supervision over the activities of his or her mortgage agents and must also be licensed as a mortgage agent if required pursuant to NRS 645E.290. Such reasonable supervision must include, as appropriate:

(a) The establishment of written or oral policies and procedures for the mortgage agents;

(b) The establishment of a system to review, oversee and inspect the activities of the mortgage agents, including, without limitation:

(1) Transactions handled by the mortgage agents pursuant to this chapter;

(2) Communications between the mortgage agents and a party to such a transaction;

(3) Documents prepared by the mortgage agents that may have a material effect upon the rights or obligations of a party to such a transaction; and

(4) The handling by the mortgage agents of any fee, deposit or money paid to the mortgage banker or the mortgage agents or held in trust by the mortgage banker or the mortgage agents pursuant to this chapter; and

(c) The establishment of a system of reporting to the Division of any fraudulent activity engaged in by any of the mortgage agents.

2. The Commissioner shall allow a mortgage banker to take into consideration the total number of mortgage agents associated with or employed by the mortgage banker when the mortgage banker determines the form and extent of the policies and procedures for those mortgage agents and the system to review, oversee and inspect the activities of those mortgage agents.

3. The Commissioner may adopt regulations prescribing standards for determining whether a mortgage ~~[broker]~~ ***banker*** has exercised reasonable supervision over the activities of a mortgage agent pursuant to this section.

Sec. 79. NRS 645E.350 is hereby amended to read as follows:

645E.350 1. Each mortgage banker shall keep and maintain at all times at each location where the mortgage banker conducts business in this State complete and suitable records of all mortgage transactions made by the mortgage banker at that location. Each mortgage banker shall also keep and maintain at all times at each such location all original books, papers and data, or copies thereof, clearly reflecting the financial condition of the business of the mortgage banker.

2. Each mortgage banker shall submit to the Commissioner each month a report of the mortgage banker's activity for the previous month. The report must:

(a) Specify the volume of loans made by the mortgage banker for the month or state that no loans were made in that month;

(b) Include any information required pursuant to the regulations adopted by the Commissioner; and

(c) Be submitted to the Commissioner by the 15th day of the month following the month for which the report is made.

3. The Commissioner may adopt regulations prescribing accounting procedures for mortgage bankers handling trust accounts and the requirements for keeping records relating to such accounts.

4. A licensee who operates outside this State an office or other place of business which is licensed pursuant to this chapter shall:

(a) Make available at a location within this State the books, accounts, papers, records and files of the office or place of business located outside this State to the Commissioner or a representative of the Commissioner; or

(b) Pay the reasonable expenses for travel, meals and lodging of the Commissioner or a representative of the Commissioner incurred during any investigation or examination made at the office or place of business located outside this State.

➥ The licensee must be allowed to choose between paragraph (a) or (b) in complying with the provisions of this subsection.

5. Each mortgage banker who is required to register or voluntarily registers with the Registry shall submit to the Registry and the Commissioner a report of condition or any other report required by the Registry in the form and at the time required by the Registry.

Sec. 80. NRS 645E.360 is hereby amended to read as follows:

645E.360 1. Except as otherwise provided in this section, not later than ~~[~~120~~]~~ ***90*** days after the last day of each fiscal year for a mortgage banker, the mortgage banker shall submit to the Commissioner a financial statement that:

(a) Is dated not earlier than the last day of the fiscal year; and

(b) Has been prepared from the books and records of the mortgage banker by an independent ***certified*** public accountant who holds a ~~[~~permit~~]~~ ***license*** to

~~[~~engage in the~~]~~ practice ~~[~~of public accounting~~]~~ in this State ***or in any other state*** that has not been revoked or suspended.

2. ~~[~~The~~]~~ ***Unless otherwise prohibited by the Registry, the*** Commissioner may grant a reasonable extension for the submission of a financial statement pursuant to this section if a mortgage banker requests such an extension before the date on which the financial statement is due.

3. If a mortgage banker maintains any accounts described in NRS 645E.430, the financial statement submitted pursuant to this section must be audited. ~~[The public accountant who prepares the report of an audit shall submit a copy of the report to the Commissioner at the same time that he or she submits the report to the mortgage banker.]~~

4. ***The Commissioner may require the financial statement to be submitted directly to the Commissioner or, if the mortgage banker that submits the financial statement is required to register or voluntarily registers with the Registry, to the Division through the Registry.***

5. The Commissioner shall adopt regulations prescribing the scope of an audit conducted pursuant to subsection 3.

Sec. 81. NRS 645E.375 is hereby amended to read as follows:

645E.375 1. Except as otherwise provided in this section and NRS 239.0115, a complaint filed with the Commissioner, all documents and other information filed with the complaint and all documents and other information compiled as a result of an investigation conducted to determine whether to initiate disciplinary action are confidential.

2. The complaint or other document filed by the Commissioner to initiate disciplinary action and all documents and information considered by the Commissioner when determining whether to impose discipline are public records.

3. The Commissioner may disclose any document or information made confidential under subsection 1 to the party against whom the complaint is made, a licensing board or agency, the Registry or any other governmental agency, including, without limitation, a law enforcement agency.

Sec. 82. NRS 645E.390 is hereby amended to read as follows:

645E.390 1. The Commissioner must be notified of a transfer of ~~[5]~~ ***10*** percent or more of the outstanding voting stock of a mortgage banker and must approve a transfer of voting stock of a mortgage banker which constitutes a change of control.

2. The person who acquires stock resulting in a change of control of the mortgage banker shall apply to the Commissioner for approval of the transfer. The application must contain information which shows that the requirements of this chapter ***and of the Registry, if applicable,*** for obtaining a license will be satisfied after the change of control. Except as otherwise provided in subsection 3, the Commissioner shall conduct an investigation to

determine whether those requirements will be satisfied. If, after the investigation, the Commissioner denies the application, the Commissioner may forbid the applicant from participating in the business of the mortgage banker.

3. A mortgage banker may submit a written request to the Commissioner to waive an investigation pursuant to subsection 2. The Commissioner may grant a waiver if the applicant has undergone a similar investigation by a state or federal agency in connection with the licensing of or his or her employment with a financial institution.

4. As used in this section, "change of control" means:

(a) A transfer of voting stock which results in giving a person, directly or indirectly, the power to direct the management and policy of a mortgage banker; or

(b) A transfer of at least 25 percent of the outstanding voting stock of a mortgage banker.

Sec. 83. NRS 645E.420 is hereby amended to read as follows:

645E.420 1. Except as otherwise ***permitted by law and as otherwise*** provided in subsection 3, the amount of any advance fee, salary, deposit or money paid to any mortgage banker or other person to obtain a loan secured by a lien on real property must be placed in escrow pending completion of the loan or a commitment for the loan.

2. The amount held in escrow pursuant to subsection 1 must be released:

(a) Upon completion of the loan or commitment for the loan, to the mortgage banker or other person to whom the advance fee, salary, deposit or money was paid.

(b) If the loan or commitment for the loan fails, to the person who made the payment.

3. Advance payments to cover reasonably estimated costs paid to third persons are excluded from the provisions of subsections 1 and 2 if the person making them first signs a written agreement which specifies the estimated costs by item and the estimated aggregate cost, and which recites that money advanced for costs will not be refunded. If an itemized service is not performed and the estimated cost thereof is not refunded, the recipient of the advance payment is subject to the penalties provided in NRS 645E.960.

Sec. 84. NRS 645E.670 is hereby amended to read as follows:

645E.670 1. For each violation committed by an applicant, whether or not the applicant is issued a license, the Commissioner may impose upon the applicant an administrative fine of not more than ~~[~~$10,000~~]~~ ***$25,000*** if the applicant:

(a) Has knowingly made or caused to be made to the Commissioner any false representation of material fact;

(b) Has suppressed or withheld from the Commissioner any information which the applicant possesses and which, if submitted by the applicant, would have rendered the applicant ineligible to be licensed pursuant to the provisions of this chapter; or

(c) Has violated any provision of this chapter, a regulation adopted pursuant to this chapter or an order of the Commissioner in completing and filing his or her application for a license or during the course of the investigation of his or her application for a license.

2. For each violation committed by a licensee, the Commissioner may impose upon the licensee an administrative fine of not more than **[**~~$10,000,~~**]** ***$25,000,*** may suspend, revoke or place conditions upon the license, or may do both, if the licensee, whether or not acting as such:

(a) Is insolvent;

(b) Is grossly negligent or incompetent in performing any act for which the licensee is required to be licensed pursuant to the provisions of this chapter;

(c) Does not conduct his or her business in accordance with law or has violated any provision of this chapter, a regulation adopted pursuant to this chapter or an order of the Commissioner;

(d) Is in such financial condition that the licensee cannot continue in business with safety to his or her customers;

(e) Has made a material misrepresentation in connection with any transaction governed by this chapter;

(f) Has suppressed or withheld from a client any material facts, data or other information relating to any transaction governed by the provisions of this chapter which the licensee knew or, by the exercise of reasonable diligence, should have known;

(g) Has knowingly made or caused to be made to the Commissioner any false representation of material fact or has suppressed or withheld from the Commissioner any information which the licensee possesses and which, if submitted by the licensee, would have rendered the licensee ineligible to be licensed pursuant to the provisions of this chapter;

(h) Has failed to account to persons interested for all money received for a trust account;

(i) Has refused to permit an examination by the Commissioner of his or her books and affairs or has refused or failed, within a reasonable time, to furnish any information or make any report that may be required by the Commissioner pursuant to the provisions of this chapter or a regulation adopted pursuant to this chapter;

(j) Has been convicted of, or entered ***or agreed to enter*** a plea of nolo contendere to, a felony **[**~~relating to the practice of mortgage bankers or any crime involving fraud, misrepresentation or moral turpitude;~~**]** ***in a domestic,***

foreign or military court within the 7 years immediately preceding the date of the application, or at any time if such felony involved an act of fraud, dishonesty or a breach of trust, moral turpitude or money laundering;

(k) Has refused or failed to pay, within a reasonable time, any fees, assessments, costs or expenses that the licensee is required to pay pursuant to this chapter or a regulation adopted pursuant to this chapter;

(l) Has failed to pay a tax as required pursuant to the provisions of chapter 363A of NRS;

(m) Has failed to satisfy a claim made by a client which has been reduced to judgment;

(n) Has failed to account for or to remit any money of a client within a reasonable time after a request for an accounting or remittal;

(o) Has violated NRS 645C.557;

(p) Has commingled the money or other property of a client with his or her own or has converted the money or property of others to his or her own use; or

(q) Has engaged in any other conduct constituting a deceitful, fraudulent or dishonest business practice.

3. An order that imposes discipline and the findings of fact and conclusions of law supporting that order are public records.

Sec. 85. NRS 645E.690 is hereby amended to read as follows:

645E.690 1. If a person offers or provides any of the services of a mortgage banker or mortgage agent or otherwise engages in, carries on or holds himself or herself out as engaging in or carrying on the business of a mortgage banker or mortgage agent and, at the time:

(a) The person was required to have a license pursuant to this chapter and the person did not have such a license; or

(b) The person's license was suspended or revoked pursuant to this chapter,

➥ the Commissioner shall impose upon the person an administrative fine of not more than $50,000 for each violation and, if the person has a license, the Commissioner **[**~~shall~~**]** ***may suspend or*** revoke it.

2. If a mortgage banker violates subsection 1 of NRS 645E.350 and the mortgage banker fails, without reasonable cause, to remedy the violation within 20 business days after being ordered by the Commissioner to do so or within such later time as prescribed by the Commissioner, or if the Commissioner orders a mortgage banker to provide information, make a report or permit an examination of his or her books or affairs pursuant to this chapter and the mortgage banker fails, without reasonable cause, to comply with the order within 20 business days or within such later time as prescribed by the Commissioner, the Commissioner shall:

(a) Impose upon the mortgage banker an administrative fine of not more than ~~[~~$10,000~~]~~ ***$25,000*** for each violation;

(b) Suspend or revoke the license of the mortgage banker; and

(c) Conduct a hearing to determine whether the mortgage banker is conducting business in an unsafe and injurious manner that may result in danger to the public and whether it is necessary for the Commissioner to take possession of the property of the mortgage banker pursuant to NRS 645E.630.

Sec. 86. NRS 645E.955 is hereby amended to read as follows:

645E.955 1. ~~[~~The holder of~~]~~ ***A person who engages in an activity for which*** a license as a mortgage banker ~~[~~may be~~]~~ ***is*** required ***pursuant to this chapter, without regard to whether such a person is licensed pursuant to this chapter, may be required*** by the Commissioner to pay restitution to any person who has suffered an economic loss as a result of a violation of the provisions of this chapter or any regulation adopted pursuant thereto.

2. Notwithstanding the provision of paragraph (m) of subsection 1 of NRS 622A.120, payment of restitution pursuant to subsection 1 shall be done in a manner consistent with the provisions of chapter 622A of NRS.

Sec. 87. Chapter 645F of NRS is hereby amended by adding thereto the provisions set forth as sections 88, ~~[~~89~~]~~ **88.5** and 90 of this act.

Sec. 88. ***"Residence" means a structure that contains not more than four individual units designed or intended for occupancy regardless of whether such a structure is attached to real property. The term includes an individual condominium unit, cooperative unit, mobile home or trailer used for occupancy.***

Sec. 88.5. A person who performs any covered service for compensation, a foreclosure consultant and a loan modification consultant shall not claim, demand, charge, collect or receive any compensation before a homeowner has executed a written agreement with the lender or servicer incorporating the offer of mortgage assistance obtained from the lender or servicer by the person who performs any covered service for compensation, the foreclosure consultant or the loan modification consultant.

Sec. 89. (Deleted by amendment.)

Sec. 90. ***1. Any person authorized to engage in activities as a residential mortgage loan originator on behalf of an installment loan lender licensed under chapter 675 of NRS shall obtain and maintain a license as a mortgage agent.***

2. As used in this section:

(a) "Mortgage agent" has the meaning ascribed to in NRS 645B.0125; and

(b) "Residential mortgage loan originator" has the meaning ascribed to it in NRS 645B.01325.

Sec. 91. NRS 645F.280 is hereby amended to read as follows:

645F.280 1. The Commissioner shall establish by regulation rates to be paid by ~~[escrow agencies, mortgage agents, mortgage brokers, mortgage bankers, persons who perform any covered service for compensation, foreclosure consultants and loan modification consultants]~~ ***all persons licensed by the Commissioner or the Division*** for supervision and examinations by the Commissioner or the Division.

2. In establishing a rate pursuant to subsection 1, the Commissioner shall consider:

(a) The complexity of the various examinations to which the rate applies;

(b) The skill required to conduct the examinations;

(c) The expenses associated with conducting the examination and preparing a report; and

(d) Any other factors the Commissioner deems relevant.

Sec. 92. NRS 645F.290 is hereby amended to read as follows:

645F.290 1. The Commissioner shall collect an assessment pursuant to this section from each ~~[:~~

~~(a) Escrow agency that is supervised pursuant to chapter 645A of NRS;~~

~~(b) Mortgage broker that is supervised pursuant to chapter 645B of NRS;~~

~~(c) Mortgage agent that is supervised pursuant to chapter 645B or 645E of NRS;~~

~~(d) Mortgage banker that is supervised pursuant to chapter 645E of NRS; and~~

~~(e) Person who performs any covered service for compensation, each foreclosure consultant and each loan modification consultant that is supervised pursuant to this chapter.]~~ ***person licensed by the Commissioner or the Division.***

2. The Commissioner shall determine the total amount of all assessments to be collected from the ~~[entities]~~ ***persons*** identified in subsection 1, but that amount must not exceed the amount necessary to recover the cost of legal services provided by the Attorney General to the Commissioner and to the Division. The total amount of all assessments collected must be reduced by any amounts collected by the Commissioner from ~~[an entity]~~ ***a person*** for the recovery of the costs of legal services provided by the Attorney General in a specific case.

3. The Commissioner shall collect from each ~~[entity]~~ ***person*** identified in subsection 1 an assessment that is based on:

(a) An equal basis; or

(b) Any other reasonable basis adopted by the Commissioner.

4. The assessment required by this section is in addition to any other assessment, fee or cost required by law to be paid by ~~[an entity]~~ ***a person*** identified in subsection 1.

5. Money collected by the Commissioner pursuant to this section must be deposited in the Fund for Mortgage Lending created by NRS 645F.270.

Sec. 93. NRS 645F.291 is hereby amended to read as follows:

645F.291 1. In the conduct of any examination, periodic or special audit, investigation or hearing, the Commissioner may:

(a) Compel the attendance of any person by subpoena.

(b) ***Compel the production of any books, records or papers by subpoena.***

(c) Administer oaths.

~~[(c)]~~ ***(d)*** Examine any person under oath concerning the business and conduct of affairs of any person subject to the provisions of this chapter and in connection therewith require the production of any books, records or papers relevant to the inquiry.

2. Any person subpoenaed under the provisions of this section who willfully refuses or willfully neglects to appear at the time and place named in the subpoena or to produce books, records or papers required by the Commissioner, or who refuses to be sworn or answer as a witness, is guilty of a misdemeanor.

3. In addition to the authority to recover attorney's fees and costs pursuant to any other statute, the Commissioner may assess against and collect from a person all costs, including, without limitation, reasonable attorney's fees, that are attributable to any examination, periodic or special audit, investigation or hearing that is conducted to examine or investigate the conduct, activities or business of the person pursuant to this chapter.

Sec. 94. NRS 645F.294 is hereby amended to read as follows:

645F.294 1. Except as otherwise provided in section 1512 of Public Law 110-289, ***12 U.S.C. § 5111,*** the requirements under any federal law or NRS 645B.060 and 645B.092 regarding the confidentiality of any information or material provided to the Registry, and any privilege arising under federal ***law or the*** laws of this State with respect to such information or material, continue to apply to such information or material after it has been disclosed to the Registry. Such information and material may be shared with federal and state regulatory officials with mortgage industry oversight without the loss of privilege or the loss of confidentiality protections provided by federal law or the provisions of NRS 645B.060 and 645B.092.

2. Information or material that is subject to a privilege or confidentiality under subsection 1 is not subject to:

(a) Disclosure under any federal or state law governing the disclosure to the public of information held by an officer or agency of the Federal Government or the State of Nevada; and

(b) Subpoena or discovery, or admission into evidence, in any private civil action or administrative process, unless with respect to any privilege held by the Registry with respect to such information or material, the person to whom such information or material waives, in whole or in part, that privilege.

3. This section does not apply to information or material relating to:

(a) The employment history of; and

(b) Publicly adjudicated disciplinary and enforcement actions against,

➥ residential mortgage loan originators included in the Registry for access by the public.

Sec. 95. NRS 645F.300 is hereby amended to read as follows:

645F.300 As used in NRS 645F.300 to 645F.450, inclusive, ***and*** ~~*[section]*~~ ***sections 88 and 88.5 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 645F.310 to 645F.370, inclusive, ***and section 88 of this act*** have the meanings ascribed to them in those sections.

Sec. 96. NRS 645F.310 is hereby amended to read as follows:

645F.310 "Covered service" includes, without limitation:

1. Financial counseling ~~[,]~~ ***to a homeowner,*** including, without limitation, debt counseling and budget counseling.

2. Receiving money for the purpose of distributing it to creditors in payment or partial payment of any obligation secured by a mortgage or other lien on a residence in foreclosure.

3. Contacting a creditor on behalf of a homeowner.

4. Arranging or attempting to arrange for an extension of the period within which a homeowner may cure a default and reinstate an obligation pursuant to a note, mortgage or deed of trust.

5. Arranging or attempting to arrange for any delay or postponement of the time of a foreclosure sale ~~[.]~~ ***of a residence in foreclosure.***

6. Advising ***a homeowner regarding*** the filing of any document or assisting in any manner in the preparation of any document for filing with a bankruptcy court.

7. Giving any advice, explanation or instruction to a homeowner which in any manner relates to the cure of a default in or the reinstatement of an obligation secured by a mortgage or other lien on ~~[the]~~ ***a*** residence ***,*** ~~[in foreclosure,]~~ the full satisfaction of the obligation, or the postponement or avoidance of a foreclosure sale.

8. Arranging or conducting, or attempting to arrange or conduct, for a homeowner any forensic loan audit or review or other audit or review of loan documents.

9. Arranging or attempting to arrange for a homeowner the purchase by a third party of the homeowner's mortgage loan.

10. Arranging or attempting to arrange for a homeowner a reduction of the principal of the homeowner's mortgage loan when such a mortgage loan is held by or serviced by a third party.

11. Providing the services of a loan modification consultant.

12. Providing the services of a foreclosure consultant.

Sec. 97. NRS 645F.370 is hereby amended to read as follows:

645F.370 "Residence in foreclosure" means residential real property consisting of not more than four family dwelling units **[**, one of**]** *[a residence which the homeowner occupies as his or her principal place of residence,]* and against which there is an outstanding notice of the pendency of an action for foreclosure recorded pursuant to NRS 14.010 or notice of default and election to sell recorded pursuant to NRS 107.080.

Sec. 98. NRS 645F.380 is hereby amended to read as follows:

645F.380 **[**The**]**

1. Except as otherwise provided in subsection 2, the provisions of NRS 645F.300 to 645F.450, inclusive, ***and*** *[section]* ***sections 88 and 88.5 of this act*** do not apply to, and the terms "foreclosure consultant" and "foreclosure purchaser" do not include:

[1.**]** ***(a)*** An attorney at law rendering services in the performance of his or her duties as an attorney at law , *[and his or her employees,]* unless the attorney at law is *[or his or her employees are]* rendering those services in the course and scope of his or her employment by or other affiliation with a **[**mortgage broker or mortgage agent;**]** ***person who is licensed or required to be licensed pursuant to NRS 645F.390;***

[2.**]** ***(b)*** A provider of debt-management services registered pursuant to chapter 676A of NRS while providing debt-management services pursuant to chapter 676A of NRS;

[3.**]** ***(c)*** A person or the authorized agent of a person acting under the provisions of a program sponsored by the Federal Government, this State or a local government, including, without limitation, the Department of Housing and Urban Development, the Federal Home Loan Mortgage Corporation, the Federal National Mortgage Association or the Federal Home Loan Bank **[**;**]** ***System;***

[4.**]** ***(d)*** A person who holds or is owed an obligation secured by a mortgage or other lien on a residence in foreclosure if the person performs services in connection with this obligation or lien and the obligation or lien did not arise as the result of or as part of a proposed foreclosure reconveyance;

[5.**]** ***(e)*** Any person doing business under the laws of this State or of the United States relating to banks, trust companies, savings and loan associations, industrial loan and thrift companies, regulated lenders, credit unions, insurance companies, or a mortgagee which is a United States

Department of Housing and Urban Development approved mortgagee and any subsidiary or affiliate of those persons, and any agent or employee of those persons while engaged in the business of those persons;

~~[6.]~~ ***(f)*** A person, other than a person who is licensed pursuant to NRS 645F.390, who is licensed pursuant to chapter 692A or any chapter of title 54 of NRS while acting under the authority of the license;

~~[7.]~~ ***(g)*** A nonprofit agency or organization that offers credit counseling or advice to a homeowner of a residence in foreclosure or a person in default on a loan; or

~~[8.]~~ ***(h)*** A judgment creditor of the homeowner whose claim accrued before the recording of the notice of the pendency of an action for foreclosure against the homeowner pursuant to NRS 14.010 or the recording of the notice of default and election to sell pursuant to NRS 107.080.

2. The provisions of section 88.5 of this act apply to an attorney at law who renders services in the performance of his or her duties as an attorney at law regardless of whether the attorney at law renders those services in the course and scope of his or her employment by or other affiliation with a person who is licensed or required to be licensed pursuant to NRS 645F.390.

Sec. 99. NRS 645F.390 is hereby amended to read as follows:

645F.390 1. The Commissioner shall adopt ~~[separate]~~ regulations for the licensing of:

(a) A person who performs any covered service for compensation;

(b) A foreclosure consultant; and

(c) A loan modification consultant.

2. The regulations must prescribe, without limitation:

(a) The method and form of application for a license;

(b) The method and form of the issuance, denial or renewal of a license;

(c) The grounds and procedures for the revocation, suspension or nonrenewal of a license; ~~[and]~~

(d) The imposition of reasonable fees for application and licensure ~~[.]~~ ***; and***

(e) Any provisions necessary to comply with the provisions of the Secure and Fair Enforcement for Mortgage Licensing Act of 2008, Public Law 110-289, 12 U.S.C. §§ 5101 et seq., including registration with the Registry, and the Mortgage Assistance Relief Services Rule, 16 C.F.R. Part 322, as promulgated by the Federal Trade Commission.

3. An application for a license pursuant to this section must include a complete set of the fingerprints of the applicant or, if the applicant is not a natural person, a complete set of the fingerprints of each person who will have an interest in the person who performs any covered service as a principal, partner, officer, director or trustee, and written permission

authorizing the Division to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.

Sec. 100. NRS 645F.392 is hereby amended to read as follows:

645F.392 1. A person who performs any covered service for compensation ~~[, a foreclosure consultant and a loan modification consultant]~~ shall execute a written contract with a homeowner before providing any covered service.

2. The Commissioner shall adopt regulations describing the information that must be contained in a written contract for covered services.

Sec. 101. NRS 645F.394 is hereby amended to read as follows:

645F.394 ~~[1. All money paid to a person who performs any covered service for compensation, a foreclosure consultant or a loan modification consultant by a person in full or partial payment of covered services to be performed:~~

~~(a) Must be deposited in a separate checking account located in a federally insured depository financial institution or credit union in this State which must be designated a trust account;~~

~~(b) Must be kept separate from money belonging to the person who performs any covered service for compensation, the foreclosure consultant or the loan modification consultant; and~~

~~(c) Must not be withdrawn by the person who performs any covered service for compensation, foreclosure consultant or loan modification consultant until the completion of every covered service as agreed upon in the contract for covered services.~~

~~2. The person who performs any covered service for compensation, the foreclosure consultant or the loan modification consultant shall keep records of all money deposited in a trust account pursuant to subsection 1. The records must clearly indicate the date and from whom he or she received money, the date deposited, the dates of withdrawals, and other pertinent information concerning the transaction, and must show clearly for whose account the money is deposited and to whom the money belongs. The person who performs any covered service for compensation, the foreclosure consultant or the loan modification consultant shall balance each separate trust account at least monthly and provide to the Commissioner, on a form provided by the Commissioner, an annual accounting which shows an annual reconciliation of each separate trust account. All such records and money are subject to inspection and audit by the Commissioner and authorized representatives of the Commissioner.~~

~~3. Each person who performs any covered service for compensation, each foreclosure consultant and each loan modification consultant shall notify the Commissioner of the names of the banks and credit unions in~~

~~which he or she maintains trust accounts and specify the names of the accounts on forms provided by the Commissioner.~~

~~4. As used in this section, "completion of every covered service" means:~~

~~(a) Successful results with respect to what the performance of each covered service was intended to yield for the homeowner, as described in the contract for covered services; or~~

~~(b) If the performance of one or more covered service has an unsuccessful result with respect to what the performance of that covered service was intended to yield for the homeowner, a showing that every reasonable effort was made, under the particular circumstances, to obtain successful results,~~

~~➥ as verified in a written statement provided to the homeowner.~~**]** ***A person licensed or required to be licensed pursuant to NRS 645F.390 may not request or receive payment of any fee or other compensation from a homeowner until such a person has fully complied with the provisions of the Mortgage Assistance Relief Services Rule, 16 C.F.R. Part 322, and any other applicable federal law or regulation.***

Sec. 102. NRS 645F.400 is hereby amended to read as follows:

645F.400 1. A person who performs any covered service **[**~~, a foreclosure consultant and a loan modification consultant~~**]** shall not:

(a) Claim, demand, charge, collect or receive any compensation except in accordance with NRS 645F.394.

(b) Claim, demand, charge, collect or receive any fee, interest or other compensation for any reason which is not fully disclosed to the homeowner.

(c) Take ***or acquire, directly or indirectly,*** any wage assignment, lien on real or personal property, assignment of a homeowner's equity **[**~~or other~~**]** **,** ***any*** interest in a residence **[**~~in foreclosure~~**]** or other security for the payment of compensation. Any such ***assignment or*** security is void and unenforceable.

(d) Receive any consideration from any third party in connection with a covered service provided to a homeowner unless the consideration is first fully disclosed to the homeowner.

(e) **[**~~Acquire, directly or indirectly, any interest in the residence in foreclosure of a homeowner with whom the foreclosure consultant has contracted to perform a covered service.~~

~~(f)~~**]** Accept a power of attorney from a homeowner for any purpose, other than to inspect documents as provided by law.

2. In addition to any other penalty, a violation of any provision of this section shall be deemed to constitute mortgage lending fraud for the purposes of NRS 205.372.

Sec. 103. NRS 645F.410 is hereby amended to read as follows:

645F.410 1. In addition to any other remedy or penalty, the Commissioner may, after giving notice and opportunity to be heard, impose

an administrative penalty of not more than ~~[$10,000 on a foreclosure consultant]~~ ***$25,000 on any person licensed or required to be licensed pursuant to NRS 645F.390*** who violates any provision of ~~[NRS 645F.400.]~~ ***this chapter or any regulation adopted pursuant thereto or any other applicable law.***

2. Except as otherwise provided in this section, all money collected from administrative penalties imposed pursuant to this section must be deposited in the State General Fund.

3. The money collected from an administrative penalty may be deposited with the State Treasurer for credit to the Fund for Mortgage Lending created by NRS 645F.270 if:

(a) The person pays the administrative penalty without exercising the right to a hearing to contest the penalty; or

(b) The administrative penalty is imposed in a hearing conducted by a hearing officer or panel appointed by the Commissioner.

4. The Commissioner may appoint one or more hearing officers or panels and may delegate to those hearing officers or panels the power of the Commissioner to conduct hearings, determine violations and impose the penalties authorized by this section.

5. If money collected from an administrative penalty is deposited in the State General Fund, the Commissioner may present a claim to the State Board of Examiners for recommendation to the Interim Finance Committee if money is needed to pay attorney's fees or the costs of an investigation, or both.

Sec. 104. NRS 645F.420 is hereby amended to read as follows:

645F.420 1. A homeowner who is injured as a result of a ~~[foreclosure consultant's]~~ ***person's*** violation of a provision of NRS 645F.400 may bring an action against the ~~[foreclosure consultant]~~ ***person*** to recover damages caused by the violation, together with reasonable attorney's fees and costs.

2. If the homeowner prevails in the action, the court may award such punitive damages as may be determined by a jury, or by a court sitting without a jury, but in no case may the punitive damages be less than one and one-half times the amount awarded to the homeowner as actual damages.

Sec. 105. NRS 658.210 is hereby amended to read as follows:

658.210 1. ~~[Any]~~ ***Except as otherwise provided in section 90 of this act, any*** person authorized to engage in activities as a residential mortgage loan originator on behalf of a privately insured institution or organization licensed under title 55 or 56 of NRS shall obtain and maintain a license as a mortgage agent.

2. As used in subsection 1:

(a) "Mortgage agent" has the meaning ascribed to in NRS 645B.0125; and

(b) "Residential mortgage loan originator" has the meaning ascribed to it in NRS 645B.01325.

Sec. 106. NRS 645B.044 is hereby repealed.

Sec. 106.5. 1. The Commissioner shall issue a provisional license as an escrow agency or an escrow agent, as applicable, to a person if, on or before October 1, 2011, the person submits to the Commissioner:

(a) For a provisional license as an escrow agency, proof satisfactory to the Commissioner that the person is a construction control and that the majority of the business conducted by the person is business in which the person serves as a construction control;

(b) For a provisional license as an escrow agent, proof satisfactory to the Commissioner that the person is a natural person who engages in activity related to the business of a construction control on behalf of a construction control who holds a provisional license as an escrow agency or holds a license as an escrow agency;

(c) A complete application for a license as an escrow agency or an escrow agent, as applicable, which complies with the requirements of chapter 645A of NRS, as amended by this act, and all regulations adopted pursuant thereto, accompanied by all other documentation and materials required of an applicant for a license as an escrow agency or an escrow agent, as applicable, by the provisions of chapter 645A of NRS, as amended by this act, and all regulations adopted pursuant thereto, except for regulations adopted pursuant to NRS 645A.021;

(d) For a provisional license as an escrow agency, a bond which complies with the requirements of NRS 645A.041, as amended by section 6 of this act, or a substitute for that bond which complies with the requirements of NRS 645A.042; and

(e) A statement satisfactory to the Commissioner, signed by the person, that the person understands the provisions of this section including, without limitation, the provisions governing the expiration of a provisional license.

2. Upon receipt of documentation and materials from a person pursuant to subsection 1, the Commissioner shall:

(a) Determine whether the person has submitted all documentation and materials required by subsection 1 for a provisional license as an escrow agency or an escrow agent;

(b) If the person has submitted all documentation and materials required by subsection 1 for a provisional license as an escrow agency, issue to the person a provisional license as an escrow agency;

(c) If the person has submitted all documentation and materials required by subsection 1 for a provisional license as an escrow agent, issue to the person a provisional license as an escrow agent; and

(d) Without regard to whether the Commissioner issues a provisional license as an escrow agency or an escrow agent to the person pursuant to paragraph (b) or (c), if the person has submitted all documentation and materials required by paragraph (c) of subsection 1 to apply for a license as an escrow agency or an escrow agent, process the materials as an application for a license as an escrow agency or an escrow agent, as applicable, in accordance with the provisions of chapter 645A of NRS, as amended by this act, and all regulations adopted pursuant thereto. Notwithstanding any provisions of this paragraph to the contrary, if the Commissioner issues a provisional license as an escrow agency or an escrow agent to the person pursuant to paragraph (b) or (c), the Commissioner may cease any processing of the person's application for a license as an escrow agency or an escrow agent, as applicable, upon expiration of the provisional license pursuant to the provisions of this section.

3. Except as otherwise provided in this section, a provisional license as an escrow agency or an escrow agent shall be deemed to be a license as an escrow agency or an escrow agent, as applicable.

4. A provisional license expires automatically:

(a) Notwithstanding the provisions of subsection 7, upon receipt by the person of written notice from the Commissioner that the Commissioner has denied, for any reason, the person's application for a license as an escrow agency or an escrow agent, as applicable;

(b) Upon the issuance to the person by the Commissioner of a license as an escrow agency or an escrow agent, as applicable;

(c) Ninety days after the date of issuance of the provisional license if the holder of the provisional license:

(1) Is a natural person who is required by NRS 645A.021 and any regulations adopted pursuant thereto to complete educational prerequisites to obtain a license as an escrow agency or an escrow agent, as applicable;

(2) Has not completed the educational prerequisites specified in subparagraph (1) as required for an applicant for a license as an escrow agency or an escrow agent, as applicable; and

(3) Has not requested, or the Commissioner has denied a request by the holder for, an extension of the time for completion of the educational prerequisites specified in this paragraph; or

(d) On December 31, 2011, if the holder of the provisional license has not requested, or the Commissioner has denied a request by the holder for, an extension of the expiration date set forth in this paragraph.

5. A request for an extension pursuant to subparagraph (3) of paragraph (c) of subsection 4 or paragraph (d) of subsection 4 must set forth reasons which would support a finding by the Commissioner of good cause to grant the extension. The Commissioner may grant such a request for an extension

only upon a finding by the Commissioner that good cause exists to grant such an extension.

6. The Commissioner shall not issue a provisional license to a person who submits the documentation and materials required by subsection 1 for a provisional license after October 1, 2011.

7. A provisional license issued by the Commissioner before July 1, 2011:

(a) Is effective on July 1, 2011; and

(b) Shall be deemed to have been issued on July 1, 2011.

8. As used in this section:

(a) "Commissioner" has the meaning ascribed to it in NRS 645A.010.

(b) "Construction control" has the meaning ascribed to it in NRS 627.050.

(c) "License" means a license as an escrow agency or an escrow agent, as applicable, issued pursuant to the provisions of chapter 645A of NRS, as amended by this act, and all regulations adopted pursuant thereto.

(d) "Provisional license" means a provisional license as an escrow agency or an escrow agent, as applicable, issued pursuant to the provisions of this section.

Sec. 107. This act becomes effective:

1. Upon passage and approval for the purpose of adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

2. On July 1, 2011, for all other purposes.

TEXT OF REPEALED SECTION

645B.044 Mortgage broker may deposit substitute form of security in lieu of security bond; amount deposited must equal amount of bond; interest or dividends accrue to depositor.

1. As a substitute for the surety bond required by NRS 645B.042, a mortgage broker may, in accordance with the provisions of this section, deposit with any bank or trust company authorized to do business in this State, in a form approved by the Commissioner:

(a) An obligation of a bank, savings and loan association, thrift company or credit union licensed to do business in this State;

(b) Bills, bonds, notes, debentures or other obligations of the United States or any agency or instrumentality thereof, or guaranteed by the United States; or

(c) Any obligation of this State or any city, county, town, township, school district or other instrumentality of this State, or guaranteed by this State.

2. The obligations of a bank, savings and loan association, thrift company or credit union must be held to secure the same obligation as would the surety bond. With the approval of the Commissioner, the depositor may

substitute other suitable obligations for those deposited which must be assigned to the State of Nevada and are negotiable only upon approval by the Commissioner.

3. Any interest or dividends earned on the deposit accrue to the account of the depositor.

4. The deposit must be in an amount at least equal to the required surety bond and must state that the amount may not be withdrawn except by direct and sole order of the Commissioner. The value of any item deposited pursuant to this section must be based upon principal amount or market value, whichever is lower.

Assemblyman Atkinson moved that the Assembly do not concur in the Senate Amendment No. 617 to Assembly Bill No. 77.

Remarks by Assemblyman Atkinson.

Motion carried.

The following Senate amendment was read:

Amendment No. 772.

Legislative Counsel's Digest:

Existing law governs the conduct of escrow agents and escrow agencies and requires the Commissioner of Mortgage Lending to supervise and control the conduct of escrow agents and escrow agencies within this State. (Chapter 645A of NRS) **Section 3.5** of this bill includes the performance of the services of a construction control within the definition of escrow. **Sections 4 and 5** of this bill revise provisions relating to the licensing of escrow agents and escrow agencies. **Section 6** of this bill revises provisions relating to the surety bond posted by an escrow agency. **Sections 8 and 9** of this bill revise provisions relating to the fees and costs relating to escrow agents and escrow agencies that the Commissioner is authorized to collect. Sections **2 and 10-12** of this bill revise provisions relating to discipline for activities relating to escrow agents and escrow agencies.

Existing law governs the conduct of mortgage agents and mortgage brokers and requires the Commissioner of Mortgage Lending to supervise and control the conduct of mortgage agents and mortgage brokers within this State. (Chapter 645B of NRS) **Sections 21, 22, 24, 25, 34 and 37** of this bill establish provisions governing the arranging or servicing of loans by a mortgage broker in which an investor has an interest. **Section 44** of this bill revises the exemptions from the statutes governing mortgage agents and mortgage brokers. **Sections 47 and 48** of this bill revise provisions relating to a surety bond posted by a mortgage broker. **Section 53** of this bill authorizes the Commissioner to disclose certain confidential information relating to an investigation. **Section 56** of this bill requires a mortgage broker to review an impound trust account annually.

Existing law governs the conduct of mortgage bankers and requires the Commissioner of Mortgage Lending to supervise and control the conduct of mortgage bankers within this State. (Chapter 645E of NRS) **Section 72** of this bill revises the exemptions from the statutes governing mortgage bankers. **Section 81** of this bill authorizes the Commissioner to disclose certain confidential information relating to an investigation.

Existing law requires the Commissioner to adopt regulations concerning the licensing of persons who provide certain covered services. (NRS 645F.390) **Section 96** of this bill includes additional services within the definition of "covered services." **Section 101** of this bill revises provisions governing the compensation a provider of covered services may receive. ~~[Existing law exempts an attorney at law from the requirements concerning the licensing of persons who provide covered services for compensation, but section 98 of this bill specifically provides that an attorney at law is subject to the provisions of section 88.5 of this bill, which prohibit a person who performs any covered service for compensation, a foreclosure consultant or a loan modification consultant from requesting or receiving any compensation before a homeowner executes a written agreement that incorporates an offer of mortgage assistance.]~~

Sections 42, 45, 46, 50-55, 59, 60, 62-64, 67, 69, 73, 76, 79-82 and 99 of this bill enact or revise provisions to implement the federal Secure and Fair Enforcement for Mortgage Licensing Act of 2008.

Section 87 of Assembly Bill No. 77 is hereby amended as follows:

Sec. 87. Chapter 645F of NRS is hereby amended by adding thereto the provisions set forth as sections 88 ~~[, 88.5]~~ and 90 of this act.

Section 88.5 of Assembly Bill No. 77 is hereby amended as follows:

Sec. 88.5. **(Deleted by amendment.)**

Section 95 of Assembly Bill No. 77 is hereby amended as follows:

Sec. 95. NRS 645F.300 is hereby amended to read as follows:

645F.300 As used in NRS 645F.300 to 645F.450, inclusive, ***and*** ~~*[sections]*~~ ***section 88*** ~~*[and 88.5]*~~ ***of this act,*** unless the context otherwise requires, the words and terms defined in NRS 645F.310 to 645F.370, inclusive, ***and section 88 of this act*** have the meanings ascribed to them in those sections.

Section 98 of Assembly Bill No. 77 is hereby amended as follows:

Sec. 98. NRS 645F.380 is hereby amended to read as follows:

645F.380 The

~~*[1. Except as otherwise provided in subsection 2, the]*~~ provisions of NRS 645F.300 to 645F.450, inclusive, ***and*** ~~*[sections]*~~ ***section 88*** ~~*[and 88.5]*~~ ***of this act*** do not apply to, and the terms "foreclosure consultant" and "foreclosure purchaser" do not include:

1. ~~*[(a)]*~~ An attorney at law rendering services in the performance of his or her duties as an attorney at law, unless the attorney at law is rendering those services in the course and scope of his or her employment by or other affiliation with a ~~[~~mortgage broker or mortgage agent;~~]~~ ***person who is licensed or required to be licensed pursuant to NRS 645F.390;***

2. ~~*[(b)]*~~ A provider of debt-management services registered pursuant to chapter 676A of NRS while providing debt-management services pursuant to chapter 676A of NRS;

3. ~~*[(c)]*~~ A person or the authorized agent of a person acting under the provisions of a program sponsored by the Federal Government, this State or a local government, including, without limitation, the Department of Housing and Urban Development, the Federal Home Loan Mortgage Corporation, the Federal National Mortgage Association or the Federal Home Loan Bank ~~[,]~~ ***System;***

4. ~~*[(d)]*~~ A person who holds or is owed an obligation secured by a mortgage or other lien on a residence in foreclosure if the person performs services in connection with this obligation or lien and the obligation or lien did not arise as the result of or as part of a proposed foreclosure reconveyance;

5. ~~*[(e)]*~~ Any person doing business under the laws of this State or of the United States relating to banks, trust companies, savings and loan associations, industrial loan and thrift companies, regulated lenders, credit unions, insurance companies, or a mortgagee which is a United States Department of Housing and Urban Development approved mortgagee and any subsidiary or affiliate of those persons, and any agent or employee of those persons while engaged in the business of those persons;

6. ~~*[(f)]*~~ A person, other than a person who is licensed pursuant to NRS 645F.390, who is licensed pursuant to chapter 692A or any chapter of title 54 of NRS while acting under the authority of the license;

7. ~~*[(g)]*~~ A nonprofit agency or organization that offers credit counseling or advice to a homeowner of a residence in foreclosure or a person in default on a loan; or

8. ~~*[(h)]*~~ A judgment creditor of the homeowner whose claim accrued before the recording of the notice of the pendency of an action for foreclosure against the homeowner pursuant to NRS 14.010 or the recording of the notice of default and election to sell pursuant to NRS 107.080.

~~*[2. The provisions of section 88.5 of this act apply to an attorney at law who renders services in the performance of his or her duties as an attorney at law regardless of whether the attorney at law renders those services in the course and scope of his or her employment by or other affiliation with a person who is licensed or required to be licensed pursuant to NRS 645F.390.*~~~~]~~

Assemblyman Atkinson moved that the Assembly do not concur in the Senate Amendment No. 772 to Assembly Bill No. 77.

Remarks by Assemblyman Atkinson.

Motion carried.

Bill ordered transmitted to the Senate.

Assembly Bill No. 199.

The following Senate amendment was read:

Amendment No. 658.

AN ACT relating to the practice of pharmacy; revising provisions governing the authority of a registered pharmacist to collaborate with a practitioner for the implementation, monitoring and modification of drug therapy; authorizing the State Board of Pharmacy to establish regulations relating to collaborative pharmacy practice; **revising provisions governing the use of the letters "Rx" and "RX" by certain persons; revising provisions relating to the authority of a registered pharmacist to possess and administer controlled substances and dangerous drugs under certain circumstances;** providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes a registered pharmacist to collaborate with a practitioner to engage in the implementation and modification of drug therapy for a patient at a licensed medical facility or licensed pharmacy. (NRS 639.0124) **Section 1** of this bill prescribes requirements for written guidelines and protocols which must be developed by a pharmacist who collaborates with a practitioner and requires those guidelines and protocols to be approved by the State Board of Pharmacy. **Section 1** also authorizes the written guidelines and protocols to set forth provisions for a pharmacist to implement, monitor and modify the drug therapy of a patient in **a medical facility or** a setting ~~[other than]~~ **that is affiliated with** a licensed medical facility **.** ~~[or licensed pharmacy.]~~ **Sections 10.3 and 10.7 of this bill revise the authority of a pharmacist to possess and administer controlled substances and dangerous drugs under certain circumstances for the care of a patient in accordance with the written guidelines and protocols developed pursuant to section 1.**

Existing law prohibits a person operating a business from using the letters "Rx" or "RX" if the person does not have a license from the Board. (NRS 639.230) Section 10 of this bill authorizes persons who are not subject to the laws governing the practice of pharmacy to use those letters if the person obtains approval from the Board.

A person who violates any provision of chapter 639 of NRS governing pharmacists and pharmacies, including any provision of this bill, is guilty of a misdemeanor. (NRS 639.310)

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 639 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Written guidelines and protocols developed by a registered pharmacist in collaboration with a practitioner which authorize the implementation, monitoring and modification of drug therapy:

(a) May authorize a pharmacist to order and use the findings of laboratory tests and examinations.

(b) May provide for implementation, monitoring and modification of drug therapy for a patient receiving care ~~[in]~~ :

(1) In a licensed medical facility ; or ~~[, if]~~

(2) If developed to ensure continuity of care for a patient, in any setting ~~[outside]~~ that is affiliated with a medical facility where the patient is receiving care. A pharmacist who modifies a drug therapy of a patient receiving care in a setting that is affiliated with a medical facility shall, within 72 hours after implementing or modifying the drug therapy, provide written notice of the implementation or modification of the drug therapy to the collaborating practitioner or enter the appropriate information concerning the drug therapy in an electronic patient record system shared by the pharmacist and the collaborating practitioner.

(c) Must state the conditions under which a prescription of a practitioner relating to the drug therapy of a patient may be changed by the pharmacist without a subsequent prescription from the practitioner.

(d) Must be approved by the Board.

2. The Board may adopt regulations which:

(a) Prescribe additional requirements for written guidelines and protocols developed pursuant to this section; and

(b) Set forth the process for obtaining the approval of the Board of such written guidelines and protocols.

Sec. 2. (Deleted by amendment.)

Sec. 3. (Deleted by amendment.)

Sec. 4. (Deleted by amendment.)

Sec. 5. (Deleted by amendment.)

Sec. 6. (Deleted by amendment.)

Sec. 7. (Deleted by amendment.)

Sec. 8. (Deleted by amendment.)

Sec. 9. NRS 639.0124 is hereby amended to read as follows:

639.0124 "Practice of pharmacy" includes, but is not limited to, the:

1. Performance or supervision of activities associated with manufacturing, compounding, labeling, dispensing and distributing of a drug, including the receipt, handling and storage of prescriptions and other confidential information relating to patients.

2. Interpretation and evaluation of prescriptions or orders for medicine.

3. Participation in drug evaluation and drug research.

4. Advising of the therapeutic value, reaction, drug interaction, hazard and use of a drug.

5. Selection of the source, storage and distribution of a drug.

6. Maintenance of proper documentation of the source, storage and distribution of a drug.

7. Interpretation of clinical data contained in a person's record of medication.

8. Development of written guidelines and protocols in collaboration with a practitioner which are intended for a patient in a licensed medical facility ***or in a setting*** ~~*[outside]*~~ ***that is affiliated with a medical facility where the patient is receiving care*** and ***which*** authorize the implementation, monitoring and modification of drug therapy. The written guidelines and protocols ~~[may authorize a pharmacist to order and use the findings of laboratory tests and examinations.]~~ ***must comply with section 1 of this act.***

9. Implementation and modification of drug therapy in accordance with the authorization of the prescribing practitioner for a patient in a pharmacy in which drugs, controlled substances, poisons, medicines or chemicals are sold at retail.

➥ The term does not include the changing of a prescription by a pharmacist or practitioner without the consent of the prescribing practitioner, except as otherwise provided in NRS 639.2583.

Sec. 10. NRS 639.230 is hereby amended to read as follows:

639.230 1. A person operating a business in this State shall not use ~~[the letters "Rx" or "RX" or]~~ the word "drug" or "drugs," "prescription" or "pharmacy," or similar words or words of similar import, without first having secured a license from the Board. ***A person operating a business in this State which is not otherwise subject to the provisions of this chapter shall not use the letters "Rx" or "RX" without the approval of the Board. The Board must not unreasonably deny approval of the use of the letters "Rx" or "RX" by any person but may deny approval upon a determination that:***

(a) The person is subject to the provisions of this chapter but has not secured a license from the Board; or

(b) The use of the letters "Rx" or "RX" by the person is confusing or misleading to or threatens the health or safety of the residents of this State.

2. Each license must be issued to a specific person and for a specific location and is not transferable. The original license must be displayed on the licensed premises as provided in NRS 639.150. The original license and the fee required for reissuance of a license must be submitted to the Board before the reissuance of the license.

3. If the owner of a pharmacy is a partnership or corporation, any change of partners or corporate officers must be reported to the Board at such a time as is required by a regulation of the Board.

4. Except as otherwise provided in subsection 6, in addition to the requirements for renewal set forth in NRS 639.180, every person holding a license to operate a pharmacy must satisfy the Board that the pharmacy is conducted according to law.

5. Any violation of any of the provisions of this chapter by a managing pharmacist or by personnel of the pharmacy under the supervision of the managing pharmacist is cause for the suspension or revocation of the license of the pharmacy by the Board.

6. The provisions of this section do not prohibit ~~[a]~~ ***:***

(a) A Canadian pharmacy which is licensed by the Board and which has been recommended by the Board pursuant to subsection 4 of NRS 639.2328 for inclusion on the Internet website established and maintained pursuant to subsection 9 of NRS 223.560 from providing prescription drugs through mail order service to residents of Nevada in the manner set forth in NRS 639.2328 to 639.23286, inclusive ~~[.]~~ ***; or***

(b) A registered pharmacist or practitioner from collaborating in the implementation, monitoring and modification of drug therapy pursuant to guidelines and protocols approved by the Board.

Sec. 10.3. **NRS 453.026 is hereby amended to read as follows:**

453.026 "Agent" means a pharmacist ~~[,]~~ ***who cares for a patient of a prescribing practitioner in a medical facility or in a setting that is affiliated with a medical facility where the patient is receiving care in accordance with written guidelines and protocols developed and approved pursuant to section 1 of this act, a*** licensed practical nurse or registered nurse who cares for a patient of a prescribing practitioner in a medical facility or an authorized person who acts on behalf of or at the direction of and is employed by a manufacturer, distributor, dispenser or prescribing practitioner. The term does not include a common or contract carrier, public warehouseman or employee of the carrier or warehouseman.

Sec. 10.7. **NRS 454.213 is hereby amended to read as follows:**

454.213 A drug or medicine referred to in NRS 454.181 to 454.371, inclusive, may be possessed and administered by:

1. A practitioner.

2. A physician assistant licensed pursuant to chapter 630 or 633 of NRS, at the direction of his or her supervising physician or a licensed dental hygienist acting in the office of and under the supervision of a dentist.

3. Except as otherwise provided in subsection 4, a registered nurse licensed to practice professional nursing or licensed practical nurse, at the direction of a prescribing physician, physician assistant licensed pursuant to chapter 630 or 633 of NRS, dentist, podiatric physician or advanced practitioner of nursing, or pursuant to a chart order, for administration to a patient at another location.

4. In accordance with applicable regulations of the Board, a registered nurse licensed to practice professional nursing or licensed practical nurse who is:

(a) Employed by a health care agency or health care facility that is authorized to provide emergency care, or to respond to the immediate needs of a patient, in the residence of the patient; and

(b) Acting under the direction of the medical director of that agency or facility who works in this State.

5. Except as otherwise provided in subsection 6, an intermediate emergency medical technician or an advanced emergency medical technician, as authorized by regulation of the State Board of Pharmacy and in accordance with any applicable regulations of:

(a) The State Board of Health in a county whose population is less than 100,000;

(b) A county board of health in a county whose population is 100,000 or more; or

(c) A district board of health created pursuant to NRS 439.362 or 439.370 in any county.

6. An intermediate emergency medical technician or an advanced emergency medical technician who holds an endorsement issued pursuant to NRS 450B.1975, under the direct supervision of a local health officer or a designee of the local health officer pursuant to that section.

7. A respiratory therapist employed in a health care facility. The therapist may possess and administer respiratory products only at the direction of a physician.

8. A dialysis technician, under the direction or supervision of a physician or registered nurse only if the drug or medicine is used for the process of renal dialysis.

9. A medical student or student nurse in the course of his or her studies at an approved college of medicine or school of professional or practical nursing, at the direction of a physician and:

(a) In the presence of a physician or a registered nurse; or

(b) Under the supervision of a physician or a registered nurse if the student is authorized by the college or school to administer the drug or medicine outside the presence of a physician or nurse.

➥ A medical student or student nurse may administer a dangerous drug in the presence or under the supervision of a registered nurse alone only if the circumstances are such that the registered nurse would be authorized to administer it personally.

10. Any person designated by the head of a correctional institution.

11. An ultimate user or any person designated by the ultimate user pursuant to a written agreement.

12. A nuclear medicine technologist, at the direction of a physician and in accordance with any conditions established by regulation of the Board.

13. A radiologic technologist, at the direction of a physician and in accordance with any conditions established by regulation of the Board.

14. A chiropractic physician, but only if the drug or medicine is a topical drug used for cooling and stretching external tissue during therapeutic treatments.

15. A physical therapist, but only if the drug or medicine is a topical drug which is:

(a) Used for cooling and stretching external tissue during therapeutic treatments; and

(b) Prescribed by a licensed physician for:

(1) Iontophoresis; or

(2) The transmission of drugs through the skin using ultrasound.

16. In accordance with applicable regulations of the State Board of Health, an employee of a residential facility for groups, as defined in NRS 449.017, pursuant to a written agreement entered into by the ultimate user.

17. A veterinary technician at the direction of his or her supervising veterinarian.

18. In accordance with applicable regulations of the Board, a registered pharmacist who:

(a) Is trained in and certified to carry out standards and practices for immunization programs;

(b) Is authorized to administer immunizations pursuant to written protocols from a physician; and

(c) Administers immunizations in compliance with the "Standards of Immunization Practices" recommended and approved by the United States Public Health Service Advisory Committee on Immunization Practices.

19. ***A registered pharmacist pursuant to written guidelines and protocols developed and approved pursuant to section 1 of this act.***

20. A person who is enrolled in a training program to become a physician assistant licensed pursuant to chapter 630 or 633 of NRS, dental

hygienist, intermediate emergency medical technician, advanced emergency medical technician, respiratory therapist, dialysis technician, nuclear medicine technologist, radiologic technologist, physical therapist or veterinary technician if the person possesses and administers the drug or medicine in the same manner and under the same conditions that apply, respectively, to a physician assistant licensed pursuant to chapter 630 or 633 of NRS, dental hygienist, intermediate emergency medical technician, advanced emergency medical technician, respiratory therapist, dialysis technician, nuclear medicine technologist, radiologic technologist, physical therapist or veterinary technician who may possess and administer the drug or medicine, and under the direct supervision of a person licensed or registered to perform the respective medical art or a supervisor of such a person.

Sec. 11. This act becomes effective upon passage and approval for the purpose of adopting regulations and on October 1, 2011, for all other purposes.

Assemblyman Atkinson moved that the Assembly concur in the Senate Amendment No. 658 to Assembly Bill No. 199.

Remarks by Assemblyman Atkinson.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Assembly Bill No. 273.

The following Senate amendment was read:

Amendment No. 679.

AN ACT relating to real property; revising provisions governing the amount which a person holding a junior lien on real property may recover in a civil action under certain circumstances; prohibiting certain persons holding a junior lien on certain residential property from bringing a civil action under certain circumstances; revising provisions governing the amount of a deficiency judgment after the foreclosure of a mortgage or a deed of trust; limiting the amount of certain judgments against guarantors, sureties or other obligors of obligations secured by real property under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, a judgment creditor or a beneficiary of a deed of trust may obtain, after a hearing, a deficiency judgment after a foreclosure sale or trustee's sale if it appears from the sheriff's return or the recital of consideration in the trustee's deed that there is a deficiency of the proceeds of the sale and a balance remaining due the judgment creditor or beneficiary of the deed of trust. Existing law requires a judgment creditor or beneficiary of a deed of trust to bring an action for such a deficiency judgment within 6

months after the foreclosure sale or trustee's sale. For an obligation secured by a mortgage or deed of trust on or after October 1, 2009, a court may not award a deficiency judgment to the judgment creditor or the beneficiary of the deed of trust if: (1) the creditor or beneficiary is a financial institution; (2) the real property is a single-family dwelling and the debtor or grantor was the owner of the property; (3) the debtor or grantor used the loan to purchase the property; (4) the debtor or grantor occupied the property continuously after obtaining the loan; and (5) the debtor or grantor did not refinance the loan. (NRS 40.455)

Sections 3, 3.3 and 5.7 of this bill enact similar provisions to govern deficiency judgments sought by junior lienholders after a foreclosure sale, a trustee's sale or any sale or deed in lieu of a foreclosure sale or trustee's sale. **Section 3** provides that, if the circumstances prohibiting a deficiency judgment after a foreclosure sale or trustee's sale under current law exist with respect to a junior lienholder, the creditor may not bring a civil action to recover the debt owed to it after a foreclosure sale, a trustee's sale or a sale or deed in lieu of a foreclosure sale or trustee's sale.

Existing law authorizes a creditor under an obligation secured by a junior mortgage or deed of trust to bring an action to obtain a personal judgment against the debtor only if the action is commenced within 6 years after the date of the debtor's default. (NRS 11.190) Under **sections 3.3 and 5.7** of this bill, if the real property securing such an obligation is the subject of a foreclosure sale, a trustee's sale or a sale or deed in lieu of such a sale, the creditor may bring an action to obtain a personal judgment against the debtor only if the action is brought within 6 months after the foreclosure sale, the trustee's sale or the sale in lieu of a foreclosure sale or trustee's sale.

Under existing law, the amount of a deficiency judgment after a foreclosure sale or a trustee's sale may not exceed the lesser of: (1) the amount of the indebtedness minus the fair market value of the foreclosed property at the time of the sale; or (2) the amount of the indebtedness minus the amount for which the foreclosed property actually sold. (NRS 40.459) **Section 5** of this bill provides that, for a deficiency judgment sought by a secured creditor after a foreclosure sale, trustee's sale or sale in lieu of a foreclosure sale or trustee's sale, the amount of the deficiency judgment must be reduced by the amount of any insurance proceeds received by, or payable to, the creditor. **Section 2** of this bill enacts a corresponding provision for money judgments sought against a debtor by a junior lienholder after a foreclosure sale, a trustee's sale or a sale or deed in lieu of a foreclosure sale or trustee's sale.

Sections 2 and 5 also limit the recovery of a creditor who acquired the right to obtain payment for an obligation secured by the real property from another person who owned that obligation. If the creditor is seeking a

deficiency judgment after a foreclosure sale, a trustee's sale or a sale in lieu of a foreclosure sale or trustee's sale, **section 5** provides that the creditor may not a receive an amount which exceeds the lesser of: (1) the consideration paid for the obligation minus the fair market value of the property at the time of the foreclosure sale, with interest from the date of sale and reasonable costs; or (2) the consideration paid for the obligation minus the amount for which the property actually sold, with interest from the date of sale and reasonable costs. If the creditor is a junior lienholder who filed a civil action to obtain a money judgment against the debtor, **section 2** provides that the creditor may not receive an amount greater than the consideration paid for the obligation, with interest from the date on which the person acquired the right to obtain payment and reasonable costs.

Section 5.5 of this bill limits the amount of a judgment against a guarantor, surety or other obligor, other than a mortgagor or grantor of a deed of trust, in an action commenced before a foreclosure sale or trustee's sale to enforce the obligation to pay, satisfy or purchase all or part of an obligation secured by a mortgage or other lien on real property. Under **section 5.5**, the amount of the judgment may not exceed the lesser of: (1) the amount of the indebtedness minus the fair market value of the real property at the time of the commencement of the action; or (2) if a foreclosure sale or a trustee's sale is completed before the date on which judgment is entered, the amount of the indebtedness minus the amount for which the foreclosed property actually sold.

Section 6 of this bill provides that the amendatory provisions of ~~[this bill]~~ **: (1) sections 1-3** apply only prospectively to obligations secured by a mortgage, deed of trust or other encumbrance upon real property on or after the effective date of this bill ~~[.]~~ **; (2) sections 3.3 and 5.7 apply only to an action commenced after a foreclosure sale or sale in lieu of a foreclosure sale that occurs on or after July 1, 2011; and (3) section 5.5 apply only to an action against a guarantor, surety or other obligor commenced on or after the effective date of this bill. Under section 7 of this bill, the amendatory provisions of section 5 become effective upon passage and approval and thus apply to a deficiency judgment awarded on or after that effective date.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 40 of NRS is hereby amended by adding thereto the provisions set forth as sections 1.2 to 3.3, inclusive, of this act.

Sec. 1.2. ***As used in sections 1.2 to 3.3, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 1.4, 1.6 and 1.8 of this act have the meanings ascribed to them in those sections.***

Sec. 1.4. *"Foreclosure sale" has the meaning ascribed to it in NRS 40.462.*

Sec. 1.6. *"Mortgage or other lien" has the meaning ascribed to it in NRS 40.433.*

Sec. 1.8. *"Sale in lieu of a foreclosure sale" means a sale of real property pursuant to an agreement between a person to whom an obligation secured by a mortgage or other lien on real property is owed and the debtor of that obligation in which the sales price of the real property is insufficient to pay the full outstanding balance of the obligation and the costs of the sale. The term includes, without limitation, a deed in lieu of a foreclosure sale.*

Sec. 2. *1. If a person to whom an obligation secured by a junior mortgage or lien on real property is owed:*

(a) Files a civil action to obtain a money judgment against the debtor under that obligation after a foreclosure sale or a sale in lieu of a foreclosure sale; and

(b) Such action is not barred by NRS 40.430,

➥ in determining the amount owed by the debtor, the court shall not include the amount of any proceeds received by, or payable to, the person pursuant to an insurance policy to compensate the person for losses incurred with respect to the property or the default on the obligation.

2. If:

(a) A person acquired the right to enforce an obligation secured by a junior mortgage or lien on real property from a person who previously held that right;

(b) The person files a civil action to obtain a money judgment against the debtor after a foreclosure sale or a sale in lieu of a foreclosure sale; and

(c) Such action is not barred by NRS 40.430,

➥ the court shall not render judgment for more than the amount of the consideration paid for that right, plus interest from the date on which the person acquired the right and reasonable costs.

3. As used in this section, "obligation secured by a junior mortgage or lien on real property" includes, without limitation, an obligation which is not currently secured by a mortgage or lien on real property if the obligation:

(a) Is incurred by the debtor under an obligation which was secured by a mortgage or lien on real property; and

(b) Has the effect of reaffirming the obligation which was secured by a mortgage or lien on real property.

Sec. 3. *1. A person to whom an obligation secured by a junior mortgage or lien on real property is owed may not bring any action to*

enforce that obligation after a foreclosure sale of the real property which secured that obligation or a sale in lieu of a foreclosure sale if:

(a) The person is a financial institution;

(b) The real property which secured the obligation is a single-family dwelling and the debtor or grantor was the owner of the real property at the time of the foreclosure sale or sale in lieu of a foreclosure sale;

(c) The debtor or grantor used the amount of the obligation to purchase the real property;

(d) The debtor or grantor continuously occupied the real property as the debtor's or grantor's principal residence after securing the obligation; and

(e) The debtor or grantor did not refinance the obligation after securing it.

2. As used in this section, "financial institution" has the meaning ascribed to it in NRS 363A.050.

Sec. 3.3. ***A civil action not barred by NRS 40.430 or section 3 of this act by a person to whom an obligation secured by a junior mortgage or lien on real property is owed to obtain a money judgment against the debtor after a foreclosure sale of the real property or a sale in lieu of a foreclosure sale may only be commenced within 6 months after the date of the foreclosure sale or sale in lieu of a foreclosure.***

Sec. 4. (Deleted by amendment.)

Sec. 5. NRS 40.459 is hereby amended to read as follows:

40.459 ***1.*** After the hearing, the court shall award a money judgment against the debtor, guarantor or surety who is personally liable for the debt. The court shall not render judgment for more than:

~~[1.]~~ ***(a)*** The amount by which the amount of the indebtedness which was secured exceeds the fair market value of the property sold at the time of the sale, with interest from the date of the sale; ~~[or~~

~~2.]~~ ***(b)*** The amount which is the difference between the amount for which the property was actually sold and the amount of the indebtedness which was secured, with interest from the date of sale ~~[.]~~ ***; or***

(c) If the person seeking the judgment acquired the right to obtain the judgment from a person who previously held that right, the amount by which the amount of the consideration paid for that right exceeds the fair market value of the property sold at the time of sale or the amount for which the property was actually sold, whichever is greater, with interest from the date of sale and reasonable costs,

➥ whichever is the lesser amount.

2. For the purposes of this section, the "amount of the indebtedness" does not include any amount received by, or payable to, the judgment creditor or beneficiary of the deed of trust pursuant to an insurance policy

to compensate the judgment creditor or beneficiary for any losses incurred with respect to the property or the default on the debt.

Sec. 5.5. NRS 40.495 is hereby amended to read as follows:

40.495 1. The provisions of NRS 40.475 and 40.485 may be waived by the guarantor, surety or other obligor only after default.

2. Except as otherwise provided in subsection ~~[4,]~~ ***5,*** a guarantor, surety or other obligor, other than the mortgagor or grantor of a deed of trust, may waive the provisions of NRS 40.430. If a guarantor, surety or other obligor waives the provisions of NRS 40.430, an action for the enforcement of that person's obligation to pay, satisfy or purchase all or part of an indebtedness or obligation secured by a mortgage or lien upon real property may be maintained separately and independently from:

(a) An action on the debt;

(b) The exercise of any power of sale;

(c) Any action to foreclose or otherwise enforce a mortgage or lien and the indebtedness or obligations secured thereby; and

(d) Any other proceeding against a mortgagor or grantor of a deed of trust.

3. If the obligee maintains an action to foreclose or otherwise enforce a mortgage or lien and the indebtedness or obligations secured thereby, the guarantor, surety or other obligor may assert any legal or equitable defenses provided pursuant to the provisions of NRS 40.451 to 40.463, inclusive.

4. ***If, before a foreclosure sale of real property, the obligee commences an action against a guarantor, surety or other obligor, other than the mortgagor or grantor of a deed of trust, to enforce an obligation to pay, satisfy or purchase all or part of an indebtedness or obligation secured by a mortgage or lien upon the real property*** ~~*[, the court:*~~

~~*(a) Must]*~~ ***:***

(a) The court must hold a hearing and take evidence presented by either party concerning the fair market value of the property as of the date of the commencement of the action. Notice of such hearing must be served upon all defendants who have appeared in the action and against whom a judgment is sought, or upon their attorneys of record, at least 15 days before the date set for the hearing.

(b) After the hearing, if the court ~~*[shall award]*~~ ***awards a money judgment against the debtor, guarantor or surety who is personally liable for the debt*** ~~*[. The]*~~ ***, the court must not render judgment for more than:***

(1) The amount by which the amount of the indebtedness exceeds the fair market value of the property as of the date of the commencement of the action; or

(2) If a foreclosure sale is concluded before a judgment is entered, the amount that is the difference between the amount for which the property was actually sold and the amount of the indebtedness which was secured,

➥ ***whichever is the lesser amount.***

5. The provisions of NRS 40.430 may not be waived by a guarantor, surety or other obligor if the mortgage or lien:

(a) Secures an indebtedness for which the principal balance of the obligation was never greater than $500,000;

(b) Secures an indebtedness to a seller of real property for which the obligation was originally extended to the seller for any portion of the purchase price;

(c) Is secured by real property which is used primarily for the production of farm products as of the date the mortgage or lien upon the real property is created; or

(d) Is secured by real property upon which:

(1) The owner maintains the owner's principal residence;

(2) There is not more than one residential structure; and

(3) Not more than four families reside.

6. As used in this section, "foreclosure sale" has the meaning ***ascribed to it in NRS 40.462.***

Sec. 5.7. NRS 11.190 is hereby amended to read as follows:

11.190 Except as otherwise provided in NRS 125B.050 and 217.007, ***and section 3.3 of this act,*** actions other than those for the recovery of real property, unless further limited by specific statute, may only be commenced as follows:

1. Within 6 years:

(a) An action upon a judgment or decree of any court of the United States, or of any state or territory within the United States, or the renewal thereof.

(b) An action upon a contract, obligation or liability founded upon an instrument in writing, except those mentioned in the preceding sections of this chapter.

2. Within 4 years:

(a) An action on an open account for goods, wares and merchandise sold and delivered.

(b) An action for any article charged on an account in a store.

(c) An action upon a contract, obligation or liability not founded upon an instrument in writing.

(d) An action against a person alleged to have committed a deceptive trade practice in violation of NRS 598.0903 to 598.0999, inclusive, but the cause of action shall be deemed to accrue when the aggrieved party discovers, or by the exercise of due diligence should have discovered, the facts constituting the deceptive trade practice.

3. Within 3 years:

(a) An action upon a liability created by statute, other than a penalty or forfeiture.

(b) An action for waste or trespass of real property, but when the waste or trespass is committed by means of underground works upon any mining claim, the cause of action shall be deemed to accrue upon the discovery by the aggrieved party of the facts constituting the waste or trespass.

(c) An action for taking, detaining or injuring personal property, including actions for specific recovery thereof, but in all cases where the subject of the action is a domestic animal usually included in the term "livestock," which has a recorded mark or brand upon it at the time of its loss, and which strays or is stolen from the true owner without the owner's fault, the statute does not begin to run against an action for the recovery of the animal until the owner has actual knowledge of such facts as would put a reasonable person upon inquiry as to the possession thereof by the defendant.

(d) Except as otherwise provided in NRS 112.230 and 166.170, an action for relief on the ground of fraud or mistake, but the cause of action in such a case shall be deemed to accrue upon the discovery by the aggrieved party of the facts constituting the fraud or mistake.

(e) An action pursuant to NRS 40.750 for damages sustained by a financial institution or other lender because of its reliance on certain fraudulent conduct of a borrower, but the cause of action in such a case shall be deemed to accrue upon the discovery by the financial institution or other lender of the facts constituting the concealment or false statement.

4. Within 2 years:

(a) An action against a sheriff, coroner or constable upon liability incurred by acting in his or her official capacity and in virtue of his or her office, or by the omission of an official duty, including the nonpayment of money collected upon an execution.

(b) An action upon a statute for a penalty or forfeiture, where the action is given to a person or the State, or both, except when the statute imposing it prescribes a different limitation.

(c) An action for libel, slander, assault, battery, false imprisonment or seduction.

(d) An action against a sheriff or other officer for the escape of a prisoner arrested or imprisoned on civil process.

(e) Except as otherwise provided in NRS 11.215, an action to recover damages for injuries to a person or for the death of a person caused by the wrongful act or neglect of another. The provisions of this paragraph relating to an action to recover damages for injuries to a person apply only to causes of action which accrue after March 20, 1951.

(f) An action to recover damages under NRS 41.740.

5. Within 1 year:

(a) An action against an officer, or officer de facto to recover goods, wares, merchandise or other property seized by the officer in his or her

official capacity, as tax collector, or to recover the price or value of goods, wares, merchandise or other personal property so seized, or for damages for the seizure, detention or sale of, or injury to, goods, wares, merchandise or other personal property seized, or for damages done to any person or property in making the seizure.

(b) An action against an officer, or officer de facto for money paid to the officer under protest, or seized by the officer in his or her official capacity, as a collector of taxes, and which, it is claimed, ought to be refunded.

Sec. 6. The amendatory provisions of **:**

1. Sections 1 to 3, inclusive, of this act apply only to an obligation secured by a mortgage, deed of trust or other encumbrance upon real property on or after the effective date of this act.

2. Sections 3.3 and 5.7 of this act apply only to an action commenced after a foreclosure sale or sale in lieu of a foreclosure sale that occurs on or after July 1, 2011.

3. Section 5.5 of this act apply only to an action against a guarantor, surety or other obligor commenced on or after the effective date of this act.

Sec. 7. 1. This **section and sections 1 to 3, inclusive, 5, 5.5 and 6 of this** act ~~[becomes]~~ **become** effective upon passage and approval.

2. Sections 3.3 and 5.7 of this act become effective on July 1, 2011.

Assemblyman Atkinson moved that the Assembly concur in the Senate Amendment No. 679 to Assembly Bill No. 273.

Remarks by Assemblyman Atkinson.

Motion carried.

The following Senate amendment was read:

Amendment No. 824.

SUMMARY—Revises provisions ~~[governing deficiencies existing after foreclosure sales and sales in lieu of foreclosure sales.]~~ **relating to real property.** (BDR 3-561)

AN ACT relating to real property; revising provisions governing the amount which a person holding a junior lien on real property may recover in a civil action under certain circumstances; prohibiting certain persons holding a junior lien on certain residential property from bringing a civil action under certain circumstances; revising provisions governing the amount of a deficiency judgment after the foreclosure of a mortgage or a deed of trust; limiting the amount of certain judgments against guarantors, sureties or other obligors of obligations secured by real property under certain circumstances; **revising provisions governing mortgages and deeds of trust;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, a judgment creditor or a beneficiary of a deed of trust may obtain, after a hearing, a deficiency judgment after a foreclosure sale or trustee's sale if it appears from the sheriff's return or the recital of consideration in the trustee's deed that there is a deficiency of the proceeds of the sale and a balance remaining due the judgment creditor or beneficiary of the deed of trust. Existing law requires a judgment creditor or beneficiary of a deed of trust to bring an action for such a deficiency judgment within 6 months after the foreclosure sale or trustee's sale. For an obligation secured by a mortgage or deed of trust on or after October 1, 2009, a court may not award a deficiency judgment to the judgment creditor or the beneficiary of the deed of trust if: (1) the creditor or beneficiary is a financial institution; (2) the real property is a single-family dwelling and the debtor or grantor was the owner of the property; (3) the debtor or grantor used the loan to purchase the property; (4) the debtor or grantor occupied the property continuously after obtaining the loan; and (5) the debtor or grantor did not refinance the loan. (NRS 40.455)

Sections 3, 3.3 and 5.7 of this bill enact similar provisions to govern deficiency judgments sought by junior lienholders after a foreclosure sale, a trustee's sale or any sale or deed in lieu of a foreclosure sale or trustee's sale. **Section 3** provides that, if the circumstances prohibiting a deficiency judgment after a foreclosure sale or trustee's sale under current law exist with respect to a junior lienholder, the creditor may not bring a civil action to recover the debt owed to it after a foreclosure sale, a trustee's sale or a sale or deed in lieu of a foreclosure sale or trustee's sale.

Existing law authorizes a creditor under an obligation secured by a junior mortgage or deed of trust to bring an action to obtain a personal judgment against the debtor only if the action is commenced within 6 years after the date of the debtor's default. (NRS 11.190) Under **sections 3.3 and 5.7** of this bill, if the real property securing such an obligation is the subject of a foreclosure sale, a trustee's sale or a sale or deed in lieu of such a sale, the creditor may bring an action to obtain a personal judgment against the debtor only if the action is brought within 6 months after the foreclosure sale, the trustee's sale or the sale in lieu of a foreclosure sale or trustee's sale.

Under existing law, the amount of a deficiency judgment after a foreclosure sale or a trustee's sale may not exceed the lesser of: (1) the amount of the indebtedness minus the fair market value of the foreclosed property at the time of the sale; or (2) the amount of the indebtedness minus the amount for which the foreclosed property actually sold. (NRS 40.459) **Section 5** of this bill provides that, for a deficiency judgment sought by a secured creditor after a foreclosure sale, trustee's sale or sale in lieu of a foreclosure sale or trustee's sale, the amount of the deficiency judgment must be reduced by the amount of any insurance proceeds received by, or payable

to, the creditor. **Section 2** of this bill enacts a corresponding provision for money judgments sought against a debtor by a junior lienholder after a foreclosure sale, a trustee's sale or a sale or deed in lieu of a foreclosure sale or trustee's sale.

Sections 2 and 5 also limit the recovery of a creditor who acquired the right to obtain payment for an obligation secured by the real property from another person who owned that obligation. If the creditor is seeking a deficiency judgment after a foreclosure sale, a trustee's sale or a sale in lieu of a foreclosure sale or trustee's sale, **section 5** provides that the creditor may not receive an amount which exceeds the lesser of: (1) the consideration paid for the obligation minus the fair market value of the property at the time of the foreclosure sale, with interest from the date of sale and reasonable costs; or (2) the consideration paid for the obligation minus the amount for which the property actually sold, with interest from the date of sale and reasonable costs. If the creditor is a junior lienholder who filed a civil action to obtain a money judgment against the debtor, **section 2** provides that the creditor may not receive an amount greater than the consideration paid for the obligation, with interest from the date on which the person acquired the right to obtain payment and reasonable costs.

Section 5.5 of this bill limits the amount of a judgment against a guarantor, surety or other obligor, other than a mortgagor or grantor of a deed of trust, in an action commenced before a foreclosure sale or trustee's sale to enforce the obligation to pay, satisfy or purchase all or part of an obligation secured by a mortgage or other lien on real property. Under **section 5.5**, the amount of the judgment may not exceed the lesser of: (1) the amount of the indebtedness minus the fair market value of the real property at the time of the commencement of the action; or (2) if a foreclosure sale or a trustee's sale is completed before the date on which judgment is entered, the amount of the indebtedness minus the amount for which the foreclosed property actually sold.

Section 6 of this bill provides that the amendatory provisions of: (1) **sections 1-3** apply only prospectively to obligations secured by a mortgage, deed of trust or other encumbrance upon real property on or after the effective date of this bill; (2) **sections 3.3 and 5.7** apply only to an action commenced after a foreclosure sale or sale in lieu of a foreclosure sale that occurs on or after July 1, 2011; and (3) **section 5.5** apply only to an action against a guarantor, surety or other obligor commenced on or after the effective date of this bill. Under **section 7** of this bill, the amendatory provisions of **section 5** become effective upon passage and approval and thus apply to a deficiency judgment awarded on or after that effective date.

Section 6 of Assembly Bill No. 284 of this session requires the trustee under a deed of trust to be: (1) an attorney licensed in this State; (2) a

title insurer or title agent authorized to do business in this State; or (3) a person licensed as a trust company or exempt from the requirement to be licensed as a trust company. Section 5.8 of this bill amends section 6 of Assembly Bill No. 284 of this session: (1) to authorize any foreign or domestic entity which holds a current state business license to be the trustee under a deed of trust; and (2) to specifically describe certain persons who are exempt from the requirement to obtain a license as a trust company and who are authorized to be the trustee under a deed of trust. Sections 5.9 and 5.95 of this bill change the effective date of Assembly Bill No. 284 of this session from July 1, 2011, to October 1, 2011.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 40 of NRS is hereby amended by adding thereto the provisions set forth as sections 1.2 to 3.3, inclusive, of this act.

Sec. 1.2. ***As used in sections 1.2 to 3.3, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 1.4, 1.6 and 1.8 of this act have the meanings ascribed to them in those sections.***

Sec. 1.4. ***"Foreclosure sale" has the meaning ascribed to it in NRS 40.462.***

Sec. 1.6. ***"Mortgage or other lien" has the meaning ascribed to it in NRS 40.433.***

Sec. 1.8. ***"Sale in lieu of a foreclosure sale" means a sale of real property pursuant to an agreement between a person to whom an obligation secured by a mortgage or other lien on real property is owed and the debtor of that obligation in which the sales price of the real property is insufficient to pay the full outstanding balance of the obligation and the costs of the sale. The term includes, without limitation, a deed in lieu of a foreclosure sale.***

Sec. 2. ***1. If a person to whom an obligation secured by a junior mortgage or lien on real property is owed:***

(a) Files a civil action to obtain a money judgment against the debtor under that obligation after a foreclosure sale or a sale in lieu of a foreclosure sale; and

(b) Such action is not barred by NRS 40.430,

➥ in determining the amount owed by the debtor, the court shall not include the amount of any proceeds received by, or payable to, the person pursuant to an insurance policy to compensate the person for losses incurred with respect to the property or the default on the obligation.

2. If:

(a) A person acquired the right to enforce an obligation secured by a junior mortgage or lien on real property from a person who previously held that right;

(b) The person files a civil action to obtain a money judgment against the debtor after a foreclosure sale or a sale in lieu of a foreclosure sale; and

(c) Such action is not barred by NRS 40.430,

➥ the court shall not render judgment for more than the amount of the consideration paid for that right, plus interest from the date on which the person acquired the right and reasonable costs.

3. As used in this section, "obligation secured by a junior mortgage or lien on real property" includes, without limitation, an obligation which is not currently secured by a mortgage or lien on real property if the obligation:

(a) Is incurred by the debtor under an obligation which was secured by a mortgage or lien on real property; and

(b) Has the effect of reaffirming the obligation which was secured by a mortgage or lien on real property.

Sec. 3. ***1. A person to whom an obligation secured by a junior mortgage or lien on real property is owed may not bring any action to enforce that obligation after a foreclosure sale of the real property which secured that obligation or a sale in lieu of a foreclosure sale if:***

(a) The person is a financial institution;

(b) The real property which secured the obligation is a single-family dwelling and the debtor or grantor was the owner of the real property at the time of the foreclosure sale or sale in lieu of a foreclosure sale;

(c) The debtor or grantor used the amount of the obligation to purchase the real property;

(d) The debtor or grantor continuously occupied the real property as the debtor's or grantor's principal residence after securing the obligation; and

(e) The debtor or grantor did not refinance the obligation after securing it.

2. As used in this section, "financial institution" has the meaning ascribed to it in NRS 363A.050.

Sec. 3.3. ***A civil action not barred by NRS 40.430 or section 3 of this act by a person to whom an obligation secured by a junior mortgage or lien on real property is owed to obtain a money judgment against the debtor after a foreclosure sale of the real property or a sale in lieu of a foreclosure sale may only be commenced within 6 months after the date of the foreclosure sale or sale in lieu of a foreclosure.***

Sec. 4. (Deleted by amendment.)

Sec. 5. NRS 40.459 is hereby amended to read as follows:

40.459 ***1.*** After the hearing, the court shall award a money judgment against the debtor, guarantor or surety who is personally liable for the debt. The court shall not render judgment for more than:

~~[1.]~~ ***(a)*** The amount by which the amount of the indebtedness which was secured exceeds the fair market value of the property sold at the time of the sale, with interest from the date of the sale; ~~[or~~

~~2.]~~ ***(b)*** The amount which is the difference between the amount for which the property was actually sold and the amount of the indebtedness which was secured, with interest from the date of sale ~~[.]~~ ***; or***

(c) If the person seeking the judgment acquired the right to obtain the judgment from a person who previously held that right, the amount by which the amount of the consideration paid for that right exceeds the fair market value of the property sold at the time of sale or the amount for which the property was actually sold, whichever is greater, with interest from the date of sale and reasonable costs,

➥ whichever is the lesser amount.

2. For the purposes of this section, the "amount of the indebtedness" does not include any amount received by, or payable to, the judgment creditor or beneficiary of the deed of trust pursuant to an insurance policy to compensate the judgment creditor or beneficiary for any losses incurred with respect to the property or the default on the debt.

Sec. 5.5. NRS 40.495 is hereby amended to read as follows:

40.495 1. The provisions of NRS 40.475 and 40.485 may be waived by the guarantor, surety or other obligor only after default.

2. Except as otherwise provided in subsection ~~[4,]~~ ***5,*** a guarantor, surety or other obligor, other than the mortgagor or grantor of a deed of trust, may waive the provisions of NRS 40.430. If a guarantor, surety or other obligor waives the provisions of NRS 40.430, an action for the enforcement of that person's obligation to pay, satisfy or purchase all or part of an indebtedness or obligation secured by a mortgage or lien upon real property may be maintained separately and independently from:

(a) An action on the debt;

(b) The exercise of any power of sale;

(c) Any action to foreclose or otherwise enforce a mortgage or lien and the indebtedness or obligations secured thereby; and

(d) Any other proceeding against a mortgagor or grantor of a deed of trust.

3. If the obligee maintains an action to foreclose or otherwise enforce a mortgage or lien and the indebtedness or obligations secured thereby, the guarantor, surety or other obligor may assert any legal or equitable defenses provided pursuant to the provisions of NRS 40.451 to 40.463, inclusive.

4. ***If, before a foreclosure sale of real property, the obligee commences an action against a guarantor, surety or other obligor, other than the***

mortgagor or grantor of a deed of trust, to enforce an obligation to pay, satisfy or purchase all or part of an indebtedness or obligation secured by a mortgage or lien upon the real property:

(a) The court must hold a hearing and take evidence presented by either party concerning the fair market value of the property as of the date of the commencement of the action. Notice of such hearing must be served upon all defendants who have appeared in the action and against whom a judgment is sought, or upon their attorneys of record, at least 15 days before the date set for the hearing.

(b) After the hearing, if the court awards a money judgment against the debtor, guarantor or surety who is personally liable for the debt, the court must not render judgment for more than:

(1) The amount by which the amount of the indebtedness exceeds the fair market value of the property as of the date of the commencement of the action; or

(2) If a foreclosure sale is concluded before a judgment is entered, the amount that is the difference between the amount for which the property was actually sold and the amount of the indebtedness which was secured,

↪ whichever is the lesser amount.

5. The provisions of NRS 40.430 may not be waived by a guarantor, surety or other obligor if the mortgage or lien:

(a) Secures an indebtedness for which the principal balance of the obligation was never greater than $500,000;

(b) Secures an indebtedness to a seller of real property for which the obligation was originally extended to the seller for any portion of the purchase price;

(c) Is secured by real property which is used primarily for the production of farm products as of the date the mortgage or lien upon the real property is created; or

(d) Is secured by real property upon which:

(1) The owner maintains the owner's principal residence;

(2) There is not more than one residential structure; and

(3) Not more than four families reside.

6. As used in this section, "foreclosure sale" has the meaning ***ascribed to it in NRS 40.462.***

Sec. 5.7. NRS 11.190 is hereby amended to read as follows:

11.190 Except as otherwise provided in NRS 125B.050 and 217.007, ***and section 3.3 of this act,*** actions other than those for the recovery of real property, unless further limited by specific statute, may only be commenced as follows:

1. Within 6 years:

(a) An action upon a judgment or decree of any court of the United States, or of any state or territory within the United States, or the renewal thereof.

(b) An action upon a contract, obligation or liability founded upon an instrument in writing, except those mentioned in the preceding sections of this chapter.

2. Within 4 years:

(a) An action on an open account for goods, wares and merchandise sold and delivered.

(b) An action for any article charged on an account in a store.

(c) An action upon a contract, obligation or liability not founded upon an instrument in writing.

(d) An action against a person alleged to have committed a deceptive trade practice in violation of NRS 598.0903 to 598.0999, inclusive, but the cause of action shall be deemed to accrue when the aggrieved party discovers, or by the exercise of due diligence should have discovered, the facts constituting the deceptive trade practice.

3. Within 3 years:

(a) An action upon a liability created by statute, other than a penalty or forfeiture.

(b) An action for waste or trespass of real property, but when the waste or trespass is committed by means of underground works upon any mining claim, the cause of action shall be deemed to accrue upon the discovery by the aggrieved party of the facts constituting the waste or trespass.

(c) An action for taking, detaining or injuring personal property, including actions for specific recovery thereof, but in all cases where the subject of the action is a domestic animal usually included in the term "livestock," which has a recorded mark or brand upon it at the time of its loss, and which strays or is stolen from the true owner without the owner's fault, the statute does not begin to run against an action for the recovery of the animal until the owner has actual knowledge of such facts as would put a reasonable person upon inquiry as to the possession thereof by the defendant.

(d) Except as otherwise provided in NRS 112.230 and 166.170, an action for relief on the ground of fraud or mistake, but the cause of action in such a case shall be deemed to accrue upon the discovery by the aggrieved party of the facts constituting the fraud or mistake.

(e) An action pursuant to NRS 40.750 for damages sustained by a financial institution or other lender because of its reliance on certain fraudulent conduct of a borrower, but the cause of action in such a case shall be deemed to accrue upon the discovery by the financial institution or other lender of the facts constituting the concealment or false statement.

4. Within 2 years:

(a) An action against a sheriff, coroner or constable upon liability incurred by acting in his or her official capacity and in virtue of his or her office, or by the omission of an official duty, including the nonpayment of money collected upon an execution.

(b) An action upon a statute for a penalty or forfeiture, where the action is given to a person or the State, or both, except when the statute imposing it prescribes a different limitation.

(c) An action for libel, slander, assault, battery, false imprisonment or seduction.

(d) An action against a sheriff or other officer for the escape of a prisoner arrested or imprisoned on civil process.

(e) Except as otherwise provided in NRS 11.215, an action to recover damages for injuries to a person or for the death of a person caused by the wrongful act or neglect of another. The provisions of this paragraph relating to an action to recover damages for injuries to a person apply only to causes of action which accrue after March 20, 1951.

(f) An action to recover damages under NRS 41.740.

5. Within 1 year:

(a) An action against an officer, or officer de facto to recover goods, wares, merchandise or other property seized by the officer in his or her official capacity, as tax collector, or to recover the price or value of goods, wares, merchandise or other personal property so seized, or for damages for the seizure, detention or sale of, or injury to, goods, wares, merchandise or other personal property seized, or for damages done to any person or property in making the seizure.

(b) An action against an officer, or officer de facto for money paid to the officer under protest, or seized by the officer in his or her official capacity, as a collector of taxes, and which, it is claimed, ought to be refunded.

Sec. 5.8. **Section 6 of Assembly Bill No. 284 of this session is hereby amended to read as follows:**

Sec. 6. Chapter 107 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The trustee under a deed of trust must be:

(a) An attorney licensed to practice law in this State;

(b) A title insurer or title agent authorized to do business in this State pursuant to chapter 692A of NRS; ~~*[or]*~~

(c) A person licensed pursuant to chapter 669 of NRS ~~*[or a person exempt from the provisions of chapter 669 of NRS pursuant to paragraph (a) or (b) of subsection 1 of NRS 669.080.]*~~ **;**

(d) A domestic or foreign entity which holds a current state business license issued by the Secretary of State pursuant to chapter 76 of NRS;

(e) A person who does business under the laws of this State, the United States or another state relating to banks, savings banks, savings and loan associations or thrift companies;

(f) A person who is appointed as a fiduciary pursuant to NRS 662.245;

(g) A person who acts as a registered agent for a domestic or foreign corporation, limited-liability company, limited partnership or limited-liability partnership;

(h) A person who acts as a trustee of a trust holding real property for the primary purpose of facilitating any transaction with respect to real estate if he or she is not regularly engaged in the business of acting as a trustee for such trusts;

(i) A person who engages in the business of a collection agency pursuant to chapter 649 of NRS; or

(j) A person who engages in the business of an escrow agency, escrow agent or escrow officer pursuant to the provisions of chapter 645A or 692A of NRS.

2. A trustee under a deed of trust must not be the beneficiary of the deed of trust for the purposes of exercising the power of sale pursuant to NRS 107.080.

3. A trustee under a deed of trust must not:

(a) Lend its name or its corporate capacity to any person who is not qualified to be the trustee under a deed of trust pursuant to subsection 1.

(b) Act individually or in concert with any other person to circumvent the requirements of subsection 1.

4. A beneficiary of record may replace its trustee with another trustee. The appointment of a new trustee is not effective until the substitution of trustee is recorded in the office of the recorder of the county in which the real property is located.

5. The trustee does not have a fiduciary obligation to the grantor or any other person having an interest in the property which is subject to the deed of trust. The trustee shall act impartially and in good faith with respect to the deed of trust and shall act in accordance with the laws of this State. A rebuttable presumption that a trustee has acted impartially and in good faith exists if the trustee acts in compliance with the provisions of NRS 107.080. In performing acts required by NRS 107.080, the trustee incurs no liability for any good faith error resulting from reliance on information provided by the beneficiary regarding the nature and the amount of the default under the obligation secured by the deed of trust if the trustee corrects the good faith error not later than 20 days after discovering the error.

6. If, in an action brought by a grantor, a person who holds title of record or a beneficiary in the district court in and for the county in which

the real property is located, the court finds that the trustee did not comply with this section, any other provision of this chapter or any applicable provision of chapter 106 or 205 of NRS, the court must award to the grantor, the person who holds title of record or the beneficiary:

(a) Damages of $5,000 or treble the amount of actual damages, whichever is greater;

(b) An injunction enjoining the exercise of the power of sale until the beneficiary, the successor in interest of the beneficiary or the trustee complies with the requirements of subsections 2, 3 and 4; and

(c) Reasonable attorney's fees and costs,

➥ unless the court finds good cause for a different award.

Sec. 5.9. **Section 14.5 of Assembly Bill No. 284 of this session is hereby amended to read as follows:**

Sec. 14.5. The amendatory provisions of:

1. Section 1 of this act apply only to an assignment of a mortgage of real property, or of a mortgage of personal property or crops recorded before March 27, 1935, and any assignment of the beneficial interest under a deed of trust, which is made on or after ~~[July]~~ **October** 1, 2011.

2. Section 2 of this act apply only to an instrument by which any mortgage or deed of trust of, lien upon or interest in real property is subordinated or waived as to priority which is made on or after ~~[July]~~ **October** 1, 2011.

3. Section 5 of this act apply only to an instrument encumbering a borrower's real property to secure future advances from a lender within a mutually agreed maximum amount of principal, or an amendment to such an instrument, which is made on or after ~~[July]~~ **October** 1, 2011.

4. Section 9 of this act apply only to a notice of default and election to sell which is recorded pursuant to NRS 107.080, as amended by section 9 of this act, on or after ~~[July]~~ **October** 1, 2011.

Sec. 5.95. **Section 15 of Assembly Bill No. 284 of this session is hereby amended to read as follows:**

Sec. 15. This act becomes effective on ~~[July]~~ **October** 1, 2011.

Sec. 6. The amendatory provisions of:

1. Sections 1 to 3, inclusive, of this act apply only to an obligation secured by a mortgage, deed of trust or other encumbrance upon real property on or after the effective date of this act.

2. Sections 3.3 and 5.7 of this act apply only to an action commenced after a foreclosure sale or sale in lieu of a foreclosure sale that occurs on or after July 1, 2011.

3. Section 5.5 of this act apply only to an action against a guarantor, surety or other obligor commenced on or after the effective date of this act.

Sec. 7. 1. This section and sections 1 to 3, inclusive, 5, 5.5 and **5.8 to** 6 **, inclusive,** of this act become effective upon passage and approval.

2. Sections 3.3 and 5.7 of this act become effective on July 1, 2011.

Assemblyman Atkinson moved that the Assembly concur in the Senate Amendment No. 824 to Assembly Bill No. 273.

Remarks by Assemblyman Atkinson.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Assembly Bill No. 308.

The following Senate amendment was read:

Amendment No. 706.

AN ACT relating to mortgage lending; revising provisions governing certain mortgage lending professionals to be consistent with certain federal law governing the provision of mortgage assistance relief services; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law regulates the activities of certain mortgage lending professionals who provide counseling, assistance and advice to homeowners whose homes are subject to an outstanding notice of the pendency of an action for foreclosure. (NRS 645F.300-645F.450) The Federal Trade Commission similarly regulates the activities of persons who provide mortgage assistance relief services. (16 C.F.R. Part 322) This bill revises Nevada law to provide protections for homeowners consistent with the protections provided pursuant to the regulations adopted by the Federal Trade Commission.

Section 2 of this bill prohibits a person who performs any covered service for compensation, a foreclosure consultant or a loan modification consultant from requesting or receiving any compensation before a homeowner executes a written agreement that incorporates an offer of mortgage assistance.

Section 3 of this bill requires a person who performs any covered service for compensation, a foreclosure consultant or a loan modification consultant to maintain certain records for not less than 24 months. **Section 3** provides that such records are subject to inspection and audit by the Commissioner of Mortgage Lending. **Section 3** also requires a person who performs any covered service for compensation, a foreclosure consultant or a loan modification consultant to take reasonable steps to ensure that any of his or her employees or independent contractors comply with the laws and regulations governing persons who perform covered services for compensation, foreclosure consultants and loan modification consultants.

Section 4 of this bill requires a person who performs any covered service for compensation, a foreclosure consultant or a loan modification consultant

to make certain disclosures in connection with any commercial communication relating to the provision of any covered service.

Section 5 of this bill requires a person who performs any covered service for compensation, a foreclosure consultant or a loan modification consultant to provide certain notices to a homeowner at the time the homeowner is presented with a written agreement incorporating an offer of mortgage assistance obtained from the homeowner's lender or servicer.

Section 6 of this bill prohibits a person who knows or reasonably should know that a person who performs any covered service for compensation, a foreclosure consultant or a loan modification consultant is not in compliance with the laws and regulations governing covered services from providing substantial assistance or support to the person who performs any covered service for compensation, the foreclosure consultant or the loan modification consultant.

~~[Section 8 of this bill extends to the employees of an attorney at law the exemption from regulation as a foreclosure consultant or foreclosure purchaser that is currently provided under certain circumstances to an attorney at law.]~~

Section 9 of this bill prohibits a person who performs any covered service for compensation, a foreclosure consultant or a loan modification consultant from making certain express or implied representations relating to the provision of covered services, including any representation that: (1) a homeowner cannot or should not contact or communicate with his or her lender; or (2) the covered service is affiliated with or endorsed by the Federal Government, the State of Nevada or any department, agency or political subdivision thereof. **Section 9** also prohibits a person who performs any covered service, a foreclosure consultant or a loan modification consultant from obtaining or attempting to obtain from a homeowner a waiver of any provision of this bill or existing law. Any such waiver is void and unenforceable. A violation of any provision of **section 9** constitutes mortgage lending fraud and is punishable as a category C felony.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 645F of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 6, inclusive, of this act.

Sec. 2. ***A person who performs any covered service for compensation, a foreclosure consultant and a loan modification consultant shall not claim, demand, charge, collect or receive any compensation before a homeowner has executed a written agreement with the lender or servicer incorporating the offer of mortgage assistance obtained from the lender or***

servicer by the person who performs any covered service for compensation, the foreclosure consultant or the loan modification consultant.

Sec. 3. ***1. A person who performs any covered service for compensation, a foreclosure consultant and a loan modification consultant shall keep each of the following records for a period of not less than 24 months after the date the record is created:***

(a) Each contract or other agreement between the person who performs any covered service for compensation, foreclosure consultant or loan modification consultant and a homeowner.

(b) A copy of each written communication between the person who performs any covered service for compensation, foreclosure consultant or loan modification consultant and a homeowner which occurred before the date on which the homeowner entered into a contract for covered services.

(c) A copy of every document or telephone recording created in connection with the requirements of subsection 2.

(d) The file of each homeowner, which must include, without limitation, the name of the homeowner, his or her telephone number, the amount of money paid by the homeowner and a description of the covered services purchased by the homeowner.

(e) For each covered service, a copy of every materially different sales script, training material, commercial communication or any other marketing material, including, without limitation, any material published on an Internet website.

(f) A copy of each disclosure provided to a homeowner pursuant to section 5 of this act.

2. A person who performs any covered service for compensation, a foreclosure consultant and a loan modification consultant shall:

(a) Take reasonable steps to ensure that all employees and independent contractors of the person who performs any covered service for compensation, foreclosure consultant or loan modification consultant comply with the provisions of NRS 645F.300 to 645F.450, inclusive, and sections 2 to 6, inclusive, of this act and any regulations adopted pursuant thereto.

(b) If the person who performs any covered service for compensation, foreclosure consultant or loan modification consultant is engaged in the telemarketing of covered services, perform random, blind recording and testing of the oral representations made by persons engaged in sales or other customer service functions.

(c) Establish a procedure for receiving and responding to all complaints of homeowners.

(d) Record the number and nature of complaints of homeowners regarding transactions involving an employee or independent contractor of

the person who performs any covered service for compensation, foreclosure consultant or loan modification consultant.

(e) Investigate promptly and fully each complaint received from a homeowner.

(f) Take corrective action with respect to any employee or independent contractor whom the person who performs any covered service for compensation, foreclosure consultant or loan modification consultant determines is not complying with the provisions of NRS 645F.300 to 645F.450, inclusive, and sections 2 to 6, inclusive, of this act and any regulations adopted pursuant thereto.

(g) Maintain any information necessary to demonstrate compliance with the requirements of this subsection.

3. All records kept pursuant to this section are subject to inspection and audit by the Commissioner and authorized representatives of the Commissioner.

Sec. 4. ***1. A person who performs any covered service for compensation, a foreclosure consultant and a loan modification consultant shall:***

(a) Include with each general commercial communication for any covered service the following disclosures printed in at least 12-point type:

(1) "[Name of company] is not associated with the government, and our service is not approved by the government or your lender."

(2) In any case in which the person who performs any covered service for compensation, the foreclosure consultant or the loan modification consultant makes an express or implied representation that homeowners will receive covered services:

"Even if you accept this offer and use our service, your lender may not agree to change your loan."

(b) Include with each commercial communication which is specific to a homeowner the following disclosures printed in at least 12-point type:

(1) "You may stop doing business with us at any time. You may accept or reject the offer we obtain from your lender [or servicer]. If you reject the offer, you do not have to pay us. If you accept the offer, you will have to pay us [insert total amount or method of calculating the total amount] for our services."

(2) "[Name of company] is not associated with the government, and our service is not approved by the government or your lender."

(3) In any case in which the person who performs any covered service for compensation, the foreclosure consultant or the loan modification consultant makes an express or implied representation that the homeowner will receive covered services:

"Even if you accept this offer and use our service, your lender may not agree to change your loan."

(c) Include with any commercial communication relating to a covered service in which the person who performs any covered service for compensation, foreclosure consultant or loan modification consultant represents expressly or by implication that a homeowner should temporarily or permanently discontinue payments, in whole or in part, on any mortgage or lien on a residence in foreclosure a clear and prominent statement, in close proximity to the express or implied representation and printed in at least 12-point type, which provides that:

"If you stop paying your mortgage, you could lose your home and damage your credit rating."

2. The disclosures required by paragraphs (a) and (b) of subsection 1 must be made in a clear and prominent manner and:

(a) In a written communication, the disclosures must appear together and be preceded by the heading "IMPORTANT NOTICE," printed in at least 14-point bold type; and

(b) In an oral communication, the audio component of the required disclosures must be preceded by the statement "Before using this service, consider the following information" and, if the oral communication is made by telephone, must be made at the beginning of the communication.

3. As used in this section, "total amount" means all amounts the homeowner must pay to purchase, receive and use all covered services that are subject to the contract for covered services, including, without limitation, all fees and charges.

Sec. 5. *1. A person who performs any covered service for compensation, a foreclosure consultant and a loan modification consultant shall, at the time the person who performs any covered service for compensation, the foreclosure consultant or the loan modification consultant provides a homeowner with a written agreement between the homeowner and the homeowner's lender or servicer incorporating the offer of mortgage assistance obtained from the homeowner's lender or servicer:*

(a) Provide the following notice printed in at least 12-point type to the homeowner:

> *"This is an offer of mortgage assistance we obtained from your lender [or servicer]. You may accept or reject the offer. If you reject the offer, you do not have to pay us. If you accept the offer, you will have to pay us [insert total amount or method of calculating the total amount] for our services."*

➥ ***The notice must be made in a clear and prominent manner on a separate written page and be preceded by the heading "IMPORTANT NOTICE: BEFORE BUYING THIS SERVICE, CONSIDER THE FOLLOWING INFORMATION" printed in at least 14-point bold type.***

(b) Provide the homeowner with a notice printed in at least 12-point type from the homeowner's lender or servicer which includes a complete description of all material differences between the terms, conditions and limitations which apply to the homeowner's current mortgage loan and the terms, conditions and limitations which will apply to the homeowner's mortgage loan if he or she accepts the offer of the lender or servicer, including, without limitation, the differences between the mortgage loans with regard to the:

(1) Principal balance;

(2) Contract interest rate, including the maximum rate and any adjustable rates;

(3) Amount and number of scheduled periodic payments;

(4) Monthly amounts owed for principal, interest, taxes and mortgage insurance;

(5) Amount of any delinquent payments owing or outstanding; and

(6) Term.

➥ ***The notice required by this paragraph must be made in a clear and prominent manner on a separate written page and be preceded by the heading "IMPORTANT INFORMATION FROM [name of lender or servicer] ABOUT THIS OFFER" printed in at least 14-point bold type.***

2. If the offer obtained from the lender or servicer by the person who performs any covered service for compensation, the foreclosure consultant or the loan modification consultant is a trial mortgage loan modification, the notice required by paragraph (b) of subsection 1 must include notice to the homeowner:

(a) That the homeowner may not qualify for a permanent mortgage loan modification; and

(b) Setting forth the likely amount of scheduled periodic payments and arrears, payments and fees the homeowner would owe if the homeowner failed to qualify for a permanent mortgage loan modification.

3. As used in this section, "total amount" has the meaning ascribed to it in section 4 of this act.

Sec. 6. ***A person who knows or reasonably should know that another person who performs any covered service for compensation, a foreclosure consultant or a loan modification consultant is in violation of any provision of NRS 645F.300 to 645F.450, inclusive, and sections 2 to 6, inclusive, of this act and any regulations adopted pursuant thereto shall not provide substantial assistance or support to the person who performs***

any covered service for compensation, foreclosure consultant or loan modification consultant.

Sec. 7. NRS 645F.300 is hereby amended to read as follows:

645F.300 As used in NRS 645F.300 to 645F.450, inclusive, ***and sections 2 to 6, inclusive, of this act,*** unless the context otherwise requires, the words and terms defined in NRS 645F.310 to 645F.370, inclusive, have the meanings ascribed to them in those sections.

Sec. 8. NRS 645F.380 is hereby amended to read as follows:

645F.380 The provisions of NRS 645F.300 to 645F.450, inclusive, ***and sections 2 to 6, inclusive, of this act*** do not apply to, and the terms "foreclosure consultant" and "foreclosure purchaser" do not include:

1. An attorney at law rendering services in the performance of his or her duties as an attorney at law, ~~*[and his or her employees,]*~~ unless the attorney at law is ~~*[or his or her employees are]*~~ rendering those services in the course and scope of his or her employment by or other affiliation with a ~~[~~mortgage broker or mortgage agent;~~]~~ ***person who is licensed or required to be licensed pursuant to NRS 645F.390;***

2. A provider of debt-management services registered pursuant to chapter 676A of NRS while providing debt-management services pursuant to chapter 676A of NRS;

3. A person or the authorized agent of a person acting under the provisions of a program sponsored by the Federal Government, this State or a local government, including, without limitation, the Department of Housing and Urban Development, the Federal Home Loan Mortgage Corporation, the Federal National Mortgage Association or the Federal Home Loan Bank ~~[,]~~ ***System;***

4. A person who holds or is owed an obligation secured by a mortgage or other lien on a residence in foreclosure if the person performs services in connection with this obligation or lien and the obligation or lien did not arise as the result of or as part of a proposed foreclosure reconveyance;

5. Any person doing business under the laws of this State or of the United States relating to banks, trust companies, savings and loan associations, industrial loan and thrift companies, regulated lenders, credit unions, insurance companies, or a mortgagee which is a United States Department of Housing and Urban Development approved mortgagee and any subsidiary or affiliate of those persons, and any agent or employee of those persons while engaged in the business of those persons;

6. A person, other than a person who is licensed pursuant to NRS 645F.390, who is licensed pursuant to chapter 692A or any chapter of title 54 of NRS while acting under the authority of the license;

7. A nonprofit agency or organization that offers credit counseling or advice to a homeowner of a residence in foreclosure or a person in default on a loan; or

8. A judgment creditor of the homeowner whose claim accrued before the recording of the notice of the pendency of an action for foreclosure against the homeowner pursuant to NRS 14.010 or the recording of the notice of default and election to sell pursuant to NRS 107.080.

Sec. 9. NRS 645F.400 is hereby amended to read as follows:

645F.400 1. A person who performs any covered service, a foreclosure consultant and a loan modification consultant shall not:

(a) Claim, demand, charge, collect or receive any compensation except in accordance with ~~[~~NRS 645F.394.~~]~~ ***the terms of a contract for covered services.***

(b) Claim, demand, charge, collect or receive any fee, interest or other compensation for any reason which is not fully disclosed to the homeowner.

(c) Take ***or acquire, directly or indirectly,*** any wage assignment, lien on real or personal property, assignment of a homeowner's equity ~~[~~or other~~]~~ ***,*** ***any*** interest in a residence ~~[~~in foreclosure~~]~~ or other security for the payment of compensation. Any such ***assignment or*** security is void and unenforceable.

(d) Receive any consideration from any third party in connection with a covered service provided to a homeowner unless the consideration is first fully disclosed to the homeowner.

(e) ~~[~~Acquire, directly or indirectly, any interest in the residence in foreclosure of a homeowner with whom the foreclosure consultant has contracted to perform a covered service.

~~(f)~~] Accept a power of attorney from a homeowner for any purpose, other than to inspect documents as provided by law.

(f) Make any representation, express or implied, that a homeowner cannot or should not contact or communicate with his or her lender or servicer.

(g) Misrepresent any aspect of any covered service.

(h) Make any representation, express or implied, that a covered service is affiliated with, associated with or endorsed or approved by:

(1) The Federal Government, the State of Nevada or any department, agency or political subdivision thereof;

(2) Any governmental plan for homeowner assistance;

(3) Any nonprofit housing counselor agency or program;

(4) The maker, holder or servicer of a homeowner's mortgage loan; or

(5) Any other person, entity or program.

(i) Make any representation, express or implied, about the benefits, performance or efficacy of any covered service unless, at the time the representation is made, the person who performs any covered service, the foreclosure consultant or the loan modification consultant possesses and relies upon competent and reliable evidence which substantiates that the representation is true. As used in this paragraph, "competent and reliable evidence" means tests, analyses, research, studies or other evidence based on the expertise of professionals in the relevant area that have been conducted and evaluated in an objective manner by persons qualified to do so using procedures generally accepted in the profession to yield accurate and reliable results.

(j) Obtain or attempt to obtain any waiver of the provisions of NRS 645F.300 to 645F.450, inclusive, and sections 2 to 6, inclusive, of this act or any regulations adopted pursuant thereto. Any such waiver is void and unenforceable.

2. In addition to any other penalty, a violation of any provision of this section shall be deemed to constitute mortgage lending fraud for the purposes of NRS 205.372.

Sec. 10. NRS 645F.430 is hereby amended to read as follows:

645F.430 A foreclosure purchaser who engages in any conduct that operates as a fraud or deceit upon a homeowner in connection with a transaction that is subject to the provisions of NRS 645F.300 to 645F.450, inclusive, ***and sections 2 to 6, inclusive, of this act,*** including, without limitation, a foreclosure reconveyance, is guilty of a gross misdemeanor and shall be punished by imprisonment in the county jail for not more than 1 year, or by a fine of not more than $50,000, or by both fine and imprisonment.

Sec. 11. NRS 645F.440 is hereby amended to read as follows:

645F.440 1. In addition to the penalty provided in NRS 645F.430 and except as otherwise provided in subsection 5, if a foreclosure purchaser engages in any conduct that operates as a fraud or deceit upon a homeowner in connection with a transaction that is subject to the provisions of NRS 645F.300 to 645F.450, inclusive, ***and sections 2 to 6, inclusive, of this act,*** including, without limitation, a foreclosure reconveyance, the transaction in which the foreclosure purchaser acquired title to the residence in foreclosure may be rescinded by the homeowner within 2 years after the date of the recording of the conveyance.

2. To rescind a transaction pursuant to subsection 1, the homeowner must give written notice to the foreclosure purchaser and a successor in interest to the foreclosure purchaser, if the successor in interest is not a bona fide purchaser, and record that notice with the recorder of the county in which the property is located. The notice of rescission must contain:

(a) The name of the homeowner, the foreclosure purchaser and any successor in interest who holds title to the property; and

(b) A description of the property.

3. Within 20 days after receiving notice pursuant to subsection 2:

(a) The foreclosure purchaser and the successor in interest, if the successor in interest is not a bona fide purchaser, shall reconvey to the homeowner title to the property free and clear of encumbrances which were created subsequent to the rescinded transaction and which are due to the actions of the foreclosure purchaser; and

(b) The homeowner shall return to the foreclosure purchaser any consideration received from the foreclosure purchaser in exchange for the property.

4. If the foreclosure purchaser has not reconveyed to the homeowner title to the property within the period described in subsection 3, the homeowner may bring an action to enforce the rescission in the district court of the county in which the property is located.

5. A transaction may not be rescinded pursuant to this section if the foreclosure purchaser has transferred the property to a bona fide purchaser.

6. As used in this section, "bona fide purchaser" means any person who purchases an interest in a residence in foreclosure from a foreclosure purchaser in good faith and for valuable consideration and who does not know or have reasonable cause to believe that the foreclosure purchaser engaged in conduct which violates subsection 1.

Sec. 12. NRS 645F.450 is hereby amended to read as follows:

645F.450 The rights, remedies and penalties provided pursuant to the provisions of NRS 645F.300 to 645F.450, inclusive, ***and sections 2 to 6, inclusive, of this act*** are cumulative and do not abrogate and are in addition to any other rights, remedies and penalties that may exist at law or in equity, including, without limitation, any criminal penalty that may be imposed pursuant to NRS 645F.430.

Sec. 13. NRS 645F.394 is hereby repealed.

Sec. 14. This act becomes effective on July 1, 2011.

TEXT OF REPEALED SECTION

645F.394 Foreclosure consultants, loan modification consultants and persons performing covered services for compensation: Deposits and trust accounts; commingling; records; inspection and audit.

1. All money paid to a person who performs any covered service for compensation, a foreclosure consultant or a loan modification consultant by a person in full or partial payment of covered services to be performed:

(a) Must be deposited in a separate checking account located in a federally insured depository financial institution or credit union in this State which must be designated a trust account;

(b) Must be kept separate from money belonging to the person who performs any covered service for compensation, the foreclosure consultant or the loan modification consultant; and

(c) Must not be withdrawn by the person who performs any covered service for compensation, foreclosure consultant or loan modification consultant until the completion of every covered service as agreed upon in the contract for covered services.

2. The person who performs any covered service for compensation, the foreclosure consultant or the loan modification consultant shall keep records of all money deposited in a trust account pursuant to subsection 1. The records must clearly indicate the date and from whom he or she received money, the date deposited, the dates of withdrawals, and other pertinent information concerning the transaction, and must show clearly for whose account the money is deposited and to whom the money belongs. The person who performs any covered service for compensation, the foreclosure consultant or the loan modification consultant shall balance each separate trust account at least monthly and provide to the Commissioner, on a form provided by the Commissioner, an annual accounting which shows an annual reconciliation of each separate trust account. All such records and money are subject to inspection and audit by the Commissioner and authorized representatives of the Commissioner.

3. Each person who performs any covered service for compensation, each foreclosure consultant and each loan modification consultant shall notify the Commissioner of the names of the banks and credit unions in which he or she maintains trust accounts and specify the names of the accounts on forms provided by the Commissioner.

4. As used in this section, "completion of every covered service" means:

(a) Successful results with respect to what the performance of each covered service was intended to yield for the homeowner, as described in the contract for covered services; or

(b) If the performance of one or more covered service has an unsuccessful result with respect to what the performance of that covered service was intended to yield for the homeowner, a showing that every reasonable effort was made, under the particular circumstances, to obtain successful results,

➥ as verified in a written statement provided to the homeowner.

Assemblyman Atkinson moved that the Assembly concur in the Senate Amendment No. 706 to Assembly Bill No. 308.

Remarks by Assemblyman Atkinson.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Assembly Bill No. 433.

The following Senate amendment was read:

Amendment No. 690.

AN ACT relating to employment practices; making it unlawful for public employers to make rules or regulations that prohibit or prevent an employee from engaging in politics or becoming a candidate for public office with certain exceptions; prohibiting any employer from taking any adverse employment action against an employee because the employee has become a candidate for any public office with certain exceptions; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law makes it unlawful for a private employer to make rules or regulations that prohibit or prevent an employee from engaging in politics or becoming a candidate for public office. (NRS 613.040) A violation of that prohibition by an employer is punishable by a fine of not more than $5,000. In addition, the costs of the proceeding to recover the fine are recoverable by the Attorney General. (NRS 613.050) The employee is also authorized to bring a separate lawsuit for damages for such a violation. (NRS 613.070) This bill makes it unlawful for public employers and labor organizations, in addition to private employers, to engage in such unlawful activity and also makes it unlawful for any public or private employer or labor organization to take any adverse employment action against an employee as a result of the employee becoming a candidate for public office. With respect to public employees, this bill makes an exception where necessary to meet requirements of federal law, such as the Hatch Act, 5 U.S.C. §§ 1501-1508, which imposes restrictions on certain political activities by state and local governmental employees.

WHEREAS, Every eligible person has a right to participate in the functions of government; and

WHEREAS, Participating as a candidate in an election for public office and participating in politics are at the core of government; and

WHEREAS, It is the policy of the State of Nevada to encourage participation in government; and

WHEREAS, Anything which tends to prevent a person from so participating is contrary to the policy of this State; now, therefore,

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 613.040 is hereby amended to read as follows:

613.040 ~~[It]~~

1. Except as necessary to meet requirements of federal law as it pertains to a particular public employee, it shall be unlawful for any person ~~[, firm or corporation doing business or employing labor in the State of Nevada to]~~ ***who employs or has under his or her direction and control any person for wages or under a contract of hire and for any labor organization referring a person to an employer for employment:***

(a) To make any rule or regulation prohibiting or preventing any employee from engaging in politics or becoming a candidate for any public office in this state.

(b) To take any adverse employment action against an employee who becomes a candidate for any public office in this State because the employee became a candidate for public office.

2. As used in this section:

(a) "Adverse employment action" ~~*[includes,]*~~ ***:***

(1) Includes, without limitation, requiring an employee to take an unpaid leave of absence during any period of his or her campaign for public office.

(2) Does not include, without limitation:

(I) Any disciplinary or other personnel action, including, without limitation, termination of employment, taken for reasons other than those prohibited pursuant to subsection 1; or

(II) Reassignment of an employee to prevent or eliminate any conflict of interest, as determined by the employer.

(b) "Candidate" has the meaning ascribed to it in NRS 294A.005.

(c) "Person" means:

(1) A natural person;

(2) Any form of business or social organization and any other nongovernmental legal entity, including, without limitation, a corporation, partnership, association, trust or agency or unincorporated organization; or

(3) A government, governmental agency or political subdivision of a government.

Assemblyman Atkinson moved that the Assembly do not concur in the Senate Amendment No. 690 to Assembly Bill No. 433.

Remarks by Assemblyman Atkinson.

Motion carried by a constitutional majority.

Bill ordered transmitted to the Senate.

Assembly Bill No. 265.

The following Senate amendment was read:

Amendment No. 800.

AN ACT relating to peace officers; revising the circumstances under which a law enforcement agency is prohibited from suspending a peace officer without pay during an investigation; authorizing a representative of a peace officer to attend an interview with the peace officer under certain circumstances; requiring a law enforcement agency to revise a peace officer's work schedule for attending certain hearings and administrative proceedings; prohibiting the use in a criminal proceeding of a statement or answer of a peace officer obtained during an investigation under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes a law enforcement agency to conduct an investigation of a peace officer in response to a complaint or allegation that the peace officer has engaged in activities which may result in punitive action. Existing law prohibits the law enforcement agency from suspending the peace officer without pay during the investigation until all investigations relating to the matter have concluded. (NRS 289.057) **Section 1** of this bill prohibits the law enforcement agency from suspending the peace officer without pay except as otherwise provided in a collective bargaining agreement.

Existing law requires a law enforcement agency to notify a peace officer not later than 48 hours before conducting any interrogation or hearing relating to an investigation of the peace officer. (NRS 289.060) **Section 1.5** of this bill imposes additional requirements by requiring the law enforcement agency to provide a written notice to any other peace officer the law enforcement agency believes has any knowledge of any fact relating to the complaint or allegation against the peace officer who is the subject of the investigation. The written notice must advise the peace officer that he or she must appear and be interviewed as a witness in connection with the investigation. **Section 1.5** also limits the use of certain evidence discovered during the course of an investigation or hearing and prohibits the use of certain statements or answers made by a peace officer in any subsequent criminal proceeding.

~~[Finally, existing]~~ **Existing** law **further** provides that, if a peace officer is the subject of an investigation of alleged misconduct, a law enforcement agency must interrogate the peace officer during his or her regular working hours, if practical, or compensate the peace officer for his or her time based on the peace officer's wages, if no charges arise from the interrogation. (NRS 289.060) **Section 1.5** of this bill deletes the requirement for the payment of compensation to the peace officer and instead requires the law enforcement agency to revise the peace officer's work schedule to allow any time that is required for the interrogation to be deemed a part of the peace officer's

regular working hours. If the law enforcement agency does not interrogate the peace officer during his or her regular working hours and the peace officer receives a notice to appear for an interrogation at a time that he or she is off duty, **section 1.5** requires the peace officer to be compensated for appearing at the interrogation based on his or her wages and any other benefits he or she is entitled to receive. **Section 1.5 also applies these provisions to a peace officer who is interviewed as a witness in connection with an investigation.**

Existing law authorizes a peace officer who is the subject of an investigation of alleged misconduct to have two representatives present during the interrogation and hearing concerning the investigation. Any such representative is required, except under certain circumstances, to keep all information he or she learns concerning the investigation confidential. (NRS 289.080) Section 1.7 of this bill authorizes a peace officer who is a witness in an investigation to have two representatives present during an interview conducted concerning the investigation. Section 1.7 also requires any such representative to keep all information he or she learns concerning the investigation confidential.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 289.057 is hereby amended to read as follows:

289.057 1. An investigation of a peace officer may be conducted in response to a complaint or allegation that the peace officer has engaged in activities which could result in punitive action.

2. ~~[A]~~ ***Except as otherwise provided in a collective bargaining agreement, a*** law enforcement agency shall not suspend a peace officer without pay during or pursuant to an investigation conducted pursuant to this section until all investigations relating to the matter have concluded.

3. After the conclusion of the investigation:

(a) If the investigation causes a law enforcement agency to impose punitive action against the peace officer who was the subject of the investigation and the peace officer has received notice of the imposition of the punitive action, the peace officer or a representative authorized by the peace officer may, except as otherwise prohibited by federal or state law, review any administrative or investigative file maintained by the law enforcement agency relating to the investigation, including any recordings, notes, transcripts of interviews and documents.

(b) If, pursuant to a policy of a law enforcement agency or a labor agreement, the record of the investigation or the imposition of punitive action is subject to being removed from any administrative file relating to the peace officer maintained by the law enforcement agency, the law enforcement

agency shall not, except as otherwise required by federal or state law, keep or make a record of the investigation or the imposition of punitive action after the record is required to be removed from the administrative file.

Sec. 1.5. NRS 289.060 is hereby amended to read as follows:

289.060 1. Except as otherwise provided in this subsection, a law enforcement agency shall, not later than 48 hours before any interrogation or hearing is held relating to an investigation conducted pursuant to NRS 289.057, provide ***a*** written notice to the peace officer ~~[. A]~~ ***who is the subject of the investigation. If the law enforcement agency believes that any other peace officer has any knowledge of any fact relating to the complaint or allegation against the peace officer who is the subject of the investigation, the law enforcement agency shall provide a written notice to the peace officer advising the peace officer that he or she must appear and be interviewed as a witness in connection with the investigation. Any peace officer who serves as a witness during an interview must be allowed a reasonable opportunity to arrange for*** ~~*[a representative chosen by the peace officer to attend the interview with the peace officer. Such a representative must not include the peace officer who is the subject of the investigation or any other witness who the law enforcement agency believes may have knowledge of any fact relating to the investigation.]*~~ ***the presence and assistance of a representative authorized by NRS 289.080. Any*** peace officer ***specified in this subsection*** may waive the notice required pursuant to this section.

2. The notice ***provided to the peace officer who is the subject of the investigation*** must include:

(a) A description of the nature of the investigation;

(b) A summary of alleged misconduct of the peace officer ~~*[and any other peace officer whom the law enforcement agency is investigating in connection with the complaint or allegation;]*~~ ;

(c) The date, time and place of the interrogation or hearing;

(d) The name and rank of the officer in charge of the investigation and the officers who will conduct any interrogation ~~[;]~~ ***or hearing;***

(e) The name of any other person who will be present at any interrogation or hearing; and

(f) A statement setting forth the provisions of subsection 1 of NRS 289.080.

3. The law enforcement agency shall:

(a) ~~[Interrogate]~~ ***Interview or interrogate*** the peace officer during the peace officer's regular working hours, if reasonably practicable, or ~~[compensate the peace officer for that time based on the peace officer's regular wages if no charges arise from the interrogation.]~~ ***revise the peace officer's work schedule to allow any time that is required for the interview***

or interrogation [or for any hearing] to be deemed a part of the peace officer's regular working hours. Any such time must be calculated based on the peace officer's regular wages for his or her regularly scheduled working hours. If the peace officer is not interviewed or interrogated during his or her regular working hours or if his or her work schedule is not revised pursuant to this paragraph and the law enforcement agency notifies the peace officer to appear at a time when he or she is off duty, the peace officer must be compensated for appearing at the interview or interrogation based on the wages and any other benefits the peace officer is entitled to receive for appearing at the time set forth in the notice.

(b) Immediately before [the] ***any*** interrogation or hearing begins, inform the peace officer ***who is the subject of the investigation*** orally on the record that:

(1) The peace officer is required to provide a statement and answer questions related to the peace officer's alleged misconduct; and

(2) If the peace officer fails to provide such a statement or to answer any such questions, the agency may charge the peace officer with insubordination.

(c) Limit the scope of the questions during the interrogation or hearing to the alleged misconduct of the peace officer [.] ***who is the subject of the investigation. If any evidence is discovered during the course of an investigation or hearing which establishes or may establish any other possible misconduct engaged in by the peace officer, the law enforcement agency shall notify the peace officer of that fact and shall not conduct any further interrogation of the peace officer concerning the possible misconduct until a subsequent notice of that evidence and possible misconduct is provided to the peace officer pursuant to this chapter.***

(d) Allow the peace officer ***who is the subject of the investigation or who is a witness in the investigation*** to explain an answer or refute a negative implication which results from questioning during an ***interview,*** interrogation or hearing.

4. If a peace officer provides a statement or answers a question relating to the alleged misconduct of a peace officer who is the subject of an investigation pursuant to NRS 289.057 after the peace officer is informed that failing to provide the statement or answer may result in punitive action against him or her, the statement or answer must not be used against the peace officer who provided the statement or answer in any subsequent criminal proceeding.

Sec. 1.7. **NRS 289.080 is hereby amended to read as follows:**

289.080 1. Except as otherwise provided in subsection [3,] ***4,*** a peace officer ***who is the subject of an investigation conducted pursuant to NRS 289.057*** may upon request have two representatives of the peace officer's

choosing present with the peace officer during any phase of an interrogation or hearing relating to ~~[an]~~ ***the*** investigation ~~, [conducted pursuant to NRS 289.057,]~~ including, without limitation, a lawyer, a representative of a labor union or another peace officer.

2. ***Except as otherwise provided in subsection 4, a peace officer who is a witness in an investigation conducted pursuant to NRS 289.057 may upon request have two representatives of the peace officer's choosing present with the peace officer during an interview relating to the investigation, including, without limitation, a lawyer, a representative of a labor union or another peace officer. The presence of the second representative must not create an undue delay in either the scheduling or conducting of the interview.***

3. A representative of a peace officer must assist the peace officer during the ***interview,*** interrogation or hearing. The law enforcement agency conducting the ***interview,*** interrogation or hearing shall allow a representative of the peace officer to explain an answer provided by the peace officer or refute a negative implication which results from questioning of the peace officer but may require such explanation to be provided after the agency has concluded its initial questioning of the peace officer.

~~[3.]~~ ***4.*** A representative must not otherwise be connected to, or the subject of, the same investigation.

~~[4.]~~ ***5.*** Any information that a representative obtains from the peace officer ***who is a witness*** concerning the investigation is confidential and must not be disclosed ***.***

6. Any information that a representative obtains from the peace officer who is the subject of the investigation is confidential and must not be disclosed except upon the:

(a) Request of the peace officer; or

(b) Lawful order of a court of competent jurisdiction.

➥ A law enforcement agency shall not take punitive action against a representative for the representative's failure or refusal to disclose such information.

~~[5.]~~ ***7.*** The peace officer, any representative of the peace officer or the law enforcement agency may make a stenographic, digital or magnetic record of the ***interview,*** interrogation or hearing. If the agency records the proceedings, the agency shall at the peace officer's request and expense provide a copy of the:

(a) Stenographic transcript of the proceedings; or

(b) Recording on the digital or magnetic tape.

~~[6.]~~ ***8.*** After the conclusion of the investigation, the peace officer who was the subject of the investigation or any representative of the peace officer may, if the peace officer appeals a recommendation to impose punitive

action, review and copy the entire file concerning the internal investigation, including, without limitation, any recordings, notes, transcripts of interviews and documents contained in the file.

Sec. 2. (Deleted by amendment.)

Sec. 3. This act becomes effective on July 1, 2011.

Assemblywoman Kirkpatrick moved that the Assembly concur in the Senate Amendment No. 800 to Assembly Bill No. 265.

Remarks by Assemblywoman Kirkpatrick.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Assembly Bill No. 413.

The following Senate amendment was read:

Amendment No. 631.

AN ACT relating to public works; making various changes relating to the withholding of retainage on progress payments for public works contracts; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires a public body to withhold as retainage at least 10 percent of the progress payments owed to a contractor on a public works project during the first half of the project. (NRS 338.515) Similarly, contractors and subcontractors may withhold as retainage not more than 10 percent of progress payments to their subcontractors and suppliers during the first half of the public works project. (NRS 338.555, 338.595) **Sections 1, 3 and 5** of this bill revise the maximum amount of retainage that may be withheld during the first half of the project to 5 percent of the progress payment. **Sections 1, 3 and 5** also provide that, except under limited circumstances, the amount of retainage may not exceed 2.5 percent of progress payments during the second half of a public works project. **Section 1 also allows a public body to pay some or all of the retainage withheld during the first half of the project if satisfactory progress is being made in the work or if a subcontractor has completed its portion of the work.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 338.515 is hereby amended to read as follows:

338.515 1. Except as otherwise provided in NRS 338.525, a public body and its officers or agents awarding a contract for a public work shall pay or cause to be paid to a contractor the progress payments due under the contract within 30 days after the date the public body receives the progress bill or within a shorter period if the provisions of the contract so provide. Not more than ~~[90]~~ ***95*** percent of the amount of any progress payment may be

paid until 50 percent of the work required by the contract has been performed. ~~[Thereafter,]~~

2. After 50 percent of the work required by the contract has been performed, the public body may pay ~~[any]~~ ***to the contractor:***

(a) Any of the remaining progress payments without withholding additional retainage ***; and***

(b) Any amount of any retainage that was withheld from progress payments pursuant to subsection 1,

➥ if, in the opinion of the public body, satisfactory progress is being made in the work.

~~[2.]~~ ***3. After determining in accordance with subsection 2 whether satisfactory progress is being made in the work, the public body may pay to the contractor an amount of any retainage that was withheld from progress payments pursuant to subsection 1 if:***

(a) A subcontractor has performed a portion of the work;

(b) The public body determines that the portion of the work has been completed in compliance with all applicable plans and specifications;

(c) The subcontractor submits to the contractor:

(1) A release of the subcontractor's claim for a mechanic's lien for the portion of the work; and

(2) From each of the subcontractor's subcontractors and suppliers who performed work or provided material for the portion of the work, a release of his or her claim for a mechanic's lien for the portion of the work; and

(d) The amount of the retainage which the public body pays is in proportion to the portion of the work which the subcontractor has performed.

4. If, pursuant to subsection 3, the public body pays to the contractor an amount of any retainage that was withheld from progress payments pursuant to subsection 1 for the portion of the work which has been performed by the subcontractor, the contractor must pay to the subcontractor the portion of any retainage withheld by the contractor pursuant to NRS 338.555 for the portion of the work. If, pursuant to this subsection, the contractor pays to the subcontractor the portion of any retainage withheld by the contractor pursuant to NRS 338.555 for the portion of the work which has been performed by the subcontractor, the subcontractor must pay to the subcontractor's subcontractors and suppliers the portion of any retainage withheld by the subcontractor pursuant to NRS 338.595 for the portion of the work.

5. If , after determining in accordance with subsection 2 whether satisfactory progress is being made in the work, the public body continues to withhold retainage from remaining progress payments:

(a) If the public body does not withhold any amount pursuant to NRS 338.525:

(1) The public body may not withhold more than 2.5 percent of the amount of any progress payment; and

(2) Before withholding any amount pursuant to subparagraph (1), the public body must pay to the contractor 50 percent of the amount of any retainage that was withheld from progress payments pursuant to subsection 1; or

(b) If the public body withholds any amount pursuant to NRS 338.525:

(1) The public body may not withhold more than 5 percent of the amount of any progress payment; and

(2) The public body may continue to retain the amount of any retainage that was withheld from progress payments pursuant to subsection 1.

~~[3.]~~ ***6.*** Except as otherwise provided in NRS 338.525, a public body shall identify in the contract and pay or cause to be paid to a contractor the actual cost of the supplies, materials and equipment that:

(a) Are identified in the contract;

(b) Have been delivered and stored at a location, and in the time and manner, specified in a contract by the contractor or a subcontractor or supplier for use in a public work; and

(c) Are in short supply or were specially made for the public work,

➥ within 30 days after the public body receives a progress bill from the contractor for those supplies, materials or equipment.

~~[3.]~~ ~~[4.]~~ ***7.*** A public body shall pay or cause to be paid to the contractor at the end of each quarter interest for the quarter on any amount withheld by the public body pursuant to NRS 338.400 to 338.645, inclusive, at a rate equal to the rate quoted by at least three insured banks, credit unions or savings and loan associations in this State as the highest rate paid on a certificate of deposit whose duration is approximately 90 days on the first day of the quarter. If the amount due to a contractor pursuant to this subsection for any quarter is less than $500, the public body may hold the interest until:

(a) The end of a subsequent quarter after which the amount of interest due is $500 or more;

(b) The end of the fourth consecutive quarter for which no interest has been paid to the contractor; or

(c) The amount withheld under the contract is due pursuant to NRS 338.520,

➥ whichever occurs first.

~~[4.]~~ ~~[5.]~~ ***8.*** If the Labor Commissioner has reason to believe that a worker is owed wages by a contractor or subcontractor, the Labor

Commissioner may require the public body to withhold from any payment due the contractor under this section and pay the Labor Commissioner instead, an amount equal to the amount the Labor Commissioner believes the contractor owes to the worker. This amount must be paid by the Labor Commissioner to the worker if the matter is resolved in the worker's favor, otherwise it must be returned to the public body for payment to the contractor.

Sec. 2. NRS 338.530 is hereby amended to read as follows:

338.530 1. If a public body receives:

(a) A progress bill or retainage bill, fails to give a contractor a written notice of any withholding in the manner set forth in subsection 2 of NRS 338.525, and does not pay the contractor within 30 days after receiving the progress bill or retainage bill; or

(b) A contractor's written notice of the correction of a condition set forth pursuant to subsection 2 of NRS 338.525 as the reason for the withholding, signed by an authorized agent of the contractor, and fails to:

(1) Pay the amount of the progress payment or retainage payment that was withheld from the contractor within 30 days after the public body receives the next progress bill or retainage bill; or

(2) Object to the scope and manner of the correction, within 30 days after the public body receives the notice of correction, in a written statement that sets forth the reason for the objection and is signed by an authorized agent of the public body,

➥ the public body shall pay to the contractor, in addition to the entire amount of the progress bill or retainage bill or any unpaid portion thereof, interest from the 30th day on the amount delayed, at a rate equal to the amount provided for in subsection ~~[3]~~ *[4]* 7 of NRS 338.515, until payment is made to the contractor.

2. If the public body objects pursuant to subparagraph (2) of paragraph (b) of subsection 1, it shall pay to the contractor an amount equal to the value of the corrections to which the public body does not object.

Sec. 3. NRS 338.555 is hereby amended to read as follows:

338.555 1. If a public body and a contractor enter into a contract for a public work, the contractor may withhold as retainage not more than ~~[10]~~ ***5*** percent from the amount of any progress payment due under a subcontract which is made before 50 percent of the work has been completed under the subcontract. ~~[Thereafter]~~

2. After 50 percent of the work required by the contract has been performed, the contractor shall pay any additional progress payments due under the subcontract without withholding any additional retainage if, in the opinion of the contractor, satisfactory progress is being made in the work

under the subcontract, and the payment must be equal to that paid by the public body to the contractor for the work performed by the subcontractor.

~~[2.]~~ ***If the contractor continues to withhold retainage from remaining progress payments:***

(a) If the contractor does not withhold any amount pursuant to NRS 338.560:

(1) The contractor may not withhold more than 2.5 percent of the amount of any progress payment; and

(2) Before withholding any amount pursuant to subparagraph (1), the contractor must pay to the subcontractor 50 percent of the amount of any retainage that was withheld from progress payments pursuant to subsection 1; or

(b) If the contractor withholds any amount pursuant to NRS 338.560:

(1) The contractor may not withhold more than 5 percent of the amount of any progress payment; and

(2) The contractor may continue to retain the amount of any retainage that was withheld from progress payments pursuant to subsection 1.

3. If the contractor receives a payment of interest earned on the retainage or an amount withheld from a progress payment, the contractor shall, within 10 days after he or she receives the money, pay to each subcontractor or supplier that portion of the interest received from the public body which is attributable to the retainage or amount withheld from a progress payment by the contractor to the subcontractor or supplier.

Sec. 4. NRS 338.560 is hereby amended to read as follows:

338.560 1. A contractor may withhold from a progress payment or retainage payment an amount sufficient to pay:

(a) The expenses the contractor reasonably expects to incur as a result of the failure of his or her subcontractor or supplier to comply with the subcontract or applicable building code, law or regulation.

(b) An amount withheld from payment to the contractor by a public body pursuant to subsection ~~[4]~~ ~~*[5]*~~ ***8*** of NRS 338.515 for a claim for wages against the subcontractor.

2. A contractor shall, within 10 days after the contractor receives:

(a) A progress payment or retainage payment from the public body for an amount that is less than the amount set forth in the applicable progress bill or retainage bill; or

(b) A progress bill or retainage bill from his or her subcontractor or supplier,

➥ give a written notice to his or her subcontractor or supplier of any amount that will be withheld pursuant to this section.

3. The written notice must:

(a) Set forth:

(1) The amount of the progress payment or retainage payment that will be withheld from his or her subcontractor or supplier; and

(2) A detailed explanation of the reason the contractor will withhold that amount, including, without limitation, a specific reference to the provision or section of the subcontract, or documents related thereto, or applicable building code, law or regulation with which his or her subcontractor or supplier has failed to comply; and

(b) Be signed by an authorized agent of the contractor.

4. The contractor shall pay to his or her subcontractor or supplier the amount withheld by the public body or the contractor within 10 days after:

(a) The contractor receives a written notice of the correction of the condition that is the reason for the withholding, signed by an authorized agent of the subcontractor or supplier; or

(b) The public body pays to the contractor the amount withheld,

➥ whichever occurs later.

Sec. 5. NRS 338.595 is hereby amended to read as follows:

338.595 1. If a subcontractor and another subcontractor or supplier enter into a subcontract for a public work, the subcontractor may withhold as retainage not more than ~~[10]~~ ***5*** percent from the amount of any progress payment due under a subcontract which is made before 50 percent of the work has been completed under the subcontract. ~~[The]~~

2. After 50 percent of the work required by the subcontractor or supplier has been performed, the subcontractor shall pay any additional progress payments due under the subcontract without withholding any additional retainage if, in the opinion of the subcontractor, satisfactory progress is being made in the work under the subcontract. The payment must be equal to that paid by the contractor to the subcontractor for the work performed or supplies provided by his or her subcontractor or supplier.

~~[2.]~~ ***If the subcontractor continues to withhold retainage from remaining progress payments:***

(a) If the subcontractor does not withhold any amount pursuant to NRS 338.600:

(1) The subcontractor may not withhold more than 2.5 percent of the amount of any progress payment; and

(2) Before withholding any amount pursuant to subparagraph (1), the subcontractor must pay to the subcontractor or supplier 50 percent of the amount of any retainage that was withheld from progress payments pursuant to subsection 1; or

(b) If the subcontractor withholds any amount pursuant to NRS 338.600:

(1) The subcontractor may not withhold more than 5 percent of the amount of any progress payment; and

(2) The subcontractor may continue to retain the amount of any retainage that was withheld from progress payments pursuant to subsection 1.

3. If the subcontractor receives a payment of interest earned on the retainage or an amount withheld from a progress payment, the subcontractor shall, within 10 days after receiving the money, pay to each of his or her subcontractors or suppliers that portion of the interest received from the contractor which is attributable to the retainage or amount withheld from a progress payment by the subcontractor to his or her subcontractor or supplier.

Sec. 6. This act becomes effective on October 1, 2011, and expires by limitation on July 1, 2015.

Assemblywoman Kirkpatrick moved that the Assembly concur in the Senate Amendment No. 631 to Assembly Bill No. 413.

Remarks by Assemblywoman Kirkpatrick.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Assembly Bill No. 81.

The following Senate amendment was read:

Amendment No. 685.

AN ACT relating to elections; clarifying how a minor political party may be organized; revising certain requirements for petitions of referendum; revising provisions relating to counting ballots, posting voting results and recounts; providing that the residency of spouses of certain military personnel is not changed whether absent or present in this State; making various changes concerning campaign contributions and expenditures; making various other changes to provisions governing elections; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

In order to qualify to place the names of candidates on the ballot, under existing law, a minor political party must have filed with the Secretary of State a certificate of existence and a list of candidates. Also, the minor political party must have: (1) at the last preceding general election, polled for any of its candidates for partisan office a number of votes equal to or more than 1 percent of the total number of votes cast for the offices of Representative in Congress; (2) been designated as the political party on the applications to register to vote of at least 1 percent of the total number of registered voters in this State; or (3) filed a petition with the Secretary of State which is signed by a number of registered voters equal to at least 1 percent of the total number of votes cast at the last preceding election for the

offices of Representative of Congress. Alternatively, the minor political party may place the name of a candidate on the ballot if the minor political party has filed with the Secretary of State a certificate of existence and a petition on behalf of the candidate that it wants to place on the ballot containing a certain number of signatures. (NRS 293.1715) **Sections 16, 16.2 and 16.4** of this bill remove the option of a minor political party to place a candidate on the ballot by filing a petition on behalf of the candidate. **Sections 6 and 15-18** of this bill clarify that an organization is organized as a minor political party when it files a certificate of existence. A minor political party must still meet the other requirements in order to qualify to place candidates on the ballot.

Sections 7-12 and 64 of this bill provide that the signature and verification requirements for initiative petitions also apply to petitions for referendum.

Existing law provides the requirements for nominating candidates for office and placing candidates on the ballot for the general election. (NRS 293.165, 293.166, 293.368) **Sections 13, 14 and 25** of this bill move the date after which no change may be made on the ballot for the general election from the first Tuesday after the primary election to the fourth Friday in June of the year in which the general election is held.

Existing law provides that if a person willfully files a declaration or acceptance of candidacy that contains a false statement, the name of the person must not appear on the ballot for the election for which the person filed the declaration or acceptance of candidacy. (NRS 293.184, 293C.1865) **Sections 19 and 32** of this bill further require that if the name of such a person appears on the ballot because the deadline for making changes to the ballot has passed, the Secretary of State, county clerk or city clerk must inform voters by posting signs at polling places that the person is disqualified from entering upon the duties of office.

Section 21 of this bill allows a person to cast a primary ballot for a major political party only if the person is a member of that major political party.

Existing law sets forth procedures for depositing absent ballots in the ballot box, including verifying the absent voter's signature that appears on the back of the return envelope or facsimile. (NRS 293.333, 293C.332) Because certain military personnel and overseas citizens may return special absent ballots via approved electronic transmission other than facsimile, **sections 23 and 33** of this bill authorize the verification of the signature of these voters by comparing the signature from the special absent ballot or the oath of the voter that must be included in the special absent ballot with that on the original application to register to vote.

Existing law sets forth the period for early voting by personal appearance at a primary or general election, which excludes Sundays and state and

federal holidays. (NRS 293.3568, 293C.3568) **Sections 24 and 34** of this bill provide that state holidays are not excluded from that period.

Section 26 of this bill prohibits a county clerk from posting voting results for a statewide or multicounty race or ballot question until the Secretary of State notifies the county clerk that all polling places are closed and all votes have been cast.

Section 27 of this bill revises the procedure for demands for an election recount in a county or city using a mechanical voting system and for recounts affecting more than one county.

Existing law provides that a person does not gain or lose residence in the State by reason of his or her presence or absence while being employed in the military, naval or civil service of the United States or the State of Nevada or while engaged in the navigation of the waters of the United States or of the high seas. (NRS 293.487) **Section 30** of this bill provides that the spouse of such a person also does not gain or lose residence in the State.

Sections 36.5 and 39.5 of this bill differentiate between "campaign expenses" and "expenditures" for purposes of campaign reporting requirements.

Section 37 of this bill requires certain persons, committees for political action, political parties and committees of political parties that expend more than $100 for the purpose of financing certain public communications to disclose on the communication the name of the person, committee or political party that paid for the communication.

Section 41.5 of this bill prohibits a person from making a contribution to a committee for political action with the knowledge and intent that the committee for political action will contribute that money to a specific candidate which, in combination with the total contributions already made by the person for the same election, would violate the limitations on contributions in existing law.

Section 49 of this bill provides that if a committee for political action fails to register with the Secretary of State before engaging in any activity within the State, the Secretary of State may impose on the committee a civil penalty for each time the committee engages in activity without being registered.

Sections 40, 44, 45, 47, 48, 50-53, 55, 59-62 and 69 of this bill repeal the term "business entity" and remove the term from provisions governing registration and campaign contribution and expenditure reporting. These entities, however, are not exempt from the provisions because they are business organizations included within the term "person" as defined in existing law. (NRS 294A.009)

Section 54 of this bill: (1) prohibits a candidate or public officer from using campaign contributions to pay civil or criminal penalties; and (2) authorizes a candidate or public officer to use campaign contributions to pay

for legal expenses that the candidate or public officer incurred in relation to a campaign or while serving in public office. Any such candidate or public officer is not required to establish a legal defense fund in order to use campaign contributions to pay for legal expenses, but **sections 29, 54, 56, 58, 59, 61 and 62** of this bill require the candidate or public officer to report the expenditure of such money on his or her campaign expenditure reports.

Section 58 of this bill adds contributions made to another candidate, a nonprofit corporation, a committee for political action or a committee for the recall of a public officer to the categories of expenditures that must be reported on campaign expenditure reports.

Section 59.5 of this bill requires the Secretary of State, for the purposes of implementing and administering the election laws, to consider whether organization of or actions taken by a group or entity are for the purpose of avoiding the limitations on campaign contributions.

Section 65 of this bill requires the affidavit executed by a circulator of a petition for initiative or referendum to include the contact information of the circulator and a statement that the circulator is at least 18 years of age.

Sections 65.5 and 66 of this bill: (1) clarify that a candidate for or person appointed to the office of Legislator is required to file a statement of financial disclosure with the Secretary of State; and (2) requires a public officer who leaves office to file a statement of financial disclosure on January 15th of the year immediately following the year in which the public officer leaves office unless the public officer leaves office before January 15 in the prior year.

Sections 67 and 68 of this bill require that candidates for city office in the cities of Carlin and Wells file declarations of candidacy at the same time as candidates for statewide office.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 293 of NRS is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this act.

Sec. 2. *"Central counting place" means the location designated by the county or city clerk for the compilation of election returns.*

Sec. 3. *"Undervote" means a ballot that has been cast by a voter but shows no legally valid selection for any candidate for a particular office or for a ballot question.*

Sec. 4. (Deleted by amendment.)

Sec. 5. NRS 293.010 is hereby amended to read as follows:

293.010 As used in this title, unless the context otherwise requires, the words and terms defined in NRS 293.013 to 293.121, inclusive, ***and sections 2 and 3 of this act*** have the meanings ascribed to them in those sections.

Sec. 6. NRS 293.066 is hereby amended to read as follows:

293.066 "Minor political party" means any organization which ~~[qualifies]~~ ***is organized*** as such pursuant to NRS 293.171.

Sec. 7. NRS 293.127561 is hereby amended to read as follows:

293.127561 1. The Legislature shall establish petition districts from which signatures for a petition for initiative ***or referendum*** that proposes a ~~[statute, an amendment to a statute or an amendment to the Constitution of this State]~~ ***constitutional amendment or statewide measure*** must be gathered. The petition districts must be established in a manner that is fair to all residents of the State, represent approximately equal populations and ensure that each signature is afforded the same weight.

2. Petition districts must be:

(a) Based on the population databases compiled by the Bureau of the Census of the United States Department of Commerce as validated and incorporated into the geographic information system by the Legislative Counsel Bureau for use by the Nevada Legislature.

(b) Designated in the maps filed with the Office of the Secretary of State pursuant to NRS 293.127562.

Sec. 8. NRS 293.127563 is hereby amended to read as follows:

293.127563 1. As soon as practicable after each general election, the Secretary of State shall determine the number of signatures required to be gathered from each petition district within the State for a petition for initiative ***or referendum*** that proposes a ~~[statute, an amendment to a statute or an amendment to the Constitution of this State.]~~ ***constitutional amendment or statewide measure.***

2. To determine the number of signatures required to be gathered from a petition district, the Secretary of State shall calculate the amount that equals 10 percent of the voters who voted in that petition district at the last preceding general election.

Sec. 9. NRS 293.1276 is hereby amended to read as follows:

293.1276 1. Within 4 days, excluding Saturdays, Sundays and holidays, after the submission of a petition containing signatures which are required to be verified pursuant to NRS 293.128, 293.165, 293.172, 293.200, 295.056, 298.109, 306.035 or 306.110, the county clerk shall determine the total number of signatures affixed to the documents and, in the case of a petition for ***initiative or referendum*** proposing a ~~[statute, an amendment to a statute or an amendment to the Constitution,]~~ ***constitutional amendment or statewide measure,*** shall tally the number of signatures for each petition

district contained fully or partially within the county and forward that information to the Secretary of State.

2. If the Secretary of State finds that the total number of signatures filed with all the county clerks is less than 100 percent of the required number of registered voters, the Secretary of State shall so notify the person who submitted the petition and the county clerks and no further action may be taken in regard to the petition. If the petition is a petition to recall a county, district or municipal officer, the Secretary of State shall also notify the officer with whom the petition is to be filed.

3. After the petition is submitted to the county clerk, it must not be handled by any other person except by an employee of the county clerk's office until it is filed with the Secretary of State.

Sec. 10. NRS 293.1277 is hereby amended to read as follows:

293.1277 1. If the Secretary of State finds that the total number of signatures submitted to all the county clerks is 100 percent or more of the number of registered voters needed to declare the petition sufficient, the Secretary of State shall immediately so notify the county clerks. Within 9 days, excluding Saturdays, Sundays and holidays, after notification, each of the county clerks shall determine the number of registered voters who have signed the documents submitted in the county clerk's county and, in the case of a petition ***for initiative or referendum*** proposing a ~~[statute, an amendment to a statute or an amendment to the Constitution,]~~ ***constitutional amendment or statewide measure,*** shall tally the number of signatures for each petition district contained or fully contained within the county clerk's county.

2. If more than 500 names have been signed on the documents submitted to a county clerk, the county clerk shall examine the signatures by sampling them at random for verification. The random sample of signatures to be verified must be drawn in such a manner that every signature which has been submitted to the county clerk is given an equal opportunity to be included in the sample. The sample must include an examination of at least 500 or 5 percent of the signatures, whichever is greater.

3. In determining from the records of registration the number of registered voters who signed the documents, the county clerk may use the signatures contained in the file of applications to register to vote. If the county clerk uses that file, the county clerk shall ensure that every application in the file is examined, including any application in his or her possession which may not yet be entered into the county clerk's records. The county clerk shall rely only on the appearance of the signature and the address and date included with each signature in making his or her determination.

4. In the case of a petition ***for initiative or referendum*** proposing a ~~[statute, an amendment to a statute or an amendment to the Constitution,]~~

constitutional amendment or statewide measure, when the county clerk is determining the number of registered voters who signed the documents from each petition district contained fully or partially within the county clerk's county, he or she must use the statewide voter registration list available pursuant to NRS 293.675.

5. Except as otherwise provided in subsection 7, upon completing the examination, the county clerk shall immediately attach to the documents a certificate properly dated, showing the result of the examination, including the tally of signatures by petition district, if required, and transmit the documents with the certificate to the Secretary of State. ~~[If]~~ ***In the case of a petition for initiative or referendum proposing a constitutional amendment or statewide measure, if*** a petition district comprises more than one county ~~[and the petition proposes a statute, an amendment to a statute or an amendment to the Constitution,]~~ the appropriate county clerks shall comply with the regulations adopted by the Secretary of State pursuant to this section to complete the certificate. A copy of this certificate must be filed in the clerk's office. When the county clerk transmits the certificate to the Secretary of State, the county clerk shall notify the Secretary of State of the number of requests to remove a name received by the county clerk pursuant to NRS 295.055 or 306.015.

6. A person who submits a petition to the county clerk which is required to be verified pursuant to NRS 293.128, 293.165, 293.172, 293.200, 295.056, 298.109, 306.035 or 306.110 must be allowed to witness the verification of the signatures. A public officer who is the subject of a recall petition must also be allowed to witness the verification of the signatures on the petition.

7. For any petition containing signatures which are required to be verified pursuant to the provisions of NRS 293.165, 293.200, 306.035 or 306.110 for any county, district or municipal office within one county, the county clerk shall not transmit to the Secretary of State the documents containing the signatures of the registered voters.

8. The Secretary of State shall by regulation establish further procedures for carrying out the provisions of this section.

Sec. 11. NRS 293.1278 is hereby amended to read as follows:

293.1278 1. If the certificates received by the Secretary of State from all the county clerks establish that the number of valid signatures is less than 90 percent of the required number of registered voters, the petition shall be deemed to have failed to qualify, and the Secretary of State shall immediately so notify the petitioners and the county clerks.

2. If those certificates establish that the number of valid signatures is equal to or more than the sum of 100 percent of the number of registered voters needed to make the petition sufficient plus the total number of requests to remove a name received by the county clerks pursuant to NRS 295.055 or

306.015 and, in the case of a petition ***for initiative or referendum*** proposing a ~~[statute, an amendment to a statute or an amendment to the Constitution,]~~ ***constitutional amendment or statewide measure,*** that the petition has the minimum number of signatures required for each petition district, the petition shall be deemed to qualify as of the date of receipt by the Secretary of State of those certificates, and the Secretary of State shall immediately so notify the petitioners and the county clerks.

3. If the certificates establish that the petitioners have 100 percent or more of the number of registered voters needed to make the petition sufficient but the petition fails to qualify pursuant to subsection 2, each county clerk who received a request to remove a name pursuant to NRS 295.055 or 306.015 shall remove each name as requested, amend the certificate and transmit the amended certificate to the Secretary of State. If the amended certificates establish that the petitioners have 100 percent or more of the number of registered voters needed to make the petition sufficient and, in the case of a petition ***for initiative or referendum*** proposing a ~~[statute, an amendment to a statute or an amendment to the Constitution,]~~ ***constitutional amendment or statewide measure,*** that the petition has the minimum number of signatures required for each petition district, the petition shall be deemed to qualify as of the date of receipt by the Secretary of State of the amended certificates, and the Secretary of State shall immediately so notify the petitioners and the county clerks.

Sec. 12. NRS 293.1279 is hereby amended to read as follows:

293.1279 1. If the statistical sampling shows that the number of valid signatures filed is 90 percent or more, but less than the sum of 100 percent of the number of signatures of registered voters needed to declare the petition sufficient plus the total number of requests to remove a name received by the county clerks pursuant to NRS 295.055 or 306.015, the Secretary of State shall order the county clerks to examine the signatures for verification. The county clerks shall examine the signatures for verification until they determine that 100 percent of the number of signatures of registered voters needed to declare the petition sufficient are valid. If the county clerks received a request to remove a name pursuant to NRS 295.055 or 306.015, the county clerks may not determine that 100 percent of the number of signatures of registered voters needed to declare the petition sufficient are valid until they have removed each name as requested pursuant to NRS 295.055 or 306.015.

2. Except as otherwise provided in this subsection, if the statistical sampling shows that the number of valid signatures filed in any county is 90 percent or more but less than the sum of 100 percent of the number of signatures of registered voters needed to constitute 10 percent of the number of voters who voted at the last preceding general election in that county plus

the total number of requests to remove a name received by the county clerk in that county pursuant to NRS 295.055 or 306.015, the Secretary of State may order the county clerk in that county to examine every signature for verification. If the county clerk received a request to remove a name pursuant to NRS 295.055 or 306.015, the county clerk may not determine that 100 percent or more of the number of signatures of registered voters needed to constitute 10 percent of the number of voters who voted at the last preceding general election in that county are valid until the county clerk has removed each name as requested pursuant to NRS 295.055 or 306.015. In the case of a petition for initiative ***or referendum*** that proposes a ~~[statute, an amendment to a statute or an amendment to the Constitution of this State,]~~ ***constitutional amendment or statewide measure,*** if the statistical sampling shows that the number of valid signatures in any petition district is 90 percent or more but less than the sum of 100 percent of the number of signatures of registered voters required for that petition district pursuant to NRS 295.012 plus the total number of requests to remove a name received by the county clerk or county clerks, if the petition district comprises more than one county, pursuant to NRS 295.055, the Secretary of State may order a county clerk to examine every signature for verification.

3. Within 12 days, excluding Saturdays, Sundays and holidays, after receipt of such an order, the county clerk or county clerks shall determine from the records of registration what number of registered voters have signed the petition and, if appropriate, tally those signatures by petition district. If necessary, the board of county commissioners shall allow the county clerk additional assistants for examining the signatures and provide for their compensation. In determining from the records of registration what number of registered voters have signed the petition and in determining in which petition district the voters reside, the county clerk must use the statewide voter registration list. The county clerk may rely on the appearance of the signature and the address and date included with each signature in determining the number of registered voters that signed the petition.

4. Except as otherwise provided in subsection 5, upon completing the examination, the county clerk or county clerks shall immediately attach to the documents of the petition an amended certificate, properly dated, showing the result of the examination and shall immediately forward the documents with the amended certificate to the Secretary of State. A copy of the amended certificate must be filed in the county clerk's office. In the case of a petition ***for initiative or referendum*** to propose a ~~[statute, an amendment to a statute or an amendment to the Constitution,]~~ ***constitutional amendment or statewide measure,*** if a petition district comprises more than one county, the county clerks shall comply with the regulations adopted by the Secretary of State pursuant to this section to complete the amended certificate.

5. For any petition containing signatures which are required to be verified pursuant to the provisions of NRS 293.165, 293.200, 306.035 or 306.110 for any county, district or municipal office within one county, the county clerk shall not forward to the Secretary of State the documents containing the signatures of the registered voters.

6. Except for a petition to recall a county, district or municipal officer, the petition shall be deemed filed with the Secretary of State as of the date on which the Secretary of State receives certificates from the county clerks showing the petition to be signed by the requisite number of voters of the State.

7. If the amended certificates received from all county clerks by the Secretary of State establish that the petition is still insufficient, the Secretary of State shall immediately so notify the petitioners and the county clerks. If the petition is a petition to recall a county, district or municipal officer, the Secretary of State shall also notify the officer with whom the petition is to be filed.

8. The Secretary of State shall adopt regulations to carry out the provisions of this section.

Sec. 13. NRS 293.165 is hereby amended to read as follows:

293.165 1. Except as otherwise provided in NRS 293.166, a vacancy occurring in a major or minor political party nomination for a partisan office may be filled by a candidate designated by the party central committee of the county or State, as the case may be, of the major political party or by the executive committee of the minor political party subject to the provisions of subsections 4 and 5.

2. A vacancy occurring in a nonpartisan nomination after the close of filing and on or before 5 p.m. of the second Tuesday in April must be filled by filing a nominating petition that is signed by registered voters of the State, county, district or municipality who may vote for the office in question. The number of registered voters who sign the petition must not be less than 1 percent of the number of persons who voted for the office in question in the State, county, district or municipality at the last preceding general election. The petition must be filed not earlier than the first Tuesday in March and not later than the fourth Tuesday in April. The petition may consist of more than one document. Each document must bear the name of one county and must be signed only by a person who is a registered voter of that county and who may vote for the office in question. Each document of the petition must be submitted for verification pursuant to NRS 293.1276 to 293.1279, inclusive, to the county clerk of the county named on the document. A candidate nominated pursuant to the provisions of this subsection:

(a) Must file a declaration of candidacy or acceptance of candidacy and pay the statutory filing fee on or before the date the petition is filed; and

(b) May be elected only at a general election, and the candidate's name must not appear on the ballot for a primary election.

3. A vacancy occurring in a nonpartisan nomination after 5 p.m. of the second Tuesday in April and on or before 5 p.m. on the ~~[first Tuesday after the primary election]~~ ***fourth Friday in June of the year in which the general election is held*** must be filled by the person who receives the next highest vote for the nomination in the primary.

4. No change may be made on the ballot for the general election after 5 p.m. on the ~~[first Tuesday after the primary election.]~~ ***fourth Friday in June of the year in which the general election is held.*** If a nominee dies after that time and date, the nominee's name must remain on the ballot for the general election and, if elected, a vacancy exists.

5. All designations provided for in this section must be filed on or before 5 p.m. on the ~~[first Tuesday after the primary election.]~~ ***fourth Friday in June of the year in which the general election is held.*** In each case, the statutory filing fee must be paid and an acceptance of the designation must be filed on or before 5 p.m. on the date the designation is filed.

Sec. 14. NRS 293.166 is hereby amended to read as follows:

293.166 1. A vacancy occurring in a party nomination for the office of State Senator, Assemblyman or Assemblywoman from a legislative district comprising more than one county may be filled as follows, subject to the provisions of subsections 2 and 3. The county commissioners of each county, all or part of which is included within the legislative district, shall meet to appoint a person who is of the same political party as the former nominee and who actually, as opposed to constructively, resides in the district to fill the vacancy, with the chair of the board of county commissioners of the county whose population residing within the district is the greatest presiding. Each board of county commissioners shall first meet separately and determine the single candidate it will nominate to fill the vacancy. Then, the boards shall meet jointly and the chairs on behalf of the boards shall cast a proportionate number of votes according to the percent, rounded to the nearest whole percent, which the population of its county is of the population of the entire district. Populations must be determined by the last decennial census or special census conducted by the Bureau of the Census of the United States Department of Commerce. The person who receives a plurality of these votes is appointed to fill the vacancy. If no person receives a plurality of the votes, the boards of county commissioners of the respective counties shall each as a group select one candidate, and the nominee must be chosen by drawing lots among the persons so selected.

2. No change may be made on the ballot after the ~~[first Tuesday after the primary election]~~ ***fourth Friday in June*** of the year in which the general

election is held. If a nominee dies after that date, the nominee's name must remain on the ballot and, if elected, a vacancy exists.

3. The designation of a nominee pursuant to this section must be filed with the Secretary of State ***on or*** before 5 p.m. on the ~~[~~first Tuesday after the primary election,~~]~~ ***fourth Friday in June of the year in which the general election is held,*** and the statutory filing fee must be paid with the designation.

Sec. 15. NRS 293.171 is hereby amended to read as follows:

293.171 1. To ~~[~~qualify~~]~~ ***be organized*** as a minor political party, an organization must file with the Secretary of State a certificate of existence which includes the:

(a) Name of the political party;

(b) Names of its officers;

(c) Names of the members of its executive committee; and

(d) Name of the person authorized to file the list of its candidates for partisan office with the Secretary of State.

2. A copy of the constitution or bylaws of the party must be affixed to the certificate.

3. A minor political party shall file with the Secretary of State an amended certificate of existence within 5 days after any change in the information contained in the certificate.

4. The constitution or bylaws of a minor political party must provide a procedure for the nomination of its candidates in such a manner that only one candidate may be nominated for each office.

5. A minor political party whose candidates for partisan office do not appear on the ballot for the general election must file a notice of continued existence with the Secretary of State not later than the second Friday in August preceding the general election.

6. A minor political party which fails to file a notice of continued existence as required by subsection 5 ceases to exist as a minor political party in this State.

Sec. 16. NRS 293.1715 is hereby amended to read as follows:

293.1715 1. The names of the candidates for partisan office of a minor political party must not appear on the ballot for a primary election.

2. The names of the candidates for partisan office of a minor political party must be placed on the ballot for the general election if the ***minor political*** party ~~[~~has~~]~~ ***is qualified. To qualify as a minor political party, the minor political party must have*** filed a certificate of existence and ***be organized pursuant to NRS 293.171, must have filed*** a list of its candidates for partisan office pursuant to the provisions of NRS 293.1725 with the Secretary of State and:

(a) At the last preceding general election, the minor political party ***must have*** polled for any of its candidates for partisan office a number of votes equal to or more than 1 percent of the total number of votes cast for the offices of Representative in Congress;

(b) On January 1 preceding a primary election, the minor political party ~~[~~has~~]~~ ***must have*** been designated as the political party on the applications to register to vote of at least 1 percent of the total number of registered voters in this State; or

(c) Not later than the ~~[~~second~~]~~ ***third*** Friday in ~~[~~June~~]~~ ***May*** preceding the general election, ~~[~~files~~]~~ ***must file*** a petition with the Secretary of State which is signed by a number of registered voters equal to at least 1 percent of the total number of votes cast at the last preceding general election for the offices of Representative in Congress.

3. ~~[~~The name of a candidate for partisan office for a minor political party other than a candidate for the office of President or Vice President of the United States must be placed on the ballot for the general election if the party has filed:

(a) A certificate of existence;

(b) A list of candidates for partisan office containing the name of the candidate pursuant to the provisions of NRS 293.1725 with the Secretary of State; and

(c) Not earlier than the first Monday in March preceding the general election and not later than 5 p.m. on the second Friday after the first Monday in March, a petition on behalf of the candidate with the Secretary of State containing not less than:

(1) Two hundred fifty signatures of registered voters if the candidate is to be nominated for a statewide office; or

(2) One hundred signatures of registered voters if the candidate is to be nominated for any office except a statewide office.

➥ A minor political party that places names of one or more candidates for partisan office on the ballot pursuant to this subsection may also place the names of one or more candidates for partisan office on the ballot pursuant to subsection 2.~~]~~

~~[~~4.~~]~~ The name of only one candidate of each minor political party for each partisan office may appear on the ballot for a general election.

~~[~~5.~~]~~ ***4.*** A minor political party must file a copy of the petition required by paragraph (c) of subsection 2 ~~[~~or paragraph (c) of subsection 3~~]~~ with the Secretary of State before the petition may be circulated for signatures.

Sec. 16.2. NRS 293.172 is hereby amended to read as follows:

293.172 1. A petition filed pursuant to subsection 2 ~~[~~or 3~~]~~ of NRS 293.1715 may consist of more than one document. Each document of the petition must:

(a) Bear the name of the minor political party and, if applicable, the candidate and office to which the candidate is to be nominated.

(b) Include the affidavit of the person who circulated the document verifying that the signers are registered voters in this State according to his or her best information and belief and that the signatures are genuine and were signed in his or her presence.

(c) Bear the name of a county and be submitted to the county clerk of that county for verification in the manner prescribed in NRS 293.1276 to 293.1279, inclusive, not later than 25 working days before the last day to file the petition. A challenge to the form of a document must be made in a district court in the county that is named on the document.

(d) Be signed only by registered voters of the county that is named on the document.

2. If the office to which the candidate is to be nominated is a county office, only the registered voters of that county may sign the petition. If the office to which the candidate is to be nominated is a district office, only the registered voters of that district may sign the petition.

3. Each person who signs a petition shall also provide the address of the place where he or she resides, the date that he or she signs and the name of the county in which he or she is registered to vote.

4. The county clerk shall not disqualify the signature of a voter who failed to provide all the information required by subsection 3 if the voter is registered in the county named on the document.

Sec. 16.4. NRS 293.1725 is hereby amended to read as follows:

293.1725 1. Except as otherwise provided in subsection 4, a minor political party that wishes to place its candidates for partisan office on the ballot for a general election and:

(a) Is entitled to do so pursuant to paragraph (a) or (b) of subsection 2 of NRS 293.1715; ***or***

(b) Files or will file a petition pursuant to paragraph (c) of subsection 2 of NRS 293.1715 **,** **[**~~, or~~

~~(c) Whose candidates are entitled to appear on the ballot pursuant to subsection 3 of NRS 293.1715,~~**]**

➥ must file with the Secretary of State a list of its candidates for partisan office not earlier than the first Monday in March preceding the election nor later than 5 p.m. on the second Friday after the first Monday in March. The list must be signed by the person so authorized in the certificate of existence of the minor political party before a notary public or other person authorized to take acknowledgments. **[**~~The Secretary of State shall strike from the list each candidate who is not entitled to appear on the ballot pursuant to subsection 3 of NRS 293.1715 if the minor political party is not entitled to place candidates on the ballot pursuant to subsection 2 of NRS 293.1715.~~**]**

The list may be amended not later than 5 p.m. on the second Friday after the first Monday in March.

2. The Secretary of State shall immediately forward a certified copy of the list of candidates for partisan office of each minor political party to the filing officer with whom each candidate must file his or her declaration of candidacy.

3. Each candidate on the list must file his or her declaration of candidacy with the appropriate filing officer and pay the fee required by NRS 293.193 not earlier than the date on which the list of candidates for partisan office of the minor political party is filed with the Secretary of State nor later than 5 p.m. on the second Friday after the first Monday in March.

4. A minor political party that wishes to place candidates for the offices of President and Vice President of the United States on the ballot and has qualified to place the names of its candidates for partisan office on the ballot for the general election pursuant to subsection 2 of NRS 293.1715 must file with the Secretary of State a certificate of nomination for these offices not later than the first Tuesday in September.

Sec. 17. NRS 293.174 is hereby amended to read as follows:

293.174 ~~[1.]~~ If the qualification of a minor political party ***to place the names of candidates on the ballot pursuant to NRS 293.1715*** is challenged, all affidavits and documents in support of the challenge must be filed not later than 5 p.m. on the third Friday in June. Any judicial proceeding resulting from the challenge must be set for hearing not more than 5 days after the third Friday in June. A challenge pursuant to this ~~[subsection]~~ ***section*** must be filed with the First Judicial District Court if the petition was filed with the Secretary of State.

~~[2. If the qualification of a candidate of a minor political party other than a candidate for the office of President or Vice President of the United States is challenged, all affidavits and documents in support of the challenge must be filed not later than 5 p.m. on the fourth Monday in March. Any judicial proceeding resulting from the challenge must be set for hearing not more than 5 days after the fourth Monday in March. A challenge pursuant to this subsection must be filed with:~~

~~(a) The First Judicial District Court; or~~

~~(b) If a candidate who filed a declaration of candidacy with a county clerk is challenged, the district court for the county where the declaration of candidacy was filed.]~~

Sec. 18. NRS 293.176 is hereby amended to read as follows:

293.176 1. Except as otherwise provided in subsection 2, no person may be a candidate of a major political party for partisan office in any election if the person has changed:

(a) The designation of his or her political party affiliation; or

(b) His or her designation of political party from nonpartisan to a designation of a political party affiliation,

➥ on an application to register to vote in the State of Nevada or in any other state during the time beginning on December 31 preceding the closing filing date for that election and ending on the date of that election whether or not the person's previous registration was still effective at the time of the change in party designation.

2. The provisions of subsection 1 do not apply to any person who is a candidate of a political party that ~~[was]~~ ***is*** not ~~[qualified]~~ ***organized*** pursuant to NRS 293.171 on the December 31 next preceding the closing filing date for the election.

Sec. 19. NRS 293.184 is hereby amended to read as follows:

293.184 ***1.*** In addition to any other penalty provided by law, if a person ~~[knowingly and]~~ willfully files a declaration of candidacy or acceptance of candidacy ~~[which]~~ ***knowing that the declaration of candidacy or acceptance of candidacy*** contains a false statement:

~~[1. The]~~

(a) Except as otherwise provided in NRS 293.165 and 293.166, the name of the person must not appear on any ballot for the election for which the person filed the declaration of candidacy or acceptance of candidacy; and

~~[2.]~~ ***(b)*** The person is disqualified from entering upon the duties of the office for which he or she was a candidate.

2. If the name of a person who is disqualified from entering upon the duties of an office pursuant to subsection 1 appears on a ballot for the election is disqualified because the deadline set forth in NRS 293.165 and 293.166 for making changes to the ballot has passed, the Secretary of State and county clerk must post a sign at each polling place where the person's name will appear on the ballot informing voters that the person is disqualified from entering upon the duties of office.

Sec. 20. (Deleted by amendment.)

Sec. 21. NRS 293.257 is hereby amended to read as follows:

293.257 1. There must be a separate primary ballot for each major political party. The names of candidates for partisan offices who have designated a major political party in the declaration of candidacy or acceptance of candidacy must appear on the primary ballot of the major political party designated.

2. The county clerk may choose to place the names of candidates for nonpartisan offices on the ballots for each major political party or on a separate nonpartisan primary ballot, but the arrangement which the county clerk selects must permit all registered voters to vote on them.

3. A registered voter may cast a primary ballot for a major political party at a primary election only if the registered voter designated on his or

her application to register to vote an affiliation with that major political party.

Sec. 22. (Deleted by amendment.)

Sec. 23. NRS 293.333 is hereby amended to read as follows:

293.333 On the day of an election, the precinct or district election boards receiving the absent voters' ballots from the county clerk shall, in the presence of a majority of the election board officers, remove the ballots from the ballot box and the containers in which the ballots were transported pursuant to NRS 293.325 and deposit the ballots in the regular ballot box in the following manner:

1. The name of the voter, as shown on the return envelope **,** ~~[or]~~ facsimile, ***special absent ballot or oath of the voter required pursuant to NRS 293.3157, as applicable,*** must be called and checked as if the voter were voting in person;

2. The signature on the back of the return envelope or on the facsimile **,** ***special absent ballot or oath of the voter required pursuant to NRS 293.3157, as applicable,*** must be compared with that on the original application to register to vote;

3. If the board determines that the absent voter is entitled to cast a ballot, the envelope must be opened, the numbers on the ballot and envelope compared, the number strip or stub detached from the ballot and, if the numbers are the same, the ballot deposited in the regular ballot box; and

4. The election board officers shall mark in the roster opposite the name of the voter the word "Voted."

Sec. 24. NRS 293.3568 is hereby amended to read as follows:

293.3568 1. The period for early voting by personal appearance begins the third Saturday preceding a primary or general election and extends through the Friday before election day, Sundays and ***federal*** holidays excepted.

2. The county clerk may:

(a) Include any Sunday or ***federal*** holiday that falls within the period for early voting by personal appearance.

(b) Require a permanent polling place for early voting to remain open until 8 p.m. on any Saturday that falls within the period for early voting.

3. A permanent polling place for early voting must remain open:

(a) On Monday through Friday:

(1) During the first week of early voting, from 8 a.m. until 6 p.m.

(2) During the second week of early voting, from 8 a.m. until 6 p.m., or until 8 p.m. if the county clerk so requires.

(b) On any Saturday that falls within the period for early voting, for at least 4 hours between 10 a.m. and 6 p.m.

(c) If the county clerk includes a Sunday that falls within the period for early voting pursuant to subsection 2, during such hours as the county clerk may establish.

Sec. 25. NRS 293.368 is hereby amended to read as follows:

293.368 1. Whenever a candidate whose name appears upon the ballot at a primary election dies after 5 p.m. of the second Tuesday in April, the deceased candidate's name must remain on the ballot and the votes cast for the deceased candidate must be counted in determining the nomination for the office for which the decedent was a candidate.

2. If the deceased candidate on the ballot at the primary election receives the number of votes required to receive the nomination to the office for which he or she was a candidate, except as otherwise provided in subsection 3 of NRS 293.165, the deceased candidate shall be deemed nominated and the vacancy in the nomination must be filled as provided in NRS 293.165 or 293.166. If the deceased person was a candidate for a nonpartisan office, the nomination must be filled pursuant to subsection 2 of NRS 293.165.

3. Whenever a candidate whose name appears upon the ballot at a general election dies after 5 p.m. on the ~~[first Tuesday after the primary election,]~~ ***fourth Friday in June of the year in which the general election is held,*** the votes cast for the deceased candidate must be counted in determining the results of the election for the office for which the decedent was a candidate.

4. If the deceased candidate on the ballot at the general election receives the majority of the votes cast for the office, the deceased candidate shall be deemed elected and the office to which he or she was elected shall be deemed vacant at the beginning of the term for which he or she was elected. The vacancy thus created must be filled in the same manner as if the candidate had died after taking office for that term.

Sec. 26. NRS 293.383 is hereby amended to read as follows:

293.383 1. Except as otherwise provided in ~~[subsection 2,]~~ ***this section,*** each counting board, before it adjourns, shall post a copy of the voting results in a conspicuous place on the outside of the place where the votes were counted.

2. ~~[When]~~ ***Except as otherwise provided in subsection 3, when*** votes are cast on ballots which are mechanically or electronically tabulated in accordance with the provisions of chapter 293B of NRS, the county clerk shall, as soon as possible, post copies of the tabulated voting results in a conspicuous place on the outside of the counting facility or courthouse.

3. ***The Secretary of State shall notify each county clerk as soon as is reasonably practicable when every polling place is closed and all votes have been cast. A county clerk shall not post copies of the tabulated voting results for a statewide or multicounty race or ballot question until the***

county clerk has received notification from the Secretary of State that all polling places are closed and all votes have been cast.

4. Each copy of the voting results posted in accordance with subsections 1 **,** ~~[and]~~ 2 ***and 3*** must set forth the accumulative total of all the votes cast within the county or other political subdivision conducting the election and must be signed by the members of the counting board or the computer program and processing accuracy board.

Sec. 27. NRS 293.404 is hereby amended to read as follows:

293.404 1. Where a recount is demanded pursuant to the provisions of NRS 293.403, the:

(a) County clerk of each county affected by the recount shall employ a recount board to conduct the recount in the county, and shall act as chair of the recount board unless the recount is for the office of county clerk, in which case the registrar of voters of the county, if a registrar of voters has been appointed for the county, shall act as chair of the recount board. If a registrar of voters has not been appointed for the county, the chair of the board of county commissioners, if the chair is not a candidate on the ballot, shall act as chair of the recount board. If the recount is for the office of county clerk, a registrar of voters has not been appointed for the county and the chair of the board of county commissioners is a candidate on the ballot, the chair of the board of county commissioners shall appoint another member of the board of county commissioners who is not a candidate on the ballot to act as chair of the recount board. A member of the board of county commissioners who is a candidate on the ballot may not serve as a member of the recount board.

(b) City clerk shall employ a recount board to conduct the recount in the city, and shall act as chair of the recount board unless the recount is for the office of city clerk, in which case the mayor of the city, if the mayor is not a candidate on the ballot, shall act as chair of the recount board. If the recount is for the office of city clerk and the mayor of the city is a candidate on the ballot, the mayor of the city shall appoint another member of the city council who is not a candidate on the ballot to act as chair of the recount board. A member of the city council who is a candidate on the ballot may not serve as a member of the recount board.

2. Each candidate for the office affected by the recount and the voter who demanded the recount, if any, may be present in person or by an authorized representative, but may not be a member of the recount board.

3. Except in counties or cities using a mechanical voting system, the recount must include a count and inspection of all ballots, including rejected ballots, and must determine whether those ballots are marked as required by law.

4. If a recount is demanded in a county or city using a mechanical voting system, the person who demanded the recount shall select the ballots for the office or ballot question affected from 5 ~~[.]~~ percent of the ***total number of*** precincts ~~[,]~~ ***for that particular office or ballot question,*** but in no case fewer than three precincts, after notification to each candidate for the office or the candidate's authorized representative.

5. The recount board shall examine the selected ballots, including any duplicate or rejected ballots, shall determine whether the ballots have been voted in accordance with this title and shall ~~[count]~~ ***recount*** the valid ballots ~~[by hand. In addition, a recount by computer must be made of all the selected ballots.]~~ ***in the same manner in which the ballots were originally tabulated.*** If the ~~[count by hand or the]~~ recount ~~[by computer]~~ of the selected ballots ***for all 5 percent of the precincts selected*** shows a ***total combined*** discrepancy ***of all precincts selected*** equal to or greater than 1 percent or five votes, whichever is greater, for the candidate demanding the recount or the candidate who won the election according to the original canvass of the returns, or in favor of or against a ballot question, according to the original canvass of the returns, the county or city clerk ***, as applicable,*** shall ***determine whether the person who demanded the recount is entitled to a recount and, if so, shall*** order a ~~[count by hand]~~ ***recount*** of all the ballots for that office or ballot question. ~~[Otherwise, the county or city clerk shall order a recount by computer of all the ballots for all candidates for the office or all the ballots for the ballot question.]~~

~~[5.]~~ ***6.*** The county or city clerk shall unseal and give to the recount board all ballots to be counted.

~~[6.]~~ ***7.*** In the case of a demand for a recount affecting more than one county, ***including, without limitation, a statewide office or a ballot question,*** the demand must be made to the Secretary of State ***. The person*** who ***demanded the recount shall select the ballots for the statewide office or ballot question affected from 5 percent of the total number of precincts for that particular office or ballot question after notification to each candidate for the office or the candidate's representative. The Secretary of State*** shall notify the county clerks ~~[to proceed with the recount.]~~ ***of the 5 percent of statewide precincts selected by the person who demanded the recount to examine the ballots in accordance with the provisions of this section and to notify the Secretary of State of the results of the recount in their respective precincts. If the separate examinations, when combined, show a total discrepancy equal to or greater than 1 percent for the candidate demanding the recount or the candidate who won the election, according to the original canvass of the returns, or in favor of or against a ballot question, according to the original canvass of the returns, the Secretary of State shall determine whether the person who demanded the***

recount is entitled to a recount and, if so, shall order the county or city clerk, as applicable, to recount all the ballots for that office or ballot question.

8. The Secretary of State may adopt regulations to carry out the provisions of this section.

Sec. 28. (Deleted by amendment.)

Sec. 29. NRS 293.4687 is hereby amended to read as follows:

293.4687 1. The Secretary of State shall maintain a website on the Internet for public information maintained, collected or compiled by the Secretary of State that relates to elections, which must include, without limitation:

(a) The Voters' Bill of Rights required to be posted on the Secretary of State's Internet website pursuant to the provisions of NRS 293.2549;

(b) The abstract of votes required to be posted on a website pursuant to the provisions of NRS 293.388;

(c) A current list of the registered voters in this State that also indicates the petition district in which each registered voter resides;

(d) A map or maps indicating the boundaries of each petition district; and

(e) All reports on campaign contributions and expenditures submitted to the Secretary of State pursuant to the provisions of NRS 294A.120, 294A.125, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220, 294A.270, 294A.280, 294A.283, 294A.360 and 294A.362 and all reports on contributions received by and expenditures made from a legal defense fund ***or used to pay for legal expenses*** submitted to the Secretary of State pursuant to NRS 294A.286.

2. The abstract of votes required to be maintained on the website pursuant to paragraph (b) of subsection 1 must be maintained in such a format as to permit the searching of the abstract of votes for specific information.

3. If the information required to be maintained by the Secretary of State pursuant to subsection 1 may be obtained by the public from a website on the Internet maintained by a county clerk or city clerk, the Secretary of State may provide a hyperlink to that website to comply with the provisions of subsection 1 with regard to that information.

Sec. 30. NRS 293.487 is hereby amended to read as follows:

293.487 No person may gain or lose residence by reason of his or her presence or absence while ~~[~~employed~~]~~ ***:***

1. Employed in the military, naval or civil service of the United States or of the State of Nevada, or while engaged in the navigation of the waters of the United States or of the high seas ~~[~~, or while a~~]~~ ***or while married to another person who is so employed or engaged;***

2. ***A*** student at any seminary or other institution of learning ~~[, or while an]~~ ***; or***

3. ***An*** inmate of any public institution.

Sec. 31. (Deleted by amendment.)

Sec. 32. NRS 293C.1865 is hereby amended to read as follows:

293C.1865 ***1.*** In addition to any other penalty provided by law, if a person ~~[knowingly and]~~ willfully files a declaration of candidacy or acceptance of candidacy ~~[which]~~ ***knowing that the declaration of candidacy or acceptance of candidacy*** contains a false statement:

~~[1. The]~~

(a) Except as otherwise provided in NRS 293.165 or 293.166, the name of the person must not appear on any ballot for the election for which the person filed the declaration of candidacy or acceptance of candidacy; and

~~[2.]~~ ***(b)*** The person is disqualified from entering upon the duties of the office for which he or she was a candidate.

2. If the name of a person who is disqualified from entering upon the duties of an office pursuant to subsection 1 appears on a ballot for the election is disqualified because the deadline set forth in NRS 293.165 and 293.166 for making changes to the ballot has passed, the Secretary of State and city clerk must post a sign at each polling place where the person's name will appear on the ballot informing voters that the person is disqualified from entering upon the duties of office.

Sec. 33. NRS 293C.332 is hereby amended to read as follows:

293C.332 On the day of an election, the precinct or district election boards receiving the absent voters' ballots from the city clerk shall, in the presence of a majority of the election board officers, remove the ballots from the ballot box and the containers in which the ballots were transported pursuant to NRS 293C.325 and deposit the ballots in the regular ballot box in the following manner:

1. The name of the voter, as shown on the return envelope ***,*** ~~[or]~~ facsimile, ***special absent ballot or oath of the voter required pursuant to NRS 293.3157, as applicable,*** must be called and checked as if the voter were voting in person;

2. The signature on the back of the return envelope or on the facsimile ***, special absent ballot or oath of the voter required pursuant to NRS 293.3157, as applicable,*** must be compared with that on the original application to register to vote;

3. If the board determines that the absent voter is entitled to cast a ballot, the envelope must be opened, the numbers on the ballot and envelope compared, the number strip or stub detached from the ballot and, if the numbers are the same, the ballot deposited in the regular ballot box; and

4. The election board officers shall mark in the roster opposite the name of the voter the word "Voted."

Sec. 34. NRS 293C.3568 is hereby amended to read as follows:

293C.3568 1. The period for early voting by personal appearance begins the third Saturday preceding a primary city election or general city election, and extends through the Friday before election day, Sundays and ***federal*** holidays excepted.

2. The city clerk may:

(a) Include any Sunday or ***federal*** holiday that falls within the period for early voting by personal appearance.

(b) Require a permanent polling place for early voting to remain open until 8 p.m. on any Saturday that falls within the period for early voting.

3. A permanent polling place for early voting must remain open:

(a) On Monday through Friday:

(1) During the first week of early voting, from 8 a.m. until 6 p.m.

(2) During the second week of early voting, from 8 a.m. until 6 p.m., or until 8 p.m. if the city clerk so requires.

(b) On any Saturday that falls within the period for early voting, for at least 4 hours between 10 a.m. and 6 p.m.

(c) If the city clerk includes a Sunday that falls within the period for early voting pursuant to subsection 2, during such hours as the city clerk may establish.

Sec. 35. Chapter 294A of NRS is hereby amended by adding thereto the provisions set forth as sections 36 to 38, inclusive, of this act.

Sec. 36. ***"Advocates expressly" or "expressly advocates" means that a communication, taken as a whole, is susceptible to no other reasonable interpretation other than as an appeal to vote for or against a clearly identified candidate or group or candidates or a question or group of questions on the ballot at a primary election, primary city election, general election, general city election or special election. A communication does not have to include the words "vote for," "vote against," "elect," "support" or other similar language to be considered a communication that expressly advocates the passage or defeat of a candidate or a question.***

Sec. 36.5. ***"Campaign expenses" means:***

1. All expenses incurred by a candidate for a campaign, including, without limitation:

(a) Office expenses;

(b) Expenses related to volunteers;

(c) Expenses related to travel;

(d) Expenses related to advertising;

(e) Expenses related to paid staff;

(f) Expenses related to consultants;

(g) Expenses related to polling;

(h) Expenses related to special events;

(i) Expenses related to a legal defense fund; and

(j) Contributions made to another candidate, a nonprofit corporation that is registered or required to be registered pursuant to NRS 294A.225, a committee for political action that is registered or required to be registered pursuant to NRS 294A.230 or a committee for the recall of a public officer that is registered or required to be registered pursuant to NRS 294A.250.

2. Expenditures, as defined in NRS 294A.004.

Sec. 37. *1. A person, committee for political action, political party or committee sponsored by a political party that expends more than $100 for the purpose of financing a communication through any television or radio broadcast, newspaper, magazine, outdoor advertising facility, mailing or any other type of general public political advertising that:*

(a) Advocates expressly the election or defeat of a clearly identified candidate or group of candidates; or

(b) Solicits a contribution through any television or radio broadcast, newspaper, magazine, outdoor advertising facility, mailing or any other type of general public political advertising,

➥ shall disclose on the communication the name of the person, committee for political action, political party or committee sponsored by a political party that paid for the communication.

2. If a communication described in subsection 1 is approved by a candidate, in addition to the requirements of subsection 1, the communication must state that the candidate approved the communication and disclose the street address, telephone number and Internet address, if any, of the person, committee for political action, political party or committee sponsored by a political party that paid for the communication.

3. A person, committee for political action, political party or committee sponsored by a political party that has an Internet website available for viewing by the general public or that sends out an electronic mailing to more than 500 people that:

(a) Advocates expressly the election or defeat of a clearly identified candidate or group of candidates; or

(b) Solicits a contribution through any television or radio broadcast, newspaper, magazine, outdoor advertising facility, mailing or any other type of general public political advertising,

➥ shall disclose on the Internet website or electronic mailing, as applicable, the name of the person, committee for political action, political party or committee sponsored by a political party.

4. The disclosures and statements required pursuant to this section must be clear and conspicuous, and easy to read or hear, as applicable.

Sec. 38. (Deleted by amendment.)

Sec. 39. NRS 294A.002 is hereby amended to read as follows:

294A.002 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS ~~[~~294A.003~~]~~ ***294A.004*** to 294A.009, inclusive, ***and sections 36 and 36.5 of this act*** have the meanings ascribed to them in those sections.

Sec. 39.5. NRS 294A.004 is hereby amended to read as follows:

294A.004 ~~[~~"Campaign expenses" and "expenditures" mean:~~]~~ ***"Expenditures" means:***

1. Those expenditures made for advertising on television, radio, billboards, posters and in newspapers; and

2. All other expenditures made,

➥ to advocate expressly the election or defeat of a clearly identified candidate or group of candidates or the passage or defeat of a clearly identified question or group of questions on the ballot, including any payments made to a candidate or any person who is related to the candidate within the second degree of consanguinity or affinity.

Sec. 40. NRS 294A.007 is hereby amended to read as follows:

294A.007 1. "Contribution" means a gift, loan, conveyance, deposit, payment, transfer or distribution of money or of anything of value other than the services of a volunteer, and includes:

(a) The payment by any person, other than a candidate, of compensation for the personal services of another person which are rendered to a:

(1) Candidate;

(2) Person who is not under the direction or control of a candidate or group of candidates or of any person involved in the campaign of the candidate or group who makes an expenditure on behalf of the candidate or group which is not solicited or approved by the candidate or group;

(3) Committee for political action, political party ~~[,]~~ ***or*** committee sponsored by a political party ~~[or business entity]~~ which makes an expenditure on behalf of a candidate or group of candidates; or

(4) Person or group of persons organized formally or informally ~~[, including a business entity,]~~ who advocates the passage or defeat of a question or group of questions on the ballot,

➥ without charge to the candidate, person, committee or political party.

(b) The value of services provided in kind for which money would have otherwise been paid, such as paid polling and resulting data, paid direct mail, paid solicitation by telephone, any paid paraphernalia that was printed or otherwise produced to promote a campaign and the use of paid personnel to assist in a campaign.

2. As used in this section, "volunteer" means a person who does not receive compensation of any kind, directly or indirectly, for the services provided to a campaign.

Sec. 41. (Deleted by amendment.)

Sec. 41.5. NRS 294A.112 is hereby amended to read as follows:

294A.112 1. A person shall not:

(a) Make a contribution in the name of another person;

(b) Knowingly allow his or her name to be used to cause a contribution to be made in the name of another person or assist in the making of a contribution in the name of another person;

(c) Knowingly assist a person to make a contribution in the name of another person; ~~[or]~~

(d) Knowingly accept a contribution made by a person in the name of another person ~~[.]~~ ***; or***

(e) Make a contribution to a committee for political action with the knowledge and intent that the committee for political action will contribute that money to a specific candidate which, in combination with the total contributions already made by the person for the same election, would violate the limitations on contributions set forth in this chapter.

2. As used in this section, "make a contribution in the name of another person" includes, without limitation:

(a) Giving money or an item of value, all or part of which was provided ***or reimbursed to the contributor*** by another person, without disclosing the source of the money or item of value to the recipient at the time the contribution is made; and

(b) Giving money or an item of value, all or part of which belongs to the person who is giving the money or item of value, and claiming that the money or item of value belongs to another person.

Sec. 42. (Deleted by amendment.)

Sec. 43. (Deleted by amendment.)

Sec. 44. NRS 294A.140 is hereby amended to read as follows:

294A.140 1. Every person who is not under the direction or control of a candidate for office at a primary election, primary city election, general election or general city election, of a group of such candidates or of any person involved in the campaign of that candidate or group who makes an expenditure on behalf of the candidate or group which is not solicited or approved by the candidate or group, and every committee for political action, political party ~~[,]~~ ***and*** committee sponsored by a political party ~~[and business entity]~~ which ***receives contributions in excess of $100 or*** makes an expenditure on behalf of such a candidate or group of candidates shall, not later than January 15 of each year that the provisions of this subsection apply to the person, committee ~~[,]~~ ***or*** political party ***,*** ~~[or business entity,]~~ for the

period from January 1 of the previous year through December 31 of the previous year, report each campaign contribution in excess of $100 received during the period and contributions received during the period from a contributor which cumulatively exceed $100. The provisions of this subsection apply to the person, committee ~~[,]~~ ***or*** political party ~~[or business entity]~~ beginning the year of the general election or general city election for that office through the year immediately preceding the next general election or general city election for that office.

2. Every person, committee ~~[,]~~ ***or*** political party ~~[or business entity]~~ described in subsection 1 which makes an expenditure on behalf of the candidate for office at a primary election, primary city election, general election or general city election or on behalf of a group of such candidates shall, if the general election or general city election for the office for which the candidate or a candidate in the group of candidates seeks election is held on or after January 1 and before the July 1 immediately following that January 1, not later than:

(a) Seven days before the primary election or primary city election for that office, for the period from the January 1 immediately preceding the primary election or primary city election through 12 days before the primary election or primary city election;

(b) Seven days before the general election or general city election for that office, for the period from 11 days before the primary election or primary city election through 12 days before the general election or general city election; and

(c) July 15 of the year of the general election or general city election for that office, for the period from 11 days before the general election or general city election through June 30 of that year,

➥ report each campaign contribution in excess of $100 received during the period and contributions received during the period from a contributor which cumulatively exceed $100. The report must be completed on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the committee ~~[,]~~ ***or*** political party ~~[or business entity]~~ under penalty of perjury.

3. The name and address of the contributor and the date on which the contribution was received must be included on the report for each contribution in excess of $100 and contributions which a contributor has made cumulatively in excess of $100 since the beginning of the current reporting period.

4. Every person, committee ~~[,]~~ ***or*** political party ~~[or business entity]~~ described in subsection 1 which makes an expenditure on behalf of a candidate for office at a primary election, primary city election, general election or general city election or on behalf of a group of such candidates

shall, if the general election or general city election for the office for which the candidate or a candidate in the group of candidates seeks election is held on or after July 1 and before the January 1 immediately following that July 1, not later than:

(a) Seven days before the primary election or primary city election for that office, for the period from the January 1 immediately preceding the primary election or primary city election through 12 days before the primary election or primary city election; and

(b) Seven days before the general election or general city election for that office, for the period from 11 days before the primary election or primary city election through 12 days before the general election or general city election,

➥ report each campaign contribution in excess of $100 received during the period and contributions received during the period from a contributor which cumulatively exceed $100. The report must be completed on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the committee ~~[,]~~ ***or*** political party ~~[or business entity]~~ under penalty of perjury.

5. Except as otherwise provided in subsection 6, every person, committee ~~[,]~~ ***or*** political party ~~[or business entity]~~ described in subsection 1 which makes an expenditure on behalf of a candidate for office at a special election or on behalf of a group of such candidates shall, not later than:

(a) Seven days before the special election for the office for which the candidate or a candidate in the group of candidates seeks election, for the period from the nomination of the candidate through 12 days before the special election; and

(b) Thirty days after the special election, for the remaining period through the special election,

➥ report each campaign contribution in excess of $100 received during the period and contributions received during the period from a contributor which cumulatively exceed $100. The report must be completed on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the committee ~~[,]~~ ***or*** political party ~~[or business entity]~~ under penalty of perjury.

6. Every person, committee ~~[,]~~ ***or*** political party ~~[or business entity]~~ described in subsection 1 which makes an expenditure on behalf of a candidate for office at a special election to determine whether a public officer will be recalled or on behalf of a group of candidates for offices at such special elections shall report each contribution in excess of $100 received during the period and contributions received during the period from a contributor which cumulatively exceed $100. The report must be completed on the form designed and provided by the Secretary of State pursuant to NRS

294A.373 and signed by the person or a representative of the committee ~~[,]~~ ***or*** political party ~~[or business entity]~~ under penalty of perjury, 30 days after:

(a) The special election, for the period from the filing of the notice of intent to circulate the petition for recall through the special election; or

(b) If the special election is not held because a district court determines that the petition for recall is legally insufficient pursuant to subsection 6 of NRS 306.040, for the period from the filing of the notice of intent to circulate the petition for recall through the date of the district court's decision.

7. The reports of contributions required pursuant to this section must be filed with:

(a) If the candidate is elected from one county, the county clerk of that county;

(b) If the candidate is elected from one city, the city clerk of that city; or

(c) If the candidate is elected from more than one county or city, the Secretary of State.

8. A person ~~[or entity]~~ ***, committee or political party*** may file the report with the appropriate officer by regular mail, certified mail, facsimile machine or electronic means. A report shall be deemed to be filed with the officer :

(a) On the date that it was mailed if it was sent by certified mail; or

(b) On the date that it was received by the officer if the report was sent by regular mail, transmitted by facsimile machine or electronic means, or delivered personally.

9. Each county clerk or city clerk who receives a report pursuant to this section shall file a copy of the report with the Secretary of State within 10 working days after receiving the report.

10. Every person, committee ~~[,]~~ ***or*** political party ~~[or business entity]~~ described in subsection 1 shall file a report required by this section even if the person, committee ~~[,]~~ ***or*** political party ~~[or business entity]~~ receives no contributions.

Sec. 45. NRS 294A.150 is hereby amended to read as follows:

294A.150 1. Except as otherwise provided in NRS 294A.283, every person or group of persons organized formally or informally ~~[, including a business entity,]~~ who advocates the passage or defeat of a question or group of questions on the ballot at a primary election, primary city election, general election or general city election and who receives or expends money in an amount in excess of $10,000 to advocate the passage or defeat of such question or group of questions shall, not later than January 15 of each year that the provisions of this subsection apply to the person ~~[,]~~ ***or*** group of persons ***,*** ~~[or business entity,]~~ for the period from January 1 of the previous year through December 31 of the previous year, report each campaign contribution in excess of $1,000 received during that period and contributions received during the period from a contributor which

cumulatively exceed $1,000. The report must be completed on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the group ~~[or business entity]~~ under penalty of perjury. The provisions of this subsection apply to the person ~~[,]~~ ***or*** group of persons ***:*** ~~[or business entity:]~~

(a) Each year in which:

(1) An election or city election is held for each question for which the person ~~[,]~~ ***or*** group of persons ~~[or business entity]~~ advocates passage or defeat; or

(2) A person ~~[,]~~ ***or*** group of persons ~~[or business entity]~~ receives or expends money in excess of $10,000 to advocate the passage or defeat of a question or group of questions on the ballot at a primary election, primary city election, general election or general city election; and

(b) The year after each year described in paragraph (a).

2. If a question is on the ballot at a primary election or primary city election and the general election or general city election immediately following that primary election or primary city election is held on or after January 1 and before the July 1 immediately following that January 1, every person or group of persons organized formally or informally ~~[, including a business entity,]~~ who advocates the passage or defeat of the question or a group of questions that includes the question and who receives or expends money in an amount in excess of $10,000 to advocate the passage or defeat of such question or group of questions shall comply with the requirements of this subsection. If a question is on the ballot at a general election or general city election held on or after January 1 and before the July 1 immediately following that January 1, every person or group of persons organized formally or informally ~~[, including a business entity,]~~ who advocates the passage or defeat of the question or a group of questions that includes the question and who receives or expends money in an amount in excess of $10,000 to advocate the passage or defeat of such question or group of questions shall comply with the requirements of this subsection. A person ~~[,]~~ ***or*** group of persons ~~[or business entity]~~ described in this subsection shall, not later than:

(a) Seven days before the primary election or primary city election, for the period from the January 1 immediately preceding the primary election or primary city election through 12 days before the primary election or primary city election;

(b) Seven days before the general election or general city election, for the period from 11 days before the primary election or primary city election through 12 days before the general election or general city election; and

(c) July 15 of the year of the general election or general city election, for the period from 11 days before the general election or general city election through June 30 of that year,

➥ report each campaign contribution in excess of $1,000 received during the period and contributions received during the period from a contributor which cumulatively exceed $1,000. The report must be completed on the form designed and provided by the Secretary of State pursuant to NRS 294A.373 and signed by the person or a representative of the group ~~[or business entity]~~ under penalty of perjury.

3. The name and address of the contributor and the date on which the contribution was received must be included on the report for each contribution in excess of $1,000 and contributions which a contributor has made cumulatively in excess of that amount since the beginning of the current reporting period.

4. If a question is on the ballot at a primary election or primary city election and the general election or general city election immediately following that primary election or primary city election is held on or after July 1 and before the January 1 immediately following that July 1, every person or group of persons organized formally or informally ~~[, including a business entity,]~~ who advocates the passage or defeat of the question or a group of questions that includes the question and who receives or expends money in an amount in excess of $10,000 to advocate the passage or defeat of such question or group of questions shall comply with the requirements of this subsection. Except as otherwise provided in NRS 294A.283, if a question is on the ballot at a general election or general city election held on or after July 1 and before the January 1 immediately following that July 1, every person or group of persons organized formally or informally ~~[, including a business entity,]~~ who advocates the passage or defeat of the question or a group of questions that includes the question and who receives or expends money in an amount in excess of $10,000 to advocate the passage or defeat of such question or group of questions shall comply with the requirements of this subsection. A person ~~[,]~~ ***or*** group of persons ~~[or business entity]~~ described in this subsection shall, not later than:

(a) Seven days before the primary election or primary city election, for the period from the January 1 immediately preceding the primary election or primary city election through 12 days before the primary election or primary city election; and

(b) Seven days before the general election or general city election, for the period from 11 days before the primary election or primary city election through 12 days before the general election or general city election,

➥ report each campaign contribution in excess of $1,000 received during the period and contributions received during the period from a contributor which

cumulatively exceed $1,000. The report must be completed on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the group ~~[or business entity]~~ under penalty of perjury.

5. Except as otherwise provided in subsection 6, every person or group of persons organized formally or informally ~~[, including a business entity,]~~ who advocates the passage or defeat of a question or group of questions on the ballot at a special election and who receives or expends money in an amount in excess of $10,000 to advocate the passage or defeat of such question or group of questions shall, not later than:

(a) Seven days before the special election, for the period from the date that the question qualified for the ballot through 12 days before the special election; and

(b) Thirty days after the special election, for the remaining period through the special election,

➥ report each campaign contribution in excess of $1,000 received during the period and contributions received during the period from a contributor which cumulatively exceed $1,000. The report must be completed on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the group ~~[or business entity]~~ under penalty of perjury.

6. Every person or group of persons organized formally or informally ~~[, including a business entity,]~~ who advocates the passage or defeat of a question or group of questions on the ballot at a special election to determine whether a public officer will be recalled and who receives or expends money in an amount in excess of $10,000 to advocate the passage or defeat of such question or group of questions shall report each of the contributions received on the form designed and provided by the Secretary of State pursuant to NRS 294A.373 and signed by the person or a representative of the group ~~[or business entity]~~ under penalty of perjury, 30 days after:

(a) The special election, for the period from the filing of the notice of intent to circulate the petition for recall through the special election; or

(b) If the special election is not held because a district court determines that the petition for recall is legally insufficient pursuant to subsection 6 of NRS 306.040, for the period from the filing of the notice of intent to circulate the petition for recall through the date of the district court's decision.

7. The reports required pursuant to this section must be filed with:

(a) If the question is submitted to the voters of one county, the county clerk of that county;

(b) If the question is submitted to the voters of one city, the city clerk of that city; or

(c) If the question is submitted to the voters of more than one county or city, the Secretary of State.

8. A person may mail or transmit the report to the appropriate officer by regular mail, certified mail, facsimile machine or electronic means. A report shall be deemed to be filed with the officer:

(a) On the date that it was mailed if it was sent by certified mail; or

(b) On the date that it was received by the officer if the report was sent by regular mail, transmitted by facsimile machine or electronic means, or delivered personally.

9. If the person or group of persons ~~[, including a business entity,]~~ is advocating passage or defeat of a group of questions, the reports must be itemized by question or petition.

10. Each county clerk or city clerk who receives a report pursuant to this section shall file a copy of the report with the Secretary of State within 10 working days after receiving the report.

Sec. 46. (Deleted by amendment.)

Sec. 47. NRS 294A.210 is hereby amended to read as follows:

294A.210 1. Every person who is not under the direction or control of a candidate for an office at a primary election, primary city election, general election or general city election, of a group of such candidates or of any person involved in the campaign of that candidate or group who makes an expenditure on behalf of the candidate or group which is not solicited or approved by the candidate or group, and every committee for political action, political party ~~[,]~~ ***or*** committee sponsored by a political party ~~[or business entity]~~ which ***receives contributions in excess of $100 or*** makes an expenditure on behalf of such a candidate or group of candidates shall, not later than January 15 of each year that the provisions of this subsection apply to the person, committee ~~[,]~~ ***or*** political party **,** ~~[or business entity,]~~ for the period from January 1 of the previous year through December 31 of the previous year, report each expenditure made during the period on behalf of the candidate, the group of candidates or a candidate in the group of candidates in excess of $100 on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the committee ~~[,]~~ ***or*** political party ~~[or business entity]~~ under penalty of perjury. The provisions of this subsection apply to the person, committee ~~[,]~~ ***or*** political party ~~[or business entity]~~ beginning the year of the general election or general city election for that office through the year immediately preceding the next general election or general city election for that office.

2. Every person, committee ~~[,]~~ ***or*** political party ~~[or business entity]~~ described in subsection 1 which makes an expenditure on behalf of a candidate for office at a primary election, primary city election, general

election or general city election or a group of such candidates shall, if the general election or general city election for the office for which the candidate or a candidate in the group of candidates seeks election is held on or after January 1 and before the July 1 immediately following that January 1, not later than:

(a) Seven days before the primary election or primary city election for that office, for the period from the January 1 immediately preceding the primary election or primary city election through 12 days before the primary election or primary city election;

(b) Seven days before the general election or general city election for that office, for the period from 11 days before the primary election or primary city election through 12 days before the general election or general city election; and

(c) July 15 of the year of the general election or general city election for that office, for the period from 11 days before the general election or general city election through the June 30 of that year,

➥ report each expenditure made during the period on behalf of the candidate, the group of candidates or a candidate in the group of candidates in excess of $100 on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the committee ~~[,]~~ ***or*** political party ~~[or business entity]~~ under penalty of perjury.

3. Every person, committee ~~[,]~~ ***or*** political party ~~[or business entity]~~ described in subsection 1 which makes an expenditure on behalf of a candidate for office at a primary election, primary city election, general election or general city election or on behalf of a group of such candidates shall, if the general election or general city election for the office for which the candidate or a candidate in the group of candidates seeks election is held on or after July 1 and before the January 1 immediately following that July 1, not later than:

(a) Seven days before the primary election or primary city election for that office, for the period from the January 1 immediately preceding the primary election or primary city election through 12 days before the primary election or primary city election; and

(b) Seven days before the general election or general city election for that office, for the period from 11 days before the primary election or primary city election through 12 days before the general election or general city election,

➥ report each expenditure made during the period on behalf of the candidate, the group of candidates or a candidate in the group of candidates in excess of $100 on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of

the committee ~~[,]~~ ***or*** political party ~~[or business entity]~~ under penalty of perjury.

4. Except as otherwise provided in subsection 5, every person, committee ~~[,]~~ ***or*** political party ~~[or business entity]~~ described in subsection 1 which makes an expenditure on behalf of a candidate for office at a special election or on behalf of a group of such candidates shall, not later than:

(a) Seven days before the special election for the office for which the candidate or a candidate in the group of candidates seeks election, for the period from the nomination of the candidate through 12 days before the special election; and

(b) Thirty days after the special election, for the remaining period through the special election,

➥ report each expenditure made during the period on behalf of the candidate, the group of candidates or a candidate in the group of candidates in excess of $100 on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the committee ~~[,]~~ ***or*** political party ~~[or business entity]~~ under penalty of perjury.

5. Every person, committee ~~[,]~~ ***or*** political party ~~[or business entity]~~ described in subsection 1 which makes an expenditure on behalf of a candidate for office at a special election to determine whether a public officer will be recalled or on behalf of a group of such candidates shall list each expenditure made on behalf of the candidate, the group of candidates or a candidate in the group of candidates in excess of $100 on the form designed and provided by the Secretary of State pursuant to NRS 294A.373 and signed by the person or a representative of the committee ~~[,]~~ ***or*** political party ~~[or business entity]~~ under penalty of perjury, 30 days after:

(a) The special election, for the period from the filing of the notice of intent to circulate the petition for recall through the special election; or

(b) If the special election is not held because a district court determines that the petition for recall is legally insufficient pursuant to subsection 6 of NRS 306.040, for the period from the filing of the notice of intent to circulate the petition for recall through the date of the district court's decision.

6. Expenditures made within the State or made elsewhere but for use within the State, including expenditures made outside the State for printing, television and radio broadcasting or other production of the media, must be included in the report.

7. The reports must be filed with:

(a) If the candidate is elected from one county, the county clerk of that county;

(b) If the candidate is elected from one city, the city clerk of that city; or

(c) If the candidate is elected from more than one county or city, the Secretary of State.

8. If an expenditure is made on behalf of a group of candidates, the reports must be itemized by the candidate. A person may mail or transmit the report to the appropriate officer by regular mail, certified mail, facsimile machine or electronic means. A report shall be deemed to be filed with the officer:

(a) On the date that it was mailed if it was sent by certified mail; or

(b) On the date that it was received by the officer if the report was sent by regular mail, transmitted by facsimile machine or electronic means, or delivered personally.

9. Each county clerk or city clerk who receives a report pursuant to this section shall file a copy of the report with the Secretary of State within 10 working days after receiving the report.

10. Every person, committee ~~[,]~~ ***or*** political party ~~[or business entity]~~ described in subsection 1 shall file a report required by this section even if the person, committee ~~[,]~~ ***or*** political party ~~[or business entity]~~ receives no contributions.

Sec. 48. NRS 294A.220 is hereby amended to read as follows:

294A.220 1. Except as otherwise provided in NRS 294A.283, every person or group of persons organized formally or informally ~~[, including a business entity,]~~ who advocates the passage or defeat of a question or group of questions on the ballot at a primary election, primary city election, general election or general city election and who receives or expends money in an amount in excess of $10,000 to advocate the passage or defeat of such question or group of questions shall, not later than January 15 of each year that the provisions of this subsection apply to the person or group of persons, for the period from January 1 of the previous year through December 31 of the previous year, report each expenditure made during the period on behalf of or against the question, the group of questions or a question in the group of questions on the ballot in excess of $1,000 on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the group ~~[or business entity]~~ under penalty of perjury. The provisions of this subsection apply to the person ~~[,]~~ ***or*** group of persons ***:*** ~~[or business entity:]~~

(a) Each year in which:

(1) An election or city election is held for a question for which the person ~~[,]~~ ***or*** group of persons ~~[or business entity]~~ advocates passage or defeat; or

(2) A person ~~[,]~~ ***or*** group of persons ~~[or business entity]~~ receives or expends money in excess of $10,000 to advocate the passage or defeat of a

question or group of questions on the ballot at a primary election, primary city election, general election or general city election; and

(b) The year after each year described in paragraph (a).

2. If a question is on the ballot at a primary election or primary city election and the general election or general city election immediately following that primary election or primary city election is held on or after January 1 and before the July 1 immediately following that January 1, every person or group of persons organized formally or informally **[**~~, including a business entity,~~**]** who advocates the passage or defeat of the question or a group of questions that includes the question and who receives or expends money in an amount in excess of $10,000 to advocate the passage or defeat of such question or group of questions shall comply with the requirements of this subsection. If a question is on the ballot at a general election or general city election held on or after January 1 and before the July 1 immediately following that January 1, every person or group of persons organized formally or informally **[**~~, including a business entity,~~**]** who advocates the passage or defeat of the question or a group of questions that includes the question and who receives or expends money in an amount in excess of $10,000 to advocate the passage or defeat of such question or group of questions shall comply with the requirements of this subsection. A person **[**~~,~~**]** ***or*** group of persons **[**~~or business entity~~**]** described in this subsection shall, not later than:

(a) Seven days before the primary election or primary city election, for the period from the January 1 immediately preceding the primary election or primary city election through 12 days before the primary election or primary city election;

(b) Seven days before the general election or general city election, for the period from 11 days before the primary election or primary city election through 12 days before the general election or general city election; and

(c) July 15 of the year of the general election or general city election, for the period from 11 days before the general election or general city election through the June 30 immediately preceding that July 15,

➥ report each expenditure made during the period on behalf of or against the question, the group of questions or a question in the group of questions on the ballot in excess of $1,000 on the form designed and provided by the Secretary of State pursuant to NRS 294A.373 and signed by the person or a representative of the group **[**~~or business entity~~**]** under penalty of perjury.

3. If a question is on the ballot at a primary election or primary city election and the general election or general city election immediately following that primary election or primary city election is held on or after July 1 and before the January 1 immediately following that July 1, every person or group of persons organized formally or informally **[**~~, including a~~

~~business entity,~~] who advocates the passage or defeat of the question or a group of questions that includes the question and who receives or expends money in an amount in excess of $10,000 to advocate the passage or defeat of such question or group of questions shall comply with the requirements of this subsection. Except as otherwise provided in NRS 294A.283, if a question is on the ballot at a general election or general city election held on or after July 1 and before the January 1 immediately following that July 1, every person or group of persons organized formally or informally [~~, including a business entity,~~] who advocates the passage or defeat of the question or a group of questions that includes the question and who receives or expends money in an amount in excess of $10,000 to advocate the passage or defeat of such question or group of questions shall comply with the requirements of this subsection. A person [~~,~~] ***or*** group of persons [~~or business entity~~] described in this subsection shall, not later than:

(a) Seven days before the primary election or primary city election, for the period from the January 1 immediately preceding the primary election or primary city election through 12 days before the primary election or primary city election; and

(b) Seven days before the general election or general city election, for the period from 11 days before the primary election or primary city election through 12 days before the general election or general city election,

➥ report each expenditure made during the period on behalf of or against the question, the group of questions or a question in the group of questions on the ballot in excess of $1,000 on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the group [~~or business entity~~] under penalty of perjury.

4. Except as otherwise provided in subsection 5, every person or group of persons organized formally or informally [~~, including a business entity,~~] who advocates the passage or defeat of a question or group of questions on the ballot at a special election shall, not later than:

(a) Seven days before the special election, for the period from the date the question qualified for the ballot through 12 days before the special election; and

(b) Thirty days after the special election, for the remaining period through the special election,

➥ report each expenditure made during the period on behalf of or against the question, the group of questions or a question in the group of questions on the ballot in excess of $1,000 on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the person or a representative of the group [~~or business entity~~] under penalty of perjury.

5. Every person or group of persons organized formally or informally ~~[, including a business entity,]~~ who advocates the passage or defeat of a question or group of questions on the ballot at a special election to determine whether a public officer will be recalled and who receives or expends money in an amount in excess of $10,000 to advocate the passage or defeat of such question or group of questions shall list each expenditure made during the period on behalf of or against the question, the group of questions or a question in the group of questions on the ballot in excess of $1,000 on the form designed and provided by the Secretary of State pursuant to NRS 294A.373 and signed by the person or a representative of the group ~~[or business entity]~~ under penalty of perjury, 30 days after:

(a) The special election, for the period from the filing of the notice of intent to circulate the petition for recall through the special election; or

(b) If the special election is not held because a district court determines that the petition for recall is legally insufficient pursuant to subsection 6 of NRS 306.040, for the period from the filing of the notice of intent to circulate the petition for recall through the date of the district court's decision.

6. Expenditures made within the State or made elsewhere but for use within the State, including expenditures made outside the State for printing, television and radio broadcasting or other production of the media, must be included in the report.

7. The reports required pursuant to this section must be filed with:

(a) If the question is submitted to the voters of one county, the county clerk of that county;

(b) If the question is submitted to the voters of one city, the city clerk of that city; or

(c) If the question is submitted to the voters of more than one county or city, the Secretary of State.

8. If an expenditure is made on behalf of a group of questions, the reports must be itemized by question or petition. A person may mail or transmit the report to the appropriate filing officer by regular mail, certified mail, facsimile machine or electronic means. A report shall be deemed to be filed with the filing officer:

(a) On the date that it was mailed if it was sent by certified mail; or

(b) On the date that it was received by the filing officer if the report was sent by regular mail, transmitted by facsimile machine or electronic means, or delivered personally.

9. Each county clerk or city clerk who receives a report pursuant to this section shall file a copy of the report with the Secretary of State within 10 working days after receiving the report.

Sec. 49. NRS 294A.230 is hereby amended to read as follows:

294A.230 1. Each committee for political action shall, before it engages in any activity in this State, register with the Secretary of State on forms supplied by the Secretary of State.

2. The form must require:

(a) The name of the committee;

(b) The purpose for which it was organized;

(c) The names, addresses and telephone numbers of its officers;

(d) If the committee for political action is affiliated with any other organizations, the name, address and telephone number of each organization;

(e) The name, address and telephone number of its registered agent; and

(f) Any other information deemed necessary by the Secretary of State.

3. A committee for political action shall file with the Secretary of State an amended form for registration within 30 days after any change in the information contained in the form for registration.

4. The Secretary of State shall include on the Secretary of State's Internet website the information required pursuant to subsection 2.

5. For purposes of the civil penalty that the Secretary of State may impose pursuant to NRS 294A.420 for violating the provisions of subsection 1, if a committee for political action fails to register with the Secretary of State pursuant to subsection 1, each time a committee for political action engages in any activity in this State constitutes a separate violation of subsection 1 for which the Secretary of State may impose a civil penalty.

Sec. 50. NRS 294A.281 is hereby amended to read as follows:

294A.281 1. Each person or group of persons organized formally or informally ~~[, including a business entity,]~~ who advocates the passage or defeat of a constitutional amendment or statewide measure proposed by an initiative or referendum, before engaging in any such advocacy in this State, shall file a statement of organization with the Secretary of State as provided in subsection 2.

2. Each statement of organization must include:

(a) The name of the person ~~[,]~~ ***or*** group of persons ***;*** ~~[or business entity;]~~

(b) The purpose for which the person ~~[,]~~ ***or*** group of persons ~~[or business entity]~~ is organized;

(c) The names and addresses of any officers of the person ~~[,]~~ ***or*** group of persons ***;*** ~~[or business entity;]~~

(d) If the person ~~[,]~~ ***or*** group of persons ~~[or business entity]~~ is affiliated with or is retained by any other person ~~[,]~~ ***or*** group ~~[or business entity]~~ for the purpose of advocating the passage or defeat of a constitutional amendment or statewide measure proposed by initiative or referendum, the name and address of each such other person ~~[,]~~ ***or*** group ***;*** ~~[or business entity;]~~ and

(e) The name, address and telephone number of the registered agent of the person ~~[,]~~ ***or*** group of persons **.** ~~[or business entity.]~~

3. A person ~~[,]~~ ***or*** group of persons ~~[or business entity]~~ which has filed a statement of organization pursuant to this section shall file an amended statement with the Secretary of State within 30 days of any changes to the information required pursuant to subsection 2.

Sec. 51. NRS 294A.282 is hereby amended to read as follows:

294A.282 Each person or group of persons organized formally or informally ~~[, including a business entity,]~~ who advocates the passage or defeat of a constitutional amendment or statewide measure proposed by an initiative or referendum shall appoint and keep within this State a registered agent, as provided in NRS 14.020, who must be a natural person who resides in this State.

Sec. 52. NRS 294A.283 is hereby amended to read as follows:

294A.283 1. Every person or group of persons organized formally or informally ~~[, including a business entity,]~~ who advocates the passage or defeat of a constitutional amendment or statewide measure proposed by an initiative or referendum, including, without limitation, the initiation or circulation thereof, and who receives or expends money in an amount in excess of $10,000 for such advocacy shall, not later than the dates listed in subsection 2, report:

(a) Each campaign contribution in excess of $1,000 received during each period described in subsection 2;

(b) Contributions received during each period described in subsection 2 from a contributor which cumulatively exceed $1,000;

(c) Each expenditure in excess of $1,000 the person ~~[,]~~ ***or*** group of persons ~~[or business entity]~~ makes during each period described in subsection 2; and

(d) The total amount of money the person ~~[,]~~ ***or*** group of persons ~~[or business entity]~~ has at the beginning of each period described in subsection 2, accounting for all contributions received and expenditures made during each previous period.

2. Every person ~~[,]~~ ***or*** group of persons ~~[or business entity]~~ required to report pursuant to subsection 1 shall file that report with the Secretary of State:

(a) For the period beginning on the first day a copy of the petition may be filed with the Secretary of State before it is circulated for signatures pursuant to Section 1 or Section 2 of Article 19 of the Nevada Constitution, as applicable, and ending on the following March 31, not later than April 15;

(b) For the period beginning on April 1 and ending on July 31, not later than August 15;

(c) For the period beginning on August 1 and ending on September 30, not later than October 15; and

(d) For the period beginning on October 1 and ending on December 31, not later than the following January 15.

3. The name and address of the contributor and the date on which the contribution was received must be included on each report for each contribution in excess of $1,000 and contributions which a contributor has made cumulatively in excess of that amount since the beginning of the applicable reporting period.

4. Expenditures made within the State or made elsewhere but for use within the State, including expenditures made outside the State for printing, television and radio broadcasting or other production of the media, must be included in each report.

5. Each report required pursuant to this section must:

(a) Be on the form designed and provided by the Secretary of State pursuant to NRS 294A.373; and

(b) Be signed by the person or a representative of the group of persons ~~[or business entity]~~ under penalty of perjury.

6. A person ~~[,]~~ ***or*** group of persons ~~[or business entity]~~ may mail or transmit each report to the Secretary of State by certified mail, regular mail, facsimile machine or electronic means or may deliver the report personally.

7. A report shall be deemed to be filed with the Secretary of State:

(a) On the date that it was mailed if it was sent by certified mail; or

(b) On the date that it was received by the Secretary of State if the report was sent by regular mail, transmitted by facsimile machine or electronic means, or delivered personally.

Sec. 53. NRS 294A.284 is hereby amended to read as follows:

294A.284 1. Each person or group of persons organized formally or informally ~~[, including a business entity,]~~ who advocates the passage or defeat of a constitutional amendment or statewide measure proposed by an initiative or referendum that provides compensation to persons to circulate petitions shall report to the Secretary of State:

(a) The number of persons to whom such compensation is provided;

(b) The least amount of such compensation that is provided and the greatest amount of such compensation that is provided; and

(c) The total amount of compensation provided.

2. The Secretary of State shall make public any information received pursuant to this section.

Sec. 54. NRS 294A.286 is hereby amended to read as follows:

294A.286 1. ***Any candidate or public officer may establish a legal defense fund.*** A person who administers a legal defense fund shall:

(a) Within 5 days after the creation of the legal defense fund, notify the Secretary of State of the creation of the fund on a form provided by the Secretary of State; and

(b) For the same period covered by the report filed pursuant to NRS 294A.120, 294A.200 or 294A.360, report any contribution received by or expenditure made from the legal defense fund.

2. The reports required by paragraph (b) of subsection 1 must be submitted on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. Each form must be signed by the administrator of the legal defense fund under penalty of perjury.

3. The reports required by paragraph (b) of subsection 1 must be filed in the same manner and at the same time as the report filed pursuant to NRS 294A.120, 294A.200 or 294A.360.

4. Notwithstanding the provisions of this section, a candidate or public officer may use campaign contributions to pay for any legal expenses that the candidate or public officer incurs in relation to a campaign or serving in public office without establishing a legal defense fund. Any such candidate or public officer shall report any expenditure of campaign contributions to pay for legal expenses in the same manner and at the same time as the report filed pursuant to NRS 294A.120, 294A.200 or 294A.360. A candidate or public officer shall not use campaign contributions to satisfy a civil or criminal penalty imposed by law.

Sec. 55. NRS 294A.347 is hereby amended to read as follows:

294A.347 1. A statement which:

(a) Is published within 60 days before a general election, general city election or special election or 30 days before a primary election or primary city election;

(b) Expressly advocates the election or defeat of a clearly identified candidate for a state or local office; and

(c) Is published by a person who receives compensation from the candidate, an opponent of the candidate, or a person, party ~~[,]~~ ***or*** committee ~~[or business entity]~~ required to report expenditures pursuant to NRS 294A.210,

➥ must contain a disclosure of the fact that the person receives compensation pursuant to paragraph (c) and the name of the person, party ~~[,]~~ ***or*** committee ~~[or business entity]~~ providing that compensation.

2. A statement which:

(a) Is published by a candidate within 60 days before a general election, general city election or special election or 30 days before a primary election or primary city election; and

(b) Contains the name of the candidate,

➥ shall be deemed to comply with the provisions of this section.

3. As used in this section, "publish" means the act of:

(a) Printing, posting, broadcasting, mailing or otherwise disseminating; or

(b) Causing to be printed, posted, broadcasted, mailed or otherwise disseminated.

Sec. 56. NRS 294A.350 is hereby amended to read as follows:

294A.350 1. Every candidate for state, district, county, municipal or township office shall file the reports of campaign contributions and expenses required by NRS 294A.120, 294A.128, 294A.200 and 294A.360 and reports of contributions received by and expenditures made from a legal defense fund ***or used to pay legal expenses*** required by NRS 294A.286, even though the candidate:

(a) Withdraws his or her candidacy;

(b) Receives no campaign contributions;

(c) Has no campaign expenses;

(d) Is removed from the ballot by court order; or

(e) Is the subject of a petition to recall and the special election is not held.

2. A candidate who withdraws his or her candidacy pursuant to NRS 293.202 may file simultaneously all the reports of campaign contributions and expenses required by NRS 294A.120, 294A.128, 294A.200 and 294A.360 and the report of contributions received by and expenditures made from a legal defense fund ***or used to pay legal expenses*** required by NRS 294A.286, so long as each report is filed on or before the last day for filing the respective report pursuant to NRS 294A.120, 294A.200 or 294A.360.

Sec. 57. (Deleted by amendment.)

Sec. 58. NRS 294A.365 is hereby amended to read as follows:

294A.365 1. Each report of expenditures required pursuant to NRS 294A.210, 294A.220, 294A.280 and 294A.283 must consist of a list of each expenditure in excess of $100 or $1,000, as is appropriate, that was made during the periods for reporting. Each report of expenses required pursuant to NRS 294A.125 and 294A.200 must consist of a list of each expense in excess of $100 that was incurred during the periods for reporting. The list in each report must state the category and amount of the expense or expenditure and the date on which the expense was incurred or the expenditure was made.

2. The categories of expense or expenditure for use on the report of expenses or expenditures are:

(a) Office expenses;

(b) Expenses related to volunteers;

(c) Expenses related to travel;

(d) Expenses related to advertising;

(e) Expenses related to paid staff;

(f) Expenses related to consultants;

(g) Expenses related to polling;

(h) Expenses related to special events;

(i) ***Expenses related to a legal defense fund;***

(j) Except as otherwise provided in NRS 294A.362, goods and services provided in kind for which money would otherwise have been paid;

(k) Contributions made to another candidate, a nonprofit corporation that is registered or required to be registered pursuant to NRS 294A.225, a committee for political action that is registered or required to be registered pursuant to NRS 294A.230 or a committee for the recall of a public officer that is registered or required to be registered pursuant to NRS 294A.250; and

~~[(j)]~~ ***(l)*** Other miscellaneous expenses.

3. Each report of expenses or expenditures described in subsection 1 must list the disposition of any unspent campaign contributions using the categories set forth in subsection 2 of NRS 294A.160.

Sec. 59. NRS 294A.373 is hereby amended to read as follows:

294A.373 1. The Secretary of State shall design a single form to be used for all reports of campaign contributions and expenses or expenditures that are required to be filed pursuant to NRS 294A.120, 294A.125, 294A.128, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220, 294A.270, 294A.280, 294A.283, 294A.360 and 294A.362 and reports of contributions received by and expenditures made from a legal defense fund ***or used to pay legal expenses*** that are required to be filed pursuant to NRS 294A.286.

2. The form designed by the Secretary of State pursuant to this section must only request information specifically required by statute.

3. Upon request, the Secretary of State shall provide a copy of the form designed pursuant to this section to each person, committee, political party ~~[,]~~ ***and*** group ~~[and business entity]~~ that is required to file a report described in subsection 1.

4. The Secretary of State must obtain the advice and consent of the Legislative Commission before providing a copy of a form designed or revised by the Secretary of State pursuant to this section to a person, committee, political party ~~[,]~~ ***or*** group ~~[or business entity]~~ that is required to use the form.

Sec. 59.5. **NRS 294A.380 is hereby amended to read as follows:**

294A.380 1. The Secretary of State may adopt and promulgate regulations, prescribe forms in accordance with the provisions of this chapter and take such other actions as are necessary for the implementation and effective administration of the provisions of this chapter.

2. For the purposes of implementing and administering the provisions of this chapter **:** ~~[regulating committees for political action:]~~

(a) The Secretary of State shall ~~[, in determining whether an entity or group is a committee for political action,]~~ consider a group's or entity's

division or separation into units, sections or smaller groups only if it appears that such division or separation was for a purpose other than for avoiding the reporting requirements ~~[of]~~ ***or the limitations on contributions set forth in*** this chapter.

(b) The Secretary of State shall ~~[, in determining whether an entity or group is a committee for political action,]~~ disregard any action taken by a group or entity that would otherwise constitute a committee for political action if it appears such action is taken for the purpose of avoiding the reporting requirements ~~[of]~~ ***or the limitations on contributions set forth in*** this chapter.

Sec. 60. NRS 294A.382 is hereby amended to read as follows:

294A.382 The Secretary of State shall not request or require a candidate, person, group of persons, committee ~~[,]~~ ***or*** political party ~~[or business entity]~~ to list each of the expenditures or campaign expenses of $100 or less on a form designed and provided pursuant to NRS 294A.373.

Sec. 61. NRS 294A.390 is hereby amended to read as follows:

294A.390 The officer from whom a candidate or entity requests a form for:

1. A declaration of candidacy;
2. An acceptance of candidacy;
3. The registration of a committee for political action pursuant to NRS 294A.230 ~~[,]~~ ***or*** a committee for the recall of a public officer pursuant to NRS 294A.250 ***;*** ~~[or a business entity that wishes to engage in certain political activity pursuant to NRS 294A.377;]~~
4. The reporting of the creation of a legal defense fund pursuant to NRS 294A.286; or
5. The reporting of campaign contributions, expenses or expenditures pursuant to NRS 294A.120, 294A.128, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220, 294A.270, 294A.280, 294A.283 or 294A.360 and the reporting of contributions received by and expenditures made from a legal defense fund ***or used to pay legal expenses*** pursuant to NRS 294A.286,

➥ shall furnish the candidate with the necessary forms for reporting and copies of the regulations adopted by the Secretary of State pursuant to this chapter. An explanation of the applicable provisions of NRS 294A.100, 294A.120, 294A.128, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220, 294A.270, 294A.280, 294A.283 or 294A.360 ***or section 37 of this act*** relating to the making, accepting or reporting of campaign contributions, expenses or expenditures and the penalties for a violation of those provisions as set forth in NRS 294A.100 or 294A.420, and an explanation of NRS 294A.286 and 294A.287 relating to the accepting or reporting of contributions received by and expenditures made from a legal defense fund ***or used to pay legal expenses*** and the penalties for a violation of those

provisions as set forth in NRS 294A.287 and 294A.420, must be developed by the Secretary of State and provided upon request. The candidate or entity shall acknowledge receipt of the material.

Sec. 62. NRS 294A.400 is hereby amended to read as follows:

294A.400 The Secretary of State shall, within 30 days after receipt of the reports required by NRS 294A.120, 294A.125, 294A.128, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220, 294A.270, 294A.280, 294A.283 and 294A.286, ***and section 37 of this act,*** prepare and make available for public inspection a compilation of:

1. The total campaign contributions, the contributions which are in excess of $100 and the total campaign expenses of each of the candidates from whom reports of those contributions and expenses are required.

2. The total amount of loans to a candidate guaranteed by a third party, the total amount of loans made to a candidate that have been forgiven and the total amount of written commitments for contributions received by a candidate.

3. The contributions made to a committee for the recall of a public officer in excess of $100.

4. The expenditures exceeding $100 made by a:

(a) Person on behalf of a candidate other than the person.

(b) Group of persons ~~[or business entity]~~ advocating the election or defeat of a candidate.

(c) Committee for the recall of a public officer.

5. The contributions in excess of $100 made to:

(a) A person who is not under the direction or control of a candidate or group of candidates or of any person involved in the campaign of the candidate or group who makes an expenditure on behalf of the candidate or group which is not solicited or approved by the candidate or group.

(b) A committee for political action, political party ~~[,]~~ ***or*** committee sponsored by a political party ~~[or business entity]~~ which makes an expenditure on behalf of a candidate or group of candidates.

6. The contributions in excess of $1,000 made to and the expenditures exceeding $1,000 made by a:

(a) Person or group of persons organized formally or informally ~~[, including a business entity]~~ who advocates the passage or defeat of a question or group of questions on the ballot and who receives or expends money in an amount in excess of $10,000 for such advocacy, except as otherwise provided in paragraph (b).

(b) Person or group of persons organized formally or informally ~~[, including a business entity,]~~ who advocates the passage or defeat of a constitutional amendment or statewide measure proposed by an initiative or referendum, including, without limitation, the initiation or circulation thereof,

and who receives or expends money in an amount in excess of $10,000 for such advocacy.

7. The total contributions received by and expenditures made from a legal defense fund ~~[.]~~ ***or used to pay legal expenses.***

Sec. 63. NRS 294A.420 is hereby amended to read as follows:

294A.420 1. If the Secretary of State receives information that a person or entity that is subject to the provisions of NRS 294A.120, 294A.128, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220, ~~[294A.227,]~~ 294A.230, 294A.270, 294A.280, 294A.283, 294A.286 or 294A.360 ***or section 37 of this act*** has not filed a report or form for registration pursuant to the applicable provisions of those sections, the Secretary of State may, after giving notice to that person or entity, cause the appropriate proceedings to be instituted in the First Judicial District Court.

2. Except as otherwise provided in this section, a person or entity that violates an applicable provision of ~~[NRS 294A.112, 294A.120, 294A.128, 294A.130, 294A.140, 294A.150, 294A.160, 294A.200, 294A.210, 294A.220, 294A.227, 294A.230, 294A.270, 294A.280, 294A.283, 294A.286, 294A.300, 294A.310 or 294A.360]~~ ***this chapter*** is subject to a civil penalty of not more than $5,000 for each violation and payment of court costs and attorney's fees. The civil penalty must be recovered in a civil action brought in the name of the State of Nevada by the Secretary of State in the First Judicial District Court and deposited by the Secretary of State for credit to the State General Fund in the bank designated by the State Treasurer.

3. If a civil penalty is imposed because a person or entity has reported its contributions, expenses or expenditures after the date the report is due, except as otherwise provided in this subsection, the amount of the civil penalty is:

(a) If the report is not more than 7 days late, $25 for each day the report is late.

(b) If the report is more than 7 days late but not more than 15 days late, $50 for each day the report is late.

(c) If the report is more than 15 days late, $100 for each day the report is late.

➥ A civil penalty imposed pursuant to this subsection against a public officer who by law is not entitled to receive compensation for his or her office or a candidate for such an office must not exceed a total of $100 if the public officer or candidate received no contributions and made no expenditures during the relevant reporting periods.

4. For good cause shown, the Secretary of State may waive a civil penalty that would otherwise be imposed pursuant to this section. If the Secretary of State waives a civil penalty pursuant to this subsection, the Secretary of State shall:

(a) Create a record which sets forth that the civil penalty has been waived and describes the circumstances that constitute the good cause shown; and

(b) Ensure that the record created pursuant to paragraph (a) is available for review by the general public.

Sec. 64. NRS 295.012 is hereby amended to read as follows:

295.012 A petition for initiative ***or referendum*** that proposes a ~~[statute, an amendment to a statute or an amendment to the Constitution]~~ ***constitutional amendment or statewide measure*** must be proposed by a number of registered voters from each petition district in the State that is at least equal to 10 percent of the voters who voted in that petition district at the last preceding general election.

Sec. 65. NRS 295.0575 is hereby amended to read as follows:

295.0575 A petition for a constitutional amendment or a petition for a statewide measure proposed by an initiative or referendum may consist of more than one document. Each document of a petition must have attached to it when submitted an affidavit executed by the circulator thereof stating:

1. That the circulator personally circulated the document;
2. The number of signatures thereon;
3. That all the signatures were affixed in the circulator's presence; ~~[and]~~
4. That each signer had an opportunity before signing to read the full text of the act or resolution on which the initiative or referendum is demanded ~~[.]~~ ***;***
5. ***The address and contact information of the circulator; and***
6. ***That the circulator is 18 years of age or older.***

Sec. 65.5. NRS 281A.600 is hereby amended to read as follows:

281A.600 1. Except as otherwise provided in subsection 2, if a public officer who was appointed to the office for which the public officer is serving is entitled to receive annual compensation of $6,000 or more for serving in that office ~~[,]~~ ***or if the public officer was appointed to the office of Legislator,*** the public officer shall file with the Commission a statement of financial disclosure, as follows:

(a) A public officer appointed to fill the unexpired term of an elected or appointed public officer shall file a statement of financial disclosure within 30 days after the public officer's appointment.

(b) Each public officer appointed to fill an office shall file a statement of financial disclosure on or before January 15 of ~~[each]~~ ***:***

(1) Each year of the term, including the year ~~[the term expires.]~~ ***in which the public officer leaves office; and***

(2) The year immediately following the year in which the public officer leaves office, unless the public officer leaves office before January 15 in the prior year.

➥ The statement must disclose the required information for the full calendar year immediately preceding the date of filing.

2. If a person is serving in a public office for which the person is required to file a statement pursuant to subsection 1, the person may use the statement the person files for that initial office to satisfy the requirements of subsection 1 for every other public office to which the person is appointed and in which the person is also serving.

3. A judicial officer who is appointed to fill the unexpired term of a predecessor or to fill a newly created judgeship shall file a statement of financial disclosure pursuant to the requirements of Canon 4I of the Nevada Code of Judicial Conduct. Such a statement of financial disclosure must include, without limitation, all information required to be included in a statement of financial disclosure pursuant to NRS 281A.620.

4. The Commission shall provide written notification to the Secretary of State of the public officers who failed to file the statements of financial disclosure required by subsection 1 or who failed to file those statements in a timely manner. The notice must be sent within 30 days after the deadlines set forth in subsection 1 and must include:

(a) The name of each public officer who failed to file a statement of financial disclosure within the period before the notice is sent;

(b) The name of each public officer who filed a statement of financial disclosure after the deadlines set forth in subsection 1 but within the period before the notice is sent;

(c) For the first notice sent after the public officer filed a statement of financial disclosure, the name of each public officer who filed a statement of financial disclosure after the deadlines set forth in subsection 1 but within the period before the notice is sent; and

(d) For each public officer listed in paragraph (c), the date on which the statement of financial disclosure was due and the date on which the public officer filed the statement.

5. In addition to the notice provided pursuant to subsection 4, the Commission shall notify the Secretary of State of each public officer who files a statement of financial disclosure more than 30 days after the deadlines set forth in subsection 1. The notice must include the information described in paragraphs (c) and (d) of subsection 4.

6. A statement of financial disclosure shall be deemed to be filed with the Commission:

(a) On the date that it was mailed if it was sent by certified mail; or

(b) On the date that it was received by the Commission if the statement was sent by regular mail, transmitted by facsimile machine or electronic means, or delivered personally.

Sec. 66. NRS 281A.610 is hereby amended to read as follows:

281A.610 1. Except as otherwise provided in subsection 2, each candidate for public office who will be entitled to receive annual compensation of $6,000 or more for serving in the office that the candidate is seeking ***, each candidate for the office of Legislator*** and, except as otherwise provided in subsection 3, each public officer who was elected to the office for which the public officer is serving shall file with the Secretary of State a statement of financial disclosure, as follows:

(a) A candidate for nomination, election or reelection to public office shall file a statement of financial disclosure no later than the 10th day after the last day to qualify as a candidate for the office. The statement must disclose the required information for the full calendar year immediately preceding the date of filing and for the period between January 1 of the year in which the election for the office will be held and the last day to qualify as a candidate for the office. The filing of a statement of financial disclosure for a portion of a calendar year pursuant to this paragraph does not relieve the candidate of the requirement of filing a statement of financial disclosure for the full calendar year pursuant to paragraph (b) in the immediately succeeding year, if the candidate is elected to the office.

(b) Each public officer shall file a statement of financial disclosure on or before January 15 of ~~[each]~~ ***:***

(1) Each year of the term, including the year ~~[the term expires.]~~ ***in which the public officer leaves office; and***

(2) The year immediately following the year in which the public officer leaves office, unless the public officer leaves office before January 15 in the prior year.

➥ The statement must disclose the required information for the full calendar year immediately preceding the date of filing.

2. Except as otherwise provided in this subsection, if a candidate for public office is serving in a public office for which the candidate is required to file a statement pursuant to paragraph (b) of subsection 1 or subsection 1 of NRS 281A.600, the candidate need not file the statement required by subsection 1 for the full calendar year for which the candidate previously filed a statement. The provisions of this subsection do not relieve the candidate of the requirement pursuant to paragraph (a) of subsection 1 to file a statement of financial disclosure for the period between January 1 of the year in which the election for the office will be held and the last day to qualify as a candidate for the office.

3. A person elected pursuant to NRS 548.285 to the office of supervisor of a conservation district is not required to file a statement of financial disclosure relative to that office pursuant to subsection 1.

4. A candidate for judicial office or a judicial officer shall file a statement of financial disclosure pursuant to the requirements of Canon 4I of

the Nevada Code of Judicial Conduct. Such a statement of financial disclosure must include, without limitation, all information required to be included in a statement of financial disclosure pursuant to NRS 281A.620.

5. A statement of financial disclosure shall be deemed to be filed with the Secretary of State:

(a) On the date that it was mailed if it was sent by certified mail; or

(b) On the date that it was received by the Secretary of State if the statement was sent by regular mail, transmitted by facsimile machine or electronic means, or delivered personally.

6. The statement of financial disclosure filed pursuant to this section must be filed on the form prescribed by the Commission pursuant to NRS 281A.290.

7. The Secretary of State shall prescribe, by regulation, procedures for the submission of statements of financial disclosure filed pursuant to this section, maintain files of such statements and make the statements available for public inspection.

Sec. 67. Section 5.015 of the Charter of the City of Carlin, being chapter 344, Statutes of Nevada 1971, as added by chapter 493, Statutes of Nevada 2009, at page 2937, is hereby amended to read as follows:

Sec. 5.015 Filing of declarations of candidacy.

1. A candidate to be voted for at the general election must file a declaration of candidacy with the City Clerk ~~[not less than 5 days or more than 15 days before the day of the primary election held pursuant to the provisions of NRS 293.175.]~~ ***as provided by the election laws of this State.*** The City Clerk shall charge and collect from the candidate and the candidate must pay to the City Clerk, at the time of filing the declaration of candidacy, a filing fee in an amount fixed by the City Council by ordinance or resolution.

2. If, due to the death or ineligibility of or withdrawal by a candidate, a vacancy occurs in a nomination after the close of filing and any applicable period for withdrawal of candidacy, the candidate's name must remain on the ballot for the general election and, if elected, a vacancy exists.

Sec. 68. Section 5.015 of the Charter of the City of Wells, being chapter 275, Statutes of Nevada 1971, as added by chapter 493, Statutes of Nevada 2009, at page 2938, is hereby amended to read as follows:

Sec. 5.015 Filing of declarations of candidacy.

1. A candidate to be voted for at the general election must file a declaration of candidacy with the City Clerk ~~[not less than 5 days or more than 15 days before the day of the primary election held pursuant to the provisions of NRS 293.175.]~~ ***as provided by the election laws of this State.*** The City Clerk shall charge and collect from the candidate and the candidate must pay to the City Clerk, at the time of filing the declaration of candidacy,

a filing fee in an amount fixed by the City Council by ordinance or resolution.

2. If, due to the death or ineligibility of or withdrawal by a candidate, a vacancy occurs in a nomination after the close of filing and any applicable period for withdrawal of candidacy, the candidate's name must remain on the ballot for the general election and, if elected, a vacancy exists.

Sec. 69. NRS 294A.003 and 294A.227 are hereby repealed.

TEXT OF REPEALED SECTIONS

294A.003 "Business entity" defined. "Business entity" means any corporation, company or other form of business organization. The term does not include a business entity for which:

1. The owners, investors, officers, directors, members or other organizers of the entity are disclosed in any public record; or

2. The business purpose of the entity is disclosed in a public record that clearly identifies a specific business in a manner that is verifiable.

294A.227 Registration; publication of information relating to registration.

1. A business entity shall register with the Secretary of State by submitting the completed form described in subsection 2 before it engages in any of the following activities in this State:

(a) Soliciting or receiving contributions from any other person, group or entity;

(b) Making contributions to candidates or other persons; or

(c) Making expenditures,

➥ designed to affect the outcome of any primary election, primary city election, general election, general city election, special election or question on the ballot.

2. The form must require:

(a) The name of the business entity;

(b) The purpose for which it was organized;

(c) The names and addresses of each owner, investor, officer, director, member or other organizer of the entity;

(d) If the business entity is affiliated with any other organization, the name, address and telephone number of each such organization;

(e) The name, address and telephone number of its registered agent, if any;

(f) A designation of the activities listed in subsection 1 in which it intends to engage; and

(g) Any other information deemed necessary by the Secretary of State.

3. The Secretary of State shall, in a timely manner, include on the portion of the Secretary of State's Internet website that is devoted to information

concerning elections and campaigns the information required pursuant to subsection 2.

Assemblyman Segerblom moved that the Assembly do not concur in the Senate Amendment No. 685 to Assembly Bill No. 81.

Remarks by Assemblyman Segerblom.

Motion carried by a constitutional majority.

Bill ordered transmitted to the Senate.

Assembly Bill No. 471.

The following Senate amendment was read:

Amendment No. 749.

AN ACT relating to local government financial administration; limiting the authority of a governing body of a local government to loan or transfer money from an enterprise fund and to increase fees imposed for the purpose of an enterprise fund; requiring certain reports from the Committee on Local Government Finance; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The Local Government Budget and Finance Act authorizes the governing body of a local government to establish certain funds, including an enterprise fund to account for operations which are financed and conducted in a manner similar to the operations of a private business, where the intent of the governing body is to have the expenses of providing goods or services to the general public financed through charges imposed on users. (NRS 354.470-354.626) **Section 1** of this bill allows a governing body of a local government to loan or transfer money from an enterprise fund only if the loan or transfer is made: (1) as a medium-term obligation in compliance with certain requirements; (2) to pay the expenses of the pertinent enterprise; (3) for a cost allocation for employees, equipment or other resources; or (4) upon the dissolution of the fund. In addition, **section 1** allows such a governing body to increase the amount of the fees imposed for the purpose for which an enterprise fund was created only if the ~~[Committee on Local Government Finance approves that increase or the fees are imposed on certain public utilities for a right-of-way over a public area. Lastly,]~~ **fees are used for certain specified purposes or the governing body determines that: (1) the increase is not prohibited by law; (2) the increase is necessary for the pertinent enterprise; and (3) all fees that are deposited in the enterprise fund are used solely for the purposes for which the fees are collected. Furthermore, section 1** requires the Committee **on Local Government Finance** to submit biennial reports to the Legislature regarding compliance with the requirements of that section. **Section 9** of this bill provides that any officer or employee of a local government who violates **section 1** is guilty of

a misdemeanor and upon conviction ceases to hold his or her office or employment.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 354 of NRS is hereby amended by adding thereto a new section to read as follows:

1. ~~[The]~~ Except as otherwise provided in this section, the governing body of a local government may, on or after July 1, 2011, loan or transfer money from an enterprise fund, money collected from fees imposed for the purpose for which an enterprise fund was created or any income or interest earned on money in an enterprise fund only if the loan or transfer is made:

(a) In accordance with a medium-term obligation issued by the recipient in compliance with the provisions of chapter 350 of NRS , the loan or transfer is proposed to be made and the governing body approves the loan or transfer under a nonconsent item that is separately listed on the agenda for a regular meeting of the governing body, and:

(1) The money is repaid in full to the enterprise fund within 5 years; or

(2) If the recipient will be unable to repay the money in full to the enterprise fund within 5 years, the recipient notifies the Committee on Local Government Finance of:

(I) The total amount of the loan or transfer;

(II) The purpose of the loan or transfer;

(III) The date of the loan or transfer; and

(IV) The estimated date that the money will be repaid in full to the enterprise fund;

(b) To pay the expenses related to the purpose for which the enterprise fund was created;

(c) For a cost allocation for employees, equipment or other resources related to the purpose of the enterprise fund ~~[,]~~ which is approved by the governing body under a nonconsent item that is separately listed on the agenda for a regular meeting of the governing body; or

(d) Upon the dissolution of the enterprise fund.

2. Except as otherwise provided in ~~[subsection 3,]~~ this section, the governing body of a local government may increase the amount of any fee imposed for the purpose for which an enterprise fund was created only if the ~~[Committee on Local Government Finance]~~ governing body approves the increase ~~[. The Committee may approve such an increase if it]~~ under a nonconsent item that is separately listed on the agenda for a regular meeting of the governing body, and the governing body determines that:

(a) The increase is not prohibited by law;

(b) The increase is necessary for the continuation or expansion of the purpose for which the enterprise fund was created; and

(c) ~~[The governing body is not using any money from the enterprise fund, any money collected from fees imposed for the purpose for which the enterprise fund was created or any income or interest earned on money in the enterprise fund for any purpose other than that for which the enterprise fund was created, except to repay any money loaned or transferred to the enterprise fund from another fund of the local government or of another local government to provide working capital for the enterprise fund.~~

~~3.]~~ All fees that are deposited in the enterprise fund are used solely for the purposes for which the fees are collected.

3. Upon the adoption of an increase in any fee pursuant to subsection 2, the governing body shall, except as otherwise provided in this subsection, provide to the Department of Taxation an executed copy of the action increasing the fee. This requirement does not apply to the governing body of a federally regulated airport.

4. The provisions of subsection 2 do not limit the authority of the governing body of a local government to increase the amount of any fee imposed upon a public utility in compliance with the provisions of NRS 354.59881 to 354.59889, inclusive, for a right-of-way over any public area if the public utility is billed separately for that fee. As used in this subsection, "public utility" has the meaning ascribed to it in NRS 354.598817.

~~[4.]~~ 5. This section must not be construed to:

(a) Prohibit a local government from increasing a fee or using money in an enterprise fund to repay a loan lawfully made to the enterprise fund from another fund of the local government; or

(b) Prohibit or impose any substantive or procedural limitations on any increase of a fee that is necessary to meet the requirements of an instrument that authorizes any bonds or other debt obligations which are secured by or payable from, in whole or in part, money in the enterprise fund or the revenues of the enterprise for which the enterprise fund was created.

6. The Department of Taxation shall provide to the Committee on Local Government Finance a copy of each report submitted to the Department on or after July 1, 2011, by a county or city pursuant to NRS 354.6015. The Committee shall:

(a) Review each report to determine whether the governing body of the local government is in compliance with the provisions of this section; and

(b) On or before January 15 of each odd-numbered year, submit a report of its findings to the Director of the Legislative Counsel Bureau for transmittal to the Legislature.

~~[5. As used in this section, "public utility" has the meaning ascribed to it in NRS 354.598817.]~~

7. A fee increase imposed in violation of this section must not be invalidated on the basis of that violation. The sole remedy for a violation of this section is the penalty provided in NRS 354.626. Any person who pays a fee for the enterprise for which the enterprise fund is created may file a complaint with the district attorney or Attorney General alleging a violation of this section for prosecution pursuant to NRS 354.626.

8. For the purposes of paragraph (c) of subsection 1, the Committee on Local Government Finance shall adopt regulations setting forth the extent to which general, overhead, administrative and similar expenses of a local government of a type described in paragraph (c) of subsection 1 may be allocated to an enterprise fund. The regulations must require that:

(a) Each cost allocation makes an equitable distribution of all general, overhead, administrative and similar expenses of the local government among all activities of the local government, including the activities funded by the enterprise fund; and

(b) Only the enterprise fund's equitable share of those expenses may be treated as expenses of the enterprise fund and allocated to it pursuant to paragraph (c) of subsection 1.

9. Except as otherwise provided in subsections 10 and 11, if a local government has subsidized its general fund with money from an enterprise fund for the 5 fiscal years immediately preceding the fiscal year beginning on July 1, 2011, the provisions of subsection 1 do not apply until July 1, 2021, to transfers from the enterprise fund to the general fund of the local government for the purpose of subsidizing the general fund if the local government:

(a) Does not increase the amount of the transfers to subsidize the general fund in any fiscal year beginning on or after July 1, 2011, above the amount transferred in the fiscal year ending on June 30, 2011, except for loans and transfers that comply with the provisions of subsection 1; and

(b) Does not, on or after July 1, 2011, increase any fees for any enterprise fund used to subsidize the general fund except for increases described in paragraph (b) of subsection 5.

10. On or before July 1, 2012, a local government to which the provisions of subsection 9 apply shall adopt a plan to eliminate, on or before the fiscal year beginning on July 1, 2021, all transfers from any enterprise funds to subsidize the general fund that are not made in compliance with subsection 1. A copy of the plan must be filed with the Department of Taxation on or before July 15, 2012.

11. On and after July 1, 2012, the provisions of subsection 9 do not apply to a local government that fails to comply with the provisions of subsection 10.

Sec. 2. NRS 354.470 is hereby amended to read as follows:

354.470 NRS 354.470 to 354.626, inclusive, ***and section 1 of this act*** may be cited as the Local Government Budget and Finance Act.

Sec. 3. NRS 354.472 is hereby amended to read as follows:

354.472 1. The purposes of NRS 354.470 to 354.626, inclusive, ***and section 1 of this act*** are:

(a) To establish standard methods and procedures for the preparation, presentation, adoption and administration of budgets of all local governments.

(b) To enable local governments to make financial plans for programs of both current and capital expenditures and to formulate fiscal policies to accomplish these programs.

(c) To provide for estimation and determination of revenues, expenditures and tax levies.

(d) To provide for the control of revenues, expenditures and expenses in order to promote prudence and efficiency in the expenditure of public money.

(e) To provide specific methods enabling the public, taxpayers and investors to be apprised of the financial preparations, plans, policies and administration of all local governments.

2. For the accomplishment of these purposes, the provisions of NRS 354.470 to 354.626, inclusive, ***and section 1 of this act*** must be broadly and liberally construed.

Sec. 4. NRS 354.474 is hereby amended to read as follows:

354.474 1. Except as otherwise provided in subsections 2 and 3, the provisions of NRS 354.470 to 354.626, inclusive, ***and section 1 of this act*** apply to all local governments. For the purpose of NRS 354.470 to 354.626, inclusive ~~[.]~~ ***, and section 1 of this act:***

(a) "Local government" means every political subdivision or other entity which has the right to levy or receive money from ad valorem or other taxes or any mandatory assessments, and includes, without limitation, counties, cities, towns, boards, school districts and other districts organized pursuant to chapters 244A, 309, 318 and 379 of NRS, NRS 450.550 to 450.750, inclusive, and chapters 474, 541, 543 and 555 of NRS, and any agency or department of a county or city which prepares a budget separate from that of the parent political subdivision.

(b) "Local government" does not include the Nevada Rural Housing Authority.

2. An irrigation district organized pursuant to chapter 539 of NRS shall fix rates and levy assessments as provided in NRS 539.667 to 539.683,

inclusive. The levy of such assessments and the posting and publication of claims and annual financial statements as required by chapter 539 of NRS shall be deemed compliance with the budgeting, filing and publication requirements of NRS 354.470 to 354.626, inclusive, ***and section 1 of this act,*** but any such irrigation district which levies an ad valorem tax shall comply with the filing and publication requirements of NRS 354.470 to 354.626, inclusive, ***and section 1 of this act*** in addition to the requirements of chapter 539 of NRS.

3. An electric light and power district created pursuant to chapter 318 of NRS shall be deemed to have fulfilled the requirements of NRS 354.470 to 354.626, inclusive, ***and section 1 of this act*** for a year in which the district does not issue bonds or levy an assessment if the district files with the Department of Taxation a copy of all documents relating to its budget for that year which the district submitted to the Rural Utilities Service of the United States Department of Agriculture.

Sec. 5. NRS 354.476 is hereby amended to read as follows:

354.476 As used in NRS 354.470 to 354.626, inclusive, ***and section 1 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 354.479 to 354.578, inclusive, have the meanings ascribed to them in those sections.

Sec. 6. NRS 354.524 is hereby amended to read as follows:

354.524 "Final budget" means the budget which has been adopted by a local governing body or adopted by default as defined by NRS 354.470 to 354.626, inclusive, ***and section 1 of this act*** and which has been determined by the Department of Taxation to be in compliance with applicable statutes and regulations.

Sec. 7. NRS 354.594 is hereby amended to read as follows:

354.594 The Committee on Local Government Finance shall determine and advise local government officers of regulations, procedures and report forms for compliance with NRS 354.470 to 354.626, inclusive ~~[.]~~ ***, and section 1 of this act.***

Sec. 8. NRS 354.6241 is hereby amended to read as follows:

354.6241 1. The statement required by paragraph (a) of subsection 5 of NRS 354.624 must indicate for each fund set forth in that paragraph:

(a) Whether the fund is being used in accordance with the provisions of this chapter.

(b) Whether the fund is being administered in accordance with generally accepted accounting procedures.

(c) Whether the reserve in the fund is limited to an amount that is reasonable and necessary to carry out the purposes of the fund.

(d) The sources of revenues available for the fund during the fiscal year, including transfers from any other funds.

(e) The statutory and regulatory requirements applicable to the fund.

(f) The balance and retained earnings of the fund.

2. Except as otherwise provided in NRS 354.59891 ~~[,]~~ ***and section 1 of this act,*** to the extent that the reserve in any fund set forth in paragraph (a) of subsection 5 of NRS 354.624 exceeds the amount that is reasonable and necessary to carry out the purposes for which the fund was created, the reserve may be expended by the local government pursuant to the provisions of chapter 288 of NRS.

Sec. 9. NRS 354.626 is hereby amended to read as follows:

354.626 1. No governing body or member thereof, officer, office, department or agency may, during any fiscal year, expend or contract to expend any money or incur any liability, or enter into any contract which by its terms involves the expenditure of money, in excess of the amounts appropriated for that function, other than bond repayments, medium-term obligation repayments and any other long-term contract expressly authorized by law. Any officer or employee of a local government who willfully violates NRS 354.470 to 354.626, inclusive, ***and section 1 of this act*** is guilty of a misdemeanor and upon conviction thereof ceases to hold his or her office or employment. Prosecution for any violation of this section may be conducted by the Attorney General or, in the case of incorporated cities, school districts or special districts, by the district attorney.

2. Without limiting the generality of the exceptions contained in subsection 1, the provisions of this section specifically do not apply to:

(a) Purchase of coverage and professional services directly related to a program of insurance which require an audit at the end of the term thereof.

(b) Long-term cooperative agreements as authorized by chapter 277 of NRS.

(c) Long-term contracts in connection with planning and zoning as authorized by NRS 278.010 to 278.630, inclusive.

(d) Long-term contracts for the purchase of utility service such as, but not limited to, heat, light, sewerage, power, water and telephone service.

(e) Contracts between a local government and an employee covering professional services to be performed within 24 months following the date of such contract or contracts entered into between local government employers and employee organizations.

(f) Contracts between a local government and any person for the construction or completion of public works, money for which has been or will be provided by the proceeds of a sale of bonds, medium-term obligations or an installment-purchase agreement and that are entered into by the local government after:

(1) Any election required for the approval of the bonds or installment-purchase agreement has been held;

(2) Any approvals by any other governmental entity required to be obtained before the bonds, medium-term obligations or installment-purchase agreement can be issued have been obtained; and

(3) The ordinance or resolution that specifies each of the terms of the bonds, medium-term obligations or installment-purchase agreement, except those terms that are set forth in subsection 2 of NRS 350.165, has been adopted.

➥ Neither the fund balance of a governmental fund nor the equity balance in any proprietary fund may be used unless appropriated in a manner provided by law.

(g) Contracts which are entered into by a local government and delivered to any person solely for the purpose of acquiring supplies, services and equipment necessarily ordered in the current fiscal year for use in an ensuing fiscal year and which, under the method of accounting adopted by the local government, will be charged against an appropriation of a subsequent fiscal year. Purchase orders evidencing such contracts are public records available for inspection by any person on demand.

(h) Long-term contracts for the furnishing of television or FM radio broadcast translator signals as authorized by NRS 269.127.

(i) The receipt and proper expenditure of money received pursuant to a grant awarded by an agency of the Federal Government.

(j) The incurrence of obligations beyond the current fiscal year under a lease or contract for installment purchase which contains a provision that the obligation incurred thereby is extinguished by the failure of the governing body to appropriate money for the ensuing fiscal year for the payment of the amounts then due.

(k) The receipt by a local government of increased revenue that:

(1) Was not anticipated in the preparation of the final budget of the local government; and

(2) Is required by statute to be remitted to another governmental entity.

(l) An agreement authorized pursuant to NRS 277A.370.

Sec. 10. **Section 1 of this act is hereby amended to read as follows:**

Section 1. Chapter 354 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in this section, the governing body of a local government may, on or after July 1, 2011, loan or transfer money from an enterprise fund, money collected from fees imposed for the purpose for which an enterprise fund was created or any income or interest earned on money in an enterprise fund only if the loan or transfer is made:

(a) In accordance with a medium-term obligation issued by the recipient in compliance with the provisions of chapter 350 of NRS, the loan or transfer is proposed to be made and the governing body approves the loan or transfer

under a nonconsent item that is separately listed on the agenda for a regular meeting of the governing body, and:

(1) The money is repaid in full to the enterprise fund within 5 years; or

(2) If the recipient will be unable to repay the money in full to the enterprise fund within 5 years, the recipient notifies the Committee on Local Government Finance of:

(I) The total amount of the loan or transfer;

(II) The purpose of the loan or transfer;

(III) The date of the loan or transfer; and

(IV) The estimated date that the money will be repaid in full to the enterprise fund;

(b) To pay the expenses related to the purpose for which the enterprise fund was created;

(c) For a cost allocation for employees, equipment or other resources related to the purpose of the enterprise fund which is approved by the governing body under a nonconsent item that is separately listed on the agenda for a regular meeting of the governing body; or

(d) Upon the dissolution of the enterprise fund.

2. Except as otherwise provided in this section, the governing body of a local government may increase the amount of any fee imposed for the purpose for which an enterprise fund was created only if the governing body approves the increase under a nonconsent item that is separately listed on the agenda for a regular meeting of the governing body, and the governing body determines that:

(a) The increase is not prohibited by law;

(b) The increase is necessary for the continuation or expansion of the purpose for which the enterprise fund was created; and

(c) All fees that are deposited in the enterprise fund are used solely for the purposes for which the fees are collected.

3. Upon the adoption of an increase in any fee pursuant to subsection 2, the governing body shall, except as otherwise provided in this subsection, provide to the Department of Taxation an executed copy of the action increasing the fee. This requirement does not apply to the governing body of a federally regulated airport.

4. The provisions of subsection 2 do not limit the authority of the governing body of a local government to increase the amount of any fee imposed upon a public utility in compliance with the provisions of NRS 354.59881 to 354.59889, inclusive, for a right-of-way over any public area if the public utility is billed separately for that fee. As used in this subsection, "public utility" has the meaning ascribed to it in NRS 354.598817.

5. This section must not be construed to:

(a) Prohibit a local government from increasing a fee or using money in an enterprise fund to repay a loan lawfully made to the enterprise fund from another fund of the local government; or

(b) Prohibit or impose any substantive or procedural limitations on any increase of a fee that is necessary to meet the requirements of an instrument that authorizes any bonds or other debt obligations which are secured by or payable from, in whole or in part, money in the enterprise fund or the revenues of the enterprise for which the enterprise fund was created.

6. The Department of Taxation shall provide to the Committee on Local Government Finance a copy of each report submitted to the Department on or after July 1, 2011, by a county or city pursuant to NRS 354.6015. The Committee shall:

(a) Review each report to determine whether the governing body of the local government is in compliance with the provisions of this section; and

(b) On or before January 15 of each odd-numbered year, submit a report of its findings to the Director of the Legislative Counsel Bureau for transmittal to the Legislature.

7. A fee increase imposed in violation of this section must not be invalidated on the basis of that violation. The sole remedy for a violation of this section is the penalty provided in NRS 354.626. Any person who pays a fee for the enterprise for which the enterprise fund is created may file a complaint with the district attorney or Attorney General alleging a violation of this section for prosecution pursuant to NRS 354.626.

8. For the purposes of paragraph (c) of subsection 1, the Committee on Local Government Finance shall adopt regulations setting forth the extent to which general, overhead, administrative and similar expenses of a local government of a type described in paragraph (c) of subsection 1 may be allocated to an enterprise fund. The regulations must require that:

(a) Each cost allocation makes an equitable distribution of all general, overhead, administrative and similar expenses of the local government among all activities of the local government, including the activities funded by the enterprise fund; and

(b) Only the enterprise fund's equitable share of those expenses may be treated as expenses of the enterprise fund and allocated to it pursuant to paragraph (c) of subsection 1.

~~[9. Except as otherwise provided in subsections 10 and 11, if a local government has subsidized its general fund with money from an enterprise fund for the 5 fiscal years immediately preceding the fiscal year beginning on July 1, 2011, the provisions of subsection 1 do not apply until July 1, 2021, to transfers from the enterprise fund to the general fund of the local government for the purpose of subsidizing the general fund if the local government:~~

~~(a) Does not increase the amount of the transfers to subsidize the general fund in any fiscal year beginning on or after July 1, 2011, above the amount transferred in the fiscal year ending on June 30, 2011, except for loans and transfers that comply with the provisions of subsection 1; and~~

~~(b) Does not, on or after July 1, 2011, increase any fees for any enterprise fund used to subsidize the general fund except for increases described in paragraph (b) of subsection 5.~~

~~10. On or before July 1, 2012, a local government to which the provisions of subsection 9 apply shall adopt a plan to eliminate, on or before the fiscal year beginning on July 1, 2021, all transfers from any enterprise funds to subsidize the general fund that are not made in compliance with subsection 1. A copy of the plan must be filed with the Department of Taxation on or before July 15, 2012.~~

~~11. On and after July 1, 2012, the provisions of subsection 9 do not apply to a local government that fails to comply with the provisions of subsection 10.~~**]**

[~~Sec. 10.~~**]** ***Sec. 11.*** Section 3.130 of the Charter of the City of Las Vegas, being chapter 517, Statutes of Nevada 1983, at page 1409, is hereby amended to read as follows:

Sec. 3.130 Department of Financial Management: Director; qualifications; duties.

1. The City Council shall establish a Department of Financial Management, the head of which is the Director of Financial Management. The Department of Financial Management may also include such other qualified personnel as the City Manager determines are necessary properly to handle the financial matters of the City.

2. The Director of Financial Management:

(a) Must have knowledge of municipal accounting and taxation.

(b) Must have experience in budgeting and financial control.

(c) Has charge of the administration of the financial affairs of the City.

(d) Must provide a surety bond in the amount which is fixed by the City Council.

(e) Shall perform or cause to be performed on behalf of the City all of the duties and responsibilities which are imposed upon the City by NRS 354.470 to 354.626, inclusive **[**~~.~~**]** ***, and section 1 of this act.***

3. The City Council may establish by ordinance such regulations as it deems are necessary for the proper conduct of the Department of Financial Management and its officers and employees.

Sec. 12. **The Committee on Local Government Finance shall, on or before January 1, 2012, adopt such regulations as the Committee determines to be necessary to carry out the provisions of subsection 8 of section 1 of this act.**

~~[Sec. 11.]~~ ***Sec. 13.*** **1.** This ~~[act becomes]~~ **section and sections 1 to 9, inclusive, 11 and 12 of this act become** effective on July 1, 2011.

2. Section 10 of this act becomes effective on July 1, 2021.

Assemblywoman Kirkpatrick moved that the Assembly concur in the Senate Amendment No. 749 to Assembly Bill No. 471.

Remarks by Assemblywoman Kirkpatrick.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Assembly Bill No. 242.

The following Senate amendment was read:

Amendment No. 745.

SUMMARY—Requires ~~[a quasi-public organization that receives money from a state agency]~~ **certain organizations** to make available certain information. (BDR 31-67)

AN ACT relating to state financial administration; requiring each ~~[quasi-public]~~ **designated** organization that receives money from ~~[a state agency]~~ **the Department of Health and Human Services** to make available certain information ~~[;]~~ **to the public and to make reports biannually to the Department; requiring the Department to submit those reports to the Director of the Legislative Counsel Bureau;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires certain governmental entities to report quarterly to the Interim Finance Committee regarding the taxes and fees that were legally due to be paid to the governmental entity, the taxes and fees that the governmental entity was actually able to collect, and the taxes and fees that the governmental entity failed to collect or otherwise did not collect. (Chapter 238, Statutes of Nevada 2009, pp. 970-71) This bill requires each ~~[quasi-public]~~ **designated** organization that receives money from ~~[a state agency]~~ **the Department of Health and Human Services** in the form of a donation, gift, grant or other conveyance to: (1) make certain information concerning the organization available on an Internet website; and (2) **make certain reports to the Department every 6 months for the period commencing on July 1, 2011, and ending on June 30, 2013. This bill requires the Department to** provide copies of ~~[certain]~~ **those** reports to the Director of the Legislative Counsel Bureau. This bill defines the term ~~["quasi-public]~~ **"designated** organization" for the purposes of the bill to mean: (1) a nonprofit organization that qualifies for tax-exempt status under 26 U.S.C. § 501(c); or (2) any entity ~~[that]~~ **which receives money by way of a grant, contract or similar agreement for the purpose of providing to persons services that are within the purview of the Department, and**

which is created by or pursuant to an interlocal agreement. **The provisions of this bill sunset on July 31, 2013.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 353 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 7, inclusive, of this act.

Sec. 2. (Deleted by amendment.)

Sec. 3. (Deleted by amendment.)

Sec. 4. (Deleted by amendment.)

Sec. 5. ***1. If a ~~[quasi-public]~~ designated organization receives money from ~~[a state agency]~~ the Department in the form of a donation, gift, grant or other conveyance, the following information must be included on the Internet website of the ~~[quasi-public]~~ designated organization or, if the organization does not have a website, on the website of the ~~[state agency from which the organization received money in the form of a donation, gift, grant or other conveyance:]~~ Department:***

(a) The names and terms of the persons on the board of directors or other governing body of the ~~[quasi-public]~~ designated organization;

(b) The most recent annual report of the ~~[quasi-public]~~ designated organization; and

(c) The mission statement or other statement of purpose of the ~~[quasi-public]~~ designated organization.

2. ~~[Except as otherwise provided in this subsection, if a quasi-public organization is required by law to]~~ For a period of 2 years commencing on July 1, 2011, and ending on June 30, 2013, the Department shall require, as part of any grant, contract or similar agreement pursuant to which a designated organization provides to persons services that are within the purview of the Department, that the designated organization submit a report to ~~[a state agency from which the organization receives money in the form of a donation, gift, grant or other conveyance, the organization]~~ the Department once every 6 months. Such reports must:

(a) Be submitted to the Department within 30 days after the end of each 6-month period; and

(b) At a minimum, contain the following information:

(1) The amount of money that the designated organization received from the Department during the immediately preceding 6-month period;

(2) The number of persons served pursuant to the grant, contract or similar agreement;

(3) A description of the services provided pursuant to the grant, contract or similar agreement; and

(4) Any other information deemed appropriate by the Department.

3. The Department shall ~~[also]~~ submit ~~[a copy]~~ copies of the ~~[report]~~ reports described in subsection 2, in electronic format, to the Director of the Legislative Counsel Bureau. ~~[If the quasi-public organization prepares a summary annual report for submission to a state agency from which the organization receives money in the form of a donation, gift, grant or other conveyance, the organization may submit a copy of such summary annual report to the Director of the Legislative Counsel Bureau in lieu of submitting any other report that is more frequent or specific in nature.~~

~~3.]~~

4. As used in this section:

(a) ~~[~~"Quasi-public~~]~~ "Department" means the Department of Health and Human Services created by NRS 232.300.

(b) "Designated organization" means:

(1) A nonprofit religious, charitable, fraternal or other organization that qualifies as a tax-exempt organization pursuant to 26 U.S.C. § 501(c); or

(2) Any other entity that ~~[is]~~ :

(I) Receives money by way of a grant, contract or similar agreement for the purpose of providing to persons services that are within the purview of the Department, including, without limitation, domestic violence prevention and assistance, and treatment for mental health issues and substance abuse; and

(II) Is created by or pursuant to an interlocal agreement.

~~[~~ (b) "State agency" means an agency, bureau, board, commission, department, division or any other unit of the Executive Department of the State Government.~~]~~

Sec. 6. (Deleted by amendment.)

Sec. 7. (Deleted by amendment.)

Sec. 8. This act becomes effective upon passage and approval **~~[.]~~ and expires by limitation on July 31, 2013.**

Assemblywoman Kirkpatrick moved that the Assembly concur in the Senate Amendment No. 745 to Assembly Bill No. 242.

Remarks by Assemblywoman Kirkpatrick.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 4:21 p.m.

ASSEMBLY IN SESSION

At 4:24 p.m.
Mr. Speaker presiding.
Quorum present.

Assembly Bill No. 322.
The following Senate amendment was read:
Amendment No. 714.

AN ACT relating to wildlife; revising the membership of the Board of Wildlife Commissioners to include one member who **is actively engaged in conservation and** possesses experience and expertise in advocating issues relating to conservation; revising the circumstances under which the Director of the Department of Wildlife is appointed; revising the provisions governing a program for the issuance of certain additional big game tags each year; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law creates the Board of Wildlife Commissioners, consisting of nine members appointed by the Governor, and confers broad authority upon the Commission to manage wildlife and its habitat in this State. (NRS 501.105, 501.167, 501.181) Of those nine members, existing law requires one member to be a person who is actively engaged in the conservation of wildlife. (NRS 501.171) **Section 1** of this bill revises the qualifications of that member to require **him or her to be actively engaged in conservation and to possess** experience and expertise in advocating issues relating to conservation.

Existing law requires the Governor to appoint the Director of the Department of Wildlife from among three or more persons nominated by the Commission. (NRS 501.333) **Section 2** of this bill revises that requirement to allow the Governor additional discretion in appointing the Director.

Existing law authorizes the Commission to establish a program for the issuance of additional big game tags each year, known as "Dream Tags," to hunt any species of pronghorn antelope, bear, deer, mountain goat, mountain lion, bighorn sheep or elk. The program must award the big game tags through a raffle conducted by a certain nonprofit organization. The money received by the nonprofit organization from the proceeds of the raffle, less any administrative costs, must be used to preserve, protect, manage or restore game and its habitat. (NRS 502.219) In lieu of authorizing the Commission to establish such a program, **section 3** of this bill establishes that program by statute.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 501.171 is hereby amended to read as follows:

501.171 1. A county advisory board to manage wildlife shall submit written nominations for appointments to the Commission upon the request of the Governor and may submit nominations at any other time.

2. After consideration of the written nominations submitted by a county advisory board to manage wildlife and any additional candidates for appointment to the Commission, the Governor shall appoint to the Commission:

(a) One member who is actively engaged in ~~[the]~~ ***and possesses experience and expertise in advocating issues relating to*** conservation ***;*** ~~[of wildlife;]~~

(b) One member who is actively engaged in farming;

(c) One member who is actively engaged in ranching;

(d) One member who represents the interests of the general public; and

(e) Five members who during at least 3 of the 4 years immediately preceding their appointment held a resident license to fish or hunt, or both, in Nevada.

3. The Governor shall not appoint to the Commission any person who has been convicted of:

(a) A felony or gross misdemeanor for a violation of NRS 501.376;

(b) A gross misdemeanor for a violation of NRS 502.060;

(c) A felony or gross misdemeanor for a violation of NRS 504.395; or

(d) Two or more violations of the provisions of chapters 501 to 504, inclusive, of NRS,

➥ during the previous 10 years.

4. Not more than three members may be from the same county whose population is 400,000 or more, not more than two members may be from the same county whose population is 100,000 or more but less than 400,000, and not more than one member may be from the same county whose population is less than 100,000.

5. The Commission shall annually select a Chair and a Vice Chair from among its members. A person shall not serve more than two consecutive terms as Chair.

Sec. 2. NRS 501.333 is hereby amended to read as follows:

501.333 1. ~~[From among three or more nominees of the Commission, the]~~ ***The*** Governor shall appoint a Director of the Department, who is its Chief Administrative Officer. The Director serves at the pleasure of the Governor.

2. The Governor shall select as Director a person having an academic degree in the management of wildlife or a closely related field, substantial experience in the management of wildlife and a demonstrated ability to

administer a major public agency. ***When appointing the Director, the Governor may consider any person nominated by the Commission.***

3. The Director is in the unclassified service of the State.

Sec. 3. NRS 502.219 is hereby amended to read as follows:

502.219 1. ~~[The Commission may establish a]~~ ***A*** program ***is hereby established*** for the issuance of additional big game tags each year to be known as "Dream Tags." ~~[If the Commission establishes such a program, the]~~ ***The*** program must provide:

(a) For the issuance of Dream Tags to either a resident or nonresident of this State;

(b) For the issuance of one Dream Tag for each species of big game for which 50 or more tags were available under the quota established for the species by the Commission during the previous year; and

(c) For the sale of Dream Tags to a nonprofit organization pursuant to this section.

2. The ~~[Commission may adopt regulations establishing such other provisions concerning Dream Tags as the Commission determines reasonable or necessary in carrying out the program.]~~ ***Department shall administer the program and shall take such actions as the Department determines are necessary to carry out the provisions of this section and NRS 502.222 and 502.225.***

3. A nonprofit organization established through the Community Foundation of Western Nevada which is exempt from taxation pursuant to 26 U.S.C. § 501(c)(3) and which has as its principal purpose the preservation, protection, management or restoration of wildlife and its habitat may purchase such Dream Tags from the Department ~~[as are authorized by the Commission,]~~ at prices established by the ~~[Commission,]~~ ***Department,*** subject to the following conditions:

(a) The nonprofit organization must agree to award the Dream Tags by raffle, with unlimited chances to be sold for $5 each to persons who purchase a resource enhancement stamp pursuant to NRS 502.222.

(b) The nonprofit organization must agree to enter into a contract with a private entity that is approved by the Department which requires that the private entity agree to act as the agent of the nonprofit organization to sell chances to win Dream Tags, conduct any required drawing for Dream Tags and issue Dream Tags. For the purposes of this paragraph, a private entity that has entered into a contract with the Department pursuant to NRS 502.175 to conduct a drawing and to award and issue tags or permits as established by the Commission shall be deemed to be approved by the Department.

(c) All money received by the nonprofit organization from the proceeds of the Dream Tag raffle, less the cost of the Dream Tags purchased by the

nonprofit organization and any administrative costs charged by the Community Foundation of Western Nevada, must be used for the preservation, protection, management or restoration of game and its habitat, as determined by the Advisory Board on Dream Tags created by NRS 502.225.

4. All money received by the Department for Dream Tags pursuant to this section must be deposited with the State Treasurer for credit to the Wildlife Account in the State General Fund.

5. The nonprofit organization shall, on or before February 1 of each year, report to the ~~[Commission]~~ ***Department*** and the Interim Finance Committee concerning the Dream Tag program, including, without limitation:

(a) The number of Dream Tags issued during the immediately preceding calendar year;

(b) The total amount of money paid to the Department for Dream Tags during the immediately preceding calendar year;

(c) The total amount of money received by the nonprofit organization from the proceeds of the Dream Tag raffle, the amount of such money expended by the nonprofit organization and a description of each project for which the money was spent; and

(d) Any recommendations concerning the ~~[continuation of the]~~ program or necessary legislation.

6. As used in this section, "big game tag" means a tag permitting a person to hunt any species of pronghorn antelope, bear, deer, mountain goat, mountain lion, bighorn sheep or elk.

Sec. 4. 1. As soon as practicable after the effective date of this section, the Governor shall appoint one member of the Board of Wildlife Commissioners who is qualified pursuant to paragraph (a) of subsection 2 of NRS 501.171, as amended by section 1 of this act.

2. The term of the member of the Board of Wildlife Commissioners who was appointed pursuant to paragraph (a) of subsection 2 of NRS 501.171 before the effective date of this section expires:

(a) Upon the expiration of the term for which he or she was appointed; or

(b) Upon the appointment by the Governor of the member specified in subsection 1,

➥ whichever occurs first.

Sec. 5. 1. This section and sections 1, 2 and 4 of this act become effective upon passage and approval.

2. Section 3 of this act becomes effective on July 1, 2011.

Assemblywoman Carlton moved that the Assembly concur in the Senate Amendment No. 714 to Assembly Bill No. 222.

Remarks by Assemblywoman Carlton.
Motion carried by a constitutional majority.
Bill ordered enrolled.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Oceguera, the privilege of the floor of the Assembly Chamber for this day was extended to Cedric Williams.

Assemblyman Conklin moved that the Assembly adjourn until Thursday, June 2, 2011, at 11 a.m., and that it do so in memory of former Supreme Court Justice Cameron Batjer, with thoughts and prayers to the Batjer family.
Motion carried.

Assembly adjourned at 4:27 p.m.

Approved: JOHN OCEGUERA
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE ONE HUNDRED SIXTEENTH DAY

CARSON CITY (Thursday), June 2, 2011

Assembly called to order at 11:28 a.m.
Mr. Speaker presiding.
Roll called.
All present.
Prayer by the Chaplain, Reverend Bruce Henderson.

Each time we come together, we begin by talking to God. I thought it would be appropriate today to allow God to speak to us. Let us listen as He speaks from the Book of Jeremiah:

> "For I know the plans I have for you, plans to prosper you and not to harm you, plans to give you hope and a future. Then you will call upon me and come and pray to me, and I will listen to you. You will seek me and find me when you seek me with all your heart." (Jeremiah 29:11-13)

Thank You, Lord.

AMEN.

Pledge of allegiance to the Flag.

Assemblywoman Kirkpatrick moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Ways and Means has had under consideration various budgets for the Department of Business and Industry, and begs leave to report back that the following accounts have been closed by the Committee:

Business and Industry Administration (101-4681)
Division of Industrial Relations (210-4680)
Occupational Safety and Health Enforcement (210-4682)
Safety Consultation and Training (210-4685)
Mine Safety and Training (210-4686)
Housing Division (503-3841)
Low Income Housing Trust Fund (101-3838)
Special Housing Assistance (101-3839)
Weatherization (101-4865)
Industrial Development Bonds (101-4683)
Manufactured Housing (271-3814)
Mobile Home Lot Rent Subsidy (630-3842)
Mobile Home Parks (271-3843)
Manufactured Housing Education/Recovery (271-3847)

Also, your Committee on Ways and Means has had under consideration various budgets for the Division of Mental Health and Developmental Services of the Department of Health and Human Services, and begs leave to report back that the following accounts have been closed by the Committee:

MHDS Administration (101-3168)
MH Info Systems (101-3164)
Alcohol Tax Program (101-3255)
Substance Abuse Prev/Treatment (101-3170)
Family Preservation Prgm (101-3166)
Sierra Regional Center (101-3280)
Desert Regional Center (101-3279)
Rural Regional Center (101-3167)
Rural Clinics (101-3648)
No NV Adult MH Svc (101-3162)
So NV Adult MH Svc (101-3161)
Lake's Crossing (101-3645)

DEBBIE SMITH, *Chair*

Mr. Speaker:

Your Committee on Commerce and Labor, to which was referred Senate Bill No. 60, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

KELVIN ATKINSON, *Chair*

Mr. Speaker:

Your Committee on Ways and Means, to which were referred Senate Bills Nos. 443, 446, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Ways and Means, to which was rereferred Assembly Bill No. 380, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which was rereferred Assembly Bill No. 503, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DEBBIE SMITH, *Chair*

COMMUNICATIONS

MESSAGES FROM THE GOVERNOR

OFFICE OF THE GOVERNOR

June 1, 2011

April 4, 2011

SPEAKER JOHN OCEGUERA, *Nevada State Assembly*, 401 SOUTH CARSON STREET, CARSON CITY, NV 89701

RE: Assembly Bill 135 of the 76th Legislative Session

DEAR MR. SPEAKER:

I am herewith forwarding to you, for filing within the constitutional time limit and without my approval, Assembly Bill 135, which is entitled:

AN ACT relating to probation; revising provisions concerning violations of probation; and providing other matters properly relating thereto.

This bill relates to the authority of courts to, upon determination that a person has violated a condition of probation, continue or revoke the probation or suspension of sentence. More specifically, the bill limits courts' discretion to revoke the probation and suspension of sentence to cases where: (1) imprisonment is necessary to protect the community from further criminal activity by the probationer; (2) the probationer is in need of treatment which can most effectively be provided if he or she is imprisoned; (3) the seriousness of the violation or the totality of violations by the probationer warrant revocation of probation and suspension of the sentence; or (4) the violation demonstrates the probationer cannot be supervised pursuant to practices and policies governing probation.

The bill further precludes courts from revoking probation and the suspension of the sentence based on the probationer's failure to pay court imposed administrative assessments, fees and expenses. In addition, before revoking probation and the suspension of the sentence, the bill requires courts to make findings to support the reasons for the revocation and state them on the record.

The requirement that courts state on the record the reasons for revocation of probation and the suspension of a sentence is reasonable. The limits imposed on the discretion of courts to revoke probation and the suspension of a sentence, however, are not. The effective administration of justice requires the proportionate enforcement of criminal sentences. Proportionality is not, though, easily obtained through the application of categorical methodology. Instead, courts require flexibility and discretion in fashioning the appropriate response to a probation violation. Thus, courts have traditionally been granted latitude in determining the appropriate mechanism by which such sentences are enforced. The revocation of probation and the suspension of a sentence are tools often employed toward that end.

Insofar as this bill limits the cases in which these enforcement mechanisms are available, it undermines the ability of courts to effectively enforce sentences. The Legislature's attempt to categorically define the circumstances under which revocation of probation and the suspension of a sentence are appropriate fails to adequately capture the scope of cases where such revocation is appropriate; therefore, I veto this bill and return it to you without my approval.

Sincere regards,
BRIAN SANDOVAL
Governor

OFFICE OF THE GOVERNOR

June 1, 2011

SPEAKER JOHN OCEGUERA, *Nevada State Assembly*, 401 SOUTH CARSON STREET, CARSON CITY, NV 89701

RE: Assembly Bill 253 of the 76th Legislative Session

DEAR MR. SPEAKER:

I am herewith forwarding to you, for filing within the constitutional time limit and without my approval, Assembly Bill 253, which is entitled:

> AN ACT relating to occupational safety; revising certain fines for willful violations of the Nevada Occupational Safety and Health Act; authorizing citations and fines for violation of a settlement agreement; providing for a survey of salaries of safety and mechanical inspectors; and providing other matters properly relating thereto.

This bill relates to occupational safety. It proposes significant increases to the fines that may be imposed for willful violations of the Nevada Occupational Safety and Health Act (OSHA). The bill also revises the punishment for a willful violation that results in the death of an employee.

There is some merit to the argument that the bills increased fines may help reduce the number of willful OSHA violations occurring in Nevada's workplaces. However, a more innovative and proactive approach is warranted to improve workplace safety and change behavior before it

results in workplace injuries or death. I therefore exercise my constitutional grant of authority to veto AB 253 and return it to you without my approval.

Sincere regards,
BRIAN SANDOVAL
Governor

OFFICE OF THE GOVERNOR

CARSON CITY, NEVADA, June 1, 2011

SPEAKER JOHN OCEGUERA, *Nevada State Assembly*, 401 SOUTH CARSON STREET, CARSON CITY, NV 89701

RE: Assembly Bill 254 of the 76th Legislative Session

DEAR MR. SPEAKER:

I am herewith forwarding to you, for filing within the constitutional time limit and without my approval, Assembly Bill 254, which is entitled:

> AN ACT relating to occupational safety; revising provisions governing the grounds for the issuance of a citation for certain occupational safety and health violations; providing for the issuance of a citation for certain occupational safety and health violations upon a determination by the Administrator of the Division of Industrial Relations of the Department of Business and Industry or the Administrator's authorized representative that any employee has access to a hazard; and providing other matters properly relating thereto.

This bill relates to occupational safety. Like Assembly Bill 253, which I have already vetoed, Assembly Bill 254 unnecessarily increases the complexity and cost of operating a business in Nevada. The bill expands the scope of behavior for which a citation may be issued to an employer for violating the Nevada Occupational Safety and Health Act (OSHA) by allowing the issuance of a citation based upon a determination that an employee "has access to a hazard" in the workplace.

Legislation passed in 2009 has significantly improved jobsite safety and enforcement of OSHA violations in Nevada, and I am a strong supporter of continued improvement in these areas. However, this bill creates ambiguous and misguided new requirements that will be difficult to enforce and burdensome to comply with. Because this bill will not proactively improve the conditions and safety of our workplaces, I veto it and return it to you without my approval.

Sincere regards,
BRIAN SANDOVAL
Governor

OFFICE OF THE GOVERNOR

June 1, 2011

SPEAKER JOHN OCEGUERA, *Nevada State Assembly*, 401 SOUTH CARSON STREET, CARSON CITY, NV 89701

RE: Assembly Bill 456 of the 76th Legislative Session

DEAR MR. SPEAKER:

I am herewith forwarding to you, for filing within the constitutional time limit and without my approval, Assembly Bill 456, which is entitled:

> AN ACT relating to education; authorizing certain pupils to receive a standard high school diploma without passing all subject areas of the high school proficiency examination under certain circumstances; authorizing the board of trustees of a school district to adopt a policy that allows certain pupils enrolled in high school the opportunity to make up credit; authorizing a juvenile court to impose certain orders

against the parent or legal guardian of a child who is adjudicated in need of supervision because the child is a habitual truant; revising provisions governing employment of minors; and providing other matters properly relating thereto.

This bill alters requirements for graduation from high school. In order to receive a standard high school diploma, students must pass all portions of the Nevada High School Proficiency Examination (HSPE) and meet certain other district and state requirements. Approval of Assembly Bill 456 would allow students to graduate from high school even if they continue to fail one subject area of the HSPE, so long as they earn at least a 2.75 grade point average, satisfy minimum attendance requirements, do not have any pending disciplinary actions, and obtain a cumulative passing score on the HSPE.

Supporters of the bill point out that some students cannot pass the math portion of the HSPE, but these students are otherwise proficient in all other subject areas and do well in school. While personally compelling, this argument lacks a broad policy implication; if the number of students is as small as has been represented, other remedies may exist besides a wholesale change in graduation requirements. The bill does not address the fact that Nevada's graduation rates and grade-level performance are amongst the worst in the nation. It similarly fails to address why an achievement gap exists for a few students on certain portions of the HSPE. Other measures already enacted this legislative session do more to change the status quo. For example, Assembly Bill 290 will allow the principal of a high school to postpone administration of the math and/or science portion of the HSPE for pupils who are not academically ready. These students will be enrolled in appropriate course work and participate in a program designed to help students pass the exam.

Although this bill may allow more students to graduate from high school, it represents diminished expectations for our students and lower standards for obtaining a high school diploma in Nevada. In my State of the State address, I said that our education system emphasizes too many of the wrong things. AB 456 is another example of this paradigm and would send the wrong message to our students.

I am committed to improving our education system and enhancing student achievement. Because this bill provides a way to hide or ignore a student achievement problem, rather than to fix it, I veto it and return it to you without my approval.

Sincere regards,
BRIAN SANDOVAL
Governor

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 1, 2011

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 225, Amendment No. 860; Assembly Bill No. 229, Amendment No. 861, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly Amendment No. 681 to Senate Bill No. 223; Assembly Amendment No. 628 to Senate Bill No. 236; Assembly Amendment No. 682 to Senate Bill No. 299; Assembly Amendment No. 672 to Senate Bill No. 323; Assembly Amendment No. 711 to Senate Bill No. 339.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Atkinson moved that the action whereby the Assembly concurred to Senate Amendment No. 658 to Assembly Bill No. 199 be reconsidered.

Motion carried.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 199.

The following Senate amendment was read:

Amendment No. 658.

AN ACT relating to the practice of pharmacy; revising provisions governing the authority of a registered pharmacist to collaborate with a practitioner for the implementation, monitoring and modification of drug therapy; authorizing the State Board of Pharmacy to establish regulations relating to collaborative pharmacy practice; **revising provisions governing the use of the letters "Rx" and "RX" by certain persons; revising provisions relating to the authority of a registered pharmacist to possess and administer controlled substances and dangerous drugs under certain circumstances;** providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes a registered pharmacist to collaborate with a practitioner to engage in the implementation and modification of drug therapy for a patient at a licensed medical facility or licensed pharmacy. (NRS 639.0124) **Section 1** of this bill prescribes requirements for written guidelines and protocols which must be developed by a pharmacist who collaborates with a practitioner and requires those guidelines and protocols to be approved by the State Board of Pharmacy. **Section 1** also authorizes the written guidelines and protocols to set forth provisions for a pharmacist to implement, monitor and modify the drug therapy of a patient in **a medical facility or** a setting ~~[other than]~~ **that is affiliated with** a licensed medical facility**.** ~~[or licensed pharmacy.]~~ **Sections 10.3 and 10.7 of this bill revise the authority of a pharmacist to possess and administer controlled substances and dangerous drugs under certain circumstances for the care of a patient in accordance with the written guidelines and protocols developed pursuant to section 1.**

Existing law prohibits a person operating a business from using the letters "Rx" or "RX" if the person does not have a license from the Board. (NRS 639.230) Section 10 of this bill authorizes persons who are

not subject to the laws governing the practice of pharmacy to use those letters if the person obtains approval from the Board.

A person who violates any provision of chapter 639 of NRS governing pharmacists and pharmacies, including any provision of this bill, is guilty of a misdemeanor. (NRS 639.310)

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 639 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Written guidelines and protocols developed by a registered pharmacist in collaboration with a practitioner which authorize the implementation, monitoring and modification of drug therapy:

(a) May authorize a pharmacist to order and use the findings of laboratory tests and examinations.

(b) May provide for implementation, monitoring and modification of drug therapy for a patient receiving care ~~[in]~~ :

(1) In a licensed medical facility ; or ~~[, if]~~

(2) If developed to ensure continuity of care for a patient, in any setting ~~[outside]~~ that is affiliated with a medical facility where the patient is receiving care. A pharmacist who modifies a drug therapy of a patient receiving care in a setting that is affiliated with a medical facility shall, within 72 hours after implementing or modifying the drug therapy, provide written notice of the implementation or modification of the drug therapy to the collaborating practitioner or enter the appropriate information concerning the drug therapy in an electronic patient record system shared by the pharmacist and the collaborating practitioner.

(c) Must state the conditions under which a prescription of a practitioner relating to the drug therapy of a patient may be changed by the pharmacist without a subsequent prescription from the practitioner.

(d) Must be approved by the Board.

2. The Board may adopt regulations which:

(a) Prescribe additional requirements for written guidelines and protocols developed pursuant to this section; and

(b) Set forth the process for obtaining the approval of the Board of such written guidelines and protocols.

Sec. 2. (Deleted by amendment.)

Sec. 3. (Deleted by amendment.)

Sec. 4. (Deleted by amendment.)

Sec. 5. (Deleted by amendment.)

Sec. 6. (Deleted by amendment.)

Sec. 7. (Deleted by amendment.)

Sec. 8. (Deleted by amendment.)

Sec. 9. NRS 639.0124 is hereby amended to read as follows:

639.0124 "Practice of pharmacy" includes, but is not limited to, the:

1. Performance or supervision of activities associated with manufacturing, compounding, labeling, dispensing and distributing of a drug, including the receipt, handling and storage of prescriptions and other confidential information relating to patients.

2. Interpretation and evaluation of prescriptions or orders for medicine.

3. Participation in drug evaluation and drug research.

4. Advising of the therapeutic value, reaction, drug interaction, hazard and use of a drug.

5. Selection of the source, storage and distribution of a drug.

6. Maintenance of proper documentation of the source, storage and distribution of a drug.

7. Interpretation of clinical data contained in a person's record of medication.

8. Development of written guidelines and protocols in collaboration with a practitioner which are intended for a patient in a licensed medical facility ***or in a setting*** ~~*[outside]*~~ ***that is affiliated with a medical facility where the patient is receiving care*** and ***which*** authorize the implementation, monitoring and modification of drug therapy. The written guidelines and protocols ~~[may authorize a pharmacist to order and use the findings of laboratory tests and examinations.]~~ ***must comply with section 1 of this act.***

9. Implementation and modification of drug therapy in accordance with the authorization of the prescribing practitioner for a patient in a pharmacy in which drugs, controlled substances, poisons, medicines or chemicals are sold at retail.

➥ The term does not include the changing of a prescription by a pharmacist or practitioner without the consent of the prescribing practitioner, except as otherwise provided in NRS 639.2583.

Sec. 10. NRS 639.230 is hereby amended to read as follows:

639.230 1. A person operating a business in this State shall not use ~~[the letters "Rx" or "RX" or]~~ the word "drug" or "drugs," "prescription" or "pharmacy," or similar words or words of similar import, without first having secured a license from the Board. ***A person operating a business in this State which is not otherwise subject to the provisions of this chapter shall not use the letters "Rx" or "RX" without the approval of the Board. The Board must not unreasonably deny approval of the use of the letters "Rx" or "RX" by any person but may deny approval upon a determination that:***

(a) The person is subject to the provisions of this chapter but has not secured a license from the Board; or

(b) The use of the letters "Rx" or "RX" by the person is confusing or misleading to or threatens the health or safety of the residents of this State.

2. Each license must be issued to a specific person and for a specific location and is not transferable. The original license must be displayed on the licensed premises as provided in NRS 639.150. The original license and the fee required for reissuance of a license must be submitted to the Board before the reissuance of the license.

3. If the owner of a pharmacy is a partnership or corporation, any change of partners or corporate officers must be reported to the Board at such a time as is required by a regulation of the Board.

4. Except as otherwise provided in subsection 6, in addition to the requirements for renewal set forth in NRS 639.180, every person holding a license to operate a pharmacy must satisfy the Board that the pharmacy is conducted according to law.

5. Any violation of any of the provisions of this chapter by a managing pharmacist or by personnel of the pharmacy under the supervision of the managing pharmacist is cause for the suspension or revocation of the license of the pharmacy by the Board.

6. The provisions of this section do not prohibit ~~[a]~~ ***:***

(a) A Canadian pharmacy which is licensed by the Board and which has been recommended by the Board pursuant to subsection 4 of NRS 639.2328 for inclusion on the Internet website established and maintained pursuant to subsection 9 of NRS 223.560 from providing prescription drugs through mail order service to residents of Nevada in the manner set forth in NRS 639.2328 to 639.23286, inclusive ~~[.]~~ ***; or***

(b) A registered pharmacist or practitioner from collaborating in the implementation, monitoring and modification of drug therapy pursuant to guidelines and protocols approved by the Board.

Sec. 10.3. **NRS 453.026 is hereby amended to read as follows:**

453.026 "Agent" means a pharmacist ~~[,]~~ ***who cares for a patient of a prescribing practitioner in a medical facility or in a setting that is affiliated with a medical facility where the patient is receiving care in accordance with written guidelines and protocols developed and approved pursuant to section 1 of this act, a*** licensed practical nurse or registered nurse who cares for a patient of a prescribing practitioner in a medical facility or an authorized person who acts on behalf of or at the direction of and is employed by a manufacturer, distributor, dispenser or prescribing practitioner. The term does not include a common or contract carrier, public warehouseman or employee of the carrier or warehouseman.

Sec. 10.7. **NRS 454.213 is hereby amended to read as follows:**

454.213 A drug or medicine referred to in NRS 454.181 to 454.371, inclusive, may be possessed and administered by:

1. A practitioner.

2. A physician assistant licensed pursuant to chapter 630 or 633 of NRS, at the direction of his or her supervising physician or a licensed dental hygienist acting in the office of and under the supervision of a dentist.

3. Except as otherwise provided in subsection 4, a registered nurse licensed to practice professional nursing or licensed practical nurse, at the direction of a prescribing physician, physician assistant licensed pursuant to chapter 630 or 633 of NRS, dentist, podiatric physician or advanced practitioner of nursing, or pursuant to a chart order, for administration to a patient at another location.

4. In accordance with applicable regulations of the Board, a registered nurse licensed to practice professional nursing or licensed practical nurse who is:

(a) Employed by a health care agency or health care facility that is authorized to provide emergency care, or to respond to the immediate needs of a patient, in the residence of the patient; and

(b) Acting under the direction of the medical director of that agency or facility who works in this State.

5. Except as otherwise provided in subsection 6, an intermediate emergency medical technician or an advanced emergency medical technician, as authorized by regulation of the State Board of Pharmacy and in accordance with any applicable regulations of:

(a) The State Board of Health in a county whose population is less than 100,000;

(b) A county board of health in a county whose population is 100,000 or more; or

(c) A district board of health created pursuant to NRS 439.362 or 439.370 in any county.

6. An intermediate emergency medical technician or an advanced emergency medical technician who holds an endorsement issued pursuant to NRS 450B.1975, under the direct supervision of a local health officer or a designee of the local health officer pursuant to that section.

7. A respiratory therapist employed in a health care facility. The therapist may possess and administer respiratory products only at the direction of a physician.

8. A dialysis technician, under the direction or supervision of a physician or registered nurse only if the drug or medicine is used for the process of renal dialysis.

9. A medical student or student nurse in the course of his or her studies at an approved college of medicine or school of professional or practical nursing, at the direction of a physician and:

(a) In the presence of a physician or a registered nurse; or

(b) Under the supervision of a physician or a registered nurse if the student is authorized by the college or school to administer the drug or medicine outside the presence of a physician or nurse.

➥ A medical student or student nurse may administer a dangerous drug in the presence or under the supervision of a registered nurse alone only if the circumstances are such that the registered nurse would be authorized to administer it personally.

10. Any person designated by the head of a correctional institution.

11. An ultimate user or any person designated by the ultimate user pursuant to a written agreement.

12. A nuclear medicine technologist, at the direction of a physician and in accordance with any conditions established by regulation of the Board.

13. A radiologic technologist, at the direction of a physician and in accordance with any conditions established by regulation of the Board.

14. A chiropractic physician, but only if the drug or medicine is a topical drug used for cooling and stretching external tissue during therapeutic treatments.

15. A physical therapist, but only if the drug or medicine is a topical drug which is:

(a) Used for cooling and stretching external tissue during therapeutic treatments; and

(b) Prescribed by a licensed physician for:

(1) Iontophoresis; or

(2) The transmission of drugs through the skin using ultrasound.

16. In accordance with applicable regulations of the State Board of Health, an employee of a residential facility for groups, as defined in NRS 449.017, pursuant to a written agreement entered into by the ultimate user.

17. A veterinary technician at the direction of his or her supervising veterinarian.

18. In accordance with applicable regulations of the Board, a registered pharmacist who:

(a) Is trained in and certified to carry out standards and practices for immunization programs;

(b) Is authorized to administer immunizations pursuant to written protocols from a physician; and

(c) Administers immunizations in compliance with the "Standards of Immunization Practices" recommended and approved by the United States Public Health Service Advisory Committee on Immunization Practices.

19. ***A registered pharmacist pursuant to written guidelines and protocols developed and approved pursuant to section 1 of this act.***

20. A person who is enrolled in a training program to become a physician assistant licensed pursuant to chapter 630 or 633 of NRS, dental hygienist, intermediate emergency medical technician, advanced emergency medical technician, respiratory therapist, dialysis technician, nuclear medicine technologist, radiologic technologist, physical therapist or veterinary technician if the person possesses and administers the drug or medicine in the same manner and under the same conditions that apply, respectively, to a physician assistant licensed pursuant to chapter 630 or 633 of NRS, dental hygienist, intermediate emergency medical technician, advanced emergency medical technician, respiratory therapist, dialysis technician, nuclear medicine technologist, radiologic technologist, physical therapist or veterinary technician who may possess and administer the drug or medicine, and under the direct supervision of a person licensed or registered to perform the respective medical art or a supervisor of such a person.

Sec. 11. This act becomes effective upon passage and approval for the purpose of adopting regulations and on October 1, 2011, for all other purposes.

Assemblyman Atkinson moved that the Assembly do not concur in the Senate Amendment No. 658 to Assembly Bill No. 199.

Motion carried.

Bill ordered transmitted to the Senate.

Assembly Bill No. 225.

The following Senate amendment was read:

Amendment No. 860.

AN ACT relating to educational personnel; requiring certain teachers and administrators who receive unsatisfactory evaluations to serve an additional probationary period; authorizing certain employees to request an expedited hearing under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that each teacher and administrator who is employed by a school district in this State must serve a 2-year probationary period, unless the second year of the probationary period is waived by the superintendent of schools of the school district or the superintendent's designee. A probationary employee who completes his or her probationary period and receives a notice of reemployment from the school district becomes a postprobationary employee in the ensuing year of employment. (NRS 391.3197) Existing law also provides that a postprobationary teacher or administrator must be evaluated at least once each year. (NRS 391.3125, 391.3127) **Section 1** of this bill provides that a postprobationary teacher or

administrator who receives an unsatisfactory evaluation **, or any other equivalent evaluation which designates his or her overall performance as below average,** for 2 consecutive **school** years shall be deemed to be a probationary employee and must serve an additional probationary period. **Section 4** of this bill provides that the provisions of **section 1 ~~[do not apply if]~~ are not** superseded by the terms of a collective bargaining agreement. **Section 5** of this bill authorizes a teacher or administrator who is deemed to be a probationary employee pursuant to **section 1** and who receives notice that he or she will be dismissed before the completion of the current school year to request an expedited hearing pursuant to the expedited hearing procedures established by the American Arbitration Association.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 391 of NRS is hereby amended by adding thereto a new section to read as follows:

A postprobationary employee who receives an unsatisfactory evaluation pursuant to NRS 391.3125 or 391.3127, as applicable, or any other equivalent evaluation designating his or her overall performance as below average, for 2 consecutive school years shall be deemed to be a probationary employee for the purposes of NRS 391.311 to 391.3197, inclusive, and must serve an additional probationary period in accordance with the provisions of NRS 391.3197.

Sec. 2. NRS 391.311 is hereby amended to read as follows:

391.311 As used in NRS 391.311 to 391.3197, inclusive, ***and section 1 of this act,*** unless the context otherwise requires:

1. "Administrator" means any employee who holds a license as an administrator and who is employed in that capacity by a school district.

2. "Board" means the board of trustees of the school district in which a licensed employee affected by NRS 391.311 to 391.3197, inclusive, ***and section 1 of this act*** is employed.

3. "Demotion" means demotion of an administrator to a position of lesser rank, responsibility or pay and does not include transfer or reassignment for purposes of an administrative reorganization.

4. "Immorality" means:

(a) An act forbidden by NRS 200.366, 200.368, 200.400, 200.508, 201.180, 201.190, 201.210, 201.220, 201.230, 201.265, 201.540, 201.560, 207.260, 453.316 to 453.336, inclusive, 453.337, 453.338, 453.3385 to 453.3405, inclusive, 453.560 or 453.562; or

(b) An act forbidden by NRS 201.540 or any other sexual conduct or attempted sexual conduct with a pupil enrolled in an elementary or secondary

school. As used in this paragraph, "sexual conduct" has the meaning ascribed to it in NRS 201.520.

5. "Postprobationary employee" means an administrator or a teacher who has completed the probationary period as provided in NRS 391.3197 and has been given notice of reemployment. ***The term does not include a person who is deemed to be a probationary employee pursuant to section 1 of this act.***

6. "Probationary employee" means ~~[an]~~ ***:***

(a) An administrator or a teacher who is employed for the period set forth in NRS 391.3197 ~~[.]~~ ***; and***

(b) A person who is deemed to be a probationary employee pursuant to section 1 of this act.

7. "Superintendent" means the superintendent of a school district or a person designated by the board or superintendent to act as superintendent during the absence of the superintendent.

8. "Teacher" means a licensed employee the majority of whose working time is devoted to the rendering of direct educational service to pupils of a school district.

Sec. 3. NRS 391.3115 is hereby amended to read as follows:

391.3115 1. The demotion, suspension, dismissal and nonreemployment provisions of NRS 391.311 to 391.3197, inclusive, ***and section 1 of this act*** do not apply to:

(a) Substitute teachers; or

(b) Adult education teachers.

2. The provisions of NRS 391.311 to 391.3194, inclusive, do not apply to a teacher whose employment is suspended or terminated pursuant to subsection 3 of NRS 391.120 or NRS 391.3015 for failure to maintain a license in force.

3. A licensed employee who is employed in a position fully funded by a federal or private categorical grant or to replace another licensed employee during that employee's leave of absence is employed only for the duration of the grant or leave. Such a licensed employee and licensed employees who are employed on temporary contracts for 90 school days or less, or its equivalent in a school district operating under an alternative schedule authorized pursuant to NRS 388.090, to replace licensed employees whose employment has terminated after the beginning of the school year are entitled to credit for that time in fulfilling any period of probation and during that time the provisions of NRS 391.311 to 391.3197, inclusive, ***and section 1 of this act*** for demotion, suspension or dismissal apply to them.

Sec. 4. NRS 391.3116 is hereby amended to read as follows:

391.3116 ~~[The]~~ ***Excluding the provisions of section 1 of this act, the*** provisions of NRS 391.311 to 391.3197, inclusive, ~~*[and section 1 of this act]*~~

do not apply to a teacher, administrator, or other licensed employee who has entered into a contract with the board negotiated pursuant to chapter 288 of NRS if the contract contains separate provisions relating to the board's right to dismiss or refuse to reemploy the employee or demote an administrator.

Sec. 5. NRS 391.317 is hereby amended to read as follows:

391.317 1. At least 15 days before recommending to a board that it demote, dismiss or not reemploy a postprobationary employee, or dismiss or demote a probationary employee, the superintendent shall give written notice to the employee, by registered or certified mail, of the superintendent's intention to make the recommendation.

2. The notice must:

(a) Inform the licensed employee of the grounds for the recommendation.

(b) Inform the employee that, if a written request therefor is directed to the superintendent within 10 days after receipt of the notice, the employee is entitled to a hearing before a hearing officer ~~[.]~~ ***pursuant to NRS 391.315 to 391.3194, inclusive, or if the employee is deemed to be a probationary employee pursuant to section 1 of this act and dismissal of the employee will occur before the completion of the current school year, the employee may request an expedited hearing pursuant to subsection 3.***

(c) Refer to chapter 391 of NRS.

3. If an employee who is deemed to be a probationary employee pursuant to section 1 of this act receives notice pursuant to subsection 1 that he or she will be dismissed before the completion of the current school year, the employee may request an expedited hearing pursuant to the Expedited Labor Arbitration Procedures established by the American Arbitration Association or its successor organization. If the employee elects to proceed under the expedited procedures, the provisions of NRS 391.3161, 391.3192 and 391.3193 do not apply.

Sec. 6. This act becomes effective on July 1, 2011.

Assemblyman Bobzien moved that the Assembly concur in the Senate Amendment No. 860 to Assembly Bill No. 225.

Remarks by Assemblyman Bobzien.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Assembly Bill No. 229.

The following Senate amendment was read:

Amendment No. 861.

AN ACT relating to education; revising the annual reports of accountability information for public schools; requiring the board of trustees of each school district to establish and implement a program of performance pay and enhanced compensation for the recruitment and retention of licensed teachers

and administrators; removing probationary teachers and probationary administrators from the applicability of certain provisions governing certain disciplinary measures by school districts; revising provisions governing the demotion, suspension, dismissal and nonreemployment of certain teachers and administrators; expanding the grounds for immediate dismissal and refusal to reemploy; revising the designations of the overall performance of teachers and administrators required by the policies for evaluations of each school district; authorizing a **probationary or** postprobationary employee to request an expedited hearing under certain circumstances; revising provisions governing the probationary periods of teachers and administrators and the evaluations of probationary teachers and probationary administrators; **revising provisions governing the reduction in the workforce of a school district;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the State Board of Education and the board of trustees of each school district to prepare an annual report of accountability information for public schools. (NRS 385.3469, 385.347) **Sections 1 and 2** of this bill expand the requirements of the annual reports of accountability to include a reporting of the number and percentages of administrators, teachers and ~~[support]~~ **other** staff for each elementary school, middle school or junior high school, and high school and for each school district in the State.

Section 8 of this bill requires the board of trustees of each school district to: (1) establish a program of performance pay and enhanced compensation for the recruitment and retention of licensed teachers and administrators; and (2) implement the program commencing with the 2014-2015 school year.

Existing law requires that the board of trustees of each school district develop a policy for the evaluation of teachers and administrators pursuant to which an individual teacher or administrator is designated as "satisfactory" or "unsatisfactory." (NRS 391.3125, 391.3127) Effective July 1, 2013, **sections 14 and 16** of this bill revise the policies for evaluations to require the designation of an individual teacher or administrator as "highly effective," "effective," "minimally effective" or "ineffective ~~[."]~~ **" and provide that the policies must require that certain information on pupil achievement which is maintained by the automated system of accountability information for Nevada account for at least 50 percent of the evaluations.**

Section 9 of this bill provides that if a written evaluation of a probationary teacher or probationary administrator states that the overall performance of the teacher or administrator has been designated as "unsatisfactory": (1) the evaluation must include a written statement that the contract of the person so evaluated may not be renewed for the next school year and that the employee may request reasonable assistance in correcting the deficiencies identified in

the evaluation; and (2) the person must acknowledge in writing that he or she has received and understands the written statement. **Section 20** of this bill amends **section 9**, effective July 1, 2013, when the four types of designations for the evaluations of teachers and administrators will take effect.

Existing law sets forth certain rights and responsibilities relating to disciplinary measures taken by school districts with respect to probationary and postprobationary teachers and administrators. (NRS 391.311-391.3197) **Section 11** of this bill removes probationary teachers and new employees hired as probationary administrators from the applicability of the provisions governing admonition, demotion, suspension, dismissal and nonreemployment.

Section 12 of this bill revises the grounds for which a teacher may be suspended, dismissed or not reemployed or for which an administrator may be demoted, suspended, dismissed or not reemployed to include gross misconduct.

Section 13 of this bill provides that a postprobationary teacher who receives an unsatisfactory evaluation must be evaluated three times in the immediately succeeding school year. Effective July 1, 2013, section 14 of this bill provides that a postprobationary teacher who receives an evaluation of "minimally effective" or "ineffective" must be evaluated three times in the immediately succeeding school year.

Section 17 of this bill expands the grounds for which a licensed employee is subject to immediate dismissal or a refusal to reemploy without first receiving a written admonition to include gross misconduct.

Section 18 of this bill authorizes a postprobationary employee who receives notice that he or she will be dismissed before completion of the current school year to request an expedited hearing pursuant to the expedited procedures established by the American Arbitration Association.

Under existing law, a probationary teacher and a probationary administrator serve two 1-year periods as a probationary employee. If the employee receives satisfactory evaluations in the first probationary year, the second probationary year must be waived and the person is entitled to postprobationary employment with the school district. (NRS 391.3197) **Section 19** of this bill revises the probationary period from two 1-year periods to three 1-year periods, without a waiver of any of the probationary years. **Section 19 also provides that a probationary employee who receives notice that he or she will be dismissed before the completion of the current school year may request an expedited hearing pursuant to the procedures established by the American Arbitration Association or its successor organization.**

Section 19.6 provides that a board of trustees of a school district that determines a reduction in the existing workforce of the licensed

educational personnel in the school district is necessary must not base the decision to lay off a teacher or an administrator solely on the seniority of the teacher or administrator and may consider certain other factors.

Section 1 of Assembly Bill No. 225 of this session provides that if a postprobationary employee receives an unsatisfactory evaluation on an evaluation conducted pursuant to NRS 391.3125 or 391.3127, as applicable, or any other equivalent evaluation system which designates his or her overall performance as below average for 2 consecutive school years, the employee shall be deemed a probationary employee and serve an additional probationary period. Section 20.5 of this bill amends section 1 of Assembly Bill No. 225 to provide that a postprobationary employee must serve an additional probationary period if he or she receives an evaluation for 2 consecutive school years as: (1) minimally effective; (2) ineffective; (3) minimally effective during 1 year of the 2-year consecutive period and ineffective during the other year of the period; or (4) if evaluated pursuant to any other system of evaluation, any designation which indicates that the overall performance of the employee is below average. Section 23 of this bill provides that section 20.5 becomes effective if, and only if, Assembly Bill No. 225 of this session is enacted by the Legislature and becomes effective.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 385.3469 is hereby amended to read as follows:

385.3469 1. The State Board shall prepare an annual report of accountability that includes, without limitation:

(a) Information on the achievement of all pupils based upon the results of the examinations administered pursuant to NRS 389.015 and 389.550, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(b) Except as otherwise provided in subsection 2, pupil achievement, reported separately by gender and reported separately for the following groups of pupils:

(1) Pupils who are economically disadvantaged, as defined by the State Board;

(2) Pupils from major racial and ethnic groups, as defined by the State Board;

(3) Pupils with disabilities;

(4) Pupils who are limited English proficient; and

(5) Pupils who are migratory children, as defined by the State Board.

(c) A comparison of the achievement of pupils in each group identified in paragraph (b) of subsection 1 of NRS 385.361 with the annual measurable objectives of the State Board.

(d) The percentage of all pupils who were not tested, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(e) Except as otherwise provided in subsection 2, the percentage of pupils who were not tested, reported separately by gender and reported separately for the groups identified in paragraph (b).

(f) The most recent 3-year trend in the achievement of pupils in each subject area tested and each grade level tested pursuant to NRS 389.015 and 389.550, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole, which may include information regarding the trend in the achievement of pupils for more than 3 years, if such information is available.

(g) Information on whether each school district has made adequate yearly progress, including, without limitation, the name of each school district, if any, designated as demonstrating need for improvement pursuant to NRS 385.377 and the number of consecutive years that the school district has carried that designation.

(h) Information on whether each public school, including, without limitation, each charter school, has made:

(1) Adequate yearly progress, including, without limitation, the name of each public school, if any, designated as demonstrating need for improvement pursuant to NRS 385.3623 and the number of consecutive years that the school has carried that designation.

(2) Progress based upon the model adopted by the Department pursuant to NRS 385.3595, if applicable for the grade level of pupils enrolled at the school.

(i) Information on the results of pupils who participated in the examinations of the National Assessment of Educational Progress required pursuant to NRS 389.012.

(j) The ratio of pupils to teachers in kindergarten and at each grade level for all elementary schools, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole, and the average class size for each core academic subject, as set forth in NRS 389.018, for each secondary school, reported for each school district and for this State as a whole.

(k) ***The total number of persons employed by each school district in this State, including without limitation, each charter school in the district. Each such person must be reported as either an administrator, a teacher or*** ~~*[support]*~~ ***other staff*** ~~*[.]*~~ ***and must not be reported in more than one***

category. In addition to the total number of persons employed by each school district in each category, the report must include the number of employees in each of the three categories expressed as a percentage of the total number of persons employed by the school district. As used in this paragraph:

(1) "Administrator" means a person ~~[employed primarily to supervise support]~~ who spends at least 50 percent of his or her work year supervising other staff or licensed personnel, or both, ~~[in addition to providing administrative services.]~~ and who is not classified by the board of trustees of a school district as a professional-technical employee.

(2) ~~["Support]~~ "Other staff" means all persons who are not reported as administrators or teachers ~~[.]~~ , including, without limitation:

(I) School counselors, school nurses and other employees who spend at least 50 percent of their work year providing emotional support, noninstructional guidance or medical support to pupils;

(II) Noninstructional support staff, including, without limitation, janitors, school police officers and maintenance staff; and

(III) Persons classified by the board of trustees of a school district as professional-technical employees, including, without limitation, technical employees and employees on the professional-technical pay scale.

(3) "Teacher" means a person licensed pursuant to chapter 391 of NRS ~~[primarily to provide]~~ who is classified by the board of trustees of a school district:

(I) As a teacher and who spends at least 50 percent of his or her work year providing instruction or discipline to pupils ~~[.]~~ ; or

(II) As instructional support staff, who does not hold a supervisory position and who spends not more than 50 percent of his or her work year providing instruction to pupils. Such instructional support staff includes, without limitation, librarians and persons who provide instructional support.

(l) For each school district, including, without limitation, each charter school in the district, and for this State as a whole, information on the professional qualifications of teachers employed by the school districts and charter schools, including, without limitation:

(1) The percentage of teachers who are:

(I) Providing instruction pursuant to NRS 391.125;

(II) Providing instruction pursuant to a waiver of the requirements for licensure for the grade level or subject area in which the teachers are employed; or

(III) Otherwise providing instruction without an endorsement for the subject area in which the teachers are employed;

(2) The percentage of classes in the core academic subjects, as set forth in NRS 389.018, in this State that are not taught by highly qualified teachers;

(3) The percentage of classes in the core academic subjects, as set forth in NRS 389.018, in this State that are not taught by highly qualified teachers, in the aggregate and disaggregated by high-poverty compared to low-poverty schools, which for the purposes of this subparagraph means schools in the top quartile of poverty and the bottom quartile of poverty in this State;

(4) For each middle school, junior high school and high school:

(I) On and after July 1, 2005, the number of persons employed as substitute teachers for 20 consecutive days or more in the same classroom or assignment, designated as long-term substitute teachers, including the total number of days long-term substitute teachers were employed at each school, identified by grade level and subject area; and

(II) On and after July 1, 2006, the number of persons employed as substitute teachers for less than 20 consecutive days, designated as short-term substitute teachers, including the total number of days short-term substitute teachers were employed at each school, identified by grade level and subject area; and

(5) For each elementary school:

(I) On and after July 1, 2005, the number of persons employed as substitute teachers for 20 consecutive days or more in the same classroom or assignment, designated as long-term substitute teachers, including the total number of days long-term substitute teachers were employed at each school, identified by grade level; and

(II) On and after July 1, 2006, the number of persons employed as substitute teachers for less than 20 consecutive days, designated as short-term substitute teachers, including the total number of days short-term substitute teachers were employed at each school, identified by grade level.

~~[(l)]~~ ***(m)*** The total expenditure per pupil for each school district in this State, including, without limitation, each charter school in the district. If this State has a financial analysis program that is designed to track educational expenditures and revenues to individual schools, the State Board shall use that statewide program in complying with this paragraph. If a statewide program is not available, the State Board shall use the Department's own financial analysis program in complying with this paragraph.

~~[(m)]~~ ***(n)*** The total statewide expenditure per pupil. If this State has a financial analysis program that is designed to track educational expenditures and revenues to individual schools, the State Board shall use that statewide program in complying with this paragraph. If a statewide program is not available, the State Board shall use the Department's own financial analysis program in complying with this paragraph.

~~[(n)]~~ ***(o)*** For all elementary schools, junior high schools and middle schools, the rate of attendance, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

~~[(o)]~~ ***(p)*** The annual rate of pupils who drop out of school in grade 8 and a separate reporting of the annual rate of pupils who drop out of school in grades 9 to 12, inclusive, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole. The reporting for pupils in grades 9 to 12, inclusive, excludes pupils who:

(1) Provide proof to the school district of successful completion of the examinations of general educational development.

(2) Are enrolled in courses that are approved by the Department as meeting the requirements for an adult standard diploma.

(3) Withdraw from school to attend another school.

~~[(p)]~~ ***(q)*** The attendance of teachers who provide instruction, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

~~[(q)]~~ ***(r)*** Incidents involving weapons or violence, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

~~[(r)]~~ ***(s)*** Incidents involving the use or possession of alcoholic beverages or controlled substances, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

~~[(s)]~~ ***(t)*** The suspension and expulsion of pupils required or authorized pursuant to NRS 392.466 and 392.467, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

~~[(t)]~~ ***(u)*** The number of pupils who are deemed habitual disciplinary problems pursuant to NRS 392.4655, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

~~[(u)]~~ ***(v)*** The number of pupils in each grade who are retained in the same grade pursuant to NRS 392.033 or 392.125, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

~~[(v)]~~ ***(w)*** The transiency rate of pupils, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole. For the purposes of this paragraph, a pupil is not a transient if the pupil is transferred to a different school within the school district as a result of a change in the zone of attendance by the board of trustees of the school district pursuant to NRS 388.040.

~~[(w)]~~ ***(x)*** Each source of funding for this State to be used for the system of public education.

~~[(x)]~~ ***(y)*** A compilation of the programs of remedial study purchased in whole or in part with money received from this State that are used in each school district, including, without limitation, each charter school in the district. The compilation must include:

(1) The amount and sources of money received for programs of remedial study.

(2) An identification of each program of remedial study, listed by subject area.

~~[(y)]~~ ***(z)*** The percentage of pupils who graduated from a high school or charter school in the immediately preceding year and enrolled in remedial courses in reading, writing or mathematics at a university, state college or community college within the Nevada System of Higher Education, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

~~[(z)]~~ ***(aa)*** The technological facilities and equipment available for educational purposes, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

~~[(aa)]~~ ***(bb)*** For each school district, including, without limitation, each charter school in the district, and for this State as a whole, the number and percentage of pupils who received:

(1) A standard high school diploma, reported separately for pupils who received the diploma pursuant to:

(I) Paragraph (a) of subsection 1 of NRS 389.805; and

(II) Paragraph (b) of subsection 1 of NRS 389.805.

(2) An adjusted diploma.

(3) A certificate of attendance.

~~[(bb)]~~ ***(cc)*** For each school district, including, without limitation, each charter school in the district, and for this State as a whole, the number and percentage of pupils who failed to pass the high school proficiency examination.

~~[(cc)]~~ ***(dd)*** The number of habitual truants who are reported to a school police officer or local law enforcement agency pursuant to paragraph (a) of subsection 2 of NRS 392.144 and the number of habitual truants who are referred to an advisory board to review school attendance pursuant to paragraph (b) of subsection 2 of NRS 392.144, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

~~[(dd)]~~ ***(ee)*** Information on the paraprofessionals employed at public schools in this State, including, without limitation, the charter schools in this State. The information must include:

(1) The number of paraprofessionals employed, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole; and

(2) For each school district, including, without limitation, each charter school in the district, and for this State as a whole, the number and percentage of all paraprofessionals who do not satisfy the qualifications set forth in 20 U.S.C. § 6319(c). The reporting requirements of this subparagraph apply to paraprofessionals who are employed in programs supported with Title I money and to paraprofessionals who are not employed in programs supported with Title I money.

~~[(ee)]~~ ***(ff)*** An identification of appropriations made by the Legislature to improve the academic achievement of pupils and programs approved by the Legislature to improve the academic achievement of pupils.

~~[(ff)]~~ ***(gg)*** A compilation of the special programs available for pupils at individual schools, listed by school and by school district, including, without limitation, each charter school in the district.

~~[(gg)]~~ ***(hh)*** For each school district, including, without limitation, each charter school in the district and for this State as a whole, information on pupils enrolled in career and technical education, including, without limitation:

(1) The number of pupils enrolled in a course of career and technical education;

(2) The number of pupils who completed a course of career and technical education;

(3) The average daily attendance of pupils who are enrolled in a program of career and technical education;

(4) The annual rate of pupils who dropped out of school and were enrolled in a program of career and technical education before dropping out;

(5) The number and percentage of pupils who completed a program of career and technical education and who received a standard high school diploma, an adjusted diploma or a certificate of attendance; and

(6) The number and percentage of pupils who completed a program of career and technical education and who did not receive a high school diploma because the pupils failed to pass the high school proficiency examination.

2. A separate reporting for a group of pupils must not be made pursuant to this section if the number of pupils in that group is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual pupil. The State Board shall prescribe a mechanism for determining the minimum number of pupils that must be in a group for that group to yield statistically reliable information.

3. The annual report of accountability must:

(a) Comply with 20 U.S.C. § 6311(h)(1) and the regulations adopted pursuant thereto;

(b) Be prepared in a concise manner; and

(c) Be presented in an understandable and uniform format and, to the extent practicable, provided in a language that parents can understand.

4. On or before September 1 of each year, the State Board shall:

(a) Provide for public dissemination of the annual report of accountability by posting a copy of the report on the Internet website maintained by the Department; and

(b) Provide written notice that the report is available on the Internet website maintained by the Department. The written notice must be provided to the:

(1) Governor;

(2) Committee;

(3) Bureau;

(4) Board of Regents of the University of Nevada;

(5) Board of trustees of each school district; and

(6) Governing body of each charter school.

5. Upon the request of the Governor, an entity described in paragraph (b) of subsection 4 or a member of the general public, the State Board shall provide a portion or portions of the annual report of accountability.

6. As used in this section:

(a) "Highly qualified" has the meaning ascribed to it in 20 U.S.C. § 7801(23).

(b) "Paraprofessional" has the meaning ascribed to it in NRS 391.008.

Sec. 2. NRS 385.347 is hereby amended to read as follows:

385.347 1. The board of trustees of each school district in this State, in cooperation with associations recognized by the State Board as representing licensed educational personnel in the district, shall adopt a program providing for the accountability of the school district to the residents of the district and to the State Board for the quality of the schools and the educational achievement of the pupils in the district, including, without limitation, pupils enrolled in charter schools in the school district. The board of trustees of each school district shall report the information required by subsection 2 for each charter school that is located within the school district, regardless of the sponsor of the charter school. The information for charter schools must be reported separately and must denote the charter schools sponsored by the school district, the charter schools sponsored by the State Board and the charter schools sponsored by a college or university within the Nevada System of Higher Education.

2. The board of trustees of each school district shall, on or before August 15 of each year, prepare an annual report of accountability concerning:

(a) The educational goals and objectives of the school district.

(b) Pupil achievement for each school in the district and the district as a whole, including, without limitation, each charter school in the district. The board of trustees of the district shall base its report on the results of the examinations administered pursuant to NRS 389.015 and 389.550 and shall compare the results of those examinations for the current school year with those of previous school years. The report must include, for each school in the district, including, without limitation, each charter school in the district, and each grade in which the examinations were administered:

(1) The number of pupils who took the examinations.

(2) A record of attendance for the period in which the examinations were administered, including an explanation of any difference in the number of pupils who took the examinations and the number of pupils who are enrolled in the school.

(3) Except as otherwise provided in this paragraph, pupil achievement, reported separately by gender and reported separately for the following groups of pupils:

(I) Pupils who are economically disadvantaged, as defined by the State Board;

(II) Pupils from major racial and ethnic groups, as defined by the State Board;

(III) Pupils with disabilities;

(IV) Pupils who are limited English proficient; and

(V) Pupils who are migratory children, as defined by the State Board.

(4) A comparison of the achievement of pupils in each group identified in paragraph (b) of subsection 1 of NRS 385.361 with the annual measurable objectives of the State Board.

(5) The percentage of pupils who were not tested.

(6) Except as otherwise provided in this paragraph, the percentage of pupils who were not tested, reported separately by gender and reported separately for the groups identified in subparagraph (3).

(7) The most recent 3-year trend in pupil achievement in each subject area tested and each grade level tested pursuant to NRS 389.015 and 389.550, which may include information regarding the trend in the achievement of pupils for more than 3 years, if such information is available.

(8) Information that compares the results of pupils in the school district, including, without limitation, pupils enrolled in charter schools in the district, with the results of pupils throughout this State. The information required by this subparagraph must be provided in consultation with the Department to ensure the accuracy of the comparison.

(9) For each school in the district, including, without limitation, each charter school in the district, information that compares the results of pupils

in the school with the results of pupils throughout the school district and throughout this State. The information required by this subparagraph must be provided in consultation with the Department to ensure the accuracy of the comparison.

(10) Information on whether each school in the district, including, without limitation, each charter school in the district, has made progress based upon the model adopted by the Department pursuant to NRS 385.3595.

➥ A separate reporting for a group of pupils must not be made pursuant to this paragraph if the number of pupils in that group is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual pupil. The State Board shall prescribe the mechanism for determining the minimum number of pupils that must be in a group for that group to yield statistically reliable information.

(c) The ratio of pupils to teachers in kindergarten and at each grade level for each elementary school in the district and the district as a whole, including, without limitation, each charter school in the district, and the average class size for each core academic subject, as set forth in NRS 389.018, for each secondary school in the district and the district as a whole, including, without limitation, each charter school in the district.

(d) ***The total number of persons employed for each elementary school, middle school or junior high school, and high school in the district, including, without limitation, each charter school in the district. Each such person must be reported as either an administrator, a teacher or*** ~~***[support]***~~ ***other staff*** ~~***[.]***~~ ***and must not be reported in more than one category. In addition to the total number of persons employed by each school in each category, the report must include the number of employees in each of the three categories for each school expressed as a percentage of the total number of persons employed by the school. As used in this paragraph:***

(1) "Administrator" means a person ~~***[employed primarily to supervise support]***~~ ***who spends at least 50 percent of his or her work year supervising other staff or licensed personnel, or both,*** ~~***[in addition to providing administrative services.]***~~ ***and who is not classified by the board of trustees of the school district as a professional-technical employee.***

(2) ~~***["Support]***~~ ***"Other staff" means all persons who are not reported as administrators or teachers*** ~~***[.]***~~ ***, including, without limitation:***

(I) School counselors, school nurses and other employees who spend at least 50 percent of their work year providing emotional support, noninstructional guidance or medical support to pupils;

(II) Noninstructional support staff, including, without limitation, janitors, school police officers and maintenance staff; and

(III) Persons classified by the board of trustees of the school district as professional-technical employees, including, without limitation, technical employees and employees on the professional-technical pay scale.

(3) "Teacher" means a person licensed pursuant to chapter 391 of NRS who is ~~[employed primarily to provide]~~ classified by the board of trustees of the school district:

(I) As a teacher and who spends at least 50 percent of his or her work year providing instruction or discipline to pupils ~~[.]~~ ; or

(II) As instructional support staff, who does not hold a supervisory position and who spends not more than 50 percent of his or her work year providing instruction to pupils. Such instructional support staff includes, without limitation, librarians and persons who provide instructional support.

(e) The total number of persons employed by the school district, including without limitation, each charter school in the district. Each such person must be reported as either an administrator, a teacher or ~~[support]~~ other staff ~~[.]~~ and must not be reported in more than one category. In addition to the total number of persons employed by the school district in each category, the report must include the number of employees in each of the three categories expressed as a percentage of the total number of persons employed by the school district. As used in this paragraph ~~[:~~

~~(1) "Administrator" means a person employed primarily to supervise support staff or licensed personnel, or both, in addition to providing administrative services.~~

~~(2) "Support staff" means all persons who are not reported as administrators or teachers.~~

~~(3) "Teacher" means a person licensed pursuant to chapter 391 of NRS who is employed primarily to provide instruction to pupils.]~~ , "administrator," "other staff" and "teacher" have the meanings ascribed to them in paragraph (d).

(f) Information on the professional qualifications of teachers employed by each school in the district and the district as a whole, including, without limitation, each charter school in the district. The information must include, without limitation:

(1) The percentage of teachers who are:

(I) Providing instruction pursuant to NRS 391.125;

(II) Providing instruction pursuant to a waiver of the requirements for licensure for the grade level or subject area in which the teachers are employed; or

(III) Otherwise providing instruction without an endorsement for the subject area in which the teachers are employed;

(2) The percentage of classes in the core academic subjects, as set forth in NRS 389.018, that are not taught by highly qualified teachers;

(3) The percentage of classes in the core academic subjects, as set forth in NRS 389.018, that are not taught by highly qualified teachers, in the aggregate and disaggregated by high-poverty compared to low-poverty schools, which for the purposes of this subparagraph means schools in the top quartile of poverty and the bottom quartile of poverty in this State;

(4) For each middle school, junior high school and high school:

(I) On and after July 1, 2005, the number of persons employed as substitute teachers for 20 consecutive days or more in the same classroom or assignment, designated as long-term substitute teachers, including the total number of days long-term substitute teachers were employed at each school, identified by grade level and subject area; and

(II) On and after July 1, 2006, the number of persons employed as substitute teachers for less than 20 consecutive days, designated as short-term substitute teachers, including the total number of days short-term substitute teachers were employed at each school, identified by grade level and subject area; and

(5) For each elementary school:

(I) On and after July 1, 2005, the number of persons employed as substitute teachers for 20 consecutive days or more in the same classroom or assignment, designated as long-term substitute teachers, including the total number of days long-term substitute teachers were employed at each school, identified by grade level; and

(II) On and after July 1, 2006, the number of persons employed as substitute teachers for less than 20 consecutive days, designated as short-term substitute teachers, including the total number of days short-term substitute teachers were employed at each school, identified by grade level.

~~[(e)]~~ ***(g)*** The total expenditure per pupil for each school in the district and the district as a whole, including, without limitation, each charter school in the district. If this State has a financial analysis program that is designed to track educational expenditures and revenues to individual schools, each school district shall use that statewide program in complying with this paragraph. If a statewide program is not available, each school district shall use its own financial analysis program in complying with this paragraph.

~~[(f)]~~ ***(h)*** The curriculum used by the school district, including:

(1) Any special programs for pupils at an individual school; and

(2) The curriculum used by each charter school in the district.

~~[(g)]~~ ***(i)*** Records of the attendance and truancy of pupils in all grades, including, without limitation:

(1) The average daily attendance of pupils, for each school in the district and the district as a whole, including, without limitation, each charter school in the district.

(2) For each elementary school, middle school and junior high school in the district, including, without limitation, each charter school in the district that provides instruction to pupils enrolled in a grade level other than high school, information that compares the attendance of the pupils enrolled in the school with the attendance of pupils throughout the district and throughout this State. The information required by this subparagraph must be provided in consultation with the Department to ensure the accuracy of the comparison.

~~[(h)]~~ ***(j)*** The annual rate of pupils who drop out of school in grade 8 and a separate reporting of the annual rate of pupils who drop out of school in grades 9 to 12, inclusive, for each such grade, for each school in the district and for the district as a whole. The reporting for pupils in grades 9 to 12, inclusive, excludes pupils who:

(1) Provide proof to the school district of successful completion of the examinations of general educational development.

(2) Are enrolled in courses that are approved by the Department as meeting the requirements for an adult standard diploma.

(3) Withdraw from school to attend another school.

~~[(i)]~~ ***(k)*** Records of attendance of teachers who provide instruction, for each school in the district and the district as a whole, including, without limitation, each charter school in the district.

~~[(j)]~~ ***(l)*** Efforts made by the school district and by each school in the district, including, without limitation, each charter school in the district, to increase:

(1) Communication with the parents of pupils in the district; and

(2) The participation of parents in the educational process and activities relating to the school district and each school, including, without limitation, the existence of parent organizations and school advisory committees.

~~[(k)]~~ ***(m)*** Records of incidents involving weapons or violence for each school in the district, including, without limitation, each charter school in the district.

~~[(l)]~~ ***(n)*** Records of incidents involving the use or possession of alcoholic beverages or controlled substances for each school in the district, including, without limitation, each charter school in the district.

~~[(m)]~~ ***(o)*** Records of the suspension and expulsion of pupils required or authorized pursuant to NRS 392.466 and 392.467.

~~[(n)]~~ ***(p)*** The number of pupils who are deemed habitual disciplinary problems pursuant to NRS 392.4655, for each school in the district and the district as a whole, including, without limitation, each charter school in the district.

~~[(o)]~~ ***(q)*** The number of pupils in each grade who are retained in the same grade pursuant to NRS 392.033 or 392.125, for each school in the district and the district as a whole, including, without limitation, each charter school in the district.

~~[(p)]~~ ***(r)*** The transiency rate of pupils for each school in the district and the district as a whole, including, without limitation, each charter school in the district. For the purposes of this paragraph, a pupil is not transient if the pupil is transferred to a different school within the school district as a result of a change in the zone of attendance by the board of trustees of the school district pursuant to NRS 388.040.

~~[(q)]~~ ***(s)*** Each source of funding for the school district.

~~[(r)]~~ ***(t)*** A compilation of the programs of remedial study that are purchased in whole or in part with money received from this State, for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district. The compilation must include:

(1) The amount and sources of money received for programs of remedial study for each school in the district and the district as a whole, including, without limitation, each charter school in the district.

(2) An identification of each program of remedial study, listed by subject area.

~~[(s)]~~ ***(u)*** For each high school in the district, including, without limitation, each charter school in the district, the percentage of pupils who graduated from that high school or charter school in the immediately preceding year and enrolled in remedial courses in reading, writing or mathematics at a university, state college or community college within the Nevada System of Higher Education.

~~[(t)]~~ ***(v)*** The technological facilities and equipment available at each school, including, without limitation, each charter school, and the district's plan to incorporate educational technology at each school.

~~[(u)]~~ ***(w)*** For each school in the district and the district as a whole, including, without limitation, each charter school in the district, the number and percentage of pupils who received:

(1) A standard high school diploma, reported separately for pupils who received the diploma pursuant to:

(I) Paragraph (a) of subsection 1 of NRS 389.805; and

(II) Paragraph (b) of subsection 1 of NRS 389.805.

(2) An adjusted diploma.

(3) A certificate of attendance.

~~[(v)]~~ ***(x)*** For each school in the district and the district as a whole, including, without limitation, each charter school in the district, the number and percentage of pupils who failed to pass the high school proficiency examination.

~~[(w)]~~ ***(y)*** The number of habitual truants who are reported to a school police officer or law enforcement agency pursuant to paragraph (a) of subsection 2 of NRS 392.144 and the number of habitual truants who are referred to an advisory board to review school attendance pursuant to paragraph (b) of subsection 2 of NRS 392.144, for each school in the district and for the district as a whole.

~~[(x)]~~ ***(z)*** The amount and sources of money received for the training and professional development of teachers and other educational personnel for each school in the district and for the district as a whole, including, without limitation, each charter school in the district.

~~[(y)]~~ ***(aa)*** Whether the school district has made adequate yearly progress. If the school district has been designated as demonstrating need for improvement pursuant to NRS 385.377, the report must include a statement indicating the number of consecutive years the school district has carried that designation.

~~[(z)]~~ ***(bb)*** Information on whether each public school in the district, including, without limitation, each charter school in the district, has made adequate yearly progress, including, without limitation:

(1) The number and percentage of schools in the district, if any, that have been designated as needing improvement pursuant to NRS 385.3623; and

(2) The name of each school, if any, in the district that has been designated as needing improvement pursuant to NRS 385.3623 and the number of consecutive years that the school has carried that designation.

~~[(aa)]~~ ***(cc)*** Information on the paraprofessionals employed by each public school in the district, including, without limitation, each charter school in the district. The information must include:

(1) The number of paraprofessionals employed at the school; and

(2) The number and percentage of all paraprofessionals who do not satisfy the qualifications set forth in 20 U.S.C. § 6319(c). The reporting requirements of this subparagraph apply to paraprofessionals who are employed in positions supported with Title I money and to paraprofessionals who are not employed in positions supported with Title I money.

~~[(bb)]~~ ***(dd)*** For each high school in the district, including, without limitation, each charter school that operates as a high school, information that provides a comparison of the rate of graduation of pupils enrolled in the high school with the rate of graduation of pupils throughout the district and throughout this State. The information required by this paragraph must be provided in consultation with the Department to ensure the accuracy of the comparison.

~~[(cc)]~~ ***(ee)*** An identification of the appropriations made by the Legislature that are available to the school district or the schools within the district and

programs approved by the Legislature to improve the academic achievement of pupils.

~~[(dd)]~~ ***(ff)*** For each school in the district and the district as a whole, including, without limitation, each charter school in the district, information on pupils enrolled in career and technical education, including, without limitation:

(1) The number of pupils enrolled in a course of career and technical education;

(2) The number of pupils who completed a course of career and technical education;

(3) The average daily attendance of pupils who are enrolled in a program of career and technical education;

(4) The annual rate of pupils who dropped out of school and were enrolled in a program of career and technical education before dropping out;

(5) The number and percentage of pupils who completed a program of career and technical education and who received a standard high school diploma, an adjusted diploma or a certificate of attendance; and

(6) The number and percentage of pupils who completed a program of career and technical education and who did not receive a high school diploma because the pupils failed to pass the high school proficiency examination.

~~[(ee)]~~ ***(gg)*** Such other information as is directed by the Superintendent of Public Instruction.

3. The records of attendance maintained by a school for purposes of paragraph ~~[(i)]~~ ***(k)*** of subsection 2 must include the number of teachers who are in attendance at school and the number of teachers who are absent from school. A teacher shall be deemed in attendance if the teacher is excused from being present in the classroom by the school in which the teacher is employed for one of the following reasons:

(a) Acquisition of knowledge or skills relating to the professional development of the teacher; or

(b) Assignment of the teacher to perform duties for cocurricular or extracurricular activities of pupils.

4. The annual report of accountability prepared pursuant to subsection 2 must:

(a) Comply with 20 U.S.C. § 6311(h)(2) and the regulations adopted pursuant thereto; and

(b) Be presented in an understandable and uniform format and, to the extent practicable, provided in a language that parents can understand.

5. The Superintendent of Public Instruction shall:

(a) Prescribe forms for the reports required pursuant to subsection 2 and provide the forms to the respective school districts.

(b) Provide statistical information and technical assistance to the school districts to ensure that the reports provide comparable information with respect to each school in each district and among the districts throughout this State.

(c) Consult with a representative of the:

(1) Nevada State Education Association;

(2) Nevada Association of School Boards;

(3) Nevada Association of School Administrators;

(4) Nevada Parent Teacher Association;

(5) Budget Division of the Department of Administration; and

(6) Legislative Counsel Bureau,

➥ concerning the program and consider any advice or recommendations submitted by the representatives with respect to the program.

6. The Superintendent of Public Instruction may consult with representatives of parent groups other than the Nevada Parent Teacher Association concerning the program and consider any advice or recommendations submitted by the representatives with respect to the program.

7. On or before August 15 of each year, the board of trustees of each school district shall submit to each advisory board to review school attendance created in the county pursuant to NRS 392.126 the information required in paragraph ~~[(g)]~~ ***(i)*** of subsection 2.

8. On or before August 15 of each year, the board of trustees of each school district shall:

(a) Provide written notice that the report required pursuant to subsection 2 is available on the Internet website maintained by the school district, if any, or otherwise provide written notice of the availability of the report. The written notice must be provided to the:

(1) Governor;

(2) State Board;

(3) Department;

(4) Committee; and

(5) Bureau.

(b) Provide for public dissemination of the annual report of accountability prepared pursuant to subsection 2 in the manner set forth in 20 U.S.C. § 6311(h)(2)(E) by posting a copy of the report on the Internet website maintained by the school district, if any. If a school district does not maintain a website, the district shall otherwise provide for public dissemination of the annual report by providing a copy of the report to the schools in the school district, including, without limitation, each charter school in the district, the residents of the district, and the parents and guardians of pupils enrolled in

schools in the district, including, without limitation, each charter school in the district.

9. Upon the request of the Governor, an entity described in paragraph (a) of subsection 8 or a member of the general public, the board of trustees of a school district shall provide a portion or portions of the report required pursuant to subsection 2.

10. As used in this section:

(a) "Highly qualified" has the meaning ascribed to it in 20 U.S.C. § 7801(23).

(b) "Paraprofessional" has the meaning ascribed to it in NRS 391.008.

Sec. 3. NRS 385.36129 is hereby amended to read as follows:

385.36129 1. In addition to the duties prescribed in NRS 385.36127, a support team established for a school shall prepare an annual written report that includes:

(a) Information concerning the most recent plan to improve the achievement of the school's pupils, the turnaround plan for the school or the plan for restructuring the school, whichever is applicable for the school, including, without limitation, an evaluation of:

(1) The appropriateness of the plan for the school; and

(2) Whether the school has achieved the goals and objectives set forth in the plan;

(b) The written revisions to the plan to improve the achievement of the school's pupils or written recommendations for revisions to the turnaround plan for the school or the plan for restructuring the school, whichever is applicable for the school, submitted by the support team pursuant to NRS 385.36127;

(c) A summary of each program for remediation, if any, purchased for the school with money that is available from the Federal Government, this state and the school district in which the school is located, including, without limitation:

(1) The name of the program;

(2) The date on which the program was purchased and the date on which the program was carried out by the school;

(3) The percentage of personnel at the school who were trained regarding the use of the program;

(4) The satisfaction of the personnel at the school with the program; and

(5) An evaluation of whether the program has improved the academic achievement of the pupils enrolled in the school who participated in the program;

(d) An analysis of the problems and factors at the school which contributed to the designation of the school as demonstrating need for improvement, including, without limitation, issues relating to:

(1) The financial resources of the school;

(2) The administrative and educational personnel of the school;

(3) The curriculum of the school;

(4) The facilities available at the school, including the availability and accessibility of educational technology; and

(5) Any other factors that the support team believes contributed to the designation of the school as demonstrating need for improvement; and

(e) Other information concerning the school, including, without limitation:

(1) The results of the pupils who are enrolled in the school on the examinations that are administered pursuant to NRS 389.550 or the high school proficiency examination, as applicable;

(2) Records of the attendance and truancy of pupils who are enrolled in the school;

(3) The transiency rate of pupils who are enrolled in the school;

(4) A description of the number of years that each teacher has provided instruction at the school and the rate of turnover of teachers and other educational personnel employed at the school;

(5) A description of the participation of parents and legal guardians in the educational process and other activities relating to the school;

(6) A description of each source of money for the remediation of pupils who are enrolled in the school; and

(7) A description of the disciplinary problems of the pupils who are enrolled in the school, including, without limitation, the information contained in paragraphs ~~[(k) to (n),]~~ ***(m) to (p),*** inclusive, of subsection 2 of NRS 385.347.

2. On or before November 1, the support team shall submit a copy of the final written report to the:

(a) Principal of the school;

(b) Board of trustees of the school district in which the school is located;

(c) Superintendent of schools of the school district in which the school is located;

(d) Department; and

(e) Bureau.

➥ The support team shall make the written report available, upon request, to each parent or legal guardian of a pupil who is enrolled in the school.

Sec. 4. NRS 385.620 is hereby amended to read as follows:

385.620 The Advisory Council shall:

1. Review the policy of parental involvement adopted by the State Board and the policy of parental involvement adopted by the board of trustees of each school district pursuant to NRS 392.457;

2. Review the information relating to communication with and participation of parents that is included in the annual report of accountability

for each school district pursuant to paragraph ~~[(j)]~~ ***(l)*** of subsection 2 of NRS 385.347;

3. Review any effective practices carried out in individual school districts to increase parental involvement and determine the feasibility of carrying out those practices on a statewide basis;

4. Review any effective practices carried out in other states to increase parental involvement and determine the feasibility of carrying out those practices in this State;

5. Identify methods to communicate effectively and provide outreach to parents and legal guardians of pupils who have limited time to become involved in the education of their children for various reasons, including, without limitation, work schedules, single-parent homes and other family obligations;

6. Identify the manner in which the level of parental involvement affects the performance, attendance and discipline of pupils;

7. Identify methods to communicate effectively with and provide outreach to parents and legal guardians of pupils who are limited English proficient;

8. Determine the necessity for the appointment of a statewide parental involvement coordinator or a parental involvement coordinator in each school district, or both;

9. On or before July 1 of each year, submit a report to the Legislative Committee on Education describing the activities of the Advisory Council and any recommendations for legislation; and

10. On or before February 1 of each odd-numbered year, submit a report to the Director of the Legislative Counsel Bureau for transmission to the next regular session of the Legislature describing the activities of the Advisory Council and any recommendations for legislation.

Sec. 5. NRS 386.520 is hereby amended to read as follows:

386.520 1. A committee to form a charter school must consist of at least three teachers, as defined in subsection 4. In addition to the teachers who serve, the committee may consist of:

(a) Members of the general public;

(b) Representatives of nonprofit organizations and businesses; or

(c) Representatives of a college or university within the Nevada System of Higher Education.

➥ A majority of the persons described in paragraphs (a), (b) and (c) who serve on the committee must be residents of this State at the time that the application to form the charter school is submitted to the Department.

2. Before a committee to form a charter school may submit an application to the board of trustees of a school district, the Subcommittee on Charter Schools, the State Board or a college or university within the Nevada

System of Higher Education, it must submit the application to the Department. The application must include all information prescribed by the Department by regulation and:

(a) A written description of how the charter school will carry out the provisions of NRS 386.500 to 386.610, inclusive.

(b) A written description of the mission and goals for the charter school. A charter school must have as its stated purpose at least one of the following goals:

(1) Improving the opportunities for pupils to learn;

(2) Encouraging the use of effective methods of teaching;

(3) Providing an accurate measurement of the educational achievement of pupils;

(4) Establishing accountability of public schools;

(5) Providing a method for public schools to measure achievement based upon the performance of the schools; or

(6) Creating new professional opportunities for teachers.

(c) The projected enrollment of pupils in the charter school.

(d) The proposed dates of enrollment for the charter school.

(e) The proposed system of governance for the charter school, including, without limitation, the number of persons who will govern, the method of selecting the persons who will govern and the term of office for each person.

(f) The method by which disputes will be resolved between the governing body of the charter school and the sponsor of the charter school.

(g) The proposed curriculum for the charter school and, if applicable to the grade level of pupils who are enrolled in the charter school, the requirements for the pupils to receive a high school diploma, including, without limitation, whether those pupils will satisfy the requirements of the school district in which the charter school is located for receipt of a high school diploma.

(h) The textbooks that will be used at the charter school.

(i) The qualifications of the persons who will provide instruction at the charter school.

(j) Except as otherwise required by NRS 386.595, the process by which the governing body of the charter school will negotiate employment contracts with the employees of the charter school.

(k) A financial plan for the operation of the charter school. The plan must include, without limitation, procedures for the audit of the programs and finances of the charter school and guidelines for determining the financial liability if the charter school is unsuccessful.

(l) A statement of whether the charter school will provide for the transportation of pupils to and from the charter school. If the charter school will provide transportation, the application must include the proposed plan

for the transportation of pupils. If the charter school will not provide transportation, the application must include a statement that the charter school will work with the parents and guardians of pupils enrolled in the charter school to develop a plan for transportation to ensure that pupils have access to transportation to and from the charter school.

(m) The procedure for the evaluation of teachers of the charter school, if different from the procedure prescribed in NRS 391.3125 ~~[.]~~ ***and section 9 of this act.*** If the procedure is different from the procedure prescribed in NRS 391.3125 ~~[,]~~ ***and section 9 of this act,*** the procedure for the evaluation of teachers of the charter school must provide the same level of protection and otherwise comply with the standards for evaluation set forth in NRS 391.3125 ~~[.]~~ ***and section 9 of this act.***

(n) The time by which certain academic or educational results will be achieved.

(o) The kind of school, as defined in subsections 1 to 4, inclusive, of NRS 388.020, for which the charter school intends to operate.

(p) A statement of whether the charter school will enroll pupils who are in a particular category of at-risk pupils before enrolling other children who are eligible to attend the charter school pursuant to NRS 386.580 and the method for determining eligibility for enrollment in each such category of at-risk pupils served by the charter school.

3. The Department shall review an application to form a charter school to determine whether it is complete. If an application proposes to convert an existing public school, homeschool or other program of home study into a charter school, the Department shall deny the application. The Department shall provide written notice to the applicant of its approval or denial of the application. If the Department denies an application, the Department shall include in the written notice the reason for the denial and the deficiencies in the application. The applicant must be granted 30 days after receipt of the written notice to correct any deficiencies identified in the written notice and resubmit the application.

4. As used in subsection 1, "teacher" means a person who:

(a) Holds a current license to teach issued pursuant to chapter 391 of NRS; and

(b) Has at least 2 years of experience as an employed teacher.

➥ The term does not include a person who is employed as a substitute teacher.

Sec. 6. NRS 388.795 is hereby amended to read as follows:

388.795 1. The Commission shall establish a plan for the use of educational technology in the public schools of this State. In preparing the plan, the Commission shall consider:

(a) Plans that have been adopted by the Department and the school districts in this State;

(b) Plans that have been adopted in other states;

(c) The information reported pursuant to paragraph ~~[(t)]~~ ***(v)*** of subsection 2 of NRS 385.347;

(d) The results of the assessment of needs conducted pursuant to subsection 6; and

(e) Any other information that the Commission or the Committee deems relevant to the preparation of the plan.

2. The plan established by the Commission must include recommendations for methods to:

(a) Incorporate educational technology into the public schools of this State;

(b) Increase the number of pupils in the public schools of this State who have access to educational technology;

(c) Increase the availability of educational technology to assist licensed teachers and other educational personnel in complying with the requirements of continuing education, including, without limitation, the receipt of credit for college courses completed through the use of educational technology;

(d) Facilitate the exchange of ideas to improve the achievement of pupils who are enrolled in the public schools of this State; and

(e) Address the needs of teachers in incorporating the use of educational technology in the classroom, including, without limitation, the completion of training that is sufficient to enable the teachers to instruct pupils in the use of educational technology.

3. The Department shall provide:

(a) Administrative support;

(b) Equipment; and

(c) Office space,

➥ as is necessary for the Commission to carry out the provisions of this section.

4. The following entities shall cooperate with the Commission in carrying out the provisions of this section:

(a) The State Board.

(b) The board of trustees of each school district.

(c) The superintendent of schools of each school district.

(d) The Department.

5. The Commission shall:

(a) Develop technical standards for educational technology and any electrical or structural appurtenances necessary thereto, including, without limitation, uniform specifications for computer hardware and wiring, to

ensure that such technology is compatible, uniform and can be interconnected throughout the public schools of this State.

(b) Allocate money to the school districts from the Trust Fund for Educational Technology created pursuant to NRS 388.800 and any money appropriated by the Legislature for educational technology, subject to any priorities for such allocation established by the Legislature.

(c) Establish criteria for the board of trustees of a school district that receives an allocation of money from the Commission to:

(1) Repair, replace and maintain computer systems.

(2) Upgrade and improve computer hardware and software and other educational technology.

(3) Provide training, installation and technical support related to the use of educational technology within the district.

(d) Submit to the Governor, the Committee and the Department its plan for the use of educational technology in the public schools of this State and any recommendations for legislation.

(e) Review the plan annually and make revisions as it deems necessary or as directed by the Committee or the Department.

(f) In addition to the recommendations set forth in the plan pursuant to subsection 2, make further recommendations to the Committee and the Department as the Commission deems necessary.

6. During the spring semester of each even-numbered school year, the Commission shall conduct an assessment of the needs of each school district relating to educational technology. In conducting the assessment, the Commission shall consider:

(a) The recommendations set forth in the plan pursuant to subsection 2;

(b) The plan for educational technology of each school district, if applicable;

(c) Evaluations of educational technology conducted for the State or for a school district, if applicable; and

(d) Any other information deemed relevant by the Commission.

➥ The Commission shall submit a final written report of the assessment to the Superintendent of Public Instruction on or before April 1 of each even-numbered year.

7. The Superintendent of Public Instruction shall prepare a written compilation of the results of the assessment conducted by the Commission and transmit the written compilation on or before June 1 of each even-numbered year to the Legislative Committee on Education and to the Director of the Legislative Counsel Bureau for transmission to the next regular session of the Legislature.

8. The Commission may appoint an advisory committee composed of members of the Commission or other qualified persons to provide

recommendations to the Commission regarding standards for the establishment, coordination and use of a telecommunications network in the public schools throughout the various school districts in this State. The advisory committee serves at the pleasure of the Commission and without compensation unless an appropriation or other money for that purpose is provided by the Legislature.

9. As used in this section, "public school" includes the Caliente Youth Center, the Nevada Youth Training Center and any other state facility for the detention of children that is operated pursuant to title 5 of NRS.

Sec. 7. Chapter 391 of NRS is hereby amended by adding thereto the provisions set forth as sections 8 and 9 of this act.

Sec. 8. ***1. The board of trustees of each school district shall:***

(a) Establish a program of performance pay and enhanced compensation for the recruitment and retention of licensed teachers and administrators which must be negotiated pursuant to chapter 288 of NRS; and

(b) Commencing with the 2014-2015 school year, implement the program established pursuant to paragraph (a).

2. The program of performance pay and enhanced compensation established by a school district pursuant to subsection 1 must have as its primary focus the improvement in the academic achievement of pupils and must give appropriate consideration to implementation in at-risk schools. In addition, the program may include, without limitation, the following components:

(a) Career leadership advancement options to maximize the retention of teachers in the classroom and the retention of administrators;

(b) Professional development;

(c) Group incentives; and

(d) Multiple assessments of individual teachers and administrators, with primary emphasis on individual pupil improvement and growth in academic achievement, including, without limitation, portfolios of instruction, leadership and professional growth, and other appropriate measures of teacher and administrator performance which must be considered.

Sec. 9. ***1. If a written evaluation of a probationary teacher or probationary administrator designates the overall performance of the teacher or administrator as "unsatisfactory":***

(a) The written evaluation must include the following statement: "Please be advised that, pursuant to Nevada law, your contract may not be renewed for the next school year. If you receive two evaluations for this school year which designate your performance as 'unsatisfactory,' and if you have another evaluation remaining this school year, you may request that the

evaluation be conducted by another administrator. You may also request, to the administrator who conducted the evaluation, reasonable assistance in correcting the deficiencies reported in the evaluation for which you request assistance, and upon such request, a reasonable effort will be made to assist you in correcting those deficiencies."

(b) The probationary teacher or probationary administrator, as applicable, must acknowledge in writing that he or she has received and understands the statement described in paragraph (a).

2. If a probationary teacher or probationary administrator requests that his or her next evaluation be conducted by another administrator in accordance with the notice required by subsection 1, the administrator conducting the evaluation must be:

(a) Employed by the school district or, if the school district has five or fewer administrators, employed by another school district in this State; and

(b) Selected by the ~~[superintendent and the]~~ probationary teacher or probationary administrator, as applicable ~~[.]~~ , from a list of three candidates submitted by the superintendent.

3. If a probationary teacher or probationary administrator requests assistance in correcting deficiencies reported in his or her evaluation, the administrator who conducted the evaluation shall ensure that a reasonable effort is made to assist the probationary teacher or probationary administrator in correcting those deficiencies.

Sec. 10. NRS 391.311 is hereby amended to read as follows:

391.311 As used in NRS 391.311 to 391.3197, inclusive, ***and section 9 of this act,*** unless the context otherwise requires:

1. "Administrator" means any employee who holds a license as an administrator and who is employed in that capacity by a school district.

2. "Board" means the board of trustees of the school district in which a licensed employee affected by NRS 391.311 to 391.3197, inclusive, ***and section 9 of this act*** is employed.

3. "Demotion" means demotion of an administrator to a position of lesser rank, responsibility or pay and does not include transfer or reassignment for purposes of an administrative reorganization.

4. "Immorality" means:

(a) An act forbidden by NRS 200.366, 200.368, 200.400, 200.508, 201.180, 201.190, 201.210, 201.220, 201.230, 201.265, 201.540, 201.560, 207.260, 453.316 to 453.336, inclusive, 453.337, 453.338, 453.3385 to 453.3405, inclusive, 453.560 or 453.562; or

(b) An act forbidden by NRS 201.540 or any other sexual conduct or attempted sexual conduct with a pupil enrolled in an elementary or secondary school. As used in this paragraph, "sexual conduct" has the meaning ascribed to it in NRS 201.520.

5. "Postprobationary employee" means an administrator or a teacher who has completed the probationary period as provided in NRS 391.3197 and has been given notice of reemployment.

6. "Probationary employee" means an administrator or a teacher who is employed for the period set forth in NRS 391.3197.

7. "Superintendent" means the superintendent of a school district or a person designated by the board or superintendent to act as superintendent during the absence of the superintendent.

8. "Teacher" means a licensed employee the majority of whose working time is devoted to the rendering of direct educational service to pupils of a school district.

Sec. 11. NRS 391.3115 is hereby amended to read as follows:

391.3115 1. The demotion, suspension, dismissal and nonreemployment provisions of NRS 391.311 to 391.3197, inclusive, ***and section 9 of this act*** do not apply to:

(a) Substitute teachers; or

(b) Adult education teachers.

2. ***The admonition, demotion, suspension, dismissal and nonreemployment provisions of NRS 391.311 to 391.3194, inclusive, do not apply to:***

(a) A probationary teacher. The policy for evaluations prescribed in NRS 391.3125 and section 9 of this act applies to a probationary teacher.

(b) A new employee who is employed as a probationary administrator. The policy for evaluations prescribed in NRS 391.3127 and section 9 of this act applies to a probationary administrator.

3. The admonition, demotion and suspension provisions of NRS 391.311 to 391.3194, inclusive, do not apply to a postprobationary teacher who is employed as a probationary administrator with respect to his or her employment in the administrative position. The policy for evaluations prescribed in NRS 391.3127 and section 9 of this act applies to a probationary administrator.

4. The provisions of NRS 391.311 to 391.3194, inclusive, ***and section 9 of this act*** do not apply to a teacher whose employment is suspended or terminated pursuant to subsection 3 of NRS 391.120 or NRS 391.3015 for failure to maintain a license in force.

~~[3.]~~ ***5.*** A licensed employee who is employed in a position fully funded by a federal or private categorical grant or to replace another licensed employee during that employee's leave of absence is employed only for the duration of the grant or leave. Such a licensed employee and licensed employees who are employed on temporary contracts for 90 school days or less, or its equivalent in a school district operating under an alternative schedule authorized pursuant to NRS 388.090, to replace licensed employees

whose employment has terminated after the beginning of the school year are entitled to credit for that time in fulfilling any period of probation and during that time the provisions of NRS 391.311 to 391.3197, inclusive, ***and section 9 of this act*** for demotion, suspension or dismissal apply to them.

Sec. 12. NRS 391.312 is hereby amended to read as follows:

391.312 1. A teacher may be suspended, dismissed or not reemployed and an administrator may be demoted, suspended, dismissed or not reemployed for the following reasons:

(a) Inefficiency;

(b) Immorality;

(c) Unprofessional conduct;

(d) Insubordination;

(e) Neglect of duty;

(f) Physical or mental incapacity;

(g) A justifiable decrease in the number of positions due to decreased enrollment or district reorganization;

(h) Conviction of a felony or of a crime involving moral turpitude;

(i) Inadequate performance;

(j) Evident unfitness for service;

(k) Failure to comply with such reasonable requirements as a board may prescribe;

(l) Failure to show normal improvement and evidence of professional training and growth;

(m) Advocating overthrow of the Government of the United States or of the State of Nevada by force, violence or other unlawful means, or the advocating or teaching of communism with the intent to indoctrinate pupils to subscribe to communistic philosophy;

(n) Any cause which constitutes grounds for the revocation of a teacher's license;

(o) Willful neglect or failure to observe and carry out the requirements of this title;

(p) Dishonesty;

(q) Breaches in the security or confidentiality of the questions and answers of the achievement and proficiency examinations that are administered pursuant to NRS 389.015;

(r) Intentional failure to observe and carry out the requirements of a plan to ensure the security of examinations adopted pursuant to NRS 389.616 or 389.620; ~~[or]~~

(s) An intentional violation of NRS 388.5265 or 388.527 ~~[.]~~ ***; or***

(t) Gross misconduct.

2. In determining whether the professional performance of a licensed employee is inadequate, consideration must be given to the regular and

special evaluation reports prepared in accordance with the policy of the employing school district and to any written standards of performance which may have been adopted by the board.

3. As used in this section, "gross misconduct" includes any act or omission that is in wanton, willful, reckless or deliberate disregard of the interests of a school or school district or a pupil thereof.

Sec. 13. NRS 391.3125 is hereby amended to read as follows:

391.3125 1. It is the intent of the Legislature that a uniform system be developed for objective evaluation of teachers and other licensed personnel in each school district.

2. Each board, following consultation with and involvement of elected representatives of the teachers or their designees, shall develop a policy for objective evaluations in narrative form. The policy must set forth a means according to which an employee's overall performance may be determined to be satisfactory or unsatisfactory. The policy may include an evaluation by the teacher, pupils, administrators or other teachers or any combination thereof. In a similar manner, counselors, librarians and other licensed personnel must be evaluated on forms developed specifically for their respective specialties. A copy of the policy adopted by the board must be filed with the Department. The primary purpose of an evaluation is to provide a format for constructive assistance. Evaluations, while not the sole criterion, must be used in the dismissal process.

3. A conference and a written evaluation for a probationary employee must be concluded not later than:

(a) December 1;

(b) February 1; and

(c) April 1,

➥ of each school year of the probationary period, except that a probationary employee assigned to a school that operates all year must be evaluated at least three times during each 12 months of employment on a schedule determined by the board. An administrator charged with the evaluation of a probationary teacher shall personally observe the performance of the teacher in the classroom for not less than a cumulative total of 60 minutes during each evaluation period, with at least one observation during that 60-minute evaluation period consisting of at least 45 consecutive minutes.

4. ~~[Whenever an administrator charged with the evaluation of a probationary employee believes the employee will not be reemployed for the second year of the probationary period or the school year following the probationary period, the administrator shall bring the matter to the employee's attention in a written document which is separate from the evaluation not later than March 1 of the current school year. The notice must include the reasons for the potential decision not to reemploy or refer to the~~

~~evaluation in which the reasons are stated. Such a notice is not required if the probationary employee has received a letter of admonition during the current school year.~~

~~5.~~] ~~[Each]~~ ***Except as otherwise provided in this subsection, each*** postprobationary teacher must be evaluated at least once each year. ***If a postprobationary teacher receives an unsatisfactory evaluation, the postprobationary teacher must be evaluated three times in the immediately succeeding school year.*** An administrator charged with the evaluation of a postprobationary teacher shall personally observe the performance of the teacher in the classroom for not less than a cumulative total of 60 minutes during each evaluation period, with at least one observation during that 60-minute evaluation period consisting of at least 30 consecutive minutes.

~~[6.~~] ***If a postprobationary teacher is evaluated three times in a school year and he or she receives an unsatisfactory evaluation on the first or second evaluation, or both evaluations, the postprobationary teacher may request that the third evaluation be conducted by another administrator. If a postprobationary teacher requests that his or her third evaluation be conducted by another administrator, that administrator must be:***

(a) Employed by the school district or, if the school district has five or fewer administrators, employed by another school district in this State; and

(b) Selected by the postprobationary teacher from a list of three candidates submitted by the superintendent.

5. The evaluation of a probationary teacher or a postprobationary teacher must include, without limitation:

(a) An evaluation of the classroom management skills of the teacher;

(b) A review of the lesson plans and the work log or grade book of pupils prepared by the teacher;

(c) An evaluation of whether the curriculum taught by the teacher is aligned with the standards of content and performance established pursuant to NRS 389.520, as applicable for the grade level taught by the teacher;

(d) An evaluation of whether the teacher is appropriately addressing the needs of the pupils in the classroom, including, without limitation, special educational needs, cultural and ethnic diversity, the needs of pupils enrolled in advanced courses of study and the needs of pupils who are limited English proficient;

(e) If necessary, recommendations for improvements in the performance of the teacher;

(f) A description of the action that will be taken to assist the teacher in correcting any deficiencies reported in the evaluation; and

(g) A statement by the administrator who evaluated the teacher indicating the amount of time that the administrator personally observed the performance of the teacher in the classroom.

~~[7.]~~ ***6.*** The teacher must receive a copy of each evaluation not later than 15 days after the evaluation. A copy of the evaluation and the teacher's response must be permanently attached to the teacher's personnel file. Upon the request of a teacher, a reasonable effort must be made to assist the teacher to correct those deficiencies reported in the evaluation of the teacher for which the teacher requests assistance.

Sec. 14. NRS 391.3125 is hereby amended to read as follows:

391.3125 1. It is the intent of the Legislature that a uniform system be developed for objective evaluation of teachers and other licensed personnel in each school district.

2. Each board, following consultation with and involvement of elected representatives of the teachers or their designees, shall develop a policy for objective evaluations in narrative form. The policy must set forth a means according to which an employee's overall performance ~~[may be]~~ ***is*** determined to be ~~[satisfactory or unsatisfactory.]~~ ***highly effective, effective, minimally effective or ineffective. The policy must require that the information maintained pursuant to paragraphs (c), (d) and (e) of subsection 1 of NRS 386.650 account for at least 50 percent of the evaluation.*** The policy may include an evaluation by the teacher, pupils, administrators or other teachers or any combination thereof. In a similar manner, counselors, librarians and other licensed personnel must be evaluated on forms developed specifically for their respective specialties. A copy of the policy adopted by the board must be filed with the Department. The primary purpose of an evaluation is to provide a format for constructive assistance. Evaluations, while not the sole criterion, must be used in the dismissal process.

3. A conference and a written evaluation for a probationary employee must be concluded not later than:

(a) December 1;

(b) February 1; and

(c) April 1,

➥ of each school year of the probationary period, except that a probationary employee assigned to a school that operates all year must be evaluated at least three times during each 12 months of employment on a schedule determined by the board. An administrator charged with the evaluation of a probationary teacher shall personally observe the performance of the teacher in the classroom for not less than a cumulative total of 60 minutes during each evaluation period, with at least one observation during that 60-minute evaluation period consisting of at least 45 consecutive minutes.

4. Except as otherwise provided in this subsection, each postprobationary teacher must be evaluated at least once each year. If a postprobationary teacher receives an ~~[unsatisfactory]~~ evaluation ~~[,]~~ ***designating his or her***

overall performance as minimally effective or ineffective, the postprobationary teacher must be evaluated three times in the immediately succeeding school year. An administrator charged with the evaluation of a postprobationary teacher shall personally observe the performance of the teacher in the classroom for not less than a cumulative total of 60 minutes during each evaluation period, with at least one observation during that 60-minute evaluation period consisting of at least 30 consecutive minutes. If a postprobationary teacher is evaluated three times in a school year and he or she receives an ~~[unsatisfactory]~~ evaluation ***designating his or her overall performance as minimally effective or ineffective*** on the first or second evaluation, or both evaluations, the postprobationary teacher may request that the third evaluation be conducted by another administrator. If a postprobationary teacher requests that his or her third evaluation be conducted by another administrator, that administrator must be:

(a) Employed by the school district or, if the school district has five or fewer administrators, employed by another school district in this State; and

(b) Selected by the postprobationary teacher from a list of three candidates submitted by the superintendent.

5. The evaluation of a probationary teacher or a postprobationary teacher must include, without limitation:

(a) An evaluation of the classroom management skills of the teacher;

(b) A review of the lesson plans and the work log or grade book of pupils prepared by the teacher;

(c) An evaluation of whether the curriculum taught by the teacher is aligned with the standards of content and performance established pursuant to NRS 389.520, as applicable for the grade level taught by the teacher;

(d) An evaluation of whether the teacher is appropriately addressing the needs of the pupils in the classroom, including, without limitation, special educational needs, cultural and ethnic diversity, the needs of pupils enrolled in advanced courses of study and the needs of pupils who are limited English proficient;

(e) If necessary, recommendations for improvements in the performance of the teacher;

(f) A description of the action that will be taken to assist the teacher in correcting any deficiencies reported in the evaluation; and

(g) A statement by the administrator who evaluated the teacher indicating the amount of time that the administrator personally observed the performance of the teacher in the classroom.

6. The teacher must receive a copy of each evaluation not later than 15 days after the evaluation. A copy of the evaluation and the teacher's response must be permanently attached to the teacher's personnel file. Upon the request of a teacher, a reasonable effort must be made to assist the teacher to

correct those deficiencies reported in the evaluation of the teacher for which the teacher requests assistance.

Sec. 15. NRS 391.3127 is hereby amended to read as follows:

391.3127 1. Each board, following consultation with and involvement of elected representatives of administrative personnel or their designated representatives, shall develop an objective policy for the objective evaluation of administrators in narrative form. The policy must set forth a means according to which an administrator's overall performance may be determined to be satisfactory or unsatisfactory. The policy may include an evaluation by the administrator, superintendent, pupils or other administrators or any combination thereof. A copy of the policy adopted by the board must be filed with the Department and made available to the Commission.

2. Each administrator must be evaluated in writing at least once a year.

3. ***Each probationary administrator is subject to the provisions of NRS 391.3197 and section 9 of this act.***

4. Before a superintendent transfers or assigns an administrator to another administrative position as part of an administrative reorganization, if the transfer or reassignment is to a position of lower rank, responsibility or pay, the superintendent shall give written notice of the proposed transfer or assignment to the administrator at least 30 days before the date on which it is to be effective. The administrator may appeal the decision of the superintendent to the board by requesting a hearing in writing to the president of the board within 5 days after receiving the notice from the superintendent. The board shall hear the matter within 10 days after the president receives the request, and shall render its decision within 5 days after the hearing. The decision of the board is final.

Sec. 16. NRS 391.3127 is hereby amended to read as follows:

391.3127 1. Each board, following consultation with and involvement of elected representatives of administrative personnel or their designated representatives, shall develop an objective policy for the objective evaluation of administrators in narrative form. The policy must set forth a means according to which an administrator's overall performance ~~[may be]~~ ***is*** determined to be ~~[satisfactory or unsatisfactory.]~~ ***highly effective, effective, minimally effective or ineffective. The policy must require that the information maintained pursuant to paragraphs (c), (d) and (e) of subsection 1 of NRS 386.650 account for at least 50 percent of the evaluation.*** The policy may include an evaluation by the administrator, superintendent, pupils or other administrators or any combination thereof. A copy of the policy adopted by the board must be filed with the Department and made available to the Commission.

2. Each administrator must be evaluated in writing at least once a year.

3. Each probationary administrator is subject to the provisions of NRS 391.3197 and section 9 of this act.

4. Before a superintendent transfers or assigns an administrator to another administrative position as part of an administrative reorganization, if the transfer or reassignment is to a position of lower rank, responsibility or pay, the superintendent shall give written notice of the proposed transfer or assignment to the administrator at least 30 days before the date on which it is to be effective. The administrator may appeal the decision of the superintendent to the board by requesting a hearing in writing to the president of the board within 5 days after receiving the notice from the superintendent. The board shall hear the matter within 10 days after the president receives the request, and shall render its decision within 5 days after the hearing. The decision of the board is final.

Sec. 17. NRS 391.313 is hereby amended to read as follows:

391.313 1. Whenever an administrator charged with supervision of a licensed employee believes it is necessary to admonish the employee for a reason that the administrator believes may lead to demotion or dismissal or may cause the employee not to be reemployed under the provisions of NRS 391.312, the administrator shall:

(a) Except as otherwise provided in subsection 3, bring the matter to the attention of the employee involved, in writing, stating the reasons for the admonition and that it may lead to the employee's demotion, dismissal or a refusal to reemploy him or her, and make a reasonable effort to assist the employee to correct whatever appears to be the cause for the employee's potential demotion, dismissal or a potential recommendation not to reemploy him or her; and

(b) Except as otherwise provided in NRS 391.314, allow reasonable time for improvement, which must not exceed 3 months for the first admonition.

➥ The admonition must include a description of the deficiencies of the teacher and the action that is necessary to correct those deficiencies.

2. An admonition issued to a licensed employee who, within the time granted for improvement, has met the standards set for the employee by the administrator who issued the admonition must be removed from the records of the employee together with all notations and indications of its having been issued. The admonition must be removed from the records of the employee not later than 3 years after it is issued.

3. An administrator need not admonish an employee pursuant to paragraph (a) of subsection 1 if his or her employment will be terminated pursuant to NRS 391.3197. ~~[If by March 1 of the first or second year of the employee's probationary period a probationary employee does not receive a written notice pursuant to subsection 4 of NRS 391.3125 of a potential~~

~~decision not to reemploy him or her, the employee must receive an admonition before any such decision is made.~~]

4. A licensed employee is subject to immediate dismissal or a refusal to reemploy according to the procedures provided in NRS 391.311 to 391.3197, inclusive, ***and section 9 of this act*** without the admonition required by this section, on grounds contained in paragraphs (b), (f), (g), (h) **,** [~~and~~] (p) ***and (t)*** of subsection 1 of NRS 391.312.

Sec. 18. NRS 391.317 is hereby amended to read as follows:

391.317 1. At least 15 days before recommending to a board that it demote, dismiss or not reemploy a postprobationary employee, [~~or dismiss or demote a probationary employee,~~] the superintendent shall give written notice to the employee, by registered or certified mail, of the superintendent's intention to make the recommendation.

2. The notice must:

(a) Inform the licensed employee of the grounds for the recommendation.

(b) Inform the employee that, if a written request therefor is directed to the superintendent within 10 days after receipt of the notice, the employee is entitled to a hearing before a hearing officer [~~.~~] ***pursuant to NRS 391.315 to 391.3194, inclusive, or if a dismissal of the employee will occur before the completion of the current school year, the employee may request an expedited hearing pursuant to subsection 3.***

(c) Refer to chapter 391 of NRS.

3. If a postprobationary employee receives notice pursuant to subsection 1 that he or she will be dismissed before the completion of the current school year, the employee may request an expedited hearing pursuant to the Expedited Labor Arbitration Procedures established by the American Arbitration Association or its successor organization. If the employee elects to proceed under the expedited procedures, the provisions of NRS 391.3161, 391.3192 and 391.3193 do not apply.

Sec. 19. NRS 391.3197 is hereby amended to read as follows:

391.3197 1. A probationary employee is employed on a contract basis for [~~two~~] ***three*** 1-year periods and has no right to employment after [~~either~~] ***any*** of the [~~two~~] ***three*** probationary contract years.

2. The board shall notify each probationary employee in writing on or before May 1 of the first **,** [~~and~~] second ***and third*** school years of the employee's probationary period, as appropriate, whether the employee is to be reemployed for the second ***or third*** year of the probationary period or for the [~~next~~] ***fourth*** school year as a postprobationary employee. ***Failure of the board to notify the probationary employee in writing on or before May 1 in the first or second year of the probationary period does not entitle the employee to postprobationary status.*** The employee must advise the board in writing on or before May 10 of the first **,** [~~or~~] second ***or third*** year of the

employee's probationary period, as appropriate, of the employee's acceptance of reemployment. If a probationary employee is assigned to a school that operates all year, the board shall notify the employee in writing, in ~~[~~both~~]~~ the first ***,*** ~~[~~and~~]~~ second ***and third*** years of the employee's probationary period, no later than 45 days before his or her last day of work for the year under his or her contract whether the employee is to be reemployed for the second ***or third*** year of the probationary period or for the ~~[~~next~~]~~ ***fourth*** school year as a postprobationary employee. ***Failure of the board to notify a probationary employee in writing within the prescribed period in the first or second year of the probationary period does not entitle the employee to postprobationary status.*** The employee must advise the board in writing within 10 days after the date of notification of his or her acceptance or rejection of reemployment for another year. Failure to advise the board of the employee's acceptance of reemployment ***pursuant to this subsection*** constitutes rejection of the contract.

3. A probationary employee who ~~[~~completes~~]~~ ***:***

(a) Completes a ~~[~~2-year~~]~~ ***3-year*** probationary period ~~[~~and receives~~]~~ ***;***

(b) Receives a designation of "satisfactory" on each of his or her performance evaluations for 2 consecutive school years; and

(c) Receives a notice of reemployment from the school district in the ~~[~~second~~]~~ ***third*** year of the employee's probationary period ***,***

➥ is entitled to be a postprobationary employee in the ensuing year of employment.

4. ~~[~~If a probationary employee receives notice pursuant to subsection 4 of NRS 391.3125 not later than March 1 of a potential decision not to reemploy him or her, the employee may request a supplemental evaluation by another administrator in the school district selected by the employee and the superintendent. If a school district has five or fewer administrators, the supplemental evaluator may be an administrator from another school district in this State. If a probationary employee has received during the first school year of the employee's probationary period three evaluations which state that the employee's overall performance has been satisfactory, the superintendent of schools of the school district or the superintendent's designee shall waive the second year of the employee's probationary period by expressly providing in writing on the final evaluation of the employee for the first probationary year that the second year of the employee's probationary period is waived. Such an employee is entitled to be a postprobationary employee in the ensuing year of employment.

5.~~]~~ If a probationary employee is notified that the employee will not be reemployed for the ~~[~~second year of the employee's probationary period or the ensuing~~]~~ school year ~~[~~,~~]~~ ***following the 3-year probationary period,*** his or her employment ends on the last day of the current school year. The notice that

the employee will not be reemployed must include a statement of the reasons for that decision.

~~[6.]~~ ***5.*** A new employee ***who is employed as an administrator*** or a postprobationary teacher who is employed as an administrator shall be deemed to be a probationary employee for the purposes of this section and must serve a ~~[2-year]~~ ***3-year*** probationary period as an administrator in accordance with the provisions of this section. ~~[If the administrator does not receive an unsatisfactory evaluation during the first year of probation, the superintendent or the superintendent's designee shall waive the second year of the administrator's probationary period. Such an administrator is entitled to be a postprobationary employee in the ensuing year of employment.]~~ If:

(a) A postprobationary teacher who is an administrator is not reemployed as an administrator after ~~[either]~~ ***any*** year of his or her probationary period; and

(b) There is a position as a teacher available for the ensuing school year in the school district in which the person is employed,

➥ the board of trustees of the school district shall, on or before May 1, offer the person a contract as a teacher for the ensuing school year. The person may accept the contract in writing on or before May 10. If the person fails to accept the contract as a teacher, the person shall be deemed to have rejected the offer of a contract as a teacher.

~~[7.]~~ ***6.*** An administrator who has completed his or her probationary period pursuant to subsection ~~[6]~~ ***5*** and is thereafter promoted to the position of principal must serve an additional probationary period of 1 year in the position of principal. ***If an administrator is promoted to the position of principal before completion of his or her probationary period pursuant to subsection 5, the administrator must serve the remainder of his or her probationary period pursuant to subsection 5 or an additional probationary period of 1 year in the position of principal, whichever is longer.*** If the administrator serving the additional probationary period is not reemployed as a principal after the expiration of the ***probationary period or*** additional probationary period, ***as applicable,*** the board of trustees of the school district in which the person is employed shall, on or before May 1, offer the person a contract for the ensuing school year for the administrative position in which the person attained postprobationary status. The person may accept the contract in writing on or before May 10. If the person fails to accept such a contract, the person shall be deemed to have rejected the offer of employment.

~~[8. Before dismissal, the probationary employee is entitled to a hearing before a hearing officer which affords due process as set out in NRS 391.311 to 391.3196, inclusive.]~~

7. If a probationary employee receives notice that he or she will be dismissed before the completion of the current school year, the probationary employee may request an expedited hearing pursuant to the Expedited Labor Arbitration Procedures established by the American Arbitration Association or its successor organization.

Sec. 19.5. **NRS 391.3197 is hereby amended to read as follows:**

391.3197 1. A probationary employee is employed on a contract basis for three 1-year periods and has no right to employment after any of the three probationary contract years.

2. The board shall notify each probationary employee in writing on or before May 1 of the first, second and third school years of the employee's probationary period, as appropriate, whether the employee is to be reemployed for the second or third year of the probationary period or for the fourth school year as a postprobationary employee. Failure of the board to notify the probationary employee in writing on or before May 1 in the first or second year of the probationary period does not entitle the employee to postprobationary status. The employee must advise the board in writing on or before May 10 of the first, second or third year of the employee's probationary period, as appropriate, of the employee's acceptance of reemployment. If a probationary employee is assigned to a school that operates all year, the board shall notify the employee in writing, in the first, second and third years of the employee's probationary period, no later than 45 days before his or her last day of work for the year under his or her contract whether the employee is to be reemployed for the second or third year of the probationary period or for the fourth school year as a postprobationary employee. Failure of the board to notify a probationary employee in writing within the prescribed period in the first or second year of the probationary period does not entitle the employee to postprobationary status. The employee must advise the board in writing within 10 days after the date of notification of his or her acceptance or rejection of reemployment for another year. Failure to advise the board of the employee's acceptance of reemployment pursuant to this subsection constitutes rejection of the contract.

3. A probationary employee who:

(a) Completes a 3-year probationary period;

(b) Receives a designation of ~~["satisfactory"]~~ ***"highly effective" or "effective"*** on each of his or her performance evaluations for 2 consecutive school years; and

(c) Receives a notice of reemployment from the school district in the third year of the employee's probationary period,

➥ is entitled to be a postprobationary employee in the ensuing year of employment.

4. If a probationary employee is notified that the employee will not be reemployed for the school year following the 3-year probationary period, his or her employment ends on the last day of the current school year. The notice that the employee will not be reemployed must include a statement of the reasons for that decision.

5. A new employee who is employed as an administrator or a postprobationary teacher who is employed as an administrator shall be deemed to be a probationary employee for the purposes of this section and must serve a 3-year probationary period as an administrator in accordance with the provisions of this section. If:

(a) A postprobationary teacher who is an administrator is not reemployed as an administrator after any year of his or her probationary period; and

(b) There is a position as a teacher available for the ensuing school year in the school district in which the person is employed,

➥ the board of trustees of the school district shall, on or before May 1, offer the person a contract as a teacher for the ensuing school year. The person may accept the contract in writing on or before May 10. If the person fails to accept the contract as a teacher, the person shall be deemed to have rejected the offer of a contract as a teacher.

6. An administrator who has completed his or her probationary period pursuant to subsection 5 and is thereafter promoted to the position of principal must serve an additional probationary period of 1 year in the position of principal. If an administrator is promoted to the position of principal before the completion of his or her probationary period pursuant to subsection 5, the administrator must serve the remainder of his or her probationary period pursuant to subsection 5 or an additional probationary period of 1 year in the position of principal, whichever is longer. If the administrator serving the additional probationary period is not reemployed as a principal after the expiration of the probationary period or additional probationary period, as applicable, the board of trustees of the school district in which the person is employed shall, on or before May 1, offer the person a contract for the ensuing school year for the administrative position in which the person attained postprobationary status. The person may accept the contract in writing on or before May 10. If the person fails to accept such a contract, the person shall be deemed to have rejected the offer of employment.

7. If a probationary employee receives notice that he or she will be dismissed before the completion of the current school year, the employee may request an expedited hearing pursuant to the Expedited Labor Arbitration Procedures established by the American Arbitration Association or its successor organization.

Sec. 19.6. **Chapter 288 of NRS is hereby amended by adding thereto a new section to read as follows:**

If the board of trustees of a school district determines that a reduction in the existing workforce of the licensed educational personnel in the school district is necessary, the decision to lay off a teacher or an administrator must not be based solely on the seniority of the teacher or administrator and may include, without limitation, a consideration of the following factors:

1. Whether the teacher or administrator is employed in a position which is hard to fill;

2. Whether the teacher or administrator has received a national board certification;

3. The performance evaluations of the teacher or administrator;

4. The disciplinary record of the teacher or administrator within the school district;

5. The criminal record of the teacher or administrator, if any;

6. The type of licensure held by the teacher or administrator; and

7. The type of degree attained by the teacher or administrator and whether the degree is in a subject area that is related to his or her position.

Sec. 19.7. **NRS 288.150 is hereby amended to read as follows:**

288.150 1. Except as provided in subsection 4, every local government employer shall negotiate in good faith through one or more representatives of its own choosing concerning the mandatory subjects of bargaining set forth in subsection 2 with the designated representatives of the recognized employee organization, if any, for each appropriate bargaining unit among its employees. If either party so requests, agreements reached must be reduced to writing.

2. The scope of mandatory bargaining is limited to:

(a) Salary or wage rates or other forms of direct monetary compensation.

(b) Sick leave.

(c) Vacation leave.

(d) Holidays.

(e) Other paid or nonpaid leaves of absence.

(f) Insurance benefits.

(g) Total hours of work required of an employee on each workday or workweek.

(h) Total number of days' work required of an employee in a work year.

(i) Discharge and disciplinary procedures.

(j) Recognition clause.

(k) The method used to classify employees in the bargaining unit.

(l) Deduction of dues for the recognized employee organization.

(m) Protection of employees in the bargaining unit from discrimination because of participation in recognized employee organizations consistent with the provisions of this chapter.

(n) No-strike provisions consistent with the provisions of this chapter.

(o) Grievance and arbitration procedures for resolution of disputes relating to interpretation or application of collective bargaining agreements.

(p) General savings clauses.

(q) Duration of collective bargaining agreements.

(r) Safety of the employee.

(s) Teacher preparation time.

(t) Materials and supplies for classrooms.

(u) The policies for the transfer and reassignment of teachers.

(v) Procedures for reduction in workforce ~~[.]~~ ***consistent with the provisions of this chapter.***

3. Those subject matters which are not within the scope of mandatory bargaining and which are reserved to the local government employer without negotiation include:

(a) Except as otherwise provided in paragraph (u) of subsection 2, the right to hire, direct, assign or transfer an employee, but excluding the right to assign or transfer an employee as a form of discipline.

(b) The right to reduce in force or lay off any employee because of lack of work or lack of money, subject to paragraph (v) of subsection 2.

(c) The right to determine:

(1) Appropriate staffing levels and work performance standards, except for safety considerations;

(2) The content of the workday, including without limitation workload factors, except for safety considerations;

(3) The quality and quantity of services to be offered to the public; and

(4) The means and methods of offering those services.

(d) Safety of the public.

4. Notwithstanding the provisions of any collective bargaining agreement negotiated pursuant to this chapter, a local government employer is entitled to take whatever actions may be necessary to carry out its responsibilities in situations of emergency such as a riot, military action, natural disaster or civil disorder. Those actions may include the suspension of any collective bargaining agreement for the duration of the emergency. Any action taken under the provisions of this subsection must not be construed as a failure to negotiate in good faith.

5. The provisions of this chapter, including without limitation the provisions of this section, recognize and declare the ultimate right and responsibility of the local government employer to manage its operation in

the most efficient manner consistent with the best interests of all its citizens, its taxpayers and its employees.

6. This section does not preclude, but this chapter does not require the local government employer to negotiate subject matters enumerated in subsection 3 which are outside the scope of mandatory bargaining. The local government employer shall discuss subject matters outside the scope of mandatory bargaining but it is not required to negotiate those matters.

7. Contract provisions presently existing in signed and ratified agreements as of May 15, 1975, at 12 p.m. remain negotiable.

Sec. 19.8. **NRS 288.195 is hereby amended to read as follows:**

288.195 Whenever an employee organization enters into negotiations with a local government employer, pursuant to NRS 288.140 to 288.220, inclusive, ***and section 19.6 of this act,*** such employee organization may be represented by an attorney licensed to practice law in the State of Nevada.

Sec. 20. Section 9 of this act is hereby amended to read as follows:

Sec. 9. 1. If a written evaluation of a probationary teacher or probationary administrator designates the overall performance of the teacher or administrator as ~~["unsatisfactory":]~~ ***"minimally effective" or "ineffective":***

(a) The written evaluation must include the following statement: "Please be advised that, pursuant to Nevada law, your contract may not be renewed for the next school year. If you receive two evaluations for this school year which designate your performance as ~~['unsatisfactory,']~~ ***'minimally effective' or 'ineffective,'*** and if you have another evaluation remaining this school year, you may request that the evaluation be conducted by another administrator. You may also request, to the administrator who conducted the evaluation, reasonable assistance in correcting the deficiencies reported in the evaluation for which you request assistance, and upon such request, a reasonable effort will be made to assist you in correcting those deficiencies."

(b) The probationary teacher or probationary administrator, as applicable, must acknowledge in writing that he or she has received and understands the statement described in paragraph (a).

2. If a probationary teacher or probationary administrator requests that his or her next evaluation be conducted by another administrator in accordance with the notice required by subsection 1, the administrator conducting the evaluation must be:

(a) Employed by the school district or, if the school district has five or fewer administrators, employed by another school district in this State; and

(b) Selected by the probationary teacher or probationary administrator, as applicable, from a list of three candidates submitted by the superintendent.

3. If a probationary teacher or probationary administrator requests assistance in correcting deficiencies reported in his or her evaluation, the

administrator who conducted the evaluation shall ensure that a reasonable effort is made to assist the probationary teacher or probationary administrator in correcting those deficiencies.

Sec. 20.5. **Section 1 of Assembly Bill No. 225 of this session is hereby amended to read as follows:**

Section 1. Chapter 391 of NRS is hereby amended by adding thereto a new section to read as follows:

A postprobationary employee who receives an ~~[unsatisfactory evaluation pursuant to NRS 391.3125 or 391.3127, as applicable, or any other equivalent]~~ evaluation designating his or her overall performance as ~~[below average,]~~ **:**

1. If evaluated pursuant to NRS 391.3125 or 391.3127, as applicable:

(a) Minimally effective;

(b) Ineffective; or

(c) Minimally effective during 1 year of the 2-year consecutive period and ineffective during the other year of the period; or

2. If evaluated pursuant to any other system of evaluation, any designation which indicates that the overall performance of the employee is below average,

➥ for 2 consecutive school years shall be deemed to be a probationary employee for the purposes of NRS 391.311 to 391.3197, inclusive, ***and section 9 of Assembly Bill No. 229 of this session,*** and must serve an additional probationary period in accordance with the provisions of NRS 391.3197.

Sec. 21. The provisions of section 9 of this act, NRS 391.311 to 391.3125, inclusive, as amended by sections 10 to 13, inclusive, of this act, NRS 391.3127, as amended by section 15 of this act, NRS 391.313, as amended by section 17 of this act, NRS 391.317, as amended by section 18 of this act, and NRS 391.3197, as amended by section 19 of this act, apply to all:

1. Teachers who are initially employed by a school district on or after July 1, 2011.

2. A new employee who is hired by a school district as an administrator on or after July 1, 2011.

3. A postprobationary teacher who is employed as an administrator on or after July 1, 2011.

Sec. 22. The board of trustees of each school district shall:

1. Commencing with the 2013-2104 school year, implement and carry out the policies for evaluations of teachers and administrators required by NRS 391.3125, as amended by section 14 of this act, NRS 391.3127, as amended by section 16 of this act, **NRS 391.3197, as amended by section 19.5 of this act,** and section 20 of this act.

2. **Commencing with the 2013-2014 school year, implement and carry out section 20.5 of this act if, and only if, Assembly Bill No. 225 of this session is enacted by the Legislature and becomes effective.**

3. Commencing with the 2014-2015 school year, implement and carry out the program of performance pay and enhanced compensation established by the board of trustees pursuant to section 8 of this act.

Sec. 23. 1. This section and sections 1 to 7, inclusive, 9 to 13, inclusive, 15, 17, 18, 19, **19.6, 19.7, 19.8,** 21 and 22 of this act become effective on July 1, 2011.

2. Sections 8, 14, 16 **, 19.5** and 20 of this act become effective on July 1, 2013.

3. Section 20.5 of this act becomes effective on July 1, 2013, if, and only if, Assembly Bill No. 225 of this session is enacted by the Legislature and becomes effective.

Assemblyman Bobzien moved that the Assembly concur in the Senate Amendment No. 861 to Assembly Bill No. 229.

Remarks by Assemblyman Bobzien.

Motion carried by a constitutional majority.

Bill ordered enrolled.

GENERAL FILE AND THIRD READING

Assembly Bill No. 380.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 862.

AN ACT relating to energy; revising the prospective expiration of the Wind Energy Systems Demonstration Program and the Waterpower Energy Systems Demonstration Program; providing for the expiration of the Solar Energy Systems Incentive Program; ~~[revising provisions governing the Solar Program, the Wind Program and the Waterpower Program; revising provisions governing the amount of incentives which a utility must pay to participants in the Solar Program, the Wind Program and the Waterpower Program; revising provisions relating to net metering; requiring the Public Utilities Commission of Nevada to adopt regulations;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that the Wind Energy Systems Demonstration Program and the Waterpower Energy Systems Demonstration Program will expire on June 30, 2011. (NRS 701B.400-701B.890; chapter 509, Statutes of Nevada 2007, p. 2999) ~~[Sections 49-51 and 54 of this]~~ **This** bill ~~[revise]~~ **revises** the prospective expiration dates of these programs and ~~[provide]~~

provides that the Wind Program, the Waterpower Program and the Solar Energy Systems Incentive Program will expire on December 31, 2021.

~~[Section 13 of this bill provides that, for the period beginning July 1, 2010, and ending December 31, 2012, a utility is not required to award an incentive under the Solar Program if the payment of the incentive would cause the total amount of incentives paid by all utilities for the installation of solar energy systems and distributed generation systems would exceed $140,000,000. Section 26 of this bill prohibits the Public Utilities Commission of Nevada from authorizing the payment of an incentive for the installation of a wind energy system under the Wind Program if, for the same period, the amount of the incentive would cause the total amount of incentives paid by all utilities for the installation of wind energy systems and distributed generation systems to exceed $30,000,000.~~

~~Sections 1, 3-12, 14-25, 27-43 and 47 of this bill become effective on January 1, 2013, and revise provisions governing the Solar Program, the Wind Program and the Waterpower Program. Section 5 provides limits on the total amount of an incentive which may be awarded to a participant in the Wind Program. Section 5 additionally provides that a utility is not required to award an incentive if such an award would cause the total amount of incentives awarded pursuant to the Wind Program, the Solar Program and the Waterpower Program in a program year by all utilities in this State to exceed one-half of 1 percent of the total revenues received by all utilities in this State from retail customers during the immediately preceding program year. Section 9 imposes the same requirements for the payment of incentives pursuant to the Solar Program. Section 37 provides the same cap for the award of incentives pursuant to the Waterpower Program. Sections 14 and 29 provide that to be eligible for an incentive under the Solar Program or Wind Program, a renewable energy system must meet the requirements for net metering. Sections 11, 22 and 35 expand the Solar Program, Wind Program and Waterpower Program to include Indian tribes and tribal organizations.~~

~~Existing law requires a utility to offer net metering until the cumulative capacity of all net metering systems within the service area of the utility is equal to 1 percent of the utility's peak capacity. (NRS 704.773) Section 45 of this bill requires a utility to offer net metering until the cumulative capacity of all net metering systems in this State is equal to 3 percent of the total peak capacity of all utilities in this State.]~~

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. **(Deleted by amendment.)**

Sec. 2. NRS 701.180 is hereby amended to read as follows:

701.180 The Director shall:

1. Acquire and analyze information relating to energy and to the supply, demand and conservation of its sources, including, without limitation ~~[~~:

~~(a) Information relating to the Solar Energy Systems Incentive Program created pursuant to NRS 701B.240 and the Wind Energy Systems Incentive Program created pursuant to 701B.580, including, without limitation, information relating to:~~

~~(1) The development of distributed generation systems in this State pursuant to participation in the Solar Energy Systems Incentive Program;~~

~~(2) The use of carbon-based energy in residential and commercial applications due to participation in the Programs; and~~

~~(3) The average cost of generation on a kilowatt hour basis for residential and commercial applications due to participation in the Programs; and~~

~~(b) Information~~] ***, information*** relating to any money distributed pursuant to NRS 702.270.

2. Review and evaluate information which identifies trends and permits forecasting of the energy available to the State. Such forecasts must include estimates on:

(a) The level of demand for energy in the State for 5-, 10- and 20-year periods;

(b) The amount of energy available to meet each level of demand;

(c) The probable implications of the forecast on the demand and supply of energy; and

(d) The sources of renewable energy and other alternative sources of energy which are available and their possible effects.

3. Study means of reducing wasteful, inefficient, unnecessary or uneconomical uses of energy and encourage the maximum utilization of existing sources of energy in the State.

4. Solicit and serve as the point of contact for grants and other money from the Federal Government, including, without limitation, any grants and other money available pursuant to any program administered by the United States Department of Energy, and other sources to cooperate with the Commissioner and the Authority:

(a) To promote energy projects that enhance the economic development of the State;

(b) To promote the use of renewable energy in this State;

(c) To promote the use of measures which conserve or reduce the demand for energy or which result in more efficient use of energy;

(d) To develop a comprehensive program for retrofitting public buildings in this State with energy efficiency measures; and

(e) If the Commissioner determines that it is feasible and cost-effective, to enter into contracts with researchers from the Nevada System of Higher

Education for the design of energy efficiency and retrofit projects to carry out the comprehensive program for retrofitting public buildings in this State developed pursuant to paragraph (d).

5. Coordinate the activities and programs of the Office of Energy with the activities and programs of the Authority, the Consumer's Advocate and the Public Utilities Commission of Nevada, and with other federal, state and local officers and agencies that promote, fund, administer or operate activities and programs related to the use of renewable energy and the use of measures which conserve or reduce the demand for energy or which result in more efficient use of energy.

6. If requested to make a determination pursuant to NRS 111.239 or 278.0208, make the determination within 30 days after receiving the request. If the Director needs additional information to make the determination, the Director may request the information from the person making the request for a determination. Within 15 days after receiving the additional information, the Director shall make a determination on the request.

7. Carry out all other directives concerning energy that are prescribed by the Governor.

Sec. 3. **(Deleted by amendment.)**

Sec. 4. **(Deleted by amendment.)**

Sec. 5. **(Deleted by amendment.)**

Sec. 6. **(Deleted by amendment.)**

Sec. 7. **(Deleted by amendment.)**

Sec. 8. **(Deleted by amendment.)**

Sec. 9. **(Deleted by amendment.)**

Sec. 10. **(Deleted by amendment.)**

Sec. 11. **(Deleted by amendment.)**

Sec. 12. **(Deleted by amendment.)**

Sec. 13. **(Deleted by amendment.)**

Sec. 14. **(Deleted by amendment.)**

Sec. 15. **(Deleted by amendment.)**

Sec. 16. **(Deleted by amendment.)**

Sec. 17. **(Deleted by amendment.)**

Sec. 18. **(Deleted by amendment.)**

Sec. 19. **(Deleted by amendment.)**

Sec. 20. **(Deleted by amendment.)**

Sec. 21. **(Deleted by amendment.)**

Sec. 22. **(Deleted by amendment.)**

Sec. 23. **(Deleted by amendment.)**

Sec. 24. **(Deleted by amendment.)**

Sec. 25. **(Deleted by amendment.)**

Sec. 26. **(Deleted by amendment.)**

Sec. 27. **(Deleted by amendment.)**

Sec. 27.5. **(Deleted by amendment.)**

Sec. 28. **(Deleted by amendment.)**

Sec. 29. **(Deleted by amendment.)**

Sec. 30. **(Deleted by amendment.)**

Sec. 31. **(Deleted by amendment.)**

Sec. 32. **(Deleted by amendment.)**

Sec. 33. **(Deleted by amendment.)**

Sec. 34. **(Deleted by amendment.)**

Sec. 35. **(Deleted by amendment.)**

Sec. 36. **(Deleted by amendment.)**

Sec. 37. **(Deleted by amendment.)**

Sec. 38. **(Deleted by amendment.)**

Sec. 39. **(Deleted by amendment.)**

Sec. 40. **(Deleted by amendment.)**

Sec. 41. **(Deleted by amendment.)**

Sec. 42. **(Deleted by amendment.)**

Sec. 43. NRS 701B.924 is hereby amended to read as follows:

701B.924 1. The State Public Works Board shall, within 90 days after June 9, 2009, determine the specific projects to weatherize and retrofit public buildings, facilities and structures, including, without limitation, traffic-control systems, and to otherwise use sources of renewable energy to serve those buildings, facilities and structures pursuant to the provisions of this section and NRS 701B.921. The projects must be prioritized and selected on the basis of the following criteria:

(a) The length of time necessary to commence the project.

(b) The number of workers estimated to be employed on the project.

(c) The effectiveness of the project in reducing energy consumption.

(d) The estimated cost of the project.

(e) Whether the project is able to be powered by or to otherwise use sources of renewable energy.

(f) Whether the project has qualified for participation in ~~[one or more of the following programs:~~

~~(1) The Solar Energy Systems Incentive Program created by NRS 701B.240;~~

~~(2)]~~ **:**

(1) The Renewable Energy School Pilot Program created by NRS 701B.350;

~~[(3) The Wind Energy Systems]~~ ~~[~~Demonstration~~]~~ ~~*[Incentive* Program created by NRS 701B.580;~~

~~(4) The Waterpower Energy Systems]~~ ~~[~~Demonstration~~]~~ ~~*[Incentive* Program created by NRS 701B.820; or~~

~~(5)~~] ***or***

(2) An energy efficiency or energy conservation program offered by a public utility, as defined in NRS 704.020, pursuant to a plan approved by the Public Utilities Commission of Nevada pursuant to NRS 704.741.

2. The board of trustees of each school district shall, within 90 days after June 9, 2009, determine the specific projects to weatherize and retrofit public buildings, facilities and structures, including, without limitation, traffic-control systems, and to otherwise use sources of renewable energy to serve those buildings, facilities and structures pursuant to the provisions of this section and NRS 701B.921. The projects must be prioritized and selected on the basis of the following criteria:

(a) The length of time necessary to commence the project.

(b) The number of workers estimated to be employed on the project.

(c) The effectiveness of the project in reducing energy consumption.

(d) The estimated cost of the project.

(e) Whether the project is able to be powered by or to otherwise use sources of renewable energy.

(f) Whether the project has qualified for participation in ~~[one or more of the following programs:~~

~~(1) The Solar Energy Systems Incentive Program created by NRS 701B.240;~~

~~(2)~~] ***:***

(1) The Renewable Energy School Pilot Program created by NRS 701B.350;

~~[(3) The Wind Energy Systems]~~ ~~[~~Demonstration~~]~~ ~~*[Incentive* Program created by NRS 701B.580;~~

~~(4) The Waterpower Energy Systems]~~ ~~[~~Demonstration~~]~~ ~~*[Incentive* Program created by NRS 701B.820; or~~

~~(5)~~] ***or***

(2) An energy efficiency or energy conservation program offered by a public utility, as defined in NRS 704.020, pursuant to a plan approved by the Public Utilities Commission of Nevada pursuant to NRS 704.741.

3. The Board of Regents of the University of Nevada shall, within 90 days after June 9, 2009, determine the specific projects to weatherize and retrofit public buildings, facilities and structures, including, without limitation, traffic-control systems, and to otherwise use sources of renewable energy to serve those buildings, facilities and structures pursuant to the provisions of this section and NRS 701B.921. The projects must be prioritized and selected on the basis of the following criteria:

(a) The length of time necessary to commence the project.

(b) The number of workers estimated to be employed on the project.

(c) The effectiveness of the project in reducing energy consumption.

(d) The estimated cost of the project.

(e) Whether the project is able to be powered by or to otherwise use sources of renewable energy.

(f) Whether the project has qualified for participation in ~~[one or more of the following programs:~~

~~(1) The Solar Energy Systems Incentive Program created by NRS 701B.240;~~

~~(2)~~] **:**

(1) The Renewable Energy School Pilot Program created by NRS 701B.350;

~~[(3) The Wind Energy Systems~~] [~~Demonstration~~] ~~*[Incentive* Program created by NRS 701B.580;~~

~~(4) The Waterpower Energy Systems~~] [~~Demonstration~~] ~~*[Incentive* Program created by NRS 701B.820; or~~

~~(5)~~] ***or***

(2) An energy efficiency or energy conservation program offered by a public utility, as defined in NRS 704.020, pursuant to a plan approved by the Public Utilities Commission of Nevada pursuant to NRS 704.741.

4. As soon as practicable after an entity described in subsections 1, 2 and 3 selects a project, the entity shall proceed to enter into a contract with one or more contractors to perform the work on the project. The request for proposals and all contracts for each project must include, without limitation:

(a) Provisions stipulating that all employees of the contractors and subcontractors who work on the project must be paid prevailing wages pursuant to the requirements of chapter 338 of NRS;

(b) Provisions requiring that each contractor and subcontractor employed on each such project:

(1) Employ a number of persons trained as described in paragraph (b) of subsection 3 of NRS 701B.921 that is equal to or greater than 50 percent of the total workforce the contractor or subcontractor employs on the project; or

(2) If the Director of the Department determines in writing, pursuant to a request submitted by the contractor or subcontractor, that the contractor or subcontractor cannot reasonably comply with the provisions of subparagraph (1) because there are not available a sufficient number of such trained persons, employ a number of persons trained as described in paragraph (b) of subsection 3 of NRS 701B.921 or trained through any apprenticeship program that is registered and approved by the State Apprenticeship Council pursuant to chapter 610 of NRS that is equal to or greater than 50 percent of the total workforce the contractor or subcontractor employs on the project;

(c) A component pursuant to which persons trained as described in paragraph (b) of subsection 3 of NRS 701B.921 must be classified and paid

prevailing wages depending upon the classification of the skill in which they are trained; and

(d) A component that requires each contractor or subcontractor to offer to employees working on the project, and to their dependents, health care in the same manner as a policy of insurance pursuant to chapters 689A and 689B of NRS or the Employee Retirement Income Security Act of 1974.

5. The State Public Works Board, each of the school districts and the Board of Regents of the University of Nevada shall each provide a report to the Interim Finance Committee which describes the projects selected pursuant to this section and a report of the dates on which those projects are scheduled to be completed.

Sec. 44. **(Deleted by amendment.)**

Sec. 45. **(Deleted by amendment.)**

Sec. 46. (Deleted by amendment.)

Sec. 47. NRS 338.1908 is hereby amended to read as follows:

338.1908 1. The governing body of each local government shall, by July 28, 2009, develop a plan to retrofit public buildings, facilities and structures, including, without limitation, traffic-control systems, and to otherwise use sources of renewable energy to serve those buildings, facilities and structures. Such a plan must:

(a) Be developed with input from one or more energy retrofit coordinators designated pursuant to NRS 338.1907, if any.

(b) Include a list of specific projects. The projects must be prioritized and selected on the basis of the following criteria:

(1) The length of time necessary to commence the project.

(2) The number of workers estimated to be employed on the project.

(3) The effectiveness of the project in reducing energy consumption.

(4) The estimated cost of the project.

(5) Whether the project is able to be powered by or otherwise use sources of renewable energy.

(6) Whether the project has qualified for participation in ~~[one or more of the following programs:~~

~~(I) The Solar Energy Systems Incentive Program created by NRS 701B.240;~~

~~(II) The]~~ ***the*** Renewable Energy School Pilot Program created by NRS 701B.350 **.** ~~[;~~

~~(III) The Wind Energy Systems]~~ ~~[~~Demonstration~~]~~ ~~[*Incentive* Program created by NRS 701B.580; or~~

~~(IV) The Waterpower Energy Systems]~~ ~~[~~Demonstration~~]~~ ~~[*Incentive* Program created by NRS 701B.820.]~~

(c) Include a list of potential funding sources for use in implementing the projects, including, without limitation, money available through the Energy

Efficiency and Conservation Block Grant Program as set forth in 42 U.S.C. § 17152 and grants, gifts, donations or other sources of money from public and private sources.

2. The governing body of each local government shall transmit the plan developed pursuant to subsection 1 to the Nevada Energy Commissioner and to any other entity designated for that purpose by the Legislature.

3. As used in this section:

(a) "Local government" means each city or county that meets the definition of "eligible unit of local government" as set forth in 42 U.S.C. § 17151 and each unit of local government, as defined in subsection 11 of NRS 338.010, that does not meet the definition of "eligible entity" as set forth in 42 U.S.C. § 17151.

(b) "Renewable energy" means a source of energy that occurs naturally or is regenerated naturally, including, without limitation:

(1) Biomass;

(2) Fuel cells;

(3) Geothermal energy;

(4) Solar energy;

(5) Waterpower; and

(6) Wind.

➥ The term does not include coal, natural gas, oil, propane or any other fossil fuel, or nuclear energy.

(c) "Retrofit" means to alter, improve, modify, remodel or renovate a building, facility or structure to make that building, facility or structure more energy-efficient.

Sec. 48. **(Deleted by amendment.)**

Sec. 49. Section 113 of chapter 509, Statutes of Nevada 2007, at page 2999, is hereby amended to read as follows:

Sec. 113. 1. This act becomes effective:

(a) Upon passage and approval for the purposes of adopting regulations and taking such other actions as are necessary to carry out the provisions of this act; and

(b) For all other purposes besides those described in paragraph (a):

(1) For this section and sections 1, 30, 32, 36 to 46, inclusive, 49, 51 to 61, inclusive, 107, 109, 110 and 111 of this act, upon passage and approval.

(2) For sections 1.5 to 29, inclusive, 43.5, 47, 51.3, 51.7, 108, 112 and 112.5 of this act, on July 1, 2007.

(3) For sections 62 to 106, inclusive, of this act, on October 1, 2007.

(4) For sections 31, 32.3, 32.5, 32.7, 33, 34 and 35 of this act, on January 1, 2009.

(5) For section 48 of this act, on January 1, 2010.

(6) For section 50 of this act, on January 1, 2011.

2. Sections 62 to ~~[106,]~~ ~~*[63 to]*~~ ***75, inclusive, 77 to 82, inclusive, 85*** ~~*[, 86, 88]*~~ ***to 94, inclusive, and 95 to 105,*** inclusive, of this act expire by limitation on ~~[June 30, 2011.]~~ ***December 31, 2021.***

Sec. 50. Section 13 of chapter 246, Statutes of Nevada 2009, at page 1002, is hereby amended to read as follows:

Sec. 13. 1. This act becomes effective on July 1, 2009.

2. Sections 2 and 3 of this act expire by limitation on ~~[June 30, 2011.]~~ ***December 31, 2021.***

Sec. 51. Section 21 of chapter 321, Statutes of Nevada 2009, at page 1410, is hereby amended to read as follows:

Sec. 21. 1. This section and sections 1 to 1.51, inclusive, 1.55 to 19.7, inclusive, and 19.9 to 20.9, inclusive, of this act become effective upon passage and approval.

2. Sections 1.51, 1.85, 1.87, 1.92, 1.93, 1.95, 4.3 ~~*[to 7, inclusive, 7.3]*~~ to 9, inclusive, and 19.4 of this act expire by limitation on ~~[June 30, 2011.~~

~~3. Sections 1.53 and 19.8 of this act become effective on July 1, 2011.]~~ ***December 31, 2021.***

Sec. 52. 1. NRS 701B.010, 701B.020, 701B.030, 701B.040, 701B.050, 701B.055, 701B.060, 701B.070, 701B.080, 701B.090, 701B.100, 701B.110, 701B.120, 701B.130, 701B.140, 701B.150, 701B.160, 701B.170, 701B.180, 701B.200, 701B.210, 701B.220, 701B.230, 701B.240, 701B.250, 701B.255, **701B.260,** 701B.265, 701B.280 and 701B.290 are hereby repealed.

2. ~~[NRS 701B.260 is hereby repealed.~~

~~3. NRS 701B.400, 701B.615 and 701B.700 are hereby repealed.~~

~~4.]~~ Sections 1.53 and 19.8 of chapter 321, Statutes of Nevada 2009, at pages 1372 and 1408, respectively, are hereby repealed.

Sec. 53. (Deleted by amendment.)

Sec. 54. 1. This section ~~[,]~~ **and** sections ~~[49, 50 and 51 and]~~ **1, 3 to 42, inclusive, 44, 45, 46, 48 to 51, inclusive,** subsection ~~[4]~~ **2** of section 52 **and section 53** of this act become effective upon passage and approval.

2. ~~[Sections 13, 26, 45, and 46 of this act become effective on July 1, 2011.~~

~~3. Sections 1, 3 to 12, inclusive, 14 to 25, inclusive, 27 to 43, inclusive, 47, subsection 3 of section 52 and section 53 of this act become effective upon passage and approval for the purpose of adopting regulations and on January 1, 2013, for all other purposes.~~

~~4. Subsection 2 of section 52 of this act becomes effective on December 31, 2012.~~

~~5. Sections 3 to 6, inclusive, 15 to 25, inclusive, 27 to 43, inclusive, and 47 of this act expire by limitation on December 31, 2021.~~

~~6.~~ Sections 2, ~~[44, 48]~~ **43, 47** and subsection 1 of section 52 of this act become effective on January 1, 2022.

DEADLINES OF REPEALED SECTIONS OF NRS AND TEXT OF REPEALED SECTIONS OF STATUTES OF NEVADA

701B.010 Applicability.
701B.020 Definitions.
701B.030 "Applicant" defined.
701B.040 "Category" defined.
701B.050 "Commission" defined.
701B.055 "Distributed generation system" defined.
701B.060 "Institution of higher education" defined.
701B.070 "Owned, leased or occupied" defined.
701B.080 "Participant" defined.
701B.090 "Person" defined.
701B.100 "Program year" defined.
701B.110 "Public and other property" defined.
701B.120 "Public entity" defined.
701B.130 "School property" defined.
701B.140 "Small business" defined.
701B.150 "Solar energy system" defined.
701B.160 "Solar Program" defined.
701B.170 "Task Force" defined.
701B.180 "Utility" defined.
701B.200 Regulations: Establishment of incentives and requirements for utility's annual plan; exceptions; recovery of costs by utility.
701B.210 Regulations: Establishment of qualifications and requirements for participation; form and content of utility's master application.
701B.220 Regulations: Establishment of incentives for participation.
701B.230 Duty of utility to file annual plan; review and approval of annual plan by Commission; recovery of costs by utility.
701B.240 Creation of Solar Program; categories of participation; eligibility requirements.
701B.250 Application to participate; review of application by utility.
701B.255 Procedure for selection and notification of participants; authorization to install and energize solar energy system; submission of incentive claim form; determination of amount of incentive; withdrawal of participant; forfeiture of incentive.
701B.260 Capacity allocated to each category; reallocation of capacity; limitations on incentives.

701B.265 Installation of solar energy system deemed public work under certain circumstances.

701B.280 Participation in net metering.

701B.290 Issuance of portfolio energy credits.

~~[701B.400 Short title.~~

~~701B.615 Procedure for selection and notification of participants; authorization to install and energize wind energy system; submission of incentive claim form; determination of amount of incentive; withdrawal of participant; forfeiture of incentive.~~

~~701B.700 Short title.]~~

Section 1.53 of chapter 321, Statutes of Nevada 2009, at pages 1372-73.

Sec. 1.53. NRS 701.180 is hereby amended to read as follows:

701.180 The Director shall:

1. Acquire and analyze information relating to energy and to the supply, demand and conservation of its sources, including, without limitation:

(a) Information relating to the Solar Energy Systems Incentive Program created pursuant to NRS 701B.240 ~~[and the Wind Energy Systems Demonstration Program created pursuant to 701B.580,]~~ including, without limitation, information relating to:

(1) The development of distributed generation systems in this State pursuant to participation in the Solar Energy Systems Incentive Program;

(2) The use of carbon-based energy in residential and commercial applications due to participation in the ~~[Programs;]~~ ***Program;*** and

(3) The average cost of generation on a kilowatt-hour basis for residential and commercial applications due to participation in the ~~[Programs;]~~ ***Program;*** and

(b) Information relating to any money distributed pursuant to NRS 702.270.

2. Review and evaluate information which identifies trends and permits forecasting of the energy available to the State. Such forecasts must include estimates on:

(a) The level of demand for energy in the State for 5-, 10- and 20-year periods;

(b) The amount of energy available to meet each level of demand;

(c) The probable implications of the forecast on the demand and supply of energy; and

(d) The sources of renewable energy and other alternative sources of energy which are available and their possible effects.

3. Study means of reducing wasteful, inefficient, unnecessary or uneconomical uses of energy and encourage the maximum utilization of existing sources of energy in the State.

4. Solicit and serve as the point of contact for grants and other money from the Federal Government, including, without limitation, any grants and other money available pursuant to any program administered by the United States Department of Energy, and other sources to cooperate with the Commissioner and the Authority:

(a) To promote energy projects that enhance the economic development of the State;

(b) To promote the use of renewable energy in this State;

(c) To promote the use of measures which conserve or reduce the demand for energy or which result in more efficient use of energy;

(d) To develop a comprehensive program for retrofitting public buildings in this State with energy efficiency measures; and

(e) If the Commissioner determines that it is feasible and cost-effective, to enter into contracts with researchers from the Nevada System of Higher Education for the design of energy efficiency and retrofit projects to carry out the comprehensive program for retrofitting public buildings in this State developed pursuant to paragraph (d).

5. Coordinate the activities and programs of the Office of Energy with the activities and programs of the Authority, the Consumer's Advocate and the Public Utilities Commission of Nevada, and with other federal, state and local officers and agencies that promote, fund, administer or operate activities and programs related to the use of renewable energy and the use of measures which conserve or reduce the demand for energy or which result in more efficient use of energy.

6. Carry out all other directives concerning energy that are prescribed by the Governor.

Section 19.8 of chapter 321, Statutes of Nevada 2009, at pages 1408-09.

Sec. 19.8. Section 19.4 of this act is hereby amended to read as follows:

Sec. 19.4. Chapter 338 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The governing body of each local government shall, within 60 days after the effective date of this section, develop a plan to retrofit public buildings, facilities and structures, including, without limitation, traffic-control systems, and to otherwise use sources of renewable energy to serve those buildings, facilities and structures. Such a plan must:

(a) Be developed with input from one or more energy retrofit coordinators designated pursuant to NRS 338.1907, if any.

(b) Include a list of specific projects. The projects must be prioritized and selected on the basis of the following criteria:

(1) The length of time necessary to commence the project.

(2) The number of workers estimated to be employed on the project.

(3) The effectiveness of the project in reducing energy consumption.

(4) The estimated cost of the project.

(5) Whether the project is able to be powered by or otherwise use sources of renewable energy.

(6) Whether the project has qualified for participation in one or more of the following programs:

(I) The Solar Energy Systems Incentive Program created by NRS 701B.240; ***or***

(II) The Renewable Energy School Pilot Program created by NRS 701B.350 **.** ~~[~~;

~~(III) The Wind Energy Systems Demonstration Program created by NRS 701B.580; or~~

~~(IV) The Waterpower Energy Systems Demonstration Program created by NRS 701B.820.~~**]**

(c) Include a list of potential funding sources for use in implementing the projects, including, without limitation, money available through the Energy Efficiency and Conservation Block Grant Program as set forth in 42 U.S.C. § 17152 and grants, gifts, donations or other sources of money from public and private sources.

2. The governing body of each local government shall transmit the plan developed pursuant to subsection 1 to the Nevada Energy Commissioner and to any other entity designated for that purpose by the Legislature.

3. As used in this section:

(a) "Local government" means each city or county that meets the definition of "eligible unit of local government" as set forth in 42 U.S.C. § 17151 and each unit of local government, as defined in subsection 11 of NRS 338.010, that does not meet the definition of "eligible entity" as set forth in 42 U.S.C. § 17151.

(b) "Renewable energy" means a source of energy that occurs naturally or is regenerated naturally, including, without limitation:

(1) Biomass;

(2) Fuel cells;

(3) Geothermal energy;

(4) Solar energy;

(5) Waterpower; and

(6) Wind.

➥ The term does not include coal, natural gas, oil, propane or any other fossil fuel, or nuclear energy.

(c) "Retrofit" means to alter, improve, modify, remodel or renovate a building, facility or structure to make that building, facility or structure more energy-efficient.

Assemblywoman Kirkpatrick moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, reengrossed, and to third reading.

Assembly Bill No. 503.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 865.

AN ACT relating to wildlife; imposing certain conservation fees; ~~[requiring]~~ **authorizing** a person **who accesses a wildlife management area and** who is not the holder of an annual hunting, trapping, fishing or combined hunting and fishing license to pay an annual conservation fee**;** ~~[to access a wildlife management area;]~~ revising certain provisions governing the use of money in the Wildlife Obligated Reserve Account; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that, in addition to any fee charged and collected for an annual hunting, trapping, fishing or combined hunting and fishing license, a $3 habitat conservation fee must be paid. The proceeds from this fee must be deposited in the Wildlife Obligated Reserve Account and must be used for wildlife habitat rehabilitation and restoration. (NRS 502.242) **Section 2** of this bill redesignates the habitat conservation fee as the conservation fee and sets the conservation fee at $5 for residents and $10 for nonresidents. In addition, **section 2** ~~[imposes]~~ **authorizes a person accessing a wildlife conservation area who is not the holder of a hunting, trapping, fishing or combined hunting and fishing license to pay** an annual conservation fee of $5 for residents and $10 for nonresidents**.** ~~[on any person who wishes to access a wildlife management area but is not the holder of a hunting, trapping, fishing or combined hunting and fishing license.]~~ **Section 2** also provides that, each year, not more than 18 percent of the money credited to the Wildlife Obligated Reserve Account from any revenue received from those conservation fees may be used to monitor wildlife and its habitat for the purposes of wildlife habitat rehabilitation and restoration. **Section 3** of this bill revises the authority of the Board of Wildlife Commissioners concerning the use of a wildlife management area by a person who pays the annual conservation fee.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 502.066 is hereby amended to read as follows:

502.066 1. The Department shall issue an apprentice hunting license to a person who:

(a) Is 12 years of age or older;

(b) Has not previously been issued a hunting license by the Department, another state, an agency of a Canadian province or an agency of any other foreign country, including, without limitation, an apprentice hunting license; and

(c) Except as otherwise provided in subsection 5, is otherwise qualified to obtain a hunting license in this State.

2. Except as otherwise provided in this subsection, the Department shall not impose a fee for the issuance of an apprentice hunting license. For each apprentice hunting license issued, the applicant or the mentor hunter for the applicant shall pay:

(a) Any service fee required by a license agent pursuant to NRS 502.040;

(b) The ~~[~~habitat~~]~~ conservation fee required by NRS 502.242; and

(c) Any transaction fee that is set forth in a contract of this State with a third-party electronic services provider for each online transaction that is conducted with the Department.

3. An apprentice hunting license authorizes the apprentice hunter to hunt in this State as provided in this section.

4. It is unlawful for an apprentice hunter to hunt in this State unless a mentor hunter accompanies and directly supervises the apprentice hunter at all times during a hunt. During the hunt, the mentor hunter shall ensure that:

(a) The apprentice hunter safely handles and operates the firearm or weapon used by the apprentice hunter; and

(b) The apprentice hunter complies with all applicable laws and regulations concerning hunting and the use of firearms.

5. A person is not required to complete a course of instruction in the responsibilities of hunters as provided in NRS 502.340 to obtain an apprentice hunting license.

6. The issuance of an apprentice hunting license does not:

(a) Authorize the apprentice hunter to obtain any other hunting license;

(b) Authorize the apprentice hunter to hunt any animal for which a tag is required pursuant to NRS 502.130; or

(c) Exempt the apprentice hunter from any requirement of this title.

7. The Commission may adopt regulations to carry out the provisions of this section.

8. As used in this section:

(a) "Accompanies and directly supervises" means maintains close visual and verbal contact with, provides adequate direction to and maintains the ability readily to assume control of any firearm or weapon from an apprentice hunter.

(b) "Apprentice hunter" means a person who obtains an apprentice hunting license pursuant to this section.

(c) "Mentor hunter" means a person 18 years of age or older who holds a hunting license issued in this State and who accompanies and directly supervises an apprentice hunter. The term does not include a person who holds an apprentice hunting license pursuant to this section.

Sec. 2. NRS 502.242 is hereby amended to read as follows:

502.242 1. In addition to any fee charged and collected for an annual hunting, trapping, fishing or combined hunting and fishing license pursuant to NRS 502.240, a ~~[~~habitat~~]~~ conservation fee ~~[~~of $3~~]~~ must be paid ~~[~~.~~]~~ ***in the amount of $5 for a resident and $10 for a nonresident.***

2. ~~*[In order to access a wildlife management area, a]*~~ ***A person accessing a wildlife management area who is not the holder of an annual hunting, trapping, fishing or combined hunting and fishing license*** ~~*[must]*~~ ***may pay an annual conservation fee in the amount of $5 for a resident and $10 for a nonresident.***

3. The Wildlife Obligated Reserve Account is hereby created in the State General Fund. Revenue from the ~~[~~habitat~~]~~ conservation fee must be accounted for separately, deposited with the State Treasurer for credit to the Wildlife Obligated Reserve Account and, except as otherwise provided in ***this subsection and*** NRS 502.294 and 502.310, used by the Department for the purposes of wildlife habitat rehabilitation and restoration. ***Each year, not more than 18 percent of the money credited to the Wildlife Obligated Reserve Account from any revenue received pursuant to subsections 1 and 2 may be used to monitor wildlife and its habitat for those purposes.*** The interest and income earned on the money in the Wildlife Obligated Reserve Account, after deducting any applicable charges, must be credited to the Account.

~~[~~3.~~]~~ ***4.*** The money in the Wildlife Obligated Reserve Account remains in the Account and does not revert to the State General Fund at the end of any fiscal year.

Sec. 3. NRS 504.143 is hereby amended to read as follows:

504.143 1. To effectuate a coordinated and balanced program resulting in the maximum revival of wildlife in the State and in the maximum recreational advantages to the people of the State, the Commission has created and maintains state-owned wildlife management areas, and, in cooperation with the United States Fish and Wildlife Service, the Department of Interior and other federal agencies, has created and maintains other cooperative wildlife management areas.

2. The ~~*[Except as otherwise provided in NRS 502.242, the]*~~ Commission may permit hunting, fishing or trapping on or within, or access to, occupancy and use of, areas so created and maintained.

3. The Commission may by regulation:

(a) Establish, extend, shorten or abolish open seasons and closed seasons within such areas.

(b) Establish, change or abolish bag and creel limits and possession limits in such areas.

(c) Prescribe the manner and the means of taking wildlife in such areas.

(d) Establish, change or abolish restrictions in such areas based upon sex, maturity or other physical distinctions.

(e) Prescribe the manner of using such areas for a person who pays the annual fee ~~[to access such areas]~~ pursuant to NRS 502.242.

Sec. 4. This act becomes effective on July 1, 2011.

Assemblyman Hickey moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, reengrossed, and to third reading.

Senate Bill No. 60.

Bill read third time.

Roll call on Senate Bill No. 60:

YEAS—42.

NAYS—None.

Senate Bill No. 60 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 443.

Bill read third time.

Roll call on Senate Bill No. 443:

YEAS—39.

NAYS—Ellison, Grady, McArthur—3.

Senate Bill No. 443 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 446.

Bill read third time.

Remarks by Assemblywoman Smith.

Roll call on Senate Bill No. 446:

YEAS—41.

NAYS—McArthur.

Senate Bill No. 446 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 337.

The following Senate amendment was read:

Amendment No. 689.

AN ACT relating to campaign practices; requiring a notice of an alleged violation of provisions governing campaign practices to include certain information; requiring the Secretary of State to provide a copy of the notice and any accompanying information to the person alleged in the notice to have committed the violation; authorizing the person to respond to such a notice; authorizing the Secretary of State to conduct an investigation based on such a notice in certain circumstances; authorizing the Secretary of State or a designated officer or employee of the Secretary of State to subpoena witnesses and require the production of documents or records by subpoena when conducting an investigation based on such a notice in certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law confers authority upon the Secretary of State to conduct investigations concerning alleged violations of chapter 294A of NRS governing campaign practices. Existing law also authorizes a person who believes that any provision of that chapter has been violated to notify the Secretary of State in writing. The notice must be signed by the person and include any information in support of the alleged violation. (NRS 294A.410) This bill specifies the information that must be included in the notice and requires the Secretary of State to provide a copy of the notice and any accompanying information to the person **, if any,** alleged in the notice to have committed the violation. If, based on such a notice, the Secretary of State determines that reasonable suspicion exists that a violation has occurred, the Secretary of State is authorized to investigate the allegation. This bill further provides that, if the notice is received within 180 days after the general election, general city election or special election for the office or ballot question to which the notice pertains, the Secretary of State is authorized, when conducting an investigation based on the notice, to subpoena witnesses and require the production by subpoena of any books, papers, correspondence, memoranda, agreements or other documents or records in the possession of ~~[the]~~ **any** person **: (1)** alleged in the notice to have committed the violation ~~[that]~~ **; or (2) who the Secretary of State or a designated officer or employee of the Secretary of State has reasonable cause to believe produced or disseminated the materials that are the subject of the notice, if** the Secretary of State or a designated officer or employee of the Secretary of State determines **that the documents or**

records are relevant or material to the investigation. Finally, this bill authorizes the Secretary of State or a designated officer or employee of the Secretary of State to apply to a court for an order compelling compliance if a person fails to testify or produce the required documents or records.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 294A.410 is hereby amended to read as follows:

294A.410 1. If it appears that the provisions of this chapter have been violated, the Secretary of State may:

(a) Conduct an investigation concerning the alleged violation and cause the appropriate proceedings to be instituted and prosecuted in the First Judicial District Court; or

(b) Refer the alleged violation to the Attorney General. The Attorney General shall investigate the alleged violation and institute and prosecute the appropriate proceedings in the First Judicial District Court without delay.

2. A person who believes that any provision of this chapter has been violated may notify the Secretary of State, in writing, of the alleged violation. The notice must be signed by the person alleging the violation and include ~~[any]~~ ***:***

(a) The full name and address of the person alleging the violation;

(b) A clear and concise statement of facts sufficient to establish that the alleged violation occurred;

(c) Any evidence substantiating the alleged violation;

(d) A certification by the person alleging the violation that the facts alleged in the notice are true to the best knowledge and belief of that person; and

(e) Any other information in support of the alleged violation.

3. As soon as practicable after receiving a notice of an alleged violation pursuant to subsection 2, the Secretary of State shall provide a copy of the notice and any accompanying information to the person , if any, alleged in the notice to have committed the violation. Any response submitted to the notice must be accompanied by a short statement of the grounds, if any, for objecting to the alleged violation and include any evidence substantiating the objection.

4. If the Secretary of State determines, based on a notice of an alleged violation received pursuant to subsection 2, that reasonable suspicion exists that a violation of this chapter has occurred, the Secretary of State may conduct an investigation of the alleged violation.

5. If a notice of an alleged violation is received pursuant to subsection 2 not later than 180 days after the general election, general city election or special election for the office or ballot question to which the notice

pertains, the Secretary of State, when conducting an investigation of the alleged violation pursuant to subsection 4, may subpoena witnesses and require the production by subpoena of any books, papers, correspondence, memoranda, agreements or other documents or records ~~*[in the possession of the person alleged in the notice to have committed the violation]*~~ ***that the Secretary of State or a designated officer or employee of the Secretary of State determines are relevant or material to the investigation*** ~~*[.]*~~ ***and are in the possession of:***

(a) Any person alleged in the notice to have committed the violation; or

(b) If the notice does not include the name of a person alleged to have committed the violation, any person who the Secretary of State or a designated officer or employee of the Secretary of State has reasonable cause to believe produced or disseminated the materials that are the subject of the notice.

6. If a person fails to testify or produce any documents or records in accordance with a subpoena issued pursuant to subsection 5, the Secretary of State or designated officer or employee may apply to the court for an order compelling compliance. A request for an order of compliance may be addressed to:

(a) The district court in and for the county where service may be obtained on the person refusing to testify or produce the documents or records, if the person is subject to service of process in this State; or

(b) A court of another state having jurisdiction over the person refusing to testify or produce the documents or records, if the person is not subject to service of process in this State.

Assemblyman Segerblom moved that the Assembly concur in the Senate Amendment No. 689 to Assembly Bill No. 337.

Remarks by Assemblyman Segerblom.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Assembly Bill No. 82.

The following Senate amendment was read:

Amendment No. 567.

AN ACT relating to elections; revising provisions governing registering to vote by computer; authorizing additional mailing precincts in certain circumstances; making various other changes relating to the administration and conduct of elections; **prohibiting foreign nationals from making campaign contributions; prohibiting certain persons from receiving such contributions;** authorizing the disposition of unspent campaign contributions to a governmental entity and for the use of legal expenses; requiring the annual registration of committees for political action; making various other

changes relating to campaign finance; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 7 of this bill allows a county clerk to establish mailing precincts or absent ballot mailing precincts if approved by the Secretary of State, in addition to circumstances authorized for the creation of mailing precincts in existing law. (NRS 293.213)

Sections 8 and 23 of this bill provide that if a county clerk establishes a system for using a computer for voter registration for that county, the system established must comply with any procedures and requirements prescribed by the Secretary of State. Existing law requires county clerks to verify the validity of the signatures of persons who sign petitions for initiative or referendum, petitions to recall public officers, petitions to qualify as a political party, petitions for filling ballot vacancies or petitions to place minor party or independent candidates on the ballot against the voter registration records, including applications to register to vote. (NRS 293.1277) **Section 5** of this bill provides that if a computer is used for voter registration in a county, the county clerk may rely on such indicia as may be prescribed by the Secretary of State to complete the signature verification.

Sections 9, 26 and 36 of this bill revise the manner in which it is required to list on sample ballots and ballots the names of candidates who have the same names so that if two or more candidates in an election have the same given name and surname and one candidate is an incumbent, the word "Incumbent" must appear on the sample ballot and ballot next to the name of the candidate who is the incumbent.

Section 12 of this bill requires, in addition to other information posted at polling places on election day, the posting of information concerning the eligibility of a candidate, question or other matter to appear on the ballot as a result of judicial determination or by operation of law.

Sections 15 and 35 of this bill authorize voters to vote in mailing precincts if it appears to the satisfaction of the Secretary of State, in addition to the county clerk, that the circumstances authorizing the creation of a mailing precinct exist.

Existing law authorizes a city or county clerk to assess a charge, not to exceed the cost of printing the applications, against a political party or other entity that requests more than 50 applications to register to vote by mail in any 12-month period. (NRS 293.443) **Section 16** of this bill authorizes the Secretary of State to assess such a charge as well.

Section 19 of this bill changes the deadline for the Secretary of State to submit a report concerning primary and general elections to the Legislature from not later than 30 days before the start of a regular legislative session to

not sooner than 30 days before and not later than 30 days after the first day of each regular legislative session.

Section 20 of this bill requires recruitment offices of the Armed Forces of the United States to serve as voter registration agencies, in addition to other entities specified in existing law.

Section 21 of this bill prohibits a voter registration agency from knowingly employing a person whose duties will include the registration of voters if the person has been convicted of a felony involving theft or fraud.

Section 22 of this bill prohibits a county clerk from knowingly appointing as a field registrar any person who has been convicted of a felony involving theft or fraud.

Section 27 of this bill amends the deadlines for the county clerk to transmit the number of registered voters in the county to the Secretary of State for the primary and general elections.

Section 28 of this bill expands the crime of threatening a person in connection with an election or petition to include threatening a person in connection with the registration of voters and to include the use of or threatening to use intimidation. **Section 28** also increases the penalty for such a crime from a gross misdemeanor to a category E felony.

Section 29 of this bill increases the penalty for interfering with the conduct of an election from a gross misdemeanor to a category E felony.

Section 30 of this bill provides that polling information from a voter regarding whether the voter intends to vote for or against a particular political party, candidate or ballot question is not "electioneering."

Section 32 of this bill provides that if a person tampers or interferes with, or attempts to tamper or interfere with, a mechanical voting system, mechanical voting device or any computer program used to count ballots, such an act is punishable as a category B felony.

Section 33 of this bill makes the intentional failure to submit to the county clerk an elector's completed application to register to vote by a person who provided the application to the elector an unlawful act punishable as a category E felony.

The Federal Election Campaign Act prohibits: (1) a foreign national from directly or indirectly making a campaign contribution in connection with a state or local election; and (2) any person from knowingly soliciting, accepting or receiving any campaign contribution from a foreign national. (2 U.S.C. § 441e; 11 C.F.R. § 110.20) Section 40.5 of this bill provides a similar prohibition in state law against a foreign national making a contribution to certain persons or groups, including candidates, committees for political action, persons who make independent expenditures, political parties and legislative caucuses.

Section 40.5 also prohibits those persons and groups from receiving a contribution from a foreign national.

Existing law prohibits a person from making certain campaign contributions over $5,000 during certain periods and prohibits candidates from accepting such contributions during those periods. (NRS 294A.100, 294A.287) **Sections 43 and 60** of this bill also prohibit a person from committing to make such a contribution. **Section 61** of this bill similarly adds the prohibition on committing to make such a contribution to the prohibition on soliciting and accepting any monetary contribution for any political purpose during a specified period which is applicable to Legislators, the Lieutenant Governor, the Lieutenant Governor-Elect, the Governor and the Governor-Elect.

Section 50 of this bill adds to the acceptable methods of disposing of unspent campaign contributions donating money to a governmental entity and allows the person disposing of the unspent contributions to specify how the governmental entity may use the money. **Section 50** also allows certain public officers to use unspent campaign contributions in a future election in certain circumstances.

Section 56 of this bill requires committees for political action to file with the Secretary of State an updated form of registration on or before January 15 of each year.

Section 59 of this bill sets forth the acceptable methods of and deadline for disposing of unspent money in a legal defense fund. **Sections 51 and 63** of this bill require a person who disposes of unspent money in a legal defense fund to report to the Secretary of State how the person disposed of such money.

Sections 48, 54 and 84 of this bill remove requirements that certain persons or groups who advocate the passage or defeat of a ballot question register. As a result, these persons and groups are subject to the same registration ~~[and reporting]~~ requirements as committees for political action**.** ~~[~~and must~~]~~ **Under existing law, such persons and groups are not required to** report ~~[~~certain~~]~~ contributions and expenditures ~~[~~which exceed $100, rather than $10,000 as provided in existing law for~~]~~ **until they have received or expended money in excess of $10,000 to advocate the passage or defeat of a ballot question. (NRS 294A.150, 294A.220) Sections 48 and 54 eliminate this threshold and therefore require** these persons or groups **~~[~~to report contributions received and expenditures made in excess of $1,000 during any reporting period.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. (Deleted by amendment.)

Sec. 2. (Deleted by amendment.)

Sec. 3. (Deleted by amendment.)

Sec. 4. (Deleted by amendment.)

Sec. 5. NRS 293.1277 is hereby amended to read as follows:

293.1277 1. If the Secretary of State finds that the total number of signatures submitted to all the county clerks is 100 percent or more of the number of registered voters needed to declare the petition sufficient, the Secretary of State shall immediately so notify the county clerks. Within 9 days, excluding Saturdays, Sundays and holidays, after notification, each of the county clerks shall determine the number of registered voters who have signed the documents submitted in the county clerk's county and, in the case of a petition proposing a statute, an amendment to a statute or an amendment to the Constitution, shall tally the number of signatures for each petition district contained or fully contained within the county clerk's county.

2. If more than 500 names have been signed on the documents submitted to a county clerk, the county clerk shall examine the signatures by sampling them at random for verification. The random sample of signatures to be verified must be drawn in such a manner that every signature which has been submitted to the county clerk is given an equal opportunity to be included in the sample. The sample must include an examination of at least 500 or 5 percent of the signatures, whichever is greater.

3. In determining from the records of registration the number of registered voters who signed the documents, the county clerk may use the signatures contained in the file of applications to register to vote. If the county clerk uses that file, the county clerk shall ensure that every application in the file is examined, including any application in his or her possession which may not yet be entered into the county clerk's records. ~~[The]~~ ***Except as otherwise provided in this subsection, the*** county clerk shall rely only on the appearance of the signature and the address and date included with each signature in making his or her determination. ***If, pursuant to NRS 293.506, a county clerk establishes a system to allow persons to register to vote by computer, the county clerk may rely on such other indicia as prescribed by the Secretary of State in making his or her determination.***

4. In the case of a petition proposing a statute, an amendment to a statute or an amendment to the Constitution, when the county clerk is determining the number of registered voters who signed the documents from each petition district contained fully or partially within the county clerk's county, he or she must use the statewide voter registration list available pursuant to NRS 293.675.

5. Except as otherwise provided in subsection 7, upon completing the examination, the county clerk shall immediately attach to the documents a

certificate properly dated, showing the result of the examination, including the tally of signatures by petition district, if required, and transmit the documents with the certificate to the Secretary of State. If a petition district comprises more than one county and the petition proposes a statute, an amendment to a statute or an amendment to the Constitution, the appropriate county clerks shall comply with the regulations adopted by the Secretary of State pursuant to this section to complete the certificate. A copy of this certificate must be filed in the clerk's office. When the county clerk transmits the certificate to the Secretary of State, the county clerk shall notify the Secretary of State of the number of requests to remove a name received by the county clerk pursuant to NRS 295.055 or 306.015.

6. A person who submits a petition to the county clerk which is required to be verified pursuant to NRS 293.128, 293.165, 293.172, 293.200, 295.056, 298.109, 306.035 or 306.110 must be allowed to witness the verification of the signatures. A public officer who is the subject of a recall petition must also be allowed to witness the verification of the signatures on the petition.

7. For any petition containing signatures which are required to be verified pursuant to the provisions of NRS 293.165, 293.200, 306.035 or 306.110 for any county, district or municipal office within one county, the county clerk shall not transmit to the Secretary of State the documents containing the signatures of the registered voters.

8. The Secretary of State shall by regulation establish further procedures for carrying out the provisions of this section.

Sec. 6. (Deleted by amendment.)

Sec. 7. NRS 293.213 is hereby amended to read as follows:

293.213 1. Whenever there were not more than 20 voters registered in a precinct for the last preceding general election, the county clerk may establish that precinct as a mailing precinct.

2. Except as otherwise provided in NRS 293.208, the county clerk in any county ~~[where]~~ ***in which*** an absent ballot central counting board is appointed may abolish two or more existing mailing precincts and combine those mailing precincts into absent ballot precincts. Those mailing precincts must be designated absent ballot mailing precincts.

3. In any county ~~[where]~~ ***in which*** an absent ballot central counting board is appointed, any established precinct which had less than 200 ballots cast at the last preceding general election, or any newly established precinct with less than 200 registered voters, may be designated an absent ballot mailing precinct.

4. ***A county clerk may establish a mailing precinct or an absent ballot mailing precinct that does not meet the requirements of subsection 1, 2 or 3 if the county clerk obtains prior approval from the Secretary of State.***

5. The county clerk shall, at least 14 days before establishing or designating a precinct as a mailing precinct or absent ballot mailing precinct or before abolishing a mailing precinct pursuant to this section, cause notice of such action to be:

(a) Posted in the manner prescribed for a regular meeting of the board of county commissioners; and

(b) Mailed to each Assemblyman, Assemblywoman, State Senator, county commissioner and, if applicable, member of the governing body of a city who represents residents of a precinct affected by the action.

Sec. 8. NRS 293.250 is hereby amended to read as follows:

293.250 1. The Secretary of State shall, in a manner consistent with the election laws of this State, prescribe:

(a) The form of all ballots, absent ballots, diagrams, sample ballots, certificates, notices, declarations, applications to register to vote, lists, applications, registers, rosters, statements and abstracts required by the election laws of this State.

(b) The ~~[~~procedure~~]~~ ***procedures*** to be followed ~~[~~when a computer is used~~]~~ ***and the requirements of a system established pursuant to NRS 293.506 for using a computer*** to register voters and to keep records of registration.

2. The Secretary of State shall prescribe with respect to the matter to be printed on every kind of ballot:

(a) The placement and listing of all offices, candidates and measures upon which voting is statewide, which must be uniform throughout the State.

(b) The listing of all other candidates required to file with the Secretary of State, and the order of listing all offices, candidates and measures upon which voting is not statewide, from which each county or city clerk shall prepare appropriate ballot forms for use in any election in his or her county.

3. The Secretary of State shall place the condensation of each proposed constitutional amendment or statewide measure near the spaces or devices for indicating the voter's choice.

4. The fiscal note for, explanation of, arguments for and against, and rebuttals to such arguments of each proposed constitutional amendment or statewide measure must be included on all sample ballots.

5. The condensations and explanations for constitutional amendments and statewide measures proposed by initiative or referendum must be prepared by the Secretary of State, upon consultation with the Attorney General. The arguments and rebuttals for or against constitutional amendments and statewide measures proposed by initiative or referendum must be prepared in the manner set forth in NRS 293.252. The fiscal notes for constitutional amendments and statewide measures proposed by initiative or referendum must be prepared by the Secretary of State, upon consultation with the Fiscal Analysis Division of the Legislative Counsel Bureau. The

condensations, explanations, arguments, rebuttals and fiscal notes must be in easily understood language and of reasonable length, and whenever feasible must be completed by August 1 of the year in which the general election is to be held.

6. The names of candidates for township and legislative or special district offices must be printed only on the ballots furnished to voters of that township or district.

7. A county clerk:

(a) May divide paper ballots into two sheets in a manner which provides a clear understanding and grouping of all measures and candidates.

(b) Shall prescribe the color or colors of the ballots and voting receipts used in any election which the clerk is required to conduct.

Sec. 9. NRS 293.2565 is hereby amended to read as follows:

293.2565 1. Except as otherwise provided in subsection 2, in any election regulated by this chapter, the name of a candidate printed on a ballot may be the given name and surname of the candidate or a contraction or familiar form of his or her given name followed by his or her surname. A nickname of not more than 10 letters may be incorporated into the name of a candidate. The nickname must be in quotation marks and appear immediately before the surname of the candidate. A nickname must not indicate any political, economic, social or religious view or affiliation and must not be the name of any person, living or dead, whose reputation is known on a statewide, nationwide or worldwide basis, or in any other manner deceive a voter regarding the person or principles for which he or she is voting.

2. **[**~~Except as otherwise provided in subsection 3, in~~**]** ***In*** any election regulated by this chapter, if two or more candidates have the same ***given name and*** surname **[**~~or surnames so similar as to be likely to cause confusion~~**]** and:

(a) None of the candidates is an incumbent, the middle names or middle initials, if any, of the candidates must be included in the names of the candidates ***;*** **[**~~as printed on the ballot;~~**]** or

(b) One of the candidates is an incumbent, the name of the incumbent must be listed first and **[**~~must be printed in bold type.~~

~~3. Where a system of voting other than by paper ballot is used and the provisions of paragraph (b) of subsection 2 are applicable, the Secretary of State may distinguish a candidate who is an incumbent in a manner other than printing the name of the incumbent in bold type provided that the manner used clearly emphasizes the name of the incumbent in a manner similar to printing his or her name in bold type.~~**]** ***the word "Incumbent" must appear next to the name of the candidate who is the incumbent.***

Sec. 10. NRS 293.272 is hereby amended to read as follows:

293.272 1. Except as otherwise provided in subsection 2 and in NRS 293.2725 and 293.3083, a person who registered ***by mail or computer*** to vote ~~[pursuant to the provisions of NRS 293.5235]~~ shall, for the first election in which the person votes at which that registration is valid, vote in person unless he or she has previously voted in the county in which he or she is registered to vote.

2. The provisions of subsection 1 do not apply to a person who:

(a) Is entitled to vote in the manner prescribed in NRS 293.343 to 293.355, inclusive;

(b) Is entitled to vote an absent ballot pursuant to federal law or NRS 293.316 or 293.3165;

(c) Is disabled;

(d) Submits or has previously submitted a written request for an absent ballot that is signed by the registered voter before a notary public or other person authorized to administer an oath; or

(e) Requests an absent ballot in person at the office of the county clerk.

Sec. 11. NRS 293.2725 is hereby amended to read as follows:

293.2725 1. Except as otherwise provided in subsection 2, in NRS 293.3081 and 293.3083 and in federal law, a person who registers by mail ***or computer*** to vote in this State and who has not previously voted in an election for federal office in this State:

(a) May vote at a polling place only if the person presents to the election board officer at the polling place:

(1) A current and valid photo identification of the person; or

(2) A copy of a current utility bill, bank statement, paycheck, or document issued by a governmental entity, including a check which indicates the name and address of the person, but not including a voter registration card issued pursuant to NRS 293.517; and

(b) May vote by mail only if the person provides to the county or city clerk:

(1) A copy of a current and valid photo identification of the person; or

(2) A copy of a current utility bill, bank statement, paycheck, or document issued by a governmental entity, including a check which indicates the name and address of the person, but not including a voter registration card issued pursuant to NRS 293.517.

2. The provisions of this section do not apply to a person who:

(a) Registers to vote by mail and submits with an application to register to vote:

(1) A copy of a current and valid photo identification; or

(2) A copy of a current utility bill, bank statement, paycheck, or document issued by a governmental entity, including a check which indicates

the name and address of the person, but not including a voter registration card issued pursuant to NRS 293.517;

(b) Registers to vote by mail and submits with an application to register to vote a driver's license number or at least the last four digits of his or her social security number, if a state or local election official has matched that information with an existing identification record bearing the same number, name and date of birth as provided by the person in the application;

(c) Is entitled to vote an absent ballot pursuant to the Uniformed and Overseas Citizens Absentee Voting Act, 42 U.S.C. §§ 1973ff et seq.;

(d) Is provided the right to vote otherwise than in person under the Voting Accessibility for the Elderly and Handicapped Act, 42 U.S.C. §§ 1973ee et seq.; or

(e) Is entitled to vote otherwise than in person under any other federal law.

Sec. 12. NRS 293.3025 is hereby amended to read as follows:

293.3025 The Secretary of State and each county and city clerk shall ensure that a copy of each of the following is posted in a conspicuous place at each polling place on election day:

1. A sample ballot;

2. Information concerning the date and hours of operation of the polling place;

3. Instructions for voting and casting a ballot, including a provisional ballot;

4. Instructions concerning the identification required for persons who registered by mail and are first-time voters for federal office in this State;

5. Information concerning the accessibility of polling places to persons with disabilities; ~~[and]~~

6. General information concerning federal and state laws which prohibit acts of fraud and misrepresentation ~~[.]~~ ***; and***

7. Information concerning the eligibility of a candidate, a ballot question or any other matter appearing on the ballot as a result of a judicial determination or by operation of law, if any.

Sec. 13. NRS 293.3081 is hereby amended to read as follows:

293.3081 A person at a polling place may cast a provisional ballot in an election to vote for a candidate for federal office if the person complies with the applicable provisions of NRS 293.3082 and:

1. Declares that he or she has registered to vote and is eligible to vote at that election in that jurisdiction, but his or her name does not appear on a voter registration list as a voter eligible to vote in that election in that jurisdiction or an election official asserts that the person is not eligible to vote in that election in that jurisdiction;

2. Applies by mail ~~[,]~~ ***or computer,*** on or after January 1, 2003, to register to vote and has not previously voted in an election for federal office

in this State and fails to provide the identification required pursuant to paragraph (a) of subsection 1 of NRS 293.2725 to the election board officer at the polling place; or

3. Declares that he or she is entitled to vote after the polling place would normally close as a result of a court order or other order extending the time established for the closing of polls pursuant to a law of this State in effect 10 days before the date of the election.

Sec. 14. NRS 293.3083 is hereby amended to read as follows:

293.3083 A person may cast a ballot by mail to vote for a candidate for federal office, which must be treated as a provisional ballot by the county or city clerk if the person:

1. Applies by mail ***or computer*** to register to vote and has not previously voted in an election for federal office in this State;

2. Fails to provide the identification required pursuant to paragraph (b) of subsection 1 of NRS 293.2725 to the county or city clerk at the time that the person mails the ballot; and

3. Completes the written affirmation set forth in subsection 1 of NRS 293.3082.

Sec. 15. NRS 293.343 is hereby amended to read as follows:

293.343 1. A registered voter who resides in an election precinct in which there were not more than 200 voters registered for the last preceding general election, or in a precinct in which it appears to the satisfaction of the county clerk ***and Secretary of State*** that there are not more than 200 registered voters, may vote at any election regulated by this chapter in the manner provided in NRS 293.345 to 293.355, inclusive.

2. Whenever the county clerk has designated a precinct as a mailing precinct, registered voters residing in that precinct may vote at any election regulated by this chapter in the manner provided in NRS 293.345 to 293.355, inclusive.

3. In a county whose population is 100,000 or more, whenever a registered voter is entitled to vote in a mailing precinct or an absent ballot mailing precinct, the county clerk:

(a) Shall designate at least one polling place in the county as the polling place where such a voter may vote in person, pursuant to paragraph (b) of subsection 2 of NRS 293.353 or subsection 3 of NRS 293.353, on election day; and

(b) May designate certain polling places for early voting as the polling places where such a voter may vote in person, pursuant to paragraph (b) of subsection 2 of NRS 293.353 or subsection 3 of NRS 293.353, during the period for early voting, if it is impractical for the county clerk to provide at each polling place for early voting a ballot in every form required in the county.

4. In a county whose population is less than 100,000, whenever a registered voter is entitled to vote in a mailing precinct or an absent ballot mailing precinct, the county clerk:

(a) May designate one or more polling places in the county as the polling place where such a voter may vote in person, pursuant to paragraph (b) of subsection 2 of NRS 293.353 or subsection 3 of NRS 293.353, on election day; and

(b) May designate certain polling places for early voting as the polling places where such a voter may vote in person, pursuant to paragraph (b) of subsection 2 of NRS 293.353 or subsection 3 of NRS 293.353, during the period for early voting, if it is impractical for the county clerk to provide at each polling place for early voting a ballot in every form required in the county.

5. Polling places designated pursuant to subsection 3 or 4 may include, without limitation, polling places located as closely as practicable to the mailing precincts.

Sec. 16. NRS 293.443 is hereby amended to read as follows:

293.443 1. Except as otherwise provided in subsection 3, the expense of providing all ballots, forms and other supplies to be used at any election regulated by this chapter or chapter 293C of NRS and all expenses necessarily incurred in the preparation for, or the conduct of, any such election is a charge upon the municipality, county, district or State, as the case may be.

2. The county or city clerk may submit the printing of ballots for competitive bidding.

3. If a political party or other entity requests more than 50 applications to register to vote by mail in any 12-month period, the clerk ***or the Secretary of State*** may assess a charge, not to exceed the cost of printing the applications.

Sec. 17. NRS 293.4687 is hereby amended to read as follows:

293.4687 1. The Secretary of State shall maintain a website on the Internet for public information maintained, collected or compiled by the Secretary of State that relates to elections, which must include, without limitation:

(a) The Voters' Bill of Rights required to be posted on the Secretary of State's Internet website pursuant to the provisions of NRS 293.2549;

(b) The abstract of votes required to be posted on a website pursuant to the provisions of NRS 293.388;

(c) A current list of the registered voters in this State that also indicates the petition district in which each registered voter resides;

(d) A map or maps indicating the boundaries of each petition district; and

(e) All reports on campaign contributions and expenditures submitted to the Secretary of State pursuant to the provisions of NRS 294A.120,

294A.125, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220, 294A.270, 294A.280, ~~[294A.283,]~~ 294A.360 and 294A.362 and all reports on contributions received by and expenditures made from a legal defense fund submitted to the Secretary of State pursuant to NRS 294A.286.

2. The abstract of votes required to be maintained on the website pursuant to paragraph (b) of subsection 1 must be maintained in such a format as to permit the searching of the abstract of votes for specific information.

3. If the information required to be maintained by the Secretary of State pursuant to subsection 1 may be obtained by the public from a website on the Internet maintained by a county clerk or city clerk, the Secretary of State may provide a hyperlink to that website to comply with the provisions of subsection 1 with regard to that information.

Sec. 18. (Deleted by amendment.)

Sec. 19. NRS 293.4695 is hereby amended to read as follows:

293.4695 1. Each county clerk shall collect the following information regarding each primary and general election, on a form provided by the Secretary of State and made available at each polling place in the county, each polling place for early voting in the county, the office of the county clerk and any other location deemed appropriate by the Secretary of State:

(a) The number of ballots that have been discarded or for any reason not included in the final canvass of votes, along with an explanation for the exclusion of each such ballot from the final canvass of votes.

(b) A report on each malfunction of any mechanical voting system, including, without limitation:

(1) Any known reason for the malfunction;

(2) The length of time during which the mechanical voting system could not be used;

(3) Any remedy for the malfunction which was used at the time of the malfunction; and

(4) Any effect the malfunction had on the election process.

(c) A list of each polling place not open during the time prescribed pursuant to NRS 293.273 and an account explaining why each such polling place was not open during the time prescribed pursuant to NRS 293.273.

(d) A description of each challenge made to the eligibility of a voter pursuant to NRS 293.303 and the result of each such challenge.

(e) A description of each complaint regarding a ballot cast by mail or facsimile filed with the county clerk and the resolution, if any, of the complaint.

(f) The results of any audit of election procedures and practices conducted pursuant to regulations adopted by the Secretary of State pursuant to this chapter.

(g) The number of provisional ballots cast and the reason for the casting of each provisional ballot.

2. Each county clerk shall submit to the Secretary of State, on a form provided by the Secretary of State, the information collected pursuant to subsection 1 not more than 60 days after each primary and general election.

3. The Secretary of State may contact any political party and request information to assist in the investigation of any allegation of voter intimidation.

4. The Secretary of State shall establish and maintain an Internet website pursuant to which the Secretary of State shall solicit and collect voter comments regarding election processes.

5. The Secretary of State shall compile the information and comments collected pursuant to this section into a report and shall submit the report to the Director of the Legislative Counsel Bureau for transmission to the Legislature ~~[not later than]~~ ***not sooner than*** 30 days before ***and not later than 30 days after*** the ~~[start]~~ ***first day*** of each regular session of the Legislature.

6. The Secretary of State may make the report required pursuant to subsection 5 available on an Internet website established and maintained by the Secretary of State.

Sec. 20. NRS 293.504 is hereby amended to read as follows:

293.504 1. The following offices shall serve as voter registration agencies:

(a) Such offices that provide public assistance as are designated by the Secretary of State;

(b) Each office that receives money from the State of Nevada to provide services to persons with disabilities in this State;

(c) The offices of the Department of Motor Vehicles;

(d) The offices of the city and county clerks;

(e) Such other county and municipal facilities as a county clerk or city clerk may designate pursuant to NRS 293.5035 or 293C.520, as applicable; ~~[and]~~

(f) ***Recruitment offices of the United States Armed Forces; and***

(g) Such other offices as the Secretary of State deems appropriate.

2. Each voter registration agency shall:

(a) Post in a conspicuous place, in at least 12-point type, instructions for registering to vote;

(b) ~~[Make]~~ ***Except as otherwise provided in subsection 3, distribute*** applications to register to vote which may be returned by mail ~~[available to each person who applies for or receives]~~ ***with any application for*** services or assistance from the agency ~~[.]~~ ***or submitted for any other purpose and with each application for recertification, renewal or change of address***

submitted to the agency that relates to such services, assistance or other purpose;

(c) Provide the same amount of assistance to an applicant in completing an application to register to vote as the agency provides to a person completing any other forms for the agency; and

(d) Accept completed applications to register to vote.

3. ***A voter registration agency is not required to provide an application to register to vote pursuant to paragraph (b) of subsection 2 to a person who applies for or receives services or assistance from the agency or submits an application for any other purpose if the person declines to register to vote and submits to the agency a written form that meets the requirements of 42 U.S.C. § 1973gg-5(a)(6). No information related to the declination to register to vote may be used for any purpose other than voter registration.***

4. Except as otherwise provided in this subsection and NRS 293.524, any application to register to vote accepted by a voter registration agency must be transmitted to the county clerk not later than 10 days after the application is accepted. The applications must be forwarded daily during the 2 weeks immediately preceding the fifth Sunday preceding an election. The county clerk shall accept any application to register to vote which is obtained from a voter registration agency pursuant to this section and completed by the fifth Sunday preceding an election if the county clerk receives the application not later than 5 days after that date.

~~[4.]~~ ***5.*** The Secretary of State shall cooperate with the Secretary of Defense to develop and carry out procedures to enable persons in this State to apply to register to vote at recruitment offices of the United States Armed Forces.

Sec. 21. NRS 293.5045 is hereby amended to read as follows:

293.5045 1. A person who works in a voter registration agency shall not:

(a) Seek to influence an applicant's political preference or party registration;

(b) Display a political preference or party allegiance in a place where it can be seen by an applicant;

(c) Make any statement or take any action to discourage an applicant from registering to vote; or

(d) Make any statement or take any action which would lead the applicant to believe that a decision to register to vote has any effect on the availability of any services or benefits provided by the State or Federal Government.

2. A person who violates any of the provisions of ~~[this section]~~ ***subsection 1*** is guilty of a category E felony and shall be punished as provided in NRS 193.130.

3. A voter registration agency shall not knowingly employ a person whose duties will include the registration of voters if the person has been convicted of a felony involving theft or fraud. The Secretary of State may bring an action against a voter registration agency to collect a civil penalty of not more than $5,000 for each person who is employed by the voter registration agency in violation of this subsection. Any civil penalty collected pursuant to this subsection must be deposited with the State Treasurer for credit to the State General Fund.

Sec. 22. NRS 293.505 is hereby amended to read as follows:

293.505 1. All justices of the peace, except those located in county seats, are ex officio field registrars to carry out the provisions of this chapter.

2. The county clerk shall appoint at least one registered voter to serve as a field registrar of voters who, except as otherwise provided in NRS 293.5055, shall register voters within the county for which the field registrar is appointed. Except as otherwise provided in subsection 1, a candidate for any office may not be appointed or serve as a field registrar. A field registrar serves at the pleasure of the county clerk and shall perform such duties as the county clerk may direct. ***The county clerk shall not knowingly appoint any person as a field registrar who has been convicted of a felony involving theft or fraud. The Secretary of State may bring an action against a county clerk to collect a civil penalty of not more than $5,000 for each person who is appointed as a field registrar in violation of this subsection. Any civil penalty collected pursuant to this subsection must be deposited with the State Treasurer for credit to the State General Fund.***

3. A field registrar shall demand of any person who applies for registration all information required by the application to register to vote and shall administer all oaths required by this chapter.

4. When a field registrar has in his or her possession five or more completed applications to register to vote, the field registrar shall forward them to the county clerk, but in no case may the field registrar hold any number of them for more than 10 days.

5. Each field registrar shall forward to the county clerk all completed applications in his or her possession immediately after the fifth Sunday preceding an election. Within 5 days after the fifth Sunday preceding any general election or general city election, a field registrar shall return all unused applications in his or her possession to the county clerk. If all of the unused applications are not returned to the county clerk, the field registrar shall account for the unreturned applications.

6. Each field registrar shall submit to the county clerk a list of the serial numbers of the completed applications to register to vote and the names of the electors on those applications. The serial numbers must be listed in numerical order.

7. Each field registrar shall post notices sent to him or her by the county clerk for posting in accordance with the election laws of this State.

8. A field registrar, employee of a voter registration agency or person assisting a voter pursuant to subsection 13 of NRS 293.5235 shall not:

(a) Delegate any of his or her duties to another person; or

(b) Refuse to register a person on account of that person's political party affiliation.

9. A person shall not hold himself or herself out to be or attempt to exercise the duties of a field registrar unless the person has been so appointed.

10. A county clerk, field registrar, employee of a voter registration agency or person assisting a voter pursuant to subsection 13 of NRS 293.5235 shall not:

(a) Solicit a vote for or against a particular question or candidate;

(b) Speak to a voter on the subject of marking his or her ballot for or against a particular question or candidate; or

(c) Distribute any petition or other material concerning a candidate or question which will be on the ballot for the ensuing election,

➥ while registering an elector.

11. When the county clerk receives applications to register to vote from a field registrar, the county clerk shall issue a receipt to the field registrar. The receipt must include:

(a) The number of persons registered; and

(b) The political party of the persons registered.

12. A county clerk, field registrar, employee of a voter registration agency or person assisting a voter pursuant to subsection 13 of NRS 293.5235 shall not:

(a) Knowingly register a person who is not a qualified elector or a person who has filed a false or misleading application to register to vote; or

(b) Register a person who fails to provide satisfactory proof of identification and the address at which the person actually resides.

13. A county clerk, field registrar, employee of a voter registration agency, person assisting a voter pursuant to subsection 13 of NRS 293.5235 or any other person providing a form for the application to register to vote to an elector for the purpose of registering to vote:

(a) If the person who assists an elector with completing the form for the application to register to vote retains the form, shall enter his or her name on the duplicate copy or receipt retained by the voter upon completion of the form; and

(b) Shall not alter, deface or destroy an application to register to vote that has been signed by an elector except to correct information contained in the

application after receiving notice from the elector that a change in or addition to the information is required.

14. If a field registrar violates any of the provisions of this section, the county clerk shall immediately suspend the field registrar and notify the district attorney of the county in which the violation occurred.

15. A person who violates any of the provisions of subsection 8, 9, 10, 12 or 13 is guilty of a category E felony and shall be punished as provided in NRS 193.130.

Sec. 23. NRS 293.506 is hereby amended to read as follows:

293.506 ***1.*** A county clerk may, with approval of the board of county commissioners, establish a system for using a computer to register voters and to keep records of registration. ~~[The county clerk may, for that purpose, issue to a voter a card, bearing the signature of the voter, attesting to the voter's registration.]~~

2. A system established pursuant to subsection 1 must comply with any procedures and requirements prescribed by the Secretary of State pursuant to NRS 293.250.

Sec. 24. NRS 293.517 is hereby amended to read as follows:

293.517 1. Any elector residing within the county may register ~~[:]~~ ***to vote:***

(a) Except as otherwise provided in NRS 293.560 and 293C.527, by appearing before the county clerk, a field registrar or a voter registration agency, completing the application to register to vote, giving true and satisfactory answers to all questions relevant to his or her identity and right to vote, and providing proof of residence and identity;

(b) By completing and mailing or personally delivering to the county clerk an application to register to vote pursuant to the provisions of NRS 293.5235;

(c) Pursuant to the provisions of NRS 293.501 or 293.524; ~~[or]~~

(d) At his or her residence with the assistance of a field registrar pursuant to NRS 293.5237 ~~[.]~~ ***; or***

(e) By submitting an application to register to vote by computer, if the county clerk has established a system pursuant to NRS 293.506 for using a computer to register voters.

➥ The county clerk shall require a person to submit official identification as proof of residence and identity, such as a driver's license or other official document, before registering the person. If the applicant registers to vote pursuant to this subsection and fails to provide proof of residence and identity, the applicant must provide proof of residence and identity before casting a ballot in person or by mail or after casting a provisional ballot pursuant to NRS 293.3081 or 293.3083. For the purposes of this subsection, a voter registration card issued pursuant to subsection 6 does not provide proof of the residence or identity of a person.

2. The application to register to vote must be signed and verified under penalty of perjury by the elector registering.

3. Each elector who is or has been married must be registered under his or her own given or first name, and not under the given or first name or initials of his or her spouse.

4. An elector who is registered and changes his or her name must complete a new application to register to vote. The elector may obtain a new application:

(a) At the office of the county clerk or field registrar;

(b) By submitting an application to register to vote pursuant to the provisions of NRS 293.5235;

(c) By submitting a written statement to the county clerk requesting the county clerk to mail an application to register to vote; ~~[or]~~

(d) At any voter registration agency ~~[.]~~ ***; or***

(e) By submitting an application to register to vote by computer, if the county clerk has established a system pursuant to NRS 293.506 for using a computer to register voters.

➥ If the elector fails to register under his or her new name, the elector may be challenged pursuant to the provisions of NRS 293.303 or 293C.292 and may be required to furnish proof of identity and subsequent change of name.

5. Except as otherwise provided in subsection 7, an elector who registers to vote pursuant to paragraph (a) of subsection 1 shall be deemed to be registered upon the completion of an application to register to vote.

6. After the county clerk determines that the application to register to vote of a person is complete and that the person is eligible to vote pursuant to NRS 293.485, the county clerk shall issue a voter registration card to the voter which contains:

(a) The name, address, political affiliation and precinct number of the voter;

(b) The date of issuance; and

(c) The signature of the county clerk.

7. If an elector submits an application to register to vote or an affidavit described in paragraph (c) of subsection 1 of NRS 293.507 that contains any handwritten additions, erasures or interlineations, the county clerk may object to the application to register to vote if the county clerk believes that because of such handwritten additions, erasures or interlineations, the application to register to vote of the elector is incomplete or that the elector is not eligible to vote pursuant to NRS 293.485. If the county clerk objects pursuant to this subsection, he shall immediately notify the elector and the district attorney of the county. Not later than 5 business days after the district attorney receives such notification, the district attorney shall advise the county clerk as to whether:

(a) The application to register to vote of the elector is complete and the elector is eligible to vote pursuant to NRS 293.485; and

(b) The county clerk should proceed to process the application to register to vote.

➥ If the District Attorney advises the county clerk to process the application to register to vote, the county clerk shall immediately issue a voter registration card to the applicant pursuant to subsection 6.

Sec. 25. NRS 293.5235 is hereby amended to read as follows:

293.5235 1. Except as otherwise provided in NRS 293.502, a person may register to vote by mailing an application to register to vote to the county clerk of the county in which the person resides ~~[.]~~ ***or may register to vote by computer, if the county clerk has established a system pursuant to NRS 293.506 for using a computer to register to vote.*** The county clerk shall, upon request, mail an application to register to vote to an applicant. The county clerk shall make the applications available at various public places in the county. An application to register to vote may be used to correct information in the registrar of voters' register.

2. An application to register to vote which is mailed to an applicant by the county clerk or made available to the public at various locations or voter registration agencies in the county may be returned to the county clerk by mail or in person. For the purposes of this section, an application which is personally delivered to the county clerk shall be deemed to have been returned by mail.

3. The applicant must complete the application, including, without limitation, checking the boxes described in paragraphs (b) and (c) of subsection 10 and signing the application.

4. The county clerk shall, upon receipt of an application, determine whether the application is complete.

5. If the county clerk determines that the application is complete, he or she shall, within 10 days after receiving the application, mail to the applicant:

(a) A notice that the applicant is registered to vote and a voter registration card as required by subsection 6 of NRS 293.517; or

(b) A notice that the registrar of voters' register has been corrected to reflect any changes indicated on the application.

6. Except as otherwise provided in subsection 5 of NRS 293.518, if the county clerk determines that the application is not complete, the county clerk shall, as soon as possible, mail a notice to the applicant that additional information is required to complete the application. If the applicant provides the information requested by the county clerk within 15 days after the county clerk mails the notice, the county clerk shall, within 10 days after receiving the information, mail to the applicant:

(a) A notice that the applicant is registered to vote and a voter registration card as required by subsection 6 of NRS 293.517; or

(b) A notice that the registrar of voters' register has been corrected to reflect any changes indicated on the application.

➥ If the applicant does not provide the additional information within the prescribed period, the application is void.

7. The applicant shall be deemed to be registered or to have corrected the information in the register on the date the application is postmarked or received by the county clerk, whichever is earlier.

8. If the applicant fails to check the box described in paragraph (b) of subsection 10, the application shall not be considered invalid and the county clerk shall provide a means for the applicant to correct the omission at the time the applicant appears to vote in person at the assigned polling place.

9. The Secretary of State shall prescribe the form for an application to register to vote by ~~[mail]~~ ***:***

(a) Mail, which must be used to register to vote by mail in this State.

(b) Computer, which must be used to register to vote in a county if the county clerk has established a system pursuant to NRS 293.506 for using a computer to register to vote.

10. The application to register to vote by mail must include:

(a) A notice in at least 10-point type which states:

NOTICE: You are urged to return your application to register to vote to the County Clerk in person or by mail. If you choose to give your completed application to another person to return to the County Clerk on your behalf, and the person fails to deliver the application to the County Clerk, you will not be registered to vote. Please retain the duplicate copy or receipt from your application to register to vote.

(b) The question, "Are you a citizen of the United States?" and boxes for the applicant to check to indicate whether or not the applicant is a citizen of the United States.

(c) The question, "Will you be at least 18 years of age on or before election day?" and boxes for the applicant to check to indicate whether or not the applicant will be at least 18 years of age or older on election day.

(d) A statement instructing the applicant not to complete the application if the applicant checked "no" in response to the question set forth in paragraph (b) or (c).

(e) A statement informing the applicant that if the application is submitted by mail and the applicant is registering to vote for the first time, the applicant must submit the information set forth in paragraph (a) of subsection 2 of NRS 293.2725 to avoid the requirements of subsection 1 of NRS 293.2725 upon voting for the first time.

11. Except as otherwise provided in subsection 5 of NRS 293.518, the county clerk shall not register a person to vote pursuant to this section unless that person has provided all of the information required by the application.

12. The county clerk shall mail, by postcard, the notices required pursuant to subsections 5 and 6. If the postcard is returned to the county clerk by the United States Postal Service because the address is fictitious or the person does not live at that address, the county clerk shall attempt to determine whether the person's current residence is other than that indicated on the application to register to vote in the manner set forth in NRS 293.530.

13. A person who, by mail, registers to vote pursuant to this section may be assisted in completing the application to register to vote by any other person. The application must include the mailing address and signature of the person who assisted the applicant. The failure to provide the information required by this subsection will not result in the application being deemed incomplete.

14. An application to register to vote must be made available to all persons, regardless of political party affiliation.

15. An application must not be altered or otherwise defaced after the applicant has completed and signed it. An application must be mailed or delivered in person to the office of the county clerk within 10 days after it is completed.

16. A person who willfully violates any of the provisions of subsection 13, 14 or 15 is guilty of a category E felony and shall be punished as provided in NRS 193.130.

17. The Secretary of State shall adopt regulations to carry out the provisions of this section.

Sec. 26. NRS 293.565 is hereby amended to read as follows:

293.565 1. Except as otherwise provided in subsection ~~[2,]~~ ***3,*** sample ballots must include:

(a) If applicable, the statement required by NRS 293.267;

(b) The fiscal note or description of anticipated financial effect, as provided pursuant to NRS 218D.810, 293.250, 293.481, 293.482, 295.015 or 295.095 for each proposed constitutional amendment, statewide measure, measure to be voted upon only by a special district or political subdivision and advisory question;

(c) An explanation, as provided pursuant to NRS 218D.810, 293.250, 293.481, 293.482 or 295.121, of each proposed constitutional amendment, statewide measure, measure to be voted upon only by a special district or political subdivision and advisory question;

(d) Arguments for and against each proposed constitutional amendment, statewide measure, measure to be voted upon only by a special district or political subdivision and advisory question, and rebuttals to each argument,

as provided pursuant to NRS 218D.810, 293.250, 293.252, 293.481, 293.482 or 295.121; and

(e) The full text of each proposed constitutional amendment.

2. ***If, pursuant to the provisions of NRS 293.2565, the word "Incumbent" must appear on the ballot next to the name of the candidate who is the incumbent, the word "Incumbent" must appear on the sample ballot next to the name of the candidate who is the incumbent.***

3. Sample ballots that are mailed to registered voters may be printed without the full text of each proposed constitutional amendment if:

(a) The cost of printing the sample ballots would be significantly reduced if the full text of each proposed constitutional amendment were not included;

(b) The county clerk ensures that a sample ballot that includes the full text of each proposed constitutional amendment is provided at no charge to each registered voter who requests such a sample ballot; and

(c) The sample ballots provided to each polling place include the full text of each proposed constitutional amendment.

~~[3.]~~ ***4.*** Before the period for early voting for any election begins, the county clerk shall cause to be mailed to each registered voter in the county a sample ballot for his or her precinct, with a notice informing the voter of the location of his or her polling place. If the location of the polling place has changed since the last election:

(a) The county clerk shall mail a notice of the change to each registered voter in the county not sooner than 10 days before mailing the sample ballots; or

(b) The sample ballot must also include a notice in bold type immediately above the location which states:

NOTICE: THE LOCATION OF YOUR POLLING PLACE
HAS CHANGED SINCE THE LAST ELECTION

~~[4.]~~ ***5.*** Except as otherwise provided in subsection ~~[5,]~~ ***6,*** a sample ballot required to be mailed pursuant to this section must:

(a) Be printed in at least 12-point type; and

(b) Include on the front page, in a separate box created by bold lines, a notice printed in at least 20-point bold type that states:

NOTICE: TO RECEIVE A SAMPLE BALLOT IN
LARGE TYPE, CALL (Insert appropriate telephone number)

~~[5.]~~ ***6.*** A portion of a sample ballot that contains a facsimile of the display area of a voting device may include material in less than 12-point type to the extent necessary to make the facsimile fit on the pages of the sample ballot.

~~[6.]~~ ***7.*** The sample ballot mailed to a person who requests a sample ballot in large type by exercising the option provided pursuant to NRS 293.508, or in any other manner, must be printed in at least 14-point type, or larger when practicable.

~~[7.]~~ ***8.*** If a person requests a sample ballot in large type, the county clerk shall ensure that all future sample ballots mailed to that person from the county are in large type.

~~[8.]~~ ***9.*** The county clerk shall include in each sample ballot a statement indicating that the county clerk will, upon request of a voter who is elderly or disabled, make reasonable accommodations to allow the voter to vote at his or her polling place and provide reasonable assistance to the voter in casting his or her vote, including, without limitation, providing appropriate materials to assist the voter. In addition, if the county clerk has provided pursuant to subsection 4 of NRS 293.2955 for the placement at centralized voting locations of specially equipped voting devices for use by voters who are elderly or disabled, the county clerk shall include in the sample ballot a statement indicating:

(a) The addresses of such centralized voting locations;

(b) The types of specially equipped voting devices available at such centralized voting locations; and

(c) That a voter who is elderly or disabled may cast his or her ballot at such a centralized voting location rather than at his or her regularly designated polling place.

~~[9.]~~ ***10.*** The cost of mailing sample ballots for any election other than a primary or general election must be borne by the political subdivision holding the election.

Sec. 27. NRS 293.567 is hereby amended to read as follows:

293.567 After the close of registration for each primary election but not later than the ~~[second Friday next]~~ ***Friday*** preceding the primary election and after the close of registration for each general election but not later than the ~~[second Friday next]~~ ***Friday*** preceding the general election, the county clerk shall ascertain by precinct and district the number of registered voters in the county and their political affiliation, if any, and shall transmit that information to the Secretary of State.

Sec. 28. NRS 293.710 is hereby amended to read as follows:

293.710 1. It is unlawful for any person, in connection with any election ***,*** ~~[or]~~ petition ~~[,]~~ ***or registration of voters,*** whether acting himself or herself or through another person in his or her behalf, to:

(a) Use or threaten to use any force, ***intimidation,*** coercion, violence, restraint or undue influence;

(b) Inflict or threaten to inflict any physical or mental injury, damage, harm or loss upon the person or property of another;

(c) Expose or publish or threaten to expose or publish any fact concerning another in order to induce or compel such other to vote or refrain from voting for any candidate or any question;

(d) Impede or prevent, by abduction, duress or fraudulent contrivance, the free exercise of the franchise by any voter, or thereby to compel, induce or prevail upon any elector to give or refrain from giving his or her vote; or

(e) Discharge or change the place of employment of any employee with the intent to impede or prevent the free exercise of the franchise by such employee.

2. **[**~~Unless a greater penalty is provided by law, any violation~~**]** ***A person who violates a provision*** of this section is **[**~~a gross misdemeanor.~~**]** ***guilty of a category E felony and shall be punished as provided in NRS 193.130.***

Sec. 29. NRS 293.730 is hereby amended to read as follows:

293.730 1. A person shall not:

(a) Remain in or outside of any polling place so as to interfere with the conduct of the election.

(b) Except an election board officer, receive from any voter a ballot prepared by the voter.

(c) Remove a ballot from any polling place before the closing of the polls.

(d) Apply for or receive a ballot at any election precinct or district other than the one at which the person is entitled to vote.

(e) Show his or her ballot to any person, after voting, so as to reveal any of the names voted for.

(f) Inside a polling place, ask another person for whom he or she intends to vote.

(g) Except an election board officer, deliver a ballot to a voter.

(h) Except an election board officer in the course of the election board officer's official duties, inside a polling place, ask another person his or her name, address or political affiliation.

2. A voter shall not:

(a) Receive a ballot from any person other than an election board officer.

(b) Deliver to an election board or to any member thereof any ballot other than the one received.

(c) Place any mark upon his or her ballot by which it may afterward be identified as the one voted by the person.

3. Any person who violates any provision of this section is guilty of a **[**~~gross misdemeanor.~~**]** ***category E felony and shall be punished as provided in NRS 193.130.***

Sec. 30. NRS 293.740 is hereby amended to read as follows:

293.740 1. Except as otherwise provided in subsection 2, it is unlawful inside a polling place or within 100 feet from the entrance to the building or other structure in which a polling place is located:

(a) For any person to solicit a vote or speak to a voter on the subject of marking the voter's ballot.

(b) For any person, including an election board officer, to do any electioneering on election day.

➥ The county clerk or registrar of voters shall ensure that, at the outer limits of the area within which electioneering is prohibited, notices are continuously posted on which are printed in large letters "Distance Marker: No electioneering between this point and the entrance to the polling place."

2. The provisions of subsection 1 do not apply to the conduct of a person in a private residence or on commercial or residential property that is within 100 feet from the entrance to a building or other structure in which a polling place is located. The provisions of subsection 1 are not intended to prohibit a person from voting solely because he or she is wearing a prohibited political insigne and is reasonably unable to remove the insigne or cover it. In such a case, the election board officer shall take such action as is necessary to allow the voter to vote as expediently as possible and then assist the voter in exiting the polling place as soon as is possible.

3. Any person who violates any provision of this section is guilty of a gross misdemeanor.

4. As used in this section, "electioneering" means campaigning for or against a candidate, ballot question or political party by:

(a) Posting signs relating to the support of or opposition to a candidate, ballot question or political party;

(b) Distributing literature relating to the support of or opposition to a candidate, ballot question or political party;

(c) Using loudspeakers to broadcast information relating to the support of or opposition to a candidate, ballot question or political party;

(d) Buying, selling, wearing or displaying any badge, button or other insigne which is designed or tends to aid or promote the success or defeat of any political party or a candidate or ballot question to be voted upon at that election; ***or***

(e) **[**~~Polling or otherwise soliciting from a voter information as to whether the voter intends to vote or has voted for or against a particular political party, candidate or ballot question; or~~

~~(f)~~**]** Soliciting signatures to any kind of petition.

Sec. 31. **(**Deleted by amendment.)

Sec. 32. NRS 293.755 is hereby amended to read as follows:

293.755 1. A person who tampers or interferes with, or attempts to tamper or interfere with, a mechanical voting system, mechanical voting device or any computer program used to count ballots with the intent to prevent the proper operation of that device, system or program is guilty of a category D felony and shall be punished as provided in NRS 193.130.

2. ***A person who tampers or interferes with, or attempts to tamper or interfere with, a mechanical voting system, mechanical voting device or any computer program used to count ballots with the intent to influence the outcome of an election is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 20 years.***

3. The county or city clerk shall report any alleged violation of this section to the district attorney who shall cause appropriate proceedings to be instituted and prosecuted in a court of competent jurisdiction without delay.

Sec. 33. NRS 293.800 is hereby amended to read as follows:

293.800 1. A person who, for himself, herself or another person, willfully gives a false answer or answers to questions propounded to the person by the registrar or field registrar of voters relating to the information called for by the application to register to vote, or who willfully falsifies the application in any particular, or who violates any of the provisions of the election laws of this State or knowingly encourages another person to violate those laws is guilty of a category E felony and shall be punished as provided in NRS 193.130.

2. A public officer or other person, upon whom any duty is imposed by this title, who willfully neglects his or her duty or willfully performs it in such a way as to hinder the objects and purposes of the election laws of this State, except where another penalty is provided, is guilty of a category E felony and shall be punished as provided in NRS 193.130.

3. If the person is a public officer, his or her office is forfeited upon conviction of any offense provided for in subsection 2.

4. A person who causes or endeavors to cause his or her name to be registered, knowing that he or she is not an elector or will not be an elector on or before the day of the next ensuing election in the precinct or district in which he or she causes or endeavors to cause the registration to be made, and any other person who induces, aids or abets the person in the commission of either of the acts is guilty of a category E felony and shall be punished as provided in NRS 193.130.

5. A field registrar or other person who ~~[:]~~ ***provides to an elector an application to register to vote and who:***

(a) Knowingly falsifies ~~[an]~~ ***the*** application ~~[to register to vote]~~ or knowingly causes an application to be falsified; ~~[or]~~

(b) Knowingly provides money or other compensation to another for a falsified application ~~[to register to vote,]~~ ***; or***

(c) Intentionally fails to submit to the county clerk a completed application,

➥ is guilty of a category E felony and shall be punished as provided in NRS 193.130.

Sec. 34. NRS 293C.265 is hereby amended to read as follows:

293C.265 1. Except as otherwise provided in subsection 2 and in NRS 293.2725 and 293.3083, a person who registered ***by mail or computer*** to vote ~~[pursuant to the provisions of NRS 293.5235]~~ shall, for the first city election in which the person votes at which that registration is valid, vote in person unless he or she has previously voted in the county in which he or she is registered to vote.

2. The provisions of subsection 1 do not apply to a person who:

(a) Is entitled to vote in the manner prescribed in NRS 293C.342 to 293C.352, inclusive;

(b) Is entitled to vote an absent ballot pursuant to federal law or NRS 293C.317 or 293C.318;

(c) Is disabled;

(d) Submits or has previously submitted a written request for an absent ballot that is signed by the registered voter before a notary public or other person authorized to administer an oath; or

(e) Requests an absent ballot in person at the office of the city clerk.

Sec. 35. NRS 293C.342 is hereby amended to read as follows:

293C.342 1. A registered voter who resides in an election precinct in which there were not more than 200 voters registered for the last preceding city general election, or in a precinct in which it appears to the satisfaction of the city clerk ***and Secretary of State*** that there are not more than 200 registered voters, may vote at any election regulated by this chapter in the manner provided in NRS 293C.345 to 293C.352, inclusive.

2. Whenever the city clerk has designated a precinct as a mailing precinct, registered voters residing in that precinct may vote at any election regulated by this chapter in the manner provided in NRS 293C.345 to 293C.352, inclusive.

Sec. 36. NRS 293C.530 is hereby amended to read as follows:

293C.530 1. Before the period for early voting for any election begins, the city clerk shall cause to be mailed to each registered voter in the city a sample ballot for his or her precinct, with a notice informing the voter of the location of his or her polling place. If the location of the polling place has changed since the last election:

(a) The city clerk shall mail a notice of the change to each registered voter in the city not sooner than 10 days before mailing the sample ballots; or

(b) The sample ballot must also include a notice in bold type immediately above the location which states:

NOTICE: THE LOCATION OF YOUR POLLING PLACE
HAS CHANGED SINCE THE LAST ELECTION

2. Except as otherwise provided in subsection ~~[3,]~~ ***4,*** a sample ballot required to be mailed pursuant to this section must:

(a) Be printed in at least 12-point type;

(b) Include the description of the anticipated financial effect and explanation of each citywide measure and advisory question, including arguments for and against the measure or question, as required pursuant to NRS 293.481, 293.482, 295.205 or 295.217; and

(c) Include on the front page, in a separate box created by bold lines, a notice printed in at least 20-point bold type that states:

NOTICE: TO RECEIVE A SAMPLE BALLOT IN
LARGE TYPE, CALL (Insert appropriate telephone number)

3. ***The word "Incumbent" must appear on the sample ballot next to the name of the candidate who is the incumbent, if required pursuant to NRS 293.2565.***

4. A portion of a sample ballot that contains a facsimile of the display area of a voting device may include material in less than 12-point type to the extent necessary to make the facsimile fit on the pages of the sample ballot.

~~[4.]~~ ***5.*** The sample ballot mailed to a person who requests a sample ballot in large type by exercising the option provided pursuant to NRS 293.508, or in any other manner, must be printed in at least 14-point type, or larger when practicable.

~~[5.]~~ ***6.*** If a person requests a sample ballot in large type, the city clerk shall ensure that all future sample ballots mailed to that person from the city are in large type.

~~[6.]~~ ***7.*** The city clerk shall include in each sample ballot a statement indicating that the city clerk will, upon request of a voter who is elderly or disabled, make reasonable accommodations to allow the voter to vote at his or her polling place and provide reasonable assistance to the voter in casting his or her vote, including, without limitation, providing appropriate materials to assist the voter. In addition, if the city clerk has provided pursuant to subsection 4 of NRS 293C.281 for the placement at centralized voting locations of specially equipped voting devices for use by voters who are elderly or disabled, the city clerk shall include in the sample ballot a statement indicating:

(a) The addresses of such centralized voting locations;

(b) The types of specially equipped voting devices available at such centralized voting locations; and

(c) That a voter who is elderly or disabled may cast his or her ballot at such a centralized voting location rather than at the voter's regularly designated polling place.

~~[7.]~~ ***8.*** The cost of mailing sample ballots for a city election must be borne by the city holding the election.

Sec. 37. (Deleted by amendment.)

Sec. 38. (Deleted by amendment.)

Sec. 39. (Deleted by amendment.)

Sec. 40. (Deleted by amendment.)

Sec. 40.5. **Chapter 294A of NRS is hereby amended by adding thereto a new section to read as follows:**

1. A foreign national shall not, directly or indirectly, make a contribution or a commitment to make a contribution to:

(a) A candidate;

(b) A committee for political action;

(c) A committee for the recall of a public officer;

(d) A person who is not under the direction or control of a candidate, of a group of candidates or of any person involved in the campaign of the candidate or group who makes an expenditure that is not solicited or approved by the candidate or group;

(e) A political party, committee sponsored by a political party or business entity that makes an expenditure on behalf of a candidate or group of candidates;

(f) An organization made up of legislative members of a political party whose primary purpose is to provide support for their political efforts;

(g) A personal campaign committee or the personal representative of a candidate who receives contributions or makes expenditures that are reported as contributions or expenditures by the candidate; or

(h) A nonprofit corporation that is registered or required to be registered pursuant to NRS 294A.225.

2. Except as otherwise provided in subsection 3, a candidate, person, group, committee, political party, organization, business entity or nonprofit corporation described in subsection 1 shall not knowingly solicit, accept or receive a contribution or a commitment to make a contribution from a foreign national.

3. For the purposes of subsection 2, if a candidate, person, group, committee, political party, organization, business entity or nonprofit corporation is aware of facts that would lead a reasonable person to inquire whether the source of a contribution is a foreign national, the candidate, person, group, committee, political party, organization, business entity or nonprofit corporation shall be deemed to have not knowingly solicited, accepted or received a contribution in violation of subsection 2 if the candidate, person, group, committee, political party, organization, business entity or nonprofit corporation requests and obtains from the source of the contribution a copy of current and valid United States

passport papers. This subsection does not apply to any candidate, person, group, committee, political party, organization, business entity or nonprofit corporation if the candidate, person, group, committee, political party, organization, business entity or nonprofit corporation has actual knowledge that the source of the contribution solicited, accepted or received is a foreign national.

4. If a candidate, person, group, committee, political party, organization, business entity or nonprofit corporation discovers that the candidate, person, group, committee, political party, organization, business entity or nonprofit corporation received a contribution in violation of this section, the candidate, person, group, committee, political party, organization, business entity or nonprofit corporation shall, if at the time of discovery of the violation:

(a) Sufficient money received as contributions is available, return the contribution received in violation of this section not later than 30 days after such discovery.

(b) Except as otherwise provided in paragraph (c), sufficient money received as contributions is not available, return the contribution received in violation of this section as contributions become available for this purpose.

(c) Sufficient money received as contributions is not available and contributions are no longer being solicited or accepted, not be required to return any amount of the contribution received in violation of this section that exceeds the amount of contributions available for this purpose.

5. A violation of any provision of this section is a gross misdemeanor.

6. As used in this section:

(a) "Foreign national" has the meaning ascribed to it in 2 U.S.C. § 441e.

(b) "Knowingly" means that a candidate, person, group, committee, political party, organization, business entity or nonprofit corporation:

(1) Has actual knowledge that the source of the contribution solicited, accepted or received is a foreign national;

(2) Is aware of facts which would lead a reasonable person to conclude that there is a substantial probability that the source of the contribution solicited, accepted or received is a foreign national; or

(3) Is aware of facts which would lead a reasonable person to inquire whether the source of the contribution solicited, accepted or received is a foreign national, but failed to conduct a reasonable inquiry.

Sec. 41. NRS 294A.0055 is hereby amended to read as follows:

294A.0055 1. "Committee for political action" means any group of natural persons or entities that solicits or receives contributions from any other person, group or entity and:

(a) Makes or intends to make contributions to candidates or other persons; or

(b) Makes or intends to make expenditures,

➥ designed to affect the outcome of any primary ~~[,]~~ ***election, primary city election,*** general ~~[or]~~ ***election, general city election,*** special election or question on the ballot.

2. "Committee for political action" does not include:

(a) An organization made up of legislative members of a political party whose primary purpose is to provide support for their political efforts.

(b) An entity solely because it provides goods or services to a candidate or committee in the regular course of its business at the same price that would be provided to the general public.

(c) An individual natural person.

(d) An individual corporation or other business organization who has filed articles of incorporation or other documentation of organization with the Secretary of State pursuant to title 7 of NRS.

(e) A labor union.

(f) A personal campaign committee or the personal representative of a candidate who receives contributions or makes expenditures that are reported as campaign contributions or expenditures by the candidate.

(g) A committee for the recall of a public officer.

Sec. 42. NRS 294A.007 is hereby amended to read as follows:

294A.007 1. "Contribution" means a gift, loan, conveyance, deposit, payment, transfer or distribution of money or of anything of value other than the services of a volunteer, and includes:

(a) The payment by any person, other than a candidate, of compensation for the personal services of another person which are rendered to a:

(1) Candidate;

(2) Person who is not under the direction or control of a candidate or group of candidates or of any person involved in the campaign of the candidate or group who makes an expenditure on behalf of the candidate or group which is not solicited or approved by the candidate or group; ***or***

(3) Committee for political action, political party, committee sponsored by a political party or business entity which makes an expenditure on behalf of a candidate or group of candidates **,** ~~[, or~~

~~(4) Person or group of persons organized formally or informally, including a business entity, who advocates the passage or defeat of a question or group of questions on the ballot,]~~

➥ without charge to the candidate, person, committee or political party.

(b) The value of services provided in kind for which money would have otherwise been paid, such as paid polling and resulting data, paid direct mail, paid solicitation by telephone, any paid paraphernalia that was printed or

otherwise produced to promote a campaign and the use of paid personnel to assist in a campaign.

2. As used in this section, "volunteer" means a person who does not receive compensation of any kind, directly or indirectly, for the services provided to a campaign.

Sec. 43. NRS 294A.100 is hereby amended to read as follows:

294A.100 1. A person shall not make ***or commit to make*** a contribution or contributions to a candidate for any office, except a federal office, in an amount which exceeds $5,000 for the primary election or primary city election, regardless of the number of candidates for the office, and $5,000 for the general election or general city election, regardless of the number of candidates for the office, during the period:

(a) Beginning from 30 days before the regular session of the Legislature immediately following the last election for the office and ending 30 days before the regular session of the Legislature immediately following the next election for the office, if that office is a state, district, county or township office; or

(b) Beginning from 30 days after the last election for the office and ending 30 days before the next general city election for the office, if that office is a city office.

2. A candidate shall not accept a contribution ***or commitment to make a contribution*** made in violation of subsection 1.

3. A person who willfully violates any provision of this section is guilty of a category E felony and shall be punished as provided in NRS 193.130.

Sec. 44. (Deleted by amendment.)

Sec. 45. (Deleted by amendment.)

Sec. 46. (Deleted by amendment.)

Sec. 47. (Deleted by amendment.)

Sec. 48. NRS 294A.150 is hereby amended to read as follows:

294A.150 1. ~~[Except as otherwise provided in NRS 294A.283, every person or group of persons organized formally or informally, including a business entity, who]~~ ***Every committee for political action that*** advocates the passage or defeat of a question or group of questions on the ballot at a primary election, primary city election, general election or general city election ~~[and who receives or expends money in an amount in excess of $10,000 to advocate the passage or defeat of such question or group of questions]~~ shall, not later than January 15 of each year that the provisions of this subsection apply to the ~~[person, group of persons or business entity,]~~ ***committee for political action,*** for the period from January 1 of the previous year through December 31 of the previous year, report each campaign contribution in excess of $1,000 ~~*[$100]*~~ received during that period and contributions received during the period from a contributor which

cumulatively exceed $1,000. ~~*[$100.]*~~ The report must be completed on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. The form must be signed by ~~[~~the person or~~]~~ a representative of the ~~[~~group or business entity~~]~~ ***committee for political action*** under penalty of perjury. The provisions of this subsection apply to ~~[~~the person, group of persons or business entity:~~]~~ ***a committee for political action:***

(a) Each year in which ~~[~~:~~]~~

~~(1) An~~ ***an*** election or city election is held for each question for which the ~~[~~person, group of persons or business entity~~]~~ ***committee for political action*** advocates passage or defeat; ~~[~~or

~~(2) A person, group of persons or business entity receives or expends money in excess of $10,000 to advocate the passage or defeat of a question or group of questions on the ballot at a primary election, primary city election, general election or general city election;~~] and

(b) The year after ~~[~~each~~]~~ ***the*** year described in paragraph (a).

2. If a question is on the ballot at a primary election or primary city election and the general election or general city election immediately following that primary election or primary city election is held on or after January 1 and before the July 1 immediately following that January 1, every ~~[~~person or group of persons organized formally or informally, including a business entity, who~~]~~ ***committee for political action that*** advocates the passage or defeat of the question or a group of questions that includes the question ~~[~~and who receives or expends money in an amount in excess of $10,000 to advocate the passage or defeat of such question or group of questions~~]~~ shall comply with the requirements of this subsection. If a question is on the ballot at a general election or general city election held on or after January 1 and before the July 1 immediately following that January 1, every ~~[~~person or group of persons organized formally or informally, including a business entity, who~~]~~ ***committee for political action that*** advocates the passage or defeat of the question or a group of questions that includes the question ~~[~~and who receives or expends money in an amount in excess of $10,000 to advocate the passage or defeat of such question or group of questions~~]~~ shall comply with the requirements of this subsection. A ~~[~~person, group of persons or business entity~~]~~ ***committee for political action*** described in this subsection shall, not later than:

(a) Seven days before the primary election or primary city election, for the period from the January 1 immediately preceding the primary election or primary city election through 12 days before the primary election or primary city election;

(b) Seven days before the general election or general city election, for the period from 11 days before the primary election or primary city election through 12 days before the general election or general city election; and

(c) July 15 of the year of the general election or general city election, for the period from 11 days before the general election or general city election through June 30 of that year,

➥ report each campaign contribution in excess of $1,000 ~~*[$100]*~~ received during the period and contributions received during the period from a contributor which cumulatively exceed $1,000. ~~*[$100.]*~~ The report must be completed on the form designed and provided by the Secretary of State pursuant to NRS 294A.373 and signed by ~~[~~the person or~~]~~ a representative of the ~~[~~group or business entity~~]~~ ***committee for political action*** under penalty of perjury.

3. The name and address of the contributor and the date on which the contribution was received must be included on the report for each contribution in excess of $1,000 ~~*[$100]*~~ and contributions which a contributor has made cumulatively in excess of that amount since the beginning of the current reporting period.

4. If a question is on the ballot at a primary election or primary city election and the general election or general city election immediately following that primary election or primary city election is held on or after July 1 and before the January 1 immediately following that July 1, every ~~[~~person or group of persons organized formally or informally, including a business entity, who~~]~~ ***committee for political action that*** advocates the passage or defeat of the question or a group of questions that includes the question ~~[~~and who receives or expends money in an amount in excess of $10,000 to advocate the passage or defeat of such question or group of questions~~]~~ shall comply with the requirements of this subsection. ~~[~~Except as otherwise provided in NRS 294A.283, if~~]~~ ***If*** a question is on the ballot at a general election or general city election held on or after July 1 and before the January 1 immediately following that July 1, every ~~[~~person or group of persons organized formally or informally, including a business entity, who~~]~~ ***committee for political action that*** advocates the passage or defeat of the question or a group of questions that includes the question ~~[~~and who receives or expends money in an amount in excess of $10,000 to advocate the passage or defeat of such question or group of questions~~]~~ shall comply with the requirements of this subsection. A ~~[~~person, group of persons or business entity~~]~~ ***committee for political action*** described in this subsection shall, not later than:

(a) Seven days before the primary election or primary city election, for the period from the January 1 immediately preceding the primary election or primary city election through 12 days before the primary election or primary city election; and

(b) Seven days before the general election or general city election, for the period from 11 days before the primary election or primary city election through 12 days before the general election or general city election,

➥ report each campaign contribution in excess of $1,000 ~~[$100]~~ received during the period and contributions received during the period from a contributor which cumulatively exceed $1,000. ~~[$100.]~~ The report must be completed on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. The form must be signed by ~~[~~the person or~~]~~ a representative of the ~~[~~group or business entity~~]~~ ***committee for political action*** under penalty of perjury.

5. Except as otherwise provided in subsection 6, every ~~[~~person or group of persons organized formally or informally, including a business entity, who~~]~~ ***committee for political action that*** advocates the passage or defeat of a question or group of questions on the ballot at a special election ~~[~~and who receives or expends money in an amount in excess of $10,000 to advocate the passage or defeat of such question or group of questions~~]~~ shall, not later than:

(a) Seven days before the special election, for the period from the date that the question qualified for the ballot through 12 days before the special election; and

(b) Thirty days after the special election, for the remaining period through the special election,

➥ report each campaign contribution in excess of $1,000 ~~[$100]~~ received during the period and contributions received during the period from a contributor which cumulatively exceed $1,000. ~~[$100.]~~ The report must be completed on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. The form must be signed by ~~[~~the person or~~]~~ a representative of the ~~[~~group or business entity~~]~~ ***committee for political action*** under penalty of perjury.

6. Every ~~[~~person or group of persons organized formally or informally, including a business entity, who~~]~~ ***committee for political action that*** advocates the passage or defeat of a question or group of questions on the ballot at a special election to determine whether a public officer will be recalled ~~[~~and who receives or expends money in an amount in excess of $10,000 to advocate the passage or defeat of such question or group of questions~~]~~ shall report each of the contributions received on the form designed and provided by the Secretary of State pursuant to NRS 294A.373 and signed by ~~[~~the person or~~]~~ a representative of the ~~[~~group or business entity~~]~~ ***committee for political action*** under penalty of perjury, 30 days after:

(a) The special election, for the period from the filing of the notice of intent to circulate the petition for recall through the special election; or

(b) If the special election is not held because a district court determines that the petition for recall is legally insufficient pursuant to subsection 6 of

NRS 306.040, for the period from the filing of the notice of intent to circulate the petition for recall through the date of the district court's decision.

7. The reports required pursuant to this section must be filed with:

(a) If the question is submitted to the voters of one county, the county clerk of that county;

(b) If the question is submitted to the voters of one city, the city clerk of that city; or

(c) If the question is submitted to the voters of more than one county or city, the Secretary of State.

8. A person may mail or transmit the report to the appropriate officer by regular mail, certified mail, facsimile machine or electronic means. A report shall be deemed to be filed with the officer:

(a) On the date that it was mailed if it was sent by certified mail; or

(b) On the date that it was received by the officer if the report was sent by regular mail, transmitted by facsimile machine or electronic means, or delivered personally.

9. If the ~~[person or group of persons, including a business entity,]~~ ***committee for political action*** is advocating passage or defeat of a group of questions, the reports must be itemized by question or petition.

10. Each county clerk or city clerk who receives a report pursuant to this section shall file a copy of the report with the Secretary of State within 10 working days after receiving the report.

Sec. 49. (Deleted by amendment.)

Sec. 50. NRS 294A.160 is hereby amended to read as follows:

294A.160 1. It is unlawful for a candidate to spend money received as a campaign contribution for the candidate's personal use.

2. Every candidate for a state, district, county, city or township office at a primary, general, primary city, general city or special election who is elected to that office and received contributions that were not spent or committed for expenditure before the primary, general, primary city, general city or special election shall:

(a) Return the unspent money to contributors;

(b) Use the money in the candidate's next election or for the payment of other expenses related to public office or his or her campaign, regardless of whether he or she is a candidate for a different office in the candidate's next election;

(c) Contribute the money to:

(1) The campaigns of other candidates for public office or for the payment of debts related to their campaigns;

(2) A political party; ***or***

(3) ~~[A person or group of persons advocating the passage or defeat of a question or group of questions on the ballot; or~~

~~(4)]~~ Any combination of persons or groups set forth in subparagraphs (1) ~~[,]~~ ***and*** (2) ***;*** ~~[and (3);]~~

(d) Donate the money to any tax-exempt nonprofit entity; ~~[or]~~

(e) ***Donate the money to any governmental entity or fund of this State or a political subdivision of this State*** ~~*[that is authorized to receive donations of money]*~~ ***and may request that the money be used for a specific purpose; or***

(f) Dispose of the money in any combination of the methods provided in paragraphs (a) to ~~[(d),]~~ ***(e),*** inclusive.

3. Every candidate for a state, district, county, city or township office at a primary, general, primary city, general city or special election who ***withdraws after filing a declaration of candidacy or an acceptance of candidacy or*** is ~~[not elected to]~~ ***defeated for*** that office and ***who*** received contributions that were not spent or committed for expenditure before the primary, general, primary city, general city or special election shall, not later than the 15th day of the second month after the ~~[candidate's defeat:]~~ ***election:***

(a) Return the unspent money to contributors;

(b) Contribute the money to:

(1) The campaigns of other candidates for public office or for the payment of debts related to their campaigns;

(2) A political party; ***or***

(3) ~~[A person or group of persons advocating the passage or defeat of a question or group of questions on the ballot;]~~ Any combination of persons or groups set forth in subparagraphs (1) ~~[,]~~ ***and*** (2) ***;*** ~~[and (3);]~~

(c) Donate the money to any tax-exempt nonprofit entity; ~~[or]~~

(d) ***Donate the money to any governmental entity or fund of this State or a political subdivision of this State*** ~~*[that is authorized to receive donations of money]*~~ ***and may request that the money be used for a specific purpose; or***

(e) Dispose of the money in any combination of the methods provided in paragraphs (a) ~~[, (b) and (c).]~~ ***to (d), inclusive.***

4. Every candidate for a state, district, county, city or township office who ***withdraws after filing a declaration of candidacy or an acceptance of candidacy or*** is defeated ***for that office*** at a primary or primary city election and received a contribution from a person in excess of $5,000 shall, not later than the 15th day of the second month after the ~~[candidate's defeat,]~~ ***election,*** return any money in excess of $5,000 to the contributor.

5. ~~[Every]~~ ***Except as otherwise provided in subsection 6, every*** public officer who:

(a) Holds a state, district, county, city or township office;

(b) Does not run for reelection ***to that office*** and is not a candidate for any other office; and

(c) Has contributions that are not spent or committed for expenditure remaining from a previous election,

➥ shall, not later than the 15th day of the second month after the expiration of the public officer's term of office, dispose of those contributions in the manner provided in subsection 3.

6. ***A public officer who:***

(a) Holds a state, district, county, city or township office;

(b) Does not run for reelection to that office and is a candidate for any other office; and

(c) Has contributions that are not spent or committed for expenditure remaining from a previous election,

➥ may use the unspent campaign contributions in a future election. Such a public officer is subject to the reporting requirements set forth in NRS 294A.120, 294A.125, 294A.128, 294A.200, 294A.360 and 294A.362 for as long as the public officer is a candidate for any office.

7. In addition to the methods for disposing the unspent money set forth in subsections 2, 3 ~~[and 4,]~~ ***, 4 and 6,*** a Legislator may donate not more than $500 of that money to the Nevada Silver Haired Legislative Forum created pursuant to NRS 427A.320.

~~[7.]~~ ***8.*** Any contributions received before a candidate for a state, district, county, city or township office at a primary, general, primary city, general city or special election dies that were not spent or committed for expenditure before the death of the candidate must be disposed of in the manner provided in subsection 3.

~~[8.]~~ ***9.*** The court shall, in addition to any penalty which may be imposed pursuant to NRS 294A.420, order the candidate or public officer to dispose of any remaining contributions in the manner provided in this section.

~~[9.]~~ ***10.*** As used in this section, "contributions" include any interest and other income earned thereon.

Sec. 51. NRS 294A.200 is hereby amended to read as follows:

294A.200 1. Every candidate for state, district, county or township office at a primary or general election shall, not later than January 15 of each year, for the period from January 1 of the previous year through December 31 of the previous year, report each of the campaign expenses in excess of $100 incurred and each amount in excess of $100 disposed of pursuant to NRS 294A.160 ***or subsection 4 of NRS 294A.286*** during the period on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the candidate under penalty of perjury. The provisions of this subsection apply to the candidate:

(a) Beginning the year of the general election for that office through the year immediately preceding the next general election for that office; and

(b) Each year immediately succeeding a calendar year during which the candidate disposes of contributions pursuant to NRS 294A.160 ~~[.]~~ ***or 294A.286.***

2. Every candidate for state, district, county or township office at a primary or general election shall, if the general election for the office for which he or she is a candidate is held on or after January 1 and before the July 1 immediately following that January 1, not later than:

(a) Seven days before the primary election for that office, for the period from the January 1 immediately preceding the primary election through 12 days before the primary election;

(b) Seven days before the general election for that office, for the period from 11 days before the primary election through 12 days before the general election; and

(c) July 15 of the year of the general election for that office, for the period from 11 days before the general election through June 30 of that year,

➥ report each of the campaign expenses in excess of $100 incurred during the period on the form designed and provided by the Secretary of State pursuant ***to*** NRS 294A.373. Each form must be signed by the candidate under penalty of perjury.

3. Every candidate for state, district, county or township office at a primary or general election shall, if the general election for the office for which he or she is a candidate is held on or after July 1 and before the January 1 immediately following that July 1, not later than:

(a) Seven days before the primary election for that office, for the period from the January 1 immediately preceding the primary election through 12 days before the primary election; and

(b) Seven days before the general election for that office, for the period from 11 days before the primary election through 12 days before the general election,

➥ report each of the campaign expenses in excess of $100 incurred during the period on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. The form must be signed by the candidate under penalty of perjury.

4. Except as otherwise provided in subsection 5, every candidate for a district office at a special election shall, not later than:

(a) Seven days before the special election, for the period from the candidate's nomination through 12 days before the special election; and

(b) Thirty days after the special election, for the remaining period through the special election,

➥ report each of the campaign expenses in excess of $100 incurred during the period on the form designed and provided by the Secretary of State

pursuant to NRS 294A.373. Each form must be signed by the candidate under penalty of perjury.

5. Every candidate for state, district, county, municipal or township office at a special election to determine whether a public officer will be recalled shall report each of the campaign expenses in excess of $100 incurred on the form designed and provided by the Secretary of State pursuant to NRS 294A.373 and signed by the candidate under penalty of perjury, 30 days after:

(a) The special election, for the period from the filing of the notice of intent to circulate the petition for recall through the special election; or

(b) If the special election is not held because a district court determines that the petition for recall is legally insufficient pursuant to subsection 6 of NRS 306.040, for the period from the filing of the notice of intent to circulate the petition for recall through the date of the district court's decision.

6. Reports of campaign expenses must be filed with the officer with whom the candidate filed the declaration of candidacy or acceptance of candidacy. A candidate may mail or transmit the report to that officer by regular mail, certified mail, facsimile machine or electronic means. A report shall be deemed to be filed with the officer:

(a) On the date that it was mailed if it was sent by certified mail; or

(b) On the date that it was received by the officer if the report was sent by regular mail, transmitted by facsimile machine or electronic means, or delivered personally.

7. County clerks who receive from candidates for legislative or judicial office, including, without limitation, the office of justice of the peace or municipal judge, reports of campaign expenses pursuant to this section shall file a copy of each report with the Secretary of State within 10 working days after receiving the report.

Sec. 52. (Deleted by amendment.)

Sec. 53. (Deleted by amendment.)

Sec. 54. NRS 294A.220 is hereby amended to read as follows:

294A.220 1. ~~[~~Except as otherwise provided in NRS 294A.283, every person or group of persons organized formally or informally, including a business entity, who~~]~~ ***Every committee for political action that*** advocates the passage or defeat of a question or group of questions on the ballot at a primary election, primary city election, general election or general city election ~~[~~and who receives or expends money in an amount in excess of $10,000 to advocate the passage or defeat of such question or group of questions~~]~~ shall, not later than January 15 of each year that the provisions of this subsection apply to the ~~[~~person or group of persons,~~]~~ ***committee for political action,*** for the period from January 1 of the previous year through December 31 of the previous year, report each expenditure made during the

period on behalf of or against the question, the group of questions or a question in the group of questions on the ballot in excess of $1,000 ~~[$100]~~ on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. The form must be signed by ~~[the person or]~~ a representative of the ~~[group or business entity]~~ ***committee for political action*** under penalty of perjury. The provisions of this subsection apply to the ~~[person, group of persons or business entity:]~~ ***committee for political action:***

(a) Each year in which ~~[:~~

~~(1) An]~~ ***an*** election or city election is held for a question for which the ~~[person, group of persons or business entity]~~ ***committee for political action*** advocates passage or defeat; ~~[or~~

~~(2) A person, group of persons or business entity receives or expends money in excess of $10,000 to advocate the passage or defeat of a question or group of questions on the ballot at a primary election, primary city election, general election or general city election;]~~ and

(b) The year after ~~[each]~~ ***the*** year described in paragraph (a).

2. If a question is on the ballot at a primary election or primary city election and the general election or general city election immediately following that primary election or primary city election is held on or after January 1 and before the July 1 immediately following that January 1, every ~~[person or group of persons organized formally or informally, including a business entity, who]~~ ***committee for political action that*** advocates the passage or defeat of the question or a group of questions that includes the question ~~[and who receives or expends money in an amount in excess of $10,000 to advocate the passage or defeat of such question or group of questions]~~ shall comply with the requirements of this subsection. If a question is on the ballot at a general election or general city election held on or after January 1 and before the July 1 immediately following that January 1, every ~~[person or group of persons organized formally or informally, including a business entity, who]~~ ***committee for political action that*** advocates the passage or defeat of the question or a group of questions that includes the question ~~[and who receives or expends money in an amount in excess of $10,000 to advocate the passage or defeat of such question or group of questions]~~ shall comply with the requirements of this subsection. A ~~[person, group of persons or business entity]~~ ***committee for political action*** described in this subsection shall, not later than:

(a) Seven days before the primary election or primary city election, for the period from the January 1 immediately preceding the primary election or primary city election through 12 days before the primary election or primary city election;

(b) Seven days before the general election or general city election, for the period from 11 days before the primary election or primary city election through 12 days before the general election or general city election; and

(c) July 15 of the year of the general election or general city election, for the period from 11 days before the general election or general city election through the June 30 immediately preceding that July 15,

➥ report each expenditure made during the period on behalf of or against the question, the group of questions or a question in the group of questions on the ballot in excess of $1,000 ~~*[$100]*~~ on the form designed and provided by the Secretary of State pursuant to NRS 294A.373 and signed by ~~[the person or]~~ a representative of the ~~[group or business entity]~~ ***committee for political action*** under penalty of perjury.

3. If a question is on the ballot at a primary election or primary city election and the general election or general city election immediately following that primary election or primary city election is held on or after July 1 and before the January 1 immediately following that July 1, every ~~[person or group of persons organized formally or informally, including a business entity, who]~~ ***committee for political action that*** advocates the passage or defeat of the question or a group of questions that includes the question ~~[and who receives or expends money in an amount in excess of $10,000 to advocate the passage or defeat of such question or group of questions]~~ shall comply with the requirements of this subsection. ~~[Except as otherwise provided in NRS 294A.283, if]~~ ***If*** a question is on the ballot at a general election or general city election held on or after July 1 and before the January 1 immediately following that July 1, every ~~[person or group of persons organized formally or informally, including a business entity, who]~~ ***committee for political action that*** advocates the passage or defeat of the question or a group of questions that includes the question ~~[and who receives or expends money in an amount in excess of $10,000 to advocate the passage or defeat of such question or group of questions]~~ shall comply with the requirements of this subsection. A ~~[person, group of persons or business entity]~~ ***committee for political action*** described in this subsection shall, not later than:

(a) Seven days before the primary election or primary city election, for the period from the January 1 immediately preceding the primary election or primary city election through 12 days before the primary election or primary city election; and

(b) Seven days before the general election or general city election, for the period from 11 days before the primary election or primary city election through 12 days before the general election or general city election,

➥ report each expenditure made during the period on behalf of or against the question, the group of questions or a question in the group of questions on

the ballot in excess of $1,000 ~~*[$100]*~~ on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. The form must be signed by ~~[~~the person or~~]~~ a representative of the ~~[~~group or business entity~~]~~ ***committee for political action*** under penalty of perjury.

4. Except as otherwise provided in subsection 5, every ~~[~~person or group of persons organized formally or informally, including a business entity, who~~]~~ ***committee for political action that*** advocates the passage or defeat of a question or group of questions on the ballot at a special election shall, not later than:

(a) Seven days before the special election, for the period from the date the question qualified for the ballot through 12 days before the special election; and

(b) Thirty days after the special election, for the remaining period through the special election,

➥ report each expenditure made during the period on behalf of or against the question, the group of questions or a question in the group of questions on the ballot in excess of $1,000 ~~*[$100]*~~ on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. The form must be signed by ~~[~~the person or~~]~~ a representative of the ~~[~~group or business entity~~]~~ ***committee for political action*** under penalty of perjury.

5. Every ~~[~~person or group of persons organized formally or informally, including a business entity, who~~]~~ ***committee for political action that*** advocates the passage or defeat of a question or group of questions on the ballot at a special election to determine whether a public officer will be recalled ~~[~~and who receives or expends money in an amount in excess of $10,000 to advocate the passage or defeat of such question or group of questions~~]~~ shall list each expenditure made during the period on behalf of or against the question, the group of questions or a question in the group of questions on the ballot in excess of $1,000 ~~*[$100]*~~ on the form designed and provided by the Secretary of State pursuant to NRS 294A.373 and signed by ~~[~~the person or~~]~~ a representative of the ~~[~~group or business entity~~]~~ ***committee for political action*** under penalty of perjury, 30 days after:

(a) The special election, for the period from the filing of the notice of intent to circulate the petition for recall through the special election; or

(b) If the special election is not held because a district court determines that the petition for recall is legally insufficient pursuant to subsection 6 of NRS 306.040, for the period from the filing of the notice of intent to circulate the petition for recall through the date of the district court's decision.

6. Expenditures made within the State or made elsewhere but for use within the State, including expenditures made outside the State for printing, television and radio broadcasting or other production of the media, must be included in the report.

7. The reports required pursuant to this section must be filed with:

(a) If the question is submitted to the voters of one county, the county clerk of that county;

(b) If the question is submitted to the voters of one city, the city clerk of that city; or

(c) If the question is submitted to the voters of more than one county or city, the Secretary of State.

8. If an expenditure is made on behalf of a group of questions, the reports must be itemized by question or petition. A person may mail or transmit the report to the appropriate filing officer by regular mail, certified mail, facsimile machine or electronic means. A report shall be deemed to be filed with the filing officer:

(a) On the date that it was mailed if it was sent by certified mail; or

(b) On the date that it was received by the filing officer if the report was sent by regular mail, transmitted by facsimile machine or electronic means, or delivered personally.

9. Each county clerk or city clerk who receives a report pursuant to this section shall file a copy of the report with the Secretary of State within 10 working days after receiving the report.

Sec. 55. (Deleted by amendment.)

Sec. 56. NRS 294A.230 is hereby amended to read as follows:

294A.230 1. Each committee for political action shall, before it engages in any activity in this State, register with the Secretary of State on forms supplied by the Secretary of State.

2. The form must require:

(a) The name of the committee;

(b) The purpose for which it was organized;

(c) The names, addresses and telephone numbers of its officers;

(d) If the committee for political action is affiliated with any other organizations, the name, address and telephone number of each organization;

(e) The name, address and telephone number of its registered agent; and

(f) Any other information deemed necessary by the Secretary of State.

3. A committee for political action shall file with the Secretary of State ~~[an]~~ ***:***

(a) An amended form for registration within 30 days after any change in the information contained in the form for registration.

(b) A form for registration on or before January 15 of each year, regardless of whether there is a change in the information contained in the most recent form for registration filed by the committee for political action with the Secretary of State.

4. The Secretary of State shall include on the Secretary of State's Internet website the information required pursuant to subsection 2.

Sec. 57. (Deleted by amendment.)

Sec. 58. (Deleted by amendment.)

Sec. 59. NRS 294A.286 is hereby amended to read as follows:

294A.286 1. A person who administers a legal defense fund shall:

(a) Within 5 days after the creation of the legal defense fund, notify the Secretary of State of the creation of the fund on a form provided by the Secretary of State; and

(b) For the same period covered by the report filed pursuant to NRS 294A.120, 294A.200 or 294A.360, report any contribution received by or expenditure made from the legal defense fund.

2. The reports required by paragraph (b) of subsection 1 must be submitted on the form designed and provided by the Secretary of State pursuant to NRS 294A.373. Each form must be signed by the administrator of the legal defense fund under penalty of perjury.

3. The reports required by paragraph (b) of subsection 1 must be filed in the same manner and at the same time as the report filed pursuant to NRS 294A.120, 294A.200 or 294A.360.

4. Not later than the 15th day of the second month after the conclusion of all civil, criminal or administrative claims or proceedings for which a candidate or public officer established a legal defense fund, the candidate or public officer shall:

(a) Return the unspent money to contributors;

(b) Donate the money to any tax-exempt nonprofit entity; or

(c) Dispose of the money in any combination of the methods provided in paragraphs (a) and (b).

Sec. 60. NRS 294A.287 is hereby amended to read as follows:

294A.287 1. A person shall not make ***or commit to make*** a contribution or contributions to the legal defense fund of a candidate or public officer in an amount which exceeds $10,000 during the applicable period prescribed in NRS 294A.100 pertaining to the office the candidate is seeking or that the public officer holds.

2. A candidate or public officer shall not accept a contribution ***or commitment to make a contribution*** to his or her legal defense fund that is made in violation of subsection 1.

3. A person who willfully violates any provision of this section is guilty of a category E felony and shall be punished as provided in NRS 193.130.

Sec. 61. NRS 294A.300 is hereby amended to read as follows:

294A.300 1. It is unlawful for a member of the Legislature, the Lieutenant Governor, the Lieutenant Governor-Elect, the Governor or the Governor-Elect to solicit or accept any monetary contribution, or solicit or accept a commitment to make such a contribution for any political purpose during the period beginning:

(a) Thirty days before a regular session of the Legislature and ending 30 days after the final adjournment of a regular session of the Legislature;

(b) Fifteen days before a special session of the Legislature is set to commence and ending 15 days after the final adjournment of a special session of the Legislature, if the Governor sets a specific date for the commencement of the special session that is more than 15 days after the Governor issues the proclamation calling for the special session; or

(c) The day after the Governor issues a proclamation calling for a special session of the Legislature and ending 15 days after the final adjournment of a special session of the Legislature if the Governor sets a specific date for the commencement of the special session that is 15 or fewer days after the Governor issues the proclamation calling for the special session.

2. ***A person shall not make or commit to make a contribution or commitment prohibited by subsection 1.***

3. This section does not prohibit the payment of a salary or other compensation or income to a member of the Legislature, the Lieutenant Governor or the Governor during a session of the Legislature if it is made for services provided as a part of his or her regular employment or is additional income to which he or she is entitled.

[~~3.~~**]** ***4.*** As used in this section, "political purpose" includes, without limitation, the establishment of, or the addition of money to, a legal defense fund.

Sec. 62. NRS 294A.347 is hereby amended to read as follows:

294A.347 1. A statement which:

(a) Is published within 60 days before a general election, general city election or special election or 30 days before a primary election or primary city election;

(b) Expressly advocates the election or defeat of a clearly identified candidate for a state or local office; and

(c) Is published by a person who receives compensation from the candidate, an opponent of the candidate **[**~~,~~**]** or a person, party **[**~~, committee or business entity required to report expenditures pursuant to NRS 294A.210,~~**]** ***or committee for political action,***

➥ must contain a disclosure of the fact that the person receives compensation pursuant to paragraph (c) and the name of the person , party **[**~~, committee or business entity~~**]** ***or committee for political action*** providing that compensation.

2. A statement which:

(a) Is published by a candidate within 60 days before a general election, general city election or special election or 30 days before a primary election or primary city election; and

(b) Contains the name of the candidate,

➥ shall be deemed to comply with the provisions of this section.

3. As used in this section, "publish" means the act of:

(a) Printing, posting, broadcasting, mailing or otherwise disseminating; or

(b) Causing to be printed, posted, broadcasted, mailed or otherwise disseminated.

Sec. 63. NRS 294A.360 is hereby amended to read as follows:

294A.360 1. Every candidate for city office at a primary city election or general city election shall file the reports in the manner required by NRS 294A.120, 294A.128 and 294A.200 for other offices not later than January 15 of each year, for the period from January 1 of the previous year through December 31 of the previous year. The provisions of this subsection apply to the candidate:

(a) Beginning the year of the general city election for that office through the year immediately preceding the next general city election for that office; and

(b) Each year immediately succeeding a calendar year during which the candidate disposes of contributions pursuant to NRS 294A.160 ~~[.]~~ ***or subsection 4 of NRS 294A.286.***

2. Every candidate for city office at a primary city election or general city election, if the general city election for the office for which he or she is a candidate is held on or after January 1 and before the July 1 immediately following that January 1, shall file the reports in the manner required by NRS 294A.120, 294A.128 and 294A.200 for other offices not later than:

(a) Seven days before the primary city election for that office, for the period from the January 1 immediately preceding the primary city election through 12 days before the primary city election;

(b) Seven days before the general city election for that office, for the period from 11 days before the primary city election through 12 days before the general city election; and

(c) July 15 of the year of the general city election for that office, for the period from 11 days before the general city election through the June 30 of that year.

3. Every candidate for city office at a primary city election or general city election, if the general city election for the office for which he or she is a candidate is held on or after July 1 and before the January 1 immediately following that July 1, shall file the reports in the manner required by NRS 294A.120, 294A.128 and 294A.200 for other offices not later than:

(a) Seven days before the primary city election for that office, for the period from the January 1 immediately preceding the primary city election through 12 days before the primary city election; and

(b) Seven days before the general city election for that office, for the period from 11 days before the primary city election through 12 days before the general city election.

4. Except as otherwise provided in subsection 5, every candidate for city office at a special election shall so file those reports:

(a) Seven days before the special election, for the period from the candidate's nomination through 12 days before the special election; and

(b) Thirty days after the special election, for the remaining period through the special election.

5. Every candidate for city office at a special election to determine whether a public officer will be recalled shall so file those reports 30 days after:

(a) The special election, for the period from the filing of the notice of intent to circulate the petition for recall through the special election; or

(b) If the special election is not held because a district court determines that the petition for recall is legally insufficient pursuant to subsection 6 of NRS 306.040, for the period from the filing of the notice of intent to circulate the petition for recall through the date of the district court's decision.

Sec. 64. (Deleted by amendment.)

Sec. 65. NRS 294A.365 is hereby amended to read as follows:

294A.365 1. Each report of expenditures required pursuant to NRS 294A.210, 294A.220 **[**~~,~~**]** ***and*** 294A.280 **[**~~and 294A.283~~**]** must consist of a list of each expenditure in excess of $100 **[**~~or $1,000, as is appropriate,~~**]** that was made during the periods for reporting. Each report of expenses required pursuant to NRS 294A.125 and 294A.200 must consist of a list of each expense in excess of $100 that was incurred during the periods for reporting. The list in each report must state the category and amount of the expense or expenditure and the date on which the expense was incurred or the expenditure was made.

2. The categories of expense or expenditure for use on the report of expenses or expenditures are:

(a) Office expenses;

(b) Expenses related to volunteers;

(c) Expenses related to travel;

(d) Expenses related to advertising;

(e) Expenses related to paid staff;

(f) Expenses related to consultants;

(g) Expenses related to polling;

(h) Expenses related to special events;

(i) Except as otherwise provided in NRS 294A.362, goods and services provided in kind for which money would otherwise have been paid; and

(j) Other miscellaneous expenses.

3. Each report of expenses or expenditures described in subsection 1 must list the disposition of any unspent campaign contributions using the categories set forth in subsection 2 of NRS 294A.160 ~~[.]~~ ***or subsection 4 of NRS 294A.286.***

Sec. 66. NRS 294A.373 is hereby amended to read as follows:

294A.373 1. The Secretary of State shall design a single form to be used for all reports of campaign contributions and expenses or expenditures that are required to be filed pursuant to NRS 294A.120, 294A.125, 294A.128, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220, 294A.270, 294A.280, ~~[294A.283,]~~ 294A.360 and 294A.362 and reports of contributions received by and expenditures made from a legal defense fund that are required to be filed pursuant to NRS 294A.286.

2. The form designed by the Secretary of State pursuant to this section must only request information specifically required by statute.

3. Upon request, the Secretary of State shall provide a copy of the form designed pursuant to this section to each person, committee, political party ~~[, group]~~ and business entity that is required to file a report described in subsection 1.

4. The Secretary of State must obtain the advice and consent of the Legislative Commission before providing a copy of a form designed or revised by the Secretary of State pursuant to this section to a person, committee, political party ~~[, group]~~ or business entity that is required to use the form.

Sec. 67. (Deleted by amendment.)

Sec. 68. NRS 294A.382 is hereby amended to read as follows:

294A.382 The Secretary of State shall not request or require a candidate, person, ~~[group of persons,]~~ committee, political party or business entity to list each of the expenditures or campaign expenses of $100 or less on a form designed and provided pursuant to NRS 294A.373.

Sec. 69. NRS 294A.390 is hereby amended to read as follows:

294A.390 The officer from whom a candidate or entity requests a form for:

1. A declaration of candidacy;

2. An acceptance of candidacy;

3. The registration of a committee for political action pursuant to NRS 294A.230, a committee for the recall of a public officer pursuant to NRS 294A.250 or a business entity that wishes to engage in certain political activity pursuant to NRS 294A.377;

4. The reporting of the creation of a legal defense fund pursuant to NRS 294A.286; or

5. The reporting of campaign contributions, expenses or expenditures pursuant to NRS 294A.120, 294A.128, 294A.140, 294A.150, 294A.200,

294A.210, 294A.220, 294A.270, 294A.280 ~~[, 294A.283]~~ or 294A.360 and the reporting of contributions received by and expenditures made from a legal defense fund pursuant to NRS 294A.286,

➥ shall furnish the candidate with the necessary forms for reporting and copies of the regulations adopted by the Secretary of State pursuant to this chapter. An explanation of the applicable provisions of NRS 294A.100, 294A.120, 294A.128, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220, 294A.270, 294A.280 ~~[, 294A.283]~~ or 294A.360 relating to the making, accepting or reporting of campaign contributions, expenses or expenditures and the penalties for a violation of those provisions as set forth in NRS 294A.100 or 294A.420, and an explanation of NRS 294A.286 and 294A.287 relating to the accepting or reporting of contributions received by and expenditures made from a legal defense fund and the penalties for a violation of those provisions as set forth in NRS 294A.287 and 294A.420, must be developed by the Secretary of State and provided upon request. The candidate or entity shall acknowledge receipt of the material.

Sec. 70. (Deleted by amendment.)

Sec. 71. NRS 294A.400 is hereby amended to read as follows:

294A.400 The Secretary of State shall, within 30 days after receipt of the reports required by NRS 294A.120, 294A.125, 294A.128, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220, 294A.270, 294A.280 ~~[, 294A.283]~~ and 294A.286, prepare and make available for public inspection a compilation of:

1. The total campaign contributions, the contributions which are in excess of $100 and the total campaign expenses of each of the candidates from whom reports of those contributions and expenses are required.

2. The total amount of loans to a candidate guaranteed by a third party, the total amount of loans made to a candidate that have been forgiven and the total amount of written commitments for contributions received by a candidate.

3. The contributions made to a committee for the recall of a public officer in excess of $100.

4. The expenditures exceeding $100 made by a:

(a) Person on behalf of a candidate other than the person.

(b) Group of persons or business entity advocating the election or defeat of a candidate.

(c) Committee for the recall of a public officer.

5. The contributions in excess of $100 made to:

(a) A person who is not under the direction or control of a candidate or group of candidates or of any person involved in the campaign of the candidate or group who makes an expenditure on behalf of the candidate or group which is not solicited or approved by the candidate or group.

(b) A committee for political action, political party, committee sponsored by a political party or business entity which makes an expenditure on behalf of a candidate or group of candidates.

6. ~~[The contributions in excess of $1,000 made to and the expenditures exceeding $1,000 made by a:~~

~~(a) Person or group of persons organized formally or informally, including a business entity who advocates the passage or defeat of a question or group of questions on the ballot and who receives or expends money in an amount in excess of $10,000 for such advocacy, except as otherwise provided in paragraph (b).~~

~~(b) Person or group of persons organized formally or informally, including a business entity, who advocates the passage or defeat of a constitutional amendment or statewide measure proposed by an initiative or referendum, including, without limitation, the initiation or circulation thereof, and who receives or expends money in an amount in excess of $10,000 for such advocacy.~~

~~7.~~] The total contributions received by and expenditures made from a legal defense fund.

Sec. 72. NRS 294A.420 is hereby amended to read as follows:

294A.420 1. If the Secretary of State receives information that a person***, committee*** or entity that is subject to the provisions of NRS 294A.120, 294A.128, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220, 294A.227, 294A.230, ***294A.250,*** 294A.270, 294A.280, ~~[294A.283,]~~ 294A.286 or 294A.360 has not filed a report or form for registration pursuant to the applicable provisions of those sections, the Secretary of State may, after giving notice to that person ***, committee*** or entity, cause the appropriate proceedings to be instituted in the First Judicial District Court.

2. Except as otherwise provided in this section, a person ***, committee*** or entity that violates an applicable provision of NRS 294A.112, 294A.120, 294A.128, 294A.130, 294A.140, 294A.150, 294A.160, 294A.200, 294A.210, 294A.220, 294A.227, 294A.230, ***294A.250,*** 294A.270, 294A.280, ~~[294A.283,]~~ 294A.286, 294A.300, 294A.310 or 294A.360 ***or section 40.5 of this act*** is subject to a civil penalty of not more than $5,000 for each violation and payment of court costs and attorney's fees. The civil penalty must be recovered in a civil action brought in the name of the State of Nevada by the Secretary of State in the First Judicial District Court and deposited by the Secretary of State for credit to the State General Fund in the bank designated by the State Treasurer.

3. If a civil penalty is imposed because a person ***, committee*** or entity has reported its contributions, expenses or expenditures after the date the report is due, except as otherwise provided in this subsection, the amount of the civil penalty is:

(a) If the report is not more than 7 days late, $25 for each day the report is late.

(b) If the report is more than 7 days late but not more than 15 days late, $50 for each day the report is late.

(c) If the report is more than 15 days late, $100 for each day the report is late.

➥ A civil penalty imposed pursuant to this subsection against a public officer who by law is not entitled to receive compensation for his or her office or a candidate for such an office must not exceed a total of $100 if the public officer or candidate received no contributions and made no expenditures during the relevant reporting periods.

4. For good cause shown, the Secretary of State may waive a civil penalty that would otherwise be imposed pursuant to this section. If the Secretary of State waives a civil penalty pursuant to this subsection, the Secretary of State shall:

(a) Create a record which sets forth that the civil penalty has been waived and describes the circumstances that constitute the good cause shown; and

(b) Ensure that the record created pursuant to paragraph (a) is available for review by the general public.

Sec. 73. NRS 306.040 is hereby amended to read as follows:

306.040 1. Upon determining that the number of signatures on a petition to recall is sufficient pursuant to NRS 293.1276 to 293.1279, inclusive, the Secretary of State shall notify the county clerk, the officer with whom the petition is to be filed pursuant to subsection 4 of NRS 306.015 and the public officer who is the subject of the petition.

2. After the verification of signatures is complete, but not later than the date a complaint is filed pursuant to subsection 5 or the date the call for a special election is issued, whichever is earlier, a person who signs a petition to recall may request the Secretary of State to strike the person's name from the petition. If the person demonstrates good cause therefor and the number of such requests received by the Secretary of State could affect the sufficiency of the petition, the Secretary of State shall strike the name of the person from the petition.

3. Not sooner than 10 days nor more than 20 days after the Secretary of State completes the notification required by subsection 1, if a complaint is not filed pursuant to subsection 5, the officer with whom the petition is filed shall issue a call for a special election in the jurisdiction in which the public officer who is the subject of the petition was elected to determine whether the people will recall the public officer.

4. The call for a special election pursuant to subsection 3 or 6 must include, without limitation:

(a) The last day on which a person may register to vote to qualify to vote in the special election; ~~[and]~~

(b) The last day on which a petition to nominate other candidates for the office may be filed ~~[.]~~ ***; and***

(c) Whether any person is entitled to vote in the special election pursuant to NRS 293.343 to 293.355, inclusive.

5. The legal sufficiency of the petition may be challenged by filing a complaint in district court not later than 5 days, Saturdays, Sundays and holidays excluded, after the Secretary of State completes the notification required by subsection 1. All affidavits and documents in support of the challenge must be filed with the complaint. The court shall set the matter for hearing not later than 30 days after the complaint is filed and shall give priority to such a complaint over all other matters pending with the court, except for criminal proceedings.

6. Upon the conclusion of the hearing, if the court determines that the petition is sufficient, it shall order the officer with whom the petition is filed to issue a call for a special election in the jurisdiction in which the public officer who is the subject of the petition was elected to determine whether the people will recall the public officer. If the court determines that the petition is not sufficient, it shall order the officer with whom the petition is filed to cease any further proceedings regarding the petition.

Sec. 74. (Deleted by amendment.)

Sec. 75. (Deleted by amendment.)

Sec. 76. (Deleted by amendment.)

Sec. 77. (Deleted by amendment.)

Sec. 78. (Deleted by amendment.)

Sec. 79. (Deleted by amendment.)

Sec. 80. (Deleted by amendment.)

Sec. 81. (Deleted by amendment.)

Sec. 82. (Deleted by amendment.)

Sec. 83. (Deleted by amendment.)

Sec. 84. NRS 294A.281, 294A.282, 294A.283 and 294A.284 are hereby repealed.

Sec. 85. 1. This section, sections 1 to 37, inclusive, **40.5,** 41, 42, 43, 48, 50, 51, 54, 56, 59 to 63, inclusive, 65, 66, 68, 69, 71, 72, 73 and 84 of this act become effective on July 1, 2011.

2. Sections 38, 39, 40, 44 to 47, inclusive, 49, 52, 53, 55, 57, 58, 64, 67, 70 and 74 to 83, inclusive, of this act become effective on January 16, 2013.

LEADLINES OF REPEALED SECTIONS

294A.281 Registration.

294A.282 Registered agent.

294A.283 Reporting of contributions and expenditures; period covered; deadline; form; filing.

294A.284 Reporting of certain information concerning compensation of persons to circulate petitions.

Assemblyman Segerblom moved that the Assembly concur in the Senate Amendment No. 567 to Assembly Bill No. 82.

Remarks by Assemblymen Segerblom, Hickey, and Flores.

Motion carried by a constitutional majority.

Bill ordered enrolled.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 2, 117, 152, 202, 204, 212, 232, 291, 294, 358, 374, 384, 388, 390, 463, 489, 530; Assembly Joint Resolution No. 6; Assembly Resolution No. 9; Senate Bill No. 257.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Daly, the privilege of the floor of the Assembly Chamber for this day was extended to the following students and chaperones from Roger Corbett Elementary School: Carlos Acosta, Mario Alverez, Diego Aguilar, Noemi Almanza, Ulises Beccerra, Nestor Aguirre, Daniel Bailey, Jareth Bernardino, Miah Barnes, Lonnie Billoups, Diego DeLaTorre, Axel Becerra, Angelo Buenrostro, Juan Flores, Bryan Chagolla, Jason Escobar, Litzi Gonzalez, Jesus DeDios, Fatima Estrada, Anthony Guerrero, Alexandria Erwin, Manuel Flores, Luis Hernandez, Juan Gallegos, Maria Jackie Flores, Jonathan Lopez, Julia Huerta, Laurel Grabot-Fraser, Valeria Lopez, Yasmin Lopez, Jose Guerrero, Miguel Lopez, Juan Martinez, Jorge Martinez, Sergio Mellin, Anthony Martinez, Kimberly Moreno, Eufemia Perez, Ricardo Morales, Juan Mosqueda, Jorge Ramos, Erika Nava Duran, Fanny Munoz, Amiyah Ringer-Drumm, Fernando Ojeda, Juan Perez, Erika Rios, Jessica Pintor-Villanueva, Jeremiah Rogers, Stephanie Soria Padilla, Steffany Rios, Alejandra Sanchez, Miguel Valencia, Karina Rubio, Tony Soriano, Irlanda Vazquez, Jordin Saldana, Marisol Vargas, Jimmy Vega, Luis Silva, Paola Zamora, Valarie Solorio, Karen Shaw, Don Bounds, and Lori Pomajzl.

On request of Assemblyman Hickey, the privilege of the floor of the Assembly Chamber for this day was extended to Shinae Watterson.

On request of Assemblyman Livermore, the privilege of the floor of the Assembly Chamber for this day was extended to the following students and

chaperones from Freemont Elementary School: Juana Casteneda, Siana Escobosa, Lesly Flores, Khayman Garland, Kahle Good, Baylee Hale, Jodi Ignacio, Thomas Kreider, Jarrod Meyer, Andrew Moreira, Jennifer Munoz Marquez, Skylor Olshefsky, Destinae Ordaz, McKaylynn Petersen, Sophia Peterson, Kevin Pinto-Negrete, Caitlin Rose, Vyctoria Sessions, Kelvin Smith, Isaac Stuhlmiller, Joshua Verde Cabrera, Gustavo Villegas Espino, Karen Hellman, Mary Berge, Laina Joy Aquino, Angel Chavez, Evan Cherpeski, Ariana Chipres, Garret Damico, Andrew Deleon, Ashley Harris, Kristian Jachimiak, Axel Llamas Aranda, Regan Lowe, Chris Luna, Mackenzie Malone, Cassandra McGregor, Erika Nauyoks-Bolanos, Megan Owens, Amber Parman, Hunter Rauh, John Rupert, Megan Smith, Aryanna Thierry, William Turner, Angel Valdez, Leahsena Vitale, Nathan White, and Trinity Woodward.

On request of Assemblywoman Mastroluca, the privilege of the floor of the Assembly Chamber for this day was extended to Addie Schiller.

Assemblyman Conklin moved that the Assembly adjourn until Friday, June 3, 2011, at 11 a.m.

Motion carried.

Assembly adjourned at 12:08 p.m.

Approved: JOHN OCEGUERA
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE ONE HUNDRED SEVENTEENTH DAY

CARSON CITY (Friday), June 3, 2011

Assembly called to order at 11:31 a.m.
Mr. Speaker presiding.
Roll called.
All present.
Prayer by the Chaplain, Reverend Bruce Henderson.

Well, Lord, it's almost over.

The last four months have brought times of joy and times of pain. We have had conflict, and we've had camaraderie. There have been storms, and there has been calm. As we reflect on it all, may we see Your presence and may we cling to that. May that presence see us through to the end of, not just this session, but to the very end of our lives here on earth.

AMEN.

Pledge of allegiance to the Flag.

Assemblywoman Kirkpatrick moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Ways and Means has had under consideration various budgets for the Department of Public Safety, and begs leave to report back that the following accounts have been closed by the Committee:

Training Division (101-3775)
Parole and Probation (101-3740)
Division of Investigations (101-3743)
Narcotics Control (101-3744)
Emergency Management Division (101-3673)
Emergency Management Assistance Grants (101-3674)
Fire Marshal (101-3816)
Cig Fire Safe Std & Firefighter Support (000-3819)
Criminal History Repository (101-4709)
Technology Division (201-4733)
Justice Grant (101-4736)
Justice Assistance Act (101-4708)
Justice Assist Grant Trust (101-4734)
Fund for Reentry Programs (101-4737)

Also, your Committee on Ways and Means has had under consideration the budget for the Department of Taxation, and begs leave to report back that it has closed the budget for the 2011-13 biennium.

DEBBIE SMITH, *Chair*

Mr. Speaker

Your Committee on Commerce and Labor, to which was referred Senate Bill No. 168, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

KELVIN ATKINSON, *Chair*

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Assembly Bill No. 574, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MARILYN K. KIRKPATRICK, *Chair*

Mr. Speaker:

Your Committee on Legislative Operations and Elections, to which were referred Assembly Bills Nos. 383, 575, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

TICK SEGERBLOM, *Chair*

Mr. Speaker:

Your Committee on Ways and Means, to which was rereferred Assembly Bill No. 123, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, as amended.

Also, your Committee on Ways and Means, to which was rereferred Assembly Bill No. 316, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which was rereferred Assembly Bill No. 345, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DEBBIE SMITH, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 2, 2011

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bill No. 528.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 129, 340.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly Amendment No. 646 to Senate Bill No. 77; Assembly Amendment No. 699 to Senate Bill No. 233; Assembly Amendment No. 614 to Senate Bill No. 361.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 129.

Assemblyman Conklin moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 340.

Assemblyman Conklin moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Assembly Bill No. 316.

Bill read third time

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 863.

. SUMMARY—~~[~~Establishes~~]~~ **Revises** provisions relating to **services for** persons with autism **~~[.]~~ spectrum disorders.** (BDR 38-260)

AN ACT relating to persons with disabilities; requiring the Aging and Disability Services Division of the Department of Health and Human Services to designate a standard protocol for measuring outcomes and assessing and evaluating persons with autism **spectrum disorders** through the age of 21 years who receive services through certain public programs; **establishing the Autism Treatment Assistance Program within the Division;** requiring certain state and local governmental agencies that provide services to persons with autism **spectrum disorders** to submit reports to the Division; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section ~~[1]~~ 1.3 of this bill requires the Aging and Disability Services Division of the Department of Health and Human Services, in cooperation and guidance with the Department of Education, representatives of the school districts in this State and the Nevada Autism Task Force, to prescribe a statewide standard for measuring outcomes and assessing and evaluating persons with autism **spectrum disorders** through the age of 21 years for the purposes of receiving services through certain public programs in this State. **Section ~~[1]~~ 1.3** also requires the Division to designate, as part of the statewide standard, a protocol for determining whether a person is a person with autism **~~[.]~~ spectrum disorder. Section ~~[1]~~ 1.3** further requires the Division to collect certain information relating to persons with autism **spectrum disorders** and to document the services provided to and the progress of those persons.

The Department of Health and Human Services provides various programs for persons with disabilities, including, without limitation, mental health services, early intervention services and services for persons who are disabled. (NRS 232.300) Section 1.5 of this bill establishes the Autism Treatment Assistance Program within the Aging and Disability Services Division of the Department to provide and coordinate the provision of services to persons with autism spectrum disorders. Section 1.5 also requires the Program to coordinate with other governmental entities to develop policies and programs for the treatment of persons with autism spectrum disorders. Section 12.5 of this bill requires the Health Division of the Department to refer certain children to the Program.

Section 3 of this bill requires the board of trustees of a school district or the governing body of a charter school to conduct an initial evaluation of each pupil with autism **spectrum disorder** and to conduct a reevaluation once every 3 years thereafter in accordance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., and the regulations prescribed by the State Board of Education.

~~[Sections 8 and]~~ **Section 13** of this bill ~~[require:]~~ **requires:** (1) the Health Division of the Department ~~[and the Division of Mental Health and Developmental Services of the Department]~~ to use the statewide standard prescribed by the Aging and Disability Services Division pursuant to **section** ~~[1]~~ **1.3** to determine whether a person is a person with autism ~~[;]~~ **spectrum disorder;** and (2) that certain evaluations be conducted to monitor the progress of persons with autism **spectrum disorders** receiving services through the Health Division **.** ~~[and the Division of Mental Health and Developmental Services.]~~

Sections 4, ~~[9,]~~ 12 and 14 of this bill require the Department of Education, the Health Division ~~[, the Division of Mental Health and Developmental Services]~~ and the Department of Employment, Training and Rehabilitation to submit to the Aging and Disability Services Division information relating to persons with autism ~~[.]~~ **spectrum disorders.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 427A of NRS is hereby amended by adding thereto ~~[a new section to read as follows:]~~ **the provisions set forth as sections 1.3 and 1.5 of this act.**

Sec. 1.3. 1. The Division, in cooperation and guidance with the Department of Education, representatives of the school districts in this State and the Nevada Autism Task Force created by section 40 of chapter 348, Statutes of Nevada 2007, or its successor organization, shall prescribe by regulation a statewide standard for measuring outcomes and assessing and evaluating persons with autism spectrum disorders through the age of 21 years who receive services through the State or a local government or an agency thereof. The regulations must designate a protocol based upon accepted best practices guidelines which includes ~~[an]~~ at least one standardized assessment instrument that requires direct observation by the professional conducting the assessment for determining whether a person is a person with autism ~~[, including, without limitation, the Autism Diagnostic Observation Schedule or other appropriate instrument for assessment and diagnosis,]~~ spectrum disorder, which must be used by personnel employed by the State or a local government or an agency thereof who provide assessments, interventions and diagnoses of persons with autism spectrum disorders through the age of 21 years and by the persons with whom the State or a local government or an agency thereof contracts to provide assessments, interventions and diagnoses of persons

with autism spectrum disorders through the age of 21 years. The protocol must require that the direct observation conducted by a professional pursuant to this subsection include, without limitation, an evaluation to measure behaviors of the person which are consistent with autism spectrum disorder, cognitive functioning, language functioning and adaptive functioning.

2. The protocol designated pursuant to subsection 1 must be used upon intake of a person suspected of having autism spectrum disorder or at any later time if a person is suspected of having autism spectrum disorder after intake. The results of an assessment must be provided to the parent or legal guardian of the person, if applicable.

3. The Division shall prescribe the form and content of reports relating to persons with autism spectrum disorders through the age of 21 years that must be reported to the Division pursuant to sections 4, [9,] 12 and 14 of this act. Except as otherwise provided in section 4 of this act, the Division shall ensure that the information is reported in a manner which:

(a) Allows the Division to document the services provided to and monitor the progress of each person with autism spectrum disorder through the age of 21 years who receives services from the State or an agency thereof; and

(b) Ensures that information reported for each person who receives services which identifies the person is kept confidential, consistent with the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g, and any other applicable state and federal privacy laws.

4. The Division shall prepare annually a summary of the reports submitted pursuant to sections 4, [9,] 12 and 14 of this act and make the summary publicly available. The Division shall ensure that information contained in the summary does not identify a person who received services.

Sec. 1.5. 1. There is hereby established the Autism Treatment Assistance Program within the Division to serve as the primary autism program within the Department and to provide and coordinate the provision of services to persons with autism spectrum disorders through the age of 19 years.

2. The Autism Treatment Assistance Program shall:

(a) Prescribe an application process for parents and guardians of persons with autism spectrum disorders to participate in the Program.

(b) Provide for the development of a plan of treatment for persons who participate in the Program.

(c) Promote the use of evidence-based treatments which are cost effective and have been proven to improve treatment of autism spectrum disorders.

(d) Educate parents and guardians of persons with autism spectrum disorders on autism spectrum disorders and the assistance that may be provided by the parent or guardian to improve treatment outcomes.

(e) Establish and use a system for assessing persons with autism spectrum disorders to determine a baseline to measure the progress of and prepare a plan for the treatment of such persons.

(f) Assist parents and guardians of persons with autism spectrum disorders in obtaining public services that are available for the treatment of autism spectrum disorders.

3. A plan of treatment developed for a person who participates in the Program pursuant to paragraph (b) of subsection 2 must:

(a) Identify the specific behaviors of the person to be addressed and the expected outcomes.

(b) Include, without limitation, preparations for transitioning the person from one provider of treatment to another or from one public program to another, as the needs of the person require through the age of 19 years.

(c) Be revised to address any change in the needs of the person.

4. The policies of the Autism Treatment Assistance Program and any services provided by the Program must be developed in cooperation with and be approved by the Nevada Autism Task Force created by section 40 of chapter 348, Statutes of Nevada 2007, or its successor organization.

5. As used in this section, "autism spectrum disorder" means a neurobiological medical condition including, without limitation, autistic disorder, Asperger's Disorder and Pervasive Developmental Disorder Not Otherwise Specified.

Sec. 2. Chapter 388 of NRS is hereby amended by adding thereto the provisions set forth as sections 3 and 4 of this act.

Sec. 3. ***1. The board of trustees of a school district or the governing body of a charter school shall conduct an initial evaluation of each pupil with autism spectrum disorder in accordance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., and the regulations prescribed by the State Board pursuant to NRS 388.520 and shall, once every 3 years thereafter, conduct a reevaluation in accordance with the Individuals with Disabilities Education Act and the regulations of the State Board. The individualized education program for the pupil must be reviewed, and amended as appropriate, in compliance with the Individuals with Disabilities Education Act and the regulations of the State Board.***

2. The board of trustees of a school district or the governing body of a charter school shall ensure that each person who conducts an evaluation of a pupil with autism spectrum disorder is provided with technical assistance and training to improve the accuracy and efficiency in conducting such evaluations.

Sec. 4. ***1. The Department of Education shall report annually to the Aging and Disability Services Division of the Department of Health and Human Services information relating to pupils with autism*** ~~[.]~~ ***spectrum disorders. The information must:***

(a) Be submitted in the form required by the Aging and Disability Services Division; and

(b) Include the total number of pupils with autism spectrum disorders who are enrolled in public schools in this State, including all pupils with autism spectrum disorders who have an individualized education program.

2. A pupil with autism spectrum disorder who is designated as a pupil with more than one physical or mental impairment or disability must be included as a pupil with autism spectrum disorder for the purposes of reporting information pursuant to this section.

3. The reporting made pursuant to this section must comply with the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g, and any other applicable state and federal privacy laws.

Sec. 5. NRS 388.440 is hereby amended to read as follows:

388.440 As used in NRS 388.440 to 388.5317, inclusive ~~[,]~~ ***, and sections 3 and 4 of this act:***

1. "Gifted and talented pupil" means a person under the age of 18 years who demonstrates such outstanding academic skills or aptitudes that the person cannot progress effectively in a regular school program and therefore needs special instruction or special services.

2. "Pupil who receives early intervening services" means a person enrolled in kindergarten or grades 1 to 12, inclusive, who is not a pupil with a disability but who needs additional academic and behavioral support to succeed in a regular school program.

3. "Pupil with a disability" means a person under the age of 22 years who deviates either educationally, physically, socially or emotionally so markedly from normal patterns that the person cannot progress effectively in a regular school program and therefore needs special instruction or special services.

Sec. 5.1. **NRS 388.520 is hereby amended to read as follows:**

388.520 1. The Department shall:

(a) Prescribe a form that contains the basic information necessary for the uniform development, review and revision of an individualized education program for a pupil with a disability in accordance with 20 U.S.C. § 1414(d); and

(b) Make the form available on a computer disc for use by school districts and, upon request, in any other manner deemed reasonable by the Department.

2. Except as otherwise provided in this subsection, each school district shall ensure that the form prescribed by the Department is used for the development, review and revision of an individualized education program for each pupil with a disability who receives special education in the school district. A school district may use an expanded form that contains additions to the form prescribed by the Department if the basic information contained in the expanded form complies with the form prescribed by the Department.

3. The State Board:

(a) Shall prescribe minimum standards for the special education of pupils with disabilities and gifted and talented pupils.

(b) May prescribe minimum standards for the provision of early intervening services.

4. The minimum standards prescribed by the State Board must include standards for programs of instruction or special services maintained for the purpose of serving pupils with:

(a) Hearing impairments, including, but not limited to, deafness.

(b) Visual impairments, including, but not limited to, blindness.

(c) Orthopedic impairments.

(d) Speech and language impairments.

(e) Mental retardation.

(f) Multiple impairments.

(g) Serious emotional disturbances.

(h) Other health impairments.

(i) Specific learning disabilities.

(j) Autism ~~[.]~~ ***spectrum disorders.***

(k) Traumatic brain injuries.

(l) Developmental delays.

(m) Gifted and talented abilities.

5. No apportionment of state money may be made to any school district or charter school for the instruction of pupils with disabilities and gifted and talented pupils until the program of instruction maintained therein for such pupils is approved by the Superintendent of Public Instruction as meeting the minimum standards prescribed by the State Board.

6. The Department shall, upon the request of the board of trustees of a school district, provide information to the board of trustees concerning the identification and evaluation of pupils with disabilities in accordance with the standards prescribed by the State Board.

7. As used in this section, "individualized education program" has the meaning ascribed to it in 20 U.S.C. § 1414(d)(1)(A).

Sec. 5.3. **NRS 391.400 is hereby amended to read as follows:**

391.400 As used in NRS 391.400 to 391.420, inclusive, unless the context otherwise requires, "Grant Fund" means the Grant Fund for the Training and Education of Personnel Who Work With Pupils With Autism ~~[.]~~ ***Spectrum Disorders.***

Sec. 5.4. **NRS 391.405 is hereby amended to read as follows:**

391.405 1. There is hereby created the Grant Fund for the Training and Education of Personnel Who Work With Pupils With Autism ***Spectrum Disorders*** to be administered by the Department. The Department may accept gifts, grants and donations from any source for deposit in the Grant Fund.

2. The money in the Grant Fund must be used only for the distribution of money to school districts and charter schools for programs of training as set forth in NRS 391.410, 391.415 and 391.420 and to provide assistance to licensed educational personnel who work with pupils with autism ***spectrum disorders*** in obtaining an appropriate endorsement to teach those pupils.

3. The board of trustees of a school district or the governing body of a charter school may apply to the Department on a form prescribed by the Department for a grant of money from the Grant Fund. The application must include a description of the program of training for which the grant of money will be used.

Sec. 5.5. **NRS 391.410 is hereby amended to read as follows:**

391.410 1. To the extent money is available from the Grant Fund, the board of trustees of each school district and the governing body of each charter school shall ensure that the licensed educational personnel employed by the school district or charter school who work with pupils with autism ***spectrum disorders*** receive the appropriate preparation and training necessary to serve those pupils. The training may include, without limitation:

(a) The characteristics of autism ~~[,]~~ ***spectrum disorders,*** including, without limitation, behavioral and communication characteristics;

(b) Methods for determining, on a regular and consistent basis, the specific needs of a pupil with autism ***spectrum disorder*** to ensure the pupil is meeting the objectives and goals described in the individualized education program of the pupil or other educational plan prepared for the pupil;

(c) The procedure for evaluating pupils who demonstrate behaviors which are consistent with autism ~~[,]~~ ***spectrum disorders;***

(d) Approaches for use in the classroom to assist a pupil with autism ***spectrum disorder*** with communication and social development; and

(e) Methods of providing support to pupils with autism ***spectrum disorders*** and their families.

2. To the extent money is available from the Grant Fund, the board of trustees of a school district or the governing body of a charter school may enter into an agreement with a local corporation, business, organization or other entity to provide training for licensed educational personnel employed by the school district or charter school who work with pupils with autism ***spectrum disorders*** in accordance with this section.

Sec. 5.7. **NRS 391.415 is hereby amended to read as follows:**

391.415 To the extent money is available from the Grant Fund, the board of trustees of each school district and the governing body of each charter school shall ensure that the licensed educational personnel employed by the school district or charter school who are assigned to assist a parent or legal guardian of a pupil with autism ***spectrum disorder*** in making decisions about the services and programs available for the pupil receive the appropriate preparation and training:

1. On using the 2008 Report of the Nevada Autism Task Force and any subsequent report issued by the Nevada Autism Task Force created pursuant to chapter 348, Statutes of Nevada 2007, ***or its successor organization,*** to determine best practices in the development of programs for pupils with autism ~~[,]~~ ***spectrum disorders;*** and

2. To provide the parent or legal guardian with information on all options for treatment and intervention that may assist the pupil in the pupil's development and advancement.

Sec. 5.9. **NRS 391.420 is hereby amended to read as follows:**

391.420 1. To the extent money is available from the Grant Fund, the board of trustees of each school district and the governing body of each charter school shall ensure that a paraprofessional who is employed by the school district or charter school to provide assistance to pupils with autism ***spectrum disorders*** receives the appropriate preparation and training to acquire:

(a) Knowledge of autism ~~[,]~~ ***spectrum disorder,*** including, without limitation:

(1) The characteristics of autism and the range of spectrum disorders within a diagnosis of autism;

(2) An understanding of the importance of building relationships between pupils with autism ~~[,]~~ ***spectrum disorders,*** other pupils and teachers or adults to encourage the independence of a pupil with autism ~~[,]~~ ***spectrum disorder;*** and

(3) The ability to determine the patterns of behavior of pupils with autism ~~[,]~~ ***spectrum disorders;***

(b) The ability to provide structure and predictability through the consistent use of methods that support prior learning and continued development;

(c) The ability to adapt, modify or structure the environment based upon an understanding of the auditory, visual or other sensory stimuli which may be reinforcing, calming or distracting to the pupil;

(d) The ability to use positive behavioral supports, including, without limitation, the use of discrete trial, structured teaching methods, reinforcement and generalized approaches to enhance the pupil's education and prevent behavioral problems, as directed by the pupil's teacher or other appropriate personnel;

(e) The ability to accurately collect and record data on the progress of a pupil with autism ***spectrum disorder*** and report to the pupil's teacher in a timely manner if a particular strategy or program is not producing the planned outcome for the pupil; and

(f) The ability to communicate effectively and consistently with pupils with autism ***spectrum disorders*** using communication techniques designed for those pupils.

2. To the extent money is available from the Grant Fund, the board of trustees of a school district or the governing body of a charter school may enter into an agreement with a local corporation, business, organization or other entity to provide training for a paraprofessional who provides assistance to pupils with autism ***spectrum disorders*** in accordance with this section.

Sec. 6. (Deleted by amendment.)

Sec. 7. ~~[Chapter 433 of NRS is hereby amended by adding thereto the provisions set forth as sections 8 and 9 of this act.]~~ **(Deleted by amendment.)**

Sec. 8. ~~*[1. For a client under the age of 22 years who may have autism, the Division shall use the statewide standard for measuring outcomes and assessing and evaluating persons with autism through the age of 21 years prescribed pursuant to section 1 of this act to determine whether the client is a person with autism. The Division shall ensure that the treatment, training and other services provided to a client with autism are based upon the results of the evaluation conducted pursuant to this subsection.*~~

~~*2. The Division shall conduct an evaluation upon intake of a client with autism to evaluate the cognitive, communicative, social and emotional condition and adaptive skill level of the client and shall once every 3 years conduct a follow-up evaluation to assess the progress of the client from the time of the previous evaluation. The treatment of the client must be adjusted, if appropriate, to reflect the results of an evaluation conducted pursuant to this subsection.]*~~ **(Deleted by amendment.)**

Sec. 9. ~~*[1. The Division shall report annually to the Aging and Disability Services Division of the Department information relating to clients with autism. The information must:*~~

~~*(a) Be submitted in the form required by the Aging and Disability Services Division;*~~

~~*(b) Include the information required by the Aging and Disability Services Division pursuant to section 1 of this act; and*~~

~~*(c) Include the total number of clients with autism who are receiving treatment, training or other services from the Division.*~~

~~*2. A client with autism who is designated as a client with more than one physical or mental impairment or disability must be included as a client with autism for the purposes of reporting information pursuant to this section.]*~~ **(Deleted by amendment.)**

Sec. 10. Chapter 442 of NRS is hereby amended by adding thereto the provisions set forth as sections 11 **,** ~~[and]~~ 12 **and 12.5** of this act.

Sec. 11. ***As used in this section and NRS 442.750 and*** ~~*[section]*~~ ***sections 12 and 12.5 of this act, "early intervention services" has the meaning ascribed to it in 20 U.S.C. § 1432.***

Sec. 12. ***1. The Health Division shall report annually to the Aging and Disability Services Division of the Department information relating to children with autism*** ~~*[.]*~~ ***spectrum disorders. The information must:***

(a) Be submitted in the form required by the Aging and Disability Services Division;

(b) Include the information required by the Aging and Disability Services Division pursuant to section ~~*[1]*~~ ***1.3 of this act;***

(c) Include the total number of children with autism spectrum disorders and the total number of children who may have autism spectrum disorders

who are enrolled in early intervention services through the Health Division; and

(d) Include the total number of hours and the type of early intervention services received by each child with autism ~~[.]~~ spectrum disorder.

2. A child with autism spectrum disorder who is designated as a child with more than one physical or mental impairment or disability must be included as a child with autism spectrum disorder for the purposes of reporting information pursuant to this section.

3. The Health Division shall review the information submitted to the Aging and Disability Services Division pursuant to this section and any other data collected by the Health Division which demonstrates the ongoing outcomes of specific programs and treatments for children with autism ~~[.]~~ spectrum disorders.

Sec. 12.5. For an infant or toddler with a disability who has autism spectrum disorder and is eligible for early intervention services, the Health Division shall refer the infant or toddler to the Autism Treatment Assistance Program established by section 1.5 of this act and coordinate with the Program to develop a plan of treatment for the infant or toddler pursuant to that section.

Sec. 13. NRS 442.750 is hereby amended to read as follows:

442.750 1. The Health Division shall ensure that the personnel employed by the Health Division who provide early intervention services to children with autism ***spectrum disorders*** and the persons with whom the Health Division contracts to provide early intervention services to children with autism ***spectrum disorders*** possess the knowledge and skills necessary to serve children with autism ~~[.]~~ ***spectrum disorders,*** including, without limitation:

(a) The screening of a child for autism ***spectrum disorder*** at the age levels and frequency recommended by the American Academy of Pediatrics, or its successor organization;

(b) The procedure for evaluating children who demonstrate behaviors ~~[which]~~ ***that*** are consistent with autism ~~[.]~~ ***spectrum disorders , which procedure must require the use of the statewide standard for measuring outcomes and assessing and evaluating persons with autism spectrum disorders through the age of 21 years prescribed pursuant to section ~~[1]~~ 1.3 of this act;***

(c) The procedure for enrolling a child in early intervention services upon determining that the child has autism ~~[.]~~ ***spectrum disorder;***

(d) Methods of providing support to children with autism ***spectrum disorders*** and their families; and

(e) The procedure for developing an individualized family service plan in accordance with Part C of the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1431 et seq., or other appropriate plan for the child.

2. The Health Division shall ensure that the personnel employed by the Health Division to provide early intervention services to children with autism

spectrum disorders and the persons with whom the Health Division contracts to provide early intervention services to children with autism ~~[.]~~ ***spectrum disorders:***

(a) Possess the knowledge and understanding of the scientific research and support for the methods and approaches for serving children with autism ***spectrum disorders*** and the ability to recognize the difference between an approach or method that is scientifically validated and one that is not;

(b) Possess the knowledge to accurately describe to parents and guardians the research supporting the methods and approaches, including, without limitation, the knowledge necessary to provide an explanation that a method or approach is experimental if it is not supported by scientific evidence;

(c) Immediately notify a parent or legal guardian if a child is identified as being at risk for a diagnosis of autism ***spectrum disorder*** and refer the parent or legal guardian to the appropriate professionals for further evaluation and simultaneously refer the parent or legal guardian to any appropriate early intervention services and strategies; and

(d) Provide the parent or legal guardian with information on evidence-based treatments and interventions that may assist the child in the child's development and advancement.

3. The Health Division shall ensure that the personnel employed by the Health Division who provide early intervention screenings to children and the persons with whom the Health Division contracts to provide early intervention screenings to children perform screenings of children for autism ***spectrum disorders*** at the age levels and frequency recommended by the American Academy of Pediatrics, or its successor organization.

4. The Health Division shall ensure that:

(a) For a child who may have autism ~~[,]~~ ***spectrum disorder, the personnel employed by the Health Division who provide early intervention screenings to children and the persons with whom the Health Division contracts to provide early intervention screenings to children use the protocol designated pursuant to section*** ~~[1]~~ ***1.3 of this act for determining whether a child has autism*** ~~[,]~~ ***spectrum disorder.***

(b) An initial evaluation of the cognitive, communicative, social, emotional and behavioral condition and adaptive skill level of a child with autism spectrum disorder is conducted to determine the ~~[condition]~~ ***baseline of the child.***

(c) A subsequent evaluation is conducted upon ~~[concluding]~~ ***the child's conclusion of the early intervention services*** ~~[and]~~ ***to determine the progress made by the child from the time of his or her initial screening.***

Sec. 14. Chapter 615 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Department shall report annually to the Aging and Disability Services Division of the Department of Health and Human Services information relating to persons with autism spectrum disorders who receive vocational rehabilitation services. The information must:

(a) Be submitted in the form required by the Aging and Disability Services Division;

(b) Include the information required by the Aging and Disability Services Division pursuant to section ~~[1]~~ 1.3 of this act;

(c) Include the total number of persons with autism spectrum disorders who are receiving vocational rehabilitation services from the Division;

(d) Include information concerning the types of vocational rehabilitation services provided to persons with autism ~~[,]~~ spectrum disorders, the effectiveness of those services and the reasons for the ineffectiveness of those services, if applicable; and

(e) Include information concerning the technical assistance and training provided to personnel of the Division who work with persons with autism spectrum disorders to improve the effectiveness of vocational rehabilitation services.

2. A person with autism spectrum disorder who is designated as a person with more than one physical or mental impairment or disability must be included as a person with autism spectrum disorder for the purposes of reporting information pursuant to this section.

Sec. 15. This act becomes effective on July 1, 2011.

Assemblyman Hickey moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, reengrossed, and to third reading.

Assembly Bill No. 345.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 864.

WOODBURY; Aizley, Anderson, Atkinson, Benitez-Thompson, Bobzien, Bustamante Adams, Carrillo, Daly, Diaz, Dondero Loop, Flores, Frierson, Hogan, Horne, Kirkpatrick, Livermore, Mastroluca, Munford, Neal, Pierce, Segerblom **, SMITH** and Stewart

SUMMARY—Revises provisions relating to services for persons with autism **~~[.]~~ spectrum disorders.** (BDR 38-26)

AN ACT relating to **~~[~~**~~autism;~~**~~]~~** **persons with disabilities; requiring the Aging and Disability Services Division of the Department of Health and Human Services to designate a standard protocol for measuring outcomes and assessing and evaluating persons with autism spectrum disorders through the age of 21 years who receive services through certain public programs;** establishing the Autism Treatment Assistance Program within the **~~[~~**~~Aging and Disability Services~~**~~]~~** Division **~~[~~**~~of the Department of Health and Human Services; making an appropriation to the Program for the provision of services to certain children with autism;~~**~~]~~** **; requiring certain state and local governmental agencies that provide**

services to persons with autism spectrum disorders to submit reports to the Division; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1.3 of this bill requires the Aging and Disability Services Division of the Department of Health and Human Services, in cooperation and guidance with the Department of Education, frepresentatives of the school districts in this State and the Nevada Autism Task Force, to prescribe a statewide standard for measuring outcomes and assessing and evaluating persons with autism spectrum disorders through the age of 21 years for the purposes of receiving services through certain public programs in this State. Section 1.3 also requires the Division to designate, as part of the statewide standard, a protocol for determining whether a person is a person with autism spectrum disorder. Section 1.3 further requires the Division to collect certain information relating to persons with autism spectrum disorders and to document the services provided to and the progress of those persons.

The Department of Health and Human Services provides various programs for persons with disabilities, including, without limitation, mental health services, early intervention services and services for persons who are disabled. (NRS 232.300) **Section ~~[1]~~ 1.5** of this bill establishes the Autism Treatment Assistance Program within the Aging and Disability Services Division of the Department to **~~[improve programs and]~~ provide and coordinate the provision of** services to persons with autism **spectrum disorders**. **Section ~~[1]~~ 1.5** also requires the Program to coordinate with other governmental entities to develop policies and programs for the treatment of persons with autism**~~[.~~**

~~Section 2 of this bill makes an appropriation to be used for the provision of services to certain persons with autism.]~~ **spectrum disorders. Section 16 of this bill requires the Health Division of the Department to refer certain children to the Program.**

Section 4 of this bill requires the board of trustees of a school district or the governing body of a charter school to conduct an initial evaluation of each pupil with autism spectrum disorder and to conduct a reevaluation once every 3 years thereafter in accordance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., and the regulations prescribed by the State Board of Education.

Section 17 of this bill requires: (1) the Health Division of the Department to use the statewide standard prescribed by the Aging and Disability Services Division pursuant to section 1.3 to determine whether a person is a person with autism spectrum disorder; and (2) that certain evaluations be conducted to monitor the progress of persons with autism spectrum disorders receiving services through the Health Division.

Sections 5, 15 and 18 of this bill require the Department of Education, the Health Division and the Department of Employment, Training and

Rehabilitation to submit to the Aging and Disability Services Division information relating to persons with autism spectrum disorders.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 427A of NRS is hereby amended by adding thereto ~~[a new section to read as follows:]~~ **the provisions set forth as sections 1.3 and 1.5 of this act.**

Sec. 1.3. 1. The Division, in cooperation and guidance with the Department of Education, representatives of the school districts in this State and the Nevada Autism Task Force created by section 40 of chapter 348, Statutes of Nevada 2007, or its successor organization, shall prescribe by regulation a statewide standard for measuring outcomes and assessing and evaluating persons with autism spectrum disorders through the age of 21 years who receive services through the State or a local government or an agency thereof. The regulations must designate a protocol based upon accepted best practices guidelines which includes at least one standardized assessment instrument that requires direct observation by the professional conducting the assessment for determining whether a person is a person with autism spectrum disorder, which must be used by personnel employed by the State or a local government or an agency thereof who provide assessments, interventions and diagnoses of persons with autism spectrum disorders through the age of 21 years and by the persons with whom the State or a local government or an agency thereof contracts to provide assessments, interventions and diagnoses of persons with autism spectrum disorders through the age of 21 years. The protocol must require that the direct observation conducted by a professional pursuant to this subsection include, without limitation, an evaluation to measure behaviors of the person which are consistent with autism spectrum disorder, cognitive functioning, language functioning and adaptive functioning.

2. The protocol designated pursuant to subsection 1 must be used upon intake of a person suspected of having autism spectrum disorder or at any later time if a person is suspected of having autism spectrum disorder after intake. The results of an assessment must be provided to the parent or legal guardian of the person, if applicable.

3. The Division shall prescribe the form and content of reports relating to persons with autism spectrum disorders through the age of 21 years that must be reported to the Division pursuant to sections 5, 15 and 18 of this act. Except as otherwise provided in section 5 of this act, the Division shall ensure that the information is reported in a manner which:

(a) Allows the Division to document the services provided to and monitor the progress of each person with autism spectrum disorder through the age of 21 years who receives services from the State or an agency thereof; and

(b) Ensures that information reported for each person who receives services which identifies the person is kept confidential, consistent with the

Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g, and any other applicable state and federal privacy laws.

4. The Division shall prepare annually a summary of the reports submitted pursuant to sections 5, 15 and 18 of this act and make the summary publicly available. The Division shall ensure that information contained in the summary does not identify a person who received services.

Sec. 1.5. 1. There is hereby established the Autism Treatment Assistance Program within the Division to serve as the primary autism program within the Department and to [improve programs,] provide and coordinate the provision of services [and treatment for] to persons with autism spectrum disorders through the age of 19 years . [and their families.]

2. The Autism Treatment Assistance Program shall [coordinate with other governmental agencies to develop policies and programs for the treatment of persons with autism through the age of 19 years.

3. The policies and programs of the Autism Treatment Assistance Program which concern the provision of services to persons with autism must be submitted for review to the Nevada Autism Task Force created by section 40 of chapter 348, Statutes of Nevada 2007, or its successor organization. Such a policy or program must not become effective until approved by the Task Force or its successor organization.] :

(a) Prescribe an application process for parents and guardians of persons with autism spectrum disorders to participate in the Program.

(b) Provide for the development of a plan of treatment for persons who participate in the Program.

(c) Promote the use of evidence-based treatments which are cost effective and have been proven to improve treatment of autism spectrum disorders.

(d) Educate parents and guardians of persons with autism spectrum disorders on autism spectrum disorders and the assistance that may be provided by the parent or guardian to improve treatment outcomes.

(e) Establish and use a system for assessing persons with autism spectrum disorders to determine a baseline to measure the progress of and prepare a plan for the treatment of such persons.

(f) Assist parents and guardians of persons with autism spectrum disorders in obtaining public services that are available for the treatment of autism spectrum disorders.

3. A plan of treatment developed for a person who participates in the Program pursuant to paragraph (b) of subsection 2 must:

(a) Identify the specific behaviors of the person to be addressed and the expected outcomes.

(b) Include, without limitation, preparations for transitioning the person from one provider of treatment to another or from one public program to another, as the needs of the person require through the age of 19 years.

(c) Be revised to address any change in the needs of the person.

4. The policies of the Autism Treatment Assistance Program and any services provided by the Program must be developed in cooperation with and be approved by the Nevada Autism Task Force created by section 40 of chapter 348, Statutes of Nevada 2007, or its successor organization.

5. As used in this section, "autism spectrum disorder" means a neurobiological medical condition including, without limitation, autistic disorder, Asperger's Disorder and Pervasive Developmental Disorder Not Otherwise Specified.

Sec. 2. ~~[1. There is hereby appropriated from the State General Fund to the Autism Treatment Assistance Program established pursuant to section 1 of this act within the Aging and Disability Services Division of the Department of Health and Human Services the sum of $1,486,285 for the provision of services to persons with autism who are on the waiting list, if any, to participate in the Autism Treatment Assistance Program or on the waiting list, if any, of the Desert Regional Center, Sierra Regional Center or Rural Regional Center.~~

~~2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2013, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 20, 2013, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 20, 2013.]~~ **(Deleted by amendment.)**

Sec. 3. **Chapter 388 of NRS is hereby amended by adding thereto the provisions set forth as sections 4 and 5 of this act.**

Sec. 4. 1. The board of trustees of a school district or the governing body of a charter school shall conduct an initial evaluation of each pupil with autism spectrum disorder in accordance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., and the regulations prescribed by the State Board pursuant to NRS 388.520 and shall, once every 3 years thereafter, conduct a reevaluation in accordance with the Individuals with Disabilities Education Act and the regulations of the State Board. The individualized education program for the pupil must be reviewed, and amended as appropriate, in compliance with the Individuals with Disabilities Education Act and the regulations of the State Board.

2. The board of trustees of a school district or the governing body of a charter school shall ensure that each person who conducts an evaluation of a pupil with autism spectrum disorder is provided with technical assistance and training to improve the accuracy and efficiency in conducting such evaluations.

Sec. 5. 1. The Department of Education shall report annually to the Aging and Disability Services Division of the Department of Health and

Human Services information relating to pupils with autism spectrum disorders. The information must:

(a) Be submitted in the form required by the Aging and Disability Services Division; and

(b) Include the total number of pupils with autism spectrum disorders who are enrolled in public schools in this State, including all pupils with autism spectrum disorders who have an individualized education program.

2. A pupil with autism spectrum disorder who is designated as a pupil with more than one physical or mental impairment or disability must be included as a pupil with autism spectrum disorder for the purposes of reporting information pursuant to this section.

3. The reporting made pursuant to this section must comply with the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g, and any other applicable state and federal privacy laws.

Sec. 6. **NRS 388.440 is hereby amended to read as follows:**

388.440 As used in NRS 388.440 to 388.5317, inclusive ~~[.]~~ ***, and sections 4 and 5 of this act:***

1. "Gifted and talented pupil" means a person under the age of 18 years who demonstrates such outstanding academic skills or aptitudes that the person cannot progress effectively in a regular school program and therefore needs special instruction or special services.

2. "Pupil who receives early intervening services" means a person enrolled in kindergarten or grades 1 to 12, inclusive, who is not a pupil with a disability but who needs additional academic and behavioral support to succeed in a regular school program.

3. "Pupil with a disability" means a person under the age of 22 years who deviates either educationally, physically, socially or emotionally so markedly from normal patterns that the person cannot progress effectively in a regular school program and therefore needs special instruction or special services.

Sec. 7. **NRS 388.520 is hereby amended to read as follows:**

388.520 1. The Department shall:

(a) Prescribe a form that contains the basic information necessary for the uniform development, review and revision of an individualized education program for a pupil with a disability in accordance with 20 U.S.C. § 1414(d); and

(b) Make the form available on a computer disc for use by school districts and, upon request, in any other manner deemed reasonable by the Department.

2. Except as otherwise provided in this subsection, each school district shall ensure that the form prescribed by the Department is used for the development, review and revision of an individualized education program for each pupil with a disability who receives special education in the school district. A school district may use an expanded form that contains additions to the form prescribed by the Department if the basic information contained in the expanded form complies with the form prescribed by the Department.

3. The State Board:

(a) Shall prescribe minimum standards for the special education of pupils with disabilities and gifted and talented pupils.

(b) May prescribe minimum standards for the provision of early intervening services.

4. The minimum standards prescribed by the State Board must include standards for programs of instruction or special services maintained for the purpose of serving pupils with:

(a) Hearing impairments, including, but not limited to, deafness.

(b) Visual impairments, including, but not limited to, blindness.

(c) Orthopedic impairments.

(d) Speech and language impairments.

(e) Mental retardation.

(f) Multiple impairments.

(g) Serious emotional disturbances.

(h) Other health impairments.

(i) Specific learning disabilities.

(j) Autism ~~[.]~~ ***spectrum disorders.***

(k) Traumatic brain injuries.

(l) Developmental delays.

(m) Gifted and talented abilities.

5. No apportionment of state money may be made to any school district or charter school for the instruction of pupils with disabilities and gifted and talented pupils until the program of instruction maintained therein for such pupils is approved by the Superintendent of Public Instruction as meeting the minimum standards prescribed by the State Board.

6. The Department shall, upon the request of the board of trustees of a school district, provide information to the board of trustees concerning the identification and evaluation of pupils with disabilities in accordance with the standards prescribed by the State Board.

7. As used in this section, "individualized education program" has the meaning ascribed to it in 20 U.S.C. § 1414(d)(1)(A).

Sec. 8. **NRS 391.400 is hereby amended to read as follows:**

391.400 As used in NRS 391.400 to 391.420, inclusive, unless the context otherwise requires, "Grant Fund" means the Grant Fund for the Training and Education of Personnel Who Work With Pupils With Autism ~~[.]~~ ***Spectrum Disorders.***

Sec. 9. **NRS 391.405 is hereby amended to read as follows:**

391.405 1. There is hereby created the Grant Fund for the Training and Education of Personnel Who Work With Pupils With Autism ***Spectrum Disorders*** to be administered by the Department. The Department may accept gifts, grants and donations from any source for deposit in the Grant Fund.

2. The money in the Grant Fund must be used only for the distribution of money to school districts and charter schools for programs of training as set

forth in NRS 391.410, 391.415 and 391.420 and to provide assistance to licensed educational personnel who work with pupils with autism ***spectrum disorders*** in obtaining an appropriate endorsement to teach those pupils.

3. The board of trustees of a school district or the governing body of a charter school may apply to the Department on a form prescribed by the Department for a grant of money from the Grant Fund. The application must include a description of the program of training for which the grant of money will be used.

Sec. 10. **NRS 391.410 is hereby amended to read as follows:**

391.410 1. To the extent money is available from the Grant Fund, the board of trustees of each school district and the governing body of each charter school shall ensure that the licensed educational personnel employed by the school district or charter school who work with pupils with autism ***spectrum disorders*** receive the appropriate preparation and training necessary to serve those pupils. The training may include, without limitation:

(a) The characteristics of autism ~~[.]~~ ***spectrum disorders,*** including, without limitation, behavioral and communication characteristics;

(b) Methods for determining, on a regular and consistent basis, the specific needs of a pupil with autism ***spectrum disorder*** to ensure the pupil is meeting the objectives and goals described in the individualized education program of the pupil or other educational plan prepared for the pupil;

(c) The procedure for evaluating pupils who demonstrate behaviors which are consistent with autism ~~[.]~~ ***spectrum disorders;***

(d) Approaches for use in the classroom to assist a pupil with autism ***spectrum disorder*** with communication and social development; and

(e) Methods of providing support to pupils with autism ***spectrum disorders*** and their families.

2. To the extent money is available from the Grant Fund, the board of trustees of a school district or the governing body of a charter school may enter into an agreement with a local corporation, business, organization or other entity to provide training for licensed educational personnel employed by the school district or charter school who work with pupils with autism ***spectrum disorders*** in accordance with this section.

Sec. 11. **NRS 391.415 is hereby amended to read as follows:**

391.415 To the extent money is available from the Grant Fund, the board of trustees of each school district and the governing body of each charter school shall ensure that the licensed educational personnel employed by the school district or charter school who are assigned to assist a parent or legal guardian of a pupil with autism ***spectrum disorder*** in making decisions about the services and programs available for the pupil receive the appropriate preparation and training:

1. On using the 2008 Report of the Nevada Autism Task Force and any subsequent report issued by the Nevada Autism Task Force created pursuant to chapter 348, Statutes of Nevada 2007, ***or its successor organization,*** to

determine best practices in the development of programs for pupils with autism ~~[,]~~ ***spectrum disorders;*** and

2. To provide the parent or legal guardian with information on all options for treatment and intervention that may assist the pupil in the pupil's development and advancement.

Sec. 12. **NRS 391.420 is hereby amended to read as follows:**

391.420 1. To the extent money is available from the Grant Fund, the board of trustees of each school district and the governing body of each charter school shall ensure that a paraprofessional who is employed by the school district or charter school to provide assistance to pupils with autism ***spectrum disorders*** receives the appropriate preparation and training to acquire:

(a) Knowledge of autism ~~[,]~~ ***spectrum disorder,*** including, without limitation:

(1) The characteristics of autism and the range of spectrum disorders within a diagnosis of autism;

(2) An understanding of the importance of building relationships between pupils with autism ~~[,]~~ ***spectrum disorders,*** other pupils and teachers or adults to encourage the independence of a pupil with autism ~~[,]~~ ***spectrum disorder;*** and

(3) The ability to determine the patterns of behavior of pupils with autism ~~[,]~~ ***spectrum disorders;***

(b) The ability to provide structure and predictability through the consistent use of methods that support prior learning and continued development;

(c) The ability to adapt, modify or structure the environment based upon an understanding of the auditory, visual or other sensory stimuli which may be reinforcing, calming or distracting to the pupil;

(d) The ability to use positive behavioral supports, including, without limitation, the use of discrete trial, structured teaching methods, reinforcement and generalized approaches to enhance the pupil's education and prevent behavioral problems, as directed by the pupil's teacher or other appropriate personnel;

(e) The ability to accurately collect and record data on the progress of a pupil with autism ***spectrum disorder*** and report to the pupil's teacher in a timely manner if a particular strategy or program is not producing the planned outcome for the pupil; and

(f) The ability to communicate effectively and consistently with pupils with autism ***spectrum disorders*** using communication techniques designed for those pupils.

2. To the extent money is available from the Grant Fund, the board of trustees of a school district or the governing body of a charter school may enter into an agreement with a local corporation, business, organization or other entity to provide training for a paraprofessional who provides

assistance to pupils with autism ***spectrum disorders*** in accordance with this section.

Sec. 13. **Chapter 442 of NRS is hereby amended by adding thereto the provisions set forth as sections 14, 15 and 16 of this act.**

Sec. 14. ***As used in this section and NRS 442.750 and sections 15 and 16 of this act, "early intervention services" has the meaning ascribed to it in 20 U.S.C. § 1432.***

Sec. 15. ***1. The Health Division shall report annually to the Aging and Disability Services Division of the Department information relating to children with autism spectrum disorders. The information must:***

(a) Be submitted in the form required by the Aging and Disability Services Division;

(b) Include the information required by the Aging and Disability Services Division pursuant to section 1.3 of this act;

(c) Include the total number of children with autism spectrum disorders and the total number of children who may have autism spectrum disorders who are enrolled in early intervention services through the Health Division; and

(d) Include the total number of hours and the type of early intervention services received by each child with autism spectrum disorder.

2. A child with autism spectrum disorder who is designated as a child with more than one physical or mental impairment or disability must be included as a child with autism spectrum disorder for the purposes of reporting information pursuant to this section.

3. The Health Division shall review the information submitted to the Aging and Disability Services Division pursuant to this section and any other data collected by the Health Division which demonstrates the ongoing outcomes of specific programs and treatments for children with autism spectrum disorders.

Sec. 16. ***For an infant or toddler with a disability who has autism spectrum disorder and is eligible for early intervention services, the Health Division shall refer the infant or toddler to the Autism Treatment Assistance Program established by section 1.5 of this act and coordinate with the Program to develop a plan of treatment for the infant or toddler pursuant to that section.***

Sec. 17. **NRS 442.750 is hereby amended to read as follows:**

442.750 1. The Health Division shall ensure that the personnel employed by the Health Division who provide early intervention services to children with autism ***spectrum disorders*** and the persons with whom the Health Division contracts to provide early intervention services to children with autism ***spectrum disorders*** possess the knowledge and skills necessary to serve children with autism ~~[.]~~ ***spectrum disorders,*** including, without limitation:

(a) The screening of a child for autism ***spectrum disorder*** at the age levels and frequency recommended by the American Academy of Pediatrics, or its successor organization;

(b) The procedure for evaluating children who demonstrate behaviors ~~[which]~~ ***that*** are consistent with autism ~~[,]~~ ***spectrum disorders, which procedure must require the use of the statewide standard for measuring outcomes and assessing and evaluating persons with autism spectrum disorders through the age of 21 years prescribed pursuant to section 1.3 of this act;***

(c) The procedure for enrolling a child in early intervention services upon determining that the child has autism ~~[,]~~ ***spectrum disorder;***

(d) Methods of providing support to children with autism ***spectrum disorders*** and their families; and

(e) The procedure for developing an individualized family service plan in accordance with Part C of the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1431 et seq., or other appropriate plan for the child.

2. The Health Division shall ensure that the personnel employed by the Health Division to provide early intervention services to children with autism ***spectrum disorders*** and the persons with whom the Health Division contracts to provide early intervention services to children with autism ~~[,]~~ ***spectrum disorders:***

(a) Possess the knowledge and understanding of the scientific research and support for the methods and approaches for serving children with autism ***spectrum disorders*** and the ability to recognize the difference between an approach or method that is scientifically validated and one that is not;

(b) Possess the knowledge to accurately describe to parents and guardians the research supporting the methods and approaches, including, without limitation, the knowledge necessary to provide an explanation that a method or approach is experimental if it is not supported by scientific evidence;

(c) Immediately notify a parent or legal guardian if a child is identified as being at risk for a diagnosis of autism ***spectrum disorder*** and refer the parent or legal guardian to the appropriate professionals for further evaluation and simultaneously refer the parent or legal guardian to any appropriate early intervention services and strategies; and

(d) Provide the parent or legal guardian with information on evidence-based treatments and interventions that may assist the child in the child's development and advancement.

3. The Health Division shall ensure that the personnel employed by the Health Division who provide early intervention screenings to children and the persons with whom the Health Division contracts to provide early intervention screenings to children perform screenings of children for autism ***spectrum disorders*** at the age levels and frequency recommended by the American Academy of Pediatrics, or its successor organization.

4. The Health Division shall ensure that:

(a) For a child who may have autism spectrum disorder, the personnel employed by the Health Division who provide early intervention screenings to children and the persons with whom the Health Division contracts to provide early intervention screenings to children use the protocol designated pursuant to section 1.3 of this act for determining whether a child has autism spectrum disorder.

(b) An initial evaluation of the cognitive, communicative, social, emotional and behavioral condition and adaptive skill level of a child with autism spectrum disorder is conducted to determine the baseline of the child.

(c) A subsequent evaluation is conducted upon the child's conclusion of the early intervention services to determine the progress made by the child from the time of his or her initial screening.

Sec. 18. **Chapter 615 of NRS is hereby amended by adding thereto a new section to read as follows:**

1. The Department shall report annually to the Aging and Disability Services Division of the Department of Health and Human Services information relating to persons with autism spectrum disorders who receive vocational rehabilitation services. The information must:

(a) Be submitted in the form required by the Aging and Disability Services Division;

(b) Include the information required by the Aging and Disability Services Division pursuant to section 1.3 of this act;

(c) Include the total number of persons with autism spectrum disorders who are receiving vocational rehabilitation services from the Division;

(d) Include information concerning the types of vocational rehabilitation services provided to persons with autism spectrum disorders, the effectiveness of those services and the reasons for the ineffectiveness of those services, if applicable; and

(e) Include information concerning the technical assistance and training provided to personnel of the Division who work with persons with autism spectrum disorders to improve the effectiveness of vocational rehabilitation services.

2. A person with autism spectrum disorder who is designated as a person with more than one physical or mental impairment or disability must be included as a person with autism spectrum disorder for the purposes of reporting information pursuant to this section.

~~[Sec. 3.]~~ ***Sec. 19.*** This act becomes effective on July 1, 2011.

Assemblyman Hickey moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Kirkpatrick moved to withdraw Assembly Amendment No. 877 to Assembly Bill No. 574.

Motion carried.

Assemblywoman Kirkpatrick moved that Assembly Bill No. 574 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblywoman Kirkpatrick.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 168.

Bill read third time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 881.

AN ACT relating to public health; revising provisions governing access to certain medical records; ~~[requiring a physician or an osteopathic physician who performs an autopsy to submit a written report of the findings of the autopsy to the Board of Medical Examiners or the State Board of Osteopathic Medicine in certain circumstances;]~~ revising provisions governing the submission of certain reports concerning surgeries requiring conscious sedation, deep sedation or general anesthesia; revising provisions governing reports to the Board of Medical Examiners and the State Board of Osteopathic Medicine of a change in the privileges of certain providers of health care; revising provisions governing the standard of proof in any disciplinary hearing before the Board of Medical Examiners; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1 of this bill provides that if the health care records of a patient are located within this State, a provider of health care must make the records available for physical inspection within 5 working days after they are requested.

~~[Section 2 of this bill requires a physician who performs an autopsy and who determines that the death of the decedent is the result of an overdose of a controlled substance or dangerous drug to submit a written report of such findings to the Board of Medical Examiners. Section 2 also requires the Board, upon receipt of such a report, to investigate the death of the decedent to determine whether the conduct of any physician contributed to the death. Section 18 of this bill imposes similar requirements concerning an autopsy performed by an osteopathic physician.]~~

Existing law requires any hospital, clinic or other medical facility or medical society to report to the Board of Medical Examiners any change in the privileges of a physician, perfusionist, physician assistant or practitioner of respiratory care while the person is under investigation and the outcome of

any disciplinary action taken within 30 days after the change in privileges is made or disciplinary action is taken. A hospital, clinic or other medical facility or medical society is also required to report such information to the State Board of Osteopathic Medicine concerning a change in the privileges of an osteopathic physician who is under investigation. (NRS 630.307, 633.533) **Section 8** of this bill requires that such a report concerning a change in the privileges of a physician, perfusionist, physician assistant or practitioner of respiratory care be made within 5 days after the change in privileges is made if the change in privileges is based on an investigation of the mental, medical or psychological competency of the person or suspected or alleged substance abuse by the person. **Section 21** of this bill imposes similar reporting requirements concerning a change in the privileges of a physician assistant who is under investigation and a change in the privileges of an osteopathic physician or physician assistant if the change in privileges is based on an investigation of the mental, medical or psychological competency of the osteopathic physician or physician assistant or suspected or alleged substance abuse by the osteopathic physician or physician assistant.

Section 10 of this bill provides that in any disciplinary hearing before the Board of Medical Examiners, a finding of the Board must be supported by a preponderance of the evidence.

Existing law requires persons who are licensed to practice medicine by the Board of Medical Examiners and persons who are licensed to practice osteopathic medicine by the State Board of Osteopathic Medicine to make certain reports concerning surgeries requiring conscious sedation, deep sedation or general anesthesia performed by the holder of the license and the occurrence of any sentinel events arising from those surgeries. Persons who are licensed to practice medicine are required to submit the reports to the Board of Medical Examiners and persons who are licensed to practice osteopathic medicine are required to submit the reports to the State Board of Osteopathic Medicine. The boards are required to submit the reports to the Health Division of the Department of Health and Human Services which then reviews the reports. (NRS 449.447, 630.30665, 633.524) **Section 7.5** of this bill revises these reporting requirements as they pertain to a physician and requires a physician to report the occurrence of any sentinel event arising from a surgery requiring conscious sedation, deep sedation or general anesthesia within 14 days after the occurrence of the sentinel event. **Section 20** of this bill imposes a similar reporting requirement on an osteopathic physician.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 629.061 is hereby amended to read as follows:

629.061 1. Each provider of health care shall make the health care records of a patient available for physical inspection by:

(a) The patient or a representative with written authorization from the patient;

(b) The personal representative of the estate of a deceased patient;

(c) Any trustee of a living trust created by a deceased patient;

(d) The parent or guardian of a deceased patient who died before reaching the age of majority;

(e) An investigator for the Attorney General or a grand jury investigating an alleged violation of NRS 200.495, 200.5091 to 200.50995, inclusive, or 422.540 to 422.570, inclusive;

(f) An investigator for the Attorney General investigating an alleged violation of NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive, or any fraud in the administration of chapter 616A, 616B, 616C, 616D or 617 of NRS or in the provision of benefits for industrial insurance; or

(g) Any authorized representative or investigator of a state licensing board during the course of any investigation authorized by law.

➥ The records must be made available at a place within the depository convenient for physical inspection **.** ~~[, and inspection must be permitted at all reasonable office hours and for a reasonable length of time.]~~ ***If the records are located within this State, the provider shall make any records requested pursuant to this section available for inspection within 5 working days after the request.*** If the records are located outside this State, the provider shall make any records requested pursuant to this section available in this State for inspection within 10 working days after the request.

2. Except as otherwise provided in subsection 3, the provider of health care shall also furnish a copy of the records to each person described in subsection 1 who requests it and pays the actual cost of postage, if any, the costs of making the copy, not to exceed 60 cents per page for photocopies and a reasonable cost for copies of X-ray photographs and other health care records produced by similar processes. No administrative fee or additional service fee of any kind may be charged for furnishing such a copy.

3. The provider of health care shall also furnish a copy of any records that are necessary to support a claim or appeal under any provision of the Social Security Act, 42 U.S.C. §§ 301 et seq., or under any federal or state financial needs-based benefit program, without charge, to a patient, or a representative with written authorization from the patient, who requests it, if the request is accompanied by documentation of the claim or appeal. A copying fee, not to exceed 60 cents per page for photocopies and a reasonable cost for copies of X-ray photographs and other health care records produced by similar processes, may be charged by the provider of health care for furnishing a second copy of the records to support the same claim or appeal. No administrative fee or additional service fee of any kind may be charged for furnishing such a copy. The provider of health care shall furnish the copy of the records requested pursuant to this subsection within 30 days after the date of receipt of the request, and the provider of health care shall

not deny the furnishing of a copy of the records pursuant to this subsection solely because the patient is unable to pay the fees established in this subsection.

4. Each person who owns or operates an ambulance in this State shall make the records regarding a sick or injured patient available for physical inspection by:

(a) The patient or a representative with written authorization from the patient;

(b) The personal representative of the estate of a deceased patient;

(c) Any trustee of a living trust created by a deceased patient;

(d) The parent or guardian of a deceased patient who died before reaching the age of majority; or

(e) Any authorized representative or investigator of a state licensing board during the course of any investigation authorized by law.

➥ The records must be made available at a place within the depository convenient for physical inspection, and inspection must be permitted at all reasonable office hours and for a reasonable length of time. The person who owns or operates an ambulance shall also furnish a copy of the records to each person described in this subsection who requests it and pays the actual cost of postage, if any, and the costs of making the copy, not to exceed 60 cents per page for photocopies. No administrative fee or additional service fee of any kind may be charged for furnishing a copy of the records.

5. Records made available to a representative or investigator must not be used at any public hearing unless:

(a) The patient named in the records has consented in writing to their use; or

(b) Appropriate procedures are utilized to protect the identity of the patient from public disclosure.

6. Subsection 5 does not prohibit:

(a) A state licensing board from providing to a provider of health care or owner or operator of an ambulance against whom a complaint or written allegation has been filed, or to his or her attorney, information on the identity of a patient whose records may be used in a public hearing relating to the complaint or allegation, but the provider of health care or owner or operator of an ambulance and the attorney shall keep the information confidential.

(b) The Attorney General from using health care records in the course of a civil or criminal action against the patient or provider of health care.

7. A provider of health care or owner or operator of an ambulance and his or her agents and employees are immune from any civil action for any disclosures made in accordance with the provisions of this section or any consequential damages.

8. For the purposes of this section:

(a) "Guardian" means a person who has qualified as the guardian of a minor pursuant to testamentary or judicial appointment, but does not include a guardian ad litem.

(b) "Living trust" means an inter vivos trust created by a natural person:

(1) Which was revocable by the person during the lifetime of the person; and

(2) Who was one of the beneficiaries of the trust during the lifetime of the person.

(c) "Parent" means a natural or adoptive parent whose parental rights have not been terminated.

(d) "Personal representative" has the meaning ascribed to it in NRS 132.265.

Sec. 2. ~~[Chapter 630 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~*1. Any physician who performs an autopsy in this State and who determines that the death of the decedent is the result of an overdose of a controlled substance or a dangerous drug shall, within 30 days after making the determination, submit to the Board a written report of the findings of the autopsy, and provide to the Board any other information requested by the Board.*~~

~~*2. Upon receipt of a report submitted pursuant to subsection 1, the Board shall investigate the death of the decedent to determine whether the conduct of any physician contributed to the death of the decedent.*~~

~~*3. As used in this section, "dangerous drug" has the meaning ascribed to it in NRS 454.201.]*~~ **(Deleted by amendment.)**

Sec. 3. NRS 630.130 is hereby amended to read as follows:

630.130 1. In addition to the other powers and duties provided in this chapter, the Board shall, in the interest of the public, judiciously:

(a) Enforce the provisions of this chapter;

(b) Establish by regulation standards for licensure under this chapter;

(c) Conduct examinations for licensure and establish a system of scoring for those examinations;

(d) Investigate the character of each applicant for a license and issue licenses to those applicants who meet the qualifications set by this chapter and the Board; and

(e) Institute a proceeding in any court to enforce its orders or the provisions of this chapter.

2. On or before February 15 of each odd-numbered year, the Board shall submit to the Governor and to the Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature a written report compiling:

(a) Disciplinary action taken by the Board during the previous biennium against physicians for malpractice or negligence;

(b) Information reported to the Board during the previous biennium pursuant to NRS 630.3067, 630.3068, subsections 3 and ~~[4]~~ ***6*** of NRS 630.307 and NRS 690B.250 and 690B.260; and

(c) Information reported to the Board during the previous biennium pursuant to NRS 630.30665, including, without limitation, the number and

types of surgeries performed by each holder of a license to practice medicine and the occurrence of sentinel events arising from such surgeries, if any.

➥ The report must include only aggregate information for statistical purposes and exclude any identifying information related to a particular person.

3. The Board may adopt such regulations as are necessary or desirable to enable it to carry out the provisions of this chapter.

Sec. 4. NRS 630.267 is hereby amended to read as follows:

630.267 1. Each holder of a license to practice medicine must, on or before July 1 ***, or if July 1 is a Saturday, Sunday or legal holiday, on the next business day after July 1,*** of each ~~[alternate]~~ ***odd-numbered*** year:

(a) Submit a list of all actions filed or claims submitted to arbitration or mediation for malpractice or negligence against him or her during the previous 2 years.

(b) Pay to the Secretary-Treasurer of the Board the applicable fee for biennial registration. This fee must be collected for the period for which a physician is licensed.

(c) Submit all information required to complete the biennial registration.

2. When a holder of a license fails to pay the fee for biennial registration and submit all information required to complete the biennial registration after they become due, his or her license to practice medicine in this State ~~[is automatically suspended.]~~ ***expires.*** The holder may, within 2 years after the date the license ~~[is suspended,]~~ ***expires,*** upon payment of twice the amount of the current fee for biennial registration to the Secretary-Treasurer and submission of all information required to complete the biennial registration and after he or she is found to be in good standing and qualified under the provisions of this chapter, be reinstated to practice.

3. The Board shall make such reasonable attempts as are practicable to notify a licensee:

(a) At least once that the fee for biennial registration and all information required to complete the biennial registration are due; and

(b) That his or her license ~~[is suspended.]~~ ***has expired.***

➥ A copy of this notice must be sent to the Drug Enforcement Administration of the United States Department of Justice or its successor agency.

Sec. 5. (Deleted by amendment.)

Sec. 6. NRS 630.2695 is hereby amended to read as follows:

630.2695 1. Each license issued pursuant to NRS 630.2694 expires on July 1 ***, or if July 1 is a Saturday, Sunday or legal holiday, on the next business day after July 1,*** of every odd-numbered year and may be renewed if, before the license expires, the holder of the license submits to the Board:

(a) A completed application for renewal on a form prescribed by the Board;

(b) Proof of completion of the requirements for continuing education prescribed by regulations adopted by the Board pursuant to NRS 630.269; and

(c) The applicable fee for renewal of the license prescribed by the Board pursuant to NRS 630.2691.

2. A license that expires pursuant to this section not more than 2 years before an application for renewal is made [~~is automatically suspended and~~] may be reinstated only if the applicant:

(a) Complies with the provisions of subsection 1; and

(b) Submits to the Board the fees:

(1) For the reinstatement of an expired license, prescribed by regulations adopted by the Board pursuant to NRS 630.269; and

(2) For each biennium that the license was expired, for the renewal of the license.

3. If a license has been expired for more than 2 years, a person may not renew or reinstate the license but must apply for a new license and submit to the examination required pursuant to NRS 630.2692.

4. The Board shall send a notice of renewal to each licensee not later than 60 days before his or her license expires. The notice must include the amount of the fee for renewal of the license.

Sec. 7. NRS 630.277 is hereby amended to read as follows:

630.277 1. Every person who wishes to practice respiratory care in this State must:

(a) Have a high school diploma or general equivalency diploma;

(b) Complete an educational program for respiratory care which has been approved by the Commission on Accreditation of Allied Health Education Programs or its successor organization or the Committee on Accreditation for Respiratory Care or its successor organization;

(c) Pass the examination as an entry-level or advanced practitioner of respiratory care administered by the [~~Commission on Accreditation of Allied Health Education Programs or its successor organization or the Committee on Accreditation~~] ***National Board*** for Respiratory Care or its successor organization;

(d) Be certified by the [~~Commission on Accreditation of Allied Health Education Programs or its successor organization or the Committee on Accreditation~~] ***National Board*** for Respiratory Care or its successor organization; and

(e) Be licensed to practice respiratory care by the Board and have paid the required fee for licensure.

2. Except as otherwise provided in subsection 3, a person shall not:

(a) Practice respiratory care; or

(b) Hold himself or herself out as qualified to practice respiratory care,

➥ in this State without complying with the provisions of subsection 1.

3. Any person who has completed the educational requirements set forth in paragraphs (a) and (b) of subsection 1 may practice respiratory care pursuant to a program of practical training as an intern in respiratory care for not more than 12 months after completing those educational requirements.

Sec. 7.5. NRS 630.30665 is hereby amended to read as follows:

630.30665 1. The Board shall require each holder of a license to practice medicine to submit ~~[annually]~~ to the Board, on a form provided by the Board, a report stating the number and type of surgeries requiring conscious sedation, deep sedation or general anesthesia performed by the holder of the license at his or her office or any other facility, excluding any surgical care performed:

(a) At a medical facility as that term is defined in NRS 449.0151; or

(b) Outside of this State.

2. In addition to the report required pursuant to subsection 1, the Board shall require each holder of a license to practice medicine to submit a report ~~[annually]~~ to the Board concerning the occurrence of any sentinel event arising from any surgery described in subsection 1. The report must be submitted in the manner prescribed by the Board which must be substantially similar to the manner prescribed by the State Board of Health for reporting information pursuant to NRS 439.835.

3. Each holder of a license to practice medicine shall submit the reports required pursuant to subsections 1 and 2 ~~[whether]~~ ***:***

(a) At the time the holder of a license renews his or her license; and

(b) Whether or not the holder of the license performed any surgery described in subsection 1. Failure to submit a report or knowingly filing false information in a report constitutes grounds for initiating disciplinary action pursuant to subsection 9 of NRS 630.306.

4. ***In addition to the reports required pursuant to subsections 1 and 2, the Board shall require each holder of a license to practice medicine to submit a report to the Board concerning the occurrence of any sentinel event arising from any surgery described in subsection 1 within 14 days after the occurrence of the sentinel event. The report must be submitted in the manner prescribed by the Board.***

5. The Board shall:

(a) Collect and maintain reports received pursuant to subsections 1 ~~[and 2,]~~ ***, 2 and 4;***

(b) Ensure that the reports, and any additional documents created from the reports, are protected adequately from fire, theft, loss, destruction and other hazards, and from unauthorized access; and

(c) Submit to the Health Division a copy of the report submitted pursuant to subsection 1. The Health Division shall maintain the confidentiality of such reports in accordance with subsection ~~[5.]~~ ***6.***

~~[5.]~~ ***6.*** Except as otherwise provided in NRS 239.0115, a report received pursuant to subsection 1 ***,*** ~~[or]~~ 2 ***or 4*** is confidential, not subject to subpoena or discovery, and not subject to inspection by the general public.

~~[6.]~~ ***7.*** The provisions of this section do not apply to surgical care requiring only the administration of oral medication to a patient to relieve the patient's anxiety or pain, if the medication is not given in a dosage that is sufficient to induce in a patient a controlled state of depressed consciousness

or unconsciousness similar to general anesthesia, deep sedation or conscious sedation.

~~[7.]~~ ***8.*** In addition to any other remedy or penalty, if a holder of a license to practice medicine fails to submit a report or knowingly files false information in a report submitted pursuant to this section, the Board may, after providing the holder of a license to practice medicine with notice and opportunity for a hearing, impose against the holder of a license to practice medicine an administrative penalty for each such violation. The Board shall establish by regulation a sliding scale based on the severity of the violation to determine the amount of the administrative penalty to be imposed against the holder of the license pursuant to this subsection. The regulations must include standards for determining the severity of the violation and may provide for a more severe penalty for multiple violations.

~~[8.]~~ ***9.*** As used in this section:

(a) "Conscious sedation" has the meaning ascribed to it in NRS 449.436.

(b) "Deep sedation" has the meaning ascribed to it in NRS 449.437.

(c) "General anesthesia" has the meaning ascribed to it in NRS 449.438.

(d) "Health Division" has the meaning ascribed to it in NRS 449.009.

(e) "Sentinel event" means an unexpected occurrence involving death or serious physical or psychological injury or the risk thereof, including, without limitation, any process variation for which a recurrence would carry a significant chance of serious adverse outcome. The term includes loss of limb or function.

Sec. 8. NRS 630.307 is hereby amended to read as follows:

630.307 1. Except as otherwise provided in subsection 2, any person may file with the Board a complaint against a physician, perfusionist, physician assistant or practitioner of respiratory care on a form provided by the Board. The form may be submitted in writing or electronically. If a complaint is submitted anonymously, the Board may accept the complaint but may refuse to consider the complaint if the lack of the identity of the complainant makes processing the complaint impossible or unfair to the person who is the subject of the complaint.

2. Any licensee, medical school or medical facility that becomes aware that a person practicing medicine, perfusion or respiratory care in this State has, is or is about to become engaged in conduct which constitutes grounds for initiating disciplinary action shall file a written complaint with the Board within 30 days after becoming aware of the conduct.

3. ~~[Any]~~ ***Except as otherwise provided in subsection 4, any*** hospital, clinic or other medical facility licensed in this State, or medical society, shall report to the Board any change in the privileges of a physician, perfusionist, physician assistant or practitioner of respiratory care to practice while the physician, perfusionist, physician assistant or practitioner of respiratory care is under investigation and the outcome of any disciplinary action taken by that facility or society against the physician, perfusionist, physician assistant or practitioner of respiratory care concerning the care of a patient or the

competency of the physician, perfusionist, physician assistant or practitioner of respiratory care within 30 days after the change in privileges is made or disciplinary action is taken.

4. A hospital, clinic or other medical facility licensed in this State, or medical society, shall report to the Board within 5 days after a change in the privileges of a physician, perfusionist, physician assistant or practitioner of respiratory care to practice that is based on:

(a) An investigation of the mental, medical or psychological competency of the physician, perfusionist, physician assistant or practitioner of respiratory care; or

(b) Suspected or alleged substance abuse in any form by the physician, perfusionist, physician assistant or practitioner of respiratory care.

5. The Board shall report any failure to comply with ~~[this]~~ subsection ***3 or 4*** by a hospital, clinic or other medical facility licensed in this State to the Health Division of the Department of Health and Human Services. If, after a hearing, the Health Division determines that any such facility or society failed to comply with the requirements of this subsection, the Division may impose an administrative fine of not more than $10,000 against the facility or society for each such failure to report. If the administrative fine is not paid when due, the fine must be recovered in a civil action brought by the Attorney General on behalf of the Division.

~~[4.]~~ ***6.*** The clerk of every court shall report to the Board any finding, judgment or other determination of the court that a physician, perfusionist, physician assistant or practitioner of respiratory care:

(a) Is mentally ill;

(b) Is mentally incompetent;

(c) Has been convicted of a felony or any law governing controlled substances or dangerous drugs;

(d) Is guilty of abuse or fraud under any state or federal program providing medical assistance; or

(e) Is liable for damages for malpractice or negligence,

➥ within 45 days after such a finding, judgment or determination is made.

~~[5.]~~ ***7.*** On or before January 15 of each year, the clerk of each court shall submit to the Office of Court Administrator created pursuant to NRS 1.320 a written report compiling the information that the clerk reported during the previous year to the Board regarding physicians pursuant to paragraph (e) of subsection ~~[4.~~

~~6.]~~ ***6.***

8. The Board shall retain all complaints filed with the Board pursuant to this section for at least 10 years, including, without limitation, any complaints not acted upon.

Sec. 9. NRS 630.336 is hereby amended to read as follows:

630.336 1. Any deliberations conducted or vote taken by the Board or any investigative committee of the Board regarding its ordering of a physician, perfusionist, physician assistant or practitioner of respiratory care

to undergo a physical or mental examination or any other examination designated to assist the Board or committee in determining the fitness of a physician, perfusionist, physician assistant or practitioner of respiratory care are not subject to the requirements of NRS 241.020.

2. Except as otherwise provided in subsection 3 or 4, all applications for a license to practice medicine, perfusion or respiratory care, any charges filed by the Board, financial records of the Board, formal hearings on any charges heard by the Board or a panel selected by the Board, records of such hearings and any order or decision of the Board or panel must be open to the public.

3. Except as otherwise provided in NRS 239.0115, the following may be kept confidential:

(a) Any statement, evidence, credential or other proof submitted in support of or to verify the contents of an application;

(b) Any report concerning the fitness of any person to receive or hold a license to practice medicine, perfusion or respiratory care; and

(c) Any communication between:

(1) The Board and any of its committees or panels; and

(2) The Board or its staff, investigators, experts, committees, panels, hearing officers, advisory members or consultants and counsel for the Board.

4. Except as otherwise provided in subsection 5 and NRS 239.0115, a complaint filed with the Board pursuant to NRS 630.307, all documents and other information filed with the complaint and all documents and other information compiled as a result of an investigation conducted to determine whether to initiate disciplinary action are confidential.

5. The ***formal*** complaint or other document filed by the Board to initiate disciplinary action and all documents and information considered by the Board when determining whether to impose discipline are public records.

6. This section does not prevent or prohibit the Board from communicating or cooperating with any other licensing board or agency or any agency which is investigating a licensee, including a law enforcement agency. Such cooperation may include, without limitation, providing the board or agency with minutes of a closed meeting, transcripts of oral examinations and the results of oral examinations.

Sec. 10. NRS 630.346 is hereby amended to read as follows:

630.346 In any disciplinary hearing:

1. The Board, a panel of the members of the Board and a hearing officer are not bound by formal rules of evidence and a witness must not be barred from testifying solely because the witness was or is incompetent. ~~[Any fact that is the basis of a finding, conclusion or ruling must be based upon the reliable, probative and substantial evidence on the whole record of the matter.]~~

2. ***A finding of the Board must be supported by a preponderance of the evidence.***

3. Proof of actual injury need not be established.

~~[3.]~~ ***4.*** A certified copy of the record of a court or a licensing agency showing a conviction or plea of nolo contendere or the suspension, revocation, limitation, modification, denial or surrender of a license to practice medicine, perfusion or respiratory care is conclusive evidence of its occurrence.

Sec. 11. (Deleted by amendment.)

Sec. 12. (Deleted by amendment.)

Sec. 13. (Deleted by amendment.)

Sec. 14. (Deleted by amendment.)

Sec. 15. (Deleted by amendment.)

Sec. 16. (Deleted by amendment.)

Sec. 17. (Deleted by amendment.)

Sec. 18. ~~[Chapter 633 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~***1. Any osteopathic physician who performs an autopsy in this State and who determines that the death of the decedent is the result of an overdose of a controlled substance or a dangerous drug shall, within 30 days after making the determination, submit to the Board a written report of the findings of the autopsy, and provide to the Board any other information requested by the Board.***~~

~~***2. Upon receipt of a report submitted pursuant to subsection 1, the Board shall investigate the death of the decedent to determine whether the conduct of any osteopathic physician contributed to the death of the decedent.***~~

~~***3. As used in this section, "dangerous drug" has the meaning ascribed to it in NRS 454.201.]***~~ **(Deleted by amendment.)**

Sec. 19. NRS 633.286 is hereby amended to read as follows:

633.286 1. On or before February 15 of each odd-numbered year, the Board shall submit to the Governor and to the Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature a written report compiling:

(a) Disciplinary action taken by the Board during the previous biennium against osteopathic physicians for malpractice or negligence;

(b) Information reported to the Board during the previous biennium pursuant to NRS 633.526, 633.527, subsections 3 and ~~[4]~~ ***6*** of NRS 633.533 and NRS 690B.250 and 690B.260; and

(c) Information reported to the Board during the previous biennium pursuant to NRS 633.524, including, without limitation, the number and types of surgeries performed by each holder of a license to practice osteopathic medicine and the occurrence of sentinel events arising from such surgeries, if any.

2. The report must include only aggregate information for statistical purposes and exclude any identifying information related to a particular person.

Sec. 20. NRS 633.524 is hereby amended to read as follows:

633.524 1. The Board shall require each holder of a license to practice osteopathic medicine issued pursuant to this chapter to submit ~~[annually]~~ to the Board, on a form provided by the Board, and in the format required by the Board by regulation, a report stating the number and type of surgeries requiring conscious sedation, deep sedation or general anesthesia performed by the holder of the license at his or her office or any other facility, excluding any surgical care performed:

(a) At a medical facility as that term is defined in NRS 449.0151; or

(b) Outside of this State.

2. In addition to the report required pursuant to subsection 1, the Board shall require each holder of a license to practice osteopathic medicine to submit a report ~~[annually]~~ to the Board concerning the occurrence of any sentinel event arising from any surgery described in subsection 1. The report must be submitted in the manner prescribed by the Board which must be substantially similar to the manner prescribed by the State Board of Health for reporting information pursuant to NRS 439.835.

3. Each holder of a license to practice osteopathic medicine shall submit the reports required pursuant to subsections 1 and 2 ~~[whether]~~ ***:***

(a) At the time the holder of the license renews his or her license; and

(b) Whether or not the holder of the license performed any surgery described in subsection 1. Failure to submit a report or knowingly filing false information in a report constitutes grounds for initiating disciplinary action pursuant to NRS 633.511.

4. ***In addition to the reports required pursuant to subsections 1 and 2, the Board shall require each holder of a license to practice osteopathic medicine to submit a report to the Board concerning the occurrence of any sentinel event arising from any surgery described in subsection 1 within 14 days after the occurrence of the sentinel event. The report must be submitted in the manner prescribed by the Board.***

5. The Board shall:

(a) Collect and maintain reports received pursuant to subsections 1 ~~[and 2;]~~ ***, 2 and 4;***

(b) Ensure that the reports, and any additional documents created from the reports, are protected adequately from fire, theft, loss, destruction and other hazards, and from unauthorized access; and

(c) Submit to the Health Division a copy of the report submitted pursuant to subsection 1. The Health Division shall maintain the confidentiality of such reports in accordance with subsection ~~[5.]~~ ***6.***

~~[5.]~~ ***6.*** Except as otherwise provided in NRS 239.0115, a report received pursuant to subsection 1 ***,*** ~~[or]~~ 2 ***or 4*** is confidential, not subject to subpoena or discovery, and not subject to inspection by the general public.

~~[6.]~~ ***7.*** The provisions of this section do not apply to surgical care requiring only the administration of oral medication to a patient to relieve the patient's anxiety or pain, if the medication is not given in a dosage that is sufficient to induce in a patient a controlled state of depressed consciousness

or unconsciousness similar to general anesthesia, deep sedation or conscious sedation.

~~[7.]~~ ***8.*** In addition to any other remedy or penalty, if a holder of a license to practice osteopathic medicine fails to submit a report or knowingly files false information in a report submitted pursuant to this section, the Board may, after providing the holder of a license to practice osteopathic medicine with notice and opportunity for a hearing, impose against the holder of a license an administrative penalty for each such violation. The Board shall establish by regulation a sliding scale based on the severity of the violation to determine the amount of the administrative penalty to be imposed against the holder of the license to practice osteopathic medicine. The regulations must include standards for determining the severity of the violation and may provide for a more severe penalty for multiple violations.

~~[8.]~~ ***9.*** As used in this section:

(a) "Conscious sedation" has the meaning ascribed to it in NRS 449.436.

(b) "Deep sedation" has the meaning ascribed to it in NRS 449.437.

(c) "General anesthesia" has the meaning ascribed to it in NRS 449.438.

(d) "Health Division" has the meaning ascribed to it in NRS 449.009.

(e) "Sentinel event" means an unexpected occurrence involving death or serious physical or psychological injury or the risk thereof, including, without limitation, any process variation for which a recurrence would carry a significant chance of serious adverse outcome. The term includes loss of limb or function.

Sec. 21. NRS 633.533 is hereby amended to read as follows:

633.533 1. Except as otherwise provided in subsection 2, any person may file with the Board a complaint against an osteopathic physician ***or physician assistant*** on a form provided by the Board. The form may be submitted in writing or electronically. If a complaint is submitted anonymously, the Board may accept the complaint but may refuse to consider the complaint if the lack of the identity of the complainant makes processing the complaint impossible or unfair to the person who is the subject of the complaint.

2. Any licensee, medical school or medical facility that becomes aware that a person practicing osteopathic medicine in this State has, is or is about to become engaged in conduct which constitutes grounds for initiating disciplinary action shall file a written complaint with the Board within 30 days after becoming aware of the conduct.

3. ~~[Any]~~ ***Except as otherwise provided in subsection 4, any*** hospital, clinic or other medical facility licensed in this State, or medical society, shall report to the Board any change in ~~[an osteopathic physician's]~~ ***the*** privileges ***of an osteopathic physician or physician assistant*** to practice ~~[osteopathic medicine]~~ while the osteopathic physician ***or physician assistant*** is under investigation and the outcome of any disciplinary action taken by that facility or society against the osteopathic physician ***or physician assistant*** concerning the care of a patient or the competency of the osteopathic

physician ***or physician assistant*** within 30 days after the change in privileges is made or disciplinary action is taken.

4. A hospital, clinic or other medical facility licensed in this State, or medical society, shall report to the Board within 5 days after a change in the privileges of an osteopathic physician or physician assistant that is based on:

(a) An investigation of the mental, medical or psychological competency of the osteopathic physician or physician assistant; or

(b) Suspected or alleged substance abuse in any form by the osteopathic physician or physician assistant.

5. The Board shall report any failure to comply with ~~[this]~~ subsection ***3 or 4*** by a hospital, clinic or other medical facility licensed in this State to the Health Division of the Department of Health and Human Services. If, after a hearing, the Health Division determines that any such facility or society failed to comply with the requirements of this subsection, the Division may impose an administrative fine of not more than $10,000 against the facility or society for each such failure to report. If the administrative fine is not paid when due, the fine must be recovered in a civil action brought by the Attorney General on behalf of the Division.

~~[4.]~~ ***6.*** The clerk of every court shall report to the Board any finding, judgment or other determination of the court that an osteopathic physician or physician assistant:

(a) Is a person with mental illness;

(b) Is a person with mental incompetence;

(c) Has been convicted of a felony or any law governing controlled substances or dangerous drugs;

(d) Is guilty of abuse or fraud under any state or federal program providing medical assistance; or

(e) Is liable for damages for malpractice or negligence,

➥ within 45 days after such a finding, judgment or determination is made.

~~[5.]~~ ***7.*** On or before January 15 of each year, the clerk of every court shall submit to the Office of Court Administrator created pursuant to NRS 1.320 a written report compiling the information that the clerk reported during the previous year to the Board regarding osteopathic physicians pursuant to paragraph (e) of subsection ~~[4.]~~ ***6.***

Sec. 22. (Deleted by amendment.)

Assemblyman Atkinson moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, reengrossed, and to third reading.

Assembly Bill No. 380.

Bill read third time.

Roll call on Assembly Bill No. 380:

YEAS—41.

NAYS—None.

EXCUSED—Brooks.

Assembly Bill No. 380 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 503.

Bill read third time.

Roll call on Assembly Bill No. 503:

YEAS—36.

NAYS—Hambrick, Hansen, Hardy, Kite, Livermore—5.

EXCUSED—Brooks.

Assembly Bill No. 503 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Smith moved that Assembly Bill No. 123 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 383.

Bill read third time.

Roll call on Assembly Bill No. 383:

YEAS—41.

NAYS—None.

EXCUSED—Brooks.

Assembly Bill No. 383 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 575.

Bill read third time.

Roll call on Assembly Bill No. 575:

YEAS—41.

NAYS—None.

EXCUSED—Brooks.

Assembly Bill No. 575 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 376.

The following Senate amendment was read:

Amendment No. 632.

AN ACT relating to tourism improvement districts; making various changes regarding the financing of certain local improvements with revenue

pledged from sales and use taxes; providing a procedure for the selection of subcontractors on certain contracts; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the governing body of any city or county to create a tourism improvement district (TID) and to pledge revenue from several sales and use taxes imposed in that district to finance certain projects within the district. The projects may be owned by the municipality, another governmental entity or any person and may be financed through the issuance of bonds or the entry into agreements for the reimbursement of the costs of the projects. (Chapter 271A of NRS) **Section 2** of this bill requires the independent auditing of claims made under agreements to provide such financing. **Section 2** also prohibits the use of such financing, with respect to a TID created on or after July 1, 2011, to pay various fees and costs and for the relocation within the TID of a retailer from another location within 3 miles outside of the boundary of the TID, and excludes the use for such financing of the tax revenue from such a retailer. **Section 6 of this bill prohibits the provision of such financing to certain governmental entities if a nongovernmental entity obtained any of the original financing in the TID, and prohibits such financing, without the consent of the entities which obtained the original financing in the TID, to an entity that did not obtain any of the original financing in the TID.** **Section 3** of this bill specifies the procedure required for the selection of subcontractors by contractors and developers who enter into certain construction contracts on financed projects or on property within a TID which benefits from financed infrastructure improvements. **Section 4** of this bill requires a municipality that creates a TID to prepare and submit to the Legislature annual reports regarding the TID, and requires the Department of Taxation to prepare and submit to the Legislature and the municipality semiannual reports regarding businesses within a TID. **Section ~~[6]~~ 7** of this bill applies the prevailing wage provisions applicable to public works to construction contracts for financed projects within a TID to the same extent as if the contracts were awarded by the municipality and the projects constituted public works.

Existing law does not allow the creation of a TID unless the pertinent governing body makes a written finding at a public hearing, based upon reports from independent consultants, as to whether the proposed project and financing will have a positive fiscal effect on the provision of local governmental services. (NRS 271A.080) **Section 5** of this bill requires the selection of those independent consultants from a list provided by the Commission on Tourism.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 271A of NRS is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this act.

Sec. 2. ***The governing body of a municipality:***

1. Shall require the review of each claim submitted pursuant to any contract or other agreement made with the governing body to provide any financing or reimbursement pursuant to NRS 271A.120, by an independent auditor.

2. Shall not, with respect to any district created on or after July 1, 2011, provide any financing or reimbursement pursuant to NRS 271A.120 for:

(a) Any legal fees, accounting fees, costs of insurance, fees for legal notices or costs to amend any ordinances.

(b) Any project that includes the relocation on or after July 1, 2011, to the district of any retail facilities of a retailer from another location outside of and within 3 miles of the boundary of the district. Each pledge of money pursuant to NRS 271A.070 shall be deemed to exclude any amounts attributable to any tangible personal property sold at retail, or stored, used or otherwise consumed, in the district during a fiscal year by a retailer who, on or after July 1, 2011, relocates any of its retail facilities to the district from another location outside of and within 3 miles of the boundary of the district.

Sec. 3. ***1. Except as otherwise provided in subsection 2, a contractor or developer who enters into a contract for original construction or a contract for benefited construction shall:***

(a) Advertise for at least 7 calendar days for bids on each subcontract for the performance of any portion of the contract;

(b) At least 2 business days before the first day of that advertisement, provide notice of that advertisement to the governing body of the municipality;

(c) Make available to all prospective bidders on the subcontract a written set of plans and specifications for the pertinent work;

(d) Provide public notice of the name and address of each person who submits a bid on the subcontract; and

(e) After closing the period for the solicitation of bids and receiving at least three timely and responsive bids, select any subcontractor from those timely and responsive bids that the contractor or developer, in his or her sole discretion, determines to be appropriate, except that the contractor or developer shall ensure that each subcontractor who will perform any portion of the contract is appropriately licensed pursuant to chapter 624 of NRS.

2. The provisions of subsection 1 do not apply to:

(a) Any contract which is awarded by a municipality; or

(b) Any project which is constructed or maintained by a governmental entity on any property while the governmental entity owns that property.

3. A governing body of a municipality that receives a notice of an advertisement for bids pursuant to paragraph (b) of subsection 1:

(a) Shall, upon such receipt, post notice of the advertisement on an Internet website maintained by the municipality; and

(b) May otherwise provide notice of the advertisement to local trade organizations and the general public.

4. As used in this section:

(a) "Contract for benefited construction":

(1) Except as otherwise provided in subparagraphs (2) and (3), means any contract or other agreement for the construction, improvement, repair, demolition or reconstruction of any property which is located within a district and which benefits from any infrastructure improvements paid for in whole or in part:

(I) From the proceeds of bonds or notes issued pursuant to paragraph (a) of subsection 1 of NRS 271A.120; or

(II) Pursuant to an agreement for reimbursement entered into pursuant to paragraph (b) of subsection 1 of NRS 271A.120.

(2) Except as otherwise provided in subparagraph (3) and unless the work is paid for in whole or in part with any public funding, does not include any:

(I) Contract or other agreement for the improvement, repair, demolition or reconstruction of any project;

(II) Contract or other agreement with the original tenant of any leased property for any improvement of the property which is to be undertaken more than 60 months after the property is first made available for lease; or

(III) Contract or other agreement for the improvement of any leased property made with any tenant of the property other than the original tenant.

(3) Does not include any contract for original construction.

(b) "Contract for original construction" means any contract or other agreement for the construction, improvement, repair, demolition or reconstruction of any project that is paid for in whole or in part:

(1) From the proceeds of bonds or notes issued pursuant to paragraph (a) of subsection 1 of NRS 271A.120; or

(2) Pursuant to an agreement for reimbursement entered into pursuant to paragraph (b) of subsection 1 of NRS 271A.120.

(c) "Original tenant" means the first tenant of any leased property after the property is first made available for lease.

Sec. 4. *1. On or before September 1 of each year, the governing body of a municipality that creates a district before, on or after July 1, 2011, shall prepare and submit to the Director of the Legislative Counsel Bureau for submission to the Legislature, or to the Legislative Commission when the Legislature is not in regular session, an annual report containing:*

(a) A statement of the status of each project located or expected to be located in the district, and of any changes in that status since the last annual report.

(b) An assessment of the financial impact of the district on the provision of local governmental services, including, without limitation, services for police protection and fire protection.

2. If the governing body of a municipality creates a district before, on or after July 1, 2011, the Department of Taxation shall:

(a) On or before April 1 and October 1 of each year, prepare and submit to the Director of the Legislative Counsel Bureau for submission to the Legislature, or to the Legislative Commission when the Legislature is not in regular session, and to the governing body of the municipality a semiannual report which states:

(1) The amount of revenue from the taxable sales made each month by each business within the district;

(2) To the extent that the pertinent information is available, the portion of that revenue which is attributable to persons who are not residents of this State;

(3) The amount of the wages paid each month by each business within the district; and

(4) The number of full-time and part-time employees employed each month by each business within the district.

(b) Require each business within the district to report to the Department of Taxation, at such times as the Department may specify on a form provided by the Department, such information as the Department determines to be necessary to carry out the provisions of paragraph (a).

3. Except as otherwise provided in subsection 2 or another specific statute, the Department of Taxation shall not disclose any information reported to the Department pursuant to subsection 2.

4. As used in this section, "taxable sales" means any sales that are taxable pursuant to chapter 372 of NRS.

Sec. 5. NRS 271A.080 is hereby amended to read as follows:

271A.080 The governing body of a municipality shall not adopt an ordinance pursuant to NRS 271A.070 unless:

1. If the ordinance:

(a) Creates a district, the governing body has determined that no retailers will have maintained or will be maintaining a fixed place of business within the district on or within the 120 days immediately preceding the date of the adoption of the ordinance; or

(b) Amends the boundaries of the district to add any additional area, the governing body has determined that no retailers will have maintained or will be maintaining a fixed place of business within that area on or within 120 days immediately preceding the date of the adoption of the ordinance.

2. The governing body has made a written finding at a public hearing that the project will benefit the district.

3. The governing body has made a written finding at a public hearing, based upon reports from independent consultants which were addressed to the governing body, to the board of county commissioners, if the governing

body is not the board of county commissioners for the county in which the tourism ***improvement*** district is or will be located, and to the board of trustees of the school district in which the tourism improvement district is or will be located, as to whether the project and the financing thereof pursuant to this chapter will have a positive fiscal effect on the provision of local governmental services, after considering:

(a) The amount of the proceeds of all taxes and other governmental revenue projected to be received as a result of the properties and businesses expected to be located in the district;

(b) The use of any money proposed to be pledged pursuant to NRS 271A.070;

(c) Any increase in costs for the provision of local governmental services, including, without limitation, services for education, including operational and capital costs, and services for police protection and fire protection, as a result of the project and the development of land within the district; and

(d) Estimates of any increases in the proceeds from sales and use taxes collected by retailers located outside of the district and of any displacement of the proceeds from sales and use taxes collected by those retailers, as a result of the properties and businesses expected to be located in the district.

➥ ***The reports required from independent consultants pursuant to this subsection must be obtained from independent consultants selected by the governing body from a list of independent consultants provided by the Commission on Tourism. For the purposes of this subsection, the Commission shall, upon the request of a governing body, provide the governing body with a list of at least three qualified independent consultants, each of whom must be located outside of this State.***

4. The governing body has, at least 45 days before making the written finding required by subsection 3, provided to the board of trustees of the school district in which the tourism improvement district is or will be located:

(a) Written notice of the time and place of the meeting at which the governing body will consider making that written finding; and

(b) Each analysis prepared by or for or presented to the governing body regarding the fiscal effect of the project and the use of any money proposed to be pledged pursuant to NRS 271A.070 on the provision of local governmental services, including education.

➥ After the receipt of the notice required by this subsection and before the date of the meeting at which the governing body will consider making the written finding required by subsection 3, the board of trustees shall conduct a hearing regarding the fiscal effect on the school district, if any, of the project and the use of any money proposed to be pledged pursuant to NRS 271A.070, and may submit to the governing body of the municipality any comments regarding that fiscal effect. The governing body shall consider those comments when making any written finding pursuant to subsection 3

and shall consider those comments when considering the terms of any agreement pursuant to NRS 271A.110.

5. If the governing body is not the board of county commissioners for the county in which the tourism ***improvement*** district is or will be located, the governing body has, at least 45 days before making the written finding required by subsection 3, provided to the board of county commissioners in the county in which the tourism improvement district is or will be located:

(a) Written notice of the time and place of the meeting at which the governing body will consider making that written finding; and

(b) Each analysis prepared by or for or presented to the governing body regarding the fiscal effect of the project and the use of any money proposed to be pledged pursuant to NRS 271A.070 on the provision of local governmental services.

➥ After the receipt of the notice required by this subsection and before the date of the meeting at which the governing body will consider making the written finding required by subsection 3, the board of county commissioners may conduct a hearing regarding the fiscal effect on local governmental services, if any, of the project and the use of any money proposed to be pledged pursuant to NRS 271A.070, and may submit to the governing body of the municipality any comments regarding that fiscal effect. The governing body may consider those comments when making any written finding pursuant to subsection 3 and shall consider those comments when considering the terms of any agreement pursuant to NRS 271A.110.

6. The governing body has determined, at a public hearing conducted at least 15 days after providing notice of the hearing by publication, that:

(a) As a result of the project:

(1) Retailers will locate their businesses as such in the district; and

(2) There will be a substantial increase in the proceeds from sales and use taxes remitted by retailers with regard to tangible personal property sold at retail, or stored, used or otherwise consumed, in the district; and

(b) A preponderance of that increase in the proceeds from sales and use taxes will be attributable to transactions with tourists who are not residents of this State.

7. The Commission on Tourism has determined, at a public hearing conducted at least 15 days after providing notice of the hearing by publication, that a preponderance of the increase in the proceeds from sales and use taxes identified pursuant to subsection 6 will be attributable to transactions with tourists who are not residents of this State.

8. The Governor has determined that the project and the use of any money proposed to be pledged pursuant to NRS 271A.070 will contribute significantly to economic development and tourism in this State. Before making that determination, the Governor:

(a) Must consider the fiscal effects of the pledge of money on educational funding, including any fiscal effects described in comments provided pursuant to subsection 4 by the school district in which the tourism

improvement district is or will be located, and for that purpose may require the Department of Education or the Department of Taxation, or both, to provide an appropriate fiscal report; and

(b) If the Governor determines that the pledge of money will have a substantial adverse fiscal effect on educational funding, may require a commitment from the municipality for the provision of specified payments to the school district in which the tourism improvement district is or will be located during the term of the use of any money pledged pursuant to NRS 271A.070. The payments may be provided pursuant to agreements with owners of property within the district authorized by NRS 271A.110 or from sources other than the owners of property within the district. Such a commitment by a municipality is not subject to the limitations of subsection 1 of NRS 354.626 and, notwithstanding any other law to the contrary, is binding on the municipality for the term of the use of any money pledged pursuant to NRS 271A.070.

9. If any property within the boundaries of the district is also included within the boundaries of any other tourism improvement district or any improvement district for which any money has been pledged pursuant to NRS 271.650, all of the governing bodies which created those districts have entered into an interlocal agreement providing for:

(a) The apportionment of any money pledged pursuant to NRS 271.650 and 271A.070 with respect to such property; and

(b) The priority of the application of that money between:

(1) Bonds issued pursuant to chapter 271 of NRS; and

(2) Bonds and notes issued, and agreements entered into, pursuant to NRS 271A.120.

➥ Any such agreement for the priority of the application of that money may be made irrevocable during the term of any bonds issued pursuant to chapter 271 of NRS to which all or any portion of that money is pledged, or during the term of any bonds or notes issued or any agreements entered into pursuant to NRS 271A.120 to which all or any portion of that money is pledged.

Sec. 6. **NRS 271A.120 is hereby amended to read as follows:**

271A.120 1. Except as otherwise provided in this section, if the governing body of a municipality adopts an ordinance pursuant to NRS 271A.070, the municipality may:

(a) Issue, at one time or from time to time, bonds or notes as special obligations under the Local Government Securities Law to finance or refinance projects for the benefit of the district. Any such bonds or notes may be secured by a pledge of, and be payable from, any money pledged pursuant to NRS 271A.070 and received by the municipality with respect to the district, any revenue received by the municipality from any revenue-producing projects in the district, or any combination thereof.

(b) Enter into an agreement with one or more governmental entities or other persons to reimburse that entity or person for the cost of acquiring,

improving or equipping, or any combination thereof, any project, which may contain such terms as are determined to be desirable by the governing body of the municipality, including the payment of reasonable interest and other financing costs incurred by such entity or other person. Any such reimbursements may be secured by a pledge of, and be payable from, any money pledged pursuant to NRS 271A.070 and received by the municipality with respect to the district, any revenue received by the municipality from any revenue-producing projects in the district, or any combination thereof. Such an agreement is not subject to the limitations of subsection 1 of NRS 354.626 and may, at the option of the governing body, be binding on the municipality beyond the fiscal year in which it was made, only if the agreement pertains solely to one or more projects that are owned by the municipality or another governmental entity.

2. ***The governing body of a municipality shall not, with respect to any district created before, on or after July 1, 2011, provide any financing or reimbursement pursuant to this section:***

(a) Except as otherwise provided in this paragraph, to any governmental entity for any project within the district if any nongovernmental entity is or was entitled to receive any financing or reimbursement from the municipality pursuant to this section under the original financing agreements for the initial projects within the district. This paragraph does not prohibit the provision of such financing or reimbursement to:

(1) A school district; or

(2) A governmental entity that is or was entitled to receive such financing or reimbursement under the original financing agreements for the initial projects within the district.

(b) To any person or other entity for any project within the district, other than a person or other entity that is or was entitled to receive such financing or reimbursement from the municipality under the original financing agreements for the initial projects within the district, without the consent of all the persons and other entities that were entitled to receive such financing or reimbursement under the original financing agreements for the initial projects within the district.

3. Before the issuance of any bonds or notes pursuant to this section, the municipality must obtain the results of a feasibility study, commissioned by the municipality, which shows that a sufficient amount will be generated from money pledged pursuant to NRS 271A.070 to make timely payment on the bonds or notes, taking into account the revenue from any other revenue-producing projects also pledged for the payment of the bonds or notes, if any. A failure to make payments of any amounts due:

(a) With respect to any bonds or notes issued pursuant to subsection 1; or

(b) Under any agreements entered into pursuant to subsection 1,

➥ because of any insufficiency in the amount of money pledged pursuant to NRS 271A.070 to make those payments shall be deemed not to constitute a default on those bonds, notes or agreements.

~~[3.]~~ ***4.*** No bond, note or other agreement issued or entered into pursuant to this section may be secured by or payable from the general fund of the municipality, the power of the municipality to levy ad valorem property taxes, or any source other than any money pledged pursuant to NRS 271A.070 and received by the municipality with respect to the district, any revenue received by the municipality from any revenue-producing projects in the district, or any combination thereof. No bond, note or other agreement issued or entered into pursuant to this section may ever become a general obligation of the municipality or a charge against its general credit or taxing powers, nor may any such bond, note or other agreement become a debt of the municipality for purposes of any limitation on indebtedness.

~~[4.]~~ ***5.*** Any bond or note issued pursuant to this section, including any bond or note issued to refund any such bond or note, must mature on or before, and any agreement entered pursuant to this section must automatically terminate on or before, the end of the fiscal year in which the 20th anniversary of the adoption of the ordinance creating the district occurs.

~~[Sec. 6.]~~ ***Sec. 7.*** NRS 271A.130 is hereby amended to read as follows:

271A.130 1. Except as otherwise provided in this section ~~[,]~~ ***and section 3 of this act and*** notwithstanding any other law to the contrary, any contract or other agreement relating to or providing for the construction, improvement, repair, demolition, reconstruction, other acquisition, equipment, operation or maintenance of any project financed in whole or in part pursuant to this chapter is exempt from any law requiring competitive bidding or otherwise specifying procedures for the award of contracts for construction or other contracts, or specifying procedures for the procurement of goods or services. The governing body of the municipality shall require a quarterly report on the demography of the workers employed by any contractor or subcontractor for each such project.

2. The provisions of subsection 1 do not apply to any project which is constructed or maintained by a governmental entity on any property while the governmental entity owns that property.

3. ~~[The provisions of NRS 338.010 to 338.090, inclusive, apply to]~~ ***A person who enters into*** any contract or other agreement for the construction, improvement, repair, demolition or reconstruction of any project that is paid for in whole or in part:

(a) From the proceeds of bonds or notes issued pursuant to paragraph (a) of subsection 1 of NRS 271A.120; or

(b) Pursuant to an agreement for reimbursement entered into pursuant to paragraph (b) of subsection 1 of NRS 271A.120,

➥ ~~[regardless of whether the project is publicly or privately owned.]~~ ***shall include in the contract or other agreement the contractual provisions and stipulations that are required to be included in a contract for a public work pursuant to the provisions of NRS 338.013 to 338.090, inclusive. The governing body of the municipality, the contractor who is awarded the contract or enters into the agreement to perform the construction,***

improvement, repair, demolition or reconstruction, and any subcontractor who performs any portion of the contract or agreement shall comply with the provisions of NRS 338.013 to 338.090, inclusive, in the same manner as if the governing body of the municipality had undertaken the project or had awarded the contract.

4. The governing body of the municipality shall ensure that each contractor and developer to whom the provisions of section 3 of this act apply complies with those provisions.

~~[Sec. 7.]~~ ***Sec. 8.*** NRS 372.750 is hereby amended to read as follows:

372.750 1. Except as otherwise provided in this section or NRS 360.247 ~~[,]~~ ***or section 4 of this act,*** it is a misdemeanor for any member of the Tax Commission or officer, agent or employee of the Department to make known in any manner whatever the business affairs, operations or information obtained by an investigation of records and equipment of any retailer or any other person visited or examined in the discharge of official duty, or the amount or source of income, profits, losses, expenditures or any particular of them, set forth or disclosed in any return, or to permit any return or copy of a return, or any book containing any abstract or particulars of it to be seen or examined by any person not connected with the Department.

2. The Tax Commission may agree with any county fair and recreation board or the governing body of any county, city or town for the continuing exchange of information concerning taxpayers.

3. The Governor may, by general or special order, authorize the examination of the records maintained by the Department under this chapter by other state officers, by tax officers of another state, by the Federal Government, if a reciprocal arrangement exists, or by any other person. The information so obtained may not be made public except to the extent and in the manner that the order may authorize that it be made public.

4. Upon written request made by a public officer of a local government, the Executive Director shall furnish from the records of the Department, the name and address of the owner of any seller or retailer who must file a return with the Department. The request must set forth the social security number of the owner of the seller or retailer about which the request is made and contain a statement signed by the proper authority of the local government certifying that the request is made to allow the proper authority to enforce a law to recover a debt or obligation owed to the local government. Except as otherwise provided in NRS 239.0115, the information obtained by the local government is confidential and may not be used or disclosed for any purpose other than the collection of a debt or obligation owed to that local government. The Executive Director may charge a reasonable fee for the cost of providing the requested information.

5. Successors, receivers, trustees, executors, administrators, assignees and guarantors, if directly interested, may be given information as to the items included in the measure and amounts of any unpaid tax or amounts of tax required to be collected, interest and penalties.

6. Relevant information that the Tax Commission has determined is not proprietary or confidential information in a hearing conducted pursuant to NRS 360.247 may be disclosed as evidence in an appeal by the taxpayer from a determination of tax due.

7. At any time after a determination, decision or order of the Executive Director or other officer of the Department imposing upon a person a penalty for fraud or intent to evade the tax imposed by this chapter on the sale, storage, use or other consumption of any vehicle, vessel or aircraft becomes final or is affirmed by the Commission, any member of the Commission or officer, agent or employee of the Department may publicly disclose the identity of that person and the amount of tax assessed and penalties imposed against that person.

~~[Sec. 8.]~~ ***Sec. 9.*** NRS 374.755 is hereby amended to read as follows:

374.755 1. Except as otherwise provided in this section or NRS 360.247 ~~[,]~~ ***or section 4 of this act,*** it is a misdemeanor for any member of the Nevada Tax Commission or officer, agent or employee of the Department to make known in any manner whatever the business affairs, operations or information obtained by an investigation of records and equipment of any retailer or any other person visited or examined in the discharge of official duty, or the amount or source of income, profits, losses, expenditures or any particular thereof, set forth or disclosed in any return, or to permit any return or copy thereof, or any book containing any abstract or particulars thereof to be seen or examined by any person not connected with the Department.

2. The Nevada Tax Commission may agree with any county fair and recreation board or the governing body of any county, city or town for the continuing exchange of information concerning taxpayers.

3. The Governor may, however, by general or special order, authorize the examination of the records maintained by the Department under this chapter by other state officers, by tax officers of another state, by the Federal Government, if a reciprocal arrangement exists, or by any other person. The information so obtained pursuant to the order of the Governor may not be made public except to the extent and in the manner that the order may authorize that it be made public.

4. Upon written request made by a public officer of a local government, the Executive Director shall furnish from the records of the Department, the name and address of the owner of any seller or retailer who must file a return with the Department. The request must set forth the social security number of the owner of the seller or retailer about which the request is made and contain a statement signed by the proper authority of the local government certifying that the request is made to allow the proper authority to enforce a law to recover a debt or obligation owed to the local government. Except as otherwise provided in NRS 239.0115, the information obtained by the local government is confidential and may not be used or disclosed for any purpose other than the collection of a debt or obligation owed to that local

government. The Executive Director may charge a reasonable fee for the cost of providing the requested information.

5. Successors, receivers, trustees, executors, administrators, assignees and guarantors, if directly interested, may be given information as to the items included in the measure and amounts of any unpaid tax or amounts of tax required to be collected, interest and penalties.

6. Relevant information that the Nevada Tax Commission has determined is not proprietary or confidential information in a hearing conducted pursuant to NRS 360.247 may be disclosed as evidence in an appeal by the taxpayer from a determination of tax due.

7. At any time after a determination, decision or order of the Executive Director or other officer of the Department imposing upon a person a penalty for fraud or intent to evade the tax imposed by this chapter on the sale, storage, use or other consumption of any vehicle, vessel or aircraft becomes final or is affirmed by the Commission, any member of the Commission or officer, agent or employee of the Department may publicly disclose the identity of that person and the amount of tax assessed and penalties imposed against that person.

~~[Sec. 9.]~~ ***Sec. 10.*** The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

~~[Sec. 10.]~~ ***Sec. 11.*** 1. This section and sections 5 and ~~[9]~~ **10** of this act become effective upon passage and approval.

2. Sections 1 to 4, inclusive, **and** 6 ~~[, 7 and 8]~~ **to 9, inclusive,** of this act become effective on July 1, 2011.

Assemblywoman Kirkpatrick moved that the Assembly do not concur in the Senate Amendment No. 632 to Assembly Bill No. 376.

Remarks by Assemblywoman Kirkpatrick.

Motion carried.

Bill ordered transmitted to Senate.

Assembly Bill No. 410.

The following Senate amendment was read:

Amendment No. 590.

AN ACT relating to water; requiring that protests against the granting of certain applications relating to water rights by a government, governmental agency or political subdivision of a government be verified or signed by the person in charge of the government, agency or political subdivision; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, any interested person, including a governmental entity, is authorized to file a written protest with the State Engineer against the granting of an application for a permit to appropriate water or to change the place of diversion, the manner of use or the place of use of water already appropriated. (NRS 533.010, 533.325, 533.365) In addition, any person,

including a governmental entity, who may be adversely affected by a project for the recharge, storage and recovery of water is authorized under existing law to file a written protest with the State Engineer against the granting of an application for a permit to operate the project. (NRS 534.014, 534.250, 534.270)

This bill requires that any protest which is filed by a government, governmental agency or political subdivision against the granting of an application for a permit to change the place of diversion, the manner of use or the place of use of water already appropriated within the same basin or for a permit to operate a project for the recharge, storage and recovery of water be verified or signed by the director, administrator, chief, head or other person in charge of that government, governmental agency or political subdivision. However, this bill does not change the requirements under existing law for a protest by a government, governmental agency or political subdivision against the granting of an application for a permit to appropriate water or an application that involves an interbasin transfer of groundwater. (NRS 533.365)

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 533.365 is hereby amended to read as follows:

533.365 1. Any person interested may, within 30 days after the date of last publication of the notice of application, file with the State Engineer a written protest against the granting of the application, setting forth with reasonable certainty the grounds of such protest, which ***, except as otherwise provided in subsection 2,*** must be verified by the affidavit of the protestant, or an agent or attorney thereof.

2. ***If the application is for a permit to change the place of diversion, manner of use or place of use of water already appropriated within the same basin, a protest filed against the granting of such an application by a government, governmental agency or political subdivision of a government must be verified by the affidavit of:***

(a) Except as otherwise provided in paragraph (b), the director, administrator, chief, head or other person in charge of the government, governmental agency or political subdivision; or

(b) If the governmental agency or political subdivision is a division or other part of a department, the director or other person in charge of that department in this State, including, without limitation:

(1) The ~~*[Forest Supervisor for the Humboldt-Toiyabe National Forest,]*~~ ***Regional Forester for the Intermountain Region, if the protest is filed by the United States Forest Service;***

(2) The State Director of the Nevada State Office of the Bureau of Land Management, if the protest is filed by the Bureau of Land Management;

(3) The Regional Director of the Pacific Southwest Region, if the protest is filed by the United States Fish and Wildlife Service;

(4) The Regional Director of the Pacific West Region, if the protest is filed by the National Park Service;

(5) The Director of the State Department of Conservation and Natural Resources, if the protest is filed by any division of that Department; or

[(5)] (6) The chair of the board of county commissioners, if the protest is filed by a county.

3. On receipt of a protest **[**,**]** ***that complies with the requirements of subsection 1 or 2,*** the State Engineer shall advise the applicant whose application has been protested of the fact that the protest has been filed with the State Engineer, which advice must be sent by certified mail.

[3.**]** ***4.*** The State Engineer shall consider the protest, and may, in his or her discretion, hold hearings and require the filing of such evidence as the State Engineer may deem necessary to a full understanding of the rights involved. The State Engineer shall give notice of the hearing by certified mail to both the applicant and the protestant. The notice must state the time and place at which the hearing is to be held and must be mailed at least 15 days before the date set for the hearing.

[4.**]** ***5.*** Each applicant and each protestant shall, in accordance with a schedule established by the State Engineer, provide to the State Engineer and to each protestant and each applicant information required by the State Engineer relating to the application or protest.

[5.**]** ***6.*** If the State Engineer holds a hearing pursuant to subsection **[**3,**]** ***4,*** the State Engineer shall render a decision on each application not later than 240 days after the later of:

(a) The date all transcripts of the hearing become available to the State Engineer; or

(b) The date specified by the State Engineer for the filing of any additional information, evidence, studies or compilations requested by the State Engineer. The State Engineer may, for good cause shown, extend any applicable period.

[6.**]** ***7.*** The State Engineer shall adopt rules of practice regarding the conduct of a hearing held pursuant to subsection **[**3.**]** ***4.*** The rules of practice must be adopted in accordance with the provisions of NRS 233B.040 to 233B.120, inclusive, and codified in the Nevada Administrative Code. The technical rules of evidence do not apply at such a hearing.

[7.**]** ***8.*** The provisions of this section do not prohibit the noticing of a new period of 45 days in which a person may file with the State Engineer a written protest against the granting of the application, if such notification is required to be given pursuant to subsection 8 of NRS 533.370.

Sec. 2. NRS 534.270 is hereby amended to read as follows:

534.270 1. Upon receipt of an application for a permit to operate a project, the State Engineer shall endorse on the application the date it was received and keep a record of the application. The State Engineer shall

conduct an initial review of the application within 45 days after receipt of the application. If the State Engineer determines in the initial review that the application is incomplete, the State Engineer shall notify the applicant. The application is incomplete until the applicant files all the information requested in the application. The State Engineer shall determine whether the application is correct within 180 days after receipt of a complete application. The State Engineer may request additional information from the applicant. The State Engineer may conduct such independent investigations as are necessary to determine whether the application should be approved or rejected.

2. If the application is determined to be complete and correct, the State Engineer, within 30 days after such a determination or a longer period if requested by the applicant, shall cause notice of the application to be given once each week for 2 consecutive weeks in a newspaper of general circulation in the county or counties in which persons reside who could reasonably be expected to be affected by the project. The notice must state:

(a) The legal description of the location of the proposed project;

(b) A brief description of the proposed project including its capacity;

(c) That any person who may be adversely affected by the project may file a written protest with the State Engineer within 30 days after the last publication of the notice;

(d) The date of the last publication;

(e) That the grounds for protesting the project are limited to whether the project would be in compliance with subsection 2 of NRS 534.250;

(f) The name of the applicant; and

(g) That a protest must:

(1) State the name and mailing address of the protester;

(2) Clearly set forth the reason why the permit should not be issued; and

(3) Be signed by the protester or the protester's agent or attorney ~~[.]~~ ***or, if the protester is a government, governmental agency or political subdivision of a government, be approved and signed in the manner specified in paragraph (g) of subsection 3.***

3. A protest to a proposed project:

(a) May be made by any person who may be adversely affected by the project;

(b) Must be in writing;

(c) Must be filed with the State Engineer within 30 days after the last publication of the notice;

(d) Must be upon a ground listed in subsection 2 of NRS 534.250;

(e) Must state the name and mailing address of the protester;

(f) Must clearly set forth the reason why the permit should not be issued; and

(g) ~~[Must]~~ ***Except as otherwise provided in this paragraph, must*** be signed by the protester or the protester's agent or attorney. ***If the protester is***

a government, governmental agency or political subdivision of a government, the protest must be:

(1) Except as otherwise provided in subparagraph (2), approved and signed by the director, administrator, chief, head or other person in charge of the government, governmental agency or political subdivision; or

(2) If the governmental agency or political subdivision is a division or other part of a department, approved and signed by the director or other person in charge of that department in this State, including, without limitation:

(I) The ~~[Forest Supervisor for the Humboldt-Toiyabe National Forest,]~~ Regional Forester for the Intermountain Region, if the protest is filed by the United States Forest Service;

(II) The State Director of the Nevada State Office of the Bureau of Land Management, if the protest is filed by the Bureau of Land Management;

(III) The Regional Director of the Pacific Southwest Region, if the protest is filed by the United States Fish and Wildlife Service;

(IV) The Regional Director of the Pacific West Region, if the protest is filed by the National Park Service;

(V) The Director of the State Department of Conservation and Natural Resources, if the protest is filed by any division of that Department; or

~~[(V)]~~ (VI) The chair of the board of county commissioners, if the protest is filed by a county.

4. Upon receipt of a protest, the State Engineer shall advise the applicant by certified mail that a protest has been filed.

5. Upon receipt of a protest, or upon the motion of the State Engineer, the State Engineer may hold a hearing. Not less than 30 days before the hearing, the State Engineer shall send by certified mail notice of the hearing to the applicant and any person who filed a protest.

6. The State Engineer shall either approve or deny each application within 1 year after the final date for filing a protest, unless the State Engineer has received a written request from the applicant to postpone making a decision or, in the case of a protested application, from both the protester and the applicant. The State Engineer may delay action on the application pursuant to paragraph (c) of subsection 2 of NRS 533.370.

7. Any person aggrieved by any decision of the State Engineer made pursuant to subsection 6 may appeal that decision to the district court pursuant to NRS 533.450.

Sec. 3. This act becomes effective on July 1, 2011.

Assemblywoman Kirkpatrick moved that the Assembly concur in the Senate Amendment No. 590 to Assembly Bill No. 410.

Remarks by Assemblywoman Kirkpatrick.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Assembly Bill No. 360.

The following Senate amendment was read:

Amendment No. 748.

SUMMARY—Revises provisions governing ~~[the imposition of civil penalties for violations of]~~ city or county ordinances regarding the abatement of certain conditions and nuisances on property within the city or county. (BDR 21-266)

AN ACT relating to local governments; **requiring a city or county to provide by ordinance that property owners have 30 days to abate a nuisance or dangerous or noxious condition under certain circumstances;** authorizing a city or county to collect civil penalties imposed for failure to abate certain conditions and nuisances on property within the city or county as a special assessment against the property under certain circumstances; revising provisions relating to the maximum amount of a civil penalty that may be imposed for failure to abate certain nuisances on property within the city or county under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, if an owner of property within a city fails to abate a dangerous or noxious condition, a chronic nuisance or, in larger counties, an abandoned nuisance on the property after being directed to do so, the owner may be required to pay civil penalties as well as any costs incurred by the city to abate the condition or nuisance. In addition to any other reasonable means of recovering its abatement costs, the city is authorized to make those costs a special assessment against the property and collect the special assessment in the same manner as ordinary county taxes are collected. (NRS 268.4122-268.4126) Existing law sets forth parallel authority for counties to abate chronic nuisances and public nuisances and provides that abatement costs for public nuisances must be received as a special assessment against the affected property. (NRS 244.3603, 244.3605) **This bill provides that a city or county must allow a property owner at least 30 days to abate a condition or nuisance if the condition or nuisance: (1) is not an immediate danger to the public health, safety or welfare; and (2) was caused by the criminal activity of another person.** This bill authorizes a city or county to also collect any civil penalties imposed against the owner of the property as a special assessment against the property if the amount of the uncollected civil penalties after 12 months is more than $5,000.

Under existing law, the maximum civil penalty that is authorized to be imposed on an owner of property in a city or county for failure to abate a chronic nuisance on the property is $500 per day. (NRS 244.3603, 268.4124) **Sections 2 and 5** of this bill increase that maximum authorized civil penalty to ~~[$1,000]~~ **$750** per day if the relevant property is nonresidential property. **Section 3** of this bill provides a maximum civil penalty that a city may impose for the failure to abate an abandoned nuisance of ~~[$1,000]~~ **$750** per

day against an owner of nonresidential property and $500 per day against an owner of residential property.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 268.4122 is hereby amended to read as follows:

268.4122 1. The governing body of a city may adopt by ordinance procedures pursuant to which the governing body or its designee may order an owner of property within the city to:

(a) Repair, safeguard or eliminate a dangerous structure or condition;

(b) Clear debris, rubbish, refuse, litter, garbage, abandoned or junk vehicles or junk appliances which are not subject to the provisions of chapter 459 of NRS; or

(c) Clear weeds and noxious plant growth,

➥ to protect the public health, safety and welfare of the residents of the city.

2. An ordinance adopted pursuant to subsection 1 must:

(a) Contain procedures pursuant to which the owner of the property is:

(1) Sent a notice, by certified mail, return receipt requested, of the existence on the property of a condition set forth in subsection 1 and the date by which the owner must abate the condition**. [**~~**; and**~~**]**

(2) ***If the condition is not an immediate danger to the public health, safety or welfare and was caused by the criminal activity of a person other than the owner, afforded a minimum of 30 days to abate the condition.***

(3) Afforded an opportunity for a hearing before the designee of the governing body and an appeal of that decision. The ordinance must specify whether all such appeals are to be made to the governing body or to a court of competent jurisdiction.

(b) Provide that the date specified in the notice by which the owner must abate the condition is tolled for the period during which the owner requests a hearing and receives a decision.

(c) Provide the manner in which the city will recover money expended for labor and materials used to abate the condition on the property if the owner fails to abate the condition.

(d) Provide for civil penalties for each day that the owner did not abate the condition after the date specified in the notice by which the owner was requested to abate the condition.

(e) If the county board of health, city board of health or district board of health in whose jurisdiction the incorporated city is located has adopted a definition of garbage, use the definition of garbage adopted by the county board of health, city board of health or district board of health, as applicable.

3. The governing body or its designee may direct the city to abate the condition on the property and may recover the amount expended by the city for labor and materials used to abate the condition if:

(a) The owner has not requested a hearing within the time prescribed in the ordinance adopted pursuant to subsection 1 and has failed to abate the condition on the property within the period specified in the notice;

(b) After a hearing in which the owner did not prevail, the owner has not filed an appeal within the time prescribed in the ordinance adopted pursuant to subsection 1 and has failed to abate the condition within the period specified in the order; or

(c) The governing body or a court of competent jurisdiction has denied the appeal of the owner and the owner has failed to abate the condition within the period specified in the order.

4. In addition to any other reasonable means ~~[of]~~ ***for*** recovering money expended by the city to abate the condition ~~[,]~~ ***and, except as otherwise provided in subsection 5, for collecting civil penalties imposed pursuant to the ordinance adopted pursuant to subsection 1,*** the governing body may make the expense ***and civil penalties*** a special assessment against the property upon which the condition is or was located. The special assessment may be collected at the same time and in the same manner as ordinary county taxes are collected, and is subject to the same penalties and the same procedure and sale in case of delinquency as provided for ordinary county taxes. All laws applicable to the levy, collection and enforcement of county taxes are applicable to such a special assessment.

5. ***Any civil penalties that have not been collected from the owner of the property may not be made a special assessment against the property pursuant to subsection 4 by the governing body unless:***

(a) At least 12 months have elapsed after the date specified in the notice by which the owner must abate the condition or the date specified in the order of the governing body or court by which the owner must abate the condition, whichever is later;

(b) The owner has been billed, served or otherwise notified that the civil penalties are due; and

(c) The amount of the uncollected civil penalties is more than $5,000.

6. As used in this section, "dangerous structure or condition" means a structure or condition that may cause injury to or endanger the health, life, property, safety or welfare of the general public or the occupants, if any, of the real property on which the structure or condition is located. The term includes, without limitation, a structure or condition that:

(a) Does not meet the requirements of a code or regulation adopted pursuant to NRS 268.413 with respect to minimum levels of health, maintenance or safety; or

(b) Violates an ordinance, rule or regulation regulating health and safety enacted, adopted or passed by the governing body of a city, the violation of which is designated as a nuisance in the ordinance, rule or regulation.

Sec. 2. NRS 268.4124 is hereby amended to read as follows:

268.4124 1. The governing body of a city may, by ordinance, to protect the public health, safety and welfare of the residents of the city, adopt

procedures pursuant to which the city attorney may file an action in a court of competent jurisdiction to:

(a) Seek the abatement of a chronic nuisance that is located or occurring within the city;

(b) If applicable, seek the closure of the property where the chronic nuisance is located or occurring; and

(c) If applicable, seek penalties against the owner of the property within the city and any other appropriate relief.

2. An ordinance adopted pursuant to subsection 1 must:

(a) Contain procedures pursuant to which the owner of the property is:

(1) Sent notice, by certified mail, return receipt requested, by the city police or other person authorized to issue a citation, of the existence on the property of two or more nuisance activities and the date by which the owner must abate the condition to prevent the matter from being submitted to the city attorney for legal action**.** ~~[, and]~~

(2) ***If the nuisance is not an immediate danger to the public health, safety and welfare and was caused by the criminal activity of a person other than the owner, afforded a minimum of 30 days to abate the nuisance.***

(3) Afforded an opportunity for a hearing before a court of competent jurisdiction.

(b) Provide that the date specified in the notice by which the owner must abate the condition is tolled for the period during which the owner requests a hearing and receives a decision.

(c) Provide the manner in which the city will recover money expended for labor and materials used to abate the condition on the property if the owner fails to abate the condition.

3. If the court finds that a chronic nuisance exists and emergency action is necessary to avoid immediate threat to the public health, welfare or safety, the court shall order the city to secure and close the property for a period not to exceed 1 year or until the nuisance is abated, whichever occurs first, and may:

(a) Impose a civil penalty ***:***

(1) If the property is nonresidential property, of not more than ~~*[$1,000]*~~ ***$750 per day; or***

(2) If the property is residential property, of not more than $500 per day **,**

➥ for each day that the condition was not abated after the date specified in the notice by which the owner was required to abate the condition;

(b) Order the owner to pay the city for the cost incurred by the city in abating the condition;

(c) If applicable, order the owner to pay reasonable expenses for the relocation of any tenants who are affected by the chronic nuisance; and

(d) Order any other appropriate relief.

4. In addition to any other reasonable means authorized by the court for the recovery of money expended by the city to abate the chronic nuisance ~~[,]~~ ***and, except as otherwise provided in subsection 5, for the collection of civil penalties imposed pursuant to subsection 3,*** the governing body may make the expense ***and civil penalties*** a special assessment against the property upon which the chronic nuisance is or was located or occurring. The special assessment may be collected at the same time and in the same manner as ordinary county taxes are collected, and is subject to the same penalties and the same procedure and sale in case of delinquency as provided for ordinary county taxes. All laws applicable to the levy, collection and enforcement of county taxes are applicable to such a special assessment.

5. ***Any civil penalties that have not been collected from the owner of the property may not be made a special assessment against the property pursuant to subsection 4 by the governing body unless:***

(a) At least 12 months have elapsed after the date specified in the order of the court by which the owner must abate the chronic nuisance or, if the owner appeals that order, the date specified in the order of the appellate court by which the owner must abate the chronic nuisance, whichever is later;

(b) The owner has been billed, served or otherwise notified that the civil penalties are due; and

(c) The amount of the uncollected civil penalties is more than $5,000.

6. As used in this section:

(a) A "chronic nuisance" exists:

(1) When three or more nuisance activities exist or have occurred during any 30-day period on the property.

(2) When a person associated with the property has engaged in three or more nuisance activities during any 30-day period on the property or within 100 feet of the property.

(3) When the property has been the subject of a search warrant based on probable cause of continuous or repeated violations of chapter 459 of NRS.

(4) When a building or place is used for the purpose of unlawfully selling, serving, storing, keeping, manufacturing, using or giving away a controlled substance, immediate precursor or controlled substance analog.

(5) When a building or place was used for the purpose of unlawfully manufacturing a controlled substance, immediate precursor or controlled substance analog and:

(I) The building or place has not been deemed safe for habitation by a governmental entity; or

(II) All materials or substances involving the controlled substance, immediate precursor or controlled substance analog have not been removed from or remediated on the building or place by an entity certified or licensed to do so within 180 days after the building or place is no longer used for the purpose of unlawfully manufacturing a controlled substance, immediate precursor or controlled substance analog.

(b) "***Commercial real estate" has the meaning ascribed to it in NRS 645.8711.***

(c) **"**Controlled substance analog" has the meaning ascribed to it in NRS 453.043.

~~[(c)]~~ ***(d)*** **"**Immediate precursor" has the meaning ascribed to it in NRS 453.086.

~~[(d)]~~ ***(e)*** **"**Nuisance activity" means:

(1) Criminal activity;

(2) The presence of debris, litter, garbage, rubble, abandoned or junk vehicles or junk appliances;

(3) Excessive noise and violations of curfew; or

(4) Any other activity, behavior or conduct defined by the governing body to constitute a public nuisance.

~~[(e)]~~ ***(f)*** **"**Person associated with the property" means a person who, on the occasion of a nuisance activity, has:

(1) Entered, patronized or visited;

(2) Attempted to enter, patronize or visit; or

(3) Waited to enter, patronize or visit,

➥ a property or a person present on the property.

~~*[(f)*~~ ***(g) "Residential property" means:***

(1) Improved real estate that consists of not more than four residential units;

(2) Unimproved real estate for which not more than four residential units may be developed or constructed pursuant to any zoning regulations or any development plan applicable to the real estate; or

(3) A single-family residential unit, including, without limitation, a condominium, townhouse or home within a subdivision, if the unit is sold, leased or otherwise conveyed unit by unit, regardless of whether the unit is part of a larger building or parcel that consists of more than four units.

➥ The term does not include commercial real estate.

Sec. 3. NRS 268.4126 is hereby amended to read as follows:

268.4126 1. The governing body of each city which is located in a county whose population is 100,000 or more may, by ordinance, to protect the public health, safety and welfare of the residents of the city, adopt procedures pursuant to which the city attorney may file an action in a court of competent jurisdiction to seek:

(a) The abatement of an abandoned nuisance that is located or occurring within the city;

(b) The repair, safeguarding or demolition of any structure or property where an abandoned nuisance is located or occurring within the city;

(c) Authorization for the city to take the actions described in paragraphs (a) and (b);

(d) Civil penalties against an owner of any structure or property where an abandoned nuisance is located or occurring within the city; and

(e) Any other appropriate relief.

2. An ordinance adopted pursuant to subsection 1 must:

(a) Contain procedures pursuant to which the owner of the property is:

(1) Sent notice, by certified mail, return receipt requested, by a person authorized by the city to issue a citation, of the existence on the property of two or more abandoned nuisance activities and the date by which the owner must abate the abandoned nuisance to prevent the matter from being submitted to the city attorney for legal action**. [; and]**

(2) ***If the abandoned nuisance is not an immediate danger to the public health, safety or welfare and was caused by the criminal activity of a person other than the owner, afforded a minimum of 30 days to abate the abandoned nuisance.***

(3) Afforded an opportunity for a hearing before a court of competent jurisdiction.

(b) Provide that the date specified in the notice by which the owner must abate the abandoned nuisance is tolled for the period during which the owner requests a hearing and receives a decision.

(c) Provide the manner in which the city will, if the owner fails to abate the abandoned nuisance, recover money expended for labor and materials used to:

(1) Abate the abandoned nuisance on the property; or

(2) If applicable, repair, safeguard or demolish a structure or property where the abandoned nuisance is located or occurring.

3. If the court finds that an abandoned nuisance exists, the court shall order the owner of the property to abate the abandoned nuisance or repair, safeguard or demolish any structure or property where the abandoned nuisance is located or occurring, and may:

(a) ***Impose a civil penalty:***

(1) If the property is nonresidential property, of not more than *[$1,000]* ***$750 per day; or***

(2) If the property is residential property, of not more than $500 per day,

➥ for each day that the abandoned nuisance was not abated after the date specified in the notice by which the owner was required to abate the abandoned nuisance;

(b) If applicable, order the owner of the property to pay reasonable expenses for the relocation of any tenants who occupy the property legally and who are affected by the abandoned nuisance;

[(b)**]** ***(c)*** If the owner of the property fails to comply with the order:

(1) Direct the city to abate the abandoned nuisance or repair, safeguard or demolish any structure or property where the abandoned nuisance is located or occurring; and

(2) Order the owner of the property to pay the city for the cost incurred by the city in taking the actions described in subparagraph (1); and

[(c)**]** ***(d)*** Order any other appropriate relief.

4. In addition to any other reasonable means authorized by the court for the recovery of money expended by the city to abate the abandoned nuisance ~~[,]~~ ***and, except as otherwise provided in subsection 5, for the collection of civil penalties imposed pursuant to subsection 3,*** the governing body of the city may make the expense ***and civil penalties*** a special assessment against the property upon which the abandoned nuisance is or was located or occurring. The special assessment may be collected at the same time and in the same manner as ordinary county taxes are collected, and is subject to the same penalties and the same procedure and sale in case of delinquency as provided for ordinary county taxes. All laws applicable to the levy, collection and enforcement of county taxes are applicable to such a special assessment.

5. ***Any civil penalties that have not been collected from the owner of the property may not be made a special assessment against the property pursuant to subsection 4 by the governing body unless:***

(a) At least 12 months have elapsed after the date specified in the order of the court by which the owner must abate the abandoned nuisance or, if the owner appeals that order, the date specified in the order of the appellate court by which the owner must abate the abandoned nuisance, whichever is later;

(b) The owner has been billed, served or otherwise notified that the civil penalties are due; and

(c) The amount of the uncollected civil penalties is more than $5,000.

6. As used in this section:

(a) An "abandoned nuisance" exists on any property where a building or other structure is located on the property, the property is located in a city that is in a county whose population is 100,000 or more, the property has been vacant or substantially vacant for 12 months or more and:

(1) Two or more abandoned nuisance activities exist or have occurred on the property during any 12-month period; or

(2) A person associated with the property has caused or engaged in two or more abandoned nuisance activities during any 12-month period on the property or within 100 feet of the property.

(b) "Abandoned nuisance activity" means:

(1) Instances of unlawful breaking and entering or occupancy by unauthorized persons;

(2) The presence of graffiti, debris, litter, garbage, rubble, abandoned materials, inoperable vehicles or junk appliances;

(3) The presence of unsanitary conditions or hazardous materials;

(4) The lack of adequate lighting, fencing or security;

(5) Indicia of the presence or activities of gangs;

(6) Environmental hazards;

(7) Violations of city codes, ordinances or other adopted policy; or

(8) Any other activity, behavior, conduct or condition defined by the governing body of the city to constitute a threat to the public health, safety or welfare of the residents of or visitors to the city.

(c) "***Commercial real estate" has the meaning ascribed to it in NRS 645.8711.***

(d) **"**Person associated with the property" means a person who, on the occasion of an abandoned nuisance activity, has:

(1) Entered, patronized or visited;

(2) Attempted to enter, patronize or visit; or

(3) Waited to enter, patronize or visit,

➥ a property or a person present on the property.

~~[(d)]~~ ***(e) "Residential property" means:***

(1) Improved real estate that consists of not more than four residential units;

(2) Unimproved real estate for which not more than four residential units may be developed or constructed pursuant to any zoning regulations or any development plan applicable to the real estate; or

(3) A single-family residential unit, including, without limitation, a condominium, townhouse or home within a subdivision, if the unit is sold, leased or otherwise conveyed unit by unit, regardless of whether the unit is part of a larger building or parcel that consists of more than four units.

➥ The term does not include commercial real estate.

Sec. 4. NRS 244.3601 is hereby amended to read as follows:

244.3601 1. Notwithstanding the abatement procedures set forth in NRS 244.360 or 244.3605, a board of county commissioners may, by ordinance, provide for a reasonable means to secure or summarily abate a dangerous structure or condition that at least three persons who enforce building codes, housing codes, zoning ordinances or local health regulations, or who are members of a local law enforcement agency or fire department, determine in a signed, written statement to be an imminent danger.

2. Except as otherwise provided in subsection 3, the owner of the property on which the structure or condition is located must be given reasonable written notice that is:

(a) If practicable, hand-delivered or sent prepaid by United States mail to the owner of the property; or

(b) Posted on the property,

➥ before the structure or condition is so secured. The notice must state clearly that the owner of the property may challenge the action to secure or summarily abate the structure or condition and must provide a telephone number and address at which the owner may obtain additional information.

3. If it is determined in the signed, written statement provided pursuant to subsection 1 that the structure or condition is an imminent danger and the result of the imminent danger is likely to occur before the notice and an opportunity to challenge the action can be provided pursuant to subsection 2, then the structure or condition which poses such an imminent danger that presents an immediate hazard may be summarily abated. A structure or condition summarily abated pursuant to this section may only be abated to the extent necessary to remove the imminent danger that presents an

immediate hazard. The owner of the structure or condition which is summarily abated must be given written notice of the abatement after its completion. The notice must state clearly that the owner of the property may seek judicial review of the summary abatement and must provide an address and telephone number at which the owner may obtain additional information concerning the summary abatement.

4. The costs of securing or summarily abating the structure or condition may be made a special assessment against the real property on which the structure or condition is located and may be collected pursuant to the provisions set forth in subsection 4 of NRS 244.360.

5. As used in this section:

(a) "Dangerous structure or condition" has the meaning ascribed to it in subsection ~~[5]~~ ***6*** of NRS 244.3605.

(b) "Imminent danger" means the existence of any structure or condition that could reasonably be expected to cause injury or endanger the life, safety, health or property of:

(1) The occupants, if any, of the real property on which the structure or condition is located; or

(2) The general public.

Sec. 5. NRS 244.3603 is hereby amended to read as follows:

244.3603 1. Each board of county commissioners may, by ordinance, to protect the public health, safety and welfare of the residents of the county, adopt procedures pursuant to which the district attorney may file an action in a court of competent jurisdiction to:

(a) Seek the abatement of a chronic nuisance that is located or occurring within the unincorporated area of the county;

(b) If applicable, seek the closure of the property where the chronic nuisance is located or occurring; and

(c) If applicable, seek penalties against the owner of the property within the unincorporated area of the county and any other appropriate relief.

2. An ordinance adopted pursuant to subsection 1 must:

(a) Contain procedures pursuant to which the owner of the property is:

(1) Sent a notice, by certified mail, return receipt requested, by the sheriff or other person authorized to issue a citation of the existence on the owner's property of nuisance activities and the date by which the owner must abate the condition to prevent the matter from being submitted to the district attorney for legal action**.** ~~[; and]~~

(2) ***If the chronic nuisance is not an immediate danger to the public health, safety or welfare and was caused by the criminal activity of a person other than the owner, afforded a minimum of 30 days to abate the chronic nuisance.***

(3) Afforded an opportunity for a hearing before a court of competent jurisdiction.

(b) Provide that the date specified in the notice by which the owner must abate the condition is tolled for the period during which the owner requests a hearing and receives a decision.

(c) Provide the manner in which the county will recover money expended to abate the condition on the property if the owner fails to abate the condition.

3. If the court finds that a chronic nuisance exists and action is necessary to avoid serious threat to the public welfare or the safety or health of the occupants of the property, the court may order the county to secure and close the property until the nuisance is abated and may:

(a) Impose a civil penalty ***:***

(1) If the property is nonresidential property, of not more than ~~*[$1,000]*~~ ***$750 per day; or***

(2) If the property is residential property, of not more than $500 per day ***,***

➥ for each day that the condition was not abated after the date specified in the notice by which the owner was required to abate the condition;

(b) Order the owner to pay the county for the cost incurred by the county in abating the condition; and

(c) Order any other appropriate relief.

4. In addition to any other reasonable means authorized by the court for the recovery of money expended by the county to abate the chronic nuisance ~~[,]~~ ***and, except as otherwise provided in subsection 5, for the collection of civil penalties imposed pursuant to subsection 3,*** the board may make the expense ***and civil penalties*** a special assessment against the property upon which the chronic nuisance is located or occurring. The special assessment may be collected pursuant to the provisions set forth in subsection 4 of NRS 244.360.

5. ***Any civil penalties that have not been collected from the owner of the property may not be made a special assessment against the property pursuant to subsection 4 by the board unless:***

(a) At least 12 months have elapsed after the date specified in the order of the court by which the owner must abate the chronic nuisance or, if the owner appeals that order, the date specified in the order of the appellate court by which the owner must abate the chronic nuisance, whichever is later;

(b) The owner has been billed, served or otherwise notified that the civil penalties are due; and

(c) The amount of the uncollected civil penalties is more than $5,000.

6. As used in this section:

(a) A "chronic nuisance" exists:

(1) When three or more nuisance activities exist or have occurred during any 90-day period on the property.

(2) When a person associated with the property has engaged in three or more nuisance activities during any 90-day period on the property or within 100 feet of the property.

(3) When the property has been the subject of a search warrant based on probable cause of continuous or repeated violations of chapter 459 of NRS.

(4) When a building or place is used for the purpose of unlawfully selling, serving, storing, keeping, manufacturing, using or giving away a controlled substance, immediate precursor or controlled substance analog.

(5) When a building or place was used for the purpose of unlawfully manufacturing a controlled substance, immediate precursor or controlled substance analog and:

(I) The building or place has not been deemed safe for habitation by a governmental entity; or

(II) All materials or substances involving the controlled substance, immediate precursor or controlled substance analog have not been removed from or remediated on the building or place by an entity certified or licensed to do so within 180 days after the building or place is no longer used for the purpose of unlawfully manufacturing a controlled substance, immediate precursor or controlled substance analog.

(b) "***Commercial real estate" has the meaning ascribed to it in NRS 645.8711.***

(c) "Controlled substance analog" has the meaning ascribed to it in NRS 453.043.

~~[(c)]~~ ***(d) "***Immediate precursor" has the meaning ascribed to it in NRS 453.086.

~~[(d)]~~ ***(e) "***Nuisance activity" means:

(1) Criminal activity;

(2) The presence of debris, litter, garbage, rubble, abandoned or junk vehicles or junk appliances;

(3) Violations of building codes, housing codes or any other codes regulating the health or safety of occupants of real property;

(4) Excessive noise and violations of curfew; or

(5) Any other activity, behavior or conduct defined by the board to constitute a public nuisance.

~~[(e)]~~ ***(f) "***Person associated with the property" means:

(1) The owner of the property;

(2) The manager or assistant manager of the property;

(3) The tenant of the property; or

(4) A person who, on the occasion of a nuisance activity, has:

(I) Entered, patronized or visited;

(II) Attempted to enter, patronize or visit; or

(III) Waited to enter, patronize or visit,

➥ the property or a person present on the property.

~~[(f)]~~ ***(g) "Residential property" means:***

(1) Improved real estate that consists of not more than four residential units;

(2) Unimproved real estate for which not more than four residential units may be developed or constructed pursuant to any zoning regulations or any development plan applicable to the real estate; or

(3) A single-family residential unit, including, without limitation, a condominium, townhouse or home within a subdivision, if the unit is sold, leased or otherwise conveyed unit by unit, regardless of whether the unit is part of a larger building or parcel that consists of more than four units.

➥ The term does not include commercial real estate.

Sec. 6. NRS 244.3605 is hereby amended to read as follows:

244.3605 1. Notwithstanding the provisions of NRS 244.360 and 244.3601, the board of county commissioners of a county may, to abate public nuisances, adopt by ordinance procedures pursuant to which the board or its designee may order an owner of property within the county to:

(a) Repair, safeguard or eliminate a dangerous structure or condition;

(b) Clear debris, rubbish and refuse which is not subject to the provisions of chapter 459 of NRS;

(c) Clear weeds and noxious plant growth; or

(d) Repair, clear, correct, rectify, safeguard or eliminate any other public nuisance as defined in the ordinance adopted pursuant to this section,

➥ to protect the public health, safety and welfare of the residents of the county.

2. An ordinance adopted pursuant to subsection 1 must:

(a) Contain procedures pursuant to which the owner of the property is:

(1) Sent notice, by certified mail, return receipt requested, of the existence on the owner's property of a public nuisance set forth in subsection 1 and the date by which the owner must abate the public nuisance***.*** ~~**[, and]**~~

(2) ***If the public nuisance is not an immediate danger to the public health, safety or welfare and was caused by the criminal activity of a person other than the owner, afforded a minimum of 30 days to abate the public nuisance.***

(3) Afforded an opportunity for a hearing before the designee of the board and an appeal of that decision either to the board or to a court of competent jurisdiction, as determined by the ordinance adopted pursuant to subsection 1.

(b) Provide that the date specified in the notice by which the owner must abate the public nuisance is tolled for the period during which the owner requests a hearing and receives a decision.

(c) Provide the manner in which the county will recover money expended to abate the public nuisance on the property if the owner fails to abate the public nuisance.

(d) Provide for civil penalties for each day that the owner did not abate the public nuisance after the date specified in the notice by which the owner was required to abate the public nuisance.

3. The county may abate the public nuisance on the property and may recover the amount expended by the county for labor and materials used to abate the public nuisance if:

(a) The owner has not requested a hearing within the time prescribed in the ordinance adopted pursuant to subsection 1 and has failed to abate the public nuisance on the owner's property within the period specified in the notice;

(b) After a hearing in which the owner did not prevail, the owner has not filed an appeal within the time prescribed in the ordinance adopted pursuant to subsection 1 and has failed to abate the public nuisance within the period specified in the order; or

(c) The board or a court of competent jurisdiction has denied the appeal of the owner and the owner has failed to abate the public nuisance within the period specified in the order.

4. In addition to any other reasonable means ~~[of]~~ ***for*** recovering money expended by the county to abate the public nuisance ~~[,]~~ ***and, except as otherwise provided in subsection 5, for collecting civil penalties imposed pursuant to the ordinance adopted pursuant to subsection 1,*** the expense ~~[is]~~ ***and civil penalties are*** a special assessment against the property upon which the public nuisance is located, and this special assessment may be collected pursuant to the provisions set forth in subsection 4 of NRS 244.360.

5. ***Any civil penalties that have not been collected from the owner of the property are not a special assessment against the property pursuant to subsection 4 unless:***

(a) At least 12 months have elapsed after the date specified in the notice by which the owner must abate the public nuisance or the date specified in the order of the board or court by which the owner must abate the public nuisance, whichever is later;

(b) The owner has been billed, served or otherwise notified that the civil penalties are due; and

(c) The amount of the uncollected civil penalties is more than $5,000.

6. As used in this section, "dangerous structure or condition" means a structure or condition that is a public nuisance which may cause injury to or endanger the health, life, property or safety of the general public or the occupants, if any, of the real property on which the structure or condition is located. The term includes, without limitation, a structure or condition that:

(a) Does not meet the requirements of a code or regulation adopted pursuant to NRS 244.3675 with respect to minimum levels of health or safety; or

(b) Violates an ordinance, rule or regulation regulating health and safety enacted, adopted or passed by the board of county commissioners of a county, the violation of which is designated by the board as a public nuisance in the ordinance, rule or regulation.

Sec. 7. This act becomes effective upon passage and approval.

Assemblywoman Kirkpatrick moved that the Assembly concur in the Senate Amendment No. 748 to Assembly Bill No. 360.

Remarks by Assemblywoman Kirkpatrick.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Assembly Bill No. 301.

The following Senate amendment was read:

Amendment No. 688.

AN ACT relating to civil rights; revising provisions governing the restoration of the right to vote to persons who have been convicted of a felony; revising provisions governing the registration to vote of a person convicted of a felony; revising provisions governing the cancellation of the registration to vote of a person convicted of a felony; revising provisions governing a challenge to the right to vote of a person convicted of a felony; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires a county clerk to cancel the registration to vote of a person who has been convicted of a felony unless the person's right to vote has been restored: (1) under the laws of this State; or (2) if the conviction occurred in another state, under the laws of that state. (NRS 293.540) Under existing law, unless a person has been convicted of certain specified felonies, a person who has been convicted of a felony is restored to the right to vote upon: (1) an honorable discharge from probation; (2) the sealing of his or her records by a court; (3) the granting of a pardon ~~[;]~~ **with the restoration of the right to vote;** (4) an honorable discharge from parole; or (5) being released from prison because of the expiration of his or her sentence. (NRS 176A.850, 179.285, 213.090, 213.155, 213.157) **Sections 4, 5 and 7** of this bill remove all exceptions to the restoration of the right to vote of a person convicted of a felony so that any person convicted of a felony in this State is restored to the right to vote upon: (1) an honorable discharge from probation; (2) the sealing of his or her records by a court; (3) the granting of a pardon ~~[;]~~ **with the restoration of the right to vote;** (4) an honorable discharge from parole; or (5) the completion of his or her sentence and release from prison.

Sections 10-15 of this bill revise provisions relating to voter registration. Under existing law, the civil right to vote of a person who is resident of this State and who has been convicted of a felony in another state is determined by the law of that other state. (NRS 293.540) **Section 10.3** of this bill provides that a resident of this State who was convicted of a felony in another state is restored to the right to vote in this State if he or she: (1) has been released from prison because of the expiration of his or her sentence; (2) has received a discharge from probation or parole which is not a dishonorable discharge; or (3) has received a pardon, or an order from a court of competent jurisdiction, which restores the person's civil right to vote.

Section 10.5 of this bill prohibits a county clerk from requiring a person seeking to register to vote to present documentation indicating that the person's right to vote has been restored following a conviction for a felony ~~[under the laws of]~~ **in** this State or another state. **Section 10.7** of this bill provides for an appeal to the Secretary of State and the district court if the county clerk cancels the voter registration of, or refuses to register, a person on the ground that the person is ineligible to vote because the person: (1) has been convicted of a felony ~~[under the laws of]~~ **in** this State or another state; and (2) has not had his or her civil right to vote restored. **Section 12** revises the procedures to be followed by a county clerk upon a determination based on specific evidence that a person is ineligible to vote because the person: (1) has been convicted of a felony ~~[under the laws of]~~ **in** this State or another state; and (2) has not had his or her civil right to vote restored. **Section 13** revises the procedure for reregistering a person to vote after a cancellation of the person's right to vote because of a felony conviction. **Section 14** revises the procedures to be followed by a county clerk, district attorney or court upon a receipt of a challenge providing that a person is ineligible to vote because the person: (1) has been convicted of a felony ~~[under the laws of]~~ **in** this State or another state; and (2) has not had his or her civil right to vote restored.

Section 16 of this bill specifies that the civil right to vote is restored to residents of this State who: (1) have not had their right to vote restored; (2) are not on probation or parole or serving a sentence of imprisonment on July 1, 2011; and (3) before July 1, 2011, were honorably discharged from probation or parole, pardoned with the restoration of the right to vote or released from prison after serving their sentences. Section 16 further provides that notification to such persons of the restoration of the civil right to vote is not required.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. (Deleted by amendment.)

Sec. 2. (Deleted by amendment.)

Sec. 3. (Deleted by amendment.)

Sec. 4. NRS 213.155 is hereby amended to read as follows:

213.155 1. ~~[Except as otherwise provided in subsection 2, a]~~ ***A*** person who receives an honorable discharge from parole pursuant to NRS 213.154:

(a) Is immediately restored to the ~~[following]~~ civil ~~[rights:~~

~~(1) The]~~ right to vote **. ~~[~~**~~; and~~

~~(2) The]~~

(b) Except as otherwise provided in subsection 2:

(1) Is immediately restored to the right to serve as a juror in a civil action.

~~[(b)]~~ ***(2)*** Four years after the date of his or her honorable discharge from parole, is restored to the right to hold office.

~~[(c)]~~ ***(3)*** Six years after the date of his or her honorable discharge from parole, is restored to the right to serve as a juror in a criminal action.

2. Except as otherwise provided in this subsection, the civil rights set forth in ***paragraph (b) of*** subsection 1 are not restored to a person who has received an honorable discharge from parole if the person has previously been convicted in this State:

(a) Of a category A felony.

(b) Of an offense that would constitute a category A felony if committed as of the date of his or her honorable discharge from parole.

(c) Of a category B felony involving the use of force or violence that resulted in substantial bodily harm to the victim.

(d) Of an offense involving the use of force or violence that resulted in substantial bodily harm to the victim and that would constitute a category B felony if committed as of the date of his or her honorable discharge from parole.

(e) Two or more times of a felony, unless a felony for which the person has been convicted arose out of the same act, transaction or occurrence as another felony, in which case the convictions for those felonies shall be deemed to constitute a single conviction for the purposes of this paragraph.

➥ A person described in this subsection may petition a court of competent jurisdiction for an order granting the restoration of his or her civil rights as set forth in ***paragraph (b) of*** subsection 1.

3. ~~[Except for a person subject to the limitations set forth in subsection 2, upon]~~ ***Upon*** his or her honorable discharge from parole, a person so discharged must be given an official document which provides:

(a) That the person has received an honorable discharge from parole;

(b) That the person has been restored to his or her civil ~~[rights]~~ ***right*** to vote ~~[and]~~ ***as of the date of his or her honorable discharge from parole; and***

(c) If the person is not subject to the limitations set forth in subsection 2:

(1) That the person has been restored to his or her civil right to serve as a juror in a civil action as of the date of his or her honorable discharge from parole;

~~[(c)]~~ ***(2)*** The date on which his or her civil right to hold office will be restored to the person pursuant to ***subparagraph (2) of*** paragraph (b) of subsection 1; and

~~[(d)]~~ ***(3)*** The date on which his or her civil right to serve as a juror in a criminal action will be restored to the person pursuant to ***subparagraph (3) of*** paragraph ~~[(c)]~~ ***(b)*** of subsection 1.

4. Subject to the limitations set forth in subsection 2, a person who has been honorably discharged from parole in this State or elsewhere and whose official documentation of his or her honorable discharge from parole is lost, damaged or destroyed may file a written request with ~~[a court of competent jurisdiction to restore]~~ ***the district court in and for the county in which the person resides for the issuance of an order declaring that*** his or her civil

rights ***have been restored*** pursuant to this section. Upon verification that the person has been honorably discharged from parole and is eligible to be restored to ***any of*** the civil rights set forth in subsection 1, the court shall issue an order restoring the person to the civil rights ~~[set forth in]~~ ***to which the person is entitled to be restored pursuant to*** ~~[subsection 1.]~~ ***this section.*** A person must not be required to pay a fee to receive such an order.

5. A person who has been honorably discharged from parole in this State or elsewhere may present:

(a) Official documentation of his or her honorable discharge from parole, if it contains the provisions set forth in subsection 3; or

(b) A court order restoring his or her civil rights,

➥ as proof that the person has been restored to ***any of*** the civil rights set forth in ~~[subsection 1.]~~ ***this section.***

6. The Board may adopt regulations necessary or convenient for the purposes of this section.

Sec. 5. NRS 213.157 is hereby amended to read as follows:

213.157 1. ~~[Except as otherwise provided in subsection 2, a]~~ ***A*** person convicted of a felony in the State of Nevada who has ~~[served]~~ ***completed*** his or her sentence and has been released from prison:

(a) Is immediately restored to the ~~[following]~~ civil ~~[rights:~~

~~(1) The]~~ right to vote **.** ~~[; and~~

~~(2) The]~~

(b) Except as otherwise provided in subsection 2:

(1) Is immediately restored to the right to serve as a juror in a civil action.

~~[(b)]~~ ***(2)*** Four years after the date of his or her release from prison, is restored to the right to hold office.

~~[(c)]~~ ***(3)*** Six years after the date of his or her release from prison, is restored to the right to serve as a juror in a criminal action.

2. Except as otherwise provided in this subsection, the civil rights set forth in ***paragraph (b) of*** subsection 1 are not restored to a person who has been released from prison if the person has previously been convicted in this State:

(a) Of a category A felony.

(b) Of an offense that would constitute a category A felony if committed as of the date of his or her release from prison.

(c) Of a category B felony involving the use of force or violence that resulted in substantial bodily harm to the victim.

(d) Of an offense involving the use of force or violence that resulted in substantial bodily harm to the victim and that would constitute a category B felony if committed as of the date of his or her release from prison.

(e) Two or more times of a felony, unless a felony for which the person has been convicted arose out of the same act, transaction or occurrence as another felony, in which case the convictions for those felonies shall be deemed to constitute a single conviction for the purposes of this paragraph.

➥ A person described in this subsection may petition a court of competent jurisdiction for an order granting the restoration of his or her civil rights as set forth in ***paragraph (b) of*** subsection 1.

3. ~~[Except for a person subject to the limitations set forth in subsection 2, upon]~~ ***Upon*** his or her release from prison, a person so released must be given an official document which provides:

(a) That the person has been released from prison;

(b) That the person has been restored to his or her civil ~~[rights]~~ ***right*** to vote ~~[and]~~ ***as of the date of his or her release from prison; and***

(c) If the person is not subject to the limitations set forth in subsection 2:

(1) That the person has been restored to his or her civil right to serve as a juror in a civil action as of the date of his or her release from prison;

~~[(c)]~~ ***(2)*** The date on which his or her civil right to hold office will be restored to the person pursuant to ***subparagraph (2) of*** paragraph (b) of subsection 1; and

~~[(d)]~~ ***(3)*** The date on which his or her civil right to serve as a juror in a criminal action will be restored to the person pursuant to ***subparagraph (3) of*** paragraph ~~[(c)]~~ ***(b)*** of subsection 1.

4. Subject to the limitations set forth in subsection 2, a person who has ***completed his or her sentence and has*** been released from prison in this State or elsewhere and whose official documentation of his or her release from prison is lost, damaged or destroyed may file a written request with ~~[a court of competent jurisdiction to restore]~~ ***the district court in and for the county in which the person resides for the issuance of an order declaring that*** his or her civil rights ***have been restored*** pursuant to this section. Upon verification that the person has ***completed his or her sentence, has*** been released from prison and is eligible to be restored to ***any of*** the civil rights set forth in subsection 1, the court shall issue an order restoring the person to the civil rights ~~[set forth in]~~ ***to which the person is entitled to be restored pursuant to*** ~~[subsection 1.]~~ ***this section.*** A person must not be required to pay a fee to receive such an order.

5. A person who has ***completed his or her sentence and has*** been released from prison in this State or elsewhere may present:

(a) Official documentation of his or her ***completion of sentence and*** release from prison, if it contains the provisions set forth in subsection 3; or

(b) A court order restoring his or her civil rights,

➥ as proof that the person has been restored to ***any of*** the civil rights set forth in ~~[subsection 1.]~~ ***this section.***

Sec. 6. (Deleted by amendment.)

Sec. 7. NRS 176A.850 is hereby amended to read as follows:

176A.850 1. A person who:

(a) Has fulfilled the conditions of probation for the entire period thereof;

(b) Is recommended for earlier discharge by the Division; or

(c) Has demonstrated fitness for honorable discharge but because of economic hardship, verified by the Division, has been unable to make restitution as ordered by the court,

➥ may be granted an honorable discharge from probation by order of the court.

2. Any amount of restitution remaining unpaid constitutes a civil liability arising upon the date of discharge.

3. ~~[Except as otherwise provided in subsection 4, a]~~ ***A*** person who has been honorably discharged from probation:

(a) Is free from the terms and conditions of probation.

(b) Is immediately restored to the ~~[following]~~ civil ~~[rights:~~

~~(1) The]~~ right to vote **.** ~~[; and~~

~~(2) The]~~

(c) Except as otherwise provided in subsection 4:

(1) Is immediately restored to the right to serve as a juror in a civil action.

~~[(c)]~~ ***(2)*** Four years after the date of honorable discharge from probation, is restored to the right to hold office.

~~[(d)]~~ ***(3)*** Six years after the date of honorable discharge from probation, is restored to the right to serve as a juror in a criminal action.

~~[(e)]~~ ***(d)*** If the person meets the requirements of NRS 179.245, may apply to the court for the sealing of records relating to the conviction.

~~[(f)]~~ ***(e)*** Must be informed of the provisions of this section and NRS 179.245 in the person's probation papers.

~~[(g)]~~ ***(f)*** Is exempt from the requirements of chapter 179C of NRS, but is not exempt from the requirements of chapter 179D of NRS.

~~[(h)]~~ ***(g)*** Shall disclose the conviction to a gaming establishment and to the State and its agencies, departments, boards, commissions and political subdivisions, if required in an application for employment, license or other permit. As used in this paragraph, "establishment" has the meaning ascribed to it in NRS 463.0148.

~~[(i)]~~ ***(h)*** Except as otherwise provided in paragraph ~~[(h),]~~ ***(g),*** need not disclose the conviction to an employer or prospective employer.

4. Except as otherwise provided in this subsection, the civil rights set forth in ***paragraph (c) of*** subsection 3 are not restored to a person honorably discharged from probation if the person has previously been convicted in this State:

(a) Of a category A felony.

(b) Of an offense that would constitute a category A felony if committed as of the date of the honorable discharge from probation.

(c) Of a category B felony involving the use of force or violence that resulted in substantial bodily harm to the victim.

(d) Of an offense involving the use of force or violence that resulted in substantial bodily harm to the victim and that would constitute a category B felony if committed as of the date of honorable discharge from probation.

(e) Two or more times of a felony, unless a felony for which the person has been convicted arose out of the same act, transaction or occurrence as another felony, in which case the convictions for those felonies shall be deemed to constitute a single conviction for the purposes of this paragraph.

➥ A person described in this subsection may petition a court of competent jurisdiction for an order granting the restoration of civil rights as set forth in ***paragraph (c) of*** subsection 3.

5. The prior conviction of a person who has been honorably discharged from probation may be used for purposes of impeachment. In any subsequent prosecution of the person, the prior conviction may be pleaded and proved if otherwise admissible.

6. ~~[Except for a person subject to the limitations set forth in subsection 4, upon]~~ ***Upon*** honorable discharge from probation, the person so discharged must be given an official document which provides:

(a) That the person has received an honorable discharge from probation;

(b) That the person has been restored to his or her civil ~~[rights]~~ ***right*** to vote ~~[and]~~ ***as of the date of honorable discharge from probation; and***

(c) If the person is not subject to the limitations set forth in subsection 4:

(1) That the person has been restored to his or her civil right to serve as a juror in a civil action as of the date of honorable discharge from probation;

~~[(c)]~~ ***(2)*** The date on which the person's civil right to hold office will be restored pursuant to ***subparagraph (2) of*** paragraph (c) of subsection 3; and

~~[(d)]~~ ***(3)*** The date on which the person's civil right to serve as a juror in a criminal action will be restored pursuant to ***subparagraph (3) of*** paragraph ~~[(d)]~~ ***(c)*** of subsection 3.

7. Subject to the limitations set forth in subsection 4, a person who has been honorably discharged from probation in this State or elsewhere and whose official documentation of honorable discharge from probation is lost, damaged or destroyed may file a written request with ~~[a court of competent jurisdiction to restore the person's]~~ ***the district court in and for the county in which the person resides for the issuance of an order declaring that his or her*** civil rights ***have been restored*** pursuant to this section. Upon verification that the person has been honorably discharged from probation and is eligible to be restored to ***any of*** the civil rights set forth in subsection 3, the court shall issue an order restoring the person to the civil rights ~~[set forth in]~~ ***to which the person is entitled to be restored pursuant to*** ~~[subsection 3.]~~ ***this section.*** A person must not be required to pay a fee to receive such an order.

8. A person who has been honorably discharged from probation in this State or elsewhere may present:

(a) Official documentation of honorable discharge from probation, if it contains the provisions set forth in subsection 6; or

(b) A court order restoring the person's civil rights,

➥ as proof that the person has been restored to ***any of*** the civil rights set forth in ~~[subsection 3.]~~ ***this section.***

Sec. 8. (Deleted by amendment.)

Sec. 9. (Deleted by amendment.)

Sec. 10. Chapter 293 of NRS is hereby amended by adding thereto the provisions set forth as sections 10.3, 10.5 and 10.7 of this act.

Sec. 10.3. ***A person who is a resident of this State and who has been convicted of a felony ~~[under the law of]~~ in another state is restored to the civil right to vote in this State if the person:***

1. Has been released from prison because of the completion of his or her sentence;

2. Has received a discharge from probation or parole which is not a dishonorable discharge or the equivalent thereof; or

3. Has received a pardon or an order from a court of competent jurisdiction which restores his or her civil right to vote.

Sec. 10.5. ***A county clerk shall not ask or require a person seeking to register to vote to present:***

1. A court order indicating that the person's civil right to vote has been restored following a conviction for a felony ~~[under the laws of]~~ in this State or another state; or

2. Any other documentation indicating that the person's civil right to vote has been restored following a conviction for a felony ~~[under the laws of]~~ in this State or another state.

Sec. 10.7. ***1. If a county clerk cancels the registration of a registrant pursuant to subsection 3 of NRS 293.540 or refuses to reregister an elector for a reason stated in subsection 2 of NRS 293.543, the registrant or elector may appeal to the Secretary of State by providing to the Secretary of State written notice of the appeal and any relevant evidence, which may include, without limitation, an affirmation under penalty of perjury that the registrant or elector is a lawful resident of this State and:***

(a) Has never been convicted of a felony ~~[under the laws of]~~ in this State or another state; or

(b) Has been convicted of a felony ~~[under the laws of]~~ in this State but has been restored to the civil right to vote pursuant to the provisions of NRS 176A.850, 179.285, 213.090, 213.155 or 213.157 or has been convicted of a felony ~~[under the laws of]~~ in another state but has been restored to the civil right to vote in this State pursuant to the provisions of section 10.3 of this act.

2. If the Secretary of State receives relevant evidence pursuant to subsection 1 and no other evidence exists to support the cancellation of the registration of the appellant or the refusal to reregister the appellant, the Secretary of State must issue an order that the appellant be registered to vote in the county of which the appellant is a resident.

3. If:

(a) The cancellation of the registration or refusal to reregister occurred more than 60 days before the date of any election and the Secretary of State does not issue an order pursuant to subsection 2 within 60 days after

receipt of a notice of appeal and relevant evidence pursuant to subsection 1; or

(b) The cancellation of the registration or refusal to reregister occurred 60 days or less before the date of any election and the Secretary of State does not issue an order pursuant to subsection 2 within 40 days after receipt of a notice of appeal and relevant evidence pursuant to subsection 1,

↳ the registrant or elector who filed the appeal with the Secretary of State may bring a civil action for declaratory or injunctive relief in the district court in and for the county where the registrant or elector resides. The court shall give the civil action priority over other civil matters to which priority is not given by other provisions of NRS.

4. If, within 30 days before any election, a county clerk cancels the registration of a registrant pursuant to subsection 3 of NRS 293.540 or refuses to reregister an elector for a reason stated in subsection 2 of NRS 293.543, the registrant or elector may, without submitting an appeal to the Secretary of State pursuant to subsection 1, bring a civil action for declaratory or injunctive relief in the district court in and for the county where the registrant or elector resides. The court shall give the civil action priority over other civil matters to which priority is not given by other provisions of NRS.

Sec. 11. NRS 293.177 is hereby amended to read as follows:

293.177 1. Except as otherwise provided in NRS 293.165, a name may not be printed on a ballot to be used at a primary election unless the person named has filed a declaration of candidacy or an acceptance of candidacy, and has paid the fee required by NRS 293.193 not earlier than:

(a) For a candidate for judicial office, the first Monday in January of the year in which the election is to be held nor later than 5 p.m. on the second Friday after the first Monday in January; and

(b) For all other candidates, the first Monday in March of the year in which the election is to be held nor later than 5 p.m. on the second Friday after the first Monday in March.

2. A declaration of candidacy or an acceptance of candidacy required to be filed by this section must be in substantially the following form:

(a) For partisan office:

DECLARATION OF CANDIDACY OF ..... FOR THE OFFICE OF .....

State of Nevada
County of ……..

For the purpose of having my name placed on the official ballot as a candidate for the ..... Party nomination for the office of ……, I, the undersigned …….., do swear or affirm under penalty of perjury that I actually, as opposed to constructively, reside at ……., in the City or Town of ……., County of ……., State of Nevada; that my actual, as opposed to

constructive, residence in the State, district, county, township, city or other area prescribed by law to which the office pertains began on a date at least 30 days immediately preceding the date of the close of filing of declarations of candidacy for this office; that my telephone number is ....., and the address at which I receive mail, if different than my residence, is .....; that I am registered as a member of the ..... Party; that I am a qualified elector pursuant to Section 1 of Article 2 of the Constitution of the State of Nevada; that if I have ever been convicted of treason or a felony, my civil rights have been restored ***;*** ~~[by a court of competent jurisdiction;]~~ that I have not, in violation of the provisions of NRS 293.176, changed the designation of my political party or political party affiliation on an official application to register to vote in any state since December 31 before the closing filing date for this election; that I generally believe in and intend to support the concepts found in the principles and policies of that political party in the coming election; that if nominated as a candidate of the ..... Party at the ensuing election, I will accept that nomination and not withdraw; that I will not knowingly violate any election law or any law defining and prohibiting corrupt and fraudulent practices in campaigns and elections in this State; that I will qualify for the office if elected thereto, including, but not limited to, complying with any limitation prescribed by the Constitution and laws of this State concerning the number of years or terms for which a person may hold the office; and that I understand that my name will appear on all ballots as designated in this declaration.

(Designation of name)

(Signature of candidate for office)

Subscribed and sworn to before me
this ..... day of the month of ..... of the year .....

Notary Public or other person
authorized to administer an oath

(b) For nonpartisan office:

DECLARATION OF CANDIDACY OF ..... FOR THE OFFICE OF .....

State of Nevada
County of …….

For the purpose of having my name placed on the official ballot as a candidate for the office of ....., I, the undersigned ....., do swear or affirm under penalty of perjury that I actually, as opposed to constructively, reside at ……, in the City or Town of ……., County of ……, State of Nevada; that my actual, as opposed to constructive, residence in the State, district, county, township, city or other area prescribed by law to which the office pertains began on a date at least 30 days

immediately preceding the date of the close of filing of declarations of candidacy for this office; that my telephone number is ....., and the address at which I receive mail, if different than my residence, is .....; that I am a qualified elector pursuant to Section 1 of Article 2 of the Constitution of the State of Nevada; that if I have ever been convicted of treason or a felony, my civil rights have been restored ***;*** ~~[by a court of competent jurisdiction;]~~ that if nominated as a nonpartisan candidate at the ensuing election, I will accept the nomination and not withdraw; that I will not knowingly violate any election law or any law defining and prohibiting corrupt and fraudulent practices in campaigns and elections in this State; that I will qualify for the office if elected thereto, including, but not limited to, complying with any limitation prescribed by the Constitution and laws of this State concerning the number of years or terms for which a person may hold the office; and my name will appear on all ballots as designated in this declaration.

(Designation of name)

(Signature of candidate for office)

Subscribed and sworn to before me
this ..... day of the month of ..... of the year .....

Notary Public or other person
authorized to administer an oath

3. The address of a candidate which must be included in the declaration of candidacy or acceptance of candidacy pursuant to subsection 2 must be the street address of the residence where the candidate actually, as opposed to constructively, resides in accordance with NRS 281.050, if one has been assigned. The declaration or acceptance of candidacy must not be accepted for filing if:

(a) The candidate's address is listed as a post office box unless a street address has not been assigned to his or her residence; or

(b) The candidate does not present to the filing officer:

(1) A valid driver's license or identification card issued by a governmental agency that contains a photograph of the candidate and the candidate's residential address; or

(2) A current utility bill, bank statement, paycheck, or document issued by a governmental entity, including a check which indicates the candidate's name and residential address, but not including a voter registration card issued pursuant to NRS 293.517.

4. The filing officer shall retain a copy of the proof of identity and residency provided by the candidate pursuant to paragraph (b) of subsection 3. Such a copy:

(a) May not be withheld from the public; and

(b) Must not contain the social security number or driver's license or identification card number of the candidate.

5. By filing the declaration or acceptance of candidacy, the candidate shall be deemed to have appointed the filing officer for the office as his or her agent for service of process for the purposes of a proceeding pursuant to NRS 293.182. Service of such process must first be attempted at the appropriate address as specified by the candidate in the declaration or acceptance of candidacy. If the candidate cannot be served at that address, service must be made by personally delivering to and leaving with the filing officer duplicate copies of the process. The filing officer shall immediately send, by registered or certified mail, one of the copies to the candidate at the specified address, unless the candidate has designated in writing to the filing officer a different address for that purpose, in which case the filing officer shall mail the copy to the last address so designated.

6. If the filing officer receives credible evidence indicating that a candidate has been convicted of a felony and has not had his or her civil rights restored ***,*** ~~[~~by a court of competent jurisdiction,~~]~~ the filing officer:

(a) May conduct an investigation to determine whether the candidate has been convicted of a felony and, if so, whether the candidate has had his or her civil rights restored ***;*** ~~[~~by a court of competent jurisdiction;~~]~~ and

(b) Shall transmit the credible evidence and the findings from such investigation to the Attorney General, if the filing officer is the Secretary of State, or to the district attorney, if the filing officer is a person other than the Secretary of State.

7. The receipt of information by the Attorney General or district attorney pursuant to subsection 6 must be treated as a challenge of a candidate pursuant to subsections 4 and 5 of NRS 293.182. If the ballots are printed before a court of competent jurisdiction makes a determination that a candidate has been convicted of a felony and has not had his or her civil rights restored ***,*** ~~[~~by a court of competent jurisdiction,~~]~~ the filing officer must post a notice at each polling place where the candidate's name will appear on the ballot informing the voters that the candidate is disqualified from entering upon the duties of the office for which the candidate filed the declaration of candidacy or acceptance of candidacy.

Sec. 12. NRS 293.540 is hereby amended to read as follows:

293.540 The county clerk shall cancel the registration:

1. If the county clerk has personal knowledge of the death of the person registered, or if an authenticated certificate of the death of any elector is filed in the county clerk's office.

2. If the insanity or mental incompetence of the person registered is legally established.

3. Upon ~~[~~the~~]~~ ***a*** determination ***based on specific evidence*** that the person registered has been convicted of a felony unless:

(a) If the person registered was convicted of a felony in this State, the right to vote of the person has been restored pursuant to the provisions of NRS ***176A.850, 179.285,*** 213.090, 213.155 or 213.157.

(b) If the person registered was convicted of a felony in another state, the right to vote of the person has been restored pursuant to the ~~[laws of the state in which the person was convicted.]~~ ***provisions of section 10.3 of this act.***

➥ ***Before cancelling a registration pursuant to this subsection, the county clerk shall notify the registrant and provide to the registrant an affidavit which allows the registrant to affirm under penalty of perjury that he or she is a lawful resident of this State and that he or she has never been convicted of a felony ~~[under the laws of]~~ in this State or another state or , if so, has had his or her civil right to vote in this State restored pursuant to the provisions of NRS 176A.850, 179.285, 213.090, 213.155 or 213.157 or pursuant to the provisions of section 10.3 of this act. If the registrant so affirms or presents a court order or official documentation indicating that he or she has had his or her civil right to vote in this State restored pursuant to the provisions of NRS 176A.850, 179.285, 213.090, 213.155 or 213.157 or pursuant to the provisions of section 10.3 of this act, the county clerk may not cancel the registration unless the county clerk has specific, documentary evidence that the registrant is ineligible to vote in this State. If the registrant fails to respond within 30 days after receiving the notice pursuant to this subsection, the county clerk may cancel the registration.***

4. Upon the production of a certified copy of the judgment of any court directing the cancellation to be made.

5. Upon the request of any registered voter to affiliate with any political party or to change affiliation, if that change is made before the end of the last day to register to vote in the election.

6. At the request of the person registered.

7. If the county clerk has discovered an incorrect registration pursuant to the provisions of NRS 293.5235, 293.530 or 293.535 and the elector has failed to respond or appear to vote within the required time.

8. As required by NRS 293.541.

9. Upon verification that the application to register to vote is a duplicate if the county clerk has the original or another duplicate of the application on file in the county clerk's office.

Sec. 13. NRS 293.543 is hereby amended to read as follows:

293.543 1. If the registration of an elector is cancelled pursuant to subsection 2 of NRS 293.540, the county clerk shall reregister the elector upon notice from the clerk of the district court that the elector has been declared sane or mentally competent by the district court.

2. If the registration of an elector is cancelled pursuant to subsection 3 of NRS 293.540, the elector may reregister ~~[after presenting satisfactory evidence which demonstrates that the elector's:]~~ ***if:***

(a) ~~[Conviction]~~ ***The elector's conviction*** has been overturned; or

(b) ~~[Civil rights have been restored:~~

~~(1) If the elector was convicted in this State, pursuant to the provisions of NRS 213.090, 213.155 or 213.157.~~

~~(2) If the elector was convicted in another state, pursuant to the laws of the state in which he or she was convicted.~~] ***The elector has been restored to his or her civil right to vote in this State pursuant to the provisions of NRS 176A.850, 179.285, 213.090, 213.155 or 213.157 or pursuant to the provisions of section 10.3 of this act.***

➥ ***A county clerk shall not require an elector seeking to reregister pursuant to this subsection to present any information or documentation other than the information and documentation required for a person to register to vote pursuant to this chapter, unless the county clerk has specific evidence that the elector has been convicted of a felony*** ~~*[under the laws of]*~~ ***in this State or another state and has not had his or her civil right to vote in this State restored pursuant to the provisions of NRS 176A.850, 179.285, 213.090, 213.155 or 213.157 or pursuant to the provisions of section 10.3 of this act. If the county clerk has or receives such specific evidence, the county clerk must notify the elector of that evidence and provide to the elector an affidavit which allows the elector to affirm under penalty of perjury that he or she is a lawful resident of this State and that he or she has never been convicted of a felony*** ~~*[under the laws of]*~~ ***in this State or another state or , if so, has had his or her civil right to vote in this State restored pursuant to the provisions of NRS 176A.850, 179.285, 213.090, 213.155 or 213.157 or pursuant to the provisions of section 10.3 of this act. If the registrant so affirms or presents a court order or official documentation indicating that he or she has had his or her civil right to vote in this State restored pursuant to the provisions of NRS 176A.850, 179.285, 213.090, 213.155 or 213.157 or pursuant to the provisions of section 10.3 of this act, the county clerk must reregister the elector.***

3. If the registration of an elector is cancelled pursuant to the provisions of subsection 5 of NRS 293.540, the elector may reregister immediately.

4. If the registration of an elector is cancelled pursuant to the provisions of subsection 6 of NRS 293.540, after the close of registration for a primary election, the elector may not reregister until after the primary election.

Sec. 14. NRS 293.547 is hereby amended to read as follows:

293.547 1. After the 30th day but not later than the 25th day before any election, a written challenge may be filed with the county clerk.

2. A registered voter may file a written challenge if:

(a) He or she is registered to vote in the same precinct as the person whose right to vote is challenged; and

(b) The challenge is based on the personal knowledge of the registered voter.

3. The challenge must be signed and verified by the registered voter and name the person whose right to vote is challenged and the ground of the challenge.

4. A challenge filed pursuant to this section must not contain the name of more than one person whose right to vote is challenged. The county clerk shall not accept for filing any challenge which contains more than one such name.

5. The county clerk shall:

(a) File the challenge in the registrar of voters' register and:

(1) In counties where records of registration are not kept by computer, he or she shall attach a copy of the challenge to the challenged registration in the election board register.

(2) In counties where records of registration are kept by computer, he or she shall have the challenge printed on the computer entry for the challenged registration and add a copy of it to the election board register.

(b) Within 5 days after a challenge is filed, mail a notice in the manner set forth in NRS 293.530 to the person whose right to vote has been challenged pursuant to this section informing the person of the challenge. ***If the person's right to vote is challenged on the grounds that the person has been convicted of a felony*** ~~***[under the laws of]***~~ ***in this State or another state and has not had his or her civil right to vote in this State restored pursuant to the provisions of NRS 176A.850, 179.285, 213.090, 213.155 or 213.157 or pursuant to the provisions of section 10.3 of this act, the notice must be accompanied by an affidavit which allows the person whose right to vote has been challenged to affirm under penalty of perjury that he or she is a lawful resident of this State and that he or she has never been convicted of a felony*** ~~***[under the laws of]***~~ ***in this State or another state or , if so, has had his or her civil right to vote in this State restored pursuant to the provisions of NRS 176A.850, 179.285, 213.090, 213.155 or 213.157 or pursuant to the provisions of section 10.3 of this act. If the person so affirms or presents a court order or official documentation indicating that he or she has had his or her civil right to vote in this State restored pursuant to the provisions of NRS 176A.850, 179.285, 213.090, 213.155 or 213.157 or pursuant to the provisions of section 10.3 of this act, the county clerk may not cancel the registration of the person whose right to vote has been challenged unless the county clerk has specific, documentary evidence that the person is ineligible to vote in this State.*** If the person fails to respond or appear to vote within the required time, the county clerk shall cancel the person's registration. A copy of the challenge and information describing how to reregister properly must accompany the notice.

(c) Immediately notify the district attorney. A copy of the challenge must accompany the notice.

6. Upon receipt of a notice pursuant to this section, the district attorney shall investigate the challenge within 14 days and, if appropriate, cause proceedings to be instituted and prosecuted in a court of competent jurisdiction without delay. ***If the right to vote of a person has been challenged on the grounds that the person has been convicted of a felony*** ~~***[under the laws of]***~~ ***in this State or another state and has not had his or her***

civil right to vote in this State restored pursuant to the provisions of NRS 176A.850, 179.285, 213.090, 213.155 or 213.157 or pursuant to the provisions of section 10.3 of this act, and if the person presents to the district attorney or the court the affidavit signed by the person pursuant to paragraph (b) of subsection 5 or a court order or other documentation indicating that he or she has had his or her civil right to vote in this State restored pursuant to the provisions of NRS 176A.850, 179.285, 213.090, 213.155 or 213.157 or pursuant to the provisions of section 10.3 of this act, the district attorney or the court must find that the person is entitled to the civil right to vote in this State unless the district attorney or the court has specific, documentary evidence that the person is ineligible to vote in this State. The court shall give such proceedings priority over other civil matters that are not expressly given priority by law. Upon court order, the county clerk shall cancel the registration of the person whose right to vote has been challenged pursuant to this section.

Sec. 15. NRS 293C.185 is hereby amended to read as follows:

293C.185 1. Except as otherwise provided in NRS 293C.115 and 293C.190, a name may not be printed on a ballot to be used at a primary city election unless the person named has filed a declaration of candidacy or an acceptance of candidacy and has paid the fee established by the governing body of the city not earlier than 70 days before the primary city election and not later than 5 p.m. on the 60th day before the primary city election.

2. A declaration of candidacy required to be filed by this section must be in substantially the following form:

DECLARATION OF CANDIDACY OF ..... FOR THE OFFICE OF .....

State of Nevada
City of ……

For the purpose of having my name placed on the official ballot as a candidate for the office of ....., I, ..., the undersigned do swear or affirm under penalty of perjury that I actually, as opposed to constructively, reside at ....., in the City or Town of ....., County of ....., State of Nevada; that my actual, as opposed to constructive, residence in the city, township or other area prescribed by law to which the office pertains began on a date at least 30 days immediately preceding the date of the close of filing of declarations of candidacy for this office; that my telephone number is ....., and the address at which I receive mail, if different than my residence, is .....; that I am a qualified elector pursuant to Section 1 of Article 2 of the Constitution of the State of Nevada; that if I have ever been convicted of treason or a felony, my civil rights have been restored ***;*** ~~[by a court of competent jurisdiction;]~~ that if nominated as a candidate at the ensuing election I will accept the nomination and not withdraw; that I will not knowingly violate any election law or any law defining and prohibiting corrupt and fraudulent practices in campaigns

and elections in this State; that I will qualify for the office if elected thereto, including, but not limited to, complying with any limitation prescribed by the Constitution and laws of this State concerning the number of years or terms for which a person may hold the office; and my name will appear on all ballots as designated in this declaration.

(Designation of name)

(Signature of candidate for office)

Subscribed and sworn to before me
this ..... day of the month of ..... of the year .....

Notary Public or other person
authorized to administer an oath

3. The address of a candidate that must be included in the declaration or acceptance of candidacy pursuant to subsection 2 must be the street address of the residence where the candidate actually, as opposed to constructively, resides in accordance with NRS 281.050, if one has been assigned. The declaration or acceptance of candidacy must not be accepted for filing if:

(a) The candidate's address is listed as a post office box unless a street address has not been assigned to the residence; or

(b) The candidate does not present to the filing officer:

(1) A valid driver's license or identification card issued by a governmental agency that contains a photograph of the candidate and the candidate's residential address; or

(2) A current utility bill, bank statement, paycheck, or document issued by a governmental entity, including a check which indicates the candidate's name and residential address, but not including a voter registration card issued pursuant to NRS 293.517.

4. The filing officer shall retain a copy of the proof of identity and residency provided by the candidate pursuant to paragraph (b) of subsection 3. Such a copy:

(a) May not be withheld from the public; and

(b) Must not contain the social security number or driver's license or identification card number of the candidate.

5. By filing the declaration or acceptance of candidacy, the candidate shall be deemed to have appointed the city clerk as his or her agent for service of process for the purposes of a proceeding pursuant to NRS 293C.186. Service of such process must first be attempted at the appropriate address as specified by the candidate in the declaration or acceptance of candidacy. If the candidate cannot be served at that address, service must be made by personally delivering to and leaving with the city clerk duplicate copies of the process. The city clerk shall immediately send, by registered or certified mail, one of the copies to the candidate at the

specified address, unless the candidate has designated in writing to the city clerk a different address for that purpose, in which case the city clerk shall mail the copy to the last address so designated.

6. If the city clerk receives credible evidence indicating that a candidate has been convicted of a felony and has not had his or her civil rights restored **, [**~~by a court of competent jurisdiction,~~**]** the city clerk:

(a) May conduct an investigation to determine whether the candidate has been convicted of a felony and, if so, whether the candidate has had his or her civil rights restored ***;*** **[**~~by a court of competent jurisdiction;~~**]** and

(b) Shall transmit the credible evidence and the findings from such investigation to the city attorney.

7. The receipt of information by the city attorney pursuant to subsection 6 must be treated as a challenge of a candidate pursuant to subsections 4 and 5 of NRS 293C.186. If the ballots are printed before a court of competent jurisdiction makes a determination that a candidate has been convicted of a felony and has not had his or her civil rights restored **, [**~~by a court of competent jurisdiction,~~**]** the city clerk must post a notice at each polling place where the candidate's name will appear on the ballot informing the voters that the candidate is disqualified from entering upon the duties of the office for which the candidate filed the declaration of candidacy or acceptance of candidacy.

Sec. 16. **1. Any person residing in this State who, before July 1, 2011:**

(a) Was honorably discharged from probation pursuant to NRS 176A.850;

(b) Was granted a pardon with the restoration of the right to vote pursuant to NRS 213.090;

(c) Was honorably discharged from parole pursuant to NRS 213.155; or

(d) Completed his or her sentence and was released from prison pursuant to NRS 213.157,

➥ who is not on probation or parole or serving a sentence of imprisonment on July 1, 2011, and who has not had his or her civil right to vote restored is hereby restored to the civil right to vote.

2. The provisions of this act do not require any notification to a person described in subsection 1 of the restoration of his or her civil right to vote.

Sec. 17. **This act becomes effective on July 1, 2011.**

Assemblyman Segerblom moved that the Assembly concur in the Senate Amendment No. 688 to Assembly Bill No. 301.

Remarks by Assemblyman Segerblom.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Assembly Bill No. 473.

The following Senate amendment was read:

Amendment No. 836.

AN ACT relating to elections; ~~[amending the requirements of a declaration or acceptance of candidacy for certain offices;]~~ revising the deadline for preparing and sending absent ballots to certain voters; revising the hours of operation during the final days of voter registration; ~~[requiring online voter registration to remain open until midnight on the day before early voting begins;]~~ requiring that complaints challenging initiatives or referenda be given priority over all other matters pending before the court, except for criminal proceedings; revising the filing deadline for candidates for the Board of the Virgin Valley Water District; making various other changes relating to elections; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Under existing law, a person declaring or accepting candidacy must declare of which political party he or she is a registered member. (NRS 293.177) Section 1 of this bill requires a person declaring or accepting candidacy to declare that he or she is currently registered as a member of a particular party.]~~

Under existing law, the name of the political party of a partisan candidate must follow the name of the candidate on the ballot and the word "nonpartisan" must follow the name of a nonpartisan candidate. **Section 3** of this bill authorizes the use of abbreviations of the party name or "independent" or "nonpartisan," as applicable.

Under existing law, a person who registers to vote by mail must provide certain identification before voting at a polling place or by mail. (NRS 293.2725) **Section 4** of this bill requires that a photo identification used for this purpose shows the physical address of the person.

Under existing law, the county clerk of each county is required to prepare absent ballots for registered voters who have requested them. (NRS 293.309) **Sections 5 and 10** of this bill require the county or city clerk, as applicable, to prepare and have ready for distribution absent ballots for persons who applied for absent ballots pursuant to the Uniformed and Overseas Citizens Absentee Voting Act, 42 U.S.C. §§ 1973ff et seq., not later than 45 days before an election.

Under existing law, a county clerk is required to consider a request for an absent ballot on a form provided by the Federal Government as a request for an absent ballot for the two primary and general elections following receipt of the request. (NRS 293.313) **Sections 6 and 11** of this bill remove the requirement that the request be considered for two elections.

Sections 7 and 12 of this bill remove the requirement that counting board officers record the number of votes received by each candidate or for and against any question submitted to the electors in words and figures.

~~[Existing law authorizes a county to establish a system for using a computer to register voters. (NRS 293.506) Section 8 of this bill requires a county that~~

~~establishes a system for online voter registration to keep online registration open until midnight on the day before early voting begins.~~**]**

Existing law requires that city and county clerk offices be open at certain times during the registration period. (NRS 293.560, 293C.527, 349.017, 710.153) **Sections 9, 13, 15 and 16** of this bill revise the hours of operation of the office of the city or county clerk during the registration period.

Under existing law, a complaint challenging an initiative or referendum receives priority over all criminal proceedings. (NRS 295.061) **Section 14** of this bill requires the court to give such a complaint priority over all other matters pending with the court, except for criminal proceedings.

Section 17 of this bill changes the filing deadline for candidates for election to the governing board of the Virgin Valley Water District from at least 60 days before the election to not earlier than the first Monday in March of the year in which the election is to be held and not later than 5 p.m. on the second Friday after the first Monday in March.

Under existing law, political parties are authorized to recommend three registered voters to the county clerk to act as election board officers. (NRS 293.219) **Section 18** of this bill removes that requirement.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. **[**~~NRS 293.177 is hereby amended to read as follows:~~

~~293.177 1. Except as otherwise provided in NRS 293.165, a name may not be printed on a ballot to be used at a primary election unless the person named has filed a declaration of candidacy or an acceptance of candidacy, and has paid the fee required by NRS 293.193 not earlier than:~~

~~(a) For a candidate for judicial office, the first Monday in January of the year in which the election is to be held nor later than 5 p.m. on the second Friday after the first Monday in January; and~~

~~(b) For all other candidates, the first Monday in March of the year in which the election is to be held nor later than 5 p.m. on the second Friday after the first Monday in March.~~

~~2. A declaration of candidacy or an acceptance of candidacy required to be filed by this section must be in substantially the following form:~~

~~(a) For partisan office:~~

~~DECLARATION OF CANDIDACY OF ..... FOR THE OFFICE OF .....~~

~~State of Nevada~~

~~County of~~

~~For the purpose of having my name placed on the official ballot as a candidate for the ..... Party nomination for the office of ....., I, the undersigned ....., do swear or affirm under penalty of perjury that I actually, as opposed to constructively, reside at ....., in the City or Town of ....., County of ....., State of Nevada; that my actual, as opposed to constructive, residence in the State, district, county, township, city or other~~

~~area prescribed by law to which the office pertains began on a date at least 30 days immediately preceding the date of the close of filing of declarations of candidacy for this office; that my telephone number is ....., and the address at which I receive mail, if different than my residence, is .....; that I am ***currently*** registered as a member of the ..... Party; that I am a qualified elector pursuant to Section 1 of Article 2 of the Constitution of the State of Nevada; that if I have ever been convicted of treason or a felony, my civil rights have been restored by a court of competent jurisdiction; that I have not, in violation of the provisions of NRS 293.176, changed the designation of my political party or political party affiliation on an official application to register to vote in any state since December 31 before the closing filing date for this election; that I generally believe in and intend to support the concepts found in the principles and policies of that political party in the coming election; that if nominated as a candidate of the ..... Party at the ensuing election, I will accept that nomination and not withdraw; that I will not knowingly violate any election law or any law defining and prohibiting corrupt and fraudulent practices in campaigns and elections in this State; that I will qualify for the office if elected thereto, including, but not limited to, complying with any limitation prescribed by the Constitution and laws of this State concerning the number of years or terms for which a person may hold the office; and that I understand that my name will appear on all ballots as designated in this declaration.~~

~~(Designation of name)~~

~~(Signature of candidate for office)~~
~~Subscribed and sworn to before me~~
~~this ..... day of the month of ..... of the year .....~~

~~Notary Public or other person~~
~~authorized to administer an oath~~
~~(b) For nonpartisan office:~~
~~DECLARATION OF CANDIDACY OF ..... FOR THE~~
~~OFFICE OF .....~~
~~State of Nevada~~
~~County of~~
~~For the purpose of having my name placed on the official ballot as a candidate for the office of ....., I, the undersigned ....., do swear or affirm under penalty of perjury that I actually, as opposed to constructively, reside at ....., in the City or Town of ....., County of ....., State of Nevada; that my actual, as opposed to constructive, residence in the State, district, county, township, city or other area prescribed by law to which the office pertains began on a date at least 30 days immediately preceding the date of the close of filing of declarations of candidacy for this office; that my telephone number is ....., and the address at which I receive mail, if different than my residence, is .....; that~~

~~I am a qualified elector pursuant to Section 1 of Article 2 of the Constitution of the State of Nevada; that if I have ever been convicted of treason or a felony, my civil rights have been restored by a court of competent jurisdiction; that if nominated as a nonpartisan candidate at the ensuing election, I will accept the nomination and not withdraw; that I will not knowingly violate any election law or any law defining and prohibiting corrupt and fraudulent practices in campaigns and elections in this State; that I will qualify for the office if elected thereto, including, but not limited to, complying with any limitation prescribed by the Constitution and laws of this State concerning the number of years or terms for which a person may hold the office; and my name will appear on all ballots as designated in this declaration.~~

~~(Designation of name)~~

~~(Signature of candidate for office)~~
~~Subscribed and sworn to before me~~
~~this ..... day of the month of ..... of the year .....~~

~~Notary Public or other person~~
~~authorized to administer an oath~~

~~3. The address of a candidate which must be included in the declaration of candidacy or acceptance of candidacy pursuant to subsection 2 must be the street address of the residence where the candidate actually, as opposed to constructively, resides in accordance with NRS 281.050, if one has been assigned. The declaration or acceptance of candidacy must not be accepted for filing if:~~

~~(a) The candidate's address is listed as a post office box unless a street address has not been assigned to his or her residence; or~~

~~(b) The candidate does not present to the filing officer:~~

~~(1) A valid driver's license or identification card issued by a governmental agency that contains a photograph of the candidate and the candidate's residential address; or~~

~~(2) A current utility bill, bank statement, paycheck, or document issued by a governmental entity, including a check which indicates the candidate's name and residential address, but not including a voter registration card issued pursuant to NRS 293.517.~~

~~4. The filing officer shall retain a copy of the proof of identity and residency provided by the candidate pursuant to paragraph (b) of subsection 3. Such a copy:~~

~~(a) May not be withheld from the public; and~~

~~(b) Must not contain the social security number or driver's license or identification card number of the candidate.~~

~~5. By filing the declaration or acceptance of candidacy, the candidate shall be deemed to have appointed the filing officer for the office as his or her agent for service of process for the purposes of a proceeding pursuant to~~

~~NRS 293.182. Service of such process must first be attempted at the appropriate address as specified by the candidate in the declaration or acceptance of candidacy. If the candidate cannot be served at that address, service must be made by personally delivering to and leaving with the filing officer duplicate copies of the process. The filing officer shall immediately send, by registered or certified mail, one of the copies to the candidate at the specified address, unless the candidate has designated in writing to the filing officer a different address for that purpose, in which case the filing officer shall mail the copy to the last address so designated.~~

~~6. If the filing officer receives credible evidence indicating that a candidate has been convicted of a felony and has not had his or her civil rights restored by a court of competent jurisdiction, the filing officer:~~

~~(a) May conduct an investigation to determine whether the candidate has been convicted of a felony and, if so, whether the candidate has had his or her civil rights restored by a court of competent jurisdiction; and~~

~~(b) Shall transmit the credible evidence and the findings from such investigation to the Attorney General, if the filing officer is the Secretary of State, or to the district attorney, if the filing officer is a person other than the Secretary of State.~~

~~7. The receipt of information by the Attorney General or district attorney pursuant to subsection 6 must be treated as a challenge of a candidate pursuant to subsections 4 and 5 of NRS 293.182. If the ballots are printed before a court of competent jurisdiction makes a determination that a candidate has been convicted of a felony and has not had his or her civil rights restored by a court of competent jurisdiction, the filing officer must post a notice at each polling place where the candidate's name will appear on the ballot informing the voters that the candidate is disqualified from entering upon the duties of the office for which the candidate filed the declaration of candidacy or acceptance of candidacy.~~ **(Deleted by amendment.)**

Sec. 2. (Deleted by amendment.)

Sec. 3. NRS 293.267 is hereby amended to read as follows:

293.267 1. Ballots for a general election must contain the names of candidates who were nominated at the primary election, the names of the candidates of a minor political party and the names of independent candidates.

2. Except as otherwise provided in NRS 293.2565, names of candidates must be grouped alphabetically under the title and length of term of the office for which those candidates filed.

3. Except as otherwise provided in subsection 4:

(a) Immediately following the name of each candidate for a partisan office must appear the name ***or abbreviation*** of his or her political party ***,*** ~~[or]~~ the word "independent ~~[,"]~~ ***" or the abbreviation "IND,"*** as the case may be.

(b) Immediately following the name of each candidate for a nonpartisan office must appear the word "nonpartisan ~~[."]~~ ***" or the abbreviation "NP."***

4. Where a system of voting other than by paper ballot is used, the Secretary of State may provide for any placement of the name ***or abbreviation*** of the political party**,** ~~[or]~~ the word "independent" or "nonpartisan" ***or the abbreviation "IND" or "NP," as appropriate,*** which clearly relates the designation to the name of the candidate to whom it applies.

5. If the Legislature rejects a statewide measure proposed by initiative and proposes a different measure on the same subject which the Governor approves, the measure proposed by the Legislature and approved by the Governor must be listed on the ballot before the statewide measure proposed by initiative. Each ballot and sample ballot upon which the measures appear must contain a statement that reads substantially as follows:

The following questions are alternative approaches to the same issue, and only one approach may be enacted into law. Please vote for only one.

Sec. 4. NRS 293.2725 is hereby amended to read as follows:

293.2725 1. Except as otherwise provided in subsection 2, in NRS 293.3081 and 293.3083 and in federal law, a person who registers by mail to vote in this State and who has not previously voted in an election for federal office in this State:

(a) May vote at a polling place only if the person presents to the election board officer at the polling place:

(1) A current and valid photo identification of the person ~~[.]~~ ***, which shows his or her physical address;*** or

(2) A copy of a current utility bill, bank statement, paycheck, or document issued by a governmental entity, including a check which indicates the name and address of the person, but not including a voter registration card issued pursuant to NRS 293.517; and

(b) May vote by mail only if the person provides to the county or city clerk:

(1) A copy of a current and valid photo identification of the person ~~[.]~~ ***, which shows his or her physical address;*** or

(2) A copy of a current utility bill, bank statement, paycheck, or document issued by a governmental entity, including a check which indicates the name and address of the person, but not including a voter registration card issued pursuant to NRS 293.517.

➥ ***If there is a question as to the physical address of the person, the election board officer or clerk may request additional information.***

2. The provisions of this section do not apply to a person who:

(a) Registers to vote by mail and submits with an application to register to vote:

(1) A copy of a current and valid photo identification; or

(2) A copy of a current utility bill, bank statement, paycheck, or document issued by a governmental entity, including a check which indicates the name and address of the person, but not including a voter registration card issued pursuant to NRS 293.517;

(b) Registers to vote by mail and submits with an application to register to vote a driver's license number or at least the last four digits of his or her social security number, if a state or local election official has matched that information with an existing identification record bearing the same number, name and date of birth as provided by the person in the application;

(c) Is entitled to vote an absent ballot pursuant to the Uniformed and Overseas Citizens Absentee Voting Act, 42 U.S.C. §§ 1973ff et seq.;

(d) Is provided the right to vote otherwise than in person under the Voting Accessibility for the Elderly and Handicapped Act, 42 U.S.C. §§ 1973ee et seq.; or

(e) Is entitled to vote otherwise than in person under any other federal law.

Sec. 5. NRS 293.309 is hereby amended to read as follows:

293.309 1. The county clerk of each county shall prepare an absent ballot for the use of registered voters who have requested absent ballots. The county clerk shall make reasonable accommodations for the use of the absent ballot by a person who is elderly or disabled, including, without limitation, by providing, upon request, the absent ballot in 12-point type to a person who is elderly or disabled.

2. The ballot must be prepared and ready for distribution to a registered voter who:

(a) Resides within the State, not later than 20 days before the election in which it is to be used; ~~[or]~~

(b) ~~[~~Resides~~]~~ ***Except as otherwise provided in paragraph (c), resides*** outside the State, not later than 40 days before a primary or general election, if possible ~~[.]~~ ***; or***

(c) Requested an absent ballot pursuant to the provisions of the Uniformed and Overseas Citizens Absentee Voting Act, 42 U.S.C. §§ 1973ff et seq., not later than 45 days before the election.

3. Any legal action which would prevent the ballot from being issued pursuant to subsection 2 is moot and of no effect.

Sec. 6. NRS 293.313 is hereby amended to read as follows:

293.313 1. Except as otherwise provided in NRS 293.272 and 293.502, a registered voter who provides sufficient written notice to the county clerk may vote an absent ballot as provided in this chapter.

2. A registered voter who:

(a) Is at least 65 years of age; or

(b) Has a physical disability or condition which substantially impairs his or her ability to go to the polling place,

➥ may request an absent ballot for all elections held during the year he or she requests an absent ballot.

3. A county clerk shall consider a request from a voter who has given sufficient written notice on a form provided by the Federal Government as a request for an absent ballot for the ~~[two]~~ primary and general elections immediately following the date on which the county clerk received the request.

4. It is unlawful for a person fraudulently to request an absent ballot in the name of another person or to induce or coerce another person fraudulently to request an absent ballot in the name of another person. A person who violates this subsection is guilty of a category E felony and shall be punished as provided in NRS 193.130.

5. As used in this section, "sufficient written notice" means a:

(a) Written request for an absent ballot which is signed by the registered voter and returned to the county clerk in person or by mail or facsimile machine;

(b) Form prescribed by the Secretary of State which is completed and signed by the registered voter and returned to the county clerk in person or by mail or facsimile machine; or

(c) Form provided by the Federal Government.

Sec. 7. NRS 293.370 is hereby amended to read as follows:

293.370 1. When all the votes have been counted, the counting board officers shall enter on the tally lists by the name of each candidate the number of votes the candidate received. ~~[The number must be expressed in words and figures.]~~ The vote for and against any question submitted to the electors must be entered in the same manner.

2. The tally lists must show the number of votes, other than absentee votes and votes in a mailing precinct, which each candidate received in each precinct at:

(a) A primary election held in an even-numbered year; or

(b) A general election.

Sec. 8. ~~[NRS 293.506 is hereby amended to read as follows:~~

~~293.506 *1.* A county clerk may, with approval of the board of county commissioners, establish a system for using a computer to register voters and to keep records of registration. The county clerk may, for that purpose, issue to a voter a card, bearing the signature of the voter, attesting to the voter's registration.~~

~~*2. If a county establishes a system for online voter registration pursuant to subsection 1, online voter registration must remain open until midnight on the day before early voting begins.]~~ **(Deleted by amendment.)**

Sec. 9. NRS 293.560 is hereby amended to read as follows:

293.560 ~~[1.]~~ Except as otherwise provided in NRS 293.502 ~~[,~~ registration must close at 9 p.m. on the third Tuesday preceding any primary or general election and at 9 p.m. on the third Saturday preceding any recall or special election, except that if a recall or special election is held on the same day as a primary or general election, registration must close at 9 p.m. on the third Tuesday preceding the day of the elections.

~~2. The]~~ ***:***

1. For a primary or special election, the office of the county clerk must be open ~~[from 9 a.m. to 5 p.m. and from]~~ ***until*** 7 p.m. ~~[to 9 p.m., including Saturdays,]~~ during the last ***2*** days ~~[before the close of]~~ ***on which*** registration ~~[, according to the following schedule:~~

~~(a)~~ ***is open.*** In a county whose population is less than 100,000, the office of the county clerk ~~[must be open during the last day before registration closes.~~

~~(b) In all other counties, the office of the county clerk must be open during the last 5 days before registration closes.]~~ ***may close at 5 p.m. during the last 2 days before registration closes if approved by the board of county commissioners.***

2. For a general election:

(a) In a county whose population is less than 100,000, the office of the county clerk must be open until 7 p.m. during the last 2 days on which registration is open. The office of the county clerk may close at 5 p.m. if approved by the board of county commissioners.

(b) In a county whose population is 100,000 or more, the office of the county clerk must be open during the last 4 days on which registration is open, according to the following schedule:

(1) On weekdays until 9 p.m.; and

(2) A minimum of 8 hours on Saturdays, Sundays and legal holidays.

3. Except for a special election held pursuant to chapter 306 or 350 of NRS:

(a) The county clerk of each county shall cause a notice signed by him or her to be published in a newspaper having a general circulation in the county indicating:

(1) The day ***and time*** that registration will be closed; and

(2) If the county clerk has designated a county facility pursuant to NRS 293.5035, the location of that facility.

➥ If no such newspaper is published in the county, the publication may be made in a newspaper of general circulation published in the nearest county in this State.

(b) The notice must be published once each week for 4 consecutive weeks next preceding the close of registration for any election.

4. The offices of the county clerk, a county facility designated pursuant to NRS 293.5035 and other ex officio registrars may remain open on the last Friday in October in each even-numbered year.

5. For the period beginning on the fifth Sunday preceding any primary or general election and ending on the third Tuesday preceding any primary or general election, an elector may register to vote only by appearing in person at the office of the county clerk or, if open, a county facility designated pursuant to NRS 293.5035.

6. A county facility designated pursuant to NRS 293.5035 may be open during the periods described in this section for such hours of operation as the county clerk may determine, as set forth in subsection 3 of NRS 293.5035.

Sec. 10. NRS 293C.305 is hereby amended to read as follows:

293C.305 1. The city clerk shall prepare an absent ballot for the use of registered voters who have requested absent ballots. The city clerk shall make reasonable accommodations for the use of the absent ballot by a person

who is elderly or disabled, including, without limitation, by providing, upon request, the absent ballot in 12-point type to a person who is elderly or disabled.

2. The ballot must be prepared and ready for distribution to a registered voter who ***:***

(a) Except as otherwise provided in paragraph (b), resides within or outside this State, not later than 20 days before the election in which it will be used.

(b) Requested an absent ballot pursuant to the provisions of the Uniformed and Overseas Citizens Absentee Voting Act, 42 U.S.C. §§ 1973ff et seq., not later than 45 days before the election.

3. Any legal action that would prevent the ballot from being issued pursuant to subsection 2 is moot and of no effect.

Sec. 11. NRS 293C.310 is hereby amended to read as follows:

293C.310 1. Except as otherwise provided in NRS 293.502 and 293C.265, a registered voter who provides sufficient written notice to the city clerk may vote an absent ballot as provided in this chapter.

2. A city clerk shall consider a request from a voter who has given sufficient written notice on a form provided by the Federal Government as:

(a) A request for the primary city election and the general city election unless otherwise specified in the request; and

(b) A request for an absent ballot for the ~~[~~two~~]~~ primary and general elections immediately following the date on which the city clerk received the request.

3. It is unlawful for a person fraudulently to request an absent ballot in the name of another person or to induce or coerce another person fraudulently to request an absent ballot in the name of another person. A person who violates any provision of this subsection is guilty of a category E felony and shall be punished as provided in NRS 193.130.

4. As used in this section, "sufficient written notice" means a:

(a) Written request for an absent ballot that is signed by the registered voter and returned to the city clerk in person or by mail or facsimile machine;

(b) Form prescribed by the Secretary of State that is completed and signed by the registered voter and returned to the city clerk in person or by mail or facsimile machine; or

(c) Form provided by the Federal Government.

Sec. 12. NRS 293C.372 is hereby amended to read as follows:

293C.372 When all the votes have been counted, the counting board officers shall enter on the tally lists by the name of each candidate the number of votes the candidate received. ~~[~~The number must be expressed in words and figures.~~]~~ The vote for and against any question submitted to the electors must be entered in the same manner.

Sec. 13. NRS 293C.527 is hereby amended to read as follows:

293C.527 ~~[~~1.~~]~~ Except as otherwise provided in NRS 293.502 ~~[~~, registration must close at 9 p.m. on the third Tuesday preceding any primary

~~city election or general city election and at 9 p.m. on the third Saturday preceding any recall or special election, except that if a recall or special election is held on the same day as a primary city election or general city election, registration must close at 9 p.m. on the third Tuesday preceding the day of the elections.~~

~~2. The~~**]** ***:***

1. For a primary city election or special city election, the office of the city clerk must be open **[**~~from 9 a.m. to 5 p.m. and from~~**]** ***until*** 7 p.m. **[**~~to 9 p.m., including Saturdays,~~**]** during the last ***2*** days **[**~~before the close of registration before a primary city election or general city election, according to the following schedule:~~

~~(a) In a city whose population is less than 25,000, the office of the city clerk must be open during the last 3 days before registration closes.~~

~~(b) In a city whose population is 25,000 or more, the office of the city clerk must be open during the last 5 days before registration closes.~~**]** ***on which registration is open. In a city whose population is less than 25,000, the office of the city clerk may close at 5 p.m. if approved by the governing body of the city.***

2. For a general election:

(a) In a city whose population is less than 25,000, the office of the city clerk must be open until 7 p.m. during the last 2 days on which registration is open. The office of the city clerk may close at 5 p.m. if approved by the governing body of the city.

(b) In a city whose population is 25,000 or more, the office of the city clerk must be open during the last 4 days on which registration is open, according to the following schedule:

(1) On weekdays until 9 p.m.; and

(2) A minimum of 8 hours on Saturdays, Sundays and legal holidays.

3. Except for a special election held pursuant to chapter 306 or 350 of NRS:

(a) The city clerk of each city shall cause a notice signed by him or her to be published in a newspaper having a general circulation in the city indicating:

(1) The day ***and time*** that registration will be closed; and

(2) If the city clerk has designated a municipal facility pursuant to NRS 293C.520, the location of that facility.

➥ If no newspaper is of general circulation in that city, the publication may be made in a newspaper of general circulation in the nearest city in this State.

(b) The notice must be published once each week for 4 consecutive weeks next preceding the close of registration for any election.

4. For the period beginning on the fifth Sunday preceding any primary city election or general city election and ending on the third Tuesday preceding any primary city election or general city election, an elector may register to vote only by appearing in person at the office of the city clerk or, if open, a municipal facility designated pursuant to NRS 293C.520.

5. A municipal facility designated pursuant to NRS 293C.520 may be open during the periods described in this section for such hours of operation as the city clerk may determine, as set forth in subsection 3 of NRS 293C.520.

Sec. 14. NRS 295.061 is hereby amended to read as follows:

295.061 1. Except as otherwise provided in subsection 3, whether an initiative or referendum embraces but one subject and matters necessarily connected therewith and pertaining thereto, and the description of the effect of an initiative or referendum required pursuant to NRS 295.009, may be challenged by filing a complaint in the First Judicial District Court not later than 15 days, Saturdays, Sundays and holidays excluded, after a copy of the petition is placed on file with the Secretary of State pursuant to NRS 295.015. All affidavits and documents in support of the challenge must be filed with the complaint. The court shall set the matter for hearing not later than 15 days after the complaint is filed and shall give priority to such a complaint over all ***other matters pending with the court, except for*** criminal proceedings.

2. The legal sufficiency of a petition for initiative or referendum may be challenged by filing a complaint in district court not later than 7 days, Saturdays, Sundays and holidays excluded, after the petition is certified as sufficient by the Secretary of State. All affidavits and documents in support of the challenge must be filed with the complaint. The court shall set the matter for hearing not later than 15 days after the complaint is filed and shall give priority to such a complaint over all other matters pending with the court, except for criminal proceedings.

3. If a description of the effect of an initiative or referendum required pursuant to NRS 295.009 is challenged successfully pursuant to subsection 1 and such description is amended in compliance with the order of the court, the amended description may not be challenged.

Sec. 15. NRS 349.017 is hereby amended to read as follows:

349.017 1. If the bond question is submitted at a general election, no notice of registration of electors is required other than that required by the laws for a general election.

2. If the bond question is submitted at a special election, the clerk of each county shall cause to be published, at least once a week for 2 consecutive weeks by two weekly insertions a week apart, the first publication to be not more than 50 days nor less than 42 days next preceding the election, in a newspaper published within the county, if any is so published, and having a general circulation therein, a notice signed by him or her to the effect that registration for the special election will be closed on a date ***and time*** designated therein, as provided in this section.

3. Except as otherwise provided in subsection 4, the office of the county clerk in each county of this State must be open for such a special election, from 9 a.m. to 12 m. and 1 p.m. to 5 p.m. on Mondays through Fridays, with

Saturdays, Sundays and legal holidays excepted, for the registration of any qualified elector.

4. The office of the county clerk must be open ~~[from 9 a.m. to 5 p.m. and from 7 p.m. to 9 p.m. on Monday through Saturday, with Sundays and any legal holidays excepted,]~~ during the last days of registration as provided in subsection ~~[2]~~ ***1*** of NRS 293.560.

5. The office of the county clerk must be open for registration of voters for such a special election up to but excluding the 30th day next preceding that election and during regular office hours.

Sec. 16. NRS 710.153 is hereby amended to read as follows:

710.153 1. If the question of the sale or lease of the county-owned telephone system is submitted at a general election, no notice of registration of electors is required other than that required by the general election laws for such election. If the question is submitted at a special election, the county clerk shall cause to be published at least once a week for 5 consecutive weeks by five weekly insertions a week apart, the first publication to be not more than 60 days nor less than 45 days next preceding the election, in a newspaper published within the county and having a general circulation therein, a notice signed by the county clerk to the effect that registration for the special election will be closed on a date ***and time*** designated therein, as provided in this section.

2. Except as otherwise provided in this subsection, the office of the county clerk must be open for such a special election from 9 a.m. to 12 m. and from 1 p.m. to 5 p.m. on Mondays through Fridays, with Saturdays, Sundays and legal holidays excepted, for the registration of any qualified elector. ~~[During the 5 days preceding the close of registration before such a special election, the]~~ ***The*** office of the county clerk must be open ~~[from 9 a.m. to 5 p.m. and from 7 p.m. to 9 p.m. on Monday through Saturday, with Sunday and any legal holidays excepted.]~~ ***during the last days of registration as provided in subsection 1 of NRS 293.560.***

3. The office of the county clerk must be opened for registration of voters for the special election from and including the 20th day next preceding the election and up to but excluding the 10th day next preceding the election and during regular office hours.

Sec. 17. Section 8 of the Virgin Valley Water District Act, being chapter 100, Statutes of Nevada 1993, at page 165, is hereby amended to read as follows:

Sec. 8. District Elections.

1. Unless otherwise required for purposes of an election to incur an indebtedness, the Registrar of Voters of Clark County shall conduct, supervise and, by ordinance, regulate all district elections in accordance, as nearly as practicable, with the general election laws of this state, including, but not limited to, laws relating to the time of opening and closing of polls, the manner of conducting the election, the canvassing, announcement and certification of results and the preparation and disposition of ballots.

2. ~~[At least 90 days before the election, the Registrar of Voters of Clark County shall publish notice of the election.]~~ Each candidate for election to the Board must file a declaration of candidacy with the Registrar of Voters ~~[at least 60 days before the election.]~~ ***not earlier than the first Monday in March of the year in which the election is to be held and not later than 5 p.m. on the second Friday after the first Monday in March.*** Timely filing of such declaration is a prerequisite to election.

3. If the board establishes various election areas within the District and there are two or more seats upon the board to be filled at the same election, each of which represents the same election area, the two candidates therefor receiving the highest number of votes, respectively, are elected.

4. If a member of the Board is unopposed in seeking reelection, the Board may declare that member elected without a formal election, but that member may not participate in the declaration.

5. If no person files candidacy for election to a particular seat upon the Board, the seat must be filled in the manner provided in subsection 4 of section 7 of this act for filling a vacancy.

Sec. 18. NRS 293.219 is hereby repealed.

Sec. 19. **This act becomes effective upon passage and approval.**

TEXT OF REPEALED SECTION

293.219 Recommendations by political parties of persons for service on election board.

1. Not less than 60 days before a primary or a general election, the county central committee of each major political party for each county may recommend to the county clerk of the county three registered voters for each precinct in the county to act as election board officers of the primary or general election in the precinct or district.

2. Not less than 60 days before a general election, the executive committee of each minor political party for each county may recommend to the county clerk of the county three registered voters for each precinct in the county to act as election board officers of the general election in the precinct or district.

3. After that date the county clerk may accept recommendations for reserve election board officers for the election.

Assemblyman Segerblom moved that the Assembly concur in the Senate Amendment No. 836 to Assembly Bill No. 473.

Remarks by Assemblyman Segerblom.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Assembly Bill No. 549.

The following Senate amendment was read:

Amendment No. 751.

AN ACT relating to homeland security; increasing the number of ~~[voting]~~ members on the Nevada Commission on Homeland Security; revising provisions governing the confidentiality of vulnerability assessments and emergency response plans of utilities, public entities and private businesses in this State; clarifying that certain documents, records and other items of information may be inspected by and released to the Legislative Auditor when conducting a postaudit; **making various changes concerning grants and other funding for homeland security;** providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes the Nevada Commission on Homeland Security, for which the Governor appoints the voting members and certain nonvoting members. The Commission has certain duties relating to the protection of residents of this State and visitors to this State from acts of terrorism and related emergencies. (NRS 239C.120, 239C.160) **Section 22** of this bill increases the number of voting members that the Governor must appoint to the Commission from 14 members to 16 members, to include a representative of the broadcaster community and a representative recommended by the Inter-Tribal Council of Nevada, Inc. **Section 22 also requires the appointment of the Chief of the Division of Emergency Management of the Department of Public Safety as a nonvoting member of the Commission.**

Existing law provides that the Governor may, by executive order, determine that certain documents, records and other information relating to preventing and responding to acts of terrorism are confidential. Such documents, records and other information are not subject to subpoena or discovery, not subject to inspection by the general public and may only be inspected by and released to public safety and public health personnel. (NRS 239C.210) **Section 26** of this bill extends that authority to include vulnerability assessments and emergency response plans of utilities, public entities and private businesses in this State. **Section 26** also clarifies that the documents, records and other items of information subject to an executive order of confidentiality for security purposes **, except vulnerability assessments,** may be inspected by and released to the Legislative Auditor when conducting a postaudit **~~[.]~~ , subject to certain requirements.**

Section 24.5 of this bill specifies the duties of the Commission with respect to grants and related funding and requires the Commission to submit annual briefings to the Governor assessing preparedness. Sections 30.5 and 31.5 of this bill extend to tribal governments the applicability of provisions concerning grants of money to the State or a political subdivision for prevention of or response to terrorism or other similar incidents.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. (Deleted by amendment.)

Sec. 1.5. **Chapter 239C of NRS is hereby amended by adding thereto a new section to read as follows:**

"Tribal government" means a federally recognized American Indian tribe pursuant to 25 C.F.R. §§ 83.1 to 83.13, inclusive.

Sec. 2. (Deleted by amendment.)

Sec. 3. (Deleted by amendment.)

Sec. 4. (Deleted by amendment.)

Sec. 5. (Deleted by amendment.)

Sec. 6. (Deleted by amendment.)

Sec. 7. (Deleted by amendment.)

Sec. 8. (Deleted by amendment.)

Sec. 9. (Deleted by amendment.)

Sec. 10. (Deleted by amendment.)

Sec. 11. (Deleted by amendment.)

Sec. 12. (Deleted by amendment.)

Sec. 13. (Deleted by amendment.)

Sec. 14. (Deleted by amendment.)

Sec. 15. (Deleted by amendment.)

Sec. 16. (Deleted by amendment.)

Sec. 16.5. **NRS 239C.020 is hereby amended to read as follows:**

239C.020 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 239C.030 to 239C.110, inclusive, ***and section 1.5 of this act*** have the meanings ascribed to them in those sections.

Sec. 17. (Deleted by amendment.)

Sec. 18. (Deleted by amendment.)

Sec. 19. (Deleted by amendment.)

Sec. 20. (Deleted by amendment.)

Sec. 21. (Deleted by amendment.)

Sec. 22. NRS 239C.120 is hereby amended to read as follows:

239C.120 1. The Nevada Commission on Homeland Security is hereby created.

2. The Governor shall appoint to the Commission ~~[14]~~ ***16*** voting members that the Governor determines to be appropriate and who serve at the Governor's pleasure, which must include at least:

(a) The sheriff of each county whose population is 100,000 or more **.** ~~[;]~~

(b) The chief of the county fire department in each county whose population is 100,000 or more **.** ~~[;]~~

(c) A member of the medical community in a county whose population is 400,000 or more **.** ~~[; and]~~

(d) An employee of the largest incorporated city in each county whose population is 400,000 or more.

(e) A representative of the broadcaster community. As used in this paragraph, "broadcaster" has the meaning ascribed to it in NRS 432.310.

(f) A representative recommended by the Inter-Tribal Council of Nevada, Inc., or its successor organization, to represent tribal ~~[nations]~~ governments in Nevada.

3. The Governor shall appoint:

(a) An officer of the United States Department of Homeland Security whom the Department of Homeland Security has designated for this State; ~~[and]~~

(b) The agent in charge of the office of the Federal Bureau of Investigation in this State ~~.[.]~~ ***; and***

(c) The Chief of the Division,

➥ as nonvoting members of the Commission.

4. The Senate Majority Leader shall appoint one member of the Senate as a nonvoting member of the Commission.

5. The Speaker of the Assembly shall appoint one member of the Assembly as a nonvoting member of the Commission.

6. ~~[Except for the initial members, the]~~ ***The*** term of office of each member of the Commission who is a Legislator is 2 years ***.*** ~~[and commences on July 1 of the year of appointment.]~~

7. The Governor or his or her designee shall:

(a) Serve as Chair of the Commission; and

(b) Appoint a member of the Commission to serve as Vice Chair of the Commission.

Sec. 23. (Deleted by amendment.)

Sec. 24. (Deleted by amendment.)

Sec. 24.5. **NRS 239C.160 is hereby amended to read as follows:**

239C.160 The Commission shall, within the limits of available money:

1. Make recommendations to the Governor, the Legislature, agencies of this State, political subdivisions, ***tribal governments,*** businesses located within this State and private persons who reside in this State with respect to actions and measures that may be taken to protect residents of this State and visitors to this State from potential acts of terrorism and related emergencies.

2. ***Make recommendations to the Governor, through the Division, on the use of money received by the State from any homeland security grant or related program, including, without limitation, the State Homeland Security Grant Program and Urban Area Security Initiative, in accordance with the following:***

(a) The Division shall provide the Commission with program guidance and briefings;

(b) The Commission must be provided briefings on existing and proposed projects, and shall consider statewide readiness capabilities and priorities for the use of money, administered by the Division, from any homeland security grant or related program;

(c) The Commission shall serve as the public body which reviews and makes recommendations for the State's applications to the Federal

Government for homeland security grants or related programs, as administered by the Division; and

(d) The Commission shall serve as the public body which recommends, subject to approval by the Governor, the distribution of money from any homeland security grant or related program for use by state, local and tribal government agencies and private sector organizations.

3. Propose goals and programs that may be set and carried out, respectively, to counteract or prevent potential acts of terrorism and related emergencies before such acts of terrorism and related emergencies can harm or otherwise threaten residents of this State and visitors to this State.

~~[3.]~~ ***4.*** With respect to buildings, facilities, geographic features and infrastructure that must be protected from acts of terrorism and related emergencies to ensure the safety of the residents of this State and visitors to this State, including, without limitation, airports other than international airports, the Capitol Complex, dams, gaming establishments, governmental buildings, highways, hotels, information technology infrastructure, lakes, places of worship, power lines, public buildings, public utilities, reservoirs, rivers and their tributaries, and water facilities:

(a) Identify and categorize such buildings, facilities, geographic features and infrastructure according to their susceptibility to and need for protection from acts of terrorism and related emergencies; and

(b) Study and assess the security of such buildings, facilities, geographic features and infrastructure from acts of terrorism and related emergencies.

~~[4.]~~ ***5.*** Examine the use, deployment and coordination of response agencies within this State to ensure that those agencies are adequately prepared to protect residents of this State and visitors to this State from acts of terrorism and related emergencies.

~~[5.]~~ ***6.*** Assess, examine and review the use of information systems and systems of communication used by response agencies within this State to determine the degree to which such systems are compatible and interoperable. After conducting the assessment, examination and review, the Commission shall:

(a) Establish a state plan setting forth criteria and standards for the compatibility and interoperability of those systems when used by response agencies within this State; and

(b) Advise and make recommendations to the Governor relative to the compatibility and interoperability of those systems when used by response agencies within this State, with particular emphasis upon the compatibility and interoperability of public safety radio systems.

~~[6.]~~ ***7.*** Assess, examine and review the operation and efficacy of telephone systems and related systems used to provide emergency 911 service.

~~[7.]~~ ***8.*** To the extent practicable, cooperate and coordinate with the Division to avoid duplication of effort in developing policies and programs for preventing and responding to acts of terrorism and related emergencies.

~~[8.]~~ ***9. Submit an annual briefing to the Governor assessing the preparedness of the State to counteract, prevent and respond to potential acts of terrorism and related emergencies, including, but not limited to, an assessment of response plans and vulnerability assessments of utilities, public entities and private business in this State. The briefing must be based on information and documents reasonably available to the Commission and must be compiled with the advice of the Division after all utilities, public entities and private businesses assessed have a reasonable opportunity to review and comment on the Commission's findings.***

10. Perform any other acts related to their duties set forth in subsections 1 to ~~[7,]~~ ***9,*** inclusive, that the Commission determines are necessary to protect or enhance:

(a) The safety and security of the State of Nevada;

(b) The safety of residents of the State of Nevada; and

(c) The safety of visitors to the State of Nevada.

Sec. 25. (Deleted by amendment.)

Sec. 26. NRS 239C.210 is hereby amended to read as follows:

239C.210 1. A document, record or other item of information described in subsection 2 that is prepared and maintained for the purpose of preventing or responding to an act of terrorism is confidential, not subject to subpoena or discovery, not subject to inspection by the general public and may only be inspected by or released to ~~[public]~~ ***:***

(a) Public safety and public health personnel ***; and***

(b) ~~*[The]*~~ ***Except as otherwise provided in this subsection, the Legislative Auditor conducting a postaudit pursuant to NRS 218G.010 to 218G.555, inclusive,***

➥ if the Governor determines, by executive order, that the disclosure or release of the document, record or other item of information would thereby create a substantial likelihood of compromising, jeopardizing or otherwise threatening the public health, safety or welfare. ***Any information that is inspected by or released to the Legislative Auditor pursuant to this subsection is not subject to the exception from confidentiality set forth in NRS 218G.130. The Legislative Auditor may confirm that vulnerability assessments have been submitted to or are in the possession of a state agency that is the subject of a postaudit, but the assessments must not be inspected by or released to the Legislative Auditor. An employee of the Audit Division of the Legislative Counsel Bureau who is conducting a postaudit that includes access to documents or information subject to the provisions of this section must be properly cleared through federal criteria or state or local background investigation and instructed, trained or certified, as applicable, regarding the security sensitivity of the documents or information.***

2. The types of documents, records or other items of information subject to executive order pursuant to subsection 1 are as follows:

(a) Assessments, plans or records that evaluate or reveal the susceptibility of fire stations, police stations and other law enforcement stations to acts of terrorism or other related emergencies.

(b) Drawings, maps, plans or records that reveal the critical infrastructure of primary buildings, facilities and other structures used for storing, transporting or transmitting water or electricity, natural gas or other forms of energy.

(c) Documents, records or other items of information which may reveal the details of a specific emergency response plan or other tactical operations by a response agency and any training relating to such emergency response plans or tactical operations.

(d) Handbooks, manuals or other forms of information detailing procedures to be followed by response agencies in the event of an act of terrorism or other related emergency.

(e) Documents, records or other items of information that reveal information pertaining to specialized equipment used for covert, emergency or tactical operations of a response agency, other than records relating to expenditures for such equipment.

(f) Documents, records or other items of information regarding the infrastructure and security of frequencies for radio transmissions used by response agencies, including, without limitation:

(1) Access codes, passwords or programs used to ensure the security of frequencies for radio transmissions used by response agencies;

(2) Procedures and processes used to ensure the security of frequencies for radio transmissions used by response agencies; and

(3) Plans used to reestablish security and service with respect to frequencies for radio transmissions used by response agencies after security has been breached or service has been interrupted.

(g) Vulnerability assessments and emergency response plans of utilities, public entities and private businesses in this State. As used in this paragraph, "public entities" means departments, agencies or instrumentalities of the State ***,*** ~~*[or]*~~ ***any of its political subdivisions*** ~~*[.]*~~ ***or tribal governments. The term includes general improvement districts.***

3. If a person knowingly and unlawfully discloses a document, record or other item of information subject to an executive order issued pursuant to subsection 1 or assists, solicits or conspires with another person to disclose such a document, record or other item of information, the person is guilty of:

(a) A gross misdemeanor; or

(b) A category C felony and shall be punished as provided in NRS 193.130 if the person acted with the intent to:

(1) Commit, cause, aid, further or conceal, or attempt to commit, cause, aid, further or conceal, any unlawful act involving terrorism or sabotage; or

(2) Assist, solicit or conspire with another person to commit, cause, aid, further or conceal any unlawful act involving terrorism or sabotage.

4. ***The Governor shall review the documents, records and other items of information determined by executive order pursuant to subsection 1 to be confidential every 10 years to assess the continued need for the documents, records and other items of information to remain confidential.***

5. As used in this section, "public safety and public health personnel" includes:

(a) State, county***,*** ~~[and]~~ city ***and tribal*** emergency managers;

(b) Members and staff of terrorism early warning centers or fusion intelligence centers in this State;

(c) Employees of fire-fighting or law enforcement agencies, if the head of the agency has designated the employee as having an operational need to know ***of*** information that is prepared or maintained for the purpose of preventing or responding to an act of terrorism; and

(d) Employees of a public health agency, if the agency is one that would respond to a disaster and if the head of the agency has designated the employee as having an operational need to know ***of*** information that is prepared or maintained for the purpose of preventing or responding to an act of terrorism. As used in this paragraph, "disaster" has the meaning ascribed to it in NRS 414.0335.

Sec. 27. (Deleted by amendment.)

Sec. 28. (Deleted by amendment.)

Sec. 29. NRS 239C.270 is hereby amended to read as follows:

239C.270 1. Each utility shall:

(a) Conduct a vulnerability assessment in accordance with the requirements of the federal and regional agencies that regulate the utility; and

(b) Prepare and maintain an emergency response plan in accordance with the requirements of the federal and regional agencies that regulate the utility.

2. Each utility shall:

(a) As soon as practicable but not later than December 31, 2003, submit its vulnerability assessment and emergency response plan to the Division; and

(b) At least once each year thereafter, review its vulnerability assessment and emergency response plan and, as soon as practicable after its review is completed but not later than December 31 of each year, submit the results of its review and any additions or modifications to its emergency response plan to the Division.

3. Except as otherwise provided in NRS 239.0115, each vulnerability assessment and emergency response plan of a utility and any other information concerning a utility that is necessary to carry out the provisions of this section is confidential and must be securely maintained by each person or entity that has possession, custody or control of the information.

4. ~~[A]~~ ***Except as otherwise provided in NRS 239C.210, a*** person shall not disclose such information, except:

(a) Upon the lawful order of a court of competent jurisdiction;

(b) As is reasonably necessary to carry out the provisions of this section or the operations of the utility, as determined by the Division;

(c) As is reasonably necessary in the case of an emergency involving public health or safety, as determined by the Division; or

(d) Pursuant to the provisions of NRS 239.0115.

5. If a person knowingly and unlawfully discloses such information or assists, solicits or conspires with another person to disclose such information, the person is guilty of:

(a) A gross misdemeanor; or

(b) A category C felony and shall be punished as provided in NRS 193.130 if the person acted with the intent to:

(1) Commit, cause, aid, further or conceal, or attempt to commit, cause, aid, further or conceal, any unlawful act involving terrorism or sabotage; or

(2) Assist, solicit or conspire with another person to commit, cause, aid, further or conceal any unlawful act involving terrorism or sabotage.

Sec. 30. (Deleted by amendment.)

Sec. 30.5. **NRS 239C.300 is hereby amended to read as follows:**

239C.300 1. If the State**,** ~~[or]~~ a political subdivision ***or a tribal government*** submits an application to and is approved to receive money from the Federal Government, this State, any other state, a local government, any agency or instrumentality of those governmental entities, or any private entity, to pay for a project or program relating to the prevention of, detection of, mitigation of, preparedness for, response to and recovery from acts of terrorism, the State**,** ~~[or]~~ political subdivision ***or tribal government*** shall, not later than 60 days after receiving such approval, submit to the Commission a written report that includes, without limitation:

(a) The total amount of money that the State**,** ~~[or]~~ political subdivision ***or tribal government*** has been approved to receive for the project or program;

(b) A description of the project or program, unless the State**,** ~~[or]~~ political subdivision ***or tribal government*** previously submitted a written report pursuant to this section relating to the same project or program; and

(c) The items to be paid for with the money that the State**,** ~~[or]~~ political subdivision ***or tribal government*** has been approved to receive for the project or program.

2. A project or program for which the State**,** ~~[or]~~ a political subdivision ***or a tribal government*** is required to report the receipt of money pursuant to subsection 1 includes, without limitation, a project or program related to:

(a) Homeland security;

(b) Emergency management;

(c) Health or hospitals;

(d) Emergency medical services; and

(e) Chemical, biological, radiological, nuclear, explosive, agricultural or environmental acts of terrorism.

~~[3. Any grant related to terrorism that is administered by the Division and is provided to a political subdivision must be approved by the local emergency planning committee.]~~

Sec. 31. (Deleted by amendment.)

Sec. 31.5. **NRS 239C.310 is hereby amended to read as follows:**

239C.310 1. The State and each political subdivision ***and tribal government*** shall:

(a) Adopt any national system that is required as a condition to the receipt of money from the Federal Government by the United States Department of Homeland Security pursuant to federal law in preparation for, prevention of, detection of, mitigation of, response to and recovery from a domestic incident, including, without limitation, an act of terrorism.

(b) Submit to the Division documentation evidencing that the State , ~~[or]~~ political subdivision ***or tribal government*** has adopted the national system.

2. The Division shall submit on a quarterly basis documentation to the Commission evidencing the compliance of this State and each political subdivision ***and tribal government*** with the provisions of paragraph (a) of subsection 1.

Sec. 32. (Deleted by amendment.)

Sec. 32.5. **NRS 332.830 is hereby amended to read as follows:**

332.830 1. On and after October 1, 2005, a governing body or its authorized representative shall not purchase an information system or system of communication for use by a response agency unless the system complies with the plan established pursuant to subsection ~~[5]~~ ***6*** of NRS 239C.160.

2. On and after October 1, 2005, any grant or other money received by a local government from the Federal Government for the purchase of an information system or system of communication for use by a response agency must not be used to purchase such a system unless the system complies with the plan established pursuant to subsection ~~[5]~~ ***6*** of NRS 239C.160.

3. As used in this section:

(a) "Information system" has the meaning ascribed to it in NRS 239C.060.

(b) "Response agency" has the meaning ascribed to it in NRS 239C.080.

(c) "System of communication" has the meaning ascribed to it in NRS 239C.100.

Sec. 33. (Deleted by amendment.)

Sec. 33.5. **NRS 333.820 is hereby amended to read as follows:**

333.820 1. On and after October 1, 2005, the Chief, the Purchasing Division or a using agency shall not purchase an information system or system of communication for use by a response agency unless the system complies with the plan established pursuant to subsection ~~[5]~~ ***6*** of NRS 239C.160.

2. On and after October 1, 2005, any grant or other money received by the Chief, the Purchasing Division or a using agency from the Federal Government for the purchase of an information system or system of communication for use by a response agency must not be used to purchase such a system unless the system complies with the plan established pursuant to subsection ~~[5]~~ ***6*** of NRS 239C.160.

3. As used in this section:

(a) "Information system" has the meaning ascribed to it in NRS 239C.060.

(b) "Response agency" has the meaning ascribed to it in NRS 239C.080.

(c) "System of communication" has the meaning ascribed to it in NRS 239C.100.

Sec. 34. (Deleted by amendment.)

Sec. 35. (Deleted by amendment.)

Sec. 36. (Deleted by amendment.)

Sec. 37. (Deleted by amendment.)

Sec. 38. (Deleted by amendment.)

Sec. 39. (Deleted by amendment.)

Assemblywoman Kirkpatrick moved that the Assembly concur in the Senate Amendment No. 751 to Assembly Bill No. 549.

Remarks by Assemblywoman Kirkpatrick.

Motion carried by a constitutional majority.

Bill ordered enrolled.

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblyman Horne moved that the Assembly recede from its action on Senate Bill No. 101.

Remarks by Assemblyman Horne.

Motion carried.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 12:10 p.m.

ASSEMBLY IN SESSION

At 6:58 p.m.

Mr. Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce and Labor, to which were referred Senate Bills Nos. 207, 208, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

KELVIN ATKINSON, *Chair*

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Senate Bill No. 426, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

DEBBIE SMITH, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 3, 2011

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 59, Senate Amendment No. 634, and requests a conference, and appointed Senators Lee, Hardy and Settelmeyer as a Conference Committee to meet with a like committee of the Assembly.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 136, Senate Amendment No. 693, and requests a conference, and appointed Senators Wiener, Breeden and McGinness as a Conference Committee to meet with a like committee of the Assembly.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 240, Senate Amendment No. 764, and requests a conference, and appointed Senators Lee, Settelmeyer and Hardy as a Conference Committee to meet with a like committee of the Assembly.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 257, Senate Amendment No. 591, and requests a conference, and appointed Senators Lee, Hardy and Settelmeyer as a Conference Committee to meet with a like committee of the Assembly.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 277, Senate Amendment No. 677, and requests a conference, and appointed Senators Breeden, Manendo and Halseth as a Conference Committee to meet with a like committee of the Assembly.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to concur in the Assembly Amendment No. 857 to Senate Bill No. 98; Assembly Amendments Nos. 811, 724 to Senate Bill No. 136; Assembly Amendment No. 720 to Senate Bill No. 200; Assembly Amendment No. 838 to Senate Bill No. 249; Assembly Amendment No. 833 to Senate Bill No. 268; Assembly Amendment No. 639 to Senate Bill No. 365; Assembly Amendment No. 740 to Senate Bill No. 402.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

GENERAL FILE AND THIRD READING

Assembly Bill No. 316.

Bill read third time.

Remarks by Assemblywoman Woodbury.

Roll call on Assembly Bill No. 316:

YEAS—41.

NAYS—None.

EXCUSED—Hansen.

Assembly Bill No. 316 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 345.

Bill read third time.

Remarks by Assemblyman Ohrenschall.

Roll call on Assembly Bill No. 345:

YEAS—41.

NAYS—None.

EXCUSED—Hansen.

Assembly Bill No. 345 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 168.

Bill read third time.

Roll call on Senate Bill No. 168:

YEAS—41.

NAYS—None.

EXCUSED—Hansen.

Senate Bill No. 168 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Atkinson moved that Senate Bill No. 207 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Atkinson.

Motion carried.

Assemblyman Atkinson moved that Senate Bill No. 208 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Atkinson.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 426.

Bill read third time.

Remarks by Assemblywoman Smith.

Roll call on Senate Bill No. 426:

YEAS—41.

NAYS—None.

EXCUSED—Hansen.

Senate Bill No. 426 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 7:11 p.m.

ASSEMBLY IN SESSION

At 7:12 p.m.

Mr. Speaker presiding.

Quorum present.

UNFINISHED BUSINESS

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblywoman Kirkpatrick moved that the Assembly do not recede from its action on Senate Bill No. 98, that a conference be requested, and that Mr. Speaker appoint a Conference Committee consisting of three members to meet with a like committee of the Senate.

Remarks by Assemblywoman Kirkpatrick.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Oceguera, Kirkpatrick, and Goicoechea as a Conference Committee to meet with a like committee of the Senate for the further consideration of Senate Bill No. 98.

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblywoman Kirkpatrick moved that the Assembly do not recede from its action on Senate Bill No. 249, that a conference be requested, and that Mr. Speaker appoint a Conference Committee consisting of three members to meet with a like committee of the Senate.

Remarks by Assemblywoman Kirkpatrick.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblywomen Kirkpatrick, Neal, and Woodbury as a Conference Committee to meet with a like committee of the Senate for the further consideration of Senate Bill No. 249.

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 504.

The following Senate amendment was read:

Amendment No. 738.

AN ACT relating to taxation; requiring the Department of Taxation to provide an annual report to the Nevada Tax Commission of delinquent taxes owed to the Department; requiring the Nevada Tax Commission to request that the State Board of Examiners designate certain delinquent taxes owed to the Department as bad debt; **revising the interest rate for the payment of certain delinquent taxes;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[This]~~ **Section 1 of this** bill requires the Department of Taxation to prepare and furnish an annual report to the Nevada Tax Commission that shows debts to the Department incurred by delinquent taxpayers during the immediately preceding year. ~~[This bill]~~ **Section 1** also requires the Department to include the amount of any delinquent taxes that the Department determines is impossible or impractical to collect. ~~[This bill]~~ **Section 1** further requires the

Nevada Tax Commission to request that the State Board of Examiners designate any such amount of delinquent taxes as bad debt.

Sections 2 and 6 of this bill reduce the interest rate on the overpayment of certain taxes from 0.5 percent per month to 0.25 percent per month. Sections 3, 4 and 9 of this bill reduce the interest rate on late payments of certain taxes from 1 percent per month to 0.75 percent per month. Sections 5, 7, 8 and 10-12 of this bill reduce the interest rate on the overpayment of certain taxes and certain illegally collected taxes from 6 percent per annum to 3 percent per annum.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 360 of NRS is hereby amended by adding thereto a new section to read as follows:

1. On or before January 15 of each year, the Department shall prepare and furnish to the Nevada Tax Commission a report that shows all money owed to the Department for delinquent payments of any tax administered by the Department during the preceding year.

2. The Department shall include in the report prepared to pursuant to subsection 1 the amount of any delinquent taxes that the Department determines is impossible or impractical to collect.

3. If the Department determines that it is impossible or impractical to collect any amount of delinquent taxes, the Nevada Tax Commission shall request that the State Board of Examiners designate such amount as a bad debt. The State Board of Examiners, by an affirmative vote of the majority of the members of the Board, may designate the delinquent taxes as a bad debt if the Board is satisfied that the collection of the delinquent taxes is impossible or impractical. If the amount of the delinquent taxes is not more than $50, the State Board of Examiners may delegate to its Clerk the authority to designate delinquent taxes as a bad debt. The Nevada Tax Commission may appeal to the State Board of Examiners a denial by the Clerk of a request to designate delinquent taxes as a bad debt.

4. Upon the designation of delinquent taxes as a bad debt pursuant to this section, the State Board of Examiners or its Clerk shall immediately notify the State Controller thereof. Upon receiving the notification, the State Controller shall direct the removal of the bad debt from the books of account of the State of Nevada. A bad debt that is removed pursuant to this section remains a legal and binding obligation owed by the debtor to the State of Nevada.

5. The State Controller shall keep a master file of all delinquent taxes that are designated as bad debts pursuant to this section. For each such debt, the State Controller shall record the name of the debtor, the amount of the debt, the date on which the debt was incurred and the date on which it was removed from the records and books of account of the State of

Nevada, and any other information concerning the debt that the State Controller determines is necessary.

Sec. 2. **NRS 360.2937 is hereby amended to read as follows:**

360.2937 1. Except as otherwise provided in this section, NRS 360.320 or any other specific statute, and notwithstanding the provisions of NRS 360.2935, interest must be paid upon an overpayment of any tax provided for in chapter 362, 363A, 363B, 369, 370, 372, 374, 377 or 377A of NRS, any fee provided for in NRS 444A.090 or 482.313, or any assessment provided for in NRS 585.497, at the rate of ~~[0.5]~~ ***0.25*** percent per month from the last day of the calendar month following the period for which the overpayment was made.

2. No refund or credit may be made of any interest imposed on the person making the overpayment with respect to the amount being refunded or credited.

3. The interest must be paid:

(a) In the case of a refund, to the last day of the calendar month following the date upon which the person making the overpayment, if the person has not already filed a claim, is notified by the Department that a claim may be filed or the date upon which the claim is certified to the State Board of Examiners, whichever is earlier.

(b) In the case of a credit, to the same date as that to which interest is computed on the tax or the amount against which the credit is applied.

Sec. 3. **NRS 360.295 is hereby amended to read as follows:**

360.295 Except as otherwise specifically provided in this title, if the Department grants an extension of the time for paying any amount required to be paid under this title, a person who pays the amount within the period for which the extension is granted shall pay, in addition to the amount owing, interest at the rate of ~~[1]~~ ***0.75*** percent per month from the date the amount would have been due without the extension until the date of payment.

Sec. 4. **NRS 360.417 is hereby amended to read as follows:**

360.417 Except as otherwise provided in NRS 360.232 and 360.320, and unless a different penalty or rate of interest is specifically provided by statute, any person who fails to pay any tax provided for in chapter 362, 363A, 363B, 369, 370, 372, 374, 377, 377A, 444A or 585 of NRS, or any fee provided for in NRS 482.313, and any person or governmental entity that fails to pay any fee provided for in NRS 360.787, to the State or a county within the time required, shall pay a penalty of not more than 10 percent of the amount of the tax or fee which is owed, as determined by the Department, in addition to the tax or fee, plus interest at the rate of ~~[1]~~ ***0.75*** percent per month, or fraction of a month, from the last day of the month following the period for which the amount or any portion of the amount should have been reported until the date of payment. The amount of any penalty imposed must be based on a graduated schedule adopted by the Nevada Tax Commission which takes into consideration the length of time the tax or fee remained unpaid.

Sec. 5. **NRS 361.420 is hereby amended to read as follows:**

361.420 1. Any property owner whose taxes are in excess of the amount which the owner claims justly to be due may pay each installment of taxes as it becomes due under protest in writing. The protest must be in the form of a separate, signed statement from the property owner and filed with the tax receiver at the time of the payment of the installment of taxes.

2. The property owner, having protested the payment of taxes as provided in subsection 1 and having been denied relief by the State Board of Equalization, may commence a suit in any court of competent jurisdiction in the State of Nevada against the State and county in which the taxes were paid, and, in a proper case, both the Nevada Tax Commission and the Department may be joined as a defendant for a recovery of the difference between the amount of taxes paid and the amount which the owner claims justly to be due, and the owner may complain upon any of the grounds contained in subsection 4.

3. Every action commenced under the provisions of this section must be commenced within 3 months after the date of the payment of the last installment of taxes, and if not so commenced is forever barred. If the tax complained of is paid in full and under the written protest provided for in this section, at the time of the payment of the first installment of taxes, suit for the recovery of the difference between the amount paid and the amount claimed to be justly due must be commenced within 3 months after the date of the full payment of the tax or the issuance of the decision of the State Board of Equalization denying relief, whichever occurs later, and if not so commenced is forever barred.

4. In any suit brought under the provisions of this section, the person assessed may complain or defend upon any of the following grounds:

(a) That the taxes have been paid before the suit;

(b) That the property is exempt from taxation under the provisions of the revenue or tax laws of the State, specifying in detail the claim of exemption;

(c) That the person assessed was not the owner and had no right, title or interest in the property assessed at the time of assessment;

(d) That the property is situate in and has been assessed in another county, and the taxes thereon paid;

(e) That there was fraud in the assessment or that the assessment is out of proportion to and above the taxable cash value of the property assessed;

(f) That the assessment is out of proportion to and above the valuation fixed by the Nevada Tax Commission for the year in which the taxes were levied and the property assessed; or

(g) That the assessment complained of is discriminatory in that it is not in accordance with a uniform and equal rate of assessment and taxation, but is at a higher rate of the taxable value of the property so assessed than that at which the other property in the State is assessed.

5. In a suit based upon any one of the grounds mentioned in paragraphs (e), (f) and (g) of subsection 4, the court shall conduct the trial without a jury

and confine its review to the record before the State Board of Equalization. Where procedural irregularities by the Board are alleged and are not shown in the record, the court may take evidence respecting the allegation and, upon the request of either party, shall hear oral argument and receive written briefs on the matter.

6. In all cases mentioned in this section where the complaint is based upon any grounds mentioned in subsection 4, the entire assessment must not be declared void but is void only as to the excess in valuation.

7. In any judgment recovered by the taxpayer under this section, the court may provide for interest thereon not to exceed ~~[6]~~ ***3*** percent per annum from and after the date of payment of the tax complained of.

Sec. 6. **NRS 361.486 is hereby amended to read as follows:**

361.486 1. Except as otherwise provided in subsection 2 and NRS 361.485, interest must be paid on an overpayment of the taxes imposed by this chapter at the rate of ~~[0.5]~~ ***0.25*** percent per month, or fraction thereof, from the last day of the calendar month in which the overpayment was made to the last day of the calendar month in which a refund is made.

2. No interest is allowed:

(a) On a refund of any penalty or interest paid by a taxpayer; or

(b) If the ex officio tax receiver determines that the overpayment was made intentionally or by reason of carelessness.

Sec. 7. **NRS 363A.210 is hereby amended to read as follows:**

363A.210 In any judgment, interest must be allowed at the rate of ~~[6]~~ ***3*** percent per annum upon the amount found to have been illegally collected from the date of payment of the amount to the date of allowance of credit on account of the judgment, or to a date preceding the date of the refund warrant by not more than 30 days. The date must be determined by the Department.

Sec. 8. **NRS 363B.200 is hereby amended to read as follows:**

363B.200 In any judgment, interest must be allowed at the rate of ~~[6]~~ ***3*** percent per annum upon the amount found to have been illegally collected from the date of payment of the amount to the date of allowance of credit on account of the judgment, or to a date preceding the date of the refund warrant by not more than 30 days. The date must be determined by the Department.

Sec. 9. **NRS 368A.230 is hereby amended to read as follows:**

368A.230 Upon written application made before the date on which payment must be made, the Board or the Department may, for good cause, extend by 30 days the time within which a taxpayer is required to pay the tax imposed by this chapter. If the tax is paid during the period of extension, no penalty or late charge may be imposed for failure to pay at the time required, but the taxpayer shall pay interest at the rate of ~~[1]~~ ***0.75*** percent per month from the date on which the amount would have been due without the extension until the date of payment, unless otherwise provided in NRS 360.232 or 360.320.

Sec. 10. **NRS 368A.310 is hereby amended to read as follows:**

368A.310 In any judgment, interest must be allowed at the rate of ~~[6]~~ ***3*** percent per annum upon the amount found to have been illegally collected from the date of payment of the amount to the date of allowance of credit on account of the judgment, or to a date preceding the date of the refund warrant by not more than 30 days. The date must be determined by the Board or the Department.

Sec. 11. **NRS 372.695 is hereby amended to read as follows:**

372.695 In any judgment, interest must be allowed at the rate of ~~[6]~~ ***3*** percent per annum upon the amount found to have been illegally collected from the date of payment of the amount to the date of allowance of credit on account of the judgment, or to a date preceding the date of the refund warrant by not more than 30 days, the date to be determined by the Department.

Sec. 12. **NRS 374.700 is hereby amended to read as follows:**

374.700 In any judgment, interest shall be allowed at the rate of ~~[6]~~ ***3*** percent per annum upon the amount found to have been illegally collected from the date of payment of the amount to the date of allowance of credit on account of the judgment, or to a date preceding the date of the refund warrant by not more than 30 days, the date to be determined by the Department.

~~[Sec. 2.]~~ ***Sec. 13.*** This act becomes effective on July 1, 2011.

Assemblywoman Kirkpatrick moved that the Assembly concur in the Senate Amendment No. 738 to Assembly Bill No. 504.

Remarks by Assemblywoman Kirkpatrick.

Motion carried by a constitutional majority.

Bill ordered enrolled.

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblywoman Kirkpatrick moved that the Assembly do not recede from its action on Senate Bill No. 268, that a conference be requested, and that Mr. Speaker appoint a Conference Committee consisting of three members to meet with a like committee of the Senate.

Remarks by Assemblywoman Kirkpatrick.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Kirkpatrick, Daly, and Stewart as a Conference Committee to meet with a like committee of the Senate for the further consideration of Senate Bill No. 268.

REPORTS OF CONFERENCE COMMITTEES

Mr. Speaker:

The Conference Committee concerning Assembly Bill No. 362, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that Amendment No. 610 of the Senate be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. 1, which is attached to and hereby made a part of this report.

JASON FRIERSON	RUBEN KIHUEN
TERESA BENITEZ-THOMPSON	JOE HARDY
SCOTT HAMMOND	ALLISON COPENING
Assembly Conference Committee	*Senate Conference Committee*

Conference Amendment No. CA1.

SUMMARY—Revises provisions governing ~~[education.]~~ **certain programs that supervise children.** (BDR 38-782)

AN ACT relating to education; establishing the Interim Task Force on Out-of-School-Time Programs; requiring the Task Force to prescribe standards for out-of-school-time programs and to make certain recommendations relating to out-of-school-time programs; exempting ~~[an]~~ out-of-school-time ~~[program]~~ **programs, out-of-school recreation programs and seasonal or temporary recreation programs** from licensure and regulation as ~~[a]~~ child care ~~[facility;]~~ **facilities; requiring certain out-of-school recreation programs to obtain a permit; establishing certain requirements for the operation of an out-of-school recreation program;** authorizing an out-of-school-time program to report certain information to the Bureau of Services for Child Care of the Division of Child and Family Services of the Department of Health and Human Services; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires a child care facility to be licensed by an agency created by a city or county for the licensing of child care facilities or by the Bureau of Services for Child Care of the Division of Child and Family Services of the Department of Health and Human Services. (NRS 432A.131, 432A.141) Section 13 of this bill removes the licensure requirements for out-of-school-time programs, out-of-school recreation programs and seasonal or temporary recreation programs by excluding those terms from the definition of "child care facility."

Section 2 of this bill defines an "out-of-school-time program" as a program that operates for 10 or more hours per week, is offered on a continuing basis, provides supervision of children who are of school age and provides regularly scheduled, structured and supervised activities where learning opportunities take place during times when a child is not in school. ~~[Section 5 of this bill exempts an out-of-school-time program from the licensing requirements for and regulation as a child care facility by excluding an out-of-school-time program from the definition of a "child care facility." Sections 6-8 of this bill ensure that the existing definition of "child care facility" is not changed for certain other purposes.]~~ **Section 4 of this bill defines an "out-of-school recreation program" which is similar to an out-of-school-time program, but which is operated or sponsored by a local government in a facility which is owned, operated or leased by the local government. Section 5 of the bill defines "seasonal or temporary**

recreation programs" which include certain programs offered to children for a limited time or duration.

In lieu of the requirements for licensure as a child care facility, sections 6-11 of this bill provide specific requirements for out-of-school recreation programs. Section 6 requires a local government to obtain a permit to operate an out-of-school recreation program. To obtain a permit, the local government must complete an application, pay a fee and meet certain requirements. Section 7 requires a local government that operates an out-of-school recreation program to comply with certain health and safety standards and to comply with other requirements relating to the safety of participants. Section 8 provides certain requirements for the staff of an out-of-school recreation program. Section 8 also limits the number of participants in such a program and establishes certain components that must be included in the program. Section 9 requires an out-of-school recreation program to maintain certain records about participants in the program. Section 10 requires a local government that operates an out-of-school recreation program to provide copies of certain inspections of the facility where the program is conducted according to a schedule established by the Bureau. If the local government submits such records, section 10 prohibits the Bureau from conducting any additional on-site inspections of the facility. Section 11 authorizes the Bureau to adopt any regulations necessary to provide for the permits to operate an out-of-school recreation program.

Section ~~[9]~~ 17 of this bill establishes the Interim Task Force on Out-of-School-Time Programs and requires the Task Force to prescribe standards for out-of-school-time programs and make certain other recommendations concerning out-of-school-time programs. **Section ~~[9]~~ 17** also requires the Task Force to submit a report of its recommendations to the Governor and to the Director of the Legislative Counsel Bureau for transmittal to the 77th Session of the Nevada Legislature.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 432A of NRS is hereby amended by adding thereto the provisions set forth as sections **~~[2 and 3]~~ 1.5 to 11, inclusive,** of this act.

Sec. 1.5. *"**Local government" means any political subdivision of this State, including, without limitation, a city, county, town, school district or other district.***

Sec. 2. *"**Out-of-school-time program" means a program , other than an out-of-school recreation program, that operates for 10 or more hours per week, is offered on a continuing basis, provides supervision of children who are of the age to attend school from kindergarten through 12th grade and provides regularly scheduled, structured and supervised activities where learning opportunities take place:***

1. Before or after school;

2. On the weekend;

3. During the summer or other seasonal breaks in the school calendar; or

4. Between sessions for children who attend a school which operates on a year-round calendar.

Sec. 3. (Deleted by amendment.)

Sec. 4. 1. "Out-of-school recreation program" means a recreation program operated or sponsored by a local government in a facility which is owned, operated or leased by the local government and which provides enrichment activities to children of school age:

(a) Before or after school;

(b) During the summer or other seasonal breaks in the school calendar; or

(c) Between sessions for children who attend a school which operates on a year-round calendar.

2. The term does not include a seasonal or temporary recreation program.

Sec. 5. *"**Seasonal or temporary recreation program" means a recreation program that is offered to children for a limited time or duration and may include, without limitation:*

1. A special sports event, which may include, without limitation, a camp, clinic, demonstration or workshop which focuses on a particular sport;

2. A therapeutic program for children with disabilities, which may include, without limitation, social activities, outings and other inclusion activities;

3. An athletic training program, which may include, without limitation, a baseball or other sports league and exercise instruction; and

4. Other special interest programs, which may include, without limitation, an arts and crafts workshop, a theater camp and dance competition.

Sec. 6. 1. To operate an out-of-school recreation program, a local government must obtain a permit. The local government may apply for the issuance or renewal of a permit by submitting an application on a form prescribed by the Bureau. The Bureau shall issue a permit to operate an out-of-school recreation program to the local government upon payment of the fee prescribed in subsection 2 and upon satisfaction that the program complies with the requirements set forth in sections 1.5 to 11, inclusive, of this act, and any regulations adopted pursuant thereto.

2. The Bureau shall charge a fee for a permit to operate an out-of-school recreation program based upon the number of sites operated by the out-of-school recreation program. If the out-of-school recreation program has:

(a) At least 1 but not more than 5 sites, the Bureau shall charge a fee of $100.

(b) At least 6 but not more than 20 sites, the Bureau shall charge a fee of $250.

(c) At least 21 but not more than 40 sites, the Bureau shall charge a fee of $500.

(d) At least 41 but not more than 60 sites, the Bureau shall charge a fee of $750.

(e) At least 61 but not more than 80 sites, the Bureau shall charge a fee of $1,000.

(f) At least 81 sites, the Bureau shall charge a fee of $1,250.

3. A permit issued pursuant to this section is nontransferable and is valid:

(a) For 3 years from the date of issuance; and

(b) Only as to a site specifically identified on the permit.

Sec. 7. A local government that operates an out-of-school recreation program shall ensure that each site:

1. Complies with applicable laws and regulations concerning safety standards;

2. Complies with applicable laws and regulations concerning health standards;

3. Has a complete first-aid kit accessible on-site that complies with the requirements of the Occupational Safety and Health Administration of the United States Department of Labor;

4. Has an emergency exit plan posted on-site in a conspicuous place; and

5. Has not less than two staff members on-site and available during the hours of operation who are certified and receive annual training in the use and administration of first aid, including, without limitation, cardiopulmonary resuscitation.

Sec. 8. A local government that operates an out-of-school recreation program shall:

1. Complete, for each member of the staff of the out-of-school recreation program:

(a) A background and personal history check; and

(b) A child abuse and neglect screening through the Statewide Central Registry for the Collection of Information Concerning the Abuse or Neglect of a Child established by NRS 432.100 to determine whether there has been a substantiated report of child abuse or neglect made against the staff member.

2. Ensure that each member of the staff of the out-of-school recreation program:

(a) Meets the minimum requirements that have been established for the position; and

(b) Receives an orientation and training concerning the abuse and neglect of children.

3. Ensure that the number of participants in the out-of-school recreation program:

(a) Does not exceed a ratio of one person supervising every 20 participants; and

(b) Will not cause the facility where the program is operated to exceed the maximum occupancy as determined by the State Fire Marshal or the local governmental entity that has the authority to determine the maximum occupancy of the facility.

4. Ensure that the out-of-school recreation program includes, without limitation:

(a) An inclusion component for participants who qualify under the Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101 et seq.;

(b) Structured activities, including, without limitation, arts and crafts, games and sports;

(c) Nonstructured activities, which may include, without limitation, free time for playing;

(d) Regular restroom breaks; and

(e) Nutrition breaks.

Sec. 9. 1. The out-of-school recreation program shall maintain records containing pertinent information regarding each participant in the program. Such information must include, without limitation:

(a) The full legal name of the child and the preferred name of the child;

(b) The date of birth of the child;

(c) The current address where the child resides;

(d) The name, address and telephone number of each parent or legal guardian of the child and any special instructions for contacting the parent or legal guardian during the hours when the child participates in the program;

(e) Information concerning the health of the child, including, without limitation, any special needs of the child; and

(f) Any other information requested by the Bureau.

2. The distribution of any information maintained pursuant to this section is subject to the limitations set forth in NRS 239.0105.

Sec. 10. 1. A local government that operates an out-of-school recreation program shall provide a copy of each report of an inspection conducted by a governmental entity that is authorized to conduct an inspection of the facility where the program is operated, including, without limitation, the report of an inspection by a local building department, a fire department, the State Fire Marshal or a district board of health.

2. The Bureau shall establish a schedule for the submission of such reports which requires submission of a report of an on-site inspection once every 2 years and shall provide a checklist to the local government which identifies the reports that must be submitted to the Bureau.

3. The Bureau shall not require any additional inspections of the facility of an out-of-school recreation program which complies with the provisions of this section.

Sec. 11. The Bureau shall adopt any regulations necessary to carry out the provisions of sections 1.5 to 11, inclusive, of this act.

~~[Sec. 4.]~~ ***Sec. 12.*** NRS 432A.020 is hereby amended to read as follows:

432A.020 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 432A.0205 to 432A.028, inclusive, ***and*** ~~*[section]*~~ ***sections 1.5, 2 , 4 and 5 of this act*** have the meanings ascribed to them in those sections.

~~[Sec. 5.]~~ ***Sec. 13.*** NRS 432A.024 is hereby amended to read as follows:

432A.024 1. "Child care facility" means:

(a) An establishment operated and maintained for the purpose of furnishing care on a temporary or permanent basis, during the day or overnight, to five or more children under 18 years of age, if compensation is received for the care of any of those children;

(b) An on-site child care facility;

(c) A child care institution; or

(d) An outdoor youth program.

2. "Child care facility" does not include:

(a) The home of a natural parent or guardian, foster home as defined in NRS 424.014 or maternity home;

(b) A home in which the only children received, cared for and maintained are related within the third degree of consanguinity or affinity by blood, adoption or marriage to the person operating the facility; ~~[or]~~

(c) A home in which a person provides care for the children of a friend or neighbor for not more than 4 weeks if the person who provides the care does not regularly engage in that activity ~~[.]~~ ***;*** ~~*[or]*~~

(d) A location at which an out-of-school-time program is operated ~~*[.]*~~ ***;***

(e) A seasonal or temporary recreation program; or

(f) An out-of-school recreation program.

~~[Sec. 6.]~~ ***Sec. 14.*** NRS 202.2483 is hereby amended to read as follows:

202.2483 1. Except as otherwise provided in subsection 3, smoking tobacco in any form is prohibited within indoor places of employment including, but not limited to, the following:

(a) Child care facilities;

(b) Movie theatres;

(c) Video arcades;

(d) Government buildings and public places;

(e) Malls and retail establishments;

(f) All areas of grocery stores; and

(g) All indoor areas within restaurants.

2. Without exception, smoking tobacco in any form is prohibited within school buildings and on school property.

3. Smoking tobacco is not prohibited in:

(a) Areas within casinos where loitering by minors is already prohibited by state law pursuant to NRS 463.350;

(b) Stand-alone bars, taverns and saloons;

(c) Strip clubs or brothels;

(d) Retail tobacco stores;

(e) Private residences, including private residences which may serve as an office workplace, except if used as a child care, an adult day care or a health care facility; and

(f) The area of a convention facility in which a meeting or trade show is being held, during the time the meeting or trade show is occurring, if the meeting or trade show:

(1) Is not open to the public;

(2) Is being produced or organized by a business relating to tobacco or a professional association for convenience stores; and

(3) Involves the display of tobacco products.

4. In areas or establishments where smoking is not prohibited by this section, nothing in state law shall be construed to prohibit the owners of said establishments from voluntarily creating nonsmoking sections or designating the entire establishment as smoke free.

5. Nothing in state law shall be construed to restrict local control or otherwise prohibit a county, city or town from adopting and enforcing local tobacco control measures that meet or exceed the minimum applicable standards set forth in this section.

6. "No Smoking" signs or the international "No Smoking" symbol shall be clearly and conspicuously posted in every public place and place of employment where smoking is prohibited by this section. Each public place and place of employment where smoking is prohibited shall post, at every entrance, a conspicuous sign clearly stating that smoking is prohibited. All ashtrays and other smoking paraphernalia shall be removed from any area where smoking is prohibited.

7. Health authorities, police officers of cities or towns, sheriffs and their deputies shall, within their respective jurisdictions, enforce the provisions of this section and shall issue citations for violations of this section pursuant to NRS 202.2492 and 202.24925.

8. No person or employer shall retaliate against an employee, applicant or customer for exercising any rights afforded by, or attempts to prosecute a violation of, this section.

9. For the purposes of this section, the following terms have the following definitions:

(a) "Casino" means an entity that contains a building or large room devoted to gambling games or wagering on a variety of events. A casino

must possess a nonrestricted gaming license as described in NRS 463.0177 and typically uses the word 'casino' as part of its proper name.

(b) "Child care facility" has the meaning ascribed to it in NRS ~~[432A.024.]~~ ***441A.030.***

(c) "Completely enclosed area" means an area that is enclosed on all sides by any combination of solid walls, windows or doors that extend from the floor to the ceiling.

(d) "Government building" means any building or office space owned or occupied by:

(1) Any component of the Nevada System of Higher Education and used for any purpose related to the System;

(2) The State of Nevada and used for any public purpose; or

(3) Any county, city, school district or other political subdivision of the State and used for any public purpose.

(e) "Health authority" has the meaning ascribed to it in NRS 202.2485.

(f) "Incidental food service or sales" means the service of prepackaged food items including, but not limited to, peanuts, popcorn, chips, pretzels or any other incidental food items that are exempt from food licensing requirements pursuant to subsection 2 of NRS 446.870.

(g) "Place of employment" means any enclosed area under the control of a public or private employer which employees frequent during the course of employment including, but not limited to, work areas, restrooms, hallways, employee lounges, cafeterias, conference and meeting rooms, lobbies and reception areas.

(h) "Public places" means any enclosed areas to which the public is invited or in which the public is permitted.

(i) "Restaurant" means a business which gives or offers for sale food, with or without alcoholic beverages, to the public, guests or employees, as well as kitchens and catering facilities in which food is prepared on the premises for serving elsewhere.

(j) "Retail tobacco store" means a retail store utilized primarily for the sale of tobacco products and accessories and in which the sale of other products is merely incidental.

(k) "School building" means all buildings on the grounds of any public school described in NRS 388.020 and any private school as defined in NRS 394.103.

(l) "School property" means the grounds of any public school described in NRS 388.020 and any private school as defined in NRS 394.103.

(m) "Stand-alone bar, tavern or saloon" means an establishment devoted primarily to the sale of alcoholic beverages to be consumed on the premises, in which food service is incidental to its operation, and provided that smoke from such establishments does not infiltrate into areas where smoking is prohibited under the provisions of this section. In addition, a stand-alone bar, tavern or saloon must be housed in either:

(1) A physically independent building that does not share a common entryway or indoor area with a restaurant, public place or any other indoor workplaces where smoking is prohibited by this section; or

(2) A completely enclosed area of a larger structure, such as a strip mall or an airport, provided that indoor windows must remain shut at all times and doors must remain closed when not actively in use.

(n) "Video arcade" has the meaning ascribed to it in paragraph (d) of subsection 3 of NRS 453.3345.

10. Any statute or regulation inconsistent with this section is null and void.

11. The provisions of this section are severable. If any provision of this section or the application thereof is declared by a court of competent jurisdiction to be invalid or unconstitutional, such declaration shall not affect the validity of the section as a whole or any provision thereof other than the part declared to be invalid or unconstitutional.

[~~Sec. 7.~~**]** ***Sec. 15.*** NRS 441A.030 is hereby amended to read as follows:

441A.030 ***1.*** **"**Child care facility" **[**~~has the meaning ascribed to it in NRS 432A.024.~~**]** ***means:***

(a) An establishment operated and maintained for the purpose of furnishing care on a temporary or permanent basis, during the day or overnight, to five or more children under 18 years of age, if compensation is received for the care of any of those children;

(b) An on-site child care facility as defined in NRS 432A.0275;

(c) A child care institution as defined in NRS 432A.0245; or

(d) An outdoor youth program as defined in NRS 432A.028.

2. "Child care facility" does not include:

(a) The home of a natural parent or guardian, foster home as defined in NRS 424.014 or maternity home;

(b) A home in which the only children received, cared for and maintained are related within the third degree of consanguinity or affinity by blood, adoption or marriage to the person operating the facility; or

(c) A home in which a person provides care for the children of a friend or neighbor for not more than 4 weeks if the person who provides the care does not regularly engage in that activity.

[~~Sec. 8.~~**]** ***Sec. 16.*** NRS 444.065 is hereby amended to read as follows:

444.065 1. Except as otherwise provided in subsection 2, as used in NRS 444.065 to 444.120, inclusive, "public swimming pool" means any structure containing an artificial body of water that is intended to be used collectively by persons for swimming or bathing, regardless of whether a fee is charged for its use.

2. The term does not include any such structure at:

(a) A private residence if the structure is controlled by the owner or other authorized occupant of the residence and the use of the structure is limited to

members of the family of the owner or authorized occupant of the residence or invited guests of the owner or authorized occupant of the residence.

(b) A family foster home as defined in NRS 424.013.

(c) A child care facility, as defined in NRS ~~[~~432A.024,~~]~~ ***441A.030,*** furnishing care to 12 children or less.

(d) Any other residence or facility as determined by the State Board of Health.

(e) Any location if the structure is a privately owned pool used by members of a private club or invited guests of the members.

~~[Sec. 9.]~~ ***Sec. 17.*** 1. There is hereby created the Interim Task Force on Out-of-School-Time Programs. The Task Force is composed of the following 12 members:

(a) A representative of the Bureau of Services for Child Care of the Division of Child and Family Services of the Department of Health and Human Services, appointed by the Administrator of the Division;

(b) A representative of local governmental agencies that provide public services for children, appointed by the Nevada Association of Counties or its successor organization;

(c) A representative of the Nevada System of Higher Education, appointed by the Board of Regents of the University of Nevada;

(d) A representative of the public schools in this State, appointed by the State Board of Education;

(e) A representative of a national nonprofit organization that provides services to children, appointed by the Legislative Commission;

(f) A representative of a nonprofit organization that is located in Nevada and provides services to children, appointed by the Legislative Commission;

(g) A representative of a nonprofit organization that is located in Nevada and provides support to an out-of-school-time program, appointed by the Legislative Commission;

(h) A representative of a private, for profit organization that is located in Nevada and provides services to children, appointed by the Legislative Commission;

(i) A representative of an agency that provides resources and referrals to out-of-school-time programs, appointed by the Legislative Commission;

(j) A representative of a faith-based organization that provides services to children, appointed by the Legislative Commission; and

(k) Two members who are parents of children in this State, appointed by the Legislative Commission.

2. The Administrator of the Division of Child and Family Services of the Department of Health and Human Services, the Nevada Association of Counties, the Board of Regents of the University of Nevada, the State Board of Education and the Legislative Commission shall appoint the members of the Task Force as soon as practicable after July 1, 2011. A vacancy on the Task Force must be filled in the same manner as the original appointment.

3. The Task Force shall meet on or before October 1, 2011, and at its first meeting the members of the Task Force shall elect a Chair from among the members. A majority of the members of the Task Force constitutes a quorum for the transaction of business, and a majority of those members present at any meeting is sufficient for any official action taken by the Task Force.

4. The Task Force shall meet at least once every 3 months and at the call of the Chair or a majority of the members of the Task Force.

5. Each member of the Task Force serves without compensation. Each member of the Task Force who is an officer or employee of the State or a local government must be relieved from his or her duties without loss of his or her regular compensation to prepare for and attend meetings of the Task Force and perform any work necessary to carry out the duties of the Task Force in the most timely manner practicable. A state agency or local government shall not require an officer or employee who is a member of the Task Force to make up the time the member is absent from work to carry out his or her duties as a member and shall not require the member to take annual vacation or compensatory time for the absence.

6. The Bureau of Services for Child Care of the Division of Child and Family Services of the Department of Health and Human Services shall provide administrative support to the Task Force and may accept assistance from a nonprofit organization in providing such support.

7. The Task Force shall:

(a) Prescribe standards for out-of-school-time programs;

(b) Make recommendations concerning out-of-school-time programs and the implementation of the standards prescribed by the Task Force, including, without limitation, recommendations for a pilot program for the standards; and

(c) Make recommendations concerning whether out-of-school-time programs should be licensed and regulated by the Bureau of Services for Child Care.

8. The Task Force shall, on or before June 30, 2012, submit a report to the Governor and to the Director of the Legislative Counsel Bureau for transmittal to the 77th Session of the Nevada Legislature. The report must include, without limitation:

(a) A full and detailed description of the standards for out-of-school-time programs prescribed by the Task Force;

(b) Recommendations concerning the establishment of a pilot program for the standards prescribed by the Task Force;

(c) Recommendations concerning whether out-of-school-time programs should be licensed and regulated by the Bureau of Services for Child Care; and

(d) Any other recommendations for legislation relating to out-of-school-time programs.

9. An out-of-school-time program may register with the Bureau of Services for Child Care or other entity designated by the Bureau. By registering with the Bureau, the out-of-school-time program agrees to comply with the standards established by the Task Force and to participate in any pilot project established pursuant to subsection 8.

10. As used in this section, "out-of-school-time program" has the meaning ascribed to it in section 2 of this act.

~~[Sec. 10.]~~ ***Sec. 18.*** 1. This act becomes effective on July 1, 2011.

2. Section ~~[9]~~ **17** of this act expires by limitation on June 30, 2013.

Assemblyman Frierson moved that the Assembly adopt the report of the Conference Committee concerning Assembly Bill No. 362.

Remarks by Assemblyman Frierson.

Motion carried by a constitutional majority.

Mr. Speaker:

The Conference Committee concerning Assembly Bill No. 39, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that Amendment No. 598 of the Senate be receded from and a 3rd reprint be created in accordance with this action.

OLIVIA DIAZ	VALERIE WIENER
ELLIOT ANDERSON	RUBEN KIHUEN
LYNN STEWART	
Assembly Conference Committee	*Senate Conference Committee*

Assemblywoman Diaz moved that the Assembly adopt the report of the Conference Committee concerning Assembly Bill No. 39.

Remarks by Assemblywoman Diaz.

Motion carried by a constitutional majority.

CONSIDERATION OF SENATE AMENDMENTS

Assembly Joint Resolution No. 5.

The following Senate amendment was read:

Amendment No. 713.

ASSEMBLY JOINT RESOLUTION—Urging the Federal Government to engage in discussions with the State of Nevada and **Clark and** Nye ~~[County,]~~ **Counties,** Nevada, regarding the mitigation and containment of water contamination in Nevada which resulted from certain nuclear testing and storage activities that were conducted by the Federal Government in Nye County, Nevada.

WHEREAS, The Federal Government has conducted numerous public, secret and classified activities and military exercises in Nevada that have resulted in the contamination of the water supply in this State with radioactive material and other hazardous contaminants; and

WHEREAS, The Nevada National Security Site, formerly the Nevada Test Site, which is located in Nye County, Nevada, approximately 40 miles north of Pahrump, Nevada, and 65 miles northwest of Las Vegas, Nevada, was established by the Federal Government in 1950 for the purposes of

detonating nuclear devices and conducting other public, secret and classified nuclear tests in connection with the research and development of nuclear weapons for use by the Armed Forces of the United States; and

WHEREAS, From 1951 until 1992, the Federal Government conducted 100 atmospheric nuclear tests and 828 underground nuclear tests at the Nevada National Security Site, which resulted in the detonation of 1,021 nuclear devices; and

WHEREAS, Approximately one-third of the underground nuclear tests at the Nevada National Security Site were conducted directly in aquifers, and many other underground tests were conducted above and below the water table; and

WHEREAS, Radioactive particles have migrated via water from the Paiute Mesa area of the Nevada National Security Site toward Beatty, Nevada; and

WHEREAS, The United States Department of Energy has estimated that nuclear testing at the Nevada National Security Site left behind more than 300 million curies of radionuclides, making the Site one of the most radioactively contaminated places in the United States; and

WHEREAS, Since 1961, Area 5 and Area 3 within the Nevada National Security Site have been primary storage and disposal sites of the Federal Government for low-level and mixed low-level radioactive waste; and

WHEREAS, A study conducted on behalf of Nye County concluded that nuclear testing at the Nevada National Security Site has polluted approximately 1.6 trillion gallons of water in this State; and

WHEREAS, The aforementioned activities of the Federal Government in Nevada have had a deleterious effect on the environment of this State and have resulted in the contamination of the interconnected surface and subsurface waters, groundwater and aquifers of a large geographic area of Nevada with radioactive and other contaminants; now, therefore, be it

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That the members of the 76th Session of the Nevada Legislature respectfully urge the Federal Government to engage in discussions with the State of Nevada and **Clark and** Nye ~~[County,]~~ **Counties,** Nevada, regarding:

1. The mitigation and containment of water contamination in Nevada which resulted from nuclear testing and storage activities that were conducted by the Federal Government at the Nevada National Security Site; and

2. The restoration of any water contaminated because of those activities; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to the Secretary of Defense, the Secretary of Energy, the Chairman of the Joint Chiefs of Staff, the Administrator of the Environmental Protection Agency and each member of the Nevada Congressional Delegation; and be it further

RESOLVED, That this resolution becomes effective upon passage.

Assemblywoman Carlton moved that the Assembly concur in the Senate Amendment No. 713 to Assembly Joint Resolution No. 5.

Remarks by Assemblywoman Carlton.

Motion carried by a constitutional majority.

Resolution ordered enrolled.

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblyman Atkinson moved that the Assembly do not recede from its action on Senate Bill No. 136, that a conference be requested, and that Mr. Speaker appoint a Conference Committee consisting of three members to meet with a like committee of the Senate.

Remarks by Assemblyman Atkinson.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Conklin, Bustamante Adams, and Hickey as a Conference Committee to meet with a like committee of the Senate for the further consideration of Senate Bill No. 136.

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblyman Atkinson moved that the Assembly do not recede from its action on Senate Bill No. 200, that a conference be requested, and that Mr. Speaker appoint a Conference Committee consisting of three members to meet with a like committee of the Senate.

Remarks by Assemblyman Atkinson.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Kirkpatrick, Atkinson, and Ellison as a Conference Committee to meet with a like committee of the Senate for the further consideration of Senate Bill No. 200.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Kirkpatrick moved that Assembly Bill No. 574 be taken from the Chief Clerk’s desk and placed on the General File.

Remarks by Assemblywoman Kirkpatrick.

Motion carried.

UNFINISHED BUSINESS

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblyman Horne moved that the Assembly do not recede from its action on Senate Bill No. 402, that a conference be requested, and that Mr. Speaker appoint a Conference Committee consisting of three members to meet with a like committee of the Senate.

Remarks by Assemblyman Horne.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Conklin, Horne, and Kirner as a Conference Committee to meet with a like committee of the Senate for the further consideration of Senate Bill No. 402.

GENERAL FILE AND THIRD READING

Assembly Bill No. 574.

Bill read third time.

The following amendment was proposed by Assemblywoman Kirkpatrick:

Amendment No. 894.

SUMMARY—Revises Assembly Bill No. 144 of this session **.** ~~[and provides for related study.]~~ (BDR S-1309)

AN ACT relating to breaches of contracts for public works; revising the provisions of Assembly Bill No. 144 of this session relating to a material breach of certain contracts; ~~[providing for a study of the availability of sureties for parties entering into such contracts; appropriating money for a consultant for such a study;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires that, for a contractor, applicant or design-build team to receive a preference in bidding for a contract for a public work, the contract must include a provision which requires the contractor, applicant or design-build team to comply with five specified conditions and provides that failure to comply with any of those five conditions is a material breach of the contract that entitles the public body to damages in the amount of 10 percent of the cost of the contract. (Section 2 of Assembly Bill No. 144 of the 2011 Legislative Session) ~~[Section 1 of this]~~ **This** bill provides that the public body is entitled to liquidated damages in the amount of ~~[10]~~ **1** percent of the contract or subcontract for the public work entered into by the party that caused a failure to comply with any of the five specified conditions **.** ~~[or $50,000, whichever is less. Section 1]~~ **This bill** also allows the public body to recover the damages directly from the party that caused a failure to comply with any of the five specified conditions. Finally, ~~[section 1]~~ **this bill** provides that the condition which requires that at least 25 percent of the suppliers of materials for the public work be located in this State does not apply when the public body requires the acquisition of materials or equipment that cannot be obtained from a supplier located in this State.

~~[Section 3 of this bill requires the Legislative Commission to appoint a committee to study the availability of sureties for parties entering into contracts governed by section 2 of Assembly Bill No. 144 of the 2011 Legislative Session. Section 2 of this bill appropriates $10,000 for a consultant for this study.]~~

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Section 2 of Assembly Bill No. 144 of this session is hereby amended to read as follows:

Sec. 2. 1. To qualify to receive a preference in bidding pursuant to subsection 2 of NRS 338.1389, subsection 2 of NRS 338.147, subsection 3 of NRS 338.1693, subsection 3 of NRS 338.1727 or subsection 2 of NRS 408.3886, a contractor, an applicant or a design-build team, respectively, must submit to the public body sponsoring or financing a public work a signed affidavit which certifies that, for the duration of the project:

(a) At least 50 percent of all workers employed on the public work, including, without limitation, any employees of the contractor, applicant or design-build team and of any subcontractor engaged on the public work, will hold a valid driver's license or identification card issued by the Department of Motor Vehicles;

(b) All vehicles used primarily for the public work will be:

(1) Registered and partially apportioned to Nevada pursuant to the International Registration Plan, as adopted by the Department of Motor Vehicles pursuant to NRS 706.826; or

(2) Registered in this State;

(c) At least 50 percent of the design professionals working on the public work, including, without limitation, any employees of the contractor, applicant or design-build team and of any subcontractor engaged on the public work, will have a valid driver's license or identification card issued by the Department of Motor Vehicles;

(d) At least 25 percent of the suppliers of the materials used for the public work will be located in this State ~~[;]~~ ***unless the public body requires the acquisition of materials or equipment that cannot be obtained from a supplier located in this State;*** and

(e) The contractor, applicant or design-build team and any subcontractor engaged on the public work will maintain and make available for inspection within this State his or her records concerning payroll relating to the public work.

2. Any contract for a public work awarded to a contractor, applicant or design-build team who submits the affidavit described in subsection 1 and who receives a preference in bidding described in subsection 1 must:

(a) Include a provision in the contract that substantially incorporates the requirements of paragraphs (a) to (e), inclusive, of subsection 1; and

(b) Provide that a failure to comply with any requirement of paragraphs (a) to (e), inclusive, of subsection 1 is a material breach of the contract and entitles the public body to liquidated damages ~~[in the amount of 10 percent of the cost of the contract.]~~ ***only as provided in subsections 5 and 6.***

3. A person or entity who believes that a contractor, applicant or design-build team has obtained a preference in bidding as described in subsection 1 but has failed to comply with a requirement of paragraphs (a) to (e), inclusive, of subsection 1 may file a written objection with the public body for which the contractor, applicant or design-build team is performing the

public work. A written objection authorized pursuant to this subsection must set forth proof or substantiating evidence to support the belief of the person or entity that the contractor, applicant or design-build team has failed to comply with a requirement of paragraphs (a) to (e), inclusive, of subsection 1.

4. If a public body receives a written objection pursuant to subsection 3, the public body shall determine whether the objection is accompanied by the proof or substantiating evidence required pursuant to that subsection. If the public body determines that the objection is not accompanied by the required proof or substantiating evidence, the public body shall dismiss the objection. If the public body determines that the objection is accompanied by the required proof or substantiating evidence or if the public body determines on its own initiative that proof or substantiating evidence of a failure to comply with a requirement of paragraphs (a) to (e), inclusive, of subsection 1 exists, the public body shall determine whether the contractor, applicant or design-build team has failed to comply with a requirement of paragraphs (a) to (e), inclusive, of subsection 1 and the public body or its authorized representative may proceed to award the contract accordingly or, if the contract has already been awarded, seek the remedy authorized in subsection 5.

5. A public body may recover ***,*** by civil action ***against the party responsible for a failure to comply with a requirement of paragraphs (a) to (e), inclusive, of subsection 1,*** liquidated damages as described in ~~[~~paragraph (b) of~~]~~ subsection ~~[~~2~~]~~ ***6*** for a breach of a contract for a public work caused by a failure to comply with a requirement of paragraphs (a) to (e), inclusive, of subsection 1. If a public body recovers liquidated damages pursuant to this subsection for a breach of a contract for a public work, the public body shall report to the State Contractors' Board the date of the breach, the name of each entity which breached the contract and the cost of the contract. The Board shall maintain this information for not less than 6 years. Upon request, the Board shall provide this information to any public body or its authorized representative.

6. If a contractor, applicant or design-build team submits the affidavit described in subsection 1, receives a preference in bidding described in subsection 1 and is awarded the contract, ***the contract between the contractor, applicant or design-build team and the public body,*** each contract between the contractor, applicant or design-build team and a subcontractor ***or supplier and each contract between a subcontractor and a subcontractor or supplier*** must provide ~~[~~for the apportionment of liquidated damages assessed pursuant to subsection 5 if a person other than the contractor was responsible for the breach of a contract for a public work caused by a failure to comply with a requirement of paragraphs (a) to (e), inclusive, of subsection 1. The apportionment of liquidated damages must be in proportion to the responsibility of each party for the breach.~~]~~ ***that:***

(a) If a party to the contract causes a material breach of the contract between the contractor, applicant or design-build team and the public body

as a result of a failure to comply with a requirement of paragraphs (a) to (e), inclusive, of subsection 1, the party is liable to the public body for liquidated damages in the amount of ~~[10]~~ 1 percent of the cost of the largest contract to which he or she is a party ; ~~for $50,000, whichever is less;]~~

(b) The right to recover the amount determined pursuant to paragraph (a) by the public body pursuant to subsection 5 may be enforced by the public body directly against the party that causes the material breach; and

(c) No other party to the contract is liable to the public body for liquidated damages.

7. A public body that awards a contract for a public work to a contractor, applicant or design-build team who submits the affidavit described in subsection 1 and who receives a preference in bidding described in subsection 1 shall, on or before July 31 of each year, submit a written report to the Director of the Legislative Counsel Bureau for transmittal to the Legislative Commission. The report must include information on each contract for a public work awarded to a contractor, applicant or design-build team who submits the affidavit described in subsection 1 and who receives a preference in bidding described in subsection 1 **,** including, without limitation, the name of the contractor, applicant or design-build team who was awarded the contract, the cost of the contract, a brief description of the public work and a description of the degree to which the contractor, applicant or design-build team and each subcontractor complied with the requirements of paragraphs (a) to (e), inclusive, of subsection 1.

Sec. 2. ~~[1. There is hereby appropriated from the State General Fund to the Legislative Commission the sum of $10,000 to contract, through competitive bidding, with a qualified independent consultant:~~

~~(a) To review the provisions of Nevada law governing sureties, public works and contracting for public works;~~

~~(b) To review the availability of sureties for, and the use of sureties by, contractors and other persons entering into contracts for public works; and~~

~~(c) To make recommendations to the committee conducting the study pursuant to section 3 of this act concerning:~~

~~(1) The reviews described in paragraphs (a) and (b);~~

~~(2) The impact that limitations on amounts of liquidated damages for breaches of contracts for public works have on the availability and use of sureties described in paragraph (b); and~~

~~(3) Any other subjects as requested by the committee.~~

~~2. Any remaining balance of the appropriation made by subsection 1 to the Legislative Commission must not be committed for expenditure after June 30, 2013, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 20, 2013, by either the entity to which the money was appropriated or the entity to which the money was~~

~~subsequently granted or transferred, and must be reverted to the State General Fund on or before September 20, 2013.~~] **(Deleted by amendment.)**

Sec. 3. ~~[1. The Legislative Commission shall appoint a committee to conduct an interim study concerning the availability of sureties for parties entering into contracts for public works using a preference governed by the provisions of section 2 of Assembly Bill No. 144 of the 2011 Legislative Session.~~

~~2. The committee appointed by the Legislative Commission pursuant to subsection 1 must be composed of six Legislators as follows:~~

~~(a) Three members appointed by the Majority Leader of the Senate, at least one of whom must be appointed from the membership of the Senate Standing Committee on Government Affairs during the immediately preceding session of the Legislature; and~~

~~(b) Three members appointed by the Speaker of the Assembly, at least one of whom must be appointed from the membership of the Assembly Standing Committee on Government Affairs during the immediately preceding session of the Legislature.~~

~~3. The study must include, without limitation:~~

~~(a) A review of:~~

~~(1) The laws of this State governing sureties, public works and contracting for public works; and~~

~~(2) The availability of sureties for, and the use of sureties by, contractors and other persons entering into contracts for public works;~~

~~(b) The impact that limitations on amounts of liquidated damages for breaches of contracts for public works have on the availability and use of such sureties; and~~

~~(c) Any other matters which the Legislative Commission deems relevant to the consideration of the issues.~~

~~4. In conducting the study, the committee shall consider the recommendations and testimony from experts in the surety industry and public works contracts, including, without limitation:~~

~~(a) The consultant retained pursuant to section 2 of this act;~~

~~(b) Representatives of sureties and the surety industry;~~

~~(c) Representatives of construction management and labor organizations;~~

~~(d) The State Public Works Board; and~~

~~(e) Local government public works officials.~~

~~5. The Legislative Commission shall submit a report of the results of the study and any recommendations for legislation to the 77th Session of the Nevada Legislature.~~] **(Deleted by amendment.)**

Sec. 4. This act becomes effective upon passage and approval.

Assemblywoman Kirkpatrick moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Conklin moved that for the balance of sessions all rules be suspended and that the reprinting of all bills and resolutions be dispensed with.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 574.

Bill read third time.

Remarks by Assemblywoman Kirkpatrick.

Roll call on Assembly Bill No. 574:

YEAS—41.

NAYS—None.

EXCUSED—Hansen.

Assembly Bill No. 574 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

UNFINISHED BUSINESS

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Neal, Bustamante Adams, and Ellison as a Conference Committee to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 257.

Mr. Speaker appointed Assemblymen Smith, Benitez-Thompson, and Stewart as a Conference Committee to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 240.

Mr. Speaker appointed Assemblymen Bustamante Adams, Neal, and Ellison as a Conference Committee to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 59.

Mr. Speaker appointed Assemblymen Horne, Frierson, and Hammond as a Conference Committee to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 136.

Mr. Speaker appointed Assemblymen Anderson, Benitez-Thompson, and Hambrick as a Conference Committee to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 277.

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblyman Bobzien moved that the Assembly do not recede from its action on Senate Bill No. 365, that a conference be requested, and that Mr. Speaker appoint a Conference Committee consisting of three members to meet with a like committee of the Senate.

Remarks by Assemblyman Bobzien.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Mastroluca, Diaz, and McArthur as a Conference Committee to meet with a like committee of the Senate for the further consideration of Senate Bill No. 365.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 7:41 p.m.

ASSEMBLY IN SESSION

At 7:50 p.m.
Mr. Speaker presiding.
Quorum present.

REPORTS OF CONFERENCE COMMITTEES

Mr. Speaker:

The Conference Committee concerning Assembly Bill No. 40, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that Amendment No. 599 of the Senate be concurred in.

MARILYN DONDERO LOOP	RUBEN KIHUEN
DINA NEAL	VALERIE WIENER
MELISSA WOODBURY	DON GUSTAVSON
Assembly Conference Committee	*Senate Conference Committee*

Assemblywoman Dondero Loop moved that the Assembly adopt the report of the Conference Committee concerning Assembly Bill No. 40.

Remarks by Assemblywoman Dondero Loop.

Motion carried by a constitutional majority.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 82, 225, 229, 242, 258, 260, 265, 273, 308, 322, 328, 337, 413, 452, 471; Senate Bills Nos. 77, 223, 233, 236, 299, 323, 339, and 361.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Benitez-Thompson, the privilege of the floor of the Assembly Chamber for this day was extended to Ramir Hernandez.

On request of Assemblyman Hickey, the privilege of the floor of the Assembly Chamber for this day was extended to Shinae Watterson and Shin Hickey.

On request of Assemblyman Kirner, the privilege of the floor of the Assembly Chamber for this day was extended to students and chaperones from Cold Springs Middle School.

On request of Assemblyman Livermore, the privilege of the floor of the Assembly Chamber for this day was extended to Nayeli Cervantes, Fredy Fernandez Benite, Hailey Garner, Zachary Holmes, Tyler Illig, Annie Marantette, Marcella Martin, Blake Menzel, Caelin Miller, Brennan Plunkett, Maria Ramirez, Christian Riley, Jose Rodriguez-Nauyo, Nathaly Romero Estupina, Walker Simeroth, Destini Simmons, Jillian Smith, Tanner Styles, Kiara Vargas, Logan Vestal, Kane Wallace, Rachel Weese, Ameliz Wickstead, Tara Purinton, Carolyn Cook, Jakob Carlson, Lillyanna Chaidez, Dana Chambers, Conner Couste, Cassandra Franz, Emily Gentile, David Gonzalez, Isaiah Henkel, Zane Johnson, Kyle Ketten, Jolie Kinkade, Gillian Manel, Jaylen Martinez, Madison Matthews, Arturo Mendoza, Christian Ortega-Grajeda, Marilyn Peterson, Joshua Queen, Marcos Reynaga, Kayla Simmons, Ivania Soriano, Tessa Stevens, Alexander Wall, and Ridge Willard.

Assemblyman Conklin moved that the Assembly adjourn until Saturday, June 4, 2011, at 11 a.m.

Motion carried.

Assembly adjourned at 7:53 p.m.

Approved: JOHN OCEGUERA
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE ONE HUNDRED EIGHTEENTH DAY

CARSON CITY (Saturday), June 4, 2011

Assembly called to order at 11:37 a.m.

Mr. Speaker presiding.

Roll called.

All present except Assemblyman Kirner, who was excused.

Prayer by the Chaplain, Pat Hickey.

Dear Lord, we have each had our share of difficult days in the last four months.

But we also rejoice in our sufferings, because we know that suffering produces perseverance; perseverance, character; and character, hope. And hope does not disappoint us, because God has poured out His love into our hearts by the Holy Spirit, whom He has given us. (Romans 5:3-5)

AMEN.

Pledge of allegiance to the Flag.

Assemblywoman Kirkpatrick moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Ways and Means, to which was rereferred Assembly Bill No. 542, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, as amended.

DEBBIE SMITH, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 3, 2011

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 48, 100, 148, 247, 531, 570; Senate Bills Nos. 211, 418.

Also, I have the honor to inform your honorable body that the Senate on this day receded from its action on Assembly Bill No. 53, Senate Amendment No. 673.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 278, 320, 338, 449.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly Amendment No. 731 to Senate Bill No. 24; Assembly Amendment No. 612 to Senate Bill No. 40; Assembly Amendment No. 645 to Senate Bill No. 65; Assembly Amendment No. 593 to Senate Bill No. 92; Assembly Amendment No. 594 to Senate Bill No. 110; Assembly Amendment No. 648 to Senate Bill No. 151; Assembly Amendment No. 844 to Senate Bill No. 262; Assembly Amendment No. 615 to Senate Bill No. 400.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to concur in the Assembly Amendment No. 804 to Senate Bill No. 304.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the Conference Committee concerning Senate Bill No. 264.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Ways and Means:

Assembly Bill No. 579—AN ACT relating to education; ensuring sufficient funding for K-12 public education for the 2011-2013 biennium; apportioning the State Distributive School Account in the State General Fund for the 2011-2013 biennium; authorizing certain expenditures; making appropriations for purposes relating to basic support, class-size reduction and other educational purposes; temporarily diverting the money from the State Supplemental School Support Fund to the State Distributive School Account for use in funding operating costs and other expenditures of school districts; revising provisions governing local funds available for certain school districts for the 2011-2013 biennium; and providing other matters properly relating thereto.

Assemblywoman Kirkpatrick moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 580—AN ACT relating to state financial administration; making appropriations from the State General Fund and the State Highway Fund for the support of the civil government of the State of Nevada for the fiscal years beginning July 1, 2011, and ending June 30, 2012, and beginning July 1, 2012, and ending June 30, 2013; providing for the use of the money so appropriated; authorizing the State Treasurer to establish a line of credit under certain circumstances; making various other changes relating to the financial administration of the State; and providing other matters properly relating thereto.

Assemblywoman Kirkpatrick moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 211.

Assemblywoman Kirkpatrick moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

Senate Bill No. 278.

Assemblywoman Kirkpatrick moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 320.

Assemblywoman Kirkpatrick moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 338.

Assemblywoman Kirkpatrick moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 418.

Assemblywoman Kirkpatrick moved that the bill be referred to the Committee on Legislative Operations and Elections.

Motion carried.

Senate Bill No. 449.

Assemblywoman Kirkpatrick moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 223.

The following Senate amendment was read:

Amendment No. 694.

AN ACT relating to civil actions; providing that a certain amount of money held in a personal bank account that is likely to be exempt from execution is not subject to a writ of execution or garnishment ~~[.]~~ **except in certain circumstances;** providing a procedure to execute on property held in a safe-deposit box; revising the procedure for claiming an exemption from execution on certain property; making various other changes to provisions governing writs of execution, attachment and garnishment; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law allows a judgment creditor to obtain a writ of execution, attachment or garnishment to levy on the property of a judgment debtor or defendant in certain circumstances. (Chapters 21 and 31 of NRS) Certain property, however, is exempt from execution and therefore cannot be the subject of such a writ. (NRS 21.090) **Section 3** of this bill provides that a certain amount of money held in the personal bank account of a judgment debtor which is likely to be exempt from execution is not subject to a writ of execution or garnishment and must remain accessible to the judgment debtor ~~[.]~~ **except in certain circumstances. Section 3** further provides immunity

from liability to a financial institution which makes an incorrect determination concerning whether money is subject to execution. **Section 4** of this bill provides that notwithstanding the provisions of **section 3**, if a judgment debtor has personal bank accounts in more than one financial institution, the writ may attach to all money in those accounts. The judgment debtor then may claim any exemption that may apply.

Section 5 of this bill provides that a separate writ must be issued to levy on property in a safe-deposit box and provides a procedure for executing on such a writ.

Section 5.5 of this bill revises the form for a writ of execution issued on a judgment for the recovery of money to include notice on the form to financial institutions of whether the judgment is for the recovery of money for the support of a person.

Section 7 of this bill provides additional exemptions from execution which are provided by Nevada law.

Section 8 of this bill revises the procedures for claiming an exemption from execution, and for objecting to such a claim of exemption. **Sections 6 and 10** of this bill revise the notice that is provided to a judgment debtor or defendant when a writ of execution, attachment or garnishment is levied on the property of the judgment debtor or defendant so that the procedures listed in the notice reflect the changes made in **section 8**. **Sections 6 and 10** further revise the notice to provide additional information concerning the claiming of exemptions.

Sections 2 and 9 of this bill clarify that a constable has authority to perform any of the duties assigned to a sheriff and has all of the authority granted to a sheriff with respect to a writ of execution, garnishment or attachment.

Section 11 of this bill revises the interrogatories that are used with a writ of execution, attachment or garnishment to clarify the manner of determining the earnings which must be identified as subject to execution and to provide specific questions for a bank to conform to the new provisions in **section 3**.

Section 12 of this bill requires the judgment creditor who caused a writ of attachment to issue to prepare an accounting and provide a report to the judgment debtor, the sheriff and each garnishee every 120 days providing information about the debt and the rights of the debtor. The accounting must also be submitted with each subsequent application for a writ filed by the judgment creditor concerning the same judgment.

Section 13 of this bill provides that the fee for receiving, removing and taking care of property on execution, attachment or court order collected by a constable is not payable in advance.

Section 14 of this bill provides that certain unemployment benefits are exempt from execution regardless of whether they are mingled with other money.

Section 15 of this bill repeals NRS 21.114 concerning the submission of sureties to the jurisdiction of the court because the requirement for an undertaking requiring a surety is removed in **section 8**.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 21 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 5, inclusive, of this act.

Sec. 2. ***A constable may perform any of the duties assigned to a sheriff and has all of the authority granted to a sheriff pursuant to this chapter with respect to a writ of execution or garnishment.***

Sec. 3. ***1. If a writ of execution or garnishment is levied on the personal bank account of the judgment debtor and money has been deposited into the account electronically within the immediately preceding 45 days from the date on which the writ was served which is reasonably identifiable as exempt from execution, notwithstanding any other deposits of money into the account, $2,000 or the entire amount in the account, whichever is less, is not subject to execution and must remain accessible to the judgment debtor. For the purposes of this section, money is reasonably identifiable as exempt from execution if the money is deposited in the bank account by the United States Department of the Treasury, including, without limitation, money deposited as:***

(a) Benefits provided pursuant to the Social Security Act which are exempt from execution pursuant to 42 U.S.C. §§ 407 and 1383, including, without limitation, retirement and survivors' benefits, supplemental security income benefits, disability insurance benefits and child support payments that are processed pursuant to Part D of Title IV of the Social Security Act;

(b) Veterans' benefits which are exempt from execution pursuant to 38 U.S.C. § 5301;

(c) Annuities payable to retired railroad employees which are exempt from execution pursuant to 45 U.S.C. § 231m;

(d) Benefits provided for retirement or disability of federal employees which are exempt from execution pursuant to 5 U.S.C. §§ 8346 and 8470;

(e) Annuities payable to retired members of the Armed Forces of the United States and to any surviving spouse or children of such members which are exempt from execution pursuant to 10 U.S.C. §§ 1440 and 1450;

(f) Payments and allowances to members of the Armed Forces of the United States which are exempt from execution pursuant to 37 U.S.C. § 701;

(g) Federal student loan payments which are exempt from execution pursuant to 20 U.S.C. § 1095a;

(h) Wages due or accruing to merchant seamen which are exempt from execution pursuant to 46 U.S.C. § 11109;

(i) Compensation or benefits due or payable to longshore and harbor workers which are exempt from execution pursuant to 33 U.S.C. § 916;

(j) Annuities and benefits for retirement and disability of members of the foreign service which are exempt from execution pursuant to 22 U.S.C. § 4060;

(k) Compensation for injury, death or detention of employees of contractors with the United States outside the United States which is exempt from execution pursuant to 42 U.S.C. § 1717;

(l) Assistance for a disaster from the Federal Emergency Management Agency which is exempt from execution pursuant to 44 C.F.R. § 206.110;

(m) Black lung benefits paid to a miner or a miner's surviving spouse or children pursuant to 30 U.S.C. § 922 or 931 which are exempt from execution; and

(n) Benefits provided pursuant to any other federal law.

2. If a writ of execution or garnishment is levied on the personal bank account of the judgment debtor and the provisions of subsection 1 do not apply, $1,000 or the entire amount in the account, whichever is less, is not subject to execution and must remain accessible to the judgment debtor ~~[.]~~ ***,unless the writ of execution or garnishment is for the recovery of money owed for the support of any person.***

3. If a judgment debtor has more than one personal bank account with the bank to which a writ is issued, the amount that is not subject to execution must not in the aggregate exceed the amount specified in subsection 1 or 2, as applicable.

4. A judgment debtor may apply to a court to claim an exemption for any amount subject to a writ levied on a personal bank account which exceeds the amount that is not subject to execution pursuant to subsection 1 or 2.

5. If money in the personal account of the judgment debtor which exceeds the amount that is not subject to execution pursuant to subsection 1 or 2 includes exempt and nonexempt money, the judgment debtor may claim an exemption for the exempt money in the manner set forth in NRS 21.112. To determine whether such money in the account is exempt, the judgment creditor must use the method of accounting which applies the standard that the first money deposited in the account is the first money

withdrawn from the account. The court may require a judgment debtor to provide statements from the bank which include all deposits into and withdrawals from the account for the immediately preceding 90 days.

6. A financial institution which makes a reasonable effort to determine whether money in the account of a judgment debtor is subject to execution for the purposes of this section is immune from civil liability for any act or omission with respect to that determination, including, without limitation, when the financial institution makes an incorrect determination after applying commercially reasonable methods for determining whether money in an account is exempt because the source of the money was not clearly identifiable or because the financial institution inadvertently misidentified the source of the money. If a court determines that a financial institution failed to identify that money in an account was not subject to execution pursuant to this section, the financial institution must adjust its actions with respect to a writ of execution as soon as possible but may not be held liable for damages.

7. Nothing in this section requires a financial institution to revise its determination about whether money is exempt, except by an order of a court.

Sec. 4. *1. Notwithstanding the provisions of section 3 of this act, if a judgment debtor has a personal bank account in more than one financial institution, the judgment creditor is entitled to an order from the court to be issued with the writ of execution or garnishment which states that all money held in all such accounts of the judgment debtor that are identified in the application for the order are subject to the writ.*

2. A judgment creditor may apply to the court for an order pursuant to subsection 1 by submitting a signed affidavit which identifies each financial institution in which the judgment debtor has a personal account.

3. A judgment debtor may claim an exemption for any exempt money in the account to which the writ attaches in the manner set forth in NRS 21.112.

Sec. 5. *1. If a writ of execution or garnishment is levied on property in a safe-deposit box maintained at a financial institution, a separate writ must be issued from any writ that is issued to levy on an account of the judgment debtor with the financial institution. Notice of the writ must be served personally on the financial institution and promptly thereafter on any third person who is named on the safe-deposit box.*

2. During the period in which the writ of execution or garnishment is in effect, the financial institution must not allow the contents of the safe-deposit box to be removed other than as directed by the sheriff or by court order.

3. The sheriff may allow the person in whose name the safe-deposit box is held to open the safe-deposit box so that the contents may be removed pursuant to the levy. The financial institution may refuse to allow the forcible opening of the safe-deposit box to allow the removal of the property levied upon unless the judgment creditor pays in advance the cost of forcibly opening the safe-deposit box and of repairing any damage caused thereby.

Sec. 5.5. **NRS 21.025 is hereby amended to read as follows:**

21.025 A writ of execution issued on a judgment for the recovery of money must be substantially in the following form:

(Title of the Court)
(Number and abbreviated title of the case)

EXECUTION

THE PEOPLE OF THE STATE OF NEVADA:

To the sheriff of ..... County.
Greetings:

To FINANCIAL INSTITUTIONS: This judgment is for the recovery of money for the support of a person.

On .....(month).....(day).....(year), a judgment was entered by the above-entitled court in the above-entitled action in favor of ..... as judgment creditor and against ..... as judgment debtor for:

$..... principal,
$..... attorney's fees,
$..... interest, and
$..... costs, making a total amount of
$..... the judgment as entered, and

WHEREAS, according to an affidavit or a memorandum of costs after judgment, or both, filed herein, it appears that further sums have accrued since the entry of judgment, to wit:

$..... accrued interest, and
$ accrued costs, together with $..... fee, for the issuance of this writ, making a total of
$..... as accrued costs, accrued interest and fees.

Credit must be given for payments and partial satisfactions in the amount of
$.....
which is to be first credited against the total accrued costs and accrued interest, with any excess credited against the judgment as entered, leaving a net balance of
$.....

actually due on the date of the issuance of this writ, of which

$.....

bears interest at ..... percent per annum, in the amount of $..... per day, from the date of judgment to the date of levy, to which must be added the commissions and costs of the officer executing this writ.

NOW, THEREFORE, SHERIFF OF ..... COUNTY, you are hereby commanded to satisfy this judgment with interest and costs as provided by law, out of the personal property of the judgment debtor, except that for any workweek, 75 percent of the disposable earnings of the debtor during that week or 50 times the minimum hourly wage prescribed by section 6(a)(1) of the federal Fair Labor Standards Act of 1938, 29 U.S.C. § 206(a)(1), and in effect at the time the earnings are payable, whichever is greater, is exempt from any levy of execution pursuant to this writ, and if sufficient personal property cannot be found, then out of the real property belonging to the debtor in the aforesaid county, and make return to this writ within not less than 10 days or more than 60 days endorsed thereon with what you have done.

Dated: This ..... day of the month of ..... of the year .....

....., Clerk.

By....., Deputy Clerk.

Sec. 6. NRS 21.075 is hereby amended to read as follows:

21.075 1. Execution on the writ of execution by levying on the property of the judgment debtor may occur only if the sheriff serves the judgment debtor with a notice of the writ of execution pursuant to NRS 21.076 and a copy of the writ. The notice must describe the types of property exempt from execution and explain the procedure for claiming those exemptions in the manner required in subsection 2. The clerk of the court shall attach the notice to the writ of execution at the time the writ is issued.

2. The notice required pursuant to subsection 1 must be substantially in the following form:

NOTICE OF EXECUTION
YOUR PROPERTY IS BEING ATTACHED OR
YOUR WAGES ARE BEING GARNISHED

A court has determined that you owe money to ..... (name of person), the judgment creditor. The judgment creditor has begun the procedure to collect that money by garnishing your wages, bank account and other personal property held by third persons or by taking money or other property in your possession.

Certain benefits and property owned by you may be exempt from execution and may not be taken from you. The following is a partial list of exemptions:

1. Payments received pursuant to the federal Social Security Act, including, without limitation, retirement and survivors' benefits, supplemental security income benefits and disability insurance benefits.

2. Payments for benefits or the return of contributions under the Public Employees' Retirement System.

3. Payments for public assistance granted through the Division of Welfare and Supportive Services of the Department of Health and Human Services or a local governmental entity.

4. Proceeds from a policy of life insurance.

5. Payments of benefits under a program of industrial insurance.

6. Payments received as disability, illness or unemployment benefits.

7. Payments received as unemployment compensation.

8. Veteran's benefits.

9. A homestead in a dwelling or a mobile home, not to exceed $550,000, unless:

(a) The judgment is for a medical bill, in which case all of the primary dwelling, including a mobile or manufactured home, may be exempt.

(b) Allodial title has been established and not relinquished for the dwelling or mobile home, in which case all of the dwelling or mobile home and its appurtenances are exempt, including the land on which they are located, unless a valid waiver executed pursuant to NRS 115.010 is applicable to the judgment.

10. All money reasonably deposited with a landlord by you to secure an agreement to rent or lease a dwelling that is used by you as your primary residence, except that such money is not exempt with respect to a landlord or landlord's successor in interest who seeks to enforce the terms of the agreement to rent or lease the dwelling.

11. A vehicle, if your equity in the vehicle is less than $15,000.

12. Seventy-five percent of the take-home pay for any workweek, unless the weekly take-home pay is less than 50 times the federal minimum hourly wage, in which case the entire amount may be exempt.

13. Money, not to exceed $500,000 in present value, held in:

(a) An individual retirement arrangement which conforms with the applicable limitations and requirements of section 408 or 408A of the Internal Revenue Code, 26 U.S.C. §§ 408 and 408A;

(b) A written simplified employee pension plan which conforms with the applicable limitations and requirements of section 408 of the Internal Revenue Code, 26 U.S.C. § 408;

(c) A cash or deferred arrangement that is a qualified plan pursuant to the Internal Revenue Code;

(d) A trust forming part of a stock bonus, pension or profit-sharing plan that is a qualified plan pursuant to sections 401 et seq. of the Internal Revenue Code, 26 U.S.C. §§ 401 et seq.; and

(e) A trust forming part of a qualified tuition program pursuant to chapter 353B of NRS, any applicable regulations adopted pursuant to chapter 353B of NRS and section 529 of the Internal Revenue Code, 26 U.S.C. § 529, unless the money is deposited after the entry of a judgment against the purchaser or account owner or the money will not be used by any beneficiary to attend a college or university.

14. All money and other benefits paid pursuant to the order of a court of competent jurisdiction for the support, education and maintenance of a child, whether collected by the judgment debtor or the State.

15. All money and other benefits paid pursuant to the order of a court of competent jurisdiction for the support and maintenance of a former spouse, including the amount of any arrearages in the payment of such support and maintenance to which the former spouse may be entitled.

16. Regardless of whether a trust contains a spendthrift provision:

(a) A present or future interest in the income or principal of a trust, if the interest has not been distributed from the trust;

(b) A remainder interest in the trust whereby a beneficiary of the trust will receive property from the trust outright at some time in the future under certain circumstances;

(c) A discretionary power held by a trustee to determine whether to make a distribution from the trust, if the interest has not been distributed from the trust;

(d) The power to direct dispositions of property in the trust, other than such a power held by a trustee to distribute property to a beneficiary of the trust;

(e) Certain powers held by a trust protector or certain other persons;

(f) Any power held by the person who created the trust; and

(g) Any other property of the trust that has not been distributed from the trust. Once the property is distributed from the trust, the property is subject to execution.

17. If a trust contains a spendthrift provision:

(a) A mandatory interest in the trust in which the trustee does not have discretion concerning whether to make the distribution from the trust, if the interest has not been distributed from the trust;

(b) A support interest in the trust in which the standard for distribution may be interpreted by the trustee or a court, if the interest has not been distributed from the trust; and

(c) Any other property of the trust that has not been distributed from the trust. Once the property is distributed from the trust, the property is subject to execution.

18. A vehicle for use by you or your dependent which is specially equipped or modified to provide mobility for a person with a permanent disability.

19. A prosthesis or any equipment prescribed by a physician or dentist for you or your dependent.

20. Payments, in an amount not to exceed $16,150, received as compensation for personal injury, not including compensation for pain and suffering or actual pecuniary loss, by the judgment debtor or by a person upon whom the judgment debtor is dependent at the time the payment is received.

21. Payments received as compensation for the wrongful death of a person upon whom the judgment debtor was dependent at the time of the wrongful death, to the extent reasonably necessary for the support of the judgment debtor and any dependent of the judgment debtor.

22. Payments received as compensation for the loss of future earnings of the judgment debtor or of a person upon whom the judgment debtor is dependent at the time the payment is received, to the extent reasonably necessary for the support of the judgment debtor and any dependent of the judgment debtor.

23. Payments received as restitution for a criminal act.

24. Personal property, not to exceed $1,000 in total value, if the property is not otherwise exempt from execution.

25. A tax refund received from the earned income credit provided by federal law or a similar state law.

26. Stock of a corporation described in subsection 2 of NRS 78.746 except as set forth in that section.

➥ These exemptions may not apply in certain cases such as a proceeding to enforce a judgment for support of a person or a judgment of foreclosure on a mechanic's lien. You should consult an attorney immediately to assist you in determining whether your property or money is exempt from execution. If you cannot afford an attorney, you may be eligible for assistance through ..... (name of organization in county providing legal services to indigent or elderly persons). ***If you do not wish to consult an attorney or receive legal services from an organization that provides assistance to persons who qualify, you may obtain the form to be used to claim an exemption from the clerk of the court.***

PROCEDURE FOR CLAIMING EXEMPT PROPERTY

If you believe that the money or property taken from you is exempt, you must complete and file with the clerk of the court ~~[a notarized affidavit claiming the]~~ ***an executed claim of*** exemption. A copy of the ~~[affidavit]~~ ***claim of exemption*** must be served upon the sheriff ***, the garnishee*** and the judgment creditor within ~~[8]~~ ***20 calendar*** days after the notice of execution ***or garnishment*** is ~~[mailed.]~~ ***served on you by mail pursuant to NRS 21.076 which identifies the specific property that is being levied on.*** The property must be ~~[returned to you]~~ ***released by the garnishee or the sheriff*** within ~~[5]~~ ***9 judicial*** days after you ~~[file]~~ ***serve*** the ~~[affidavit]~~ ***claim of exemption upon the sheriff, garnishee and judgment creditor,*** unless ~~[you or the judgment creditor files a motion]~~ ***the sheriff or garnishee receives a copy of an objection to the claim of exemption and a notice*** for a hearing to determine the issue of exemption. If this happens, a hearing will be held to determine whether the property or money is exempt. The ~~[motion]~~ ***objection to the claim of exemption and notice*** for the hearing to determine the issue of exemption must be filed within ~~[10]~~ ***8 judicial*** days after the ~~[affidavit claiming]~~ ***claim of*** exemption is ~~[filed.]~~ ***served on the judgment creditor by mail or in person and served on the judgment debtor, the sheriff and any garnishee not less than 5 judicial days before the date set for the hearing.*** The hearing to determine whether the property or money is exempt must be held within ~~[10]~~ ***7 judicial*** days after the ~~[motion]~~ ***objection to the claim of exemption and notice*** for the hearing is filed. ***You may be able to have your property released more quickly if you mail to the judgment creditor or the attorney of the judgment creditor written proof that the property is exempt. Such proof may include, without limitation, a letter from the government, an annual statement from a pension fund, receipts for payment, copies of checks, records from financial institutions or any other document which demonstrates that the money in your account is exempt.***

IF YOU DO NOT FILE THE ~~[AFFIDAVIT]~~ ***EXECUTED CLAIM OF EXEMPTION*** WITHIN THE TIME SPECIFIED, YOUR PROPERTY MAY BE SOLD AND THE MONEY GIVEN TO THE JUDGMENT CREDITOR, EVEN IF THE PROPERTY OR MONEY IS EXEMPT.

Sec. 7. NRS 21.090 is hereby amended to read as follows:

21.090 1. The following property is exempt from execution, except as otherwise specifically provided in this section or required by federal law:

(a) Private libraries, works of art, musical instruments and jewelry not to exceed $5,000 in value, belonging to the judgment debtor or a dependent of the judgment debtor, to be selected by the judgment debtor, and all family pictures and keepsakes.

(b) Necessary household goods, furnishings, electronics, wearing apparel, other personal effects and yard equipment, not to exceed $12,000 in value,

belonging to the judgment debtor or a dependent of the judgment debtor, to be selected by the judgment debtor.

(c) Farm trucks, farm stock, farm tools, farm equipment, supplies and seed not to exceed $4,500 in value, belonging to the judgment debtor to be selected by the judgment debtor.

(d) Professional libraries, equipment, supplies, and the tools, inventory, instruments and materials used to carry on the trade or business of the judgment debtor for the support of the judgment debtor and his or her family not to exceed $10,000 in value.

(e) The cabin or dwelling of a miner or prospector, the miner's or prospector's cars, implements and appliances necessary for carrying on any mining operations and the mining claim actually worked by the miner or prospector, not exceeding $4,500 in total value.

(f) Except as otherwise provided in paragraph (p), one vehicle if the judgment debtor's equity does not exceed $15,000 or the creditor is paid an amount equal to any excess above that equity.

(g) For any workweek, 75 percent of the disposable earnings of a judgment debtor during that week, or 50 times the minimum hourly wage prescribed by section 6(a)(1) of the federal Fair Labor Standards Act of 1938, 29 U.S.C. § 206(a)(1), and in effect at the time the earnings are payable, whichever is greater. Except as otherwise provided in paragraphs (o), (s) and (t), the exemption provided in this paragraph does not apply in the case of any order of a court of competent jurisdiction for the support of any person, any order of a court of bankruptcy or of any debt due for any state or federal tax. As used in this paragraph:

(1) "Disposable earnings" means that part of the earnings of a judgment debtor remaining after the deduction from those earnings of any amounts required by law to be withheld.

(2) "Earnings" means compensation paid or payable for personal services performed by a judgment debtor in the regular course of business, including, without limitation, compensation designated as income, wages, tips, a salary, a commission or a bonus. The term includes compensation received by a judgment debtor that is in the possession of the judgment debtor, compensation held in accounts maintained in a bank or any other financial institution or, in the case of a receivable, compensation that is due the judgment debtor.

(h) All fire engines, hooks and ladders, with the carts, trucks and carriages, hose, buckets, implements and apparatus thereunto appertaining, and all furniture and uniforms of any fire company or department organized under the laws of this State.

(i) All arms, uniforms and accouterments required by law to be kept by any person, and also one gun, to be selected by the debtor.

(j) All courthouses, jails, public offices and buildings, lots, grounds and personal property, the fixtures, furniture, books, papers and appurtenances belonging and pertaining to the courthouse, jail and public offices belonging to any county of this State, all cemeteries, public squares, parks and places, public buildings, town halls, markets, buildings for the use of fire departments and military organizations, and the lots and grounds thereto belonging and appertaining, owned or held by any town or incorporated city, or dedicated by the town or city to health, ornament or public use, or for the use of any fire or military company organized under the laws of this State and all lots, buildings and other school property owned by a school district and devoted to public school purposes.

(k) All money, benefits, privileges or immunities accruing or in any manner growing out of any life insurance, if the annual premium paid does not exceed $15,000. If the premium exceeds that amount, a similar exemption exists which bears the same proportion to the money, benefits, privileges and immunities so accruing or growing out of the insurance that the $15,000 bears to the whole annual premium paid.

(l) The homestead as provided for by law, including a homestead for which allodial title has been established and not relinquished and for which a waiver executed pursuant to NRS 115.010 is not applicable.

(m) The dwelling of the judgment debtor occupied as a home for himself or herself and family, where the amount of equity held by the judgment debtor in the home does not exceed $550,000 in value and the dwelling is situated upon lands not owned by the judgment debtor.

(n) All money reasonably deposited with a landlord by the judgment debtor to secure an agreement to rent or lease a dwelling that is used by the judgment debtor as his or her primary residence, except that such money is not exempt with respect to a landlord or the landlord's successor in interest who seeks to enforce the terms of the agreement to rent or lease the dwelling.

(o) All property in this State of the judgment debtor where the judgment is in favor of any state for failure to pay that state's income tax on benefits received from a pension or other retirement plan.

(p) Any vehicle owned by the judgment debtor for use by the judgment debtor or the judgment debtor's dependent that is equipped or modified to provide mobility for a person with a permanent disability.

(q) Any prosthesis or equipment prescribed by a physician or dentist for the judgment debtor or a dependent of the debtor.

(r) Money, not to exceed $500,000 in present value, held in:

(1) An individual retirement arrangement which conforms with the applicable limitations and requirements of section 408 or 408A of the Internal Revenue Code, 26 U.S.C. §§ 408 and 408A;

(2) A written simplified employee pension plan which conforms with the applicable limitations and requirements of section 408 of the Internal Revenue Code, 26 U.S.C. § 408;

(3) A cash or deferred arrangement which is a qualified plan pursuant to the Internal Revenue Code;

(4) A trust forming part of a stock bonus, pension or profit-sharing plan which is a qualified plan pursuant to sections 401 et seq. of the Internal Revenue Code, 26 U.S.C. §§ 401 et seq.; and

(5) A trust forming part of a qualified tuition program pursuant to chapter 353B of NRS, any applicable regulations adopted pursuant to chapter 353B of NRS and section 529 of the Internal Revenue Code, 26 U.S.C. § 529, unless the money is deposited after the entry of a judgment against the purchaser or account owner or the money will not be used by any beneficiary to attend a college or university.

(s) All money and other benefits paid pursuant to the order of a court of competent jurisdiction for the support, education and maintenance of a child, whether collected by the judgment debtor or the State.

(t) All money and other benefits paid pursuant to the order of a court of competent jurisdiction for the support and maintenance of a former spouse, including the amount of any arrearages in the payment of such support and maintenance to which the former spouse may be entitled.

(u) Payments, in an amount not to exceed $16,150, received as compensation for personal injury, not including compensation for pain and suffering or actual pecuniary loss, by the judgment debtor or by a person upon whom the judgment debtor is dependent at the time the payment is received.

(v) Payments received as compensation for the wrongful death of a person upon whom the judgment debtor was dependent at the time of the wrongful death, to the extent reasonably necessary for the support of the judgment debtor and any dependent of the judgment debtor.

(w) Payments received as compensation for the loss of future earnings of the judgment debtor or of a person upon whom the judgment debtor is dependent at the time the payment is received, to the extent reasonably necessary for the support of the judgment debtor and any dependent of the judgment debtor.

(x) Payments received as restitution for a criminal act.

(y) Payments received pursuant to the federal Social Security Act, including, without limitation, retirement and survivors' benefits, supplemental security income benefits and disability insurance benefits.

(z) Any personal property not otherwise exempt from execution pursuant to this subsection belonging to the judgment debtor, including, without limitation, the judgment debtor's equity in any property, money, stocks,

bonds or other funds on deposit with a financial institution, not to exceed $1,000 in total value, to be selected by the judgment debtor.

(aa) Any tax refund received by the judgment debtor that is derived from the earned income credit described in section 32 of the Internal Revenue Code, 26 U.S.C. § 32, or a similar credit provided pursuant to a state law.

(bb) Stock of a corporation described in subsection 2 of NRS 78.746 except as set forth in that section.

(cc) Regardless of whether a trust contains a spendthrift provision:

(1) A beneficial interest in the trust as defined in NRS 163.4145 if the interest has not been distributed;

(2) A remainder interest in the trust as defined in NRS 163.416 if the trust does not indicate that the remainder interest is certain to be distributed within 1 year after the date on which the instrument that creates the remainder interest becomes irrevocable;

(3) A discretionary interest in the trust as described in NRS 163.4185 if the interest has not been distributed;

(4) A power of appointment in the trust as defined in NRS 163.4157 regardless of whether the power has been distributed or transferred;

(5) A power listed in NRS 163.5553 that is held by a trust protector as defined in NRS 163.5547 or any other person regardless of whether the power has been distributed or transferred;

(6) A reserved power in the trust as defined in NRS 163.4165 regardless of whether the power has been distributed or transferred; and

(7) Any other property of the trust that has not been distributed from the trust. Once the property is distributed from the trust, the property is subject to execution.

(dd) If a trust contains a spendthrift provision:

(1) A mandatory interest in the trust as described in NRS 163.4185 if the interest has not been distributed;

(2) Notwithstanding a beneficiary's right to enforce a support interest, a support interest in the trust as described in NRS 163.4185 if the interest has not been distributed; and

(3) Any other property of the trust that has not been distributed from the trust. Once the property is distributed from the trust, the property is subject to execution.

(ee) Proceeds received from a private disability insurance plan.

(ff) Money in a trust fund for funeral or burial services pursuant to NRS 689.700.

(gg) Compensation that was payable or paid pursuant to chapters 616A to 616D, inclusive, or chapter 617 of NRS as provided in NRS 616C.205.

(hh) Unemployment compensation benefits received pursuant to NRS 612.710.

(ii) Benefits or refunds payable or paid from the Public Employees' Retirement System pursuant to NRS 286.670.

(jj) Money paid or rights existing for vocational rehabilitation pursuant to NRS 615.270.

(kk) Public assistance provided through the Department of Health and Human Services pursuant to NRS 422.291.

(ll) Child welfare assistance provided pursuant to NRS 432.036.

2. Except as otherwise provided in NRS 115.010, no article or species of property mentioned in this section is exempt from execution issued upon a judgment to recover for its price, or upon a judgment of foreclosure of a mortgage or other lien thereon.

3. Any exemptions specified in subsection (d) of section 522 of the Bankruptcy Act of 1978, 11 U.S.C. § 522(d), do not apply to property owned by a resident of this State unless conferred also by subsection 1, as limited by subsection 2.

Sec. 8. NRS 21.112 is hereby amended to read as follows:

21.112 1. In order to claim exemption of any property levied on ~~[,]~~ ***pursuant to this section,*** the judgment debtor must, within ~~[8]~~ ***20 calendar*** days after the notice ~~[prescribed in NRS 21.075 is mailed,]~~ ***of a writ of execution or garnishment is served on the judgment debtor by mail pursuant to NRS 21.076 which identifies the specific property that is being levied on,*** serve on the sheriff ***, the garnishee*** and ***the*** judgment creditor and file with the clerk of the court issuing the writ of execution ~~[an affidavit setting out]~~ the judgment debtor's claim of exemption ~~[.]~~ ***which is executed in the manner set forth in NRS 53.045. If the property that is levied on is the earnings of the judgment debtor, the judgment debtor must file the claim of exemption pursuant to this subsection within 20 calendar days after the date of each withholding of the judgment debtor's earnings.***

2. The clerk of the court shall provide the form for the ~~[affidavit.~~

~~2. When the affidavit is served, the sheriff shall release the property if the judgment creditor, within 5 days after written demand by the sheriff:~~

~~(a) Fails to give the sheriff an undertaking executed by two good and sufficient sureties which:~~

~~(1) Is in a sum equal to double the value of the property levied on; and~~

~~(2) Indemnifies the judgment debtor against loss, liability, damages, costs and attorney's fees by reason of the taking, withholding or sale of the property by the sheriff; or~~

~~(b) Fails to file a motion for a hearing to determine whether the property or money is exempt.~~

~~➥ The clerk of the court shall provide the form for the motion.~~

~~3. At the time of giving the sheriff the undertaking provided for in subsection 2, the judgment creditor shall give notice of the undertaking to the judgment debtor.~~

~~4.~~] ***claim of exemption and shall further provide with the form instructions concerning the manner in which to claim an exemption, a checklist and description of the most commonly claimed exemptions, instructions concerning the manner in which the property must be released to the judgment debtor if no objection to the claim of exemption is filed and an order to be used by the court to grant or deny an exemption. No fee may be charged for providing such a form or for filing the form with the court.***

3. An objection to the claim of exemption and notice for a hearing must be filed with the court within 8 judicial days after the claim of exemption is served on the judgment creditor by mail or in person and served on the judgment debtor, the sheriff and any garnishee. The judgment creditor shall also serve notice of the date of the hearing on the judgment debtor, the sheriff and any garnishee not less than 5 judicial days before the date set for the hearing.

4. If an objection to the claim of exemption and notice for a hearing are not filed within 8 judicial days after the claim of exemption has been served, the property of the judgment debtor must be released by the person who has control or possession over the property in accordance with the instructions set forth on the form for the claim of exemption provided pursuant to subsection 2 within 9 judicial days after the claim of exemption has been served.

5. The sheriff is not liable to the judgment debtor for damages by reason of the taking, withholding or sale of any property ~~[,]~~ where ~~[:~~

~~(a) No affidavit claiming~~] ***a claim of*** exemption is ***not*** served on the sheriff **.** ~~[; or~~

~~(b) An affidavit claiming exemption is served on the sheriff, but the sheriff fails to release the property in accordance with this section.~~

~~5.~~] ***6.*** Unless the court continues the hearing for good cause shown, the hearing ***on an objection to a claim of exemption*** to determine whether the property or money is exempt must be held within ~~[10]~~ ***7 judicial*** days after the ~~[motion]~~ ***objection to the claim and notice*** for ~~[the]~~ ***a*** hearing is filed.

~~[6. The judgment creditor shall give the judgment debtor at least 5 days' notice of the hearing.~~] ***The judgment debtor has the burden to prove that he or she is entitled to the claimed exemption at such a hearing. After determining whether the judgment debtor is entitled to an exemption, the court shall mail a copy of the order to the judgment debtor, the judgment creditor, any other named party, the sheriff and any garnishee.***

7. If the sheriff or garnishee does not receive a copy of a claim of exemption from the judgment debtor within 25 calendar days after the

property is levied on, the garnishee must release the property to the sheriff or, if the property is held by the sheriff, the sheriff must release the property to the judgment creditor.

8. At any time after:

(a) An exemption is claimed pursuant to this section, the judgment debtor may withdraw the claim of exemption and direct that the property be released to the judgment creditor.

(b) An objection to a claim of exemption is filed pursuant to this section, the judgment creditor may withdraw the objection and direct that the property be released to the judgment debtor.

9. The provisions of this section do not limit or prohibit any other remedy provided by law.

10. In addition to any other procedure or remedy authorized by law, a person other than the judgment debtor whose property is the subject of a writ of execution or garnishment may follow the procedures set forth in this section for claiming an exemption to have the property released.

11. A judgment creditor shall not require a judgment debtor to waive any exemption which the judgment debtor is entitled to claim.

Sec. 9. Chapter 31 of NRS is hereby amended by adding thereto a new section to read as follows:

A constable may perform any of the duties assigned to a sheriff and has all of the authority granted to a sheriff pursuant to this chapter with respect to a writ of attachment.

Sec. 10. NRS 31.045 is hereby amended to read as follows:

31.045 1. Execution on the writ of attachment by attaching property of the defendant may occur only if:

(a) The judgment creditor serves the defendant with notice of the execution when the notice of the hearing is served pursuant to NRS 31.013; or

(b) Pursuant to an ex parte hearing, the sheriff serves upon the judgment debtor notice of the execution and a copy of the writ at the same time and in the same manner as set forth in NRS 21.076.

➥ If the attachment occurs pursuant to an ex parte hearing, the clerk of the court shall attach the notice to the writ of attachment at the time the writ is issued.

2. The notice required pursuant to subsection 1 must be substantially in the following form:

NOTICE OF EXECUTION

YOUR PROPERTY IS BEING ATTACHED OR
YOUR WAGES ARE BEING GARNISHED

Plaintiff, ... (name of person), alleges that you owe the plaintiff money. The plaintiff has begun the procedure to collect that money. To secure satisfaction of judgment, the court has ordered the garnishment of your wages, bank account or other personal property held by third persons or the taking of money or other property in your possession.

Certain benefits and property owned by you may be exempt from execution and may not be taken from you. The following is a partial list of exemptions:

1. Payments received pursuant to the federal Social Security Act, including, without limitation, retirement and survivors' benefits, supplemental security income benefits and disability insurance benefits.

2. Payments for benefits or the return of contributions under the Public Employees' Retirement System.

3. Payments for public assistance granted through the Division of Welfare and Supportive Services of the Department of Health and Human Services or a local governmental entity.

4. Proceeds from a policy of life insurance.

5. Payments of benefits under a program of industrial insurance.

6. Payments received as disability, illness or unemployment benefits.

7. Payments received as unemployment compensation.

8. Veteran's benefits.

9. A homestead in a dwelling or a mobile home, not to exceed $550,000, unless:

(a) The judgment is for a medical bill, in which case all of the primary dwelling, including a mobile or manufactured home, may be exempt.

(b) Allodial title has been established and not relinquished for the dwelling or mobile home, in which case all of the dwelling or mobile home and its appurtenances are exempt, including the land on which they are located, unless a valid waiver executed pursuant to NRS 115.010 is applicable to the judgment.

10. All money reasonably deposited with a landlord by you to secure an agreement to rent or lease a dwelling that is used by you as your primary residence, except that such money is not exempt with respect to a landlord or the landlord's successor in interest who seeks to enforce the terms of the agreement to rent or lease the dwelling.

11. A vehicle, if your equity in the vehicle is less than $15,000.

12. Seventy-five percent of the take-home pay for any workweek, unless the weekly take-home pay is less than 50 times the federal minimum hourly wage, in which case the entire amount may be exempt.

13. Money, not to exceed $500,000 in present value, held in:

(a) An individual retirement arrangement which conforms with the applicable limitations and requirements of section 408 or 408A of the Internal Revenue Code, 26 U.S.C. §§ 408 and 408A;

(b) A written simplified employee pension plan which conforms with the applicable limitations and requirements of section 408 of the Internal Revenue Code, 26 U.S.C. § 408;

(c) A cash or deferred arrangement that is a qualified plan pursuant to the Internal Revenue Code;

(d) A trust forming part of a stock bonus, pension or profit-sharing plan that is a qualified plan pursuant to sections 401 et seq. of the Internal Revenue Code, 26 U.S.C. §§ 401 et seq.; and

(e) A trust forming part of a qualified tuition program pursuant to chapter 353B of NRS, any applicable regulations adopted pursuant to chapter 353B of NRS and section 529 of the Internal Revenue Code, 26 U.S.C. § 529, unless the money is deposited after the entry of a judgment against the purchaser or account owner or the money will not be used by any beneficiary to attend a college or university.

14. All money and other benefits paid pursuant to the order of a court of competent jurisdiction for the support, education and maintenance of a child, whether collected by the judgment debtor or the State.

15. All money and other benefits paid pursuant to the order of a court of competent jurisdiction for the support and maintenance of a former spouse, including the amount of any arrearages in the payment of such support and maintenance to which the former spouse may be entitled.

16. Regardless of whether a trust contains a spendthrift provision:

(a) A present or future interest in the income or principal of a trust, if the interest has not been distributed from the trust;

(b) A remainder interest in the trust whereby a beneficiary of the trust will receive property from the trust outright at some time in the future under certain circumstances;

(c) A discretionary power held by a trustee to determine whether to make a distribution from the trust, if the interest has not been distributed from the trust;

(d) The power to direct dispositions of property in the trust, other than such a power held by a trustee to distribute property to a beneficiary of the trust;

(e) Certain powers held by a trust protector or certain other persons;

(f) Any power held by the person who created the trust; and

(g) Any other property of the trust that has not been distributed from the trust. Once the property is distributed from the trust, the property is subject to execution.

17. If a trust contains a spendthrift provision:

(a) A mandatory interest in the trust in which the trustee does not have discretion concerning whether to make the distribution from the trust, if the interest has not been distributed from the trust;

(b) A support interest in the trust in which the standard for distribution may be interpreted by the trustee or a court, if the interest has not been distributed from the trust; and

(c) Any other property of the trust that has not been distributed from the trust. Once the property is distributed from the trust, the property is subject to execution.

18. A vehicle for use by you or your dependent which is specially equipped or modified to provide mobility for a person with a permanent disability.

19. A prosthesis or any equipment prescribed by a physician or dentist for you or your dependent.

20. Payments, in an amount not to exceed $16,150, received as compensation for personal injury, not including compensation for pain and suffering or actual pecuniary loss, by the judgment debtor or by a person upon whom the judgment debtor is dependent at the time the payment is received.

21. Payments received as compensation for the wrongful death of a person upon whom the judgment debtor was dependent at the time of the wrongful death, to the extent reasonably necessary for the support of the judgment debtor and any dependent of the judgment debtor.

22. Payments received as compensation for the loss of future earnings of the judgment debtor or of a person upon whom the judgment debtor is dependent at the time the payment is received, to the extent reasonably necessary for the support of the judgment debtor and any dependent of the judgment debtor.

23. Payments received as restitution for a criminal act.

24. Personal property, not to exceed $1,000 in total value, if the property is not otherwise exempt from execution.

25. A tax refund received from the earned income credit provided by federal law or a similar state law.

26. Stock of a corporation described in subsection 2 of NRS 78.746 except as set forth in that section.

➥ These exemptions may not apply in certain cases such as proceedings to enforce a judgment for support of a child or a judgment of foreclosure on a mechanic's lien. You should consult an attorney immediately to assist you in determining whether your property or money is exempt from execution. If you cannot afford an attorney, you may be eligible for assistance through ..... (name of organization in county providing legal services to the indigent or elderly persons). ***If you do not wish to consult an attorney or***

receive legal services from an organization that provides assistance to persons who qualify, you may obtain the form to be used to claim an exemption from the clerk of the court.

PROCEDURE FOR CLAIMING EXEMPT PROPERTY

If you believe that the money or property taken from you is exempt or necessary for the support of you or your family, you must file with the clerk of the court on a form provided by the clerk ~~[a notarized affidavit claiming the]~~ ***an executed claim of*** exemption. A copy of the ~~[affidavit]~~ ***claim of exemption*** must be served upon the sheriff ***, the garnishee*** and the judgment creditor within ~~[8]~~ ***20 calendar*** days after the notice of execution ***or garnishment*** is ~~[mailed.]~~ ***served on you by mail pursuant to NRS 21.076 which identifies the specific property that is being levied on.*** The property must be ~~[returned to you]~~ ***released by the garnishee or the sheriff*** within ~~[5]~~ ***9 judicial*** days after you ~~[file]~~ ***serve*** the ~~[affidavit]~~ ***claim of exemption upon the sheriff, garnishee and judgment creditor,*** unless the ~~[judgment creditor files a motion]~~ ***sheriff or garnishee receives a copy of an objection to the claim of exemption and a notice*** for a hearing to determine the issue of exemption. If this happens, a hearing will be held to determine whether the property or money is exempt. ***The objection to the claim of exemption and notice for the hearing to determine the issue of exemption must be filed within 8 judicial days after the claim of exemption is served on the judgment creditor by mail or in person and served on the judgment debtor, the sheriff and any garnishee not less than 5 judicial days before the date set for the hearing.*** The hearing must be held within ~~[10]~~ ***7 judicial*** days after the ~~[motion]~~ ***objection to the claim of exemption and notice*** for a hearing is filed. ***You may be able to have your property released more quickly if you mail to the judgment creditor or the attorney of the judgment creditor written proof that the property is exempt. Such proof may include, without limitation, a letter from the government, an annual statement from a pension fund, receipts for payment, copies of checks, records from financial institutions or any other document which demonstrates that the money in your account is exempt.***

IF YOU DO NOT FILE THE ~~[AFFIDAVIT]~~ ***EXECUTED CLAIM OF EXEMPTION*** WITHIN THE TIME SPECIFIED, YOUR PROPERTY MAY BE SOLD AND THE MONEY GIVEN TO THE JUDGMENT CREDITOR, EVEN IF THE PROPERTY OR MONEY IS EXEMPT.

If you received this notice with a notice of a hearing for attachment and you believe that the money or property which would be taken from you by a writ of attachment is exempt or necessary for the support of you or your family, you are entitled to describe to the court at the hearing why you

believe your property is exempt. You may also file a motion with the court for a discharge of the writ of attachment. You may make that motion any time before trial. A hearing will be held on that motion.

IF YOU DO NOT FILE THE MOTION BEFORE THE TRIAL, YOUR PROPERTY MAY BE SOLD AND THE MONEY GIVEN TO THE PLAINTIFF, EVEN IF THE PROPERTY OR MONEY IS EXEMPT OR NECESSARY FOR THE SUPPORT OF YOU OR YOUR FAMILY.

Sec. 11. NRS 31.290 is hereby amended to read as follows:

31.290 1. The interrogatories to ***be submitted with any writ of execution, attachment or garnishment to*** the garnishee may be in substance as follows:

INTERROGATORIES

Are you in any manner indebted to the defendants

……
……,

or either of them, either in property or money, and is the debt now due? If not due, when is the debt to become due? State fully all particulars.

Answer:……
……..

Are you an employer of one or all of the defendants? If so, state the length of your pay period and the amount ***of disposable earnings, as defined in NRS 31.295, that*** each defendant presently earns during a pay period. ***State the minimum amount of disposable earnings that is exempt from this garnishment, which is the federal minimum hourly wage prescribed by section 6(a)(1) of the federal Fair Labor Standards Act of 1938, 29 U.S.C. § 206(a)(1), in effect at the time the earnings are payable multiplied by 50 for each week of the pay period, after deducting any amount required by law to be withheld.***

Calculate the attachable amount as follows:

(***Check one of the following) The employee is paid:***

[A] Weekly: __ [B] Biweekly: __ [C] Semimonthly: __ [D] Monthly: __

(1) Gross Earnings…… $

(2) Deductions required by law (not including child support)…… $

(3) Disposable Earnings [Subtract line 2 from line 1]…… $

(4) Federal Minimum Wage…… $

(5) Multiply line 4 by 50…… $

(6) Complete the following directions in accordance with the letter selected above:

[A] Multiply line 5 by 1…… $

[B] Multiply line 5 by 2…… $

[C] Multiply line 5 by 52 and then divide by 24…….. $

[D] Multiply line 5 by 52 and then divide by 12…… $

(7) Subtract line 6 from line 3…… $

This is the attachable earnings. This amount must not exceed 25% of the disposable earnings from line 3.

Answer:……
……...

Did you have in your possession, in your charge or under your control, on the date the writ of garnishment was served upon you, any money, property, effects, goods, chattels, rights, credits or choses in action of the defendants, or either of them, or in which .....is interested? If so, state its value, and state fully all particulars.

Answer:……
……...

Do you know of any debts owing to the defendants, whether due or not due, or any money, property, effects, goods, chattels, rights, credits or choses in action, belonging to ..... or in which .....is interested, and now in the possession or under the control of others? If so, state particulars.

Answer:……
……...

Are you a financial institution with a personal account held by one or all of the defendants? If so, state the account number and the amount of money in the account which is subject to garnishment. As set forth in section 3 of this act, $2,000 or the entire amount in the account, whichever is less, is not subject to garnishment if the financial institution reasonably identifies that an electronic deposit of money has been made into the account within the immediately preceding 45 days which is exempt from execution, including, without limitation, payments of money described in section 3 of this act or, if no such deposit has been made, $1,000 or the entire amount in the account, whichever is less, is not subject to garnishment. The amount which is not subject to garnishment does not apply to each account of the judgment debtor, but rather is an aggregate amount that is not subject to garnishment.

Answer:……
……

State your correct name and address, or the name and address of your attorney upon whom written notice of further proceedings in this action may be served.

Answer:……
……..
…….

Garnishee

I (insert the name of the garnishee), ~~[do solemnly swear (or affirm)]~~ ***declare under penalty of perjury*** that the answers to the foregoing interrogatories by me subscribed are true ~~[.]~~ ***and correct.***

…….

(Signature of garnishee)

~~[SUBSCRIBED and SWORN to before me this ..... day of the month of ..... of the year .....]~~

2. The garnishee shall answer the interrogatories in writing upon oath or affirmation and submit the answers to the sheriff within the time required by the writ. ***The garnishee shall submit his or her answers to the judgment debtor within the same time.*** If the garnishee fails to do so, the garnishee shall be deemed in default.

Sec. 12. NRS 31.296 is hereby amended to read as follows:

31.296 1. Except as otherwise provided in subsection 3, if the garnishee indicates in the garnishee's answer to garnishee interrogatories that the garnishee is the employer of the defendant, the writ of garnishment served on the garnishee shall be deemed to continue for 120 days or until the amount demanded in the writ is satisfied, whichever occurs earlier.

2. In addition to the fee set forth in NRS 31.270, a garnishee is entitled to a fee from the plaintiff of $3 per pay period, not to exceed $12 per month, for each withholding made of the defendant's earnings. This subsection does not apply to the first pay period in which the defendant's earnings are garnished.

3. If the defendant's employment by the garnishee is terminated before the writ of garnishment is satisfied, the garnishee:

(a) Is liable only for the amount of earned but unpaid, disposable earnings that are subject to garnishment.

(b) Shall provide the plaintiff or the plaintiff's attorney with the last known address of the defendant and the name of any new employer of the defendant, if known by the garnishee.

4. The judgment creditor who caused the writ of attachment to issue pursuant to NRS 31.013 shall prepare an accounting and provide a report to the judgment debtor, the sheriff and each garnishee every 120 days which sets forth, without limitation, the amount owed by the judgment debtor, the costs and fees allowed pursuant to NRS 18.160 and any accrued interest and costs on the judgment. The report must advise the judgment debtor of the judgment debtor's right to request a hearing pursuant to NRS 18.110 to dispute any accrued interest, fee or other charge. The judgment creditor must submit this accounting with each subsequent application for writ made by the judgment creditor concerning the same debt.

Sec. 13. NRS 258.230 is hereby amended to read as follows:

258.230 Except with respect to the ~~[~~fee~~]~~ ***fees*** described in ~~[~~paragraph~~]~~ ***paragraphs (a) and*** (d) of subsection 2 of NRS 258.125, all fees prescribed in this chapter shall be payable in advance, if demanded. If a constable shall not have received any or all of his or her fees, which may be due the constable for services rendered by him or her in any suit or proceedings, the constable may have execution therefor in his or her own name against the party or parties from whom they are due, to be issued from the court where the action is pending, upon the order of the justice of the peace or court upon affidavit filed.

Sec. 14. NRS 612.710 is hereby amended to read as follows:

612.710 Except as otherwise provided in NRS 31A.150:

1. Any assignment, pledge or encumbrance of any right to benefits which are or may become due or payable under this chapter is void, except for a voluntary assignment of benefits to satisfy an obligation to pay support for a child.

2. Benefits are exempt from levy, execution, attachment, or any other remedy provided for the collection of debt. Benefits received by any person ~~[~~, ~~if they are not mingled with other money of the recipient,~~]~~ are exempt from any remedy for the collection of all debts, except debts incurred for necessaries furnished to the person or the person's spouse or dependents during the time when the person was unemployed.

3. Any other waiver of any exemption provided for in this section is void.

Sec. 15. NRS 21.114 is hereby repealed.

TEXT OF REPEALED SECTION

21.114 Sureties: Submission to jurisdiction of court; exceptions to sufficiency and justification.

1. By entering into any undertaking provided for in NRS 21.112, the sureties thereunder submit themselves to the jurisdiction of the court and irrevocably appoint the clerk of the court as agent upon whom any papers affecting liability on the undertaking may be served. Liability on such undertaking may be enforced on motion to the court without the necessity of an independent action. The motion and such reasonable notice of the motion as the court prescribes may be served on the clerk of the court, who shall forthwith mail copies to the sureties if their addresses are known.

2. Exceptions to the sufficiency of the sureties and their justification may be had and taken in the same manner as upon an undertaking given in other cases under titles 2 and 3 of NRS. If they, or others in their place, fail to justify at the time and place appointed, the sheriff must release the property; but if no exception is taken within 5 days after notice of receipt of the

undertaking, the judgment debtor shall be deemed to have waived any and all objections to the sufficiency of the sureties.

Assemblyman Horne moved that the Assembly concur in the Senate Amendment No. 694 to Assembly Bill No. 223.

Remarks by Assemblyman Horne.

Motion carried.

The following Senate amendment was read:

Amendment No. 851.

AN ACT relating to civil actions; providing that a certain amount of money held in a personal bank account that is likely to be exempt from execution is not subject to a writ of execution or garnishment except in certain circumstances; providing a procedure to execute on property held in a safe-deposit box; revising the procedure for claiming an exemption from execution on certain property; making various other changes to provisions governing writs of execution, attachment and garnishment; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law allows a judgment creditor to obtain a writ of execution, attachment or garnishment to levy on the property of a judgment debtor or defendant in certain circumstances. (Chapters 21 and 31 of NRS) Certain property, however, is exempt from execution and therefore cannot be the subject of such a writ. (NRS 21.090) **Section 3** of this bill provides that a certain amount of money held in the personal bank account of a judgment debtor which is likely to be exempt from execution is not subject to a writ of execution or garnishment and must remain accessible to the judgment debtor except in certain circumstances. **Section 3** further provides immunity from liability to a financial institution which makes an incorrect determination concerning whether money is subject to execution. **Section 4** of this bill provides that notwithstanding the provisions of **section 3**, if a judgment debtor has personal bank accounts in more than one financial institution, the writ may attach to all money in those accounts. The judgment debtor then may claim any exemption that may apply.

Section 5 of this bill provides that a separate writ must be issued to levy on property in a safe-deposit box and provides a procedure for executing on such a writ.

Section 5.5 of this bill revises the form for a writ of execution issued on a judgment for the recovery of money to include notice on the form to financial institutions of whether the judgment is for the recovery of money for the support of a person.

Section 7 of this bill provides additional exemptions from execution which are provided by Nevada law.

Section 8 of this bill revises the procedures for claiming an exemption from execution, and for objecting to such a claim of exemption. **Sections 6 and 10** of this bill revise the notice that is provided to a judgment debtor or defendant when a writ of execution, attachment or garnishment is levied on the property of the judgment debtor or defendant so that the procedures listed in the notice reflect the changes made in **section 8**. **Sections 6 and 10** further revise the notice to provide additional information concerning the claiming of exemptions.

Sections 2 and 9 of this bill clarify that a constable has authority to perform any of the duties assigned to a sheriff and has all of the authority granted to a sheriff with respect to a writ of execution, garnishment or attachment.

Section 11 of this bill revises the interrogatories that are used with a writ of execution, attachment or garnishment to clarify the manner of determining the earnings which must be identified as subject to execution and to provide specific questions for a bank to conform to the new provisions in **section 3**.

Section 12 of this bill requires the judgment creditor who caused a writ of attachment to issue to prepare an accounting and provide a report to the judgment debtor, the sheriff and each garnishee every 120 days providing information about the debt and the rights of the debtor. The accounting must also be submitted with each subsequent application for a writ filed by the judgment creditor concerning the same judgment.

Section 13 of this bill provides that the fee for receiving, removing and taking care of property on execution, attachment or court order collected by a constable is not payable in advance.

Section 14 of this bill provides that certain unemployment benefits are exempt from execution regardless of whether they are mingled with other money.

Section 15 of this bill repeals NRS 21.114 concerning the submission of sureties to the jurisdiction of the court because the requirement for an undertaking requiring a surety is removed in **section 8**.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 21 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 5, inclusive, of this act.

Sec. 2. ***A constable may perform any of the duties assigned to a sheriff and has all of the authority granted to a sheriff pursuant to this chapter with respect to a writ of execution or garnishment.***

Sec. 3. ***1. If a writ of execution or garnishment is levied on the personal bank account of the judgment debtor and money has been deposited into the account electronically within the immediately preceding***

45 days from the date on which the writ was served which is reasonably identifiable as exempt from execution, notwithstanding any other deposits of money into the account, $2,000 or the entire amount in the account, whichever is less, is not subject to execution and must remain accessible to the judgment debtor. For the purposes of this section, money is reasonably identifiable as exempt from execution if the money is deposited in the bank account by the United States Department of the Treasury, including, without limitation, money deposited as:

(a) Benefits provided pursuant to the Social Security Act which are exempt from execution pursuant to 42 U.S.C. §§ 407 and 1383, including, without limitation, retirement and survivors' benefits, supplemental security income benefits, disability insurance benefits and child support payments that are processed pursuant to Part D of Title IV of the Social Security Act;

(b) Veterans' benefits which are exempt from execution pursuant to 38 U.S.C. § 5301;

(c) Annuities payable to retired railroad employees which are exempt from execution pursuant to 45 U.S.C. § 231m;

(d) Benefits provided for retirement or disability of federal employees which are exempt from execution pursuant to 5 U.S.C. §§ 8346 and 8470;

(e) Annuities payable to retired members of the Armed Forces of the United States and to any surviving spouse or children of such members which are exempt from execution pursuant to 10 U.S.C. §§ 1440 and 1450;

(f) Payments and allowances to members of the Armed Forces of the United States which are exempt from execution pursuant to 37 U.S.C. § 701;

(g) Federal student loan payments which are exempt from execution pursuant to 20 U.S.C. § 1095a;

(h) Wages due or accruing to merchant seamen which are exempt from execution pursuant to 46 U.S.C. § 11109;

(i) Compensation or benefits due or payable to longshore and harbor workers which are exempt from execution pursuant to 33 U.S.C. § 916;

(j) Annuities and benefits for retirement and disability of members of the foreign service which are exempt from execution pursuant to 22 U.S.C. § 4060;

(k) Compensation for injury, death or detention of employees of contractors with the United States outside the United States which is exempt from execution pursuant to 42 U.S.C. § 1717;

(l) Assistance for a disaster from the Federal Emergency Management Agency which is exempt from execution pursuant to 44 C.F.R. § 206.110;

(m) Black lung benefits paid to a miner or a miner's surviving spouse or children pursuant to 30 U.S.C. § 922 or 931 which are exempt from execution; and

(n) Benefits provided pursuant to any other federal law.

2. If a writ of execution or garnishment is levied on the personal bank account of the judgment debtor and the provisions of subsection 1 do not apply, ~~[$1,000]~~ $400 or the entire amount in the account, whichever is less, is not subject to execution and must remain accessible to the judgment debtor, unless the writ of execution or garnishment is for the recovery of money owed for the support of any person.

3. If a judgment debtor has more than one personal bank account with the bank to which a writ is issued, the amount that is not subject to execution must not in the aggregate exceed the amount specified in subsection 1 or 2, as applicable.

4. A judgment debtor may apply to a court to claim an exemption for any amount subject to a writ levied on a personal bank account which exceeds the amount that is not subject to execution pursuant to subsection 1 or 2.

5. If money in the personal account of the judgment debtor which exceeds the amount that is not subject to execution pursuant to subsection 1 or 2 includes exempt and nonexempt money, the judgment debtor may claim an exemption for the exempt money in the manner set forth in NRS 21.112. To determine whether such money in the account is exempt, the judgment creditor must use the method of accounting which applies the standard that the first money deposited in the account is the first money withdrawn from the account. The court may require a judgment debtor to provide statements from the bank which include all deposits into and withdrawals from the account for the immediately preceding 90 days.

6. A financial institution which makes a reasonable effort to determine whether money in the account of a judgment debtor is subject to execution for the purposes of this section is immune from civil liability for any act or omission with respect to that determination, including, without limitation, when the financial institution makes an incorrect determination after applying commercially reasonable methods for determining whether money in an account is exempt because the source of the money was not clearly identifiable or because the financial institution inadvertently misidentified the source of the money. If a court determines that a financial institution failed to identify that money in an account was not subject to execution pursuant to this section, the financial institution must adjust its actions with respect to a writ of execution as soon as possible but may not be held liable for damages.

7. Nothing in this section requires a financial institution to revise its determination about whether money is exempt, except by an order of a court.

Sec. 4. ***1. Notwithstanding the provisions of section 3 of this act, if a judgment debtor has a personal bank account in more than one financial institution, the judgment creditor is entitled to an order from the court to be issued with the writ of execution or garnishment which states that all money held in all such accounts of the judgment debtor that are identified in the application for the order are subject to the writ.***

2. A judgment creditor may apply to the court for an order pursuant to subsection 1 by submitting a signed affidavit which identifies each financial institution in which the judgment debtor has a personal account.

3. A judgment debtor may claim an exemption for any exempt money in the account to which the writ attaches in the manner set forth in NRS 21.112.

Sec. 5. ***1. If a writ of execution or garnishment is levied on property in a safe-deposit box maintained at a financial institution, a separate writ must be issued from any writ that is issued to levy on an account of the judgment debtor with the financial institution. Notice of the writ must be served personally on the financial institution and promptly thereafter on any third person who is named on the safe-deposit box.***

2. During the period in which the writ of execution or garnishment is in effect, the financial institution must not allow the contents of the safe-deposit box to be removed other than as directed by the sheriff or by court order.

3. The sheriff may allow the person in whose name the safe-deposit box is held to open the safe-deposit box so that the contents may be removed pursuant to the levy. The financial institution may refuse to allow the forcible opening of the safe-deposit box to allow the removal of the property levied upon unless the judgment creditor pays in advance the cost of forcibly opening the safe-deposit box and of repairing any damage caused thereby.

Sec. 5.5. NRS 21.025 is hereby amended to read as follows:

21.025 A writ of execution issued on a judgment for the recovery of money must be substantially in the following form:

(Title of the Court)

(Number and abbreviated title of the case)

EXECUTION

THE PEOPLE OF THE STATE OF NEVADA:

To the sheriff of ..... County.

Greetings:

To FINANCIAL INSTITUTIONS: This judgment is for the recovery of money for the support of a person.

On .....(month).....(day).....(year), a judgment was entered by the above-entitled court in the above-entitled action in favor of ..... as judgment creditor and against ..... as judgment debtor for:

$ ……principal,

$ .....attorney's fees,

$ ……. ….interest, and

$ ……..costs, making a total amount of

$ ……..the judgment as entered, and

WHEREAS, according to an affidavit or a memorandum of costs after judgment, or both, filed herein, it appears that further sums have accrued since the entry of judgment, to wit:

$ ……..accrued interest, and

$ ……..accrued costs, together with $..... fee, for the issuance of this writ, making a total of

$ ……..as accrued costs, accrued interest and fees.

Credit must be given for payments and partial satisfactions in the amount of

$ ……...

which is to be first credited against the total accrued costs and accrued interest, with any excess credited against the judgment as entered, leaving a net balance of

$ ……

actually due on the date of the issuance of this writ, of which

$ ……

bears interest at ..... percent per annum, in the amount of $..... per day, from the date of judgment to the date of levy, to which must be added the commissions and costs of the officer executing this writ.

NOW, THEREFORE, SHERIFF OF ..... COUNTY, you are hereby commanded to satisfy this judgment with interest and costs as provided by law, out of the personal property of the judgment debtor, except that for any workweek, 75 percent of the disposable earnings of the debtor during that week or 50 times the minimum hourly wage prescribed by section 6(a)(1) of the federal Fair Labor Standards Act of 1938, 29 U.S.C. § 206(a)(1), and in effect at the time the earnings are payable, whichever is greater, is exempt from any levy of execution pursuant to this writ, and if sufficient personal property cannot be found, then out of the real property belonging to the debtor in the aforesaid county, and make return to this writ within not less than 10 days or more than 60 days endorsed thereon with what you have done.

Dated: This ..... day of the month of ..... of the year .....

....., Clerk.

By....., Deputy Clerk.

Sec. 6. NRS 21.075 is hereby amended to read as follows:

21.075 1. Execution on the writ of execution by levying on the property of the judgment debtor may occur only if the sheriff serves the judgment debtor with a notice of the writ of execution pursuant to NRS 21.076 and a copy of the writ. The notice must describe the types of property exempt from execution and explain the procedure for claiming those exemptions in the manner required in subsection 2. The clerk of the court shall attach the notice to the writ of execution at the time the writ is issued.

2. The notice required pursuant to subsection 1 must be substantially in the following form:

NOTICE OF EXECUTION
YOUR PROPERTY IS BEING ATTACHED OR
YOUR WAGES ARE BEING GARNISHED

A court has determined that you owe money to ..... (name of person), the judgment creditor. The judgment creditor has begun the procedure to collect that money by garnishing your wages, bank account and other personal property held by third persons or by taking money or other property in your possession.

Certain benefits and property owned by you may be exempt from execution and may not be taken from you. The following is a partial list of exemptions:

1. Payments received pursuant to the federal Social Security Act, including, without limitation, retirement and survivors' benefits, supplemental security income benefits and disability insurance benefits.

2. Payments for benefits or the return of contributions under the Public Employees' Retirement System.

3. Payments for public assistance granted through the Division of Welfare and Supportive Services of the Department of Health and Human Services or a local governmental entity.

4. Proceeds from a policy of life insurance.

5. Payments of benefits under a program of industrial insurance.

6. Payments received as disability, illness or unemployment benefits.

7. Payments received as unemployment compensation.

8. Veteran's benefits.

9. A homestead in a dwelling or a mobile home, not to exceed $550,000, unless:

(a) The judgment is for a medical bill, in which case all of the primary dwelling, including a mobile or manufactured home, may be exempt.

(b) Allodial title has been established and not relinquished for the dwelling or mobile home, in which case all of the dwelling or mobile home and its appurtenances are exempt, including the land on which they are located, unless a valid waiver executed pursuant to NRS 115.010 is applicable to the judgment.

10. All money reasonably deposited with a landlord by you to secure an agreement to rent or lease a dwelling that is used by you as your primary residence, except that such money is not exempt with respect to a landlord or landlord's successor in interest who seeks to enforce the terms of the agreement to rent or lease the dwelling.

11. A vehicle, if your equity in the vehicle is less than $15,000.

12. Seventy-five percent of the take-home pay for any workweek, unless the weekly take-home pay is less than 50 times the federal minimum hourly wage, in which case the entire amount may be exempt.

13. Money, not to exceed $500,000 in present value, held in:

(a) An individual retirement arrangement which conforms with the applicable limitations and requirements of section 408 or 408A of the Internal Revenue Code, 26 U.S.C. §§ 408 and 408A;

(b) A written simplified employee pension plan which conforms with the applicable limitations and requirements of section 408 of the Internal Revenue Code, 26 U.S.C. § 408;

(c) A cash or deferred arrangement that is a qualified plan pursuant to the Internal Revenue Code;

(d) A trust forming part of a stock bonus, pension or profit-sharing plan that is a qualified plan pursuant to sections 401 et seq. of the Internal Revenue Code, 26 U.S.C. §§ 401 et seq.; and

(e) A trust forming part of a qualified tuition program pursuant to chapter 353B of NRS, any applicable regulations adopted pursuant to chapter 353B of NRS and section 529 of the Internal Revenue Code, 26 U.S.C. § 529, unless the money is deposited after the entry of a judgment against the purchaser or account owner or the money will not be used by any beneficiary to attend a college or university.

14. All money and other benefits paid pursuant to the order of a court of competent jurisdiction for the support, education and maintenance of a child, whether collected by the judgment debtor or the State.

15. All money and other benefits paid pursuant to the order of a court of competent jurisdiction for the support and maintenance of a former spouse, including the amount of any arrearages in the payment of such support and maintenance to which the former spouse may be entitled.

16. Regardless of whether a trust contains a spendthrift provision:

(a) A present or future interest in the income or principal of a trust, if the interest has not been distributed from the trust;

(b) A remainder interest in the trust whereby a beneficiary of the trust will receive property from the trust outright at some time in the future under certain circumstances;

(c) A discretionary power held by a trustee to determine whether to make a distribution from the trust, if the interest has not been distributed from the trust;

(d) The power to direct dispositions of property in the trust, other than such a power held by a trustee to distribute property to a beneficiary of the trust;

(e) Certain powers held by a trust protector or certain other persons;

(f) Any power held by the person who created the trust; and

(g) Any other property of the trust that has not been distributed from the trust. Once the property is distributed from the trust, the property is subject to execution.

17. If a trust contains a spendthrift provision:

(a) A mandatory interest in the trust in which the trustee does not have discretion concerning whether to make the distribution from the trust, if the interest has not been distributed from the trust;

(b) A support interest in the trust in which the standard for distribution may be interpreted by the trustee or a court, if the interest has not been distributed from the trust; and

(c) Any other property of the trust that has not been distributed from the trust. Once the property is distributed from the trust, the property is subject to execution.

18. A vehicle for use by you or your dependent which is specially equipped or modified to provide mobility for a person with a permanent disability.

19. A prosthesis or any equipment prescribed by a physician or dentist for you or your dependent.

20. Payments, in an amount not to exceed $16,150, received as compensation for personal injury, not including compensation for pain and suffering or actual pecuniary loss, by the judgment debtor or by a person upon whom the judgment debtor is dependent at the time the payment is received.

21. Payments received as compensation for the wrongful death of a person upon whom the judgment debtor was dependent at the time of the wrongful death, to the extent reasonably necessary for the support of the judgment debtor and any dependent of the judgment debtor.

22. Payments received as compensation for the loss of future earnings of the judgment debtor or of a person upon whom the judgment debtor is dependent at the time the payment is received, to the extent reasonably

necessary for the support of the judgment debtor and any dependent of the judgment debtor.

23. Payments received as restitution for a criminal act.

24. Personal property, not to exceed $1,000 in total value, if the property is not otherwise exempt from execution.

25. A tax refund received from the earned income credit provided by federal law or a similar state law.

26. Stock of a corporation described in subsection 2 of NRS 78.746 except as set forth in that section.

➥ These exemptions may not apply in certain cases such as a proceeding to enforce a judgment for support of a person or a judgment of foreclosure on a mechanic's lien. You should consult an attorney immediately to assist you in determining whether your property or money is exempt from execution. If you cannot afford an attorney, you may be eligible for assistance through ..... (name of organization in county providing legal services to indigent or elderly persons). ***If you do not wish to consult an attorney or receive legal services from an organization that provides assistance to persons who qualify, you may obtain the form to be used to claim an exemption from the clerk of the court.***

PROCEDURE FOR CLAIMING EXEMPT PROPERTY

If you believe that the money or property taken from you is exempt, you must complete and file with the clerk of the court ~~[a notarized affidavit claiming the]~~ ***an executed claim of*** exemption. A copy of the ~~[affidavit]~~ ***claim of exemption*** must be served upon the sheriff ***, the garnishee*** and the judgment creditor within ~~[8]~~ ~~*[20 calendar]*~~ ***10*** days after the notice of execution ***or garnishment*** is ~~[mailed.]~~ ***served on you by mail pursuant to NRS 21.076 which identifies the specific property that is being levied on.*** The property must be ~~[returned to you]~~ ***released by the garnishee or the sheriff*** within ~~[5]~~ ***9 judicial*** days after you ~~[file]~~ ***serve*** the ~~[affidavit]~~ ***claim of exemption upon the sheriff, garnishee and judgment creditor,*** unless ~~[you or the judgment creditor files a motion]~~ ***the sheriff or garnishee receives a copy of an objection to the claim of exemption and a notice*** for a hearing to determine the issue of exemption. If this happens, a hearing will be held to determine whether the property or money is exempt. The ~~[motion]~~ ***objection to the claim of exemption and notice*** for the hearing to determine the issue of exemption must be filed within ~~[10]~~ ***8 judicial*** days after the ~~[affidavit claiming]~~ ***claim of*** exemption is ~~[filed.]~~ ***served on the judgment creditor by mail or in person and served on the judgment debtor, the sheriff and any garnishee not less than 5 judicial days before the date set for the hearing.*** The hearing to determine whether the property or money is exempt must be held within ~~[10]~~ ***7 judicial*** days after the ~~[motion]~~ ***objection to the claim of***

exemption and notice for the hearing is filed. ***You may be able to have your property released more quickly if you mail to the judgment creditor or the attorney of the judgment creditor written proof that the property is exempt. Such proof may include, without limitation, a letter from the government, an annual statement from a pension fund, receipts for payment, copies of checks, records from financial institutions or any other document which demonstrates that the money in your account is exempt.***

IF YOU DO NOT FILE THE ~~[~~AFFIDAVIT~~]~~ ***EXECUTED CLAIM OF EXEMPTION*** WITHIN THE TIME SPECIFIED, YOUR PROPERTY MAY BE SOLD AND THE MONEY GIVEN TO THE JUDGMENT CREDITOR, EVEN IF THE PROPERTY OR MONEY IS EXEMPT.

Sec. 7. NRS 21.090 is hereby amended to read as follows:

21.090 1. The following property is exempt from execution, except as otherwise specifically provided in this section or required by federal law:

(a) Private libraries, works of art, musical instruments and jewelry not to exceed $5,000 in value, belonging to the judgment debtor or a dependent of the judgment debtor, to be selected by the judgment debtor, and all family pictures and keepsakes.

(b) Necessary household goods, furnishings, electronics, wearing apparel, other personal effects and yard equipment, not to exceed $12,000 in value, belonging to the judgment debtor or a dependent of the judgment debtor, to be selected by the judgment debtor.

(c) Farm trucks, farm stock, farm tools, farm equipment, supplies and seed not to exceed $4,500 in value, belonging to the judgment debtor to be selected by the judgment debtor.

(d) Professional libraries, equipment, supplies, and the tools, inventory, instruments and materials used to carry on the trade or business of the judgment debtor for the support of the judgment debtor and his or her family not to exceed $10,000 in value.

(e) The cabin or dwelling of a miner or prospector, the miner's or prospector's cars, implements and appliances necessary for carrying on any mining operations and the mining claim actually worked by the miner or prospector, not exceeding $4,500 in total value.

(f) Except as otherwise provided in paragraph (p), one vehicle if the judgment debtor's equity does not exceed $15,000 or the creditor is paid an amount equal to any excess above that equity.

(g) For any workweek, 75 percent of the disposable earnings of a judgment debtor during that week, or 50 times the minimum hourly wage prescribed by section 6(a)(1) of the federal Fair Labor Standards Act of 1938, 29 U.S.C. § 206(a)(1), and in effect at the time the earnings are payable, whichever is greater. Except as otherwise provided in paragraphs (o), (s) and

(t), the exemption provided in this paragraph does not apply in the case of any order of a court of competent jurisdiction for the support of any person, any order of a court of bankruptcy or of any debt due for any state or federal tax. As used in this paragraph:

(1) "Disposable earnings" means that part of the earnings of a judgment debtor remaining after the deduction from those earnings of any amounts required by law to be withheld.

(2) "Earnings" means compensation paid or payable for personal services performed by a judgment debtor in the regular course of business, including, without limitation, compensation designated as income, wages, tips, a salary, a commission or a bonus. The term includes compensation received by a judgment debtor that is in the possession of the judgment debtor, compensation held in accounts maintained in a bank or any other financial institution or, in the case of a receivable, compensation that is due the judgment debtor.

(h) All fire engines, hooks and ladders, with the carts, trucks and carriages, hose, buckets, implements and apparatus thereunto appertaining, and all furniture and uniforms of any fire company or department organized under the laws of this State.

(i) All arms, uniforms and accouterments required by law to be kept by any person, and also one gun, to be selected by the debtor.

(j) All courthouses, jails, public offices and buildings, lots, grounds and personal property, the fixtures, furniture, books, papers and appurtenances belonging and pertaining to the courthouse, jail and public offices belonging to any county of this State, all cemeteries, public squares, parks and places, public buildings, town halls, markets, buildings for the use of fire departments and military organizations, and the lots and grounds thereto belonging and appertaining, owned or held by any town or incorporated city, or dedicated by the town or city to health, ornament or public use, or for the use of any fire or military company organized under the laws of this State and all lots, buildings and other school property owned by a school district and devoted to public school purposes.

(k) All money, benefits, privileges or immunities accruing or in any manner growing out of any life insurance, if the annual premium paid does not exceed $15,000. If the premium exceeds that amount, a similar exemption exists which bears the same proportion to the money, benefits, privileges and immunities so accruing or growing out of the insurance that the $15,000 bears to the whole annual premium paid.

(l) The homestead as provided for by law, including a homestead for which allodial title has been established and not relinquished and for which a waiver executed pursuant to NRS 115.010 is not applicable.

(m) The dwelling of the judgment debtor occupied as a home for himself or herself and family, where the amount of equity held by the judgment debtor in the home does not exceed $550,000 in value and the dwelling is situated upon lands not owned by the judgment debtor.

(n) All money reasonably deposited with a landlord by the judgment debtor to secure an agreement to rent or lease a dwelling that is used by the judgment debtor as his or her primary residence, except that such money is not exempt with respect to a landlord or the landlord's successor in interest who seeks to enforce the terms of the agreement to rent or lease the dwelling.

(o) All property in this State of the judgment debtor where the judgment is in favor of any state for failure to pay that state's income tax on benefits received from a pension or other retirement plan.

(p) Any vehicle owned by the judgment debtor for use by the judgment debtor or the judgment debtor's dependent that is equipped or modified to provide mobility for a person with a permanent disability.

(q) Any prosthesis or equipment prescribed by a physician or dentist for the judgment debtor or a dependent of the debtor.

(r) Money, not to exceed $500,000 in present value, held in:

(1) An individual retirement arrangement which conforms with the applicable limitations and requirements of section 408 or 408A of the Internal Revenue Code, 26 U.S.C. §§ 408 and 408A;

(2) A written simplified employee pension plan which conforms with the applicable limitations and requirements of section 408 of the Internal Revenue Code, 26 U.S.C. § 408;

(3) A cash or deferred arrangement which is a qualified plan pursuant to the Internal Revenue Code;

(4) A trust forming part of a stock bonus, pension or profit-sharing plan which is a qualified plan pursuant to sections 401 et seq. of the Internal Revenue Code, 26 U.S.C. §§ 401 et seq.; and

(5) A trust forming part of a qualified tuition program pursuant to chapter 353B of NRS, any applicable regulations adopted pursuant to chapter 353B of NRS and section 529 of the Internal Revenue Code, 26 U.S.C. § 529, unless the money is deposited after the entry of a judgment against the purchaser or account owner or the money will not be used by any beneficiary to attend a college or university.

(s) All money and other benefits paid pursuant to the order of a court of competent jurisdiction for the support, education and maintenance of a child, whether collected by the judgment debtor or the State.

(t) All money and other benefits paid pursuant to the order of a court of competent jurisdiction for the support and maintenance of a former spouse, including the amount of any arrearages in the payment of such support and maintenance to which the former spouse may be entitled.

(u) Payments, in an amount not to exceed $16,150, received as compensation for personal injury, not including compensation for pain and suffering or actual pecuniary loss, by the judgment debtor or by a person upon whom the judgment debtor is dependent at the time the payment is received.

(v) Payments received as compensation for the wrongful death of a person upon whom the judgment debtor was dependent at the time of the wrongful death, to the extent reasonably necessary for the support of the judgment debtor and any dependent of the judgment debtor.

(w) Payments received as compensation for the loss of future earnings of the judgment debtor or of a person upon whom the judgment debtor is dependent at the time the payment is received, to the extent reasonably necessary for the support of the judgment debtor and any dependent of the judgment debtor.

(x) Payments received as restitution for a criminal act.

(y) Payments received pursuant to the federal Social Security Act, including, without limitation, retirement and survivors' benefits, supplemental security income benefits and disability insurance benefits.

(z) Any personal property not otherwise exempt from execution pursuant to this subsection belonging to the judgment debtor, including, without limitation, the judgment debtor's equity in any property, money, stocks, bonds or other funds on deposit with a financial institution, not to exceed $1,000 in total value, to be selected by the judgment debtor.

(aa) Any tax refund received by the judgment debtor that is derived from the earned income credit described in section 32 of the Internal Revenue Code, 26 U.S.C. § 32, or a similar credit provided pursuant to a state law.

(bb) Stock of a corporation described in subsection 2 of NRS 78.746 except as set forth in that section.

(cc) Regardless of whether a trust contains a spendthrift provision:

(1) A beneficial interest in the trust as defined in NRS 163.4145 if the interest has not been distributed;

(2) A remainder interest in the trust as defined in NRS 163.416 if the trust does not indicate that the remainder interest is certain to be distributed within 1 year after the date on which the instrument that creates the remainder interest becomes irrevocable;

(3) A discretionary interest in the trust as described in NRS 163.4185 if the interest has not been distributed;

(4) A power of appointment in the trust as defined in NRS 163.4157 regardless of whether the power has been distributed or transferred;

(5) A power listed in NRS 163.5553 that is held by a trust protector as defined in NRS 163.5547 or any other person regardless of whether the power has been distributed or transferred;

(6) A reserved power in the trust as defined in NRS 163.4165 regardless of whether the power has been distributed or transferred; and

(7) Any other property of the trust that has not been distributed from the trust. Once the property is distributed from the trust, the property is subject to execution.

(dd) If a trust contains a spendthrift provision:

(1) A mandatory interest in the trust as described in NRS 163.4185 if the interest has not been distributed;

(2) Notwithstanding a beneficiary's right to enforce a support interest, a support interest in the trust as described in NRS 163.4185 if the interest has not been distributed; and

(3) Any other property of the trust that has not been distributed from the trust. Once the property is distributed from the trust, the property is subject to execution.

(ee) Proceeds received from a private disability insurance plan.

(ff) Money in a trust fund for funeral or burial services pursuant to NRS 689.700.

(gg) Compensation that was payable or paid pursuant to chapters 616A to 616D, inclusive, or chapter 617 of NRS as provided in NRS 616C.205.

(hh) Unemployment compensation benefits received pursuant to NRS 612.710.

(ii) Benefits or refunds payable or paid from the Public Employees' Retirement System pursuant to NRS 286.670.

(jj) Money paid or rights existing for vocational rehabilitation pursuant to NRS 615.270.

(kk) Public assistance provided through the Department of Health and Human Services pursuant to NRS 422.291.

(ll) Child welfare assistance provided pursuant to NRS 432.036.

2. Except as otherwise provided in NRS 115.010, no article or species of property mentioned in this section is exempt from execution issued upon a judgment to recover for its price, or upon a judgment of foreclosure of a mortgage or other lien thereon.

3. Any exemptions specified in subsection (d) of section 522 of the Bankruptcy Act of 1978, 11 U.S.C. § 522(d), do not apply to property owned by a resident of this State unless conferred also by subsection 1, as limited by subsection 2.

Sec. 8. NRS 21.112 is hereby amended to read as follows:

21.112 1. In order to claim exemption of any property levied on ~~[,]~~ ***pursuant to this section,*** the judgment debtor must, within ~~[8]~~ ~~*[20 calendar]*~~ ***10*** days after the notice ~~[prescribed in NRS 21.075 is mailed,]~~ ***of a writ of execution or garnishment is served on the judgment debtor by mail pursuant to NRS 21.076 which identifies the specific property that is being***

levied on, serve on the sheriff ***, the garnishee*** and ***the*** judgment creditor and file with the clerk of the court issuing the writ of execution ~~[an affidavit setting out]~~ the judgment debtor's claim of exemption ~~[.]~~ ***which is executed in the manner set forth in NRS 53.045. If the property that is levied on is the earnings of the judgment debtor, the judgment debtor must file the claim of exemption pursuant to this subsection within*** ~~*[20 calendar]*~~ ***10 days after the date of each withholding of the judgment debtor's earnings.***

2. The clerk of the court shall provide the form for the ~~[affidavit.~~

~~2. When the affidavit is served, the sheriff shall release the property if the judgment creditor, within 5 days after written demand by the sheriff:~~

~~(a) Fails to give the sheriff an undertaking executed by two good and sufficient sureties which:~~

~~(1) Is in a sum equal to double the value of the property levied on; and~~

~~(2) Indemnifies the judgment debtor against loss, liability, damages, costs and attorney's fees by reason of the taking, withholding or sale of the property by the sheriff; or~~

~~(b) Fails to file a motion for a hearing to determine whether the property or money is exempt.~~

~~➥ The clerk of the court shall provide the form for the motion.~~

~~3. At the time of giving the sheriff the undertaking provided for in subsection 2, the judgment creditor shall give notice of the undertaking to the judgment debtor.~~

~~4.]~~ ***claim of exemption and shall further provide with the form instructions concerning the manner in which to claim an exemption, a checklist and description of the most commonly claimed exemptions, instructions concerning the manner in which the property must be released to the judgment debtor if no objection to the claim of exemption is filed and an order to be used by the court to grant or deny an exemption. No fee may be charged for providing such a form or for filing the form with the court.***

3. An objection to the claim of exemption and notice for a hearing must be filed with the court within 8 judicial days after the claim of exemption is served on the judgment creditor by mail or in person and served on the judgment debtor, the sheriff and any garnishee. The judgment creditor shall also serve notice of the date of the hearing on the judgment debtor, the sheriff and any garnishee not less than 5 judicial days before the date set for the hearing.

4. If an objection to the claim of exemption and notice for a hearing are not filed within 8 judicial days after the claim of exemption has been served, the property of the judgment debtor must be released by the person who has control or possession over the property in accordance with the instructions set forth on the form for the claim of exemption provided

pursuant to subsection 2 within 9 judicial days after the claim of exemption has been served.

5. The sheriff is not liable to the judgment debtor for damages by reason of the taking, withholding or sale of any property ~~[,]~~ where ~~[~~:

~~(a) No affidavit claiming~~] ***a claim of*** exemption is ***not*** served on the sheriff **.** ~~[~~; or

~~(b) An affidavit claiming exemption is served on the sheriff, but the sheriff fails to release the property in accordance with this section.~~

~~5.~~] ***6.*** Unless the court continues the hearing for good cause shown, the hearing ***on an objection to a claim of exemption*** to determine whether the property or money is exempt must be held within ~~[10]~~ ***7 judicial*** days after the ~~[motion]~~ ***objection to the claim and notice*** for ~~[the]~~ ***a*** hearing is filed.

~~[6. The judgment creditor shall give the judgment debtor at least 5 days' notice of the hearing.]~~ ***The judgment debtor has the burden to prove that he or she is entitled to the claimed exemption at such a hearing. After determining whether the judgment debtor is entitled to an exemption, the court shall mail a copy of the order to the judgment debtor, the judgment creditor, any other named party, the sheriff and any garnishee.***

7. If the sheriff or garnishee does not receive a copy of a claim of exemption from the judgment debtor within 25 calendar days after the property is levied on, the garnishee must release the property to the sheriff or, if the property is held by the sheriff, the sheriff must release the property to the judgment creditor.

8. At any time after:

(a) An exemption is claimed pursuant to this section, the judgment debtor may withdraw the claim of exemption and direct that the property be released to the judgment creditor.

(b) An objection to a claim of exemption is filed pursuant to this section, the judgment creditor may withdraw the objection and direct that the property be released to the judgment debtor.

9. The provisions of this section do not limit or prohibit any other remedy provided by law.

10. In addition to any other procedure or remedy authorized by law, a person other than the judgment debtor whose property is the subject of a writ of execution or garnishment may follow the procedures set forth in this section for claiming an exemption to have the property released.

11. A judgment creditor shall not require a judgment debtor to waive any exemption which the judgment debtor is entitled to claim.

Sec. 9. Chapter 31 of NRS is hereby amended by adding thereto a new section to read as follows:

A constable may perform any of the duties assigned to a sheriff and has all of the authority granted to a sheriff pursuant to this chapter with respect to a writ of attachment.

Sec. 10. NRS 31.045 is hereby amended to read as follows:

31.045 1. Execution on the writ of attachment by attaching property of the defendant may occur only if:

(a) The judgment creditor serves the defendant with notice of the execution when the notice of the hearing is served pursuant to NRS 31.013; or

(b) Pursuant to an ex parte hearing, the sheriff serves upon the judgment debtor notice of the execution and a copy of the writ at the same time and in the same manner as set forth in NRS 21.076.

➥ If the attachment occurs pursuant to an ex parte hearing, the clerk of the court shall attach the notice to the writ of attachment at the time the writ is issued.

2. The notice required pursuant to subsection 1 must be substantially in the following form:

NOTICE OF EXECUTION
YOUR PROPERTY IS BEING ATTACHED OR
YOUR WAGES ARE BEING GARNISHED

Plaintiff, ... (name of person), alleges that you owe the plaintiff money. The plaintiff has begun the procedure to collect that money. To secure satisfaction of judgment, the court has ordered the garnishment of your wages, bank account or other personal property held by third persons or the taking of money or other property in your possession.

Certain benefits and property owned by you may be exempt from execution and may not be taken from you. The following is a partial list of exemptions:

1. Payments received pursuant to the federal Social Security Act, including, without limitation, retirement and survivors' benefits, supplemental security income benefits and disability insurance benefits.
2. Payments for benefits or the return of contributions under the Public Employees' Retirement System.
3. Payments for public assistance granted through the Division of Welfare and Supportive Services of the Department of Health and Human Services or a local governmental entity.
4. Proceeds from a policy of life insurance.
5. Payments of benefits under a program of industrial insurance.
6. Payments received as disability, illness or unemployment benefits.
7. Payments received as unemployment compensation.
8. Veteran's benefits.

9. A homestead in a dwelling or a mobile home, not to exceed $550,000, unless:

(a) The judgment is for a medical bill, in which case all of the primary dwelling, including a mobile or manufactured home, may be exempt.

(b) Allodial title has been established and not relinquished for the dwelling or mobile home, in which case all of the dwelling or mobile home and its appurtenances are exempt, including the land on which they are located, unless a valid waiver executed pursuant to NRS 115.010 is applicable to the judgment.

10. All money reasonably deposited with a landlord by you to secure an agreement to rent or lease a dwelling that is used by you as your primary residence, except that such money is not exempt with respect to a landlord or the landlord's successor in interest who seeks to enforce the terms of the agreement to rent or lease the dwelling.

11. A vehicle, if your equity in the vehicle is less than $15,000.

12. Seventy-five percent of the take-home pay for any workweek, unless the weekly take-home pay is less than 50 times the federal minimum hourly wage, in which case the entire amount may be exempt.

13. Money, not to exceed $500,000 in present value, held in:

(a) An individual retirement arrangement which conforms with the applicable limitations and requirements of section 408 or 408A of the Internal Revenue Code, 26 U.S.C. §§ 408 and 408A;

(b) A written simplified employee pension plan which conforms with the applicable limitations and requirements of section 408 of the Internal Revenue Code, 26 U.S.C. § 408;

(c) A cash or deferred arrangement that is a qualified plan pursuant to the Internal Revenue Code;

(d) A trust forming part of a stock bonus, pension or profit-sharing plan that is a qualified plan pursuant to sections 401 et seq. of the Internal Revenue Code, 26 U.S.C. §§ 401 et seq.; and

(e) A trust forming part of a qualified tuition program pursuant to chapter 353B of NRS, any applicable regulations adopted pursuant to chapter 353B of NRS and section 529 of the Internal Revenue Code, 26 U.S.C. § 529, unless the money is deposited after the entry of a judgment against the purchaser or account owner or the money will not be used by any beneficiary to attend a college or university.

14. All money and other benefits paid pursuant to the order of a court of competent jurisdiction for the support, education and maintenance of a child, whether collected by the judgment debtor or the State.

15. All money and other benefits paid pursuant to the order of a court of competent jurisdiction for the support and maintenance of a former spouse,

including the amount of any arrearages in the payment of such support and maintenance to which the former spouse may be entitled.

16. Regardless of whether a trust contains a spendthrift provision:

(a) A present or future interest in the income or principal of a trust, if the interest has not been distributed from the trust;

(b) A remainder interest in the trust whereby a beneficiary of the trust will receive property from the trust outright at some time in the future under certain circumstances;

(c) A discretionary power held by a trustee to determine whether to make a distribution from the trust, if the interest has not been distributed from the trust;

(d) The power to direct dispositions of property in the trust, other than such a power held by a trustee to distribute property to a beneficiary of the trust;

(e) Certain powers held by a trust protector or certain other persons;

(f) Any power held by the person who created the trust; and

(g) Any other property of the trust that has not been distributed from the trust. Once the property is distributed from the trust, the property is subject to execution.

17. If a trust contains a spendthrift provision:

(a) A mandatory interest in the trust in which the trustee does not have discretion concerning whether to make the distribution from the trust, if the interest has not been distributed from the trust;

(b) A support interest in the trust in which the standard for distribution may be interpreted by the trustee or a court, if the interest has not been distributed from the trust; and

(c) Any other property of the trust that has not been distributed from the trust. Once the property is distributed from the trust, the property is subject to execution.

18. A vehicle for use by you or your dependent which is specially equipped or modified to provide mobility for a person with a permanent disability.

19. A prosthesis or any equipment prescribed by a physician or dentist for you or your dependent.

20. Payments, in an amount not to exceed $16,150, received as compensation for personal injury, not including compensation for pain and suffering or actual pecuniary loss, by the judgment debtor or by a person upon whom the judgment debtor is dependent at the time the payment is received.

21. Payments received as compensation for the wrongful death of a person upon whom the judgment debtor was dependent at the time of the

wrongful death, to the extent reasonably necessary for the support of the judgment debtor and any dependent of the judgment debtor.

22. Payments received as compensation for the loss of future earnings of the judgment debtor or of a person upon whom the judgment debtor is dependent at the time the payment is received, to the extent reasonably necessary for the support of the judgment debtor and any dependent of the judgment debtor.

23. Payments received as restitution for a criminal act.

24. Personal property, not to exceed $1,000 in total value, if the property is not otherwise exempt from execution.

25. A tax refund received from the earned income credit provided by federal law or a similar state law.

26. Stock of a corporation described in subsection 2 of NRS 78.746 except as set forth in that section.

➥ These exemptions may not apply in certain cases such as proceedings to enforce a judgment for support of a child or a judgment of foreclosure on a mechanic's lien. You should consult an attorney immediately to assist you in determining whether your property or money is exempt from execution. If you cannot afford an attorney, you may be eligible for assistance through ..... (name of organization in county providing legal services to the indigent or elderly persons). ***If you do not wish to consult an attorney or receive legal services from an organization that provides assistance to persons who qualify, you may obtain the form to be used to claim an exemption from the clerk of the court.***

PROCEDURE FOR CLAIMING EXEMPT PROPERTY

If you believe that the money or property taken from you is exempt or necessary for the support of you or your family, you must file with the clerk of the court on a form provided by the clerk ~~[a notarized affidavit claiming the]~~ ***an executed claim of*** exemption. A copy of the ~~[affidavit]~~ ***claim of exemption*** must be served upon the sheriff ***, the garnishee*** and the judgment creditor within ~~[8]~~ ~~*[20 calendar]*~~ ***10*** days after the notice of execution ***or garnishment*** is ~~[mailed.]~~ ***served on you by mail pursuant to NRS 21.076 which identifies the specific property that is being levied on.*** The property must be ~~[returned to you]~~ ***released by the garnishee or the sheriff*** within ~~[5]~~ ***9 judicial*** days after you ~~[file]~~ ***serve*** the ~~[affidavit]~~ ***claim of exemption upon the sheriff, garnishee and judgment creditor,*** unless the ~~[judgment creditor files a motion]~~ ***sheriff or garnishee receives a copy of an objection to the claim of exemption and a notice*** for a hearing to determine the issue of exemption. If this happens, a hearing will be held to determine whether the property or money is exempt. ***The objection to the claim of exemption and notice for the hearing to determine the issue of exemption must be filed***

within 8 judicial days after the claim of exemption is served on the judgment creditor by mail or in person and served on the judgment debtor, the sheriff and any garnishee not less than 5 judicial days before the date set for the hearing. The hearing must be held within ~~[10]~~ ***7 judicial*** days after the ~~[motion]~~ ***objection to the claim of exemption and notice*** for a hearing is filed. ***You may be able to have your property released more quickly if you mail to the judgment creditor or the attorney of the judgment creditor written proof that the property is exempt. Such proof may include, without limitation, a letter from the government, an annual statement from a pension fund, receipts for payment, copies of checks, records from financial institutions or any other document which demonstrates that the money in your account is exempt.***

IF YOU DO NOT FILE THE ~~[AFFIDAVIT]~~ ***EXECUTED CLAIM OF EXEMPTION*** WITHIN THE TIME SPECIFIED, YOUR PROPERTY MAY BE SOLD AND THE MONEY GIVEN TO THE JUDGMENT CREDITOR, EVEN IF THE PROPERTY OR MONEY IS EXEMPT.

If you received this notice with a notice of a hearing for attachment and you believe that the money or property which would be taken from you by a writ of attachment is exempt or necessary for the support of you or your family, you are entitled to describe to the court at the hearing why you believe your property is exempt. You may also file a motion with the court for a discharge of the writ of attachment. You may make that motion any time before trial. A hearing will be held on that motion.

IF YOU DO NOT FILE THE MOTION BEFORE THE TRIAL, YOUR PROPERTY MAY BE SOLD AND THE MONEY GIVEN TO THE PLAINTIFF, EVEN IF THE PROPERTY OR MONEY IS EXEMPT OR NECESSARY FOR THE SUPPORT OF YOU OR YOUR FAMILY.

Sec. 11. NRS 31.290 is hereby amended to read as follows:

31.290 1. The interrogatories to ***be submitted with any writ of execution, attachment or garnishment to*** the garnishee may be in substance as follows:

INTERROGATORIES

Are you in any manner indebted to the defendants

……

……..,

or either of them, either in property or money, and is the debt now due? If not due, when is the debt to become due? State fully all particulars.

Answer:……

……

Are you an employer of one or all of the defendants? If so, state the length of your pay period and the amount ***of disposable earnings, as defined in NRS 31.295, that*** each defendant presently earns during a pay period. ***State the minimum amount of disposable earnings that is exempt from this garnishment, which is the federal minimum hourly wage prescribed by section 6(a)(1) of the federal Fair Labor Standards Act of 1938, 29 U.S.C. § 206(a)(1), in effect at the time the earnings are payable multiplied by 50 for each week of the pay period, after deducting any amount required by law to be withheld.***

Calculate the attachable amount as follows:

(Check one of the following) The employee is paid:

[A] Weekly: __ [B] Biweekly: __ [C] Semimonthly: __ [D] Monthly: __

(1) Gross Earnings……. $

(2) Deductions required by law (not including child support) .. $

(3) Disposable Earnings [Subtract line 2 from line 1]…… $

(4) Federal Minimum Wage……. $

(5) Multiply line 4 by 50…… $

(6) Complete the following directions in accordance with the letter selected above:

[A] Multiply line 5 by 1……. $

[B] Multiply line 5 by 2 ……. $

[C] Multiply line 5 by 52 and then divide by 24…… $

[D] Multiply line 5 by 52 and then divide by 12…… $

(7) Subtract line 6 from line 3…….. $

This is the attachable earnings. This amount must not exceed 25% of the disposable earnings from line 3.

Answer:……
……..

Did you have in your possession, in your charge or under your control, on the date the writ of garnishment was served upon you, any money, property, effects, goods, chattels, rights, credits or choses in action of the defendants, or either of them, or in which .....is interested? If so, state its value, and state fully all particulars.

Answer:……
……..

Do you know of any debts owing to the defendants, whether due or not due, or any money, property, effects, goods, chattels, rights, credits or choses in action, belonging to ..... or in which .....is interested, and now in the possession or under the control of others? If so, state particulars.

Answer:……
……

Are you a financial institution with a personal account held by one or all of the defendants? If so, state the account number and the amount of money in the account which is subject to garnishment. As set forth in section 3 of this act, $2,000 or the entire amount in the account, whichever is less, is not subject to garnishment if the financial institution reasonably identifies that an electronic deposit of money has been made into the account within the immediately preceding 45 days which is exempt from execution, including, without limitation, payments of money described in section 3 of this act or, if no such deposit has been made, [$1,000] $400 or the entire amount in the account, whichever is less, is not subject to garnishment [.] , unless the garnishment is for the recovery of money owed for the support of any person. The amount which is not subject to garnishment does not apply to each account of the judgment debtor, but rather is an aggregate amount that is not subject to garnishment.

Answer:……

…….

State your correct name and address, or the name and address of your attorney upon whom written notice of further proceedings in this action may be served.

Answer:……

……...

……

Garnishee

I (insert the name of the garnishee), [do solemnly swear (or affirm)] ***declare under penalty of perjury*** that the answers to the foregoing interrogatories by me subscribed are true [.] ***and correct.***

……

(Signature of garnishee)

[SUBSCRIBED and SWORN to before me this ..... day of the month of ..... of the year .....]

2. The garnishee shall answer the interrogatories in writing upon oath or affirmation and submit the answers to the sheriff within the time required by the writ. ***The garnishee shall submit his or her answers to the judgment debtor within the same time.*** If the garnishee fails to do so, the garnishee shall be deemed in default.

Sec. 12. NRS 31.296 is hereby amended to read as follows:

31.296 1. Except as otherwise provided in subsection 3, if the garnishee indicates in the garnishee's answer to garnishee interrogatories that the garnishee is the employer of the defendant, the writ of garnishment served on the garnishee shall be deemed to continue for 120 days or until the amount demanded in the writ is satisfied, whichever occurs earlier.

2. In addition to the fee set forth in NRS 31.270, a garnishee is entitled to a fee from the plaintiff of $3 per pay period, not to exceed $12 per month, for each withholding made of the defendant's earnings. This subsection does not apply to the first pay period in which the defendant's earnings are garnished.

3. If the defendant's employment by the garnishee is terminated before the writ of garnishment is satisfied, the garnishee:

(a) Is liable only for the amount of earned but unpaid, disposable earnings that are subject to garnishment.

(b) Shall provide the plaintiff or the plaintiff's attorney with the last known address of the defendant and the name of any new employer of the defendant, if known by the garnishee.

4. The judgment creditor who caused the writ of attachment to issue pursuant to NRS 31.013 shall prepare an accounting and provide a report to the judgment debtor, the sheriff and each garnishee every 120 days which sets forth, without limitation, the amount owed by the judgment debtor, the costs and fees allowed pursuant to NRS 18.160 and any accrued interest and costs on the judgment. The report must advise the judgment debtor of the judgment debtor's right to request a hearing pursuant to NRS 18.110 to dispute any accrued interest, fee or other charge. The judgment creditor must submit this accounting with each subsequent application for writ made by the judgment creditor concerning the same debt.

Sec. 13. NRS 258.230 is hereby amended to read as follows:

258.230 Except with respect to the ~~[~~fee~~]~~ ***fees*** described in ~~[~~paragraph~~]~~ ***paragraphs (a) and*** (d) of subsection 2 of NRS 258.125, all fees prescribed in this chapter shall be payable in advance, if demanded. If a constable shall not have received any or all of his or her fees, which may be due the constable for services rendered by him or her in any suit or proceedings, the constable may have execution therefor in his or her own name against the party or parties from whom they are due, to be issued from the court where the action is pending, upon the order of the justice of the peace or court upon affidavit filed.

Sec. 14. NRS 612.710 is hereby amended to read as follows:

612.710 Except as otherwise provided in NRS 31A.150:

1. Any assignment, pledge or encumbrance of any right to benefits which are or may become due or payable under this chapter is void, except for a voluntary assignment of benefits to satisfy an obligation to pay support for a child.

2. Benefits are exempt from levy, execution, attachment, or any other remedy provided for the collection of debt. Benefits received by any person ~~[~~, ~~if they are not mingled with other money of the recipient,~~]~~ are exempt from any remedy for the collection of all debts, except debts incurred for

necessaries furnished to the person or the person's spouse or dependents during the time when the person was unemployed.

3. Any other waiver of any exemption provided for in this section is void.

Sec. 15. NRS 21.114 is hereby repealed.

TEXT OF REPEALED SECTION

21.114 Sureties: Submission to jurisdiction of court; exceptions to sufficiency and justification.

1. By entering into any undertaking provided for in NRS 21.112, the sureties thereunder submit themselves to the jurisdiction of the court and irrevocably appoint the clerk of the court as agent upon whom any papers affecting liability on the undertaking may be served. Liability on such undertaking may be enforced on motion to the court without the necessity of an independent action. The motion and such reasonable notice of the motion as the court prescribes may be served on the clerk of the court, who shall forthwith mail copies to the sureties if their addresses are known.

2. Exceptions to the sufficiency of the sureties and their justification may be had and taken in the same manner as upon an undertaking given in other cases under titles 2 and 3 of NRS. If they, or others in their place, fail to justify at the time and place appointed, the sheriff must release the property; but if no exception is taken within 5 days after notice of receipt of the undertaking, the judgment debtor shall be deemed to have waived any and all objections to the sufficiency of the sureties.

Assemblyman Horne moved that the Assembly concur in the Senate Amendment No. 851 to Assembly Bill No. 223.

Remarks by Assemblyman Horne.

Motion carried by a constitutional majority.

Bill ordered enrolled.

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblyman Segerblom moved that the Assembly recede from its action on Senate Bill No. 304.

Remarks by Assemblyman Segerblom.

Motion carried.

REPORTS OF CONFERENCE COMMITTEES

Mr. Speaker:

The Conference Committee concerning Senate Bill No. 264, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that Amendment No. 636 of the Assembly be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. 2, which is attached to and hereby made a part of this report.

PEGGY PIERCE	SHEILA LESLIE
SCOTT HAMMOND	RUBEN KIHUEN
TERESA BENITEZ-THOMPSON	BEN KIECKHEFER
Assembly Conference Committee	*Senate Conference Committee*

Conference Amendment No. CA2.

AN ACT relating to public health; revising requirements for various reports concerning the care provided by certain medical and related facilities; revising provisions relating to administrative fines collected by the Health Division of the Department of Health and Human Services; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires certain medical facilities to submit to the Health Division of the Department of Health and Human Services reports of sentinel events. (NRS 439.835) The term "sentinel event" is defined for the purposes of these reports to mean an unexpected occurrence at the facility which involves facility-acquired infection, death or serious physical or psychological injury or the risk thereof, including, without limitation, any process variation for which a recurrence would carry a significant chance of a serious adverse outcome. (NRS 439.830) The Health Division is required to prepare annual reports concerning those reports which were submitted by medical facilities located in a county whose population is 100,000 or more (currently Clark and Washoe Counties). (NRS 439.840) **Section 5** of this bill requires the Health Division to prepare such annual reports for medical facilities in every county and to make those reports available on the Department's website. **Section 5** also requires the Health Division to report that information publicly in a format which allows for comparisons of medical facilities.

Existing law requires medical facilities which provide care to 25 or more patients per day to submit information to the Internet-based surveillance system established and maintained by the Centers for Disease Control and Prevention of the United States Department of Health and Human Services and requires the Health Division to analyze that information. (NRS 439.847) **Section 9** of this bill requires the Health Division to report that information publicly in a format which allows for comparisons of medical facilities.

Sections 15.3-17 of this bill require hospitals to submit, as part of the program to increase public awareness of health care information concerning hospitals, data relating to the readmission of a patient if the readmission was potentially preventable and clinically related to the initial admission of the patient. **Section 20** of this bill requires the Department of Health and Human Services to post that information on an Internet website. **Section 16** also

authorizes the Department to report certain information concerning the quality of care provided by hospitals if it can be determined from reports already submitted to the Department. Existing law authorizes the Department to seek injunctive relief or civil penalties against facilities that violate the reporting requirements. (NRS 439A.300, 439A.310)

Sections 21, 22, 24 and 25 of this bill authorize the Health Division to use money which is collected as administrative penalties to administer and carry out the provisions of chapter 449 of NRS and to protect the health and property of the patients and residents of facilities.

Section 35 of this bill repeals NRS 439.825 and 439.850.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. (Deleted by amendment.)

Sec. 2. (Deleted by amendment.)

Sec. 3. (Deleted by amendment.)

Sec. 4. (Deleted by amendment.)

Sec. 5. NRS 439.840 is hereby amended to read as follows:

439.840 1. The Health Division shall:

(a) Collect and maintain reports received pursuant to NRS 439.835 and 439.843 and any additional information requested by the Health Division pursuant to NRS 439.841;

(b) Ensure that such reports, and any additional documents created from such reports, are protected adequately from fire, theft, loss, destruction and other hazards and from unauthorized access;

(c) Annually prepare a report of sentinel events reported pursuant to NRS 439.835 by a medical facility ***,*** ~~[~~~~located in a county whose population is 100,000 or more,~~~~]~~ including, without limitation, the type of event, the number of events ***, the rate of occurrence of events,*** and the medical facility which reported the event ~~[.]~~ ***, and provide the report for inclusion on the Internet website maintained pursuant to NRS 439A.270;*** and

(d) Annually prepare a summary of the reports received pursuant to NRS 439.835 and provide a summary for inclusion on the Internet website maintained pursuant to NRS 439A.270. The Health Division shall maintain the confidentiality of the ***patient, the provider of health care or other member of the staff of the medical facility identified in the*** reports submitted pursuant to NRS 439.835 when preparing the annual summary pursuant to this paragraph.

2. Except as otherwise provided in this section and NRS 239.0115, reports received pursuant to NRS 439.835 and subsection 1 of NRS 439.843 and any additional information requested by the Health Division pursuant to

NRS 439.841 are confidential, not subject to subpoena or discovery and not subject to inspection by the general public.

3. The report prepared pursuant to paragraph (c) of subsection 1 must provide to the public information concerning each medical facility which provided medical services and care in the immediately preceding calendar year and must:

(a) Be presented in a manner that allows a person to view and compare the information for the medical facilities;

(b) Be readily accessible and understandable by a member of the general public;

(c) Use standard statistical methodology, including without limitation, risk-adjusted methodology when applicable, and include the description of the methodology and data limitations contained in the report;

(d) Not identify a patient, provider of health care or other member of the staff of the medical facility; and

(e) Not be reported for a medical facility if reporting the data would risk identifying a patient.

Sec. 6. (Deleted by amendment.)

Sec. 7. NRS 439.843 is hereby amended to read as follows:

439.843 1. On or before March 1 of each year, each medical facility shall provide to the Health Division, in the form prescribed by the State Board of Health, a summary of the reports submitted by the medical facility pursuant to NRS 439.835 during the immediately preceding calendar year. The summary must include, without limitation:

(a) The total number and types of sentinel events reported by the medical facility, if any;

(b) A copy of the patient safety plan established pursuant to NRS 439.865;

(c) A summary of the membership and activities of the patient safety committee established pursuant to NRS 439.875; and

(d) Any other information required by the State Board of Health concerning the reports submitted by the medical facility pursuant to NRS 439.835.

2. On or before June 1 of each year, the Health Division shall submit to the State Board of Health an annual summary of the reports and information received by the Health Division pursuant to this section. The annual summary must include, without limitation, a compilation of the information submitted pursuant to subsection 1 and any other pertinent information deemed necessary by the State Board of Health concerning the reports submitted by the medical facility pursuant to NRS 439.835. The Health Division shall maintain the confidentiality of the ***patient, the provider of health care or other member of the staff of the medical facility identified in the*** reports submitted pursuant to NRS 439.835 and any other ***identifying***

information ***of a person*** requested by the State Board of Health concerning those reports when preparing the annual summary pursuant to this section.

Sec. 8. NRS 439.845 is hereby amended to read as follows:

439.845 1. The Health Division shall analyze and report trends regarding sentinel events.

2. When the Health Division receives notice from a medical facility that the medical facility has taken corrective action to remedy the causes or contributing factors, or both, of a sentinel event, the Health Division shall:

(a) Make a record of the information;

(b) Ensure that the information is **[**~~aggregated~~**]** ***released in a manner*** so as not to reveal the identity of a specific **[**~~person or medical facility;~~**]** ***patient, provider of health care or member of the staff of the facility;*** and

(c) At least quarterly, report its findings regarding the analysis of **[**~~aggregated~~**]** trends of sentinel events **[**~~to the Repository for Health Care Quality Assurance.~~**]** ***on the Internet website maintained pursuant to NRS 439A.270.***

Sec. 9. NRS 439.847 is hereby amended to read as follows:

439.847 1. Each medical facility which provided medical services and care to an average of 25 or more patients during each business day in the immediately preceding calendar year shall, within 120 days after becoming eligible, participate in the secure, Internet-based surveillance system established by the Division of Healthcare Quality Promotion of the Centers for Disease Control and Prevention of the United States Department of Health and Human Services that integrates patient and health care personnel safety surveillance systems. As part of that participation, the medical facility shall provide, at a minimum, the information required by the Health Division pursuant to this subsection. The Health Division shall by regulation prescribe the information which must be provided by a medical facility, including, without limitation, information relating to infections and procedures.

2. Each medical facility which provided medical services and care to an average of less than 25 patients during each business day in the immediately preceding calendar year may participate in the secure, Internet-based surveillance system established by the Division of Healthcare Quality Promotion of the Centers for Disease Control and Prevention of the United States Department of Health and Human Services that integrates patient and health care personnel safety surveillance systems.

3. A medical facility that participates in the secure, Internet-based surveillance system established by the Division of Healthcare Quality Promotion shall **[**~~authorize~~**]** ***:***

(a) Authorize the Health Division to access all information submitted to the system **[**~~, and the Health Division shall enter into an agreement with the~~

~~Division of Healthcare Quality Promotion to carry out the provisions of this section.]~~ ***; and***

(b) Provide consent for the Health Division to include information submitted to the system in the reports posted pursuant to paragraph (b) of subsection 4, including without limitation, permission to identify the medical facility that is the subject of each report.

4. The Health Division shall ~~[analyze]~~ ***:***

(a) Analyze the information submitted to the system by medical facilities pursuant to this section and recommend regulations and legislation relating to the reporting required pursuant to NRS 439.800 to 439.890, inclusive.

(b) Annually prepare a report of the information submitted to the system by each medical facility pursuant to this section and provide the reports for inclusion on the Internet website maintained pursuant to NRS 439A.270. The information must be reported in a manner that allows a person to compare the information for the medical facilities and expressed as a total number and a rate of occurrence.

(c) Enter into an agreement with the Division of Healthcare Quality Promotion to carry out the provisions of this section.

Sec. 10. (Deleted by amendment.)

Sec. 11. (Deleted by amendment.)

Sec. 12. (Deleted by amendment.)

Sec. 13. (Deleted by amendment.)

Sec. 14. (Deleted by amendment.)

Sec. 15. (Deleted by amendment.)

Sec. 15.3. Chapter 439A of NRS is hereby amended by adding thereto a new section to read as follows:

"Potentially preventable readmission" means an unplanned readmission of a patient which:

1. Occurs not more than 30 days after the patient is discharged;

2. Is clinically related to the initial admission; and

3. Was preventable.

Sec. 15.7. NRS 439A.200 is hereby amended to read as follows:

439A.200 As used in NRS 439A.200 to 439A.290, inclusive, ***and section 15.3 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 439A.205 and 439A.210 ***and section 15.3 of this act*** have the meanings ascribed to them in those sections.

Sec. 16. NRS 439A.220 is hereby amended to read as follows:

439A.220 1. The Department shall establish and maintain a program to increase public awareness of health care information concerning the hospitals in this State. The program must be designed to assist consumers with comparing the quality of care provided by the hospitals in this State and the charges for that care.

2. The program must include, without limitation, the collection, maintenance and provision of information concerning:

(a) Inpatients and outpatients of each hospital in this State as reported in the forms submitted pursuant to NRS 449.485;

(b) The quality of care provided by each hospital in this State as determined by applying ~~[~~uniform~~]~~ measures of quality ~~[~~prescribed by the Department pursuant to NRS 439A.230;

~~(c)]~~ ***endorsed by the entities described in subparagraph (1) of paragraph (b) of subsection 1 of NRS 439A.230, expressed as a number of events and rate of occurrence, if such measures can be applied to the information reported in the forms submitted pursuant to NRS 449.485;***

(c) How consistently each hospital follows recognized practices to prevent the infection of patients, to speed the recovery of patients and to avoid medical complications of patients;

(d) For each hospital, the total number of patients discharged, the average length of stay and the average billed charges, reported ~~[~~for the 50 most frequent~~]~~ ***by*** diagnosis-related groups for inpatients and ***for the*** 50 medical treatments for outpatients that the Department determines are most useful for consumers; ~~[~~and~~]~~

(e) ***The total number of patients discharged from the hospital and the total number of potentially preventable readmissions, which must be expressed as a total number and a rate of occurrence of potentially preventable readmissions, and the average length of stay and the average billed charges for those potentially preventable readmissions; and***

(f) Any other information relating to the charges imposed and the quality of the services provided by the hospitals in this State which the Department determines is:

(1) Useful to consumers;

(2) Nationally recognized; and

(3) Reported in a standard and reliable manner.

3. As used in this section, "diagnosis-related group" means groupings of medical diagnostic categories used as a basis for hospital payment schedules by Medicare and other third-party health care plans.

Sec. 17. NRS 439A.230 is hereby amended to read as follows:

439A.230 1. The Department shall, by regulation:

(a) Prescribe the information that each hospital in this State must submit to the Department for the program established pursuant to NRS 439A.220.

(b) Prescribe the measures of quality for hospitals that are required pursuant to paragraph (b) of subsection 2 of NRS 439A.220. In adopting the regulations, the Department shall:

(1) Use the measures of quality endorsed by the Agency for Healthcare Research and Quality, the National Quality Forum, Centers for Medicare and

Medicaid Services of the United States Department of Health and Human Services, a quality improvement organization of the Centers for Medicare and Medicaid Services and the Joint Commission ***;*** ~~[on Accreditation of Healthcare Organizations;]~~

(2) Prescribe a reasonable number of measures of quality which must not be unduly burdensome on the hospitals; and

(3) Take into consideration the financial burden placed on the hospitals to comply with the regulations.

➥ The measures prescribed pursuant to this paragraph must report health outcomes of hospitals, which do not necessarily correlate with the inpatient diagnosis-related groups or the outpatient treatments that are posted on the Internet website pursuant to NRS 439A.270.

(c) ***Prescribe the manner in which a hospital must determine whether the readmission of a patient must be reported pursuant to NRS 439A.220 as a potentially preventable readmission and the form for submission of such information.***

(d) Require each hospital to:

(1) Provide the information prescribed in paragraphs (a) ***,*** ~~[and]~~ (b) ***and (c)*** in the format required by the Department; and

(2) Report the information separately for inpatients and outpatients.

2. The information required pursuant to this section and NRS 439A.220 must be submitted to the Department not later than 45 days after the last day of each calendar month.

3. If a hospital fails to submit the information required pursuant to this section or NRS 439A.220 or submits information that is incomplete or inaccurate, the Department shall send a notice of such failure to the hospital and to the Health Division of the Department.

Sec. 18. (Deleted by amendment.)

Sec. 19. (Deleted by amendment.)

Sec. 20. NRS 439A.270 is hereby amended to read as follows:

439A.270 1. The Department shall establish and maintain an Internet website that includes the information concerning the charges imposed and the quality of the services provided by the hospitals and surgical centers for ambulatory patients in this State as required by the programs established pursuant to NRS 439A.220 and 439A.240. The information must:

(a) Include, for each hospital in this State, the ~~[total]~~ ***:***

(1) Total number of patients discharged, the average length of stay and the average billed charges, reported for the ~~[50 most frequent]~~ diagnosis-related groups for inpatients and ***the*** 50 ~~*[most frequent]*~~ medical treatments for outpatients that the Department determines are most useful for consumers; ***and***

(2) Total number of potentially preventable readmissions reported pursuant to NRS 439A.220, the rate of occurrence of potentially preventable readmissions, and the average length of stay and average billed charges of those potentially preventable readmissions, reported by the diagnosis-related group for inpatients for which the patient originally received treatment at a hospital;

(b) Include, for each surgical center for ambulatory patients in this State, the total number of patients discharged and the average billed charges, reported for 50 medical treatments for outpatients that the Department determines are most useful for consumers;

(c) Be presented in a manner that allows a person to view and compare the information for the hospitals by:

(1) Geographic location of each hospital;

(2) Type of medical diagnosis; and

(3) Type of medical treatment;

(d) Be presented in a manner that allows a person to view and compare the information for the surgical centers for ambulatory patients by:

(1) Geographic location of each surgical center for ambulatory patients;

(2) Type of medical diagnosis; and

(3) Type of medical treatment;

(e) Be presented in a manner that allows a person to view and compare the information separately for:

(1) The inpatients and outpatients of each hospital; and

(2) The outpatients of each surgical center for ambulatory patients;

(f) Be readily accessible and understandable by a member of the general public;

(g) ***Include the annual summary of reports of sentinel events prepared pursuant to paragraph (c) of subsection 1 of NRS 439.840;***

(h) Include the annual summary of reports of sentinel events prepared pursuant to paragraph (d) of subsection 1 of NRS 439.840; ~~[~~and

~~(h)]~~ ***(i) Include the reports of information prepared for each medical facility pursuant to paragraph (b) of subsection 4 of NRS 439.847; and***

(j) Provide any other information relating to the charges imposed and the quality of the services provided by the hospitals and surgical centers for ambulatory patients in this State which the Department determines is:

(1) Useful to consumers;

(2) Nationally recognized; and

(3) Reported in a standard and reliable manner.

2. The Department shall:

(a) Publicize the availability of the Internet website;

(b) Update the information contained on the Internet website at least quarterly;

(c) Ensure that the information contained on the Internet website is accurate and reliable;

(d) Ensure that the information contained on the Internet website is aggregated so as not to reveal the identity of a specific inpatient or outpatient of a hospital;

(e) Post a disclaimer on the Internet website indicating that the information contained on the website is provided to assist with the comparison of hospitals and is not a guarantee by the Department or its employees as to the charges imposed by the hospitals in this State or the quality of the services provided by the hospitals in this State, including, without limitation, an explanation that the actual amount charged to a person by a particular hospital may not be the same charge as posted on the website for that hospital;

(f) Provide on the Internet website established pursuant to this section a link to the Internet website of the Centers for Medicare and Medicaid Services of the United States Department of Health and Human Services; and

(g) Upon request, make the information that is contained on the Internet website available in printed form.

3. As used in this section, "diagnosis-related group" means groupings of medical diagnostic categories used as a basis for hospital payment schedules by Medicare and other third-party health care plans.

Sec. 21. NRS 449.0305 is hereby amended to read as follows:

449.0305 1. Except as otherwise provided in subsection 5, a person must obtain a license from the Board to operate a business that provides referrals to residential facilities for groups.

2. The Board shall adopt:

(a) Standards for the licensing of businesses that provide referrals to residential facilities for groups;

(b) Standards relating to the fees charged by such businesses;

(c) Regulations governing the licensing of such businesses; and

(d) Regulations establishing requirements for training the employees of such businesses.

3. A licensed nurse, social worker, physician or hospital, or a provider of geriatric care who is licensed as a nurse or social worker, may provide referrals to residential facilities for groups through a business that is licensed pursuant to this section. The Board may, by regulation, authorize a public guardian or any other person it determines appropriate to provide referrals to residential facilities for groups through a business that is licensed pursuant to this section.

4. A business that is licensed pursuant to this section or an employee of such a business shall not:

(a) Refer a person to a residential facility for groups that is not licensed.

(b) Refer a person to a residential facility for groups that is owned by the same person who owns the business.

➥ A person who violates the provisions of this subsection is liable for a civil penalty to be recovered by the Attorney General in the name of the State Board of Health for the first offense of not more than $10,000 and for a second or subsequent offense of not less than $10,000 nor more than $20,000. Unless otherwise required by federal law, the State Board of Health shall deposit all civil penalties collected pursuant to this section into a separate account in the State General Fund to be used ~~[for the enforcement of this section and the protection of]~~ ***to administer and carry out the provisions of this chapter and to protect*** the health, safety, well-being and property of ***the patients and*** residents of ~~[residential]~~ facilities ~~[for groups.]~~ ***in accordance with applicable state and federal standards.***

5. This section does not apply to a medical facility that is licensed pursuant to NRS 449.001 to 449.240, inclusive, on October 1, 1999.

Sec. 22. NRS 449.163 is hereby amended to read as follows:

449.163 1. If a medical facility or facility for the dependent violates any provision related to its licensure, including any provision of NRS 439B.410 or 449.001 to 449.240, inclusive, or any condition, standard or regulation adopted by the Board, the Health Division, in accordance with the regulations adopted pursuant to NRS 449.165, may:

(a) Prohibit the facility from admitting any patient until it determines that the facility has corrected the violation;

(b) Limit the occupancy of the facility to the number of beds occupied when the violation occurred, until it determines that the facility has corrected the violation;

(c) Impose an administrative penalty of not more than $1,000 per day for each violation, together with interest thereon at a rate not to exceed 10 percent per annum; and

(d) Appoint temporary management to oversee the operation of the facility and to ensure the health and safety of the patients of the facility, until:

(1) It determines that the facility has corrected the violation and has management which is capable of ensuring continued compliance with the applicable statutes, conditions, standards and regulations; or

(2) Improvements are made to correct the violation.

2. If a violation by a medical facility or facility for the dependent relates to the health or safety of a patient, an administrative penalty imposed pursuant to paragraph (c) of subsection 1 must be in a total amount of not less than $1,000 and not more than $10,000 for each patient who was harmed or at risk of harm as a result of the violation.

3. If the facility fails to pay any administrative penalty imposed pursuant to paragraph (c) of subsection 1, the Health Division may:

(a) Suspend the license of the facility until the administrative penalty is paid; and

(b) Collect court costs, reasonable attorney's fees and other costs incurred to collect the administrative penalty.

4. The Health Division may require any facility that violates any provision of NRS 439B.410 or 449.001 to 449.240, inclusive, or any condition, standard or regulation adopted by the Board to make any improvements necessary to correct the violation.

5. Any money collected as administrative penalties pursuant to this section must be accounted for separately and used to ***administer and carry out the provisions of this chapter and to*** protect the health ~~[or]~~ ***, safety, well-being and*** property of the ***patients and*** residents of ~~[the facility]~~ ***facilities*** in accordance with applicable ***state and*** federal standards.

Sec. 23. (Deleted by amendment.)

Sec. 24. NRS 449.210 is hereby amended to read as follows:

449.210 1. Except as otherwise provided in subsection 2 and NRS 449.24897, a person who operates a medical facility or facility for the dependent without a license issued by the Health Division is guilty of a misdemeanor.

2. A person who operates a residential facility for groups without a license issued by the Health Division:

(a) Is liable for a civil penalty to be recovered by the Attorney General in the name of the Health Division for the first offense of not more than $10,000 and for a second or subsequent offense of not less than $10,000 or more than $20,000;

(b) Shall move all of the persons who are receiving services in the residential facility for groups to a residential facility for groups that is licensed at his or her own expense; and

(c) May not apply for a license to operate a residential facility for groups for a period of 6 months after the person is punished pursuant to this section.

3. Unless otherwise required by federal law, the Health Division shall deposit all civil penalties collected pursuant to this section into a separate account in the State General Fund to be used ~~[for the protection of]~~ ***to administer and carry out the provisions of this chapter and to protect*** the health, safety ***,*** ~~[and]~~ well-being ***and property*** of ***the*** patients ~~[, including]~~ ***and*** residents of ~~[residential]~~ facilities ~~[for groups.]~~ ***in accordance with applicable state and federal standards.***

Sec. 25. NRS 449.2496 is hereby amended to read as follows:

449.2496 1. A person who operates or maintains a home for individual residential care without a license issued by the Health Division pursuant to NRS 449.249 is liable for a civil penalty, to be recovered by the Attorney General in the name of the Health Division, for the first offense of $10,000

and for a second or subsequent offense of not less than $10,000 nor more than $20,000.

2. Unless otherwise required by federal law, the Health Division shall deposit civil penalties collected pursuant to this section into a separate account in the State General Fund ~~[in the State Treasury]~~ to be used ~~[for the protection of]~~ ***to administer and carry out the provisions of this chapter and to protect*** the health, safety, well-being and property of ***the*** patients ~~[, including]~~ ***and*** residents of facilities ~~[found deficient by the Health Division.]~~ ***in accordance with applicable state and federal standards.***

3. A person against whom a civil penalty is assessed by the court pursuant to subsection 1:

(a) Shall move, at that person's own expense, all persons receiving services in the home for individual residential care to a licensed home for individual residential care.

(b) May not apply for a license to operate a home for individual residential care until 6 months have elapsed since the penalty was assessed.

Sec. 26. (Deleted by amendment.)

Sec. 27. (Deleted by amendment.)

Sec. 28. (Deleted by amendment.)

Sec. 29. (Deleted by amendment.)

Sec. 30. (Deleted by amendment.)

Sec. 31. (Deleted by amendment.)

Sec. 32. (Deleted by amendment.)

Sec. 33. (Deleted by amendment.)

Sec. 34. (Deleted by amendment.)

Sec. 35. NRS 439.825 and 439.850 are hereby repealed.

Sec. 36. (Deleted by amendment.)

Sec. 37. This act becomes effective on July 1, 2011.

TEXT OF REPEALED SECTIONS

439.825 "Repository" defined. "Repository" means the Repository for Health Care Quality Assurance created by NRS 439.850.

439.850 Repository for Health Care Quality Assurance: Creation; function.

1. The Repository for Health Care Quality Assurance is hereby created within the Health Division.

2. The Repository shall, to the extent of legislative appropriation and authorization, function as a clearinghouse of information relating to aggregated trends of sentinel events.

Assemblywoman Pierce moved that the Assembly adopt the report of the Conference Committee concerning Senate Bill No. 264.

Motion carried by a constitutional majority.

Assembly Bill No. 80.

The following Senate amendment was read:

Amendment No. 686.

AN ACT relating to the Public Employees' Benefits Program; making various changes relating to the Program; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the Board of the Public Employees' Benefits Program is required to submit various reports concerning the administration and operation of the Program. (NRS 287.043, 287.04366) **Sections 3, 8 and 14** of this bill make the Executive Officer of the Program, rather than the Board, responsible for submitting such reports.

Under existing law, if a retired public officer or employee of the State or a local governmental agency, or the surviving spouse of such a retired officer or employee, who was formerly covered by health insurance provided under the Program, or under a plan offered by the local governmental employer, reinstates such insurance, the reinstated insurance excludes coverage for certain preexisting conditions during the first 12 months after such reinstatement. (NRS 287.0205, 287.0475) **Sections 4.5 and 12** of this bill eliminate the exclusion for certain preexisting conditions as called for in the Patient Protection and Affordable Care Act. (Pub. L. No. 111-148, 124 Stat. 119) **Section 12** also prohibits a public officer or employee who retired from a local governmental agency, or his or her surviving spouse or domestic partner, from reinstating health insurance under the Program if the Board has adopted regulations that exclude such persons from participation in the Program because they are eligible for health coverage from a health and welfare plan or trust that arose out of certain collective bargaining agreements or under certain federal laws.

Under existing law, a state agency is required to pay to the Program a certain amount to pay a portion of the cost of coverage under the Program for each state officer or employee of that state agency who participates in the Program. State officers and employees are required to pay the remaining portion of the costs of their coverage as well as the full amount of covering their dependents under the Program. The Board is authorized to allocate the money paid by the state agency between the costs of coverage for such officers and employees and for their dependents. (NRS 287.044) **Section 9** of this bill clarifies the manner in which the Board may perform the allocation.

Existing law provides for the payment of a subsidy to cover a portion of the costs of coverage under the Program for certain retired state officers and employees. (NRS 287.046) **Section 10** of this bill clarifies that employees

who are initially hired by the State on or after January 1, 2010, are not entitled to the subsidy for coverage under the Program if they retire with less than 15 years of service, which must include state service and may include local governmental service, with the exception of disabled retirees, or if they fail to maintain continuous coverage under the Program during retirement. **Section 6** of this bill clarifies the application of this provision to persons who retire from employment with local governmental agencies.

Existing law provides that if a state officer or employee or a dependent of a state officer or employee incurs medical costs that are payable under the Program, but for which a third person has the legal liability to pay, the Board is subrogated to the rights of the officer, employee or dependent and may commence, join or intervene in any legal action against the third person to enforce that legal liability. (NRS 287.0465) **Section 11** of this bill extends this provision to apply to any person who participates in the Program, including retired, as well as active, officers and employees of the State and their dependents and to active and retired officers and employees of local governments and their dependents who are covered under the Program.

Existing law provides that the surviving spouse and any surviving child of a police officer or firefighter who was killed in the line of duty are eligible to obtain or continue coverage under the Program or a benefits plan established by his or her local governmental employer under certain circumstances. The public employer of the police officer or firefighter, or the State of Nevada in the case of a volunteer firefighter, is required to pay the entire cost of the coverage for the surviving spouse for life and the entire cost of the coverage for any surviving child at least until the child reaches 18 years of age and until the child reaches 23 years of age so long as the child is a full-time student. (NRS **287.021,** 287.0477) **Sections 5 and 13** of this bill provide that neither the public employer nor the State is required to pay the cost of the coverage for the surviving domestic partner of such a police officer or firefighter. **Sections 5 and 13 also codify that the duration of the coverage for the surviving children of police officers and firefighters killed in the line of duty is the same as the duration of coverage for children otherwise in the public employer's health care plan.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 287 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. *"Domestic partner" has the meaning ascribed to it NRS 122A.030.*

Sec. 3. *1. The Executive Officer shall [,] submit a report regarding the administration and operation of the Program to the Board [of the*

~~*Public Employees' Benefits Program,]*~~ ***and the Director of the Department of Administration, and to the Director of the Legislative Counsel Bureau for transmittal to the appropriate committees of the Legislature or, if the Legislature is not in regular session, to the Legislative Commission and the Interim Retirement and Benefits Committee of the Legislature created by NRS 218E.420. The report must include, without limitation:***

(a) An audited financial statement of the Program Fund for the immediately preceding fiscal year. The statement must be prepared by an independent certified public accountant.

(b) An audited financial statement of the Retirees' Fund for the immediately preceding fiscal year. The statement must be prepared by an independent certified public accountant.

(c) A report of the utilization of the Program by participants during the immediately preceding plan year, segregated by benefit, administrative cost, active employees and retirees, including, without limitation, an assessment of the actuarial accuracy of reserves.

(d) Material provided generally to participants or prospective participants in connection with enrollment in the Program for the current plan year, including, without limitation:

(1) Information regarding rates and the costs for participation in the Program paid by participants on a monthly basis; and

(2) A summary of the changes in the plan design for the current plan year from the plan design for the immediately preceding plan year.

2. The Executive Officer shall submit a biennial report to the Board ~~*[of the Public Employees' Benefits Program,]*~~ ***and the Director of the Department of Administration, and to the Director of the Legislative Counsel Bureau for transmittal to the appropriate committee or committees of the Legislature. The report must include, without limitation:***

(a) An independent biennial certified actuarial valuation and report of the State's health and welfare benefits for current and future state retirees, which are provided for the purpose of developing the annual required contribution pursuant to the statements issued by the Governmental Accounting Standards Board.

(b) A biennial review of the Program to determine whether the Program complies with federal and state laws relating to taxes and employee benefits. The review must be conducted by an attorney who specializes in employee benefits.

Sec. 4. NRS 287.0205 is hereby amended to read as follows:

287.0205 1. A public officer or employee of any county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada who has retired pursuant to NRS 1A.350 or 1A.480, or 286.510 or 286.620, or is enrolled in

a retirement program provided pursuant to NRS 286.802, or the surviving spouse of such a retired public officer or employee who is deceased, may, in any even-numbered year, reinstate any insurance, except life insurance, that, at the time of reinstatement, is provided by the last public employer of the retired public officer or employee to the active officers and employees and their dependents of that public employer:

(a) Pursuant to NRS 287.010, 287.015, 287.020 or paragraph (b), (c) or (d) of subsection 1 of NRS 287.025; or

(b) Under the Public Employees' Benefits Program, if the last public employer of the retired officer or employee participates in the Public Employees' Benefits Program pursuant to paragraph (a) of subsection 1 of NRS 287.025.

2. Reinstatement pursuant to paragraph (a) of subsection 1 must be requested by:

(a) Giving written notice of the intent of the public officer or employee or surviving spouse to reinstate the insurance to the last public employer of the public officer or employee not later than January 31 of an even-numbered year;

(b) Accepting the public employer's current program or plan of insurance and any subsequent changes thereto; and

(c) Except as otherwise provided in ~~[~~subparagraph (2) of~~]~~ paragraph (b) of subsection 4 of NRS 287.023, paying any portion of the premiums or contributions of the public employer's program or plan of insurance, in the manner set forth in NRS 1A.470 or 286.615, which is due from the date of reinstatement and not paid by the public employer.

➥ The last public employer shall give the insurer notice of the reinstatement not later than March 31 of the year in which the public officer or employee or surviving spouse gives notice of the intent to reinstate the insurance.

3. Reinstatement pursuant to paragraph (b) of subsection 1 must be requested pursuant to NRS 287.0475.

4. ~~[~~Reinstatement~~]~~ ***If a plan is considered grandfathered under the Patient Protection and Affordable Care Act, Public Law 111-148, reinstatement*** of insurance pursuant to subsection 1 ~~[~~excludes~~]~~ ***may exclude*** claims for expenses for any condition for which medical advice, treatment or consultation was rendered within 12 months before reinstatement unless the reinstated insurance has been in effect more than 12 consecutive months.

5. The last public employer of a retired officer or employee who reinstates insurance, except life insurance, which was provided to the retired officer or employee and the retired officer's or employee's dependents at the time of retirement pursuant to NRS 287.010, 287.015, 287.020 or paragraph (b), (c) or (d) of subsection 1 of NRS 287.025 shall, for the purpose of establishing actuarial data to determine rates and coverage for such persons,

commingle the claims experience of such persons with the claims experience of active and retired officers and employees and their dependents who participate in that group insurance, plan of benefits or medical and hospital service.

Sec. 4.5. NRS 287.0205 is hereby amended to read as follows:

287.0205 1. A public officer or employee of any county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada who has retired pursuant to NRS 1A.350 or 1A.480, or 286.510 or 286.620, or is enrolled in a retirement program provided pursuant to NRS 286.802, or the surviving spouse of such a retired public officer or employee who is deceased, may, in any even-numbered year, reinstate any insurance, except life insurance, that, at the time of reinstatement, is provided by the last public employer of the retired public officer or employee to the active officers and employees and their dependents of that public employer:

(a) Pursuant to NRS 287.010, 287.015, 287.020 or paragraph (b), (c) or (d) of subsection 1 of NRS 287.025; or

(b) Under the Public Employees' Benefits Program, if the last public employer of the retired officer or employee participates in the Public Employees' Benefits Program pursuant to paragraph (a) of subsection 1 of NRS 287.025.

2. Reinstatement pursuant to paragraph (a) of subsection 1 must be requested by:

(a) Giving written notice of the intent of the public officer or employee or surviving spouse to reinstate the insurance to the last public employer of the public officer or employee not later than January 31 of an even-numbered year;

(b) Accepting the public employer's current program or plan of insurance and any subsequent changes thereto; and

(c) Except as otherwise provided in paragraph (b) of subsection 4 of NRS 287.023, paying any portion of the premiums or contributions of the public employer's program or plan of insurance, in the manner set forth in NRS 1A.470 or 286.615, which is due from the date of reinstatement and not paid by the public employer.

➥ The last public employer shall give the insurer notice of the reinstatement not later than March 31 of the year in which the public officer or employee or surviving spouse gives notice of the intent to reinstate the insurance.

3. Reinstatement pursuant to paragraph (b) of subsection 1 must be requested pursuant to NRS 287.0475.

4. ~~[If a plan is considered grandfathered under the Patient Protection and Affordable Care Act, Public Law 111-148, reinstatement of insurance pursuant to subsection 1 may exclude claims for expenses for any condition~~

~~for which medical advice, treatment or consultation was rendered within 12 months before reinstatement unless the reinstated insurance has been in effect more than 12 consecutive months.~~

~~5.~~] The last public employer of a retired officer or employee who reinstates insurance, except life insurance, which was provided to the retired officer or employee and the retired officer's or employee's dependents at the time of retirement pursuant to NRS 287.010, 287.015, 287.020 or paragraph (b), (c) or (d) of subsection 1 of NRS 287.025 shall, for the purpose of establishing actuarial data to determine rates and coverage for such persons, commingle the claims experience of such persons with the claims experience of active and retired officers and employees and their dependents who participate in that group insurance, plan of benefits or medical and hospital service.

Sec. 5. NRS 287.021 is hereby amended to read as follows:

287.021 1. Except as otherwise provided in subsection 3, the surviving spouse ***, surviving domestic partner*** and any surviving child of a police officer or firefighter who was:

(a) Employed by a local governmental agency that had established group insurance, a plan of benefits or medical and hospital service pursuant to NRS 287.010, 287.015, 287.020 or paragraph (b), (c) or (d) of subsection 1 of NRS 287.025; and

(b) Killed in the line of duty,

➥ may elect to accept or continue coverage under that group insurance, plan or medical and hospital service if the police officer or firefighter was a participant or would have been eligible to participate in the group insurance, plan or medical and hospital service on the date of the death of the police officer or firefighter. If the surviving spouse ***, surviving domestic partner*** or child elects to accept coverage under the group insurance, plan or medical and hospital service in which the police officer or firefighter would have been eligible to participate or to discontinue coverage under the group insurance, plan or medical and hospital service in which the police officer or firefighter was a participant, the spouse, ***domestic partner,*** child or legal guardian of the child must notify in writing the local governmental agency that employed the police officer or firefighter within 60 days after the date of death of the police officer or firefighter.

2. ~~[The]~~ ***Except as otherwise provided in this section and NRS 287.023, the*** local governmental agency that employed the police officer or firefighter shall pay the entire cost of the premiums or contributions for the group insurance, plan of benefits or medical and hospital service for the surviving spouse or child who meets the requirements set forth in subsection 1.

3. A surviving spouse ***or surviving domestic partner*** is eligible to receive coverage pursuant to this section for the duration of the life of the

surviving spouse ~~[.]~~ ***or surviving domestic partner.*** A surviving child is eligible to receive coverage pursuant to this section until the child reaches ~~[~~:

~~(a) The~~ ~~]~~ ~~*[the* age of~~ ~~]~~ ~~[18]~~ ~~*[26 years]*~~ ~~[~~; or

~~(b) The age of 23 years, if the child is enrolled as a full-time student in an accredited university, college or trade school.~~ ~~]~~ ~~[~~*, unless the plan is grandfathered pursuant to the provisions of the Patient Protection and Affordable Care Act, Public Law 111-148.]* ***the age at which the child would not otherwise be eligible to receive coverage under the group insurance, plan of benefits or medical and hospital service.***

4. ***A local governmental agency is not required to pay the entire cost of*** ~~*[the premiums or contributions]*~~ ***health care benefits pursuant to subsection 2 for a surviving domestic partner who meets the requirements set forth in subsection 1.***

5. As used in this section "police officer" has the meaning ascribed to it in NRS 617.135.

Sec. 6. NRS 287.023 is hereby amended to read as follows:

287.023 1. Whenever an officer or employee of the governing body of any county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada retires under the conditions set forth in NRS 1A.350 or 1A.480, or 286.510 or 286.620 and, during the period in which the person served as an officer or employee, was eligible to be covered or had dependents who were eligible to be covered by any group insurance, plan of benefits or medical and hospital service established pursuant to NRS 287.010, 287.015, 287.020 or paragraph (b), (c) or (d) of subsection 1 of NRS 287.025 or under the Public Employees' Benefits Program pursuant to paragraph (a) of subsection 1 of NRS 287.025, the officer or employee has the option upon retirement to cancel or continue any such coverage to the extent that such coverage is not provided to the officer or employee or a dependent by the Health Insurance for the Aged Act, 42 U.S.C. §§ 1395 et seq.

2. A retired person who continues coverage under the Public Employees' Benefits Program shall assume the portion of the premium or contribution costs for the coverage which the governing body or the State does not pay on behalf of retired officers or employees. A dependent of such a retired person has the option, which may be exercised to the same extent and in the same manner as the retired person, to cancel or continue coverage in effect on the date the retired person dies. The dependent is not required to continue to receive retirement payments from the Public Employees' Retirement System to continue coverage.

3. Notice of the selection of the option must be given in writing to the last public employer of the officer or employee within 60 days after the date of retirement or death, as the case may be. If no notice is given by that date,

the retired officer or employee and any dependents shall be deemed to have selected the option to cancel the coverage for the group insurance, plan of benefits or medical and hospital service established pursuant to NRS 287.010, 287.015, 287.020 or paragraph (b), (c) or (d) of subsection 1 of NRS 287.025 or coverage under the Public Employees' Benefits Program pursuant to paragraph (a) of subsection 1 of NRS 287.025.

4. The governing body of any county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of this State:

(a) May pay the cost, or any part of the cost, of coverage established pursuant to NRS 287.010, 287.015 or 287.020 or paragraph (b), (c) or (d) of subsection 1 of NRS 287.025 for persons who continue that coverage pursuant to subsection 1, but it must not pay a greater portion than it does for its current officers and employees.

(b) Shall pay the same portion of the cost of coverage under the Public Employees' Benefits Program for ***retired*** persons who ~~[~~:

~~(1) Were initially hired before January 1, 2010, and who retire and~~] are covered under the Program ~~[~~pursuant to subsection 1 or who subsequently reinstate coverage under the Program pursuant to NRS 287.0205; or

~~(2) Are initially hired on or after January 1, 2010, and who retire with:~~

~~(I) At least 15 years of service credit, which must include local governmental service and may include state service, and who have participated in the Program on a continuous basis since their retirement from such employment; or~~

~~(II) At least 5 years of service credit, which must include local governmental service and may include state service, who do not have at least 15 years of service credit to qualify under sub-subparagraph (I) as a result of a disability for which disability benefits are received under the Public Employees' Retirement System or a retirement program for professional employees offered by or through the Nevada System of Higher Education.~~

~~➥~~] as the State pays pursuant to ~~[~~subsection 1 of~~]~~ NRS 287.046 for persons retired with state service who participate in the ~~[~~Public Employees' Benefits~~]~~ Program.

5. The governing body of any county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of this State shall, for the purpose of establishing actuarial data to determine rates and coverage for persons who continue coverage for group insurance, a plan of benefits or medical and hospital service with the governing body pursuant to subsection 1, commingle the claims experience of those persons with the claims experience of active officers and employees and their dependents who participate in the group insurance, a plan of benefits or medical and hospital service.

Sec. 7. NRS 287.0402 is hereby amended to read as follows:

287.0402 As used in NRS 287.0402 to 287.049, inclusive, ***and sections 2 and 3 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 287.0404 to 287.04064, inclusive, ***and section 2 of this act*** have the meanings ascribed to them in those sections.

Sec. 8. NRS 287.043 is hereby amended to read as follows:

287.043 1. The Board shall:

(a) Establish and carry out a program to be known as the Public Employees' Benefits Program which:

(1) Must include a program relating to group life, accident or health insurance, or any combination of these; and

(2) May include:

(I) A plan that offers flexibility in benefits, and for which the rates must be based only on the experience of the participants in the plan and not in combination with the experience of participants in any other plan offered under the Program; or

(II) A program to reduce taxable compensation or other forms of compensation other than deferred compensation,

➥ for the benefit of all state officers and employees and other persons who participate in the Program.

(b) Ensure that the Program is funded on an actuarially sound basis and operated in accordance with sound insurance and business practices.

2. In establishing and carrying out the Program, the Board shall:

(a) For the purpose of establishing actuarial data to determine rates and coverage for active and retired state officers and employees and their dependents, commingle the claims experience of such active and retired officers and employees and their dependents for whom the Program provides primary health insurance coverage into a single risk pool.

(b) Except as otherwise provided in this paragraph, negotiate and contract pursuant to paragraph (a) of subsection 1 of NRS 287.025 with the governing body of any county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada that wishes to obtain exclusive group insurance for all of its active and retired officers and employees and their dependents, except as otherwise provided in sub-subparagraph (III) of subparagraph (2) of paragraph (h), by participation in the Program. The Board shall establish separate rates and coverage for active and retired officers and employees of those local governmental agencies and their dependents based on actuarial reports that commingle the claims experience of such active and retired officers and employees and their dependents for whom the Program provides primary health insurance coverage into a single risk pool.

(c) Except as otherwise provided in paragraph (d), provide public notice in writing of any proposed changes in rates or coverage to each participating public agency that may be affected by the changes. Notice must be provided at least 30 days before the effective date of the changes.

(d) If a proposed change is a change in the premium or contribution charged for, or coverage of, health insurance, provide written notice of the proposed change to all participants in the Program. The notice must be provided at least 30 days before the date on which a participant in the Program is required to select or change the participant's policy of health insurance.

(e) Purchase policies of life, accident or health insurance, or any combination of these, or, if applicable, a program to reduce the amount of taxable compensation pursuant to 26 U.S.C. § 125, from any company qualified to do business in this State or provide similar coverage through a plan of self-insurance established pursuant to NRS 287.0433 for the benefit of all eligible participants in the Program.

(f) Except as otherwise provided in this title, develop and establish other employee benefits as necessary.

(g) Investigate and approve or disapprove any contract proposed pursuant to NRS 287.0479.

(h) Adopt such regulations and perform such other duties as are necessary to carry out the provisions of NRS 287.010 to 287.245, inclusive, ***and sections 2 and 3 of this act,*** including, without limitation, the establishment of:

(1) Fees for applications for participation in the Program and for the late payment of premiums or contributions;

(2) Conditions for entry and reentry into and exit from the Program by local governmental agencies pursuant to paragraph (a) of subsection 1 of NRS 287.025, which:

(I) Must include a minimum period of 4 years of participation for entry into the Program;

(II) Must include a requirement that participation of any retired officers and employees of the local governmental agency whose last continuous period of enrollment with the Program began after November 30, 2008, terminates upon termination of the local governmental agency's contract with the Program; and

(III) May allow for the exclusion of active and retired officers and employees of the local governmental agency who are eligible for health coverage from a health and welfare plan or trust that arose out of collective bargaining under chapter 288 of NRS or a trust established pursuant to 29 U.S.C. § 186;

(3) Procedures by which a group of participants in the Program may leave the Program pursuant to NRS 287.0479 and conditions and procedures for reentry into the Program by those participants;

(4) Specific procedures for the determination of contested claims;

(5) Procedures for review and notification of the termination of coverage of persons pursuant to paragraph (b) of subsection 4 of NRS 287.023; and

(6) Procedures for the payments that are required to be made pursuant to paragraph (b) of subsection 4 of NRS 287.023.

~~[(i) Appoint an independent certified public accountant. The accountant shall:~~

~~(1) Provide an annual audit of the Program; and~~

~~(2) Report to the Board and the Interim Retirement and Benefits Committee of the Legislature created pursuant to NRS 218E.420.~~

~~(j) Appoint an attorney who specializes in employee benefits. The attorney shall:~~

~~(1) Perform a biennial review of the Program to determine whether the Program complies with federal and state laws relating to taxes and employee benefits; and~~

~~(2) Report to the Board and the Interim Retirement and Benefits Committee of the Legislature created pursuant to NRS 218E.420.~~

~~3. The Board shall submit an annual report regarding the administration and operation of the Program to the Director of the Legislative Counsel Bureau for transmittal to the appropriate committees of the Legislature, or to the Legislative Commission when the Legislature is not in regular session, for acceptance or rejection not more than 6 months before the Board establishes rates and coverage for participants for the following plan year. The report must include, without limitation:~~

~~(a) Detailed financial results for the Program for the preceding plan year, including, without limitation, identification of the sources of revenue for the Program and a detailed accounting of expenses which are segregated by each type of benefit offered by the Program, and administrative costs. The results must be provided separately concerning:~~

~~(1) Participants who are active and retired state officers and employees and their dependents;~~

~~(2) All participants in the Program other than those described in subparagraph (1); and~~

~~(3) Within the groups described in subparagraphs (1) and (2), active participants, retired participants for which the Program provides primary health insurance coverage and retired participants in the Program who are provided coverage for medical or hospital service, or both, by the Health~~

~~Insurance for the Aged Act, 42 U.S.C. §§ 1395 et seq., or a plan that provides similar coverage.~~

~~(b) An assessment of actuarial accuracy and reserves for the current plan year and the immediately preceding plan year.~~

~~(c) A summary of the plan design for the current plan year, including, without limitation, information regarding rates and any changes in the vendors with which the Program has entered into contracts, and a comparison of the plan design for the current plan year to the plan design for the immediately preceding plan year. The information regarding rates provided pursuant to this paragraph must set forth the costs for participation in the Program paid by participants and employers on a monthly basis.~~

~~(d) A description of all written communications provided generally to all participants by the Program during the preceding plan year.~~

~~(e) A discussion of activities of the Board concerning purchasing coalitions.~~

~~4.~~ ***3.*** The Board may use any services provided to state agencies and shall use the services of the Purchasing Division of the Department of Administration to establish and carry out the Program.

~~[5.]~~ ***4.*** The Board may make recommendations to the Legislature concerning legislation that it deems necessary and appropriate regarding the Program.

~~[6.]~~ ***5.*** A participating public agency is not liable for any obligation of the Program other than indemnification of the Board and its employees against liability relating to the administration of the Program, subject to the limitations specified in NRS 41.0349.

~~[7.]~~ ***6.*** As used in this section, "employee benefits" includes any form of compensation provided to a public employee except federal benefits, wages earned, legal holidays, deferred compensation and benefits available pursuant to chapter 286 of NRS.

Sec. 9. NRS 287.044 is hereby amended to read as follows:

287.044 1. Except as otherwise provided in subsection 2, each participating state agency shall pay to the Program an amount specified by law for every state officer or employee who is employed by a participating public agency on a permanent and full-time basis and elects to participate in the Program.

2. A member of the Senate or Assembly who elects to participate in the Program shall pay the entire premium or contribution for the member's insurance.

3. State officers and employees who elect to participate in the Program must authorize deductions from their compensation for the payment of premiums or contributions for the Program. Any deduction from the compensation of a state officer or employee for the payment of such a

premium or contribution must be based on the actual amount of the premium or contribution after deducting any amount ~~[of the premium or contribution which is paid]~~ ***allocated by the Board*** pursuant to subsection ~~[1.]~~ ***6.***

4. If a state officer or employee chooses to cover any dependents, whenever this option is made available by the Board, except as otherwise provided in NRS 287.021 and 287.0477, the state officer or employee must pay the difference between the amount of the premium or contribution for the coverage for the state officer or employee and such dependents and ~~[the]~~ ***any*** amount ~~[paid by the participating state agency that employs the officer or employee.]~~ ***allocated by the Board pursuant to subsection 6.***

5. A participating state agency shall not pay any part of those premiums or contributions if the group life insurance or group accident or health insurance is not approved by the Board.

6. The Board may allocate the money paid to the Program pursuant to ~~[this section]~~ ***subsection 1*** between the cost of premiums and contributions for group insurance for each state officer or employee, except a member of the Senate or Assembly, and the dependents of each state officer or employee.

Sec. 10. NRS 287.046 is hereby amended to read as follows:

287.046 1. The Department of Administration shall establish an assessment that is to be used to pay for a portion of the cost of premiums or contributions for the Program for persons who have retired with state service **.** ~~[before January 1, 1994, or under the circumstances set forth in paragraph (a), (b) or (c) of subsection 3.]~~

2. The money assessed pursuant to subsection 1 must be deposited into the Retirees' Fund and must be based upon ~~[an]~~ ***a base*** amount approved by the Legislature each session to pay for a portion of the current and future health and welfare benefits for ~~[such retirees.]~~ ***persons who retired before January 1, 1994, or for persons who retire on or after January 1, 1994, as adjusted by subsection 3.*** Except as otherwise provided in subsection ~~[4,]~~ ***5,*** the portion to be paid to the Program from the Retirees' Fund on behalf of such persons must be equal to a portion of the cost for each retiree and the retiree's dependents who are enrolled in the plan, as defined for each year of the plan by the Program.

3. ~~[Adjustments]~~ ***Except as otherwise provided in subsection 4, adjustments*** to the portion ***of the amount approved by the Legislature pursuant to subsection 2 to be*** paid by the Retirees' Fund ~~[must be as follows:~~

~~(a) For]~~ ***for*** persons who retire on or after January 1, 1994, with state service ~~[:~~

~~(1)]~~ ***must be as follows:***

(a) For each year of service less than 15 years, excluding service purchased pursuant to NRS 1A.310 or 286.300, the portion paid by the Retirees' Fund must be reduced by an amount equal to 7.5 percent of the base funding level defined by the Legislature. In no event may the adjustment exceed 75 percent of the base funding level defined by the Legislature.

~~[(2)]~~ ***(b)*** For each year of service greater than 15 years, excluding service purchased pursuant to NRS 1A.310 or 286.300, the portion paid by the Retirees' Fund must be increased by an amount equal to 7.5 percent of the base funding level defined by the Legislature. In no event may the adjustment exceed 37.5 percent of the base funding level defined by the Legislature.

~~[(b) For persons who are]~~

4. No money may be paid by the Retirees' Fund on behalf of a retired person who is initially hired by the State on or after January 1, 2010, and who ~~[retire with at least 15 years of service credit, which must include state service and may include local governmental service, and who have]~~ ***:***

(a) Has not participated in the Program on a continuous basis since ~~[their]~~ retirement from such employment ~~[, for each year of service greater than 15 years, excluding service purchased pursuant to NRS 1A.310 or 286.300, the portion paid by the Retirees' Fund must be increased by an amount equal to 7.5 percent of the base funding level defined by the Legislature. In no event may the adjustment exceed 37.5 percent of the base funding level defined by the Legislature.~~

~~(c) For persons who are initially hired by the State on or after January 1, 2010, and who retire with at least 5 years of service credit, which must include state service and may include local governmental service, who do]~~ ***; or***

(b) Does not have at least 15 years of service ~~[credit to qualify under paragraph (b) as]~~ ***, which must include state service and may include local governmental service, unless the retired person does not have at least 15 years of service as*** a result of a disability for which disability benefits are received under the Public Employees' Retirement System or a retirement program for professional employees offered by or through the Nevada System of Higher Education, and ~~[who have]~~ ***has*** participated in the Program on a continuous basis since ~~[their]~~ retirement from such employment ***.*** ~~[:~~

~~(1) For each year of service less than 15 years, excluding service purchased pursuant to NRS 1A.310 or 286.300, the portion paid by the Retirees' Fund must be reduced by an amount equal to 7.5 percent of the base funding level defined by the Legislature. In no event may the adjustment exceed 75 percent of the base funding level defined by the Legislature.~~

~~(2) For each year of service greater than 15 years, excluding service purchased pursuant to NRS 1A.310 or 286.300, the portion paid by the Retirees' Fund must be increased by an amount equal to 7.5 percent of the base funding level defined by the Legislature. In no event may the adjustment exceed 37.5 percent of the base funding level defined by the Legislature.~~

~~4.~~ ***5.*** If the amount calculated pursuant to subsection 3 exceeds the actual premium or contribution for the plan of the Program that the retired participant selects, the balance must be credited to the Program Fund.

~~5.~~ ***6.*** For the purposes of subsection ~~1:~~ ***3:***

(a) Credit for service must be calculated in the manner provided by chapter 286 of NRS.

(b) No proration may be made for a partial year of ~~state~~ service.

~~6.~~ ***7.*** The Department shall agree through the Board with the insurer for billing of remaining premiums or contributions for the retired participant and the retired participant's dependents to the retired participant and to the retired participant's dependents who elect to continue coverage under the Program after the retired participant's death.

Sec. 11. NRS 287.0465 is hereby amended to read as follows:

287.0465 1. If ~~an officer or employee of the State or a dependent of such an officer or employee~~ ***a member*** incurs an illness or injury for which medical services are payable under the plan for self-insurance established by the Board and the illness or injury is incurred under circumstances creating a legal liability in some person, other than the ~~officer, employee or dependent,~~ ***member,*** to pay all or part of the cost of those services, the Board is subrogated to the right of the ~~officer, employee or dependent~~ ***member*** to the extent of all such costs, and may join or intervene in any action by the ~~officer, employee or dependent~~ ***member*** or any ~~successors~~ ***successor*** in interest, to enforce that legal liability.

2. If ~~an officer, employee or dependent~~ ***a member*** or any ~~successors~~ ***successor*** in interest fail or refuse to commence an action to enforce that legal liability, the Board may commence an independent action, after notice to the ~~officer, employee or dependent~~ ***member*** or any ~~successors~~ ***successor*** in interest, to recover all costs to which it is entitled. In any such action by the Board, the ~~officer, employee or dependent~~ ***member*** may be joined as a third party defendant.

3. If the Board is subrogated to the rights of the ~~officer, employee or dependent~~ ***member*** or any ~~successors~~ ***successor*** in interest as provided in subsection 1, the Board has a lien upon the total proceeds of any recovery from the persons liable, whether the proceeds of the recovery are by way of a judgment or settlement or otherwise. Within 15 days after recovery by receipt of the proceeds of the judgment, settlement or other recovery, the ~~officer,~~

~~employee or dependent~~] ***member*** or any successors in interest shall notify the Board of the recovery and pay the Board the amount due to it pursuant to this section. The [~~officer, employee or dependent~~] ***member*** or any successors in interest are not entitled to double recovery for the same injury.

4. The [~~officer, employee or dependent~~] ***member*** or any successors in interest shall notify the Board in writing before entering any settlement or agreement or commencing any action to enforce the legal liability referred to in subsection 1.

5. As used in this section, "member" means:

(a) An active or retired officer or employee of the State or a dependent of such an officer or employee who is covered under the Program; and

(b) An active or retired officer or employee of a local governmental agency or a dependent of such an officer or employee who is covered under the Program.

Sec. 12. NRS 287.0475 is hereby amended to read as follows:

287.0475 1. A retired public officer or employee or the surviving spouse ***or surviving domestic partner*** of a retired public officer or employee who is deceased may, in any even-numbered year, reinstate any insurance under the Program, except life insurance, that, at the time of reinstatement, is provided by the Program if the retired public officer or employee retired:

(a) Pursuant to NRS 1A.350 or 1A.480, or 286.510 or 286.620, from a participating state agency or was enrolled in a retirement program provided pursuant to NRS 286.802; or

(b) Pursuant to NRS 1A.350 or 1A.480, or 286.510 or 286.620, from employment with a county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State which is a participating local governmental agency at the time of the request for reinstatement [~~.~~] ***, unless the retired public officer or employee is excluded from participation in the Program pursuant to sub-subparagraph (III) of subparagraph (2) of paragraph (h) of subsection 2 of NRS 287.043.***

2. Reinstatement pursuant to subsection 1 must be requested by:

(a) Giving written notice to the Program of the intent of the public officer or employee or surviving spouse ***or surviving domestic partner*** to reinstate the insurance not later than March 15 of an even-numbered year;

(b) Accepting the Program's current plan of insurance and any subsequent changes thereto; and

(c) Except as otherwise provided in NRS 287.046, paying any portion of the premiums or contributions for coverage under the Program, in the manner set forth in NRS 1A.470 or 286.615, which are due from the date of reinstatement and not paid by the public employer.

[~~3. Reinstatement of insurance excludes claims for expenses for any condition for which medical advice, treatment or consultation was rendered~~

~~within 12 months before reinstatement unless the reinstated insurance has been in effect more than 12 consecutive months.~~**]**

Sec. 13. NRS 287.0477 is hereby amended to read as follows:

287.0477 1. Except as otherwise provided in subsection 4, the surviving spouse ***, surviving domestic partner*** and any surviving child of a police officer or firefighter who was employed by a participating public agency and who was killed in the line of duty may join or continue coverage under the Public Employees' Benefits Program or another insurer or employee benefit plan approved by the Board pursuant to NRS 287.0479 if the police officer or firefighter was a participant or would have been eligible to participate on the date of the death of the police officer or firefighter. If the surviving spouse ***, surviving domestic partner*** or child elects to join or discontinue coverage under the Public Employees' Benefits Program pursuant to this subsection, the spouse, ***domestic partner,*** child or legal guardian of the child must notify in writing the participating public agency that employed the police officer or firefighter within 60 days after the date of death of the police officer or firefighter.

2. Except as otherwise provided in subsection 4, the surviving spouse ***, surviving domestic partner*** and any surviving child of a volunteer firefighter who was killed in the line of duty and who was officially a member of a volunteer fire department in this State is eligible to join the Public Employees' Benefits Program. If such a spouse ***, domestic partner*** or child elects to join the Public Employees' Benefits Program, the spouse, ***domestic partner,*** child or legal guardian of the child must notify in writing the Board within 60 days after the date of death of the volunteer firefighter.

3. **[**~~The~~**]** ***Except as otherwise provided in this section, the*** participating public agency that employed the police officer or firefighter shall pay the entire cost of the premiums or contributions for the Public Employees' Benefits Program or another insurer or employee benefit plan approved by the Board pursuant to NRS 287.0479 for the surviving spouse or child who meets the requirements set forth in subsection 1. The State of Nevada shall pay the entire cost of the premiums or contributions for the Public Employees' Benefits Program for the surviving spouse or child who elects to join the Public Employees' Benefits Program pursuant to subsection 2.

4. A surviving spouse ***or surviving domestic partner*** is eligible to receive coverage pursuant to this section for the duration of the life of the surviving spouse **[**~~.~~**]** ***or surviving domestic partner.*** A surviving child is eligible to receive coverage pursuant to this section until the child reaches **[**~~:~~

~~(a) The~~**]** ~~*[the* age of~~**]** **[**18**]** ~~*[26 years.]*~~ **[**~~; or~~

~~(b) The age of 23 years, if the child is enrolled as a full-time student in an accredited university, college or trade school.~~**]** ***the age at which the child***

would not otherwise be eligible to receive coverage under the Public Employees' Benefits Program.

5. ***A participating public agency and the State of Nevada are not required to pay the entire cost of ~~[the premiums or contributions]~~ health care benefits pursuant to subsection 3 for a surviving domestic partner who elects to join the Public Employees' Benefits Program pursuant to subsection 2.***

6. As used in this section "police officer" has the meaning ascribed to it in NRS 617.135.

Sec. 14. NRS 287.04366 is hereby repealed.

Sec. 15. 1. This section and sections 4 and 12 of this act become effective on July 1, 2011.

2. Sections 1, 2, 3, 5 to 11, inclusive, 13 and 14 of this act become effective on October 1, 2011.

3. ~~[Section 4 of this act expires by limitation on the date on which the provisions of the Patient Protection and Affordable Care Act, Public Law 111-148, cease to allow a grandfathered health plan to exclude claims for preexisting medical conditions.~~

~~4.]~~ Section 4.5 of this act becomes effective on the date on which the provisions of the Patient Protection and Affordable Care Act, Public Law 111-148, cease to allow a grandfathered health plan to exclude claims for preexisting medical conditions.

TEXT OF REPEALED SECTION

287.04366 Audits and reports. The Board shall provide to the Department of Administration and to the Interim Retirement and Benefits Committee of the Legislature, created by NRS 218E.420:

1. An annual audit of the Retirees' Fund to be conducted by an independent certified public accountant;

2. An annual report concerning the Retirees' Fund; and

3. An independent biennial certified actuarial valuation and report of the State's health and welfare benefits for current and future state retirees, which are provided for the purpose of developing the annual required contribution pursuant to the statements issued by the Governmental Accounting Standards Board.

Assemblywoman Kirkpatrick moved that the Assembly concur in the Senate Amendment No. 686 to Assembly Bill No. 80.

Remarks by Assemblywoman Kirkpatrick.

Motion carried

The following Senate amendment was read:

Amendment No. 845.

AN ACT relating to the Public Employees' Benefits Program; making various changes relating to the Program; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the Board of the Public Employees' Benefits Program is required to submit various reports concerning the administration and operation of the Program. (NRS 287.043, 287.04366) **Sections 3, 8 and 14** of this bill make the Executive Officer of the Program, rather than the Board, responsible for submitting such reports.

Under existing law, if a retired public officer or employee of the State or a local governmental agency, or the surviving spouse of such a retired officer or employee, who was formerly covered by health insurance provided under the Program, or under a plan offered by the local governmental employer, reinstates such insurance, the reinstated insurance excludes coverage for certain preexisting conditions during the first 12 months after such reinstatement. (NRS 287.0205, 287.0475) **Sections 4.5 and 12** of this bill eliminate the exclusion for certain preexisting conditions as called for in the Patient Protection and Affordable Care Act. (Pub. L. No. 111-148, 124 Stat. 119) **Section 12** also prohibits a public officer or employee who retired from a local governmental agency, or his or her surviving spouse**,** ~~[or domestic partner,]~~ from reinstating health insurance under the Program if the Board has adopted regulations that exclude such persons from participation in the Program because they are eligible for health coverage from a health and welfare plan or trust that arose out of certain collective bargaining agreements or under certain federal laws.

Under existing law, a state agency is required to pay to the Program a certain amount to pay a portion of the cost of coverage under the Program for each state officer or employee of that state agency who participates in the Program. State officers and employees are required to pay the remaining portion of the costs of their coverage as well as the full amount of covering their dependents under the Program. The Board is authorized to allocate the money paid by the state agency between the costs of coverage for such officers and employees and for their dependents. (NRS 287.044) **Section 9** of this bill clarifies the manner in which the Board may perform the allocation.

Existing law provides for the payment of a subsidy to cover a portion of the costs of coverage under the Program for certain retired state officers and employees. (NRS 287.046) **Section 10** of this bill clarifies that employees who are initially hired by the State on or after January 1, 2010, are not entitled to the subsidy for coverage under the Program if they retire with less than 15 years of service, which must include state service and may include local governmental service, with the exception of disabled retirees, or if they fail to maintain continuous coverage under the Program during retirement.

Section 6 of this bill clarifies the application of this provision to persons who retire from employment with local governmental agencies.

Existing law provides that if a state officer or employee or a dependent of a state officer or employee incurs medical costs that are payable under the Program, but for which a third person has the legal liability to pay, the Board is subrogated to the rights of the officer, employee or dependent and may commence, join or intervene in any legal action against the third person to enforce that legal liability. (NRS 287.0465) **Section 11** of this bill extends this provision to apply to any person who participates in the Program, including retired, as well as active, officers and employees of the State and their dependents and to active and retired officers and employees of local governments and their dependents who are covered under the Program.

Existing law provides that the surviving spouse and any surviving child of a police officer or firefighter who was killed in the line of duty are eligible to obtain or continue coverage under the Program or a benefits plan established by his or her local governmental employer under certain circumstances. The public employer of the police officer or firefighter, or the State of Nevada in the case of a volunteer firefighter, is required to pay the entire cost of the coverage for the surviving spouse for life and the entire cost of the coverage for any surviving child at least until the child reaches 18 years of age and until the child reaches 23 years of age so long as the child is a full-time student. (NRS 287.021, 287.0477) ~~[Sections 5 and 13 of this bill provide that neither the public employer nor the State is required to pay the cost of the coverage for the surviving domestic partner of such a police officer or firefighter.]~~ **Sections 5 and 13 ~~[also]~~ of this bill** codify that the duration of the coverage for the surviving children of police officers and firefighters killed in the line of duty is the same as the duration of coverage for children otherwise in the public employer's health care plan.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 287 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. ~~*[*"Domestic partner" has the meaning ascribed to it NRS 122A.030.*]*~~ **(Deleted by amendment.)**

Sec. 3. ***1. The Executive Officer shall submit a report regarding the administration and operation of the Program to the Board and the Director of the Department of Administration, and to the Director of the Legislative Counsel Bureau for transmittal to the appropriate committees of the Legislature or, if the Legislature is not in regular session, to the Legislative Commission and the Interim Retirement and Benefits Committee of the***

Legislature created by NRS 218E.420. The report must include, without limitation:

(a) An audited financial statement of the Program Fund for the immediately preceding fiscal year. The statement must be prepared by an independent certified public accountant.

(b) An audited financial statement of the Retirees' Fund for the immediately preceding fiscal year. The statement must be prepared by an independent certified public accountant.

(c) A report of the utilization of the Program by participants during the immediately preceding plan year, segregated by benefit, administrative cost, active employees and retirees, including, without limitation, an assessment of the actuarial accuracy of reserves.

(d) Material provided generally to participants or prospective participants in connection with enrollment in the Program for the current plan year, including, without limitation:

(1) Information regarding rates and the costs for participation in the Program paid by participants on a monthly basis; and

(2) A summary of the changes in the plan design for the current plan year from the plan design for the immediately preceding plan year.

2. The Executive Officer shall submit a biennial report to the Board and the Director of the Department of Administration, and to the Director of the Legislative Counsel Bureau for transmittal to the appropriate committee or committees of the Legislature. The report must include, without limitation:

(a) An independent biennial certified actuarial valuation and report of the State's health and welfare benefits for current and future state retirees, which are provided for the purpose of developing the annual required contribution pursuant to the statements issued by the Governmental Accounting Standards Board.

(b) A biennial review of the Program to determine whether the Program complies with federal and state laws relating to taxes and employee benefits. The review must be conducted by an attorney who specializes in employee benefits.

Sec. 4. NRS 287.0205 is hereby amended to read as follows:

287.0205 1. A public officer or employee of any county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada who has retired pursuant to NRS 1A.350 or 1A.480, or 286.510 or 286.620, or is enrolled in a retirement program provided pursuant to NRS 286.802, or the surviving spouse of such a retired public officer or employee who is deceased, may, in any even-numbered year, reinstate any insurance, except life insurance, that, at the time of reinstatement, is provided by the last public employer of the

retired public officer or employee to the active officers and employees and their dependents of that public employer:

(a) Pursuant to NRS 287.010, 287.015, 287.020 or paragraph (b), (c) or (d) of subsection 1 of NRS 287.025; or

(b) Under the Public Employees' Benefits Program, if the last public employer of the retired officer or employee participates in the Public Employees' Benefits Program pursuant to paragraph (a) of subsection 1 of NRS 287.025.

2. Reinstatement pursuant to paragraph (a) of subsection 1 must be requested by:

(a) Giving written notice of the intent of the public officer or employee or surviving spouse to reinstate the insurance to the last public employer of the public officer or employee not later than January 31 of an even-numbered year;

(b) Accepting the public employer's current program or plan of insurance and any subsequent changes thereto; and

(c) Except as otherwise provided in ~~[~~subparagraph (2) of~~]~~ paragraph (b) of subsection 4 of NRS 287.023, paying any portion of the premiums or contributions of the public employer's program or plan of insurance, in the manner set forth in NRS 1A.470 or 286.615, which is due from the date of reinstatement and not paid by the public employer.

➥ The last public employer shall give the insurer notice of the reinstatement not later than March 31 of the year in which the public officer or employee or surviving spouse gives notice of the intent to reinstate the insurance.

3. Reinstatement pursuant to paragraph (b) of subsection 1 must be requested pursuant to NRS 287.0475.

4. ~~[~~Reinstatement~~]~~ ***If a plan is considered grandfathered under the Patient Protection and Affordable Care Act, Public Law 111-148, reinstatement*** of insurance pursuant to subsection 1 ~~[~~excludes~~]~~ ***may exclude*** claims for expenses for any condition for which medical advice, treatment or consultation was rendered within 12 months before reinstatement unless the reinstated insurance has been in effect more than 12 consecutive months.

5. The last public employer of a retired officer or employee who reinstates insurance, except life insurance, which was provided to the retired officer or employee and the retired officer's or employee's dependents at the time of retirement pursuant to NRS 287.010, 287.015, 287.020 or paragraph (b), (c) or (d) of subsection 1 of NRS 287.025 shall, for the purpose of establishing actuarial data to determine rates and coverage for such persons, commingle the claims experience of such persons with the claims experience of active and retired officers and employees and their dependents who participate in that group insurance, plan of benefits or medical and hospital service.

Sec. 4.5. NRS 287.0205 is hereby amended to read as follows:

287.0205 1. A public officer or employee of any county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada who has retired pursuant to NRS 1A.350 or 1A.480, or 286.510 or 286.620, or is enrolled in a retirement program provided pursuant to NRS 286.802, or the surviving spouse of such a retired public officer or employee who is deceased, may, in any even-numbered year, reinstate any insurance, except life insurance, that, at the time of reinstatement, is provided by the last public employer of the retired public officer or employee to the active officers and employees and their dependents of that public employer:

(a) Pursuant to NRS 287.010, 287.015, 287.020 or paragraph (b), (c) or (d) of subsection 1 of NRS 287.025; or

(b) Under the Public Employees' Benefits Program, if the last public employer of the retired officer or employee participates in the Public Employees' Benefits Program pursuant to paragraph (a) of subsection 1 of NRS 287.025.

2. Reinstatement pursuant to paragraph (a) of subsection 1 must be requested by:

(a) Giving written notice of the intent of the public officer or employee or surviving spouse to reinstate the insurance to the last public employer of the public officer or employee not later than January 31 of an even-numbered year;

(b) Accepting the public employer's current program or plan of insurance and any subsequent changes thereto; and

(c) Except as otherwise provided in paragraph (b) of subsection 4 of NRS 287.023, paying any portion of the premiums or contributions of the public employer's program or plan of insurance, in the manner set forth in NRS 1A.470 or 286.615, which is due from the date of reinstatement and not paid by the public employer.

➥ The last public employer shall give the insurer notice of the reinstatement not later than March 31 of the year in which the public officer or employee or surviving spouse gives notice of the intent to reinstate the insurance.

3. Reinstatement pursuant to paragraph (b) of subsection 1 must be requested pursuant to NRS 287.0475.

4. ~~[If a plan is considered grandfathered under the Patient Protection and Affordable Care Act, Public Law 111-148, reinstatement of insurance pursuant to subsection 1 may exclude claims for expenses for any condition for which medical advice, treatment or consultation was rendered within 12 months before reinstatement unless the reinstated insurance has been in effect more than 12 consecutive months.~~

~~5.]~~ The last public employer of a retired officer or employee who reinstates insurance, except life insurance, which was provided to the retired officer or employee and the retired officer's or employee's dependents at the time of retirement pursuant to NRS 287.010, 287.015, 287.020 or paragraph (b), (c) or (d) of subsection 1 of NRS 287.025 shall, for the purpose of establishing actuarial data to determine rates and coverage for such persons, commingle the claims experience of such persons with the claims experience of active and retired officers and employees and their dependents who participate in that group insurance, plan of benefits or medical and hospital service.

Sec. 5. NRS 287.021 is hereby amended to read as follows:

287.021 1. Except as otherwise provided in subsection 3, the surviving spouse ~~*[, surviving domestic partner]*~~ and any surviving child of a police officer or firefighter who was:

(a) Employed by a local governmental agency that had established group insurance, a plan of benefits or medical and hospital service pursuant to NRS 287.010, 287.015, 287.020 or paragraph (b), (c) or (d) of subsection 1 of NRS 287.025; and

(b) Killed in the line of duty,

➥ may elect to accept or continue coverage under that group insurance, plan or medical and hospital service if the police officer or firefighter was a participant or would have been eligible to participate in the group insurance, plan or medical and hospital service on the date of the death of the police officer or firefighter. If the surviving spouse ~~*[, surviving domestic partner]*~~ or child elects to accept coverage under the group insurance, plan or medical and hospital service in which the police officer or firefighter would have been eligible to participate or to discontinue coverage under the group insurance, plan or medical and hospital service in which the police officer or firefighter was a participant, the spouse, ~~*[domestic partner,]*~~ child or legal guardian of the child must notify in writing the local governmental agency that employed the police officer or firefighter within 60 days after the date of death of the police officer or firefighter.

2. ~~[~~The~~]~~ ***Except as otherwise provided in*** ~~*[this section and]*~~ ***NRS 287.023, the*** local governmental agency that employed the police officer or firefighter shall pay the entire cost of the premiums or contributions for the group insurance, plan of benefits or medical and hospital service for the surviving spouse or child who meets the requirements set forth in subsection 1.

3. A surviving spouse ~~*[or surviving domestic partner]*~~ is eligible to receive coverage pursuant to this section for the duration of the life of the surviving spouse ~~*[or surviving domestic partner.]*~~ A surviving child is eligible to receive coverage pursuant to this section until the child reaches ~~[~~:

~~(a) The age of 18 years; or~~

~~(b) The age of 23 years, if the child is enrolled as a full-time student in an accredited university, college or trade school.~~**]** ***the age at which the child would not otherwise be eligible to receive coverage under the group insurance, plan of benefits or medical and hospital service.***

4. ~~*[A local governmental agency is not required to pay the entire cost of health care benefits pursuant to subsection 2 for a surviving domestic partner who meets the requirements set forth in subsection 1.*~~

~~*5.]*~~ As used in this section "police officer" has the meaning ascribed to it in NRS 617.135.

Sec. 6. NRS 287.023 is hereby amended to read as follows:

287.023 1. Whenever an officer or employee of the governing body of any county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada retires under the conditions set forth in NRS 1A.350 or 1A.480, or 286.510 or 286.620 and, during the period in which the person served as an officer or employee, was eligible to be covered or had dependents who were eligible to be covered by any group insurance, plan of benefits or medical and hospital service established pursuant to NRS 287.010, 287.015, 287.020 or paragraph (b), (c) or (d) of subsection 1 of NRS 287.025 or under the Public Employees' Benefits Program pursuant to paragraph (a) of subsection 1 of NRS 287.025, the officer or employee has the option upon retirement to cancel or continue any such coverage to the extent that such coverage is not provided to the officer or employee or a dependent by the Health Insurance for the Aged Act, 42 U.S.C. §§ 1395 et seq.

2. A retired person who continues coverage under the Public Employees' Benefits Program shall assume the portion of the premium or contribution costs for the coverage which the governing body or the State does not pay on behalf of retired officers or employees. A dependent of such a retired person has the option, which may be exercised to the same extent and in the same manner as the retired person, to cancel or continue coverage in effect on the date the retired person dies. The dependent is not required to continue to receive retirement payments from the Public Employees' Retirement System to continue coverage.

3. Notice of the selection of the option must be given in writing to the last public employer of the officer or employee within 60 days after the date of retirement or death, as the case may be. If no notice is given by that date, the retired officer or employee and any dependents shall be deemed to have selected the option to cancel the coverage for the group insurance, plan of benefits or medical and hospital service established pursuant to NRS 287.010, 287.015, 287.020 or paragraph (b), (c) or (d) of subsection 1 of

NRS 287.025 or coverage under the Public Employees' Benefits Program pursuant to paragraph (a) of subsection 1 of NRS 287.025.

4. The governing body of any county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of this State:

(a) May pay the cost, or any part of the cost, of coverage established pursuant to NRS 287.010, 287.015 or 287.020 or paragraph (b), (c) or (d) of subsection 1 of NRS 287.025 for persons who continue that coverage pursuant to subsection 1, but it must not pay a greater portion than it does for its current officers and employees.

(b) Shall pay the same portion of the cost of coverage under the Public Employees' Benefits Program for ***retired*** persons who ~~[~~:

~~(1) Were initially hired before January 1, 2010, and who retire and~~] are covered under the Program ~~[pursuant to subsection 1 or who subsequently reinstate coverage under the Program pursuant to NRS 287.0205; or~~

~~(2) Are initially hired on or after January 1, 2010, and who retire with:~~

~~(I) At least 15 years of service credit, which must include local governmental service and may include state service, and who have participated in the Program on a continuous basis since their retirement from such employment; or~~

~~(II) At least 5 years of service credit, which must include local governmental service and may include state service, who do not have at least 15 years of service credit to qualify under sub-subparagraph (I) as a result of a disability for which disability benefits are received under the Public Employees' Retirement System or a retirement program for professional employees offered by or through the Nevada System of Higher Education.~~

~~→~~] as the State pays pursuant to ~~[subsection 1 of]~~ NRS 287.046 for persons retired with state service who participate in the ~~[Public Employees' Benefits]~~ Program.

5. The governing body of any county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of this State shall, for the purpose of establishing actuarial data to determine rates and coverage for persons who continue coverage for group insurance, a plan of benefits or medical and hospital service with the governing body pursuant to subsection 1, commingle the claims experience of those persons with the claims experience of active officers and employees and their dependents who participate in the group insurance, a plan of benefits or medical and hospital service.

Sec. 7. NRS 287.0402 is hereby amended to read as follows:

287.0402 As used in NRS 287.0402 to 287.049, inclusive, ***~~[and sections 2]~~ and section 3 of this act,*** unless the context otherwise requires, the words

and terms defined in NRS 287.0404 to 287.04064, inclusive, ~~*[and section 2 of this act]*~~ have the meanings ascribed to them in those sections.

Sec. 8. NRS 287.043 is hereby amended to read as follows:

287.043 1. The Board shall:

(a) Establish and carry out a program to be known as the Public Employees' Benefits Program which:

(1) Must include a program relating to group life, accident or health insurance, or any combination of these; and

(2) May include:

(I) A plan that offers flexibility in benefits, and for which the rates must be based only on the experience of the participants in the plan and not in combination with the experience of participants in any other plan offered under the Program; or

(II) A program to reduce taxable compensation or other forms of compensation other than deferred compensation,

➥ for the benefit of all state officers and employees and other persons who participate in the Program.

(b) Ensure that the Program is funded on an actuarially sound basis and operated in accordance with sound insurance and business practices.

2. In establishing and carrying out the Program, the Board shall:

(a) For the purpose of establishing actuarial data to determine rates and coverage for active and retired state officers and employees and their dependents, commingle the claims experience of such active and retired officers and employees and their dependents for whom the Program provides primary health insurance coverage into a single risk pool.

(b) Except as otherwise provided in this paragraph, negotiate and contract pursuant to paragraph (a) of subsection 1 of NRS 287.025 with the governing body of any county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State of Nevada that wishes to obtain exclusive group insurance for all of its active and retired officers and employees and their dependents, except as otherwise provided in sub-subparagraph (III) of subparagraph (2) of paragraph (h), by participation in the Program. The Board shall establish separate rates and coverage for active and retired officers and employees of those local governmental agencies and their dependents based on actuarial reports that commingle the claims experience of such active and retired officers and employees and their dependents for whom the Program provides primary health insurance coverage into a single risk pool.

(c) Except as otherwise provided in paragraph (d), provide public notice in writing of any proposed changes in rates or coverage to each participating public agency that may be affected by the changes. Notice must be provided at least 30 days before the effective date of the changes.

(d) If a proposed change is a change in the premium or contribution charged for, or coverage of, health insurance, provide written notice of the proposed change to all participants in the Program. The notice must be provided at least 30 days before the date on which a participant in the Program is required to select or change the participant's policy of health insurance.

(e) Purchase policies of life, accident or health insurance, or any combination of these, or, if applicable, a program to reduce the amount of taxable compensation pursuant to 26 U.S.C. § 125, from any company qualified to do business in this State or provide similar coverage through a plan of self-insurance established pursuant to NRS 287.0433 for the benefit of all eligible participants in the Program.

(f) Except as otherwise provided in this title, develop and establish other employee benefits as necessary.

(g) Investigate and approve or disapprove any contract proposed pursuant to NRS 287.0479.

(h) Adopt such regulations and perform such other duties as are necessary to carry out the provisions of NRS 287.010 to 287.245, inclusive, ~~*[and sections 2]*~~ ***and section 3 of this act,*** including, without limitation, the establishment of:

(1) Fees for applications for participation in the Program and for the late payment of premiums or contributions;

(2) Conditions for entry and reentry into and exit from the Program by local governmental agencies pursuant to paragraph (a) of subsection 1 of NRS 287.025, which:

(I) Must include a minimum period of 4 years of participation for entry into the Program;

(II) Must include a requirement that participation of any retired officers and employees of the local governmental agency whose last continuous period of enrollment with the Program began after November 30, 2008, terminates upon termination of the local governmental agency's contract with the Program; and

(III) May allow for the exclusion of active and retired officers and employees of the local governmental agency who are eligible for health coverage from a health and welfare plan or trust that arose out of collective bargaining under chapter 288 of NRS or a trust established pursuant to 29 U.S.C. § 186;

(3) Procedures by which a group of participants in the Program may leave the Program pursuant to NRS 287.0479 and conditions and procedures for reentry into the Program by those participants;

(4) Specific procedures for the determination of contested claims;

(5) Procedures for review and notification of the termination of coverage of persons pursuant to paragraph (b) of subsection 4 of NRS 287.023; and

(6) Procedures for the payments that are required to be made pursuant to paragraph (b) of subsection 4 of NRS 287.023.

~~[(i) Appoint an independent certified public accountant. The accountant shall:~~

~~(1) Provide an annual audit of the Program; and~~

~~(2) Report to the Board and the Interim Retirement and Benefits Committee of the Legislature created pursuant to NRS 218E.420.~~

~~(j) Appoint an attorney who specializes in employee benefits. The attorney shall:~~

~~(1) Perform a biennial review of the Program to determine whether the Program complies with federal and state laws relating to taxes and employee benefits; and~~

~~(2) Report to the Board and the Interim Retirement and Benefits Committee of the Legislature created pursuant to NRS 218E.420.~~

~~3. The Board shall submit an annual report regarding the administration and operation of the Program to the Director of the Legislative Counsel Bureau for transmittal to the appropriate committees of the Legislature, or to the Legislative Commission when the Legislature is not in regular session, for acceptance or rejection not more than 6 months before the Board establishes rates and coverage for participants for the following plan year. The report must include, without limitation:~~

~~(a) Detailed financial results for the Program for the preceding plan year, including, without limitation, identification of the sources of revenue for the Program and a detailed accounting of expenses which are segregated by each type of benefit offered by the Program, and administrative costs. The results must be provided separately concerning:~~

~~(1) Participants who are active and retired state officers and employees and their dependents;~~

~~(2) All participants in the Program other than those described in subparagraph (1); and~~

~~(3) Within the groups described in subparagraphs (1) and (2), active participants, retired participants for which the Program provides primary health insurance coverage and retired participants in the Program who are provided coverage for medical or hospital service, or both, by the Health Insurance for the Aged Act, 42 U.S.C. §§ 1395 et seq., or a plan that provides similar coverage.~~

~~(b) An assessment of actuarial accuracy and reserves for the current plan year and the immediately preceding plan year.~~

~~(c) A summary of the plan design for the current plan year, including, without limitation, information regarding rates and any changes in the vendors with which the Program has entered into contracts, and a comparison of the plan design for the current plan year to the plan design for the immediately preceding plan year. The information regarding rates provided pursuant to this paragraph must set forth the costs for participation in the Program paid by participants and employers on a monthly basis.~~

~~(d) A description of all written communications provided generally to all participants by the Program during the preceding plan year.~~

~~(e) A discussion of activities of the Board concerning purchasing coalitions.~~

~~4.~~ ***3.*** The Board may use any services provided to state agencies and shall use the services of the Purchasing Division of the Department of Administration to establish and carry out the Program.

~~5.~~ ***4.*** The Board may make recommendations to the Legislature concerning legislation that it deems necessary and appropriate regarding the Program.

~~6.~~ ***5.*** A participating public agency is not liable for any obligation of the Program other than indemnification of the Board and its employees against liability relating to the administration of the Program, subject to the limitations specified in NRS 41.0349.

~~7.~~ ***6.*** As used in this section, "employee benefits" includes any form of compensation provided to a public employee except federal benefits, wages earned, legal holidays, deferred compensation and benefits available pursuant to chapter 286 of NRS.

Sec. 9. NRS 287.044 is hereby amended to read as follows:

287.044 1. Except as otherwise provided in subsection 2, each participating state agency shall pay to the Program an amount specified by law for every state officer or employee who is employed by a participating public agency on a permanent and full-time basis and elects to participate in the Program.

2. A member of the Senate or Assembly who elects to participate in the Program shall pay the entire premium or contribution for the member's insurance.

3. State officers and employees who elect to participate in the Program must authorize deductions from their compensation for the payment of premiums or contributions for the Program. Any deduction from the compensation of a state officer or employee for the payment of such a premium or contribution must be based on the actual amount of the premium or contribution after deducting any amount ~~[of the premium or contribution which is paid]~~ ***allocated by the Board*** pursuant to subsection ~~[1.]~~ ***6.***

4. If a state officer or employee chooses to cover any dependents, whenever this option is made available by the Board, except as otherwise provided in NRS 287.021 and 287.0477, the state officer or employee must pay the difference between the amount of the premium or contribution for the coverage for the state officer or employee and such dependents and ~~[the]~~ ***any*** amount ~~[paid by the participating state agency that employs the officer or employee.]~~ ***allocated by the Board pursuant to subsection 6.***

5. A participating state agency shall not pay any part of those premiums or contributions if the group life insurance or group accident or health insurance is not approved by the Board.

6. The Board may allocate the money paid to the Program pursuant to ~~[this section]~~ ***subsection 1*** between the cost of premiums and contributions for group insurance for each state officer or employee, except a member of the Senate or Assembly, and the dependents of each state officer or employee.

Sec. 10. NRS 287.046 is hereby amended to read as follows:

287.046 1. The Department of Administration shall establish an assessment that is to be used to pay for a portion of the cost of premiums or contributions for the Program for persons who have retired with state service ***.*** ~~[before January 1, 1994, or under the circumstances set forth in paragraph (a), (b) or (c) of subsection 3.]~~

2. The money assessed pursuant to subsection 1 must be deposited into the Retirees' Fund and must be based upon ~~[an]~~ ***a base*** amount approved by the Legislature each session to pay for a portion of the current and future health and welfare benefits for ~~[such retirees.]~~ ***persons who retired before January 1, 1994, or for persons who retire on or after January 1, 1994, as adjusted by subsection 3.*** Except as otherwise provided in subsection ~~[4,]~~ ***5,*** the portion to be paid to the Program from the Retirees' Fund on behalf of such persons must be equal to a portion of the cost for each retiree and the retiree's dependents who are enrolled in the plan, as defined for each year of the plan by the Program.

3. ~~[Adjustments]~~ ***Except as otherwise provided in subsection 4, adjustments*** to the portion ***of the amount approved by the Legislature pursuant to subsection 2 to be*** paid by the Retirees' Fund ~~[must be as follows:~~

~~(a) For]~~ ***for*** persons who retire on or after January 1, 1994, with state service ~~[:~~

~~(1)]~~ ***must be as follows:***

(a) For each year of service less than 15 years, excluding service purchased pursuant to NRS 1A.310 or 286.300, the portion paid by the Retirees' Fund must be reduced by an amount equal to 7.5 percent of the base funding level defined by the Legislature. In no event may the

adjustment exceed 75 percent of the base funding level defined by the Legislature.

~~[(2)]~~ ***(b)*** For each year of service greater than 15 years, excluding service purchased pursuant to NRS 1A.310 or 286.300, the portion paid by the Retirees' Fund must be increased by an amount equal to 7.5 percent of the base funding level defined by the Legislature. In no event may the adjustment exceed 37.5 percent of the base funding level defined by the Legislature.

~~[(b) For persons who are]~~

4. No money may be paid by the Retirees' Fund on behalf of a retired person who is initially hired by the State on or after January 1, 2010, and who ~~[retire with at least 15 years of service credit, which must include state service and may include local governmental service, and who have]~~ ***:***

(a) Has not participated in the Program on a continuous basis since ~~[their]~~ retirement from such employment ~~[, for each year of service greater than 15 years, excluding service purchased pursuant to NRS 1A.310 or 286.300, the portion paid by the Retirees' Fund must be increased by an amount equal to 7.5 percent of the base funding level defined by the Legislature. In no event may the adjustment exceed 37.5 percent of the base funding level defined by the Legislature.~~

~~(c) For persons who are initially hired by the State on or after January 1, 2010, and who retire with at least 5 years of service credit, which must include state service and may include local governmental service, who do]~~ ***; or***

(b) Does not have at least 15 years of service ~~[credit to qualify under paragraph (b) as]~~ ***, which must include state service and may include local governmental service, unless the retired person does not have at least 15 years of service as*** a result of a disability for which disability benefits are received under the Public Employees' Retirement System or a retirement program for professional employees offered by or through the Nevada System of Higher Education, and ~~[who have]~~ ***has*** participated in the Program on a continuous basis since ~~[their]~~ retirement from such employment ***.*** ~~[:~~

~~(1) For each year of service less than 15 years, excluding service purchased pursuant to NRS 1A.310 or 286.300, the portion paid by the Retirees' Fund must be reduced by an amount equal to 7.5 percent of the base funding level defined by the Legislature. In no event may the adjustment exceed 75 percent of the base funding level defined by the Legislature.~~

~~(2) For each year of service greater than 15 years, excluding service purchased pursuant to NRS 1A.310 or 286.300, the portion paid by the Retirees' Fund must be increased by an amount equal to 7.5 percent of the base funding level defined by the Legislature. In no event may the~~

~~adjustment exceed 37.5 percent of the base funding level defined by the Legislature.~~

~~4.~~ ***5.*** If the amount calculated pursuant to subsection 3 exceeds the actual premium or contribution for the plan of the Program that the retired participant selects, the balance must be credited to the Program Fund.

~~5.~~ ***6.*** For the purposes of subsection ~~1:~~ ***3:***

(a) Credit for service must be calculated in the manner provided by chapter 286 of NRS.

(b) No proration may be made for a partial year of ~~state~~ service.

~~6.~~ ***7.*** The Department shall agree through the Board with the insurer for billing of remaining premiums or contributions for the retired participant and the retired participant's dependents to the retired participant and to the retired participant's dependents who elect to continue coverage under the Program after the retired participant's death.

Sec. 11. NRS 287.0465 is hereby amended to read as follows:

287.0465 1. If ~~an officer or employee of the State or a dependent of such an officer or employee~~ ***a member*** incurs an illness or injury for which medical services are payable under the plan for self-insurance established by the Board and the illness or injury is incurred under circumstances creating a legal liability in some person, other than the ~~officer, employee or dependent,~~ ***member,*** to pay all or part of the cost of those services, the Board is subrogated to the right of the ~~officer, employee or dependent~~ ***member*** to the extent of all such costs, and may join or intervene in any action by the ~~officer, employee or dependent~~ ***member*** or any ~~successors~~ ***successor*** in interest, to enforce that legal liability.

2. If ~~an officer, employee or dependent~~ ***a member*** or any ~~successors~~ ***successor*** in interest fail or refuse to commence an action to enforce that legal liability, the Board may commence an independent action, after notice to the ~~officer, employee or dependent~~ ***member*** or any ~~successors~~ ***successor*** in interest, to recover all costs to which it is entitled. In any such action by the Board, the ~~officer, employee or dependent~~ ***member*** may be joined as a third party defendant.

3. If the Board is subrogated to the rights of the ~~officer, employee or dependent~~ ***member*** or any ~~successors~~ ***successor*** in interest as provided in subsection 1, the Board has a lien upon the total proceeds of any recovery from the persons liable, whether the proceeds of the recovery are by way of a judgment or settlement or otherwise. Within 15 days after recovery by receipt of the proceeds of the judgment, settlement or other recovery, the ~~officer, employee or dependent~~ ***member*** or any successors in interest shall notify the Board of the recovery and pay the Board the amount due to it pursuant to this section. The ~~officer, employee or dependent~~ ***member*** or any successors in interest are not entitled to double recovery for the same injury.

4. The ~~[officer, employee or dependent]~~ ***member*** or any successors in interest shall notify the Board in writing before entering any settlement or agreement or commencing any action to enforce the legal liability referred to in subsection 1.

5. As used in this section, "member" means:

(a) An active or retired officer or employee of the State or a dependent of such an officer or employee who is covered under the Program; and

(b) An active or retired officer or employee of a local governmental agency or a dependent of such an officer or employee who is covered under the Program.

Sec. 12. NRS 287.0475 is hereby amended to read as follows:

287.0475 1. A retired public officer or employee or the surviving spouse ~~*[or surviving domestic partner]*~~ of a retired public officer or employee who is deceased may, in any even-numbered year, reinstate any insurance under the Program, except life insurance, that, at the time of reinstatement, is provided by the Program if the retired public officer or employee retired:

(a) Pursuant to NRS 1A.350 or 1A.480, or 286.510 or 286.620, from a participating state agency or was enrolled in a retirement program provided pursuant to NRS 286.802; or

(b) Pursuant to NRS 1A.350 or 1A.480, or 286.510 or 286.620, from employment with a county, school district, municipal corporation, political subdivision, public corporation or other local governmental agency of the State which is a participating local governmental agency at the time of the request for reinstatement ~~[.]~~ ***, unless the retired public officer or employee is excluded from participation in the Program pursuant to sub-subparagraph (III) of subparagraph (2) of paragraph (h) of subsection 2 of NRS 287.043.***

2. Reinstatement pursuant to subsection 1 must be requested by:

(a) Giving written notice to the Program of the intent of the public officer or employee or surviving spouse ~~*[or surviving domestic partner]*~~ to reinstate the insurance not later than March 15 of an even-numbered year;

(b) Accepting the Program's current plan of insurance and any subsequent changes thereto; and

(c) Except as otherwise provided in NRS 287.046, paying any portion of the premiums or contributions for coverage under the Program, in the manner set forth in NRS 1A.470 or 286.615, which are due from the date of reinstatement and not paid by the public employer.

~~[3. Reinstatement of insurance excludes claims for expenses for any condition for which medical advice, treatment or consultation was rendered within 12 months before reinstatement unless the reinstated insurance has been in effect more than 12 consecutive months.]~~

Sec. 13. NRS 287.0477 is hereby amended to read as follows:

287.0477 1. Except as otherwise provided in subsection 4, the surviving spouse ~~*[, surviving domestic partner]*~~ and any surviving child of a police officer or firefighter who was employed by a participating public agency and who was killed in the line of duty may join or continue coverage under the Public Employees' Benefits Program or another insurer or employee benefit plan approved by the Board pursuant to NRS 287.0479 if the police officer or firefighter was a participant or would have been eligible to participate on the date of the death of the police officer or firefighter. If the surviving spouse ~~*[, surviving domestic partner]*~~ or child elects to join or discontinue coverage under the Public Employees' Benefits Program pursuant to this subsection, the spouse, ~~*[domestic partner,]*~~ child or legal guardian of the child must notify in writing the participating public agency that employed the police officer or firefighter within 60 days after the date of death of the police officer or firefighter.

2. Except as otherwise provided in subsection 4, the surviving spouse ~~*[, surviving domestic partner]*~~ and any surviving child of a volunteer firefighter who was killed in the line of duty and who was officially a member of a volunteer fire department in this State is eligible to join the Public Employees' Benefits Program. If such a spouse ~~*[, domestic partner]*~~ or child elects to join the Public Employees' Benefits Program, the spouse, ~~*[domestic partner,]*~~ child or legal guardian of the child must notify in writing the Board within 60 days after the date of death of the volunteer firefighter.

3. The ~~*[Except as otherwise provided in this section, the]*~~ participating public agency that employed the police officer or firefighter shall pay the entire cost of the premiums or contributions for the Public Employees' Benefits Program or another insurer or employee benefit plan approved by the Board pursuant to NRS 287.0479 for the surviving spouse or child who meets the requirements set forth in subsection 1. The State of Nevada shall pay the entire cost of the premiums or contributions for the Public Employees' Benefits Program for the surviving spouse or child who elects to join the Public Employees' Benefits Program pursuant to subsection 2.

4. A surviving spouse ~~*[or surviving domestic partner]*~~ is eligible to receive coverage pursuant to this section for the duration of the life of the surviving spouse ~~*[or surviving domestic partner.]*~~ A surviving child is eligible to receive coverage pursuant to this section until the child reaches ~~[~~:

~~(a) The age of 18 years; or~~

~~(b) The age of 23 years, if the child is enrolled as a full-time student in an accredited university, college or trade school.~~] ***the age at which the child would not otherwise be eligible to receive coverage under the Public Employees' Benefits Program.***

5. ~~*[A participating public agency and the State of Nevada are not required to pay the entire cost of health care benefits pursuant to subsection*~~

~~*3 for a surviving domestic partner who elects to join the Public Employees' Benefits Program pursuant to subsection 2.*~~

~~*6.]*~~ As used in this section "police officer" has the meaning ascribed to it in NRS 617.135.

Sec. 14. NRS 287.04366 is hereby repealed.

Sec. 15. 1. This section and sections 4 and 12 of this act become effective on July 1, 2011.

2. Sections 1, 2, 3, 5 to 11, inclusive, 13 and 14 of this act become effective on October 1, 2011.

3. Section 4.5 of this act becomes effective on the date on which the provisions of the Patient Protection and Affordable Care Act, Public Law 111-148, cease to allow a grandfathered health plan to exclude claims for preexisting medical conditions.

TEXT OF REPEALED SECTION

287.04366 Audits and reports. The Board shall provide to the Department of Administration and to the Interim Retirement and Benefits Committee of the Legislature, created by NRS 218E.420:

1. An annual audit of the Retirees' Fund to be conducted by an independent certified public accountant;

2. An annual report concerning the Retirees' Fund; and

3. An independent biennial certified actuarial valuation and report of the State's health and welfare benefits for current and future state retirees, which are provided for the purpose of developing the annual required contribution pursuant to the statements issued by the Governmental Accounting Standards Board.

Assemblywoman Kirkpatrick moved that the Assembly concur in the Senate Amendment No. 845 to Assembly Bill No. 80.

Remarks by Assemblywoman Kirkpatrick.

Motion carried by a constitutional majority.

Bill ordered enrolled.

GENERAL FILE AND THIRD READING

Assembly Bill No. 542.

Bill read third time.

Remarks by Assemblywoman Smith.

Roll call on Assembly Bill No. 542:

YEAS—41.

NAYS—None.

EXCUSED—Kirner.

Assembly Bill No. 542 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Atkinson moved that Senate Bill No. 208 be taken from the Chief Clerk's desk and placed on the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 208.

Bill read third time.

Remarks by Assemblywoman Carlton.

Roll call on Senate Bill No. 208:

YEAS—26.

NAYS—Ellison, Goedhart, Goicoechea, Grady, Hambrick, Hammond, Hansen, Hardy, Hickey, Kite, Livermore, McArthur, Sherwood, Stewart, Woodbury—15.

EXCUSED—Kirner.

Senate Bill No. 208 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Mastroluca moved that Assembly Bill No. 123 be taken from the Chief Clerk's desk and placed on the General File.

Remarks by Assemblywoman Mastroluca.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 123.

Bill read third time.

The following amendment was proposed by Assemblywoman Mastroluca:

Amendment No. 905.

AN ACT relating to public health; requiring facilities for intermediate care, facilities for skilled nursing, residential facilities for groups and homes for individual residential care to provide itemized statements under certain circumstances; ~~[requiring the Health Division of the Department of Health and Human Services to conduct routine inspections of such facilities;]~~ requiring facilities **and homes** to provide notices of deficiencies to patients or other responsible persons upon discovering a deficiency during an inspection of such facilities ~~[,]~~ **by the Health Division of the Department of Health and Human Services;** providing administrative penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 2 of this bill requires facilities for intermediate care, facilities for skilled nursing, residential facilities for groups and homes for individual residential care to provide, upon the request of a person receiving care and

certain other persons, an itemized statement of charges incurred for care provided by the facility or home.

Section 3 of this bill requires ~~[the Health Division of the Department of Health and Human Services to inspect every]~~ **a** facility for intermediate care, facility for skilled nursing, residential facility for groups and home for individual residential care ~~[at least one time each year. In addition, section 3 requires the facility]~~ to provide notice of a deficiency which is discovered during an inspection **conducted by the Health Division of the Department of Health and Human Services** and which affects the health and safety of a patient to the person receiving care at the facility or certain other responsible persons.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 449 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. ***1. Subject to the provisions of the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, a facility for intermediate care, facility for skilled nursing, residential facility for groups or home for individual residential care shall, upon request, provide an itemized statement of charges to:***

(a) The person who received care in the facility or home;

(b) The parent or guardian of the person who received care in the facility or home; or

(c) Any other natural person designated by the person receiving care at the facility or home.

2. An itemized statement of charges provided by a facility for intermediate care, facility for skilled nursing, residential facility for groups or home for individual residential care pursuant to subsection 1 must, without limitation:

(a) Itemize the charges for services, care, food, medicine and other supplies provided to the person receiving care at the facility or home;

(b) Identify the amount of payment allocated to each charge;

(c) Be provided in a manner that is understandable to an ordinary person;

(d) Be provided at no additional cost; and

(e) Be provided in a timely manner.

Sec. 3. ~~*[1. The Health Division shall conduct on-site inspections of each facility for intermediate care, facility for skilled nursing, residential facility for groups and home for individual residential care which holds a license issued pursuant to this chapter at least one time per year and shall*~~

~~*conduct such other inspections as the Health Division deems necessary as a result of that inspection.*~~

~~*2. An inspection conducted pursuant to subsection 1 must determine whether the facility or home is in compliance with all applicable laws and standards.*~~

~~*3.]*~~ ***A facility for intermediate care, facility for skilled nursing, residential facility for groups or home for individual residential care shall immediately provide notice of a deficiency affecting the health and safety of a patient discovered during the course of an inspection of the facility for intermediate care, facility for skilled nursing, residential facility for groups or home for individual residential care conducted by the Health Division to:***

~~*[(a)]*~~ ***1. A person receiving care at the facility or home;***

~~*[(b)]*~~ ***2. The parent or legal guardian of the person receiving care at the facility or home; or***

~~*[(c)]*~~ ***3. Any other natural person designated to receive such notice by the person receiving care at the facility or home or the parent or guardian of the person.***

Sec. 4. ~~[NRS 449.050 is hereby amended to read as follows:~~

~~449.050 1. Except as otherwise provided in subsection 2, each application for a license must be accompanied by such fee as may be determined by regulation of the Board. The Board may, by regulation, allow or require payment of a fee for a license in installments and may fix the amount of each payment and the date that the payment is due.~~

~~2. A facility for the care of adults during the day is exempt from the fees imposed by the Board pursuant to this section.~~

~~3. The fee imposed by the Board for a facility for transitional living for released offenders must be based on the type of facility that is being licensed and must be calculated to produce the revenue estimated to cover the costs related to the license, but in no case may a fee for a license exceed the actual cost to the Health Division of issuing or renewing the license.~~

~~4. If an application for a license for a facility for transitional living for released offenders is denied, any amount of the fee paid pursuant to this section that exceeds the expenses and costs incurred by the Health Division must be refunded to the applicant.~~

~~***5. The fee imposed by the Board for a facility for intermediate care, facility for skilled nursing, residential facility for groups or home for individual residential care must be calculated to produce the revenue estimated to cover the costs related to the license, including, without limitation, the costs related to inspecting the facility.]***~~ **(Deleted by amendment.)**

Sec. 5. NRS 449.070 is hereby amended to read as follows:

449.070 The provisions of NRS 449.001 to 449.240, inclusive, ***and sections 2 and 3 of this act*** do not apply to:

1. Any facility conducted by and for the adherents of any church or religious denomination for the purpose of providing facilities for the care and treatment of the sick who depend solely upon spiritual means through prayer for healing in the practice of the religion of the church or denomination, except that such a facility shall comply with all regulations relative to sanitation and safety applicable to other facilities of a similar category.

2. Foster homes as defined in NRS 424.014.

3. Any medical facility or facility for the dependent operated and maintained by the United States Government or an agency thereof.

Sec. 6. NRS 449.140 is hereby amended to read as follows:

449.140 1. Money received from licensing medical facilities and facilities for the dependent must be forwarded to the State Treasurer for deposit in the State General Fund.

2. The Health Division shall enforce the provisions of NRS 449.001 to 449.245, inclusive, ***and sections 2 and 3 of this act,*** and may incur any necessary expenses not in excess of money appropriated for that purpose by the State or received from the Federal Government.

Sec. 7. NRS 449.160 is hereby amended to read as follows:

449.160 1. The Health Division may deny an application for a license or may suspend or revoke any license issued under the provisions of NRS 449.001 to 449.240, inclusive, ***and sections 2 and 3 of this act*** upon any of the following grounds:

(a) Violation by the applicant or the licensee of any of the provisions of NRS 439B.410 or 449.001 to 449.245, inclusive, ***and sections 2 and 3 of this act,*** or of any other law of this State or of the standards, rules and regulations adopted thereunder.

(b) Aiding, abetting or permitting the commission of any illegal act.

(c) Conduct inimical to the public health, morals, welfare and safety of the people of the State of Nevada in the maintenance and operation of the premises for which a license is issued.

(d) Conduct or practice detrimental to the health or safety of the occupants or employees of the facility.

(e) Failure of the applicant to obtain written approval from the Director of the Department of Health and Human Services as required by NRS 439A.100 or as provided in any regulation adopted pursuant to this chapter, if such approval is required.

(f) Failure to comply with the provisions of NRS 449.2486.

2. In addition to the provisions of subsection 1, the Health Division may revoke a license to operate a facility for the dependent if, with respect to that

facility, the licensee that operates the facility, or an agent or employee of the licensee:

(a) Is convicted of violating any of the provisions of NRS 202.470;

(b) Is ordered to but fails to abate a nuisance pursuant to NRS 244.360, 244.3603 or 268.4124; or

(c) Is ordered by the appropriate governmental agency to correct a violation of a building, safety or health code or regulation but fails to correct the violation.

3. The Health Division shall maintain a log of any complaints that it receives relating to activities for which the Health Division may revoke the license to operate a facility for the dependent pursuant to subsection 2. The Health Division shall provide to a facility for the care of adults during the day:

(a) A summary of a complaint against the facility if the investigation of the complaint by the Health Division either substantiates the complaint or is inconclusive;

(b) A report of any investigation conducted with respect to the complaint; and

(c) A report of any disciplinary action taken against the facility.

➥ The facility shall make the information available to the public pursuant to NRS 449.2486.

4. On or before February 1 of each odd-numbered year, the Health Division shall submit to the Director of the Legislative Counsel Bureau a written report setting forth, for the previous biennium:

(a) Any complaints included in the log maintained by the Health Division pursuant to subsection 3; and

(b) Any disciplinary actions taken by the Health Division pursuant to subsection 2.

Sec. 8. NRS 449.163 is hereby amended to read as follows:

449.163 1. If a medical facility or facility for the dependent violates any provision related to its licensure, including any provision of NRS 439B.410 or 449.001 to 449.240, inclusive, ***and sections 2 and 3 of this act,*** or any condition, standard or regulation adopted by the Board, the Health Division, in accordance with the regulations adopted pursuant to NRS 449.165, may:

(a) Prohibit the facility from admitting any patient until it determines that the facility has corrected the violation;

(b) Limit the occupancy of the facility to the number of beds occupied when the violation occurred, until it determines that the facility has corrected the violation;

(c) Impose an administrative penalty of not more than $1,000 per day for each violation, together with interest thereon at a rate not to exceed 10 percent per annum; and

(d) Appoint temporary management to oversee the operation of the facility and to ensure the health and safety of the patients of the facility, until:

(1) It determines that the facility has corrected the violation and has management which is capable of ensuring continued compliance with the applicable statutes, conditions, standards and regulations; or

(2) Improvements are made to correct the violation.

2. If a violation by a medical facility or facility for the dependent relates to the health or safety of a patient, an administrative penalty imposed pursuant to paragraph (c) of subsection 1 must be in a total amount of not less than $1,000 and not more than $10,000 for each patient who was harmed or at risk of harm as a result of the violation.

3. If the facility fails to pay any administrative penalty imposed pursuant to paragraph (c) of subsection 1, the Health Division may:

(a) Suspend the license of the facility until the administrative penalty is paid; and

(b) Collect court costs, reasonable attorney's fees and other costs incurred to collect the administrative penalty.

4. The Health Division may require any facility that violates any provision of NRS 439B.410 or 449.001 to 449.240, inclusive, ***and sections 2 and 3 of this act,*** or any condition, standard or regulation adopted by the Board to make any improvements necessary to correct the violation.

5. Any money collected as administrative penalties pursuant to this section must be accounted for separately and used to protect the health or property of the residents of the facility in accordance with applicable federal standards.

Sec. 9. (Deleted by amendment.)

Sec. 10. NRS 449.220 is hereby amended to read as follows:

449.220 1. The Health Division may bring an action in the name of the State to enjoin any person, state or local government unit or agency thereof from operating or maintaining any facility within the meaning of NRS 449.001 to 449.240, inclusive ~~[.]~~ ***, and sections 2 and 3 of this act:***

(a) Without first obtaining a license therefor; or

(b) After his or her license has been revoked or suspended by the Health Division.

2. It is sufficient in such action to allege that the defendant did, on a certain date and in a certain place, operate and maintain such a facility without a license.

Sec. 11. NRS 449.230 is hereby amended to read as follows:

449.230 1. Any authorized member or employee of the Health Division may enter and inspect any building or premises at any time to secure compliance with or prevent a violation of any provision of NRS 449.001 to 449.245, inclusive ~~[.]~~ ***, and sections 2 and 3 of this act.***

2. The State Fire Marshal or a designee of the State Fire Marshal shall, upon receiving a request from the Health Division or a written complaint concerning compliance with the plans and requirements to respond to an emergency adopted pursuant to subsection 9 of NRS 449.037:

(a) Enter and inspect a residential facility for groups; and

(b) Make recommendations regarding the adoption of plans and requirements pursuant to subsection 9 of NRS 449.037,

↪ to ensure the safety of the residents of the facility in an emergency.

3. The State Health Officer or a designee of the State Health Officer shall enter and inspect at least annually each building or the premises of a residential facility for groups to ensure compliance with standards for health and sanitation.

4. An authorized member or employee of the Health Division shall enter and inspect any building or premises operated by a residential facility for groups within 72 hours after the Health Division is notified that a residential facility for groups is operating without a license.

Sec. 12. ~~[NRS 449.235 is hereby amended to read as follows:~~

~~449.235 —~~ [Every] ~~]~~ ***In addition to any inspection required pursuant to section 3 of this act, every*** ~~medical facility or facility for the dependent may be inspected at any time, with or without notice, as often as is necessary by:~~

~~1. The Health Division to ensure compliance with all applicable regulations and standards; and~~

~~2. Any person designated by the Aging and Disability Services Division of the Department of Health and Human Services to investigate complaints made against the facility.~~] **(Deleted by amendment.)**

Sec. 13. NRS 449.240 is hereby amended to read as follows:

449.240 The district attorney of the county in which the facility is located shall, upon application by the Health Division, institute and conduct the prosecution of any action for violation of any provisions of NRS 449.001 to 449.245, inclusive ~~[.]~~ ***, and sections 2 and 3 of this act.***

Sec. 14. ~~[NRS 449.2493 is hereby amended to read as follows:~~

~~449.2493 —~~ [The] ~~]~~ ***In addition to any inspection required pursuant to section 3 of this act, the*** ~~Health Division and the Aging and Disability Services Division of the Department of Health and Human Services may:~~

~~1. Investigate any complaints against a home for individual residential care and, when conducting such an investigation, may inspect the home during normal business hours, with or without notice.~~

~~2. Report to an appropriate state or local agency any violations of state or local laws or regulations discovered during an investigation conducted pursuant to this section.~~] **(Deleted by amendment.)**

Sec. 15. ~~[This act becomes effective upon passage and approval for the purpose of adopting regulations and on October 1, 2011, for all other purposes.~~] **(Deleted by amendment.)**

Assemblywoman Mastroluca moved the adoption of the amendment.

Amendment adopted.

Bill ordered to third reading.

Assembly Bill No. 123.

Bill read third time.

Roll call on Assembly Bill No. 123:

YEAS—38.

NAYS—Hansen, Hardy, McArthur—3.

EXCUSED—Kirner.

Assembly Bill No. 123 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered reprinted, reengrossed, and transmitted to the Senate.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Ways and Means has had under consideration the various budgets for the Department of Agriculture, and begs leave to report back that the following accounts have been closed by the Committee:

Minerals (101-4219)
Administration (101-4554)
Nevada Junior Livestock Show Board (101-4980)
Plant Health & Quarantine Services (101-4540)
Grade & Certification of Ag Products (101-4541)
Registration/Enforcement (101-4545)
Pest, Plant Disease & Noxious Weed Control (101-4552)
Mormon Cricket & Grasshoppers (101-4556)
Livestock Inspection (101-4546)
Veterinary Medical Services (101-4550)
Predatory Animal & Rodent Control (101-4600)
Weights and Measures (101-4551)
Gas Pollution Standards (101-4537)
Indigent Supplemental Account (628-3224)

Mr. Speaker:

Your Committee on Ways and Means has had under consideration the various budgets for the Department of Health and Human Services, Division of Health Care Financing and Policy, and begs leave to report back that the following accounts have been closed by the Committee:

Administration (101-3158)
Intergovernmental Transfer Program (101-3157)
Nevada Medicaid, Title XIX (101-3243)

Nevada Check Up Program (101-3178)
HIFA Medical (101-3247)
HIFA Waiver (101-3155)
Increased Quality of Nursing Care (101-3160)

Mr. Speaker:

Your Committee on Ways and Means has had under consideration the various budgets for the Nevada System of Higher Education, and begs leave to report back that the following accounts have been closed by the Committee:

Special Projects (101-2977)
University of Nevada, Reno (101-2980)
School of Medicine (101-2982)
UNR-Intercollegiate Athletics (101-2983)
UNR-Statewide Programs (101-2985)
System Administration (101-2986)
University of Nevada, Las Vegas (101-2987)
UNLV-Intercollegiate Athletics (101-2988)
Agricultural Experiment Station (101-2989)
Cooperative Extension Service (101-2990)
System Computing Center (101-2991)
UNLV-Law School (101-2992)
State Funded Perkins Loan (101-2993)
Great Basin College (101-2994)
University Press (101-2996)
UNLV-Statewide Programs (101-3001)
UNLV-Dental School (101-3002)
Business Center North (101-3003)
Business Center South (101-3004)
Nevada State College (101-3005)
Desert Research Institute (101-3010)
College of Southern Nevada (101-3011)
Western Nevada College (101-3012)
Truckee Meadows Community College (101-3018)
State Health Laboratory (101-3221)

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 12:17 p.m.

ASSEMBLY IN SESSION

At 6:30 p.m.
Mr. Speaker presiding.
Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Ways and Means, to which were referred Assembly Bills Nos. 579, 580, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Ways and Means, to which was referred Assembly Bill No. 494, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which was referred Assembly Bill No. 526, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which was referred Assembly Bill No. 571, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which was referred Senate Bill No. 440, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which was rereferred Assembly Bill No. 93, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which was rereferred Assembly Bill No. 354, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DEBBIE SMITH, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER Carson City, June 4, 2011

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 224, 255, 432, 529.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 359, Amendment No. 875; Assembly Bill No. 474, Amendment No. 874; Assembly Bill No. 524, Amendment No. 803; Assembly Bill No. 525, Amendment No. 878, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Senate on this day receded from its action on Assembly Bill No. 81, Senate Amendment No. 685.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolution No. 10; Senate Concurrent Resolution No. 5.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 77, Senate Amendments Nos. 772, 617, and requests a conference, and appointed Senators Schneider, Breeden and Roberson as a Conference Committee to meet with a like committee of the Assembly.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 199, Senate Amendment No. 658, and requests a conference, and appointed Senators Schneider, Copening and Halseth as a Conference Committee to meet with a like committee of the Assembly.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 376, Senate Amendment No. 632, and requests a conference, and appointed Senators Lee, Manendo and Hardy as a Conference Committee to meet with a like committee of the Assembly.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 379, Senate Amendments Nos. 635, 656, and requests a conference, and appointed Senators Breeden, Kihuen and Gustavson as a Conference Committee to meet with a like committee of the Assembly.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 433, Senate Amendment No. 690, and

requests a conference, and appointed Senators Parks, Denis and Rhoads as a Conference Committee to meet with a like committee of the Assembly.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the Conference Committee concerning Assembly Bill No. 39; Assembly Bill No. 40; Assembly Bill No. 362.

Also, I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 423, 503, 504, 505.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 164, 374, 447, 471, 476, 480.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 212, 265.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly Amendment No. 651 to Senate Bill No. 18; Assembly Amendment No. 652 to Senate Bill No. 19; Assembly Amendment No. 626 to Senate Bill No. 30; Assembly Amendment No. 665 to Senate Bill No. 32; Assembly Amendments Nos. 666, 825 to Senate Bill No. 34; Assembly Amendment No. 823 to Senate Bill No. 36; Assembly Amendment No. 625 to Senate Bill No. 55; Assembly Amendment No. 647 to Senate Bill No. 82; Assembly Amendments Nos. 670, 809 to Senate Bill No. 140; Assembly Amendment No. 722 to Senate Bill No. 143; Assembly Amendment No. 734 to Senate Bill No. 150; Assembly Amendment No. 648 to Senate Bill No. 151; Assembly Amendment No. 701 to Senate Bill No. 191; Assembly Amendment No. 744 to Senate Bill No. 204; Assembly Amendment No. 719 to Senate Bill No. 215; Assembly Amendment No. 668 to Senate Bill No. 238; Assembly Amendment No. 742 to Senate Bill No. 254; Assembly Amendment No. 654 to Senate Bill No. 259; Assembly Amendment No. 858 to Senate Bill No. 267; Assembly Amendment No. 855 to Senate Bill No. 289; Assembly Amendment No. 655 to Senate Bill No. 292; Assembly Amendment No. 741 to Senate Bill No. 307; Assembly Amendment No. 826 to Senate Bill No. 329; Assembly Amendments Nos. 730, 765 to Senate Bill No. 381; Assembly Amendment No. 739 to Senate Bill No. 403; Assembly Amendment No. 716 to Senate Bill No. 414; Assembly Amendment No. 710 to Senate Bill No. 419; Assembly Amendment No. 812 to Senate Bill No. 432; Assembly Amendment No. 781 to Senate Bill No. 472; Assembly Amendment No. 627 to Senate Joint Resolution No. 3.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly Amendment No. 760 to Senate Bill No. 125.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to concur in the Assembly Amendment No. 723 to Senate Bill No. 99; Assembly Amendment No. 881 to Senate Bill No. 168; Assembly Amendment No. 815 to Senate Bill No. 294.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators Denis, Parks and McGinness as a Conference Committee concerning Senate Bill No. 98.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators Schneider, Copening and Settelmeyer as a Conference Committee concerning Senate Bill No. 136.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators Wiener, McGinness and Schneider as a Conference Committee concerning Senate Bill No. 200.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators Leslie, Parks and Hardy as a Conference Committee concerning Senate Bill No. 249.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators Lee, Schneider and Hardy as a Conference Committee concerning Senate Bill No. 268.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators Denis, Wiener and Brower as a Conference Committee concerning Senate Bill No. 365.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators Wiener, Copening and McGinness as a Conference Committee concerning Senate Bill No. 402.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 5.

Assemblyman Conklin moved that the resolution be referred to the Committee on Legislative Operations and Elections.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 164.

Assemblyman Conklin moved that the bill be referred to the Committee on Commerce and Labor.

Motion carried.

Senate Bill No. 212.

Assemblyman Conklin moved that the bill be referred to the Committee on Education.

Motion carried.

Senate Bill No. 265.

Assemblyman Conklin moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 374.

Assemblyman Conklin moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 423.

Assemblyman Conklin moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 447.

Assemblyman Conklin moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 471.

Assemblyman Conklin moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 476.

Assemblyman Conklin moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 480.

Assemblyman Conklin moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 503.

Assemblyman Conklin moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 504.

Assemblyman Conklin moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 505.

Assemblyman Conklin moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Kirkpatrick moved that the record reflect Assemblymen Grady, Goedhart, Ohrenschall, Pierce, and Woodbury excused.

Motion carried.

UNFINISHED BUSINESS

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblyman Atkinson moved that the Assembly do not recede from its action on Senate Bill No. 99, that a conference be requested, and that Mr. Speaker appoint a Conference Committee consisting of three members to meet with a like committee of the Senate.

Remarks by Assemblyman Atkinson.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Carlton, Ohrenschall, and Hickey as a Conference Committee to meet with a like committee of the Senate for the further consideration of Senate Bill No. 99.

Mr. Speaker appointed Assemblymen Carlton, Pierce, and Grady as a Conference Committee to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 77.

Mr. Speaker appointed Assemblymen Carlton, Segerblom, and Hickey as a Conference Committee to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 199.

Mr. Speaker appointed Assemblymen Segerblom, Daly, and Goedhart as a Conference Committee to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 433.

REPORTS OF CONFERENCE COMMITTEES

Mr. Speaker:

The Conference Committee concerning Assembly Bill No. 277, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that Amendment No. 677 of the Senate be concurred in.

ELLIOT ANDERSON	SHIRLEY BREEDEN
TERESA BENITEZ-THOMPSON	MARK MANENDO
JOHN HAMBRICK	ELIZABETH HALSETH
Assembly Conference Committee	*Senate Conference Committee*

Assemblyman Anderson moved that the Assembly adopt the report of the Conference Committee concerning Assembly Bill No. 277.

Motion carried by a constitutional majority.

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 359.

The following Senate amendment was read:

Amendment No. 875.

AN ACT relating to energy; revising the categories of uses, capacity goals and prospective expiration of the Waterpower Energy Systems Demonstration Program; revising provisions governing net metering for waterpower energy systems; ~~[revising the cumulative capacity requirement for net metering systems;]~~ **revising provisions governing net metering for certain wind energy systems;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The Waterpower Energy Systems Demonstration Program was established for agricultural uses with a goal of the installation of not less than 500

kilowatts of waterpower energy systems in this State by 2012. (NRS 701B.820, 701B.840) The Waterpower Program is currently set to expire on June 30, 2011. **Section 1** of this bill expands the Waterpower Program to encompass Indian tribes and tribal organizations that are customers of a utility. **Section 2** of this bill increases the capacity goals for the Waterpower Program ~~**, [**and limits the amount of any rebate provided pursuant to the Waterpower Program,**]**~~ and **sections 9-11** of this bill extend the Waterpower Program until June 30, 2016. **Section 6** of this bill authorizes a person who installs a waterpower energy system to participate in net metering if the waterpower energy system is located on property owned by the customer-generator and generates electricity primarily intended to offset the customer-generator's requirements for electricity on that property or contiguous property owned by the customer-generator. **Section 6 also authorizes certain persons who install certain wind energy systems on property owned or leased by an institution of higher education in this State to participate in net metering. Section 3.7 of this bill provides that persons who own or operate such wind energy systems are not considered public utilities.**

~~**[** Each electric utility in this State is required to offer net metering to customer-generators of the utility until the cumulative capacity of net metering systems in the service area of the utility is equal to 1 percent of the utility's peak capacity. (NRS 704.773) Section 7 of this bill requires a utility to offer net metering until the cumulative capacity of net metering systems is equal to 1 percent of the total peak capacity of all utilities in this State and further authorizes the Public Utilities Commission of Nevada to increase the cumulative capacity requirement for net metering to 1.5 percent of the total peak capacity of all utilities in this State under certain circumstances.**]**~~

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 701B.820 is hereby amended to read as follows:

701B.820 1. The Waterpower Energy Systems Demonstration Program is hereby created.

2. The Waterpower Demonstration Program is created for ~~**[**agricultural uses.**]**~~ ***:***

(a) Agricultural uses; and

(b) Indian tribes and tribal organizations that are customers of a utility.

3. To be eligible to participate in the Waterpower Demonstration Program, a person must meet the qualifications established pursuant to subsection 4, apply to a utility and be selected by the utility for inclusion in the Waterpower Demonstration Program.

4. The Commission shall adopt regulations providing for the qualifications an applicant must meet to qualify to participate in the Waterpower Demonstration Program.

Sec. 2. NRS 701B.840 is hereby amended to read as follows:

701B.840 The Commission shall adopt regulations that establish:

1. The capacity goals for the Program, which must be designed to meet the goal of the Legislature of the installation of not less than ~~[500 kilowatts of waterpower energy systems in this State by 2012]~~ ***5 megawatts of waterpower energy systems in this State by 2016*** and the goals for each category of the Program. ***The regulations must provide that not less than 1 megawatt of capacity must be set aside for the installation of waterpower energy systems with a nameplate capacity of 100 kilowatts or less.***

2. A system of incentives that are based on rebates that decline as the capacity goals for the Program and the goals for each category of the Program are met. The rebates must be based on predicted energy savings. ~~*[The regulations must provide that the amount of any rebate provided pursuant to the Program must not exceed 50 percent of the total cost of the installation of the waterpower energy system for which the rebate is provided.]*~~

3. The procedure for claiming incentives, including, without limitation, the form and content of the incentive claim form.

Sec. 3. (Deleted by amendment.)

Sec. 3.5. Chapter 704 of NRS is hereby amended by adding thereto a new section to read as follows:

"Contiguous" means either abutting directly on the boundary or separated by a street, alley, public right-of-way, creek, river or the right-of-way of a railroad or other public service corporation.

Sec. 3.7. **NRS 704.021 is hereby amended to read as follows:**

704.021 "Public utility" or "utility" does not include:

1. Persons engaged in the production and sale of natural gas, other than sales to the public, or engaged in the transmission of natural gas other than as a common carrier transmission or distribution line or system.

2. Persons engaged in the business of furnishing, for compensation, water or services for the disposal of sewage, or both, to persons within this State if:

(a) They serve 25 persons or less; and

(b) Their gross sales for water or services for the disposal of sewage, or both, amounted to $25,000 or less during the immediately preceding 12 months.

3. Persons not otherwise engaged in the business of furnishing, producing or selling water or services for the disposal of sewage, or both, but who sell or furnish water or services for the disposal of sewage, or both, as

an accommodation in an area where water or services for the disposal of sewage, or both, are not available from a public utility, cooperative corporations and associations or political subdivisions engaged in the business of furnishing water or services for the disposal of sewage, or both, for compensation, to persons within the political subdivision.

4. Persons who are engaged in the production and sale of energy, including electricity, to public utilities, cities, counties or other entities which are reselling the energy to the public.

5. Persons who are subject to the provisions of NRS 590.465 to 590.645, inclusive.

6. Persons who are engaged in the sale or use of special fuel as defined in NRS 366.060.

7. Persons who provide water from water storage, transmission and treatment facilities if those facilities are for the storage, transmission or treatment of water from mining operations.

8. Persons who are video service providers, as defined in NRS 711.151, except for those operations of the video service provider which consist of providing a telecommunication service to the public, in which case the video service provider is a public utility only with regard to those operations of the video service provider which consist of providing a telecommunication service to the public.

9. ***Persons who own or operate a net metering system described in paragraph (c) of subsection 1 of NRS 704.771.***

10. Persons who for compensation own or operate individual systems which use renewable energy to generate electricity and sell the electricity generated from those systems to not more than one customer of the public utility per individual system if each individual system is:

(a) Located on the premises of another person;

(b) Used to produce not more than 150 percent of that other person's requirements for electricity on an annual basis for the premises on which the individual system is located; and

(c) Not part of a larger system that aggregates electricity generated from renewable energy for resale or use on premises other than the premises on which the individual system is located.

➥ As used in this subsection, "renewable energy" has the meaning ascribed to it in NRS 704.7811.

Sec. 4. NRS 704.766 is hereby amended to read as follows:

704.766 It is hereby declared to be the purpose and policy of the Legislature in enacting NRS 704.766 to 704.775, inclusive, ***and section 3.5 of this act*** to:

1. Encourage private investment in renewable energy resources;

2. Stimulate the economic growth of this State;

3. Enhance the continued diversification of the energy resources used in this State; and

4. Streamline the process for customers of a utility to apply for and install net metering systems.

Sec. 5. NRS 704.767 is hereby amended to read as follows:

704.767 As used in NRS 704.766 to 704.775, inclusive, ***and section 3.5 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 704.768 to 704.772, inclusive, ***and section 3.5 of this act*** have the meanings ascribed to them in those sections.

Sec. 6. NRS 704.771 is hereby amended to read as follows:

704.771 1. "Net metering system" means ~~[a]~~ ***:***

(a) A facility or energy system for the generation of electricity that:

~~[(a)]~~ ***(1)*** Uses renewable energy as its primary source of energy to generate electricity;

~~[(b)]~~ ***(2)*** Has a generating capacity of not more than 1 megawatt;

~~[(c)]~~ ***(3)*** Is located on the customer-generator's premises;

~~[(d)]~~ ***(4)*** Operates in parallel with the utility's transmission and distribution facilities; and

~~[(e)]~~ ***(5)*** Is intended primarily to offset part or all of the customer-generator's requirements for electricity ~~[.]~~ ***;*** ~~*[or]*~~

(b) A facility or energy system for the generation of electricity that:

(1) Uses waterpower as its primary source of energy to generate electricity;

(2) Is located on property owned by the customer-generator;

(3) Has a generating capacity of not more than 1 megawatt;

(4) Generates electricity that is delivered to the transmission and distribution facilities of the utility; and

(5) Is intended primarily to offset all or part of the customer-generator's requirements for electricity on that property or contiguous property owned by the customer-generator ~~*[.]*~~ ***; or***

(c) A facility or energy system for the generation of electricity:

(1) Which uses wind power as its primary source of energy to generate electricity;

(2) Which is located on property owned or leased by an institution of higher education in this State;

(3) Which has a generating capacity of not more than 1 megawatt;

(4) Which operates in parallel with the utility's transmission and distribution facilities;

(5) Which is intended primarily to offset all or part of the customer-generator's requirements for electricity on that property or on contiguous property owned or leased by the customer-generator;

(6) Which is used for research and workforce training; and

(7) The construction or installation of which is commenced on or before December 31, 2011, and is completed on or before December 31, 2012.

2. The term does not include a facility or energy system for the generation of electricity which has a generating capacity that exceeds the greater of:

(a) The limit on the demand that the class of customer of the customer-generator may place on the system of the utility; or

(b) One hundred ~~[~~fifty~~]~~ percent of the ~~[~~peak demand of the customer.~~]~~ ***customer-generator's annual requirements for electricity.***

Sec. 7. NRS 704.773 is hereby amended to read as follows:

704.773 1. A ~~*[Except as otherwise provided in this subsection, a]*~~ utility shall offer net metering, as set forth in NRS 704.775, to the customer-generators operating within its service area until the cumulative capacity of all such net metering systems is equal to 1 percent of the utility's ~~*[total]*~~ peak capacity. ~~*[of all utilities in this State. If, at any time, the Commission determines that the cumulative capacity of all such net metering systems is 0.8 percent or more of the total peak capacity of all utilities in this State, the Commission may issue an order requiring a utility to offer net metering, as set forth in NRS 704.775, to the customer-generators operating within its service area until the cumulative capacity of all such net metering systems is equal to 1.5 percent of the total peak capacity of all utilities in this State.]*~~

2. If the net metering system of a customer-generator who accepts the offer of a utility for net metering has a capacity of not more than ~~[~~100~~]~~ ***25*** kilowatts, the utility:

(a) Shall offer to make available to the customer-generator an energy meter that is capable of registering the flow of electricity in two directions.

(b) May, at its own expense and with the written consent of the customer-generator, install one or more additional meters to monitor the flow of electricity in each direction.

(c) Shall not charge a customer-generator any fee or charge that would increase the customer-generator's minimum monthly charge to an amount greater than that of other customers of the utility in the same rate class as the customer-generator.

3. If the net metering system of a customer-generator who accepts the offer of a utility for net metering has a capacity of more than ~~[~~100~~]~~ ***25*** kilowatts, the utility:

(a) May require the customer-generator to install at its own cost:

(1) An energy meter that is capable of measuring generation output and customer load; and

(2) Any upgrades to the system of the utility that are required to make the net metering system compatible with the system of the utility.

(b) Except as otherwise provided in paragraph (c), may charge the customer-generator any applicable fee or charge charged to other customers of the utility in the same rate class as the customer-generator, including, without limitation, customer, demand and facility charges.

(c) Shall not charge the customer-generator any standby charge.

➥ At the time of installation or upgrade of any portion of a net metering system, the utility must allow a customer-generator governed by this subsection to pay the entire cost of the installation or upgrade of the portion of the net metering system.

4. ***If the net metering system of a customer-generator is a net metering system described in paragraph (b) or (c) of subsection 1 of NRS 704.771 and:***

(a) The system is intended primarily to offset part or all of the customer-generator's requirements for electricity on property contiguous to the property on which the net metering system is located; and

(b) The customer-generator sells or transfers his or her interest in the contiguous property,

➥ the net metering system ceases to be eligible to participate in net metering.

5. The Commission shall adopt regulations prescribing the form and substance for a net metering tariff and a standard net metering contract. The regulations must include, without limitation:

(a) The particular provisions, limitations and responsibilities of a customer-generator which must be included in a net metering tariff with regard to:

(1) Metering equipment;

(2) Net energy metering and billing; and

(3) Interconnection,

➥ based on the allowable size of the net metering system.

(b) The particular provisions, limitations and responsibilities of a customer-generator and the utility which must be included in a standard net metering contract.

(c) A timeline for processing applications and contracts for net metering applicants.

(d) Any other provisions the Commission finds necessary to carry out the provisions of NRS 704.766 to 704.775, inclusive ~~[.]~~ ***, and section 3.5 of this act.***

Sec. 8. (Deleted by amendment.)

Sec. 8.5. NRS 704.7815 is hereby amended to read as follows:

704.7815 "Renewable energy system" means:

1. A facility or energy system that uses renewable energy or energy from a qualified energy recovery process to generate electricity and:

(a) Uses the electricity that it generates from renewable energy or energy from a qualified recovery process in this State; or

(b) Transmits or distributes the electricity that it generates from renewable energy or energy from a qualified energy recovery process to a provider of electric service for delivery into and use in this State.

2. A solar energy system that reduces the consumption of electricity or any fossil fuel.

3. A net metering system used by a customer-generator pursuant to NRS 704.766 to 704.775, inclusive ~~[.]~~ ***, and section 3.5 of this act.***

Sec. 9. Section 113 of chapter 509, Statutes of Nevada 2007, at page 2999, is hereby amended to read as follows:

Sec. 113. 1. This act becomes effective:

(a) Upon passage and approval for the purposes of adopting regulations and taking such other actions as are necessary to carry out the provisions of this act; and

(b) For all other purposes besides those described in paragraph (a):

(1) For this section and sections 1, 30, 32, 36 to 46, inclusive, 49, 51 to 61, inclusive, 107, 109, 110 and 111 of this act, upon passage and approval.

(2) For sections 1.5 to 29, inclusive, 43.5, 47, 51.3, 51.7, 108, 112 and 112.5 of this act, on July 1, 2007.

(3) For sections 62 to 106, inclusive, of this act, on October 1, 2007.

(4) For sections 31, 32.3, 32.5, 32.7, 33, 34 and 35 of this act, on January 1, 2009.

(5) For section 48 of this act, on January 1, 2010.

(6) For section 50 of this act, on January 1, 2011.

2. Sections 62 to ~~[106,]~~ ***86,*** inclusive, of this act expire by limitation on June 30, 2011.

3. Sections 87 to 105, inclusive, of this act expire by limitation on June 30, 2016.

Sec. 10. Section 13 of chapter 246, Statutes of Nevada 2009, at page 1002, is hereby amended to read as follows:

Sec. 13. 1. This act becomes effective on July 1, 2009.

2. ~~[Sections 2 and 3]~~ ***Section 2*** of this act ~~[expire]~~ ***expires*** by limitation on June 30, 2011.

3. Section 3 of this act expires by limitation on June 30, 2016.

Sec. 11. Section 21 of chapter 321, Statutes of Nevada 2009, at page 1410, is hereby amended to read as follows:

Sec. 21. 1. This section and sections 1 to 1.51, inclusive, 1.55 to 19.7, inclusive, and 19.9 to 20.9, inclusive, of this act become effective upon passage and approval.

2. Sections 1.51, 1.85, 1.87, 1.92, 1.93 ~~[, 1.95,]~~ ***and*** 4.3 to ~~[9,]~~ ***7,*** inclusive, ~~[and 19.4]~~ of this act expire by limitation on June 30, 2011.

3. ~~[Sections 1.53 and 19.8]~~ ***Section 1.53*** of this act ~~[become]~~ ***becomes*** effective on July 1, 2011.

4. Sections 1.95 and 7.1 to 9, inclusive, of this act expire by limitation on June 30, 2016.

5. Section 19.8 of this act becomes effective on July 1, 2016.

Sec. 12. 1. This section and sections 9, 10 and 11 of this act become effective upon passage and approval.

2. Sections 1 to 8.5, inclusive, of this act become effective on July 1, 2011.

3. Sections 1 and 2 of this act expire by limitation on June 30, 2016.

Assemblywoman Smith moved that the Assembly concur in the Senate amendment to Assembly Bill No. 359.

Remarks by Assemblywoman Smith.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Assembly Bill No. 524.

The following Senate amendment was read:

Amendment No. 803.

SUMMARY—~~[Increases certain fees for residential and general appraisers to cover an increase in federal registry fees.]~~ **Revises provisions relating to appraisers of real estate.** (BDR 54-1199)

AN ACT relating to appraisers of real estate; **revising provisions governing continuing education requirements for certified and licensed appraisers and registered interns; requiring the Commission of Appraisers of Real Estate to establish certain requirements concerning continuing education; requiring the Commission to establish certain fees relating to continuing education; requiring the Real Estate Division of the Department of Business and Industry to conduct certain investigations and examinations of each certified or licensed appraiser; requiring an appraiser who is investigated or examined by the Division to pay certain costs relating to the investigation or examination; authorizing the Division to contract for or procure the services of certain persons to assist in or carry out investigations and examinations of appraisers;** revising certain fees for the issuance or renewal of a license or certificate; **making an appropriation;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires an appraiser to complete certain continuing education as a condition for the renewal or reinstatement of a certificate or license and further requires the Commission of Appraisers of Real Estate to adopt regulations governing the continuing education

requirements for appraisers. (NRS 645C.430, 645C.440) Section 2 of this bill requires appraisers and interns to complete a course of continuing education which must include education in ethics and issues relating to the appraisal of real property with an emphasis on trends and market conditions in Nevada and any changes in law which affect the appraisal of real property. Section 2 requires the Commission to establish a reasonable fee for the cost of the course. Section 2 additionally requires the Real Estate Division of the Department of Business and Industry to develop the curriculum for the course and submit the curriculum to the Commission for approval. Section 3 of this bill creates the Account for Real Estate Appraisal Audit and Education in the State General Fund and provides that the fees collected by the Division for the cost of the course of continuing education required by section 2 must be deposited in the Account and used to defray the costs of the Commission and the Division in carrying out the provisions of section 2.

Section 4 of this bill requires the Division to conduct an examination and investigation of each certified or licensed appraiser not less frequently than every 4 years. Section 4 authorizes the Division to contract for and procure the services of examiners and other specialized technical or professional assistance as may reasonably be required to carry out such examinations and investigations. Section 5 of this bill requires an appraiser who is subject to such examination or investigation to pay certain costs relating to the examination or investigation. Section 6 of this bill requires that all money collected pursuant to section 5 be used to pay the expenses relating to the examination or investigation of an appraiser or for any other purpose authorized by the Legislature.

Section 7.7 of this bill requires the Real Estate Administrator to employ an administrative assistant and an investigator to carry out the provisions of this bill and makes an appropriation from the State General Fund to the Real Estate Administration Account in Fiscal Year 2011-2012 and Fiscal Year 2012-2013 to pay the salaries and related expenses of these two new positions.

Under existing law, a fee of $290 is charged for the issuance or biennial renewal of a license or certificate as a residential appraiser, and a fee of $390 is charged for the issuance or biennial renewal of a certificate as a general appraiser. (NRS 645C.450) A portion of that fee, currently $50, is retained by the Real Estate Division ~~[of the Department of Business and Industry]~~ for payment of the registry fee to the Federal Financial Institutions Examination Council. (NRS 645C.240) On July 21, 2010, the Dodd-Frank Wall Street Reform and Consumer Protection Act (Dodd-Frank Act) was signed into law.

(Pub. L. No. 111-203, 124 Stat. 1376) The Dodd-Frank Act revised 12 U.S.C. § 3338 to increase the annual registry fee from $25 to $40.

~~[~~ ~~This~~~~]~~ **Section 7 of this** bill increases the biennial fees charged for the issuance or renewal of a license or certificate as a residential appraiser and for the issuance or renewal of a certificate as a general appraiser by $30 to cover the annual $15 increase in the federal registry fee.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. **Chapter 645C of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 6, inclusive, of this act.**

Sec. 2. ***1. As a condition of the renewal or reinstatement of a certificate, license or registration issued pursuant to this chapter, and as a component of the continuing education required pursuant to NRS 645C.430 and 645C.440, each certified appraiser, licensed appraiser and registered intern in this State shall complete a course of continuing education which meets the requirements established by the Commission pursuant to paragraph (a) of subsection 2 and pay to the Division the fee established by the Commission pursuant to paragraph (b) of subsection 2.***

2. The Commission shall by regulation establish:

(a) The requirements for a course of continuing education which must include, without limitation, education in ethics and issues relating to the appraisal of real property with an emphasis on trends and market conditions in this State and any changes in the law in this State which affect the appraisal of real property; and

(b) A reasonable fee for the cost of the course of continuing education required by this section.

3. The Division shall develop the curriculum for the course of continuing education required by this section in accordance with the requirements established by the Commission pursuant to subsection 2 and submit the curriculum to the Commission for approval.

Sec. 3. ***1. The Account for Real Estate Appraisal Audit and Education is hereby created in the State General Fund. The Administrator shall administer the Account.***

2. All money paid to the Division pursuant to section 2 of this act must be deposited in the Account. All interest and income earned on money in the Account must be credited to the Account. The money in the Account does not revert to the State General Fund at the end of any fiscal year.

3. All claims against the Account must be paid as other claims against the State are paid.

4. The money in the Account must be used to defray the costs and expenses incurred by the Commission and the Division in carrying out the

provisions of section 2 of this act and may be used to defray any other costs incurred by the Division in enforcing the provisions of this chapter.

Sec. 4. 1. In addition to any other examinations and investigations expressly authorized, the Division shall, not less frequently than every 4 years, conduct an examination and investigation of each certified or licensed appraiser to determine whether any such appraiser has violated the Uniform Standards of Appraisal Practice of the Appraisal Institute or its successor or any provision of this chapter or to secure information useful in the lawful enforcement or administration of any such uniform standard or provision of law. Such examinations and investigations must include, without limitation:

(a) An examination of the appraisals, work files and records of each certified or licensed appraiser; and

(b) If an appraiser is not a resident of this State, submission to the Division by the appraiser of a log of appraisals performed by the appraiser from which the Division may select appraisals to be submitted to the Division for review.

2. The Division may contract for and procure the services of examiners and other specialized technical or professional assistance, as independent contractors or for a fee, as may reasonably be required to carry out the provisions of this section. None of the persons providing those services or assistance pursuant to a contract or for a fee may be in the classified service of the State.

3. The Division may adopt regulations to carry out the provisions of this section.

Sec. 5. The expenses of the examination or investigation of an appraiser pursuant to section 4 of this act must be borne by the person examined or investigated. Such expenses include only the reasonable and proper expenses of the Administrator, the employees of the Division and the examiners and assistants of the Division, including expert assistance and reasonable compensation as to such examiners and assistants incurred in the examination or investigation. The person examined or investigated shall promptly pay to the Division the expenses of the examination or investigation upon presentation by the Division of a reasonably detailed written statement thereof.

Sec. 6. All money received by the Division pursuant to section 5 of this act and all interest and income earned on such money must be deposited with the State Treasurer for credit to the State General Fund and:

1. Must be used to pay the compensation and other necessary and authorized expenses incurred by an employee, examiner, assistant or other representative of the Division in the examination or investigation of any

person required to pay, and making payment of, the expenses of the examination or investigation pursuant to section 5 of this act; and

2. May be expended for any other purpose authorized by the Legislature.

~~[Section 1.]~~ ***Sec. 7.*** NRS 645C.450 is hereby amended to read as follows:

645C.450 1. The following fees may be charged and collected by the Division:

Application for a certificate, license or registration card……...……$100
Issuance or renewal of a certificate or license as a residential appraiser……~~[290]~~ ***320***
Issuance or renewal of a certificate as a general appraiser…….. ~~[390]~~ ***420***
Issuance of a permit……... 115
Issuance or renewal of a registration card……..…… 190
Issuance of a duplicate certificate or license for an additional office…… 50
Change in the name or location of a business……20
Reinstatement of an inactive certificate or license……..30
Annual approval of a course of instruction offered in preparation for an initial certificate or license…… 100
Original approval of a course of instruction offered for continuing education……..……100
Renewal of approval of a course of instruction offered for continuing education……. 50

2. The Division shall adopt regulations which establish the fees to be charged and collected by the Division to pay the costs of:

(a) Any examination for a certificate or license, including any costs which are necessary for the administration of such an examination.

(b) Any investigation of a person's background.

Sec. 7.5. **The Real Estate Division of the Department of Business and Industry and the Commission of Appraisers of Real Estate shall adopt the regulations required by this act on or before December 31, 2011.**

Sec. 7.7. **1. To carry out the provisions of sections 2 to 6, inclusive, of this act, the Real Estate Administrator shall employ an investigator and an administrative assistant who are in the classified service of the State.**

2. There is hereby appropriated from the State General Fund to the Real Estate Administration Account:

(a) For the 2011-2012 Fiscal Year the sum of $80,880.

(b) For the 2012-2013 Fiscal Year the sum of $105,787.

3. The money appropriated by subsection 2 must be expended to pay the salaries and related expenses of the positions authorized by subsection 1.

4. Any remaining balance of the appropriation made by paragraph (a) of subsection 2 must be transferred and added to the money appropriated by paragraph (b) of subsection 2 and may be expended as that money is expended.

5. Any remaining balance of the appropriation made by subsection 2 must not be committed for expenditure after June 30, 2013, and must be reverted to the State General Fund on or before September 20, 2013.

~~[Sec. 2.]~~ ***Sec. 8.*** **1.** This **section becomes effective upon passage and approval.**

2. Sections 1 to 7.5, inclusive, of this act ~~[becomes]~~ **become** effective **upon passage and approval for the purpose of adopting regulations and** on January 1, 2012 ~~[.]~~ **, for all other purposes.**

3. Except as otherwise provided in subsection 4, section 7.7 of this act becomes effective on July 1, 2011.

4. Paragraph (b) of subsection 2 of section 7.7 of this act becomes effective on July 1, 2012.

Assemblywoman Smith moved that the Assembly do not concur in the Senate amendment to Assembly Bill No. 524.

Remarks by Assemblywoman Smith.

Motion carried.

Bill ordered transmitted to Senate.

Assembly Bill No. 525.

The following Senate amendment was read:

Amendment No. 878.

AN ACT relating to wildlife; requiring the Department of Wildlife to establish the Wildlife Trust Fund; authorizing the Department to accept any gift, donation, bequest or devise from any private source for the Wildlife Trust Fund; requiring the Director to report income and expenditures from the Wildlife Trust Fund to the Chief of the Budget Division of the Department of Administration **,** ~~[and]~~ the Interim Finance Committee ~~[.]~~ **and the Board of Wildlife Commissioners;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill requires the Department of Wildlife to establish the Wildlife Trust Fund for the purposes of receiving any gift, donation, bequest or devise from any private source for the Wildlife Trust Fund. The money in the Wildlife Trust Fund must be used either for the specified purpose of the donor who donated the money or, if the donor specified no purpose, then in the sound discretion of the Director of the Department. This bill further establishes that the money in the Wildlife Trust Fund is private money and exempts the expenditure of money in the Wildlife Trust Fund from the provisions of the

State Purchasing Act. Finally, this bill requires the Director to report the income and expenditures of the Wildlife Trust Fund to the Chief of the Budget Division of the Department of Administration **, ~~[and to]~~** the Interim Finance Committee **~~[.]~~ and the Board of Wildlife Commissioners.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 501 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Department shall establish the Wildlife Trust Fund. The Department may accept any gift, donation, bequest or devise from any private source for deposit in the Wildlife Trust Fund. Any money received is private money and not state money. All money must be accounted for in the Wildlife Trust Fund.

2. All of the money in the Wildlife Trust Fund must be deposited in a financial institution to draw interest or to be expended, invested and reinvested pursuant to the specific instructions of the donor, or if no such specific instructions exist, in the sound discretion of the Director. The provisions of NRS 356.011 apply to any accounts in financial institutions maintained pursuant to this section.

3. The money in the Wildlife Trust Fund must be budgeted and expended, within any limitations which may have been specified by particular donors, at the discretion of the Director. The Director may authorize independent contractors that may be funded in whole or in part from the money in the Wildlife Trust Fund.

4. The Director or the Director's designee shall submit semiannually to the Interim Finance Committee and the Commission a report concerning the investment and expenditure of the money in the Wildlife Trust Fund in such form and detail as the Interim Finance Committee determines is necessary.

5. A separate statement concerning the anticipated amount and proposed expenditures of the money in the Wildlife Trust Fund must be submitted to the Chief of the Budget Division of the Department of Administration for his or her information at the same time and for the same fiscal years as the requested budget of the Department submitted pursuant to NRS 353.210. The statement must be attached to the requested budget for the Department when the requested budget is submitted to the Fiscal Analysis Division of the Legislative Counsel Bureau pursuant to NRS 353.211.

6. The provisions of chapter 333 of NRS do not apply to the expenditure of money in the Wildlife Trust Fund.

Sec. 2. NRS 501.356 is hereby amended to read as follows:

501.356 1. Money received by the Department from:

(a) The sale of licenses;

(b) Fees pursuant to the provisions of NRS 488.075 and 488.1795;

(c) Remittances from the State Treasurer pursuant to the provisions of NRS 365.535;

(d) Appropriations made by the Legislature; and

(e) All other sources, except money derived from the forfeiture of any property described in NRS 501.3857 or money deposited in the Wildlife Heritage Trust Account pursuant to NRS 501.3575 **,** ~~[or]~~ in the Trout Management Account pursuant to NRS 502.327 ~~[,]~~ ***or in the Wildlife Trust Fund pursuant to section 1 of this act,***

➥ must be deposited with the State Treasurer for credit to the Wildlife Account in the State General Fund.

2. The interest and income earned on the money in the Wildlife Account, after deducting any applicable charges, must be credited to the Account.

3. Except as otherwise provided in subsection 4, the Department may use money in the Wildlife Account only to carry out the provisions of this title and chapter 488 of NRS and as provided in NRS 365.535, and the money must not be diverted to any other use.

4. Except as otherwise provided in NRS 502.250 and 504.155, all fees for the sale or issuance of stamps, tags, permits and licenses that are required to be deposited in the Wildlife Account pursuant to the provisions of this title and any matching money received by the Department from any source must be accounted for separately and must be used:

(a) Only for the management of wildlife; and

(b) If the fee is for the sale or issuance of a license, permit or tag other than a tag specified in subsection 5 or 6 of NRS 502.250, under the guidance of the Commission pursuant to subsection 2 of NRS 501.181.

Sec. 3. This act becomes effective on July 1, 2011.

Assemblywoman Smith moved that the Assembly do not concur in the Senate amendment to Assembly Bill No. 525.

Remarks by Assemblywoman Smith.

Motion carried.

Bill ordered transmitted to Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Bustamante Adams moved that Assembly Bill No. 331 be taken from the Chief Clerk's desk and placed on the General File.

Motion carried.

Assemblyman Conklin moved that Senate Bill No. 149 be taken from the Chief Clerk's desk and placed on the General File for the next legislative day.

Motion carried.

Assemblywoman Kirkpatrick moved that the record reflect Assemblymen Ohrenschall and Woodbury as present.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 494.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 897.

AN ACT making appropriations to restore the balances in the Stale Claims Account, Emergency Account, Reserve for Statutory Contingency Account and Contingency Fund; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. There is hereby appropriated from the State General Fund to the:

1. Stale Claims Account created by NRS 353.097 the sum of ~~[$5,500,000]~~ **$3,500,000** to restore the balance in the Account.

2. Emergency Account created by NRS 353.263 the sum of ~~[$150,000]~~ **$50,000** to restore the balance in the Account.

3. Reserve for Statutory Contingency Account created by NRS 353.264 the sum of ~~[$3,000,000]~~ **$2,200,000** to restore the balance in the Account.

4. Contingency Fund created by NRS 353.266 the sum of $5,000,000 to restore the balance in the Fund.

Sec. 2. This act becomes effective upon passage and approval.

Assemblyman Hickey moved the adoption of the amendment.

Amendment adopted.

Bill ordered to third reading.

Assembly Bill No. 93.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 900.

AN ACT relating to criminal offenders; requiring the Department of Corrections to establish a pilot diversion program for certain probation

violators to receive treatment for alcohol or drug abuse or mental illness; ~~[requiring the Department of Health and Human Services to provide such treatment; making an appropriation;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that a person who violates the conditions of his or her probation must be brought before the court to determine the actions to be taken, which may include causing the sentence imposed to be executed. (NRS 176A.630) Existing law also authorizes the establishment of programs of treatment for alcohol and drug abuse by the district courts for the treatment of certain offenders. (NRS 453.580) A person who elects to participate in such a treatment program may have his or her sentence set aside upon successful completion of the treatment program. (NRS 458.330) **Section 1** of this bill requires the Department of Corrections to establish a pilot diversion program within the facilities maintained by the Department. The pilot diversion program must be used to provide ~~[intensive]~~ treatment to certain probation violators ~~[who are determined to be]~~ **if a court has reasonable cause to believe that the probation violators are** alcoholics or drug addicts or in need of treatment for a mental illness and **if the probation violators** are ordered to the custody of the Department to receive such treatment. The Department of Corrections is required to provide food and housing as well as emergency medical services, but is not responsible for providing treatment to the persons placed in the facilities **.** ~~[, which instead is to be provided by the Department of Health and Human Services.]~~ **Section 1** also requires probationers to release in writing the Department of Corrections from liability as a condition of participation in the pilot diversion program. ~~[Section 2 of this bill requires the Director of the Department of Health and Human Services to provide for the evaluation of probation violators referred to the Department of Health and Human Services by the court and authorizes the Director to enter into contracts with qualified persons or entities to provide such evaluations and treatment.]~~

Section 3 of this bill identifies the probation violators who are eligible to elect placement in the pilot diversion program. **Section 6** of this bill provides that a person placed in the pilot diversion program is required to pay for the cost of his or her treatment and supervision to the extent of his or her financial resources and authorizes a court to require such a person to perform community service upon completion of treatment to contribute toward the cost of his or her treatment and supervision.

Section 7.5 of this bill provides that upon satisfaction of the terms and conditions imposed upon a probation violator for participation in the pilot diversion program, the court shall release the probationer from supervision and order the probationer to complete any period of probation. If a probation

violator violates the rules of the program or does not satisfy the terms and conditions of participation or successfully complete treatment, the court may revoke probation. **Section 8** of this bill requires the Department of Corrections ~~[~~, the Department of Health and Human Services~~]~~ and the Division of Parole and Probation of the Department of Public Safety to jointly provide a report which provides certain data for the Interim Finance Committee. ~~[Section 10 of this bill makes an appropriation to the Department of Health and Human Services to pay for the evaluation and treatment of probation violators.]~~ This bill is established as a pilot program, and **section 11** of this bill makes it expire by limitation on July 1, 2015.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. 1. The Department of Corrections shall establish a pilot diversion program within the correctional institutions or other facilities maintained by the Department.

2. The Department of Corrections shall ensure that facilities of adequate capacity for the pilot diversion program are available in one or more suitable locations within the State. The Department shall not be required to provide housing for more than 50 probation violators at one time.

3. The Department of Corrections shall provide a healthful diet and appropriate, secure and sanitary housing and necessary emergency medical services for the probation violators who are placed in the pilot diversion program, but the Department is not responsible for providing treatment to the probation violators remanded to the pilot diversion program pursuant to section 3 of this act.

4. As a condition of participation in the program, a probationer must release in writing the Department from liability and agree to abide by the applicable rules and regulations of the Department.

Sec. 2. ~~[1. To the extent practicable within the appropriation provided in section 10 of this act, the Director of the Department of Health and Human Services shall provide for the evaluation of each probation violator who is ordered to be evaluated by a court pursuant to section 5 of this act to determine if the probation violator is an abuser of alcohol or drugs or in need of treatment for a mental illness, and shall provide treatment to any such probation violator who is remanded to the pilot diversion program pursuant to section 5 of this act. The Director may:~~

~~(a) Enter into contracts with persons or private entities that are qualified to evaluate and provide such treatment to probation violators who are alcohol or drug abusers or in need of treatment for a mental illness; and~~

~~(b) Accept donations, gifts or grants of money or services to supplement the appropriation in section 10 of this act.~~

~~2. When a person has completed treatment for the term for which the person was assigned to the pilot diversion program, the Director of the Department or a designee of the Director shall submit a report certifying to the court:~~

~~(a) Whether the person successfully completed the treatment;~~

~~(b) Whether the person is believed to be rehabilitated; and~~

~~(c) Any recommendations for actions to ensure that the person does not begin to abuse alcohol or drugs upon release.~~

~~3. The Director of the Department may adopt any regulations necessary to carry out the provisions of this section.~~**] (Deleted by amendment.)**

Sec. 3. 1. A district court may remand a probationer who is returned to the district court for a violation of his or her probation to the pilot diversion program established pursuant to section 1 of this act for supervision **[.] , subject to such terms and conditions as established by the court.** The court may allow the probationer who is remanded to the pilot diversion program to:

(a) Leave the facilities of the Department of Corrections during the day for education, treatment or employment; or

(b) Reside outside the facilities of the Department.

2. The court may require the probationer to receive treatment for alcohol or drug abuse or a mental illness if the court has reason to believe that the probationer is an alcoholic or drug addict or in need of treatment for a mental illness and the court finds that the probationer:

(a) Agrees to participate in the pilot diversion program;

(b) Was not returned to the court for committing an act involving violence, the use of force, or the threat of violence or the use of force;

(c) Meets the requirements for assignment to an institution or facility of minimum security as set forth in NRS 209.481; and

(d) Is not rejected for participation in the pilot diversion program by the Department of Corrections as posing a threat to the health, safety and welfare of:

(1) Other probationers remanded to the program; **or**

(2) Employees of the Department of Corrections and its agents **. [**~~, or~~

~~(3) Employees of the Department of Health and Human Services and its agents.~~**]**

Sec. 4. (Deleted by amendment.)

Sec. 5. **[**~~1. Before a court remands a probation violator to the pilot diversion program, the court may order the examination of the probationer by the Department of Health and Human Services or by a person or entity designated by the Director of the Department to determine whether the probationer is an alcoholic or drug addict or in need of treatment for a mental illness and is likely to be rehabilitated through treatment.~~

~~2. If the court determines that the probation violator would benefit from and is likely to be rehabilitated through treatment and the court remands the probationer to the pilot diversion program, the court shall establish the terms and conditions for successful completion of the treatment, in addition to the terms and conditions that the court establishes pursuant to section 3 of this act.~~ **(Deleted by amendment.)**

Sec. 6. 1. A probation violator who is placed in the pilot diversion program for supervision and, if appropriate, to receive treatment for alcohol or drug abuse or a mental illness shall pay the cost of his or her treatment and supervision to the extent of his or her financial resources.

2. A court shall not refuse to place a probation violator in the pilot diversion program if the probation violator does not have the financial resources to pay any or all of the related costs.

3. The court may order a probation violator who is placed in the pilot diversion program to perform a specified amount of community service upon release from the program to contribute toward the cost of his or her treatment and supervision. Any such community service must be performed for and under the supervising authority of a county, city, town or other political subdivision or agency of the State of Nevada or a charitable organization that renders service to the community or its residents.

4. The court may issue a judgment against a probation violator and in favor of the State for the costs of treatment and supervision which remain unpaid when the probationer is released from the pilot diversion program but in no event may the amount of the judgment include any amount of debt which was extinguished by the successful completion of community service pursuant to subsection 3.

Sec. 7. (Deleted by amendment.)

Sec. 7.5. 1. When the court determines that a probation violator who was remanded to the pilot diversion program has satisfied the applicable terms and conditions established pursuant to ~~[~~sections 3 and 5~~]~~ **section 3** of this act, the court shall release the probationer from supervision and order the probationer to complete any remaining or additional period of probation as determined by the court.

2. If the court determines that a probation violator who was remanded to the pilot diversion program is violating the rules of participation in the program, has not satisfied the terms or conditions of participation in the program or has not successfully completed the treatment for alcohol or drug abuse or a mental illness, the court may revoke probation.

Sec. 8. The Department of Corrections ~~[~~, the Department of Health and Human Services~~]~~ and the Division of Parole and Probation of the Department of Public Safety shall jointly submit a report at least twice annually to the

Director of the Legislative Counsel Bureau for transmittal to the Interim Finance Committee. The report must include:

1. The number of probationers participating in the pilot diversion program;

2. The reasons the probationers entered the program;

3. The number of probationers who satisfied the terms and conditions of their participation in the program; and

4. The status of the probationers who are in the program at the time the report is prepared.

Sec. 9. (Deleted by amendment.)

Sec. 10. ~~[1. There is hereby appropriated from the State General Fund to the Department of Health and Human Services for the evaluation of probation violators to determine whether they are alcoholics or drug addicts or in need of treatment for mental illness and to provide treatment to such probation violators who are remanded to the pilot diversion program as required pursuant to section 5 of this act:~~

~~For the Fiscal Year 2011-2012 $250,000~~

~~For the Fiscal Year 2012-2013 $250,000~~

~~2. The sums appropriated by subsection 1 are available for either fiscal year. Any remaining balance of those sums must not be committed for expenditure after June 30, 2013, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 20, 2013, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 20, 2013.]~~ **(Deleted by amendment.)**

Sec. 11. ~~[1. This section and sections 1 to 9, inclusive, of this act:~~

~~(a) Become]~~ **This act becomes** effective upon passage and approval ~~[for the purposes of adopting regulations, entering into contracts for the provision of services and taking any other preparatory actions to carry out the provisions of this act and on January 1, 2012, for all other purposes.~~

~~(b) Expire]~~ **and expires** by limitation on July 1, 2015.

~~[2. Section 10 of this act becomes effective on July 1, 2011.]~~

Assemblyman Hickey moved the adoption of the amendment.

Amendment adopted.

Bill ordered to third reading.

Assembly Bill No. 354.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 901.

AN ACT relating to the State Personnel System; ~~[providing for the final adjustment of certain grievances by an arbitrator; abolishing]~~ **clarifying the selection process of the Chair of** the Employee-Management Committee; **making various changes related to the hearing process of the Committee; requiring the Personnel Commission to adopt certain regulations;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the Employee-Management Committee performs several duties relating to the administration of the State Personnel System, including holding hearings and making final decisions for the adjustment of certain grievances. (NRS **284.068,** 284.073, 284.384) **The Committee consists of an equal number of persons who represent management within the Executive Department of State Government and persons who represent employees within the Executive Department of State Government. Section 1** of this bill ~~[provides for an arbitrator, rather than the Committee, to make final decisions for the adjustment of certain grievances. Section 2 of this bill abolishes the Committee.]~~ **clarifies that the Chair of the Committee is chosen by a majority of all persons appointed to the Committee, including persons appointed as alternate members. Section 1.3 of this bill requires that an equal number of persons representing management within the Executive Department and persons representing employees of the Executive Department participate in hearings and the making of final decisions. Section 1.7 of this bill requires the Personnel Commission of the Department of Personnel to adopt regulations which provide procedures for the use of resolution conferences by the Committee.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. **NRS 284.071 is hereby amended to read as follows:**

284.071 1. The Chair of the Employee-Management Committee must be chosen by a majority vote of ~~[the members.]~~ ***all persons appointed to serve as members pursuant to NRS 284.068, including, without limitation, the persons appointed to serve as alternates.***

2. The Committee shall adopt such rules as it deems necessary for its own management.

3. The Committee shall meet at least once every 3 months and at such other times as the Chair may designate.

4. The Department shall provide secretarial services for the Committee.

Sec. 1.3. **NRS 284.073 is hereby amended to read as follows:**

284.073 ***1.*** The Employee-Management Committee shall:

~~[1.]~~ ***(a)*** Serve in an advisory capacity to the Governor, the Commission and the Department with respect to all matters of personnel administration and relations between management and employees.

~~[2.]~~ ***(b)*** Receive, consider and make recommendations on matters relating to personnel administration, policy and procedures.

~~[3.]~~ ***(c)*** Provide a forum for the hearing of employees' suggestions, complaints or disciplinary problems.

~~[4.]~~ ***(d)*** Provide a means of communication for disseminating information to employees regarding the personnel program.

~~[5. Hold]~~ ***(e) Except as otherwise provided in subsection 2, hold*** hearings, when requested, and make final decisions for the adjustment of grievances as provided by the regulations of the Commission.

2. The Committee shall not hold any hearing or make a final decision for the adjustment of a grievance unless an equal number of members appointed pursuant to paragraphs (a) and (b) of subsection 2 of NRS 284.068 attend the hearing and take part in making the final decision.

~~[Section 1.]~~ ***Sec. 1.7.*** NRS 284.384 is hereby amended to read as follows:

284.384 1. The Commission shall adopt regulations which provide for the adjustment of grievances for which a hearing is not provided by ***federal law or*** NRS 284.165, 284.245, 284.3629, 284.376 or 284.390. Any grievance for which a hearing is not provided by NRS 284.165, 284.245, 284.3629, 284.376 or 284.390 is subject to adjustment pursuant to this section.

2. The regulations must provide procedures for:

(a) Consideration and adjustment of the grievance within the agency in which it arose.

(b) Submission to the Employee-Management Committee ~~*[an arbitrator]*~~ for a final decision if the employee is still dissatisfied with the resolution of the dispute.

(c) If requested by an employee or agency, the use of a resolution conference to resolve a grievance.

3. The regulations must include provisions for:

(a) ~~*[Selection of an arbitrator for the purposes of this section by the parties to the grievance;*~~

~~*(b) Except as otherwise provided in this section, payment to an arbitrator for the purposes of this section;*~~

~~*(c)]*~~ Submitting each proposed resolution of a dispute which has a fiscal effect to the Budget Division of the Department of Administration for a determination by that Division whether the resolution is feasible on the basis of its fiscal effects; and

(b) ~~[(d)]~~ Making the resolution binding.

4. Any grievance which is subject to adjustment pursuant to this section may be appealed to the Employee-Management Committee ~~*[an arbitrator]*~~ for a final decision. Except as otherwise provided in subsection 3, a final decision of the ~~[~~Employee-Management~~]~~ Committee ~~*[arbitrator]*~~ is binding. The Committee ~~*[arbitrator]*~~ or an employee may petition a court of competent jurisdiction for enforcement of the Committee's ~~*[arbitrator's]*~~ binding decisions.

5. The employee may represent himself or herself at any hearing regarding a grievance which is subject to adjustment pursuant to this section or be represented by an attorney or other person of the employee's own choosing.

6. ~~*[If an arbitrator issues a final decision pursuant to this section and the regulations adopted pursuant thereto, the parties to the grievance shall each pay one-half of the costs incurred by the arbitrator.*~~

~~*7. Except as otherwise provided in this section and the regulations adopted pursuant thereto, the provisions of NRS 38.206 to 38.248, inclusive, apply to an arbitration governed by this section and the regulations adopted pursuant thereto.*~~

~~*8.]*~~ As used in this section, "grievance" means an act, omission or occurrence which an employee who has attained permanent status feels constitutes an injustice relating to any condition arising out of the relationship between an employer and an employee, including, but not limited to, compensation, working hours, working conditions, membership in an organization of employees or the interpretation of any law, regulation or disagreement.

Sec. 2. ~~[NRS 284.068, 284.071, 284.073, 284.074 and 284.0745 are hereby repealed.]~~ **(Deleted by amendment.)**

Sec. 3. The Personnel Commission ~~[in]~~ **of** the Department of Personnel shall, before ~~[October 1, 2011,]~~ **January 1, 2012,** adopt the regulations required by NRS 284.384, as amended by section ~~[1]~~ **1.7** of this act.

Sec. 4. **1. This section and section 3 of this act become effective upon passage and approval.**

2. Sections 1 and 1.3 of this act become effective on October 1, 2011.

3. Section 1.7 of this act becomes effective on January 1, 2012.

~~[~~

~~**LEADLINES OF REPEALED SECTIONS**~~

~~284.068 Employee-Management Committee: Creation; appointment and terms of members.~~

~~284.071 Employee-Management Committee: Chair; rules; meetings; secretarial services.~~

~~284.073 Employee-Management Committee: Duties.~~

~~284.074 Employee-Management Committee: Issuance and enforcement of subpoenas.~~

~~284.0745 Employee-Management Committee: Subpoenas extend to all parts of state; service of subpoenas; fees, mileage and expenses of witnesses.]~~

Assemblyman Hickey moved the adoption of the amendment.

Amendment adopted.

Bill ordered to third reading.

Assembly Bill No. 526.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 898.

SUMMARY— ~~[Repeals]~~ **Revises** the requirement for the State Fire Marshal to inspect state buildings. (BDR 42-1204)

AN ACT relating to the State Fire Marshal; ~~[repealing]~~ **revising** the requirement that the State Fire Marshal ~~[annually]~~ inspect all state buildings; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the State Fire Marshal is required to annually inspect all state buildings and to issue certain orders to provide for the protection of the property against fire. If an agency fails to comply with an order of the State Fire Marshal, the State Fire Marshal is required to report the failure to the State Public Works Board, which must take any necessary steps to correct the situation. (NRS 477.035) The State Public Works Board is required to inspect all state buildings and physical plant facilities periodically. (NRS 341.201)

This bill ~~[repeals]~~ **revises** the provisions that require the State Fire Marshal to annually inspect all state buildings ~~[and to issue certain orders to provide for the protection of the property against fire.]~~ **to instead require the State Fire Marshal to maintain a prioritized schedule for the inspection of state buildings and to adopt regulations that establish the criteria for the prioritization of inspections.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. ~~[NRS 477.035 is hereby repealed.]~~ **(Deleted by amendment.)**

Sec. 1.5. **NRS 477.035 is hereby amended to read as follows:**

477.035 1. The State Fire Marshal shall:

(a) ~~[~~Inspect~~]~~ ***Maintain a prioritized schedule to inspect*** or cause to be inspected ~~[~~annually,~~]~~ all state buildings ~~[~~and order such fire-extinguishing and safety appliances as the State Fire Marshal deems necessary for the protection of the property against fire.~~]~~ ***to determine the extent of compliance with the provisions of all laws or regulations adopted by the State to protect employees, the general public and property against fire.***

(b) Order ~~[~~the removal of combustibles and rubbish from the property, or order such changes in the entrances or exits of the buildings as will promote the safety of the occupants, or order the provision of such fire escapes as~~]~~ ***any changes that*** the State Fire Marshal may deem necessary ~~[.]~~ ***to comply with any laws or regulations adopted by the State to protect employees, the general public and property against fire.***

(c) Provide inspection forms and maintain records of inspections of state-owned or state-occupied buildings.

2. If the agency in charge of any state property fails to comply with the order of the State Fire Marshal for any structural change within 30 days after the receipt of such order, the State Fire Marshal shall report such failure to the State Public Works Board. The State Public Works Board shall thereupon take necessary steps to correct the situation as ordered.

3. The State Fire Marshal may contract with local authorities for the inspection of state-owned or state-occupied buildings.

4. The State Fire Marshal shall adopt regulations establishing the criteria for the prioritization of inspections of state buildings pursuant to this section.

Sec. 2. This act becomes effective on July 1, 2011.

~~[~~

~~TEXT OF REPEALED SECTION~~

~~477.035 Inspection of state buildings; duties of State Public Works Board.~~

~~1. The State Fire Marshal shall:~~

~~(a) Inspect or cause to be inspected annually, all state buildings and order such fire-extinguishing and safety appliances as the State Fire Marshal deems necessary for the protection of the property against fire.~~

~~(b) Order the removal of combustibles and rubbish from the property, or order such changes in the entrances or exits of the buildings as will promote the safety of the occupants, or order the provision of such fire escapes as the State Fire Marshal may deem necessary.~~

~~(c) Provide inspection forms and maintain records of inspections of state-owned or state-occupied buildings.~~

~~2. If the agency in charge of any state property fails to comply with the order of the State Fire Marshal for any structural change within 30 days after the receipt of such order, the State Fire Marshal shall report such failure to~~

~~the State Public Works Board. The State Public Works Board shall thereupon take necessary steps to correct the situation as ordered.~~

~~3. The State Fire Marshal may contract with local authorities for the inspection of state-owned or state-occupied buildings.~~**]**

Assemblyman Hickey moved the adoption of the amendment.

Amendment adopted.

Bill ordered to third reading.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 7:02 p.m.

ASSEMBLY IN SESSION

At 7:04 p.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Atkinson moved that Senate Bill No. 207 be taken from the Chief Clerk's desk and placed on the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 571.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 924.

AN ACT relating to smoking; **[**~~providing that smoking tobacco is not prohibited in age-restricted stand-alone bars, taverns and saloons;~~**]** revising the definition of "stand-alone bar, tavern or saloon" as used in provisions regulating smoking tobacco; **revising provisions governing the areas in which smoking is not prohibited;** revising, removing and reenacting certain provisions of the Nevada Clean Indoor Air Act; **providing civil and criminal penalties;** making an appropriation; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The Nevada Clean Indoor Air Act, which is currently codified as NRS 202.2483, was proposed by an initiative petition and approved by the voters at the 2006 General Election. The Act generally prohibits smoking tobacco within indoor places of employment, within school buildings and on school property but allows smoking tobacco in certain areas or establishments,

including: (1) stand-alone bars, taverns and saloons; and (2) in certain circumstances, the area of a convention facility in which a meeting or trade show is being held. (NRS 202.2483)

Section 1 of this bill ~~[also]~~ **revises provisions governing the areas in which smoking is allowed. Section 1** extends the provisions allowing smoking tobacco to **: (1)** age-restricted stand-alone bars, taverns and saloons **;** and **(2) completely enclosed areas within other stand-alone bars, taverns and saloons in which patrons under 21 years of age are prohibited from entering. Section 1 also** revises the definition of "stand-alone bar, tavern or saloon" to provide that food service or sales in the bar, tavern or saloon may or may not be incidental services or sales, as determined by the operator. **Under section 1, if a supervisor on duty or employee of an age-restricted stand-alone bar, tavern or saloon or a stand-alone bar, tavern or saloon permits a person under 21 years of age to loiter in an area in which smoking is prohibited: (1) the supervisor or employee is guilty of a misdemeanor; and (2) the age-restricted stand-alone bar, tavern or saloon or stand-alone bar, tavern or saloon is liable for a civil penalty. Section 1** also removes the provisions which allow smoking in certain circumstances in the area of a convention facility in which a meeting or trade show is being held.

Section 2 of this bill reenacts the provisions which allow smoking in certain circumstances in the area of a convention facility in which a meeting or trade show is being held.

Section 3 of this bill makes an appropriation of $15,000 from the State General Fund to the Interim Finance Committee to contract, through competitive bidding, with a qualified independent consultant to conduct a study regarding the implementation of the Nevada Clean Indoor Air Act.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 202.2483 is hereby amended to read as follows:

202.2483 1. Except as otherwise provided in subsection 3, smoking tobacco in any form is prohibited within indoor places of employment including, but not limited to, the following:

(a) Child care facilities;
(b) Movie theatres;
(c) Video arcades;
(d) Government buildings and public places;
(e) Malls and retail establishments;
(f) All areas of grocery stores; and
(g) All indoor areas within restaurants.

2. Without exception, smoking tobacco in any form is prohibited within school buildings and on school property.

3. Smoking tobacco is not prohibited in:

(a) Areas within casinos where loitering by minors is already prohibited by state law pursuant to NRS 463.350;

(b) ~~[Stand-alone]~~ ***Completely enclosed areas within stand-alone*** bars, taverns and saloons ***in which patrons under 21 years of age are prohibited from entering*** ; ~~*[and age-restricted]*~~

(c) Age-restricted stand-alone bars, taverns and saloons;

~~[(c)]~~ ***(d)*** Strip clubs or brothels;

~~[(d)]~~ ***(e)*** Retail tobacco stores; ***and***

~~[(e)]~~ ***(f)*** Private residences, including private residences which may serve as an office workplace, except if used as a child care, an adult day care or a health care facility **.** ~~[~~~~, and~~

~~(f) The area of a convention facility in which a meeting or trade show is being held, during the time the meeting or trade show is occurring, if the meeting or trade show:~~

~~(1) Is not open to the public;~~

~~(2) Is being produced or organized by a business relating to tobacco or a professional association for convenience stores; and~~

~~(3) Involves the display of tobacco products.~~]

4. ***A supervisor on duty or employee of an age-restricted stand-alone bar, tavern or saloon or a stand-alone bar, tavern or saloon shall not allow a person who is under 21 years of age to loiter in an age-restricted stand-alone bar, tavern or saloon or an area of a stand-alone bar, tavern or saloon where smoking is allowed pursuant to this section. A person who violates the provisions of this subsection is guilty of a misdemeanor.***

5. If a supervisor on duty or employee of an age-restricted stand-alone bar, tavern or saloon or a stand-alone bar, tavern or saloon violates the provisions of subsection 4, the age-restricted stand-alone bar, tavern or saloon or stand-alone bar, tavern or saloon is liable for a civil penalty of:

(a) For the first offense, $1,000.

(b) For a second or subsequent offense, $2,000.

6. In any prosecution or other proceeding for a violation of the provisions of subsection 4 or 5, it is no excuse for a supervisor, employee, age-restricted bar, tavern or saloon, or stand-alone bar, tavern or saloon alleged to have committed the violation to plead that a supervisor or employee believed that the person who was permitted to loiter was 21 years of age or older.

7. In areas or establishments where smoking is not prohibited by this section, nothing in state law shall be construed to prohibit the owners of said

establishments from voluntarily creating nonsmoking sections or designating the entire establishment as smoke free.

~~[5.]~~ ***8.*** Nothing in state law shall be construed to restrict local control or otherwise prohibit a county, city or town from adopting and enforcing local tobacco control measures that meet or exceed the minimum applicable standards set forth in this section.

~~[6.]~~ ***9.*** "No Smoking" signs or the international "No Smoking" symbol shall be clearly and conspicuously posted in every public place and place of employment where smoking is prohibited by this section. Each public place and place of employment where smoking is prohibited shall post, at every entrance, a conspicuous sign clearly stating that smoking is prohibited. All ashtrays and other smoking paraphernalia shall be removed from any area where smoking is prohibited.

~~[7.]~~ ***10.*** Health authorities, police officers of cities or towns, sheriffs and their deputies shall, within their respective jurisdictions, enforce the provisions of this section and shall issue citations for violations of this section pursuant to NRS 202.2492 and 202.24925.

~~[8.]~~ ***11.*** No person or employer shall retaliate against an employee, applicant or customer for exercising any rights afforded by, or attempts to prosecute a violation of, this section.

~~[9.]~~ ***12.*** For the purposes of this section, the following terms have the following definitions:

(a) "***Age-restricted stand-alone bar, tavern or saloon" means an establishment:***

(1) Devoted primarily to the sale of alcoholic beverages to be consumed on the premises;

(2) In which food service or sales may or may not be incidental food service or sales, in the discretion of the operator of the establishment; ~~*[and]*~~

(3) In which patrons under 21 years of age are prohibited at all times from entering the premises ~~*[.]*~~ ***; and***

(4) That must be located within:

(I) A physically independent building that does not share a common entryway or indoor area with a restaurant, public place or any other indoor workplace where smoking is prohibited by this section; or

(II) A completely enclosed area of a larger structure, which may include, without limitation, a strip mall or an airport, provided that indoor windows must remain closed at all times and doors must remain closed when not actively in use.

(b) **"**Casino" means an entity that contains a building or large room devoted to gambling games or wagering on a variety of events. A casino

must possess a nonrestricted gaming license as described in NRS 463.0177 and typically uses the word 'casino' as part of its proper name.

~~[(b)]~~ ***(c)*** **"**Child care facility" has the meaning ascribed to it in NRS 432A.024.

~~[(c)]~~ ***(d)*** **"**Completely enclosed area" means an area that is enclosed on all sides by any combination of solid walls, windows or doors that extend from the floor to the ceiling.

~~[(d)]~~ ***(e)*** **"**Government building" means any building or office space owned or occupied by:

(1) Any component of the Nevada System of Higher Education and used for any purpose related to the System;

(2) The State of Nevada and used for any public purpose; or

(3) Any county, city, school district or other political subdivision of the State and used for any public purpose.

~~[(e)]~~ ***(f)*** **"**Health authority" has the meaning ascribed to it in NRS 202.2485.

~~[(f)]~~ ***(g)*** **"**Incidental food service or sales" means the service of prepackaged food items including, but not limited to, peanuts, popcorn, chips, pretzels or any other incidental food items that are exempt from food licensing requirements pursuant to subsection 2 of NRS 446.870.

~~[(g)]~~ ***(h)*** **"**Place of employment" means any enclosed area under the control of a public or private employer which employees frequent during the course of employment including, but not limited to, work areas, restrooms, hallways, employee lounges, cafeterias, conference and meeting rooms, lobbies and reception areas.

~~[(h)]~~ ***(i)*** **"**Public places" means any enclosed areas to which the public is invited or in which the public is permitted.

~~[(i)]~~ ***(j)*** **"**Restaurant" means a business which gives or offers for sale food, with or without alcoholic beverages, to the public, guests or employees, as well as kitchens and catering facilities in which food is prepared on the premises for serving elsewhere.

~~[(j)]~~ ***(k)*** **"**Retail tobacco store" means a retail store utilized primarily for the sale of tobacco products and accessories and in which the sale of other products is merely incidental.

~~[(k)]~~ ***(l)*** **"**School building" means all buildings on the grounds of any public school described in NRS 388.020 and any private school as defined in NRS 394.103.

~~[(l)]~~ ***(m)*** **"**School property" means the grounds of any public school described in NRS 388.020 and any private school as defined in NRS 394.103.

~~[(m)]~~ ***(n)*** **"**Stand-alone bar, tavern or saloon" means an establishment ~~[devoted]~~ ***:***

(1) Devoted primarily to the sale of alcoholic beverages to be consumed on the premises ~~[, in]~~ ***;***

(2) In which food service ~~[is]~~ ***or sales may or may not be*** incidental ~~[to its operation, and provided that]~~ ***food service or sales, in the discretion of the operator of the establishment;***

(3) In which smoke from such establishments does not infiltrate into areas where smoking is prohibited under the provisions of this section ~~[. In addition, a stand-alone bar, tavern or saloon]~~ ***; and***

(4) That must be housed in either:

~~[(1)]~~ ***(I)*** A physically independent building that does not share a common entryway or indoor area with a restaurant, public place or any other indoor workplaces where smoking is prohibited by this section; or

~~[(2)]~~ ***(II)*** A completely enclosed area of a larger structure, such as a strip mall or an airport, provided that indoor windows must remain shut at all times and doors must remain closed when not actively in use.

~~[(n)]~~ ***(o) "***Video arcade" has the meaning ascribed to it in paragraph (d) of subsection 3 of NRS 453.3345.

~~[10.]~~ ***13.*** Any statute or regulation inconsistent with this section is null and void.

~~[11.]~~ ***14.*** The provisions of this section are severable. If any provision of this section or the application thereof is declared by a court of competent jurisdiction to be invalid or unconstitutional, such declaration shall not affect the validity of the section as a whole or any provision thereof other than the part declared to be invalid or unconstitutional.

Sec. 2. NRS 202.2483 is hereby amended to read as follows:

202.2483 1. Except as otherwise provided in subsection 3, smoking tobacco in any form is prohibited within indoor places of employment including, but not limited to, the following:

(a) Child care facilities;

(b) Movie theatres;

(c) Video arcades;

(d) Government buildings and public places;

(e) Malls and retail establishments;

(f) All areas of grocery stores; and

(g) All indoor areas within restaurants.

2. Without exception, smoking tobacco in any form is prohibited within school buildings and on school property.

3. Smoking tobacco is not prohibited in:

(a) Areas within casinos where loitering by minors is already prohibited by state law pursuant to NRS 463.350;

(b) Completely enclosed areas within stand-alone bars, taverns and saloons in which patrons under 21 years of age are prohibited from entering;

(c) Age-restricted stand-alone bars, taverns and saloons;

(d) Strip clubs or brothels;

(e) Retail tobacco stores; ~~[and]~~

(f) ***The area of a convention facility in which a meeting or trade show is being held, during the time the meeting or trade show is occurring, if the meeting or trade show:***

(1) Is not open to the public;

(2) Is being produced or organized by a business relating to tobacco or a professional association for convenience stores; and

(3) Involves the display of tobacco products; and

(g) Private residences, including private residences which may serve as an office workplace, except if used as a child care, an adult day care or a health care facility.

4. A supervisor on duty or employee of an age-restricted stand-alone bar, tavern or saloon or a stand-alone bar, tavern or saloon shall not allow a person who is under 21 years of age to loiter in an age-restricted stand-alone bar, tavern or saloon or an area of a stand-alone bar, tavern or saloon where smoking is allowed pursuant to this section. A person who violates a provision of this section is guilty of a misdemeanor.

5. If a supervisor on duty or employee of an age-restricted stand-alone bar, tavern or saloon or a stand-alone bar, tavern or saloon violates the provisions of subsection 4, the age-restricted stand-alone bar, tavern or saloon or stand-alone bar, tavern or saloon is liable for a civil penalty of:

(a) For the first offense, $1,000.

(b) For a second or subsequent offense, $2,000.

6. In any prosecution or other proceeding for a violation of the provisions of subsection 4 or 5, it is no excuse for a supervisor, employee, age-restricted bar, tavern or saloon, or stand-alone bar, tavern or saloon alleged to have committed the violation to plead that a supervisor or employee believed that the person who was permitted to loiter was 21 years of age or older.

7. In areas or establishments where smoking is not prohibited by this section, nothing in state law shall be construed to prohibit the owners of said establishments from voluntarily creating nonsmoking sections or designating the entire establishment as smoke free.

8. Nothing in state law shall be construed to restrict local control or otherwise prohibit a county, city or town from adopting and enforcing local tobacco control measures that meet or exceed the minimum applicable standards set forth in this section.

9. “No Smoking” signs or the international “No Smoking” symbol shall be clearly and conspicuously posted in every public place and place of employment where smoking is prohibited by this section. Each public place and place of employment where smoking is prohibited shall post, at every

entrance, a conspicuous sign clearly stating that smoking is prohibited. All ashtrays and other smoking paraphernalia shall be removed from any area where smoking is prohibited.

10. Health authorities, police officers of cities or towns, sheriffs and their deputies shall, within their respective jurisdictions, enforce the provisions of this section and shall issue citations for violations of this section pursuant to NRS 202.2492 and 202.24925.

11. No person or employer shall retaliate against an employee, applicant or customer for exercising any rights afforded by, or attempts to prosecute a violation of, this section.

12. For the purposes of this section, the following terms have the following definitions:

(a) "Age-restricted stand-alone bar, tavern or saloon" means an establishment:

(1) Devoted primarily to the sale of alcoholic beverages to be consumed on the premises;

(2) In which food service or sales may or may not be incidental food service or sales, in the discretion of the operator of the establishment;

(3) In which patrons under 21 years of age are prohibited at all times from entering the premises; and

(4) That must be located within:

(I) A physically independent building that does not share a common entryway or indoor area with a restaurant, public place or any other indoor workplace where smoking is prohibited by this section; or

(II) A completely enclosed area of a larger structure, which may include, without limitation, a strip mall or an airport, provided that indoor windows must remain closed at all times and doors must remain closed when not actively in use.

(b) "Casino" means an entity that contains a building or large room devoted to gambling games or wagering on a variety of events. A casino must possess a nonrestricted gaming license as described in NRS 463.0177 and typically uses the word 'casino' as part of its proper name.

(c) "Child care facility" has the meaning ascribed to it in NRS 432A.024.

(d) "Completely enclosed area" means an area that is enclosed on all sides by any combination of solid walls, windows or doors that extend from the floor to the ceiling.

(e) "Government building" means any building or office space owned or occupied by:

(1) Any component of the Nevada System of Higher Education and used for any purpose related to the System;

(2) The State of Nevada and used for any public purpose; or

(3) Any county, city, school district or other political subdivision of the State and used for any public purpose.

(f) "Health authority" has the meaning ascribed to it in NRS 202.2485.

(g) "Incidental food service or sales" means the service of prepackaged food items including, but not limited to, peanuts, popcorn, chips, pretzels or any other incidental food items that are exempt from food licensing requirements pursuant to subsection 2 of NRS 446.870.

(h) "Place of employment" means any enclosed area under the control of a public or private employer which employees frequent during the course of employment including, but not limited to, work areas, restrooms, hallways, employee lounges, cafeterias, conference and meeting rooms, lobbies and reception areas.

(i) "Public places" means any enclosed areas to which the public is invited or in which the public is permitted.

(j) "Restaurant" means a business which gives or offers for sale food, with or without alcoholic beverages, to the public, guests or employees, as well as kitchens and catering facilities in which food is prepared on the premises for serving elsewhere.

(k) "Retail tobacco store" means a retail store utilized primarily for the sale of tobacco products and accessories and in which the sale of other products is merely incidental.

(l) "School building" means all buildings on the grounds of any public school described in NRS 388.020 and any private school as defined in NRS 394.103.

(m) "School property" means the grounds of any public school described in NRS 388.020 and any private school as defined in NRS 394.103.

(n) "Stand-alone bar, tavern or saloon" means an establishment:

(1) Devoted primarily to the sale of alcoholic beverages to be consumed on the premises;

(2) In which food service or sales may or may not be incidental food service or sales, in the discretion of the operator of the establishment;

(3) In which smoke from such establishments does not infiltrate into areas where smoking is prohibited under the provisions of this section; and

(4) That must be housed in either:

(I) A physically independent building that does not share a common entryway or indoor area with a restaurant, public place or any other indoor workplaces where smoking is prohibited by this section; or

(II) A completely enclosed area of a larger structure, such as a strip mall or an airport, provided that indoor windows must remain shut at all times and doors must remain closed when not actively in use.

(o) "Video arcade" has the meaning ascribed to it in paragraph (d) of subsection 3 of NRS 453.3345.

13. Any statute or regulation inconsistent with this section is null and void.

14. The provisions of this section are severable. If any provision of this section or the application thereof is declared by a court of competent jurisdiction to be invalid or unconstitutional, such declaration shall not affect the validity of the section as a whole or any provision thereof other than the part declared to be invalid or unconstitutional.

Sec. 3. 1. There is hereby appropriated from the State General Fund to the Interim Finance Committee the sum of $15,000 to contract, through competitive bidding, with a qualified independent consultant to conduct a study regarding the implementation of the Nevada Clean Indoor Air Act, NRS 202.2483.

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2013, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 20, 2013, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 20, 2013.

Sec. 4. 1. This section and sections 1 and 3 of this act become effective upon passage and approval.

2. Section 2 of this act becomes effective one minute after passage and approval of this act.

Assemblyman Hickey moved the adoption of the amendment.

Amendment adopted.

Bill ordered to third reading.

Assembly Bill No. 579.

Bill read third time.

Remarks by Assemblymen Smith and Bobzien.

Assemblyman Conklin moved that the following remarks be entered in the Journal.

Motion carried.

ASSEMBLYWOMAN SMITH:

Thank you, Mr. Speaker. Assembly Bill 579 is the bill that funds the K-12 education system for this biennium. It appropriates $1.088 billion in the first year and $1.111 billion in the second year of the biennium from the State General Fund to the Distributive School Account, known as the DSA. In addition, there are $252.6 million and $260 million of other revenues authorized to be received and expended for the state support of public education for the next two years. These other revenues include an annual tax on slot machines, sales tax collected on out-of-state sales,

interest earned on the Permanent School Fund, revenue from mineral leases on federal land, and room tax revenues from the legislatively approved 2009 Initiative Petition, or IP 1.

The statewide average basic support per pupil increases over the upcoming biennium from the revised amount of $5,192 in the current year to $5,263 in the first year of the biennium and $5, 374 in the second year. Enrollment is projected to decline by .14 percent in the first year and grow by .36 percent in the second year of the biennium.

State funding for special education continues to be allocated on the basis of special education units. Total funding for the units amounts to $121.3 million for 3,049 units of $39,768 each year of the biennium. As in the past, 40 of those units will be reserved for the State Board of Education to assign to districts that have unexpected needs and to charter schools.

To fund adult high school diploma programs, including those in prison facilities, this bill appropriates $17 million and $17.8, respectively, in this biennium. The bill includes funding for the Early Childhood Education programs of $3.3 million for each year of the biennium. For continued support of the Class-Size Reduction Program, this bill appropriates $140.8 million and $144.2 million for the biennium. This includes the salaries and benefits of at least 2,127 teachers hired to reduce pupil-teacher ratios in the first year and 2,144 teachers in the second year of the biennium. The bill continues the Class-Size Reduction program in the DSA and maintains the separate expenditure category to highlight the program. Funds will be allocated based upon the number of teachers needed in each school district to reach the pupil-teacher ratios of 16 to 1 in first grade and second grade and 19 to 1 in third grade—the same ratios as in the current biennium.

To assist school districts in addressing budget shortfalls in this biennium, the bill grants flexibility for school districts to elect to increase class size by up to two students for Grades 1 through 3. Savings achieved must be used to minimize the impact of budget reductions on class size in grades 4 through 12. Members who were here previously will remember that we granted this flexibility in the last special session, and this continues that flexibility.

The bill also appropriates $8 million and $7.6 million for the Other State Education Programs Account, such as Peer Mediation, Career and Technical education, Library Books, Public Broadcasting, and the National Board Certification program for teachers.

It continues the Account for Programs for Innovation and the Prevention of Remediation in the amount of $24.2 million and $24.6 million to continue the Full-Day Kindergarten program for at-risk schools in this state. The bill also appropriates $7.6 million each year of the biennium for the Regional Professional Development programs to train teachers and administrators.

The bill continues the Grant Fund for Incentives for Licensed Educational Personnel with appropriations of $13.4 million to fund the cost of retirement credits and teacher incentives earned in Fiscal Year 2011 and $15.9 million for Fiscal Year 2013.

Additionally, the legislation provides for funding in the amount of $20 million from the school districts' funds for capital projects be used as local funds available for operating purposes. The bill also temporarily transfers estimated funding of $111.3 million and $115.1 million in Fiscal Years 2012 and 2013, respectively, from the State Supplemental School Support Fund to the DSA for this biennium.

I support this K-12 funding bill. We have heard a lot of discussion; we have had more discussion on the K-12 budget in this legislative session than I can remember in my five sessions here. We started out with some proposed cuts that would have been very traumatic for our school system. Over the course of this four months and our budget resolution, I think the school districts can sustain these cuts and minimize the impacts to the classroom. I have had discussions with the districts and believe that the layoffs will be minimal and hopefully won't affect the classroom. This will allow us to support our ongoing efforts for reform and increasing student achievement in this state. I hope my colleagues will support this legislation.

ASSEMBLYMAN BOBZIEN:

Thank you, Mr. Speaker. I rise in support of A.B. 579. As chair of your policy committee on this, I think the story we heard all session long was one of both reform and resources. While

some clamored and said we have to have reforms before we can provide resources, I think what we are doing this evening—coming together and supporting this bill—is acknowledging that reforms and changes to our schools have to come with resources.

I am hopeful that in the years to come, we will be able to look back at this session, and look back at the disasters that were averted with this budget and the reforms that we came together and moved forward. We will be able to see that this was the start of the journey and that in the years to come, we can continue to make improvements to our schools. We can continue to support our students and continue to build our future.

Roll call on Assembly Bill No. 579:

YEAS—34.

NAYS—Ellison, Hambrick, Hardy, McArthur—4.

EXCUSED—Goedhart, Grady, Kirner, Pierce—4.

Assembly Bill No. 579 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Conklin moved that Assembly Bill No. 580 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Conklin.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 440.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 896.

AN ACT relating to health insurance; creating the Silver State Health Insurance Exchange; setting forth the purposes of the Exchange; providing for the composition, appointment and terms of members and powers and duties of the Board of Directors of the Exchange; providing for the appointment and powers and duties of the Executive Director of the Exchange; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill creates the Silver State Health Insurance Exchange to provide services relating to the purchase and sale of health insurance by residents and certain employers in this State. The Exchange is governed by the Board of Directors consisting of five voting members appointed by the Governor, one voting member appointed by the Senate Majority Leader and one voting member appointed by the Speaker of the Assembly. The Board also consists of the directors, or designees thereof, of the Department of Health and Human Services, the Department of Business and Industry and the Department of Administration as ex officio nonvoting members to assist the

voting members by providing advise and expertise. Voting members of the Board serve terms of 3 years each. The Board appoints an Executive Director of the Exchange, who in turn may employ such persons as are necessary and as funding allows. Among other duties, the Exchange is required to create and administer a state-based health insurance exchange, facilitate the purchase and sale of qualified health plans, provide for the establishment of a program to help certain small employers in Nevada in facilitating the enrollment of employees in qualified health plans, and perform all other duties that are required of it pursuant to the federal Patient Protection and Affordable Care Act, the federal Health Care and Education Reconciliation Act of 2010 and any amendments to or regulations or guidance issued pursuant to those acts. (Pub. L. No. 111-148, Pub. L. No. 111-152)

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Title 57 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 2 to 27, inclusive, of this act.

Sec. 2. ***As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 3 to 12, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 3. ***"Board" means the Board of Directors of the Exchange.***

Sec. 4. ***"Exchange" means the Silver State Health Insurance Exchange.***

Sec. 5. ***"Executive Director" means the Executive Director of the Exchange.***

Sec. 6. ***"Federal Act" means the federal Patient Protection and Affordable Care Act, Public Law 111-148, as amended by the federal Health Care and Education Reconciliation Act of 2010, Public Law 111-152, and any amendments to, or regulations or guidance issued pursuant to, those acts.***

Sec. 7. ***"Medical facility" has the meaning ascribed to it in NRS 449.0151.***

Sec. 8. ***"Provider of health care" has the meaning ascribed to it in NRS 629.031.***

Sec. 9. ***Except as otherwise provided in section 22 of this act, "qualified health plan" has the meaning ascribed to it in § 1301 of the Federal Act.***

Sec. 10. ***"Qualified individual" means a person, including, without limitation, a minor, who:***

1. Is seeking to enroll in a qualified health plan offered to persons through the Exchange;

2. Resides in Nevada;

3. At the time of enrollment is not incarcerated, unless the person is incarcerated pending the disposition of charges; and

4. Is, and is reasonably expected to be, for the entire period for which enrollment is sought, a citizen of the United States or an alien lawfully present in the United States.

Sec. 11. *"Qualified small employer" means a small employer that chooses to make all of its full-time employees eligible for one or more qualified health plans offered through the Exchange to assist qualified small employers in Nevada in facilitating the enrollment of their employees in qualified health plans offered in the small group market, if the employer:*

1. Has its principal place of business in Nevada and chooses to provide coverage through the Exchange to all of its eligible employees, regardless of where those employees are employed; or

2. Regardless of the location of its principal place of business, chooses to provide coverage through the Exchange to all of its eligible employees who are principally employed in Nevada.

Sec. 12. *"Small employer" has the meaning ascribed to it in NRS 689C.095.*

Sec. 13. *The Silver State Health Insurance Exchange is hereby established to:*

1. Facilitate the purchase and sale of qualified health plans in the individual market in Nevada;

2. Assist qualified small employers in Nevada in facilitating the enrollment and purchase of coverage and the application for subsidies for small business enrollees;

3. Reduce the number of uninsured persons in Nevada;

4. Provide a transparent marketplace for health insurance and consumer education on matters relating to health insurance; and

5. Assist residents of Nevada with access to programs, premium assistance tax credits and cost-sharing reductions.

Sec. 14. *1. The Exchange shall:*

(a) Create and administer a state-based health insurance exchange;

(b) Facilitate the purchase and sale of qualified health plans;

(c) Provide for the establishment of a program to assist qualified small employers in Nevada in facilitating the enrollment of their employees in qualified health plans offered in the small group market;

(d) Make only qualified health plans available to qualified individuals and qualified small employers on or after January 1, 2014; and

(e) Unless the Federal Act is repealed or is held to be unconstitutional or otherwise invalid or unlawful, perform all duties that are required of the Exchange to implement the requirements of the Federal Act.

2. The Exchange may:

(a) Enter into contracts with any person, including, without limitation, a local government, a political subdivision of a local government and a governmental agency, to assist in carrying out the duties and powers of the Exchange or the Board; and

(b) Apply for and accept any gift, donation, bequest, grant or other source of money to carry out the duties and powers of the Exchange or the Board.

3. The Exchange is subject to the provisions of chapter 333 of NRS.

Sec. 15. *1. The governing authority of the Exchange is the Board, consisting of seven voting members and three ex officio nonvoting members.*

2. Subject to the provisions of subsections 3, 4 and 5:

(a) The Governor shall appoint five voting members of the Board;

(b) The Senate Majority Leader shall appoint one voting member of the Board; and

(c) The Speaker of the Assembly shall appoint one voting member of the Board.

3. Each voting member of the Board must have:

(a) Expertise in the individual or small employer health insurance market;

(b) Expertise in health care administration, health care financing or health information technology;

(c) Expertise in the administration of health care delivery systems;

(d) Experience as a consumer who would benefit from services provided by the Exchange; or

(e) Experience as a consumer advocate, including, without limitation, experience in consumer outreach and education for those who would benefit from services provided by the Exchange.

4. When making an appointment pursuant to subsection 2, the Governor, the Majority Leader and the Speaker of the Assembly shall consider the collective expertise and experience of the voting members of the Board and shall attempt to make each appointment so that:

(a) The areas of expertise and experience described in subsection 3 are collectively represented by the voting members of the Board; and

(b) The voting members of the Board represent a range and diversity of skills, knowledge, experience and geographic and stakeholder perspectives.

5. A voting member of the Board may not be a Legislator or hold any elective office in State Government.

6. While serving on the Board, a voting member may not be in any way affiliated with a health insurer, including, without limitation, being an employee of, consultant to or member of the board of directors of a health insurer, having an ownership interest in a health insurer or otherwise being a representative of a health insurer.

7. The following are ex officio nonvoting members of the Board who shall assist the voting members of the Board by providing advice and expertise:

(a) The Director of the Department of Health and Human Services, or his or her designee;

(b) The Director of the Department of Business and Industry, or his or her designee; and

(c) The Director of the Department of Administration, or his or her designee.

Sec. 16. *1. After the initial terms, the term of each voting member of the Board is 3 years.*

2. A voting member of the Board may be reappointed to the Board.

3. The appointing authority who appoints a voting member of the Board may remove that voting member if the voting member neglects his or her duty or commits misfeasance, malfeasance or nonfeasance in office.

4. A vacancy on the Board in the position of a voting member must be filled in the same manner as the original appointment.

5. Upon the expiration of his or her term of office, a voting member of the Board may continue to serve until he or she is reappointed or a person is appointed as a successor.

Sec. 17. *1. The Board shall elect a Chair and a Vice Chair from among its members.*

2. The terms of the Chair and Vice Chair are 1 year.

3. The Chair and Vice Chair may be reelected to one or more terms.

4. If a vacancy occurs, the members of the Board shall elect a replacement Chair or Vice Chair, as applicable, for the remainder of the unexpired term.

Sec. 18. *1. Except as otherwise provided in subsection 2, the voting members of the Board shall serve without compensation.*

2. If sufficient money is available from federal grant funds or revenues generated by the Exchange, each member is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally while attending meetings of the Board or otherwise engaged in the business of the Board.

Sec. 19. *1. The Board shall meet:*

(a) At least once each calendar quarter; and

(b) At other times upon the call of the Chair or a majority of the voting members.

2. A majority of the voting members of the Board constitutes a quorum for the transaction of business.

3. A member of the Board may not vote by proxy.

Sec. 20. *1. The Board may appoint subcommittees and advisory committees composed of members of the Board, former members of the Board and members of the general public who have experience with or knowledge of matters relating to health care to consider specific problems or other matters within the scope of the powers, duties and functions of the Board.*

2. To the extent practicable, the members of such a subcommittee or advisory committee must be representative of the various geographic areas and ethnic groups of this State.

3. A member of a subcommittee or an advisory committee will not be compensated or reimbursed for travel or other expenses relating to any duties as a member of the subcommittee or advisory committee.

Sec. 21. *The Board and any subcommittee or advisory committee appointed by the Board shall comply with the provisions of chapter 241 of NRS.*

Sec. 22. *1. The Board shall:*

(a) Adopt bylaws setting forth its procedures and governing its operations;

(b) On or before June 30 and December 31 of each year, submit a written fiscal and operational report to the Governor and the Legislature, which must include, without limitation, any recommendations concerning the Exchange;

(c) On or before December 31 of each year, prepare a report for the public summarizing the activities of the Board and the contributions of the Exchange to the health of the residents of Nevada during the previous year;

(d) Provide for an annual audit of its functions and operations;

(e) Submit all reports required by federal law to the appropriate federal agency and in a timely manner; and

(f) If the Federal Act is repealed or is held unconstitutional or otherwise invalid or unlawful, define by regulation "qualified health plan" for the purposes of this act.

2. The Board may:

(a) Adopt regulations to carry out the duties and powers of the Exchange;

(b) Prepare special reports concerning the Exchange for the Governor, the Legislature and the public; and

(c) Contract for the services of such legal, professional, technical and operational personnel and consultants as the execution of its duties and powers and the operation of the Exchange may require.

3. The Board is subject to Legislative and Executive Branch audits.

Sec. 23. *1. The Board shall appoint an Executive Director of the Exchange.*

2. The Executive Director:

(a) Is in the ~~[nonclassified]~~ unclassified service of the State;

(b) Is responsible to the Board and serves at the pleasure of the Board;

(c) Must have experience in the administration of health care or health insurance; and

(d) Is responsible for the administrative matters of the Board.

3. Subject to the limits of available funding, the Executive Director may appoint and remove such employees of the Exchange as are necessary for the administration of the Exchange.

4. Employees of the Exchange appointed pursuant to subsection 3 are in the ~~[nonclassified]~~ unclassified service of the State.

Sec. 24. *1. The Board and the Department of Health and Human Services shall ensure that the Exchange coordinates with Medicaid, the Children's Health Insurance Program and any other applicable state or local public programs to create a single point of entry for users of the Exchange who are eligible for such programs and to promote continuity of coverage and care.*

2. As used in this section, "Children's Health Insurance Program" has the meaning ascribed to it in NRS 422.021.

Sec. 25. *The Department of Health and Human Services, the Division of Insurance of the Department of Business and Industry and any other relevant state agency shall work with and provide support to the Exchange as it carries out its duties and powers, including, without limitation, entering into agreements to share information and intergovernmental agreements with the Exchange.*

Sec. 26. *1. If the Executive Director determines that the current expenses of the Exchange exceed the amount of money available because of a delay in the receipt of money from federal grants or a delay in the receipt of revenue from other sources, the Executive Director may request from the Department of Administration an advance from the State General Fund for the payment of authorized expenses.*

2. If the Director of the Department of Administration approves a request made pursuant to subsection 1, he or she shall notify the State Controller and the Fiscal Analysis Division of the Legislative Counsel Bureau of the amount of advance approved.

3. Upon receiving notification pursuant to subsection 2, the State Controller shall draw his or her warrant for payment of the approved amount.

4. An advance made pursuant to this section must not exceed 25 percent of the revenue expected to be received from any source other than legislative appropriation during the fiscal year in which the request is made.

5. Any money which is advanced pursuant to this section must be repaid by the Exchange to the State General Fund not later than August 31 immediately after the end of the fiscal year during which the advance is made.

Sec. 27. ***Nothing in this act, and no action taken by the Exchange pursuant to this act, shall be construed to preempt or supersede the authority of the Commissioner to regulate the business of insurance within this State.***

Sec. 28. NRS 233B.039 is hereby amended to read as follows:

233B.039 1. The following agencies are entirely exempted from the requirements of this chapter:

(a) The Governor.

(b) Except as otherwise provided in NRS 209.221, the Department of Corrections.

(c) The Nevada System of Higher Education.

(d) The Office of the Military.

(e) The State Gaming Control Board.

(f) Except as otherwise provided in NRS 368A.140, the Nevada Gaming Commission.

(g) The Division of Welfare and Supportive Services of the Department of Health and Human Services.

(h) Except as otherwise provided in NRS 422.390, the Division of Health Care Financing and Policy of the Department of Health and Human Services.

(i) The State Board of Examiners acting pursuant to chapter 217 of NRS.

(j) Except as otherwise provided in NRS 533.365, the Office of the State Engineer.

(k) The Division of Industrial Relations of the Department of Business and Industry acting to enforce the provisions of NRS 618.375.

(l) The Administrator of the Division of Industrial Relations of the Department of Business and Industry in establishing and adjusting the schedule of fees and charges for accident benefits pursuant to subsection 2 of NRS 616C.260.

(m) The Board to Review Claims in adopting resolutions to carry out its duties pursuant to NRS 590.830.

(n) The Silver State Health Insurance Exchange.

2. Except as otherwise provided in subsection 5 and NRS 391.323, the Department of Education, the Board of the Public Employees' Benefits Program and the Commission on Professional Standards in Education are subject to the provisions of this chapter for the purpose of adopting regulations but not with respect to any contested case.

3. The special provisions of:

(a) Chapter 612 of NRS for the distribution of regulations by and the judicial review of decisions of the Employment Security Division of the Department of Employment, Training and Rehabilitation;

(b) Chapters 616A to 617, inclusive, of NRS for the determination of contested claims;

(c) Chapter 703 of NRS for the judicial review of decisions of the Public Utilities Commission of Nevada;

(d) Chapter 91 of NRS for the judicial review of decisions of the Administrator of the Securities Division of the Office of the Secretary of State; and

(e) NRS 90.800 for the use of summary orders in contested cases,

➥ prevail over the general provisions of this chapter.

4. The provisions of NRS 233B.122, 233B.124, 233B.125 and 233B.126 do not apply to the Department of Health and Human Services in the adjudication of contested cases involving the issuance of letters of approval for health facilities and agencies.

5. The provisions of this chapter do not apply to:

(a) Any order for immediate action, including, but not limited to, quarantine and the treatment or cleansing of infected or infested animals, objects or premises, made under the authority of the State Board of Agriculture, the State Board of Health, or any other agency of this State in the discharge of a responsibility for the preservation of human or animal health or for insect or pest control;

(b) An extraordinary regulation of the State Board of Pharmacy adopted pursuant to NRS 453.2184; or

(c) A regulation adopted by the State Board of Education pursuant to NRS 392.644 or 394.1694.

6. The State Board of Parole Commissioners is subject to the provisions of this chapter for the purpose of adopting regulations but not with respect to any contested case.

Sec. 29. On or before July 1, 2011:

1. The Governor shall appoint two voting members of the Board of Directors of the Silver State Health Insurance Exchange to terms commencing July 1, 2011, and expiring June 30, 2012.

2. The Governor and the Speaker of the Assembly shall each appoint one voting member of the Board of Directors of the Silver State Health Insurance Exchange to terms commencing July 1, 2011, and expiring June 30, 2013.

3. The Governor shall appoint two voting members of the Board of Directors of the Silver State Health Insurance Exchange, and the Senate Majority Leader shall appoint one voting member of the Board of Directors of the Silver State Health Insurance Exchange, to terms commencing July 1, 2011, and expiring June 30, 2014.

Sec. 30. On or before December 31, 2011, the Board of Directors of the Silver State Health Insurance Exchange shall adopt a plan for the implementation and operation of the Silver State Health Insurance Exchange and shall submit the plan to the Governor and the Legislature.

Sec. 31. Until an Executive Director of the Silver State Health Insurance Exchange is appointed pursuant to section 23 of this act, the Director of the Department of Health and Human Services is ex officio responsible for the administrative matters of the Board of Directors of the Silver State Health Insurance Exchange.

Sec. 32. This act becomes effective upon passage and approval for the purpose of appointing voting members of the Board of Directors of the Silver State Health Insurance Exchange and on July 1, 2011, for all other purposes.

Assemblyman Hickey moved the adoption of the amendment.

Amendment adopted.

Bill ordered to third reading.

Assembly Bill No. 331.

Bill read third time.

The following amendment was proposed by Assemblywoman Bustamante Adams:

Amendment No. 880.

AN ACT relating to employment; prohibiting a person from ~~[~~procuring~~]~~ **requesting or considering** a consumer report for purposes relating to employment except under certain circumstances; revising provisions relating to the release of a consumer report that is subject to a security freeze; providing civil remedies; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, a person who complies with the requirements of the Fair Credit Reporting Act, 15 U.S.C. §§ 1681 et seq., and chapter 598C of NRS is allowed to obtain a consumer report for purposes relating to the employment of the consumer. ~~[~~Section~~]~~ **Sections 1 and 2.5** of this bill ~~[~~prohibits~~]~~ **prohibit** a person from ~~[~~procuring~~]~~ **requesting or considering** a consumer report for purposes of evaluating a consumer for employment,

promotion, reassignment or retention as an employee unless: (1) the use of the report is required or authorized by state or federal law; (2) the person reasonably believes that the consumer has engaged in specific ~~[illegal]~~ activity which **may constitute a violation of state or federal law and** is likely to be reflected in the ~~[consumer]~~ report; or (3) the information in the report is ~~[substantially]~~ **reasonably** related to the ~~[evaluation of the consumer's likely performance of the duties of the particular]~~ position for which ~~[he or she]~~ **the consumer** is being evaluated. ~~[Section 1 also provides that a person who is prohibited from procuring a consumer report for purposes related to employment is also prohibited from requesting a consumer to furnish his or her consumer report to the person or to authorize a reporting agency to furnish the report for those purposes.]~~

Existing law provides that if a consumer places a security freeze on his or her file maintained by a credit reporting agency, the agency is not allowed to release the consumer report without the consumer's consent except for certain purposes, which include certain purposes relating to employment of the consumer. (NRS 598C.350, 598C.380) **Section 2** of this bill revises the scope of that exception to conform with **section 1** of this bill.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 598C of NRS is hereby amended by adding thereto a new section to read as follows:

~~[1.]~~ A person ~~[shall not procure]~~ may request or consider a consumer report for the purpose of evaluating a consumer for employment, promotion, reassignment or retention as an employee ~~[unless:~~

~~(a)~~ if:

1. The person is required or authorized, pursuant to state or federal law, to use a consumer report for that purpose;

~~[(b)]~~ 2. The person reasonably believes that the consumer has engaged in specific ~~[illegal]~~ activity which ~~[is likely to be reflected in the consumer report;]~~ may constitute a violation of state or federal law; or

~~[(c)]~~ 3. The information contained in the consumer report is ~~[substantially]~~ reasonably related to the ~~[evaluation of the consumer's likely performance of the duties of a particular]~~ position ~~[.]~~ for which the consumer is being evaluated for employment, promotion, reassignment or retention as an employee. The information in the consumer report shall be deemed to be ~~[substantially]~~ reasonably related to such an evaluation if the duties of the position involve:

~~[(1)]~~ (a) The care, custody and handling of or responsibility for money , financial accounts, corporate credit or debit cards, or other assets;

~~[(2)]~~ ***(b) Access to trade secrets or other proprietary or confidential information;***

~~[~~ ~~(3) Significant managerial responsibility; or~~

~~(4)]~~

(c) Managerial or supervisory responsibility;

(d) The direct exercise of law enforcement authority as an employee of a state or local law enforcement agency [.] ;

(e) The care, custody and handling of or responsibility for the personal information, as defined in NRS 603A.040, of another person;

(f) Access to the personal financial information of another person;

(g) Employment with a financial institution that is chartered under federal or state law; or

(h) Employment with a licensed gaming establishment, as defined in NRS 463.0169.

~~[~~ ~~2. A person who is prohibited from procuring a consumer report pursuant to subsection 1 shall not request the consumer to furnish his or her consumer report to the person or to authorize a reporting agency to furnish the consumer report to the person.]~~

Sec. 2. NRS 598C.380 is hereby amended to read as follows:

598C.380 Notwithstanding that a security freeze has been placed in the file of a consumer, a reporting agency may release the consumer report of the consumer to:

1. A person with whom the consumer has an existing business relationship, or the subsidiary, affiliate or agent of that person, for any purpose relating to that business relationship.

2. A licensed collection agency to which an account of the consumer has been assigned for the purposes of collection.

3. A person with whom the consumer has an account or contract or to whom the consumer has issued a negotiable instrument, or the subsidiary, affiliate, agent, assignee or prospective assignee of that person, for purposes relating to that account, contract or negotiable instrument.

4. A person seeking to use information in the file of the consumer for the purposes of prescreening pursuant to the Fair Credit Reporting Act, 15 U.S.C. §§ 1681 et seq.

5. A subsidiary, affiliate, agent, assignee or prospective assignee of a person to whom access has been granted pursuant to NRS 598C.350 for the purposes of facilitating the extension of credit.

6. A person seeking to provide the consumer with a copy of the consumer report or the credit score of the consumer upon the request of the consumer.

7. A person administering a credit file monitoring subscription service to which the consumer has subscribed.

8. A person requesting the consumer report pursuant to a court order, warrant or subpoena.

9. A federal, state or local governmental entity, agency or instrumentality that is acting within the scope of its authority, including, without limitation, an agency which is seeking to collect child support payments pursuant to Part D of Title IV of the Social Security Act, 42 U.S.C. §§ 651 et seq.

10. A person holding a license issued by the Nevada Gaming Commission pursuant to title 41 of NRS, or the subsidiary, affiliate, agent, assignee or prospective assignee of that person, for purposes relating to any activities conducted pursuant to the license.

11. ~~[An]~~ ***Except as otherwise provided in section 1 of this act, an*** employer, or the subsidiary, affiliate, agent, assignee or prospective assignee of that employer, for purposes of:

(a) Preemployment screenings relating to the consumer; or

(b) Decisions or investigations relating to the consumer's current or former employment with the employer.

Sec. 2.5. **Chapter 613 of NRS is hereby amended by adding thereto a new section to read as follows:**

1. Except as otherwise provided in section 1 of this act, a person shall not request or consider a consumer report for the purpose of evaluating any other person for employment, promotion, reassignment or retention as an employee.

2. As used in this section, "consumer report" has the meaning ascribed to it in NRS 598C.060.

Sec. 3. This act becomes effective on July 1, 2011.

Assemblywoman Bustamante Adams moved the adoption of the amendment.

Amendment adopted.

Bill ordered to third reading.

Senate Bill No. 207.

Bill read third time.

Roll call on Senate Bill No. 207:

YEAS—25.

NAYS—Ellison, Goicoechea, Hambrick, Hammond, Hansen, Hardy, Hickey, Kite, Livermore, McArthur, Sherwood, Stewart, Woodbury—13.

EXCUSED—Goedhart, Grady, Kirner, Pierce—4.

Senate Bill No. 207 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 494.

Bill read third time.

Remarks by Assemblywoman Smith.

Roll call on Assembly Bill No. 494:

YEAS—38.

NAYS—None.

EXCUSED—Goedhart, Grady, Kirner, Pierce—4.

Assembly Bill No. 494 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 93.

Bill read third time.

Roll call on Assembly Bill No. 93:

YEAS—30.

NAYS—Ellison, Hammond, Hansen, Hardy, Livermore, McArthur, Sherwood, Woodbury—8.

EXCUSED—Goedhart, Grady, Kirner, Pierce—4.

Assembly Bill No. 93 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 354.

Bill read third time.

Roll call on Assembly Bill No. 354:

YEAS—25.

NAYS—Ellison, Goicoechea, Hambrick, Hammond, Hansen, Hardy, Hickey, Kite, Livermore, McArthur, Sherwood, Stewart, Woodbury—13.

EXCUSED—Goedhart, Grady, Kirner, Pierce—4.

Assembly Bill No. 354 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 526.

Bill read third time.

Remarks by Assemblywoman Smith.

Roll call on Assembly Bill No. 526:

YEAS—38.

NAYS—None.

EXCUSED—Goedhart, Grady, Kirner, Pierce—4.

Assembly Bill No. 526 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Conklin moved that Assembly Bill No. 571 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 440.

Bill read third time.

Remarks by Assemblywoman Smith.

Roll call on Senate Bill No. 440:

YEAS—38.

NAYS—None.

EXCUSED—Goedhart, Grady, Kirner, Pierce—4.

Senate Bill No. 440 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 331.

Bill read third time.

Roll call on Assembly Bill No. 331:

YEAS—30.

NAYS—Ellison, Hammond, Hansen, Hardy, Hickey, McArthur, Sherwood, Stewart—8.

EXCUSED—Goedhart, Grady, Kirner, Pierce—4.

Assembly Bill No. 331 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

UNFINISHED BUSINESS

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblyman Atkinson moved that the Assembly do not recede from its action on Senate Bill No. 294, that a conference be requested, and that Mr. Speaker appoint a Conference Committee consisting of three members to meet with a like committee of the Senate.

Remarks by Assemblyman Atkinson.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Atkinson, Carlton, and Ellison as a Conference Committee to meet with a like committee of the Senate for the further consideration of Senate Bill No. 294.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 7:29 p.m.

ASSEMBLY IN SESSION

At 7:33 p.m.
Mr. Speaker presiding.
Quorum present.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 301, 360, 410, 473, 504, 528, 549; Assembly Joint Resolution No. 5; Senate Bills Nos. 24, 40, 65, 92, 110, 251, 262, 400.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Benitez-Thompson, the privilege of the floor of the Assembly Chamber for this day was extended to Jade Zahreddine.

On request of Assemblyman Hambrick, the privilege of the floor of the Assembly Chamber for this day was extended to Nancy Hambrick.

On request of Assemblyman Hickey, the privilege of the floor of the Assembly Chamber for this day was extended to Nancy Sorensen.

On request of Assemblyman Ohrenschall, the privilege of the floor of the Assembly Chamber for this day was extended to Riana Durrett and Robin Camacho.

Assemblyman Conklin moved that the Assembly adjourn until Sunday, June 5, 2011, at 12 noon.
Motion carried.

Assembly adjourned at 7:34 p.m.

Approved: JOHN OCEGUERA
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

The

Journal of the Assembly

OF THE

SEVENTY-SIXTH SESSION

OF THE

LEGISLATURE OF THE STATE OF NEVADA

2011

BEGUN ON MONDAY, THE SEVENTH DAY OF FEBRUARY, AND ENDED ON MONDAY, THE SIXTH DAY OF JUNE

VOLUME 6

**THE ONE HUNDRED AND NINETEENTH DAY—
THE ONE HUNDRED AND TWENTIETH DAY**

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ASSEMBLY PROCEEDINGS 6127

THE ONE HUNDRED NINETEENTH DAY

CARSON CITY (Sunday), June 5, 2011

Assembly called to order at 1:09 p.m.
Mr. Speaker presiding.
Roll called.
All present.
Prayer by the Chaplain, Albert Tilstra.

Save this moment, O God, from being merely a gesture to custom or convenience, and make it a real experience for each one of us in this place as we call on You for guidance and help.

You have admonished us: "When we stand praying, forgive if You have resentment against any," then give us grace to lay aside all bitterness and resentment we may be nursing in our hearts, lest their acid eat into our peace and corrode our spirits. You have said: "It is more blessed to give than to receive." Give us the grace today to think not of what we can get but of what we give, that a new spirit may come into our work here with a new vision and a new purpose that You can be delighted in and bless.

These things we leave in Your hands, knowing that You will give us what is best.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Conklin moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Ways and Means has had under consideration various budgets for the Department of Administration, and begs leave to report back that the following accounts have been closed by the Committee:

Budget and Planning (101-1340)
Special Appropriations (101-1301)
Administrative Services Division (716-1371)
Insurance & Loss Prevention (715-1352)
Division of Internal Audits (101-1342)
Motor Pool (711-1354)
Motor Pool Vehicle Purchase (711-1356)
Hearings Division (101-1015)
Victims of Crime (287-4895)

Also, your Committee on Ways and Means has had under consideration the various budgets for the Department of Cultural Affairs, and begs leave to report back that the following accounts have been closed by the Committee:

Cultural Affairs Administration (101-2892)
Nevada Humanities (101-2894)
Nevada State Library (101-2891)
Micrographics and Imaging (101-1055)
Archives and Records (101-1052)
Literacy (101-2893)
CLAN (101-2895)
Division of Museums and History Administration (101-2941)
Lost City Museum (101-1350)
Nevada Historical Society (101-2870)
Nevada State Museum, Carson City (101-2940)
Nevada State Museum, Las Vegas (101-2943)
State Railroad Museums (101-4216)
Nevada Arts Council (101-2979)
DCNR - State Historic Preservation Office (101-4205)
DCNR - Comstock Historic District (101-5030)

Also, your Committee on Ways and Means has had under consideration the Public Utilities Commission budget, and begs leave to report back that the budget has been closed by the Committee.

Also, your Committee on Ways and Means has had under consideration the various budgets for the Commission on Tourism, and begs leave to report back that the following accounts have been closed by the Committee:

Tourism Development Fund (225-1522)
Tourism Development (225-1523)
Indian Affairs Commission (101-2600)
Nevada Magazine (530-1530)

DEBBIE SMITH, *Chair*

Mr. Speaker

Your Committee on Education, to which was referred Senate Bill No. 276, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DAVID P. BOBZIEN, *Chair*

Mr. Speaker:

Your Committee on Health and Human Services, to which were referred Senate Bills Nos. 129, 278, 338, 437, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

APRIL MASTROLUCA, *Chair*

Mr. Speaker:

Your Committee on Legislative Operations and Elections, to which were referred Assembly Bills Nos. 576, 577, 578, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

TICK SEGERBLOM, *Chair*

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Assembly Bill No. 476, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which was referred Assembly Bill No. 560, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which were referred Senate Bills Nos. 374, 423, 447, 449, 471, 476, 480, 503, 504, 505, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Ways and Means, to which was referred Senate Bill No. 483, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which was rereferred Assembly Bill No. 114, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which was rereferred Assembly Bill No. 195, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which was rereferred Assembly Bill No. 401, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which was rereferred Assembly Bill No. 416, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which was rereferred Assembly Bill No. 427, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which was rereferred Assembly Bill No. 536, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, as amended.

DEBBIE SMITH, *Chair*

GENERAL FILE AND THIRD READING

Assembly Bill No. 114.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 915.

AN ACT relating to water; revising the amount of the fee for issuing and recording a permit to change the point of diversion or place of use only of an existing water right for irrigational purposes; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law sets forth a schedule of fees that the State Engineer is required to collect for providing various services relating to the appropriation of water for beneficial uses in Nevada. In 2009, a fee of $200 for issuing and recording a permit to change the point of diversion or place of use only of an existing water right for irrigational purposes was eliminated and the following fee became applicable to such a permit: (1) a fee of $250 for issuing and recording a permit to change an existing water right for any

purpose other than for watering livestock or wildlife purposes or for certain uses concerning the generation of hydroelectric power; and (2) an additional fee of $3 for each acre-foot of water or fraction thereof approved in the permit by the State Engineer. (Chapter 250, Statutes of Nevada 2009, p. 1014; NRS 533.435) This bill reinstates and increases to ~~[$500]~~ **$750** the flat fee that had been eliminated in 2009 for issuing and recording a permit to change the point of diversion or place of use only of an existing water right for irrigational purposes. Thus, under this bill, a person who is issued such a permit is required to pay a flat fee of ~~[$500]~~ **$750** rather than a fee of $250 plus an additional fee of $3 for each acre-foot of water or fraction thereof approved in the permit by the State Engineer.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 533.435 is hereby amended to read as follows:

533.435 1. The State Engineer shall collect the following fees:

For examining and filing an application for a permit to appropriate water $300.00

This fee includes the cost of publication, which is $50.

For reviewing a corrected application or map, or both, in connection with an application for a permit to appropriate water 100.00

For examining and acting upon plans and specifications for construction of a dam.....1,000.00

For examining and filing an application for each permit to change the point of diversion, manner of use or place of use of an existing right.....200.00

This fee includes the cost of the publication of the application, which is $50.

For issuing and recording each permit to appropriate water for any purpose, except for generating hydroelectric power which results in nonconsumptive use of the water or watering livestock or wildlife purposes 300.00

plus $3 per acre-foot approved or fraction thereof.

~~[For issuing and recording each permit to change an existing right whether temporary or permanent for any purpose, except]~~ ***Except*** for generating hydroelectric power which results in nonconsumptive use of the water, for watering livestock or wildlife purposes which change the point of diversion or place of use only ***or for irrigational purposes which change the point of diversion or place of use only, for issuing and recording each permit to change an existing right whether temporary or permanent for any purpose***.....250.00

plus $3 per acre-foot approved or fraction thereof.

For issuing and recording each permit to change the point of diversion or place of use only of an existing right whether temporary or permanent for irrigational purposes ..... ~~*[$500.00]*~~ ***$750.00***

For issuing and recording each permit to appropriate or change the point of diversion or place of use of an existing right only whether temporary or permanent for watering livestock or wildlife purposes 200.00
plus $50 for each second-foot of water approved or fraction thereof.

For issuing and recording each permit to appropriate or change an existing right whether temporary or permanent for water for generating hydroelectric power which results in nonconsumptive use of the water 400.00
plus $50 for each second-foot of water approved or fraction thereof.

For issuing a waiver in connection with an application to drill a well $100.00

For filing a secondary application under a reservoir permit 250.00

For approving and recording a secondary permit under a reservoir permit 450.00

For reviewing each tentative subdivision map 150.00
plus $1 per lot.

For reviewing and approving each final subdivision map 100.00

For storage approved under a dam permit for privately owned nonagricultural dams which store more than 50 acre-feet 400.00
plus $1 per acre-foot storage capacity. This fee includes the cost of inspection and must be paid annually.

For filing proof of completion of work 50.00

For filing proof of beneficial use 50.00

For filing proof of resumption of a water right 300.00

For filing any protest 25.00

For filing any application for extension of time within which to file proofs, for each year for which the extension of time is sought 100.00

For reviewing a cancellation of a water right pursuant to a petition for review 300.00

For examining and filing a report of conveyance filed pursuant to paragraph (a) of subsection 1 of NRS 533.384 ..... $100.00
plus $20 per conveyance document

For filing any other instrument 10.00

For making a copy of any document recorded or filed in the Office of the State Engineer, for the first page 1.00

For each additional page ..... .20

For certifying to copies of documents, records or maps, for each certificate 5.00

For each blueprint copy of any drawing or map, per square foot.....5.00
The minimum charge for a blueprint copy, per print 3.00
For colored mylar plots 10.00

2. When fees are not specified in subsection 1 for work required of the Office of the State Engineer, the State Engineer shall collect the actual cost of the work.

3. Except as otherwise provided in this subsection, all fees collected by the State Engineer under the provisions of this section must be deposited in the State Treasury for credit to the State General Fund. All fees received for blueprint copies of any drawing or map must be kept by the State Engineer and used only to pay the costs of printing, replacement and maintenance of printing equipment. Any publication fees received which are not used by the State Engineer for publication expenses must be returned to the persons who paid the fees. If, after exercising due diligence, the State Engineer is unable to make the refunds, the State Engineer shall deposit the fees in the State Treasury for credit to the State General Fund. The State Engineer may maintain, with the approval of the State Board of Examiners, a checking account in any bank or credit union qualified to handle state money to carry out the provisions of this subsection. The account must be secured by a depository bond satisfactory to the State Board of Examiners to the extent the account is not insured by the Federal Deposit Insurance Corporation, the National Credit Union Share Insurance Fund or a private insurer approved pursuant to NRS 678.755.

Sec. 2. This act becomes effective on July 1, 2011.

Assemblyman Hickey moved the adoption of the amendment.

Amendment adopted.

Bill ordered to third reading.

Assembly Bill No. 195.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 916.

AN ACT relating to court records; revising requirements for saving images of court records before the records may be destroyed; ~~[authorizing the State Library and Archives Administrator to receive the court records of the Supreme Court or of a district court into the State Archives under certain circumstances;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the Clerk of the Supreme Court, a county clerk, a deputy clerk of a justice court or a clerk of a municipal court may destroy documents, records, instruments, books, papers, depositions and transcripts

of court actions and proceedings if the action or proceeding is not on appeal or review in any court. (NRS 239.110) The clerk is required to maintain a microphotographic film copy of every such record destroyed, and the copies are deemed to be the original documents.

Section 1 of this bill instead requires that, before a court record is destroyed by the Clerk of the Supreme Court, a deputy clerk of the Supreme Court, a county clerk, the clerk of a district court or a deputy clerk of a district court, the clerk must place an image of the record on microfilm or save the image in an electronic recordkeeping system. However, a deputy clerk of a justice court or a clerk of a municipal court may destroy a court record pursuant to a schedule for the retention and disposition of court records established by the Supreme Court without placing an image of the record on microfilm or saving the image in an electronic recordkeeping system. **Section 1** also: (1) requires the microfilm or saved image to be durable, accurate, complete and clear; (2) clarifies that a reproduction of a court record is considered to be the original, regardless of whether the actual original document exists; and (3) requires the clerk who microfilms or saves the court records to store the microfilm or the medium used to save the image in a manner and place so as to protect it reasonably from loss or damage and as prescribed by the Supreme Court. ~~[Section 3 of this bill authorizes the State Library and Archives Administrator to receive into the State Archives any court record from the Supreme Court or a district court if: (1) the Administrator finds that the court record is of historical value; (2) the record is provided to the State Archives by an order of the Supreme Court; or (3) the Administrator and the Supreme Court or a district court, as applicable, enter into an agreement for the Administrator to receive into the State Archives any other record from the Supreme Court or district court. Section 4 of this bill authorizes the State Library and Archives Administrator to establish, maintain and operate a center for storing and retrieving records for the Supreme Court or a district court pending acceptance of the records by the Division of State Library and Archives of the Department of Cultural Affairs or disposition of the records by law.]~~

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 239.110 is hereby amended to read as follows:

239.110 1. ~~[The]~~ ***In addition to any other requirement of this section, the*** Clerk of the Supreme Court, ***a deputy clerk of the Supreme Court,*** a county clerk, ***the clerk of a district court, a deputy clerk of a district court, a*** deputy clerk of a justice court or ***a*** clerk of a municipal court may destroy ~~[all documents, records, instruments, books, papers, depositions and transcripts in any action or proceeding in the Supreme Court, district court, justice court~~

~~or municipal court, respectively, or otherwise filed in the clerk's office pursuant to law, including transcripts of coroners' inquests and depositions, if the records of the clerk do not show that the action or proceeding is pending on appeal or review in any court, except that:~~

~~(a) If the written consent of the district attorney is first obtained, transcripts of preliminary hearings may be destroyed as provided in this section; and~~

~~(b) Minutes of the Supreme Court, district court, justice court or municipal court, affidavits supporting applications for marriage licenses, after those licenses have been issued, and certificates of fictitious names of businesses may be destroyed immediately subject to the provisions of subsections 2 and 3.~~

~~2. The clerk shall maintain for the use of the public a microphotographic film print or copy of each document, record, instrument, book, paper, deposition or transcript so destroyed, if the print or copy is placed and kept in a sealed container under certificate of the clerk and properly indexed. This print or copy shall be deemed to be the original.~~

~~3. The clerk shall promptly seal and store at least one original negative of each microphotographic film in such manner and place as may reasonably ensure its preservation indefinitely against loss, theft, defacement or destruction.~~

~~4.~~ ***a court record only in accordance with a schedule for the retention and disposition of court records which is approved by the Supreme Court.***

2. The Clerk of the Supreme Court, a deputy clerk of the Supreme Court, a county clerk, the clerk of a district court or a deputy clerk of a district court who destroys a court record pursuant to this section may do so only if an image of the court record has been placed on microfilm or has been saved in an electronic recordkeeping system which permits the retrieval of the information contained in the court record and the reproduction of the court record.

3. Except as otherwise prohibited by law, a deputy clerk of a justice court or a clerk of a municipal court may destroy a court record pursuant to a schedule for the retention and disposition of court records established by the Supreme Court without placing an image of the court record on microfilm or saving an image of the court record in an electronic recordkeeping system.

4. A reproduction of an image of a court record that has been placed on microfilm or saved pursuant to this section shall be deemed to be the original court record, regardless of whether the original exists.

5. A microfilmed image of a court record or an image of a court record saved in an electronic recordkeeping system pursuant to this section must be durable, accurate, complete and clear.

6. If, pursuant to this section, an image of a court record is placed on microfilm or is saved in an electronic recordkeeping system, the clerk who does so shall promptly store at least one copy of the microfilm or any tape, disc or other medium used for the storage of the saved image in a manner and place:

(a) So as to protect it reasonably from loss or damage; and

(b) As prescribed by the Supreme Court.

7. The Supreme Court may provide by rule for the destruction, without prior microfilming, of such other documents of the several courts of this State as are held in the offices of the clerks but which:

(a) No longer serve any legal, financial or administrative purpose; and

(b) Do not have any historical value.

~~[5.]~~ ***8.*** The Court Administrator may request the Division to advise and assist the Supreme Court in its establishment of the rules ~~[.]~~ ***or of a schedule for the retention and disposition of court records.***

9. As used in this section, "court record" means any document, device or item, regardless of physical form or characteristic, that:

(a) Is created by, received by or comes under the jurisdiction of the Supreme Court or a district court, justice court or municipal court; and

(b) Documents the organization, functions, policies, decisions, procedures, operations or any other activities of the Supreme Court, district court, justice court or municipal court.

Sec. 2. ~~[NRS 378.005 is hereby amended to read as follows:~~

~~378.005 As used in this chapter:~~

~~1. *"Court record" has the meaning ascribed to it in NRS 239.110.*~~

~~*2.* "Department" means the Department of Cultural Affairs.~~

~~[2.]~~ ~~*3.* "Director" means the Director of the Department.~~

~~[3.]~~ ~~*4.* "Division" means the Division of State Library and Archives of the Department.~~**]** **(Deleted by amendment.)**

Sec. 3. ~~[NRS 378.250 is hereby amended to read as follows:~~

~~378.250 *1.* The State Library and Archives Administrator may:~~

~~[1.]~~ ~~*(a)* Receive into the archives material from a state agency if the State Library and Archives Administrator finds that it is of historical value.~~

~~[2.]~~ ~~*(b)* With the approval of the Committee to Approve Schedules for the Retention and Disposition of Official State Records created pursuant to NRS 239.073, return to the state agency from which it was received, material in the archives which the State Library and Archives Administrator finds is not of historical value.~~

~~[3.]~~ ~~*(c)* Receive into the archives material which has been directed to be deposited in the archives by an order or resolution of the governing body of a local governmental entity, if the State Library and Archives Administrator finds that it is of historical value.~~

~~[4.] *(d) Except as otherwise provided in subsection 2, receive into the archives any court record from the Supreme Court or a district court, if:*~~

~~*(1) The State Library and Archives Administrator finds that it is of historical value;*~~

~~*(2) The court record is provided to the archives by order of the Supreme Court; or*~~

~~*(3) The State Library and Archives Administrator enters into an agreement with the Supreme Court or a district court to receive any other records from the Supreme Court or district court.*~~

~~*(e)* With the approval of the Committee to Approve Schedules for the Retention and Disposition of Official State Records, turn over to:~~

~~[(a)] *(1)* Any agency in the Department; or~~

~~[(b)] *(2)* The Nevada System of Higher Education,~~

~~→ material in the archives which the State Library and Archives Administrator finds to be surplus, not properly in the archives or appropriate to be kept elsewhere.~~

~~[5.] *(f)* Expend a gift of money the State Library and Archives Administrator is authorized to accept for the purpose specified by the donor or, if no purpose is specified, in a manner which will further the purposes of the Division.~~

~~*2. The State Library and Archives Administrator shall not receive into the archives any court record that a court has ordered sealed.]~~ **(Deleted by amendment.)**

Sec. 4. ~~[NRS 378.255 is hereby amended to read as follows:~~

~~378.255 The State Library and Archives Administrator may:~~

~~1. Adopt regulations and establish standards, procedures and techniques for the effective management of records.~~

~~2. Make continuing surveys of current practices for the management of records and recommend improvements in those practices, including the use of space, equipment and supplies to create, maintain and store records.~~

~~3. Establish standards for the preparation of schedules providing for the retention of state records of continuing value and for the prompt and orderly disposition of state records which no longer possess sufficient administrative, fiscal, legal or research value to warrant their further retention.~~

~~4. Establish, maintain and operate a center for storing and retrieving records for state agencies *or court records for the Supreme Court or a district court of this State* pending the acceptance of the records by the Division or the disposition of the records in any other manner prescribed by law.~~

~~5. Establish a program for the control and management of forms, files, reports, directives and correspondence.~~

~~6. Establish a program of planning and preparation to assist state agencies and local governments in providing protection for records essential for the continuation or reestablishment of government in the event of a disaster.~~

~~7. Provide advice and technical assistance to state agencies, local governmental entities and, if requested, the Legislative and Judicial Branches of State Government concerning any aspect of managing records.~~

~~8. Through the Division, inspect the physical nature of governmental records in the custody of a state or local governmental agency which are not confidential or privileged.~~

~~9. With the approval of the Committee to Approve Schedules for the Retention and Disposition of Official State Records created pursuant to NRS 239.073, bring an action to obtain possession of the records of a state or local governmental agency which are:~~

~~(a) Of historical value and are not being properly cared for; or~~

~~(b) Privately held.~~

~~→ In an action to recover a record which is privately held, it is rebuttably presumed that a governmental record which appears to be the original of a document received or the file copy of a document made by a governmental agency is governmental property.~~**]** **(Deleted by amendment.)**

Sec. 5. This act becomes effective on July 1, 2011.

Assemblyman Hickey moved the adoption of the amendment.

Amendment adopted.

Bill ordered to third reading.

Assembly Bill No. 401.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 928.

AN ACT relating to constructional defects; revising the definition of "constructional defect"; revising provisions governing attorney's fees in claims concerning constructional defects; revising the statutes of limitation and repose relating to certain actions concerning constructional defects; **[**~~making an appropriation;~~**]** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that a defect in the design, construction, manufacture, repair or landscaping of a new residence, of an alteration of or addition to an existing residence, or of an appurtenance, which is done in violation of law, including in violation of local codes or ordinances, is a constructional defect. (NRS 40.615) **Section 1** of this bill provides that there

is a rebuttable presumption that workmanship which exceeds the standards set forth in the applicable law, including any applicable local codes or ordinances, is not a constructional defect.

Existing law provides that in a claim for damages as the result of a constructional defect, reasonable attorney's fees may be recovered as damages. (NRS 40.655) **Section 2** of this bill provides that: (1) the court shall award to the prevailing party reasonable attorney's fees, which must be an element of costs and awarded as costs; and (2) the amount of any attorney's fees awarded must be determined by and approved by the court. Additionally, **section 2** authorizes any party to petition the court to determine the reasonableness of attorney's fees to be reimbursed to the claimant if: (1) the contractor has made ~~[satisfactory]~~ repairs in response to a notice of constructional defect; and (2) the only issue remaining is the amount of the reasonable attorney's fees to be reimbursed to the claimant.

Existing law sets forth the statute of limitations for various actions. (NRS 11.190) **Section 4** of this bill provides for a statute of limitations of 3 years for an action for damages for certain deficiencies, injury or wrongful death caused by a defect in construction if the defect is a result of willful misconduct or was fraudulently concealed.

Existing law contains certain periods of limitation, known as statutes of repose, in which certain actions for damages for certain deficiencies, injury or wrongful death caused by a defect in construction must be commenced. These statutes of repose apply to both commercial and residential construction. (NRS 11.202-11.206) **Sections 3 and 5-8** of this bill exclude residential construction from the existing statutes of repose and provide a new statute of repose relating specifically to residential construction.

Section 9 of this bill provides that the amendatory provisions of the bill relating to claims for constructional defects governed by NRS 40.600 to 40.695, inclusive, apply to ~~[claims that arise]~~ **actions commenced or notice of such claims given** on or after October 1, 2011, and the amendatory provisions of the remaining sections of the bill apply to ~~[actions based upon construction that occurs]~~ **any residence or appurtenance or any improvement to a residence or appurtenance substantially completed** on or after October 1, 2011.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 40.615 is hereby amended to read as follows:

40.615 ***1.*** "Constructional defect" means a defect in the design, construction, manufacture, repair or landscaping of a new residence, of an alteration of or addition to an existing residence, or of an appurtenance **.** ~~[and]~~

2. The term includes, without limitation, the design, construction, manufacture, repair or landscaping of a new residence, of an alteration of or addition to an existing residence, or of an appurtenance:

~~[1.]~~ ***(a)*** Which is done in violation of law, including, without limitation, in violation of local codes or ordinances ~~[;~~

~~2.]~~ ***, except as otherwise provided in subsection 3;***

(b) Which proximately causes physical damage to the residence, an appurtenance or the real property to which the residence or appurtenance is affixed;

~~[3.]~~ ***(c)*** Which is not completed in a good and workmanlike manner in accordance with the generally accepted standard of care in the industry for that type of design, construction, manufacture, repair or landscaping; or

~~[4.]~~ ***(d)*** Which presents an unreasonable risk of injury to a person or property.

3. There exists a rebuttable presumption that the term does not include the design, construction, manufacture, repair or landscaping of a new residence, of an alteration of or addition to an existing residence, or of an appurtenance which is done in violation of law, including, without limitation, in violation of local codes or ordinances, if the workmanship of the design, construction, manufacture, repair or landscaping exceeds the standards set forth in the applicable law, including, without limitation, the applicable local codes or ordinances.

Sec. 2. NRS 40.655 is hereby amended to read as follows:

40.655 1. Except as otherwise provided in NRS 40.650, in a claim governed by NRS 40.600 to 40.695, inclusive, the claimant may recover only the following ***costs and*** damages to the extent proximately caused by a constructional defect:

(a) Any reasonable attorney's fees;

(b) The reasonable cost of any repairs already made that were necessary and of any repairs yet to be made that are necessary to cure any constructional defect that the contractor failed to cure and the reasonable expenses of temporary housing reasonably necessary during the repair;

(c) The reduction in market value of the residence or accessory structure, if any, to the extent the reduction is because of structural failure;

(d) The loss of the use of all or any part of the residence;

(e) The reasonable value of any other property damaged by the constructional defect;

(f) Any additional costs reasonably incurred by the claimant, including, but not limited to, any costs and fees incurred for the retention of experts to:

(1) Ascertain the nature and extent of the constructional defects;

(2) Evaluate appropriate corrective measures to estimate the value of loss of use; and

(3) Estimate the value of loss of use, the cost of temporary housing and the reduction of market value of the residence; and

(g) Any interest provided by statute.

2. ***The court shall award to the prevailing party reasonable attorney's fees, which must be an element of costs and awarded as costs.*** The amount of any attorney's fees awarded pursuant to this section must be ***determined by and*** approved by the court.

3. If a contractor complies with the provisions of NRS 40.600 to 40.695, inclusive, the claimant may not recover from the contractor, as a result of the constructional defect, anything other than that which is provided pursuant to NRS 40.600 to 40.695, inclusive. ***If a contractor makes ~~[satisfactory]~~ repairs in response to a notice of a constructional defect pursuant to NRS 40.600 to 40.695, inclusive, and the only issue remaining is the amount of reasonable attorney's fees to be reimbursed to the claimant, any party may petition the court to determine the reasonableness of the fees.***

4. This section must not be construed as impairing any contractual rights between a contractor and a subcontractor, supplier or design professional.

5. As used in this section, "structural failure" means physical damage to the load-bearing portion of a residence or appurtenance caused by a failure of the load-bearing portion of the residence or appurtenance.

Sec. 3. Chapter 11 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in ~~[subsection]~~ subsections 2 ~~[,]~~ and 3, no action may be commenced against the owner, occupier or any person performing or furnishing the design, planning, supervision or observation of construction ~~[,]~~ of a residence or appurtenance, or the construction of or improvement to a residence or appurtenance more than 6 years after the substantial completion of or improvement to the residence ~~[,]~~ or appurtenance, for the recovery of damages for:

(a) Any deficiency in the design, planning, supervision or observation of construction ~~[,]~~ of the residence or appurtenance, or the construction of or improvement to the residence ~~[,]~~ or appurtenance;

(b) Injury to real or personal property caused by any such deficiency; or

(c) Injury to or the wrongful death of a person caused by any such deficiency.

2. An action may be commenced against the owner, occupier or any person performing or furnishing the design, planning, supervision or observation of construction of a residence or appurtenance, or the construction of or improvement to a residence or appurtenance at any time after the substantial completion of or improvement to the residence or appurtenance, for the recovery of damages for:

(a) Any deficiency in the design, planning, supervision or observation of construction of the residence or appurtenance, or construction of or improvement to the residence or appurtenance which is the result of his or her willful misconduct or which he or she fraudulently concealed;

(b) Injury to real or personal property caused by any such deficiency; or

(c) Injury to or the wrongful death of a person caused by any such deficiency.

3. If a deficiency in the design, planning, supervision or observation of construction [,] of a residence or appurtenance, or the construction of or improvement to a residence or appurtenance is discovered during the sixth year after the substantial completion of or improvement to the residence [,] or appurtenance, the period set forth in subsection 1 is extended 2 years after the discovery of the deficiency.

[3.] 4. Except as otherwise provided in subsection [4,] 5, for the purposes of this section, the date of substantial completion of or improvement to a residence or appurtenance shall be deemed to be the date on which:

(a) The final building inspection of the residence or appurtenance is conducted;

(b) A notice of completion is issued for the residence [,] or appurtenance; or

(c) A certificate of occupancy is issued for the residence [,] or appurtenance,

➥ whichever occurs later.

[4.] 5. If none of the events described in subsection [3] 4 occurs, the date of substantial completion of or improvement to a residence or appurtenance must be determined by the rules of the common law.

[5.] 6. The provisions of this section do not apply to:

(a) A claim for indemnity or contribution.

(b) An action brought against any person on account of a defect in a product.

[6.] 7. As used in this section [, "residence"] :

(a) "Appurtenance" has the meaning ascribed to it in NRS 40.605.

(b) "Residence" has the meaning ascribed to it in NRS 40.630.

Sec. 4. NRS 11.190 is hereby amended to read as follows:

11.190 ***1.*** Except as otherwise provided in NRS 125B.050 and 217.007, actions other than those for the recovery of real property, unless further limited by specific statute, may only be commenced as follows:

[1.] ***(a)*** Within 6 years:

[(a)] ***(1)*** An action upon a judgment or decree of any court of the United States, or of any state or territory within the United States, or the renewal thereof.

~~[(b)]~~ ***(2)*** An action upon a contract, obligation or liability founded upon an instrument in writing, except those mentioned in the preceding sections of this chapter.

~~[2.]~~ ***(b)*** Within 4 years:

~~[(a)]~~ ***(1)*** An action on an open account for goods, wares and merchandise sold and delivered.

~~[(b)]~~ ***(2)*** An action for any article charged on an account in a store.

~~[(c)]~~ ***(3)*** An action upon a contract, obligation or liability not founded upon an instrument in writing.

~~[(d)]~~ ***(4)*** An action against a person alleged to have committed a deceptive trade practice in violation of NRS 598.0903 to 598.0999, inclusive, but the cause of action shall be deemed to accrue when the aggrieved party discovers, or by the exercise of due diligence should have discovered, the facts constituting the deceptive trade practice.

~~[3.]~~ ***(c)*** Within 3 years:

~~[(a)]~~ ***(1)*** An action upon a liability created by statute, other than a penalty or forfeiture.

~~[(b)]~~ ***(2)*** An action for waste or trespass of real property, but when the waste or trespass is committed by means of underground works upon any mining claim, the cause of action shall be deemed to accrue upon the discovery by the aggrieved party of the facts constituting the waste or trespass.

~~[(c)]~~ ***(3)*** An action for taking, detaining or injuring personal property, including actions for specific recovery thereof, but in all cases where the subject of the action is a domestic animal usually included in the term "livestock," which has a recorded mark or brand upon it at the time of its loss, and which strays or is stolen from the true owner without the owner's fault, the statute does not begin to run against an action for the recovery of the animal until the owner has actual knowledge of such facts as would put a reasonable person upon inquiry as to the possession thereof by the defendant.

~~[(d)]~~ ***(4)*** Except as otherwise provided in NRS 112.230 and 166.170, an action for relief on the ground of fraud or mistake, but the cause of action in such a case shall be deemed to accrue upon the discovery by the aggrieved party of the facts constituting the fraud or mistake.

~~[(e)]~~ ***(5)*** An action pursuant to NRS 40.750 for damages sustained by a financial institution or other lender because of its reliance on certain fraudulent conduct of a borrower, but the cause of action in such a case shall be deemed to accrue upon the discovery by the financial institution or other lender of the facts constituting the concealment or false statement.

~~*[(f)]*~~ ***(6) An action against the owner, occupier or any person performing or furnishing the design, planning, supervision or observation of construction*** ~~*[,]*~~ ***of a residence or appurtenance, or the construction of***

or improvement to a residence [,] or appurtenance, for the recovery of damages for:

[(1)] (I) Any deficiency in the design, planning, supervision or observation of construction [,] of the residence or appurtenance, or the construction of or improvement to the residence [which is the result of his or her willful misconduct or which he or she fraudulently concealed;

(2)] or appurtenance;

(II) Injury to real or personal property caused by any such deficiency; or

[(3)] (III) Injury to or the wrongful death of a person caused by any such deficiency.

➥ The cause of action in such a case shall be deemed to accrue upon the discovery by the aggrieved party of the deficiency. [As used in this paragraph, "residence" has the meaning ascribed to it in NRS 40.630.

4.] ***(d)*** Within 2 years:

[(a)] ***(1)*** An action against a sheriff, coroner or constable upon liability incurred by acting in his or her official capacity and in virtue of his or her office, or by the omission of an official duty, including the nonpayment of money collected upon an execution.

[(b)] ***(2)*** An action upon a statute for a penalty or forfeiture, where the action is given to a person or the State, or both, except when the statute imposing it prescribes a different limitation.

[(c)] ***(3)*** An action for libel, slander, assault, battery, false imprisonment or seduction.

[(d)] ***(4)*** An action against a sheriff or other officer for the escape of a prisoner arrested or imprisoned on civil process.

[(e)] ***(5)*** Except as otherwise provided in ***this section and*** NRS 11.215, an action to recover damages for injuries to a person or for the death of a person caused by the wrongful act or neglect of another. The provisions of this **[**paragraph**]** ***subparagraph*** relating to an action to recover damages for injuries to a person apply only to causes of action which accrue after March 20, 1951.

[(f)] ***(6)*** An action to recover damages under NRS 41.740.

[5.] ***(e)*** Within 1 year:

[(a)] ***(1)*** An action against an officer, or officer de facto to recover goods, wares, merchandise or other property seized by the officer in his or her official capacity, as tax collector, or to recover the price or value of goods, wares, merchandise or other personal property so seized, or for damages for the seizure, detention or sale of, or injury to, goods, wares, merchandise or other personal property seized, or for damages done to any person or property in making the seizure.

~~[(b)]~~ ***(2)*** An action against an officer, or officer de facto for money paid to the officer under protest, or seized by the officer in his or her official capacity, as a collector of taxes, and which, it is claimed, ought to be refunded.

2. As used in this section:

(a) "Appurtenance" has the meaning ascribed to it in NRS 40.605.

(b) "Residence" has the meaning ascribed to it in NRS 40.630.

Sec. 5. NRS 11.202 is hereby amended to read as follows:

11.202 1. ~~[An]~~ ***Except as otherwise provided in section 3 of this act, an*** action may be commenced against the owner, occupier or any person performing or furnishing the design, planning, supervision or observation of construction, or the construction of an improvement to real property at any time after the substantial completion of such an improvement, for the recovery of damages for:

(a) Any deficiency in the design, planning, supervision or observation of construction or the construction of such an improvement which is the result of his or her willful misconduct or which he or she fraudulently concealed;

(b) Injury to real or personal property caused by any such deficiency; or

(c) Injury to or the wrongful death of a person caused by any such deficiency.

2. The provisions of this section do not apply in an action brought against:

(a) The owner or keeper of any hotel, inn, motel, motor court, boardinghouse or lodging house in this State on account of his or her liability as an innkeeper.

(b) Any person on account of a defect in a product.

Sec. 6. NRS 11.203 is hereby amended to read as follows:

11.203 1. Except as otherwise provided in NRS 11.202 and 11.206, ***and section 3 of this act,*** no action may be commenced against the owner, occupier or any person performing or furnishing the design, planning, supervision or observation of construction, or the construction of an improvement to real property more than 10 years after the substantial completion of such an improvement, for the recovery of damages for:

(a) Any deficiency in the design, planning, supervision or observation of construction or the construction of such an improvement which is known or through the use of reasonable diligence should have been known to him or her;

(b) Injury to real or personal property caused by any such deficiency; or

(c) Injury to or the wrongful death of a person caused by any such deficiency.

2. Notwithstanding the provisions of NRS 11.190 and subsection 1 of this section, if an injury occurs in the 10th year after the substantial

completion of such an improvement, an action for damages for injury to property or person, damages for wrongful death resulting from such injury or damages for breach of contract may be commenced within 2 years after the date of such injury, irrespective of the date of death, but in no event may an action be commenced more than 12 years after the substantial completion of the improvement.

3. The provisions of this section do not apply to a claim for indemnity or contribution.

Sec. 7. NRS 11.204 is hereby amended to read as follows:

11.204 1. Except as otherwise provided in NRS 11.202, 11.203 and 11.206, ***and section 3 of this act,*** no action may be commenced against the owner, occupier or any person performing or furnishing the design, planning, supervision or observation of construction, or the construction, of an improvement to real property more than 8 years after the substantial completion of such an improvement, for the recovery of damages for:

(a) Any latent deficiency in the design, planning, supervision or observation of construction or the construction of such an improvement;

(b) Injury to real or personal property caused by any such deficiency; or

(c) Injury to or the wrongful death of a person caused by any such deficiency.

2. Notwithstanding the provisions of NRS 11.190 and subsection 1 of this section, if an injury occurs in the eighth year after the substantial completion of such an improvement, an action for damages for injury to property or person, damages for wrongful death resulting from such injury or damages for breach of contract may be commenced within 2 years after the date of such injury, irrespective of the date of death, but in no event may an action be commenced more than 10 years after the substantial completion of the improvement.

3. The provisions of this section do not apply to a claim for indemnity or contribution.

4. For the purposes of this section, "latent deficiency" means a deficiency which is not apparent by reasonable inspection.

Sec. 8. NRS 11.205 is hereby amended to read as follows:

11.205 1. Except as otherwise provided in NRS 11.202, 11.203 and 11.206, ***and section 3 of this act,*** no action may be commenced against the owner, occupier or any person performing or furnishing the design, planning, supervision or observation of construction, or the construction of an improvement to real property more than 6 years after the substantial completion of such an improvement, for the recovery of damages for:

(a) Any patent deficiency in the design, planning, supervision or observation of construction or the construction of such an improvement;

(b) Injury to real or personal property caused by any such deficiency; or

(c) Injury to or the wrongful death of a person caused by any such deficiency.

2. Notwithstanding the provisions of NRS 11.190 and subsection 1 of this section, if an injury occurs in the sixth year after the substantial completion of such an improvement, an action for damages for injury to property or person, damages for wrongful death resulting from such injury or damages for breach of contract may be commenced within 2 years after the date of such injury, irrespective of the date of death, but in no event may an action be commenced more than 8 years after the substantial completion of the improvement.

3. The provisions of this section do not apply to a claim for indemnity or contribution.

4. For the purposes of this section, "patent deficiency" means a deficiency which is apparent by reasonable inspection.

Sec. 8.5. **(Deleted by amendment.)**

Sec. 9. The amendatory provisions of:

1. Sections 1 and 2 of this act apply to any **:**

(a) Action commenced in accordance with NRS 40.600 to 40.695, inclusive; or

(b) Notice of a claim ~~[that arises]~~ **given to a contractor, subcontractor, supplier or design professional pursuant to NRS 40.600 to 40.695, inclusive,**

➥ on or after October 1, 2011.

2. Sections 3 to 8, inclusive, of this act apply to ~~[actions based upon the design, planning, supervision or observation of construction, or the construction of a residence that occurs]~~ **any residence or appurtenance or improvement to any residence or appurtenance substantially completed** on or after October 1, 2011.

Assemblyman Hickey moved the adoption of the amendment.

Amendment adopted.

Bill ordered to third reading.

Assembly Bill No. 416.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 899.

Joint Sponsors: Senator Leslie, **Horsford and Schneider**

AN ACT relating to energy; revising provisions governing the Solar Energy Systems Incentive Program; revising provisions governing the Wind Energy Systems Demonstration Program; **revising provisions governing the Waterpower Energy Systems Demonstration Program;** revising

provisions governing the payment of incentives to participants in the Solar Program and the Wind Program; ~~[removing]~~ **revising** the prospective expiration of the Wind Program ~~[;]~~ **and the Waterpower Program; providing for the prospective expiration of the Solar Program;** requiring the Public Utilities Commission of Nevada to adopt certain regulations; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes the Solar Energy Systems Incentive Program, the Wind Energy Systems Demonstration Program and the Waterpower Energy Systems Demonstration Program. (NRS 701B.010-701B.290, 701B.400-701B.650, 701B.700-701B.880) Section 2.1 of this bill establishes the statewide capacity goals for all energy systems which receive incentives pursuant to these programs and authorizes a utility to file the annual plan required for each of these programs as a single plan.

Section 4 of this bill revises provisions governing the incentives for participation in the Solar Energy Systems Incentive Program, requires the Public Utilities Commission of Nevada to review the incentives and authorizes the Commission to adjust the incentives not less frequently than annually. **Section 4** provides that the total amount of the incentive paid to a participant in the Solar Program ~~[in the category of private residential property]~~ **with a solar energy system with a nameplate capacity of not more than 30 kilowatts** must be paid upon proof that the participant has installed and energized the solar energy system, while the amount of the incentive paid to a participant ~~[in a category other than the category of private residential property]~~ **with a solar energy system with a nameplate capacity of more than 30 kilowatts and not more than 500 kilowatts** must be paid over time and be based on the performance of the solar energy system and the amount of electricity generated by the solar energy system. **Section 8.7 of this bill requires a participant in the Solar Program to participate in net metering.**

Section 10 of this bill ~~[revises the capacity goals for the Wind Energy Systems Demonstration Program, which must be designed so that the total cost of the Wind Program does not exceed $30,000,000 per year through June 30, 2017.]~~ **requires the Commission to adopt regulations relating to the Wind Program and to establish a system of incentives for participation in the Wind Program. Section 10** further provides that the total amount of the incentive paid to a participant in the Wind Program ~~[in the category of private residential property must be paid upon proof that the participant has installed and energized the wind energy system, while the amount of the incentive paid to a participant in a category other than the category of private residential property]~~ **with a nameplate capacity of not more than 500 kilowatts** must be paid over time and based on the

performance of and amount of electricity generated by the wind energy system. **Section 10.5 of this bill requires a participant in the Wind Program to participate in net metering.** ~~[Sections 20-22 of this bill remove the prospective expiration of the Wind Program.]~~

Section 10.7 of this bill requires the Commission to provide a system of incentives for waterpower energy systems with a nameplate capacity of not more than 500 kilowatts. Section 18.5 of this bill requires a participant in the Waterpower Program to participate in net metering.

Existing law deems a provider of electric service to have generated or acquired 2.4 kilowatt-hours of electricity from a renewable energy system for each 1.0 kilowatt-hour of actual electricity generated or acquired from a solar photovoltaic system on certain retail customers. (NRS 704.4822) Section 18.9 of this bill provides the same calculation for solar photovoltaic systems installed on the premises of the provider if certain conditions are met.

Existing law provides that the Wind Program and the Waterpower Program will expire on June 30, 2011. (Chapter 509, Statutes of Nevada 2007, p. 2999) This bill revises the prospective expiration date of these programs and provides that the Wind Program, the Waterpower Program and the Solar Program will expire on December 31, 2021.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. (Deleted by amendment.)

Sec. 1.5. **NRS 701.180 is hereby amended to read as follows:**

701.180 The Director shall:

1. Acquire and analyze information relating to energy and to the supply, demand and conservation of its sources, including, without limitation ~~[:~~

~~(a) Information relating to the Solar Energy Systems Incentive Program created pursuant to NRS 701B.240 including, without limitation, information relating to:~~

~~(1) The development of distributed generation systems in this State pursuant to participation in the Solar Energy Systems Incentive Program;~~

~~(2) The use of carbon-based energy in residential and commercial applications due to participation in the Program; and~~

~~(3) The average cost of generation on a kilowatt hour basis for residential and commercial applications due to participation in the Program; and~~

~~(b) Information~~**,** ***information*** relating to any money distributed pursuant to NRS 702.270.

2. Review and evaluate information which identifies trends and permits forecasting of the energy available to the State. Such forecasts must include estimates on:

(a) The level of demand for energy in the State for 5-, 10- and 20-year periods;

(b) The amount of energy available to meet each level of demand;

(c) The probable implications of the forecast on the demand and supply of energy; and

(d) The sources of renewable energy and other alternative sources of energy which are available and their possible effects.

3. Study means of reducing wasteful, inefficient, unnecessary or uneconomical uses of energy and encourage the maximum utilization of existing sources of energy in the State.

4. Solicit and serve as the point of contact for grants and other money from the Federal Government, including, without limitation, any grants and other money available pursuant to any program administered by the United States Department of Energy, and other sources to cooperate with the Commissioner and the Authority:

(a) To promote energy projects that enhance the economic development of the State;

(b) To promote the use of renewable energy in this State;

(c) To promote the use of measures which conserve or reduce the demand for energy or which result in more efficient use of energy;

(d) To develop a comprehensive program for retrofitting public buildings in this State with energy efficiency measures; and

(e) If the Commissioner determines that it is feasible and cost-effective, to enter into contracts with researchers from the Nevada System of Higher Education for the design of energy efficiency and retrofit projects to carry out the comprehensive program for retrofitting public buildings in this State developed pursuant to paragraph (d).

5. Coordinate the activities and programs of the Office of Energy with the activities and programs of the Authority, the Consumer's Advocate and the Public Utilities Commission of Nevada, and with other federal, state and local officers and agencies that promote, fund, administer or operate activities and programs related to the use of renewable energy and the use of measures which conserve or reduce the demand for energy or which result in more efficient use of energy.

6. If requested to make a determination pursuant to NRS 111.239 or 278.0208, make the determination within 30 days after receiving the request. If the Director needs additional information to make the determination, the Director may request the information from the person making the request for

a determination. Within 15 days after receiving the additional information, the Director shall make a determination on the request.

7. Carry out all other directives concerning energy that are prescribed by the Governor.

Sec. 2. (Deleted by amendment.)

Sec. 2.1. **Chapter 701B of NRS is hereby amended by adding thereto a new section to read as follows:**

1. For purposes of carrying out the Solar Energy Systems Incentive Program created by NRS 701B.240, the Wind Energy Systems Demonstration Program created by NRS 701B.580 and the Waterpower Energy Systems Demonstration Program created by NRS 701B.820, the Public Utilities Commission of Nevada may approve solar energy systems, wind energy systems and waterpower energy systems totaling not more than 150 megawatts of capacity for all systems in this State for the period beginning on July 1, 2009, and ending on December 31, 2021. The Commission shall by regulation prescribe the capacity goals for each program.

2. The Public Utilities Commission of Nevada shall not authorize the payment of an incentive pursuant to:

(a) The Solar Energy Systems Incentive Program if the payment of the incentive would cause the total amount of incentives paid by all utilities in this State for the installation of solar energy systems and distributed generation systems to exceed $255,000,000 for the period beginning on July 1, 2009, and ending on December 31, 2021.

(b) The Wind Energy Systems Demonstration Program and the Waterpower Energy Systems Demonstration Program if the payment of the incentive would cause the total amount of incentives paid by all utilities in this State for the installation of wind energy systems and waterpower energy systems to exceed $60,000,000 for the period beginning on July 1, 2009, and ending on December 31, 2021. The Commission shall by regulation determine the total amount of incentives for each program.

3. A utility may file one combined annual plan which meets the requirements set forth in NRS 701B.230, 701B.610 and 701B.850. The Public Utilities Commission of Nevada shall review and approve any plans submitted pursuant to this subsection in accordance with the requirements of NRS 701B.230, 701B.610 and 701B.850.

4. As used in this section:

(a) "Distributed generation system" has the meaning ascribed to it in NRS 701B.055.

(b) "Utility" means a public utility that supplies electricity in this State.

Sec. 2.3. **NRS 701B.040 is hereby amended to read as follows:**

701B.040 "Category" means one of the categories of participation in the Solar Program as set forth in ~~[NRS 701B.240.]~~ ***regulations adopted by the Commission.***

Sec. 2.5. **NRS 701B.200 is hereby amended to read as follows:**

701B.200 The Commission shall adopt regulations necessary to carry out the provisions of NRS 701B.010 to 701B.290, inclusive, including, without limitation, regulations that:

1. Establish the type of incentives available to participants in the Solar Program and the level or amount of those incentives, ~~[except that the level or amount of an incentive available in a particular program year must not be based upon whether the incentive is for unused capacity reallocated from a past program year pursuant to paragraph (b) of subsection 2 of NRS 701B.260. The regulations must provide that the level or amount of the incentives must decline over time as the cost of solar energy systems and distributed generation systems decline.]~~ ***and prescribe the period, which may be the same period covered for a utility's annual plan for carrying out and administering the Solar Program, for a utility to account for those incentives.***

2. Establish the requirements for a utility's annual plan for carrying out and administering the Solar Program. A utility's annual plan must include, without limitation:

(a) A detailed plan for advertising the Solar Program;

(b) A detailed budget and schedule for carrying out and administering the Solar Program;

(c) A detailed account of administrative processes and forms that will be used to carry out and administer the Solar Program, including, without limitation, a description of the application process and copies of all applications and any other forms that are necessary to apply for and participate in the Solar Program;

(d) A detailed account of the procedures that will be used for inspection and verification of a participant's solar energy system and compliance with the Solar Program;

(e) A detailed account of training and educational activities that will be used to carry out and administer the Solar Program; and

(f) Any other information required by the Commission.

3. Authorize a utility to recover the reasonable costs incurred in carrying out and administering the installation of distributed generation systems ~~[pursuant to paragraph (b) of subsection 1 of NRS 701B.260.]~~.

Sec. 3. NRS 701B.210 is hereby amended to read as follows:

701B.210 The Commission shall adopt regulations that establish:

1. The qualifications and requirements an applicant must meet to be eligible to participate in ~~[each applicable category of:~~

~~(a) School property;~~
~~(b) Public and other property;~~] ~~[~~and~~]~~
~~[~~(c) Private residential property ; and~~]~~ ~~[~~small~~]~~
~~[(d) Small~~ business ~~property; and~~] ***the Solar Program.***

2. The form and content of the master application.

3. The timeframe for accepting applications, including a period in which a utility must accept additional applications if a previously approved applicant fails to install and energize a solar energy system within the time allowed by NRS 701B.255.

Sec. 4. NRS 701B.220 is hereby amended to read as follows:

701B.220 ***1.*** In adopting regulations for the Solar Program, the Commission shall adopt regulations establishing an incentive for participation in the Solar Program. ***The regulations must:***

(a) Provide that the total amount of the incentive paid to a participant ~~[in the category of private residential property]~~ for a solar energy system with a nameplate capacity of not more than 30 kilowatts must be paid upon proof that the participant has installed and energized the solar energy system;

(b) Provide that the amount of the incentive paid to a participant ~~[in a category other than the category of private residential property]~~ for a solar energy system with a nameplate capacity of more than 30 kilowatts but not more than 500 kilowatts must be paid over time and be based on the performance of the solar energy system and the amount of electricity generated by the solar energy system;

(c) Provide for a contract to be entered into between a participant and a utility, which must include, without limitation, provisions specifying:

(1) The amount of the incentive the participant will receive from the utility;

(2) For a participant ~~[in a category other than the category of private residential property,]~~ with a solar energy system with a nameplate capacity of more than 30 kilowatts but not more than 500 kilowatts, the period in which the participant will receive an incentive from the utility, which must not exceed 5 years ~~[,]~~ and must not require a utility to make an incentive payment after December 31, 2021; and

(3) For a participant ~~[in a category other than the category of private residential property, the frequency of]~~ with a solar energy system with a nameplate capacity of more than 30 kilowatts but not more than 500 kilowatts, that the payments of an incentive to the participant ~~[, which]~~ must be ~~[not more frequently than monthly and not less frequently than]~~ quarterly; ~~[and~~

~~(4) That any portfolio energy credits issued to the participant and attributable to the solar energy system during the period in which the~~

~~*participant will receive an incentive from the utility must be assigned to and become the property of the utility in the manner prescribed by NRS 701B.290;*~~**]**

(d) Establish reporting requirements for each utility that participates in the Solar Program, which must include, without limitation, periodic reports of the average cost of the systems , ~~[in each category,]~~ the cost to the utility of carrying out the Solar Program and the effect of the Solar Program on the rates paid by the customers of the utility; and

(e) Provide for a decline over time in the amount of the incentives for participation in the Solar Program as the cost of installing solar energy systems decreases.

2. The Commission shall review the incentives for participation in the Solar Program and may adjust the amount of the incentives not less frequently than annually.

Sec. 5. NRS 701B.240 is hereby amended to read as follows:

701B.240 1. The Solar Energy Systems Incentive Program is hereby created.

2. The ~~[Solar Program must have]~~ ~~[three]~~ ~~*[four]*~~ ***Commission shall establish*** categories ~~[as follows:~~

~~(a) School property;~~

~~(b) Public and other property;]~~ ~~[and]~~

~~[(c) Private residential property ; and]~~ ~~[small]~~

~~*[(d) Small* business property.]~~ ***for participation in the Solar Program, which must, at a minimum, distinguish between participants with a solar energy system with:***

(a) A nameplate capacity of not more than 30 kilowatts; and

(b) A nameplate capacity of more than 30 kilowatts but not more than 500 kilowatts.

3. To be eligible to participate in the Solar Program, a person must:

(a) Meet the qualifications established by the Commission pursuant to NRS 701B.210;

(b) Submit an application to a utility and be selected by the ~~[Commission]~~ ***utility*** for inclusion in the Solar Program pursuant to NRS 701B.250 and 701B.255; ***and***

(c) When installing the solar energy system, use an installer who has been issued a classification C-2 license with the appropriate subclassification by the State Contractors' Board pursuant to the regulations adopted by the Board . ~~[; and~~

~~(d) If the person will be participating in the Solar Program in the category of school property or public and other property, provide for the public display of the solar energy system, including, without limitation, providing~~

~~for public demonstrations of the solar energy system and for hands on experience of the solar energy system by the public.]~~

Sec. 6. (Deleted by amendment.)

Sec. 7. (Deleted by amendment.)

Sec. 8. (Deleted by amendment.)

Sec. 8.3. **NRS 701B.255 is hereby amended to read as follows:**

701B.255 1. After reviewing an application submitted pursuant to NRS 701B.250 and ensuring that the applicant meets the qualifications and requirements to be eligible to participate in the Solar Program, a utility may select the applicant for participation in the Solar Program.

2. Not later than 30 days after the date on which the utility selects an applicant, the utility shall provide written notice of the selection to the applicant.

3. After the utility selects an applicant to participate in the Solar Program, the utility may approve the solar energy system proposed by the applicant. Upon the utility's approval of the solar energy system:

(a) The utility shall provide to the applicant notice of the approval and the amount of incentive for which the solar energy system is eligible; and

(b) The applicant may install and energize the solar energy system.

4. Upon the completion of the installation and energizing of the solar energy system, the participant must submit to the utility an incentive claim form and any supporting information, including, without limitation, a verification of the cost of the project and a calculation of the expected system output.

5. Upon receipt of the incentive claim form and verification that the solar energy system is properly connected, the utility shall issue an incentive payment to the participant.

6. The amount of the incentive for which an applicant is eligible must be determined on the date on which the applicant is selected for participation in the Solar Program, except that an applicant forfeits eligibility for that amount of incentive if the applicant withdraws from participation in the Solar Program or does not complete the installation of the solar energy system within 12 months after the date on which the applicant is selected for participation in the Solar Program. ~~[An applicant who forfeits eligibility for the incentive for which the applicant was originally determined to be eligible may become eligible for an incentive only on the date on which the applicant completes the installation of the solar energy system, and the amount of the incentive for which such an applicant is eligible must be determined on the date on which the applicant completes the installation of the solar energy system.]~~

Sec. 8.7. **NRS 701B.280 is hereby amended to read as follows:**

701B.280 ~~[If]~~ ***To be eligible for an incentive through the Solar Program,*** a solar energy system ~~[used by a participant in the Solar Program meets]~~ ***must meet*** the requirements ~~[of NRS 704.766 to 704.775, inclusive, the participant is entitled to participate]~~ ***for participation*** in net metering pursuant to the provisions of NRS 704.766 to 704.775, inclusive.

Sec. 8.9. **NRS 701B.440 is hereby amended to read as follows:**

701B.440 "Category" means one of the categories of participation in the Wind Demonstration Program as ~~[set forth in NRS 701B.580.]~~ ***established in regulation by the Commission.***

Sec. 9. NRS 701B.580 is hereby amended to read as follows:

701B.580 1. The Wind Energy Systems Demonstration Program is hereby created.

2. The ~~[Program must have]~~ ~~[four]~~ ~~*[five]*~~ ***Commission shall establish*** categories ~~[as follows:~~

~~(a) School property;~~

~~(b) Other public property;~~

~~(c) Private residential property]~~ ~~[and small]~~ ~~*[,*~~

~~***(d) Small*** business property; and]~~

~~[(d)]~~ ~~*[(e)* Agricultural property.]~~ ***for participation in the program.***

3. To be eligible to participate in the Program, a person must:

(a) Meet the qualifications established by the Commission pursuant to NRS 701B.590;

(b) When installing the wind energy system, use an installer who has been issued a classification C-2 license with the appropriate subclassification by the State Contractors' Board pursuant to the regulations adopted by the Board; and

(c) If the person will be participating in the Program in the category of school property or other public property, provide for the public display of the wind energy system, including, without limitation, providing for public demonstrations of the wind energy system and for hands-on experience of the wind energy system by the public.

Sec. 10. NRS 701B.590 is hereby amended to read as follows:

701B.590 The Commission shall adopt regulations necessary to carry out the provisions of the Wind Energy Systems Demonstration Program Act, including, without limitation, regulations that establish:

1. The capacity goals for the Program, which must be designed to meet the goal of the Legislature ~~[of the installation of not less than 5 megawatts of wind energy systems in this State by 2012]~~ ~~*[so that the total cost of the Program does not exceed $30,000,000 per year through June 30, 2017,*~~ and ~~the *capacity* goals for each category of the Program.]~~ ***as prescribed in section 2.1 of this act.***

2. A system of incentives that are based on rebates that decline as the ~~[~~capacity goals for the Program and the goals for each category of the Program are met. The rebates must be based on predicted energy savings.

~~3.]~~ ***cost of installing wind energy systems declines. The system must provide:***

(a) ~~[That the total amount of the incentive for a participant in the category of private residential property must be paid upon proof that the participant has installed and energized the wind energy system;]~~ Incentives for wind energy systems with a nameplate capacity of not more than 500 kilowatts;

(b) That the amount of the incentive for a participant ~~[in a category other than the category of private residential property]~~ must be paid over time and be based on the performance of the wind energy system and the amount of electricity generated by the wind energy system; and

(c) For a contract to be entered into between a participant and a utility, which must include, without limitation, provisions specifying:

(1) The amount of the incentive the participant will receive from the utility;

(2) ~~[For a participant in a category other than the category of private residential property, the]~~ The period in which the participant will receive an incentive from the utility, which must not exceed 5 years ~~[,]~~ and that the utility is not required to make an incentive payment after December 31, 2021; and

(3) ~~[For a participant in a category other than the category of private residential property, the frequency of]~~ That the payments of an incentive to the participant ~~[, which]~~ must be ~~[not more frequently than monthly and not less frequently than]~~ made quarterly . ~~[; and

~~(4) That any portfolio energy credits issued to the participant and attributable to the wind energy system during the period in which the participant will receive an incentive from the utility must be assigned to and become the property of the utility in the manner prescribed by NRS 701B.640.]~~

3. Reporting requirements for each utility that participates in the Program, which must include, without limitation, periodic reports of the average cost of the systems , ~~[in each category,]~~ the cost to the utility of carrying out the Program and the effect of the Program on the rates paid by the customers of the utility.

4. The procedure for claiming incentives, including, without limitation, the form and content of the incentive claim form.

5. The timeframe for accepting applications, including a period in which a utility must accept additional applications if a previously approved

applicant fails to install and energize a wind energy system within the time allowed by NRS 701B.615.

Sec. 10.1. **NRS 701B.615 is hereby amended to read as follows:**

701B.615 1. An applicant who wishes to participate in the Wind Demonstration Program must submit an application to a utility.

2. After reviewing an application submitted pursuant to subsection 1 and ensuring that the applicant meets the qualifications and requirements to be eligible to participate in the Program, a utility may select the applicant for participation in the Program.

3. Not later than 30 days after the date on which the utility selects an applicant, the utility shall provide written notice of the selection to the applicant.

4. After the utility selects an applicant to participate in the Program, the utility may approve the wind energy system proposed by the applicant. Upon the utility's approval of the wind energy system:

(a) The utility shall provide to the applicant notice of the approval and the amount of incentive for which the wind energy system is eligible; and

(b) The applicant may install and energize the wind energy system.

5. Upon the completion of the installation and energizing of the wind energy system, the participant must submit to the utility an incentive claim form and any supporting information, including, without limitation, a verification of the cost of the project and a calculation of the expected system output.

6. Upon receipt of the incentive claim form and verification that the wind energy system is properly connected, the utility shall issue an incentive payment to the participant.

7. The amount of the incentive for which an applicant is eligible must be determined on the date on which the applicant is selected for participation in the Wind Demonstration Program, except that an applicant forfeits eligibility for that amount of incentive if the applicant withdraws from participation in the Program or does not complete the installation of the wind energy system within 12 months after the date on which the applicant is selected for participation in the Program. ~~[An applicant who forfeits eligibility for the incentive for which the applicant was originally determined to be eligible may become eligible for an incentive only on the date on which the applicant completes the installation of the wind energy system, and the amount of the incentive for which such an applicant is eligible must be determined on the date on which the applicant completes the installation of the wind energy system.]~~

Sec. 10.5. **NRS 701B.650 is hereby amended to read as follows:**

701B.650 ~~[If]~~ ***To be eligible for an incentive through the Wind Program,*** a wind energy system ~~[used by a participant in the Wind~~

~~Demonstration Program meets~~] ***must meet*** the requirements ~~[of NRS 704.766 to 704.775, inclusive, the participant is entitled to participate~~] ***for participation*** in net metering pursuant to the provisions of NRS 704.766 to 704.775, inclusive.

Sec. 10.7. **NRS 701B.840 is hereby amended to read as follows:**

701B.840 The Commission shall adopt regulations that establish:

1. The capacity goals for the Program, which must be designed to ~~[meet]~~:

(a) Meet the goal of the Legislature ~~[of the installation of not less than 500 kilowatts of waterpower energy systems in this State by 2012 and the goals for each category of the Program.]~~ ***as prescribed in section 2.1 of this act; and***

(b) Provide a system of incentives for waterpower energy systems with a nameplate capacity of not more than 500 kilowatts.

2. A system of incentives that are based on rebates that decline as the capacity goals for the Program ***.*** ~~[and the goals for each category of the Program are met.]~~ The rebates must be based on predicted energy savings.

3. The procedure for claiming incentives, including, without limitation, the form and content of the incentive claim form.

4. The timeframe for accepting applications, including a period in which a utility must accept additional applications if a previously approved applicant fails to install and energize a waterpower energy system within the time allowed by NRS 701B.865.

Sec. 10.9. **NRS 701B.850 is hereby amended to read as follows:**

701B.850 1. ~~[On or before February 21, 2008, and on or before February 1 of each subsequent year,]~~ ***Each year on or before a date established by the Commission,*** each utility shall file with the Commission ~~[for approval an]~~ ***its*** annual plan for ~~[the administration and delivery of]~~ ***carrying out and administering*** the Waterpower Demonstration Program ***in its service area*** for the ~~[program year beginning July 1, 2008, and each subsequent year thereafter.]~~ ***immediately following 12-month period prescribed by the Commission.***

2. ~~[On or before July 1, 2008, and on or before each July 1 of each subsequent year, the]~~ ***The*** Commission shall ~~[review]~~ ***:***

(a) Review the annual plan for compliance with the requirements ~~[set forth]~~ ***established*** by regulation of the Commission ~~[.]~~ ***; and***

(b) Approve the annual plan with such modifications and upon such terms and conditions as the Commission finds necessary or appropriate to facilitate the Program.

Sec. 11. (Deleted by amendment.)

Sec. 12. (Deleted by amendment.)

Sec. 13. (Deleted by amendment.)

Sec. 14. (Deleted by amendment.)

Sec. 15. (Deleted by amendment.)

Sec. 16. (Deleted by amendment.)

Sec. 17. (Deleted by amendment.)

Sec. 18. (Deleted by amendment.)

Sec. 18.1. **NRS 701B.865 is hereby amended to read as follows:**

701B.865 1. An applicant who wishes to participate in the Waterpower Demonstration Program must submit an application to a utility.

2. After reviewing an application submitted pursuant to subsection 1 and ensuring that the applicant meets the qualifications and requirements to be eligible to participate in the Program, a utility may select the applicant for participation in the Program.

3. Not later than 30 days after the date on which the utility selects an applicant, the utility shall provide written notice of the selection to the applicant.

4. After the utility selects an applicant to participate in the Program, the utility may approve the waterpower energy system proposed by the applicant. Upon the utility's approval of the waterpower energy system:

(a) The utility shall provide to the applicant notice of the approval and the amount of incentive for which the waterpower energy system is eligible; and

(b) The applicant may construct the waterpower energy system.

5. Upon the completion of the construction of a waterpower energy system, the participant must submit to the utility an incentive claim form and any supporting information, including, without limitation, a verification of the cost of the project and a calculation of the expected system output.

6. Upon receipt of the incentive claim form and verification that the waterpower energy system is properly connected, the utility shall issue an incentive payment to the participant.

7. The amount of the incentive for which an applicant is eligible must be determined on the date on which the applicant is selected for participation in the Waterpower Demonstration Program, except that an applicant forfeits eligibility for that amount of incentive if the applicant withdraws from participation in the Program or does not complete the construction of the waterpower energy system within 12 months after the date on which the applicant is selected for participation in the Program. ~~[An applicant who forfeits eligibility for the incentive for which the applicant was originally determined to be eligible may become eligible for an incentive only on the date on which the applicant completes the construction of the waterpower energy system, and the amount of the incentive for which such an applicant is eligible must be determined on the date on which the applicant completes the construction of the waterpower energy system.]~~

Sec. 18.5. **NRS 701B.880 is hereby amended to read as follows:**

701B.880 ~~[If]~~ ***To be eligible for an incentive through the Waterpower Demonstration Program,*** the waterpower energy system ~~[used by a participant in the Waterpower Demonstration Program meets]~~ ***must meet*** the requirements ~~[of NRS 704.766 to 704.775, inclusive, the participant is entitled to participate]~~ ***for participation*** in net metering pursuant to the provisions of NRS 704.766 to 704.775, inclusive.

Sec. 18.7. **NRS 701B.924 is hereby amended to read as follows:**

701B.924 1. The State Public Works Board shall, within 90 days after June 9, 2009, determine the specific projects to weatherize and retrofit public buildings, facilities and structures, including, without limitation, traffic-control systems, and to otherwise use sources of renewable energy to serve those buildings, facilities and structures pursuant to the provisions of this section and NRS 701B.921. The projects must be prioritized and selected on the basis of the following criteria:

(a) The length of time necessary to commence the project.

(b) The number of workers estimated to be employed on the project.

(c) The effectiveness of the project in reducing energy consumption.

(d) The estimated cost of the project.

(e) Whether the project is able to be powered by or to otherwise use sources of renewable energy.

(f) Whether the project has qualified for participation in ~~[one or more of the following programs:~~

~~(1) The Solar Energy Systems Incentive Program created by NRS 701B.240;~~

~~(2)]~~ **:**

(1) The Renewable Energy School Pilot Program created by NRS 701B.350; or

~~[(3)]~~ ***(2)*** An energy efficiency or energy conservation program offered by a public utility, as defined in NRS 704.020, pursuant to a plan approved by the Public Utilities Commission of Nevada pursuant to NRS 704.741.

2. The board of trustees of each school district shall, within 90 days after June 9, 2009, determine the specific projects to weatherize and retrofit public buildings, facilities and structures, including, without limitation, traffic-control systems, and to otherwise use sources of renewable energy to serve those buildings, facilities and structures pursuant to the provisions of this section and NRS 701B.921. The projects must be prioritized and selected on the basis of the following criteria:

(a) The length of time necessary to commence the project.

(b) The number of workers estimated to be employed on the project.

(c) The effectiveness of the project in reducing energy consumption.

(d) The estimated cost of the project.

(e) Whether the project is able to be powered by or to otherwise use sources of renewable energy.

(f) Whether the project has qualified for participation in ~~[one or more of the following programs:~~

~~(1) The Solar Energy Systems Incentive Program created by NRS 701B.240;~~

~~(2)]~~ **:**

(1) The Renewable Energy School Pilot Program created by NRS 701B.350; or

~~[(3)]~~ ***(2)*** An energy efficiency or energy conservation program offered by a public utility, as defined in NRS 704.020, pursuant to a plan approved by the Public Utilities Commission of Nevada pursuant to NRS 704.741.

3. The Board of Regents of the University of Nevada shall, within 90 days after June 9, 2009, determine the specific projects to weatherize and retrofit public buildings, facilities and structures, including, without limitation, traffic-control systems, and to otherwise use sources of renewable energy to serve those buildings, facilities and structures pursuant to the provisions of this section and NRS 701B.921. The projects must be prioritized and selected on the basis of the following criteria:

(a) The length of time necessary to commence the project.

(b) The number of workers estimated to be employed on the project.

(c) The effectiveness of the project in reducing energy consumption.

(d) The estimated cost of the project.

(e) Whether the project is able to be powered by or to otherwise use sources of renewable energy.

(f) Whether the project has qualified for participation in ~~[one or more of the following programs:~~

~~(1) The Solar Energy Systems Incentive Program created by NRS 701B.240;~~

~~(2)]~~ **:**

(1) The Renewable Energy School Pilot Program created by NRS 701B.350; or

~~[(3)]~~ ***(2)*** An energy efficiency or energy conservation program offered by a public utility, as defined in NRS 704.020, pursuant to a plan approved by the Public Utilities Commission of Nevada pursuant to NRS 704.741.

4. As soon as practicable after an entity described in subsections 1, 2 and 3 selects a project, the entity shall proceed to enter into a contract with one or more contractors to perform the work on the project. The request for proposals and all contracts for each project must include, without limitation:

(a) Provisions stipulating that all employees of the contractors and subcontractors who work on the project must be paid prevailing wages pursuant to the requirements of chapter 338 of NRS;

(b) Provisions requiring that each contractor and subcontractor employed on each such project:

(1) Employ a number of persons trained as described in paragraph (b) of subsection 3 of NRS 701B.921 that is equal to or greater than 50 percent of the total workforce the contractor or subcontractor employs on the project; or

(2) If the Director of the Department determines in writing, pursuant to a request submitted by the contractor or subcontractor, that the contractor or subcontractor cannot reasonably comply with the provisions of subparagraph (1) because there are not available a sufficient number of such trained persons, employ a number of persons trained as described in paragraph (b) of subsection 3 of NRS 701B.921 or trained through any apprenticeship program that is registered and approved by the State Apprenticeship Council pursuant to chapter 610 of NRS that is equal to or greater than 50 percent of the total workforce the contractor or subcontractor employs on the project;

(c) A component pursuant to which persons trained as described in paragraph (b) of subsection 3 of NRS 701B.921 must be classified and paid prevailing wages depending upon the classification of the skill in which they are trained; and

(d) A component that requires each contractor or subcontractor to offer to employees working on the project, and to their dependents, health care in the same manner as a policy of insurance pursuant to chapters 689A and 689B of NRS or the Employee Retirement Income Security Act of 1974.

5. The State Public Works Board, each of the school districts and the Board of Regents of the University of Nevada shall each provide a report to the Interim Finance Committee which describes the projects selected pursuant to this section and a report of the dates on which those projects are scheduled to be completed.

Sec. 18.9. **NRS 704.7822 is hereby amended to read as follows:**

704.7822 For the purpose of complying with a portfolio standard established pursuant to NRS 704.7821 or 704.78213, a provider shall be deemed to have generated or acquired 2.4 kilowatt-hours of electricity from a renewable energy system for each 1.0 kilowatt-hour of actual electricity generated or acquired from a solar photovoltaic system, if:

1. The system is installed on the premises of a retail customer ~~[,]~~ ***or provider;*** and

2. On an annual basis, at least 50 percent of the electricity generated by the system is utilized by the retail customer ***or provider*** on that premises.

Sec. 19. NRS 338.1908 is hereby amended to read as follows:

338.1908 1. The governing body of each local government shall, by July 28, 2009, develop a plan to retrofit public buildings, facilities and structures, including, without limitation, traffic-control systems, and to

otherwise use sources of renewable energy to serve those buildings, facilities and structures. Such a plan must:

(a) Be developed with input from one or more energy retrofit coordinators designated pursuant to NRS 338.1907, if any.

(b) Include a list of specific projects. The projects must be prioritized and selected on the basis of the following criteria:

(1) The length of time necessary to commence the project.

(2) The number of workers estimated to be employed on the project.

(3) The effectiveness of the project in reducing energy consumption.

(4) The estimated cost of the project.

(5) Whether the project is able to be powered by or otherwise use sources of renewable energy.

(6) Whether the project has qualified for participation in ~~[one or more of the following programs:~~

~~(I) The Solar Energy Systems Incentive Program created by NRS 701B.240;~~

~~(II) The~~] ***the*** Renewable Energy School Pilot Program created by NRS 701B.350**.** ~~[; or~~

~~(III) The Wind Energy Systems Demonstration Program created by NRS 701B.580.~~*]* [~~; or~~

~~(IV) The Waterpower Energy Systems Demonstration Program created by NRS 701B.820.~~]

(c) Include a list of potential funding sources for use in implementing the projects, including, without limitation, money available through the Energy Efficiency and Conservation Block Grant Program as set forth in 42 U.S.C. § 17152 and grants, gifts, donations or other sources of money from public and private sources.

2. The governing body of each local government shall transmit the plan developed pursuant to subsection 1 to the Nevada Energy Commissioner and to any other entity designated for that purpose by the Legislature.

3. As used in this section:

(a) "Local government" means each city or county that meets the definition of "eligible unit of local government" as set forth in 42 U.S.C. § 17151 and each unit of local government, as defined in subsection 11 of NRS 338.010, that does not meet the definition of "eligible entity" as set forth in 42 U.S.C. § 17151.

(b) "Renewable energy" means a source of energy that occurs naturally or is regenerated naturally, including, without limitation:

(1) Biomass;

(2) Fuel cells;

(3) Geothermal energy;

(4) Solar energy;

(5) Waterpower; and

(6) Wind.

➥ The term does not include coal, natural gas, oil, propane or any other fossil fuel, or nuclear energy.

(c) "Retrofit" means to alter, improve, modify, remodel or renovate a building, facility or structure to make that building, facility or structure more energy-efficient.

Sec. 20. Section 113 of chapter 509, Statutes of Nevada 2007, at page 2999, is hereby amended to read as follows:

Sec. 113. 1. This act becomes effective:

(a) Upon passage and approval for the purposes of adopting regulations and taking such other actions as are necessary to carry out the provisions of this act; and

(b) For all other purposes besides those described in paragraph (a):

(1) For this section and sections 1, 30, 32, 36 to 46, inclusive, 49, 51 to 61, inclusive, 107, 109, 110 and 111 of this act, upon passage and approval.

(2) For sections 1.5 to 29, inclusive, 43.5, 47, 51.3, 51.7, 108, 112 and 112.5 of this act, on July 1, 2007.

(3) For sections 62 to 106, inclusive, of this act, on October 1, 2007.

(4) For sections 31, 32.3, 32.5, 32.7, 33, 34 and 35 of this act, on January 1, 2009.

(5) For section 48 of this act, on January 1, 2010.

(6) For section 50 of this act, on January 1, 2011.

2. ***Sections 69, 72 to 75, inclusive, and section 94 of this act expire by limitation on December 31, 2012.***

3. Sections 62 ***[87]*** to ***[106,]*** ***68,*** inclusive, ***70, 71, 77 to 82, inclusive, 85 to 94, inclusive, and 95 to 105, inclusive,*** of this act expire by limitation on ***[***June 30, 2011.***]*** ***December 31, 2021.***

Sec. 21. Section 13 of chapter 246, Statutes of Nevada 2009, at page 1002, is hereby amended to read as follows:

Sec. 13. 1. This act becomes effective on July 1, 2009.

2. Sections 2 and ***[Section]*** 3 of this act expire ***[expires]*** by limitation on ***[***June 30, 2011.***]*** ***December 31, 2021.***

Sec. 22. Section 21 of chapter 321, Statutes of Nevada 2009, at page 1410, is hereby amended to read as follows:

Sec. 21. 1. This section and sections 1 to 1.51, inclusive, 1.55 to 19.7, inclusive, and 19.9 to 20.9, inclusive, of this act become effective upon passage and approval.

2. Sections 1.51, 1.85, 1.87, 1.92, 1.93, 1.95, 4.3 ***[1.95 and 7.1]*** to 9, inclusive, and 19.4 of this act expire by limitation on ***[***June 30, 2011.***]***

[3. Sections 1.53 and 19.8 of this act become effective on July 1, 2011.***]*** ***December 31, 2021.***

Sec. 23. (Deleted by amendment.)

Sec. 23.3. **1. NRS 701B.010, 701B.020, 701B.030, 701B.040, 701B.050, 701B.055, 701B.070, 701B.080, 701B.090, 701B.150, 701B.160, 701B.170, 701B.180, 701B.200, 701B.210, 701B.220, 701B.230, 701B.240, 701B.250, 701B.255, 701B.265, 701B.280 and 701B.290 are hereby repealed.**

2. NRS 701B.060, 701B.100, 701B.110, 701B.120, 701B.130, 701B.140, 701B.260 and sections 1.53 and 19.8 of chapter 321, Statutes of Nevada 2009, at pages 1372 and 1408, respectively, are hereby repealed.

Sec. 23.5. The Public Utilities Commission of Nevada shall adopt regulations to carry out the amendatory provisions of this act on or before July 1, 2012. The regulations must ~~[~~provide~~]~~ **:**

1. Provide for the transition to the performance-based incentive required by NRS 701B.220, as amended by section 4 of this act**, ~~[~~and~~]~~** NRS 701B.590, as amended by section 10 of this act **and NRS 701B.840, as amended by section 10.7 of this act,** for **the applicable** participants ~~[~~in categories other than the category of private residential property~~]~~ in the Solar Energy Systems Incentive Program**, ~~[~~and~~]~~** the Wind Energy Systems Demonstration Program**~~[.]~~ and the Waterpower Energy Systems Demonstration Program.**

2. Require that the capacity allocated for a participant in the Solar Energy Systems Incentive Program, the Wind Energy Systems Demonstration Program or the Waterpower Energy Systems Demonstration Program who fails to install and energize the energy system within 12 months after the date on which the applicant is selected for participation in the respective program must be made available to applicants who apply for participation in the Solar Energy Systems Incentive Program, the Wind Energy Systems Demonstration Program or the Waterpower Energy Systems Demonstration Program on or after January 1, 2013.

Sec. 24. (Deleted by amendment.)

Sec. 25. 1. This section and sections **8.3, 10.1, 18.1,** 20 to **23, inclusive, and** 23.5**~~[, inclusive,]~~** of this act become effective upon passage and approval.

2. Sections 1**, 2** to ~~[18,]~~ **8,** inclusive, **8.7 to 10, inclusive, 10.5 to 18, inclusive, 18.5, 18.9** and 24 of this act become effective upon passage and approval for the purpose of adopting regulations, and on January 1, 2013, for all other purposes.

3. ~~[~~Section 19 of this act becomes effective on July 1, 2011.~~]~~ **Subsection 2 of section 23.3 of this act becomes effective on January 1, 2013.**

4. Section 1.5, 18.7, 19 and subsection 1 of section 23.3 of this act become effective on January 1, 2022.

LEADLINES OF REPEALED SECTIONS OF NRS AND TEXT OF REPEALED SECTIONS OF STATUTES OF NEVADA

701B.010 Applicability.

701B.020 Definitions.

701B.030 "Applicant" defined.

701B.040 "Category" defined.

701B.050 "Commission" defined.

701B.055 "Distributed generation system" defined.

701B.060 "Institution of higher education" defined.

701B.070 "Owned, leased or occupied" defined.

701B.080 "Participant" defined.

701B.090 "Person" defined.

701B.100 "Program year" means the period of July 1 to June 30 of the following year.

701B.110 "Public and other property" defined.

701B.120 "Public entity" defined.

701B.130 "School property" defined.

701B.140 "Small business" defined.

701B.150 "Solar energy system" defined.

701B.160 "Solar Program" defined.

701B.170 "Task Force" defined.

701B.180 "Utility" defined.

701B.200 Regulations: Establishment of incentives and requirements for utility's annual plan; exceptions; recovery of costs by utility.

701B.210 Regulations: Establishment of qualifications and requirements for participation; form and content of utility's master application.

701B.220 Regulations: Establishment of incentives for participation.

701B.230 Duty of utility to file annual plan; review and approval of annual plan by Commission; recovery of costs by utility.

701B.240 Creation of Solar Program; categories of participation; eligibility requirements.

701B.250 Application to participate; review of application by utility.

701B.255 Procedure for selection and notification of participants; authorization to install and energize solar energy system; submission of incentive claim form; determination of amount of incentive; withdrawal of participant; forfeiture of incentive.

701B.260 Capacity allocated to each category; reallocation of capacity; limitations on incentives.

701B.265 Installation of solar energy system deemed public work under certain circumstances.

701B.280 Participation in net metering.

701B.290 Issuance of portfolio energy credits.

Section 1.53 of chapter 321, Statutes of Nevada 2009, at page 1372:

Sec. 1.53. NRS 701.180 is hereby amended to read as follows:

701.180 The Director shall:

1. Acquire and analyze information relating to energy and to the supply, demand and conservation of its sources, including, without limitation:

(a) Information relating to the Solar Energy Systems Incentive Program created pursuant to NRS 701B.240 **[**~~and the Wind Energy Systems Demonstration Program created pursuant to 701B.580,~~**]** including, without limitation, information relating to:

(1) The development of distributed generation systems in this State pursuant to participation in the Solar Energy Systems Incentive Program;

(2) The use of carbon-based energy in residential and commercial applications due to participation in the **[**~~Programs;~~**]** ***Program;*** and

(3) The average cost of generation on a kilowatt-hour basis for residential and commercial applications due to participation in the **[**~~Programs;~~**]** ***Program;*** and

(b) Information relating to any money distributed pursuant to NRS 702.270.

2. Review and evaluate information which identifies trends and permits forecasting of the energy available to the State. Such forecasts must include estimates on:

(a) The level of demand for energy in the State for 5-, 10- and 20-year periods;

(b) The amount of energy available to meet each level of demand;

(c) The probable implications of the forecast on the demand and supply of energy; and

(d) The sources of renewable energy and other alternative sources of energy which are available and their possible effects.

3. Study means of reducing wasteful, inefficient, unnecessary or uneconomical uses of energy and encourage the maximum utilization of existing sources of energy in the State.

4. Solicit and serve as the point of contact for grants and other money from the Federal Government, including, without limitation, any grants and other money available pursuant to any program administered by the United States Department of Energy, and other sources to cooperate with the Commissioner and the Authority:

(a) To promote energy projects that enhance the economic development of the State;

(b) To promote the use of renewable energy in this State;

(c) To promote the use of measures which conserve or reduce the demand for energy or which result in more efficient use of energy;

(d) To develop a comprehensive program for retrofitting public buildings in this State with energy efficiency measures; and

(e) If the Commissioner determines that it is feasible and cost-effective, to enter into contracts with researchers from the Nevada System of Higher Education for the design of energy efficiency and retrofit projects to carry out the comprehensive program for retrofitting public buildings in this State developed pursuant to paragraph (d).

5. Coordinate the activities and programs of the Office of Energy with the activities and programs of the Authority, the Consumer's Advocate and the Public Utilities Commission of Nevada, and with other federal, state and local officers and agencies that promote, fund, administer or operate activities and programs related to the use of renewable energy and the use of measures which conserve or reduce the demand for energy or which result in more efficient use of energy.

6. Carry out all other directives concerning energy that are prescribed by the Governor.

Section 19.8 of chapter 321, Statutes of Nevada 2009, at page 1408:

Sec. 19.8. Section 19.4 of this act is hereby amended to read as follows:

Sec. 19.4. Chapter 338 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The governing body of each local government shall, within 60 days after the effective date of this section, develop a plan to retrofit public buildings, facilities and structures, including, without limitation, traffic-control systems, and to otherwise use sources of renewable energy to serve those buildings, facilities and structures. Such a plan must:

(a) Be developed with input from one or more energy retrofit coordinators designated pursuant to NRS 338.1907, if any.

(b) Include a list of specific projects. The projects must be prioritized and selected on the basis of the following criteria:

(1) The length of time necessary to commence the project.

(2) The number of workers estimated to be employed on the project.

(3) The effectiveness of the project in reducing energy consumption.

(4) The estimated cost of the project.

(5) Whether the project is able to be powered by or otherwise use sources of renewable energy.

(6) Whether the project has qualified for participation in one or more of the following programs:

(I) The Solar Energy Systems Incentive Program created by NRS 701B.240; ***or***

(II) The Renewable Energy School Pilot Program created by NRS 701B.350 **.** ~~[~~**;**

~~(III) The Wind Energy Systems Demonstration Program created by NRS 701B.580; or~~

~~(IV) The Waterpower Energy Systems Demonstration Program created by NRS 701B.820.]~~

(c) Include a list of potential funding sources for use in implementing the projects, including, without limitation, money available through the Energy Efficiency and Conservation Block Grant Program as set forth in 42 U.S.C. § 17152 and grants, gifts, donations or other sources of money from public and private sources.

2. The governing body of each local government shall transmit the plan developed pursuant to subsection 1 to the Nevada Energy Commissioner and to any other entity designated for that purpose by the Legislature.

3. As used in this section:

(a) "Local government" means each city or county that meets the definition of "eligible unit of local government" as set forth in 42 U.S.C. § 17151 and each unit of local government, as defined in subsection 11 of NRS 338.010, that does not meet the definition of "eligible entity" as set forth in 42 U.S.C. § 17151.

(b) "Renewable energy" means a source of energy that occurs naturally or is regenerated naturally, including, without limitation:

(1) Biomass;
(2) Fuel cells;
(3) Geothermal energy;
(4) Solar energy;
(5) Waterpower; and
(6) Wind.

➥ The term does not include coal, natural gas, oil, propane or any other fossil fuel, or nuclear energy.

(c) "Retrofit" means to alter, improve, modify, remodel or renovate a building, facility or structure to make that building, facility or structure more energy-efficient.

Assemblyman Hickey moved the adoption of the amendment.

Amendment adopted.

Bill ordered to third reading.

Assembly Bill No. 427.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 917.

SUMMARY— ~~[Enacts provisions]~~ **Directs the Legislative Commission to conduct an interim study concerning the establishment of a program** requiring the payment of deposits and refunds on ~~[certain beverage containers]~~ **recyclable products** sold in this State. (BDR ~~[40-1079)]~~ **S-1079)**

AN ACT relating to programs for recycling; ~~[enacting provisions requiring]~~ **directing the Legislative Commission to conduct an interim study concerning the establishment of a program requiring** the payment **and refund** of deposits ~~[and refunds]~~ on ~~[certain beverage containers]~~ **recyclable products** sold in this State; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill ~~[establishes]~~ **directs the Legislative Commission to conduct an interim study concerning the establishment of** a program for requiring deposits to be paid and then refunded on ~~[certain]~~ recyclable ~~[beverage containers]~~ **products** sold in this State. ~~[Under section 10 of this bill, every beverage container, with certain exceptions, has a refund value of 5 cents. Section 11 of this bill requires every beverage container sold in this State to be clearly labeled with that refund value and with the word "Nevada" or the abbreviation "NV." Section 12 of this bill requires a consumer to deposit the refund value of each beverage container when purchasing a filled container and requires a dealer who receives that deposit to submit the amount of the deposit to the Director of the State Department of Conservation and Natural Resources for deposit in the Beverage Container Recycling Fund. Section 12 also authorizes a consumer to return the beverage container to a redemption center and requires the Division of Environmental Protection of the Department to adopt regulations for the certification of those redemption centers. Section 13 of this bill provides for the refunding of the value of the empty beverage container to the consumer by a redemption center. Section 14 of this bill prohibits a person from attempting to return for a refund more than a certain number of empty beverage containers that the person knows or has reason to know were not originally sold in this State. Section 15 of this bill creates the Beverage Container Recycling Fund and requires the money in the Fund to be used for recycling and recycling promotion and education programs. Section 16 of this bill requires certain reports to be made to the Director of the Department, and section 17 of this bill requires the Division to adopt regulations necessary to carry out the provisions of this bill.]~~

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Delete existing sections 1 through 18 of this bill and replace with the following new sections 1 and 2.

Section 1. **1. The Legislative Commission shall appoint a committee to conduct an interim study concerning the establishment of a program for requiring the payment and refund of deposits on recyclable products sold in this State.**

2. The committee appointed by the Legislative Commission pursuant to subsection 1 must be composed of six Legislators as follows:

(a) Three members appointed by the Majority Leader of the Senate, at least one of whom must be appointed from the membership of the Senate Standing Committee on Natural Resources during the 76th Session of the Nevada Legislature; and

(b) Three members appointed by the Speaker of the Assembly, at least one of whom must be appointed from the membership of the Assembly Standing Committee on Natural Resources, Agriculture, and Mining during the 76th Session of the Nevada Legislature.

3. The study:

(a) Must include, without limitation:

(1) Consideration of the recyclable products to be included in the program, including, without limitation, plastic, glass, aluminum or tin containers and paper or plastic grocery and shopping bags.

(2) An analysis of the process for the payment and refund of the deposits on the recyclable products, including, without limitation, the creation of redemption centers.

(b) May include consideration of other methods of encouraging recycling.

4. The Legislative Commission shall submit a report of the results of the study and any recommendations for legislation to the 77th Session of the Nevada Legislature.

Sec. 2. **This act becomes effective on July 1, 2011.**

Assemblyman Hickey moved the adoption of the amendment.

Amendment adopted.

Bill ordered to third reading.

Assembly Bill No. 476.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 929.

AN ACT relating to education; authorizing the Board of Regents of the University of Nevada to request an allocation from the Contingency Fund to cover a projected shortfall in the Trust Fund for the Education of Dependent Children; providing that money in the Trust Fund does not revert to the State

General Fund; making an appropriation; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the Board of Regents of the University of Nevada is required, to the extent of legislative appropriation, to pay certain fees and expenses associated with undergraduate classes taken at a school within the Nevada System of Higher Education by dependent children of a police officer, firefighter or officer of the Nevada Highway Patrol killed in the line of duty or of a volunteer ambulance driver or attendant while engaged as such. These fees and expenses are paid from the Trust Fund for the Education of Dependent Children, which also receives money from gifts and grants. (NRS 396.545) **Section 1** of this bill requires the Board of Regents to estimate each fiscal year the amount of money in the Trust Fund that is available in that fiscal year for payment of such fees and expenses and the anticipated amount of such payments for that fiscal year. If, as a result of this estimation, there is a projected shortfall in the Trust Fund for the fiscal year, the Board of Regents is authorized to request an allocation from the Contingency Fund to cover the shortfall. The Interim Finance Committee is authorized under existing law to make allocations from the Contingency Fund: (1) for emergency use to supplement regular legislative appropriations which fail to cover unforeseen expenses; (2) to meet expenses pursuant to the requirements of a law; or (3) as provided by specific statute. (NRS 353.266)

Section 1 also provides that money in the Trust Fund does not revert to the State General Fund at the end of a fiscal year, but instead remains in the Trust Fund. **Section 2** of this bill makes an appropriation from the State General Fund to the Trust Fund of ~~[$50,000.]~~ **$25,000.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 396.545 is hereby amended to read as follows:

396.545 1. To the extent of ~~[~~legislative appropriation,~~]~~ ***money available for this purpose,*** the Board of Regents shall pay all registration fees, laboratory fees and expenses for required textbooks and course materials assessed against or incurred by a dependent child of:

(a) A police officer, firefighter or officer of the Nevada Highway Patrol who was killed in the line of duty; or

(b) A volunteer ambulance driver or attendant who was killed while engaged as a volunteer ambulance driver or attendant,

➥ for classes taken towards satisfying the requirements of an undergraduate degree at a school within the System. No such payment may be made for any fee assessed after the child reaches the age of 23 years.

2. There is hereby created in the State Treasury a Trust Fund for the Education of Dependent Children. The Board of Regents shall administer the Trust Fund. The Board of Regents may accept gifts and grants for deposit in the Trust Fund. All money held by the State Treasurer or received by the Board of Regents for that purpose must be deposited in the Trust Fund. The money in the Trust Fund must be invested as the money in other state funds is invested. After deducting all applicable charges, all interest and income earned on the money in the Trust Fund must be credited to the Trust Fund. ***Any money remaining in the Trust Fund at the end of a fiscal year does not revert to the State General Fund, and the balance in the Trust Fund must be carried forward to the next fiscal year.***

3. ***For each fiscal year, the Board of Regents shall estimate:***

(a) The amount of money in the Trust Fund that is available to make payments pursuant to subsection 1 for that fiscal year; and

(b) The anticipated amount of such payments for that fiscal year.

➥ If the anticipated amount of payments estimated for the fiscal year exceeds the estimated amount of money available in the Trust Fund in the fiscal year for such payments, the Board of Regents may request an allocation from the Contingency Fund created pursuant to NRS 353.266 to cover the projected shortfall.

4. As used in this section:

(a) "Firefighter" means a person who is a salaried employee or volunteer member of a fire prevention or suppression unit organized by a local government and whose principal duty is to control and extinguish fires.

(b) "Local government" means a county, city, unincorporated town or metropolitan police department.

(c) "Police officer" means a person who is a salaried employee of a police department or other law enforcement agency organized or operated by a local government and whose principal duty is to enforce the law.

(d) "Volunteer ambulance driver or attendant" means a person who is a driver of or attendant on an ambulance owned or operated by:

(1) A nonprofit organization that provides volunteer ambulance service in any county, city or town in this State; or

(2) A political subdivision of this State.

Sec. 2. There is hereby appropriated from the State General Fund to the Trust Fund for the Education of Dependent Children created by NRS 396.545 the sum of **~~[$50,000]~~** **$25,000** to pay for expenses pursuant to that section.

Sec. 3. This act becomes effective on July 1, 2011.

Assemblyman Hickey moved the adoption of the amendment.

Amendment adopted.

Bill ordered to third reading.

Assembly Bill No. 560.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 920.

AN ACT relating to state employees; ~~[reducing the rate of accrual of annual leave and sick leave for state employees;]~~ eliminating the required payment of a state employee at the rate of time and one-half for working on a holiday; ~~[eliminating the requirement that the state purchase credit for service for retirement for certain employees if an agency is required to reduce the number of its employees;]~~ continuing the temporary suspension of the semiannual payment of longevity pay and merit pay increases for state employees; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Existing law provides for the establishment of a personnel system for state employees. (Chapter 284 of NRS) This includes prescribing the rates at which annual leave and sick leave accrue for those employees. (NRS 284.350, 284.355; NAC 284.538) Sections 2 and 3 of this bill reduce the rate at which state employees accrue annual leave and sick leave, effective July 1, 2012.]~~

Existing law provides, in addition to paying state employees on state holidays, for payment at the rate of time and one-half for employees who work on a holiday. (NAC 284.256) **Section 1** of this bill eliminates this premium for working on a holiday.

~~[Existing law provides for the purchase of credit for service for the purposes of the Public Employees' Retirement System for certain employees who agree to retire when a state agency is required to reduce the number of its employees. (NRS 286.3007) Section 4 of this bill limits that benefit to employees hired before July 1, 2011.]~~

Existing law provides for a plan to encourage continuity of service in State Government, under which semiannual payments are made to state employees rated standard or better with 8 years or more of continuous service, commonly known as "longevity pay." (NRS 284.177) Existing law also provides for state employees who are rated standard or better and have not attained the top step of their grade to receive a merit pay increase annually. (NRS 284.175, 284.335; NAC 284.194) Those semiannual payments and merit pay increases were temporarily suspended by the Legislature in 2009 for the 2009-2011 biennium. (Chapter 276, Statutes of Nevada 2009, p. 1164-65, as amended by chapter 465, Statutes of Nevada 2009, p. 2642-43) **Section 5** of this bill continues the suspension of those payments and increases for the next 2 fiscal years.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 284.180 is hereby amended to read as follows:

284.180 1. The Legislature declares that since uniform salary and wage rates and classifications are necessary for an effective and efficient personnel system, the pay plan must set the official rates applicable to all positions in the classified service, but the establishment of the pay plan in no way limits the authority of the Legislature relative to budgeted appropriations for salary and wage expenditures.

2. Credit for overtime work directed or approved by the head of an agency or the representative of the head of the agency must be earned at the rate of time and one-half, except for those employees described in NRS 284.148.

3. Except as otherwise provided in subsections 4, 6, 7 and 9, overtime is considered time worked in excess of:

(a) Eight hours in 1 calendar day;

(b) Eight hours in any 16-hour period; or

(c) A 40-hour week.

4. Firefighters who choose and are approved for a 24-hour shift shall be deemed to work an average of 56 hours per week and 2,912 hours per year, regardless of the actual number of hours worked or on paid leave during any biweekly pay period. A firefighter so assigned is entitled to receive 1/26 of the firefighter's annual salary for each biweekly pay period. In addition, overtime must be considered time worked in excess of:

(a) Twenty-four hours in one scheduled shift; or

(b) Fifty-three hours average per week during one work period for those hours worked or on paid leave.

➥ The appointing authority shall designate annually the length of the work period to be used in determining the work schedules for such firefighters. In addition to the regular amount paid such a firefighter for the deemed average of 56 hours per week, the firefighter is entitled to payment for the hours which comprise the difference between the 56-hour average and the overtime threshold of 53 hours average at a rate which will result in the equivalent of overtime payment for those hours.

5. The Commission shall adopt regulations to carry out the provisions of subsection 4.

6. For employees who choose and are approved for a variable workday, overtime will be considered only after working 40 hours in 1 week.

7. Employees who are eligible under the Fair Labor Standards Act of 1938, 29 U.S.C. §§ 201 et seq., to work a variable 80-hour work schedule within a biweekly pay period and who choose and are approved for such a

work schedule will be considered eligible for overtime only after working 80 hours biweekly, except those eligible employees who are approved for overtime in excess of one scheduled shift of 8 or more hours per day.

8. An agency may experiment with innovative workweeks upon the approval of the head of the agency and after majority consent of the affected employees. The affected employees are eligible for overtime only after working 40 hours in a workweek.

9. This section does not supersede or conflict with existing contracts of employment for employees hired to work 24 hours a day in a home setting. Any future classification in which an employee will be required to work 24 hours a day in a home setting must be approved in advance by the Commission.

10. All overtime must be approved in advance by the appointing authority or the designee of the appointing authority. No officer or employee, other than a director of a department or the chair of a board, commission or similar body, may authorize overtime for himself or herself. The chair of a board, commission or similar body must approve in advance all overtime worked by members of the board, commission or similar body.

11. The Budget Division of the Department of Administration shall review all overtime worked by employees of the Executive Department to ensure that overtime is held to a minimum. The Budget Division shall report quarterly to the State Board of Examiners the amount of overtime worked in the quarter within the various agencies of the State.

12. A state employee is ~~[not]~~ entitled to ~~[payment at the]~~ his or her normal rate of ~~[time and one-half]~~ pay for working on a legal holiday unless the employee is entitled to payment for overtime pursuant to this section and the regulations adopted pursuant thereto. This payment is in addition to any payment provided for by regulation for working on a legal holiday.

Sec. 2. ~~[~~NRS 284.350 is hereby amended to read as follows:

284.350 1. Except as otherwise provided in subsections 2, 3 and 4, an employee in the public service, whether in the classified or unclassified service, is entitled to annual leave with pay of ~~[~~1 1/4 working days for each~~]~~ ~~.~~ ***:***

(a) One day per month ***for an employee who has completed less than 5 years*** of continuous public service ~~[.]~~ ***;***

(b) One and one-quarter days per month for an employee who has completed 5 years or more but less than 15 years of continuous public service;

(c) One and one-half days per month for an employee who has completed 15 years or more but less than 20 years of continuous public service; and

~~***(d) One and three-quarters days per month for an employee who has completed 20 years or more of continuous public service.***~~

~~➡ The annual leave may be cumulative from year to year not to exceed 30 working days. The Commission may by regulation provide for [additional annual leave for long-term employees and for] prorated annual leave for part-time employees.~~

~~2. Except as otherwise provided in this subsection, any annual leave in excess of 30 working days must be used before January 1 of the year following the year in which the annual leave in excess of 30 working days is accumulated or the amount of annual leave in excess of 30 working days is forfeited on that date. If an employee:~~

~~(a) On or before October 15, requests permission to take annual leave; and~~

~~(b) The employee's request for leave is denied in writing for any reason,~~

~~➡ the employee is entitled to payment for any annual leave in excess of 30 working days which the employee requested to take and which the employee would otherwise forfeit as the result of the denial of the employee's request, unless the employee has final authority to approve use of the employee's own accrued leave and the employee received payment pursuant to this subsection for any unused annual leave in excess of 30 working days accumulated during the immediately preceding calendar year. The payment for the employee's unused annual leave must be made to the employee not later than January 31.~~

~~3. Officers and members of the faculty of the Nevada System of Higher Education are entitled to annual leave as provided by the regulations adopted pursuant to subsection 2 of NRS 284.345.~~

~~4. The Commission shall establish by regulation a schedule for the accrual of annual leave for employees who regularly work more than 40 hours per week or 80 hours biweekly. The schedule must provide for the accrual of annual leave at the same rate proportionately as employees who work a 40-hour week accrue annual leave.~~

~~5. No elected state officer may be paid for accumulated annual leave upon termination of the officer's service.~~

~~6. During the first 6 months of employment of any employee in the public service, annual leave accrues as provided in subsection 1, but no annual leave may be taken during that period.~~

~~7. No employee in the public service may be paid for accumulated annual leave upon termination of employment unless the employee has been employed for 6 months or more.~~

~~8. Upon the request of an employee, the appointing authority of the employee may approve the reduction or satisfaction of an overpayment of the salary of the employee that was not obtained by the fraud or willful~~

~~misrepresentation of the employee with a corresponding amount of the accrued annual leave of the employee.~~**] (Deleted by amendment.)**

Sec. 3. **[**~~NRS 284.355 is hereby amended to read as follows:~~

~~284.355 1. Except as otherwise provided in this section, all employees in the public service, whether in the classified or unclassified service, are entitled to sick and disability leave with pay of 1~~ **[**1/4**]** ~~working~~ **[**days**]** ~~*day* for each month of service, which may be cumulative from year to year. After an employee has accumulated 90 working days of sick leave, the amount of additional unused sick leave which the employee is entitled to carry forward from 1 year to the next is limited to one-half of the unused sick leave accrued during that year, but the Commission may by regulation provide for subsequent use of unused sick leave accrued but not carried forward because of this limitation in cases where the employee is suffering from a long term or chronic illness and has used all sick leave otherwise available to the employee.~~

~~2. Upon the retirement of an employee, the employee's termination through no fault of the employee or the employee's death while in public employment, the employee or the employee's beneficiaries are entitled to payment:~~

~~(a) For the employee's unused sick leave in excess of 30 days, exclusive of any unused sick leave accrued but not carried forward, according to the employee's number of years of public service, except service with a political subdivision of the State, as follows:~~

~~(1) For 10 years of service or more but less than 15 years, not more than $2,500.~~

~~(2) For 15 years of service or more but less than 20 years, not more than $4,000.~~

~~(3) For 20 years of service or more but less than 25 years, not more than $6,000.~~

~~(4) For 25 years of service, not more than $8,000.~~

~~(b) For the employee's unused sick leave accrued but not carried forward, an amount equal to one-half of the sum of:~~

~~(1) The employee's hours of unused sick leave accrued but not carried forward; and~~

~~(2) An additional 120 hours.~~

~~3. The Commission may by regulation provide for additional sick and disability leave for long term employees and for prorated sick and disability leave for part-time employees.~~

~~4. An employee entitled to payment for unused sick leave pursuant to subsection 2 may elect to receive the payment in any one or more of the following forms:~~

~~(a) A lump-sum payment.~~

~~(b) An advanced payment of the premiums or contributions for insurance coverage for which the employee is otherwise eligible pursuant to chapter 287 of NRS. If the insurance coverage is terminated and the money advanced for premiums or contributions pursuant to this subsection exceeds the amount which is payable for premiums or contributions for the period for which the former employee was actually covered, the unused portion of the advanced payment must be paid promptly to the former employee or, if the employee is deceased, to the employee's beneficiary.~~

~~(c) The purchase of additional retirement credit, if the employee is otherwise eligible pursuant to chapter 286 of NRS.~~

~~5. Officers and members of the faculty of the Nevada System of Higher Education are entitled to sick and disability leave as provided by the regulations adopted pursuant to subsection 2 of NRS 284.345.~~

~~6. The Commission may by regulation provide policies concerning employees with mental or emotional disorders which:~~

~~(a) Use a liberal approach to the granting of sick leave or leave without pay to such an employee if it is necessary for the employee to be absent for treatment or temporary hospitalization.~~

~~(b) Provide for the retention of the job of such an employee for a reasonable period of absence, and if an extended absence necessitates separation or retirement, provide for the reemployment of such an employee if at all possible after recovery.~~

~~(c) Protect employee benefits, including, without limitation, retirement, life insurance and health benefits.~~

~~7. The Commission shall establish by regulation a schedule for the accrual of sick leave for employees who regularly work more than 40 hours per week or 80 hours biweekly. The schedule must provide for the accrual of sick leave at the same rate proportionately as employees who work a 40 hour week accrue sick leave.~~

~~8. The Department may investigate any instance in which it believes that an employee has taken sick or disability leave to which the employee was not entitled. If, after notice to the employee and a hearing, the Commission determines that the employee has taken sick or disability leave to which the employee was not entitled, the Commission may order the forfeiture of all or part of the employee's accrued sick leave.~~**]** **(Deleted by amendment.)**

Sec. 4. ~~**[**NRS 286.3007 is hereby amended to read as follows:~~

~~286.3007 Except as otherwise required as a result of NRS 286.537:~~

~~1. A state agency may enter into an agreement to pay the cost of purchasing credit for service pursuant to NRS 286.300 on behalf of a member if:~~

~~(a) The agency enters into the agreement before the member is employed;~~

~~(b) The member is employed upon the condition that the employer pay the cost of purchasing the credit; and~~

~~(c) The agreement to pay the cost of purchasing the credit is in writing, becomes part of the personnel records of the employee and is approved in advance by the State Board of Examiners.~~

~~2. If a state agency is authorized to purchase credit pursuant to subsection 1, it shall not do so until the member has completed 1 year of service in its employ.~~

~~3. If a state agency is required to reduce the number of its employees, it shall purchase credit for service pursuant to NRS 286.300 for any member who:~~

~~(a) Is eligible to purchase credit;~~

~~(b) Is eligible to retire or will be made eligible by the purchase of the credit;~~

~~(c) Agrees to retire upon completion of the purchase;~~ **[**and**]**

~~(d) Has been employed by the agency for 5 or more years~~ **[**.**]** ***; and***

(e) Was hired before July 1, 2011, and has been continuously employed by the State since that date.

~~4. If a state agency is required to purchase credit pursuant to subsection 3, it shall pay 5 percent of the cost of purchasing the credit and an additional 5 percent of the cost for each year that the person has been employed by the agency in excess of the minimum requirement of 5 years.~~**]** **(Deleted by amendment.)**

Sec. 5. 1. The four semiannual payments to which a state employee would otherwise be entitled pursuant to NRS 284.177 must not be made during the period beginning on July 1, 2011, and ending on June 30, 2013. For the purposes of payments made pursuant to NRS 284.177 on or after July 1, 2013, any service during that 2-year period must be considered in determining the length of continuous service of an employee, but an employee is not entitled to semiannual payments that would otherwise have been made during the period during which the semiannual payments are suspended.

2. No merit pay increases to which a state employee would otherwise be entitled pursuant to chapter 284 of NRS and the regulations adopted pursuant thereto may be granted during the period beginning on July 1, 2011, and ending on June 30, 2013. For the purposes of merit pay increases granted on or after July 1, 2013, an employee is not entitled to any increases that would otherwise have been granted during that period.

Sec. 6. ~~**[**1.**]**~~ This ~~**[**section and sections 1, 4 and 5 of this**]**~~ act ~~**[**become**]**~~ **becomes** effective on July 1, 2011.

~~**[** 2. Sections 2 and 3 of this act become effective on July 1, 2012.**]**~~

Assemblyman Hickey moved the adoption of the amendment.

Amendment adopted.

Bill ordered to third reading.

Assembly Bill No. 576.

Bill read third time.

The following amendment was proposed by the Committee on Legislative Operations and Elections:

Amendment No. 888.

Section 94 of Assembly Bill No. 576 is hereby amended as follows:

Sec. 41. NRS 218A.400 is hereby amended to read as follows:

218A.400 1. Before ~~[the meeting of]~~ the Assembly ~~[of]~~ ***meets for*** each ***regular*** session ***,*** ~~[of the Legislature,]~~ the Secretary of State shall make out a roll from the returns on file in the Secretary of State's office of the persons who received the highest number of votes ~~[for the offices of Assemblyman, Assemblywoman and State Senator]~~ ***to be elected to office as members of the Assembly*** in each district in the ***general*** election. The members whose names appear upon the roll must be allowed to participate in the organization of the Assembly.

2. On the first day of each ***regular*** session ~~[of the Legislature]~~ ~~[at 12]~~ ~~[m.,]~~ ~~*[p.m.,]*~~ ***at a time that is appropriate for that regular session,*** the Secretary of State shall call the Assembly to order ~~[,]~~ and shall preside over the Assembly until a presiding officer ~~[shall be]~~ ***is*** elected.

3. If a special session is convened between the date of the general election and the date of the next regular session, the Assembly must be organized for the special session according to the procedure set forth in this section, except that on the first day of the special session, the Secretary of State shall call the Assembly to order at a time that is appropriate for that special session.

Section 94 of Assembly Bill No. 576 is hereby amended as follows:

Sec. 94. NRS 218D.160 is hereby amended to read as follows:

218D.160 1. The Chair of the Legislative Commission may request the drafting of not more than 15 legislative measures before ~~[the commencement of]~~ ***the first day of*** a regular ~~[legislative]~~ session, with the approval of the ***Legislative*** Commission, which relate to the affairs of the Legislature or its employees, including ***legislative*** measures requested by the legislative staff.

2. The Chair of the Interim Finance Committee may request the drafting of not more than 10 legislative measures before ~~[the commencement of a regular legislative]~~ ***the first day of a regular*** session, with the approval of the Committee, which relate to matters within the scope of the Committee.

3. Except as otherwise provided by ***a*** specific statute ***, joint rule*** or concurrent resolution ***:*** ~~[of the Legislature:]~~

(a) Any [~~other~~] legislative committee created by ***a*** statute ***, other than an interim legislative committee,*** may request the drafting of not more than 10 legislative measures which relate to matters within the scope of the committee. ~~*[The requests must be submitted to the Legislative Counsel on or before September 1 preceding a regular session unless the Legislative Commission authorizes submitting a request after that date.]*~~

(b) [~~An interim committee which conducts a study or investigation~~] ***Any committee or subcommittee established by an order of the Legislative Commission*** pursuant to NRS 218E.200 may request the drafting of not more than 5 legislative measures which relate to matters within the scope of the study or investigation, except that such a committee ***or subcommittee*** may request the drafting of additional legislative measures if the Legislative Commission approves each additional request by a majority vote. ~~*[The requests must be submitted to the Legislative Counsel on or before September 1 preceding a regular session unless the Legislative Commission authorizes submitting a request after that date.]*~~

(c) Any other committee established by the Legislature which conducts an interim legislative study ***or investigation*** may request the drafting of not more than 5 legislative measures which relate to matters within the scope of the study [~~.~~] ***or investigation.***

➥ [~~Except as otherwise provided in NRS 218E.205, measures~~] ***The requests*** authorized [~~to be requested~~] pursuant to this subsection ~~*[or investigation. The requests.]*~~ must be submitted to the Legislative Counsel on or before September ~~*[July]*~~ 1 preceding [~~the commencement of~~] a regular session [~~of the Legislature~~] unless the Legislative Commission authorizes submitting a request after that date.

4. Each request made pursuant to this section must be on a form prescribed by the Legislative Counsel.

Section 117 of Assembly Bill No. 576 is hereby amended as follows:

Sec. 117. NRS 218D.615 is hereby amended to read as follows:

218D.615 1. [~~Whenever~~] ***When*** a bill or resolution which [~~shall have been~~] ***has*** passed in one House [~~shall be~~] ***is*** amended in the other, it [~~shall~~] ***must*** immediately be reprinted as amended by the House making [~~such~~] ***the*** amendment ***.*** [~~or amendments.~~]

2. [~~Such amendment or amendments shall~~] ***The amendment:***

(a) Must be attached to the bill or resolution so amended and endorsed "adopted" ***;*** and [~~such amendment or amendments, if~~]

(b) If concurred in by the House in which [~~such~~] ***the*** bill or resolution originated, [~~shall~~] ***must*** be endorsed "concurred [~~in" and such~~] ***in."***

3. Each endorsement ~~[shall]~~ ***must*** be signed by the Secretary of the Senate or ~~[by the]~~ Chief Clerk of the Assembly, ~~[as the case may be.]~~ ***or an authorized assistant.***

Section 126 of Assembly Bill No. 576 is hereby amended as follows:

Sec. 126. NRS 218D.705 is hereby amended to read as follows:

218D.705 1. The Secretary of State shall, after the final adjournment of each ***regular and special*** session ***,*** ~~[of the Legislature,]~~ cause all ~~[legislative]~~ bills deposited with the Secretary of State ~~[after approval by the Governor,]~~ ***which have become laws*** and all joint resolutions, concurrent resolutions and memorials to be bound in a substantial and suitable book or books, together with an index ~~[thereof.]~~ ***of all such legislative measures.***

2. The expenses incurred in such work must be paid by the State in the manner directed by the State Board of Examiners.

Assemblyman Segerblom moved the adoption of the amendment.

Amendment adopted.

Bill ordered to third reading.

Assembly Bill No. 577.

Bill read third time.

The following amendment was proposed by the Committee on Legislative Operations and Elections:

Amendment No. 889.

AN ACT relating to the Legislature; establishing deadlines by which sufficient detail must be submitted concerning bill draft requests submitted by Legislators and legislative committees; providing that bill draft requests submitted by Legislators who will not be returning to the Legislature count against limitations on requests for Legislators or standing committees that become primary sponsors of the requests; **restricting bill draft requests of nonreturning Legislators;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes various deadlines for Legislators and legislative committees to submit bill draft requests. (NRS 218D.150, 218D.155, 218D.160, 218E.205) **Sections 4-7** of this bill establish deadlines by which Legislators must submit sufficient detail to allow complete drafting of the requests. **Section 2** of this bill requires the Legislative Counsel to give priority to bill draft requests for which sufficient detail was submitted in a timely manner.

Existing law provides that a Legislator or standing committee may become the primary sponsor of measures requested by a Legislator who will not be returning to the Legislature, but does not specify whether such measures count against limitations on bill draft requests. (NRS 218D.130) **Section 3** of

this bill provides that such measures count against limitations on requests for the Legislator or standing committee that becomes the primary sponsor of the measure.

Section 4 of this bill restricts a Legislator in the final year of his or her term from submitting individual bill draft requests on or after the date on which he or she becomes a nonreturning Legislator.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 218D.100 is hereby amended to read as follows:

218D.100 1. Except as otherwise provided by specific statute, joint rule or concurrent resolution of the Legislature, the Legislative Counsel shall honor:

(a) The number of requests for the drafting of a bill or resolution for a regular session of the Legislature only as provided in NRS 218D.050 to 218D.215, inclusive.

(b) A request for the drafting of a bill or resolution for any session of the Legislature which is submitted by a state agency, board or department, a local government, the judiciary or another authorized nonlegislative requester only if the request is in a subject related to the function of the requester.

2. The Legislative Counsel shall not:

(a) ~~[~~Assign~~]~~ ***Except as otherwise provided in NRS 218D.150, 218D.155 ~~[,]~~ and 218D.160 , ~~[and 218E.205,]~~ assign*** a number to a request for the drafting of a bill or resolution for any session of the Legislature to establish the priority of the request until sufficient detail has been received to allow complete drafting of the legislative measure.

(b) Honor a request to change the subject matter of a request for the drafting of a bill or resolution for any session of the Legislature after it has been submitted for drafting.

(c) Honor a request for the drafting of a bill or resolution for any session of the Legislature which has been combined in violation of Section 17 of Article 4 of the Nevada Constitution.

Sec. 2. NRS 218D.110 is hereby amended to read as follows:

218D.110 1. Upon request, within the limits established pursuant to NRS 218D.050 to 218D.215, inclusive, or by the Legislature by concurrent resolution, the Legislative Counsel shall assist any Legislator in the preparation of bills and resolutions, drafting them in proper form, and furnishing the Legislator the fullest information upon all matters within the scope of the Legislative Counsel's duties.

2. ~~[~~The~~]~~ ***Except as otherwise provided in this section, the*** Legislative Counsel shall, insofar as is possible, act upon all Legislators' requests for legislative measures in the order in which they are received.

3. To assure the greatest possible equity in the handling of requests, drafting must proceed as follows:

(a) If a Legislator so desires, the Legislator may designate a different priority for his or her bills and resolutions which the Legislative Counsel shall observe, insofar as is possible.

(b) The drafting of requests for legislative measures from chairs or members of standing committees or special committees, on behalf of those committees, must not, except where urgency is recognized, take precedence over the priority established or designated for individual Legislators' bills and resolutions.

(c) The Legislative Counsel shall give priority to the drafting of bills and resolutions for which sufficient detail to allow complete drafting of the legislative measure was submitted within the period required by statute.

Sec. 3. NRS 218D.130 is hereby amended to read as follows:

218D.130 1. On July 1 preceding each regular session of the Legislature, and each week thereafter until the adjournment of the Legislature sine die, the Legislative Counsel shall prepare a list of all requests received by the Legislative Counsel, for the preparation of measures to be submitted to the Legislature. The requests must be listed numerically by a unique serial number which must be assigned to the measures by the Legislative Counsel for the purposes of identification in the order that the Legislative Counsel received the requests. Except as otherwise provided in subsections 3 and 4, the list must only contain the name of each requester, the date and a brief summary of the request.

2. The Legislative Counsel Bureau shall make copies of the list available to the public for a reasonable sum fixed by the Director of the Legislative Counsel Bureau.

3. In preparing the list, the Legislative Counsel shall, if a standing or special committee of the Legislature requests a measure on behalf of a Legislator or organization, include the name of the standing or special committee and the name of the Legislator or organization on whose behalf the measure was originally requested.

4. Upon the request of a Legislator who has requested the preparation of a measure, the Legislative Counsel shall add the name of one or more Legislators from either or both Houses of the Legislature as joint requesters. The Legislative Counsel shall not add the name of a joint requester to the list until the Legislative Counsel has received confirmation of the joint request from the primary requester of the measure and from the Legislator to be added as a joint requester. The Legislative Counsel shall remove the name of a joint requester upon receipt of a request to do so made by the primary requester or the joint requester. The names must appear on the list in the order in which the names were received by the Legislative Counsel

beginning with the primary requester. The Legislative Counsel shall not act upon the direction of a joint requester to withdraw the requested measure or modify its substance until the Legislative Counsel has received confirmation of the withdrawal or modification from the primary requester.

5. If the primary requester of a measure will not be returning to the Legislature for the ~~[~~legislative~~]~~ session ***of the Legislature*** in which the measure is to be considered, the primary requester may authorize a Legislator who will be serving during that session to become the primary sponsor of the measure, either individually or as the chair on behalf of a standing committee. If the Legislator who will be serving during that session agrees to become or have the committee become the primary sponsor of the measure, that Legislator shall notify the Legislative Counsel of that fact. Upon receipt of such notification, the Legislative Counsel shall list the name of that Legislator or the name of the committee as the primary requester of the measure on the list.

6. For the purposes of all limitations on the number of legislative measures that may be requested by a Legislator ~~[~~, a~~]~~ ***:***

(a) A legislative measure with joint requesters must only be counted as a request of the primary requester.

(b) A legislative measure for which a Legislator or standing committee becomes the primary sponsor pursuant to subsection 5 must be counted as a request of that Legislator or committee.

Sec. 4. NRS 218D.150 is hereby amended to read as follows:

218D.150 1. ~~[~~Each:~~]~~ ***Except as otherwise provided in subsection 2, each:***

(a) Incumbent member of the Assembly may request the drafting of not more than 6 legislative measures submitted to the Legislative Counsel on or before September 1 preceding the commencement of a regular session of the Legislature and not more than 5 legislative measures submitted to the Legislative Counsel after September 1 but on or before December 15 preceding the commencement of a regular session of the Legislature.

(b) Incumbent member of the Senate may request the drafting of not more than 12 legislative measures submitted to the Legislative Counsel on or before September 1 preceding the commencement of a regular session of the Legislature and not more than 10 legislative measures submitted to the Legislative Counsel after September 1 but on or before December 15 preceding the commencement of a regular session of the Legislature.

(c) Newly elected member of the Assembly may request the drafting of not more than 5 legislative measures submitted to the Legislative Counsel on or before December 15 preceding the commencement of a regular session of the Legislature.

(d) Newly elected member of the Senate may request the drafting of not more than 10 legislative measures submitted to the Legislative Counsel on or before December 15 preceding the commencement of a regular session of the Legislature.

2. ***A Legislator may not request the drafting of a legislative measure pursuant to subsection 1 on or after the date on which the Legislator becomes a nonreturning Legislator. For the purposes of this subsection, "nonreturning Legislator" means a Legislator who, in the year that the Legislator's term of office expires:***

(a) Has not filed a declaration or an acceptance of candidacy within the time allowed for filing for election as a member of the Senate or the Assembly;

(b) Has failed to win nomination as a candidate for the Senate or the Assembly at the primary election; or

(c) Has withdrawn as a candidate for the Senate or the Assembly.

3. If a request made pursuant to subsection 1 is submitted:

(a) On or before September 1 preceding the commencement of a regular session of the Legislature, sufficient detail to allow complete drafting of the legislative measure must be submitted on or before December 1 preceding the commencement of the regular session of the Legislature.

(b) After September 1 but on or before December 15 preceding the commencement of a regular session of the Legislature, sufficient detail to allow complete drafting of the legislative measure must be submitted on or before January 15 preceding the commencement of the regular session of the Legislature.

4. In addition to the number ***of requests*** authorized pursuant to subsection 1:

(a) The chair of each standing committee of the immediately preceding regular ~~[legislative session,]~~ ***session of the Legislature,*** or a person designated in the place of the chair by the Speaker of the Assembly or the Majority Leader of the Senate, as the case may be, may request before the date of the general election preceding the commencement of ~~[the next regular legislative]~~ ***a regular*** session ***of the Legislature*** the drafting of not more than 1 legislative measure for introduction by the committee in a subject within the jurisdiction of the committee for every 15 legislative measures that were referred to the respective standing committee during the immediately preceding regular ~~[legislative session.]~~ ***session of the Legislature.***

(b) A person designated after a general election as a chair of a standing committee for the next regular ~~[legislative session,]~~ ***session of the Legislature,*** or a person designated in the place of a chair by the person designated as the Speaker of the Assembly or the Majority Leader of the Senate for the next regular ~~[legislative session,]~~ ***session of the Legislature,***

may request on or before December 15 preceding the commencement of the ~~[~~next regular legislative~~]~~ ***regular*** session ***of the Legislature*** the drafting of the remaining number of the legislative measures allowed for the respective standing committee that were not requested by the previous chair or designee.

~~[~~3.~~]~~ ***5. If a request*** ~~*[is required]*~~ ***made pursuant to*** ~~*[this section to be]*~~ ***subsection 4 is submitted:***

(a) ~~*[On or before September 1 preceding the commencement of a regular session of the Legislature, sufficient detail to allow complete drafting of the legislative measure must be submitted on or before December 1 preceding the commencement of the regular session of the Legislature.*~~

~~*(b)]*~~ ***Before the date of the general election preceding the commencement of a regular session of the Legislature, sufficient detail to allow complete drafting of the legislative measure must be submitted on or before December 10 preceding the commencement of the regular session of the Legislature.***

~~*[(c) On]*~~

(b) After the date of the general election but on or before December 15 preceding the commencement of a regular session of the Legislature, sufficient detail to allow complete drafting of the legislative measure must be submitted on or before January 15 preceding the commencement of the regular session of the Legislature.

~~*[4.]*~~ ***6.*** Each request made pursuant to this section must be on a form prescribed by the Legislative Counsel.

Sec. 5. NRS 218D.155 is hereby amended to read as follows:

218D.155 1. In addition to the number ***of requests*** authorized pursuant to NRS 218D.150:

(a) The Speaker of the Assembly and the Majority Leader of the Senate may each request before the date of the general election preceding the commencement of ~~[~~the next regular legislative session,~~]~~ ***a regular session of the Legislature,*** without limitation, the drafting of not more than 15 legislative measures for that session.

(b) The Minority Leader of the Assembly and the Minority Leader of the Senate may each request before the date of the general election preceding the commencement of ~~[~~the next regular legislative session,~~]~~ ***a regular session of the Legislature,*** without limitation, the drafting of not more than 10 legislative measures for that session.

(c) A person designated after a general election as the Speaker of the Assembly, the Majority Leader of the Senate, the Minority Leader of the Assembly or the Minority Leader of the Senate for the next regular ~~[~~legislative~~]~~ session ***of the Legislature*** may request before the commencement of the ~~[~~next regular legislative~~]~~ ***regular*** session ***of the***

Legislature the drafting of the remaining number of the legislative measures allowed for the respective officer that were not requested by the previous officer.

2. ***If a request ~~[is required]~~ made pursuant to subsection 1 ~~[to be]~~ is submitted:***

(a) Before the date of the general election preceding the commencement of a regular session of the Legislature, sufficient detail to allow complete drafting of the legislative measure must be submitted on or before December 10 preceding the commencement of the regular session of the Legislature.

(b) ~~[Before]~~ After the date of the general election but before the commencement of a regular session of the Legislature, sufficient detail to allow complete drafting of the legislative measure must be submitted on or before March 1 following the commencement of the regular session of the Legislature.

3. The Legislative Counsel, the Secretary of the Senate and the Chief Clerk of the Assembly may request before or during a regular ~~[legislative session,]~~ ***session of the Legislature,*** without limitation, the drafting of as many legislative measures as are necessary or convenient for the proper exercise of their duties.

Sec. 6. NRS 218D.160 is hereby amended to read as follows:

218D.160 1. The Chair of the Legislative Commission may request the drafting of not more than 15 legislative measures before the commencement of a regular ~~[legislative session,]~~ ***session of the Legislature,*** with the approval of the Commission, which relate to the affairs of the Legislature or its employees, including measures requested by the legislative staff.

2. The Chair of the Interim Finance Committee may request the drafting of not more than 10 legislative measures before the commencement of a regular ~~[legislative session,]~~ ***session of the Legislature,*** with the approval of the Committee, which relate to matters within the scope of the Committee.

3. ***If a request made pursuant to subsection 1 or 2 is submitted before the commencement of a regular session of the Legislature, sufficient detail to allow complete drafting of the legislative measure must be submitted on or before March 1 following the commencement of the regular session of the Legislature.***

4. Except as otherwise provided by ***a*** specific statute ***, joint rule*** or concurrent resolution of the Legislature:

(a) Any ~~[other]~~ legislative committee created by ***a*** statute ***, other than an interim legislative committee,*** may request the drafting of not more than 10 legislative measures which relate to matters within the scope of the committee.

(b) ~~[An interim committee which conducts a study or investigation]~~ ***Any committee or subcommittee established by an order of the Legislative Commission*** pursuant to NRS 218E.200 may request the drafting of not more than 5 legislative measures which relate to matters within the scope of the study or investigation, except that such a committee ***or subcommittee*** may request the drafting of additional legislative measures if the Legislative Commission approves each additional request by a majority vote.

(c) Any other committee established by the Legislature which conducts an interim legislative study ***or investigation*** may request the drafting of not more than 5 legislative measures which relate to matters within the scope of the study ~~[.]~~ ***or investigation.***

➥ ~~[Except as otherwise provided in NRS 218E.205, measures]~~ ***The requests*** authorized ~~[to be requested]~~ pursuant to this subsection must be submitted to the Legislative Counsel on or before September 1 preceding the commencement of a regular session of the Legislature unless the Legislative Commission authorizes submitting a request after that date.

~~[4.]~~ ***5. If a request*** ~~*[is required]*~~ ***made pursuant to*** ~~*[this section to be]*~~ ***subsection 4 is submitted*** ~~*[:*~~

~~*(a) On]*~~ ***on or before September 1 preceding the commencement of a regular session of the Legislature, sufficient detail to allow complete drafting of the legislative measure must be submitted on or before December 1 preceding the commencement of the regular session of the Legislature.***

~~*[(b) Before the commencement of a regular session of the Legislature, sufficient detail to allow complete drafting of the legislative measure must be submitted on or before March 1 following the commencement of the regular session of the Legislature.*~~

~~*5.]*~~ ***6.*** Each request made pursuant to this section must be on a form prescribed by the Legislative Counsel.

Sec. 7. NRS 218E.205 is hereby amended to read as follows:

218E.205 1. The Legislative Commission shall, between sessions of the Legislature, fix the work priority of all studies and investigations assigned to it by concurrent resolutions of the Legislature, or directed by an order of the Legislative Commission, within the limits of available time, money and staff. The Legislative Commission shall not make studies or investigations directed by resolutions of only one House of the Legislature or studies or investigations proposed but not approved during the preceding ~~[legislative session.]~~ ***session of the Legislature.***

2. All requests for the drafting of ~~[legislation]~~ ***legislative measures*** to be recommended as the result of a study or investigation ~~[, except a study or investigation directed by an order of the Legislative Commission,]~~ must be made ~~[before July 1]~~ ~~[of the year preceding a legislative session.]~~ ~~*[preceding*~~

~~*the commencement of a regular session of the Legislature. Sufficient detail to allow complete drafting of each legislative measure must be submitted on or before December 1 preceding the commencement of the regular session of the Legislature.]*~~ ***in accordance with NRS 218D.160.***

3. Except as otherwise provided by NRS 218E.210, between sessions of the Legislature no study or investigation may be initiated or continued by the Fiscal Analysts, the Legislative Auditor, the Legislative Counsel or the Research Director and their staffs except studies and investigations which have been specifically authorized by concurrent resolutions of the Legislature or by an order of the Legislative Commission.

4. No study or investigation may be carried over from one session of the Legislature to the next without additional authorization by a concurrent resolution of the Legislature, except audits in progress, whose carryover has been approved by the Legislative Commission.

5. Except as otherwise provided by specific statute, the staff of the Legislative Counsel Bureau shall not serve as primary administrative or professional staff for a committee unless the chair of the committee is required by statute or resolution to be a Legislator.

6. The Legislative Commission shall review and approve the budget and work program and any changes to the budget or work program for each study or investigation conducted by the Legislative Commission or a committee or subcommittee established by the Legislative Commission.

7. A committee or subcommittee established to conduct a study or investigation assigned to the Legislative Commission by concurrent resolution of the Legislature or directed by order of the Legislative Commission must, unless otherwise ordered by the Legislative Commission, meet not earlier than January 1 of the even-numbered year and not later than June 30 of that year.

Sec. 8. **This act becomes effective on July 1, 2011.**

Assemblyman Segerblom moved the adoption of the amendment.

Amendment adopted.

Bill ordered reprinted, engrossed, and to third reading.

Assembly Bill No. 578.

Bill read third time.

The following amendment was proposed by the Committee on Legislative Operations and Elections:

Amendment No. 887.

Section 2 of Assembly Bill No. 578 is hereby amended as follows:

Sec. 2. NRS 218D.160 is hereby amended to read as follows:

218D.160 1. The Chair of the Legislative Commission may request the drafting of not more than 15 legislative measures before the commencement

of a regular legislative session, with the approval of the Commission, which relate to the affairs of the Legislature or its employees, including measures requested by the legislative staff.

2. The Chair of the Interim Finance Committee may request the drafting of not more than 10 legislative measures before the commencement of a regular legislative session, with the approval of the Committee, which relate to matters within the scope of the Committee.

3. Except as otherwise provided by ***a*** specific statute ***, joint rule*** or concurrent resolution of the Legislature:

(a) ***A Joint Interim Standing Committee may request the drafting of not more than 10 legislative measures which relate to matters within the scope of the Committee.***

(b) Any ~~[other]~~ legislative committee created by ***a*** statute ***, other than an interim legislative committee,*** may request the drafting of not more than 10 legislative measures which relate to matters within the scope of the committee.

~~[(b)]~~ ***(c)*** ~~[An interim committee which conducts a study or investigation]~~ ***Any committee or subcommittee established by an order of the Legislative Commission*** pursuant to NRS 218E.200 may request the drafting of not more than 5 legislative measures which relate to matters within the scope of the study or investigation, except that such a committee ***or subcommittee*** may request the drafting of additional legislative measures if the Legislative Commission approves each additional request by a majority vote.

~~[(c)]~~ ***(d)*** Any other committee established by the Legislature which conducts an interim legislative study ***or investigation*** may request the drafting of not more than 5 legislative measures which relate to matters within the scope of the study ~~[.]~~ ***or investigation.***

➥ ~~[Except as otherwise provided in NRS 218E.205, measures]~~ ***[Measures] The requests*** authorized ~~[to be requested]~~ pursuant to this subsection must be submitted to the Legislative Counsel on or before September 1 preceding the commencement of a regular session of the Legislature unless the Legislative Commission authorizes submitting a request after that date.

4. Each request made pursuant to this section must be on a form prescribed by the Legislative Counsel.

Section 5 of Assembly Bill No. 578 is hereby amended as follows:

Sec. 5. ***1. There are hereby created the following Joint Interim Standing Committees of the Legislature:***

(a) Commerce, Labor and Energy;

(b) Education;

(c) Government Affairs;

(d) Health and Human Services;

(e) Judiciary;

(f) Legislative Operations and Elections;

(g) Natural Resources, Agriculture and Mining;

(h) Revenue and Taxation; and

(i) Transportation.

2. Each Committee consists of eight regular members and five alternate members. As soon as is practicable following the adjournment of each regular session of the Legislature:

(a) The Speaker of the Assembly shall appoint five members of the Assembly as regular members of each Committee and three members of the Assembly as alternate members of each Committee.

(b) The Majority Leader of the Senate shall appoint three Senators as regular members of each Committee and two Senators as alternate members of each Committee.

3. ~~[To]~~ Before making their respective appointments, the Speaker of the Assembly and the Majority Leader of the Senate shall consult so that, to the extent practicable:

(a) ~~[A majority of the]~~ At least five regular members appointed to ~~[a]~~ each Committee ~~[must have]~~ served on the corresponding standing committee or committees during the preceding regular session of the Legislature.

(b) ~~[At]~~ Not more than five regular members appointed to each Committee are members of the same political party and at least one regular member and one alternate member appointed from each House of the Legislature to each Committee ~~[must be a member of the minority]~~ are members of a different political party ~~[in the House.]~~ than the appointing authority.

4. The Legislative Commission shall select the Chair and Vice Chair of each Committee from among the members of the Committee. The Chair must be appointed from one House of the Legislature and the Vice Chair from the other House. The position of Chair must alternate each biennium between the Houses of the Legislature. Each of those officers holds the position until a successor is appointed following the next regular session of the Legislature. If a vacancy occurs in the position of Chair or Vice Chair, the vacancy must be filled in the same manner as the original selection for the remainder of the unexpired term.

5. The membership of any member of a Committee who does not become a candidate for reelection or who is defeated for reelection terminates on the day next after the general election. The Speaker designate of the Assembly or the Majority Leader designate of the Senate, as the case may be, may appoint a member to fill the vacancy for the remainder of the unexpired term.

6. Vacancies on a Committee must be filled in the same manner as original appointments.

Section 11 of Assembly Bill No. 578 is hereby amended as follows:

Sec. 11. NRS 218E.205 is hereby amended to read as follows:

218E.205 1. The Legislative Commission shall, between sessions of the Legislature, fix the work priority of all studies and investigations assigned to it by ~~[concurrent resolutions of]~~ the Legislature, ~~[or]~~ directed by an order of the Legislative Commission ~~[,]~~ ***or conducted by a Joint Interim Standing Committee,*** within the limits of available time, money and staff. The Legislative Commission shall not make studies or investigations directed by resolutions of only one House of the Legislature or studies or investigations proposed but not approved during the preceding legislative session.

2. All requests for the drafting of ~~[legislation]~~ ***legislative measures*** to be recommended as the result of a study or investigation ~~[, except a study or investigation directed by an order of the Legislative Commission,]~~ must be made ~~[before]~~ ~~[July]~~ ~~*[September 1 of the year preceding a legislative session]*~~ ~~[.]~~ ~~*[unless the Legislative Commission authorizes submitting a request after that date.]*~~ ***in accordance with NRS 218D.160.***

3. Except as otherwise provided by NRS 218E.210, between sessions of the Legislature no study or investigation may be initiated or continued by the Fiscal Analysts, the Legislative Auditor, the Legislative Counsel or the Research Director and their staffs except studies and investigations which have been specifically authorized by ~~[concurrent resolutions of]~~ the Legislature or by ~~[an order of]~~ the Legislative Commission.

4. No study or investigation may be carried over from one session of the Legislature to the next without additional authorization ~~[by a concurrent resolution]~~ of the Legislature, except audits in progress, whose carryover has been approved by the Legislative Commission.

5. Except as otherwise provided by specific statute, the staff of the Legislative Counsel Bureau shall not serve as primary administrative or professional staff for a committee unless the chair of the committee is required by statute or resolution to be a Legislator.

6. The Legislative Commission shall review and approve the budget and work program and any changes to the budget or work program for each study or investigation conducted by the Legislative Commission or a committee or subcommittee established by the Legislative Commission.

~~[7. A committee or subcommittee established to conduct a study or investigation assigned to the Legislative Commission by concurrent resolution of the Legislature or directed by order of the Legislative Commission must, unless otherwise ordered by the Legislative Commission,~~

~~meet not earlier than January 1 of the even-numbered year and not later than June 30 of that year.~~**]**

Section 63 of Assembly Bill No. 578 is hereby amended as follows:

Sec. 63. NRS 528.150 is hereby amended to read as follows:

528.150 1. On or before January 1 of each year, the State Forester Firewarden shall, in coordination and cooperation with the Tahoe Regional Planning Agency and the fire chiefs within the Lake Tahoe Basin, submit a report concerning fire prevention and forest health in the Nevada portion of the Lake Tahoe Basin to:

(a) The ~~[Legislative Committee for the Review and Oversight of the Tahoe Regional Planning Agency and Marlette Lake Water System created by NRS 218E.555]~~ ***Joint Interim Standing Committee on*** ~~*[Natural Resources, Agriculture and Mining]*~~ ***Government Affairs*** and to the Director of the Legislative Counsel Bureau for transmittal to the Legislature;

(b) The Governor;

(c) The Tahoe Regional Planning Agency; and

(d) Each United States Senator and Representative in Congress who is elected to represent the State of Nevada.

2. The report submitted by the State Forester Firewarden pursuant to subsection 1 must address, without limitation:

(a) The status of:

(1) The implementation of plans for the prevention of fires in the Nevada portion of the Lake Tahoe Basin, including, without limitation, plans relating to the reduction of fuel for fires;

(2) Efforts concerning forest restoration in the Nevada portion of the Lake Tahoe Basin; and

(3) Efforts concerning rehabilitation of vegetation, if any, as a result of fire in the Nevada portion of the Lake Tahoe Basin.

(b) Compliance with:

(1) The goals and policies for fire prevention and forest health in the Nevada portion of the Lake Tahoe Basin; and

(2) Any recommendations concerning fire prevention or public safety made by any fire department or fire protection district in the Nevada portion of the Lake Tahoe Basin.

(c) Any efforts to:

(1) Increase public awareness in the Nevada portion of the Lake Tahoe Basin regarding fire prevention and public safety; and

(2) Coordinate with other federal, state, local and private entities with regard to projects to reduce fire hazards in the Nevada portion of the Lake Tahoe Basin.

Section 64.5 of Assembly Bill No. 578 is hereby amended as follows:

Sec. 64.5. **1. If the provisions of any other act or resolution passed by the 76th Session of the Nevada Legislature provide for a legislative study or investigation:**

(a) The provisions of the other act or resolution that provide for the legislative study or investigation are superseded and abrogated by the provisions of this act; and

(b) The legislative study or investigation provided for in the other act or resolution must be conducted by the Joint Interim Standing Committee established pursuant to section 5 of this act which has jurisdiction over the subject matter of the study or investigation, except that the Committee may conduct the study or investigation only within limits of the Committee's budget and work program approved by the Legislative Commission pursuant to section 7 of this act.

2. If the subject matter of such a legislative study or investigation falls within the jurisdiction of more than one Joint Interim Standing Committee established pursuant to section 5 of this act, the Legislative Commission shall assign the study or investigation to the most appropriate Committee based on the budgets and work programs approved by the Legislative Commission for the Committees.

3. As used in this section:

(a) "Legislative study or investigation" includes, without limitation, any:

(1) Interim legislative study or investigation; or

(2) Legislative study or investigation assigned to a statutory legislative committee, including, without limitation, a statutory legislative committee abolished by the provisions of this act.

(b) "Legislative study or investigation" does not include the advisory committee to develop recommendations for increasing the funding of highways in this State created by Assembly Bill No. 152 of the 76th Session of the Nevada Legislature.

Assemblyman Segerblom moved the adoption of the amendment.

Amendment adopted.

Bill ordered to third reading.

Senate Bill No. 276.

Bill read third time.

The following amendment was proposed by the Committee on Education:

Amendment No. 933.

AN ACT relating to education; revising provisions governing safe and respectful learning environments in public schools; requiring the Department of Education to establish and recommend training programs for members of the State Board of Education, boards of trustees of school districts and school

district personnel on the prevention of bullying, cyber-bullying, harassment and intimidation in public schools; creating the Bullying Prevention Fund in the State General Fund; requiring the principal of each public school to establish a school safety team; authorizing a parent or legal guardian of a pupil involved in an incident of bullying, cyber-bullying, harassment or intimidation to appeal a disciplinary decision of the principal made against the pupil concerning the incident; revising provisions governing the grounds for disciplinary action against teachers and administrators; requiring the Governor to annually proclaim the first week in October to be "Week of Respect"; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for a safe and respectful learning environment in public schools, which includes, without limitation, a prohibition on bullying, cyber-bullying, harassment and intimidation in public schools, the provision of training to school personnel and the reporting of incidents of bullying, cyber-bullying, harassment and intimidation in public schools. (NRS 388.121-388.139)

Sections 1-3 of this bill revise the components of the annual reports of accountability prepared by the State Board of Education and the boards of trustees of school districts to include reports on incidents resulting in suspension or expulsion for bullying, cyber-bullying, harassment and intimidation.

Section 7 of this bill requires the Department of Education **, to the extent money is available,** to develop an informational pamphlet to assist pupils and the parents or legal guardians of pupils in resolving incidents of bullying, cyber-bullying, harassment and intimidation.

Section 8 of this bill requires the Department to establish a program of training on the prevention of bullying, cyber-bullying, harassment and intimidation for members of the State Board and to recommend a program of training for members of the boards of trustees of school districts and school district personnel. **Section 8** also: (1) requires each member of the State Board and authorizes each member of a board of trustees to complete the training program; and (2) authorizes the board of trustees of the school district to allow school district personnel to attend the program during regular school hours.

Section 9 of this bill creates the Bullying Prevention Fund in the State General Fund to be administered by the Superintendent of Public Instruction. **Section 9** also authorizes school districts to apply to the State Board for a grant of money from the Fund, which must be used to establish programs, provide training and implement procedures that create a school environment which is free from bullying, cyber-bullying, harassment and intimidation.

Section 11 of this bill requires the principal of each public school or his or her designee to: (1) establish a school safety team; (2) conduct investigations of reported incidents of bullying, cyber-bullying, harassment and intimidation; and (3) collaborate with the board of trustees of the school district and the school safety team to prevent, identify and address reported incidents of bullying, cyber-bullying, harassment and intimidation. **Section 12** of this bill prescribes the qualifications and duties of the school safety team.

Section 13 of this bill requires the principal of each public school to submit to the board of trustees of the school district a report on the number of incidents of bullying, cyber-bullying, harassment and intimidation occurring at the school or involving a pupil enrolled at the school during the previous school semester. **Section 13** also requires the board of trustees to submit to the Department a compilation of the reports.

Section 14 of this bill requires a teacher or other staff member of a school who witnesses a violation of the prohibition on bullying, cyber-bullying, harassment and intimidation occurring at the school or who receives information of such a violation to verbally report the violation to the principal or the principal's designee. **Section 14** also requires the principal or the principal's designee to initiate an investigation of the reported violation and provides that a parent or legal guardian of a pupil involved in the reported violation may appeal a disciplinary decision of the principal or the principal's designee, made against the pupil as a result of the violation, in accordance with the policy governing disciplinary action adopted by the board of trustees of the school district.

Section 17 of this bill requires the board of trustees of each school district, in conjunction with the school police officers of the school district, if any, and the local law enforcement agencies that have jurisdiction over the school district, to establish a policy for the procedures which must be followed by an employee of the school district when reporting a violation of the prohibition of bullying, cyber-bullying, harassment and intimidation to a school police officer or local law enforcement agency.

Section 28 of this bill revises the grounds for which a teacher or administrator may be demoted, suspended, dismissed or not reemployed to include an intentional failure to report a violation of the prohibition of bullying, cyber-bullying, harassment and intimidation.

Existing law sets forth certain days of observance in this State to commemorate certain persons or occasions or to publicize information regarding certain important topics. (Chapter 236 of NRS) **Section 32** of this bill requires the Governor to annually proclaim the first week in October to be "Week of Respect."

WHEREAS, Bullying is an aggressive behavior that is associated with violent behaviors such as carrying weapons, fighting, vandalism, theft and suicide; and

WHEREAS, Recent studies showed that 32 percent of children reported being bullied at school and 4 percent of children reported being cyber-bullied during the school year; and

WHEREAS, Children who are bullied are more likely than children who are not bullied to be depressed, lonely and anxious, to have low self-esteem and to contemplate suicide; and

WHEREAS, Research has shown that bullying can be a sign of other antisocial or violent behavior and children who bully other children are more likely to be truant from school or to drop out of school; and

WHEREAS, Acts of bullying create a school environment that negatively impacts the ability of children to learn not only for the children who are the victims of such acts but also for the children who witness those acts; and

WHEREAS, Improving the methods and procedures by which acts of bullying, cyber-bullying, harassment and intimidation are prevented, reported, investigated and responded to by the State Board of Education, the school districts in this State and the individual schools will help identify such acts and allow children who are the victims of such acts to receive help in dealing with the emotional and physical impacts of bullying, cyber-bullying, harassment and intimidation; now therefore,

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 385.3469 is hereby amended to read as follows:

385.3469 1. The State Board shall prepare an annual report of accountability that includes, without limitation:

(a) Information on the achievement of all pupils based upon the results of the examinations administered pursuant to NRS 389.015 and 389.550, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(b) Except as otherwise provided in subsection 2, pupil achievement, reported separately by gender and reported separately for the following groups of pupils:

(1) Pupils who are economically disadvantaged, as defined by the State Board;

(2) Pupils from major racial and ethnic groups, as defined by the State Board;

(3) Pupils with disabilities;

(4) Pupils who are limited English proficient; and

(5) Pupils who are migratory children, as defined by the State Board.

(c) A comparison of the achievement of pupils in each group identified in paragraph (b) of subsection 1 of NRS 385.361 with the annual measurable objectives of the State Board.

(d) The percentage of all pupils who were not tested, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(e) Except as otherwise provided in subsection 2, the percentage of pupils who were not tested, reported separately by gender and reported separately for the groups identified in paragraph (b).

(f) The most recent 3-year trend in the achievement of pupils in each subject area tested and each grade level tested pursuant to NRS 389.015 and 389.550, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole, which may include information regarding the trend in the achievement of pupils for more than 3 years, if such information is available.

(g) Information on whether each school district has made adequate yearly progress, including, without limitation, the name of each school district, if any, designated as demonstrating need for improvement pursuant to NRS 385.377 and the number of consecutive years that the school district has carried that designation.

(h) Information on whether each public school, including, without limitation, each charter school, has made:

(1) Adequate yearly progress, including, without limitation, the name of each public school, if any, designated as demonstrating need for improvement pursuant to NRS 385.3623 and the number of consecutive years that the school has carried that designation.

(2) Progress based upon the model adopted by the Department pursuant to NRS 385.3595, if applicable for the grade level of pupils enrolled at the school.

(i) Information on the results of pupils who participated in the examinations of the National Assessment of Educational Progress required pursuant to NRS 389.012.

(j) The ratio of pupils to teachers in kindergarten and at each grade level for all elementary schools, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole, and the average class size for each core academic subject, as set forth in NRS 389.018, for each secondary school, reported for each school district and for this State as a whole.

(k) For each school district, including, without limitation, each charter school in the district, and for this State as a whole, information on the professional qualifications of teachers employed by the school districts and charter schools, including, without limitation:

(1) The percentage of teachers who are:

(I) Providing instruction pursuant to NRS 391.125;

(II) Providing instruction pursuant to a waiver of the requirements for licensure for the grade level or subject area in which the teachers are employed; or

(III) Otherwise providing instruction without an endorsement for the subject area in which the teachers are employed;

(2) The percentage of classes in the core academic subjects, as set forth in NRS 389.018, in this State that are not taught by highly qualified teachers;

(3) The percentage of classes in the core academic subjects, as set forth in NRS 389.018, in this State that are not taught by highly qualified teachers, in the aggregate and disaggregated by high-poverty compared to low-poverty schools, which for the purposes of this subparagraph means schools in the top quartile of poverty and the bottom quartile of poverty in this State;

(4) For each middle school, junior high school and high school:

(I) ~~[On and after July 1, 2005, the]~~ ***The*** number of persons employed as substitute teachers for 20 consecutive days or more in the same classroom or assignment, designated as long-term substitute teachers, including the total number of days long-term substitute teachers were employed at each school, identified by grade level and subject area; and

(II) ~~[On and after July 1, 2006, the]~~ ***The*** number of persons employed as substitute teachers for less than 20 consecutive days, designated as short-term substitute teachers, including the total number of days short-term substitute teachers were employed at each school, identified by grade level and subject area; and

(5) For each elementary school:

(I) ~~[On and after July 1, 2005, the]~~ ***The*** number of persons employed as substitute teachers for 20 consecutive days or more in the same classroom or assignment, designated as long-term substitute teachers, including the total number of days long-term substitute teachers were employed at each school, identified by grade level; and

(II) ~~[On and after July 1, 2006, the]~~ ***The*** number of persons employed as substitute teachers for less than 20 consecutive days, designated as short-term substitute teachers, including the total number of days short-term substitute teachers were employed at each school, identified by grade level.

(l) The total expenditure per pupil for each school district in this State, including, without limitation, each charter school in the district. If this State has a financial analysis program that is designed to track educational expenditures and revenues to individual schools, the State Board shall use that statewide program in complying with this paragraph. If a statewide program is not available, the State Board shall use the Department's own financial analysis program in complying with this paragraph.

(m) The total statewide expenditure per pupil. If this State has a financial analysis program that is designed to track educational expenditures and revenues to individual schools, the State Board shall use that statewide program in complying with this paragraph. If a statewide program is not available, the State Board shall use the Department's own financial analysis program in complying with this paragraph.

(n) For all elementary schools, junior high schools and middle schools, the rate of attendance, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(o) The annual rate of pupils who drop out of school in grade 8 and a separate reporting of the annual rate of pupils who drop out of school in grades 9 to 12, inclusive, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole. The reporting for pupils in grades 9 to 12, inclusive, excludes pupils who:

(1) Provide proof to the school district of successful completion of the examinations of general educational development.

(2) Are enrolled in courses that are approved by the Department as meeting the requirements for an adult standard diploma.

(3) Withdraw from school to attend another school.

(p) The attendance of teachers who provide instruction, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(q) Incidents involving weapons or violence, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(r) Incidents involving the use or possession of alcoholic beverages or controlled substances, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(s) The suspension and expulsion of pupils required or authorized pursuant to NRS 392.466 and 392.467, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(t) The number of pupils who are deemed habitual disciplinary problems pursuant to NRS 392.4655, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(u) The number of pupils in each grade who are retained in the same grade pursuant to NRS 392.033 or 392.125, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(v) The transiency rate of pupils, reported for each school district, including, without limitation, each charter school in the district, and for this

State as a whole. For the purposes of this paragraph, a pupil is not a transient if the pupil is transferred to a different school within the school district as a result of a change in the zone of attendance by the board of trustees of the school district pursuant to NRS 388.040.

(w) Each source of funding for this State to be used for the system of public education.

(x) A compilation of the programs of remedial study purchased in whole or in part with money received from this State that are used in each school district, including, without limitation, each charter school in the district. The compilation must include:

(1) The amount and sources of money received for programs of remedial study.

(2) An identification of each program of remedial study, listed by subject area.

(y) The percentage of pupils who graduated from a high school or charter school in the immediately preceding year and enrolled in remedial courses in reading, writing or mathematics at a university, state college or community college within the Nevada System of Higher Education, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(z) The technological facilities and equipment available for educational purposes, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole.

(aa) For each school district, including, without limitation, each charter school in the district, and for this State as a whole, the number and percentage of pupils who received:

(1) A standard high school diploma, reported separately for pupils who received the diploma pursuant to:

(I) Paragraph (a) of subsection 1 of NRS 389.805; and

(II) Paragraph (b) of subsection 1 of NRS 389.805.

(2) An adjusted diploma.

(3) A certificate of attendance.

(bb) For each school district, including, without limitation, each charter school in the district, and for this State as a whole, the number and percentage of pupils who failed to pass the high school proficiency examination.

(cc) The number of habitual truants who are reported to a school police officer or local law enforcement agency pursuant to paragraph (a) of subsection 2 of NRS 392.144 and the number of habitual truants who are referred to an advisory board to review school attendance pursuant to paragraph (b) of subsection 2 of NRS 392.144, reported for each school

district, including, without limitation, each charter school in the district, and for this State as a whole.

(dd) Information on the paraprofessionals employed at public schools in this State, including, without limitation, the charter schools in this State. The information must include:

(1) The number of paraprofessionals employed, reported for each school district, including, without limitation, each charter school in the district, and for this State as a whole; and

(2) For each school district, including, without limitation, each charter school in the district, and for this State as a whole, the number and percentage of all paraprofessionals who do not satisfy the qualifications set forth in 20 U.S.C. § 6319(c). The reporting requirements of this subparagraph apply to paraprofessionals who are employed in programs supported with Title I money and to paraprofessionals who are not employed in programs supported with Title I money.

(ee) An identification of appropriations made by the Legislature to improve the academic achievement of pupils and programs approved by the Legislature to improve the academic achievement of pupils.

(ff) A compilation of the special programs available for pupils at individual schools, listed by school and by school district, including, without limitation, each charter school in the district.

(gg) For each school district, including, without limitation, each charter school in the district and for this State as a whole, information on pupils enrolled in career and technical education, including, without limitation:

(1) The number of pupils enrolled in a course of career and technical education;

(2) The number of pupils who completed a course of career and technical education;

(3) The average daily attendance of pupils who are enrolled in a program of career and technical education;

(4) The annual rate of pupils who dropped out of school and were enrolled in a program of career and technical education before dropping out;

(5) The number and percentage of pupils who completed a program of career and technical education and who received a standard high school diploma, an adjusted diploma or a certificate of attendance; and

(6) The number and percentage of pupils who completed a program of career and technical education and who did not receive a high school diploma because the pupils failed to pass the high school proficiency examination.

(hh) The number of incidents resulting in suspension or expulsion for bullying, cyber-bullying, harassment or intimidation, reported for each school district, including, without limitation, each charter school in the district, and for the State as a whole.

2. A separate reporting for a group of pupils must not be made pursuant to this section if the number of pupils in that group is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual pupil. The State Board shall prescribe a mechanism for determining the minimum number of pupils that must be in a group for that group to yield statistically reliable information.

3. The annual report of accountability must:

(a) Comply with 20 U.S.C. § 6311(h)(1) and the regulations adopted pursuant thereto;

(b) Be prepared in a concise manner; and

(c) Be presented in an understandable and uniform format and, to the extent practicable, provided in a language that parents can understand.

4. On or before September 1 of each year, the State Board shall:

(a) Provide for public dissemination of the annual report of accountability by posting a copy of the report on the Internet website maintained by the Department; and

(b) Provide written notice that the report is available on the Internet website maintained by the Department. The written notice must be provided to the:

(1) Governor;

(2) Committee;

(3) Bureau;

(4) Board of Regents of the University of Nevada;

(5) Board of trustees of each school district; and

(6) Governing body of each charter school.

5. Upon the request of the Governor, an entity described in paragraph (b) of subsection 4 or a member of the general public, the State Board shall provide a portion or portions of the annual report of accountability.

6. As used in this section:

(a) ***"Bullying" has the meaning ascribed to it in NRS 388.122.***

(b) "Cyber-bullying" has the meaning ascribed to it in NRS 388.123.

(c) "Harassment" has the meaning ascribed to it in NRS 388.125.

(d) "Highly qualified" has the meaning ascribed to it in 20 U.S.C. § 7801(23).

~~[(b)]~~ ***(e) "Intimidation" has the meaning ascribed to it in NRS 388.129.***

(f) "Paraprofessional" has the meaning ascribed to it in NRS 391.008.

Sec. 2. NRS 385.34692 is hereby amended to read as follows:

385.34692 1. The State Board shall prepare a summary of the annual report of accountability prepared pursuant to NRS 385.3469 that includes, without limitation, a summary of the following information for each school district, each charter school and the State as a whole:

(a) Demographic information of pupils, including, without limitation, the number and percentage of pupils:

(1) Who are economically disadvantaged, as defined by the State Board;

(2) Who are from major racial or ethnic groups, as defined by the State Board;

(3) With disabilities;

(4) Who are limited English proficient; and

(5) Who are migratory children, as defined by the State Board;

(b) The average daily attendance of pupils, reported separately for the groups identified in paragraph (a);

(c) The transiency rate of pupils;

(d) The percentage of pupils who are habitual truants;

(e) The percentage of pupils who are deemed habitual disciplinary problems pursuant to NRS 392.4655;

(f) The number of incidents resulting in suspension or expulsion for:

(1) Violence to other pupils or to school personnel;

(2) Possession of a weapon;

(3) Distribution of a controlled substance;

(4) Possession or use of a controlled substance; ~~[and]~~

(5) Possession or use of alcohol; ***and***

(6) Bullying, cyber-bullying, harassment or intimidation;

(g) For kindergarten through grade 8, the number and percentage of pupils who are retained in the same grade;

(h) For grades 9 to 12, inclusive, the number and percentage of pupils who are deficient in the number of credits required for promotion to the next grade or graduation from high school;

(i) The pupil-teacher ratio for kindergarten and grades 1 to 8, inclusive;

(j) The average class size for the subject area of mathematics, English, science and social studies in schools where pupils rotate to different teachers for different subjects;

(k) The number and percentage of pupils who graduated from high school;

(l) The number and percentage of pupils who received a:

(1) Standard diploma;

(2) Adult diploma;

(3) Adjusted diploma; and

(4) Certificate of attendance;

(m) The number and percentage of pupils who graduated from high school and enrolled in remedial courses at the Nevada System of Higher Education;

(n) Per pupil expenditures;

(o) Information on the professional qualifications of teachers;

(p) The average daily attendance of teachers and licensure information;

(q) Information on the adequate yearly progress of the schools and school districts;

(r) Pupil achievement based upon the:

(1) Examinations administered pursuant to NRS 389.550, including, without limitation, whether public schools have made progress based upon the model adopted by the Department pursuant to NRS 385.3595; and

(2) High school proficiency examination;

(s) To the extent practicable, pupil achievement based upon the examinations administered pursuant to NRS 389.015 for grades 4, 7 and 10; and

(t) Other information required by the Superintendent of Public Instruction in consultation with the Bureau.

2. The summary prepared pursuant to subsection 1 must:

(a) Comply with 20 U.S.C. § 6311(h)(1) and the regulations adopted pursuant thereto;

(b) Be prepared in a concise manner; and

(c) Be presented in an understandable and uniform format and, to the extent practicable, provided in a language that parents will likely understand.

3. On or before September 7 of each year, the State Board shall:

(a) Provide for public dissemination of the summary prepared pursuant to subsection 1 by posting the summary on the Internet website maintained by the Department; and

(b) Submit a copy of the summary in an electronic format to the:

(1) Governor;

(2) Committee;

(3) Bureau;

(4) Board of Regents of the University of Nevada;

(5) Board of trustees of each school district; and

(6) Governing body of each charter school.

4. The board of trustees of each school district and the governing body of each charter school shall ensure that the parents and guardians of pupils enrolled in the school district or charter school, as applicable, have sufficient information concerning the availability of the summary prepared by the State Board pursuant to subsection 1, including, without limitation, information that describes how to access the summary on the Internet website maintained by the Department. Upon the request of a parent or guardian of a pupil, the Department shall provide the parent or guardian with a written copy of the summary.

5. The Department shall, in consultation with the Bureau and the school districts, prescribe a form for the summary required by this section.

6. As used in this section:

(a) "Bullying" has the meaning ascribed to it in NRS 388.122.

(b) "Cyber-bullying" has the meaning ascribed to it in NRS 388.123.

(c) "Harassment" has the meaning ascribed to it in NRS 388.125.

(d) "Intimidation" has the meaning ascribed to it in NRS 388.129.

Sec. 3. NRS 385.347 is hereby amended to read as follows:

385.347 1. The board of trustees of each school district in this State, in cooperation with associations recognized by the State Board as representing licensed educational personnel in the district, shall adopt a program providing for the accountability of the school district to the residents of the district and to the State Board for the quality of the schools and the educational achievement of the pupils in the district, including, without limitation, pupils enrolled in charter schools in the school district. The board of trustees of each school district shall report the information required by subsection 2 for each charter school that is located within the school district, regardless of the sponsor of the charter school. The information for charter schools must be reported separately and must denote the charter schools sponsored by the school district, the charter schools sponsored by the State Board and the charter schools sponsored by a college or university within the Nevada System of Higher Education.

2. The board of trustees of each school district shall, on or before August 15 of each year, prepare an annual report of accountability concerning:

(a) The educational goals and objectives of the school district.

(b) Pupil achievement for each school in the district and the district as a whole, including, without limitation, each charter school in the district. The board of trustees of the district shall base its report on the results of the examinations administered pursuant to NRS 389.015 and 389.550 and shall compare the results of those examinations for the current school year with those of previous school years. The report must include, for each school in the district, including, without limitation, each charter school in the district, and each grade in which the examinations were administered:

(1) The number of pupils who took the examinations.

(2) A record of attendance for the period in which the examinations were administered, including an explanation of any difference in the number of pupils who took the examinations and the number of pupils who are enrolled in the school.

(3) Except as otherwise provided in this paragraph, pupil achievement, reported separately by gender and reported separately for the following groups of pupils:

(I) Pupils who are economically disadvantaged, as defined by the State Board;

(II) Pupils from major racial and ethnic groups, as defined by the State Board;

(III) Pupils with disabilities;

(IV) Pupils who are limited English proficient; and

(V) Pupils who are migratory children, as defined by the State Board.

(4) A comparison of the achievement of pupils in each group identified in paragraph (b) of subsection 1 of NRS 385.361 with the annual measurable objectives of the State Board.

(5) The percentage of pupils who were not tested.

(6) Except as otherwise provided in this paragraph, the percentage of pupils who were not tested, reported separately by gender and reported separately for the groups identified in subparagraph (3).

(7) The most recent 3-year trend in pupil achievement in each subject area tested and each grade level tested pursuant to NRS 389.015 and 389.550, which may include information regarding the trend in the achievement of pupils for more than 3 years, if such information is available.

(8) Information that compares the results of pupils in the school district, including, without limitation, pupils enrolled in charter schools in the district, with the results of pupils throughout this State. The information required by this subparagraph must be provided in consultation with the Department to ensure the accuracy of the comparison.

(9) For each school in the district, including, without limitation, each charter school in the district, information that compares the results of pupils in the school with the results of pupils throughout the school district and throughout this State. The information required by this subparagraph must be provided in consultation with the Department to ensure the accuracy of the comparison.

(10) Information on whether each school in the district, including, without limitation, each charter school in the district, has made progress based upon the model adopted by the Department pursuant to NRS 385.3595.

➥ A separate reporting for a group of pupils must not be made pursuant to this paragraph if the number of pupils in that group is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual pupil. The State Board shall prescribe the mechanism for determining the minimum number of pupils that must be in a group for that group to yield statistically reliable information.

(c) The ratio of pupils to teachers in kindergarten and at each grade level for each elementary school in the district and the district as a whole, including, without limitation, each charter school in the district, and the average class size for each core academic subject, as set forth in NRS 389.018, for each secondary school in the district and the district as a whole, including, without limitation, each charter school in the district.

(d) Information on the professional qualifications of teachers employed by each school in the district and the district as a whole, including, without

limitation, each charter school in the district. The information must include, without limitation:

(1) The percentage of teachers who are:

(I) Providing instruction pursuant to NRS 391.125;

(II) Providing instruction pursuant to a waiver of the requirements for licensure for the grade level or subject area in which the teachers are employed; or

(III) Otherwise providing instruction without an endorsement for the subject area in which the teachers are employed;

(2) The percentage of classes in the core academic subjects, as set forth in NRS 389.018, that are not taught by highly qualified teachers;

(3) The percentage of classes in the core academic subjects, as set forth in NRS 389.018, that are not taught by highly qualified teachers, in the aggregate and disaggregated by high-poverty compared to low-poverty schools, which for the purposes of this subparagraph means schools in the top quartile of poverty and the bottom quartile of poverty in this State;

(4) For each middle school, junior high school and high school:

(I) ~~[On and after July 1, 2005, the]~~ ***The*** number of persons employed as substitute teachers for 20 consecutive days or more in the same classroom or assignment, designated as long-term substitute teachers, including the total number of days long-term substitute teachers were employed at each school, identified by grade level and subject area; and

(II) ~~[On and after July 1, 2006, the]~~ ***The*** number of persons employed as substitute teachers for less than 20 consecutive days, designated as short-term substitute teachers, including the total number of days short-term substitute teachers were employed at each school, identified by grade level and subject area; and

(5) For each elementary school:

(I) ~~[On and after July 1, 2005, the]~~ ***The*** number of persons employed as substitute teachers for 20 consecutive days or more in the same classroom or assignment, designated as long-term substitute teachers, including the total number of days long-term substitute teachers were employed at each school, identified by grade level; and

(II) ~~[On and after July 1, 2006, the]~~ ***The*** number of persons employed as substitute teachers for less than 20 consecutive days, designated as short-term substitute teachers, including the total number of days short-term substitute teachers were employed at each school, identified by grade level.

(e) The total expenditure per pupil for each school in the district and the district as a whole, including, without limitation, each charter school in the district. If this State has a financial analysis program that is designed to track educational expenditures and revenues to individual schools, each school district shall use that statewide program in complying with this paragraph. If

a statewide program is not available, each school district shall use its own financial analysis program in complying with this paragraph.

(f) The curriculum used by the school district, including:

(1) Any special programs for pupils at an individual school; and

(2) The curriculum used by each charter school in the district.

(g) Records of the attendance and truancy of pupils in all grades, including, without limitation:

(1) The average daily attendance of pupils, for each school in the district and the district as a whole, including, without limitation, each charter school in the district.

(2) For each elementary school, middle school and junior high school in the district, including, without limitation, each charter school in the district that provides instruction to pupils enrolled in a grade level other than high school, information that compares the attendance of the pupils enrolled in the school with the attendance of pupils throughout the district and throughout this State. The information required by this subparagraph must be provided in consultation with the Department to ensure the accuracy of the comparison.

(h) The annual rate of pupils who drop out of school in grade 8 and a separate reporting of the annual rate of pupils who drop out of school in grades 9 to 12, inclusive, for each such grade, for each school in the district and for the district as a whole. The reporting for pupils in grades 9 to 12, inclusive, excludes pupils who:

(1) Provide proof to the school district of successful completion of the examinations of general educational development.

(2) Are enrolled in courses that are approved by the Department as meeting the requirements for an adult standard diploma.

(3) Withdraw from school to attend another school.

(i) Records of attendance of teachers who provide instruction, for each school in the district and the district as a whole, including, without limitation, each charter school in the district.

(j) Efforts made by the school district and by each school in the district, including, without limitation, each charter school in the district, to increase:

(1) Communication with the parents of pupils in the district; and

(2) The participation of parents in the educational process and activities relating to the school district and each school, including, without limitation, the existence of parent organizations and school advisory committees.

(k) Records of incidents involving weapons or violence for each school in the district, including, without limitation, each charter school in the district.

(l) Records of incidents involving the use or possession of alcoholic beverages or controlled substances for each school in the district, including, without limitation, each charter school in the district.

(m) Records of the suspension and expulsion of pupils required or authorized pursuant to NRS 392.466 and 392.467.

(n) The number of pupils who are deemed habitual disciplinary problems pursuant to NRS 392.4655, for each school in the district and the district as a whole, including, without limitation, each charter school in the district.

(o) The number of pupils in each grade who are retained in the same grade pursuant to NRS 392.033 or 392.125, for each school in the district and the district as a whole, including, without limitation, each charter school in the district.

(p) The transiency rate of pupils for each school in the district and the district as a whole, including, without limitation, each charter school in the district. For the purposes of this paragraph, a pupil is not transient if the pupil is transferred to a different school within the school district as a result of a change in the zone of attendance by the board of trustees of the school district pursuant to NRS 388.040.

(q) Each source of funding for the school district.

(r) A compilation of the programs of remedial study that are purchased in whole or in part with money received from this State, for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district. The compilation must include:

(1) The amount and sources of money received for programs of remedial study for each school in the district and the district as a whole, including, without limitation, each charter school in the district.

(2) An identification of each program of remedial study, listed by subject area.

(s) For each high school in the district, including, without limitation, each charter school in the district, the percentage of pupils who graduated from that high school or charter school in the immediately preceding year and enrolled in remedial courses in reading, writing or mathematics at a university, state college or community college within the Nevada System of Higher Education.

(t) The technological facilities and equipment available at each school, including, without limitation, each charter school, and the district's plan to incorporate educational technology at each school.

(u) For each school in the district and the district as a whole, including, without limitation, each charter school in the district, the number and percentage of pupils who received:

(1) A standard high school diploma, reported separately for pupils who received the diploma pursuant to:

(I) Paragraph (a) of subsection 1 of NRS 389.805; and

(II) Paragraph (b) of subsection 1 of NRS 389.805.

(2) An adjusted diploma.

(3) A certificate of attendance.

(v) For each school in the district and the district as a whole, including, without limitation, each charter school in the district, the number and percentage of pupils who failed to pass the high school proficiency examination.

(w) The number of habitual truants who are reported to a school police officer or law enforcement agency pursuant to paragraph (a) of subsection 2 of NRS 392.144 and the number of habitual truants who are referred to an advisory board to review school attendance pursuant to paragraph (b) of subsection 2 of NRS 392.144, for each school in the district and for the district as a whole.

(x) The amount and sources of money received for the training and professional development of teachers and other educational personnel for each school in the district and for the district as a whole, including, without limitation, each charter school in the district.

(y) Whether the school district has made adequate yearly progress. If the school district has been designated as demonstrating need for improvement pursuant to NRS 385.377, the report must include a statement indicating the number of consecutive years the school district has carried that designation.

(z) Information on whether each public school in the district, including, without limitation, each charter school in the district, has made adequate yearly progress, including, without limitation:

(1) The number and percentage of schools in the district, if any, that have been designated as needing improvement pursuant to NRS 385.3623; and

(2) The name of each school, if any, in the district that has been designated as needing improvement pursuant to NRS 385.3623 and the number of consecutive years that the school has carried that designation.

(aa) Information on the paraprofessionals employed by each public school in the district, including, without limitation, each charter school in the district. The information must include:

(1) The number of paraprofessionals employed at the school; and

(2) The number and percentage of all paraprofessionals who do not satisfy the qualifications set forth in 20 U.S.C. § 6319(c). The reporting requirements of this subparagraph apply to paraprofessionals who are employed in positions supported with Title I money and to paraprofessionals who are not employed in positions supported with Title I money.

(bb) For each high school in the district, including, without limitation, each charter school that operates as a high school, information that provides a comparison of the rate of graduation of pupils enrolled in the high school with the rate of graduation of pupils throughout the district and throughout

this State. The information required by this paragraph must be provided in consultation with the Department to ensure the accuracy of the comparison.

(cc) An identification of the appropriations made by the Legislature that are available to the school district or the schools within the district and programs approved by the Legislature to improve the academic achievement of pupils.

(dd) For each school in the district and the district as a whole, including, without limitation, each charter school in the district, information on pupils enrolled in career and technical education, including, without limitation:

(1) The number of pupils enrolled in a course of career and technical education;

(2) The number of pupils who completed a course of career and technical education;

(3) The average daily attendance of pupils who are enrolled in a program of career and technical education;

(4) The annual rate of pupils who dropped out of school and were enrolled in a program of career and technical education before dropping out;

(5) The number and percentage of pupils who completed a program of career and technical education and who received a standard high school diploma, an adjusted diploma or a certificate of attendance; and

(6) The number and percentage of pupils who completed a program of career and technical education and who did not receive a high school diploma because the pupils failed to pass the high school proficiency examination.

(ee) ***The number of incidents resulting in suspension or expulsion for bullying, cyber-bullying, harassment or intimidation, for each school in the district and the district as a whole, including, without limitation, each charter school in the district.***

(ff) Such other information as is directed by the Superintendent of Public Instruction.

3. The records of attendance maintained by a school for purposes of paragraph (i) of subsection 2 must include the number of teachers who are in attendance at school and the number of teachers who are absent from school. A teacher shall be deemed in attendance if the teacher is excused from being present in the classroom by the school in which the teacher is employed for one of the following reasons:

(a) Acquisition of knowledge or skills relating to the professional development of the teacher; or

(b) Assignment of the teacher to perform duties for cocurricular or extracurricular activities of pupils.

4. The annual report of accountability prepared pursuant to subsection 2 must:

(a) Comply with 20 U.S.C. § 6311(h)(2) and the regulations adopted pursuant thereto; and

(b) Be presented in an understandable and uniform format and, to the extent practicable, provided in a language that parents can understand.

5. The Superintendent of Public Instruction shall:

(a) Prescribe forms for the reports required pursuant to subsection 2 and provide the forms to the respective school districts.

(b) Provide statistical information and technical assistance to the school districts to ensure that the reports provide comparable information with respect to each school in each district and among the districts throughout this State.

(c) Consult with a representative of the:

(1) Nevada State Education Association;

(2) Nevada Association of School Boards;

(3) Nevada Association of School Administrators;

(4) Nevada Parent Teacher Association;

(5) Budget Division of the Department of Administration; and

(6) Legislative Counsel Bureau,

➥ concerning the program and consider any advice or recommendations submitted by the representatives with respect to the program.

6. The Superintendent of Public Instruction may consult with representatives of parent groups other than the Nevada Parent Teacher Association concerning the program and consider any advice or recommendations submitted by the representatives with respect to the program.

7. On or before August 15 of each year, the board of trustees of each school district shall submit to each advisory board to review school attendance created in the county pursuant to NRS 392.126 the information required in paragraph (g) of subsection 2.

8. On or before August 15 of each year, the board of trustees of each school district shall:

(a) Provide written notice that the report required pursuant to subsection 2 is available on the Internet website maintained by the school district, if any, or otherwise provide written notice of the availability of the report. The written notice must be provided to the:

(1) Governor;

(2) State Board;

(3) Department;

(4) Committee; and

(5) Bureau.

(b) Provide for public dissemination of the annual report of accountability prepared pursuant to subsection 2 in the manner set forth in 20 U.S.C.

§ 6311(h)(2)(E) by posting a copy of the report on the Internet website maintained by the school district, if any. If a school district does not maintain a website, the district shall otherwise provide for public dissemination of the annual report by providing a copy of the report to the schools in the school district, including, without limitation, each charter school in the district, the residents of the district, and the parents and guardians of pupils enrolled in schools in the district, including, without limitation, each charter school in the district.

9. Upon the request of the Governor, an entity described in paragraph (a) of subsection 8 or a member of the general public, the board of trustees of a school district shall provide a portion or portions of the report required pursuant to subsection 2.

10. As used in this section:

(a) ***"Bullying" has the meaning ascribed to it in NRS 388.122.***

(b) "Cyber-bullying" has the meaning ascribed to it in NRS 388.123.

(c) "Harassment" has the meaning ascribed to it in NRS 388.125.

(d) "Highly qualified" has the meaning ascribed to it in 20 U.S.C. § 7801(23).

~~[(b)]~~ ***(e) "Intimidation" has the meaning ascribed to it in NRS 388.129.***

(f) "Paraprofessional" has the meaning ascribed to it in NRS 391.008.

Sec. 4. Chapter 388 of NRS is hereby amended by adding thereto the provisions set forth as sections 5 to 18, inclusive, of this act.

Sec. 5. (Deleted by amendment.)

Sec. 6. (Deleted by amendment.)

Sec. 7. ***1. The Department, in consultation with persons who possess knowledge and expertise in bullying, cyber-bullying, harassment and intimidation in public schools, shall , to the extent money is available, develop an informational pamphlet to assist pupils and the parents or legal guardians of pupils enrolled in the public schools in this State in resolving incidents of bullying, cyber-bullying, harassment or intimidation. ~~[The]~~ If developed, the pamphlet must include, without limitation:***

(a) A summary of the policy prescribed by the Department pursuant to NRS 388.133 and the provisions of NRS 388.121 to 388.139, inclusive, and sections 5 to 18, inclusive, of this act;

(b) A description of practices which have proven effective in preventing and resolving violations of NRS 388.135 in schools, which must include, without limitation, methods to identify and assist pupils who are at risk for bullying, cyber-bullying, harassment or intimidation; and

(c) An explanation that the parent or legal guardian of a pupil who is involved in a reported violation of NRS 388.135 may request an appeal of a disciplinary decision made against the pupil as a result of the violation, in

accordance with the policy governing disciplinary action adopted by the board of trustees of the school district.

2. ~~[The]~~ If the Department develops a pamphlet pursuant to subsection 1, the Department shall review the pamphlet on an annual basis and make such revisions to the pamphlet as the Department determines are necessary to ensure the pamphlet contains current information.

3. ~~[The]~~ If the Department develops a pamphlet pursuant to subsection 1, the Department shall post a copy of the pamphlet on the Internet website maintained by the Department.

4. To extent the money is available, the Department shall develop a tutorial which must be made available on the Internet website maintained by the Department that includes, without limitation, the information contained in the pamphlet developed pursuant to subsection 1 ~~[.]~~, if such a pamphlet is developed by the Department.

Sec. 8. *1. The Department, in consultation with persons who possess knowledge and expertise in bullying, cyber-bullying, harassment and intimidation in public schools, shall:*

(a) Establish a program of training on methods to prevent, identify and report incidences of bullying, cyber-bullying, harassment and intimidation in public schools for members of the State Board.

(b) Recommend a program of training on methods to prevent, identify and report incidences of bullying, cyber-bullying, harassment and intimidation in public schools for members of the boards of trustees of school districts.

(c) Recommend a program of training for school district personnel to assist those persons with carrying out their powers and duties pursuant to NRS 388.121 to 388.139, inclusive, and sections 5 to 18, inclusive, of this act.

2. Each member of the State Board shall, within 1 year after the member is elected or appointed to the State Board, complete the program of training on bullying, cyber-bullying, harassment and intimidation in public schools established pursuant to paragraph (a) of subsection 1 and undergo the training at least one additional time while the person is a member of the State Board.

3. Each member of a board of trustees of a school district may complete the program of training on bullying, cyber-bullying, harassment and intimidation in public schools recommended pursuant to paragraph (b) of subsection 1 and may undergo the training at least one additional time while the person is a member of the board of trustees.

4. Each program of training established and recommended pursuant to subsection 1 must, to the extent money is available, be made available on

the Internet website maintained by the Department or through another provider on the Internet.

5. The board of trustees of a school district may allow school district personnel to attend the program recommended pursuant to paragraph (c) of subsection 1 during regular school hours.

6. The Department shall review each program of training established and recommended pursuant to subsection 1 on an annual basis to ensure that the program contains current information concerning the prevention of bullying, cyber-bullying, harassment and intimidation.

Sec. 9. ***1. The Bullying Prevention Fund is hereby created in the State General Fund, to be administered by the Superintendent of Public Instruction. The Superintendent of Public Instruction may accept gifts and grants from any source for deposit into the Fund. The interest and income earned on the money in the Fund must be credited to the Fund.***

2. In accordance with the regulations adopted by the State Board pursuant to section 18 of this act, a school district that applies for and receives a grant of money from the Bullying Prevention Fund shall use the money for one or more of the following purposes:

(a) The establishment of programs to create a school environment that is free from bullying, cyber-bullying, harassment and intimidation;

(b) The provision of training on the policies adopted by the school district pursuant to NRS 388.134 and the provisions of NRS 388.121 to 388.139, inclusive, and sections 5 to 18, inclusive, of this act; or

(c) The development and implementation of procedures by which the public schools of the school district and the pupils enrolled in those schools can discuss the policies adopted pursuant to NRS 388.134 and the provisions of NRS 388.121 to 388.139, inclusive, and sections 5 to 18, inclusive, of this act.

Sec. 10. (Deleted by amendment.)

Sec. 11. ***The principal of each public school or his or her designee shall:***

1. Establish a school safety team to develop, foster and maintain a school environment which is free from bullying, cyber-bullying, harassment and intimidation;

2. Conduct investigations of violations of NRS 388.135 occurring at the school; and

3. Collaborate with the board of trustees of the school district and the school safety team to prevent, identify and address reported violations of NRS 388.135 at the school.

Sec. 12. ***1. Each school safety team established pursuant to section 11 of this act must consist of the principal or his or her designee and the following persons appointed by the principal:***

(a) A school counselor;

(b) At least one teacher who teaches at the school;

(c) At least one parent or legal guardian of a pupil enrolled in the school; and

(d) Any other persons appointed by the principal.

2. The principal or his or her designee shall serve as the chair of the school safety team.

3. The school safety team shall:

(a) Meet at least two times each year;

(b) Identify and address patterns of bullying, cyber-bullying, harassment or intimidation at the school;

(c) Review and strengthen school policies to prevent and address bullying, cyber-bullying, harassment or intimidation;

(d) Provide information to school personnel, pupils enrolled in the school and parents and legal guardians of pupils enrolled in the school on methods to address bullying, cyber-bullying, harassment and intimidation; and

(e) To the extent money is available, participate in any training conducted by the school district regarding bullying, cyber-bullying, harassment and intimidation.

Sec. 13. *1. On or before January 1 and June 30 of each year, the principal of each public school shall submit to the board of trustees of the school district a report on the violations of NRS 388.135 which are reported during the previous school semester. The report must include, without limitation:*

(a) The number of violations of NRS 388.135 occurring at the school or otherwise involving a pupil enrolled at the school which are reported during that period; and

(b) Any actions taken at the school to reduce the number of incidences of bullying, cyber-bullying, harassment and intimidation, including, without limitation, training that was offered or other policies, practices and programs that were implemented.

2. The board of trustees of each school district shall review and compile the reports submitted pursuant to subsection 1 and, on or before August 1, submit a compilation of the reports to the Department.

Sec. 14. *1. A teacher or other staff member who witnesses a violation of NRS 388.135 or receives information that a violation of NRS 388.135 has occurred shall verbally report the violation to the principal or his or her designee on the day on which the teacher or other staff member witnessed the violation or received information regarding the occurrence of a violation.*

2. The principal or his or her designee shall initiate an investigation not later than 1 day after receiving notice of the violation pursuant to subsection 1. The investigation must be completed within 10 days after the date on which the investigation is initiated and, if a violation is found to have occurred, include recommendations concerning the imposition of disciplinary action or other measures to be imposed as a result of the violation, in accordance with the policy governing disciplinary action adopted by the board of trustees of the school district.

3. The parent or legal guardian of a pupil involved in the reported violation of NRS 388.135 may appeal a disciplinary decision of the principal or his or her designee, made against the pupil as a result of the violation, in accordance with the policy governing disciplinary action adopted by the board of trustees of the school district.

Sec. 15. (Deleted by amendment.)

Sec. 16. (Deleted by amendment.)

Sec. 17. ***The board of trustees of each school district, in conjunction with the school police officers of the school district, if any, and the local law enforcement agencies that have jurisdiction over the school district, shall establish a policy for the procedures which must be followed by an employee of the school district when reporting a violation of NRS 388.135 to a school police officer or local law enforcement agency.***

Sec. 18. ***The State Board shall adopt regulations:***

1. Establishing the process whereby school districts may apply to the State Board for a grant of money from the Bullying Prevention Fund pursuant to section 9 of this act.

2. As are necessary to carry out the provisions of NRS 388.121 to 388.139, inclusive, and sections 5 to 18, inclusive, of this act.

Sec. 19. NRS 388.121 is hereby amended to read as follows:

388.121 As used in NRS 388.121 to 388.139, inclusive, ***and sections 5 to 18, inclusive, of this act,*** unless the context otherwise requires, the words and terms defined in NRS 388.122 to 388.129, inclusive, have the meanings ascribed to them in those sections.

Sec. 20. NRS 388.122 is hereby amended to read as follows:

388.122 "Bullying" means a willful act ***which is written, verbal or physical,*** or ***a*** course of conduct on the part of one or more ~~[~~pupils~~]~~ ***persons*** which is not authorized by law and which exposes a ~~[~~pupil~~]~~ ***person one time or*** repeatedly and over time to one or more negative actions which is highly offensive to a reasonable person and ~~[~~is~~]~~ ***:***

1. Is intended to cause ~~[~~and~~]~~ ***or*** actually causes the ~~[~~pupil~~]~~ ***person*** to suffer harm or serious emotional distress ~~[~~.~~]~~ ***;***

2. Places the person in reasonable fear of harm or serious emotional distress; or

3. Creates an environment which is hostile to a pupil by interfering with the education of the pupil.

Sec. 21. NRS 388.125 is hereby amended to read as follows:

388.125 "Harassment" means a willful act ***which is written, verbal or physical,*** or ***a*** course of conduct that is not otherwise authorized by law ~~[and is:~~

~~1. Highly]~~ ***, is highly*** offensive to a reasonable person ~~[,]~~ and

~~[2. Intended]~~ ***:***

1. Is intended to cause ~~[and]~~ ***or*** actually causes another person to suffer serious emotional distress ~~[.]~~ ***;***

2. Places a person in reasonable fear of harm or serious emotional distress; or

3. Creates an environment which is hostile to a pupil by interfering with the education of the pupil.

Sec. 22. NRS 388.129 is hereby amended to read as follows:

388.129 "Intimidation" means a willful act ***which is written, verbal or physical,*** or ***a*** course of conduct that is not otherwise authorized by law ~~[and:~~

~~1. Is]~~ ***, is*** highly offensive to a reasonable person ~~[,]~~ and

~~[2. Poses]~~ ***:***

1. Poses a threat of immediate harm or actually inflicts harm to another person or to the property of another person ~~[.]~~ ***;***

2. Places a person in reasonable fear of harm or serious emotional distress; or

3. Creates an environment which is hostile to a pupil by interfering with the education of the pupil.

Sec. 23. (Deleted by amendment.)

Sec. 24. NRS 388.134 is hereby amended to read as follows:

388.134 The board of trustees of each school district shall:

1. Adopt the policy prescribed pursuant to NRS 388.133 and the policy prescribed pursuant to subsection 2 of NRS 389.520. The board of trustees may adopt an expanded policy for one or both of the policies if each expanded policy complies with the policy prescribed pursuant to NRS 388.133 or pursuant to subsection 2 of NRS 389.520, as applicable.

2. Provide for the appropriate training of all administrators, principals, teachers and all other personnel employed by the board of trustees in accordance with the policies prescribed pursuant to NRS 388.133 and pursuant to subsection 2 of NRS 389.520.

3. ~~[On or before September 1 of each year, submit a report to the Superintendent of Public Instruction that includes a description of each violation of NRS 388.135 occurring in the immediately preceding school year that resulted in personnel action against an employee or suspension or~~

~~expulsion of a pupil, if any.~~] ***Post the policies adopted pursuant to subsection 1 on the Internet website maintained by the school district.***

4. Ensure that the parents and legal guardians of pupils enrolled in the school district have sufficient information concerning the availability of the policies, including, without limitation, information that describes how to access the policies on the Internet website maintained by the school district. Upon the request of a parent or legal guardian, the school district shall provide the parent or legal guardian with a written copy of the policies.

5. Review the policies adopted pursuant to subsection 1 on an annual basis and update the policies if necessary. If the board of trustees of a school district updates the policies, the board of trustees must submit a copy of the updated policies to the Department within 30 days after the update.

Sec. 25. NRS 388.1345 is hereby amended to read as follows:

388.1345 The Superintendent of Public Instruction shall:

1. Compile the reports submitted pursuant to [~~NRS 388.134~~] ***section 13 of this act*** and prepare a written report of the compilation.

2. On or before October 1 of each year, submit the written compilation to the Attorney General.

Sec. 26. NRS 388.139 is hereby amended to read as follows:

388.139 Each school district shall include the text of the provisions of NRS 388.121 to 388.135, inclusive, ***and sections 5 to 18, inclusive, of this act*** and the policies adopted by the board of trustees of the school district pursuant to NRS 388.134 under the heading "Bullying, Cyber-Bullying, Harassment and Intimidation Is Prohibited in Public Schools," within each copy of the rules of behavior for pupils that the school district provides to pupils pursuant to NRS 392.463.

Sec. 27. (Deleted by amendment.)

Sec. 28. NRS 391.312 is hereby amended to read as follows:

391.312 1. A teacher may be suspended, dismissed or not reemployed and an administrator may be demoted, suspended, dismissed or not reemployed for the following reasons:

(a) Inefficiency;

(b) Immorality;

(c) Unprofessional conduct;

(d) Insubordination;

(e) Neglect of duty;

(f) Physical or mental incapacity;

(g) A justifiable decrease in the number of positions due to decreased enrollment or district reorganization;

(h) Conviction of a felony or of a crime involving moral turpitude;

(i) Inadequate performance;

(j) Evident unfitness for service;

(k) Failure to comply with such reasonable requirements as a board may prescribe;

(l) Failure to show normal improvement and evidence of professional training and growth;

(m) Advocating overthrow of the Government of the United States or of the State of Nevada by force, violence or other unlawful means, or the advocating or teaching of communism with the intent to indoctrinate pupils to subscribe to communistic philosophy;

(n) Any cause which constitutes grounds for the revocation of a teacher's license;

(o) Willful neglect or failure to observe and carry out the requirements of this title;

(p) Dishonesty;

(q) Breaches in the security or confidentiality of the questions and answers of the achievement and proficiency examinations that are administered pursuant to NRS 389.015;

(r) Intentional failure to observe and carry out the requirements of a plan to ensure the security of examinations adopted pursuant to NRS 389.616 or 389.620; ~~[or]~~

(s) An intentional violation of NRS 388.5265 or 388.527 ~~[.]~~ ***; or***

(t) An intentional failure to report a violation of NRS 388.135 if the teacher or administrator witnessed the violation.

2. In determining whether the professional performance of a licensed employee is inadequate, consideration must be given to the regular and special evaluation reports prepared in accordance with the policy of the employing school district and to any written standards of performance which may have been adopted by the board.

Sec. 29. (Deleted by amendment.)

Sec. 30. (Deleted by amendment.)

Sec. 31. (Deleted by amendment.)

Sec. 32. Chapter 236 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Governor shall annually proclaim the first week in October to be "Week of Respect."

2. The proclamation may call upon:

(a) News media, educators and appropriate government offices to bring to the attention of the residents of Nevada factual information regarding bullying, cyber-bullying, harassment and intimidation in schools, including, without limitation:

(1) Statistical information regarding the number of pupils who are bullied, cyber-bullied, harassed or intimidated in schools each year;

(2) The methods to identify and assist pupils who are at risk of bullying, cyber-bullying, harassment or intimidation; and

(3) The methods to prevent bullying, cyber-bullying, harassment and intimidation in schools; and

(b) School districts to provide instruction on the ways in which pupils can prevent bullying, cyber-bullying, harassment and intimidation during the Week of Respect and throughout the school year that is appropriate for the grade level of pupils who receive the instruction.

3. As used in this section:

(a) "Bullying" has the meaning ascribed to it in NRS 388.122.

(b) "Cyber-bullying" has the meaning ascribed to it in NRS 388.123.

(c) "Harassment" has the meaning ascribed to it in NRS 388.125.

(d) "Intimidation" has the meaning ascribed to it in NRS 388.129.

Sec. 33. On or before December 31, 2011, the State Board of Education shall adopt the regulations required by section 18 of this act.

Sec. 34. (Deleted by amendment.)

Sec. 35. This act becomes effective on July 1, 2011.

Assemblyman Bobzien moved the adoption of the amendment.

Amendment adopted.

Bill ordered to third reading.

Senate Bill No. 483.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 923.

SUMMARY— ~~[Authorizes the Department of Motor Vehicles to enter into certain agreements relating to advertising.]~~ **Revises certain provisions relating to the Department of Motor Vehicles.** (BDR 43-1185)

AN ACT relating to the Department of Motor Vehicles; authorizing the Department to enter into certain agreements relating to advertising; **authorizing the Director of the Department to release certain information to certain persons; transferring the authority to adopt specifications for motor vehicle fuel from the State Board of Agriculture to the Department;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, it is unlawful for any person to erect any bulletin board or other advertising device on the grounds of the State Capitol or on any other state building or property. (NRS 331.200) ~~[This]~~ **Section 1 of this** bill authorizes the Director of the Department of Motor Vehicles to enter into

agreements for the placement of advertising in areas of buildings owned or occupied by the Department. Any money collected by the Department from such advertising must be deposited in the Motor Vehicle Fund and used to offset the costs of communicating with the public. **Section 3.5 of this bill requires the Department to make certain reports to the Interim Finance Committee concerning such agreements.**

Existing law prohibits the Director from disclosing certain information, including personally identifiable information, except to certain persons. Section 1.5 of this bill authorizes the Director to disclose certain information to a person who, pursuant to a contract with the Department, requests such information for the purpose of an advisory notice relating to a motor vehicle or the recall of a motor vehicle or for providing information concerning the history of a vehicle.

Existing law requires the State Board of Agriculture to adopt specifications for motor vehicle fuel and to enforce such specifications. (NRS 590.070, 590.071) Sections 2.3 and 2.5 of this bill transfer this authority to the Department of Motor Vehicles. Section 3.3 of this bill provides that the Department may enforce any regulations adopted by the Board concerning specifications for motor vehicle fuel until the Department adopts new regulations to repeal or replace the regulations adopted by the Board.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 481 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Director may enter into an agreement with a person for the placement of advertisements in areas of buildings owned or occupied by the Department that are frequented by the public.

2. A person who enters into an agreement with the Director pursuant to subsection 1 shall ensure that each advertisement placed pursuant to the agreement does not inhibit or disrupt the functioning of the Department.

3. Any money collected by the Department from an agreement entered into pursuant to subsection 1 must be:

(a) Deposited with the State Treasurer for credit to the Motor Vehicle Fund; and

(b) Used to offset the costs of communicating with the public.

4. The Director may adopt regulations to carry out the provisions of this section.

Sec. 1.5. **NRS 481.063 is hereby amended to read as follows:**

481.063 1. The Director may charge and collect reasonable fees for official publications of the Department and from persons making use of files

and records of the Department or its various divisions for a private purpose. All money so collected must be deposited in the State Treasury for credit to the Motor Vehicle Fund.

2. Except as otherwise provided in subsection ~~[5,]~~ ***6,*** the Director may release personal information, except a photograph, from a file or record relating to the driver's license, identification card, or title or registration of a vehicle of a person if the requester submits a written release from the person who holds a lien on the vehicle, or an agent of that person, or the person about whom the information is requested which is dated not more than 90 days before the date of the request. The written release must be in a form required by the Director.

3. Except as otherwise provided in ~~[subsection 2,]~~ ***subsections 2 and 4,*** the Director shall not release to any person who is not a representative of the Division of Welfare and Supportive Services of the Department of Health and Human Services or an officer, employee or agent of a law enforcement agency, an agent of the public defender's office or an agency of a local government which collects fines imposed for parking violations, who is not conducting an investigation pursuant to NRS 253.0415 or 253.220, who is not authorized to transact insurance pursuant to chapter 680A of NRS or who is not licensed as a private investigator pursuant to chapter 648 of NRS and conducting an investigation of an insurance claim:

(a) A list which includes license plate numbers combined with any other information in the records or files of the Department;

(b) The social security number of any person, if it is requested to facilitate the solicitation of that person to purchase a product or service; or

(c) The name, address, telephone number or any other personally identifiable information if the information is requested by the presentation of a license plate number.

➥ When such personally identifiable information is requested of a law enforcement agency by the presentation of a license plate number, the law enforcement agency shall conduct an investigation regarding the person about whom information is being requested or, as soon as practicable, provide the requester with the requested information if the requester officially reports that the motor vehicle bearing that license plate was used in a violation of NRS 205.240, 205.345, 205.380 or 205.445.

4. ***If a person is authorized to obtain such information pursuant to a contract entered into with the Department and if such information is requested for the purpose of an advisory notice relating to a motor vehicle or the recall of a motor vehicle or for the purpose of providing information concerning the history of a vehicle, the Director may release:***

(a) A list which includes license plate numbers combined with any other information in the records or files of the Department; or

(b) The name, address, telephone number or any other personally identifiable information if the information is requested by the presentation of a license plate number.

5. Except as otherwise provided in subsections 2 ***, 4*** and ~~[5]~~ ***6*** and NRS 483.294, 483.855 and 483.937, the Director shall not release any personal information from a file or record relating to a driver's license, identification card, or title or registration of a vehicle.

~~[5.]~~ ***6.*** Except as otherwise provided in paragraph (a) and subsection ~~[6,]~~ ***7,*** if a person or governmental entity provides a description of the information requested and its proposed use and signs an affidavit to that effect, the Director may release any personal information, except a photograph, from a file or record relating to a driver's license, identification card, or title or registration of a vehicle for use:

(a) By any governmental entity, including, but not limited to, any court or law enforcement agency, in carrying out its functions, or any person acting on behalf of a federal, state or local governmental agency in carrying out its functions. The personal information may include a photograph from a file or record relating to a driver's license, identification card, or title or registration of a vehicle.

(b) In connection with any civil, criminal, administrative or arbitration proceeding before any federal or state court, regulatory body, board, commission or agency, including, but not limited to, use for service of process, investigation in anticipation of litigation, and execution or enforcement of judgments and orders, or pursuant to an order of a federal or state court.

(c) In connection with matters relating to:

(1) The safety of drivers of motor vehicles;

(2) Safety and thefts of motor vehicles;

(3) Emissions from motor vehicles;

(4) Alterations of products related to motor vehicles;

(5) An advisory notice relating to a motor vehicle or the recall of a motor vehicle;

(6) Monitoring the performance of motor vehicles;

(7) Parts or accessories of motor vehicles;

(8) Dealers of motor vehicles; or

(9) Removal of nonowner records from the original records of motor vehicle manufacturers.

(d) By any insurer, self-insurer or organization that provides assistance or support to an insurer or self-insurer or its agents, employees or contractors, in connection with activities relating to the rating, underwriting or investigation of claims or the prevention of fraud.

(e) In providing notice to the owners of vehicles that have been towed, repossessed or impounded.

(f) By an employer or its agent or insurer to obtain or verify information relating to a holder of a commercial driver's license who is employed by or has applied for employment with the employer.

(g) By a private investigator, private patrol officer or security consultant who is licensed pursuant to chapter 648 of NRS, for any use permitted pursuant to this section.

(h) By a reporter or editorial employee who is employed by or affiliated with any newspaper, press association or commercially operated, federally licensed radio or television station for a journalistic purpose. The Department may not make any inquiries regarding the use of or reason for the information requested other than whether the information will be used for a journalistic purpose.

(i) In connection with an investigation conducted pursuant to NRS 253.0415 or 253.220.

(j) In activities relating to research and the production of statistical reports, if the personal information will not be published or otherwise redisclosed, or used to contact any person.

(k) In the bulk distribution of surveys, marketing material or solicitations, if the Director has adopted policies and procedures to ensure that:

(1) The information will be used or sold only for use in the bulk distribution of surveys, marketing material or solicitations;

(2) Each person about whom the information is requested has clearly been provided with an opportunity to authorize such a use; and

(3) If the person about whom the information is requested does not authorize such a use, the bulk distribution will not be directed toward that person.

~~[6.]~~ ***7.*** Except as otherwise provided in paragraph (j) of subsection ~~[5,]~~ ***6,*** a person who requests and receives personal information may sell or disclose that information only for a use permitted pursuant to subsection ~~[5.]~~ ***6.*** Such a person shall keep and maintain for 5 years a record of:

(a) Each person to whom the information is provided; and

(b) The purpose for which that person will use the information.

➥ The record must be made available for examination by the Department at all reasonable times upon request.

~~[7.]~~ ***8.*** Except as otherwise provided in subsection 2, the Director may deny any use of the files and records if the Director reasonably believes that the information taken may be used for an unwarranted invasion of a particular person's privacy.

~~[8.]~~ ***9.*** Except as otherwise provided in NRS 485.316, the Director shall not allow any person to make use of information retrieved from the system

created pursuant to NRS 485.313 for a private purpose and shall not in any other way release any information retrieved from that system.

~~[9.]~~ ***10.*** The Director shall adopt such regulations as the Director deems necessary to carry out the purposes of this section. In addition, the Director shall, by regulation, establish a procedure whereby a person who is requesting personal information may establish an account with the Department to facilitate the person's ability to request information electronically or by written request if the person has submitted to the Department proof of employment or licensure, as applicable, and a signed and notarized affidavit acknowledging that the person:

(a) Has read and fully understands the current laws and regulations regarding the manner in which information from the Department's files and records may be obtained and the limited uses which are permitted;

(b) Understands that any sale or disclosure of information so obtained must be in accordance with the provisions of this section;

(c) Understands that a record will be maintained by the Department of any information he or she requests; and

(d) Understands that a violation of the provisions of this section is a criminal offense.

~~[10.]~~ ***11.*** It is unlawful for any person to:

(a) Make a false representation to obtain any information from the files or records of the Department.

(b) Knowingly obtain or disclose any information from the files or records of the Department for any use not permitted by the provisions of this chapter.

~~[11.]~~ ***12.*** As used in this section, "personal information" means information that reveals the identity of a person, including, without limitation, his or her photograph, social security number, driver's license number, identification card number, name, address, telephone number or information regarding a medical condition or disability. The term does not include the zip code of a person when separate from his or her full address, information regarding vehicular accidents or driving violations in which he or she has been involved or other information otherwise affecting his or her status as a driver.

Sec. 2. NRS 331.200 is hereby amended to read as follows:

331.200 1. It shall be unlawful for any person to commit any of the following acts upon the grounds of the State Capitol or of any other state building or property:

(a) Willfully deface, break down or destroy any fence upon or surrounding such grounds;

(b) ~~[~~Erect~~]~~ ***Except as otherwise provided in section 1 of this act, erect*** any bulletin board or other advertising device in or upon such grounds;

(c) Deposit any garbage, debris or other obstruction in or upon such grounds;

(d) Injure, break down or destroy any tree, shrub or other thing upon such grounds; or

(e) Injure the grass upon such grounds by walking upon it.

2. Any person violating any of the provisions of this section shall be guilty of a public offense, as prescribed in NRS 193.155, proportionate to the value of the property damaged or destroyed, and in no event less than a misdemeanor.

Sec. 2.3. **NRS 590.070 is hereby amended to read as follows:**

590.070 1. The ~~[State Board of Agriculture]~~ ***Department of Motor Vehicles*** shall adopt by regulation specifications for motor vehicle fuel:

(a) Based upon scientific evidence which demonstrates that any motor vehicle fuel which is produced in accordance with the specifications is of sufficient quality to ensure appropriate performance when used in a motor vehicle in this State; or

(b) Proposed by an air pollution control agency to attain or maintain national ambient air quality standards in any area of this State. As used in this paragraph, "air pollution control agency" means any federal air pollution control agency or any state, regional or local agency that has the authority pursuant to chapter 445B of NRS to regulate or control air pollution or air quality in any area of this State.

2. The ~~[State Board of Agriculture]~~ ***Department of Motor Vehicles*** shall adopt by regulation procedures for allowing variances from the specifications for motor vehicle fuel adopted pursuant to this section.

3. It is unlawful for any person, or any officer, agent or employee thereof, to sell, offer for sale, assist in the sale of, deliver or permit to be sold or offered for sale, any petroleum or petroleum product as, or purporting to be, motor vehicle fuel, unless it conforms with the regulations adopted by the ~~[State Board of Agriculture]~~ ***Department of Motor Vehicles*** pursuant to this section.

4. This section does not apply to aviation fuel.

5. In addition to any criminal penalty that is imposed pursuant to the provisions of NRS 590.150, any person who violates any provision of this section may be further punished as provided in NRS 590.071.

Sec. 2.5. **NRS 590.071 is hereby amended to read as follows:**

590.071 1. The ~~[State Board of Agriculture]~~ ***Department of Motor Vehicles*** shall:

(a) Enforce the specifications for motor vehicle fuel adopted by regulation pursuant to NRS 590.070.

(b) Adopt regulations specifying a schedule of fines that it may impose, upon notice and hearing, for each violation of the provisions of

NRS 590.070. The maximum fine that may be imposed by the ~~[Board]~~ ***Department of Motor Vehicles*** for each violation must not exceed $5,000 per day. All fines collected by the ~~[Board]~~ ***Department of Motor Vehicles*** pursuant to the regulations adopted pursuant to this subsection must be deposited with the State Treasurer for credit to the State General Fund.

2. The ~~[State Board of Agriculture]~~ ***Department of Motor Vehicles*** may:

(a) In addition to imposing a fine pursuant to subsection 1, issue an order requiring a violator to take appropriate action to correct the violation.

(b) Request the district attorney of the appropriate county to investigate or file a criminal complaint against any person that the ~~[Board]~~ ***Department of Motor Vehicles*** suspects may have violated any provision of NRS 590.070.

Sec. 2.7. **NRS 590.100 is hereby amended to read as follows:**

590.100 ~~[The]~~ ***Except as otherwise provided in NRS 590.070 and 590.071, the*** State Sealer of Weights and Measures is charged with the proper enforcement of NRS 590.010 to 590.150, inclusive, and has the following powers and duties:

1. The State Sealer of Weights and Measures may publish reports relating to petroleum products and motor vehicle fuel in such form and at such times as he or she deems necessary.

2. The State Sealer of Weights and Measures, or the appointees thereof, shall inspect and check the accuracy of all measuring devices for petroleum products and motor vehicle fuel maintained in this State, and shall seal all such devices whose tolerances are found to be within those prescribed by the National Institute of Standards and Technology.

3. The State Sealer of Weights and Measures, or the appointees thereof, or any member of the Nevada Highway Patrol, may take such samples as he or she deems necessary of any petroleum product or motor vehicle fuel that is kept, transported or stored within the State of Nevada. It is unlawful for any person, or any officer, agent or employee thereof, to refuse to permit the State Sealer of Weights and Measures, or the appointees thereof, or any member of the Nevada Highway Patrol, in the State of Nevada, to take such samples, or to prevent or to attempt to prevent the State Sealer of Weights and Measures, or the appointees thereof, or any member of the Nevada Highway Patrol, from taking them. If the person, or any officer, agent or employee thereof, from which a sample is taken at the time of taking demands payment, then the person taking the sample shall pay the reasonable market price for the quantity taken.

4. The State Sealer of Weights and Measures, or the appointees thereof, may close and seal the outlets of any unlabeled or mislabeled containers, pumps, dispensers or storage tanks connected thereto or which contain any petroleum product or motor vehicle fuel which, if sold, would violate any of the provisions of NRS 590.010 to 590.150, inclusive, and shall post, in a

conspicuous place on the premises where those containers, pumps, dispensers or storage tanks have been sealed, a notice stating that the action of sealing has been taken in accordance with the provisions of NRS 590.010 to 590.150, inclusive, and giving warning that it is unlawful to break, mutilate or destroy the seal or seals thereof under penalty as provided in NRS 590.110.

5. The State Sealer of Weights and Measures, or the appointees thereof, shall, upon at least 24 hours' notice to the owner, manager, operator or attendant of the premises where a container, pump, dispenser or storage tank has been sealed, and at the time specified in the notice, break the seal for the purpose of permitting the removal of the contents of the container, pump, dispenser or storage tank. If the contents are not immediately and completely removed, the container, pump, dispenser or storage tank must be again sealed.

6. The State Sealer of Weights and Measures shall adopt regulations which are necessary for the enforcement of NRS 590.010 to 590.150, inclusive, including standard procedures for testing petroleum products or motor vehicle fuel which are based on sources such as those approved by ASTM International, and may adopt specifications for any fuel for use in internal combustion engines which is sold or offered for sale and contains any alcohol or other combustible chemical that is not a petroleum product or motor vehicle fuel.

Sec. 3. The amendatory provisions of **sections 1 and 2 of** this act that concern property occupied by the Department of Motor Vehicles apply only with respect to such property for which:

1. The Department entered into a lease on or after the effective date of ~~[this act;]~~ **those sections;** or

2. The Department entered into a lease before the effective date of ~~[this act]~~ **those sections** that did not prohibit the Department from receiving payment for advertising upon such property.

Sec. 3.3. **Any regulations adopted by the State Board of Agriculture pursuant to NRS 590.070 or 590.071 remain in effect and may be enforced by the Department of Motor Vehicles until the Department adopts regulations to repeal or replace those regulations.**

Sec. 3.5. **The Department of Motor Vehicles shall:**

1. On or before February 1, 2012, submit a report to the Interim Finance Committee summarizing any agreement entered into pursuant to section 1 of this act. The report must include, without limitation, the terms of the agreement, a list of buildings owned or occupied by the Department in which advertising is placed and a description of the types of advertising placed pursuant to the agreement.

2. On or before August 1, 2012, submit an update to the report required by subsection 1 and a report which must include, without limitation, information concerning the manner in which any money collected by the Department pursuant to any agreement entered into pursuant to section 1 of this act has been expended during the 2011-2013 biennium and the manner in which the Department plans to use such money during the 2013-2015 biennium.

Sec. 4. 1. This **section and sections 1 and 2 to 3.5, inclusive, of this** act ~~[becomes]~~ **become** effective upon passage and approval.

2. Section 1.5 of this act becomes effective on July 1, 2011.

Assemblyman Hickey moved the adoption of the amendment.

Amendment adopted.

Bill ordered to third reading.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 1:31 p.m.

ASSEMBLY IN SESSION

At 1:36 p.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Conklin moved that Senate Bills Nos. 149 and 437 be taken from their position on the General File and placed at the bottom of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 571.

Bill read third time.

Remarks by Assemblywoman Smith.

Roll call on Assembly Bill No. 571:

YEAS—23.

NAYS—Aizley, Anderson, Atkinson, Benitez-Thompson, Bobzien, Brooks, Bustamante Adams, Frierson, Horne, Livermore, Mastroluca, Munford, Neal, Oceguera, Ohrenschall, Pierce, Segerblom, Smith, Stewart—19.

Assembly Bill No. 571 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 536.

Bill read third time.

Roll call on Assembly Bill No. 536:

YEAS—42.

NAYS—None.

Assembly Bill No. 536 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 129.

Bill read third time.

Roll call on Senate Bill No. 129:

YEAS—26.

NAYS—Ellison, Goedhart, Goicoechea, Grady, Hambrick, Hammond, Hansen, Hardy, Hickey, Kirner, Kite, Livermore, McArthur, Sherwood, Stewart, Woodbury—16.

Senate Bill No. 129 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 338.

Bill read third time.

Roll call on Senate Bill No. 338:

YEAS—35.

NAYS—Ellison, Goedhart, Hansen, Kirner, Livermore, McArthur, Sherwood—7.

Senate Bill No. 338 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 278.

Bill read third time.

Roll call on Senate Bill No. 278:

YEAS—33.

NAYS—Ellison, Goedhart, Hambrick, Hansen, Hardy, Kirner, Livermore, McArthur, Woodbury—9.

Senate Bill No. 278 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 374.

Bill read third time.

Roll call on Senate Bill No. 374:

YEAS—40.

NAYS—Goedhart, Kirkpatrick—2.

Senate Bill No. 374 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 423.
Bill read third time.
Roll call on Senate Bill No. 423:
YEAS—42.
NAYS—None.
Senate Bill No. 423 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 447.
Bill read third time.
Remarks by Assemblywoman Smith.
Roll call on Senate Bill No. 447:
YEAS—42.
NAYS—None.
Senate Bill No. 447 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 449.
Bill read third time.
Remarks by Assemblywoman Smith.
Roll call on Senate Bill No. 449:
YEAS—42.
NAYS—None.
Senate Bill No. 449 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 471.
Bill read third time.
Remarks by Assemblywoman Smith.
Roll call on Senate Bill No. 471:
YEAS—42.
NAYS—None.
Senate Bill No. 471 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 476.
Bill read third time.
Remarks by Assemblywoman Smith.
Roll call on Senate Bill No. 476:
YEAS—42.
NAYS—None.

Senate Bill No. 476 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 480.

Bill read third time.

Remarks by Assemblymen Sherwood and Mastroluca.

Roll call on Senate Bill No. 480:

YEAS—41.

NAYS—Ellison.

Senate Bill No. 480 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 503.

Bill read third time.

Remarks by Assemblywoman Smith.

Roll call on Senate Bill No. 503:

YEAS—36.

NAYS—Ellison, Goedhart, Hambrick, Hardy, Livermore, McArthur—6.

Senate Bill No. 503 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 504.

Bill read third time.

Remarks by Assemblywoman Smith.

Roll call on Senate Bill No. 504:

YEAS—36.

NAYS—Ellison, Goedhart, Hambrick, Hardy, Livermore, McArthur—6.

Senate Bill No. 504 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 505.

Bill read third time.

Remarks by Assemblywoman Smith.

Roll call on Senate Bill No. 505:

YEAS—36.

NAYS—Ellison, Goedhart, Hambrick, Hardy, Livermore, McArthur—6.

Senate Bill No. 504 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 114.

Bill read third time.

Roll call on Assembly Bill No. 114:

YEAS—42.

NAYS—None.

Assembly Bill No. 114 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered reprinted, reengrossed, and transmitted to the Senate.

Assembly Bill No. 195.

Bill read third time.

Roll call on Assembly Bill No. 195:

YEAS—42.

NAYS—None.

Assembly Bill No. 195 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered reprinted, reengrossed, and transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Conklin moved that Assembly Bill No. 580 be taken from the Chief Clerk's desk and placed at the top of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 580.

Bill read third time.

Remarks by Assemblywoman Smith.

Assemblyman Conklin moved that the following remarks be entered in the Journal.

Motion carried.

ASSEMBLYWOMAN SMITH:

Thank you, Mr. Speaker. This is the last of the bills—probably the last of the bills—probably the one we have all been waiting for, or not. This is the bill that makes the appropriations for our budget.

If it is the pleasure of the body I would like to read one statement in and just note what this covers. Then I would like to provide a copy of the floor statement to all of the members so you will have a synopsis. The floor statement is about ten pages long, and so if that would meet the pleasure of the body I can handle it that way.

The General Appropriations Act, the General Authorizations Act, the salary bill, the school funding bill, and the capital improvement bill are the final result of the long deliberations by the Assembly Committee on Ways and Means and the Senate Committee on Finance. The General Appropriations Act and other appropriations bills considered throughout the session delineate the amount of General Fund support approved by the money committees for the operation of Nevada State Government for the next biennium. The General Fund appropriations included in the General Appropriations Act total $1,932,443,749 in FY 12 and $1,908,199,855 in FY 13 or $3.84 billion over the biennium—a reduction of approximately $42.4 million when compared to General Fund appropriations approved by the 2009 legislature. The act includes the Highway Fund appropriations totaling $140,067,987 in FY 12 and $142,023,229 in FY 13. This floor

statement, then, will outline each of the highlights of the spending recommendations in each of the categories of the budget. I will have this into your offices when we leave floor today.

Roll call on Assembly Bill No. 580:

YEAS—36.

NAYS—Ellison, Goedhart, Hambrick, Hardy, Livermore, McArthur—6.

Assembly Bill No. 580 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 2:11 p.m.

ASSEMBLY IN SESSION

At 2:12 p.m.

Madam Speaker pro Tempore presiding.

Quorum present.

GENERAL FILE AND THIRD READING

Assembly Bill No. 401.

Bill read third time.

Remarks by Assemblymen Oceguera, Hansen, Carlton, Hickey, Conklin, Sherwood, Brooks, and Hardy.

Assemblyman Goicoechea moved that the following remarks be entered into the Journal.

Motion carried.

ASSEMBLYMAN OCEGUERA:

I rise today in support of Assembly Bill 401. I urge the passage of Assembly Bill 401. This bill revises and reforms NRS 40.600, Nevada's construction defect law, commonly referred to as Chapter 40.

A little history lesson here—Chapter 40 was initially enacted in 1995 as remedial legislation to address a growing crisis in the district courts throughout our state. As our state led the country year in and year out as the fastest growing state in the nation, so, too, did the number of construction defect litigation filings. Simple human error coupled with the large volume and speed of new construction led to the inevitability of defective dwellings being sold to the public. In 1995, members of the homebuilding industry and consumer advocates met and forged a solution to this problem, which was approved and enacted by this body.

Contrary to popular belief, homeowners' rights against faulty construction are limited under Chapter 40. In this regard, while a homeowner is entitled to recover the reasonable costs to repair a defective home and reasonable attorney's fees and legal costs, homeowners in our state are not permitted to recover noneconomic damages such as pain and suffering or emotional distress. Chapter 40 even prevents the recovery of punitive damages in cases involving willful misconduct or fraudulent concealment. Significantly, the homebuilding industry embraced this limitation, since punitive damages are not covered by insurance as a matter of law.

In 2003, after literally hundreds—and I can tell you hundreds because I was involved in this—if not thousands of hours of meetings, hearings, and debate after debate, Chapter 40 was

amended at the request of the homebuilding industry. They wanted what they called the "right to repair." The right to repair provision in Chapter 40 has been emulated by many states across our great country. This unfettered right of repair means that upon the notice of a defect, a builder is entitled to make any repair a builder believes will fix the defect so long as the builder stands behind that repair. Assembly Bill 401 further fosters the right to repair by giving parties a means by which to quickly resolve disputes over the reasonableness of legal fees when a builder makes timely and lasting repairs.

Although according to homebuilder industry records more than $6 billion in residential construction was performed since 1995, some contractors have expressed dissatisfaction with Chapter 40. This session, those contractors took aim at eliminating homeowners' rights to reimbursement of reasonable legal fees when a homeowner successfully proves a defect in court. I do not believe that such a rule is the right public policy for the state of Nevada.

One of the purposes of A.B. 401 is to make clear, once and for all, that Chapter 40 is a prevailing party statute when it comes to the attorney fees. This means that if a contractor prevails in disproving the existence of a defect in court, judges are authorized to award legal fees to the contractor and to deny fees to the homeowner. At the same time, A.B. 401 preserves the right of homeowners to be made whole, the central purpose behind this chapter in the first place.

Assembly Bill 401 also improves and clarifies the definition of what constitutes a constructional defect. The concept was taken from a bill advocated last session by the homebuilding industry. Specifically, Chapter 40 will now state that construction conditions that meet or exceed the building codes are not construction defects under Chapter 40. To be sure, builders must still build homes in compliance with the building codes which establish by law the minimum standards necessary to protect life, limb, and property; but so long as homes are constructed in compliance with the building codes, builders are free to exceed those codes without fear of legal recourse.

Finally, A.B. 401 makes substantial changes to Nevada's statute of limitations and statute of repose. By reducing the outside time limit by which a homeowner may seek legal recourse for a defective dwelling from ten years to six years, and by reducing the statute of limitations from four years to three years, even in cases of fraud, the homebuilding industry will realize substantial savings in insurance, administrative, and human resource costs for homes first built and sold after October of this year.

This compromise is not perfect, and it will not satisfy everyone concerned. It does, however, make significant and equitable changes to the statute that has well served Nevada homeowners and the homebuilding industry alike.

ASSEMBLYMAN HANSEN:

I rise in opposition to A.B. 401. The construction industry is the second biggest industry in this state. It currently suffers 80 percent unemployment, and the only thing that they asked us to fix this time was Chapter 40. My original bill, A.B. 285, was granted a hearing but was never brought up for a vote, and that is the one that they have been pushing for. Assembly Bill 401 has been actively opposed by the construction industry in every single one of the hearings that we have held, including the ones today in the Senate and the one yesterday or the day before in Ways and Means.

The right to repair is an absolute fallacy. It is true that it is in the law, but it is never practiced. I gave a handout to all of my colleagues in which I showed a photograph, which is actually mailed by the trial lawyers to people living in housing tracts, describing examples of construction defects. One of them I was particularly intrigued by, and that is the plumbing spouts are not sealed. They actually will sue people like myself, a contractor, before they even grant us a right to repair it, and that is the whole crux of this issue. For a decade now, we have come to the Legislature—the second largest industry in the state—and we've been unable to get relief on this one simple issue, and that is summed up in one sentence. That is all the industry wanted the entire time that they have come down to all of the hearings. And everybody that has

been involved in those hearings knows that nobody from the construction industry has been in support of A.B. 401 during all these hearings.

The problem, as well, goes even further because we are actually retarding the development of housing projects in Nevada because every developer is afraid of being in one of these absolutely guaranteed class action lawsuits. Because of that, you have thousands of men that could be employed in this state being denied that opportunity because of this fear on the parts of the homebuilders in this state. I would also say that once your home has been involved in one of these class action lawsuits, its value goes down. Additionally, when you go to purchase a home in the first place, the costs are substantially higher because contractors like myself are forced to pay higher rates of liability insurance, which are indirect costs that are then passed on to the consumer. The idea that we are removing homeowners' rights is ridiculous. All we're asking for—which this bill, by the way, does not do—is simply the right to repair before they can file a lawsuit against you. We are all pulled into these class action lawsuits, and it is absolutely killing the small business construction owners in this state, and it is doing nobody any good except a handful of very specific trial lawyers who have literally made tens of millions, if not hundreds of millions, of dollars off of these class action lawsuits that have been going on for the past decade.

So I rise in strong opposition to this bill, and I urge my colleagues to give very careful thought to this, because this is a huge one for our industry, and that's why we fought so hard for these things. And when I say "my industry," I mean all the small businessmen that are contractors, all the people that are involved in the building trades in this state, and even the homeowners themselves who end up having decreased values in their homes because of these class action lawsuits on entire housing tracts. We have asked for some reasonable things, and this bill simply does not do it. So please, I urge you to vote no on A.B. 401. Thank you.

ASSEMBLYWOMAN CARLTON:

I rise in support of Assembly Bill 401. I have heard these same discussions and same arguments since 1999. The same comments that my colleague from Assembly District 32 just made, I heard in hearings in Commerce and Labor my first legislative session. That did not slow down what happened in Las Vegas for the following ten years. We had a boom; things grew, houses were built, folks had jobs. We heard it again in 2001. We heard it again in 2003. Some things were addressed. There was a stand down for one or two sessions, and now it's back again.

My first session in 1999, when we had this issue, it was S.B. 286. And there were people walking around in the hallways of this building with t-shirts on with S.B. 286 on the front with a big circle with a cross across it—no S.B. 286. We were trying to figure out what was the best thing to do for the people and for ourselves for our homes. I believe that in 1999 and the following years, we have addressed the individual problems that have arisen. Between the subcontractors and the general contractors, they make an agreement on how they deal with these types of things. If the subcontractors were truly serious about wanting to deal with being sucked into construction defect lawsuits, they could merely stand together and say to the generals, "If this happens, your attorney protects us. We don't have to go out and get an attorney." I agree. The landscaping guy shouldn't get sucked in on a roofing issue, and the guy that lays the concrete shouldn't be sucked in on an electrical issue. But that's not up to you or I to figure out. That's up to the judge, the lawyers, and the contractors to agree upon how this is going to be dealt with in their contract. They had the opportunity to do it 1999 and every single year since then, but they have not done that. They want their protections in the statute. I can't do that because that would take away the protections of my constituents, so I stand in support of A.B. 401. It is not a perfect bill. There are some things in there that I'm not happy about. But the fact that I heard in testimony that the reason they didn't want this bill is so that they could come back and renegotiate again next session—this wasn't good enough for them—made me want to support it even more. Thank you very much, Madam Speaker pro Tempore.

ASSEMBLYMAN HICKEY:

I rise in opposition, with short remarks to A.B. 401. With regards to Chapter 40, as in medicine, sometimes the treatment or the remedy is worse than the original problem. With A.B. 401, this problem is being treated by a placebo. I urge my colleagues not to vote for this measure.

ASSEMBLYMAN CONKLIN:

For me, this bill is not about the construction of homes today. Part of the reason for that is because there are 35,000-plus excess homes on the market for sale. Constructors are not building because there isn't demand for homes.

But instead, for me, I rise in support of this bill out of my desire to keep consumers whole. I would remind the body of the following quote from Adam Smith: "Consumption is the soul end and purpose of all production; and the interest of the producer ought to be attended to, only so far as it may be necessary for promoting that of the consumer." This is a consumer protection bill. That is what we are taking about—making homeowners protected. Thank you.

ASSEMBLYMAN SHERWOOD:

I rise in opposition to the latest remedy for Chapter 40. And for me, I guess I came to the Legislature and kind of was looking for justice for the folks who come up here. I am not a plumber or a subcontractor or anything like that, but I have met enough of these folks to know that this is not an esoteric argument. This is real. We talk about creating jobs, and we talk about lowering taxes and repealing Chapter 40—and I will agree we were a very fast-growing state, specifically in Las Vegas, several years ago. That is not the case now.

I've got something on a plumbing company down in Las Vegas. Many of you will know these folks—Cox & Sons Plumbing. It was started in 1965 by Ken Cox. The dad retired and handed it over to his sons, Ken and Orlando. They employed 100 people. They filed dissolution papers in 2009, and not because of lack of demand, although, yes, we are not building as much as we were building. They would still be in business today, but they were literally put out of business because they couldn't pay for the insurance on the massive lawsuits—the "CD lawsuits," they call them.

So this is not about taking away consumers rights to a remedy for a problem. There is a remedy. If you have a problem with your home and a contractor did you wrong, there is still a remedy, even without Chapter 40. So in my mind, it is heartbreaking to see these businesses that have been in our state for years, have employed dozens, if not hundreds, of people. This makes the trough deeper; this makes it harder to come out when we have things like this. So I am disappointed that we were unable to have an honest and open and adult conversation about this when we came here, and we have to wait until 36 hours until we adjourn to pat ourselves on the back and say we did something. Thank you.

ASSEMBLYMAN BROOKS:

I rise in support of Assembly Bill 401. I just want to remind everybody what our responsibility is when we come here. We have a responsibility to protect the people that brought us here and to protect the citizens of Nevada. When you talk about construction defects and you talk about our party reaching across the table, we have made a very sincere effort to try to support the issues that my colleagues have. But let us not forget that when we talk about construction defects, we talk about latent defects, and a latent defect is one that a property owner does not know about and would not be expected to discover through the exercise of reasonable care. Construction defect claims have risen over the years, and yes, there was a boom. There was a time when subcontractors and contractors had a chance to enjoy the spoils. We are in a new day, and we have some things that are going on in these homes. I have personally been a victim of a home with a constructional defect. I can tell you it wasn't those nice little pictures that my colleague showed me; they were serious issues with my home—cracks in my windows,

stains on my ceiling, things that I would have never been able to challenge had I not had an opportunity for someone to bring this to my attention and to fight for me in court.

We are here because we believe in freedom and we believe in justice. We cannot do away with Chapter 40 because it would take away the rights of our citizens, and we are here to protect those rights. Thank you, Madam pro Tempore.

ASSEMBLYMAN HARDY:

Thank you, Madam pro Tempore. I rise in opposition to this bill. This bill, as well as it might like to be an improvement on the construction defects, does nothing and it will do nothing. What has happened in the past is not necessarily the fault of the construction people, in many cases. Every subcontractor gets dragged into a home defect, myself included. I don't do homes. I am a site contractor that does concrete, paving, and other things out on the site and the streets and the underground utilities. I get dragged in because I show up on the site, and in most of the cases, it is because of a maintenance problem. It is not a stucco problem if somebody has got their water running on their house or leaves their water running for hours underneath their house and washes their footings away. It is not a contractor problem if they don't maintain their asphalt and keep it slurried to where it is supposed to not crack. It is not a contractor's problem if a homeowner does not clean the dirt from within the cracks of their concrete out in the exterior of their yard to keep it, during those hot and cold moments, from raising concrete or cracking in unusual spots. We, as contractors, have been nailed from every side, and 70 percent of the money never goes to the homeowner. It goes to the lawyers in this defect. Time and time again, I have had the same attorneys over and over in projects go from one home—subdivision—to the next one. Nine years and 364 days later, you get a lawsuit. Most of those cases, they can't even identify what is my responsibility, but I get dragged in, and my insurance company is afraid to back out of it or settle because they don't know what is going to come down the road. If the judge settles one dollar in favor of the homeowner, we have to pay all attorneys fees. One dollar—is that a fair prospect? I don't think that is fair at all. So anyway, I rise in opposition to this. Thank you.

Assemblyman Grady, Oceguera, and Stewart moved the previous question.

Motion carried.

The question being the passage of Assembly Bill No. 401.

Roll call on Assembly Bill No. 401:

YEAS—26.

NAYS—Ellison, Goedhart, Goicoechea, Grady, Hambrick, Hammond, Hansen, Hardy, Hickey, Kirner, Kite, Livermore, McArthur, Sherwood, Stewart, Woodbury—16.

Assembly Bill No. 401 having received a constitutional majority, Madam Speaker pro Tempore declared it passed, as amended.

Bill ordered reprinted, reengrossed, and transmitted to the Senate.

Madam Speaker pro Tempore announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 2:34 p.m.

ASSEMBLY IN SESSION

At 2:35 p.m.

Mr. Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Assembly Bill No. 561, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DEBBIE SMITH, *Chair*

GENERAL FILE AND THIRD READING

Assembly Bill No. 561.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 930.

AN ACT relating to governmental financial administration; delaying the commencement of certain transfers to the Fund to Stabilize the Operation of the State Government; ~~[revising the provisions governing the amount and use of certain reserve accounts for bond payments;]~~ revising the provisions governing the rate and calculation of the payroll tax imposed on certain businesses other than financial institutions; requiring the deposit of certain fees imposed on the short-term lease of passenger cars into the State General Fund; extending the prospective expiration of certain requirements regarding the **imposition and** advance payment of ~~[the tax imposed on the net proceeds of minerals; temporarily authorizing the securitization of the proceeds of the tax on insurance premiums;]~~ **certain taxes and fees; requiring the transfer of money from the Fund to Stabilize the Operation of the State Government to the State General Fund;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The Fund to Stabilize the Operation of the State Government, also known as the Rainy Day Fund, is a special revenue fund into which surplus state revenues are deposited to be used in case of fiscal emergencies. Under existing law, the State Controller is required to transfer from the State General Fund to the Fund to Stabilize the Operation of the State Government at the beginning of each fiscal year that begins on or after July 1, 2011, 1 percent of the total anticipated revenue projected for that fiscal year by the Economic Forum in May of odd-numbered years, as adjusted by any legislation enacted by the Legislature that affects state revenue for that fiscal year. (NRS 353.288) **Sections 1 and 10** of this bill delay the commencement of those transfers until July 1, 2013.

~~[Under existing law, a school district that issues certain general obligation bonds is required to maintain a reserve account for the payment of those bonds which equals or exceeds the amount of the payments due on those bonds for the next fiscal year or 10 percent of the outstanding principal~~

~~amount of the bonds, whichever is less. Section 2 of this bill reduces the amount required to be maintained in such a reserve account by 75 percent for school districts in counties whose population is less than 100,000 (currently counties other than Clark and Washoe Counties) and by 90 percent for school districts in other counties. Section 14 of this bill requires the transfer of the resulting excess amount into the county school district fund and requires the allocation of that amount as local funds available for the next 2 fiscal years for the purpose of determining the pertinent apportionments from the State Distributive School Account in the State General Fund.~~**]** **Section 16 of this bill requires the State Controller to transfer a sum of money from the Fund to Stabilize the Operation of the State Government to the State General Fund.**

Existing law imposes an excise tax on certain businesses other than financial institutions at the rate of 0.5 percent of the total wages paid by the business each calendar quarter that do not exceed $62,500 and 1.17 percent of those wages paid in excess of $62,500. (NRS 363B.110) On July 1, 2011, this rate is scheduled to change to 0.63 percent of the total wages paid by the business each calendar quarter. (Chapter 395, Statutes of Nevada 2009, pp. 2190, 2199) **Section 4** of this bill revises that rate change **until June 30, 2013,** to impose **[**~~the tax at the rate of 0.5 percent of the total~~**]** **no tax on the** wages paid by the business each calendar quarter that do not exceed $62,500 and **[**~~0.63~~**]** **to impose the tax at the rate of 1.17** percent of **[**~~those~~**]** **the total** wages paid **by the business each calendar quarter** in excess of $62,500. **[**~~Section 3 of this bill revises the method for determining the amount of the tax due from a company that leases employees to client companies, by requiring separate calculations of the tax for the wages paid to employees leased to each separate client company.~~**]**

Under existing law, a short-term lessor of passenger cars is required to collect from its customers a governmental services fee of 10 percent of the adjusted total amount of each lease, and to remit the fee to the Department of Taxation. Of the amount remitted to the Department, 90 percent must be deposited in the State General Fund and 10 percent must be deposited in the State Highway Fund. (NRS 482.313) **Section 6** of this bill instead requires the deposit of all of that amount into the State General Fund.

Existing law requires, until June 30, 2011, the advance payment of the tax on the net proceeds of minerals based upon the estimated net proceeds and royalties of a mining operation for the current calendar year. (Chapter 4, Statutes of Nevada 2008, 25th Special Session, pp. 15-18, 23) **Sections 7, 8, 9 and 11** of this bill delay the expiration of this requirement for advance payment until June 30, 2013.

~~[Section 12 of this bill authorizes the State Treasurer to securitize a portion of the proceeds of the tax on insurance premiums for the next 10 fiscal years.]~~

Existing law imposes an annual fee of $200 for a state business license. (NRS 76.100, 76.130) On July 1, 2011, this fee is scheduled to change to $100. (Chapter 429, Statutes of Nevada 2009, pp. 2408-10) Section 10.3 of this bill delays this change until July 1, 2013.

Existing law requires, until June 30, 2011, an increase in the rate of the Local School Support Tax of 0.35 percent. (Chapter 395, Statutes of Nevada 2009, pp. 2191, 2199) Section 10.7 of this bill delays the expiration of this increase until June 30, 2013.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 353.288 is hereby amended to read as follows:

353.288 1. The Fund to Stabilize the Operation of the State Government is hereby created as a special revenue fund. Except as otherwise provided in subsections 3 and 4, each year after the close of the previous fiscal year and before the issuance of the State Controller's annual report, the State Controller shall transfer from the State General Fund to the Fund to Stabilize the Operation of the State Government:

(a) Forty percent of the unrestricted balance of the State General Fund, as of the close of the previous fiscal year, which remains after subtracting an amount equal to 7 percent of all appropriations made from the State General Fund during that previous fiscal year for the operation of all departments, institutions and agencies of State Government and for the funding of schools; and

(b) Commencing with the fiscal year that begins on July 1, ~~[2011,]~~ ***2013,*** 1 percent of the total anticipated revenue for the fiscal year in which the transfer will be made, as projected by the Economic Forum for that fiscal year pursuant to paragraph (e) of subsection 1 of NRS 353.228 and as adjusted by any legislation enacted by the Legislature that affects state revenue for that fiscal year.

2. Money transferred pursuant to subsection 1 to the Fund to Stabilize the Operation of the State Government is a continuing appropriation solely for the purpose of authorizing the expenditure of the transferred money for the purposes set forth in this section.

3. The balance in the Fund to Stabilize the Operation of the State Government, excluding the aggregate balance in the Disaster Relief Account and the Emergency Assistance Subaccount, must not exceed 20 percent of the total of all appropriations from the State General Fund for the operation of all departments, institutions and agencies of the State Government and for

the funding of schools and authorized expenditures from the State General Fund for the regulation of gaming for the fiscal year in which that revenue will be transferred to the Fund to Stabilize the Operation of the State Government.

4. Except as otherwise provided in this subsection and NRS 353.2735, beginning with the fiscal year that begins on July 1, 2003, the State Controller shall, at the end of each quarter of a fiscal year, transfer from the State General Fund to the Disaster Relief Account created pursuant to NRS 353.2735 an amount equal to not more than 10 percent of the aggregate balance in the Fund to Stabilize the Operation of the State Government during the previous quarter, excluding the aggregate balance in the Disaster Relief Account and the Emergency Assistance Subaccount created pursuant to NRS 414.135. The State Controller shall not transfer more than $500,000 for any quarter pursuant to this subsection.

5. The Chief of the Budget Division of the Department of Administration may submit a request to the State Board of Examiners to transfer money from the Fund to Stabilize the Operation of the State Government to the State General Fund:

(a) If the total actual revenue of the State falls short by 5 percent or more of the total anticipated revenue for the biennium in which the transfer will be made, as determined by the Legislature, or the Interim Finance Committee if the Legislature is not in session; or

(b) If the Legislature, or the Interim Finance Committee if the Legislature is not in session, and the Governor declare that a fiscal emergency exists.

6. The State Board of Examiners shall consider a request made pursuant to subsection 5 and shall, if it finds that a transfer should be made, recommend the amount of the transfer to the Interim Finance Committee for its independent evaluation and action. The Interim Finance Committee is not bound to follow the recommendation of the State Board of Examiners.

7. If the Interim Finance Committee finds that a transfer recommended by the State Board of Examiners should and may lawfully be made, the Committee shall by resolution establish the amount and direct the State Controller to transfer that amount to the State General Fund. The State Controller shall thereupon make the transfer.

8. In addition to the manner of allocation authorized pursuant to subsections 5, 6 and 7, the money in the Fund to Stabilize the Operation of the State Government may be allocated directly by the Legislature to be used for any other purpose.

Sec. 2. ~~[NRS 350.020 is hereby amended to read as follows:~~

~~350.020 1. Except as otherwise provided by subsections 3 and 4, if a municipality proposes to issue or incur general obligations, the proposal must~~

be submitted to the electors of the municipality at a special election called for that purpose or the next general municipal election or general state election.

2. Such a special election may be held:

(a) At any time, including, without limitation, on the date of a primary municipal election or a primary state election, if the governing body of the municipality determines, by a unanimous vote, that an emergency exists; or

(b) On the first Tuesday after the first Monday in June of an odd-numbered year.

The determination made by the governing body is conclusive unless it is shown that the governing body acted with fraud or a gross abuse of discretion. An action to challenge the determination made by the governing body must be commenced within 15 days after the governing body's determination is final. As used in this subsection, "emergency" means any occurrence or combination of occurrences which requires immediate action by the governing body of the municipality to prevent or mitigate a substantial financial loss to the municipality or to enable the governing body to provide an essential service to the residents of the municipality.

3. If payment of a general obligation of the municipality is additionally secured by a pledge of gross or net revenue of a project to be financed by its issue, and the governing body determines, by an affirmative vote of two-thirds of the members elected to the governing body, that the pledged revenue will at least equal the amount required in each year for the payment of interest and principal, without regard to any option reserved by the municipality for early redemption, the municipality may, after a public hearing, incur this general obligation without an election unless, within 90 days after publication of a resolution of intent to issue the bonds, a petition is presented to the governing body signed by not less than 5 percent of the registered voters of the municipality. Any member elected to the governing body whose authority to vote is limited by charter, statute or otherwise may vote on the determination required to be made by the governing body pursuant to this subsection. The determination by the governing body becomes conclusive on the last day for filing the petition. For the purpose of this subsection, the number of registered voters must be determined as of the close of registration for the last preceding general election. The resolution of intent need not be published in full, but the publication must include the amount of the obligation and the purpose for which it is to be incurred. Notice of the public hearing must be published at least 10 days before the day of the hearing. The publications must be made once in a newspaper of general circulation in the municipality. When published, the notice of the public hearing must be at least as large as 5 inches high by 4 inches wide.

4. The board of trustees of a school district may issue general obligation bonds which are not expected to result in an increase in the existing property

~~tax levy for the payment of bonds of the school district without holding an election for each issuance of the bonds if the qualified electors approve a question submitted by the board of trustees that authorizes issuance of bonds for a period of 10 years after the date of approval by the voters. If the question is approved, the board of trustees of the school district may issue the bonds for a period of 10 years after the date of approval by the voters, after obtaining the approval of the debt management commission in the county in which the school district is located and, in a county whose population is 100,000 or more, the approval of the oversight panel for school facilities established pursuant to NRS 393.092 in that county, if the board of trustees of the school district finds that the existing tax for debt service will at least equal the amount required to pay the principal and interest on the outstanding general obligations of the school district and the general obligations proposed to be issued. The finding made by the board of trustees is conclusive in the absence of fraud or gross abuse of discretion. As used in this subsection, "general obligations" does not include medium-term obligations issued pursuant to NRS 350.087 to 350.095, inclusive.~~

~~5. At the time of issuance of bonds authorized pursuant to subsection 4, the board of trustees shall establish a reserve account in its debt service fund for payment of the outstanding bonds of the school district.~~ **[**The**]** ***In a county whose population:***

~~***(a) Is less than 100,000, the***~~ reserve account must be established and ~~maintained in an amount at least equal to the lesser of~~ ***25 percent of*** ~~the amount of principal and interest payments due on all of the outstanding bonds of the school district in the next fiscal year or~~ **[**10**]** ***2.5*** ~~percent of the outstanding principal amount of the outstanding bonds of the school district.~~

~~***(b) Is 100,000 or more, the reserve account must be established and maintained in an amount at least equal to the lesser of 10 percent of the amount of principal and interest payments due on all of the outstanding bonds of the school district in the next fiscal year or 1 percent of the outstanding principal amount of the outstanding bonds of the school district.***~~

~~***6.*** If the amount in the reserve account ***required by subsection 5*** falls ~~below the amount required by~~ **[**this**]** ***that*** ~~subsection:~~

~~(a) The board of trustees shall not issue additional bonds pursuant to subsection 4 until the reserve account is restored to the level required by this subsection; and~~

~~(b) The board of trustees shall apply all of the taxes levied by the school district for payment of bonds of the school district that are not needed for payment of the principal and interest on bonds of the school district in the current fiscal year to restore the reserve account to the level required pursuant to this subsection.~~

~~[6.] 7. A question presented to the voters pursuant to subsection 4 may authorize all or a portion of the revenue generated by the debt rate which is in excess of the amount required:~~

~~(a) For debt service in the current fiscal year;~~

~~(b) For other purposes related to the bonds by the instrument pursuant to which the bonds were issued; and~~

~~(c) To maintain the reserve account required pursuant to subsection 5,~~

~~* to be transferred to the county school district's fund for capital projects established pursuant to NRS 387.328 and used to pay the cost of capital projects which can lawfully be paid from that fund. Any such transfer must not limit the ability of the school district to issue bonds during the period of voter authorization if the findings and approvals required by subsection 4 are obtained.~~

~~[7.] 8. A municipality may issue special or medium-term obligations without an election.]~~ **(Deleted by amendment.)**

Sec. 3. ~~[Chapter 363B of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~*1. The amount of the tax imposed by NRS 363B.110 on an employee leasing company for each calendar quarter must be calculated by:*~~

~~*(a) Determining separately for each client company to whom the employee leasing company leases employees the amount of the tax based upon the sum of all the wages paid by the employee leasing company during that calendar quarter with respect to the employment of its employees for the purpose of leasing those employees to that client company; and*~~

~~*(b) Determining separately the amount of the tax based upon the sum of all the wages paid by the employee leasing company during that calendar quarter with respect to the employment of its employees in connection with its business activities for any purpose other than the leasing of those employees to a client company.*~~

~~*2. The Nevada Tax Commission shall adopt such regulations as may be necessary to carry out the provisions of this section, including, without limitation, regulations establishing a formula for the appropriate apportionment by an employee leasing company of any deductions authorized by NRS 363B.115 from the total amount of wages reported by the employee leasing company.*~~

~~*3. As used in this section, "client company" and "employee leasing company" have the meanings ascribed to them in NRS 616B.670.]*~~ **(Deleted by amendment.)**

Sec. 4. NRS 363B.110 is hereby amended to read as follows:

363B.110 1. There is hereby imposed an excise tax on each employer at the rate of ~~[0.63]~~ ***1.17*** percent of the ***amount by which the sum of all the*** wages, as defined in NRS 612.190, ~~*[in the amount determined as follows:*~~

~~*(a) If the sum of all the wages]*~~ paid by the employer during a calendar quarter with respect to employment in connection with the business activities of the employer ~~[.]~~ ~~*[does not exceed $62,500, the amount of the tax for that calendar quarter is 0.5 percent of the sum of those wages; or*~~

~~*(b) If the sum of all the wages paid by the employer during a calendar quarter with respect to employment in connection with the business activities of the employer exceeds $62,500, the amount of the tax for that calendar quarter is $312.50 plus 0.63 percent of the amount by which the sum of those wages]*~~ ***exceeds $62,500.***

2. The tax imposed by this section:

(a) Does not apply to any person or other entity or any wages this State is prohibited from taxing under the Constitution, laws or treaties of the United States or the Nevada Constitution.

(b) Must not be deducted, in whole or in part, from any wages of persons in the employment of the employer.

3. Each employer shall, on or before the last day of the month immediately following each calendar quarter for which the employer is required to pay a contribution pursuant to NRS 612.535:

(a) File with the Department a return on a form prescribed by the Department; and

(b) Remit to the Department any tax due pursuant to this chapter for that calendar quarter.

Sec. 4.5. **NRS 363B.115 is hereby amended to read as follows:**

363B.115 1. Except as otherwise provided in subsection 2, an employer may deduct from the total amount of wages reported ~~[and upon which]~~ ***for the purpose of calculating the amount of*** the excise tax ~~[is imposed]~~ ***required to be paid*** pursuant to NRS 363B.110 any amount authorized pursuant to this section that is paid by the employer for health insurance or a health benefit plan for its employees in the calendar quarter for which the tax is paid. The amounts for which the deduction is allowed include:

(a) For a self-insured employer, all amounts paid during the calendar quarter for claims, direct administrative services costs, including such services provided by the employer, and any premiums paid for individual or aggregate stop-loss insurance coverage. An employer is not authorized to deduct the costs of a program of self-insurance unless the program is a qualified employee welfare benefit plan pursuant to the Employee Retirement Income Security Act of 1974, 29 U.S.C. §§ 1001 et seq.

(b) The premiums for a policy of health insurance or reinsurance for a health benefit plan for employees.

(c) Any amounts which are:

(1) Paid by an employer to a Taft-Hartley trust which:

(I) Is formed pursuant to 29 U.S.C. § 186(c)(5); and

(II) Qualifies as an employee welfare benefit plan; and

(2) Considered by the Internal Revenue Service to be fully tax deductible pursuant to the provisions of the Internal Revenue Code.

(d) Such other similar payments for health care or insurance for health care for employees as are authorized by the Department.

2. An employer may not deduct ~~[from the wages upon which the excise tax is imposed pursuant to NRS 363B.110:]~~ ***pursuant to subsection 1 any:***

(a) Amounts paid for health care or premiums paid for insurance for an industrial injury or occupational disease for which coverage is required pursuant to chapters 616A to 616D, inclusive, or 617 of NRS; or

(b) ~~[Any payments]~~ ***Payments*** made by employees for health care or health insurance or amounts deducted from the wages of employees for such health care or insurance.

3. If the amount of the deduction allowed pursuant to this section to an employer for a calendar quarter exceeds the amount of reported wages for that calendar quarter, the excess amount of that deduction may be carried forward to the following calendar quarter until the deduction is exhausted. An employer claiming the deduction allowed pursuant to this section shall, upon the request of the Department, explain the amount claimed to the satisfaction of the Department and provide the Department with such documentation as the Department deems appropriate for that purpose.

4. As used in this section:

(a) "Claims" means claims for those categories of health care expenses that are generally deductible by employees on their individual federal income tax returns pursuant to the provisions of 26 U.S.C. § 213 and any federal regulations relating thereto, if those expenses had been borne directly by those employees.

(b) "Direct administrative services costs" means, if borne directly by a self-insured employer and reasonably allocated to the direct administration of claims:

(1) Payments for medical or office supplies that will be consumed in the course of the provision of medical care or the direct administration of claims;

(2) Payments to third-party administrators or independent contractors for the provision of medical care or the direct administration of claims;

(3) Rent and utility payments for the maintenance of medical or office space used for the provision of medical care or the direct administration of claims;

(4) Payments for the maintenance, repair and upkeep of medical or office space used for the provision of medical care or the direct administration of claims;

(5) Salaries and wages paid to medical, clerical and administrative staff and other personnel employed to provide medical care or directly to administer claims; and

(6) The depreciation of property other than medical or office supplies, used for the provision of medical care or the direct administration of claims.

(c) "Employee welfare benefit plan" has the meaning ascribed to it in 29 U.S.C. § 1002.

(d) "Employees" means employees whose wages are included within the ~~[measure]~~ ***calculation of the amount*** of the excise tax imposed upon an employer by NRS 363B.110, and their spouses, children and other dependents who qualify for coverage under the terms of the health insurance or health benefit plan provided by that employer.

(e) "Health benefit plan" means a health benefit plan that covers only those categories of health care expenses that are generally deductible by employees on their individual federal income tax returns pursuant to the provisions of 26 U.S.C. § 213 and any federal regulations relating thereto, if those expenses had been borne directly by those employees.

(f) "Self-insured employer" means an employer that provides a program of self-insurance for its employees.

Sec. 5. NRS 408.235 is hereby amended to read as follows:

408.235 1. There is hereby created the State Highway Fund.

2. Except as otherwise provided by a specific statute, the proceeds from the imposition of any:

(a) License or registration fee and other charges with respect to the operation of any motor vehicle upon any public highway, city, town or county road, street, alley or highway in this State; and

(b) Excise tax on gasoline or other motor vehicle fuel,

➥ must be deposited in the State Highway Fund and must, except for costs of administering the collection thereof, be used exclusively for the administration, construction, reconstruction, improvement and maintenance of highways as provided for in this chapter.

3. The interest and income earned on the money in the State Highway Fund, after deducting any applicable charges, must be credited to the Fund.

4. Costs of administration for the collection of the proceeds for any license or registration fees and other charges with respect to the operation of any motor vehicle must be limited to a sum not to exceed 22 percent of the total proceeds so collected.

5. Costs of administration for the collection of any excise tax on gasoline or other motor vehicle fuel must be limited to a sum not to exceed 1 percent of the total proceeds so collected.

6. All bills and charges against the State Highway Fund for administration, construction, reconstruction, improvement and maintenance of highways under the provisions of this chapter must be certified by the Director and must be presented to and examined by the State Board of Examiners. When allowed by the State Board of Examiners and upon being audited by the State Controller, the State Controller shall draw his or her warrant therefor upon the State Treasurer.

7. The money deposited in the State Highway Fund pursuant to NRS 244A.637 and 354.59815 must be maintained in a separate account for the county from which the money was received. The interest and income on the money in the account, after deducting any applicable charges, must be credited to the account. Any money remaining in the account at the end of each fiscal year does not revert to the State Highway Fund but must be carried over into the next fiscal year. The money in the account:

(a) Must be used exclusively for the construction, reconstruction, improvement and maintenance of highways in that county as provided for in this chapter;

(b) Must not be used to reduce or supplant the amount or percentage of any money which would otherwise be made available from the State Highway Fund for projects in that county; and

(c) Must not be used for any costs of administration or to purchase any equipment.

[~~8. The money deposited in the State Highway Fund pursuant to NRS 482.313 must be maintained in a separate account. The interest and income on the money in the account, after deducting any applicable charges, must be credited to the account. Any money remaining in the account at the end of each fiscal year does not revert to the State Highway Fund but must be carried over into the next fiscal year. The money in the account:~~

~~(a) Must be used exclusively for the construction, reconstruction, improvement and maintenance of highways as provided for in this chapter; and~~

~~(b) Must not be used for any costs of administration or to purchase any equipment.~~**]**

Sec. 6. NRS 482.313 is hereby amended to read as follows:

482.313 1. Upon the lease of a passenger car by a short-term lessor in this State, the short-term lessor shall charge and collect from the short-term lessee:

(a) A governmental services fee of 10 percent of the total amount for which the passenger car was leased, excluding the items described in subsection 7; and

(b) Any fee required pursuant to NRS 244A.810 or 244A.860.

➥ The amount of each fee charged pursuant to this subsection must be indicated in the lease agreement.

2. The fees due from a short-term lessor to the Department of Taxation pursuant to subsection 1 are due on the last day of each calendar quarter. On or before the last day of the month following each calendar quarter, the short-term lessor shall:

(a) File with the Department of Taxation, on a form prescribed by the Department of Taxation, a report indicating the total amount of each of the fees collected by the short-term lessor pursuant to subsection 1 during the immediately preceding calendar quarter; and

(b) Remit to the Department of Taxation the fees collected by the short-term lessor pursuant to subsection 1 during the immediately preceding calendar quarter.

3. Except as otherwise provided in a contract made pursuant to NRS 244A.820 or 244A.870, the Department of Taxation shall deposit ~~[~~:

~~(a) All~~ ***all*** money received from short-term lessors pursuant to the provisions of ~~[~~~~paragraph (b) of~~~~]~~ subsection 1 with the State Treasurer for credit to the State General Fund **.** ~~[~~;

~~(b) Nine-tenths of the money received from short-term lessors pursuant to the terms of paragraph (a) of subsection 1 with the State Treasurer for credit to the State General Fund; and~~

~~(c) One-tenth of the money received from short-term lessors pursuant to the terms of paragraph (a) of subsection 1 with the State Treasurer for credit to the State Highway Fund for administration pursuant to subsection 8 of NRS 408.235.~~]

4. To ensure compliance with this section, the Department of Taxation may audit the records of a short-term lessor.

5. The provisions of this section do not limit or affect the payment of any taxes or fees imposed pursuant to the provisions of this chapter.

6. The Department of Motor Vehicles shall, upon request, provide to the Department of Taxation any information in its records relating to a short-term lessor that the Department of Taxation considers necessary to collect the fees described in subsection 1.

7. For the purposes of charging and collecting the governmental services fee described in paragraph (a) of subsection 1, the following items must not be included in the total amount for which the passenger car was leased:

(a) The amount of any fee charged and collected pursuant to paragraph (b) of subsection 1;

(b) The amount of any charge for fuel used to operate the passenger car;

(c) The amount of any fee or charge for the delivery, transportation or other handling of the passenger car;

(d) The amount of any fee or charge for insurance, including, without limitation, personal accident insurance, extended coverage or insurance coverage for personal property; and

(e) The amount of any charges assessed against a short-term lessee for damages for which the short-term lessee is held responsible.

8. The Executive Director of the Department of Taxation shall:

(a) Adopt such regulations as the Executive Director determines are necessary to carry out the provisions of this section; and

(b) Upon the request of the Director of the Department of Motor Vehicles, provide to the Director of the Department of Motor Vehicles a copy of any record or report described in this section.

Sec. 6.5. **NRS 701A.370 is hereby amended to read as follows:**

701A.370 1. If the Commissioner approves an application for a partial abatement pursuant to NRS 701A.300 to 701A.390, inclusive, of:

(a) Property taxes imposed pursuant to chapter 361 of NRS, the partial abatement must:

(1) Be for a duration of the 20 fiscal years immediately following the date of approval of the application;

(2) Be equal to 55 percent of the taxes on real and personal property payable by the facility each year; and

(3) Not apply during any period in which the facility is receiving another abatement or exemption from property taxes imposed pursuant to chapter 361 of NRS, other than any partial abatement provided pursuant to NRS 361.4722.

(b) Local sales and use taxes:

(1) The partial abatement must:

(I) Be for the 3 years beginning on the date of approval of the application;

(II) Be equal to that portion of the combined rate of all the local sales and use taxes payable by the facility each year which exceeds ~~[0.25]~~ ***0.6*** percent; and

(III) Not apply during any period in which the facility is receiving another abatement or exemption from local sales and use taxes.

(2) The Department of Taxation shall issue to the facility a document certifying the abatement which can be presented to retailers at the time of sale. The document must clearly state that the purchaser is only required to pay sales and use taxes imposed in this State at the rate of ~~[2.25]~~ ***2.6*** percent.

2. Upon approving an application for a partial abatement pursuant to NRS 701A.300 to 701A.390, inclusive, the Commissioner shall immediately

notify the Director of the terms of the abatement and the Director shall immediately forward a certificate of eligibility for the abatement to:

(a) The Department of Taxation;

(b) The board of county commissioners;

(c) The county assessor;

(d) The county treasurer; and

(e) The Commission on Economic Development.

Sec. 7. Section 16 of chapter 4, Statutes of Nevada 2008, 25th Special Session, as amended by chapter 387, Statutes of Nevada 2009, at page 2097, is hereby amended to read as follows:

Sec. 16. 1. This section and sections 2, 4, 14 and 15 of this act become effective upon passage and approval.

2. Sections 6 to 12, inclusive, of this act become effective on January 1, 2009.

3. Sections 4 and 12 of this act expire by limitation on June 30, 2009.

4. Sections 1, 3, 5 and 13 of this act become effective on July 1, 2009.

5. Sections 1, 2, 3 and 5 of this act expire by limitation on June 30, ~~[2011.]~~ ***2013.***

Sec. 8. Section 29 of chapter 287, Statutes of Nevada 2009, at page 1233, is hereby amended to read as follows:

Sec. 29. ~~[1.]~~ NRS 361A.155 is hereby repealed.

~~[2. Section 5 of chapter 4, Statutes of Nevada 2008, 25th Special Session, at page 17, is hereby repealed.]~~

Sec. 9. Section 31 of chapter 287, Statutes of Nevada 2009, at page 1233, is hereby amended to read as follows:

Sec. 31. 1. This section and sections 3, 4, 27 ~~[, 28, subsection 2 of section 29 and section]~~ ***and*** 30 of this act become effective upon passage and approval.

2. Sections 1, 2 ***,*** ~~[and]~~ 5 to 26, inclusive, and ~~[subsection 1 of section]~~ 29 of this act become effective on July 1, 2009.

Sec. 10. Section 3 of chapter 322, Statutes of Nevada 2009, at page 1415, is hereby amended to read as follows:

Sec. 3. 1. The Governor shall provide initially for the reserve required pursuant to paragraph (b) of subsection 3 of NRS 353.213, as amended by section 1 of this act, in the proposed biennial budget for the period that begins on July 1, 2011, and ends on June 30, 2013.

2. The fiscal year that begins on July 1, ~~[2011,]~~ ***2013,*** is the initial fiscal year in which a transfer of money must be made from the State General Fund to the Fund to Stabilize the Operation of the State Government pursuant to paragraph (b) of subsection 1 of NRS 353.288, as amended by section 2 of this act.

Sec. 10.3. **Section 47 of chapter 381, Statutes of Nevada 2009, as amended by chapter 429, Statutes of Nevada 2009, at page 2410, is hereby amended to read as follows:**

Sec. 47. 1. This section and section 45.5 of this act become effective upon passage and approval.

2. Sections 1 to 44, inclusive, 45, 46 and 46.5 of this act become effective:

(a) Upon passage and approval for the purposes of adopting regulations and performing any other preparatory actions that are necessary to carry out the provisions of this act; and

(b) On October 1, 2009, for all other purposes.

3. Sections 44.3 and 44.7 of this act become effective on July 1, ~~[2011.]~~ ***2013.***

Sec. 10.7. **Section 20 of chapter 395, Statutes of Nevada 2009, at page 2199, is hereby amended to read as follows:**

Sec. 20. 1. This section and section 19 of this act become effective upon passage and approval.

2. Sections 1 ~~[, 2, 3 and 6 to 12, inclusive,]~~ ***and 2 of this act become effective on July 1, 2009.***

3. Section 3 of this act ~~[become]~~ ***becomes*** effective on July 1, 2009, and ~~[expire]~~ ***expires*** by limitation on June 30, 2011.

~~[3.]~~ ***4. Sections 6 to 12, inclusive, of this act become effective on July 1, 2009, and expire by limitation on June 30, 2013.***

5. Sections 4, 5, 13, 14, 15, 16, 17 and 18 of this act become effective:

(a) Upon passage and approval for the purpose of performing any preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On September 1, 2009, for all other purposes.

~~[4.]~~ ***6.*** Sections 15.5 and 18.5 of this act become effective on July 1, 2013.

~~[5.]~~ ***7.*** Section 18 of this act expires by limitation on June 30, 2013.

Sec. 11. Section 28 of chapter 287, Statutes of Nevada 2009, at page 1232, is hereby repealed.

Sec. 12. ~~[The State Treasurer may securitize any portion of the proceeds of the tax imposed by NRS 680B.027 that the State Treasurer determines to be appropriate for the benefit of the State.]~~ **(Deleted by amendment.)**

Sec. 13. ~~[Sections 3 and]~~ **The amendatory provisions of section** 4 of this act ~~[do]~~ **:**

1. Do not apply to any taxes due for any period ending on or before June 30, 2011 ~~[.]~~ **; and**

2. Except as otherwise provided in subsection 1 and notwithstanding the expiration of that section by limitation pursuant to section 17 of this

act, apply to taxes due pursuant to NRS 363B.110 for each calendar quarter ending on or before June 30, 2013.

Sec. 14. ~~[1. Notwithstanding any other statutory provision to the contrary, the board of trustees of a school district that maintains a separate account in its debt service fund pursuant to subsection 5 of NRS 350.020 shall transfer from that account to the county school district fund the amount contained in that account on July 1, 2011, which is not required by subsection 5 of NRS 350.020, as amended by section 2 of this act, to be maintained in that account on that date.~~

~~2. From the amount of any money transferred to a county school district fund pursuant to subsection 1:~~

~~(a) Fifty percent of that amount shall be deemed, for the purposes of NRS 387.124, to constitute local funds available pursuant to NRS 387.1235 for the fiscal year beginning on July 1, 2011; and~~

~~(b) Fifty percent of that amount shall be deemed, for the purposes of NRS 387.124, to constitute local funds available pursuant to NRS 387.1235 for the fiscal year beginning on July 1, 2012.]~~ **(Deleted by amendment.)**

Sec. 15. 1. When preparing its certificate of the tax due from a taxpayer pursuant to NRS 362.130 during the calendar year 2014, the Department of Taxation shall reduce the amount of the tax due from the taxpayer by the amount of:

(a) Any estimated payments of the tax made by or on behalf of the taxpayer during the calendar year 2013 pursuant to NRS 362.115, as that section read on January 1, 2013; and

(b) Any unused credit to which the taxpayer may be entitled as a result of any previous overpayment of the tax.

2. Notwithstanding any provision of NRS 362.170 to the contrary:

(a) The amount appropriated to each county pursuant to that section for distribution to the county during the calendar year 2014 must be reduced by the amount appropriated to the county pursuant to that section for distribution to the county during the calendar year 2013, excluding any portion of the amount appropriated to the county pursuant to that section for distribution to the county during the calendar year 2013 which is attributable to a pro rata share of any penalties and interest collected by the Department of Taxation for the late payment of taxes distributed to the county.

(b) In calculating the amount required to be apportioned to each local government or other local entity pursuant to subsection 2 of that section for the calendar year 2014, the county treasurer shall reduce the amount required to be determined pursuant to paragraph (a) of that subsection for that calendar year by the amount determined pursuant to that paragraph for the calendar year 2013.

Sec. 16. **The State Controller shall transfer from the Fund to Stabilize the Operation of the State Government to the State General Fund the sum of $41,321,014 for unrestricted State General Fund use.**

~~[Sec. 16.]~~ ***Sec. 17.*** 1. This section and sections 1 ~~[,]~~ **and** 7 to ~~[11,]~~ **16,** inclusive, ~~[and 15]~~ of this act become effective upon passage and approval.

2. Sections ~~[2, 3, 4, 6, 13 and 14]~~ **4.5 and 6** of this act become effective on July 1, 2011.

3. ~~[Section 12]~~ **Sections 4 and 6.5** of this act ~~[becomes]~~ **become** effective on July 1, 2011, and ~~[expires]~~ **expire** by limitation on June 30, ~~[2021.]~~ **2013.**

4. Section 5 of this act becomes effective on the date that the balance of the separate account required by subsection 8 of NRS 408.235 is reduced to zero.

TEXT OF REPEALED SECTION

Section 28 of chapter 287, Statutes of Nevada 2009:

Sec. 28. Section 16 of chapter 4, Statutes of Nevada 2008, 25th Special Session, at page 23, is hereby amended to read as follows:

Sec. 16. 1. This section and sections 2, 4, 14 and 15 of this act become effective upon passage and approval.

2. Sections 6 to 12, inclusive, of this act become effective on January 1, 2009 ~~[.~~

~~3. Sections 4 and 6 to 12, inclusive, of this act]~~ ***, and*** expire by limitation on June 30, 2009.

~~[4.]~~ ***3.*** Sections 1, 3 ~~[, 5]~~ and 13 of this act become effective on July 1, 2009.

~~[5.]~~ ***4.*** Sections 1 ~~[, 2, 3 and 5]~~ ***to 4, inclusive,*** of this act expire by limitation on June 30, 2011.

Assemblywoman Smith moved the adoption of the amendment.

Remarks by Assemblywoman Smith.

Amendment adopted.

Bill ordered to third reading.

Assembly Bill No. 416.

Bill read third time.

Remarks by Assemblywoman Carlton.

Roll call on Assembly Bill No. 416:

YEAS—42.

NAYS—None.

Assembly Bill No. 416 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered reprinted, reengrossed, and transmitted to the Senate.

Assembly Bill No. 427.
Bill read third time.
Remarks by Assemblyman Ohrenschall.
Roll call on Assembly Bill No. 427:
YEAS—30.
NAYS—Ellison, Goicoechea, Grady, Hammond, Hardy, Kirkpatrick, Kirner, Kite, Livermore, McArthur, Sherwood, Stewart—12.
Assembly Bill No. 427 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered reprinted, reengrossed, and transmitted to the Senate.

Assembly Bill No. 476.
Bill read third time.
Remarks by Assemblywoman Smith.
Roll call on Assembly Bill No. 476:
YEAS—42.
NAYS—None.
Assembly Bill No. 476 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered reprinted, engrossed, and transmitted to the Senate.

Assembly Bill No. 560.
Bill read third time.
Remarks by Assemblywoman Smith.
Roll call on Assembly Bill No. 560:
YEAS—42.
NAYS—None.
Assembly Bill No. 560 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered reprinted, engrossed, and transmitted to the Senate.

Assembly Bill No. 576.
Bill read third time.
Roll call on Assembly Bill No. 576:
YEAS—42.
NAYS—None.
Assembly Bill No. 576 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered reprinted, engrossed, and transmitted to the Senate.

Assembly Bill No. 577.
Bill read third time.
Roll call on Assembly Bill No. 577:
YEAS—41.
NAYS—Ohrenschall.

Assembly Bill No. 577 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 578.

Bill read third time.

Roll call on Assembly Bill No. 578:

YEAS—28.

NAYS—Ellison, Goedhart, Goicoechea, Grady, Hambrick, Hammond, Hansen, Hardy, Kirner, Kite, Livermore, McArthur, Sherwood, Woodbury—14.

Assembly Bill No. 578 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered reprinted, engrossed, and transmitted to the Senate.

Senate Bill No. 276.

Bill read third time.

Roll call on Senate Bill No. 276:

YEAS—29.

NAYS—Ellison, Goedhart, Goicoechea, Grady, Hambrick, Hansen, Hardy, Hickey, Kirner, Kite, Livermore, McArthur, Sherwood—13.

Senate Bill No. 276 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered reprinted, reengrossed, and transmitted to the Senate.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 2:52 p.m.

ASSEMBLY IN SESSION

At 3:05 p.m.

Mr. Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Senate Bill No. 439, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MARILYN K. KIRKPATRICK, *Chair*

MOTIONS, RESOLUTIONS AND NOTICES

By the Committee on Legislative Operations and Elections:

Assembly Concurrent Resolution No. 12—Directing the Legislative Commission to conduct an interim study concerning the structure and operations of the Nevada Legislature.

Assemblywoman Kirkpatrick moved that the resolution be referred to the Committee on Legislative Operations and Elections.

Motion carried.

UNFINISHED BUSINESS

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblywoman Carlton moved that the Assembly do not recede from its action on Senate Bill No. 168, that a conference be requested, and that Mr. Speaker appoint a Conference Committee consisting of three members to meet with a like committee of the Senate.

Remarks by Assemblywoman Carlton.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Carlton, Bustamante Adams, and Goedhart as a Conference Committee to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 168.

Mr. Speaker appointed Assemblymen Bobzien, Daly, and Hickey as a Conference Committee to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 376.

GENERAL FILE AND THIRD READING

Senate Bill No. 439.

Bill read third time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 944.

AN ACT relating to fire protection; amending the membership and duties of the State Board of Fire Services; eliminating the Fire Service Standards and Training Committee; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law sets forth the membership and duties of the State Board of Fire Services and the Fire Service Standards and Training Committee. (NRS 477.020, 477.070-477.090) **Section 11** of this bill eliminates the Fire Service Standards and Training Committee. **Section 3** of this bill revises the membership and duties of the State Board of Fire Services.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 477 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. ***As used in NRS 477.080, 477.085 and 477.090 and sections 2 and 3 of this act, unless the context otherwise requires, "Board" means the State Board of Fire Services created pursuant to section 3 of this act.***

Sec. 3. ***1. The State Board of Fire Services is hereby created. The Board consists of:***

(a) The State Fire Marshal, who is a nonvoting member;

(b) The State Forester Firewarden, who is a voting member; and

(c) The following ~~[eight]~~ nine voting members appointed by the Governor as follows:

(1) A licensed architect;

(2) A chief, deputy chief, assistant chief or division chief of a volunteer fire department or a partially paid fire department;

(3) A chief, deputy chief, assistant chief or division chief of a full-time, paid fire department;

(4) A professional engineer;

(5) A chief officer, person of equivalent rank or any other person who is experienced in fire service training and represents a volunteer or partially paid fire department or fire district;

(6) A chief officer, person of equivalent rank or any other person who is experienced in fire service training and represents a fully paid fire department or fire district;

(7) A fire marshal, fire protection engineer or any other person who is experienced in developing or enforcing any code related to fire prevention; ~~[and]~~

(8) A firefighter who does not otherwise meet the requirements of subparagraphs (1) to (7), inclusive; and

(9) A member of the general public who has an interest in public safety and is not an employee or a volunteer of a fire department or fire district.

2. The members described in paragraph (c) of subsection 1:

(a) Must be selected by the Governor based on nominations received from fire chiefs;

(b) Shall serve for a term of 4 years; and

(c) Serve at the pleasure of the Governor.

3. Of the members described in paragraph (c) of subsection 1:

(a) At least one member must be from Clark County;

(b) At least one member must be from Washoe County; and

(c) A majority of such members must not be from one county.

4. No member other than the State Fire Marshal and the State Forester Firewarden may serve for more than two consecutive terms.

5. A vacancy in the Board must be filled for the remainder of the unexpired term in the same manner as the original appointment.

6. The Board shall select a Chair from among its members to serve for 1 year. The State Fire Marshal shall serve as the Secretary of the Board.

7. The Board shall meet at least twice each year and on the call of the Chair, the Secretary or any three members.

8. The members of the Board are entitled to receive from the State Fire Marshal Division of the Department of Public Safety the per diem allowance and travel expenses provided for state officers and employees generally for each day or portion of a day during which the member attends a meeting of the Board.

9. The State Fire Marshal Division shall provide the Board with administrative support.

Sec. 4. NRS 477.039 is hereby amended to read as follows:

477.039 1. The State Fire Marshal shall:

(a) Furnish and administer programs for the training of firefighters;

(b) Describe the programs that are available for training of firefighters and notify fire departments of the availability of these programs;

(c) Administer a program to certify firefighters, whenever requested to do so, for successful completion of a training program;

(d) Develop a program to train instructors;

(e) Assist other agencies and organizations to prepare and administer training programs;

(f) Carry out the provisions of paragraphs (a) to (e), inclusive, in accordance with recommendations submitted to the State ~~[Fire Marshal by the Fire Service Standards and Training Committee]~~ ***Board of Fire Services*** and the regulations adopted by the ~~[Committee;]~~ ***Board;*** and

(g) Establish a regional hazardous materials training facility and furnish training programs concerning hazardous materials for emergency personnel, agencies and other persons.

2. The State Fire Marshal may enter into agreements for the procurement of necessary services or property, may accept gifts, grants, services or property for the training programs and may charge fees for training programs, materials or services provided.

Sec. 5. NRS 477.080 is hereby amended to read as follows:

477.080 The ~~[Committee]~~ ***Board*** shall:

1. ~~[Meet at the call of the Chair at least four times each year.~~

~~2.]~~ Encourage the training and education of fire service personnel to improve the system of public safety in the State.

~~[3.]~~ ***2.*** Adopt regulations establishing minimum standards for the approval of training and certification programs submitted by a fire department ~~[or other fire service training agency or organization of the State~~

~~,~~ ***, fire district or any political subdivision or agency of the State or Federal Government*** pursuant to NRS 477.090. The regulations must provide minimum standards for the training and certification, including the renewal and revocation of certification, of ~~[fire service]~~ ***emergency response*** personnel who serve in positions for which the ~~[Committee]~~ ***Board*** determines minimum standards of training and certification are necessary.

~~[4.]~~ ***3.*** Provide information and make recommendations to the State Fire Marshal ~~[and the State Board of Fire Services]~~ concerning the training of fire service personnel.

~~[5. Approve the budget for the operation of the Committee.]~~

4. Make recommendations to the State Fire Marshal and to the Legislature concerning necessary legislation in the fields of fire fighting and fire protection.

5. When requested to do so by the Director of the Department of Public Safety, recommend to the Director not fewer than three persons for appointment as State Fire Marshal.

6. Hear appeals of orders, decisions or determinations made by the State Fire Marshal pursuant to his or her statutory authority.

Sec. 6. NRS 477.085 is hereby amended to read as follows:

477.085 The ~~[Committee]~~ ***Board*** may:

1. Adopt regulations which:

(a) It determines are necessary for the operation of the ~~[Committee.]~~ ***Board.***

(b) Require that training programs which are approved by the ~~[Committee]~~ ***Board*** and require special facilities be conducted at facilities approved by the ~~[Committee.]~~ ***Board.***

2. Recommend to the Legislature any appropriate legislation concerning the training of fire service personnel.

Sec. 7. NRS 477.090 is hereby amended to read as follows:

477.090 1. A fire department ~~[or other fire service training agency or organization of the State]~~ ***, fire district or any political subdivision or agency of the State or Federal Government*** may submit to the Chair of the ~~[Committee]~~ ***Board*** a proposed training and certification program for any of the ~~[fire service personnel]~~ ***emergency response members*** who serve in positions for which the ~~[Committee]~~ ***Board*** has adopted regulations pursuant to NRS 477.080. The proposed program must be submitted not less than 30 days before the next scheduled meeting of the ~~[Committee.]~~ ***Board.***

2. At that meeting, the ~~[Committee]~~ ***Board*** shall evaluate the proposed program and determine whether it meets the standards for training and certification prescribed in the regulations adopted by the ~~[Committee]~~ ***Board*** pursuant to NRS 477.080.

3. A proposed training and certification program submitted pursuant to this section must include:

(a) A description of the ~~[~~fire service personnel~~]~~ ***emergency response*** positions which will be covered by the program;

(b) A description of the training which the program will provide;

(c) A procedure for the renewal of certification; and

(d) A procedure for the revocation of certification.

4. If a training and certification program is approved by the ~~[~~Committee,~~]~~ ***Board,*** the program constitutes the standard for state certification of ~~[~~fire service~~]~~ ***emergency response*** personnel.

Sec. 8. Notwithstanding any provision of law to the contrary, the term of office of any person currently serving on the State Board of Fire Services ends on June 30, 2011.

Sec. 9. 1. Any administrative regulations adopted by an officer, agency or other entity whose name has been changed or whose responsibilities have been transferred pursuant to the provisions of this act to another officer, agency or other entity remain in force until amended by the officer, agency or other entity to which the responsibility for the adoption of the regulations has been transferred.

2. Any contracts or other agreements entered into by an officer, agency or other entity whose name has been changed or whose responsibilities have been transferred pursuant to the provisions of this act to another officer, agency or other entity are binding upon the officer, agency or other entity to which the responsibility for the administration of the provisions of the contract or other agreement has been transferred. Such contracts and other agreements may be enforced by the officer, agency or other entity to which the responsibility for the enforcement of the provisions of the contract or other agreement has been transferred.

3. Any action taken by an officer, agency or other entity whose name has been changed or whose responsibilities have been transferred pursuant to the provisions of this act to another officer, agency or other entity remains in effect as if taken by the officer, agency or other entity to which the responsibility for the enforcement of such actions has been transferred.

Sec. 10. The Legislative Counsel shall:

1. In preparing the reprint and supplements to the Nevada Revised Statutes, appropriately change any references to an officer, agency or other entity whose name is changed or whose responsibilities have been transferred pursuant to the provisions of this act to refer to the appropriate officer, agency or other entity. If any internal reference is made to a section repealed by this act, the Legislative Counsel shall delete the reference and replace it by reference to the superseding section, if any.

2. In preparing supplements to the Nevada Administrative Code, appropriately change any references to an officer, agency or other entity whose name is changed or whose responsibilities are transferred pursuant to the provisions of this act to refer to the appropriate officer, agency or other entity.

Sec. 11. NRS 477.020, 477.070 and 477.075 are hereby repealed.

Sec. 12. 1. This section and section 8 of this act become effective upon passage and approval.

2. Sections 1 to 7, inclusive, 9, 10 and 11 of this act become effective on July 1, 2011.

TEXT OF REPEALED SECTIONS

477.020 State Board of Fire Services: Creation; members; qualifications of members; terms of members; meetings; compensation of members; duties.

1. The State Board of Fire Services, consisting of eight members appointed by the Governor, is hereby created.

2. The Governor shall appoint:

(a) A licensed architect;

(b) A chief of a volunteer fire department;

(c) A chief of a full-time, paid fire department;

(d) A professional engineer;

(e) The State Forester Firewarden;

(f) A training officer of a volunteer fire department;

(g) A training officer of a partially or fully paid fire department; and

(h) A specialist in hazardous materials,

➥ to the Board. No member other than the State Forester Firewarden may serve for more than two consecutive terms.

3. The Board shall select a Chair from among its members to serve for 1 year. The State Fire Marshal shall serve as the Secretary of the Board.

4. The Board may meet regularly at least twice each year or on the call of the Chair, the Secretary or any three members.

5. The members of the Board, except the State Forester Firewarden, are entitled to receive a salary of $60 for each day's attendance at a meeting of the Board.

6. The Board shall make recommendations to the State Fire Marshal and to the Legislature concerning necessary legislation in the field of fire fighting and fire protection. When requested to do so by the Director of the Department of Public Safety, the Board shall recommend to the Director not fewer than three persons for appointment as State Fire Marshal.

7. The Board shall advise the State Fire Marshal on matters relating to the training of firefighters.

477.070 "Committee" defined. As used in NRS 477.070 to 477.090, inclusive, unless the context otherwise requires, "Committee" means the Fire Service Standards and Training Committee.

477.075 Creation; composition; appointment, terms and compensation of members; officers; vacancies; administrative support.

1. The Fire Service Standards and Training Committee, consisting of seven voting members and one nonvoting member, is hereby created.

2. The Committee consists of the Chair of the State Board of Fire Services, who is an ex officio member of the Committee, one member appointed by the State Fire Marshal, and six members appointed by the Governor as follows:

(a) Two chief officers or persons of equivalent rank, or two persons designated by the chief of the department, of a full-time, paid fire department who have experience in fire service training;

(b) Two chief officers or persons of equivalent rank, or two persons designated by the chief of the department, of a volunteer fire department who have experience in fire service training; and

(c) Two chief officers or persons of equivalent rank, or two persons designated by the chief of the department, of a combination paid and volunteer fire department who have experience in fire service training.

3. The six members appointed by the Governor must be from the following counties:

(a) One member from Clark County;

(b) One member from Washoe County; and

(c) Four members from other counties, except that a majority of the voting members on the Committee must not be from one county.

4. The Governor shall make the appointments from recommendations submitted by:

(a) The Nevada Fire Chiefs Association, Inc.;

(b) The Nevada State Firemen's Association;

(c) The Professional Fire Fighters of Nevada;

(d) The Southern Nevada Fire Marshal's Association;

(e) The Southern Nevada Fire Chiefs' Association;

(f) The Northern Nevada Fire Marshal's Association; and

(g) Representatives of fire departments of Washoe County.

5. For the initial terms of the members of the Committee, each entity listed in subsection 4 shall submit three recommendations to the Governor. After the initial terms, each entity shall submit two recommendations to the Governor.

6. The member appointed by the State Fire Marshal shall serve as Secretary to the Committee and is a nonvoting member of the Committee.

7. The members of the Committee shall select a Chair from among their membership.

8. After the initial terms, the term of each appointed member of the Committee is 2 years.

9. A vacancy in the Committee must be filled for the remainder of the unexpired term in the same manner as the original appointment.

10. Each member of the Committee is entitled to receive from the State Fire Marshal Division of the Department of Public Safety the per diem allowance and travel expenses provided for state officers and employees generally for each day or portion of a day during which the member attends a meeting of the Committee or is otherwise engaged in the work of the Committee.

11. The State Fire Marshal Division shall provide the Committee with administrative support.

Assemblywoman Kirkpatrick moved the adoption of the amendment.

Amendment adopted.

Bill ordered to third reading.

Senate Bill No. 439.

Bill read third time.

Remarks by Assemblywoman Kirkpatrick.

Roll call on Senate Bill No. 439:

YEAS—42.

NAYS—None.

Senate Bill No. 439 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered reprinted, engrossed, and transmitted to the Senate.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 3:16 p.m.

ASSEMBLY IN SESSION

At 11:14 p.m.

Mr. Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Ways and Means has had under consideration the Commission on Judicial Discipline budget, and begs leave to report back that the budget has been closed by the Committee.

DEBBIE SMITH, *Chair*

Mr. Speaker:

Your Committee on Commerce and Labor, to which was referred Senate Bill No. 164, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Commerce and Labor, to which was referred Senate Bill No. 320, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

KELVIN ATKINSON, *Chair*

Mr. Speaker:

Your Committee on Education, to which was referred Senate Bill No. 212, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DAVID P. BOBZIEN, *Chair*

Mr. Speaker

Your Committee on Legislative Operations and Elections, to which were referred Assembly Bill No. 71; Senate Bill No. 211, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Legislative Operations and Elections, to which were referred Assembly Concurrent Resolution No. 12; Senate Concurrent Resolution No. 5, has had the same under consideration, and begs leave to report the same back with the recommendation: Be adopted.

TICK SEGERBLOM, *Chair*

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Assembly Bill No. 484, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which was referred Senate Bill No. 421, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which was rereferred Assembly Bill No. 219, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which was rereferred Assembly Bill No. 405, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which was rereferred Senate Bill No. 159, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DEBBIE SMITH, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 5, 2011

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 123, 171, 245, 300, 316, 330, 345, 380, 402, 486, 490, 491, 492, 493, 495, 497, 515, 546, 563, 574, 579, 580.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 137, Amendment No. 913; Assembly Bill No. 167, Amendment No. 879; Assembly Bill No. 228, Amendment No. 890; Assembly Bill No. 307, Amendment No. 902; Assembly Bill No. 404, Amendment No. 895; Assembly Bill No. 562,

Amendment No. 891, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the Conference Committee concerning Assembly Bill No. 277.

Also, I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 485, 486.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 11, 115, 347, 370, 425.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly Amendment No. 735 to Senate Bill No. 57.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to concur in the Assembly Amendment No. 663 to Senate Bill No. 348.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Ways and Means:

Assembly Bill No. 581—AN ACT relating to public financial administration; revising provisions relating to the use of money in the Account for Foreclosure Mediation; authorizing the Court Administrator to transfer certain funds from the Account to the operating budget for the Supreme Court for the 2011-2013 biennium; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 11.

Assemblyman Conklin moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 115.

Assemblyman Conklin moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 347.

Assemblyman Conklin moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 370.

Assemblyman Conklin moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 425.

Assemblyman Conklin moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 485.

Assemblyman Conklin moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 486.

Assemblyman Conklin moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Health and Human Services, to which was referred Senate Bill No. 340, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

APRIL MASTROLUCA, *Chair*

MOTIONS, RESOLUTIONS AND NOTICES

Assembly Concurrent Resolution No. 12.

Assemblyman Conklin moved the adoption of the resolution.

Remarks by Assemblyman Conklin.

Resolution adopted and ordered transmitted to the Senate.

Senate Concurrent Resolution No. 5

Assemblyman Conklin moved the adoption of the resolution.

Remarks by Assemblyman Conklin.

Resolution adopted and ordered transmitted to the Senate.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 307.

The following Senate amendment was read:

Amendment No. 902.

AN ACT relating to governmental administration; requiring a person who files certain applications for an energy development project to file a notice concurrently with the Department of Wildlife; requiring the Department of Wildlife to adopt regulations for the provision of information relating to wildlife based on the location of an energy development project; ~~[authorizing a developer of an energy development project to request the Director of the~~

~~Office of Energy to coordinate certain discussions relating to an energy development project in certain circumstances;~~] creating the Energy Planning and Conservation Fund; requiring the Department of Wildlife to use money from the Energy Planning and Conservation Fund for certain wildlife activities; creating the Fund for the Recovery of Costs; requiring the Department of Wildlife to use money from the Fund for the Recovery of Costs solely to provide certain information relating to wildlife based on the location of an energy development project; **requiring the Director of the Office of Energy to coordinate certain discussions with interested parties relating to an energy development project in certain circumstances;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law creates the Department of Wildlife and requires the Department to administer the wildlife laws of this State. (NRS 501.331) Existing law also creates the Office of Energy within the Office of the Governor to analyze, review and study the use of energy and availability of energy in this State, as well as to coordinate activities with other agencies to administer programs related to the use of renewable energy and to conserve or reduce the demand for energy. (NRS 701.150, 701.180) This bill requires the Department of Wildlife and the Office of Energy to cooperate in acting as a resource for the Federal Government, the Public Utilities Commission of Nevada, the counties of this State and the public by compiling and providing certain information relating to certain energy development projects.

Section 5 of this bill defines an "energy development project" as any project for the generation, transmission and development of energy, whether on public or private land. **Section 6** of this bill exempts from the provisions of this bill a project that has a generating capacity of less than 10 megawatts.

Section 7 of this bill requires any person who files an application with the Federal Government for a lease or easement for a right-of-way for an energy development project or an application with the Public Utilities Commission of Nevada or any county in this State relating to the construction of an energy development project to file a notice concurrently with the Department of Wildlife. The notice required by **section 7** must include a description of the location, boundaries and estimated infrastructure requirements for the project and a description of the project itself and an estimate of the energy output of the project. **Section 7** further requires the Department to provide a copy of the notice to the Office of Energy and requires the Department, in consultation with the Office of Energy, to adopt regulations to provide for making reasonable deposits and reimbursing the Department for providing information relating to wildlife or wildlife habitat based on the location of an energy development project**.** ~~[and to allow for developers to request the~~

~~Director of the Office of Energy to coordinate discussions with interested parties concerning the potential effects of energy development projects.]~~

Section 9 of this bill creates the Energy Planning and Conservation Fund and requires the money in the Fund to be administered by the Director of the Department of Wildlife and used by the Department in accordance with the State Wildlife Action Plan for conducting surveys of wildlife, for mapping locations of wildlife and its habitat, for conservation projects for the habitat of wildlife impacted by energy development projects and to match any federal money for a project or program for the conservation of any species of wildlife which is of critical concern. **Section 9.5** of this bill creates the Fund for the Recovery of Costs and requires the money in the Fund to be administered by the Director of the Department of Wildlife and used by the Department solely to provide to the Federal Government, the Public Utilities Commission of Nevada or any person with information relating to wildlife or wildlife habitat based on the location of an energy development project or to match any federal money for a project or program for the conservation of any species of wildlife.

Section 8 of this bill requires the Department of Wildlife to compile and maintain information on all energy development projects for which notice is filed pursuant to **section 7** and to prepare and submit a report detailing such projects to the Legislative Commission in even-numbered years and, in odd-numbered years, to the Director of the Legislative Counsel Bureau for transmittal to the Legislature.

Section 11 of this bill expands the duties of the Director of the Office of Energy to include coordinating discussions with interested parties concerning the potential effects of energy development projects.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 501.331 is hereby amended to read as follows:

501.331 The Department of Wildlife is hereby created. The Department:

1. Shall administer the wildlife laws of this State **,** ~~[and]~~ chapter 488 of NRS ~~[.]~~ ***and sections 7 to 9.5, inclusive, of this act.***

2. Shall, on or before the fifth calendar day of each regular session of the Legislature, submit to the Legislature a financial report for each of the immediately preceding 2 fiscal years setting forth the activity and status of the Wildlife Obligated Reserve Account in the State General Fund, each subaccount within that Account and any other account or subaccount administered by the Department for which the use of the money in the account or subaccount is restricted. The report must include, without limitation:

(a) A description of each project for which money is expended from each of those accounts and subaccounts and a description of each recipient of that money; and

(b) The total amount of money expended from each of those accounts and subaccounts for each fiscal year, including, without limitation, the amount of any matching contributions received for those accounts and subaccounts for each fiscal year.

Sec. 2. NRS 501.337 is hereby amended to read as follows:

501.337 The Director shall:

1. Carry out the policies and regulations of the Commission.

2. Direct and supervise all administrative and operational activities of the Department, and all programs administered by the Department as provided by law. Except as otherwise provided in NRS 284.143, the Director shall devote his or her entire time to the duties of the office and shall not follow any other gainful employment or occupation.

3. Within such limitations as may be provided by law, organize the Department and, from time to time with the consent of the Commission, may alter the organization. The Director shall reassign responsibilities and duties as he or she may deem appropriate.

4. Appoint or remove such technical, clerical and operational staff as the execution of his or her duties and the operation of the Department may require, and all those employees are responsible to the Director for the proper carrying out of the duties and responsibilities of their respective positions. The Director shall designate a number of employees as game wardens and provide for their training.

5. Submit technical and other reports to the Commission as may be necessary or as may be requested, which will enable the Commission to establish policy and regulations.

6. Prepare, in consultation with the Commission, the biennial budget of the Department consistent with the provisions of this title ***,*** ~~[and]~~ chapter 488 of NRS ***and sections 7 to 9.5, inclusive, of this act*** and submit it to the Commission for its review and recommendation before the budget is submitted to the Chief of the Budget Division of the Department of Administration pursuant to NRS 353.210.

7. Administer real property assigned to the Department.

8. Maintain full control, by proper methods and inventories, of all personal property of the State acquired and held for the purposes contemplated by this title and by chapter 488 of NRS.

9. Act as nonvoting Secretary to the Commission.

10. Adopt the regulations required pursuant to sections 7 and 9 of this act.

Sec. 3. NRS 501.356 is hereby amended to read as follows:

501.356 1. Money received by the Department from:

(a) The sale of licenses;

(b) Fees pursuant to the provisions of NRS 488.075 and 488.1795;

(c) Remittances from the State Treasurer pursuant to the provisions of NRS 365.535;

(d) Appropriations made by the Legislature; and

(e) All other sources, except money derived from the forfeiture of any property described in NRS 501.3857 or money deposited in the Wildlife Heritage Trust Account pursuant to NRS 501.3575 **,** ~~[or in]~~ the Trout Management Account pursuant to NRS 502.327, ***the Energy Planning and Conservation Fund created by section 9 of this act or the Fund for the Recovery of Costs created by section 9.5 of this act,***

➥ must be deposited with the State Treasurer for credit to the Wildlife Account in the State General Fund.

2. The interest and income earned on the money in the Wildlife Account, after deducting any applicable charges, must be credited to the Account.

3. Except as otherwise provided in subsection 4, the Department may use money in the Wildlife Account only to carry out the provisions of this title and chapter 488 of NRS and as provided in NRS 365.535, and the money must not be diverted to any other use.

4. Except as otherwise provided in NRS 502.250 and 504.155, all fees for the sale or issuance of stamps, tags, permits and licenses that are required to be deposited in the Wildlife Account pursuant to the provisions of this title and any matching money received by the Department from any source must be accounted for separately and must be used:

(a) Only for the management of wildlife; and

(b) If the fee is for the sale or issuance of a license, permit or tag other than a tag specified in subsection 5 or 6 of NRS 502.250, under the guidance of the Commission pursuant to subsection 2 of NRS 501.181.

Sec. 4. Chapter 701 of NRS is hereby amended by adding thereto the provisions set forth as sections 5 to 9.5, inclusive, of this act.

Sec. 5. ***"Energy development project" means a project for the generation, transmission and development of energy located on public or private land. The term includes, without limitation:***

1. A utility facility, as defined in NRS 704.860, constructed on private land; and

2. Electric generating plants and their associated facilities which use or will use renewable energy, as defined in NRS 704.7811, as their primary source of energy to generate electricity.

Sec. 6. ***The provisions of sections 7, 8 and 9 of this act do not apply to a project that has a generating capacity of less than 10 megawatts.***

Sec. 7. ***1. Except as otherwise provided in section 6 of this act, a person who files an application with the Federal Government for a lease or easement for a right-of-way for an energy development project or an application with the Public Utilities Commission of Nevada or any county in this State relating to the construction of an energy development project shall, concurrently with the filing of the application, file a notice of the energy development project with the Department of Wildlife.***

2. The notice required by subsection 1 must be provided to the Department of Wildlife in such form as the Department prescribes and contain:

(a) A description of the location and the energy development project to be built thereon;

(b) A description of the boundaries of the project and the estimated requirements for infrastructure of the project; and

(c) The estimated energy output for the energy development project.

3. Within 30 days after a notice is filed pursuant to subsection 1, the Department of Wildlife shall provide a copy of the notice to the Office of Energy.

4. The Department of Wildlife shall, in consultation with the Office of Energy, adopt regulations to carry out the provisions of this section. The regulations must include, without limitation:

(a) Provisions setting forth the requirements for making reasonable deposits and reimbursing the Department of Wildlife for the actual costs, not to exceed $100,000, incurred by the Department of Wildlife for providing to the Federal Government, the Public Utilities Commission of Nevada, an applicant or any county in this State any information relating to any wildlife or wildlife habitat based on the location of the energy development project for which a notice is filed pursuant to subsection 1; and

(b) ~~*[Provisions setting forth the requirements for allowing a developer of an energy development project or a local government in a county in which an energy development project is proposed to be located to request the Director of the Office of Energy to coordinate discussions, not otherwise required by any existing regulatory agency, with interested parties concerning any potential effect of the energy development project; and*~~

~~*(c)]*~~ ***Except as otherwise provided in subsection 5, any other requirements concerning the filing of a notice pursuant to subsection 1.***

5. Any regulations adopted pursuant to subsection 4 must not require a person to reimburse any costs incurred by the Department of Wildlife for providing any information requested by the Federal Government, the Public Utilities Commission of Nevada or an applicant relating to an

energy development project that was previously provided pursuant to paragraph (a) of subsection 4.

Sec. 8. ***The Department of Wildlife shall:***

1. Compile and maintain detailed information concerning each energy development project for which notice is filed pursuant to section 7 of this act. The information must include, without limitation:

(a) The location of the energy development project;

(b) A description of the energy development project;

(c) The estimated energy output of the energy development project; and

(d) The amount charged for the reimbursement of costs for the energy development project in accordance with the regulations specified in subsection 4 of section 7 of this act.

2. Prepare a report:

(a) Containing the information compiled pursuant to subsection 1; and

(b) Setting forth the effect, if any, on the budget of the Department of Wildlife as a result of receiving the reimbursement of costs for providing information concerning energy development projects and the manner in which the total amount received for those costs was used by the Department of Wildlife.

3. On or before January 1 of each even-numbered year, submit the report required pursuant to subsection 2 to the Legislative Commission. On or before January 1 of each odd-numbered year, the Department of Wildlife shall submit the report required pursuant to subsection 2 to the Director of the Legislative Counsel Bureau for transmittal to the Legislature.

Sec. 9. ***1. The Energy Planning and Conservation Fund is hereby created in the State Treasury as a special revenue fund.***

2. The Director of the Department of Wildlife may apply for and accept any gift, donation, bequest, grant or other source of money for use by the Fund. Any money so received must be deposited in the State Treasury for credit to the Fund.

3. The Fund is a continuing fund without reversion. The money in the Fund must be invested as the money in other state funds is invested. The interest and income earned on the money in the Fund, after deducting any applicable charges, must be credited to the Fund. Claims against the Fund must be paid as other claims against the State are paid.

4. The Director of the Department of Wildlife shall administer the Fund. The money in the Fund must be used in accordance with the State Wildlife Action Plan and used by the Department of Wildlife:

(a) To conduct surveys of wildlife;

(b) To map locations of wildlife and wildlife habitat in this State;

(c) To pay for conservation projects for wildlife and its habitat;

(d) To match any federal money for a project or program for the conservation of any species of wildlife which is of critical concern; and

(e) To coordinate carrying out the provisions of this subsection in cooperation with the Office of Energy.

5. The Department of Wildlife shall adopt regulations to carry out the provisions of this section. The regulations must include, without limitation, the criteria for projects for which the Department of Wildlife may use money from the Fund.

6. As used in this section, "State Wildlife Action Plan" means a statewide plan prepared by the Department of Wildlife and approved by the United States Fish and Wildlife Service which sets forth provisions for the conservation of wildlife and wildlife habitat, including, without limitation, provisions for assisting in the prevention of any species of wildlife from becoming threatened or endangered.

Sec. 9.5. ***1. The Fund for the Recovery of Costs is hereby created in the State Treasury as a special revenue fund.***

2. All money collected by the Department of Wildlife in accordance with regulations adopted pursuant to section 7 of this act must be deposited in the State Treasury for credit to the Fund.

3. The Fund is a continuing fund without reversion. The money in the Fund must be invested as the money in other state funds is invested.

4. The interest and income earned on the money in the Fund, after deducting any applicable charges, must be credited to the Fund. Claims against the Fund must be paid as other claims against the State are paid.

5. The Director of the Department of Wildlife may apply for and accept any gift, donation, bequest, grant or other source of money for use by the Fund. Any money so received must be deposited in the State Treasury for credit to the Fund. If the Director of the Department of Wildlife receives any matching federal money which is credited to the Fund pursuant to this subsection, the amount of money credited may be transferred to the Energy Planning and Conservation Fund created by section 9 of this act.

6. The Director of the Department of Wildlife shall administer the Fund. The money in the Fund must be used by the Department of Wildlife solely:

(a) To provide to the Federal Government, the Public Utilities Commission of Nevada or any person any information relating to wildlife or wildlife habitat based on the location of an energy development project; or

(b) To match any federal money for a project or program for the conservation of any species of wildlife.

Sec. 10. NRS 701.020 is hereby amended to read as follows:

701.020 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 701.025 to 701.090, inclusive, ***and section 5 of this act*** have the meanings ascribed to them in those sections.

Sec. 11. NRS 701.180 is hereby amended to read as follows:

701.180 The Director shall:

1. Acquire and analyze information relating to energy and to the supply, demand and conservation of its sources, including, without limitation:

(a) Information relating to the Solar Energy Systems Incentive Program created pursuant to NRS 701B.240 including, without limitation, information relating to:

(1) The development of distributed generation systems in this State pursuant to participation in the Solar Energy Systems Incentive Program;

(2) The use of carbon-based energy in residential and commercial applications due to participation in the Program; and

(3) The average cost of generation on a kilowatt-hour basis for residential and commercial applications due to participation in the Program; and

(b) Information relating to any money distributed pursuant to NRS 702.270.

2. Review and evaluate information which identifies trends and permits forecasting of the energy available to the State. Such forecasts must include estimates on:

(a) The level of demand for energy in the State for 5-, 10- and 20-year periods;

(b) The amount of energy available to meet each level of demand;

(c) The probable implications of the forecast on the demand and supply of energy; and

(d) The sources of renewable energy and other alternative sources of energy which are available and their possible effects.

3. Study means of reducing wasteful, inefficient, unnecessary or uneconomical uses of energy and encourage the maximum utilization of existing sources of energy in the State.

4. Solicit and serve as the point of contact for grants and other money from the Federal Government, including, without limitation, any grants and other money available pursuant to any program administered by the United States Department of Energy, and other sources to cooperate with the Commissioner and the Authority:

(a) To promote energy projects that enhance the economic development of the State;

(b) To promote the use of renewable energy in this State;

(c) To promote the use of measures which conserve or reduce the demand for energy or which result in more efficient use of energy;

(d) To develop a comprehensive program for retrofitting public buildings in this State with energy efficiency measures; and

(e) If the Commissioner determines that it is feasible and cost-effective, to enter into contracts with researchers from the Nevada System of Higher Education for the design of energy efficiency and retrofit projects to carry out the comprehensive program for retrofitting public buildings in this State developed pursuant to paragraph (d).

5. Coordinate the activities and programs of the Office of Energy with the activities and programs of the Authority, the Consumer's Advocate and the Public Utilities Commission of Nevada, and with other federal, state and local officers and agencies that promote, fund, administer or operate activities and programs related to the use of renewable energy and the use of measures which conserve or reduce the demand for energy or which result in more efficient use of energy.

6. If requested to make a determination pursuant to NRS 111.239 or 278.0208, make the determination within 30 days after receiving the request. If the Director needs additional information to make the determination, the Director may request the information from the person making the request for a determination. Within 15 days after receiving the additional information, the Director shall make a determination on the request.

7. ***Cooperate with the Department of Wildlife in carrying out the provisions of sections 6 to 9.5, inclusive, of this act.***

8. Upon request by a developer of an energy development project or a local government in a county in which an energy development project is proposed to be located, coordinate discussions, not otherwise required by any existing regulatory agency, with interested parties concerning any potential effect of the energy development project.

9. Carry out all other directives concerning energy that are prescribed by the Governor.

Sec. 12. The Department of Wildlife shall, before October 1, 2011, adopt any regulations which are required by or necessary to carry out the provisions of this act.

Sec. 13. This act becomes effective:

1. Upon passage and approval for the purposes of adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

2. On October 1, 2011, for all other purposes.

Assemblywoman Smith moved that the Assembly concur in the Senate Amendment No. 902 to Assembly Bill No. 307.

Remarks by Assemblywoman Smith.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Assembly Bill No. 167.

The following Senate amendment was read:

Amendment No. 879.

AN ACT relating to aquatic species; prohibiting a person from introducing certain aquatic species into the waters of this State; providing for the inspection of vessels for aquatic invasive species; requiring vessels to be inspected for the presence of aquatic invasive species before being operated on the waters of this State; requiring decontamination of any vessels where an aquatic invasive species is present; authorizing the impoundment or quarantine of certain vessels; requiring an aquatic invasive species fee to be paid by all operators of vessels; providing a civil penalty; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law makes it a misdemeanor for any person to introduce any aquatic life into this State without the permission of the Department of Wildlife. Existing law also authorizes the Board of Wildlife Commissioners to prohibit the importation, transportation or possession of any species of wildlife that the Commission deems detrimental to the wildlife or the habitat of the wildlife in this State. (NRS 503.597) **Section 2** of this bill makes it a misdemeanor for a first offense and a category E felony for any subsequent offense to knowingly or intentionally introduce any aquatic species which may be detrimental to the aquatic resources, aquatic species or water resources of this State. **Section 2** also provides for an additional civil penalty of not less than $25,000 and not more than $250,000 for anyone convicted of such introduction.

Section 4 of this bill authorizes the Department to set up inspection stations for vessels operating on the waters of this State to inspect such vessels for aquatic invasive species and prohibits any person from operating a vessel without first complying with the inspection program. **Section 4** also prohibits any person operating a vessel from leaving an impaired body of water and entering another body of water in this State without first having the vessel decontaminated. In addition, **section 4** allows a peace officer to inspect a vessel at any point if the peace officer has a reasonable belief based on articulable facts that an aquatic invasive species may be present on the vessel. Finally, if a person refuses to comply with a peace officer or the requirements of an inspection station, **section 4** allows the person's vessel to be impounded or quarantined. **Section 5** of this bill authorizes a peace officer to keep a vessel in impound or quarantine until it has been decontaminated or shown to be in compliance with the requirements of the Department.

Section 6 of this bill requires the Commission to establish an annual aquatic invasive species fee **_[,]_** ~~[,]~~ which must not exceed $10 **_[, and]_** ~~[, and]~~ **for a motorboat owned or operated by a resident of this State and $5 for any**

other vessel owned or operated by a resident of this State. The fee must be $20 for a motorboat owned or operated by a nonresident of this State and $10 for any other vessel owned or operated by a nonresident of this State. Section 6 also requires the Department to issue an aquatic invasive species decal as evidence of payment **~~[.]~~ of the aquatic invasive species fee. Section 6** prohibits any person from operating a vessel on the waters of this State without first paying the fee and attaching the decal to his or her vessel as proof of payment.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 501.356 is hereby amended to read as follows:

501.356 1. Money received by the Department from:

(a) The sale of licenses;

(b) Fees pursuant to the provisions of NRS 488.075 and 488.1795;

(c) Remittances from the State Treasurer pursuant to the provisions of NRS 365.535;

(d) Appropriations made by the Legislature; and

(e) All other sources, except money derived from the forfeiture of any property described in NRS 501.3857 or money deposited in the Wildlife Heritage Trust Account pursuant to NRS 501.3575 or in the Trout Management Account pursuant to NRS 502.327,

➥ must be deposited with the State Treasurer for credit to the Wildlife Account in the State General Fund.

2. The interest and income earned on the money in the Wildlife Account, after deducting any applicable charges, must be credited to the Account.

3. Except as otherwise provided in subsection 4 **~~[.]~~** ***and NRS 503.597,*** the Department may use money in the Wildlife Account only to carry out the provisions of this title and chapter 488 of NRS and as provided in NRS 365.535, and the money must not be diverted to any other use.

4. Except as otherwise provided in NRS 502.250 and 504.155, all fees for the sale or issuance of stamps, tags, permits and licenses that are required to be deposited in the Wildlife Account pursuant to the provisions of this title and any matching money received by the Department from any source must be accounted for separately and must be used:

(a) Only for the management of wildlife; and

(b) If the fee is for the sale or issuance of a license, permit or tag other than a tag specified in subsection 5 or 6 of NRS 502.250, under the guidance of the Commission pursuant to subsection 2 of NRS 501.181.

Sec. 2. NRS 503.597 is hereby amended to read as follows:

503.597 1. Except as otherwise provided in this section, it is unlawful, except by the written consent and approval of the Department, for any person

at anytime to receive, bring or have brought or shipped into this State, or remove from one stream or body of water in this State to any other, or from one portion of the State to any other, or to any other state, any aquatic life or wildlife, or any spawn, eggs or young of any of them.

2. The Department shall require an applicant to conduct an investigation to confirm that such an introduction or removal will not be detrimental to the wildlife or the habitat of wildlife in this State. Written consent and approval of the Department may be given only if the results of the investigation prove that the introduction, removal or importation will not be detrimental to existing aquatic life or wildlife, or any spawn, eggs or young of any of them.

3. The Commission may through appropriate regulation provide for the inspection of such introduced or removed creatures and the inspection fees therefor.

4. The Commission may adopt regulations to prohibit the importation, transportation or possession of any species of wildlife which the Commission deems to be detrimental to the wildlife or the habitat of the wildlife in this State.

5. ***A person who knowingly or intentionally introduces, causes to be introduced or attempts to introduce an aquatic invasive species or injurious aquatic species into any waters of this State is guilty of:***

(a) For a first offense, a misdemeanor; and

(b) For any subsequent offense, a category E felony and shall be punished as provided in NRS 193.130.

6. A court before whom a defendant is convicted of a violation of subsection 5 shall, for each violation, order the defendant to pay a civil penalty of at least $25,000 but not more than $250,000. The money must be deposited into the Wildlife Account in the State General Fund and used to:

(a) Remove the aquatic invasive species or injurious aquatic species;

(b) Reintroduce any game fish or other aquatic wildlife destroyed by the aquatic invasive species or injurious aquatic species;

(c) Restore any habitat destroyed by the aquatic invasive species or injurious aquatic species;

(d) Repair any other damage done to the waters of this State by the introduction of the aquatic invasive species or injurious aquatic species; and

(e) Defray any other costs incurred by the Department because of the introduction of the aquatic invasive species or injurious aquatic species.

7. The provisions of this section do not apply to ~~[alternative]~~ ***:***

(a) Alternative livestock and products made therefrom ~~[.]~~ ***; or***

(b) The introduction of any species by the Department for sport fishing or other wildlife management programs.

8. As used in this section:

(a) "Aquatic invasive species" means an aquatic species which is exotic or not native to this State and which the Commission has determined to be detrimental to aquatic life, water resources or infrastructure for providing water in this State.

(b) "Injurious aquatic species" means an aquatic species which the Commission has determined to be a threat to sensitive, threatened or endangered aquatic species or game fish or to the habitat of sensitive, threatened or endangered aquatic species or game fish by any means, including, without limitation:

(1) Predation;

(2) Parasitism;

(3) Interbreeding; or

(4) The transmission of disease.

Sec. 3. Chapter 488 of NRS is hereby amended by adding thereto the provisions set forth as sections 4, 5 and 6 of this act.

Sec. 4. ***1. It is unlawful for any person at any time to:***

(a) Launch a vessel into any body of water in this State for which the Department has approved an inspection program without first complying with that program;

(b) Refuse to comply with any requirements of the Department or any requirements of an inspection program approved by the Department; or

(c) Leave an impaired body of water in this State or any other state after operating a vessel on that impaired body of water and launch the vessel on any other body of water in this State without first decontaminating the vessel and any conveyance used on the impaired body of water.

2. In addition to any inspection conducted pursuant to NRS 488.900, each owner, operator or person in control of a vessel or conveyance shall stop at any mandatory inspection station for aquatic invasive species authorized by the Department. If a peace officer reasonably believes, based on articulable facts, that an aquatic invasive species or aquatic plant material may be present on the vessel or conveyance, the peace officer may:

(a) Require the owner, operator or person in control of the vessel or conveyance to decontaminate the vessel or conveyance; or

(b) In addition to any seizure required pursuant to NRS 488.910, impound or quarantine the vessel or conveyance.

3. A peace officer may stop and inspect a vessel or conveyance for the presence of aquatic invasive species or aquatic plant material, or for proof of a required inspection:

(a) Before a vessel is launched into a body of water in this State;

(b) Before a vessel or conveyance departs from a body of water in this State, a launch ramp or a vessel staging area;

(c) If the vessel or conveyance is visibly transporting any aquatic invasive species or aquatic plant material; or

(d) If the peace officer reasonably believes, based on articulable facts, that an aquatic invasive species or aquatic plant material is present.

4. If a peace officer conducts an inspection of a vessel or conveyance pursuant to this section and determines that an aquatic invasive species or aquatic plant material is present on the vessel or conveyance, the peace officer may order the vessel or conveyance to be decontaminated.

5. A peace officer may impound or quarantine a vessel if:

(a) An inspection conducted pursuant to this section indicates the presence of an aquatic invasive species or aquatic plant material on the vessel or conveyance; or

(b) The owner, operator or person in control of the vessel or conveyance refuses to:

(1) Submit to an inspection authorized pursuant to this section; or

(2) Comply with an order issued pursuant to this section to decontaminate his or her vessel or conveyance.

6. As used in this section, "impaired body of water" means any body of water in this State or any other state which the Commission or another governmental entity has identified as containing an aquatic invasive species.

Sec. 5. *1. If a peace officer orders a vessel or conveyance to be impounded or quarantined pursuant to section 4 of this act, the vessel or conveyance may be impounded or quarantined for a reasonable period to ensure that the vessel or conveyance is inspected and decontaminated and that any aquatic invasive species or aquatic plant material is completely removed.*

2. The owner of a vessel or conveyance which is impounded or quarantined is responsible for all costs associated with the impoundment or quarantine.

3. The Department may suspend the certificate of number or validation decal of an impounded or quarantined vessel until:

(a) The operator or owner of the vessel has completed the decontamination of the vessel; and

(b) The Department has inspected the vessel and determined that it is in compliance with section 4 of this act.

Sec. 6. *1. A person shall not operate a vessel on the waters of this State unless the person has:*

(a) Paid to the Department the aquatic invasive species fee established pursuant to subsection 4; and

(b) Attached the aquatic invasive species decal issued pursuant to subsection 2 to the port side transom of the vessel so that the decal is distinctly visible.

2. The Department shall issue to a person who pays the fee established pursuant to subsection 4 an aquatic invasive species decal as evidence of the payment of the aquatic invasive species fee.

3. Aquatic invasive species decals expire at the end of each calendar year. Only the decal for the current year may be displayed on a vessel.

4. The Commission shall establish by regulation an aquatic invasive species fee, which :

(a) For a motorboat which is owned or operated by a person who is a resident of this State, must not exceed $10 [, to] ;

(b) For a vessel, other than a motorboat, which is owned or operated by a person who is a resident of this State, must not exceed $5;

(c) For a motorboat which is owned or operated by a nonresident of this State, must be $20; and

(d) For a vessel, other than a motorboat, which is owned or operated by a nonresident of this State, must be $10.

5. The aquatic invasive species fee established pursuant to subsection 4 must be paid annually for the issuance of an aquatic invasive species decal. The fee must be deposited in the Wildlife Account in the State General Fund and used by the Department for enforcement of this section, NRS 503.597 and sections 4 and 5 of this act and for education about and management of aquatic invasive species.

Sec. 7. NRS 488.035 is hereby amended to read as follows:

488.035 As used in this chapter, unless the context otherwise requires:

1. ***"Aquatic invasive species" means an aquatic species which is exotic or not native to this State and which the Commission has determined to be detrimental to aquatic life, water resources or infrastructure for providing water in this State.***

2. "Aquatic plant material" means aquatic plants or parts of plants that are dependent on an aquatic environment to survive.

3. "Commission" means the Board of Wildlife Commissioners.

[2.] ***4. "Conveyance" means a motor vehicle, trailer or any other equipment used to transport a vessel or containers or devices used to haul water on a vessel that may contain or carry an aquatic invasive species or aquatic plant material.***

5. "Decontaminate" means eliminate any aquatic invasive species on a vessel or conveyance in a manner specified by the Commission which may include, without limitation, washing the vessel or conveyance, draining the water in the vessel or conveyance, drying the vessel or conveyance or chemically, thermally or otherwise treating the vessel or conveyance.

6. "Department" means the Department of Wildlife.

~~[3.]~~ ***7.*** "Flat wake" means the condition of the water close astern a moving vessel that results in a flat wave disturbance.

~~[4.]~~ ***8.*** "Interstate waters of this State" means waters forming the boundary between the State of Nevada and an adjoining state.

~~[5.]~~ ***9.*** "Legal owner" means a secured party under a security agreement relating to a vessel or a renter or lessor of a vessel to the State or any political subdivision of the State under a lease or an agreement to lease and sell or to rent and purchase which grants possession of the vessel to the lessee for a period of 30 consecutive days or more.

~~[6.]~~ ***10.*** "Motorboat" means any vessel propelled by machinery, whether or not the machinery is the principal source of propulsion.

~~[7.]~~ ***11.*** "Operate" means to navigate or otherwise use a motorboat or a vessel.

~~[8.]~~ ***12.*** "Owner" means:

(a) A person having all the incidents of ownership, including the legal title of a vessel, whether or not he or she lends, rents or pledges the vessel; and

(b) A debtor under a security agreement relating to a vessel.

➥ "Owner" does not include a person defined as a "legal owner" under subsection ~~[5.]~~ ***9.***

~~[9.]~~ ***13.*** "Prohibited substance" has the meaning ascribed to it in NRS 484C.080.

~~[10.]~~ ***14.*** "Registered owner" means the person registered by the Commission as the owner of a vessel.

~~[11.]~~ ***15.*** A vessel is "under way" if it is adrift, making way or being propelled, and is not aground, made fast to the shore, or tied or made fast to a dock or mooring.

~~[12.]~~ ***16.*** "Vessel" means every description of watercraft, other than a seaplane on the water, used or capable of being used as a means of transportation on water.

~~[13.]~~ ***17.*** "Waters of this State" means any waters within the territorial limits of this State.

Sec. 8. NRS 488.075 is hereby amended to read as follows:

488.075 1. The owner of each motorboat requiring numbering by this State shall file an application for a number and for a certificate of ownership with the Department on forms approved by it accompanied by:

(a) Proof of payment of Nevada sales or use tax as evidenced by proof of sale by a Nevada dealer or by a certificate of use tax paid issued by the Department of Taxation, or by proof of exemption from those taxes as provided in NRS 372.320.

(b) Such evidence of ownership as the Department may require.

➥ The Department shall not issue a number, a certificate of number or a certificate of ownership until this evidence is presented to it.

2. The application must be signed by the owner of the motorboat and must be accompanied by a fee of $20 for the certificate of ownership and a fee according to the following schedule as determined by the straight line length which is measured from the tip of the bow to the back of the transom of the motorboat:

Less than 13 feet $20
13 feet or more but less than 18 feet 25
18 feet or more but less than 22 feet 40
22 feet or more but less than 26 feet 55
26 feet or more but less than 31 feet 75
31 feet or more 100

Except as otherwise provided in this subsection, all fees received by the Department under the provisions of this chapter must be deposited in the Wildlife Account in the State General Fund and ***, except as otherwise provided in section 6 of this act,*** may be expended only for the administration and enforcement of the provisions of this chapter. On or before December 31 of each year, the Department shall deposit with the respective county school districts 50 percent of each fee collected according to the motorboat's length for every motorboat registered from their respective counties. Upon receipt of the application in approved form, the Department shall enter the application upon the records of its office and issue to the applicant a certificate of number stating the number awarded to the motorboat, a certificate of ownership stating the same information and the name and address of the registered owner and the legal owner.

3. A certificate of number may be renewed each year by the purchase of a validation decal. The fee for a validation decal is determined by the straight line length of the motorboat and is equivalent to the fee set forth in the schedule provided in subsection 2. The amount of the fee for issuing a duplicate validation decal is $20.

4. The owner shall paint on or attach to each side of the bow of the motorboat the identification number in such manner as may be prescribed by regulations of the Commission in order that the number may be clearly visible. The number must be maintained in legible condition.

5. The certificate of number must be available at all times for inspection on the motorboat for which issued, whenever the motorboat is in operation.

6. The Commission shall provide by regulation for the issuance of numbers to manufacturers and dealers which may be used interchangeably upon motorboats operated by the manufacturers and dealers in connection with the demonstration, sale or exchange of those motorboats. The amount of the fee for each such a number is $20.

Sec. 9. 1. This section becomes effective upon passage and approval.

2. Sections 1 and 2 of this act become effective on July 1, 2011.

3. Sections 3 to 8, inclusive, of this act become effective:

(a) Upon passage and approval for the purpose of adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On January 1, 2012 for all other purposes.

Assemblywoman Smith moved that the Assembly concur in the Senate amendment to Assembly Bill No. 167.

Remarks by Assemblywoman Smith.

Motion carried by a constitutional majority.

Bill ordered enrolled.

REPORTS OF CONFERENCE COMMITTEES

Mr. Speaker:

The Conference Committee concerning Assembly Bill No. 136, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that Amendment No. 693 of the Senate be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. 5, which is attached to and hereby made a part of this report.

WILLIAM HORNE	VALERIE WIENER
JASON FRIERSON	SHIRLEY BREEDEN
SCOTT HAMMOND	MIKE MCGINNESS
Assembly Conference Committee	*Senate Conference Committee*

Conference Amendment No. CA5.

SUMMARY—Revises provisions governing ~~[credits for offenders sentenced for certain crimes.]~~ **criminal laws.** (BDR 16-634)

AN ACT relating to ~~[offenders;]~~ **criminal laws;** revising provisions governing credits for offenders sentenced for certain crimes; **revising provisions governing the sealing and removal of certain records;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that certain credits to the sentence of an offender convicted of certain category C, D or E felonies must be deducted from the minimum term imposed by the sentence until the offender becomes eligible for parole and from the maximum term imposed by the sentence, except in certain circumstances. (NRS 209.4465) ~~[This]~~ **Section 1 of this** bill adds to the exceptions that an offender who has been convicted of being a habitual criminal or a habitual felon may not have credits applied to both the minimum and maximum term imposed by the sentence. ~~[This bill]~~ **Section 1** further provides that an offender convicted of a category B felony also qualifies to have certain credits deducted from the minimum term imposed

by the sentence until the offender becomes eligible for parole and from the maximum term imposed by the sentence, except in certain circumstances.

Existing law authorizes a person arrested for alleged criminal conduct to petition for the sealing of all records relating to the arrest if the charges were dismissed or the person was acquitted of the charges. (NRS 179.255) Section 1.3 of this bill authorizes such a person to petition for the sealing of all records relating to an arrest if the prosecuting attorney declines to prosecute the charges.

Existing law also provides that a person arrested, or issued a citation or a warrant, for alleged criminal conduct may apply to the Central Repository for Nevada Records of Criminal History to remove the record of criminal history if the charge was dismissed, acquittal was entered or the disposition of the charge was favorable to the accused. (NRS 179A.160) Section 1.7 of this bill authorizes such a person to apply to have the record of criminal history removed if the prosecuting attorney declined to prosecute the charges.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 209.4465 is hereby amended to read as follows:

209.4465 1. An offender who is sentenced to prison for a crime committed on or after July 17, 1997, who has no serious infraction of the regulations of the Department, the terms and conditions of his or her residential confinement or the laws of the State recorded against the offender, and who performs in a faithful, orderly and peaceable manner the duties assigned to the offender, must be allowed:

(a) For the period the offender is actually incarcerated pursuant to his or her sentence;

(b) For the period the offender is in residential confinement; and

(c) For the period the offender is in the custody of the Division of Parole and Probation of the Department of Public Safety pursuant to NRS 209.4886 or 209.4888,

➥ a deduction of 20 days from his or her sentence for each month the offender serves.

2. In addition to the credits allowed pursuant to subsection 1, the Director may allow not more than 10 days of credit each month for an offender whose diligence in labor and study merits such credits. In addition to the credits allowed pursuant to this subsection, an offender is entitled to the following credits for educational achievement:

(a) For earning a general educational development certificate, 60 days.

(b) For earning a high school diploma, 90 days.

(c) For earning his or her first associate degree, 120 days.

3. The Director may, in his or her discretion, authorize an offender to receive a maximum of 90 days of credit for each additional degree of higher education earned by the offender.

4. The Director may allow not more than 10 days of credit each month for an offender who participates in a diligent and responsible manner in a center for the purpose of making restitution, program for reentry of offenders and parolees into the community, conservation camp, program of work release or another program conducted outside of the prison. An offender who earns credit pursuant to this subsection is eligible to earn the entire 30 days of credit each month that is allowed pursuant to subsections 1 and 2.

5. The Director may allow not more than 90 days of credit each year for an offender who engages in exceptional meritorious service.

6. The Board shall adopt regulations governing the award, forfeiture and restoration of credits pursuant to this section.

7. Except as otherwise provided in subsection 8, credits earned pursuant to this section:

(a) Must be deducted from the maximum term imposed by the sentence; and

(b) Apply to eligibility for parole unless the offender was sentenced pursuant to a statute which specifies a minimum sentence that must be served before a person becomes eligible for parole.

8. Credits earned pursuant to this section by an offender who has not been convicted of:

(a) Any crime that is punishable as a felony involving the use or threatened use of force or violence against the victim;

(b) A sexual offense that is punishable as a felony;

(c) A violation of NRS 484C.110, 484C.120, 484C.130 or 484C.430 that is punishable as a felony; ~~[or]~~

(d) ***Being a habitual criminal pursuant to NRS 207.010, a habitual felon pursuant to NRS 207.012 or a habitually fraudulent felon pursuant to NRS 207.014; or***

(e) ~~[A]~~ ***Except as otherwise provided in subsection 9, a*** category A or B felony,

➥ apply to eligibility for parole and must be deducted from the minimum term imposed by the sentence until the offender becomes eligible for parole and must be deducted from the maximum term imposed by the sentence.

9. Credits earned by an offender who has been convicted of a category B felony apply to eligibility for parole, must be deducted from the minimum term imposed by the sentence until the offender becomes eligible for parole and must be deducted from the maximum term imposed by the sentence if the offender:

(a) Has not been convicted of an offense listed in paragraphs (a) to (d), inclusive, of subsection 8;

(b) Has not served three or more separate terms of imprisonment for three separate felony convictions in this State;

(c) Has not served five or more separate terms of imprisonment for five separate felony convictions, regardless of the jurisdiction in which the offender was convicted;

(d) Is not serving a sentence for which an additional penalty was imposed for the use of a firearm pursuant to NRS 193.165; and

[(d)] (e) Is not serving a sentence for violating the provisions of NRS 202.360.

Sec. 1.3. **NRS 179.255 is hereby amended to read as follows:**

179.255 1. If a person has been arrested for alleged criminal conduct and the charges are dismissed ***, the prosecuting attorney having jurisdiction declined prosecution of the charges*** or such person is acquitted of the charges, the person may petition:

(a) The court in which the charges were dismissed, at any time after the date the charges were dismissed; ~~[or]~~

(b) ***The court having jurisdiction in which the charges were declined for prosecution, at any time after 180 days after the date of the declination; or***

(c) The court in which the acquittal was entered, at any time after the date of the acquittal,

➥ for the sealing of all records relating to the arrest and the proceedings leading to the dismissal ***, declination*** or acquittal.

2. If the conviction of a person is set aside pursuant to NRS 458A.240, the person may petition the court that set aside the conviction, at any time after the conviction has been set aside, for the sealing of all records relating to the setting aside of the conviction.

3. A petition filed pursuant to subsection 1 or 2 must:

(a) Be accompanied by a current, verified record of the criminal history of the petitioner received from the local law enforcement agency of the city or county in which the petitioner appeared in court;

(b) Include a list of any other public or private agency, company, official and other custodian of records that is reasonably known to the petitioner to have possession of records of the arrest and of the proceedings leading to the dismissal ***, declination*** or acquittal and to whom the order to seal records, if issued, will be directed; and

(c) Include information that, to the best knowledge and belief of the petitioner, accurately and completely identifies the records to be sealed.

4. Upon receiving a petition pursuant to subsection 1, the court shall notify the law enforcement agency that arrested the petitioner for the crime and:

(a) If the charges were dismissed ***, declined for prosecution*** or the acquittal was entered in a district court or justice court, the prosecuting attorney for the county; or

(b) If the charges were dismissed ***, declined for prosecution*** or the acquittal was entered in a municipal court, the prosecuting attorney for the city.

➥ The prosecuting attorney and any person having relevant evidence may testify and present evidence at the hearing on the petition.

5. Upon receiving a petition pursuant to subsection 2, the court shall notify:

(a) If the conviction was set aside in a district court or justice court, the prosecuting attorney for the county; or

(b) If the conviction was set aside in a municipal court, the prosecuting attorney for the city.

➥ The prosecuting attorney and any person having relevant evidence may testify and present evidence at the hearing on the petition.

6. If, after the hearing on a petition submitted pursuant to subsection 1, the court finds that there has been an acquittal ***, that the prosecution was declined*** or that the charges were dismissed and there is no evidence that further action will be brought against the person, the court may order sealed all records of the arrest and of the proceedings leading to the acquittal ***, declination*** or dismissal which are in the custody of the court, of another court in the State of Nevada or of a public or private company, agency or official in the State of Nevada.

7. If, after the hearing on a petition submitted pursuant to subsection 2, the court finds that the conviction of the petitioner was set aside pursuant to NRS 458A.240, the court may order sealed all records relating to the setting aside of the conviction which are in the custody of the court, of another court in the State of Nevada or of a public or private company, agency or official in the State of Nevada.

8. If the prosecuting attorney having jurisdiction previously declined prosecution of the charges and the records of the arrest have been sealed, the prosecuting attorney may subsequently file the charges at any time before the running of the statute of limitations for those charges. If such charges are filed with the court, the court shall order the inspection of the records without the prosecuting attorney having to petition the court pursuant to NRS 179.295.

Sec. 1.5. **NRS 179.295 is hereby amended to read as follows:**

179.295 1. The person who is the subject of the records that are sealed pursuant to NRS 176A.265, 176A.295, 179.245, 179.255, 179.259, 453.3365 or 458.330 may petition the court that ordered the records sealed to permit inspection of the records by a person named in the petition, and the court

may order such inspection. Except as otherwise provided in this section , ***subsection 8 of NRS 179.255*** and NRS 179.259 and 179.301, the court may not order the inspection of the records under any other circumstances.

2. If a person has been arrested, the charges have been dismissed and the records of the arrest have been sealed, the court may order the inspection of the records by a prosecuting attorney upon a showing that as a result of newly discovered evidence, the person has been arrested for the same or a similar offense and that there is sufficient evidence reasonably to conclude that the person will stand trial for the offense.

3. The court may, upon the application of a prosecuting attorney or an attorney representing a defendant in a criminal action, order an inspection of such records for the purpose of obtaining information relating to persons who were involved in the incident recorded.

4. This section does not prohibit a court from considering a conviction for which records have been sealed pursuant to NRS 176A.265, 176A.295, 179.245, 179.255, 179.259, 453.3365 or 458.330 in determining whether to grant a petition pursuant to NRS 176A.265, 176A.295, 179.245, 179.255, 179.259, 453.3365 or 458.330 for a conviction of another offense.

Sec. 1.7. **NRS 179A.160 is hereby amended to read as follows:**

179A.160 1. If a person has been arrested or issued a citation, or has been the subject of a warrant for alleged criminal conduct and the person is acquitted of the charge or the disposition of the charge is favorable to the person, at any time after the charge is dismissed, acquittal is entered or disposition of the charge in favor of the person is final, the person who is the subject of a record of criminal history relating to the arrest, citation or warrant may apply in writing to the Central Repository and the agency which maintains the record to have it removed from the files which are available and generally searched for the purpose of responding to inquiries concerning the criminal history of a person.

2. ***If a person has been arrested or issued a citation, or has been the subject of a warrant for alleged criminal conduct and the prosecuting attorney having jurisdiction declined prosecution, at any time after 180 days after the declination, the person who is the subject of a record of criminal history relating to the arrest, citation or warrant may apply in writing to the Central Repository and the agency which maintains the record to have it removed from the files which are available and generally searched for the purpose of responding to inquiries concerning the criminal history of a person.***

3. The Central Repository and the agency shall remove the record unless:

(a) The defendant is a fugitive;

(b) The case is under active prosecution according to a current certificate of a prosecuting attorney;

(c) The disposition of the case was a deferred prosecution, plea bargain or other similar disposition;

(d) The person who is the subject of the record has a prior conviction for a felony or gross misdemeanor in any jurisdiction in the United States; or

(e) The person who is the subject of the record has been arrested for or charged with another crime, other than a minor traffic violation, since the arrest, citation or warrant which the person seeks to have removed from the record.

~~[3.]~~ ***4.*** This section does not restrict the authority of a court to order the deletion or modification of a record in a particular cause or concerning a particular person or event.

Sec. 2. For the purpose of calculating the credits earned by an offender pursuant to NRS 209.4465, the amendatory provisions of section 1 of this act must be applied:

1. Retroactively to January 1, 2005, to reduce the minimum term of imprisonment of an offender described in subsections 8 and 9 of NRS 209.4465, as amended by section 1 of this act, who was placed in the custody of the Department of Corrections before January 1, 2012, and who remains in such custody on January 1, 2012.

2. Retroactively to January 1, 2011, to reduce the maximum term of imprisonment of an offender who was placed on parole before January 1, 2012.

3. In the manner set forth in NRS 209.4465 for all offenders in the custody of the Department of Corrections commencing on January 1, 2012, and for all offenders who are on parole commencing on January 1, 2012.

Sec. 3. This act becomes effective on January 1, 2012.

Assemblyman Horne moved that the Assembly adopt the report of the Conference Committee concerning Assembly Bill No. 136.

Motion carried by a constitutional majority.

Mr. Speaker:

The Conference Committee concerning Assembly Bill No. 282, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that Amendment No. 780 of the Senate be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. 4, which is attached to and hereby made a part of this report.

JOHN OCEGUERA	RUBEN KIHUEN
WILLIAM HORNE	MIKE MCGINNESS
PETE GOICOECHEA	ALLISON COPENING
Assembly Conference Committee	*Senate Conference Committee*

Conference Amendment No. CA4.

AN ACT relating to firearms; revising provisions concerning permits to carry concealed semiautomatic firearms; revising provisions governing the

renewal of a permit to carry a concealed firearm; revising provisions concerning the confidentiality of information relating to permits to carry concealed firearms; revising provisions governing the possession of firearms in state parks; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, a person who wishes to carry a concealed firearm must obtain a permit to carry the firearm. (NRS 202.3657) As part of the application process to obtain a permit, an applicant must undergo an investigation by a sheriff to determine if the applicant is eligible for a permit. Such an investigation must include a report from the Federal Bureau of Investigation. (NRS 202.366) **Section 2** of this bill additionally requires an applicant for the renewal of a permit to undergo an investigation by the sheriff. **Section 2** also specifies that an investigation conducted by the sheriff for an initial application or a renewal application must include a report from the National Instant Criminal Background Check System.

Existing law also provides that a qualified applicant for a permit to carry a concealed firearm may obtain a permit for revolvers, for one or more specific semiautomatic firearms, or for revolvers and one or more specific semiautomatic firearms. (NRS 202.3657) If the application for a permit involves semiautomatic firearms, the applicant must state the make, model and caliber of each semiautomatic firearm for which the applicant is seeking to obtain a permit. (NRS 202.366) Additionally, to receive and renew a permit involving semiautomatic firearms, an applicant or permittee must demonstrate competence with each semiautomatic firearm to which the application pertains. (NRS 202.3657, 202.3677) **Section 1** of this bill provides that: (1) a qualified applicant for a permit to carry a concealed firearm may obtain one permit for all semiautomatic firearms that the applicant seeks to carry instead of being required to obtain a permit for each specific semiautomatic firearm; and (2) an applicant or permittee may demonstrate competence with semiautomatic firearms in general rather than with each specific semiautomatic firearm.

Existing law further provides that information in an application for a permit to carry a concealed firearm and all information relating to the investigation of an applicant for such a permit is confidential. (NRS 202.3662) However, the Nevada Supreme Court recently held in *Reno Newspapers, Inc. v. Haley*, 126 Nev. Adv. Op. 23, 234 P.3d 922 (2010), that the identity of a holder of a permit to carry a concealed firearm and any postpermit records of investigation, suspension or revocation are not confidential and are therefore public records. **Section 3** of this bill provides that the identity and any information acquired during the investigation of a holder of a permit to carry a concealed firearm are confidential, as are any records regarding the suspension, restoration or revocation of such a permit.

Existing law also allows the Administrator of the Division of State Parks of the State Department of Conservation and Natural Resources to adopt regulations, including, without limitation, prohibitions and restrictions on activities within parks or recreational facilities within the jurisdiction of the Division. (NRS 407.0475) Existing administrative regulations allow a person to carry a concealed firearm in a state park if the person complies with existing laws concerning the carrying of concealed weapons but prohibit a person from discharging a firearm in a state park. (NAC 407.105) Any person who violates a regulation adopted by the Administrator is guilty of a misdemeanor. (NRS 407.0475) While existing law prohibits the discharge of a firearm under various circumstances, it also provides certain defenses for violating such provisions by allowing a person to make sufficient resistance to prevent the occurrence of certain offenses. (NRS 202.280-202.290, 193.230-193.250)

Section 5 of this bill prohibits the Administrator from adopting any regulation concerning the possession of firearms in state parks or recreational facilities which is more restrictive than the laws of this State relating to: (1) the possession of firearms; and (2) engaging in lawful resistance to prevent an offense against a person or property. **Section 5** also voids any regulation which conflicts with such laws.

Existing law requires an applicant for the issuance or renewal of a permit to carry a concealed firearm to pay: (1) a nonrefundable fee in a specific amount; and (2) a nonrefundable fee in the amount necessary to obtain certain reports concerning the criminal history of the applicant. (NRS 202.3657, 202.3677) Sections 1 and 4 of this bill provide that the fee to obtain the reports concerning the applicant's criminal history must be equal to the rate charged by the Central Repository for Nevada Records of Criminal History and the Federal Bureau of Investigation to obtain such reports for a person who is not a volunteer.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 202.3657 is hereby amended to read as follows:

202.3657 1. Any person who is a resident of this State may apply to the sheriff of the county in which he or she resides for a permit on a form prescribed by regulation of the Department. Any person who is not a resident of this State may apply to the sheriff of any county in this State for a permit on a form prescribed by regulation of the Department. Application forms for permits must be furnished by the sheriff of each county upon request.

2. Except as otherwise provided in this section, the sheriff shall issue a permit for revolvers, ~~[one or more specific]~~ ***for*** semiautomatic firearms, or for revolvers and ~~[one or more specific]~~ semiautomatic firearms, as

applicable, to any person who is qualified to possess the firearm or firearms to which the application pertains under state and federal law, who submits an application in accordance with the provisions of this section and who:

(a) Is 21 years of age or older;

(b) Is not prohibited from possessing a firearm pursuant to NRS 202.360; and

(c) Demonstrates competence with revolvers, ~~[each specific]~~ semiautomatic ~~[firearm to which the application pertains,]~~ ***firearms,*** or revolvers and ~~[each such]~~ semiautomatic ~~[firearm,]~~ ***firearms,*** as applicable, by presenting a certificate or other documentation to the sheriff which shows that the applicant:

(1) Successfully completed a course in firearm safety approved by a sheriff in this State; or

(2) Successfully completed a course in firearm safety offered by a federal, state or local law enforcement agency, community college, university or national organization that certifies instructors in firearm safety.

➥ Such a course must include instruction in the use of revolvers, ~~[each]~~ semiautomatic ~~[firearm to which the application pertains,]~~ ***firearms,*** or revolvers and ~~[each such]~~ semiautomatic ~~[firearm]~~ ***firearms*** and in the laws of this State relating to the use of a firearm. A sheriff may not approve a course in firearm safety pursuant to subparagraph (1) unless the sheriff determines that the course meets any standards that are established by the Nevada Sheriffs' and Chiefs' Association or, if the Nevada Sheriffs' and Chiefs' Association ceases to exist, its legal successor.

3. The sheriff shall deny an application or revoke a permit if the sheriff determines that the applicant or permittee:

(a) Has an outstanding warrant for his or her arrest.

(b) Has been judicially declared incompetent or insane.

(c) Has been voluntarily or involuntarily admitted to a mental health facility during the immediately preceding 5 years.

(d) Has habitually used intoxicating liquor or a controlled substance to the extent that his or her normal faculties are impaired. For the purposes of this paragraph, it is presumed that a person has so used intoxicating liquor or a controlled substance if, during the immediately preceding 5 years, the person has been:

(1) Convicted of violating the provisions of NRS 484C.110; or

(2) Committed for treatment pursuant to NRS 458.290 to 458.350, inclusive.

(e) Has been convicted of a crime involving the use or threatened use of force or violence punishable as a misdemeanor under the laws of this or any other state, or a territory or possession of the United States at any time during the immediately preceding 3 years.

(f) Has been convicted of a felony in this State or under the laws of any state, territory or possession of the United States.

(g) Has been convicted of a crime involving domestic violence or stalking, or is currently subject to a restraining order, injunction or other order for protection against domestic violence.

(h) Is currently on parole or probation from a conviction obtained in this State or in any other state or territory or possession of the United States.

(i) Has, within the immediately preceding 5 years, been subject to any requirements imposed by a court of this State or of any other state or territory or possession of the United States, as a condition to the court's:

(1) Withholding of the entry of judgment for a conviction of a felony; or

(2) Suspension of sentence for the conviction of a felony.

(j) Has made a false statement on any application for a permit or for the renewal of a permit.

4. The sheriff may deny an application or revoke a permit if the sheriff receives a sworn affidavit stating articulable facts based upon personal knowledge from any natural person who is 18 years of age or older that the applicant or permittee has or may have committed an offense or engaged in any other activity specified in subsection 3 which would preclude the issuance of a permit to the applicant or require the revocation of a permit pursuant to this section.

5. If the sheriff receives notification submitted by a court or law enforcement agency of this or any other state, the United States or a territory or possession of the United States that a permittee or an applicant for a permit has been charged with a crime involving the use or threatened use of force or violence, the conviction for which would require the revocation of a permit or preclude the issuance of a permit to the applicant pursuant to this section, the sheriff shall suspend the person's permit or the processing of the person's application until the final disposition of the charges against the person. If a permittee is acquitted of the charges, or if the charges are dropped, the sheriff shall restore his or her permit without imposing a fee.

6. An application submitted pursuant to this section must be completed and signed under oath by the applicant. The applicant's signature must be witnessed by an employee of the sheriff or notarized by a notary public. The application must include:

(a) The name, address, place and date of birth, social security number, occupation and employer of the applicant and any other names used by the applicant;

(b) A complete set of the applicant's fingerprints taken by the sheriff or his or her agent;

(c) A front-view colored photograph of the applicant taken by the sheriff or his or her agent;

(d) If the applicant is a resident of this State, the driver's license number or identification card number of the applicant issued by the Department of Motor Vehicles;

(e) If the applicant is not a resident of this State, the driver's license number or identification card number of the applicant issued by another state or jurisdiction;

(f) ~~[The make, model and caliber of each semiautomatic firearm to which the application pertains, if any;~~

~~(g)]~~ ***Whether the application pertains to semiautomatic firearms;***

(g) Whether the application pertains to revolvers;

(h) A nonrefundable fee ~~[in the amount necessary]~~ ***equal to the nonvolunteer rate charged by the Central Repository for Nevada Records of Criminal History and the Federal Bureau of Investigation*** to obtain the ~~[report]~~ ***reports*** required pursuant to subsection 1 of NRS 202.366; and

(i) A nonrefundable fee set by the sheriff not to exceed $60.

Sec. 2. NRS 202.366 is hereby amended to read as follows:

202.366 1. Upon receipt by a sheriff of an application for a permit, ***including an application for the renewal of a permit pursuant to NRS 202.3677,*** the sheriff shall conduct an investigation of the applicant to determine if the applicant is eligible for a permit. In conducting the investigation, the sheriff shall forward a complete set of the applicant's fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report concerning the criminal history of the applicant. ***The investigation also must include a report from the National Instant Criminal Background Check System.*** The sheriff shall issue a permit to the applicant unless the applicant is not qualified to possess a handgun pursuant to state or federal law or is not otherwise qualified to obtain a permit pursuant to NRS 202.3653 to 202.369, inclusive, or the regulations adopted pursuant thereto.

2. To assist the sheriff in conducting the investigation, any local law enforcement agency, including the sheriff of any county, may voluntarily submit to the sheriff a report or other information concerning the criminal history of an applicant.

3. Within 120 days after a complete application for a permit is submitted, the sheriff to whom the application is submitted shall grant or deny the application. If the application is denied, the sheriff shall send the applicant written notification setting forth the reasons for the denial. If the application is granted, the sheriff shall provide the applicant with a permit containing a colored photograph of the applicant and containing such other information as may be prescribed by the Department. The permit must be in substantially the following form:

NEVADA CONCEALED FIREARM PERMIT

County……Permit Number…….....
Expires…… Date of Birth……
Height…… Weight…….
Name…….. Address……...
City…….. Zip……...
Photograph
Signature……
Issued by……
Date of Issue…….
~~[Make, model and caliber of each authorized semiautomatic firearm, if any……]~~
Semiautomatic firearms authorized…… Yes…….. No
Revolvers authorized…….. Yes…… No

4. Unless suspended or revoked by the sheriff who issued the permit, a permit expires 5 years after the date on which it is issued.

5. As used in this section, "National Instant Criminal Background Check System" means the national system created by the federal Brady Handgun Violence Prevention Act, Public Law 103-159.

Sec. 3. NRS 202.3662 is hereby amended to read as follows:

202.3662 1. Except as otherwise provided in this section and NRS 202.3665 and 239.0115:

(a) An application for a permit, and all information contained within that application; ~~[and]~~

(b) All information provided to a sheriff or obtained by a sheriff in the course of the investigation of an applicant ~~[,]~~ ***or permittee;***

(c) The identity of the permittee; and

(d) Any records regarding the suspension, restoration or revocation of a permit,

➥ are confidential.

2. Any records regarding an applicant or permittee may be released to a law enforcement agency for the purpose of conducting an investigation or prosecution.

3. Statistical abstracts of data compiled by a sheriff regarding permits applied for or issued pursuant to NRS 202.3653 to 202.369, inclusive, including, but not limited to, the number of applications received and permits issued, may be released to any person.

Sec. 4. NRS 202.3677 is hereby amended to read as follows:

202.3677 1. If a permittee wishes to renew his or her permit, the permittee must ~~[complete]~~ ***:***

(a) Complete and submit to the sheriff who issued the permit an application for renewal of the permit ~~[.]~~ ***; and***

(b) Undergo an investigation by the sheriff pursuant to NRS 202.366 to determine if the permittee is eligible for a permit.

2. An application for the renewal of a permit must:

(a) Be completed and signed under oath by the applicant;

(b) Contain a statement that the applicant is eligible to receive a permit pursuant to NRS 202.3657; ~~[and]~~

(c) ***Be accompanied by a nonrefundable fee equal to the nonvolunteer rate charged by the Central Repository for Nevada Records of Criminal History and the Federal Bureau of Investigation to obtain the reports required pursuant to subsection 1 of NRS 202.366; and***

(d) Be accompanied by a nonrefundable fee of $25.

➥ If a permittee fails to renew his or her permit on or before the date of expiration of the permit, the application for renewal must include an additional nonrefundable late fee of $15.

3. No permit may be renewed pursuant to this section unless the permittee has demonstrated continued competence with revolvers, with ~~[each]~~ semiautomatic ~~[firearm to which the application pertains,]~~ ***firearms,*** or with revolvers and ~~[each such]~~ semiautomatic ~~[firearm,]~~ ***firearms,*** as applicable, by successfully completing a course prescribed by the sheriff renewing the permit.

Sec. 5. NRS 407.0475 is hereby amended to read as follows:

407.0475 1. The Administrator shall adopt such regulations as he or she finds necessary for carrying out the provisions of this chapter and other provisions of law governing the operation of the Division. ~~[The]~~ ***Except as otherwise provided in subsection 2, the*** regulations may include prohibitions and restrictions relating to activities within any of the park or recreational facilities within the jurisdiction of the Division.

2. Any regulations relating to the conduct of persons within the park or recreational facilities must:

(a) Be directed toward one or both of the following:

(1) Prevention of damage to or misuse of the facility.

(2) Promotion of the inspiration, use and enjoyment of the people of this State through the preservation and use of the facility.

(b) Apply separately to each park, monument or recreational area and be designed to fit the conditions existing at that park, monument or recreational area.

(c) Not establish restrictions on the possession of firearms within the park or recreational facility which are more restrictive than the laws of this State relating to:

(1) The possession of firearms; or

(2) Engaging in lawful resistance to prevent an offense against a person or property.

➥ Any regulation which violates the provisions of this paragraph is void.

3. Any person whose conduct violates any regulation adopted pursuant to subsection 1, and who refuses to comply with the regulation upon request by any ranger or employee of the Division who has the powers of a peace officer pursuant to NRS 289.260, is guilty of a misdemeanor.

Sec. 5.5. ~~[The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.]~~ **(Deleted by amendment.)**

Sec. 6. This act becomes effective on July 1, 2011.

Assemblyman Horne moved that the Assembly adopt the report of the Conference Committee concerning Assembly Bill No. 282.

Motion carried by a constitutional majority.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 11:33 p.m.

ASSEMBLY IN SESSION

At 11:36 p.m.

Mr. Speaker presiding.

Quorum present.

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblyman Horne moved that the Assembly recede from its action on Senate Bill No. 348.

Remarks by Assemblyman Horne.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 219.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 866.

SUMMARY— ~~[Provides that unredeemed]~~ **Revises provisions governing the expiration of** slot machine wagering vouchers**.** ~~[escheat to the State.]~~ (BDR 10-811)

AN ACT relating to ~~[unclaimed property;]~~ **gaming; ~~[providing that unredeemed]~~ revising the provisions governing the expiration of** slot machine wagering vouchers**;** ~~[escheat to the State;]~~ requiring the Nevada

Gaming Commission to adopt regulations relating to ~~[unredeemed]~~ **expired** slot machine wagering vouchers; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Existing law prescribes the process of the disposition of unclaimed personal property. (Chapter 120A of NRS) Existing law also provides that such provisions of law do not apply to unredeemed gaming chips or tokens. (NRS 120A.135) Section 1.3 of this bill specifies that with regard to unclaimed property, a gaming chip or token does not include a slot machine wagering voucher. Section 1.3 defines "slot machine wagering voucher" as a printed wagering instrument that has a fixed dollar wagering value that can only be used to acquire an equivalent value of cashable credits or cash. Section 1.7 of this bill provides that unless the Nevada Gaming Commission specifies a shorter period of time in which a slot machine wagering voucher must be redeemed, upon the expiration date printed on a slot machine wagering voucher or 30 days after the slot machine wagering voucher is issued, whichever period is less, any value remaining on an unredeemed slot machine wagering voucher is presumed to be abandoned and subject to the provisions of law regarding the disposition of unclaimed personal property. Section 1.7 also provides that all slot machine wagering vouchers that are presumed abandoned must be reported to and escheat to the State on a quarterly basis, and that the State of Nevada may retain 75 percent of the value of any such slot machine wagering voucher and the gaming establishment which issued the slot machine wagering voucher may retain 25 percent of the value of the slot machine wagering voucher.~~

~~Section 6 of this]~~ **This** bill requires the **Nevada Gaming** Commission to adopt regulations that prescribe the procedures which ~~[gaming]~~ **nonrestricted** licensees must follow regarding the retention and tracking of slot machine wagering vouchers and the payment of the respective percentage of the value of such ~~[unredeemed]~~ **expired** slot machine wagering vouchers to this State and to gaming establishments.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. ~~[Chapter 120A of NRS is hereby amended by adding thereto the provisions set forth as sections 1.3 and 1.7 of this act.]~~ **(Deleted by amendment.)**

Sec. 1.3. ~~[***"Slot machine wagering voucher" means a printed wagering instrument that has a fixed dollar wagering value that can only be used to acquire an equivalent value of cashable credits or cash. As used in this section, "wagering instrument" has the meaning ascribed to it in NRS 463.01967.***]~~ **(Deleted by amendment.)**

Sec. 1.7. ~~[*1. Unless the Nevada Gaming Commission specifies by regulation a shorter period of time in which a slot machine wagering voucher must be redeemed, upon the expiration date printed on a slot machine wagering voucher issued in this State or 30 days after a wager is placed, whichever period is less, any value remaining on an unredeemed slot machine wagering voucher is presumed abandoned and subject to the provisions of this chapter.*~~

~~*2. If a slot machine wagering voucher is issued in this State and the gaming establishment which issued the slot machine wagering voucher does not obtain and maintain in its records the name and address of the owner of the slot machine wagering voucher, the address of the owner of the slot machine wagering voucher shall be deemed to be the address of the Office of the State Treasurer in Carson City.*~~

~~*3. All slot machine wagering vouchers presumed abandoned under this section must be reported to and escheat to this State on a quarterly basis.*~~

~~*4. This State may retain 75 percent of the value of any slot machine wagering voucher presumed abandoned under this section, and the gaming establishment which issued the slot machine wagering voucher may retain 25 percent of the value of the slot machine wagering voucher.*~~~~]~~ **(Deleted by amendment.)**

Sec. 2. ~~[~~NRS 120A.020 is hereby amended to read as follows:

120A.020 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 120A.025 to 120A.120, inclusive, ***and section 1.3 of this act*** have the meanings ascribed to them in those sections.~~]~~ **(Deleted by amendment.)**

Sec. 3. NRS 120A.135 is hereby amended to read as follows:

120A.135 1. The provisions of this chapter do not apply to gaming chips or tokens which are not redeemed at an establishment.

2. As used in this section:

(a) "Establishment" has the meaning ascribed to it in NRS 463.0148.

(b) "Gaming chip or token" means any object which may be redeemed at an establishment for cash or any other representative of value ~~[.]~~ ***other than a slot machine wagering voucher*** ~~*[.]*~~ ***as defined in section 6 of this act.***

Sec. 4. (Deleted by amendment.)

Sec. 5. (Deleted by amendment.)

Sec. 6. Chapter 463 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Whenever a nonrestricted licensee owes a patron a specific amount of money as the result of a slot machine wagering voucher which remains unpaid because of the failure of the patron to claim the value, regardless of whether the identity of the patron is known, the nonrestricted licensee shall

maintain a record of the obligation in accordance with the regulations adopted by the Commission.

2. Unless the Commission specifies by regulation a shorter period in which a slot machine wagering voucher must be redeemed, upon the expiration date printed on a slot machine wagering voucher issued in this State or 180 days after a wager is placed, whichever period is less, the obligation of the nonrestricted licensee to pay the patron any value remaining on a slot machine wagering voucher expires.

3. Each nonrestricted licensee shall, for the previous calendar quarter, report to the Commission on or before the 24th day of the month following that calendar quarter any slot machine wagering voucher that expires pursuant to this section. The licensee shall remit to the Commission with each report payment equal to 75 percent of the value of the expired slot machine wagering vouchers included on the report.

4. The Commission shall pay over all money collected pursuant to this section to the State Treasurer to be deposited for credit to the State General Fund.

5. The Commission shall adopt regulations prescribing procedures which nonrestricted licensees must follow [for the retention and tracking of slot machine wagering vouchers and for the payment of the respective percentage of the value of unredeemed slot machine wagering vouchers to this State and to such licensees as required by chapter 120A of NRS regarding the disposition of unclaimed property.] to comply with the provisions of this section.

6. As used in this section, "slot machine wagering voucher" means a printed wagering instrument, issued by a gaming establishment operating under a nonrestricted license, that has a fixed dollar wagering value which can only be used to acquire an equivalent value of cashable credits or cash.

Sec. 6.3. **All provisions, procedures, rights and remedies not otherwise inconsistent with section 6 of this act, and as set forth in chapter 463 of NRS and any regulations adopted pursuant thereto, that apply to the payment, auditing or collection of fees, taxes, penalties and interest, as well as all appeal and review rights, shall apply to the payment, auditing and collection of any expired slot machine wagering voucher as defined in section 6 of this act.**

Sec. 6.5. The Nevada Gaming Commission shall adopt the regulations required to be adopted pursuant to the amendatory provisions of this act on or before **[**October 1, 2011.**]** **January 31, 2012.**

Sec. 6.7. **This act applies to any slot machine wagering voucher as defined in section 6 of this act issued on or after July 1, 2011.**

Sec. 7. This act becomes effective **[**upon passage and approval.**]** **on July 1, 2011.**

Assemblyman Hickey moved the adoption of the amendment.

Amendment adopted.

Bill ordered to third reading.

Assembly Bill No. 405.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 955.

SUMMARY—Revises provisions governing the Public Employees' Retirement System. (BDR ~~[23-964)]~~ **S-964)**

AN ACT relating to public employees' retirement; ~~[eliminating the inclusion of call-back pay in the compensation reported for each member of the Public Employees' Retirement System whose effective date of membership in the System is on or after January 1, 2012; limiting the increases in reportable compensation each fiscal year for such a member; pledging that the Legislature will not modify retirement benefits for a certain period and will not increase subsequent benefits except in certain circumstances;]~~ **setting forth a legislative declaration; directing the Interim Retirement and Benefits Committee of the Legislature to conduct a study; setting forth the requirements for the study and directing the Committee to submit a report to the Legislative Commission; making an appropriation;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[A member's monthly retirement allowance from the Public Employees' Retirement System is based on the member's compensation while employed, subject to certain limitations. (NRS 286.025, 286.410, 286.535, 286.537, 286.551)]~~ **Section ~~[2]~~ 1** of this bill ~~[eliminates the inclusion of call-back pay in the compensation reported for each member whose effective date of membership in the System is on or after January 1, 2012.]~~ **sets forth the Legislature's findings and declaration concerning the nature of the Public Employees' Retirement System and its mission. Section ~~[3]~~ 2** of this bill ~~[limits the increases in reportable compensation for such a member to not more than 10 percent from one fiscal year to the next fiscal year, excluding compensation attributable to a promotion and assignment-related compensation.]~~ **: (1) directs the Interim Retirement and Benefits Committee of the Legislature to conduct a study of the retirement and disability benefits for public employees in this State; (2) sets forth the analyses which must be included within the study; (3) requires the Public Employees' Retirement Board to provide staff assistance to the**

Committee; and (4) directs the Committee to submit a report of the results of the study to the Legislative Commission.

Section ~~[1]~~ **3** of this bill ~~[sets forth the pledge of the Legislature that for a 10-year period after the implementation of the modifications to the System set forth in sections 2 and 3 of this bill, the Legislature will not enact any law that has the effect of modifying any benefit payable under the System unless such a modification is necessary to maintain the fiscal integrity of the System. After that 10-year period, the Legislature pledges to not enact any law that has the effect of increasing any benefit payable under the System unless the actuarial value of the assets of the retirement fund from which the benefit will be paid is equal to or greater than 85 percent of the actuarial accrued liabilities of that retirement fund and the increase in the benefit is included in the contribution rate.~~] **provides an appropriation of $250,000 to pay the cost of the study required to be conducted by the Interim Retirement and Benefits Committee of the Legislature pursuant to section 2.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Delete existing sections 1 through 4 of this bill and replace with the following new sections 1 through 4:

Section 1. **The Legislature hereby finds and declares:**

1. It is the mission of the Public Employees' Retirement System as declared in NRS 286.015 to provide:

(a) A reasonable base income to qualified employees who have been employed by a public employer and whose earning capacity has been removed or has been substantially reduced by age or disability.

(b) An orderly method of promoting and maintaining a high level of service to the public through an equitable separation procedure, which is available to employees at retirement or upon becoming disabled.

(c) A system which will make government employment attractive to qualified employees in various categories of service and which will encourage these employees to remain in government service for such periods of time as to give the public employer full benefit of the training and experience gained by these employees while employed by public employers.

2. The Public Employees' Retirement System is a defined benefit pension plan that covers all eligible public employees in this State in lieu of coverage under the federal Social Security Act.

3. The short-term volatility in the investment markets has caused an increase in the costs to public employers and public employees for contributions to the Public Employees' Retirement System to retire the

unfunded liability of the System in compliance with the requirements prescribed by the Governmental Accounting Standards Board. Such increased costs could also result from losses in the System's holdings caused by fraud or misrepresentation in the investment markets.

4. Many different approaches to workforce incentives, including retirement and disability benefits, have evolved in the public and private sectors and warrant study to ensure that this State provides the most appropriate retirement benefits for its public workforce, as part of the overall human resources policy of this State.

5. Because of the long-term financial and policy impacts of any changes to retirement and disability benefits provided by the Public Employees' Retirement System, careful and thorough consideration of the alternatives is required.

6. Section 2 of Article 9 of the Nevada Constitution requires that any changes proposed to the retirement and disability benefits provided by the Public Employees' Retirement System be based upon actuarial assumptions recommended by the independent actuary employed by the Public Employees' Retirement Board to ensure the insulation of the retirement future of the public workforce of this State from any political pressures.

Sec. 2. **1. The Interim Retirement and Benefits Committee of the Legislature created by NRS 218E.420 shall conduct a study of the retirement and disability benefits for public employees in this State.**

2. The study conducted pursuant to subsection 1 must include:

(a) An analysis of alternatives to the existing retirement plan, including, without limitation, consideration of other models of retirement plans, such as defined benefit plans, defined contribution plans, cash balance plans and hybrid retirement plans, and retirement and disability benefits under the federal Social Security Act. Such analysis must address the implications of implementing each alternative, including, without limitation:

(1) A comparison of the design, costs, portability and income security of each alternative; and

(2) The actuarial, financial, workforce and public policy impacts of each alternative on current and future public employers, current and future public employees and beneficiaries in the Public Employees' Retirement System.

(b) An analysis of the measures implemented by the Public Employees' Retirement Board to monitor losses caused by fraud or misrepresentation in the investment markets and to institute legal action to recover such losses.

3. The Public Employees' Retirement Board shall provide such assistance to the Interim Retirement and Benefits Committee of the Legislature as requested by the Committee, including, without limitation, the assistance of the independent actuary employed by the Board to make the necessary actuarial assumptions.

4. On or before October 1, 2012, the Interim Retirement and Benefits Committee of the Legislature shall submit a report of the results of the study conducted pursuant to subsection 1 to the Legislative Commission.

5. On or before December 31, 2012, the Legislative Commission shall submit the report of the results of the study and any recommendations for legislation to the 77th Session of the Nevada Legislature.

Sec. 3. **1. There is hereby appropriated from the State General Fund to the Legislative Fund the sum of $250,000 to conduct the study required pursuant to section 2 of this act.**

2. The money appropriated by subsection 1 may be used only if matching money is received in the Legislative Fund for the study from sources other than the appropriation made by subsection 1, including, without limitation, gifts, grants and donations.

3. The State Controller shall not distribute any money from the appropriation made pursuant to subsection 1 until the matching money required by subsection 2 has been committed for the study.

4. Any remaining balance of the appropriation made by subsection 1 to the Legislative Fund must not be committed for expenditure after June 30, 2013, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 20, 2013, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 20, 2013.

Sec. 4. **This act becomes effective upon passage and approval.**

Assemblyman Hickey moved the adoption of the amendment.

Amendment adopted.

Bill ordered to third reading.

Assembly Bill No. 484.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 918.

SUMMARY—Makes ~~[an appropriation to the Interim Finance Committee for allocation to the State Treasurer for interest payments due the Federal Government for the loan that was made available to the State upon depletion of Nevada's Unemployment Compensation Fund.]~~ **various changes relating to unemployment compensation.** (BDR ~~[S-1245)]~~ **53-1245)**

AN ACT **relating to unemployment compensation; revising provisions relating to extended unemployment compensation;** making ~~[an appropriation]~~ **appropriations** to the Interim Finance Committee for allocation to the State Treasurer for interest payments due the Federal Government for the loan that was made available to the State upon depletion of Nevada's Unemployment Compensation Fund; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

An amendment to federal law provides an alternative method for determining eligibility for extended unemployment compensation. To qualify, certain provisions must be included in state law. (Section 502 of Pub. L. No. 111-312) Sections 1 and 2 of this bill revise provisions to correspond to the change to the federal law, allowing the Employment Security Division of the Department of Employment, Training and Rehabilitation to provide extended unemployment benefits for a longer period. Section 6 of this bill provides that the amendatory provisions of sections 1 and 2 expire upon expiration of the changes to federal law. Sections 3 and 4 of this bill make appropriations to the Interim Finance Committee for interest payments due the Federal Government for a loan made available to the State upon depletion of Nevada's Unemployment Compensation Fund. Section 5 of this bill provides that, if the Federal Government does not require interest payments in the full amount of the appropriations provided in sections 3 and 4, the Interim Finance Committee may allocate the money for a different purpose under the requirements for allocation from the Contingency Fund. (NRS 353.268, 353.269)

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. **NRS 612.377 is hereby amended to read as follows:**

612.377 As used in NRS 612.377 to 612.3786, inclusive, unless the context clearly requires otherwise:

1. "Extended benefit period" means a period which begins with the third week after a week for which there is a Nevada "on" indicator and ends with the third week after the first week for which there is a Nevada "off" indicator or the 13th consecutive week after it began, except that no extended benefit period may begin by reason of a Nevada "on" indicator before the 14th week

following the end of a prior extended benefit period which was in effect for Nevada.

2. There is a "Nevada 'on' indicator" for a week if the Administrator determines, in accordance with the regulations of the Secretary of Labor, that:

(a) For the period consisting of that week and the immediately preceding 12 weeks, the rate of insured unemployment in Nevada (not seasonally adjusted) under NRS 612.377 to 612.3786, inclusive:

(1) Equaled or exceeded 120 percent of the average of those rates for the corresponding 13-week period ending in each of the preceding 2 calendar years and equaled or exceeded 5 percent; or

(2) Equaled or exceeded 6 percent; or

(b) For weeks of unemployment beginning on or after February 1, 2009, and ending on or before December 12, 2009, or the week ending ~~[3]~~ ***4*** weeks before the last week for which federal sharing is authorized by section 2005(a) of Public Law No. 111-5, whichever is later, the average rate of total seasonally adjusted unemployment in Nevada, as determined by the Secretary of Labor, for the period consisting of the most recent 3 months for which data for all states are published before the close of such week:

(1) Equaled or exceeded 6.5 percent; and

(2) Equaled or exceeded 110 percent of the average rate for the corresponding 3-month period ending in either of the ~~[2]~~ ***3*** preceding calendar years.

3. There is a "Nevada 'off' indicator" for a week if the Administrator determines, in accordance with the regulations of the Secretary of Labor, that for the period consisting of that week and the immediately preceding 12 weeks, the rate of insured unemployment in Nevada (not seasonally adjusted):

(a) Was less than 120 percent of the average of those rates for the corresponding 13-week period ending in each of the preceding 2 calendar years; or

(b) Was less than 5 percent.

4. "Rate of insured unemployment," for purposes of subsections 2 and 3, means the percentage derived by dividing the average weekly number of persons filing claims in this State for the weeks of unemployment for the most recent period of 13 consecutive weeks, as determined by the Administrator on the basis of the Administrator's reports to the Secretary of Labor using the average monthly employment covered under this chapter as determined by the Administrator and recorded in the records of the Division for the first four of the most recent six completed calendar quarters ending before the end of the 13-week period.

5. "Regular benefits" means benefits payable to a person under this chapter or under any other state law (including benefits payable to federal civilian employees and to ex-servicemen pursuant to 5 U.S.C. §§ 8501 et seq.) other than extended benefits.

6. "Extended benefits" means benefits (including benefits payable to federal civilian employees and to ex-servicemen pursuant to 5 U.S.C. §§ 8501 et seq.) payable to a person under the provisions of NRS 612.377 to 612.3786, inclusive, for the weeks of unemployment in the person's eligibility period.

7. "Additional benefits" means benefits payable to exhaustees by reason of conditions of high unemployment or by reason of other special factors under the provisions of any state law. Any person who is entitled to both additional and extended benefits for the same week must be given the choice of electing which type of benefit to claim regardless of whether his or her rights to additional and extended benefits arise under the law of the same state or different states.

8. "Eligibility period" of a person means the period consisting of the weeks in the person's benefit year under this chapter which begin in an extended benefit period and, if that benefit year ends within the extended benefit period, any weeks thereafter which begin in that period.

9. "Exhaustee" means a person who, with respect to any week of unemployment in the person's eligibility period:

(a) Has received, before that week, all of the regular, seasonal or nonseasonal benefits that were available to him or her under this chapter or any other state law (including augmented weekly benefits for dependents and benefits payable to federal civilian employees and ex-servicemen under 5 U.S.C. §§ 8501 et seq.) in the person's current benefit year which includes that week, except that, for the purposes of this paragraph, a person shall be deemed to have received all of the regular benefits that were available to him or her, although as a result of a pending appeal with respect to wages that were not considered in the original monetary determination in that benefit year, the person may subsequently be determined to be entitled to added regular benefits; or

(b) His or her benefit year having expired before that week, has no, or insufficient, wages on the basis of which the person could establish a new benefit year which would include that week,

➥ and has no right to unemployment benefits or allowances, as the case may be, under the Railroad Unemployment Insurance Act, 45 U.S.C. §§ 351 et seq., the Trade Expansion Act of 1962, 19 U.S.C. §§ 1801 et seq., the Automotive Products Trade Act of 1965, 19 U.S.C. §§ 2001 et seq. and such other federal laws as are specified in regulations issued by the Secretary of Labor, and has not received and is not seeking unemployment benefits under

the unemployment compensation law of Canada. If the person is seeking such benefits and the appropriate agency finally determines that the person is not entitled to benefits under that law the person is considered an exhaustee.

10. "State law" means the unemployment insurance law of any state, approved by the Secretary of Labor under Section 3304 of the Internal Revenue Code of 1954.

Sec. 2. **NRS 612.378 is hereby amended to read as follows:**

612.378 1. Except as otherwise provided in subsection 2, the total extended benefit amount payable to any eligible person for the person's applicable benefit year is the lesser of the following amounts:

(a) Fifty percent of the basic benefits which were payable to him or her in the benefit year. If the amount computed is not a multiple of $1, it must be computed to the next lower multiple of $1.

(b) Thirteen times the person's average weekly benefit amount which was payable to him or her under this chapter for a week of total unemployment in the applicable benefit year. If the amount computed is not a multiple of $1, it must be computed to the next lower multiple of $1.

2. In weeks beginning in a high unemployment period on or after February 1, 2009, and ending on or before December 12, 2009, or the week ending ~~[3]~~ ***4*** weeks before the last week for which federal sharing is authorized by section 2005(a) of Public Law No. 111-5, whichever is later, the total extended benefit amount payable to any eligible person for the person's applicable benefit year is the lesser of the following amounts:

(a) Eighty percent of the basic benefits which were payable to him or her in the benefit year. If the amount computed is not a multiple of $1, it must be computed to the next lower multiple of $1.

(b) Twenty times the person's average weekly benefit amount which was payable to him or her under this chapter for a week of total unemployment in the applicable benefit year. If the amount computed is not a multiple of $1, it must be computed to the next lower multiple of $1.

3. If the benefit year of any person ends within an extended benefit period, the remaining balance of extended benefits that the person would, but for this subsection, be entitled to receive in that period, with respect to weeks of unemployment beginning after the end of the benefit year, must be reduced by the product of the number of weeks for which the person received any amounts as trade readjustment allowances pursuant to 19 U.S.C. § 2291 within that benefit year, multiplied by the weekly benefit amount of extended benefits, but the balance must not be reduced below zero.

4. As used in this section, "high unemployment period" means any period during which the average rate of total seasonally adjusted unemployment in Nevada, as determined by the Secretary of Labor, for the

period consisting of the most recent 3 months for which data for all states are published before the close of such week:

(a) Equaled or exceeded 8 percent; and

(b) Equaled or exceeded 110 percent of the average rate for the corresponding 3-month period ending in either of the ~~[2]~~ ***3*** preceding calendar years.

~~[Section 1.]~~ ***Sec. 3.*** **1.** There is hereby appropriated from the State General Fund to the Interim Finance Committee the sum of ~~[$66,355,000]~~ **$23,900,000** for allocation to the State Treasurer for interest payments due the Federal Government for the loan that was made available to the State upon depletion of Nevada's Unemployment Compensation Fund.

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2013, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 20, 2013, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 20, 2013.

~~[Sec. 2.]~~ ***Sec. 4.*** **1. There is hereby appropriated from the State General Fund to the Interim Finance Committee the sum of $40,100,000 for allocation to the State Treasurer for interest payments due the Federal Government for the loan that was made available to the State upon depletion of Nevada's Unemployment Compensation Fund.**

2. Any remaining balance of the appropriation made by ~~[section]~~ **subsection** 1 ~~[of this act]~~ must not be committed for expenditure after June 30, 2013, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 20, 2013, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 20, 2013.

Sec. 5. **The sums appropriated by sections 3 and 4 of this act may be allocated for a purpose other than the purpose described in those sections if the Interim Finance Committee determines that the Federal Government will not require the payment of interest in the amounts appropriated by those sections. Any allocation made pursuant to this section must be recommended by the State Board of Examiners pursuant to NRS 353.268 and approved by the Interim Finance Committee pursuant to NRS 353.269.**

~~[Sec. 3.]~~ ***Sec. 6.*** **1.** This ~~[act becomes effective on July 1, 2011.]~~ **section and sections 3 and 5 of this act become effective upon passage and approval.**

2. Section 4 of this act becomes effective on July 1, 2012.

3. Sections 1 and 2 of this act become effective upon passage and approval and expire by limitation on:

(a) December 31, 2011; or

(b) The earlier of the date of the expiration of section 502 of Public Law No. 111-312 or the date that federal sharing is no longer authorized pursuant to section 2005(a) of Public Law No. 111-5,

➥ whichever is later.

Assemblyman Hickey moved the adoption of the amendment.

Amendment adopted.

Bill ordered to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Conklin moved that Assembly Bill No. 71 be taken from its position on the General File and placed at the top of General File.

Motion carried.

Assemblyman Conklin moved that Assembly Bill No. 561 be taken from its position on the General File and placed at the top of the General File.

Motion carried.

Assemblyman Conklin moved that Assembly Bills Nos. 219, 405, and 484 be taken from their position on the General File and placed on the General File immediately following Assembly Bill No. 71.

Remarks by Assemblyman Conklin.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 561.

Bill read third time.

Remarks by Assemblywoman Smith.

Roll call on Assembly Bill No. 561:

YEAS—36.

NAYS—Ellison, Goedhart, Hambrick, Hardy, Livermore, McArthur—6.

Assembly Bill No. 561 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered reprinted, engrossed, and transmitted to the Senate.

Assembly Bill No. 71.

Bill read third time.

Remarks by Assemblywoman Kirkpatrick.

Roll call on Assembly Bill No. 71:
YEAS—41.
NAYS—Ellison.
Assembly Bill No. 71 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Assembly Bill No. 219.
Bill read third time.
Remarks by Assemblyman Horne.
Roll call on Assembly Bill No. 219:
YEAS—40.
NAYS—Goedhart, McArthur—2.
Assembly Bill No. 219 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.
Bill ordered reprinted, engrossed, and transmitted to the Senate.

Assembly Bill No. 405.
Bill read third time.
Remarks by Assemblywoman Smith.
Roll call on Assembly Bill No. 405:
YEAS—42.
NAYS—None.
Assembly Bill No. 405 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered reprinted, engrossed, and transmitted to the Senate.

Assembly Bill No. 484.
Bill read third time.
Remarks by Assemblywoman Smith.
Roll call on Assembly Bill No. 484:
YEAS—42.
NAYS—None.
Assembly Bill No. 484 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered reprinted, engrossed, and transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Conklin moved that Senate Bills Nos. 159, 164, 211, 212, 320, 340, 421, and 437 be taken from the General File and placed on the General File for the next legislative day.
Motion carried.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 40, 48, 80, 100, 148, 223, 224, 247, 255, 359, 432, 529, 531, 570, Assembly Concurrent Resolution 10; Senate Bills Nos. 18, 19, 30, 32, 34, 36, 55, 82, 101, 125, 140, 143, 150, 151, 191, 204, 215, 238, 254, 259, 264, 267, 289, 292, 307, 329, 381, 403, 414, 419, 426, 432, 472; Senate Joint Resolution No. 3.

Assemblyman Conklin moved that the Assembly adjourn until Monday, June 6, 2011, at 12:01 a.m.

Motion carried.

Assembly adjourned at 11:53 p.m.

Approved: JOHN OCEGUERA
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

THE ONE HUNDRED TWENTIETH DAY

CARSON CITY (Monday), June 6, 2011

Assembly called to order at 12:02 a.m.

Mr. Speaker presiding.

Roll called.

All present.

Prayer by the Chaplain, April Mastroluca.

Heavenly Father, as You have said before, I will say again: "Well done, good and faithful servant." Please bless this day and bless the work we are about to do.

AMEN.

Pledge of allegiance to the Flag.

Assemblyman Conklin moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 159.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 958.

AN ACT relating to ~~[offenders;]~~ **convicted persons;** requiring the Director of the Department of Corrections to provide certain information to an offender upon his or her release, including information regarding employment assistance; ~~[authorizing a court to require the earnings of a probationer to be held in trust for certain purposes;]~~ **providing for the waiver of fees for the issuance of certain forms of identifying information for certain persons released from prison;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Director of the Department of Corrections to provide certain information to an offender upon the offender's release from prison. (NRS 209.511) **Section 1** of this bill requires the Director to provide such an offender with: (1) information relating to assistance for obtaining employment, including information regarding obtaining bonding for employment; and (2) information and reasonable assistance relating to

acquiring a valid driver's license or identification card to enable the offender to obtain employment if the offender requests such information and assistance and is eligible to acquire a driver's license or identification card.

Existing law provides for the waiver of certain fees relating to the issuance of certified copies of birth certificates and duplicate drivers' licenses and identification cards to homeless persons. (NRS 440.175, 440.700, 483.417, 483.825) Sections 3-6 of this bill provide for a similar waiver of such fees for persons who were released from prison within the immediately preceding 90 days. Section 7 of this bill requires the Department of Motor Vehicles to encourage each vendor that has entered into an agreement with the Department to produce photographs for drivers' licenses and identification cards to waive the cost charged to the Department to produce the photographs for such persons who were released from prison.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 209.511 is hereby amended to read as follows:

209.511 1. When an offender is released from prison by expiration of his or her term of sentence, by pardon or by parole, the Director:

(a) May furnish the offender with a sum of money not to exceed $100, the amount to be based upon the offender's economic need as determined by the Director;

(b) Shall give the offender notice of the provisions of chapter 179C of NRS and NRS 202.357 and 202.360;

(c) Shall require the offender to sign an acknowledgment of the notice required in paragraph (b);

(d) Shall give the offender notice of the provisions of NRS 179.245 and the provisions of NRS 213.090, 213.155 or 213.157, as applicable;

(e) ***Shall provide the offender with information relating to obtaining employment, including, without limitation, any programs which may provide bonding for an offender entering the workplace and any organizations which may provide employment or bonding assistance to such a person;***

(f) Shall provide the offender with information and reasonable assistance relating to acquiring a valid driver's license or identification card to enable the offender to obtain employment, if the offender:

(1) Requests such information and assistance; and

(2) Is eligible to acquire a valid driver's license or identification card from the Department of Motor Vehicles;

(g) May provide the offender with clothing suitable for reentering society;

~~[(f)]~~ ***(h)*** May provide the offender with the cost of transportation to his or her place of residence anywhere within the continental United States, or to the place of his or her conviction;

~~[(g)]~~ ***(i)*** May, but is not required to, release the offender to a facility for transitional living for released offenders that is licensed pursuant to chapter 449 of NRS; and

~~[(h)]~~ ***(j)*** Shall require the offender to submit to at least one test for exposure to the human immunodeficiency virus.

2. The costs authorized in paragraphs (a) ~~[, (e), (f)]~~ ***, (g)*** ~~[and (h)]~~ ***, (h) and (j)*** of subsection 1 must be paid out of the appropriate account within the State General Fund for the use of the Department as other claims against the State are paid to the extent that the costs have not been paid in accordance with subsection 5 of NRS 209.221 and NRS 209.246.

3. As used in this section, "facility for transitional living for released offenders" has the meaning ascribed to it in NRS 449.0055.

Sec. 2. (Deleted by amendment.)

Sec. 3. **NRS 440.175 is hereby amended to read as follows:**

440.175 1. Upon request, the State Registrar may furnish statistical data to any federal, state, local or other public or private agency, upon such terms or conditions as may be prescribed by the Board.

2. No person may prepare or issue any document which purports to be an original, certified copy, certified abstract or official copy of:

(a) A certificate of birth, death or fetal death, except as authorized in this chapter or by the Board.

(b) A certificate of marriage, except a county clerk, county recorder or a person so required pursuant to NRS 122.120.

(c) A decree of divorce or annulment of marriage, except a county clerk or the judge of a court of record.

3. A person or governmental organization which issues certified or official copies pursuant to paragraph (a) of subsection 2 shall:

(a) Not charge a fee for issuing a certified or official copy of a certificate of birth to ~~[a]~~ **:**

(1) A homeless person who submits a signed affidavit on a form prescribed by the State Registrar stating that the person is homeless.

(2) A person who submits documentation from the Department of Corrections verifying that the person was released from prison within the immediately preceding 90 days.

(b) Remit to the State Registrar fees collected which are charged in an amount established by the State Registrar by regulation:

(1) For each registration of a birth or death in its district.

(2) For each copy issued of a certificate of birth in its district, other than a copy issued pursuant to paragraph (a).

(3) For each copy issued of a certificate of death in its district.

Sec. 4. **NRS 440.700 is hereby amended to read as follows:**

440.700 1. Except as otherwise provided in this section, the State Registrar shall charge and collect a fee in an amount established by the State Registrar by regulation:

(a) For searching the files for one name, if no copy is made.

(b) For verifying a vital record.

(c) For establishing and filing a record of paternity, other than a hospital-based paternity, and providing a certified copy of the new record.

(d) For a certified copy of a record of birth.

(e) For a certified copy of a record of death originating in a county in which the board of county commissioners has not created an account for the support of the office of the county coroner pursuant to NRS 259.025.

(f) For a certified copy of a record of death originating in a county in which the board of county commissioners has created an account for the support of the office of the county coroner pursuant to NRS 259.025.

(g) For correcting a record on file with the State Registrar and providing a certified copy of the corrected record.

(h) For replacing a record on file with the State Registrar and providing a certified copy of the new record.

(i) For filing a delayed certificate of birth and providing a certified copy of the certificate.

(j) For the services of a notary public, provided by the State Registrar.

(k) For an index of records of marriage provided on microfiche to a person other than a county clerk or a county recorder of a county of this State.

(l) For an index of records of divorce provided on microfiche to a person other than a county clerk or a county recorder of a county in this State.

(m) For compiling data files which require specific changes in computer programming.

2. The fee collected for furnishing a copy of a certificate of birth or death must include the sum of $3 for credit to the Children's Trust Account created by NRS 432.131.

3. The fee collected for furnishing a copy of a certificate of death must include the sum of $1 for credit to the Review of Death of Children Account created by NRS 432B.409.

4. The State Registrar shall not charge a fee for furnishing a certified copy of a record of birth to ~~[a]~~ **:**

(a) A homeless person who submits a signed affidavit on a form prescribed by the State Registrar stating that the person is homeless.

(b) A person who submits documentation from the Department of Corrections verifying that the person was released from prison within the immediately preceding 90 days.

5. The fee collected for furnishing a copy of a certificate of death originating in a county in which the board of county commissioners has created an account for the support of the office of the county coroner pursuant to NRS 259.025 must include the sum of $1 for credit to the account for the support of the office of the county coroner of the county in which the certificate originates.

6. Upon the request of any parent or guardian, the State Registrar shall supply, without the payment of a fee, a certificate limited to a statement as to the date of birth of any child as disclosed by the record of such birth when the certificate is necessary for admission to school or for securing employment.

7. The United States Bureau of the Census may obtain, without expense to the State, transcripts or certified copies of births and deaths without payment of a fee.

Sec. 5. **NRS 483.417 is hereby amended to read as follows:**

483.417 1. The Department shall waive the fee prescribed by NRS 483.410 and the increase in the fee required by NRS 483.347 not more than one time for furnishing a duplicate driver's license to ~~[a]~~ **:**

(a) A homeless person who submits a signed affidavit on a form prescribed by the Department stating that the person is homeless.

(b) A person who submits documentation from the Department of Corrections verifying that the person was released from prison within the immediately preceding 90 days.

2. A vendor that has entered into an agreement with the Department to produce photographs for drivers' licenses pursuant to NRS 483.347 may waive the cost it charges the Department to produce the photograph of a homeless person ***or person released from prison*** for a duplicate driver's license.

3. If the vendor does not waive pursuant to subsection 2 the cost it charges the Department and the Department has waived the increase in the fee required by NRS 483.347 for a duplicate driver's license furnished to a ~~[homeless]~~ person pursuant to subsection 1, the ~~[homeless]~~ person shall reimburse the Department in an amount equal to the increase in the fee required by NRS 483.347 if the ~~[homeless]~~ person:

(a) Applies to the Department for the renewal of his or her driver's license; and

(b) Is employed at the time of such application.

4. The Department may accept gifts, grants and donations of money to fund the provision of duplicate drivers' licenses without a fee to ~~[homeless]~~ persons ~~[.]~~ ***pursuant to subsection 1.***

Sec. 6. **NRS 483.825 is hereby amended to read as follows:**

483.825 1. The Department shall waive the fee prescribed by NRS 483.820 and the increase in the fee required by NRS 483.347 not more than one time for furnishing a duplicate identification card to ~~[a]~~ **:**

(a) A homeless person who submits a signed affidavit on a form prescribed by the Department stating that the person is homeless.

(b) A person who submits documentation from the Department of Corrections verifying that the person was released from prison within the immediately preceding 90 days.

2. A vendor that has entered into an agreement with the Department to produce photographs for identification cards pursuant to NRS 483.347 may waive the cost it charges the Department to produce the photograph of a homeless person ***or person released from prison*** for a duplicate identification card.

3. If the vendor does not waive pursuant to subsection 2 the cost it charges the Department and the Department has waived the increase in the fee required by NRS 483.347 for a duplicate identification card furnished to a ~~[homeless]~~ person pursuant to subsection 1, the ~~[homeless]~~ person shall reimburse the Department in an amount equal to the increase in the fee required by NRS 483.347 if the ~~[homeless]~~ person:

(a) Applies to the Department for the renewal of his or her identification card; and

(b) Is employed at the time of such application.

4. The Department may accept gifts, grants and donations of money to fund the provision of duplicate identification cards without a fee to ~~[homeless]~~ persons ~~[.]~~ ***pursuant to subsection 1.***

5. As used in this section, "photograph" has the meaning ascribed to it in NRS 483.125.

Sec. 7. **The Department of Motor Vehicles shall encourage each vendor that has entered into an agreement with the Department to produce photographs for drivers' licenses and identification cards pursuant to NRS 483.347 to waive the cost that the vendor charges the Department to produce photographs for duplicate drivers' licenses or identification cards furnished to persons released from prison within the immediately preceding 90 days pursuant to subsection 2 of NRS 483.417, as amended by section 5 of this act, and subsection 2 of NRS 483.825, as amended by section 6 of this act.**

Sec. 8. **1. This section and section 1 of this bill become effective on October 1, 2011.**

2. Sections 3 to 7, inclusive, of this act become effective on February 1, 2012.

Assemblyman Hickey moved the adoption of the amendment.

Amendment adopted.

Bill ordered to third reading.

Senate Bill No. 212.

Bill read third time.

The following amendment was proposed by the Committee on Education:

Amendment No. 947.

AN ACT relating to education; revising provisions relating to sponsorship of charter schools; creating the State Public Charter School Authority; prescribing the membership, duties and powers of the State Public Charter School Authority; imposing certain restrictions on contracts between a charter school or proposed charter school and a contractor or educational management organization; repealing the Subcommittee on Charter Schools of the State Board of Education; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the formation of charter schools and authorizes school districts, the State Board of Education and colleges and universities within the Nevada System of Higher Education to sponsor charter schools. (NRS 386.500-386.610) **Sections 25-35.5** of this bill create the State Public Charter School Authority and prescribe the membership of the State Public Charter School Authority. **Section 38** of this bill removes the authority of the State Board of Education to sponsor charter schools and authorizes the State Public Charter School Authority to sponsor charter schools. **Section 2** of this bill transfers the duty to prepare an annual report of accountability information of each charter school in this State from the board of trustees of a school district to the sponsor of that charter school. ~~[Sections 59 and 60]~~ **Section 59** of this bill ~~[require]~~ **provides for the appointment of** the Director of the State Public Charter School Authority ~~[and other persons employed by the State Public Charter School Authority to be appointed or hired, as appropriate.]~~ **Section 60 of this bill provides for the transfer of certain personnel positions from the Department of Education to the State Public Charter School Authority.** **Section 61** of this bill requires the members of the State Public Charter School Authority to be appointed. **Section 64** of this bill transfers the sponsorship of all charter schools sponsored by the State Board of Education to the State Public Charter School Authority.

Existing administrative regulations of the Department of Education set forth certain restrictions on contracts and proposed contracts between a charter school or proposed charter school and a contractor or an educational management organization. (NAC 386.403) **Section 35.7** of this bill codifies

into statute the provisions of this regulation. **Section 35.7** also defines educational management organization for purposes of that section.

Section 57 of this bill repeals the Subcommittee on Charter Schools of the State Board of Education.

WHEREAS, The Legislature recognizes that each child in this State should be afforded the opportunity to receive a high-quality education from the public schools of this State; and

WHEREAS, Some children perform better in different learning environments, and the educational programs in public schools should be designed to fit the individual needs of those children; and

WHEREAS, It is the intent of the Legislature to provide teachers and other educational personnel, parents, legal guardians and other persons who are interested in the system of public education in this State the opportunity to:

1. Improve the learning of pupils by creating public schools with rigorous standards for the academic achievement of pupils;

2. Close the achievement gaps between high-performing and low-performing groups of pupils;

3. Increase the opportunities for learning for all pupils;

4. Increase access to alternative educational programs for pupils who are identified as being at risk for academic failure; and

5. Encourage diverse approaches to public education and the use of innovative teaching methods that have proven effective; and

WHEREAS, The Legislature finds that the success of charter schools in this State depends upon the support of high-quality sponsors, effective charter associations and resource centers, effective educational personnel and parents and legal guardians of pupils enrolled in the charter schools; and

WHEREAS, The Legislature finds that the sponsors of successful charter schools maintain high standards for the sponsor and the charter schools they sponsor, preserve autonomy for the charter schools they sponsor and protect the interests of the pupils enrolled in the charter schools and the communities they serve; and

WHEREAS, The Legislature finds that the creation of a State Public Charter School Authority can serve as a model of the best practices in sponsoring charter schools and can foster high-quality public school choice through the charter schools it sponsors by providing pupils with an opportunity to maximize their academic potential; now, therefore,

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 385.005 is hereby amended to read as follows:

385.005 1. The Legislature reaffirms its intent that public education in the State of Nevada is essentially a matter for local control by local school

districts. The provisions of this title are intended to reserve to the boards of trustees of local school districts within this state such rights and powers as are necessary to maintain control of the education of the children within their respective districts. These rights and powers may only be limited by other specific provisions of law.

2. The responsibility of establishing a statewide policy of integration or desegregation of public schools is reserved to the Legislature. The responsibility for establishing a local policy of integration or desegregation of public schools consistent with the statewide policy established by the Legislature is delegated to the respective boards of trustees of local school districts and to the governing body of each charter school.

3. The State Board shall, and ***the State Public Charter School Authority,*** each board of trustees of a local school district, the governing body of each charter school and any other school officer may, advise the Legislature at each regular session of any recommended legislative action to ensure high standards of equality of educational opportunity for all children in the State of Nevada.

Sec. 2. NRS 385.347 is hereby amended to read as follows:

385.347 1. The board of trustees of each school district in this State, in cooperation with associations recognized by the State Board as representing licensed educational personnel in the district, shall adopt a program providing for the accountability of the school district to the residents of the district and to the State Board for the quality of the schools and the educational achievement of the pupils in the district, including, without limitation, pupils enrolled in charter schools **[**in**]** ***sponsored by*** the school district. The board of trustees of each school district shall report the information required by subsection 2 for each charter school ~~**[**that is located within the school district, regardless of the sponsor of the charter school.**]**~~ ***sponsored by the school district.*** The information for charter schools must be reported separately **. [**~~and must denote the charter schools sponsored by the school district, the charter schools sponsored by the State Board and the charter schools sponsored by a college or university within the Nevada System of Higher Education.~~**]**

2. The board of trustees of each school district shall, on or before August 15 of each year, prepare an annual report of accountability concerning:

(a) The educational goals and objectives of the school district.

(b) Pupil achievement for each school in the district and the district as a whole, including, without limitation, each charter school ~~**[**in**]**~~ ***sponsored by*** the district. The board of trustees of the district shall base its report on the results of the examinations administered pursuant to NRS 389.015 and 389.550 and shall compare the results of those examinations for the current school year with those of previous school years. The report must include, for

each school in the district, including, without limitation, each charter school ~~[in]~~ ***sponsored by*** the district, and each grade in which the examinations were administered:

(1) The number of pupils who took the examinations.

(2) A record of attendance for the period in which the examinations were administered, including an explanation of any difference in the number of pupils who took the examinations and the number of pupils who are enrolled in the school.

(3) Except as otherwise provided in this paragraph, pupil achievement, reported separately by gender and reported separately for the following groups of pupils:

(I) Pupils who are economically disadvantaged, as defined by the State Board;

(II) Pupils from major racial and ethnic groups, as defined by the State Board;

(III) Pupils with disabilities;

(IV) Pupils who are limited English proficient; and

(V) Pupils who are migratory children, as defined by the State Board.

(4) A comparison of the achievement of pupils in each group identified in paragraph (b) of subsection 1 of NRS 385.361 with the annual measurable objectives of the State Board.

(5) The percentage of pupils who were not tested.

(6) Except as otherwise provided in this paragraph, the percentage of pupils who were not tested, reported separately by gender and reported separately for the groups identified in subparagraph (3).

(7) The most recent 3-year trend in pupil achievement in each subject area tested and each grade level tested pursuant to NRS 389.015 and 389.550, which may include information regarding the trend in the achievement of pupils for more than 3 years, if such information is available.

(8) Information that compares the results of pupils in the school district, including, without limitation, pupils enrolled in charter schools ~~[in]~~ ***sponsored by*** the district, with the results of pupils throughout this State. The information required by this subparagraph must be provided in consultation with the Department to ensure the accuracy of the comparison.

(9) For each school in the district, including, without limitation, each charter school ~~[in]~~ ***sponsored by*** the district, information that compares the results of pupils in the school with the results of pupils throughout the school district and throughout this State. The information required by this subparagraph must be provided in consultation with the Department to ensure the accuracy of the comparison.

(10) Information on whether each school in the district, including, without limitation, each charter school ~~[in]~~ ***sponsored by*** the district, has

made progress based upon the model adopted by the Department pursuant to NRS 385.3595.

➥ A separate reporting for a group of pupils must not be made pursuant to this paragraph if the number of pupils in that group is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual pupil. The State Board shall prescribe the mechanism for determining the minimum number of pupils that must be in a group for that group to yield statistically reliable information.

(c) The ratio of pupils to teachers in kindergarten and at each grade level for each elementary school in the district and the district as a whole, including, without limitation, each charter school ~~[in]~~ ***sponsored by*** the district, and the average class size for each core academic subject, as set forth in NRS 389.018, for each secondary school in the district and the district as a whole, including, without limitation, each charter school ~~[in]~~ ***sponsored by*** the district.

(d) Information on the professional qualifications of teachers employed by each school in the district and the district as a whole, including, without limitation, each charter school ~~[in]~~ ***sponsored by*** the district. The information must include, without limitation:

(1) The percentage of teachers who are:

(I) Providing instruction pursuant to NRS 391.125;

(II) Providing instruction pursuant to a waiver of the requirements for licensure for the grade level or subject area in which the teachers are employed; or

(III) Otherwise providing instruction without an endorsement for the subject area in which the teachers are employed;

(2) The percentage of classes in the core academic subjects, as set forth in NRS 389.018, that are not taught by highly qualified teachers;

(3) The percentage of classes in the core academic subjects, as set forth in NRS 389.018, that are not taught by highly qualified teachers, in the aggregate and disaggregated by high-poverty compared to low-poverty schools, which for the purposes of this subparagraph means schools in the top quartile of poverty and the bottom quartile of poverty in this State;

(4) For each middle school, junior high school and high school:

(I) ~~[On and after July 1, 2005, the]~~ ***The*** number of persons employed as substitute teachers for 20 consecutive days or more in the same classroom or assignment, designated as long-term substitute teachers, including the total number of days long-term substitute teachers were employed at each school, identified by grade level and subject area; and

(II) ~~[On and after July 1, 2006, the]~~ ***The*** number of persons employed as substitute teachers for less than 20 consecutive days, designated as short-term substitute teachers, including the total number of days short-term

substitute teachers were employed at each school, identified by grade level and subject area; and

(5) For each elementary school:

(I) ~~[On and after July 1, 2005, the]~~ ***The*** number of persons employed as substitute teachers for 20 consecutive days or more in the same classroom or assignment, designated as long-term substitute teachers, including the total number of days long-term substitute teachers were employed at each school, identified by grade level; and

(II) ~~[On and after July 1, 2006, the]~~ ***The*** number of persons employed as substitute teachers for less than 20 consecutive days, designated as short-term substitute teachers, including the total number of days short-term substitute teachers were employed at each school, identified by grade level.

(e) The total expenditure per pupil for each school in the district and the district as a whole, including, without limitation, each charter school ~~[in]~~ ***sponsored by*** the district. If this State has a financial analysis program that is designed to track educational expenditures and revenues to individual schools, each school district shall use that statewide program in complying with this paragraph. If a statewide program is not available, each school district shall use its own financial analysis program in complying with this paragraph.

(f) The curriculum used by the school district, including:

(1) Any special programs for pupils at an individual school; and

(2) The curriculum used by each charter school ~~[in]~~ ***sponsored by*** the district.

(g) Records of the attendance and truancy of pupils in all grades, including, without limitation:

(1) The average daily attendance of pupils, for each school in the district and the district as a whole, including, without limitation, each charter school ~~[in]~~ ***sponsored by*** the district.

(2) For each elementary school, middle school and junior high school in the district, including, without limitation, each charter school ~~[in]~~ ***sponsored by*** the district that provides instruction to pupils enrolled in a grade level other than high school, information that compares the attendance of the pupils enrolled in the school with the attendance of pupils throughout the district and throughout this State. The information required by this subparagraph must be provided in consultation with the Department to ensure the accuracy of the comparison.

(h) The annual rate of pupils who drop out of school in grade 8 and a separate reporting of the annual rate of pupils who drop out of school in grades 9 to 12, inclusive, for each such grade, for each school in the district and for the district as a whole. The reporting for pupils in grades 9 to 12, inclusive, excludes pupils who:

(1) Provide proof to the school district of successful completion of the examinations of general educational development.

(2) Are enrolled in courses that are approved by the Department as meeting the requirements for an adult standard diploma.

(3) Withdraw from school to attend another school.

(i) Records of attendance of teachers who provide instruction, for each school in the district and the district as a whole, including, without limitation, each charter school ~~[in]~~ ***sponsored by*** the district.

(j) Efforts made by the school district and by each school in the district, including, without limitation, each charter school ~~[in]~~ ***sponsored by*** the district, to increase:

(1) Communication with the parents of pupils in the district; and

(2) The participation of parents in the educational process and activities relating to the school district and each school, including, without limitation, the existence of parent organizations and school advisory committees.

(k) Records of incidents involving weapons or violence for each school in the district, including, without limitation, each charter school ~~[in]~~ ***sponsored by*** the district.

(l) Records of incidents involving the use or possession of alcoholic beverages or controlled substances for each school in the district, including, without limitation, each charter school ~~[in]~~ ***sponsored by*** the district.

(m) Records of the suspension and expulsion of pupils required or authorized pursuant to NRS 392.466 and 392.467.

(n) The number of pupils who are deemed habitual disciplinary problems pursuant to NRS 392.4655, for each school in the district and the district as a whole, including, without limitation, each charter school ~~[in]~~ ***sponsored by*** the district.

(o) The number of pupils in each grade who are retained in the same grade pursuant to NRS 392.033 or 392.125, for each school in the district and the district as a whole, including, without limitation, each charter school ~~[in]~~ ***sponsored by*** the district.

(p) The transiency rate of pupils for each school in the district and the district as a whole, including, without limitation, each charter school ~~[in]~~ ***sponsored by*** the district. For the purposes of this paragraph, a pupil is not transient if the pupil is transferred to a different school within the school district as a result of a change in the zone of attendance by the board of trustees of the school district pursuant to NRS 388.040.

(q) Each source of funding for the school district.

(r) A compilation of the programs of remedial study that are purchased in whole or in part with money received from this State, for each school in the district and the district as a whole, including, without limitation, each charter school sponsored by the district. The compilation must include:

(1) The amount and sources of money received for programs of remedial study for each school in the district and the district as a whole, including, without limitation, each charter school ~~[in]~~ ***sponsored by*** the district.

(2) An identification of each program of remedial study, listed by subject area.

(s) For each high school in the district, including, without limitation, each charter school ~~[in]~~ ***sponsored by*** the district, the percentage of pupils who graduated from that high school or charter school in the immediately preceding year and enrolled in remedial courses in reading, writing or mathematics at a university, state college or community college within the Nevada System of Higher Education.

(t) The technological facilities and equipment available at each school, including, without limitation, each charter school ~~[,]~~ ***sponsored by the district,*** and the district's plan to incorporate educational technology at each school.

(u) For each school in the district and the district as a whole, including, without limitation, each charter school ~~[in]~~ ***sponsored by*** the district, the number and percentage of pupils who received:

(1) A standard high school diploma, reported separately for pupils who received the diploma pursuant to:

(I) Paragraph (a) of subsection 1 of NRS 389.805; and

(II) Paragraph (b) of subsection 1 of NRS 389.805.

(2) An adjusted diploma.

(3) A certificate of attendance.

(v) For each school in the district and the district as a whole, including, without limitation, each charter school ~~[in]~~ ***sponsored by*** the district, the number and percentage of pupils who failed to pass the high school proficiency examination.

(w) The number of habitual truants who are reported to a school police officer or law enforcement agency pursuant to paragraph (a) of subsection 2 of NRS 392.144 and the number of habitual truants who are referred to an advisory board to review school attendance pursuant to paragraph (b) of subsection 2 of NRS 392.144, for each school in the district and for the district as a whole.

(x) The amount and sources of money received for the training and professional development of teachers and other educational personnel for each school in the district and for the district as a whole, including, without limitation, each charter school ~~[in]~~ ***sponsored by*** the district.

(y) Whether the school district has made adequate yearly progress. If the school district has been designated as demonstrating need for improvement

pursuant to NRS 385.377, the report must include a statement indicating the number of consecutive years the school district has carried that designation.

(z) Information on whether each public school in the district, including, without limitation, each charter school ~~[in]~~ ***sponsored by*** the district, has made adequate yearly progress, including, without limitation:

(1) The number and percentage of schools in the district, if any, that have been designated as needing improvement pursuant to NRS 385.3623; and

(2) The name of each school, if any, in the district that has been designated as needing improvement pursuant to NRS 385.3623 and the number of consecutive years that the school has carried that designation.

(aa) Information on the paraprofessionals employed by each public school in the district, including, without limitation, each charter school ~~[in]~~ ***sponsored by*** the district. The information must include:

(1) The number of paraprofessionals employed at the school; and

(2) The number and percentage of all paraprofessionals who do not satisfy the qualifications set forth in 20 U.S.C. § 6319(c). The reporting requirements of this subparagraph apply to paraprofessionals who are employed in positions supported with Title I money and to paraprofessionals who are not employed in positions supported with Title I money.

(bb) For each high school in the district, including, without limitation, each charter school ***sponsored by the district*** that operates as a high school, information that provides a comparison of the rate of graduation of pupils enrolled in the high school with the rate of graduation of pupils throughout the district and throughout this State. The information required by this paragraph must be provided in consultation with the Department to ensure the accuracy of the comparison.

(cc) An identification of the appropriations made by the Legislature that are available to the school district or the schools within the district and programs approved by the Legislature to improve the academic achievement of pupils.

(dd) For each school in the district and the district as a whole, including, without limitation, each charter school ~~[in]~~ ***sponsored by*** the district, information on pupils enrolled in career and technical education, including, without limitation:

(1) The number of pupils enrolled in a course of career and technical education;

(2) The number of pupils who completed a course of career and technical education;

(3) The average daily attendance of pupils who are enrolled in a program of career and technical education;

(4) The annual rate of pupils who dropped out of school and were enrolled in a program of career and technical education before dropping out;

(5) The number and percentage of pupils who completed a program of career and technical education and who received a standard high school diploma, an adjusted diploma or a certificate of attendance; and

(6) The number and percentage of pupils who completed a program of career and technical education and who did not receive a high school diploma because the pupils failed to pass the high school proficiency examination.

(ee) Such other information as is directed by the Superintendent of Public Instruction.

3. ***The State Public Charter School Authority and each college or university within the Nevada System of Higher Education that sponsors a charter school shall, on or before August 15 of each year, prepare an annual report of accountability of the charter schools sponsored by the State Public Charter School Authority or institution, as applicable, concerning the accountability information prescribed by the Department pursuant to this section. The Department, in consultation with the State Public Charter School Authority and each college or university within the Nevada System of Higher Education that sponsors a charter school, shall prescribe by regulation the information that must be prepared by the State Public Charter School Authority and institution, as applicable, which must include, without limitation, the information contained in paragraphs (a) to (ee), inclusive, of subsection 2, as applicable to charter schools. The Department shall provide for public dissemination of the annual report of accountability prepared pursuant to this section in the manner set forth in 20 U.S.C. § 6311(h)(2)(E) by posting a copy of the report on the Internet website maintained by the Department.***

4. The records of attendance maintained by a school for purposes of paragraph (i) of subsection 2 ***or maintained by a charter school for purposes of the reporting required pursuant to subsection 3*** must include the number of teachers who are in attendance at school and the number of teachers who are absent from school. A teacher shall be deemed in attendance if the teacher is excused from being present in the classroom by the school in which the teacher is employed for one of the following reasons:

(a) Acquisition of knowledge or skills relating to the professional development of the teacher; or

(b) Assignment of the teacher to perform duties for cocurricular or extracurricular activities of pupils.

~~[4.]~~ ***5.*** The annual report of accountability prepared pursuant to subsection 2 ***or 3, as applicable,*** must:

(a) Comply with 20 U.S.C. § 6311(h)(2) and the regulations adopted pursuant thereto; and

(b) Be presented in an understandable and uniform format and, to the extent practicable, provided in a language that parents can understand.

~~[5.]~~ ***6.*** The Superintendent of Public Instruction shall:

(a) Prescribe forms for the reports required pursuant to ~~[subsection 2]~~ ***subsections 2 and 3*** and provide the forms to the respective school districts ~~[.]~~ ***, the State Public Charter School Authority and each college or university within the Nevada System of Higher Education that sponsors a charter school.***

(b) Provide statistical information and technical assistance to the school districts ***, the State Public Charter School Authority and each college or university within the Nevada System of Higher Education that sponsors a charter school*** to ensure that the reports provide comparable information with respect to each school in each district ***, each charter school*** and among the districts ***and charter schools*** throughout this State.

(c) Consult with a representative of the:

(1) Nevada State Education Association;

(2) Nevada Association of School Boards;

(3) Nevada Association of School Administrators;

(4) Nevada Parent Teacher Association;

(5) Budget Division of the Department of Administration; ~~[and]~~

(6) Legislative Counsel Bureau ~~[,]~~ ***; and***

(7) Charter School Association of Nevada,

➥ concerning the program and consider any advice or recommendations submitted by the representatives with respect to the program.

~~[6.]~~ ***7.*** The Superintendent of Public Instruction may consult with representatives of parent groups other than the Nevada Parent Teacher Association concerning the program and consider any advice or recommendations submitted by the representatives with respect to the program.

~~[7.]~~ ***8.*** On or before August 15 of each year ~~[, the]~~ ***:***

(a) The board of trustees of each school district shall submit to each advisory board to review school attendance created in the county pursuant to NRS 392.126 the information required in paragraph (g) of subsection 2.

~~[8.]~~ ***(b) The State Public Charter School Authority and each college or university within the Nevada System of Higher Education that sponsors a charter school shall submit to each advisory board to review school attendance created in a county pursuant to NRS 392.126 the information regarding the records of the attendance and truancy of pupils enrolled in the charter school located in that county, if any, in accordance with the regulations prescribed by the Department pursuant to subsection 3.***

9. On or before August 15 of each year ~~[, the]~~ ***:***

(a) The board of trustees of each school district ***, the State Public Charter School Authority and each college or university within the Nevada System of Higher Education that sponsors a charter school*** shall ~~[~~:

~~(a) Provide~~] ***provide*** written notice that the report required pursuant to subsection 2 ***or 3, as applicable,*** is available on the Internet website maintained by the school district, ***State Public Charter School Authority or institution,*** if any, or otherwise provide written notice of the availability of the report. The written notice must be provided to the:

(1) Governor;
(2) State Board;
(3) Department;
(4) Committee; and
(5) Bureau.

(b) ~~[~~Provide~~]~~ ***The board of trustees of each school district, the State Public Charter School Authority and each college or university within the Nevada System of Higher Education that sponsors a charter school shall provide*** for public dissemination of the annual report of accountability prepared pursuant to subsection 2 ***or 3, as applicable,*** in the manner set forth in 20 U.S.C. § 6311(h)(2)(E) by posting a copy of the report on the Internet website maintained by the school district, ***the State Public Charter School Authority or the institution,*** if any. If a school district does not maintain a website, the district shall otherwise provide for public dissemination of the annual report by providing a copy of the report to the schools in the school district, including, without limitation, each charter school ~~[~~in~~]~~ ***sponsored by*** the district, the residents of the district, and the parents and guardians of pupils enrolled in schools in the district, including, without limitation, each charter school ~~[~~in~~]~~ ***sponsored by*** the district.

~~[~~9.~~]~~ ***If the State Public Charter School Authority or the institution does not maintain a website, the State Public Charter School Authority or the institution, as applicable, shall otherwise provide for public dissemination of the annual report by providing a copy of the report to each charter school it sponsors and the parents and guardians of pupils enrolled in each charter school it sponsors.***

10. Upon the request of the Governor, an entity described in paragraph (a) of subsection ~~[~~8~~]~~ ***9*** or a member of the general public, the board of trustees of a school district ***, the State Public Charter School Authority or a college or university within the Nevada System of Higher Education that sponsors a charter school, as applicable,*** shall provide a portion or portions of the report required pursuant to subsection 2 ~~[~~.

~~10.~~] ***or 3, as applicable.***

11. As used in this section:

(a) "Highly qualified" has the meaning ascribed to it in 20 U.S.C. § 7801(23).

(b) "Paraprofessional" has the meaning ascribed to it in NRS 391.008.

Sec. 3. NRS 385.349 is hereby amended to read as follows:

385.349 1. The board of trustees of each school district ***, the State Public Charter School Authority and each college or university within the Nevada System of Higher Education that sponsors a charter school*** shall prepare a summary of the annual report of accountability prepared pursuant to NRS 385.347 on the form prescribed by the Department pursuant to subsection 3 or an expanded form, as applicable. The summary must include, without limitation:

(a) ~~[The]~~ ***If prepared by a school district, the*** information set forth in subsection 1 of NRS 385.34692, reported for the school district as a whole and for each school within the school district;

(b) ***If prepared by the State Public Charter School Authority or a college or university within the Nevada System of Higher Education, the information set forth in subsection 1 of NRS 385.34692, reported for the charter schools sponsored by the State Public Charter School Authority or the institution, as applicable.***

(c) Information on the involvement of parents and legal guardians in the education of their children; and

~~[(c)]~~ ***(d)*** Other information required by the Superintendent of Public Instruction in consultation with the Bureau.

2. The summary prepared pursuant to subsection 1 must:

(a) Comply with 20 U.S.C. § 6311(h)(2) and the regulations adopted pursuant thereto; and

(b) Be presented in an understandable and uniform format and, to the extent practicable, provided in a language that parents will likely understand.

3. The Department shall, in consultation with the Bureau ***,*** ~~[and]~~ the school districts, ***the State Public Charter School Authority and each college or university within the Nevada System of Higher Education that sponsors a charter school,*** prescribe a form that contains the basic information required by subsection 1. The board of trustees of a school district ***, the State Public Charter School Authority or a college or university*** may use an expanded form that contains additions to the form prescribed by the Department if the basic information contained in the expanded form complies with the form prescribed by the Department.

4. On or before September 7 of each year, the board of trustees of each school district ***, the State Public Charter School Authority and each college or university within the Nevada System of Higher Education that sponsors a charter school*** shall:

(a) Submit the summary in an electronic format to the:

(1) Governor;
(2) State Board;
(3) Department;
(4) Committee;
(5) Bureau; and
(6) Schools within the school district ~~[.]~~ ***or charter schools, as applicable.***

(b) Provide for the public dissemination of the summary ***of the school district, the State Public Charter School Authority or the college or university, as applicable,*** by posting a copy of the summary on the Internet website maintained by the school district, ***the State Public Charter School Authority or institution,*** if any. If a school district ***, the State Public Charter School Authority or an institution*** does not maintain a website, the district ***, the State Public Charter School Authority or institution, as applicable,*** shall otherwise provide for public dissemination of the summary. The board of trustees of each school district ***, the State Public Charter School Authority or an institution*** shall ensure that the parents and guardians of pupils enrolled in the school district ***or each charter school, as applicable,*** have sufficient information concerning the availability of the summary, including, without limitation, information that describes how to access the summary on the Internet website maintained by the school district, ***the State Public Charter School Authority or the institution,*** if any. Upon the request of a parent or legal guardian, the school district ***, the State Public Charter School Authority or an institution, as applicable,*** shall provide the parent or legal guardian with a written copy of the summary.

~~[5. The board of trustees of each school district shall report the information required by this section for each charter school that is located within the school district, regardless of the sponsor of the charter school. The information for charter schools must be reported separately and must denote the charter schools sponsored by the school district, the charter schools sponsored by the State Board and the charter schools sponsored by a college or university within the Nevada System of Higher Education.]~~

Sec. 4. NRS 385.357 is hereby amended to read as follows:

385.357 1. Except as otherwise provided in NRS 385.37603 and 385.37607, the principal of each school, including, without limitation, each charter school, shall, in consultation with the employees of the school, prepare a plan to improve the achievement of the pupils enrolled in the school.

2. The plan developed pursuant to subsection 1 must include:

(a) A review and analysis of the data pertaining to the school upon which the report required pursuant to subsection 2 ***or 3*** of NRS 385.347 ***, as***

applicable, is based and a review and analysis of any data that is more recent than the data upon which the report is based.

(b) The identification of any problems or factors at the school that are revealed by the review and analysis.

(c) Strategies based upon scientifically based research, as defined in 20 U.S.C. § 7801(37), that will strengthen the core academic subjects, as defined in NRS 389.018.

(d) Policies and practices concerning the core academic subjects which have the greatest likelihood of ensuring that each group of pupils identified in paragraph (b) of subsection 1 of NRS 385.361 who are enrolled in the school will make adequate yearly progress and meet the minimum level of proficiency prescribed by the State Board.

(e) Annual measurable objectives, consistent with the annual measurable objectives established by the State Board pursuant to NRS 385.361, for the continuous and substantial progress by each group of pupils identified in paragraph (b) of subsection 1 of that section who are enrolled in the school to ensure that each group will make adequate yearly progress and meet the level of proficiency prescribed by the State Board.

(f) Strategies, consistent with the policy adopted pursuant to NRS 392.457 by the board of trustees of the school district in which the school is located, to promote effective involvement by parents and families of pupils enrolled in the school in the education of their children.

(g) As appropriate, programs of remedial education or tutoring to be offered before and after school, during the summer, or between sessions if the school operates on a year-round calendar for pupils enrolled in the school who need additional instructional time to pass or to reach a level considered proficient.

(h) Strategies to improve the academic achievement of pupils enrolled in the school, including, without limitation, strategies to:

(1) Instruct pupils who are not achieving to their fullest potential, including, without limitation:

(I) The curriculum appropriate to improve achievement;

(II) The manner by which the instruction will improve the achievement and proficiency of pupils on the examinations administered pursuant to NRS 389.015 and 389.550; and

(III) An identification of the instruction and curriculum that is specifically designed to improve the achievement and proficiency of pupils in each group identified in paragraph (b) of subsection 1 of NRS 385.361;

(2) Increase the rate of attendance of pupils and reduce the number of pupils who drop out of school;

(3) Integrate technology into the instructional and administrative programs of the school;

(4) Manage effectively the discipline of pupils; and

(5) Enhance the professional development offered for the teachers and administrators employed at the school to include the activities set forth in 20 U.S.C. § 7801(34) and to address the specific needs of pupils enrolled in the school, as deemed appropriate by the principal.

(i) An identification, by category, of the employees of the school who are responsible for ensuring that the plan is carried out effectively.

(j) In consultation with the school district or governing body, as applicable, an identification, by category, of the employees of the school district or governing body, if any, who are responsible for ensuring that the plan is carried out effectively or for overseeing and monitoring whether the plan is carried out effectively.

(k) In consultation with the Department, an identification, by category, of the employees of the Department, if any, who are responsible for overseeing and monitoring whether the plan is carried out effectively.

(l) For each provision of the plan, a timeline for carrying out that provision, including, without limitation, a timeline for monitoring whether the provision is carried out effectively.

(m) For each provision of the plan, measurable criteria for determining whether the provision has contributed toward improving the academic achievement of pupils, increasing the rate of attendance of pupils and reducing the number of pupils who drop out of school.

(n) The resources available to the school to carry out the plan. If this State has a financial analysis program that is designed to track educational expenditures and revenues to individual schools, each school shall use that statewide program in complying with this paragraph. If a statewide program is not available, each school shall use the financial analysis program used by the school district in which the school is located in complying with this paragraph.

(o) A summary of the effectiveness of appropriations made by the Legislature that are available to the school to improve the academic achievement of pupils and programs approved by the Legislature to improve the academic achievement of pupils.

(p) A budget of the overall cost for carrying out the plan.

3. In addition to the requirements of subsection 2, if a school has been designated as demonstrating need for improvement pursuant to NRS 385.3623, the plan must comply with 20 U.S.C. § 6316(b)(3) and the regulations adopted pursuant thereto.

4. Except as otherwise provided in subsection 5, the principal of each school shall, in consultation with the employees of the school:

(a) Review the plan prepared pursuant to this section annually to evaluate the effectiveness of the plan; and

(b) Based upon the evaluation of the plan, make revisions, as necessary, to ensure that the plan is designed to improve the academic achievement of pupils enrolled in the school.

5. If a school has been designated as demonstrating need for improvement pursuant to NRS 385.3623 and a support team has been established for the school, the support team shall review the plan and make revisions to the most recent plan for improvement of the school pursuant to NRS 385.36127. If the school is a Title I school that has been designated as demonstrating need for improvement, the support team established for the school shall, in making revisions to the plan, work in consultation with parents and guardians of pupils enrolled in the school and, to the extent deemed appropriate by the entity responsible for creating the support team, outside experts.

6. On or before November 1 of each year, the principal of each school or the support team established for the school, as applicable, shall submit the plan or the revised plan, as applicable, to:

(a) If the school is a public school of the school district, the superintendent of schools of the school district.

(b) If the school is a charter school, the governing body of the charter school.

7. If a Title I school is designated as demonstrating need for improvement pursuant to NRS 385.3623, the superintendent of schools of the school district or the governing body, as applicable, shall carry out a process for peer review of the plan or the revised plan, as applicable, in accordance with 20 U.S.C. § 6316(b)(3)(E) and the regulations adopted pursuant thereto. Not later than 45 days after receipt of the plan, the superintendent of schools of the school district or the governing body, as applicable, shall approve the plan or the revised plan, as applicable, if it meets the requirements of 20 U.S.C. § 6316(b)(3) and the regulations adopted pursuant thereto and the requirements of this section. The superintendent of schools of the school district or the governing body, as applicable, may condition approval of the plan or the revised plan, as applicable, in the manner set forth in 20 U.S.C. § 6316(b)(3)(B) and the regulations adopted pursuant thereto. The State Board shall prescribe the requirements for the process of peer review, including, without limitation, the qualifications of persons who may serve as peer reviewers.

8. If a school is designated as demonstrating exemplary achievement, high achievement or adequate achievement, or if a school that is not a Title I school is designated as demonstrating need for improvement, not later than 45 days after receipt of the plan or the revised plan, as applicable, the superintendent of schools of the school district or the governing body, as

applicable, shall approve the plan or the revised plan if it meets the requirements of this section.

9. On or before December 15 of each year, the principal of each school or the support team established for the school, as applicable, shall submit the final plan or the final revised plan, as applicable, to the:

(a) Superintendent of Public Instruction;

(b) Governor;

(c) State Board;

(d) Department;

(e) Committee;

(f) Bureau; and

(g) Board of trustees of the school district in which the school is located ~~[.]~~ ***or, if the school is a charter school, the sponsor of the charter school and the governing body of the charter school.***

10. A plan for the improvement of a school must be carried out expeditiously, but not later than January 1 after approval of the plan pursuant to subsection 7 or 8, as applicable.

Sec. 5. NRS 385.358 is hereby amended to read as follows:

385.358 1. The principal of each public school, including, without limitation, each charter school, shall prepare a summary of accountability information on the form prescribed by the Department pursuant to subsection 3 or an expanded form, as applicable. The summary must include, without limitation:

(a) The information set forth in subsection 1 of NRS 385.34692, reported only for the school;

(b) Information on the involvement of parents and legal guardians in the education of their children; and

(c) Such other information as is directed by the Superintendent of Public Instruction in consultation with the Bureau.

2. The summary prepared pursuant to subsection 1 must be presented in an understandable and uniform format and, to the extent practicable, provided in a language that parents will likely understand.

3. The Department shall, in consultation with the Bureau ***,*** ~~[and]~~ the school districts, ***the State Public Charter School Authority and each college or university within the Nevada System of Higher Education that sponsors a charter school,*** prescribe a form that contains the basic information required by subsection 1. The principal of a school may use an expanded form that contains additions to the form prescribed by the Department if the basic information contained in the expanded form complies with the form prescribed by the Department.

4. On or before September 7 of each year:

(a) The principal of each public school shall submit the summary in electronic format to the:

(1) Department;

(2) Bureau; and

(3) Board of trustees of the school district in which the school is located ~~[.]~~ ***or, if the school is a charter school, to the sponsor of the charter school and the governing body of the charter school.***

(b) The school district in which the school is located shall ensure that the summary is posted on the Internet website maintained by the school, if any, or the Internet website maintained by the school district, if any. ***The sponsor of a charter school shall ensure that each summary of the charter school is posted on the Internet website maintained by the charter school, if any, or the Internet website maintained by the sponsor, if any.*** If the summary is not posted on the website of the school ***,*** ~~[or]~~ the school district ~~[,]~~ ***or the sponsor of the charter school, as applicable,*** the school district ***or the sponsor of the charter school, as applicable,*** shall otherwise provide for public dissemination of the summary.

(c) The principal of each public school shall ensure that the parents and legal guardians of the pupils enrolled in the school have sufficient information concerning the availability of the summary, including, without limitation, information that describes how to access the summary on the Internet website, if any, and how a parent or guardian may otherwise access the summary.

(d) The principal of each public school shall provide a written copy of the summary to each parent and legal guardian of a pupil enrolled in the school.

Sec. 6. NRS 385.359 is hereby amended to read as follows:

385.359 1. The Bureau shall contract with a person or entity to:

(a) Review and analyze, in accordance with the standards prescribed by the Committee pursuant to subsection 2 of NRS 218E.615, the:

(1) Annual report of accountability prepared by:

(I) The State Board pursuant to NRS 385.3469; ~~[and]~~

(II) The board of trustees of each school district pursuant to ***subsection 2 of*** NRS 385.347 ~~[.]~~ ***; and***

(III) The State Public Charter School Authority and each college or university within the Nevada System of Higher Education that sponsors a charter school pursuant to subsection 3 of NRS 385.347.

(2) Plan to improve the achievement of pupils prepared by:

(I) The State Board pursuant to NRS 385.34691;

(II) The board of trustees of each school district pursuant to NRS 385.348; and

(III) Each school pursuant to NRS 385.357 identified by the Bureau for review, if any, or if such a plan has not been prepared, the turnaround

plan for the schools identified by the Bureau, if any, implemented pursuant to NRS 385.37603 or the plan for restructuring the school implemented pursuant to NRS 385.37607, as applicable.

(b) Submit a written report to and consult with the State Board and the Department regarding any methods by which the State Board may improve the accuracy of the report of accountability required pursuant to NRS 385.3469 and the plan to improve the achievement of pupils required pursuant to NRS 385.34691, and the purposes for which the report and plan to improve are used.

(c) Submit a written report to and consult with each school district ***, the State Public Charter School Authority and each college or university within the Nevada System of Higher Education that sponsors a charter school, as applicable,*** regarding any methods by which the district ***, the State Public Charter School Authority or the institution*** may improve the accuracy of the report required pursuant to subsection 2 ***or 3*** of NRS 385.347 ***, as applicable,*** and the plan to improve the achievement of pupils required pursuant to NRS 385.348, and the purposes for which the report and plan to improve are used.

(d) If requested by the Bureau, submit a written report to and consult with individual schools identified by the Bureau regarding any methods by which the school may improve the accuracy of the information required to be reported for the school pursuant to subsection 2 ***or 3*** of NRS 385.347 ***, as applicable,*** and the:

(1) Plan to improve the achievement of pupils required pursuant to NRS 385.357;

(2) Turnaround plan for the school implemented pursuant to NRS 385.37603; or

(3) Plan for restructuring the school implemented pursuant to NRS 385.37607,

➥ whichever is applicable for the school.

(e) Submit written reports and any recommendations to the Committee and the Bureau concerning:

(1) The effectiveness of the provisions of NRS 385.3455 to 385.391, inclusive, in improving the accountability of the schools of this State;

(2) The status of each school district that is designated as demonstrating need for improvement pursuant to NRS 385.377 and each school that is designated as demonstrating need for improvement pursuant to NRS 385.3623; and

(3) Any other matter related to the accountability of the public schools of this State, as deemed necessary by the Bureau.

2. The consultant with whom the Bureau contracts to perform the duties required pursuant to subsection 1 must possess the experience and knowledge necessary to perform those duties, as determined by the Committee.

Sec. 7. NRS 385.36127 is hereby amended to read as follows:

385.36127 1. If a school support team is established pursuant to the regulations adopted by the State Board pursuant to NRS 385.361, the support team shall:

(a) Review and analyze the operation of the school, including, without limitation, the design and operation of the instructional program of the school.

(b) Review and analyze the data pertaining to the school upon which the report required pursuant to subsection 2 ***or 3*** of NRS 385.347 ***, as applicable,*** is based and review and analyze any data that is more recent than the data upon which the report is based.

(c) Review the most recent plan to improve the achievement of the school's pupils.

(d) Review the information concerning the educational involvement accords provided to the support team pursuant to NRS 392.4575 and the information concerning the reports provided to the support team pursuant to NRS 392.456.

(e) Identify and investigate the problems and factors at the school that contributed to the designation of the school as demonstrating need for improvement.

(f) Assist the school in developing recommendations for improving the performance of pupils who are enrolled in the school.

(g) Except as otherwise provided in this paragraph, make recommendations to the board of trustees of the school district, the State Board and the Department concerning additional assistance for the school in carrying out the plan for improvement of the school, the turnaround plan for the school or the plan for restructuring the school, whichever is applicable for the school. For a charter school sponsored by the State ~~[~~Board,~~]~~ ***Public Charter School Authority,*** the support team shall make the recommendations to the State ~~[~~Board~~]~~ ***Public Charter School Authority*** and the Department. For a charter school sponsored by a college or university within the Nevada System of Higher Education, the support team shall make the recommendations to the sponsor ~~[~~, the State Board~~]~~ and the Department.

(h) In accordance with its findings pursuant to this section and NRS 385.36129, submit, on or before November 1, written revisions to the most recent plan to improve the achievement of the school's pupils for approval pursuant to NRS 385.357, or submit, on or before May 1, written recommendations for revisions to the turnaround plan for the school implemented pursuant to NRS 385.37603 or the plan for restructuring the

school implemented pursuant to NRS 385.37607, whichever is applicable for the school. The written revisions or recommendations, as applicable, must:

(1) Comply with NRS 385.357 if the school has demonstrated need for improvement for less than 5 years or with NRS 385.37603 or 385.37607, as applicable, if the school has demonstrated need for improvement for 5 or more consecutive years;

(2) If the school is a Title I school, be developed in consultation with parents and guardians of pupils enrolled in the school and, to the extent deemed appropriate by the entity that created the support team, outside experts;

(3) Include the data and findings of the support team that provide support for the revisions;

(4) Set forth goals, objectives, tasks and measures for the school that are:

(I) Designed to improve the achievement of the school's pupils;

(II) Specific;

(III) Measurable; and

(IV) Conducive to reliable evaluation;

(5) Set forth a timeline to carry out the revisions;

(6) Set forth priorities for the school in carrying out the revisions; and

(7) Set forth the name and duties of each person who is responsible for carrying out the revisions.

(i) Except as otherwise provided in this paragraph, work cooperatively with the board of trustees of the school district in which the school is located, the employees of the school, and the parents and guardians of pupils enrolled in the school to carry out and monitor the plan for improvement of the school. If a charter school is sponsored by the State ~~[Board, the Department]~~ ***Public Charter School Authority, the State Public Charter School Authority*** shall assist the school with carrying out and monitoring the plan for improvement of the school. If a charter school is sponsored by a college or university within the Nevada System of Higher Education, ~~[that]~~ ***the*** institution ***that sponsors the charter school*** shall assist the school with carrying out and monitoring the plan for improvement of the school.

(j) Prepare a quarterly progress report in the format prescribed by the Department and:

(1) Submit the progress report to the Department.

(2) Distribute copies of the progress report to each employee of the school for review.

(k) In addition to the requirements of this section, if the support team is established for a Title I school, carry out the requirements of 20 U.S.C. § 6317(a)(5).

2. A school support team may require the school for which the support team was established to submit plans, strategies, tasks and measures that, in the determination of the support team, will assist the school in improving the achievement and proficiency of pupils enrolled in the school.

3. The Department shall prescribe a concise quarterly progress report for use by each support team in accordance with paragraph (j) of subsection 1.

Sec. 8. NRS 385.36129 is hereby amended to read as follows:

385.36129 1. In addition to the duties prescribed in NRS 385.36127, a support team established for a school shall prepare an annual written report that includes:

(a) Information concerning the most recent plan to improve the achievement of the school's pupils, the turnaround plan for the school or the plan for restructuring the school, whichever is applicable for the school, including, without limitation, an evaluation of:

(1) The appropriateness of the plan for the school; and

(2) Whether the school has achieved the goals and objectives set forth in the plan;

(b) The written revisions to the plan to improve the achievement of the school's pupils or written recommendations for revisions to the turnaround plan for the school or the plan for restructuring the school, whichever is applicable for the school, submitted by the support team pursuant to NRS 385.36127;

(c) A summary of each program for remediation, if any, purchased for the school with money that is available from the Federal Government, this state and the school district in which the school is located, including, without limitation:

(1) The name of the program;

(2) The date on which the program was purchased and the date on which the program was carried out by the school;

(3) The percentage of personnel at the school who were trained regarding the use of the program;

(4) The satisfaction of the personnel at the school with the program; and

(5) An evaluation of whether the program has improved the academic achievement of the pupils enrolled in the school who participated in the program;

(d) An analysis of the problems and factors at the school which contributed to the designation of the school as demonstrating need for improvement, including, without limitation, issues relating to:

(1) The financial resources of the school;

(2) The administrative and educational personnel of the school;

(3) The curriculum of the school;

(4) The facilities available at the school, including the availability and accessibility of educational technology; and

(5) Any other factors that the support team believes contributed to the designation of the school as demonstrating need for improvement; and

(e) Other information concerning the school, including, without limitation:

(1) The results of the pupils who are enrolled in the school on the examinations that are administered pursuant to NRS 389.550 or the high school proficiency examination, as applicable;

(2) Records of the attendance and truancy of pupils who are enrolled in the school;

(3) The transiency rate of pupils who are enrolled in the school;

(4) A description of the number of years that each teacher has provided instruction at the school and the rate of turnover of teachers and other educational personnel employed at the school;

(5) A description of the participation of parents and legal guardians in the educational process and other activities relating to the school;

(6) A description of each source of money for the remediation of pupils who are enrolled in the school; ~~[and]~~

(7) ~~[A]~~ ***Except as otherwise provided in subparagraph (8), a*** description of the disciplinary problems of the pupils who are enrolled in the school, including, without limitation, the information contained in paragraphs (k) to (n), inclusive, of subsection 2 of NRS 385.347 ~~[.]~~ ***; and***

(8) For a charter school, a description of the disciplinary problems of the pupils enrolled in the charter school as reported in the annual report of accountability prepared by the State Public Charter School Authority or the college or university within the Nevada System of Higher Education that sponsors the charter school, as applicable, pursuant to subsection 3 of NRS 385.347.

2. On or before November 1, the support team ***of a school other than a charter school*** shall submit a copy of the final written report to the:

(a) Principal of the school;

(b) Board of trustees of the school district in which the school is located;

(c) Superintendent of schools of the school district in which the school is located;

(d) Department; and

(e) Bureau.

➥ The support team shall make the written report available, upon request, to each parent or legal guardian of a pupil who is enrolled in the school.

3. On or before November 1, the support team for a charter school shall submit a copy of the final written report to the:

(a) Principal of the charter school;

(b) Sponsor of the charter school;

(c) Governing body of the charter school;

(d) Department; and

(e) Bureau.

➥ ***The support team shall make the written report available, upon request, to each parent or legal guardian of a pupil who is enrolled in the charter school.***

Sec. 9. NRS 385.3613 is hereby amended to read as follows:

385.3613 1. Except as otherwise provided in subsection 2, on or before June 15 of each year, the Department shall determine whether each public school is making adequate yearly progress, as defined by the State Board pursuant to NRS 385.361.

2. On or before June 30 of each year, the Department shall determine whether each public school that operates on a schedule other than a traditional 9-month schedule is making adequate yearly progress, as defined by the State Board pursuant to NRS 385.361.

3. The determination pursuant to subsection 1 or 2, as applicable, for a public school, including, without limitation, a charter school sponsored by the board of trustees of the school district, must be made in consultation with the board of trustees of the school district in which the public school is located. If a charter school is sponsored by the State ~~[~~Board~~]~~ ***Public Charter School Authority*** or by a college or university within the Nevada System of Higher Education, the Department shall make a determination for the charter school in consultation with the State ~~[~~Board~~]~~ ***Public Charter School Authority*** or the institution ***within the Nevada System of Higher Education*** that sponsors the charter school, as applicable. The determination made for each school must be based only upon the information and data for those pupils who are enrolled in the school for a full academic year. On or before June 15 or June 30 of each year, as applicable, the Department shall transmit:

(a) Except as otherwise provided in paragraph (b) or (c), the determination made for each public school to the board of trustees of the school district in which the public school is located.

(b) To the State ~~[~~Board~~]~~ ***Public Charter School Authority*** the determination made for each charter school that is sponsored by the State ~~[~~Board.~~]~~ ***Public Charter School Authority.***

(c) The determination made for the charter school to the institution that sponsors the charter school if a charter school is sponsored by a college or university within the Nevada System of Higher Education.

4. Except as otherwise provided in this subsection, the Department shall determine that a public school has failed to make adequate yearly progress if any group identified in paragraph (b) of subsection 1 of NRS 385.361 does not satisfy the annual measurable objectives established by the State Board pursuant to that section. To comply with 20 U.S.C. § 6311(b)(2)(I) and the

regulations adopted pursuant thereto, the State Board shall prescribe by regulation the conditions under which a school shall be deemed to have made adequate yearly progress even though a group identified in paragraph (b) of subsection 1 of NRS 385.361 did not satisfy the annual measurable objectives of the State Board.

5. In addition to the provisions of subsection 4, the Department shall determine that a public school has failed to make adequate yearly progress if:

(a) The number of pupils enrolled in the school who took the examinations administered pursuant to NRS 389.550 or the high school proficiency examination, as applicable, is less than 95 percent of all pupils enrolled in the school who were required to take the examinations; or

(b) Except as otherwise provided in subsection 6, for each group of pupils identified in paragraph (b) of subsection 1 of NRS 385.361, the number of pupils in the group enrolled in the school who took the examinations administered pursuant to NRS 389.550 or the high school proficiency examination, as applicable, is less than 95 percent of all pupils in that group enrolled in the school who were required to take the examinations.

6. If the number of pupils in a particular group who are enrolled in a public school is insufficient to yield statistically reliable information:

(a) The Department shall not determine that the school has failed to make adequate yearly progress pursuant to paragraph (b) of subsection 5 based solely upon that particular group.

(b) The pupils in such a group must be included in the overall count of pupils enrolled in the school who took the examinations.

➥ The State Board shall prescribe the mechanism for determining the number of pupils that must be in a group for that group to yield statistically reliable information.

7. If an irregularity in testing administration or an irregularity in testing security occurs at a school and the irregularity invalidates the test scores of pupils, those test scores must be included in the scores of pupils reported for the school, the attendance of those pupils must be counted towards the total number of pupils who took the examinations and the pupils must be included in the total number of pupils who were required to take the examinations.

8. As used in this section:

(a) "Irregularity in testing administration" has the meaning ascribed to it in NRS 389.604.

(b) "Irregularity in testing security" has the meaning ascribed to it in NRS 389.608.

Sec. 10. NRS 385.362 is hereby amended to read as follows:

385.362 1. If a public school fails to make adequate yearly progress for 1 year:

(a) Except as otherwise provided in ~~[~~paragraph (b),~~]~~ ***paragraphs (b) and (c),*** the board of trustees of the school district in which the school is located shall ensure that the school receives technical assistance in the manner set forth in 20 U.S.C. § 6316(b)(4) and the regulations adopted pursuant thereto. For a charter school sponsored by the school district, the board of trustees shall provide the technical assistance to the charter school in conjunction with the governing body of the charter school.

(b) ***For a charter school sponsored by the State Public Charter School Authority, the State Public Charter School Authority shall ensure, in conjunction with the governing body of the charter school, that the charter school receives technical assistance in the manner set forth in 20 U.S.C. § 6316(b)(4) and the regulations adopted pursuant thereto.***

(c) For a charter school sponsored by ~~[~~the State Board or by~~]~~ a college or university within the Nevada System of Higher Education, the Department shall ensure, in conjunction with the governing body of the charter school, that the ***charter*** school receives technical assistance in the manner set forth in 20 U.S.C. § 6316(b)(4) and the regulations adopted pursuant thereto.

2. If a public school fails to make adequate yearly progress for 1 year, the principal of the school shall ensure that the plan to improve the achievement of pupils enrolled in the school is reviewed, revised and approved in accordance with NRS 385.357.

Sec. 11. NRS 385.366 is hereby amended to read as follows:

385.366 1. Based upon the information received from the Department pursuant to NRS 385.3613, the board of trustees of each school district shall, on or before July 1 of each year, issue a preliminary designation for each public school in the school district in accordance with the criteria set forth in NRS 385.3623, excluding charter schools sponsored by the State ~~[~~Board~~]~~ ***Public Charter School Authority*** or by a college or university within the Nevada System of Higher Education. The board of trustees shall make preliminary designations for all charter schools that are sponsored by the board of trustees. The Department shall make preliminary designations for all charter schools that are sponsored by the State ~~[~~Board~~]~~ ***Public Charter School Authority*** and all charter schools sponsored by a college or university within the Nevada System of Higher Education. The initial designation of a school as demonstrating need for improvement must be based upon 2 consecutive years of data and information for that school.

2. Before making a final designation for a school, the board of trustees of the school district or the Department, as applicable, shall provide the school an opportunity to review the data upon which the preliminary designation is based and to present evidence in the manner set forth in 20 U.S.C. § 6316(b)(2) and the regulations adopted pursuant thereto. If the school is a public school of the school district or a charter school sponsored by the board

of trustees, the board of trustees of the school district shall, in consultation with the Department, make a final determination concerning the designation for the school on August 1. If the school is a charter school sponsored by the State ~~[Board]~~ ***Public Charter School Authority*** or by a college or university within the Nevada System of Higher Education, the Department shall make a final determination concerning the designation for the school on August 1.

3. On or before August 1 of each year, the Department shall provide written notice of the determinations made pursuant to NRS 385.3613 and the final designations made pursuant to this section as follows:

(a) The determinations and final designations made for all schools in this State to the:

(1) Governor;

(2) State Board;

(3) Committee; and

(4) Bureau.

(b) The determinations and final designations made for all schools within a school district to the:

(1) Superintendent of schools of the school district; and

(2) Board of trustees of the school district.

(c) The determination and final designation made for each school to the principal of the school.

(d) The determination and final designation made for each charter school to the sponsor of the charter school.

Sec. 12. NRS 385.3661 is hereby amended to read as follows:

385.3661 1. Except as otherwise provided in subsection 2, if a public school is designated as demonstrating need for improvement pursuant to NRS 385.3623 and the provisions of NRS 385.3693, 385.3721, 385.3745, 385.3746, 385.37603 or 385.37607 do not apply, the board of trustees of the school district shall:

(a) Provide notice of the designation to the parents and guardians of pupils enrolled in the school on the form prescribed by the Department pursuant to NRS 385.382; and

(b) Ensure that the school receives technical assistance in the manner set forth in 20 U.S.C. § 6316(b)(4) and the regulations adopted pursuant thereto.

2. If a charter school is designated as demonstrating need for improvement pursuant to NRS 385.3623 and the provisions of NRS 385.3693, 385.3721, 385.3745, 385.3746, 385.37603 or 385.37607 do not apply:

(a) The governing body of the charter school shall provide notice of the designation to the parents and guardians of pupils enrolled in the charter school on the form prescribed by the Department pursuant to NRS 385.382.

(b) For a charter school sponsored by the board of trustees of a school district, the board of trustees shall, in conjunction with the governing body of the charter school, ensure that the charter school receives technical assistance in the manner set forth in 20 U.S.C. § 6316(b)(4) and the regulations adopted pursuant thereto.

(c) ***For a charter school sponsored by the State Public Charter School Authority, the State Public Charter School Authority shall, in conjunction with the governing body of the charter school, ensure that the charter school receives technical assistance in the manner set forth in 20 U.S.C. § 6316(b)(4) and the regulations adopted pursuant thereto.***

(d) For a charter school sponsored by ~~[the State Board or by]~~ a college or university within the Nevada System of Higher Education, the Department shall, in conjunction with the governing body of the charter school, ensure that the charter school receives technical assistance in the manner set forth in 20 U.S.C. § 6316(b)(4) and the regulations adopted pursuant thereto.

3. In addition to the requirements of subsection 1 or 2, as applicable, if a Title I school is designated as demonstrating need for improvement pursuant to NRS 385.3623 and the provisions of NRS 385.3693, 385.3721, 385.3745, 385.3746, 385.37603 or 385.37607 do not apply:

(a) Except as otherwise provided in ~~[paragraph (b),]~~ ***paragraphs (b) and (c),*** the board of trustees of the school district shall provide school choice to the parents and guardians of pupils enrolled in the school, including, without limitation, a charter school sponsored by the school district, in accordance with 20 U.S.C. § 6316(b)(1) and the regulations adopted pursuant thereto.

(b) ***For a charter school sponsored by the State Public Charter School Authority, the State Public Charter School Authority shall work cooperatively with the board of trustees of the school district in which the pupil resides to provide school choice to the parent or guardian of each pupil enrolled in the charter school in accordance with 20 U.S.C. § 6316(b)(1) and the regulations adopted pursuant thereto.***

(c) For a charter school sponsored by ~~[the State Board or by]~~ a college or university within the Nevada System of Higher Education, the Department shall work cooperatively with the board of trustees of the school district in which the ~~[charter school is located]~~ ***pupil resides*** to provide school choice to the ~~[parents and guardians of pupils]~~ ***parent or guardian of each pupil*** enrolled in the charter school in accordance with 20 U.S.C. § 6316(b)(1) and the regulations adopted pursuant thereto.

Sec. 13. NRS 385.3693 is hereby amended to read as follows:

385.3693 1. Except as otherwise provided in subsection 2, if a public school is designated as demonstrating need for improvement pursuant to NRS 385.3623 for 2 consecutive years, the board of trustees of the school district shall:

(a) Provide notice of the designation to the parents and guardians of pupils enrolled in the school on the form prescribed by the Department pursuant to NRS 385.382; and

(b) Ensure that the school receives technical assistance in the manner set forth in 20 U.S.C. § 6316(b)(4) and the regulations adopted pursuant thereto.

2. If a charter school is designated as demonstrating need for improvement pursuant to NRS 385.3623 for 2 consecutive years:

(a) The governing body of the charter school shall provide notice of the designation to the parents and guardians of pupils enrolled in the school on the form prescribed by the Department pursuant to NRS 385.382.

(b) For a charter school sponsored by the board of trustees of a school district, the board of trustees shall, in conjunction with the governing body of the charter school, ensure that the charter school receives technical assistance in the manner set forth in 20 U.S.C. § 6316(b)(4) and the regulations adopted pursuant thereto.

(c) ***For a charter school sponsored by the State Public Charter School Authority, the State Public Charter School Authority shall, in conjunction with the governing body of the charter school, ensure that the charter school receives technical assistance in the manner set forth in 20 U.S.C. § 6316(b)(4) and the regulations adopted pursuant thereto.***

(d) For a charter school sponsored by ~~[the State Board or by]~~ a college or university within the Nevada System of Higher Education, the Department shall, in conjunction with the governing body of the charter school, ensure that the charter school receives technical assistance in the manner set forth in 20 U.S.C. § 6316(b)(4) and the regulations adopted pursuant thereto.

Sec. 14. NRS 385.372 is hereby amended to read as follows:

385.372 1. In addition to the requirements of NRS 385.3693, if a Title I school is designated as demonstrating need for improvement pursuant to NRS 385.3623 for 2 consecutive years for failing to make adequate yearly progress:

(a) Except as otherwise provided in paragraph (b), the board of trustees of the school district shall:

(1) Provide school choice to the parents and guardians of pupils enrolled in the school in accordance with 20 U.S.C. § 6316(b)(1) and the regulations adopted pursuant thereto.

(2) Except as otherwise provided in subsection 2, provide supplemental educational services in accordance with 20 U.S.C. § 6316(e) and the regulations adopted pursuant thereto from a provider approved pursuant to NRS 385.384, unless a waiver is granted pursuant to that provision of federal law.

(b) If the school is a charter school:

(1) Sponsored by the board of trustees of a school district, the board of trustees shall provide school choice to the parents and guardians of pupils enrolled in the school in accordance with 20 U.S.C. § 6316(b)(1) and the regulations adopted pursuant thereto.

(2) ***Sponsored by the State Public Charter School Authority, the State Public Charter School Authority shall work cooperatively with the board of trustees of the school district in which the pupil resides to provide school choice to the parent or guardian of each pupil enrolled in the charter school in accordance with 20 U.S.C. § 6316(b)(1) and the regulations adopted pursuant thereto.***

(3) Sponsored by ~~[the State Board or by]~~ a college or university within the Nevada System of Higher Education, the Department shall work cooperatively with the board of trustees of the school district in which the ~~[charter school is located]~~ ***pupil resides*** to provide school choice to the ~~[parents and guardians of pupils]~~ ***parent or guardian of each pupil*** enrolled in the charter school in accordance with 20 U.S.C. § 6316(b)(1) and the regulations adopted pursuant thereto.

~~[(3)]~~ ***(4)*** Except as otherwise provided in subsection 3, the governing body of the charter school shall provide supplemental educational services in accordance with 20 U.S.C. § 6316(e) and the regulations adopted pursuant thereto from a provider approved pursuant to NRS 385.384, unless a waiver is granted pursuant to that provision of federal law.

2. The board of trustees of a school district shall grant a delay from the imposition of supplemental educational services for a school for a period not to exceed 1 year if the school qualifies for a delay pursuant to 20 U.S.C. § 6316(b)(7)(D). If the school fails to make adequate yearly progress during the period of the delay, the provisions of NRS 385.3721 apply to the school as if the delay never occurred.

3. The sponsor of a charter school shall grant a delay from the imposition of supplemental educational services for the charter school for a period not to exceed 1 year if the charter school qualifies for a delay pursuant to 20 U.S.C. § 6316(b)(7)(D). If the charter school fails to make adequate yearly progress during the period of the delay, the provisions of NRS 385.3721 apply to the charter school as if the delay never occurred.

Sec. 15. NRS 385.3721 is hereby amended to read as follows:

385.3721 1. Except as otherwise provided in subsection 2, if a public school is designated as demonstrating need for improvement pursuant to NRS 385.3623 for 3 consecutive years:

(a) The board of trustees of the school district shall:

(1) Provide notice of the designation to the parents and guardians of pupils enrolled in the school on the form prescribed by the Department pursuant to NRS 385.382; and

(2) Ensure that the school receives technical assistance in the manner set forth in 20 U.S.C. § 6316(b)(4) and the regulations adopted pursuant thereto.

(b) The Department shall require the board of trustees of the school district to conduct a comprehensive audit of the school which must include an audit of the curriculum, including, without limitation, methods of instruction and assessments, implemented by the school.

2. If a charter school is designated as demonstrating need for improvement pursuant to NRS 385.3623 for 3 consecutive years:

(a) The governing body of the charter school shall provide notice of the designation to the parents and guardians of pupils enrolled in the charter school on the form prescribed by the Department pursuant to NRS 385.382.

(b) For a charter school sponsored by the board of trustees of a school district, the board of trustees shall, in conjunction with the governing body of the charter school, ensure that the charter school receives technical assistance in the manner set forth in 20 U.S.C. § 6316(b)(4) and the regulations adopted pursuant thereto.

(c) ***For a charter school sponsored by the State Public Charter School Authority, the State Public Charter School Authority shall, in conjunction with the governing body of the charter school, ensure that the charter school receives technical assistance in the manner set forth in 20 U.S.C. § 6316(b)(4) and the regulations adopted pursuant thereto.***

(d) For a charter school sponsored by ~~[the State Board or by]~~ a college or university within the Nevada System of Higher Education, the Department shall, in conjunction with the governing body of the charter school, ensure that the charter school receives technical assistance in the manner set forth in 20 U.S.C. § 6316(b)(4) and the regulations adopted pursuant thereto.

~~[(d)]~~ ***(e)*** The Department shall require the governing body of the charter school to conduct a comprehensive audit of the charter school which must include an audit of the curriculum, including, without limitation, methods of instruction and assessments, implemented by the charter school.

Sec. 16. NRS 385.3743 is hereby amended to read as follows:

385.3743 1. In addition to the requirements of NRS 385.3721, if a Title I school is designated as demonstrating need for improvement pursuant to NRS 385.3623 for 3 consecutive years:

(a) Except as otherwise provided in paragraph (b), the board of trustees of the school district shall:

(1) Provide school choice to the parents and guardians of pupils enrolled in the school in accordance with 20 U.S.C. § 6316(b)(1) and the regulations adopted pursuant thereto;

(2) Provide supplemental educational services in accordance with 20 U.S.C. § 6316(e) and the regulations adopted pursuant thereto from a

provider approved pursuant to NRS 385.384, unless a waiver is granted pursuant to that provision of federal law; and

(3) Except as otherwise provided in subsection 2, take corrective action pursuant to 20 U.S.C. § 6316(b)(7) and the regulations adopted pursuant thereto.

(b) If the school is a charter school:

(1) Sponsored by the board of trustees of a school district, the board of trustees shall:

(I) Provide school choice to the parents and guardians of pupils enrolled in the charter school in accordance with 20 U.S.C. § 6316(b)(1); and

(II) Except as otherwise provided in subsection 3, take corrective action pursuant to 20 U.S.C. § 6316(b)(7) and the regulations adopted pursuant thereto.

(2) ***Sponsored by the State Public Charter School Authority, the State Public Charter School Authority shall:***

(I) Work cooperatively with the board of trustees of the school district in which the pupil resides to provide school choice to the parent or guardian of each pupil enrolled in the charter school in accordance with 20 U.S.C. § 6316(b)(1) and the regulations adopted pursuant thereto; and

(II) Except as otherwise provided in subsection 3, take corrective action pursuant to 20 U.S.C. § 6316(b)(7) and the regulations adopted pursuant thereto.

(3) Sponsored by ~~[the State Board or by]~~ a college or university within the Nevada System of Higher Education, the Department shall:

(I) Work cooperatively with the board of trustees of the school district in which the ~~[charter school is located]~~ ***pupil resides*** to provide school choice to the ~~[parents and guardians of pupils]~~ ***parent or guardian of each pupil*** enrolled in the ***charter*** school in accordance with 20 U.S.C. § 6316(b)(1) and the regulations adopted pursuant thereto; and

(II) Except as otherwise provided in subsection 3, take corrective action pursuant to 20 U.S.C. § 6316(b)(7) and the regulations adopted pursuant thereto.

~~[(3)]~~ ***(4)*** Regardless of the sponsor, the governing body of the charter school shall provide supplemental educational services in accordance with 20 U.S.C. § 6316(e) and the regulations adopted pursuant thereto from a provider approved pursuant to NRS 385.384, unless a waiver is granted pursuant to that provision of federal law.

2. The board of trustees of a school district shall grant a delay from the imposition of corrective action for a school for a period not to exceed 1 year if the school qualifies for a delay pursuant to 20 U.S.C. 6316(b)(7)(D). If the school fails to make adequate yearly progress during the period of the delay, the provisions of NRS 385.3745 apply as if the delay never occurred.

3. The sponsor of a charter school shall grant a delay from the imposition of corrective action for the charter school for a period not to exceed 1 year if the charter school qualifies for a delay pursuant to 20 U.S.C. 6316(b)(7)(D). If the charter school fails to make adequate yearly progress during the period of the delay, the provisions of NRS 385.3745 apply as if the delay never occurred.

Sec. 17. NRS 385.3744 is hereby amended to read as follows:

385.3744 1. Except as otherwise provided in subsection 2, if a public school that is not a Title I school is designated as demonstrating need for improvement pursuant to NRS 385.3623 for 3 consecutive years for failing to make adequate yearly progress, ***the State Public Charter School Authority may, for a charter school sponsored by the State Public Charter School Authority,*** the Department may, for a charter school sponsored by ~~[the State Board or by]~~ a college or university within the Nevada System of Higher Education, and the board of trustees of a school district may, for a school of the school district or a charter school sponsored by the board of trustees, take one or more of the following corrective actions for the school:

(a) Significantly decrease the managerial authority of the employees at the school.

(b) Extend the school year or the school day.

2. The ***State Public Charter School Authority, the*** Department or the board of trustees of a school district, as applicable, shall grant a delay from the imposition of corrective action for a school for a period not to exceed 1 year if the school qualifies for a delay in the manner set forth in 20 U.S.C. § 6316(b)(7)(D). If the school fails to make adequate yearly progress during the period of the delay, ***the State Public Charter School Authority,*** the Department or the board of trustees, as applicable, may proceed with corrective action as if the delay never occurred.

Sec. 18. NRS 385.3745 is hereby amended to read as follows:

385.3745 1. Except as otherwise provided in subsection 2, if a public school that is not a Title I school is designated as demonstrating need for improvement pursuant to NRS 385.3623 for 4 consecutive years:

(a) The board of trustees of the school district shall:

(1) Except as otherwise provided in subsection 3, develop a turnaround plan to improve the academic achievement of pupils enrolled in the school which meets the requirements prescribed by the State Board pursuant to paragraph (b).

(2) Provide notice of the designation to the parents and guardians of pupils enrolled in the school on the form prescribed by the Department pursuant to NRS 385.382; and

(3) Ensure that the school receives technical assistance in the manner set forth in 20 U.S.C. § 6316(b)(4) and the regulations adopted pursuant thereto.

(b) The State Board shall prescribe by regulation:

(1) The requirements for a turnaround plan which must include, without limitation:

(I) A requirement that the plan is based on the results of the comprehensive audit conducted pursuant to NRS 385.3721;

(II) Measurable goals and objectives for obtaining adequate yearly progress;

(III) Specified steps or actions for obtaining adequate yearly progress; and

(IV) A timeline for the completion of the turnaround plan, which must provide for implementation of the plan in accordance with NRS 385.37603 if the school is designated as needing improvement for 5 years; and

(2) The actions the Department may take to monitor the development of the turnaround plan developed pursuant to this section and the implementation of any corrective action at the school.

2. If a charter school is designated as demonstrating need for improvement pursuant to NRS 385.3623 for 4 consecutive years:

(a) The governing body of the charter school shall provide notice of the designation to the parents and guardians of pupils enrolled in the school on the form prescribed by the Department pursuant to NRS 385.382.

(b) For a charter school sponsored by the board of trustees of a school district, the board of trustees shall, in conjunction with the governing body of the charter school:

(1) Except as otherwise provided in subsection 3, develop a turnaround plan to improve the academic achievement of pupils enrolled in the school which meets the requirements prescribed by the State Board pursuant to paragraph ~~[(d).]~~ ***(e).***

(2) Ensure that the charter school receives technical assistance in the manner set forth in 20 U.S.C. § 6316(b)(4) and the regulations adopted pursuant thereto.

(c) ***For a charter school sponsored by the State Public Charter School Authority, the State Public Charter School Authority shall, in conjunction with the governing body of the charter school:***

(1) Except as otherwise provided in subsection 3, develop a turnaround plan to improve the academic achievement of pupils enrolled in the charter school which meets the requirements prescribed by the State Board pursuant to paragraph (e);

(2) Ensure that the charter school receives technical assistance in the manner set forth in 20 U.S.C. § 6316(b)(4) and the regulations adopted pursuant thereto.

(d) For a charter school sponsored by ~~[the State Board or by]~~ a college or university within the Nevada System of Higher Education, the Department shall, in conjunction with the governing body of the charter school:

(1) Except as otherwise provided in subsection 3, develop a turnaround plan to improve the academic achievement of pupils enrolled in the school which meets the requirements prescribed by the State Board pursuant to paragraph ~~[(d).]~~ ***(e).***

(2) Ensure that the charter school receives technical assistance in the manner set forth in 20 U.S.C. § 6316(b)(4) and the regulations adopted pursuant thereto.

~~[(d)]~~ ***(e)*** The State Board shall prescribe by regulation:

(1) The requirements for a turnaround plan which must include, without limitation:

(I) A requirement that the plan is based on the results of the comprehensive audit conducted pursuant to NRS 385.3721;

(II) Measurable goals and objectives for obtaining adequate yearly progress;

(III) Specified steps or actions for obtaining adequate yearly progress; and

(IV) A timeline for the completion of the turnaround plan, which must provide for implementation of the plan in accordance with NRS 385.37603 if the school is designated as needing improvement for 5 years; and

(2) The actions the Department may take to monitor the implementation of the turnaround plan developed pursuant to this section and the implementation of any corrective action at the charter school.

3. If a public school is granted a delay from the development of a turnaround plan pursuant to subsection 2 of NRS 385.376 and the school fails to make adequate yearly progress during the period of the delay, a turnaround plan must be immediately developed and implemented for the school in accordance with this section as if the delay never occurred.

4. On or before June 30, a turnaround plan developed for a school must be submitted to the:

(a) Superintendent of Public Instruction;

(b) Department;

(c) Bureau;

(d) Board of trustees of the school district in which the school is located ~~[;]~~ ***or, if the school is a charter school, the sponsor of the charter school and the governing body of the charter school;*** and

(e) Principal of the school.

Sec. 19. NRS 385.3746 is hereby amended to read as follows:

385.3746 1. If a Title I school is designated as demonstrating need for improvement pursuant to NRS 385.3623 for 4 consecutive years:

(a) Except as otherwise provided in paragraph (b), the board of trustees of the school district shall:

(1) Provide notice of the designation to the parents and guardians of the pupils enrolled in the school on the form prescribed by the Department pursuant to NRS 385.382;

(2) Ensure that the school receives technical assistance in the manner set forth in 20 U.S.C. § 6316(b)(4) and the regulations adopted pursuant thereto;

(3) Provide school choice to the parents and guardians of pupils enrolled in the school in accordance with 20 U.S.C. § 6316(b)(1) and the regulations adopted pursuant thereto;

(4) Provide supplemental educational services in accordance with 20 U.S.C. § 6316(e) and the regulations adopted pursuant thereto from a provider approved pursuant to NRS 385.384, unless a waiver is granted pursuant to that provision of federal law; and

(5) Except as otherwise provided in subsection 3, develop a plan for restructuring the school if required by 20 U.S.C. § 6316(b)(8) and the regulations adopted pursuant thereto.

(b) The governing body of the charter school shall provide notice of the designation to the parents and guardians of the pupils enrolled in the charter school on the form prescribed by the Department pursuant to NRS 385.382. If the school is a charter school:

(1) Sponsored by the board of trustees of a school district, the board of trustees shall:

(I) In conjunction with the governing body of the charter school, ensure that the charter school receives technical assistance in the manner set forth in 20 U.S.C. § 6316(b)(4) and the regulations adopted pursuant thereto;

(II) Provide school choice to the parents and guardians of pupils enrolled in the charter school in accordance with 20 U.S.C. § 6316(b)(1); and

(III) Except as otherwise provided in subsection 4, develop a plan for restructuring the school if required by 20 U.S.C. § 6316(b)(8) and the regulations adopted pursuant thereto.

(2) ***Sponsored by the State Public Charter School Authority, the State Public Charter School Authority shall:***

(I) In conjunction with the governing body of the charter school, ensure that the charter school receives technical assistance in the manner set forth in 20 U.S.C. § 6316(b)(4) and the regulations adopted pursuant thereto;

(II) Work cooperatively with the board of trustees of the school district in which the pupil resides to provide school choice to the parent or guardian of each pupil enrolled in the charter school in accordance with 20 U.S.C. § 6316(b)(1) and the regulations adopted pursuant thereto; and

(III) Except as otherwise provided in subsection 4, develop a plan for restructuring the charter school if required by 20 U.S.C. § 6316(b)(8) and the regulations adopted pursuant thereto.

(3) Sponsored by ~~[the State Board or by]~~ a college or university within the Nevada System of Higher Education, the Department shall:

(I) In conjunction with the governing body of the charter school, ensure that the charter school receives technical assistance in the manner set forth in 20 U.S.C. § 6316(b)(4) and the regulations adopted pursuant thereto;

(II) Work cooperatively with the board of trustees of the school district in which the ~~[charter school is located]~~ ***pupil resides*** to provide school choice to the ~~[parents and guardians of pupils]~~ ***parent or guardian of each pupil*** enrolled in the ***charter*** school in accordance with 20 U.S.C. § 6316(b)(1) and the regulations adopted pursuant thereto; and

(III) Except as otherwise provided in subsection 4, develop a plan for restructuring the ***charter*** school if required by 20 U.S.C. § 6316(b)(8) and the regulations adopted pursuant thereto.

~~[(3)]~~ ***(4)*** Regardless of the sponsor, the governing body of the charter school shall provide supplemental educational services in accordance with 20 U.S.C. § 6316(e) and the regulations adopted pursuant thereto from a provider approved pursuant to NRS 385.384, unless a waiver is granted pursuant to that provision of federal law.

2. A plan for restructuring the school developed pursuant to this section must include, without limitation:

(a) A requirement that the plan is based on the results of the comprehensive audit conducted pursuant to NRS 385.3721;

(b) Measurable goals and objectives for obtaining adequate yearly progress;

(c) Specified steps or actions for obtaining adequate yearly progress; and

(d) A timeline for the completion of the plan for restructuring the school, which must provide for implementation of the plan in accordance with NRS 385.37607 if the school is designated as needing improvement for 5 years.

3. The board of trustees of a school district shall grant a delay from the development of a plan for restructuring for a school for a period not to exceed 1 year if the school qualifies for a delay pursuant to 20 U.S.C. § 6316(b)(7)(D). If the school fails to make adequate yearly progress during the period of the delay, the board of trustees shall immediately develop and

proceed with the implementation of the plan for restructuring the school as if the delay never occurred.

4. The sponsor of a charter school shall grant a delay from the development of a plan for restructuring for the charter school for a period not to exceed 1 year if the charter school qualifies for a delay pursuant to 20 U.S.C. § 6316(b)(7)(D). If the charter school fails to make adequate yearly progress during the period of the delay, a plan for restructuring must be immediately developed for the school in accordance with this section and the Department shall proceed with the implementation of the plan for restructuring the charter school as if the delay never occurred.

5. On or before June 30, a plan for restructuring developed pursuant to this section must be submitted to the:

(a) Superintendent of Public Instruction;

(b) Department;

(c) Bureau;

(d) Board of trustees of the school district in which the school is located ~~[:]~~ ***or, if the school is a charter school, the sponsor of the charter school and the governing body of the charter school;*** and

(e) Principal of the school.

Sec. 20. NRS 385.376 is hereby amended to read as follows:

385.376 1. Except as otherwise provided in subsection 2, if a public school that is not a Title I school is designated as demonstrating need for improvement pursuant to NRS 385.3623 for 4 consecutive years for failure to make adequate yearly progress, ***the State Public Charter School Authority may, for a charter school sponsored by the State Public Charter School Authority,*** the Department may, for a charter school sponsored by ~~[the State Board or by]~~ a college or university within the Nevada System of Higher Education, and the board of trustees of a school district may, for a school of the school district or a charter school sponsored by the board of trustees, take corrective action as set forth in NRS 385.3744 or proceed with differentiated correction actions, consequences or sanctions, or any combination thereof, as prescribed by the State Board pursuant to NRS 385.361.

2. The ***State Public Charter School Authority, the*** Department or the board of trustees of a school district, as applicable, shall grant a delay from the imposition of corrective action, consequences or sanctions, or any combination thereof, pursuant to this section for a school for a period not to exceed 1 year if the school qualifies for a delay in the manner set forth in 20 U.S.C. § 6316(b)(7)(D). If the school fails to make adequate yearly progress during the period of the delay, ***the State Public Charter School Authority,*** the Department or the board of trustees, as applicable, may proceed with corrective action, consequences or sanctions, or any

combination thereof, for the school, as appropriate, pursuant to the provisions of NRS 385.37603 and 385.37605 as if the delay never occurred.

3. Before the board of trustees ***, the State Public Charter School Authority*** or the Department proceeds with consequences or sanctions, the board of trustees ***, the State Public Charter School Authority*** or the Department, as applicable, shall provide to the administrators, teachers and other educational personnel employed at that school, and parents and guardians of pupils enrolled in the school:

(a) Notice that the board of trustees ***, the State Public Charter School Authority*** or the Department, as applicable, will proceed with consequences or sanctions for the school;

(b) An opportunity to comment before the consequences or sanctions are carried out; and

(c) An opportunity to participate in the development of the consequences or sanctions.

Sec. 21. NRS 385.37603 is hereby amended to read as follows:

385.37603 1. If a public school that is not a Title I school is designated as demonstrating need for improvement pursuant to NRS 385.3623 for 5 or more consecutive years for failure to make adequate yearly progress:

(a) The board of trustees of the school district shall:

(1) Except as otherwise provided in subsection 3 of NRS 385.37605, repeal the plan to improve the academic achievement of pupils developed pursuant to NRS 385.357 and, not later than September 30, implement the turnaround plan to improve the academic achievement of pupils enrolled in the school developed pursuant to NRS 385.3745;

(2) Provide notice of the designation to the parents and guardians of pupils enrolled in the school on the form prescribed by the Department pursuant to NRS 385.382; and

(3) Ensure that the school receives technical assistance in the manner set forth in 20 U.S.C. § 6316(b)(4) and the regulations adopted pursuant thereto.

(b) The State Board shall prescribe by regulation the actions which the Department may take to monitor the implementation of any corrective action at the school.

2. If a charter school that is not a Title I school is designated as demonstrating need for improvement pursuant to NRS 385.3623 for 5 or more consecutive years for failure to make adequate yearly progress:

(a) The governing body of the charter school shall:

(1) Except as otherwise provided in subsection 3 of NRS 385.37605, repeal the plan to improve the academic achievement of pupils developed pursuant to NRS 385.357 and, not later than September 30, implement the

turnaround plan to improve the academic achievement of pupils enrolled in the school developed pursuant to NRS 385.3745.

(2) Provide notice of the designation to the parents and guardians of pupils enrolled in the charter school on a form prescribed by the Department pursuant to NRS 385.382.

(b) For a charter school sponsored by the board of trustees of a school district, the board of trustees shall, in conjunction with the governing body of the charter school, ensure that the charter school receives technical assistance in the manner set forth in 20 U.S.C. § 6316(b)(4) and the regulations adopted pursuant thereto.

(c) ***For a charter school sponsored by the State Public Charter School Authority, the State Public Charter School Authority shall, in conjunction with the governing body of the charter school, ensure that the charter school receives technical assistance in the manner set forth in 20 U.S.C. § 6316(b)(4) and the regulations adopted pursuant thereto.***

(d) For a charter school sponsored by ~~[the State Board or by]~~ a college or university within the Nevada System of Higher Education, the Department shall, in conjunction with the governing body of the charter school, ensure that the charter school receives technical assistance in the manner set forth in 20 U.S.C. § 6316(b)(4) and the regulations adopted pursuant thereto.

~~[(d)]~~ ***(e)*** The State Board shall prescribe by regulation the actions which the Department may take to monitor the implementation of any corrective action at the charter school.

Sec. 22. NRS 385.37605 is hereby amended to read as follows:

385.37605 1. Except as otherwise provided in subsection 3, if a public school that is not a Title I school is designated as demonstrating need for improvement pursuant to NRS 385.3623 for 5 or more consecutive years for failure to make adequate yearly progress:

(a) ***The State Public Charter School Authority may, for a charter school sponsored by the State Public Charter School Authority, take corrective action as set forth in NRS 385.3744 or proceed with consequences or sanctions, or both, as prescribed by the State Board pursuant to NRS 385.361.***

(b) The Department may, for a charter school sponsored by ~~[the State Board or by]~~ a college or university within the Nevada System of Higher Education, take corrective action as set forth in NRS 385.3744 or proceed with consequences or sanctions, or both, as prescribed by the State Board pursuant to NRS 385.361.

~~[(b)]~~ ***(c)*** The board of trustees of a school district may, for a school of the school district or a charter school sponsored by the board of trustees, take corrective action as set forth in NRS 385.3744 or proceed with consequences

or sanctions, or both, as prescribed by the State Board pursuant to NRS 385.361.

2. The Department shall monitor the implementation of the turnaround plan for the school developed pursuant to NRS 385.3745.

3. The ***State Public Charter School Authority, the*** Department or the board of trustees of a school district, as applicable, shall grant a delay from the imposition of corrective action, consequences or sanctions pursuant to this section for a school, including, without limitation, the development and implementation of a turnaround plan, for a period not to exceed 1 year if the school qualifies for a delay in the manner set forth in 20 U.S.C. § 6316(b)(7)(D). If the school fails to make adequate yearly progress during the period of the delay, the ***State Public Charter School Authority, the*** Department or the board of trustees, as applicable, may proceed with corrective action or with consequences or sanctions, or both, for the school, as appropriate, as if the delay never occurred.

4. Before the board of trustees ***, the State Public Charter School Authority*** or the Department proceeds with consequences or sanctions, the board of trustees ***, the State Public Charter School Authority*** or the Department, as applicable, shall provide to the administrators, teachers and other educational personnel employed at that school, and parents and guardians of pupils enrolled in the school:

(a) Notice that the board of trustees ***, the State Public Charter School Authority*** or the Department, as applicable, will proceed with consequences or sanctions for the school;

(b) An opportunity to comment before the consequences or sanctions are carried out; and

(c) An opportunity to participate in the development of the consequences or sanctions.

Sec. 23. NRS 385.37607 is hereby amended to read as follows:

385.37607 1. If a Title I school is designated as demonstrating need for improvement pursuant to NRS 385.3623 for 5 or more consecutive years:

(a) Except as otherwise provided in paragraph (b), the board of trustees of the school district shall:

(1) Except as otherwise provided in subsection 2, repeal the plan to improve the academic achievement of pupils developed pursuant to NRS 385.357 and, not later than September 30, implement the plan for restructuring the school developed pursuant to NRS 385.3746 if required by 20 U.S.C. § 6316(b)(8) and the regulations adopted pursuant thereto;

(2) Provide notice of the designation to the parents and guardians of pupils enrolled in the school on the form prescribed by the Department pursuant to NRS 385.382;

(3) Ensure that the school receives technical assistance in the manner set forth in 20 U.S.C. § 6316(b)(4) and the regulations adopted pursuant thereto;

(4) Provide school choice to the parents and guardians of pupils enrolled in the school in accordance with 20 U.S.C. § 6316(b)(1) and the regulations adopted pursuant thereto; and

(5) Provide supplemental educational services in accordance with 20 U.S.C. § 6316(e) and the regulations adopted pursuant thereto from a provider approved pursuant to NRS 385.384, unless a waiver is granted pursuant to that provision of federal law.

(b) If the school is a charter school:

(1) Sponsored by the board of trustees of a school district, the board of trustees shall:

(I) Except as otherwise provided in subsection 3, repeal the plan to improve the academic achievement of pupils developed pursuant to NRS 385.357 and, not later than September 30, implement the plan for restructuring the charter school developed pursuant to NRS 385.3746 if required by 20 U.S.C. § 6316(b)(8) and the regulations adopted pursuant thereto;

(II) Provide notice of the designation to the parents and guardians of pupils enrolled in the charter school on the form prescribed by the Department pursuant to NRS 385.382;

(III) Ensure that the charter school receives technical assistance in the manner set forth in 20 U.S.C. § 6316(b)(4) and the regulations adopted pursuant thereto; and

(IV) Provide school choice to the parents and guardians of pupils enrolled in the charter school in accordance with 20 U.S.C. § 6316(b)(1) and the regulations adopted pursuant thereto.

(2) ***Sponsored by the State Public Charter School Authority, the State Public Charter School Authority shall:***

(I) Except as otherwise provided in subsection 3, repeal the plan to improve the academic achievement of pupils developed pursuant to NRS 385.357 and, not later than September 30, implement the plan for restructuring the charter school developed pursuant to NRS 385.3746 if required by 20 U.S.C. § 6316(b)(8) and the regulations adopted pursuant thereto;

(II) Provide notice of the designation to the parents and guardians of pupils enrolled in the charter school on the form prescribed by the Department pursuant to NRS 385.382;

(III) Ensure that the charter school receives technical assistance in the manner set forth in 20 U.S.C. § 6316(b)(4) and the regulations adopted pursuant thereto; and

(IV) Work cooperatively with the board of trustees of the school district in which the pupil resides to provide school choice to the parent or guardian of each pupil enrolled in the charter school in accordance with 20 U.S.C. § 6316(b)(1) and the regulations adopted pursuant thereto.

(3) Sponsored by ~~[the State Board or by]~~ a college or university within the Nevada System of Higher Education, the Department shall:

(I) Except as otherwise provided in subsection 3, repeal the plan to improve the academic achievement of pupils developed pursuant to NRS 385.357 and, not later than September 30, implement the plan for restructuring the charter school developed pursuant to NRS 385.3746 if required by 20 U.S.C. § 6316(b)(8) and the regulations adopted pursuant thereto;

(II) Provide notice of the designation to the parents and guardians of pupils enrolled in the charter school on the form prescribed by the Department pursuant to NRS 385.382;

(III) Ensure that the charter school receives technical assistance in the manner set forth in 20 U.S.C. § 6316(b)(4) and the regulations adopted pursuant thereto; and

(IV) Work cooperatively with the board of trustees of the school district in which the ~~[charter school is located]~~ ***pupil resides*** to provide school choice to the ~~[parents and guardians of pupils]~~ ***parent or guardian of each pupil*** enrolled in the ***charter*** school in accordance with 20 U.S.C. § 6316(b)(1) and the regulations adopted pursuant thereto.

~~[(3)]~~ ***(4)*** Regardless of the sponsor, the governing body of the charter school shall provide supplemental educational services in accordance with 20 U.S.C. § 6316(e) and the regulations adopted pursuant thereto from a provider approved pursuant to NRS 385.384, unless a waiver is granted pursuant to that provision of federal law.

(c) The State Board shall prescribe by regulation the actions which the Department may take to monitor the implementation of any corrective action at the school or charter school.

2. The board of trustees of a school district shall grant a delay from the imposition of a plan for restructuring for a school, including, without limitation, the development and implementation of a plan for restructuring, for a period not to exceed 1 year if the school qualifies for a delay pursuant to 20 U.S.C. § 6316(b)(7)(D). If the school fails to make adequate yearly progress during the period of delay, the board of trustees shall proceed with a plan for restructuring the school as if the delay never occurred.

3. The sponsor of a charter school shall grant a delay from the imposition of a plan for restructuring for a school, including, without limitation, the development and implementation of a plan for restructuring, for a period not to exceed 1 year if the school qualifies for a delay pursuant to 20 U.S.C.

§ 6316(b)(7)(D). If the charter school fails to make adequate yearly progress during the period of delay, the Department shall proceed with a plan for restructuring the charter school as if the delay never occurred.

4. Before the board of trustees of a school district ***, the State Public Charter School Authority*** or the Department proceeds with a plan for restructuring, the board of trustees ***, the State Public Charter School Authority*** or the Department, as applicable, shall provide to the administrators, teachers and other educational personnel employed at that school, and parents and guardians of pupils enrolled in the school:

(a) Notice that the board of trustees ***, the State Public Charter School Authority*** or the Department, as applicable, will develop a plan for restructuring the school;

(b) An opportunity to comment before the plan to restructure is developed; and

(c) An opportunity to participate in the development of the plan to restructure.

Sec. 24. NRS 385.620 is hereby amended to read as follows:

385.620 The Advisory Council shall:

1. Review the policy of parental involvement adopted by the State Board and the policy of parental involvement adopted by the board of trustees of each school district pursuant to NRS 392.457;

2. Review the information relating to communication with and participation of parents that is included in the annual report of accountability for each school district pursuant to paragraph (j) of subsection 2 of NRS 385.347 ~~[.]~~ ***and similar information in the annual report of accountability prepared by the State Public Charter School Authority and a college or university within the Nevada System of Higher Education that sponsors a charter school pursuant to subsection 3 of NRS 385.347;***

3. Review any effective practices carried out in individual school districts to increase parental involvement and determine the feasibility of carrying out those practices on a statewide basis;

4. Review any effective practices carried out in other states to increase parental involvement and determine the feasibility of carrying out those practices in this State;

5. Identify methods to communicate effectively and provide outreach to parents and legal guardians of pupils who have limited time to become involved in the education of their children for various reasons, including, without limitation, work schedules, single-parent homes and other family obligations;

6. Identify the manner in which the level of parental involvement affects the performance, attendance and discipline of pupils;

7. Identify methods to communicate effectively with and provide outreach to parents and legal guardians of pupils who are limited English proficient;

8. Determine the necessity for the appointment of a statewide parental involvement coordinator or a parental involvement coordinator in each school district, or both;

9. On or before July 1 of each year, submit a report to the Legislative Committee on Education describing the activities of the Advisory Council and any recommendations for legislation; and

10. On or before February 1 of each odd-numbered year, submit a report to the Director of the Legislative Counsel Bureau for transmission to the next regular session of the Legislature describing the activities of the Advisory Council and any recommendations for legislation.

Sec. 25. Chapter 386 of NRS is hereby amended by adding thereto the provisions set forth as sections 26 to 35.7, inclusive, of this act.

Sec. 26. ***As used in NRS 386.500 to 386.610, inclusive, and sections 26 to 35.7, inclusive, of this act, the words and terms defined in NRS 386.500 and sections 27 and 28 of this act have the meanings ascribed to them in those sections.***

Sec. 27. ***"Director" means the Director of the State Public Charter School Authority appointed pursuant to section 31 of this act.***

Sec. 28. ***"State Public Charter School Authority" means the State Public Charter School Authority created by section 28.5 of this act.***

Sec. 28.5. ***The State Public Charter School Authority is hereby created. The purpose of the State Public Charter School Authority is to:***

1. Authorize charter schools of high-quality throughout this State with the goal of expanding the opportunities for pupils in this State, including, without limitation, pupils who are at risk.

2. Provide oversight to the charter schools that it sponsors to ensure that those charter schools maintain high educational and operational standards, preserve autonomy and safeguard the interests of pupils and the community.

3. Serve as a model of the best practices in sponsoring charter schools and foster a climate in this State in which all charter schools, regardless of sponsor, can flourish.

Sec. 29. ***1. The State Public Charter School Authority consists of seven members. The membership of the State Public Charter School Authority consists of:***

(a) Two members appointed by the Governor in accordance with subsection 2;

(b) Two members, who must not be Legislators, appointed by the Majority Leader of the Senate in accordance with subsection 2;

(c) Two members, who must not be Legislators, appointed by the Speaker of the Assembly in accordance with subsection 2; and

(d) One member appointed by the Charter School Association of Nevada or its successor organization.

2. The Governor, the Majority Leader of the Senate and the Speaker of the Assembly shall ensure that the membership of the State Public Charter School Authority:

(a) Includes persons with a demonstrated understanding of charter schools and a commitment to using charter schools as a way to strengthen public education in this State;

(b) Includes a parent or legal guardian of a pupil enrolled in a charter school in this State;

(c) Includes persons with specific knowledge of:

(1) Issues relating to elementary and secondary education;

(2) School finance or accounting, or both;

(3) Management practices;

(4) Assessments required in elementary and secondary education;

(5) Educational technology; and

(6) The laws and regulations applicable to charter schools; and

(d) Insofar as practicable, reflects the ethnic and geographical diversity of this State.

3. Each member of the State Public Charter School Authority must be a resident of this State.

4. After the initial terms, the term of each member of the State Public Charter School Authority is 3 years, commencing on July 1 of the year in which he or she is appointed. A vacancy in the membership of the State Public Charter School Authority must be filled for the remainder of the unexpired term in the same manner as the original appointment. A member shall continue to serve on the State Public Charter School Authority until his or her successor is appointed.

5. The members of the State Public Charter School Authority shall select a Chair and Vice Chair from among its members. After the initial selection of those officers, each of those officers holds the position for a term of 2 years commencing on July 1 of each odd-numbered year. If a vacancy occurs in the Chair or Vice Chair, the vacancy must be filled in the same manner as the original selection for the remainder of the unexpired term.

6. Each member of the State Public Charter School Authority is entitled to receive:

(a) For each day or portion of a day during which he or she attends a meeting of the State Public Charter School Authority a salary of not more than $80, as fixed by the State Public Charter School Authority; and

(b) For each day or portion of a day during which he or she attends a meeting of the State Public Charter School Authority or is otherwise engaged in the business of the State Public Charter School Authority the per diem allowance and travel expenses provided for state officers and employees generally.

Sec. 30. *1. The members of the State Public Charter School Authority shall meet throughout the year at the times and places specified by a call of the Chair or a majority of the members.*

2. Four members of the State Public Charter School Authority constitute a quorum, and a quorum may exercise all the power and authority conferred on the State Public Charter School Authority.

Sec. 31. *1. The State Public Charter School Authority shall appoint a Director of the State Public Charter School Authority for a term of 3 years. The State Public Charter School Authority shall ensure that the Director has a demonstrated understanding of charter schools and a commitment to using charter schools as a way to strengthen public education in this State.*

2. A vacancy in the position of Director must be filled by the State Public Charter School Authority for the remainder of the unexpired term.

3. The Director is in the unclassified service of the State.

Sec. 32. *The Director shall not pursue any other business or occupation or hold any other office of profit without the approval of the State Public Charter School Authority.*

Sec. 33. *The Director shall:*

1. Execute, direct and supervise all administrative, technical and procedural activities of the State Public Charter School Authority in accordance with the policies prescribed by the State Public Charter School Authority;

2. Organize the State Public Charter School Authority in a manner which will ensure the efficient operation and service of the State Public Charter School Authority;

3. Serve as the Executive Secretary of the State Public Charter School Authority;

4. Ensure that the autonomy provided to charter schools in this State pursuant to state law and regulations is preserved; and

5. Perform such other duties as are prescribed by law or the State Public Charter School Authority.

Sec. 34. *The State Public Charter School Authority may employ such persons as it deems necessary to carry out the provisions of NRS 386.500 to 386.610, inclusive, and sections 26 to 35.7, inclusive, of this act. The staff employed by the State Public Charter School Authority must be qualified to carry out the daily responsibilities of sponsoring charter schools in*

accordance with the provisions of NRS 386.500 to 386.610, inclusive, and sections 26 to 35.7, inclusive, of this act.

Sec. 35. ***1. The Account for the State Public Charter School Authority is hereby created in the State General Fund, to be administered by the Director.***

2. The interest and income earned on the money in the Account must be credited to the Account.

3. The money in the Account may be used only for the establishment and maintenance of the State Public Charter School Authority.

4. Any money remaining in the Account at the end of a fiscal year does not revert to the State General Fund, and the balance in the Account must be carried forward to the next fiscal year.

5. The Director and the State Public Charter School Authority may accept gifts, grants and bequests to carry out the provisions of NRS 386.500 to 386.610, inclusive, and sections 26 to 35.7, inclusive, of this act. Any money from gifts, grants and bequests must be deposited in the Account and may be expended in accordance with the terms and conditions of the gift, grant or bequest, or in accordance with this section.

Sec. 35.3. ***1. The governing body of a charter school may contract with the sponsor of the charter school for the purchase of services, excluding those services which are covered by the sponsorship fee paid to the sponsor pursuant to NRS 386.570. If the governing body of a charter school elects to purchase such services, the governing body and the sponsor shall enter into an annual service agreement which is separate from the written charter of the charter school.***

2. If a service agreement is entered into pursuant to this section, the sponsor of the charter school shall, not later than August 1 after the completion of the school year, provide to the governing body of the charter school an itemized accounting of the actual costs of those services purchased by the charter school. Any difference between the amount paid by the charter school pursuant to the service agreement and the actual cost for those services must be reconciled and paid to the party to whom it is due. If the governing body or the sponsor disputes the amount due, the party making the dispute may request an independent review by the Department, whose determination is final.

3. The governing body of a charter school may not be required to enter into a service agreement pursuant to this section as a condition to approval of its written charter by the sponsor of the charter school or as a condition to renewal of the written charter.

Sec. 35.5. ***1. The State Public Charter School Authority is hereby deemed a local educational agency for the purpose of directing the proportionate share of any money available from federal and state***

categorical grant programs to charter schools which are sponsored by the State Public Charter School Authority or a college or university within the Nevada System of Higher Education that are eligible to receive such money. A charter school that receives money pursuant to such a grant program shall comply with any applicable reporting requirements to receive the grant.

2. If the charter school is eligible to receive special education program units, the Department shall pay the special education program units directly to the charter school.

3. As used in this section, "local educational agency" has the meaning ascribed to it in 20 U.S.C. § 7801(26)(A).

Sec. 35.7. ***1. A contract or a proposed contract between a charter school or a proposed charter school and a contractor or an educational management organization must not:***

(a) Give to the contractor or educational management organization direct control of educational services, financial decisions, the appointment of members of the governing body, or the hiring and dismissal of an administrator or financial officer of the charter school or proposed charter school;

(b) Authorize the payment of loans, advances or other monetary charges from the contractor or educational management organization which are greater than 15 percent of the total expected funding received by the charter school or proposed charter school from the State Distributive School Account;

(c) Require the charter school or proposed charter school to prepay any fees to the contractor or educational management organization;

(d) Require the charter school or proposed charter school to pay the contractor or educational management organization before the payment of other obligations of the charter school or proposed charter school during a period of financial distress;

(e) Allow a contractor or educational management organization to cause a delay in the repayment of a loan or other money advanced by the contractor or educational management organization to the charter school or proposed charter school, which delay would increase the cost to the charter school or proposed charter school of repaying the loan or advance;

(f) Require the charter school or proposed charter school to enroll a minimum number of pupils for the continuation of the contract between the charter school or proposed charter school and the contractor or educational management organization;

(g) Require the charter school or proposed charter school to request or borrow money from this State to pay the contractor or educational management organization if the contractor or educational management

organization will provide financial management to the charter school or proposed charter school;

(h) Contain a provision which restricts the ability of the charter school or proposed charter school to borrow money from a person or entity other than the contractor or educational management organization;

(i) Provide for the allocation to the charter school or proposed charter school of any indirect cost incurred by the contractor or educational management organization;

(j) Authorize the payment of fees to the contractor or educational management organization which are not attributable to the actual services provided by the contractor or educational management organization;

(k) Allow any money received by the charter school or proposed charter school from this State or from the board of trustees of a school district to be transferred to or deposited in a bank, credit union or other financial institution outside this State, including money controlled by the contractor or educational management organization; or

(l) Except as otherwise provided in this paragraph, provide incentive fees to the contractor or educational management organization. A contract or a proposed contract may provide to the contractor or educational management organization incentive fees that are based on the academic improvement of pupils enrolled in the charter school.

2. As used in this section, "educational management organization" means a corporation, business, organization or other entity, whether or not conducted for profit, with whom a committee to form a charter school or the governing body of a charter school, as applicable, contracts to assist with the operation, management or provision and implementation of educational services and programs of the charter school or proposed charter school. The term includes a corporation, business, organization or other entity that directly employs and provides personnel to a charter school or proposed charter school.

Sec. 36. NRS 386.500 is hereby amended to read as follows:

386.500 ~~[For the purposes of NRS 386.500 to 386.610, inclusive, a]~~ ***A*** pupil is "at risk" if the pupil has an economic or academic disadvantage such that he or she requires special services and assistance to enable him or her to succeed in educational programs. The term includes, without limitation, pupils who are members of economically disadvantaged families, pupils who are limited English proficient, pupils who are at risk of dropping out of high school and pupils who do not meet minimum standards of academic proficiency. The term does not include a pupil with a disability.

Sec. 37. (Deleted by amendment.)

Sec. 38. NRS 386.515 is hereby amended to read as follows:

386.515 1. The board of trustees of a school district may apply to the Department for authorization to sponsor charter schools within the school district. An application must be approved by the Department before the board of trustees may sponsor a charter school. Not more than 180 days after receiving approval to sponsor charter schools, the board of trustees shall provide public notice of its ability to sponsor charter schools and solicit applications for charter schools.

2. The State ~~[Board]~~ ***Public Charter School Authority*** shall sponsor charter schools whose applications have been approved by the State ~~[Board]~~ ***Public Charter School Authority*** pursuant to NRS 386.525. Except as otherwise provided by specific statute, if the State ~~[Board]~~ ***Public Charter School Authority*** sponsors a charter school, the State ~~[Board or the Department]~~ ***Public Charter School Authority*** is responsible for the evaluation, monitoring and oversight of the charter school.

3. A college or university within the Nevada System of Higher Education may sponsor charter schools.

4. Each sponsor of a charter school shall carry out the following duties and powers:

(a) Evaluating applications to form charter schools as prescribed by NRS 386.525;

(b) Approving applications to form charter schools that the sponsor determines are high quality, meet the identified educational needs of pupils and will serve to promote the diversity of public educational choices in this State;

(c) Declining to approve applications to form charter schools that do not satisfy the requirements of NRS 386.525;

(d) Negotiating and executing written charters pursuant to NRS 386.527;

(e) Monitoring, in accordance with NRS 386.500 to 386.610, inclusive, and sections 26 to 35.7, inclusive, of this act, and in accordance with the terms and conditions of the applicable written charter, the performance and compliance of each charter school sponsored by the entity; and

(f) Determining whether each written charter of a charter school that the entity sponsors merits renewal or whether the renewal of the written charter should be denied or the written charter should be revoked in accordance with NRS 386.530 or 386.535, as applicable.

5. Each sponsor of a charter school shall develop policies and practices that are consistent with state laws and regulations governing charter schools. In developing the policies and practices, the sponsor shall review and evaluate nationally recognized policies and practices for sponsoring organizations of charter schools. The policies and practices must include, without limitation:

(a) The organizational capacity and infrastructure of the sponsor for sponsorship of charter schools, which must not be described as a limit on the number of charter schools the sponsor will approve;

(b) The procedure for evaluating charter school applications in accordance with NRS 386.525;

(c) A description of how the sponsor will maintain oversight of the charter schools it sponsors; and

(d) A description of the process of evaluation for charter schools it sponsors in accordance with NRS 386.610.

6. Evidence of material or persistent failure to carry out the powers and duties of a sponsor prescribed by this section constitutes grounds for revocation of the entity's authority to sponsor charter schools.

Sec. 39. NRS 386.520 is hereby amended to read as follows:

386.520 1. A committee to form a charter school must consist of at least three teachers, as defined in subsection 4. In addition to the teachers who serve, the committee may consist of:

(a) Members of the general public;

(b) Representatives of nonprofit organizations and businesses; or

(c) Representatives of a college or university within the Nevada System of Higher Education.

➥ A majority of the persons described in paragraphs (a), (b) and (c) who serve on the committee must be residents of this State at the time that the application to form the charter school is submitted to the Department.

2. ~~[Before a committee to form a charter school may submit an application to the board of trustees of a school district, the Subcommittee on Charter Schools, the State Board or a college or university within the Nevada System of Higher Education, it must submit the application to the Department. The]~~ ***An*** application ***to form a charter school*** must include all information prescribed by the Department by regulation and:

(a) A written description of how the charter school will carry out the provisions of NRS 386.500 to 386.610, inclusive ~~[.]~~ ***, and sections 26 to 35.7, inclusive, of this act.***

(b) A written description of the mission and goals for the charter school. A charter school must have as its stated purpose at least one of the following goals:

(1) Improving the ~~[opportunities for pupils to learn;]~~ ***academic achievement of pupils;***

(2) Encouraging the use of effective ***and innovative*** methods of teaching;

(3) Providing an accurate measurement of the educational achievement of pupils;

(4) Establishing accountability ***and transparency*** of public schools;

(5) Providing a method for public schools to measure achievement based upon the performance of the schools; or

(6) Creating new professional opportunities for teachers.

(c) The projected enrollment of pupils in the charter school.

(d) The proposed dates of enrollment for the charter school.

(e) The proposed system of governance for the charter school, including, without limitation, the number of persons who will govern, the method of selecting the persons who will govern and the term of office for each person.

(f) The method by which disputes will be resolved between the governing body of the charter school and the sponsor of the charter school.

(g) The proposed curriculum for the charter school and, if applicable to the grade level of pupils who are enrolled in the charter school, the requirements for the pupils to receive a high school diploma, including, without limitation, whether those pupils will satisfy the requirements of the school district in which the charter school is located for receipt of a high school diploma.

(h) The textbooks that will be used at the charter school.

(i) The qualifications of the persons who will provide instruction at the charter school.

(j) Except as otherwise required by NRS 386.595, the process by which the governing body of the charter school will negotiate employment contracts with the employees of the charter school.

(k) A financial plan for the operation of the charter school. The plan must include, without limitation, procedures for the audit of the programs and finances of the charter school and guidelines for determining the financial liability if the charter school is unsuccessful.

(l) A statement of whether the charter school will provide for the transportation of pupils to and from the charter school. If the charter school will provide transportation, the application must include the proposed plan for the transportation of pupils. If the charter school will not provide transportation, the application must include a statement that the charter school will work with the parents and guardians of pupils enrolled in the charter school to develop a plan for transportation to ensure that pupils have access to transportation to and from the charter school.

(m) The procedure for the evaluation of teachers of the charter school, if different from the procedure prescribed in NRS 391.3125. If the procedure is different from the procedure prescribed in NRS 391.3125, the procedure for the evaluation of teachers of the charter school must provide the same level of protection and otherwise comply with the standards for evaluation set forth in NRS 391.3125.

(n) The time by which certain academic or educational results will be achieved.

(o) The kind of school, as defined in subsections 1 to 4, inclusive, of NRS 388.020, for which the charter school intends to operate.

(p) A statement of whether the charter school will enroll pupils who are in a particular category of at-risk pupils before enrolling other children who are eligible to attend the charter school pursuant to NRS 386.580 and the method for determining eligibility for enrollment in each such category of at-risk pupils served by the charter school.

3. The ***proposed sponsor of a charter school may request that the Department review an application before review by the proposed sponsor to determine whether the application is complete. Upon such a request, the*** Department shall review an application to form a charter school to determine whether it is complete. If an application proposes to convert an existing public school, homeschool or other program of home study into a charter school, the Department shall deny the application. The Department shall provide written notice to the applicant ***and the proposed sponsor of the charter school*** of its ~~[~~approval or denial of~~]~~ ***determination of whether*** the application ~~[.]~~ ***is complete.*** If the Department ~~[~~denies~~]~~ ***determines*** an application ~~[.]~~ ***is not complete,*** the Department shall include in the written notice the reason for ~~[~~the denial~~]~~ ***its determination*** and the deficiencies in the application. The applicant must be granted 30 days after receipt of the written notice to correct any deficiencies identified in the written notice and resubmit the application. ***If the Department determines an application is complete, the Department shall transmit the application to the proposed sponsor for review pursuant to NRS 386.525.***

4. As used in subsection 1, "teacher" means a person who:

(a) Holds a current license to teach issued pursuant to chapter 391 of NRS; and

(b) Has at least 2 years of experience as an employed teacher.

➥ The term does not include a person who is employed as a substitute teacher.

Sec. 40. NRS 386.525 is hereby amended to read as follows:

386.525 1. ~~[~~Upon approval of an application by the Department, a~~]~~ ***Except as otherwise provided in this subsection, a*** committee to form a charter school may submit the application to the ~~[~~board of trustees of the school district in which the~~]~~ proposed ***sponsor of the*** charter school ***.*** ~~[~~will be located, a college or university within the Nevada System of Higher Education or directly to the Subcommittee on Charter Schools.~~]~~ ***If the proposed sponsor of a charter school requested that the Department review the application pursuant to NRS 386.520 and the Department determined that the application was not complete pursuant to that section, the application may not be submitted to the proposed sponsor for review pursuant to this section. If an application proposes to convert an existing***

public school, homeschool or other program of home study into a charter school, the proposed sponsor shall deny the application.

2. If the board of trustees of a school district ~~[,]~~ ***or*** a college or a university ~~[,]~~ ***within the Nevada System of Higher Education,*** as applicable, receives an application to form a charter school, the board of trustees or the institution, as applicable, shall consider the application at a meeting that must be held not later than 45 days after the receipt of the application, or a period mutually agreed upon by the committee to form the charter school and the board of trustees of the school district or the institution, as applicable, and ensure that notice of the meeting has been provided pursuant to chapter 241 of NRS. ***If the proposed sponsor requested that the Department review the application pursuant to NRS 386.520, the proposed sponsor shall be deemed to receive the application pursuant to this subsection upon transmittal of the application from the Department.*** The board of trustees, the college ~~[,]~~ ***or*** the university ***,*** ~~[or the Subcommittee on Charter Schools,]~~ as applicable, shall review an application to determine whether the application:

(a) Complies with NRS 386.500 to 386.610, inclusive, ***and sections 26 to 35.7, inclusive, of this act*** and the regulations applicable to charter schools; and

(b) Is complete in accordance with the regulations of the Department.

~~[2.]~~ ***3.*** The Department shall assist the board of trustees of a school district, the college or the university, as applicable, in the review of an application. The board of trustees, the college or the university, as applicable, may approve an application if it satisfies the requirements of paragraphs (a) and (b) of subsection ~~[1.]~~ ***2.*** The board of trustees, the college or the university, as applicable, shall provide written notice to the applicant of its approval or denial of the application.

~~[3.]~~ ***4.*** If the board of trustees, the college or the university, as applicable, denies an application, it shall include in the written notice the reasons for the denial and the deficiencies in the application. The applicant must be granted 30 days after receipt of the written notice to correct any deficiencies identified in the written notice and resubmit the application.

~~[4.]~~ ***5.*** If the board of trustees, the college or the university, as applicable, denies an application after it has been resubmitted pursuant to subsection ~~[3,]~~ ***4,*** the applicant may submit a written request for sponsorship by the State ~~[Board to the Subcommittee on Charter Schools created pursuant to NRS 386.507]~~ ***Public Charter School Authority*** not more than 30 days after receipt of the written notice of denial. Any request that is submitted pursuant to this subsection must be accompanied by the application to form the charter school.

~~[5.]~~ ***6.*** If the ~~[Subcommittee on Charter Schools]~~ ***State Public Charter School Authority*** receives an application pursuant to subsection 1 or ~~[4,]~~ ***5,*** it shall hold a meeting to consider the application. ***If the State Public Charter School Authority requested that the Department review the application pursuant to NRS 386.520, the State Public Charter School Authority shall be deemed to receive the application pursuant to this subsection upon transmittal of the application from the Department.*** The meeting must be held not later than 45 days after receipt of the application. Notice of the meeting must be posted in accordance with chapter 241 of NRS. The ~~[Subcommittee]~~ ***State Public Charter School Authority*** shall review the application in accordance with the factors set forth in paragraphs (a) and (b) of subsection ~~[1. The Subcommittee may approve an application if it satisfies the requirements of paragraphs (a) and (b) of subsection 1.~~

~~6. The Subcommittee on Charter Schools shall transmit the application and the recommendation of the Subcommittee for approval or denial of the application to the State Board. Not more than 14 days after the date of the meeting of the Subcommittee pursuant to subsection 5, the State Board shall hold a meeting to consider the recommendation of the Subcommittee. Notice of the meeting must be posted in accordance with chapter 241 of NRS. The State Board shall review the application in accordance with the factors set forth in paragraphs (a) and (b) of subsection 1.]~~ ***2. The Department shall assist the State Public Charter School Authority in the review of an application.*** The State ~~[Board]~~ ***Public Charter School Authority*** may approve an application if it satisfies the requirements of paragraphs (a) and (b) of subsection ~~[1.]~~ ***2.*** Not more than 30 days after the meeting, the State ~~[Board]~~ ***Public Charter School Authority*** shall provide written notice of its determination to the applicant.

7. If the State ~~[Board]~~ ***Public Charter School Authority*** denies an application, it shall include in the written notice the reasons for the denial and the deficiencies in the application. The applicant must be granted 30 days after receipt of the written notice to correct any deficiencies identified in the written notice and resubmit the application.

8. If the State ~~[Board]~~ ***Public Charter School Authority*** denies an application after it has been resubmitted pursuant to subsection 7, the applicant may, not more than 30 days after the receipt of the written notice from the State ~~[Board,]~~ ***Public Charter School Authority,*** appeal the final determination to the district court of the county in which the proposed charter school will be located.

9. On or before January 1 of each odd-numbered year, the Superintendent of Public Instruction shall submit a written report to the Director of the Legislative Counsel Bureau for transmission to the next regular session of the Legislature. The report must include:

(a) A list of each application to form a charter school that was submitted to the board of trustees of a school district, the State ~~[~~Board,~~]~~ ***Public Charter School Authority,*** a college or a university during the immediately preceding biennium;

(b) The educational focus of each charter school for which an application was submitted;

(c) The current status of the application; and

(d) If the application was denied, the reasons for the denial.

Sec. 41. NRS 386.527 is hereby amended to read as follows:

386.527 1. If the State ~~[~~Board,~~]~~ ***Public Charter School Authority,*** the board of trustees of a school district or a college or university within the Nevada System of Higher Education approves an application to form a charter school, it shall grant a written charter to the applicant. The State ~~[~~Board,~~]~~ ***Public Charter School Authority,*** the board of trustees, the college or the university, as applicable, shall, not later than 10 days after the approval of the application, provide written notice to the Department of the approval and the date of the approval. If the board of trustees approves the application, the board of trustees shall be deemed the sponsor of the charter school.

2. If the State ~~[~~Board~~]~~ ***Public Charter School Authority*** approves the application:

(a) The State ~~[~~Board~~]~~ ***Public Charter School Authority*** shall be deemed the sponsor of the charter school.

(b) Neither the State of Nevada, the State Board ***, the State Public Charter School Authority*** nor the Department is an employer of the members of the governing body of the charter school or any of the employees of the charter school.

3. If a college or university within the Nevada System of Higher Education approves the application:

(a) That institution shall be deemed the sponsor of the charter school.

(b) Neither the State of Nevada, the State Board nor the Department is an employer of the members of the governing body of the charter school or any of the employees of the charter school.

4. The governing body of a charter school may request, at any time, a change in the sponsorship of the charter school to an entity that is authorized to sponsor charter schools pursuant to NRS 386.515. The State Board shall adopt:

(a) ~~[~~An application~~]~~ ***A*** process for a charter school that requests a change in the sponsorship of the charter school, which must not require the ~~[~~applicant~~]~~ ***charter school*** to undergo ***all*** the requirements of an initial application to form a charter school; and

(b) Objective criteria for the conditions under which such a request may be granted.

5. Except as otherwise provided in subsection 7, a written charter must be for a term of 6 years unless the governing body of a charter school renews its initial charter after 3 years of operation pursuant to subsection 2 of NRS 386.530. A written charter must include all conditions of operation set forth in subsection 2 of NRS 386.520 and include the kind of school, as defined in subsections 1 to 4, inclusive, of NRS 388.020 for which the charter school is authorized to operate. If the State ~~[Board]~~ ***Public Charter School Authority*** or a college or university within the Nevada System of Higher Education is the sponsor of the charter school, the written charter must set forth the responsibilities of the sponsor and the charter school with regard to the provision of services and programs to pupils with disabilities who are enrolled in the charter school in accordance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., and NRS 388.440 to 388.520, inclusive. As a condition of the issuance of a written charter pursuant to this subsection, the charter school must agree to comply with all conditions of operation set forth in NRS 386.550.

6. The governing body of a charter school may submit to the sponsor of the charter school a written request for an amendment of the written charter of the charter school. Such an amendment may include, without limitation, the expansion of instruction and other educational services to pupils who are enrolled in grade levels other than the grade levels of pupils currently approved for enrollment in the charter school if the expansion of grade levels does not change the kind of school, as defined in NRS 388.020, for which the charter school is authorized to operate. If the proposed amendment complies with the provisions of ~~[this section,]~~ NRS 386.500 to 386.610, inclusive, ***and sections 26 to 35.7, inclusive, of this act,*** and any other statute or regulation applicable to charter schools, the sponsor may amend the written charter in accordance with the proposed amendment. If a charter school wishes to expand the instruction and other educational services offered by the charter school to pupils who are enrolled in grade levels other than the grade levels of pupils currently approved for enrollment in the charter school and the expansion of grade levels changes the kind of school, as defined in NRS 388.020, for which the charter school is authorized to operate, the governing body of the charter school must submit a new application to form a charter school. If such an application is approved, the charter school may continue to operate under the same governing body and an additional governing body does not need to be selected to operate the charter school with the expanded grade levels.

7. The State Board shall adopt objective criteria for the issuance of a written charter to an applicant who is not prepared to commence operation on the date of issuance of the written charter. The criteria must include, without limitation, the:

(a) Period for which such a written charter is valid; and

(b) Timelines by which the applicant must satisfy certain requirements demonstrating its progress in preparing to commence operation.

➥ A holder of such a written charter may apply for grants of money to prepare the charter school for operation. A written charter issued pursuant to this subsection must not be designated as a conditional charter or a provisional charter or otherwise contain any other designation that would indicate the charter is issued for a temporary period.

8. The holder of a written charter that is issued pursuant to subsection 7 shall not commence operation of the charter school and is not eligible to receive apportionments pursuant to NRS 387.124 until the sponsor has determined that the requirements adopted by the State Board pursuant to subsection 7 have been satisfied and that the facility the charter school will occupy has been inspected and meets the requirements of any applicable building codes, codes for the prevention of fire, and codes pertaining to safety, health and sanitation. Except as otherwise provided in this subsection, the sponsor shall make such a determination 30 days before the first day of school for the:

(a) Schools of the school district in which the charter school is located that operate on a traditional school schedule and not a year-round school schedule; or

(b) Charter school,

➥ whichever date the sponsor selects. The sponsor shall not require a charter school to demonstrate compliance with the requirements of this subsection more than 30 days before the date selected. However, it may authorize a charter school to demonstrate compliance less than 30 days before the date selected.

Sec. 42. (Deleted by amendment.)

Sec. 43. NRS 386.540 is hereby amended to read as follows:

386.540 1. The Department shall adopt regulations that prescribe:

(a) The process for submission of an application by the board of trustees of a school district to the Department for authorization to sponsor charter schools and the contents of the application;

(b) The process for submission of an application to form a charter school to the ~~[~~Department, the~~]~~ board of trustees of a school district, the ~~[~~Subcommittee on~~]~~ ***State*** ~~[~~Charter Schools~~]~~ ***Public Charter School Authority*** and a college or university within the Nevada System of Higher Education, and the contents of the application;

(c) The process for submission of an application to renew a written charter; and

(d) The criteria and type of investigation that must be applied by the board of trustees, ~~[~~the Subcommittee on Charter Schools,~~]~~ the State ~~[~~Board~~]~~ ***Public***

Charter School Authority and a college or university within the Nevada System of Higher Education in determining whether to approve an application to form a charter school or an application to renew a written charter.

2. The Department may adopt regulations as it determines are necessary to carry out the provisions of NRS 386.500 to 386.610, inclusive, ***and sections 26 to 35.7, inclusive, of this act,*** including, without limitation, regulations that prescribe the:

(a) Procedures for accounting and budgeting;

(b) Requirements for performance audits and financial audits of charter schools on an annual basis for charter schools that do not satisfy the requirements of subsection 1 of NRS 386.5515; and

(c) Requirements for performance audits every 3 years and financial audits on an annual basis for charter schools that satisfy the requirements of subsection 1 of NRS 386.5515.

Sec. 44. (Deleted by amendment.)

Sec. 45. NRS 386.5515 is hereby amended to read as follows:

386.5515 1. To the extent money is available from legislative appropriation or otherwise, a charter school may apply to the Department for money for facilities if:

(a) The charter school has been operating in this State for at least 5 consecutive years and is in good financial standing;

(b) Each financial audit and each performance audit of the charter school required by the Department ***pursuant to NRS 386.540*** contains no major notations, corrections or errors concerning the charter school for at least 5 consecutive years;

(c) The charter school has met or exceeded adequate yearly progress as determined pursuant to NRS 385.3613 or has demonstrated improvement in the achievement of pupils enrolled in the charter school, as indicated by annual measurable objectives determined by the State Board, for the majority of the years of its operation; ***and***

(d) ~~[The charter school offers instruction on a daily basis during the school week of the charter school on the campus of the charter school; and~~

~~(e)]~~ At least 75 percent of the pupils enrolled in the charter school who are required to take the high school proficiency examination have passed that examination, if the charter school enrolls pupils at a high school grade level.

2. A charter school that satisfies the requirements of subsection 1 shall submit to a performance audit as required by the Department one time every 3 years. The sponsor of the charter school and the Department shall not request a performance audit of the charter school more frequently than every 3 years without reasonable evidence of noncompliance in achieving the educational goals and objectives of the charter school based upon the annual

report submitted to the ~~[State Board]~~ ***Department*** pursuant to NRS 386.610. If the charter school no longer satisfies the requirements of subsection 1 or if reasonable evidence of noncompliance in achieving the educational goals and objectives of the charter school exists based upon the annual report, the charter school shall, upon written notice from the sponsor, submit to an annual performance audit. Notwithstanding the provisions of paragraph (b) of subsection 1, such a charter school:

(a) May, after undergoing the annual performance audit, reapply to the sponsor to determine whether the charter school satisfies the requirements of paragraphs (a), (c) ~~[,]~~ ***and*** (d) ~~[and (e)]~~ of subsection 1.

(b) Is not eligible for any available money pursuant to subsection 1 until the sponsor determines that the charter school satisfies the requirements of that subsection.

3. A charter school that does not satisfy the requirements of subsection 1 shall submit a quarterly report of the financial status of the charter school if requested by the sponsor of the charter school.

Sec. 45.5. NRS 386.560 is hereby amended to read as follows:

386.560 1. The governing body of a charter school may contract with the board of trustees of the school district in which the charter school is located or the Nevada System of Higher Education for the provision of facilities to operate the charter school or to perform any service relating to the operation of the charter school, including, without limitation, transportation, the provision of health services for the pupils who are enrolled in the charter school and the provision of school police officers. ***If the board of trustees of a school district or a college or university within the Nevada System of Higher Education is the sponsor of the charter school, the governing body and the sponsor must enter into a service agreement pursuant to section 35.3 of this act before the provision of such services.***

2. A charter school may use any public facility located within the school district in which the charter school is located. A charter school may use school buildings owned by the school district only upon approval of the board of trustees of the school district and during times that are not regular school hours.

3. The board of trustees of a school district may donate surplus personal property of the school district to a charter school that is located within the school district.

4. Except as otherwise provided in this subsection, upon the request of a parent or legal guardian of a pupil who is enrolled in a charter school, the board of trustees of the school district in which the pupil resides shall authorize the pupil to participate in a class that is not available to the pupil at the charter school or participate in an extracurricular activity, excluding sports, at a public school within the school district if:

(a) Space for the pupil in the class or extracurricular activity is available; and

(b) The parent or legal guardian demonstrates to the satisfaction of the board of trustees that the pupil is qualified to participate in the class or extracurricular activity.

➥ If the board of trustees of a school district authorizes a pupil to participate in a class or extracurricular activity, excluding sports, pursuant to this subsection, the board of trustees is not required to provide transportation for the pupil to attend the class or activity. The provisions of this subsection do not apply to a pupil who is enrolled in a charter school and who desires to participate on a part-time basis in a program of distance education provided by the board of trustees of a school district pursuant to NRS 388.820 to 388.874, inclusive. Such a pupil must comply with NRS 388.858.

5. Upon the request of a parent or legal guardian of a pupil who is enrolled in a charter school, the board of trustees of the school district in which the pupil resides shall authorize the pupil to participate in sports at the public school that he or she would otherwise be required to attend within the school district, or upon approval of the board of trustees, any public school within the same zone of attendance as the charter school if:

(a) Space is available for the pupil to participate; and

(b) The parent or legal guardian demonstrates to the satisfaction of the board of trustees that the pupil is qualified to participate.

➥ If the board of trustees of a school district authorizes a pupil to participate in sports pursuant to this subsection, the board of trustees is not required to provide transportation for the pupil to participate.

6. The board of trustees of a school district may revoke its approval for a pupil to participate in a class, extracurricular activity or sports at a public school pursuant to subsections 4 and 5 if the board of trustees or the public school determines that the pupil has failed to comply with applicable statutes, or applicable rules and regulations of the board of trustees, the public school or the Nevada Interscholastic Activities Association. If the board of trustees so revokes its approval, neither the board of trustees nor the public school is liable for any damages relating to the denial of services to the pupil.

Sec. 46. NRS 386.570 is hereby amended to read as follows:

386.570 1. Each pupil who is enrolled in a charter school, including, without limitation, a pupil who is enrolled in a program of special education in a charter school, must be included in the count of pupils in the school district for the purposes of apportionments and allowances from the State Distributive School Account pursuant to NRS 387.121 to 387.126, inclusive, unless the pupil is exempt from compulsory attendance pursuant to NRS 392.070. A charter school is entitled to receive its proportionate share of any other money available from federal, state or local sources that the

school or the pupils who are enrolled in the school are eligible to receive. If a charter school receives special education program units directly from this State, the amount of money for special education that the school district pays to the charter school may be reduced proportionately by the amount of money the charter school received from this State for that purpose.

2. All money received by the charter school from this State or from the board of trustees of a school district must be deposited in an account with a bank, credit union or other financial institution in this State. The governing body of a charter school may negotiate with the board of trustees of the school district and the State Board for additional money to pay for services which the governing body wishes to offer.

3. Upon completion of each school quarter, the ~~[sponsor of a charter school may request reimbursement from the governing body of the charter school]~~ ***Superintendent of Public Instruction shall pay to the sponsor of a charter school one-quarter of the yearly sponsorship fee*** for the administrative costs associated with sponsorship for that school quarter ~~[if the sponsor provided administrative services during that school quarter. The request must include an itemized list of those costs. Unless a delay is granted pursuant to subsection 9, upon receipt of such a request, the governing body shall pay the reimbursement to the board of trustees of the school district if the board of trustees sponsors the charter school, to the Department if the State Board sponsors the charter school or to the college or university within the Nevada System of Higher Education if that institution sponsors the charter school. If a governing body fails to pay the reimbursement pursuant to this subsection or pursuant to a plan approved by the Superintendent of Public Instruction in accordance with subsection 9, the charter school shall be deemed to have violated its written charter and the sponsor may take such action to revoke the written charter pursuant to NRS 386.535 as it deems necessary. If the board of trustees of a school district is the sponsor of a charter school, the amount of money that may be paid to the sponsor pursuant to this subsection for administrative expenses in 1 school year must not exceed:~~

~~(a) For the first year of operation of the charter school, 2 percent of the total amount of money apportioned to the charter school during the year pursuant to NRS 387.124, as adjusted by the final computation of apportionment pursuant to subsection 4 of NRS 387.1243.~~

~~(b) For any year after the first year of operation of the charter school, 1 percent of the total amount of money apportioned to the charter school during the year pursuant to NRS 387.124, as adjusted by the final computation of apportionment pursuant to subsection 4 of NRS 387.1243.~~

~~4. If the State Board or a college or university within the Nevada System of Higher Education is the sponsor of a charter school, the amount of money~~

~~that may be paid to the Department or to the institution, as applicable, pursuant to subsection 3 for administrative expenses in 1 school year must not exceed:~~

~~(a) For the first year of operation of the charter school, 2 percent of the total amount of money apportioned to the charter school during the year pursuant to NRS 387.124, as adjusted by the final computation of apportionment pursuant to subsection 4 of NRS 387.1243.~~

~~(b) For any year after the first year of operation of the charter school, 1.5 percent of the total amount of money apportioned to the charter school during the year pursuant to NRS 387.124, as adjusted by the final computation of apportionment pursuant to subsection 4 of NRS 387.1243.~~

~~5.~~ ***, which must be deducted from the quarterly apportionment to the charter school made pursuant to NRS 387.124. Except as otherwise provided in subsection 4, the yearly sponsorship fee for the sponsor of a charter school must be in an amount of money not to exceed 2 percent of the total amount of money apportioned to the charter school during the school year pursuant to NRS 387.124.***

4. If the governing body of a charter school satisfies the requirements of this subsection, the governing body may submit a request to the sponsor of the charter school for approval of a sponsorship fee in an amount that is less than 2 percent but at least 1 percent of the total amount of money apportioned to the charter school during the school year pursuant to NRS 387.124. The sponsor of the charter school shall approve such a request if the sponsor of the charter school determines that the charter school satisfies the requirements of this subsection. If the sponsor of the charter school approves such a request, the sponsor shall provide notice of the decision to the governing body of the charter school and the Superintendent of Public Instruction. If the sponsor of the charter school denies such a request, the governing body of the charter school may appeal the decision of the sponsor to the Superintendent of Public Instruction. Upon appeal, the sponsor of the charter school and the governing body of the charter school are entitled to present evidence. The decision of the Superintendent of Public Instruction on the appeal is final and is not subject to judicial review. The governing body of a charter school may submit a request for a reduction of the sponsorship fee pursuant to this subsection if:

(a) The charter school satisfies the requirements of subsection 1 of NRS 386.5515; and

(b) There has been a decrease in the duties of the sponsor of the charter school that justifies a decrease in the sponsorship fee.

5. To determine the amount of money for distribution to a charter school in its first year of operation, the count of pupils who are enrolled in the

charter school must initially be determined 30 days before the beginning of the school year of the school district, based on the number of pupils whose applications for enrollment have been approved by the charter school. The count of pupils who are enrolled in the charter school must be revised on the last day of the first school month of the school district in which the charter school is located for the school year, based on the actual number of pupils who are enrolled in the charter school. Pursuant to subsection 5 of NRS 387.124, the governing body of a charter school may request that the apportionments made to the charter school in its first year of operation be paid to the charter school 30 days before the apportionments are otherwise required to be made.

6. If a charter school ceases to operate as a charter school during a school year, the remaining apportionments that would have been made to the charter school pursuant to NRS 387.124 for that year must be paid on a proportionate basis to the school districts where the pupils who were enrolled in the charter school reside.

7. The governing body of a charter school may solicit and accept donations, money, grants, property, loans, personal services or other assistance for purposes relating to education from members of the general public, corporations or agencies. The governing body may comply with applicable federal laws and regulations governing the provision of federal grants for charter schools. The State ~~[Board]~~ ***Public Charter School Authority*** may assist a charter school that operates exclusively for the enrollment of pupils who receive special education in identifying sources of money that may be available from the Federal Government or this State for the provision of educational programs and services to such pupils.

8. If a charter school uses money received from this State to purchase real property, buildings, equipment or facilities, the governing body of the charter school shall assign a security interest in the property, buildings, equipment and facilities to the State of Nevada.

~~[9. The governing body of a charter school may submit to the Superintendent of Public Instruction a written request to delay a quarterly payment of a reimbursement for the administrative costs that a charter school owes pursuant to this section. The written request must be in the form prescribed by the Superintendent and must include, without limitation, documentation that a financial hardship exists for the charter school and a plan for the payment of the reimbursement. The Superintendent may approve or deny the request and shall notify the governing body and the sponsor of the charter school of the approval or denial of the request.]~~

Sec. 47. (Deleted by amendment.)

Sec. 48. (Deleted by amendment.)

Sec. 49. (Deleted by amendment.)

Sec. 50. NRS 386.605 is hereby amended to read as follows:

386.605 1. On or before July 15 of each year, the governing body of a charter school shall submit the information concerning the charter school that is required pursuant to ~~[~~subsection 2 of~~]~~ NRS 385.347 to ~~[~~the board of trustees of the school district in which the charter school is located~~]~~ ***the sponsor of the charter school*** for inclusion in the report ~~[~~of the school district~~]~~ ***required*** pursuant to that section. The information must be submitted ~~[~~by the charter school~~]~~ in a format prescribed by the ~~[~~board of trustees.~~]~~ ***sponsor of the charter school.***

2. The Legislative Bureau of Educational Accountability and Program Evaluation created pursuant to NRS 218E.625 may authorize a person or entity with whom it contracts pursuant to NRS 385.359 to review and analyze information submitted ~~[~~by charter schools~~]~~ pursuant to this section and pursuant to NRS 385.357, 385.3745 or 385.3746, whichever is applicable for the school, consult with ***the sponsors of the charter schools and*** the governing bodies of charter schools and submit written reports concerning charter schools pursuant to NRS 385.359.

Sec. 51. NRS 386.610 is hereby amended to read as follows:

386.610 1. On or before August 15 of each year, ~~[~~if the State Board, the board of trustees of a school district or a college or university within the Nevada System of Higher Education sponsors a charter school, the Department, the board of trustees or the institution, as applicable,~~]~~ ***the sponsor of a charter school*** shall submit a written report to the ~~[~~State Board.~~]~~ ***Department.*** The written report must include:

(a) An evaluation of the progress of each charter school ~~[~~sponsored by the State Board, the board of trustees or the institution, as applicable,~~]~~ ***that it sponsors*** in achieving ~~[~~its~~]~~ ***the*** educational goals and objectives ~~[~~.~~]~~ ***of the charter school.***

(b) A description of all administrative support and services provided by the ~~[~~Department, the school district or the institution, as applicable,~~]~~ ***sponsor*** to the charter school ~~[~~.~~]~~ ***, including, without limitation, an itemized accounting for the costs of the support and services.***

(c) An identification of each charter school approved by the sponsor:

(1) Which has not opened and the scheduled time for opening, if any;

(2) Which is open and in operation;

(3) Which has transferred sponsorship;

(4) Whose written charter has been revoked by the sponsor;

(5) Whose written charter has not been renewed by the sponsor; and

(6) Which has voluntarily ceased operation.

(d) A description of the strategic vision of the sponsor for the charter schools that it sponsors and the progress of the sponsor in achieving that vision.

(e) A description of the services provided by the sponsor pursuant to a service agreement entered into with the governing body of the charter school pursuant to section 35.3 of this act, including an itemized accounting of the actual costs of those services.

2. The governing body of a charter school shall, after 3 years of operation under its initial charter, submit a written report to the sponsor of the charter school. The written report must include a description of the progress of the charter school in achieving its educational goals and objectives. If the charter school submits an application for renewal in accordance with the regulations of the Department, the sponsor may renew the written charter of the school pursuant to subsection 2 of NRS 386.530.

Sec. 52. NRS 386.650 is hereby amended to read as follows:

386.650 1. The Department shall establish and maintain an automated system of accountability information for Nevada. The system must:

(a) Have the capacity to provide and report information, including, without limitation, the results of the achievement of pupils:

(1) In the manner required by 20 U.S.C. §§ 6301 et seq., and the regulations adopted pursuant thereto, and NRS 385.3469 and 385.347; and

(2) In a separate reporting for each group of pupils identified in paragraph (b) of subsection 1 of NRS 385.361;

(b) Include a system of unique identification for each pupil:

(1) To ensure that individual pupils may be tracked over time throughout this State; and

(2) That, to the extent practicable, may be used for purposes of identifying a pupil for both the public schools and the Nevada System of Higher Education, if that pupil enrolls in the System after graduation from high school;

(c) Have the capacity to provide longitudinal comparisons of the academic achievement, rate of attendance and rate of graduation of pupils over time throughout this State;

(d) Have the capacity to perform a variety of longitudinal analyses of the results of individual pupils on assessments, including, without limitation, the results of pupils by classroom and by school;

(e) Have the capacity to identify which teachers are assigned to individual pupils and which paraprofessionals, if any, are assigned to provide services to individual pupils;

(f) Have the capacity to provide other information concerning schools and school districts that is not linked to individual pupils, including, without limitation, the designation of schools and school districts pursuant to NRS 385.3623 and 385.377, respectively, and an identification of which schools, if any, are persistently dangerous;

(g) Have the capacity to access financial accountability information for each public school, including, without limitation, each charter school, for each school district and for this State as a whole; and

(h) Be designed to improve the ability of the Department, ***the sponsors of charter schools, the*** school districts and the public schools in this State, including, without limitation, charter schools, to account for the pupils who are enrolled in the public schools, including, without limitation, charter schools.

➥ The information maintained pursuant to paragraphs (c), (d) and (e) must be used for the purpose of improving the achievement of pupils and improving classroom instruction. The information must be considered, but must not be used as the sole criterion, in evaluating the performance of or taking disciplinary action against an individual teacher, paraprofessional or other employee.

2. The board of trustees of each school district shall:

(a) Adopt and maintain the program prescribed by the Superintendent of Public Instruction pursuant to subsection 3 for the collection, maintenance and transfer of data from the records of individual pupils to the automated system of information, including, without limitation, the development of plans for the educational technology which is necessary to adopt and maintain the program;

(b) Provide to the Department electronic data concerning pupils as required by the Superintendent of Public Instruction pursuant to subsection 3; and

(c) Ensure that an electronic record is maintained in accordance with subsection 3 of NRS 386.655.

3. The Superintendent of Public Instruction shall:

(a) Prescribe a uniform program throughout this State for the collection, maintenance and transfer of data that each school district must adopt, which must include standardized software;

(b) Prescribe the data to be collected and reported to the Department by each school district and each sponsor of a charter school pursuant to subsection 2 and by each university school for profoundly gifted pupils;

(c) Prescribe the format for the data;

(d) Prescribe the date by which each school district shall report the data to the Department;

(e) Prescribe the date by which each charter school shall report the data to the sponsor of the charter school;

(f) Prescribe the date by which each university school for profoundly gifted pupils shall report the data to the Department;

(g) Prescribe standardized codes for all data elements used within the automated system and all exchanges of data within the automated system, including, without limitation, data concerning:

(1) Individual pupils;

(2) Individual teachers and paraprofessionals;

(3) Individual schools and school districts; and

(4) Programs and financial information;

(h) Provide technical assistance to each school district to ensure that the data from each public school in the school district, including, without limitation, each charter school and university school for profoundly gifted pupils located within the school district, is compatible with the automated system of information and comparable to the data reported by other school districts; and

(i) Provide for the analysis and reporting of the data in the automated system of information.

4. The Department shall establish, to the extent authorized by the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g, and any regulations adopted pursuant thereto, a mechanism by which persons or entities, including, without limitation, state officers who are members of the Executive or Legislative Branch, administrators of public schools and school districts, teachers and other educational personnel, and parents and guardians, will have different types of access to the accountability information contained within the automated system to the extent that such information is necessary for the performance of a duty or to the extent that such information may be made available to the general public without posing a threat to the confidentiality of an individual pupil.

5. The Department may, to the extent authorized by the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g, and any regulations adopted pursuant thereto, enter into an agreement with the Nevada System of Higher Education to provide access to data contained within the automated system for research purposes.

Sec. 53. NRS 387.124 is hereby amended to read as follows:

387.124 Except as otherwise provided in this section and NRS 387.528:

1. On or before August 1, November 1, February 1 and May 1 of each year, the Superintendent of Public Instruction shall apportion the State Distributive School Account in the State General Fund among the several county school districts, charter schools and university schools for profoundly gifted pupils in amounts approximating one-fourth of their respective yearly apportionments less any amount set aside as a reserve. The apportionment to a school district, computed on a yearly basis, equals the difference between the basic support and the local funds available pursuant to NRS 387.1235, minus all the funds attributable to pupils who reside in the county but attend

a charter school, all the funds attributable to pupils who reside in the county and are enrolled full-time or part-time in a program of distance education provided by another school district or a charter school and all the funds attributable to pupils who are enrolled in a university school for profoundly gifted pupils located in the county. No apportionment may be made to a school district if the amount of the local funds exceeds the amount of basic support.

2. Except as otherwise provided in subsection 3, the apportionment to a charter school, computed on a yearly basis, is equal to the sum of the basic support per pupil in the county in which the pupil resides plus the amount of local funds available per pupil pursuant to NRS 387.1235 and all other funds available for public schools in the county in which the pupil resides minus ***the sponsorship fee prescribed by NRS 386.570 and minus*** all the funds attributable to pupils who are enrolled in the charter school but are concurrently enrolled part-time in a program of distance education provided by a school district or another charter school. If the apportionment per pupil to a charter school is more than the amount to be apportioned to the school district in which a pupil who is enrolled in the charter school resides, the school district in which the pupil resides shall pay the difference directly to the charter school.

3. The apportionment to a charter school that is sponsored by the State ~~[Board]~~ ***Public Charter School Authority*** or by a college or university within the Nevada System of Higher Education, computed on a yearly basis, is equal to the sum of the basic support per pupil in the county in which the pupil resides plus the amount of local funds available per pupil pursuant to NRS 387.1235 and all other funds available for public schools in the county in which the pupil resides, minus ***the sponsorship fee prescribed by NRS 386.570 and minus*** all funds attributable to pupils who are enrolled in the charter school but are concurrently enrolled part-time in a program of distance education provided by a school district or another charter school.

4. In addition to the apportionments made pursuant to this section, an apportionment must be made to a school district or charter school that provides a program of distance education for each pupil who is enrolled part-time in the program. The amount of the apportionment must be equal to the percentage of the total time services are provided to the pupil through the program of distance education per school day in proportion to the total time services are provided during a school day to pupils who are counted pursuant to subparagraph (2) of paragraph (a) of subsection 1 of NRS 387.1233 for the school district in which the pupil resides.

5. The governing body of a charter school may submit a written request to the Superintendent of Public Instruction to receive, in the first year of operation of the charter school, an apportionment 30 days before the

apportionment is required to be made pursuant to subsection 1. Upon receipt of such a request, the Superintendent of Public Instruction may make the apportionment 30 days before the apportionment is required to be made. A charter school may receive all four apportionments in advance in its first year of operation.

6. The apportionment to a university school for profoundly gifted pupils, computed on a yearly basis, is equal to the sum of the basic support per pupil in the county in which the university school is located plus the amount of local funds available per pupil pursuant to NRS 387.1235 and all other funds available for public schools in the county in which the university school is located. If the apportionment per pupil to a university school for profoundly gifted pupils is more than the amount to be apportioned to the school district in which the university school is located, the school district shall pay the difference directly to the university school. The governing body of a university school for profoundly gifted pupils may submit a written request to the Superintendent of Public Instruction to receive, in the first year of operation of the university school, an apportionment 30 days before the apportionment is required to be made pursuant to subsection 1. Upon receipt of such a request, the Superintendent of Public Instruction may make the apportionment 30 days before the apportionment is required to be made. A university school for profoundly gifted pupils may receive all four apportionments in advance in its first year of operation.

7. The Superintendent of Public Instruction shall apportion, on or before August 1 of each year, the money designated as the "Nutrition State Match" pursuant to NRS 387.105 to those school districts that participate in the National School Lunch Program, 42 U.S.C. §§ 1751 et seq. The apportionment to a school district must be directly related to the district's reimbursements for the Program as compared with the total amount of reimbursements for all school districts in this State that participate in the Program.

8. If the State Controller finds that such an action is needed to maintain the balance in the State General Fund at a level sufficient to pay the other appropriations from it, the State Controller may pay out the apportionments monthly, each approximately one-twelfth of the yearly apportionment less any amount set aside as a reserve. If such action is needed, the State Controller shall submit a report to the Department of Administration and the Fiscal Analysis Division of the Legislative Counsel Bureau documenting reasons for the action.

Sec. 54. NRS 388.795 is hereby amended to read as follows:

388.795 1. The Commission shall establish a plan for the use of educational technology in the public schools of this State. In preparing the plan, the Commission shall consider:

(a) Plans that have been adopted by the Department and the school districts in this State;

(b) Plans that have been adopted in other states;

(c) The information reported pursuant to paragraph (t) of subsection 2 of NRS 385.347 ~~[,]~~ ***and similar information included in the annual report of accountability information prepared by the State Public Charter School Authority and a college or university within the Nevada System of Higher Education that sponsors a charter school pursuant to subsection 3 of NRS 385.347;***

(d) The results of the assessment of needs conducted pursuant to subsection 6; and

(e) Any other information that the Commission or the Committee deems relevant to the preparation of the plan.

2. The plan established by the Commission must include recommendations for methods to:

(a) Incorporate educational technology into the public schools of this State;

(b) Increase the number of pupils in the public schools of this State who have access to educational technology;

(c) Increase the availability of educational technology to assist licensed teachers and other educational personnel in complying with the requirements of continuing education, including, without limitation, the receipt of credit for college courses completed through the use of educational technology;

(d) Facilitate the exchange of ideas to improve the achievement of pupils who are enrolled in the public schools of this State; and

(e) Address the needs of teachers in incorporating the use of educational technology in the classroom, including, without limitation, the completion of training that is sufficient to enable the teachers to instruct pupils in the use of educational technology.

3. The Department shall provide:

(a) Administrative support;

(b) Equipment; and

(c) Office space,

➥ as is necessary for the Commission to carry out the provisions of this section.

4. The following entities shall cooperate with the Commission in carrying out the provisions of this section:

(a) The State Board.

(b) The board of trustees of each school district.

(c) The superintendent of schools of each school district.

(d) The Department.

5. The Commission shall:

(a) Develop technical standards for educational technology and any electrical or structural appurtenances necessary thereto, including, without limitation, uniform specifications for computer hardware and wiring, to ensure that such technology is compatible, uniform and can be interconnected throughout the public schools of this State.

(b) Allocate money to the school districts from the Trust Fund for Educational Technology created pursuant to NRS 388.800 and any money appropriated by the Legislature for educational technology, subject to any priorities for such allocation established by the Legislature.

(c) Establish criteria for the board of trustees of a school district that receives an allocation of money from the Commission to:

(1) Repair, replace and maintain computer systems.

(2) Upgrade and improve computer hardware and software and other educational technology.

(3) Provide training, installation and technical support related to the use of educational technology within the district.

(d) Submit to the Governor, the Committee and the Department its plan for the use of educational technology in the public schools of this State and any recommendations for legislation.

(e) Review the plan annually and make revisions as it deems necessary or as directed by the Committee or the Department.

(f) In addition to the recommendations set forth in the plan pursuant to subsection 2, make further recommendations to the Committee and the Department as the Commission deems necessary.

6. During the spring semester of each even-numbered school year, the Commission shall conduct an assessment of the needs of each school district relating to educational technology. In conducting the assessment, the Commission shall consider:

(a) The recommendations set forth in the plan pursuant to subsection 2;

(b) The plan for educational technology of each school district, if applicable;

(c) Evaluations of educational technology conducted for the State or for a school district, if applicable; and

(d) Any other information deemed relevant by the Commission.

➥ The Commission shall submit a final written report of the assessment to the Superintendent of Public Instruction on or before April 1 of each even-numbered year.

7. The Superintendent of Public Instruction shall prepare a written compilation of the results of the assessment conducted by the Commission and transmit the written compilation on or before June 1 of each even-numbered year to the Legislative Committee on Education and to the

Director of the Legislative Counsel Bureau for transmission to the next regular session of the Legislature.

8. The Commission may appoint an advisory committee composed of members of the Commission or other qualified persons to provide recommendations to the Commission regarding standards for the establishment, coordination and use of a telecommunications network in the public schools throughout the various school districts in this State. The advisory committee serves at the pleasure of the Commission and without compensation unless an appropriation or other money for that purpose is provided by the Legislature.

9. As used in this section, "public school" includes the Caliente Youth Center, the Nevada Youth Training Center and any other state facility for the detention of children that is operated pursuant to title 5 of NRS.

Sec. 55. NRS 392.128 is hereby amended to read as follows:

392.128 1. Each advisory board to review school attendance created pursuant to NRS 392.126 shall:

(a) Review the records of the attendance and truancy of pupils submitted to the advisory board to review school attendance by the board of trustees of the school district ***or the State Public Charter School Authority or a college or university within the Nevada System of Higher Education that sponsors a charter school*** pursuant to subsection ~~[7]~~ ***8*** of NRS 385.347;

(b) Identify factors that contribute to the truancy of pupils in the school district;

(c) Establish programs to reduce the truancy of pupils in the school district, including, without limitation, the coordination of services available in the community to assist with the intervention, diversion and discipline of pupils who are truant;

(d) At least annually, evaluate the effectiveness of those programs;

(e) Establish a procedure for schools and school districts for the reporting of the status of pupils as habitual truants; and

(f) Inform the parents and legal guardians of the pupils who are enrolled in the schools within the district of the policies and procedures adopted pursuant to the provisions of this section.

2. The chair of an advisory board may divide the advisory board into subcommittees. The advisory board may delegate one or more of the duties of the advisory board to a subcommittee of the advisory board, including, without limitation, holding hearings pursuant to NRS 392.147. If the chair of an advisory board divides the advisory board into subcommittees, the chair shall notify the board of trustees of the school district of this action. Upon receipt of such a notice, the board of trustees shall establish rules and procedures for each such subcommittee. A subcommittee shall abide by the applicable rules and procedures when it takes action or makes decisions.

3. An advisory board to review school attendance may work with a family resource center or other provider of community services to provide assistance to pupils who are truant. The advisory board shall identify areas within the school district in which community services are not available to assist pupils who are truant. As used in this subsection, "family resource center" has the meaning ascribed to it in NRS 430A.040.

4. An advisory board to review school attendance created in a county pursuant to NRS 392.126 may use money appropriated by the Legislature and any other money made available to the advisory board for the use of programs to reduce the truancy of pupils in the school district. The advisory board to review school attendance shall, on a quarterly basis, provide to the board of trustees of the school district an accounting of the money used by the advisory board to review school attendance to reduce the truancy of pupils in the school district.

Sec. 56. NRS 218E.615 is hereby amended to read as follows:

218E.615 1. The Committee may:

(a) Evaluate, review and comment upon issues related to education within this State, including, but not limited to:

(1) Programs to enhance accountability in education;

(2) Legislative measures regarding education;

(3) The progress made by this State, the school districts and the public schools in this State in satisfying the goals and objectives of the federal No Child Left Behind Act of 2001, 20 U.S.C. §§ 6301 et seq., and the annual measurable objectives established by the State Board of Education pursuant to NRS 385.361;

(4) Methods of financing public education;

(5) The condition of public education in the elementary and secondary schools;

(6) The program to reduce the ratio of pupils per class per licensed teacher prescribed in NRS 388.700, 388.710 and 388.720;

(7) The development of any programs to automate the receipt, storage and retrieval of the educational records of pupils; and

(8) Any other matters that, in the determination of the Committee, affect the education of pupils within this State.

(b) Conduct investigations and hold hearings in connection with its duties pursuant to this section.

(c) Request that the Legislative Counsel Bureau assist in the research, investigations, hearings and reviews of the Committee.

(d) Make recommendations to the Legislature concerning the manner in which public education may be improved.

2. The Committee shall:

(a) In addition to any standards prescribed by the Department of Education, prescribe standards for the review and evaluation of the reports of the State Board of Education, ***State Public Charter School Authority,*** school districts and public schools pursuant to paragraph (a) of subsection 1 of NRS 385.359.

(b) For the purposes set forth in NRS 385.389, recommend to the Department of Education programs of remedial study for each subject tested on the examinations administered pursuant to NRS 389.015. In recommending these programs of remedial study, the Committee shall consider programs of remedial study that have proven to be successful in improving the academic achievement of pupils.

(c) Recommend to the Department of Education providers of supplemental educational services for inclusion on the list of approved providers prepared by the Department pursuant to NRS 385.384. In recommending providers, the Committee shall consider providers with a demonstrated record of effectiveness in improving the academic achievement of pupils.

(d) For the purposes set forth in NRS 385.3785, recommend to the Commission on Educational Excellence created by NRS 385.3784 programs, practices and strategies that have proven effective in improving the academic achievement and proficiency of pupils.

Sec. 57. NRS 386.507 and 386.508 are hereby repealed.

Sec. 58. The Department of Education shall, on or before October 1, 2011, transfer to the Account for the State Public Charter School Authority created by section 35 of this act any unexpended money collected by the Department pursuant to NRS 386.570 for reimbursement of the administrative costs associated with sponsorship of charter schools sponsored by the State Board of Education.

Sec. 59. Notwithstanding the provisions of section 31 of this act to the contrary, on October 1, 2011, the Governor shall appoint a Director of the State Public Charter School Authority to a term of 3 years. The Director appointed by the Governor must have a demonstrated understanding of charter schools and a commitment to using charter schools as a way to strengthen public education in this State. Upon the expiration of the term of the Director or if a vacancy occurs before the expiration of the term, the State Public Charter School Authority shall appoint the Director in accordance with section 31 of this act.

Sec. 60. ~~[1.]~~ **[** To assist the State Public Charter School Authority created by section 28.5 of this act in carrying out its duties and responsibilities, ~~[the Director of the State Public Charter School Authority shall, on or before January 1, 2012:~~

~~(a) Hire an administrative assistant and an accounting assistant; and~~

~~(b) Hire an educational consultant.~~

~~2. On January 1, 2012, one management analyst position in~~**]** the Department of Education **shall, on or before January 1, 2012, transfer the following positions in the Department of Education to the State Public Charter School Authority:**

1. One management analyst position;

2. One administrative assistant position; and

3. Up to three educational program professionals with job duties and responsibilities that relate to charter schools**.** ~~[must be transferred to the State Public Charter School Authority.~~**]**

Sec. 61. On or before January 1, 2012, the members of the State Public Charter School Authority created by section 28.5 of this act shall be appointed to terms commencing on January 1, 2012, as follows:

1. One member appointed by the Governor to a term that expires on June 30, 2013.

2. One member appointed by the Governor to a term that expires on June 30, 2015.

3. One member appointed by the Majority Leader of the Senate to a term that expires on June 30, 2013.

4. One member appointed by the Majority Leader of the Senate to a term that expires on June 30, 2015.

5. One member appointed by the Speaker of the Assembly to a term that expires on June 30, 2013.

6. One member appointed by the Speaker of the Assembly to a term that expires on June 30, 2015.

7. One member must be appointed by the Charter School Association of Nevada or its successor organization to a term that expires on June 30, 2015. For the initial selection pursuant to this subsection, the Superintendent of Public Instruction shall designate the association of charter schools that is authorized to appoint a member of the State Public Charter School Authority.

Sec. 62. The Legislative Counsel shall, in preparing the reprint and supplement to the Nevada Revised Statutes with respect to any section which is not amended by this act or is adopted or amended by another act, appropriately change any reference to an officer or agency whose responsibilities have been transferred pursuant to the provisions of this act to refer to the appropriate officer or agency. If any internal reference is made to a section repealed by this act, the Legislative Counsel shall delete the reference and replace it by reference to the superseding section, if any.

Sec. 63. (Deleted by amendment.)

Sec. 64. A charter school that is approved to operate as a charter school sponsored by the State Board of Education before January 1, 2012, shall be deemed to be sponsored by the State Public Charter School Authority created

pursuant to section 28.5 of this act commencing on January 1, 2012, and the written charter of the charter school shall remain in effect until the expiration of the written charter, unless the written charter is revoked by the State Public Charter School Authority pursuant to NRS 386.535. Before expiration of the written charter, such a charter school may apply to the State Public Charter School Authority for renewal of its written charter pursuant to NRS 386.530.

Sec. 65. This act becomes effective upon passage and approval for the purpose of performing any preparatory administrative tasks that are necessary to carry out the provisions of this act, and on July 1, 2011, for all other purposes.

TEXT OF REPEALED SECTIONS

386.507 Subcommittee on Charter Schools: Appointment of members; terms. The Subcommittee on Charter Schools of the State Board is hereby created. The President of the State Board shall appoint three members of the State Board to serve on the Subcommittee. Except as otherwise provided in this section, the members of the Subcommittee serve terms of 2 years. If a member is not reelected to the State Board during his or her service on the Subcommittee, the term of the member on the Subcommittee expires when his or her membership on the State Board expires. Members of the Subcommittee may be reappointed.

386.508 Charter School District for State Board-Sponsored Charter Schools and Nevada System of Higher Education-Sponsored Charter Schools. There is hereby created a school district to be designated as the Charter School District for State Board-Sponsored Charter Schools and Nevada System of Higher Education-Sponsored Charter Schools. The School District comprises only those charter schools that are sponsored by the State Board or sponsored by a college or university within the Nevada System of Higher Education. The State Board is hereby deemed the Board of Trustees of the School District. The School District is created for the sole purpose of providing local educational agency status to the School District for purposes of federal law governing charter schools.

Assemblyman Bobzien moved the adoption of the amendment.

Amendment adopted.

Bill ordered to third reading.

Senate Bill No. 320.

Bill read third time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 932.

AN ACT relating to motor carriers; revising provisions relating to the period of operation of certain taxicabs; prohibiting a short-term lessor from offering, arranging for or allowing the use of a paid driver; requiring the suspension of the drivers' licenses of certain persons who fail to pay administrative fines to the Nevada Transportation Authority; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the regulation of certain motor carriers in this State by the Nevada Transportation Authority. (NRS 706.011-706.791)

Sections 4.7 and 10.3 of this bill require the suspension of the driver's license of a person who fails to pay certain administrative fines and related costs to the Authority. **Section 10.3** requires a person whose driver's license is suspended for the nonpayment of an administrative fine to the Authority to pay that administrative fine and to pay the fee for reinstatement of his or her driver's license before the driver's license may be reinstated by the Department of Motor Vehicles.

~~[Existing law provides that a short-term lessor is not liable for a fine or penalty related to the impoundment of certain vehicles if the vehicle was not in the control of the short-term lessor at the time that it was impounded. (NRS 706.478) Section 8.7 of this bill deletes the requirement that a true copy of the lease or rental agreement pursuant to which a vehicle was leased or rented to a lessee by the short-term lessor is prima facie evidence that the short-term lessor was not in control of the impounded vehicle.]~~

Section 10.1 of this bill prohibits a short-term lessor from offering, arranging for or allowing the use of a paid driver whether directly or through an affiliated person.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 706 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 4.7, inclusive, of this act.

Sec. 2. (Deleted by amendment.)

Sec. 3. (Deleted by amendment.)

Sec. 4. (Deleted by amendment.)

Sec. 4.3. ***In any county for which regulation by the Taxicab Authority is not required pursuant to NRS 706.881:***

1. Except as otherwise provided in subsection 4, if a vehicle acquired for use as a taxicab by a certificate holder pursuant to paragraph (a) of subsection 3 has been in operation as a taxicab for 72 months based on the date on which it was originally placed into operation as a taxicab, the certificate holder shall remove the vehicle from operation as a taxicab.

2. Except as otherwise provided in subsection 4, if a vehicle acquired for use as a taxicab by a certificate holder pursuant to paragraph (b) of subsection 3 has been in operation as a taxicab for 55 months based on the date on which it was originally placed into operation as a taxicab, the certificate holder shall remove the vehicle from operation as a taxicab.

3. Any vehicle which a certificate holder acquires for use as a taxicab must:

(a) Be new; or

(b) Register not more than 30,000 miles on the odometer.

4. If a hybrid electric vehicle, as defined in 40 C.F.R. § 86.1702-99, is acquired for use as a taxicab by a certificate holder, the period of operation as a taxicab specified in subsections 1 and 2 shall be extended for an additional 24 months for that vehicle.

Sec. 4.7. ***1. If the Authority imposes an administrative fine pursuant to NRS 706.476 or 706.771 in an amount greater than $100, the person who is responsible for payment of the administrative fine shall:***

(a) Pay to the Authority the full amount of the administrative fine and any other costs related to the administrative fine owed by that person; or

(b) If the person is unable to pay the full amount owed, enter into a plan of repayment with the Authority for the payment over time of the administrative fine.

2. The Authority shall, within 20 days after imposing an administrative fine pursuant to NRS 706.476 or 706.771, provide notice by first-class mail to the person against whom the administrative fine is imposed. The notice must include a statement:

(a) Of the amount of the administrative fine and any other costs which must be paid to the Authority;

(b) That the person must, within 14 days after receiving the notice:

(1) Pay to the Authority the full amount of the administrative fine and any other costs; or

(2) If a plan of repayment has been approved by the Authority, comply with the terms of the plan of repayment; and

(c) That the Authority is required to notify the Department of Motor Vehicles of the failure to pay the amount owed and that the Department may suspend the driver's license of the person for failure to pay the administrative fine and any other costs.

3. The Authority shall provide to the Department of Motor Vehicles the name of a person to whom a notice is sent pursuant to subsection 2 and the date on which the notice was sent.

4. The Authority shall, within 5 days after receiving payment from a person or approving a plan of repayment, notify the Department of Motor

Vehicles that the person has satisfied the requirements for payment of the administrative fine and any other costs owed by the person.

5. The provisions of this section do not relieve the Authority of any obligation to notify the State Controller of any debt that is past due pursuant to chapter 353C of NRS.

Sec. 5. NRS 706.011 is hereby amended to read as follows:

706.011 As used in NRS 706.011 to 706.791, inclusive, ***and sections 2 to 4.7, inclusive, of this act,*** unless the context otherwise requires, the words and terms defined in NRS 706.013 to 706.146, inclusive, have the meanings ascribed to them in those sections.

Sec. 6. NRS 706.158 is hereby amended to read as follows:

706.158 The provisions of NRS 706.011 to 706.791, inclusive, ***and sections 2 to 4.7, inclusive, of this act*** relating to brokers do not apply to any person whom the Authority determines is:

1. A motor club which holds a valid certificate of authority issued by the Commissioner of Insurance;

2. A bona fide charitable organization, such as a nonprofit corporation or a society, organization or association for educational, religious, scientific or charitable purposes; or

3. A broker of transportation services provided by an entity that is exempt pursuant to NRS 706.745 from the provisions of NRS 706.386 or 706.421.

Sec. 7. NRS 706.163 is hereby amended to read as follows:

706.163 The provisions of NRS 706.011 to 706.861, inclusive, ***and sections 2 to 4.7, inclusive, of this act*** do not apply to vehicles leased to or owned by:

1. The Federal Government or any instrumentality thereof.

2. Any state or a political subdivision thereof.

Sec. 8. NRS 706.2885 is hereby amended to read as follows:

706.2885 1. A certificate of public convenience and necessity, permit or license issued in accordance with this chapter is not a franchise and may be revoked.

2. The Authority may at any time, for good cause shown, after investigation and hearing and upon 5 days' written notice to the grantee, suspend any certificate, permit or license issued in accordance with the provisions of NRS 706.011 to 706.791, inclusive, ***and sections 2 to 4.7, inclusive, of this act*** for a period not to exceed 60 days.

3. Upon receipt of a written complaint or on its own motion, the Authority may, after investigation and hearing, revoke any certificate, permit or license. If service of the notice required by subsection 2 cannot be made or if the grantee relinquishes the grantee's interest in the certificate, permit or

license by so notifying the Authority in writing, the Authority may revoke the certificate, permit or license without a hearing.

4. The proceedings thereafter are governed by the provisions of chapter 233B of NRS.

Sec. 8.7. ~~[NRS 706.478 is hereby amended to read as follows:~~

~~706.478 1. Notwithstanding any provision of NRS 706.011 to 706.791, inclusive, *and sections 2 to 4.7, inclusive, of this act* to the contrary, if the registered owner of a vehicle which is impounded pursuant to NRS 706.476 is a short-term lessor licensed pursuant to NRS 482.363 who is engaged *solely* in the business of renting or leasing vehicles in accordance with NRS 482.295 to 482.3159, inclusive, *and section 10.1 of this act,* the registered owner is not liable for any administrative fine or other penalty that may be imposed by the Authority for the operation of a passenger vehicle in violation of NRS 706.011 to 706.791, inclusive, *and sections 2 to 4.7, inclusive, of this act* if at the time that the vehicle was impounded, the vehicle was in the care, custody or control of a lessee.~~

~~2. A short-term lessor may establish that a vehicle was subject to the care, custody or control of a lessee at the time that the vehicle was impounded pursuant to NRS 706.476 by submitting to the Authority a true copy of the lease or rental agreement pursuant to which the vehicle was leased or rented to the lessee by the short-term lessor. The submission of a true copy of a lease or rental agreement is prima facie evidence that the vehicle was in the care, custody or control of the lessee.~~

~~3. Upon the receipt of a true copy of a written lease or rental agreement pursuant to subsection 2 which evidences that the vehicle impounded by the Authority pursuant to NRS 706.476 was under the care, custody or control of a lessee and not the registered owner of the vehicle, the Authority shall release the vehicle to the short-term lessor.~~

~~4. As used in this section, "short-term lessor" has the meaning ascribed to it in NRS 482.053.~~] **(Deleted by amendment.)**

Sec. 9. NRS 706.736 is hereby amended to read as follows:

706.736 1. Except as otherwise provided in subsection 2, the provisions of NRS 706.011 to 706.791, inclusive, ***and sections 2 to 4.7, inclusive, of this act*** do not apply to:

(a) The transportation by a contractor licensed by the State Contractors' Board of the contractor's own equipment in the contractor's own vehicles from job to job.

(b) Any person engaged in transporting the person's own personal effects in the person's own vehicle, but the provisions of this subsection do not apply to any person engaged in transportation by vehicle of property sold or to be sold, or used by the person in the furtherance of any commercial

enterprise other than as provided in paragraph (d), or to the carriage of any property for compensation.

(c) Special mobile equipment.

(d) The vehicle of any person, when that vehicle is being used in the production of motion pictures, including films to be shown in theaters and on television, industrial training and educational films, commercials for television and video discs and tapes.

(e) A private motor carrier of property which is used for any convention, show, exhibition, sporting event, carnival, circus or organized recreational activity.

(f) A private motor carrier of property which is used to attend livestock shows and sales.

(g) The transportation by a private school of persons or property in connection with the operation of the school or related school activities, so long as the vehicle that is used to transport the persons or property does not have a gross vehicle weight rating of 26,001 pounds or more and is not registered pursuant to NRS 706.801 to 706.861, inclusive.

2. Unless exempted by a specific state statute or a specific federal statute, regulation or rule, any person referred to in subsection 1 is subject to:

(a) The provisions of paragraph (d) of subsection 1 of NRS 706.171 and NRS 706.235 to 706.256, inclusive, 706.281, 706.457 and 706.458.

(b) All rules and regulations adopted by reference pursuant to paragraph (b) of subsection 1 of NRS 706.171 concerning the safety of drivers and vehicles.

(c) All standards adopted by regulation pursuant to NRS 706.173.

3. The provisions of NRS 706.311 to 706.453, inclusive, 706.471, 706.473, 706.475 and 706.6411 which authorize the Authority to issue:

(a) Except as otherwise provided in paragraph (b), certificates of public convenience and necessity and contract carriers' permits and to regulate rates, routes and services apply only to fully regulated carriers.

(b) Certificates of public convenience and necessity to operators of tow cars and to regulate rates for towing services performed without the prior consent of the owner of the vehicle or the person authorized by the owner to operate the vehicle apply to operators of tow cars.

4. Any person who operates pursuant to a claim of an exemption provided by this section but who is found to be operating in a manner not covered by any of those exemptions immediately becomes liable, in addition to any other penalties provided in this chapter, for the fee appropriate to the person's actual operation as prescribed in this chapter, computed from the date when that operation began.

5. As used in this section, "private school" means a nonprofit private elementary or secondary educational institution that is licensed in this State.

Sec. 10. NRS 706.756 is hereby amended to read as follows:

706.756 1. Except as otherwise provided in subsection 2, any person who:

(a) Operates a vehicle or causes it to be operated in any carriage to which the provisions of NRS 706.011 to 706.861, inclusive, ***and sections 2 to 4.7, inclusive, of this act*** apply without first obtaining a certificate, permit or license, or in violation of the terms thereof;

(b) Fails to make any return or report required by the provisions of NRS 706.011 to 706.861, inclusive, ***and sections 2 to 4.7, inclusive, of this act*** or by the Authority or the Department pursuant to the provisions of NRS 706.011 to 706.861, inclusive ~~[:]~~ ***, and sections 2 to 4.7, inclusive, of this act;***

(c) Violates, or procures, aids or abets the violating of, any provision of NRS 706.011 to 706.861, inclusive ~~[:]~~ ***, and sections 2 to 4.7, inclusive, of this act;***

(d) Fails to obey any order, decision or regulation of the Authority or the Department;

(e) Procures, aids or abets any person in the failure to obey such an order, decision or regulation of the Authority or the Department;

(f) Advertises, solicits, proffers bids or otherwise is held out to perform transportation as a common or contract carrier in violation of any of the provisions of NRS 706.011 to 706.861, inclusive ~~[:]~~ ***, and sections 2 to 4.7, inclusive, of this act;***

(g) Advertises as providing:

(1) The services of a fully regulated carrier; or

(2) Towing services,

➥ without including the number of the person's certificate of public convenience and necessity or contract carrier's permit in each advertisement;

(h) Knowingly offers, gives, solicits or accepts any rebate, concession or discrimination in violation of the provisions of this chapter;

(i) Knowingly, willfully and fraudulently seeks to evade or defeat the purposes of this chapter;

(j) Operates or causes to be operated a vehicle which does not have the proper identifying device;

(k) Displays or causes or permits to be displayed a certificate, permit, license or identifying device, knowing it to be fictitious or to have been cancelled, revoked, suspended or altered;

(l) Lends or knowingly permits the use of by one not entitled thereto any certificate, permit, license or identifying device issued to the person so lending or permitting the use thereof; or

(m) Refuses or fails to surrender to the Authority or Department any certificate, permit, license or identifying device which has been suspended, cancelled or revoked pursuant to the provisions of this chapter,

➥ is guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than $100 nor more than $1,000, or by imprisonment in the county jail for not more than 6 months, or by both fine and imprisonment.

2. Any person who, in violation of the provisions of NRS 706.386, operates as a fully regulated common motor carrier without first obtaining a certificate of public convenience and necessity or any person who, in violation of the provisions of NRS 706.421, operates as a contract motor carrier without first obtaining a permit is guilty of a misdemeanor and shall be punished:

(a) For a first offense within a period of 12 consecutive months, by a fine of not less than $500 nor more than $1,000. In addition to the fine, the person may be punished by imprisonment in the county jail for not more than 6 months.

(b) For a second offense within a period of 12 consecutive months and for each subsequent offense that is committed within a period of 12 consecutive months of any prior offense under this subsection, by a fine of $1,000. In addition to the fine, the person may be punished by imprisonment in the county jail for not more than 6 months.

3. Any person who, in violation of the provisions of NRS 706.386, operates or permits the operation of a vehicle in passenger service without first obtaining a certificate of public convenience and necessity is guilty of a gross misdemeanor.

4. If a law enforcement officer witnesses a violation of any provision of subsection 2 or 3, the law enforcement officer may cause the vehicle to be towed immediately from the scene and impounded in accordance with NRS 706.476.

5. The fines provided in this section are mandatory and must not be reduced under any circumstances by the court.

6. Any bail allowed must not be less than the appropriate fine provided for by this section.

Sec. 10.1. Chapter 482 of NRS is hereby amended by adding thereto a new section to read as follows:

It is unlawful for a short-term lessor to offer, arrange for or allow the use of a paid driver whether directly or through an affiliated person.

Sec. 10.3. Chapter 483 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Upon receipt of notice from the Nevada Transportation Authority pursuant to section 4.7 of this act regarding a driver's delinquency with respect to the payment of an administrative fine and any other costs owed

to the Authority pursuant to NRS 706.476 or 706.771, the Department shall notify the driver by mail that his or her driver's license is subject to suspension and allow the driver 30 days after the date of mailing the notice to:

(a) Pay to the Authority the delinquent administrative fine and any other costs or comply with a plan of repayment approved pursuant to section 4.7 of this act; or

(b) Make a written request to the Department for a hearing.

2. If notified by the Nevada Transportation Authority, within 30 days after the notice of a delinquency in the payment of an administrative fine, that a driver has entered into a plan for repayment approved pursuant to section 4.7 of this act, the Department shall stop the suspension of the driver's license from going into effect. If the driver subsequently defaults on the plan of repayment with the Authority, the Authority shall notify the Department, which shall immediately suspend the driver's license until the Authority notifies the Department that the license is eligible for reinstatement.

3. The Department shall suspend the driver's license of a driver 31 days after it mails the notice provided for in subsection 1 to the driver, unless within that time it has received a written request for a hearing from the driver or notice from the Nevada Transportation Authority that the driver has paid the administrative fine and any other costs or complied with a plan of repayment approved pursuant to section 4.7 of this act. A license so suspended remains suspended until:

(a) The Authority notifies the Department that the license is eligible for reinstatement; and

(b) The Department receives payment of the fee for reinstatement required by NRS 483.410.

Sec. 10.5. NRS 483.010 is hereby amended to read as follows:

483.010 The provisions of NRS 483.010 to 483.630, inclusive, ***and section 10.3 of this act*** may be cited as the Uniform Motor Vehicle Drivers' License Act.

Sec. 10.6. NRS 483.015 is hereby amended to read as follows:

483.015 Except as otherwise provided in NRS 483.330, the provisions of NRS 483.010 to 483.630, inclusive, ***and section 10.3 of this act*** apply only with respect to noncommercial drivers' licenses.

Sec. 10.7. NRS 483.020 is hereby amended to read as follows:

483.020 As used in NRS 483.010 to 483.630, inclusive, ***and section 10.3 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 483.030 to 483.190, inclusive, have the meanings ascribed to them in those sections.

Sec. 10.9. NRS 483.420 is hereby amended to read as follows:

483.420 1. The Department is hereby authorized to cancel any driver's license upon determining that the licensee was not entitled to the issuance thereof pursuant to NRS 483.010 to 483.630, inclusive, ***and section 10.3 of this act*** or that the licensee failed to give the required or correct information in his or her application or committed any fraud in making an application.

2. Upon cancellation of a driver's license pursuant to subsection 1, the licensee shall surrender the license cancelled to the Department.

3. The Department is authorized to cancel any license that is voluntarily surrendered to the Department.

Sec. 11. 1. This act becomes effective:

(a) Upon passage and approval for the purposes of adopting regulations or performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On October 1, 2011, for all other purposes.

2. Sections 3 and 4 of this act expire by limitation on the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

(a) Have failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or

(b) Are in arrears in the payment for the support of one or more children,

➥ are repealed by the Congress of the United States.

Assemblyman Atkinson moved the adoption of the amendment.

Amendment adopted.

Bill ordered to third reading.

Senate Bill No. 340.

Bill read third time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 962.

AN ACT relating to public health; requiring **the Department of Health and Human Services to collect information from** hospitals and surgical centers for ambulatory patients ~~[to report certain information]~~ relating to physicians who perform surgical procedures ~~[;]~~ **to the extent that money is available;** requiring the Department ~~[of Health and Human Services]~~ to post **such information** on an Internet website ~~[certain information relating to physicians who perform surgical procedures;]~~ **if available;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Sections 1 and 2 of this bill require **the Department of Health and Human Services to collect and maintain information, to the extent that money is available for that purpose, from** hospitals and surgical centers for ambulatory patients ~~[to report certain data]~~ concerning the names of physicians who perform surgical procedures and other data relating to those surgical procedures ~~[to]~~ **as part of** the programs **established by the Department** to increase public awareness of health care information. **Section 3** of this bill requires the Department ~~[of Health and Human Services]~~ to post that information on an Internet website **.** ~~[. Existing law authorizes the Department to seek injunctive relief or civil penalties against facilities that violate the reporting requirements. (NRS 439A.300, 439A.310)]~~ **if that information is available.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 439A.220 is hereby amended to read as follows:

439A.220 1. The Department shall establish and maintain a program to increase public awareness of health care information concerning the hospitals in this State. The program must be designed to assist consumers with comparing the quality of care provided by the hospitals in this State and the charges for that care.

2. The program must include, without limitation, the collection, maintenance and provision of information concerning:

(a) Inpatients and outpatients of each hospital in this State as reported in the forms submitted pursuant to NRS 449.485;

(b) The quality of care provided by each hospital in this State as determined by applying uniform measures of quality prescribed by the Department pursuant to NRS 439A.230;

(c) How consistently each hospital follows recognized practices to prevent the infection of patients, to speed the recovery of patients and to avoid medical complications of patients;

(d) For each hospital, the total number of patients discharged, the average length of stay and the average billed charges, reported for the 50 most frequent diagnosis-related groups for inpatients and 50 medical treatments for outpatients that the Department determines are most useful for consumers; ~~[and]~~

(e) ~~*[For]*~~ ***To the extent that money is available for that purpose, for each hospital, the name of each physician who performed a surgical procedure in the hospital and the total number of surgical procedures performed by the physician, reported by diagnosis-related group if the information is available and by principal diagnosis, principal surgical procedure and secondary surgical procedure; and***

(f) Any other information relating to the charges imposed and the quality of the services provided by the hospitals in this State which the Department determines is:

(1) Useful to consumers;

(2) Nationally recognized; and

(3) Reported in a standard and reliable manner.

3. As used in this section, "diagnosis-related group" means groupings of medical diagnostic categories used as a basis for hospital payment schedules by Medicare and other third-party health care plans.

Sec. 2. NRS 439A.240 is hereby amended to read as follows:

439A.240 1. The Department shall establish and maintain a program to increase public awareness of health care information concerning the surgical centers for ambulatory patients in this State. The program must be designed to assist consumers with comparing the quality of care provided by the surgical centers for ambulatory patients in this State and the charges for that care.

2. The program must include, without limitation, the collection, maintenance and provision of information concerning:

(a) The charges imposed on outpatients by each surgical center for ambulatory patients in this State as reported in the forms submitted pursuant to NRS 439A.250;

(b) The quality of care provided by each surgical center for ambulatory patients in this State as determined by applying uniform measures of quality prescribed by the Department pursuant to NRS 439A.250;

(c) How consistently each surgical center for ambulatory patients follows recognized practices to prevent the infection of patients, to speed the recovery of patients and to avoid medical complications of patients;

(d) For each surgical center for ambulatory patients, the total number of patients discharged and the average billed charges, reported for 50 medical treatments for outpatients that the Department determines are most useful for consumers; ~~[~~and~~]~~

(e) ~~*[For]*~~ ***To the extent that money is available for that purpose, for each surgical center for ambulatory patients, the name of each physician who performed a surgical procedure in the surgical center for ambulatory patients and the total number of surgical procedures performed by the physician, reported by type of medical treatment, principal diagnosis and, if the information is available, by principal surgical procedure and secondary surgical procedure; and***

(f) Any other information relating to the charges imposed and the quality of the services provided by the surgical centers for ambulatory patients in this State which the Department determines is:

(1) Useful to consumers;

(2) Nationally recognized; and

(3) Reported in a standard and reliable manner.

Sec. 3. NRS 439A.270 is hereby amended to read as follows:

439A.270 1. The Department shall establish and maintain an Internet website that includes the information concerning the charges imposed and the quality of the services provided by the hospitals and surgical centers for ambulatory patients in this State as required by the programs established pursuant to NRS 439A.220 and 439A.240. The information must:

(a) Include, for each hospital in this State, the ~~[~~total~~]~~ ***:***

(1) Total number of patients discharged, the average length of stay and the average billed charges, reported for the 50 most frequent diagnosis-related groups for inpatients and 50 medical treatments for outpatients that the Department determines are most useful for consumers; ***and***

(2) Name of each physician who performed a surgical procedure in the hospital and the total number of surgical procedures performed by each physician in the hospital, reported for the most frequent surgical procedures that the Department determines are most useful for consumers ~~[;]~~ ***if the information is available;***

(b) Include, for each surgical center for ambulatory patients in this State, the ~~[~~total~~]~~ ***:***

(1) Total number of patients discharged and the average billed charges, reported for 50 medical treatments for outpatients that the Department determines are most useful for consumers; ***and***

(2) Name of each physician who performed a surgical procedure in the surgical center for ambulatory patients and the total number of surgical procedures performed by each physician in the surgical center for ambulatory patients, reported for the most frequent surgical procedures that the Department determines are most useful for consumers;

(c) Be presented in a manner that allows a person to view and compare the information for the hospitals by:

(1) Geographic location of each hospital;

(2) Type of medical diagnosis; and

(3) Type of medical treatment;

(d) Be presented in a manner that allows a person to view and compare the information for the surgical centers for ambulatory patients by:

(1) Geographic location of each surgical center for ambulatory patients;

(2) Type of medical diagnosis; and

(3) Type of medical treatment;

(e) Be presented in a manner that allows a person to view and compare the information separately for:

(1) The inpatients and outpatients of each hospital; and

(2) The outpatients of each surgical center for ambulatory patients;

(f) Be readily accessible and understandable by a member of the general public;

(g) Include the annual summary of reports of sentinel events prepared pursuant to paragraph (d) of subsection 1 of NRS 439.840; and

(h) Provide any other information relating to the charges imposed and the quality of the services provided by the hospitals and surgical centers for ambulatory patients in this State which the Department determines is:

(1) Useful to consumers;

(2) Nationally recognized; and

(3) Reported in a standard and reliable manner.

2. The Department shall:

(a) Publicize the availability of the Internet website;

(b) Update the information contained on the Internet website at least quarterly;

(c) Ensure that the information contained on the Internet website is accurate and reliable;

(d) Ensure that the information contained on the Internet website is aggregated so as not to reveal the identity of a specific inpatient or outpatient of a hospital;

(e) Post a disclaimer on the Internet website indicating that the information contained on the website is provided to assist with the comparison of hospitals and is not a guarantee by the Department or its employees as to the charges imposed by the hospitals in this State or the quality of the services provided by the hospitals in this State, including, without limitation, an explanation that the actual amount charged to a person by a particular hospital may not be the same charge as posted on the website for that hospital;

(f) Provide on the Internet website established pursuant to this section a link to the Internet website of the Centers for Medicare and Medicaid Services of the United States Department of Health and Human Services; and

(g) Upon request, make the information that is contained on the Internet website available in printed form.

3. As used in this section, "diagnosis-related group" means groupings of medical diagnostic categories used as a basis for hospital payment schedules by Medicare and other third-party health care plans.

Assemblywoman Pierce moved the adoption of the amendment.

Amendment adopted.

Bill ordered to third reading.

Senate Bill No. 421.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 953.

AN ACT relating to public health; increasing the percentage of certain money received by the State to be allocated to the Fund for a Healthy Nevada; revising provisions relating to the allocation of money in the Fund for a Healthy Nevada; eliminating the Trust Fund for Public Health; providing for the transfer of money remaining in the Trust Fund for Public Health; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the Trust Fund for Public Health receives 10 percent of all "tobacco settlement" money, which is that money received by the State pursuant to any settlement entered into by the State and a manufacturer of tobacco products and money received by the State pursuant to any judgment in a civil action against a manufacturer of tobacco products. The Trust Fund for Public Health uses interest and income earned on that money to fund grants for programs relating to public health. (NRS 439.605) Additionally, 50 percent of all tobacco settlement money goes to the Fund for a Healthy Nevada and is then allocated to various other programs relating to public health in amounts or according to percentages of available revenues set by statute. (NRS 439.620, 439.630)

This bill eliminates the Trust Fund for Public Health and provides for money in the Trust Fund for Public Health to be transferred to the Fund for a Healthy Nevada. This bill also increases to 60 percent the share of tobacco settlement money allocated to the Fund for a Healthy Nevada. Additionally, this bill removes the provisions setting the percentages of available revenues to be allocated from the Fund for a Healthy Nevada on specific programs and instead requires the Department of Health and Human Services to propose a biennial plan for the allocation of money for those programs. The plan must be submitted as part of the proposed biennial budget of the Department. In preparing the plan, the Department shall consider recommendations submitted by the Grants Management Advisory Committee, the Nevada Commission on Aging and the Nevada Commission on Services for Persons with Disabilities. Finally, this bill removes certain programs relating to the prevention, reduction and treatment of tobacco use from the list of programs for which money in the Fund for a Healthy Nevada must be allocated.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 439.620 is hereby amended to read as follows:

439.620 1. The Fund for a Healthy Nevada is hereby created in the State Treasury. The State Treasurer shall deposit in the Fund:

(a) ~~[Fifty]~~ ***Sixty*** percent of all money received by this State pursuant to any settlement entered into by the State of Nevada and a manufacturer of tobacco products; and

(b) ~~[Fifty]~~ ***Sixty*** percent of all money recovered by this State from a judgment in a civil action against a manufacturer of tobacco products.

2. The State Treasurer shall administer the Fund. As administrator of the Fund, the State Treasurer:

(a) Shall maintain the financial records of the Fund;

(b) Shall invest the money in the Fund as the money in other state funds is invested;

(c) Shall manage any account associated with the Fund;

(d) Shall maintain any instruments that evidence investments made with the money in the Fund;

(e) May contract with vendors for any good or service that is necessary to carry out the provisions of this section; and

(f) May perform any other duties necessary to administer the Fund.

3. The interest and income earned on the money in the Fund must, after deducting any applicable charges, be credited to the Fund. All claims against the Fund must be paid as other claims against the State are paid.

4. The State Treasurer or the Department may submit to the Interim Finance Committee a request for an allocation for administrative expenses from the Fund pursuant to this section. Except as otherwise limited by this subsection, the Interim Finance Committee may allocate all or part of the money so requested. The annual allocation for administrative expenses from the Fund must:

(a) Not exceed 2 percent of the money in the Fund, as calculated pursuant to this subsection, each year to pay the costs incurred by the State Treasurer to administer the Fund; and

(b) Not exceed 5 percent of the money in the Fund, as calculated pursuant to this subsection, each year to pay the costs incurred by the Department, including, without limitation, the Aging and Disability Services Division of the Department, to carry out its duties set forth in NRS 439.630, to administer the provisions of NRS 439.635 to 439.690, inclusive, and NRS 439.705 to 439.795, inclusive.

➥ For the purposes of this subsection, the amount of money available for allocation to pay for the administrative costs must be calculated at the beginning of each fiscal year based on the total amount of money anticipated by the State Treasurer to be deposited in the Fund during that fiscal year.

5. The money in the Fund remains in the Fund and does not revert to the State General Fund at the end of any fiscal year.

6. All money that is deposited or paid into the Fund is hereby appropriated to be used for any purpose authorized by the Legislature or by

the Department for expenditure or allocation in accordance with the provisions of NRS 439.630. Money expended from the Fund must not be used to supplant existing methods of funding that are available to public agencies.

Sec. 2. NRS 439.630 is hereby amended to read as follows:

439.630 1. The Department shall:

(a) Conduct, or require the Grants Management Advisory Committee created by NRS 232.383 to conduct, public hearings to accept public testimony from a wide variety of sources and perspectives regarding existing or proposed programs that:

(1) Promote public health;

(2) Improve health services for children, senior citizens and persons with disabilities;

(3) Reduce or prevent the abuse of and addiction to alcohol and drugs; and

(4) Offer other general or specific information on health care in this State.

(b) Establish a process to evaluate the health and health needs of the residents of this State and a system to rank the health problems of the residents of this State, including, without limitation, the specific health problems that are endemic to urban and rural communities, and report the results of the evaluation to the Legislative Committee on Health Care on an annual basis.

(c) ~~[~~Allocate not more than 30 percent of available revenues~~]~~ ***Subject to legislative*** ~~*[appropriation,]*~~ ***authorization, allocate money*** for direct expenditure by the Department to pay for prescription drugs, pharmaceutical services and, to the extent money is available, other benefits, including, without limitation, dental and vision benefits and hearing aids or other devices that enhance the ability to hear, for senior citizens pursuant to NRS 439.635 to 439.690, inclusive. From the money allocated pursuant to this paragraph, the Department may subsidize any portion of the cost of providing prescription drugs, pharmaceutical services and, to the extent money is available, other benefits, including, without limitation, dental and vision benefits and hearing aids or other devices that enhance the ability to hear, to senior citizens pursuant to NRS 439.635 to 439.690, inclusive. The Department shall consider recommendations from the Grants Management Advisory Committee in carrying out the provisions of NRS 439.635 to 439.690, inclusive. The Department shall submit a quarterly report to the Governor, the Interim Finance Committee, the Legislative Committee on Health Care and any other committees or commissions the Director deems appropriate regarding the general manner in which expenditures have been made pursuant to this paragraph.

(d) ~~[~~Allocate,~~]~~ ***Subject to legislative*** ~~*[appropriation,]*~~ ***authorization, allocate,*** by contract or grant, ***money*** for expenditure ~~[~~not more than 30

~~percent of available revenues for allocation~~] by the Aging and Disability Services Division of the Department in the form of grants for existing or new programs that assist senior citizens with independent living, including, without limitation, programs that provide:

(1) Respite care or relief of informal caretakers;

(2) Transportation to new or existing services to assist senior citizens in living independently; and

(3) Care in the home which allows senior citizens to remain at home instead of in institutional care.

➥ The Aging and Disability Services Division of the Department shall consider recommendations from the Grants Management Advisory Committee concerning the independent living needs of senior citizens.

(e) Allocate $200,000 of all revenues deposited in the Fund for a Healthy Nevada each year for direct expenditure by the Director to:

(1) Provide guaranteed funding to finance assisted living facilities that satisfy the criteria for certification set forth in NRS 319.147; and

(2) Fund assisted living facilities that satisfy the criteria for certification set forth in NRS 319.147 and assisted living supportive services that are provided pursuant to the provisions of the home and community-based services waiver which are amended pursuant to NRS 422.2708.

➥ The Director shall develop policies and procedures for distributing the money allocated pursuant to this paragraph. Money allocated pursuant to this paragraph does not revert to the Fund at the end of the fiscal year.

(f) [~~Allocate~~] ***Subject to legislative authorization, allocate*** to the Health Division [~~not more than 15 percent of available revenues~~] ***money*** for programs that are consistent with the guidelines established by the Centers for Disease Control and Prevention of the United States Department of Health and Human Services relating to evidence-based best practices to prevent, reduce or treat the use of tobacco and the consequences of the use of tobacco. In making allocations pursuant to this paragraph, the Health Division shall allocate the money, by contract or grant:

(1) To the district board of health in each county whose population is 100,000 or more for expenditure for such programs in the respective county;

(2) For such programs in counties whose population is less than 100,000; and

(3) For statewide programs for tobacco cessation and other statewide services for tobacco cessation and for statewide evaluations of programs which receive an allocation of money pursuant to this paragraph, as determined necessary by the Health Division and the district boards of health.

(g) [~~Allocate,~~] ***Subject to legislative*** ~~*[appropriation,]*~~ ***authorization, allocate,*** by contract or grant, ***money*** for expenditure [~~not more than 10 percent of available revenues~~] for programs that improve ***the*** health [~~services~~

~~for children.~~**]** ***and well-being of residents of this State*** ~~[.]~~ ***, including, without limitation, programs that improve health services for children.***

(h) ~~[~~Allocate,~~]~~

~~[(g)]~~ ***Subject to legislative*** ~~[appropriation,]~~ ***authorization, allocate,*** by contract or grant, ***money*** for expenditure ~~[~~not more than 10 percent of available revenues~~]~~ for programs that improve the health and well-being of persons with disabilities. In making allocations pursuant to this paragraph, the Department shall, to the extent practicable, allocate the money evenly among the following three types of programs:

(1) Programs that provide respite care or relief of informal caretakers for persons with disabilities;

(2) Programs that provide positive behavioral supports to persons with disabilities; and

(3) Programs that assist persons with disabilities to live safely and independently in their communities outside of an institutional setting.

(i) ~~[~~Allocate not more than 5 percent of available revenues~~]~~

~~[(h)]~~ ***Subject to legislative*** ~~[appropriation,]~~ ***authorization, allocate money*** for direct expenditure by the Department to subsidize any portion of the cost of providing prescription drugs, pharmaceutical services and, to the extent money is available, other benefits, including, without limitation, dental and vision benefits and hearing aids or other devices that enhance the ability to hear, to persons with disabilities pursuant to NRS 439.705 to 439.795, inclusive. The Department shall consider recommendations from the Grants Management Advisory Committee in carrying out the provisions of NRS 439.705 to 439.795, inclusive.

(j) ~~[(i)]~~ Maximize expenditures through local, federal and private matching contributions.

(k) ~~[(j)]~~ Ensure that any money expended from the Fund will not be used to supplant existing methods of funding that are available to public agencies.

(l) ~~[(k)]~~ Develop policies and procedures for the administration and distribution of contracts, grants and other expenditures to state agencies, political subdivisions of this State, nonprofit organizations, universities, state colleges and community colleges. A condition of any such contract or grant must be that not more than 8 percent of the contract or grant may be used for administrative expenses or other indirect costs. The procedures must require at least one competitive round of requests for proposals per biennium.

(m) ~~[(l)]~~ To make the allocations required by paragraphs (f), (g) and (h):

(1) Prioritize and quantify the needs for these programs;

(2) Develop, solicit and accept applications for allocations;

(3) Review and consider the recommendations of the Grants Management Advisory Committee submitted pursuant to NRS 232.385;

(4) Conduct annual evaluations of programs to which allocations have been awarded; and

(5) Submit annual reports concerning the programs to the Governor, the Interim Finance Committee, the Legislative Committee on Health Care and any other committees or commissions the Director deems appropriate.

(n) ~~[(m)]~~ Transmit a report of all findings, recommendations and expenditures to the Governor, each regular session of the Legislature, the Legislative Committee on Health Care and any other committees or commissions the Director deems appropriate.

~~[(n)]~~ (o) After considering the recommendations submitted to the Director pursuant to subsection 6, develop a plan each biennium to determine the percentage of available money in the Fund for a Healthy Nevada to be allocated from the Fund for the purposes described in paragraphs (c), (d), (f), (g) , ~~[and]~~ (h) ~~[.]~~ and (i). The plan must be submitted as part of the proposed budget submitted to the Chief of the Budget Division of the Department of Administration pursuant to NRS 353.210.

~~[(o)]~~ (p) On or before September 30 of each even-numbered year, submit to the Grants Management Advisory Committee created by NRS 232.383, the Nevada Commission on Aging created by NRS 427A.032 and the Nevada Commission on Services for Persons with Disabilities created by NRS 427A.1211 a report on the funding plan submitted to the Chief of the Budget Division of the Department of Administration pursuant to paragraph ~~[(n)]~~ (o).

2. The Department may take such other actions as are necessary to carry out its duties.

3. To make the allocations required by paragraph (d) of subsection 1, the Aging and Disability Services Division of the Department shall:

(a) Prioritize and quantify the needs of senior citizens for these programs;

(b) Develop, solicit and accept grant applications for allocations;

(c) As appropriate, expand or augment existing state programs for senior citizens upon approval of the Interim Finance Committee;

(d) Award grants, contracts or other allocations;

(e) Conduct annual evaluations of programs to which grants or other allocations have been awarded; and

(f) Submit annual reports concerning the allocations made by the Aging and Disability Services Division pursuant to paragraph (d) of subsection 1 to the Governor, the Interim Finance Committee, the Legislative Committee on Health Care and any other committees or commissions the Director deems appropriate.

4. The Aging and Disability Services Division of the Department shall submit each proposed grant or contract which would be used to expand or

augment an existing state program to the Interim Finance Committee for approval before the grant or contract is awarded. The request for approval must include a description of the proposed use of the money and the person or entity that would be authorized to expend the money. The Aging and Disability Services Division of the Department shall not expend or transfer any money allocated to the Aging and Disability Services Division pursuant to this section to subsidize any portion of the cost of providing prescription drugs, pharmaceutical services and other benefits, including, without limitation, dental and vision benefits and hearing aids or other devices that enhance the ability to hear, to senior citizens pursuant to NRS 439.635 to 439.690, inclusive, or to subsidize any portion of the cost of providing prescription drugs, pharmaceutical services and other benefits, including, without limitation, dental and vision benefits and hearing aids or other devices that enhance the ability to hear, to persons with disabilities pursuant to NRS 439.705 to 439.795, inclusive.

5. A veteran may receive benefits or other services which are available from the money allocated pursuant to this section for senior citizens or persons with disabilities to the extent that the veteran does not receive other benefits or services provided to veterans for the same purpose if the veteran qualifies for the benefits or services as a senior citizen or a person with a disability, or both.

6. ~~[As used in this section, "available revenues" means the total revenues deposited in the Fund for a Healthy Nevada each year minus $200,000.]~~ ***On or before June 30 of each even-numbered year, the Grants Management Advisory Committee, the Nevada Commission on Aging and the Nevada Commission on Services for Persons with Disabilities each shall submit to the Director a report that includes, without limitation, recommendations regarding community needs and priorities that are determined by each such entity after any public hearings held by the entity.***

Sec. 3. The State Controller shall transfer to the Fund for a Healthy Nevada created by NRS 439.620, as soon as practicable on or after July 1, 2011, all money remaining in the Trust Fund for Public Health created by NRS 439.605 that has not been committed for expenditure.

Sec. 4. NRS 439.605, 439.610 and 439.615 are hereby repealed.

Sec. 5. This act becomes effective on July 1, 2011.

TEXT OF REPEALED SECTIONS

439.605 Creation and administration of Fund; permissible investments; appropriation and expenditure of interest and income.

1. The Trust Fund for Public Health is hereby created in the State Treasury. The State Treasurer shall deposit in the Trust Fund:

(a) Ten percent of all money received by this State pursuant to any settlement entered into by the State of Nevada and a manufacturer of tobacco products; and

(b) Ten percent of all money recovered by this State from a judgment in a civil action against a manufacturer of tobacco products.

2. The State Treasurer shall administer the Trust Fund. As administrator of the Trust Fund, the State Treasurer, except as otherwise provided in this section:

(a) Shall maintain the financial records of the Trust Fund;

(b) Shall invest the money in the Trust Fund as the money in other state funds is invested;

(c) Shall manage any account associated with the Trust Fund;

(d) Shall maintain any instruments that evidence investments made with the money in the Trust Fund;

(e) May contract with vendors for any good or service that is necessary to carry out the provisions of this section; and

(f) May perform any other duties necessary to administer the Trust Fund.

3. In addition to the investments authorized pursuant to paragraph (b) of subsection 2, the State Treasurer may, except as otherwise provided in subsection 4, invest the money in the Trust Fund in:

(a) Common or preferred stock of a corporation created by or existing under the laws of the United States or of a state, district or territory of the United States, if:

(1) The stock of the corporation is:

(I) Listed on a national stock exchange; or

(II) Traded in the over-the-counter market, if the price quotations for the over-the-counter stock are quoted by the National Association of Securities Dealers Automated Quotations System (NASDAQ);

(2) The outstanding shares of the corporation have a total market value of not less than $50,000,000;

(3) The maximum investment in stock is not greater than 50 percent of the book value of the total investments of the Trust Fund;

(4) Except for investments made pursuant to paragraph (c), the amount of an investment in a single corporation is not greater than 3 percent of the book value of the assets of the Trust Fund; and

(5) Except for investments made pursuant to paragraph (c), the total amount of shares owned by the Trust Fund is not greater than 5 percent of the outstanding stock of a single corporation.

(b) A pooled or commingled real estate fund or a real estate security that is managed by a corporate trustee or by an investment advisory firm that is registered with the Securities and Exchange Commission, either of which may be retained by the State Treasurer as an investment manager. The shares

and the pooled or commingled fund must be held in trust. The total book value of an investment made under this paragraph must not at any time be greater than 5 percent of the total book value of all investments of the Trust Fund.

(c) Mutual funds or common trust funds that consist of any combination of the investments authorized pursuant to paragraph (b) of subsection 2 and paragraphs (a) and (b) of this subsection.

4. The State Treasurer shall not invest any money in the Trust Fund pursuant to subsection 3 unless the State Treasurer obtains a judicial determination that the proposed investment or category of investments will not violate the provisions of Section 9 of Article 8 of the Constitution of the State of Nevada. The State Treasurer shall contract for the services of independent contractors to manage any investments of the State Treasurer made pursuant to subsection 3. The State Treasurer shall establish such criteria for the qualifications of such an independent contractor as are appropriate to ensure that each independent contractor has expertise in the management of such investments.

5. The interest and income earned on the money in the Trust Fund is hereby appropriated to the Board of Trustees of the Trust Fund for Public Health and must, after deducting any applicable charges, be credited to the Fund and accounted for separately. All claims against the Fund must be paid as other claims against the State are paid.

6. Only the interest and income earned on the money in the Trust Fund may be expended. Such expenditures may be made for:

(a) Grants made pursuant to NRS 439.615 for:

(1) The promotion of public health and programs for the prevention of disease or illness;

(2) Research on issues related to public health; and

(3) The provision of direct health care services to children and senior citizens;

(b) Expenses related to the operation of the Board of Trustees of the Trust Fund;

(c) Actual costs incurred by the Health Division for providing administrative assistance to the Board, but in no event may more than 2 percent of the money in the Fund be used for administrative expenses or other indirect costs; and

(d) Any other purpose authorized by the Legislature.

7. The money in the Trust Fund remains in the Fund and does not revert to the State General Fund at the end of any fiscal year.

439.610 Board of Trustees of Fund: Creation; membership; election of Chair; meetings; quorum; compensation of members; administrative support.

1. The Board of Trustees of the Trust Fund for Public Health is hereby created.

2. The Board consists of 11 members composed of:

(a) The Administrator or a designee of the Administrator.

(b) The State Health Officer or a designee of the State Health Officer.

(c) The Chair of the Nevada Commission on Aging or a designee of the Chair.

(d) The Chair of the State Board of Health or a designee of the Chair.

(e) The Chair of the Advisory Board on Maternal and Child Health or a designee of the Chair.

(f) The superintendent of schools of the school district in this State that has the highest number of enrolled pupils or a designee of that superintendent.

(g) The county health officers of the two most populous counties in this State.

(h) One member appointed by the Nevada Association of Counties, or its successor, who serves as a county health officer in a rural area of this State.

(i) A representative of the University of Nevada School of Medicine appointed by the Dean of the School of Medicine.

(j) One member appointed by the Governor who possesses knowledge, skill and experience in providing health care services.

3. The term of a member of the Board who is appointed pursuant to paragraph (h), (i) or (j) of subsection 2 is 4 years.

4. The Board shall annually elect a Chair from among its members. The Board shall meet at least quarterly. A majority of the members constitutes a quorum, and a majority of those present must concur in any decision.

5. Each member of the Board serves without compensation. While engaged in the business of the Board, each member is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally. The per diem allowance and travel expenses of:

(a) A member of the Board who is an officer or employee of this State or a local government thereof must be paid by the state agency or the local government.

(b) Any other member of the Board must be paid from the interest and income earned on the money in the Trust Fund.

6. Each member of the Board who is an officer or employee of this State or a local government must be relieved from his or her duties without loss of his or her regular compensation so that the officer or employee may perform his or her duties relating to the Board in the most timely manner practicable. A state agency or local government shall not require an officer or employee who is a member of the Board to:

(a) Make up the time he or she is absent from work to fulfill his or her obligations as a member of the Board; or

(b) Take annual leave or compensatory time for the absence.

7. The Health Division shall provide such administrative support to the Board as is required to carry out the duties of the Board.

439.615 Board of Trustees of Fund: Powers and duties.

1. The Board of Trustees shall:

(a) In accordance with the provisions set forth in subsection 6 of NRS 439.605, develop policies and procedures for the expenditure of the interest and income earned on the money in the Trust Fund for Public Health.

(b) After deducting authorized expenses, annually make grants in a cumulative amount equal to the interest and income earned on the money in the Trust Fund for Public Health.

(c) Develop forms for requests for proposals for grants and disseminate information about the grant program. A condition of each such grant must be that not more than 8 percent of the grant may be used for administrative expenses and other indirect costs.

(d) Publish an annual report of the activities of the Board and the grants made by the Board. A copy of each such report must be transmitted to the Governor and to the Director of the Legislative Counsel Bureau for transmittal to the Legislature.

2. The Board may take such other actions as are necessary to carry out its duties and the provisions of this section and NRS 439.605 and 439.610.

Assemblyman Hickey moved the adoption of the amendment.

Amendment adopted.

Bill ordered to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Conklin moved that Senate Bills Nos. 149, 437, and 483 be taken from their positions on the General File and placed at the bottom of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 164.

Read third time.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Kirkpatrick moved that Senate Bill No. 164 be taken from the General File and placed on the Chief Clerk’s desk.

Motion carried.

Senate Bill No. 211.

Bill read third time.

Roll call on Senate Bill No. 211:

YEAS—42.

NAYS—None.

Senate Bill No. 211 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 159.

Bill read third time.

Remarks by Assemblywoman Smith.

Roll call on Senate Bill No. 159:

YEAS—41.

NAYS—None.

EXCUSED—Carlton.

Senate Bill No. 159 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered reprinted, reengrossed, and transmitted to the Senate.

Senate Bill No. 212.

Bill read third time.

Remarks by Assemblywoman Dondero Loop.

Roll call on Senate Bill No. 212:

YEAS—41.

NAYS—None.

EXCUSED—Carlton.

Senate Bill No. 212 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered reprinted, reengrossed, and transmitted to the Senate.

Senate Bill No. 320.

Bill read third time.

Roll call on Senate Bill No. 320:

YEAS—30.

NAYS—Aizley, Ellison, Goedhart, Hambrick, Hammond, Hickey, Kirner, Livermore, Neal, Ohrenschall, Sherwood—11.

EXCUSED—Carlton.

Senate Bill No. 320 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered reprinted, reengrossed, and transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Mastroluca moved that Senate Bill No. 340 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 421.

Bill read third time.

Roll call on Senate Bill No. 421:

YEAS—41.

NAYS—None.

EXCUSED—Carlton.

Senate Bill No. 421 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered reprinted, reengrossed, and transmitted to the Senate.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 5, 2011

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 74, Amendment No. 903; Assembly Bill No. 222, Amendment No. 926; Assembly Bill No. 259, Amendment No. 950, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 72, 197, 227, 360, 371, 427, 428, 473, 493.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 12:26 a.m.

ASSEMBLY IN SESSION

At 12:29 a.m.

Mr. Speaker presiding.

Quorum present.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 137.

The following Senate amendment was read:

Amendment No. 913.

AN ACT relating to education; requiring the implementation of a school breakfast program at certain public schools; requiring the Department of

Education to report on the school breakfast program for each public school; requiring school districts to report on school nutrition programs; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The Child Nutrition Act enacted in 1966 established the School Breakfast Program which provides grants to the states to establish school breakfast programs in public schools. (42 U.S.C. §§ 1771 et. seq.) Federal regulations provide that a public school may elect to operate a school breakfast program pursuant to one of three alternative Provisions and prescribe the requirements by which a public school may operate the program pursuant to one of those Provisions. (7 C.F.R. § 245.9) If a school provides a school breakfast program pursuant to Provision 2 of the federal regulations, the school serves those meals free of charge to all pupils enrolled in the school. Under existing law, the boards of trustees of school districts and the governing bodies of charter schools are authorized to operate or provide for the operation of programs of nutrition in the public schools under their jurisdiction. (NRS 387.090) **Section 1** of this bill requires the implementation of a school breakfast program to provide breakfast to pupils enrolled in each public school, including a charter school, that is eligible to operate a program of nutrition in accordance with the requirements of Provision 2 set forth in the federal regulations and as authorized by the Department of Education. **Section 1** also requires the Department, on a biennial basis, to prepare a written report on the school breakfast program for each public school in this State and requires the board of trustees of each school district, on a biennial basis, to submit to the Department a report containing certain information concerning nutrition programs. **Section 1** further requires the Department to submit compilations of the reports, on or before January 1 of each odd-numbered year, to the Legislative Committee on Health Care, the Interim Finance Committee and the Director of the Legislative Counsel Bureau for transmission to the next regular session of the Legislature.

Effective on July 1, 2013, section 3.5 of this bill provides that the school breakfast program implemented by a school district or charter school must provide for the serving of breakfast after the school day has commenced in the following order of priority: (1) the classroom; (2) a transportable manner; or (3) the cafeteria.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 387 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection 2, if a public school is eligible to operate a program of nutrition in accordance with the

requirements of Provision 2 set forth in 7 C.F.R. § 245.9, and as authorized by the Department, the board of trustees of the school district in which the school is located or the governing body of the charter school, as applicable, shall implement a breakfast program at the school. ~~*[The program must provide for the serving of breakfast after the school day has commenced in the following order of priority:*~~

~~*(a) The classroom;*~~

~~*(b) A transportable manner; or*~~

~~*(c) The cafeteria.]*~~

2. The board of trustees of a school district in a county whose population is less than 55,000 may submit a request to the State Board for an exemption from the requirements of subsection 1 on a form prescribed by the Department. The State Board shall grant such an exemption if the State Board determines that a fiscal hardship exists for the school district.

3. The Department shall, on a biennial basis, prepare a written report on the school breakfast program, for each public school in this State, including, without limitation:

(a) The percentage of pupils enrolled in the school who participate in the program, which must be reported for the immediately preceding 4 years as that data is available;

(b) A comparison between the:

(1) Number of pupils who are eligible to receive free or reduced-priced breakfasts;

(2) Number of pupils who participate in the school breakfast program; and

(3) Total enrollment of pupils in the school;

(c) An identification of the method by which the school provides breakfast to pupils;

(d) The average daily participation in the school breakfast program of pupils who are eligible to receive free or reduced-price breakfasts; and

(e) The percentage of pupils who are eligible to receive free or reduced-price breakfasts and who participate in the school breakfast program.

4. The board of trustees of each school district shall, on a biennial basis, submit to the Department a written report on school nutrition programs within the school district, which must be reported for the immediately preceding 4 years as that data is available, including, without limitation:

(a) The percentage of pupils enrolled in the school district who participate in the school breakfast program and the progress made by the school district in increasing that participation;

(b) The percentage of public schools within the school district that participate in the school breakfast program and the progress made by the school district in increasing that participation;

(c) The percentage of pupils who participate in each program of nutrition offered by the school district and the progress made by the school district in increasing that participation;

(d) A list of each public school in the school district that operates a program of nutrition during the summer, including, without limitation:

(1) A list of each sponsor of such a program;

(2) The number of sites at which the sponsor offers the program; and

(3) The number of meals served at each site; and

(e) The amount of money the school district is eligible to receive from the Federal Government and from other sources for the school breakfast program offered by the school district and the amount of money the school district receives for that program.

5. On or before November 1 of each even-numbered year, the Department shall compile the data for each school district from the reports prepared pursuant to subsections 3 and 4 and submit each school district's compilation to the board of trustees of that school district for review. Upon review, the board of trustees of each school district shall, on or before December 15 of each even-numbered year, submit to the Department a written explanation of any decrease in the number of pupils participating in the school breakfast program and a plan to improve the number of pupils participating.

6. On or before January 1 of each odd-numbered year, the Department shall submit the compilations prepared by the Department pursuant to subsection 5 and the plans to improve prepared by the school districts pursuant to subsection 5 to the:

(a) Legislative Committee on Health Care.

(b) Interim Finance Committee.

(c) Director of the Legislative Counsel Bureau for transmission to the next regular session of the Legislature.

Sec. 2. NRS 387.070 is hereby amended to read as follows:

387.070 As used in NRS 387.070 to 387.105, inclusive, ***and section 1 of this act,*** "program of nutrition" means a program under which food is served to or nutritional education and assistance are provided for children and adults by any public school, private school or public or private institution on a nonprofit basis, including any such program for which assistance may be made available out of money appropriated by the Congress of the United States. The term includes, but is not limited to, a school lunch program.

Sec. 3. NRS 387.090 is hereby amended to read as follows:

387.090 ~~[The]~~ ***In addition to the school breakfast program required by section 1 of this act, the*** board of trustees of each school district and the governing body of each charter school may:

1. Operate or provide for the operation of programs of nutrition in the public schools under their jurisdiction.

2. Use therefor money disbursed to them pursuant to the provisions of NRS 387.070 to 387.105, inclusive, ***and section 1 of this act,*** gifts, donations and other money received from the sale of food under those programs.

3. Deposit the money in one or more accounts in one or more banks or credit unions within the State.

4. Contract with respect to food, services, supplies, equipment and facilities for the operation of the programs.

Sec. 3.5. **Section 1 of this act is hereby amended to read as follows:**

Section 1. Chapter 387 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection 2, if a public school is eligible to operate a program of nutrition in accordance with the requirements of Provision 2 set forth in 7 C.F.R. § 245.9, and as authorized by the Department, the board of trustees of the school district in which the school is located or the governing body of the charter school, as applicable, shall implement a breakfast program at the school. ***The program must provide for the serving of breakfast after the school day has commenced in the following order of priority:***

(a) The classroom;

(b) A transportable manner; or

(c) The cafeteria.

2. The board of trustees of a school district in a county whose population is less than 55,000 may submit a request to the State Board for an exemption from the requirements of subsection 1 on a form prescribed by the Department. The State Board shall grant such an exemption if the State Board determines that a fiscal hardship exists for the school district.

3. The Department shall, on a biennial basis, prepare a written report on the school breakfast program, for each public school in this State, including, without limitation:

(a) The percentage of pupils enrolled in the school who participate in the program, which must be reported for the immediately preceding 4 years as that data is available;

(b) A comparison between the:

(1) Number of pupils who are eligible to receive free or reduced-priced breakfasts;

(2) Number of pupils who participate in the school breakfast program; and

(3) Total enrollment of pupils in the school;

(c) An identification of the method by which the school provides breakfast to pupils;

(d) The average daily participation in the school breakfast program of pupils who are eligible to receive free or reduced-price breakfasts; and

(e) The percentage of pupils who are eligible to receive free or reduced-price breakfasts and who participate in the school breakfast program.

4. The board of trustees of each school district shall, on a biennial basis, submit to the Department a written report on school nutrition programs within the school district, which must be reported for the immediately preceding 4 years as that data is available, including, without limitation:

(a) The percentage of pupils enrolled in the school district who participate in the school breakfast program and the progress made by the school district in increasing that participation;

(b) The percentage of public schools within the school district that participate in the school breakfast program and the progress made by the school district in increasing that participation;

(c) The percentage of pupils who participate in each program of nutrition offered by the school district and the progress made by the school district in increasing that participation;

(d) A list of each public school in the school district that operates a program of nutrition during the summer, including, without limitation:

(1) A list of each sponsor of such a program;

(2) The number of sites at which the sponsor offers the program; and

(3) The number of meals served at each site; and

(e) The amount of money the school district is eligible to receive from the Federal Government and from other sources for the school breakfast program offered by the school district and the amount of money the school district receives for that program.

5. On or before November 1 of each even-numbered year, the Department shall compile the data for each school district from the reports prepared pursuant to subsections 3 and 4 and submit each school district's compilation to the board of trustees of that school district for review. Upon review, the board of trustees of each school district shall, on or before December 15 of each even-numbered year, submit to the Department a written explanation of any decrease in the number of pupils participating in the school breakfast program and a plan to improve the number of pupils participating.

6. On or before January 1 of each odd-numbered year, the Department shall submit the compilations prepared by the Department pursuant to subsection 5 and the plans to improve prepared by the school districts pursuant to subsection 5 to the:

(a) Legislative Committee on Health Care.

(b) Interim Finance Committee.

(c) Director of the Legislative Counsel Bureau for transmission to the next regular session of the Legislature.

Sec. 4. 1. Each school district shall increase by ~~[15]~~ **10** percent the number of pupils who are enrolled in the school district and participating in a school breakfast program on or before June 30, 2013, and annually thereafter, so that the school district achieves 100-percent participation in the school breakfast program.

2. Each school district shall prepare a report indicating whether the school district attained the ~~[15]~~ **10** percent increase required by subsection 1 during the 2011-2013 biennium. On or before August 1, 2013, each school district shall submit the report to the:

(a) Legislative Committee on Health Care.

(b) Interim Finance Committee.

(c) Legislative Committee on Education.

Sec. 5. 1. This **section and sections 1, 2, 3 and 4 of this** act ~~[becomes]~~ **become** effective on July 1, 2011.

2. Section 3.5 of this act becomes effective on July 1, 2013.

Assemblyman Bobzien moved that the Assembly concur in the Senate Amendment No. 913 to Assembly Bill No. 137.

Remarks by Assemblyman Bobzien.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Assembly Bill No. 404.

The following Senate amendment was read:

Amendment No. 895.

AN ACT relating to state buildings; requiring the Chief of the Buildings and Grounds Division of the Department of Administration to negotiate and approve any agreements to lease office rooms for use by certain state entities; requiring certain state entities to provide the Chief with an inventory of all real property used by the entity; requiring the Chief to post on an Internet website certain information regarding **certain** real property owned or leased by the State; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the Chief of the Buildings and Grounds Division of the Department of Administration is authorized to lease and equip office rooms outside of state buildings for the use of certain state officers and employees whenever sufficient space cannot be provided within state buildings. (NRS 331.110) **Section 1** of this bill requires that any agreement to lease office rooms for state officers, departments, agencies, commissions or boards

must be negotiated, approved and overseen by the Chief. **Section 1** also requires state officers, departments, agencies, commissions and boards to provide the Chief with an inventory of all real property leased to the State that is used by the state officer, department, agency, commission or board. **Section 1** further requires the Chief to post, on an Internet website, a list of ~~[all]~~ real property that is leased or owned by the State, including a brief description of the property, its use and the terms of the agreement under which the property is leased by the State ~~[.]~~ **, except that the information must not be posted if the Chief of the Budget Division of the Department of Administration deems the information to be confidential. Such information may be deemed confidential if the state officer or public entity that uses the property requests that the information be kept confidential to maintain public safety. If the information is deemed confidential, the Chief of the Budget Division is required to inform the Chief of the Buildings and Grounds Division.** **Sections 2, 3 and 4** of this bill extend the requirements of **section 1** to properties leased for use by the Gaming Control Board, the Department of Public Safety and the Department of Motor Vehicles, which are currently exempted from certain requirements relating to the lease or purchase of property. (NRS 463.100, 480.160, 481.055)

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 331.110 is hereby amended to read as follows:

331.110 1. Except as otherwise provided ~~[in subsection 2,]~~ ***by law,*** the Chief ***of the Buildings and Grounds Division*** may lease and equip office rooms outside of state buildings for the use of state officers **,** ~~[and employees,]~~ ***departments, agencies, boards and commissions*** whenever sufficient space ~~[for the officers and employees]~~ cannot be provided within state buildings **.** ***The Chief of the Buildings and Grounds Division shall negotiate, approve and oversee any agreement to lease office rooms pursuant to this section***, but no such lease may extend beyond the term of 1 year unless it is reviewed and approved by a majority of the members of the State Board of Examiners. The Attorney General shall approve each lease entered into pursuant to this subsection as to form and compliance with law.

2. Notwithstanding any other provision of law, before the Chief of the Buildings and Grounds Division enters into any lease for office rooms for any state officer, department, agency, board or commission, the Chief of the Buildings and Grounds Division shall consider, without limitation:

(a) The reasonableness of the terms of the agreement, including, without limitation, the cost; and

(b) The availability of space for use by the state officer, department, agency, board or commission in buildings that are owned by or leased to the State.

3. Each state officer, department, agency, board and commission shall maintain and provide to the Chief of the Buildings and Grounds Division an inventory of all real property leased to the State that is occupied by or otherwise used by the state officer, department, agency, board and commission. The Division of State Lands, Department of Transportation and State Public Works Board shall maintain and provide to the Chief of the Buildings and Grounds Division an inventory of all real property owned by the State.

4. ~~[The]~~ Except as otherwise provided in subsection 6, the Chief of the Buildings and Grounds Division shall post on an Internet website maintained by the State a list of all real property owned or leased by the State. Each such listing shall include, without limitation, a brief description of:

(a) The location, size and current use of the real property; and

(b) The terms of the lease, including, without limitation, the cost to the State.

[~~2. The provisions of subsection 1 do not apply to state officers and employees of boards that are exempt from the provisions of chapter 353 of NRS pursuant to NRS 353.005.~~**]**

5. Before submitting the inventory to the Chief of the Buildings and Grounds Division pursuant to subsection 3, a state officer, department, agency, board, commission, the Division of State Lands, Department of Transportation or State Public Works Board that uses the property may request the Chief of the Budget Division of the Department of Administration to deem information regarding the property confidential for the purpose of maintaining public safety.

6. If the Chief of the Budget Division deems information regarding property to be confidential pursuant to subsection 5, the information concerning the property must be kept confidential and is not a public book or record within the meaning of NRS 239.010. The Chief of the Budget Division must inform the Chief of the Buildings and Grounds Division that the information is confidential and that the information must not be posted on an Internet website maintained by the State pursuant to subsection 4.

Sec. 2. NRS 463.100 is hereby amended to read as follows:

463.100 1. The Board shall keep its main office at Carson City, Nevada, in conjunction with the Commission in rooms provided by the Buildings and Grounds Division of the Department of Administration.

2. The Board may, in its discretion, maintain a branch office in Las Vegas, Nevada, or at any other place in this State as the Chair of the Board

deems necessary for the efficient operation of the Board. ~~[The Chair of the Board may enter into such leases or other agreements as may be necessary to establish a branch office.]~~ ***Any leases or agreements entered into pursuant to this subsection must be executed in accordance with the provisions of NRS 331.110.***

Sec. 3. NRS 480.160 is hereby amended to read as follows:

480.160 1. The Department shall keep its main office at Carson City, Nevada, in rooms provided by the Buildings and Grounds Division of the Department of Administration.

2. The Department may maintain such branch offices throughout the State as the Director deems necessary for the efficient operation of the Department and the various divisions thereof. ~~[The Director may enter into such leases or other agreements as may be necessary to establish such branch offices.]~~ ***Any leases or agreements entered into pursuant to this subsection must be executed in accordance with the provisions of NRS 331.110.***

Sec. 4. NRS 481.055 is hereby amended to read as follows:

481.055 1. The Department shall keep its main office at Carson City, Nevada, in rooms provided by the Buildings and Grounds Division of the Department of Administration.

2. The Department may maintain such branch offices throughout the State as the Director may deem necessary to the efficient operation of the Department and the various divisions thereof. ~~[The Director is authorized, on behalf of the Department, to enter into such leases or other agreements as may be necessary to the establishment of such branch offices.]~~ ***Any leases or agreements entered into pursuant to this subsection must be executed in accordance with the provisions of NRS 331.110.***

Sec. 5. This act becomes effective on July 1, 2011.

Assemblywoman Smith moved that the Assembly concur in the Senate Amendment No. 895 to Assembly Bill No. 404.

Remarks by Assemblywoman Smith.

Motion carried by a constitutional majority.

Bill ordered enrolled.

REPORTS OF CONFERENCE COMMITTEES

Mr. Speaker:

The Conference Committee concerning Assembly Bill No. 433, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that Amendment No. 690 of the Senate be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. 10, which is attached to and hereby made a part of this report.

TICK SEGERBLOM	DAVID PARKS
RICHARD (SKIP) DALY	MO DENIS
EDWIN GOEDHART	DEAN RHOADS
Assembly Conference Committee	*Senate Conference Committee*

Conference Amendment No. CA10.

AN ACT relating to employment practices; making it unlawful for public employers to make rules or regulations that prohibit or prevent an employee from engaging in politics or becoming a candidate for public office with certain exceptions; prohibiting any employer from taking any adverse employment action against an employee because the employee has become a candidate for any public office with certain exceptions; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law makes it unlawful for a private employer to make rules or regulations that prohibit or prevent an employee from engaging in politics or becoming a candidate for public office. (NRS 613.040) A violation of that prohibition by an employer is punishable by a fine of not more than $5,000. In addition, the costs of the proceeding to recover the fine are recoverable by the Attorney General. (NRS 613.050) The employee is also authorized to bring a separate lawsuit for damages for such a violation. (NRS 613.070) This bill makes it unlawful for public employers and labor organizations, in addition to private employers, to engage in such unlawful activity and also makes it unlawful for any public or private employer or labor organization to take any adverse employment action against an employee as a result of the employee becoming a candidate for public office. With respect to public employees, this bill makes an exception where necessary to meet requirements of federal law, such as the Hatch Act, 5 U.S.C. §§ 1501-1508, which imposes restrictions on certain political activities by state and local governmental employees.

WHEREAS, Every eligible person has a right to participate in the functions of government; and

WHEREAS, Participating as a candidate in an election for public office and participating in politics are at the core of government; and

WHEREAS, It is the policy of the State of Nevada to encourage participation in government; and

WHEREAS, Anything which tends to prevent a person from so participating is contrary to the policy of this State; now, therefore,

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 613.040 is hereby amended to read as follows:

613.040 ~~[It]~~

1. Except as necessary to meet requirements of federal law as it pertains to a particular public employee, it shall be unlawful for any person ~~[, firm or corporation doing business or employing labor in the State of Nevada to]~~ ***who employs or has under his or her direction and control any***

person for wages or under a contract of hire and for any labor organization referring a person to an employer for employment:

(a) To make any rule or regulation prohibiting or preventing any employee from engaging in politics or becoming a candidate for any public office in this state.

(b) To take any adverse employment action against an employee who becomes a candidate for any public office in this State because the employee became a candidate for public office.

2. As used in this section:

(a) "Adverse employment action":

(1) Includes, without limitation, requiring an employee to take an unpaid leave of absence during any period of his or her campaign for public office.

(2) Does not include, without limitation:

(I) Any disciplinary or other personnel action, including, without limitation, termination of employment, taken for reasons other than those prohibited pursuant to subsection 1; or

(II) Reassignment of an employee to prevent or eliminate any conflict of interest, as reasonably determined by the employer.

(b) "Candidate" has the meaning ascribed to it in NRS 294A.005.

(c) "Person" means:

(1) A natural person;

(2) Any form of business or social organization and any other nongovernmental legal entity, including, without limitation, a corporation, partnership, association, trust or agency or unincorporated organization; or

(3) A government, governmental agency or political subdivision of a government.

Assemblyman Segerblom moved that the Assembly adopt the report of the Conference Committee concerning Assembly Bill No. 433.

Motion carried by a constitutional majority.

Mr. Speaker:

The Conference Committee concerning Assembly Bill No. 59, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that Amendment No. 634 of the Senate be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. 9, which is attached to and hereby made a part of this report.

IRENE BUSTAMANTE ADAMS	JOHN LEE
DINA NEAL	JOE HARDY
JOHN ELLISON	JAMES SETTELMEYER
Assembly Conference Committee	*Senate Conference Committee*

Conference Amendment No. CA9.

AN ACT relating to the Open Meeting Law; requiring a public body to take certain actions if the Attorney General finds that the public body has violated the Open Meeting Law; authorizing the Attorney General to issue subpoenas during investigations of such violations; providing that meetings of a public body that are quasi-judicial in nature are subject to the Open Meeting Law **; [**~~under certain circumstances;~~**]** requiring a public body to include certain notifications on an agenda for a public meeting; excluding a meeting held to consider an applicant for employment from certain notice requirements; making members of a public body subject to a civil penalty for violations; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes the Open Meeting Law which requires, except in certain limited situations, that all meetings of public bodies be open and public. It further requires that all persons be allowed to attend any meeting of these public bodies. (NRS 241.020) Existing law makes any action of a public body in violation of the Open Meeting Law void, and requires the Attorney General to investigate and prosecute any violation of the Open Meeting Law. (NRS 241.036, 241.040) If the Attorney General finds that a public body has taken an action which violates the Open Meeting Law, **section 2** of this bill requires the public body to include an item on the next agenda posted for a meeting of the public body acknowledging the finding of the Attorney General regarding such a violation. **Section 2** also provides that such acknowledgment is not an admission of wrongdoing on the part of the public body for the purposes of a civil action, criminal prosecution or injunctive relief. **Section 3** of this bill authorizes the Attorney General to issue subpoenas for the production of documents, records or materials in the course of his or her investigation of any violation of the Open Meeting Law and makes failure or refusal to comply with such a subpoena a misdemeanor.

Section 1.5 of this bill provides that meetings of a public body **, other than certain meetings of the State Board of Parole Commissioners,** that are quasi-judicial in nature are subject to the provisions of the Open Meeting Law **. [**~~unless exempted by the Legislative Commission. Section 1.5 also defines when a meeting is quasi-judicial in nature for purposes of the Open Meeting Law.~~**]**

Section 5 of this bill adds certain notifications that must be included on an agenda for a meeting of a public body.

Under existing law, if a public body holds a meeting to consider the character, alleged misconduct, professional competence, or physical or mental health of a person, it must first provide written notice of that fact and, if such a meeting will be closed, must allow the attendance of certain

individuals. Existing law also provides that casual or tangential references to a person or the person's name during a closed meeting do not constitute consideration of the character, alleged misconduct, professional competence, or physical or mental health of the person. (NRS 241.033) **Section 6** of this bill provides that a meeting to consider an applicant for employment does not require prior notice to be given to the applicant.

Existing law makes each member of a public body who attends a meeting where action is taken in violation of the Open Meeting Law with knowledge of the fact that the meeting is in violation guilty of a misdemeanor. (NRS 241.040) **Section 7** of this bill further makes each such member who attends such a meeting subject to a civil penalty in an amount not to exceed $500.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 241 of NRS is hereby amended by adding thereto the provisions set forth as sections 1.5, 2 and 3 of this act.

Sec. 1.5. ***1.*** ~~*[Meetings]*~~ ***Except as otherwise provided in subsection 2, meetings*** ***of a public body that are quasi-judicial in nature are subject to the provisions of this chapter*** ***.*** ~~*[unless the public body has received an exemption from the Legislative Commission.*~~

~~*2. For the purposes of this section, a meeting is quasi-judicial in nature if it is judicial in character and the public body affords to each party in the meeting:*~~

~~*(a) The ability to present and object to evidence;*~~

~~*(b) The ability to cross-examine witnesses;*~~

~~*(c) A written decision; and*~~

~~*(d) An opportunity to appeal the written decision.]*~~

2. The provisions of subsection 1 do not apply to meetings of the State Board of Parole Commissioners when acting to grant, deny, continue or revoke parole of a prisoner or to establish or modify the terms of the parole of a prisoner.

Sec. 2. ***1. If the Attorney General makes findings of fact and conclusions of law that a public body has taken action in violation of any provision of this chapter, the public body must include an item on the next agenda posted for a meeting of the public body which acknowledges the findings of fact and conclusions of law. The opinion of the Attorney General must be treated as supporting material for the item on the agenda for the purposes of NRS 241.020.***

2. The inclusion of an item on the agenda for a meeting of a public body pursuant to subsection 1 is not an admission of wrongdoing for the purposes of a civil action, criminal prosecution or injunctive relief.

Sec. 3. ***1. The Attorney General shall investigate and prosecute any violation of this chapter.***

2. In any investigation conducted pursuant to subsection 1, the Attorney General may issue subpoenas for the production of any relevant documents, records or materials.

3. A person who willfully fails or refuses to comply with a subpoena issued pursuant to this section is guilty of a misdemeanor.

Sec. 4. NRS 241.015 is hereby amended to read as follows:

241.015 As used in this chapter, unless the context otherwise requires:

1. "Action" means:

(a) A decision made by a majority of the members present during a meeting of a public body;

(b) A commitment or promise made by a majority of the members present during a meeting of a public body;

(c) If a public body may have a member who is not an elected official, an affirmative vote taken by a majority of the members present during a meeting of the public body; or

(d) If all the members of a public body must be elected officials, an affirmative vote taken by a majority of all the members of the public body.

2. "Meeting":

(a) Except as otherwise provided in paragraph (b), means:

(1) The gathering of members of a public body at which a quorum is present to deliberate toward a decision or to take action on any matter over which the public body has supervision, control, jurisdiction or advisory power.

(2) Any series of gatherings of members of a public body at which:

(I) Less than a quorum is present at any individual gathering;

(II) The members of the public body attending one or more of the gatherings collectively constitute a quorum; and

(III) The series of gatherings was held with the specific intent to avoid the provisions of this chapter.

(b) Does not include a gathering or series of gatherings of members of a public body, as described in paragraph (a), at which a quorum is actually or collectively present:

(1) Which occurs at a social function if the members do not deliberate toward a decision or take action on any matter over which the public body has supervision, control, jurisdiction or advisory power.

(2) To receive information from the attorney employed or retained by the public body regarding potential or existing litigation involving a matter over which the public body has supervision, control, jurisdiction or advisory power and to deliberate toward a decision on the matter, or both.

3. Except as otherwise provided in this subsection, "public body" means:

(a) Any administrative, advisory, executive or legislative body of the State or a local government ***consisting of at least two persons*** which expends or disburses or is supported in whole or in part by tax revenue or which advises or makes recommendations to any entity which expends or disburses or is supported in whole or in part by tax revenue, including, but not limited to, any board, commission, committee, subcommittee or other subsidiary thereof and includes an educational foundation as defined in subsection 3 of NRS 388.750 and a university foundation as defined in subsection 3 of NRS 396.405 ~~[, and]~~ ***, if the administrative, advisory, executive or legislative body is created by:***

(1) The Constitution of this State;

(2) Any statute of this State;

(3) A city charter and any city ordinance which has been filed or recorded as required by the applicable law;

(4) The Nevada Administrative Code;

(5) A resolution or other formal designation by such a body created by a statute of this State or an ordinance of a local government;

(6) An executive order issued by the Governor; or

(7) A resolution or an action by the governing body of a political subdivision of this State;

(b) ***Any board, commission or committee consisting of at least two persons appointed by:***

(1) The Governor or a public officer who is under the direction of the Governor, if the board, commission or committee has at least two members who are not employees of the Executive Department of the State Government;

(2) An entity in the Executive Department of the State Government consisting of members appointed by the Governor, if the board, commission or committee otherwise meets the definition of a public body pursuant to this subsection; or

(3) A public officer who is under the direction of an agency or other entity in the Executive Department of the State Government consisting of members appointed by the Governor, if the board, commission or committee has at least two members who are not employed by the public officer or entity; and

(c) A limited-purpose association that is created for a rural agricultural residential common-interest community as defined in subsection 6 of NRS 116.1201.

➥ "Public body" does not include the Legislature of the State of Nevada.

4. "Quorum" means a simple majority of the constituent membership of a public body or another proportion established by law.

Sec. 5. NRS 241.020 is hereby amended to read as follows:

241.020 1. Except as otherwise provided by specific statute, all meetings of public bodies must be open and public, and all persons must be permitted to attend any meeting of these public bodies. A meeting that is closed pursuant to a specific statute may only be closed to the extent specified in the statute allowing the meeting to be closed. All other portions of the meeting must be open and public, and the public body must comply with all other provisions of this chapter to the extent not specifically precluded by the specific statute. Public officers and employees responsible for these meetings shall make reasonable efforts to assist and accommodate persons with physical disabilities desiring to attend.

2. Except in an emergency, written notice of all meetings must be given at least 3 working days before the meeting. The notice must include:

(a) The time, place and location of the meeting.

(b) A list of the locations where the notice has been posted.

(c) An agenda consisting of:

(1) A clear and complete statement of the topics scheduled to be considered during the meeting.

(2) A list describing the items on which action may be taken and clearly denoting that action may be taken on those items ~~[.]~~ ***by placing the term "for possible action" next to the appropriate item.***

(3) A period devoted to comments by the general public, if any, and discussion of those comments. No action may be taken upon a matter raised under this item of the agenda until the matter itself has been specifically included on an agenda as an item upon which action may be taken pursuant to subparagraph (2).

(4) If any portion of the meeting will be closed to consider the character, alleged misconduct or professional competence of a person, the name of the person whose character, alleged misconduct or professional competence will be considered.

(5) If, during any portion of the meeting, the public body will consider whether to take administrative action against a person, the name of the person against whom administrative action may be taken.

(6) Notification that:

(I) Items on the agenda may be taken out of order;

(II) The public body may combine two or more agenda items for consideration; and

(III) The public body may remove an item from the agenda or delay discussion relating to an item on the agenda at any time.

(7) Any restrictions on comments by the general public. Any such restrictions must be reasonable and may restrict the time, place and manner of the comments, but may not restrict comments based upon viewpoint.

3. Minimum public notice is:

(a) Posting a copy of the notice at the principal office of the public body or, if there is no principal office, at the building in which the meeting is to be held, and at not less than three other separate, prominent places within the jurisdiction of the public body not later than 9 a.m. of the third working day before the meeting; and

(b) Providing a copy of the notice to any person who has requested notice of the meetings of the public body. A request for notice lapses 6 months after it is made. The public body shall inform the requester of this fact by enclosure with, notation upon or text included within the first notice sent. The notice must be:

(1) Delivered to the postal service used by the public body not later than 9 a.m. of the third working day before the meeting for transmittal to the requester by regular mail; or

(2) If feasible for the public body and the requester has agreed to receive the public notice by electronic mail, transmitted to the requester by electronic mail sent not later than 9 a.m. of the third working day before the meeting.

4. If a public body maintains a website on the Internet or its successor, the public body shall post notice of each of its meetings on its website unless the public body is unable to do so because of technical problems relating to the operation or maintenance of its website. Notice posted pursuant to this subsection is supplemental to and is not a substitute for the minimum public notice required pursuant to subsection 3. The inability of a public body to post notice of a meeting pursuant to this subsection as a result of technical problems with its website shall not be deemed to be a violation of the provisions of this chapter.

5. Upon any request, a public body shall provide, at no charge, at least one copy of:

(a) An agenda for a public meeting;

(b) A proposed ordinance or regulation which will be discussed at the public meeting; and

(c) Subject to the provisions of subsection 6, any other supporting material provided to the members of the public body for an item on the agenda, except materials:

(1) Submitted to the public body pursuant to a nondisclosure or confidentiality agreement which relates to proprietary information;

(2) Pertaining to the closed portion of such a meeting of the public body; or

(3) Declared confidential by law, unless otherwise agreed to by each person whose interest is being protected under the order of confidentiality.

➥ The public body shall make at least one copy of the documents described in paragraphs (a), (b) and (c) available to the public at the meeting to which the documents pertain. As used in this subsection, "proprietary information" has the meaning ascribed to it in NRS 332.025.

6. A copy of supporting material required to be provided upon request pursuant to paragraph (c) of subsection 5 must be:

(a) If the supporting material is provided to the members of the public body before the meeting, made available to the requester at the time the material is provided to the members of the public body; or

(b) If the supporting material is provided to the members of the public body at the meeting, made available at the meeting to the requester at the same time the material is provided to the members of the public body.

➥ If the requester has agreed to receive the information and material set forth in subsection 5 by electronic mail, the public body shall, if feasible, provide the information and material by electronic mail.

7. A public body may provide the public notice, information and material required by this section by electronic mail. If a public body makes such notice, information and material available by electronic mail, the public body shall inquire of a person who requests the notice, information or material if the person will accept receipt by electronic mail. The inability of a public body, as a result of technical problems with its electronic mail system, to provide a public notice, information or material required by this section to a person who has agreed to receive such notice, information or material by electronic mail shall not be deemed to be a violation of the provisions of this chapter.

8. As used in this section, "emergency" means an unforeseen circumstance which requires immediate action and includes, but is not limited to:

(a) Disasters caused by fire, flood, earthquake or other natural causes; or

(b) Any impairment of the health and safety of the public.

Sec. 6. NRS 241.033 is hereby amended to read as follows:

241.033 1. ~~[A]~~ ***Except as otherwise provided in subsection 7, a*** public body shall not hold a meeting to consider the character, alleged misconduct, professional competence, or physical or mental health of any person or to consider an appeal by a person of the results of an examination conducted by or on behalf of the public body unless it has:

(a) Given written notice to that person of the time and place of the meeting; and

(b) Received proof of service of the notice.

2. The written notice required pursuant to subsection 1:

(a) Except as otherwise provided in subsection 3, must be:

(1) Delivered personally to that person at least 5 working days before the meeting; or

(2) Sent by certified mail to the last known address of that person at least 21 working days before the meeting.

(b) May, with respect to a meeting to consider the character, alleged misconduct, professional competence, or physical or mental health of a person, include an informational statement setting forth that the public body may, without further notice, take administrative action against the person if the public body determines that such administrative action is warranted after considering the character, alleged misconduct, professional competence, or physical or mental health of the person.

(c) Must include:

(1) A list of the general topics concerning the person that will be considered by the public body during the closed meeting; and

(2) A statement of the provisions of subsection 4, if applicable.

3. The Nevada Athletic Commission is exempt from the requirements of subparagraphs (1) and (2) of paragraph (a) of subsection 2, but must give written notice of the time and place of the meeting and must receive proof of service of the notice before the meeting may be held.

4. If a public body holds a closed meeting or closes a portion of a meeting to consider the character, alleged misconduct, professional competence, or physical or mental health of a person, the public body must allow that person to:

(a) Attend the closed meeting or that portion of the closed meeting during which the character, alleged misconduct, professional competence, or physical or mental health of the person is considered;

(b) Have an attorney or other representative of the person's choosing present with the person during the closed meeting; and

(c) Present written evidence, provide testimony and present witnesses relating to the character, alleged misconduct, professional competence, or physical or mental health of the person to the public body during the closed meeting.

5. Except as otherwise provided in subsection 4, with regard to the attendance of persons other than members of the public body and the person whose character, alleged misconduct, professional competence, physical or mental health or appeal of the results of an examination is considered, the chair of the public body may at any time before or during a closed meeting:

(a) Determine which additional persons, if any, are allowed to attend the closed meeting or portion thereof; or

(b) Allow the members of the public body to determine, by majority vote, which additional persons, if any, are allowed to attend the closed meeting or portion thereof.

6. A public body shall provide a copy of any record of a closed meeting prepared pursuant to NRS 241.035, upon the request of any person who received written notice of the closed meeting pursuant to subsection 1.

7. For the purposes of this section ~~[, casual]~~ ***:***

(a) A meeting held to consider an applicant for employment is not subject to the notice requirements otherwise imposed by this section.

(b) Casual or tangential references to a person or the name of a person during a closed meeting do not constitute consideration of the character, alleged misconduct, professional competence, or physical or mental health of the person.

Sec. 7. NRS 241.040 is hereby amended to read as follows:

241.040 1. Each member of a public body who attends a meeting of that public body where action is taken in violation of any provision of this chapter, with knowledge of the fact that the meeting is in violation thereof, is guilty of a misdemeanor.

2. Wrongful exclusion of any person or persons from a meeting is a misdemeanor.

3. A member of a public body who attends a meeting of that public body at which action is taken in violation of this chapter is not the accomplice of any other member so attending.

4. ***In addition to any criminal penalty imposed pursuant to this section, each member of a public body who attends a meeting of that public body where action is taken in violation of any provision of this chapter, and who participates in such action with knowledge of the violation, is subject to a civil penalty in an amount not to exceed $500.*** The Attorney General ~~[shall investigate and prosecute any violation of this chapter.]~~ ***may recover the penalty in a civil action brought in the name of the State of Nevada in any court of competent jurisdiction. Such an action must be commenced within 1 year after the date of the action taken in violation of this chapter.***

Sec. 8. 1. This section and sections 1 and 2 to 7, inclusive, of this act become effective on July 1, 2011.

2. Section 1.5 of this act becomes effective on January 1, 2012.

Assemblywoman Bustamante Adams moved that the Assembly adopt the report of the Conference Committee concerning Assembly Bill No. 59.

Remarks by Assemblywoman Bustamante Adams.

Motion carried by a constitutional majority.

Mr. Speaker:

The Conference Committee concerning Assembly Bill No. 498, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that Amendment No. 621 of the Senate be receded from and a 2nd reprint be created in accordance with this action.

DAVID BOBZIEN	MO DENIS
APRIL MASTROLUCA	SHEILA LESLIE
LYNN STEWART	BARBARA CEGAVSKE
Assembly Conference Committee	*Senate Conference Committee*

Assemblyman Bobzien moved that the Assembly adopt the report of the Conference Committee concerning Assembly Bill No. 498.

Remarks by Assemblyman Bobzien.

Motion carried by a constitutional majority.

Mr. Speaker:

The Conference Committee concerning Assembly Bill No. 257, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that Amendment No. 591 of the Senate be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. 6, which is attached to and hereby made a part of this report.

DINA NEAL	JOHN LEE
IRENE BUSTAMANTE ADAMS	JOE HARDY
JOHN ELLISON	JAMES SETTELMEYER
Assembly Conference Committee	*Senate Conference Committee*

Conference Amendment No. CA6.

AN ACT relating to the Open Meeting Law; revising provisions governing periods devoted to public comment; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The Open Meeting Law requires that meetings of public bodies be open to the public, with limited exceptions. Under the Open Meeting Law, a public body is required to provide written notice of all such meetings, which must include an agenda with a period devoted to comments by the general public and discussion of those comments. However, a public body is prohibited from taking action upon a matter that is raised during such a period for public comment until the matter has been specifically included on an agenda and is denoted to be an item upon which the public body may take action. (NRS 241.020) This bill requires the public body, at a minimum, to provide periods devoted to public comment and discussion of any public comments as follows: (1) one period at the beginning of the meeting before any items on which action may be taken are heard by the public body and one period before the adjournment of the meeting; or (2) a period after each item on the agenda on which action may be taken is discussed by the public body, but before the public body takes action on the item.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 241.020 is hereby amended to read as follows:

241.020 1. Except as otherwise provided by specific statute, all meetings of public bodies must be open and public, and all persons must be permitted to attend any meeting of these public bodies. A meeting that is closed pursuant to a specific statute may only be closed to the extent specified in the statute allowing the meeting to be closed. All other portions of the meeting must be open and public, and the public body must comply with all other provisions of this chapter to the extent not specifically precluded by the specific statute. Public officers and employees responsible for these meetings shall make reasonable efforts to assist and accommodate persons with physical disabilities desiring to attend.

2. Except in an emergency, written notice of all meetings must be given at least 3 working days before the meeting. The notice must include:

(a) The time, place and location of the meeting.

(b) A list of the locations where the notice has been posted.

(c) An agenda consisting of:

(1) A clear and complete statement of the topics scheduled to be considered during the meeting.

(2) A list describing the items on which action may be taken and clearly denoting that action may be taken on those items.

(3) ~~[A period]~~ ***Periods*** devoted to comments by the general public, if any, and discussion of those comments. ***Comments by the general public must be taken:***

(I) At the beginning of the meeting before any items on which action may be taken are heard by the public body and again before the adjournment of the meeting; or

(II) After each item on the agenda on which action may be taken is discussed by the public body, but before the public body takes action on the item.

➥ ***The provisions of this subparagraph do not prohibit a public body from taking comments by the general public in addition to what is required pursuant to sub-subparagraph (I) or (II). Regardless of whether a public body takes comments from the general public pursuant to sub-subparagraph (I) or (II), the public body must allow the general public to comment on any matter that is not specifically included on the agenda as an action item at some time before adjournment of the meeting.*** No action may be taken upon a matter raised ~~[under this item of the agenda]~~ ***during a period devoted to comments by the general public*** until the matter itself has been specifically included on an agenda as an item upon which action may be taken pursuant to subparagraph (2).

(4) If any portion of the meeting will be closed to consider the character, alleged misconduct or professional competence of a person, the

name of the person whose character, alleged misconduct or professional competence will be considered.

(5) If, during any portion of the meeting, the public body will consider whether to take administrative action against a person, the name of the person against whom administrative action may be taken.

3. Minimum public notice is:

(a) Posting a copy of the notice at the principal office of the public body or, if there is no principal office, at the building in which the meeting is to be held, and at not less than three other separate, prominent places within the jurisdiction of the public body not later than 9 a.m. of the third working day before the meeting; and

(b) Providing a copy of the notice to any person who has requested notice of the meetings of the public body. A request for notice lapses 6 months after it is made. The public body shall inform the requester of this fact by enclosure with, notation upon or text included within the first notice sent. The notice must be:

(1) Delivered to the postal service used by the public body not later than 9 a.m. of the third working day before the meeting for transmittal to the requester by regular mail; or

(2) If feasible for the public body and the requester has agreed to receive the public notice by electronic mail, transmitted to the requester by electronic mail sent not later than 9 a.m. of the third working day before the meeting.

4. If a public body maintains a website on the Internet or its successor, the public body shall post notice of each of its meetings on its website unless the public body is unable to do so because of technical problems relating to the operation or maintenance of its website. Notice posted pursuant to this subsection is supplemental to and is not a substitute for the minimum public notice required pursuant to subsection 3. The inability of a public body to post notice of a meeting pursuant to this subsection as a result of technical problems with its website shall not be deemed to be a violation of the provisions of this chapter.

5. Upon any request, a public body shall provide, at no charge, at least one copy of:

(a) An agenda for a public meeting;

(b) A proposed ordinance or regulation which will be discussed at the public meeting; and

(c) Subject to the provisions of subsection 6, any other supporting material provided to the members of the public body for an item on the agenda, except materials:

(1) Submitted to the public body pursuant to a nondisclosure or confidentiality agreement which relates to proprietary information;

(2) Pertaining to the closed portion of such a meeting of the public body; or

(3) Declared confidential by law, unless otherwise agreed to by each person whose interest is being protected under the order of confidentiality.

➥ The public body shall make at least one copy of the documents described in paragraphs (a), (b) and (c) available to the public at the meeting to which the documents pertain. As used in this subsection, "proprietary information" has the meaning ascribed to it in NRS 332.025.

6. A copy of supporting material required to be provided upon request pursuant to paragraph (c) of subsection 5 must be:

(a) If the supporting material is provided to the members of the public body before the meeting, made available to the requester at the time the material is provided to the members of the public body; or

(b) If the supporting material is provided to the members of the public body at the meeting, made available at the meeting to the requester at the same time the material is provided to the members of the public body.

➥ If the requester has agreed to receive the information and material set forth in subsection 5 by electronic mail, the public body shall, if feasible, provide the information and material by electronic mail.

7. A public body may provide the public notice, information and material required by this section by electronic mail. If a public body makes such notice, information and material available by electronic mail, the public body shall inquire of a person who requests the notice, information or material if the person will accept receipt by electronic mail. The inability of a public body, as a result of technical problems with its electronic mail system, to provide a public notice, information or material required by this section to a person who has agreed to receive such notice, information or material by electronic mail shall not be deemed to be a violation of the provisions of this chapter.

8. As used in this section, "emergency" means an unforeseen circumstance which requires immediate action and includes, but is not limited to:

(a) Disasters caused by fire, flood, earthquake or other natural causes; or

(b) Any impairment of the health and safety of the public.

Sec. 2. This act becomes effective on July 1, 2011.

Assemblywoman Neal moved that the Assembly adopt the report of the Conference Committee concerning Assembly Bill No. 257.

Remarks by Assemblywoman Neal.

Motion carried by a constitutional majority.

Senate Bill No. 72.

Assemblyman Conklin moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 197.

Assemblyman Conklin moved that the bill be referred to the Committee on Education.

Motion carried.

Senate Bill No. 227.

Assemblyman Conklin moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 360.

Assemblyman Conklin moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 371.

Assemblyman Conklin moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 427.

Assemblyman Conklin moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 428.

Assemblyman Conklin moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 473.

Assemblyman Conklin moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 493.

Assemblyman Conklin moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Assemblyman Conklin moved that the Assembly recess until 11 a.m.
Motion carried.

Assembly in recess at 12:51 a.m.

ASSEMBLY IN SESSION

At 1:45 p.m.
Mr. Speaker presiding.
Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Ways and Means has had under consideration the various budgets for the Department of Conservation and Natural Resources, and begs leave to report back that the following accounts have been closed by the Committee:

Forestry 101-4195
Forest Fire Suppression (101-4196)
Forestry Conservation Camps (101-4198)
Forestry Inter-Governmental Agreements (101-4227)
Forestry Nurseries (257-4235)
State Parks (101-4162)
Nevada Tahoe Regional Planning Agency (101-4166)
Division of Conservation Districts (101-4151)
Nevada Natural Heritage (101-4101)
Tahoe Regional Planning Agency (101-4204)

Mr. Speaker:

Your Committee on Ways and Means has had under consideration the various budgets for the Commission on Economic Development, and begs leave to report back that the following accounts have been closed by the Committee:

Commission on Economic Development (101-1526)
Nevada Film Office (101-1527)
Rural Community Development (101-1528)
Nevada Catalyst Fund (101-1529)
Procurement Outreach Program (101-4867)

Mr. Speaker:

Your Committee on Ways and Means has had under consideration the various budgets for the Office of the Governor, and begs leave to report back that the following accounts have been closed by the Committee:

Office of the Governor (101-1000)
Governor's Mansion Maintenance (101-1001)
Governor's Washington Office (101-1011)
State Fiscal Stabilization Account (101-1007)
High Level Nuclear Waste (101-1005)
Lieutenant Governor (101-1020)

Mr. Speaker:

Your Committee on Ways and Means has had under consideration the various budgets for the Department of Health and Human Services, Aging and Disability Services Division and begs leave to report back that the following accounts have been closed by the Committee:

Senior Rx and Disability Rx (262-3156)
Senior Citizens' Prop Tax Assistance (101-2363)
Tobacco Settlement Program (262-3140)
Home & Community Based Programs (101-3146)
Federal Programs and Administration (101-3151)
EPS/Homemaker Programs (101-3252)
Community Based Services (101-3266)
Idea Part C Compliance (101-3276)
Developmental Disabilities (101-3154)

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Assembly Bill No. 581, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Ways and Means, to which was referred Assembly Bill No. 527, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which was referred Assembly Bill No. 550, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which was referred Assembly Bill No. 553, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which were referred Senate Bills Nos. 11, 425, 428, 473, 485, 486, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Ways and Means, to which was rereferred Assembly Bill No. 469, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, as amended.

Also, your Committee on Ways and Means, to which was rereferred Senate Bill No. 314, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DEBBIE SMITH, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 5, 2011

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted the report of the Conference Committee concerning Assembly Bill No. 136.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators Schneider, Breeden and Hardy as a Conference Committee concerning Senate Bill No. 99.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators Breeden, Copening and Settelmeyer as a Conference Committee concerning Senate Bill No. 168.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators Schneider, Copening and Settelmeyer as a Conference Committee concerning Senate Bill No. 294.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the Conference Committee concerning Senate Bill No. 193.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

SENATE CHAMBER, Carson City, June 6, 2011

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 114, 195, 332, 476, 484, 494, 526, 572.

Also, I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 561, 575, 576, 577; Senate Bill No. 438.

Also, I have the honor to inform your honorable body that the Senate on this day requested the Assembly to return Assembly Bill No. 78 back to the Senate for further consideration.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 524, Senate Amendment No. 803, and requests a conference, and appointed Senators Schneider, Breeden and Roberson as a Conference Committee to meet with a like committee of the Assembly.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 525, Senate Amendment No. 878, and requests a conference, and appointed Senators Manendo, Lee and Rhoads as a Conference Committee to meet with a like committee of the Assembly.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the Conference Committee concerning Assembly Bill No. 59.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the Conference Committee concerning Assembly Bill No. 257.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the Conference Committee concerning Assembly Bill No. 433.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the Conference Committee concerning Assembly Bill No. 498.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 188, 349.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bill No. 434.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly Amendment No. 932 to Senate Bill No. 320; Assembly Amendment No. 799 to Senate Bill No. 321; Assembly Amendment No. 953 to Senate Bill No. 421.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly Amendment No. 933 to Senate Bill No. 276; Assembly Amendment No. 683 to Senate Bill No. 309; Assembly Amendment No. 944 to Senate Bill No. 439; Assembly Amendment No. 896 to Senate Bill No. 440.

Also, I have the honor to inform your honorable body that the Senate on this day adopted report of the Conference Committee concerning Senate Bill No. 136.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the Conference Committee concerning Senate Bill No. 200.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the Conference Committee concerning Senate Bill No. 268.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the Conference Committee concerning Senate Bill No. 365.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Conklin moved that Assembly Bill No. 78, returned from enrollment, be returned to the Senate.

Motion carried.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 1:52 p.m.

ASSEMBLY IN SESSION

At 1:53 p.m.

Mr. Speaker presiding.

Quorum present.

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 188.

Assemblyman Conklin moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 349.

Assemblyman Conklin moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 434.

Assemblyman Conklin moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 438.

Assemblyman Conklin moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 527.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 956.

AN ACT making an appropriation for the implementation and operation of a principal leadership training program; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. 1. There is hereby appropriated from the State General Fund to the Department of Administration to contract with the Clark County Public Education Foundation the sum of ~~[$500,000]~~ **$100,000** for the implementation and operation of a principal leadership training program.

2. The Department of Administration may release the money appropriated by subsection 1 only upon receipt of evidence that the Clark County Public Education Foundation has matched or exceeded the appropriation from other sources.

Sec. 2. 1. The Clark County Public Education Foundation shall work in cooperation with the 17 school districts, other public education foundations in this State, and the Regional Professional Development training programs for the professional development of teachers and administrators created by NRS 391.512 to design and implement the training program.

2. The Clark County Public Education Foundation shall use the money appropriated by subsection 1 of section 1 of this act to implement and operate a principal leadership training program, including, without limitation:

(a) Personnel for the program;

(b) Equipment and supplies for the program;

(c) Research related to the design of a curriculum;

(d) Marketing to licensed principals throughout the State; and

(e) Data systems for the reporting of participation and results.

Sec. 3. Upon acceptance of the money appropriated by subsection 1 of section 1 of this act, the Clark County Public Education Foundation shall:

1. Prepare and transmit a report to the Director of the Legislative Counsel Bureau for transmission to the Interim Finance Committee on or before December 15, 2012, that describes each expenditure made from the money appropriated by subsection 1 of section 1 of this act from the date on which the money was received through December 1, 2012;

2. Prepare and transmit a final report to the Director of the Legislative Counsel Bureau for transmittal to the Interim Finance Committee on or before September 20, 2013, that describes each expenditure made from the money appropriated by subsection 1 of section 1 of this act from the date on which the money was received through June 30, 2013; and

3. Upon request of the Legislative Commission, make available to the Legislative Auditor any of the books, accounts, claims, reports, vouchers or

other records of information, confidential or otherwise, of the Clark County Public Education Foundation, regardless of their form or location, that the Legislative Auditor deems necessary to conduct an audit of the use of the money appropriated by subsection 1 of section 1 of this act.

Sec. 4. Any remaining balance of the appropriation made by subsection 1 of section 1 of this act must not be committed for expenditure after June 30, 2013, by the entity to which the appropriation is made or any entity to which the money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 20, 2013, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 20, 2013.

Sec. 5. This act becomes effective upon passage and approval.

Assemblyman Hickey moved the adoption of the amendment.

Amendment adopted.

Bill ordered to third reading.

Assembly Bill No. 550.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 919.

SUMMARY— ~~[Provides for the construction, operation and maintenance of]~~ **Directs the Legislative Commission to conduct an interim study concerning** state ports of entry. (BDR ~~[35-892)]~~ **S-892)**

AN ACT relating to transportation; ~~[providing for the construction, operation and maintenance of]~~ **directing the Legislative Commission to conduct an interim study concerning** state ports of entry; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, vehicles are subject to inspection by peace officers and other inspectors for issues such as safety, equipment, weight, load and emissions. (NRS 484D.560-484D.580, 484D.675; NAC 445B.769) This bill ~~[requires]~~ **directs** the ~~[Department of Transportation]~~ **Legislative Commission** to ~~[provide by regulation for the establishment, subject to the availability of funding, of]~~ **conduct an interim study concerning** state ports of entry, **which are facilities** at which drivers, vehicles and loads transported on vehicles are inspected for compliance with state and federal law.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. ~~[Chapter 408 of NRS is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this act.]~~

1. The Legislative Commission shall appoint a committee to conduct an interim study concerning the feasibility of the creation and operation of ports of entry on highways within this State.

2. The committee appointed by the Legislative Commission pursuant to subsection 1 must be composed of six Legislators as follows:

(a) Three members appointed by the Majority Leader of the Senate, at least one of whom must be appointed from the membership of the Senate Standing Committee on Transportation during the immediately preceding session of the Legislature; and

(b) Three members appointed by the Speaker of the Assembly, at least one of whom must be appointed from the membership of the Assembly Standing Committee on Transportation during the immediately preceding session of the Legislature.

3. The study must include, without limitation:

(a) Consideration of the applicable provisions of federal law.

(b) An examination of the feasibility and cost of establishing permanent ports of entry on highways within this State.

(c) Consideration of the appropriate functions to be performed at or by ports of entry, including, without limitation, the inspection of drivers, vehicles and loads transported on vehicles for one or more of the following purposes:

(1) Size, weight and load restrictions applicable to commercial motor vehicles.

(2) Requirements applicable to the safety of commercial motor vehicles, including, without limitation, equipment required for the operation of commercial motor vehicles.

(3) Registration and permitting of commercial motor vehicles in accordance with applicable law.

(4) Transportation of hazardous materials in accordance with applicable law.

(5) Transportation of agricultural products, livestock and other animals in accordance with applicable law.

(6) Licensure and permitting of drivers in accordance with applicable law.

(7) Payment of required fees and taxes.

(8) Transportation of controlled substances, counterfeit merchandise and other articles of contraband.

(9) Such other purposes as may be determined to be necessary or appropriate.

(d) An examination of the advisability and usefulness of the following, as the following may relate to ports of entry:

(1) Cooperative agreements between the State of Nevada and other states for the operation and staffing of ports of entry.

(2) Partnerships with private businesses and contractors for the construction, operation, maintenance and staffing of ports of entry.

(3) Consultation between the State of Nevada and the Federal Government for purposes including, without limitation:

(I) Compliance with federal law.

(II) The inclusion of employees or contractors of the Federal Government as staff at ports of entry to enforce federal statutes and regulations.

(e) Consultation with:

(1) The Department of Transportation;

(2) The Department of Motor Vehicles;

(3) The Nevada Highway Patrol Division of the Department of Public Safety;

(4) The Surface Transportation Board;

(5) The Federal Motor Carrier Safety Administration of the United States Department of Transportation;

(6) Agencies of adjoining states having jurisdiction over matters relating to transportation; and

(7) Interstate motor carriers.

(f) An examination of any other matter that the committee determines to be relevant to the study.

4. The Legislative Commission shall submit a report of the results of the study and any recommendations for legislation to the 77th Session of the Nevada Legislature.

5. As used in this section:

(a) "Commercial motor vehicle" means a motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle:

(1) Has a gross combination weight rating of 26,001 or more pounds which includes a towed unit with a gross vehicle weight rating of more than 10,000 pounds;

(2) Has a gross vehicle weight rating of 26,001 or more pounds;

(3) Is designed to transport 16 or more passengers, including the driver; or

(4) Regardless of size, is used in the transportation of materials which are considered to be hazardous for the purposes of the federal Hazardous Materials Transportation Act, 49 U.S.C. §§ 5101 et seq., and

for which the display of identifying placards is required pursuant to 49 C.F.R. Part 172, Subpart F.

(b) "Hazardous material" means any substance or combination of substances, including any hazardous material, hazardous waste, hazardous substance or marine pollutant:

(1) Of a type and amount for which a vehicle transporting the substance must be placarded pursuant to 49 C.F.R. Part 172;

(2) Of a type and amount for which a uniform hazardous waste manifest is required pursuant to 40 C.F.R. Part 262; or

(3) Which is transported in bulk packaging, as defined in 49 C.F.R. § 171.8.

(c) "Port of entry" means a fixed or temporary facility:

(1) That is constructed, operated and maintained by the Department of Transportation or other appropriate state and local governmental entities, or both; and

(2) At which drivers, vehicles and loads transported on vehicles are inspected for compliance with state and federal laws.

Sec. 2. **(Deleted by amendment.)**

Sec. 3. **(Deleted by amendment.)**

Sec. 4. **(Deleted by amendment.)**

Sec. 5. **(Deleted by amendment.)**

Sec. 6. This act becomes effective ~~[upon passage and approval for the purpose of adopting regulations and]~~ on July 1, 2011**. [**~~, for all other purposes.]~~

Assemblyman Hickey moved the adoption of the amendment.

Amendment adopted.

Bill ordered to third reading.

Assembly Bill No. 553.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 960.

AN ACT relating to the Public Employees' Benefits Program; revising provisions governing subsidies for the coverage of certain persons under the Program; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Under existing law, a state agency is required to pay a share of the costs of coverage under the Public Employees' Benefits Program of its active officers and employees. The amount of this share is established by the Legislature based on permanent, full-time employment. (NRS 287.044) Section 1 of this~~

~~bill provides for a proration of the amount of this subsidy for officers and employees who are not employed on a full-time basis.~~**]**

Existing law provides for the payment of a subsidy to cover a portion of the cost of coverage under the Public Employees' Benefits Program for certain retired officers and employees with state service. (NRS 287.046) **Section 2** of this bill provides that officers and employees initially hired **on or** after ~~**[**July 1, 2011, with state service~~**]** **January 1, 2012, by the State** are not eligible for a subsidy upon retirement. ~~**[**The calculation of a subsidy for officers and employees with state service who are initially hired before July 1, 2011, and who retire after July 1, 2012, is also limited by section 2 to the person's number of years of full-time service as of June 30, 2012. Section 2 of this bill does not change the calculation of subsidies for: (1) persons who retired before January 1, 1994, and who receive the entire base funding level defined by the Legislature under existing law; and (2) persons who retired on or after January 1, 1994, but before July 1, 2012, and who receive the base funding level, as adjusted by their years of service, under existing law.~~**]** **Such persons may participate in the Program, paying the entire cost of that coverage, until they are eligible for coverage under an individual medical plan offered by Medicare.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. ~~**[**NRS 287.044 is hereby amended to read as follows:~~

~~287.044 1. Except as otherwise provided in [~~subsection 2,~~] *this section,* each participating state agency shall pay to the Program an amount specified by law for every state officer or employee who is employed by a participating public agency on a permanent and full-time basis and elects to participate in the Program.~~

~~2. A member of the Senate or Assembly who elects to participate in the Program shall pay the entire premium or contribution for the member's insurance.~~

~~3. State officers and employees who elect to participate in the Program must authorize deductions from their compensation for the payment of premiums or contributions for the Program. Any deduction from the compensation of a state officer or employee for the payment of such a premium or contribution must be based on the actual amount of the premium or contribution after deducting any amount of the premium or contribution which is paid pursuant to subsection 1.~~

~~4. If a state officer or employee chooses to cover any dependents, whenever this option is made available by the Board, except as otherwise provided in NRS 287.021 and 287.0477, the state officer or employee must pay the difference between the amount of the premium or contribution for the~~

~~coverage for the state officer or employee and such dependents and the amount paid by the participating state agency that employs the officer or employee.~~

~~5. A participating state agency shall not pay any part of those premiums or contributions if the group life insurance or group accident or health insurance is not approved by the Board.~~

~~6. The Board may allocate the money paid to the Program pursuant to this section between the cost of premiums and contributions for group insurance for each state officer or employee, except a member of the Senate or Assembly, and the dependents of each state officer or employee.~~

~~*7. If a state officer or employee:*~~

~~*(a) Works 75 percent or more of the full-time equivalent of his or her position, the employer shall pay to the Program 100 percent of the amount specified by law in accordance with subsection 1 for that person.*~~

~~*(b) Works half time or more but less than 75 percent of the full-time equivalent of his or her position, the employer shall pay to the Program 60 percent of the amount specified by law in accordance with subsection 1 for that person.*~~

~~*(c) Works less than half time of the full-time equivalent of his or her position, the officer or employee is not eligible for any portion of the amount specified by law in accordance with subsection 1.]*~~ **(Deleted by amendment.)**

Sec. 2. NRS 287.046 is hereby amended to read as follows:

287.046 1. The Department of Administration shall establish an assessment that is to be used to pay for a portion of the cost of premiums or contributions for the Program for persons who ***were initially hired before*** ~~*[July 1, 2011,]*~~ ***January 1, 2012, and*** have retired with state service **.** ~~[before January 1, 1994, or under the circumstances set forth in paragraph (a), (b) or (c) of subsection 3.]~~

2. The money assessed pursuant to subsection 1 must be deposited into the Retirees' Fund and must be based upon an amount approved by the Legislature each session to pay for a portion of the current and future health and welfare benefits for such retirees.

3. Except as otherwise provided in ~~[subsection]~~ ~~[4,]~~ ~~*[6,]*~~ ***subsections 7 and 8,*** the portion to be paid to the Program from the Retirees' Fund on behalf of such persons must be equal to a portion of the cost for each retiree and the retiree's dependents who are enrolled in the plan, as defined for each year of the plan by the Program.

~~[3.]~~ ~~[Adjustments]~~

4. Except as otherwise provided in subsection 6, the portion of the amount approved by the Legislature as described in subsection 2 to be paid to the Program from the Retirees' Fund for persons who retired before

January 1, 1994, with state service is the base funding level defined for each year of the plan by the Program.

5. Except as otherwise provided in ~~*[subsections 4 and 5,]*~~ ***subsection 6, adjustments*** to the portion ***of the amount approved by the Legislature*** ~~*[pursuant to]*~~ ***as described in subsection 2 to be*** paid by the Retirees' Fund ~~[must be as follows:~~

~~(a) For~~] ***for*** persons who retire on or after January 1, 1994, ~~*[but before July 1, 2012,]*~~ with state service ~~[:~~

~~(1)~~] ***must be as follows:***

(a) For each year of service less than 15 years, excluding service purchased pursuant to NRS 1A.310 or 286.300, the portion paid by the Retirees' Fund must be reduced by an amount equal to 7.5 percent of the base funding level defined by the Legislature. In no event may the adjustment exceed 75 percent of the base funding level defined by the Legislature.

~~[(2)~~] ***(b)*** For each year of service greater than 15 years, excluding service purchased pursuant to NRS 1A.310 or 286.300, the portion paid by the Retirees' Fund must be increased by an amount equal to 7.5 percent of the base funding level defined by the Legislature. In no event may the adjustment exceed 37.5 percent of the base funding level defined by the Legislature.

~~[(b) For persons who are~~]

~~*[4. For the purposes of calculating the adjustment pursuant to subsection 3, the years of service of a person who retires on or after July 1, 2012, is limited to the years of full-time service of the person as of June 30, 2012.*~~

~~*5.]*~~ ***6. No money may be paid by the Retirees' Fund on behalf of a retired person who is*** initially hired by the State ~~[on~~] ***:***

(a) On or after January 1, 2010, ***but before*** ~~*[July]*~~ ***January 1, 2012,*** and who ~~[retire with at least 15 years of service credit, which must include state service and may include local governmental service, and who have~~] ***:***

(1) Has not participated in the Program on a continuous basis since ~~[their~~] retirement from such employment ~~[, for each year of service greater than 15 years, excluding service purchased pursuant to NRS 1A.310 or 286.300, the portion paid by the Retirees' Fund must be increased by an amount equal to 7.5 percent of the base funding level defined by the Legislature. In no event may the adjustment exceed 37.5 percent of the base funding level defined by the Legislature.~~

~~(c) For persons who are initially hired by the State on or after January 1, 2010, and who retire with at least 5 years of service credit, which must include state service and may include local governmental service, who do~~] ***; or***

(2) Does not have at least 15 years of service ~~[credit to qualify under paragraph (b) as]~~ ***, unless the retired person does not have at least 15 years of service as*** a result of a disability for which disability benefits are received under the Public Employees' Retirement System or a retirement program for professional employees offered by or through the Nevada System of Higher Education, and ~~[who have]~~ ***has*** participated in the Program on a continuous basis since ~~[their]~~ retirement from such employment ***.*** ~~[:~~

~~(1) For each year of service less than 15 years, excluding service purchased pursuant to NRS 1A.310 or 286.300, the portion paid by the Retirees' Fund must be reduced by an amount equal to 7.5 percent of the base funding level defined by the Legislature. In no event may the adjustment exceed 75 percent of the base funding level defined by the Legislature.~~

~~(2) For each year of service greater than 15 years, excluding service purchased pursuant to NRS 1A.310 or 286.300, the portion paid by the Retirees' Fund must be increased by an amount equal to 7.5 percent of the base funding level defined by the Legislature. In no event may the adjustment exceed 37.5 percent of the base funding level defined by the Legislature.~~

~~4.]~~ ***(b) On or after*** ~~*[July]*~~ ***January 1, 2012. The provisions of this paragraph must not be construed to prohibit a retired person who was hired on or after January 1, 2012, from participating in the Program until the retired person is eligible for coverage under an individual medical plan offered pursuant to the Health Insurance for the Aged Act, 42 U.S.C. §§ 1395 et seq. The retired person shall pay the entire premium or contribution for his or her participation in the Program.***

~~*[6.]*~~ ***7.*** If the amount calculated pursuant to subsection 3 ***or 4*** exceeds the actual premium or contribution for the plan of the Program that the retired participant selects, the balance must be credited to the Program Fund.

~~[5.]~~ ~~*[7.]*~~ ***8.*** For the purposes of ~~[subsection 1:]~~ ***this section:***

(a) Credit for service must be calculated in the manner provided by chapter 286 of NRS.

(b) No proration may be made for a partial year of ~~[state]~~ service.

~~[6.]~~ ~~*[8.]*~~ ***9.*** The Department shall agree through the Board with the insurer for billing of remaining premiums or contributions for the retired participant and the retired participant's dependents to the retired participant and to the retired participant's dependents who elect to continue coverage under the Program after the retired participant's death.

Sec. 3. This act becomes effective on July 1, 2011.

Assemblyman Hickey moved the adoption of the amendment.

Amendment adopted.

Bill ordered to third reading.

Senate Bill No. 314.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 972.

AN ACT relating to real property; exempting property managers from certain registration and permitting requirements relating to the practice of asset management; providing for the registration and regulation of asset management companies; providing for the permitting and regulation of asset managers employed or independently contracted by asset management companies; setting forth the causes for disciplinary action for asset management companies and asset managers; prohibiting a purchaser of residential property from voluntarily waiving or being required to waive his or her right to a disclosure form; providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the licensure or registration and regulation of various professions in this State. (Title 54 of NRS) This bill provides for the registration, permitting and regulation of asset management companies and asset managers by the Real Estate Division of the Department of Business and Industry. Asset management companies provide asset management services for real property which is in foreclosure and which is owned by a bank, mortgage broker, mortgage banker, credit union, thrift company or savings and loan association, or any subsidiary thereof, a mortgage holding entity chartered by Congress or a federal, state or local governmental entity. Such companies and persons manage the property, performing services such as securing the property by changing locks, removing trash and debris, cleaning the home and surrounding property, performing maintenance and repairs of homes and disposing of the personal property of homeowners left in homes which are in foreclosure and which the legal owner has deemed abandoned.

Section 13.5 of this bill exempts from the requirements of registration or requirement to obtain a separate permit a person who holds a current permit to engage in property management but requires the person to comply with the remaining provisions of this bill as well as those regulating the practice of property management. **Section 23** of this bill sets forth the requirements an asset management company must meet to be registered in this State, including criminal background checks on all principals, partners, directors and officers of the company. **Section 24** of this bill requires asset management companies to carry sufficient insurance to cover any damage to real property, any wrongful evictions or any wrongful disposal of the personal property of a homeowner or a tenant of a homeowner. **Section 27.5**

of this bill imposes a $2,000 application fee for registration as an asset management company, as well as a $500 fee for the issuance of a certificate of registration and an annual fee of $500 to renew the certificate of registration. **Section 29** of this bill requires all persons employed or independently contracted as an asset manager by an asset management company to obtain a permit from the Division, undergo a criminal background check at the expense of the asset manager and pay a fee of $75 for the issuance of the permit. **Section 29.1 requires a holder of a permit to annually submit a renewal application and pay a fee of $75 for the renewal of the permit.**

Sections 29.3-29.7, 30.3 and 30.7 of this bill set forth the actions for which an asset management company or asset manager may be investigated or disciplined and the procedures the Division is required to follow in conducting disciplinary action. **Section 31** of this bill specifies the services an asset management company may provide and the steps an asset management company must take before it may dispose of the personal property of a homeowner or a tenant of a homeowner, including storage of the property for 30 days in a secure location and notifying the homeowner or the tenant in writing of the disposal and where the property may be reclaimed. **Section 32** of this bill makes it a misdemeanor for a person to operate an asset management company in this State without being registered with the Division or for an asset manager to engage in asset management without a permit issued by the Division. **Section 33** of this bill makes it a misdemeanor for an asset management company or its agents to: (1) evict a real property owner or a tenant of a real property owner without a court order while the real property owner still has time to redeem his or her real property; (2) dispose of any personal property of a homeowner or a tenant of a homeowner except as provided in **section 31;** (3) seize real property that is not in foreclosure; (4) allow any work to be done on real property by a person who is not licensed to do that type of work or allow any work to be done on real property which requires a permit or an inspection unless the permit is obtained or inspection completed; (5) conduct any activities for which a real estate license or property management permit is required without such a license or permit; (6) fail to provide the real property disclosure to any purchaser of a residence for which the asset management company has provided services; or (7) receive, collect, hold or manage money which belongs to another person, including, without limitation, rent from a tenant, except in certain circumstances.

Existing law requires a seller to complete and serve a purchaser of residential property with a disclosure form regarding the property, but allows a purchaser to waive his or her right to receive such a form. (NRS 113.130) **Section 34** of this bill prohibits a purchaser from waiving, or a seller from

requiring a purchaser to waive, the purchaser's right to the disclosure form. In addition, **section 34** requires a seller to provide the purchaser with the contact information of any asset management company who repaired or replaced or attempted to repair or replace any defects in the property and requires the asset management company to provide the purchaser with a service report on the property upon request.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Title 54 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 2 to 33, inclusive, of this act.

Sec. 2. ***As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 3 to 12.5, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 3. ***"Administrator" means the Real Estate Administrator.***

Sec. 4. ***"Asset management" means to manage, oversee or direct actions taken to maintain any real property, including, without limitation, any actions taken to preserve, restore or improve the value and to lessen the risk of damage to the property on behalf of a client before a foreclosure sale or in preparation for liquidation of real property owned by the client pursuant to a foreclosure sale.***

Sec. 5. ***"Asset management company" means a person, limited-liability company, partnership, association or corporation which, for compensation and pursuant to a contractual agreement, power of attorney or other legal authorization, engages in asset management on behalf of:***

1. A bank, mortgage broker, mortgage banker, credit union, thrift company or savings and loan association, or any subsidiary thereof which is authorized to transact business in this State;

2. A mortgage holding entity chartered by Congress; or

3. A federal, state or local governmental entity.

Sec. 5.5. ***"Asset manager" means a person engaged in the business of asset management who is an employee or independent contractor of a registered asset management company.***

Sec. 6. ***"Client" means:***

1. A bank, mortgage broker, mortgage banker, credit union, thrift company or savings and loan association, or any subsidiary thereof that is authorized to transact business in this State;

2. A mortgage holding entity chartered by Congress; or

3. A federal, state or local governmental entity,

↳ for whom an asset management company provides asset management.

Sec. 7. *"Division" means the Real Estate Division of the Department of Business and Industry.*

Sec. 8. *"Foreclosure sale" means a sale of real property to enforce an obligation secured by a mortgage or lien on the property, including, without limitation, the exercise of a trustee's power of sale pursuant to NRS 107.080.*

Sec. 9. *"Homeowner" means the owner of record of a residence, including, without limitation, the owner of record of a residence in foreclosure at the time the notice of the pendency of an action for foreclosure is recorded pursuant to NRS 14.010 or the notice of default and election to sell is recorded pursuant to NRS 107.080.*

Sec. 10. *"Mortgage banker" has the meaning ascribed to it in NRS 645E.100.*

Sec. 11. *"Mortgage broker" has the meaning ascribed to it in NRS 645B.0127.*

Sec. 11.3. *"Real property in foreclosure" includes, without limitation, a residence in foreclosure or commercial real property against which there is an outstanding notice of the pendency of an action for foreclosure recorded pursuant to NRS 14.010 or notice of default and election to sell recorded pursuant to NRS 107.080*

Sec. 11.7. *"Real property owner" means the owner of record of real property, including, without limitation, a homeowner or an owner of real property in foreclosure.*

Sec. 12. *"Residence in foreclosure" means any residential real property consisting of:*

1. Not more than four family dwelling units, one of which the homeowner or a tenant of the homeowner occupies as his or her principal place of residence; or

2. A single-family residential unit, including, without limitation, a condominium, townhouse or home within a subdivision, if the unit is sold, leased or otherwise conveyed unit by unit, regardless of whether the unit is part of a larger building or parcel that consists of more than four units,

➥ against which there is an outstanding notice of the pendency of an action for foreclosure recorded pursuant to NRS 14.010 or notice of default and election to sell recorded pursuant to NRS 107.080.

Sec. 12.5. *"Service report" means a written report on a form prescribed by the Division which is provided by an asset management company or asset manager and which lists the specific services performed on real property for a client.*

Sec. 13. *The provisions of this chapter do not apply to:*

1. A person who is a regular, full-time employee of a bank, mortgage broker, mortgage banker, credit union, thrift company or savings and loan association, or any subsidiary thereof.

2. A person who takes possession of property from a defendant in connection with a judicial proceeding for eminent domain brought pursuant to chapter 37 of NRS.

Sec. 13.5. *1. The provisions of this chapter which require a certificate of registration or permit do not apply to a person or broker who has a current permit to engage in property management pursuant to chapter 645 of NRS.*

2. A person or broker who has a permit to engage in property management pursuant to chapter 645 of NRS may engage in the business of asset management if the provision of asset management services is included in the property management agreement entered into pursuant to NRS 645.6056.

3. Except as otherwise provided in subsection 1, a person or broker who engages in the business of asset management must comply with the provisions of this chapter and the recordkeeping requirements of chapter 645 of NRS.

Sec. 14. *1. The Division shall administer the provisions of this chapter and may employ legal counsel, investigators and other professional consultants necessary to discharge its duties pursuant to this chapter.*

2. An employee of the Division must not be employed by or have an interest in any business that manages residences in foreclosure or other assets.

3. An employee of the Division shall not act as an asset manager or as an agent for an asset management company.

Sec. 15. *The Division shall adopt:*

1. Regulations prescribing a standard of practice and code of ethics for registered asset management companies. The regulations must include, without limitation, provisions establishing the degree of care that must be exercised by a reasonably prudent registered asset management company.

2. Such other regulations as are necessary for the administration of this chapter.

Sec. 16. *1. The Administrator may adopt regulations which establish procedures for the Division to conduct business electronically pursuant to title 59 of NRS with persons who are regulated pursuant to this chapter and with any other persons with whom the Division conducts business. The regulations may include, without limitation, provisions establishing fees to pay the costs of conducting business electronically with the Division.*

2. In addition to the provisions of NRS 719.280, if the Division conducts business electronically with a person and a law requires a

signature or record to be notarized, acknowledged, verified or made under oath, the Division may allow the person to substitute a declaration that complies with the provisions of NRS 53.045 to satisfy the legal requirement.

3. The Division may refuse to conduct business electronically with a person who has failed to pay any money which the person owes to the Division.

Sec. 16.5. ***1. The Division may inspect any service report, contractual agreement, power of attorney or other legal authorization entered into by an asset management company and a client to ensure compliance with the provisions of this chapter.***

2. The Division shall adopt regulations pertaining to those inspections.

Sec. 17. ***1. In addition to any other remedy or penalty, the Division may impose an administrative fine against any person who knowingly:***

(a) Engages or offers to engage in any activity for which a certificate of registration or permit or any other authorization is required pursuant to this chapter, or any regulation adopted pursuant thereto, if the person does not hold the required certificate of registration or permit or has not received the required authorization; or

(b) Assists or offers to assist another person in the commission of a violation described in paragraph (a).

2. If the Division imposes an administrative fine against a person pursuant to this section, the amount of the administrative fine must not exceed the amount of any gain or economic benefit that the person derived from the violation or $5,000, whichever is greater.

3. In determining the appropriate amount of the administrative fine, the Division shall consider:

(a) The severity of the violation and the degree of any harm that the violation caused to other persons;

(b) The nature and amount of any gain or economic benefit that the person derived from the violation;

(c) The person's history or record of other violations; and

(d) Any other facts or circumstances that the Division deems to be relevant.

4. Before the Division may impose the administrative fine, the Division must provide the person with notice and an opportunity to be heard.

5. The person is entitled to judicial review of the decision of the Division in the manner provided by chapter 233B of NRS.

6. The provisions of this section do not apply to a person who engages or offers to engage in activities within the provisions of this chapter if:

(a) A specific statute exempts the person from complying with the provisions of this chapter with regard to those activities; and

(b) The person is acting in accordance with the exemption while engaging or offering to engage in those activities.

Sec. 18. *1. The Division shall maintain a record of:*

(a) Persons whose applications for registration have been denied;

(b) Formal disciplinary proceedings and any investigations conducted by the Division which result in the initiation of those proceedings; and

(c) Rulings or decisions upon complaints filed with the Division.

2. Except as otherwise provided in this section and section 19 of this act, records kept in the office of the Division pursuant to this chapter are open to the public for inspection pursuant to regulations adopted by the Division. Except as otherwise provided in NRS 239.0115, the Division may keep confidential, unless otherwise ordered by a court any criminal and financial records of an asset management company or applicant for a certificate of registration.

Sec. 19. *1. Except as otherwise provided in this section and section 18 of this act, a complaint filed with the Division, all documents and other information filed with the Division relating to the complaint and all documents and other information compiled as a result of an investigation conducted to determine whether to initiate disciplinary action are confidential and may be disclosed in whole or in part only as necessary in the course of administering this chapter or to a licensing board or agency or any other governmental agency, including, without limitation, a law enforcement entity, that is investigating a person who holds a certificate of registration or permit issued pursuant to this chapter.*

2. The complaint or other document filed by the Division to initiate disciplinary action and all documents and information considered by the Division when determining whether to impose discipline are public records.

Sec. 20. *1. All fees and administrative fines received by the Division pursuant to this chapter must be deposited with the State Treasurer for credit to the State General Fund.*

2. Money for the support of the Division in carrying out the provisions of this chapter must be provided by direct legislative appropriation and be paid out on claims as other claims against the State are paid.

Sec. 21. *1. The Attorney General shall render to the Division opinions upon questions of law relating to the construction or interpretation of this chapter, or arising in the administration thereof, submitted to the Attorney General by the Division.*

2. The Attorney General shall act as the attorney for the Division in all actions and proceedings brought against or by the Division pursuant to any of the provisions of this chapter.

Sec. 22. *If the Division imposes an administrative fine or collects a fee for registering an asset management company or issuing or renewing a*

permit to an asset manager, the Division shall deposit the amount collected with the State Treasurer for credit to the State General Fund. The Division may present a claim to the State Board of Examiners for recommendation to the Interim Finance Committee if money is needed to pay an attorney's fee or the cost of an investigation, or both.

Sec. 23. ***1. A person who wishes to be registered as an asset management company in this State must file a written application with the Division upon a form prepared and furnished by the Division and pay the fee required pursuant to section 27.5 of this act. An application must:***

(a) State the name, residence address and business address of the applicant and the location of each principal office and branch office at which the asset management company will conduct business within this State;

(b) State the name under which the applicant will conduct business as an asset management company;

(c) List the name, residence address and business address of each person who will, if the applicant is not a natural person, have an interest in the asset management company as a principal, partner, officer, director or trustee, specifying the capacity and title of each such person;

(d) Include a complete set of the fingerprints of the applicant or, if the applicant is not a natural person, a complete set of the fingerprints of each person who will have an interest in the asset management company as a principal, partner, officer, director or trustee, and written permission authorizing the Division to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report; and

(e) Include a statement signed by the applicant attesting that the applicant has read and understands the provisions of sections 29.5 to 33, inclusive, of this act.

2. Except as otherwise provided in this chapter the Division shall issue a certificate of registration to an applicant as an asset management company if:

(a) The application is verified by the Division and complies with the requirements of this chapter.

(b) The applicant and each general partner, officer or director of the applicant, if the applicant is a partnership, corporation or unincorporated association:

(1) Submits satisfactory proof to the Division that he or she has a good reputation for honesty, trustworthiness and integrity and displays competence to transact the business of an asset management company in a manner which safeguards the interests of the general public.

(2) Has not been convicted of, or entered a plea of nolo contendere to, a felony relating to the practice of asset management or any crime involving fraud, misrepresentation or moral turpitude.

(3) Has not made a false statement of material fact on his or her application.

(4) Has not had a professional license that was issued in this State or any other state, district or territory of the United States or any foreign country suspended or revoked within the 10 years immediately preceding the date of application.

(5) Has not violated any provision of this chapter, a regulation adopted pursuant thereto or an order of the Administrator.

(c) The applicant certifies that he or she:

(1) Has a process in place to verify that each employee or independent contractor that performs services as directed by the asset management company or an asset manager employed by or under contract with the asset management company is the holder of a license in good standing in this State to perform the services for which the asset management company will use the employee or independent contractor.

(2) Has a process in place to review the work of each independent contractor that performs services as directed by the asset management company or an asset manager employed by or under contract with the asset management company to ensure that those services are conducted in accordance with all applicable laws and regulations of this State.

(3) Will maintain a detailed record of each request for service it receives and the independent contractor who fulfilled that request.

(d) The applicant submits proof that he or she possesses all business licenses and permits required to do business in this State.

Sec. 24. *1. Before issuing any certificate of registration or annual renewal thereof, the Division shall require satisfactory proof that the asset management company:*

(a) Is covered by a policy of insurance written by an insurance company authorized to do business in this State which is sufficient to reimburse real property owners for, without limitation, any damage to real property in foreclosure, the wrongful disposal of property or wrongful eviction; or

(b) Possesses and will continue to possess sufficient means to act as a self-insurer against that liability.

2. Every asset management company shall maintain the policy of insurance or self-insurance required by this section. The registration of every such asset management company is automatically suspended 10 days after receipt by the asset management company of a notice from the Division that the required insurance is not in effect, unless satisfactory proof of insurance is provided to the Division within that period.

3. Proof of insurance or self-insurance must be in such a form as the Division may require.

Sec. 25. *1. If an asset management company is not a natural person, the company must designate a natural person as a qualified employee to act on behalf of the asset management company.*

2. As used in this section, "qualified employee" means:

(a) A director, officer, member, employee, manager or trustee of a partnership, corporation or limited-liability company designated by the partnership, corporation or limited-liability company to act on the behalf of the partnership, corporation or limited-liability company; or

(b) A person designated by a sole proprietorship who satisfies the requirements set forth in subsection 2 of section 23 of this act.

Sec. 26. *1. In addition to any other requirements set forth in this chapter, an applicant for the issuance of a certificate of registration as an asset management company or a permit to engage in asset management shall:*

(a) Include the social security number of the applicant in the application submitted to the Division.

(b) Submit to the Division the statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520. The statement must be completed and signed by the applicant.

2. The Division shall include the statement required pursuant to subsection 1 in:

(a) The application or any other forms that must be submitted for the issuance or renewal of the certificate of registration or permit; or

(b) A separate form prescribed by the Division.

3. A certificate of registration or permit may not be issued or renewed by the Division pursuant to this chapter if the applicant:

(a) Fails to submit the statement required pursuant to subsection 1; or

(b) Indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.

4. If an applicant indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the Division shall advise the applicant to contact the district attorney or other public agency

enforcing the order to determine the actions that the applicant may take to satisfy the arrearage.

Sec. 27. ***A certificate of registration issued pursuant to this chapter expires each year on the date of its issuance, unless it is renewed. To renew the certificate of registration, the registrant must submit to the Division on or before the expiration date:***

1. An application for renewal;

2. The fee required to renew the certificate of registration pursuant to section 27.5 of this act; and

3. All information required to complete the renewal.

Sec. 27.5. ***1. A person must pay the following fees for the issuance or renewal of a certificate of registration as an asset management company:***

(a) For the issuance of a certificate of registration, an application fee of $2,000 for the principal office and a fee of $500 for the issuance of the initial certificate of registration.

(b) For the renewal of a certificate of registration, a fee of $500.

2. The following fees must be charged by and paid to the Division:

For each issuance of a duplicate registration or permit.....$50
For each change in the name or location of a business.....20
For each change in the name or business address of a holder of a permit.....20

Sec. 28. (Deleted by amendment.)

Sec. 29. ***1. A person in this State who is employed or independently contracted as an asset manager by an asset management company shall apply to the Division for a permit to engage in asset management and pay a fee of $75 for the issuance of the permit.***

2. An applicant for a permit must:

(a) At his or her own expense:

(1) Arrange to have a complete set of fingerprints taken by a law enforcement agency or other authorized entity acceptable to the Division; and

(2) Submit to the Division:

(I) A completed fingerprint card and written permission authorizing the Division to submit the applicant's fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for a report on the applicant's background and to such other law enforcement agencies as the Division deems necessary; or

(II) Written verification, on a form prescribed by the Division, stating that the fingerprints of the applicant were taken by a law enforcement agency or other authorized entity and directly forwarded by electronic or other means to the Central Repository and that the applicant has given written permission to the law enforcement agency or other

authorized entity to submit the fingerprints to the Central Repository for submission to the Federal Bureau of Investigation for a report on the applicant's background and to such other law enforcement agencies as the Division deems necessary;

(b) Submit to the Division a signed statement attesting that the applicant has read and understands the provisions of sections 29.5 to 33, inclusive, of this act; and

(c) Comply with all other requirements established by the Division for the issuance of a permit.

3. The Division may:

(a) Unless the applicant's fingerprints are forwarded pursuant to sub-subparagraph (II) of subparagraph (2) of paragraph (a) of subsection 2, submit those fingerprints to the Central Repository for submission to the Federal Bureau of Investigation and to such other law enforcement agencies as the Division deems necessary; and

(b) Request from each such agency any information regarding the applicant's background as the Division deems necessary.

Sec. 29.1. A permit issued pursuant to section 29 of this act expires 1 year after the date of issuance, unless it is renewed. To renew the permit, the registrant must submit to the Division on or before the date of expiration:

1. An application for renewal;

2. A fee of $75; and

3. All information required to complete the renewal.

Sec. 29.3. ***1. The Administrator may investigate the actions of any asset management company or asset manager or any person who acts in any such capacity within this State.***

2. The provisions of this chapter do not limit the authority of the Division to take disciplinary action against a registered asset management company or permit holder for a violation of any of the provisions of this chapter or any regulation adopted pursuant to this chapter, nor does the payment in full of all obligations through any insurance proceeds nullify or modify the effect of any other disciplinary proceeding brought pursuant to the provisions of this chapter or any regulation adopted pursuant to this chapter.

Sec. 29.5. ***1. The Division may require an asset management company or asset manager to pay an administrative fine of not more than $10,000 for each violation he or she commits or suspend, revoke, deny the renewal of or place conditions upon his or her certificate of registration or permit, or impose any combination of those actions, at any time if the asset management company or asset manager has, by false or fraudulent representation, obtained a certificate of registration or permit, or the asset***

management company or asset manager, whether or not acting as such, is found guilty of:

(a) Making any material misrepresentation.

(b) Making any false promises of a character likely to influence, persuade or induce.

(c) Failing to maintain, for review and audit by the Division, each service report, contractual agreement, power of attorney or other legal authorization entered into with a client and governed by the provisions of this chapter.

(d) Accepting or collecting any money which belongs to another person.

(e) Violating any order of the Division, any agreement with the Division, any of the provisions of this chapter or chapters 116, 119, 119A, 119B, 645, 645A or 645C of NRS or any regulation adopted pursuant thereto.

(f) Paying a commission, compensation or a finder's fee to any person for performing the services of an asset management company or asset manager who does not have a certificate of registration or permit in this State.

(g) A conviction of, or the entry of a plea of guilty, guilty but mentally ill or nolo contendere to:

(1) A felony relating to the practice of the asset management company or asset manager; or

(2) Any crime involving fraud, deceit, misrepresentation or moral turpitude.

(h) Gross negligence or incompetence in performing any act for which the person is required to hold a certificate of registration, permit or license pursuant to this chapter or chapter 119, 119A, 119B or 645 of NRS.

(i) Any other conduct which constitutes deceitful, fraudulent or dishonest dealing.

(j) Any conduct which took place before the person obtained his or her certificate of registration or permit which was unknown to the Division and which would have been grounds for denial of the certificate of registration or permit had the Division been aware of the conduct.

(k) Knowingly allowing any person whose certificate of registration or permit has been revoked to act as an asset management company or asset manager with or on behalf of the asset management company or asset manager.

(l) Failing to maintain insurance at the level required pursuant to this chapter.

(m) Failing to produce any document, book or record in his or her possession, or under his or her control, concerning any real estate transaction or asset management service under investigation by the Division.

2. The Division may take action pursuant to this section against a person who is subject to this chapter for the suspension or revocation of a certificate of registration issued to an asset management company or a permit issued to an asset manager by any other jurisdiction.

3. The Division may take action pursuant to this section against any person who:

(a) Is a registered asset management company or holds a permit as an asset manager pursuant to this chapter; and

(b) In connection with any property for which the person is engaging in the business of asset management pursuant to this chapter:

(1) Is convicted of violating any of the provisions of NRS 202.470;

(2) Has been notified in writing by the appropriate governmental agency of a potential violation of NRS 244.360, 244.3603 or 268.4124 and has failed to inform the owner of the property of such notification; or

(3) Has been directed in writing by the owner of the property to correct a potential violation of NRS 244.360, 244.3603 or 268.4124 and has failed to correct the potential violation, if such corrective action is within the scope of the person's duties pursuant to a contract power of attorney or other legal authorization entered into with a client.

4. The Division shall maintain a log of any complaints that it receives relating to activities for which the Division may take action against a person holding a certificate of registration or permit to engage in the business of asset management pursuant to this chapter.

5. An order that imposes discipline and the findings of fact and conclusions of law supporting that order are public records.

Sec. 29.7. *In addition to any other remedy or penalty, the Division may:*

1. Refuse to issue a certificate of registration or permit to a person who has failed to pay any money which the person owes to the Division.

2. Refuse to renew, or suspend or revoke, the certificate of registration or permit of a person who has failed to pay that money.

Sec. 30. *1. If the Division receives a copy of a court order issued pursuant to NRS 425.540 that provides for the suspension of all professional, occupational and recreational licenses, certificates and permits issued to a holder of a certificate of registration or permit, the Division shall deem the certificate of registration or permit to be suspended at the end of the 30th day after the date the court order was issued unless the Division receives a letter issued to the holder of the certificate of registration or permit by the district attorney or other public agency pursuant to NRS 425.550 stating that the holder of the certificate of registration or permit has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.*

2. The Division shall reinstate a certificate of registration or permit that has been suspended by a district court pursuant to NRS 425.540 if the Division receives a letter issued by the district attorney or other public agency pursuant to NRS 425.550 to the holder of the certificate of registration or permit stating that the holder of the certificate of registration or permit has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

Sec. 30.3. *1. Any unlawful act or violation of any of the provisions of this chapter by any asset management company or asset manager is not cause to suspend, revoke or deny the renewal of the certificate of registration or permit of an asset management company or asset manager associated with an asset management company or asset manager, unless it appears to the satisfaction of the Division that the associate knew or should have known thereof. A course of dealing shown to have been persistently and consistently followed by any asset management company or asset manager constitutes prima facie evidence of such knowledge upon the part of the associate.*

2. If it appears that a registered asset management company knew or should have known of any unlawful act or violation on the part of an asset manager employed by the asset management company, in the course of his or her employment, the Division may suspend, revoke or deny the renewal of the certificate of registration of the asset management company and may assess a civil penalty of not more than $5,000.

3. The Division may suspend, revoke or deny the renewal of the certificate of registration of an asset management company and may assess a civil penalty of not more than $5,000 against the asset management company if it appears that the asset management company has failed to maintain adequate supervision of an asset manager associated with the asset management company and that asset manager commits any unlawful act or violates any provision of this chapter.

Sec. 30.7. *The expiration or revocation of a certificate of registration or permit by operation of law or by order or decision of the Division or a court of competent jurisdiction or the voluntary surrender of a certificate of registration or a permit by an asset management company or asset manager does not:*

1. Prohibit the Administrator or Division from initiating or continuing an investigation of, or action or disciplinary proceeding against, the asset management company or asset manager as authorized pursuant to the provisions of this chapter or the regulations adopted pursuant thereto; or

2. Prevent the imposition or collection of any fine or penalty authorized pursuant to the provisions of this chapter or the regulations adopted pursuant thereto against the asset management company or asset manager.

Sec. 31. ***1. Subject to the provisions of section 33 of this act, the services an asset management company may provide include, without limitation:***

(a) Securing real property in foreclosure once it has been determined to be abandoned and all notice provisions required by law have been complied with;

(b) Providing maintenance for real property in foreclosure, including landscape and pool maintenance;

(c) Cleaning the interior or exterior of real property in foreclosure;

(d) Providing repair or improvements for real property in foreclosure; and

(e) Removing trash and debris from real property in foreclosure and the surrounding property.

2. An asset management company may dispose of personal property abandoned on the premises of a residence in foreclosure or left on the premises after the eviction of a homeowner or a tenant of a homeowner without incurring civil or criminal liability in the following manner:

(a) The asset management company shall reasonably provide for the safe storage of the property for 30 days after the abandonment or eviction and may charge and collect the reasonable and actual costs of inventory, moving and storage before releasing the property to the homeowner or the tenant of the homeowner or his or her authorized representative rightfully claiming the property within that period. The asset management company is liable to the homeowner or the tenant of the homeowner only for the asset management company's negligent or wrongful acts in storing the property.

(b) After the expiration of the 30-day period, the asset management company may dispose of the property and recover his or her reasonable costs from the property or the value thereof if the asset management company has made reasonable efforts to locate the homeowner or the tenant of the homeowner, has notified the homeowner or the tenant of the homeowner in writing of his or her intention to dispose of the property and 14 days have elapsed since the notice was given to the homeowner or the tenant of the homeowner. The notice must be mailed to the homeowner or the tenant of the homeowner at the present address of the homeowner or the tenant of the homeowner and, if that address is unknown, then at the last known address of the homeowner or the tenant of the homeowner.

(c) Vehicles must be disposed of in the manner provided in chapter 487 of NRS for abandoned vehicles.

3. Any dispute relating to the amount of the costs claimed by the asset management company pursuant to paragraph (a) of subsection 2 may be resolved using the procedure provided in subsection 7 of NRS 40.253.

Sec. 31.3. *1. An asset management company that is a natural person or an asset manager shall notify the Division in writing if he or she is convicted of, or enters a plea of guilty, guilty but mentally ill or nolo contendere to, a felony or any offense involving moral turpitude.*

2. An asset management company that is a natural person or an asset manager shall submit the notification required by subsection 1:

(a) Not more than 10 days after the conviction or entry of the plea of guilty, guilty but mentally ill or nolo contendere; and

(b) When submitting an application to renew a certificate of registration or permit issued pursuant to this chapter.

Sec. 31.5. *1. An applicant for a certificate of registration pursuant to section 23 of this act or a permit pursuant to section 29 of this act shall file with the Division, on a form prescribed by a regulation adopted by the Division, an irrevocable consent appointing the Administrator as his or her agent for service of process in a noncriminal proceeding against the applicant, a successor or personal representative which arises under this chapter or a regulation adopted pursuant to this chapter after the consent is filed, with the same force and validity as if served personally on the person filing the consent.*

2. A person who has filed an irrevocable consent in accordance with subsection 1 in connection with a previous application for a certificate of registration or permit is not required to file an additional consent.

3. If a person, including a nonresident of this State, engages in conduct prohibited or made actionable by this chapter or a regulation adopted pursuant to this chapter and the person has not filed an irrevocable consent to service of process in accordance with subsection 1, engaging in the conduct constitutes the appointment of the Administrator as the person's agent for service of process in a noncriminal proceeding against the person, a successor or personal representative which arises out of the conduct.

4. Service under subsection 1 or 3 may be made by leaving a copy of the process in the Office of the Administrator, but it is not effective unless:

(a) The plaintiff, who may be the Administrator, sends notice of the service and a copy of the process by registered or certified mail, return receipt requested, to the defendant or respondent at the address set forth in the consent to service of process or, if no consent to service of process has been filed, at the last known address, or takes other steps which are reasonably calculated to give actual notice; and

(b) The plaintiff files an affidavit of compliance with this subsection in the proceeding on or before the return day of the process, if any, or within such further time as the court, or the Administrator in a proceeding before the Administrator, allows.

5. Service as provided in subsection 4 may be used in a proceeding before the Administrator or by the Administrator in a proceeding in which the Administrator is the moving party.

6. If the process is served under subsection 4, the court, or the Administrator in a proceeding before the Administrator, may order continuances as may be necessary to afford the defendant or respondent a reasonable opportunity to defend.

Sec. 31.7. *In any proceeding pursuant to this chapter, the Administrator may appoint hearing officers from the Department of Business and Industry who shall act as his or her agents and conduct any hearing or investigation which may be conducted by the Administrator pursuant to the provisions of this chapter.*

Sec. 32. *1. It is unlawful for any person, limited-liability company, partnership, association or corporation to engage in the business of, act in the capacity of, advertise or assume to act as an asset management company without first obtaining a certificate of registration from the Division pursuant to section 23 of this act.*

2. It is unlawful for any asset manager to engage in the business of asset management without first obtaining a permit from the Division pursuant to section 29 of this act.

3. A person who violates a provision of this section is guilty of a misdemeanor.

Sec. 33. *1. It is unlawful for an asset management company or an asset manager or other employee, director, officer or agent of an asset management company to:*

(a) Unless the asset management company is acting pursuant to a court order, evict a real property owner or a tenant of a real property owner until after the time during which the real property owner may redeem the real property in foreclosure.

(b) Dispose of the personal property of a homeowner or a tenant of a homeowner except as provided in section 31 of this act.

(c) Seize real property for a client which is not real property in foreclosure.

(d) Perform any repair, maintenance or renovation on the real property in foreclosure:

(1) Which is required to be performed by a person holding a license unless such repair, maintenance or renovation is done by a person licensed in this State to perform such repair, maintenance or renovation; or

(2) Which requires a permit or inspection by any governmental entity in this State, unless the permit is first obtained and the inspection is performed after completion.

(e) Conduct any activity for which a license or permit is required pursuant to chapter 645 of NRS without first obtaining such a license or permit.

(f) Fail to provide the disclosure form required pursuant to NRS 113.130 for a purchaser of a residence in foreclosure for which the asset management company or its asset manager, employee, director, officer or agent has provided asset management.

(g) Receive, collect, hold or manage any money which belongs to another person, including, without limitation, collecting or managing rent from a tenant unless the person holds a permit as a property manager pursuant to chapter 645 of NRS and is receiving, collecting, holding or managing the money pursuant to a property management agreement.

2. A person who violates a provision of this section is guilty of a misdemeanor.

Sec. 33.3. Chapter 645 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A broker who enters into an agreement to provide asset management services to a client shall:

(a) Disclose annually to the Division any such agreements to provide asset management services to a client; and

(b) Provide proof satisfactory to the Division on an annual basis that the broker has complied with the requirements of section 24 of this act.

2. In addition to any other remedy or penalty, the Division may take administrative action, including, without limitation, the suspension of a license or permit or the imposition of an administrative fine, against a broker who fails to comply with this section.

3. As used in this section:

(a) "Asset management" has the meaning ascribed to it in section 4 of this act.

(b) "Client" has the meaning ascribed to it in section 6 of this act.

Sec. 33.7. NRS 645.6056 is hereby amended to read as follows:

645.6056 1. A real estate broker who holds a permit to engage in property management shall not act as a property manager unless the broker has first obtained a property management agreement signed by the broker and the client for whom the broker will manage the property.

2. A property management agreement must include, without limitation:

(a) The term of the agreement and, if the agreement is subject to renewal, provisions clearly setting forth the circumstances under which the agreement may be renewed and the term of each such renewal;

(b) A provision for the retention and disposition of deposits of the tenants of the property during the term of the agreement and, if the agreement is subject to renewal, during the term of each such renewal;

(c) The fee or compensation to be paid to the broker;

(d) The extent to which the broker may act as the agent of the client; ~~[~~and~~]~~

(e) If the agreement is subject to cancellation, provisions clearly setting forth the circumstances under which the agreement may be cancelled. The agreement may authorize the broker or the client, or both, to cancel the agreement with cause or without cause, or both, under the circumstances set forth in the agreement ~~[~~.~~]~~ ***; and***

(f) If the broker intends to provide asset management services for the client, a provision indicating the extent to which the broker will provide those services. As used in this paragraph, "client" has the meaning ascribed to it in section 6 of this act.

Sec. 34. NRS 113.130 is hereby amended to read as follows:

113.130 1. Except as otherwise provided in ~~[~~subsections~~]~~ ***subsection*** 2 ***:*** ~~[~~and 3:~~]~~

(a) At least 10 days before residential property is conveyed to a purchaser:

(1) The seller shall complete a disclosure form regarding the residential property; and

(2) The seller or the seller's agent shall serve the purchaser or the purchaser's agent with the completed disclosure form.

(b) If, after service of the completed disclosure form but before conveyance of the property to the purchaser, a seller or the seller's agent discovers a new defect in the residential property that was not identified on the completed disclosure form or discovers that a defect identified on the completed disclosure form has become worse than was indicated on the form, the seller or the seller's agent shall inform the purchaser or the purchaser's agent of that fact, in writing, as soon as practicable after the discovery of that fact but in no event later than the conveyance of the property to the purchaser. If the seller does not agree to repair or replace the defect, the purchaser may:

(1) Rescind the agreement to purchase the property; or

(2) Close escrow and accept the property with the defect as revealed by the seller or the seller's agent without further recourse.

2. Subsection 1 does not apply to a sale or intended sale of residential property:

(a) By foreclosure pursuant to chapter 107 of NRS.

(b) Between any co-owners of the property, spouses or persons related within the third degree of consanguinity.

(c) Which is the first sale of a residence that was constructed by a licensed contractor.

(d) By a person who takes temporary possession or control of or title to the property solely to facilitate the sale of the property on behalf of a person

who relocates to another county, state or country before title to the property is transferred to a purchaser.

3. A purchaser of residential property may ***not*** waive any of the requirements of subsection 1. ~~[Any such waiver is effective only if it is made in a written document that is signed by the purchaser and notarized.]~~ ***A seller of residential property may not require a purchaser to waive any of the requirements of subsection 1 as a condition of sale or for any other purpose.***

4. If a sale or intended sale of residential property is exempted from the requirements of subsection 1 pursuant to paragraph (a) of subsection 2, the trustee and the beneficiary of the deed of trust shall, not later than at the time of the conveyance of the property to the purchaser of the residential property, ***or upon the request of the purchaser of the residential property,*** provide ~~[written]~~ ***:***

(a) Written notice to the purchaser of any defects in the property of which the trustee or beneficiary, respectively, is aware ~~[.]~~ ***; and***

(b) If any defects are repaired or replaced or attempted to be repaired or replaced, the contact information of any asset management company who provided asset management services for the property. The asset management company shall provide a service report to the purchaser upon request.

5. As used in this section:

(a) "Seller" includes, without limitation, a client as defined in section 6 of this act.

(b) "Service report" has the meaning ascribed to it in section 12.5 of this act.

Sec. 35. Section 26 of this act is hereby amended to read as follows:

Sec. 26. 1. In addition to any other requirements set forth in this chapter, an applicant for the issuance of a certificate of registration as an asset management company or a permit to engage in asset management shall ~~[~~:

~~(a) Include the social security number of the applicant in the application submitted to the Division.~~

~~(b) Submit~~] ***submit*** to the Division the statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520. The statement must be completed and signed by the applicant.

2. The Division shall include the statement required pursuant to subsection 1 in:

(a) The application or any other forms that must be submitted for the issuance or renewal of the certificate of registration or permit; or

(b) A separate form prescribed by the Division.

3. A certificate of registration or permit may not be issued or renewed by the Division pursuant to this chapter if the applicant:

(a) Fails to submit the statement required pursuant to subsection 1; or

(b) Indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.

4. If an applicant indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the Division shall advise the applicant to contact the district attorney or other public agency enforcing the order to determine the actions that the applicant may take to satisfy the arrearage.

Sec. 36. The Real Estate Division of the Department of Business and Industry shall, on or before October 1, 2011, adopt any regulations which are required by or necessary to carry out the provisions of this act.

Sec. 37. 1. This section, sections 1 to 34, inclusive, and section 36 of this act become effective:

(a) Upon passage and approval for the purpose of adopting regulations and performing any preliminary administrative tasks that are necessary to carry out the provisions of this act; and

(b) On October 1, 2011, for all other purposes.

2. Section 35 of this act becomes effective on the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

(a) Have failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or

(b) Are in arrears in the payment of the support of one or more children,

➥ are repealed by the Congress of the United States.

3. Sections 30 and 35 of this act expire by limitation 2 years after the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

(a) Have failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or

(b) Are in arrears in the payment for the support of one or more children,
➥ are repealed by the Congress of the United States.

Assemblyman Hickey moved the adoption of the amendment.

Amendment adopted.

Bill ordered to third reading.

Senate Bill No. 149.

Bill read third time.

Roll call on Senate Bill No. 149:

YEAS—41.

NAYS—None.

EXCUSED—Sherwood.

Senate Bill No. 149 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 437.

Read third time.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 2:02 p.m.

ASSEMBLY IN SESSION

At 2:03 p.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Pierce moved to withdraw Amendment No. 931 to Senate Bill No 437.

Motion carried.

GENERAL FILE AND THIRD READING

Roll call on Senate Bill No. 437:

YEAS—41.

NAYS—None.

EXCUSED—Sherwood.

Senate Bill No. 437 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 483.

Bill read third time.

The following amendment was proposed by Assemblyman Goicoechea:

Amendment No. 968.

AN ACT relating to the Department of Motor Vehicles; authorizing the Department to enter into certain agreements relating to advertising; authorizing the Director of the Department to release certain information to certain persons; ~~[transferring the authority to adopt specifications for motor vehicle fuel from the State Board of Agriculture to the Department;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, it is unlawful for any person to erect any bulletin board or other advertising device on the grounds of the State Capitol or on any other state building or property. (NRS 331.200) **Section 1** of this bill authorizes the Director of the Department of Motor Vehicles to enter into agreements for the placement of advertising in areas of buildings owned or occupied by the Department. Any money collected by the Department from such advertising must be deposited in the Motor Vehicle Fund and used to offset the costs of communicating with the public. **Section 3.5** of this bill requires the Department to make certain reports to the Interim Finance Committee concerning such agreements.

Existing law prohibits the Director from disclosing certain information, including personally identifiable information, except to certain persons. **Section 1.5** of this bill authorizes the Director to disclose certain information to a person who, pursuant to a contract with the Department, requests such information for the purpose of an advisory notice relating to a motor vehicle or the recall of a motor vehicle or for providing information concerning the history of a vehicle.

~~[Existing law requires the State Board of Agriculture to adopt specifications for motor vehicle fuel and to enforce such specifications. (NRS 590.070, 590.071) Sections 2.3 and 2.5 of this bill transfer this authority to the Department of Motor Vehicles. Section 3.3 of this bill provides that the Department may enforce any regulations adopted by the Board concerning specifications for motor vehicle fuel until the Department adopts new regulations to repeal or replace the regulations adopted by the Board.]~~

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 481 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Director may enter into an agreement with a person for the placement of advertisements in areas of buildings owned or occupied by the Department that are frequented by the public.

2. A person who enters into an agreement with the Director pursuant to subsection 1 shall ensure that each advertisement placed pursuant to the agreement does not inhibit or disrupt the functioning of the Department.

3. Any money collected by the Department from an agreement entered into pursuant to subsection 1 must be:

(a) Deposited with the State Treasurer for credit to the Motor Vehicle Fund; and

(b) Used to offset the costs of communicating with the public.

4. The Director may adopt regulations to carry out the provisions of this section.

Sec. 1.5. NRS 481.063 is hereby amended to read as follows:

481.063 1. The Director may charge and collect reasonable fees for official publications of the Department and from persons making use of files and records of the Department or its various divisions for a private purpose. All money so collected must be deposited in the State Treasury for credit to the Motor Vehicle Fund.

2. Except as otherwise provided in subsection ~~[5,]~~ ***6,*** the Director may release personal information, except a photograph, from a file or record relating to the driver's license, identification card, or title or registration of a vehicle of a person if the requester submits a written release from the person who holds a lien on the vehicle, or an agent of that person, or the person about whom the information is requested which is dated not more than 90 days before the date of the request. The written release must be in a form required by the Director.

3. Except as otherwise provided in ~~[subsection 2,]~~ ***subsections 2 and 4,*** the Director shall not release to any person who is not a representative of the Division of Welfare and Supportive Services of the Department of Health and Human Services or an officer, employee or agent of a law enforcement agency, an agent of the public defender's office or an agency of a local government which collects fines imposed for parking violations, who is not conducting an investigation pursuant to NRS 253.0415 or 253.220, who is not authorized to transact insurance pursuant to chapter 680A of NRS or who is not licensed as a private investigator pursuant to chapter 648 of NRS and conducting an investigation of an insurance claim:

(a) A list which includes license plate numbers combined with any other information in the records or files of the Department;

(b) The social security number of any person, if it is requested to facilitate the solicitation of that person to purchase a product or service; or

(c) The name, address, telephone number or any other personally identifiable information if the information is requested by the presentation of a license plate number.

➥ When such personally identifiable information is requested of a law enforcement agency by the presentation of a license plate number, the law enforcement agency shall conduct an investigation regarding the person about whom information is being requested or, as soon as practicable, provide the requester with the requested information if the requester officially reports that the motor vehicle bearing that license plate was used in a violation of NRS 205.240, 205.345, 205.380 or 205.445.

4. ***If a person is authorized to obtain such information pursuant to a contract entered into with the Department and if such information is requested for the purpose of an advisory notice relating to a motor vehicle or the recall of a motor vehicle or for the purpose of providing information concerning the history of a vehicle, the Director may release:***

(a) A list which includes license plate numbers combined with any other information in the records or files of the Department; or

(b) The name, address, telephone number or any other personally identifiable information if the information is requested by the presentation of a license plate number.

5. Except as otherwise provided in subsections 2 ***, 4*** and ~~[5]~~ ***6*** and NRS 483.294, 483.855 and 483.937, the Director shall not release any personal information from a file or record relating to a driver's license, identification card, or title or registration of a vehicle.

~~[5.]~~ ***6.*** Except as otherwise provided in paragraph (a) and subsection ~~[6,]~~ ***7,*** if a person or governmental entity provides a description of the information requested and its proposed use and signs an affidavit to that effect, the Director may release any personal information, except a photograph, from a file or record relating to a driver's license, identification card, or title or registration of a vehicle for use:

(a) By any governmental entity, including, but not limited to, any court or law enforcement agency, in carrying out its functions, or any person acting on behalf of a federal, state or local governmental agency in carrying out its functions. The personal information may include a photograph from a file or record relating to a driver's license, identification card, or title or registration of a vehicle.

(b) In connection with any civil, criminal, administrative or arbitration proceeding before any federal or state court, regulatory body, board, commission or agency, including, but not limited to, use for service of process, investigation in anticipation of litigation, and execution or enforcement of judgments and orders, or pursuant to an order of a federal or state court.

(c) In connection with matters relating to:

(1) The safety of drivers of motor vehicles;

(2) Safety and thefts of motor vehicles;

(3) Emissions from motor vehicles;

(4) Alterations of products related to motor vehicles;

(5) An advisory notice relating to a motor vehicle or the recall of a motor vehicle;

(6) Monitoring the performance of motor vehicles;

(7) Parts or accessories of motor vehicles;

(8) Dealers of motor vehicles; or

(9) Removal of nonowner records from the original records of motor vehicle manufacturers.

(d) By any insurer, self-insurer or organization that provides assistance or support to an insurer or self-insurer or its agents, employees or contractors, in connection with activities relating to the rating, underwriting or investigation of claims or the prevention of fraud.

(e) In providing notice to the owners of vehicles that have been towed, repossessed or impounded.

(f) By an employer or its agent or insurer to obtain or verify information relating to a holder of a commercial driver's license who is employed by or has applied for employment with the employer.

(g) By a private investigator, private patrol officer or security consultant who is licensed pursuant to chapter 648 of NRS, for any use permitted pursuant to this section.

(h) By a reporter or editorial employee who is employed by or affiliated with any newspaper, press association or commercially operated, federally licensed radio or television station for a journalistic purpose. The Department may not make any inquiries regarding the use of or reason for the information requested other than whether the information will be used for a journalistic purpose.

(i) In connection with an investigation conducted pursuant to NRS 253.0415 or 253.220.

(j) In activities relating to research and the production of statistical reports, if the personal information will not be published or otherwise redisclosed, or used to contact any person.

(k) In the bulk distribution of surveys, marketing material or solicitations, if the Director has adopted policies and procedures to ensure that:

(1) The information will be used or sold only for use in the bulk distribution of surveys, marketing material or solicitations;

(2) Each person about whom the information is requested has clearly been provided with an opportunity to authorize such a use; and

(3) If the person about whom the information is requested does not authorize such a use, the bulk distribution will not be directed toward that person.

~~[6.]~~ ***7.*** Except as otherwise provided in paragraph (j) of subsection ~~[5,]~~ ***6,*** a person who requests and receives personal information may sell or disclose that information only for a use permitted pursuant to subsection ~~[5.]~~ ***6.*** Such a person shall keep and maintain for 5 years a record of:

(a) Each person to whom the information is provided; and

(b) The purpose for which that person will use the information.

➥ The record must be made available for examination by the Department at all reasonable times upon request.

~~[7.]~~ ***8.*** Except as otherwise provided in subsection 2, the Director may deny any use of the files and records if the Director reasonably believes that the information taken may be used for an unwarranted invasion of a particular person's privacy.

~~[8.]~~ ***9.*** Except as otherwise provided in NRS 485.316, the Director shall not allow any person to make use of information retrieved from the system created pursuant to NRS 485.313 for a private purpose and shall not in any other way release any information retrieved from that system.

~~[9.]~~ ***10.*** The Director shall adopt such regulations as the Director deems necessary to carry out the purposes of this section. In addition, the Director shall, by regulation, establish a procedure whereby a person who is requesting personal information may establish an account with the Department to facilitate the person's ability to request information electronically or by written request if the person has submitted to the Department proof of employment or licensure, as applicable, and a signed and notarized affidavit acknowledging that the person:

(a) Has read and fully understands the current laws and regulations regarding the manner in which information from the Department's files and records may be obtained and the limited uses which are permitted;

(b) Understands that any sale or disclosure of information so obtained must be in accordance with the provisions of this section;

(c) Understands that a record will be maintained by the Department of any information he or she requests; and

(d) Understands that a violation of the provisions of this section is a criminal offense.

~~[10.]~~ ***11.*** It is unlawful for any person to:

(a) Make a false representation to obtain any information from the files or records of the Department.

(b) Knowingly obtain or disclose any information from the files or records of the Department for any use not permitted by the provisions of this chapter.

~~[11.]~~ ***12.*** As used in this section, "personal information" means information that reveals the identity of a person, including, without limitation, his or her photograph, social security number, driver's license number, identification card number, name, address, telephone number or

information regarding a medical condition or disability. The term does not include the zip code of a person when separate from his or her full address, information regarding vehicular accidents or driving violations in which he or she has been involved or other information otherwise affecting his or her status as a driver.

Sec. 2. NRS 331.200 is hereby amended to read as follows:

331.200 1. It shall be unlawful for any person to commit any of the following acts upon the grounds of the State Capitol or of any other state building or property:

(a) Willfully deface, break down or destroy any fence upon or surrounding such grounds;

(b) ~~[Erect]~~ ***Except as otherwise provided in section 1 of this act, erect*** any bulletin board or other advertising device in or upon such grounds;

(c) Deposit any garbage, debris or other obstruction in or upon such grounds;

(d) Injure, break down or destroy any tree, shrub or other thing upon such grounds; or

(e) Injure the grass upon such grounds by walking upon it.

2. Any person violating any of the provisions of this section shall be guilty of a public offense, as prescribed in NRS 193.155, proportionate to the value of the property damaged or destroyed, and in no event less than a misdemeanor.

Sec. 2.3. ~~[NRS 590.070 is hereby amended to read as follows:~~

~~590.070 1. The [State Board of Agriculture] *Department of Motor Vehicles* shall adopt by regulation specifications for motor vehicle fuel:~~

~~(a) Based upon scientific evidence which demonstrates that any motor vehicle fuel which is produced in accordance with the specifications is of sufficient quality to ensure appropriate performance when used in a motor vehicle in this State; or~~

~~(b) Proposed by an air pollution control agency to attain or maintain national ambient air quality standards in any area of this State. As used in this paragraph, "air pollution control agency" means any federal air pollution control agency or any state, regional or local agency that has the authority pursuant to chapter 445B of NRS to regulate or control air pollution or air quality in any area of this State.~~

~~2. The [State Board of Agriculture] *Department of Motor Vehicles* shall adopt by regulation procedures for allowing variances from the specifications for motor vehicle fuel adopted pursuant to this section.~~

~~3. It is unlawful for any person, or any officer, agent or employee thereof, to sell, offer for sale, assist in the sale of, deliver or permit to be sold or offered for sale, any petroleum or petroleum product as, or purporting to be, motor vehicle fuel, unless it conforms with the regulations adopted by the~~

~~[State Board of Agriculture] *Department of Motor Vehicles* pursuant to this section.~~

~~4. This section does not apply to aviation fuel.~~

~~5. In addition to any criminal penalty that is imposed pursuant to the provisions of NRS 590.150, any person who violates any provision of this section may be further punished as provided in NRS 590.071.]~~ **(Deleted by amendment.)**

Sec. 2.5. ~~[NRS 590.071 is hereby amended to read as follows:~~

~~590.071 1. The [State Board of Agriculture] *Department of Motor Vehicles* shall:~~

~~(a) Enforce the specifications for motor vehicle fuel adopted by regulation pursuant to NRS 590.070.~~

~~(b) Adopt regulations specifying a schedule of fines that it may impose, upon notice and hearing, for each violation of the provisions of NRS 590.070. The maximum fine that may be imposed by the [Board] *Department of Motor Vehicles* for each violation must not exceed $5,000 per day. All fines collected by the [Board] *Department of Motor Vehicles* pursuant to the regulations adopted pursuant to this subsection must be deposited with the State Treasurer for credit to the State General Fund.~~

~~2. The [State Board of Agriculture] *Department of Motor Vehicles* may:~~

~~(a) In addition to imposing a fine pursuant to subsection 1, issue an order requiring a violator to take appropriate action to correct the violation.~~

~~(b) Request the district attorney of the appropriate county to investigate or file a criminal complaint against any person that the [Board] *Department of Motor Vehicles* suspects may have violated any provision of NRS 590.070.]~~ **(Deleted by amendment.)**

Sec. 2.7. ~~[NRS 590.100 is hereby amended to read as follows:~~

~~590.100 [The] *Except as otherwise provided in NRS 590.070 and 590.071, the* State Sealer of Weights and Measures is charged with the proper enforcement of NRS 590.010 to 590.150, inclusive, and has the following powers and duties:~~

~~1. The State Sealer of Weights and Measures may publish reports relating to petroleum products and motor vehicle fuel in such form and at such times as he or she deems necessary.~~

~~2. The State Sealer of Weights and Measures, or the appointees thereof, shall inspect and check the accuracy of all measuring devices for petroleum products and motor vehicle fuel maintained in this State, and shall seal all such devices whose tolerances are found to be within those prescribed by the National Institute of Standards and Technology.~~

~~3. The State Sealer of Weights and Measures, or the appointees thereof, or any member of the Nevada Highway Patrol, may take such samples as he or she deems necessary of any petroleum product or motor vehicle fuel that is~~

~~kept, transported or stored within the State of Nevada. It is unlawful for any person, or any officer, agent or employee thereof, to refuse to permit the State Sealer of Weights and Measures, or the appointees thereof, or any member of the Nevada Highway Patrol, in the State of Nevada, to take such samples, or to prevent or to attempt to prevent the State Sealer of Weights and Measures, or the appointees thereof, or any member of the Nevada Highway Patrol, from taking them. If the person, or any officer, agent or employee thereof, from which a sample is taken at the time of taking demands payment, then the person taking the sample shall pay the reasonable market price for the quantity taken.~~

~~4. The State Sealer of Weights and Measures, or the appointees thereof, may close and seal the outlets of any unlabeled or mislabeled containers, pumps, dispensers or storage tanks connected thereto or which contain any petroleum product or motor vehicle fuel which, if sold, would violate any of the provisions of NRS 590.010 to 590.150, inclusive, and shall post, in a conspicuous place on the premises where those containers, pumps, dispensers or storage tanks have been sealed, a notice stating that the action of sealing has been taken in accordance with the provisions of NRS 590.010 to 590.150, inclusive, and giving warning that it is unlawful to break, mutilate or destroy the seal or seals thereof under penalty as provided in NRS 590.110.~~

~~5. The State Sealer of Weights and Measures, or the appointees thereof, shall, upon at least 24 hours' notice to the owner, manager, operator or attendant of the premises where a container, pump, dispenser or storage tank has been sealed, and at the time specified in the notice, break the seal for the purpose of permitting the removal of the contents of the container, pump, dispenser or storage tank. If the contents are not immediately and completely removed, the container, pump, dispenser or storage tank must be again sealed.~~

~~6. The State Sealer of Weights and Measures shall adopt regulations which are necessary for the enforcement of NRS 590.010 to 590.150, inclusive, including standard procedures for testing petroleum products or motor vehicle fuel which are based on sources such as those approved by ASTM International, and may adopt specifications for any fuel for use in internal combustion engines which is sold or offered for sale and contains any alcohol or other combustible chemical that is not a petroleum product or motor vehicle fuel.~~**]** **(Deleted by amendment.)**

Sec. 3. The amendatory provisions of sections 1 and 2 of this act that concern property occupied by the Department of Motor Vehicles apply only with respect to such property for which:

1. The Department entered into a lease on or after the effective date of those sections; or

2. The Department entered into a lease before the effective date of those sections that did not prohibit the Department from receiving payment for advertising upon such property.

Sec. 3.3. ~~[Any regulations adopted by the State Board of Agriculture pursuant to NRS 590.070 or 590.071 remain in effect and may be enforced by the Department of Motor Vehicles until the Department adopts regulations to repeal or replace those regulations.]~~ **(Deleted by amendment.)**

Sec. 3.5. The Department of Motor Vehicles shall:

1. On or before February 1, 2012, submit a report to the Interim Finance Committee summarizing any agreement entered into pursuant to section 1 of this act. The report must include, without limitation, the terms of the agreement, a list of buildings owned or occupied by the Department in which advertising is placed and a description of the types of advertising placed pursuant to the agreement.

2. On or before August 1, 2012, submit an update to the report required by subsection 1 and a report which must include, without limitation, information concerning the manner in which any money collected by the Department pursuant to any agreement entered into pursuant to section 1 of this act has been expended during the 2011-2013 biennium and the manner in which the Department plans to use such money during the 2013-2015 biennium.

Sec. 4. 1. This section and sections 1 and 2 to 3.5, inclusive, of this act become effective upon passage and approval.

2. Section 1.5 of this act becomes effective on July 1, 2011.

Assemblyman Goicoechea moved the adoption of the amendment.

Remarks by Assemblyman Goicoechea.

Amendment adopted.

Bill ordered to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Conklin moved that Assembly Bill No. 469 be taken from its position on the General File and placed at the bottom of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 581.

Bill read third time.

Remarks by Assemblywoman Smith.

Roll call on Assembly Bill No. 581:

YEAS—42.

NAYS—None.

Assembly Bill No. 581 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 11.
Bill read third time.
Remarks by Assemblywoman Smith.
Roll call on Senate Bill No. 11:
YEAS—40.
NAYS—Goedhart, Livermore—2.
Senate Bill No. 11 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 425.
Bill read third time.
Remarks by Assemblywoman Smith.
Roll call on Senate Bill No. 425:
YEAS—42.
NAYS—None.
Senate Bill No. 425 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 428.
Bill read third time.
Remarks by Assemblywoman Smith.
Roll call on Senate Bill No. 428:
YEAS—42.
NAYS—None.
Senate Bill No. 428 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 473.
Bill read third time.
Remarks by Assemblywoman Smith.
Roll call on Senate Bill No. 473:
YEAS—42.
NAYS—None.
Senate Bill No. 473 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 485.
Bill read third time.

Remarks by Assemblywoman Smith.

Roll call on Senate Bill No. 485:

YEAS—42.

NAYS—None.

Senate Bill No. 485 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 486.

Bill read third time.

Remarks by Assemblywoman Smith.

Roll call on Senate Bill No. 486:

YEAS—42.

NAYS—None.

Senate Bill No. 486 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 527.

Bill read third time.

Remarks by Assemblywoman Smith.

Roll call on Assembly Bill No. 527:

YEAS—42.

NAYS—None.

Assembly Bill No. 527 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered reprinted, engrossed, and transmitted to the Senate.

Assembly Bill No. 550.

Bill read third time.

Roll call on Assembly Bill No. 550:

YEAS—26.

NAYS—Ellison, Goedhart, Goicoechea, Grady, Hambrick, Hammond, Hansen, Hardy, Hickey, Kirner, Kite, Livermore, McArthur, Sherwood, Stewart, Woodbury—16.

Assembly Bill No. 550 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered reprinted, engrossed, and transmitted to the Senate.

Assembly Bill No. 553.

Bill read third time.

Remarks by Assemblywoman Smith.

Roll call on Assembly Bill No. 553:

YEAS—38.

NAYS—Goedhart, Hambrick, Livermore, McArthur—4.

Assembly Bill No. 553 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered reprinted, engrossed, and transmitted to the Senate.

Senate Bill No. 314.

Bill read third time.

Roll call on Senate Bill No. 314:

YEAS—42.

NAYS—None.

Senate Bill No. 314 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered reprinted, reengrossed, and transmitted to the Senate.

Senate Bill No. 483.

Bill read third time.

Remarks by Assemblywoman Smith.

Roll call on Senate Bill No. 483:

YEAS—42.

NAYS—None.

Senate Bill No. 483 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered reprinted, reengrossed, and transmitted to the Senate.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Bills Nos. 39, 53, 81, 277, 362; Senate Bills Nos. 43, 54, 57, 60, 94, 106, 113, 126, 129, 133, 154, 186, 187, 194, 207, 208, 222, 278, 293, 338, 374, 405, 423, 429, 442, 443, 446, 447, 449, 452, 471, 475, 476, 477, 480, 498, 499, 503, 504, 505; Senate Concurrent Resolution No. 5.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Conklin, Atkinson, and Kirner as a Conference Committee to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 524.

Mr. Speaker appointed Assemblymen Carlton, Hogan, and Grady as a Conference Committee to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 525.

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 228.

The following Senate amendment was read:

Amendment No. 890.

SUMMARY—Directs the ~~[Legislative]~~ Commission **to Study Governmental Purchasing** to conduct ~~[an interim]~~ **a** study on contracts for public works. (BDR S-582)

AN ACT relating to public works; directing the ~~[Legislative]~~ Commission to **Study Governmental Purchasing to** conduct ~~[an interim]~~ **a** study of the feasibility of standard form contracts for public works at the state and local levels; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, a public body is required to include certain provisions in a contract for a public work. (NRS 338.150, 338.153, 338.155) This bill directs the ~~[Legislative]~~ Commission **to Study Governmental Purchasing** to conduct ~~[an interim]~~ **a** study of the feasibility of the use of a standard form construction contract for each contract for a state or local public work.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. (Deleted by amendment.)

Sec. 2. 1. The ~~[Legislative]~~ Commission **to Study Governmental Purchasing created pursuant to NRS 332.215** shall ~~[appoint a committee to]~~ conduct ~~[an interim]~~ **a** study concerning the feasibility of using standard form construction contracts for public works by state and local governments.

2. ~~[The committee appointed by the Legislative Commission pursuant to subsection 1 must be composed of six Legislators as follows:~~

~~(a) Three members appointed by the Majority Leader of the Senate, at least one of whom must be appointed from the membership of the Senate Standing Committee on Government Affairs during the immediately preceding session of the Legislature; and~~

~~(b) Three members appointed by the Speaker of the Assembly, at least one of whom must be appointed from the membership of the Assembly Standing Committee on Government Affairs during the immediately preceding session of the Legislature.~~

~~3.]~~ The study must include, without limitation:

(a) A review of:

(1) The laws of this State governing public works; and

(2) The use of standardized contracts in other states and localities;

(b) Construction contract clauses recommended for inclusion; and

(c) Any other matters which the ~~[Legislative]~~ Commission deems relevant to the consideration of the issues.

~~[4.]~~ **3.** In conducting the study, the ~~[committee]~~ **Commission** shall consider the recommendations and testimony from experts in construction and public works contracts, including, without limitation:

(a) National associations primarily representing the interests of public owners or private contractors;

(b) ~~[The Commission to Study Governmental Purchasing created by NRS 332.215;~~

~~(c)]~~ Representatives of management and labor organizations;

~~[(d)]~~ **(c)** The State Public Works Board; and

~~[(e)]~~ **(d)** Local government public works officials.

~~[5. The Legislative]~~

4. On or before January 15, 2013, the Commission shall submit a report of the results of the study and any recommendations for legislation to the **Director of the Legislative Counsel Bureau for transmittal to the** 77th Session of the Nevada Legislature.

Sec. 2.5. **The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.**

Sec. 3. This act becomes effective on July 1, 2011.

Assemblywoman Kirkpatrick moved that the Assembly concur in the Senate Amendment No. 890 to Assembly Bill No. 228.

Remarks by Assemblywoman Kirkpatrick.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Assembly Bill No. 222.

The following Senate amendment was read:

Amendment No. 926.

AN ACT relating to education; creating the Teachers and Leaders Council of Nevada; prescribing the membership and duties of the Council; requiring the State Board of Education to establish a statewide performance evaluation system for teachers and administrators; revising provisions governing the policies for the evaluation of teachers and administrators; revising the designations required of the evaluations of teachers and administrators; making an appropriation; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Sections 4-6 of this bill create the Teachers and Leaders Council of Nevada and prescribe the membership and duties of the Council. **Section 6** requires the Council to make recommendations to the State Board of Education for the establishment of a statewide performance evaluation system for teachers and administrators employed by school districts.

Existing law requires the automated system of accountability information for Nevada to track the achievement of pupils over time and to identify which teachers ~~[and paraprofessionals]~~ are assigned to individual pupils. The

information is required to be considered, but must not be the sole criterion, in evaluating the performance of or taking disciplinary action against an individual teacher ~~[, paraprofessional]~~ or other employee. (NRS 386.650) Existing law also requires the board of trustees of each school district to develop a policy for the evaluation of teachers and administrators pursuant to which the performance of an individual teacher or administrator is designated as "satisfactory" or "unsatisfactory." (NRS 391.3125, 391.3127) **Section 7** of this bill requires the State Board of Education, based upon the recommendations of the Council, to establish a statewide performance evaluation system for teachers and administrators employed by school districts. Effective July 1, 2013, the statewide performance evaluation system will require the evaluation of an individual teacher or administrator as "highly effective," "effective," "minimally effective" or "ineffective." ~~[Also effective July 1, 2013, section 2 of this bill]~~ **Assembly Bill No. 229 of this session, which was enacted by the Legislature on June 2, 2011,** requires that certain information on pupil achievement which is maintained by the automated system of accountability information for Nevada account for **at least** 50 percent of the evaluations of teachers and administrators. **Sections 2 and 7 of this bill make conforming changes on the use of pupil achievement data in the evaluation of teachers and administrators as the requirements on the use of that data contained in Assembly Bill No. 229. Sections 8.5 and 9.5** of this bill require the policies for the evaluations of teachers and administrators employed by school districts to comply with the statewide performance evaluation system established by the State Board.

Until the implementation of the statewide performance evaluation system, **sections 8 and 9** of this bill provide that the policies for the evaluations of teachers and administrators employed by school districts must require that certain information on pupil achievement which is maintained by the automated system of accountability information for Nevada account for a significant portion of the evaluation, as determined by the board of trustees.

Assembly Bill No. 229 of this session, provides that if the written evaluation of a probationary teacher or probationary administrator states that the overall performance of the teacher or administrator has been designated as "unsatisfactory," the evaluation must include a written statement which states that if the teacher or administrator has received two evaluations for the school year which designate his or her performance as "unsatisfactory" and the teacher or administrator has another evaluation remaining in the school year, the teacher or administrator may request that the remaining evaluation be conducted by another administrator. Section 10.3 of this bill amends Assembly Bill No. 229 to provide that the probationary teacher or probationary administrator may make such a request if the teacher or administrator

receives an "unsatisfactory" evaluation on the first or second evaluation, or both evaluations. Effective on July 1, 2013, section 10.4 of this bill amends Assembly Bill No. 229 to provide that the probationary teacher or probationary administrator may make such a request for an outside evaluator if he or she receives an evaluation of "minimally effective" or "ineffective" on the first or second evaluation, or both evaluations.

Section 10.5 of this bill makes an appropriation to the Department of Education for the costs associated with the Teachers and Leaders Council of Nevada created by **section 5**.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. (Deleted by amendment.)

Sec. 2. NRS 386.650 is hereby amended to read as follows:

386.650 1. The Department shall establish and maintain an automated system of accountability information for Nevada. The system must:

(a) Have the capacity to provide and report information, including, without limitation, the results of the achievement of pupils:

(1) In the manner required by 20 U.S.C. §§ 6301 et seq., and the regulations adopted pursuant thereto, and NRS 385.3469 and 385.347; and

(2) In a separate reporting for each group of pupils identified in paragraph (b) of subsection 1 of NRS 385.361;

(b) Include a system of unique identification for each pupil:

(1) To ensure that individual pupils may be tracked over time throughout this State; and

(2) That, to the extent practicable, may be used for purposes of identifying a pupil for both the public schools and the Nevada System of Higher Education, if that pupil enrolls in the System after graduation from high school;

(c) Have the capacity to provide longitudinal comparisons of the academic achievement, rate of attendance and rate of graduation of pupils over time throughout this State;

(d) Have the capacity to perform a variety of longitudinal analyses of the results of individual pupils on assessments, including, without limitation, the results of pupils by classroom and by school;

(e) Have the capacity to identify which teachers are assigned to individual pupils and which paraprofessionals, if any, are assigned to provide services to individual pupils;

(f) Have the capacity to provide other information concerning schools and school districts that is not linked to individual pupils, including, without limitation, the designation of schools and school districts pursuant to

NRS 385.3623 and 385.377, respectively, and an identification of which schools, if any, are persistently dangerous;

(g) Have the capacity to access financial accountability information for each public school, including, without limitation, each charter school, for each school district and for this State as a whole; and

(h) Be designed to improve the ability of the Department, school districts and the public schools in this State, including, without limitation, charter schools, to account for the pupils who are enrolled in the public schools, including, without limitation, charter schools.

➥ The information maintained pursuant to paragraphs (c), (d) and (e) must be used for the purpose of improving the achievement of pupils and improving classroom instruction. The information must ~~[be considered,]~~ ***account for at least 50 percent,*** but must not be used as the sole criterion, in evaluating the performance of or taking disciplinary action against an individual teacher, paraprofessional or other employee.

2. The board of trustees of each school district shall:

(a) Adopt and maintain the program prescribed by the Superintendent of Public Instruction pursuant to subsection 3 for the collection, maintenance and transfer of data from the records of individual pupils to the automated system of information, including, without limitation, the development of plans for the educational technology which is necessary to adopt and maintain the program;

(b) Provide to the Department electronic data concerning pupils as required by the Superintendent of Public Instruction pursuant to subsection 3; and

(c) Ensure that an electronic record is maintained in accordance with subsection 3 of NRS 386.655.

3. The Superintendent of Public Instruction shall:

(a) Prescribe a uniform program throughout this State for the collection, maintenance and transfer of data that each school district must adopt, which must include standardized software;

(b) Prescribe the data to be collected and reported to the Department by each school district and each sponsor of a charter school pursuant to subsection 2 and by each university school for profoundly gifted pupils;

(c) Prescribe the format for the data;

(d) Prescribe the date by which each school district shall report the data to the Department;

(e) Prescribe the date by which each charter school shall report the data to the sponsor of the charter school;

(f) Prescribe the date by which each university school for profoundly gifted pupils shall report the data to the Department;

(g) Prescribe standardized codes for all data elements used within the automated system and all exchanges of data within the automated system, including, without limitation, data concerning:

(1) Individual pupils;

(2) Individual teachers and paraprofessionals;

(3) Individual schools and school districts; and

(4) Programs and financial information;

(h) Provide technical assistance to each school district to ensure that the data from each public school in the school district, including, without limitation, each charter school and university school for profoundly gifted pupils located within the school district, is compatible with the automated system of information and comparable to the data reported by other school districts; and

(i) Provide for the analysis and reporting of the data in the automated system of information.

4. The Department shall establish, to the extent authorized by the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g, and any regulations adopted pursuant thereto, a mechanism by which persons or entities, including, without limitation, state officers who are members of the Executive or Legislative Branch, administrators of public schools and school districts, teachers and other educational personnel, and parents and guardians, will have different types of access to the accountability information contained within the automated system to the extent that such information is necessary for the performance of a duty or to the extent that such information may be made available to the general public without posing a threat to the confidentiality of an individual pupil.

5. The Department may, to the extent authorized by the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g, and any regulations adopted pursuant thereto, enter into an agreement with the Nevada System of Higher Education to provide access to data contained within the automated system for research purposes.

Sec. 3. Chapter 391 of NRS is hereby amended by adding thereto the provisions set forth as sections 4 to 7, inclusive, of this act.

Sec. 4. ***As used in sections 5 and 6 of this act, "Council" means the Teachers and Leaders Council of Nevada created by section 5 of this act.***

Sec. 5. ***1. There is hereby created the Teachers and Leaders Council of Nevada consisting of the following 15 members:***

(a) The Superintendent of Public Instruction, or his or her designee, who serves as an ex officio member of the Council.

(b) The Chancellor of the Nevada System of Higher Education, or his or her designee, who serves as an ex officio member of the Council.

(c) Four teachers in public schools appointed by the Governor from a list of nominees submitted by the Nevada State Education Association. The members appointed pursuant to this paragraph must represent the geographical diversity of the school districts in this State.

(d) Two administrators in public schools appointed by the Governor from a list of nominees submitted by the Nevada Association of School Administrators and one superintendent of schools of a school district appointed by the Governor from a list of nominees submitted by the Nevada Association of School Superintendents. The members appointed pursuant to this paragraph must represent the geographical diversity of the school districts in this State.

(e) Two persons who are members of boards of trustees of school districts and who are appointed by the Governor from a list of nominees submitted by the Nevada Association of School Boards.

(f) One representative of the regional training programs for the professional development of teachers and administrators created by NRS 391.512 appointed by the Governor from a list of nominees submitted by the Nevada Association of School Superintendents.

(g) One parent or legal guardian of a pupil enrolled in public school appointed by the Governor from a list of nominees submitted by the Nevada Parent Teacher Association.

(h) Two persons with expertise in the development of public policy relating to education appointed by the Superintendent of Public Instruction. The members appointed pursuant to this paragraph must not otherwise be eligible for appointment pursuant to paragraphs (a) to (g), inclusive.

2. After the initial terms, each appointed member of the Council serves a term of 3 years commencing on July 1 and may be reappointed to one additional 3-year term following his or her initial term. If any appointed member of the Council ceases to be qualified for the position to which he or she was appointed, the position shall be deemed vacant and the appointing authority shall appoint a replacement for the remainder of the unexpired term. A vacancy must be filled in the same manner as the original appointment.

3. The Council shall, at its first meeting and annually thereafter, elect a Chair from among its members.

4. The Council shall meet at least semiannually and may meet at other times upon the call of the Chair or a majority of the members of the Council. Nine members of the Council constitute a quorum, and a quorum may exercise all the power and authority conferred on the Council.

5. Members of the Council serve without compensation, except that for each day or portion of a day during which a member of the Council attends

a meeting of the Council or is otherwise engaged in the business of the Council, the member is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

6. A member of the Council who is a public employee must be granted administrative leave from the member's duties to engage in the business of the Council without loss of his or her regular compensation. Such leave does not reduce the amount of the member's other accrued leave.

7. The Department shall provide administrative support to the Council.

8. The Council may apply for and accept gifts, grants, donations and contributions from any source for the purpose of carrying out its duties pursuant to section 6 of this act.

Sec. 6. *1. The Council shall:*

(a) Make recommendations to the State Board concerning the adoption of regulations for establishing a statewide performance evaluation system to ensure that teachers and administrators employed by school districts are:

(1) Evaluated using multiple, fair, timely, rigorous and valid methods, which includes evaluations based upon pupil achievement data as required by NRS 386.650 and section 7 of this act;

(2) Afforded a meaningful opportunity to improve their effectiveness through professional development that is linked to their evaluations; and

(3) Provided with the means to share effective educational methods with other teachers and administrators throughout this State.

(b) Develop and recommend to the State Board a plan, including duties and associated costs, for the development and implementation of the performance evaluation system by the Department and school districts.

(c) Consider the role of professional standards for teachers and administrators and, as it determines appropriate, develop a plan for recommending the adoption of such standards by the State Board.

2. The performance evaluation system recommended by the Council must ensure that:

(a) Data derived from the evaluations is used to create professional development programs that enhance the effectiveness of teachers and administrators; and

(b) A timeline is included for monitoring the performance evaluation system at least annually for quality, reliability, validity, fairness, consistency and objectivity.

3. The Council may establish such working groups, task forces and similar entities from within or outside its membership as necessary to address specific issues or otherwise to assist in its work.

4. The State Board shall consider the recommendations made by the Council pursuant to this section and shall adopt regulations establishing a

statewide performance evaluation system as required by section 7 of this act.

Sec. 7. ***1. The State Board shall, based upon the recommendations of the Teachers and Leaders Council of Nevada submitted pursuant to section 6 of this act, adopt regulations establishing a statewide performance evaluation system which incorporates multiple measures of an employee's performance.***

2. The statewide performance evaluation system must:

(a) Require that an employee's overall performance is determined to be:

(1) Highly effective;

(2) Effective;

(3) Minimally effective; or

(4) Ineffective.

(b) Include the criteria for making each designation identified in paragraph (a).

(c) Require that the information maintained pursuant to paragraphs (c), (d) and (e) of subsection 1 of NRS 386.650 account for at least 50 percent of the evaluation.

(d) Include an evaluation of whether the teacher or administrator employs practices and strategies to involve and engage the parents and families of pupils.

Sec. 8. NRS 391.3125 is hereby amended to read as follows:

391.3125 1. It is the intent of the Legislature that a uniform system be developed for objective evaluation of teachers and other licensed personnel in each school district.

2. Each board, following consultation with and involvement of elected representatives of the teachers or their designees, shall develop a policy for objective evaluations in narrative form. The policy must set forth a means according to which an employee's overall performance may be determined to be satisfactory or unsatisfactory. ***The policy must require that the information maintained pursuant to paragraphs (c), (d) and (e) of subsection 1 of NRS 386.650 account for a significant portion of the evaluation, as determined by the board.*** The policy may include an evaluation by the teacher, pupils, administrators or other teachers or any combination thereof. In a similar manner, counselors, librarians and other licensed personnel must be evaluated on forms developed specifically for their respective specialties. A copy of the policy adopted by the board must be filed with the Department. The primary purpose of an evaluation is to provide a format for constructive assistance. Evaluations, while not the sole criterion, must be used in the dismissal process.

3. A conference and a written evaluation for a probationary employee must be concluded not later than:

(a) December 1;

(b) February 1; and

(c) April 1,

➥ of each school year of the probationary period, except that a probationary employee assigned to a school that operates all year must be evaluated at least three times during each 12 months of employment on a schedule determined by the board. An administrator charged with the evaluation of a probationary teacher shall personally observe the performance of the teacher in the classroom for not less than a cumulative total of 60 minutes during each evaluation period, with at least one observation during that 60-minute evaluation period consisting of at least 45 consecutive minutes.

4. Whenever an administrator charged with the evaluation of a probationary employee believes the employee will not be reemployed for the second year of the probationary period or the school year following the probationary period, the administrator shall bring the matter to the employee's attention in a written document which is separate from the evaluation not later than March 1 of the current school year. The notice must include the reasons for the potential decision not to reemploy or refer to the evaluation in which the reasons are stated. Such a notice is not required if the probationary employee has received a letter of admonition during the current school year.

5. Each postprobationary teacher must be evaluated at least once each year. An administrator charged with the evaluation of a postprobationary teacher shall personally observe the performance of the teacher in the classroom for not less than a cumulative total of 60 minutes during each evaluation period, with at least one observation during that 60-minute evaluation period consisting of at least 30 consecutive minutes.

6. The evaluation of a probationary teacher or a postprobationary teacher must include, without limitation:

(a) An evaluation of the classroom management skills of the teacher;

(b) A review of the lesson plans and the work log or grade book of pupils prepared by the teacher;

(c) An evaluation of whether the curriculum taught by the teacher is aligned with the standards of content and performance established pursuant to NRS 389.520, as applicable for the grade level taught by the teacher;

(d) An evaluation of whether the teacher is appropriately addressing the needs of the pupils in the classroom, including, without limitation, special educational needs, cultural and ethnic diversity, the needs of pupils enrolled in advanced courses of study and the needs of pupils who are limited English proficient;

(e) If necessary, recommendations for improvements in the performance of the teacher;

(f) A description of the action that will be taken to assist the teacher in correcting any deficiencies reported in the evaluation; and

(g) A statement by the administrator who evaluated the teacher indicating the amount of time that the administrator personally observed the performance of the teacher in the classroom.

7. The teacher must receive a copy of each evaluation not later than 15 days after the evaluation. A copy of the evaluation and the teacher's response must be permanently attached to the teacher's personnel file. Upon the request of a teacher, a reasonable effort must be made to assist the teacher to correct those deficiencies reported in the evaluation of the teacher for which the teacher requests assistance.

Sec. 8.5. NRS 391.3125 is hereby amended to read as follows:

391.3125 1. It is the intent of the Legislature that a uniform system be developed for objective evaluation of teachers and other licensed personnel in each school district.

2. Each board, following consultation with and involvement of elected representatives of the teachers or their designees, shall develop a policy for objective evaluations in narrative form. The policy must ~~[set forth a means according to which an employee's overall performance may be determined to be satisfactory or unsatisfactory. The policy must require that the information maintained pursuant to paragraphs (c), (d) and (e) of subsection 1 of NRS 386.650 account for a significant portion of the evaluation, as determined by the board.]~~ ***comply with the statewide performance evaluation system established by the State Board pursuant to section 7 of this act.*** The policy may include an evaluation by the teacher, pupils, administrators or other teachers or any combination thereof. In a similar manner, counselors, librarians and other licensed personnel must be evaluated on forms developed specifically for their respective specialties. A copy of the policy adopted by the board must be filed with the Department. The primary purpose of an evaluation is to provide a format for constructive assistance. Evaluations, while not the sole criterion, must be used in the dismissal process.

3. A conference and a written evaluation for a probationary employee must be concluded not later than:

(a) December 1;

(b) February 1; and

(c) April 1,

➥ of each school year of the probationary period, except that a probationary employee assigned to a school that operates all year must be evaluated at least three times during each 12 months of employment on a schedule determined by the board. An administrator charged with the evaluation of a probationary teacher shall personally observe the performance of the teacher in the classroom for not less than a cumulative total of 60 minutes during

each evaluation period, with at least one observation during that 60-minute evaluation period consisting of at least 45 consecutive minutes.

4. Whenever an administrator charged with the evaluation of a probationary employee believes the employee will not be reemployed for the second year of the probationary period or the school year following the probationary period, the administrator shall bring the matter to the employee's attention in a written document which is separate from the evaluation not later than March 1 of the current school year. The notice must include the reasons for the potential decision not to reemploy or refer to the evaluation in which the reasons are stated. Such a notice is not required if the probationary employee has received a letter of admonition during the current school year.

5. Each postprobationary teacher must be evaluated at least once each year. An administrator charged with the evaluation of a postprobationary teacher shall personally observe the performance of the teacher in the classroom for not less than a cumulative total of 60 minutes during each evaluation period, with at least one observation during that 60-minute evaluation period consisting of at least 30 consecutive minutes.

6. The evaluation of a probationary teacher or a postprobationary teacher must include, without limitation:

(a) An evaluation of the classroom management skills of the teacher;

(b) A review of the lesson plans and the work log or grade book of pupils prepared by the teacher;

(c) An evaluation of whether the curriculum taught by the teacher is aligned with the standards of content and performance established pursuant to NRS 389.520, as applicable for the grade level taught by the teacher;

(d) An evaluation of whether the teacher is appropriately addressing the needs of the pupils in the classroom, including, without limitation, special educational needs, cultural and ethnic diversity, the needs of pupils enrolled in advanced courses of study and the needs of pupils who are limited English proficient;

(e) ***An evaluation of whether the teacher employs practices and strategies to involve and engage the parents and families of pupils in the classroom;***

(f) If necessary, recommendations for improvements in the performance of the teacher;

~~[(f)]~~ ***(g)*** A description of the action that will be taken to assist the teacher in correcting any deficiencies reported in the evaluation; and

~~[(g)]~~ ***(h)*** A statement by the administrator who evaluated the teacher indicating the amount of time that the administrator personally observed the performance of the teacher in the classroom.

7. The teacher must receive a copy of each evaluation not later than 15 days after the evaluation. A copy of the evaluation and the teacher's response must be permanently attached to the teacher's personnel file. Upon the request of a teacher, a reasonable effort must be made to assist the teacher to correct those deficiencies reported in the evaluation of the teacher for which the teacher requests assistance.

Sec. 9. NRS 391.3127 is hereby amended to read as follows:

391.3127 1. Each board, following consultation with and involvement of elected representatives of administrative personnel or their designated representatives, shall develop an objective policy for the objective evaluation of administrators in narrative form. The policy must set forth a means according to which an administrator's overall performance may be determined to be satisfactory or unsatisfactory. ***The policy must require that the information maintained pursuant to paragraphs (c), (d) and (e) of subsection 1 of NRS 386.650 account for a significant portion of the evaluation, as determined by the board.*** The policy may include an evaluation by the administrator, superintendent, pupils or other administrators or any combination thereof. A copy of the policy adopted by the board must be filed with the Department and made available to the Commission.

2. Each administrator must be evaluated in writing at least once a year.

3. Before a superintendent transfers or assigns an administrator to another administrative position as part of an administrative reorganization, if the transfer or reassignment is to a position of lower rank, responsibility or pay, the superintendent shall give written notice of the proposed transfer or assignment to the administrator at least 30 days before the date on which it is to be effective. The administrator may appeal the decision of the superintendent to the board by requesting a hearing in writing to the president of the board within 5 days after receiving the notice from the superintendent. The board shall hear the matter within 10 days after the president receives the request, and shall render its decision within 5 days after the hearing. The decision of the board is final.

Sec. 9.5. NRS 391.3127 is hereby amended to read as follows:

391.3127 1. Each board, following consultation with and involvement of elected representatives of administrative personnel or their designated representatives, shall develop an objective policy for the objective evaluation of administrators in narrative form. The policy must ~~[set forth a means according to which an administrator's overall performance may be determined to be satisfactory or unsatisfactory. The policy must require that the information maintained pursuant to paragraphs (c), (d) and (e) of subsection 1 of NRS 386.650 account for a significant portion of the evaluation, as determined by the board.]~~ ***comply with the statewide***

performance evaluation system established by the State Board pursuant to section 7 of this act. The policy may include an evaluation by the administrator, superintendent, pupils or other administrators or any combination thereof. A copy of the policy adopted by the board must be filed with the Department and made available to the Commission.

2. Each administrator must be evaluated in writing at least once a year.

3. Before a superintendent transfers or assigns an administrator to another administrative position as part of an administrative reorganization, if the transfer or reassignment is to a position of lower rank, responsibility or pay, the superintendent shall give written notice of the proposed transfer or assignment to the administrator at least 30 days before the date on which it is to be effective. The administrator may appeal the decision of the superintendent to the board by requesting a hearing in writing to the president of the board within 5 days after receiving the notice from the superintendent. The board shall hear the matter within 10 days after the president receives the request, and shall render its decision within 5 days after the hearing. The decision of the board is final.

Sec. 10. NRS 391.3197 is hereby amended to read as follows:

391.3197 1. A probationary employee is employed on a contract basis for two 1-year periods and has no right to employment after either of the two probationary contract years.

2. The board shall notify each probationary employee in writing on or before May 1 of the first and second school years of the employee's probationary period, as appropriate, whether the employee is to be reemployed for the second year of the probationary period or for the next school year as a postprobationary employee. The employee must advise the board in writing on or before May 10 of the first or second year of the employee's probationary period, as appropriate, of the employee's acceptance of reemployment. If a probationary employee is assigned to a school that operates all year, the board shall notify the employee in writing, in both the first and second years of the employee's probationary period, no later than 45 days before his or her last day of work for the year under his or her contract whether the employee is to be reemployed for the second year of the probationary period or for the next school year as a postprobationary employee. The employee must advise the board in writing within 10 days after the date of notification of his or her acceptance or rejection of reemployment for another year. Failure to advise the board of the employee's acceptance of reemployment constitutes rejection of the contract.

3. A probationary employee who completes a 2-year probationary period and receives a notice of reemployment from the school district in the second year of the employee's probationary period is entitled to be a postprobationary employee in the ensuing year of employment.

4. If a probationary employee receives notice pursuant to subsection 4 of NRS 391.3125 not later than March 1 of a potential decision not to reemploy him or her, the employee may request a supplemental evaluation by another administrator in the school district selected by the employee and the superintendent. If a school district has five or fewer administrators, the supplemental evaluator may be an administrator from another school district in this State. If a probationary employee has received during the first school year of the employee's probationary period three evaluations which state that the employee's overall performance has been ~~[satisfactory,]~~ ***highly effective or effective,*** the superintendent of schools of the school district or the superintendent's designee shall waive the second year of the employee's probationary period by expressly providing in writing on the final evaluation of the employee for the first probationary year that the second year of the employee's probationary period is waived. Such an employee is entitled to be a postprobationary employee in the ensuing year of employment.

5. If a probationary employee is notified that the employee will not be reemployed for the second year of the employee's probationary period or the ensuing school year, his or her employment ends on the last day of the current school year. The notice that the employee will not be reemployed must include a statement of the reasons for that decision.

6. A new employee or a postprobationary teacher who is employed as an administrator shall be deemed to be a probationary employee for the purposes of this section and must serve a 2-year probationary period as an administrator in accordance with the provisions of this section. If the administrator does not receive an ~~[unsatisfactory]~~ evaluation ***indicating that his or her performance is minimally effective or ineffective*** during the first year of probation, the superintendent or the superintendent's designee shall waive the second year of the administrator's probationary period. Such an administrator is entitled to be a postprobationary employee in the ensuing year of employment. If:

(a) A postprobationary teacher who is an administrator is not reemployed as an administrator after either year of his or her probationary period; and

(b) There is a position as a teacher available for the ensuing school year in the school district in which the person is employed,

➥ the board of trustees of the school district shall, on or before May 1, offer the person a contract as a teacher for the ensuing school year. The person may accept the contract in writing on or before May 10. If the person fails to accept the contract as a teacher, the person shall be deemed to have rejected the offer of a contract as a teacher.

7. An administrator who has completed his or her probationary period pursuant to subsection 6 and is thereafter promoted to the position of principal must serve an additional probationary period of 1 year in the

position of principal. If the administrator serving the additional probationary period is not reemployed as a principal after the expiration of the additional probationary period, the board of trustees of the school district in which the person is employed shall, on or before May 1, offer the person a contract for the ensuing school year for the administrative position in which the person attained postprobationary status. The person may accept the contract in writing on or before May 10. If the person fails to accept such a contract, the person shall be deemed to have rejected the offer of employment.

8. Before dismissal, the probationary employee is entitled to a hearing before a hearing officer which affords due process as set out in NRS 391.311 to 391.3196, inclusive.

Sec. 10.3. **Section 9 of Assembly Bill No. 229 of this session is hereby amended to read as follows:**

Sec. 9. ***1. If a written evaluation of a probationary teacher or probationary administrator designates the overall performance of the teacher or administrator as "unsatisfactory":***

(a) The written evaluation must include the following statement: "Please be advised that, pursuant to Nevada law, your contract may not be renewed for the next school year. If you receive ~~*[two evaluations for this school year which designate your performance as]*~~ ***an 'unsatisfactory*** ~~*[,']*~~ ***' evaluation on the first or second evaluation, or both evaluations for this school year, and if you have another evaluation remaining this school year, you may request that the evaluation be conducted by another administrator. You may also request, to the administrator who conducted the evaluation, reasonable assistance in correcting the deficiencies reported in the evaluation for which you request assistance, and upon such request, a reasonable effort will be made to assist you in correcting those deficiencies."***

(b) The probationary teacher or probationary administrator, as applicable, must acknowledge in writing that he or she has received and understands the statement described in paragraph (a).

2. If a probationary teacher or probationary administrator requests that his or her next evaluation be conducted by another administrator in accordance with the notice required by subsection 1, the administrator conducting the evaluation must be:

(a) Employed by the school district or, if the school district has five or fewer administrators, employed by another school district in this State; and

(b) Selected by the probationary teacher or probationary administrator, as applicable, from a list of three candidates submitted by the superintendent.

3. If a probationary teacher or probationary administrator requests assistance in correcting deficiencies reported in his or her evaluation, the

administrator who conducted the evaluation shall ensure that a reasonable effort is made to assist the probationary teacher or probationary administrator in correcting those deficiencies.

Sec. 10.4. **Section 20 of Assembly Bill No. 229 of this session is hereby amended to read as follows:**

Sec. 20. Section 9 of this act is hereby amended to read as follows:

Sec. 9. 1. If a written evaluation of a probationary teacher or probationary administrator designates the overall performance of the teacher or administrator as ~~[~~"unsatisfactory".~~]~~ ***"minimally effective" or "ineffective":***

(a) The written evaluation must include the following statement: "Please be advised that, pursuant to Nevada law, your contract may not be renewed for the next school year. If you receive ~~[an]~~ ~~['unsatisfactory']~~ ***a 'minimally effective' or 'ineffective'*** evaluation on the first or second evaluation, or both evaluations for this school year, and if you have another evaluation remaining this school year, you may request that the evaluation be conducted by another administrator. You may also request, to the administrator who conducted the evaluation, reasonable assistance in correcting the deficiencies reported in the evaluation for which you request assistance, and upon such request, a reasonable effort will be made to assist you in correcting those deficiencies."

(b) The probationary teacher or probationary administrator, as applicable, must acknowledge in writing that he or she has received and understands the statement described in paragraph (a).

2. If a probationary teacher or probationary administrator requests that his or her next evaluation be conducted by another administrator in accordance with the notice required by subsection 1, the administrator conducting the evaluation must be:

(a) Employed by the school district or, if the school district has five or fewer administrators, employed by another school district in this State; and

(b) Selected by the probationary teacher or probationary administrator, as applicable, from a list of three candidates submitted by the superintendent.

3. If a probationary teacher or probationary administrator requests assistance in correcting deficiencies reported in his or her evaluation, the administrator who conducted the evaluation shall ensure that a reasonable effort is made to assist the probationary teacher or probationary administrator in correcting those deficiencies.

Sec. 10.5. 1. There are hereby appropriated from the State General Fund to the Department of Education the following sums for the costs associated with the Teachers and Leaders Council of Nevada created by section 5 of this act:

For the Fiscal Year 2011-2012 ..... $24,000

For the Fiscal Year 2012-2013 .....$8,000

2. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the Department of Education or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 21, 2012, and September 20, 2013, respectively, by either the Department of Education or the entity to which the money from the appropriation was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 21, 2012, and September 20, 2013, respectively.

Sec. 11. The Teachers and Leaders Council of Nevada created by section 5 of this act shall, not later than June 1, 2012, submit to the State Board of Education the recommendations of the Council for the adoption of regulations establishing a statewide performance evaluation system for teachers and administrators pursuant to section 7 of this act.

Sec. 12. On or before June 1, 2013, the State Board of Education shall, based upon the recommendations of the Teachers and Leaders Council of Nevada submitted pursuant to section 6 of this act, adopt regulations establishing a statewide performance evaluation system for teachers and administrators that complies with section 7 of this act.

Sec. 13. Each school district in this State shall, not later than the 2013-2014 school year, implement a performance evaluation policy for teachers and administrators that complies with the statewide performance evaluation system established by the State Board of Education pursuant to section 7 of this act.

Sec. 14. The appointed members of the Teachers and Leaders Council of Nevada created by section 5 of this act must be appointed to initial terms as follows:

1. The Governor shall appoint to the Council the members described in:

(a) Paragraph (c) of subsection 1 of section 5 of this act to initial terms of 2 years.

(b) Paragraphs (d) and (e) of subsection 1 of section 5 of this act to initial terms of 3 years.

(c) Paragraphs (f) and (g) of subsection 1 of section 5 of this act to initial terms of 1 year.

2. The Superintendent of Public Instruction shall appoint to the Council the members described in paragraph (h) of subsection 1 of section 5 of this act to initial terms of 3 years.

Sec. 15. 1. This section and sections 3 to 8, inclusive, 9, **10.3,** 10.5 and 11 to 14, inclusive, of this act become effective on July 1, 2011.

2. Sections 1, 2, 8.5, 9.5 **,** ~~[and]~~ 10 **and 10.4** of this act become effective on July 1, 2013.

Assemblyman Bobzien moved that the Assembly concur in the Senate Amendment No. 926 to Assembly Bill No. 222.

Remarks by Assemblyman Bobzien.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Assembly Bill No. 74.

The following Senate amendment was read:

Amendment No. 903.

AN ACT relating to insurance; requiring the Commissioner of Insurance to adopt regulations relating to electronic signatures, records and payments; revising provisions relating to the external review of adverse determinations of health carriers; clarifying the circumstances under which an actuary is not liable for damages with respect to the actuary's opinion; authorizing the electronic transmission of fingerprints with an application for a license; revising provisions relating to the licensing of adjusters; revising provisions relating to surplus lines insurance; revising provisions relating to the use of credit information; requiring that certain policies of group insurance be filed with and approved by the Commissioner; revising provisions relating to annuities, pure endowment contracts and policies of life insurance; revising provisions relating to evidence of insurance for motor vehicles; revising provisions relating to disciplinary action by the Commissioner; revising and clarifying provisions relating to employee leasing companies; **providing for coverage by the Nevada Life and Health Insurance Guarantee Association for certain unallocated annuity contracts owned by certain governmental retirement plans;** providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides a set of procedures for the external review of an adverse determination by a managed care organization. (NRS 695G.241-695G.310) **Sections 2, 3, 8, 9, 79-118.8, 123-127 and 129-131** of this bill amend the external review process to comply with the federal Patient Protection and Affordable Care Act (Public Law 111–148) and enact other related provisions necessary to comply with the minimum standards prescribed by federal law.

Existing law limits the liability of a qualified actuary for damages relating to the actuary's opinion regarding an insurer who offers life insurance. (NRS 681B.250) **Section 6** of this bill clarifies that this limitation of liability applies not only for life insurance but for any opinion an actuary issues pursuant to chapter 681B of NRS or any regulations adopted thereto.

Existing law requires the Commissioner of Insurance to adopt regulations governing the use of certain electronic methods relating to insurance. (NRS 679B.136, 685A.210) **Sections 1 and 29** of this bill expand the electronic methods that the Commissioner can allow the use of for insurance transactions. Additionally, **sections 10, 11, 20, 44-47 and 122** of this bill allow for the fingerprints required to be submitted with an application for a license pursuant to the Nevada Insurance Code to be submitted electronically.

Existing law requires an applicant for a license as an insurance adjuster to be a resident of this State with certain exceptions. (NRS 684A.070) On December 9, 2009, the United States District Court for the District of Nevada held that the residency requirement to obtain a license as an insurance adjuster violates the Privileges and Immunities Clause of the United States Constitution. (*Reitz v. Kipper*, 674 F.Supp.2d 1194 (D. Nev. 2009)) **Sections 15-26** of this bill revise provisions relating to the licensing of insurance adjusters to remove the residency requirement. **Sections 15-26** also require that an applicant either pass an examination in this State before receiving a license as an insurance adjuster or, if not a resident of this State, be currently licensed in a state that requires an examination before licensure.

Existing law governs trade practices and frauds relating to the insurance business and gives the Commissioner exclusive jurisdiction to regulate trade practices in the insurance business. (Chapter 686A of NRS) **Section 30** of this bill requires an insurer that uses credit information to provide reasonable exceptions to their rates in certain circumstances.

Under existing law, an insurer may not market certain insurance products without first filing the product with the Commissioner and receiving the Commissioner's approval. (NRS 687B.120) **Section 35** of this bill also requires any group insurance policies to be issued pursuant to NRS 688B.030 or 689B.026 to be filed with and approved by the Commissioner before being marketed.

Under existing law, an employee leasing company is deemed to be the employer of its leased employees for the purposes of sponsoring and maintaining any benefit plans. (NRS 616B.691) In 2007, this section was amended to clarify that such a company is also deemed to be the employer for the purposes of the Employee Retirement Income Security Act of 1974 (ERISA). (Chapter 536, Statutes of Nevada 2007, p. 3339) On August 6, 2010, the United States District Court for the District of Nevada held that NRS 616B.691 was preempted by federal law to the extent that it declares the status of any benefit plans for purposes of ERISA. (*Payroll Solutions Group, Ltd. v. Nevada*, No. 02-CV-06-00927-JCM-RJJ (D. Nev. Aug. 6, 2010)) **Section 128** of this bill reverses the changes made to NRS 616B.691 during the 2007 Legislative Session. In addition, **section 128** clarifies that the

provisions of subsection 1 of that section apply only for the purposes of chapters 612 and 616A-617 of NRS. **Section 128** also clarifies that the provisions of subsection 2 of that section do not affect the existing employer-employee relationship between a leased employee and a client company.

Sections 33.1, 33.3 and 33.7 of this bill require the Nevada Life and Health Insurance Guarantee Association to provide coverage for certain unallocated annuity contracts owned by a governmental retirement plan under certain circumstances. Section 33.7 provides that such coverage must not exceed $100,000 in the aggregate for each participant, regardless of the number of contracts.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 679B.136 is hereby amended to read as follows:

679B.136 1. The Commissioner shall adopt regulations governing:

(a) The use of electronic signatures, and the acceptance and transmission of electronic records ~~[, in]~~ ***and payments, including transactions involving claims and other*** transactions relating to insurance; and

(b) The electronic filing of forms and payment of fees, and the storage and reproduction of records, filed with the Division.

2. As used in this section:

(a) "Electronic" means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic or similar capabilities.

(b) "Electronic record" means a record created, generated, sent, communicated, received or stored by electronic means.

(c) "Electronic signature" means an electronic sound, symbol or process attached to or logically associated with a record and executed or adopted by a person with the intent to sign the record.

(d) "Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

(e) "Transaction" means an action or set of actions occurring between two or more persons relating to the transaction of business, commercial or governmental affairs.

Sec. 2. NRS 679B.240 is hereby amended to read as follows:

679B.240 To ascertain compliance with law, or relationships and transactions between any person and any insurer or proposed insurer, the Commissioner may, as often as he or she deems advisable, examine the accounts, records, documents and transactions relating to such compliance or relationships of:

1. Any insurance agent, solicitor, broker, surplus lines broker, general agent, adjuster, insurer representative, bail agent, motor club agent or any

other licensee or any other person the Commissioner has reason to believe may be acting as or holding himself or herself out as any of the foregoing.

2. Any person having a contract under which the person enjoys in fact the exclusive or dominant right to manage or control an insurer.

3. Any insurance holding company or other person holding the shares of voting stock or the proxies of policyholders of a domestic insurer, to control the management thereof, as voting trustee or otherwise.

4. Any subsidiary of the insurer.

5. Any person engaged in this state in, or proposing to be engaged in this state in, or holding himself or herself out in this state as so engaging or proposing, or in this state assisting in, the promotion, formation or financing of an insurer or insurance holding corporation, or corporation or other group to finance an insurer or the production of its business.

6. Any ~~[external]~~ ***independent*** review organization, as defined in NRS 695G.018.

Sec. 3. NRS 680C.110 is hereby amended to read as follows:

680C.110 1. In addition to any other fee or charge, the Commissioner shall collect in advance and receipt for, and persons so served must pay to the Commissioner, the fees required by this section.

2. A fee required by this section must be:

(a) If an initial fee, paid at the time of an initial application or issuance of a license, as applicable;

(b) If an annual fee, paid on or before March 1 of every year;

(c) If a triennial fee, paid on or before the time of continuation, renewal or other similar action in regard to a certificate, license, permit or other type of authorization, as applicable; and

(d) Deposited in the Fund for Insurance Administration and Enforcement created by NRS 680C.100.

3. The fees required pursuant to this section are not refundable.

4. The following fees must be paid by the following persons to the Commissioner:

(a) Associations of self-insured private employers, as defined in NRS 616A.050:

(1) Initial fee…… $1,300

(2) Annual fee……..……$1,300

(b) Associations of self-insured public employers, as defined in NRS 616A.055:

(1) Initial fee…… $1,300

(2) Annual fee……. $1,300

(c) ~~[External]~~ ***Independent*** review organizations, as provided for in NRS 616A.469 or ~~[683A.371,]~~ ***section 8 of this act,*** or both:

(1) Initial fee……..$60

(2) Annual fee……$60
(d) Insurers not otherwise provided for in this subsection:
(1) Initial fee……..$1,300
(2) Annual fee……$1,300
(e) Producers of insurance, as defined in NRS 679A.117:
(1) Initial fee……..$60
(2) Triennial fee…….. $60
(f) Accredited reinsurers, as provided for in NRS 681A.160:
(1) Initial fee…… $1,300
(2) Annual fee……. $1,300
(g) Intermediaries, as defined in NRS 681A.330:
(1) Initial fee……. $60
(2) Triennial fee…….. $60
(h) Reinsurers, as defined in NRS 681A.370:
(1) Initial fee…… $1,300
(2) Annual fee……. $1,300
(i) Administrators, as defined in NRS 683A.025:
(1) Initial fee……..$60
(2) Triennial fee…….. $60
(j) Managing general agents, as defined in NRS 683A.060:
(1) Initial fee…… $60
(2) Triennial fee……$60
(k) Agents who perform utilization reviews, as defined in NRS 683A.376:
(1) Initial fee…… $60
(2) Annual fee……. $60
(l) Insurance consultants, as defined in NRS 683C.010:
(1) Initial fee…… $60
(2) Triennial fee……$60
(m) Independent adjusters, as defined in NRS 684A.030:
(1) Initial fee…… $60
(2) Triennial fee…….. $60
(n) Public adjusters, as defined in NRS 684A.030:
(1) Initial fee…… $60
(2) Triennial fee…….. $60
(o) Associate adjusters, as defined in NRS 684A.030:
(1) Initial fee…… $60
(2) Triennial fee…….. $60
(p) Motor vehicle physical damage appraisers, as defined in NRS 684B.010:
(1) Initial fee…… $60
(2) Triennial fee…….. $60
(q) Brokers, as defined in NRS 685A.030:

(1) Initial fee…… $60
(2) Triennial fee…….. $60
(r) Eligible surplus line insurers, as provided for in NRS 685A.070:
(1) Initial fee…… $1,300
(2) Annual fee……. $1,300
(s) Companies, as defined in NRS 686A.330:
(1) Initial fee……..$1,300
(2) Annual fee……. $1,300
(t) Rate service organizations, as defined in NRS 686B.020:
(1) Initial fee…… $1,300
(2) Annual fee……. $1,300
(u) Brokers of viatical settlements, as defined in NRS 688C.030:
(1) Initial fee……..$60
(2) Annual fee……. $60
(v) Providers of viatical settlements, as defined in NRS 688C.080:
(1) Initial fee…… $60
(2) Annual fee……. $60
(w) Agents for prepaid burial contracts subject to the provisions of chapter 689 of NRS:
(1) Initial fee……. $60
(2) Triennial fee…….. $60
(x) Agents for prepaid funeral contracts subject to the provisions of chapter 689 of NRS:
(1) Initial fee…… $60
(2) Triennial fee…….. $60
(y) Sellers of prepaid burial contracts subject to the provisions of chapter 689 of NRS:
(1) Initial fee…… $60
(2) Triennial fee…….. $60
(z) Sellers of prepaid funeral contracts subject to the provisions of chapter 689 of NRS:
(1) Initial fee…… $60
(2) Triennial fee…….. $60
(aa) Providers, as defined in NRS 690C.070:
(1) Initial fee…… $1,300
(2) Annual fee……. $1,300
(bb) Escrow officers, as defined in NRS 692A.028:
(1) Initial fee……..$60
(2) Triennial fee…….$60
(cc) Title agents, as defined in NRS 692A.060:
(1) Initial fee…… $60
(2) Triennial fee…….$60

(dd) Captive insurers, as defined in NRS 694C.060:
(1) Initial fee…… $250
(2) Annual fee……. $250
(ee) Fraternal benefit societies, as defined in NRS 695A.010:
(1) Initial fee…… $1,300
(2) Annual fee……. $1,300
(ff) Insurance agents for societies, as provided for in NRS 695A.330:
(1) Initial fee……..$60
(2) Triennial fee…….. $60
(gg) Corporations subject to the provisions of chapter 695B of NRS:
(1) Initial fee…… $1,300
(2) Annual fee……. $1,300
(hh) Health maintenance organizations, as defined in NRS 695C.030:
(1) Initial fee…… $1,300
(2) Annual fee……. $1,300
(ii) Organizations for dental care, as defined in NRS 695D.060:
(1) Initial fee…… $1,300
(2) Annual fee……$1,300
(jj) Purchasing groups, as defined in NRS 695E.100:
(1) Initial fee…… $250
(2) Annual fee……. $250
(kk) Risk retention groups, as defined in NRS 695E.110:
(1) Initial fee…… $250
(2) Annual fee……. $250
(ll) Prepaid limited health service organizations, as defined in NRS 695F.050:
(1) Initial fee…… $1,300
(2) Annual fee……. $1,300
(mm) Medical discount plans, as defined in NRS 695H.050:
(1) Initial fee…… $1,300
(2) Annual fee……$1,300
(nn) Club agents, as defined in NRS 696A.040:
(1) Initial fee……..$60
(2) Triennial fee……$60
(oo) Motor clubs, as defined in NRS 696A.050:
(1) Initial fee…… $1,300
(2) Annual fee……. $1,300
(pp) Bail agents, as defined in NRS 697.040:
(1) Initial fee……..$60
(2) Triennial fee…….. $60
(qq) Bail enforcement agents, as defined in NRS 697.055:
(1)Initial fee…… $60

(2) Triennial fee……$60

(rr) Bail solicitors, as defined in NRS 697.060:

(1) Initial fee……..$60

(2) Triennial fee…… $60

(ss) General agents, as defined in NRS 697.070:

(1) Initial fee…….. $60

(2) Triennial fee……$60

Sec. 3.5. NRS 681A.022 is hereby amended to read as follows:

681A.022 "Continuous care coverage" is the issuance of a policy of insurance for workers' compensation, as described in paragraph (c) of subsection 1 of NRS 681A.020, issued jointly with and supplemental to a policy for health insurance, as defined in NRS 681A.030, by one or more insurers covering the same ~~[individual]~~ ***employer*** for the same policy period.

Sec. 4. NRS 681A.040 is hereby amended to read as follows:

681A.040 ***1.*** **"**Life insurance" is insurance on human lives. The transaction of life insurance includes the granting of endowment benefits, additional incidental benefits in the event of death or dismemberment by accident or accidental means, additional incidental benefits in the event of the insured's disability, optional modes of settlement of proceeds of life insurance, and provisions operating to safeguard contracts of life insurance against lapse.

2. The term includes a policy of life insurance which incorporates long-term care insurance if the policy of life insurance may incorporate the long-term care insurance pursuant to section 36 of this act.

Sec. 5. NRS 681B.200 is hereby amended to read as follows:

681B.200 As used in NRS 681B.200 to 681B.260, inclusive, "qualified actuary" means ~~[a member in good standing of the American Academy of Actuaries, or a successor organization approved by the Commissioner who meets the requirements set forth in the organization's regulations.]~~ ***a person who is qualified to sign the applicable statement of actuarial opinion in accordance with the qualification standards set by the American Academy of Actuaries for an actuary signing such a statement.***

Sec. 5.5. NRS 681B.210 is hereby amended to read as follows:

681B.210 Every insurer ~~[offering life insurance]~~ doing business in this state shall annually submit the opinion of a qualified actuary as to whether the reserves and related actuarial items held in support of the policies and contracts specified by the Commissioner by regulation are computed appropriately, are based on assumptions which satisfy contractual provisions, are consistent with prior reported amounts, and comply with applicable laws of this state. The Commissioner by regulation may further define or enlarge the scope of this opinion.

Sec. 6. NRS 681B.250 is hereby amended to read as follows:

681B.250 1. Except in a case of fraud or willful misconduct, a qualified actuary ***who is appointed by an insurer to issue an opinion pursuant to this chapter or any regulation adopted pursuant thereto*** is not liable for damages to any person other than an affected insurer or the Commissioner for any act, error, omission, decision or conduct with respect to the actuary's opinion.

2. Disciplinary action by the Commissioner against an actuary must be prescribed by regulation by the Commissioner.

Sec. 7. Chapter 683A of NRS is hereby amended by adding thereto the provisions set forth as sections 8 and 9 of this act.

Sec. 8. ***1. An independent review organization must be approved by the Commissioner to be eligible to be assigned to conduct external reviews.***

2. In order to be eligible for approval or reapproval by the Commissioner to conduct external reviews, an independent review organization:

(a) Except as otherwise provided in this section, must be accredited by a nationally recognized private accrediting entity which the Commissioner has determined has standards for the accreditation of independent review organizations that are equivalent to or exceed the minimum qualifications for independent review organizations established under section 9 of this act; and

(b) Must submit an application in accordance with subsection 4.

3. The Commissioner shall develop an application form for the initial approval and reapproval of an independent review organization to conduct external reviews.

4. An independent review organization wishing to be approved or reapproved to conduct external reviews must submit the application form and include with the form all documentation and information necessary for the Commissioner to determine if the independent review organization satisfies the minimum qualifications established under section 9 of this act.

5. The Commissioner may approve an independent review organization that is not accredited by a nationally recognized private accrediting entity if there are no acceptable nationally recognized private accrediting entities providing accreditation of independent review organizations.

6. The Commissioner may charge any applicable fee which an independent review organization must submit to the Commissioner with its application for initial approval or reapproval.

7. An approval or reapproval is effective for 2 years unless the Commissioner determines before its expiration that the independent review organization does not satisfy the minimum qualifications established under section 9 of this act.

8. Whenever the Commissioner determines that an independent review organization has lost its accreditation or no longer satisfies the minimum requirements established under section 9 of this act, the Commissioner shall terminate the approval of the independent review organization and remove the independent review organization from the list of independent review organizations approved to conduct external reviews that is maintained by the Commissioner pursuant to subsection 9.

9. The Commissioner shall maintain and periodically update a list of approved independent review organizations.

10. The Commissioner may adopt regulations to carry out the provisions of this section.

11. As used in this section, "independent review organization" has the meaning ascribed to it in NRS 695G.018.

Sec. 9. *1. To be approved under section 8 of this act to conduct external reviews, an independent review organization shall have and maintain written policies and procedures that govern all aspects of both the standard external review process and the expedited external review process which include, without limitation:*

(a) A quality assurance mechanism which ensures:

(1) That an external review is conducted within the specified time frames and required notices are provided in a timely manner;

(2) The selection of qualified and impartial clinical reviewers to conduct external reviews on behalf of the independent review organization, suitable matching of reviewers to specific cases and that the independent review organization employs or contracts with an adequate number of clinical reviewers to meet this requirement;

(3) The confidentiality of medical and treatment records and clinical review criteria; and

(4) That a person employed by or under contract with the independent review organization adheres to the requirements of the external review process;

(b) A toll-free telephone service that is capable of accepting, recording or providing appropriate instruction relating to external reviews to incoming telephone callers 24 hours a day, 7 days a week; and

(c) An agreement to maintain and provide to the Office for Consumer Health Assistance the information required pursuant to section 110 of this act.

2. A clinical reviewer assigned by an independent review organization to conduct an external review must be a physician or other appropriate health care provider who must:

(a) Be an expert in the treatment of the covered person's medical condition that is the subject of the external review;

(b) Be knowledgeable about the recommended health care service or treatment through recent or current actual clinical experience treating patients with the same or similar medical condition as the covered person;

(c) Hold a nonrestricted license in a state or territory of the United States and, if a physician, hold a current certification by a specialty board of the American Board of Medical Specialties in the area or areas appropriate to the subject of the external review; and

(d) Have no history of disciplinary actions or sanctions, including loss of staff privileges or participation restrictions, that have been taken or are pending by any hospital, governmental agency or unit, or regulatory body that raise a substantial question as to the clinical reviewer's physical, mental or professional competence or moral character.

3. In addition to the requirements set forth in subsection 1, an independent review organization may not own or control, be a subsidiary of or in any way be owned or controlled by, or exercise control with a health benefit plan, a national, state or local trade association of health benefit plans, or a national, state or local trade association of health care providers.

4. In addition to the requirements set forth in subsections 1, 2 and 3, to be approved pursuant to section 8 of this act to conduct an external review of a specific case, neither the independent review organization selected to conduct the external review nor a clinical reviewer assigned by the independent review organization to conduct the external review may have a material professional, familial or financial conflict of interest with any of the following:

(a) The health carrier that is the subject of the external review;

(b) The covered person whose treatment is the subject of the external review or the covered person's authorized representative;

(c) Any officer, director or management employee of the health carrier that is the subject of the external review;

(d) The health care provider, the health care provider's medical group or independent practice association recommending the health care service or treatment that is the subject of the external review;

(e) The facility at which the recommended health care service or treatment would be provided; or

(f) The developer or manufacturer of the principal drug, device, procedure or other therapy being recommended for the covered person whose treatment is the subject of the external review.

5. In determining whether an independent review organization or a clinical reviewer of the independent review organization has a material professional, familial or financial conflict of interest for purposes of subsection 4, the Office for Consumer Health Assistance shall take into

consideration situations where the independent review organization to be assigned to conduct an external review of a specific case or a clinical reviewer to be assigned by the independent review organization to conduct an external review of a specific case may have an apparent professional, familial or financial relationship or connection with a person described in subsection 4, but that the characteristics of that relationship or connection are such that they are not a material professional, familial or financial conflict of interest that results in the disapproval of the independent review organization or the clinical reviewer from conducting the external review.

6. The Commissioner shall initially review and periodically review the standards of a nationally recognized private accrediting entity for accreditation of independent review organizations to determine whether the entity's standards are equivalent to or exceed the minimum qualifications established in this section. The Commissioner may accept a review conducted by the National Association of Insurance Commissioners for the purpose of the determination under this subsection and subsection 7.

7. Upon request, a nationally recognized private accrediting entity shall make its current standards for the accreditation of independent review organizations available to the Commissioner or to the National Association of Insurance Commissioners in order for the Commissioner to determine if the entity's standards are equivalent to or exceed the minimum qualifications established in this section. The Commissioner may exclude any private accrediting entity that is not reviewed by the National Association of Insurance Commissioners.

8. An independent review organization must be unbiased. An independent review organization shall establish and maintain written procedures to ensure that it is unbiased in addition to any other procedures required under this section.

9. As used in this section, the words and terms defined in NRS 695G.012 to 695G.080, inclusive, and sections 71 to 101, inclusive, of this act, have the meanings ascribed to them in those sections.

Sec. 9.5. NRS 683A.025 is hereby amended to read as follows:

683A.025 1. Except as limited by this section, "administrator" means a person who:

(a) Directly or indirectly underwrites or collects charges or premiums from or adjusts or settles claims of residents of this State or any other state from within this State in connection with workers' compensation insurance, life or health insurance coverage or annuities, including coverage or annuities provided by an employer for his or her employees;

(b) Administers an internal service fund pursuant to NRS 287.010;

(c) Administers a trust established pursuant to NRS 287.015, under a contract with the trust;

(d) Administers a program of self-insurance for an employer;

(e) Administers a program which is funded by an employer and which provides pensions, annuities, health benefits, death benefits or other similar benefits for his or her employees; or

(f) Is an insurance company that is licensed to do business in this State or is acting as an insurer with respect to a policy lawfully issued and delivered in a state where the insurer is authorized to do business, if the insurance company performs any act described in paragraphs (a) to (e), inclusive, for or on behalf of another insurer ~~[.]~~ ***unless the insurers are affiliated and each insurer is licensed to do business in this State.***

2. "Administrator" does not include:

(a) An employee authorized to act on behalf of an administrator who holds a certificate of registration from the Commissioner.

(b) An employer acting on behalf of his or her employees or the employees of a subsidiary or affiliated concern.

(c) A labor union acting on behalf of its members.

(d) Except as otherwise provided in paragraph (f) of subsection 1, an insurance company licensed to do business in this State or acting as an insurer with respect to a policy lawfully issued and delivered in a state in which the insurer was authorized to do business.

(e) A producer of life or health insurance licensed in this State, when his or her activities are limited to the sale of insurance.

(f) A creditor acting on behalf of his or her debtors with respect to insurance covering a debt between the creditor and debtor.

(g) A trust and its trustees, agents and employees acting for it, if the trust was established under the provisions of 29 U.S.C. § 186.

(h) Except as otherwise provided in paragraph (c) of subsection 1, a trust and its trustees, agents and employees acting for it, if the trust was established pursuant to NRS 287.015.

(i) A trust which is exempt from taxation under section 501(a) of the Internal Revenue Code, 26 U.S.C. § 501(a), its trustees and employees, and a custodian, his or her agents and employees acting under a custodial account which meets the requirements of section 401(f) of the Internal Revenue Code, 26 U.S.C. § 401(f).

(j) A bank, credit union or other financial institution which is subject to supervision by federal or state banking authorities.

(k) A company which issues credit cards, and which advances for and collects premiums or charges from credit card holders who have authorized it to do so, if the company does not adjust or settle claims.

(l) An attorney at law who adjusts or settles claims in the normal course of his or her practice or employment, but who does not collect charges or

premiums in connection with life or health insurance coverage or with annuities.

3. As used in this section, "affiliated" means any insurer or other person that directly, or indirectly through one or more intermediaries, controls or is controlled by, or is under common control with, another insurer or other person.

Sec. 10. NRS 683A.160 is hereby amended to read as follows:

683A.160 ***1.*** Each applicant for a license as a managing general agent must submit with his or her application:

~~[1. A complete set of his or her fingerprints which the Commissioner may forward to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report;~~

~~2.]~~ ***(a)*** The appointment of the applicant as a managing general agent by each insurer or underwriter department to be so represented; and

~~[3.]~~ ***(b)*** The application and license fee specified in NRS 680B.010 and, in addition to any other fee or charge, all applicable fees required pursuant to NRS 680C.110.

2. Each applicant must, as part of his or her application and at the applicant's own expense:

(a) Arrange to have a complete set of his or her fingerprints taken by a law enforcement agency or other authorized entity acceptable to the Commissioner; and

(b) Submit to the Commissioner:

(1) A completed fingerprint card and written permission authorizing the Commissioner to submit the applicant's fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for a report on the applicant's background and to such other law enforcement agencies as the Commissioner deems necessary; or

(2) Written verification, on a form prescribed by the Commissioner, stating that the fingerprints of the applicant were taken and directly forwarded electronically or by another means to the Central Repository and that the applicant has given written permission to the law enforcement agency or other authorized entity taking the fingerprints to submit the fingerprints to the Central Repository for submission to the Federal Bureau of Investigation for a report on the applicant's background and to such other law enforcement agencies as the Commissioner deems necessary.

3. The Commissioner may:

(a) Unless the applicant's fingerprints are directly forwarded pursuant to subparagraph (2) of paragraph (b) of subsection 2, submit those fingerprints to the Central Repository for submission to the Federal

Bureau of Investigation and to such other law enforcement agencies as the Commissioner deems necessary;

(b) Request from each such agency any information regarding the applicant's background as the Commissioner deems necessary; and

(c) Adopt regulations concerning the procedures for obtaining this information.

Sec. 11. NRS 683A.251 is hereby amended to read as follows:

683A.251 1. The Commissioner shall prescribe the form of application by a natural person for a license as a resident producer of insurance. The applicant must declare, under penalty of refusal to issue, or suspension or revocation of, the license, that the statements made in the application are true, correct and complete to the best of his or her knowledge and belief. Before approving the application, the Commissioner must find that the applicant has:

(a) Attained the age of 18 years;

(b) Not committed any act that is a ground for refusal to issue, or suspension or revocation of, a license;

(c) Completed a course of study for the lines of authority for which the application is made, unless the applicant is exempt from this requirement;

(d) Paid all applicable fees prescribed for the license and a fee established by the Commissioner of not more than $15 for deposit in the Insurance Recovery Account, neither of which may be refunded; and

(e) Successfully passed the examinations for the lines of authority for which application is made, unless the applicant is exempt from this requirement.

2. A business organization must be licensed as a producer of insurance in order to act as such. Application must be made on a form prescribed by the Commissioner. Before approving the application, the Commissioner must find that the applicant has:

(a) Paid all applicable fees prescribed for the license and a fee established by the Commissioner of not more than $15 for deposit in the Insurance Recovery Account, neither of which may be refunded;

(b) Designated a natural person who is licensed as a producer of insurance and who is authorized to transact business on behalf of the business organization to be responsible for the organization's compliance with the laws and regulations of this State relating to insurance; and

(c) If the business organization has authorized a producer of insurance not designated pursuant to paragraph (b) to transact business on behalf of the business organization, submitted to the Commissioner on a form prescribed by the Commissioner the name of each producer of insurance authorized to transact business on behalf of the business organization.

3. A natural person who is a resident of this State applying for a license must ~~[furnish a complete set of his or her fingerprints which the Commissioner may forward to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report. The Commissioner shall adopt]~~ ***, as part of his or her application and at the applicant's own expense:***

(a) Arrange to have a complete set of his or her fingerprints taken by a law enforcement agency or other authorized entity acceptable to the Commissioner; and

(b) Submit to the Commissioner:

(1) A completed fingerprint card and written permission authorizing the Commissioner to submit the applicant's fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for a report on the applicant's background and to such other law enforcement agencies as the Commissioner deems necessary; or

(2) Written verification, on a form prescribed by the Commissioner, stating that the fingerprints of the applicant were taken and directly forwarded electronically or by another means to the Central Repository and that the applicant has given written permission to the law enforcement agency or other authorized entity taking the fingerprints to submit the fingerprints to the Central Repository for submission to the Federal Bureau of Investigation for a report on the applicant's background and to such other law enforcement agencies as the Commissioner deems necessary.

4. The Commissioner may:

(a) Unless the applicant's fingerprints are directly forwarded pursuant to subparagraph (2) of paragraph (b) of subsection 3, submit those fingerprints to the Central Repository for submission to the Federal Bureau of Investigation and to such other law enforcement agencies as the Commissioner deems necessary;

(b) Request from each such agency any information regarding the applicant's background as the Commissioner deems necessary; and

(c) Adopt regulations concerning the procedures for obtaining this information.

~~[4.]~~ ***5.*** The Commissioner may require any document reasonably necessary to verify information contained in an application.

Sec. 12. NRS 683A.261 is hereby amended to read as follows:

683A.261 1. Unless the Commissioner refuses to issue the license under NRS 683A.451, the Commissioner shall issue a license as a producer of insurance to a person who has satisfied the requirements of NRS 683A.241 and 683A.251. A producer of insurance may qualify for a

license in one or more of the lines of authority permitted by statute or regulation, including:

(a) Life insurance on human lives, which includes benefits from endowments and annuities and may include additional benefits from death by accident and benefits for dismemberment by accident and for disability ~~[.]~~ ***income.***

(b) ~~[~~Health~~]~~ ***Accident and health*** insurance for sickness, bodily injury or accidental death, which may include benefits for disability ~~[.]~~ ***income.***

(c) Property insurance for direct or consequential loss or damage to property of every kind.

(d) Casualty insurance against legal liability, including liability for death, injury or disability and damage to real or personal property.

~~[~~(e) Surety~~]~~ ***For the purposes of a producer of insurance, this line of insurance includes surety*** indemnifying financial institutions or providing bonds for fidelity, performance of contracts or financial guaranty.

~~[~~(f)~~]~~ ***(e)*** Variable annuities and variable life insurance, including coverage reflecting the results of a separate investment account.

~~[~~(g)~~]~~ ***(f)*** Credit insurance, including ***credit*** life, ***credit*** ~~[~~disability,~~]~~ ***accident and health, credit*** property, ***credit*** ~~[~~unemployment,~~]~~ involuntary unemployment, ~~[~~mortgage life, mortgage guaranty, mortgage disability,~~]~~ guaranteed ***asset*** protection ***,*** ~~[~~of assets,~~]~~ and any other form of insurance offered in connection with an extension of credit that is limited to wholly or partially extinguishing the obligation which the Commissioner determines should be considered as limited-line credit insurance.

~~[~~(h)~~]~~ ***(g)*** Personal lines, consisting of automobile and motorcycle insurance and residential property insurance, including coverage for flood, of personal watercraft and of excess liability, written over one or more underlying policies of automobile or residential property insurance.

~~[~~(i)~~]~~ ***(h)*** Fixed annuities ***, including, without limitation, indexed annuities,*** as a limited line.

~~[~~(j)~~]~~ ***(i)*** Travel and baggage as a limited line.

~~[~~(k)~~]~~ ***(j)*** Rental car agency as a limited line.

~~[~~(l) Continuous care coverage, which includes health insurance, as set forth in paragraph (b), and may include insurance for workers' compensation.~~]~~

(k) Crop as a limited line.

2. A license as a producer of insurance remains in effect unless revoked, suspended or otherwise terminated if a request for a renewal is submitted on or before the date for the renewal specified on the license, all applicable fees for renewal and a fee established by the Commissioner of not more than $15 for deposit in the Insurance Recovery Account are paid for each license and each authorization to transact business on behalf of a business organization

licensed pursuant to subsection 2 of NRS 683A.251, and any requirement for education or any other requirement to renew the license is satisfied by the date specified on the license for the renewal. A producer of insurance may submit a request for a renewal of his or her license within 30 days after the date specified on the license for the renewal if the producer of insurance otherwise complies with the provisions of this subsection and pays, in addition to any fee paid pursuant to this subsection, a penalty of 50 percent of all applicable renewal fees, except for any fee required pursuant to NRS 680C.110. A license as a producer of insurance expires if the Commissioner receives a request for a renewal of the license more than 30 days after the date specified on the license for the renewal. A fee paid pursuant to this subsection is nonrefundable.

3. A natural person who allows his or her license as a producer of insurance to expire may reapply for the same license within 12 months after the date specified on the license for a renewal without passing a written examination or completing a course of study required by paragraph (c) of subsection 1 of NRS 683A.251, but a penalty of twice all applicable renewal fees, except for any fee required pursuant to NRS 680C.110, is required for any request for a renewal of the license that is received after the date specified on the license for the renewal.

4. A licensed producer of insurance who is unable to renew his or her license because of military service, extended medical disability or other extenuating circumstance may request a waiver of the time limit and of any fine or sanction otherwise required or imposed because of the failure to renew.

5. A license must state the licensee's name, address, personal identification number, the date of issuance, the lines of authority and the date of expiration and must contain any other information the Commissioner considers necessary. A resident producer of insurance shall maintain a place of business in this State which is accessible to the public and where the resident producer of insurance principally conducts transactions under his or her license. The place of business may be in his or her residence. The license must be conspicuously displayed in an area of the place of business which is open to the public.

6. A licensee shall inform the Commissioner of each change of location from which the licensee conducts business as a producer of insurance and each change of business or residence address, in writing or by other means acceptable to the Commissioner, within 30 days after the change. If a licensee changes the location from which the licensee conducts business as a producer of insurance or his or her business or residence address without giving written notice and the Commissioner is unable to locate the licensee after diligent effort, the Commissioner may revoke the license without a

hearing. The mailing of a letter by certified mail, return receipt requested, addressed to the licensee at his or her last mailing address appearing on the records of the Division, and the return of the letter undelivered, constitutes a diligent effort by the Commissioner.

Sec. 12.5. NRS 683A.367 is hereby amended to read as follows:

683A.367 1. A person licensed as a producer of ~~[~~continuous care coverage~~]~~ ***insurance*** shall not sell, solicit or negotiate ~~[~~insurance for workers' compensation~~]~~ ***continuous care coverage*** unless ~~[~~:

~~(a) The~~] ***the*** person is licensed as a producer of ~~[~~casualty~~]~~ ***:***

(a) ~~*[Casualty]*~~ ***Accident and health insurance and casualty*** insurance; or

(b) ~~[~~The policy of insurance for workers' compensation is sold jointly with and supplemental to a policy of health insurance covering the same individual for the same policy period.~~]~~ ***Accident and health insurance and has received approval from the Commissioner to market continuous care coverage.***

2. A person who violates the provisions of subsection 1 is subject to an administrative fine pursuant to subsection 3 of NRS 683A.201.

Sec. 12.7. **NRS 683A.373 is hereby amended to read as follows:**

683A.373 As soon as practicable after preparing an annual list of ~~[~~external~~]~~ ***independent*** review organizations pursuant to subsection 8 of NRS 683A.371, the Commissioner shall submit a copy of the list to the Office for Consumer Health Assistance. If a change occurs in the list, the Commissioner shall notify the Office for Consumer Health Assistance of the change.

Sec. 13. Chapter 684A of NRS is hereby amended by adding thereto the provisions set forth as sections 14, 15 and 16 of this act.

Sec. 14. ***As used in this Code, unless the context otherwise requires, the words and terms defined in NRS 684A.020 and 684A.030 and section 15 of this act have the meanings ascribed to them in those sections.***

Sec. 15. ***"Home state" means:***

1. The District of Columbia or any state or territory of the United States in which an adjuster maintains his or her principal place of residence or principal place of business and is licensed to act as an adjuster; or

2. If neither the state in which the adjuster maintains his or her principal place of residence nor the state in which the adjuster maintains his or her principal place of business has a licensing or examination requirement, a state:

(a) Which has an examination requirement;

(b) In which the adjuster is licensed; and

(c) Which the adjuster declares to be the home state.

Sec. 16. ***1. The provisions of NRS 683A.341 and 686A.310 apply to adjusters and associate adjusters.***

2. For the purposes of subsection 1, unless the context requires that a section apply only to producers of insurance or insurers, any reference in those sections to "producer of insurance" or "insurer" must be replaced by a reference to "adjuster or associate adjuster."

Sec. 17. NRS 684A.020 is hereby amended to read as follows:

684A.020 1. ~~[As used in this Code, "adjuster"]~~ ***"Adjuster"*** means any person who, for compensation as an independent contractor or for a fee or commission, investigates and settles, and reports to his or her principal relative to, claims:

(a) Arising under insurance contracts for property, casualty or surety coverage, on behalf solely of the insurer or the insured; or

(b) Against a self-insurer who is providing similar coverage, unless the coverage provided relates to a claim for industrial insurance.

2. For the purposes of this chapter:

(a) An associate adjuster, as defined in NRS 684A.030;

(b) An attorney at law who adjusts insurance losses from time to time incidental to the practice of his or her profession;

(c) An adjuster of ocean marine losses;

(d) A salaried employee of an insurer; or

(e) A salaried employee of a managing general agent maintaining an underwriting office in this state,

➥ is not considered an adjuster.

Sec. 18. NRS 684A.030 is hereby amended to read as follows:

684A.030 ~~[As used in this Code:]~~

1. "Independent adjuster" means an adjuster representing the interests of an insurer or a self-insurer.

2. "Public adjuster" means an adjuster employed by and representing solely the financial interests of the insured named in the policy.

3. "Associate adjuster" means an employee of an adjuster who, under the direct supervision of the adjuster, assists in the investigation and settlement of insurance losses on behalf of his or her employer.

Sec. 19. NRS 684A.040 is hereby amended to read as follows:

684A.040 1. No person may act as, or hold himself or herself out to be, an adjuster or associate adjuster in this State unless then licensed as such under the applicable independent adjuster's license, public adjuster's license or associate adjuster's license, as the case may be, issued under the provisions of this chapter.

2. ~~[For purposes of this chapter, the Commissioner may issue a limited license to an adjuster handling claims under a contract of one or more of the kinds of insurance defined in NRS 681A.010 to 681A.080, inclusive.~~

~~3.]~~ Any person violating the provisions of this section is guilty of a gross misdemeanor.

~~[4.]~~ ***3.*** A person who acts as an adjuster in this State without a license is subject to an administrative fine of not more than $1,000 for each violation.

Sec. 20. NRS 684A.070 is hereby amended to read as follows:

684A.070 1. For the protection of the people of this State, the Commissioner may not issue or continue any license as an adjuster except in compliance with the provisions of this chapter. Any person for whom a license is issued or continued must:

(a) Be at least 18 years of age;

(b) ~~[Except as otherwise provided in subsection 2, be a resident of this State, and have resided therein for at least 90 days before his or her application for the license;~~

~~(c)]~~ Be competent, trustworthy, financially responsible and of good reputation;

~~[(d)]~~ ***(c)*** Never have been convicted of, or entered a plea of guilty, guilty but mentally ill or nolo contendere to, forgery, embezzlement, obtaining money under false pretenses, larceny, extortion, conspiracy to defraud or any crime involving moral turpitude;

~~[(e) Have had at least 2 years' recent experience with respect to the handling of loss claims of sufficient character reasonably to enable the person to fulfill the responsibilities of an adjuster;~~

~~(f) Pass]~~

(d) Unless exempted pursuant to NRS 684A.100 or 684A.105, pass all examinations required under this chapter; and

~~[(g)]~~ ***(e)*** Not be concurrently licensed as a producer of insurance for property, casualty or surety or a surplus lines broker, except as a bail agent.

2. ~~[The Commissioner may waive the residency requirement set forth in paragraph (b) of subsection 1 if the applicant is:~~

~~(a) An adjuster licensed under the laws of another state who has been brought to this State by a firm or corporation with whom the adjuster is employed that is licensed as an adjuster in this State to fill a vacancy in the firm or corporation in this State;~~

~~(b) An adjuster licensed in an adjoining state whose principal place of business is located within 50 miles from the boundary of this State; or~~

~~(c) An adjuster who is applying for a limited license pursuant to NRS 684A.155.~~

~~3.]~~ ***A natural person who is a resident of this State applying for a license must, as part of his or her application and at the applicant's own expense:***

(a) Arrange to have a complete set of his or her fingerprints taken by a law enforcement agency or other authorized entity acceptable to the Commissioner; and

(b) Submit to the Commissioner:

(1) A completed fingerprint card and written permission authorizing the Commissioner to submit the applicant's fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for a report on the applicant's background and to such other law enforcement agencies as the Commissioner deems necessary; or

(2) Written verification, on a form prescribed by the Commissioner, stating that the fingerprints of the applicant were taken and directly forwarded electronically or by another means to the Central Repository and that the applicant has given written permission to the law enforcement agency or other authorized entity taking the fingerprints to submit the fingerprints to the Central Repository for submission to the Federal Bureau of Investigation for a report on the applicant's background and to such other law enforcement agencies as the Commissioner deems necessary.

3. The Commissioner may:

(a) Unless the applicant's fingerprints are directly forwarded pursuant to subparagraph (2) of paragraph (b) of subsection 2, submit those fingerprints to the Central Repository for submission to the Federal Bureau of Investigation and to such other law enforcement agencies as the Commissioner deems necessary;

(b) Request from each such agency any information regarding the applicant's background as the Commissioner deems necessary; and

(c) Adopt regulations concerning the procedures for obtaining this information.

4. A conviction of, or plea of guilty, guilty but mentally ill or nolo contendere by, an applicant or licensee for any crime listed in paragraph ~~[(d)]~~ ***(c)*** of subsection 1 is a sufficient ground for the Commissioner to deny a license to the applicant, or to suspend, revoke or limit the license of an adjuster pursuant to NRS 684A.210.

Sec. 21. NRS 684A.100 is hereby amended to read as follows:

684A.100 Each person who intends to apply for a license as an adjuster must, before applying for the license, personally take and pass to the Commissioner's satisfaction a written examination testing the applicant's qualifications and competence to act as an adjuster and his or her knowledge of pertinent provisions of this Code ~~[.]~~ ***unless:***

1. The person:

(a) Is not a resident of this State;

(b) Has passed an examination to become licensed as an adjuster in the person's home state; and

(c) Is currently licensed and in good standing in the person's home state as an adjuster; or

2. The person was licensed in this State as the same type of adjuster within the 24-month period immediately preceding the date of the application, unless the previous license was revoked or suspended or its continuation was refused by the Commissioner.

Sec. 22. NRS 684A.105 is hereby amended to read as follows:

684A.105 An adjuster whose license expires is exempt from retaking the examination required by NRS 684A.100 if ~~[the adjuster applies and is relicensed within 6 months after the date of expiration.]~~ ***:***

1. The adjuster:

(a) Is not a resident of this State;

(b) Has passed an examination to become licensed as an adjuster in the person's home state; and

(c) Is currently licensed and in good standing in the person's home state as an adjuster; or

2. The adjuster was licensed in this State as the same type of adjuster within the 24-month period immediately preceding the date of the application, unless the previous license was revoked or suspended or its continuation was refused by the Commissioner.

Sec. 23. NRS 684A.130 is hereby amended to read as follows:

684A.130 1. Each license issued under this chapter continues in force for 3 years unless it is suspended, revoked or otherwise terminated. A license may be renewed upon payment of all applicable fees for renewal to the Commissioner and submission of the statement required pursuant to NRS 684A.143 if the licensee is a natural person. The statement, if required, must be submitted and all applicable fees must be paid on or before the last day of the month in which the license is renewable.

2. Any license not so renewed expires at midnight on the last day specified for its renewal. The Commissioner may accept a request for renewal received by the Commissioner within 30 days after the expiration of the license if the request is accompanied by:

(a) A fee for renewal of 150 percent of all applicable fees otherwise required, except for any fee required pursuant to NRS 680C.110; ~~[and]~~

(b) If the person requesting renewal is a natural person, the statement required pursuant to NRS 684A.143 ~~[.]~~ ***;***

(c) Proof of successful completion of any requirement for an examination unless exempt pursuant to NRS 684A.105; and

(d) If applicable, a request for a waiver of the time limit for renewal and of any fine or sanction otherwise required or imposed because of the

failure of the licensee to renew his or her license because of military service, extended medical disability or other extenuating circumstance.

3. This section does not apply to temporary licenses issued under NRS 684A.150.

Sec. 24. NRS 684A.143 is hereby amended to read as follows:

684A.143 1. A natural person who applies for the issuance or renewal of a license shall submit to the Commissioner the statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to NRS 425.520. The statement must be completed and signed by the applicant.

2. The Commissioner shall include the statement required pursuant to subsection 1 in:

(a) The application or any other forms that must be submitted for the issuance or renewal of the license; or

(b) A separate form prescribed by the Commissioner.

3. A license may not be issued or renewed by the Commissioner if the applicant is a natural person who:

(a) Fails to submit the statement required pursuant to subsection 1; or

(b) Indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.

4. If an applicant indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the Commissioner shall advise the applicant to contact the district attorney or other public agency enforcing the order to determine the actions that the applicant may take to satisfy the arrearage.

5. As used in this section, "license" means:

(a) A license as an adjuster; ***and***

(b) A license as an associate adjuster**.** ~~[~~**;** ~~and~~

~~(c) A limited license issued pursuant to NRS 684A.155.]~~

Sec. 25. NRS 684A.147 is hereby amended to read as follows:

684A.147 1. If the Commissioner receives a copy of a court order issued pursuant to NRS 425.540 that provides for the suspension of all professional, occupational and recreational licenses, certificates and permits issued to a person who is the holder of a license, the Commissioner shall deem the license issued to that person to be suspended at the end of the 30th day after the date on which the court order was issued unless the

Commissioner receives a letter issued to the holder of the license by the district attorney or other public agency pursuant to NRS 425.550 stating that the holder of the license has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

2. The Commissioner shall reinstate a license that has been suspended by a district court pursuant to NRS 425.540 if the Commissioner receives a letter issued by the district attorney or other public agency pursuant to NRS 425.550 to the person whose license was suspended stating that the person whose license was suspended has complied with the subpoena or warrant or has satisfied the arrearage pursuant to NRS 425.560.

3. As used in this section, "license" means:

(a) A license as an adjuster; ***and***

(b) A license as an associate adjuster**.** ~~[~~**;** ~~and~~

~~(c) A limited license issued pursuant to NRS 684A.155.]~~

Sec. 26. NRS 684A.200 is hereby amended to read as follows:

684A.200 Nonresidents of this state who are granted licenses as adjusters pursuant to ~~[subsection 2 of]~~ NRS 684A.070 are also subject to NRS 683A.281.

Sec. 27. (Deleted by amendment.)

Sec. 28. (Deleted by amendment.)

Sec. 29. NRS 685A.210 is hereby amended to read as follows:

685A.210 1. The Commissioner may adopt reasonable regulations, consistent with the provisions of this chapter, for any of the following purposes:

(a) Effectuation of the law;

(b) Establishment of procedures through which determination is to be made as to the eligibility of particular proposed coverages for export; ~~[and]~~

(c) Establishment of procedures for the operation of a nonprofit organization of brokers designed to assist brokers in complying with the provisions of this chapter ~~[.]~~ ***; and***

(d) The use of electronic signatures and the acceptance and transmission of electronic records and payments, including transactions involving claims and other transactions relating to surplus lines insurance.

2. Such regulations carry the penalty provided by NRS 679B.130.

Sec. 30. Chapter 686A of NRS is hereby amended by adding thereto a new section to read as follows:

1. Notwithstanding any other law or regulation, an insurer that uses credit information shall, upon receipt of a written request from an applicant or policyholder, provide reasonable exceptions to the insurer's rates, rating classifications, company or tier placement, or underwriting rules or guidelines for an applicant or policyholder who has experienced

and whose credit information has been directly influenced by any of the following:

(a) A catastrophic event, as declared by the Federal or State Government;

(b) A serious illness or injury, or a serious illness or injury to an immediate family member;

(c) The death of a spouse, child or parent;

(d) Divorce or involuntary interruption of legally-owed alimony or support payments;

(e) Identify theft;

(f) Temporary loss of employment for a period of 3 months or more, if it results from involuntary termination;

(g) Military deployment overseas; or

(h) Other events, as determined by the insurer.

2. If an applicant or policyholder submits a request for an exception as set forth in subsection 1, an insurer may, in its sole discretion:

(a) Require the applicant or policyholder to provide reasonable written and independently verifiable documentation of the event;

(b) Require the applicant or policyholder to demonstrate that the event had direct and meaningful impact on the credit information of the applicant or policyholder;

(c) Require that such a request be made not more than 60 days after the date of the application for insurance or the policy renewal;

(d) Grant an exception despite the applicant or policyholder not providing the initial request for an exception in writing; or

(e) Grant an exception where the applicant or policyholder asks for consideration of repeated events or the insurer has considered this event previously.

3. An insurer is not out of compliance with any law or rule relating to underwriting, rating or rate filing as a result of granting an exception under this section. Nothing in this section shall be construed to provide an applicant or policyholder with a cause of action that does not exist in the absence of this section.

4. The insurer shall provide notice to each applicant and policyholder that reasonable exceptions are available and include information about how the applicant or policyholder may inquire further about such exceptions.

5. Within 30 days after the insurer's receipt of sufficient documentation of an event described in subsection 1, the insurer shall inform the applicant or policyholder of the outcome of the request for a reasonable exception. Such communication must be in writing or provided to the applicant or policyholder in the same medium as the request.

6. The Commissioner may adopt regulations to carry out the provisions of this section.

Sec. 31. NRS 686A.600 is hereby amended to read as follows:

686A.600 As used in NRS 686A.600 to 686A.730, inclusive, ***and section 30 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 686A.610 to 686A.660, inclusive, have the meanings ascribed to them in those sections.

Sec. 32. NRS 686A.670 is hereby amended to read as follows:

686A.670 The provisions of NRS 686A.600 to 686A.730, inclusive, ***and section 30 of this act*** do not apply to a contract of surety insurance issued pursuant to chapter 691B of NRS or any commercial or business policy.

Sec. 33. NRS 686B.030 is hereby amended to read as follows:

686B.030 1. Except as otherwise provided in subsection 2, NRS 686B.010 to 686B.1799, inclusive, apply to all kinds and lines of direct insurance written on risks or operations in this State by any insurer authorized to do business in this State, except:

(a) Ocean marine insurance;

(b) Contracts issued by fraternal benefit societies;

(c) Life insurance and credit life insurance;

(d) Variable and fixed annuities;

(e) ~~[~~Group and blanket health insurance and credit~~]~~ ***Credit*** ***accident and*** health insurance;

(f) Property insurance for business and commercial risks;

(g) Casualty insurance for business and commercial risks other than insurance covering the liability of a practitioner licensed pursuant to chapters 630 to 640, inclusive, of NRS; ~~[~~and~~]~~

(h) Surety insurance ~~[.]~~ ***;*** ~~*[and]*~~

(i) Health insurance offered through a group health plan maintained by a large employer ~~*[.]*~~ ***; and***

(j) Credit involuntary unemployment insurance.

2. The exclusions set forth in paragraphs (f) and (g) of subsection 1 extend only to issues related to the determination or approval of premium rates.

~~*[3. As used in this section, "large employer" has the meaning ascribed to it in 42 U.S.C. § 18024(b)(1).]*~~

Sec. 33.1. **Chapter 686C of NRS is hereby amended by adding thereto a new section to read as follows:**

"Unallocated annuity contract" means an annuity contract or group annuity certificate which is not issued to and owned by a natural person except to the extent such an annuity contract or group annuity certificate is guaranteed to a natural person by an insurer under such contract or certificate.

Sec. 33.3. **NRS 686C.035 is hereby amended to read as follows:**

686C.035 1. This chapter does not provide coverage for:

(a) A portion of a policy or contract not guaranteed by the insurer, or under which the risk is borne by the owner of the policy or contract.

(b) A policy or contract of reinsurance unless assumption certificates have been issued pursuant to that policy or contract.

(c) A portion of a policy or contract to the extent that the rate of interest on which it is based, or the interest rate, crediting rate or similar factor determined by the use of an index or other external reference stated in the policy or contract employed in calculating returns or changes in value:

(1) Averaged over the period of 4 years before the date on which the association becomes obligated with respect to the policy or contract, exceeds the rate of interest determined by subtracting 2 percentage points from Moody's Corporate Bond Yield Average averaged for the same period, or for the period between the date of issuance of the policy or contract and the date the association became obligated, whichever period is less; and

(2) On or after the date on which the association becomes obligated with respect to the policy or contract, exceeds the rate of interest determined by subtracting 3 percentage points from Moody's Corporate Bond Yield Average as most recently available.

(d) A portion of a policy or contract issued to a plan or program of an employer, association or other person to provide life, health or annuity benefits to its employees, members or other persons to the extent that the plan or program is self-funded or uninsured, including, but not limited to, benefits payable by an employer, association or other person under:

(1) A multiple employer welfare arrangement described in 29 U.S.C. § 1144;

(2) A minimum-premium group insurance plan;

(3) A stop-loss group insurance plan; or

(4) A contract for administrative services only.

(e) A portion of a policy or contract to the extent that it provides for dividends, credits for experience, voting rights or the payment of any fee or allowance to any person, including the owner of a policy or contract, for services or administration connected with the policy or contract.

(f) A policy or contract issued in this state by a member insurer at a time when the member insurer was not authorized to issue the policy or contract in this state.

(g) A portion of a policy or contract to the extent that the assessments required by NRS 686C.230 with respect to the policy or contract are preempted by federal law.

(h) An obligation that does not arise under the express written terms of the policy or contract issued by the insurer, including:

(1) Claims based on marketing materials;

(2) Claims based on side letters or other documents that were issued by the insurer without satisfying applicable requirements for filing or approval of policy forms;

(3) Misrepresentations of or regarding policy benefits;

(4) Extra-contractual claims; or

(5) A claim for penalties or consequential or incidental damages.

(i) A contractual agreement that establishes the member insurer's obligation to provide a guarantee based on accounting at book value for participants in a defined-contribution benefit plan by reference to a portfolio of assets owned by the benefit plan or its trustee, which in each case is not an affiliate of the member insurer.

(j) A portion of a policy or contract to the extent that it provides for interest or other changes in value which are determined by the use of an index or other external reference stated in the policy or contract, but which have not been credited to the policy or contract, or as to which the rights of the owner of the policy or contract are subject to forfeiture, determined on the date the member insurer becomes an impaired or insolvent insurer, whichever occurs first. If the interest or changes in value of a policy or contract are credited less frequently than annually, for the purpose of determining the values that have been credited and are not subject to forfeiture, the interest or change in value determined by using procedures stated in the policy or contract must be credited as if the contractual date for crediting interest or changing values was the date of the impairment or insolvency of the insured member, whichever occurs first and is not subject to forfeiture.

(k) An unallocated annuity contract ~~[.]~~ ***other than an annuity owned by a governmental retirement plan established under section 401, 403(b) or 457 of the Internal Revenue Code, 26 U.S.C. §§ 401, 403(b) and 457, respectively, or the trustees of such a plan.***

2. As used in this section, "Moody's Corporate Bond Yield Average" means the monthly average for corporate bonds published by Moody's Investors Service, Inc., or any successor average.

Sec. 33.5. **NRS 686C.040 is hereby amended to read as follows:**

686C.040 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 686C.045 to 686C.125, inclusive, ***and section 33.1 of this act*** have the meanings ascribed to them in those sections.

Sec. 33.7. **NRS 686C.210 is hereby amended to read as follows:**

686C.210 1. The benefits that the Association may become obligated to cover may not exceed the lesser of:

(a) The contractual obligations for which the insurer is liable or would have been liable if it were not an impaired or insolvent insurer;

(b) With respect to one life, regardless of the number of policies or contracts:

(1) Three hundred thousand dollars in death benefits from life insurance, but not more than $100,000 in net cash for surrender and withdrawal for life insurance; or

(2) One hundred thousand dollars in the present value of benefits from annuities, including net cash for surrender and withdrawal;

(c) With respect to health insurance for any one natural person:

(1) One hundred thousand dollars for coverages other than disability insurance, basic hospital, medical and surgical insurance or major medical insurance, including any net cash for surrender or withdrawal;

(2) Three hundred thousand dollars for disability insurance; or

(3) Five hundred thousand dollars for basic hospital, medical and surgical insurance or major medical insurance; ~~[or]~~

(d) With respect to each payee of a structured settlement annuity, or beneficiary or beneficiaries of the payee if deceased, $100,000 in present value of benefits from the annuity in the aggregate, including any net cash for surrender or withdrawal ~~[.]~~ ***; or***

(e) With respect to each participant in a governmental retirement plan covered by an unallocated annuity contract which is owned by a governmental retirement plan established under section 401, 403(b) or 457 of the Internal Revenue Code, 26 U.S.C. §§ 401, 403(b) and 457, respectively, or the trustees of such a plan, and which is approved by the Commissioner, an aggregate of $100,000, regardless of the number of contracts.

2. In no event is the Association obligated to cover more than:

(a) With respect to any one life or person under paragraphs (b) and (c) of subsection 1:

(1) An aggregate of $300,000 in benefits, excluding benefits for basic hospital, medical and surgical insurance or major medical insurance; or

(2) An aggregate of $500,000 in benefits, including benefits for basic hospital, medical and surgical insurance or major medical insurance.

(b) With respect to one owner of several nongroup policies of life insurance, whether the owner is a natural person or an organization and whether the persons insured are officers, managers, employees or other persons, more than $5,000,000 in benefits, regardless of the number of policies and contracts held by the owner.

3. The limitations set forth in this section are limitations on the benefits for which the Association is obligated before taking into account its rights to subrogation or assignment or the extent to which those benefits could be provided out of the assets of the impaired or insolvent insurer attributable to covered policies. The cost of the Association's obligations under this chapter

may be met by the use of assets attributable to covered policies, or reimbursed to the Association pursuant to its rights to subrogation or assignment.

4. In performing its obligation to provide coverage under NRS 686C.150 and 686C.152, the Association need not guarantee, assume, reinsure or perform, or cause to be guaranteed, assumed, reinsured or performed, the contractual obligations of the impaired or insolvent insurer under a covered policy or contract which do not materially affect the economic value or economic benefits of the covered policy or contract.

Sec. 34. NRS 687A.037 is hereby amended to read as follows:

687A.037 "Member insurer" means any person, except a fraternal or nonprofit service corporation which:

1. Writes any kind of insurance to which this chapter applies, including the exchange of reciprocal or interinsurance agreements of indemnity.

2. Is ~~[licensed]~~ ***authorized*** to transact insurance in this state.

Sec. 35. NRS 687B.120 is hereby amended to read as follows:

687B.120 1. ***Except as otherwise provided in subsection 2:***

(a) No life or health insurance policy or contract, annuity contract form, policy form, health care plan or plan for dental care, whether individual, group or blanket, including those to be issued by a health maintenance organization, organization for dental care or prepaid limited health service organization, or application form where a written application is required and is to be made a part of the policy or contract, or printed rider or endorsement form or form of renewal certificate, or form of individual certificate or statement of coverage to be issued under group or blanket contracts, or by a health maintenance organization, organization for dental care or prepaid limited health service organization, may be delivered or issued for delivery in this state, unless the form has been filed with and approved by the Commissioner. ~~[This subsection does not apply to any special rider or endorsement which relates to the manner of distribution of benefits or to the reservation of rights and benefits under life or health insurance policies, which special riders or endorsements are used at the request of the individual policyholder, contract holder or certificate holder.]~~

(b) As to group insurance policies effectuated and delivered outside this state but covering persons resident in this state, the group certificates to be delivered or issued for delivery in this state must be filed, for informational purposes only, with the Commissioner at the request of the Commissioner.

2. ***As to group insurance policies to be issued to a group approved pursuant to NRS 688B.030 or 689B.026, no policies of group insurance may be marketed to a resident or employer of this State unless the policy and any form or certificate to be issued pursuant to the policy has been filed with and approved by the Commissioner.***

3. Every ~~[such]~~ filing ***made pursuant to the provisions of subsection 1 or 2*** must be made not less than 45 days in advance of any ~~[such]~~ delivery ~~[.]~~ ***pursuant to subsection 1 or marketing pursuant to subsection 2.*** At the expiration of 45 days the form so filed shall be deemed approved unless prior thereto it has been affirmatively approved or disapproved by order of the Commissioner. Approval of any such form by the Commissioner constitutes a waiver of any unexpired portion of such waiting period. The Commissioner may extend by not more than an additional 30 days the period within which the Commissioner may so affirmatively approve or disapprove any such form, by giving notice to the insurer of the extension before expiration of the initial 45-day period. At the expiration of any such period as so extended, and in the absence of prior affirmative approval or disapproval, any such form shall be deemed approved. The Commissioner may at any time, after notice and for cause shown, withdraw any such approval.

~~[3.]~~ ***4.*** Any order of the Commissioner disapproving any such form or withdrawing a previous approval must state the grounds therefor and the particulars thereof in such detail as reasonably to inform the insurer thereof. Any such withdrawal of a previously approved form is effective at the expiration of such a period, not less than 30 days after the giving of notice of withdrawal, as the Commissioner in such notice prescribes.

~~[4.]~~ ***5.*** The Commissioner may, by order, exempt from the requirements of this section for so long as the Commissioner deems proper any insurance document or form or type thereof specified in the order, to which, in the opinion of the Commissioner, this section may not practicably be applied, or the filing and approval of which are, in the opinion of the Commissioner, not desirable or necessary for the protection of the public.

~~[5.]~~ ***6.*** Appeals from orders of the Commissioner disapproving any such form or withdrawing a previous approval may be taken as provided in NRS 679B.310 to 679B.370, inclusive.

Sec. 36. Chapter 688A of NRS is hereby amended by adding thereto a new section to read as follows:

1. An annuity or policy of life insurance may incorporate long-term care insurance if:

(a) The long-term care insurance incorporated into the annuity or policy of life insurance complies with regulations adopted by the Commissioner.

(b) The Commissioner approves the incorporation of long-term care insurance into the annuity or policy of life insurance.

2. The Commissioner shall adopt regulations that define "long-term care insurance" for the purposes of this section.

Sec. 37. NRS 688A.020 is hereby amended to read as follows:

688A.020 ***1.*** For the purposes of this Code, an "annuity" is a contract under which obligations are assumed to make periodic payments for a

specific term or terms or where the making or continuance of all or some such payments, or the amount of any such payment, is dependent upon continuance of human life, except payments made pursuant to optional modes of settlement under the authority of NRS 681A.040 **.** ~~[("life insurance" defined). Such a contract which includes extra benefits of the kinds set forth in NRS 681A.030 ("health insurance" defined) and NRS 681A.040 ("life insurance" defined) shall nevertheless be deemed to be an annuity if such extra benefits constitute a subsidiary or incidental part of the entire contract.]~~

2. The term includes an annuity contract which incorporates long-term care insurance if the annuity contract may incorporate the long-term care insurance pursuant to section 36 of this act.

Sec. 38. NRS 688A.165 is hereby amended to read as follows:

688A.165 ***1.*** No ***annuity contract, pure endowment contract or*** policy of life insurance, other than ~~[an industrial life insurance]~~ ***a replacement contract or*** policy, may be delivered or issued for delivery in this state unless it contains a provision, or a notice attached to the ***contract or*** policy, which, in substance, states that during a period of 10 days from the date the ***contract or*** policy is delivered to the ***contract or*** policy owner, it may be surrendered to the insurer together with a written request for cancellation of the ***contract or*** policy and in such event, the insurer will refund any premium paid therefor, including any ***contract or*** policy fees or other charges.

2. No annuity contract, pure endowment contract or policy of life insurance that is a replacement contract or policy may be delivered or issued for delivery in this State unless it contains a provision, or a notice attached to the contract or policy, which, in substance, states that during a period of 30 days after the date on which the contract or policy is delivered to the contract or policy owner, it may be surrendered to the insurer together with a written request for cancellation of the contract or policy and in such event, the insurer will refund any premium paid therefor, including any contract or policy fees or other charges.

3. This section does not apply to industrial life insurance policies.

Sec. 39. NRS 688A.180 is hereby amended to read as follows:

688A.180 1. No annuity or pure endowment contract, other than reversionary annuities (also called survivorship annuities) or group annuities and except as stated in this section, shall be delivered or issued for delivery in this state unless it contains in substance each of the provisions specified in NRS ***688A.165 and*** 688A.190 to 688A.240, inclusive. Any of such provisions not applicable to single-premium annuities or single-premium pure endowment contracts shall not, to that extent, be incorporated therein.

2. This section does not apply to contracts for deferred annuities included in, or upon the lives of beneficiaries under, life insurance policies.

Sec. 40. NRS 688A.363 is hereby amended to read as follows:

688A.363 1. The minimum values, specified in NRS 688A.3631 to 688A.3637, inclusive, and 688A.366, of any paid-up annuity, cash surrender or death benefits available under an annuity contract must be based upon minimum nonforfeiture amounts as defined in this section.

2. ~~[With respect to contracts providing for flexible considerations, the]~~ ***The*** minimum nonforfeiture amount for any time at or before the commencement of any annuity payments is equal to an accumulation ***of 87.5 percent of the gross considerations*** up to such time at a rate of interest calculated pursuant to subsection 3, which must be decreased by the sum of:

(a) Any prior withdrawals from or partial surrenders of the contract, accumulated at a rate of interest calculated pursuant to subsection 3;

(b) An annual charge in the amount of $50, accumulated at rates of interest calculated pursuant to subsection 3;

(c) Any premium tax paid by the company for the contract, accumulated at rates of interest calculated pursuant to subsection 3; and

(d) The amount of any indebtedness to the company on the contract, including interest due and accrued.

~~[➥ The net considerations for a given contract year used to define the minimum nonforfeiture amount must be an amount that is equal to 87.5 percent of the gross considerations credited to the contract during that contract year.]~~

3. For the purpose of this section, the rate of interest used to determine the minimum nonforfeiture amounts must be an annual rate of interest determined as the lesser of 3 percent per annum or a rate specified in the contract if the rate is calculated in accordance with regulations adopted by the Commissioner, except that at no time may the resulting rate be less than 1 percent per annum.

4. The Commissioner may provide by regulation for further adjustments to the calculation of minimum nonforfeiture amounts for contracts that provide substantive participation in an equity index benefit or for other contracts that the Commissioner determines require adjustment. An adjustment to the calculation of the interest rate used to determine the minimum nonforfeiture amounts authorized under this subsection may not result in an interest rate of less than 1 percent per annum.

Sec. 41. NRS 688A.3633 is hereby amended to read as follows:

688A.3633 ***1.*** For contracts which provide cash surrender benefits, such benefits available before maturity shall not be less than the present value as of the date of surrender of that portion of the maturity value of the paid-up annuity benefit which would be provided under the contract at maturity arising from considerations paid before the time of cash surrender,

reduced by the amount appropriate to reflect any prior withdrawals from or partial surrenders of the contract, such present value being calculated on the basis of an interest rate of not more than 1 percent higher than the interest rate specified in the contract for accumulating the net considerations to determine such maturity value, decreased by the amount of any indebtedness to the company on the contract, including interest due and accrued, and increased by any existing additional amounts credited by the company to the contract. Any cash surrender benefit shall not be less than the minimum nonforfeiture amount at that time. The death benefit under such contracts shall be at least equal to the cash surrender benefit.

2. For annuity contracts issued on or after January 1, 2012, that provide cash surrender benefits:

(a) The cash surrender value on or past the maturity date must be equal to the amount used to determine the annuity benefits;

(b) A surrender charge may not be imposed on or past the maturity date of the annuity contract; and

(c) For annuity contracts with one or more renewable guaranteed periods, a new surrender charge schedule may be imposed for each new guaranteed period if:

(1) The surrender charge is zero at the end of each guaranteed period and remains zero for at least 30 days;

(2) The contract provides for continuation of the contract without surrender charges unless the contract holder specifically elects a new guaranteed period with a new surrender charge schedule; and

(3) The renewal period does not exceed 10 years and the maturity date complies with NRS 688A.3637.

3. An annuity contract that provides for flexible considerations may have separate surrender charge schedules associated with each consideration.

Sec. 42. NRS 688A.3637 is hereby amended to read as follows:

688A.3637 ***1.*** For the purpose of determining the benefits calculated under NRS 688A.3633 and 688A.3635 ~~[, in]~~ ***:***

(a) In the case of annuity contracts ***issued before January 1, 2012,*** under which an election may be made to have annuity payments commence at optional maturity dates, the maturity date shall be deemed to be the latest date for which election is permitted by the contract, but shall not be deemed to be later than the anniversary of the contract next following the annuitant's 70th birthday or the 10th anniversary of the contract, whichever is later.

(b) In the case of annuity contracts issued on or after January 1, 2012, the maturity date shall be deemed to be the latest date permitted by the contract, but shall not be deemed to be later than the anniversary of the

contract next following the annuitant's 70th birthday or the 10th anniversary of the contract, whichever is later.

2. For the purpose of determining the maturity date under this section for an annuity contract that provides for flexible considerations, the 10th anniversary of the contract is determined separately for each consideration.

Sec. 43. NRS 688C.200 is hereby amended to read as follows:

688C.200 1. Upon the filing of an application and payment of all applicable fees, the Commissioner shall investigate the applicant, and issue a license if the Commissioner finds that the applicant:

(a) If a provider of viatical settlements, has set forth a detailed plan of operation;

(b) Is competent and trustworthy and intends to act in good faith in the capacity for which the license is sought;

(c) Has a good reputation in business and, if a natural person, has had experience, training or education which qualifies the applicant in that capacity;

(d) If an organization, provides a certificate of good standing from the state of its domicile; and

(e) If a provider or broker of viatical settlements:

(1) Has included a plan to prevent fraud which satisfies the requirements of NRS 688C.490; and

(2) Has demonstrated evidence of financial responsibility through either:

(I) A surety bond executed and issued by an authorized surety in favor of the State of Nevada, continuous in form and in an amount as determined by the Commissioner, of not less than $250,000; or

(II) A deposit of cash, certificates of deposit, securities or any combination thereof in the amount of $250,000.

2. The Commissioner shall not issue a license to a nonresident unless a written designation of an agent for service of process, or an irrevocable written consent to the commencement of an action against the applicant by service of process upon the Commissioner, accompanies the application.

3. A provider or broker of viatical settlements shall furnish to the Commissioner new or revised information concerning partners, members, officers, holders of more than 10 percent of its stock, and designated employees within 30 days after a change occurs.

4. Notwithstanding any provision of this section to the contrary, the Commissioner shall accept as evidence of financial responsibility proof that financial instruments complying with the requirements of this section have been filed with a state where the applicant is licensed as a ***provider or*** broker of viatical settlements.

5. A surety bond issued for the purposes of this section must specifically authorize recovery by the Commissioner on behalf of any person in this State who sustained damages as a result of:

(a) Erroneous acts;

(b) Failure to act; or

(c) Conviction of:

(1) Fraud; or

(2) Unfair practices,

➥ by the provider or broker of viatical settlements.

6. The Commissioner may request evidence of financial responsibility as described in subparagraph (2) of paragraph (e) of subsection 1 at any time the Commissioner deems necessary.

Sec. 44. NRS 689.175 is hereby amended to read as follows:

689.175 1. The proposed seller, or the appropriate corporate officer of the proposed seller, shall apply in writing to the Commissioner for a seller's certificate of authority, showing:

(a) The proposed seller's name and address, and his or her occupations during the preceding 5 years;

(b) The name and address of the proposed trustee;

(c) The names and addresses of the proposed performers, specifying what particular services, supplies and equipment each performer is to furnish under the proposed prepaid contract; and

(d) Such other pertinent information as the Commissioner may reasonably require.

2. The application must be accompanied by:

(a) A copy of the proposed trust agreement and a written statement signed by an authorized officer of the proposed trustee to the effect that the proposed trustee understands the nature of the proposed trust fund and accepts it;

(b) A copy of each contract or understanding, existing or proposed, between the seller and performers relating to the proposed prepaid contract or items to be supplied under it;

(c) A certified copy of the articles of incorporation and the bylaws of any corporate applicant;

(d) A copy of any other document relating to the proposed seller, trustee, trust, performer or prepaid contract, as required by the Commissioner; ***and***

(e) **[**~~A complete set of the fingerprints of the proposed seller, or the appropriate corporate officer of the proposed seller, and written permission authorizing the Commissioner to forward those fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report;~~

~~(f) A fee representing the amount charged by the Federal Bureau of Investigation for processing the fingerprints of the applicant; and~~

~~(g)~~] The applicable fee established in NRS 680B.010, which is not refundable, and, in addition to any other fee or charge, all applicable fees required pursuant to NRS 680C.110.

3. A natural person who is a resident of this State must, as part of his or her application and at the applicant's own expense:

(a) Arrange to have a complete set of his or her fingerprints taken by a law enforcement agency or other authorized entity acceptable to the Commissioner; and

(b) Submit to the Commissioner:

(1) A completed fingerprint card and written permission authorizing the Commissioner to submit the applicant's fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for a report on the applicant's background and to such other law enforcement agencies as the Commissioner deems necessary; or

(2) Written verification, on a form prescribed by the Commissioner, stating that the fingerprints of the applicant were taken and directly forwarded electronically or by another means to the Central Repository and that the applicant has given written permission to the law enforcement agency or other authorized entity taking the fingerprints to submit the fingerprints to the Central Repository for submission to the Federal Bureau of Investigation for a report on the applicant's background and to such other law enforcement agencies as the Commissioner deems necessary.

4. The Commissioner may:

(a) Unless the applicant's fingerprints are directly forwarded pursuant to subparagraph (2) of paragraph (b) of subsection 3, submit those fingerprints to the Central Repository for submission to the Federal Bureau of Investigation and to such other law enforcement agencies as the Commissioner deems necessary; and

(b) Request from each such agency any information regarding the applicant's background as the Commissioner deems necessary.

Sec. 45. NRS 689.235 is hereby amended to read as follows:

689.235 1. To qualify for an agent's license, the applicant:

(a) Must file a written application with the Commissioner on forms prescribed by the Commissioner;

(b) Must have a good business and personal reputation; and

(c) Must not have been convicted of, or entered a plea of guilty, guilty but mentally ill or nolo contendere to, forgery, embezzlement, obtaining money

under false pretenses, larceny, extortion, conspiracy to defraud or any crime involving moral turpitude.

2. The application must:

(a) Contain information concerning the applicant's identity, address, social security number and personal background and business, professional or work history.

(b) Contain such other pertinent information as the Commissioner may require.

(c) ~~[~~Be accompanied by a complete set of the fingerprints of the applicant and written permission authorizing the Commissioner to forward those fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.

(d) Be accompanied by a fee representing the amount charged by the Federal Bureau of Investigation for processing the fingerprints of the applicant.

~~(e)]~~ Be accompanied by the statement required pursuant to NRS 689.258.

~~[(f)]~~ ***(d)*** Be accompanied by the applicable fee established in NRS 680B.010, which is not refundable, and, in addition to any other fee or charge, all applicable fees required pursuant to NRS 680C.110.

3. A conviction of, or plea of guilty, guilty but mentally ill or nolo contendere by, an applicant or licensee for any crime listed in paragraph (c) of subsection 1 is a sufficient ground for the Commissioner to deny a license to the applicant, or to suspend or revoke the agent's license pursuant to NRS 689.265.

4. A natural person who is a resident of this State must, as part of his or her application and at the applicant's own expense:

(a) Arrange to have a complete set of his or her fingerprints taken by a law enforcement agency or other authorized entity acceptable to the Commissioner; and

(b) Submit to the Commissioner:

(1) A completed fingerprint card and written permission authorizing the Commissioner to submit the applicant's fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for a report on the applicant's background and to such other law enforcement agencies as the Commissioner deems necessary; or

(2) Written verification, on a form prescribed by the Commissioner, stating that the fingerprints of the applicant were taken and directly forwarded electronically or by another means to the Central Repository and that the applicant has given written permission to the law enforcement agency or other authorized entity taking the fingerprints to submit the fingerprints to the Central Repository for submission to the Federal

Bureau of Investigation for a report on the applicant's background and to such other law enforcement agencies as the Commissioner deems necessary.

5. The Commissioner may:

(a) Unless the applicant's fingerprints are directly forwarded pursuant to subparagraph (2) of paragraph (b) of subsection 4, submit those fingerprints to the Central Repository for submission to the Federal Bureau of Investigation and to such other law enforcement agencies as the Commissioner deems necessary; and

(b) Request from each such agency any information regarding the applicant's background as the Commissioner deems necessary.

Sec. 46. NRS 689.490 is hereby amended to read as follows:

689.490 1. The proposed seller, or the appropriate corporate officer of the seller, shall apply in writing to the Commissioner for a seller's permit, showing:

(a) The proposed seller's name and address and his or her occupations during the preceding 5 years;

(b) The name and address of the proposed trustee;

(c) The names and addresses of the proposed performers, specifying what particular services, supplies and equipment each performer is to furnish under the proposed prepaid contract; and

(d) Such other pertinent information as the Commissioner may reasonably require.

2. The application must be accompanied by:

(a) A copy of the proposed trust agreement and a written statement signed by an authorized officer of the proposed trustee to the effect that the proposed trustee understands the nature of the proposed trust fund and accepts it;

(b) A copy of each contract or understanding, existing or proposed, between the seller and performers relating to the proposed prepaid contract or items to be supplied under it;

(c) A certified copy of the articles of incorporation and the bylaws of any corporate applicant;

(d) A copy of any other document relating to the proposed seller, trustee, trust, performer or prepaid contract, as required by the Commissioner; ***and***

(e) ~~[A complete set of the fingerprints of the proposed seller, or the appropriate corporate officer of the seller, and written permission authorizing the Commissioner to forward those fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report;~~

~~(f) A fee representing the amount charged by the Federal Bureau of Investigation for processing the fingerprints of the applicant; and~~

~~(g)~~] The applicable fee established in NRS 680B.010, which is not refundable, and, in addition to any other fee or charge, all applicable fees required pursuant to NRS 680C.110.

3. A natural person who is a resident of this State must, as part of his or her application and at the applicant's own expense:

(a) Arrange to have a complete set of his or her fingerprints taken by a law enforcement agency or other authorized entity acceptable to the Commissioner; and

(b) Submit to the Commissioner:

(1) A completed fingerprint card and written permission authorizing the Commissioner to submit the applicant's fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for a report on the applicant's background and to such other law enforcement agencies as the Commissioner deems necessary; or

(2) Written verification, on a form prescribed by the Commissioner, stating that the fingerprints of the applicant were taken and directly forwarded electronically or by another means to the Central Repository and that the applicant has given written permission to the law enforcement agency or other authorized entity taking the fingerprints to submit the fingerprints to the Central Repository for submission to the Federal Bureau of Investigation for a report on the applicant's background and to such other law enforcement agencies as the Commissioner deems necessary.

4. The Commissioner may:

(a) Unless the applicant's fingerprints are directly forwarded pursuant to subparagraph (2) of paragraph (b) of subsection 3, submit those fingerprints to the Central Repository for submission to the Federal Bureau of Investigation and to such other law enforcement agencies as the Commissioner deems necessary; and

(b) Request from each such agency any information regarding the applicant's background as the Commissioner deems necessary.

Sec. 47. NRS 689.520 is hereby amended to read as follows:

689.520 1. To qualify for an agent's license, the applicant:

(a) Must file a written application with the Commissioner on forms prescribed by the Commissioner; and

(b) Must not have been convicted of, or entered a plea of guilty, guilty but mentally ill or nolo contendere to, forgery, embezzlement, obtaining money under false pretenses, larceny, extortion, conspiracy to defraud or any crime involving moral turpitude.

2. The application must:

(a) Contain information concerning the applicant's identity, address, social security number, personal background and business, professional or work history.

(b) Contain such other pertinent information as the Commissioner may require.

(c) ~~[~~Be accompanied by a complete set of fingerprints and written permission authorizing the Commissioner to forward those fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report.

~~(d) Be accompanied by a fee representing the amount charged by the Federal Bureau of Investigation for processing the fingerprints of the applicant.~~

~~(e)]~~ Be accompanied by the statement required pursuant to NRS 689.258.

~~[(f)]~~ ***(d)*** Be accompanied by the applicable fee established in NRS 680B.010, which is not refundable, and, in addition to any other fee or charge, all applicable fees required pursuant to NRS 680C.110.

3. A conviction of, or plea of guilty, guilty but mentally ill or nolo contendere by, an applicant or licensee for any crime listed in paragraph (b) of subsection 1 is a sufficient ground for the Commissioner to deny a license to the applicant, or to suspend or revoke the agent's license pursuant to NRS 689.535.

4. A natural person who is a resident of this State must, as part of his or her application and at the applicant's own expense:

(a) Arrange to have a complete set of his or her fingerprints taken by a law enforcement agency or other authorized entity acceptable to the Commissioner; and

(b) Submit to the Commissioner:

(1) A completed fingerprint card and written permission authorizing the Commissioner to submit the applicant's fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for a report on the applicant's background and to such other law enforcement agencies as the Commissioner deems necessary; or

(2) Written verification, on a form prescribed by the Commissioner, stating that the fingerprints of the applicant were taken and directly forwarded electronically or by another means to the Central Repository and that the applicant has given written permission to the law enforcement agency or other authorized entity taking the fingerprints to submit the fingerprints to the Central Repository for submission to the Federal Bureau of Investigation for a report on the applicant's background and to such other law enforcement agencies as the Commissioner deems necessary.

5. The Commissioner may:

(a) Unless the applicant's fingerprints are directly forwarded pursuant to subparagraph (2) of paragraph (b) of subsection 4, submit those fingerprints to the Central Repository for submission to the Federal Bureau of Investigation and to such other law enforcement agencies as the Commissioner deems necessary; and

(b) Request from each such agency any information regarding the applicant's background as the Commissioner deems necessary.

Sec. 48. NRS 689A.745 is hereby amended to read as follows:

689A.745 1. Except as otherwise provided in subsection 4, each insurer that issues a policy of health insurance in this State shall establish a system for resolving any complaints of an insured concerning health care services covered under the policy. The system must be approved by the Commissioner in consultation with the State Board of Health.

2. A system for resolving complaints established pursuant to subsection 1 must include an initial investigation, a review of the complaint by a review board and a procedure for appealing a determination regarding the complaint. The majority of the members on a review board must be insureds who receive health care services pursuant to a policy of health insurance issued by the insurer.

3. The Commissioner or the State Board of Health may examine the system for resolving complaints established pursuant to subsection 1 at such times as either deems necessary or appropriate.

4. Each insurer that issues a policy of health insurance in this State that provides, delivers, arranges for, pays for or reimburses any cost of health care services through managed care shall provide a system for resolving any complaints of an insured concerning those health care services that complies with the provisions of NRS 695G.200 to 695G.310, inclusive ~~[.]~~ ***, and sections 102 to 112, inclusive, of this act.***

Sec. 49. NRS 689B.026 is hereby amended to read as follows:

689B.026 1. Except as otherwise provided in this section, no policy of group health insurance may be delivered or issued for delivery in this state to a group which was formed for the purpose of purchasing one or more policies of group health insurance.

2. A policy of group health insurance may be delivered to a group described in subsection 1 if the Commissioner approves the issuance. The Commissioner shall not grant approval unless the Commissioner finds that:

(a) The benefits of the policy are reasonable in relation to the premiums charged; ~~[and]~~

(b) The group to which the policy is issued is organized and operated in a fiscally sound manner ~~[.]~~ ***; and***

(c) All policy rates and forms are filed with and approved by the Division before marketing to a resident or employer in this State.

3. ~~[Upon approval by the Commissioner, an insurer may exclude or limit the coverage in a policy issued pursuant to this section of any person as to whom evidence of insurability is not satisfactory to the insurer.]~~ ***The Commissioner shall use the provisions of this chapter and chapter 689C of NRS to review insurance products marketed to employers in this State. The Commissioner shall use the provisions of chapter 689A of NRS to review insurance products marketed to natural persons in this State.***

4. The provisions of this section apply to the offering in this state of a policy issued in another state.

Sec. 50. NRS 689B.0285 is hereby amended to read as follows:

689B.0285 1. Except as otherwise provided in subsection 4, each insurer that issues a policy of group health insurance in this State shall establish a system for resolving any complaints of an insured concerning health care services covered under the policy. The system must be approved by the Commissioner in consultation with the State Board of Health.

2. A system for resolving complaints established pursuant to subsection 1 must include an initial investigation, a review of the complaint by a review board and a procedure for appealing a determination regarding the complaint. The majority of the members on a review board must be insureds who receive health care services pursuant to a policy of group health insurance issued by the insurer.

3. The Commissioner or the State Board of Health may examine the system for resolving complaints established pursuant to subsection 1 at such times as either deems necessary or appropriate.

4. Each insurer that issues a policy of group health insurance in this State that provides, delivers, arranges for, pays for or reimburses any cost of health care services through managed care shall provide a system for resolving any complaints of an insured concerning the health care services that complies with the provisions of NRS 695G.200 to 695G.310, inclusive ~~[.]~~ ***, and sections 102 to 112, inclusive, of this act.***

Sec. 51. NRS 689B.080 is hereby amended to read as follows:

689B.080 Any insurer authorized to write health insurance in this state, including a nonprofit corporation for hospital, medical or dental services that has a certificate of authority issued pursuant to chapter 695B of NRS, may issue blanket accident and health insurance. No blanket policy, except as provided in subsection ~~[4]~~ ***5*** of NRS 687B.120, may be issued or delivered in this state unless a copy of the form thereof has been filed in accordance with NRS 687B.120. Every blanket policy must contain provisions which in the opinion of the Commissioner are not less favorable to the policyholder and the individual insured than the following:

1. A provision that the policy, including endorsements and a copy of the application, if any, of the policyholder and the persons insured constitutes the entire contract between the parties, and that any statement made by the policyholder or by a person insured is in the absence of fraud a representation and not a warranty, and that no such statements may be used in defense to a claim under the policy, unless contained in a written application. The insured or the beneficiary or assignee of the insured has the right to make a written request to the insurer for a copy of an application, and the insurer shall, within 15 days after the receipt of a request at its home office or any branch office of the insurer, deliver or mail to the person making the request a copy of the application. If a copy is not so delivered or mailed, the insurer is precluded from introducing the application as evidence in any action based upon or involving any statements contained therein.

2. A provision that written notice of sickness or of injury must be given to the insurer within 20 days after the date when the sickness or injury occurred. Failure to give notice within that time does not invalidate or reduce any claim if it is shown that it was not reasonably possible to give notice and that notice was given as soon as was reasonably possible.

3. A provision that the insurer will furnish to the claimant or to the policyholder for delivery to the claimant such forms as are usually furnished by it for filing proof of loss. If the forms are not furnished before the expiration of 15 days after giving written notice of sickness or injury, the claimant shall be deemed to have complied with the requirements of the policy as to proof of loss upon submitting, within the time fixed in the policy for filing proof of loss, written proof covering the occurrence, the character and the extent of the loss for which claim is made.

4. A provision that in the case of a claim for loss of time for disability, written proof of the loss must be furnished to the insurer within 90 days after the commencement of the period for which the insurer is liable, and that subsequent written proofs of the continuance of the disability must be furnished to the insurer at such intervals as the insurer may reasonably require, and that in the case of a claim for any other loss, written proof of the loss must be furnished to the insurer within 90 days after the date of the loss. Failure to furnish such proof within that time does not invalidate or reduce any claim if it is shown that it was not reasonably possible to furnish proof and that the proof was furnished as soon as was reasonably possible.

5. A provision that all benefits payable under the policy other than benefits for loss of time will be payable immediately upon receipt of written proof of loss, and that, subject to proof of loss, all accrued benefits payable under the policy for loss of time will be paid not less frequently than monthly during the continuance of the period for which the insurer is liable, and that

any balance remaining unpaid at the termination of that period will be paid immediately upon receipt of proof.

6. A provision that the insurer at its own expense has the right and opportunity to examine the person of the insured when and so often as it may reasonably require during the pendency of claim under the policy and also the right and opportunity to make an autopsy where it is not prohibited by law.

7. A provision, if applicable, setting forth the provisions of NRS 689B.035.

8. A provision for benefits for expense arising from care at home or health supportive services if that care or service was prescribed by a physician and would have been covered by the policy if performed in a medical facility or facility for the dependent as defined in chapter 449 of NRS.

9. A provision that no action at law or in equity may be brought to recover under the policy before the expiration of 60 days after written proof of loss has been furnished in accordance with the requirements of the policy and that no such action may be brought after the expiration of 3 years after the time written proof of loss is required to be furnished.

Sec. 51.3. Chapter 689C of NRS is hereby amended by adding thereto a new section to read as follows:

"Employee leasing company" has the meaning ascribed to it in NRS 616B.670.

Sec. 51.5. NRS 689C.015 is hereby amended to read as follows:

689C.015 Except as otherwise provided in this chapter, as used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 689C.017 to 689C.106, inclusive, ***and section 51.3 of this act*** have the meanings ascribed to them in those sections.

Sec. 51.7. NRS 689C.065 is hereby amended to read as follows:

689C.065 ***1.*** **"**Eligible employee" means a permanent employee who has a regular working week of 30 or more hours.

2. The term includes a sole proprietor **,** ~~[or]~~ a partner of a partnership ~~[,]~~ ***or an employee of an employee leasing company,*** if the sole proprietor **,** ~~[or]~~ partner ***or employee of the employee leasing company*** is included as an employee under a health benefit plan of a small employer.

Sec. 51.9. **NRS 689C.111 is hereby amended to read as follows:**

689C.111 1. If an employer was not in existence throughout the entire preceding calendar year, the determination of whether the employer is a small or large employer must be based on the average number of employees reasonably expected to be employed on business days in the current calendar year.

2. Except as otherwise provided by specific statute, the provisions of this chapter that apply to a small employer at the time that a carrier issues a health benefit plan to the small employer pursuant to the provisions of this chapter continue to apply at least until the plan anniversary following the date on which the small employer no longer meets the requirements of being a small employer.

3. An employee leasing company which has more than 50 employees, including leased employees at client locations, and which sponsors a fully insured health benefit plan for those employees shall be deemed to be a large employer for the purposes of this chapter.

Sec. 52. NRS 689C.156 is hereby amended to read as follows:

689C.156 1. As a condition of transacting business in this State with small employers, a carrier shall actively market to a small employer each health benefit plan which is actively marketed in this State by the carrier to any small employer in this State. The health insurance plans marketed pursuant to this section by the carrier must include, without limitation, a basic health benefit plan and a standard health benefit plan. A carrier shall be deemed to be actively marketing a health benefit plan when it makes available any of its plans to a small employer that is not currently receiving coverage under a health benefit plan issued by that carrier.

2. A carrier shall issue to a small employer any health benefit plan marketed in accordance with this section if the eligible small employer applies for the plan and agrees to make the required premium payments and satisfy the other reasonable provisions of the health benefit plan that are not inconsistent with NRS 689C.015 to 689C.355, inclusive, ***and section 51.3 of this act,*** and 689C.610 to 689C.980, inclusive, except that a carrier is not required to issue a health benefit plan to a self-employed person who is covered by, or is eligible for coverage under, a health benefit plan offered by another employer.

3. If a health benefit plan marketed pursuant to this section provides, delivers, arranges for, pays for or reimburses any cost of health care services through managed care, the carrier shall provide a system for resolving any complaints of an employee concerning those health care services that complies with the provisions of NRS 695G.200 to 695G.310, inclusive ~~[.]~~ ***, and sections 102 to 112, inclusive, of this act.***

Sec. 53. NRS 690B.023 is hereby amended to read as follows:

690B.023 If insurance for the operation of a motor vehicle required pursuant to NRS 485.185 is provided by a contract of insurance, the insurer shall:

1. Provide evidence of insurance to the insured on a form approved by the Commissioner. The evidence of insurance must include:

(a) The name and address of the policyholder;

(b) The name and address of the insurer;

(c) ***Vehicle information, consisting of:***

(1) The year, make and complete identification number of the insured vehicle or vehicles; ***or***

(2) The word "Fleet" if the vehicle is covered under a fleet policy written on an any auto basis or blanket policy basis;

(d) The term of the insurance, including the day, month and year on which the policy:

(1) Becomes effective; and

(2) Expires;

(e) The number of the policy;

(f) A statement that the coverage meets the requirements set forth in NRS 485.185; and

(g) The statement "This card must be carried in the insured motor vehicle for production upon demand." The statement must be prominently displayed.

2. Provide new evidence of insurance if:

(a) The information regarding the insured vehicle or vehicles required pursuant to paragraph (c) of subsection 1 no longer is accurate;

(b) An additional motor vehicle is added to the policy;

(c) A new number is assigned to the policy; or

(d) The insured notifies the insurer that the original evidence of insurance has been lost.

Sec. 54. Chapter 690C of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Commissioner may refuse to renew or may suspend, limit or revoke a provider's certificate of registration if the Commissioner finds after a hearing thereon, or upon waiver of hearing by the provider, that the provider has:

(a) Violated or failed to comply with any lawful order of the Commissioner;

(b) Conducted business in an unsuitable manner;

(c) Willfully violated or willfully failed to comply with any lawful regulation of the Commissioner; or

(d) Violated any provision of this chapter.

➥ In lieu of such a suspension or revocation, the Commissioner may levy upon the provider, and the provider shall pay forthwith, an administrative fine of not more than $1,000 for each act or violation.

2. The Commissioner shall suspend or revoke a provider's certificate of registration on any of the following grounds if the Commissioner finds after a hearing thereon that the provider:

(a) Is in unsound condition, is being fraudulently conducted, or is in such a condition or is using such methods and practices in the conduct of

its business as to render its further transaction of service contracts in this State currently or prospectively injurious to service contract holders or to the public.

(b) Refuses to be examined, or its directors, officers, employees or representatives refuse to submit to examination relative to its affairs, or to produce its books, papers, records, contracts, correspondence or other documents for examination by the Commissioner when required, or refuse to perform any legal obligation relative to the examination.

(c) Has failed to pay any final judgment rendered against it in this State upon any policy, bond, recognizance or undertaking as issued or guaranteed by it, within 30 days after the judgment became final or within 30 days after dismissal of an appeal before final determination, whichever date is the later.

3. The Commissioner may, without advance notice or a hearing thereon, immediately suspend the certificate of registration of any provider that has filed for bankruptcy or otherwise been deemed insolvent.

Sec. 55. NRS 690C.170 is hereby amended to read as follows:

690C.170 To be issued a certificate of registration, a provider must comply with one of the following:

1. Purchase a contractual liability insurance policy which insures the obligations of each service contract the provider issues, sells or offers for sale. The contractual liability insurance policy must be issued by an insurer ***which is not an affiliate of the provider and which is*** authorized to transact insurance in this state or pursuant to the provisions of chapter 685A of NRS ~~[.]~~ ***; or***

2. ~~[~~Maintain a reserve account and deposit with the Commissioner security as provided in this subsection. The reserve account must contain at all times an amount of money equal to at least 40 percent of the gross consideration received by the provider for any unexpired service contracts, less any claims paid on those unexpired service contracts. The Commissioner may examine the reserve account at any time. The provider shall also deposit with the Commissioner security in an amount that is equal to $25,000 or 5 percent of the gross consideration received by the provider for any unexpired service contracts, less any claims paid on the unexpired service contracts, whichever is greater. The security must be:

(a) A surety bond issued by a surety company authorized to do business in this state;

(b) Securities of the type eligible for deposit pursuant to NRS 682B.030;

(c) Cash;

(d) An irrevocable letter of credit issued by a financial institution approved by the Commissioner; or

(e) In any other form prescribed by the Commissioner.

~~3.]~~ Maintain, or be a subsidiary of a parent company that maintains, a net worth or stockholders' equity of at least $100,000,000. Upon request, a provider shall provide to the Commissioner a copy of the most recent Form 10-K report or Form 20-F report filed by the provider or parent company of the provider with the Securities and Exchange Commission within the previous year. If the provider or parent company is not required to file those reports with the Securities and Exchange Commission, the provider shall provide to the Commissioner a copy of the most recently audited financial statements of the provider or parent company. If the net worth or stockholders' equity of the parent company of the provider is used to comply with the requirements of this subsection, the parent company must guarantee to carry out the duties of the provider under any service contract issued or sold by the provider.

Sec. 56. Chapter 691A of NRS is hereby amended by adding thereto a new section to read as follows:

The Commissioner may adopt regulations to carry out the provisions of this chapter.

Sec. 57. NRS 691A.020 is hereby amended to read as follows:

691A.020 1. ~~[~~Each~~]~~ ***Except as otherwise provided in subsection 3, each*** insurer which provides ***a policy for a personal line of*** property insurance covering ***a manufactured home or*** mobile ~~[~~homes~~]~~ ***home*** in Nevada ***that was manufactured within the immediately preceding 15 years*** shall offer ~~[~~,~~]~~ ***to an insured, on a form approved by the Commissioner and*** in addition to any other insurance, ***the option of purchasing*** insurance to pay the ~~[~~market~~]~~ ***replacement*** value of the ***manufactured home or*** mobile home in the event of a total loss of the ***manufactured home or*** mobile home ~~[~~.~~]~~ ***, including*** ~~*[, without limitation,]*~~ ***the reasonable costs for:***

(a) Transporting and installing the replacement manufactured home or mobile home; and

(b) Debris removal.

2. Nothing in this section requires any insurer to offer any insurance on ***manufactured homes or*** mobile homes at a premium which is not fair and adequate.

3. The provisions of this section do not apply to a policy of insurance placed on a manufactured home or a mobile home by a creditor or lender.

4. As used in this section:

(a) "Manufactured home" has the meaning ascribed to it in NRS 489.113.

(b) "Replacement value" means the amount needed to repair, replace or rebuild a damaged or destroyed manufactured home or mobile home using new materials of similar kind and quality with no deduction for depreciation. The term does not include the value of land.

Sec. 58. NRS 692A.1041 is hereby amended to read as follows:

692A.1041 1. In addition to all other requirements set forth in this title and except as otherwise provided in subsection 4 and NRS 692A.1042, as a condition to doing business in this State, each title agent and title insurer shall deposit with the Commissioner and keep in full force and effect a corporate surety bond payable to the State of Nevada, in the amount set forth in subsection 3, which is executed by a corporate surety satisfactory to the Commissioner and which names as principals the title agency or title insurer and all escrow officers employed by or associated with the title agent or title insurer.

2. The bond must be in substantially the following form:

Know All Persons by These Presents, that ....., as principal, and ....., as surety, are held and firmly bound unto the State of Nevada for the use and benefit of any person who suffers damages because of a violation of any of the provisions of chapter 692A of NRS, in the sum of ....., lawful money of the United States, to be paid to the State of Nevada for such use and benefit, for which payment well and truly to be made, and that we bind ourselves, our heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

The condition of that obligation is such that: Whereas, the Commissioner of Insurance of the Department of Business and Industry of the State of Nevada has issued the principal a license or certificate of authority as a title agent or title insurer, and the principal is required to furnish a bond, which is conditioned as set forth in this bond:

Now, therefore, if the principal, the principal's agents and employees, strictly, honestly and faithfully comply with the provisions of chapter 692A of NRS, and pay all damages suffered by any person because of a violation of any of the provisions of chapter 692A of NRS, or by reason of any fraud, dishonesty, misrepresentation or concealment of material facts growing out of any transaction governed by the provisions of chapter 692A of NRS, then this obligation is void; otherwise it remains in full force.

This bond becomes effective on the .....(day) of .....(month) of .....(year), and remains in force until the surety is released from liability by the Commissioner of Insurance or until this bond is cancelled by the surety. The surety may cancel this bond and be relieved of further liability hereunder by giving 60 days' written notice to the principal and to the Commissioner of Insurance of the Department of Business and Industry of the State of Nevada.

In Witness Whereof, the seal and signature of the principal hereto is affixed, and the corporate seal and the name of the surety hereto is affixed and attested by its authorized officers at ....., Nevada, this .....(day) of .....(month) of .....(year).

…….(Seal)

Principal

……..(Seal)

Surety

By……

Attorney-in-fact

……

~~[Licensed resident]~~ ***Nevada licensed insurance*** agent

3. Each title agent and title insurer shall deposit a corporate surety bond that complies with the provisions of this section or a substitute form of security that complies with the provisions of NRS 692A.1042 in an amount that:

(a) Is not less than $20,000 or 2 percent of the average collected balance of the trust account or escrow account maintained by the title agent or title insurer pursuant to NRS 692A.250, whichever is greater; and

(b) Is not more than $250,000.

➥ The Commissioner shall determine the appropriate amount of the surety bond or substitute form of security that must be deposited initially by the title agent or title insurer based upon the expected average collected balance of the trust account or escrow account maintained by the title agent or title insurer pursuant to NRS 692A.250. After the initial deposit, the Commissioner shall, on an annual basis, determine the appropriate amount of the surety bond or substitute form of security that must be deposited by the title agent or title insurer based upon the average collected balance of the trust account or escrow account maintained by the title agent or title insurer pursuant to NRS 692A.250.

4. A title agent or title insurer may offset or reduce the amount of the surety bond or substitute form of security that the title agent or title insurer is required to deposit pursuant to subsection 3 by the amount of any of the following:

(a) Cash or securities deposited with the Commissioner in this State pursuant to NRS 680A.140 or 682B.015.

(b) Reserves against unpaid losses and loss expenses maintained pursuant to NRS 692A.150 or 692A.170.

(c) Unearned premium reserves maintained pursuant to NRS 692A.160 or 692A.170.

(d) Fidelity bonds maintained by the title agent or title insurer.

(e) Other bonds or policies of insurance maintained by the title agent or title insurer covering liability for economic losses to customers caused by the title agent or title insurer.

Sec. 59. NRS 692B.070 is hereby amended to read as follows:

692B.070 1. A written application for any permit required under NRS 692B.040 must be filed with the Commissioner. The application must include or be accompanied by:

(a) The name, type and purposes of the insurer, corporation, syndicate, association, firm or organization formed or proposed to be formed or financed;

(b) On forms furnished by the Commissioner, for each person associated or to be associated as incorporator, director, promoter, manager or in other similar capacity in the enterprise, or in the formation of the proposed insurer, corporation, syndicate, association, firm or organization, or in the proposed financing:

(1) The person's name, residential address and qualifications; ***and***

(2) The person's business background and experience for the preceding 10 years; ~~[and~~

~~(3) A complete set of the person's fingerprints which the Commissioner may forward to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report;]~~

(c) A full disclosure of the terms of all pertinent understandings and agreements existing or proposed among any persons or entities so associated or to be associated, and a copy of each such agreement;

(d) Executed quadruplicate originals of the articles of incorporation of a proposed domestic stock or mutual insurer;

(e) The original and one copy of the proposed bylaws of a proposed domestic stock or mutual insurer;

(f) The plan according to which solicitations are to be made and a reasonably detailed estimate of all organization and sales expenses to be incurred in the proposed organization and offering;

(g) A copy of any security, receipt or certificate proposed to be offered, and a copy of any proposed subscription agreement or application therefor;

(h) A copy of any prospectus, offering circular, advertising or sales literature or material proposed to be used;

(i) A copy of the proposed form of any escrow agreement required;

(j) A copy of:

(1) The articles of incorporation of any corporation, other than a proposed domestic insurer, proposing to offer its securities, certified by the public officer having custody of the original thereof;

(2) Any syndicate, association, firm, organization or other similar agreement, by whatever name called, if funds for any of the purposes referred to in subsection 1 of NRS 692B.040 are to be secured through the sale of any security, interest or right in or relative to such syndicate, association, firm or organization; and

(3) If the insurer is, or is to be, a reciprocal insurer, the power of attorney and of other agreements existing or proposed affecting subscribers, investors, the attorney-in-fact or the insurer;

(k) If the applicant is a natural person, the statement required pursuant to NRS 692B.193; and

(l) Such additional pertinent information as the Commissioner may reasonably require.

2. The application must be accompanied by a deposit of the fees required under NRS 680B.010 for the filing of the application and for issuance of the permit, if granted.

3. If the applicant is a natural person, the application must include the social security number of the applicant.

4. In lieu of a special filing thereof of information required by subsection 1, the Commissioner may accept a copy of any pertinent filing made with the Securities and Exchange Commission relative to the same offering.

5. Each person identified in paragraph (b) of subsection 1 who is a resident of this State must, as part of his or her application and at the person's own expense:

(a) Arrange to have a complete set of his or her fingerprints taken by a law enforcement agency or other authorized entity acceptable to the Commissioner; and

(b) Submit to the Commissioner:

(1) A completed fingerprint card and written permission authorizing the Commissioner to submit the person's fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for a report on the person's background and to such other law enforcement agencies as the Commissioner deems necessary; or

(2) Written verification, on a form prescribed by the Commissioner, stating that the fingerprints of the person were taken and directly forwarded electronically or by another means to the Central Repository and that the person has given written permission to the law enforcement agency or other authorized entity taking the fingerprints to submit the fingerprints to the Central Repository for submission to the Federal Bureau of Investigation for a report on the person's background and to such other law enforcement agencies as the Commissioner deems necessary.

6. The Commissioner may:

(a) Unless the person's fingerprints are directly forwarded pursuant to subparagraph (2) of paragraph (b) of subsection 5, submit those fingerprints to the Central Repository for submission to the Federal

Bureau of Investigation and to such other law enforcement agencies as the Commissioner deems necessary; and

(b) Request from each such agency any information regarding the person's background as the Commissioner deems necessary.

Sec. 60. NRS 692B.190 is hereby amended to read as follows:

692B.190 1. No person may in this State solicit subscription to or purchase of any security covered by a solicitation permit issued under this chapter, unless then licensed therefor by the Commissioner.

2. Such a license may be issued only to natural persons, and the Commissioner shall not license any person found by the Commissioner to be:

(a) Dishonest or untrustworthy;

(b) Financially irresponsible;

(c) Of unfavorable personal or business history or reputation; or

(d) For any other cause, reasonably unsuited for fulfillment of the responsibilities of such a licensee.

3. The applicant for such a license must file a written application therefor with the Commissioner, on forms and containing inquiries as designated and required by the Commissioner. The application must include or be accompanied by:

(a) The social security number of the applicant;

(b) An endorsement by the holder of the permit under which the securities are proposed to be sold; ***and***

(c) ~~[A complete set of the fingerprints of the applicant on forms furnished by the Commissioner; and~~

~~(d)]~~ The application fee specified in NRS 680B.010.

4. The Commissioner ~~[:~~

~~(a) May forward the complete set of fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report; and~~

~~(b) Shall]~~ ***shall*** promptly cause an investigation to be made of the identity and qualifications of the applicant.

5. The license, if issued, must be for the period of the permit, and must automatically be extended if the permit is extended.

6. The Commissioner shall revoke the license if at any time after issuance the Commissioner has found that the license was obtained through misrepresentation or concealment of facts, or that the licensee is no longer qualified therefor, or that the licensee has misrepresented the securities offered, or has otherwise conducted himself or herself in or with respect to transactions under the license in a manner injurious to the permit holder or to subscribers or prospects or the public.

7. This section does not apply to securities broker-dealers registered as such under the Securities Exchange Act of 1934, or with respect to securities

the sale of which is underwritten, other than on a best efforts basis, by such a broker-dealer.

8. With respect to solicitation of subscriptions to or purchase of securities covered by a solicitation permit issued by the Commissioner, the license required by this section is in lieu of a license or permit otherwise required of the solicitor under any other law of this State.

9. An applicant who is a resident of this State must, as part of his or her application and at the applicant's own expense:

(a) Arrange to have a complete set of his or her fingerprints taken by a law enforcement agency or other authorized entity acceptable to the Commissioner; and

(b) Submit to the Commissioner:

(1) A completed fingerprint card and written permission authorizing the Commissioner to submit the applicant's fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for a report on the applicant's background and to such other law enforcement agencies as the Commissioner deems necessary; or

(2) Written verification, on a form prescribed by the Commissioner, stating that the fingerprints of the applicant were taken and directly forwarded electronically or by another means to the Central Repository and that the applicant has given written permission to the law enforcement agency or other authorized entity taking the fingerprints to submit the fingerprints to the Central Repository for submission to the Federal Bureau of Investigation for a report on the applicant's background and to such other law enforcement agencies as the Commissioner deems necessary.

10. The Commissioner may:

(a) Unless the applicant's fingerprints are directly forwarded pursuant to subparagraph (2) of paragraph (b) of subsection 9, submit those fingerprints to the Central Repository for submission to the Federal Bureau of Investigation and to such other law enforcement agencies as the Commissioner deems necessary; and

(b) Request from each such agency any information regarding the applicant's background as the Commissioner deems necessary.

Sec. 61. NRS 692C.370 is hereby amended to read as follows:

692C.370 For the purposes of this chapter, in determining whether or not an insurer's surplus as regards policyholders is reasonable in relation to the insurer's outstanding liabilities and adequate to its financial needs, the following factors among others must be considered:

1. The size of the insurer as measured by its assets, capital and surplus, reserves, premium writings, ***operating results,*** insurance in force and other appropriate criteria.

2. The extent to which the insurer's business is diversified among the several lines of insurance.

3. The number and size of risks insured in each line of business.

4. The extent of the geographical dispersion of the insurer's insured risks.

5. The nature and extent of the insurer's reinsurance program.

6. The quality, diversification and liquidity of the insurer's investment portfolio.

7. The recent past and projected future trend in the size of the insurer's surplus as regards policyholders.

8. The surplus as regards policyholders maintained by other comparable insurers.

9. The adequacy of the insurer's reserves.

10. The quality and liquidity of investments in ***affiliates or*** subsidiaries made pursuant to NRS 692C.180 to 692C.250, inclusive. The Commissioner may treat any such investment as a disallowed asset for purposes of determining the adequacy of surplus as regards policyholders whenever in the judgment of the Commissioner such investment so warrants.

11. The quality of the insurer's earnings and the extent to which the reported earnings of the insurer include extraordinary items. As used in this subsection, the term "extraordinary item" means a nonrecurring occurrence or event.

Sec. 62. (Deleted by amendment.)

Sec. 62.5. **NRS 694C.210 is hereby amended to read as follows:**

694C.210 A captive insurer must apply to the Commissioner for a license. The application must include:

1. A certified copy of the charter and bylaws of the captive insurer;

2. A pro forma financial statement for the captive insurer that has been prepared by a certified public accountant ~~[;]~~ ***or an actuary authorized by the Division to conduct business in this State;***

3. Any other statements or documents that the Commissioner requires to be filed with the application;

4. Evidence of:

(a) The amount and liquidity of its assets relative to the risks to be assumed by the captive insurer;

(b) The expertise, experience and character of the persons who will manage the captive insurer;

(c) The overall soundness of the plan of operation of the captive insurer; and

(d) The adequacy of the programs of the captive insurer providing for loss prevention by its parent or member organizations, as applicable; and

5. Such other information deemed to be relevant by the Commissioner in ascertaining whether the proposed captive insurer will be able to meet its policy obligations.

Sec. 63. NRS 694C.330 is hereby amended to read as follows:

694C.330 Except as otherwise provided in this section, a captive insurer shall pay dividends out of, or make any other distributions from, its capital or surplus, or both, in accordance with the provisions set forth in NRS ***692C.370,*** 693A.140, 693A.150 and 693A.160. A captive insurer shall not pay dividends out of, or make any other distribution with respect to, its capital or surplus, or both, in violation of this section unless the captive insurer has obtained the prior approval of the Commissioner to make such a payment or distribution.

Sec. 64. NRS 694C.400 is hereby amended to read as follows:

694C.400 1. On or before ~~[March 1]~~ ***June 30*** of each year, a captive insurer shall submit to the Commissioner a report of its financial condition, as prepared by a certified public accountant. A captive insurer shall use generally accepted accounting principles and include any useful or necessary modifications or adaptations thereof that have been approved or accepted by the Commissioner for the type of insurance and kinds of insurers to be reported upon, and as supplemented by additional information required by the Commissioner. Except as otherwise provided in this section, each association captive insurer, agency captive insurer, rental captive insurer or sponsored captive insurer shall file its report in the form required by NRS ~~[680A.265.]~~ ***680A.270.*** The Commissioner shall adopt regulations designating the form in which pure captive insurers must report.

2. A pure captive insurer may apply, in writing, for authorization to file its annual report based on a fiscal year that is consistent with the fiscal year of the parent company of the pure captive insurer. If an alternative date is granted:

(a) The annual report is due not later than ~~[60]~~ ***180*** days after the end of each such fiscal year; and

(b) The pure captive insurer shall file on or before March 1 of each year such forms as required by the Commissioner by regulation to provide sufficient detail to support its premium tax return filed pursuant to NRS 694C.450.

3. Any captive insurer failing, without just cause beyond the reasonable control of the captive insurer, to file its annual statement as required by subsection 1 shall pay a penalty of $100 for each day the captive insurer fails to file the report, but not to exceed an aggregate

amount of $3,000, to be recovered in the name of the State of Nevada by the Attorney General.

4. Any director, officer, agent or employee of a captive insurer who subscribes to, makes or concurs in making or publishing, any annual or other statement required by law, knowing the same to contain any material statement which is false, is guilty of a gross misdemeanor.

Sec. 64.5. **NRS 694C.410 is hereby amended to read as follows:**

694C.410 1. Except as otherwise provided in this section, at least once every 3 years, and at such other times as the Commissioner determines necessary, the Commissioner, or a designee of the Commissioner, shall visit each captive insurer and thoroughly inspect and examine the affairs of the captive insurer to ascertain:

(a) The financial condition of the captive insurer;

(b) The ability of the captive insurer to fulfill its obligations; and

(c) Whether the captive insurer has complied with the provisions of this chapter and the regulations adopted pursuant thereto.

2. Upon the application of a captive insurer, the Commissioner may conduct the visits required pursuant to subsection 1 every 5 years if the captive insurer conducts comprehensive annual audits:

(a) The scope of which is satisfactory to the Commissioner; and

(b) Which are conducted by an independent auditor appointed by the Commissioner.

3. ***The provisions of subsections 1 and 2 do not apply to a pure captive insurer. The Commissioner may conduct an examination of a pure captive insurer at any reasonable time to ascertain:***

(a) The financial condition of the pure captive insurer;

(b) The ability of the pure captive insurer to fulfill its obligations; and

(c) Whether the pure captive insurer has complied with the provisions of this chapter and the regulations adopted pursuant thereto.

4. The Commissioner may contract to obtain legal, financial and examination services from outside the Division to conduct the examination and make recommendations to the Commissioner. The cost of the examination must be paid to the Commissioner by the captive insurer.

~~[4.]~~ ***5.*** The provisions of NRS 679B.230 to 679B.287, inclusive, apply to examinations conducted pursuant to this section.

Sec. 65. NRS 695B.380 is hereby amended to read as follows:

695B.380 1. Except as otherwise provided in subsection 4, each insurer that issues a contract for hospital or medical services in this State shall establish a system for resolving any complaints of an insured concerning health care services covered under the policy. The system must be approved by the Commissioner in consultation with the State Board of Health.

2. A system for resolving complaints established pursuant to subsection 1 must include an initial investigation, a review of the complaint by a review board and a procedure for appealing a determination regarding the complaint. The majority of the members on a review board must be insureds who receive health care services pursuant to a contract for hospital or medical services issued by the insurer.

3. The Commissioner or the State Board of Health may examine the system for resolving complaints established pursuant to subsection 1 at such times as either deems necessary or appropriate.

4. Each insurer that issues a contract specified in subsection 1 shall, if the contract provides, delivers, arranges for, pays for or reimburses any cost of health care services through managed care, provide a system for resolving any complaints of an insured concerning those health care services that complies with the provisions of NRS 695G.200 to 695G.310, inclusive ~~[.]~~ ***, and sections 102 to 112, inclusive, of this act.***

Sec. 65.5. ~~[NRS 695C.180 is hereby amended to read as follows:~~

~~695C.180 1.~~ ~~[No]~~ ~~*Except as otherwise provided in subsection 3, no* schedule of charges for enrollee coverage for health care services or amendment thereto may be used in conjunction with any health care plan until a copy of~~ [such] ~~*the* schedule or amendment~~ [thereto] ~~has been filed with and approved by the Commissioner.~~

~~2. Such charges may be established in accordance with actuarial principles for various categories of enrollees.~~ [However the] ~~*The* charges~~ [shall] ~~*must* not be excessive, inadequate~~ [nor] ~~*or* unfairly discriminatory. A certification by a qualified actuary to the adequacy of the charges~~ [shall] ~~*must* accompany the filing along with adequate supporting information.~~

~~*3. The provisions of this section do not apply to health insurance coverage offered through a group health plan maintained by a large employer. As used in this subsection, "large employer" has the meaning ascribed to it in 42 U.S.C. § 18024(b)(1).]*~~ **(Deleted by amendment.)**

Sec. 66. NRS 695C.260 is hereby amended to read as follows:

695C.260 Each health maintenance organization shall establish:

1. A system for resolving complaints which complies with the provisions of NRS 695G.200 to 695G.230, inclusive; and

2. A system for conducting external reviews of ~~[final]~~ adverse determinations that complies with the provisions of NRS 695G.241 to 695G.310, ***inclusive, and sections 102 to 112,*** inclusive ~~[.]~~ ***, of this act.***

Sec. 67. NRS 695C.330 is hereby amended to read as follows:

695C.330 1. The Commissioner may suspend or revoke any certificate of authority issued to a health maintenance organization pursuant to the provisions of this chapter if the Commissioner finds that any of the following conditions exist:

(a) The health maintenance organization is operating significantly in contravention of its basic organizational document, its health care plan or in a manner contrary to that described in and reasonably inferred from any other information submitted pursuant to NRS 695C.060, 695C.070 and 695C.140, unless any amendments to those submissions have been filed with and approved by the Commissioner;

(b) The health maintenance organization issues evidence of coverage or uses a schedule of charges for health care services which do not comply with the requirements of NRS 695C.1691 to 695C.200, inclusive, or 695C.207;

(c) The health care plan does not furnish comprehensive health care services as provided for in NRS 695C.060;

(d) The State Board of Health certifies to the Commissioner that the health maintenance organization:

(1) Does not meet the requirements of subsection 2 of NRS 695C.080; or

(2) Is unable to fulfill its obligations to furnish health care services as required under its health care plan;

(e) The health maintenance organization is no longer financially responsible and may reasonably be expected to be unable to meet its obligations to enrollees or prospective enrollees;

(f) The health maintenance organization has failed to put into effect a mechanism affording the enrollees an opportunity to participate in matters relating to the content of programs pursuant to NRS 695C.110;

(g) The health maintenance organization has failed to put into effect the system required by NRS 695C.260 for:

(1) Resolving complaints in a manner reasonably to dispose of valid complaints; and

(2) Conducting external reviews of ~~[final]~~ adverse determinations that comply with the provisions of NRS 695G.241 to 695G.310, ***inclusive, and sections 102 to 112,*** inclusive ~~[;]~~ ***, of this act;***

(h) The health maintenance organization or any person on its behalf has advertised or merchandised its services in an untrue, misrepresentative, misleading, deceptive or unfair manner;

(i) The continued operation of the health maintenance organization would be hazardous to its enrollees;

(j) The health maintenance organization fails to provide the coverage required by NRS 695C.1691; or

(k) The health maintenance organization has otherwise failed to comply substantially with the provisions of this chapter.

2. A certificate of authority must be suspended or revoked only after compliance with the requirements of NRS 695C.340.

3. If the certificate of authority of a health maintenance organization is suspended, the health maintenance organization shall not, during the period of that suspension, enroll any additional groups or new individual contracts, unless those groups or persons were contracted for before the date of suspension.

4. If the certificate of authority of a health maintenance organization is revoked, the organization shall proceed, immediately following the effective date of the order of revocation, to wind up its affairs and shall conduct no further business except as may be essential to the orderly conclusion of the affairs of the organization. It shall engage in no further advertising or solicitation of any kind. The Commissioner may, by written order, permit such further operation of the organization as the Commissioner may find to be in the best interest of enrollees to the end that enrollees are afforded the greatest practical opportunity to obtain continuing coverage for health care.

Sec. 68. NRS 695E.110 is hereby amended to read as follows:

695E.110 "Risk retention group" means any corporation or association with limited liability that is formed under the laws of any state, Bermuda or the Cayman Islands:

1. Whose primary activity consists of assuming and spreading all or any portion of the exposure of its ***corporation or association*** members to liability;

2. Which is organized primarily to conduct the activity described in subsection 1;

3. Which:

(a) Is chartered and licensed as a liability insurer and authorized to transact insurance under the laws of any state; or

(b) Before January 1, 1985, was chartered or licensed and authorized to transact insurance under the laws of Bermuda or the Cayman Islands and, before that date, had certified to the Commissioner of Insurance of at least one state that it satisfied the state's requirements for capitalization, except that such a group is considered to be a risk retention group only if it has been engaged in business continuously since that date and only for the purpose of continuing to provide insurance to cover product liability or completed operations liability;

4. Which does not exclude any person from membership in the group solely to provide for members of the group a competitive advantage over an excluded person;

5. Which has as its:

(a) ~~[~~Members~~]~~ ***Owners*** only persons who ~~[~~have an ownership interest in the group and who are provided insurance by~~]~~ ***comprise the membership of*** the risk retention group ~~[:]~~ ***and who are provided insurance by the risk retention group;*** or

(b) Sole owner an organization which has as its:

(1) Members only persons who comprise the membership of the risk retention group; and

(2) Owners only persons who comprise the membership of the risk retention group and who are provided insurance by the group;

6. Whose members are engaged in businesses or activities similar or related with respect to the liability to which they are exposed by virtue of any related, similar or common business, trade, product, services, premises or operations;

7. Whose activities do not include the provision of insurance other than:

(a) Liability insurance for assuming and spreading all or any portion of the liability of the members of the group; and

(b) Reinsurance with respect to the liability of any other risk retention group, or any member of such a group, that is engaged in a business or activity such that the other group or member meets the requirements of subsection 6 for membership in the risk retention group that provides reinsurance; and

8. The name of which includes the phrase "risk retention group."

Sec. 69. NRS 695F.230 is hereby amended to read as follows:

695F.230 1. Each prepaid limited health service organization shall establish a system for the resolution of written complaints submitted by enrollees and providers.

2. The provisions of subsection 1 do not prohibit an enrollee or provider from filing a complaint with the Commissioner or limit the Commissioner's authority to investigate such a complaint.

3. Each prepaid limited health service organization that issues any evidence of coverage that provides, delivers, arranges for, pays for or reimburses any cost of health care services through managed care shall provide a system for resolving any complaints of an enrollee or subscriber concerning those health care services that complies with the provisions of NRS 695G.200 to 695G.310, inclusive ~~[.]~~ ***, and sections 102 to 112, inclusive, of this act.***

Sec. 70. Chapter 695G of NRS is hereby amended by adding thereto the provisions set forth as sections 71 to 112, inclusive, of this act.

Sec. 71. (Deleted by amendment.)

Sec. 72. (Deleted by amendment.)

Sec. 73. (Deleted by amendment.)

Sec. 74. (Deleted by amendment.)

Sec. 75. (Deleted by amendment.)

Sec. 76. (Deleted by amendment.)

Sec. 77. (Deleted by amendment.)

Sec. 78. (Deleted by amendment.)

Sec. 79. *"Benefits" means those health care services to which a covered person is entitled under the terms of a health benefit plan.*

Sec. 80. *"Covered person" means a policyholder, subscriber, enrollee or other person participating in a health benefit plan.*

Sec. 81. (Deleted by amendment.)

Sec. 82. (Deleted by amendment.)

Sec. 83. (Deleted by amendment.)

Sec. 84. (Deleted by amendment.)

Sec. 85. (Deleted by amendment.)

Sec. 86. (Deleted by amendment.)

Sec. 87. (Deleted by amendment.)

Sec. 88. *"Health benefit plan" means a policy, contract, certificate or agreement offered or issued by a health carrier to provide, deliver, arrange for, pay for or reimburse any of the costs of health care services.*

Sec. 89. (Deleted by amendment.)

Sec. 90. (Deleted by amendment.)

Sec. 91. *"Health care services" means services for the diagnosis, prevention, treatment, care or relief of a health condition, illness, injury or disease.*

Sec. 92. *"Health carrier" means an entity subject to the insurance laws and regulations of this State, or subject to the jurisdiction of the Commissioner, that contracts or offers to contract to provide, deliver, arrange for, pay for or reimburse any of the costs of health care services, including, without limitation, a sickness and accident health insurance company, a health maintenance organization, a nonprofit hospital and health service corporation or any other entity providing a plan of health insurance, health benefits or health care services.*

Sec. 93. (Deleted by amendment.)

Sec. 94. *"Medical or scientific evidence" means evidence found in the following sources:*

1. Peer-reviewed scientific studies published in or accepted for publication by medical journals that meet nationally recognized requirements for scientific manuscripts and that submit most of their published articles for review by experts who are not part of the editorial staff;

2. Peer-reviewed medical literature, including literature relating to therapies reviewed and approved by a qualified institutional review board, biomedical compendia and other medical literature that meet the criteria of the National Library of Medicine of the National Institutes of Health for indexing in Index Medicus (MEDLINE) and Elsevier for indexing in Excerpta Medica (EMBASE);

3. Medical journals recognized by the Secretary of Health and Human Services pursuant to section 1861(t)(2) of the Social Security Act, 42 U.S.C. § 1395x;

4. The following standard reference compendia:

(a) AHFS Drug Information published by the American Society of Health-System Pharmacists;

(b) Drug Facts and Comparisons published by Wolter Kluwers Health;

(c) Accepted Dental Therapeutics published by the American Dental Association; and

(d) The United States Pharmacopoeia's Drug Quality and Information Program;

5. Findings, studies or research conducted by or under the auspices of the Federal Government and nationally recognized federal research institutes, including, without limitation:

(a) The Agency for Healthcare Research and Quality;

(b) The National Institutes of Health;

(c) The National Cancer Institute;

(d) The National Academy of Sciences of the National Academies;

(e) The Centers for Medicare and Medicaid Services;

(f) The Food and Drug Administration; and

(g) Any national board recognized by the National Institutes of Health for the purpose of evaluating the medical value of health care services; or

6. Any other source of medical or scientific evidence that is comparable to the sources listed in subsections 1 to 5, inclusive.

Sec. 95. (Deleted by amendment.)

Sec. 96. (Deleted by amendment.)

Sec. 97. (Deleted by amendment.)

Sec. 98. (Deleted by amendment.)

Sec. 99. (Deleted by amendment.)

Sec. 100. (Deleted by amendment.)

Sec. 101. ***"Utilization review organization" means an entity designated by a health carrier to conduct utilization reviews.***

Sec. 102. ***1. Except as otherwise provided in subsection 2, the provisions of NRS 695G.200 to 695G.310, inclusive, and sections 102 to 112, inclusive, of this act apply to all health carriers.***

2. The provisions of subsection 1 do not apply to:

(a) A policy or certificate that provides only coverage for:

(1) A specified disease or accident;

(2) Accidents;

(3) Credit dental;

(4) Disability income;

(5) Hospital indemnity;

(6) Long-term care insurance;

(7) Vision care; or

(8) Any other limited supplemental benefit;

(b) A Medicare supplement policy of insurance, as defined in regulations adopted by the Commissioner;

(c) Coverage under a plan through Medicare, Medicaid or the Federal Employees Health Benefits Program, FEHBP, 5 U.S.C. §§ 8901 et seq.;

(d) Any coverage issued under the Civilian Health and Medical Program of the Uniformed Services, CHAMPUS, 10 U.S.C. §§ 1071 et seq., and any coverage issued as supplemental to that coverage;

(e) Any coverage issued as supplemental to liability insurance;

(f) Workers' compensation or similar insurance;

(g) Automobile medical payment insurance; or

(h) Any insurance under which benefits are payable with or without regard to fault, whether written on a group, blanket or individual basis.

Sec. 103. *1. A health carrier shall notify the covered person in writing of the covered person's right to request an external review to be conducted pursuant to NRS 695G.241 to 695G.310, inclusive, and sections 102 to 112, inclusive, of this act and include the appropriate statements and information set forth in subsection 2 at the same time the health carrier sends written notice of an adverse determination upon completion of the health carrier's utilization review process set forth in NRS 683A.375 to 683A.379, inclusive, and the regulations adopted pursuant thereto.*

2. As part of the written notice required pursuant to subsection 1, a health carrier shall include the following, or substantially equivalent, language:

We have denied your request for the provision of or payment for a health care service or course of treatment. You may have the right to have our decision reviewed by health care professionals who have no association with us if our decision involved making a judgment as to the medical necessity, appropriateness, health care setting, level of care or effectiveness of the health care service or treatment you requested by submitting a request for external review to the Office for Consumer Health Assistance.

3. The Commissioner may prescribe by regulation the form and content of the notice required pursuant to this section.

4. The health carrier shall include in the notice required pursuant to subsection 1 a statement informing the covered person that:

(a) If the covered person has a medical condition where the timeframe for completion of an expedited review of a grievance involving an adverse determination set forth in NRS 695G.200 to 695G.230, inclusive, would seriously jeopardize the life or health of the covered person or would jeopardize the covered person's ability to regain maximum function, the

covered person or the covered person's authorized representative may, at the same time the covered person or the covered person's authorized representative files a request for an expedited review of a grievance involving an adverse determination as set forth in NRS 695G.210, file a request for an expedited external review to be conducted pursuant to NRS 695G.271 and section 107 of this act if the adverse determination involves a denial of coverage based on a determination that the recommended or requested health care service or treatment is experimental or investigational and the covered person's treating physician certifies in writing that the recommended or requested health care service or treatment that is the subject of the adverse determination would be significantly less effective if not promptly initiated, and the independent review organization assigned to conduct the expedited external review will determine whether the covered person will be required to complete the expedited review of the grievance before conducting the expedited external review; and

(b) The covered person or the covered person's authorized representative may file a grievance under the health carrier's internal grievance process as set forth in NRS 695G.200 to 695G.230, inclusive, but if the health carrier has not issued a written decision to the covered person or the covered person's authorized representative within 30 days after the date on which the covered person or the covered person's authorized representative filed the grievance with the health carrier and the covered person or the covered person's authorized representative has not requested or agreed to a delay, the covered person or the covered person's authorized representative may file a request for external review pursuant to NRS 695G.251 and shall be considered to have exhausted the health carrier's internal grievance process.

5. In addition to the information required to be provided pursuant to subsection 1, the health carrier shall include a copy of the description of both the standard and expedited external review procedures the health carrier is required to provide pursuant to section 112 of this act, highlighting the provisions in the external review procedures that give the covered person or the covered person's authorized representative the opportunity to submit additional information and including any forms used to process an external review.

6. As part of any forms provided pursuant to subsection 3, the health carrier shall include an authorization form, or other document approved by the Commissioner that complies with the requirements of 45 C.F.R. § 164.508, by which the covered person, for purposes of conducting an external review, authorizes the health carrier and the covered person's treating health care provider to disclose protected health information,

including medical records, concerning the covered person that are pertinent to the external review.

7. As used in this section, "protected health information" has the meaning ascribed to it in 45 C.F.R. § 160.103.

Sec. 104. ***1. Except for a request for an expedited external review as set forth in NRS 695G.271 or section 107 of this act, all requests for external review must be made in writing to the Office for Consumer Health Assistance.***

2. The Commissioner may prescribe by regulation the form and content of requests for external review required to be submitted pursuant to this section.

3. A covered person or the covered person's authorized representative may submit a request for an external review of an adverse determination.

Sec. 105. (Deleted by amendment.)

Sec. 106. (Deleted by amendment.)

Sec. 107. ***1. Within 4 months after receipt of a notice of an adverse determination pursuant to section 103 of this act that involves a denial of coverage based on a determination that the health care service or treatment recommended or requested is experimental or investigational, a covered person or the covered person's authorized representative may file a request for external review with the Office for Consumer Health Assistance pursuant to this section.***

2. A covered person or the covered person's authorized representative may make an oral request for an expedited external review of the adverse determination pursuant to section 103 of this act that involves a denial of coverage based on a determination that the health care service or treatment recommended or requested is experimental or investigational if the covered person's treating physician certifies, in writing, that the recommended or requested health care service or treatment that is the subject of the request would be significantly less effective if not promptly initiated.

3. Upon receipt of a request for an expedited external review pursuant to subsection 2, the Office for Consumer Health Assistance shall immediately notify the health carrier.

4. Immediately upon notice of a request for an expedited external review pursuant to subsection 2, the health carrier shall determine whether the request meets the requirements for review set forth in subsection 12. The health carrier shall immediately notify the Office for Consumer Health Assistance and the covered person and, if applicable, the covered person's authorized representative, of its determination regarding eligibility.

5. The Commissioner may specify the form for the notice of initial determination pursuant to subsection 4 and any supporting information to be included in the notice.

6. The notice of initial determination required by subsection 4 must include a statement that a health carrier's initial determination that a request which is ineligible for external review may be appealed to the Office for Consumer Health Assistance.

7. The Office for Consumer Health Assistance may determine that a request for an expedited external review is eligible for external review pursuant to subsection 12 and require that it be referred for expedited external review notwithstanding a health carrier's initial determination that the request is ineligible.

8. In making a determination pursuant to subsection 7, the decision of the Office for Consumer Health Assistance must be made in accordance with the terms of the covered person's health benefit plan and is subject to all applicable provisions of the external review process.

9. Upon receipt of the notice that the request for expedited external review meets the requirements for review, the Office for Consumer Health Assistance shall immediately assign an independent review organization to conduct the expedited external review from the list of approved independent review organizations compiled and maintained by the Commissioner pursuant to section 8 of this act and notify the health carrier of the name of the assigned independent review organization.

10. Upon receipt of the notice pursuant to subsection 9, the health carrier or utilization review organization shall provide or transmit any documents and information considered in making the adverse determination to the assigned independent review organization electronically or by telephone or facsimile, or any other available expeditious method.

11. Except as otherwise provided in subsection 3, within 1 business day after receipt of a request for external review pursuant to subsection 1, the Office for Consumer Health Assistance shall notify the health carrier.

12. Within 5 business days after receipt of the notice sent pursuant to subsection 11, the health carrier shall conduct and complete a preliminary review of the request to determine whether:

(a) The person is or was a covered person in the health benefit plan at the time the health care service or treatment was recommended or requested or, in the case of a retrospective review, was a covered person in the health benefit plan at the time the health care service or treatment was provided;

(b) The recommended or requested health care service or treatment that is the subject of the adverse determination:

(1) Would be a covered benefit under the covered person's health benefit plan but for the health carrier's determination that the health care service or treatment is experimental or investigational for a particular medical condition; and

(2) Is not explicitly listed as an excluded benefit under the covered person's health benefit plan;

(c) The covered person's treating physician has certified that one of the following situations is applicable:

(1) Standard health care services or treatments have not been effective in improving the condition of the covered person;

(2) Standard health care services or treatments are not medically appropriate for the covered person; or

(3) There is no available standard health care service or treatment covered by the health carrier that is more beneficial than the recommended or requested health care service or treatment described in paragraph (d);

(d) The covered person's treating physician:

(1) Has recommended a health care service or treatment that the physician certifies, in writing, is likely to be more beneficial to the covered person, in the physician's opinion, than any available standard health care services or treatments; or

(2) Who is a licensed, board certified or board eligible physician qualified to practice in the area of medicine appropriate to treat the covered person's condition, has certified in writing that scientifically valid studies using accepted protocols demonstrate that the health care service or treatment requested by the covered person that is the subject of the adverse determination is likely to be more beneficial to the covered person than any available standard health care services or treatments;

(e) The covered person has exhausted the health carrier's internal grievance process as set forth in NRS 695G.200 to 695G.230, inclusive, unless the covered person is not required to exhaust the health carrier's internal grievance process; and

(f) The covered person has provided all the information and forms required by the Office for Consumer Health Assistance to process an external review, including the release form provided pursuant to subsection 6 of section 103 of this act.

13. Within 1 business day after completion of the preliminary review, the health carrier shall notify the Office for Consumer Health Assistance and the covered person, and, if applicable, the covered person's authorized representative, in writing, whether the request is:

(a) Complete;

(b) Eligible for external review;

(c) Not complete, in which case the health carrier shall include in the notice the information or materials that are needed to make the request complete; or

(d) Not eligible for external review, in which case the health carrier shall include in the notice the reasons for its ineligibility.

14. The Commissioner may specify the form for the notice of initial determination pursuant to subsection 13 and any supporting information to be included in the notice.

15. The notice of initial determination must include a statement informing the covered person and, if applicable, the covered person's authorized representative that a health carrier's initial determination that a request which is ineligible for external review may be appealed to the Office for Consumer Health Assistance.

16. The Office for Consumer Health Assistance may determine that a request is eligible for external review pursuant to subsection 12 and require that it be referred for external review notwithstanding a health carrier's initial determination that the request is ineligible.

17. In making a determination pursuant to subsection 16, the decision of the Office for Consumer Health Assistance must be made in accordance with the terms of the covered person's health benefit plan and is subject to all applicable provisions of the external review process.

18. When a health carrier determines that a request is eligible for external review pursuant to subsection 12, the health carrier shall notify the Office for Consumer Health Assistance and the covered person and, if applicable, the covered person's authorized representative.

19. Within 1 business day after receipt of the notice from the health carrier that the external review request is eligible for external review pursuant to subsection 18, the Office for Consumer Health Assistance shall:

(a) Assign an independent review organization from the list of approved independent review organizations compiled and maintained by the Commissioner pursuant to section 8 of this act to conduct the external review;

(b) Notify the health carrier of the name of the assigned independent review organization; and

(c) Notify in writing the covered person and, if applicable, the covered person's authorized representative that the request is eligible for external review and provide the name of the assigned independent review organization.

20. The Office for Consumer Health Assistance shall include in the notice provided to the covered person and, if applicable, the covered person's authorized representative pursuant to subsection 19 a statement

that the covered person or the covered person's authorized representative may submit in writing to the assigned independent review organization within 5 business days after receipt of the notice provided pursuant to subsection 19 additional information that the independent review organization shall consider when conducting the external review. The independent review organization may accept and consider additional information submitted after the 5 business days have elapsed.

21. Within 1 business day after receipt of the notice of assignment to conduct the external review pursuant to subsection 19, the assigned independent review organization shall:

(a) Select one or more clinical reviewers to conduct the external review, as it determines is appropriate; and

(b) Based on the opinion of the clinical reviewer, or opinions if more than one clinical reviewer has been selected to conduct the external review, make a decision to uphold or reverse the adverse determination.

22. In selecting clinical reviewers pursuant to paragraph (a) of subsection 21, the assigned independent review organization shall select health care professionals who meet the minimum qualifications described in section 9 of this act and through clinical experience in the past 3 years, are experts in the treatment of the covered person's condition and knowledgeable about the recommended or requested health care service or treatment.

23. The covered person, the covered person's authorized representative, if applicable, and the health carrier may not choose or control the choice of the health care professionals to be selected to conduct the external review.

24. In accordance with subsections 37 to 41, inclusive, each clinical reviewer shall provide a written opinion to the assigned independent review organization regarding whether the recommended or requested health care service or treatment should be covered.

25. In reaching an opinion, clinical reviewers are not bound by any decisions or conclusions reached during the health carrier's utilization review process as set forth in NRS 683A.375 to 683A.379, inclusive, or the health carrier's internal grievance process as set forth in NRS 695G.200 to 695G.230, inclusive.

26. Within 5 business days after receipt of the notice pursuant to subsection 19, the health carrier or utilization review organization shall provide to the assigned independent review organization any documents and information considered in making the adverse determination.

27. Except as otherwise provided in subsection 28, failure by the health carrier or utilization review organization to provide the documents and

information within the time specified in subsection 26 must not delay the conduct of the external review.

28. If the health carrier or utilization review organization fails to provide the documents and information within the time specified in subsection 26, the assigned independent review organization may terminate the external review and make a decision to reverse the adverse determination.

29. If the independent review organization elects to terminate the external review and reverse the adverse determination pursuant to subsection 28, the independent review organization shall immediately notify the covered person, the covered person's authorized representative, if applicable, the health carrier and the Office for Consumer Health Assistance.

30. Each clinical reviewer selected pursuant to subsection 21 shall review all the information and documents received pursuant to subsections 20 and 26.

31. The assigned independent review organization shall forward any information submitted by the covered person or the covered person's authorized representative pursuant to subsection 20 to the health carrier within 1 business day after receipt of the information.

32. Upon receipt of the information required to be forwarded pursuant to subsection 31, the health carrier may reconsider the adverse determination that is the subject of the external review.

33. Reconsideration by the health carrier of its adverse determination pursuant to subsection 32 must not delay or terminate the external review.

34. Except as otherwise provided in subsection 28, the external review may only be terminated before completion if the health carrier decides, upon completion of its reconsideration, to reverse its adverse determination and provide coverage or payment for the recommended or requested health care service or treatment that is the subject of the adverse determination.

35. If the health carrier reverses its adverse determination pursuant to subsection 28, the health carrier shall immediately notify the covered person, the covered person's authorized representative, if applicable, the assigned independent review organization and the Office for Consumer Health Assistance in writing of its decision.

36. The assigned independent review organization shall terminate the external review upon receipt of the notice from the health carrier pursuant to subsection 35.

37. Except as otherwise provided in subsection 39, within 20 days after being selected in accordance with subsection 21 to conduct the external review, each clinical reviewer shall provide an opinion to the assigned independent review organization pursuant to subsection 41 regarding

whether the recommended or requested health care service or treatment should be covered.

38. Except for an opinion provided pursuant to subsection 39, each clinical reviewer's opinion must be in writing and include the following:

(a) A description of the covered person's medical condition;

(b) A description of the indicators relevant to determine if there is sufficient evidence to demonstrate that the recommended or requested health care service or treatment is more likely to be beneficial to the covered person than any available standard health care services or treatments and the adverse risks of the recommended or requested health care service or treatment would not be substantially increased over those of available standard health care services or treatments;

(c) A description and analysis of any medical or scientific evidence considered in reaching the opinion;

(d) A description and analysis of any evidence-based standards used as a basis for the opinion; and

(e) Information concerning whether the reviewer's rationale for the opinion is based on the provisions of subsection 41.

39. For an expedited external review, each clinical reviewer shall provide an opinion orally or in writing to the assigned independent review organization as expeditiously as the covered person's medical condition or circumstances requires, but in no event not more than 5 calendar days after being selected in accordance with subsection 21.

40. If the opinion provided pursuant to subsection 39 was not in writing, within 48 hours after providing that notice, the clinical reviewer shall provide written confirmation of the opinion to the assigned independent review organization and include the information required pursuant to subsection 38.

41. In addition to the documents and information provided pursuant to subsections 10 and 26, each clinical reviewer, to the extent the information or documents are available and the reviewer considers them appropriate, shall consider the following in reaching an opinion:

(a) The covered person's medical records;

(b) The attending health care professional's recommendation;

(c) Consulting reports from appropriate health care professionals and other documents submitted by the health carrier, covered person, the covered person's authorized representative or the covered person's treating provider;

(d) The terms of coverage under the covered person's health benefit plan with the health carrier to ensure that, but for the health carrier's determination that the recommended or requested health care service or treatment that is the subject of the opinion is experimental or

investigational, the reviewer's opinion is not contrary to the terms of coverage under the health benefit plan; and

(e) Whether:

(1) The recommended or requested health care service or treatment has been approved by the Food and Drug Administration, if applicable, for the condition; or

(2) Medical or scientific evidence or evidence-based standards demonstrate that the expected benefits of the recommended or requested health care service or treatment is more likely to be beneficial to the covered person than any available standard health care services or treatments and the adverse risks of the recommended or requested health care service or treatment would not be substantially increased over those of available standard health care services or treatments.

42. Except as otherwise provided in subsection 43, within 20 days after receipt of the opinion of each clinical reviewer pursuant to subsection 41, the assigned independent review organization, in accordance with subsection 45 or 46, shall make a decision and provide written notice of the decision to the covered person, the covered person's authorized representative, if applicable, the health carrier and the Office for Consumer Health Assistance and include the information required pursuant to subsection 50.

43. For an expedited external review, within 48 hours after receipt of the opinion of each clinical reviewer pursuant to subsection 41, the assigned independent review organization, in accordance with subsection 45 or 46, shall make a decision and provide notice of the decision orally or in writing to the covered person, the covered person's authorized representative, if applicable, the health carrier and the Office for Consumer Health Assistance.

44. If the notice provided pursuant to subsection 43 was not in writing, within 48 hours after providing that notice, the assigned independent review organization shall provide written confirmation of the decision to the covered person, the covered person's authorized representative, if applicable, the health carrier and the Office for Consumer Health Assistance and include the information required pursuant to subsection 50.

45. If a majority of the clinical reviewers recommend that the recommended or requested health care service or treatment should be covered, the independent review organization shall make a decision to reverse the health carrier's adverse determination.

46. If a majority of the clinical reviewers recommend that the recommended or requested health care service or treatment should not be covered, the independent review organization shall make a decision to uphold the health carrier's adverse determination.

47. If the clinical reviewers are evenly split as to whether the recommended or requested health care service or treatment should be covered, the independent review organization shall obtain the opinion of an additional clinical reviewer in order for the independent review organization to make a decision based on the opinions of a majority of the clinical reviewers pursuant to subsection 45 or 46.

48. The additional clinical reviewer selected pursuant to subsection 47 shall use the same information to reach an opinion as the clinical reviewers who have already submitted their opinions pursuant to subsection 41.

49. The selection of an additional clinical reviewer pursuant to subsection 47 must not extend the time within which the assigned independent review organization is required to make a decision based on the opinions of the clinical reviewers pursuant to subsection 42.

50. The independent review organization shall include in the notice provided pursuant to subsection 42 or 44:

(a) A general description of the reason for the request for external review;

(b) The written opinion of each clinical reviewer, including the recommendation of each clinical reviewer as to whether the recommended or requested health care service or treatment should be covered and the rationale for the reviewer's recommendation;

(c) The date the independent review organization was assigned by the Office for Consumer Health Assistance to conduct the external review;

(d) The date on which the external review was conducted;

(e) The date of the decision;

(f) The principal reason or reasons for the decision; and

(g) The rationale for the decision.

51. Upon receipt of a notice of a decision pursuant to subsection 42 or 44 reversing the adverse determination, the health carrier shall immediately approve coverage of the recommended or requested health care service or treatment that was the subject of the adverse determination.

52. The assignment by the Office for Consumer Health Assistance of an approved independent review organization to conduct an external review in accordance with this section must be done on a random basis among those approved independent review organizations qualified to conduct the particular external review based on the nature of the health care service or treatment that is the subject of the adverse determination and other circumstances, including concerns regarding conflicts of interest pursuant to subsection 4 of section 9 of this act.

53. As used in this section:

(a) "Best evidence" means evidence based on:

(1) Randomized clinical trials;

(2) If randomized clinical trials are not available, cohort studies or case-control studies;

(3) If the methods described in subparagraphs (1) and (2) are not available, case series; or

(4) If the methods described in subparagraphs (1), (2) and (3) are not available, expert opinion.

(b) "Evidence-based standard" means the conscientious, explicit and judicious use of the current best evidence based on the overall systematic review of research in making decisions about the care of an individual patient.

(c) "Randomized clinical trial" means a controlled, prospective study of patients who have been randomized into an experimental group and a control group at the beginning of the study with only the experimental group of patients receiving a specific intervention, which includes study of the groups for variables and anticipated outcomes over time.

Sec. 108. (Deleted by amendment.)

Sec. 109. (Deleted by amendment.)

Sec. 110. ***1. An independent review organization assigned pursuant to NRS 695G.251 or 695G.271 or section 107 of this act to conduct an external review shall maintain written records, aggregated for each state and for each health carrier, on all requests for which it conducted an external review during a calendar year and, upon request, submit a report to the Office for Consumer Health Assistance in a format specified by the Commissioner.***

2. The report must include, aggregated for each state and for each health carrier:

(a) The total number of requests for external review;

(b) The number of requests for external review resolved and, of those resolved, the number upholding the adverse determination and the number reversing the adverse determination;

(c) The average length of time for resolution;

(d) A summary of the types of coverages or cases for which an external review was sought;

(e) The number of external reviews that were terminated as the result of a reconsideration by the health carrier of its adverse determination after receipt of additional information from the covered person or the covered person's authorized representative pursuant to subsection 4 of NRS 695G.251 and subsection 32 of section 107 of this act; and

(f) Any other information the Office for Consumer Health Assistance may request or require.

3. An independent review organization shall retain the written records required pursuant to this section for at least 3 years.

4. Each health carrier shall maintain written records, aggregated for each state and for each type of health benefit plan offered by the health carrier, on all requests for external review for which the health carrier receives notice from the Office for Consumer Health Assistance and, upon request, submit a report to the Office for Consumer Health Assistance in a format specified by the Commissioner.

5. The report must include, aggregated for each state and for each type of health benefit plan:

(a) The total number of requests for external review;

(b) Of the total number of requests for external review, the number of requests determined to be eligible for external review; and

(c) Any other information the Office for Consumer Health Assistance may request or require.

6. A health carrier shall retain the written records required pursuant to this section for at least 3 years.

Sec. 111. (Deleted by amendment.)

Sec. 112. ***1. A health carrier shall include a description of the external review procedures in or attached to the policy, certificate, membership booklet, outline of coverage or other evidence of coverage it provides to covered persons.***

2. The description required by subsection 1 must be in a format prescribed by the Commissioner.

3. The description required by subsection 1 must include a statement that informs the covered person of the right of the covered person to file a request for an external review of an adverse determination with the Office for Consumer Health Assistance. The statement may explain that external review is available when the adverse determination involves an issue of medical necessity, appropriateness, health care setting, level of care or effectiveness. The statement must include the telephone number and address of the Office for Consumer Health Assistance.

4. In addition to the requirements of subsection 3, the statement must inform the covered person that, when filing a request for an external review, the covered person will be required to authorize the release of any medical records of the covered person that may be required to be reviewed for the purpose of reaching a decision on the external review.

Sec. 113. NRS 695G.010 is hereby amended to read as follows:

695G.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS ~~[695G.020]~~ ***695G.012*** to 695G.080, inclusive, ***and sections 71 to 101, inclusive, of this act*** have the meanings ascribed to them in those sections.

Sec. 114. NRS 695G.012 is hereby amended to read as follows:

695G.012 "Adverse determination" means a determination ~~[of a managed care organization to deny all or part of a service or procedure that is proposed or being provided to an insured on the basis that it is not medically necessary or appropriate or is experimental or investigational. The term does not include a determination of a managed care organization that such an allocation is not a covered benefit.]~~ ***by a health carrier or utilization review organization that an admission, availability of care, continued stay or other health care service that is a covered benefit has been reviewed and, based upon the information provided, does not meet the health carrier's requirements for medical necessity, appropriateness, health care setting, level of care or effectiveness, and the requested service or payment for the service is therefore denied, reduced or terminated.***

Sec. 115. NRS 695G.014 is hereby amended to read as follows:

695G.014 "Authorized representative" means ~~[a]~~ ***:***

1. A person ~~[who has obtained the consent of an insured]~~ ***to whom a covered person has given express written consent*** to represent ~~[him or her]~~ ***the covered person*** in an external review of ~~[a final]~~ ***an*** adverse determination conducted pursuant to NRS 695G.241 to 695G.310, inclusive ~~[.]~~ ***, and sections 102 to 112, inclusive, of this act;***

2. A person authorized by law to provide substituted consent for a covered person; or

3. A family member of a covered person or the covered person's treating provider only when the covered person is unable to provide consent.

Sec. 116. NRS 695G.018 is hereby amended to read as follows:

695G.018 ~~["External]~~ ***"Independent*** review organization" means an ~~[organization]~~ ***entity*** that:

1. Conducts an ***independent*** external review of ~~[a final]~~ ***an*** adverse determination; and

2. Is certified by the Commissioner in accordance with ~~[NRS 683A.371.]~~ ***sections 8 and 9 of this act.***

Sec. 116.3. NRS 695G.070 is hereby amended to read as follows:

695G.070 "Provider of health care" means ~~[any]~~ ***:***

1. A physician ~~[, hospital]~~ or other ~~[person]~~ ***health care practitioner*** who is licensed or otherwise authorized in this State to furnish any health care service ~~[.]~~ ***; and***

2. An institution providing health care services or other setting in which health care services are provided, including, without limitation, a hospital, surgical center for ambulatory patients, facility for skilled nursing, residential facility for groups, laboratory and any other such licensed facility.

Sec. 116.7. NRS 695G.080 is hereby amended to read as follows:

695G.080 1. "Utilization review" means the various methods that may be used ~~[by a managed care organization]~~ to review the amount and appropriateness of the provision of a specific health care service ***.*** ~~[to an insured.]~~

2. The term does not include an external review of ~~[a final]~~ ***an*** adverse determination conducted pursuant to NRS 695G.241 to 695G.310, inclusive ~~[.]~~ ***, and sections 102 to 112, inclusive, of this act.***

Sec. 117. (Deleted by amendment.)

Sec. 118. NRS 695G.230 is hereby amended to read as follows:

695G.230 1. After approval by the Commissioner, each ~~[managed care organization]~~ ***health carrier*** shall provide a written notice to an insured, in clear and comprehensible language that is understandable to an ordinary layperson, explaining the right of the insured to file a written complaint and to obtain an expedited review pursuant to NRS 695G.210. Such a notice must be provided to an insured:

(a) At the time the insured receives his or her certificate of coverage or evidence of coverage;

(b) Any time that the ~~[managed care organization]~~ ***health carrier*** denies coverage of a health care service or limits coverage of a health care service to an insured; and

(c) Any other time deemed necessary by the Commissioner.

2. If a ~~[managed care organization]~~ ***health carrier*** denies coverage of a health care service to an insured, including, without limitation, a health maintenance organization that denies a claim related to a health care plan pursuant to NRS 695C.185, it shall notify the insured in writing within 10 working days after it denies coverage of the health care service of:

(a) The reason for denying coverage of the service;

(b) The criteria by which the ~~[managed care organization]~~ ***health carrier*** or insurer determines whether to authorize or deny coverage of the health care service;

(c) The right of the insured to:

(1) File a written complaint and the procedure for filing such a complaint;

(2) Appeal ~~[a final]~~ ***an*** adverse determination pursuant to NRS 695G.241 to 695G.310, ***inclusive, and sections 102 to 112,*** inclusive ~~[.]~~ ***, of this act;***

(3) Receive an expedited external review of ~~[a final]~~ ***an*** adverse determination if the ~~[managed care organization]~~ ***health carrier*** receives proof from the insured's provider of health care that failure to proceed in an expedited manner may jeopardize the life or health of the insured, including

notification of the procedure for requesting the expedited external review; and

(4) Receive assistance from any person, including an attorney, for an external review of ~~[a final]~~ ***an*** adverse determination; and

(d) The telephone number of the Office for Consumer Health Assistance.

3. A written notice which is approved by the Commissioner shall be deemed to be in clear and comprehensible language that is understandable to an ordinary layperson.

Sec. 118.1. NRS 695G.241 is hereby amended to read as follows:

695G.241 ~~[1. For]~~ ***Except as otherwise required for an expedited external review pursuant to NRS 695G.271 or section 107 of this act, for*** the purposes of NRS 695G.200 to 695G.310, inclusive, ***and sections 102 to 112, inclusive, of this act,*** an adverse determination ~~[is final if the insured has exhausted all procedures set forth in the health care plan for reviewing the adverse determination within the managed care organization.~~

~~2. An adverse determination shall be deemed final for the purpose of submitting the adverse determination to an external review organization for]~~ ***may be subject to*** an external review:

~~[(a)]~~ ***1.*** If ~~[an insured]~~ ***a covered person*** exhausts all procedures set forth in the health care plan for reviewing the adverse determination within the ~~[managed care organization]~~ ***health carrier*** and the ~~[managed care organization]~~ ***health carrier*** fails to render a decision within the period required to render that decision set forth in the health care plan; or

~~[(b)]~~ ***2.*** If the ~~[managed care organization submits]~~ ***health carrier allows the covered person to submit*** the adverse determination to the ~~[external]~~ ***independent*** review organization without requiring the ~~[insured]~~ ***covered person*** to exhaust all procedures set forth in the health care plan for reviewing the adverse determination within the ~~[managed care organization.]~~ ***health carrier.***

Sec. 118.2. NRS 695G.251 is hereby amended to read as follows:

695G.251 1. If ~~[an insured]~~ ***a covered person*** or a physician of ~~[an insured]~~ ***a covered person*** receives notice of ~~[a final]~~ ***an*** adverse determination from a ~~[managed care organization]~~ ***health carrier*** concerning the ~~[insured, and if the insured is required to pay $500 or more for the health care services that are the subject of the final adverse determination, the insured,]~~ ***covered person, the covered person,*** the physician of the ~~[insured]~~ ***covered person*** or an authorized representative may, within ~~[60 days]~~ ***4 months*** after receiving notice of the ~~[final]~~ adverse determination, submit a request to the ~~[managed care organization]~~ ***Office for Consumer Health Assistance*** for an external review of the ~~[final]~~ adverse determination.

2. Within 5 days after receiving a request pursuant to subsection 1, the ~~[managed care organization]~~ ***Office for Consumer Health Assistance*** shall

notify the ~~[~~insured,~~]~~ ***covered person,*** the authorized representative or physician of the ~~[~~insured,~~]~~ ***covered person,*** the agent who performed utilization review for the ~~[~~managed care organization,~~]~~ ***health carrier,*** if any, and the ~~[~~Office for Consumer Health Assistance~~]~~ ***health carrier*** that the request has been filed with the ~~[~~managed care organization.~~]~~ ***Office for Consumer Health Assistance.***

3. As soon as practicable after receiving a ~~[~~notice~~]~~ ***request*** pursuant to subsection ~~[~~2,~~]~~ ***1,*** the Office for Consumer Health Assistance shall assign an ~~[~~external~~]~~ ***independent*** review organization from the list maintained pursuant to ~~[~~NRS 683A.371.~~]~~ ***section 8 of this act.*** Each assignment made pursuant to this subsection must be completed on a rotating basis.

4. Within 5 days after receiving notification from the Office for Consumer Health Assistance specifying the ~~[~~external~~]~~ ***independent*** review organization assigned pursuant to subsection 3, the ~~[~~managed care organization~~]~~ ***health carrier*** shall provide to the ~~[~~external~~]~~ ***independent*** review organization all documents and materials relating to the ~~[~~final~~]~~ adverse determination, including, without limitation:

(a) Any medical records of the insured relating to the external review;

(b) A copy of the provisions of the health ~~[~~care~~]~~ ***benefit*** plan upon which the ~~[~~final~~]~~ adverse determination was based;

(c) Any documents used by the ~~[~~managed care organization~~]~~ ***health carrier*** to make the ~~[~~final~~]~~ adverse determination;

(d) The reasons for the ~~[~~final~~]~~ adverse determination; and

(e) Insofar as practicable, a list that specifies each provider of health care who has provided health care to the ~~[~~insured~~]~~ ***covered person*** and the medical records of the provider of health care relating to the external review.

Sec. 118.3. NRS 695G.261 is hereby amended to read as follows:

695G.261 1. Except as otherwise provided in NRS 695G.271 ~~[~~,~~]~~ ***and section 107 of this act,*** upon receipt of a request for an external review pursuant to NRS 695G.251, the ~~[~~external~~]~~ ***independent*** review organization shall, within 5 days after receiving the request:

(a) Review the request and the documents and materials submitted pursuant to NRS 695G.251; and

(b) Notify the ~~[~~insured,~~]~~ ***covered person,*** the physician of the ~~[~~insured~~]~~ ***covered person*** and the ~~[~~managed care organization~~]~~ ***health carrier*** if any additional information is required to conduct a review of the ~~[~~final~~]~~ adverse determination. ***Such additional information must be provided within 5 days after receiving notice that the information is required to conduct a review of the adverse determination. The independent review organization shall forward to the health carrier, within 1 business day after receipt, any information received from a covered person or the physician of a covered person.***

2. Except as otherwise provided in NRS 695G.271 ~~[,]~~ ***and section 107 of this act,*** the ~~[external]~~ ***independent*** review organization shall approve, modify or reverse the ~~[final]~~ adverse determination within 15 days after it receives the information required to make that determination pursuant to this section. The ~~[external]~~ ***independent*** review organization shall submit a copy of its determination, including the reasons therefor, to:

(a) The ~~[insured;]~~ ***covered person;***

(b) The physician of the ~~[insured;]~~ ***covered person;***

(c) The authorized representative of the ~~[insured,]~~ ***covered person,*** if any; and

(d) The ***health carrier.***

Sec. 118.4. NRS 695G.271 is hereby amended to read as follows:

695G.271 1. ~~[A managed care organization]~~ ***The Office for Consumer Health Assistance*** shall approve or deny a request for an external review of ~~[a final]~~ ***an*** adverse determination in an expedited manner not later than 72 hours after it receives proof from the ~~[insured's]~~ provider of health care ***of the covered person*** that ~~[failure]~~ ***:***

(a) The adverse determination concerns an admission, availability of care, continued stay or health care service for which the covered person received emergency services but has not been discharged from the facility providing the services or care; or

(b) Failure to proceed in an expedited manner may jeopardize the life or health of the ~~[insured.]~~ ***covered person or the ability of the covered person to regain maximum function.***

2. If ~~[a managed care organization]~~ ***the Office for Consumer Health Assistance*** approves a request for an external review pursuant to subsection 1, the ~~[managed care organization]~~ ***Office for Consumer Health Assistance*** shall ~~[:~~

~~(a) In accordance with subsections 4 and 5,]~~ assign the request to an ~~[external]~~ ***independent*** review organization not later than 1 working day after approving the request ***.*** ~~[; and~~

~~(b) At the time of]~~ ***Each assignment made by the Office for Consumer Health Assistance pursuant to this section must be completed on a rotating basis.***

3. Within 24 hours after receiving notice of the Officer for Consumer Health Assistance assigning the request, ***the health carrier shall*** provide to the ~~[external]~~ ***independent*** review organization all documents and materials specified in subsection 4 of NRS 695G.251.

~~[3.]~~ ***4.*** An ~~[external]~~ ***independent*** review organization that is assigned to conduct an external review pursuant to subsection 2 shall, if it accepts the assignment:

(a) Complete its external review not later than ~~[2 working days]~~ ***48 hours*** after receiving the assignment, unless the ~~[insured]~~ ***covered person*** and the ~~[managed care organization]~~ ***health carrier*** agree to a longer period;

(b) Not later than ~~[1 working day]~~ ***24 hours*** after completing its external review, notify the ~~[insured,]~~ ***covered person,*** the physician of the ~~[insured,]~~ ***covered person,*** the authorized representative ***,*** ~~[of the insured,]~~ if any, and the ~~[managed care organization]~~ ***health carrier*** by telephone of its determination; and

(c) Not later than ~~[5 working days]~~ ***48 hours*** after completing its external review, submit a written decision of its external review to the ~~[insured,]~~ ***covered person,*** the physician of the ~~[insured,]~~ ***covered person,*** the authorized representative ***,*** ~~[of the insured,]~~ if any, and the ~~[managed care organization.~~

~~4. At least once each month, the Office for Consumer Health Assistance shall designate at least 2 external review organizations to conduct external reviews in an expedited manner pursuant to this section. As soon as practicable after designating an external review organization pursuant to this section, the Office for Consumer Health Assistance shall notify each managed care organization of the designation.~~

~~5. As soon as practicable after assigning an external review organization to conduct an external review pursuant to this section, the managed care organization shall notify the Office for Consumer Health Assistance of the assignment. Each assignment made by a managed care organization pursuant to this section must be completed on a rotating basis.]~~ ***health carrier.***

Sec. 118.5. NRS 695G.280 is hereby amended to read as follows:

695G.280 The decision of an ~~[external]~~ ***independent*** review organization concerning a request for an external review must be based on:

1. Documentary evidence, including any recommendation of the physician of the insured submitted pursuant to NRS 695G.251;

2. Medical ***or scientific*** evidence, including, without limitation:

(a) Professional standards of safety and effectiveness for diagnosis, care and treatment that are generally recognized in the United States;

(b) Any report published in literature that is peer-reviewed;

(c) Evidence-based medicine, including, without limitation, reports and guidelines that are published by professional organizations that are recognized nationally and that include supporting scientific data; and

(d) An opinion of an independent physician who, as determined by the ~~[external]~~ ***independent*** review organization, is an expert in the health specialty that is the subject of the external review; and

3. The terms and conditions for benefits set forth in the evidence of coverage issued to the insured by the ***health carrier.***

Sec. 118.6. NRS 695G.290 is hereby amended to read as follows:

695G.290 1. If the determination of an ~~[external]~~ ***independent*** review organization concerning an external review of ~~[a final]~~ ***an*** adverse determination is in favor of the ~~[insured,]~~ ***covered person,*** the determination is final, conclusive and binding upon the ~~[managed care organization.]~~ ***health carrier.***

2. An ~~[external]~~ ***independent*** review organization or any clinical peer who conducts or participates in an external review of ~~[a final]~~ ***an*** adverse determination for the ~~[external]~~ ***independent*** review organization is not liable in a civil action for damages relating to a determination made by the ~~[external]~~ ***independent*** review organization if the determination is made in good faith and without gross negligence.

3. The cost of conducting an external review of ~~[a final]~~ ***an*** adverse determination pursuant to NRS 695G.241 to 695G.310, inclusive, ***and sections 102 to 112, inclusive, of this act*** must be paid by the ~~[managed care organization]~~ ***health carrier*** that made the ~~[final]~~ adverse determination.

Sec. 118.7. NRS 695G.300 is hereby amended to read as follows:

695G.300 In lieu of resolving a complaint of ~~[an insured]~~ ***a covered person*** in accordance with a system for resolving complaints established pursuant to the provisions of NRS 695G.200, a ~~[managed care organization]~~ ***health carrier*** may:

1. Submit the complaint to an ~~[external]~~ ***independent*** review organization pursuant to the provisions of NRS 695G.241 to 695G.310, inclusive ~~[;]~~ ***, and sections 102 to 112, inclusive, of this act;*** or

2. If a federal law or regulation provides a procedure for submitting the complaint for resolution that the Commissioner determines is substantially similar to the procedure for submitting the complaint to an ~~[external]~~ ***independent*** review organization pursuant to NRS 695G.241 to 695G.310, inclusive, ***and sections 102 to 112, inclusive, of this act,*** submit the complaint for resolution in accordance with the federal law or regulation.

Sec. 118.8. NRS 695G.310 is hereby amended to read as follows:

695G.310 On or before December 31 of each year, each ~~[managed care organization]~~ ***health carrier*** shall file a written report with the Office for Consumer Health Assistance setting forth the total number of:

1. Requests for ***an*** external review ~~[that were received by the managed care organization]~~ ***of an adverse decision made by the health carrier which were granted by the Office for Consumer Health Assistance*** during the immediately preceding year; and

2. ~~[Final adverse]~~ ***Adverse*** determinations of the ~~[managed care organization]~~ ***health carrier*** that were:

(a) Upheld during the immediately preceding year.

(b) Reversed during the immediately preceding year.

Sec. 119. NRS 695H.090 is hereby amended to read as follows:

695H.090 1. An application for registration to engage in business as a medical discount plan must be submitted on a form prescribed by the Commissioner. The form must be signed by an officer or an authorized representative of the applicant. Except as otherwise provided in this section, the application must be accompanied by:

(a) A registration fee of $500 and, in addition to any other fee or charge, all applicable fees required pursuant to NRS 680C.110.

(b) A copy of the organizational documents of the applicant, if any.

(c) A list of names, addresses, positions of employment and biographical information of each person who is responsible for conducting the business activities of the medical discount plan of the applicant, including, but not limited to, all members of the board of directors, board of trustees, officers and managers. The list must set forth the extent and nature of any contracts or other agreements between any person who is responsible for conducting the business activities of the applicant and the medical discount plan, including disclosure of any possible conflicts of interest.

(d) A complete biographical statement, on a form prescribed by the Commissioner, describing the facilities, employees and services that will be offered by the applicant.

(e) A copy of all forms used for contracts between the applicant and networks of providers of health care regarding the provision of health care or medical services to members.

(f) A copy of the most recent financial statements of the applicant, audited by an independent certified public accountant.

(g) A description of the method of marketing proposed by the applicant.

(h) A description of the procedures for making a complaint to be established and maintained by the applicant.

(i) Any other information required by the Commissioner.

2. Each person who registers a medical discount plan must renew the registration ~~[~~annually~~]~~ ***on or*** before ~~[~~the registration expires.~~]~~ ***March 1 of each year.*** Except as otherwise provided in this section, an application to renew the registration must include:

(a) An annual renewal fee of $500 and, in addition to any other fee or charge, all applicable fees required pursuant to NRS 680C.110; and

(b) Any information set forth in subsection 1 that the Commissioner requires to be included in the application.

3. An administrator or insurer that registers a medical discount plan is not required to pay the fees for registering or renewing the registration of the medical discount plan pursuant to this section.

4. The Commissioner shall, by regulation, designate the provisions of subsection 1 that shall be deemed satisfied by an administrator, insurer or

affiliate of an insurer that has complied with substantially similar requirements pursuant to other provisions of this title.

Sec. 120. NRS 695H.180 is hereby amended to read as follows:

695H.180 A person who violates any provision of this chapter or an order or regulation of the Commissioner issued or adopted pursuant thereto may be assessed an administrative penalty by the Commissioner of not more than $2,000 for each act or violation **.** ~~[, not to exceed an aggregate amount of $10,000 for violations of a similar nature. For the purposes of this section, violations shall be deemed to be of a similar nature if the violations consist of the same or similar conduct, regardless of the number of times the conduct occurred.]~~

Sec. 121. NRS 697.173 is hereby amended to read as follows:

697.173 1. Except as otherwise provided in subsection ~~[2,]~~ ***4,*** a person is entitled to receive, renew or hold a license as a bail enforcement agent if the person:

(a) Is a natural person not less than 21 years of age.

(b) Is a citizen of the United States or is lawfully entitled to remain and work in the United States.

(c) Has a high school diploma or a general equivalency diploma or has an equivalent education as determined by the Commissioner.

(d) Has ~~[submitted to the Commissioner a report of an investigation of the criminal history of the person from the Central Repository for Nevada Records of Criminal History which indicates that the person possesses the qualifications for licensure as a bail enforcement agent.]~~ ***complied with the requirements of subsection 4 of NRS 697.180.***

(e) Has submitted to the Commissioner the results of an examination conducted by a psychiatrist or psychologist licensed to practice in this state which indicate that the person does not suffer from a psychological condition that would adversely affect the ability of the person to carry out his or her duties as a bail enforcement agent.

(f) Has passed any written examination required by this chapter.

(g) Submits to the Commissioner the results of a test to detect the presence of a controlled substance in the system of the person that was administered no earlier than 30 days before the date of the application for the license which do not indicate the presence of any controlled substance for which the person does not possess a current and lawful prescription issued in the name of the person.

(h) Successfully completes the training required by NRS 697.177.

2. A person is not entitled to receive, renew or hold a license of a bail enforcement agent if the person:

(a) Has been convicted of a felony in this state or of any offense committed in another state which would be a felony if committed in this state; or

(b) Has been convicted of an offense involving moral turpitude or the unlawful use, sale or possession of a controlled substance.

Sec. 122. NRS 697.180 is hereby amended to read as follows:

697.180 1. A written application for a license as a bail agent, general agent, bail enforcement agent or bail solicitor must be filed with the Commissioner by the applicant, accompanied by the applicable fees. The application form must:

(a) Include the social security number of the applicant; ***and***

(b) ~~[Be accompanied by a complete set of the applicant's fingerprints which the Commissioner may forward to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report; and~~

~~(c)]~~ Require full answers to questions reasonably necessary to determine the applicant's:

(1) Identity and residence.

(2) Business record or occupations for not less than the 2 years immediately preceding the date of the application, with the name and address of each employer, if any.

(3) Prior criminal history, if any.

2. The Commissioner may require the submission of such other information as may be required to determine the applicant's qualifications for the license for which the applicant applied.

3. The applicant must verify his or her application. An applicant for a license under this chapter shall not knowingly misrepresent or withhold any fact or information called for in the application form or in connection therewith.

4. Each applicant must, as part of his or her application and at the applicant's own expense:

(a) Arrange to have a complete set of his or her fingerprints taken by a law enforcement agency or other authorized entity acceptable to the Commissioner; and

(b) Submit to the Commissioner:

(1) A completed fingerprint card and written permission authorizing the Commissioner to submit the applicant's fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for a report on the applicant's background and to such other law enforcement agencies as the Commissioner deems necessary; or

(2) Written verification, on a form prescribed by the Commissioner, stating that the fingerprints of the applicant were taken and directly forwarded electronically or by another means to the Central Repository and that the applicant has given written permission to the law enforcement agency or other authorized entity taking the fingerprints to submit the fingerprints to the Central Repository for submission to the Federal Bureau of Investigation for a report on the applicant's background and to such other law enforcement agencies as the Commissioner deems necessary.

5. The Commissioner may:

(a) Unless the applicant's fingerprints are directly forwarded pursuant to subparagraph (2) of paragraph (b) of subsection 4, submit those fingerprints to the Central Repository for submission to the Federal Bureau of Investigation and to such other law enforcement agencies as the Commissioner deems necessary;

(b) Request from each such agency any information regarding the applicant's background as the Commissioner deems necessary; and

(c) Adopt regulations concerning the procedures for obtaining this information.

Sec. 123. NRS 223.580 is hereby amended to read as follows:

223.580 On or before February 1 of each year, the Director shall submit a written report to the Governor, and to the Director of the Legislative Counsel Bureau for transmittal to the appropriate committee or committees of the Legislature. The report must include, without limitation:

1. A statement setting forth the number and geographic origin of the written and telephonic inquiries received by the Office for Consumer Health Assistance and the issues to which those inquiries were related;

2. A statement setting forth the type of assistance provided to each consumer and injured employee who sought assistance from the Director, including, without limitation, the number of referrals made to the Attorney General pursuant to subsection 7 of NRS 223.560;

3. A statement setting forth the disposition of each inquiry and complaint received by the Director; and

4. A statement setting forth the number of external reviews conducted by ~~[external]~~ ***independent*** review organizations pursuant to NRS 695G.241 to 695G.310, ***inclusive, and sections 102 to 112,*** inclusive, ***of this act,*** and the disposition of ~~[each of]~~ those reviews as reported pursuant to NRS 695G.310 ~~[.]~~ ***and section 110 of this act.***

Sec. 124. NRS 287.04335 is hereby amended to read as follows:

287.04335 If the Board provides health insurance through a plan of self-insurance, it shall comply with the provisions of NRS 689B.255, 695G.150, 695G.160, 695G.164, 695G.1645, 695G.170, 695G.171, 695G.173,

695G.177, 695G.200 to 695G.230, inclusive, 695G.241 to 695G.310, ***inclusive, and sections 102 to 112,*** inclusive, ***of this act*** and 695G.405, in the same manner as an insurer that is licensed pursuant to title 57 of NRS is required to comply with those provisions.

Sec. 125. NRS 422.273 is hereby amended to read as follows:

422.273 1. For any Medicaid managed care program established in the State of Nevada, the Department shall contract only with a health maintenance organization that has:

(a) Negotiated in good faith with a federally-qualified health center to provide health care services for the health maintenance organization;

(b) Negotiated in good faith with the University Medical Center of Southern Nevada to provide inpatient and ambulatory services to recipients of Medicaid; and

(c) Negotiated in good faith with the University of Nevada School of Medicine to provide health care services to recipients of Medicaid.

➥ Nothing in this section shall be construed as exempting a federally-qualified health center, the University Medical Center of Southern Nevada or the University of Nevada School of Medicine from the requirements for contracting with the health maintenance organization.

2. During the development and implementation of any Medicaid managed care program, the Department shall cooperate with the University of Nevada School of Medicine by assisting in the provision of an adequate and diverse group of patients upon which the school may base its educational programs.

3. The University of Nevada School of Medicine may establish a nonprofit organization to assist in any research necessary for the development of a Medicaid managed care program, receive and accept gifts, grants and donations to support such a program and assist in establishing educational services about the program for recipients of Medicaid.

4. For the purpose of contracting with a Medicaid managed care program pursuant to this section, a health maintenance organization is exempt from the provisions of NRS 695C.123.

5. The provisions of this section apply to any managed care organization, including a health maintenance organization, that provides health care services to recipients of Medicaid under the State Plan for Medicaid or the Children's Health Insurance Program pursuant to a contract with the Division. Such a managed care organization or health maintenance organization is not required to establish a system for conducting external reviews of ~~[~~final~~]~~ adverse determinations in accordance with chapter 695B, 695C or 695G of NRS. This subsection does not exempt such a managed care organization or health maintenance organization for services provided pursuant to any other contract.

6. As used in this section, unless the context otherwise requires:

(a) "Federally-qualified health center" has the meaning ascribed to it in 42 U.S.C. § 1396d(l)(2)(B).

(b) "Health maintenance organization" has the meaning ascribed to it in NRS 695C.030.

(c) "Managed care organization" has the meaning ascribed to it in NRS 695G.050.

Sec. 126. NRS 616A.235 is hereby amended to read as follows:

616A.235 ~~["External]~~ ***"Independent*** review organization" means an organization which has been issued a certificate pursuant to NRS 616A.469 that authorizes the organization to conduct external reviews for the purposes of chapters 616A to 617, inclusive, of NRS.

Sec. 127. NRS 616A.469 is hereby amended to read as follows:

616A.469 1. The Commissioner may issue certificates authorizing qualified ~~[external]~~ ***independent*** review organizations to conduct external reviews for the purposes of chapters 616A to 617, inclusive, of NRS. If the Commissioner issues such certificates and the Commissioner determines that an ~~[external]~~ ***independent*** review organization is qualified to conduct external reviews for the purposes of chapters 616A to 617, inclusive, of NRS, the Commissioner shall issue a certificate to the ~~[external]~~ ***independent*** review organization that authorizes the organization to conduct such external reviews in accordance with the provisions of NRS 616C.363 and the regulations adopted by the Commissioner.

2. The Commissioner may adopt regulations setting forth the procedures that an ~~[external]~~ ***independent*** review organization must follow to be issued a certificate to conduct external reviews. Any regulations adopted pursuant to this section must include, without limitation, provisions setting forth:

(a) The manner in which an ~~[external]~~ ***independent*** review organization may apply for a certificate and the requirements for the issuance and renewal of the certificate pursuant to this section;

(b) The grounds for which the Commissioner may refuse to issue, suspend, revoke or refuse to renew a certificate issued pursuant to this section;

(c) The manner and circumstances under which an ~~[external]~~ ***independent*** review organization is required to conduct its business; and

(d) Any applicable fees for issuing or renewing a certificate of an ~~[external]~~ ***independent*** review organization pursuant to this section.

3. A certificate issued pursuant to this section expires 1 year after it is issued and may be renewed in accordance with regulations adopted by the Commissioner.

4. Before the Commissioner may issue a certificate to an ~~[external]~~ ***independent*** review organization, the ~~[external]~~ ***independent*** review organization must:

(a) Demonstrate to the satisfaction of the Commissioner that it is able to carry out, in a timely manner, the duties of an ~~[external]~~ ***independent*** review organization as set forth in NRS 616C.363 and the regulations adopted by the Commissioner. The demonstration must include, without limitation, proof that the ~~[external]~~ ***independent*** review organization employs, contracts with or otherwise retains only persons who are qualified because of their education, training, professional licensing and experience to perform the duties assigned to those persons; and

(b) Provide assurances satisfactory to the Commissioner that the ~~[external]~~ ***independent*** review organization will:

(1) Conduct external reviews in accordance with the provisions of NRS 616C.363 and the regulations adopted by the Commissioner;

(2) Render its decisions in a clear, consistent, thorough and timely manner; and

(3) Avoid conflicts of interest.

5. For the purposes of this section, an ~~[external]~~ ***independent*** review organization has a conflict of interest if the ~~[external]~~ ***independent*** review organization or any employee, agent or contractor of the ~~[external]~~ ***independent*** review organization who conducts an external review has a professional, familial or financial interest of a material nature with respect to any person who has a substantial interest in the outcome of the external review, including, without limitation:

(a) The claimant;

(b) The employer; or

(c) The insurer or any officer, director or management employee of the insurer.

6. The Commissioner shall not issue a certificate to an ~~[external]~~ ***independent*** review organization that is affiliated with:

(a) An organization for managed care which provides comprehensive medical and health care services to employees for injuries or diseases pursuant to chapters 616A to 617, inclusive, of NRS;

(b) An insurer;

(c) A third-party administrator; or

(d) A national, state or local trade association.

7. An ~~[external]~~ ***independent*** review organization which is certified or accredited by an accrediting body that is nationally recognized shall be deemed to have satisfied all the conditions and qualifications required for the ~~[external]~~ ***independent*** review organization to be issued a certificate pursuant to this section.

Sec. 128. NRS 616B.691 is hereby amended to read as follows:

616B.691 1. ~~[For the purposes of chapters 612 and 616A to 617, inclusive, of NRS, an]~~ ***An*** employee leasing company which complies with the provisions of NRS 616B.670 to 616B.697, inclusive, shall be deemed to be the employer of the employees it leases to a client company. ***The provisions of this subsection apply only for the purposes of chapters 612 and 616A to 617, inclusive, of NRS.***

2. ~~[If an employee leasing company complies with the provisions of subsection 3, the]~~ ***An*** employee leasing company shall be deemed to be ~~[the]~~ ***an*** employer of its leased employees for the purposes of ***offering,*** sponsoring and maintaining any benefit plans ***.*** ~~[, including, without limitation, for the purposes of the Employee Retirement Income Security Act of 1974, 29 U.S.C. §§ 1001 et seq.]~~ ***The provisions of this subsection do not affect the employer-employee relationship that exists between a leased employee and a client company.***

3. An employee leasing company shall not offer ***, sponsor or maintain for*** its ***leased*** employees any self-funded ~~[industrial]~~ insurance program. An employee leasing company shall not act as a self-insured employer or be a member of an association of self-insured public or private employers pursuant to chapters 616A to 616D, inclusive, or chapter 617 of NRS ~~[.]~~ ***or title 57 of NRS.***

4. If an employee leasing company fails to:

(a) Pay any contributions, premiums, forfeits or interest due; or

(b) Submit any reports or other information required,

➥ pursuant to this chapter or chapter 612, 616A, 616C, 616D or 617 of NRS, the client company is jointly and severally liable for the contributions, premiums, forfeits or interest attributable to the wages of the employees leased to it by the employee leasing company.

Sec. 129. NRS 616C.360 is hereby amended to read as follows:

616C.360 1. A stenographic or electronic record must be kept of the hearing before the appeals officer and the rules of evidence applicable to contested cases under chapter 233B of NRS apply to the hearing.

2. The appeals officer must hear any matter raised before him or her on its merits, including new evidence bearing on the matter.

3. If there is a medical question or dispute concerning an injured employee's condition or concerning the necessity of treatment for which authorization for payment has been denied, the appeals officer may:

(a) Order an independent medical examination and refer the employee to a physician or chiropractor of his or her choice who has demonstrated special competence to treat the particular medical condition of the employee, whether or not the physician or chiropractor is on the insurer's panel of providers of health care. If the medical question concerns the rating of a

permanent disability, the appeals officer may refer the employee to a rating physician or chiropractor. The rating physician or chiropractor must be selected in rotation from the list of qualified physicians or chiropractors maintained by the Administrator pursuant to subsection 2 of NRS 616C.490, unless the insurer and the injured employee otherwise agree to a rating physician or chiropractor. The insurer shall pay the costs of any examination requested by the appeals officer.

(b) If the medical question or dispute is relevant to an issue involved in the matter before the appeals officer and all parties agree to the submission of the matter to an ~~[external]~~ ***independent*** review organization, submit the matter to an ~~[external]~~ ***independent*** review organization in accordance with NRS 616C.363 and any regulations adopted by the Commissioner.

4. The appeals officer may consider the opinion of an examining physician or chiropractor, in addition to the opinion of an authorized treating physician or chiropractor, in determining the compensation payable to the injured employee.

5. If an injured employee has requested payment for the cost of obtaining a second determination of his or her percentage of disability pursuant to NRS 616C.100, the appeals officer shall decide whether the determination of the higher percentage of disability made pursuant to NRS 616C.100 is appropriate and, if so, may order the insurer to pay to the employee an amount equal to the maximum allowable fee established by the Administrator pursuant to NRS 616C.260 for the type of service performed, or the usual fee of that physician or chiropractor for such service, whichever is less.

6. The appeals officer shall order an insurer, organization for managed care or employer who provides accident benefits for injured employees pursuant to NRS 616C.265 to pay to the appropriate person the charges of a provider of health care if the conditions of NRS 616C.138 are satisfied.

7. Any party to the appeal or contested case or the appeals officer may order a transcript of the record of the hearing at any time before the seventh day after the hearing. The transcript must be filed within 30 days after the date of the order unless the appeals officer otherwise orders.

8. Except as otherwise provided in subsection 9, the appeals officer shall render a decision:

(a) If a transcript is ordered within 7 days after the hearing, within 30 days after the transcript is filed; or

(b) If a transcript has not been ordered, within 30 days after the date of the hearing.

9. The appeals officer shall render a decision on a contested claim submitted pursuant to subsection 2 of NRS 616C.345 within 15 days after:

(a) The date of the hearing; or

(b) If the appeals officer orders an independent medical examination, the date the appeals officer receives the report of the examination,

➥ unless both parties to the contested claim agree to a later date.

10. The appeals officer may affirm, modify or reverse any decision made by a hearing officer and issue any necessary and proper order to give effect to his or her decision.

Sec. 130. NRS 616C.363 is hereby amended to read as follows:

616C.363 1. Not later than 5 business days after the date that an ~~[external]~~ ***independent*** review organization receives a request for an external review, the ~~[external]~~ ***independent*** review organization shall:

(a) Review the documents and materials submitted for the external review; and

(b) Notify the injured employee, his or her employer and the insurer whether the ~~[external]~~ ***independent*** review organization needs any additional information to conduct the external review.

2. The ~~[external]~~ ***independent*** review organization shall render a decision on the matter not later than 15 business days after the date that it receives all information that is necessary to conduct the external review.

3. In conducting the external review, the ~~[external]~~ ***independent*** review organization shall consider, without limitation:

(a) The medical records of the insured;

(b) Any recommendations of the physician of the insured; and

(c) Any other information approved by the Commissioner for consideration by an ~~[external]~~ ***independent*** review organization.

4. In its decision, the ~~[external]~~ ***independent*** review organization shall specify the reasons for its decision. The ~~[external]~~ ***independent*** review organization shall submit a copy of its decision to:

(a) The injured employee;

(b) The employer;

(c) The insurer; and

(d) The appeals officer, if any.

5. The insurer shall pay the costs of the services provided by the ~~[external]~~ ***independent*** review organization.

6. The Commissioner may adopt regulations to govern the process of external review and to carry out the provisions of this section. Any regulations adopted pursuant to this section must provide that:

(a) All parties must agree to the submission of a matter to an ~~[external]~~ ***independent*** review organization before a request for external review may be submitted;

(b) A party may not be ordered to submit a matter to an ~~[external]~~ ***independent*** review organization; and

(c) The findings and decisions of an ~~[external]~~ ***independent*** review organization are not binding.

Sec. 131. NRS 683A.371, ~~[683A.373,]~~ 684A.155, 686A.225, 689A.360, 689A.625 and 689C.105 are hereby repealed.

Sec. 132. 1. This section and sections **9.5 and 51.9 of this act become effective upon passage and approval.**

2. Sections 1 to **9, inclusive, 10 to 51.7, inclusive, 52 to** 56, inclusive, and 58 to 131, inclusive, of this act become effective:

(a) Upon passage and approval for the purpose of adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(b) On October 1, 2011, for all other purposes.

~~[2.]~~ **3.** Section 57 of this act becomes effective on January 1, 2013.

~~[3.]~~ **4.** Sections 23, 24, 25, 45, 47, 59, 60 and 122 of this act expire by limitation on the date on which the provisions of 42 U.S.C. § 666 requiring each state to establish procedures under which the state has authority to withhold or suspend, or to restrict the use of professional, occupational and recreational licenses of persons who:

(a) Have failed to comply with a subpoena or warrant relating to a proceeding to determine the paternity of a child or to establish or enforce an obligation for the support of a child; or

(b) Are in arrears in the payment for the support of one or more children,

➥ are repealed by the Congress of the United States.

LEADLINES OF REPEALED SECTIONS

683A.371 Certification; conflicts of interest; annual list.

~~[683A.373 Submission of annual list to Office for Consumer Health Assistance.]~~

684A.155 Limited license: Commissioner authorized to issue to adjuster licensed in adjoining state; terms; powers.

686A.225 Certain insurers to retain adjuster who resides in this State.

689A.360 Filing of rates.

689A.625 Supplemental coverage not health benefit plan if individual carrier files annual certification with Commissioner.

689C.105 "Supplemental coverage" defined.

Assemblyman Atkinson moved that the Assembly concur in the Senate Amendment No. 903 to Assembly Bill No. 74.

Remarks by Assemblyman Atkinson.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Mr. Speaker:

The Conference Committee concerning Senate Bill No. 200, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that Amendment No. 720 of the Assembly be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. 12, which is attached to and hereby made a part of this report.

MARILYN KIRKPATRICK	VALERIE WIENER
KELVIN ATKINSON	MIKE MCGINNESS
JOHN ELLISON	MICHAEL SCHNEIDER
Assembly Conference Committee	*Senate Conference Committee*

Conference Amendment No. CA12.

SUMMARY—Makes various changes relating to **[~~time shares.~~]** **real property.** (BDR 10-217)

AN ACT relating to **[~~time shares;~~]** **real property;** restricting the disclosure of certain information about owners of time shares; requiring certain mailings to owners of time shares upon request by an owner; **authorizing a notice of sale on the foreclosure of a time share to be given by posting on an Internet website under certain circumstances; revising provisions concerning the posting of a notice of default and election to sell or a notice of sale;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 2 of this bill requires the manager or board of an association of a time-share plan to maintain a list of owners of time shares in the plan. **Section 2** also prohibits the manager or board from disclosing personal information about an owner without the prior written consent of the owner except under certain circumstances.

Section 3 of this bill requires the manager or board of an association of a time-share plan to: (1) mail certain materials to all owners on the list of owners of time shares in the plan upon the request of an owner under certain circumstances; (2) provide an owner with the option to place certain limits on the information that may be provided to other owners; (3) provide an owner with a written disclosure regarding the potential effect of giving consent to publish or furnish information about the owner; and (4) establish procedures for such mailings.

Existing law requires that, among other forms of notice, a sale of a time share to satisfy a lien for unpaid assessments be noticed by publication in a newspaper under certain circumstances. (NRS 119A.560) Section 4.5 of this bill authorizes, as an alternative to that form of publication, such a notice of sale to be posted on an Internet website if a statement of the Internet address is also published in a newspaper. Section 4.5 also authorizes the publication of such information for one or more notices of sale in the same publication.

Existing law requires that, among other forms of notice, a sale of real property in foreclosure under a deed of trust be noticed by publication in a newspaper under certain circumstances. (NRS 107.080) Section 6 of this bill authorizes, as an alternative to that form of publication, a notice of a time share in foreclosure under a deed of trust to be posted on an Internet website if a statement of the Internet address is also published in a newspaper.

Existing law provides that for a residential foreclosure sale, a copy of the notice of default and election to sell and the notice of sale must be posted in a conspicuous place on the property not later than 3 business days after the notice of default and election to sell. (NRS 107.087) Section 8 of this bill provides that for a notice of default and election to sell, the notice must be posted not later than 100 days before the date of sale and for a notice of sale, the notice must be posted not later than 15 days before the date of sale.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 119A of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. ***1. A manager or, if there is no manager, the board shall maintain in the records of an association a complete list of the names and mailing addresses of all owners. The list must be updated not less frequently than quarterly.***

2. If a time-share plan is part of a common-interest community governed by chapter 116 of NRS, the names and addresses of delegates or representatives who are elected pursuant to NRS 116.31105 or, if there are none, the name and address of the association must appear on the list of owners of an association organized under NRS 116.3101 in lieu of the names, addresses and other personal information of the individual owners.

3. Notwithstanding any provision of the declaration or bylaws of a time-share plan to the contrary, a manager or a board may not, except as otherwise authorized or required by law, publish or furnish any information about any owner to any other owner or any other person without the prior written consent of the owner whose information is requested.

4. Before obtaining the written consent of an owner pursuant to subsection 3, a manager or a board shall provide the owner with:

(a) The option to limit the information about the owner that may be published or furnished to any other owner or any other person:

(1) To exclusively the owner's name and mailing address; and

(2) For use only in legitimate matters of business of the association.

(b) The following written disclosure:

BY GIVING YOUR CONSENT TO PUBLISH OR FURNISH INFORMATION ABOUT YOU FOR PURPOSES OTHER THAN LEGITIMATE MATTERS OF BUSINESS OF THE ASSOCIATION, THE INFORMATION COULD BE USED FOR COMMERCIAL OR OTHER PURPOSES.

5. The provisions of this section:

(a) Do not restrict the use by a manager or a board of information about an owner in the performance of their respective duties under the declaration of a time share plan or as otherwise required by law.

(b) Supersede any provisions of chapter 82 of NRS to the contrary.

Sec. 3. ***1. A manager or, if there is no manager, the board shall:***

(a) Establish reasonable procedures by which owners may:

(1) Solicit votes or proxies from other owners; and

(2) Provide information to other owners with respect to legitimate matters of business of the association.

(b) Mail to all persons included in the list of owners materials provided by an owner upon the request of that owner if the purpose of the mailing is to advance legitimate matters of business of the association, including, without limitation, a solicitation of a proxy for any purpose, provided that the owner who requests the mailing:

(1) Provides to the manager or board a separate copy of the materials for each of the owners on the list or, if the mailing is to be transmitted electronically, a single copy of the materials in an electronic format; and

(2) Pays the association the actual costs of the mailing before the mailing.

2. The board is responsible for determining whether a mailing requested pursuant to this section advances legitimate matters of business of the association.

3. The manager or board, as applicable, may determine the manner in which a mailing may be accomplished.

4. For the purposes of this section, "mail" and "mailing" include, without limitation, a distribution made by electronic or similar means, such as the transmission of electronic mail as defined in NRS 41.715.

Sec. 4. (Deleted by amendment.)

Sec. 4.5. **NRS 119A.560 is hereby amended to read as follows:**

119A.560 1. The power of sale may not be exercised until:

(a) The developer or the association, its agent or attorney has first executed and caused to be recorded with the recorder of the county wherein the project is located a notice of default and election to sell the time share or cause its sale to satisfy the assessment lien; and

(b) The owner or his or her successor in interest has failed to pay the amount of the lien, including costs, fees and expenses incident to its enforcement for 60 days computed as prescribed in subsection 2.

2. The 60-day period provided in subsection 1 begins on the first day following the day upon which the notice of default and election to sell is recorded and a copy of the notice is mailed by certified or registered mail with postage prepaid to the owner or to his or her successor in interest at the owner's address if that address is known, otherwise to the address of the project. The notice must describe the deficiency in payment.

3. The developer or the association, its agent or attorney shall, after expiration of the 60-day period and before selling the time share, give notice of the time and place of the sale in the manner and for a time not less than that required for the sale of real property upon execution, except that ~~[a]~~ ***:***

(a) A copy of the notice of sale must be mailed on or before the first publication or posting required by NRS 21.130 by certified or registered mail with postage prepaid to the owner or to his or her successor in interest at the owner's address if that address is known, otherwise to the address of the project ~~[.]~~ ***; and***

(b) In lieu of publishing a copy of the notice of sale in a newspaper pursuant to the provisions of NRS 21.130, the notice of sale may be given by posting a copy of the notice and a declaration pursuant to NRS 53.045 on a form prescribed by the Division pursuant to subsection 6 for 3 successive weeks on an Internet website and publishing three times, once a week for 3 successive weeks, in a newspaper, if there is one in the county, a statement in at least 10-point bold type, which includes, without limitation:

(1) A statement that the notice of sale for the foreclosure of the time share is posted on an Internet website;

(2) The Internet address where the notice is posted;

(3) The name of the record owner and the permanent identification number of each time share;

(4) The name and street address of the property in which the time share is located; and

(5) A statement of the date, time and place of the sale.

➥ A statement published in a newspaper pursuant to this paragraph may include the information required for a notice of sale for one or more time shares.

4. The sale may be made at the office of the developer or the association if the notice so provided, whether the project is located within the same county as the office of the developer or the association or not.

~~[4.]~~ ***5.*** Every sale made under the provisions of NRS 119A.550 vests in the purchaser the title of the owner without equity or right of redemption.

6. The Division shall prepare a form for a declaration pursuant to NRS 53.045 that a developer or association must post on an Internet website with a notice of sale pursuant to paragraph (b) of subsection 3.

Sec. 5. (Deleted by amendment.)

Sec. 6. **NRS 107.080 is hereby amended to read as follows:**

107.080 1. Except as otherwise provided in NRS 107.085 and 107.086, if any transfer in trust of any estate in real property is made after March 29, 1927, to secure the performance of an obligation or the payment of any debt, a power of sale is hereby conferred upon the trustee to be exercised after a breach of the obligation for which the transfer is security.

2. The power of sale must not be exercised, however, until:

(a) Except as otherwise provided in paragraph (b), in the case of any trust agreement coming into force:

(1) On or after July 1, 1949, and before July 1, 1957, the grantor, the person who holds the title of record, a beneficiary under a subordinate deed of trust or any other person who has a subordinate lien or encumbrance of record on the property has, for a period of 15 days, computed as prescribed in subsection 3, failed to make good the deficiency in performance or payment; or

(2) On or after July 1, 1957, the grantor, the person who holds the title of record, a beneficiary under a subordinate deed of trust or any other person who has a subordinate lien or encumbrance of record on the property has, for a period of 35 days, computed as prescribed in subsection 3, failed to make good the deficiency in performance or payment;

(b) In the case of any trust agreement which concerns owner-occupied housing as defined in NRS 107.086, the grantor, the person who holds the title of record, a beneficiary under a subordinate deed of trust or any other person who has a subordinate lien or encumbrance of record on the property has, for a period that commences in the manner and subject to the requirements described in subsection 3 and expires 5 days before the date of sale, failed to make good the deficiency in performance or payment;

(c) The beneficiary, the successor in interest of the beneficiary or the trustee first executes and causes to be recorded in the office of the recorder of the county wherein the trust property, or some part thereof, is situated a notice of the breach and of the election to sell or cause to be sold the property to satisfy the obligation; and

(d) Not less than 3 months have elapsed after the recording of the notice.

3. The 15- or 35-day period provided in paragraph (a) of subsection 2, or the period provided in paragraph (b) of subsection 2, commences on the first day following the day upon which the notice of default and election to sell is recorded in the office of the county recorder of the county in which the property is located and a copy of the notice of default and election to sell is

mailed by registered or certified mail, return receipt requested and with postage prepaid to the grantor or, to the person who holds the title of record on the date the notice of default and election to sell is recorded, and, if the property is operated as a facility licensed under chapter 449 of NRS, to the State Board of Health, at their respective addresses, if known, otherwise to the address of the trust property. The notice of default and election to sell must:

(a) Describe the deficiency in performance or payment and may contain a notice of intent to declare the entire unpaid balance due if acceleration is permitted by the obligation secured by the deed of trust, but acceleration must not occur if the deficiency in performance or payment is made good and any costs, fees and expenses incident to the preparation or recordation of the notice and incident to the making good of the deficiency in performance or payment are paid within the time specified in subsection 2; and

(b) If the property is a residential foreclosure, comply with the provisions of NRS 107.087.

4. The trustee, or other person authorized to make the sale under the terms of the trust deed or transfer in trust, shall, after expiration of the 3-month period following the recording of the notice of breach and election to sell, and before the making of the sale, give notice of the time and place thereof by recording the notice of sale and by:

(a) Providing the notice to each trustor, any other person entitled to notice pursuant to this section and, if the property is operated as a facility licensed under chapter 449 of NRS, the State Board of Health, by personal service or by mailing the notice by registered or certified mail to the last known address of the trustor and any other person entitled to such notice pursuant to this section;

(b) Posting a similar notice particularly describing the property, for 20 days successively, in ~~[three public places of the township or city]~~ ***a public place in the county*** where the property is situated ***;*** ~~[and where the property is to be sold;]~~

(c) Publishing a copy of the notice three times, once each week for 3 consecutive weeks, in a newspaper of general circulation in the county where the property is situated ~~[.]~~ ***or, if the property is a time share, by posting a copy of the notice on an Internet website and publishing a statement in a newspaper in the manner required by subsection 3 of NRS 119A.560;*** and

(d) If the property is a residential foreclosure, complying with the provisions of NRS 107.087.

5. Every sale made under the provisions of this section and other sections of this chapter vests in the purchaser the title of the grantor and any successors in interest without equity or right of redemption. A sale made

pursuant to this section may be declared void by any court of competent jurisdiction in the county where the sale took place if:

(a) The trustee or other person authorized to make the sale does not substantially comply with the provisions of this section or any applicable provision of NRS 107.086 and 107.087;

(b) Except as otherwise provided in subsection 6, an action is commenced in the county where the sale took place within 90 days after the date of the sale; and

(c) A notice of lis pendens providing notice of the pendency of the action is recorded in the office of the county recorder of the county where the sale took place within 30 days after commencement of the action.

6. If proper notice is not provided pursuant to subsection 3 or paragraph (a) of subsection 4 to the grantor, to the person who holds the title of record on the date the notice of default and election to sell is recorded, to each trustor or to any other person entitled to such notice, the person who did not receive such proper notice may commence an action pursuant to subsection 5 within 120 days after the date on which the person received actual notice of the sale.

7. The sale of a lease of a dwelling unit of a cooperative housing corporation vests in the purchaser title to the shares in the corporation which accompany the lease.

8. After a sale of property is conducted pursuant to this section, the trustee shall:

(a) Within 30 days after the date of the sale, record the trustee's deed upon sale in the office of the county recorder of the county in which the property is located; or

(b) Within 20 days after the date of the sale, deliver the trustee's deed upon sale to the successful bidder. Within 10 days after the date of delivery of the deed by the trustee, the successful bidder shall record the trustee's deed upon sale in the office of the county recorder of the county in which the property is located.

9. If the successful bidder fails to record the trustee's deed upon sale pursuant to paragraph (b) of subsection 8, the successful bidder:

(a) Is liable in a civil action to any party that is a senior lienholder against the property that is the subject of the sale in a sum of up to $500 and for reasonable attorney's fees and the costs of bringing the action; and

(b) Is liable in a civil action for any actual damages caused by the failure to comply with the provisions of subsection 8 and for reasonable attorney's fees and the costs of bringing the action.

10. The county recorder shall, in addition to any other fee, at the time of recording a notice of default and election to sell collect:

(a) A fee of $150 for deposit in the State General Fund.

(b) A fee of $50 for deposit in the Account for Foreclosure Mediation, which is hereby created in the State General Fund. The Account must be administered by the Court Administrator, and the money in the Account may be expended only for the purpose of supporting a program of foreclosure mediation established by Supreme Court Rule.

➥ The fees collected pursuant to this subsection must be paid over to the county treasurer by the county recorder on or before the fifth day of each month for the preceding calendar month, and, except as otherwise provided in this subsection, must be placed to the credit of the State General Fund or the Account as prescribed pursuant to this subsection. The county recorder may direct that 1.5 percent of the fees collected by the county recorder be transferred into a special account for use by the office of the county recorder. The county treasurer shall, on or before the 15th day of each month, remit the fees deposited by the county recorder pursuant to this subsection to the State Controller for credit to the State General Fund or the Account as prescribed in this subsection.

11. The beneficiary, the successor in interest of the beneficiary or the trustee who causes to be recorded the notice of default and election to sell shall not charge the grantor or the successor in interest of the grantor any portion of any fee required to be paid pursuant to subsection 10.

12. As used in this section, "residential foreclosure" means the sale of a single family residence under a power of sale granted by this section. As used in this subsection, "single family residence":

(a) Means a structure that is comprised of not more than four units.

(b) Does not include ***vacant land or*** any time share or other property regulated under chapter 119A of NRS.

Sec. 7. **NRS 107.086 is hereby amended to read as follows:**

107.086 1. In addition to the requirements of NRS 107.085, the exercise of the power of sale pursuant to NRS 107.080 with respect to any trust agreement which concerns owner-occupied housing is subject to the provisions of this section.

2. The trustee shall not exercise a power of sale pursuant to NRS 107.080 unless the trustee:

(a) Includes with the notice of default and election to sell which is mailed to the grantor or the person who holds the title of record as required by subsection 3 of NRS 107.080:

(1) Contact information which the grantor or the person who holds the title of record may use to reach a person with authority to negotiate a loan modification on behalf of the beneficiary of the deed of trust;

(2) Contact information for at least one local housing counseling agency approved by the United States Department of Housing and Urban Development; and

(3) A form upon which the grantor or the person who holds the title of record may indicate an election to enter into mediation or to waive mediation and one envelope addressed to the trustee and one envelope addressed to the Mediation Administrator, which the grantor or the person who holds the title of record may use to comply with the provisions of subsection 3;

(b) Serves a copy of the notice upon the Mediation Administrator; and

(c) Causes to be recorded in the office of the recorder of the county in which the trust property, or some part thereof, is situated:

(1) The certificate provided to the trustee by the Mediation Administrator pursuant to subsection 3 or 6 which provides that no mediation is required in the matter; or

(2) The certificate provided to the trustee by the Mediation Administrator pursuant to subsection 7 which provides that mediation has been completed in the matter.

3. The grantor or the person who holds the title of record shall, not later than 30 days after service of the notice in the manner required by NRS 107.080, complete the form required by subparagraph (3) of paragraph (a) of subsection 2 and return the form to the trustee by certified mail, return receipt requested. If the grantor or the person who holds the title of record indicates on the form an election to enter into mediation, the trustee shall notify the beneficiary of the deed of trust and every other person with an interest as defined in NRS 107.090, by certified mail, return receipt requested, of the election of the grantor or the person who holds the title of record to enter into mediation and file the form with the Mediation Administrator, who shall assign the matter to a senior justice, judge, hearing master or other designee and schedule the matter for mediation. No further action may be taken to exercise the power of sale until the completion of the mediation. If the grantor or the person who holds the title of record indicates on the form an election to waive mediation or fails to return the form to the trustee as required by this subsection, the trustee shall execute an affidavit attesting to that fact under penalty of perjury and serve a copy of the affidavit, together with the waiver of mediation by the grantor or the person who holds the title of record, or proof of service on the grantor or the person who holds the title of record of the notice required by subsection 2 of this section and subsection 3 of NRS 107.080, upon the Mediation Administrator. Upon receipt of the affidavit and the waiver or proof of service, the Mediation Administrator shall provide to the trustee a certificate which provides that no mediation is required in the matter.

4. Each mediation required by this section must be conducted by a senior justice, judge, hearing master or other designee pursuant to the rules adopted pursuant to subsection 8. The beneficiary of the deed of trust or a representative shall attend the mediation. The grantor or a representative

shall attend the mediation if the grantor elected to enter into mediation, or the person who holds the title of record or a representative shall attend the mediation if the person who holds the title of record elected to enter into mediation. The beneficiary of the deed of trust shall bring to the mediation the original or a certified copy of the deed of trust, the mortgage note and each assignment of the deed of trust or mortgage note. If the beneficiary of the deed of trust is represented at the mediation by another person, that person must have authority to negotiate a loan modification on behalf of the beneficiary of the deed of trust or have access at all times during the mediation to a person with such authority.

5. If the beneficiary of the deed of trust or the representative fails to attend the mediation, fails to participate in the mediation in good faith or does not bring to the mediation each document required by subsection 4 or does not have the authority or access to a person with the authority required by subsection 4, the mediator shall prepare and submit to the Mediation Administrator a petition and recommendation concerning the imposition of sanctions against the beneficiary of the deed of trust or the representative. The court may issue an order imposing such sanctions against the beneficiary of the deed of trust or the representative as the court determines appropriate, including, without limitation, requiring a loan modification in the manner determined proper by the court.

6. If the grantor or the person who holds the title of record elected to enter into mediation and fails to attend the mediation, the Mediation Administrator shall provide to the trustee a certificate which states that no mediation is required in the matter.

7. If the mediator determines that the parties, while acting in good faith, are not able to agree to a loan modification, the mediator shall prepare and submit to the Mediation Administrator a recommendation that the matter be terminated. The Mediation Administrator shall provide to the trustee a certificate which provides that the mediation required by this section has been completed in the matter.

8. The Supreme Court shall adopt rules necessary to carry out the provisions of this section. The rules must, without limitation, include provisions:

(a) Designating an entity to serve as the Mediation Administrator pursuant to this section. The entities that may be so designated include, without limitation, the Administrative Office of the Courts, the district court of the county in which the property is situated or any other judicial entity.

(b) Ensuring that mediations occur in an orderly and timely manner.

(c) Requiring each party to a mediation to provide such information as the mediator determines necessary.

(d) Establishing procedures to protect the mediation process from abuse and to ensure that each party to the mediation acts in good faith.

(e) Establishing a total fee of not more than $400 that may be charged and collected by the Mediation Administrator for mediation services pursuant to this section and providing that the responsibility for payment of the fee must be shared equally by the parties to the mediation.

9. Except as otherwise provided in subsection 11, the provisions of this section do not apply if:

(a) The grantor or the person who holds the title of record has surrendered the property, as evidenced by a letter confirming the surrender or delivery of the keys to the property to the trustee, the beneficiary of the deed of trust or the mortgagee, or an authorized agent thereof; or

(b) A petition in bankruptcy has been filed with respect to the grantor or the person who holds the title of record under chapter 7, 11, 12 or 13 of Title 11 of the United States Code and the bankruptcy court has not entered an order closing or dismissing the case or granting relief from a stay of foreclosure.

10. A noncommercial lender is not excluded from the application of this section.

11. The Mediation Administrator and each mediator who acts pursuant to this section in good faith and without gross negligence are immune from civil liability for those acts.

12. As used in this section:

(a) "Mediation Administrator" means the entity so designated pursuant to subsection 8.

(b) "Noncommercial lender" means a lender which makes a loan secured by a deed of trust on owner-occupied housing and which is not a bank, financial institution or other entity regulated pursuant to title 55 or 56 of NRS.

(c) "Owner-occupied housing" means housing that is occupied by an owner as the owner's primary residence. The term does not include ***vacant land or*** any time share or other property regulated under chapter 119A of NRS.

Sec. 8. **NRS 107.087 is hereby amended to read as follows:**

107.087 1. In addition to the requirements of NRS 107.080, if the sale of property is a residential foreclosure, a copy of the notice of default and election to sell and the notice of sale must:

(a) Be posted in a conspicuous place on the property not later than ~~[~~3 business days after the notice~~]~~ **:**

(1) For a notice of default and election to sell **, *100 days before the date of sale;*** or ~~[~~the~~]~~

(2) For a notice of sale ~~[is recorded pursuant to NRS 107.080;]~~ ***, 15 days before the date of sale;*** and

(b) Include, without limitation:

(1) The physical address of the property; and

(2) The contact information of the trustee or the person conducting the foreclosure who is authorized to provide information relating to the foreclosure status of the property.

2. In addition to the requirements of NRS 107.084, the notices must not be defaced or removed until the transfer of title is recorded or the property becomes occupied after completion of the sale, whichever is earlier.

3. A separate notice must be posted in a conspicuous place on the property and mailed, with a certificate of mailing issued by the United States Postal Service or another mail delivery service, to any tenant or subtenant, if any, other than the grantor or the grantor's successor in interest, in actual occupation of the premises not later than 3 business days after the notice of the sale is given pursuant to subsection 4 of NRS 107.080. The separate notice must be in substantially the following form:

NOTICE TO TENANTS OF THE PROPERTY

Foreclosure proceedings against this property have started, and a notice of sale of the property to the highest bidder has been issued.

You may either: (1) terminate your lease or rental agreement and move out; or (2) remain and possibly be subject to eviction proceedings under chapter 40 of the Nevada Revised Statutes. Any subtenants may also be subject to eviction proceedings.

Between now and the date of the sale, you may be evicted if you fail to pay rent or live up to your other obligations to the landlord.

After the date of the sale, you may be evicted if you fail to pay rent or live up to your other obligations to the successful bidder, in accordance with chapter 118A of the Nevada Revised Statutes.

Under the Nevada Revised Statutes eviction proceedings may begin against you after you have been given a notice to quit.

If the property is sold and you pay rent by the week or another period of time that is shorter than 1 month, you should generally receive notice after not less than the number of days in that period of time.

If the property is sold and you pay rent by the month or any other period of time that is 1 month or longer, you should generally receive notice at least 60 days in advance.

Under Nevada Revised Statutes 40.280, notice must generally be served on you pursuant to chapter 40 of the Nevada Revised Statutes and may be served by:

(1) Delivering a copy to you personally in the presence of a witness;

(2) If you are absent from your place of residence or usual place of business, leaving a copy with a person of suitable age and discretion at either place and mailing a copy to you at your place of residence or business; or

(3) If your place of residence or business cannot be ascertained, or a person of suitable age or discretion cannot be found there, posting a copy in a conspicuous place on the leased property, delivering a copy to a person residing there, if a person can be found, and mailing a copy to you at the place where the leased property is.

If the property is sold and a landlord, successful bidder or subsequent purchaser files an eviction action against you in court, you will be served with a summons and complaint and have the opportunity to respond. Eviction actions may result in temporary evictions, permanent evictions, the awarding of damages pursuant to Nevada Revised Statutes 40.360 or some combination of those results.

Under the Justice Court Rules of Civil Procedure:

(1) You will be given at least 10 days to answer a summons and complaint;

(2) If you do not file an answer, an order evicting you by default may be obtained against you;

(3) A hearing regarding a temporary eviction may be called as soon as 11 days after you are served with the summons and complaint; and

(4) A hearing regarding a permanent eviction may be called as soon as 20 days after you are served with the summons and complaint.

4. ***The posting of a notice required by this section must be completed by a process server licensed pursuant to chapter 648 of NRS or any constable or sheriff.***

5. As used in this section, "residential foreclosure" has the meaning ascribed to it in NRS 107.080.

Sec. 9. **Senate Bill No. 403 of this session is hereby amended by adding thereto a new section to read as follows:**

Sec. 2. This act becomes effective on July 1, 2011.

Sec. 10. **1. This section and section 9 of this act become effective on July 1, 2011.**

2. Sections 1 to 8, inclusive, of this act become effective on October 1, 2011.

Assemblyman Atkinson moved that the Assembly adopt the report of the Conference Committee concerning Senate Bill No. 200.

Remarks by Assemblyman Atkinson.

Motion carried by a constitutional majority.

Mr. Speaker:

The Conference Committee concerning Senate Bill No. 193, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that Amendment No. 568 of the Assembly be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. 3, which is attached to and hereby made a part of this report.

MAGGIE CARLTON	SHIRLEY BREEDEN
KELVIN ATKINSON	ALLISON COPENING
TOM GRADY	JOE HARDY
Assembly Conference Committee	*Senate Conference Committee*

Conference Amendment No. CA3.

AN ACT relating to cosmetology; revising certain provisions governing schools of cosmetology; establishing the procedures for the licensure of certain persons who engage in the practice of hair braiding and persons who operate an establishment for hair braiding; revising provisions relating to the regulation of sanitary conditions; revising provisions relating to the licensure of various cosmetology professionals and cosmetological establishments; [~~repealing a provision~~] revising provisions relating to the [~~provision of a~~] surety bond [~~by~~] requirements for a school of cosmetology; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the State Board of Cosmetology to determine the qualifications of applicants for various licenses in cosmetology, requires the Board to license schools of cosmetology, and authorizes the Board to adopt regulations governing the sanitary conditions in cosmetological establishments, schools of cosmetology and in the practice of cosmetology. (NRS 644.090, 644.120)

~~[Section 6 of this bill: (1) prohibits a school of cosmetology from collecting the entire amount of the cost for a program at the school of cosmetology from a student of cosmetology when the student enters into a contract with the school of cosmetology; (2) authorizes a school of cosmetology to collect certain periodic payments from students; and (3) requires a school of cosmetology to use the contract for enrollment that was submitted to and approved by the Board.]~~ **Section 6.5 of this bill requires each school of cosmetology to: (1) obtain a surety bond in accordance with regulations adopted by the Board; or (2) provide for payment plans, including plans for periodic payments, in accordance with regulations adopted by the Board. The regulations regarding periodic payments must, as the Board determines appropriate, be modeled after certain federal regulations that provide payment periods for certain federal educational loans and grants.**

Sections 7-9 of this bill establish a new license as a hair braider and set forth the requirements, including passing certain examinations, that must be

met before the Board may issue such a license to a person. **Section 7** sets forth the requirements for obtaining such a license for persons who have not previously practiced hair braiding or who have practiced hair braiding in this State on certain relatives without accepting compensation. **Section 8** sets forth the requirements for persons who have practiced hair braiding in another state. **Section 9** sets forth the scope of the examinations that are required to obtain a license to practice hair braiding. **Section 24** of this bill provides an exemption from the licensure requirements for a person who, without accepting compensation, practices hair braiding on a person who is related within the sixth degree of consanguinity.

Section 10 of this bill establishes a new license for persons who wish to operate an establishment for hair braiding and sets forth the requirements that must be met before the Board may issue such a license. **Sections 11-16** of this bill set forth additional requirements governing an establishment for hair braiding, including, without limitation, requirements relating to the notice which must be provided to the Board concerning a change of ownership or location and requirements relating to the qualifications of the person who must supervise the operation of such an establishment.

Under existing law, the Board is also required to provide for the registration of any person who engages in the practice of threading, and is authorized to inspect any facility in which threading is conducted. (NRS 644.331) **Section 22** of this bill authorizes the Board to include the practice of threading and any facility in which it is conducted in its regulations regarding sanitary conditions. **Sections 26-31 and 35** of this bill add United States citizenship or the legal right to remain and work in the United States to the requirements for applicants seeking licensure by the Board.

Existing law requires that schools of cosmetology post with the Board a surety bond as part of licensure. (NRS 644.383) **Section 43** of this bill repeals that requirement.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 640C.100 is hereby amended to read as follows:

640C.100 1. The provisions of this chapter do not apply to:

(a) A person licensed pursuant to chapter 630, 630A, 631, 632, 633, 634, 634A, 635, 640, 640A or 640B of NRS if the massage therapy is performed in the course of the practice for which the person is licensed.

(b) A person licensed as a barber or apprentice pursuant to chapter 643 of NRS if the person is massaging, cleansing or stimulating the scalp, face, neck or skin within the permissible scope of practice for a barber or apprentice pursuant to that chapter.

(c) A person licensed or registered as an aesthetician, ***hair designer, hair braider,*** cosmetologist or cosmetologist's apprentice pursuant to chapter 644 of NRS if the person is massaging, cleansing or stimulating the scalp, face, neck or skin within the permissible scope of practice for an aesthetician, ***hair designer, hair braider,*** cosmetologist or cosmetologist's apprentice pursuant to that chapter.

(d) A person who is an employee of an athletic department of any high school, college or university in this State and who, within the scope of that employment, practices massage therapy on athletes.

(e) Students enrolled in a school of massage therapy recognized by the Board.

(f) A person who practices massage therapy solely on members of his or her immediate family.

(g) A person who performs any activity in a licensed brothel.

2. Except as otherwise provided in subsection 3, the provisions of this chapter preempt the licensure and regulation of a massage therapist by a county, city or town, including, without limitation, conducting a criminal background investigation and examination of a massage therapist or applicant for a license to practice massage therapy.

3. The provisions of this chapter do not prohibit a county, city or town from requiring a massage therapist to obtain a license or permit to transact business within the jurisdiction of the county, city or town, if the license or permit is required of other persons, regardless of occupation or profession, who transact business within the jurisdiction of the county, city or town.

4. As used in this section, "immediate family" means persons who are related by blood, adoption or marriage, within the second degree of consanguinity or affinity.

Sec. 2. Chapter 644 of NRS is hereby amended by adding thereto the provisions set forth as sections 3 to 16, inclusive, of this act.

Sec. 3. "***Establishment for hair braiding" means any premises, mobile unit, building or part of a building where hair braiding is practiced, other than a cosmetological establishment.***

Sec. 4. "***Hair braider" means any person who engages in the practice of hair braiding.***

Sec. 5. ***1. "Hair braiding" means a natural form of hair manipulation by braiding, cornrowing, extending, lacing, locking, sewing, twisting, weaving or wrapping human hair, natural fibers, synthetic fibers and hair extensions. The practice may be performed by hand or by using simple braiding devices, including, without limitation, clips, combs, hairpins, scissors, needles and thread.***

2. The term includes:

(a) Cleansing the scalp; and

(b) The making of customized wigs from natural hair, natural fibers, synthetic fibers and hair extensions.

3. The term does not include:

(a) The use of penetrating chemical hair treatments, chemical hair coloring agents, chemical hair straightening agents, chemical hair joining agents, permanent wave styles or chemical hair bleaching agents applied to growing human hair;

(b) The cutting or growing of human hair, except that the term includes the trimming of hair extensions or sewn weave-in extensions only as applicable to the braiding process; or

(c) Any other activity set forth in the definition of "cosmetologist" pursuant to NRS 644.023 other than the activities expressly set forth in subsections 1 and 2.

Sec. 6. ~~***[1. A school of cosmetology shall not:***~~

~~***(a) Collect the entire amount of the cost for a program at the school of cosmetology from a student of cosmetology at the time the student enters into a contract with the school of cosmetology; or***~~

~~***(b) Except for an initial payment of not more than 25 percent of the total amount of the cost for the program at the school, invoice or collect from a student a periodic payment toward the cost for the quarter of the program at the school of cosmetology until at least 75 percent of the instruction in the curriculum of the immediately preceding quarter of the program has been completed.***~~

~~***2. A school of cosmetology shall use the contract for the enrollment of a student in a program at the school of cosmetology that was submitted to and approved by the Board, including any revisions approved by the Board pursuant to subsection 3, to contract with the student of cosmetology. The approved contract must include, without limitation:***~~

~~***(a) A notice indicating that the school of cosmetology is not required to post a surety bond with the Board; and***~~

~~***(b) A provision indicating that the school of cosmetology is authorized to collect:***~~

~~***(1) Not more than 25 percent of the total amount of the cost for the program at the school of cosmetology from a student at the time the student enters into the contract with the school of cosmetology; and***~~

~~***(2) Additional periodic payments in increments of not more than 25 percent of the total amount of the cost for the program for each quarter of the program. This amount may be collected by the school of cosmetology when at least 75 percent of the instruction in the curriculum of the immediately preceding quarter of the program has been completed.***~~

~~***3. The school of cosmetology shall submit to the Board for its approval a notice detailing any revisions to the approved contract. The revisions***~~

~~*must be approved by the Board before the school of cosmetology may use the revised contract. The revisions shall be deemed to be approved by the Board if the revisions are not disapproved by the Board within 60 days after their submission to the Board.*~~

~~*4. The Board:*~~

~~*(a) Shall respond to any complaints with regard to a contract between a school of cosmetology and a student of cosmetology; and*~~

~~*(b) If the Board or its staff has reason to believe that a school of cosmetology has not complied with any provisions governing such a contract, may require the school of cosmetology to submit for review its current contract for the enrollment of a student or may conduct an inspection of the school of cosmetology.]*~~ **(Deleted by amendment.)**

Sec. 6.5. ***1. Each school of cosmetology shall:***

(a) Obtain a surety bond in accordance with regulations adopted by the Board; or

(b) Provide for payment plans, including plans for periodic payments, in accordance with regulations adopted by the Board.

2. The Board shall adopt regulations regarding surety bonds and payment plans for purposes of subsection 1. The regulations regarding periodic payments must, as the Board determines appropriate, be modeled after 34 C.F.R. § 668.4.

Sec. 7. ***1. The Board shall admit to examination as a hair braider, at any meeting of the Board held to conduct examinations, each person who has applied to the Board in proper form and paid the fee, and who:***

(a) Is not less than 18 years of age.

(b) Is of good moral character.

(c) Is a citizen of the United States or is lawfully entitled to remain and work in the United States.

(d) Has successfully completed the 10th grade in school or its equivalent and has submitted to the Board a notarized affidavit establishing the successful completion by the applicant of the 10th grade or its equivalent. Testing for equivalency must be pursuant to state or federal requirements.

(e) If the person has not practiced hair braiding previously:

(1) Has completed a minimum of 250 hours of training and education as follows:

(I) Fifty hours concerning the laws of Nevada and the regulations of the Board relating to cosmetology;

(II) Seventy-five hours concerning infection control and sanitation;

(III) Seventy-five hours regarding the health of the scalp and the skin of the human body; and

(IV) Fifty hours of clinical practice; and

(2) Has passed the practical demonstration in hair braiding and written tests described in section 9 of this act.

(f) If the person has practiced hair braiding in this State on a person who is related within the sixth degree of consanguinity without a license and without charging a fee:

(1) Has submitted to the Board a signed affidavit stating that the person has practiced hair braiding for at least 1 year on such a relative; and

(2) Has passed the practical demonstration in hair braiding and written tests described in section 9 of this act.

2. The application submitted pursuant to subsection 1 must be accompanied by:

(a) Two current photographs of the applicant which are 1 1/2 by 1 1/2 inches. The name and address of the applicant must be written on the back of each photograph.

(b) A copy of one of the following documents as proof of the age of the applicant:

(1) A driver's license or identification card issued to the applicant by this State or another state, the District of Columbia or any territory of the United States;

(2) The birth certificate of the applicant;

(3) The current passport issued to the applicant; or

(4) A voter registration card issued to the applicant pursuant to NRS 293.517.

Sec. 8. *1. The Board shall admit to examination as a hair braider, at any meeting of the Board held to conduct examinations, each person who has practiced hair braiding in another state, has applied to the Board in proper form and paid a fee of $200, and who:*

(a) Is not less than 18 years of age.

(b) Is of good moral character.

(c) Is a citizen of the United States or is lawfully entitled to remain and work in the United States.

(d) Has successfully completed the 10th grade in school or its equivalent and has submitted to the Board a notarized affidavit establishing the successful completion by the applicant of the 10th grade or its equivalent. Testing for equivalency must be pursuant to state or federal requirements.

(e) If the person has practiced hair braiding in another state in accordance with a license issued in that other state:

(1) Has submitted to the Board proof of the license; and

(2) Has passed the written tests described in section 9 of this act.

(f) If the person has practiced hair braiding in another state without a license and it is legal in that state to practice hair braiding without a license:

(1) Has submitted to the Board a signed affidavit stating that the person has practiced hair braiding for at least 1 year; and

(2) Has passed the practical demonstration in hair braiding and written tests described in section 9 of this act.

2. The application submitted pursuant to subsection 1 must be accompanied by:

(a) Two current photographs of the applicant which are 1 1/2 by 1 1/2 inches. The name and address of the applicant must be written on the back of each photograph.

(b) A copy of one of the following documents as proof of the age of the applicant:

(1) A driver's license or identification card issued to the applicant by this State or another state, the District of Columbia or any territory of the United States;

(2) The birth certificate of the applicant;

(3) The current passport issued to the applicant; or

(4) A voter registration card issued to the applicant pursuant to NRS 293.517.

Sec. 9. *1. The examination for licensure as a hair braider pursuant to paragraph (e) of subsection 1 of section 8 of this act must include:*

(a) A written test on antisepsis, sterilization and sanitation; and

(b) A written test on the laws of Nevada and the regulations of the Board relating to cosmetology.

2. The examination for licensure as a hair braider pursuant to section 7 or paragraph (f) of subsection 1 of section 8 of this act must include:

(a) The written tests described in subsection 1; and

(b) A practical demonstration in hair braiding.

Sec. 10. *1. Any person wishing to operate an establishment for hair braiding must apply to the Board for a license, through the owner, manager or person in charge, upon forms prepared and furnished by the Board. Each application must contain a detailed floor plan of the proposed establishment for hair braiding and proof of any particular requisites for a license provided for in this chapter, and must be verified by the oath of the maker.*

2. The applicant must submit the application accompanied by the required fees for inspection and licensing. After the applicant has submitted the application, the applicant must contact the Board and request a verbal review concerning the application to determine if the establishment for hair braiding complies with the requirements of this

chapter and any regulations adopted by the Board. If, based on the verbal review, the Board determines that the establishment for hair braiding meets those requirements, the Board shall issue to the applicant the required license. Upon receipt of the license, the applicant must contact the Board to request the activation of the license. A license issued pursuant to this subsection is not valid until it is activated. The Board shall conduct an on-site inspection of the establishment for hair braiding not later than 90 days after the date on which the license is activated.

3. The fee for a license for an establishment for hair braiding is $200. The fee for the initial inspection is $15. If an additional inspection is necessary, the fee is $25.

Sec. 11. ***1. The Board must be notified of any change of ownership, name, services offered or location of an establishment for hair braiding. The establishment may not be operated after the change until a new license is issued. The owner of the establishment must apply to the Board for the license and pay the fees established pursuant to subsection 3 of section 10 of this act.***

2. After a license has been issued for the operation of an establishment for hair braiding, any changes in the physical structure of the establishment must be approved by the Board.

Sec. 12. ***1. The license of an establishment for hair braiding expires 2 years after the date of issuance or renewal of the license.***

2. If the owner of an establishment for hair braiding fails to pay the required fee for renewal of its license within 90 days after the date of expiration of the license, the establishment must be immediately closed.

Sec. 13. ***Every holder of a license issued by the Board to operate an establishment for hair braiding shall display the license in plain view of members of the general public in the principal office or place of business of the holder.***

Sec. 14. ***Hair braiding may be practiced in an establishment for hair braiding by licensed hair braiders, hair designers or cosmetologists who are:***

1. Employees of the owner of the establishment; or

2. Lessees of space from the owner of the establishment.

Sec. 15. ***An establishment for hair braiding must, at all times, be under the immediate supervision of a licensed hair braider, hair designer or cosmetologist.***

Sec. 16. ***Food or beverages for immediate consumption may be sold in an establishment for hair braiding.***

Sec. 17. NRS 644.020 is hereby amended to read as follows:

644.020 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 644.0205 to 644.0295, inclusive, ***and***

sections 3, 4 and 5 of this act have the meanings ascribed to them in those sections.

Sec. 18. NRS 644.0205 is hereby amended to read as follows:

644.0205 1. "Aesthetician" means any person who engages in the practices of:

(a) Beautifying, massaging, cleansing or stimulating the skin of the human body by the use of cosmetic preparations, antiseptics, tonics, lotions or creams, or any device, electrical or otherwise, for the care of the skin;

(b) Applying cosmetics or eyelashes to any person, tinting eyelashes and eyebrows, and lightening hair on the body; and

(c) Removing superfluous hair from the body of any person by the use of depilatories, waxing, tweezers or sugaring,

➥ but does not include the branches of cosmetology of a cosmetologist, hair designer, ***hair braider,*** electrologist or nail technologist.

2. As used in this section, "depilatories" does not include the practice of threading.

Sec. 19. NRS 644.024 is hereby amended to read as follows:

644.024 "Cosmetology" includes the occupations of a cosmetologist, aesthetician, electrologist, hair designer, ***hair braider,*** demonstrator of cosmetics and nail technologist.

Sec. 20. NRS 644.090 is hereby amended to read as follows:

644.090 The Board shall:

1. Hold examinations to determine the qualifications of all applicants for a license, except as otherwise provided in this chapter, whose applications have been submitted to it in proper form.

2. Issue licenses to such applicants as may be entitled thereto.

3. License ***establishments for hair braiding,*** cosmetological establishments and schools of cosmetology.

4. Report to the proper prosecuting officers all violations of this chapter coming within its knowledge.

5. Inspect schools of cosmetology ***, establishments for hair braiding*** and cosmetological establishments to ensure compliance with the statutory requirements and adopted regulations of the Board. This authority extends to any member of the Board or its authorized employees.

Sec. 21. NRS 644.110 is hereby amended to read as follows:

644.110 The Board shall adopt reasonable regulations:

1. For carrying out the provisions of this chapter.

2. For conducting examinations of applicants for licenses.

3. For governing the recognition of, and the credits to be given to, the study of cosmetology under a licensed electrologist or in a school of cosmetology licensed pursuant to the laws of another state or territory of the United States or the District of Columbia.

4. For governing the conduct of schools of cosmetology. The regulations must include but need not be limited to, provisions:

(a) Prohibiting schools from requiring that students purchase beauty supplies for use in the course of study;

(b) Prohibiting schools from deducting earned hours of school credit or any other compensation earned by a student as a punishment for misbehavior of the student;

(c) Providing for lunch and coffee recesses for students during school hours; and

(d) Allowing a member or an authorized employee of the Board to review the records of a student's training and attendance.

5. Governing the courses of study and practical training required of persons for treating the skin of the human body.

6. For governing the conduct of cosmetological establishments.

7. As the Board determines are necessary for governing the conduct of establishments for hair braiding.

Sec. 22. NRS 644.120 is hereby amended to read as follows:

644.120 1. The Board may adopt such regulations governing sanitary conditions as it deems necessary with particular reference to the precautions to be employed to prevent the creating or spreading of infectious or contagious diseases ***in the practice of hair braiding, in establishments for hair braiding, in the practice of a cosmetologist,*** in cosmetological establishments or schools of cosmetology, ~~[or in the practice of a cosmetologist.]~~ ***in the practice of threading and in any facility in this State in which threading is conducted.***

2. No regulation governing sanitary conditions thus adopted has any effect until it has been approved by the State Board of Health.

3. A copy of all regulations governing sanitary conditions which are adopted must be furnished to each person to whom a license is issued for the conduct of a cosmetological establishment, ***establishment for hair braiding,*** school of cosmetology or practice of cosmetology.

Sec. 23. NRS 644.130 is hereby amended to read as follows:

644.130 1. The Board shall keep a record containing the name, known place of business, and the date and number of the license of every nail technologist, electrologist, aesthetician, hair designer, ***hair braider,*** demonstrator of cosmetics and cosmetologist, together with the names and addresses of all ***establishments for hair braiding,*** cosmetological establishments and schools of cosmetology licensed pursuant to this chapter. The record must also contain the facts which the applicants claimed in their applications to justify their licensure.

2. The Board may disclose the information contained in the record kept pursuant to subsection 1 to:

(a) Any other licensing board or agency that is investigating a licensee.

(b) A member of the general public, except information concerning the home and work address and telephone number of a licensee.

Sec. 24. NRS 644.190 is hereby amended to read as follows:

644.190 1. It is unlawful for any person to conduct or operate a cosmetological establishment, ***an establishment for hair braiding, a*** school of cosmetology or any other place of business in which any one or any combination of the occupations of cosmetology are taught or practiced unless the person is licensed in accordance with the provisions of this chapter.

2. Except as otherwise provided in ~~[subsection 4,]~~ ***subsections 4 and 5,*** it is unlawful for any person to engage in, or attempt to engage in, the practice of cosmetology or any branch thereof, whether for compensation or otherwise, unless the person is licensed in accordance with the provisions of this chapter.

3. This chapter does not prohibit:

(a) Any student in any school of cosmetology established pursuant to the provisions of this chapter from engaging, in the school and as a student, in work connected with any branch or any combination of branches of cosmetology in the school.

(b) An electrologist's apprentice from participating in a course of practical training and study.

(c) A person issued a provisional license as an instructor pursuant to NRS 644.193 from acting as an instructor and accepting compensation therefor while accumulating the hours of training as a teacher required for an instructor's license.

(d) The rendering of cosmetological services by a person who is licensed in accordance with the provisions of this chapter, if those services are rendered in connection with photographic services provided by a photographer.

(e) A registered cosmetologist's apprentice from engaging in the practice of cosmetology under the immediate supervision of a licensed cosmetologist.

4. A person employed to render cosmetological services in the course of and incidental to the production of a motion picture, television program, commercial or advertisement is exempt from the licensing requirements of this chapter if he or she renders cosmetological services only to persons who will appear in that motion picture, television program, commercial or advertisement.

5. A person practicing hair braiding is exempt from the licensing requirements of this chapter applicable to hair braiding if the hair braiding is practiced on a person who is related within the sixth degree of consanguinity and the person does not accept compensation for the hair braiding.

Sec. 25. NRS 644.193 is hereby amended to read as follows:

644.193 1. The Board may grant a provisional license as an instructor to a person who:

(a) Has successfully completed the 12th grade in school or its equivalent and submits written verification of the completion of his or her education;

(b) Has practiced as a full-time licensed cosmetologist, hair designer, ***hair braider,*** aesthetician or nail technologist for 1 year and submits written verification of his or her experience;

(c) Is licensed pursuant to this chapter;

(d) Applies for a provisional license on a form supplied by the Board;

(e) Submits two current photographs of himself or herself; and

(f) Has paid the fee established pursuant to subsection 2.

2. The Board shall establish and collect a fee of not less than $40 and not more than $75 for the issuance of a provisional license as an instructor.

3. A person issued a provisional license pursuant to this section may act as an instructor for compensation while accumulating the number of hours of training required for an instructor's license.

4. A provisional license as an instructor expires upon accumulation by the licensee of the number of hours of training required for an instructor's license or 1 year after the date of issuance, whichever occurs first. The Board may grant an extension of not more than 45 days to those provisional licensees who have applied to the Board for examination as instructors and are awaiting examination.

Sec. 26. NRS 644.200 is hereby amended to read as follows:

644.200 The Board shall admit to examination for a license as a cosmetologist, at any meeting of the Board held to conduct examinations, any person who has made application to the Board in proper form and paid the fee, and who before or on the date of the examination:

1. Is not less than 18 years of age.

2. Is of good moral character.

3. ***Is a citizen of the United States or is lawfully entitled to remain and work in the United States.***

4. Has successfully completed the 10th grade in school or its equivalent. Testing for equivalency must be pursuant to applicable state or federal requirements.

~~[4.]~~ ***5.*** Has had any one of the following:

(a) Training of at least 1,800 hours, extending over a school term of 10 months, in a school of cosmetology approved by the Board.

(b) Practice of the occupation of a cosmetologist for a period of 4 years outside this State.

(c) If the applicant is a barber registered pursuant to chapter 643 of NRS, 400 hours of specialized training approved by the Board.

(d) Completion of at least 3,600 hours of service as a cosmetologist's apprentice in a licensed cosmetological establishment in which all of the occupations of cosmetology are practiced. The required hours must have been completed during the period of validity of the certificate of registration as a cosmetologist's apprentice issued to the person pursuant to NRS 644.217.

Sec. 27. NRS 644.203 is hereby amended to read as follows:

644.203 The Board shall admit to examination for a license as an electrologist any person who has made application to the Board in the proper form and paid the fee, and who before or on the date set for the examination:

1. Is not less than 18 years of age.
2. Is of good moral character.
3. ***Is a citizen of the United States or is lawfully entitled to remain and work in the United States.***
4. Has successfully completed the 12th grade in school or its equivalent.

~~[4.]~~ ***5.*** Has or has completed any one of the following:

(a) A minimum training of 500 hours under the immediate supervision of an approved electrologist in an approved school in which the practice is taught.

(b) Study of the practice for at least 1,000 hours extending over a period of 5 consecutive months, under an electrologist licensed pursuant to this chapter, in an approved program for electrologist's apprentices.

(c) A valid electrologist's license issued by a state whose licensing requirements are equal to or greater than those of this State.

(d) Either training or practice, or a combination of training and practice, in electrology outside this State for a period specified by regulations of the Board.

Sec. 28. NRS 644.204 is hereby amended to read as follows:

644.204 The Board shall admit to examination for a license as a hair designer, at any meeting of the Board held to conduct examinations, each person who has applied to the Board in proper form and paid the fee, and who:

1. Is not less than 18 years of age.
2. Is of good moral character.
3. ***Is a citizen of the United States or is lawfully entitled to remain and work in the United States.***
4. Has successfully completed the 10th grade in school or its equivalent. Testing for equivalency must be pursuant to state or federal requirements.

~~[4.]~~ ***5.*** Has had at least one of the following:

(a) Training of at least 1,200 hours, extending over a period of 7 consecutive months, in a school of cosmetology approved by the Board.

(b) Practice of the occupation of hair designing for at least 4 years outside this State.

(c) If the applicant is a barber registered pursuant to chapter 643 of NRS, 400 hours of specialized training approved by the Board.

Sec. 29. NRS 644.205 is hereby amended to read as follows:

644.205 The Board shall admit to examination for a license as a nail technologist any person who has made application to the Board in proper form, paid the fee and who, before or on the date of the examination:

1. Is not less than 18 years of age.
2. Is of good moral character.
3. ***Is a citizen of the United States or is lawfully entitled to remain and work in the United States.***
4. Has successfully completed the 10th grade in school or its equivalent.

~~[4.]~~ ***5.*** Has had any one of the following:

(a) Practical training of at least 600 hours under the immediate supervision of a licensed instructor in a licensed school of cosmetology in which the practice is taught.

(b) Practice as a full-time licensed nail technologist for 1 year outside the State of Nevada.

Sec. 30. NRS 644.206 is hereby amended to read as follows:

644.206 The Board shall admit to examination for a license as a demonstrator of cosmetics any person who has made application to the Board in proper form, paid the fee and:

1. Is at least 18 years of age;
2. Is of good moral character;
3. ***Is a citizen of the United States or is lawfully entitled to remain and work in the United States;***
4. Has completed a course provided by the Board relating to sanitation; and

~~[4.]~~ ***5.*** Except as otherwise provided in NRS 622.090, has received a score of not less than 75 percent on the examination administered by the Board.

Sec. 31. NRS 644.207 is hereby amended to read as follows:

644.207 The Board shall admit to examination for a license as an aesthetician any person who has made application to the Board in proper form, paid the fee and:

1. Is at least 18 years of age;
2. Is of good moral character;
3. ***Is a citizen of the United States or is lawfully entitled to remain and work in the United States;***
4. Has successfully completed the 10th grade in school or its equivalent; and

~~[4.]~~ ***5.*** Has received a minimum of 900 hours of training, which includes theory, modeling and practice, in a licensed school of cosmetology or who has practiced as a full-time licensed aesthetician for at least 1 year.

Sec. 32. NRS 644.220 is hereby amended to read as follows:

644.220 1. In addition to the fee for an application, the fees for examination are:

(a) For examination as a cosmetologist, not less than $75 and not more than $200.

(b) For examination as an electrologist, not less than $75 and not more than $200.

(c) For examination as a hair designer, not less than $75 and not more than $200.

(d) ***For examination as a hair braider, $110.***

(e) For examination as a nail technologist, not less than $75 and not more than $200.

~~[(e)]~~ ***(f)*** For examination as an aesthetician, not less than $75 and not more than $200.

~~[(f)]~~ ***(g)*** For examination as an instructor of aestheticians, hair designers, cosmetology or nail technology, not less than $75 and not more than $200.

~~[➥ The]~~

2. Except as otherwise provided in this subsection, the fee for each reexamination is not less than $75 and not more than $200.

~~[2.]~~ ***The fee for reexamination as a hair braider is $110.***

3. In addition to the fee for an application, the fee for examination or reexamination as a demonstrator of cosmetics is $75.

~~[3.]~~ ***4.*** Each applicant referred to in subsections 1 and ~~[2]~~ ***3*** shall, in addition to the fees specified therein, pay the reasonable value of all supplies necessary to be used in the examination.

Sec. 33. NRS 644.260 is hereby amended to read as follows:

644.260 The Board shall issue a license as a cosmetologist, aesthetician, electrologist, hair designer, ***hair braider,*** nail technologist, demonstrator of cosmetics or instructor to each applicant who:

1. Passes a satisfactory examination, conducted by the Board to determine his or her fitness to practice that occupation of cosmetology; and

2. Complies with such other requirements as are prescribed in this chapter for the issuance of the license.

Sec. 34. NRS 644.300 is hereby amended to read as follows:

644.300 Every licensed nail technologist, electrologist, aesthetician, hair designer, ***hair braider,*** demonstrator of cosmetics or cosmetologist shall, within 30 days after changing his or her place of business, as designated in the records of the Board, notify the Secretary of the Board of the new place

of business. Upon receipt of the notification, the Secretary shall make the necessary change in the records.

Sec. 35. NRS 644.310 is hereby amended to read as follows:

644.310 ~~[~~Upon~~]~~ ***Except as otherwise provided in section 8 of this act, upon*** application to the Board, accompanied by a fee of $200, a person currently licensed in any branch of cosmetology under the laws of another state or territory of the United States or the District of Columbia may, without examination, unless the Board sees fit to require an examination, be granted a license to practice the occupation in which the applicant was previously licensed upon proof satisfactory to the Board that the applicant:

1. Is not less than 18 years of age.
2. Is of good moral character.
3. ***Is a citizen of the United States or is lawfully entitled to remain and work in the United States.***

4. Has successfully completed a nationally recognized written examination in this State or in the state or territory or the District of Columbia in which he or she is licensed.

~~[~~4.~~]~~ ***5.*** Is currently licensed in another state or territory or the District of Columbia.

Sec. 36. NRS 644.320 is hereby amended to read as follows:

644.320 1. The license of every cosmetologist, aesthetician, electrologist, hair designer, ***hair braider,*** nail technologist, demonstrator of cosmetics and instructor expires:

(a) If the last name of the licensee begins with the letter "A" through the letter "M," on the date of birth of the licensee in the next succeeding odd-numbered year or such other date in that year as specified by the Board.

(b) If the last name of the licensee begins with the letter "N" through the letter "Z," on the date of birth of the licensee in the next succeeding even-numbered year or such other date in that year as specified by the Board.

2. The Board shall adopt regulations governing the proration of the fee required for initial licenses ***, other than initial licenses as a hair braider,*** issued for less than 1 1/2 years.

3. Except as otherwise provided in this section, the fee for an initial license as a hair braider is $70. The fee for an initial license as a hair braider issued by the Board for:

(a) At least a portion of 1 month but less than 6 months is $17.50.

(b) Six months or more but less than 12 months is $35.00.

(c) Twelve months or more but less than 18 months is $52.50.

Sec. 37. NRS 644.325 is hereby amended to read as follows:

644.325 1. An application for renewal of any license issued pursuant to this chapter must be:

(a) Made on a form prescribed and furnished by the Board;

(b) Made on or before the date for renewal specified by the Board;

(c) Accompanied by the fee for renewal; and

(d) Accompanied by all information required to complete the renewal.

2. The fees for renewal are:

(a) For nail technologists, electrologists, aestheticians, hair designers, demonstrators of cosmetics and cosmetologists, not less than $50 and not more than $100.

(b) ***For hair braiders, $70.***

(c) For instructors, not less than $60 and not more than $100.

~~[(c)]~~ ***(d)*** For cosmetological establishments, not less than $100 and not more than $200.

~~[(d)]~~ ***(e) For establishments for hair braiding, $70.***

(f) For schools of cosmetology, not less than $500 and not more than $800.

3. For each month or fraction thereof after the date for renewal specified by the Board in which a license is not renewed, there must be assessed and collected at the time of renewal a penalty of $50 for a school of cosmetology and $20 for ***an establishment for hair braiding,*** a cosmetological establishment and all persons licensed pursuant to this chapter.

4. An application for the renewal of a license as a cosmetologist, hair designer, ***hair braider,*** aesthetician, electrologist, nail technologist, demonstrator of cosmetics or instructor must be accompanied by two current photographs of the applicant which are 1 1/2 by 1 1/2 inches. The name and address of the applicant must be written on the back of each photograph.

5. Before a person applies for the renewal of a license on or after January 1, 2011, as a cosmetologist, hair designer, ***hair braider,*** aesthetician, electrologist, nail technologist or demonstrator of cosmetics, the person must complete at least 4 hours of instruction relating to infection control in a professional course or seminar approved by the Board.

Sec. 38. NRS 644.330 is hereby amended to read as follows:

644.330 1. A nail technologist, electrologist, aesthetician, hair designer, ***hair braider,*** cosmetologist, demonstrator of cosmetics or instructor whose license has expired may have his or her license renewed only upon payment of all required fees and submission of all information required to complete the renewal.

2. Any nail technologist, electrologist, aesthetician, hair designer, ***hair braider,*** cosmetologist, demonstrator of cosmetics or instructor who retires from practice for more than 1 year may have his or her license restored only upon payment of all required fees and submission of all information required to complete the restoration.

3. No nail technologist, electrologist, aesthetician, hair designer, ***hair braider,*** cosmetologist, demonstrator of cosmetics or instructor who has

retired from practice for more than 4 years may have his or her license restored without examination and must comply with any additional requirements established in regulations adopted by the Board.

Sec. 39. NRS 644.350 is hereby amended to read as follows:

644.350 1. The license of every cosmetological establishment expires ~~[:~~

~~(a) If the last name of the owner begins with the letter "A" through the letter "M," on the date of birth of the owner in the next succeeding odd-numbered year.~~

~~(b) If the last name of the owner begins with the letter "N" through the letter "Z," on the date of birth of the owner in the next succeeding even-numbered year.~~

~~2. If a cosmetological establishment has more than one owner, the Board shall designate one of the owners whose last name will be used for the purpose of determining the date of expiration of the license of the cosmetological establishment.~~

~~3.]~~ ***2 years after the date of issuance or renewal of the license.***

2. If a cosmetological establishment fails to pay the required fee for renewal of its license within 90 days after the date of expiration of the license, the establishment must be immediately closed.

Sec. 40. NRS 644.380 is hereby amended to read as follows:

644.380 1. Any person desiring to conduct a school of cosmetology in which any one or any combination of the occupations of cosmetology are taught must apply to the Board for a license, through the owner, manager or person in charge, upon forms prepared and furnished by the Board. Each application must contain proof of the particular requisites for a license provided for in this chapter, and must be verified by the oath of the maker. The forms must be accompanied by:

(a) A detailed floor plan of the proposed school;

(b) The name, address and number of the license of the manager or person in charge and of each instructor;

(c) Evidence of financial ability to provide the facilities and equipment required by regulations of the Board and to maintain the operation of the proposed school for 1 year;

(d) Proof that the proposed school will commence operation with an enrollment of not less than 25 bona fide students;

(e) The annual fee for a license; ~~[and]~~

(f) ***A copy of the contract for the enrollment of a student in a program at the school of cosmetology; and***

(g) The name and address of the person designated to accept service of process.

2. Upon receipt by the Board of the application, the Board shall, before issuing a license, determine whether the proposed school:

(a) Is suitably located.

(b) Contains at least 5,000 square feet of floor space and adequate equipment.

(c) ***Has a contract for the enrollment of a student in a program at the school of cosmetology that is approved by the Board.***

(d) Meets all requirements established by regulations of the Board.

3. The annual fee for a license for a school of cosmetology is not less than $500 and not more than $800.

4. If the ownership of the school changes or the school moves to a new location, the school may not be operated until a new license is issued by the Board.

5. After a license has been issued for the operation of a school of cosmetology, the licensee must obtain the approval of the Board before making any changes in the physical structure of the school.

Sec. 41. NRS 644.430 is hereby amended to read as follows:

644.430 1. The following are grounds for disciplinary action by the Board:

(a) Failure of an owner of ***an establishment for hair braiding,*** a cosmetological establishment, a licensed aesthetician, cosmetologist, hair designer, ***hair braider,*** electrologist, instructor, nail technologist, demonstrator of cosmetics or school of cosmetology, or a cosmetologist's apprentice to comply with the requirements of this chapter or the applicable regulations adopted by the Board.

(b) Obtaining practice in cosmetology or any branch thereof, for money or any thing of value, by fraudulent misrepresentation.

(c) Gross malpractice.

(d) Continued practice by a person knowingly having an infectious or contagious disease.

(e) Drunkenness or the use or possession, or both, of a controlled substance or dangerous drug without a prescription, while engaged in the practice of cosmetology.

(f) Advertisement by means of knowingly false or deceptive statements.

(g) Permitting a license to be used where the holder thereof is not personally, actively and continuously engaged in business.

(h) Failure to display the license as provided in NRS 644.290, 644.360 and 644.410 ~~[.]~~ ***and section 13 of this act.***

(i) Entering, by a school of cosmetology, into an unconscionable contract with a student of cosmetology.

(j) Continued practice of cosmetology or operation of a cosmetological establishment or school of cosmetology after the license therefor has expired.

(k) Any other unfair or unjust practice, method or dealing which, in the judgment of the Board, may justify such action.

2. If the Board determines that a violation of this section has occurred, it may:

(a) Refuse to issue or renew a license;

(b) Revoke or suspend a license;

(c) Place the licensee on probation for a specified period;

(d) Impose a fine not to exceed $2,000; or

(e) Take any combination of the actions authorized by paragraphs (a) to (d), inclusive.

3. An order that imposes discipline and the findings of fact and conclusions of law supporting that order are public records.

Sec. 42. NRS 644.472 is hereby amended to read as follows:

644.472 1. Except as otherwise provided in subsection 2, it is unlawful for any animal to be on the premises of a licensed ***establishment for hair braiding or*** cosmetological establishment.

2. An aquarium may be maintained on the premises of a licensed ***establishment for hair braiding or*** cosmetological establishment.

Sec. 43. NRS 644.383 is hereby repealed.

Sec. 44. The provisions of this act apply to contracts entered into on or after July 1, 2011.

Sec. 45. ~~[Each school of cosmetology licensed before July 1, 2011, before entering into a contract for the enrollment of a student in a program at the school of cosmetology, shall obtain the Board's approval of the contract. Thereafter, any revisions to the approved contract must be approved in accordance with section 6 of this act.]~~ (Deleted by amendment.)

Sec. 46. 1. The State Board of Cosmetology shall:

(a) On July 1, 2011, begin issuing licenses:

(1) To practice as a hair braider; and

(2) To operate an establishment for hair braiding.

(b) On or before July 1, 2011, adopt any regulations that the Board determines are necessary to enable the Board to begin issuing the licenses described in paragraph (a) on July 1, 2011.

2. As used in this section:

(a) "Establishment for hair braiding" has the meaning ascribed to it in section 3 of this act.

(b) "Hair braider" has the meaning ascribed to it in section 4 of this act.

(c) "Hair braiding" has the meaning ascribed to it in section 5 of this act.

Sec. 47. This act becomes effective:

1. Upon passage and approval for the purposes of adopting regulations and performing any other preparatory administrative tasks, including, without

limitation, the approval of contracts, as needed to carry out the provisions of this act; and

2. On July 1, 2011, for all other purposes.

TEXT OF REPEALED SECTION

644.383 Surety bond.

1. The owner of each school of cosmetology shall post with the Board a surety bond executed by the applicant as principal and by a surety company as surety. If the license for the school was issued:

(a) On or before June 30, 2005, the bond must be in the amount of $10,000; or

(b) On or after July 1, 2005, except as otherwise provided in subsections 6 and 7, the bond must be in the amount determined by the Board pursuant to subsections 2 to 5, inclusive.

2. The amount of the bond required for a school of cosmetology pursuant to paragraph (b) of subsection 1 is the total of the amounts of the bonds for all of the programs offered by the school, except that:

(a) The total amount determined pursuant to subsections 3, 4 and 5 must be rounded down to the nearest $5,000; and

(b) The amount of the bond required for the school must not be less than $10,000 or more than $400,000.

3. Except as otherwise provided in subsection 4, the amount of the bond for a program at a school of cosmetology is equal to the cost to be paid by a student for the program multiplied by the number of students who will enroll in the program each year.

4. If the length of a program at a school of cosmetology is less than 1 year, the amount of the bond for that program is equal to the amount determined pursuant to subsection 3 divided by 52 and multiplied by the number of whole or partial weeks in the program.

5. Except as otherwise provided in subsection 2, the amount of the bond required for a school of cosmetology pursuant to paragraph (b) of subsection 1 must be reduced to 12 percent of the total of the amounts calculated pursuant to subsections 3 and 4 if the school participates in:

(a) Any program of student assistance pursuant to Title IV of the Higher Education Act of 1965, as amended, 20 U.S.C. §§ 1070 et. seq.; or

(b) Any other program administered by the United States Department of Education through which students at the school receive loans.

6. If a school of cosmetology has been licensed for not less than 5 years, the Board shall set the amount of the bond required pursuant to paragraph (b) of subsection 1 for the school:

(a) In the amount of $10,000, if the Board did not receive any valid complaints against the school during the immediately preceding 5 years;

(b) In an amount not less than $10,000 and not more than the amount calculated pursuant to subsections 2 to 5, inclusive, if the Board received one or more valid complaints against the school during the immediately preceding 5 years and the Board determines that each such complaint was a complaint of a minor violation of the provisions of this chapter or of any regulations adopted pursuant to this chapter; and

(c) In the amount calculated pursuant to subsections 2 to 5, inclusive, if the Board received one or more valid complaints against the school during the immediately preceding 5 years and the Board determines that any such complaint was a complaint of a major violation of the provisions of this chapter or any regulations adopted pursuant thereto.

7. The bond required for a school of cosmetology must be in the amount of $10,000 if the school:

(a) Is initially licensed on or before June 30, 2005;

(b) Has been continuously licensed since June 30, 2005; and

(c) Is relocated and obtains a license for the new location on or after July 1, 2005.

8. The bond must be in the form approved by the Board and must be conditioned upon compliance with the provisions of this chapter and upon faithful compliance with the terms and conditions of any contracts, verbal or written, made by the school to furnish instruction to any person. The bond must be to the State of Nevada in favor of every person who pays or deposits money with the school as payment for instruction. A bond continues in effect until notice of termination is given by registered or certified mail to the Board, and every bond must set forth this fact.

9. A person claiming to be injured or damaged by an act of the school may maintain an action in any court of competent jurisdiction on the bond against the school and the surety named therein, or either of them, for refund of tuition paid. Any judgment against the principal or surety in any such action must include the costs thereof and those incident to the bringing of the action, including a reasonable attorney's fee. The aggregate liability of the surety to all such persons may not exceed the sum of the bond.

10. The Board shall adopt regulations defining the terms "minor violation" and "major violation" for the purposes of subsection 6.

Assemblyman Atkinson moved that the Assembly adopt the report of the Conference Committee concerning Senate Bill No. 193.

Remarks by Assemblyman Atkinson.

Motion carried by a constitutional majority.

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 259.

The following Senate amendment was read:

Amendment No. 950.

AN ACT relating to legal services; requiring a portion of certain existing fees to be used for certain programs for legal services; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires certain fees to be charged and collected in civil actions and provides that such fees must only be used for court staffing, capital costs, debt service, renovation, furniture, fixtures, equipment, technology and, in counties whose population is less than 100,000 (currently counties other than Clark and Washoe Counties), for court appointed special advocate programs. (NRS 19.0302) **Section 1** of this bill authorizes such fees to also be used to support legal services for the indigent in counties whose population is less than 100,000. **Section 1** also provides that, in counties whose population is 100,000 or more, (currently Clark and Washoe Counties) ~~[$20]~~ **$10** of each fee, collected on the commencement or transfer of any action in district court or upon the filing of any first paper by a defendant, must be submitted to a program for legal services for the operation of programs for the indigent.

Existing law also requires certain fees to be charged and collected at the time of recording a notice of default and election to sell. (NRS 107.080) **Section 2** of this bill provides that $5 of each fee, collected at the time of recording a notice of default and election to sell, must be submitted to a program for legal services for the operation of programs for the indigent.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 19.0302 is hereby amended to read as follows:

19.0302 1. Except as otherwise provided by specific statute and in addition to any other fee required by law, each clerk of the court or county clerk, as appropriate, shall charge and collect the following fees:

(a) On the commencement of any action or proceeding in the district court, other than those listed in paragraphs (c), (e) and (f), or on the transfer of any action or proceeding from a district court of another county, to be paid by the party commencing the action, proceeding or transfer.....$99

(b) On the appearance of any defendant or any number of defendants answering jointly, to be paid upon the filing of the first paper in the action by the defendant or defendants.....$99

(c) On the filing of a petition for letters testamentary, letters of administration or a guardianship, which fee does not include the court fee prescribed by NRS 19.020, to be paid by the petitioner:

.....

(1) Where the stated value of the estate is $200,000 or more $352

.....

(2) Where the stated value of the estate is more than $20,000 but less than $200,000 .....$99

(3) Where the stated value of the estate is $20,000 or less, no fee may be charged or collected.

(d) On the filing of a motion for summary judgment or a joinder thereto $200

(e) On the commencement of an action defined as a business matter pursuant to the local rules of practice and on the answer or appearance of any party in any such action or proceeding, to be paid by the party commencing, answering or appearing in the action or proceeding thereto $1,359

.....(f) On the commencement of:

(1) An action for a constructional defect pursuant to NRS 40.600 to 40.695, inclusive; or

(2) Any other action defined as "complex" pursuant to the local rules of practice,

➥ and on the answer or appearance of any party in any such action or proceeding, to be paid by the party commencing, answering or appearing in the action or proceeding.....$349

(g) On the filing of a third-party complaint, to be paid by the filing party $135

(h) On the filing of a motion to certify or decertify a class, to be paid by the filing party $349

(i) For the issuance of any writ of attachment, writ of garnishment, writ of execution or any other writ designed to enforce any judgment of the court$10

2. ~~[~~Fees~~]~~ ***Except as otherwise provided in subsection 4, fees*** collected pursuant to this section must be deposited into a special account administered by the county and maintained for the benefit of the court. The money in that account must be used only:

(a) To offset the costs for adding and maintaining new judicial departments, including, without limitation, the cost for additional staff;

(b) To reimburse the county for any capital costs incurred for maintaining any judicial departments that are added by the 75th Session of the Nevada Legislature; and

(c) If any money remains in the account in a fiscal year after satisfying the purposes set forth in paragraphs (a) and (b), to:

(1) Acquire land on which to construct additional facilities for the district court or a regional justice center that includes the district court;

(2) Construct or acquire additional facilities for the district court or a regional justice center that includes the district court;

(3) Renovate or remodel existing facilities for the district court or a regional justice center that includes the district court;

(4) Acquire furniture, fixtures and equipment necessitated by the construction or acquisition of additional facilities or the renovation of an existing facility for the district court or a regional justice center that includes the district court;

(5) Acquire advanced technology;

(6) Pay debt service on any bonds issued pursuant to subsection 3 of NRS 350.020 for the acquisition of land or facilities or the construction or renovation of facilities for the district court or a regional justice center that includes the district court;

(7) In a county whose population is less than 100,000, support court appointed special advocate programs for children, at the discretion of the judges of the judicial district; ~~[or]~~

(8) ***In a county whose population is less than 100,000, support legal services to the indigent and to be used by the organization operating the program for legal services that receives the fees charged pursuant to NRS 19.031 for the operation of programs for the indigent; or***

(9) Be carried forward to the next fiscal year.

3. Except as otherwise provided by specific statute, all fees prescribed in this section are payable in advance if demanded by the clerk of the court or county clerk.

4. Each clerk of the court or county clerk shall, on or before the fifth day of each month, account for and pay to the county treasurer ~~[all]~~ ***:***

(a) In a county whose population is 100,000 or more, an amount equal to ~~[$20]~~ $10 of each fee collected pursuant to paragraphs (a) and (b) of subsection 1 during the preceding month. The county treasurer shall remit quarterly to the organization operating the program for legal services that receives the fees charged pursuant to NRS 19.031 for the operation of programs for the indigent all the money received from the clerk of the court or county clerk pursuant to this paragraph.

(b) All remaining fees collected pursuant to this section during the preceding month.

Sec. 2. NRS 107.080 is hereby amended to read as follows:

107.080 1. Except as otherwise provided in NRS 107.085 and 107.086, if any transfer in trust of any estate in real property is made after March 29, 1927, to secure the performance of an obligation or the payment of any debt, a power of sale is hereby conferred upon the trustee to be exercised after a breach of the obligation for which the transfer is security.

2. The power of sale must not be exercised, however, until:

(a) Except as otherwise provided in paragraph (b), in the case of any trust agreement coming into force:

(1) On or after July 1, 1949, and before July 1, 1957, the grantor, the person who holds the title of record, a beneficiary under a subordinate deed of trust or any other person who has a subordinate lien or encumbrance of record on the property has, for a period of 15 days, computed as prescribed in subsection 3, failed to make good the deficiency in performance or payment; or

(2) On or after July 1, 1957, the grantor, the person who holds the title of record, a beneficiary under a subordinate deed of trust or any other person who has a subordinate lien or encumbrance of record on the property has, for a period of 35 days, computed as prescribed in subsection 3, failed to make good the deficiency in performance or payment;

(b) In the case of any trust agreement which concerns owner-occupied housing as defined in NRS 107.086, the grantor, the person who holds the title of record, a beneficiary under a subordinate deed of trust or any other person who has a subordinate lien or encumbrance of record on the property has, for a period that commences in the manner and subject to the requirements described in subsection 3 and expires 5 days before the date of sale, failed to make good the deficiency in performance or payment;

(c) The beneficiary, the successor in interest of the beneficiary or the trustee first executes and causes to be recorded in the office of the recorder of the county wherein the trust property, or some part thereof, is situated a notice of the breach and of the election to sell or cause to be sold the property to satisfy the obligation; and

(d) Not less than 3 months have elapsed after the recording of the notice.

3. The 15- or 35-day period provided in paragraph (a) of subsection 2, or the period provided in paragraph (b) of subsection 2, commences on the first day following the day upon which the notice of default and election to sell is recorded in the office of the county recorder of the county in which the property is located and a copy of the notice of default and election to sell is mailed by registered or certified mail, return receipt requested and with postage prepaid to the grantor or, to the person who holds the title of record on the date the notice of default and election to sell is recorded, and, if the property is operated as a facility licensed under chapter 449 of NRS, to the State Board of Health, at their respective addresses, if known, otherwise to the address of the trust property. The notice of default and election to sell must:

(a) Describe the deficiency in performance or payment and may contain a notice of intent to declare the entire unpaid balance due if acceleration is permitted by the obligation secured by the deed of trust, but acceleration must not occur if the deficiency in performance or payment is made good and

any costs, fees and expenses incident to the preparation or recordation of the notice and incident to the making good of the deficiency in performance or payment are paid within the time specified in subsection 2; and

(b) If the property is a residential foreclosure, comply with the provisions of NRS 107.087.

4. The trustee, or other person authorized to make the sale under the terms of the trust deed or transfer in trust, shall, after expiration of the 3-month period following the recording of the notice of breach and election to sell, and before the making of the sale, give notice of the time and place thereof by recording the notice of sale and by:

(a) Providing the notice to each trustor, any other person entitled to notice pursuant to this section and, if the property is operated as a facility licensed under chapter 449 of NRS, the State Board of Health, by personal service or by mailing the notice by registered or certified mail to the last known address of the trustor and any other person entitled to such notice pursuant to this section;

(b) Posting a similar notice particularly describing the property, for 20 days successively, in three public places of the township or city where the property is situated and where the property is to be sold;

(c) Publishing a copy of the notice three times, once each week for 3 consecutive weeks, in a newspaper of general circulation in the county where the property is situated; and

(d) If the property is a residential foreclosure, complying with the provisions of NRS 107.087.

5. Every sale made under the provisions of this section and other sections of this chapter vests in the purchaser the title of the grantor and any successors in interest without equity or right of redemption. A sale made pursuant to this section may be declared void by any court of competent jurisdiction in the county where the sale took place if:

(a) The trustee or other person authorized to make the sale does not substantially comply with the provisions of this section or any applicable provision of NRS 107.086 and 107.087;

(b) Except as otherwise provided in subsection 6, an action is commenced in the county where the sale took place within 90 days after the date of the sale; and

(c) A notice of lis pendens providing notice of the pendency of the action is recorded in the office of the county recorder of the county where the sale took place within 30 days after commencement of the action.

6. If proper notice is not provided pursuant to subsection 3 or paragraph (a) of subsection 4 to the grantor, to the person who holds the title of record on the date the notice of default and election to sell is recorded, to each trustor or to any other person entitled to such notice, the person who did not

receive such proper notice may commence an action pursuant to subsection 5 within 120 days after the date on which the person received actual notice of the sale.

7. The sale of a lease of a dwelling unit of a cooperative housing corporation vests in the purchaser title to the shares in the corporation which accompany the lease.

8. After a sale of property is conducted pursuant to this section, the trustee shall:

(a) Within 30 days after the date of the sale, record the trustee's deed upon sale in the office of the county recorder of the county in which the property is located; or

(b) Within 20 days after the date of the sale, deliver the trustee's deed upon sale to the successful bidder. Within 10 days after the date of delivery of the deed by the trustee, the successful bidder shall record the trustee's deed upon sale in the office of the county recorder of the county in which the property is located.

9. If the successful bidder fails to record the trustee's deed upon sale pursuant to paragraph (b) of subsection 8, the successful bidder:

(a) Is liable in a civil action to any party that is a senior lienholder against the property that is the subject of the sale in a sum of up to $500 and for reasonable attorney's fees and the costs of bringing the action; and

(b) Is liable in a civil action for any actual damages caused by the failure to comply with the provisions of subsection 8 and for reasonable attorney's fees and the costs of bringing the action.

10. The county recorder shall, in addition to any other fee, at the time of recording a notice of default and election to sell collect:

(a) A fee of $150 for deposit in the State General Fund.

(b) A fee of ~~[$50]~~ ***$45*** for deposit in the Account for Foreclosure Mediation, which is hereby created in the State General Fund. The Account must be administered by the Court Administrator, and the money in the Account may be expended only for the purpose of supporting a program of foreclosure mediation established by Supreme Court Rule.

~~[~~**~~.~~**~~]~~ ***(c) A fee of $5 to be paid over to the county treasurer on or before the fifth day of each month for the preceding calendar month. The county recorder may direct that 1.5 percent of the fees collected by the county recorder pursuant to this paragraph be transferred into a special account for use by the office of the county recorder. The county treasurer shall remit quarterly to the organization operating the program for legal services that receives the fees charged pursuant to NRS 19.031 for the operation of programs for the indigent all the money received from the county recorder pursuant to this paragraph.***

11. The fees collected pursuant to ~~[this subsection]~~ ***paragraphs (a) and (b) of subsection 10*** must be paid over to the county treasurer by the county recorder on or before the fifth day of each month for the preceding calendar month, and, except as otherwise provided in this subsection, must be placed to the credit of the State General Fund or the Account ***for Foreclosure Mediation*** as prescribed pursuant to ~~[this]~~ subsection ~~[.]~~ ***10.*** The county recorder may direct that 1.5 percent of the fees collected by the county recorder be transferred into a special account for use by the office of the county recorder. The county treasurer shall, on or before the 15th day of each month, remit the fees deposited by the county recorder pursuant to this subsection to the State Controller for credit to the State General Fund or the Account as prescribed in ~~[this]~~ subsection ~~[.~~

~~11.]~~ ***10.***

12. The beneficiary, the successor in interest of the beneficiary or the trustee who causes to be recorded the notice of default and election to sell shall not charge the grantor or the successor in interest of the grantor any portion of any fee required to be paid pursuant to subsection 10.

~~[12.]~~ ***13.*** As used in this section, "residential foreclosure" means the sale of a single family residence under a power of sale granted by this section. As used in this subsection, "single family residence":

(a) Means a structure that is comprised of not more than four units.

(b) Does not include any time share or other property regulated under chapter 119A of NRS.

Sec. 3. This act becomes effective on July 1, 2011.

Assemblyman Horne moved that the Assembly concur in the Senate amendment to Assembly Bill No. 259.

Remarks by Assemblyman Horne.

Motion carried by a constitutional majority.

Bill ordered enrolled.

REPORTS OF CONFERENCE COMMITTEES

Mr. Speaker:

The Conference Committee concerning Senate Bill No. 268, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that Amendment No. 833 of the Assembly be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. 8, which is attached to and hereby made a part of this report.

MARILYN KIRKPATRICK	JOHN LEE
RICHARD (SKIP) DALY	MICHAEL SCHNEIDER
LYNN STEWART	JOE HARDY
Assembly Conference Committee	*Senate Conference Committee*

Conference Amendment No. CA8.

SUMMARY—Revises provisions relating to public works. (BDR 28-740)

AN ACT relating to public works; revising provisions relating to preferences when competing for contracts for certain public works projects; requiring a contractor to replace an unacceptable subcontractor on a public work of this State without an increase in the amount of the bid; requiring a prime contractor to forfeit a portion of the amount of a contract for a public work under certain circumstances; revising the manner in which a construction manager at risk may solicit bids and select a subcontractor for a public work; revising provisions governing the selection of a construction manager at risk for preconstruction services and the construction of a public work; revising the manner in which a construction manager at risk may solicit bids and select a subcontractor for a public work; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, a contract for a public work involving a design-build team is awarded by a public body based on the application of certain criteria. A design-build team may qualify for a preference in bidding on such a contract if the contractor on the design-build team has submitted proof to the State Contractors' Board that the contractor has paid certain taxes to the State for the past 5 years. (NRS 338.1389, 338.147, 338.1727, 408.3886)

Section 2 of this bill allows a person who holds a certificate of registration to engage in the practice of architecture or landscape architecture or who holds a license as a professional engineer or professional land surveyor to qualify for a preference when competing for public works if the person has submitted proof to the appropriate licensing board that the person has paid certain taxes to the State for the past 3 years. **Sections 26 and 31** of this bill allow a design-build team to receive a preference in selection as a finalist for a public work or a project for the construction, reconstruction or improvement of a highway if both the contractor and the design professionals on the design-build team possess a certificate of eligibility to receive their respective preferences. **Sections 28 and 32** of this bill allow a design-build team that has been selected as a finalist for a public work or a project for the construction, reconstruction or improvement of a highway to receive a preference in selection for a contract only if both the contractor and the design professionals on the design-build team possess a certificate of eligibility to receive their respective preferences. **Section 33** of this bill allows an architect, professional engineer or professional land surveyor to receive a preference in selection for certain public works if the architect, professional engineer or professional land surveyor possesses a certificate of eligibility to receive a preference when competing for public works.

Existing law provides that a public body which selects a design-build team as a finalist in the selection process for a contract for a public work must make public specified information concerning the design-build team and its

selection. (NRS 338.1725) **Section 31** of this bill adds a similar requirement for the Department of Transportation to make public specified information concerning a design-build team and the selection of that design-build team as a finalist in the selection process for a contract for a project for the construction, reconstruction or improvement of a highway. **Section 16** of this bill requires that a public body must, after selecting but before entering into a contract with a design professional who is not a member of a design-build team, transmit certain information concerning the selection of the design profession to the licensing board that regulates the design professional. That licensing board must post the information on its Internet website.

Before a contract for a public work of this State is awarded, existing law requires a contractor to replace a subcontractor that is named in the contractor's bid for the contract if the subcontractor is not properly licensed or has been disqualified from participating in public works sponsored by the State Public Works Board. (NRS 338.13895) **Section 12** of this bill requires the contractor to replace such a subcontractor without an increase in the amount of the bid. This same requirement currently applies with respect to the replacement of a subcontractor named in a bid for a contract for a public work of a local government if the subcontractor is not properly licensed. (NRS 338.13895)

Under existing law, a contractor is required to list in his or her bid for a public work the names of certain subcontractors who will be performing work on the public work if the contractor is awarded the contract. Existing law sets forth requirements with which a prime contractor who is awarded the contract must comply to substitute a subcontractor for another subcontractor. (NRS 338.141) If a prime contractor does not comply with the requirements related to the substitution of subcontractors, **section 13** of this bill requires the prime contractor to forfeit 1 percent of the contract amount as a penalty.

Existing law also requires a contractor to include his or her name on a bid for a public work if, as the prime contractor, the contractor will perform a portion of the work on the public work which is estimated to exceed 3 percent of the estimated cost of the public work. (NRS 338.141) **Section 13** of this bill requires a prime contractor to forfeit a specified amount as a penalty if the prime contractor substitutes a subcontractor to perform the work that the prime contractor indicated on the bid that the prime contractor or another subcontractor would perform.

In order for a subcontractor to be eligible to provide materials, equipment, work or other services on a public work for which a construction manager at risk was awarded a contract, existing law requires the subcontractor to be licensed and to be selected based on a process of competitive bidding set forth for all subcontractors on any public work in the State. (NRS 338.1699)

Sections 4 and 5 of this bill changes the manner in which a construction manager at risk selects subcontractors and sets forth specific procedures a construction manager at risk must follow when selecting subcontractors to provide materials, equipment, work or other services on a public work for which the construction manager at risk was awarded a contract.

Existing law authorizes a public body to construct a public work by selecting a construction manager at risk and sets forth certain procedures the public body must follow when selecting the construction manager at risk and entering into a contract with him or her for preconstruction services or to construct the public work. (NRS 338.169-338.1699) **Sections 18-22** of this bill amend the provisions governing the way in which a public body must select a construction manager at risk. Existing law provides for a two-step selection process, wherein construction managers at risk must first submit a statement of qualifications, and then the public body selects finalists who are requested to submit final proposals and are interviewed before one is chosen to be awarded the contract. (NRS 338.1692-338.1695) Instead, **sections 20 and 21** of this bill change the process to a single step: a construction manager at risk submits a proposal from the start, which contains a combination of the statement of qualifications and any material existing law required to be included in a final proposal, and the public body chooses which applicants to interview and which to select from those proposals. **Section 22** of this bill allows a public body to enter into negotiations with the construction manager at risk who is providing the preconstruction services for the construction of a portion of the public work as soon as that portion of the design is finalized instead of waiting until the complete design is finished, as is currently required by existing law. In addition, **section 22** allows the construction manager at risk providing preconstruction services to bid on the project if negotiations for the contract fail and the public body opens it up for bids.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 338 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 5, inclusive, of this act.

Sec. 2. ***1. The State Board of Architecture, Interior Design and Residential Design shall issue a certificate of eligibility to receive a preference when competing for public works to a person who holds a certificate of registration to engage in the practice of architecture pursuant to the provisions of chapter 623 of NRS and submits to the Board an affidavit from a certified public accountant setting forth that the person has, while holding a certificate of registration to engage in the practice of architecture in this State:***

(a) Paid directly, on his or her own behalf the excise tax imposed upon an employer by NRS 363B.110 of not less than $1,500 for each consecutive 12-month period for 36 months immediately preceding the submission of the affidavit from the certified public accountant; or

(b) Acquired, by purchase, inheritance, gift or transfer through a stock option plan, all the assets and liabilities of a viable, operating business that engages in the practice of architecture that:

(1) Satisfies the requirements of NRS 623.350; and

(2) Possesses a certificate of eligibility to receive a preference when competing for public works.

2. The State Board of Landscape Architecture shall issue a certificate of eligibility to receive a preference when competing for public works to a person who holds a certificate of registration to engage in the practice of landscape architecture pursuant to the provisions of chapter 623A of NRS and submits to the Board an affidavit from a certified public accountant setting forth that the person has, while holding a certificate of registration to engage in the practice of landscape architecture in this State:

(a) Paid directly, on his or her own behalf the excise tax imposed upon an employer by NRS 363B.110 of not less than $1,500 for each consecutive 12-month period for 36 months immediately preceding the submission of the affidavit from the certified public accountant; or

(b) Acquired, by purchase, inheritance, gift or transfer through a stock option plan, all the assets and liabilities of a viable, operating business that engages in the practice of landscape architecture that:

(1) Satisfies the requirements of NRS 623A.250; and

(2) Possesses a certificate of eligibility to receive a preference when competing for public works.

3. The State Board of Professional Engineers and Land Surveyors shall issue a certificate of eligibility to receive a preference when competing for public works to a professional engineer or professional land surveyor who is licensed pursuant to the provisions of chapter 625 of NRS and submits to the Board an affidavit from a certified public accountant setting forth that the professional engineer or professional land surveyor has, while licensed as a professional engineer or professional land surveyor in this State:

(a) Paid directly, on his or her own behalf the excise tax imposed upon an employer by NRS 363B.110 of not less than $1,500 for each consecutive 12-month period for 36 months immediately preceding the submission of the affidavit from the certified public accountant; or

(b) Acquired, by purchase, inheritance, gift or transfer through a stock option plan, all the assets and liabilities of a viable, operating business that engages in engineering or land surveying that:

(1) Satisfies the requirements of NRS 625.407; and

(2) Possesses a certificate of eligibility to receive a preference when competing for public works.

4. For the purposes of complying with the requirements set forth in paragraph (a) of subsection 1, paragraph (a) of subsection 2 and paragraph (a) of subsection 3, a person shall be deemed to have paid:

(a) The excise tax imposed upon an employer by NRS 363B.110 by an affiliate or parent company of the person, if the affiliate or parent company also satisfies the requirements of NRS 623.350, 623A.250 or 625.407, as applicable; and

(b) The excise tax imposed upon an employer by NRS 363B.110 by a joint venture in which the person is a participant, in proportion to the amount of interest the person has in the joint venture.

5. A design professional who has received a certificate of eligibility to receive a preference when competing for public works pursuant to subsection 1, 2 or 3 must, at the time for the renewal of his or her professional license or certificate of registration, as applicable, pursuant to chapter 623, 623A or 625 of NRS, submit to the applicable licensing board an affidavit from a certified public accountant setting forth that the design professional has, during the immediately preceding 12 months, paid the taxes required pursuant to paragraph (a) of subsection 1, paragraph (a) of subsection 2 or paragraph (a) of subsection 3, as applicable, to maintain eligibility to hold such a certificate.

6. A design professional who fails to submit an affidavit to the applicable licensing board pursuant to subsection 5 ceases to be eligible to receive a preference when competing for public works unless the design professional reapplies for and receives a certificate of eligibility pursuant to subsection 1, 2 or 3, as applicable.

7. If a design professional holds more than one license or certificate of registration, the design professional must submit a separate application for each license or certificate of registration pursuant to which the design professional wishes to qualify for a preference when competing for public works. Upon issuance, the certificate of eligibility to receive a preference when competing for public works becomes part of the design professional's license or certificate of registration for which the design professional submitted the application.

8. If a design professional who applies to a licensing board for a certificate of eligibility to receive a preference when competing for public works pursuant to subsection 1, 2 or 3 submits false information to the

licensing board regarding the required payment of taxes, the design professional is not eligible to receive a preference when competing for public works for a period of 5 years after the date on which the licensing board becomes aware of the submission of the false information.

9. The State Board of Architecture, Interior Design and Residential Design, the State Board of Landscape Architecture and the State Board of Professional Engineers and Land Surveyors shall adopt regulations and may assess reasonable fees relating to their respective certification of design professionals for a preference when competing for public works.

10. A person or entity who believes that a design professional wrongfully holds a certificate of eligibility to receive a preference when competing for public works may challenge the validity of the certificate by filing a written objection with the public body which selected, for the purpose of providing services for a public work, the design professional who holds the certificate. A written objection authorized pursuant to this subsection must:

(a) Set forth proof or substantiating evidence to support the belief of the person or entity that the design professional wrongfully holds a certificate of eligibility to receive a preference when competing for public works; and

(b) Be filed with the public body not later than 3 business days after:

(1) The date on which the public body makes available to the public pursuant to subsection 3 of NRS 338.1725 the information required by that subsection, if the design-build team of which the design profession who holds the certificate is a part was selected as a finalist pursuant to NRS 338.1725;

(2) The date on which the Department of Transportation makes available to the public pursuant to subsection 3 of NRS 408.3885 the information required by that subsection, if the design-build team of which the design professional who holds the certificate is a part was selected as a finalist pursuant to NRS 408.3885; or

(3) The date on which the licensing board which issued the certificate to the design professional posted on its Internet website the information required by subsection 3 of NRS 338.155, if the design professional is identified in that information as being selected for a contract governed by NRS 338.155.

11. If a public body receives a written objection pursuant to subsection 10, the public body shall determine whether the objection is accompanied by the proof or substantiating evidence required pursuant to paragraph (a) of that subsection. If the public body determines that the objection is not accompanied by the required proof or substantiating evidence, the public body shall dismiss the objection and the public body or its authorized representative may proceed immediately to award the contract. If the public

body determines that the objection is accompanied by the required proof or substantiating evidence, the public body shall determine whether the design professional qualifies for the certificate pursuant to the provisions of this section and the public body or its authorized representative may proceed to award the contract accordingly.

Sec. 3. ***1. Notwithstanding the provisions of sections 4 and 5 of this act, and subject to the provisions of subsection 2, if a public body enters into a contract with a construction manager at risk for preconstruction services pursuant to NRS 338.1693, the construction manager at risk may enter into a contract with a subcontractor licensed pursuant to chapter 624 of NRS to provide any of the following preconstruction services, the basis of payment for which is a negotiated price:***

(a) Assisting the construction manager at risk in identifying and selecting materials and equipment to be provided by each subcontractor;

(b) Assisting the construction manager at risk in creating a schedule for the provision of labor, materials or equipment by each subcontractor;

(c) For the purpose of enabling the construction manager at risk to establish a budget for the construction of the public work, estimating the cost of labor, materials or equipment to be provided by each subcontractor; and

(d) Providing recommendations to the construction manager at risk regarding the design for the public work, as the design pertains to the labor, materials or equipment to be provided by each subcontractor.

2. A subcontractor may not provide preconstruction services pursuant to this section in an area of work outside the field or scope of the license of the subcontractor.

Sec. 4. ***1. To be eligible to provide labor, materials or equipment on a public work, the contract for which a public body has entered into with a construction manager at risk pursuant to NRS 338.1696, a subcontractor must be:***

(a) Licensed pursuant to chapter 624 of NRS; and

(b) Qualified pursuant to the provisions of this section to submit a proposal for the provision of labor, materials or equipment on a public work.

2. Subject to the provisions of subsections 3, 4 and 5, the construction manager at risk shall determine whether an applicant is qualified to submit a proposal for the provision of labor, materials or equipment on the public work for the purposes of paragraph (b) of subsection 1.

3. After the design and schedule for the construction of the public work is sufficiently detailed and complete to allow a subcontractor to apply to qualify to submit a meaningful and responsive proposal for the provision of labor, materials or equipment on the public work, and not later than 21

days before the date by which such an application must be submitted, the construction manager at risk shall advertise for such applications in a newspaper qualified pursuant to chapter 238 of NRS that is published in the county where the public work will be performed. If no qualified newspaper is published in the county where the public work will be performed, the advertisement must be published in some qualified newspaper that is printed in the State of Nevada and has a general circulation in the county.

4. The criteria to be used by the construction manager at risk when determining whether an applicant is qualified to submit a proposal for the provision of labor, materials or equipment must include, and must be limited to:

(a) The monetary limit placed on the license of the applicant by the State Contractors' Board pursuant to NRS 624.220;

(b) The financial ability of the applicant to provide the labor, materials or equipment required on the public work;

(c) Whether the applicant has the ability to obtain the necessary bonding for the work required by the public body;

(d) The safety programs established and the safety records accumulated by the applicant;

(e) Whether the applicant has breached any contracts with a public body or person in this State or any other state during the 5 years immediately preceding the application;

(f) Whether the applicant has been disciplined or fined by the State Contractors' Board or another state or federal agency for conduct that relates to the ability of the applicant to perform the public work;

(g) The performance history of the applicant concerning other recent, similar public or private contracts, if any, completed by the applicant in Nevada;

(h) The principal personnel of the applicant;

(i) Whether the applicant has been disqualified from the award of any contract pursuant to NRS 338.017 or 338.13895; and

(j) The truthfulness and completeness of the application.

5. The public body or its authorized representative shall ensure that each determination made pursuant to subsection 2 is made subject to the provisions of subsection 4.

6. The construction manager at risk shall notify each applicant and the public body in writing of a determination made pursuant to subsection 2.

7. A determination made pursuant to subsection 2 that an applicant is not qualified may be appealed pursuant to NRS 338.1381 to the public body with whom the construction manager at risk has entered into a contract for the construction of the public work.

Sec. 5. *1. If a public body enters into a contract with a construction manager at risk for the construction of a public work pursuant to NRS 338.1696, the construction manager at risk may enter into a subcontract for the provision of labor, materials and equipment necessary for the construction of the public work only as provided in this section.*

2. The provisions of this section apply only to a subcontract for which the estimated value is at least 1 percent of the total cost of the public work.

3. After the design and schedule for the construction of the public work is sufficiently detailed and complete to allow a subcontractor to submit a meaningful and responsive proposal, and not later than 21 days before the date by which a proposal for the provision of labor, materials or equipment by a subcontractor must be submitted, the construction manager at risk shall notify in writing each subcontractor who was determined pursuant to section 4 of this act to be qualified to submit such a proposal of a request for such proposals. A copy of the notice required pursuant to this subsection must be provided to the public body.

4. The notice required pursuant to subsection 3 must include, without limitation:

(a) A description of the design for the public work and a statement indicating where a copy of the documents relating to that design may be obtained;

(b) A description of the type and scope of labor, equipment and materials for which subcontractor proposals are being sought;

(c) The dates on which it is anticipated that construction of the public work will begin and end;

(d) The date, time and place at which a preproposal meeting will be held;

(e) The date and time by which proposals must be received, and to whom they must be submitted;

(f) The date, time and place at which proposals will be opened for evaluation;

(g) A description of the bonding and insurance requirements for subcontractors;

(h) Any other information reasonably necessary for a subcontractor to submit a responsive proposal; and

(i) A statement in substantially the following form:

Notice: For a proposal for a subcontract on the public work to be considered:

1. The subcontractor must be licensed pursuant to chapter 624 of NRS;

2. The proposal must be timely received;

3. The subcontractor must attend the preproposal meeting; and

4. The subcontractor may not modify the proposal after the date and time the proposal is received.

5. A subcontractor may not modify a proposal after the date and time the proposal is received.

6. To be considered responsive, a proposal must:

(a) Be timely received by the construction manager at risk; and

(b) Substantially and materially conform to the details and requirements included in the proposal instructions and for the finalized bid package for the public work, including, without limitation, details and requirements affecting price and performance.

7. The opening of the proposals must be attended by an authorized representative of the public body and the architect or engineer responsible for the design of the public work but is not otherwise open to the public.

8. At the time the proposals are opened, the construction manager at risk shall compile and provide to the public body or its authorized representative a list that includes, without limitation, the name and contact information of each subcontractor who submits a timely proposal and the price of the proposal submitted by the subcontractor. The list must be made available to the public upon request.

9. Not less than 10 working days after opening the proposal, the construction manager at risk shall:

(a) Evaluate the proposals and determine which proposals are responsive.

(b) Select the subcontractor who submits the proposal that the construction manager at risk determines is the best proposal. The subcontractor must be selected from among those:

(1) Who attended the preproposal meeting;

(2) Who submitted a responsive proposal; and

(3) Whose names are included on the list compiled and provided to the public body or its authorized representative pursuant to subsection 8.

(c) Inform the public body or its authorized representative which subcontractor has been selected.

10. The public body or its authorized representative shall ensure that the evaluation of proposals and selection of subcontractors are done pursuant to the provisions of this section and regulations adopted by the State Public Works Board.

11. A subcontractor selected pursuant to subsection 9 need not be selected by the construction manager at risk solely on the basis of lowest price.

12. Except as otherwise provided in subsection 13, the construction manager at risk shall enter into a subcontract with a subcontractor selected

pursuant to subsection 9 to provide the labor, materials or equipment described in the request for proposals.

13. A construction manager at risk shall not substitute a subcontractor for any subcontractor selected pursuant to subsection 9 unless:

(a) The public body or its authorized representative objects to the subcontractor, requests in writing a change in the subcontractor and pays any increase in costs resulting from the change; or

(b) The substitution is approved by the public body after the selected subcontractor:

(1) Files for bankruptcy or becomes insolvent;

(2) After having a reasonable opportunity, fails or refuses to execute a written contract with the construction manager at risk which was offered to the selected subcontractor with the same general terms that all other subcontractors on the project were offered;

(3) Fails or refuses to perform the subcontract within a reasonable time;

(4) Is unable to furnish a performance bond and payment bond pursuant to NRS 339.025, if required for the public work; or

(5) Is not properly licensed to provide that labor or portion of the work.

14. The construction manager at risk shall make available to the public, including, without limitation, each subcontractor who submits a proposal, the final rankings of the subcontractors and shall provide, upon request, an explanation to any subcontractor who is not selected of the reasons why the subcontractor was not selected.

15. If a public work is being constructed in phases, and a construction manager at risk selects a subcontractor pursuant to subsection 9 for the provision of labor, materials or equipment for any phase of that construction, the construction manager at risk may select that subcontractor for the provision of labor, materials or equipment for any other phase of the construction without following the requirements of subsections 3 to 11, inclusive.

Sec. 6. NRS 338.1373 is hereby amended to read as follows:

338.1373 1. A local government or its authorized representative shall award a contract for a public work pursuant to the provisions of:

(a) NRS 338.1377 to 338.139, inclusive;

(b) NRS 338.143 to 338.148, inclusive;

(c) NRS 338.169 to ~~[338.1699,]~~ ***338.16985,*** inclusive ~~[:]~~ ***, and sections 3, 4 and 5 of this act;*** or

(d) NRS 338.1711 to 338.1727, inclusive.

2. The provisions of NRS 338.1375 to 338.1382, inclusive, 338.1386, 338.13862, 338.13864, 338.139, 338.142 ~~[, 338.169 to 338.1699, inclusive,]~~

and 338.1711 to 338.1727, inclusive, do not apply with respect to contracts for the construction, reconstruction, improvement and maintenance of highways that are awarded by the Department of Transportation pursuant to NRS 408.313 to 408.433, inclusive.

Sec. 7. NRS 338.1373 is hereby amended to read as follows:

338.1373 1. A local government or its authorized representative shall award a contract for a public work pursuant to the provisions of:

(a) NRS 338.1377 to 338.139, inclusive;

(b) NRS 338.143 to 338.148, inclusive;

(c) NRS 338.169 to 338.16985, inclusive, and sections 3, 4 and 5 of this act; or

(d) NRS 338.1711 to 338.1727, inclusive ~~.~~ ***, and section 2 of this act.***

2. The provisions of NRS 338.1375 to 338.1382, inclusive, 338.1386, 338.13862, 338.13864, 338.139, 338.142 and 338.1711 to 338.1727, inclusive, do not apply with respect to contracts for the construction, reconstruction, improvement and maintenance of highways that are awarded by the Department of Transportation pursuant to NRS 408.313 to 408.433, inclusive.

Sec. 8. NRS 338.1373 is hereby amended to read as follows:

338.1373 1. A local government or its authorized representative shall award a contract for a public work pursuant to the provisions of:

(a) NRS 338.1377 to 338.139, inclusive;

(b) NRS 338.143 to 338.148, inclusive;

(c) NRS 338.169 to 338.16985, inclusive, and sections 3, 4 and 5 of this act; or

(d) NRS 338.1711 to 338.1727, inclusive, and section 2 of this act.

2. The provisions of NRS 338.1375 to 338.1382, inclusive, 338.1386, 338.13862, 338.13864, 338.139, 338.142 ***, 338.169 to 338.16985, inclusive, and sections 3, 4 and 5 of this act*** and 338.1711 to 338.1727, inclusive, do not apply with respect to contracts for the construction, reconstruction, improvement and maintenance of highways that are awarded by the Department of Transportation pursuant to NRS 408.313 to 408.433, inclusive.

Sec. 9. ~~[NRS 338.1373 is hereby amended to read as follows:~~

~~338.1373 1. A local government or its authorized representative shall award a contract for a public work pursuant to the provisions of:~~

~~(a) NRS 338.1377 to 338.139, inclusive;~~

~~(b) NRS 338.143 to 338.148, inclusive;~~

~~(c) NRS 338.169 to 338.16985, inclusive, and sections 3, 4 and 5 of this act; or~~

~~(d) NRS 338.1711 to 338.1727, inclusive .~~ ~~[~~, and section 2 of this act.~~]~~

~~2. The provisions of NRS 338.1375 to 338.1382, inclusive, 338.1386, 338.13862, 338.13864, 338.139, 338.142, 338.169 to 338.16985, inclusive, and sections 3, 4 and 5 of this act and 338.1711 to 338.1727, inclusive, do not apply with respect to contracts for the construction, reconstruction, improvement and maintenance of highways that are awarded by the Department of Transportation pursuant to NRS 408.313 to 408.433, inclusive.]~~ **(Deleted by amendment.)**

Sec. 10. NRS 338.1381 is hereby amended to read as follows:

338.1381 1. If, within 10 days after receipt of the notice denying an application pursuant to NRS 338.1379 ***or section 4 of this act*** or disqualifying a subcontractor pursuant to NRS 338.1376, the applicant or subcontractor, as applicable, files a written request for a hearing with the State Public Works Board or the local government, the Board or governing body shall set the matter for a hearing within 20 days after receipt of the request. The hearing must be held not later than 45 days after the receipt of the request for a hearing unless the parties, by written stipulation, agree to extend the time.

2. The hearing must be held at a time and place prescribed by the Board or local government. At least 10 days before the date set for the hearing, the Board or local government shall serve the applicant or subcontractor with written notice of the hearing. The notice may be served by personal delivery to the applicant or subcontractor or by certified mail to the last known business or residential address of the applicant or subcontractor.

3. The applicant or subcontractor has the burden at the hearing of proving by substantial evidence that the applicant is entitled to be qualified to bid on a contract for a public work, or that the subcontractor is qualified to be a subcontractor on a contract for a public work.

4. In conducting a hearing pursuant to this section, the Board or governing body may:

(a) Administer oaths;

(b) Take testimony;

(c) Issue subpoenas to compel the attendance of witnesses to testify before the Board or governing body;

(d) Require the production of related books, papers and documents; and

(e) Issue commissions to take testimony.

5. If a witness refuses to attend or testify or produce books, papers or documents as required by the subpoena issued pursuant to subsection 4, the Board or governing body may petition the district court to order the witness to appear or testify or produce the requested books, papers or documents.

6. The Board or governing body shall issue a decision on the matter during the hearing. The decision of the Board or governing body is a final decision for purposes of judicial review.

Sec. 11. NRS 338.1385 is hereby amended to read as follows:

338.1385 1. Except as otherwise provided in subsection 9 and NRS 338.1906 and 338.1907, this State, or a governing body or its authorized representative that awards a contract for a public work in accordance with paragraph (a) of subsection 1 of NRS 338.1373 shall not:

(a) Commence a public work for which the estimated cost exceeds $100,000 unless it advertises in a newspaper qualified pursuant to chapter 238 of NRS that is published in the county where the public work will be performed for bids for the public work. If no qualified newspaper is published in the county where the public work will be performed, the required advertisement must be published in some qualified newspaper that is printed in the State of Nevada and has a general circulation in the county.

(b) Commence a public work for which the estimated cost is $100,000 or less unless it complies with the provisions of NRS 338.1386, 338.13862 and 338.13864 and, with respect to the State, NRS 338.1384 to 338.13847, inclusive.

(c) Divide a public work into separate portions to avoid the requirements of paragraph (a) or (b).

2. At least once each quarter, the authorized representative of a public body shall report to the public body any contract that the authorized representative awarded pursuant to subsection 1 in the immediately preceding quarter.

3. Each advertisement for bids must include a provision that sets forth the requirement that a contractor must be qualified pursuant to NRS 338.1379 or 338.1382 to bid on the contract.

4. Approved plans and specifications for the bids must be on file at a place and time stated in the advertisement for the inspection of all persons desiring to bid thereon and for other interested persons. Contracts for the public work must be awarded on the basis of bids received.

5. Except as otherwise provided in subsection 6 and NRS 338.1389, a public body or its authorized representative shall award a contract to the lowest responsive and responsible bidder.

6. Any bids received in response to an advertisement for bids may be rejected if the public body or its authorized representative responsible for awarding the contract determines that:

(a) The bidder is not a qualified bidder pursuant to NRS 338.1379 or 338.1382;

(b) The bidder is not responsive or responsible;

(c) The quality of the services, materials, equipment or labor offered does not conform to the approved plans or specifications; or

(d) The public interest would be served by such a rejection.

7. A public body may let a contract without competitive bidding if no bids were received in response to an advertisement for bids and:

(a) The public body publishes a notice stating that no bids were received and that the contract may be let without further bidding;

(b) The public body considers any bid submitted in response to the notice published pursuant to paragraph (a);

(c) The public body lets the contract not less than 7 days after publishing a notice pursuant to paragraph (a); and

(d) The contract is awarded to the bidder who has submitted the lowest responsive and responsible bid.

8. Before a public body may commence the performance of a public work itself pursuant to the provisions of this section, based upon a determination that the public interest would be served by rejecting any bids received in response to an advertisement for bids, the public body shall prepare and make available for public inspection a written statement containing:

(a) A list of all persons, including supervisors, whom the public body intends to assign to the public work, together with their classifications and an estimate of the direct and indirect costs of their labor;

(b) A list of all equipment that the public body intends to use on the public work, together with an estimate of the number of hours each item of equipment will be used and the hourly cost to use each item of equipment;

(c) An estimate of the cost of administrative support for the persons assigned to the public work;

(d) An estimate of the total cost of the public work, including the fair market value of or, if known, the actual cost of all materials, supplies, labor and equipment to be used for the public work; and

(e) An estimate of the amount of money the public body expects to save by rejecting the bids and performing the public work itself.

9. This section does not apply to:

(a) Any utility subject to the provisions of chapter 318 or 710 of NRS;

(b) Any work of construction, reconstruction, improvement and maintenance of highways subject to NRS 408.323 or 408.327;

(c) Normal maintenance of the property of a school district;

(d) The Las Vegas Valley Water District created pursuant to chapter 167, Statutes of Nevada 1947, the Moapa Valley Water District created pursuant to chapter 477, Statutes of Nevada 1983 or the Virgin Valley Water District created pursuant to chapter 100, Statutes of Nevada 1993;

(e) The design and construction of a public work for which a public body contracts with a design-build team pursuant to NRS 338.1711 to 338.1727, inclusive;

(f) A constructability review of a public work, which review a local government or its authorized representative is required to perform pursuant to NRS 338.1435; or

(g) The preconstruction or construction of a public work for which a public body enters into a contract with a construction manager at risk pursuant to NRS 338.169 to ~~[338.1699,]~~ ***338.16985,*** inclusive ~~[.]~~ ***, and sections 3, 4 and 5 of this act.***

Sec. 12. NRS 338.13895 is hereby amended to read as follows:

338.13895 1. The State Public Works Board shall not award a contract to a person who, at the time of the bid, is not properly licensed under the provisions of chapter 624 of NRS or if the contract would exceed the limit of the person's license. A subcontractor who is:

(a) Named in the bid for the contract as a subcontractor who will provide a portion of the work on the public work pursuant to NRS 338.141; and

(b) Not properly licensed for that portion of the work, or who, at the time of the bid, is on disqualified status with the State Public Works Board pursuant to NRS 338.1376,

➥ shall be deemed unacceptable. If the subcontractor is deemed unacceptable pursuant to this subsection, the contractor shall provide an acceptable subcontractor ~~[.]~~ ***with no increase in the amount of the contract or bid.***

2. A local government awarding a contract for a public work shall not award the contract to a person who, at the time of the bid, is not properly licensed under the provisions of chapter 624 of NRS or if the contract would exceed the limit of the person's license. A subcontractor who is:

(a) Named in the bid for the contract as a subcontractor who will provide a portion of the work on the public work pursuant to NRS 338.141; and

(b) Not properly licensed for that portion of work,

➥ shall be deemed unacceptable. If the subcontractor is deemed unacceptable pursuant to this subsection, the contractor shall provide an acceptable subcontractor with no increase in the amount of the contract ~~[.]~~ ***or bid.***

3. If, after awarding the contract, but before commencement of the work, the public body or its authorized representative discovers that the person to whom the contract was awarded is not licensed, or that the contract would exceed the person's license, the public body or its authorized representative shall rescind the award of the contract and may accept the next lowest bid for that public work from a responsive bidder who was determined by the public body or its authorized representative to be a qualified bidder pursuant to NRS 338.1379 or 338.1382 without requiring that new bids be submitted.

Sec. 13. NRS 338.141 is hereby amended to read as follows:

338.141 1. Except as otherwise provided in NRS 338.1727, each bid submitted to a public body for any public work to which paragraph (a) of subsection 1 of NRS 338.1385 or paragraph (a) of subsection 1 of NRS 338.143 applies, must include:

(a) If the public body provides a list of the labor or portions of the public work which are estimated by the public body to exceed 3 percent of the estimated cost of the public work, the name of each first tier subcontractor who will provide such labor or portion of the work on the public work which is estimated to exceed 3 percent of the estimated cost of the public work; or

(b) If the public body does not provide a list of the labor or portions of the public work which are estimated by the public body to exceed 3 percent of the estimated cost of the public work, the name of each first tier subcontractor who will provide labor or a portion of the work on the public work to the prime contractor for which the first tier subcontractor will be paid an amount exceeding 5 percent of the prime contractor's total bid. If the bid is submitted pursuant to this paragraph, within 2 hours after the completion of the opening of the bids, the contractors who submitted the three lowest bids must submit a list containing the name of each first tier subcontractor who will provide labor or a portion of the work on the public work to the prime contractor for which the first tier subcontractor will be paid an amount exceeding 1 percent of the prime contractor's total bid or $50,000, whichever is greater, and the number of the license issued to the first tier subcontractor pursuant to chapter 624 of NRS.

2. The lists required by subsection 1 must include a description of the labor or portion of the work which each first tier subcontractor named in the list will provide to the prime contractor.

3. A prime contractor shall include his or her name on a list required by paragraph (a) ***or (b)*** of subsection 1 if ***, as*** the prime contractor ***, the prime contractor*** will perform any of the work required to be listed pursuant to paragraph (a) ***or (b)*** of subsection 1.

4. Except as otherwise provided in this subsection, if a contractor:

(a) Fails to submit the list within the required time; or

(b) Submits a list that includes the name of a subcontractor who, at the time of the submission of the list, is on disqualified status with the State Public Works Board pursuant to NRS 338.1376,

➥ the contractor's bid shall be deemed not responsive. A contractor's bid shall not be deemed not responsive on the grounds that the contractor submitted a list that includes the name of a subcontractor who, at the time of the submission of the list, is on disqualified status with the State Public Works Board pursuant to NRS 338.1376 if the contractor, before the award of the contract, provides an acceptable replacement subcontractor in the manner set forth in subsection 1 or 2 of NRS 338.13895.

5. A ***prime*** contractor ~~[whose bid is accepted]~~ shall not substitute a subcontractor for any subcontractor who is named in the bid, unless:

(a) The public body or its authorized representative objects to the subcontractor, requests in writing a change in the subcontractor and pays any increase in costs resulting from the change.

(b) The substitution is approved by the public body or its authorized representative. The substitution must be approved if the public body or its authorized representative determines that:

(1) The named subcontractor, after having a reasonable opportunity, fails or refuses to execute a written contract with the contractor which was offered to the named subcontractor with the same general terms that all other subcontractors on the project were offered;

(2) The named subcontractor files for bankruptcy or becomes insolvent;

(3) The named subcontractor fails or refuses to perform his or her subcontract within a reasonable time or is unable to furnish a performance bond and payment bond pursuant to NRS 339.025; or

(4) The named subcontractor is not properly licensed to provide that labor or portion of the work.

(c) If the public body awarding the contract is a governing body, the public body or its authorized representative, in awarding the contract pursuant to NRS 338.1375 to 338.139, inclusive:

(1) Applies such criteria set forth in NRS 338.1377 as are appropriate for subcontractors and determines that the subcontractor does not meet that criteria; and

(2) Requests in writing a substitution of the subcontractor.

6. ***If a prime contractor substitutes a subcontractor for any subcontractor who is named in the bid without complying with the provisions of subsection 5, the prime contractor shall forfeit, as a penalty to the public body that awarded the contract, an amount equal to 1 percent of the total amount of the contract.***

7. If a ***prime*** contractor ~~[indicates]~~ ***indicated*** pursuant to subsection ~~[1]~~ ***3*** that he or she ~~[will]~~ ***would*** perform a portion of work on the public work and ~~[thereafter requests to substitute]~~ ***, after the submission of the bid, substitutes*** a subcontractor to perform such work, the ***prime*** contractor shall ~~[provide to the public body a written explanation in the form required by the public body which contains the reasons that:~~

~~(a) A subcontractor was not originally contemplated to be used on that portion of the public work; and~~

~~(b) The substitution is in the best interest of the public body.~~

~~7.]~~ ***forfeit as a penalty to the public body that awarded the contract, the lesser of, and excluding any amount of the contract that is attributable to change orders:***

(a) An amount equal to 2.5 percent of the total amount of the contract; or

(b) An amount equal to 35 percent of the estimate by the engineer of the cost of the work the prime contractor indicated pursuant to subsection 3 that he or she would perform on the public work.

8. As used in this section:

(a) "First tier subcontractor" means a subcontractor who contracts directly with a prime contractor to provide labor, materials or services for a construction project.

(b) "General terms" means the terms and conditions of a contract that set the basic requirements for a public work and apply without regard to the particular trade or specialty of a subcontractor, but does not include any provision that controls or relates to the specific portion of the public work that will be completed by a subcontractor, including, without limitation, the materials to be used by the subcontractor or other details of the work to be performed by the subcontractor.

Sec. 14. NRS 338.142 is hereby amended to read as follows:

338.142 1. A person who bids on a contract may file a notice of protest regarding the awarding of the contract with the authorized representative designated by the public body within 5 business days after the date the ~~[bids were opened]~~ ***recommendation to award a contract is issued*** by the public body or its authorized representative.

2. The notice of protest must include a written statement setting forth with specificity the reasons the person filing the notice believes the applicable provisions of law were violated.

3. A person filing a notice of protest may be required by the public body or its authorized representative, at the time the notice of protest is filed, to post a bond with a good and solvent surety authorized to do business in this state or submit other security, in a form approved by the public body, to the public body who shall hold the bond or other security until a determination is made on the protest. A bond posted or other security submitted with a notice of protest must be in an amount equal to the lesser of:

(a) Twenty-five percent of the total value of the bid submitted by the person filing the notice of protest; or

(b) Two hundred fifty thousand dollars.

4. A notice of protest filed in accordance with the provisions of this section operates as a stay of action in relation to the awarding of any contract until a determination is made by the public body on the protest.

5. A person who makes an unsuccessful bid may not seek any type of judicial intervention until the public body has made a determination on the protest and awarded the contract.

6. Neither a public body nor any authorized representative of the public body is liable for any costs, expenses, attorney's fees, loss of income or other damages sustained by a person who makes a bid, whether or not the person files a notice of protest pursuant to this section.

7. If the protest is upheld, the bond posted or other security submitted with the notice of protest must be returned to the person who posted the bond or submitted the security. If the protest is rejected, a claim may be made against the bond or other security by the public body in an amount equal to the expenses incurred by the public body because of the unsuccessful protest. Any money remaining after the claim has been satisfied must be returned to the person who posted the bond or submitted the security.

Sec. 15. NRS 338.143 is hereby amended to read as follows:

338.143 1. Except as otherwise provided in subsection 8 and NRS 338.1907, a local government or its authorized representative that awards a contract for a public work in accordance with paragraph (b) of subsection 1 of NRS 338.1373 shall not:

(a) Commence a public work for which the estimated cost exceeds $100,000 unless it advertises in a newspaper qualified pursuant to chapter 238 of NRS that is published in the county where the public work will be performed for bids for the public work. If no qualified newspaper is published in the county where the public work will be performed, the required advertisement must be published in some qualified newspaper that is printed in the State of Nevada and has a general circulation in the county.

(b) Commence a public work for which the estimated cost is $100,000 or less unless it complies with the provisions of NRS 338.1442, 338.1444 and 338.1446.

(c) Divide a project work into separate portions to avoid the requirements of paragraph (a) or (b).

2. At least once each quarter, the authorized representative of a local government shall report to the governing body any contract that the authorized representative awarded pursuant to subsection 1 in the immediately preceding quarter.

3. Approved plans and specifications for the bids must be on file at a place and time stated in the advertisement for the inspection of all persons desiring to bid thereon and for other interested persons. Contracts for the public work must be awarded on the basis of bids received.

4. Except as otherwise provided in subsection 5 and NRS 338.147, the local government or its authorized representative shall award a contract to the lowest responsive and responsible bidder.

5. Any bids received in response to an advertisement for bids may be rejected if the local government or its authorized representative responsible for awarding the contract determines that:

(a) The bidder is not responsive or responsible;

(b) The quality of the services, materials, equipment or labor offered does not conform to the approved plans or specifications; or

(c) The public interest would be served by such a rejection.

6. A local government may let a contract without competitive bidding if no bids were received in response to an advertisement for bids and:

(a) The local government publishes a notice stating that no bids were received and that the contract may be let without further bidding;

(b) The local government considers any bid submitted in response to the notice published pursuant to paragraph (a);

(c) The local government lets the contract not less than 7 days after publishing a notice pursuant to paragraph (a); and

(d) The contract is awarded to the lowest responsive and responsible bidder.

7. Before a local government may commence the performance of a public work itself pursuant to the provisions of this section, based upon a determination that the public interest would be served by rejecting any bids received in response to an advertisement for bids, the local government shall prepare and make available for public inspection a written statement containing:

(a) A list of all persons, including supervisors, whom the local government intends to assign to the public work, together with their classifications and an estimate of the direct and indirect costs of their labor;

(b) A list of all equipment that the local government intends to use on the public work, together with an estimate of the number of hours each item of equipment will be used and the hourly cost to use each item of equipment;

(c) An estimate of the cost of administrative support for the persons assigned to the public work;

(d) An estimate of the total cost of the public work, including the fair market value of or, if known, the actual cost of all materials, supplies, labor and equipment to be used for the public work; and

(e) An estimate of the amount of money the local government expects to save by rejecting the bids and performing the public work itself.

8. This section does not apply to:

(a) Any utility subject to the provisions of chapter 318 or 710 of NRS;

(b) Any work of construction, reconstruction, improvement and maintenance of highways subject to NRS 408.323 or 408.327;

(c) Normal maintenance of the property of a school district;

(d) The Las Vegas Valley Water District created pursuant to chapter 167, Statutes of Nevada 1947, the Moapa Valley Water District created pursuant to chapter 477, Statutes of Nevada 1983 or the Virgin Valley Water District created pursuant to chapter 100, Statutes of Nevada 1993;

(e) The design and construction of a public work for which a public body contracts with a design-build team pursuant to NRS 338.1711 to 338.1727, inclusive;

(f) A constructability review of a public work, which review a local government or its authorized representative is required to perform pursuant to NRS 338.1435; or

(g) The preconstruction or construction of a public work for which a public body enters into a contract with a construction manager at risk pursuant to NRS 338.169 to ~~[~~338.1699,~~]~~ ***338.16985,*** inclusive ~~[.]~~ ***, and sections 3, 4 and 5 of this act.***

Sec. 16. NRS 338.155 is hereby amended to read as follows:

338.155 1. If a public body enters into a contract with a design professional who is not a member of a design-build team, for the provision of services in connection with a public work, the contract:

(a) Must set forth:

(1) The specific period within which the public body must pay the design professional.

(2) The specific period and manner in which the public body may dispute a payment or portion thereof that the design professional alleges is due.

(3) The terms of any penalty that will be imposed upon the public body if the public body fails to pay the design professional within the specific period set forth in the contract pursuant to subparagraph (1).

(4) That the prevailing party in an action to enforce the contract is entitled to reasonable attorney's fees and costs.

(b) May set forth the terms of any discount that the public body will receive if the public body pays the design professional within the specific period set forth in the contract pursuant to subparagraph (1) of paragraph (a).

(c) May set forth the terms by which the design professional agrees to name the public body, at the cost of the public body, as an additional insured in an insurance policy held by the design professional, if the policy allows such an addition.

(d) Must not require the design professional to defend, indemnify or hold harmless the public body or the employees, officers or agents of that public body from any liability, damage, loss, claim, action or proceeding caused by the negligence, errors, omissions, recklessness or intentional misconduct of the employees, officers or agents of the public body.

(e) Except as otherwise provided in this paragraph, may require the design professional to defend, indemnify and hold harmless the public body, and the employees, officers and agents of the public body from any liabilities, damages, losses, claims, actions or proceedings, including, without limitation, reasonable attorneys' fees and costs, to the extent that such

liabilities, damages, losses, claims, actions or proceedings are caused by the negligence, errors, omissions, recklessness or intentional misconduct of the design professional or the employees or agents of the design professional in the performance of the contract. If the insurer by which the design professional is insured against professional liability does not so defend the public body and the employees, officers and agents of the public body and the design professional is adjudicated to be liable by a trier of fact, the trier of fact shall award reasonable attorney's fees and costs to be paid to the public body by the design professional in an amount which is proportionate to the liability of the design professional.

2. Any provision of a contract entered into by a public body and a design professional who is not a member of a design-build team that conflicts with the provisions of paragraph (d) or (e) of subsection 1 is void.

3. ***A public body shall not enter into a contract with a design professional who is not a member of a design-build team for the provision of services in connection with a public work until 3 days after the public body has transmitted the information relating to the selection of the design professional to the licensing board that regulates the design professional, including, without limitation, the name of the public body, the name of the design professional, whether the design professional possesses a certificate of eligibility to receive a preference when competing for public works and a brief description of the project and services the design professional was selected for, and the licensing board has posted such information on its Internet website. A licensing board shall post any information received pursuant to this subsection within 1 business day after receiving such information.***

4. As used in this section, "agents" means those persons who are directly involved in and acting on behalf of the public body or the design professional, as applicable, in furtherance of the contract or the public work to which the contract pertains.

Sec. 17. ~~[~~NRS 338.155 is hereby amended to read as follows:

338.155 1. If a public body enters into a contract with a design professional who is not a member of a design-build team, for the provision of services in connection with a public work, the contract:

(a) Must set forth:

(1) The specific period within which the public body must pay the design professional.

(2) The specific period and manner in which the public body may dispute a payment or portion thereof that the design professional alleges is due.

~~(3) The terms of any penalty that will be imposed upon the public body if the public body fails to pay the design professional within the specific period set forth in the contract pursuant to subparagraph (1).~~

~~(4) That the prevailing party in an action to enforce the contract is entitled to reasonable attorney's fees and costs.~~

~~(b) May set forth the terms of any discount that the public body will receive if the public body pays the design professional within the specific period set forth in the contract pursuant to subparagraph (1) of paragraph (a).~~

~~(c) May set forth the terms by which the design professional agrees to name the public body, at the cost of the public body, as an additional insured in an insurance policy held by the design professional, if the policy allows such an addition.~~

~~(d) Must not require the design professional to defend, indemnify or hold harmless the public body or the employees, officers or agents of that public body from any liability, damage, loss, claim, action or proceeding caused by the negligence, errors, omissions, recklessness or intentional misconduct of the employees, officers or agents of the public body.~~

~~(e) Except as otherwise provided in this paragraph, may require the design professional to defend, indemnify and hold harmless the public body, and the employees, officers and agents of the public body from any liabilities, damages, losses, claims, actions or proceedings, including, without limitation, reasonable attorneys' fees and costs, to the extent that such liabilities, damages, losses, claims, actions or proceedings are caused by the negligence, errors, omissions, recklessness or intentional misconduct of the design professional or the employees or agents of the design professional in the performance of the contract. If the insurer by which the design professional is insured against professional liability does not so defend the public body and the employees, officers and agents of the public body and the design professional is adjudicated to be liable by a trier of fact, the trier of fact shall award reasonable attorney's fees and costs to be paid to the public body by the design professional in an amount which is proportionate to the liability of the design professional.~~

~~2. Any provision of a contract entered into by a public body and a design professional who is not a member of a design build team that conflicts with the provisions of paragraph (d) or (e) of subsection 1 is void.~~

~~3. A public body shall not enter into a contract with a design professional who is not a member of a design build team for the provision of services in connection with a public work until 3 days after the public body has transmitted the information relating to the selection of the design professional to the licensing board that regulates the design professional, including, without limitation, the name of the public body, the name of the design professional~~ [, whether the design professional possesses a certificate of

~~eligibility to receive a preference when competing for public works~~**]** ~~and a brief description of the project and services the design professional was selected for, and the licensing board has posted such information on its Internet website. A licensing board shall post any information received pursuant to this subsection within 1 business day after receiving such information.~~

~~4. As used in this section, "agents" means those persons who are directly involved in and acting on behalf of the public body or the design professional, as applicable, in furtherance of the contract or the public work to which the contract pertains.~~**] (Deleted by amendment.)**

Sec. 18. NRS 338.169 is hereby amended to read as follows:

338.169 A public body may construct a public work by:

1. Selecting a construction manager at risk pursuant to the provisions of NRS 338.1691 to 338.1696, inclusive; and

2. Entering into separate contracts with a construction manager at risk:

(a) For preconstruction services, including, without limitation:

(1) Assisting the public body in determining whether scheduling or **[**~~design~~**]** ***constructability*** problems exist that would delay the construction of the public work;

(2) Estimating the cost of the labor and material for the public work; and

(3) Assisting the public body in determining whether the public work can be constructed within the public body's budget; and

(b) To construct the public work.

Sec. 19. NRS 338.1691 is hereby amended to read as follows:

338.1691 To qualify to enter into contracts with a public body for preconstruction services and to construct a public work, a construction manager at risk must:

1. Not have been found liable for breach of contract with respect to a previous project, other than a breach for legitimate cause, during the 5 years immediately preceding the date of the advertisement for **[**~~statements of qualifications~~**]** ***proposals*** pursuant to NRS 338.1692;

2. Not have been disqualified from being awarded a contract pursuant to NRS 338.017, 338.13895, 338.1475 or 408.333;

3. Be licensed as a contractor pursuant to chapter 624 of NRS; and

4. If the project is for the **[**~~design~~**]** ***construction*** of a public work of the State, be qualified to bid on a public work of the State pursuant to NRS 338.1379.

Sec. 20. NRS 338.1692 is hereby amended to read as follows:

338.1692 1. A public body ***or its authorized representative*** shall advertise for **[**~~statements of qualifications~~**]** ***proposals*** for a construction manager at risk in a newspaper qualified pursuant to chapter 238 of NRS that

is published in the county where the public work will be performed. If no qualified newspaper is published in the county where the public work will be performed, the required advertisement must be published in some qualified newspaper that is printed in the State of Nevada and has a general circulation in the county.

2. A request for ~~[a statement of qualifications]~~ ***proposals*** published pursuant to subsection 1 must include, without limitation:

(a) A description of the public work;

(b) An estimate of the cost of construction;

(c) A description of the work that the public body expects a construction manager at risk to perform;

(d) The dates on which it is anticipated that the separate phases of the preconstruction and construction of the public work will begin and end;

(e) The date by which ~~[statements of qualifications]~~ ***proposals*** must be submitted to the public body;

(f) If the project is a public work of the State, a statement setting forth that the construction manager at risk must be qualified to bid on a public work of the State pursuant to NRS 338.1379 before submitting a ~~[statement of qualifications;]~~ ***proposal;***

(g) The name, title, address and telephone number of a person employed by the public body that an applicant may contact for further information regarding the public work; ~~[and]~~

(h) A list of the selection criteria and relative weight of the selection criteria that will be used to evaluate ~~[statements of qualifications.]~~ ***proposals; and***

(i) A notice that the proposed form of the contract to assist in the preconstruction of the public work or to construct the public work, including, without limitation, the terms and general conditions of the contract, is available from the public body.

3. A ~~[statement of qualifications]~~ ***proposal*** must include, without limitation:

(a) An explanation of the experience that the applicant has with projects of similar size and scope ~~[;]~~ ***in both the public and private sectors, including, without limitation, an explanation of the experience that the applicant has in assisting in the design of such projects and an explanation of the experience that the applicant has in such projects in Nevada;***

(b) The contact information for references who have knowledge of the background, character and technical competence of the applicant;

(c) ~~[The applicant's preliminary proposal for managing the preconstruction and construction of the public work;~~

~~(d)]~~ Evidence of the ability of the applicant to obtain the necessary bonding for the work to be required by the public body;

~~[(e)]~~ ***(d)*** Evidence that the applicant has obtained or has the ability to obtain such insurance as may be required by law; ~~[and]~~

~~[(f)]~~ ***(e)*** A statement of whether the applicant has been:

(1) Found liable for breach of contract with respect to a previous project, other than a breach for legitimate cause ~~[;]~~ ***, during the 5 years immediately preceding the date of the advertisement for proposals;*** and

(2) Disqualified from being awarded a contract pursuant to NRS 338.017, 338.13895, 338.1475 or 408.333 ~~[.]~~ ***;***

(f) The professional qualifications and experience of the applicant, including, without limitation, the resume of any employee of the applicant who will be managing the preconstruction and construction of the public work;

(g) The safety programs established and the safety records accumulated by the applicant;

(h) Evidence that the applicant is licensed as a contractor pursuant to chapter 624 of NRS;

(i) The proposed plan of the applicant to manage the preconstruction and construction of the public work which sets forth in detail the ability of the applicant to provide preconstruction services and to construct the public work; and

(j) If the project is for the design of a public work of the State, evidence that the applicant is qualified to bid on a public work of the State pursuant to NRS 338.1379.

Sec. 21. NRS 338.1693 is hereby amended to read as follows:

338.1693 1. The public body ***or its authorized representative*** shall appoint a panel consisting of at least three members ***, at least two of whom must have experience in the construction industry,*** to rank the ~~[statements of qualifications]~~ ***proposals*** submitted to the public body by evaluating the ~~[statements of qualifications]~~ ***proposals*** as required pursuant to subsections 2 and 3.

2. The panel shall rank the ~~[statements of qualifications]~~ ***proposals*** by:

(a) Verifying that each applicant satisfies the requirements of NRS 338.1691; and

(b) ~~[Conducting an evaluation of the qualifications of each applicant based on the factors and relative weight assigned to each factor that the public body specified in the request for statements of qualifications advertised pursuant to NRS 338.1692.]~~ ***Evaluating and assigning a score to each of the proposals received by the public body based on the factors and relative weight assigned to each factor that the public body specified in the request for proposals.***

3. When ranking the ~~[statements of qualifications,]~~ ***proposals,*** the panel shall assign a relative weight of 5 percent to the possession of a certificate of

eligibility to receive a preference in bidding on public works. ***If any federal statute or regulation precludes the granting of federal assistance or reduces the amount of that assistance for a particular public work because of the provisions of this subsection, those provisions of this subsection do not apply insofar as their application would preclude or reduce federal assistance for that work.***

4. After the panel ranks the ~~[statements of qualifications,]~~ ***proposals,*** the public body ***or its authorized representative*** shall ~~[:~~

~~(a) Make available to the public the rankings of the applicants; and~~

~~(b) Except]~~ ***, except*** as otherwise provided in subsection 5, select at least the two but not more than the five applicants ~~[that the panel determined to be most qualified as finalists to submit final proposals to the public body pursuant to NRS 338.1694.]~~ ***whose proposals received the highest scores for interviews. During the interview process, the public body or its authorized representative may require the applicants to submit a preliminary proposed amount of compensation for managing the preconstruction and construction of the public work, but in no event shall the proposed amount of compensation exceed 20 percent of the scoring for the selection of the most qualified applicant. After conducting such interviews, the panel shall rank the applicants by using a ranking process that is separate from the process used to rank proposals pursuant to subsection 2 and is based only on information submitted during the interview process. The score to be given for the proposed amount of compensation, if any, must be calculated by dividing the lowest of all the proposed amounts of compensation by the applicant's proposed amount of compensation multiplied by the total possible points available to each applicant.***

5. If the public body did not receive at least two ~~[statements of qualifications from applicants that the panel determines to be qualified pursuant to this section and NRS 338.1691,]~~ ***proposals,*** the public body may not contract with a construction manager at risk.

6. Upon receipt of the final rankings of the applicants from the panel, the public body or its authorized representative shall enter into negotiations with the most qualified applicant determined pursuant to subsections 2, 3 and 4 for a contract for preconstruction services, unless the public body required the submission of a proposed amount of compensation, in which case the proposed amount of compensation submitted by the applicant must be the amount offered for the contract. If the public body or its authorized representative is unable to negotiate a contract with the most qualified applicant for an amount of compensation that the public body or its authorized representative and the most qualified applicant determine to be fair and reasonable, the public body or its authorized representative shall terminate negotiations with that applicant. The public body or its

authorized representative may then undertake negotiations with the next most qualified applicant in sequence until an agreement is reached and, if the negotiation is undertaken by an authorized representative of the public body, approved by the public body or until a determination is made by the public body to reject all applicants.

7. The public body or its authorized representative shall make available to all applicants and the public the final rankings of the applicants and shall provide, upon request, an explanation to any unsuccessful applicant of the reasons why the applicant was unsuccessful.

Sec. 22. NRS 338.1696 is hereby amended to read as follows:

338.1696 1. If a public body enters into a contract with a construction manager at risk for preconstruction services pursuant to NRS ~~[338.1695,]~~ ***338.1693,*** after the public body has finalized the design for the public work, ***or any portion thereof sufficient to determine the provable cost of that portion,*** the public body shall enter into negotiations with the construction manager at risk for a contract to construct the public work ***or the portion thereof*** for the public body for:

(a) The cost of the work, plus a fee, with a guaranteed maximum price;

(b) A fixed price; or

(c) A fixed price plus reimbursement for overhead and other costs and expenses related to the construction of the public work ~~[.]~~ ***or portion thereof.***

2. If the public body is unable to negotiate a satisfactory contract with the construction manager at risk to construct the public work ~~[,]~~ ***or portion thereof,*** the public body ~~[:~~

~~(a) Shall]~~ ***shall*** terminate negotiations with that applicant ~~[;]~~ and ***:***

~~[(b)]~~ ***(a)*** May award the contract for the public work:

(1) If the public body is not a local government, pursuant to the provisions of NRS 338.1377 to 338.139, inclusive.

(2) If the public body is a local government, pursuant to the provisions of NRS 338.1377 to 338.139, inclusive, or 338.143 to 338.148, inclusive ~~[.]~~ ***; and***

(b) Shall accept a bid to construct the public work from the construction manager at risk with whom the public body entered into a contract for preconstruction services.

Sec. 23. NRS 338.1698 is hereby amended to read as follows:

338.1698 A contract awarded to a construction manager at risk pursuant to NRS ~~[338.1695 or]~~ 338.1696:

1. Must comply with the provisions of NRS 338.020 to 338.090, inclusive.

2. Must specify a date by which performance of the work required by the contract must be completed.

3. May set forth the terms by which the construction manager at risk agrees to name the public body, at the cost of the public body, as an additional insured in an insurance policy held by the construction manager at risk.

4. Must require that the construction manager at risk to whom a contract is awarded assume overall responsibility for ensuring that the preconstruction or construction of the public work, as applicable, is completed in a satisfactory manner.

5. May include such additional provisions as may be agreed upon by the public body and the construction manager at risk.

Sec. 24. NRS 338.1711 is hereby amended to read as follows:

338.1711 1. Except as otherwise provided in this section and NRS 338.161 to **[**~~338.1699,~~**]** ***338.16985,*** inclusive, ***and sections 3, 4 and 5 of this act,*** a public body shall contract with a prime contractor for the construction of a public work for which the estimated cost exceeds $100,000.

2. A public body may contract with a design-build team for the design and construction of a public work that is a discrete project if the public body has approved the use of a design-build team for the design and construction of the public work and the public work **[**~~:~~

~~(a) Is the construction of a park and appurtenances thereto, the rehabilitation or remodeling of a public building, or the construction of an addition to a public building; or~~

~~(b) Has~~**]** ***has*** an estimated cost which exceeds **[**~~$10,000,000.~~**]** ***$5,000,000.***

Sec. 25. NRS 338.1718 is hereby amended to read as follows:

338.1718 1. A construction manager as agent:

(a) Must:

(1) Be a contractor licensed pursuant to chapter 624 of NRS;

(2) Hold a certificate of registration to practice architecture, interior design or residential design pursuant to chapter 623 of NRS; or

(3) Be licensed as a professional engineer pursuant to chapter 625 of NRS.

(b) May enter into a contract with a public body to assist in the planning, scheduling and management of the construction of a public work without assuming any responsibility for the cost, quality or timely completion of the construction of the public work. A construction manager as agent who enters into a contract with a public body pursuant to this section may not **[**~~take~~**]** ***:***

(1) Take part in the design or construction of the public work **[**~~.~~**]** ***; or***

(2) Act as an agent of the public body to select a subcontractor if the work to be performed by the subcontractor is part of a larger public work.

2. A contract between a public body and a construction manager as agent is not required to be awarded by competitive bidding.

Sec. 26. NRS 338.1725 is hereby amended to read as follows:

338.1725 1. The public body shall select at least two but not more than four finalists from among the design-build teams that submitted preliminary proposals. If the public body does not receive at least two preliminary proposals from design-build teams that the public body determines to be qualified pursuant to this section and NRS 338.1721, the public body may not contract with a design-build team for the design and construction of the public work.

2. The public body shall select finalists pursuant to subsection 1 by:

(a) Verifying that each design-build team which submitted a preliminary proposal satisfies the requirements of NRS 338.1721; ~~[and]~~

(b) Conducting an evaluation of the qualifications of each design-build team that submitted a preliminary proposal, including, without limitation, an evaluation of:

(1) The professional qualifications and experience of the members of the design-build team;

(2) The performance history of the members of the design-build team concerning other recent, similar projects completed by those members, if any;

(3) The safety programs established and the safety records accumulated by the members of the design-build team; and

(4) The proposed plan of the design-build team to manage the design and construction of the public work that sets forth in detail the ability of the design-build team to design and construct the public work ~~[.]~~ ***; and***

(c) Except as otherwise provided in this paragraph, assigning, without limitation, a relative weight of 5 percent to the possession of both a certificate of eligibility to receive a preference in bidding on public works by all contractors on the design-build team and a certificate of eligibility to receive a preference when competing for public works by all design professionals on the design-build team. If any federal statute or regulation precludes the granting of federal assistance or reduces the amount of that assistance for a particular public work because of the provisions of this paragraph relating to a preference in bidding on public works or a preference when competing for public works, those provisions of this paragraph do not apply insofar as their application would preclude or reduce federal assistance for that public work.

3. After the selection of finalists pursuant to this section, the public body shall make available to the public the results of the evaluations of preliminary proposals conducted pursuant to paragraph (b) of subsection 2 and ~~[the rankings of the design-build teams who submitted preliminary proposals.]~~ ***identify which of the finalists, if any, received an assignment of 5 percent pursuant to paragraph (c) of subsection 2.***

Sec. 27. NRS 338.1727 is hereby amended to read as follows:

338.1727 1. After selecting the finalists pursuant to NRS 338.1725, the public body shall provide to each finalist a request for final proposals for the public work. The request for final proposals must:

(a) Set forth the factors that the public body will use to select a design-build team to design and construct the public work, including the relative weight to be assigned to each factor; and

(b) Set forth the date by which final proposals must be submitted to the public body.

2. If one or more of the finalists selected pursuant to NRS 338.1725 is disqualified or withdraws, the public body may select a design-build team from the remaining finalist or finalists.

3. Except as otherwise provided in this subsection, in assigning the relative weight to each factor for selecting a design-build team pursuant to subsection 1, the public body shall assign, without limitation, a relative weight of 5 percent to the possession of a certificate of eligibility to receive a preference in bidding on public works and a relative weight of at least 30 percent to the proposed cost of design and construction of the public work. If any federal statute or regulation precludes the granting of federal assistance or reduces the amount of that assistance for a particular public work because of the provisions of this subsection relating to preference in bidding on public works, those provisions of this subsection do not apply insofar as their application would preclude or reduce federal assistance for that public work.

4. A final proposal submitted by a design-build team pursuant to this section must be prepared thoroughly and be responsive to the criteria that the public body will use to select a design-build team to design and construct the public work described in subsection 1. A design-build team that submits a final proposal which is not responsive shall not be awarded the contract and shall not be eligible for the partial reimbursement of costs provided for in subsection 7.

5. A final proposal is exempt from the requirements of NRS 338.141.

6. After receiving and evaluating the final proposals for the public work, the public body ~~[, at a regularly scheduled meeting,]~~ ***or its authorized representative*** shall ~~[:~~

~~(a) Select the final proposal, using]~~ ***enter into negotiations with the most qualified applicant, as determined pursuant to*** the criteria set forth pursuant to subsections 1 and 3, and award the design-build contract to the design-build team whose proposal is selected**.** ~~[, or~~

~~(b) Reject all the final proposals.]~~ ***If the public body or its authorized representative is unable to negotiate with the most qualified applicant a contract that is determined by the parties to be fair and reasonable, the public body may terminate negotiations with that applicant. The public***

body or its authorized representative may then undertake negotiations with the next most qualified applicant in sequence until an agreement is reached and, if the negotiation is undertaken by an authorized representative of the public body, approved by the public body or until a determination is made by the public body to reject all applicants.

7. If a public body selects a final proposal and awards a design-build contract pursuant to ~~[paragraph (a) of]~~ subsection 6, the public body shall:

(a) Partially reimburse the unsuccessful finalists if partial reimbursement was provided for in the request for preliminary proposals pursuant to paragraph (j) of subsection 2 of NRS 338.1723. The amount of reimbursement must not exceed, for each unsuccessful finalist, 3 percent of the total amount to be paid to the design-build team as set forth in the design-build contract.

(b) Make available to the public the results of the evaluation of final proposals that was conducted and the ranking of the design-build teams who submitted final proposals. The public body shall not release to a third party, or otherwise make public, financial or proprietary information submitted by a design-build team.

8. A contract awarded pursuant to this section:

(a) Must comply with the provisions of NRS 338.020 to 338.090, inclusive.

(b) Must specify:

(1) An amount that is the maximum amount that the public body will pay for the performance of all the work required by the contract, excluding any amount related to costs that may be incurred as a result of unexpected conditions or occurrences as authorized by the contract;

(2) An amount that is the maximum amount that the public body will pay for the performance of the professional services required by the contract; and

(3) A date by which performance of the work required by the contract must be completed.

(c) May set forth the terms by which the design-build team agrees to name the public body, at the cost of the public body, as an additional insured in an insurance policy held by the design-build team.

(d) Except as otherwise provided in paragraph (e), must not require the design professional to defend, indemnify or hold harmless the public body or the employees, officers or agents of that public body from any liability, damage, loss, claim, action or proceeding caused by the negligence, errors, omissions, recklessness or intentional misconduct of the employees, officers and agents of the public body.

(e) May require the design-build team to defend, indemnify and hold harmless the public body, and the employees, officers and agents of the

public body from any liabilities, damages, losses, claims, actions or proceedings, including, without limitation, reasonable attorneys' fees, that are caused by the negligence, errors, omissions, recklessness or intentional misconduct of the design-build team or the employees or agents of the design-build team in the performance of the contract.

(f) Must require that the design-build team to whom a contract is awarded assume overall responsibility for ensuring that the design and construction of the public work is completed in a satisfactory manner.

9. Upon award of the design-build contract, the public body shall make available to the public copies of all preliminary and final proposals received.

Sec. 28. NRS 338.1727 is hereby amended to read as follows:

338.1727 1. After selecting the finalists pursuant to NRS 338.1725, the public body shall provide to each finalist a request for final proposals for the public work. The request for final proposals must:

(a) Set forth the factors that the public body will use to select a design-build team to design and construct the public work, including the relative weight to be assigned to each factor; and

(b) Set forth the date by which final proposals must be submitted to the public body.

2. If one or more of the finalists selected pursuant to NRS 338.1725 is disqualified or withdraws, the public body may select a design-build team from the remaining finalist or finalists.

3. Except as otherwise provided in this subsection, in assigning the relative weight to each factor for selecting a design-build team pursuant to subsection 1, the public body shall assign, without limitation, a relative weight of 5 percent to the possession of ***both*** a certificate of eligibility to receive a preference in bidding on public works ***by all contractors on the design-build team and a certificate of eligibility to receive a preference when competing for public works by all design professionals on the design-build team,*** and a relative weight of at least 30 percent to the proposed cost of design and construction of the public work. If any federal statute or regulation precludes the granting of federal assistance or reduces the amount of that assistance for a particular public work because of the provisions of this subsection relating to ***a*** preference in bidding on public ***works, or a preference when competing for public*** works, those provisions of this subsection do not apply insofar as their application would preclude or reduce federal assistance for that public work.

4. A final proposal submitted by a design-build team pursuant to this section must be prepared thoroughly and be responsive to the criteria that the public body will use to select a design-build team to design and construct the public work described in subsection 1. A design-build team that submits a final proposal which is not responsive shall not be awarded the contract and

shall not be eligible for the partial reimbursement of costs provided for in subsection 7.

5. A final proposal is exempt from the requirements of NRS 338.141.

6. After receiving and evaluating the final proposals for the public work, the public body or its authorized representative shall enter into negotiations with the most qualified applicant, as determined pursuant to the criteria set forth pursuant to subsections 1 and 3, and award the design-build contract to the design-build team whose proposal is selected. If the public body or its authorized representative is unable to negotiate with the most qualified applicant a contract that is determined by the parties to be fair and reasonable, the public body may terminate negotiations with that applicant. The public body or its authorized representative may then undertake negotiations with the next most qualified applicant in sequence until an agreement is reached and, if the negotiation is undertaken by an authorized representative of the public body, approved by the public body or until a determination is made by the public body to reject all applicants.

7. If a public body selects a final proposal and awards a design-build contract pursuant to subsection 6, the public body shall:

(a) Partially reimburse the unsuccessful finalists if partial reimbursement was provided for in the request for preliminary proposals pursuant to paragraph (j) of subsection 2 of NRS 338.1723. The amount of reimbursement must not exceed, for each unsuccessful finalist, 3 percent of the total amount to be paid to the design-build team as set forth in the design-build contract.

(b) Make available to the public the results of the evaluation of final proposals that was conducted and the ranking of the design-build teams who submitted final proposals. The public body shall not release to a third party, or otherwise make public, financial or proprietary information submitted by a design-build team.

8. A contract awarded pursuant to this section:

(a) Must comply with the provisions of NRS 338.020 to 338.090, inclusive.

(b) Must specify:

(1) An amount that is the maximum amount that the public body will pay for the performance of all the work required by the contract, excluding any amount related to costs that may be incurred as a result of unexpected conditions or occurrences as authorized by the contract;

(2) An amount that is the maximum amount that the public body will pay for the performance of the professional services required by the contract; and

(3) A date by which performance of the work required by the contract must be completed.

(c) May set forth the terms by which the design-build team agrees to name the public body, at the cost of the public body, as an additional insured in an insurance policy held by the design-build team.

(d) Except as otherwise provided in paragraph (e), must not require the design professional to defend, indemnify or hold harmless the public body or the employees, officers or agents of that public body from any liability, damage, loss, claim, action or proceeding caused by the negligence, errors, omissions, recklessness or intentional misconduct of the employees, officers and agents of the public body.

(e) May require the design-build team to defend, indemnify and hold harmless the public body, and the employees, officers and agents of the public body from any liabilities, damages, losses, claims, actions or proceedings, including, without limitation, reasonable attorneys' fees, that are caused by the negligence, errors, omissions, recklessness or intentional misconduct of the design-build team or the employees or agents of the design-build team in the performance of the contract.

(f) Must require that the design-build team to whom a contract is awarded assume overall responsibility for ensuring that the design and construction of the public work is completed in a satisfactory manner.

9. Upon award of the design-build contract, the public body shall make available to the public copies of all preliminary and final proposals received.

Sec. 29. NRS 338.485 is hereby amended to read as follows:

338.485 1. A person may not waive or modify a right, obligation or liability set forth in the provisions of NRS 338.400 to 338.645, inclusive.

2. A condition, stipulation or provision in a contract or other agreement that:

(a) Requires a person to waive a right set forth in the provisions of NRS 338.400 to 338.645, inclusive; ~~[or]~~

(b) Relieves a person of an obligation or liability imposed by the provisions of NRS 338.400 to 338.645, inclusive ~~[.]~~ ***;***

(c) Requires a contractor to waive, release or extinguish a claim or right for damages or an extension of time that the contractor may otherwise possess or acquire as a result of a delay that is:

(1) So unreasonable in length as to amount to an abandonment of the public work;

(2) Caused by fraud, misrepresentation, concealment or other bad faith by the public body;

(3) Caused by active interference by the public body; or

(4) Caused by a decision by the public body to significantly add to the scope or duration of the public work; or

(d) Requires a contractor or public body to be responsible for any consequential damages suffered or incurred by the other party that arise

from or relate to a contract for a public work, including, without limitation, rental expenses or other damages resulting from a loss of use or availability of the public work, lost income, lost profit, lost financing or opportunity, business or reputation, and loss of management or employee availability, productivity, opportunity or services,

➥ ***is against public policy and*** is void ~~.~~ ***and unenforceable.***

3. The provisions of subsection 2 do not prohibit the use of a liquidated damages clause which otherwise satisfies the requirements of law.

Sec. 30. NRS 408.3883 is hereby amended to read as follows:

408.3883 1. The Department shall advertise for preliminary proposals for the design and construction of a project by a design-build team in a newspaper of general circulation in this State.

2. A request for preliminary proposals published pursuant to subsection 1 must include, without limitation:

(a) A description of the proposed project;

(b) Separate estimates of the costs of designing and constructing the project;

(c) The dates on which it is anticipated that the separate phases of the design and construction of the project will begin and end;

(d) The date by which preliminary proposals must be submitted to the Department, which must not be less than 30 days after the date that the request for preliminary proposals is first published in a newspaper pursuant to subsection 1; and

(e) A statement setting forth the place and time in which a design-build team desiring to submit a proposal for the project may obtain the information necessary to submit a proposal, including, without limitation, the information set forth in subsection 3.

3. The Department shall maintain at the time and place set forth in the request for preliminary proposals the following information for inspection by a design-build team desiring to submit a proposal for the project:

(a) The extent to which designs must be completed for both preliminary and final proposals and any other requirements for the design and construction of the project that the Department determines to be necessary;

(b) A list of the requirements set forth in NRS 408.3884;

(c) A list of the factors that the Department will use to evaluate design-build teams who submit a proposal for the project, including, without limitation:

(1) The relative weight to be assigned to each factor pursuant to NRS 408.3886; and

(2) A disclosure of whether the factors that are not related to cost are, when considered as a group, more or less important in the process of evaluation than the factor of cost;

(d) Notice that a design-build team desiring to submit a proposal for the project must include with its proposal the information used by the Department to determine finalists among the design-build teams submitting proposals pursuant to subsection 2 of NRS 408.3885 and a description of that information;

(e) A statement that a design-build team whose prime contractor holds a certificate of eligibility to receive a preference in bidding on public works issued pursuant to NRS 338.1389 or 338.147 ***and whose members who hold a certificate of registration to practice architecture or a license as a professional engineer and who hold a certificate of eligibility to receive a preference when competing for public works issued pursuant to section 2 of this act*** should submit a copy of ~~[the]~~ ***each*** certificate of eligibility with its proposal; and

(f) A statement as to whether a ~~[bidding]~~ design-build team that is selected as a finalist pursuant to NRS 408.3885 but is not awarded the design-build contract pursuant to NRS 408.3886 will be partially reimbursed for the cost of preparing a final proposal or best and final offer, or both, and, if so, an estimate of the amount of the partial reimbursement.

Sec. 31. NRS 408.3885 is hereby amended to read as follows:

408.3885 1. The Department shall select at least three but not more than five finalists from among the design-build teams that submitted preliminary proposals. If the Department does not receive at least three preliminary proposals from design-build teams that the Department determines to be qualified pursuant to this section and NRS 408.3884, the Department may not contract with a design-build team for the design and construction of the project.

2. The Department shall select finalists pursuant to subsection 1 by:

(a) Verifying that each design-build team which submitted a preliminary proposal satisfies the requirements of NRS 408.3884; ~~[and]~~

(b) Conducting an evaluation of the qualifications of each design-build team that submitted a preliminary proposal, including, without limitation, an evaluation of:

(1) The professional qualifications and experience of the members of the design-build team;

(2) The performance history of the members of the design-build team concerning other recent, similar projects completed by those members, if any;

(3) The safety programs established and the safety records accumulated by the members of the design-build team;

(4) The proposed plan of the design-build team to manage the design and construction of the project that sets forth in detail the ability of the design-build team to design and construct the project; and

(5) The degree to which the preliminary proposal is responsive to the requirements of the Department for the submittal of a preliminary proposal ~~[.]~~ ***; and***

(c) Except as otherwise provided in this paragraph, assigning, without limitation, a relative weight of 5 percent to the possession of both a certificate of eligibility to receive a preference in bidding on public works by the prime contractor on the design-build team and a certificate of eligibility to receive a preference when competing for public works by all persons who hold a certificate of registration to practice architecture or a license as a professional engineer on the design-build team. If any federal statute or regulation precludes the granting of federal assistance or reduces the amount of that assistance for a particular public work because of the provisions of this paragraph relating to a preference in bidding on public works or a preference when competing for public works, those provisions of this paragraph do not apply insofar as their application would preclude or reduce federal assistance for that public work.

3. After the selection of finalists pursuant to this section, the Department shall make available to the public the results of the evaluations of preliminary proposals conducted pursuant to paragraph (b) of subsection 2 and identify which of the finalists, if any, received an assignment of 5 percent pursuant to paragraph (c) of subsection 2.

Sec. 32. NRS 408.3886 is hereby amended to read as follows:

408.3886 1. After selecting the finalists pursuant to NRS 408.3885, the Department shall provide to each finalist a request for final proposals for the project. The request for final proposals must:

(a) Set forth the factors that the Department will use to select a design-build team to design and construct the project, including the relative weight to be assigned to each factor; and

(b) Set forth the date by which final proposals must be submitted to the Department.

2. Except as otherwise provided in this subsection, in assigning the relative weight to each factor for selecting a design-build team pursuant to subsection 1, the Department shall assign, without limitation, a relative weight of 5 percent to the possession of ***both*** a certificate of eligibility to receive a preference in bidding on public works ***by the prime contractor on the design-build team and a certificate of eligibility to receive a preference when competing for public works by all persons who hold a certificate of registration to practice architecture or a license as a professional engineer on the design-build team,*** and a relative weight of at least 30 percent for the proposed cost of design and construction of the project. If any federal statute or regulation precludes the granting of federal assistance or reduces the amount of that assistance for a particular project because of the provisions of

this subsection relating to ***a*** preference in bidding on public works ~~[,]~~ ***or a preference when competing for public works,*** those provisions of this subsection do not apply insofar as their application would preclude or reduce federal assistance for that project.

3. A final proposal submitted by a design-build team pursuant to this section must be prepared thoroughly, be responsive to the criteria that the Department will use to select a design-build team to design and construct the project described in subsection 1 and comply with the provisions of NRS 338.141.

4. After receiving the final proposals for the project, the Department shall:

(a) Select the most cost-effective and responsive final proposal, using the criteria set forth pursuant to subsections 1 and 2;

(b) Reject all the final proposals; or

(c) Request best and final offers from all finalists in accordance with subsection 5.

5. If the Department determines that no final proposal received is cost-effective or responsive and the Department further determines that requesting best and final offers pursuant to this subsection will likely result in the submission of a satisfactory offer, the Department may prepare and provide to each finalist a request for best and final offers for the project. In conjunction with preparing a request for best and final offers pursuant to this subsection, the Department may alter the scope of the project, revise the estimates of the costs of designing and constructing the project, and revise the selection factors and relative weights described in paragraph (a) of subsection 1. A request for best and final offers prepared pursuant to this subsection must set forth the date by which best and final offers must be submitted to the Department. After receiving the best and final offers, the Department shall:

(a) Select the most cost-effective and responsive best and final offer, using the criteria set forth in the request for best and final offers; or

(b) Reject all the best and final offers.

6. If the Department selects a final proposal pursuant to paragraph (a) of subsection 4 or selects a best and final offer pursuant to paragraph (a) of subsection 5, the Department shall hold a public meeting to:

(a) Review and ratify the selection.

(b) Partially reimburse the unsuccessful finalists if partial reimbursement was provided for in the request for preliminary proposals pursuant to paragraph (f) of subsection 3 of NRS 408.3883. The amount of reimbursement must not exceed, for each unsuccessful finalist, 3 percent of the total amount to be paid to the design-build team as set forth in the design-build contract.

(c) Make available to the public a summary setting forth the factors used by the Department to select the successful design-build team and the ranking of the design-build teams who submitted final proposals and, if applicable, best and final offers. The Department shall not release to a third party, or otherwise make public, financial or proprietary information submitted by a design-build team.

7. A contract awarded pursuant to this section:

(a) Must comply with the provisions of NRS 338.020 to 338.090, inclusive; and

(b) Must specify:

(1) An amount that is the maximum amount that the Department will pay for the performance of all the work required by the contract, excluding any amount related to costs that may be incurred as a result of unexpected conditions or occurrences as authorized by the contract;

(2) An amount that is the maximum amount that the Department will pay for the performance of the professional services required by the contract; and

(3) A date by which performance of the work required by the contract must be completed.

8. A design-build team to whom a contract is awarded pursuant to this section shall:

(a) Assume overall responsibility for ensuring that the design and construction of the project is completed in a satisfactory manner; and

(b) Use the workforce of the prime contractor on the design-build team to construct at least 15 percent of the project.

Sec. 33. NRS 625.530 is hereby amended to read as follows:

625.530 Except as otherwise provided in NRS 338.1711 to 338.1727, inclusive, ***and section 2 of this act*** and 408.3875 to 408.3887, inclusive:

1. The State of Nevada or any of its political subdivisions, including a county, city or town, shall not engage in any public work requiring the practice of professional engineering or land surveying, unless the maps, plans, specifications, reports and estimates have been prepared by, and the work executed under the supervision of, a professional engineer, professional land surveyor or registered architect.

2. The provisions of this section do not:

(a) Apply to any public work wherein the expenditure for the complete project of which the work is a part does not exceed $35,000.

(b) Include any maintenance work undertaken by the State of Nevada or its political subdivisions.

(c) Authorize a professional engineer, registered architect or professional land surveyor to practice in violation of any of the provisions of this chapter or chapter 623 of NRS.

(d) Require the services of an architect registered pursuant to the provisions of chapter 623 of NRS for the erection of buildings or structures manufactured in an industrial plant, if those buildings or structures meet the requirements of local building codes of the jurisdiction in which they are being erected.

3. The selection of a professional engineer, professional land surveyor or registered architect to perform services pursuant to subsection 1 must be made on the basis of the competence and qualifications of the engineer, land surveyor or architect for the type of services to be performed and not on the basis of competitive fees. If, after selection of the engineer, land surveyor or architect, an agreement upon a fair and reasonable fee cannot be reached with him or her, the public agency may terminate negotiations and select another engineer, land surveyor or architect. ***Except as otherwise provided in this subsection, in assigning the relative weight to each factor for selecting a professional engineer, professional land surveyor or registered architect pursuant to this subsection, the public agency shall assign, without limitation, a relative weight of 5 percent to the possession of a certificate of eligibility to receive a preference when competing for public works. If any federal statute or regulation precludes the granting of federal assistance or reduces the amount of that assistance for a particular public work because of the provisions of this subsection relating to a preference when competing for public works, those provisions of this subsection do not apply insofar as their application would preclude or reduce federal assistance for that public work.***

Sec. 34. NRS 338.1694, 338.1695 and 338.1699 are hereby repealed.

Sec. 35. 1. The State Board of Architecture, Interior Design and Residential Design, the State Board of Landscape Architecture and the State Board of Professional Engineers and Land Surveyors shall, before October 1, 2011, adopt any regulations which are required by or necessary to carry out the provisions of this act.

2. The State Public Works Board shall, as soon as practicable after the effective date of this section, adopt regulations governing the acts required by subsection 9 of section 5 of this act.

Sec. 36. 1. The State Public Works Board and each local government that awards a contract pursuant to NRS 338.1727, as amended by section 28 of this act, or NRS 408.3886, as amended by section 32 of this act, or selects a professional engineer, professional land surveyor or registered architect pursuant to NRS 625.530, as amended by section 33 of this act, shall, on or before October 1 of the year in which it awards such a contract or makes such a selection, submit to the Director of the Legislative Counsel Bureau a report detailing those contracts and selections on the form prescribed by the Committee on Local Government Finance.

2. Before August 1, 2011, the Committee on Local Government Finance created pursuant to NRS 354.105 shall prescribe a form for the report described in subsection 1, which must include, without limitation:

(a) The total number of contracts and selections described in subsection 1 awarded and made by the State Public Works Board or local government during the year to which the report pertains; and

(b) A description of each such contract or selection, including, without limitation:

(1) The name of the person or entity who was selected or to whom the contract was awarded.

(2) The particular type of goods or services involved in the contract or selection.

(3) The dollar amount of the contract or selection.

(4) Whether the person or entity who was selected or to whom the contract was awarded was awarded the contract or selected as a result of the person or entity possessing a certificate of eligibility to receive a preference when competing for public works pursuant to subsection 1, 2 or 3 of section 2 of this act.

(5) If the person or entity who was selected or to whom the contract was awarded did not possess a certificate for eligibility to receive a preference when competing for public works pursuant to subsection 1, 2 or 3 of section 2 of this act, the number of persons or entities that did possess such a certificate that bid on the contract or were considered for selection.

Sec. 37. The provisions of sections 4 and 5 of this act apply only to contracts entered into on or after July 1, 2011.

Sec. 38. 1. This section and sections 1, 3 to 6, inclusive, 10 to 15, inclusive, 18 to 25, inclusive, 27, 29, 34, 35 and 37 of this act become effective:

(a) Upon passage and approval for the purposes of adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of those sections; and

(b) On July 1, 2011, for all other purposes.

2. Sections 2, 7, 16, 26, 28, 30 to 33, inclusive, and 36 of this act become effective:

(a) Upon passage and approval for the purpose of adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of those sections; and

(b) On October 1, 2011, for all other purposes.

3. Section 8 of this act becomes effective on July 1, 2013.

[~~4. Sections 2, 26, 28, 30 to 33, inclusive, and 36 of this act expire by limitation on September 30, 2013.~~

~~5. Sections 9 and 17 of this act become effective on October 1, 2013.~~**]**

TEXT OF REPEALED SECTIONS

NRS 338.1694 Final proposals: Requests; requirements.

1. After the finalists are selected pursuant to paragraph (b) of subsection 4 of NRS 338.1693, the public body shall provide to each finalist a request for final proposals. The request for final proposals must:

(a) Set forth the date by which final proposals must be submitted to the public body;

(b) Set forth the proposed forms of the contract to assist in the preconstruction of the public work and the contract to construct the public work that include, without limitation, the proposed terms and general conditions of the contracts; and

(c) Set forth the selection criteria and relative weight of the selection criteria that will be used to evaluate the final proposals.

2. A final proposal must include, without limitation:

(a) The professional qualifications and experience of the applicant, including, without limitation, the resumes of any employees of the applicant who will be managing the preconstruction and construction of the public work;

(b) The performance history of the applicant concerning other recent, similar projects completed by the applicant, if any;

(c) The safety programs established and the safety records accumulated by the applicant;

(d) The proposed plan of the applicant to manage the preconstruction and construction of the public work, which plan sets forth in detail the ability of the applicant to provide preconstruction services and to construct the public work; and

(e) A proposed plan of the applicant for the selection of any necessary subcontractors.

NRS 338.1695 Ranking of applicants based on final proposals and interviews; negotiations with certain applicants for contract for preconstruction services; availability to applicants and public of certain information.

1. The panel appointed by the public body pursuant to NRS 338.1693 shall evaluate and assign a score to each of the final proposals received by the public body based on the factors and relative weight assigned to each factor that the public body specified in the request for final proposals. The panel shall interview the two or three applicants whose final proposals received the highest scores. After conducting such interviews, the panel shall rank the applicants based on the final proposals and interviews, which must be given equal weight.

2. Upon receipt of the final rankings of the applicants from the panel, the public body shall enter into negotiations with the most qualified applicant determined pursuant to subsection 1 for a contract for preconstruction services. If the public body is unable to negotiate a contract with the most qualified applicant at an amount of compensation that the public body and the most qualified applicant determine to be fair and reasonable, the public body shall terminate negotiations with that applicant. The public body may then undertake negotiations with the next most qualified applicant in sequence until an agreement is reached or a determination is made by the public body to reject all applicants.

3. The public body shall make available to the applicants and the public the results of the evaluations of final proposals and interviews conducted pursuant to subsection 1 and the final rankings of the applicants.

NRS 338.1699 Subcontractors on public works for which contractor at risk was awarded contract: Eligibility; submission of list to public body.

1. To be eligible to provide materials, equipment, work or other services on a public work for which a construction manager at risk was awarded a contract pursuant to NRS 338.1696, a subcontractor must be:

(a) Licensed pursuant to chapter 624 of NRS; and

(b) Selected by the construction manager at risk based on the process of competitive bidding set forth in the applicable provisions of NRS 338.1373 to 338.148, inclusive.

2. A construction manager at risk to whom a contract for the construction of a public work is awarded pursuant to NRS 338.1696 shall submit to the public body that awarded the contract a list containing the names of each subcontractor with whom the construction manager at risk intends to enter into a contract for the provision of materials, equipment, work or other services on the public work.

Assemblywoman Kirkpatrick moved that the Assembly adopt the report of the Conference Committee concerning Senate Bill No. 268.

Remarks by Assemblywoman Kirkpatrick.

Motion carried by a constitutional majority.

Mr. Speaker:

The Conference Committee concerning Senate Bill No. 365, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that Amendment No. 639 of the Assembly be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. 13, which is attached to and hereby made a part of this report.

APRIL MASTROLUCA
OLIVIA DIAZ
RICHARD MCARTHUR
Assembly Conference Committee

MO DENIS
VALERIE WIENER
GREG BROWER
Senate Conference Committee

Conference Amendment No. CA13.

SUMMARY—Eliminates certain mandates pertaining to school districts and public schools in this State. (BDR 34-184)

AN ACT relating to education; eliminating certain requirements imposed by statute on school districts and public schools in this State; ~~[requiring]~~ **revising the requirements for** the board of trustees of certain school districts to adopt a pilot program to provide a program of small learning communities in certain middle schools, junior high schools and high schools; **extending the effective date for the implementation of academic plans for pupils enrolled in middle school or junior high school;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the board of trustees of each school district is required to adopt a policy to engage certain administrators in the classroom. (NRS 391.235) **Section 21.5** of this bill makes the adoption of such a policy permissive rather than mandatory.

Under existing federal law, a school which is served under Title I and which is identified as needing improvement pursuant to the federal law is required to develop and implement a school improvement plan. (20 U.S.C. § 6316(b)(3)) Also under existing federal law, a school district which is served under Title I and which is identified as needing improvement pursuant to the federal law is required to develop and implement a plan for improvement for the school district. (20 U.S.C. § 6316(c)(7)) Under existing state law, the board of trustees of each school district is required to prepare a plan to improve the achievement of pupils enrolled in the school district. (NRS 385.348) ~~[Also under existing law, the principal of each public school is required to prepare a plan to improve the achievement of pupils enrolled in the school.]~~ This bill repeals ~~[both of those state statutory requirements relating to plans for improvement.]~~ **the state statutory requirement for a school district to prepare a plan for improvement.**

Under existing law, certain school districts in this State are required to adopt a policy providing for the creation of small learning communities for certain pupils enrolled in middle school or junior high school and high school. (NRS 388.171, 388.215) **Section 21.3** of this bill requires the board of trustees of each school district which includes at least one high school with an enrollment of 1,200 pupils or more to adopt a pilot program of small learning communities for implementation in at least 50 percent of those high schools. **Section 36.3** of this bill requires the board of trustees of each school district which includes at least one middle school or junior high school with an enrollment of 500 pupils or more to adopt a pilot program of small learning communities for pupils in their initial year of enrollment for implementation in at least 50 percent of those schools. **Sections 36.5 and 38**

of this bill require both pilot programs to be implemented beginning with the 2013-2014 school year.

Under existing law, effective on July 1, 2011, an academic plan must be developed for each pupil enrolled in middle school or junior high school in accordance with a policy adopted by the board of trustees of the school district. **Section 36.5** of this bill extends the date for adoption of such a policy to January 1, 2013, for implementation beginning with the 2013-2014 school year.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. (Deleted by amendment.)

Sec. 2. (Deleted by amendment.)

Sec. 3. NRS 385.359 is hereby amended to read as follows:

385.359 1. The Bureau shall contract with a person or entity to:

(a) Review and analyze, in accordance with the standards prescribed by the Committee pursuant to subsection 2 of NRS 218E.615, the:

(1) Annual report of accountability prepared by:

(I) The State Board pursuant to NRS 385.3469; and

(II) The board of trustees of each school district pursuant to NRS 385.347.

(2) Plan to improve the achievement of pupils prepared by :

(I) The ~~*[the]*~~ State Board pursuant to NRS 385.34691 ; ***and***

(II) ~~**[**[The board of trustees of each school district pursuant to NRS 385.348; and~~

~~(III)**]**~~ Each school pursuant to NRS 385.357 identified by the Bureau for review, if any, or if such a plan has not been prepared, the ~~*[, any]*~~ turnaround plan for the schools identified by the Bureau, if any, implemented pursuant to NRS 385.37603 or the plan for restructuring the school implemented pursuant to NRS 385.37607, as applicable.

(b) Submit a written report to and consult with the State Board and the Department regarding any methods by which the State Board may improve the accuracy of the report of accountability required pursuant to NRS 385.3469 and the plan to improve the achievement of pupils required pursuant to NRS 385.34691, and the purposes for which the report and plan to improve are used.

(c) Submit a written report to and consult with each school district regarding any methods by which the district may improve the accuracy of the report required pursuant to subsection 2 of NRS 385.347 ~~**[**and the plan to improve the achievement of pupils required pursuant to NRS 385.348,**]**~~ and the purposes for which the report ~~**[**and plan to improve are**]**~~ ***is*** used.

(d) If requested by the Bureau, submit a written report to and consult with individual schools identified by the Bureau regarding any methods by which the school may improve the accuracy of the information required to be reported for the school pursuant to subsection 2 of NRS 385.347 and the:

(1) Plan to improve the achievement of pupils required pursuant to NRS 385.357;

(2) Turnaround plan for the school implemented pursuant to NRS 385.37603; or

(3) ~~[(2)]~~ Plan for restructuring the school implemented pursuant to NRS 385.37607,

➥ whichever is applicable for the school.

(e) Submit written reports and any recommendations to the Committee and the Bureau concerning:

(1) The effectiveness of the provisions of NRS 385.3455 to 385.391, inclusive, in improving the accountability of the schools of this State;

(2) The status of each school district that is designated as demonstrating need for improvement pursuant to NRS 385.377 and each school that is designated as demonstrating need for improvement pursuant to NRS 385.3623; and

(3) Any other matter related to the accountability of the public schools of this State, as deemed necessary by the Bureau.

2. The consultant with whom the Bureau contracts to perform the duties required pursuant to subsection 1 must possess the experience and knowledge necessary to perform those duties, as determined by the Committee.

Sec. 4. (Deleted by amendment.)

Sec. 4.5. **(Deleted by amendment.)**

Sec. 5. (Deleted by amendment.)

Sec. 5.5. **(Deleted by amendment.)**

Sec. 6. (Deleted by amendment.)

Sec. 6.5. **(Deleted by amendment.)**

Sec. 7. (Deleted by amendment.)

Sec. 7.5. **(Deleted by amendment.)**

Sec. 8. (Deleted by amendment.)

Sec. 8.5. **(Deleted by amendment.)**

Sec. 9. NRS 385.3785 is hereby amended to read as follows:

385.3785 1. The Commission shall:

(a) Establish a program of educational excellence designed exclusively for pupils enrolled in kindergarten through grade 6 in public schools in this State based upon:

(1) The plan to improve the achievement of pupils prepared by the State Board pursuant to NRS 385.34691;

(2) The ~~[plan to improve the achievement of pupils prepared by the board of trustees of each school district pursuant to NRS 385.348;~~

~~(3) The]~~ plan to improve the achievement of pupils prepared by the principal of each school pursuant to NRS 385.357, which may include a program of innovation, the turnaround plan for the school implemented pursuant to NRS 385.37603 or the plan for restructuring the school implemented pursuant to NRS 385.37607, whichever is ~~*[if]*~~ applicable for the school; and

~~[(4)]~~ ***(3)*** Any other information that the Commission considers relevant to the development of the program of educational excellence.

(b) Identify programs, practices and strategies that have proven effective in improving the academic achievement and proficiency of pupils.

(c) Develop a concise application and simple procedures for the submission of applications by public schools and consortiums of public schools, including, without limitation, charter schools, for participation in a program of educational excellence and for grants of money from the Account. Grants of money must be made for programs designed for the achievement of pupils that are linked to the plan to improve the achievement of pupils or for innovative programs, or both, or that are linked to the turnaround plan for the school or the plan for restructuring the school, if applicable, or for innovative programs, or both. The Commission shall not award a grant of money from the Account for a program to provide full-day kindergarten. All public schools and consortiums of public schools, including, without limitation, charter schools, are eligible to submit such an application, regardless of whether the schools have made adequate yearly progress or failed to make adequate yearly progress. A public school or a consortium of public schools selected for participation may be approved by the Commission for participation for a period not to exceed 2 years, but may reapply.

(d) Prescribe a long-range timeline for the review, approval and evaluation of applications received from public schools and consortiums of public schools that desire to participate in the program.

(e) Establish guidelines for the review, evaluation and approval of applications for grants of money from the Account, including, without limitation, consideration of the list of priorities of public schools provided by the Department pursuant to subsection 6. To ensure consistency in the review, evaluation and approval of applications, if the guidelines authorize the review and evaluation of applications by less than the entire membership of the Commission, money must not be allocated from the Account for a grant until the entire membership of the Commission has reviewed and approved the application for the grant.

(f) Prescribe accountability measures to be carried out by a public school that participates in the program if that public school does not meet the annual measurable objectives established by the State Board pursuant to NRS 385.361, including, without limitation:

(1) The specific levels of achievement expected of schools that participate; and

(2) Conditions for schools that do not meet the grant criteria but desire to continue participation in the program and receive money from the Account, including, without limitation, a review of the leadership at the school and recommendations regarding changes to the appropriate body.

(g) Determine the amount of money that is available from the Account for those public schools and consortiums of public schools that are selected to participate in the program.

(h) Allocate money to public schools and consortiums of public schools from the Account. Allocations must be distributed not later than August 15 of each year.

(i) Establish criteria for public schools and consortiums of public schools that participate in the program and receive an allocation of money from the Account to evaluate the effectiveness of the allocation in improving the achievement of pupils, including, without limitation, a detailed analysis of:

(1) The achievement of pupils enrolled at each school that received money from the allocation based upon measurable criteria ~~*[, including, without limitation, if applicable for the school, measurable criteria]*~~ identified in , as applicable, the:

(I) Plan to improve the achievement of pupils for the school prepared pursuant to NRS 385.357;

(II) Turnaround plan for the school implemented pursuant to NRS 385.37603; or

(III) ~~*[(II)]*~~ Plan for restructuring the school implemented pursuant to NRS 385.37607;

(2) If applicable, the effectiveness of the program of innovation on the achievement of pupils and the overall effectiveness for pupils and staff; ~~*[and]*~~

(3) The implementation of the applicable plans for improvement, including, without limitation, an analysis of whether the school is meeting the measurable objectives identified in the plan; and

(4) The attainment of measurable progress on the annual list of adequate yearly progress of school districts and schools.

2. To the extent money is available, the Commission shall make allocations of money to public schools and consortiums of public schools for effective programs for grades 7 through 12 that are designed to improve the achievement of pupils and effective programs of innovation for pupils. In

making such allocations, the Commission shall comply with the requirements of this section.

3. An application submitted pursuant to this section must include a written statement which:

(a) Indicates whether the public school or consortium of public schools is submitting the application for the continuation of an existing program or for the establishment of a new program; and

(b) Identifies all other sources of money that the public school or consortium of public schools has requested or received for the continuation or establishment of:

(1) The program for which the application is submitted; or

(2) A substantially similar program.

4. The Commission shall ensure, to the extent practicable, that grants of money provided pursuant to this section reflect the economic and geographic diversity of this State.

5. If a public school or consortium of public schools that receives money pursuant to subsection 1 or 2:

(a) Does not meet the criteria for effectiveness as prescribed in paragraph (i) of subsection 1;

(b) Does not, as a result of the program for which the grant of money was awarded, show improvement in the achievement of pupils, as determined in an evaluation conducted pursuant to subsection 3 of NRS 385.379; or

(c) Does not implement the program for which the money was received, as determined in an audit conducted pursuant to subsection 4 of NRS 385.3789 or an evaluation conducted pursuant to subsection 3 of NRS 385.379,

➥ over a 2-year period, the Commission may consider not awarding future allocations of money to that public school or consortium of public schools.

6. On or before July 1 of each year, the Department shall provide a list of priorities of public schools that indicates:

(a) The adequate yearly progress status of schools in the immediately preceding year; and

(b) The public schools that are considered Title I eligible by the Department based upon the poverty level of the pupils enrolled in a school in comparison to the poverty level of the pupils in the school district as a whole,

➥ for consideration by the Commission in its development of procedures for the applications.

7. A public school, including, without limitation, a charter school, or a consortium of public schools may request assistance from the school district in which the school is located in preparing an application for a grant of money pursuant to this section. A school district shall assist each public school or consortium of public schools that requests assistance pursuant to this subsection to ensure that the application of the school:

(a) Is based directly upon, as applicable, ~~*[if applicable for the school,]*~~ the:

(1) Plan to improve the achievement of pupils prepared for the school pursuant to NRS 385.357;

(2) Turnaround plan for the school implemented pursuant to NRS 385.37603; or

(3) ~~*[(2)]*~~ Plan for restructuring the school implemented pursuant to NRS 385.37607;

(b) Is developed in accordance with the criteria established by the Commission; and

(c) Is complete and complies with all technical requirements for the submission of an application.

➥ A school district may make recommendations to the individual schools and consortiums of public schools. Such schools and consortiums of public schools are not required to follow the recommendations of a school district.

8. In carrying out the requirements of this section, the Commission shall review and consider the programs of remedial study adopted by the Department pursuant to NRS 385.389, the list of approved providers of supplemental educational services maintained by the Department pursuant to NRS 385.384 and the recommendations submitted by the Committee pursuant to NRS 218E.615 concerning programs, practices and strategies that have proven effective in improving the academic achievement and proficiency of pupils.

9. The Commission shall not award a grant of money from the Account for a program of remedial study that is available commercially unless that program has been adopted by the Department pursuant to NRS 385.389.

10. If a consortium of public schools is formed for the purpose of submitting an application pursuant to this section, the public schools within the consortium do not need to be located within the same school district.

Sec. 10. (Deleted by amendment.)

Sec. 11. (Deleted by amendment.)

Sec. 11.5. **(Deleted by amendment.)**

Sec. 12. (Deleted by amendment.)

Sec. 13. (Deleted by amendment.)

Sec. 14. (Deleted by amendment.)

Sec. 15. (Deleted by amendment.)

Sec. 16. (Deleted by amendment.)

Sec. 17. (Deleted by amendment.)

Sec. 18. (Deleted by amendment.)

Sec. 19. (Deleted by amendment.)

Sec. 20. (Deleted by amendment.)

Sec. 21. (Deleted by amendment.)

Sec. 21.3. NRS 388.215 is hereby amended to read as follows:

388.215 1. The board of trustees of each school district which includes at least one high school with an enrollment of 1,200 pupils or more, including pupils enrolled in ninth grade, shall adopt a ~~[policy for each of those high schools]~~ ***pilot program*** to provide a program of small learning communities. The ~~[policy]~~ ***pilot program must be implemented in at least 50 percent of the high schools in the school district with an enrollment of 1,200 pupils or more and*** must require:

(a) Where practicable, the designation of a separate area geographically within the high school where the pupils enrolled in ninth grade attend classes;

(b) The collection and maintenance of information relating to pupils enrolled in ninth grade, including, without limitation, credits earned, attendance, truancy and indicators that a pupil may be at risk of dropping out of high school;

(c) Based upon the information collected pursuant to paragraph (b), the timely identification of any special needs of a pupil enrolled in ninth grade, including, without limitation, any need for programs of remedial study for a particular subject area and appropriate counseling;

(d) Methods to increase the involvement of parents and legal guardians of pupils enrolled in ninth grade in the education of their children; and

(e) The assignment of:

(1) Guidance counselors;

(2) At least one licensed school administrator; and

(3) Appropriate adult mentors,

➥ specifically for the pupils enrolled in ninth grade.

2. The principal of ~~[each]~~ ***a*** high school in which 1,200 pupils or more are enrolled, including pupils enrolled in ninth grade, ***and which the board of trustees of the school district has designated to participate in the pilot program adopted pursuant to subsection 1*** shall:

(a) Carry out a program of small learning communities in accordance with the ~~[policy prescribed by the board of trustees pursuant to subsection 1;]~~ ***pilot program;*** and

(b) Submit an annual report, on a date prescribed by the board of trustees, that sets forth the specific strategies, programs and methods that are used to focus on the pupils enrolled in ninth grade at the school.

Sec. 21.5. NRS 391.235 is hereby amended to read as follows:

391.235 1. The board of trustees of each school district ~~[shall]~~ ***may*** adopt a policy that sets forth procedures and conditions for a program to engage administrators employed by the school district at the district level in annual classroom instruction, observation and other activities in a manner that is appropriate for the responsibilities, position and duties of the administrators. ~~[The]~~ ***If the board of trustees adopts such a policy, the***

policy must require each administrator employed by the school district at the district level to:

(a) If the administrator holds a license to teach, provide instruction in a core academic subject in a classroom for at least 1 regularly scheduled full instructional day in each school year; or

(b) If the administrator does not hold a license to teach:

(1) Personally observe a classroom for at least one-half of a regularly scheduled full instructional day in each school year; or

(2) Otherwise participate in activities with pupils in the classroom in each school year, including, without limitation, serving as a guest speaker in the classroom, reading to pupils in elementary school and participating in career day.

2. ~~[A]~~ ***If the board of trustees of a school district adopts a policy pursuant to subsection 1, a*** district-level administrator may choose a school within the school district at which the administrator will carry out the ~~[requirements]~~ ***provisions*** of this section.

3. ~~[An]~~ ***If the board of trustees of a school district adopts a policy pursuant to subsection 1, an*** administrator who provides instruction pursuant to paragraph (a) of subsection 1 must be assigned as a substitute teacher for the full instructional day in which the administrator carries out the ~~[requirements]~~ ***provisions*** of this section.

4. The provisions of this section do not apply to administrators who are employed by a school district to provide administrative service at the school level, including, without limitation, a principal or vice principal.

5. As used in this section, "core academic subject" means the core academic subjects designated pursuant to NRS 389.018.

Sec. 22. NRS 391.298 is hereby amended to read as follows:

391.298 If the board of trustees of a school district or the superintendent of schools of a school district schedules a day or days for the professional development of teachers or administrators employed by the school district:

1. The primary focus of that scheduled professional development must be to improve the achievement of the pupils enrolled in the school district ~~[.]~~, as set forth in the:

(a) ~~[Plan to improve the achievement of pupils enrolled in the school district prepared pursuant to NRS 385.348;~~

~~(b)]~~ Plan to improve the achievement of pupils prepared pursuant to NRS 385.357;

~~[(c)]~~ ***(b)*** Turnaround plan for the school implemented pursuant to NRS 385.37603; or

~~[(d)]~~ ***(c)*** Plan for restructuring the school implemented pursuant to NRS 385.37607,

➥ as applicable.

2. The scheduled professional development must be structured so that teachers attend professional development that is designed for the specific subject areas or grades taught by those teachers.

Sec. 23. NRS 391.540 is hereby amended to read as follows:

391.540 1. The governing body of each regional training program shall:

(a) Adopt a training model, taking into consideration other model programs, including, without limitation, the program used by the Geographic Alliance in Nevada.

(b) Assess the training needs of teachers and administrators who are employed by the school districts within the primary jurisdiction of the regional training program and adopt priorities of training for the program based upon the assessment of needs. The board of trustees of each such school district may submit recommendations to the appropriate governing body for the types of training that should be offered by the regional training program.

(c) In making the assessment required by paragraph (b) ~~**[**, review the plans to improve the achievement of pupils prepared pursuant to NRS 385.348 by the school districts within the primary jurisdiction of the regional training program**]**~~ and ~~**[**,**]**~~ as deemed necessary by the governing body, review the:

(1) Plans to improve the achievement of pupils prepared pursuant to NRS 385.357;

(2) Turnaround plans for schools implemented pursuant to NRS 385.37603; and

(3) ~~*[(2)]*~~ Plans for restructuring schools implemented pursuant to NRS 385.37607,

➥ for individual schools within the primary jurisdiction of the regional training program . ~~*[which are required to implement a turnaround plan or plan for restructuring.]*~~

(d) Prepare a 5-year plan for the regional training program, which includes, without limitation:

(1) An assessment of the training needs of teachers and administrators who are employed by the school districts within the primary jurisdiction of the regional training program; and

(2) Specific details of the training that will be offered by the regional training program for the first 2 years covered by the plan.

(e) Review the 5-year plan on an annual basis and make revisions to the plan as are necessary to serve the training needs of teachers and administrators employed by the school districts within the primary jurisdiction of the regional training program.

2. The Department, the Nevada System of Higher Education and the board of trustees of a school district may request the governing body of the

regional training program that serves the school district to provide training, participate in a program or otherwise perform a service that is in addition to the duties of the regional training program that are set forth in the plan adopted pursuant to this section or otherwise required by statute. An entity may not represent that a regional training program will perform certain duties or otherwise obligate the regional training program as part of an application by that entity for a grant unless the entity has first obtained the written confirmation of the governing body of the regional training program to perform those duties or obligations. The governing body of a regional training program may, but is not required to, grant a request pursuant to this subsection.

Sec. 24. (Deleted by amendment.)

Sec. 25. (Deleted by amendment.)

Sec. 26. (Deleted by amendment.)

Sec. 27. (Deleted by amendment.)

Sec. 28. (Deleted by amendment.)

Sec. 29. (Deleted by amendment.)

Sec. 30. (Deleted by amendment.)

Sec. 31. (Deleted by amendment.)

Sec. 32. (Deleted by amendment.)

Sec. 33. (Deleted by amendment.)

Sec. 34. (Deleted by amendment.)

Sec. 35. (Deleted by amendment.)

Sec. 36. (Deleted by amendment.)

Sec. 36.3. Section 3 of chapter 311, Statutes of Nevada 2009, at page 1332, is hereby amended to read as follows:

Sec. 3. 1. The board of trustees of each school district which includes at least one middle school or junior high school with an enrollment of 500 pupils or more shall adopt a ~~[policy for each of those middle schools and junior high schools]~~ ***pilot program*** to provide a program of small learning communities for pupils enrolled in the grade level at which those middle schools or junior high schools initially enroll pupils. The ~~[policy]~~ ***pilot program must be implemented in at least 50 percent of the middle schools and junior high schools in the school district with an enrollment of 500 pupils or more and*** must require:

(a) Where practicable, the designation of a separate area geographically within the middle school or junior high school where the pupils enrolled in their initial year at the middle school or junior high school attend classes;

(b) The collection and maintenance of information relating to pupils enrolled in their initial year at the middle school or junior high school, including, without limitation, credits earned, attendance, truancy and

indicators that a pupil may be at risk of dropping out of middle school or junior high school;

(c) Based upon the information collected pursuant to paragraph (b), the timely identification of any special needs of a pupil enrolled in his initial year at the middle school or junior high school, including, without limitation, any need for programs of remedial study for a particular subject area and appropriate counseling;

(d) Methods to increase the involvement of parents and legal guardians of pupils enrolled in their initial year in a middle school or junior high school in the education of their children; and

(e) The assignment of:

(1) Guidance counselors;

(2) At least one licensed school administrator or his designee; and

(3) Appropriate adult mentors,

➥ specifically for the pupils enrolled in their initial year at the middle school or junior high school.

2. The principal of ~~[each]~~ ***a*** middle school or junior high school in which 500 pupils or more are enrolled ***and which the board of trustees of the school district has designated to participate in the pilot program adopted pursuant to subsection 1*** shall:

(a) Carry out a program of small learning communities in accordance with the ~~[policy prescribed by the board of trustees pursuant to subsection 1;]~~ ***pilot program;*** and

(b) Submit an annual report, on a date prescribed by the board of trustees, that sets forth the specific strategies, programs and methods which are used to focus on the pupils enrolled in their initial year at the middle school or junior high school, including, without limitation, the program of mentoring provided pursuant to section 5 of this act.

Sec. 36.5. Section 7 of chapter 311, Statutes of Nevada 2009, at page 1334, is hereby amended to read as follows:

Sec. 7. 1. ***The board of trustees of each school district shall adopt the policy required by section 2 of this act not later than January 1, 2013, for implementation beginning with the 2013-2014 School Year. On or before June 1, 2012, the board of trustees of each school district shall provide a report to the Superintendent of Public Instruction on the status of the adoption of the policy required by section 2 of this act, including, without limitation, a plan for the implementation of that policy beginning with the 2013-2014 School Year. On or before July 1, 2012, the Superintendent of Public Instruction shall compile the reports and provide a report of the compilation to the Legislative Committee on Education.***

2. The board of trustees of each school district which includes at least one middle school or junior high school with an enrollment of 500 pupils

or more shall adopt the pilot program required by section 3 of this act not later than January 1, 2013, for implementation beginning with the 2013-2014 School Year. On or before June 1, 2012, the board of trustees of each such school district shall provide a report to the Superintendent of Public Instruction on the status of the adoption of the pilot program required by section 3 of this act, including, without limitation, a plan for the implementation of the pilot program beginning with the 2013-2014 School Year. On or before July 1, 2012, the Superintendent of Public Instruction shall compile the reports and provide a report of the compilation to the Legislative Committee on Education.

3. The board of trustees of each school district shall adopt the policies required by sections ~~[2, 3,]~~ 5 and 6 of this act not later than January 1, 2011, for implementation beginning with the 2011-2012 School Year.

~~[2.]~~ ***4.*** On or before June 1, 2010, the board of trustees of each school district shall provide a report to the Superintendent of Public Instruction on the status of the adoption of the policies required by sections ~~[2, 3,]~~ 5 and 6 of this act, including, without limitation, a plan for implementation of those policies beginning with the 2011-2012 School Year. On or before July 1, 2010, the Superintendent of Public Instruction shall compile the reports and provide a report of the compilation to the Legislative Committee on Education.

Sec. 36.7. Section 8 of chapter 311, Statutes of Nevada 2009, at page 1334, is hereby amended to read as follows:

Sec. 8. 1. This section and section 7 of this act become effective on July 1, 2009.

2. Sections ~~[2 to]~~ ***4, 5 and*** 6 ~~[, inclusive,]~~ of this act become effective on July 1, 2009, for the purpose of adopting the policies required by sections ~~[2, 3,]~~ 5 and 6 of this act and on July 1, 2011, for all other purposes.

3. Section 2 of this act becomes effective on July 1, 2009, for the purpose of adopting the policy required by that section and on July 1, 2013, for all other purposes.

4. Section 3 of this act becomes effective on July 1, 2011, for the purposes of adopting the pilot program required by that section and on July 1, 2013, for all other purposes.

Sec. 37. NRS 385.348 ~~[and 385.357 are]~~ **is** hereby repealed.

Sec. 37.5. (Deleted by amendment.)

Sec. 38. 1. This section and section 36.7 of this act become effective upon passage and approval.

2. Sections 1 to 21, inclusive, 21.5 to 36.5, inclusive, and 37 of this act become effective on July 1, 2011.

3. Section 21.3 of this act becomes effective on July 1, 2011, for the purpose of adopting the pilot program required by that section and on July 1, 2013, for all other purposes.

TEXT OF REPEALED ~~[SECTIONS]~~ SECTION

385.348 Plan by school district to improve achievement of pupils: Preparation; contents; submission; annual review.

385.348 1. The board of trustees of each school district shall, in consultation with the employees of the school district, prepare a plan to improve the achievement of pupils enrolled in the school district, excluding pupils who are enrolled in charter schools located in the school district. If the school district is a Title I school district designated as demonstrating need for improvement pursuant to NRS 385.377, the plan must also be prepared in consultation with parents and guardians of pupils enrolled in the school district and other persons who the board of trustees determines are appropriate.

2. Except as otherwise provided in this subsection, the plan must include the items set forth in 20 U.S.C. § 6316(c)(7) and the regulations adopted pursuant thereto. If a school district has not been designated as demonstrating need for improvement pursuant to NRS 385.377, the board of trustees of the school district is not required to include those items set forth in 20 U.S.C. § 6316(c)(7) and the regulations adopted pursuant thereto that directly relate to the status of a school district as needing improvement.

3. In addition to the requirements of subsection 2, a plan to improve the achievement of pupils enrolled in a school district must include:

(a) A review and analysis of the data upon which the report required pursuant to subsection 2 of NRS 385.347 is based and a review and analysis of any data that is more recent than the data upon which the report is based.

(b) The identification of any problems or factors at individual schools that are revealed by the review and analysis.

(c) Strategies based upon scientifically based research, as defined in 20 U.S.C. § 7801(37), that will strengthen the core academic subjects, as set forth in NRS 389.018.

(d) Strategies to improve the academic achievement of pupils enrolled in the school district, including, without limitation, strategies to:

(1) Instruct pupils who are not achieving to their fullest potential, including, without limitation:

(I) The curriculum appropriate to improve achievement;

(II) The manner by which the instruction will improve the achievement and proficiency of pupils on the examinations administered pursuant to NRS 389.015 and 389.550; and

(III) An identification of the instruction and curriculum that is specifically designed to improve the achievement and proficiency of pupils in each group identified in paragraph (b) of subsection 1 of NRS 385.361;

(2) Increase the rate of attendance of pupils and reduce the number of pupils who drop out of school;

(3) Integrate technology into the instructional and administrative programs of the school district;

(4) Manage effectively the discipline of pupils; and

(5) Enhance the professional development offered for the teachers and administrators employed by the school district to include the activities set forth in 20 U.S.C. § 7801(34) and to address the specific needs of the pupils enrolled in the school district, as deemed appropriate by the board of trustees of the school district.

(e) An identification, by category, of the employees of the school district who are responsible for ensuring that each provision of the plan is carried out effectively.

(f) In consultation with the Department, an identification, by category, of the employees of the Department, if any, who are responsible for overseeing and monitoring whether the plan is carried out effectively.

(g) For each provision of the plan, a timeline for carrying out that provision, including, without limitation, a timeline for monitoring whether the provision is carried out effectively.

(h) For each provision of the plan, measurable criteria for determining whether the provision has contributed toward improving the academic achievement of pupils, increasing the rate of attendance of pupils and reducing the number of pupils who drop out of school.

(i) Strategies to improve the allocation of resources from the school district, by program and by school, in a manner that will improve the academic achievement of pupils. If this State has a financial analysis program that is designed to track educational expenditures and revenues to individual schools, each school district shall use that statewide program in complying with this paragraph. If a statewide program is not available, each school district shall use its own financial analysis program in complying with this paragraph.

(j) Based upon the reallocation of resources set forth in paragraph (i), the resources available to the school district to carry out the plan, including, without limitation, a budget of the overall cost for carrying out the plan.

(k) A summary of the effectiveness of appropriations made by the Legislature that are available to the school district or the schools within the school district to improve the academic achievement of pupils and programs approved by the Legislature to improve the academic achievement of pupils.

(l) An identification of the programs, practices and strategies that are used throughout the school district and by the schools within the school district that have proven successful in improving the achievement and proficiency of pupils, including, without limitation:

(1) An identification of each school that carries out such a program, practice or strategy;

(2) An indication of which programs, practices and strategies are carried out throughout the school district and which programs, practices and strategies are carried out by individual schools;

(3) The extent to which the programs, practices and strategies include methods to improve the achievement and proficiency of pupils in each group identified in paragraph (b) of subsection 1 of NRS 385.361; and

(4) A description of how the school district disseminates information concerning the successful programs, practices and strategies to all schools within the school district.

4. The board of trustees of each school district shall:

(a) Review the plan prepared pursuant to this section annually to evaluate the effectiveness of the plan; and

(b) Based upon the evaluation of the plan, make revisions, as necessary, to ensure that the plan is designed to improve the academic achievement of pupils enrolled in the school district.

5. On or before December 15 of each year, the board of trustees of each school district shall submit the plan or the revised plan, as applicable, to the:

(a) Superintendent of Public Instruction;

(b) Governor;

(c) State Board;

(d) Department;

(e) Committee; and

(f) Bureau.

~~[~~ ~~385.357 Plan to improve achievement of pupils for individual schools; duties of school support team in preparing plan; annual review; process for submission and approval of plan; timeline for carrying out plan. Effective July 1, 2010.~~

~~1. Except as otherwise provided in NRS 385.37603 and 385.37607, the principal of each school, including, without limitation, each charter school, shall, in consultation with the employees of the school, prepare a plan to improve the achievement of the pupils enrolled in the school.~~

~~2. The plan developed pursuant to subsection 1 must include:~~

~~(a) A review and analysis of the data pertaining to the school upon which the report required pursuant to subsection 2 of NRS 385.347 is based and a review and analysis of any data that is more recent than the data upon which the report is based.~~

~~(b) The identification of any problems or factors at the school that are revealed by the review and analysis.~~

~~(c) Strategies based upon scientifically based research, as defined in 20 U.S.C. § 7801(37), that will strengthen the core academic subjects, as defined in NRS 389.018.~~

~~(d) Policies and practices concerning the core academic subjects which have the greatest likelihood of ensuring that each group of pupils identified in paragraph (b) of subsection 1 of NRS 385.361 who are enrolled in the school will make adequate yearly progress and meet the minimum level of proficiency prescribed by the State Board.~~

~~(e) Annual measurable objectives, consistent with the annual measurable objectives established by the State Board pursuant to NRS 385.361, for the continuous and substantial progress by each group of pupils identified in paragraph (b) of subsection 1 of that section who are enrolled in the school to ensure that each group will make adequate yearly progress and meet the level of proficiency prescribed by the State Board.~~

~~(f) Strategies, consistent with the policy adopted pursuant to NRS 392.457 by the board of trustees of the school district in which the school is located, to promote effective involvement by parents and families of pupils enrolled in the school in the education of their children.~~

~~(g) As appropriate, programs of remedial education or tutoring to be offered before and after school, during the summer, or between sessions if the school operates on a year-round calendar for pupils enrolled in the school who need additional instructional time to pass or to reach a level considered proficient.~~

~~(h) Strategies to improve the academic achievement of pupils enrolled in the school, including, without limitation, strategies to:~~

~~(1) Instruct pupils who are not achieving to their fullest potential, including, without limitation:~~

~~(I) The curriculum appropriate to improve achievement;~~

~~(II) The manner by which the instruction will improve the achievement and proficiency of pupils on the examinations administered pursuant to NRS 389.015 and 389.550; and~~

~~(III) An identification of the instruction and curriculum that is specifically designed to improve the achievement and proficiency of pupils in each group identified in paragraph (b) of subsection 1 of NRS 385.361;~~

~~(2) Increase the rate of attendance of pupils and reduce the number of pupils who drop out of school;~~

~~(3) Integrate technology into the instructional and administrative programs of the school;~~

~~(4) Manage effectively the discipline of pupils; and~~

~~(5) Enhance the professional development offered for the teachers and administrators employed at the school to include the activities set forth in 20 U.S.C. § 7801(34) and to address the specific needs of pupils enrolled in the school, as deemed appropriate by the principal.~~

~~(i) An identification, by category, of the employees of the school who are responsible for ensuring that the plan is carried out effectively.~~

~~(j) In consultation with the school district or governing body, as applicable, an identification, by category, of the employees of the school district or governing body, if any, who are responsible for ensuring that the plan is carried out effectively or for overseeing and monitoring whether the plan is carried out effectively.~~

~~(k) In consultation with the Department, an identification, by category, of the employees of the Department, if any, who are responsible for overseeing and monitoring whether the plan is carried out effectively.~~

~~(l) For each provision of the plan, a timeline for carrying out that provision, including, without limitation, a timeline for monitoring whether the provision is carried out effectively.~~

~~(m) For each provision of the plan, measurable criteria for determining whether the provision has contributed toward improving the academic achievement of pupils, increasing the rate of attendance of pupils and reducing the number of pupils who drop out of school.~~

~~(n) The resources available to the school to carry out the plan. If this State has a financial analysis program that is designed to track educational expenditures and revenues to individual schools, each school shall use that statewide program in complying with this paragraph. If a statewide program is not available, each school shall use the financial analysis program used by the school district in which the school is located in complying with this paragraph.~~

~~(o) A summary of the effectiveness of appropriations made by the Legislature that are available to the school to improve the academic achievement of pupils and programs approved by the Legislature to improve the academic achievement of pupils.~~

~~(p) A budget of the overall cost for carrying out the plan.~~

~~3. In addition to the requirements of subsection 2, if a school has been designated as demonstrating need for improvement pursuant to NRS 385.3623, the plan must comply with 20 U.S.C. § 6316(b)(3) and the regulations adopted pursuant thereto.~~

~~4. Except as otherwise provided in subsection 5, the principal of each school shall, in consultation with the employees of the school:~~

~~(a) Review the plan prepared pursuant to this section annually to evaluate the effectiveness of the plan; and~~

~~(b) Based upon the evaluation of the plan, make revisions, as necessary, to ensure that the plan is designed to improve the academic achievement of pupils enrolled in the school.~~

~~5. If a school has been designated as demonstrating need for improvement pursuant to NRS 385.3623 and a support team has been established for the school, the support team shall review the plan and make revisions to the most recent plan for improvement of the school pursuant to NRS 385.36127. If the school is a Title I school that has been designated as demonstrating need for improvement, the support team established for the school shall, in making revisions to the plan, work in consultation with parents and guardians of pupils enrolled in the school and, to the extent deemed appropriate by the entity responsible for creating the support team, outside experts.~~

~~6. On or before November 1 of each year, the principal of each school or the support team established for the school, as applicable, shall submit the plan or the revised plan, as applicable, to:~~

~~(a) If the school is a public school of the school district, the superintendent of schools of the school district.~~

~~(b) If the school is a charter school, the governing body of the charter school.~~

~~7. If a Title I school is designated as demonstrating need for improvement pursuant to NRS 385.3623, the superintendent of schools of the school district or the governing body, as applicable, shall carry out a process for peer review of the plan or the revised plan, as applicable, in accordance with 20 U.S.C. § 6316(b)(3)(E) and the regulations adopted pursuant thereto. Not later than 45 days after receipt of the plan, the superintendent of schools of the school district or the governing body, as applicable, shall approve the plan or the revised plan, as applicable, if it meets the requirements of 20 U.S.C. § 6316(b)(3) and the regulations adopted pursuant thereto and the requirements of this section. The superintendent of schools of the school district or the governing body, as applicable, may condition approval of the plan or the revised plan, as applicable, in the manner set forth in 20 U.S.C. § 6316(b)(3)(B) and the regulations adopted pursuant thereto. The State Board shall prescribe the requirements for the process of peer review, including, without limitation, the qualifications of persons who may serve as peer reviewers.~~

~~8. If a school is designated as demonstrating exemplary achievement, high achievement or adequate achievement, or if a school that is not a Title I school is designated as demonstrating need for improvement, not later than 45 days after receipt of the plan or the revised plan, as applicable, the superintendent of schools of the school district or the governing body, as~~

~~applicable, shall approve the plan or the revised plan if it meets the requirements of this section.~~

~~9. On or before December 15 of each year, the principal of each school or the support team established for the school, as applicable, shall submit the final plan or the final revised plan, as applicable, to the:~~

~~(a) Superintendent of Public Instruction;~~

~~(b) Governor;~~

~~(c) State Board;~~

~~(d) Department;~~

~~(e) Committee;~~

~~(f) Bureau; and~~

~~(g) Board of trustees of the school district in which the school is located.~~

~~10. A plan for the improvement of a school must be carried out expeditiously, but not later than January 1 after approval of the plan pursuant to subsection 7 or 8, as applicable.~~**]**

Assemblywoman Mastroluca moved that the Assembly adopt the report of the Conference Committee concerning Senate Bill No. 365.

Remarks by Assemblywoman Mastroluca.

Motion carried by a constitutional majority.

Mr. Speaker:

The Conference Committee concerning Senate Bill No. 136, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that Amendment No. 811 of the Assembly be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. 11, which is attached to and hereby made a part of this report.

MARCUS CONKLIN	MICHAEL SCHNEIDER
IRENE BUSTAMANTE ADAMS	ALLISON COPENING
PAT HICKEY	JAMES SETTELMEYER
Assembly Conference Committee	*Senate Conference Committee*

Conference Amendment No. CA11.

SUMMARY—Revises certain provisions governing financial **[**~~institutions.~~**]** **organizations.** (BDR 55-737)

AN ACT relating to financial **[**~~institutions;~~**]** **organizations;** revising provisions governing the period that a bank may hold certain real property; removing provisions requiring a bank annually to charge off a certain percentage of the value of certain real property held by the bank and acquired as a result of a debt owed to the bank; revising provisions governing the review of certain applications for licensure by the Commissioner of Financial Institutions; revising provisions relating to the control of a retail trust company; revising provisions governing the assets which certain trust companies are required to maintain; revising provisions governing applications for a license to operate a retail trust company; authorizing

certain persons to appeal certain decisions of the Commissioner; **revising the period after which certain property is presumed to be abandoned;** requiring the State Controller to develop and operate with financial institutions a data-match system for the collection of certain debts owed to the State; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes a bank to hold real property that the bank acquires through the collection of debts owed to it for up to 10 years, and **section 1** of this bill reduces that period to 5 years, except that a bank may request an extension of that period from the Commissioner of Financial Institutions of not more than 5 years. Existing law also requires a bank to charge off the real property on a schedule of not less than 10 percent per year, or at a greater percentage if so required by the Commissioner. (NRS 662.015) **Section 1** removes the requirement that a bank annually charge off a certain percentage of the value of such real property.

Existing law charges the Commissioner with certain duties and responsibilities related to retail trust companies, including investigating companies that apply for licensure as a retail trust company, issuing licenses to qualified companies to operate as a retail trust company and removing from office an officer, director, manager or employee of a retail trust company for certain conduct. (NRS 657.180, 669.085, 669.090, 669.130, 669.150, 669.160, 669.281) **Section 3** of this bill requires the Commissioner to consider certain criteria related to the potential long-term success of a trust company before approving the company's application for licensure to operate as a retail trust company. **Section 4** of this bill requires a person who intends to obtain control of a retail trust company to submit an application for licensure to the Commissioner. **Section 7** of this bill requires the Commissioner to provide to an applicant for licensure as a retail trust company written notice of any grounds for denial of an application and authorizes the applicant to cure any defect or deficiency in the application and resubmit the application within a certain period. **Section 8** of this bill provides that a person who is removed from office by the Commissioner may appeal his or her removal from office within a certain period.

Existing law requires a retail trust company to maintain at least 50 percent of its required stockholders' equity in cash, unless the Commissioner approves a different amount, with the remaining amount to be held in the form of readily marketable securities or certain other assets that may be approved by the Commissioner. Existing law also requires a noncustodial trust company to maintain 50 percent of its required minimum capital in cash. (NRS 669.100) **Section 6** of this bill requires a retail trust company to maintain a certain amount of its required stockholders' equity in the form of cash or certain cash equivalents and authorizes a retail trust company to hold

the remaining amount of the required stockholders' equity in the form of readily marketable securities or certain other assets upon the approval of the Commissioner. **Section 6** further requires that bonds or other evidence of indebtedness held by a retail trust company as part of its required stockholders' equity meet certain investment standards. **Section 6** also requires a noncustodial trust company to maintain 25 percent of its required minimum capital in the form of cash.

Section 8.5 of this bill reduces from 3 years to 2 years the period after which unclaimed property is presumed to be abandoned property if the holder of the property reported holding more than $10 million in property presumed abandoned on the most recent report filed by the holder.

Section 10 of this bill requires the State Controller to develop and operate a system for matching data to collect outstanding debts owed to the State. Financial institutions in this State must provide to the State Controller information on persons who maintain accounts at the financial institution and are identified by the State Controller as owing outstanding debts to the State. Financial institutions are then required to encumber **certain** assets held in the financial institution by the debtors to pay their debts.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 662.015 is hereby amended to read as follows:

662.015 1. In addition to the powers conferred by law upon private corporations and limited-liability companies, a bank may:

(a) Exercise by its board of directors, managers or authorized officers and agents, subject to law, all powers necessary to carry on the business of banking by:

(1) Discounting and negotiating promissory notes, drafts, bills of exchange and other evidences of indebtedness;

(2) Receiving deposits;

(3) Buying and selling exchange, coin and bullion; and

(4) Loaning money on personal security or real and personal property.

➥ At the time of making loans, banks may take and receive interest or discounts in advance.

(b) Adopt regulations for its own government not inconsistent with the Constitution and laws of this State.

(c) Issue, advise and confirm letters of credit authorizing the beneficiaries to draw upon the bank or its correspondents.

(d) Receive money for transmission.

(e) Establish and become a member of a clearinghouse association and pledge assets required for its qualification.

(f) Exercise any authority and perform all acts that a national bank may exercise or perform, with the consent and written approval of the Commissioner. The Commissioner may, by regulation, waive or modify a requirement of Nevada law if the corresponding requirement for national banks is eliminated or modified.

(g) Provide for the performance of the services of a bank service corporation, such as data processing and bookkeeping, subject to any regulations adopted by the Commissioner.

(h) Unless otherwise specifically prohibited by federal law, sell annuities if licensed by the Commissioner of Insurance.

2. A bank may purchase, hold and convey real property:

(a) As is necessary for the convenient transaction of its business, including furniture and fixtures, with its banking offices and for future site expansion. This investment must not exceed, except as otherwise provided in this section, 60 percent of its stockholders' or members' equity, plus subordinated capital notes and debentures. The Commissioner may authorize any bank located in a city whose population is more than 10,000 to invest more than 60 percent of its stockholders' or members' equity, plus subordinated capital notes and debentures, in its banking offices, furniture and fixtures.

(b) As is mortgaged to it in good faith by way of security for loans made or money due to the bank.

(c) As is permitted by NRS 662.103.

3. This section does not prohibit any bank from holding, developing or disposing of any real property it may acquire through the collection of debts due it. ~~[Any]~~ ***Except as otherwise provided in subsection 4,*** real property acquired through the collection of debts due it may not be held for longer than ~~[10]~~ ***5*** years. It must be sold at private or public sale within 30 days thereafter. ~~[During the time that the bank holds the real property, the bank shall charge off the real property on a schedule of not less than 10 percent per year, or at a greater percentage per year as the Commissioner may require.]~~

4. A bank may request and the Commissioner may grant an extension of the period described in subsection 3 of not more than 5 years. The Commissioner shall not grant a bank more than one extension of the period prescribed in subsection 3 for any real property held by the bank.

Sec. 2. NRS 669.083 is hereby amended to read as follows:

669.083 1. A retail trust company licensed in this State shall maintain its principal office in this State.

2. The conditions for a retail trust company to fulfill the requirements of subsection 1 include, but are not limited to:

(a) A verifiable physical office in this State that conducts such business operations in this State as are necessary to administer trusts in this State;

(b) The presence of an employee that is a resident of Nevada in the principal office who has experience that is satisfactory to the Commissioner in accepting and administering trusts;

(c) Maintenance of originals or true copies of all material business records and accounts of the retail trust company which may be accessed and are readily available for examination by the Division of Financial Institutions;

(d) Maintenance of ***any cash as a portion of*** the required ~~[cash portion of the]~~ stockholders' equity pursuant to NRS 669.100 in accounts with one or more banks or other financial institutions located in this State;

(e) The provision of services to residents of this State consistent with the business plan provided by the trust company with its license application; and

(f) Such other conditions that the Commissioner may ***reasonably*** require to protect the public interest.

Sec. 3. NRS 669.085 is hereby amended to read as follows:

669.085 1. ~~[The Commissioner may conduct a pre-opening examination of a retail trust company and, in]~~ ***In*** rendering a decision on an application for a license as a retail trust company, ***the Commissioner shall*** consider:

(a) The proposed market or markets to be served and, if they extend outside of this State, any exceptional risk, examination or supervision concerns associated with such markets;

(b) Whether the proposed organizational and capital structure and the amount of initial capital appear adequate in relation to the proposed business and market or markets, including, without limitation, the average level of assets under management and administration projected for each of the first 3 years of operation;

(c) ~~[Whether the anticipated volume and nature of business indicate a reasonable probability of success and profitability based on the market or markets proposed to be served;~~

~~(d)]~~ Whether the proposed officers and directors or managers of the proposed retail trust company, as a group, have sufficient experience, ability, standing and competence and whether each individually has sufficient trustworthiness and integrity to justify a belief that the proposed retail trust company will be free from improper or unlawful influence and otherwise will operate in compliance with the law and applicable fiduciary duties and that success of the proposed retail trust company is reasonably probable;

~~[(e)]~~ ***(d)*** Whether any investment services to trusts, estates, charities, employee benefit plans and other fiduciary accounts or to natural persons, partnerships, limited-liability companies and other entities, including, without limitation, providing investment advice with or without discretion or selling investments in or investment products of affiliated or nonaffiliated persons, will be conducted in compliance with all applicable fiduciary

standards, including, without limitation, NRS 164.700 to 164.775, inclusive, the duty of loyalty and disclosure of material information;

~~[(f)]~~ ***(e)*** Whether the proposed retail trust company will be exempt from registration under the Investment Advisers Act of 1940, 15 U.S.C. § 80b-1 et seq., and any similar state laws in each state where it would otherwise be required to register and, if not, whether it will comply with such registration requirements before commencing business and thereafter will comply with all federal and state laws and regulations applicable to it, its employees and representatives as a registrant under such laws;

~~[(g)]~~ ***(f)*** Whether the proposed retail trust company will obtain suitable annual audits by qualified outside auditors of its books and records and its fiduciary activities under applicable account rules and standards as well as suitable internal audits; and

~~[(h)]~~ ***(g)*** Any other factors that the Commissioner may ***reasonably*** require.

2. The Commissioner may require a retail trust company to maintain capital in excess of the minimum required either initially or at any subsequent time based on the Commissioner's assessment of the risks associated with the retail trust company's business plan or any other circumstances revealed in the application, the Commissioner's investigation of the application or any examination of or filing by the retail trust company thereafter, including any examination before the opening of the retail trust company for business. In making such a determination, the Commissioner may consider:

(a) The nature and type of business proposed to be conducted by the retail trust company;

(b) The nature and liquidity of assets proposed to be held in its own account;

(c) The amount of fiduciary assets projected to be under management or under administration of the retail trust company;

(d) The type of fiduciary assets proposed to be held and any proposed depository of such assets;

(e) The complexity of fiduciary duties and degree of discretion proposed to be undertaken by the retail trust company;

(f) The competence and experience of proposed management of the retail trust company;

(g) The extent and adequacy of proposed internal controls;

(h) The proposed presence or absence of annual audits by an independent certified public accountant, and the scope and frequency of such audits, whether they result in an opinion of the accountant and any qualifications to the opinion;

(i) The reasonableness of business plans for retaining or acquiring additional equity capital;

(j) The existence and adequacy of insurance proposed to be obtained by the retail trust company for the purpose of protecting its fiduciary assets;

(k) The success of the retail trust company in achieving the financial projections submitted with its licensing application;

(l) The fulfillment by the retail trust company of its representations and its descriptions of its business structures and methods and management set forth in its licensing application; and

(m) Any other factor that the Commissioner may require.

Sec. 4. NRS 669.087 is hereby amended to read as follows:

669.087 1. A license issued pursuant to this chapter is not transferable or assignable **[**~~. Upon~~**]** ***, but upon*** approval of the Commissioner, a licensee may merge or consolidate with, or transfer its assets and control to, another entity that has been issued a license under this chapter. In making a determination regarding whether to grant such approval, the Commissioner may consider the factors set forth in paragraphs (a) to (m), inclusive, of subsection 2 of NRS 669.085.

2. If there is a change in control of any retail trust company, the chief executive officer or managing member of the retail trust company shall report the fact and the person obtaining control to the Commissioner within 5 business days after obtaining knowledge of the change.

3. A retail trust company shall, within 5 business days after there is a change in the chief executive officer, managing member or a majority of the directors or managing directors of the retail trust company, report the change to the Commissioner. The retail trust company shall include in its report a statement of the past and current business and professional affiliations of each new chief executive officer, managing member, director or managing director. A new chief executive officer, managing member, director or managing director shall furnish to the Commissioner a complete financial statement on a form prescribed by the Commissioner.

4. A person who **[**~~acquires~~**]** ***intends to acquire*** control **[**~~as a result of a change of control~~**]** of a retail trust company shall submit an application to the Commissioner. The application must be submitted on a form prescribed by the Commissioner. The Commissioner shall conduct an investigation ***pursuant to NRS 669.160*** to determine whether the person has a good reputation for honesty, trustworthiness and integrity and is competent to **[**~~transact the business of a~~**]** ***control the*** trust company in a manner which protects the interests of the general public.

5. The retail trust company with which the applicant described in subsection 4 is affiliated shall pay the nonrefundable cost of the investigation as the Commissioner requires. If the Commissioner denies the application,

the Commissioner may forbid or limit the applicant's participation in the business of the trust company.

6. As used in this section, "control" means the possession, directly or indirectly, of the power to direct or cause the direction of the management and policy of a retail trust company, or a change in the ownership of at least 25 percent of the outstanding voting stock of, or participating members' interest in, a retail trust company.

Sec. 5. NRS 669.092 is hereby amended to read as follows:

669.092 1. It is unlawful for any retail trust company licensed in this State to engage in trust company business at any office outside this State without the prior approval of the Commissioner.

2. Before the Commissioner will approve a branch to be located in another state, the retail trust company must:

(a) Obtain from that state a license as a trust company; or

(b) ~~[~~Meet~~]~~ ***Provide proof satisfactory to the Commissioner that the retail trust company has met*** all the requirements to do business as a trust company at an office in that state ~~[.]~~***, including, without limitation, written documentation from the appropriate state agency that the retail trust company is authorized to do business in that state.***

Sec. 6. NRS 669.100 is hereby amended to read as follows:

669.100 1. No retail trust company may be organized or operated with a stockholders' equity of less than $1,000,000, or in such greater amount as may be required by the Commissioner. The full amount of the initial stockholders' equity must be paid in cash, exclusive of all organization expenses, before the trust company is authorized to commence business.

2. A retail trust company shall maintain at least ~~[~~50~~]~~ ***25*** percent of its required stockholders' equity in cash ~~[~~unless the Commissioner approves a smaller amount.~~]~~ ***and at least an additional 25 percent of its required stockholders' equity in cash or cash equivalents comprising certificates of deposit, money market funds or other insured deposits. Cash equivalents held by a retail trust company pursuant to this subsection may, upon prior approval by the Commissioner, comprise investments in treasury bills, government obligations or commercial paper which, if acquired after October 1, 2011, must mature not later than 3 months after the date of acquisition by the retail trust company. Any certificate of deposit, money market fund, insured deposit, commercial paper, treasury bill or government obligation, other than an obligation of the United States or an obligation guaranteed by the United States, that is held as a cash equivalent by a retail trust company pursuant to this subsection must not exceed 10 percent of the total required stockholders' equity at the time the cash equivalent is purchased.*** The remaining ~~[~~50 percent~~]~~ ***amount*** of ~~[~~its~~]~~ ***the retail trust company's*** required stockholders' equity may be a different

form of readily marketable securities **,** or with prior approval by the Commissioner **,** other liquid, secure asset, bond, surety or insurance, or some combination of the foregoing. ***Any bond or other evidence of indebtedness held by a retail trust company pursuant to this subsection must have an investment grade credit rating and must have received a rating within one of the top three rating categories of Moody's Investors Service, Inc. or Standard and Poor's Ratings Services.***

3. Any grandfathered trust company other than a noncustodial trust company that does not have the minimum capital required by this section as of October 1, 2009, shall:

(a) Except as otherwise determined by the Commissioner, increase its capital to a minimum of:

(1) By October 1, 2010, $500,000;

(2) By October 1, 2011, $750,000; and

(3) By October 1, 2012, $1,000,000; and

(b) Maintain ~~[~~$500,000~~]~~ ***25 percent*** of such minimum capital in cash on and after October 1, 2010.

4. Any noncustodial trust company that does not have the minimum capital required by this section as of October 1, 2009, shall:

(a) Except as otherwise determined by the Commissioner, increase its capital to a minimum of:

(1) By October 1, 2010, $350,000;

(2) By October 1, 2011, $400,000; and

(3) By October 1, 2012, $500,000; and

(b) Maintain ~~[~~50~~]~~ ***25*** percent of such minimum capital in cash on and after October 1, 2010.

5. As used in this section, "in cash" means in depository accounts with one or more banks in this State.

Sec. 7. NRS 669.160 is hereby amended to read as follows:

669.160 1. Within 90 days after the application for a license is filed, the Commissioner shall investigate the facts of the application and the other requirements of this chapter to determine:

(a) That the persons who will serve as directors or officers of the corporation, or the managers or members acting in a managerial capacity of the limited-liability company, as applicable:

(1) Have a good reputation for honesty, trustworthiness and integrity and display competence to transact the business of a trust company in a manner which safeguards the interests of the general public. The applicant must submit satisfactory proof of these qualifications to the Commissioner.

(2) Have not been convicted of, or entered a plea of nolo contendere to, a felony or any crime involving fraud, misrepresentation or moral turpitude.

(3) Have not made a false statement of material fact on the application.

(4) Have not been an officer or member of the board of directors for an entity which had a license issued pursuant to the provisions of this chapter that was suspended or revoked within the 10 years immediately preceding the date of the application, and in the reasonable judgment of the Commissioner, there is evidence that the officer or member of the board of directors materially contributed to the actions resulting in the license suspension or revocation.

(5) Have not been an officer or member of the board of directors for a company which had a license as a trust company which was issued in any other state, district or territory of the United States or any foreign country suspended or revoked within the 10 years immediately preceding the date of the application, and in the reasonable judgment of the Commissioner, there is evidence that the officer or member of the board of directors materially contributed to the actions resulting in the license suspension or revocation.

(6) Have not violated any of the provisions of this chapter or any regulation adopted pursuant to the provisions of this chapter.

(b) That the financial status of the directors and officers of the corporation or the managers or members acting in a managerial capacity of the limited-liability company is consistent with their responsibilities and duties.

(c) That the name of the proposed company complies with the provisions of NRS 657.200.

(d) That the initial stockholders' equity is not less than the required minimum.

(e) That the applicant has retained the employee required by paragraph (b) of subsection 2 of NRS 669.083.

2. ~~[~~Notice~~]~~ ***After an investigation by the Commissioner pursuant to subsection 1, if the Commissioner finds any defect or deficiency in an application for licensure which would constitute grounds for denial of the application, written notice of such grounds for denial must be served personally or sent by certified mail to the applicant. The Commissioner shall allow the applicant an opportunity to cure any defect or deficiency in the application and, not later than 30 days after receipt of the notice of denial, to resubmit the application for approval.***

3. If a defect or deficiency in an application is not cured pursuant to subsection 2, written notice of the entry of an order refusing a license to a trust company must be ~~[given in writing,]~~ served personally or sent by certified mail to the company affected. The company, upon application, is entitled to a hearing before the Commissioner, but if no such application is made within 30 days after the entry of an order refusing a license to any company, the Commissioner shall enter a final order.

~~[3.]~~ ***4.*** The order of the Commissioner is final for the purposes of judicial review.

Sec. 8. NRS 669.281 is hereby amended to read as follows:

669.281 ***1.*** The Commissioner may require the immediate removal from office of any officer, director, manager or employee of any retail trust company doing business under this chapter who is found to be dishonest, incompetent or reckless in the management of the affairs of the retail trust company, or who persistently violates the laws of this State or the lawful orders, instructions and regulations issued by the Commissioner.

2. An officer, director, manager or employee of a retail trust company who is removed from office pursuant to subsection 1 may appeal his or her removal by filing a written request for a hearing with the Commissioner within 10 days after the effective date of his or her removal. The Commissioner shall conduct the hearing after providing at least 5 days' written notice to the retail trust company and the officer, director, manager or employee who is removed from office. Within 5 days after the hearing, the Commissioner shall enter an order affirming or disaffirming the removal of the person from office. An order of the Commissioner entered pursuant to this subsection is final for the purposes of judicial review.

Sec. 8.5. **NRS 120A.500 is hereby amended to read as follows:**

120A.500 1. Except as otherwise provided in ~~[subsection 6,]~~ ***subsections 6 and 7,*** property is presumed abandoned if it is unclaimed by the apparent owner during the time set forth below for the particular property:

(a) A traveler's check, 15 years after issuance;

(b) A money order, 7 years after issuance;

(c) Any stock or other equity interest in a business association or financial organization, including a security entitlement under NRS 104.8101 to 104.8511, inclusive, 3 years after the earlier of the date of the most recent dividend, stock split or other distribution unclaimed by the apparent owner, or the date of the second mailing of a statement of account or other notification or communication that was returned as undeliverable or after the holder discontinued mailings, notifications or communications to the apparent owner;

(d) Any debt of a business association or financial organization, other than a bearer bond or an original issue discount bond, 3 years after the date of the most recent interest payment unclaimed by the apparent owner;

(e) A demand, savings or time deposit, including a deposit that is automatically renewable, 3 years after the earlier of maturity or the date of the last indication by the owner of interest in the property, but a deposit that is automatically renewable is deemed matured for purposes of this section upon its initial date of maturity, unless the owner has consented to a renewal at or about the time of the renewal and the consent is in writing or is evidenced by a memorandum or other record on file with the holder;

(f) Except as otherwise provided in NRS 120A.520, any money or credits owed to a customer as a result of a retail business transaction, 3 years after the obligation accrued;

(g) Any amount owed by an insurer on a life or endowment insurance policy or an annuity that has matured or terminated, 3 years after the obligation to pay arose or, in the case of a policy or annuity payable upon proof of death, 3 years after the insured has attained, or would have attained if living, the limiting age under the mortality table on which the reserve is based;

(h) Any property distributable by a business association or financial organization in a course of dissolution, 1 year after the property becomes distributable;

(i) Any property received by a court as proceeds of a class action and not distributed pursuant to the judgment, 1 year after the distribution date;

(j) Except as otherwise provided in NRS 607.170 and 703.375, any property held by a court, government, governmental subdivision, agency or instrumentality, 1 year after the property becomes distributable;

(k) Any wages or other compensation for personal services, 1 year after the compensation becomes payable;

(l) A deposit or refund owed to a subscriber by a utility, 1 year after the deposit or refund becomes payable;

(m) Any property in an individual retirement account, defined benefit plan or other account or plan that is qualified for tax deferral under the income tax laws of the United States, 3 years after the earliest of the date of the distribution or attempted distribution of the property, the date of the required distribution as stated in the plan or trust agreement governing the plan or the date, if determinable by the holder, specified in the income tax laws of the United States by which distribution of the property must begin in order to avoid a tax penalty; and

(n) All other property, 3 years after the owner's right to demand the property or after the obligation to pay or distribute the property arises, whichever first occurs.

2. At the time that an interest is presumed abandoned under subsection 1, any other property right accrued or accruing to the owner as a result of the interest, and not previously presumed abandoned, is also presumed abandoned.

3. Property is unclaimed if, for the applicable period set forth in subsection 1 ~~[,]~~ ***or 7, as applicable,*** the apparent owner has not communicated, in writing or by other means reflected in a contemporaneous record prepared by or on behalf of the holder, with the holder concerning the property or the account in which the property is held and has not otherwise indicated an interest in the property. A communication with an owner by a

person other than the holder or its representative who has not in writing identified the property to the owner is not an indication of interest in the property by the owner.

4. An indication of an owner's interest in property includes:

(a) The presentment of a check or other instrument of payment of a dividend or other distribution made with respect to an account or underlying stock or other interest in a business association or financial organization or, in the case of a distribution made by electronic or similar means, evidence that the distribution has been received;

(b) Owner-directed activity in the account in which the property is held, including a direction by the owner to increase, decrease or change the amount or type of property held in the account;

(c) The making of a deposit to or withdrawal from a bank account; and

(d) The payment of a premium with respect to a property interest in an insurance policy, but the application of an automatic premium loan provision or other nonforfeiture provision contained in an insurance policy does not prevent a policy from maturing or terminating if the insured has died or the insured or the beneficiary of the policy has otherwise become entitled to the proceeds before the depletion of the cash surrender value of a policy by the application of those provisions.

5. Property is payable or distributable for purposes of this chapter notwithstanding the owner's failure to make demand or present an instrument or document otherwise required to obtain payment.

6. The following property clearly designated as such must not be presumed abandoned because of inactivity or failure to make a demand:

(a) An account or asset managed through a guardianship;

(b) An account blocked at the direction of a court;

(c) A trust account established to address a special need;

(d) A qualified income trust account;

(e) A trust account established for tuition purposes;

(f) A trust account established on behalf of a client; and

(g) An account or fund established to meet the costs of burial.

7. For property described in paragraphs (c) to (f), inclusive, and (n) of subsection 1, the 3-year period described in each of those paragraphs must be reduced to a 2-year period if the holder of the property reported more than $10 million in property presumed abandoned on the holder's most recent report of abandoned property made pursuant to NRS 120A.560.

Sec. 9. NRS 239A.070 is hereby amended to read as follows:

239A.070 This chapter does not apply to any subpoena issued pursuant to title 14 or chapters 616A to 617, inclusive, of NRS or prohibit:

1. Dissemination of any financial information which is not identified with or identifiable as being derived from the financial records of a particular customer.

2. The Attorney General, ***State Controller,*** district attorney, Department of Taxation, Director of the Department of Health and Human Services, Administrator of the Securities Division of the Office of the Secretary of State, public administrator, sheriff or a police department from requesting of a financial institution, and the institution from responding to the request, as to whether a person has an account or accounts with that financial institution and, if so, any identifying numbers of the account or accounts.

3. A financial institution, in its discretion, from initiating contact with and thereafter communicating with and disclosing the financial records of a customer to appropriate governmental agencies concerning a suspected violation of any law.

4. Disclosure of the financial records of a customer incidental to a transaction in the normal course of business of the financial institution if the director, officer, employee or agent of the financial institution who makes or authorizes the disclosure has no reasonable cause to believe that such records will be used by a governmental agency in connection with an investigation of the customer.

5. A financial institution from notifying a customer of the receipt of a subpoena or a search warrant to obtain the customer's financial records, except when ordered by a court to withhold such notification.

6. The examination by or disclosure to any governmental regulatory agency of financial records which relate solely to the exercise of its regulatory function if the agency is specifically authorized by law to examine, audit or require reports of financial records of financial institutions.

7. The disclosure to any governmental agency of any financial information or records whose disclosure to that particular agency is required by the tax laws of this State.

8. The disclosure of any information pursuant to NRS 425.393, 425.400 or 425.460 ~~[.]~~ ***or section 10 of this act.***

9. A governmental agency from obtaining a credit report or consumer credit report from anyone other than a financial institution.

Sec. 10. Chapter 353C of NRS is hereby amended by adding thereto a new section to read as follows:

1. The State Controller shall enter into agreements with financial institutions doing business in this State to coordinate the development and operation of a system for matching data, using automated exchanges of data to the maximum extent feasible.

2. In addition to any other remedy provided for in this chapter, the State Controller may use the system for matching data developed and

operated pursuant to subsection 1 to collect a debt, plus any applicable penalties and interest.

3. A financial institution in this State shall:

(a) Cooperate with the State Controller in carrying out the provisions of subsection 1.

(b) Use the system to provide to the State Controller for each calendar quarter the name, address of record, social security number or other number assigned for taxpayer identification of each person who maintains an account at the financial institution, as identified by the State Controller by name and social security number or other number assigned for taxpayer identification.

(c) In response to the receipt from the State Controller of notification of debt that a person owes the State, encumber ~~[all assets of the person held by the financial institution]~~ on behalf of the State Controller a portion of the assets of the person held by the financial institution sufficient to cover the debt and surrender those assets to the State Controller. A financial institution is not required to encumber or surrender any assets received by the financial institution on behalf of the person after the financial institution received the notice of the debt from the State Controller.

4. A financial institution may not be held liable in any civil or criminal action for:

(a) Any disclosure of information to the State Controller pursuant to this section.

(b) Encumbering or surrendering any assets held by the financial institution pursuant to this section.

(c) Any other action taken in good faith to comply with the requirements of this section.

5. If a court issues an order to return to a person any assets surrendered by a financial institution pursuant to subsection 3, the State Controller is not liable to the person for any of those assets that have been provided to the State Controller in accordance with the order for the payment of a debt.

6. All information provided to the State Controller by a financial institution pursuant to this section is confidential and may only be used by the State Controller for use in the collection of a debt owed to the State.

7. As used in this section, "financial institution" has the meaning ascribed to it in NRS 239A.030.

Sec. 11. This act becomes effective upon passage and approval.

Assemblyman Conklin moved that the Assembly adopt the report of the Conference Committee concerning Senate Bill No. 136.

Remarks by Assemblyman Conklin.

Motion carried by a constitutional majority.

Mr. Speaker:

The Conference Committee concerning Assembly Bill No. 240, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that Amendment No. 764 of the Senate be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. 15, which is attached to and hereby made a part of this report.

DEBBIE SMITH	JOHN LEE
TERESA BENITEZ-THOMPSON	JAMES SETTELMEYER
LYNN STEWART	JOE HARDY
Assembly Conference Committee	*Senate Conference Committee*

Conference Amendment No. CA15.

AN ACT relating to public agencies; revising the restrictions on contracts with or employment of former or current state employees by a state agency; providing certain exceptions; requiring state agencies to report all contracts for services as part of the budget process; requiring that a contractor with a state agency be in active and good standing with the Secretary of State; **requiring certain reporting to the 77th Session of the Legislature;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law restricts the employment of consultants by public agencies and requires the approval of certain contracts with consultants by the Interim Finance Committee. (NRS 284.1729) **Section 1** of this bill expands those restrictions to apply to all contracts to provide services to state agencies, revises the exceptions to the restrictions and requires approval of the State Board of Examiners rather than the Interim Finance Committee of contracts subject to the restrictions. **Section 1** also prohibits a state agency from entering into a contract with a person for services without ensuring that the person is in active and good standing with the Secretary of State. **Section 1** also provides that certain provisions governing state purchasing apply to such contracts. **Section 2** of this bill requires state agencies to report all contracts for services as part of the budget process instead of only reporting contracts with consultants and temporary employment services. **Section 3 of this bill** moves the reporting requirements for school districts regarding consultants to the chapter which specifically governs school districts. **Section 3.5 of this bill requires certain reporting to the 77th Session of the Legislature concerning certain contracts for services entered into by state agencies.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 284.1729 is hereby amended to read as follows:

284.1729 1. Except as otherwise provided in this section, a department, division or other agency of this State shall not **[**~~employ, by~~**]** ***enter into a***

contract ~~[or otherwise,]~~ ***with*** a person to provide services ~~[as a consultant]~~ for the agency if:

(a) The person is a current employee of an agency of this State;

(b) The person is a former employee of an agency of this State and less than ~~[1 year has]~~ ***2 years have*** expired since the termination of the person's employment with the State ~~[.]~~ ***; or***

(c) ~~[Except as otherwise provided in paragraph (d), the term of the contract is for more than 2 years, or is amended or otherwise extended beyond 2 years; or~~

~~(d)]~~ The person is employed by the Department of Transportation for a transportation project that is ~~[federally]~~ ***entirely*** funded ***by federal money*** and the term of the contract is for more than 4 years, ~~[or is amended or otherwise extended beyond 4 years,]~~

➥ unless, before the ~~[person is employed]~~ ***contract is executed*** by the agency, the ~~[Interim Finance Committee]~~ ***State Board of Examiners*** approves the employment of the person. ***The requirements of this subsection apply to any person employed by a business or other entity that enters into a contract to provide services for a department, division or agency of this State if the person will be performing or producing the services for which the business or entity is employed.***

2. The provisions of paragraph (b) of subsection 1 apply to employment through a temporary employment service. A temporary employment service providing employees for a state agency shall provide the agency with the names of the employees to be provided to the agency. The ~~[Interim Finance Committee]~~ ***State Board of Examiners*** shall not approve ~~[the employment of a consultant]~~ ***a contract*** pursuant to paragraph (b) of subsection 1 unless the ~~[Interim Finance Committee]~~ ***Board*** determines that one or more of the following circumstances exist:

(a) The person provides services that are not provided by any other employee of the agency or for which a critical labor shortage exists; or

(b) A short-term need or unusual economic circumstance exists for the agency to ~~[employ]~~ ***contract with*** the person ***.*** ~~[as a consultant.]~~

3. A department, division or other agency of this State may ~~[employ]~~ ***contract with*** a person pursuant to paragraph (a) or (b) of subsection 1 without obtaining the approval of the ~~[Interim Finance Committee]~~ ***State Board of Examiners*** if the term of ~~[employment]~~ ***the contract*** is for less than 4 months and the executive head of the department, division or agency determines that an emergency exists which necessitates the ~~[employment.]~~ ***contract.*** If a department, division or agency ~~[employs]~~ ***contracts with*** a person pursuant to this subsection, the department, division or agency shall ~~[include in the report to the Interim Finance Committee pursuant to subsection 4]~~ ***submit a copy of the contract and*** a description of the

emergency ~~[.]~~ ***to the State Board of Examiners, which shall review the contract and the description of the emergency and notify the department, division or agency whether the State Board of Examiners would have approved the contract if it had not been entered into pursuant to this subsection.***

4. Except as otherwise provided in subsection ~~[7,]~~ ***9,*** a department, division or other agency of this State shall ***, not later than 10 days after the end of each fiscal quarter,*** report to the Interim Finance Committee ~~[whenever it employs, by contract or otherwise,]~~ ***concerning all contracts*** ~~[a person]~~ to provide services ~~[as a consultant]~~ for the agency ***that were entered into by the agency during the fiscal quarter with a person*** who is a ***current or*** former employee of a department, division or other agency of this State.

5. Except as otherwise provided in subsection ~~[7,]~~ ***9,*** a department, division or other agency of this State shall not contract with a temporary employment service unless the contracting process is controlled by rules of open competitive bidding.

6. Each board or commission of this State ~~[, each school district in this State]~~ and each institution of the Nevada System of Higher Education that employs a consultant shall, at least once every 6 months, submit to the Interim Finance Committee a report setting forth:

(a) The number of consultants employed by the board, commission ~~[, school district]~~ or institution;

(b) The purpose for which the board, commission ~~[, school district]~~ or institution employs each consultant;

(c) The amount of money or other remuneration received by each consultant from the board, commission ~~[, school district]~~ or institution; and

(d) The length of time each consultant has been employed by the board, commission ~~[, school district]~~ or institution.

7. ***A department, division or other agency of this State, including a board or commission of this State and each institution of the Nevada System of Higher Education*** ~~*[, shall]*~~ ***:***

(a) Shall make every effort to limit the number of contracts it enters into with persons to provide services which have a term of more than 2 years and which are in the amount of less than $1 million; and

(b) Shall not enter into a contract with a person to provide services without ensuring that the person is in active and good standing with the Secretary of State.

8. The provisions of chapter 333 of NRS that are not in conflict or otherwise inconsistent with this section apply to a contract entered into pursuant to this section.

9. The provisions of subsections 1 to 5, inclusive, do not apply to ***:*** ~~[the:]~~

(a) ***The*** Nevada System of Higher Education or a board or commission of this State.

(b) ~~[~~Employment~~]~~ ***The employment*** of professional engineers by the Department of Transportation if those engineers are employed for a transportation project that is ~~[~~federally funded.

~~8. For the purposes of this section, "consultant" includes any person employed by a business or other entity that is providing consulting services if the person will be performing or producing the work for which the business or entity is employed.]~~ ***entirely funded by federal money.***

(c) Contracts in the amount of $1 million or more entered into:

(1) Pursuant to the State Plan for Medicaid established pursuant to NRS 422.271.

(2) For financial services.

(3) Pursuant to the Public Employees' Benefits Program.

(d) The employment of a person by a business or entity which is a provider of services under the State Plan for Medicaid and which provides such services on a fee-for-service basis or through managed care.

Sec. 2. NRS 353.210 is hereby amended to read as follows:

353.210 1. Except as otherwise provided in subsection 6, on or before September 1 of each even-numbered year, all departments, institutions and other agencies of the Executive Department of the State Government, and all agencies of the Executive Department of the State Government receiving state money, fees or other money under the authority of the State, including those operating on money designated for specific purposes by the Nevada Constitution or otherwise, shall prepare, on blanks furnished them by the Chief, and submit to the Chief:

(a) The number of positions within the department, institution or agency that have been vacant for at least 12 months, the number of months each such position has been vacant and the reasons for each such vacancy;

(b) Any existing contracts ***for services*** the department, institution or agency has with ~~[~~consultants or~~]~~ temporary employment services ~~[~~,~~]~~ ***or other persons,*** the proposed expenditures for such contracts in the next 2 fiscal years and the reasons for the use of such ~~[~~consultants or~~]~~ services; and

(c) Estimates of their expenditure requirements, together with all anticipated income from fees and all other sources, for the next 2 fiscal years compared with the corresponding figures of the last completed fiscal year and the estimated figures for the current fiscal year.

2. The Chief shall direct that one copy of the forms submitted pursuant to subsection 1, accompanied by every supporting schedule and any other related material, be delivered directly to the Fiscal Analysis Division of the Legislative Counsel Bureau on or before September 1 of each even-numbered year.

3. The Budget Division of the Department of Administration shall give advance notice to the Fiscal Analysis Division of the Legislative Counsel Bureau of any conference between the Budget Division of the Department of Administration and personnel of other state agencies regarding budget estimates. A Fiscal Analyst of the Legislative Counsel Bureau or his or her designated representative may attend any such conference.

4. The estimates of expenditure requirements submitted pursuant to subsection 1 must be classified to set forth the data of funds, organizational units, and the character and objects of expenditures, and must include a mission statement and measurement indicators for each program. The organizational units may be subclassified by functions and activities, or in any other manner at the discretion of the Chief.

5. If any department, institution or other agency of the Executive Department of the State Government, whether its money is derived from state money or from other money collected under the authority of the State, fails or neglects to submit estimates of its expenditure requirements as provided in this section, the Chief may, from any data at hand in the Chief's office or which the Chief may examine or obtain elsewhere, make and enter a proposed budget for the department, institution or agency in accordance with the data.

6. Agencies, bureaus, commissions and officers of the Legislative Department, the Public Employees' Retirement System and the Judicial Department of the State Government shall submit to the Chief for his or her information in preparing the proposed executive budget the budgets which they propose to submit to the Legislature.

Sec. 3. Chapter 391 of NRS is hereby amended by adding thereto a new section to read as follows:

Each school district in this State that employs a consultant shall, at least once every 6 months, submit to the Interim Finance Committee a report setting forth:

1. The number of consultants employed by the school district;

2. The purpose for which the school district employs each consultant;

3. The amount of money or other remuneration received by each consultant from the school district; and

4. The length of time each consultant has been employed by the school district.

Sec. 3.5. **Each department, division or other agency of this State, including a board or commission of this State and each institution of the Nevada System of Higher Education, shall, on or before February 1, 2013, submit to the Director of the Legislative Counsel Bureau for transmittal to the 77th Session of the Legislature a report that:**

1. Lists each contract the department, division or agency has entered into with persons to provide services which has a term of more than 2 years and which is in the amount of less than $1 million; and

2. Sets forth a description of the necessity of entering into each contract, including, without limitation, the necessity of the contract having a term of more than 2 years.

Sec. 4. This act becomes effective on July 1, 2011.

Assemblywoman Kirkpatrick moved that the Assembly adopt the report of the Conference Committee concerning Assembly Bill No. 240.

Remarks by Assemblywoman Kirkpatrick.

Motion carried by a constitutional majority.

Assemblyman Conklin moved that the Assembly recess until call of the Chair.

Motion carried.

Assembly in recess at 2:49 p.m.

ASSEMBLY IN SESSION

At 6:51 p.m.

Mr. Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Education, to which was referred Senate Bill No. 197, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

DAVID P. BOBZIEN, *Chair*

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Senate Bill No. 360, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MARILYN K. KIRKPATRICK, *Chair*

Mr. Speaker:

Your Committee on Health and Human Services, to which were referred Senate Bills Nos. 370, 371, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

APRIL MASTROLUCA, *Chair*

Mr. Speaker:

Your Committee on Legislative Operations and Elections, to which were referred Senate Bill No. 418; Senate Joint Resolution No. 15, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

TICK SEGERBLOM, *Chair*

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Assembly Bill No. 487, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which was referred Senate Bill No. 493, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Ways and Means, to which was rereferred Assembly Bill No. 406, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DEBBIE SMITH, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 6, 2011

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 93, 219, 536.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 511, Amendment No. 938, and respectfully requests your honorable body to concur in said amendment.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly Amendments Nos. 661, 958 to Senate Bill No. 159; Assembly Amendment No. 947 to Senate Bill No. 212; Assembly Amendment No. 548 to Senate Bill No. 282; Assembly Amendment No. 640 to Senate Bill No. 315; Assembly Amendment No. 732 to Senate Bill No. 376.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the Conference Committee concerning Senate Bill No. 98.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the Conference Committee concerning Senate Bill No. 249.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

By Legislative Operations and Elections:

Assembly Concurrent Resolution No. 13—Providing for the compensation of the clergy and the coordinator of the clergy for services rendered to the Assembly and Senate during the 76th Session of the Nevada Legislature.

WHEREAS, The members of the 76th Session of the Nevada Legislature sincerely appreciate the daily religious services that are rendered by members of the clergy representing various denominations; and

WHEREAS, The invocations offered by the clergy provide inspiration and guidance for the members of the Nevada Legislature as they face the challenges and demands of a legislative session; and

WHEREAS, The assistance provided by the coordinator of the clergy facilitated the daily services; and

WHEREAS, A reasonable compensation should be provided for the clergy who performed such services and for the coordinator of the clergy; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the State Controller is authorized and directed to pay the sum of $35 per service out of the Legislative Fund to the members of the clergy who performed religious services for the Assembly and the Senate during the 76th Session of the Nevada Legislature; and be it further

RESOLVED, That the State Controller is authorized and directed to pay the sum of $2,000 to the coordinator of the clergy who facilitated the services for the Assembly and the Senate during the 76th Session of the Nevada Legislature.

Assemblyman Conklin moved the adoption of the resolution.

Remarks by Assemblyman Conklin.

Mr. Speaker requested the privilege of the Chair for the purpose of making remarks.

Resolution adopted and ordered transmitted to the Senate.

By Assemblyman Oceguera:

Assembly Resolution No. 10—Expressing appreciation to the staff of the Assembly for their dedication and exceptional performance during the 76th Session of the Nevada Legislature.

WHEREAS, Each biennium, the Nevada Legislature convenes to address the challenging issues faced by this State; and

WHEREAS, With a constitutionally mandated 120-day limitation on the length of the legislative session, it is critical that the legislative session proceed in an effective and efficient manner; and

WHEREAS, This daunting task requires a dedicated and talented staff which is capable of performing a multitude of functions and responding promptly to the different challenges that arise during the legislative session; and

WHEREAS, The Chief Clerk of the Assembly, Assembly Front Desk Staff, Sergeant at Arms and his staff, Personal Attaches, Committee Services Staff, Administrative Services Staff, Bill Services Staff and other attaches of the Assembly have worked diligently and efficiently in providing exceptional service to the members of the Assembly; and

WHEREAS, The extraordinary people who have chosen to work with the Assembly during the 76th Session of the Nevada Legislature have carried out their duties on behalf of the residents of the State of Nevada with a professional attitude and tireless resolve; and

WHEREAS, Their herculean efforts earlier this week enabled the Assembly to coast to a smooth finish on a day that is typically one of the more arduous deadlines of the legislative session; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, That the members of the Assembly of the 76th Session of the Nevada Legislature do hereby express their sincere appreciation and commend the outstanding support staff of the Assembly, which includes Matthew Baker, Lucinda Benjamin, Diane Keetch, Christie Peters, Jason P. Hataway, Jeanne Douglass, Robin L. Bates, Norman Budden, Linda Marrone, Mary A. Matheus, Sharon P. Murphy, Steven J. Sweeney, Debra Williams, Marge Griffin, Patricia A. Manning, Jasmine Shackley, Leslie Danihel, Dan Giraldo, Christina Coats, Riley Sutton, Matthew Walker, Jean Kvam, Gianna Shirk, Joyce Hess, Alicia Taylor Sisneros, Toshiko McIntosh, Carolyn Maynick, Sara Menke, Laurel Armbrust, Lona M. Domenici, Janet F. Stokes, Ashley Massey, Mary Bean, Mark Sprinkle, Kathryn L. Alden, Harle Glover, Mary Lee, Adrian Viesca, Mistia Zuckerman, Taylor Anderson, Nichole Bailey, Cynthia Carter, Andrew Diss, Patti Adams, Connie Davis, Anne Bowen, Jordan Butler, Tenna Herman, Sherie Silva, Carol J. Thomsen, Janice Wright, Linda Blevins, Theresa Horgan, Jean Bennett, Lenore Carfora-Nye, Judith Coolbaugh, Janel Davis, Nancy Davis, Jeff Eck, Mary Garcia, Julie Kellen, Sharon McCallen, Jenny McMenomy, Earlene Miller, Jordan Neubauer, Mitzi Nelson, Diane O'Flynn, Rebecca Richman, Karyn Werner, Linda Whimple, Cheryl L. Williams, Sylvia Brown, Sylvia Dominguez-Curry, Judith Fisher, Karen Fox, Laureen Garcia, Lisa Gardner, Patricia J. Hutson, Millicent Jorgenson, Denise A. Larsen, Linda Law, Deanna Lazovich, Beatriz Martinez, Lezlie Mayville, Mary Merry, Blayne Osborne, Sheree L. Rosevear, Dennis Roy, Jennifer Scaffidi, Swati Singh, Cindy

Southerland, Nancy Tatum, Jackie Valley, Linda Waters, Cheryl Yates, Cinthia Zermeno, Cynthia Wyett, Olivia M. Lloyd, Michael Smith, Sally A. Stoner, Jordan Davis, Victoria Hinder, Diane Hudson, Verdene Johnson, David E. Moore, Larry Peri, Marcia Peterson, Elizabeth Saenz, Ted Zuend, June Bennett, Deanna Keirstead, Sherwood Howard; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to each member of the staff of the Assembly.

Assemblyman Conklin moved the adoption of the resolution.

Remarks by Assemblyman Conklin.

Mr. Speaker requested the privilege of the Chair for the purpose of making remarks.

Resolution adopted and ordered transmitted to the Senate.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Ways and Means, to which was rereferred Assembly Bill No. 279, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DEBBIE SMITH, *Chair*

GENERAL FILE AND THIRD READING

Assembly Bill No. 279.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 957.

AN ACT relating to gaming; requiring the Nevada Gaming Commission to adopt regulations pertaining to independent testing laboratories; authorizing independent testing laboratories to inspect and certify gaming devices, equipment and systems; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the State Gaming Control Board to inspect every gaming device which is manufactured, sold or distributed: (1) for use in this State, before the gaming device is put into play; and (2) in this State for use outside this State, before the gaming device is shipped from this State. The Board may also inspect every gaming device which is offered for play within this State by a state gaming licensee. Additionally, the Board may inspect various gaming equipment and systems which are manufactured, sold or distributed for use in this State and may determine, charge and collect an inspection fee from each gaming manufacturer, seller or distributor. (NRS 463.670)

This bill requires the Nevada Gaming Commission to adopt regulations providing for the registration of independent testing laboratories, which may be utilized by the Board to inspect and certify gaming devices, equipment

and systems, and any components thereof, and providing for the standards and procedures for the revocation of registration of such independent testing laboratories. Such regulations must establish uniform protocols and procedures that the Board and independent testing laboratories must follow during the inspection and certification of gaming devices, equipment and systems, and any components thereof. This bill also authorizes the Commission to determine, charge and collect inspection fees from independent testing laboratories.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 463.670 is hereby amended to read as follows:

463.670 1. The Legislature finds and declares as facts:

(a) That the inspection of gaming devices, associated equipment, cashless wagering systems, mobile gaming systems and interactive gaming systems is essential to carry out the provisions of this chapter **. ~~[~~; and~~]~~**

(b) That ***the*** inspection of gaming devices, associated equipment, cashless wagering systems, mobile gaming systems and interactive gaming systems is greatly facilitated by the opportunity to inspect components before assembly and to examine the methods of manufacture.

(c) That the interest of this State in the inspection of gaming devices, associated equipment, cashless wagering systems, mobile gaming systems and interactive gaming systems must be balanced with the interest of this State in maintaining a competitive gaming industry in which games can be efficiently and expeditiously brought to the market.

2. ***The Commission may, with the advice and assistance of the Board, adopt and implement procedures that preserve and enhance the necessary balance between the regulatory and economic interests of this State which are critical to the vitality of the gaming industry of this State.***

3. The Board may inspect every gaming device which is manufactured, sold or distributed:

(a) For use in this State, before the gaming device is put into play.

(b) In this State for use outside this State, before the gaming device is shipped out of this State.

~~[~~3.**~~]~~** ***4.*** The Board may inspect every gaming device which is offered for play within this State by a ***state gaming*** licensee.

~~[~~4.**~~]~~** ***5.*** The Board may inspect all associated equipment, every cashless wagering system, every mobile gaming system and every interactive gaming system which is manufactured, sold or distributed for use in this State before the equipment or system is installed or used by a ***state gaming*** licensee and at any time while the ***state gaming*** licensee is using the equipment or system.

~~[5.]~~ ***6.*** In addition to all other fees and charges imposed by this chapter, the Board may determine, charge and collect an inspection fee from each manufacturer, seller ***,*** ~~[or]~~ distributor ***or independent testing laboratory*** which must not exceed the actual cost of inspection and investigation.

7. The Commission shall adopt regulations which:

(a) Provide for the registration of independent testing laboratories, specify the form of the application required for such registration and establish the fees required for the application, the investigation of the applicant and the registration of the applicant.

(b) Authorize the Board to utilize independent testing laboratories for the inspection and certification of any gaming device, associated equipment, cashless wagering system, mobile gaming system or interactive gaming system, or any components thereof.

(c) Establish uniform protocols and procedures which the Board and independent testing laboratories must follow during an inspection performed pursuant to subsection 3 or 5, and which independent testing laboratories must follow during the certification of any gaming device, associated equipment, cashless wagering system, mobile gaming system or interactive gaming system, or any components thereof, for use in this State or for shipment from this State.

(d) Allow an application for the registration of an independent testing laboratory to be granted upon the independent testing laboratory's completion of an inspection performed in compliance with the uniform protocols and procedures established pursuant to paragraph (c) and satisfaction of such other requirements that the Board may establish.

(e) Provide the standards and procedures for the revocation of the registration of an independent testing laboratory.

8. As used in this section, unless the context otherwise requires, "independent testing laboratory" means a private laboratory that is registered by the Commission to inspect and certify gaming devices, associated equipment, cashless wagering systems, mobile gaming systems and interactive gaming systems, and any components thereof, and to perform such other services as the Board and Commission may request.

Sec. 1.5. The Nevada Gaming Commission shall adopt the regulations required to be adopted pursuant to the amendatory provisions of this act before ~~[October 1, 2011.]~~ **May 1, 2012.**

Sec. 2. This act becomes effective:

1. Upon passage and approval, for the purpose of adopting regulations; and

2. On ~~[October 1, 2011,]~~ **May 1, 2012,** for all other purposes.

Assemblyman Hickey moved the adoption of the amendment.

Amendment adopted.

Bill ordered to third reading.

Assembly Bill No. 406.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 979.

AN ACT relating to state agencies; authorizing the Governor to require the Chief of the Division of Internal Audits of the Department of Administration to conduct certain audits and investigations of executive branch agencies without the approval of the Executive Branch Audit Committee **~~[.]~~ under certain circumstances;** authorizing the Chief to conduct investigations; deleting provisions which prohibit the Division from conducting investigations; requiring executive branch agencies to cooperate in an audit or investigation; ~~[exempting certain audits and investigations from being included in certain reports to the Committee;]~~ requiring certain documents relating to investigations of executive branch agencies to be kept confidential under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law creates the Executive Branch Audit Committee, requires the Chief of the Division of Internal Audits of the Department of Administration to submit annual plans to audit executive branch agencies to the Committee, and requires the Committee to approve those plans. (NRS 353A.038, 353A.045) Further, existing law prohibits the Division from conducting investigations. (NRS 353A.055) **Section 1** of this bill authorizes the Governor to require the Chief to conduct an audit or an investigation of an executive branch agency that is not in the plan the Chief submitted and without the approval of the Committee. **Section 2** of this bill authorizes the Chief to conduct investigations, as well as audits, and requires the Chief to conduct the audits or investigations required by the Governor as well as those approved by the Committee. **Section 3** of this bill eliminates the prohibition against the Division conducting investigations.

Existing law requires the Chief of the Division of Internal Audits of the Department of Administration to submit ~~[an annual]~~ **, after an audit is completed, a final** report to the Executive Branch Audit Committee ~~[which includes all final reports of audits conducted in the preceding year. (NRS 353A.065) Section 4 of this bill prohibits the inclusion in that report of any reference to audits or investigations required by the Governor.]~~ **and the head of the audited agency. (NRS 353A.085) Section 6** of this bill requires that

the final ~~[reports]~~ **report** of an audit or investigation required by the Governor be given to the Governor ~~[and not]~~ **,** the Committee **~~[.]~~ and the head of the audited or investigated agency.**

Section 5 of this bill requires all executive branch agencies to cooperate with the Chief or the authorized representative of the Chief in an audit or investigation. **Section 8** of this bill requires that the working documents from an investigation are to be kept confidential under certain circumstances.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 353A.038 is hereby amended to read as follows:

353A.038 1. The Executive Branch Audit Committee is hereby created.

2. The Committee must consist of one member who is a representative of the general public appointed by the Governor, who has at least 5 years of progressively responsible experience in the field of auditing and who does not engage in business with any agency, and the following ex officio members:

(a) The Governor, who shall serve as Chair of the Committee;

(b) The Lieutenant Governor;

(c) The Secretary of State;

(d) The State Treasurer;

(e) The State Controller; and

(f) The Attorney General.

3. The member of the Committee who is a representative of the general public is entitled to receive a salary of $80 per day while engaged in the business of the Committee.

4. While engaged in the business of the Committee, each member of the Committee is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

5. The Committee shall:

(a) Adopt policies and procedures for the operation of the Division;

(b) Approve, with or without revision, each annual plan for auditing agencies presented by the Chief pursuant to NRS 353A.045, and any revisions to such a plan, before the plan is implemented; and

(c) Approve, with or without revision, each annual report submitted by the Chief pursuant to NRS 353A.065.

6. ~~[The]~~ To the extent that money is available for that purpose, the Governor, as the Chair of the Committee and without the approval of the Committee, may direct the Chief to perform additional audits or investigations of executive branch agencies not included in the plan presented pursuant to NRS 353A.045.

Sec. 2. NRS 353A.045 is hereby amended to read as follows:

353A.045 The Chief shall:

1. Report to the Director.

2. Develop long-term and annual work plans to be based on the results of periodic documented risk assessments. The annual work plan must list the agencies to which the Division will provide training and assistance and be submitted to the Director for approval. Such agencies must not include:

(a) A board created by the provisions of NRS 590.485 and chapters 623 to 625A, inclusive, 628, 630 to 644, inclusive, 648, 654 and 656 of NRS.

(b) The Nevada System of Higher Education.

(c) The Public Employees' Retirement System.

(d) The Housing Division of the Department of Business and Industry.

(e) The Colorado River Commission of Nevada.

3. Provide a copy of the approved annual work plan to the Legislative Auditor.

4. In consultation with the Director, prepare a plan for auditing ***or investigating*** executive branch agencies for each fiscal year and present the plan to the Committee for its review and approval. Each plan for auditing ***or investigating*** must:

(a) State the agencies which will be audited ~~[,]~~ ***or investigated,*** the proposed scope and assignment of those audits ***or investigations*** and the related resources which will be used for those audits ~~[;]~~ ***or investigations;*** and

(b) Ensure that the internal accounting, administrative controls and financial management of each agency are reviewed periodically.

5. Perform the audits ***or investigations*** of the programs and activities of the agencies in accordance with the plan approved pursuant to subsection 5 of NRS 353A.038 and prepare audit ***or investigation*** reports of his or her findings.

6. ***Perform additional audits or investigations of executive branch agencies if required by the Governor pursuant to subsection 6 of NRS 353A.038.***

7. Review each agency that is audited ***or investigated*** pursuant to subsection 5 ***or 6*** and advise those agencies concerning internal accounting, administrative controls and financial management.

~~[7.]~~ ***8.*** Submit to each agency that is audited ***or investigated*** pursuant to subsection 5 ***or 6 any*** analyses, appraisals and recommendations concerning:

(a) The adequacy of the internal accounting and administrative controls of the agency; and

(b) The efficiency and effectiveness of the management of the agency.

~~[8.]~~ ***9.*** Report any possible abuses, illegal actions, errors, omissions and conflicts of interest of which the Division becomes aware during the performance of an audit ~~[.~~

~~9.~~ ***or investigation.***

10. Adopt the standards of the Institute of Internal Auditors for conducting and reporting on internal audits.

~~[10.]~~ ***11.*** Consult with the Legislative Auditor concerning the plan for auditing and the scope of audits to avoid duplication of effort and undue disruption of the functions of agencies that are audited pursuant to subsection 5 ~~[~~.

~~11.]~~ ***or 6.***

12. Appoint a Manager of Internal Controls.

Sec. 3. NRS 353A.055 is hereby amended to read as follows:

353A.055 1. The Division shall:

(a) Determine the adequacy of the system of internal accounting, administrative control and financial management of each agency to which the Division provides training and assistance.

(b) Adopt regulations, approved by the Committee, requiring the provision of training to any employee of an agency who is responsible for administering budgetary accounts. The training must address:

(1) The laws and regulations of this state and the Federal Government applicable to the operations of the agency.

(2) Internal accounting, administrative controls and financial management.

(3) Techniques to address the adequacy of controls of the agency.

(c) Develop and administer a procedure to evaluate the effectiveness of any training provided to an agency.

(d) Provide technical assistance to agencies in developing and carrying out their systems of internal accounting, administrative controls and financial management.

(e) Prepare separate reports for each agency which summarize the results of the training and assistance provided to the agency.

2. The Division shall not ~~[~~:

~~(a) Provide~~] ***provide*** any services to an agency that is under the direct control or administration of a constitutional officer unless the constitutional officer requests such services.

~~[(b) Conduct investigations, but shall refer such matters to the appropriate agency.]~~

Sec. 4. ~~[NRS 353A.065 is hereby amended to read as follows:~~

~~353A.065 1. Within 90 days after the end of each fiscal year, the Chief shall submit an annual report to the Committee for its approval which:~~

~~(a) Lists the agencies to which the Division provided training and assistance;~~

~~(b) Separately lists any other activities undertaken by the Division that are related to the provision of training and assistance and the status of those activities;~~

~~(c) [~~Contains~~] *Except as otherwise provided in subsection 3, contains* a list of the final reports that have been submitted pursuant to NRS 353A.085;~~

~~(d) [~~Contains~~] *Except as otherwise provided in subsection 3, contains* a separate list of any other activities undertaken by the Division that are related to the final reports submitted pursuant to NRS 353A.085 and the status of those activities; and~~

~~(e) Describes the accomplishments of the Division.~~

~~2. The Chief shall provide a copy of the annual report to the:~~

~~(a) Committee;~~

~~(b) Director;~~

~~(c) Interim Finance Committee; and~~

~~(d) Legislative Auditor.~~

~~*3. The annual report submitted by the Chief to the Committee pursuant to this section must not include information about any audit or investigation required by the Governor pursuant to subsection 6 of NRS 353A.038.]*~~ **(Deleted by amendment.)**

Sec. 5. NRS 353A.075 is hereby amended to read as follows:

353A.075 1. Except as otherwise provided in subsection 2, upon the request of the Chief or the Chief's authorized representative, all officers and employees of each executive branch agency shall ~~[make]~~ ***:***

(a) Make available to the Division all books, accounts, claims, reports, vouchers or other records of information, confidential or otherwise, in the possession or control of the agency.

(b) Cooperate with the Chief or the Chief's authorized representative in any audit or investigation conducted by the Chief or the Division.

2. This section does not authorize the Chief or the Chief's authorized representative to have access to any books, accounts, claims, reports, vouchers or other records or information of any business or activity which NRS 665.130 and 668.085 require to be kept confidential.

Sec. 6. NRS 353A.085 is hereby amended to read as follows:

353A.085 1. After each audit ***or investigation*** is completed, the Chief or the Chief's designated representative shall submit a copy of the preliminary findings and recommendations of the audit ***or investigation*** to the head of the audited ***or investigated*** agency. Within 10 working days after receipt of the preliminary findings and recommendations, the head of the ***audited or investigated*** agency shall submit to the Chief a written statement of acceptance, explanation or rebuttal concerning the findings. The Chief shall include the statement of the head of the agency in the final report.

2. ~~[The]~~ ***Except as otherwise provided in subsection 4, the*** Chief shall submit a final report to the Committee and the head of the audited ***or investigated*** agency.

3. Except as otherwise provided in NRS 353A.031 to 353A.100, inclusive, the Chief shall not disclose the content of any audit ***or investigation*** before the final report is submitted to the Committee pursuant to subsection 2 except in the case of alleged illegal acts which must be reported immediately upon discovery.

4. If the Chief conducts an audit or investigation required by the Governor pursuant to subsection 6 of NRS 353A.038, the Chief shall submit the final report to the Governor , the Committee and the head of the audited or investigated agency.

Sec. 7. NRS 353A.090 is hereby amended to read as follows:

353A.090 Within 6 months after the date that the final report is submitted pursuant to NRS 353A.085, if corrective action is recommended for an agency, the Chief shall determine whether appropriate corrective actions are being taken and whether those actions are achieving the desired result. The Chief shall inform the Committee and the head of the audited ***or investigated*** agency of the effect of any corrective actions taken.

Sec. 8. NRS 353A.100 is hereby amended to read as follows:

353A.100 1. The Chief shall keep or cause to be kept a complete file of copies of all reports of audits, examinations, investigations and all other reports or releases issued by the Chief.

2. All working papers from an audit ***or investigation*** are confidential and may be destroyed by the Chief 5 years after the report is issued, except that the Chief:

(a) Shall release such working papers when subpoenaed by a court of competent jurisdiction or when required to do so pursuant to NRS 239.0115;

(b) Shall make such working papers available to the Legislative Auditor upon his or her request; and

(c) May make such working papers available for inspection by an authorized representative of any other governmental entity for a matter officially before him or her.

Sec. 9. This act becomes effective on July 1, 2011.

Assemblyman Hickey moved the adoption of the amendment.

Remarks by Assemblywoman Smith.

Amendment adopted.

Bill ordered to third reading.

Assembly Bill No. 487.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 921.

SUMMARY—Makes ~~[an appropriation]~~ **appropriations** to the State Board of Examiners for employee retirement buyouts and terminal leave payments for eliminated positions. (BDR S-1242)

AN ACT making ~~[an appropriation]~~ **appropriations** to the State Board of Examiners for employee retirement buyouts and terminal leave payments for eliminated positions; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. There is hereby appropriated from the State General Fund to the State Board of Examiners the sum of ~~[$7,000,000]~~ **$3,300,000** for employee retirement buyouts and terminal leave payments for eliminated positions.

Sec. 2. Any remaining balance of the appropriation made by section 1 of this act must not be committed for expenditure after June 30, 2013, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 20, 2013, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 20, 2013.

Sec. 2.3. **There is hereby appropriated from the State Highway Fund to the State Board of Examiners the sum of $134,000 for employee retirement buyouts and terminal leave payments for eliminated positions.**

Sec. 2.5. **Any remaining balance of the appropriation made by section 2.3 of this act must not be committed for expenditure after June 30, 2013, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 20, 2013, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State Highway Fund on or before September 20, 2013.**

Sec. 3. This act becomes effective upon passage and approval.

Assemblyman Hickey moved the adoption of the amendment.

Amendment adopted.

Bill ordered to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Kirkpatrick moved that Assembly Bill No. 469 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 197.

Bill read third time.

Remarks by Assemblymen Bobzien and Smith.

Roll call on Senate Bill No. 197:

YEAS—41.

NAYS—Munford.

Senate Bill No. 197 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 493.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 980.

AN ACT relating to mining; creating the Mining Oversight and Accountability Commission and establishing its membership, powers and duties; revising provisions governing the calculation of net proceeds from certain mining operations conducted in this State; repealing a fee imposed on certain filings regarding mining claims; **making an appropriation;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law does not provide for a single administrative body to oversee the activities of the various state agencies that have responsibility for the taxation, operation, safety and environmental regulation of mines and mining in this State. **Section 5** of this bill creates the Mining Oversight and Accountability Commission, consisting of seven members appointed by the Governor. Two of the members must be recommended by the Majority Leader of the Senate and two by the Speaker of the Assembly. In the first biennium, one member must be recommended by the Minority Leader of the Senate. In the next biennium, one member must be recommended by the Minority Leader of the Assembly. The authority of the Minority Leader of the Senate and the Minority Leader of the Assembly to make those recommendations alternates each biennium thereafter. **Section 7** of this bill requires the Commission to provide oversight of compliance with Nevada law relating to the activities of each state agency with respect to the taxation,

operation, safety and environmental regulation of mines and mining in this State. **Section 7** also identifies particular state entities that are subject to the supervision of the Commission with respect to their activities related to mines and mining: (1) the Nevada Tax Commission and the Department of Taxation in the taxation of the net proceeds of minerals; (2) the Division of Industrial Relations of the Department of Business and Industry concerning the safe and healthful working conditions at mines; (3) the Commission on Mineral Resources and the Division of Minerals of the Commission; (4) the Bureau of Mines and Geology of the State of Nevada; and (5) the Division of Environmental Protection of the State Department of Conservation and Natural Resources in its activities concerning the reclamation of land used in mining. **Sections 8 and 13-16** of this bill establish certain reports and other information that those entities are required to provide to the Commission. **Section 11** of this bill authorizes the Commission to request the Legislative Commission to direct the Legislative Auditor to provide for a special audit or investigation of the activities of any state agency, board, bureau, commission or political subdivision in connection with the taxation, operation, safety and environmental regulation of mines and mining in this State. **Section 12** of this bill provides that certain regulations of the Nevada Tax Commission, Administrator of the Division of Industrial Relations, Commission on Mineral Resources and the State Environmental Commission concerning mines and mining are not effective unless they are reviewed by the Mining Oversight and Accountability Commission before being approved by the Legislative Commission. **Sections 12.5 and 12.7** of this bill revise provisions governing the calculation of net proceeds from certain mining operations conducted in this State.

During the 26th Special Session in 2010, the Legislature enacted a law imposing a fee on the filing of an affidavit of the work performed on or improvements made to a mining claim or an affidavit of the intent to hold a mining claim, if the person who holds the mining claim holds 11 or more mining claims in this State. (NRS 517.187) **Section 16.3** of this bill repeals that law. **Section 16.7** of this bill allows any person who paid that fee to receive a credit of the amount paid against any liability of the person for the state modified business tax or, if that is not practical, a refund of the amount paid.

Section 16.5 of this bill makes an appropriation to the Department of Taxation to fund the costs for the Mining Oversight and Accountability Commission.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 362 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 12 inclusive, of this act.

Sec. 2. ***As used in sections 2 to 12, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 and 4 of this act have the meanings ascribed to them in those sections.***

Sec. 3. ***"Chair" means the Chair of the Commission.***

Sec. 4. ***"Commission" means the Mining Oversight and Accountability Commission created by section 5 of this act.***

Sec. 5. ***1. There is hereby created the Mining Oversight and Accountability Commission consisting of seven members appointed as follows:***

(a) Two members appointed by the Governor;

(b) Two members appointed by the Governor from a list of persons recommended by the Majority Leader of the Senate;

(c) Two members appointed by the Governor from a list of persons recommended by the Speaker of the Assembly; and

(d) One member appointed by the Governor from a list of persons recommended by the Minority Leader of the Senate or the Minority Leader of the Assembly. The Minority Leader of the Senate shall recommend persons for appointment for the initial term, the Minority Leader of the Assembly shall recommend persons for appointment for the next succeeding term, and thereafter, the authority to recommend persons for appointment must alternate each biennium between the Houses of the Legislature.

2. The Governor, Majority Leader of the Senate, Speaker of the Assembly, Minority Leader of the Senate and Minority Leader of the Assembly shall confer before the Governor makes an appointment to ensure that:

(a) Not more than two of the members are appointed from any one county in this State; and

(b) Not more than two of the members have a direct or indirect financial interest in the mining industry or are related by blood or marriage to a person who has such an interest.

3. Each member of the Commission serves for a term of 2 years.

4. A vacancy on the Commission must be filled by the Governor in the same manner as the original appointment.

Sec. 6. ***1. The Commission shall elect one of its members as Chair and another as Vice Chair, who shall serve for a term of 1 year or until their successors are elected and qualified.***

2. The Commission shall meet at least once each calendar quarter and may meet at other times on the call of the Chair or a majority of its members.

3. A majority of the members of the Commission constitutes a quorum for the transaction of business, and a majority of those members present at any meeting is sufficient for any official action taken by the Commission.

4. While engaged in the business of the Commission, each member of the Commission is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

5. The Executive Director of the Department shall assign employees of the Department to provide such technical, clerical and operational assistance to the Commission as the functions and operations of the Commission may require.

Sec. 7. *Notwithstanding any other provision of law, the Commission shall provide oversight of compliance with Nevada law relating to the activities of each state agency, board, bureau, commission, department or division with respect to the taxation, operation, safety and environmental regulation of mines and mining in this State, including, without limitation, the activities of:*

1. The Nevada Tax Commission and the Department of Taxation in the taxation of the net proceeds of minerals pursuant to this chapter and Section 5 of Article 10 of the Nevada Constitution.

2. The Division of Industrial Relations of the Department of Business and Industry in administering the provisions of chapter 512 of NRS concerning the safe and healthful working conditions at mines.

3. The Commission on Mineral Resources and the Division of Minerals of the Commission in the administration of the provisions of chapters 513 and 522 of NRS concerning the conduct of mining operations and operations for the production of oil, gas and geothermal energy in the State.

4. The Bureau of Mines and Geology of the State of Nevada in the Public Service Division of the Nevada System of Higher Education in its administration of the provisions of chapter 514 of NRS.

5. The Division of Environmental Protection of the State Department of Conservation and Natural Resources in its administration of the provisions of chapter 519A of NRS concerning the reclamation of mined land, areas of exploration and former areas of mining or exploration.

Sec. 8. *In addition to any other information requested by the Commission pursuant to section 9 of this act:*

1. The Administrator of the Division of Industrial Relations of the Department of Business and Industry shall submit to the Commission at its first regular meeting in each calendar year the report that is required pursuant to NRS 512.140 concerning the functions of the Administrator under chapter 512 of NRS concerning the creation and maintenance of

safe and healthful working conditions at mines in this State during the immediately preceding calendar year.

2. The Department of Taxation shall submit to the Commission at the second regular meeting of the Commission in each calendar year:

(a) An audit program identifying each mining operator or other person who is required to file a statement concerning the extraction of minerals in this State pursuant to NRS 362.100 to 362.240, inclusive, that the Department intends to audit during the immediately following calendar year;

(b) A report of the results of each audit of a mining operator or other person completed by the Department during the immediately preceding calendar year; and

(c) A report of the status of each audit of a mining operator or other person that is in process at the time of the report.

3. The Division of Environmental Protection of the State Department of Conservation and Natural Resources shall submit to the Commission at its third regular meeting in each calendar year a report concerning the Division's activities concerning the reclamation of mined lands, areas of exploration and former areas of mining or exploration during the immediately preceding calendar year, including, without limitation, an accounting of the amounts of fees collected for permits issued by the Division and any fines imposed by the Division.

Sec. 9. *1. In conducting the investigations and hearings of the Commission:*

(a) The Chair or any member designated by the Chair may administer oaths.

(b) The Chair may cause the deposition of witnesses, residing either within or outside of the State, to be taken in the manner prescribed by rule of court for taking depositions in civil actions in the district courts.

(c) The Chair may issue subpoenas to compel the attendance of witnesses and the production of books and papers.

2. If any witness refuses to attend or testify or produce any books and papers as required by the subpoena, the Chair may report to the district court by petition, setting forth that:

(a) Due notice has been given of the time and place of attendance of the witness or the production of the books and papers;

(b) The witness has been subpoenaed by the Commission pursuant to this section; and

(c) The witness has failed or refused to attend or produce the books and papers required by the subpoena before the Commission which is named in the subpoena, or has refused to answer questions propounded to the witness,

➥ and asking for an order of the court compelling the witness to attend and testify or produce the books and papers before the Commission.

3. Upon such a petition, the court shall enter an order directing the witness to appear before the court at a time and place to be fixed by the court in its order, the time to be not more than 10 days after the date of the order, and to show cause why the witness has not attended or testified or produced the books or papers before the Commission. A certified copy of the order must be served upon the witness.

4. If it appears to the court that the subpoena was regularly issued by the Commission, the court shall enter an order that the witness appear before the Commission at the time and place fixed in the order and testify or produce the required books or papers. Failure to obey the order constitutes contempt of court.

Sec. 10. *1. Each witness who appears before the Commission by its order, except a state officer or employee, is entitled to receive for such attendance the fees and mileage provided for witnesses in civil cases in the courts of record of this State.*

2. The fees and mileage must be audited and paid upon the presentation of proper claims sworn to by the witness and approved by the Chair of the Commission.

Sec. 11. *1. The Commission may submit a request to the Legislative Commission that the Legislative Auditor be directed to undertake, or to contract with a qualified accounting firm to undertake, a special audit or investigation of the activities of any state agency, board, bureau, commission or political subdivision in connection with the taxation, operation, safety and environmental regulation of mines and mining in this State.*

2. The request submitted pursuant to subsection 1 must be accompanied by an explanation of the circumstances that give rise to the request.

Sec. 12. *A permanent regulation adopted by the:*

1. Nevada Tax Commission, pursuant to NRS 360.090, concerning any taxation related to the extraction of any mineral in this State, including, without limitation, the taxation of the net proceeds pursuant to this chapter and Section 5 of Article 10 of the Nevada Constitution;

2. Administrator of the Division of Industrial Relations of the Department of Business and Industry for mine health and safety pursuant to NRS 512.131;

3. Commission on Mineral Resources pursuant to 513.063, 513.094 or 519A.290; and

4. State Environmental Commission pursuant to NRS 519A.160,

➥ ***is not effective unless it is reviewed by the Mining Oversight and Accountability Commission before it is approved pursuant to chapter 233B of NRS by the Legislative Commission or the Subcommittee to Review Regulations appointed pursuant to subsection 6 of NRS 233B.067. After conducting its review of the regulation, the Mining Oversight and Accountability Commission shall provide a report of its findings and recommendations regarding the regulation to the Legislative Counsel for submission to the Legislative Commission or the Subcommittee to Review Regulations, as appropriate.***

Sec. 12.5. NRS 362.120 is hereby amended to read as follows:

362.120 1. The Department shall, from the statement filed pursuant to NRS 362.110 and from all obtainable data, evidence and reports, compute in dollars and cents the gross yield and net proceeds of the calendar year immediately preceding the year in which the statement is filed.

2. The gross yield must include the value of any mineral extracted which was:

(a) Sold;

(b) Exchanged for any thing or service;

(c) Removed from the State in a form ready for use or sale; or

(d) Used in a manufacturing process or in providing a service,

➥ during that period.

3. The net proceeds are ascertained and determined by subtracting from the gross yield the following deductions for costs incurred during that period, and none other:

(a) The actual cost of extracting the mineral ~~[.]~~ ***, which is limited to direct costs for activities performed in the State of Nevada.***

(b) The actual cost of transporting the mineral to the place or places of reduction, refining and sale.

(c) The actual cost of reduction, refining and sale.

(d) The actual cost of ~~[marketing and]~~ delivering the mineral **.** ~~[and the conversion of the mineral into money.]~~

(e) The actual cost of maintenance and repairs of:

(1) All machinery, equipment, apparatus and facilities used in the mine.

(2) All milling, refining, smelting and reduction works, plants and facilities.

(3) All facilities and equipment for transportation except those that are under the jurisdiction of the Public Utilities Commission of Nevada or the Nevada Transportation Authority.

(f) ~~[The actual cost of fire insurance on the machinery, equipment, apparatus, works, plants and facilities mentioned in paragraph (e).~~

~~(g)]~~ Depreciation of the original capitalized cost of the machinery, equipment, apparatus, works, plants and facilities mentioned in paragraph

(e). The annual depreciation charge consists of amortization of the original cost in a manner prescribed by regulation of the Nevada Tax Commission ~~[.]~~ ***and approved by the Mining Oversight and Accountability Commission created by section 5 of this act.*** The probable life of the property represented by the original cost must be considered in computing the depreciation charge.

~~[(h) All money expended for premiums for industrial insurance, and the actual cost of hospital and medical attention and accident benefits and group insurance for all employees.~~

~~(i)]~~ ***(g)*** All money paid as contributions or payments under the unemployment compensation law of the State of Nevada, as contained in chapter 612 of NRS, all money paid as contributions under the Social Security Act of the Federal Government, and all money paid to either the State of Nevada or the Federal Government under any amendment to either or both of the statutes mentioned in this paragraph.

~~[(j)]~~ ***(h) The costs of employee travel which occurs within the State of Nevada and which is directly related to mining operations within the State of Nevada.***

(i) The costs of Nevada-based corporate services relating to paragraphs (e) to (h), inclusive.

(j) The actual cost of developmental work in or about the mine or upon a group of mines when operated as a unit ~~[.~~

~~(k)]~~ ***, which is limited to work that is necessary to the operation of the mine or group of mines.***

(k) The costs of reclamation work in the years the reclamation work occurred, including, without limitation, costs associated with the remediation of a site.

(l) All money paid as royalties by a lessee or sublessee of a mine or well, or by both, in determining the net proceeds of the lessee or sublessee, or both.

4. Royalties deducted by a lessee or sublessee constitute part of the net proceeds of the minerals extracted, upon which a tax must be levied against the person to whom the royalty has been paid.

5. Every person acquiring property in the State of Nevada to engage in the extraction of minerals and who incurs any of the expenses mentioned in subsection 3 shall report those expenses and the recipient of any royalty to the Department on forms provided by the Department. ***The Department shall report annually to the Mining Oversight and Accountability Commission the expenses and deductions of each mining operation in the State of Nevada.***

6. The several deductions mentioned in subsection 3 do not include any expenditures for salaries, or any portion of salaries, of any person not actually engaged in:

(a) The working of the mine;

(b) The operating of the mill, smelter or reduction works;

(c) The operating of the facilities or equipment for transportation;

(d) Superintending the management of any of those operations; ~~[or]~~

(e) The State of Nevada, in office, clerical or engineering work necessary or proper in connection with any of those operations ~~[.]~~ ***; or***

(f) Nevada-based corporate services.

7. The following expenses are specifically excluded from any deductions from the gross yield:

(a) The costs of employee housing.

(b) Except as otherwise provided in paragraph (h) of subsection 3, the costs of employee travel.

(c) The costs of severing the employment of any employees.

(d) Any dues paid to a third-party organization or trade association to promote or advertise a product.

(e) Expenses relating to governmental relations or to compensate a natural person or entity to influence legislative decisions.

(f) The costs of mineral exploration.

(g) Any federal, state or local taxes.

8. As used in this section, "Nevada-based corporate services" means corporate services which are performed in the State of Nevada from an office located in this State and which directly support mining operations in this State, including, without limitation, accounting functions relating to mining operations at a mine site in this State such as payroll, accounts payable, production reporting, cost reporting, state and local tax reporting and recordkeeping concerning property.

Sec. 12.7. NRS 362.120 is hereby amended to read as follows:

362.120 1. The Department shall, from the statement filed pursuant to NRS 362.110 and from all obtainable data, evidence and reports, compute in dollars and cents the gross yield and net proceeds of the calendar year immediately preceding the year in which the statement is filed.

2. The gross yield must include the value of any mineral extracted which was:

(a) Sold;

(b) Exchanged for any thing or service;

(c) Removed from the State in a form ready for use or sale; or

(d) Used in a manufacturing process or in providing a service,

➥ during that period.

3. The net proceeds are ascertained and determined by subtracting from the gross yield the following deductions for costs incurred during that period, and none other:

(a) The actual cost of extracting the mineral, which is limited to direct costs for activities performed in the State of Nevada.

(b) The actual cost of transporting the mineral to the place or places of reduction, refining and sale.

(c) The actual cost of reduction, refining and sale.

(d) The actual cost of delivering the mineral.

(e) The actual cost of maintenance and repairs of:

(1) All machinery, equipment, apparatus and facilities used in the mine.

(2) All milling, refining, smelting and reduction works, plants and facilities.

(3) All facilities and equipment for transportation except those that are under the jurisdiction of the Public Utilities Commission of Nevada or the Nevada Transportation Authority.

(f) Depreciation of the original capitalized cost of the machinery, equipment, apparatus, works, plants and facilities mentioned in paragraph (e). The annual depreciation charge consists of amortization of the original cost in a manner prescribed by regulation of the Nevada Tax Commission and approved by the Mining Oversight and Accountability Commission created by section 5 of this act. The probable life of the property represented by the original cost must be considered in computing the depreciation charge.

(g) ***All money expended for premiums for industrial insurance, and the actual cost of hospital and medical attention and accident benefits and group insurance for employees actually engaged in mining operations within the State of Nevada.***

(h) All money paid as contributions or payments under the unemployment compensation law of the State of Nevada, as contained in chapter 612 of NRS, all money paid as contributions under the Social Security Act of the Federal Government, and all money paid to either the State of Nevada or the Federal Government under any amendment to either or both of the statutes mentioned in this paragraph.

~~[(h)]~~ ***(i)*** The costs of employee travel which occurs within the State of Nevada and which is directly related to mining operations within the State of Nevada.

~~[(i)]~~ ***(j)*** The costs of Nevada-based corporate services relating to paragraphs (e) to ~~[(h),]~~ ***(i),*** inclusive.

~~[(j)]~~ ***(k)*** The actual cost of developmental work in or about the mine or upon a group of mines when operated as a unit, which is limited to work that is necessary to the operation of the mine or group of mines.

~~[(k)]~~ ***(l)*** The costs of reclamation work in the years the reclamation work occurred, including, without limitation, costs associated with the remediation of a site.

~~[(l)]~~ ***(m)*** All money paid as royalties by a lessee or sublessee of a mine or well, or by both, in determining the net proceeds of the lessee or sublessee, or both.

4. Royalties deducted by a lessee or sublessee constitute part of the net proceeds of the minerals extracted, upon which a tax must be levied against the person to whom the royalty has been paid.

5. Every person acquiring property in the State of Nevada to engage in the extraction of minerals and who incurs any of the expenses mentioned in subsection 3 shall report those expenses and the recipient of any royalty to the Department on forms provided by the Department. The Department shall report annually to the Mining Oversight and Accountability Commission the expenses and deductions of each mining operation in the State of Nevada.

6. The several deductions mentioned in subsection 3 do not include any expenditures for salaries, or any portion of salaries, of any person not actually engaged in:

(a) The working of the mine;

(b) The operating of the mill, smelter or reduction works;

(c) The operating of the facilities or equipment for transportation;

(d) Superintending the management of any of those operations;

(e) The State of Nevada, in office, clerical or engineering work necessary or proper in connection with any of those operations; or

(f) Nevada-based corporate services.

7. The following expenses are specifically excluded from any deductions from the gross yield:

(a) The costs of employee housing.

(b) Except as otherwise provided in paragraph ~~[(h)]~~ ***(i)*** of subsection 3, the costs of employee travel.

(c) The costs of severing the employment of any employees.

(d) Any dues paid to a third-party organization or trade association to promote or advertise a product.

(e) Expenses relating to governmental relations or to compensate a natural person or entity to influence legislative decisions.

(f) The costs of mineral exploration.

(g) Any federal, state or local taxes.

8. As used in this section, "Nevada-based corporate services" means corporate services which are performed in the State of Nevada from an office located in this State and which directly support mining operations in this State, including, without limitation, accounting functions relating to mining operations at a mine site in this State such as payroll, accounts payable, production reporting, cost reporting, state and local tax reporting and recordkeeping concerning property.

Sec. 13. NRS 512.140 is hereby amended to read as follows:

512.140 The Administrator shall submit annually to the Governor, ***and to the Mining Oversight and Accountability Commission created by section 5 of this act,*** as soon as practicable after the beginning of each calendar year, a full report of the administration of the Administrator's functions under this chapter during the preceding calendar year. The report must include, either in summary or detailed form, the information obtained by the Administrator under this chapter together with such findings and comments thereon and such recommendations as the Administrator may deem proper.

Sec. 14. NRS 513.063 is hereby amended to read as follows:

513.063 The Commission shall:

1. Keep itself informed of and interested in the entire field of legislation and administration charged to the Division.

2. Report to the Governor ***, the Mining Oversight and Accountability Commission created by section 5 of this act*** and the Legislature on all matters which it may deem pertinent to the Division, and concerning any specific matters previously requested by the Governor ~~[.]~~ ***or the Mining Oversight and Accountability Commission.***

3. Advise and make recommendations to the Governor ***, the Mining Oversight and Accountability Commission*** and the Legislature concerning the policy of this State relating to minerals.

4. Formulate the administrative policies of the Division.

5. Adopt regulations necessary for carrying out the duties of the Commission and the Division.

Sec. 15. NRS 513.093 is hereby amended to read as follows:

513.093 The Administrator:

1. Shall coordinate the activities of the Division.

2. Shall report to the Commission upon all matters pertaining to the administration of the Division.

3. ***Shall attend each regular meeting of the Mining Oversight and Accountability Commission created by section 5 of this act and each special meeting if requested by the Chair of that Commission and:***

(a) Report to the Mining Oversight and Accountability Commission on the activities of the Division undertaken since the Division's previous report, including, without limitation, an accounting of any fees or fines imposed or collected;

(b) The current condition of mining and of exploration for and production of oil, gas and geothermal energy in the State; and

(c) Provide any technical information required by the Mining Oversight and Accountability Commission during the course of the meeting.

4. Shall submit a biennial report to the Governor and the Legislature through the Commission concerning the work of the Division, with recommendations that the Administrator may deem necessary. The report

must set forth the facts relating to the condition of mining and of exploration for and production of oil and gas in the State.

Sec. 16. Chapter 514 of NRS is hereby amended by adding thereto a new section to read as follows:

The Director of the Bureau of Mines and Geology shall attend each regular meeting of the Mining Oversight and Accountability Commission created by section 5 of this act and each special meeting if requested by the Chair of the Commission and:

1. Report to the Commission on the activities of the Bureau of Mines and Geology undertaken by the Bureau since its previous report, including, without limitation, the current condition of mining and of exploration for and production of oil and gas in the State; and

2. Provide any technical information required by the Commission during the course of the meeting.

Sec. 16.3. NRS 517.187 is hereby repealed.

Sec. 16.5. **1. There is hereby appropriated from the State General Fund to the Department of Taxation to fund the costs for the Mining Oversight and Accountability Commission created by section 5 of this act the sums of:**

For Fiscal Year 2011-2012 ..... $17,050

For Fiscal Year 2012-2013 ..... $17,050

2. Any balance of the sums appropriated pursuant to subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the entity to which the appropriation is made or any entity to which the money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any other purpose after September 21, 2012, and September 20, 2013, respectively, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 21, 2012, and September 20, 2013, respectively.

Sec. 16.7. 1. Any person who paid any fee, interest or penalty imposed pursuant to NRS 517.187 may, on or before June 30, 2013, apply to the Department of Taxation pursuant to this section for a credit or refund of the total amount paid by the person pursuant to NRS 517.187.

2. Upon the receipt of an application pursuant to subsection 1 and proof to the satisfaction of the Department of Taxation of the total amount paid by the applicant pursuant to NRS 517.187, the Department shall:

(a) Except as otherwise provided in paragraph (b), allow the applicant a credit of the total amount paid by the person pursuant to NRS 517.187 against any liability of the person for the tax imposed pursuant to

NRS 363B.110, and carry any unused portion of the credit forward until the credit is exhausted; or

(b) If the Department determines that it is impractical to provide a full credit to the applicant pursuant to paragraph (a), cause to be refunded to the applicant the total amount paid by the applicant pursuant to NRS 517.187.

3. A person who paid any fee, interest or penalty imposed pursuant to NRS 517.187 is not entitled to receive any penalty or interest on the amount paid.

4. The failure of any person to apply to the Department of Taxation pursuant to subsection 1 within the time prescribed constitutes a waiver of any demand against the State for any credit or refund of any fee, interest or penalty paid by or on behalf of the person pursuant to NRS 517.187.

5. Each county recorder shall, upon the request of the Department of Taxation, provide to the Department such documentation as the Department determines to be necessary to verify the total amount paid pursuant to NRS 517.187 by any person who applies to the Department pursuant to subsection 1.

6. All refunds made pursuant to this section must be paid from the State General Fund upon claims presented by the Department of Taxation, approved by the State Board of Examiners, and allowed and paid as other claims against the State are allowed and paid.

Sec. 17. The Department of Taxation shall submit to the Mining Oversight and Accountability Commission created by section 5 of this act at the first regular meeting of the Commission following the effective date of this section a comprehensive audit program that sets forth the Department's plan for completing an audit of every mining operator or other person who is required to file a statement concerning the extraction of minerals in this State pursuant to NRS 362.100 to 362.240, inclusive.

Sec. 17.3. The amendatory provisions of section 12.5 of this act:

1. Do not apply to or affect any determination of gross yield or net proceeds required pursuant to NRS 362.100 to 362.240, inclusive, for the calendar year 2011.

2. Apply for the purposes of estimating and determining gross yield and net proceeds pursuant to NRS 362.100 to 362.240, inclusive, for the calendar year 2012 and each calendar year thereafter.

Sec. 17.5. The amendatory provisions of section 12.7 of this act:

1. Do not apply to or affect any determination of gross yield or net proceeds required pursuant to NRS 362.100 to 362.240, inclusive, for the calendar year 2013.

2. Apply for the purposes of estimating and determining gross yield and net proceeds pursuant to NRS 362.100 to 362.240, inclusive, for the calendar year 2014 and each calendar year thereafter.

Sec. 17.7. 1. The Nevada Tax Commission, on or before January 1, 2012, and subject to the requirements of section 12 of this act, shall adopt regulations to carry out the provisions of NRS 362.120, as amended by section 12.5 of this act.

2. In adopting regulations pursuant to subsection 1, the Nevada Tax Commission shall amend or repeal any of its existing regulations that conflict or are inconsistent with the provisions of NRS 362.120, as amended by section 12.5 of this act.

Sec. 18. Notwithstanding the provisions of section 5 of this act, as soon as practicable after the effective date of this section, the Governor shall appoint to the Mining Oversight and Accountability Commission created by section 5 of this act:

1. One member pursuant to paragraph (a), (b) and (c), respectively, of subsection 1 of that section whose term expires on June 30, 2012; and

2. One member pursuant to paragraph (a), (b), (c) and (d), respectively, of subsection 1 of that section whose term expires on June 30, 2013.

Sec. 19. 1. This section and sections 1 to 12, inclusive, and 13 to 18, inclusive, of this act become effective upon passage and approval.

2. Section 12.5 of this act becomes effective on January 1, 2012.

3. Section 12.7 of this act becomes effective on January 1, 2014.

TEXT OF REPEALED SECTION

517.187 Additional fee for filing made pursuant to NRS 517.230. [Effective through June 30, 2011.]

1. An additional fee is hereby imposed upon each filing made pursuant to NRS 517.230 regarding a mining claim held by a person who holds 11 or more mining claims in this State on the date of that filing, in the amount determined in accordance with subsection 2. The person making that filing shall remit the fee to the county recorder in such a manner that, at the option of that person:

(a) The fee is paid in full at the time of the filing;

(b) One-half of the fee is paid at the time of the filing and the remainder of the fee is paid not later than June 1 of the calendar year immediately following the filing date; or

(c) The fee is paid in full not later than June 1 of the calendar year immediately following the filing date.

2. If the greatest number of mining claims held in this State by any of the persons who hold any of the mining claims to which a filing made pursuant to NRS 517.230 pertains is:

(a) Not less than 11 and not more than 199 on the date of that filing, the fee imposed by this section is $70 for each mining claim to which the filing pertains.

(b) Not less than 200 and not more than 1,299 on the date of that filing, the fee imposed by this section is $85 for each mining claim to which the filing pertains.

(c) Not less than 1,300 on the date of that filing, the fee imposed by this section is $195 for each mining claim to which the filing pertains.

3. The county recorder shall:

(a) Obtain from each person who makes a filing pursuant to NRS 517.230 an affidavit declaring that the greatest number of mining claims held in this State on the date of that filing by any of the persons who hold any of the mining claims to which the filing pertains is:

(1) Less than 11;

(2) Not less than 11 and not more than 199;

(3) Not less than 200 and not more than 1,299; or

(4) Not less than 1,300; and

(b) Based upon the information set forth in that affidavit, collect any fee imposed on that filing pursuant to this section.

4. Any person who:

(a) Fails to pay the fee imposed pursuant to this section within the time required shall pay a penalty in the amount of 10 percent of the amount of the fee that is owed, in addition to the fee, plus interest at the rate of 1 percent per month, or fraction of a month, from the date on which the fee is due until the date of payment.

(b) Knowingly makes a false declaration in an affidavit provided to a county recorder pursuant to subsection 3 is guilty of a misdemeanor and shall pay the amount of any additional fee, penalty and interest required pursuant to this section on account of the falsification.

5. The county recorder shall, on or before the fifth working day of each month, deposit with the county treasurer all the fees, penalties and interest imposed pursuant to this section which are collected during the preceding month. The county treasurer shall quarterly remit all money so collected to the State Controller, who shall place the money in the State General Fund.

6. The State Controller shall take such action as may be necessary to ensure that the fees, penalties and interest imposed pursuant to this section are paid in full.

Assemblyman Hickey moved the adoption of the amendment.

Remarks by Assemblywoman Smith.

Amendment adopted.

Bill ordered to third reading.

Senate Bill No. 360.

Bill read third time.

Roll call on Senate Bill No. 360:

YEAS—25.
NAYS—Ellison, Goedhart, Goicoechea, Grady, Hambrick, Hammond, Hansen, Hardy, Hickey, Kirkpatrick, Kirner, Kite, Livermore, McArthur, Sherwood, Stewart, Woodbury—17.

Senate Bill No. 360 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 370.

Bill read third time.

Roll call on Senate Bill No. 370:
YEAS—39.
NAYS—Ellison, Grady, Kite—3.

Senate Bill No. 370 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 371.

Bill read third time.

Roll call on Senate Bill No. 371:
YEAS—42.
NAYS—None.

Senate Bill No. 371 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 418.

Bill read third time.

Roll call on Senate Bill No. 418:
YEAS—26.
NAYS—Ellison, Goedhart, Goicoechea, Grady, Hambrick, Hammond, Hansen, Hardy, Hickey, Kirner, Kite, Livermore, McArthur, Sherwood, Stewart, Woodbury—16.

Senate Bill No. 418 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 7:23 p.m.

ASSEMBLY IN SESSION

At 7:25 p.m.

Mr. Speaker presiding.

Quorum present.

GENERAL FILE AND THIRD READING

Senate Joint Resolution No. 15.

Resolution read third time.

Remarks by Assemblyman Segerblom.

Roll call on Senate Joint Resolution No. 15:

YEAS—27.

NAYS—Ellison, Goedhart, Goicoechea, Grady, Hambrick, Hammond, Hansen, Hardy, Hickey, Kirner, Kite, Livermore, McArthur, Stewart, Woodbury—15.

Senate Joint Resolution No. 15 having received a constitutional majority, Mr. Speaker declared it passed.

Resolution ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Conklin moved that Senate Bills Nos. 164 and 340 be taken from the Chief Clerk's desk and placed on the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 279.

Bill read third time.

Remarks by Assemblymen Ohrenschall, Horne, Kirner, and Smith.

Roll call on Assembly Bill No. 279:

YEAS—32.

NAYS—Brooks, Carlton, Carrillo, Daly, Diaz, Ellison, Hansen, Horne, Neal, Pierce—10.

Assembly Bill No. 279 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered reprinted, reengrossed, and transmitted to the Senate.

Assembly Bill No. 406.

Bill read third time.

Roll call on Assembly Bill No. 406:

YEAS—42.

NAYS—None.

Assembly Bill No. 406 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered reprinted, reengrossed, and transmitted to the Senate.

Assembly Bill No. 487.

Bill read third time.

Remarks by Assemblywoman Smith.

Roll call on Assembly Bill No. 487:

YEAS—42.

NAYS—None.

Assembly Bill No. 487 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered reprinted, engrossed, and transmitted to the Senate.

Senate Bill No. 493.

Bill read third time.

Roll call on Senate Bill No. 493:

YEAS—39.

NAYS—Ellison, Goedhart, Hansen—3.

Senate Bill No. 493 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered reprinted, reengrossed, and transmitted to the Senate.

Senate Bill No. 164.

Bill read third time.

Roll call on Senate Bill No. 164:

YEAS—26.

NAYS—Atkinson, Ellison, Goedhart, Hambrick, Hammond, Hansen, Hardy, Kirkpatrick, Kirner, Livermore, McArthur, Munford, Sherwood, Smith, Stewart, Woodbury—16.

Senate Bill No. 164 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 340.

Bill read third time.

Remarks by Assemblymen Mastroluca, Sherwood, Frierson, and Carlton.

Roll call on Senate Bill No. 340:

YEAS—34.

NAYS—Ellison, Goedhart, Hansen, Hickey, Kirner, Livermore, McArthur, Sherwood—8.

Senate Bill No. 340 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered reprinted, reengrossed, and transmitted to the Senate.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Health and Human Services, to which was referred Senate Bill No. 115, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

APRIL MASTROLUCA, *Chair*

GENERAL FILE AND THIRD READING

Senate Bill No. 115.

Bill read third time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 984.

AN ACT relating to health care; requiring certain hospitals and physicians to accept certain amounts as payment in full for the provision of certain services and care to certain patients; providing an exception under certain circumstances; requiring the submission of certain reports relating to policies of health insurance and similar contractual agreements by certain third parties who issue those policies and agreements; requiring the Administrator of the Health Division of the Department of Health and Human Services to study issues relating to policies of health insurance and similar contractual agreements; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, a hospital is required to provide emergency services and care and to admit certain patients where appropriate, regardless of the financial status of the patient. (NRS 439B.410) Existing law also requires certain major hospitals to reduce total billed charges by at least 30 percent for hospital services provided to certain patients who have no insurance or other contractual provision for the payment of the charges by a third party. (NRS 439B.260) **Section 13** of this bill requires an out-of-network hospital with 100 or more beds that is not operated by a federal, state or local governmental entity to accept, under certain circumstances, as payment in full for the provision of any medical screening and emergency services and care to stabilize a patient who arrives at the out-of-network hospital through an emergency transport an amount which equals ~~[115]~~ **60** percent of the ~~[amount set forth in the schedule of fees and charges established by the Division of Industrial Relations of the Department of Business and Industry]~~ **billed charges of the out-of-network hospital** for costs associated with services and care provided to a patient for treatment other than treatment of a traumatic injury, and ~~[120]~~ **70** percent of the ~~[amount set forth in that schedule of fees and charges]~~ **billed charges of the out-of-network hospital** for costs associated with services and care provided to the patient for treatment of a traumatic injury. **In addition, section 13 provides that if the billed charges are increased, the amount required to be paid for the average billed charges must not increase by more than 5 percent. Section 14** of this bill similarly requires an out-of-network physician of an out-of-network hospital with 100 or more beds to accept as payment in full for the provision of medical screening and emergency services and care to stabilize a patient an amount which is based on the schedule of fees and charges established by the Division of Industrial Relations. A physician who provides services and care to the patient for treatment other than treatment of a traumatic injury will receive an amount equal to 115 percent of the amount set forth in that schedule of fees and charges, an anesthesiologist will receive an amount equal to 120 percent of the amount set forth in that schedule of fees and charges, and a physician who provides services and care to the

patient for treatment of a traumatic injury will receive 120 percent of the amount set forth in that schedule of fees and charges. **Section 14** excludes emergency room physicians from these provisions.

Sections 13 and 14 apply only to certain third party insurers organized as nonprofit entities and do not apply to Medicaid or the Children's Health Insurance Program. Sections 13 and 14 require the third party to provide for the transfer of the patient to an in-network hospital within 8 hours after the out-of-network hospital notifies the third party that the patient has been stabilized. After that period, if the patient remains at the out-of-network hospital, the parties must negotiate a rate or the total billed charges will apply. Sections 13 and 14 **also** allow an out-of-network hospital and an out-of-network physician to negotiate a different amount of payment if the hospital or physician believes that the amount provided pursuant to those sections does not provide a fair and reasonable rate of return in relation to the services provided. ~~[In addition, section 13 requires that a patient be transferred to an in-network hospital within a certain period after which the third party will be responsible for the billed charges if the patient has not been transferred.]~~ **Section 14.5** of this bill provides the process for submitting a dispute regarding the fair and reasonable rate of return to mediation.

Section 16 of this bill requires a third party who wishes to pay the amounts prescribed pursuant to **sections 13 and 14** to maintain an adequate network of providers and submit certain reports to the Administrator of the Health Division of the Department of Health and Human Services and to the Legislative Committee on Health Care. **Section 1** of this bill requires the Administrator of the Health Division to determine whether third parties have adequate networks. **Section 11** of this bill provides that the provisions of this bill apply only to certain insurers that are organized as nonprofit entities. **Section 12.7** of this bill provides that the provisions of this bill do not apply to Medicaid or to the Children's Health Insurance Program.

Section 21.5 of this bill limits the application of the bill so that it applies prospectively to contracts that expire on or after January 1, 2012. Section 22 of this bill provides that the provisions of this bill expire by limitation on January 1, 2018.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 439 of NRS is hereby amended by adding thereto a new section to read as follows:

1. For the purposes of sections 2 to 16, inclusive, of this act, the Administrator shall:

(a) Study the information received pursuant to section 16 of this act and prescribe standards of adequacy based on the results of that study.

(b) Determine whether the network of hospitals and physicians established by each third party in this State meets the standards of adequacy prescribed by the Administrator.

2. On or before July 1 of each year, the Administrator shall prepare a report of the standards of adequacy for networks prescribed pursuant to subsection 1 and:

(a) Make the report available to the public; and

(b) Provide to the Legislative Committee on Health Care and the Commissioner of Insurance a copy of the report.

3. As used in this section, "third party" has the meaning ascribed to it in section 11 of this act.

Sec. 1.5. Chapter 439B of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 16, inclusive, of this act.

Sec. 2. ***As used in sections 2 to 16, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 to 12.5, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 3. ***"Air ambulance" has the meaning ascribed to it in NRS 450B.030.***

Sec. 4. ***"Ambulance" has the meaning ascribed to it in NRS 450B.040.***

Sec. 5. ***"Emergency services and care" has the meaning ascribed to it in NRS 439B.410.***

Sec. 6. ***"Fire-fighting agency" has the meaning ascribed to it in NRS 450B.072.***

Sec. 7. ***"In-network hospital" means, for a particular patient, a hospital which has entered into a contract with a third party for the provision of health care to persons who are covered by a policy of insurance or other contractual agreement which provides coverage to the patient and which is issued by that third party.***

Sec. 8. ***"In-network physician" means, for a particular patient, a physician who has entered into a contract with a third party for the provision of health care to persons who are covered by a policy of insurance or other contractual agreement which provides coverage to the patient and which is issued by that third party.***

Sec. 8.5. ***"Medical screening" means the medical screening required to be provided to a patient in the emergency department of a hospital pursuant to 42 U.S.C. § 1395dd.***

Sec. 9. ***"Out-of-network hospital" means, for a particular patient, a hospital which has not entered into a contract with a third party for the provision of health care to persons who are covered by a policy of***

insurance or other contractual agreement which provides coverage to the patient and which is issued by that third party.

Sec. 10. ***"Out-of-network physician" means, for a particular patient, a physician who has not entered into a contract with a third party for the provision of health care to persons who are covered by a policy of insurance or other contractual agreement which provides coverage to the patient and which is issued by that third party.***

Sec. 11. ***1. Except as otherwise provided in subsection 2, "third party" includes, without limitation:***

(a) An insurer, as that term is defined in NRS 679B.540;

(b) A health benefit plan, as that term is defined in NRS 689A.540, for employees which provides coverage for emergency services and care at a hospital;

(c) A participating public agency, as that term is defined in NRS 287.04052, and any other local governmental agency of the State of Nevada which provides a system of health insurance for the benefit of its officers and employees, and the dependents of such officers and employees, pursuant to chapter 287 of NRS; and

(d) Any other insurer or organization providing health coverage or benefits in accordance with state or federal law.

2. The term includes only an entity described in subsection 1 which is a nonprofit entity that qualifies under section 501(c) of the Internal Revenue Code of 1986, 26 U.S.C. § 501(c), as amended.

Sec. 12. ***"To stabilize" and "stabilized" have the meanings ascribed to them in 42 U.S.C. § 1395dd.***

Sec. 12.5. ***"Traumatic injury" means any acute injury which, according to standardized criteria for triage in the field, involves a significant risk of death or the precipitation of complications or disabilities.***

Sec. 12.7. ***The provisions of sections ~~[1]~~ 2 to 16, inclusive, of this act do not apply to the services of a hospital or physician provided to a recipient of Medicaid under the State Plan for Medicaid or to a person who is covered by insurance through the Children's Health Insurance Program pursuant to a contract with the Division of Health Care Financing and Policy of the Department.***

Sec. 13. ***1. Except as otherwise provided in this section, an out-of-network hospital with 100 or more beds that is not operated by a federal, state or local governmental agency shall accept as payment in full for the provision of any medical screening and emergency services and care to stabilize a patient an amount in accordance with subsection 2 if:***

(a) The patient was transported to the out-of-network hospital by an ambulance, air ambulance or vehicle of a fire-fighting agency which has received a permit to operate pursuant to chapter 450B of NRS;

(b) The patient has a policy of insurance or other contractual agreement with a third party that provides coverage for medical screening and emergency services and care; ~~[and]~~

*(c) The third party that provides coverage to the patient has more than one in-network hospital in this State ~~[.]~~ **; and***

(d) The out-of-network hospital, within the immediately preceding 12 months, had a contractual agreement with the third party that provides coverage to the patient to be an in-network hospital for the provision of all types of services and care to persons for whom the third party provided coverage.

2. Except as otherwise provided in this section, an out-of-network hospital with 100 or more beds which is not operated by a federal, state or local governmental agency that provides to a patient described in subsection 1 a medical screening or emergency services and care to stabilize the patient shall accept as payment in full for such medical screening or emergency services and care an amount which equals:

*(a) For costs associated with services and care provided to the patient for treatment other than treatment of a traumatic injury, ~~[115]~~ **60** percent of the ~~[amount set forth in the current schedule of fees and charges established by the Division of Industrial Relations of the Department of Business and Industry pursuant to NRS 616C.260.]~~ **billed charges of the out-of-network hospital.***

*(b) For costs associated with services and care provided to the patient for treatment of a traumatic injury, ~~[120]~~ **70** percent of the ~~[amount set forth in the current schedule of fees and charges established by the Division of Industrial Relations of the Department of Business and Industry pursuant to NRS 616C.260.]~~ **billed charges of the out-of-network hospital.***

3. An out-of-network hospital is not required to accept as payment in full the amount prescribed in subsection 2 if:

(a) The network of the third party that issued the policy of insurance or other contractual agreement which provides coverage to the patient does not meet the standards of adequacy, as prescribed by the Administrator of the Health Division of the Department pursuant to section 1 of this act;

(b) The third party that issued the policy of insurance or other contractual agreement which provides coverage to the patient has not submitted the quarterly reports required by section 16 of this act;

*(c) When applicable, the third party which provides coverage to the patient has not, in good faith, participated in a negotiation or mediation pursuant to subsection ~~[4,]~~ **5;***

(d) The patient does not pay or arrange with the out-of-network hospital for the payment of the deductible, copayment or coinsurance that the patient would otherwise have paid for the provision of the emergency

services and care at an in-network hospital within 30 days after the patient received the bill from the out-of-network hospital ~~[explaining]~~ for the amount owed by the patient; or

(e) The third party does not pay the out-of-network hospital for the emergency services and care within 30 days after receipt of the bill or, if applicable, within 30 days after the conclusion of any negotiation, mediation, arbitration or action between the third party and the out-of-network hospital.

4. If the out-of-network hospital increases the average amount of billed charges at any time within 12 months after the expiration of a contractual agreement with a third party that is subject to the provisions of this section, the out-of-network hospital must inform the third party of the increase and, if the average amount of the increase in billed charges is greater than 5 percent, the percentages listed in paragraphs (a) and (b) of subsection 2 must be adjusted so that the increase in the actual amount of the average billed charges required to be paid does not exceed an increase of 5 percent. When such an increase occurs, upon request, the out-of-network hospital must allow the third party to review the billed charges of the out-of-network hospital.

5. If an out-of-network hospital believes that the amounts prescribed in subsection 2 do not provide a fair and reasonable rate of return in relation to the services and care provided by the out-of-network hospital, the out-of-network hospital may enter into negotiations with the third party which provides coverage to the patient to reach an agreement regarding a fair and reasonable rate of return. If such negotiations do not result in an agreement regarding a fair and reasonable rate of return, the out-of-network hospital may request mediation as provided in section 14.5 of this act. An out-of-network hospital may not commence an action in court until the matter has been submitted to mediation pursuant to section 14.5 of this act unless the parties agree in writing to waive mediation.

~~[5. A person who]~~

6. If an out-of-network hospital becomes aware that a patient is covered by a policy of insurance or other contractual agreement ~~[that provides coverage for the provision of health care who is a patient at an out-of-network hospital must be transferred]~~ with a third party, the out-of-network hospital must notify the third party of the status of the patient not later than 2 hours after determining that the patient has such coverage and shall notify the third party when the patient has been stabilized. The third party which has been notified that the patient has been stabilized shall ensure that the patient is transferred to an in-network hospital within ~~[12]~~ 8 hours after ~~[:~~

~~(a) The out-of-network hospital becomes aware that the patient is covered by the third party; or~~

~~(b) The~~ ***the out-of-network hospital informs the third party that the patient has been stabilized,***

~~[", whichever is later,]~~ ***unless the out-of-network hospital and the third party agree to allow the patient to remain at the out-of-network hospital and agree to the amount that may be billed for any services provided after that time. If no such agreement is reached within ~~[12]~~ 8 hours and the patient is not transferred to an in-network hospital, the third party must pay the billed charges of the out-of-network hospital for any services provided after that time.***

7. During the period that a patient remains at an out-of-network hospital before the patient is required to be transferred pursuant subsection 6, the out-of-network hospital shall continue to accept as payment in full for costs associated with any care or services provided to the patient the amount prescribed in subsection 2.

Sec. 14. ***1. Except as otherwise provided in this section, an out-of-network physician who provides services to a patient at a hospital with 100 or more beds shall accept as payment in full for the provision of any medical screening and emergency services and care to stabilize the patient an amount in accordance with subsection 2 if:***

(a) The patient was transported to the out-of-network hospital by an ambulance, air ambulance or vehicle of a fire-fighting agency which has received a permit to operate pursuant to chapter 450B of NRS;

(b) The patient has a policy of insurance or other contractual agreement with a third party that provides coverage for the provision of health care; and

(c) The third party has more than one in-network physician in this State who provides the type of services and care that were provided by the out-of-network physician.

2. Except as otherwise provided in this section, an out-of-network physician who provides to a patient described in subsection 1 a medical screening or emergency services and care to stabilize the patient shall accept as payment in full for such medical screening or emergency services and care an amount which equals:

(a) For services and care provided to the patient for treatment other than treatment of a traumatic injury, 115 percent of the amount set forth in the current schedule of fees and charges established by the Division of Industrial Relations of the Department of Business and Industry pursuant to NRS 616C.260.

(b) For services and care provided to the patient by an anesthesiologist, regardless of whether the services and care are for treatment of a traumatic

injury, 120 percent of the amount set forth in the current schedule of fees and charges established by the Division of Industrial Relations of the Department of Business and Industry pursuant to NRS 616C.260.

(c) For services and care provided to the patient for treatment of a traumatic injury, 120 percent of the amount set forth in the current schedule of fees and charges established by the Division of Industrial Relations of the Department of Business and Industry pursuant to NRS 616C.260.

3. An out-of-network physician is not required to accept as payment in full the amount prescribed in subsection 2 if:

(a) The network of the third party that issued the policy of insurance or other contractual agreement which provides coverage to the patient does not meet the standards of adequacy, as prescribed by the Administrator of the Health Division of the Department pursuant to section 1 of this act;

(b) The third party that issued the policy of insurance or other contractual agreement which provides coverage to the patient has not submitted the quarterly reports required by section 16 of this act;

(c) When applicable, the third party which provides coverage to the patient has not, in good faith, participated in a negotiation or mediation pursuant to subsection 4;

(d) The patient does not pay or arrange for the payment of the deductible, copayment or coinsurance that the patient would otherwise have paid for the provision of emergency services and care to an in-network physician within 30 days after the patient has received the bill from the out-of-network physician ~~*[explaining]*~~ ***for the amount owed by the patient; or***

(e) The third party does not pay the out-of-network physician for the services and care within 30 days after receipt of the bill or, if applicable, within 30 days after the conclusion of any negotiation, mediation, arbitration or action between the third party and the out-of-network physician.

4. If an out-of-network physician believes that the amounts prescribed in subsection 2 do not provide a fair and reasonable rate of return in relation to the services and care provided by the out-of-network physician, the out-of-network physician may enter into negotiations with the third party which provides coverage to the patient to reach an agreement regarding a fair and reasonable rate of return. If such negotiations do not result in an agreement regarding a fair and reasonable rate of return, the out-of-network physician may request mediation as provided in section 14.5 of this act. An out-of-network physician may not commence an action in court until the matter has been submitted to mediation pursuant to

section 14.5 of this act unless the parties agree in writing to waive mediation.

5. During the period that a patient remains at an out-of-network hospital before the patient is required to be transferred pursuant to subsection 6 of section 13 of this act, the out-of-network physician shall continue to accept as payment in full for services or care provided to the patient the amount prescribed in subsection 2. If a patient remains at [an] the out-of-network hospital after the time by which the patient is required to be transferred pursuant to subsection [5] 6 of section 13 of this act to an in-network hospital, the third party which provides coverage to the patient must pay the billed charges to the out-of-network physician after that time unless the third party and the out-of-network physician have agreed to a different amount that may be billed.

6. The provisions of this section do not apply to an emergency room physician who has a contract with the hospital or who is on the staff of the hospital and who provides services to patients in the emergency department of the hospital.

Sec. 14.5. ***1. If negotiations pursuant to subsection [4] 5 of section 13 or subsection 4 of section 14 of this act have not resulted in an agreement regarding a fair and reasonable rate of return in relation to the services and care provided to a patient and the out-of-network hospital or out-of-network physician, as applicable, requests mediation, the parties may select a mediator, or if the parties do not agree upon a mediator, either party may request from the American Arbitration Association or the Federal Mediation and Conciliation Service a list of seven potential mediators. If the parties are unable to agree upon which mediation service to use, the Federal Mediation and Conciliation Service must be used. The parties shall select the mediator from the list by alternately striking one name until the name of only one mediator remains, who will be the mediator to hear the dispute. The out-of-network hospital or the out-of-network physician, as applicable, shall strike the first name.***

2. If mediation is requested, the mediator must be selected at the time the parties agree to mediation or, if the parties do not agree upon a mediator, within 5 days after the parties receive the list of potential mediators.

3. The mediator shall bring the parties together as soon as possible and, unless otherwise agreed upon by the parties, attempt to settle the dispute within 30 days after being notified of the mediator's selection as mediator. The mediator may establish the times and dates for meetings and compel the parties to attend but has no power to compel the parties to agree.

4. Each party to the mediation shall pay one-half of the cost of mediation and shall pay its own costs of preparation and presentation of its case in mediation.

5. The patient must not be required to participate in the mediation.

6. If the parties are unable to reach an agreement through mediation, the parties may agree to submit the dispute to arbitration for resolution or an action may be commenced in a court of competent jurisdiction within 30 days after the completion of the mediation. If submitted to arbitration, the decision is final and binding upon the parties and the provisions of NRS 38.206 to 38.248, inclusive, apply.

Sec. 15. (Deleted by amendment.)

Sec. 16. ***1. If a third party which issues a policy of insurance or other contractual agreement that provides coverage for health care in this State wishes for out-of-network hospitals and out-of-network physicians to accept as payment in full the amounts prescribed in sections 13 and 14 of this act, the third party shall:***

(a) Compile a list of the in-network hospitals and in-network physicians of the third party and review information concerning the in-network hospitals and in-network physicians to determine whether a person who is covered by that policy of insurance or other contractual agreement that provides coverage for health care has adequate access to health care, including, without limitation, a review of:

(1) The number and types of in-network hospitals and in-network physicians, including, without limitation, emergency room physicians, anesthesiologists and specialty physicians;

(2) The location of the in-network hospitals and in-network physicians compared to the location where the persons covered by the policy of insurance or other contractual agreement that provides coverage for the provision of health care live and work;

(3) Whether a person who is covered by the policy of insurance or other contractual agreement that provides coverage for the provision of health care has access to in-network hospitals and in-network physicians without experiencing an unreasonable delay in the provision of health care;

(4) Whether the third party has an adequate number of providers of health care in its network to ensure access to emergency services and care, as determined by the Administrator of the Health Division of the Department pursuant to section 1 of this act; and

(5) The in-network hospitals which provide medical screenings and emergency services and care and the number and type of in-network physicians who have privileges at those in-network hospitals to ensure that

the third party has contracted with a sufficient number and type of physicians at those in-network hospitals.

(b) Review the frequency with which persons covered by the policy of insurance or other contractual agreement that provides coverage for the provision of health care receive medical screenings and emergency services and care by out-of-network physicians at in-network hospitals and the rate at which those medical screening and emergency services and care are reimbursed by the third party.

(c) Ensure that persons covered by the policy of insurance or other contractual agreement that provides coverage for the provision of health care receive adequate information regarding in-network hospitals and in-network physicians and the financial impact of receiving medical screenings or emergency services and care from out-of-network hospitals and out-of-network physicians, including, without limitation, the financial impact of receiving medical screenings and emergency services and care from an out-of-network physician at an in-network hospital. The information must be provided in a format that is meaningful for persons making an informed decision concerning medical screenings and emergency services and care and must be accessible to persons covered by the policy of insurance or other contractual agreement.

(d) Submit once each calendar quarter to the Administrator of the Health Division of the Department and the Legislative Committee on Health Care a report containing a summary of the information collected pursuant to this subsection and the educational efforts undertaken pursuant to paragraph (c).

2. If an out-of-network hospital or out-of-network physician is required to accept as payment in full the amounts prescribed in section 13 and 14 of this act, as applicable, the third party which issues a policy of insurance or other contractual agreement that provides coverage for health care in this State is not entitled to any other discount from the out-of-network hospital or out-of-network physician and, except as otherwise provided in sections 13 and 14 of this act, must pay the amount provided pursuant to sections 13 and 14 of this act, as applicable, for each charge covered by those sections for care provided to the patient.

3. An out-of-network hospital or out-of-network physician which is required to accept as payment in full the amount prescribed in sections 13 and 14 of this act, as applicable, shall not collect or attempt to collect from the patient any amount other than any deductible, copayment or coinsurance which the patient would otherwise be required to pay had the medical screening or emergency services and care been provided at an in-network hospital or by an in-network physician, as applicable.

Sec. 17. (Deleted by amendment.)

Sec. 18. (Deleted by amendment.)

Sec. 19. (Deleted by amendment.)

Sec. 20. (Deleted by amendment.)

Sec. 21. 1. On or before June 30, 2014, the Legislative Committee on Health Care shall review the provisions of this act, including, without limitation, the amount of payment set forth in sections 13 and 14 of this act, to determine whether out-of-network hospitals and out-of-network physicians subject to the provisions of this act are being adequately compensated for the provision of medical screenings and emergency services and care, as those terms are defined in sections 5 and 8.5 of this act.

2. The Legislative Committee on Health Care shall forward to the Assembly Standing Committee on Health and Human Services and the Senate Standing Committee on Health and Education the results of the review conducted pursuant to subsection 1 and any proposed changes to the provisions of this act, including, without limitation, the amount of payment prescribed by sections 13 and 14 of this act.

Sec. 21.5. **The provisions of this act apply only if a third party, as defined in section 11 of this act, and a hospital or physician, as applicable, have a contractual agreement whereby the hospital or physician provides services as an in-network hospital for the provision of all types of services and care or as an in-network physician, as applicable, for persons for whom the third party provides coverage which expires on or after January 1, 2012.**

Sec. 22. This act becomes effective on January 1, 2012 **~~.~~** **and expires by limitation on January 1, 2018.**

Assemblywoman Mastroluca moved the adoption of the amendment.

Remarks by Assemblywoman Mastroluca.

Amendment adopted.

Bill ordered to third reading.

Senate Bill No. 115.

Bill read third time.

Remarks by Assemblymen Mastroluca and Livermore.

Roll call on Senate Bill No. 115:

YEAS—26.

NAYS—Ellison, Goedhart, Goicoechea, Grady, Hambrick, Hammond, Hansen, Hardy, Hickey, Kirner, Kite, Livermore, McArthur, Sherwood, Stewart, Woodbury—16.

Senate Bill No. 115 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered reprinted, reengrossed, and transmitted to the Senate.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 511.

The following Senate amendment was read:

Amendment No. 938.

AN ACT relating to transportation; providing certain privileges to the owner or long-term lessee of a qualified ~~[plug-in electric drive]~~ **alternative fuel** vehicle; authorizing in this State the operation of, and a driver's license endorsement for operators of, autonomous vehicles; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the Department of Transportation to adopt regulations to allow certified low emission and energy-efficient vehicles to be operated in a lane on a highway under its jurisdiction designated for the preferential use or exclusive use of high-occupancy vehicles. (NRS 484A.463) **Section 6** of this bill defines the term "qualified ~~[plug-in electric drive]~~ **alternative fuel** vehicle" in **such** a manner ~~[substantially similar]~~ **as** to **include within** the definition ~~[used by the Internal Revenue Service for the purpose of the tax credit made available for the initial acquisition of such]~~ **both plug-in** vehicles **~~[.]~~ that are powered by an electric motor, and vehicles which are powered by an alternative fuel and meet specified federal emissions standards.** **Section 7** of this bill requires that, with limited exceptions, each local authority shall establish a parking program for qualified ~~[plug-in electric drive]~~ **alternative fuel** vehicles. **Section 7** provides that the owner or long-term lessee of such a vehicle may: (1) apply to the local authority for a distinctive decal, label or other identifier that distinguishes the vehicle from other vehicles; and (2) while displaying the distinctive identifier, park the vehicle without the payment of a parking fee at certain times in certain public parking lots, parking areas and metered parking zones. **Section 10** of this bill authorizes the use of a qualified ~~[plug-in electric drive]~~ **alternative fuel** vehicle in high-occupancy vehicle lanes irrespective of the occupancy of the vehicle, if the Department of Transportation has adopted the necessary regulations. **Section 13** of this bill causes the provisions of this bill that pertain to qualified ~~[plug-in electric drive]~~ **alternative fuel** vehicles to expire by limitation ("sunset") as of January 1, 2018.

Section 8 of this bill requires the Department of Motor Vehicles to adopt regulations authorizing the operation of autonomous vehicles on highways within the State of Nevada. **Section 8** defines an "autonomous vehicle" to mean a motor vehicle that uses artificial intelligence, sensors and global positioning system coordinates to drive itself without the active intervention

of a human operator. **Section 2** of this bill requires the Department, by regulation, to establish a driver's license endorsement for the operation of an autonomous vehicle on the highways of this State.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. (Deleted by amendment.)

Sec. 2. Chapter 483 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Department shall by regulation establish a driver's license endorsement for the operation of an autonomous vehicle on the highways of this State. The driver's license endorsement described in this subsection must, in its restrictions or lack thereof, recognize the fact that a person is not required to actively drive an autonomous vehicle.

2. As used in this section, "autonomous vehicle" has the meaning ascribed to it in section 8 of this act.

Sec. 3. NRS 483.230 is hereby amended to read as follows:

483.230 1. Except persons expressly exempted in NRS 483.010 to 483.630, inclusive, ***and section 2 of this act,*** a person shall not drive any motor vehicle upon a highway in this State unless such person has a valid license as a driver under the provisions of NRS 483.010 to 483.630, inclusive, ***and section 2 of this act*** for the type or class of vehicle being driven.

2. Any person licensed as a driver under the provisions of NRS 483.010 to 483.630, inclusive, ***and section 2 of this act*** may exercise the privilege thereby granted upon all streets and highways of this State and shall not be required to obtain any other license to exercise such privilege by any county, municipal or local board or body having authority to adopt local police regulations.

3. Except persons expressly exempted in NRS 483.010 to 483.630, inclusive, ***and section 2 of this act,*** a person shall not steer or exercise any degree of physical control of a vehicle being towed by a motor vehicle upon a highway unless such person has a license to drive the type or class of vehicle being towed.

4. A person shall not receive a driver's license until the person surrenders to the Department all valid licenses in his or her possession issued to the person by this or any other jurisdiction. Surrendered licenses issued by another jurisdiction shall be returned by the Department to such jurisdiction. A person shall not have more than one valid driver's license.

Sec. 4. NRS 483.620 is hereby amended to read as follows:

483.620 It is a misdemeanor for any person to violate any of the provisions of NRS 483.010 to 483.630, inclusive, ***and section 2 of this act***

unless such violation is, by NRS 483.010 to 483.630, inclusive, ***and section 2 of this act*** or other law of this State, declared to be a felony.

Sec. 5. Chapter 484A of NRS is hereby amended by adding thereto the provisions set forth as sections ~~[6, 7 and]~~ **5.3 to** 8 **, inclusive,** of this act.

Sec. 5.3. *"**Original equipment manufacturer" means the original manufacturer of a new vehicle or engine, or relating to the vehicle or engine in its original, certified configuration.***

Sec. 5.7. *"**Qualified alternative fuel" means compressed natural gas, hydrogen or propane.***

Sec. 6. *"Qualified ~~[plug-in electric drive]~~ **alternative fuel** vehicle" means a motor vehicle that:*

1. Is equipped with four wheels;

*2. Is made by ~~[a]~~ **:***

(a) An original equipment** manufacturer; **or

(b) A qualified vehicle modifier of alternative fuel vehicles;

3. Is manufactured primarily for use on public streets, roads and highways;

4. Has a manufacturer's gross vehicle weight rating of less than 8,500 pounds;

5. Can maintain a maximum rate of speed of at least 70 miles per hour; and

*6. Is propelled ~~[to]~~ **:***

***(a) To** a significant extent by an electric motor which draws electricity from a battery that:*

~~[(a)]~~ (1) Has a capacity of not less than 4 kilowatt hours; and

~~[(b)]~~ (2) Can be recharged from a source of electricity that is external to the vehicle ~~[.]~~ ; or

(b) Solely by a qualified alternative fuel, and meets or exceeds the federal Tier 2 bin 2 exhaust emission standard, as set forth in 40 C.F.R. § 86.1811-04.

Sec. 6.5. *"**Qualified vehicle modifier of alternative fuel vehicles" means a manufacturer directly authorized by an original equipment manufacturer to modify a vehicle produced by an original equipment manufacturer to run on a qualified alternative fuel.***

Sec. 7. ***1. Except as otherwise provided in subsection 6, a local authority that has within its jurisdiction a public metered parking zone, parking lot or parking area for the use of which a fee is charged, shall by ordinance establish a parking program for qualified ~~[plug-in electric drive]~~ alternative fuel vehicles pursuant to this section.***

2. Upon the application of the owner or long-term lessee of a qualified ~~[plug-in electric drive]~~ alternative fuel vehicle, the local authority or its designee shall issue to the owner or long-term lessee a distinctive decal,

label or other identifier that clearly distinguishes the qualified ~~[plug-in electric drive]~~ alternative fuel vehicle from other vehicles.

3. The board of county commissioners or the governing body of the city may charge a fee for the distinctive decal, label or other identifier issued pursuant to subsection 2 in an amount not to exceed $10 annually.

4. Except as otherwise provided in subsection 5, the driver of a qualified ~~[plug-in electric drive]~~ alternative fuel vehicle displaying the distinctive decal, label or other identifier issued pursuant to subsection 2 may:

(a) Stop, stand or park the qualified ~~[plug-in electric drive]~~ alternative fuel vehicle in any public metered parking zone within the jurisdiction of the local authority without depositing a coin of United States currency of the designated denomination, or making payment using another acceptable method of payment, in the applicable parking meter; and

(b) Stop, stand or park the qualified ~~[plug-in electric drive]~~ alternative fuel vehicle in any public parking lot or parking area within the jurisdiction of the local authority without paying a parking fee.

5. In addition to the requirements set forth in this section, the local authority may by ordinance establish such other requirements as it determines necessary for the parking program for qualified ~~[plug-in electric drive]~~ alternative fuel vehicles, including, without limitation:

(a) Requiring that the driver of a qualified ~~[plug-in electric drive]~~ alternative fuel vehicle comply with any limits on the amount of time for stopping, standing or parking imposed on other drivers; and

(b) Requiring that the driver of a qualified ~~[plug-in electric drive]~~ alternative fuel vehicle pay applicable parking fees during certain special events or activities designated by the local authority, regardless of whether the vehicle displays a distinctive decal, label or other identifier issued pursuant to subsection 2.

6. The provisions of this section do not apply to any public metered parking zone, parking lot or parking area of an airport.

Sec. 8. *1. The Department shall adopt regulations authorizing the operation of autonomous vehicles on highways within the State of Nevada.*

2. The regulations required to be adopted by subsection 1 must:

(a) Set forth requirements that an autonomous vehicle must meet before it may be operated on a highway within this State;

(b) Set forth requirements for the insurance that is required to test or operate an autonomous vehicle on a highway within this State;

(c) Establish minimum safety standards for autonomous vehicles and their operation;

(d) Provide for the testing of autonomous vehicles;

(e) Restrict the testing of autonomous vehicles to specified geographic areas; and

(f) Set forth such other requirements as the Department determines to be necessary.

3. As used in this section:

(a) "Artificial intelligence" means the use of computers and related equipment to enable a machine to duplicate or mimic the behavior of human beings.

(b) "Autonomous vehicle" means a motor vehicle that uses artificial intelligence, sensors and global positioning system coordinates to drive itself without the active intervention of a human operator.

(c) "Sensors" includes, without limitation, cameras, lasers and radar.

Sec. 9. NRS 484A.010 is hereby amended to read as follows:

484A.010 As used in chapters 484A to 484E, inclusive, of NRS, unless the context otherwise requires, the words and terms defined in NRS 484A.015 to 484A.320, inclusive, ***and*** ~~***[section 6]***~~ ***sections 5.3 to 6.5, inclusive, of this act*** have the meanings ascribed to them in those sections.

Sec. 10. NRS 484A.463 is hereby amended to read as follows:

484A.463 1. To the extent not inconsistent with federal law, the Department of Transportation may, in consultation with the Federal Highway Administration and the United States Environmental Protection Agency, adopt regulations establishing a program to allow a vehicle that is certified by the Administrator of the United States Environmental Protection Agency as a low emission and energy-efficient vehicle to be operated in a lane that is designated for the use of high-occupancy vehicles pursuant to NRS 484A.460.

2. As used in this section, "low emission and energy-efficient vehicle" has the meaning ascribed to it in 23 U.S.C. § 166(f)(3). ***The term includes, without limitation, a qualified*** ~~***[plug-in electric drive]***~~ ***alternative fuel vehicle.***

Sec. 11. NRS 484B.523 is hereby amended to read as follows:

484B.523 1. ~~[When]~~ ***Except as otherwise provided in section 7 of this act, when*** parking meters are erected by any local authority pursuant to an adopted ordinance giving notice thereof, it is unlawful for any person to stop, stand or park a vehicle in any metered parking zone for a period of time longer than designated by such parking meters upon a deposit of a coin of United States currency of the designated denomination.

2. Every vehicle shall be parked wholly within the metered parking space for which the meter shows parking privilege has been granted.

3. It is unlawful for any unauthorized person to remove, deface, tamper with, open, willfully break, destroy or damage any parking meter, or willfully

to manipulate any parking meter in such a manner that the indicator will fail to show the correct amount of unexpired time before a violation occurs.

Sec. 12. 1. The Department of Motor Vehicles shall adopt the regulations necessary to implement the provisions of sections 2 and 8 of this act on or before March 1, 2012.

2. Each local authority to which the provisions of section 7 of this act apply shall adopt the ordinances necessary to implement the provisions of sections ~~[6,]~~ **5.3 to** 7, **inclusive,** 9, 10 and 11 of this act on or before January 1, 2012.

3. As used in this section, "local authority" has the meaning ascribed to it in NRS 484A.115.

Sec. 13. 1. This section and section 12 of this act become effective upon passage and approval.

2. Sections 5 ~~[, 6,]~~ **to** 7, **inclusive,** 9, 10 and 11 of this act become effective on January 1, 2012.

3. Sections 2, 3, 4 and 8 of this act become effective on March 1, 2012.

4. The following provisions expire by limitation on January 1, 2018:

(a) Sections 5 ~~[, 6 and]~~ **to** 7 **, inclusive,** of this act;

(b) The amendatory provisions of sections 9, 10 and 11 of this act; and

(c) Subsections 2 and 3 of section 12 of this act.

Assemblywoman Smith moved that the Assembly concur in the Senate Amendment No. 938 to Assembly Bill No. 511.

Remarks by Assemblywoman Smith.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Assembly Bill No. 562.

The following Senate amendment was read:

Amendment No. 891.

AN ACT relating to the Public Employees' Benefits Program; revising provisions governing the subsidy for coverage of certain retired persons under the Program; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the payment of a subsidy to cover a portion of the cost of coverage under the Public Employees' Benefits Program for certain retired officers and employees with state service. (NRS 287.046) This bill specifies the subsidy for a retired person whose coverage is provided through the Program by an individual medical plan offered pursuant to the Health Insurance for the Aged Act, 42 U.S.C. §§ 1395 et seq., which is commonly known as Medicare.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 287.046 is hereby amended to read as follows:

287.046 1. The Department of Administration shall establish an assessment that is to be used to pay for a portion of the cost of premiums or contributions for the Program for persons who have retired with state service **. [**~~before January 1, 1994, or under the circumstances set forth in paragraph (a), (b) or (c) of subsection 3.~~**]**

2. The money assessed pursuant to subsection 1 must be deposited into the Retirees' Fund and must be based upon an amount approved by the Legislature each session to pay for a portion of the current and future health and welfare benefits for such retirees.

3. Except as otherwise provided in **[**~~subsection 4,~~**]** ***subsections*** ~~*[6]*~~ ***7 and*** ~~*[7,]*~~ ***8,*** the portion to be paid to the Program from the Retirees' Fund on behalf of such persons must be equal to a portion of the cost for each retiree and the retiree's dependents who are enrolled in the plan, as defined for each year of the plan by the Program.

[~~3. Adjustments~~**]**

4. Except as otherwise provided in subsection 6, the portion of the amount approved by the Legislature as described in subsection 2 to be paid to the Program from the Retirees' Fund for persons who retired before January 1, 1994, with state service is the base funding level defined for each year of the plan by the Program.

5. Except as otherwise provided in subsection ~~*[5,]*~~ ***6, adjustments*** to the portion ***of the amount approved by the Legislature*** ~~*[pursuant to]*~~ ***as described in subsection 2 to be*** paid by the Retirees' Fund **[**~~must be as follows:~~

~~(a) For~~**]** ***for*** persons who retire on or after January 1, 1994, with state service **[**~~:~~

~~(1)~~**]** ***must be as follows:***

(a) For each year of service less than 15 years, excluding service purchased pursuant to NRS 1A.310 or 286.300, the portion paid by the Retirees' Fund must be reduced by an amount equal to 7.5 percent of the base funding level defined by the Legislature. In no event may the adjustment exceed 75 percent of the base funding level defined by the Legislature.

[~~(2)~~**]** ***(b)*** For each year of service greater than 15 years, excluding service purchased pursuant to NRS 1A.310 or 286.300, the portion paid by the Retirees' Fund must be increased by an amount equal to 7.5 percent of the base funding level defined by the Legislature. In no event may the adjustment exceed 37.5 percent of the base funding level defined by the Legislature.

[~~(b) For persons who are~~**]**

~~[5.]~~ ***6. The portion to be paid to the Program from the Retirees' Fund on behalf of a retired person whose coverage is provided through the Program by an individual medical plan offered pursuant to the Health Insurance for the Aged Act, 42 U.S.C. §§ 1395 et seq., must be:***

(a) For persons who retired before January 1, 1994, the base funding level defined by the Legislature multiplied by 15.

(b) For persons who retired on or after January 1, 1994, the base funding level defined by the Legislature multiplied by the number of years of service of the person, excluding service purchased pursuant to NRS 1A.310 or 286.300, up to a maximum of 20 years of service.

~~[6.]~~ ***7. No money may be paid by the Retirees' Fund on behalf of a retired person who is*** initially hired by the State on or after January 1, 2010, and who ~~[retire with at least 15 years of service credit, which must include state service and may include local governmental service, and who have]~~ ***:***

(a) Has not participated in the Program on a continuous basis since ~~[their]~~ retirement from such employment ~~[, for each year of service greater than 15 years, excluding service purchased pursuant to NRS 1A.310 or 286.300, the portion paid by the Retirees' Fund must be increased by an amount equal to 7.5 percent of the base funding level defined by the Legislature. In no event may the adjustment exceed 37.5 percent of the base funding level defined by the Legislature.~~

~~(c) For persons who are initially hired by the State on or after January 1, 2010, and who retire with at least 5 years of service credit, which must include state service and may include local governmental service, who do]~~ ***; or***

(b) Does not have at least 15 years of service ~~[credit to qualify under paragraph (b) as]~~ ***, unless the retired person does not have at least 15 years of service as*** a result of a disability for which disability benefits are received under the Public Employees' Retirement System or a retirement program for professional employees offered by or through the Nevada System of Higher Education, and ~~[who have]~~ ***has*** participated in the Program on a continuous basis since ~~[their]~~ retirement from such employment ***.*** ~~[:~~

~~(1) For each year of service less than 15 years, excluding service purchased pursuant to NRS 1A.310 or 286.300, the portion paid by the Retirees' Fund must be reduced by an amount equal to 7.5 percent of the base funding level defined by the Legislature. In no event may the adjustment exceed 75 percent of the base funding level defined by the Legislature.~~

~~(2) For each year of service greater than 15 years, excluding service purchased pursuant to NRS 1A.310 or 286.300, the portion paid by the Retirees' Fund must be increased by an amount equal to 7.5 percent of the base funding level defined by the Legislature. In no event may the~~

~~adjustment exceed 37.5 percent of the base funding level defined by the Legislature.~~

~~4.~~ ~~[~~*~~7.~~* ***8.*** If the amount calculated pursuant to subsection ~~[~~3~~]~~ ~~[~~*4 or*~~]~~ ***5 or 6*** exceeds the actual premium or contribution for the plan of the Program that the retired participant selects, the balance must be credited to the Program Fund.

~~[~~5.~~]~~ ~~[~~*8.*~~]~~ ***9.*** For the purposes of ~~[~~subsection 1:~~]~~ ***this section:***

(a) Credit for service must be calculated in the manner provided by chapter 286 of NRS.

(b) No proration may be made for a partial year of state service.

~~[~~6.~~]~~ ~~[~~*9.*~~]~~ ***10.*** The Department shall agree through the Board with the insurer for billing of remaining premiums or contributions for the retired participant and the retired participant's dependents to the retired participant and to the retired participant's dependents who elect to continue coverage under the Program after the retired participant's death.

Sec. 2. This act becomes effective on July 1, 2011.

Assemblywoman Smith moved that the Assembly concur in the Senate Amendment No. 891 to Assembly Bill No. 562.

Remarks by Assemblywoman Smith.

Motion carried by a constitutional majority.

Bill ordered enrolled.

REPORTS OF CONFERENCE COMMITTEES

Mr. Speaker:

The Conference Committee concerning Senate Bill No. 98, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that Amendment No. 857 of the Assembly be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. 16, which is attached to and hereby made a part of this report.

JOHN OCEGUERA	MO DENIS
MARILYN KIRKPATRICK	DAVID PARKS
PETE GOICOECHEA	MIKE MCGINNESS
Assembly Conference Committee	*Senate Conference Committee*

Conference Amendment No. CA16.

AN ACT relating to local governments; revising provisions relating to ~~[~~mediation during the process of~~]~~ collective bargaining ~~[~~; revising provisions relating to certain reports on final agreements~~]~~ between local government employers and employee organizations; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[~~Section 1.3 of this bill revises provisions relating to mediation between local governments and~~]~~ **Existing law states that certain persons may, and certain persons may not, be members of** employee organizations ~~[~~during~~]~~

for the purposes of collective bargaining. **(NRS 288.140)** ~~[Sections 1, 1.7, 3 and 4]~~ **Section 6** of this bill ~~[require]~~ **sets forth** that the ~~[reports made by the chief executive officer of a local government or the superintendent of a school district to the local government or to the board of trustees of the school district, respectively, concerning the fiscal impact of a collective bargaining agreement between the local government and]~~ **following persons are prohibited from being a member of** an employee organization ~~[include information relating to the estimated total cost of the agreement and the difference in that cost and the total cost of the immediately preceding agreement.]~~ **: (1) supervisory employees who have additional authority on behalf of the employer to make budgetary decisions and decisions relating to collective bargaining; (2) doctors and physicians who are employed by a local government employer; and (3) attorneys who are employed by a local government employer and assigned to a civil division, department or agency, except for the duration of a collective bargaining agreement to which the attorney is a party as of July 1, 2011.**

Under existing law, a supervisory employee is prohibited from being a member of the same bargaining unit as the employees under his or her direction. (NRS 288.170) Section 5 of this bill revises the definition of "supervisory employee" (NRS 288.075) to create a second subset of supervisory employees who, on behalf of their employer, make budgetary decisions and decisions relating to collective bargaining. Section 8 of this bill makes technical changes to reflect that section 5 now sets forth two subsets of supervisory employees.

Existing law sets forth the subjects over which local government employers and recognized employee organizations are required to bargain (mandatory bargaining), and the subjects that are reserved to such an employer without negotiation. (NRS 288.150) Section 7 of this bill adds to the list of mandatory bargaining topics the reopening of collective bargaining agreements in instances of fiscal emergency.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. ~~[NRS 288.153 is hereby amended to read as follows:~~

~~288.153 Any new, extended or modified collective bargaining agreement or similar agreement between a local government employer and an employee organization must be approved by the governing body of the local government employer at a public hearing. The chief executive officer of the local government shall report to the local government the fiscal impact of the agreement. *The report must include, without limitation:*~~

~~*1. The estimated total cost of the agreement, including, without limitation, the estimated total cost of the employees' portion of*~~

contributions to the Public Employees' Retirement System that the local government employer will pay on behalf of the employees during the period of the agreement in lieu of equivalent base salary increases or cost of living increases, or both, in the employees' salaries; and

2. The difference between the estimated total cost of the agreement and the total cost of the immediately preceding agreement between the parties.] **(Deleted by amendment.)**

Sec. 1.3. **[**NRS 288.190 is hereby amended to read as follows:

288.190 Except **[**in cases to which**]** ***as otherwise provided in*** NRS 288.205 **:** **[**and 288.215 apply:**]**

1. **[**Anytime before March 1, the dispute may be submitted to a mediator, if both parties agree. Anytime after March 1,**]** ***If the parties to a negotiation have failed to reach an agreement after at least four meetings of negotiation,*** either party involved **[**in negotiations**]** may request a mediator. If the parties do not agree upon a mediator, **[**the Commissioner shall submit to the parties a list of seven potential mediators.**]** ***either party may request from the American Arbitration Association or the Federal Mediation and Conciliation Service a list of seven potential mediators. If the parties are unable to agree upon which mediation service should be used, the Federal Mediation and Conciliation Service must be used.*** The parties shall select their mediator from the list by alternately striking one name until the name of only one mediator remains, who will be the mediator to hear the dispute. The employee organization shall strike the first name.

2. If mediation is **[**agreed to or**]** requested pursuant to subsection 1, the mediator must be selected at the time the parties agree upon a mediator or, if the parties do not agree upon a mediator, within 5 days after the parties receive the list of potential mediators **.** **[**from the Commissioner.**]**

3. The mediator shall bring the parties together as soon as possible and, unless otherwise agreed upon by the parties, attempt to settle the dispute within 30 days after being notified of the mediator's selection as mediator. The mediator may establish the times and dates for meetings and compel the parties to attend but has no power to compel the parties to agree.

4. **[**The**]** ***If the parties do not use a mediator provided by the Federal Mediation and Conciliation Service, the*** local government employer and employee organization each shall pay one-half of the cost of mediation. Each party shall pay its own costs of preparation and presentation of its case in mediation.

5. If the dispute is submitted to a mediator and then submitted to a fact finder, the mediator shall, within 15 days after the last meeting between the parties, give to the Commissioner of the Board a report of the efforts made to settle the dispute.**]** **(Deleted by amendment.)**

Sec. 1.7. **[**NRS 288.200 is hereby amended to read as follows:

~~288.200 Except in cases to which NRS 288.205 and 288.215, or NRS 288.217 apply:~~

~~1. If:~~

~~(a) The parties have failed to reach an agreement after at least six meetings of negotiations; and~~

~~(b) The parties have participated in mediation and by April 1, have not reached agreement,~~

~~↵ either party to the dispute, at any time after April 1, may submit the dispute to an impartial fact finder for the findings and recommendations of the fact finder. The findings and recommendations of the fact finder are not binding on the parties except as provided in subsections 5, 6 and 11. The mediator of a dispute may also be chosen by the parties to serve as the fact finder.~~

~~2. If the parties are unable to agree on an impartial fact finder or a panel of neutral arbitrators within 5 days, either party may request from the American Arbitration Association or the Federal Mediation and Conciliation Service a list of seven potential fact finders. If the parties are unable to agree upon which arbitration service should be used, the Federal Mediation and Conciliation Service must be used. Within 5 days after receiving a list from the applicable arbitration service, the parties shall select their fact finder from this list by alternately striking one name until the name of only one fact finder remains, who will be the fact finder to hear the dispute in question. The employee organization shall strike the first name.~~

~~3. The local government employer and employee organization each shall pay one half of the cost of fact finding. Each party shall pay its own costs of preparation and presentation of its case in fact finding.~~

~~4. A schedule of dates and times for the hearing must be established within 10 days after the selection of the fact finder pursuant to subsection 2, and the fact finder shall report the findings and recommendations of the fact finder to the parties to the dispute within 30 days after the conclusion of the fact finding hearing.~~

~~5. The parties to the dispute may agree, before the submission of the dispute to fact finding, to make the findings and recommendations on all or any specified issues final and binding on the parties.~~

~~6. If the parties do not agree on whether to make the findings and recommendations of the fact finder final and binding, either party may request the formation of a panel to determine whether the findings and recommendations of a fact finder on all or any specified issues in a particular dispute which are within the scope of subsection 11 are to be final and binding. The determination must be made upon the concurrence of at least two members of the panel and not later than the date which is 30 days after the date on which the matter is submitted to the panel, unless that date is~~

~~extended by the Commissioner of the Board. Each panel shall, when making its determination, consider whether the parties have bargained in good faith and whether it believes the parties can resolve any remaining issues. Any panel may also consider the actions taken by the parties in response to any previous fact-finding between these parties, the best interests of the State and all its citizens, the potential fiscal effect both within and outside the political subdivision, and any danger to the safety of the people of the State or a political subdivision.~~

~~7. Except as otherwise provided in subsection 10, any fact finder, whether the fact finder's recommendations are to be binding or not, shall base such recommendations or award on the following criteria:~~

~~(a) A preliminary determination must be made as to the financial ability of the local government employer based on all existing available revenues as established by the local government employer and within the limitations set forth in NRS 354.6241, with due regard for the obligation of the local government employer to provide facilities and services guaranteeing the health, welfare and safety of the people residing within the political subdivision.~~

~~(b) Once the fact finder has determined in accordance with paragraph (a) that there is a current financial ability to grant monetary benefits, and subject to the provisions of paragraph (c), the fact finder shall consider, to the extent appropriate, compensation of other government employees, both in and out of the State and use normal criteria for interest disputes regarding the terms and provisions to be included in an agreement in assessing the reasonableness of the position of each party as to each issue in dispute and the fact finder shall consider whether the Board found that either party had bargained in bad faith.~~

~~(c) A consideration of funding for the current year being negotiated. If the parties mutually agree to arbitrate a multiyear contract, the fact finder must consider the ability to pay over the life of the contract being negotiated or arbitrated.~~

~~➥ The fact finder's report must contain the facts upon which the fact finder based the fact finder's determination of financial ability to grant monetary benefits and the fact finder's recommendations or award.~~

~~8. Within 45 days after the receipt of the report from the fact finder, the governing body of the local government employer shall hold a public meeting in accordance with the provisions of chapter 241 of NRS. The meeting must include a discussion of:~~

~~(a) The issues of the parties submitted pursuant to subsection 3;~~

~~(b) The report of findings and recommendations of the fact finder; and~~

~~(c) The overall fiscal impact of the findings and recommendations, which must not include a discussion of the details of the report.~~

~~→ The fact finder must not be asked to discuss the decision during the meeting.~~

~~9. The chief executive officer of the local government shall report to the local government the fiscal impact of the findings and recommendations. The report must include, without limitation~~ **[**~~, an~~**]** ~~:~~

~~***(a) An*** analysis of the impact of the findings and recommendations on compensation and reimbursement, funding, benefits, hours, working conditions or other terms and conditions of employment **[**~~.~~**]** ~~***; and***~~

~~***(b) If any of the findings or recommendations of the fact finder are to be binding:***~~

~~***(1) The estimated total cost of any contract resulting from the findings or recommendations which are to be binding, including, without limitation, the estimated total cost of the employees' portion of contributions to the Public Employees' Retirement System that the local government employer will pay on behalf of the employees during the period of the contract in lieu of equivalent base salary increases of cost of living increases, or both, in the employees' salaries; and***~~

~~***(2) The difference between the estimated total cost of the contract and the total cost of the immediately preceding contract between the parties.***~~

~~10. Any sum of money which is maintained in a fund whose balance is required by law to be:~~

~~(a) Used only for a specific purpose other than the payment of compensation to the bargaining unit affected; or~~

~~(b) Carried forward to the succeeding fiscal year in any designated amount, to the extent of that amount,~~

~~→ must not be counted in determining the financial ability of a local government employer and must not be used to pay any monetary benefits recommended or awarded by the fact finder.~~

~~11. The issues which may be included in a panel's order pursuant to subsection 6 are:~~

~~(a) Those enumerated in subsection 2 of NRS 288.150 as the subjects of mandatory bargaining, unless precluded for that year by an existing collective bargaining agreement between the parties; and~~

~~(b) Those which an existing collective bargaining agreement between the parties makes subject to negotiation in that year.~~

~~→ This subsection does not preclude the voluntary submission of other issues by the parties pursuant to subsection 5.~~**]** **(Deleted by amendment.)**

Sec. 2. (Deleted by amendment.)

Sec. 3. **[**~~NRS 288.215 is hereby amended to read as follows:~~

~~288.215 1. As used in this section:~~

~~(a) "Firefighters" means those persons who are salaried employees of a fire prevention or suppression unit organized by a political subdivision of the State and whose principal duties are controlling and extinguishing fires.~~

~~(b) "Police officers" means those persons who are salaried employees of a police department or other law enforcement agency organized by a political subdivision of the State and whose principal duties are to enforce the law.~~

~~2. The provisions of this section apply only to firefighters and police officers and their local government employers.~~

~~3. If the parties have not agreed to make the findings and recommendations of the fact finder final and binding upon all issues, and do not otherwise resolve their dispute, they shall, within 10 days after the fact finder's report is submitted, submit the issues remaining in dispute to an arbitrator who must be selected in the manner provided in NRS 288.200 and have the same powers provided for fact finders in NRS 288.210.~~

~~4. The arbitrator shall, within 10 days after the arbitrator is selected, and after 7 days' written notice is given to the parties, hold a hearing to receive information concerning the dispute. The hearings must be held in the county in which the local government employer is located and the arbitrator shall arrange for a full and complete record of the hearings.~~

~~5. At the hearing, or at any subsequent time to which the hearing may be adjourned, information may be presented by:~~

~~(a) The parties to the dispute; or~~

~~(b) Any interested person.~~

~~6. The parties to the dispute shall each pay one-half of the costs incurred by the arbitrator.~~

~~7. A determination of the financial ability of a local government employer must be based on:~~

~~(a) All existing available revenues as established by the local government employer and within the limitations set forth in NRS 354.6241, with due regard for the obligation of the local government employer to provide facilities and services guaranteeing the health, welfare and safety of the people residing within the political subdivision.~~

~~(b) Consideration of funding for the current year being negotiated. If the parties mutually agree to arbitrate a multi-year contract the arbitrator must consider the ability to pay over the life of the contract being negotiated or arbitrated.~~

~~➥ Once the arbitrator has determined in accordance with this subsection that there is a current financial ability to grant monetary benefits, the arbitrator shall consider, to the extent appropriate, compensation of other governmental employees, both in and out of this State.~~

~~8. At the recommendation of the arbitrator, the parties may, before the submission of a final offer, enter into negotiations. If the negotiations are~~

~~begun, the arbitrator may adjourn the hearings for a period of 3 weeks. An agreement by the parties is final and binding, and upon notification to the arbitrator, the arbitration terminates.~~

~~9. If the parties do not enter into negotiations or do not agree within 30 days, each of the parties shall submit a single written statement containing its final offer for each of the unresolved issues.~~

~~10. The arbitrator shall, within 10 days after the final offers are submitted, accept one of the written statements, on the basis of the criteria provided in NRS 288.200, and shall report the decision to the parties. The decision of the arbitrator is final and binding on the parties. Any award of the arbitrator is retroactive to the expiration date of the last contract.~~

~~11. The decision of the arbitrator must include a statement:~~

~~(a) Giving the arbitrator's [~~reason~~] *reasons* for accepting the final offer that is the basis of the arbitrator's award; and~~

~~(b) Specifying the arbitrator's estimate of the total cost of the award.~~

~~12. Within 45 days after the receipt of the decision from the arbitrator pursuant to subsection 10, the governing body of the local government employer shall hold a public meeting in accordance with the provisions of chapter 241 of NRS. The meeting must include a discussion of:~~

~~(a) The issues submitted pursuant to subsection 3;~~

~~(b) The statement of the arbitrator pursuant to subsection 11; and~~

~~(c) The overall fiscal impact of the decision, which must not include a discussion of the details of the decision.~~

~~→ The arbitrator must not be asked to discuss the decision during the meeting.~~

~~13. The chief executive officer of the local government shall report to the local government the fiscal impact of the decision. The report must include, without limitation [~~, an~~] :~~

~~*(a) An* analysis of the impact of the decision on compensation and reimbursement, funding, benefits, hours, working conditions or other terms and conditions of employment[.] ;~~

~~*(b) The estimated total cost of any contract resulting from the decision, including, without limitation, the estimated total cost of the employees' portion of contributions to the Public Employees' Retirement System that the local government employer will pay on behalf of firefighters or police officers, as applicable, during the period of the contract in lieu of equivalent base salary increases or cost-of-living increases, or both, in the employees' salaries; and~~*

~~*(c) The difference between the estimated total cost of the contract and the total cost of the immediately preceding contract between the parties.]*~~

(Deleted by amendment.)

Sec. 4. ~~[NRS 288.217 is hereby amended to read as follows:~~

~~288.217 1. The provisions of this section govern negotiations between school districts and employee organizations representing teachers and educational support personnel.~~

~~2. If the parties to a negotiation pursuant to this section have failed to reach an agreement after at least four sessions of negotiation, either party may declare the negotiations to be at an impasse and, after 5 days' written notice is given to the other party, submit the issues remaining in dispute to an arbitrator. The arbitrator must be selected in the manner provided in subsection 2 of NRS 288.200 and has the powers provided for fact finders in NRS 288.210.~~

~~3. The arbitrator shall, within 30 days after the arbitrator is selected, and after 7 days' written notice is given to the parties, hold a hearing to receive information concerning the dispute. The hearing must be held in the county in which the school district is located and the arbitrator shall arrange for a full and complete record of the hearing.~~

~~4. The parties to the dispute shall each pay one half of the costs of the arbitration.~~

~~5. A determination of the financial ability of a school district must be based on:~~

~~(a) All existing available revenues as established by the school district and within the limitations set forth in NRS 354.6241, with due regard for the obligation of the school district to provide an education to the children residing within the district.~~

~~(b) Consideration of funding for the current year being negotiated. If the parties mutually agree to arbitrate a multi year contract the arbitrator must consider the ability to pay over the life of the contract being negotiated or arbitrated.~~

~~* Once the arbitrator has determined in accordance with this subsection that there is a current financial ability to grant monetary benefits, the arbitrator shall consider, to the extent appropriate, compensation of other governmental employees, both in and out of this State.~~

~~6. At the recommendation of the arbitrator, the parties may, before the submission of a final offer, enter into negotiations. If the negotiations are begun, the arbitrator may adjourn the hearing for a period of 3 weeks. If an agreement is reached, it must be submitted to the arbitrator, who shall certify it as final and binding.~~

~~7. If the parties do not enter into negotiations or do not agree within 30 days after the hearing held pursuant to subsection 3, each of the parties shall submit a single written statement containing its final offer for each of the unresolved issues.~~

~~8. The arbitrator shall, within 10 days after the final offers are submitted, render a decision on the basis of the criteria set forth in NRS 288.200. The~~

~~arbitrator shall accept one of the written statements and shall report the decision to the parties. The decision of the arbitrator is final and binding on the parties. Any award of the arbitrator is retroactive to the expiration date of the last contract between the parties.~~

~~9. The decision of the arbitrator must include a statement:~~

~~(a) Giving the arbitrator's [~~reason~~] *reasons* for accepting the final offer that is the basis of the arbitrator's award; and~~

~~(b) Specifying the arbitrator's estimate of the total cost of the award.~~

~~10. Within 45 days after the receipt of the decision from the arbitrator, the board of trustees of the school district shall hold a public meeting in accordance with the provisions of chapter 241 of NRS. The meeting must include a discussion of:~~

~~(a) The issues submitted pursuant to subsection 2;~~

~~(b) The statement of the arbitrator pursuant to subsection 9; and~~

~~(c) The overall fiscal impact of the decision which must not include a discussion of the details of the decision.~~

~~→ The arbitrator must not be asked to discuss the decision during the meeting.~~

~~11. The superintendent of the school district shall report to the board of trustees the fiscal impact of the decision. The report must include, without limitation [~~, an~~]:~~

~~*(a) An* analysis of the impact of the decision on compensation and reimbursement, funding, benefits, hours, working conditions or other terms and conditions of employment [~~.~~];~~

~~*(b) The estimated total cost of any contract resulting from the decision, including, without limitation, the estimated total cost of the employees' portion of contributions to the Public Employees' Retirement System that the school district will pay on behalf of teachers and educational support personnel during the period of the contract in lieu of equivalent base salary increases or cost of living increases, or both, in the salaries of the teachers and educational support personnel; and*~~

~~*(c) The difference between the estimated total cost of the contract and the total cost of the immediately preceding contract between the parties.*~~

~~12. As used in this section:~~

~~(a) "Educational support personnel" means all classified employees of a school district, other than teachers, who are represented by an employee organization.~~

~~(b) "Teacher" means an employee of a school district who is licensed to teach in this State and who is represented by an employee organization.]~~ **(Deleted by amendment.)**

Sec. 5. **NRS 288.075 is hereby amended to read as follows:**

288.075 1. "Supervisory employee" means ~~[any]~~ **:**

(a) Any individual having authority in the interest of the employer to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward or discipline other employees or responsibility to direct them, to adjust their grievances or effectively to recommend such action, if in connection with the foregoing, the exercise of such authority is not of a merely routine or clerical nature, but requires the use of independent judgment. The exercise of such authority shall not be deemed to place the employee in supervisory employee status unless the exercise of such authority occupies a significant portion of the employee's workday ~~[.]~~ ***; or***

(b) Any individual or class of individuals appointed by the employer and having authority on behalf of the employer to:

(1) Hire, transfer, suspend, lay off, recall, terminate, promote, discharge, assign, reward or discipline other employees or responsibility to direct them, to adjust their grievances or to effectively to recommend such action;

(2) Make budgetary decisions; and

(3) Be consulted on decisions relating to collective bargaining,

↪ if, in connection with the foregoing, the exercise of such authority is not of a merely routine or clerical nature, but requires the use of independent judgment. The exercise of such authority shall not be deemed to place the employee in supervisory employee status unless the exercise of such authority occupies a significant portion of the employee's workday.

2. Nothing in this section shall be construed to mean that an employee who has been given incidental administrative duties shall be classified as a supervisory employee.

Sec. 6. **NRS 288.140 is hereby amended to read as follows:**

288.140 1. It is the right of every local government employee, subject to the ~~[limitation]~~ ***limitations*** provided in ~~[subsection]~~ ***subsections*** 3 ~~[,]~~ ***and 4,*** to join any employee organization of the employee's choice or to refrain from joining any employee organization. A local government employer shall not discriminate in any way among its employees on account of membership or nonmembership in an employee organization.

2. The recognition of an employee organization for negotiation, pursuant to this chapter, does not preclude any local government employee who is not a member of that employee organization from acting for himself or herself with respect to any condition of his or her employment, but any action taken on a request or in adjustment of a grievance shall be consistent with the terms of an applicable negotiated agreement, if any.

3. A police officer, sheriff, deputy sheriff or other law enforcement officer may be a member of an employee organization only if such employee organization is composed exclusively of law enforcement officers.

4. The following persons may not be a member of an employee organization:

(a) A supervisory employee described in paragraph (b) of subsection 1 of NRS 288.075, including but not limited to appointed officials and department heads who are primarily responsible for formulating and administering management, policy and programs.

(b) A doctor or physician who is employed by a local government employer.

(c) Except as otherwise provided in this paragraph, an attorney who is employed by a local government employer and who is assigned to a civil law division, department or agency. The provisions of this paragraph do not apply with respect to an attorney for the duration of a collective bargaining agreement to which the attorney is a party as of July 1, 2011.

5. As used in this section, "doctor or physician" means a doctor, physician, homeopathic physician, osteopathic physician, chiropractic physician, practitioner of Oriental medicine, podiatric physician or practitioner of optometry, as those terms are defined or used, respectively, in NRS 630.014, 630A.050, 633.091, chapter 634 of NRS, chapter 634A of NRS, chapter 635 of NRS or chapter 636 of NRS.

~~[Sec. 5.]~~ ***Sec. 7.*** **NRS 288.150 is hereby amended to read as follows:**

288.150 1. Except as provided in subsection 4, every local government employer shall negotiate in good faith through one or more representatives of its own choosing concerning the mandatory subjects of bargaining set forth in subsection 2 with the designated representatives of the recognized employee organization, if any, for each appropriate bargaining unit among its employees. If either party so requests, agreements reached must be reduced to writing.

2. The scope of mandatory bargaining is limited to:

(a) Salary or wage rates or other forms of direct monetary compensation.

(b) Sick leave.

(c) Vacation leave.

(d) Holidays.

(e) Other paid or nonpaid leaves of absence.

(f) Insurance benefits.

(g) Total hours of work required of an employee on each workday or workweek.

(h) Total number of days' work required of an employee in a work year.

(i) Discharge and disciplinary procedures.

(j) Recognition clause.

(k) The method used to classify employees in the bargaining unit.

(l) Deduction of dues for the recognized employee organization.

(m) Protection of employees in the bargaining unit from discrimination because of participation in recognized employee organizations consistent with the provisions of this chapter.

(n) No-strike provisions consistent with the provisions of this chapter.

(o) Grievance and arbitration procedures for resolution of disputes relating to interpretation or application of collective bargaining agreements.

(p) General savings clauses.

(q) Duration of collective bargaining agreements.

(r) Safety of the employee.

(s) Teacher preparation time.

(t) Materials and supplies for classrooms.

(u) The policies for the transfer and reassignment of teachers.

(v) Procedures for reduction in workforce.

(w) Procedures and requirements for the reopening of collective bargaining agreements that exceed 1 year in duration for additional, further, new or supplementary negotiations during periods of fiscal emergency. The requirements for the reopening of a collective bargaining agreement must include, without limitation, measures of revenue shortfalls or reductions relative to economic indicators such as the Consumer Price Index, as agreed upon by both parties.

3. Those subject matters which are not within the scope of mandatory bargaining and which are reserved to the local government employer without negotiation include:

(a) Except as otherwise provided in paragraph (u) of subsection 2, the right to hire, direct, assign or transfer an employee, but excluding the right to assign or transfer an employee as a form of discipline.

(b) The right to reduce in force or lay off any employee because of lack of work or lack of money, subject to paragraph (v) of subsection 2.

(c) The right to determine:

(1) Appropriate staffing levels and work performance standards, except for safety considerations;

(2) The content of the workday, including without limitation workload factors, except for safety considerations;

(3) The quality and quantity of services to be offered to the public; and

(4) The means and methods of offering those services.

(d) Safety of the public.

4. Notwithstanding the provisions of any collective bargaining agreement negotiated pursuant to this chapter, a local government employer is entitled to take whatever actions may be necessary to carry out its responsibilities in situations of emergency such as a riot, military action, natural disaster or civil disorder. Those actions may include the suspension of any collective bargaining agreement for the duration of the emergency. Any action taken

under the provisions of this subsection must not be construed as a failure to negotiate in good faith.

5. The provisions of this chapter, including without limitation the provisions of this section, recognize and declare the ultimate right and responsibility of the local government employer to manage its operation in the most efficient manner consistent with the best interests of all its citizens, its taxpayers and its employees.

6. This section does not preclude, but this chapter does not require the local government employer to negotiate subject matters enumerated in subsection 3 which are outside the scope of mandatory bargaining. The local government employer shall discuss subject matters outside the scope of mandatory bargaining but it is not required to negotiate those matters.

7. Contract provisions presently existing in signed and ratified agreements as of May 15, 1975, at 12 p.m. remain negotiable.

Sec. 8. **NRS 288.170 is hereby amended to read as follows:**

288.170 1. Each local government employer which has recognized one or more employee organizations shall determine, after consultation with the recognized organization or organizations, which group or groups of its employees constitute an appropriate unit or units for negotiating. The primary criterion for that determination must be the community of interest among the employees concerned.

2. A principal, assistant principal or other school administrator below the rank of superintendent, associate superintendent or assistant superintendent shall not be a member of the same bargaining unit with public school teachers unless the school district employs fewer than five principals but may join with other officials of the same specified ranks to negotiate as a separate bargaining unit.

3. A head of a department of a local government, an administrative employee or a supervisory employee must not be a member of the same bargaining unit as the employees under the direction of that department head, administrative employee or supervisory employee. Any dispute between the parties as to whether an employee is a supervisor must be submitted to the Board. An employee organization which is negotiating on behalf of two or more bargaining units consisting of firefighters or police officers, as defined in NRS 288.215, may select members of the units to negotiate jointly on behalf of each other, even if one of the units consists of supervisory employees and the other unit does not.

4. Confidential employees of the local government employer must be excluded from any bargaining unit but are entitled to participate in any plan to provide benefits for a group that is administered by the bargaining unit of which they would otherwise be a member.

5. If any employee organization is aggrieved by the determination of a bargaining unit, it may appeal to the Board. Subject to judicial review, the decision of the Board is binding upon the local government employer and employee organizations involved. The Board shall apply the same criterion as specified in subsection 1.

6. As used in this section ~~[, "confidential]~~ **:**

(a) "Confidential employee" means an employee who is involved in the decisions of management affecting collective bargaining.

(b) "Supervisory employee" means a supervisory employee described in paragraph (a) of subsection 1 of NRS 288.075.

Sec. 9. This act becomes effective on July 1, 2011.

Assemblywoman Kirkpatrick moved that the Assembly adopt the report of the Conference Committee concerning Senate Bill No. 98.

Remarks by Assemblymen Kirkpatrick and Goicoechea.

Motion carried by a constitutional majority.

Mr. Speaker:

The Conference Committee concerning Senate Bill No. 249, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that Amendment No. 838 of the Assembly be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. 7, which is attached to and hereby made a part of this report.

MARILYN KIRKPATRICK	SHEILA LESLIE
DINA NEAL	DAVID PARKS
MELISSA WOODBURY	JOE HARDY
Assembly Conference Committee	*Senate Conference Committee*

Conference Amendment No. CA7.

AN ACT relating to the taxation of property; revising the provisions governing the administration of certain exemptions from taxation, the determination of the taxable value of the community units of a common-interest community, the conversion of mobile or manufactured homes from real to personal property, the issuance of certain notices by the county assessor and county treasurer, the payment of taxes on personal property in installments, and the determination of when an overpayment of taxes on personal property will not be refunded or a deficiency in the payment of such taxes will be exempted from collection; postponing the prospective expiration of certain provisions for the funding of accounts for the acquisition and improvement of technology in the offices of county assessors and revising the authorized uses of such accounts; repealing certain requirements relating to the minimum valuation of certain land; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides various exemptions from property taxes for surviving spouses, persons who are blind and veterans, if the persons claiming the exemptions are bona fide residents of this State, and requires the county assessors to mail annually to each person who claims such an exemption a form for the renewal of the exemption. (NRS 361.080, 361.085, 361.090, 361.091) **Section 1** of this bill clarifies that these tax exemptions do not apply to a person who holds an identification card indicating that the person is only a seasonal resident of this State, unless the person has actually resided in Nevada for at least 6 months. **Sections 2-5** of this bill authorize the county assessors to provide, upon request, the forms for renewal by electronic means and to authorize the return of those forms by electronic means.

Under existing law, the taxable value of the common elements of a common-interest community must be allocated on an equal basis to each of the community units of that common-interest community. (NRS 361.233) **Section 6** of this bill instead requires, under certain conditions, the allocation of that taxable value to the community units in accordance with a formula for allocation set forth in the declaration creating the common-interest community or, if there is no such declaration, in the recorded deeds for the community units.

Under existing law, a mobile or manufactured home may not be converted from real to personal property and removed from the real property to which it is affixed unless the county assessor certifies that the current taxes on that home and real property have been paid. (NRS 361.2445) **Section 7** of this bill instead requires this certification from the county tax receiver.

Existing law requires each board of county commissioners to pass a resolution during each fiscal year which directs the county assessor to prepare a secured tax roll of taxable property in the county. The resolution must further direct the county assessor to mail a copy of the secured tax roll to each taxpayer in the county ~~[and]~~ **or** publish the secured tax roll in a newspaper of general circulation in the county. Existing law also requires the county assessor to issue certain notices indicating that the secured tax roll is complete and available for inspection. (NRS 361.300) **Section 9.5** of this bill requires the county assessor to, pursuant to a resolution adopted by the board of county commissioners, additionally post the secured tax roll in certain public areas, post the secured tax roll at the office of the county assessor and publish the secured tax roll on an Internet website maintained by the county assessor or the county. In addition, **section 9.5** requires that notices to the effect that the secured tax roll is complete and open for inspection also indicate the locations at which the secured tax roll is available for inspection.

Existing law requires a county tax receiver to publish certain notices of delinquent taxes in a newspaper of general circulation in the county or, if no

such newspaper exists, in at least five conspicuous places in the county. (NRS 361.565) **Section 11.5** of this bill requires the county tax receiver to additionally publish such notices of delinquency on an Internet website maintained by the county treasurer or the county.

Existing law authorizes a taxpayer, upon request, to pay the personal property taxes imposed on the property of a business in installments if the total taxes exceed $10,000 and certain other conditions are met. (NRS 361.483) **Section 10** of this bill revises this authorization to include the taxes imposed on personal property which is not the property of a business, to require the total amount of taxes to exceed $5,000 and to allow the installment payments only if the pertinent tax bill is issued on or before September 15.

Under existing law, an overpayment of personal property taxes in an amount which is less than the average cost of collecting taxes in this State must be paid into the county general fund unless the taxpayer requests a refund within 6 months, and a deficiency in the payment of personal property taxes must be exempted from collection efforts if the deficiency is less than that average cost of collecting taxes. (NRS 361.485) **Section 11** of this bill requires, when calculating the amount paid to determine the existence and amount of such an overpayment or deficiency, the inclusion of the amount of any applicable penalties paid and the amount of any applicable partial abatements of taxes.

Existing law provides various exemptions from the governmental services taxes otherwise due on vehicles of surviving spouses, persons who are blind and veterans and requires the county assessors to mail annually to each person who claims such an exemption a form for the renewal of the exemption. (NRS 371.101, 371.102, 371.103, 371.104) **Sections 12-15** of this bill authorize the county assessors to provide, upon request, the forms for renewal by electronic means.

Under existing law, 2 percent of the property taxes collected for each county on personal property and the net proceeds of mines must be deposited into an account for the acquisition and improvement of technology in the office of the county assessor. (NRS 361.530, 362.170) **Section 16** of this bill provides for the continuation of this funding during the next biennium by postponing its prospective expiration until June 30, 2013. **Section 15.5** of this bill revises the authorized uses of the money in such an account.

Existing law requires persons who desire to claim a property tax exemption for personal property which is in transit through this State to make their claims in the form and manner prescribed by the regulations of the Department of Taxation. (NRS 361.170) Existing law also requires county assessors to assess all patented land and land held under a state land contract at a minimum rate of $1.25 per acre and requires county assessors to pay the

difference between that amount and the amount of any lower assessments of that land. (NRS 361.230) **Section 17** of this bill repeals these requirements.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 361.015 is hereby amended to read as follows:

361.015 "Bona fide resident" means a person who ~~[has:~~

~~1. Established]~~ ***:***

1. Has established a residence in the State of Nevada; and

2. ~~[Actually]~~ ***Has:***

(a) Actually resided in this state for at least 6 months ***;*** or ~~[has a]~~

(b) A valid driver's license or identification card issued by the Department of Motor Vehicles of this state ~~[.]~~ ***, other than such an identification card which indicates that the person is a seasonal resident.***

Sec. 2. NRS 361.080 is hereby amended to read as follows:

361.080 1. The property of surviving spouses, not to exceed the amount of $1,000 assessed valuation, is exempt from taxation, but no such exemption may be allowed to anyone but a bona fide resident of this State, and must be allowed in but one county in this State to the same family.

2. For the purpose of this section, property in which the surviving spouse has any interest shall be deemed the property of the surviving spouse.

3. The person claiming such an exemption must file with the county assessor an affidavit declaring that the person is a bona fide resident of this State and that the exemption has been claimed in no other county in this State. The affidavit must be made before the county assessor or a notary public. After the filing of the original affidavit, the county assessor shall ***, except as otherwise provided in this subsection,*** mail a form for renewal of the exemption to the person each year following a year in which the exemption was allowed for that person. The form must be designed to facilitate its return by mail by the person claiming the exemption. ***If so requested by the person claiming the exemption, the county assessor may provide the form to the person by electronic means in lieu of by mail. The county assessor may authorize the return of the form by electronic means in accordance with the provisions of chapter 719 of NRS.***

4. A surviving spouse is not entitled to the exemption provided by this section in any fiscal year beginning after any remarriage, even if the remarriage is later annulled.

5. If any person files a false affidavit or provides false proof to the county assessor or a notary public and, as a result of the false affidavit or false proof, the person is allowed a tax exemption to which the person is not entitled, the person is guilty of a gross misdemeanor.

6. Beginning with the 2005-2006 Fiscal Year, the monetary amount in subsection 1 must be adjusted for each fiscal year by adding to the amount the product of the amount multiplied by the percentage increase in the Consumer Price Index (All Items) from July 2003 to the July preceding the fiscal year for which the adjustment is calculated. The Department shall provide to each county assessor the adjusted amount, in writing, on or before September 30 of each year.

Sec. 3. NRS 361.085 is hereby amended to read as follows:

361.085 1. The property of each person who is blind, not to exceed the amount of $3,000 of assessed valuation, is exempt from taxation, including community property to the extent only of the interest therein of the person who is blind, but no such exemption may be allowed to anyone but a bona fide resident of this State, and must be allowed in but one county in this State on account of the same person.

2. The person claiming such an exemption must file with the county assessor an affidavit declaring that the person is a bona fide resident of the State of Nevada who meets all the other requirements for the exemption and that the exemption is not claimed in any other county in this State. The affidavit must be made before the county assessor or a notary public. After the filing of the original affidavit, the county assessor shall ***, except as otherwise provided in this subsection,*** mail a form for renewal of the exemption to the person each year following a year in which the exemption was allowed for that person. The form must be designed to facilitate its return by mail by the person claiming the exemption. ***If so requested by the person claiming the exemption, the county assessor may provide the form to the person by electronic means in lieu of by mail. The county assessor may authorize the return of the form by electronic means in accordance with the provisions of chapter 719 of NRS.***

3. Upon first claiming the exemption in a county the claimant shall furnish to the assessor a certificate of a licensed physician setting forth that the physician has examined the claimant and has found him or her to be a person who is blind.

4. If any person files a false affidavit or provides false proof to the county assessor or a notary public and, as a result of the false affidavit or false proof, the person is allowed a tax exemption to which the person is not entitled, the person is guilty of a gross misdemeanor.

5. Beginning with the 2005-2006 Fiscal Year, the monetary amount in subsection 1 must be adjusted for each fiscal year by adding to the amount the product of the amount multiplied by the percentage increase in the Consumer Price Index (All Items) from July 2003 to the July preceding the fiscal year for which the adjustment is calculated. The Department shall

provide to each county assessor the adjusted amount, in writing, on or before September 30 of each year.

6. As used in this section, "person who is blind" includes any person whose visual acuity with correcting lenses does not exceed 20/200 in the better eye, or whose vision in the better eye is restricted to a field which subtends an angle of not greater than 20°.

Sec. 4. NRS 361.090 is hereby amended to read as follows:

361.090 1. The property, to the extent of $2,000 assessed valuation, of any actual bona fide resident of the State of Nevada who:

(a) Has served a minimum of 90 continuous days on active duty, who was assigned to active duty at some time between April 21, 1898, and June 15, 1903, or between April 6, 1917, and November 11, 1918, or between December 7, 1941, and December 31, 1946, or between June 25, 1950, and May 7, 1975, or between September 26, 1982, and December 1, 1987, or between October 23, 1983, and November 21, 1983, or between December 20, 1989, and January 31, 1990, or between August 2, 1990, and April 11, 1991, or between December 5, 1992, and March 31, 1994, or between November 20, 1995, and December 20, 1996;

(b) Has served on active duty in connection with carrying out the authorization granted to the President of the United States in Public Law 102-1; or

(c) Has served on active duty in connection with a campaign or expedition for service in which a medal has been authorized by the Government of the United States, regardless of the number of days served on active duty,

➥ and who received, upon severance from service, an honorable discharge or certificate of satisfactory service from the Armed Forces of the United States, or who, having so served, is still serving in the Armed Forces of the United States, is exempt from taxation.

2. For the purpose of this section, the first $2,000 assessed valuation of property in which an applicant has any interest shall be deemed the property of the applicant.

3. The exemption may be allowed only to a claimant who files an affidavit with his or her claim for exemption on real property pursuant to NRS 361.155. The affidavit may be filed at any time by a person claiming exemption from taxation on personal property.

4. The affidavit must be made before the county assessor or a notary public and filed with the county assessor. It must state that the affiant is a bona fide resident of the State of Nevada who meets all the other requirements of subsection 1 and that the exemption is not claimed in any other county in this State. After the filing of the original affidavit, the county assessor shall ***, except as otherwise provided in this subsection,*** mail a form for:

(a) The renewal of the exemption; and

(b) The designation of any amount to be credited to the Gift Account for Veterans' Homes established pursuant to NRS 417.145,

➥ to the person each year following a year in which the exemption was allowed for that person. The form must be designed to facilitate its return by mail by the person claiming the exemption. ***If so requested by the person claiming the exemption, the county assessor may provide the form to the person by electronic means in lieu of by mail. The county assessor may authorize the return of the form by electronic means in accordance with the provisions of chapter 719 of NRS.***

5. Persons in actual military service are exempt during the period of such service from filing the annual forms for renewal of the exemption, and the county assessors shall continue to grant the exemption to such persons on the basis of the original affidavits filed. In the case of any person who has entered the military service without having previously made and filed an affidavit of exemption, the affidavit may be filed in his or her behalf during the period of such service by any person having knowledge of the facts.

6. Before allowing any veteran's exemption pursuant to the provisions of this chapter, the county assessor shall require proof of status of the veteran, and for that purpose shall require production of an honorable discharge or certificate of satisfactory service or a certified copy thereof, or such other proof of status as may be necessary.

7. If any person files a false affidavit or produces false proof to the county assessor or a notary public and, as a result of the false affidavit or false proof, the person is allowed a tax exemption to which the person is not entitled, the person is guilty of a gross misdemeanor.

8. Beginning with the 2005-2006 Fiscal Year, the monetary amounts in subsections 1 and 2 must be adjusted for each fiscal year by adding to the amount the product of the amount multiplied by the percentage increase in the Consumer Price Index (All Items) from July 2003 to the July preceding the fiscal year for which the adjustment is calculated. The Department shall provide to each county assessor the adjusted amount, in writing, on or before September 30 of each year.

Sec. 5. NRS 361.091 is hereby amended to read as follows:

361.091 1. A bona fide resident of the State of Nevada who has incurred a permanent service-connected disability and has been honorably discharged from the Armed Forces of the United States, or his or her surviving spouse, is entitled to an exemption.

2. The amount of exemption is based on the total percentage of permanent service-connected disability. The maximum allowable exemption for total permanent disability is the first $20,000 assessed valuation. A person with a permanent service-connected disability of:

(a) Eighty to 99 percent, inclusive, is entitled to an exemption of $15,000 assessed value.

(b) Sixty to 79 percent, inclusive, is entitled to an exemption of $10,000 assessed value.

➥ For the purposes of this section, any property in which an applicant has any interest is deemed to be the property of the applicant.

3. The exemption may be allowed only to a claimant who has filed an affidavit with his or her claim for exemption on real property pursuant to NRS 361.155. The affidavit may be made at any time by a person claiming an exemption from taxation on personal property.

4. The affidavit must be made before the county assessor or a notary public and be filed with the county assessor. It must state that the affiant is a bona fide resident of the State of Nevada, that the affiant meets all the other requirements of subsection 1 and that the exemption is not claimed in any other county within this State. After the filing of the original affidavit, the county assessor shall ***, except as otherwise provided in this subsection,*** mail a form for:

(a) The renewal of the exemption; and

(b) The designation of any amount to be credited to the Gift Account for Veterans' Homes established pursuant to NRS 417.145,

➥ to the person each year following a year in which the exemption was allowed for that person. The form must be designed to facilitate its return by mail by the person claiming the exemption. ***If so requested by the person claiming the exemption, the county assessor may provide the form to the person by electronic means in lieu of by mail. The county assessor may authorize the return of the form by electronic means in accordance with the provisions of chapter 719 of NRS.***

5. Before allowing any exemption pursuant to the provisions of this section, the county assessor shall require proof of the applicant's status, and for that purpose shall require the applicant to produce an original or certified copy of:

(a) An honorable discharge or other document of honorable separation from the Armed Forces of the United States which indicates the total percentage of his or her permanent service-connected disability;

(b) A certificate of satisfactory service which indicates the total percentage of his or her permanent service-connected disability; or

(c) A certificate from the Department of Veterans Affairs or any other military document which shows that he or she has incurred a permanent service-connected disability and which indicates the total percentage of that disability, together with a certificate of honorable discharge or satisfactory service.

6. A surviving spouse claiming an exemption pursuant to this section must file with the county assessor an affidavit declaring that:

(a) The surviving spouse was married to and living with the veteran who incurred a permanent service-connected disability for the 5 years preceding his or her death;

(b) The veteran was eligible for the exemption at the time of his or her death or would have been eligible if the veteran had been a resident of the State of Nevada;

(c) The surviving spouse has not remarried; and

(d) The surviving spouse is a bona fide resident of the State of Nevada.

➥ The affidavit required by this subsection is in addition to the certification required pursuant to subsections 4 and 5. After the filing of the original affidavit required by this subsection, the county assessor shall ***, except as otherwise provided in this subsection,*** mail a form for renewal of the exemption to the person each year following a year in which the exemption was allowed for that person. The form must be designed to facilitate its return by mail by the person claiming the exemption. ***If so requested by the person claiming the exemption, the county assessor may provide the form to the person by electronic means in lieu of by mail. The county assessor may authorize the return of the form by electronic means in accordance with the provisions of chapter 719 of NRS.***

7. If a veteran or the surviving spouse of a veteran submits, as proof of disability, documentation that indicates a percentage of permanent service-connected disability for more than one permanent service-connected disability, the amount of the exemption must be based on the total of those combined percentages, not to exceed 100 percent.

8. If a tax exemption is allowed under this section, the claimant is not entitled to an exemption under NRS 361.090.

9. If any person files a false affidavit or produces false proof to the county assessor or a notary public and, as a result of the false affidavit or false proof, the person is allowed a tax exemption to which the person is not entitled, the person is guilty of a gross misdemeanor.

10. Beginning with the 2005-2006 Fiscal Year, the monetary amounts in subsection 2 must be adjusted for each fiscal year by adding to the amount the product of the amount multiplied by the percentage increase in the Consumer Price Index (All Items) from July 2003 to the July preceding the fiscal year for which the adjustment is calculated. The Department shall provide to each county assessor the adjusted amount, in writing, on or before September 30 of each year.

Sec. 6. NRS 361.233 is hereby amended to read as follows:

361.233 1. Notwithstanding any other provision of law:

(a) Any ad valorem taxes or special assessments assessed upon any real property within a common-interest community:

(1) Must be assessed upon the community units and not upon the common-interest community as a whole; and

(2) Must not be assessed upon any common elements of the common-interest community.

(b) ~~[The]~~ ***Except as otherwise provided in subsection 2, the*** taxable value of each parcel:

(1) Composed solely of a community unit must consist of:

(I) The taxable value of that community unit; and

(II) A percentage of the taxable value of all the common elements of that common-interest community which is equal to 1 divided by the total number of community units in that common-interest community; or

(2) Composed of a community unit and any portion of the common elements of the common-interest community must consist of:

(I) The taxable value of that community unit only; and

(II) A percentage of the taxable value of all the common elements of that common-interest community which is equal to 1 divided by the total number of community units in that common-interest community.

2. ***If the declaration for a common-interest community or, in the absence of such a declaration, the recorded deeds for the community units of a common-interest community:***

(a) Provide for the allocation to the community units of, except for any minor variations because of rounding, all the interests in the common elements of the common-interest community; or

(b) Do not provide for the allocation described in paragraph (a) but provide for the allocation to the community units of, except for any minor variations because of rounding, all the liabilities for the common expenses of the common-interest community,

➥ and the formula for allocation provided in the declaration or deeds differs from the formula for allocation set forth in sub-subparagraph (II) of subparagraph (1) of paragraph (b) of subsection 1 and sub-subparagraph (II) of subparagraph (2) of paragraph (b) of subsection 1, those sub-subparagraphs do not apply to the common-interest community, and the taxable value of the common elements of the common-interest community must be allocated to the community units in accordance with the formula for allocation provided in the declaration or deeds.

3. The Nevada Tax Commission shall adopt such regulations as it determines to be appropriate to ensure that this section is carried out in a uniform and equal manner that does not result in the double taxation of any common elements of a common-interest community.

~~[3.]~~ ***4.*** For the purposes of this section:

(a) "Ad valorem tax" means an ad valorem tax levied by any governmental entity or political subdivision in this State on or after July 1, 2006.

(b) "Common elements" means the physical portion of a common-interest community, including, without limitation, any landscaping, swimming pools, fitness centers, community centers, maintenance and service areas, parking areas, hallways, elevators and mechanical rooms, which is:

(1) Intended for the general benefit of and potential use by all the owners of the community units and their invitees; and

(2) Owned:

(I) By the community association;

(II) By any person on behalf or for the benefit of the owners of the community units; or

(III) Jointly by the owners of the community units.

(c) "Common-interest community" means real property with respect to which a person, by virtue of his or her ownership of a community unit, is obligated to pay for any real property other than that unit. The term includes a common-interest community governed by the provisions of chapter 116 of NRS, a condominium hotel governed by the provisions of chapter 116B of NRS, a condominium project governed by the provisions of chapter 117 of NRS and any time-share project, planned unit development or other real property which is organized as a common-interest community in this State.

(d) "Community association" means an association whose membership:

(1) Consists exclusively of the owners of the community units or their elected or appointed representatives; and

(2) Is a required condition of the ownership of a community unit.

(e) "Community unit" means a physical portion of a common-interest community, other than the common elements, which is:

(1) Designated for separate ownership or occupancy; and

(2) Intended for:

(I) Residential use by the owner of that unit and his or her invitees; or

(II) Commercial use by the owner of that unit for the generation of revenue from any persons other than the owners of community units in that common-interest community and their invitees.

(f) "***Declaration" means any instrument, however denominated, that creates a common-interest community, including any amendment to an instrument.***

(g) **"**Special assessment" means a special assessment levied by any governmental entity or political subdivision in this State on or after July 1, 2006.

Sec. 7. NRS 361.2445 is hereby amended to read as follows:

361.2445 1. A mobile or manufactured home which has been converted to real property pursuant to NRS 361.244 may not be removed from the real

property to which it is affixed unless, at least 30 days before removing the mobile or manufactured home:

(a) The owner:

(1) Files with the Division an affidavit stating that the sole purpose for converting the mobile or manufactured home from real to personal property is to effect a transfer of the title to the mobile or manufactured home;

(2) Files with the Division the affidavit of consent to the removal of the mobile or manufactured home of each person who holds any legal interest in the real property to which the mobile or manufactured home is affixed; and

(3) Gives written notice to the county assessor of the county in which the real property is situated; and

(b) The county ~~[assessor]~~ ***tax receiver*** certifies in writing that all taxes for the fiscal year on the mobile or manufactured home and the real property to which the mobile or manufactured home is affixed have been paid.

2. The county assessor shall not remove a mobile or manufactured home from the tax rolls until:

(a) The county assessor has received verification that there is no security interest in the mobile or manufactured home or the holders of security interests have agreed in writing to the conversion of the mobile or manufactured home to personal property; and

(b) An affidavit of conversion of the mobile or manufactured home from real to personal property has been recorded in the county recorder's office of the county in which the real property to which the mobile or manufactured home was affixed is situated.

3. A mobile or manufactured home which is physically removed from real property pursuant to this section shall be deemed to be personal property immediately upon its removal.

4. The Department shall adopt:

(a) Such regulations as are necessary to carry out the provisions of this section; and

(b) A standard form for the affidavits required by this section.

5. Before the owner of a mobile or manufactured home that has been converted to personal property pursuant to this section may transfer ownership of the mobile or manufactured home, he or she must obtain a certificate of ownership from the Division.

6. For the purposes of this section, the removal of a mobile or manufactured home from real property includes the detachment of the mobile or manufactured home from its foundation, other than temporarily for the purpose of making repairs or improvements to the mobile or manufactured home or the foundation.

7. An owner who physically removes a mobile or manufactured home from real property in violation of this section is liable for all legal costs and

fees, plus the actual expenses, incurred by a person who holds any interest in the real property to restore the real property to its former condition. Any judgment obtained pursuant to this section may be recorded as a lien upon the mobile or manufactured home so removed.

8. As used in this section:

(a) "Division" means the Manufactured Housing Division of the Department of Business and Industry.

(b) "Owner" means any person who holds an interest in the mobile or manufactured home or the real property to which the mobile or manufactured home is affixed evidenced by a conveyance or other instrument which transfers that interest to him or her and is recorded in the office of the county recorder of the county in which the mobile or manufactured home and real property are situated, but does not include the owner or holder of a right-of-way, easement or subsurface property right appurtenant to the real property.

Sec. 8. (Deleted by amendment.)

Sec. 9. (Deleted by amendment.)

Sec. 9.5. NRS 361.300 is hereby amended to read as follows:

361.300 1. On or before January 1 of each year, the county assessor shall transmit to the county clerk, post at the front door of the courthouse and publish in a newspaper published in the county a notice to the effect that the secured tax roll is completed and open for inspection by interested persons of the county. ***A notice issued pursuant to this subsection must include a statement that the secured tax roll is available for inspection as specified in*** ~~*[paragraphs (b), (c), (d) and (e)]*~~ ***paragraph (b) of subsection 3. The statement published in the newspaper must be displayed in the format used for advertisements and printed in at least 10-point bold type or font.***

2. If the county assessor fails to complete the assessment roll in the manner and at the time specified in this section, the board of county commissioners shall not allow the county assessor a salary or other compensation for any day after January 1 during which the roll is not completed, unless excused by the board of county commissioners.

3. Except as otherwise provided in subsection 4, each board of county commissioners shall by resolution, before December 1 of any fiscal year in which assessment is made, require the county assessor to prepare a list of all the taxpayers on the secured roll in the county and the total valuation of property on which they severally pay taxes and ~~*[A resolution adopted pursuant to this subsection must also]*~~ direct the county assessor :

(a) To ~~*[to]*~~ cause such list and valuations to be ~~[printed]~~ ***:***

~~*[(a)]*~~ ***(1) Printed*** and delivered by the county assessor or mailed by him or her on or before January 1 of the fiscal year in which assessment is made to each taxpayer in the county; or

~~[(b) To] [cause such list and valuations to be published]~~

(2) Published once on or before January 1 of the fiscal year in which assessment is made in a newspaper of general circulation in the county ~~[.~~

~~➥ In addition to complying with paragraph (a) or (b), the list and valuations may also be posted]~~ ~~*[,*~~

~~*(c)]*~~ ***; and***

(b) To cause such list and valuations to be:

(1) Posted in a public area of the public libraries and branch libraries located in the county ~~[, in a public area of the county courthouse and the county office building in which the county assessor's office is located,]~~ ***;***

~~*[(d)]*~~ ***(2) Posted at the office of the county assessor;*** and

~~*[(e)]*~~ ***(3) Published*** on ~~[a]~~ ***an Internet*** website ~~[or other Internet site that is operated or administered by or on behalf of the county or]~~ ***that is maintained by the*** county assessor ~~[.]~~ ***or, if the county assessor does not maintain an Internet website, on an Internet website that is maintained by the county.***

4. A board of county commissioners may, in the resolution required by subsection 3, authorize the county assessor not to deliver or mail the list, as provided in ***subparagraph (1) of*** paragraph (a) of subsection 3, to taxpayers whose property is assessed at $1,000 or less and direct the county assessor to mail to each such taxpayer a statement of the amount of his or her assessment. Failure by a taxpayer to receive such a mailed statement does not invalidate any assessment.

5. The several boards of county commissioners in the State may allow the bill contracted with their approval by the county assessor under this section on a claim to be allowed and paid as are other claims against the county.

6. Whenever:

(a) Any property on the secured tax roll is appraised or reappraised pursuant to NRS 361.260, the county assessor shall, on or before December 18 of the fiscal year in which the appraisal or reappraisal is made, deliver or mail to each owner of such property a written notice stating the assessed valuation of the property as determined from the appraisal or reappraisal. ***A notice issued pursuant to this paragraph must include a statement that the secured tax roll is available for inspection as specified in*** ~~*[paragraphs (b), (c), (d) and (e)]*~~ ***paragraph (b) of subsection 3. If such a statement is published in a newspaper, the statement must be displayed in the format used for advertisements and printed in at least 10-point bold type or font.***

(b) Any personal property billed on the unsecured tax roll is appraised or reappraised pursuant to NRS 361.260, the delivery or mailing to the owner of such property of an individual tax bill or individual tax notice for the property shall be deemed to constitute adequate notice to the owner of the

assessed valuation of the property as determined from the appraisal or reappraisal.

7. If the secured tax roll is changed pursuant to NRS 361.310, the county assessor shall mail an amended notice of assessed valuation to each affected taxpayer. The notice must include:

(a) The information set forth in subsection 6 for the new assessed valuation.

(b) The dates for appealing the new assessed valuation.

8. Failure by the taxpayer to receive a notice required by this section does not invalidate the appraisal or reappraisal.

9. In addition to complying with subsections 6 and 7, a county assessor shall:

(a) Provide without charge a copy of a notice of assessed valuation to the owner of the property upon request.

(b) Post the information included in a notice of assessed valuation on a website or other Internet site, if any, that is operated or administered by or on behalf of the county or the county assessor.

Sec. 10. NRS 361.483 is hereby amended to read as follows:

361.483 1. Except as otherwise provided in ~~[subsection 6]~~ ***this section*** and NRS 361.736 to 361.7398, inclusive, taxes assessed upon the real property tax roll and upon mobile or manufactured homes are due on the third Monday of August.

2. Taxes assessed upon the real property tax roll may be paid in four approximately equal installments if the taxes assessed on the parcel exceed $100.

3. Except as otherwise provided in this section, taxes assessed upon a mobile or manufactured home may be paid in four installments if the taxes assessed exceed $100.

4. If a taxpayer owns at least 25 mobile or manufactured homes in a county that are leased for commercial purposes, and those mobile or manufactured homes have not been converted to real property pursuant to NRS 361.244, taxes assessed upon those homes may be paid in four installments if, not later than July 31, the taxpayer returns to the county assessor the written statement of personal property required pursuant to NRS 361.265.

5. Except as otherwise provided in this section and NRS 361.505, taxes assessed upon personal property may be paid in four approximately equal installments if:

(a) The total personal property taxes assessed exceed ~~[$10,000;]~~ ***$5,000;***

(b) Not later than July 31, the taxpayer returns to the county assessor the written statement of personal property required pursuant to NRS 361.265;

(c) The taxpayer files with the county assessor, or county treasurer if the county treasurer has been designated to collect taxes, a written request to be billed in ~~[~~quarterly~~]~~ installments and includes with the request a copy of the written statement of personal property required pursuant to NRS 361.265; ~~[~~and~~]~~

(d) The ***owner of the*** personal property assessed ~~[~~is the property of a business and the business~~]~~ has paid ~~[~~its~~]~~ ***all the*** personal property taxes ***assessed on the property*** without accruing penalties for the immediately preceding 2 fiscal years in any county in the State ~~[~~.~~]~~ ***; and***

(e) Not later than September 15, the county tax receiver issues to the taxpayer an individual tax bill for the personal property which itemizes the dates on which the installments are due. If that tax bill is issued on or after August 1 and on or before September 15, the first two installments are due on the first Monday of October, the third installment on the first Monday of January, and the fourth installment on the first Monday of March.

6. ~~[~~If~~]~~ ***Except as otherwise provided in subsection 5, if*** a person elects to pay in installments, the first installment is due on the third Monday of August, the second installment on the first Monday of October, the third installment on the first Monday of January, and the fourth installment on the first Monday of March.

7. If any person charged with taxes which are a lien on real property fails to pay:

(a) Any one installment of the taxes on or within 10 days following the day the taxes become due, there must be added thereto a penalty of 4 percent.

(b) Any two installments of the taxes, together with accumulated penalties, on or within 10 days following the day the later installment of taxes becomes due, there must be added thereto a penalty of 5 percent of the two installments due.

(c) Any three installments of the taxes, together with accumulated penalties, on or within 10 days following the day the latest installment of taxes becomes due, there must be added thereto a penalty of 6 percent of the three installments due.

(d) The full amount of the taxes, together with accumulated penalties, on or within 10 days following the first Monday of March, there must be added thereto a penalty of 7 percent of the full amount of the taxes.

8. Any person charged with taxes which are a lien on a mobile or manufactured home who fails to pay the taxes within 10 days after an installment payment is due is subject to the following provisions:

(a) A penalty of 10 percent of the taxes due; and

(b) The county assessor may proceed under NRS 361.535.

9. If any property tax postponed pursuant to NRS 361.736 to 361.7398, inclusive, becomes due and payable and the person charged with that tax fails

to make the required payment within 10 days after it becomes due, there must be added thereto a penalty of 7 percent of the amount of the tax that is due. If the required payment is not paid within 30 days after it becomes due, there must be added thereto all penalties and interest that would have accrued had the property tax not been postponed pursuant to NRS 361.736 to 361.7398, inclusive.

10. The ex officio tax receiver of a county shall notify each person in the county who is subject to a penalty pursuant to this section of the provisions of NRS 360.419 and 361.4835.

Sec. 11. NRS 361.485 is hereby amended to read as follows:

361.485 1. Whenever any tax is paid to the ex officio tax receiver, he or she shall appropriately record the payment and the date thereof on the tax roll contiguously with the name of the person or the description of the property liable for the taxes, and shall give a receipt for the payment if requested by the taxpayer.

2. If the assessment roll is maintained on magnetic storage files in a computer system, the requirement of subsection 1 is met if the system is capable of producing, as printed output, the assessment roll with the dates of payments shown opposite the name of the person or the description of the property liable for the taxes.

3. If the amount of taxes ***and penalties*** paid on personal property ~~[:]~~ ***, together with the amount of any partial abatements of those taxes to which the taxpayer may be entitled:***

(a) Results in an overpayment that is less than the average cost of collecting property taxes in this State as determined by the Nevada Tax Commission, the ex officio tax receiver shall pay the amount of the overpayment into the county treasury for the benefit of the general fund of the county, unless the taxpayer who made the overpayment requests a refund within 6 months after the original payment. All interest paid on money deposited in the county treasury pursuant to this paragraph is the property of the county.

(b) Results in a deficiency, the amount of the deficiency, other than a payment for a penalty, must be exempted from collection if the amount of the deficiency is less than the average cost of collecting property taxes in this State as determined by the Nevada Tax Commission.

4. If the amount of taxes paid on real property:

(a) Results in an overpayment that does not exceed the amount due by more than $5, the ex officio tax receiver shall pay the amount of the overpayment into the county treasury for the benefit of the general fund of the county, unless the taxpayer who made the overpayment requests a refund within 6 months after the original payment. All interest paid on money

deposited in the county treasury pursuant to this paragraph is the property of the county.

(b) Results in a deficiency that is $5 or less than the amount due, the ex officio tax receiver may exempt the amount of the deficiency from collection.

Sec. 11.5. NRS 361.565 is hereby amended to read as follows:

361.565 1. Except as otherwise provided in subsection 3, if the tax remains delinquent 30 days after the first Monday in April of each year, the tax receiver of the county shall cause notice of the delinquency to be published ~~[at]~~ ***:***

(a) At least once in the newspaper which publishes the list of taxpayers pursuant to NRS 361.300. If there is no newspaper in the county, the notice must be posted in at least five conspicuous places within the county.

(b) On an Internet website that is maintained by the county treasurer or, if the county treasurer does not maintain an Internet website, on an Internet website maintained by the county.

2. The cost of publication in each case must be charged to the delinquent taxpayer, and is not a charge against the State or county. The publication must be made at not more than legal rates.

3. If the delinquent property consists of unimproved real estate assessed at a sum not exceeding $25, the notice must be given by posting a copy of the notice in three conspicuous places within the county without publishing the notice in a newspaper.

4. The notice must contain the information required for a notice ~~[mailed]~~ ***of delinquency*** pursuant to ***subsection 2 of*** NRS 361.5648.

Sec. 12. NRS 371.101 is hereby amended to read as follows:

371.101 1. Vehicles registered by surviving spouses, not to exceed the amount of $1,000 determined valuation, are exempt from taxation, but the exemption must not be allowed to anyone but actual bona fide residents of this State, and must be filed in but one county in this State to the same family.

2. For the purpose of this section, vehicles in which the surviving spouse has any interest shall be deemed to belong entirely to that surviving spouse.

3. The person claiming the exemption shall file with the Department in the county where the exemption is claimed an affidavit declaring his or her residency and that the exemption has been claimed in no other county in this State for that year. The affidavit must be made before the county assessor or a notary public. After the filing of the original affidavit, the county assessor shall ***, except as otherwise provided in this subsection,*** mail a form for renewal of the exemption to the person each year following a year in which the exemption was allowed for that person. The form must be designed to facilitate its return by mail by the person claiming the exemption. ***If so***

requested by the person claiming the exemption, the county assessor may provide the form to the person by electronic means in lieu of by mail.

4. A surviving spouse is not entitled to the exemption provided by this section in any fiscal year beginning after any remarriage, even if the remarriage is later annulled.

5. Beginning with the 2005-2006 Fiscal Year, the monetary amount in subsection 1 must be adjusted for each fiscal year by adding to each amount the product of the amount multiplied by the percentage increase in the Consumer Price Index (All Items) from December 2003 to the December preceding the fiscal year for which the adjustment is calculated.

Sec. 13. NRS 371.102 is hereby amended to read as follows:

371.102 1. Vehicles registered by a person who is blind, not to exceed the amount of $3,000 determined valuation, are exempt from taxation, but the exemption must not be allowed to anyone but bona fide residents of this State, and must be filed in but one county in this State on account of that person.

2. The person claiming the exemption must file with the county assessor of the county where the exemption is claimed an affidavit declaring that the person is an actual bona fide resident of the State of Nevada, that he or she is a person who is blind and that the exemption is claimed in no other county in this State. The affidavit must be made before the county assessor or a notary public. After the filing of the original affidavit, the county assessor shall ***, except as otherwise provided in this subsection,*** mail a form for renewal of the exemption to the person each year following a year in which the exemption was allowed for that person. The form must be designed to facilitate its return by mail by the person claiming the exemption. ***If so requested by the person claiming the exemption, the county assessor may provide the form to the person by electronic means in accordance with the provisions of chapter 719 of NRS.***

3. Upon first claiming the exemption in a county, the claimant shall furnish to the county assessor a certificate of a physician licensed under the laws of this State setting forth that the physician has examined the claimant and has found him or her to be a person who is blind.

4. Beginning with the 2005-2006 Fiscal Year, the monetary amount in subsection 1 must be adjusted for each fiscal year by adding to each amount the product of the amount multiplied by the percentage increase in the Consumer Price Index (All Items) from December 2003 to the December preceding the fiscal year for which the adjustment is calculated.

5. As used in this section, “person who is blind” includes any person whose visual acuity with correcting lenses does not exceed 20/200 in the better eye, or whose vision in the better eye is restricted to a field which subtends an angle of not greater than 20 degrees.

Sec. 14. NRS 371.103 is hereby amended to read as follows:

371.103 1. Vehicles, to the extent of $2,000 determined valuation, registered by any actual bona fide resident of the State of Nevada who:

(a) Has served a minimum of 90 days on active duty, who was assigned to active duty at some time between April 21, 1898, and June 15, 1903, or between April 6, 1917, and November 11, 1918, or between December 7, 1941, and December 31, 1946, or between June 25, 1950, and May 7, 1975, or between September 26, 1982, and December 1, 1987, or between October 23, 1983, and November 21, 1983, or between December 20, 1989, and January 31, 1990, or between August 2, 1990, and April 11, 1991, or between December 5, 1992, and March 31, 1994, or between November 20, 1995, and December 20, 1996;

(b) Has served a minimum of 90 continuous days on active duty none of which was for training purposes, who was assigned to active duty at some time between January 1, 1961, and May 7, 1975;

(c) Has served on active duty in connection with carrying out the authorization granted to the President of the United States in Public Law 102-1; or

(d) Has served on active duty in connection with a campaign or expedition for service in which a medal has been authorized by the Government of the United States, regardless of the number of days served on active duty,

➥ and who received, upon severance from service, an honorable discharge or certificate of satisfactory service from the Armed Forces of the United States, or who, having so served, is still serving in the Armed Forces of the United States, is exempt from taxation.

2. For the purpose of this section, the first $2,000 determined valuation of vehicles in which such a person has any interest shall be deemed to belong to that person.

3. A person claiming the exemption shall file annually with the Department in the county where the exemption is claimed an affidavit declaring that he or she is an actual bona fide resident of the State of Nevada who meets all the other requirements of subsection 1 and that the exemption is claimed in no other county in this State. The affidavit must be made before the county assessor or a notary public. After the filing of the original affidavit, the county assessor shall ***, except as otherwise provided in this subsection,*** mail a form for:

(a) The renewal of the exemption; and

(b) The designation of any amount to be credited to the Gift Account for Veterans' Homes established pursuant to NRS 417.145,

➥ to the person each year following a year in which the exemption was allowed for that person. The form must be designed to facilitate its return by mail by the person claiming the exemption. ***If so requested by the person***

claiming the exemption, the county assessor may provide the form to the person by electronic means in lieu of by mail.

4. Persons in actual military service are exempt during the period of such service from filing annual affidavits of exemption and the Department shall grant exemptions to those persons on the basis of the original affidavits filed. In the case of any person who has entered the military service without having previously made and filed an affidavit of exemption, the affidavit may be filed in his or her behalf during the period of such service by any person having knowledge of the facts.

5. Before allowing any veteran's exemption pursuant to the provisions of this chapter, the Department shall require proof of status of the veteran, and for that purpose shall require production of an honorable discharge or certificate of satisfactory service or a certified copy thereof, or such other proof of status as may be necessary.

6. If any person files a false affidavit or produces false proof to the Department, and as a result of the false affidavit or false proof a tax exemption is allowed to a person not entitled to the exemption, the person is guilty of a gross misdemeanor.

7. Beginning with the 2005-2006 Fiscal Year, the monetary amounts in subsections 1 and 2 must be adjusted for each fiscal year by adding to each amount the product of the amount multiplied by the percentage increase in the Consumer Price Index (All Items) from December 2003 to the December preceding the fiscal year for which the adjustment is calculated.

Sec. 15. NRS 371.104 is hereby amended to read as follows:

371.104 1. A bona fide resident of the State of Nevada who has incurred a permanent service-connected disability and has been honorably discharged from the Armed Forces of the United States, or his or her surviving spouse, is entitled to a veteran's exemption from the payment of governmental services taxes on vehicles of the following determined valuations:

(a) If he or she has a disability of 100 percent, the first $20,000 of determined valuation.

(b) If he or she has a disability of 80 to 99 percent, inclusive, the first $15,000 of determined valuation.

(c) If he or she has a disability of 60 to 79 percent, inclusive, the first $10,000 of determined valuation.

2. For the purpose of this section, the first $20,000 of determined valuation of vehicles in which an applicant has any interest shall be deemed to belong entirely to that person.

3. A person claiming the exemption shall file annually with the Department in the county where the exemption is claimed an affidavit declaring that he or she is a bona fide resident of the State of Nevada who

meets all the other requirements of subsection 1 and that the exemption is claimed in no other county within this State. After the filing of the original affidavit, the county assessor shall ***, except as otherwise provided in this subsection,*** mail a form for:

(a) The renewal of the exemption; and

(b) The designation of any amount to be credited to the Gift Account for Veterans' Homes established pursuant to NRS 417.145,

➥ to the person each year following a year in which the exemption was allowed for that person. The form must be designed to facilitate its return by mail by the person claiming the exemption. ***If so requested by the person claiming the exemption, the county assessor may provide the form to the person by electronic means in lieu of by mail.***

4. Before allowing any exemption pursuant to the provisions of this section, the Department shall require proof of the applicant's status, and for that purpose shall require production of:

(a) A certificate from the Department of Veterans Affairs that the veteran has incurred a permanent service-connected disability, which shows the percentage of that disability; and

(b) Any one of the following:

(1) An honorable discharge;

(2) A certificate of satisfactory service; or

(3) A certified copy of either of these documents.

5. A surviving spouse claiming an exemption pursuant to this section must file with the Department in the county where the exemption is claimed an affidavit declaring that:

(a) The surviving spouse was married to and living with the veteran with a disability for the 5 years preceding his or her death;

(b) The veteran with a disability was eligible for the exemption at the time of his or her death; and

(c) The surviving spouse has not remarried.

➥ The affidavit required by this subsection is in addition to the certification required pursuant to subsections 3 and 4. After the filing of the original affidavit required by this subsection, the county assessor shall ***, except as otherwise provided in this subsection,*** mail a form for renewal of the exemption to the person each year following a year in which the exemption was allowed for that person. The form must be designed to facilitate its return by mail by the person claiming the exemption. ***If so requested by the person claiming the exemption, the county assessor may provide the form to the person by electronic means in lieu of by mail.***

6. If a tax exemption is allowed under this section, the claimant is not entitled to an exemption under NRS 371.103.

7. If any person makes a false affidavit or produces false proof to the Department, and as a result of the false affidavit or false proof the person is allowed a tax exemption to which he or she is not entitled, the person is guilty of a gross misdemeanor.

8. Beginning with the 2005-2006 Fiscal Year, the monetary amounts in subsections 1 and 2 must be adjusted for each fiscal year by adding to each amount the product of the amount multiplied by the percentage increase in the Consumer Price Index (All Items) from December 2003 to the December preceding the fiscal year for which the adjustment is calculated.

Sec. 15.5. NRS 250.085 is hereby amended to read as follows:

250.085 1. The board of county commissioners of each county shall by ordinance create in the county general fund an account to be designated as the Account for the Acquisition and Improvement of Technology in the Office of the County Assessor.

2. The money in the Account:

(a) Must be accounted for separately and not as a part of any other account; and

(b) Must not be used to replace or supplant any money available from other sources to acquire technology for and improve technology used in the office of the county assessor.

3. The money in the Account must be used to acquire technology for or improve the technology used in the office of the county assessor ~~[,]~~ ***or by another entity with operational impact on the office of the county assessor,*** including, without limitation, the payment of costs associated with acquiring or improving technology for converting and archiving records, purchasing hardware and software, maintaining the technology, training employees in the operation of the technology and contracting for professional services relating to the technology. ~~[At the discretion of the county assessor, the money may be used by other county offices that do business with the county assessor.]~~

4. On or before July 1 of each year, the county assessor shall submit to the board of county commissioners a report of the projected expenditures of the money in the Account for the following fiscal year. Any money remaining in the Account at the end of a fiscal year that has not been committed for expenditure reverts to the county general fund.

Sec. 16. Section 57 of chapter 496, Statutes of Nevada 2005, as last amended by chapter 287, Statutes of Nevada 2009, at page 1232, is hereby amended to read as follows:

Sec. 57. 1. This section and sections 52.1 to 52.8, inclusive, of this act become effective upon passage and approval.

2. Sections 1 to 22, inclusive, 24 to 28, inclusive, 42 to 52, inclusive, and 53 to 56, inclusive, of this act become effective on July 1, 2005.

3. Sections 29 to 41, inclusive, of this act become effective:

(a) Upon passage and approval for the purpose of performing any preparatory administrative tasks that are necessary to carry out the provisions of those sections; and

(b) On July 1, 2006, for all other purposes.

4. Section 23 of this act becomes effective on July 1, ~~[2011.]~~ ***2013.***

5. Section 43 of this act expires by limitation on June 30, ~~[2011.]~~ ***2013.***

Sec. 17. NRS 361.170 and 361.230 are hereby repealed.

Sec. 18. The provisions of sections 1, 6 and 17 of this act do not apply to or affect the assessment of any taxes, the application or administration of any exemptions from taxation or the valuation of any property for any fiscal year beginning before July 1, 2012.

Sec. 19. 1. This section and sections 2 to 5, inclusive, 10, 11, 12 to 15, inclusive, and 16 of this act become effective upon passage and approval.

2. Sections 1, 6, 7, 9.5, 11.5, 15.5, 17 and 18 of this act become effective on July 1, 2011.

TEXT OF REPEALED SECTIONS

361.170 Claims for exemption: Requirements. Any person, copartnership, association or corporation making claim to no situs status on any property under NRS 361.160 to 361.185, inclusive, shall do so in the form and manner prescribed by the Department. All such claims shall be accompanied by a certification of the warehouse company as to the status on its books of the property involved.

361.230 Minimum valuation of patented land and land held under state land contract.

1. No patented land of any description in the State of Nevada owned by any individual, partnership, association, estate, corporation or otherwise, and no land held under any state land contract, shall be assessed for less than $1.25 per acre by the county assessors of the various counties.

2. If the county board of equalization shall ascertain that any land within its county has been assessed upon a valuation of less than $1.25 per acre, or has not been assessed at all, the board shall notify the county assessor immediately to pay into the county treasury the taxes due on such land, in such a sum as will yield the full amount of taxes due upon such land upon its true value, which valuation shall not be less than $1.25 per acre. If a county assessor fails to pay such taxes within 10 days after such notification by the county board of equalization, the district attorney shall file and prosecute diligently a suit against the county assessor and his or her surety or sureties on his or her official bond for the amount of such taxes.

Assemblywoman Kirkpatrick moved that the Assembly adopt the report of the Conference Committee concerning Senate Bill No. 249.

Remarks by Assemblywoman Kirkpatrick.

Motion carried by a constitutional majority.

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 230.

The following Senate amendment was read:

Amendment No. 727.

AN ACT relating to educational personnel; **requiring the State Board of Education to evaluate certain providers of education and training which are offered to qualify a person to be a teacher or administrator or to perform other educational functions;** requiring the Commission on Professional Standards in Education to adopt regulations prescribing the qualifications for licensing teachers and administrators pursuant to an alternative route to licensure; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1 of this bill requires the State Board of Education to conduct an annual evaluation of each provider approved by the State Board or the Commission on Professional Standards in Education to offer a course of study or training designed to qualify a person to be a teacher or administrator or to perform other educational functions, including qualified providers of alternative routes to licensure approved by the Commission pursuant to section 2 of this bill.

Existing law requires the Commission ~~[on Professional Standards in Education]~~ to adopt regulations prescribing the qualifications for licensing teachers and other educational personnel in this State. The regulations govern the issuance of a regular license and a special qualifications license. (NRS 391.019) The regulations are subject to the approval of the State Board **,** ~~[of Education,]~~ which has the authority to disapprove any regulation adopted by the Commission for certain specified reasons. (NRS 391.027) **Section** ~~[1 of this bill]~~ **2** requires the Commission to adopt regulations prescribing the qualifications for licensing teachers and administrators pursuant to an alternative route to licensure and sets forth certain requirements that must be specified in those regulations, including: (1) that the required education and training may be provided by any qualified provider that has been approved by the Commission, including institutions of higher education and other providers that operate independently of an institution of higher education; (2) that the education and training required under the alternative route to licensure may be completed in 2 years or less; and (3) that, upon completion by a person of the education and training

required under the alternative route to licensure and the satisfaction of all other requirements for licensure, the person must be issued a regular license. **Section ~~[5]~~ 6** of this bill requires the Commission to adopt the regulations on or before December 31, 2011.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. **Chapter 391 of NRS is hereby amended by adding thereto a new section to read as follows:**

1. The State Board shall, on an annual basis, evaluate each provider approved by the State Board or the Commission to offer a course of study or training designed to qualify a person to be a teacher or administrator or to perform other educational functions, including, without limitation, a qualified provider approved by the Commission pursuant to subparagraph (1) of paragraph (a) of subsection 1 of NRS 391.019. The evaluation must include, without limitation, for each provider, the number of persons:

(a) Who received a license pursuant to this chapter after completing the course of study or training offered by the provider; and

(b) Identified in paragraph (a) who are employed by a school district or a charter school in this State after receiving a license and information relating to the performance evaluations of those persons conducted by the school district or charter school. The information relating to the performance evaluations must be reported in an aggregated format and not reveal the identity of a person.

2. The Department shall post on its Internet website the evaluation conducted pursuant to subsection 1.

~~[Section 1.]~~ ***Sec. 2.*** NRS 391.019 is hereby amended to read as follows:

391.019 1. Except as otherwise provided in NRS 391.027, the Commission ~~[~~**:**

~~(a) Shall~~] ***shall*** adopt regulations:

~~[(1)]~~ ***(a)*** Prescribing the qualifications for licensing teachers and other educational personnel, including, without limitation, the qualifications for a license to teach middle school or junior high school education, and the procedures for the issuance and renewal of those licenses. The regulations ~~[must]~~ ***:***

(1) Must include, without limitation, the qualifications for licensing teachers and administrators pursuant to an alternative route to licensure which provides that the required education and training may be provided by any qualified provider that has been approved by the Commission, including, without limitation, institutions of higher education and other

providers that operate independently of an institution of higher education. The regulations adopted pursuant to this subparagraph must:

(I) Establish the requirements for approval as a qualified provider;

(II) Require a qualified provider to be selective in its acceptance of students;

(III) Require a qualified provider to provide supervised, school-based experiences and ongoing support for its students, such as mentoring and coaching;

(IV) Significantly limit the amount of course work required or provide for the waiver of required course work for students who achieve certain scores on tests;

(V) Allow for the completion in 2 years or less of the education and training required under the alternative route to licensure; ~~*[and]*~~

(VI) ***Provide that a person who has completed the education and training required under the alternative route to licensure and who has satisfied all other requirements for licensure may apply for a regular license pursuant to sub-subparagraph (VII) regardless of whether the person has received an offer of employment from a school district, charter school or private school; and***

(VII) Upon the completion by a person of the education and training required under the alternative route to licensure and the satisfaction of all other requirements for licensure, provide for the issuance of a regular license to the person pursuant to the provisions of this chapter and the regulations adopted pursuant to this chapter.

(2) Must not prescribe qualifications which are more stringent than the qualifications set forth in NRS 391.0315 for a licensed teacher who applies for an additional license in accordance with that section.

~~[(2)]~~ ***(b)*** Identifying fields of specialization in teaching which require the specialized training of teachers.

~~[(3)]~~ ***(c)*** Except as otherwise provided in NRS 391.125, requiring teachers to obtain from the Department an endorsement in a field of specialization to be eligible to teach in that field of specialization.

~~[(4)]~~ ***(d)*** Setting forth the educational requirements a teacher must satisfy to qualify for an endorsement in each field of specialization.

~~[(5)]~~ ***(e)*** Setting forth the qualifications and requirements for obtaining a license or endorsement to teach American Sign Language, including, without limitation, being registered with the Aging and Disability Services Division of the Department of Health and Human Services pursuant to NRS 656A.100 to engage in the practice of interpreting in an educational setting.

~~[(6)]~~ ***(f)*** Requiring teachers and other educational personnel to be registered with the Aging and Disability Services Division pursuant to

NRS 656A.100 to engage in the practice of interpreting in an educational setting if they:

~~[(I)]~~ ***(1)*** Provide instruction or other educational services; and

~~[(II)]~~ ***(2)*** Concurrently engage in the practice of interpreting, as defined in NRS 656A.060.

~~[(7)]~~ ***(g)*** Providing for the issuance and renewal of a special qualifications license to an applicant who holds a bachelor's degree, a master's degree or a doctoral degree from an accredited degree-granting postsecondary educational institution in a field for which the applicant will provide instruction in a classroom and who has:

~~[(I)]~~ ***(1)*** At least 2 years of experience teaching at an accredited degree-granting postsecondary educational institution in a field for which the applicant will provide instruction in a classroom and at least 3 years of experience working in that field; or

~~[(II)]~~ ***(2)*** At least 5 years of experience working in a field for which the applicant will provide instruction in a classroom.

➥ An applicant for licensure pursuant to this ~~[subparagraph]~~ ***paragraph*** who holds a bachelor's degree must submit proof of participation in a program of student teaching or mentoring or agree to participate in a program of mentoring or courses of pedagogy for the first 2 years of the applicant's employment as a teacher with a school district or charter school.

~~[(8)]~~ ***(h)*** Requiring an applicant for a special qualifications license to:

~~[(I)]~~ ***(1)*** Pass each examination required by NRS 391.021 for the specific subject or subjects in which the applicant will provide instruction; or

~~[(II)]~~ ***(2)*** Hold a valid license issued by a professional licensing board of any state that is directly related to the subject area of the bachelor's degree, master's degree or doctoral degree held by the applicant.

~~[(9)]~~ ***(i)*** Setting forth the subject areas that may be taught by a person who holds a special qualifications license, based upon the subject area of the bachelor's degree, master's degree or doctoral degree held by that person.

~~[(10)]~~ ***(j)*** Providing for the issuance and renewal of a special qualifications license to an applicant who:

~~[(I)]~~ ***(1)*** Holds a bachelor's degree or a graduate degree from an accredited college or university in the field for which the applicant will be providing instruction;

~~[(II)]~~ ***(2)*** Is not licensed to teach public school in another state;

~~[(III)]~~ ***(3)*** Has at least 5 years of experience teaching with satisfactory evaluations at a school that is accredited by a national or regional accrediting agency recognized by the United States Department of Education; and

~~[(IV)]~~ ***(4)*** Submits proof of participation in a program of student teaching or mentoring or agrees to participate in a program of mentoring for

the first year of the applicant's employment as a teacher with a school district or charter school if the applicant holds a graduate degree or, if the applicant holds a bachelor's degree, submits proof of participation in a program of student teaching or mentoring or agrees to participate in a program of mentoring or courses of pedagogy for the first 2 years of his or her employment as a teacher with a school district or charter school.

➥ An applicant for licensure pursuant to this ~~[subparagraph]~~ ***paragraph*** is exempt from each examination required by NRS 391.021 if the applicant successfully passed the examination in another state.

~~[(b) May]~~

2. Except as otherwise provided in NRS 391.027, the Commission may adopt such other regulations as it deems necessary for its own government or to carry out its duties.

~~[2.]~~ ***3.*** Any regulation which increases the amount of education, training or experience required for licensing:

(a) Must, in addition to the requirements for publication in chapter 233B of NRS, be publicized before its adoption in a manner reasonably calculated to inform those persons affected by the change.

(b) Must not become effective until at least 1 year after the date it is adopted by the Commission.

(c) Is not applicable to a license in effect on the date the regulation becomes effective.

~~[3.]~~ ***4.*** A person who is licensed pursuant to ~~[subparagraph (7) or (10) of]~~ paragraph ~~[(a)]~~ ***(g) or (j)*** of subsection 1:

(a) Shall comply with all applicable statutes and regulations.

(b) Except as otherwise provided by specific statute, is entitled to all benefits, rights and privileges conferred by statutes and regulations on licensed teachers.

(c) Except as otherwise provided by specific statute, if the person is employed as a teacher by the board of trustees of a school district or the governing body of a charter school, is entitled to all benefits, rights and privileges conferred by statutes and regulations on the licensed employees of a school district or charter school, as applicable.

~~[Sec. 2.]~~ ***Sec. 3.*** NRS 391.021 is hereby amended to read as follows:

391.021 Except as otherwise provided in ~~[subparagraph (10) of]~~ paragraph ~~[(a)]~~ ***(j)*** of subsection 1 of NRS 391.019 and NRS 391.027, the Commission shall adopt regulations governing examinations for the initial licensing of teachers and other educational personnel. The examinations must test the ability of the applicant to teach and the applicant's knowledge of each specific subject he or she proposes to teach. Each examination must include the following subjects:

1. The laws of Nevada relating to schools;

2. The Constitution of the State of Nevada; and

3. The Constitution of the United States.

➥ The provisions of this section do not prohibit the Commission from adopting regulations pursuant to subsection 2 of NRS 391.032 that provide an exemption from the examinations for teachers and other educational personnel from another state if the Commission determines that the examinations required for initial licensure for teachers and other educational personnel in that state are comparable to the examinations required for initial licensure in this State.

~~[Sec. 3.]~~ ***Sec. 4.*** NRS 391.031 is hereby amended to read as follows:

391.031 There are the following kinds of licenses for teachers and other educational personnel in this State:

1. A license to teach elementary education, which authorizes the holder to teach in any elementary school in the State.

2. A license to teach middle school or junior high school education, which authorizes the holder to teach in his or her major or minor field of preparation or in both fields in grades 7, 8 and 9 at any middle school or junior high school. He or she may teach only in these fields unless an exception is approved pursuant to regulations adopted by the Commission.

3. A license to teach secondary education, which authorizes the holder to teach in his or her major or minor field of preparation or in both fields in any secondary school. He or she may teach only in these fields unless an exception is approved pursuant to regulations adopted by the Commission.

4. A special license, which authorizes the holder to teach or perform other educational functions in a school or program as designated in the license.

5. A special license designated as a special qualifications license, which authorizes the holder to teach only in the grades and subject areas designated in the license. A special qualifications license is valid for 3 years and may be renewed in accordance with the applicable regulations of the Commission adopted pursuant to ~~[~~subparagraph (7) or (10) of~~]~~ paragraph ~~[~~(a)~~]~~ ***(g) or (j)*** of subsection 1 of NRS 391.019.

~~[Sec. 4.]~~ ***Sec. 5.*** NRS 391.037 is hereby amended to read as follows:

391.037 1. The State Board shall:

(a) Prescribe by regulation the standards for approval of a course of study or training offered by an educational institution to qualify a person to be a teacher or administrator or to perform other educational functions.

(b) Maintain descriptions of the approved courses of study required to qualify for endorsements in fields of specialization and provide to an applicant, upon request, the approved course of study for a particular endorsement.

2. Except for an applicant who submits an application for the issuance of a license pursuant to subparagraph ~~[(7) or (10)]~~ ***(1)*** of paragraph (a) ***or paragraph (g) or (j)*** of subsection 1 of NRS 391.019, an applicant for a license as a teacher or administrator or to perform some other educational function must submit with his or her application, in the form prescribed by the Superintendent of Public Instruction, proof that the applicant has satisfactorily completed a course of study and training approved by the State Board pursuant to subsection 1.

~~[Sec. 5.]~~ ***Sec. 6.*** The Commission on Professional Standards in Education shall, on or before December 31, 2011, adopt the regulations required by the provisions of subparagraph (1) of paragraph (a) of subsection 1 of NRS 391.019, as amended by section ~~[1]~~ **2** of this act.

~~[Sec. 6.]~~ ***Sec. 7.*** This act becomes effective on July 1, 2011.

Assemblyman Bobzien moved that the Assembly concur in the Senate Amendment No. 727 to Assembly Bill No. 230.

Remarks by Assemblyman Bobzien.

Motion carried by a constitutional majority.

Bill ordered enrolled.

REPORTS OF CONFERENCE COMMITTEES

Mr. Speaker:

The Conference Committee concerning Assembly Bill No. 77, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that Amendment No. 617 and 772 of the Senate be concurred in.

MAGGIE CARLTON	MICHAEL SCHNEIDER
PEGGY PIERCE	SHIRLEY BREEDEN
TOM GRADY	MICHAEL ROBERSON
Assembly Conference Committee	*Senate Conference Committee*

Assemblywoman Carlton moved that the Assembly adopt the report of the Conference Committee concerning Assembly Bill No. 77.

Remarks by Assemblywoman Carlton.

Motion carried by a constitutional majority.

REMARKS FROM THE FLOOR

Mr. Speaker requested the privilege of the Chair for the purpose of making the following remarks.

You might have realized it, or not, that we will be pretty much done here in about four hours, so I would like to say a few words before that happens.

Let me begin by saying it has been a pleasure to serve with all of you. The people of Nevada put a great trust in us and all of you lived up to that trust this session by the way you have conducted yourselves, stood up for your principles, and contributed to the good of our state.

I want to express my thanks to all of you for allowing me the honor of serving as Speaker of the Assembly. It has been an incredible privilege and a remarkable experience—one that I think has made me a better lawmaker, a better public servant, and, I hope, a better colleague.

This is both my first and my last session as Speaker, so your confidence means all the more to me. It is hard to believe that I will never again be elected to the people's house. And it's even harder to believe that it has been more than ten years since I sat in these chambers for the first time. I cannot help but feel a little nostalgic. My first session was back in 2001. Back then, I was a fire captain, a law student, and a bachelor. I had not yet served with Barbara Buckley, and so I thought I knew a few things, and I was prepared to share my obvious wisdom.

And you all have probably seen what I looked like ten years ago—I am convinced those pictures on the wall outside the door here remind us that once upon a time we were thinner and we had bad haircuts. If this process does not keep you humble, those pictures will.

Whatever I thought I knew when I started, I quickly discovered how much more there was to learn. I am excited for those of you who are new to this body, for the experiences, the opportunities you will have, and for all the things you will accomplish.

I now leave this body as a fire chief, husband, and father. And I leave more optimistic than ever that our state can rise to meet the challenges it faces.

In my decade of service, the legislature has taken up many difficult issues and contentious pieces of legislation. Some of those issues we still struggle with. We grappled with property tax caps and a shortage of affordable housing, and less than four years later we were tackling a foreclosure crisis. We confronted the painful realities of September 11th and enacted legislation to guard against domestic terrorism in response. We took up identity theft, predatory lending, clean energy, economic development, cybercrime, child welfare, and the rising costs of prescription drugs. And we faced the most difficult challenge of all: the Great Recession.

In these times of uncertainty, we continued to push forward with needed reforms.

We required greater transparency and accountability for the taxes owed, tax abatements, and grants and leases. We increased transparency for the use of state money and established penalties for those who abuse state funds. These reforms will engage the public in the process of setting our state's spending priorities in a meaningful way and ensure that our tax dollars are spent with the greatest efficiency, thoughtfulness and accountability.

Going forward, state agencies will be required to engage in long-term planning. Performance-based budgeting requires that we set priorities and then budget towards those goals. This will result in the improvement of worthwhile programs and the elimination of programs, agencies, boards and commissions that are not moving our state forward or serving our citizens efficiently or effectively.

We have also taken strides to make the purchasing and the delivery of health care more open and transparent than ever before. Now, consumers will have online access to critical information about health insurance policies, rates, and loss ratios. Medical facilities will be required to adopt safety checklists for health care providers and make public their rates of medical errors and the measures that have been taken to prevent them. This will result in safer, less costly health care for all Nevadans.

I am particularly proud we enacted sweeping education reforms, holding teachers and administrators accountable for their performance and rewarding educators who improve student achievement. We have done this with one goal in mind: a brighter future for our children. Because of these reforms, Nevada's children—our state's future leaders—will have greater opportunity than ever before.

We established a bidder's preference for companies that hire Nevada workers and purchase locally. This will put more Nevadans back to work and keep taxpayer dollars in our state's economy.

Nevada's families are still hurting from the Great Recession. There are still far too many people out of work and under water in their homes. But there are positive signs. Jobs and foreclosure rates have turned the corner. Thanks to your hard work and many of the policies we put in place, the recovery will continue.

Long before this legislative session started, facing the biggest budget deficit in the nation, we knew that we needed to get to work together to find common ground.

The gravity of the situation demanded we come together as Nevadans and pass legislation to boost our economy and address the budget shortfall, and I think we have done just that.

I commend this body, and Governor Sandoval, as well, for knowing that extraordinary circumstances require an open mind, cooperation, and statesmanship.

We proved the pessimists wrong. They said we would simply be too far apart from each other to reach a budget agreement. They said it could not be done. They forgot we were Nevadans first.

We are defined by our principles, not our party and by our passion for our state, not our ideologies.

In reaching a budget agreement, we preserved funding for education—the key to our economic recovery.

We laid the foundation for long term reform.

We came together when we needed to most.

We passed a balanced budget.

No one in this body is comfortable with the cuts we had to make to a state budget that was already lean from the impact of a three-year recession.

We know these cuts have real consequences. We know what they mean for our schools, our seniors, our disabled, and our disadvantaged.

We produced a balanced budget under these difficult circumstances. However, our state's future success demands that we not continue on this path.

We need to change the way Nevada funds its priorities. We have heard from our business communities that they need a Nevada with an educated work force and a broader, more stable tax base.

A Nevada where citizens have access to exceptional educational opportunities and access to services that provides a great quality of life. These are the elements needed to attract the types of industries Nevada needs to grow and diversify. That is the business-friendly environment that we must build.

We introduced a sound plan to reform our antiquated and volatile tax structure. This plan should be the starting point for a serious discussion of how to fund our state.

We started the discussion, and it is up to you who remain here to carry it on, to keep Nevada on a course to long-term economic growth and stability.

I would like to take a moment to recognize some of you who will remain in this chamber.

Majority leader Conklin coordinated our committees and our floor sessions, all the while sponsoring legislation to spur business growth and protect consumers. We could not have had such a smooth legislative session without him. I appreciate it.

Speaker pro tempore Debbie Smith, you spearheaded our education reform efforts, which led to better learning environments for our children. From your post as the chair of the Committee on Ways and Means, you conducted a thorough review of our state's spending and sponsored legislation to make government more efficient, effective, and transparent. I thank you.

Assemblywoman Marilyn Kirkpatrick–you chaired two committees, and you're probably chairing six more tonight. She reinforced her reputation as one of the toughest and most effective chairs in the building, while mentoring a bunch of our new legislators. I appreciate that as well.

I need to mention our whips, as well. Their efforts to coordinate the votes and the caucuses were an integral part of the success of this session. Without the help of William Horne, Kelvin Atkinson, Peggy Pierce, and David Bobzien we couldn't have accomplished what we did this session, so I want to thank them as well.

I'm also grateful to minority leader Goicoechea and his team. We had our differences, but we always worked together to resolve those that we could, and to accept and move on from those that we couldn't. I appreciate that. Thank you, Pete.

Also, I want to recognize the 20 freshmen legislators. I think in the toughest legislative session in recent memory, with the biggest budget deficit the state has ever seen, you have

served your state with honor and great distinction. All of you now will be, as of about four hours from now, veteran legislators. I know you will continue to make great contributions to Nevada. So, a thank you to the 20 new people, as well.

I would like to just thank everyone else in the room. You have worked so hard for your constituents and you did your job to the fullest. I think we were successful, so let's give everybody a big hand as well.

We could have never accomplished that without the tremendous support of our dedicated staff, as well. Fiscal, Legal, Research—all the divisions—assisted us in getting this job done. I would also like to include in that my leadership office staff that has worked long hours over the past few months with an expanded role this session. Without all those dedicated staff, we certainly couldn't have accomplished it as well. To the staff again, thank you. I am also just tremendously proud of all the citizens of our state who made their voices heard this session. They called. They e-mailed. They wrote. They even traveled hundreds of miles to sleep on the lawn outside. They reminded us every day of why we are all here, and that this is truly the people's house.

On a personal level, I owe a lot of thanks to my wife, Janie, for her support. She has put up with an absentee husband and co-parent for four long months. She's flying now, working or she would be here. I look forward to seeing her instead of being here with all of you–sorry.

Finally, I want to leave you with a reminder to not let the challenges of the work ahead limit what can be achieved. You are all promising leaders. In this body I see great possibility and a bright future for our state.

I am proud to have been your Speaker, and I will serve with you in the trenches anytime.

Thank you.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 8:24 p.m.

ASSEMBLY IN SESSION

At 8:49 p.m.

Mr. Speaker presiding.

Quorum present.

ASSEMBLYWOMAN SMITH:

Thank you, Mr. Speaker. Everything has sort of been said here already, I think, by the video and the comments that many of my colleagues made, but I do want to thank you for your leadership during this legislative session and before. You and I came in together 12 years ago in a class of three and so we had to sort of learn more by the seat of our pants than most did because there were so few of us. You have demonstrated extraordinary leadership in the 12 years that you have been in this body. You quickly accelerated into a leadership position and served us well and served the residents of this state well by demonstrating that leadership.

I have always said that what you do in your working life in the fire department has really been great here because it is always crisis management, it seems like. You are pretty unflappable. You keep us running on time, you keep this ship headed in the right direction all the time, and you are respectful to all of us. I think you rule with a firm hand, but your ideals, your love for this state, and your generosity in helping all of us maintain our personal lives, and your values for your family extend to all of us. Seeing you with Jackson up at the podium, as my colleague from Elko mentioned, is something that all of the members of this body with young children especially can really hold dear, because it will, I think, serve everyone in the future as well.

I thank you for the time that you have committed to this state, particularly in this very difficult legislative session. What you have extended to me and the opportunities you have given me will not be forgotten. Thank you for your leadership.

ASSEMBLYMAN STEWART:

Let's cut to the chase. Of the 22 of us who came back this session, the question on all our minds and on the minds of all these lobbyists up here was, "Can Johnny O. measure up to the previous Speaker? After two firm sessions with Speaker Buckley, who was a strong Speaker, could you measure up? Could you fill the seat?" That was our question. And let me tell you the answer to that—you filled it with dignity, with honor, with humor, and with respect. So the resounding answer is, "Johnny O. filled the seat of Barbara Buckley and did it with great, great, distinction."

ASSEMBLYWOMAN KIRKPATRICK:

I, too, want to tell you that since I have been here I have learned a great deal from you. You have taught me that I cannot always wear my passion on my sleeve, but I can make my voice heard. Just the time you have spent to tell me how to get things done and to give me the ability to get them done and have the confidence in me has been great.

My first session, I remember the first thing that we were told was freshmen were to be seen and not heard. I took that literally and I really never came off the 4th floor. But you did reach out to me my very first session and said, "What can I do to help you reach your goals?" My second session you called, and you asked where I wanted to go, what was my future for the legislature, what were my plans, and I told you. You were instrumental in making sure those things happened. I am not sure local government agrees that you did a good enough job, but I just think that you have allowed all of us in this building to excel. I believe you have a great future and you have two beautiful kids—one on the way—a great wife and a great family. I think that what you have brought to this building will stay with this building, and the freshmen are fortunate to have you as their Speaker.

ASSEMBLYMAN CONKLIN:

Thank you, Mr. Speaker. I have remarks for later, but I wanted to add a few personal ones, if I may. We have been working together fairly closely for some time now. I certainly appreciate all the mentorship and all of the teaching that you have shared with me.

I would rather, quite frankly, share a little bit of a personal story with the body, because sometimes in this building you really do not get to know each other well enough. We do not realize that we have lives outside this building, and we do other things and sometimes the measure of a person is not what they do in this building; it is what they do outside this building that transfers to their actions in here.

I guess the reason I say that is because last interim our offices were very close to each other, right down Losee Road a couple of blocks. I was coming back from a business meeting and there happened to be a fire chief's vehicle driving in front of me. I was about one block from my office and the fire chief's truck slammed on its brakes. Out jumped a man in a suit and ran around the car. I think he just remembered the day. Of course, naturally, I was driving too fast on the road and I almost hit the fire chief's truck, but that is beside the point. The gentleman ran around the car, and as I slowed down and pulled around, there had been a bicyclist who had been hit by a vehicle. There was lady who lay in the street with the bicycle. As I got a little bit further around and took a good close look, it was the Speaker who happened to be in a business suit. I am sure he was headed to a meeting because he is not normally on the fire truck. It didn't matter, that was his job—stop, apply first aid, call for help. I think it was at that moment when I realized what a treasure and a talent—and what type of person and human being you are and why you do the things that you have done as part of this body. Once again, I am honored.

Thank you.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 8:56 p.m.

ASSEMBLY IN SESSION

At 9:17 p.m.
Mr. Speaker presiding.
Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Senate Bill No. 75, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

Also, your Committee on Government Affairs, to which was referred Senate Bill No. 271, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MARILYN K. KIRKPATRICK, *Chair*

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Senate Bill No. 427, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DEBBIE SMITH, *Chair*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 6, 2011

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted the report of the Conference Committee concerning Assembly Bill No. 240.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the Conference Committee concerning Assembly Bill No. 282.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

GENERAL FILE AND THIRD READING

Senate Bill No. 75.

Bill read third time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 945.

AN ACT relating to public financial administration; establishing a program to provide private equity funding to businesses engaged in certain industries in this State; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the State is prohibited from donating or loaning state money or credit, or subscribing to or being interested in the stock of any company, association or corporation, except a corporation that is formed for educational or charitable purposes. (Nev. Const. Art. 8, § 9) Existing law also requires the State Treasurer to negotiate for the investment of money in the State Permanent School Fund. However, the State Treasurer is prohibited from making certain investments unless he or she obtains a judicial determination that such an investment does not violate the provisions of Section 9 of Article 8 of the Nevada Constitution. (NRS 355.060)

Section 5.3 of this bill requires the State Treasurer to form an independent corporation for public benefit, the purpose of which is to act as a limited partner of limited partnerships or a shareholder or member of limited-liability companies that provide private equity funding to businesses that engage in certain industries. Section 5.3 further enacts provisions governing the composition and duties and responsibilities of the board of directors of the corporation for public benefit. Sections 6 and 8 of this bill ~~[require]~~ **authorize** the State Treasurer ~~[, at the direction of the Commission on Economic Development,]~~ to invest an amount not to exceed $50 million of the money in the State Permanent School Fund to provide private equity funding to businesses engaged in certain industries that are located or seeking to locate in Nevada. **Section 7 of this bill prescribes the duties and powers of the State Treasurer with respect to the adoption of regulations and the implementation of the provisions of this bill.**

WHEREAS, NRS 355.060 authorizes the State Treasurer to invest money in the State Permanent School Fund in certain investments; and

WHEREAS, The State Treasurer seeks to invest money in the State Permanent School Fund in accordance with sound and prudent investment principles which include a primary emphasis on the preservation of assets followed by an emphasis on return; and

WHEREAS, A greater return on Permanent School Fund money invested by the State Treasurer will have a direct beneficial impact on Nevada schools and students; and

WHEREAS, The availability of private equity funding for investment in health care and life sciences, cyber security, homeland security and defense, alternative energy, advanced materials and manufacturing, information technology and other industries critical to economic development in this State would assist the State of Nevada in diversifying the economic base of the State; and

WHEREAS, The availability of private equity funding for investment in health care and life sciences, cyber security, homeland security and defense, alternative energy, advanced materials and manufacturing, information

technology and other industries critical to economic development in this State would attract new businesses and investment to the State of Nevada, resulting in high-paying, quality jobs; and

WHEREAS, The availability of private equity funding for investment in health care and life sciences, cyber security, homeland security and defense, alternative energy, advanced materials and manufacturing, information technology and other industries critical to economic development in this State would create greater exposure for institutions of the Nevada System of Higher Education through expanded projects designed around health care and life sciences, cyber security, homeland security and defense, alternative energy, advanced materials and manufacturing, information technology and other industries critical to economic development in this State; and

WHEREAS, The availability of private equity funding for investment in health care and life sciences, cyber security, homeland security and defense, alternative energy, advanced materials and manufacturing, information technology and other industries critical to economic development in this State would encourage innovation and cooperation among institutions of the Nevada System of Higher Education and private sector businesses located in the State of Nevada; and

WHEREAS, The availability of private equity funding for investment in health care and life sciences, cyber security, homeland security and defense, alternative energy, advanced materials and manufacturing, information technology other industries critical to economic development in this State would increase the ability of institutions of the Nevada System of Higher Education, businesses in the State of Nevada and nonprofit corporations and organizations in the State of Nevada to compete more successfully for federal and private research and development funding; and

WHEREAS, The availability of private equity funding for investment in health care and life sciences research and development would provide for advanced medical care being available to people living in and visiting the State of Nevada; and

WHEREAS, The State of Nevada, through the establishment of methods to provide private equity funding to businesses in this State, would provide economic growth and world-class medical care and training and would assist in the creation of high-paying, quality jobs for people living in the State of Nevada; now, therefore,

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 355 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 7, inclusive, of this act.

Sec. 2. ***As used in sections 2 to 7, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections [~~3.5 and~~] 3.7, 4 and 4.5 of this act have the meanings ascribed to them in those sections.***

Sec. 3. (Deleted by amendment.)

Sec. 3.5. ***[~~"Commission" means the Commission on Economic Development or its successor.~~]*** **(Deleted by amendment.)**

Sec. 3.7. ***"Corporation for public benefit" means a corporation that is recognized as exempt pursuant to section 501(c)(3) of the Internal Revenue Code of 1986, future amendments to that section and the corresponding provisions of future internal revenue laws.***

Sec. 4. ***"Private equity funding" means an investment in or a purchase of securities in operating businesses that are not publicly traded on a stock exchange.***

Sec. 4.5. ***"Venture capital" means equity, near-equity and seed capital financing, including, without limitation, early stage research and development capital for start-up enterprises, and other equity, near-equity or seed capital for growth and expansion of entrepreneurial enterprises.***

Sec. 5. (Deleted by amendment.)

Sec. 5.3. ***1. The State Treasurer shall cause to be formed in this State an independent corporation for public benefit, the general purpose of which is to act as a limited partner of limited partnerships or a shareholder or member of limited-liability companies that provide private equity funding to businesses:***

(a) Located in this State or seeking to locate in this State; and

(b) Engaged primarily in one or more of the following industries:

(1) Health care and life sciences.

(2) Cyber security.

(3) Homeland security and defense.

(4) Alternative energy.

(5) Advanced materials and manufacturing.

(6) Information technology.

(7) Any other industry that the board of directors of the corporation for public benefit determines will likely meet the targets for investment returns established by the corporation for public benefit for investments authorized by sections 2 to 7, inclusive, of this act and comply with sound fiduciary principles.

2. The corporation for public benefit created pursuant to subsection 1 must have a board of directors consisting of:

(a) Five members from the private sector who have at least 10 years of experience in the field of investment, finance or banking and who are appointed for a term of 4 years as follows:

(1) One member appointed by the Governor;

(2) One member appointed by the Senate Majority Leader;

(3) One member appointed by the Speaker of the Assembly;

(4) One member appointed by the Senate Minority Leader; and

(5) One member appointed by the Assembly Minority Leader;

(b) The Chancellor of the Nevada System of Higher Education or his or her designee;

(c) The State Treasurer; and

(d) With the approval a majority of the members of the board of directors described in subparagraphs (1), (2) and (3), up to 5 additional members who are direct investors in the corporation for public benefit.

3. Vacancies in the appointed positions on the board of directors of the corporation for public benefit created pursuant to subsection 1 must be filled by the appointing authority for the unexpired term.

4. The State Treasurer shall serve as chair of the board of directors of the corporation for public benefit created pursuant to subsection 1.

5. The members of the board of directors of the corporation for public benefit must serve without compensation but are entitled to be reimbursed for actual and necessary expenses incurred in the performance of their duties, including, without limitation, travel expenses.

6. A member of the board of directors of the corporation for public benefit created pursuant to subsection 1 must not have an equity interest in any:

(a) External asset manager or venture capital or private equity investment firm contracting with the board pursuant to section 5.7 of this act; or

(b) Business which receives private equity funding pursuant to sections 2 to 7, inclusive, of this act.

7. The board of directors of the corporation for public benefit created pursuant to subsection 1 shall:

(a) Comply with the provisions of chapter 281A of NRS.

(b) Meet at least quarterly and conduct any meetings of the board of directors in accordance with chapter 241 of NRS.

(c) Review the performance of all external asset managers and venture capital and private equity investment firms contracting with the corporation for public benefit pursuant to section 5.7 of this act.

(d) On or before December 1 of each year, provide an annual report to the Governor and the Director of the Legislative Counsel Bureau for transmission to the next session of the Legislature, if the report is submitted in an even-numbered year or to the Legislative Commission, if the report is submitted in an odd-numbered year. The report must include, without limitation:

(1) An accounting of all money received and expended by the corporation for public benefit, including, without limitation, any matching grant funds, gifts or donations; and

(2) The name and a brief description of all businesses receiving an investment of money pursuant to the provisions of sections 2 to 7, inclusive, of this act.

Sec. 5.7. 1. The corporation for public benefit may place investments through the use or assistance of:

(a) External asset managers; or

(b) Private equity investment firms.

2. Money received pursuant to section 6 of this act by the corporation for public benefit may be used to make venture capital investments.

Sec. 6. ~~*[1. At the direction of the Commission,]*~~ ***If the State Treasurer*** ~~*[shall invest]*~~ ***obtains the judicial determination required by subsection 3 of NRS 355.060, the State Treasurer may transfer an amount not to exceed $50 million from the State Permanent School Fund*** ~~*[in]*~~ ***to the corporation for public benefit. Such a transfer must be made pursuant to an agreement that requires the corporation for public benefit to:***

1. Provide, through the limited partnerships or limited-liability companies ~~*[that provide]*~~ ***described in subsection 1 of section 5.3 of this act, private equity funding ; and***

2. Ensure that at least 70 percent of all private equity funding provided by the corporation for public benefit is provided to businesses:

(a) Located in this State or seeking to locate in this State; and

(b) Engaged primarily in one or more of the following industries:

(1) Health care and life sciences.

(2) Cyber security.

(3) Homeland security and defense.

(4) Alternative energy.

(5) Advanced materials and manufacturing.

(6) Information technology.

(7) Any other industry that the ~~*[Commission determines to be critical to the economic development of this State.*~~

~~*2. The Commission shall ensure that at least 70 percent of all money invested pursuant to subsection 1 is provided to businesses:*~~

~~*(a) Located in this State or seeking to locate in this State; and*~~

~~*(b) Engaged primarily in one or more of the following industries:*~~

~~*(1) Health care and life sciences.*~~

~~*(2) Cyber security.*~~

~~*(3) Homeland security and defense.*~~

~~*(4) Alternative energy.*~~

~~*(5) Advanced materials and manufacturing.*~~

~~*(6) Information technology.*~~

~~*(7) Any other industry that the Commission determines to be critical to the economic development of this State.*~~

~~*3. Investments made pursuant to this section may be placed through the use or assistance of:*~~

~~*(a) External asset managers; or*~~

~~*(b) Private equity investment firms.*~~

~~*4. Money invested pursuant to this section may not be used to make venture capital investments.*~~

~~*5. As used in this section, "venture capital" means equity, near equity and seed capital financing, including, without limitation, early stage research and development capital for start-up enterprises, and other equity, near equity or seed capital for growth and expansion of entrepreneurial enterprises.]*~~ ***board of directors of the corporation for public benefit determines will likely meet the targets for investment returns established by the corporation for public benefit for investments authorized by sections 2 to 7, inclusive, of this act and comply with sound fiduciary principles.***

Sec. 7. ***The State Treasurer*** ~~*[shall:]*~~ ***:***

1. ~~*[Adopt]*~~ ***May adopt*** ***such regulations as he or she deems necessary to carry out the provisions of sections 2 to 7, inclusive, of this act*** ***.*** ~~*[, including, without limitation, the]*~~

2. Shall adopt regulations:

(a) Requiring the performance of ~~*[such]*~~ ***audits and the submission of*** ~~*[such]*~~ ***reports*** ~~*[as he or she deems appropriate]*~~ ***to ensure compliance with the provisions of sections 2 to 7, inclusive, of this act and the regulations adopted pursuant to this section*** ~~*[. The regulations may]*~~ ***;***

(b) Providing for appropriate leveraging of investments to ensure that investments consist of money transferred from the State Permanent School Fund pursuant to section 6 of this act and money from private sources;

(c) Establishing a range or cap on servicing fees;

(d) Establishing limits on the amount or percentage of investment in a single venture capital project or by a fund manager; and

(e) Requiring the return of the corpus of investments after a defined investment period.

3. May adopt regulations which include , without limitation, criteria for determining eligibility for and use of private equity funding, but the Commission must have sole authority for the approval of applications for and the management of private equity funding provided pursuant to sections 2 to 7, inclusive, of this act.

~~*[2. Provide]*~~

4. May, by regulation, establish a Business Leadership Council. The members of the Business Leadership Council must serve without compensation and are subject to the provisions of chapter 281A of NRS.

5. Shall provide the ~~[Commission]~~ corporation for public benefit with such assistance as is necessary to carry out the provisions of sections 2 to 7, inclusive, of this act and comply with the regulations adopted pursuant to this section.

6. Shall ensure that businesses receiving venture capital investments pursuant to sections 2 to 7, inclusive, of this act have a presence in this State as evidenced by:

(a) Being domiciled in this State;

(b) Having a headquarters in this State;

(c) Having a significant percentage of employees residing in this State; or

(d) Being in the process of expanding in this State or relocating to this State.

Sec. 8. NRS 355.060 is hereby amended to read as follows:

355.060 1. The State Controller shall notify the State Treasurer monthly of the amount of uninvested money in the State Permanent School Fund.

2. Whenever there is a sufficient amount of money for investment in the State Permanent School Fund, the State Treasurer shall proceed to negotiate for the investment of the money in:

(a) United States bonds.

(b) Obligations or certificates of the Federal National Mortgage Association, the Federal Home Loan Banks, the Federal Home Loan Mortgage Corporation, the Federal Farm Credit Banks Funding Corporation or the Student Loan Marketing Association, whether or not guaranteed by the United States.

(c) Bonds of this state or of other states.

(d) Bonds of any county of the State of Nevada.

(e) United States treasury notes.

(f) Farm mortgage loans fully insured and guaranteed by the ~~[Farmers Home Administration]~~ ***Farm Service Agency*** of the United States Department of Agriculture.

(g) Loans at a rate of interest of not less than 6 percent per annum, secured by mortgage on agricultural lands in this state of not less than three times the value of the amount loaned, exclusive of perishable improvements, of unexceptional title and free from all encumbrances.

(h) Money market mutual funds that:

(1) Are registered with the Securities and Exchange Commission;

(2) Are rated by a nationally recognized rating service as "AAA" or its equivalent; and

(3) Invest only in securities issued or guaranteed as to payment of principal and interest by the Federal Government, or its agencies or instrumentalities, or in repurchase agreements that are fully collateralized by such securities.

(i) Common or preferred stock of a corporation created by or existing under the laws of the United States or of a state, district or territory of the United States, if:

(1) The stock of the corporation is:

(I) Listed on a national stock exchange; or

(II) Traded in the over-the-counter market, if the price quotations for the over-the-counter stock are quoted by the National Association of Securities Dealers Automated Quotations System (NASDAQ);

(2) The outstanding shares of the corporation have a total market value of not less than $50,000,000;

(3) The maximum investment in stock is not greater than 50 percent of the book value of the total investments of the State Permanent School Fund;

(4) Except for investments made pursuant to paragraph (k), the amount of an investment in a single corporation is not greater than 3 percent of the book value of the assets of the State Permanent School Fund; and

(5) Except for investments made pursuant to paragraph (k), the total amount of shares owned by the State Permanent School Fund is not greater than 5 percent of the outstanding stock of a single corporation.

(j) A pooled or commingled real estate fund or a real estate security that is managed by a corporate trustee or by an investment advisory firm that is registered with the Securities and Exchange Commission, either of which may be retained by the State Treasurer as an investment manager. The shares and the pooled or commingled fund must be held in trust. The total book value of an investment made under this paragraph must not at any time be greater than 5 percent of the total book value of all investments of the State Permanent School Fund.

(k) Mutual funds or common trust funds that consist of any combination of the investments listed in paragraphs (a) to (j), inclusive.

(l) The limited partnerships or limited-liability companies described in section 6 of this act.

3. The State Treasurer shall not invest any money in the State Permanent School Fund pursuant to paragraph (i), (j) or (k) of subsection 2 unless the State Treasurer obtains a judicial determination that the proposed investment or category of investments will not violate the provisions of Section 9 of Article 8 of the Constitution of the State of Nevada. The State Treasurer shall contract for the services of independent contractors to manage any

investments of the State Treasurer made pursuant to paragraph (i), (j) or (k) of subsection 2. The State Treasurer shall establish such criteria for the qualifications of such an independent contractor as are appropriate to ensure that each independent contractor has expertise in the management of such investments.

4. In addition to the investments authorized by subsection 2, the State Treasurer may make loans of money from the State Permanent School Fund to school districts pursuant to NRS 387.526.

5. No part of the State Permanent School Fund may be invested pursuant to a reverse-repurchase agreement.

Assemblywoman Kirkpatrick moved the adoption of the amendment.

Remarks by Assemblywoman Kirkpatrick.

Amendment adopted.

Bill ordered to third reading.

Senate Bill No. 271.

Bill read third time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 943.

AN ACT relating to land use planning; providing for the withdrawal of the State of Nevada from the Tahoe Regional Planning Compact under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law sets forth the Tahoe Regional Planning Compact, an interstate agreement between the States of California and Nevada pursuant to which the bistate Tahoe Regional Planning Agency regulates environmental and land-use matters within the Lake Tahoe Basin. (NRS 277.190-277.220) Existing law also provides that if either State withdraws from the Compact, the Nevada Tahoe Regional Planning Agency shall assume the duties and powers of regulating environmental and land-use matters on this State's side of the Lake Tahoe Basin. (NRS 278.826)

This bill provides for the withdrawal of Nevada from the Tahoe Regional Planning Compact unless the governing body of the Tahoe Regional Planning Agency adopts an updated Regional Plan and certain proposed amendments to the Compact are approved pursuant to Public Law 96-551. The proposed amendments to the Compact are: (1) the removal of the supermajority requirement for the governing body of the Agency to establish a quorum; (2) the removal of the supermajority requirement for voting by the governing body; (3) a requirement that the governing body of the Agency consider the changing economic conditions of the Lake Tahoe Basin and amend the Regional Plan, accordingly; and (4) the addition of a provision to

the Compact which sets forth that any person who legally challenges the Regional Plan has the burden of proving the Regional Plan does not comply with the provisions of the Compact. If the Agency does not adopt an updated Regional Plan and the proposed amendments are not approved by October 1, ~~[~~2014,~~]~~ **2015,** Nevada's withdrawal from the Compact will become effective on that date unless the Governor issues a proclamation extending the deadline for withdrawal until October 1, 2017.

This bill also requires the Legislative Committee for the Review and Oversight of the Tahoe Regional Planning Agency and the Marlette Lake Water System to prepare a report detailing certain issues related to ~~[~~Nevada withdrawing from~~]~~ **Nevada's participation in** the Compact. **This bill further directs the Legislative Committee to appoint a delegation to work with a like delegation from the California Legislature to discuss possible changes to the Compact. Additionally, this bill authorizes the Legislative Committee to submit to the 77th Session of the Nevada Legislature (2013) a bill draft request which would have the effect of preventing Nevada's withdrawal from the Compact, if the Legislative Committee determines that Nevada should remain a party to the Compact.**

This bill provides that if Nevada withdraws from the Compact, the Nevada Tahoe Regional Planning Agency will assume the duties and powers currently held by the bistate Agency for the portion of the Lake Tahoe Basin within this State. This bill also establishes temporary measures to ensure that the Nevada Tahoe Regional Planning Agency is able to assume those duties and powers in an orderly manner.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. The State of Nevada hereby withdraws from the Tahoe Regional Planning Compact pursuant to the provisions of subdivision (c) of Article X of the Tahoe Regional Planning Compact.

Sec. 1.5. NRS 277.200 is hereby amended to read as follows:

277.200 The Tahoe Regional Planning Compact is as follows:

Tahoe Regional Planning Compact

ARTICLE I. Findings and Declarations of Policy

(a) It is found and declared that:

(1) The waters of Lake Tahoe and other resources of the region are threatened with deterioration or degeneration, which endangers the natural beauty and economic productivity of the region.

(2) The public and private interests and investments in the region are substantial.

(3) The region exhibits unique environmental and ecological values which are irreplaceable.

(4) By virtue of the special conditions and circumstances of the region's natural ecology, developmental pattern, population distribution and human needs, the region is experiencing problems of resource use and deficiencies of environmental control.

(5) Increasing urbanization is threatening the ecological values of the region and threatening the public opportunities for use of the public lands.

(6) Maintenance of the social and economic health of the region depends on maintaining the significant scenic, recreational, educational, scientific, natural and public health values provided by the Lake Tahoe Basin.

(7) There is a public interest in protecting, preserving and enhancing these values for the residents of the region and for visitors to the region.

(8) Responsibilities for providing recreational and scientific opportunities, preserving scenic and natural areas, and safeguarding the public who live, work and play in or visit the region are divided among local governments, regional agencies, the states of California and Nevada, and the Federal Government.

(9) In recognition of the public investment and multistate and national significance of the recreational values, the Federal Government has an interest in the acquisition of recreational property and the management of resources in the region to preserve environmental and recreational values, and the Federal Government should assist the states in fulfilling their responsibilities.

(10) In order to preserve the scenic beauty and outdoor recreational opportunities of the region, there is a need to insure an equilibrium between the region's natural endowment and its man-made environment.

(b) In order to enhance the efficiency and governmental effectiveness of the region, it is imperative that there be established a Tahoe Regional Planning Agency with the powers conferred by this compact including the power to establish environmental threshold carrying capacities and to adopt and enforce a regional plan and implementing ordinances which will achieve and maintain such capacities while providing opportunities for orderly growth and development consistent with such capacities.

(c) The Tahoe Regional Planning Agency shall interpret and administer its plans, ordinances, rules and regulations in accordance with the provisions of this compact.

ARTICLE II. Definitions

As used in this compact:

(a) "Region," includes Lake Tahoe, the adjacent parts of Douglas and Washoe counties and Carson City, which for the purposes of this compact shall be deemed a county, lying within the Tahoe Basin in the State of Nevada, and the adjacent parts of the Counties of Placer and El Dorado lying within the Tahoe Basin in the State of California, and that additional and adjacent part of the County of Placer outside of the Tahoe Basin in the State of California which lies southward and eastward of a line starting at the intersection of the basin crestline and the north boundary of Section 1, thence west to the northwest corner of Section 3, thence south to the intersection of the basin crestline and the west boundary of Section 10; all sections referring to Township 15 North, Range 16 East, M.D.B. & M. The region defined and described herein shall be as precisely delineated on official maps of the agency.

(b) "Agency" means the Tahoe Regional Planning Agency.

(c) "Governing body" means the governing board of the Tahoe Regional Planning Agency.

(d) "Regional plan" means the long-term general plan for the development of the region.

(e) "Planning commission" means the advisory planning commission appointed pursuant to subdivision (h) of Article III.

(f) "Gaming" means to deal, operate, carry on, conduct, maintain or expose for play any banking or percentage game played with cards, dice or any mechanical device or machine for money, property, checks, credit or any representative of value, including, without limiting the generality of the foregoing, faro, monte, roulette, keno, bingo, fantan, twenty-one, blackjack, seven-and-a-half, big injun, klondike, craps, stud poker, draw poker or slot machine, but does not include social games played solely for drinks, or cigars or cigarettes served individually, games played in private homes or residences for prizes or games operated by charitable or educational organizations, to the extent excluded by applicable state law.

(g) "Restricted gaming license" means a license to operate not more than 15 slot machines on which a quarterly fee is charged pursuant to NRS 463.373 and no other games.

(h) "Project" means an activity undertaken by any person, including any public agency, if the activity may substantially affect the land, water, air, space or any other natural resources of the region.

(i) "Environmental threshold carrying capacity" means an environmental standard necessary to maintain a significant scenic, recreational, educational, scientific or natural value of the region or to maintain public health and

safety within the region. Such standards shall include but not be limited to standards for air quality, water quality, soil conservation, vegetation preservation and noise.

(j) "Feasible" means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social and technological factors.

(k) "Areas open to public use" means all of the areas within a structure housing gaming under a nonrestricted license except areas devoted to the private use of guests.

(l) "Areas devoted to private use of guests" means hotel rooms and hallways to serve hotel room areas, and any parking areas. A hallway serves hotel room areas if more than 50 percent of the areas on each side of the hallway are hotel rooms.

(m) "Nonrestricted license" means a gaming license which is not a restricted gaming license.

ARTICLE III. Organization

(a) There is created the Tahoe Regional Planning Agency as a separate legal entity.

The governing body of the agency shall be constituted as follows:

(1) California delegation:

(A) One member appointed by each of the County Boards of Supervisors of the Counties of El Dorado and Placer and one member appointed by the City Council of the City of South Lake Tahoe. Any such member may be a member of the county board of supervisors or city council, respectively, and shall reside in the territorial jurisdiction of the governmental body making the appointment.

(B) Two members appointed by the Governor of California, one member appointed by the Speaker of the Assembly of California and one member appointed by the Senate Rules Committee of the State of California. The members appointed pursuant to this subparagraph shall not be residents of the region and shall represent the public at large within the State of California.

(2) Nevada delegation:

(A) One member appointed by each of the boards of county commissioners of Douglas and Washoe counties and one member appointed by the board of supervisors of Carson City. Any such member may be a member of the board of county commissioners or board of supervisors, respectively, and shall reside in the territorial jurisdiction of the governmental body making the appointment.

(B) One member appointed by the governor of Nevada, the secretary of state of Nevada or his designee, and the director of the state department of

conservation and natural resources of Nevada or his designee. Except for the secretary of state and the director of the state department of conservation and natural resources, the members or designees appointed pursuant to this subparagraph shall not be residents of the region. All members appointed pursuant to this subparagraph shall represent the public at large within the State of Nevada.

(C) One member appointed for a 1-year term by the six other members of the Nevada delegation. If at least four members of the Nevada delegation are unable to agree upon the selection of a seventh member within 60 days after the effective date of the amendments to this compact or the occurrence of a vacancy on the governing body for that state the governor of the State of Nevada shall make such an appointment. The member appointed pursuant to this subparagraph may, but is not required to, be a resident of the region within the State of Nevada.

(3) If any appointing authority under paragraph (1)(A), (1)(B), (2)(A) or (2)(B) fails to make such an appointment within 60 days after the effective date of the amendments to this compact or the occurrence of a vacancy on the governing body, the governor of the state in which the appointing authority is located shall make the appointment. The term of any member so appointed shall be 1 year.

(4) The position of any member of the governing body shall be deemed vacant if such a member is absent from three consecutive meetings of the governing body in any calendar year.

(5) Each member and employee of the agency shall disclose his economic interests in the region within 10 days after taking his seat on the governing board or being employed by the agency and shall thereafter disclose any further economic interest which he acquires, as soon as feasible after he acquires it. As used in this paragraph, "economic interests" means:

(A) Any business entity operating in the region in which the member or employee has a direct or indirect investment worth more than $1,000;

(B) Any real property located in the region in which the member or employee has a direct or indirect interest worth more than $1,000;

(C) Any source of income attributable to activities in the region, other than loans by or deposits with a commercial lending institution in the regular course of business, aggregating $250 or more in value received by or promised to the member within the preceding 12 months; or

(D) Any business entity operating in the region in which the member or employee is a director, officer, partner, trustee, employee or holds any position of management.

➥ No member or employee of the agency shall make, or attempt to influence, an agency decision in which he knows or has reason to know he has an economic interest. Members and employees of the agency must

disqualify themselves from making or participating in the making of any decision of the agency when it is reasonably foreseeable that the decision will have a material financial effect, distinguishable from its effect on the public generally, on the economic interests of the member or employee.

(b) The members of the agency shall serve without compensation, but the expenses of each member shall be met by the body which he represents in accordance with the law of that body. All other expenses incurred by the governing body in the course of exercising the powers conferred upon it by this compact unless met in some other manner specifically provided, shall be paid by the agency out of its own funds.

(c) Except for the secretary of state and director of the state department of conservation and natural resources of Nevada and the member appointed pursuant to subdivision (a)(2)(C), the members of the governing body serve at the pleasure of the appointing authority in each case, but each appointment shall be reviewed no less often than every 4 years. Members may be reappointed.

(d) The governing body of the agency shall meet at least monthly. All meetings shall be open to the public to the extent required by the law of the State of California or the State of Nevada, whichever imposes the greater requirement, applicable to local governments at the time such meeting is held. The governing body shall fix a date for its regular monthly meeting in such terms as "the first Monday of each month," and shall not change such date more often than once in any calendar year. Notice of the date so fixed shall be given by publication at least once in a newspaper or combination of newspapers whose circulation is general throughout the region and in each county a portion of whose territory lies within the region. Notice of any special meeting, except an emergency meeting, shall be given by so publishing the date and place and posting an agenda at least 5 days prior to the meeting.

(e) The position of a member of the governing body shall be considered vacated upon his loss of any of the qualifications required for his appointment and in such event the appointing authority shall appoint a successor.

(f) The governing body shall elect from its own members a chairman and vice chairman, whose terms of office shall be 2 years, and who may be reelected. If a vacancy occurs in either office, the governing body may fill such vacancy for the unexpired term.

(g) Four ~~*[Eight]*~~ of the members of the governing body from each state constitute a quorum for the transaction of the business of the agency . The voting procedures shall be as follows: ~~*[, and the affirmative vote of eight members of the governing body is sufficient for any of the following purposes:]*~~

(1) For adopting, amending or repealing environmental threshold carrying capacities, the regional plan, and ordinances, rules and regulations, and for granting variances from the ordinances, rules and regulations , [the vote of] at least [four of the] ***nine*** members of [each state agreeing with the vote of at least four members of the other state shall be required] ***the governing body must agree*** to take action. If [there is no vote of at least four of the members from one state agreeing with the vote of at least four of the members of the other state on the actions specified in this paragraph,] ***at least nine votes in favor of such action are not cast,*** an action of rejection shall be deemed to have been taken.

(2) For approving a project [.] , the affirmative vote of at least [five] ***four*** members from the state in which the project is located and the affirmative vote of at least nine members of the ***entire*** governing body are required. If at least [five] ***four*** members of the governing body from the state in which the project is located and at least nine members of the entire governing body do not vote in favor of the project, upon a motion for approval, an action of rejection shall be deemed to have been taken. A decision by the agency to approve a project shall be supported by a statement of findings, adopted by the agency, which indicates that the project complies with the regional plan and with applicable ordinances, rules and regulations of the agency.

(3) For routine business and for directing the agency's staff on litigation and enforcement actions [.] , at least eight members of the governing body must agree to take action. If at least eight votes in favor of such action are not cast, an action of rejection shall be deemed to have been taken.

➥ Whenever under the provisions of this compact or any ordinance, rule, regulation or policy adopted pursuant thereto, the agency is required to review or approve any project, public or private, the agency shall take final action by vote, whether to approve, to require modification or to reject such project, within 180 days after the application for such project is accepted as complete by the agency in compliance with the agency's rules and regulations governing such delivery unless the applicant has agreed to an extension of this time limit. If a final action by vote does not take place within 180 days, the applicant may bring an action in a court of competent jurisdiction to compel a vote unless he has agreed to an extension. This provision does not limit the right of any person to obtain judicial review of agency action under subdivision (h) of Article VI. The vote of each member of the governing body shall be individually recorded. The governing body shall adopt its own rules, regulations and procedures.

(h) An advisory planning commission shall be appointed by the agency. The commission shall include: the chief planning officers of Placer County, El Dorado County, and the City of South Lake Tahoe in California and of Douglas County, Washoe County and Carson City in Nevada, the executive

officer of the Lahontan Regional Water Quality Control Board of the State of California, the executive officer of the Air Resources Board of the State of California, the director of the state department of conservation and natural resources of the State of Nevada, the administrator of the division of environmental protection in the state department of conservation and natural resources of the State of Nevada, the administrator of the Lake Tahoe Management Unit of the United States Forest Service, and at least four lay members with an equal number from each state, at least half of whom shall be residents of the region. Any official member may designate an alternate.

The term of office of each lay member of the advisory planning commission shall be 2 years. Members may be reappointed.

The position of each member of the advisory planning commission shall be considered vacated upon loss of any of the qualifications required for appointment, and in such an event the appointing authority shall appoint a successor.

The advisory planning commission shall elect from its own members a chairman and a vice chairman, whose terms of office shall be 2 years and who may be reelected. If a vacancy occurs in either office, the advisory planning commission shall fill such vacancy for the unexpired term.

A majority of the members of the advisory planning commission constitutes a quorum for the transaction of the business of the commission. A majority vote of the quorum present shall be required to take action with respect to any matter.

(i) The agency shall establish and maintain an office within the region, and for this purpose the agency may rent or own property and equipment. Every plan, ordinance and other record of the agency which is of such nature as to constitute a public record under the law of either the State of California or the State of Nevada shall be open to inspection and copying during regular office hours.

(j) Each authority charged under this compact or by the law of either state with the duty of appointing a member of the governing body of the agency shall by certified copy of its resolution or other action notify the Secretary of State of its own state of the action taken.

ARTICLE IV. Personnel

(a) The governing body shall determine the qualification of, and it shall appoint and fix the salary of, the executive officer of the agency, and shall employ such other staff and legal counsel as may be necessary to execute the powers and functions provided for under this compact or in accordance with any intergovernmental contracts or agreements the agency may be responsible for administering.

(b) Agency personnel standards and regulations shall conform insofar as possible to the regulations and procedures of the civil service of the State of California or the State of Nevada, as may be determined by the governing body of the agency; and shall be regional and bistate in application and effect; provided that the governing body may, for administrative convenience and at its discretion, assign the administration of designated personnel arrangements to an agency of either state, and provided that administratively convenient adjustments be made in the standards and regulations governing personnel assigned under intergovernmental agreements.

(c) The agency may establish and maintain or participate in such additional programs of employee benefits as may be appropriate to afford employees of the agency terms and conditions of employment similar to those enjoyed by employees of California and Nevada generally.

ARTICLE V. Planning

(a) In preparing each of the plans required by this article and each amendment thereto, if any, subsequent to its adoption, the planning commission after due notice shall hold at least one public hearing which may be continued from time to time, and shall review the testimony and any written recommendations presented at such hearing before recommending the plan or amendment. The notice required by this subdivision shall be given at least 20 days prior to the public hearing by publication at least once in a newspaper or combination of newspapers whose circulation is general throughout the region and in each county a portion of whose territory lies within the region.

The planning commission shall then recommend such plan or amendment to the governing body for adoption by ordinance. The governing body may adopt, modify or reject the proposed plan or amendment, or may initiate and adopt a plan or amendment without referring it to the planning commission. If the governing body initiates or substantially modifies a plan or amendment, it shall hold at least one public hearing thereon after due notice as required in this subdivision.

If a request is made for the amendment of the regional plan by:

(1) A political subdivision a part of whose territory would be affected by such amendment; or

(2) The owner or lessee of real property which would be affected by such amendment,

➥ the governing body shall complete its action on such amendment within 180 days after such request is accepted as complete according to standards which must be prescribed by ordinance of the agency.

(b) The agency shall develop, in cooperation with the states of California and Nevada, environmental threshold carrying capacities for the region. The

agency should request the President's Council on Environmental Quality, the United States Forest Service and other appropriate agencies to assist in developing such environmental threshold carrying capacities. Within 18 months after the effective date of the amendments to this compact, the agency shall adopt environmental threshold carrying capacities for the region.

(c) Within 1 year after the adoption of the environmental threshold carrying capacities for the region, the agency shall amend the regional plan so that, at a minimum, the plan and all of its elements, as implemented through agency ordinances, rules and regulations, achieves and maintains the adopted environmental threshold carrying capacities. Each element of the plan shall contain implementation provisions and time schedules for such implementation by ordinance. The planning commission and governing body shall continuously review and maintain the regional plan ~~[.]~~ ***and, in so doing, shall ensure that the regional plan reflects changing economic conditions and the economic effect of regulation on commerce.*** The regional plan shall consist of a diagram, or diagrams, and text, or texts setting forth the projects and proposals for implementation of the regional plan, a description of the needs and goals of the region and a statement of the policies, standards and elements of the regional plan.

The regional plan shall be a single enforceable plan and includes all of the following correlated elements:

(1) A land-use plan for the integrated arrangement and general location and extent of, and the criteria and standards for, the uses of land, water, air, space and other natural resources within the region, including but not limited to an indication or allocation of maximum population densities and permitted uses.

(2) A transportation plan for the integrated development of a regional system of transportation, including but not limited to parkways, highways, transportation facilities, transit routes, waterways, navigation facilities, public transportation facilities, bicycle facilities, and appurtenant terminals and facilities for the movement of people and goods within the region. The goal of transportation planning shall be:

(A) To reduce dependency on the automobile by making more effective use of existing transportation modes and of public transit to move people and goods within the region; and

(B) To reduce to the extent feasible air pollution which is caused by motor vehicles.

➥ Where increases in capacity are required, the agency shall give preference to providing such capacity through public transportation and public programs and projects related to transportation. The agency shall review and consider

all existing transportation plans in preparing its regional transportation plan pursuant to this paragraph.

The plan shall provide for an appropriate transit system for the region.

The plan shall give consideration to:

(A) Completion of the Loop Road in the states of Nevada and California;

(B) Utilization of a light rail mass transit system in the South Shore area; and

(C) Utilization of a transit terminal in the Kingsbury Grade area.

➥ Until the regional plan is revised, or a new transportation plan is adopted in accordance with this paragraph, the agency has no effective transportation plan.

(3) A conservation plan for the preservation, development, utilization, and management of the scenic and other natural resources within the basin, including but not limited to, soils, shoreline and submerged lands, scenic corridors along transportation routes, open spaces, recreational and historical facilities.

(4) A recreation plan for the development, utilization, and management of the recreational resources of the region, including but not limited to, wilderness and forested lands, parks and parkways, riding and hiking trails, beaches and playgrounds, marinas, areas for skiing and other recreational facilities.

(5) A public services and facilities plan for the general location, scale and provision of public services and facilities, which, by the nature of their function, size, extent and other characteristics are necessary or appropriate for inclusion in the regional plan.

In formulating and maintaining the regional plan, the planning commission and governing body shall take account of and shall seek to harmonize the needs of the region as a whole, the plans of the counties and cities within the region, the plans and planning activities of the state, federal and other public agencies and nongovernmental agencies and organizations which affect or are concerned with planning and development within the region.

(d) The regional plan shall provide for attaining and maintaining federal, state, or local air and water quality standards, whichever are strictest, in the respective portions of the region for which the standards are applicable.

The agency may, however, adopt air or water quality standards or control measures more stringent than the applicable state implementation plan or the applicable federal, state, or local standards for the region, if it finds that such additional standards or control measures are necessary to achieve the purposes of this compact. Each element of the regional plan, where applicable, shall, by ordinance, identify the means and time schedule by which air and water quality standards will be attained.

(e) Except for the Regional Transportation Plan of the California Tahoe Regional Planning Agency, the regional plan, ordinances, rules and regulations adopted by the California Tahoe Regional Planning Agency in effect on July 1, 1980, shall be the regional plan, ordinances, rules and regulations of the Tahoe Regional Planning Agency for that portion of the Tahoe region located in the State of California. Such plan, ordinance, rule or regulation may be amended or repealed by the governing body of the agency. The plans, ordinances, rules and regulations of the Tahoe Regional Planning Agency that do not conflict with, or are not addressed by, the California Tahoe Regional Planning Agency's plans, ordinances, rules and regulations referred to in this subdivision shall continue to be applicable unless amended or repealed by the governing body of the agency. No provision of the regional plan, ordinances, rules and regulations of the California Tahoe Regional Planning Agency referred to in this subdivision shall apply to that portion of the region within the State of Nevada, unless such provision is adopted for the Nevada portion of the region by the governing body of the agency.

(f) The regional plan, ordinances, rules and regulations of the Tahoe Regional Planning Agency apply to that portion of the region within the State of Nevada.

(g) The agency shall adopt ordinances prescribing specific written findings that the agency must make prior to approving any project in the region. These findings shall relate to environmental protection and shall insure that the project under review will not adversely affect implementation of the regional plan and will not cause the adopted environmental threshold carrying capacities of the region to be exceeded.

(h) The agency shall maintain the data, maps and other information developed in the course of formulating and administering the regional plan, in a form suitable to assure a consistent view of developmental trends and other relevant information for the availability of and use by other agencies of government and by private organizations and individuals concerned.

(i) Where necessary for the realization of the regional plan, the agency may engage in collaborative planning with local governmental jurisdictions located outside the region, but contiguous to its boundaries. In formulating and implementing the regional plan, the agency shall seek the cooperation and consider the recommendations of counties and cities and other agencies of local government, of state and federal agencies, of educational institutions and research organizations, whether public or private, and of civic groups and private persons.

ARTICLE VI. Agency's Powers

(a) The governing body shall adopt all necessary ordinances, rules, and regulations to effectuate the adopted regional plan. Except as otherwise provided in this compact, every such ordinance, rule or regulation shall establish a minimum standard applicable throughout the region. Any political subdivision or public agency may adopt and enforce an equal or higher requirement applicable to the same subject of regulation in its territory. The regulations of the agency shall contain standards including but not limited to the following: water purity and clarity; subdivision; zoning; tree removal; solid waste disposal; sewage disposal; land fills, excavations, cuts and grading; piers, harbors, breakwaters or channels and other shoreline developments; waste disposal in shoreline areas; waste disposal from boats; mobile-home parks; house relocation; outdoor advertising; floodplain protection; soil and sedimentation control; air pollution; and watershed protection. Whenever possible without diminishing the effectiveness of the regional plan, the ordinances, rules, regulations and policies shall be confined to matters which are general and regional in application, leaving to the jurisdiction of the respective states, counties and cities the enactment of specific and local ordinances, rules, regulations and policies which conform to the regional plan.

The agency shall prescribe by ordinance those activities which it has determined will not have substantial effect on the land, water, air, space or any other natural resources in the region and therefore will be exempt from its review and approval.

Every ordinance adopted by the agency shall be published at least once by title in a newspaper or combination of newspapers whose circulation is general throughout the region. Except an ordinance adopting or amending the regional plan, no ordinance shall become effective until 60 days after its adoption. Immediately after its adoption, a copy of each ordinance shall be transmitted to the governing body of each political subdivision having territory within the region.

(b) No project other than those to be reviewed and approved under the special provisions of subdivisions (d), (e), (f) and (g) may be developed in the region without obtaining the review and approval of the agency and no project may be approved unless it is found to comply with the regional plan and with the ordinances, rules and regulations enacted pursuant to subdivision (a) to effectuate that plan.

The agency may approve a project in the region only after making the written findings required by this subdivision or subdivision (g) of Article V. Such findings shall be based on substantial evidence in the record.

Before adoption by the agency of the ordinances required in subdivision (g) of Article V, the agency may approve a project in the region only after making written findings on the basis of substantial evidence in the record that the project is consistent with the regional plan then in effect and with applicable plans, ordinances, regulations, and standards of federal and state agencies relating to the protection, maintenance and enhancement of environmental quality in the region.

(c) The legislatures of the states of California and Nevada find that in order to make effective the regional plan as revised by the agency, it is necessary to halt temporarily works of development in the region which might otherwise absorb the entire capability of the region for further development or direct it out of harmony with the ultimate plan. Subject to the limitation provided in this subdivision, from the effective date of the amendments to this compact until the regional plan is amended pursuant to subdivision (c) of Article V, or until May 1, 1983, whichever is earlier:

(1) Except as otherwise provided in this paragraph, no new subdivision, planned unit development, or condominium project may be approved unless a complete tentative map or plan has been approved before the effective date of the amendments to this compact by all agencies having jurisdiction. The subdivision of land owned by a general improvement district, which existed and owned the land before the effective date of the amendments to this compact, may be approved if subdivision of the land is necessary to avoid insolvency of the district.

(2) Except as provided in paragraph (3), no apartment building may be erected unless the required permits for such building have been secured from all agencies having jurisdiction, prior to the effective date of the amendments to this compact.

(3) During each of the calendar years 1980, 1981 and 1982, no city or county may issue building permits which authorize the construction of a greater number of new residential units within the region than were authorized within the region by building permits issued by that city or county during the calendar year 1978. For the period of January through April, 1983, building permits authorizing the construction of no more than one-third of that number may be issued by each such city or county. For purposes of this paragraph a "residential unit" means either a single family residence or an individual residential unit within a larger building, such as an apartment building, a duplex or a condominium.

The legislatures find the respective numbers of residential units authorized within the region during the calendar year 1978 to be as follows:

1. City of South Lake Tahoe and El Dorado County (combined)…….252
2. PlacerCounty.....278
3. CarsonCity ..... -0-

4. DouglasCounty 339
5. WashoeCounty.....739

(4) During each of the calendar years 1980, 1981 and 1982, no city or county may issue building permits which authorize construction of a greater square footage of new commercial buildings within the region than were authorized within the region by building permits for commercial purposes issued by that city or county during the calendar year 1978. For the period of January through April, 1983, building permits authorizing the construction of no more than one-third the amount of that square footage may be issued by each such city or county.

The legislatures find the respective square footages of commercial buildings authorized within the region during calendar year 1978 to be as follows:

1. City of South Lake Tahoe and El Dorado County(combined)… 64,324
2. Placer County ……..23,000
3. Carson City…….....-0-
4. Douglas County……..…….....57,354
5. Washoe County…….…….. 50,600

(5) No structure may be erected to house gaming under a nonrestricted license.

(6) No facility for the treatment of sewage may be constructed or enlarged except:

(A) To comply, as ordered by the appropriate state agency for the control of water pollution, with existing limitations of effluent under the Clean Water Act, 33 U.S.C. §§ 1251 et seq., and the applicable state law for control of water pollution;

(B) To accommodate development which is not prohibited or limited by this subdivision; or

(C) In the case of Douglas County Sewer District # 1, to modify or otherwise alter sewage treatment facilities existing on the effective date of the amendments to this compact so that such facilities will be able to treat the total volume of effluent for which they were originally designed, which is 3.0 million gallons per day. Such modification or alteration is not a “project”; is not subject to the requirements of Article VII; and does not require a permit from the agency. Before commencing such modification or alteration, however, the district shall submit to the agency its report identifying any significant soil erosion problems which may be caused by such modifications or alterations and the measures which the district proposes to take to mitigate or avoid such problems.

The moratorium imposed by this subdivision does not apply to work done pursuant to a right vested before the effective date of the amendments to this compact. Notwithstanding the expiration date of the moratorium imposed by

this subdivision, no new highway may be built or existing highway widened to accommodate additional continuous lanes for automobiles until the regional transportation plan is revised and adopted.

The moratorium imposed by this subdivision does not apply to the construction of any parking garage which has been approved by the agency prior to May 4, 1979, whether that approval was affirmative or by default. The provisions of this paragraph are not an expression of legislative intent that any such parking garage, the approval of which is the subject of litigation which was pending on the effective date of the amendments to this compact, should or should not be constructed. The provisions of this paragraph are intended solely to permit construction of such a parking garage if a judgment sustaining the agency's approval to construct that parking garage has become final and no appeal is pending or may lawfully be taken to a higher court.

(d) Subject to the final order of any court of competent jurisdiction entered in litigation contesting the validity of an approval by the Tahoe Regional Planning Agency, whether that approval was affirmative or by default, if that litigation was pending on May 4, 1979, the agency and the states of California and Nevada shall recognize as a permitted and conforming use:

(1) Every structure housing gaming under a nonrestricted license which existed as a licensed gaming establishment on May 4, 1979, or whose construction was approved by the Tahoe Regional Planning Agency affirmatively or deemed approved before that date. The construction or use of any structure to house gaming under a nonrestricted license not so existing or approved, or the enlargement in cubic volume of any such existing or approved structure is prohibited.

(2) Every other nonrestricted gaming establishment whose use was seasonal and whose license was issued before May 4, 1979, for the same season and for the number and type of games and slot machines on which taxes or fees were paid in the calendar year 1978.

(3) Gaming conducted pursuant to a restricted gaming license issued before May 4, 1979, to the extent permitted by that license on that date.

➥ The area within any structure housing gaming under a nonrestricted license which may be open to public use (as distinct from that devoted to the private use of guests and exclusive of any parking area) is limited to the area existing or approved for public use on May 4, 1979. Within these limits, any external modification of the structure which requires a permit from a local government also requires approval from the agency. The agency shall not permit restaurants, convention facilities, showrooms or other public areas to be constructed elsewhere in the region outside the structure in order to replace areas existing or approved for public use on May 4, 1979.

(e) Any structure housing licensed gaming may be rebuilt or replaced to a size not to exceed the cubic volume, height and land coverage existing or approved on May 4, 1979, without the review or approval of the agency or any planning or regulatory authority of the State of Nevada whose review or approval would be required for a new structure.

(f) The following provisions apply to any internal or external modification, remodeling, change in use, or repair of a structure housing gaming under a nonrestricted license which is not prohibited by Article VI (d):

(1) The agency's review of an external modification of the structure which requires a permit from a local government is limited to determining whether the external modification will do any of the following:

(A) Enlarge the cubic volume of the structure;

(B) Increase the total square footage of area open to or approved for public use on May 4, 1979;

(C) Convert an area devoted to the private use of guests to an area open to public use;

(D) Increase the public area open to public use which is used for gaming beyond the limits contained in paragraph (3); and

(E) Conflict with or be subject to the provisions of any of the agency's ordinances that are generally applicable throughout the region.

➥ The agency shall make this determination within 60 days after the proposal is delivered to the agency in compliance with the agency's rules or regulations governing such delivery unless the applicant has agreed to an extension of this time limit. If an external modification is determined to have any of the effects enumerated in subparagraphs (A) through (C), it is prohibited. If an external modification is determined to have any of the effects enumerated in subparagraph (D) or (E), it is subject to the applicable provisions of this compact. If an external modification is determined to have no such effect, it is not subject to the provisions of this compact.

(2) Except as provided in paragraph (3), internal modification, remodeling, change in use or repair of a structure housing gaming under a nonrestricted license is not a project and does not require the review or approval of the agency.

(3) Internal modification, remodeling, change in use or repair of areas open to public use within a structure housing gaming under a nonrestricted license which alone or in combination with any other such modification, remodeling, change in use or repair will increase the total portion of those areas which is actually used for gaming by more than the product of the total base area, as defined below, in square feet existing on or approved before August 4, 1980, multiplied by 15 percent constitutes a project and is subject to all of the provisions of this compact relating to projects. For purposes of

this paragraph and the determination required by Article VI (g), base area means all of the area within a structure housing gaming under a nonrestricted license which may be open to public use, whether or not gaming is actually conducted or carried on in that area, except retail stores, convention centers and meeting rooms, administrative offices, kitchens, maintenance and storage areas, rest rooms, engineering and mechanical rooms, accounting rooms and counting rooms.

(g) In order to administer and enforce the provisions of paragraphs (d), (e) and (f) the State of Nevada, through its appropriate planning or regulatory agency, shall require the owner or licensee of a structure housing gaming under a nonrestricted license to provide:

(1) Documents containing sufficient information for the Nevada agency to establish the following relative to the structure:

(A) The location of its external walls;

(B) Its total cubic volume;

(C) Within its external walls, the area in square feet open or approved for public use and the area in square feet devoted to or approved for the private use of guests on May 4, 1979;

(D) The amount of surface area of land under the structure; and

(E) The base area as defined in paragraph (f)(3) in square feet existing on or approved before August 4, 1980.

(2) An informational report whenever any internal modification, remodeling, change in use, or repair will increase the total portion of the areas open to public use which is used for gaming.

The Nevada agency shall transmit this information to the Tahoe Regional Planning Agency.

(h) Gaming conducted pursuant to a restricted gaming license is exempt from review by the agency if it is incidental to the primary use of the premises.

(i) The provisions of subdivisions (d) and (e) are intended only to limit gaming and related activities as conducted within a gaming establishment, or construction designed to permit the enlargement of such activities, and not to limit any other use of property zoned for commercial use or the accommodation of tourists, as approved by the agency.

(j) Legal actions arising out of or alleging a violation of the provisions of this compact, of the regional plan or of an ordinance or regulation of the agency or of a permit or a condition of a permit issued by the agency are governed by the following provisions:

(1) This subdivision applies to:

(A) Actions arising out of activities directly undertaken by the agency.

(B) Actions arising out of the issuance to a person of a lease, permit, license or other entitlement for use by the agency.

(C) Actions arising out of any other act or failure to act by any person or public agency.

➥ Such legal actions may be filed and the provisions of this subdivision apply equally in the appropriate courts of California and Nevada and of the United States.

(2) Venue lies:

(A) If a civil or criminal action challenges an activity by the agency or any person which is undertaken or to be undertaken upon a parcel of real property, in the state or federal judicial district where the real property is situated.

(B) If an action challenges an activity which does not involve a specific parcel of land (such as an action challenging an ordinance of the agency), in any state or federal court having jurisdiction within the region.

(3) Any aggrieved person may file an action in an appropriate court of the State of California or Nevada or of the United States alleging noncompliance with the provisions of this compact or with an ordinance or regulation of the agency. In the case of governmental agencies, "aggrieved person" means the Tahoe Regional Planning Agency or any state, federal or local agency. In the case of any person other than a governmental agency who challenges an action of the Tahoe Regional Planning Agency, "aggrieved person" means any person who has appeared, either in person, through an authorized representative, or in writing, before the agency at an appropriate administrative hearing to register objection to the action which is being challenged, or who had good cause for not making such an appearance.

(4) A legal action arising out of the adoption or amendment of the regional plan or of any ordinance or regulation of the agency, or out of the granting or denial of any permit, shall be commenced within 60 days after final action by the agency. All other legal actions shall be commenced within 65 days after discovery of the cause of action.

(5) In any legal action filed pursuant to this subdivision which challenges an adjudicatory act or decision of the agency to approve or disapprove a project, the scope of judicial inquiry shall extend only to whether there was prejudicial abuse of discretion. Prejudicial abuse of discretion is established if the agency has not proceeded in a manner required by law or if the act or decision of the agency was not supported by substantial evidence in light of the whole record. In making such a determination the court shall not exercise its independent judgment on evidence but shall only determine whether the act or decision was supported by substantial evidence in light of the whole record. In any legal action filed pursuant to this subdivision which challenges a legislative act or decision of the agency (such as the adoption of the regional plan and the enactment of implementing ordinances), the scope of the judicial inquiry shall extend only to the questions of whether the act or

decision has been arbitrary, capricious or lacking substantial evidentiary support or whether the agency has failed to proceed in a manner required by law. ***In addition, there is a rebuttable presumption that a regional plan adopted, amended, formulated or maintained pursuant to this compact is in conformance with the requirements applicable to this compact, and a party challenging the regional plan has the burden of showing that it is not in conformance with the requirements applicable to this compact.***

(6) The provisions of this subdivision do not apply to any legal proceeding pending on the date when this subdivision becomes effective. Any such legal proceeding shall be conducted and concluded under the provisions of law which were applicable prior to the effective date of this subdivision.

(7) The security required for the issuance of a temporary restraining order or preliminary injunction based upon an alleged violation of this compact or any ordinance, plan, rule or regulation adopted pursuant thereto is governed by the rule or statute applicable to the court in which the action is brought, unless the action is brought by a public agency or political subdivision to enforce its own rules, regulations and ordinances in which case no security shall be required.

(k) The agency shall monitor activities in the region and may bring enforcement actions in the region to ensure compliance with the regional plan and adopted ordinances, rules, regulations and policies. If it is found that the regional plan, or ordinances, rules, regulations and policies are not being enforced by a local jurisdiction, the agency may bring action in a court of competent jurisdiction to ensure compliance.

(l) Any person who violates any provision of this compact or of any ordinance or regulation of the agency or of any condition of approval imposed by the agency is subject to a civil penalty not to exceed $5,000. Any such person is subject to an additional civil penalty not to exceed $5,000 per day, for each day on which such a violation persists. In imposing the penalties authorized by this subdivision, the court shall consider the nature of the violation and shall impose a greater penalty if it was willful or resulted from gross negligence than if it resulted from inadvertence or simple negligence.

(m) The agency is hereby empowered to initiate, negotiate and participate in contracts and agreements among the local governmental authorities of the region, or any other intergovernmental contracts or agreements authorized by state or federal law.

(n) Each intergovernmental contract or agreement shall provide for its own funding and staffing, but this shall not preclude financial contributions from the local authorities concerned or from supplementary sources.

(o) Every record of the agency, whether public or not, shall be open for examination to the Legislature and Controller of the State of California and the legislative auditor of the State of Nevada.

(p) Approval by the agency of any project expires 3 years after the date of final action by the agency or the effective date of the amendments to this compact, whichever is later, unless construction is begun within that time and diligently pursued thereafter, or the use or activity has commenced. In computing the 3-year period any period of time during which the project is the subject of a legal action which delays or renders impossible the diligent pursuit of that project shall not be counted. Any license, permit or certificate issued by the agency which has an expiration date shall be extended by that period of time during which the project is the subject of such legal action as provided in this subdivision.

(q) The governing body shall maintain a current list of real property known to be available for exchange with the United States or with other owners of real property in order to facilitate exchanges of real property by owners of real property in the region.

ARTICLE VII. Environmental Impact Statements

(a) The Tahoe Regional Planning Agency when acting upon matters that have a significant effect on the environment shall:

(1) Utilize a systematic, interdisciplinary approach which will insure the integrated use of the natural and social sciences and the environmental design arts in planning and in decision making which may have an impact on man's environment;

(2) Prepare and consider a detailed environmental impact statement before deciding to approve or carry out any project. The detailed environmental impact statement shall include the following:

(A) The significant environmental impacts of the proposed project;

(B) Any significant adverse environmental effects which cannot be avoided should the project be implemented;

(C) Alternatives to the proposed project;

(D) Mitigation measures which must be implemented to assure meeting standards of the region;

(E) The relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity;

(F) Any significant irreversible and irretrievable commitments of resources which would be involved in the proposed project should it be implemented; and

(G) The growth-inducing impact of the proposed project;

(3) Study, develop and describe appropriate alternatives to recommended courses of action for any project which involves unresolved conflicts concerning alternative uses of available resources;

(4) Make available to states, counties, municipalities, institutions and individuals, advice and information useful in restoring, maintaining and enhancing the quality of the region's environment; and

(5) Initiate and utilize ecological information in the planning and development of resource-oriented projects.

(b) Prior to completing an environmental impact statement, the agency shall consult with and obtain the comments of any federal, state or local agency which has jurisdiction by law or special expertise with respect to any environmental impact involved. Copies of such statement and the comments and views of the appropriate federal, state and local agencies which are authorized to develop and enforce environmental standards shall be made available to the public and shall accompany the project through the review processes. The public shall be consulted during the environmental impact statement process and views shall be solicited during a public comment period not to be less than 60 days.

(c) Any environmental impact statement required pursuant to this article need not repeat in its entirety any information or data which is relevant to such a statement and is a matter of public record or is generally available to the public, such as information contained in an environmental impact report prepared pursuant to the California Environmental Quality Act or a federal environmental impact statement prepared pursuant to the National Environmental Policy Act of 1969. However, such information or data shall be briefly described in the environmental impact statement and its relationship to the environmental impact statement shall be indicated.

In addition, any person may submit information relative to a proposed project which may be included, in whole or in part, in any environmental impact statement required by this article.

(d) In addition to the written findings specified by agency ordinance to implement the regional plan, the agency shall make either of the following written findings before approving a project for which an environmental impact statement was prepared:

(1) Changes or alterations have been required in or incorporated into such project which avoid or reduce the significant adverse environmental effects to a less than significant level; or

(2) Specific considerations, such as economic, social or technical, make infeasible the mitigation measures or project alternatives discussed in the environmental impact statement on the project.

➥ A separate written finding shall be made for each significant effect identified in the environmental impact statement on the project. All written findings must be supported by substantial evidence in the record.

(e) The agency may charge and collect a reasonable fee from any person proposing a project subject to the provisions of this compact in order to recover the estimated costs incurred by the agency in preparing an environmental impact statement under this article.

(f) The agency shall adopt by ordinance a list of classes of projects which the agency has determined will not have a significant effect on the environment and therefore will be exempt from the requirement for the preparation of an environmental impact statement under this article. Prior to adopting the list, the agency shall make a written finding supported by substantial evidence in the record that each class of projects will not have a significant effect on the environment.

ARTICLE VIII. Finances

(a) On or before September 30 of each calendar year the agency shall establish the amount of money necessary to support its activities for the next succeeding fiscal year commencing July 1 of the following year. The agency shall apportion $75,000 of this amount among the counties within the region on the same ratio to the total sum required as the full cash valuation of taxable property within the region in each county bears to the total full cash valuation of taxable property within the region. In addition, each county within the region in California shall pay $18,750 to the agency and each county within the region in Nevada, including Carson City, shall pay $12,500 to the agency, from any funds available therefor. The State of California and the State of Nevada may pay to the agency by July 1 of each year any additional sums necessary to support the operations of the agency pursuant to this compact. If additional funds are required, the agency shall make a request for the funds to the states of California and Nevada. Requests for state funds must be apportioned two-thirds from California and one-third from Nevada. Money appropriated shall be paid within 30 days.

(b) The agency may fix and collect reasonable fees for any services rendered by it.

(c) The agency shall submit an itemized budget to the states for review with any request for state funds, shall be strictly accountable to any county in the region and the states for all funds paid by them to the agency and shall be strictly accountable to all participating bodies for all receipts and disbursement.

(d) The agency is authorized to receive gifts, donations, subventions, grants, and other financial aids and funds; but the agency may not own land except as provided in subdivision (i) of Article III.

(e) The agency shall not obligate itself beyond the moneys due under this article for its support from the several counties and the states for the current fiscal year, plus any moneys on hand or irrevocably pledged to its support from other sources. No obligation contracted by the agency shall bind either of the party states or any political subdivision thereof.

ARTICLE IX. Transportation District

(a) The Tahoe transportation district is hereby established as a special purpose district. The boundaries of the district are coterminous with those of the region.

(b) The business of the district shall be managed by a board of directors consisting of:

(1) One member of the county board of supervisors of each of the counties of El Dorado and Placer who must be appointed by his respective board of supervisors;

(2) One member of the city council of the City of South Lake Tahoe who must be appointed by the city council;

(3) One member each of the board of county commissioners of Douglas County and of Washoe County who must be appointed by his respective board of county commissioners;

(4) One member of the board of supervisors of Carson City who must be appointed by the board of supervisors;

(5) One member of the South Shore Transportation Management Association or its successor organization who must be appointed by the association or its successor organization;

(6) One member of the North Shore Transportation Management Association or its successor organization who must be appointed by the association or its successor organization;

(7) One member of each local transportation district in the region that is authorized by the State of Nevada or the State of California who must be appointed by his respective transportation district;

(8) One member appointed by a majority of the other voting directors who represents a public or private transportation system operating in the region;

(9) The director of the California Department of Transportation; and

(10) The director of the department of transportation of the State of Nevada.

➥ Any entity that appoints a member to the board of directors, the director of the California Department of Transportation or the director of the department of transportation of the State of Nevada may designate an alternate.

(c) Before a local transportation district appoints a member to the board of directors pursuant to paragraph (7) of subdivision (b), the local transportation district must enter into a written agreement with the Tahoe transportation

district that sets forth the responsibilities of the districts for the establishment of policies and the management of financial matters, including, but not limited to, the distribution of revenue among the districts.

(d) The directors of the California Department of Transportation and the department of transportation of the State of Nevada, or their designated alternates, serve as nonvoting directors, but shall provide technical and professional advice to the district as necessary and appropriate.

(e) The vote of a majority of the directors must agree to take action. If a majority of votes in favor of an action are not cast, an action of rejection shall be deemed to have been taken.

(f) The Tahoe transportation district may by resolution establish procedures for the adoption of its budgets, the appropriation of its money and the carrying on of its other financial activities. These procedures must conform insofar as is practicable to the procedures for financial administration of the State of California or the State of Nevada or one or more of the local governments in the region.

(g) The Tahoe transportation district may in accordance with the adopted transportation plan:

(1) Own and operate a public transportation system to the exclusion of all other publicly owned transportation systems in the region.

(2) Own and operate support facilities for public and private systems of transportation, including, but not limited to, parking lots, terminals, facilities for maintenance, devices for the collection of revenue and other related equipment.

(3) Acquire or agree to operate upon mutually agreeable terms any publicly or privately owned transportation system or facility within the region.

(4) Hire the employees of existing public transportation systems that are acquired by the district without loss of benefits to the employees, bargain collectively with employee organizations, and extend pension and other collateral benefits to employees.

(5) Contract with private companies to provide supplementary transportation or provide any of the services needed in operating a system of transportation for the region.

(6) Contract with local governments in the region to operate transportation facilities or provide any of the services necessary to operate a system of transportation for the region.

(7) Fix the rates and charges for transportation services provided pursuant to this subdivision.

(8) Issue revenue bonds and other evidence of indebtedness and make other financial arrangements appropriate for developing and operating a public transportation system.

(9) By resolution, determine and propose for adoption a tax for the purpose of obtaining services of the district. The tax proposed must be general and of uniform operation throughout the region, and may not be graduated in any way, except for a sales and use tax. If a sales and use tax is approved by the voters as provided in this paragraph, it may be administered by the states of California and Nevada respectively in accordance with the laws that apply within their respective jurisdictions and must not exceed a rate of 1 percent of the gross receipts from the sale of tangible personal property sold in the district. The district is prohibited from imposing any other tax measured by gross or net receipts on business, an ad valorem tax, a tax or charge that is assessed against people or vehicles as they enter or leave the region, and any tax, direct or indirect, on gaming tables and devices. Any such proposition must be submitted to the voters of the district and shall become effective upon approval of the voters voting on the proposition who reside in the State of California in accordance with the laws that apply within that state and approval of the voters voting on the proposition who reside in the State of Nevada in accordance with the laws that apply within that state. The revenues from any such tax must be used for the service for which it was imposed, and for no other purpose.

(10) Provide service from inside the region to convenient airport, railroad and interstate bus terminals without regard to the boundaries of the region.

(h) The legislatures of the states of California and Nevada may, by substantively identical enactments, amend this article.

ARTICLE X. Miscellaneous

(a) It is intended that the provisions of this compact shall be reasonably and liberally construed to effectuate the purposes thereof. Except as provided in subdivision (c), the provisions of this compact shall be severable and if any phrase, clause, sentence or provision of this compact is declared to be contrary to the constitution of any participating state or of the United States or the applicability thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this compact shall be held contrary to the constitution of any state participating therein, the compact shall remain in full force and effect as to the remaining state and in full force and effect as to the state affected as to all severable matters.

(b) The agency shall have such additional powers and duties as may hereafter be delegated or imposed upon it from time to time by the action of the Legislature of either state concurred in by the Legislature of the other.

(c) A state party to this compact may withdraw therefrom by enacting a statute repealing the compact. Notice of withdrawal shall be communicated

officially and in writing to the Governor of the other state and to the agency administrators. This provision is not severable, and if it is held to be unconstitutional or invalid, no other provision of this compact shall be binding upon the State of Nevada or the State of California.

(d) No provision of this compact shall have any effect upon the allocation, distribution or storage of interstate waters or upon any appropriative water right.

Sec. 2. NRS 277.207 is hereby amended to read as follows:

277.207 All judicial actions and proceedings in which there may arise a question of the validity of any matter under the provisions of ***former*** NRS 277.190 to 277.220, inclusive, ~~[shall]~~ ***must*** be advanced as a matter of immediate public interest and concern, and be heard at the earliest practicable moment.

Sec. 3. Chapter 278 of NRS is hereby amended by adding thereto a new section to read as follows:

The Account for the Nevada Tahoe Regional Planning Agency is hereby established in the State General Fund and consists of any money provided by direct legislative appropriation. Money in the Account must be expended for the support of, or paid over directly to, the Agency in whatever amount and manner is directed by each appropriation or provided by law.

Sec. 4. NRS 278.024 is hereby amended to read as follows:

278.024 1. In the region of this State for which there has been created by NRS 278.780 to 278.828, inclusive, ***and section 3 of this act*** a regional planning agency, the powers conferred by NRS 278.010 to 278.630, inclusive, upon any other authority are subordinate to the powers of such regional planning agency, and may be exercised only to the extent that their exercise does not conflict with any ordinance or plan adopted by such regional planning agency. The powers conferred by NRS 278.010 to 278.630, inclusive, shall be exercised whenever appropriate in furtherance of a plan adopted by the regional planning agency.

2. Upon the adoption by a regional planning agency created by NRS 278.780 to 278.828, inclusive, ***and section 3 of this act*** of any regional plan, any plan adopted pursuant to NRS 278.010 to 278.630, inclusive, shall cease to be effective as to the territory embraced in such regional plan. Each planning commission and governing body whose previously adopted plan is so affected shall, within 90 days after the effective date of the regional plan, initiate any necessary procedure to revise its plan and any related zoning ordinances which affect adjacent territory.

Sec. 5. NRS 278.782 is hereby amended to read as follows:

278.782 As used in NRS 278.780 to 278.828, inclusive, ***and section 3 of this act,*** unless the context otherwise requires, the words and terms defined in

NRS 278.784 to 278.791, inclusive, have the meanings ascribed to them in those sections.

Sec. 6. NRS 278.792 is hereby amended to read as follows:

278.792 1. The Nevada Tahoe Regional Planning Agency is hereby created as a separate legal entity.

2. The governing body of the Agency consists of ~~[:]~~ ***seven members as follows:***

(a) One member appointed by each of the boards of county commissioners of Douglas and Washoe counties and one member appointed by the Board of Supervisors of Carson City. Any such member may be a member of the board of county commissioners or Board of Supervisors, respectively, and must reside in the territorial jurisdiction of the governmental body making the appointment.

(b) ~~[One member appointed by the]~~ ***The*** Governor of Nevada ~~[, the Secretary of State of Nevada]~~ or a designee of the ~~[Secretary of State, and the Director]~~ ***Governor.***

(c) The Secretary of State or a designee of the Secretary of State.

(d) The State Forester Firewarden or a designee of the State Forester Firewarden.

(e) The Administrator of the Division of State Lands of the State Department of Conservation and Natural Resources ~~[of Nevada]~~ or a designee of the ~~[Director.]~~ ***Administrator.***

➥ A member who is ~~[appointed or]~~ designated pursuant to ~~[this paragraph must not be a resident of the region and]~~ ***paragraphs (b) to (e), inclusive,*** shall represent the public at large within the State of Nevada.

~~[(c) One member appointed for a 1-year term by the six other members. If at least four members are unable to agree upon the selection of a seventh member within 30 days after this section becomes effective or the occurrence of a vacancy, the Governor shall make the appointment. The member appointed pursuant to this paragraph may but is not required to be a resident of the region.]~~

3. If any appointing authority fails to make an appointment within 30 days after the effective date of this section or the occurrence of a vacancy on the governing body, the Governor shall make the appointment.

4. The position of any member of the governing body shall be deemed vacant if the member is absent from three consecutive meetings of the governing body in any calendar year.

5. Each member and employee of the Agency shall disclose his or her economic interests in the region within 10 days after taking the seat on the governing body or being employed by the Agency and shall thereafter disclose any further economic interest which he or she acquires, as soon as feasible after acquiring it. As used in this section, "economic interest" means:

(a) Any business entity operating in the region in which the member has a direct or indirect investment worth more than $1,000;

(b) Any real property located in the region in which the member has a direct or indirect interest worth more than $1,000;

(c) Any source of income attributable to activities in the region, other than loans by or deposits with a commercial lending institution in the regular course of business, aggregating $250 or more in value received by or promised to the member within the preceding 12 months; or

(d) Any business entity operating in the region in which the member is a director, officer, partner, trustee, employee or holds any position of management.

➥ No member or employee of the Agency may make or attempt to influence an Agency decision in which the member or employee knows or has reason to know he or she has a financial interest. Members and employees of the Agency must disqualify themselves from making or participating in the making of any decision of the Agency when it is reasonably foreseeable that the decision will have a material financial effect, distinguishable from its effect on the public generally, on the economic interest of the member or employee.

Sec. 7. NRS 278.794 is hereby amended to read as follows:

278.794 The terms of office of the members of the governing body ~~[,~~ ~~other than the member appointed by the other members,~~] ***:***

1. For members who are elected state officers, coincide with the member's elected term of office.

2. For members who are appointed or designated, are at the pleasure of the appointing ***or designating*** authority in each case, but each appointment ***and designation*** must be reviewed no less often than every 4 years.

Sec. 8. NRS 218E.550 is hereby amended to read as follows:

218E.550 As used in NRS 218E.550 to 218E.580, inclusive, unless the context otherwise requires, "Committee" means the Legislative Committee for the Review and Oversight of the ***Nevada*** Tahoe Regional Planning Agency and the Marlette Lake Water System created by NRS 218E.555.

Sec. 9. NRS 218E.555 is hereby amended to read as follows:

218E.555 1. There is hereby created the Legislative Committee for the Review and Oversight of the ***Nevada*** Tahoe Regional Planning Agency and the Marlette Lake Water System consisting of three members of the Senate and three members of the Assembly, appointed by the Legislative Commission with appropriate regard for their experience with and knowledge of matters relating to the management of natural resources. The members must be appointed to provide representation from the various geographical regions of the State.

2. The Legislative Commission shall review and approve the budget and work program for the Committee and any changes to the budget or work program.

3. The members of the Committee shall elect a Chair from one House of the Legislature and a Vice Chair from the other House. Each Chair and Vice Chair holds office for a term of 2 years commencing on July 1 of each odd-numbered year.

4. Any member of the Committee who is not a candidate for reelection or who is defeated for reelection continues to serve after the general election until the next regular or special session of the Legislature convenes.

5. Vacancies on the Committee must be filled in the same manner as original appointments.

6. The Committee shall report annually to the Legislative Commission concerning its activities and any recommendations.

Sec. 10. NRS 218E.565 is hereby amended to read as follows:

218E.565 The Committee shall:

1. Provide appropriate review and oversight of the ***Nevada*** Tahoe Regional Planning Agency and the Marlette Lake Water System;

2. Review the budget, programs, activities, responsiveness and accountability of the ***Nevada*** Tahoe Regional Planning Agency and the Marlette Lake Water System in such a manner as deemed necessary and appropriate by the Committee; ***and***

3. Study the role, authority and activities of:

(a) The ***Nevada*** Tahoe Regional Planning Agency regarding the Lake Tahoe Basin; and

(b) The Marlette Lake Water System regarding Marlette Lake**.** ~~[~~**;** ~~and~~

~~4. Continue to communicate with members of the Legislature of the State of California to achieve the goals set forth in the Tahoe Regional Planning Compact.]~~

Sec. 11. NRS 321.5952 is hereby amended to read as follows:

321.5952 The Legislature hereby finds and declares that:

1. The Lake Tahoe Basin exhibits unique environmental and ecological conditions that are irreplaceable.

2. Certain of the unique environmental and ecological conditions exhibited within the Lake Tahoe Basin, such as the clarity of the water in Lake Tahoe, are diminishing at an alarming rate.

3. This State has a compelling interest in preserving, protecting, restoring and enhancing the natural environment of the Lake Tahoe Basin.

4. The preservation, protection, restoration and enhancement of the natural environment of the Lake Tahoe Basin is a matter of such significance that it must be carried out on a continual basis.

5. It is in the best interest of this State to grant to the Division continuing authority to carry out programs to preserve, protect, restore and enhance the natural environment of the Lake Tahoe Basin.

6. The powers and duties set forth in NRS 321.5952 to 321.5957, inclusive, are intended to be exercised by the Division in a manner that complements and does not duplicate the activities of the ***Nevada*** Tahoe Regional Planning Agency.

Sec. 12. NRS 445B.830 is hereby amended to read as follows:

445B.830 1. In areas of the State where and when a program is commenced pursuant to NRS 445B.770 to 445B.815, inclusive, the following fees must be paid to the Department of Motor Vehicles and accounted for in the Pollution Control Account, which is hereby created in the State General Fund:

(a) For the issuance and annual renewal of a license for an authorized inspection station, authorized maintenance station, authorized station or fleet station.....$25

(b) For each set of 25 forms certifying emission control compliance.....150

(c) For each form issued to a fleet station.....6

2. Except as otherwise provided in subsections 6, 7 and 8, and after deduction of the amounts distributed pursuant to subsection 4, money in the Pollution Control Account may, pursuant to legislative appropriation or with the approval of the Interim Finance Committee, be expended by the following agencies in the following order of priority:

(a) The Department of Motor Vehicles to carry out the provisions of NRS 445B.770 to 445B.845, inclusive.

(b) The State Department of Conservation and Natural Resources to carry out the provisions of this chapter.

(c) The State Department of Agriculture to carry out the provisions of NRS 590.010 to 590.150, inclusive.

(d) Local governmental agencies in nonattainment or maintenance areas for an air pollutant for which air quality criteria have been issued pursuant to 42 U.S.C. § 7408, for programs related to the improvement of the quality of the air.

(e) The ***Nevada*** Tahoe Regional Planning Agency to carry out the provisions of NRS ~~[~~277.200~~]~~ ***278.780 to 278.828, inclusive, and section 3 of this act*** with respect to the preservation and improvement of air quality in the Lake Tahoe Basin.

3. The Department of Motor Vehicles may prescribe by regulation routine fees for inspection at the prevailing shop labor rate, including, without limitation, maximum charges for those fees, and for the posting of those fees in a conspicuous place at an authorized inspection station or authorized station.

4. The Department of Motor Vehicles shall make quarterly distributions of money in the Pollution Control Account to local governmental agencies in nonattainment or maintenance areas for an air pollutant for which air quality criteria have been issued pursuant to 42 U.S.C. § 7408. The distributions of money made to agencies in a county pursuant to this subsection must be made from an amount of money in the Pollution Control Account that is equal to one-sixth of the amount received for each form issued in the county pursuant to subsection 1.

5. Each local governmental agency that receives money pursuant to subsection 4 shall, not later than 45 days after the end of the fiscal year in which the money is received, submit to the Director of the Legislative Counsel Bureau for transmittal to the Interim Finance Committee a report on the use of the money received.

6. The Department of Motor Vehicles shall by regulation establish a program to award grants of money in the Pollution Control Account to local governmental agencies in nonattainment or maintenance areas for an air pollutant for which air quality criteria have been issued pursuant to 42 U.S.C. § 7408, for programs related to the improvement of the quality of the air. The grants to agencies in a county pursuant to this subsection must be made from any excess money in the Pollution Control Account. As used in this subsection, "excess money" means the money in excess of $1,000,000 remaining in the Pollution Control Account at the end of the fiscal year, after deduction of the amounts distributed pursuant to subsection 4 and any disbursements made from the Account pursuant to subsection 2.

7. Any regulations adopted pursuant to subsection 6 must provide for the creation of an advisory committee consisting of representatives of state and local agencies involved in the control of emissions from motor vehicles. The committee shall:

(a) Review applications for grants and make recommendations for their approval, rejection or modification;

(b) Establish goals and objectives for the program for control of emissions from motor vehicles;

(c) Identify areas where funding should be made available; and

(d) Review and make recommendations concerning regulations adopted pursuant to subsection 6 or NRS 445B.770.

8. Grants proposed pursuant to subsections 6 and 7 must be submitted to the appropriate deputy director of the Department of Motor Vehicles and the Administrator of the Division of Environmental Protection of the State Department of Conservation and Natural Resources. Proposed grants approved by the appropriate deputy director and the Administrator must not be awarded until approved by the Interim Finance Committee.

Sec. 13. NRS 528.150 is hereby amended to read as follows:

528.150 1. On or before January 1 of each year, the State Forester Firewarden shall, in coordination and cooperation with the ***Nevada*** Tahoe Regional Planning Agency and the fire chiefs within the Lake Tahoe Basin, submit a report concerning fire prevention and forest health in the Nevada portion of the Lake Tahoe Basin to:

(a) The Legislative Committee for the Review and Oversight of the ***Nevada*** Tahoe Regional Planning Agency and Marlette Lake Water System created by NRS 218E.555 and to the Director of the Legislative Counsel Bureau for transmittal to the Legislature;

(b) The Governor;

(c) The ***Nevada*** Tahoe Regional Planning Agency; and

(d) Each United States Senator and Representative in Congress who is elected to represent the State of Nevada.

2. The report submitted by the State Forester Firewarden pursuant to subsection 1 must address, without limitation:

(a) The status of:

(1) The implementation of plans for the prevention of fires in the Nevada portion of the Lake Tahoe Basin, including, without limitation, plans relating to the reduction of fuel for fires;

(2) Efforts concerning forest restoration in the Nevada portion of the Lake Tahoe Basin; and

(3) Efforts concerning rehabilitation of vegetation, if any, as a result of fire in the Nevada portion of the Lake Tahoe Basin.

(b) Compliance with:

(1) The goals and policies for fire prevention and forest health in the Nevada portion of the Lake Tahoe Basin; and

(2) Any recommendations concerning fire prevention or public safety made by any fire department or fire protection district in the Nevada portion of the Lake Tahoe Basin.

(c) Any efforts to:

(1) Increase public awareness in the Nevada portion of the Lake Tahoe Basin regarding fire prevention and public safety; and

(2) Coordinate with other federal, state, local and private entities with regard to projects to reduce fire hazards in the Nevada portion of the Lake Tahoe Basin.

Sec. 14. NRS 540A.030 is hereby amended to read as follows:

540A.030 1. In each county to which this chapter applies, except as otherwise provided in subsections 2 and 3, the region within which water is to be managed, and with respect to which plans for its use are to be made, pursuant to this chapter is the entire county except:

(a) Any land within the region defined by NRS ~~[277.200, the Tahoe Regional Planning Compact;]~~ ***278.790;*** and

(b) Lands located within any Indian reservation or Indian colony which are held in trust by the United States.

2. The board may exclude from the region any land which it determines is unsuitable for inclusion because of its remoteness from the sources of supply managed pursuant to this chapter or because it lies within a separate hydrologic basin neither affecting nor affected by conditions within the remainder of the region.

3. The board may include within the region an area otherwise excluded if it finds that the land requires alleviation of the effect of flooding or drainage of storm waters or another benefit from planning or management performed in the region.

Sec. 15. Section 1 of The Lake Tahoe Basin Act of 1993, being chapter 355, Statutes of Nevada 1993, at page 1152, is hereby amended to read as follows:

Section 1. Program to mitigate environmentally detrimental effects of land coverage: Establishment; authority of state land registrar.

1. The Division of State Lands of the State Department of Conservation and Natural Resources shall, within the limits of available money, establish a program to mitigate the environmentally detrimental effects of land coverage in the Lake Tahoe Basin.

2. In carrying out the program the Division may, as the State Land Registrar deems appropriate regarding particular parcels of land:

(a) Acquire by donation, purchase or exchange real property or any interest in real property in the Lake Tahoe Basin.

(b) Transfer by sale, lease or exchange real property or any interest in real property in the Lake Tahoe Basin.

(c) Eliminate land coverage on real property acquired pursuant to paragraph (a).

(d) Eliminate, or mitigate the effects of, features or conditions of real property acquired pursuant to paragraph (a) which are detrimental to the environment of the Lake Tahoe Basin.

(e) Retire or otherwise terminate rights to place land coverage on real property in the Lake Tahoe Basin.

3. Any acquisition of real property or any interest in real property made pursuant to this section must first be approved by the State Board of Examiners. The price of the acquisition must be based on the fair market value of the property or interest as determined by a qualified appraiser.

4. The State Land Registrar may transfer real property or any interest in real property acquired pursuant to this section:

(a) To state and federal agencies, local governments and nonprofit organizations for such consideration as the State Land Registrar deems to be reasonable and in the interest of the general public.

(b) To other persons for a price that is not less than the fair market value of the real property or interest as determined by a qualified appraiser.

5. ~~[Before any real property or an interest in real property is transferred pursuant to this section, a declaration of restrictions or deed restrictions must be recorded as required by the Tahoe Regional Planning Agency to ensure that rights to place land coverage on the real property are retired or otherwise terminated.~~

~~6.]~~ The State Land Registrar shall report quarterly to the State Board of Examiners regarding the real property or interests in real property transferred pursuant to this section.

~~[7.]~~ ***6.*** As used in this section, "land coverage" means any covering over the natural surface of the ground that prevents water from percolating into the ground.

Sec. 16. Section 22 of the Western Regional Water Commission Act, being chapter 531, Statutes of Nevada 2007, at page 3289, is hereby amended to read as follows:

Sec. 22. Planning area: Boundaries; exclusions; exceptions.

1. The planning area in which plans for the use, management and conservation of water are to be made, pursuant to this act, is the entire area within the boundaries of Washoe County except:

(a) Any land within the region defined by NRS ~~[277.200, the Tahoe Regional Planning Compact;]~~ ***278.790;***

(b) Land located within any Indian reservation or Indian colony which is held in trust by the United States;

(c) Land located within the Gerlach General Improvement District or its successor created pursuant to chapter 318 of NRS;

(d) Land located within the following administrative groundwater basins established by the United States Geological Survey and the Division of Water Resources of the State Department of Conservation and Natural Resources:

(1) Basin 22 (San Emidio Desert);

(2) Basin 23 (Granite Basin); and

(3) Basin 24 (Hualapai Flat); and

(e) Any land excluded by the Board pursuant to subsection 2 and not otherwise included pursuant to subsection 3.

2. The Board may exclude from the planning area any land which it determines is unsuitable for inclusion because of its remoteness from the water supplies which are the subject of the Comprehensive Plan or because it

lies within a separate hydrologic basin neither affecting nor affected by conditions within the remainder of the planning area.

3. The Board may include within the planning area any land otherwise excluded pursuant to subsection 2 if it finds that the land requires alleviation of the effect of flooding or drainage of storm waters or requires another benefit from planning or management performed in the planning area.

Sec. 17. Section 24 of chapter 574, Statutes of Nevada 1979, at page 1134, is hereby amended to read as follows:

Sec. 24. 1. This section shall become effective upon passage and approval.

2. All other sections of this act shall become effective upon ~~[~~proclamation~~]~~ ***:***

(a) Withdrawal from the Tahoe Regional Planning Compact by the State of Nevada; or

(b) Proclamation by the governor of a withdrawal from the Tahoe Regional Planning Compact by the State of California or of his finding that the Tahoe Regional Planning Agency has become unable, for lack of money or for any other reason, to perform its duties or to exercise its powers as provided in the compact ~~[.]~~ ***,***

➥ whichever is earlier.

Sec. 17.3. Section 3 of chapter 22, Statutes of Nevada 1987, at page 53, is hereby amended to read as follows:

Sec. 3. ~~[~~This~~]~~ ***Except as otherwise provided in this section, this*** act becomes effective upon passage and approval. ***This act does not become effective unless the contingent events described in section 2 of this act have occurred before January 1, 2011.***

Sec. 17.7. Section 4 of chapter 311, Statutes of Nevada 1997, at page 1170, is hereby amended to read as follows:

Sec. 4. 1. This section ~~[~~and section 3 of this act become~~]~~ ***becomes*** effective upon passage and approval.

2. Section 1 of this act ~~[~~:

~~(a) Becomes~~] ***becomes*** effective upon ~~[~~proclamation by the governor of this state of~~]~~ the enactment by the State of California of amendments that are substantially identical to the amendments to the Tahoe Regional Planning Compact contained in section 1 of this act ***.*** ~~[~~, unless the amendments proposed to the Tahoe Regional Planning Compact by chapter 22, Statutes of Nevada 1987, at page 28, have been approved by the Congress of the United States before the governor issues his proclamation; and

~~(b) Expires by limitation upon approval by the Congress of the United States of the amendments proposed to the Tahoe Regional Planning Compact by chapter 22, Statutes of Nevada 1987, at page 28.~~

~~3. Section 2 of this act becomes effective upon proclamation by the governor of this state of:~~

~~(a) The enactment by the State of California of amendments that are substantially identical to the amendments to the Tahoe Regional Planning Compact contained in section 2 of this act; and~~

~~(b) The approval by the Congress of the United States of the amendments proposed to the Tahoe Regional Planning Compact by chapter 22, Statutes of Nevada 1987, at page 28.~~]

Sec. 18. 1. NRS 244.153, 266.263, 267.123, 268.099, 269.123, 277.190, 277.200, 277.210, 277.215, 278.025, 278.826, 309.385 and 318.103 are hereby repealed.

2. Sections 1 and 2 of chapter 442, Statutes of Nevada 1985, at pages 1257 and 1258, respectively, are hereby repealed.

3. NRS 277.220 is repealed effective upon:

(a) Payment of all of the outstanding obligations of the Account for the Tahoe Regional Planning Agency created by NRS 277.220; and

(b) Transfer of the remaining balance, if any, in the Account for the Tahoe Regional Planning Agency to the Account for the Nevada Tahoe Regional Planning Agency created by section 3 of this act, as required by section 21 of this act.

Sec. 19. Except as otherwise provided in NRS 278.792 as amended by section 6 of this act, the governing body, officers, advisory planning commission, executive officer, staff and legal counsel elected or appointed pursuant to NRS 278.780 to 278.828, inclusive, shall remain in their respective offices with the Nevada Tahoe Regional Planning Agency after the withdrawal of the State of Nevada from the Tahoe Regional Planning Compact and until the expiration of their terms, termination by the appointing authority or forfeiture of office.

Sec. 19.5. 1. With respect to any approval or permit for a project that was given or issued, as applicable, by the Tahoe Regional Planning Agency before the date on which the State of Nevada withdraws from the Tahoe Regional Planning Compact:

(a) The permit or approval remains valid after that date; and

(b) The Nevada Tahoe Regional Planning Agency shall assume the responsibility of enforcing the conditions, if any, of the approval or permit.

2. With respect to any application that was pending before the Tahoe Regional Planning Agency on the date on which the State of Nevada withdraws from the Tahoe Regional Planning Compact, the Nevada Tahoe Regional Planning Agency shall process the application without requiring any new or additional filings or submissions.

Sec. 20. To protect the legal rights and interests of the State of Nevada and the Nevada Tahoe Regional Planning Agency, the Attorney General

shall, as expeditiously as possible, cause appropriate legal action to be taken to resolve, settle or terminate any proposed or pending litigation:

1. In which the Tahoe Regional Planning Agency is a party; and

2. Which involves the rights, interests, obligations or liabilities of the State of Nevada, residents of this State or the Nevada Tahoe Regional Planning Agency.

Sec. 21. As soon as practicable after the date on which the State of Nevada withdraws from the Tahoe Regional Planning Compact:

1. Any unexpended balance appropriated by the State of Nevada to, and under the control of, the Tahoe Regional Planning Agency; and

2. After the payment of any outstanding obligations pursuant to subsection 3 of section 18 of this act, any balance remaining in the Account for the Tahoe Regional Planning Agency created by NRS 277.220,

➥ must be transferred to the Account for the Nevada Tahoe Regional Planning Agency created by section 3 of this act.

Sec. 22. As soon as practicable after the date on which the State of Nevada withdraws from the Tahoe Regional Planning Compact, the governing body of the Nevada Tahoe Regional Planning Agency shall:

1. Adopt a regional plan pursuant to its authority set forth in NRS 278.8111.

2. Adopt all necessary ordinances, rules, regulations and policies to effectuate the adopted regional plan pursuant to its authority set forth in NRS 278.813.

Sec. 22.5. 1. In addition to exercising the powers and performing the duties set forth in NRS 218E.550 to 218E.580, inclusive, the Committee shall hold hearings on, and prepare for the Legislature a report concerning, the following matters:

(a) The proposed organization and staffing of the Nevada Tahoe Regional Planning Agency which would be necessary for that entity to assume the powers and duties of the Tahoe Regional Planning Agency for the portion of the Lake Tahoe Basin within the State of Nevada.

(b) A proposed schedule for the Nevada Tahoe Regional Planning Agency to adopt a regional plan and ordinances as necessary for that entity to assume the powers and duties of the Tahoe Regional Planning Agency for the portion of the Lake Tahoe Basin within the State of Nevada.

(c) The proposed annual budget, including, without limitation, estimated legal expenses, of the Nevada Tahoe Regional Planning Agency which would be necessary for that entity to assume the powers and duties of the Tahoe Regional Planning Agency for the portion of the Lake Tahoe Basin within the State of Nevada.

(d) An assessment of any potential:

(1) Consequences, including, without limitation, legal consequences, transportation consequences, moratoria on permitting and potential impacts to the economy which would likely occur; and

(2) Legal expenses, including, without limitation, litigation expenses, which would likely be incurred,

➥ in the event that the State of Nevada withdraws from the Tahoe Regional Planning Compact.

(e) Progress of the governing board of the Tahoe Regional Planning Agency toward amending or otherwise revising the regional plan described in the Tahoe Regional Planning Compact to include, without limitation:

(1) Delegation of appropriate planning matters to local, state and federal governmental entities as may be allowed by law; and

(2) Concurrence from the Executive Branches of State Government of the States of Nevada and California with respect to guiding principles and a schedule for amending the regional plan.

(f) ~~[Progress toward approving the amendments]~~ **An analysis of any changes necessary** to the Tahoe Regional Planning Compact ~~[set forth in section 1.5 of this act.]~~ **, including, without limitation:**

(1) Potential changes to the voting structure of the governing body of the Tahoe Regional Planning Agency;

(2) Potential changes that will allow the regional plan to consider economic issues; and

(3) Potential changes to the procedures for legal actions against the governing body of the Tahoe Regional Planning Agency.

2. On or before December 31, 2012, the Committee shall submit the report described in subsection 1 to the Director of the Legislative Counsel Bureau for transmission to the 77th Session of the Nevada Legislature.

3. **The Committee shall determine whether the State of Nevada should remain a party to the Tahoe Regional Planning Compact. If the Committee so determines, the Committee shall forward a bill draft request that would repeal section 1 and other related sections of this act to the Director of the Legislative Counsel Bureau for transmission to the 77th Session of the Nevada Legislature. The Committee may also consider submitting one or more additional bill draft requests that contain:**

(a) Recommendations for changes to the Tahoe Regional Planning Compact deemed to be necessary by the Committee; and

(b) Any other changes to law relating to the Tahoe Regional Planning Compact deemed to be necessary by the Committee.

4. The Committee shall consider any ongoing discussions with California, the Federal Government and any other interested parties in evaluating potential changes to the Tahoe Regional Planning Compact.

5. The Committee shall vote to appoint a delegation from among its members, consisting of one member of the Senate and two members of the Assembly, representing at least one member from each party. The delegation must be tasked with discussing possible changes to the Tahoe Regional Planning Compact with a like delegation from the California Legislature. The delegation must submit a report of its findings to the Committee not later than the final date on which the Committee will meet.

6. As used in this section, "Committee" means the Legislative Committee for the Review and Oversight of the Tahoe Regional Planning Agency and the Marlette Lake Water System created by NRS 218E.555.

Sec. 23. 1. The Secretary of State shall transmit:

(a) A certified copy of this act to:

(1) The Governor of the State of California; and

(2) The governing body of the Tahoe Regional Planning Agency.

(b) Two certified copies of this act to the Secretary of State of California for delivery to the respective Houses of its Legislature.

2. The Director of the Legislative Counsel Bureau shall transmit copies of section 1.5 of this act to each public officer, agency or other entity that he or she deems appropriate.

3. The Governor of this State, as soon as:

(a) The State of California has enacted amendments that are substantially identical to the amendments to the Tahoe Regional Planning Compact contained in section 1.5 of this act; and

(b) The amendments have been approved pursuant to Public Law 96-551,

➥ shall proclaim that the compact has been amended as provided in this act.

Sec. 23.5. If all of the events described in subsection 4 of section 25 of this act have not yet taken place as of July 1, ~~[2014,]~~ **2015,** the Governor, on or after that date, but before October 1, ~~[2014,]~~ **2015:**

1. Shall assess whether it is likely that all of the events described in subsection 4 of section 25 of this act will take place in the reasonably foreseeable future; and

2. May, if the Governor determines it is likely that all of the events described in subsection 4 of section 25 of this act will take place in the reasonably foreseeable future, issue a proclamation to that effect. If the Governor issues the proclamation described in this subsection, sections 1, 2 to 22, inclusive, and 24 of this act must not become effective until October 1, 2017.

Sec. 24. The Legislative Counsel shall:

1. In preparing the reprint and supplements to the Nevada Revised Statutes, appropriately change any references to an officer, agency or other entity whose name is changed or whose responsibilities are transferred

pursuant to the provisions of this act to refer to the appropriate officer, agency or other entity.

2. In preparing supplements to the Nevada Administrative Code, appropriately change any references to an officer, agency or other entity whose name is changed or whose responsibilities are transferred pursuant to the provisions of this act to refer to the appropriate officer, agency or other entity.

Sec. 25. 1. This section and sections 17.3, 17.7, 22.5, 23 and 23.5 of this act become effective upon passage and approval.

2. Section 22.5 of this act expires by limitation on January 1, 2013.

3. Section 1.5 of this act becomes effective upon proclamation by the Governor of this State of:

(a) The enactment by the State of California of amendments that are substantially identical to the amendments to the Tahoe Regional Planning Compact contained in section 1.5 of this act; and

(b) The approval of the amendments to the Tahoe Regional Planning Compact contained in section 1.5 of this act pursuant to Public Law 96-551.

4. Except as otherwise provided in subsection 5, sections 1, 2 to 22, inclusive, and 24 of this act become effective on October 1, ~~[~~2014,~~]~~ **2015,** unless, by that date, all of the following events have occurred:

(a) The State of California has enacted amendments that are substantially identical to the amendments to the Tahoe Regional Planning Compact contained in section 1.5 of this act;

(b) The amendments to the Tahoe Regional Planning Compact contained in section 1.5 of this act have been approved pursuant to Public Law 96-551; and

(c) The governing board of the Tahoe Regional Planning Agency has adopted an update to the 1987 Regional Plan.

5. In the event that the Governor of this State issues a proclamation pursuant to section 23.5 of this act, sections 1, 2 to 22, inclusive, and 24 of this act become effective on October 1, 2017.

LEADLINES OF REPEALED SECTIONS OF NRS AND TEXT OF REPEALED SECTIONS OF STATUTES OF NEVADA

244.153 Public works: County's powers subordinate to powers of regional planning agency.

266.263 Public works: City's powers subordinate to powers of regional planning agency.

267.123 Public works: City's powers subordinate to powers of regional planning agency.

268.099 City's powers subordinate to powers of regional planning agency.

269.123 Town's powers subordinate to powers of regional planning agency.

277.190 Enactment of Tahoe Regional Planning Compact.

277.200 Text of Compact. [Effective until approval by the Congress of the United States of the proposed amendments of 1987 or until proclamation by the Governor of this State that the State of California has enacted amendments substantially similar to the amendments approved in 1997 by the Legislature of this State.]

277.210 Conflict of interest of member of governing body; penalties.

277.215 Violation of certain provisions of Code of Ordinances of Tahoe Regional Planning Agency: Peace officer authorized to take various actions; reporting of name and address of violator; exception.

277.220 Account for Tahoe Regional Planning Agency: Creation; source and use of money.

278.025 Powers of regional planning agency created by interstate compact.

278.826 Assumption of powers and duties by Agency. [Effective upon proclamation by Governor of withdrawal of California from Tahoe Regional Planning Compact or of finding by Governor that the Tahoe Regional Planning Agency has become unable to perform its duties or exercise its powers.]

309.385 Powers of district concerning location and construction of improvements subordinate to powers of regional planning agency.

318.103 Powers of district concerning location and construction of improvements subordinate to powers of regional planning agency.

Section 1 of chapter 442, Statutes of Nevada 1985, page 1257:

Section 1. NRS 278.792 is hereby amended to read as follows:

278.792 1. The Nevada Tahoe regional planning agency is hereby created as a separate legal entity.

2. The governing body of the agency consists of:

(a) One member appointed by each of the boards of county commissioners of Douglas and Washoe counties and one member appointed by the board of supervisors of Carson City. Any such member may be a member of the board of county commissioners or board of supervisors, respectively, and must reside in the territorial jurisdiction of the governmental body making the appointment.

(b) ~~[One member]~~ ***Two members*** appointed by the governor ~~[of Nevada, the secretary of state of Nevada or his designee, and the director of the state department of conservation and natural resources of Nevada or his designee. A member who is appointed or designated pursuant to this paragraph must~~

~~not be a resident of the region and shall represent the public at large within the State of Nevada.~~

~~(c) One member appointed for a 1-year term by the six other members. If at least four members are unable to agree upon the selection of a seventh member within 30 days after this section becomes effective or the occurrence of a vacancy, the governor shall make the appointment. The member appointed pursuant to this paragraph may but is not required to be a resident of the region.~~**]** ***of this state.***

(c) One member appointed by the speaker of the assembly, and one member appointed by the majority leader of the senate, of this state.

3. If any appointing authority fails to make an appointment within 30 days after the effective date of this section or the occurrence of a vacancy on the governing body, the governor shall make the appointment.

4. The position of any member of the governing body shall be deemed vacant if the member is absent from three consecutive meetings of the governing body in any calendar year.

5. Each member and employee of the agency shall disclose his economic interests in the region within 10 days after taking his seat on the governing body or being employed by the agency and shall thereafter disclose any further economic interest which he acquires, as soon as feasible after he acquires it. As used in this section, "economic interest" means:

(a) Any business entity operating in the region in which the member has a direct or indirect investment worth more than $1,000; **[**~~.~~**]**

(b) Any real property located in the region in which the member has a direct or indirect interest worth more than $1,000; **[**~~.~~**]**

(c) Any source of income attributable to activities in the region, other than loans by or deposits with a commercial lending institution in the regular course of business, aggregating $250 or more in value received by or promised to the member within the preceding 12 months; or

(d) Any business entity operating in the region in which the member is a director, officer, partner, trustee, employee or holds any position of management.

No member or employee of the agency may make or attempt to influence **[**~~an agency decision~~**]** ***a decision of the agency*** in which he knows or has reason to know he has a financial interest. Members and employees of the agency must disqualify themselves from making or participating in the making of any decision of the agency when it is reasonably foreseeable that the decision will have a material financial effect, distinguishable from its effect on the public generally, on the economic interest of the member or employee.

Section 2 of chapter 442, Statutes of Nevada 1985, page 1258:

Sec. 2. 1. This section becomes effective upon passage and approval.

2. All other sections of this act become effective 1 minute after a proclamation by the governor of the amendment of Article III(a)(2) of the Tahoe Regional Planning Compact as proposed by Assembly Bill No. 433 of this session.

Assemblywoman Kirkpatrick moved the adoption of the amendment.

Remarks by Assemblywoman Kirkpatrick.

Amendment adopted.

Bill ordered to third reading.

Senate Bill No. 427.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 978.

AN ACT relating to state governmental administration; providing for the merger of various state agencies into the Department of Administration; creating new divisions of the Department of Administration; creating the new Department of Tourism and Cultural Affairs; providing for the dissolution of the existing Department of Cultural Affairs and the placement of its constituent parts under the management of other departments; making certain appropriations; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill provides for: the dissolution of the Department of Cultural Affairs and the distribution of the sub-parts of the Department of Cultural Affairs among: (1) the Department of Administration; (2) the State Department of Conservation and Natural Resources; and (3) the newly-formed Department of Tourism and Cultural Affairs. This bill also provides for the elimination of the Department of Personnel and its replacement by a new division of the Department of Administration to be known as the Division of Human Resource Management; (1) significant restriction of the powers and duties of the State Public Works Board, such that the Board will only be empowered to make recommendations concerning priority of construction, adopt regulations and preside over certain appeals; (2) reclassification of the Buildings and Grounds Division of the Department of Administration as a section instead of a division; (3) placement of both the State Public Works Board and the Buildings and Grounds Division under a new division of the Department of Administration to be known as the State Public Works Division; (4) assumption of most of the powers and duties of the State Public Works Board by the State Public Works Division; and (5) elimination of the Department of Information Technology and its replacement by a new division of the Department of Administration to be known as the Division of Enterprise Information Technology Services.

Section ~~[96]~~ 147 of this bill directs the Legislative Counsel to appropriately change any references to an officer, agency or other entity whose name is changed, whose responsibilities are transferred or whose responsibilities are eliminated pursuant to the provisions of this bill. Because of **section ~~[148,]~~ 147,** necessary changes in references to entities affected by the bill may be made during the process of codifying statutes and, thus, need not be shown repeatedly in the bill.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 223.085 is hereby amended to read as follows:

223.085 1. The Governor may, within the limits of available money, employ such persons as he or she deems necessary to provide an appropriate staff for the Office of the Governor, including, without limitation, the Office of Science, Innovation and Technology and the Governor's mansion. Any such employees are not in the classified or unclassified service of the State and serve at the pleasure of the Governor.

2. The Governor shall:

(a) Determine the salaries and benefits of the persons employed pursuant to subsection 1, within limits of money available for that purpose; and

(b) Adopt such rules and policies as he or she deems appropriate to establish the duties and employment rights of the persons employed pursuant to subsection 1.

3. The Governor may:

(a) Appoint a Chief Information Officer of the State; and

(b) Designate the Administrator as the Chief Information Officer of the State.

➥ If the Administrator is so appointed, the Administrator shall serve as the Chief Information Officer of the State without additional compensation.

4. As used in this section, "Administrator" means the Administrator of the Division of Enterprise Information Technology Services of the Department of Administration.

Sec. 2. NRS 223.121 is hereby amended to read as follows:

223.121 1. The Director may, upon the election of each new Governor, enter into a contract with an artist for the purpose of procuring a portrait of that Governor for display in the Capitol Building.

2. The portrait must be painted in oil colors and appropriately framed. The painting and framing must be done in the same manner, style and size as the portraits of former Governors of the State displayed in the Capitol Building.

3. The contract price must not exceed the appropriation made for this purpose to the Account for the Governor's Portrait in the State General Fund. The contract price must include the cost of the portrait and the frame.

4. The portrait and frame are subject to the approval of the Governor.

5. Upon delivery of the approved, framed portrait to the Secretary of State and its acceptance by the Director, the State Controller shall draw his or her warrant in an amount equal to the contract price and the State Treasurer shall pay the warrant from the Account for the Governor's Portrait. Any balance remaining in the Account immediately lapses to the State General Fund.

6. As used in this section, "Director" means the Director of the Department of ***Tourism and*** Cultural Affairs.

Sec. 3. NRS 225.250 is hereby amended to read as follows:

225.250 1. The Advisory Committee shall:

(a) Advise the Director of the Department of **[**Cultural Affairs**]** ***Administration*** concerning the Repository and make recommendations to support greater use of the Repository and collection of materials for the Repository;

(b) Assist the Secretary of State in identifying and proposing programs that support participatory democracy and solutions to any problem concerning the level of participatory democracy, including, without limitation, proposing methods to involve the news media in the process of addressing and proposing solutions to such a problem;

(c) Make recommendations to and discuss recommendations with the Secretary of State concerning matters brought to the attention of the Advisory Committee that relate to a program, activity, event or any combination thereof designed to increase or facilitate participatory democracy, including, without limitation, the interaction of citizens with governing bodies in the formulation and implementation of public policy;

(d) Establish a "Jean Ford Democracy Award" to honor citizens who perform exemplary service in promoting participatory democracy in this State;

(e) Support projects by national, state and local entities that encourage and advance participatory democracy, including programs established by the National Conference of State Legislatures, the State Bar of Nevada, and other public and private organizations; and

(f) Advise the Secretary of State and the Governor concerning the substance of any proclamation issued by the Governor pursuant to NRS 236.035.

2. The Advisory Committee may establish a panel to assist the Advisory Committee in carrying out its duties and responsibilities. The panel may consist of:

(a) Representatives of organizations, associations, groups or other entities committed to improving participatory democracy in this State, including, without limitation, representatives of committees that are led by youths and established to improve the teaching of the principles of participatory democracy in the schools, colleges and universities of this State; and

(b) Any other interested persons with relevant knowledge.

Sec. 4. Chapter 231 of NRS is hereby amended by adding thereto the provisions set forth as sections 5 to ~~[8.5,]~~ **8,** inclusive, of this act.

Sec. 5. ***As used in NRS 231.160 to 231.360, inclusive, and sections 5 to*** ~~*[8.5,]*~~ ***8, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 6 and 7 of this act have the meanings ascribed to them in those sections.***

Sec. 6. ***"Department" means the Department of Tourism and Cultural Affairs.***

Sec. 7. ***"Director" means the Director of the Department.***

Sec. 8. ***The creation of the Department does not affect any bequest, devise, endowment, trust, allotment or other gift made to a division or institution of the Department and those gifts inure to the benefit of the division or institution and remain subject to any conditions or restraints placed on the gifts.***

Sec. 8.5. ~~*[1. The Director shall, from among employees in budgeted positions within the Division of Tourism and, in consultation with the Commission on Tourism, appoint an Administrator of the Division of Tourism. The Administrator must be appointed by the Director with special reference to the Administrator's training, experience, capacity and interest in tourism.*~~

~~*2. The Administrator of the Division of Tourism must have:*~~

~~*(a) A bachelor's degree; and*~~

~~*(b) Completed course work and accumulated experience in the tourism sector with at least 5 years of progressively responsible work experience in the administration of tourism, at least 2 years of which must have been in a supervisory capacity.*~~

~~*3. Except as otherwise provided pursuant to subsection 4 of NRS 231.230, the Administrator of the Division of Tourism is in the unclassified service of the State.*~~

~~*4. The Administrator of the Division of Tourism may employ, within the limits of legislative appropriations, such staff as is necessary to the performance of the Administrator's duties.*~~

~~*5. The Administrator of the Division of Tourism, in consultation with the Director, is responsible to the Director for the general administration of the Division of Tourism and for the submission of its budgets, subject to administrative supervision by the Director.*~~

~~*6. The Administrator of the Division of Tourism shall direct the work of the Division, administer the Division and perform such other duties as the Director may, from time to time, prescribe.*~~

~~*7. To carry out the relevant provisions of NRS 231.160 to 231.360, inclusive, and sections 5 to 8.5, inclusive, of this act, and within the limit of money available to him or her, the Administrator of the Division of Tourism may enter into contracts and other lawful agreements with:*~~

~~*(a) Natural persons, organizations and institutions for services furthering the mission and goals of the Division of Tourism and the Commission on Tourism; and*~~

~~*(b) Local, regional and national associations for cooperative endeavors furthering the mission and goals of the programs of the Division of Tourism.*~~

~~*8. The Administrator of the Division of Tourism may accept gifts, contributions and bequests of unrestricted money from natural persons, foundations, corporations and other organizations and institutions to further the mission and goals of the programs of the Division.]*~~ **(Deleted by amendment.)**

Sec. 9. NRS 231.015 is hereby amended to read as follows:

231.015 1. The Interagency Committee for Coordinating Tourism and Economic Development is hereby created. The Committee consists of the Governor, who is its Chair, the Lieutenant Governor, who is its Vice Chair, the Director of the ~~[Commission on]~~ ***Department of*** Tourism ~~[,]~~ ***and Cultural Affairs,*** the Executive Director of the Commission on Economic Development and such other members as the Governor may from time to time appoint. The appointed members of the Committee serve at the pleasure of the Governor.

2. The Committee shall meet at the call of the Governor.

3. The Committee shall:

(a) Identify the strengths and weaknesses in state and local governmental agencies which enhance or diminish the possibilities of tourism and economic development in this State.

(b) Foster coordination and cooperation among state and local governmental agencies, and enlist the cooperation and assistance of federal agencies, in carrying out the policies and programs of the ~~[Commission on]~~ ***Department of*** Tourism ***and Cultural Affairs*** and the Commission on Economic Development.

(c) Formulate cooperative agreements between the ~~[Commission on]~~ ***Department of*** Tourism ***and Cultural Affairs*** or the Commission on Economic Development, and state and other public agencies pursuant to the Interlocal Cooperation Act, so that ~~[each of those commissions]~~ ***the Department and Commission*** may receive applications from and, as

appropriate, give governmental approval for necessary permits and licenses to persons who wish to promote tourism, develop industry or produce motion pictures in this State.

4. The Governor may from time to time establish regional or local subcommittees to work on regional or local problems of economic development or the promotion of tourism.

Sec. 10. NRS 231.160 is hereby amended to read as follows:

231.160 ~~[There is hereby created a Commission on]~~ ***The Department of*** Tourism ~~[,]~~ ***and Cultural Affairs is hereby created,*** consisting of:

1. ~~[A]~~ ***The*** Division of Tourism; ~~[and~~

~~2. A Division of Publications, including Nevada Magazine.]~~

2. The Division of Museums and History, created by NRS 381.004;

3. The Board of Museums and History, created by NRS 381.002;

4. The Nevada Arts Council, created by NRS 233C.025;

5. The Nevada Indian Commission, created by NRS 233A.020;

6. The Board of the Nevada Arts Council, created by NRS 233C.030;

7. The Commission on Tourism; and

8. The Commission for Cultural Affairs, created by NRS 233C.200.

Sec. 11. NRS 231.200 is hereby amended to read as follows:

231.200 The ~~*[Except as otherwise provided in section 8.5 of this act, the]*~~ Commission on Tourism:

1. Shall establish the policies and approve the programs and budgets of the Division of Tourism ~~[and Division of Publications]~~ concerning:

(a) The promotion of tourism and travel in this State; and

(b) The publication of Nevada Magazine and other promotional material.

2. May adopt regulations to administer and carry out the policies and programs of ~~[those divisions.]~~ ***the Division of Tourism.***

3. May from time to time create special advisory committees to advise it on special problems of tourism. Members of special advisory committees, other than members of the Commission, may be paid the per diem allowance and travel expenses provided for state officers and employees, as the budget of the Commission permits.

Sec. 12. NRS 231.210 is hereby amended to read as follows:

231.210 The Director ***:*** ~~[of the Commission on Tourism:]~~

1. Must be appointed by the Governor from a list of three persons submitted to the Governor by the ***Lieutenant Governor from recommendations made to the Lieutenant Governor by the:***

(a) Members of the Commission ~~[,]~~ ***on Tourism;***

(b) Chair of the Commission for Cultural Affairs;

(c) Chair of the Board of Museums and History;

(d) Chair of the Nevada Indian Commission; and

(e) Chair of the Board of the Nevada Arts Council.

2. ~~[Is responsible to the Commission and serves at its pleasure.~~

~~3.]~~ Shall, except as otherwise provided in NRS 284.143, devote his or her entire time to the duties of his or her office and shall not follow any other gainful employment or occupation.

Sec. 13. NRS 231.220 is hereby amended to read as follows:

231.220 The Director ~~[of the Commission on Tourism]~~ shall direct and supervise all ~~[its]~~ administrative and technical activities ~~[,]~~ ***of the Department,*** including coordinating its plans for tourism ***,*** ~~[and]~~ publications ~~[, scheduling its programs,]~~ ***and cultural affairs,*** analyzing the effectiveness of those programs and associated expenditures, and cooperating with other governmental agencies which have programs related to travel ***,*** ~~[and]~~ tourism ~~[.]~~ ***and cultural affairs.*** In addition to other powers and duties, the Director:

1. Shall attend all ***appropriate*** meetings of the ~~[Commission]~~ ***Department*** and ***appoint a staff member to*** act as ~~[its]~~ Secretary, keeping minutes and audio recordings or transcripts of ~~[its]~~ ***all appropriate*** proceedings.

2. Shall report regularly to the ~~[Commission]~~ ***commissions, divisions and council of the Department*** concerning the administration of ~~[its]~~ ***the*** policies and programs ~~[.~~

~~3. Shall serve as the Director of the Division of Tourism.~~

~~4. Shall appoint the Administrator of the Division of Publications.~~

~~5.]~~ ***of the Department.***

3. May perform any other lawful acts which he or she considers necessary to carry out the provisions of NRS 231.160 to 231.360, inclusive ~~[.]~~ ***, and sections 5 to*** ~~*[8.5,]*~~ ***8, inclusive, of this act.***

Sec. 14. NRS 231.230 is hereby amended to read as follows:

231.230 1. The ~~[Commission on Tourism]~~ ***Department*** through ~~[its]~~ ***the*** Director may:

(a) Employ such professional, technical, clerical and operational employees as the operation of the ~~[Commission]~~ ***Department*** may require; and

(b) Employ such experts, researchers and consultants and enter into such contracts with any public or private entities as may be necessary to carry out the provisions of NRS 231.160 to 231.360, inclusive ~~[.]~~ ***, and sections 5 to*** ~~*[8.5,]*~~ ***8, inclusive, of this act.***

2. The Director ~~[and all other nonclerical employees of the Commission are]~~ ***is*** in the unclassified service of the State.

3. ~~[The]~~ ***Except as otherwise provided in subsection 4, the*** clerical employees of the ~~[Commission]~~ ***Department*** are in the classified service of the State.

4. The Director may appoint to the Department employees in either the classified or unclassified service of the State, in accordance with the

historical manner of categorization, unless state or federal law or regulation requires otherwise.

Sec. 15. NRS 231.240 is hereby amended to read as follows:

231.240 1. The Director ~~[of the Commission on Tourism]~~ may charge reasonable fees for materials prepared for distribution.

2. All such fees must be deposited with the State Treasurer for credit to the ~~[Commission.]~~ ***Department.*** The fees must first be expended exclusively for materials and labor incident to preparing and printing those materials for distribution. Any remaining fees may be expended, in addition to any other money appropriated, for the support of the ~~[Commission.]~~ ***Department.***

Sec. 16. NRS 231.250 is hereby amended to read as follows:

231.250 The Fund for the Promotion of Tourism is hereby created as a special revenue Fund. The money in the Fund is hereby appropriated for the support of the ~~[Commission on Tourism.]~~ ***Department.***

Sec. 17. NRS 231.260 is hereby amended to read as follows:

231.260 The ~~[Commission on Tourism,]~~ ***Department,*** through ~~[its]~~ ***the*** Division of Tourism, shall:

1. Promote this State so as to increase the number of domestic and international tourists.

2. Promote special events ***and exhibitions*** which are designed to increase tourism.

3. Develop a State Plan to Promote Travel and Tourism in Nevada.

4. Develop a comprehensive program of marketing and advertising, for both domestic and international markets, which publicizes travel and tourism in Nevada in order to attract more visitors to this State or lengthen their stay.

5. Provide and administer grants of money or matching grants to political subdivisions of the State, to fair and recreation boards, and to local or regional organizations which promote travel and tourism, to assist them in:

(a) Developing local programs for marketing and advertising which are consistent with the State Plan.

(b) Promoting specific events and attractions in their communities.

(c) Evaluating the effectiveness of the local programs and events.

➥ Each recipient must provide an amount of money, at least equal to the grant, for the same purpose, except, in a county whose population is less than ~~[50,000,]~~ ***100,000,*** the ~~[Commission]~~ ***Division*** may, if convinced that the recipient is financially unable to do so, provide a grant with less than equal matching money provided by the recipient.

6. Coordinate and assist the programs of travel and tourism of counties, cities, local and regional organizations for travel and tourism, fair and recreation boards and transportation authorities in the State. Local governmental agencies which promote travel and tourism shall coordinate their promotional programs with those of the ~~[Commission.]~~ ***Division.***

7. Encourage cooperation between public agencies and private persons who have an interest in promoting travel and tourism in Nevada.

8. Compile or obtain by contract, keep current and disseminate statistics and other marketing information on travel and tourism in Nevada.

9. Prepare and publish ~~[, with the assistance of the Division of Publications,]~~ brochures, travel guides, directories and other materials which promote travel and tourism in Nevada.

10. Publish or cause to be published a magazine to be known as the Nevada Magazine. The Nevada Magazine must contain materials which educate the general public about this State and thereby foster awareness and appreciation of Nevada's heritage, culture, historical monuments, natural wonders and natural resources.

Sec. 18. NRS 231.270 is hereby amended to read as follows:

231.270 In addition to its other duties, the ~~[Commission on Tourism through its]~~ Division of Tourism may:

1. Form a statewide council or regional councils on tourism, whose members include representatives from businesses, trade associations and governmental agencies, to provide for exchange of information and coordination of programs on travel and tourism.

2. Produce or cooperate in the production of promotional films which are suitable for broadcasting on television and presenting to organizations involved in travel or tourism.

3. Establish an office or offices which, by brochure, telephone, press release, videotape and other means, disseminate information on cultural, sporting, recreational and other special events, activities and facilities in the different parts of the State which will attract tourists from ***inside or*** outside the State.

Sec. 19. NRS 231.300 is hereby amended to read as follows:

231.300 In performing ~~[their]~~ ***his or her*** duties, the Director ~~[of the Commission on Tourism and the Administrator of the Division of Publications]~~ shall not interfere with the functions of any other state agencies, but those agencies shall, from time to time, on reasonable request, furnish the Director ~~[and Administrator]~~ with data and other information from their records bearing on the objectives of the ~~[Commission and its divisions.]~~ ***Department.*** The Director ~~[and Administrator]~~ shall avail ~~[themselves]~~ ***himself or herself*** of records and assistance of such other state agencies as might make a contribution to the work of the ~~[Commission.]~~ ***Department.***

Sec. 20. NRS 231.320 is hereby amended to read as follows:

231.320 ~~["Committee"]~~ ***"Commission"*** means the ~~[Committee for the Development of Projects Relating to]~~ ***Commission on*** Tourism created by NRS ~~[231.350.]~~ ***231.170.***

Sec. 21. NRS 231.340 is hereby amended to read as follows:

231.340 "Grant Program" means the Grant Program administered by the ~~[Committee for the Development of Projects Relating to Tourism.]~~ ***Commission.***

Sec. 22. NRS 231.360 is hereby amended to read as follows:

231.360 1. The ~~[Committee]~~ ***Commission*** may provide grants of money to counties, cities, and local and regional organizations in this State for the development of projects relating to tourism to the extent that:

(a) Money in the Fund for the Promotion of Tourism created by NRS 231.250 is made available for that purpose. ~~[Not more than $200,000]~~ ***The amount*** of revenue from taxes on the gross receipts from the rental of transient lodging ~~[may be]~~ made available for that purpose in any biennium ~~[.]~~ ***must be determined through the budget process and approved by the Legislature.***

(b) Gifts, grants or other money is made available for that purpose.

2. Except as otherwise provided in this subsection, the State Controller shall, upon the request of the ~~[Committee,]~~ ***Commission,*** transfer to the State General Fund all money made available for the use of the ~~[Committee]~~ ***Commission*** pursuant to subsection 1. All such money must be accounted for separately in the State General Fund. The State Controller shall not transfer any revenue from taxes on the gross receipts from the rental of transient lodging from the Fund for the Promotion of Tourism to the State General Fund unless the transfer is approved by the Interim Finance Committee.

3. The ~~[Committee]~~ ***Commission*** shall administer the account created pursuant to subsection 2 and may make grants only from that account. Any interest earned on the money in the account must be credited to the account quarterly. The money in the account does not revert to the State General Fund at the end of any fiscal year and must be carried forward to the next fiscal year.

4. The ~~[Committee]~~ ***Commission*** shall:

(a) Develop and administer the Grant Program for the Development of Projects Relating to Tourism;

(b) Establish guidelines for the submission and review of applications to receive money from the Grant Program;

(c) Establish the criteria for eligibility to receive money from the Grant Program; and

(d) Consider and approve or disapprove applications for money from the Grant Program.

5. Except as otherwise provided in subsection 6, as a condition of eligibility for a grant from the ~~[Committee]~~ ***Commission*** pursuant to this section, an applicant must provide an amount of money, at least equal to the amount of the grant, for the same purpose.

6. If an applicant for a grant is from a county whose population is less than 100,000 and the ~~[~~Committee~~]~~ ***Commission*** determines that the applicant is financially unable to provide the matching money otherwise required by subsection 5, the ~~[~~Committee~~]~~ ***Commission*** may provide a grant with less than equal matching money provided by the applicant.

Sec. 23. NRS 232.090 is hereby amended to read as follows:

232.090 1. The Department consists of the Director and the following ***:*** ~~[~~divisions:~~]~~

(a) The Division of Water Resources.

(b) The Division of State Lands.

(c) The Division of Forestry.

(d) The Division of State Parks.

(e) The Division of Conservation Districts.

(f) The Division of Environmental Protection.

(g) ***The Office of Historic Preservation.***

(h) Such other divisions as the Director may from time to time establish.

2. The State Environmental Commission, the State Conservation Commission, the Commission for the Preservation of Wild Horses, the Nevada Natural Heritage Program and the Board to Review Claims are within the Department.

Sec. 24. NRS 232.213 is hereby amended to read as follows:

232.213 1. The Department of Administration is hereby created.

2. The Department consists of a Director and the following divisions:

(a) Budget Division.

(b) Risk Management Division.

(c) Hearings Division, which consists of hearing officers, compensation officers and appeals officers.

(d) ~~[~~Buildings and Grounds~~]~~ ***State Public Works*** Division.

(e) Purchasing Division.

(f) Administrative Services Division.

(g) Division of Internal Audits.

(h) Division of Human Resource Management.

(i) Division of Enterprise Information Technology Services.

(j) Division of State Library and Archives.

3. The Director may establish a Motor Pool Division or may assign the functions of the State Motor Pool to one of the other divisions of the Department.

Sec. 25. NRS 232.215 is hereby amended to read as follows:

232.215 The Director:

1. Shall appoint ~~[~~a Chief~~]~~ ***an Administrator*** of the:

(a) Risk Management Division;

(b) ~~[~~Buildings and Grounds~~]~~ ***State Public Works*** Division;

(c) Purchasing Division;

(d) Administrative Services Division;

(e) Division of Internal Audits; ~~[and]~~

(f) ***Division of Human Resource Management;***

(g) Division of Enterprise Information Technology Services;

(h) Division of State Library and Archives; and

(i) Motor Pool Division, if separately established.

2. Shall appoint a Chief of the Budget Division, or may serve in this position if the Director has the qualifications required by NRS 353.175.

3. Shall serve as Chief of the Hearings Division and shall appoint the hearing officers and compensation officers. The Director may designate one of the appeals officers in the Division to supervise the administrative, technical and procedural activities of the Division.

4. Is responsible for the administration, through the divisions of the Department, of the provisions of chapters ***233F, 242, 284,*** 331, 333 ***,*** ~~[and]~~ 336 ***, 338, 341 and 378*** of NRS, NRS 353.150 to 353.246, inclusive, and 353A.031 to 353A.100, inclusive, and all other provisions of law relating to the functions of the divisions of the Department.

5. Is responsible for the administration of the laws of this State relating to the negotiation and procurement of medical services and other benefits for state agencies.

6. Has such other powers and duties as are provided by law.

Sec. 26. NRS 232.2165 is hereby amended to read as follows:

232.2165 ~~[1.]~~ The ~~[Chief]~~ ***Administrator*** of:

~~[(a) The Buildings and Grounds]~~

1. The State Public Works Division;

~~[(b)]~~ ***2.*** The Purchasing Division;

~~[(c)]~~ ***3.*** The Administrative Services Division;

~~[(d)]~~ ***4.*** The Division of Internal Audits; ~~[and~~

~~(e)]~~ ***5. The Division of Human Resource Management;***

6. The Division of Enterprise Information Technology Services;

7. The Division of State Library and Archives; and

8. If separately established, the Motor Pool Division,

➥ of the Department serves at the pleasure of the Director ~~[, but, except as otherwise provided in subsection 2, for all purposes except removal is in the classified]~~ ***and is in the unclassified*** service of the State.

~~[2. The Chief of the Motor Pool Division, if separately established, and the Chief of the Division of Internal Audits are in the unclassified service of the State.]~~

Sec. 27. NRS 232.217 is hereby amended to read as follows:

232.217 Unless federal law or regulation otherwise requires, the Chief of the ~~[:~~

~~1.~~ Budget Division ~~[~~;

~~2. Buildings and Grounds~~] ***and the Administrator of the:***

1. State Public Works Division;

~~[3.~~] ***2.*** Purchasing Division;

~~[4.~~] ***3.*** Division of Internal Audits; ~~[and~~]

~~[5.~~] ***4. Division of Human Resource Management;***

5. Division of Enterprise Information Technology Services;

6. Division of State Library and Archives; and

7. Motor Pool Division, if separately established,

➥ may appoint a Deputy and a Chief Assistant in the unclassified service of the State, who shall not engage in any other gainful employment or occupation except as otherwise provided in NRS 284.143.

Sec. 28. NRS 232.219 is hereby amended to read as follows:

232.219 1. The Department of Administration's Operating Fund for Administrative Services is hereby created as an internal service fund.

2. The operating budget of each of the following entities must include an amount representing that entity's share of the operating costs of the central accounting function of the Department:

(a) State Public Works ~~[Board;]~~ ***Division;***

(b) Budget Division;

(c) ~~[Buildings and Grounds Division;~~

~~(d)]~~ Purchasing Division;

~~[(e)]~~ ***(d)*** Hearings Division;

~~[(f)]~~ ***(e)*** Risk Management Division;

~~[(g)]~~ ***(f)*** Division of Internal Audits; ~~[and~~

~~(h)]~~ ***(g) Division of Human Resource Management;***

(h) Division of Enterprise Information Technology Services;

(i) Division of State Library and Archives; and

(j) If separately established, the Motor Pool Division.

3. All money received for the central accounting services of the Department must be deposited in the State Treasury for credit to the Operating Fund.

4. All expenses of the central accounting function of the Department must be paid from the Fund as other claims against the State are paid.

Sec. 29. NRS 233C.017 is hereby amended to read as follows:

233C.017 "Department" means the Department of ***Tourism and*** Cultural Affairs.

Sec. 30. NRS 233C.091 is hereby amended to read as follows:

233C.091 1. The Administrator is appointed by the Director with special reference to the Administrator's training, experience, capacity and interest in the arts. ***The Director shall consult with the Board before making the appointment.***

2. The Administrator must have:

(a) A degree in the arts, a field related to the arts or public administration; and

(b) Completed course work and accumulated experience in at least one of the arts with at least 5 years of progressively responsible work experience in the administration of arts and cultural programming, at least 2 years of which must have been in a supervisory capacity.

3. The Administrator may employ, within the limits of legislative appropriations, such staff as is necessary to the performance of the Administrator's duties.

4. The Administrator is responsible to the Director for the general administration of the Division and for the submission of its budgets, subject to administrative supervision by the Director.

5. The Administrator shall direct the work of the Division, administer the Division and perform such other duties as the Director may, from time to time, prescribe.

6. To carry out the provisions of this chapter and within the limit of money available to him or her, the Administrator may enter into contracts and other lawful agreements with:

(a) Natural persons, organizations and institutions for services furthering the mission and goals of the Division and the Board; and

(b) Local, regional and national associations for cooperative endeavors furthering the mission and goals of the programs of the Division.

7. The Administrator may accept gifts, contributions and bequests of unrestricted money from natural persons, foundations, corporations and other organizations and institutions to further the mission and goals of the programs of the Division.

8. ***Except as otherwise provided pursuant to subsection 4 of NRS 231.230, the Administrator is in the unclassified service of the State.***

9. As used in this section, "Director" means the Director of the Department.

Sec. 31. Chapter 233F of NRS is hereby amended by adding thereto the provisions set forth as sections 32 and 33 of this act.

Sec. 32. ***"Administrator" means the Administrator of the Division.***

Sec. 33. ***"Division" means the Division of Enterprise Information Technology Services of the Department.***

Sec. 34. NRS 233F.010 is hereby amended to read as follows:

233F.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 233F.020 to 233F.065, inclusive, ***and sections 32 and 33 of this act*** have the meanings ascribed to them in those sections.

Sec. 35. NRS 233F.045 is hereby amended to read as follows:

233F.045 "Communications Unit" means the Communications Unit of the Communication and Computing ~~[Division]~~ ***Unit*** of the ~~[Department.]~~ ***Division.***

Sec. 36. NRS 233F.055 is hereby amended to read as follows:

233F.055 "Department" means the Department of ~~[Information Technology.]~~ ***Administration.***

Sec. 37. NRS 233F.065 is hereby amended to read as follows:

233F.065 "Telecommunications Unit" means the Telecommunications Unit of the Communication and Computing ~~[Division]~~ ***Unit*** of the ~~[Department.]~~ ***Division.***

Sec. 38. NRS 233F.080 is hereby amended to read as follows:

233F.080 The Legislature finds and declares that a state communications system is vital to the security and welfare of the State during times of emergency and in the conduct of its regular business, and that economies may be realized by joint use of the system by all state agencies. It is the purpose of the Legislature that a state communications system be developed whereby the greatest efficiency in the joint use of existing communications systems is achieved and that all communication functions and activities of state agencies be coordinated. It is not the intent of the Legislature to remove from the ~~[Department of Information Technology]~~ ***Division*** control over the state telecommunications system intended for use by state agencies and the general public.

Sec. 39. NRS 233F.110 is hereby amended to read as follows:

233F.110 1. The ~~[Director]~~ ***Administrator*** may, upon receiving a request for a microwave channel or channels from an agency, approve or disapprove that request. If the request is approved, the ~~[Department]~~ ***Division*** shall assign a channel or channels to the agency at a cost which reflects the actual share of costs incurred for services provided to the agency, in accordance with the comprehensive system of equitable billing and charges developed by the coordinator of communications.

2. Except as otherwise provided in subsection 3, a microwave channel assigned by the ~~[Director]~~ ***Administrator*** to an agency for its use must not be reassigned without the concurrence of the agency.

3. The ~~[Director]~~ ***Administrator*** may revoke the assignment of a microwave channel if an agency fails to pay for its use and may reassign that channel to another agency.

4. Equipment for microwave channels which is purchased by a using agency becomes the property of the ~~[Department]~~ ***Division*** if the agency fails to use or pay for those channels. The equipment must be used by the ~~[Department]~~ ***Division*** to replace old or obsolete equipment in the state communications system.

5. A state agency shall not purchase equipment for microwave stations without prior approval from the ~~[~~Director~~]~~ ***Administrator*** unless:

(a) The existing services do not meet the needs of the agency; or

(b) The equipment will not be used to duplicate services which are provided by the state communications system or a private company.

6. The ~~[~~Department~~]~~ ***Division*** shall reimburse an agency for buildings, facilities or equipment which is consolidated into the state communications system.

Sec. 40. NRS 233F.115 is hereby amended to read as follows:

233F.115 The ~~[~~Director~~]~~ ***Administrator*** shall designate at least one microwave channel of the state communications system for use by the fire services.

Sec. 41. NRS 218E.405 is hereby amended to read as follows:

218E.405 1. Except as otherwise provided in subsection 2, the Interim Finance Committee may exercise the powers conferred upon it by law only when the Legislature is not in regular or special session.

2. During a regular or special session, the Interim Finance Committee may also perform the duties imposed on it by subsection 5 of NRS 284.115, NRS 284.1729, subsection 2 of NRS 321.335, NRS 322.007, subsection 2 of NRS 323.020, NRS 323.050, subsection 1 of NRS 323.100, subsection 3 of NRS 341.090, NRS 341.142, ***paragraph (f) of*** subsection ~~[~~6~~]~~ ***1*** of NRS 341.145, NRS 353.220, 353.224, 353.2705 to 353.2771, inclusive, 353.288, 353.335, 353C.226, paragraph (b) of subsection 4 of NRS 407.0762, NRS 428.375, 439.620, 439.630, 445B.830 and 538.650. In performing those duties, the Senate Standing Committee on Finance and the Assembly Standing Committee on Ways and Means may meet separately and transmit the results of their respective votes to the Chair of the Interim Finance Committee to determine the action of the Interim Finance Committee as a whole.

3. The Chair of the Interim Finance Committee may appoint a subcommittee consisting of six members of the Committee to review and make recommendations to the Committee on matters of the State Public Works ~~[~~Board~~]~~ ***Division*** that require prior approval of the Interim Finance Committee pursuant to subsection 3 of NRS 341.090, NRS 341.142 and subsection 6 of NRS 341.145. If the Chair appoints such a subcommittee:

(a) The Chair shall designate one of the members of the subcommittee to serve as the chair of the subcommittee;

(b) The subcommittee shall meet throughout the year at the times and places specified by the call of the chair of the subcommittee; and

(c) The Director of the Legislative Counsel Bureau or the Director's designee shall act as the nonvoting recording secretary of the subcommittee.

Sec. 42. NRS 235.012 is hereby amended to read as follows:

235.012 1. The Director, after consulting with the Director of the ~~[~~Commission on~~]~~ ***Department of*** Tourism ~~[,]~~ ***and Cultural Affairs,*** the Administrator of the Division of Museums and History of the Department of ***Tourism and*** Cultural Affairs and the Administrator of the Division of Minerals of the Commission on Mineral Resources, may contract with a mint to produce medallions made of gold, silver, platinum or nonprecious metals and bars made of gold, silver or platinum.

2. The decision of the Director to award a contract to a particular mint must be based on the ability of the mint to:

(a) Provide a product of the highest quality;

(b) Advertise and market the product properly, including the promotion of museums and tourism in this State; and

(c) Comply with the requirements of the contract.

3. The Director shall award the contract to the lowest responsible bidder, except that if in his or her judgment no satisfactory bid has been received, the Director may reject all bids.

4. All bids for the contract must be solicited in the manner prescribed in NRS 333.310 and comply with the provisions of NRS 333.330.

Sec. 43. NRS 235.014 is hereby amended to read as follows:

235.014 1. The ore used to produce a medallion or bar must be mined in Nevada, if the ore is available. If it is not available, ore newly mined in the United States may be used. Each medallion or bar made of gold, silver or platinum must be 0.999 fine. Additional series of medallions made of gold, silver or platinum at degrees of fineness of 0.900 or greater may be approved by the Director with the concurrence of the Interim Finance Committee. The degree of fineness of the materials used must be clearly indicated on each medallion.

2. Medallions may be minted in weights of 1 ounce, 0.5 ounce, 0.25 ounce and 0.1 ounce.

3. Bars may be minted in weights of 1 ounce, 5 ounces, 10 ounces and 100 ounces.

4. Each medallion must bear on its obverse The Great Seal of the State of Nevada and on its reverse a design selected by the Director, in consultation with the Director of the ~~[~~Commission on~~]~~ ***Department of*** Tourism ~~[,]~~ ***and Cultural Affairs,*** the Administrator of the Division of Museums and History of the Department of ***Tourism and*** Cultural Affairs and the Administrator of the Division of Minerals of the Commission on Mineral Resources.

Sec. 44. NRS 239.005 is hereby amended to read as follows:

239.005 As used in this chapter, unless the context otherwise requires:

1. "Actual cost" means the direct cost related to the reproduction of a public record. The term does not include a cost that a governmental entity

incurs regardless of whether or not a person requests a copy of a particular public record.

2. "Committee" means the Committee to Approve Schedules for the Retention and Disposition of Official State Records.

3. "Division" means the Division of State Library and Archives of the Department of ~~[Cultural Affairs.]~~ ***Administration.***

4. "Governmental entity" means:

(a) An elected or appointed officer of this State or of a political subdivision of this State;

(b) An institution, board, commission, bureau, council, department, division, authority or other unit of government of this State or of a political subdivision of this State;

(c) A university foundation, as defined in NRS 396.405; or

(d) An educational foundation, as defined in NRS 388.750, to the extent that the foundation is dedicated to the assistance of public schools.

Sec. 45. NRS 239.073 is hereby amended to read as follows:

239.073 1. The Committee to Approve Schedules for the Retention and Disposition of Official State Records, consisting of six members, is hereby created.

2. The Committee consists of:

(a) The Secretary of State;

(b) The Attorney General;

(c) The Director of the Department of Administration;

(d) The State Library and Archives Administrator;

(e) The ~~[Director]~~ ***Administrator of the Division of Enterprise Information Technology Services*** of the Department of ~~[Information Technology;]~~ ***Administration;*** and

(f) One member who is a representative of the general public appointed by the Governor.

➥ All members of the Committee, except the representative of the general public, are ex officio members of the Committee.

3. The Secretary of State or a person designated by the Secretary of State shall serve as Chair of the Committee. The State Library and Archives Administrator shall serve as Secretary of the Committee and prepare and maintain the records of the Committee.

4. The Committee shall meet at least quarterly and may meet upon the call of the Chair.

5. An ex officio member of the Committee may designate a person to represent the ex officio member at any meeting of the Committee. The person designated may exercise all the duties, rights and privileges of the member that the person represents.

6. The Committee may adopt rules and regulations for its management.

Sec. 46. Chapter 242 of NRS is hereby amended by adding thereto the provisions set forth as sections 47 and 48 of this act.

Sec. 47. *"Administrator" means the Administrator of the Division.*

Sec. 48. *"Division" means the Division of Enterprise Information Technology Services of the Department.*

Sec. 49. NRS 242.011 is hereby amended to read as follows:

242.011 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 242.015 to 242.068, inclusive, ***and sections 47 and 48 of this act*** have the meanings ascribed to them in those sections.

Sec. 50. NRS 242.031 is hereby amended to read as follows:

242.031 "Department" means the Department of ~~[~~Information Technology.~~]~~ ***Administration.***

Sec. 51. NRS 242.071 is hereby amended to read as follows:

242.071 1. The Legislature hereby determines and declares that the creation of the ***Division of Enterprise Information Technology Services of the*** Department of ~~[~~Information Technology~~]~~ ***Administration*** is necessary for the coordinated, orderly and economical processing of information in State Government, to ensure economical use of information systems and to prevent the unnecessary proliferation of equipment and personnel among the various state agencies.

2. The purposes of the ~~[~~Department~~]~~ ***Division*** are:

(a) To perform information services for state agencies.

(b) To provide technical advice but not administrative control of the information systems within the state agencies, county agencies and governing bodies and agencies of incorporated cities and towns.

Sec. 52. NRS 242.080 is hereby amended to read as follows:

242.080 1. The ***Division of Enterprise Information Technology Services of the*** Department ~~[~~of Information Technology~~]~~ is hereby created.

2. The ~~[~~Department~~]~~ ***Division*** consists of the ~~[~~Director~~]~~ ***Administrator*** and the:

(a) ~~[~~Programming Division.~~]~~ ***Enterprise Application Services Unit.***

(b) Communication and Computing ~~[~~Division.~~]~~ ***Unit.***

(c) Office of Information Security.

3. A Communications Unit and a Telecommunications Unit are hereby created within the Communication and Computing ~~[~~Division~~]~~ ***Unit*** of the ~~[~~Department.~~]~~ ***Division.***

Sec. 53. NRS 242.090 is hereby amended to read as follows:

242.090 1. The ~~[~~Governor~~]~~ ***Director of the Department*** shall appoint the ~~[~~Director~~]~~ ***Administrator*** in the unclassified service of the State. ~~[~~In selecting the Director, the Governor shall consider recommendations of the Department of Personnel relating to minimum qualifications.~~]~~

2. The ~~[~~Director:~~]~~ ***Administrator:***

(a) Serves at the pleasure of **,** ~~[~~the Governor~~]~~ and is responsible to **,** the ~~[~~Governor.~~]~~ ***Director of the Department.***

(b) Shall not engage in any other gainful employment or occupation.

Sec. 54. NRS 242.101 is hereby amended to read as follows:

242.101 1. The ~~[~~Director~~]~~ ***Administrator*** shall:

(a) Appoint the ~~[~~chiefs~~]~~ ***heads*** of the ~~[~~divisions~~]~~ ***units and offices of the Division*** in the unclassified service of the State;

(b) Administer the provisions of this chapter and other provisions of law relating to the duties of the ~~[~~Department;~~]~~ ***Division;*** and

(c) Carry out other duties and exercise other powers specified by law.

2. The ~~[~~Director~~]~~ ***Administrator*** may form committees to establish standards and determine criteria for evaluation of policies relating to informational services.

Sec. 55. NRS 242.105 is hereby amended to read as follows:

242.105 1. Except as otherwise provided in subsection 3, records and portions of records that are assembled, maintained, overseen or prepared by the ~~[~~Department~~]~~ ***Division*** to mitigate, prevent or respond to acts of terrorism, the public disclosure of which would, in the determination of the ~~[~~Director,~~]~~ ***Administrator,*** create a substantial likelihood of threatening the safety of the general public are confidential and not subject to inspection by the general public to the extent that such records and portions of records consist of or include:

(a) Information regarding the infrastructure and security of information systems, including, without limitation:

(1) Access codes, passwords and programs used to ensure the security of an information system;

(2) Access codes used to ensure the security of software applications;

(3) Procedures and processes used to ensure the security of an information system; and

(4) Plans used to reestablish security and service with respect to an information system after security has been breached or service has been interrupted.

(b) Assessments and plans that relate specifically and uniquely to the vulnerability of an information system or to the measures which will be taken to respond to such vulnerability, including, without limitation, any compiled underlying data necessary to prepare such assessments and plans.

(c) The results of tests of the security of an information system, insofar as those results reveal specific vulnerabilities relative to the information system.

2. The ~~[~~Director~~]~~ ***Administrator*** shall maintain or cause to be maintained a list of each record or portion of a record that the ~~[~~Director~~]~~ ***Administrator*** has determined to be confidential pursuant to subsection 1. The list described

in this subsection must be prepared and maintained so as to recognize the existence of each such record or portion of a record without revealing the contents thereof.

3. At least once each biennium, the ~~[Director]~~ ***Administrator*** shall review the list described in subsection 2 and shall, with respect to each record or portion of a record that the ~~[Director]~~ ***Administrator*** has determined to be confidential pursuant to subsection 1:

(a) Determine that the record or portion of a record remains confidential in accordance with the criteria set forth in subsection 1;

(b) Determine that the record or portion of a record is no longer confidential in accordance with the criteria set forth in subsection 1; or

(c) If the ~~[Director]~~ ***Administrator*** determines that the record or portion of a record is obsolete, cause the record or portion of a record to be disposed of in the manner described in NRS 239.073 to 239.125, inclusive.

4. On or before February 15 of each year, the ~~[Director]~~ ***Administrator*** shall:

(a) Prepare a report setting forth a detailed description of each record or portion of a record determined to be confidential pursuant to this section, if any, accompanied by an explanation of why each such record or portion of a record was determined to be confidential; and

(b) Submit a copy of the report to the Director of the Legislative Counsel Bureau for transmittal to:

(1) If the Legislature is in session, the standing committees of the Legislature which have jurisdiction of the subject matter; or

(2) If the Legislature is not in session, the Legislative Commission.

5. As used in this section, "act of terrorism" has the meaning ascribed to it in NRS 239C.030.

Sec. 56. NRS 244A.689 is hereby amended to read as follows:

244A.689 "Project" means:

1. Any land, building or other improvement and all real and personal properties necessary in connection therewith, whether or not in existence, suitable for:

(a) A manufacturing, industrial or warehousing enterprise;

(b) An organization for research and development;

(c) A health and care facility;

(d) A supplemental facility for a health and care facility;

(e) The purposes of a corporation for public benefit; or

(f) Affordable housing.

2. The refinancing of any land, building or other improvement and any real and personal property necessary for:

(a) A health and care facility;

(b) A supplemental facility for a health and care facility;

(c) The purposes of a corporation for public benefit; or

(d) Affordable housing.

3. Any land, building, structure, facility, system, fixture, improvement, appurtenance, machinery, equipment, or any combination thereof or any interest therein, used by any natural person, partnership, firm, company, corporation, including a public utility, association, trust, estate, political subdivision, state agency or any other legal entity, or its legal representative, agent or assigns:

(a) For the reduction, abatement or prevention of pollution or for the removal or treatment of any substance in a processed material which otherwise would cause pollution when such material is used.

(b) In connection with the furnishing of water if available on reasonable demand to members of the general public.

(c) In connection with the furnishing of energy or gas.

4. Any real or personal property appropriate for addition to a hotel, motel, apartment building, casino or office building to protect it or its occupants from fire.

5. Any undertaking by a public utility, in addition to that allowed by subsections 2 and 3, which is solely for the purpose of making capital improvements to property, whether or not in existence, of a public utility.

6. In addition to the kinds of property described in subsections 2 and 3, if the project is for the generation and transmission of electricity, any other property necessary or useful for that purpose, including, without limitation, any leases and any rights to take water or fuel.

7. The preservation of any historic structure or its restoration for its original or another use, if the plan has been approved by the Office of Historic Preservation of the ***State*** Department of ~~[Cultural Affairs.]~~ ***Conservation and Natural Resources.***

Sec. 57. NRS 277.058 is hereby amended to read as follows:

277.058 1. A public entity, in consultation with any Indian tribe that has local aboriginal ties to the geographical area in which a unique archeological, paleontological or historical site is located and in cooperation with the Office of Historic Preservation of the ***State*** Department of ~~[Cultural Affairs,]~~ ***Conservation and Natural Resources,*** may enter into a cooperative agreement with the owner of any property that contains a unique archeological, paleontological or historical site in this state or with any other person, agency of the Federal Government or other public entity for the preservation, protection, restoration and enhancement of unique archeological, paleontological or historical sites in this state, including, without limitation, cooperative agreements to:

(a) Monitor compliance with and enforce any federal or state statutes or regulations for the protection of such sites.

(b) Ensure the sensitive treatment of such sites in a manner that provides for their long-term preservation and the consideration of the values of relevant cultures.

(c) Apply for and accept grants and donations for the preservation, protection, restoration and enhancement of such sites.

(d) Create and enforce:

(1) Legal restrictions on the use of real property; and

(2) Easements for conservation, as defined in NRS 111.410,

➥ for the protection of such sites.

2. As used in this section, "public entity" means any:

(a) Agency of this state, including the Office of Historic Preservation of the ***State*** Department of ~~[Cultural Affairs;]~~ ***Conservation and Natural Resources;*** and

(b) County, city or town in this state.

Sec. 58. NRS 281.641 is hereby amended to read as follows:

281.641 1. If any reprisal or retaliatory action is taken against a state officer or employee who discloses information concerning improper governmental action within 2 years after the information is disclosed, the state officer or employee may file a written appeal with a hearing officer of the ~~[Department of]~~ Personnel ***Commission*** for a determination of whether the action taken was a reprisal or retaliatory action. The written appeal must be accompanied by a statement that sets forth with particularity:

(a) The facts and circumstances under which the disclosure of improper governmental action was made; and

(b) The reprisal or retaliatory action that is alleged to have been taken against the state officer or employee.

➥ The hearing must be conducted in accordance with the procedures set forth in NRS 284.390 to 284.405, inclusive, and the procedures adopted by the Personnel Commission pursuant to subsection 4.

2. If the hearing officer determines that the action taken was a reprisal or retaliatory action, the hearing officer may issue an order directing the proper person to desist and refrain from engaging in such action. The hearing officer shall file a copy of the decision with the Governor or any other elected state officer who is responsible for the actions of that person.

3. The hearing officer may not rule against the state officer or employee based on the person or persons to whom the improper governmental action was disclosed.

4. The Personnel Commission may adopt rules of procedure for conducting a hearing pursuant to this section that are not inconsistent with the procedures set forth in NRS 284.390 to 284.405, inclusive.

5. As used in this section, "Personnel Commission" means the Personnel Commission created by NRS 284.030.

Sec. 59. NRS 284.015 is hereby amended to read as follows:

284.015 As used in this chapter, unless the context otherwise requires:

1. "***Administrator" means the Administrator of the Division.***

2. **"**Commission" means the Personnel Commission.

~~[2. "Department" means the Department of Personnel.~~

~~3. "Director" means the Director of the Department.~~

~~4.]~~ ***3.*** **"**Disability," includes, but is not limited to, physical disability, mental retardation and mental or emotional disorder.

4. "Division" means the Division of Human Resource Management of the Department of Administration.

5. "Essential functions" has the meaning ascribed to it in 29 C.F.R. § 1630.2.

6. "Public service" means positions providing service for any office, department, board, commission, bureau, agency or institution in the Executive Department of the State Government operating by authority of the Constitution or law, and supported in whole or in part by any public money, whether the money is received from the Government of the United States or any branch or agency thereof, or from private or any other sources.

Sec. 60. NRS 284.025 is hereby amended to read as follows:

284.025 1. The ~~[Department of Personnel]~~ ***Division of Human Resource Management of the Department of Administration*** is hereby created.

2. The ~~[Department]~~ ***Division*** shall administer the provisions of this chapter.

Sec. 61. NRS 284.030 is hereby amended to read as follows:

284.030 1. There is hereby created in the ~~[Department]~~ ***Division*** a personnel commission composed of five members appointed by the Governor.

2. The Governor shall appoint:

(a) Three members who are representatives of the general public and have a demonstrated interest in or knowledge of the principles of public personnel administration.

(b) One member who is a representative of labor and has a background in personnel administration.

(c) One member who is a representative of employers or managers and has a background in personnel administration.

Sec. 62. NRS 284.172 is hereby amended to read as follows:

284.172 1. The ~~[Director]~~ ***Administrator*** shall prepare, maintain and revise as necessary a list of all positions in the classified service that consist primarily of performing data processing.

2. The request of an appointing authority that is required to use the equipment or services of the ***Division of Enterprise Information Technology***

Services of the Department of ~~[Information Technology]~~ ***Administration*** for a new position or the reclassification of an existing position to a position included on the list required by subsection 1 must be submitted to the ~~[Director]~~ ***Administrator*** of the ~~[Department of Information Technology]~~ ***Division of Enterprise Information Technology Services*** for approval before submission to the ~~[Department of Personnel.]~~ ***Division of Human Resource Management.***

Sec. 63. NRS 284.320 is hereby amended to read as follows:

284.320 1. In case of a vacancy in a position where peculiar and exceptional qualifications of a scientific, professional or expert character are required, and upon satisfactory evidence that for specific reasons competition in that case is impracticable, and that the position can best be filled by the selection of some designated person of high and recognized attainments in the required qualities, the ~~[director]~~ ***Administrator*** may suspend the requirements of competition.

2. The ~~[Director]~~ ***Administrator*** may suspend the requirements of competitive examination for positions requiring highly professional qualifications if past experience or current research indicates a difficulty in recruitment or if the qualifications include a license or certification.

3. Upon specific written justification by the appointing authority, the ~~[Director]~~ ***Administrator*** may suspend the requirement of competitive examination for a position where extreme difficulty in recruitment has been experienced and extensive efforts at recruitment have failed to produce five persons in the state service who are qualified applicants for promotion to the position.

4. Except in the circumstances described in subsection 2, no suspension may be general in its application to any position, and each case of suspension and the justifying circumstances must be reported in the biennial report of the ~~[department]~~ ***Division*** with the reasons for the suspension.

Sec. 64. NRS 284.390 is hereby amended to read as follows:

284.390 1. Within 10 working days after the effective date of an employee's dismissal, demotion or suspension pursuant to NRS 284.385, the employee who has been dismissed, demoted or suspended may request in writing a hearing before the hearing officer of the ~~[Department]~~ ***Commission*** to determine the reasonableness of the action. The request may be made by mail and shall be deemed timely if it is postmarked within 10 working days after the effective date of the employee's dismissal, demotion or suspension.

2. The hearing officer shall grant the employee a hearing within 20 working days after receipt of the employee's written request unless the time limitation is waived, in writing, by the employee or there is a conflict with the hearing calendar of the hearing officer, in which case the hearing must be scheduled for the earliest possible date after the expiration of the 20 days.

3. The employee may represent himself or herself at the hearing or be represented by an attorney or other person of the employee's own choosing.

4. Technical rules of evidence do not apply at the hearing.

5. After the hearing and consideration of the evidence, the hearing officer shall render a decision in writing, setting forth the reasons therefor.

6. If the hearing officer determines that the dismissal, demotion or suspension was without just cause as provided in NRS 284.385, the action must be set aside and the employee must be reinstated, with full pay for the period of dismissal, demotion or suspension.

7. The decision of the hearing officer is binding on the parties.

8. Any petition for judicial review of the decision of the hearing officer must be filed in accordance with the provisions of chapter 233B of NRS.

Sec. 65. NRS 321.5967 is hereby amended to read as follows:

321.5967 1. There is hereby created a Board of Review composed of:

(a) The Director of the State Department of Conservation and Natural Resources;

(b) The Administrator of the Division of Environmental Protection of the State Department of Conservation and Natural Resources;

(c) The Administrator of the Division of Minerals of the Commission on Mineral Resources;

(d) The Administrator of the Division of State Parks of the State Department of Conservation and Natural Resources;

(e) The State Engineer;

(f) The State Forester Firewarden;

(g) The Chair of the State Environmental Commission;

(h) The Director of the State Department of Agriculture;

(i) The Chair of the Board of Wildlife Commissioners; and

(j) The Administrator of the Office of Historic Preservation of the ***State*** Department of **[**~~Cultural Affairs.~~**]** ***Conservation and Natural Resources.***

2. The Chair of the State Environmental Commission serves as Chair of the Board.

3. The Board shall meet at such times and places as are specified by a call of the Chair. Six members of the Board constitute a quorum. The affirmative vote of a majority of the Board members present is sufficient for any action of the Board.

4. Except as otherwise provided in this subsection, the members of the Board serve without compensation. The Chair of the State Environmental Commission and the Chair of the Board of Wildlife Commissioners are entitled to receive a salary of not more than $80, as fixed by the Board, for each day's attendance at a meeting of the Board.

5. While engaged in the business of the Board, each member and employee of the Board is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

6. The Board:

(a) Shall review and approve or disapprove all regulations proposed by the State Land Registrar pursuant to NRS 321.597.

(b) May review any decision of the State Land Registrar made pursuant to NRS 321.596 to 321.599, inclusive, if an appeal is taken pursuant to NRS 321.5987, and affirm, modify or reverse the decision.

(c) Shall review any plan or statement of policy concerning the use of lands in Nevada under federal management which is submitted by the State Land Use Planning Agency.

Sec. 66. NRS 331.010 is hereby amended to read as follows:

331.010 As used in NRS 331.010 to **[**~~331.145,~~**]** ***331.180,*** inclusive, unless the context otherwise requires:

1. "***Administrator" means the Administrator of the Division.***

2. **"**Buildings and Grounds **[**~~Division"~~**]** ***Section"*** means the Buildings and Grounds ***Section of the*** Division **. [**~~of the Department of Administration.~~

~~2. "Chief" means the Chief of the Buildings and Grounds Division.~~**]**

3. "***Department" means the Department of Administration.***

4. **"**Director" means the Director of the Department **. [**~~of Administration.~~**]**

5. "Division" means the State Public Works Division of the Department.

Sec. 67. NRS 331.020 is hereby amended to read as follows:

331.020 The **[**~~Buildings and Grounds~~**]** Division shall administer the provisions of NRS 331.010 to **[**~~331.145,~~**]** ***331.180,*** inclusive, subject to administrative supervision by the Director.

Sec. 68. NRS 331.060 is hereby amended to read as follows:

331.060 1. The **[**~~Chief~~**]** ***Administrator*** shall, within the limits of legislative appropriations, employ such clerks, engineers, electricians, painters, mechanics, janitors, gardeners and other persons as may be necessary to carry out the provisions of NRS 331.010 to **[**~~331.145,~~**]** ***331.180,*** inclusive.

2. The employees shall perform duties as assigned by the **[**~~Chief.~~**]** ***Administrator.***

3. The **[**~~Chief~~**]** ***Administrator*** is responsible for the fitness and good conduct of all employees.

Sec. 69. NRS 331.085 is hereby amended to read as follows:

331.085 The **[**~~Chief~~**]** ***Administrator*** may charge the various state departments, agencies and institutions for the cost of labor and materials for extra services provided to their respective offices by the Buildings and Grounds **[**~~Division.~~**]** ***Section.*** Extra services for which these charges may be

made include, but are not limited to, office remodeling, furniture construction and moving. Money received by the Chief for this purpose must be deposited in the Buildings and Grounds Operating Fund in the State Treasury.

Sec. 70. NRS 331.100 is hereby amended to read as follows:

331.100 The ~~[Chief]~~ ***Administrator*** has the following specific powers and duties:

1. To keep all buildings, rooms, basements, floors, windows, furniture and appurtenances clean, orderly and presentable as befitting public property.

2. To keep all yards and grounds clean and presentable, with proper attention to landscaping and horticulture.

3. Under the supervision of the State Fire Marshal, to make arrangements for the installation and maintenance of water sprinkler systems, fire extinguishers, fire hoses and fire hydrants, and to take other fire prevention and suppression measures, necessary and feasible, that may reduce the fire hazards in all buildings under his or her control.

4. To make arrangements and provision for the maintenance of the State's water system supplying the state-owned buildings at Carson City, with particular emphasis upon the care and maintenance of water reservoirs, in order that a proper and adequate supply of water be available to meet any emergency.

5. To make arrangements for the installation and maintenance of water meters designed to measure accurately the quantity of water obtained from sources not owned by the State.

6. To make arrangements for the installation and maintenance of a lawn sprinkling system on the grounds adjoining the Capitol Building at Carson City, or on any other state-owned grounds where such installation is practical or necessary.

7. To investigate the feasibility, and economies resultant therefrom, if any, of the installation of a central power meter, to measure electrical energy used by the state buildings in the vicinity of and including the Capitol Building at Carson City, assuming the buildings were served with power as one unit.

8. To purchase, use and maintain such supplies and equipment as are necessary for the care, maintenance and preservation of the buildings and grounds under his or her supervision and control.

9. Subject to the provisions of chapter 426 of NRS regarding the operation of vending stands in or on public buildings and properties by persons who are blind, to install or remove vending machines and vending stands in the buildings under his or her supervision and control, and to have control of and be responsible for their operation.

10. To cooperate with the Nevada Arts Council ~~[and]~~ ***of*** the ~~[State Public Works Board]~~ ***Department of Tourism and Cultural Affairs*** to plan the

potential purchase and placement of works of art inside or on the grounds surrounding a state building.

Sec. 71. NRS 331.102 is hereby amended to read as follows:

331.102 1. The ~~[Chief]~~ ***Administrator*** shall:

(a) Maintain accurate records reflecting the costs of administering the provisions of NRS 331.010 to ~~[331.145,]~~ ***331.180,*** inclusive.

(b) Between July 1 and August 1 of each even-numbered year, determine, on the basis of experience during the 2 preceding fiscal years, the estimated cost per square foot of rentable area of carrying out the functions of the Buildings and Grounds ~~[Division]~~ ***Section*** for the 2 succeeding fiscal years, and inform each department, agency and institution operating under the provisions of NRS 331.010 to ~~[331.145,]~~ ***331.180,*** inclusive, of the cost.

2. Each department, agency and institution occupying space in state-owned buildings maintained by the Buildings and Grounds ~~[Division,]~~ ***Section*** shall include in its budget for each of the 2 succeeding fiscal years an amount of money equal to the cost per budgeted square foot of rentable area, as determined by the ~~[Chief,]~~ ***Administrator,*** multiplied by the number of rentable square feet occupied by each department, agency or institution.

3. Except as otherwise provided in subsection 4, on July 1 of each year each department, agency or institution shall pay to the ~~[Chief]~~ ***Administrator*** for deposit in the Buildings and Grounds Operating Fund the amount of money appropriated to or authorized for the department, agency or institution for building space rental costs pursuant to its budget.

4. Any state department, agency or institution may pay building space rental costs required pursuant to subsection 3 on a date or dates other than July 1, if compliance with federal law or regulation so requires.

Sec. 72. NRS 331.110 is hereby amended to read as follows:

331.110 1. ~~[Except as otherwise provided in subsection 2, the Chief]~~ ***The Administrator*** may lease and equip office rooms outside of state buildings for the use of state officers and employees, whenever sufficient space for the officers and employees cannot be provided within state buildings, but no such lease may extend beyond the term of 1 year unless it is reviewed and approved by a majority of the members of the State Board of Examiners. The Attorney General shall approve each lease entered into pursuant to this subsection as to form and compliance with law.

2. ~~[The]~~ ***Except as otherwise provided in this subsection, the*** provisions of subsection 1 do not apply to state officers and employees of boards that are exempt from the provisions of chapter 353 of NRS pursuant to NRS 353.005. ***The provisions of subsection 1 apply to:***

(a) The Department of Public Safety;

(b) The Department of Motor Vehicles; and

(c) The State Gaming Control Board.

3. An owner of a building who enters into a contract with a state agency for occupancy in the building:

(a) If the contract is entered into before May 28, 2009, may comply with the program; and

(b) If the contract is entered into on or after May 28, 2009, shall, to the extent practicable as determined by the Administrator, comply with the program.

➥ If an owner chooses not to comply with the program pursuant to paragraph (a), a state or local agency shall not, after May 28, 2009, enter into a contract for occupancy of a building owned by the owner, except that the Administrator may authorize a state or local agency to enter into a contract for the occupancy of a building owned by an owner who does not comply with the program if the Administrator determines that it is impracticable for the owner to comply with the program.

4. As used in this section, "program" means the program established pursuant to section ~~[140]~~ 139 of this act.

Sec. 73. NRS 331.140 is hereby amended to read as follows:

331.140 1. The ~~[Chief]~~ ***Administrator*** shall take proper care to prevent any unlawful activity on or damage to any state property under the supervision and control of the ~~[Chief,]~~ ***Administrator,*** and to protect the safety of any persons on that property.

2. The Director of the Department of Public Safety shall appoint to the Capitol Police Division of that Department such personnel as may be necessary to assist the ~~[Chief of]~~ ***Administrator and*** the Buildings and Grounds ~~[Division]~~ ***Section*** in the enforcement of subsection 1. The salaries and expenses of the personnel appointed pursuant to this subsection must, within the limits of legislative authorization, be paid out of the Buildings and Grounds Operating Fund.

Sec. 74. NRS 331.160 is hereby amended to read as follows:

331.160 1. The Marlette Lake Water System, composed of the water rights, easements, pipelines, flumes and other fixtures and appurtenances used in connection with the collection, transmission and storage of water in Carson City and Washoe and Storey Counties, Nevada, acquired by the State of Nevada pursuant to law, is hereby created.

2. The purposes of the Marlette Lake Water System are:

(a) To provide adequate supplies of water to the areas served.

(b) To maintain distribution lines, flumes, dams, culverts, bridges and all other appurtenances of the system in a condition calculated to assure dependable supplies of water.

(c) To sell water under equitable and fiscally sound contractual arrangements. Any such contractual arrangements must not include the value

of the land comprising the watershed as an element in determining the cost of water sold.

3. The Department of Administration is designated as the state agency to supervise and administer the functions of the Marlette Lake Water System.

4. The Director of the Department of Administration may assign the supervision and administration of the functions of the Marlette Lake Water System to one of the divisions of the Department ***, a city or a county,*** or may establish a separate division to carry out the purposes of this section and NRS 331.170 and 331.180. Subject to the limit of money provided by legislative appropriation or revenues whose expenditure is authorized by law, the chief of that division ***, or the city or county, as applicable,*** shall employ necessary staff to carry out the provisions of this section and NRS 331.170 and 331.180.

5. The Director of the Department of Administration shall:

(a) Establish the value of water to be distributed from the Marlette Lake Water System.

(b) Include in the water rate structure provisions for recovery, over a reasonable period, of the major capital costs of improving and modernizing the System.

(c) Assure that the rate structure is equitable for all present and potential customers.

6. The Director of the Department of Administration may request the State Board of Finance to issue general obligation bonds of the State or revenue bonds in an aggregate principal amount not to exceed $25,000,000 to finance the capital costs of improving and modernizing the Marlette Lake Water System. Before any revenue bonds are issued pursuant to this subsection, the State Board of Finance must determine that sufficient revenue will be available in the Marlette Lake Water System Fund to pay the interest and installments of principal as they become due. The provisions of NRS 349.150 to 349.364, inclusive, apply to the issuance of state securities pursuant to this subsection.

7. The Legislature finds and declares that the issuance of state securities and the incurrence of indebtedness pursuant to subsection 6 is necessary for the protection and preservation of the natural resources of this State and for the purpose of obtaining the benefits thereof, and constitutes an exercise of the authority conferred by the second paragraph of Section 3 of Article 9 of the Constitution of the State of Nevada.

Sec. 75. NRS 338.010 is hereby amended to read as follows:

338.010 As used in this chapter:

1. “Authorized representative” means a person designated by a public body to be responsible for the development, solicitation, award or administration of contracts for public works pursuant to this chapter.

2. "Contract" means a written contract entered into between a contractor and a public body for the provision of labor, materials, equipment or supplies for a public work.

3. "Contractor" means:

(a) A person who is licensed pursuant to the provisions of chapter 624 of NRS or performs such work that the person is not required to be licensed pursuant to chapter 624 of NRS.

(b) A design-build team.

4. "Day labor" means all cases where public bodies, their officers, agents or employees, hire, supervise and pay the wages thereof directly to a worker or workers employed by them on public works by the day and not under a contract in writing.

5. "Design-build contract" means a contract between a public body and a design-build team in which the design-build team agrees to design and construct a public work.

6. "Design-build team" means an entity that consists of:

(a) At least one person who is licensed as a general engineering contractor or a general building contractor pursuant to chapter 624 of NRS; and

(b) For a public work that consists of:

(1) A building and its site, at least one person who holds a certificate of registration to practice architecture pursuant to chapter 623 of NRS.

(2) Anything other than a building and its site, at least one person who holds a certificate of registration to practice architecture pursuant to chapter 623 of NRS or landscape architecture pursuant to chapter 623A of NRS or who is licensed as a professional engineer pursuant to chapter 625 of NRS.

7. "Design professional" means:

(a) A person who is licensed as a professional engineer pursuant to chapter 625 of NRS;

(b) A person who is licensed as a professional land surveyor pursuant to chapter 625 of NRS;

(c) A person who holds a certificate of registration to engage in the practice of architecture, interior design or residential design pursuant to chapter 623 of NRS;

(d) A person who holds a certificate of registration to engage in the practice of landscape architecture pursuant to chapter 623A of NRS; or

(e) A business entity that engages in the practice of professional engineering, land surveying, architecture or landscape architecture.

8. "***Division" means the State Public Works Division of the Department of Administration.***

9. **"**Eligible bidder" means a person who is:

(a) Found to be a responsible and responsive contractor by a local government or its authorized representative which requests bids for a public work in accordance with paragraph (b) of subsection 1 of NRS 338.1373; or

(b) Determined by a public body or its authorized representative which awarded a contract for a public work pursuant to NRS 338.1375 to 338.139, inclusive, to be qualified to bid on that contract pursuant to NRS 338.1379 or 338.1382.

~~[9.]~~ ***10.*** "General contractor" means a person who is licensed to conduct business in one, or both, of the following branches of the contracting business:

(a) General engineering contracting, as described in subsection 2 of NRS 624.215.

(b) General building contracting, as described in subsection 3 of NRS 624.215.

~~[10.]~~ ***11.*** "Governing body" means the board, council, commission or other body in which the general legislative and fiscal powers of a local government are vested.

~~[11.]~~ ***12.*** "Local government" means every political subdivision or other entity which has the right to levy or receive money from ad valorem or other taxes or any mandatory assessments, and includes, without limitation, counties, cities, towns, boards, school districts and other districts organized pursuant to chapters 244A, 309, 318, 379, 474, 538, 541, 543 and 555 of NRS, NRS 450.550 to 450.750, inclusive, and any agency or department of a county or city which prepares a budget separate from that of the parent political subdivision. The term includes a person who has been designated by the governing body of a local government to serve as its authorized representative.

~~[12.]~~ ***13.*** "Offense" means failing to:

(a) Pay the prevailing wage required pursuant to this chapter;

(b) Pay the contributions for unemployment compensation required pursuant to chapter 612 of NRS;

(c) Provide and secure compensation for employees required pursuant to chapters 616A to 617, inclusive, of NRS; or

(d) Comply with subsection 4 or 5 of NRS 338.070.

~~[13.]~~ ***14.*** "Prime contractor" means a contractor who:

(a) Contracts to construct an entire project;

(b) Coordinates all work performed on the entire project;

(c) Uses his or her own workforce to perform all or a part of the public work; and

(d) Contracts for the services of any subcontractor or independent contractor or is responsible for payment to any contracted subcontractors or independent contractors.

➥ The term includes, without limitation, a general contractor or a specialty contractor who is authorized to bid on a project pursuant to NRS 338.139 or 338.148.

~~[14.]~~ ***15.*** "Public body" means the State, county, city, town, school district or any public agency of this State or its political subdivisions sponsoring or financing a public work.

~~[15.]~~ ***16.*** "Public work" means any project for the new construction, repair or reconstruction of:

(a) A project financed in whole or in part from public money for:

(1) Public buildings;

(2) Jails and prisons;

(3) Public roads;

(4) Public highways;

(5) Public streets and alleys;

(6) Public utilities;

(7) Publicly owned water mains and sewers;

(8) Public parks and playgrounds;

(9) Public convention facilities which are financed at least in part with public money; and

(10) All other publicly owned works and property.

(b) A building for the Nevada System of Higher Education of which 25 percent or more of the costs of the building as a whole are paid from money appropriated by this State or from federal money.

~~[16.]~~ ***17.*** "Specialty contractor" means a person who is licensed to conduct business as described in subsection 4 of NRS 624.215.

~~[17.]~~ ***18.*** "Stand-alone underground utility project" means an underground utility project that is not integrated into a larger project, including, without limitation:

(a) An underground sewer line or an underground pipeline for the conveyance of water, including facilities appurtenant thereto; and

(b) A project for the construction or installation of a storm drain, including facilities appurtenant thereto,

➥ that is not located at the site of a public work for the design and construction of which a public body is authorized to contract with a design-build team pursuant to subsection 2 of NRS 338.1711.

~~[18.]~~ ***19.*** "Subcontract" means a written contract entered into between:

(a) A contractor and a subcontractor or supplier; or

(b) A subcontractor and another subcontractor or supplier,

➥ for the provision of labor, materials, equipment or supplies for a construction project.

~~[19.]~~ ***20.*** "Subcontractor" means a person who:

(a) Is licensed pursuant to the provisions of chapter 624 of NRS or performs such work that the person is not required to be licensed pursuant to chapter 624 of NRS; and

(b) Contracts with a contractor, another subcontractor or a supplier to provide labor, materials or services for a construction project.

~~[20.]~~ ***21.*** "Supplier" means a person who provides materials, equipment or supplies for a construction project.

~~[21.]~~ ***22.*** "Wages" means:

(a) The basic hourly rate of pay; and

(b) The amount of pension, health and welfare, vacation and holiday pay, the cost of apprenticeship training or other similar programs or other bona fide fringe benefits which are a benefit to the worker.

~~[22.]~~ ***23.*** "Worker" means a skilled mechanic, skilled worker, semiskilled mechanic, semiskilled worker or unskilled worker in the service of a contractor or subcontractor under any appointment or contract of hire or apprenticeship, express or implied, oral or written, whether lawfully or unlawfully employed. The term does not include a design professional.

Sec. 76. NRS 338.1375 is hereby amended to read as follows:

338.1375 1. The ~~[State Public Works Board]~~ ***Division*** shall not accept a bid on a contract for a public work unless the contractor who submits the bid has qualified pursuant to NRS 338.1379 to bid on that contract.

2. The State Public Works Board shall by regulation adopt criteria for the qualification of bidders on contracts for public works of this State. The criteria adopted by the State Public Works Board pursuant to this section must be used by the ~~[State Public Works Board]~~ ***Division*** to determine the qualification of bidders on contracts for public works of this State.

3. The criteria adopted by the State Public Works Board pursuant to this section:

(a) Must be adopted in such a form that the determination of whether an applicant is qualified to bid on a contract for a public work does not require or allow the exercise of discretion by any one person.

(b) May include only:

(1) The financial ability of the applicant to perform a contract;

(2) The principal personnel of the applicant;

(3) Whether the applicant has breached any contracts with a public body or person in this State or any other state;

(4) Whether the applicant has been disqualified from being awarded a contract pursuant to NRS 338.017, 338.13845 or 338.13895;

(5) Whether the applicant has been disciplined or fined by the State Contractors' Board or another state or federal agency for conduct that relates to the ability of the applicant to perform the public work;

(6) The performance history of the applicant concerning other recent, similar contracts, if any, completed by the applicant; and

(7) The truthfulness and completeness of the application.

Sec. 77. NRS 338.1381 is hereby amended to read as follows:

338.1381 1. If, within 10 days after receipt of the notice denying an application pursuant to NRS 338.1379 or disqualifying a subcontractor pursuant to NRS 338.1376, the applicant or subcontractor, as applicable, files a written request for a hearing with the ~~[State Public Works Board]~~ ***Division*** or the local government, the ***State Public Works*** Board or governing body shall set the matter for a hearing within 20 days after receipt of the request. The hearing must be held not later than 45 days after the receipt of the request for a hearing unless the parties, by written stipulation, agree to extend the time.

2. The hearing must be held at a time and place prescribed by the Board or local government. At least 10 days before the date set for the hearing, the Board or local government shall serve the applicant or subcontractor with written notice of the hearing. The notice may be served by personal delivery to the applicant or subcontractor or by certified mail to the last known business or residential address of the applicant or subcontractor.

3. The applicant or subcontractor has the burden at the hearing of proving by substantial evidence that the applicant is entitled to be qualified to bid on a contract for a public work, or that the subcontractor is qualified to be a subcontractor on a contract for a public work.

4. In conducting a hearing pursuant to this section, the Board or governing body may:

(a) Administer oaths;

(b) Take testimony;

(c) Issue subpoenas to compel the attendance of witnesses to testify before the Board or governing body;

(d) Require the production of related books, papers and documents; and

(e) Issue commissions to take testimony.

5. If a witness refuses to attend or testify or produce books, papers or documents as required by the subpoena issued pursuant to subsection 4, the Board or governing body may petition the district court to order the witness to appear or testify or produce the requested books, papers or documents.

6. The Board or governing body shall issue a decision on the matter during the hearing. The decision of the Board or governing body is a final decision for purposes of judicial review.

Sec. 78. NRS 338.13845 is hereby amended to read as follows:

338.13845 1. If the ~~[State Public Works Board]~~ ***Division*** determines that a business has made a material misrepresentation or otherwise

committed a fraudulent act in applying for the preference described in NRS 338.13844, the business is thereafter permanently prohibited from:

(a) Applying for or receiving the preference described in NRS 338.13844; and

(b) Bidding on a contract for a public work of this State.

2. If the ~~[State Public Works Board]~~ ***Division*** determines, as described in subsection 1, that a business has made a material misrepresentation or otherwise committed a fraudulent act in applying for the preference described in NRS 338.13844, the business may apply to the ~~[Manager]~~ ***Administrator*** to review the decision pursuant to chapter 233B of NRS.

3. As used in this section, ~~["Manager"]~~ ***"Administrator"*** has the meaning ascribed to it in ~~[NRS 341.015.]~~ ***section 82 of this act.***

Sec. 79. NRS 338.13847 is hereby amended to read as follows:

338.13847 The State Public Works Board may adopt such regulations as it determines to be necessary or advisable to carry out the provisions of NRS 338.1384 to 338.13847, inclusive. The regulations may include, without limitation, provisions setting forth:

1. The method by which a business may apply to receive the preference described in NRS 338.13844;

2. The documentation or other proof that a business must submit to demonstrate that it qualifies for the preference described in NRS 338.13844; and

3. Such other matters as the ~~[State Public Works Board]~~ ***Division*** deems relevant.

➥ In carrying out the provisions of this section, the State Public Works Board ***and the Division*** shall, to the extent practicable, cooperate and coordinate with the Purchasing Division of the Department of Administration so that any regulations adopted pursuant to this section and NRS 333.3369 are reasonably consistent.

Sec. 80. NRS 338.1908 is hereby amended to read as follows:

338.1908 1. The governing body of each local government shall, by July 28, 2009, develop a plan to retrofit public buildings, facilities and structures, including, without limitation, traffic-control systems, and to otherwise use sources of renewable energy to serve those buildings, facilities and structures. Such a plan must:

(a) Be developed with input from one or more energy retrofit coordinators designated pursuant to NRS 338.1907, if any.

(b) Include a list of specific projects. The projects must be prioritized and selected on the basis of the following criteria:

(1) The length of time necessary to commence the project.

(2) The number of workers estimated to be employed on the project.

(3) The effectiveness of the project in reducing energy consumption.

(4) The estimated cost of the project.

(5) Whether the project is able to be powered by or otherwise use sources of renewable energy.

(6) Whether the project has qualified for participation in one or more of the following programs:

(I) The Solar Energy Systems Incentive Program created by NRS 701B.240; or

(II) The Renewable Energy School Pilot Program created by NRS 701B.350.

(c) Include a list of potential funding sources for use in implementing the projects, including, without limitation, money available through the Energy Efficiency and Conservation Block Grant Program as set forth in 42 U.S.C. § 17152 and grants, gifts, donations or other sources of money from public and private sources.

2. The governing body of each local government shall transmit the plan developed pursuant to subsection 1 to the ~~[~~Nevada~~]~~ ***Director of the Office of*** Energy ~~[~~Commissioner~~]~~ and to any other entity designated for that purpose by the Legislature.

3. As used in this section:

(a) "Local government" means each city or county that meets the definition of "eligible unit of local government" as set forth in 42 U.S.C. § 17151 and each unit of local government, as defined in subsection ~~[~~11~~]~~ ***12*** of NRS 338.010, that does not meet the definition of "eligible entity" as set forth in 42 U.S.C. § 17151.

(b) "Renewable energy" means a source of energy that occurs naturally or is regenerated naturally, including, without limitation:

(1) Biomass;

(2) Fuel cells;

(3) Geothermal energy;

(4) Solar energy;

(5) Waterpower; and

(6) Wind.

➥ The term does not include coal, natural gas, oil, propane or any other fossil fuel, or nuclear energy.

(c) "Retrofit" means to alter, improve, modify, remodel or renovate a building, facility or structure to make that building, facility or structure more energy-efficient.

Sec. 81. Chapter 341 of NRS is hereby amended by adding thereto the provisions set forth as sections 82 to 85, inclusive, of this act.

Sec. 82. ***"Administrator" means the Administrator of the Division.***

Sec. 83. ***"Department" means the Department of Administration.***

Sec. 84. ***"Division" means the State Public Works Division of the Department.***

Sec. 85. ***1. There is hereby created the State Public Works Division of the Department of Administration.***

2. The Division consists of:

(a) The Administrator;

(b) The Buildings and Grounds Section; and

(c) The State Public Works Board.

3. The Division shall, subject to the administrative supervision of the Director of the Department, administer the provisions of this chapter and NRS 331.010 to 331.180, inclusive.

Sec. 86. NRS 341.010 is hereby amended to read as follows:

341.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 341.013 and ~~[~~341.015~~]~~ ***sections 82, 83 and 84 of this act*** have the meanings ascribed to them in those sections.

Sec. 87. NRS 341.020 is hereby amended to read as follows:

341.020 1. The State Public Works Board is hereby created.

2. The Board consists of ~~[~~seven~~]~~ ***the Director of the Department and six*** members appointed as follows:

(a) The Governor shall appoint:

(1) One member who has education or experience, or both, regarding the principles of engineering or architecture;

(2) ~~[~~One member who has education or experience, or both, regarding the principles of financing or managing public or private construction projects;

~~(3)~~~~]~~ One member who is licensed to practice law in this State and who has experience in the practice of construction law; and

~~[(4)]~~ ***(3)*** Two members who are licensed in this State as a general building contractor or general engineering contractor pursuant to chapter 624 of NRS.

(b) The Majority Leader of the Senate shall appoint one member who is licensed in this State as a general building contractor or general engineering contractor pursuant to chapter 624 of NRS.

(c) The Speaker of the Assembly shall appoint one member who is licensed in this State as a general building contractor or general engineering contractor pursuant to chapter 624 of NRS.

3. Each member of the Board ***who is appointed*** serves at the pleasure of the appointing authority.

4. A vacancy on the Board ***in an appointed position*** must be filled by the appointing authority in the same manner as the original appointment.

Sec. 88. (Deleted by amendment.)

Sec. 88.5. NRS 341.070 is hereby amended to read as follows:

341.070 The Board shall:

1. Adopt such rules for the regulation of its proceedings and the transaction of its business as it deems proper.

2. Meet ~~[at least once every 3 months.]~~ ***as necessary to conduct the business of the Board for the following purposes:***

(a) Submitting reports and making recommendations as required pursuant to NRS 341.191;

(b) Adopting regulations; and

(c) Presiding over appeals taken on the following matters:

(1) The qualification of contractors; and

(2) Disputes regarding contracts.

Sec. 89. NRS 341.100 is hereby amended to read as follows:

341.100 1. The ~~[Board shall appoint a Manager and a deputy manager for compliance and code enforcement, each of whom must be approved by the Governor. The Manager]~~ ***Administrator*** and the deputy ~~[manager]~~ ***administrator*** for compliance and code enforcement serve at the pleasure of the ~~[Board and the Governor.]~~ ***Director of the Department.***

2. The ~~[Manager, with the approval of the Board,]~~ ***Administrator*** shall appoint:

(a) A deputy ~~[manager]~~ ***administrator*** for professional services; and

(b) A deputy ~~[manager for administrative, fiscal and constructional services.]~~ ***administrator of the Buildings and Grounds Section.***

➥ Each deputy ~~[manager]~~ ***administrator*** appointed pursuant to this subsection serves at the pleasure of the ~~[Manager.]~~ ***Administrator.***

3. ***The Administrator shall recommend and the Director shall appoint a deputy administrator for compliance and code enforcement. The deputy administrator appointed pursuant to this subsection has the final authority in the interpretation and enforcement of any applicable building codes.***

4. The ~~[Manager]~~ ***Administrator*** may appoint such other technical and clerical assistants as may be necessary to carry into effect the provisions of this chapter.

~~[4.]~~ ***5.*** The ~~[Manager]~~ ***Administrator*** and each deputy ~~[manager]~~ ***administrator*** are in the unclassified service of the State. Except as otherwise provided in NRS 284.143, the ~~[Manager]~~ ***Administrator*** and each deputy ~~[manager]~~ ***administrator*** shall devote his or her entire time and attention to the business of the office and shall not pursue any other business or occupation or hold any other office of profit.

~~[5.]~~ ***6.*** The ~~[Manager]~~ ***Administrator*** and the deputy ~~[manager]~~ ***administrator*** for professional services must each be a licensed professional engineer pursuant to the provisions of chapter 625 of NRS or an architect registered pursuant to the provisions of chapter 623 of NRS.

~~[6. The deputy manager for administrative, fiscal and constructional services must have a comprehensive knowledge of the principles of administration and a working knowledge of the principles of engineering or architecture as determined by the Board.]~~

7. The deputy ~~[manager]~~ ***administrator*** for compliance and code enforcement must have a comprehensive knowledge of building codes and a working knowledge of the principles of engineering or architecture as determined by the ~~[Board.]~~ ***Administrator.***

8. The ~~[Manager]~~ ***Administrator*** shall:

(a) Serve as the Secretary of the Board.

(b) Manage the daily affairs of the ~~[Board.]~~ ***Division.***

(c) Represent the Board ***and the Division*** before the Legislature.

(d) Prepare and submit to the Board, for its approval, the recommended priority for proposed capital improvement projects and provide the Board with an estimate of the cost of each project.

(e) ~~[Make recommendations to the Board for the selection of]~~ ***Select*** architects, engineers and contractors.

(f) ~~[Make recommendations to the Board concerning the acceptance of]~~ ***Accept*** completed projects.

(g) Submit in writing to the ~~[Board,]~~ ***Director of the Department,*** the Governor and the Interim Finance Committee a monthly report regarding all public works projects which are a part of the approved capital improvement program. For each such project, the monthly report must include, without limitation, a detailed description of the progress of the project which highlights any specific events, circumstances or factors that may result in:

(1) Changes in the scope of the design or construction of the project or any substantial component of the project which increase or decrease the total square footage or cost of the project by 10 percent or more;

(2) Increased or unexpected costs in the design or construction of the project or any substantial component of the project which materially affect the project;

(3) Delays in the completion of the design or construction of the project or any substantial component of the project; or

(4) Any other problems which may adversely affect the design or construction of the project or any substantial component of the project.

(h) Have final authority to approve the architecture of all buildings, plans, designs, types of construction, major repairs and designs of landscaping.

9. The deputy ~~[manager]~~ ***administrator*** for compliance and code enforcement shall serve as the building official for all buildings and structures on property of the State or held in trust for any division of the State Government.

Sec. 90. NRS 341.105 is hereby amended to read as follows:

341.105 1. When acting in the capacity of building official pursuant to subsection 9 of NRS 341.100, the deputy ~~[manager]~~ ***administrator*** for compliance and code enforcement or his or her designated representative may issue an order to compel the cessation of work on all or any portion of a building or structure based on health or safety reasons or for violations of applicable building codes or other laws or regulations.

2. If a person receives an order issued pursuant to subsection 1, the person shall immediately cease work on the building or structure or portion thereof.

3. Any person who willfully refuses to comply with an order issued pursuant to subsection 1 or who willfully encourages another person to refuse to comply or assists another person in refusing to comply with such an order is guilty of a misdemeanor and shall be punished as provided in NRS 193.150. Any penalties collected pursuant to this subsection must be deposited with the State Treasurer for credit to the State General Fund.

4. In addition to the criminal penalty set forth in subsection 3, the deputy ~~[manager]~~ ***administrator*** for compliance and code enforcement may impose an administrative penalty of not more than $1,000 per day for each day that a person violates subsection 3.

5. If a person wishes to contest an order issued to the person pursuant to subsection 1, the person may bring an action in district court. The court shall give such a proceeding priority over other civil matters that are not expressly given priority by law. An action brought pursuant to this subsection does not stay enforcement of the order unless the district court orders otherwise.

6. If a person refuses to comply with an order issued pursuant to subsection 1, the deputy ~~[manager]~~ ***administrator*** for compliance and code enforcement may bring an action in the name of the State of Nevada in district court to compel compliance and to collect any administrative penalties imposed pursuant to subsection 4. The court shall give such a proceeding priority over other civil matters that are not expressly given priority by law. Any attorney's fees and costs awarded by the court in favor of the State and any penalties collected in the action must be deposited with the State Treasurer for credit to the State General Fund.

7. No right of action exists in favor of any person by reason of any action or failure to act on the part of the ***Division, Director of the Department, Administrator,*** Board ~~[,]~~ ***or*** the deputy ~~[manager]~~ ***administrator*** for compliance and code enforcement or any officers, employees or agents of the ~~[Board]~~ ***Division*** in carrying out the provisions of this section.

8. As used in this section, "person" includes a government and a governmental subdivision, agency or instrumentality.

Sec. 91. NRS 341.110 is hereby amended to read as follows:

341.110 In general, the ~~[~~Board~~]~~ ***Administrator*** shall have such powers as may be necessary to enable ~~[~~it~~]~~ ***him or her*** to fulfill ~~[~~its~~]~~ ***his or her*** functions and to carry out the purposes of this chapter.

Sec. 92. NRS 341.119 is hereby amended to read as follows:

341.119 1. ~~[~~Upon~~]~~ ***Except as otherwise provided in this subsection, upon*** the request of the head of a state agency, the ~~[~~Board~~]~~ ***Administrator*** may delegate to that agency any of the authority granted the ~~[~~Board~~]~~ ***Division*** pursuant to NRS 341.141 to 341.148, inclusive. ***The Administrator shall not delegate the powers described in subsection 2 of NRS 341.145.***

2. This section does not limit any of the authority of the Legislature when the Legislature is in regular or special session or the Interim Finance Committee when the Legislature is not in regular or special session to consult with the ~~[~~Board~~]~~ ***Division*** concerning a construction project or to approve the advance planning of a project.

Sec. 93. NRS 341.141 is hereby amended to read as follows:

341.141 1. The ~~[~~Board~~]~~ ***Division*** shall furnish engineering and architectural services to the Nevada System of Higher Education and all other state departments, boards or commissions charged with the construction of any building constructed on state property or for which the money is appropriated by the Legislature, except:

(a) Buildings used in maintaining highways;

(b) Improvements, other than nonresidential buildings with more than 1,000 square feet in floor area, made:

(1) In state parks by the State Department of Conservation and Natural Resources; or

(2) By the Department of Wildlife; and

(c) Buildings on property controlled by other state agencies if the ~~[~~Board~~]~~ ***Administrator*** has delegated ~~[~~its~~]~~ ***his or her*** authority in accordance with NRS 341.119.

➥ The Board of Regents of the University of Nevada and all other state departments, boards or commissions shall use those services.

2. The services must consist of:

(a) Preliminary planning;

(b) Designing;

(c) Estimating of costs; and

(d) Preparation of detailed plans and specifications.

Sec. 94. NRS 341.145 is hereby amended to read as follows:

341.145 ***1.*** The Board:

~~[~~1.~~]~~ ***(a)*** Shall determine whether any rebates are available from a public utility for installing devices in any state building which are designed to decrease the use of energy in the building. If such a rebate is available, the ~~[~~Board~~]~~ ***Administrator*** shall apply for the rebate.

~~[~~2.~~]~~ ***(b)*** Shall solicit bids for and let all contracts for new construction or major repairs.

~~[~~3.~~]~~ ***(c)*** May negotiate with the lowest responsible and responsive bidder on any contract to obtain a revised bid if:

~~[~~(a)~~]~~ ***(1)*** The bid is less than the appropriation made by the Legislature for that building project; and

~~[~~(b)~~]~~ ***(2)*** The bid does not exceed the relevant budget item for that building project as established by the ~~[~~Board~~]~~ ***Administrator*** by more than 10 percent.

~~[~~4.~~]~~ ***(d)*** May reject any or all bids.

~~[~~5.~~]~~ ***(e)*** After the contract is let, shall supervise and inspect construction and major repairs. The cost of supervision and inspection must be financed from the capital construction program approved by the Legislature.

~~[~~6.~~]~~ ***(f)*** Shall obtain prior approval from the Interim Finance Committee before authorizing any change in the scope of the design or construction of a project as that project was authorized by the Legislature, if the change increases or decreases the total square footage or cost of the project by 10 percent or more.

~~[~~7.~~]~~ ***(g)*** Except for changes that require prior approval pursuant to ~~[~~subsection 6,~~]~~ ***paragraph (f)*** may authorize change orders, before or during construction:

~~[~~(a)~~]~~ ***(1)*** In any amount, where the change represents a reduction in the total awarded contract price.

~~[~~(b)~~]~~ ***(2)*** Except as otherwise provided in ~~[~~paragraph (c),~~]~~ ***subparagraph (3),*** not to exceed in the aggregate 15 percent of the total awarded contract price, where the change represents an increase in that price.

~~[~~(c)~~]~~ ***(3)*** In any amount, where the total awarded contract price is less than $50,000 and the change represents an increase not exceeding the amount of the total awarded contract price.

~~[~~(d)~~]~~ ***(4)*** In any amount, where additional money was authorized or appropriated by the Legislature and issuing a new contract would not be in the best interests of the State.

~~[~~8.~~]~~ ***(h)*** Shall specify in any contract with a design professional the period within which the design professional must prepare and submit to the ~~[~~Board~~]~~ ***Administrator*** a change order that has been authorized by the design professional. As used in this ~~[~~subsection,~~]~~ ***paragraph,*** "design professional" means a person with a professional license or certificate issued pursuant to chapter 623, 623A or 625 of NRS.

~~[~~9.~~]~~ ***(i)*** Has final authority to accept each building or structure, or any portion thereof, on property of the State or held in trust for any division of the State Government as completed or to require necessary alterations to conform to the contract ***,*** ~~[~~or to codes adopted by the Board,~~]~~ and to file the

notice of completion ~~[and certificate of occupancy]~~ for the building or structure.

2. The deputy administrator for compliance and code enforcement, when acting as building official pursuant to subsection 9 of NRS 341.100, has the final authority in:

(a) Requiring necessary alterations to conform to any building codes adopted by the Board; and

(b) Issuing a certificate of occupancy for a building or structure.

Sec. 95. NRS 341.146 is hereby amended to read as follows:

341.146 1. The ~~[Board]~~ ***Division*** shall establish funds for projects of capital construction necessary to account for the program of capital construction approved by the Legislature. These funds must be used to account for all revenues, appropriations and expenditures restricted to constructing buildings and other projects which come under the supervision of the ~~[Board.]~~ ***Division.***

2. If a state department, board, commission or agency provides to the ~~[Board]~~ ***Division*** money that has not been appropriated by the Legislature for a capital improvement project, any interest earned on that money accrues to the benefit of the project. Upon a determination by the ~~[Board]~~ ***Administrator*** that the project is completed, the ~~[Board]~~ ***Division*** shall return any principal and interest remaining on that money to the department, board, commission or agency that had provided the money to the ~~[Board.]~~ ***Division.***

3. Except as otherwise provided in subsection 4, if the money actually received by the ~~[Board]~~ ***Division*** for a capital improvement project includes money from more than one source, the money must be expended in the following order:

(a) Money received for the project from the Federal Government;

(b) Money generated by the state department, board, commission or agency for whom the project is being performed;

(c) Money that was approved for the same or a different project during a previous biennium that has been reallocated during the current biennium for the project;

(d) Except as otherwise provided in paragraphs (e), (f) and (g), money received for the project from any other source;

(e) Money from the issuance of general obligation bonds;

(f) Money from the State Highway Fund; and

(g) Money from the State General Fund.

4. The provisions of subsection 3 do not apply if the receipt of any money from the Federal Government for the project is conditioned upon a different order of expenditure.

Sec. 96. NRS 341.153 is hereby amended to read as follows:

341.153 1. The Legislature hereby finds as facts:

(a) That the ***planning, maintenance and*** construction of public buildings is a specialized field requiring for its successful accomplishment a high degree of skill and experience not ordinarily acquired by public officers and employees whose primary duty lies in some other field.

(b) That this ***planning, maintenance and*** construction involves the expenditure of large amounts of public money which, whatever their particular constitutional, statutory or governmental source, involve a public trust.

(c) That the application by state agencies of conflicting standards of performance results in wasteful delays and increased costs in the performance of public works.

2. The Legislature therefore declares it to be the policy of this State that all ***planning, maintenance and*** construction of buildings upon property of the State or held in trust for any division of the State Government be supervised by, and final authority for its completion and acceptance vested in, the ~~[Board]~~ ***Division*** as provided in NRS 341.141 to 341.148, inclusive.

Sec. 97. NRS 341.155 is hereby amended to read as follows:

341.155 With the concurrence of the ~~[Board,]~~ ***Administrator,*** the Board of Regents of the University of Nevada and any other state department, board or commission may enter into agreements with persons, associations or corporations to provide consulting services to determine and plan the construction work that may be necessary to meet the needs of the programs of those agencies. These contracts must be for a term not exceeding 5 years and must provide for payment of a fee for those services not to exceed one-half of 1 percent of the total value of:

1. In the case of the Nevada System of Higher Education, building construction contracts relating to the construction of a branch or facility within the Nevada System of Higher Education; and

2. In the case of another state department, board or commission, all construction contracts relating to construction for that agency,

➥ during the term and in the area covered by the contract.

Sec. 98. NRS 341.161 is hereby amended to read as follows:

341.161 1. The ~~[Board]~~ ***Administrator*** may let to a contractor licensed under chapter 624 of NRS a contract for services which assist the ~~[Board]~~ ***Division*** in the design and construction of a project of capital improvement.

2. The Board shall adopt regulations establishing procedures for:

(a) The determination of the qualifications of contractors to bid for contracts for services described in subsection 1.

(b) The bidding and awarding of such contracts, subject to the provisions of subsection 3.

(c) The awarding of construction contracts based on a final cost of the project which the contractor guarantees will not be exceeded.

(d) The scheduling and controlling of projects.

3. Bids on contracts for services which assist the ~~[~~Board~~]~~ ***Division*** in the design and construction of a project of capital improvement must state separately the contractor's cost for:

(a) Assisting the ~~[~~Board~~]~~ ***Division*** in the design and construction of the project.

(b) Obtaining all bids for subcontracts.

(c) Administering the construction contract.

4. A person who furnishes services under a contract awarded pursuant to subsection 1 is a contractor subject to all provisions pertaining to a contractor in title 28 of NRS.

Sec. 99. NRS 341.166 is hereby amended to read as follows:

341.166 1. The ~~[~~Board~~]~~ ***Administrator*** may enter into a contract for services with a contractor licensed pursuant to chapter 624 of NRS to assist the ~~[~~Board:~~]~~ ***Division:***

(a) In the development of designs, plans, specifications and estimates of costs for a proposed construction project.

(b) In the review of designs, plans, specifications and estimates of costs for a proposed construction project to ensure that the designs, plans, specifications and estimates of costs are complete and that the project is feasible to construct.

2. The ~~[~~Board~~]~~ ***Division*** is not required to advertise for bids for a contract for services pursuant to subsection 1, but may solicit bids from not fewer than three licensed contractors and may award the contract to the lowest responsible and responsive bidder.

3. The Board shall adopt regulations establishing procedures for:

(a) The determination of the qualifications of contractors to bid for the contracts for services described in subsection 1.

(b) The bidding and awarding of such contracts.

4. If a proposed construction project for which a contractor is awarded a contract for services by the ~~[~~Board~~]~~ ***Division*** pursuant to subsection 1 is advertised pursuant to NRS 338.1385, that contractor may submit a bid for the contract for the proposed construction project if the contractor is qualified pursuant to NRS 338.1375.

Sec. 100. NRS 341.211 is hereby amended to read as follows:

341.211 The ~~[~~Board~~]~~ ***Division*** shall:

1. Cooperate with other departments and agencies of the State in their planning efforts.

2. Advise and cooperate with municipal, county and other local planning commissions within the State to promote coordination between the State and the local plans and developments.

3. Cooperate with the Nevada Arts Council ~~[and]~~ ***of*** the ~~[Buildings and Grounds Division of the]~~ Department of ~~[Administration]~~ ***Tourism and Cultural Affairs*** to plan the potential purchase and placement of works of art inside or on the grounds surrounding a state building.

Sec. 101. NRS 349.510 is hereby amended to read as follows:

349.510 "Project" means:

1. Any land, building or other improvement and all real and personal properties necessary in connection therewith, excluding inventories, raw materials and working capital, whether or not in existence, suitable for new construction, improvement, rehabilitation or redevelopment for:

(a) Industrial uses, including assembling, fabricating, manufacturing, processing or warehousing;

(b) Research and development relating to commerce or industry, including professional, administrative and scientific offices and laboratories;

(c) Commercial enterprises;

(d) Civic and cultural enterprises open to the general public, including theaters, museums and exhibitions, together with buildings and other structures, machinery, equipment, facilities and appurtenances thereto which the Director deems useful or desirable in connection with the conduct of any such enterprise;

(e) An educational institution operated by a nonprofit organization not otherwise directly funded by the State which is accredited by a nationally recognized educational accrediting association;

(f) Health and care facilities and supplemental facilities for health and care;

(g) The purposes of a corporation for public benefit; or

(h) A renewable energy generation project.

2. Any real or personal property appropriate for addition to a hotel, motel, apartment building, casino or office building to protect it or its occupants from fire.

3. The preservation of a historic structure or its restoration for its original or another use, if the plan has been approved by the Office of Historic Preservation of the ***State*** Department of ~~[Cultural Affairs.]~~ ***Conservation and Natural Resources.***

Sec. 102. NRS 350.575 is hereby amended to read as follows:

350.575 1. Upon the adoption of a resolution to finance the preservation or restoration of a historic structure, in the manner provided in NRS 350.087, by a municipality, a certified copy thereof must be forwarded to the Executive Director of the Department of Taxation, accompanied by a letter from the Office of Historic Preservation of the ***State*** Department of ~~[Cultural Affairs]~~ ***Conservation and Natural Resources*** certifying that the preservation or restoration conforms to accepted standards for such work. As

soon as is practicable, the Executive Director of the Department of Taxation shall, after consideration of the tax structure of the municipality concerned and the probable ability of the municipality to repay the requested financing, approve or disapprove the resolution in writing to the governing board. No such resolution is effective until approved by the Executive Director of the Department of Taxation. The written approval of the Executive Director of the Department of Taxation must be recorded in the minutes of the governing board.

2. If the Executive Director of the Department of Taxation does not approve the financing resolution, the governing board of the municipality may appeal the Executive Director's decision to the Nevada Tax Commission.

3. As used in this section, "historic structure" means a building, facility or other structure which is eligible for listing in the State Register of Historic Places under NRS 383.085.

Sec. 103. NRS 353.335 is hereby amended to read as follows:

353.335 1. Except as otherwise provided in subsections 5 and 6, a state agency may accept any gift or grant of property or services from any source only if it is included in an act of the Legislature authorizing expenditures of nonappropriated money or, when it is not so included, if it is approved as provided in subsection 2.

2. If:

(a) Any proposed gift or grant is necessary because of an emergency as defined in NRS 353.263 or for the protection or preservation of life or property, the Governor shall take reasonable and proper action to accept it and shall report the action and his or her reasons for determining that immediate action was necessary to the Interim Finance Committee at its first meeting after the action is taken. Action by the Governor pursuant to this paragraph constitutes acceptance of the gift or grant, and other provisions of this chapter requiring approval before acceptance do not apply.

(b) The Governor determines that any proposed gift or grant would be forfeited if the State failed to accept it before the expiration of the period prescribed in paragraph (c), the Governor may declare that the proposed acceptance requires expeditious action by the Interim Finance Committee. Whenever the Governor so declares, the Interim Finance Committee has 15 days after the proposal is submitted to its Secretary within which to approve or deny the acceptance. Any proposed acceptance which is not considered within the 15-day period shall be deemed approved.

(c) The proposed acceptance of any gift or grant does not qualify pursuant to paragraph (a) or (b), it must be submitted to the Interim Finance Committee. The Interim Finance Committee has 45 days after the proposal is submitted to its Secretary within which to consider acceptance. Any

proposed acceptance which is not considered within the 45-day period shall be deemed approved.

3. The Secretary shall place each request submitted to the Secretary pursuant to paragraph (b) or (c) of subsection 2 on the agenda of the next meeting of the Interim Finance Committee.

4. In acting upon a proposed gift or grant, the Interim Finance Committee shall consider, among other things:

(a) The need for the facility or service to be provided or improved;

(b) Any present or future commitment required of the State;

(c) The extent of the program proposed; and

(d) The condition of the national economy, and any related fiscal or monetary policies.

5. A state agency may accept:

(a) Gifts, including grants from nongovernmental sources, not exceeding $10,000 each in value; and

(b) Governmental grants not exceeding $100,000 each in value,

➥ if the gifts or grants are used for purposes which do not involve the hiring of new employees and if the agency has the specific approval of the Governor or, if the Governor delegates this power of approval to the Chief of the Budget Division of the Department of Administration, the specific approval of the Chief.

6. This section does not apply to:

(a) The Nevada System of Higher Education;

(b) The Department of Health and Human Services while acting as the state health planning and development agency pursuant to paragraph (d) of subsection 2 of NRS 439A.081 or for donations, gifts or grants to be disbursed pursuant to NRS 433.395; or

(c) Artifacts donated to the Department of ***Tourism and*** Cultural Affairs.

Sec. 104. NRS 353.3465 is hereby amended to read as follows:

353.3465 1. If the Director of the Department of ***Tourism and*** Cultural Affairs determines that current claims exceed the amount of money available because revenue from fees or assessments has not been collected or because of a delay in other expected receipts, he or she may request from the Director of the Department of Administration a temporary advance from the State General Fund for the payment of authorized expenses.

2. The Director of the Department of Administration shall notify the State Controller and the Fiscal Analysis Division of the Legislative Counsel Bureau of his or her approval of a request made pursuant to subsection 1. The State Controller shall draw his or her warrant upon receipt of the approval by the Director of the Department of Administration.

3. An advance from the State General Fund:

(a) May be approved by the Director of the Department of Administration.

(b) Is limited to 25 percent of the revenue expected to be received in the current fiscal year from any source other than legislative appropriation.

4. Any money which is temporarily advanced from the State General Fund pursuant to subsection 3 must be repaid by August 31 following the end of the immediately preceding fiscal year.

Sec. 105. NRS 361A.050 is hereby amended to read as follows:

361A.050 "Open-space use" means the current employment of land, the preservation of which use would conserve and enhance natural or scenic resources, protect streams and water supplies, maintain natural features which enhance control of floods or preserve sites designated as historic by the Office of Historic Preservation of the ***State*** Department of ~~[Cultural Affairs.]~~ ***Conservation and Natural Resources.*** The use of real property and the improvements on that real property as a golf course shall be deemed to be an open-space use of the land. The use of land to lease surface water rights appurtenant to the property to a political subdivision of this State for a municipal use shall be deemed to be an open-space use of the land, if the land was agricultural real property at the time the lease was granted.

Sec. 106. NRS 376A.010 is hereby amended to read as follows:

376A.010 As used in this chapter, unless the context otherwise requires:

1. "Open-space land" means land that is undeveloped natural landscape, including, but not limited to, ridges, stream corridors, natural shoreline, scenic areas, viewsheds, agricultural or other land devoted exclusively to open-space use and easements devoted to open-space use that are owned, controlled or leased by public or nonprofit agencies.

2. "Open-space plan" means the plan adopted by the board of county commissioners of a county to provide for the acquisition, development and use of open-space land.

3. "Open-space use" includes:

(a) The preservation of land to conserve and enhance natural or scenic resources;

(b) The protection of streams and stream environment zones, watersheds, viewsheds, natural vegetation and wildlife habitat areas;

(c) The maintenance of natural and artificially created features that control floods, other than dams;

(d) The preservation of natural resources and sites that are designated as historic by the Office of Historic Preservation of the ***State*** Department of ~~[Cultural Affairs;]~~ ***Conservation and Natural Resources;*** and

(e) The development of recreational sites.

Sec. 107. Chapter 378 of NRS is hereby amended by adding thereto the provisions set forth as sections 108, 109 and 110 of this act.

Sec. 108. ***1. The Department of Administration's Communications Fund is hereby created as an internal service fund. The Fund is a***

continuing fund, and its money may not revert to the State General Fund at any time.

2. Claims against the Fund which are approved by the State Library and Archives Administrator must be paid as other claims against the State are paid.

3. Claims must be made in accordance with budget and quarterly work allotments and subject to postaudit examination and approval.

Sec. 109. ***1. All revenue resulting from:***

(a) Postage sold to state officers, departments and agencies; and

(b) Charges for proportionate costs of mail service operation,

➥ must be deposited in the State Treasury for credit to the Communications Fund created by NRS 331.103.

2. The formula for spreading costs of operation must be adjusted from time to time to preserve the Fund at not less than its initial level.

Sec. 110. ***1. The Division shall establish and conduct a Central Mailing Room for all state officers, departments and agencies located at Carson City, Nevada.***

2. Any state officer, department or agency may use the Central Mailing Room facilities if the state officer, department or agency pays the cost of such use as determined by the Division.

3. The staff of the Central Mailing Room shall deliver incoming mail and pick up and process outgoing mail, except outgoing parcel post from the Legal Division of the Legislative Counsel Bureau, other than interoffice mail, of all state officers, departments and agencies using the Central Mailing Room facilities.

Sec. 111. NRS 378.005 is hereby amended to read as follows:

378.005 As used in this chapter:

1. "Department" means the Department of ~~[Cultural Affairs.]~~ ***Administration.***

2. "Director" means the Director of the Department.

3. "Division" means the Division of State Library and Archives of the Department.

Sec. 112. NRS 378.0083 is hereby amended to read as follows:

378.0083 The creation of ***the Division in*** the Department does not affect any bequest, devise, endowment, trust, allotment or other gift made to ~~[a division or institution of the Department]~~ ***the Division*** and those gifts inure to the benefit of the ~~[division or institution]~~ ***Division*** and remain subject to any conditions or restraints placed on the gifts.

Sec. 113. NRS 378.070 is hereby amended to read as follows:

378.070 The State Library and Archives Administrator may designate the hours that the State Library and Archives must be open for the use of the

public **.** ~~**[**, but they must be open for at least 5 days in each week and for at least 8 hours in each day with the exception of legal holidays.**]**~~

Sec. 114. NRS 378A.040 is hereby amended to read as follows:

378A.040 1. The Governor shall appoint to the Board:

(a) The person who is in charge of the archives and records of the Division of State Library and Archives of the Department of ~~**[**Cultural Affairs.**]**~~ ***Administration.*** This person is the State Historical Records Coordinator for the purposes of 36 C.F.R. § 1206.36 and shall serve as Chair of the Board.

(b) A person in charge of a state-funded historical agency who has responsibilities related to archives or records, or to both archives and records.

(c) Seven other members, at least three of whom must have experience in the administration of historical records or archives. These members must represent as broadly as possible the various public and private archive and research institutions and organizations in the State.

2. After the initial terms, the Chair serves for 4 years and each other appointed member serves for 3 years. Members of the Board may be reappointed.

Sec. 115. NRS 379.0083 is hereby amended to read as follows:

379.0083 The State Library and Archives Administrator may adopt regulations establishing fees:

1. Of not more than $5 for the issuance and renewal of a certificate. The fee for issuing a duplicate certificate must be the same as for issuing the original. The money received from such fees must be paid into the State General Fund.

2. To cover the amount charged by the Federal Bureau of Investigation for processing the fingerprints of an applicant. The money received from such fees must be deposited with the State Treasurer for credit to the appropriate account of the Division of State Library and Archives of the Department of ~~**[**Cultural Affairs.**]**~~ ***Administration.***

Sec. 116. NRS 380A.031 is hereby amended to read as follows:

380A.031 1. The State Council on Libraries and Literacy is hereby created. The Council is advisory to the Division of State Library and Archives of the Department of ~~**[**Cultural Affairs.**]**~~ ***Administration.***

2. The Council consists of 11 members appointed by the Governor. Unless specifically appointed to a shorter term, the term of office of a member of the Council is 3 years and commences on July 1 of the year of appointment. The terms of office of the members of the Council must be staggered to result in, as nearly as possible, the appointment of three or four members to the Council on July 1 of each year.

Sec. 117. NRS 380A.041 is hereby amended to read as follows:

380A.041 1. The Governor shall appoint to the Council:

(a) A representative of public libraries;

(b) A trustee of a legally established library or library system;

(c) A representative of school libraries;

(d) A representative of academic libraries;

(e) A representative of special libraries or institutional libraries;

(f) A representative of persons with disabilities;

(g) A representative of the public who uses these libraries;

(h) A representative of recognized state labor organizations;

(i) A representative of private sector employers;

(j) A representative of private literacy organizations, voluntary literacy organizations or community-based literacy organizations; and

(k) A classroom teacher who has demonstrated outstanding results in teaching children or adults to read.

2. The director of the following state agencies or their designees shall serve as ex officio members of the Council:

(a) The Department of ~~[Cultural Affairs;]~~ ***Administration;***

(b) The Department of Education;

(c) The Department of Employment, Training and Rehabilitation;

(d) The Department of Health and Human Services;

(e) The Commission on Economic Development; and

(f) The Department of Corrections.

3. Officers of State Government whose agencies provide funding for literacy services may be designated by the Governor or the Chair of the Council to serve whenever matters within the jurisdiction of the agency are considered by the Council.

4. The Governor shall ensure that there is appropriate representation on the Council of urban and rural areas of the State, women, persons with disabilities, and racial and ethnic minorities.

5. A person may not serve as a member of the Council for more than two consecutive terms.

Sec. 118. NRS 381.001 is hereby amended to read as follows:

381.001 As used in this chapter, unless the context otherwise requires:

1. "Administrator" means the Administrator of the Division.

2. "Board" means the Board of Museums and History.

3. "Department" means the Department of ***Tourism and*** Cultural Affairs.

4. "Director" means the Director of the Department.

5. "Division" means the Division of Museums and History of the Department.

6. "Institution" means an institution of the Division established pursuant to NRS 381.004.

7. "Museum director" means the executive director of an institution of the Division appointed by the Administrator pursuant to NRS 381.0062.

Sec. 119. NRS 381.002 is hereby amended to read as follows:

381.002 1. The Board of Museums and History, consisting of eleven members appointed by the Governor, is hereby created.

2. The Governor shall appoint to the Board:

(a) ~~[Six]~~ ***Five*** representatives of the general public who are knowledgeable about museums.

(b) ~~[Five]~~ ***Six*** members representing the fields of history, prehistoric archeology, historical archeology, architectural history, and architecture with qualifications as defined by the Secretary of Interior's standards for historic preservation in the following fields:

(1) One member who is qualified in history;

(2) One member who is qualified in prehistoric archeology;

(3) One member who is qualified in historic archeology;

(4) One member who is qualified in architectural history; ~~[and]~~

(5) One member who is qualified as an architect ~~[.]~~ ***; and***

(6) One additional member who is qualified, as defined by the Secretary of Interior's standards for historic preservation, in any of the fields of expertise described in subparagraphs (1) to (5), inclusive.

3. The Board shall elect a Chair and a Vice Chair from among its members at its first meeting of every even-numbered year. The terms of the Chair and Vice Chair are 2 years or until their successors are elected.

4. With respect to the functions of the Office of Historic Preservation, the Board may develop, review and approve policy for:

(a) Matters relating to the State Historic Preservation Plan;

(b) Nominations to the National Register of Historic Places and make a determination of eligibility for listing on the Register for each property nominated; and

(c) Nominations to the State Register of Historic Places and make determination of eligibility for listing on the Register for each property nominated.

5. With respect to the functions of the Division, the Board shall develop, review and make policy for investments, budgets, expenditures and general control of the Division's private and endowed dedicated trust funds pursuant to NRS 381.003 to 381.0037, inclusive.

6. In all other matters pertaining to the Office of Historic Preservation and the Division of Museums and History, the Board serves in an advisory capacity.

7. The Board may adopt such regulations as it deems necessary to carry out its powers and duties.

Sec. 120. NRS 381.003 is hereby amended to read as follows:

381.003 The Board may establish ~~[shops]~~ ***stores*** for the sale of gifts and souvenirs, such as publications, books, postcards, color slides and such other

related material as, in the judgment of the Board, is appropriately connected with the operation of the institutions or the purposes of this chapter.

Sec. 121. NRS 381.0037 is hereby amended to read as follows:

381.0037 The Board may establish:

1. A petty cash account for the Division and each institution in an amount not to exceed $500 for each account. Reimbursement of the account must be made from appropriated money paid out on claims as other claims against the State are paid.

2. A change account for each institution for which a ~~[shop]~~ ***store*** for the sale of gifts and souvenirs has been established pursuant to NRS 381.003, in an amount not to exceed $1,500.

Sec. 122. NRS 381.005 is hereby amended to read as follows:

381.005 1. The Administrator is appointed by the Director. The Director shall consult with the Board before making the appointment.

2. To be qualified for appointment, the Administrator must have a degree in history or science and experience in public administration.

3. ~~[The]~~ ***Except as otherwise provided pursuant to subsection 4 of NRS 231.230, the*** Administrator is in the unclassified service of the State.

4. The Administrator may employ, within the limits of legislative appropriations, such staff as is necessary to the performance of his or her duties.

Sec. 123. NRS 381.0063 is hereby amended to read as follows:

381.0063 1. The Administrator shall, in accordance with any directive received from the Director pursuant to NRS 232.005 **,** ~~[or 378.0089,]~~ authorize or require each museum director to perform such duties set forth in subsections 2 and 3 as are necessary for the operation of the institution administered by the museum director, after giving consideration to:

(a) The size and complexity of the programs the museum director is required to administer;

(b) The number of personnel needed to carry out those programs;

(c) Requirements for accreditation; and

(d) Such other factors as are relevant to the needs of the institution and the Division.

2. The Administrator may authorize or require a museum director to:

(a) Oversee duties related to the auditing and approval of all bills, claims and accounts of the institution administered by the museum director.

(b) Receive, collect, exchange, preserve, house, care for, ***document, interpret,*** display and exhibit, particularly, but not exclusively, respecting the State of Nevada:

(1) Samples of the useful and fine arts, sciences and industries, relics, memorabilia, products, works, records, rare and valuable articles and objects, including, without limitation, drawings, etchings, lithographs, photographs,

paintings, statuary, sculpture, fabrics, furniture, implements, machines, geological and mineral specimens, precious, semiprecious and commercial minerals, metals, earths, gems and stones.

(2) Books, papers, records and documents of historic, artistic, literary or industrial value or interest by reason of rarity, representative character or otherwise.

(c) Collect, gather and prepare the natural history of Nevada and the Great Basin.

(d) Establish such programs in ***history,*** archeology, anthropology, paleontology, mineralogy, ethnology, ornithology and such other ~~[scientific]~~ programs as in the judgment of the Board and Administrator may be proper and necessary to carry out the objects and purposes appropriate to the institution administered by the museum director.

(e) Receive and collect property from any appropriate agency of the State of Nevada, or from accessions, gifts, exchanges, loans or purchases from any other agencies, persons or sources.

(f) House and preserve, care for and display or exhibit property received by an institution. This paragraph does not prevent the permanent or temporary retention, placement, housing or exhibition of a portion of the property in other places or locations in or outside of the State at the sole discretion of the Board.

(g) Make and obtain plans and specifications and let and supervise contracts for work or have the work done on force account or day labor, supplying material or labor, or otherwise.

(h) Receive, accept and obtain by exchange in the name of the State of Nevada all property loaned to the institution administered by the museum director for preservation, care, display or exhibit, or decline and reject the property in his or her discretion, and undertake to be responsible for all property loaned to the institution or make just payment of any reasonable costs or rentals therefor.

(i) Apply for and expend all gifts and grants that the institution administered by the museum director is authorized to accept in accordance with the terms and conditions of the gift or grant.

(j) Govern, manage and control the exhibit and display of all property and things of the institution administered by the museum director at other exhibits, expositions, world's fairs and places of public or private exhibition. Any property of the State of Nevada that may be placed on display or on exhibition at any world's fair or exposition must be taken into custody by the Administrator at the conclusion of the world's fair or exposition and placed and kept in the institution, subject to being removed and again exhibited at the discretion of the Administrator or a person designated by the Administrator.

(k) Negotiate and consult with and agree with other institutions, departments, officers and persons or corporations of and in the State of Nevada and elsewhere respecting quarters for and the preservation, care, transportation, storage, custody, ***documentation, interpretation,*** display and exhibit of articles and things controlled by the institutions and respecting the terms and cost, the manner, time, place and extent, and the return thereof.

(l) Trade, exchange and transfer exhibits and duplicates when the Administrator deems it proper. Such transactions shall not be deemed sales.

(m) Establish the qualifications for life, honorary, annual, sustaining and such other memberships as are established by the Board pursuant to NRS 381.0045.

(n) Adopt rules for the internal operations of the institution administered by the museum director, including, without limitation, the operation of equipment of the institution.

3. The Administrator shall require a museum director to serve as, or to designate an employee to serve as, ex officio State Paleontologist. The State Paleontologist shall, within the limits of available time, money and staff:

(a) Systematically inventory the paleontological resources within the State of Nevada;

(b) Compile a database of fossil resources within this State;

(c) Coordinate and promote paleontological research activities within this State, including, without limitation, regulating and issuing permits to engage in such activities;

(d) Disseminate and assist other persons in disseminating information gained from research conducted by the State Paleontologist; and

(e) Display and promote, and assist other persons in displaying and promoting, the paleontological resources of this State to enhance education, culture and tourism within this State.

4. The enumeration of the powers and duties that may be assigned to a museum director pursuant to this section is not exclusive of other general objects and purposes appropriate to a public museum.

5. The provisions of this section do not prohibit the Administrator from making such administrative and organizational changes as are necessary for the efficient operation of the Division and its institutions and to ensure that an institution properly carries out the duties and responsibilities assigned to that institution.

Sec. 124. NRS 381.197 is hereby amended to read as follows:

381.197 Except for action taken under an agreement with the Office of Historic Preservation of the ***State*** Department ***of Conservation and Natural Resources*** pursuant to NRS 383.430, and except as otherwise provided in this section, a person shall not investigate, explore or excavate an historic or prehistoric site on federal or state lands or remove any object therefrom

unless the person is the holder of a valid and current permit issued pursuant to the provisions of NRS 381.195 to 381.227, inclusive. Conduct that would otherwise constitute a violation of this section is not a violation of this section if it is also a violation of NRS 383.435.

Sec. 125. NRS 381.245 is hereby amended to read as follows:

381.245 The Nevada Historical Society shall preserve as is deemed appropriate all old and obsolete property and obsolete and noncurrent public records presented to it by the State Library and Archives Administrator from the archives and records of the Division of State Library and Archives of the Department ~~[.]~~ ***of Administration.***

Sec. 126. NRS 383.011 is hereby amended to read as follows:

383.011 As used in this chapter, unless the context otherwise requires:

1. "Administrator" means the Administrator of the Office.

2. "Advisory Board" means the Board of Museums and History.

3. "Cultural resources" means any objects, sites or information of historic, prehistoric, archeological, architectural or paleontological significance.

4. "Director" means the Director of the ***State*** Department of ~~[Cultural Affairs.]~~ ***Conservation and Natural Resources.***

5. "Office" means the Office of Historic Preservation of the ***State*** Department of ~~[Cultural Affairs.]~~ ***Conservation and Natural Resources.***

Sec. 126.5. NRS 383.021 is hereby amended to read as follows:

383.021 1. The Office of Historic Preservation is hereby created.

2. The Office shall:

(a) Encourage, plan and coordinate historic preservation and archeological activities within the State, including programs to survey, record, study and preserve or salvage cultural resources.

(b) Compile and maintain an inventory of cultural resources in Nevada deemed significant by the Administrator.

(c) Designate repositories for the materials that comprise the inventory.

(d) Provide staff assistance to the Commission for Cultural Affairs of the Department of Tourism and Cultural Affairs.

3. The Comstock Historic District Commission is within the Office.

Sec. 127. NRS 384.050 is hereby amended to read as follows:

384.050 1. The Governor shall appoint to the Commission:

(a) One member who is a county commissioner of Storey County.

(b) One member who is a county commissioner of Lyon County.

(c) One member who is the Administrator or an employee of the Office of Historic Preservation of the ***State*** Department of ~~[Cultural Affairs.]~~ ***Conservation and Natural Resources.***

(d) Two members who are persons licensed as general engineering contractors or general building contractors pursuant to chapter 624 of NRS or

persons who hold a certificate of registration to practice architecture pursuant to chapter 623 of NRS.

(e) Four members who are persons interested in the protection and preservation of structures, sites and areas of historic interest and are residents of the district.

2. The Commission shall elect one of its members as Chair and another as Vice Chair, who shall serve for a term of 1 year or until their successors are elected and qualified.

3. Each member of the Commission is entitled to receive a salary of not more than $80, as fixed by the Commission, for each day's attendance at a meeting of the Commission.

4. While engaged in the business of the Commission, each member and employee of the Commission is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

Sec. 128. NRS 407.057 is hereby amended to read as follows:

407.057 1. The Division shall maintain its headquarters office at Carson City, Nevada.

2. The Division may maintain such district or branch offices throughout the State as the Administrator may deem necessary to the efficient operation of the Division and the various sections thereof. The Administrator may, subject to the approval of the Director, enter into such leases or other agreements as may be necessary to the establishment of such district or branch offices. Such leases or agreements must be executed in cooperation with the Buildings and Grounds ~~[Division]~~ ***Section of the State Public Works Division*** of the Department of Administration and in accordance with the provisions of NRS 331.110.

Sec. 129. NRS 408.210 is hereby amended to read as follows:

408.210 1. The Director ***of the Department of Transportation*** may restrict the use of, or close, any highway whenever the Director considers the closing or restriction of use necessary:

(a) For the protection of the public.

(b) For the protection of such highway from damage during storms or during construction, reconstruction, improvement or maintenance operations thereon.

(c) To promote economic development or tourism in the best interest of the State or upon the written request of the Executive Director of the Commission on Economic Development or the Director of the ~~[Commission on]~~ ***Department of*** Tourism ~~[.]~~ ***and Cultural Affairs.***

2. The Director ***of the Department of Transportation*** may:

(a) Divide or separate any highway into separate roadways, wherever there is particular danger to the traveling public of collisions between vehicles proceeding in opposite directions or from vehicular turning

movements or cross-traffic, by constructing curbs, central dividing sections or other physical dividing lines, or by signs, marks or other devices in or on the highway appropriate to designate the dividing line.

(b) Lay out and construct frontage roads on and along any highway or freeway and divide and separate any such frontage road from the main highway or freeway by means of curbs, physical barriers or by other appropriate devices.

3. The Director may remove from the highways any unlicensed encroachment which is not removed, or the removal of which is not commenced and thereafter diligently prosecuted, within 5 days after personal service of notice and demand upon the owner of the encroachment or the owner's agent. In lieu of personal service upon that person or agent, service of the notice may also be made by registered or certified mail and by posting, for a period of 5 days, a copy of the notice on the encroachment described in the notice. Removal by the Department of the encroachment on the failure of the owner to comply with the notice and demand gives the Department a right of action to recover the expense of the removal, cost and expenses of suit, and in addition thereto the sum of $100 for each day the encroachment remains beyond 5 days after the service of the notice and demand.

4. If the Director determines that the interests of the Department are not compromised by a proposed or existing encroachment, the Director may issue a license to the owner or the owner's agent permitting an encroachment on the highway. Such a license is revocable and must provide for relocation or removal of the encroachment in the following manner. Upon notice from the Director to the owner of the encroachment or the owner's agent, the owner or agent may propose a time within which he or she will relocate or remove the encroachment as required. If the Director and the owner or the owner's agent agree upon such a time, the Director shall not himself remove the encroachment unless the owner or the owner's agent has failed to do so within the time agreed. If the Director and the owner or the owner's agent do not agree upon such a time, the Director may remove the encroachment at any time later than 30 days after the service of the original notice upon the owner or the owner's agent. Service of notice may be made in the manner provided by subsection 3. Removal of the encroachment by the Director gives the Department the right of action provided by subsection 3, but the penalty must be computed from the expiration of the agreed period or 30-day period, as the case may be.

Sec. 130. NRS 412.052 is hereby amended to read as follows:

412.052 The Adjutant General:

1. Shall supervise the preparation and submission of all returns and reports pertaining to the militia of the State required by the United States.

2. Is the channel of official military correspondence with the Governor, and, on or before November 1 of each even-numbered year, shall report to the Governor the transactions, expenditures and condition of the Nevada National Guard. The report must include the report of the United States Property and Fiscal Officer.

3. Is the custodian of records of officers and enlisted personnel and all other records and papers required by law or regulations to be filed in the office of the Adjutant General. The Adjutant General may deposit with the Division of State Library and Archives of the Department of ~~[Cultural Affairs]~~ ***Administration*** for safekeeping records of the office that are used for historical purposes rather than the administrative purposes assigned to the office by law.

4. Shall attest all military commissions issued and keep a roll of all commissioned officers, with dates of commission and all changes occurring in the commissioned forces.

5. Shall record, authenticate and communicate to units and members of the militia all orders, instructions and regulations.

6. Shall cause to be procured, printed and circulated to those concerned all books, blank forms, laws, regulations or other publications governing the militia necessary to the proper administration, operation and training of it or to carry out the provisions of this chapter.

7. Shall keep an appropriate seal of office and affix its impression to all certificates of record issued from his or her office.

8. Shall render such professional aid and assistance and perform such military duties, not otherwise assigned, as may be ordered by the Governor.

Sec. 131. NRS 463.028 is hereby amended to read as follows:

463.028 1. The Commission shall keep its main office at Carson City, Nevada, in conjunction with the Board in rooms provided by the Buildings and Grounds ***Section of the State Public Works*** Division of the Department of Administration.

2. The Commission may, in its discretion, maintain a branch office in Las Vegas, Nevada, or at any other place in this state, in space to be provided by the Buildings and Grounds ***Section of the State Public Works*** Division ~~[.]~~ ***of the Department of Administration.***

Sec. 132. NRS 463.100 is hereby amended to read as follows:

463.100 1. The Board shall keep its main office at Carson City, Nevada, in conjunction with the Commission in rooms provided by the Buildings and Grounds ***Section of the State Public Works*** Division of the Department of Administration.

2. The Board may, in its discretion, maintain a branch office in Las Vegas, Nevada, or at any other place in this State as the Chair of the Board deems necessary for the efficient operation of the Board ~~[. The Chair of the~~

~~Board may enter into such leases or other agreements as may be necessary to establish a branch office.~~] ***in space provided by the Buildings and Grounds Section.***

Sec. 133. NRS 480.160 is hereby amended to read as follows:

480.160 1. The Department shall keep its main office at Carson City, Nevada, in rooms provided by the Buildings and Grounds ***Section of the State Public Works*** Division of the Department of Administration.

2. The Department may maintain such branch offices throughout the State as the Director deems necessary for the efficient operation of the Department and the various divisions thereof [~~. The Director may enter into such leases or other agreements as may be necessary to establish such branch offices.~~] ***in space provided by the Buildings and Grounds Section.***

Sec. 134. NRS 481.055 is hereby amended to read as follows:

481.055 1. The Department shall keep its main office at Carson City, Nevada, in rooms provided by the Buildings and Grounds ***Section of the State Public Works*** Division of the Department of Administration.

2. The Department may maintain such branch offices throughout the State as the Director may deem necessary to the efficient operation of the Department and the various divisions thereof [~~. The Director is authorized, on behalf of the Department, to enter into such leases or other agreements as may be necessary to the establishment of such branch offices.~~] ***in space provided by the Buildings and Grounds Section.***

Sec. 135. NRS 482.367004 is hereby amended to read as follows:

482.367004 1. There is hereby created the Commission on Special License Plates consisting of five Legislators and three nonvoting members as follows:

(a) Five Legislators appointed by the Legislative Commission:

(1) One of whom is the Legislator who served as the Chair of the Assembly Standing Committee on Transportation during the most recent legislative session. That Legislator may designate an alternate to serve in place of the Legislator when absent. The alternate must be another Legislator who also served on the Assembly Standing Committee on Transportation during the most recent legislative session.

(2) One of whom is the Legislator who served as the Chair of the Senate Standing Committee on Transportation during the most recent legislative session. That Legislator may designate an alternate to serve in place of the Legislator when absent. The alternate must be another Legislator who also served on the Senate Standing Committee on Transportation during the most recent legislative session.

(b) Three nonvoting members consisting of:

(1) The Director of the Department of Motor Vehicles, or a designee of the Director.

(2) The Director of the Department of Public Safety, or a designee of the Director.

(3) The Director of the Department of ***Tourism and*** Cultural Affairs, or a designee of the Director.

2. Each member of the Commission appointed pursuant to paragraph (a) of subsection 1 serves a term of 2 years, commencing on July 1 of each odd-numbered year. A vacancy on the Commission must be filled in the same manner as the original appointment.

3. Members of the Commission serve without salary or compensation for their travel or per diem expenses.

4. The Director of the Legislative Counsel Bureau shall provide administrative support to the Commission.

5. The Commission shall approve or disapprove:

(a) Applications for the design, preparation and issuance of special license plates that are submitted to the Department pursuant to subsection 1 of NRS 482.367002;

(b) The issuance by the Department of special license plates that have been designed and prepared pursuant to NRS 482.367002; and

(c) Except as otherwise provided in subsection 6, applications for the design, preparation and issuance of special license plates that have been authorized by an act of the Legislature after January 1, 2007.

➥ In determining whether to approve such an application or issuance, the Commission shall consider, without limitation, whether it would be appropriate and feasible for the Department to, as applicable, design, prepare or issue the particular special license plate. The Commission shall consider each application in the chronological order in which the application was received by the Department.

6. The provisions of paragraph (c) of subsection 5 do not apply with regard to special license plates that are issued pursuant to NRS 482.3785.

7. The Commission shall:

(a) Approve or disapprove any proposed change in the distribution of money received in the form of additional fees. As used in this paragraph, "additional fees" means the fees that are charged in connection with the issuance or renewal of a special license plate for the benefit of a particular cause, fund or charitable organization. The term does not include registration and license fees or governmental services taxes.

(b) If it approves a proposed change pursuant to paragraph (a) and determines that legislation is required to carry out the change, request the assistance of the Legislative Counsel in the preparation of a bill draft to carry out the change.

Sec. 136. NRS 482.37903 is hereby amended to read as follows:

482.37903 1. Except as otherwise provided in this subsection, the Department, in cooperation with the Board of Museums and History of the Department of ***Tourism and*** Cultural Affairs, shall design, prepare and issue license plates which commemorate the 100th anniversary of the founding of the City of Las Vegas, using any colors and designs that the Department deems appropriate. The Department shall not design, prepare or issue the commemorative license plates unless it receives at least 250 applications for the issuance of those plates.

2. If the Department receives at least 250 applications for the issuance of the commemorative license plates, the Department shall issue those plates for a passenger car or light commercial vehicle upon application by a person who is entitled to license plates pursuant to NRS 482.265 and who otherwise complies with the requirements for registration and licensing pursuant to this chapter. A person may request that personalized prestige license plates issued pursuant to NRS 482.3667 be combined with the commemorative license plates if that person pays the fees for the personalized prestige license plates in addition to the fees for the commemorative license plates pursuant to subsections 3 and 4.

3. The fee for the commemorative license plates is $35, in addition to all other applicable registration and license fees and governmental services taxes. The license plates are renewable upon the payment of $10.

4. In addition to all other applicable registration and license fees and governmental services taxes and the fee prescribed in subsection 3, a person who requests a set of the commemorative license plates must pay for the initial issuance of the plates an additional fee of $25 and for each renewal of the plates an additional fee of $20, to be distributed pursuant to subsection 5.

5. The Department shall deposit the fees collected pursuant to subsection 4 with the State Treasurer for credit to the State General Fund. The State Treasurer shall, on a quarterly basis, distribute the fees to the City Treasurer of the City of Las Vegas to be used to pay for projects relating to the commemoration of the history of the City of Las Vegas, including, without limitation, historical markers, tours of historic sites and improvements to or restoration of historic buildings or structures.

6. If, during a registration year, the holder of the commemorative license plates disposes of the vehicle to which the commemorative license plates are affixed, the holder shall:

(a) Retain the commemorative license plates and affix them to another vehicle that meets the requirements of this section if the ~~[transfer and registration fees are paid as set forth in this chapter; or]~~ ***holder pays the fee for the transfer of the registration and any registration fee or governmental services tax due pursuant to NRS 482.399; or***

(b) Within 30 days after removing the commemorative license plates from the vehicle, return them to the Department.

Sec. 137. NRS 482.3792 is hereby amended to read as follows:

482.3792 1. Except as otherwise provided in this subsection, the Department ***of Motor Vehicles*** shall, in cooperation with the Nevada Arts Council ~~[,]~~ ***of the Department of Tourism and Cultural Affairs,*** design, prepare and issue license plates for the support of the education of children in the arts, using any colors and designs which the Department ***of Motor Vehicles*** deems appropriate. The Department ***of Motor Vehicles*** shall not design, prepare or issue the license plates unless it receives at least 250 applications for the issuance of those plates.

2. The Department ***of Motor Vehicles*** may issue license plates for the support of the education of children in the arts for a passenger car or light commercial vehicle upon application by a person who is entitled to license plates pursuant to NRS 482.265 and who otherwise complies with the requirements for registration and licensing pursuant to this chapter. A person may request that personalized prestige license plates issued pursuant to NRS 482.3667 be combined with license plates for the support of the education of children in the arts if that person pays the fee for the personalized prestige license plates in addition to the fees for the license plates for the support of the education of children in the arts pursuant to subsections 3 and 4.

3. The fee for license plates for the support of the education of children in the arts is $35, in addition to all other applicable registration and license fees and governmental services taxes. The license plates are renewable upon the payment of $10.

4. In addition to all fees for the license, registration and governmental services taxes, a person who requests a set of license plates for the support of the education of children in the arts must pay for the initial issuance of the plates an additional fee of $15 and for each renewal of the plates an additional fee of $10 to finance programs which promote the education of children in the arts.

5. The Department ***of Motor Vehicles*** shall deposit the fees collected pursuant to subsection 4 with the State Treasurer for credit to the Account for License Plates for the Support of the Education of Children in the Arts created pursuant to NRS 233C.094.

6. If, during a registration year, the holder of license plates issued pursuant to the provisions of this section disposes of the vehicle to which the plates are affixed, the holder ~~[may retain]~~ ***shall:***

(a) Retain the plates and ~~[.~~

~~(a) Affix]~~ ***affix*** them to another vehicle which meets the requirements of this section if the ~~[transfer and registration fees are paid as set out in this~~

~~chapter; or~~] ***holder pays the fee for the transfer of the registration and any registration fee or governmental services tax due pursuant to NRS 482.399; or***

(b) Within 30 days after removing the plates from the vehicle, return them to the Department ~~[.]~~ ***of Motor Vehicles.***

Sec. 138. NRS 561.235 is hereby amended to read as follows:

561.235 1. The Department shall maintain a principal office and may maintain district or branch offices throughout the State if they are necessary for the efficient operation of the Department.

2. The Director shall select the location of those offices and may enter into such leases or other agreements as may be necessary to establish them. The leases or agreements must be executed in cooperation with the Buildings and Grounds ~~[Division]~~ ***Section of the State Public Works Division*** of the Department of Administration and in accordance with the provisions of NRS 331.110.

Sec. 139. Chapter 701 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Office of Energy shall establish a program to track the use of energy in buildings owned by the State and in other buildings which are occupied by a state agency.

2. The program established pursuant to this section must:

(a) Record utility bills for each building for each month and preserve those records indefinitely;

(b) Allow for the comparison of utility bills for a building from month to month and year to year;

(c) Allow for the comparison of utility bills between buildings, including comparisons between similar buildings or types of buildings;

(d) Allow for adjustments to the information based upon variations in weather conditions, the length of the billing period and other changes in relevant conditions;

(e) Facilitate identification of errors in utility bills and meter readings;

(f) Allow for the projection of costs for energy for a building; and

(g) Identify energy and cost savings associated with efforts to conserve energy.

3. The Office of Energy may apply for any available grants and accept any gifts, grants or donations to assist in establishing and carrying out the program.

4. In accordance with, and out of any money received pursuant to, the American Recovery and Reinvestment Act of 2009, Public Law 111-5, the Interim Finance Committee may determine an amount of money to be used by the Office of Energy to fulfill the requirements of subsection 1.

5. To the extent that there is not sufficient money available for the support of the program, each state agency that occupies a building in which the use of energy is tracked pursuant to the program shall reimburse the Office of Energy for the agency's proportionate share of the unfunded portion of the cost of the program. The reimbursement must be based upon the energy consumption of the respective state agencies that occupy buildings in which the use of energy is tracked.

Sec. 140. NRS 231.280, 231.350, 233C.100, 233F.058, 242.041, 331.040, 331.095, 331.103, 331.104, 331.105, 341.015, 341.149, 378.008, 378.0086 and 378.0089 are hereby repealed.

Sec. 141. Any balance remaining in the Account for Local Cultural Activities created by NRS 233C.100 that has not been committed for expenditure before October 1, 2011, must be reverted to the State General Fund.

Sec. 141.5. ~~[For Fiscal Years 2011-2012 and 2012-2013, the Administrator of the Division of Tourism of the Department of Tourism and Cultural Affairs, appointed pursuant to section 8.5 of this act, is entitled to receive an approximate annual salary of not more than $95,453.]~~ **(Deleted by amendment.)**

Sec. 142. There is hereby appropriated from the State General Fund to the Department of Cultural Affairs the sum of $150,806 for the purpose of offsetting lower than projected admission revenue related to reductions from the State General Fund made by section 6 of chapter 10, Statutes of Nevada 2010, 26th Special Session, at page 68. Money appropriated pursuant to this section is in addition to, and must not be used to replace or supplant, any money that was appropriated by section 19 of chapter 388, Statutes of Nevada 2009, at page 2108.

Sec. 143. There is hereby appropriated from the State General Fund to the Department of Cultural Affairs the sum of $36,848 for the purpose of the retirements of employees of the Division of Museums and History of the Department. Money appropriated pursuant to this section is in addition to, and must not be used to replace or supplant, any money that was appropriated by section 19 of chapter 388, Statutes of Nevada 2009, at page 2108.

Sec. 143.5. Notwithstanding any other provision of law to the contrary, a person who has been appointed to or is otherwise incumbent in one of the following positions as of October 1, 2011, is in the classified service of the State and must remain in the classified service of the State until he or she vacates the relevant position:

1. The heads of the units and offices of the Division of Enterprise Information Technology Services of the Department of Administration.

2. The Administrator of the Nevada Arts Council of the Department of Tourism and Cultural Affairs.

3. The Administrator of the Division of Museums and History of the Department of Tourism and Cultural Affairs.

4. The Administrator of the Office of Historic Preservation of the State Department of Conservation and Natural Resources.

Sec. 144. 1. Any administrative regulations adopted by an officer or an agency whose name has been changed or whose responsibilities have been transferred pursuant to the provisions of this act to another officer or agency remain in force until amended by the officer or agency to which the responsibility for the adoption of the regulations has been transferred.

2. Any contracts or other agreements entered into by an officer or agency whose name has been changed or whose responsibilities have been transferred pursuant to the provisions of this act to another officer or agency are binding upon the officer or agency to which the responsibility for the administration of the provisions of the contract or other agreement has been transferred. Such contracts and other agreements may be enforced by the officer or agency to which the responsibility for the enforcement of the provisions of the contract or other agreement has been transferred.

3. Any action taken by an officer or agency whose name has been changed or whose responsibilities have been transferred pursuant to the provisions of this act to another officer or agency remains in effect as if taken by the officer or agency to which the responsibility for the enforcement of such actions has been transferred.

Sec. 145. 1. If the name of a fund or account is changed pursuant to the provisions of this act, the State Controller shall change the designation of the name of the fund or account without making any transfer of the money in the fund or account. The assets and liabilities of a such a fund or account are unaffected by the change of the name.

2. The assets and liabilities of any fund or account transferred from the Department of Cultural Affairs to the Department of Tourism and Cultural Affairs are unaffected by the transfer.

Sec. 146. The amendatory provisions of this act do not affect the current term of appointment of any person who, on October 1, 2011, is a member of the Commission on Tourism, the Board of the Nevada Arts Council of the Department of Cultural Affairs, the Commission for Cultural Affairs of the Department of Cultural Affairs, the Board of Museums and History of the Department of Cultural Affairs or the Division of Museums and History of the Department of Cultural Affairs.

Sec. 147. The Legislative Counsel shall:

1. In preparing the reprint and supplements to the Nevada Revised Statutes, appropriately change or remove, as applicable, any references to an officer, agency or other entity:

(a) Whose name is changed or whose responsibilities are transferred pursuant to the provisions of this act to refer to the appropriate officer, agency or other entity.

(b) Whose responsibilities are eliminated pursuant to the provisions of this act.

2. In preparing supplements to the Nevada Administrative Code, appropriately change or remove, as applicable, any references to an officer, agency or other entity:

(a) Whose name is changed or whose responsibilities are transferred pursuant to the provisions of this act to refer to the appropriate officer, agency or other entity.

(b) Whose responsibilities are eliminated pursuant to the provisions of this act.

Sec. 148. 1. This section and sections **142 and** 143 ~~[and 144]~~ of this act become effective upon passage and approval.

2. ~~[Sections 8.5 and 142.5 of this act become effective:~~

~~(a) Upon passage and approval for the purpose of performing any preparatory administrative tasks that are necessary to carry out the provisions of those sections, including, without limitation, recruitment, selecting appointees, making appointments, and moving offices and equipment; and~~

~~(b) On July 1, 2011, for all other purposes.~~

~~3.]~~ Sections 1 to ~~[8, inclusive, 9 to 142,]~~ **141,** inclusive, and ~~[144.5]~~ **143.5** to ~~[148,]~~ **147,** inclusive, of this act become effective:

(a) Upon passage and approval for the purpose of performing any preparatory administrative tasks that are necessary to carry out the provisions of those sections, including, without limitation, recruitment, selecting appointees, making appointments, and moving offices and equipment; and

(b) On October 1, 2011, for all other purposes.

LEADLINES OF REPEALED SECTIONS

231.280 Powers and duties.

231.350 Committee: Creation; composition; vacancies; removal; compensation of members; meetings; administrative support.

233C.100 Creation; administration.

233F.058 "Director" defined.

242.041 "Director" defined.

331.040 Qualifications of Chief.

331.095 Program to track use of energy in buildings owned by State or occupied by state agency.

331.103 Department of Administration's Communications Fund: Creation; claims.

331.104 Department of Administration's Communications Fund: Revenue.

331.105 Central Mailing Room: Establishment; maintenance.

341.015 "Manager" defined.

341.149 Funding required for operation and maintenance of capital improvement.

378.008 Creation; composition.

378.0086 Director: Appointment and qualifications.

378.0089 Director: Powers and duties.

Assemblyman Hickey moved the adoption of the amendment.

Amendment adopted.

Bill ordered to third reading.

Senate Bill No. 75.

Bill read third time.

Roll call on Senate Bill No. 75:

YEAS—28.

NAYS—Ellison, Goedhart, Goicoechea, Grady, Hambrick, Hansen, Hardy, Hickey, Kirner, Kite, McArthur, Sherwood, Stewart, Woodbury—14.

Senate Bill No. 75 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered reprinted, reengrossed, and transmitted to the Senate.

Senate Bill No. 271

Bill read third time.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 9:24 p.m.

ASSEMBLY IN SESSION

At 9:42 p.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Kirkpatrick moved that Assembly Bill No. 271 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 427.

Bill read third time.

Remarks by Assemblywoman Smith.

Roll call on Senate Bill No. 427:

YEAS—42.

NAYS—None.

Senate Bill No. 427 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered reprinted, reengrossed, and transmitted to the Senate.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 9:45 p.m.

ASSEMBLY IN SESSION

At 9:46 p.m.

Mr. Speaker presiding.

Quorum present.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Ways and Means:

Assembly Bill No. 582—AN ACT relating to state financial administration; providing for the submission to the voters of the question whether to impose a margin tax on business entities engaged in business in this State; providing for the imposition, administration, collection and enforcement of the margin tax if the question is approved by the voters; providing for the submission to the voters of the question whether to impose a transaction tax on the use of services in this State; providing for the imposition, administration, collection and enforcement of the transaction tax if the question is approved by the voters; providing penalties; and providing other matters properly relating thereto.

Assemblyman Conklin moved that the bill be referred to the Committee on Ways and Means.

Motion carried.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 9:49 p.m.

ASSEMBLY IN SESSION

At 10:56 p.m.

Mr. Speaker presiding.

Quorum present.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 6, 2011

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 71, 354, 383, 405, 427, 527, 550, 553, 571, 581.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 351, Amendments Nos. 737, 971; Assembly Bill No. 560, Amendment No. 983; Assembly Bill No. 578, Amendment No. 976, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolutions Nos. 12, 13.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bill No. 506.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 506.

Assemblywoman Kirkpatrick moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 10:58 p.m.

ASSEMBLY IN SESSION

At 11:07 p.m.

Mr. Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker

Your Committee on Government Affairs, to which was referred Senate Bill No. 506, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MARILYN K. KIRKPATRICK, *Chair*

GENERAL FILE AND THIRD READING

Senate Bill No. 506

Bill read third time.

Remarks by Assemblymen Kirkpatrick, Smith, Daly, Stewart, Atkinson, Hardy, Carlton, Sherwood, and Hogan.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Kirkpatrick moved that Senate Bill No. 506 be taken from its position on the General File and placed at the bottom of the General File.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Assembly Bill No. 582, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

Also, your Committee on Ways and Means, to which were referred Senate Bills Nos. 188, 438, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

DEBBIE SMITH, *Chair*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Kirkpatrick moved that Assembly Bill No. 582 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 188.

Bill read third time.

Roll call on Senate Bill No. 188:

YEAS—30.

NAYS—Ellison, Goicoechea, Grady, Hambrick, Hammond, Hansen, Hardy, Hickey, Kirner, McArthur, Sherwood, Woodbury—12.

Senate Bill No. 188 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 438.

Bill read third time.

Remarks by Assemblywoman Smith.

Roll call on Senate Bill No. 438:

YEAS—42.

NAYS—None.

Senate Bill No. 438 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 506.

Bill read third time.

Roll call on Senate Bill No. 506:

YEAS—24.

NAYS—Aizley, Anderson, Atkinson, Benitez-Thompson, Bobzien, Brooks, Bustamante Adams, Carlton, Carrillo, Daly, Diaz, Frierson, Hambrick, Horne, McArthur, Neal, Ohrenschall, Pierce—18.

Senate Bill No. 506 having failed to receive a two-thirds majority, Mr. Speaker declared it lost.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Goicoechea moved that the vote whereby Senate Bill No. 506 was refused passage be reconsidered.

Motion carried.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 11:38 p.m.

ASSEMBLY IN SESSION

At 11:43 p.m.

Mr. Speaker presiding.

Quorum present.

GENERAL FILE AND THIRD READING

Senate Bill No. 506.

Bill read third time.

Roll call on Senate Bill No. 506:

YEAS—21.

NAYS—Aizley, Anderson, Atkinson, Benitez-Thompson, Bobzien, Brooks, Bustamante Adams, Carlton, Carrillo, Daly, Diaz, Goedhart, Hambrick, Hogan, Horne, McArthur, Munford, Neal, Ohrenschall, Pierce, Segerblom—21.

Senate Bill No. 506 having failed to receive a two-thirds majority, Mr. Speaker declared it lost.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 6, 2011

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted the report of the Conference Committee concerning Assembly Bill No. 77.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the Conference Committee concerning Senate Bill No. 99.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the Conference Committee concerning Senate Bill No. 168.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the Conference Committee concerning Senate Bill No. 294.

SHERRY L. RODRIGUEZ

Assistant Secretary of the Senate

UNFINISHED BUSINESS

REPORTS OF CONFERENCE COMMITTEES

Mr. Speaker:

The Conference Committee concerning Assembly Bill No. 524, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that Amendment No. 803 of the Senate be receded from and a second reprint be created in accordance with this action.

MARCUS CONKLIN	MICHAEL SCHNEIDER
KELVIN ATKINSON	SHIRLEY BREEDEN
RANDY KIRNER	MICHAEL ROBERSON
Assembly Conference Committee	*Senate Conference Committee*

Assemblyman Conklin moved that the Assembly adopt the report of the Conference Committee concerning Assembly Bill No. 524.

Remarks by Assemblyman Conklin.

Motion carried by a constitutional majority.

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 560.

The following Senate amendment was read:

Amendment No. 983.

AN ACT relating to state employees; eliminating the required payment of a state employee at the rate of time and one-half for working on a holiday; continuing the temporary suspension of the semiannual payment of longevity pay and merit pay increases for state employees; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides, in addition to paying state employees on state holidays, for payment at the rate of time and one-half for employees who work on a holiday. (NAC 284.256) **Section 1** of this bill eliminates this premium for working on a holiday.

Existing law provides for a plan to encourage continuity of service in State Government, under which semiannual payments are made to state employees rated standard or better with 8 years or more of continuous service, commonly known as "longevity pay." (NRS 284.177) Existing law also provides for state employees who are rated standard or better and have not attained the top step of their grade to receive a merit pay increase annually. (NRS 284.175, 284.335; NAC 284.194) Those semiannual payments and merit pay increases were temporarily suspended by the Legislature in 2009 for the 2009-2011 biennium. (Chapter 276, Statutes of Nevada 2009, p. 1164-65, as amended by chapter 465, Statutes of Nevada 2009, p. 2642-43) **Section 5** of this bill continues the suspension of those payments and increases for the next 2 fiscal years.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 284.180 is hereby amended to read as follows:

284.180 1. The Legislature declares that since uniform salary and wage rates and classifications are necessary for an effective and efficient personnel system, the pay plan must set the official rates applicable to all positions in the classified service, but the establishment of the pay plan in no way limits the authority of the Legislature relative to budgeted appropriations for salary and wage expenditures.

2. Credit for overtime work directed or approved by the head of an agency or the representative of the head of the agency must be earned at the rate of time and one-half, except for those employees described in NRS 284.148.

3. Except as otherwise provided in subsections 4, 6, 7 and 9, overtime is considered time worked in excess of:

(a) Eight hours in 1 calendar day;

(b) Eight hours in any 16-hour period; or

(c) A 40-hour week.

4. Firefighters who choose and are approved for a 24-hour shift shall be deemed to work an average of 56 hours per week and 2,912 hours per year, regardless of the actual number of hours worked or on paid leave during any biweekly pay period. A firefighter so assigned is entitled to receive 1/26 of the firefighter's annual salary for each biweekly pay period. In addition, overtime must be considered time worked in excess of:

(a) Twenty-four hours in one scheduled shift; or

(b) Fifty-three hours average per week during one work period for those hours worked or on paid leave.

➥ The appointing authority shall designate annually the length of the work period to be used in determining the work schedules for such firefighters. In addition to the regular amount paid such a firefighter for the deemed average of 56 hours per week, the firefighter is entitled to payment for the hours which comprise the difference between the 56-hour average and the overtime threshold of 53 hours average at a rate which will result in the equivalent of overtime payment for those hours.

5. The Commission shall adopt regulations to carry out the provisions of subsection 4.

6. For employees who choose and are approved for a variable workday, overtime will be considered only after working 40 hours in 1 week.

7. Employees who are eligible under the Fair Labor Standards Act of 1938, 29 U.S.C. §§ 201 et seq., to work a variable 80-hour work schedule within a biweekly pay period and who choose and are approved for such a

work schedule will be considered eligible for overtime only after working 80 hours biweekly, except those eligible employees who are approved for overtime in excess of one scheduled shift of 8 or more hours per day.

8. An agency may experiment with innovative workweeks upon the approval of the head of the agency and after majority consent of the affected employees. The affected employees are eligible for overtime only after working 40 hours in a workweek.

9. This section does not supersede or conflict with existing contracts of employment for employees hired to work 24 hours a day in a home setting. Any future classification in which an employee will be required to work 24 hours a day in a home setting must be approved in advance by the Commission.

10. All overtime must be approved in advance by the appointing authority or the designee of the appointing authority. No officer or employee, other than a director of a department or the chair of a board, commission or similar body, may authorize overtime for himself or herself. The chair of a board, commission or similar body must approve in advance all overtime worked by members of the board, commission or similar body.

11. The Budget Division of the Department of Administration shall review all overtime worked by employees of the Executive Department to ensure that overtime is held to a minimum. The Budget Division shall report quarterly to the State Board of Examiners the amount of overtime worked in the quarter within the various agencies of the State.

12. A state employee is entitled to his or her normal rate of pay for working on a legal holiday unless the employee is entitled to payment for overtime pursuant to this section and the regulations adopted pursuant thereto. This payment is in addition to any payment provided for by regulation for ~~[working on]~~ a legal holiday.

Sec. 2. (Deleted by amendment.)

Sec. 3. (Deleted by amendment.)

Sec. 4. (Deleted by amendment.)

Sec. 5. 1. The four semiannual payments to which a state employee would otherwise be entitled pursuant to NRS 284.177 must not be made during the period beginning on July 1, 2011, and ending on June 30, 2013. For the purposes of payments made pursuant to NRS 284.177 on or after July 1, 2013, any service during that 2-year period must be considered in determining the length of continuous service of an employee, but an employee is not entitled to semiannual payments that would otherwise have been made during the period during which the semiannual payments are suspended.

2. No merit pay increases to which a state employee would otherwise be entitled pursuant to chapter 284 of NRS and the regulations adopted pursuant

thereto may be granted during the period beginning on July 1, 2011, and ending on June 30, 2013. For the purposes of merit pay increases granted on or after July 1, 2013, an employee is not entitled to any increases that would otherwise have been granted during that period.

Sec. 6. This act becomes effective on July 1, 2011.

Assemblywoman Smith moved that the Assembly concur in the Senate Amendment No. 983 to Assembly Bill No. 560.

Remarks by Assemblywoman Smith.

Motion carried by a constitutional majority.

Bill ordered enrolled.

REPORTS OF CONFERENCE COMMITTEES

Mr. Speaker:

The Conference Committee concerning Senate Bill No. 99, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that Amendment No. 723 of the Assembly be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. 19, which is attached to and hereby made a part of this report.

MAGGIE CARLTON	MICHAEL SCHNEIDER
	SHIRLEY BREEDEN
PAT HICKEY	JOE HARDY
Assembly Conference Committee	*Senate Conference Committee*

Conference Amendment No. CA19.

AN ACT relating to consumer protection; prescribing certain mandatory terms of a contract for grant writing services; providing certain exemptions; **revising certain provisions concerning solicitations by telephone;** providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 16 of this bill sets forth requirements applicable to contracts for grant writing services in this State. **Section 7** of this bill defines "grant writing service." **Section 22** of this bill provides that a violation of the provisions of this bill constitutes a deceptive trade practice. **Section 9** of this bill exempts from the provisions of this bill the providing of certain education and training relating to grants and certain grant writing services that offer services relating to affordable housing and community development projects. **Section 27 of this bill exempts certain persons from certain provisions concerning telephone solicitations.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 598 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 23, inclusive, of this act.

Sec. 2. ***As used in sections 2 to 23, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 to 8, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 3. ***"Buyer" means a natural person who is solicited to purchase or who purchases the services of a grant writing service.***

Sec. 3.5. (Deleted by amendment.)

Sec. 4. (Deleted by amendment.)

Sec. 5. (Deleted by amendment.)

Sec. 6. ***"Grant" means any money given by a governmental entity or any other person or organization to finance a specific or general purpose.***

Sec. 7. ***"Grant writing service" means a person who, with respect to obtaining any grant or other payment, loan or money, advertises, sells, provides or performs, or represents that he or she can or will sell, provide or perform, any of the following services in return for the payment of money or other valuable consideration:***

1. Writing an application for a grant for a buyer.

2. Obtaining a grant for a buyer.

3. Providing advice or assistance to a buyer in obtaining a grant.

Sec. 8. (Deleted by amendment.)

Sec. 9. ***The provisions of sections 2 to 23, inclusive, of this act do not apply to:***

1. A grant writing service which provides services relating to an affordable housing and community development project which is financed, in whole or in part, by tax credits for low-income housing, private activity bonds or money provided by a private entity, government, governmental agency or political subdivision of a government, including, without limitation, any money provided pursuant to 12 U.S.C. § 1701q, 26 U.S.C. § 42, 42 U.S.C. § 8013 or 42 U.S.C. §§ 12701 et seq.

2. ~~[The providing of education]~~ Education and training regarding procedures for writing, obtaining or managing grants ~~[.]~~ that is provided by an educational institution which is accredited by an accrediting body that is recognized by the United States Department of Education.

Sec. 10. (Deleted by amendment.)

Sec. 11. (Deleted by amendment.)

Sec. 12. (Deleted by amendment.)

Sec. 13. (Deleted by amendment.)

Sec. 14. (Deleted by amendment.)

Sec. 15. (Deleted by amendment.)

Sec. 16. ***A contract between a buyer and a grant writing service for the purchase of the services of the grant writing service:***

1. Must be in writing.

2. Must be signed by the buyer or, if the transaction is conducted electronically, otherwise acknowledged by the buyer.

3. Must be dated.

4. Must clearly indicate above the signature or acknowledgment line that the buyer may cancel the contract within 5 days after execution of the contract by giving written notice to the grant writing service of his or her intent to cancel the contract. If the notice is mailed, the notice must be postmarked not later than 5 days after the execution of the contract.

5. Must include a detailed description of the services to be performed by the grant writing service for the buyer and the total amount the buyer is obligated to pay for those services.

6. Must include a statement in at least 12-point bold type informing the buyer of his or her right to file a complaint concerning the grant writing service with the Bureau of Consumer Protection in the Office of the Attorney General, including the physical address and telephone number for the Bureau.

Sec. 17. (Deleted by amendment.)

Sec. 18. (Deleted by amendment.)

Sec. 19. (Deleted by amendment.)

Sec. 20. (Deleted by amendment.)

Sec. 21. (Deleted by amendment.)

Sec. 22. ***Any violation of sections 2 to 23, inclusive, of this act constitutes a deceptive trade practice for the purposes of NRS 598.0903 to 598.0999, inclusive.***

Sec. 23. (Deleted by amendment.)

Sec. 24. (Deleted by amendment.)

Sec. 25. (Deleted by amendment.)

Sec. 25.5. (Deleted by amendment.)

Sec. 26. (Deleted by amendment.)

Sec. 27. **NRS 228.600 is hereby amended to read as follows:**

228.600 1. The provisions of NRS 228.590 do not prohibit a telephone solicitor from making or causing another person to make an unsolicited telephone call for the sale of goods or services to a telephone number in the currently effective version of the list of telephone numbers in the registry if:

(a) There is a preexisting business relationship between the telephone solicitor and the person who is called; and

(b) The telephone solicitor complies with the provisions of this section.

2. Before a telephone solicitor may make or cause another person to make an unsolicited telephone call for the sale of goods or services based on a preexisting business relationship, the telephone solicitor must establish and maintain an internal do-not-call registry that complies with federal and state laws and regulations. The internal do-not-call registry must:

(a) Include, without limitation, a list of the telephone numbers of any person who has requested that the telephone solicitor not make or cause another person to make an unsolicited telephone call for the sale of goods or services to a telephone number of the person making the request; and

(b) Upon request, be provided by the person to the Attorney General.

3. In addition to the requirements set forth in subsection 2, at least once each year, the telephone solicitor shall provide written notice to each person with whom the telephone solicitor has a preexisting business relationship. The written notice must:

(a) Inform the person that the telephone solicitor is providing the notice pursuant to state law;

(b) Explain to the person that the telephone solicitor may elect to be placed on the internal do-not-call list of the telephone solicitor and specify the procedures for making such an election; and

(c) Explain to the person that the person may contact the customer service department of the telephone solicitor or the Attorney General to obtain further information concerning the provisions of this section and must provide the current address, telephone number and electronic mail address of the customer service department of the telephone solicitor and the Attorney General.

4. ***The provisions of subsection 3 do not apply to a person to whom a license to operate an information service or a nonrestricted gaming license, which is current and valid, has been issued pursuant to chapter 463 of NRS when soliciting sales within the scope of his or her license.***

5. As used in this section, "preexisting business relationship" means a relationship between a telephone solicitor and a person that is based on:

(a) The person's purchase, rental or lease of goods or services directly from the telephone solicitor, but not from any affiliate or associate of the telephone solicitor; or

(b) Any other financial transaction directly between the person and the telephone solicitor, but not between the person and any affiliate or associate of the telephone solicitor,

➥ that occurs within the 18 months immediately preceding the date of the unsolicited telephone call for the sale of goods or services.

Assemblywoman Carlton moved that the Assembly adopt the report of the Conference Committee concerning Senate Bill No. 99.

Remarks by Assemblywoman Carlton.

Motion carried by a constitutional majority.

Mr. Speaker:

The Conference Committee concerning Senate Bill No. 294, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that Amendment No. 815 of the Assembly be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. 22, which is attached to and hereby made a part of this report.

KELVIN ATKINSON	MICHAEL SCHNEIDER
MAGGIE CARLTON	
JOHN ELLISON	JAMES SETTELMEYER
Assembly Conference Committee	*Senate Conference Committee*

Conference Amendment No. CA22.

SUMMARY—Establishes provisions governing ~~[medical assistants.]~~ **providers of health care.** (BDR 40-16)

AN ACT relating to ~~[public health;]~~ **providers of health care;** revising provisions governing persons authorized to possess and administer dangerous drugs; revising provisions regarding certain acts of physicians; **revising provisions governing the practice of applied behavior analysis;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law sets forth the exclusive list of persons who may possess and administer dangerous drugs in this State. (NRS 454.213) **Section 1** of this bill authorizes medical assistants, under the supervision of a physician or physician assistant, to possess and administer ~~[immunizations]~~ **dangerous drugs** under certain circumstances. **Section 1** also authorizes a veterinary assistant, at the direction of a supervising veterinarian, to possess and administer dangerous drugs.

Sections 4 and 10 of this bill ~~[require]~~ **authorize** the Board of Medical Examiners and the State Board of Osteopathic Medicine to adopt regulations relating to the supervision of medical assistants, including ~~[: (1)]~~ limitations on the possession and administration of dangerous drugs **.** ~~[; (2) any certification, training and educational requirements relating to the administration of immunizations; and (3) the clinical tasks which may be performed by a medical assistant.]~~

Sections 6 and 12 of this bill provide that failure to supervise adequately a medical assistant is grounds for disciplinary action.

Existing law vests the Board of Psychological Examiners with jurisdiction over the licensure of behavior analysts and assistant behavior analysts and the certification of autism behavior interventionists. (NRS 641.110) Section 21 of this bill revises the requirements for licensure as a behavior analyst or assistant behavior analyst to provide that the applicant must hold current certification as a board certified behavior analyst or board certified assistant behavior analyst, as applicable, issued by the Behavior Analyst Certification Board, Inc. Section 22 of this bill expands the requirements for a certificate as an autism behavior interventionist to include the completion of a practical examination developed and approved by the

Board. Sections 23 and 24 of this bill provide that certain disciplinary actions may be taken against a person who holds a certificate issued by the Board.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 454.213 is hereby amended to read as follows:

454.213 A drug or medicine referred to in NRS 454.181 to 454.371, inclusive, may be possessed and administered by:

1. A practitioner.

2. A physician assistant licensed pursuant to chapter 630 or 633 of NRS, at the direction of his or her supervising physician or a licensed dental hygienist acting in the office of and under the supervision of a dentist.

3. Except as otherwise provided in subsection 4, a registered nurse licensed to practice professional nursing or licensed practical nurse, at the direction of a prescribing physician, physician assistant licensed pursuant to chapter 630 or 633 of NRS, dentist, podiatric physician or advanced practitioner of nursing, or pursuant to a chart order, for administration to a patient at another location.

4. In accordance with applicable regulations of the Board, a registered nurse licensed to practice professional nursing or licensed practical nurse who is:

(a) Employed by a health care agency or health care facility that is authorized to provide emergency care, or to respond to the immediate needs of a patient, in the residence of the patient; and

(b) Acting under the direction of the medical director of that agency or facility who works in this State.

5. Except as otherwise provided in subsection 6, an intermediate emergency medical technician or an advanced emergency medical technician, as authorized by regulation of the State Board of Pharmacy and in accordance with any applicable regulations of:

(a) The State Board of Health in a county whose population is less than 100,000;

(b) A county board of health in a county whose population is 100,000 or more; or

(c) A district board of health created pursuant to NRS 439.362 or 439.370 in any county.

6. An intermediate emergency medical technician or an advanced emergency medical technician who holds an endorsement issued pursuant to NRS 450B.1975, under the direct supervision of a local health officer or a designee of the local health officer pursuant to that section.

7. A respiratory therapist employed in a health care facility. The therapist may possess and administer respiratory products only at the direction of a physician.

8. A dialysis technician, under the direction or supervision of a physician or registered nurse only if the drug or medicine is used for the process of renal dialysis.

9. A medical student or student nurse in the course of his or her studies at an approved college of medicine or school of professional or practical nursing, at the direction of a physician and:

(a) In the presence of a physician or a registered nurse; or

(b) Under the supervision of a physician or a registered nurse if the student is authorized by the college or school to administer the drug or medicine outside the presence of a physician or nurse.

➥ A medical student or student nurse may administer a dangerous drug in the presence or under the supervision of a registered nurse alone only if the circumstances are such that the registered nurse would be authorized to administer it personally.

10. Any person designated by the head of a correctional institution.

11. An ultimate user or any person designated by the ultimate user pursuant to a written agreement.

12. A nuclear medicine technologist, at the direction of a physician and in accordance with any conditions established by regulation of the Board.

13. A radiologic technologist, at the direction of a physician and in accordance with any conditions established by regulation of the Board.

14. A chiropractic physician, but only if the drug or medicine is a topical drug used for cooling and stretching external tissue during therapeutic treatments.

15. A physical therapist, but only if the drug or medicine is a topical drug which is:

(a) Used for cooling and stretching external tissue during therapeutic treatments; and

(b) Prescribed by a licensed physician for:

(1) Iontophoresis; or

(2) The transmission of drugs through the skin using ultrasound.

16. In accordance with applicable regulations of the State Board of Health, an employee of a residential facility for groups, as defined in NRS 449.017, pursuant to a written agreement entered into by the ultimate user.

17. A veterinary technician ***or a veterinary assistant*** at the direction of his or her supervising veterinarian.

18. In accordance with applicable regulations of the Board, a registered pharmacist who:

(a) Is trained in and certified to carry out standards and practices for immunization programs;

(b) Is authorized to administer immunizations pursuant to written protocols from a physician; and

(c) Administers immunizations in compliance with the "Standards ~~[of]~~ ***for*** Immunization Practices" recommended and approved by the ~~[United States Public Health Service]~~ Advisory Committee on Immunization Practices.

19. A person who is enrolled in a training program to become a physician assistant licensed pursuant to chapter 630 or 633 of NRS, dental hygienist, intermediate emergency medical technician, advanced emergency medical technician, respiratory therapist, dialysis technician, nuclear medicine technologist, radiologic technologist, physical therapist or veterinary technician if the person possesses and administers the drug or medicine in the same manner and under the same conditions that apply, respectively, to a physician assistant licensed pursuant to chapter 630 or 633 of NRS, dental hygienist, intermediate emergency medical technician, advanced emergency medical technician, respiratory therapist, dialysis technician, nuclear medicine technologist, radiologic technologist, physical therapist or veterinary technician who may possess and administer the drug or medicine, and under the direct supervision of a person licensed or registered to perform the respective medical art or a supervisor of such a person.

20. ~~*[If the drug or medicine is an immunization, a]*~~ ***A medical assistant, in accordance with applicable regulations of the:***

(a) Board of Medical Examiners, at the direction of the prescribing physician and under the supervision of a physician or physician assistant.

(b) State Board of Osteopathic Medicine, at the direction of the prescribing physician and under the supervision of a physician or physician assistant.

Sec. 2. Chapter 630 of NRS is hereby amended by adding thereto the provisions set forth as sections 3 and 4 of this act.

Sec. 3. ***1. "Medical assistant" means a person who:***

(a) Performs clinical tasks under the supervision of a physician or physician assistant; and

(b) Does not hold a license, certificate or registration issued by a professional licensing or regulatory board in this State to perform such clinical tasks.

2. The term does not include a person who performs only administrative, clerical, executive or other nonclinical tasks.

Sec. 4. ***The Board*** ~~*[shall]*~~ ***may adopt regulations governing the supervision of a medical assistant, including, without limitation, regulations which prescribe*** ~~*[:*~~

~~*1. Limitations]*~~ ***limitations on the possession and administration of a dangerous drug by a medical assistant.***

~~*[2. Any certification, training or educational requirements for a medical assistant to administer immunizations.*~~

~~*3. The clinical tasks that may be performed by a medical assistant, which must not include any invasive procedure other than the administration of an immunization.]*~~

Sec. 5. NRS 630.005 is hereby amended to read as follows:

630.005 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 630.007 to 630.026, inclusive, ***and section 3 of this act*** have the meanings ascribed to them in those sections.

Sec. 6. NRS 630.306 is hereby amended to read as follows:

630.306 The following acts, among others, constitute grounds for initiating disciplinary action or denying licensure:

1. Inability to practice medicine with reasonable skill and safety because of illness, a mental or physical condition or the use of alcohol, drugs, narcotics or any other substance.

2. Engaging in any conduct:

(a) Which is intended to deceive;

(b) Which the Board has determined is a violation of the standards of practice established by regulation of the Board; or

(c) Which is in violation of a regulation adopted by the State Board of Pharmacy.

3. Administering, dispensing or prescribing any controlled substance, or any dangerous drug as defined in chapter 454 of NRS, to or for himself or herself or to others except as authorized by law.

4. Performing, assisting or advising the injection of any substance containing liquid silicone into the human body, except for the use of silicone oil to repair a retinal detachment.

5. Practicing or offering to practice beyond the scope permitted by law or performing services which the licensee knows or has reason to know that he or she is not competent to perform or which are beyond the scope of his or her training.

6. Performing, without first obtaining the informed consent of the patient or the patient's family, any procedure or prescribing any therapy which by the current standards of the practice of medicine is experimental.

7. Continual failure to exercise the skill or diligence or use the methods ordinarily exercised under the same circumstances by physicians in good standing practicing in the same specialty or field.

8. Habitual intoxication from alcohol or dependency on controlled substances.

9. Making or filing a report which the licensee or applicant knows to be false or failing to file a record or report as required by law or regulation.

10. Failing to comply with the requirements of NRS 630.254.

11. Failure by a licensee or applicant to report in writing, within 30 days, any disciplinary action taken against the licensee or applicant by another state, the Federal Government or a foreign country, including, without limitation, the revocation, suspension or surrender of a license to practice medicine in another jurisdiction.

12. Failure by a licensee or applicant to report in writing, within 30 days, any criminal action taken or conviction obtained against the licensee or applicant, other than a minor traffic violation, in this State or any other state or by the Federal Government, a branch of the Armed Forces of the United States or any local or federal jurisdiction of a foreign country.

13. Failure to be found competent to practice medicine as a result of an examination to determine medical competency pursuant to NRS 630.318.

14. Operation of a medical facility at any time during which:

(a) The license of the facility is suspended or revoked; or

(b) An act or omission occurs which results in the suspension or revocation of the license pursuant to NRS 449.160.

➥ This subsection applies to an owner or other principal responsible for the operation of the facility.

15. Failure to comply with the requirements of NRS 630.373.

16. Engaging in any act that is unsafe or unprofessional conduct in accordance with regulations adopted by the Board.

17. Failure to supervise adequately a medical assistant pursuant to the regulations of the Board.

Sec. 7. (Deleted by amendment.)

Sec. 8. Chapter 633 of NRS is hereby amended by adding thereto the provisions set forth as sections 9 and 10 of this act.

Sec. 9. ***1. "Medical assistant" means a person who:***

(a) Performs clinical tasks under the supervision of an osteopathic physician or physician assistant; and

(b) Does not hold a license, certificate or registration issued by a professional licensing or regulatory board in this State to perform such clinical tasks.

2. The term does not include a person who performs only administrative, clerical, executive or other nonclinical tasks.

Sec. 10. ***The Board ~~[shall]~~ may adopt regulations governing the supervision of a medical assistant, including, without limitation, regulations which prescribe ~~[:~~***

~~1. Limitations]~~ limitations on the possession and administration of a dangerous drug by a medical assistant.

~~[2. Any certification, training or educational requirements for a medical assistant to administer immunizations.~~

~~3. The clinical tasks that may be performed by a medical assistant, which must not include any invasive procedure other than the administration of an immunization.]~~

Sec. 11. NRS 633.011 is hereby amended to read as follows:

633.011 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 633.021 to 633.131, inclusive, ***and section 9 of this act*** have the meanings ascribed to them in those sections.

Sec. 12. NRS 633.511 is hereby amended to read as follows:

633.511 The grounds for initiating disciplinary action pursuant to this chapter are:

1. Unprofessional conduct.

2. Conviction of:

(a) A violation of any federal or state law regulating the possession, distribution or use of any controlled substance or any dangerous drug as defined in chapter 454 of NRS;

(b) A felony relating to the practice of osteopathic medicine;

(c) A violation of any of the provisions of NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive;

(d) Murder, voluntary manslaughter or mayhem;

(e) Any felony involving the use of a firearm or other deadly weapon;

(f) Assault with intent to kill or to commit sexual assault or mayhem;

(g) Sexual assault, statutory sexual seduction, incest, lewdness, indecent exposure or any other sexually related crime;

(h) Abuse or neglect of a child or contributory delinquency; or

(i) Any offense involving moral turpitude.

3. The suspension of the license to practice osteopathic medicine by any other jurisdiction.

4. Malpractice or gross malpractice, which may be evidenced by a claim of malpractice settled against a practitioner.

5. Professional incompetence.

6. Failure to comply with the requirements of NRS 633.527.

7. Failure to comply with the requirements of subsection 3 of NRS 633.471.

8. Failure to comply with the provisions of NRS 633.694.

9. Operation of a medical facility, as defined in NRS 449.0151, at any time during which:

(a) The license of the facility is suspended or revoked; or

(b) An act or omission occurs which results in the suspension or revocation of the license pursuant to NRS 449.160.

➥ This subsection applies to an owner or other principal responsible for the operation of the facility.

10. Failure to comply with the provisions of subsection 2 of NRS 633.322.

11. Signing a blank prescription form.

12. Attempting, directly or indirectly, by intimidation, coercion or deception, to obtain or retain a patient or to discourage the use of a second opinion.

13. Terminating the medical care of a patient without adequate notice or without making other arrangements for the continued care of the patient.

14. In addition to the provisions of subsection 3 of NRS 633.524, making or filing a report which the licensee knows to be false, failing to file a record or report that is required by law or willfully obstructing or inducing another to obstruct the making or filing of such a record or report.

15. Failure to report any person the licensee knows, or has reason to know, is in violation of the provisions of this chapter or the regulations of the Board within 30 days after the date the licensee knows or has reason to know of the violation.

16. Failure by a licensee or applicant to report in writing, within 30 days, any criminal action taken or conviction obtained against the licensee or applicant, other than a minor traffic violation, in this State or any other state or by the Federal Government, a branch of the Armed Forces of the United States or any local or federal jurisdiction of a foreign country.

17. Engaging in any act that is unsafe in accordance with regulations adopted by the Board.

18. Failure to supervise adequately a medical assistant pursuant to the regulations of the Board.

Sec. 13. (Deleted by amendment.)

Sec. 14. **Chapter 641 of NRS is hereby amended by adding thereto the provisions set forth as sections 15 to 18, inclusive, of this act.**

Sec. 15. ***"Assistant behavior analyst" means a person who holds current certification or meets the standards to be certified as a board certified assistant behavior analyst by the Behavior Analyst Certification Board, Inc., or any successor in interest to that organization, and who is licensed as an assistant behavior analyst by the Board.***

Sec. 16. ***"Autism behavior interventionist" means a person who is certified as an autism behavior interventionist by the Board.***

Sec. 17. ***"Behavior analyst" means a person who holds current certification or meets the standards to be certified as a board certified behavior analyst or a board certified assistant behavior analyst by the Behavior Analyst Certification Board, Inc., or any successor in interest to that organization, and who is licensed as a behavior analyst by the Board.***

Sec. 18. *"**Practice of applied behavior analysis" means the design, implementation and evaluation of environmental modifications using behavioral stimuli and consequences to produce socially significant improvement in human behavior, including, without limitation, the use of direct observation, measurement and functional analysis of the relations between environment and behavior. The term includes the provision of behavioral therapy by a behavior analyst, assistant behavior analyst or autism behavior interventionist.***

Sec. 19. **NRS 641.020 is hereby amended to read as follows:**

641.020 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 641.021 to 641.027, inclusive, ***and sections 15 to 18, inclusive, of this act*** and 689A.0435 have the meanings ascribed to them in those sections.

Sec. 20. **NRS 641.100 is hereby amended to read as follows:**

641.100 The Board may make and promulgate rules and regulations not inconsistent with the provisions of this chapter governing its procedure, the examination, licensure and certification of applicants, the granting, refusal, revocation or suspension of licenses and certificates**,** ~~[and]~~ the practice of psychology **~~[.]~~** ***and the practice of applied behavior analysis.***

Sec. 21. **NRS 641.170 is hereby amended to read as follows:**

641.170 1. Each application for licensure as a psychologist must be accompanied by evidence satisfactory to the Board that the applicant:

(a) Is at least 21 years of age.

(b) Is of good moral character as determined by the Board.

(c) Is a citizen of the United States, or is lawfully entitled to remain and work in the United States.

(d) Has earned a doctorate in psychology from an accredited educational institution approved by the Board, or has other doctorate-level training from an accredited educational institution deemed equivalent by the Board in both subject matter and extent of training.

(e) Has at least 2 years of experience satisfactory to the Board, 1 year of which must be postdoctoral experience in accordance with the requirements established by regulations of the Board.

2. Each application for licensure as a behavior analyst must be accompanied by evidence satisfactory to the Board that the applicant:

(a) Is at least 21 years of age.

(b) Is of good moral character as determined by the Board.

(c) Is a citizen of the United States, or is lawfully entitled to remain and work in the United States.

(d) Has earned a master's degree from an accredited college or university in a field of social science or special education ~~[approved by the Board.]~~ ***and holds a current certification as a Board Certified Behavior Analyst by the***

Behavior Analyst Certification Board, Inc., or any successor in interest to that organization.

(e) Has completed other education, training or experience in accordance with the requirements established by regulations of the Board.

(f) Has completed satisfactorily a written examination in Nevada law and ethical practice as administered by the Board.

3. Each application for licensure as an assistant behavior analyst must be accompanied by evidence satisfactory to the Board that the applicant:

(a) Is at least 21 years of age.

(b) Is of good moral character as determined by the Board.

(c) Is a citizen of the United States, or is lawfully entitled to remain and work in the United States.

(d) Has earned a bachelor's degree from an accredited college or university in a field of social science or special education approved by the Board ~~.~~ ***and holds a current certification as a Board Certified Behavior Analyst by the Behavior Analyst Certification Board, Inc., or any successor in interest to that organization.***

(e) Has completed other education, training or experience in accordance with the requirements established by regulations of the Board.

(f) Has completed satisfactorily a written examination in Nevada law and ethical practice as administered by the Board.

4. Within 120 days after receiving an application and the accompanying evidence from an applicant, the Board shall:

(a) Evaluate the application and accompanying evidence and determine whether the applicant is qualified pursuant to this section for licensure; and

(b) Issue a written statement to the applicant of its determination.

5. The written statement issued to the applicant pursuant to subsection 4 must include:

(a) If the Board determines that the qualifications of the applicant are insufficient for licensure, a detailed explanation of the reasons for that determination.

(b) If the applicant for licensure as a psychologist has not earned a doctorate in psychology from an accredited educational institution approved by the Board and the Board determines that the doctorate-level training from an accredited educational institution is not equivalent in subject matter and extent of training, a detailed explanation of the reasons for that determination.

Sec. 22. **NRS 641.172 is hereby amended to read as follows:**

641.172 1. Each application for certification as an autism behavior interventionist must be accompanied by evidence satisfactory to the Board that the applicant:

(a) Is at least 18 years of age.

(b) Is of good moral character as determined by the Board.

(c) Is a citizen of the United States, or is lawfully entitled to remain and work in the United States.

(d) Has completed satisfactorily a written examination in Nevada law and ethical practice as administered by the Board.

(e) Has completed satisfactorily a standardized practical examination developed and approved by the Board. The examination must be conducted by the applicant's supervisor, who shall make a videotape or other audio and visual recording of the applicant's performance of the examination for submission to the Board. The Board may review the recording as part of its evaluation of the applicant's qualifications.

2. Within 120 days after receiving an application and the accompanying evidence from an applicant, the Board shall:

(a) Evaluate the application and accompanying evidence and determine whether the applicant is qualified pursuant to this section for certification as an autism behavior interventionist; and

(b) Issue a written statement to the applicant of its determination.

3. If the Board determines that the qualifications of the applicant are insufficient for certification, the written statement issued to the applicant pursuant to subsection 2 must include a detailed explanation of the reasons for that determination.

Sec. 23. **NRS 641.230 is hereby amended to read as follows:**

641.230 The Board may suspend ~~[the]~~ ***or revoke a person's*** license ~~[of]~~ ***as*** a psychologist, ***behavior analyst or assistant behavior analyst or certificate as an autism behavior interventionist,*** place ~~[a psychologist]~~ ***the person*** on probation, ~~[revoke the license of a psychologist,]~~ require remediation for ~~[a psychologist]~~ ***the person*** or take any other action specified by regulation if the Board finds by substantial evidence that the ~~[psychologist]~~ ***person*** has:

1. Been convicted of a felony relating to the practice of psychology ~~[.]~~ ***or the practice of applied behavior analysis.***

2. Been convicted of any crime or offense that reflects the inability of the ~~[psychologist]~~ ***person*** to practice psychology ***or applied behavior analysis*** with due regard for the health and safety of others.

3. Been convicted of violating any of the provisions of NRS 616D.200, 616D.220, 616D.240 or 616D.300 to 616D.440, inclusive.

4. Engaged in gross malpractice or repeated malpractice or gross negligence in the practice of psychology ~~[.]~~ ***or the practice of applied behavior analysis.***

5. Aided or abetted the practice of psychology by a person not licensed by the Board.

6. Made any fraudulent or untrue statement to the Board.

7. Violated a regulation adopted by the Board.

8. Had a license to practice psychology ***or a license or certificate to practice applied behavior analysis*** suspended or revoked or has had any other disciplinary action taken against the ~~[psychologist]~~ ***person*** by another state or territory of the United States, the District of Columbia or a foreign country, if at least one of the grounds for discipline is the same or substantially equivalent to any ground contained in this chapter.

9. Failed to report to the Board within 30 days the revocation, suspension or surrender of, or any other disciplinary action taken against, a license or certificate to practice psychology ***or applied behavior analysis*** issued to the ~~[psychologist]~~ ***person*** by another state or territory of the United States, the District of Columbia or a foreign country.

10. Violated or attempted to violate, directly or indirectly, or assisted in or abetted the violation of or conspired to violate a provision of this chapter.

11. Performed or attempted to perform any professional service while impaired by alcohol, drugs or by a mental or physical illness, disorder or disease.

12. Engaged in sexual activity with a patient ~~[.]~~ ***or client.***

13. Been convicted of abuse or fraud in connection with any state or federal program which provides medical assistance.

14. Been convicted of submitting a false claim for payment to the insurer of a patient ~~[.]~~ ***or client.***

15. Operated a medical facility, as defined in NRS 449.0151, at any time during which:

(a) The license of the facility was suspended or revoked; or

(b) An act or omission occurred which resulted in the suspension or revocation of the license pursuant to NRS 449.160.

➥ This subsection applies to an owner or other principal responsible for the operation of the facility.

Sec. 24. **NRS 641.240 is hereby amended to read as follows:**

641.240 1. If the Board, a panel of its members or a hearing officer appointed by the Board finds a person guilty in a disciplinary proceeding, it may:

(a) Administer a public reprimand.

(b) Limit the person's practice.

(c) Suspend the ***person's*** license ***or certificate*** for a period of not more than 1 year.

(d) Revoke the ***person's*** license ~~[.]~~ ***or certificate.***

(e) Impose a fine of not more than $5,000.

(f) Revoke or suspend the ***person's*** license ***or certificate*** and impose a monetary penalty.

(g) Suspend the enforcement of any penalty by placing the person on probation. The Board may revoke the probation if the person does not follow any conditions imposed.

(h) Require the person to submit to the supervision of or counseling or treatment by a person designated by the Board. The person named in the complaint is responsible for any expense incurred.

(i) Impose and modify any conditions of probation for the protection of the public or the rehabilitation of the probationer.

(j) Require the person to pay for the costs of remediation or restitution.

2. The Board shall not administer a private reprimand.

3. An order that imposes discipline and the findings of fact and conclusions of law supporting that order are public records.

~~[Sec. 14.]~~ ***Sec. 25.*** This act becomes effective upon passage and approval for the purpose of adopting regulations and on January 1, 2012, for all other purposes.

Assemblywoman Carlton moved that the Assembly adopt the report of the Conference Committee concerning Senate Bill No. 294.

Remarks by Assemblywoman Carlton.

Motion carried by a constitutional majority.

Mr. Speaker:

The Conference Committee concerning Senate Bill No. 168, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that Amendment No. 881 of the Assembly be concurred in.

MAGGIE CARLTON	SHIRLEY BREEDEN
IRENE BUSTAMANTE ADAMS	ALLISON COPENING
	JAMES SETTELMEYER
Assembly Conference Committee	*Senate Conference Committee*

Assemblywoman Carlton moved that the Assembly adopt the report of the Conference Committee concerning Senate Bill No. 168.

Remarks by Assemblywoman Carlton.

Motion carried by a constitutional majority.

Mr. Speaker:

The Conference Committee concerning Assembly Bill No. 525, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that Amendment No. 878 of the Senate be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. 20, which is attached to and hereby made a part of this report.

MAGGIE CARLTON	MARK MANENDO
JOSEPH HOGAN	JOHN LEE
TOM GRADY	DEAN RHOADS
Assembly Conference Committee	*Senate Conference Committee*

Conference Amendment No. CA20.

SUMMARY— ~~[Requires the establishment of the Wildlife Trust Fund.]~~ **Makes various changes relating to the financial management of the Department of Wildlife.** (BDR 45-1213)

AN ACT relating to wildlife; requiring the Department of Wildlife to establish the Wildlife Trust Fund; authorizing the Department to accept any gift, donation, bequest or devise from any private source for the Wildlife Trust Fund; requiring the Director to report income and expenditures from the Wildlife Trust Fund to the Chief of the Budget Division of the Department of Administration, the Interim Finance Committee and the Board of Wildlife Commissioners; **designating the Wildlife Account and the Wildlife Obligated Reserve Account as the Wildlife Fund Account;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[This]~~ **Section 1 of this** bill requires the Department of Wildlife to establish the Wildlife Trust Fund for the purposes of receiving any gift, donation, bequest or devise from any private source for the Wildlife Trust Fund. The money in the Wildlife Trust Fund must be used either for the specified purpose of the donor who donated the money or, if the donor specified no purpose, then in the sound discretion of the Director of the Department. ~~[This bill]~~ **Section 1** further establishes that the money in the Wildlife Trust Fund is private money and exempts the expenditure of money in the Wildlife Trust Fund from the provisions of the State Purchasing Act. Finally, ~~[this bill]~~ **section 1** requires the Director to report the income and expenditures of the Wildlife Trust Fund to the Chief of the Budget Division of the Department of Administration, the Interim Finance Committee and the Board of Wildlife Commissioners.

Existing law establishes the Wildlife Account, into which the majority of the money received by the Department of Wildlife must be deposited. (NRS 501.356) Existing law also creates the Wildlife Obligated Reserve Account, into which certain other money must be deposited by the Department of Wildlife. (NRS 502.242) Sections 1.5-19 of this bill combine the Wildlife Account and the Wildlife Obligated Reserve Account into one account designated the Wildlife Fund Account.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 501 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Department shall establish the Wildlife Trust Fund. The Department may accept any gift, donation, bequest or devise from any private source for deposit in the Wildlife Trust Fund. Any money received

is private money and not state money. All money must be accounted for in the Wildlife Trust Fund.

2. All of the money in the Wildlife Trust Fund must be deposited in a financial institution to draw interest or to be expended, invested and reinvested pursuant to the specific instructions of the donor, or if no such specific instructions exist, in the sound discretion of the Director. The provisions of NRS 356.011 apply to any accounts in financial institutions maintained pursuant to this section.

3. The money in the Wildlife Trust Fund must be budgeted and expended, within any limitations which may have been specified by particular donors, at the discretion of the Director. The Director may authorize independent contractors that may be funded in whole or in part from the money in the Wildlife Trust Fund.

4. The Director or the Director's designee shall submit semiannually to the Interim Finance Committee and the Commission a report concerning the investment and expenditure of the money in the Wildlife Trust Fund in such form and detail as the Interim Finance Committee determines is necessary.

5. A separate statement concerning the anticipated amount and proposed expenditures of the money in the Wildlife Trust Fund must be submitted to the Chief of the Budget Division of the Department of Administration for his or her information at the same time and for the same fiscal years as the requested budget of the Department submitted pursuant to NRS 353.210. The statement must be attached to the requested budget for the Department when the requested budget is submitted to the Fiscal Analysis Division of the Legislative Counsel Bureau pursuant to NRS 353.211.

6. The provisions of chapter 333 of NRS do not apply to the expenditure of money in the Wildlife Trust Fund.

Sec. 1.1. **NRS 501.179 is hereby amended to read as follows:**

501.179 1. Members of the Commission are entitled to receive a salary of not more than $80 per day, as fixed by the Commission, while performing official duties for the Commission.

2. While engaged in the business of the Commission, each member and employee of the Commission is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

3. Compensation and expenses must be paid from the Wildlife ***Fund*** Account within the State General Fund.

Sec. 1.3. **NRS 501.320 is hereby amended to read as follows:**

501.320 1. Annually, not later than May 1, each board shall prepare a budget for the period ending June 30 of the following year, setting forth in detail its proposed expenditures for carrying out its duties as specified in this

title within its county, and submit the budget to the Commission accompanied by a statement of the previous year's expenditures, certified by the county auditor.

2. The Commission shall examine the budget in conjunction with the Director or a person designated by the Director, and may increase, decrease, alter or amend the budget.

3. Upon approval of the budget, the Department shall transmit a copy of the approved budget to the board, and at the same time withdraw from the Wildlife ***Fund*** Account within the State General Fund and transmit to the board the money required under the approved budget for disposition by the board in accordance with the approved budget. All money so received must be placed in the fund for the advisory board.

Sec. 1.5. **NRS 501.331 is hereby amended to read as follows:**

501.331 The Department of Wildlife is hereby created. The Department:

1. Shall administer the wildlife laws of this State and chapter 488 of NRS.

2. Shall, on or before the fifth calendar day of each regular session of the Legislature, submit to the Legislature a financial report for each of the immediately preceding 2 fiscal years setting forth the activity and status of the Wildlife ~~[Obligated Reserve]~~ ***Fund*** Account in the State General Fund, each subaccount within that Account and any other account or subaccount administered by the Department for which the use of the money in the account or subaccount is restricted. The report must include, without limitation:

(a) A description of each project for which money is expended from each of those accounts and subaccounts and a description of each recipient of that money; and

(b) The total amount of money expended from each of those accounts and subaccounts for each fiscal year, including, without limitation, the amount of any matching contributions received for those accounts and subaccounts for each fiscal year.

Sec. 1.7. **NRS 501.343 is hereby amended to read as follows:**

501.343 The Department may:

1. Collect and disseminate, throughout the State, information calculated to educate and benefit the people of the State regarding wildlife and boating, and information pertaining to any program administered by the Department.

2. Publish wildlife journals and other official publications, for which a specific charge may be made, such charge to be determined by the Commission, with the proceeds to be deposited in the Wildlife ***Fund*** Account within the State General Fund. No charge may be made for any publication required by a regulation of the Commission.

Sec. 1.9. **NRS 501.346 is hereby amended to read as follows:**

501.346 1. The Department may charge fees for advertising:

(a) In printed materials prepared by the Department; and

(b) On a website on the Internet or its successor that is maintained by the Department.

2. Any money collected by the Department, pursuant to subsection 1 must be:

(a) Deposited with the State Treasurer for credit to the Wildlife ***Fund*** Account in the State General Fund; and

(b) Used to pay the expenses of the Department, including, without limitation, expenses incurred in the development, production and distribution of:

(1) Printed materials prepared by the Department;

(2) Materials used by the Department on the website maintained by the Department; and

(3) Any informational and educational materials provided by the Department for the purposes described in subsection 1 of NRS 501.343.

Sec. 2. NRS 501.356 is hereby amended to read as follows:

501.356 1. Money received by the Department from:

(a) The sale of licenses;

(b) Fees pursuant to the provisions of NRS 488.075 and 488.1795;

(c) Remittances from the State Treasurer pursuant to the provisions of NRS 365.535;

(d) Appropriations made by the Legislature; and

(e) All other sources, ***including, without limitation, the Federal Government,*** except money derived from the forfeiture of any property described in NRS 501.3857 or money deposited in the Wildlife Heritage Trust Account pursuant to NRS 501.3575 ~~*[,]*~~ or in the ~~**[**Trout Management Account pursuant to NRS 502.327~~**]** ~~**[**,~~**]** ~~*[or in the]*~~ ***Wildlife Trust Fund pursuant to section 1 of this act,***

➥ must be deposited with the State Treasurer for credit to the Wildlife ***Fund*** Account in the State General Fund.

2. The interest and income earned on the money in the Wildlife ***Fund*** Account, after deducting any applicable charges, must be credited to the Account.

3. Except as otherwise provided in subsection 4, the Department may use money in the Wildlife ***Fund*** Account only to carry out the provisions of this title and chapter 488 of NRS and as provided in NRS 365.535, and the money must not be diverted to any other use.

4. Except as otherwise provided in NRS 502.250 and 504.155, all fees for the sale or issuance of stamps, tags, permits and licenses that are required to be deposited in the Wildlife ***Fund*** Account pursuant to the provisions of

this title and any matching money received by the Department from any source must be accounted for separately and must be used:

(a) Only for the management of wildlife; and

(b) If the fee is for the sale or issuance of a license, permit or tag other than a tag specified in subsection 5 or 6 of NRS 502.250, under the guidance of the Commission pursuant to subsection 2 of NRS 501.181.

Sec. 3. **NRS 501.359 is hereby amended to read as follows:**

501.359 1. The Wildlife Imprest Account in the amount of $15,000 is hereby created for the use of the Department, subject to the following conditions:

(a) The money must be deposited in a bank or credit union qualified to receive deposits of public money, except that $500 must be kept in the custody of an employee designated by the Director for immediate use for purposes set forth in this section.

(b) The Account must be replenished periodically from the Wildlife ***Fund*** Account in the State General Fund upon approval of expenditures as required by law and submission of vouchers or other documents to indicate payment as may be prescribed.

2. The Wildlife Imprest Account may be used to pay for postage, C.O.D. packages, travel or other minor expenses which are proper as claims for payment from the Wildlife ***Fund*** Account in the State General Fund.

3. The Wildlife Imprest Account may be used to provide money to employees of the Department for travel expenses and subsistence allowances arising out of their official duties or employment. All advances constitute a lien in favor of the Department upon the accrued wages of the requesting employee in an amount equal to the money advanced, but the Director may advance more than the amount of the accrued wages of the employee. Upon the return of the employee, the employee is entitled to receive money for any authorized expenses and subsistence in excess of the amount advanced.

Sec. 4. **NRS 501.361 is hereby amended to read as follows:**

501.361 A Petty Cash Account in the amount of $1,000 for the payment of minor expenses of the Department is hereby created. The Account must be kept in the custody of an employee designated by the Director and must be replenished periodically from the Wildlife ***Fund*** Account in the State General Fund upon approval of expenditures as required by law and submission of vouchers or other documents to indicate payment as may be prescribed.

Sec. 5. **NRS 501.3855 is hereby amended to read as follows:**

501.3855 1. In addition to the penalties provided for the violation of any of the provisions of this title, every person who unlawfully kills or possesses a big game mammal, bobcat, swan or eagle is liable for a civil penalty of not less than $250 nor more than $5,000.

2. For the unlawful killing or possession of fish or wildlife not included in subsection 1, the court may order the defendant to pay a civil penalty of not less than $25 nor more than $1,000.

3. For hunting, fishing or trapping without a valid license, tag or permit, the court may order the defendant to pay a civil penalty of not less than $50 nor more than $250.

4. Every court, before whom a defendant is convicted of unlawfully killing or possessing any wildlife, shall order the defendant to pay the civil penalty in the amount stated in this section for each mammal, bird or fish unlawfully killed or possessed. The court shall fix the manner and time of payment.

5. The Department may attempt to collect all penalties and installments that are in default in any manner provided by law for the enforcement of a judgment.

6. If a person who is ordered to pay a civil penalty pursuant to this section fails to do so within 90 days after the date set forth in the order, the Department may suspend, revoke, or refuse to issue or renew any license, tag, permit, certificate or other document or privilege otherwise available to the person pursuant to this title or chapter 488 of NRS.

7. Each court that receives money pursuant to the provisions of this section shall forthwith remit the money to the Department which shall deposit the money with the State Treasurer for credit to the Wildlife ***Fund*** Account in the State General Fund.

Sec. 6. **NRS 501.389 is hereby amended to read as follows:**

501.389 1. Except for property described in NRS 501.3857, equipment:

(a) Seized as evidence in accordance with NRS 501.375; and

(b) Not recovered by the owner within 1 year after it is no longer needed for evidentiary purposes,

➥ becomes the property of the Department.

2. The Department may:

(a) Sell the equipment in accordance with the regulations adopted pursuant to subsection 5 of NRS 333.220;

(b) Donate equipment that is not dangerous to nonprofit organizations which benefit children;

(c) Donate equipment that is not dangerous to children from low-income families who attend fishing clinics sponsored by the Department; or

(d) Retain the equipment for authorized use by the Department.

➥ All money received from the sale of equipment must be deposited with the State Treasurer for credit to the Wildlife ***Fund*** Account in the State General Fund.

3. Any person of lawful age and lawfully entitled to reside in the United States may purchase the equipment, whether a prior owner or not.

Sec. 7. **NRS 502.148 is hereby amended to read as follows:**

502.148 1. Except as otherwise provided in this subsection, any person who wishes to apply for a restricted nonresident deer tag pursuant to NRS 502.147 must complete an application on a form prescribed and furnished by the Department. A licensed master guide may complete the application for an applicant. The application must be signed by the applicant and the master guide who will be responsible for conducting the restricted nonresident deer hunt.

2. The application must be accompanied by a fee for the tag of $300, plus any other fees which the Department may require. The Commission shall establish the time limits and acceptable methods for submitting such applications to the Department.

3. Any application for a restricted nonresident deer tag which contains an error or omission must be rejected and the fee for the tag returned to the applicant.

4. A person who is issued a restricted nonresident deer tag is not eligible to apply for any other deer tag issued in this State for the same hunting season as that restricted nonresident deer hunt.

5. All fees collected pursuant to this section must be deposited with the State Treasurer for credit to the Wildlife ***Fund*** Account in the State General Fund.

Sec. 8. **NRS 502.219 is hereby amended to read as follows:**

502.219 1. The Commission may establish a program for the issuance of additional big game tags each year to be known as "Dream Tags." If the Commission establishes such a program, the program must provide:

(a) For the issuance of Dream Tags to either a resident or nonresident of this State;

(b) For the issuance of one Dream Tag for each species of big game for which 50 or more tags were available under the quota established for the species by the Commission during the previous year; and

(c) For the sale of Dream Tags to a nonprofit organization pursuant to this section.

2. The Commission may adopt regulations establishing such other provisions concerning Dream Tags as the Commission determines reasonable or necessary in carrying out the program.

3. A nonprofit organization established through the Community Foundation of Western Nevada which is exempt from taxation pursuant to 26 U.S.C. § 501(c)(3) and which has as its principal purpose the preservation, protection, management or restoration of wildlife and its habitat may purchase such Dream Tags from the Department as are authorized by the Commission, at prices established by the Commission, subject to the following conditions:

(a) The nonprofit organization must agree to award the Dream Tags by raffle, with unlimited chances to be sold for $5 each to persons who purchase a resource enhancement stamp pursuant to NRS 502.222.

(b) The nonprofit organization must agree to enter into a contract with a private entity that is approved by the Department which requires that the private entity agree to act as the agent of the nonprofit organization to sell chances to win Dream Tags, conduct any required drawing for Dream Tags and issue Dream Tags. For the purposes of this paragraph, a private entity that has entered into a contract with the Department pursuant to NRS 502.175 to conduct a drawing and to award and issue tags or permits as established by the Commission shall be deemed to be approved by the Department.

(c) All money received by the nonprofit organization from the proceeds of the Dream Tag raffle, less the cost of the Dream Tags purchased by the nonprofit organization and any administrative costs charged by the Community Foundation of Western Nevada, must be used for the preservation, protection, management or restoration of game and its habitat, as determined by the Advisory Board on Dream Tags created by NRS 502.225.

4. All money received by the Department for Dream Tags pursuant to this section must be deposited with the State Treasurer for credit to the Wildlife ***Fund*** Account in the State General Fund.

5. The nonprofit organization shall, on or before February 1 of each year, report to the Commission and the Interim Finance Committee concerning the Dream Tag program, including, without limitation:

(a) The number of Dream Tags issued during the immediately preceding calendar year;

(b) The total amount of money paid to the Department for Dream Tags during the immediately preceding calendar year;

(c) The total amount of money received by the nonprofit organization from the proceeds of the Dream Tag raffle, the amount of such money expended by the nonprofit organization and a description of each project for which the money was spent; and

(d) Any recommendations concerning the continuation of the program or necessary legislation.

6. As used in this section, “big game tag” means a tag permitting a person to hunt any species of pronghorn antelope, bear, deer, mountain goat, mountain lion, bighorn sheep or elk.

Sec. 9. **NRS 502.222 is hereby amended to read as follows:**

502.222 1. To be eligible to participate in the Dream Tag raffle, a person must purchase a resource enhancement stamp.

2. Resource enhancement stamps must be sold for a fee of $10 each by the Department and by persons authorized by the Department to sell the stamps. All money received by the Department for resource enhancement stamps pursuant to this section must be deposited with the State Treasurer for credit to the Wildlife ***Fund*** Account in the State General Fund.

3. The Department shall determine the form of the stamps.

Sec. 10. **NRS 502.242 is hereby amended to read as follows:**

502.242 1. In addition to any fee charged and collected for an annual hunting, trapping, fishing or combined hunting and fishing license pursuant to NRS 502.240, a habitat conservation fee of $3 must be paid.

2. ~~[The Wildlife Obligated Reserve Account is hereby created in the State General Fund.]~~ Revenue from the habitat conservation fee must be accounted for separately, deposited with the State Treasurer for credit to the Wildlife ~~[Obligated Reserve]~~ ***Fund*** Account and, except as otherwise provided in NRS 502.294 and 502.310, used by the Department for the purposes of wildlife habitat rehabilitation and restoration. ~~[The interest and income earned on the money in the Wildlife Obligated Reserve Account, after deducting any applicable charges, must be credited to the Account.]~~

3. The money in the Wildlife ~~[Obligated Reserve]~~ ***Fund*** Account remains in the Account and does not revert to the State General Fund at the end of any fiscal year.

Sec. 11. **NRS 502.250 is hereby amended to read as follows:**

502.250 1. The amount of the fee that must be charged for the following tags is:

Resident deer tag	$30
Resident antelope tag	60
Resident elk tag	120
Resident bighorn sheep tag	$120
Resident mountain goat tag	120
Resident mountain lion tag	25
Nonresident deer tag	240
Nonresident antelope tag	300
Nonresident antlered elk tag	1,200
Nonresident antlerless elk tag	500
Nonresident bighorn sheep tag	1,200
Nonresident mountain goat tag	1,200
Nonresident mountain lion tag	100

2. The amount of the fee for other resident or nonresident big game tags must not exceed the highest fee for a resident or nonresident big game tag established pursuant to this section.

3. The amount of the fee for a tag determined to be necessary by the Commission for other species pursuant to NRS 502.130 must not exceed the

highest fee for a resident or nonresident tag established pursuant to this section.

4. A fee not to exceed $10 may be charged for processing an application for a game species or permit other than an application for an elk. A fee of not less than $5 but not more than $15 must be charged for processing an application for an elk, $5 of which must be deposited with the State Treasurer for credit to the Wildlife ~~[Obligated Reserve]~~ ***Fund*** Account in the State General Fund and used for the prevention and mitigation of damage caused by elk or game mammals not native to this State. A fee of not less than $15 and not more than $50 must be charged for processing an application for a Silver State Tag.

5. The Commission may accept sealed bids for, or award through an auction or a Silver State Tag Drawing, or any combination thereof, not more than 15 big game tags and not more than 5 wild turkey tags each year. To reimburse the Department for the cost of managing wildlife and administering and conducting the bid, auction or Silver State Tag Drawing, not more than 18 percent of the total amount of money received from the bid, auction or Silver State Tag Drawing may be deposited with the State Treasurer for credit to the Wildlife ***Fund*** Account in the State General Fund. Any amount of money received from the bid, auction or Silver State Tag Drawing that is not so deposited must be deposited with the State Treasurer for credit to the Wildlife Heritage Trust Account in the State General Fund in accordance with the provisions of NRS 501.3575.

6. The Commission may by regulation establish an additional drawing for big game tags, which may be entitled the Partnership in Wildlife Drawing. To reimburse the Department for the cost of managing wildlife and administering and conducting the drawing, not more than 18 percent of the total amount of money received from the drawing may be deposited with the State Treasurer for credit to the Wildlife ***Fund*** Account in the State General Fund. Except as otherwise provided by regulations adopted by the Commission pursuant to subsection 7, the money received by the Department from applicants in the drawing who are not awarded big game tags must be deposited with the State Treasurer for credit to the Wildlife Heritage Trust Account in accordance with the provisions of NRS 501.3575.

7. The Commission may adopt regulations which authorize the return of all or a portion of any fee collected from a person pursuant to the provisions of this section.

Sec. 12. **NRS 502.253 is hereby amended to read as follows:**

502.253 1. In addition to any fee charged and collected pursuant to NRS 502.250, a fee of $3 must be charged for processing each application for a game tag, the revenue from which must be accounted for separately,

deposited with the State Treasurer for credit to the Wildlife ***Fund*** Account in the State General Fund and used by the Department for costs related to:

(a) Programs for the management and control of injurious predatory wildlife;

(b) Wildlife management activities relating to the protection of nonpredatory game animals, sensitive wildlife species and related wildlife habitat;

(c) Conducting research, as needed, to determine successful techniques for managing and controlling predatory wildlife, including studies necessary to ensure effective programs for the management and control of injurious predatory wildlife; and

(d) Programs for the education of the general public concerning the management and control of predatory wildlife.

2. The Department of Wildlife is hereby authorized to expend a portion of the money collected pursuant to subsection 1 to enable the State Department of Agriculture to develop and carry out the programs described in subsection 1.

3. Any program developed or wildlife management activity or research conducted pursuant to this section must be developed or conducted under the guidance of the Commission pursuant to subsection 2 of NRS 501.181.

4. The money in the Wildlife ***Fund*** Account remains in the Account and does not revert to the State General Fund at the end of any fiscal year.

Sec. 13. **NRS 502.294 is hereby amended to read as follows:**

502.294 All money received pursuant to NRS 502.292 must be deposited with the State Treasurer for credit to the Wildlife ~~[Obligated Reserve]~~ ***Fund*** Account in the State General Fund. The Department shall maintain separate accounting records for the receipt and expenditure of that money. An amount not to exceed 10 percent of that money may be used to reimburse the Department for the cost of administering the program of documentation. This amount is in addition to compensation allowed persons authorized to issue and sell licenses.

Sec. 14. **NRS 502.310 is hereby amended to read as follows:**

502.310 All money received pursuant to NRS 502.300 must be deposited with the State Treasurer for credit to the Wildlife ~~[Obligated Reserve]~~ ***Fund*** Account in the State General Fund. The Department shall maintain separate accounting records for the receipt and expenditure of that money. An amount not to exceed 10 percent of that money may be used to reimburse the Department for the cost of administering the state duck stamp programs. This amount is in addition to compensation allowed persons authorized to issue and sell licenses.

Sec. 15. **NRS 502.410 is hereby amended to read as follows:**

502.410 1. Any money received by the Department pursuant to NRS 502.400 must be deposited with the State Treasurer for credit to the Wildlife ***Fund*** Account in the State General Fund.

2. The Department:

(a) Shall maintain separate accounting records for the receipt and expenditure of any money pursuant to this section or NRS 502.400; and

(b) Must use the money to operate and manage the Carson Lake Wildlife Management Area.

Sec. 16. **NRS 504.155 is hereby amended to read as follows:**

504.155 All gifts, grants, fees and appropriations of money received by the Department for the prevention and mitigation of damage caused by elk or game mammals not native to this State, and the interest and income earned on the money, less any applicable charges, must be accounted for separately within the Wildlife ***Fund*** Account and may only be disbursed as provided in the regulations adopted pursuant to NRS 504.165.

Sec. 17. **NRS 321.385 is hereby amended to read as follows:**

321.385 The State Land Registrar, after consultation with the Division of Forestry of the State Department of Conservation and Natural Resources, may:

1. Sell timber from any land owned by the State of Nevada which is not assigned to the Department of Wildlife.

2. At the request of the Director of the Department of Wildlife, sell timber from any land owned by the State of Nevada which is assigned to the Department of Wildlife. Revenues from the sale of such timber must be deposited with the State Treasurer for credit to the Wildlife ***Fund*** Account in the State General Fund.

Sec. 18. **NRS 365.535 is hereby amended to read as follows:**

365.535 1. It is declared to be the policy of the State of Nevada to apply the tax on motor vehicle fuel paid on fuel used in watercraft for recreational purposes during each calendar year, which is hereby declared to be not refundable to the consumer, for the:

(a) Improvement of boating and the improvement, operation and maintenance of other outdoor recreational facilities located in any state park that includes a body of water used for recreational purposes; and

(b) Payment of the costs incurred, in part, for the administration and enforcement of the provisions of chapter 488 of NRS.

2. The amount of excise taxes paid on all motor vehicle fuel used in watercraft for recreational purposes must be determined annually by the Department by use of the following formula:

(a) Multiplying the total boats with motors registered the previous calendar year, pursuant to provisions of chapter 488 of NRS, times 220.76 gallons average fuel purchased per boat;

(b) Adding 566,771 gallons of fuel purchased by out-of-state boaters as determined through a study conducted during 1969-1970 by the Division of Agricultural and Resource Economics, Max C. Fleischmann College of Agriculture, University of Nevada, Reno; and

(c) Multiplying the total gallons determined by adding the total obtained under paragraph (a) to the figure in paragraph (b) times the rate of tax, per gallon, imposed on motor vehicle fuel used in watercraft for recreational purposes, less the percentage of the tax authorized to be deducted by the supplier pursuant to NRS 365.330.

3. The Department of Wildlife shall submit annually to the Department, on or before April 1, the number of boats with motors registered in the previous calendar year. On or before June 1, the Department, using that data, shall compute the amount of excise taxes paid on all motor vehicle fuel used in watercraft for recreational purposes based on the formula set forth in subsection 2, and shall certify the ratio for apportionment and distribution, in writing, to the Department of Wildlife and to the Division of State Parks of the State Department of Conservation and Natural Resources for the next fiscal year.

4. In each fiscal year, the State Treasurer shall, upon receipt of the tax money from the Department collected pursuant to the provisions of NRS 365.175 to 365.190, inclusive, allocate the amount determined pursuant to subsection 2, in proportions directed by the Legislature, to:

(a) The Wildlife ***Fund*** Account in the State General Fund. This money may be expended only for the administration and enforcement of the provisions of chapter 488 of NRS and for the improvement, operation and maintenance of boating facilities and other outdoor recreational facilities associated with boating. Any money received in excess of the amount authorized by the Legislature to be expended for such purposes must be retained in the Wildlife ***Fund*** Account.

(b) The Division of State Parks of the State Department of Conservation and Natural Resources. Such money may be expended only as authorized by the Legislature for the improvement, operation and maintenance of boating facilities and other outdoor recreational facilities located in any state park that includes a body of water used for recreational purposes.

Sec. 19. **NRS 488.075 is hereby amended to read as follows:**

488.075 1. The owner of each motorboat requiring numbering by this State shall file an application for a number and for a certificate of ownership with the Department on forms approved by it accompanied by:

(a) Proof of payment of Nevada sales or use tax as evidenced by proof of sale by a Nevada dealer or by a certificate of use tax paid issued by the Department of Taxation, or by proof of exemption from those taxes as provided in NRS 372.320.

(b) Such evidence of ownership as the Department may require.

➥ The Department shall not issue a number, a certificate of number or a certificate of ownership until this evidence is presented to it.

2. The application must be signed by the owner of the motorboat and must be accompanied by a fee of $20 for the certificate of ownership and a fee according to the following schedule as determined by the straight line length which is measured from the tip of the bow to the back of the transom of the motorboat:

Less than 13 feet	$20
13 feet or more but less than 18 feet	25
18 feet or more but less than 22 feet	40
22 feet or more but less than 26 feet	55
26 feet or more but less than 31 feet	75
31 feet or more	100

Except as otherwise provided in this subsection, all fees received by the Department under the provisions of this chapter must be deposited in the Wildlife ***Fund*** Account in the State General Fund and may be expended only for the administration and enforcement of the provisions of this chapter. On or before December 31 of each year, the Department shall deposit with the respective county school districts 50 percent of each fee collected according to the motorboat's length for every motorboat registered from their respective counties. Upon receipt of the application in approved form, the Department shall enter the application upon the records of its office and issue to the applicant a certificate of number stating the number awarded to the motorboat, a certificate of ownership stating the same information and the name and address of the registered owner and the legal owner.

3. A certificate of number may be renewed each year by the purchase of a validation decal. The fee for a validation decal is determined by the straight line length of the motorboat and is equivalent to the fee set forth in the schedule provided in subsection 2. The amount of the fee for issuing a duplicate validation decal is $20.

4. The owner shall paint on or attach to each side of the bow of the motorboat the identification number in such manner as may be prescribed by regulations of the Commission in order that the number may be clearly visible. The number must be maintained in legible condition.

5. The certificate of number must be available at all times for inspection on the motorboat for which issued, whenever the motorboat is in operation.

6. The Commission shall provide by regulation for the issuance of numbers to manufacturers and dealers which may be used interchangeably upon motorboats operated by the manufacturers and dealers in connection with the demonstration, sale or exchange of those motorboats. The amount of the fee for each such a number is $20.

Sec. 20. **NRS 502.327 is hereby repealed.**

Sec. 21. **As soon as practicable after July 1, 2011, any money remaining in the Trout Management Account established by NRS 502.327 which has not been committed for expenditure before that date must be deposited into the Wildlife Fund Account pursuant to NRS 501.356, as amended by section 2 of this act.**

Sec. 22. **Notwithstanding any amendatory provision of this act to the contrary, during the biennium beginning on July 1, 2011, and ending on June 30, 2013, if any money is appropriated or authorized for an expenditure or use by the Department of Wildlife which is inconsistent with the amendatory provisions of this act, the Department may expend or use the money in accordance with the purpose for which the money was appropriated or authorized for expenditure or use.**

Sec. 23. **1.** This **section and sections 1 to 14, inclusive, and 16 to 22, inclusive, of this** act ~~[becomes]~~ **become** effective on July 1, 2011.

2. Section 15 of this act becomes effective upon conveyance of the Carson Lake Pasture to the State of Nevada in accordance with chapter 209, Statutes of Nevada 1993, at page 447.

3. Section 22 of this act expires by limitation on July 1, 2013.

TEXT OF REPEALED SECTION

502.327 Trout stamps: Deposit of fees in Trout Management Account; accounting records; use of money in Account.

1. All money received pursuant to NRS 502.326 must be deposited with the State Treasurer for credit to the Trout Management Account, which is hereby established in the State General Fund.

2. The interest and income earned on the money in the Trout Management Account, after deducting any applicable charges, must be credited to the Account.

3. The Department shall:

(a) Maintain separate accounting records for the receipt of money pursuant to NRS 502.326 and the expenditure of that money.

(b) Administer the Trout Management Account. The Department may use money in the Account only for the protection, propagation and management of trout in this State and for any bonded indebtedness incurred therefor.

Assemblywoman Carlton moved that the Assembly adopt the report of the Conference Committee concerning Assembly Bill No. 525.

Remarks by Assemblywoman Carlton.

Motion carried by a constitutional majority.

Assembly Bill No. 351.

The following Senate amendment was read:

Amendment No. 737.

AN ACT relating to motor carriers; authorizing operators of taxicabs and operators of limousines to accept credit cards and debit cards for payment of rates, fares and charges; authorizing the prescribing of maximum fees that may be charged to customers of taxicabs and limousines for the convenience of payment by a credit card or debit card; prohibiting issuers of credit cards and debit cards and certain other persons from prohibiting the collection of the convenience fees; **requiring the Taxicab Authority to compile a report for the Legislature concerning the costs of purchasing, installing and maintaining equipment to accept such payments; requiring a portion of the fee paid in certain counties to be used for certain transportation services;** providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The Nevada Transportation Authority regulates common motor carriers of passengers, which include limousines and, in counties with a population of less than 400,000 (currently all counties other than Clark County), taxicabs. (NRS 706.166) The Taxicab Authority regulates taxicabs in counties with a population of 400,000 or more (currently Clark County). (NRS 706.8818)

Sections 2 and 3 of this bill authorize taxicab and limousine operators to accept payment by a credit card or debit card. **Section 2** authorizes the Nevada Transportation Authority to prescribe by regulation ~~[or order]~~ the maximum fees that a taxicab motor carrier or limousine operator within its jurisdiction may charge for the convenience of paying by using a credit card or debit card. **Section 3** authorizes the Taxicab Authority to prescribe by regulation ~~[or order]~~ the maximum fees that a certificate holder in a county whose population is 400,000 or more may charge for the convenience of paying by using a credit card or debit card. **Sections 2 and 3** also **set forth the manner in which the amount of the fee that may be charged will be determined and** prohibit an issuer of a credit card or debit card or certain other persons who facilitate the acceptance of a credit card or debit card from prohibiting the collection by a taxicab or limousine operator of the convenience fee.

Section 11 of this bill requires each taxicab motor carrier in a county whose population is 700,000 or more (currently Clark County) to transmit a report to the Taxicab Authority on or before January 1, 2012, July 1, 2012, January 1, 2013, and July 1, 2013, which sets out the actual costs that the taxicab motor carrier incurred during the immediately

preceding 6 months to purchase, install and maintain the equipment used to accept credit cards or debit cards. Section 11 requires the Taxicab Authority to compile the information contained in the reports within 30 days of receipt and transmit the information to the Director of the Legislative Counsel Bureau for distribution to the Legislature.

Section 12 of this bill requires each taxicab motor carrier in a county whose population is 700,000 or more (currently Clark County) that charges a fee to customers for using a credit card or debit card to transmit a portion of the fee so collected to the Taxicab Authority on or before January 1, 2012, July 1, 2012, and January 1, 2103. The Taxicab Authority is required to determine the amount to be transmitted on a fair and equitable basis to ensure that the Taxicab Authority is able to transmit $400,000 on or before January 15, 2012, July 15, 2012, and January 15, 2013, to the Aging and Disability Services Division of the Department of Health and Human Services for expenditure on transportation services in Clark County.

Section 13 of this bill requires the adoption of any regulations by the Taxicab Authority and the Nevada Transportation Authority necessary to implement the bill by October 1, 2011.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 706 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. ***1. A taxicab motor carrier or an operator of a limousine may enter into a contract with an issuer of credit cards and debit cards to provide for the acceptance of credit cards or debit cards by the taxicab motor carrier or the operator of a limousine for the payment of rates, fares and charges owed to the taxicab motor carrier or the operator of a limousine.***

2. The Authority may prescribe by regulation ~~*[or order]*~~ ***the maximum fee that a taxicab motor carrier or an operator of a limousine may charge a customer for the convenience of using a credit card or debit card to make payment to the taxicab motor carrier or the operator of a limousine.*** ~~*[In prescribing such fees, the]*~~ ***The Authority*** ~~*[may consider the expenses incurred by]*~~ ***shall establish the fee in an amount that allows the taxicab motor carrier or the operator of a limousine to recover the costs incurred in accepting payment by a credit card or debit card . [,]*** ~~*[,]*~~ ***Only the costs associated with accepting payment by a credit card or debit card may be included in establishing the amount of the fee, including, without limitation:***

(a) Costs of required equipment and its installation;

(b) Administrative costs of processing credit card or debit card transactions; and

(c) Fees paid to issuers of credit cards or debit cards.

3. An issuer shall not, by contract or otherwise:

(a) Prohibit a taxicab motor carrier or an operator of a limousine from charging and collecting a fee authorized pursuant to subsection 2; or

(b) Require a taxicab motor carrier or an operator of a limousine to waive the right to charge and collect a fee authorized pursuant to subsection 2.

4. As used in this section, "issuer" means a business organization, financial institution or a duly authorized agency of a business organization or financial institution which:

(a) Issues a credit card or debit card; or

(b) Enters into a contract with a taxicab motor carrier, an operator of a limousine or other person to enable or facilitate the acceptance of a credit card or debit card.

Sec. 3. *1. A certificate holder may enter into a contract with an issuer of credit cards and debit cards to provide for the acceptance of credit cards or debit cards by the certificate holder for the payment of rates, fares and charges owed to the certificate holder.*

2. The Taxicab Authority may prescribe by regulation ~~[or order]~~ the maximum fee that a certificate holder may charge a customer for the convenience of using a credit card or debit card to make payment to the certificate holder. ~~[In prescribing such fees, the]~~ The Taxicab Authority ~~[may consider the expenses incurred by]~~ shall establish the fee in an amount that allows the certificate holder to recover the costs incurred in accepting payment by a credit card or debit card . ~~[,]~~ Only the costs associated with accepting payment by a credit card or debit card may be included in establishing the amount of the fee, including, without limitation:

(a) Costs of required equipment and its installation;

(b) Administrative costs of processing credit card or debit card transactions; and

(c) Fees paid to issuers of credit cards or debit cards.

3. An issuer shall not, by contract or otherwise:

(a) Prohibit a certificate holder from charging and collecting a fee authorized pursuant to subsection 2; or

(b) Require a certificate holder to waive the right to charge and collect a fee authorized pursuant to subsection 2.

4. As used in this section, "issuer" means a business organization, financial institution or a duly authorized agency of a business organization or financial institution which:

(a) Issues a credit card or debit card; or

(b) Enters into a contract with a certificate holder or other person to enable or facilitate the acceptance of a credit card or debit card.

Sec. 4. NRS 706.011 is hereby amended to read as follows:

706.011 As used in NRS 706.011 to 706.791, inclusive, ***and section 2 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 706.013 to 706.146, inclusive, have the meanings ascribed to them in those sections.

Sec. 5. NRS 706.756 is hereby amended to read as follows:

706.756 1. Except as otherwise provided in subsection 2, any person who:

(a) Operates a vehicle or causes it to be operated in any carriage to which the provisions of NRS 706.011 to 706.861, inclusive, ***and section 2 of this act*** apply without first obtaining a certificate, permit or license, or in violation of the terms thereof;

(b) Fails to make any return or report required by the provisions of NRS 706.011 to 706.861, inclusive, ***and section 2 of this act*** or by the Authority or the Department pursuant to the provisions of NRS 706.011 to 706.861, inclusive ~~[;]~~ ***, and section 2 of this act;***

(c) Violates, or procures, aids or abets the violating of, any provision of NRS 706.011 to 706.861, inclusive ~~[;]~~ ***, and section 2 of this act;***

(d) Fails to obey any order, decision or regulation of the Authority or the Department;

(e) Procures, aids or abets any person in the failure to obey such an order, decision or regulation of the Authority or the Department;

(f) Advertises, solicits, proffers bids or otherwise is held out to perform transportation as a common or contract carrier in violation of any of the provisions of NRS 706.011 to 706.861, inclusive ~~[;]~~ ***, and section 2 of this act;***

(g) Advertises as providing:

(1) The services of a fully regulated carrier; or

(2) Towing services,

➥ without including the number of the person's certificate of public convenience and necessity or contract carrier's permit in each advertisement;

(h) Knowingly offers, gives, solicits or accepts any rebate, concession or discrimination in violation of the provisions of this chapter;

(i) Knowingly, willfully and fraudulently seeks to evade or defeat the purposes of this chapter;

(j) Operates or causes to be operated a vehicle which does not have the proper identifying device;

(k) Displays or causes or permits to be displayed a certificate, permit, license or identifying device, knowing it to be fictitious or to have been cancelled, revoked, suspended or altered;

(l) Lends or knowingly permits the use of by one not entitled thereto any certificate, permit, license or identifying device issued to the person so lending or permitting the use thereof; or

(m) Refuses or fails to surrender to the Authority or Department any certificate, permit, license or identifying device which has been suspended, cancelled or revoked pursuant to the provisions of this chapter,

➥ is guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than $100 nor more than $1,000, or by imprisonment in the county jail for not more than 6 months, or by both fine and imprisonment.

2. Any person who, in violation of the provisions of NRS 706.386, operates as a fully regulated common motor carrier without first obtaining a certificate of public convenience and necessity or any person who, in violation of the provisions of NRS 706.421, operates as a contract motor carrier without first obtaining a permit is guilty of a misdemeanor and shall be punished:

(a) For a first offense within a period of 12 consecutive months, by a fine of not less than $500 nor more than $1,000. In addition to the fine, the person may be punished by imprisonment in the county jail for not more than 6 months.

(b) For a second offense within a period of 12 consecutive months and for each subsequent offense that is committed within a period of 12 consecutive months of any prior offense under this subsection, by a fine of $1,000. In addition to the fine, the person may be punished by imprisonment in the county jail for not more than 6 months.

3. Any person who, in violation of the provisions of NRS 706.386, operates or permits the operation of a vehicle in passenger service without first obtaining a certificate of public convenience and necessity is guilty of a gross misdemeanor.

4. If a law enforcement officer witnesses a violation of any provision of subsection 2 or 3, the law enforcement officer may cause the vehicle to be towed immediately from the scene and impounded in accordance with NRS 706.476.

5. The fines provided in this section are mandatory and must not be reduced under any circumstances by the court.

6. Any bail allowed must not be less than the appropriate fine provided for by this section.

Sec. 6. NRS 706.881 is hereby amended to read as follows:

706.881 1. The provisions of NRS 706.8811 to 706.885, inclusive, ***and section 3 of this act,*** apply to any county:

(a) Whose population is 400,000 or more; or

(b) For whom regulation by the Taxicab Authority is not required, if the board of county commissioners of the county has enacted an ordinance approving the inclusion of the county within the jurisdiction of the Taxicab Authority.

2. Upon receipt of a certified copy of such an ordinance from a county for whom regulation by the Taxicab Authority is not required, the Taxicab Authority shall exercise its regulatory authority pursuant to NRS 706.8811 to 706.885, inclusive, ***and section 3 of this act,*** within that county.

3. Within any such county, the provisions of this chapter which confer regulatory authority over taxicab motor carriers upon the Nevada Transportation Authority do not apply.

Sec. 7. NRS 706.8811 is hereby amended to read as follows:

706.8811 As used in NRS 706.881 to 706.885, inclusive, ***and section 3 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 706.8812 to 706.8817, inclusive, have the meanings ascribed to them in those sections.

Sec. 8. NRS 706.885 is hereby amended to read as follows:

706.885 1. Any person who knowingly makes or causes to be made, either directly or indirectly, a false statement on an application, account or other statement required by the Taxicab Authority or the Administrator or who violates any of the provisions of NRS 706.881 to 706.885, inclusive, ***and section 3 of this act*** is guilty of a misdemeanor.

2. The Taxicab Authority or Administrator may at any time, for good cause shown and upon at least 5 days' notice to the grantee of any certificate or driver's permit, and after a hearing unless waived by the grantee, penalize the grantee of a certificate to a maximum amount of $15,000 or penalize the grantee of a driver's permit to a maximum amount of $500 or suspend or revoke the certificate or driver's permit granted by the Taxicab Authority or Administrator, respectively, for:

(a) Any violation of any provision of NRS 706.881 to 706.885, inclusive, ***and section 3 of this act*** or any regulation of the Taxicab Authority or Administrator.

(b) Knowingly permitting or requiring any employee to violate any provision of NRS 706.881 to 706.885, inclusive, ***and section 3 of this act*** or any regulation of the Taxicab Authority or Administrator.

➥ If a penalty is imposed on the grantee of a certificate pursuant to this section, the Taxicab Authority or Administrator may require the grantee to pay the costs of the proceeding, including investigative costs and attorney's fees.

3. When a driver or certificate holder fails to appear at the time and place stated in the notice for the hearing, the Administrator shall enter a finding of

default. Upon a finding of default, the Administrator may suspend or revoke the license, permit or certificate of the person who failed to appear and impose the penalties provided in this chapter. For good cause shown, the Administrator may set aside a finding of default and proceed with the hearing.

4. Any person who operates or permits a taxicab to be operated in passenger service without a certificate of public convenience and necessity issued pursuant to NRS 706.8827, is guilty of a gross misdemeanor. If a law enforcement officer witnesses a violation of this subsection, the law enforcement officer may cause the vehicle to be towed immediately from the scene.

5. The conviction of a person pursuant to subsection 1 does not bar the Taxicab Authority or Administrator from suspending or revoking any certificate, permit or license of the person convicted. The imposition of a fine or suspension or revocation of any certificate, permit or license by the Taxicab Authority or Administrator does not operate as a defense in any proceeding brought under subsection 1.

Sec. 9. (Deleted by amendment.)

Sec. 10. (Deleted by amendment.)

Sec. 11. **1. Except as otherwise provided by subsection 2, on or before January 1, 2012, July 1, 2012, January 1, 2013, and July 1, 2013, each taxicab motor carrier in a county whose population is 700,000 or more shall transmit a report to the Taxicab Authority which sets out the actual costs that the taxicab motor carrier incurred during the immediately preceding 6 months to purchase, install and maintain the equipment used to provide for the acceptance of credit cards or debit cards for the payment of rates, fares and other charges.**

2. The first report transmitted pursuant to this section must include the information for all months preceding January 1, 2012, in which any expenses were incurred to purchase, install and maintain the equipment used to provide for the acceptance of credit cards or debit cards for the payment of rates, fares and other charges.

3. Within 30 days after receipt of the reports made pursuant to this section, the Taxicab Authority shall compile the information contained in the reports and transmit that information to the Director of the Legislative Counsel Bureau for distribution to the Legislature.

Sec. 12. **The Taxicab Authority shall require all taxicab motor carriers in a county whose population is 700,000 or more who charge a customer a fee for the convenience of using a credit card or debit card for rates, fares or other charges to transmit a portion of those fees to the Authority on or before January 1, 2012, July 1, 2012, and January 1, 2013. The Taxicab Authority shall determine the amount of the fees**

required to be transmitted on a fair and equitable basis which ensures that the amount necessary is collected from each entity to enable the Taxicab Authority to transmit $400,000 on or before January 15, 2012, July 15, 2012, and January 15, 2013, to the Aging and Disability Services Division of the Department of Health and Human Services. The entire amount of the $1,200,000 transmitted to the Division must be expended on transportation services in Clark County provided through the Senior Ride Program and the Independent Living Grants Program.

Sec. 13. **The Taxicab Authority and the Nevada Transportation Authority shall each adopt any regulations necessary to implement the provisions of this act on or before October 1, 2011.**

Sec. 14. **This act becomes effective upon passage and approval.**

Assemblyman Atkinson moved that the Assembly concur in the Senate Amendment No. 737 to Assembly Bill No. 351.

Remarks by Assemblyman Atkinson.

Motion carried.

The following Senate amendment was read:

Amendment No. 971.

AN ACT relating to motor carriers; authorizing operators of taxicabs and operators of limousines to accept credit cards and debit cards for payment of rates, fares and charges; authorizing the prescribing of maximum fees that may be charged to customers of taxicabs and limousines for the convenience of payment by a credit card or debit card; prohibiting issuers of credit cards and debit cards and certain other persons from prohibiting the collection of the convenience fees; ~~[requiring the Taxicab Authority to compile a report for the Legislature concerning the costs of purchasing, installing and maintaining equipment to accept such payments; requiring a portion of the fee paid in certain counties to be used for certain transportation services;]~~ providing penalties; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The Nevada Transportation Authority regulates common motor carriers of passengers, which include limousines and, in counties with a population of less than 400,000 (currently all counties other than Clark County), taxicabs. (NRS 706.166) The Taxicab Authority regulates taxicabs in counties with a population of 400,000 or more (currently Clark County). (NRS 706.8818)

Sections 2 and 3 of this bill authorize taxicab and limousine operators to accept payment by a credit card or debit card. **Section 2** authorizes the Nevada Transportation Authority to prescribe by regulation **or order** the maximum fees that a taxicab motor carrier or limousine operator within its jurisdiction may charge for the convenience of paying by using a credit card or debit card. **Section 3** authorizes the Taxicab Authority to prescribe by regulation **or order** the maximum fees that a certificate holder in a county

whose population is 400,000 or more may charge for the convenience of paying by using a credit card or debit card. **Sections 2 and 3** also set forth the manner in which the amount of the fee that may be charged will be determined and prohibit an issuer of a credit card or debit card or certain other persons who facilitate the acceptance of a credit card or debit card from prohibiting the collection by a taxicab or limousine operator of the convenience fee.

~~[Section 11 of this bill requires each taxicab motor carrier in a county whose population is 700,000 or more (currently Clark County) to transmit a report to the Taxicab Authority on or before January 1, 2012, July 1, 2012, January 1, 2013, and July 1, 2013, which sets out the actual costs that the taxicab motor carrier incurred during the immediately preceding 6 months to purchase, install and maintain the equipment used to accept credit cards or debit cards. Section 11 requires the Taxicab Authority to compile the information contained in the reports within 30 days of receipt and transmit the information to the Director of the Legislative Counsel Bureau for distribution to the Legislature.~~

~~Section 12 of this bill requires each taxicab motor carrier in a county whose population is 700,000 or more (currently Clark County) that charges a fee to customers for using a credit card or debit card to transmit a portion of the fee so collected to the Taxicab Authority on or before January 1, 2012, July 1, 2012, and January 1, 2013. The Taxicab Authority is required to determine the amount to be transmitted on a fair and equitable basis to ensure that the Taxicab Authority is able to transmit $400,000 on or before January 15, 2012, July 15, 2012, and January 15, 2013, to the Aging and Disability Services Division of the Department of Health and Human Services for expenditure on transportation services in Clark County.~~

~~Section 13 of this bill requires the adoption of any regulations by the Taxicab Authority and the Nevada Transportation Authority necessary to implement the bill by October 1, 2011.]~~

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 706 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. ***1. A taxicab motor carrier or an operator of a limousine may enter into a contract with an issuer of credit cards and debit cards to provide for the acceptance of credit cards or debit cards by the taxicab motor carrier or the operator of a limousine for the payment of rates, fares and charges owed to the taxicab motor carrier or the operator of a limousine.***

2. The Authority may prescribe by regulation or order the maximum fee that a taxicab motor carrier or an operator of a limousine may charge a customer for the convenience of using a credit card or debit card to make payment to the taxicab motor carrier or the operator of a limousine. [The] In prescribing such fees, the Authority [shall establish the fee in an amount that allows] may consider the expenses incurred by the taxicab motor carrier or the operator of a limousine [to recover the costs incurred] in accepting payment by a credit card or debit card , [. Only the costs associated with accepting payment by a credit card or debit card may be included in establishing the amount of the fee,] including, without limitation:

(a) Costs of required equipment and its installation;

(b) Administrative costs of processing credit card or debit card transactions; and

(c) Fees paid to issuers of credit cards or debit cards.

3. An issuer shall not, by contract or otherwise:

(a) Prohibit a taxicab motor carrier or an operator of a limousine from charging and collecting a fee authorized pursuant to subsection 2; or

(b) Require a taxicab motor carrier or an operator of a limousine to waive the right to charge and collect a fee authorized pursuant to subsection 2.

4. As used in this section, "issuer" means a business organization, financial institution or a duly authorized agency of a business organization or financial institution which:

(a) Issues a credit card or debit card; or

(b) Enters into a contract with a taxicab motor carrier, an operator of a limousine or other person to enable or facilitate the acceptance of a credit card or debit card.

Sec. 3. ***1. A certificate holder may enter into a contract with an issuer of credit cards and debit cards to provide for the acceptance of credit cards or debit cards by the certificate holder for the payment of rates, fares and charges owed to the certificate holder.***

2. The Taxicab Authority may prescribe by regulation or order the maximum fee that a certificate holder may charge a customer for the convenience of using a credit card or debit card to make payment to the certificate holder. [The] In prescribing such fees, the Taxicab Authority [shall establish the fee in an amount that allows] may consider the expenses incurred by the certificate holder [to recover the costs incurred] in accepting payment by a credit card or debit card , [. Only the costs associated with accepting payment by a credit card or debit card may be included in establishing the amount of the fee,] including, without limitation:

(a) Costs of required equipment and its installation;

(b) Administrative costs of processing credit card or debit card transactions; and

(c) Fees paid to issuers of credit cards or debit cards.

3. An issuer shall not, by contract or otherwise:

(a) Prohibit a certificate holder from charging and collecting a fee authorized pursuant to subsection 2; or

(b) Require a certificate holder to waive the right to charge and collect a fee authorized pursuant to subsection 2.

4. As used in this section, "issuer" means a business organization, financial institution or a duly authorized agency of a business organization or financial institution which:

(a) Issues a credit card or debit card; or

(b) Enters into a contract with a certificate holder or other person to enable or facilitate the acceptance of a credit card or debit card.

Sec. 4. NRS 706.011 is hereby amended to read as follows:

706.011 As used in NRS 706.011 to 706.791, inclusive, ***and section 2 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 706.013 to 706.146, inclusive, have the meanings ascribed to them in those sections.

Sec. 5. NRS 706.756 is hereby amended to read as follows:

706.756 1. Except as otherwise provided in subsection 2, any person who:

(a) Operates a vehicle or causes it to be operated in any carriage to which the provisions of NRS 706.011 to 706.861, inclusive, ***and section 2 of this act*** apply without first obtaining a certificate, permit or license, or in violation of the terms thereof;

(b) Fails to make any return or report required by the provisions of NRS 706.011 to 706.861, inclusive, ***and section 2 of this act*** or by the Authority or the Department pursuant to the provisions of NRS 706.011 to 706.861, inclusive ~~[;]~~ ***, and section 2 of this act;***

(c) Violates, or procures, aids or abets the violating of, any provision of NRS 706.011 to 706.861, inclusive ~~[;]~~ ***, and section 2 of this act;***

(d) Fails to obey any order, decision or regulation of the Authority or the Department;

(e) Procures, aids or abets any person in the failure to obey such an order, decision or regulation of the Authority or the Department;

(f) Advertises, solicits, proffers bids or otherwise is held out to perform transportation as a common or contract carrier in violation of any of the provisions of NRS 706.011 to 706.861, inclusive ~~[;]~~ ***, and section 2 of this act;***

(g) Advertises as providing:

(1) The services of a fully regulated carrier; or

(2) Towing services,

➥ without including the number of the person's certificate of public convenience and necessity or contract carrier's permit in each advertisement;

(h) Knowingly offers, gives, solicits or accepts any rebate, concession or discrimination in violation of the provisions of this chapter;

(i) Knowingly, willfully and fraudulently seeks to evade or defeat the purposes of this chapter;

(j) Operates or causes to be operated a vehicle which does not have the proper identifying device;

(k) Displays or causes or permits to be displayed a certificate, permit, license or identifying device, knowing it to be fictitious or to have been cancelled, revoked, suspended or altered;

(l) Lends or knowingly permits the use of by one not entitled thereto any certificate, permit, license or identifying device issued to the person so lending or permitting the use thereof; or

(m) Refuses or fails to surrender to the Authority or Department any certificate, permit, license or identifying device which has been suspended, cancelled or revoked pursuant to the provisions of this chapter,

➥ is guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than $100 nor more than $1,000, or by imprisonment in the county jail for not more than 6 months, or by both fine and imprisonment.

2. Any person who, in violation of the provisions of NRS 706.386, operates as a fully regulated common motor carrier without first obtaining a certificate of public convenience and necessity or any person who, in violation of the provisions of NRS 706.421, operates as a contract motor carrier without first obtaining a permit is guilty of a misdemeanor and shall be punished:

(a) For a first offense within a period of 12 consecutive months, by a fine of not less than $500 nor more than $1,000. In addition to the fine, the person may be punished by imprisonment in the county jail for not more than 6 months.

(b) For a second offense within a period of 12 consecutive months and for each subsequent offense that is committed within a period of 12 consecutive months of any prior offense under this subsection, by a fine of $1,000. In addition to the fine, the person may be punished by imprisonment in the county jail for not more than 6 months.

3. Any person who, in violation of the provisions of NRS 706.386, operates or permits the operation of a vehicle in passenger service without first obtaining a certificate of public convenience and necessity is guilty of a gross misdemeanor.

4. If a law enforcement officer witnesses a violation of any provision of subsection 2 or 3, the law enforcement officer may cause the vehicle to be towed immediately from the scene and impounded in accordance with NRS 706.476.

5. The fines provided in this section are mandatory and must not be reduced under any circumstances by the court.

6. Any bail allowed must not be less than the appropriate fine provided for by this section.

Sec. 6. NRS 706.881 is hereby amended to read as follows:

706.881 1. The provisions of NRS 706.8811 to 706.885, inclusive, ***and section 3 of this act,*** apply to any county:

(a) Whose population is 400,000 or more; or

(b) For whom regulation by the Taxicab Authority is not required, if the board of county commissioners of the county has enacted an ordinance approving the inclusion of the county within the jurisdiction of the Taxicab Authority.

2. Upon receipt of a certified copy of such an ordinance from a county for whom regulation by the Taxicab Authority is not required, the Taxicab Authority shall exercise its regulatory authority pursuant to NRS 706.8811 to 706.885, inclusive, ***and section 3 of this act,*** within that county.

3. Within any such county, the provisions of this chapter which confer regulatory authority over taxicab motor carriers upon the Nevada Transportation Authority do not apply.

Sec. 7. NRS 706.8811 is hereby amended to read as follows:

706.8811 As used in NRS 706.881 to 706.885, inclusive, ***and section 3 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 706.8812 to 706.8817, inclusive, have the meanings ascribed to them in those sections.

Sec. 8. NRS 706.885 is hereby amended to read as follows:

706.885 1. Any person who knowingly makes or causes to be made, either directly or indirectly, a false statement on an application, account or other statement required by the Taxicab Authority or the Administrator or who violates any of the provisions of NRS 706.881 to 706.885, inclusive, ***and section 3 of this act*** is guilty of a misdemeanor.

2. The Taxicab Authority or Administrator may at any time, for good cause shown and upon at least 5 days' notice to the grantee of any certificate or driver's permit, and after a hearing unless waived by the grantee, penalize the grantee of a certificate to a maximum amount of $15,000 or penalize the grantee of a driver's permit to a maximum amount of $500 or suspend or revoke the certificate or driver's permit granted by the Taxicab Authority or Administrator, respectively, for:

(a) Any violation of any provision of NRS 706.881 to 706.885, inclusive, ***and section 3 of this act*** or any regulation of the Taxicab Authority or Administrator.

(b) Knowingly permitting or requiring any employee to violate any provision of NRS 706.881 to 706.885, inclusive, ***and section 3 of this act*** or any regulation of the Taxicab Authority or Administrator.

➥ If a penalty is imposed on the grantee of a certificate pursuant to this section, the Taxicab Authority or Administrator may require the grantee to pay the costs of the proceeding, including investigative costs and attorney's fees.

3. When a driver or certificate holder fails to appear at the time and place stated in the notice for the hearing, the Administrator shall enter a finding of default. Upon a finding of default, the Administrator may suspend or revoke the license, permit or certificate of the person who failed to appear and impose the penalties provided in this chapter. For good cause shown, the Administrator may set aside a finding of default and proceed with the hearing.

4. Any person who operates or permits a taxicab to be operated in passenger service without a certificate of public convenience and necessity issued pursuant to NRS 706.8827, is guilty of a gross misdemeanor. If a law enforcement officer witnesses a violation of this subsection, the law enforcement officer may cause the vehicle to be towed immediately from the scene.

5. The conviction of a person pursuant to subsection 1 does not bar the Taxicab Authority or Administrator from suspending or revoking any certificate, permit or license of the person convicted. The imposition of a fine or suspension or revocation of any certificate, permit or license by the Taxicab Authority or Administrator does not operate as a defense in any proceeding brought under subsection 1.

Sec. 9. (Deleted by amendment.)

Sec. 10. (Deleted by amendment.)

Sec. 11. ~~[1. Except as otherwise provided by subsection 2, on or before January 1, 2012, July 1, 2012, January 1, 2013, and July 1, 2013, each taxicab motor carrier in a county whose population is 700,000 or more shall transmit a report to the Taxicab Authority which sets out the actual costs that the taxicab motor carrier incurred during the immediately preceding 6 months to purchase, install and maintain the equipment used to provide for the acceptance of credit cards or debit cards for the payment of rates, fares and other charges.~~

~~2. The first report transmitted pursuant to this section must include the information for all months preceding January 1, 2012, in which any expenses were incurred to purchase, install and maintain the equipment used to provide~~

~~for the acceptance of credit cards or debit cards for the payment of rates, fares and other charges.~~

~~3. Within 30 days after receipt of the reports made pursuant to this section, the Taxicab Authority shall compile the information contained in the reports and transmit that information to the Director of the Legislative Counsel Bureau for distribution to the Legislature.~~**]** **(Deleted by amendment.)**

Sec. 12. **[**~~The Taxicab Authority shall require all taxicab motor carriers in a county whose population is 700,000 or more who charge a customer a fee for the convenience of using a credit card or debit card for rates, fares or other charges to transmit a portion of those fees to the Authority on or before January 1, 2012, July 1, 2012, and January 1, 2013. The Taxicab Authority shall determine the amount of the fees required to be transmitted on a fair and equitable basis which ensures that the amount necessary is collected from each entity to enable the Taxicab Authority to transmit $400,000 on or before January 15, 2012, July 15, 2012, and January 15, 2013, to the Aging and Disability Services Division of the Department of Health and Human Services. The entire amount of the $1,200,000 transmitted to the Division must be expended on transportation services in Clark County provided through the Senior Ride Program and the Independent Living Grants Program.~~**]** **(Deleted by amendment.)**

Sec. 13. **[**~~The Taxicab Authority and the Nevada Transportation Authority shall each adopt any regulations necessary to implement the provisions of this act on or before October 1, 2011.~~**]** **(Deleted by amendment.)**

Sec. 14. **[**~~This act becomes effective upon passage and approval.~~**]** **(Deleted by amendment.)**

Assemblyman Atkinson moved that the Assembly concur in the Senate Amendment No. 971 to Assembly Bill No. 351.

Remarks by Assemblyman Atkinson.

Motion carried by a constitutional majority.

Bill ordered enrolled.

VETOED BILLS AND SPECIAL ORDERS OF THE DAY

Vetoed Assembly Bill No. 130 of the 75th Session.

Governor's message stating his objections read.

Bill read.

OFFICE OF THE GOVERNOR
JIM GIBBONS
Governor

June 9, 2009

THE HONORABLE ROSS MILLER, *Secretary of State*, CAPITOL BUILDING, 101 NORTH CARSON STREET, CARSON CITY, NV 89701

RE: Assembly Bill No. 130 of the 75th Legislative Session

DEAR SECRETARY MILLER:

I am herewith forwarding to you, for filing within the constitutional time limit and without my approval, Assembly Bill 130, which is entitled:

> AN ACT relating to police departments; revising provisions governing the membership of a metropolitan police committee on fiscal affairs; revising provisions governing negotiations between metropolitan police departments and their employees; and providing other matters properly relating thereto.

Assembly Bill 130 precludes a county from effectively participating in negotiations between a metropolitan police department t and its employees. The entity responsible for funding the agreements that result from those negotiations should have a real seat at the negotiating table. Under this bill, the local government would only be able to "monitor" the negotiations. Because this bill changed a fundamental negotiating process that has worked well in the past, I cannot support this bill.

For these reasons, I hereby exercise my constitutional grant of authority and veto Assembly Bill 130.

Sincerely,
JIM GIBBONS
Governor

Assemblywoman Kirkpatrick moved that Assembly Bill No. 130 of the 75th Session be placed on the Chief Clerk's desk.

Motion carried.

Vetoed Assembly Bill No. 395 of the 75th Session.

Governor's message stating his objections read.

Bill read.

OFFICE OF THE GOVERNOR
JIM GIBBONS
Governor

June 4, 2009

THE HONORABLE ROSS MILLER, *Secretary of State*, CAPITOL BUILDING, 101 NORTH CARSON STREET, CARSON CITY, NV 89701

RE: Assembly Bill No. 395 of the 75th Legislative Session

DEAR SECRETARY MILLER:

I am herewith forwarding to you, for filing within the constitutional time limit and without my approval, Assembly Bill 395, which is entitled:

> AN ACT relating to state employees; authorizing discussions of workplace relations for certain state employees; expanding the duties of the Personnel Commission to include discussions of

> workplace relations for certain state employees; providing for workplace relations units of state employees and for their representatives; establishing procedures for discussing workplace relations and for making and amending workplace relations agreements; prohibiting certain unfair labor practices; and providing other matters properly relating thereto.

This bill would implement collective bargaining for state employees. Nevada is currently in the grips of a severe economic recession. The resulting decrease in state revenues recently resulted in the enactment of the largest tax increase in state history in order to fund state expenditures. Assembly Bill 395 would dramatically increase the cost of state government even further. I find it unfathomable and unconscionable that the Legislature would pass a bill that would result in further increases in state spending and would require even further tax increases to fund that spending. I hope that by the time this veto message is read to the Legislature some modicum of common sense has returned to the process and we can all focus on satisfying the needs rather than the wants of state government.

For these reasons, I hereby exercise my constitutional grant of authority and veto Assembly Bill 395.

Sincerely,
JIM GIBBONS
Governor

Assemblywoman Kirkpatrick moved that Assembly Bill No. 395 of the 75th Session be placed on the Chief Clerk's desk.

Motion carried.

Vetoed Assembly Bill No. 451 of the 75th Session.

Governor's message stating his objections read.

Bill read.

OFFICE OF THE GOVERNOR
JIM GIBBONS
Governor

June 9, 2009

THE HONORABLE ROSS MILLER, *Secretary of State*, CAPITOL BUILDING, 101 NORTH CARSON STREET, CARSON CITY, NV 89701

RE: Assembly Bill No. 451 of the 75th Legislative Session

DEAR SECRETARY MILLER:

I am herewith forwarding to you, for filing within the constitutional time limit and without my approval, Assembly Bill 451, which is entitled:

> AN ACT relating to state obligations; establishing a program for the investment of state money in certificates of deposit at a reduced rate to provide lending institutions with money for reduced-rate loans to certain small businesses in this State; and providing other matters properly relating thereto..

Assembly Bill 451 mandates that the Treasurer establish a linked-deposit program of up to $20,000,000 and sets forth the requirements of that program. The Treasurer has always been a fiduciary of the state and is required to invest taxpayer dollars in a way that maximizes the safety and return of state investments. This bill would change that fundamental duty and require the

Treasurer to engage in de facto social investing at the expense of ignoring fiduciary obligations. I therefore cannot support this bill.

For these reasons, I hereby exercise my constitutional grant of authority and veto Assembly Bill 451.

Sincerely,
JIM GIBBONS
Governor

Assemblywoman Kirkpatrick moved that Assembly Bill No. 451 of the 75th Session be placed on the Chief Clerk's desk.

Motion carried.

Vetoed Assembly Bill No. 503 of the 75th Session.

Governor's message stating his objections read.

Bill read.

OFFICE OF THE GOVERNOR
JIM GIBBONS
Governor

June 9, 2009

THE HONORABLE ROSS MILLER, *Secretary of State*, CAPITOL BUILDING, 101 NORTH CARSON STREET, CARSON CITY, NV 89701

RE: Assembly Bill No. 503 of the 75th Legislative Session

DEAR SECRETARY MILLER:

I am herewith forwarding to you, for filing within the constitutional time limit and without my approval, Assembly Bill 503, which is entitled:

> AN ACT relating to transportation; creating an advisory committee to develop recommendations relating to the funding of the construction and maintenance of highways in this State; providing for the membership, compensation and duties of the advisory committee; authorizing the advisory committee to place advisory questions regarding its recommendations on the ballot for the general election to be held in 2010; requiring the Secretary of State to appoint committees to prepare arguments for and against approval of the recommendation proposed in any such advisory question placed on the ballot; and providing other matters properly relating thereto.

Assembly Bill 503 would establish a committee appointed solely by members of the legislative branch to make recommendations with respect to transportation funding. The bill would also mandate that any such recommendations be placed on the general election ballot in 2010 as an advisory question. This bill effectively circumvents the legislative process by allowing a small group of non-elected officials to make recommendations that have major implications on taxpayers, and to then present those recommendations to voters. If such recommendations are to be submitted to the voters, they should be recommendations from the Legislature as a whole. This bill represents an abdication of legislative authority that I cannot support.

For these reasons, I hereby exercise my constitutional grant of authority and veto Assembly Bill 503.

Sincerely,
JIM GIBBONS
Governor

Assemblywoman Kirkpatrick moved that Assembly Bill No. 503 of the 75th Session be placed on the Chief Clerk's desk.

Motion carried.

Vetoed Assembly Bill No. 135 of the 76th Session.

Governor's message stating his objections read.

Bill read.

OFFICE OF THE GOVERNOR

June 1, 2011

SPEAKER JOHN OCEGUERA, *Nevada State Assembly*, 401 SOUTH CARSON STREET, CARSON CITY, NV 89701

RE: Assembly Bill 135 of the 76th Legislative Session

DEAR MR. SPEAKER:

I am herewith forwarding to you, for filing within the constitutional time limit and without my approval, Assembly Bill 135, which is entitled:

> AN ACT relating to probation; revising provisions concerning violations of probation; and providing other matters properly relating thereto.

This bill relates to the authority of courts to, upon determination that a person has violated a condition of probation, continue or revoke the probation or suspension of sentence. More specifically, the bill limits courts' discretion to revoke the probation and suspension of sentence to cases where: (1) imprisonment is necessary to protect the community from further criminal activity by the probationer; (2) the probationer is in need of treatment which can most effectively be provided if he or she is imprisoned; (3) the seriousness of the violation or the totality of violations by the probationer warrant revocation of probation and suspension of the sentence; or (4) the violation demonstrates the probationer cannot be supervised pursuant to practices and policies governing probation.

The bill further precludes courts from revoking probation and the suspension of the sentence based on the probationer's failure to pay court imposed administrative assessments, fees and expenses. In addition, before revoking probation and the suspension of the sentence, the bill requires courts to make findings to support the reasons for the revocation and state them on the record.

The requirement that courts state on the record the reasons for revocation of probation and the suspension of a sentence is reasonable. The limits imposed on the discretion of courts to revoke probation and the suspension of a sentence, however, are not. The effective administration of justice requires the proportionate enforcement of criminal sentences. Proportionality is not, though, easily obtained through the application of categorical methodology. Instead, courts require flexibility and discretion in fashioning the appropriate response to a probation violation. Thus, courts have traditionally been granted latitude in determining the appropriate mechanism by which such sentences are enforced. The revocation of probation and the suspension of a sentence are tools often employed toward that end.

Insofar as this bill limits the cases in which these enforcement mechanisms are available, it undermines the ability of courts to effectively enforce sentences. The Legislature's attempt to categorically define the circumstances under which revocation of probation and the suspension of a sentence are appropriate fails to adequately capture the scope of cases where such revocation is appropriate; therefore, I veto this bill and return it to you without my approval.

Sincere regards,

BRIAN SANDOVAL

Governor

Assemblywoman Kirkpatrick moved that Assembly Bill No. 135 of the 76th Session be placed on the Chief Clerk's desk.

Motion carried.

Vetoed Assembly Bill No. 183 of the 76th Session.

Governor's message stating his objections read.

Bill read.

OFFICE OF THE GOVERNOR

April 4, 2011

SPEAKER JOHN OCEGUERA, *Nevada State Assembly*, 401 SOUTH CARSON STREET, CARSON CITY, NV 89701

RE: Assembly Bill 183 of the 76th Legislative Session

DEAR MR. SPEAKER:

I am herewith forwarding to you, for filing within the constitutional time limit and without my approval, Assembly Bill 183, which is entitled:

> AN ACT relating to school districts; revising the provisions regarding the establishment and maintenance of a reserve account for payment of the outstanding bonds of a school district; and providing other matters properly relating thereto.

This bill relates to the maintenance of reserve accounts established to support the repayment of school bonds. It proposes to reduce the amount of money held in those accounts in order to facilitate school improvements. Supporters of the bill assert that it will result not only in an improved educational environment for the state's children, but in an increased number of construction jobs as well.

The bill has merit; a quality educational environment is important to the success of our students, and our state has far too many unemployed construction workers. But the condition of our schools and the struggles of the construction industry are not the only challenges we confront. Indeed, with an unemployment rate of 13.6 percent and the nation's worst graduation rates, rarely has our state been so severely tested. In the face of such difficulty, we cannot afford to be parochial. Instead, we must pursue policies that present the greatest chance of success to the greatest number of Nevadans.

Improving the quality of instruction our children receive and fostering the success of workers across our economy are essential steps in moving the state forward. Because this bill makes it harder to do these things, I will veto it. In appropriating bond reserve money for construction, proponents of the bill have reduced the amount of funds available for classroom instruction by approximately $301 million. Along the way, they have misleadingly cited those who voted for the issuance of school bonds in the past as supporting their cause today, unfairly attributing to them their narrow view. What is more, they have failed to provide an accounting of the cost of this bill.

If these reductions stand, they will necessarily result in deeper cuts—cuts that will cost over 5,000 teachers their jobs. Alternatively, AB 183 will require a new tax at a point when our economy is presenting limited but promising signs of recovery. This bill justifies neither choice. I therefore exercise my constitutional grant of authority to veto AB 183, and return the bill to you without my signature.

Sincere regards,
BRIAN SANDOVAL
Governor of Nevada

Assemblywoman Kirkpatrick moved that Assembly Bill No. 183 of the 76th Session be placed on the Chief Clerk's desk.

Motion carried.

Vetoed Assembly Bill No. 253 of the 76th Session.

Governor's message stating his objections read.

Bill read.

OFFICE OF THE GOVERNOR

June 1, 2011

SPEAKER JOHN OCEGUERA, *Nevada State Assembly*, 401 SOUTH CARSON STREET, CARSON CITY, NV 89701

RE: Assembly Bill 253 of the 76th Legislative Session

DEAR MR. SPEAKER:

I am herewith forwarding to you, for filing within the constitutional time limit and without my approval, Assembly Bill 253, which is entitled:

> AN ACT relating to occupational safety; revising certain fines for willful violations of the Nevada Occupational Safety and Health Act; authorizing citations and fines for violation of a settlement agreement; providing for a survey of salaries of safety and mechanical inspectors; and providing other matters properly relating thereto.

This bill relates to occupational safety. It proposes significant increases to the fines that may be imposed for willful violations of the Nevada Occupational Safety and Health Act (OSHA). The bill also revises the punishment for a willful violation that results in the death of an employee.

There is some merit to the argument that the bills increased fines may help reduce the number of willful OSHA violations occurring in Nevada's workplaces. However, a more innovative and proactive approach is warranted to improve workplace safety and change behavior before it results in workplace injuries or death. I therefore exercise my constitutional grant of authority to veto AB 253 and return it to you without my approval.

Sincere regards,
BRIAN SANDOVAL
Governor

Assemblywoman Kirkpatrick moved that Assembly Bill No. 253 of the 76th Session be placed on the Chief Clerk's desk.

Motion carried.

Vetoed Assembly Bill No. 254 of the 76th Session.

Governor's message stating his objections read.

Bill read.

OFFICE OF THE GOVERNOR

June 1, 2011

SPEAKER JOHN OCEGUERA, *Nevada State Assembly*, 401 SOUTH CARSON STREET, CARSON CITY, NV 89701

RE: Assembly Bill 254 of the 76th Legislative Session

DEAR MR. SPEAKER:

I am herewith forwarding to you, for filing within the constitutional time limit and without my approval, Assembly Bill 254, which is entitled:

> AN ACT relating to occupational safety; revising provisions governing the grounds for the issuance of a citation for certain occupational safety and health violations; providing for the issuance of a citation for certain occupational safety and health violations upon a determination by the Administrator of the Division of Industrial Relations of the Department of Business and Industry or the Administrator's authorized representative that any employee has access to a hazard; and providing other matters properly relating thereto.

This bill relates to occupational safety. Like Assembly Bill 253, which I have already vetoed, Assembly Bill 254 unnecessarily increases the complexity and cost of operating a business in Nevada. The bill expands the scope of behavior for which a citation may be issued to an employer for violating the Nevada Occupational Safety and Health Act (OSHA) by allowing the issuance of a citation based upon a determination that an employee "has access to a hazard" in the workplace.

Legislation passed in 2009 has significantly improved jobsite safety and enforcement of OSHA violations in Nevada, and I am a strong supporter of continued improvement in these areas. However, this bill creates ambiguous and misguided new requirements that will be difficult to enforce and burdensome to comply with. Because this bill will not proactively improve the conditions and safety of our workplaces, I veto it and return it to you without my approval.

Sincere regards,
BRIAN SANDOVAL
Governor

Assemblywoman Kirkpatrick moved that Assembly Bill No. 254 of the 76th Session be placed on the Chief Clerk’s desk.

Motion carried.

Vetoed Assembly Bill No. 309 of the 76th Session.

Governor’s message stating his objections read.

Bill read.

OFFICE OF THE GOVERNOR

June 6, 2011

SPEAKER JOHN OCEGUERA, *Nevada State Assembly*, 401 SOUTH CARSON STREET, CARSON CITY, NV 89701

RE: Assembly Bill 309 of the 76th Legislative Session

DEAR MR. SPEAKER:

I am herewith forwarding to you, for filing within the constitutional time limit and without my approval, Assembly Bill 309, which is entitled:

> AN ACT relating to insurance; creating the Office of the Consumer Advocate within the Division of Insurance of the Department of Business and Industry; requiring the governor to appoint a Consumer Advocate as the executive head of the office; requiring the Consumer Advocate to intervene in and

represent the public interest in public hearings relating to rates for certain health benefit plans; requiring an insurer to provide certain information to the Consumer Advocate and the Division and publish on an Internet website maintained by the insurer certain information concerning each such health benefit plan offered by the insurer in this State; requiring the Commissioner of Insurance to publish on an Internet website maintained by the Division certain information relating to health insurance rates and public hearings relating to rates for such health benefit plans; authorizing an insurer and the Consumer Advocate to request a public hearing on any rate or proposed rate increase or decrease of such a health benefit plan filed by the insurer with the Commissioner; authorizing a consumer of health insurance to request a public hearing on certain rates and proposed rate increases or decreases of such a health benefit plan filed by an insurer with the Commissioner; authorizing the Commissioner to hold a public hearing on a rate or proposed rate increase or decrease of such a health benefit plan filed by an insurer; revising certain provisions relating to trade secrets of insurers; providing a penalty; and providing other matters properly relating thereto.

This bill creates the Office of Consumer Advocate within the Division of Insurance. It provides that any insurer that offers an individual health benefit plan or a group health plan for small employers in this State must provide the Consumer Advocate and the Division with copies of any proposed rate changes and other information used to calculate a rate or proposed rate increase or decrease. The bill also requires such insurers to publish on an Internet website the base premiums, certificates of coverage, projected loss ratio reported to the Department of Health and Human Services and the actual loss ratio reported to the Department for the preceding fiscal year for each health benefit plan offered by the insurer in this State.

The bill requires that upon the filing of a rate or proposed rate increase or decrease, the insurer or the Consumer Advocate may request that the Insurance Commissioner conduct a public hearing on the rate or proposed rate increase or decrease. The bill also provides that a consumer may request a public hearing if the proposed increase or decrease is more than 10 percent of the current rate or the health benefit plan represents more than 5 percent of its market segment in the State. The Commissioner has discretion to hold a hearing and review the rate change. The bill further provides that information submitted by the insurer is public unless the Commissioner determines it is a trade secret, confidential medical information or relates to the amount, terms or conditions of reimbursement pursuant to a contract between the insurer and a third party.

The goals of this bill are laudable; maintaining reasonable health benefit insurance rates in the individual and small group markets is important to protecting consumers and maintaining economic growth. The bill, however, does more harm than good and seems to impose duplicative regulatory requirements. For example, the State, today, has an existing rate review process. Moreover, the creation of the Office of Consumer Advocate within the Division will increase costs, likely multiplying the number of hearings and the attendant costs to consumers. Indeed, the Consumer Advocate also appears to be a redundant position in that the Commissioner is already tasked by law with assessing rate changes with the interest of the consumer in mind. Some proponents of this bill suggest that the bill is necessary to comply with federal law. They argue that confidentiality provisions in the law presently, but amended by this bill, preclude the State from establishing a rate review process that satisfies federal standards. It seems unlikely, however, that this is the case. The requirement under federal law, for example, that the State cooperate with insurers to post the provider name, the rate increase

requested and the date of the implementation of the increase would not likely run afoul of the proscriptions on posting trade secrets and other proprietary information under our laws. Thus, compliance with federal law is possible without this bill.

Therefore, because Assembly Bill 309 unnecessarily expands a regulatory structure at the expense of health benefit consumers, and because compliance with federal law does not require it, I exercise my constitutional authority to veto Assembly Bill 309, returning it to you without my signature and without my approval.

Sincere regards,
BRIAN SANDOVAL
Governor

Assemblywoman Kirkpatrick moved that Assembly Bill No. 309 of the 76th Session be placed on the Chief Clerk's desk.

Motion carried.

Vetoed Assembly Bill No. 456 of the 76th Session.

Governor's message stating his objections read.

Bill read.

OFFICE OF THE GOVERNOR

June 1, 2011

SPEAKER JOHN OCEGUERA, *Nevada State Assembly*, 401 SOUTH CARSON STREET, CARSON CITY, NV 89701

RE: Assembly Bill 456 of the 76th Legislative Session

DEAR MR. SPEAKER:

I am herewith forwarding to you, for filing within the constitutional time limit and without my approval, Assembly Bill 456, which is entitled:

> AN ACT relating to education; authorizing certain pupils to receive a standard high school diploma without passing all subject areas of the high school proficiency examination under certain circumstances; authorizing the board of trustees of a school district to adopt a policy that allows certain pupils enrolled in high school the opportunity to make up credit; authorizing a juvenile court to impose certain orders against the parent or legal guardian of a child who is adjudicated in need of supervision because the child is a habitual truant; revising provisions governing employment of minors; and providing other matters properly relating thereto.

This bill alters requirements for graduation from high school. In order to receive a standard high school diploma, students must pass all portions of the Nevada High School Proficiency Examination (HSPE) and meet certain other district and state requirements. Approval of Assembly Bill 456 would allow students to graduate from high school even if they continue to fail one subject area of the HSPE, so long as they earn at least a 2.75 grade point average, satisfy minimum attendance requirements, do not have any pending disciplinary actions, and obtain a cumulative passing score on the HSPE.

Supporters of the bill point out that some students cannot pass the math portion of the HSPE, but these students are otherwise proficient in all other subject areas and do well in school. While personally compelling, this argument lacks a broad policy implication; if the number of students is as small as has been represented, other remedies may exist besides a wholesale change in graduation requirements. The bill does not address the fact that Nevada's graduation rates and

grade-level performance are amongst the worst in the nation. It similarly fails to address why an achievement gap exists for a few students on certain portions of the HSPE. Other measures already enacted this legislative session do more to change the status quo. For example, Assembly Bill 290 will allow the principal of a high school to postpone administration of the math and/or science portion of the HSPE for pupils who are not academically ready. These students will be enrolled in appropriate course work and participate in a program designed to help students pass the exam.

Although this bill may allow more students to graduate from high school, it represents diminished expectations for our students and lower standards for obtaining a high school diploma in Nevada. In my State of the State address, I said that our education system emphasizes too many of the wrong things. AB 456 is another example of this paradigm and would send the wrong message to our students.

I am committed to improving our education system and enhancing student achievement. Because this bill provides a way to hide or ignore a student achievement problem, rather than to fix it, I veto it and return it to you without my approval.

Sincere regards,
BRIAN SANDOVAL
Governor

Assemblywoman Kirkpatrick moved that Assembly Bill No. 456 of the 76th Session be placed on the Chief Clerk's desk.

Motion carried.

Vetoed Assembly Bill No. 501 of the 76th Session.

Governor's message stating his objections read.

Bill read.

OFFICE OF THE GOVERNOR

June 6, 2011

SPEAKER JOHN OCEGUERA, *Nevada State Assembly*, 401 SOUTH CARSON STREET, CARSON CITY, NV 89701

RE: Assembly Bill 501 of the 76th Legislative Session

DEAR MR. SPEAKER:

I am herewith forwarding to you, for filing within the constitutional time limit and without my approval, Assembly Bill 501, which is entitled:

> AN ACT relating to the death penalty; providing for an audit of the fiscal costs of the death penalty; and providing other matters properly relating thereto.

This bill requires the Legislative Auditor to conduct an audit of the fiscal costs associated with the death penalty in this State. It further requires that the audit include an examination and analysis concerning the costs of prosecuting and adjudicating capital murder cases, including the costs relating to the death penalty borne by the State and by local governments at each stage of the proceedings. These costs include pretrial costs, trial costs, appellate costs, post conviction costs and costs of incarceration.

An assessment of the costs of the death penalty is naturally a part of the policy discussion surrounding the ultimate punishment under the law. However, any discussion of the costs must be founded upon fair and accurate study. This bill lacks the specificity necessary to persuade me that the outcome of the audit performed will be fair. The bill, for example, lists the costs to be assessed in determining the overall fiscal impact of the imposition of the death penalty, but it does not specify how it is these costs will be assessed. There is no methodology for determining

the cost of counsel in either the prosecution or defense of such cases, nor is there a prescribed method for the assessment of any of the other costs purported to be studied by the bill. Furthermore, the bill does not reflect how the audit will account for the influence of individualized litigation choices, in the context of death penalty litigation generally, made by defendants that often drive the costs of such cases. Thus, because the bill fails to assure me that the outcome of the audit will be reliable and fair, I veto it, returning it to you without my signature and without my approval.

Sincerely,
BRIAN SANDOVAL
Governor of Nevada

Assemblywoman Kirkpatrick moved that Assembly Bill No. 501 of the 76th Session be placed on the Chief Clerk's desk.

Motion carried.

Vetoed Assembly Bill No. 566 of the 76th Session.

Governor's message stating his objections read.

Bill read.

OFFICE OF THE GOVERNOR

May 31, 2011

SPEAKER JOHN OCEGUERA, *Nevada State Assembly*, 401 SOUTH CARSON STREET, CARSON CITY, NV 89701

RE: Assembly Bill 566 of the 76th Legislative Session

DEAR MR. SPEAKER:

I am herewith forwarding to you, for filing within the constitutional time limit and without my approval, Assembly Bill 566, which is entitled:

> AN ACT relating to elections; revising the legislative districts from which the members of the Senate and Assembly are elected; revising the districts from which Representatives in the Congress of the United States are elected; and providing other matters properly relating thereto.

This bill relates to the revision of legislative and Congressional districts in our state. On May 14, 2011, I vetoed Senate Bill 497 relating to the same subject. In my message to the President of the Senate, I stated my objections: the plan reflected in the bill did not provide for the fair representation of the people of the state of Nevada, nor did it comply with the Voting Rights Act of 1965. I veto this bill for the same reasons, incorporating by reference my letter to the President of the Senate of March 14, 2011 relating to Senate Bill 497 in support of this action.

Sincere regards,
BRIAN SANDOVAL
Governor

Assemblywoman Kirkpatrick moved that Assembly Bill No. 566 of the 76th Session be placed on the Chief Clerk's desk.

Motion carried.

Vetoed Assembly Bill No. 568 of the 76th Session.
Governor's message stating his objections read.
Bill read.

OFFICE OF THE GOVERNOR

May 16, 2011

SPEAKER JOHN OCEGUERA, *Nevada State Assembly*, 401 South Carson Street, Carson City, Nevada 89701

RE: Assembly Bill 568 of the 76th Legislative Session

DEAR MR. SPEAKER:

I am herewith forwarding to you, for filing within the constitutional time limit and without my approval, Assembly Bill 568, which is entitled:

> AN ACT relating to education; ensuring sufficient funding for K-12 public education for the 2011-2013 biennium; apportioning the State Distributive School Account in the State General Fund for the 2011-2013 biennium; authorizing certain expenditures; making appropriations for purposes relating to basic support, class-size reduction and other educational purposes; temporarily diverting the money from the State Supplemental School Support Fund to the State Distributive School Account for use in funding operating costs and other expenditures of school districts; and providing other matters properly relating thereto.

I veto and return this bill because it increases state spending by nearly $660 million above the amount proposed in the Executive Budget, as amended. Were this bill to be enacted into law, insufficient revenue would be available for the Legislature to meet its obligation to prepare a balanced budget encompassing all areas of state responsibility.

Approval of Assembly Bill 568, without corresponding reductions in spending in other parts of the Executive Budget, would violate the requirement of balanced relations between proposed expenditures and anticipated revenues. This bill therefore represents a circuitous attempt to secure a tax increase—despite the fact I have been clear since the commencement of the Legislative Session that Nevada's struggling economy must be allowed to fully recover.

Within this context, I have provided the Legislature with a spending plan for K-12 education, as well as a comprehensive legislative package to ensure educator accountability, parental choice, and other much-needed system reforms. I am committed to improving our education system; I am equally committed to doing so in a fiscally prudent manner. I understand these decisions are difficult, but as leaders we must make them. While all of us would like to have more money to spend, we must also accept that education funding cannot occur in a vacuum. Current economic realities require that we spend only the money we have, while allowing for the additional funding of education as the economy continues to improve.

Indeed, only two weeks ago, the report of Nevada's Economic Forum allowed me to submit a budget amendment that added some $240 million for the support of K-12 education just four months after the original Executive Budget was presented to the Legislature. I propose that "triggers" be adopted so additional funding can continue to go straight to the support of the classroom as revenue becomes available through economic recovery.

I am compelled to protect the integrity of my office and the Nevada Constitution. Assembly Bill 568 was processed in a matter of hours, with the clear intention of casting opponents as somehow "anti-education" while at the same time forcing a tax increase. Such a manipulation of the process undermines the Legislature's obligations to the people of this state.

Much work remains to be done, with only three weeks in which to do it. The people of Nevada have stated clearly their expectation for the Legislature to complete its work and adjourn sine die within 120 days. (Nev. Const. art. 4, § 2.) That deadline is fast approaching, and we have precious little time remaining to conduct the people's business in a responsible and realistic manner.

Sincere regards,
BRIAN SANDOVAL
Governor

Assemblywoman Kirkpatrick moved that Assembly Bill No. 568 of the 76th Session be placed on the Chief Clerk's desk.

Motion carried.

Mr. Speaker announced if there were no objections, the Assembly would recess subject to the call of the Chair.

Assembly in recess at 12:07 a.m.

ASSEMBLY IN SESSION

At 12:32 a.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Conklin moved that Senate Bill No. 271 be taken from the Chief Clerk's desk and placed on the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 271.

Bill read third time.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblywoman Pierce moved to withdraw Amendment No. 951 to Senate Bill No. 271.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 271.

Bill read third time.

Remarks by Assemblymen Hickey, Kite, Pierce, and Bobzien.

Assemblymen Grady, Ellison, and Hardy moved the previous question.

Motion carried.

The question being the passage of Senate Bill No. 271.

Roll call on Senate Bill No. 271:

YEAS—28.

NAYS—Aizley, Benitez-Thompson, Bobzien, Brooks, Carlton, Carrillo, Daly, Diaz, Hogan, Mastroluca, Ohrenschall, Pierce, Segerblom, Smith—14.

Senate Bill No. 271 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 6, 2011

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bill No. 279.

Also, I have the honor to inform your honorable body that the Senate on this day passed Assembly Bill No. 487.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 416, Amendments Nos. 975, 989, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 503, Amendments Nos. 964, 982, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly Amendment No. 984 to Senate Bill No. 115; Assembly Amendments Nos. 717, 972 to Senate Bill No. 314; Assembly Amendment No. 962 to Senate Bill No. 340; Assembly Amendments Nos. 923, 968 to Senate Bill No. 483; Assembly Amendment No. 980 to Senate Bill No. 493.

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Segerblom moved to reconsider the vote whereby Senate Bill No. 506 was this day refused passage.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 506.

Bill read third time.

Roll call on Senate Bill No. 506:

YEAS—29.

NAYS—Aizley, Atkinson, Bustamante Adams, Carlton, Carrillo, Daly, Goedhart, Hambrick, Horne, McArthur, Neal, Ohrenschall, Pierce—13.

Senate Bill No. 506 having received a two-thirds majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Mr. Speaker appointed Assemblymen Conklin, Kirkpatrick, and Goicoechea as a committee to wait upon His Excellency, Governor Brian Sandoval, Governor of the State of Nevada, and to inform him that the Assembly was ready to adjourn *sine die*.

Mr. Speaker appointed Assemblymen Smith, Horne, and Stewart as a committee to wait upon the Senate and to inform that honorable body that the Assembly was ready to adjourn *sine die*.

UNFINISHED BUSINESS

REPORTS OF CONFERENCE COMMITTEES

Mr. Speaker:

The Conference Committee concerning Assembly Bill No. 199, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that Amendment No. 658 of the Senate be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. 21, which is attached to and hereby made a part of this report.

MAGGIE CARLTON
TICK SEGERBLOM
PAT HICKEY
Assembly Conference Committee

ALLISON COPENING
ELIZABETH HALSETH
Senate Conference Committee

Conference Amendment No. CA21.

AN ACT relating to the practice of pharmacy; revising provisions governing the authority of a registered pharmacist to collaborate with a practitioner for the implementation, monitoring and modification of drug therapy; authorizing the State Board of Pharmacy to establish regulations relating to collaborative pharmacy practice; revising provisions governing the use of the letters "Rx" and "RX" by certain persons; revising provisions relating to the authority of a registered pharmacist to possess and administer controlled substances and dangerous drugs under certain circumstances; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes a registered pharmacist to collaborate with a practitioner to engage in the implementation and modification of drug therapy for a patient at a licensed medical facility or licensed pharmacy. (NRS 639.0124) **Section 1** of this bill prescribes requirements for written guidelines and protocols which must be developed by a pharmacist who collaborates with a practitioner and requires those guidelines and protocols to be approved by the State Board of Pharmacy. **Section 1** also authorizes the written guidelines and protocols to set forth provisions for a pharmacist to implement, monitor and modify the drug therapy of a patient in a medical facility or a setting that is affiliated with a licensed medical facility. **Sections 10.3 and 10.7** of this bill revise the authority of a pharmacist to possess and

administer controlled substances and dangerous drugs under certain circumstances for the care of a patient in accordance with the written guidelines and protocols developed pursuant to **section 1**.

Existing law prohibits a person operating a business from using the letters "Rx" or "RX" if the person does not have a license from the Board. (NRS 639.230) **Section 10** of this bill authorizes persons who are not subject to the laws governing the practice of pharmacy to use those letters if the person obtains approval from the Board.

A person who violates any provision of chapter 639 of NRS governing pharmacists and pharmacies, including any provision of this bill, is guilty of a misdemeanor. (NRS 639.310)

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 639 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Written guidelines and protocols developed by a registered pharmacist in collaboration with a practitioner which authorize the implementation, monitoring and modification of drug therapy:

(a) May authorize a pharmacist to order and use the findings of laboratory tests and examinations.

(b) May provide for implementation, monitoring and modification of drug therapy for a patient receiving care:

(1) In a licensed medical facility; or

(2) If developed to ensure continuity of care for a patient, in any setting that is affiliated with a medical facility where the patient is receiving care. A pharmacist who modifies a drug therapy of a patient receiving care in a setting that is affiliated with a medical facility shall, within 72 hours after implementing or modifying the drug therapy, provide written notice of the implementation or modification of the drug therapy to the collaborating practitioner or enter the appropriate information concerning the drug therapy in an electronic patient record system shared by the pharmacist and the collaborating practitioner.

(c) Must state the conditions under which a prescription of a practitioner relating to the drug therapy of a patient may be changed by the pharmacist without a subsequent prescription from the practitioner.

(d) Must be approved by the Board.

2. The Board may adopt regulations which:

(a) Prescribe additional requirements for written guidelines and protocols developed pursuant to this section; and

(b) Set forth the process for obtaining the approval of the Board of such written guidelines and protocols.

Sec. 2. (Deleted by amendment.)

Sec. 3. (Deleted by amendment.)

Sec. 4. (Deleted by amendment.)

Sec. 5. (Deleted by amendment.)

Sec. 6. (Deleted by amendment.)

Sec. 7. (Deleted by amendment.)

Sec. 8. (Deleted by amendment.)

Sec. 9. NRS 639.0124 is hereby amended to read as follows:

639.0124 "Practice of pharmacy" includes, but is not limited to, the:

1. Performance or supervision of activities associated with manufacturing, compounding, labeling, dispensing and distributing of a drug, including the receipt, handling and storage of prescriptions and other confidential information relating to patients.

2. Interpretation and evaluation of prescriptions or orders for medicine.

3. Participation in drug evaluation and drug research.

4. Advising of the therapeutic value, reaction, drug interaction, hazard and use of a drug.

5. Selection of the source, storage and distribution of a drug.

6. Maintenance of proper documentation of the source, storage and distribution of a drug.

7. Interpretation of clinical data contained in a person's record of medication.

8. Development of written guidelines and protocols in collaboration with a practitioner which are intended for a patient in a licensed medical facility ***or in a setting that is affiliated with a medical facility where the patient is receiving care*** and ***which*** authorize the implementation, monitoring and modification of drug therapy. The written guidelines and protocols ~~[may authorize a pharmacist to order and use the findings of laboratory tests and examinations.]~~ ***must comply with section 1 of this act.***

9. Implementation and modification of drug therapy in accordance with the authorization of the prescribing practitioner for a patient in a pharmacy in which drugs, controlled substances, poisons, medicines or chemicals are sold at retail.

➥ The term does not include the changing of a prescription by a pharmacist or practitioner without the consent of the prescribing practitioner, except as otherwise provided in NRS 639.2583.

Sec. 10. NRS 639.230 is hereby amended to read as follows:

639.230 1. A person operating a business in this State shall not use ~~[the letters "Rx" or "RX" or]~~ the word "drug" or "drugs," "prescription" or "pharmacy," or similar words or words of similar import, without first having secured a license from the Board. ***A person operating a business in this State which is not otherwise subject to the provisions of this chapter shall***

not use the letters "Rx" or "RX" without the approval of the Board. The Board ~~[must not unreasonably]~~ may deny approval of the use of the letters "Rx" or "RX" by any person ~~[but may deny approval upon a determination]~~ if the Board determines that:

(a) The person is subject to the provisions of this chapter but has not secured a license from the Board; or

(b) The use of the letters "Rx" or "RX" by the person is confusing or misleading to or threatens the health or safety of the residents of this State.

2. Each license must be issued to a specific person and for a specific location and is not transferable. The original license must be displayed on the licensed premises as provided in NRS 639.150. The original license and the fee required for reissuance of a license must be submitted to the Board before the reissuance of the license.

3. If the owner of a pharmacy is a partnership or corporation, any change of partners or corporate officers must be reported to the Board at such a time as is required by a regulation of the Board.

4. Except as otherwise provided in subsection 6, in addition to the requirements for renewal set forth in NRS 639.180, every person holding a license to operate a pharmacy must satisfy the Board that the pharmacy is conducted according to law.

5. Any violation of any of the provisions of this chapter by a managing pharmacist or by personnel of the pharmacy under the supervision of the managing pharmacist is cause for the suspension or revocation of the license of the pharmacy by the Board.

6. The provisions of this section do not prohibit ~~[a]~~ ***:***

(a) A Canadian pharmacy which is licensed by the Board and which has been recommended by the Board pursuant to subsection 4 of NRS 639.2328 for inclusion on the Internet website established and maintained pursuant to subsection 9 of NRS 223.560 from providing prescription drugs through mail order service to residents of Nevada in the manner set forth in NRS 639.2328 to 639.23286, inclusive ~~[.]~~ ***; or***

(b) A registered pharmacist or practitioner from collaborating in the implementation, monitoring and modification of drug therapy pursuant to guidelines and protocols approved by the Board.

Sec. 10.3. NRS 453.026 is hereby amended to read as follows:

453.026 "Agent" means a pharmacist ~~[,]~~ ***who cares for a patient of a prescribing practitioner in a medical facility or in a setting that is affiliated with a medical facility where the patient is receiving care in accordance with written guidelines and protocols developed and approved pursuant to section 1 of this act, a*** licensed practical nurse or registered nurse who cares for a patient of a prescribing practitioner in a medical facility or an authorized person who acts on behalf of or at the direction of and is

employed by a manufacturer, distributor, dispenser or prescribing practitioner. The term does not include a common or contract carrier, public warehouseman or employee of the carrier or warehouseman.

Sec. 10.7. NRS 454.213 is hereby amended to read as follows:

454.213 A drug or medicine referred to in NRS 454.181 to 454.371, inclusive, may be possessed and administered by:

1. A practitioner.

2. A physician assistant licensed pursuant to chapter 630 or 633 of NRS, at the direction of his or her supervising physician or a licensed dental hygienist acting in the office of and under the supervision of a dentist.

3. Except as otherwise provided in subsection 4, a registered nurse licensed to practice professional nursing or licensed practical nurse, at the direction of a prescribing physician, physician assistant licensed pursuant to chapter 630 or 633 of NRS, dentist, podiatric physician or advanced practitioner of nursing, or pursuant to a chart order, for administration to a patient at another location.

4. In accordance with applicable regulations of the Board, a registered nurse licensed to practice professional nursing or licensed practical nurse who is:

(a) Employed by a health care agency or health care facility that is authorized to provide emergency care, or to respond to the immediate needs of a patient, in the residence of the patient; and

(b) Acting under the direction of the medical director of that agency or facility who works in this State.

5. Except as otherwise provided in subsection 6, an intermediate emergency medical technician or an advanced emergency medical technician, as authorized by regulation of the State Board of Pharmacy and in accordance with any applicable regulations of:

(a) The State Board of Health in a county whose population is less than 100,000;

(b) A county board of health in a county whose population is 100,000 or more; or

(c) A district board of health created pursuant to NRS 439.362 or 439.370 in any county.

6. An intermediate emergency medical technician or an advanced emergency medical technician who holds an endorsement issued pursuant to NRS 450B.1975, under the direct supervision of a local health officer or a designee of the local health officer pursuant to that section.

7. A respiratory therapist employed in a health care facility. The therapist may possess and administer respiratory products only at the direction of a physician.

8. A dialysis technician, under the direction or supervision of a physician or registered nurse only if the drug or medicine is used for the process of renal dialysis.

9. A medical student or student nurse in the course of his or her studies at an approved college of medicine or school of professional or practical nursing, at the direction of a physician and:

(a) In the presence of a physician or a registered nurse; or

(b) Under the supervision of a physician or a registered nurse if the student is authorized by the college or school to administer the drug or medicine outside the presence of a physician or nurse.

➥ A medical student or student nurse may administer a dangerous drug in the presence or under the supervision of a registered nurse alone only if the circumstances are such that the registered nurse would be authorized to administer it personally.

10. Any person designated by the head of a correctional institution.

11. An ultimate user or any person designated by the ultimate user pursuant to a written agreement.

12. A nuclear medicine technologist, at the direction of a physician and in accordance with any conditions established by regulation of the Board.

13. A radiologic technologist, at the direction of a physician and in accordance with any conditions established by regulation of the Board.

14. A chiropractic physician, but only if the drug or medicine is a topical drug used for cooling and stretching external tissue during therapeutic treatments.

15. A physical therapist, but only if the drug or medicine is a topical drug which is:

(a) Used for cooling and stretching external tissue during therapeutic treatments; and

(b) Prescribed by a licensed physician for:

(1) Iontophoresis; or

(2) The transmission of drugs through the skin using ultrasound.

16. In accordance with applicable regulations of the State Board of Health, an employee of a residential facility for groups, as defined in NRS 449.017, pursuant to a written agreement entered into by the ultimate user.

17. A veterinary technician at the direction of his or her supervising veterinarian.

18. In accordance with applicable regulations of the Board, a registered pharmacist who:

(a) Is trained in and certified to carry out standards and practices for immunization programs;

(b) Is authorized to administer immunizations pursuant to written protocols from a physician; and

(c) Administers immunizations in compliance with the "Standards of Immunization Practices" recommended and approved by the United States Public Health Service Advisory Committee on Immunization Practices.

19. ***A registered pharmacist pursuant to written guidelines and protocols developed and approved pursuant to section 1 of this act.***

20. A person who is enrolled in a training program to become a physician assistant licensed pursuant to chapter 630 or 633 of NRS, dental hygienist, intermediate emergency medical technician, advanced emergency medical technician, respiratory therapist, dialysis technician, nuclear medicine technologist, radiologic technologist, physical therapist or veterinary technician if the person possesses and administers the drug or medicine in the same manner and under the same conditions that apply, respectively, to a physician assistant licensed pursuant to chapter 630 or 633 of NRS, dental hygienist, intermediate emergency medical technician, advanced emergency medical technician, respiratory therapist, dialysis technician, nuclear medicine technologist, radiologic technologist, physical therapist or veterinary technician who may possess and administer the drug or medicine, and under the direct supervision of a person licensed or registered to perform the respective medical art or a supervisor of such a person.

Sec. 11. This act becomes effective upon passage and approval for the purpose of adopting regulations and on October 1, 2011, for all other purposes.

Assemblywoman Carlton moved that the Assembly adopt the report of the Conference Committee concerning Assembly Bill No. 199.

Remarks by Assemblywoman Carlton.

Motion carried by a constitutional majority.

Mr. Speaker:

The Conference Committee concerning Assembly Bill No. 376, consisting of the undersigned members, has met and reports that:

It has agreed to recommend that Amendment No. 632 of the Senate be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. 23, which is attached to and hereby made a part of this report.

DAVID BOBZIEN	JOHN LEE
RICHARD (SKIP) DALY	MARK MANENDO
	JOE HARDY
Assembly Conference Committee	*Senate Conference Committee*

Conference Amendment No. CA23.

SUMMARY—Makes various changes regarding ~~[the financing of certain local improvements with revenue pledged from sales and use taxes.]~~ **local governmental administration.** (BDR 21-148)

AN ACT relating to ~~[tourism improvement districts;]~~ **local governmental administration; authorizing certain local governments to impose a surcharge for the improvement and maintenance of certain publicly owned facilities;** making various changes regarding the financing of certain local improvements with revenue pledged from sales and use taxes; providing a procedure for the selection of subcontractors on certain contracts; **authorizing the imposition of a surcharge in certain counties on the amount charged for any items or services related to a minor league baseball stadium project; revising provisions regarding the establishment and maintenance of a reserve account for payment of the outstanding bonds of a school district; requiring certain plans relating to the water reclamation facility of the City of North Las Vegas;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1 of this bill authorizes the governing body of a city whose population is 220,000 or more in a county whose population is 100,000 or more but less than 700,000 (currently the City of Reno) to create by ordinance a district to finance capital projects necessary to improve and maintain publicly owned facilities for tourism and entertainment. Section 1 requires that the ordinance creating such a district impose a surcharge of $2 on the per night charge for the rental of a room in a hotel in the district that holds a nonrestricted gaming license. Section 1 also provides that the proceeds of the surcharge be used only for the cost of improving and maintaining publicly owned facilities for tourism and entertainment in the district or within 1 mile outside the boundaries of the district, except for a minor league baseball stadium project.

Existing law authorizes the governing body of any city or county to create a tourism improvement district (TID) and to pledge revenue from several sales and use taxes imposed in that district to finance certain projects within the district. The projects may be owned by the municipality, another governmental entity or any person and may be financed through the issuance of bonds or the entry into agreements for the reimbursement of the costs of the projects. (Chapter 271A of NRS) **Section ~~[2]~~ 4** of this bill requires the independent auditing of claims made under agreements to provide such financing. **Section ~~[2]~~ 4** also prohibits the use of such financing, with respect to a TID created on or after July 1, 2011, to pay various fees and costs and for the relocation within the TID of a retailer from another location within 3 miles outside of the boundary of the TID, and excludes the use for such

financing of the tax revenue from such a retailer. **Section ~~[6]~~ 8** of this bill prohibits the provision of such financing to certain governmental entities if a nongovernmental entity obtained any of the original financing in the TID, and prohibits such financing, without the consent of the entities which obtained the original financing in the TID, to an entity that did not obtain any of the original financing in the TID. **Section ~~[3]~~ 5** of this bill specifies the procedure required for the selection of subcontractors by contractors and developers who enter into certain construction contracts on financed projects or on property within a TID which benefits from financed infrastructure improvements. **Section ~~[4]~~ 6** of this bill requires a municipality that creates a TID to prepare and submit to the Legislature annual reports regarding the TID, and requires the Department of Taxation to prepare and submit to the Legislature and the municipality semiannual reports regarding businesses within a TID. **Section ~~[7]~~ 9** of this bill applies the prevailing wage provisions applicable to public works to construction contracts for financed projects within a TID to the same extent as if the contracts were awarded by the municipality and the projects constituted public works.

Existing law does not allow the creation of a TID unless the pertinent governing body makes a written finding at a public hearing, based upon reports from independent consultants, as to whether the proposed project and financing will have a positive fiscal effect on the provision of local governmental services. (NRS 271A.080) **Section ~~[5]~~ 7** of this bill requires the selection of those independent consultants from a list provided by the Commission on Tourism.

Existing law authorizes the board of county commissioners of a county whose population is 100,000 or more but less than 400,000 (currently Washoe County) to acquire, lease, improve, equip, operate and maintain within the county a minor league baseball stadium project and to create a stadium authority to operate the project. Section 10 of this bill authorizes the stadium authority to recommend the imposition of a surcharge on the amount charged for any items or services related to such a project. If the surcharge is approved by a two-thirds majority vote of the governing body of the city in which the project is located, section 10 provides for the use of the proceeds of the surcharge. Section 10 also revises the membership of a stadium authority which operates such a project.

Under existing law, the board of trustees of a school district may issue certain general obligation bonds. At the time the bonds are issued, the board of trustees must establish in its debt service fund a reserve account for payment of the outstanding bonds of the school district. (NRS 350.020) Section 12 of this bill changes the amount of the reserves required to 10 percent of the outstanding principal or 25 percent, for

larger counties, and 50 percent, for smaller counties, of the amount of principal and interest payments due on all outstanding bonds of the school district in the next fiscal year, whichever is less.

Section 15 of this bill requires the City of North Las Vegas to develop certain plans relating to its water reclamation facility.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. **Chapter 268 of NRS is hereby amended by adding thereto a new section to read as follows:**

1. The governing body of a city whose population is 220,000 or more in a county whose population is 100,000 or more but less than 700,000 may by ordinance create a district to finance capital projects necessary to improve and maintain publicly owned facilities for tourism and entertainment. Such an ordinance must be approved by a two-thirds majority of the members of the governing body.

2. The boundaries of a district created pursuant to subsection 1 must be as prescribed by the governing body in the ordinance creating the district, except that the boundaries must include only property that is located in or within 4 city blocks, as determined by the governing body, of a district described in NRS 268.780 to 268.785, inclusive.

3. An ordinance enacted pursuant to subsection 1 must impose a surcharge of $2 on the per night charge for the rental of a room in a hotel in the district that holds a nonrestricted gaming license. The surcharge must not be applied for any time during which the room is provided to a guest free of charge.

4. The proceeds of the surcharge imposed pursuant to this section must be retained by the city and must be used by the city solely to pay the cost of improving and maintaining publicly owned facilities for tourism and entertainment in the district or within 1 mile outside the boundaries of the district, except for a minor league baseball stadium project as defined in NRS 244A.0344. The proceeds of the surcharge must not be transferred to any other fund or account or used for any other purpose.

5. On or before January 15, 2030, the governing body of a city that has created a district pursuant to this section shall submit a report concerning the district to the Director of the Legislative Counsel Bureau for transmission to the next regular session of the Legislature. The report must:

(a) Address, without limitation, the total amount collected from the surcharge imposed pursuant to this section and all the projects undertaken to improve and maintain the publicly owned facilities for tourism and entertainment in the district.

(b) Cover the period between the creation of the district until the end of the calendar year immediately preceding the submission of the report.

Sec. 2. **NRS 268.526 is hereby amended to read as follows:**

268.526 In addition to any other powers which it may now have, each city shall have the following powers:

1. To finance or acquire, whether by construction, purchase, gift, devise, lease or sublease, or any one or more of such methods, and to improve and equip one or more projects, or part thereof. Such projects, upon completion of such acquisition, shall be located within, or within 10 miles of, the city.

2. To finance, sell, lease or otherwise dispose of any or all of its projects upon such terms and conditions as the governing body considers advisable.

3. To issue revenue bonds for the purpose of financing or defraying the cost of acquiring, improving and equipping any project as set forth in NRS 268.556.

4. To secure payment of such bonds as provided in NRS 268.512 to 268.568, inclusive ~~[.]~~ ***, including, without limitation, from the proceeds of the surcharge imposed pursuant to NRS 244A.830.***

5. To take such actions as are necessary or useful in order to undertake, carry out, accomplish and otherwise implement the provisions of NRS 268.512 to 268.568, inclusive, including the adoption of resolutions, which may be introduced and adopted at the same special or regular meeting of the governing body and which shall become effective upon adoption.

~~[Section 1.]~~ ***Sec. 3.*** Chapter 271A of NRS is hereby amended by adding thereto the provisions set forth as sections ~~[2, 3 and]~~ 4 **, 5 and 6** of this act.

~~[Sec. 2.]~~ ***Sec. 4. The governing body of a municipality:***

1. Shall require the review of each claim submitted pursuant to any contract or other agreement made with the governing body to provide any financing or reimbursement pursuant to NRS 271A.120, by an independent auditor.

2. Shall not, with respect to any district created on or after July 1, 2011, provide any financing or reimbursement pursuant to NRS 271A.120 for:

(a) Any legal fees, accounting fees, costs of insurance, fees for legal notices or costs to amend any ordinances.

(b) Any project that includes the relocation on or after July 1, 2011, to the district of any retail facilities of a retailer from another location outside of and within 3 miles of the boundary of the district. Each pledge of money pursuant to NRS 271A.070 shall be deemed to exclude any amounts attributable to any tangible personal property sold at retail, or stored, used or otherwise consumed, in the district during a fiscal year by a retailer who, on or after July 1, 2011, relocates any of its retail facilities to the

district from another location outside of and within 3 miles of the boundary of the district.

~~[Sec. 3.]~~ ***Sec. 5. 1. Except as otherwise provided in subsection 2, a contractor or developer who enters into a contract*** ~~*[for original construction or a contract for benefited construction]*~~ ***to which the provisions of subsection 3 of NRS 271A.130 apply shall:***

(a) Advertise for at least 7 calendar days for bids on each subcontract for the performance of any portion of the contract;

(b) At least 2 business days before the first day of that advertisement, provide notice of that advertisement to the governing body of the municipality;

(c) Make available to all prospective bidders on the subcontract a written set of plans and specifications for the pertinent work;

(d) Provide public notice of the name and address of each person who submits a bid on the subcontract; and

(e) After closing the period for the solicitation of bids and receiving at least three timely and responsive bids, select any subcontractor from those timely and responsive bids that the contractor or developer, in his or her sole discretion, determines to be appropriate, except that the contractor or developer shall ensure that each subcontractor who will perform any portion of the contract is appropriately licensed pursuant to chapter 624 of NRS.

2. The provisions of subsection 1 do not apply to:

(a) Any contract which is awarded by a municipality; or

(b) Any project which is constructed or maintained by a governmental entity on any property while the governmental entity owns that property.

3. A governing body of a municipality that receives a notice of an advertisement for bids pursuant to paragraph (b) of subsection 1:

(a) Shall, upon such receipt, post notice of the advertisement on an Internet website maintained by the municipality; and

(b) May otherwise provide notice of the advertisement to local trade organizations and the general public.

~~*[4. As used in this section:*~~

~~*(a) "Contract for benefited construction":*~~

~~*(1) Except as otherwise provided in subparagraphs (2) and (3), means any contract or other agreement for the construction, improvement, repair, demolition or reconstruction of any property which is located within a district and which benefits from any infrastructure improvements paid for in whole or in part:*~~

~~*(I) From the proceeds of bonds or notes issued pursuant to paragraph (a) of subsection 1 of NRS 271A.120; or*~~

~~*(II) Pursuant to an agreement for reimbursement entered into pursuant to paragraph (b) of subsection 1 ofNRS 271A.120.*~~

~~*(2) Except as otherwise provided in subparagraph (3) and unless the work is paid for in whole or in part with any public funding, does not include any:*~~

~~*(I) Contract or other agreement for the improvement, repair, demolition or reconstruction of any project;*~~

~~*(II) Contract or other agreement with the original tenant of any leased property for any improvement of the property which is to be undertaken more than 60 months after the property is first made available for lease; or*~~

~~*(III) Contract or other agreement for the improvement of any leased property made with any tenant of the property other than the original tenant.*~~

~~*(3) Does not include any contract for original construction.*~~

~~*(b) "Contract for original construction" means any contract or other agreement for the construction, improvement, repair, demolition or reconstruction of any project that is paid for in whole or in part:*~~

~~*(1) From the proceeds of bonds or notes issued pursuant to paragraph (a) of subsection 1 of NRS 271A.120; or*~~

~~*(2) Pursuant to an agreement for reimbursement entered into pursuant to paragraph (b) of subsection 1 of NRS 271A.120.*~~

~~*(c) "Original tenant" means the first tenant of any leased property after the property is first made available for lease.]*~~

~~[Sec. 4.]~~ ***Sec. 6. 1. On or before September 1 of each year, the governing body of a municipality that creates a district before, on or after July 1, 2011, shall prepare and submit to the Director of the Legislative Counsel Bureau for submission to the Legislature, or to the Legislative Commission when the Legislature is not in regular session, an annual report containing:***

(a) A statement of the status of each project located or expected to be located in the district, and of any changes in that status since the last annual report.

(b) An assessment of the financial impact of the district on the provision of local governmental services, including, without limitation, services for police protection and fire protection.

2. If the governing body of a municipality creates a district before, on or after July 1, 2011, the Department of Taxation shall:

(a) On or before April 1 and October 1 of each year, prepare and submit to the Director of the Legislative Counsel Bureau for submission to the Legislature, or to the Legislative Commission when the Legislature is not in regular session, and to the governing body of the municipality a semiannual report which states:

(1) The amount of revenue from the taxable sales made each month by each business within the district;

(2) To the extent that the pertinent information is available, the portion of that revenue which is attributable to persons who are not residents of this State;

(3) The amount of the wages paid each month by each business within the district; and

(4) The number of full-time and part-time employees employed each month by each business within the district.

(b) Require each business within the district to report to the Department of Taxation, at such times as the Department may specify on a form provided by the Department, such information as the Department determines to be necessary to carry out the provisions of paragraph (a).

3. Except as otherwise provided in subsection 2 or another specific statute, the Department of Taxation shall not disclose any information reported to the Department pursuant to subsection 2.

4. As used in this section, "taxable sales" means any sales that are taxable pursuant to chapter 372 of NRS.

~~[Sec. 5.]~~ ***Sec. 7.*** NRS 271A.080 is hereby amended to read as follows:

271A.080 The governing body of a municipality shall not adopt an ordinance pursuant to NRS 271A.070 unless:

1. If the ordinance:

(a) Creates a district, the governing body has determined that no retailers will have maintained or will be maintaining a fixed place of business within the district on or within the 120 days immediately preceding the date of the adoption of the ordinance; or

(b) Amends the boundaries of the district to add any additional area, the governing body has determined that no retailers will have maintained or will be maintaining a fixed place of business within that area on or within 120 days immediately preceding the date of the adoption of the ordinance.

2. The governing body has made a written finding at a public hearing that the project will benefit the district.

3. The governing body has made a written finding at a public hearing, based upon reports from independent consultants which were addressed to the governing body, to the board of county commissioners, if the governing body is not the board of county commissioners for the county in which the tourism ***improvement*** district is or will be located, and to the board of trustees of the school district in which the tourism improvement district is or will be located, as to whether the project and the financing thereof pursuant to this chapter will have a positive fiscal effect on the provision of local governmental services, after considering:

(a) The amount of the proceeds of all taxes and other governmental revenue projected to be received as a result of the properties and businesses expected to be located in the district;

(b) The use of any money proposed to be pledged pursuant to NRS 271A.070;

(c) Any increase in costs for the provision of local governmental services, including, without limitation, services for education, including operational and capital costs, and services for police protection and fire protection, as a result of the project and the development of land within the district; and

(d) Estimates of any increases in the proceeds from sales and use taxes collected by retailers located outside of the district and of any displacement of the proceeds from sales and use taxes collected by those retailers, as a result of the properties and businesses expected to be located in the district.

➥ ***The reports required from independent consultants pursuant to this subsection must be obtained from independent consultants selected by the governing body from a list of independent consultants provided by the Commission on Tourism. For the purposes of this subsection, the Commission shall, upon the request of a governing body, provide the governing body with a list of at least three qualified independent consultants, each of whom must be located outside of this State.***

4. The governing body has, at least 45 days before making the written finding required by subsection 3, provided to the board of trustees of the school district in which the tourism improvement district is or will be located:

(a) Written notice of the time and place of the meeting at which the governing body will consider making that written finding; and

(b) Each analysis prepared by or for or presented to the governing body regarding the fiscal effect of the project and the use of any money proposed to be pledged pursuant to NRS 271A.070 on the provision of local governmental services, including education.

➥ After the receipt of the notice required by this subsection and before the date of the meeting at which the governing body will consider making the written finding required by subsection 3, the board of trustees shall conduct a hearing regarding the fiscal effect on the school district, if any, of the project and the use of any money proposed to be pledged pursuant to NRS 271A.070, and may submit to the governing body of the municipality any comments regarding that fiscal effect. The governing body shall consider those comments when making any written finding pursuant to subsection 3 and shall consider those comments when considering the terms of any agreement pursuant to NRS 271A.110.

5. If the governing body is not the board of county commissioners for the county in which the tourism ***improvement*** district is or will be located, the

governing body has, at least 45 days before making the written finding required by subsection 3, provided to the board of county commissioners in the county in which the tourism improvement district is or will be located:

(a) Written notice of the time and place of the meeting at which the governing body will consider making that written finding; and

(b) Each analysis prepared by or for or presented to the governing body regarding the fiscal effect of the project and the use of any money proposed to be pledged pursuant to NRS 271A.070 on the provision of local governmental services.

➥ After the receipt of the notice required by this subsection and before the date of the meeting at which the governing body will consider making the written finding required by subsection 3, the board of county commissioners may conduct a hearing regarding the fiscal effect on local governmental services, if any, of the project and the use of any money proposed to be pledged pursuant to NRS 271A.070, and may submit to the governing body of the municipality any comments regarding that fiscal effect. The governing body may consider those comments when making any written finding pursuant to subsection 3 and shall consider those comments when considering the terms of any agreement pursuant to NRS 271A.110.

6. The governing body has determined, at a public hearing conducted at least 15 days after providing notice of the hearing by publication, that:

(a) As a result of the project:

(1) Retailers will locate their businesses as such in the district; and

(2) There will be a substantial increase in the proceeds from sales and use taxes remitted by retailers with regard to tangible personal property sold at retail, or stored, used or otherwise consumed, in the district; and

(b) A preponderance of that increase in the proceeds from sales and use taxes will be attributable to transactions with tourists who are not residents of this State.

7. The Commission on Tourism has determined, at a public hearing conducted at least 15 days after providing notice of the hearing by publication, that a preponderance of the increase in the proceeds from sales and use taxes identified pursuant to subsection 6 will be attributable to transactions with tourists who are not residents of this State.

8. The Governor has determined that the project and the use of any money proposed to be pledged pursuant to NRS 271A.070 will contribute significantly to economic development and tourism in this State. Before making that determination, the Governor:

(a) Must consider the fiscal effects of the pledge of money on educational funding, including any fiscal effects described in comments provided pursuant to subsection 4 by the school district in which the tourism improvement district is or will be located, and for that purpose may require

the Department of Education or the Department of Taxation, or both, to provide an appropriate fiscal report; and

(b) If the Governor determines that the pledge of money will have a substantial adverse fiscal effect on educational funding, may require a commitment from the municipality for the provision of specified payments to the school district in which the tourism improvement district is or will be located during the term of the use of any money pledged pursuant to NRS 271A.070. The payments may be provided pursuant to agreements with owners of property within the district authorized by NRS 271A.110 or from sources other than the owners of property within the district. Such a commitment by a municipality is not subject to the limitations of subsection 1 of NRS 354.626 and, notwithstanding any other law to the contrary, is binding on the municipality for the term of the use of any money pledged pursuant to NRS 271A.070.

9. If any property within the boundaries of the district is also included within the boundaries of any other tourism improvement district or any improvement district for which any money has been pledged pursuant to NRS 271.650, all of the governing bodies which created those districts have entered into an interlocal agreement providing for:

(a) The apportionment of any money pledged pursuant to NRS 271.650 and 271A.070 with respect to such property; and

(b) The priority of the application of that money between:

(1) Bonds issued pursuant to chapter 271 of NRS; and

(2) Bonds and notes issued, and agreements entered into, pursuant to NRS 271A.120.

➥ Any such agreement for the priority of the application of that money may be made irrevocable during the term of any bonds issued pursuant to chapter 271 of NRS to which all or any portion of that money is pledged, or during the term of any bonds or notes issued or any agreements entered into pursuant to NRS 271A.120 to which all or any portion of that money is pledged.

~~[Sec. 6.]~~ ***Sec. 8.*** NRS 271A.120 is hereby amended to read as follows:

271A.120 1. Except as otherwise provided in this section, if the governing body of a municipality adopts an ordinance pursuant to NRS 271A.070, the municipality may:

(a) Issue, at one time or from time to time, bonds or notes as special obligations under the Local Government Securities Law to finance or refinance projects for the benefit of the district. Any such bonds or notes may be secured by a pledge of, and be payable from, any money pledged pursuant to NRS 271A.070 and received by the municipality with respect to the district, any revenue received by the municipality from any revenue-producing projects in the district, or any combination thereof.

(b) Enter into an agreement with one or more governmental entities or other persons to reimburse that entity or person for the cost of acquiring, improving or equipping, or any combination thereof, any project, which may contain such terms as are determined to be desirable by the governing body of the municipality, including the payment of reasonable interest and other financing costs incurred by such entity or other person. Any such reimbursements may be secured by a pledge of, and be payable from, any money pledged pursuant to NRS 271A.070 and received by the municipality with respect to the district, any revenue received by the municipality from any revenue-producing projects in the district, or any combination thereof. Such an agreement is not subject to the limitations of subsection 1 of NRS 354.626 and may, at the option of the governing body, be binding on the municipality beyond the fiscal year in which it was made, only if the agreement pertains solely to one or more projects that are owned by the municipality or another governmental entity.

2. ***The governing body of a municipality shall not, with respect to any district created before, on or after July 1, 2011, provide any financing or reimbursement pursuant to this section:***

(a) Except as otherwise provided in this paragraph, to any governmental entity for any project within the district if any nongovernmental entity is or was entitled to receive any financing or reimbursement from the municipality pursuant to this section under the original financing agreements for the initial projects within the district. This paragraph does not prohibit the provision of such financing or reimbursement to:

(1) A school district; or

(2) A governmental entity that is or was entitled to receive such financing or reimbursement under the original financing agreements for the initial projects within the district.

(b) To any person or other entity for any project within the district, other than a person or other entity that is or was entitled to receive such financing or reimbursement from the municipality under the original financing agreements for the initial projects within the district, without the consent of all the persons and other entities that were entitled to receive such financing or reimbursement under the original financing agreements for the initial projects within the district.

3. Before the issuance of any bonds or notes pursuant to this section, the municipality must obtain the results of a feasibility study, commissioned by the municipality, which shows that a sufficient amount will be generated from money pledged pursuant to NRS 271A.070 to make timely payment on the bonds or notes, taking into account the revenue from any other revenue-producing projects also pledged for the payment of the bonds or notes, if any. A failure to make payments of any amounts due:

(a) With respect to any bonds or notes issued pursuant to subsection 1; or

(b) Under any agreements entered into pursuant to subsection 1,

➥ because of any insufficiency in the amount of money pledged pursuant to NRS 271A.070 to make those payments shall be deemed not to constitute a default on those bonds, notes or agreements.

~~[3.]~~ ***4.*** No bond, note or other agreement issued or entered into pursuant to this section may be secured by or payable from the general fund of the municipality, the power of the municipality to levy ad valorem property taxes, or any source other than any money pledged pursuant to NRS 271A.070 and received by the municipality with respect to the district, any revenue received by the municipality from any revenue-producing projects in the district, or any combination thereof. No bond, note or other agreement issued or entered into pursuant to this section may ever become a general obligation of the municipality or a charge against its general credit or taxing powers, nor may any such bond, note or other agreement become a debt of the municipality for purposes of any limitation on indebtedness.

~~[4.]~~ ***5.*** Any bond or note issued pursuant to this section, including any bond or note issued to refund any such bond or note, must mature on or before, and any agreement entered pursuant to this section must automatically terminate on or before, the end of the fiscal year in which the 20th anniversary of the adoption of the ordinance creating the district occurs.

~~[Sec. 7.]~~ ***Sec. 9.*** NRS 271A.130 is hereby amended to read as follows:

271A.130 1. Except as otherwise provided in this section ~~[,]~~ ***and section*** ~~*[3]*~~ ***5 of this act and*** notwithstanding any other law to the contrary, any contract or other agreement relating to or providing for the construction, improvement, repair, demolition, reconstruction, other acquisition, equipment, operation or maintenance of any project financed in whole or in part pursuant to this chapter is exempt from any law requiring competitive bidding or otherwise specifying procedures for the award of contracts for construction or other contracts, or specifying procedures for the procurement of goods or services. The governing body of the municipality shall require a quarterly report on the demography of the workers employed by any contractor or subcontractor for each such project.

2. The provisions of subsection 1 do not apply to any project which is constructed or maintained by a governmental entity on any property while the governmental entity owns that property.

3. ~~[The provisions of NRS 338.010 to 338.090, inclusive, apply to]~~ ~~*[A]*~~ ***Except as otherwise provided in subsection 5, a person who enters into*** any contract or other agreement for the construction, improvement, repair, demolition or reconstruction of any project that is paid for in whole or in part:

(a) From the proceeds of bonds or notes issued pursuant to paragraph (a) of subsection 1 of NRS 271A.120; or

(b) Pursuant to an agreement for reimbursement entered into pursuant to paragraph (b) of subsection 1 of NRS 271A.120,

➥ ~~[~~regardless of whether the project is publicly or privately owned.~~]~~ ***shall include in the contract or other agreement the contractual provisions and stipulations that are required to be included in a contract for a public work pursuant to the provisions of NRS 338.013 to 338.090, inclusive. The governing body of the municipality, the contractor who is awarded the contract or enters into the agreement to perform the construction, improvement, repair, demolition or reconstruction, and any subcontractor who performs any portion of the contract or agreement shall comply with the provisions of NRS 338.013 to 338.090, inclusive, in the same manner as if the governing body of the municipality had undertaken the project or had awarded the contract.***

4. The governing body of the municipality shall ensure that each contractor and developer to whom the provisions of section ~~*[3]*~~ ***5 of this act apply complies with those provisions.***

5. The provisions of subsection 3 do not apply to a contract or other agreement for the construction, improvement, repair, demolition or reconstruction of any improvement to a building leased to a tenant that is paid for, in whole or in part, or which benefits from the proceeds of bonds or notes issued pursuant to paragraph (a) of subsection 1 of NRS 271A.120 or pursuant to an agreement for reimbursement entered into pursuant to paragraph (b) of subsection 1 of NRS 271A.120 and which is entered into after completion of the original construction:

(a) For any subsequent improvement to the building by the original tenant or a subsequent tenant.

(b) For any improvement to the building by the original tenant which is undertaken more than 60 months after the building is first made available for lease.

6. As used in this section:

(a) "Original construction" means any contract or other agreement for the construction, improvement, repair, demolition or reconstruction of a project paid for, in whole or in part, or which benefits:

(1) From the proceeds of bonds or notes issued pursuant to paragraph (a) of subsection 1 of NRS 271A.120; or

(2) Pursuant to an agreement for reimbursement entered into pursuant to paragraph (b) of subsection 1 of NRS 271A.120.

(b) "Original tenant" means the first tenant of any leased property after the property is first made available for lease.

Sec. 10. **NRS 244A.830 is hereby amended to read as follows:**

244A.830 1. A board of county commissioners that adopts an ordinance imposing a fee pursuant to NRS 244A.810 shall create a stadium authority to ~~[operate]~~ ***assist in the operation of*** the minor league baseball stadium project. The stadium authority must consist of:

(a) ~~[One member]~~ ***Two members*** of the board of county commissioners appointed by the board;

(b) ~~[One member]~~ ***Three members*** from the governing body of ~~[each]~~ ***the*** city in ~~[the county whose population is 60,000 or more,]~~ ***which the minor league baseball stadium is located*** appointed by that governing body; and

(c) ~~[If the stadium authority enters into an agreement with an AA or AAA minor league baseball team pursuant to which the team agrees to play its home games in the stadium, two]~~ ***Two*** persons appointed by the owner of the ***minor league baseball*** team ~~[.]~~ ***that will play its home games in the stadium.***

2. The members of the stadium authority serve at the pleasure of the governmental entity or person who appointed them to serve in that capacity.

3. ~~[The stadium authority shall:~~

~~(a) Be responsible for the normal operations of the minor league baseball stadium project; and~~

~~(b) Enter into an agreement with the board of county commissioners that sets forth the specific rights, obligations and duties of the stadium authority regarding those operations.]~~ ***A meeting of the stadium authority must be scheduled if two or more members request a meeting of the stadium authority.***

4. The stadium authority may recommend to the governing body of the city in which the minor league baseball stadium is located that the governing body impose a surcharge on items or services related to the minor league baseball stadium project. The surcharge must be approved by a two-thirds majority of the governing body. Any proceeds from a surcharge imposed pursuant to this section must be paid to and collected by the city and must be used solely to pay the costs to acquire, lease, improve, equip, operate and maintain the minor league baseball stadium project, or to pay the principal of, interest on or other payments due with respect to bonds issued by the city to pay such costs, including bonds issued to refund bonds issued to pay such costs, or any combination thereof. The proceeds of the surcharge must not be transferred to any other fund or account or used for any other purpose.

Sec. 11. **NRS 279.636 is hereby amended to read as follows:**

279.636 1. An agency may issue such types of bonds as it may determine, including bonds on which the principal and interest are payable:

(a) Exclusively from the income and revenues of the redevelopment projects financed with the proceeds of the bonds, or with those proceeds

together with financial assistance from the State or Federal Government in aid of the projects.

(b) Exclusively from the income and revenues of certain designated redevelopment projects whether or not they were financed in whole or in part with the proceeds of the bonds.

(c) In whole or in part from taxes allocated to, and paid into a special fund of, the agency pursuant to the provisions of NRS 279.674 to 279.685, inclusive.

(d) From its revenues generally.

(e) From any contributions or other financial assistance from the State or Federal Government.

(f) ***From the proceeds of the surcharge imposed pursuant to NRS 244A.830.***

(g) By any combination of these methods.

2. Any of the bonds may be additionally secured by a pledge of any revenue or by an encumbrance by mortgage, deed of trust or otherwise of any redevelopment project or other property of the agency or by a pledge of the taxes referred to in subsection 1.

3. Amounts payable in any manner permitted by this section may be additionally secured by a pledge of the full faith and credit of the community whose legislative body has declared the need for the agency to function. Such additional security may only be provided upon the approval of the majority of the voters voting on the question at a primary or general election or a special election called for that purpose. In its proposal to its voters the governing body shall define the area to be redeveloped, the primary source or sources of revenue first to be employed to retire the bonds and the maximum sum for which the city may pledge its full faith and credit in connection with the bonds to be issued for the project.

Sec. 12. **NRS 350.020 is hereby amended to read as follows:**

350.020 1. Except as otherwise provided by subsections 3 and 4, if a municipality proposes to issue or incur general obligations, the proposal must be submitted to the electors of the municipality at a special election called for that purpose or the next general municipal election or general state election.

2. Such a special election may be held:

(a) At any time, including, without limitation, on the date of a primary municipal election or a primary state election, if the governing body of the municipality determines, by a unanimous vote, that an emergency exists; or

(b) On the first Tuesday after the first Monday in June of an odd-numbered year.

➥ The determination made by the governing body is conclusive unless it is shown that the governing body acted with fraud or a gross abuse of discretion. An action to challenge the determination made by the governing

body must be commenced within 15 days after the governing body's determination is final. As used in this subsection, "emergency" means any occurrence or combination of occurrences which requires immediate action by the governing body of the municipality to prevent or mitigate a substantial financial loss to the municipality or to enable the governing body to provide an essential service to the residents of the municipality.

3. If payment of a general obligation of the municipality is additionally secured by a pledge of gross or net revenue of a project to be financed by its issue, and the governing body determines, by an affirmative vote of two-thirds of the members elected to the governing body, that the pledged revenue will at least equal the amount required in each year for the payment of interest and principal, without regard to any option reserved by the municipality for early redemption, the municipality may, after a public hearing, incur this general obligation without an election unless, within 90 days after publication of a resolution of intent to issue the bonds, a petition is presented to the governing body signed by not less than 5 percent of the registered voters of the municipality. Any member elected to the governing body whose authority to vote is limited by charter, statute or otherwise may vote on the determination required to be made by the governing body pursuant to this subsection. The determination by the governing body becomes conclusive on the last day for filing the petition. For the purpose of this subsection, the number of registered voters must be determined as of the close of registration for the last preceding general election. The resolution of intent need not be published in full, but the publication must include the amount of the obligation and the purpose for which it is to be incurred. Notice of the public hearing must be published at least 10 days before the day of the hearing. The publications must be made once in a newspaper of general circulation in the municipality. When published, the notice of the public hearing must be at least as large as 5 inches high by 4 inches wide.

4. The board of trustees of a school district may issue general obligation bonds which are not expected to result in an increase in the existing property tax levy for the payment of bonds of the school district without holding an election for each issuance of the bonds if the qualified electors approve a question submitted by the board of trustees that authorizes issuance of bonds for a period of 10 years after the date of approval by the voters. If the question is approved, the board of trustees of the school district may issue the bonds for a period of 10 years after the date of approval by the voters, after obtaining the approval of the debt management commission in the county in which the school district is located and, in a county whose population is 100,000 or more, the approval of the oversight panel for school facilities established pursuant to NRS 393.092 in that county, if the board of trustees of the school district finds that the existing tax for debt service will at least

equal the amount required to pay the principal and interest on the outstanding general obligations of the school district and the general obligations proposed to be issued. The finding made by the board of trustees is conclusive in the absence of fraud or gross abuse of discretion. As used in this subsection, "general obligations" does not include medium-term obligations issued pursuant to NRS 350.087 to 350.095, inclusive.

5. At the time of issuance of bonds authorized pursuant to subsection 4, the board of trustees shall establish a reserve account in its debt service fund for payment of the outstanding bonds of the school district. The reserve account must be established and maintained in an amount at least equal to the lesser of ***:***

(a) For a school district located in a county whose population is 100,000 or more, 25 percent; and

(b) For a school district located in a county whose population is less than 100,000, 50 percent,

➥ ***of*** the amount of principal and interest payments due on all of the outstanding bonds of the school district in the next fiscal year or 10 percent of the outstanding principal amount of the outstanding bonds of the school district.

6. If the amount in the reserve account falls below the amount required by ~~[this]~~ subsection ~~[.]~~ ***5:***

(a) The board of trustees shall not issue additional bonds pursuant to subsection 4 until the reserve account is restored to the level required by ~~[this]~~ subsection ~~[.]~~ ***5;*** and

(b) The board of trustees shall apply all of the taxes levied by the school district for payment of bonds of the school district that are not needed for payment of the principal and interest on bonds of the school district in the current fiscal year to restore the reserve account to the level required pursuant to ~~[this]~~ subsection ~~[.]~~ ***5.***

~~[6.]~~ ***7.*** A question presented to the voters pursuant to subsection 4 may authorize all or a portion of the revenue generated by the debt rate which is in excess of the amount required:

(a) For debt service in the current fiscal year;

(b) For other purposes related to the bonds by the instrument pursuant to which the bonds were issued; and

(c) To maintain the reserve account required pursuant to subsection 5,

➥ to be transferred to the county school district's fund for capital projects established pursuant to NRS 387.328 and used to pay the cost of capital projects which can lawfully be paid from that fund. Any such transfer must not limit the ability of the school district to issue bonds during the period of voter authorization if the findings and approvals required by subsection 4 are obtained.

~~[7.]~~ ***8.*** A municipality may issue special or medium-term obligations without an election.

~~[Sec. 8.]~~ ***Sec. 13.*** NRS 372.750 is hereby amended to read as follows:

372.750 1. Except as otherwise provided in this section or NRS 360.247, ***or section ~~[4]~~ 6 of this act,*** it is a misdemeanor for any member of the Tax Commission or officer, agent or employee of the Department to make known in any manner whatever the business affairs, operations or information obtained by an investigation of records and equipment of any retailer or any other person visited or examined in the discharge of official duty, or the amount or source of income, profits, losses, expenditures or any particular of them, set forth or disclosed in any return, or to permit any return or copy of a return, or any book containing any abstract or particulars of it to be seen or examined by any person not connected with the Department.

2. The Tax Commission may agree with any county fair and recreation board or the governing body of any county, city or town for the continuing exchange of information concerning taxpayers.

3. The Governor may, by general or special order, authorize the examination of the records maintained by the Department under this chapter by other state officers, by tax officers of another state, by the Federal Government, if a reciprocal arrangement exists, or by any other person. The information so obtained may not be made public except to the extent and in the manner that the order may authorize that it be made public.

4. Upon written request made by a public officer of a local government, the Executive Director shall furnish from the records of the Department, the name and address of the owner of any seller or retailer who must file a return with the Department. The request must set forth the social security number of the owner of the seller or retailer about which the request is made and contain a statement signed by the proper authority of the local government certifying that the request is made to allow the proper authority to enforce a law to recover a debt or obligation owed to the local government. Except as otherwise provided in NRS 239.0115, the information obtained by the local government is confidential and may not be used or disclosed for any purpose other than the collection of a debt or obligation owed to that local government. The Executive Director may charge a reasonable fee for the cost of providing the requested information.

5. Successors, receivers, trustees, executors, administrators, assignees and guarantors, if directly interested, may be given information as to the items included in the measure and amounts of any unpaid tax or amounts of tax required to be collected, interest and penalties.

6. Relevant information that the Tax Commission has determined is not proprietary or confidential information in a hearing conducted pursuant to

NRS 360.247 may be disclosed as evidence in an appeal by the taxpayer from a determination of tax due.

7. At any time after a determination, decision or order of the Executive Director or other officer of the Department imposing upon a person a penalty for fraud or intent to evade the tax imposed by this chapter on the sale, storage, use or other consumption of any vehicle, vessel or aircraft becomes final or is affirmed by the Commission, any member of the Commission or officer, agent or employee of the Department may publicly disclose the identity of that person and the amount of tax assessed and penalties imposed against that person.

~~[Sec. 9.]~~ ***Sec. 14.*** NRS 374.755 is hereby amended to read as follows:

374.755 1. Except as otherwise provided in this section or NRS 360.247, ***or section*** ~~*[4]*~~ ***6 of this act,*** it is a misdemeanor for any member of the Nevada Tax Commission or officer, agent or employee of the Department to make known in any manner whatever the business affairs, operations or information obtained by an investigation of records and equipment of any retailer or any other person visited or examined in the discharge of official duty, or the amount or source of income, profits, losses, expenditures or any particular thereof, set forth or disclosed in any return, or to permit any return or copy thereof, or any book containing any abstract or particulars thereof to be seen or examined by any person not connected with the Department.

2. The Nevada Tax Commission may agree with any county fair and recreation board or the governing body of any county, city or town for the continuing exchange of information concerning taxpayers.

3. The Governor may, however, by general or special order, authorize the examination of the records maintained by the Department under this chapter by other state officers, by tax officers of another state, by the Federal Government, if a reciprocal arrangement exists, or by any other person. The information so obtained pursuant to the order of the Governor may not be made public except to the extent and in the manner that the order may authorize that it be made public.

4. Upon written request made by a public officer of a local government, the Executive Director shall furnish from the records of the Department, the name and address of the owner of any seller or retailer who must file a return with the Department. The request must set forth the social security number of the owner of the seller or retailer about which the request is made and contain a statement signed by the proper authority of the local government certifying that the request is made to allow the proper authority to enforce a law to recover a debt or obligation owed to the local government. Except as otherwise provided in NRS 239.0115, the information obtained by the local government is confidential and may not be used or disclosed for any purpose

other than the collection of a debt or obligation owed to that local government. The Executive Director may charge a reasonable fee for the cost of providing the requested information.

5. Successors, receivers, trustees, executors, administrators, assignees and guarantors, if directly interested, may be given information as to the items included in the measure and amounts of any unpaid tax or amounts of tax required to be collected, interest and penalties.

6. Relevant information that the Nevada Tax Commission has determined is not proprietary or confidential information in a hearing conducted pursuant to NRS 360.247 may be disclosed as evidence in an appeal by the taxpayer from a determination of tax due.

7. At any time after a determination, decision or order of the Executive Director or other officer of the Department imposing upon a person a penalty for fraud or intent to evade the tax imposed by this chapter on the sale, storage, use or other consumption of any vehicle, vessel or aircraft becomes final or is affirmed by the Commission, any member of the Commission or officer, agent or employee of the Department may publicly disclose the identity of that person and the amount of tax assessed and penalties imposed against that person.

~~[Sec. 10.]~~ ***Sec. 15.*** **1. The City of North Las Vegas shall prepare and submit a plan for the routing of effluent that exits its water reclamation facility to the Clark County Water Reclamation District. The plan must include a consideration of the construction of a joint pipeline with the Clark County Water Reclamation District.**

2. If a joint pipeline is not financially feasible, the City of North Las Vegas shall:

(a) Provide for an environmental study of the impact of the water flow down the flood control channel on the quality of life and the value of adjacent homes.

(b) Develop a plan to manage the flood control channel. The plan must include, without limitation:

(1) A mechanism to ensure that the flood control channel is free from debris, waste and other elements that may cause an unpleasant smell or constitute an environmental, health or other community concerns.

(2) Maintenance of fencing along the flood control channel, including a detail of the repairs that must be made.

(3) An identification of the manner by which negative impacts, if any, of the flood control channel will be addressed, including, without limitation, the specific corrective actions to mitigate those negative impacts.

3. On or before February 1, 2013, the City of North Las Vegas shall submit a report to the Director of the Legislative Counsel Bureau for transmission to the next regular session of the Legislature on the status of the plans prepared by the City pursuant to this section. The report must include, without limitation:

(a) The findings of the City concerning the financial feasibility of developing a joint pipeline.

(b) The status of the development of a joint pipeline, if any.

(c) If the City of North Las Vegas found that a joint pipeline is not financially feasible, a description of the plan to manage the flood control channel developed pursuant to subsection 2.

(d) The number of meetings held by the City of North Las Vegas to address the concerns of the community.

(e) The extent to which the City of North Las Vegas has adhered to commitments it has made to its residents for community development projects.

Sec. 16. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

~~[Sec. 11.]~~ ***Sec. 17.*** 1. This section and sections ~~[5 and 10]~~ **1, 7, 12, 15 and 16** of this act become effective upon passage and approval.

2. Sections ~~[1 to 4,]~~ **2 to 6,** inclusive, ~~[and 6 to 9,]~~ **8 to 11,** inclusive, **13 and 14** of this act become effective on July 1, 2011.

3. The authorization to impose a surcharge pursuant to NRS 244A.830, as amended by section 10 of this act, expires by limitation on June 30 of the later of the fiscal year that is 20 years after the fiscal year in which the ordinance imposing the surcharge is adopted or the fiscal year in which all bonds issued pursuant to NRS 268.526 and 279.636, as amended by sections 2 and 11 of this act, including, without limitation, any bonds issued to refund bonds issued pursuant to those sections, respectively, are fully paid as to all principal, interest and any other amounts due.

Assemblyman Bobzien moved that the Assembly adopt the report of the conference Committee concerning Assembly Bill No. 376.

Remarks by Assemblyman Bobzien.

Motion carried by a constitutional majority.

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 416.

The following Senate amendment was read:

Amendment No. 975.

AN ACT relating to energy; revising provisions governing the Solar Energy Systems Incentive Program; revising provisions governing the Wind

Energy Systems Demonstration Program; revising provisions governing the Waterpower Energy Systems Demonstration Program; revising provisions governing the payment of incentives to participants in the Solar Program and the Wind Program; revising the prospective expiration of the Wind Program and the Waterpower Program; providing for the prospective expiration of the Solar Program; requiring the Public Utilities Commission of Nevada to adopt certain regulations; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes the Solar Energy Systems Incentive Program, the Wind Energy Systems Demonstration Program and the Waterpower Energy Systems Demonstration Program. (NRS 701B.010-701B.290, 701B.400-701B.650, 701B.700-701B.880) **Section 2.1** of this bill establishes the statewide capacity goals for all energy systems which receive incentives pursuant to these programs and authorizes a utility to file the annual plan required for each of these programs as a single plan.

Section 4 of this bill revises provisions governing the incentives for participation in the Solar Energy Systems Incentive Program, requires the Public Utilities Commission of Nevada to review the incentives and authorizes the Commission to adjust the incentives not less frequently than annually. **Section 4** provides that the total amount of the incentive paid to a participant in the Solar Program with a solar energy system with a nameplate capacity of not more than 30 kilowatts must be paid upon proof that the participant has installed and energized the solar energy system, while the amount of the incentive paid to a participant with a solar energy system with a nameplate capacity of more than 30 kilowatts and not more than 500 kilowatts must be paid over time and be based on the performance of the solar energy system and the amount of electricity generated by the solar energy system. **Section 8.7** of this bill requires a participant in the Solar Program to participate in net metering.

Section 10 of this bill requires the Commission to adopt regulations relating to the Wind Program and to establish a system of incentives for participation in the Wind Program. **Section 10** further provides that the total amount of the incentive paid to a participant in the Wind Program with a nameplate capacity of not more than 500 kilowatts must be paid over time and based on the performance of and amount of electricity generated by the wind energy system. **Section 10.5** of this bill requires a participant in the Wind Program to participate in net metering.

Section 10.7 of this bill requires the Commission to provide a system of incentives for waterpower energy systems with a nameplate capacity of not more than 500 kilowatts. **Section 18.5** of this bill requires a participant in the Waterpower Program to participate in net metering.

Existing law deems a provider of electric service to have generated or acquired 2.4 kilowatt-hours of electricity from a renewable energy system for each 1.0 kilowatt-hour of actual electricity generated or acquired from a solar photovoltaic system on certain retail customers. (NRS 704.4822) **Section 18.9** of this bill provides the same calculation for solar photovoltaic systems installed on the premises of the provider if certain conditions are met.

Existing law provides that the Wind Program and the Waterpower Program will expire on June 30, 2011. (Chapter 509, Statutes of Nevada 2007, p. 2999) This bill revises the prospective expiration date of these programs and provides that the Wind Program, the Waterpower Program and the Solar Program will expire on December 31, 2021.

Section 23.7 of this bill requires the Commission to open an investigatory docket to study the feasibility and advisability of establishing a feed-in tariff program for renewable energy systems and to submit a report of its findings from the investigatory docket to the Director of the Legislative Counsel Bureau for transmittal to the 77th Session of the Nevada Legislature.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. (Deleted by amendment.)

Sec. 1.5. NRS 701.180 is hereby amended to read as follows:

701.180 The Director shall:

1. Acquire and analyze information relating to energy and to the supply, demand and conservation of its sources, including, without limitation ~~[~~**:**

~~(a) Information relating to the Solar Energy Systems Incentive Program created pursuant to NRS 701B.240 including, without limitation, information relating to:~~

~~(1) The development of distributed generation systems in this State pursuant to participation in the Solar Energy Systems Incentive Program;~~

~~(2) The use of carbon-based energy in residential and commercial applications due to participation in the Program; and~~

~~(3) The average cost of generation on a kilowatt-hour basis for residential and commercial applications due to participation in the Program; and~~

~~(b) Information~~**]** **,** ***information*** relating to any money distributed pursuant to NRS 702.270.

2. Review and evaluate information which identifies trends and permits forecasting of the energy available to the State. Such forecasts must include estimates on:

(a) The level of demand for energy in the State for 5-, 10- and 20-year periods;

(b) The amount of energy available to meet each level of demand;

(c) The probable implications of the forecast on the demand and supply of energy; and

(d) The sources of renewable energy and other alternative sources of energy which are available and their possible effects.

3. Study means of reducing wasteful, inefficient, unnecessary or uneconomical uses of energy and encourage the maximum utilization of existing sources of energy in the State.

4. Solicit and serve as the point of contact for grants and other money from the Federal Government, including, without limitation, any grants and other money available pursuant to any program administered by the United States Department of Energy, and other sources to cooperate with the Commissioner and the Authority:

(a) To promote energy projects that enhance the economic development of the State;

(b) To promote the use of renewable energy in this State;

(c) To promote the use of measures which conserve or reduce the demand for energy or which result in more efficient use of energy;

(d) To develop a comprehensive program for retrofitting public buildings in this State with energy efficiency measures; and

(e) If the Commissioner determines that it is feasible and cost-effective, to enter into contracts with researchers from the Nevada System of Higher Education for the design of energy efficiency and retrofit projects to carry out the comprehensive program for retrofitting public buildings in this State developed pursuant to paragraph (d).

5. Coordinate the activities and programs of the Office of Energy with the activities and programs of the Authority, the Consumer's Advocate and the Public Utilities Commission of Nevada, and with other federal, state and local officers and agencies that promote, fund, administer or operate activities and programs related to the use of renewable energy and the use of measures which conserve or reduce the demand for energy or which result in more efficient use of energy.

6. If requested to make a determination pursuant to NRS 111.239 or 278.0208, make the determination within 30 days after receiving the request. If the Director needs additional information to make the determination, the Director may request the information from the person making the request for a determination. Within 15 days after receiving the additional information, the Director shall make a determination on the request.

7. Carry out all other directives concerning energy that are prescribed by the Governor.

Sec. 2. (Deleted by amendment.)

Sec. 2.1. Chapter 701B of NRS is hereby amended by adding thereto a new section to read as follows:

1. For purposes of carrying out the Solar Energy Systems Incentive Program created by NRS 701B.240, the Wind Energy Systems Demonstration Program created by NRS 701B.580 and the Waterpower Energy Systems Demonstration Program created by NRS 701B.820, the Public Utilities Commission of Nevada may approve solar energy systems, wind energy systems and waterpower energy systems totaling not more than 150 megawatts of capacity for all systems in this State for the period beginning on July 1, 2009, and ending on December 31, 2021. The Commission shall by regulation prescribe the capacity goals for each program.

2. The Public Utilities Commission of Nevada shall not authorize the payment of an incentive pursuant to:

(a) The Solar Energy Systems Incentive Program if the payment of the incentive would cause the total amount of incentives paid by all utilities in this State for the installation of solar energy systems and distributed generation systems to exceed $255,000,000 for the period beginning on July 1, 2009, and ending on December 31, 2021.

(b) The Wind Energy Systems Demonstration Program and the Waterpower Energy Systems Demonstration Program if the payment of the incentive would cause the total amount of incentives paid by all utilities in this State for the installation of wind energy systems and waterpower energy systems to exceed $60,000,000 for the period beginning on July 1, 2009, and ending on December 31, 2021. The Commission shall by regulation determine the total amount of incentives for each program.

3. A utility may file one combined annual plan which meets the requirements set forth in NRS 701B.230, 701B.610 and 701B.850. The Public Utilities Commission of Nevada shall review and approve any plans submitted pursuant to this subsection in accordance with the requirements of NRS 701B.230, 701B.610 and 701B.850.

4. As used in this section:

(a) "Distributed generation system" has the meaning ascribed to it in NRS 701B.055.

(b) "Utility" means a public utility that supplies electricity in this State.

Sec. 2.3. NRS 701B.040 is hereby amended to read as follows:

701B.040 "Category" means one of the categories of participation in the Solar Program as set forth in ~~[~~NRS 701B.240.~~]~~ ***regulations adopted by the Commission.***

Sec. 2.5. NRS 701B.200 is hereby amended to read as follows:

701B.200 The Commission shall adopt regulations necessary to carry out the provisions of NRS 701B.010 to 701B.290, inclusive, including, without limitation, regulations that:

1. Establish the type of incentives available to participants in the Solar Program and the level or amount of those incentives, ~~[except that the level or amount of an incentive available in a particular program year must not be based upon whether the incentive is for unused capacity reallocated from a past program year pursuant to paragraph (b) of subsection 2 of NRS 701B.260. The regulations must provide that the level or amount of the incentives must decline over time as the cost of solar energy systems and distributed generation systems decline.]~~ ***and prescribe the period, which may be the same period covered for a utility's annual plan for carrying out and administering the Solar Program, for a utility to account for those incentives.***

2. Establish the requirements for a utility's annual plan for carrying out and administering the Solar Program. A utility's annual plan must include, without limitation:

(a) A detailed plan for advertising the Solar Program;

(b) A detailed budget and schedule for carrying out and administering the Solar Program;

(c) A detailed account of administrative processes and forms that will be used to carry out and administer the Solar Program, including, without limitation, a description of the application process and copies of all applications and any other forms that are necessary to apply for and participate in the Solar Program;

(d) A detailed account of the procedures that will be used for inspection and verification of a participant's solar energy system and compliance with the Solar Program;

(e) A detailed account of training and educational activities that will be used to carry out and administer the Solar Program; and

(f) Any other information required by the Commission.

3. Authorize a utility to recover the reasonable costs incurred in carrying out and administering the installation of distributed generation systems **.** ~~[pursuant to paragraph (b) of subsection 1 of NRS 701B.260.]~~

Sec. 3. NRS 701B.210 is hereby amended to read as follows:

701B.210 The Commission shall adopt regulations that establish:

1. The qualifications and requirements an applicant must meet to be eligible to participate in ~~[each applicable category of:~~

~~(a) School property;~~

~~(b) Public and other property; and~~

~~(c) Private residential property and small business property; and]~~ ***the Solar Program.***

2. The form and content of the master application.

3. The timeframe for accepting applications, including a period in which a utility must accept additional applications if a previously approved applicant fails to install and energize a solar energy system within the time allowed by NRS 701B.255.

Sec. 4. NRS 701B.220 is hereby amended to read as follows:

701B.220 ***1.*** In adopting regulations for the Solar Program, the Commission shall adopt regulations establishing an incentive for participation in the Solar Program. ***The regulations must:***

(a) Provide that the total amount of the incentive paid to a participant for a solar energy system with a nameplate capacity of not more than 30 kilowatts must be paid upon proof that the participant has installed and energized the solar energy system;

(b) Provide that the amount of the incentive paid to a participant for a solar energy system with a nameplate capacity of more than 30 kilowatts but not more than 500 kilowatts must be paid over time and be based on the performance of the solar energy system and the amount of electricity generated by the solar energy system;

(c) Provide for a contract to be entered into between a participant and a utility, which must include, without limitation, provisions specifying:

(1) The amount of the incentive the participant will receive from the utility;

(2) For a participant with a solar energy system with a nameplate capacity of more than 30 kilowatts but not more than 500 kilowatts, the period in which the participant will receive an incentive from the utility, which must not exceed 5 years and must not require a utility to make an incentive payment after December 31, 2021; and

(3) For a participant with a solar energy system with a nameplate capacity of more than 30 kilowatts but not more than 500 kilowatts, that the payments of an incentive to the participant must be quarterly;

(d) Establish reporting requirements for each utility that participates in the Solar Program, which must include, without limitation, periodic reports of the average cost of the systems, the cost to the utility of carrying out the Solar Program and the effect of the Solar Program on the rates paid by the customers of the utility; and

(e) Provide for a decline over time in the amount of the incentives for participation in the Solar Program as the cost of installing solar energy systems decreases.

2. The Commission shall review the incentives for participation in the Solar Program and may adjust the amount of the incentives not less frequently than annually.

Sec. 5. NRS 701B.240 is hereby amended to read as follows:

701B.240 1. The Solar Energy Systems Incentive Program is hereby created.

2. The ~~[Solar Program must have three]~~ ***Commission shall establish*** categories ~~[as follows:~~

~~(a) School property;~~

~~(b) Public and other property; and~~

~~(c) Private residential property and small business property.]~~ ***for participation in the Solar Program, which must, at a minimum, distinguish between participants with a solar energy system with:***

(a) A nameplate capacity of not more than 30 kilowatts; and

(b) A nameplate capacity of more than 30 kilowatts but not more than 500 kilowatts.

3. To be eligible to participate in the Solar Program, a person must:

(a) Meet the qualifications established by the Commission pursuant to NRS 701B.210;

(b) Submit an application to a utility and be selected by the ~~[Commission]~~ ***utility*** for inclusion in the Solar Program pursuant to NRS 701B.250 and 701B.255; ***and***

(c) When installing the solar energy system, use an installer who has been issued a classification C-2 license with the appropriate subclassification by the State Contractors' Board pursuant to the regulations adopted by the Board ***.*** ~~[; and~~

~~(d) If the person will be participating in the Solar Program in the category of school property or public and other property, provide for the public display of the solar energy system, including, without limitation, providing for public demonstrations of the solar energy system and for hands on experience of the solar energy system by the public.]~~

Sec. 6. (Deleted by amendment.)

Sec. 7. (Deleted by amendment.)

Sec. 8. (Deleted by amendment.)

Sec. 8.3. NRS 701B.255 is hereby amended to read as follows:

701B.255 1. After reviewing an application submitted pursuant to NRS 701B.250 and ensuring that the applicant meets the qualifications and requirements to be eligible to participate in the Solar Program, a utility may select the applicant for participation in the Solar Program.

2. Not later than 30 days after the date on which the utility selects an applicant, the utility shall provide written notice of the selection to the applicant.

3. After the utility selects an applicant to participate in the Solar Program, the utility may approve the solar energy system proposed by the applicant. Upon the utility's approval of the solar energy system:

(a) The utility shall provide to the applicant notice of the approval and the amount of incentive for which the solar energy system is eligible; and

(b) The applicant may install and energize the solar energy system.

4. Upon the completion of the installation and energizing of the solar energy system, the participant must submit to the utility an incentive claim form and any supporting information, including, without limitation, a verification of the cost of the project and a calculation of the expected system output.

5. Upon receipt of the incentive claim form and verification that the solar energy system is properly connected, the utility shall issue an incentive payment to the participant.

6. The amount of the incentive for which an applicant is eligible must be determined on the date on which the applicant is selected for participation in the Solar Program, except that an applicant forfeits eligibility for that amount of incentive if the applicant withdraws from participation in the Solar Program or does not complete the installation of the solar energy system within 12 months after the date on which the applicant is selected for participation in the Solar Program. ~~[An applicant who forfeits eligibility for the incentive for which the applicant was originally determined to be eligible may become eligible for an incentive only on the date on which the applicant completes the installation of the solar energy system, and the amount of the incentive for which such an applicant is eligible must be determined on the date on which the applicant completes the installation of the solar energy system.]~~

Sec. 8.7. NRS 701B.280 is hereby amended to read as follows:

701B.280 ~~[If]~~ ***To be eligible for an incentive through the Solar Program,*** a solar energy system ~~[used by a participant in the Solar Program meets]~~ ***must meet*** the requirements ~~[of NRS 704.766 to 704.775, inclusive, the participant is entitled to participate]~~ ***for participation*** in net metering pursuant to the provisions of NRS 704.766 to 704.775, inclusive.

Sec. 8.9. NRS 701B.440 is hereby amended to read as follows:

701B.440 "Category" means one of the categories of participation in the Wind Demonstration Program as ~~[set forth in NRS 701B.580.]~~ ***established in regulation by the Commission.***

Sec. 9. NRS 701B.580 is hereby amended to read as follows:

701B.580 1. The Wind Energy Systems Demonstration Program is hereby created.

2. The ~~[Program must have four]~~ ***Commission shall establish*** categories ~~[as follows:~~

~~(a) School property;~~

~~(b) Other public property;~~

~~(c) Private residential property and small business property; and~~

~~(d) Agricultural property.~~] ***for participation in the program.***

3. To be eligible to participate in the Program, a person must:

(a) Meet the qualifications established by the Commission pursuant to NRS 701B.590;

(b) When installing the wind energy system, use an installer who has been issued a classification C-2 license with the appropriate subclassification by the State Contractors' Board pursuant to the regulations adopted by the Board; and

(c) If the person will be participating in the Program in the category of school property or other public property, provide for the public display of the wind energy system, including, without limitation, providing for public demonstrations of the wind energy system and for hands-on experience of the wind energy system by the public.

Sec. 10. NRS 701B.590 is hereby amended to read as follows:

701B.590 The Commission shall adopt regulations necessary to carry out the provisions of the Wind Energy Systems Demonstration Program Act, including, without limitation, regulations that establish:

1. The capacity goals for the Program, which must be designed to meet the goal of the Legislature ~~[of the installation of not less than 5 megawatts of wind energy systems in this State by 2012 and the goals for each category of the Program.]~~ ***as prescribed in section 2.1 of this act.***

2. A system of incentives that are based on rebates that decline as the ~~[capacity goals for the Program and the goals for each category of the Program are met. The rebates must be based on predicted energy savings.~~

~~3.]~~ ***cost of installing wind energy systems declines. The system must provide:***

(a) Incentives for wind energy systems with a nameplate capacity of not more than 500 kilowatts;

(b) That the amount of the incentive for a participant must be paid over time and be based on the performance of the wind energy system and the amount of electricity generated by the wind energy system; and

(c) For a contract to be entered into between a participant and a utility, which must include, without limitation, provisions specifying:

(1) The amount of the incentive the participant will receive from the utility;

(2) The period in which the participant will receive an incentive from the utility, which must not exceed 5 years and that the utility is not required to make an incentive payment after December 31, 2021; and

(3) That the payments of an incentive to the participant must be made quarterly.

3. Reporting requirements for each utility that participates in the Program, which must include, without limitation, periodic reports of the

average cost of the systems, the cost to the utility of carrying out the Program and the effect of the Program on the rates paid by the customers of the utility.

4. The procedure for claiming incentives, including, without limitation, the form and content of the incentive claim form.

5. The timeframe for accepting applications, including a period in which a utility must accept additional applications if a previously approved applicant fails to install and energize a wind energy system within the time allowed by NRS 701B.615.

Sec. 10.1. NRS 701B.615 is hereby amended to read as follows:

701B.615 1. An applicant who wishes to participate in the Wind Demonstration Program must submit an application to a utility.

2. After reviewing an application submitted pursuant to subsection 1 and ensuring that the applicant meets the qualifications and requirements to be eligible to participate in the Program, a utility may select the applicant for participation in the Program.

3. Not later than 30 days after the date on which the utility selects an applicant, the utility shall provide written notice of the selection to the applicant.

4. After the utility selects an applicant to participate in the Program, the utility may approve the wind energy system proposed by the applicant. Upon the utility's approval of the wind energy system:

(a) The utility shall provide to the applicant notice of the approval and the amount of incentive for which the wind energy system is eligible; and

(b) The applicant may install and energize the wind energy system.

5. Upon the completion of the installation and energizing of the wind energy system, the participant must submit to the utility an incentive claim form and any supporting information, including, without limitation, a verification of the cost of the project and a calculation of the expected system output.

6. Upon receipt of the incentive claim form and verification that the wind energy system is properly connected, the utility shall issue an incentive payment to the participant.

7. The amount of the incentive for which an applicant is eligible must be determined on the date on which the applicant is selected for participation in the Wind Demonstration Program, except that an applicant forfeits eligibility for that amount of incentive if the applicant withdraws from participation in the Program or does not complete the installation of the wind energy system within 12 months after the date on which the applicant is selected for participation in the Program. **[**~~An applicant who forfeits eligibility for the incentive for which the applicant was originally determined to be eligible may become eligible for an incentive only on the date on which the applicant~~

~~completes the installation of the wind energy system, and the amount of the incentive for which such an applicant is eligible must be determined on the date on which the applicant completes the installation of the wind energy system.]~~

Sec. 10.5. NRS 701B.650 is hereby amended to read as follows:

701B.650 ~~[If]~~ ***To be eligible for an incentive through the Wind Program,*** a wind energy system ~~[used by a participant in the Wind Demonstration Program meets]~~ ***must meet*** the requirements ~~[of NRS 704.766 to 704.775, inclusive, the participant is entitled to participate]~~ ***for participation*** in net metering pursuant to the provisions of NRS 704.766 to 704.775, inclusive.

Sec. 10.7. NRS 701B.840 is hereby amended to read as follows:

701B.840 The Commission shall adopt regulations that establish:

1. The capacity goals for the Program, which must be designed to ~~[meet]~~ ***:***

(a) Meet the goal of the Legislature ~~[of the installation of not less than 500 kilowatts of waterpower energy systems in this State by 2012 and the goals for each category of the Program.]~~ ***as prescribed in section 2.1 of this act; and***

(b) Provide a system of incentives for waterpower energy systems with a nameplate capacity of not more than 500 kilowatts.

2. A system of incentives that are based on rebates that decline as the capacity goals for the Program ***.*** ~~[and the goals for each category of the Program are met.]~~ The rebates must be based on predicted energy savings.

3. The procedure for claiming incentives, including, without limitation, the form and content of the incentive claim form.

4. The timeframe for accepting applications, including a period in which a utility must accept additional applications if a previously approved applicant fails to install and energize a waterpower energy system within the time allowed by NRS 701B.865.

Sec. 10.9. NRS 701B.850 is hereby amended to read as follows:

701B.850 1. ~~[On or before February 21, 2008, and on or before February 1 of each subsequent year,]~~ ***Each year on or before a date established by the Commission,*** each utility shall file with the Commission ~~[for approval an]~~ ***its*** annual plan for ~~[the administration and delivery of]~~ ***carrying out and administering*** the Waterpower Demonstration Program ***in its service area*** for the ~~[program year beginning July 1, 2008, and each subsequent year thereafter.]~~ ***immediately following 12-month period prescribed by the Commission.***

2. ~~[On or before July 1, 2008, and on or before each July 1 of each subsequent year, the]~~ ***The*** Commission shall ~~[review]~~ ***:***

(a) Review the annual plan for compliance with the requirements ~~[set forth]~~ ***established*** by regulation of the Commission ~~[.]~~ ***; and***

(b) Approve the annual plan with such modifications and upon such terms and conditions as the Commission finds necessary or appropriate to facilitate the Program.

Sec. 11. (Deleted by amendment.)

Sec. 12. (Deleted by amendment.)

Sec. 13. (Deleted by amendment.)

Sec. 14. (Deleted by amendment.)

Sec. 15. (Deleted by amendment.)

Sec. 16. (Deleted by amendment.)

Sec. 17. (Deleted by amendment.)

Sec. 18. (Deleted by amendment.)

Sec. 18.1. NRS 701B.865 is hereby amended to read as follows:

701B.865 1. An applicant who wishes to participate in the Waterpower Demonstration Program must submit an application to a utility.

2. After reviewing an application submitted pursuant to subsection 1 and ensuring that the applicant meets the qualifications and requirements to be eligible to participate in the Program, a utility may select the applicant for participation in the Program.

3. Not later than 30 days after the date on which the utility selects an applicant, the utility shall provide written notice of the selection to the applicant.

4. After the utility selects an applicant to participate in the Program, the utility may approve the waterpower energy system proposed by the applicant. Upon the utility's approval of the waterpower energy system:

(a) The utility shall provide to the applicant notice of the approval and the amount of incentive for which the waterpower energy system is eligible; and

(b) The applicant may construct the waterpower energy system.

5. Upon the completion of the construction of a waterpower energy system, the participant must submit to the utility an incentive claim form and any supporting information, including, without limitation, a verification of the cost of the project and a calculation of the expected system output.

6. Upon receipt of the incentive claim form and verification that the waterpower energy system is properly connected, the utility shall issue an incentive payment to the participant.

7. The amount of the incentive for which an applicant is eligible must be determined on the date on which the applicant is selected for participation in the Waterpower Demonstration Program, except that an applicant forfeits eligibility for that amount of incentive if the applicant withdraws from participation in the Program or does not complete the construction of the waterpower energy system within 12 months after the date on which the applicant is selected for participation in the Program. ~~[An applicant who forfeits eligibility for the incentive for which the applicant was originally~~

~~determined to be eligible may become eligible for an incentive only on the date on which the applicant completes the construction of the waterpower energy system, and the amount of the incentive for which such an applicant is eligible must be determined on the date on which the applicant completes the construction of the waterpower energy system.~~]

Sec. 18.5. NRS 701B.880 is hereby amended to read as follows:

701B.880 [~~If~~] ***To be eligible for an incentive through the Waterpower Demonstration Program,*** the waterpower energy system [~~used by a participant in the Waterpower Demonstration Program meets~~] ***must meet*** the requirements [~~of NRS 704.766 to 704.775, inclusive, the participant is entitled to participate~~] ***for participation*** in net metering pursuant to the provisions of NRS 704.766 to 704.775, inclusive.

Sec. 18.7. NRS 701B.924 is hereby amended to read as follows:

701B.924 1. The State Public Works Board shall, within 90 days after June 9, 2009, determine the specific projects to weatherize and retrofit public buildings, facilities and structures, including, without limitation, traffic-control systems, and to otherwise use sources of renewable energy to serve those buildings, facilities and structures pursuant to the provisions of this section and NRS 701B.921. The projects must be prioritized and selected on the basis of the following criteria:

(a) The length of time necessary to commence the project.

(b) The number of workers estimated to be employed on the project.

(c) The effectiveness of the project in reducing energy consumption.

(d) The estimated cost of the project.

(e) Whether the project is able to be powered by or to otherwise use sources of renewable energy.

(f) Whether the project has qualified for participation in [~~one or more of the following programs:~~

~~(1) The Solar Energy Systems Incentive Program created by NRS 701B.240;~~

~~(2)~~] ***:***

(1) The Renewable Energy School Pilot Program created by NRS 701B.350; or

[~~(3)~~] ***(2)*** An energy efficiency or energy conservation program offered by a public utility, as defined in NRS 704.020, pursuant to a plan approved by the Public Utilities Commission of Nevada pursuant to NRS 704.741.

2. The board of trustees of each school district shall, within 90 days after June 9, 2009, determine the specific projects to weatherize and retrofit public buildings, facilities and structures, including, without limitation, traffic-control systems, and to otherwise use sources of renewable energy to serve those buildings, facilities and structures pursuant to the provisions of this

section and NRS 701B.921. The projects must be prioritized and selected on the basis of the following criteria:

(a) The length of time necessary to commence the project.

(b) The number of workers estimated to be employed on the project.

(c) The effectiveness of the project in reducing energy consumption.

(d) The estimated cost of the project.

(e) Whether the project is able to be powered by or to otherwise use sources of renewable energy.

(f) Whether the project has qualified for participation in ~~[one or more of the following programs:~~

~~(1) The Solar Energy Systems Incentive Program created by NRS 701B.240;~~

~~(2)]~~ ***:***

(1) The Renewable Energy School Pilot Program created by NRS 701B.350; or

~~[(3)]~~ ***(2)*** An energy efficiency or energy conservation program offered by a public utility, as defined in NRS 704.020, pursuant to a plan approved by the Public Utilities Commission of Nevada pursuant to NRS 704.741.

3. The Board of Regents of the University of Nevada shall, within 90 days after June 9, 2009, determine the specific projects to weatherize and retrofit public buildings, facilities and structures, including, without limitation, traffic-control systems, and to otherwise use sources of renewable energy to serve those buildings, facilities and structures pursuant to the provisions of this section and NRS 701B.921. The projects must be prioritized and selected on the basis of the following criteria:

(a) The length of time necessary to commence the project.

(b) The number of workers estimated to be employed on the project.

(c) The effectiveness of the project in reducing energy consumption.

(d) The estimated cost of the project.

(e) Whether the project is able to be powered by or to otherwise use sources of renewable energy.

(f) Whether the project has qualified for participation in ~~[one or more of the following programs:~~

~~(1) The Solar Energy Systems Incentive Program created by NRS 701B.240;~~

~~(2)]~~ ***:***

(1) The Renewable Energy School Pilot Program created by NRS 701B.350; or

~~[(3)]~~ ***(2)*** An energy efficiency or energy conservation program offered by a public utility, as defined in NRS 704.020, pursuant to a plan approved by the Public Utilities Commission of Nevada pursuant to NRS 704.741.

4. As soon as practicable after an entity described in subsections 1, 2 and 3 selects a project, the entity shall proceed to enter into a contract with one or more contractors to perform the work on the project. The request for proposals and all contracts for each project must include, without limitation:

(a) Provisions stipulating that all employees of the contractors and subcontractors who work on the project must be paid prevailing wages pursuant to the requirements of chapter 338 of NRS;

(b) Provisions requiring that each contractor and subcontractor employed on each such project:

(1) Employ a number of persons trained as described in paragraph (b) of subsection 3 of NRS 701B.921 that is equal to or greater than 50 percent of the total workforce the contractor or subcontractor employs on the project; or

(2) If the Director of the Department determines in writing, pursuant to a request submitted by the contractor or subcontractor, that the contractor or subcontractor cannot reasonably comply with the provisions of subparagraph (1) because there are not available a sufficient number of such trained persons, employ a number of persons trained as described in paragraph (b) of subsection 3 of NRS 701B.921 or trained through any apprenticeship program that is registered and approved by the State Apprenticeship Council pursuant to chapter 610 of NRS that is equal to or greater than 50 percent of the total workforce the contractor or subcontractor employs on the project;

(c) A component pursuant to which persons trained as described in paragraph (b) of subsection 3 of NRS 701B.921 must be classified and paid prevailing wages depending upon the classification of the skill in which they are trained; and

(d) A component that requires each contractor or subcontractor to offer to employees working on the project, and to their dependents, health care in the same manner as a policy of insurance pursuant to chapters 689A and 689B of NRS or the Employee Retirement Income Security Act of 1974.

5. The State Public Works Board, each of the school districts and the Board of Regents of the University of Nevada shall each provide a report to the Interim Finance Committee which describes the projects selected pursuant to this section and a report of the dates on which those projects are scheduled to be completed.

Sec. 18.9. NRS 704.7822 is hereby amended to read as follows:

704.7822 For the purpose of complying with a portfolio standard established pursuant to NRS 704.7821 or 704.78213, a provider shall be deemed to have generated or acquired 2.4 kilowatt-hours of electricity from a renewable energy system for each 1.0 kilowatt-hour of actual electricity generated or acquired from a solar photovoltaic system, if:

1. The system is installed on the premises of a retail customer ~~[.]~~ ***or provider;*** and

2. On an annual basis, at least 50 percent of the electricity generated by the system is utilized by the retail customer ***or provider*** on that premises.

Sec. 19. NRS 338.1908 is hereby amended to read as follows:

338.1908 1. The governing body of each local government shall, by July 28, 2009, develop a plan to retrofit public buildings, facilities and structures, including, without limitation, traffic-control systems, and to otherwise use sources of renewable energy to serve those buildings, facilities and structures. Such a plan must:

(a) Be developed with input from one or more energy retrofit coordinators designated pursuant to NRS 338.1907, if any.

(b) Include a list of specific projects. The projects must be prioritized and selected on the basis of the following criteria:

(1) The length of time necessary to commence the project.

(2) The number of workers estimated to be employed on the project.

(3) The effectiveness of the project in reducing energy consumption.

(4) The estimated cost of the project.

(5) Whether the project is able to be powered by or otherwise use sources of renewable energy.

(6) Whether the project has qualified for participation in ~~[one or more of the following programs:~~

~~(I) The Solar Energy Systems Incentive Program created by NRS 701B.240;~~

~~(II) The~~**]** ***the*** Renewable Energy School Pilot Program created by NRS 701B.350**.** ~~[;~~

~~(III) The Wind Energy Systems Demonstration Program created by NRS 701B.580; or~~

~~(IV) The Waterpower Energy Systems Demonstration Program created by NRS 701B.820.~~**]**

(c) Include a list of potential funding sources for use in implementing the projects, including, without limitation, money available through the Energy Efficiency and Conservation Block Grant Program as set forth in 42 U.S.C. § 17152 and grants, gifts, donations or other sources of money from public and private sources.

2. The governing body of each local government shall transmit the plan developed pursuant to subsection 1 to the Nevada Energy Commissioner and to any other entity designated for that purpose by the Legislature.

3. As used in this section:

(a) "Local government" means each city or county that meets the definition of "eligible unit of local government" as set forth in 42 U.S.C. § 17151 and each unit of local government, as defined in subsection 11 of NRS 338.010, that does not meet the definition of "eligible entity" as set forth in 42 U.S.C. § 17151.

(b) "Renewable energy" means a source of energy that occurs naturally or is regenerated naturally, including, without limitation:

(1) Biomass;

(2) Fuel cells;

(3) Geothermal energy;

(4) Solar energy;

(5) Waterpower; and

(6) Wind.

➥ The term does not include coal, natural gas, oil, propane or any other fossil fuel, or nuclear energy.

(c) "Retrofit" means to alter, improve, modify, remodel or renovate a building, facility or structure to make that building, facility or structure more energy-efficient.

Sec. 20. Section 113 of chapter 509, Statutes of Nevada 2007, at page 2999, is hereby amended to read as follows:

Sec. 113. 1. This act becomes effective:

(a) Upon passage and approval for the purposes of adopting regulations and taking such other actions as are necessary to carry out the provisions of this act; and

(b) For all other purposes besides those described in paragraph (a):

(1) For this section and sections 1, 30, 32, 36 to 46, inclusive, 49, 51 to 61, inclusive, 107, 109, 110 and 111 of this act, upon passage and approval.

(2) For sections 1.5 to 29, inclusive, 43.5, 47, 51.3, 51.7, 108, 112 and 112.5 of this act, on July 1, 2007.

(3) For sections 62 to 106, inclusive, of this act, on October 1, 2007.

(4) For sections 31, 32.3, 32.5, 32.7, 33, 34 and 35 of this act, on January 1, 2009.

(5) For section 48 of this act, on January 1, 2010.

(6) For section 50 of this act, on January 1, 2011.

2. ***Sections 69, 72 to 75, inclusive, and section 94 of this act expire by limitation on December 31, 2012.***

3. Sections 62 to ~~[106,]~~ ***68,*** inclusive, ***70, 71, 77 to 82, inclusive, 85 to 94, inclusive, and 95 to 105, inclusive,*** of this act expire by limitation on ~~[June 30, 2011.]~~ ***December 31, 2021.***

Sec. 21. Section 13 of chapter 246, Statutes of Nevada 2009, at page 1002, is hereby amended to read as follows:

Sec. 13. 1. This act becomes effective on July 1, 2009.

2. Sections 2 and 3 of this act expire by limitation on ~~[June 30, 2011.]~~ ***December 31, 2021.***

Sec. 22. Section 21 of chapter 321, Statutes of Nevada 2009, at page 1410, is hereby amended to read as follows:

Sec. 21. 1. This section and sections 1 to 1.51, inclusive, 1.55 to 19.7, inclusive, and 19.9 to 20.9, inclusive, of this act become effective upon passage and approval.

2. Sections 1.51, 1.85, 1.87, 1.92, 1.93, 1.95, 4.3 to 9, inclusive, and 19.4 of this act expire by limitation on ~~[June 30, 2011.~~

~~3. Sections 1.53 and 19.8 of this act become effective on July 1, 2011.]~~ ***December 31, 2021.***

Sec. 23. (Deleted by amendment.)

Sec. 23.3. 1. NRS 701B.010, 701B.020, 701B.030, 701B.040, 701B.050, 701B.055, 701B.070, 701B.080, 701B.090, 701B.150, 701B.160, 701B.170, 701B.180, 701B.200, 701B.210, 701B.220, 701B.230, 701B.240, 701B.250, 701B.255, 701B.265, 701B.280 and 701B.290 are hereby repealed.

2. NRS 701B.060, 701B.100, 701B.110, 701B.120, 701B.130, 701B.140, 701B.260 and sections 1.53 and 19.8 of chapter 321, Statutes of Nevada 2009, at pages 1372 and 1408, respectively, are hereby repealed.

Sec. 23.5. The Public Utilities Commission of Nevada shall adopt regulations to carry out the amendatory provisions of this act on or before July 1, 2012. The regulations must:

1. Provide for the transition to the performance-based incentive required by NRS 701B.220, as amended by section 4 of this act, NRS 701B.590, as amended by section 10 of this act and NRS 701B.840, as amended by section 10.7 of this act, for the applicable participants in the Solar Energy Systems Incentive Program, the Wind Energy Systems Demonstration Program and the Waterpower Energy Systems Demonstration Program.

2. Require that the capacity allocated for a participant in the Solar Energy Systems Incentive Program, the Wind Energy Systems Demonstration Program or the Waterpower Energy Systems Demonstration Program who fails to install and energize the energy system within 12 months after the date on which the applicant is selected for participation in the respective program must be made available to applicants who apply for participation in the Solar Energy Systems Incentive Program, the Wind Energy Systems Demonstration Program or the Waterpower Energy Systems Demonstration Program on or after January 1, 2013.

Sec. 23.7. **1. As soon as practicable after the effective date of this section, the Public Utilities Commission of Nevada shall, to the extent money is available for this purpose, open an investigatory docket to study, examine and review the feasibility and advisability of establishing a feed-in tariff program for renewable energy systems in this State.**

2. The investigatory docket must include, without limitation:

(a) An evaluation of existing feed-in tariff programs in other jurisdictions and whether such programs or components of such

programs would be appropriate models for a feed-in tariff program in this State;

(b) An evaluation of different mechanisms for establishing prices for the purchase and sale of electricity pursuant to a feed-in tariff program;

(c) Consideration of issues relating to the integration of a feed-in tariff program with existing programs for renewable energy in this State, including, without limitation, the renewable energy programs established pursuant to chapter 701B of NRS;

(d) Consideration of the role of a feed-in tariff program in helping providers of electric service meet the portfolio standard established pursuant to NRS 704.7821; and

(e) Consideration of the short-term and long-term costs and savings associated with a feed-in tariff program for retail customers of providers of electric service in this State.

3. The following parties may participate in the investigatory docket:

(a) Each provider of electric service;

(b) The Regulatory Operations Staff of the Commission;

(c) The Consumer's Advocate and the Bureau of Consumer Protection in the Office of the Attorney General; and

(d) Any other interested parties.

4. On or before October 1, 2012, the Commission shall submit a written report of its findings and recommendations from the investigatory docket to the Director of the Legislative Counsel Bureau for transmittal to the 77th Session of the Nevada Legislature.

5. If the Commission's report contains any recommendations for the establishment of a feed-in tariff program for renewable energy systems in this State, the report must include, without limitation, recommendations regarding:

(a) The legislation that would be necessary to establish the feed-in tariff program; and

(b) The procedures and mechanisms that would be necessary to implement the feed-in tariff program.

6. As used in this section, "provider of electric service" has the meaning ascribed to it in NRS 704.7808.

Sec. 24. (Deleted by amendment.)

Sec. 25. 1. This section and sections 8.3, 10.1, 18.1, 20 to 23, inclusive, ~~[and]~~ 23.5 **and 23.7** of this act become effective upon passage and approval.

2. Sections 1, 2 to 8, inclusive, 8.7 to 10, inclusive, 10.5 to 18, inclusive, 18.5, 18.9 and 24 of this act become effective upon passage and approval for the purpose of adopting regulations, and on January 1, 2013, for all other purposes.

3. Subsection 2 of section 23.3 of this act becomes effective on January 1, 2013.

4. Section 1.5, 18.7, 19 and subsection 1 of section 23.3 of this act become effective on January 1, 2022.

LEADLINES OF REPEALED SECTIONS OF NRS AND TEXT OF REPEALED SECTIONS OF STATUTES OF NEVADA

701B.010 Applicability.

701B.020 Definitions.

701B.030 "Applicant" defined.

701B.040 "Category" defined.

701B.050 "Commission" defined.

701B.055 "Distributed generation system" defined.

701B.060 "Institution of higher education" defined.

701B.070 "Owned, leased or occupied" defined.

701B.080 "Participant" defined.

701B.090 "Person" defined.

701B.100 "Program year" means the period of July 1 to June 30 of the following year.

701B.110 "Public and other property" defined.

701B.120 "Public entity" defined.

701B.130 "School property" defined.

701B.140 "Small business" defined.

701B.150 "Solar energy system" defined.

701B.160 "Solar Program" defined.

701B.170 "Task Force" defined.

701B.180 "Utility" defined.

701B.200 Regulations: Establishment of incentives and requirements for utility's annual plan; exceptions; recovery of costs by utility.

701B.210 Regulations: Establishment of qualifications and requirements for participation; form and content of utility's master application.

701B.220 Regulations: Establishment of incentives for participation.

701B.230 Duty of utility to file annual plan; review and approval of annual plan by Commission; recovery of costs by utility.

701B.240 Creation of Solar Program; categories of participation; eligibility requirements.

701B.250 Application to participate; review of application by utility.

701B.255 Procedure for selection and notification of participants; authorization to install and energize solar energy system; submission of

incentive claim form; determination of amount of incentive; withdrawal of participant; forfeiture of incentive.

701B.260 Capacity allocated to each category; reallocation of capacity; limitations on incentives.

701B.265 Installation of solar energy system deemed public work under certain circumstances.

701B.280 Participation in net metering.

701B.290 Issuance of portfolio energy credits.

Section 1.53 of chapter 321, Statutes of Nevada 2009, at page 1372:

Sec. 1.53. NRS 701.180 is hereby amended to read as follows:

701.180 The Director shall:

1. Acquire and analyze information relating to energy and to the supply, demand and conservation of its sources, including, without limitation:

(a) Information relating to the Solar Energy Systems Incentive Program created pursuant to NRS 701B.240 ~~[and the Wind Energy Systems Demonstration Program created pursuant to 701B.580,]~~ including, without limitation, information relating to:

(1) The development of distributed generation systems in this State pursuant to participation in the Solar Energy Systems Incentive Program;

(2) The use of carbon-based energy in residential and commercial applications due to participation in the ~~[Programs;]~~ ***Program;*** and

(3) The average cost of generation on a kilowatt-hour basis for residential and commercial applications due to participation in the ~~[Programs;]~~ ***Program;*** and

(b) Information relating to any money distributed pursuant to NRS 702.270.

2. Review and evaluate information which identifies trends and permits forecasting of the energy available to the State. Such forecasts must include estimates on:

(a) The level of demand for energy in the State for 5-, 10- and 20-year periods;

(b) The amount of energy available to meet each level of demand;

(c) The probable implications of the forecast on the demand and supply of energy; and

(d) The sources of renewable energy and other alternative sources of energy which are available and their possible effects.

3. Study means of reducing wasteful, inefficient, unnecessary or uneconomical uses of energy and encourage the maximum utilization of existing sources of energy in the State.

4. Solicit and serve as the point of contact for grants and other money from the Federal Government, including, without limitation, any grants and other money available pursuant to any program administered by the United States Department of Energy, and other sources to cooperate with the Commissioner and the Authority:

(a) To promote energy projects that enhance the economic development of the State;

(b) To promote the use of renewable energy in this State;

(c) To promote the use of measures which conserve or reduce the demand for energy or which result in more efficient use of energy;

(d) To develop a comprehensive program for retrofitting public buildings in this State with energy efficiency measures; and

(e) If the Commissioner determines that it is feasible and cost-effective, to enter into contracts with researchers from the Nevada System of Higher Education for the design of energy efficiency and retrofit projects to carry out the comprehensive program for retrofitting public buildings in this State developed pursuant to paragraph (d).

5. Coordinate the activities and programs of the Office of Energy with the activities and programs of the Authority, the Consumer's Advocate and the Public Utilities Commission of Nevada, and with other federal, state and local officers and agencies that promote, fund, administer or operate activities and programs related to the use of renewable energy and the use of measures which conserve or reduce the demand for energy or which result in more efficient use of energy.

6. Carry out all other directives concerning energy that are prescribed by the Governor.

Section 19.8 of chapter 321, Statutes of Nevada 2009, at page 1408:

Sec. 19.8. Section 19.4 of this act is hereby amended to read as follows:

Sec. 19.4. Chapter 338 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The governing body of each local government shall, within 60 days after the effective date of this section, develop a plan to retrofit public buildings, facilities and structures, including, without limitation, traffic-control systems, and to otherwise use sources of renewable energy to serve those buildings, facilities and structures. Such a plan must:

(a) Be developed with input from one or more energy retrofit coordinators designated pursuant to NRS 338.1907, if any.

(b) Include a list of specific projects. The projects must be prioritized and selected on the basis of the following criteria:

(1) The length of time necessary to commence the project.

(2) The number of workers estimated to be employed on the project.

(3) The effectiveness of the project in reducing energy consumption.

(4) The estimated cost of the project.

(5) Whether the project is able to be powered by or otherwise use sources of renewable energy.

(6) Whether the project has qualified for participation in one or more of the following programs:

(I) The Solar Energy Systems Incentive Program created by NRS 701B.240; ***or***

(II) The Renewable Energy School Pilot Program created by NRS 701B.350**.** ~~[~~;

~~(III) The Wind Energy Systems Demonstration Program created by NRS 701B.580; or~~

~~(IV) The Waterpower Energy Systems Demonstration Program created by NRS 701B.820.~~**]**

(c) Include a list of potential funding sources for use in implementing the projects, including, without limitation, money available through the Energy Efficiency and Conservation Block Grant Program as set forth in 42 U.S.C. § 17152 and grants, gifts, donations or other sources of money from public and private sources.

2. The governing body of each local government shall transmit the plan developed pursuant to subsection 1 to the Nevada Energy Commissioner and to any other entity designated for that purpose by the Legislature.

3. As used in this section:

(a) "Local government" means each city or county that meets the definition of "eligible unit of local government" as set forth in 42 U.S.C. § 17151 and each unit of local government, as defined in subsection 11 of NRS 338.010, that does not meet the definition of "eligible entity" as set forth in 42 U.S.C. § 17151.

(b) "Renewable energy" means a source of energy that occurs naturally or is regenerated naturally, including, without limitation:

(1) Biomass;

(2) Fuel cells;

(3) Geothermal energy;
(4) Solar energy;
(5) Waterpower; and
(6) Wind.

➥ The term does not include coal, natural gas, oil, propane or any other fossil fuel, or nuclear energy.

(c) "Retrofit" means to alter, improve, modify, remodel or renovate a building, facility or structure to make that building, facility or structure more energy-efficient.

Assemblyman Atkinson moved that the Assembly concur in the Senate Amendment No. 975 to Assembly Bill No. 416.

Motion carried.

The following Senate amendment was read:

Amendment No. 989.

AN ACT relating to energy; revising provisions governing the Solar Energy Systems Incentive Program; revising provisions governing the Wind Energy Systems Demonstration Program; revising provisions governing the Waterpower Energy Systems Demonstration Program; revising provisions governing the payment of incentives to participants in the Solar Program and the Wind Program; revising the prospective expiration of the Wind Program and the Waterpower Program; providing for the prospective expiration of the Solar Program; requiring the Public Utilities Commission of Nevada to adopt certain regulations; **revising certain provisions governing certain energy-related tax incentives; revising certain provisions relating to plans filed by certain utilities; authorizing a utility to recover certain costs under certain circumstances;** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes the Solar Energy Systems Incentive Program, the Wind Energy Systems Demonstration Program and the Waterpower Energy Systems Demonstration Program. (NRS 701B.010-701B.290, 701B.400-701B.650, 701B.700-701B.880) **Section 2.1** of this bill establishes the statewide capacity goals for all energy systems which receive incentives pursuant to these programs and authorizes a utility to file the annual plan required for each of these programs as a single plan.

Section 4 of this bill revises provisions governing the incentives for participation in the Solar Energy Systems Incentive Program, requires the Public Utilities Commission of Nevada to review the incentives and authorizes the Commission to adjust the incentives not less frequently than annually. **Section 4** provides that the total amount of the incentive paid to a participant in the Solar Program with a solar energy system with a nameplate capacity of not more than 30 kilowatts must be paid upon proof that the

participant has installed and energized the solar energy system, while the amount of the incentive paid to a participant with a solar energy system with a nameplate capacity of more than 30 kilowatts and not more than 500 kilowatts must be paid over time and be based on the performance of the solar energy system and the amount of electricity generated by the solar energy system. **Section 8.7** of this bill requires a participant in the Solar Program to participate in net metering.

Section 10 of this bill requires the Commission to adopt regulations relating to the Wind Program and to establish a system of incentives for participation in the Wind Program. **Section 10** further provides that the total amount of the incentive paid to a participant in the Wind Program with a nameplate capacity of not more than 500 kilowatts must be paid over time and based on the performance of and amount of electricity generated by the wind energy system. **Section 10.5** of this bill requires a participant in the Wind Program to participate in net metering.

Section 10.7 of this bill requires the Commission to provide a system of incentives for waterpower energy systems with a nameplate capacity of not more than 500 kilowatts. **Section 18.5** of this bill requires a participant in the Waterpower Program to participate in net metering.

Existing law deems a provider of electric service to have generated or acquired 2.4 kilowatt-hours of electricity from a renewable energy system for each 1.0 kilowatt-hour of actual electricity generated or acquired from a solar photovoltaic system on certain retail customers. (NRS 704.4822) **Section 18.9** of this bill provides the same calculation for solar photovoltaic systems installed on the premises of the provider if certain conditions are met.

Existing law provides that the Wind Program and the Waterpower Program will expire on June 30, 2011. (Chapter 509, Statutes of Nevada 2007, p. 2999) This bill revises the prospective expiration date of these programs and provides that the Wind Program, the Waterpower Program and the Solar Program will expire on December 31, 2021.

Section 18.75 of this bill makes certain information relating to a contract lease or agreement between a utility and another person for the purchase of power confidential and prohibits the disclosure of such information.

Existing law requires each utility which supplies electricity in this State to submit to the Commission every third year a plan to increase its supply of electricity or decrease the demands made on its system by its customers (NRS 704.741) Section 18.8 of this bill revises the content of those plans and requires the Commission to allow the utility to recover certain costs for siting, developing and permitting associated with transmission facilities and transmission corridor activities under certain circumstances.

Existing law requires a person who wishes to obtain a permit for a utility facility to file certain applications with the Commission if a federal agency is required to conduct an environmental analysis of the proposed utility facility. (NRS 704.870) Sections 18.95 and 18.97 of this bill require such a person to file a notice with the Commission not later than the date on which the person files with the appropriate federal agency.

Sections 1.7 and 1.9 of this bill revise provisions governing certain energy-related tax incentives to provide that certain facilities that generate electricity from geothermal energy are eligible for certain partial abatements of taxes.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. (Deleted by amendment.)

Sec. 1.5. NRS 701.180 is hereby amended to read as follows:

701.180 The Director shall:

1. Acquire and analyze information relating to energy and to the supply, demand and conservation of its sources, including, without limitation ~~[~~:

~~(a) Information relating to the Solar Energy Systems Incentive Program created pursuant to NRS 701B.240 including, without limitation, information relating to:~~

~~(1) The development of distributed generation systems in this State pursuant to participation in the Solar Energy Systems Incentive Program;~~

~~(2) The use of carbon-based energy in residential and commercial applications due to participation in the Program; and~~

~~(3) The average cost of generation on a kilowatt hour basis for residential and commercial applications due to participation in the Program; and~~

~~(b) Information~~] **,** ***information*** relating to any money distributed pursuant to NRS 702.270.

2. Review and evaluate information which identifies trends and permits forecasting of the energy available to the State. Such forecasts must include estimates on:

(a) The level of demand for energy in the State for 5-, 10- and 20-year periods;

(b) The amount of energy available to meet each level of demand;

(c) The probable implications of the forecast on the demand and supply of energy; and

(d) The sources of renewable energy and other alternative sources of energy which are available and their possible effects.

3. Study means of reducing wasteful, inefficient, unnecessary or uneconomical uses of energy and encourage the maximum utilization of existing sources of energy in the State.

4. Solicit and serve as the point of contact for grants and other money from the Federal Government, including, without limitation, any grants and other money available pursuant to any program administered by the United States Department of Energy, and other sources to cooperate with the Commissioner and the Authority:

(a) To promote energy projects that enhance the economic development of the State;

(b) To promote the use of renewable energy in this State;

(c) To promote the use of measures which conserve or reduce the demand for energy or which result in more efficient use of energy;

(d) To develop a comprehensive program for retrofitting public buildings in this State with energy efficiency measures; and

(e) If the Commissioner determines that it is feasible and cost-effective, to enter into contracts with researchers from the Nevada System of Higher Education for the design of energy efficiency and retrofit projects to carry out the comprehensive program for retrofitting public buildings in this State developed pursuant to paragraph (d).

5. Coordinate the activities and programs of the Office of Energy with the activities and programs of the Authority, the Consumer's Advocate and the Public Utilities Commission of Nevada, and with other federal, state and local officers and agencies that promote, fund, administer or operate activities and programs related to the use of renewable energy and the use of measures which conserve or reduce the demand for energy or which result in more efficient use of energy.

6. If requested to make a determination pursuant to NRS 111.239 or 278.0208, make the determination within 30 days after receiving the request. If the Director needs additional information to make the determination, the Director may request the information from the person making the request for a determination. Within 15 days after receiving the additional information, the Director shall make a determination on the request.

7. Carry out all other directives concerning energy that are prescribed by the Governor.

Sec. 1.7. **NRS 701A.340 is hereby amended to read as follows:**

701A.340 1. "Renewable energy" means:

(a) Biomass;

(b) Fuel cells;

(c) ***Geothermal energy;***

(d) Solar energy;

~~[(d)]~~ ***(e)*** Waterpower; or

~~[(c)]~~ ***(f)*** Wind.

2. The term does not include coal, natural gas, oil, propane or any other fossil fuel ~~[, geothermal energy]~~ or nuclear energy.

Sec. 1.9. **NRS 701A.365 is hereby amended to read as follows:**

701A.365 1. Except as otherwise provided in subsection 2, the Commissioner shall approve an application for a partial abatement pursuant to NRS 701A.300 to 701A.390, inclusive, if the Commissioner makes the following determinations:

(a) The applicant has executed an agreement with the Commissioner which must:

(1) State that the facility will, after the date on which a certificate of eligibility for the abatement is issued pursuant to NRS 701A.370, continue in operation in this State for a period specified by the Commissioner, which must be at least 10 years, and will continue to meet the eligibility requirements for the abatement; and

(2) Bind the successors in interest in the facility for the specified period.

(b) The facility is registered pursuant to the laws of this State or the applicant commits to obtain a valid business license and all other permits required by the county, city or town in which the facility operates.

(c) No funding is or will be provided by any governmental entity in this State for the acquisition, design or construction of the facility or for the acquisition of any land therefor, except any private activity bonds as defined in 26 U.S.C. § 141.

(d) If the facility will be located in a county whose population is 100,000 or more or a city whose population is 60,000 or more, the facility meets the following requirements:

(1) There will be 75 or more full-time employees working on the construction of the facility during the second quarter of construction, including, unless waived by the Commissioner for good cause, at least 30 percent who are residents of Nevada;

(2) Establishing the facility will require the facility to make a capital investment of at least $10,000,000 in this State;

(3) The average hourly wage that will be paid by the facility to its employees in this State is at least 110 percent of the average statewide hourly wage, excluding management and administrative employees, as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year; and

(4) The average hourly wage of the employees working on the construction of the facility will be at least 150 percent of the average statewide hourly wage, excluding management and administrative employees, as established by the Employment Security Division of the

Department of Employment, Training and Rehabilitation on July 1 of each fiscal year and:

(I) The employees working on the construction of the facility must be provided a health insurance plan that includes an option for health insurance coverage for dependents of the employees; and

(II) The cost of the benefits provided to the employees working on the construction of the facility will meet the minimum requirements for benefits established by the Commissioner by regulation pursuant to NRS 701A.390.

(e) If the facility will be located in a county whose population is less than 100,000 or a city whose population is less than 60,000, the facility meets the following requirements:

(1) There will be 50 or more full-time employees working on the construction of the facility during the second quarter of construction, including, unless waived by the Commissioner for good cause, at least 30 percent who are residents of Nevada;

(2) Establishing the facility will require the facility to make a capital investment of at least $3,000,000 in this State;

(3) The average hourly wage that will be paid by the facility to its employees in this State is at least 110 percent of the average statewide hourly wage, excluding management and administrative employees, as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year; and

(4) The average hourly wage of the employees working on the construction of the facility will be at least 150 percent of the average statewide hourly wage, excluding management and administrative employees, as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year and:

(I) The employees working on the construction of the facility must be provided a health insurance plan that includes an option for health insurance coverage for dependents of the employees; and

(II) The cost of the benefits provided to the employees working on the construction of the facility will meet the minimum requirements for benefits established by the Commissioner by regulation pursuant to NRS 701A.390.

(f) The financial benefits that will result to this State from the employment by the facility of the residents of this State and from capital investments by the facility in this State will exceed the loss of tax revenue that will result from the abatement.

2. ~~[The Commissioner shall not approve an application for a partial abatement of the taxes imposed pursuant to chapter 361 of NRS submitted~~

~~pursuant to NRS 701A.360 by a facility for the generation of electricity from geothermal resources unless the application is approved pursuant to this subsection. The board of county commissioners of a county must approve or deny the application not later than 30 days after the board receives a copy of the application. The board of county commissioners must not condition the approval of the application on a requirement that the facility for the generation of electricity from geothermal resources agree to purchase, lease or otherwise acquire in its own name or on behalf of the county any infrastructure, equipment, facilities or other property in the county that is not directly related to or otherwise necessary for the construction and operation of the facility. If the board of county commissioners does not approve or deny the application within 30 days after the board receives the application, the application shall be deemed denied.~~

~~3.~~ Notwithstanding the provisions of subsection 1, the Commissioner may, if the Commissioner determines that such action is necessary:

(a) Approve an application for a partial abatement for a facility that does not meet the requirements set forth in paragraph (d) or (e) of subsection 1; or

(b) Add additional requirements that a facility must meet to qualify for a partial abatement.

Sec. 2. (Deleted by amendment.)

Sec. 2.1. Chapter 701B of NRS is hereby amended by adding thereto a new section to read as follows:

1. For purposes of carrying out the Solar Energy Systems Incentive Program created by NRS 701B.240, the Wind Energy Systems Demonstration Program created by NRS 701B.580 and the Waterpower Energy Systems Demonstration Program created by NRS 701B.820, the Public Utilities Commission of Nevada may approve solar energy systems, wind energy systems and waterpower energy systems totaling not more than 150 megawatts of capacity for all systems in this State for the period beginning on July 1, 2009, and ending on December 31, 2021. The Commission shall by regulation prescribe the capacity goals for each program.

2. The Public Utilities Commission of Nevada shall not authorize the payment of an incentive pursuant to:

(a) The Solar Energy Systems Incentive Program if the payment of the incentive would cause the total amount of incentives paid by all utilities in this State for the installation of solar energy systems and distributed generation systems to exceed $255,000,000 for the period beginning on July 1, 2009, and ending on December 31, 2021.

(b) The Wind Energy Systems Demonstration Program and the Waterpower Energy Systems Demonstration Program if the payment of the incentive would cause the total amount of incentives paid by all utilities in

this State for the installation of wind energy systems and waterpower energy systems to exceed $60,000,000 for the period beginning on July 1, 2009, and ending on December 31, 2021. The Commission shall by regulation determine the total amount of incentives for each program.

3. A utility may file one combined annual plan which meets the requirements set forth in NRS 701B.230, 701B.610 and 701B.850. The Public Utilities Commission of Nevada shall review and approve any plans submitted pursuant to this subsection in accordance with the requirements of NRS 701B.230, 701B.610 and 701B.850.

4. As used in this section:

(a) "Distributed generation system" has the meaning ascribed to it in NRS 701B.055.

(b) "Utility" means a public utility that supplies electricity in this State.

Sec. 2.3. NRS 701B.040 is hereby amended to read as follows:

701B.040 "Category" means one of the categories of participation in the Solar Program as set forth in ~~[NRS 701B.240.]~~ ***regulations adopted by the Commission.***

Sec. 2.5. NRS 701B.200 is hereby amended to read as follows:

701B.200 The Commission shall adopt regulations necessary to carry out the provisions of NRS 701B.010 to 701B.290, inclusive, including, without limitation, regulations that:

1. Establish the type of incentives available to participants in the Solar Program and the level or amount of those incentives, ~~[except that the level or amount of an incentive available in a particular program year must not be based upon whether the incentive is for unused capacity reallocated from a past program year pursuant to paragraph (b) of subsection 2 of NRS 701B.260. The regulations must provide that the level or amount of the incentives must decline over time as the cost of solar energy systems and distributed generation systems decline.]~~ ***and prescribe the period, which may be the same period covered for a utility's annual plan for carrying out and administering the Solar Program, for a utility to account for those incentives.***

2. Establish the requirements for a utility's annual plan for carrying out and administering the Solar Program. A utility's annual plan must include, without limitation:

(a) A detailed plan for advertising the Solar Program;

(b) A detailed budget and schedule for carrying out and administering the Solar Program;

(c) A detailed account of administrative processes and forms that will be used to carry out and administer the Solar Program, including, without limitation, a description of the application process and copies of all

applications and any other forms that are necessary to apply for and participate in the Solar Program;

(d) A detailed account of the procedures that will be used for inspection and verification of a participant's solar energy system and compliance with the Solar Program;

(e) A detailed account of training and educational activities that will be used to carry out and administer the Solar Program; and

(f) Any other information required by the Commission.

3. Authorize a utility to recover the reasonable costs incurred in carrying out and administering the installation of distributed generation systems **.** ~~[pursuant to paragraph (b) of subsection 1 of NRS 701B.260.]~~

Sec. 3. NRS 701B.210 is hereby amended to read as follows:

701B.210 The Commission shall adopt regulations that establish:

1. The qualifications and requirements an applicant must meet to be eligible to participate in ~~[each applicable category of:~~

~~(a) School property;~~

~~(b) Public and other property; and~~

~~(c) Private residential property and small business property; and~~**]** ***the Solar Program.***

2. The form and content of the master application.

3. The timeframe for accepting applications, including a period in which a utility must accept additional applications if a previously approved applicant fails to install and energize a solar energy system within the time allowed by NRS 701B.255.

Sec. 4. NRS 701B.220 is hereby amended to read as follows:

701B.220 ***1.*** In adopting regulations for the Solar Program, the Commission shall adopt regulations establishing an incentive for participation in the Solar Program. ***The regulations must:***

(a) Provide that the total amount of the incentive paid to a participant for a solar energy system with a nameplate capacity of not more than 30 kilowatts must be paid upon proof that the participant has installed and energized the solar energy system;

(b) Provide that the amount of the incentive paid to a participant for a solar energy system with a nameplate capacity of more than 30 kilowatts but not more than 500 kilowatts must be paid over time and be based on the performance of the solar energy system and the amount of electricity generated by the solar energy system;

(c) Provide for a contract to be entered into between a participant and a utility, which must include, without limitation, provisions specifying:

(1) The amount of the incentive the participant will receive from the utility;

(2) For a participant with a solar energy system with a nameplate capacity of more than 30 kilowatts but not more than 500 kilowatts, the period in which the participant will receive an incentive from the utility, which must not exceed 5 years and must not require a utility to make an incentive payment after December 31, 2021; and

(3) For a participant with a solar energy system with a nameplate capacity of more than 30 kilowatts but not more than 500 kilowatts, that the payments of an incentive to the participant must be quarterly;

(d) Establish reporting requirements for each utility that participates in the Solar Program, which must include, without limitation, periodic reports of the average cost of the systems, the cost to the utility of carrying out the Solar Program and the effect of the Solar Program on the rates paid by the customers of the utility; and

(e) Provide for a decline over time in the amount of the incentives for participation in the Solar Program as the cost of installing solar energy systems decreases.

2. The Commission shall review the incentives for participation in the Solar Program and may adjust the amount of the incentives not less frequently than annually.

Sec. 5. NRS 701B.240 is hereby amended to read as follows:

701B.240 1. The Solar Energy Systems Incentive Program is hereby created.

2. The ~~[Solar Program must have three]~~ ***Commission shall establish*** categories ~~[as follows:~~

~~(a) School property;~~

~~(b) Public and other property; and~~

~~(c) Private residential property and small business property.]~~ ***for participation in the Solar Program, which must, at a minimum, distinguish between participants with a solar energy system with:***

(a) A nameplate capacity of not more than 30 kilowatts; and

(b) A nameplate capacity of more than 30 kilowatts but not more than 500 kilowatts.

3. To be eligible to participate in the Solar Program, a person must:

(a) Meet the qualifications established by the Commission pursuant to NRS 701B.210;

(b) Submit an application to a utility and be selected by the ~~[Commission]~~ ***utility*** for inclusion in the Solar Program pursuant to NRS 701B.250 and 701B.255; ***and***

(c) When installing the solar energy system, use an installer who has been issued a classification C-2 license with the appropriate subclassification by the State Contractors' Board pursuant to the regulations adopted by the Board ***.*** ~~[; and~~

~~(d) If the person will be participating in the Solar Program in the category of school property or public and other property, provide for the public display of the solar energy system, including, without limitation, providing for public demonstrations of the solar energy system and for hands on experience of the solar energy system by the public.~~**]**

Sec. 6. (Deleted by amendment.)

Sec. 7. (Deleted by amendment.)

Sec. 8. (Deleted by amendment.)

Sec. 8.3. NRS 701B.255 is hereby amended to read as follows:

701B.255 1. After reviewing an application submitted pursuant to NRS 701B.250 and ensuring that the applicant meets the qualifications and requirements to be eligible to participate in the Solar Program, a utility may select the applicant for participation in the Solar Program.

2. Not later than 30 days after the date on which the utility selects an applicant, the utility shall provide written notice of the selection to the applicant.

3. After the utility selects an applicant to participate in the Solar Program, the utility may approve the solar energy system proposed by the applicant. Upon the utility's approval of the solar energy system:

(a) The utility shall provide to the applicant notice of the approval and the amount of incentive for which the solar energy system is eligible; and

(b) The applicant may install and energize the solar energy system.

4. Upon the completion of the installation and energizing of the solar energy system, the participant must submit to the utility an incentive claim form and any supporting information, including, without limitation, a verification of the cost of the project and a calculation of the expected system output.

5. Upon receipt of the incentive claim form and verification that the solar energy system is properly connected, the utility shall issue an incentive payment to the participant.

6. The amount of the incentive for which an applicant is eligible must be determined on the date on which the applicant is selected for participation in the Solar Program, except that an applicant forfeits eligibility for that amount of incentive if the applicant withdraws from participation in the Solar Program or does not complete the installation of the solar energy system within 12 months after the date on which the applicant is selected for participation in the Solar Program. **[**~~An applicant who forfeits eligibility for the incentive for which the applicant was originally determined to be eligible may become eligible for an incentive only on the date on which the applicant completes the installation of the solar energy system, and the amount of the incentive for which such an applicant is eligible must be determined on the~~

~~date on which the applicant completes the installation of the solar energy system.]~~

Sec. 8.7. NRS 701B.280 is hereby amended to read as follows:

701B.280 ~~[If]~~ ***To be eligible for an incentive through the Solar Program,*** a solar energy system ~~[used by a participant in the Solar Program meets]~~ ***must meet*** the requirements ~~[of NRS 704.766 to 704.775, inclusive, the participant is entitled to participate]~~ ***for participation*** in net metering pursuant to the provisions of NRS 704.766 to 704.775, inclusive.

Sec. 8.9. NRS 701B.440 is hereby amended to read as follows:

701B.440 "Category" means one of the categories of participation in the Wind Demonstration Program as ~~[set forth in NRS 701B.580.]~~ ***established in regulation by the Commission.***

Sec. 9. NRS 701B.580 is hereby amended to read as follows:

701B.580 1. The Wind Energy Systems Demonstration Program is hereby created.

2. The ~~[Program must have four]~~ ***Commission shall establish*** categories ~~[as follows:~~

~~(a) School property;~~

~~(b) Other public property;~~

~~(c) Private residential property and small business property; and~~

~~(d) Agricultural property.]~~ ***for participation in the program.***

3. To be eligible to participate in the Program, a person must:

(a) Meet the qualifications established by the Commission pursuant to NRS 701B.590;

(b) When installing the wind energy system, use an installer who has been issued a classification C-2 license with the appropriate subclassification by the State Contractors' Board pursuant to the regulations adopted by the Board; and

(c) If the person will be participating in the Program in the category of school property or other public property, provide for the public display of the wind energy system, including, without limitation, providing for public demonstrations of the wind energy system and for hands-on experience of the wind energy system by the public.

Sec. 10. NRS 701B.590 is hereby amended to read as follows:

701B.590 The Commission shall adopt regulations necessary to carry out the provisions of the Wind Energy Systems Demonstration Program Act, including, without limitation, regulations that establish:

1. The capacity goals for the Program, which must be designed to meet the goal of the Legislature ~~[of the installation of not less than 5 megawatts of wind energy systems in this State by 2012 and the goals for each category of the Program.]~~ ***as prescribed in section 2.1 of this act.***

2. A system of incentives that are based on rebates that decline as the ~~[~~capacity goals for the Program and the goals for each category of the Program are met. The rebates must be based on predicted energy savings.

~~3.]~~ ***cost of installing wind energy systems declines. The system must provide:***

(a) Incentives for wind energy systems with a nameplate capacity of not more than 500 kilowatts;

(b) That the amount of the incentive for a participant must be paid over time and be based on the performance of the wind energy system and the amount of electricity generated by the wind energy system; and

(c) For a contract to be entered into between a participant and a utility, which must include, without limitation, provisions specifying:

(1) The amount of the incentive the participant will receive from the utility;

(2) The period in which the participant will receive an incentive from the utility, which must not exceed 5 years and that the utility is not required to make an incentive payment after December 31, 2021; and

(3) That the payments of an incentive to the participant must be made quarterly.

3. Reporting requirements for each utility that participates in the Program, which must include, without limitation, periodic reports of the average cost of the systems, the cost to the utility of carrying out the Program and the effect of the Program on the rates paid by the customers of the utility.

4. The procedure for claiming incentives, including, without limitation, the form and content of the incentive claim form.

5. The timeframe for accepting applications, including a period in which a utility must accept additional applications if a previously approved applicant fails to install and energize a wind energy system within the time allowed by NRS 701B.615.

Sec. 10.1. NRS 701B.615 is hereby amended to read as follows:

701B.615 1. An applicant who wishes to participate in the Wind Demonstration Program must submit an application to a utility.

2. After reviewing an application submitted pursuant to subsection 1 and ensuring that the applicant meets the qualifications and requirements to be eligible to participate in the Program, a utility may select the applicant for participation in the Program.

3. Not later than 30 days after the date on which the utility selects an applicant, the utility shall provide written notice of the selection to the applicant.

4. After the utility selects an applicant to participate in the Program, the utility may approve the wind energy system proposed by the applicant. Upon the utility's approval of the wind energy system:

(a) The utility shall provide to the applicant notice of the approval and the amount of incentive for which the wind energy system is eligible; and

(b) The applicant may install and energize the wind energy system.

5. Upon the completion of the installation and energizing of the wind energy system, the participant must submit to the utility an incentive claim form and any supporting information, including, without limitation, a verification of the cost of the project and a calculation of the expected system output.

6. Upon receipt of the incentive claim form and verification that the wind energy system is properly connected, the utility shall issue an incentive payment to the participant.

7. The amount of the incentive for which an applicant is eligible must be determined on the date on which the applicant is selected for participation in the Wind Demonstration Program, except that an applicant forfeits eligibility for that amount of incentive if the applicant withdraws from participation in the Program or does not complete the installation of the wind energy system within 12 months after the date on which the applicant is selected for participation in the Program. ~~[An applicant who forfeits eligibility for the incentive for which the applicant was originally determined to be eligible may become eligible for an incentive only on the date on which the applicant completes the installation of the wind energy system, and the amount of the incentive for which such an applicant is eligible must be determined on the date on which the applicant completes the installation of the wind energy system.]~~

Sec. 10.5. NRS 701B.650 is hereby amended to read as follows:

701B.650 ~~[If]~~ ***To be eligible for an incentive through the Wind Program,*** a wind energy system ~~[used by a participant in the Wind Demonstration Program meets]~~ ***must meet*** the requirements ~~[of NRS 704.766 to 704.775, inclusive, the participant is entitled to participate]~~ ***for participation*** in net metering pursuant to the provisions of NRS 704.766 to 704.775, inclusive.

Sec. 10.7. NRS 701B.840 is hereby amended to read as follows:

701B.840 The Commission shall adopt regulations that establish:

1. The capacity goals for the Program, which must be designed to ~~[meet]~~ ***:***

(a) Meet the goal of the Legislature ~~[of the installation of not less than 500 kilowatts of waterpower energy systems in this State by 2012 and the goals for each category of the Program.]~~ ***as prescribed in section 2.1 of this act; and***

(b) Provide a system of incentives for waterpower energy systems with a nameplate capacity of not more than 500 kilowatts.

2. A system of incentives that are based on rebates that decline as the capacity goals for the Program **.** ~~[and the goals for each category of the Program are met.]~~ The rebates must be based on predicted energy savings.

3. The procedure for claiming incentives, including, without limitation, the form and content of the incentive claim form.

4. The timeframe for accepting applications, including a period in which a utility must accept additional applications if a previously approved applicant fails to install and energize a waterpower energy system within the time allowed by NRS 701B.865.

Sec. 10.9. NRS 701B.850 is hereby amended to read as follows:

701B.850 1. ~~[On or before February 21, 2008, and on or before February 1 of each subsequent year,]~~ ***Each year on or before a date established by the Commission,*** each utility shall file with the Commission ~~[for approval an]~~ ***its*** annual plan for ~~[the administration and delivery of]~~ ***carrying out and administering*** the Waterpower Demonstration Program ***in its service area*** for the ~~[program year beginning July 1, 2008, and each subsequent year thereafter.]~~ ***immediately following 12-month period prescribed by the Commission.***

2. ~~[On or before July 1, 2008, and on or before each July 1 of each subsequent year, the]~~ ***The*** Commission shall ~~[review]~~ ***:***

(a) Review the annual plan for compliance with the requirements ~~[set forth]~~ ***established*** by regulation of the Commission ~~[.]~~ ***; and***

(b) Approve the annual plan with such modifications and upon such terms and conditions as the Commission finds necessary or appropriate to facilitate the Program.

Sec. 11. (Deleted by amendment.)

Sec. 12. (Deleted by amendment.)

Sec. 13. (Deleted by amendment.)

Sec. 14. (Deleted by amendment.)

Sec. 15. (Deleted by amendment.)

Sec. 16. (Deleted by amendment.)

Sec. 17. (Deleted by amendment.)

Sec. 18. (Deleted by amendment.)

Sec. 18.1. NRS 701B.865 is hereby amended to read as follows:

701B.865 1. An applicant who wishes to participate in the Waterpower Demonstration Program must submit an application to a utility.

2. After reviewing an application submitted pursuant to subsection 1 and ensuring that the applicant meets the qualifications and requirements to be eligible to participate in the Program, a utility may select the applicant for participation in the Program.

3. Not later than 30 days after the date on which the utility selects an applicant, the utility shall provide written notice of the selection to the applicant.

4. After the utility selects an applicant to participate in the Program, the utility may approve the waterpower energy system proposed by the applicant. Upon the utility's approval of the waterpower energy system:

(a) The utility shall provide to the applicant notice of the approval and the amount of incentive for which the waterpower energy system is eligible; and

(b) The applicant may construct the waterpower energy system.

5. Upon the completion of the construction of a waterpower energy system, the participant must submit to the utility an incentive claim form and any supporting information, including, without limitation, a verification of the cost of the project and a calculation of the expected system output.

6. Upon receipt of the incentive claim form and verification that the waterpower energy system is properly connected, the utility shall issue an incentive payment to the participant.

7. The amount of the incentive for which an applicant is eligible must be determined on the date on which the applicant is selected for participation in the Waterpower Demonstration Program, except that an applicant forfeits eligibility for that amount of incentive if the applicant withdraws from participation in the Program or does not complete the construction of the waterpower energy system within 12 months after the date on which the applicant is selected for participation in the Program. ~~[An applicant who forfeits eligibility for the incentive for which the applicant was originally determined to be eligible may become eligible for an incentive only on the date on which the applicant completes the construction of the waterpower energy system, and the amount of the incentive for which such an applicant is eligible must be determined on the date on which the applicant completes the construction of the waterpower energy system.]~~

Sec. 18.5. NRS 701B.880 is hereby amended to read as follows:

701B.880 ~~[If]~~ ***To be eligible for an incentive through the Waterpower Demonstration Program,*** the waterpower energy system ~~[used by a participant in the Waterpower Demonstration Program meets]~~ ***must meet*** the requirements ~~[of NRS 704.766 to 704.775, inclusive, the participant is entitled to participate]~~ ***for participation*** in net metering pursuant to the provisions of NRS 704.766 to 704.775, inclusive.

Sec. 18.7. NRS 701B.924 is hereby amended to read as follows:

701B.924 1. The State Public Works Board shall, within 90 days after June 9, 2009, determine the specific projects to weatherize and retrofit public buildings, facilities and structures, including, without limitation, traffic-control systems, and to otherwise use sources of renewable energy to serve those buildings, facilities and structures pursuant to the provisions of this

section and NRS 701B.921. The projects must be prioritized and selected on the basis of the following criteria:

(a) The length of time necessary to commence the project.

(b) The number of workers estimated to be employed on the project.

(c) The effectiveness of the project in reducing energy consumption.

(d) The estimated cost of the project.

(e) Whether the project is able to be powered by or to otherwise use sources of renewable energy.

(f) Whether the project has qualified for participation in ~~[one or more of the following programs:~~

~~(1) The Solar Energy Systems Incentive Program created by NRS 701B.240;~~

~~(2)]~~ ***:***

(1) The Renewable Energy School Pilot Program created by NRS 701B.350; or

~~[(3)]~~ ***(2)*** An energy efficiency or energy conservation program offered by a public utility, as defined in NRS 704.020, pursuant to a plan approved by the Public Utilities Commission of Nevada pursuant to NRS 704.741.

2. The board of trustees of each school district shall, within 90 days after June 9, 2009, determine the specific projects to weatherize and retrofit public buildings, facilities and structures, including, without limitation, traffic-control systems, and to otherwise use sources of renewable energy to serve those buildings, facilities and structures pursuant to the provisions of this section and NRS 701B.921. The projects must be prioritized and selected on the basis of the following criteria:

(a) The length of time necessary to commence the project.

(b) The number of workers estimated to be employed on the project.

(c) The effectiveness of the project in reducing energy consumption.

(d) The estimated cost of the project.

(e) Whether the project is able to be powered by or to otherwise use sources of renewable energy.

(f) Whether the project has qualified for participation in ~~[one or more of the following programs:~~

~~(1) The Solar Energy Systems Incentive Program created by NRS 701B.240;~~

~~(2)]~~ ***:***

(1) The Renewable Energy School Pilot Program created by NRS 701B.350; or

~~[(3)]~~ ***(2)*** An energy efficiency or energy conservation program offered by a public utility, as defined in NRS 704.020, pursuant to a plan approved by the Public Utilities Commission of Nevada pursuant to NRS 704.741.

3. The Board of Regents of the University of Nevada shall, within 90 days after June 9, 2009, determine the specific projects to weatherize and retrofit public buildings, facilities and structures, including, without limitation, traffic-control systems, and to otherwise use sources of renewable energy to serve those buildings, facilities and structures pursuant to the provisions of this section and NRS 701B.921. The projects must be prioritized and selected on the basis of the following criteria:

(a) The length of time necessary to commence the project.

(b) The number of workers estimated to be employed on the project.

(c) The effectiveness of the project in reducing energy consumption.

(d) The estimated cost of the project.

(e) Whether the project is able to be powered by or to otherwise use sources of renewable energy.

(f) Whether the project has qualified for participation in ~~[~~one or more of the following programs:

~~(1) The Solar Energy Systems Incentive Program created by NRS 701B.240;~~

~~(2)]~~ ***:***

(1) The Renewable Energy School Pilot Program created by NRS 701B.350; or

~~[(3)]~~ ***(2)*** An energy efficiency or energy conservation program offered by a public utility, as defined in NRS 704.020, pursuant to a plan approved by the Public Utilities Commission of Nevada pursuant to NRS 704.741.

4. As soon as practicable after an entity described in subsections 1, 2 and 3 selects a project, the entity shall proceed to enter into a contract with one or more contractors to perform the work on the project. The request for proposals and all contracts for each project must include, without limitation:

(a) Provisions stipulating that all employees of the contractors and subcontractors who work on the project must be paid prevailing wages pursuant to the requirements of chapter 338 of NRS;

(b) Provisions requiring that each contractor and subcontractor employed on each such project:

(1) Employ a number of persons trained as described in paragraph (b) of subsection 3 of NRS 701B.921 that is equal to or greater than 50 percent of the total workforce the contractor or subcontractor employs on the project; or

(2) If the Director of the Department determines in writing, pursuant to a request submitted by the contractor or subcontractor, that the contractor or subcontractor cannot reasonably comply with the provisions of subparagraph (1) because there are not available a sufficient number of such trained persons, employ a number of persons trained as described in paragraph (b) of subsection 3 of NRS 701B.921 or trained through any apprenticeship program that is registered and approved by the State Apprenticeship Council

pursuant to chapter 610 of NRS that is equal to or greater than 50 percent of the total workforce the contractor or subcontractor employs on the project;

(c) A component pursuant to which persons trained as described in paragraph (b) of subsection 3 of NRS 701B.921 must be classified and paid prevailing wages depending upon the classification of the skill in which they are trained; and

(d) A component that requires each contractor or subcontractor to offer to employees working on the project, and to their dependents, health care in the same manner as a policy of insurance pursuant to chapters 689A and 689B of NRS or the Employee Retirement Income Security Act of 1974.

5. The State Public Works Board, each of the school districts and the Board of Regents of the University of Nevada shall each provide a report to the Interim Finance Committee which describes the projects selected pursuant to this section and a report of the dates on which those projects are scheduled to be completed.

Sec. 18.75. **NRS 703.190 is hereby amended to read as follows:**

703.190 1. Except as otherwise provided in this section, all biennial reports, records, proceedings, papers and files of the Commission must be open at all reasonable times to the public.

2. The Commission shall, upon receipt of a request from a public utility, alternative seller, provider of discretionary natural gas service or provider of new electric resources, prohibit the disclosure of ~~[any]~~ ***:***

(a) Any applicable information in the possession of the Commission or an affected governmental entity concerning the public utility, alternative seller, provider of discretionary natural gas service or provider of new electric resources, if the Commission determines that the information would otherwise be entitled to protection as a trade secret or confidential commercial information pursuant to NRS 49.325 or 600A.070 or Rule 26(c)(7) of the Nevada Rules of Civil Procedure. Upon making such a determination, the Commission shall establish the period during which the information must not be disclosed and a procedure for protecting the information during and after that period.

(b) Any information in the possession of the Commission or an affected governmental entity concerning a contract, lease or agreement between a public utility and another person for the purchase of power. Such information is proprietary and constitutes a trade secret. The Commission shall not disclose the information except pursuant to an agreement between the public utility and the other party to the contract, lease or agreement or as ordered by a court of competent jurisdiction.

Sec. 18.77. **NRS 703.196 is hereby amended to read as follows:**

703.196 1. ~~[Any]~~ ***Except as otherwise provided in paragraph (b) of subsection 2 of NRS 703.190, any*** books, accounts, records, minutes, papers

and property of any public utility, alternative seller, provider of discretionary natural gas service or provider of new electric resources that are subject to examination pursuant to NRS 703.190 or 703.195 and are made available to the Commission, any officer or employee of the Commission, an affected governmental entity, any officer or employee of an affected governmental entity, the Bureau of Consumer Protection in the Office of the Attorney General or any other person under the condition that the disclosure of such information to the public be withheld or otherwise limited, must not be disclosed to the public unless the Commission first determines that the disclosure is justified.

2. The Commission shall take such actions as are necessary to protect the confidentiality of such information, including, without limitation:

(a) Granting such protective orders as it deems necessary; and

(b) Holding closed hearings to receive or examine such information.

3. If the Commission closes a hearing to receive or examine such information, it shall:

(a) Restrict access to the records and transcripts of such hearings without the prior approval of the Commission or an order of a court of competent jurisdiction authorizing access to the records or transcripts; and

(b) Prohibit any participant at such a hearing from disclosing such information without the prior authorization of the Commission.

4. A representative of the Regulatory Operations Staff of the Commission and the Bureau of Consumer Protection:

(a) May attend any closed hearing held pursuant to this section; and

(b) Have access to any records or other information determined to be confidential pursuant to this section.

5. The Commission shall consider in an open meeting whether the information reviewed or examined in a closed hearing may be disclosed without revealing the confidential subject matter of the information. To the extent the Commission determines the information may be disclosed, the information must become a part of the records available to the public. Information which the Commission determines may not be disclosed must be kept under seal.

Sec. 18.8. **NRS 704.741 is hereby amended to read as follows:**

704.741 1. A utility which supplies electricity in this State shall, on or before July 1 of every third year, in the manner specified by the Commission, submit a plan to increase its supply of electricity or decrease the demands made on its system by its customers to the Commission.

2. The Commission shall, by regulation:

(a) Prescribe the contents of such a plan, including, but not limited to, the methods or formulas which are used by the utility to:

(1) Forecast the future demands; and

(2) Determine the best combination of sources of supply to meet the demands or the best method to reduce them; and

(b) Designate renewable energy zones and revise the designated renewable energy zones as the Commission deems necessary.

3. The Commission shall require the utility to include in its plan:

(a) An energy efficiency program for residential customers which reduces the consumption of electricity or any fossil fuel and which includes, without limitation, the use of new solar thermal energy sources; and

(b) A comparison of a diverse set of scenarios of the best combination of sources of supply to meet the demands or the best methods to reduce the demands, which must include at least one scenario of low carbon intensity.

4. The Commission shall require the utility to include in its plan a plan for construction or expansion of transmission facilities to serve renewable energy zones ~~[and to]~~ ***that will*** facilitate the utility in meeting the portfolio standard established by NRS 704.7821 ~~[.]~~ ***or support the construction of renewable energy facilities without regard to the location of any purchaser of energy from any of those facilities.***

5. ***The Commission shall require the utility to include in its plan a plan for transmission facilities that are anticipated to be necessary to serve either:***

(a) The transmission needs of the utility; or

(b) Any renewable energy facility that requests interconnection with the utility and delivers energy to purchasers located outside of this State or outside of the service area of the utility.

6. The plan required by subsection 5 may proposed the siting, permitting or construction of a transmission facility or corridor in phases, including, without limitation, components of siting, acquisition, permitting and construction.

7. Notwithstanding the provisions of this section, if the proposed facilities are not subject to a resource plan filing requirement or if the utility is required pursuant to federal law to commit to such facilities within a time that does not support a resource plan filing and decision of the Commission, the Commission shall allow a utility to recover reasonable and prudent expenses for siting, development and permitting of transmission facilities or transmission corridor activities that are conducted without inclusion in a plan submitted pursuant to this section. The prudency and reasonableness of these expenses must be determined by the Commission in a general rate case brought pursuant to NRS 704.110.

8. As used in this section:

(a) "Carbon intensity" means the amount of carbon by weight emitted per unit of energy consumed.

(b) "Renewable energy zones" means specific geographic zones where renewable energy resources are sufficient to develop generation capacity and where transmission constrains the delivery of electricity from those resources to customers.

Sec. 18.85. **NRS 704.751 is hereby amended to read as follows:**

704.751 1. After a utility has filed the plan required pursuant to NRS 704.741, the Commission shall issue an order accepting the plan as filed or specifying any portions of the plan it deems to be inadequate:

(a) Within 135 days for any portion of the plan relating to the energy supply plan for the utility for the 3 years covered by the plan; and

(b) Within 180 days for all portions of the plan not described in paragraph (a).

2. If a utility files an amendment to a plan, the Commission shall issue an order accepting the amendment as filed or specifying any portions of the amendment it deems to be inadequate within 135 days of the filing of the amendment.

3. All prudent and reasonable expenditures made to develop the utility's plan, including environmental, engineering and other studies, must be recovered from the rates charged to the utility's customers.

4. The Commission may accept a transmission plan submitted pursuant to ~~[subsection]~~ ***subsections*** 4 ***and 5*** of NRS 704.741 for a renewable energy zone if the Commission determines that the construction or expansion of transmission facilities would facilitate the utility meeting the portfolio standard, as defined in NRS 704.7805.

5. The Commission shall adopt regulations establishing the criteria for determining the adequacy of a transmission plan submitted pursuant to ~~[subsection]~~ ***subsections*** 4 ***and 5*** of NRS 704.741.

Sec. 18.9. NRS 704.7822 is hereby amended to read as follows:

704.7822 For the purpose of complying with a portfolio standard established pursuant to NRS 704.7821 or 704.78213, a provider shall be deemed to have generated or acquired 2.4 kilowatt-hours of electricity from a renewable energy system for each 1.0 kilowatt-hour of actual electricity generated or acquired from a solar photovoltaic system, if:

1. The system is installed on the premises of a retail customer ~~[.]~~ ***or provider;*** and

2. On an annual basis, at least 50 percent of the electricity generated by the system is utilized by the retail customer ***or provider*** on that premises.

Sec. 18.95. **NRS 704.870 is hereby amended to read as follows:**

704.870 1. Except as otherwise provided in subsection 2, a person who wishes to obtain a permit for a utility facility must file with the Commission an application, in such form as the Commission prescribes, containing:

(a) A description of the location and of the utility facility to be built thereon;

(b) A summary of any studies which have been made of the environmental impact of the facility; and

(c) A description of any reasonable alternate location or locations for the proposed facility, a description of the comparative merits or detriments of each location submitted, and a statement of the reasons why the primary proposed location is best suited for the facility.

➥ A copy or copies of the studies referred to in paragraph (b) must be filed with the Commission and be available for public inspection.

2. If a person wishes to obtain a permit for a utility facility and a federal agency is required to conduct an environmental analysis of the proposed utility facility, the person must:

(a) Not later than the date on which the person files with the appropriate federal agency an application for approval for the construction of the utility facility, file with the Commission and each other permitting entity ~~[an application,]~~ ***a notice*** in such a form as the Commission or other permitting entity prescribes ~~; [, containing:~~

~~(1) A general description of the proposed utility facility; and~~

~~(2) A summary of any studies which the applicant anticipates will be made of the environmental impact of the facility;]~~ and

(b) Not later than 30 days after the issuance by the appropriate federal agency of ~~[a]~~ ***either the*** final environmental assessment or ***final*** environmental impact statement ***, but not the record of decision or similar document,*** relating to the construction of the utility facility:

(1) File with the Commission an ~~[amended]~~ application that complies with the provisions of subsection 1; and

(2) File with each other permitting entity an ~~[amended]~~ application for a permit, license or other approval for the construction of the utility facility.

3. A copy of each application ~~[and amended application]~~ filed with the Commission must be filed with the Administrator of the Division of Environmental Protection of the State Department of Conservation and Natural Resources.

4. Each application ~~[and amended application]~~ filed with the Commission must be accompanied by:

(a) Proof of service of a copy of the application ~~[or amended application]~~ on the clerk of each local government in the area in which any portion of the facility is to be located, both as primarily and as alternatively proposed; and

(b) Proof that public notice thereof was given to persons residing in the municipalities entitled to receive notice pursuant to paragraph (a) by the publication of a summary of the application ~~[or amended application]~~ in

newspapers published and distributed in the area in which the utility facility is proposed to be located.

5. Not later than 5 business days after the Commission receives an application ~~[or amended application]~~ pursuant to this section, the Commission shall issue a notice concerning the application**.** ~~[or amended application.]~~ Any person who wishes to become a party to a permit proceeding pursuant to NRS 704.885 must file with the Commission the appropriate document required by NRS 704.885 within the time frame set forth in the notice issued by the Commission pursuant to this subsection.

Sec. 18.97. **NRS 704.8905 is hereby amended to read as follows:**

704.8905 1. Except as otherwise required to comply with federal law:

(a) Not later than 150 days after a person has filed an application regarding a utility facility pursuant to subsection 1 of NRS 704.870:

(1) The Commission shall grant or deny approval of that application; and

(2) Each other permitting entity shall, if an application for a permit, license or other approval for the construction of the utility facility was filed with the other permitting entity on or before the date on which the applicant filed the application pursuant to subsection 1 of NRS 704.870, grant or deny the application filed with the other permitting entity.

(b) Not later than 120 days after a person has filed an ~~[amended]~~ application regarding a utility facility pursuant to subsection 2 of NRS 704.870:

(1) The Commission shall grant or deny approval of the ~~[amended]~~ application; and

(2) Each other permitting entity shall, if an application for a permit, license or other approval for the construction of the utility facility was filed with the other permitting entity on or before the date on which the applicant filed with the appropriate federal agency an application for approval for the construction of the utility facility, grant or deny the ~~[amended]~~ application filed with the other permitting entity.

2. The Commission or other permitting entity shall make its determination upon the record and may grant or deny the application as filed, or grant the application upon such terms, conditions or modifications of the construction, operation or maintenance of the utility facility as the Commission or other permitting entity deems appropriate.

3. The Commission shall serve a copy of its order and any opinion issued with it upon each party to the proceeding before the Commission.

Sec. 19. NRS 338.1908 is hereby amended to read as follows:

338.1908 1. The governing body of each local government shall, by July 28, 2009, develop a plan to retrofit public buildings, facilities and structures, including, without limitation, traffic-control systems, and to

otherwise use sources of renewable energy to serve those buildings, facilities and structures. Such a plan must:

(a) Be developed with input from one or more energy retrofit coordinators designated pursuant to NRS 338.1907, if any.

(b) Include a list of specific projects. The projects must be prioritized and selected on the basis of the following criteria:

(1) The length of time necessary to commence the project.

(2) The number of workers estimated to be employed on the project.

(3) The effectiveness of the project in reducing energy consumption.

(4) The estimated cost of the project.

(5) Whether the project is able to be powered by or otherwise use sources of renewable energy.

(6) Whether the project has qualified for participation in ~~[one or more of the following programs:~~

~~(I) The Solar Energy Systems Incentive Program created by NRS 701B.240;~~

~~(II) The]~~ ***the*** Renewable Energy School Pilot Program created by NRS 701B.350**.** ~~[;~~

~~(III) The Wind Energy Systems Demonstration Program created by NRS 701B.580; or~~

~~(IV) The Waterpower Energy Systems Demonstration Program created by NRS 701B.820.]~~

(c) Include a list of potential funding sources for use in implementing the projects, including, without limitation, money available through the Energy Efficiency and Conservation Block Grant Program as set forth in 42 U.S.C. § 17152 and grants, gifts, donations or other sources of money from public and private sources.

2. The governing body of each local government shall transmit the plan developed pursuant to subsection 1 to the Nevada Energy Commissioner and to any other entity designated for that purpose by the Legislature.

3. As used in this section:

(a) "Local government" means each city or county that meets the definition of "eligible unit of local government" as set forth in 42 U.S.C. § 17151 and each unit of local government, as defined in subsection 11 of NRS 338.010, that does not meet the definition of "eligible entity" as set forth in 42 U.S.C. § 17151.

(b) "Renewable energy" means a source of energy that occurs naturally or is regenerated naturally, including, without limitation:

(1) Biomass;

(2) Fuel cells;

(3) Geothermal energy;

(4) Solar energy;

(5) Waterpower; and

(6) Wind.

➥ The term does not include coal, natural gas, oil, propane or any other fossil fuel, or nuclear energy.

(c) "Retrofit" means to alter, improve, modify, remodel or renovate a building, facility or structure to make that building, facility or structure more energy-efficient.

Sec. 20. Section 113 of chapter 509, Statutes of Nevada 2007, at page 2999, is hereby amended to read as follows:

Sec. 113. 1. This act becomes effective:

(a) Upon passage and approval for the purposes of adopting regulations and taking such other actions as are necessary to carry out the provisions of this act; and

(b) For all other purposes besides those described in paragraph (a):

(1) For this section and sections 1, 30, 32, 36 to 46, inclusive, 49, 51 to 61, inclusive, 107, 109, 110 and 111 of this act, upon passage and approval.

(2) For sections 1.5 to 29, inclusive, 43.5, 47, 51.3, 51.7, 108, 112 and 112.5 of this act, on July 1, 2007.

(3) For sections 62 to 106, inclusive, of this act, on October 1, 2007.

(4) For sections 31, 32.3, 32.5, 32.7, 33, 34 and 35 of this act, on January 1, 2009.

(5) For section 48 of this act, on January 1, 2010.

(6) For section 50 of this act, on January 1, 2011.

2. ***Sections 69, 72 to 75, inclusive, and section 94 of this act expire by limitation on December 31, 2012.***

3. Sections 62 to ~~[106.]~~ ***68,*** inclusive, ***70, 71, 77 to 82, inclusive, 85 to 94, inclusive, and 95 to 105, inclusive,*** of this act expire by limitation on ~~[June 30, 2011.]~~ ***December 31, 2021.***

Sec. 21. Section 13 of chapter 246, Statutes of Nevada 2009, at page 1002, is hereby amended to read as follows:

Sec. 13. 1. This act becomes effective on July 1, 2009.

2. Sections 2 and 3 of this act expire by limitation on ~~[June 30, 2011.]~~ ***December 31, 2021.***

Sec. 22. Section 21 of chapter 321, Statutes of Nevada 2009, at page 1410, is hereby amended to read as follows:

Sec. 21. 1. This section and sections 1 to 1.51, inclusive, 1.55 to 19.7, inclusive, and 19.9 to 20.9, inclusive, of this act become effective upon passage and approval.

2. Sections 1.51, 1.85, 1.87, 1.92, 1.93, 1.95, 4.3 to 9, inclusive, and 19.4 of this act expire by limitation on ~~[June 30, 2011.~~

~~3. Sections 1.53 and 19.8 of this act become effective on July 1, 2011.]~~ ***December 31, 2021.***

Sec. 23. (Deleted by amendment.)

Sec. 23.3. 1. NRS 701B.010, 701B.020, 701B.030, 701B.040, 701B.050, 701B.055, 701B.070, 701B.080, 701B.090, 701B.150, 701B.160, 701B.170, 701B.180, 701B.200, 701B.210, 701B.220, 701B.230, 701B.240, 701B.250, 701B.255, 701B.265, 701B.280 and 701B.290 are hereby repealed.

2. NRS 701B.060, 701B.100, 701B.110, 701B.120, 701B.130, 701B.140, 701B.260 and sections 1.53 and 19.8 of chapter 321, Statutes of Nevada 2009, at pages 1372 and 1408, respectively, are hereby repealed.

Sec. 23.5. The Public Utilities Commission of Nevada shall adopt regulations to carry out the amendatory provisions of this act on or before July 1, 2012. The regulations must:

1. Provide for the transition to the performance-based incentive required by NRS 701B.220, as amended by section 4 of this act, NRS 701B.590, as amended by section 10 of this act and NRS 701B.840, as amended by section 10.7 of this act, for the applicable participants in the Solar Energy Systems Incentive Program, the Wind Energy Systems Demonstration Program and the Waterpower Energy Systems Demonstration Program.

2. Require that the capacity allocated for a participant in the Solar Energy Systems Incentive Program, the Wind Energy Systems Demonstration Program or the Waterpower Energy Systems Demonstration Program who fails to install and energize the energy system within 12 months after the date on which the applicant is selected for participation in the respective program must be made available to applicants who apply for participation in the Solar Energy Systems Incentive Program, the Wind Energy Systems Demonstration Program or the Waterpower Energy Systems Demonstration Program on or after January 1, 2013.

Sec. 24. (Deleted by amendment.)

Sec. 25. 1. This section and sections **1.7, 1.9,** 8.3, 10.1, 18.1, **18.75, 18.8, 18.85, 18.95, 18.97,** 20 to 23, inclusive, and 23.5 of this act become effective upon passage and approval.

2. Sections 1, 2 to 8, inclusive, 8.7 to 10, inclusive, 10.5 to 18, inclusive, 18.5, 18.9 and 24 of this act become effective upon passage and approval for the purpose of adopting regulations, and on January 1, 2013, for all other purposes.

3. Subsection 2 of section 23.3 of this act becomes effective on January 1, 2013.

4. Section 1.5, 18.7, 19 and subsection 1 of section 23.3 of this act become effective on January 1, 2022.

LEADLINES OF REPEALED SECTIONS OF NRS AND TEXT OF REPEALED SECTIONS OF STATUTES OF NEVADA

701B.010 Applicability.

701B.020 Definitions.

701B.030 "Applicant" defined.

701B.040 "Category" defined.

701B.050 "Commission" defined.

701B.055 "Distributed generation system" defined.

701B.060 "Institution of higher education" defined.

701B.070 "Owned, leased or occupied" defined.

701B.080 "Participant" defined.

701B.090 "Person" defined.

701B.100 "Program year" means the period of July 1 to June 30 of the following year.

701B.110 "Public and other property" defined.

701B.120 "Public entity" defined.

701B.130 "School property" defined.

701B.140 "Small business" defined.

701B.150 "Solar energy system" defined.

701B.160 "Solar Program" defined.

701B.170 "Task Force" defined.

701B.180 "Utility" defined.

701B.200 Regulations: Establishment of incentives and requirements for utility's annual plan; exceptions; recovery of costs by utility.

701B.210 Regulations: Establishment of qualifications and requirements for participation; form and content of utility's master application.

701B.220 Regulations: Establishment of incentives for participation.

701B.230 Duty of utility to file annual plan; review and approval of annual plan by Commission; recovery of costs by utility.

701B.240 Creation of Solar Program; categories of participation; eligibility requirements.

701B.250 Application to participate; review of application by utility.

701B.255 Procedure for selection and notification of participants; authorization to install and energize solar energy system; submission of incentive claim form; determination of amount of incentive; withdrawal of participant; forfeiture of incentive.

701B.260 Capacity allocated to each category; reallocation of capacity; limitations on incentives.

701B.265 Installation of solar energy system deemed public work under certain circumstances.

701B.280 Participation in net metering.

701B.290 Issuance of portfolio energy credits.

Section 1.53 of chapter 321, Statutes of Nevada 2009, at page 1372:

Sec. 1.53. NRS 701.180 is hereby amended to read as follows:

701.180 The Director shall:

1. Acquire and analyze information relating to energy and to the supply, demand and conservation of its sources, including, without limitation:

(a) Information relating to the Solar Energy Systems Incentive Program created pursuant to NRS 701B.240 ~~[and the Wind Energy Systems Demonstration Program created pursuant to 701B.580,]~~ including, without limitation, information relating to:

(1) The development of distributed generation systems in this State pursuant to participation in the Solar Energy Systems Incentive Program;

(2) The use of carbon-based energy in residential and commercial applications due to participation in the ~~[Programs;]~~ ***Program;*** and

(3) The average cost of generation on a kilowatt-hour basis for residential and commercial applications due to participation in the ~~[Programs;]~~ ***Program;*** and

(b) Information relating to any money distributed pursuant to NRS 702.270.

2. Review and evaluate information which identifies trends and permits forecasting of the energy available to the State. Such forecasts must include estimates on:

(a) The level of demand for energy in the State for 5-, 10- and 20-year periods;

(b) The amount of energy available to meet each level of demand;

(c) The probable implications of the forecast on the demand and supply of energy; and

(d) The sources of renewable energy and other alternative sources of energy which are available and their possible effects.

3. Study means of reducing wasteful, inefficient, unnecessary or uneconomical uses of energy and encourage the maximum utilization of existing sources of energy in the State.

4. Solicit and serve as the point of contact for grants and other money from the Federal Government, including, without limitation, any grants and other money available pursuant to any program administered by the United States Department of Energy, and other sources to cooperate with the Commissioner and the Authority:

(a) To promote energy projects that enhance the economic development of the State;

(b) To promote the use of renewable energy in this State;

(c) To promote the use of measures which conserve or reduce the demand for energy or which result in more efficient use of energy;

(d) To develop a comprehensive program for retrofitting public buildings in this State with energy efficiency measures; and

(e) If the Commissioner determines that it is feasible and cost-effective, to enter into contracts with researchers from the Nevada System of Higher Education for the design of energy efficiency and retrofit projects to carry out the comprehensive program for retrofitting public buildings in this State developed pursuant to paragraph (d).

5. Coordinate the activities and programs of the Office of Energy with the activities and programs of the Authority, the Consumer's Advocate and the Public Utilities Commission of Nevada, and with other federal, state and local officers and agencies that promote, fund, administer or operate activities and programs related to the use of renewable energy and the use of measures which conserve or reduce the demand for energy or which result in more efficient use of energy.

6. Carry out all other directives concerning energy that are prescribed by the Governor.

Section 19.8 of chapter 321, Statutes of Nevada 2009, at page 1408:

Sec. 19.8. Section 19.4 of this act is hereby amended to read as follows:

Sec. 19.4. Chapter 338 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The governing body of each local government shall, within 60 days after the effective date of this section, develop a plan to retrofit public buildings, facilities and structures, including, without limitation, traffic-control systems, and to otherwise use sources of renewable energy to serve those buildings, facilities and structures. Such a plan must:

(a) Be developed with input from one or more energy retrofit coordinators designated pursuant to NRS 338.1907, if any.

(b) Include a list of specific projects. The projects must be prioritized and selected on the basis of the following criteria:

(1) The length of time necessary to commence the project.

(2) The number of workers estimated to be employed on the project.

(3) The effectiveness of the project in reducing energy consumption.

(4) The estimated cost of the project.

(5) Whether the project is able to be powered by or otherwise use sources of renewable energy.

(6) Whether the project has qualified for participation in one or more of the following programs:

(I) The Solar Energy Systems Incentive Program created by NRS 701B.240; ***or***

(II) The Renewable Energy School Pilot Program created by NRS 701B.350 **.** ~~[~~**;**

~~(III) The Wind Energy Systems Demonstration Program created by NRS 701B.580; or~~

~~(IV) The Waterpower Energy Systems Demonstration Program created by NRS 701B.820.~~**]**

(c) Include a list of potential funding sources for use in implementing the projects, including, without limitation, money available through the Energy Efficiency and Conservation Block Grant Program as set forth in 42 U.S.C. § 17152 and grants, gifts, donations or other sources of money from public and private sources.

2. The governing body of each local government shall transmit the plan developed pursuant to subsection 1 to the Nevada Energy Commissioner and to any other entity designated for that purpose by the Legislature.

3. As used in this section:

(a) "Local government" means each city or county that meets the definition of "eligible unit of local government" as set forth in 42 U.S.C. § 17151 and each unit of local government, as defined in subsection 11 of NRS 338.010, that does not meet the definition of "eligible entity" as set forth in 42 U.S.C. § 17151.

(b) "Renewable energy" means a source of energy that occurs naturally or is regenerated naturally, including, without limitation:

(1) Biomass;
(2) Fuel cells;
(3) Geothermal energy;
(4) Solar energy;
(5) Waterpower; and
(6) Wind.

➥ The term does not include coal, natural gas, oil, propane or any other fossil fuel, or nuclear energy.

(c) "Retrofit" means to alter, improve, modify, remodel or renovate a building, facility or structure to make that building, facility or structure more energy-efficient.

Assemblyman Atkinson moved that the Assembly concur in the Senate Amendment No. 989 to Assembly Bill No. 416.

Motion carried by a constitutional majority.

Bill ordered reprinted, reengrossed, and enrolled.

Assembly Bill No. 503.

The following Senate amendment was read:

Amendment No. 964.

AN ACT relating to wildlife; imposing certain **habitat** conservation fees; authorizing a person who accesses a wildlife management area and who is not the holder of an annual hunting, trapping, fishing or combined hunting

and fishing license to pay an annual **habitat** conservation fee; revising certain provisions governing the use of money in the Wildlife Obligated Reserve Account; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that, in addition to any fee charged and collected for an annual hunting, trapping, fishing or combined hunting and fishing license, a $3 habitat conservation fee must be paid. The proceeds from this fee must be deposited in the Wildlife Obligated Reserve Account and must be used for wildlife habitat rehabilitation and restoration. (NRS 502.242) **Section 2** of this bill ~~[redesignates the habitat conservation fee as the conservation fee and]~~ sets the **habitat** conservation fee at $5 for residents and $10 for nonresidents. In addition, **section 2** authorizes a person accessing a wildlife conservation area who is not the holder of a hunting, trapping, fishing or combined hunting and fishing license to pay an annual **habitat** conservation fee of $5 for residents and $10 for nonresidents. **Section 2** also provides that, each year, not more than 18 percent of the money credited to the Wildlife Obligated Reserve Account from any revenue received from those **habitat** conservation fees may be used to monitor wildlife and its habitat for the purposes of wildlife habitat rehabilitation and restoration. **Section 3** of this bill revises the authority of the Board of Wildlife Commissioners concerning the use of a wildlife management area by a person who pays the annual **habitat** conservation fee.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. ~~[NRS 502.066 is hereby amended to read as follows:~~

~~502.066 1. The Department shall issue an apprentice hunting license to a person who:~~

~~(a) Is 12 years of age or older;~~

~~(b) Has not previously been issued a hunting license by the Department, another state, an agency of a Canadian province or an agency of any other foreign country, including, without limitation, an apprentice hunting license; and~~

~~(c) Except as otherwise provided in subsection 5, is otherwise qualified to obtain a hunting license in this State.~~

~~2. Except as otherwise provided in this subsection, the Department shall not impose a fee for the issuance of an apprentice hunting license. For each apprentice hunting license issued, the applicant or the mentor hunter for the applicant shall pay:~~

~~(a) Any service fee required by a license agent pursuant to NRS 502.040;~~

~~(b) The [habitat] conservation fee required by NRS 502.242; and~~

~~(c) Any transaction fee that is set forth in a contract of this State with a third-party electronic services provider for each online transaction that is conducted with the Department.~~

~~3. An apprentice hunting license authorizes the apprentice hunter to hunt in this State as provided in this section.~~

~~4. It is unlawful for an apprentice hunter to hunt in this State unless a mentor hunter accompanies and directly supervises the apprentice hunter at all times during a hunt. During the hunt, the mentor hunter shall ensure that:~~

~~(a) The apprentice hunter safely handles and operates the firearm or weapon used by the apprentice hunter; and~~

~~(b) The apprentice hunter complies with all applicable laws and regulations concerning hunting and the use of firearms.~~

~~5. A person is not required to complete a course of instruction in the responsibilities of hunters as provided in NRS 502.340 to obtain an apprentice hunting license.~~

~~6. The issuance of an apprentice hunting license does not:~~

~~(a) Authorize the apprentice hunter to obtain any other hunting license;~~

~~(b) Authorize the apprentice hunter to hunt any animal for which a tag is required pursuant to NRS 502.130; or~~

~~(c) Exempt the apprentice hunter from any requirement of this title.~~

~~7. The Commission may adopt regulations to carry out the provisions of this section.~~

~~8. As used in this section:~~

~~(a) "Accompanies and directly supervises" means maintains close visual and verbal contact with, provides adequate direction to and maintains the ability readily to assume control of any firearm or weapon from an apprentice hunter.~~

~~(b) "Apprentice hunter" means a person who obtains an apprentice hunting license pursuant to this section.~~

~~(c) "Mentor hunter" means a person 18 years of age or older who holds a hunting license issued in this State and who accompanies and directly supervises an apprentice hunter. The term does not include a person who holds an apprentice hunting license pursuant to this section.~~**] (Deleted by amendment.)**

Sec. 2. NRS 502.242 is hereby amended to read as follows:

502.242 1. In addition to any fee charged and collected for an annual hunting, trapping, fishing or combined hunting and fishing license pursuant to NRS 502.240, a habitat conservation fee **[**~~of $3~~**]** must be paid **[**~~.~~**]** ***in the amount of $5 for a resident and $10 for a nonresident.***

2. ***A person accessing a wildlife management area who is not the holder of an annual hunting, trapping, fishing or combined hunting and***

fishing license may pay an annual habitat conservation fee in the amount of $5 for a resident and $10 for a nonresident.

3. The Wildlife Obligated Reserve Account is hereby created in the State General Fund. Revenue from the habitat conservation fee must be accounted for separately, deposited with the State Treasurer for credit to the Wildlife Obligated Reserve Account and, except as otherwise provided in ***this subsection and*** NRS 502.294 and 502.310, used by the Department for the purposes of wildlife habitat rehabilitation and restoration. ***Each year, not more than 18 percent of the money credited to the Wildlife Obligated Reserve Account from any revenue received pursuant to subsections 1 and 2 may be used to monitor wildlife and its habitat for those purposes.*** The interest and income earned on the money in the Wildlife Obligated Reserve Account, after deducting any applicable charges, must be credited to the Account.

~~[3.]~~ ***4.*** The money in the Wildlife Obligated Reserve Account remains in the Account and does not revert to the State General Fund at the end of any fiscal year.

Sec. 3. NRS 504.143 is hereby amended to read as follows:

504.143 1. To effectuate a coordinated and balanced program resulting in the maximum revival of wildlife in the State and in the maximum recreational advantages to the people of the State, the Commission has created and maintains state-owned wildlife management areas, and, in cooperation with the United States Fish and Wildlife Service, the Department of Interior and other federal agencies, has created and maintains other cooperative wildlife management areas.

2. The Commission may permit hunting, fishing or trapping on or within, or access to, occupancy and use of, areas so created and maintained.

3. The Commission may by regulation:

(a) Establish, extend, shorten or abolish open seasons and closed seasons within such areas.

(b) Establish, change or abolish bag and creel limits and possession limits in such areas.

(c) Prescribe the manner and the means of taking wildlife in such areas.

(d) Establish, change or abolish restrictions in such areas based upon sex, maturity or other physical distinctions.

(e) Prescribe the manner of using such areas for a person who pays the annual habitat conservation fee pursuant to NRS 502.242.

Sec. 4. This act becomes effective on July 1, 2011.

Assemblywoman Carlton moved that the Assembly concur in the Senate Amendment No. 964 to Assembly Bill No. 503.

Motion carried.

The following Senate amendment was read:

Amendment No. 982.

SUMMARY—Revises certain provisions governing the ~~[conservation of habitat for wildlife.]~~ **use of money in the Wildlife Obligated Reserve Account.** (BDR 45-1091)

AN ACT relating to wildlife; ~~[imposing certain habitat conservation fees; authorizing a person who accesses a wildlife management area and who is not the holder of an annual hunting, trapping, fishing or combined hunting and fishing license to pay an annual habitat conservation fee;]~~ revising certain provisions governing the use of money in the Wildlife Obligated Reserve Account; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that, in addition to any fee charged and collected for an annual hunting, trapping, fishing or combined hunting and fishing license, a $3 habitat conservation fee must be paid. The proceeds from this fee must be deposited in the Wildlife Obligated Reserve Account and must be used for wildlife habitat rehabilitation and restoration. (NRS 502.242) ~~[Section 2 of this bill sets the habitat conservation fee at $5 for residents and $10 for nonresidents. In addition, section 2 authorizes a person accessing a wildlife conservation area who is not the holder of a hunting, trapping, fishing or combined hunting and fishing license to pay an annual habitat conservation fee of $5 for residents and $10 for nonresidents. Section 2 also]~~ **This bill** provides that, each year, not more than 18 percent of the money credited to the Wildlife Obligated Reserve Account from any revenue received from those habitat conservation fees may be used to monitor wildlife and its habitat for the purposes of wildlife habitat rehabilitation and restoration. ~~[Section 3 of this bill revises the authority of the Board of Wildlife Commissioners concerning the use of a wildlife management area by a person who pays the annual habitat conservation fee.]~~

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. (Deleted by amendment.)

Sec. 2. NRS 502.242 is hereby amended to read as follows:

502.242 1. In addition to any fee charged and collected for an annual hunting, trapping, fishing or combined hunting and fishing license pursuant to NRS 502.240, a habitat conservation fee of $3 must be paid . ~~*[in the amount of $5 for a resident and $10 for a nonresident.]*~~

2. ~~*[A person accessing a wildlife management area who is not the holder of an annual hunting, trapping, fishing or combined hunting and fishing license may pay an annual habitat conservation fee in the amount of $5 for a resident and $10 for a nonresident.*~~

~~*3.]*~~ The Wildlife Obligated Reserve Account is hereby created in the State General Fund. Revenue from the habitat conservation fee must be accounted for separately, deposited with the State Treasurer for credit to the Wildlife Obligated Reserve Account and, except as otherwise provided in ***this subsection and*** NRS 502.294 and 502.310, used by the Department for the purposes of wildlife habitat rehabilitation and restoration. ***Each year, not more than 18 percent of the money credited to the Wildlife Obligated Reserve Account from any revenue received pursuant to*** ~~*[subsections 1 and 2]*~~ ***subsection 1 may be used to monitor wildlife and its habitat for those purposes.*** The interest and income earned on the money in the Wildlife Obligated Reserve Account, after deducting any applicable charges, must be credited to the Account.

3. ~~*[4.]*~~ The money in the Wildlife Obligated Reserve Account remains in the Account and does not revert to the State General Fund at the end of any fiscal year.

Sec. 3. ~~**[**NRS 504.143 is hereby amended to read as follows:~~

~~504.143 1. To effectuate a coordinated and balanced program resulting in the maximum revival of wildlife in the State and in the maximum recreational advantages to the people of the State, the Commission has created and maintains state-owned wildlife management areas, and, in cooperation with the United States Fish and Wildlife Service, the Department of Interior and other federal agencies, has created and maintains other cooperative wildlife management areas.~~

~~2. The Commission may permit hunting, fishing or trapping on or within, or access to, occupancy and use of, areas so created and maintained.~~

~~3. The Commission may by regulation:~~

~~(a) Establish, extend, shorten or abolish open seasons and closed seasons within such areas.~~

~~(b) Establish, change or abolish bag and creel limits and possession limits in such areas.~~

~~(c) Prescribe the manner and the means of taking wildlife in such areas.~~

~~(d) Establish, change or abolish restrictions in such areas based upon sex, maturity or other physical distinctions.~~

~~***(e) Prescribe the manner of using such areas for a person who pays the annual habitat conservation fee pursuant to NRS 502.242.]***~~ **(Deleted by amendment.)**

Sec. 4. This act becomes effective on July 1, 2011.

Assemblywoman Carlton moved that the Assembly concur in the Senate Amendment No. 982 to Assembly Bill No. 503.

Motion carried by a constitutional majority.

Bill ordered enrolled.

Assembly Bill No. 578.

The following Senate amendment was read:

Amendment No. 976.

AN ACT relating to the Legislature; providing for the establishment of Joint Interim Standing Committees of the Legislature; specifying the powers and duties of the Joint Interim Standing Committees; repealing various statutory committees; assigning certain powers and duties of repealed statutory committees to the Joint Interim Standing Committees; making various other changes relating to interim legislative activity; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes various committees on which Legislators serve throughout the biennium. (Chapter 218E of NRS, NRS 176.0123, 439B.200, 459.0085, 482.367004) This bill would repeal several of those committees and establish Joint Interim Standing Committees that parallel standing committees established by the Legislature during its biennial regular sessions. **Section 5** of this bill establishes the Joint Interim Standing Committees and specifies their structure. **Section 6** of this bill provides for meetings of the Committees. **Section 7** of this bill authorizes Committees to review matters within the jurisdiction of their corresponding standing committees and to conduct studies directed by the Legislature and the Legislative Commission, and requires the Committees to report to each session of the Legislature. **Section 62** of this bill transfers the responsibilities of the Commission on Special License Plates to the Joint Interim Standing Committee on Transportation. **Section 64** of this bill repeals the **statutory subcommittees of the** Advisory Commission on the Administration of Justice, the Legislative Committee on Public Lands, the Legislative Committee for the Review and Oversight of the Tahoe Regional Planning Agency and the Marlette Lake Water System, the Legislative Committee on Education, the Legislative Committee on Child Welfare and Juvenile Justice, the Legislative Committee on Senior Citizens, Veterans and Adults with Special Needs, the Legislative Committee on Health Care and the Committee on High-Level Radioactive Waste.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 218D.130 is hereby amended to read as follows:

218D.130 1. On July 1 preceding each regular session of the Legislature, and each week thereafter until the adjournment of the Legislature sine die, the Legislative Counsel shall prepare a list of all requests received by the Legislative Counsel, for the preparation of measures to be submitted to the Legislature. The requests must be listed numerically by

a unique serial number which must be assigned to the measures by the Legislative Counsel for the purposes of identification in the order that the Legislative Counsel received the requests. Except as otherwise provided in subsections 3 and 4, the list must only contain the name of each requester, the date and a brief summary of the request.

2. The Legislative Counsel Bureau shall make copies of the list available to the public for a reasonable sum fixed by the Director of the Legislative Counsel Bureau.

3. In preparing the list, the Legislative Counsel shall, if a standing or special committee of the Legislature ***, including a Joint Interim Standing Committee,*** requests a measure on behalf of a Legislator or organization, include the name of the standing or special committee and the name of the Legislator or organization on whose behalf the measure was originally requested.

4. Upon the request of a Legislator who has requested the preparation of a measure, the Legislative Counsel shall add the name of one or more Legislators from either or both Houses of the Legislature as joint requesters. The Legislative Counsel shall not add the name of a joint requester to the list until the Legislative Counsel has received confirmation of the joint request from the primary requester of the measure and from the Legislator to be added as a joint requester. The Legislative Counsel shall remove the name of a joint requester upon receipt of a request to do so made by the primary requester or the joint requester. The names must appear on the list in the order in which the names were received by the Legislative Counsel beginning with the primary requester. The Legislative Counsel shall not act upon the direction of a joint requester to withdraw the requested measure or modify its substance until the Legislative Counsel has received confirmation of the withdrawal or modification from the primary requester.

5. If the primary requester of a measure will not be returning to the Legislature for the legislative session in which the measure is to be considered, the primary requester may authorize a Legislator who will be serving during that session to become the primary sponsor of the measure, either individually or as the chair on behalf of a standing committee. If the Legislator who will be serving during that session agrees to become or have the committee become the primary sponsor of the measure, that Legislator shall notify the Legislative Counsel of that fact. Upon receipt of such notification, the Legislative Counsel shall list the name of that Legislator or the name of the committee as the primary requester of the measure on the list.

6. For the purposes of all limitations on the number of legislative measures that may be requested by a Legislator, a legislative measure with joint requesters must only be counted as a request of the primary requester.

Sec. 2. NRS 218D.160 is hereby amended to read as follows:

218D.160 1. The Chair of the Legislative Commission may request the drafting of not more than 15 legislative measures before the commencement of a regular legislative session, with the approval of the Commission, which relate to the affairs of the Legislature or its employees, including measures requested by the legislative staff.

2. The Chair of the Interim Finance Committee may request the drafting of not more than 10 legislative measures before the commencement of a regular legislative session, with the approval of the Committee, which relate to matters within the scope of the Committee.

3. Except as otherwise provided by ***a*** specific statute ***, joint rule*** or concurrent resolution of the Legislature:

(a) ***A Joint Interim Standing Committee may request the drafting of not more than 10 legislative measures which relate to matters within the scope of the Committee.***

(b) Any ~~[other]~~ legislative committee created by ***a*** statute ***, other than an interim legislative committee,*** may request the drafting of not more than 10 legislative measures which relate to matters within the scope of the committee.

~~[(b)]~~ ***(c)*** ~~[An interim committee which conducts a study or investigation]~~ ***Any committee or subcommittee established by an order of the Legislative Commission*** pursuant to NRS 218E.200 may request the drafting of not more than 5 legislative measures which relate to matters within the scope of the study or investigation, except that such a committee ***or subcommittee*** may request the drafting of additional legislative measures if the Legislative Commission approves each additional request by a majority vote.

~~[(c)]~~ ***(d)*** Any other committee established by the Legislature which conducts an interim legislative study ***or investigation*** may request the drafting of not more than 5 legislative measures which relate to matters within the scope of the study ~~[.]~~ ***or investigation.***

➥ ~~[Except as otherwise provided in NRS 218E.205, measures]~~ ***The requests*** authorized ~~[to be requested]~~ pursuant to this subsection must be submitted to the Legislative Counsel on or before September 1 preceding the commencement of a regular session of the Legislature unless the Legislative Commission authorizes submitting a request after that date.

4. Each request made pursuant to this section must be on a form prescribed by the Legislative Counsel.

Sec. 3. Chapter 218E of NRS is hereby amended by adding thereto the provisions set forth as sections 4 to 9, inclusive, of this act.

Sec. 4. ***As used in sections 4 to 9, inclusive, of this act, "Committee" means a Joint Interim Standing Committee created pursuant to section 5 of this act.***

Sec. 5. ***1. There are hereby created the following Joint Interim Standing Committees of the Legislature:***

(a) Commerce, Labor and Energy;

(b) Education;

(c) Government Affairs;

(d) Health and Human Services;

(e) Judiciary;

(f) Legislative Operations and Elections;

(g) Natural Resources, Agriculture and Mining;

(h) Revenue and Taxation; and

(i) Transportation.

2. Each Committee consists of eight regular members and five alternate members. As soon as is practicable following the adjournment of each regular session of the Legislature:

(a) The Speaker of the Assembly shall appoint five members of the Assembly as regular members of each Committee and three members of the Assembly as alternate members of each Committee.

(b) The Majority Leader of the Senate shall appoint three Senators as regular members of each Committee and two Senators as alternate members of each Committee.

3. Before making their respective appointments, the Speaker of the Assembly and the Majority Leader of the Senate shall consult so that, to the extent practicable:

(a) At least five regular members appointed to each Committee served on the corresponding standing committee or committees during the preceding regular session of the Legislature.

(b) Not more than five regular members appointed to each Committee are members of the same political party and at least one regular member and one alternate member appointed from each House of the Legislature to each Committee are members of a different political party than the appointing authority.

4. The Legislative Commission shall select the Chair and Vice Chair of each Committee from among the members of the Committee. The Chair must be appointed from one House of the Legislature and the Vice Chair from the other House. The position of Chair must alternate each biennium between the Houses of the Legislature. Each of those officers holds the position until a successor is appointed following the next regular session of the Legislature. If a vacancy occurs in the position of Chair or Vice Chair, the vacancy must be filled in the same manner as the original selection for the remainder of the unexpired term.

5. The membership of any member of a Committee who does not become a candidate for reelection or who is defeated for reelection

terminates on the day next after the general election. The Speaker designate of the Assembly or the Majority Leader designate of the Senate, as the case may be, may appoint a member to fill the vacancy for the remainder of the unexpired term.

6. Vacancies on a Committee must be filled in the same manner as original appointments.

Sec. 6. ***1. Except as otherwise ordered by the Legislative Commission, the members of a Committee shall meet not earlier than November 1 of each odd-numbered year and not later than August 31 of the following even-numbered year at the times and places specified by a call of the Chair or a majority of the Committee.***

2. The Director of the Legislative Counsel Bureau or his or her designee shall act as the nonvoting recording Secretary of each Committee.

3. Five members of a Committee constitute a quorum, and a quorum may exercise all the power and authority conferred on a Committee, except that any recommended legislation proposed by a Committee must be approved by a majority of members of the Senate and a majority of members of the Assembly serving on the Committee.

4. Except during a regular or special session of the Legislature, for each day or portion of a day during which a member of a Committee attends a meeting of the Committee or is otherwise engaged in the work of the Committee, the member is entitled to receive the:

(a) Compensation provided for a majority of the members of the Legislature during the first 60 days of the preceding regular session;

(b) Per diem allowance provided for state officers and employees generally; and

(c) Travel expenses provided pursuant to NRS 218A.655.

➥ The compensation, per diem allowances and travel expenses of the members of a Committee must be paid from the Legislative Fund.

Sec. 7. ***1. A Committee may evaluate and review issues within the jurisdiction of the corresponding standing committee or committees from the preceding regular session of the Legislature and may, within limits of a Committee's budget, conduct studies directed by the Legislature or the Legislative Commission.***

2. The Legislative Commission shall review and approve the budget and work program of each Committee and any changes to the budget or work program.

3. A Committee shall prepare a comprehensive report of the Committee's activities in the interim and its findings and any recommendations for proposed legislation. The report must be submitted to the Director of the Legislative Counsel Bureau for distribution to the ensuing session of the Legislature.

Sec. 8. ***1. In conducting the investigations and hearings of a Committee:***

(a) Any member of the Committee may administer oaths.

(b) The Chair of the Committee may cause the deposition of witnesses, residing either within or outside of the State, to be taken in the manner prescribed by rule of court for taking depositions in civil actions in the district courts.

(c) The Chair may issue subpoenas to compel the attendance of witnesses and the production of books, papers or documents.

2. If a witness refuses to attend or testify or to produce books, papers or documents as required by the subpoena, the Chair may report to the district court by petition, setting forth:

(a) That due notice has been given of the time and place of attendance of the witness or the production of the books, papers or documents;

(b) That the witness has been subpoenaed by the Committee pursuant to this section; and

(c) That the witness has failed or refused to attend or to produce the books, papers or documents required by the subpoena before the Committee that is named in the subpoena, or has refused to answer questions propounded to the witness,

➥ and asking for an order of the court compelling the witness to attend and testify or to produce the books, papers or documents before the Committee.

3. Upon such a petition, the court shall enter an order directing the witness to appear before the court at a time and place to be fixed by the court in its order, the time to be not more than 10 days after the date of the order, and to show cause why the witness has not attended or testified or produced the books, papers or documents before the Committee. A certified copy of the order must be served upon the witness.

4. If it appears to the court that the subpoena was regularly issued by the Committee, the court shall enter an order that the witness appear before the Committee at the time and place fixed in the order and testify or produce the required books, papers or documents. Failure to obey the order constitutes contempt of court.

Sec. 9. ***1. Each witness who appears before a Committee by its order, except a state officer or employee, is entitled to receive for such attendance the fees and mileage provided for witnesses in civil cases in the courts of record of this State.***

2. The fees and mileage must be audited and paid upon the presentation of proper claims sworn to by the witness and approved by the Secretary and the Chair of the Committee.

Sec. 10. NRS 218E.200 is hereby amended to read as follows:

218E.200 1. The Legislative Commission may conduct studies or investigations concerning governmental problems, important issues of public policy or questions of statewide interest ~~[.]~~ ***or may assign such studies or investigations to a Joint Interim Standing Committee.***

2. The Legislative Commission may establish subcommittees and interim or special committees as official agencies of the Legislative Counsel Bureau to conduct such studies or investigations or otherwise to deal with such governmental problems, important issues of public policy or questions of statewide interest ~~[.]~~ ***or may assign such matters to a Joint Interim Standing Committee.***

3. The membership of ~~[those]~~ ***any*** subcommittees and interim or special committees ***established pursuant to subsection 2*** must be designated by the Legislative Commission and may consist of members of the Legislative Commission and Legislators other than members of the Commission, employees of the State of Nevada or citizens of the State of Nevada.

4. Members of ~~[those]~~ subcommittees and interim or special committees who are not Legislators shall serve without salary, but they are entitled to receive out of the Legislative Fund the per diem expense allowances and travel expenses provided for state officers and employees generally.

5. Except during a regular or special session of the Legislature, members of ~~[those]~~ subcommittees and interim or special committees who are Legislators are entitled to receive out of the Legislative Fund the compensation provided for a majority of the members of the Legislature during the first 60 days of the preceding session for each day or portion of a day of attendance, and the per diem expense allowances provided for state officers and employees generally and the travel expenses provided pursuant to NRS 218A.655.

Sec. 11. NRS 218E.205 is hereby amended to read as follows:

218E.205 1. The Legislative Commission shall, between sessions of the Legislature, fix the work priority of all studies and investigations assigned to it by ~~[concurrent resolutions of]~~ the Legislature, ~~[or]~~ directed by an order of the Legislative Commission ~~[,]~~ ***or conducted by a Joint Interim Standing Committee,*** within the limits of available time, money and staff. The Legislative Commission shall not make studies or investigations directed by resolutions of only one House of the Legislature or studies or investigations proposed but not approved during the preceding legislative session.

2. All requests for the drafting of ~~[legislation]~~ ***legislative measures*** to be recommended as the result of a study or investigation ~~[, except a study or investigation directed by an order of the Legislative Commission,]~~ must be made ~~[before July 1 of the year preceding a legislative session.]~~ ***in accordance with NRS 218D.160.***

3. Except as otherwise provided by NRS 218E.210, between sessions of the Legislature no study or investigation may be initiated or continued by the Fiscal Analysts, the Legislative Auditor, the Legislative Counsel or the Research Director and their staffs except studies and investigations which have been specifically authorized by ~~[concurrent resolutions of]~~ the Legislature or by ~~[an order of]~~ the Legislative Commission.

4. No study or investigation may be carried over from one session of the Legislature to the next without additional authorization ~~[by a concurrent resolution]~~ of the Legislature, except audits in progress, whose carryover has been approved by the Legislative Commission.

5. Except as otherwise provided by specific statute, the staff of the Legislative Counsel Bureau shall not serve as primary administrative or professional staff for a committee unless the chair of the committee is required by statute or resolution to be a Legislator.

6. The Legislative Commission shall review and approve the budget and work program and any changes to the budget or work program for each study or investigation conducted by the Legislative Commission or a committee or subcommittee established by the Legislative Commission.

~~[7. A committee or subcommittee established to conduct a study or investigation assigned to the Legislative Commission by concurrent resolution of the Legislature or directed by order of the Legislative Commission must, unless otherwise ordered by the Legislative Commission, meet not earlier than January 1 of the even-numbered year and not later than June 30 of that year.]~~

Sec. 12. NRS 218E.520 is hereby amended to read as follows:

218E.520 1. The ***Joint Interim Standing*** Committee ***on Natural Resources, Agriculture and Mining*** may:

(a) Review and comment on any administrative policy, rule or regulation of the:

(1) Secretary of the Interior which pertains to policy concerning or management of public lands under the control of the Federal Government; and

(2) Secretary of Agriculture which pertains to policy concerning or management of national forests;

(b) Conduct investigations and hold hearings in connection with its review, including, but not limited to, investigating the effect on the State, its citizens, political subdivisions, businesses and industries of those policies, rules, regulations and related laws;

(c) Consult with and advise the State Land Use Planning Agency on matters concerning federal land use, policies and activities in this State;

(d) Direct the Legislative Counsel Bureau to assist in its research, investigations, review and comment;

(e) Recommend to the Legislature as a result of its review any appropriate state legislation or corrective federal legislation;

(f) Advise the Attorney General if it believes that any federal policy, rule or regulation which it has reviewed encroaches on the sovereignty respecting land or water or their use which has been reserved to the State pursuant to the Constitution of the United States;

(g) Enter into a contract for consulting services for land planning and any other related activities, including, but not limited to:

(1) Advising the Committee and the State Land Use Planning Agency concerning the revision of the plans pursuant to NRS 321.7355;

(2) Assisting local governments in the identification of lands administered by the Federal Government in this State which are needed for residential or economic development or any other purpose; and

(3) Assisting local governments in the acquisition of federal lands in this State;

(h) Apply for any available grants and accept any gifts, grants or donations to assist the Committee in carrying out its duties; and

(i) Review and comment on any other matter relating to the preservation, conservation, use, management or disposal of public lands deemed appropriate by the Chair of the Committee or by a majority of the members of the Committee.

2. Any reference in this section to federal policies, rules, regulations and related federal laws includes those which are proposed as well as those which are enacted or adopted.

Sec. 13. NRS 218E.525 is hereby amended to read as follows:

218E.525 1. The ***Joint Interim Standing*** Committee ***on Natural Resources, Agriculture and Mining*** shall:

(a) Actively support the efforts of state and local governments in the western states regarding public lands and state sovereignty as impaired by federal ownership of land.

(b) Advance knowledge and understanding in local, regional and national forums of Nevada's unique situation with respect to public lands.

(c) Support legislation that will enhance state and local roles in the management of public lands and will increase the disposal of public lands.

2. The ***Joint Interim Standing*** Committee ~~[:]~~ ***on Natural Resources, Agriculture and Mining:***

(a) Shall review the programs and activities of:

(1) The Colorado River Commission of Nevada;

(2) All public water authorities, districts and systems in the State of Nevada, including, without limitation, the Southern Nevada Water Authority, the Truckee Meadows Water Authority, the Virgin Valley Water District, the

Carson Water Subconservancy District, the Humboldt River Basin Water Authority and the Truckee-Carson Irrigation District; and

(3) All other public or private entities with which any county in the State has an agreement regarding the planning, development or distribution of water resources, or any combination thereof; ***and***

(b) ~~[Shall, on or before January 15 of each odd-numbered year, submit to the Director of the Legislative Counsel Bureau for transmittal to the Legislature a report concerning the review conducted pursuant to paragraph (a); and~~

~~(c)]~~ May review and comment on other issues relating to water resources in this State, including, without limitation:

(1) The laws, regulations and policies regulating the use, allocation and management of water in this State; and

(2) The status of existing information and studies relating to water use, surface water resources and groundwater resources in this State.

Sec. 14. NRS 218E.565 is hereby amended to read as follows:

218E.565 The ***Joint Interim Standing*** Committee ***on Government Affairs*** shall:

1. Provide appropriate review and oversight of the Tahoe Regional Planning Agency and the Marlette Lake Water System;

2. Review the budget, programs, activities, responsiveness and accountability of the Tahoe Regional Planning Agency and the Marlette Lake Water System in such a manner as deemed necessary and appropriate by the Committee;

3. Study the role, authority and activities of:

(a) The Tahoe Regional Planning Agency regarding the Lake Tahoe Basin; and

(b) The Marlette Lake Water System regarding Marlette Lake; and

4. Continue to communicate with members of the Legislature of the State of California to achieve the goals set forth in the Tahoe Regional Planning Compact.

Sec. 15. NRS 218E.615 is hereby amended to read as follows:

218E.615 1. The ***Joint Interim Standing*** Committee ***on Education*** may:

(a) Evaluate, review and comment upon issues related to education within this State, including, but not limited to:

(1) Programs to enhance accountability in education;

(2) Legislative measures regarding education;

(3) The progress made by this State, the school districts and the public schools in this State in satisfying the goals and objectives of the federal No Child Left Behind Act of 2001, 20 U.S.C. §§ 6301 et seq., and the annual

measurable objectives established by the State Board of Education pursuant to NRS 385.361;

(4) Methods of financing public education;

(5) The condition of public education in the elementary and secondary schools;

(6) The program to reduce the ratio of pupils per class per licensed teacher prescribed in NRS 388.700, 388.710 and 388.720;

(7) The development of any programs to automate the receipt, storage and retrieval of the educational records of pupils; and

(8) Any other matters that, in the determination of the Committee, affect the education of pupils within this State.

(b) Conduct investigations and hold hearings in connection with its duties pursuant to this section.

(c) Request that the Legislative Counsel Bureau assist in the research, investigations, hearings and reviews of the Committee.

(d) Make recommendations to the Legislature concerning the manner in which public education may be improved.

2. The ***Joint Interim Standing*** Committee ***on Education*** shall:

(a) In addition to any standards prescribed by the Department of Education, prescribe standards for the review and evaluation of the reports of the State Board of Education, school districts and public schools pursuant to paragraph (a) of subsection 1 of NRS 385.359.

(b) For the purposes set forth in NRS 385.389, recommend to the Department of Education programs of remedial study for each subject tested on the examinations administered pursuant to NRS 389.015. In recommending these programs of remedial study, the Committee shall consider programs of remedial study that have proven to be successful in improving the academic achievement of pupils.

(c) Recommend to the Department of Education providers of supplemental educational services for inclusion on the list of approved providers prepared by the Department pursuant to NRS 385.384. In recommending providers, the Committee shall consider providers with a demonstrated record of effectiveness in improving the academic achievement of pupils.

(d) For the purposes set forth in NRS 385.3785, recommend to the Commission on Educational Excellence created by NRS 385.3784 programs, practices and strategies that have proven effective in improving the academic achievement and proficiency of pupils.

Sec. 16. NRS 218E.625 is hereby amended to read as follows:

218E.625 1. The Legislative Bureau of Educational Accountability and Program Evaluation is hereby created within the Fiscal Analysis Division of the Legislative Counsel Bureau. The Fiscal Analysts shall appoint to the

Legislative Bureau of Educational Accountability and Program Evaluation a Chief and such other personnel as the Fiscal Analysts determine are necessary for the Bureau to carry out its duties pursuant to this section.

2. The Bureau shall, as the Fiscal Analysts determine is necessary or at the request of the ***Joint Interim Standing*** Committee ~~[:]~~ ***on Education:***

(a) Collect and analyze data and issue written reports concerning:

(1) The effectiveness of the provisions of NRS 385.3455 to 385.391, inclusive, in improving the accountability of the schools of this State;

(2) The statewide program to reduce the ratio of pupils per class per licensed teacher prescribed in NRS 388.700, 388.710 and 388.720;

(3) The statewide program to educate persons with disabilities that is set forth in chapter 395 of NRS;

(4) The results of the examinations of the National Assessment of Educational Progress that are administered pursuant to NRS 389.012; and

(5) Any program or legislative measure, the purpose of which is to reform the system of education within this State.

(b) Conduct studies and analyses to evaluate the performance and progress of the system of public education within this State. Such studies and analyses may be conducted:

(1) As the Fiscal Analysts determine are necessary; or

(2) At the request of the Legislature.

➥ This paragraph does not prohibit the Bureau from contracting with a person or entity to conduct studies and analyses on behalf of the Bureau.

(c) On or before December 31 of each even-numbered year, submit a written report of its findings pursuant to paragraphs (a) and (b) to the Director of the Legislative Counsel Bureau for transmission to the next regular session of the Legislature. The Bureau shall, on or before December 31 of each odd-numbered year, submit a written report of its findings pursuant to paragraphs (a) and (b) to the Director of the Legislative Counsel Bureau for transmission to the Legislative Commission.

3. The Bureau may, pursuant to NRS 218F.620, require a school, a school district, the Nevada System of Higher Education or the Department of Education to submit to the Bureau books, papers, records and other information that the Chief of the Bureau determines are necessary to carry out the duties of the Bureau pursuant to this section. An entity whom the Bureau requests to produce records or other information shall provide the records or other information in any readily available format specified by the Bureau.

4. Except as otherwise provided in this subsection or NRS 239.0115, any information obtained by the Bureau pursuant to this section shall be deemed a work product that is confidential pursuant to NRS 218F.150. The Bureau may, at the discretion of the Chief and after submission to the Legislature or

Legislative Commission, as appropriate, publish reports of its findings pursuant to paragraphs (a) and (b) of subsection 2.

5. This section does not prohibit the Department of Education or the State Board of Education from conducting analyses, submitting reports or otherwise reviewing educational programs in this State.

Sec. 17. ~~[NRS 62H.320 is hereby amended to read as follows:~~

~~62H.320 1. The Director of the Department of Health and Human Services shall establish within the Department a program to compile and analyze data concerning juvenile sex offenders. The program must be designed to:~~

~~(a) Provide statistical data relating to the recidivism of juvenile sex offenders; and~~

~~(b) Use the data provided by the Division of Child and Family Services of the Department of Health and Human Services pursuant to NRS 62H.220 to assess the effectiveness of programs for the treatment of juvenile sex offenders.~~

~~2. The Director of the Department of Health and Human Services shall report the statistical data and findings from the program to:~~

~~(a) The Legislature at the beginning of each regular session.~~

~~(b) The~~ [Advisory Commission on the Administration of Justice] ~~*Joint Interim Standing Committee on Judiciary* on or before January 31 of each even-numbered year.~~

~~3. The data acquired pursuant to this section is confidential and must be used only for the purpose of research. The data and findings generated pursuant to this section must not contain information that may reveal the identity of a juvenile sex offender or the identity of an individual victim of a crime.]~~ **(Deleted by amendment.)**

Sec. 18. ~~[NRS 176.0125 is hereby amended to read as follows:~~

~~176.0125 The~~ [Commission] ~~*Joint Interim Standing Committee on Judiciary* shall:~~

~~1. Identify and study the elements of this State's system of criminal justice which affect the sentences imposed for felonies and gross misdemeanors.~~

~~2. Evaluate the effectiveness and fiscal impact of various policies and practices regarding sentencing which are employed in this State and other states, including, but not limited to, the use of plea bargaining, probation, programs of intensive supervision, programs of regimental discipline, imprisonment, sentencing recommendations, mandatory and minimum sentencing, mandatory sentencing for crimes involving the possession, manufacture and distribution of controlled substances, structured or tiered sentencing, enhanced penalties for habitual criminals, parole, credits against sentences, residential confinement and alternatives to incarceration.~~

~~3. Recommend changes in the structure of sentencing in this State which, to the extent practicable and with consideration for their fiscal impact, incorporate general objectives and goals for sentencing, including, but not limited to, the following:~~

~~(a) Offenders must receive sentences that increase in direct proportion to the severity of their crimes and their histories of criminality.~~

~~(b) Offenders who have extensive histories of criminality or who have exhibited a propensity to commit crimes of a predatory or violent nature must receive sentences which reflect the need to ensure the safety and protection of the public and which allow for the imprisonment for life of such offenders.~~

~~(c) Offenders who have committed offenses that do not include acts of violence and who have limited histories of criminality must receive sentences which reflect the need to conserve scarce economic resources through the use of various alternatives to traditional forms of incarceration.~~

~~(d) Offenders with similar histories of criminality who are convicted of similar crimes must receive sentences that are generally similar.~~

~~(e) Offenders sentenced to imprisonment must receive sentences which do not confuse or mislead the public as to the actual time those offenders must serve while incarcerated or before being released from confinement or supervision.~~

~~(f) Offenders must not receive disparate sentences based upon factors such as race, gender or economic status.~~

~~(g) Offenders must receive sentences which are based upon the specific circumstances and facts of their offenses, including the nature of the offense and any aggravating factors, the savagery of the offense, as evidenced by the extent of any injury to the victim, and the degree of criminal sophistication demonstrated by the offender's acts before, during and after commission of the offense.~~

~~4. Evaluate the effectiveness and efficiency of the Department of Corrections and the State Board of Parole Commissioners with consideration as to whether it is feasible and advisable to establish an oversight or advisory board to perform various functions and make recommendations concerning:~~

~~(a) Policies relating to parole;~~

~~(b) Regulatory procedures and policies of the State Board of Parole Commissioners;~~

~~(c) Policies for the operation of the Department of Corrections;~~

~~(d) Budgetary issues; and~~

~~(e) Other related matters.~~

~~5. Evaluate the effectiveness of specialty court programs in this State with consideration as to whether such programs have the effect of limiting or precluding reentry of offenders and parolees into the community.~~

~~6. Evaluate the policies and practices concerning presentence investigations and reports made by the Division of Parole and Probation of the Department of Public Safety, including, without limitation, the resources relied on in preparing such investigations and reports and the extent to which judges in this State rely on and follow the recommendations contained in such presentence investigations and reports.~~

~~7. Evaluate, review and comment upon issues relating to juvenile justice in this State, including, but not limited to:~~

~~(a) The need for the establishment and implementation of evidence-based programs and a continuum of sanctions for children who are subject to the jurisdiction of the juvenile court; and~~

~~(b) The impact on the criminal justice system of the policies and programs of the juvenile justice system.~~

~~8. Compile and develop statistical information concerning sentencing in this State.~~

~~9. Identify and study issues relating to the application of chapter 241 of NRS to meetings held by the:~~

~~(a) State Board of Pardons Commissioners to consider an application for clemency; and~~

~~(b) State Board of Parole Commissioners to consider an offender for parole.~~

~~10. Identify and study issues relating to the operation of the Department of Corrections, including, without limitation, the system for allowing credits against the sentences of offenders, the accounting of such credits and any other policies and procedures of the Department which pertain to the operation of the Department.~~

~~[11. For each regular session of the Legislature, prepare a comprehensive report including the Commission's recommended changes pertaining to the administration of justice in this State, the Commission's findings and any recommendations of the Commission for proposed legislation. The report must be submitted to the Director of the Legislative Counsel Bureau for distribution to the Legislature not later than September 1 of each even-numbered year.]~~ **(Deleted by amendment.)**

Sec. 19. ~~[NRS 176.0127 is hereby amended to read as follows:~~

~~176.0127 1. The Department of Corrections shall:~~

~~(a) Provide the [Commission] *Joint Interim Standing Committee on Judiciary* with any available statistical information or research requested by the [Commission] *Committee* and assist the [Commission] *Committee* in the compilation and development of information requested by the [Commission,] *Committee,* including, but not limited to, information or research concerning the facilities and institutions of the Department of Corrections, the offenders who are or were within those facilities or institutions, rates of recidivism, the~~

~~effectiveness of educational and vocational programs and the sentences which are being served or were served by those offenders;~~

~~(b) If requested by the [~~Commission,~~] ***Joint Interim Standing Committee on Judiciary,*** make available to the [~~Commission~~] ***Committee*** the use of the computers and programs which are owned by the Department of Corrections; and~~

~~(c) Provide the independent contractor retained by the Department of Administration pursuant to NRS 176.0129 with any available statistical information requested by the independent contractor for the purpose of performing the projections required by NRS 176.0129.~~

~~2. The Division shall:~~

~~(a) Provide the [~~Commission~~] ***Joint Interim Standing Committee on Judiciary*** with any available statistical information or research requested by the [~~Commission~~] ***Committee*** and assist the [~~Commission~~] ***Committee*** in the compilation and development of information concerning sentencing, probation, parole and any offenders who are or were subject to supervision by the Division;~~

~~(b) If requested by the [~~Commission,~~] ***Joint Interim Standing Committee on Judiciary,*** make available to the [~~Commission~~] ***Committee*** the use of the computers and programs which are owned by the Division; and~~

~~(c) Provide the independent contractor retained by the Department of Administration pursuant to NRS 176.0129 with any available statistical information requested by the independent contractor for the purpose of performing the projections required by NRS 176.0129.~~**] (Deleted by amendment.)**

Sec. 20. ~~[NRS 176.0128 is hereby amended to read as follows:~~

~~176.0128 The Central Repository for Nevada Records of Criminal History shall:~~

~~1. Facilitate the collection of statistical data in the manner approved by the Director of the Department of Public Safety and coordinate the exchange of such data with agencies of criminal justice within this State, including:~~

~~(a) State and local law enforcement agencies;~~

~~(b) The Office of the Attorney General;~~

~~(c) The Court Administrator;~~

~~(d) The Department of Corrections; and~~

~~(e) The Division.~~

~~2. Provide the [~~Commission~~] ***Joint Interim Standing Committee on Judiciary*** with available statistical data and information requested by the [~~Commission.~~] ***Committee.]*** **(Deleted by amendment.)**

Sec. 21. ~~[NRS 176.0129 is hereby amended to read as follows:~~

~~176.0129 The Department of Administration shall, on an annual basis, contract for the services of an independent contractor, in accordance with the provisions of NRS 333.700, to:~~

~~1. Review sentences imposed in this State and the practices of the State Board of Parole Commissioners and project annually the number of persons who will be:~~

~~(a) In a facility or institution of the Department of Corrections;~~

~~(b) On probation;~~

~~(c) On parole; and~~

~~(d) Serving a term of residential confinement,~~

~~during the 10 years immediately following the date of the projection; and~~

~~2. Review preliminary proposals and information provided by the~~ **[**~~Commission~~**]** ***Joint Interim Standing Committee on Judiciary*** ~~and project annually the number of persons who will be:~~

~~(a) In a facility or institution of the Department of Corrections;~~

~~(b) On probation;~~

~~(c) On parole; and~~

~~(d) Serving a term of residential confinement,~~

~~during the 10 years immediately following the date of the projection, assuming the preliminary proposals were recommended by the~~ **[**~~Commission~~**]** ***Committee*** ~~and enacted by the Legislature.~~**] (Deleted by amendment.)**

Sec. 22. NRS 233B.063 is hereby amended to read as follows:

233B.063 1. An agency that intends to adopt, amend or repeal a permanent regulation must deliver to the Legislative Counsel a copy of the proposed regulation. The Legislative Counsel shall examine and if appropriate revise the language submitted so that it is clear, concise and suitable for incorporation in the Nevada Administrative Code, but shall not alter the meaning or effect without the consent of the agency.

2. Unless the proposed regulation is submitted to the Legislative Counsel between July 1 of an even-numbered year and July 1 of the succeeding odd-numbered year, the Legislative Counsel shall deliver the approved or revised text of the regulation within 30 days after it is submitted to the Legislative Counsel. If the proposed or revised text of a regulation is changed before adoption, the agency shall submit the changed text to the Legislative Counsel, who shall examine and revise it if appropriate pursuant to the standards of subsection 1. Unless it is submitted between July 1 of an even-numbered year and July 1 of the succeeding odd-numbered year, the Legislative Counsel shall return it with any appropriate revisions within 30 days. If the agency is a licensing board as defined in NRS 439B.225 and the proposed regulation relates to standards for the issuance or renewal of licenses, permits or certificates of registration issued to a person or facility regulated by the agency, the Legislative Counsel shall also deliver one copy

of the approved or revised text of the regulation to the ~~[Legislative Committee on Health Care.]~~ ***Joint Interim Standing Committee on Health and Human Services.***

3. An agency may adopt a temporary regulation between August 1 of an even-numbered year and July 1 of the succeeding odd-numbered year without following the procedure required by this section and NRS 233B.064, but any such regulation expires by limitation on November 1 of the odd-numbered year. A substantively identical permanent regulation may be subsequently adopted.

4. An agency may amend or suspend a permanent regulation between August 1 of an even-numbered year and July 1 of the succeeding odd-numbered year by adopting a temporary regulation in the same manner and subject to the same provisions as prescribed in subsection 3.

Sec. 23. NRS 233B.070 is hereby amended to read as follows:

233B.070 1. A permanent regulation becomes effective when the Legislative Counsel files with the Secretary of State the original of the final draft or revision of a regulation, except as otherwise provided in NRS 293.247 or where a later date is specified in the regulation.

2. Except as otherwise provided in NRS 233B.0633, an agency that has adopted a temporary regulation may not file the temporary regulation with the Secretary of State until 35 days after the date on which the temporary regulation was adopted by the agency. A temporary regulation becomes effective when the agency files with the Secretary of State the original of the final draft or revision of the regulation, together with the informational statement prepared pursuant to NRS 233B.066. The agency shall also file a copy of the temporary regulation with the Legislative Counsel, together with the informational statement prepared pursuant to NRS 233B.066.

3. An emergency regulation becomes effective when the agency files with the Secretary of State the original of the final draft or revision of an emergency regulation, together with the informational statement prepared pursuant to NRS 233B.066. The agency shall also file a copy of the emergency regulation with the Legislative Counsel, together with the informational statement prepared pursuant to NRS 233B.066.

4. The Secretary of State shall maintain the original of the final draft or revision of each regulation in a permanent file to be used only for the preparation of official copies.

5. The Secretary of State shall file, with the original of each agency's rules of practice, the current statement of the agency concerning the date and results of its most recent review of those rules.

6. Immediately after each permanent or temporary regulation is filed, the agency shall deliver one copy of the final draft or revision, bearing the stamp of the Secretary of State indicating that it has been filed, including material

adopted by reference which is not already filed with the State Library and Archives Administrator, to the State Library and Archives Administrator for use by the public. If the agency is a licensing board as defined in NRS 439B.225 and it has adopted a permanent regulation relating to standards for the issuance or renewal of licenses, permits or certificates of registration issued to a person or facility regulated by the agency, the agency shall also deliver one copy of the regulation, bearing the stamp of the Secretary of State, to the ~~[Legislative Committee on Health Care]~~ ***Joint Interim Standing Committee on Health and Human Services*** within 10 days after the regulation is filed with the Secretary of State.

7. Each agency shall furnish a copy of all or part of that part of the Nevada Administrative Code which contains its regulations, to any person who requests a copy, and may charge a reasonable fee for the copy based on the cost of reproduction if it does not have money appropriated or authorized for that purpose.

8. An agency which publishes any regulations included in the Nevada Administrative Code shall use the exact text of the regulation as it appears in the Nevada Administrative Code, including the leadlines and numbers of the sections. Any other material which an agency includes in a publication with its regulations must be presented in a form which clearly distinguishes that material from the regulations.

Sec. 24. NRS 244.2962 is hereby amended to read as follows:

244.2962 The board of county commissioners of a county whose population is 400,000 or more shall, each calendar quarter, submit a report to the ~~[Legislative Committee on Health Care]~~ ***Joint Interim Standing Committee on Health and Human Services*** and the Director of the Legislative Counsel Bureau for transmittal to the Legislature, if the Legislature is in session, or to the Legislative Commission, if the Legislature is not in session. The report must include, without limitation, the following information related to each fire department and ambulance service operating in the county:

1. The total number of transports of sick or injured persons to a medical facility that were made by the fire department or ambulance service during that calendar quarter.

2. For each person transported by the fire department or ambulance service during the calendar quarter:

(a) The fees charged to transport the person to a medical facility;

(b) Whether the person had health insurance at the time of transport; and

(c) The name of the medical facility where the fire department or ambulance service transported the person to or from.

Sec. 25. NRS 321.7355 is hereby amended to read as follows:

321.7355 1. The State Land Use Planning Agency shall prepare, in cooperation with appropriate federal and state agencies and local governments throughout the State, plans or statements of policy concerning the acquisition and use of lands in the State of Nevada that are under federal management.

2. The State Land Use Planning Agency shall, in preparing the plans and statements of policy, identify lands which are suitable for acquisition for:

(a) Commercial, industrial or residential development;

(b) The expansion of the property tax base, including the potential for an increase in revenue by the lease and sale of those lands; or

(c) Accommodating increases in the population of this State.

➥ The plans or statements of policy must not include matters concerning zoning or the division of land and must be consistent with local plans and regulations concerning the use of private property.

3. The State Land Use Planning Agency shall:

(a) Encourage public comment upon the various matters treated in a proposed plan or statement of policy throughout its preparation and incorporate such comments into the proposed plan or statement of policy as are appropriate;

(b) Submit its work on a plan or statement of policy periodically for review and comment by the Land Use Planning Advisory Council, the Advisory Board on Natural Resources and ~~[any committees of the Legislature or subcommittees of the Legislative Commission that deal with matters concerning the public lands;]~~ ***the Joint Interim Standing Committee on Natural Resources, Agriculture and Mining;***

(c) On or before February 1 of each odd-numbered year, prepare and submit a written report to the Legislature concerning any activities engaged in by the Agency pursuant to the provisions of this section during the immediately preceding biennium, including, without limitation:

(1) The progress and any results of its work; or

(2) Any plans or statements of policy prepared pursuant to this section; and

(d) Provide written responses to written comments received from a county or city upon the various matters treated in a proposed plan or statement of policy.

4. Whenever the State Land Use Planning Agency prepares plans or statements of policy pursuant to subsection 1 and submits those plans or policy statements to the Governor, Legislature or an agency of the Federal Government, the State Land Use Planning Agency shall include with each plan or statement of policy the comments and recommendations of:

(a) The Land Use Planning Advisory Council;

(b) The Advisory Board on Natural Resources; and

(c) ~~[Any committees of the Legislature or subcommittees of the Legislative Commission that deal with matters concerning the public lands.]~~ ***The Joint Interim Standing Committee on Natural Resources, Agriculture and Mining.***

5. A plan or statement of policy must be approved by the governing bodies of the county and cities affected by it before it is put into effect.

Sec. 26. NRS 385.3465 is hereby amended to read as follows:

385.3465 "Committee" means the ~~[Legislative]~~ ***Joint Interim Standing*** Committee on Education created pursuant to ~~[NRS 218E.605.]~~ ***section 5 of this act.***

Sec. 27. NRS 385.555 is hereby amended to read as follows:

385.555 1. The Youth Legislature shall:

(a) Hold at least two public hearings in this State each school year. The Youth Legislature may simultaneously teleconference or videoconference each public hearing to two or more prominent locations throughout this State.

(b) Evaluate, review and comment upon issues of importance to the youth in this State, including, without limitation:

(1) Education;

(2) Employment opportunities;

(3) Participation of youth in state and local government;

(4) A safe learning environment;

(5) The prevention of substance abuse;

(6) Emotional and physical well-being;

(7) Foster care; and

(8) Access to state and local services.

(c) Conduct a public awareness campaign to raise awareness about the Youth Legislature and to enhance outreach to the youth in this State.

2. During his or her term, each member of the Youth Legislature shall conduct at least one meeting to afford the youth of this State an opportunity to discuss issues of importance to the youth in this State.

3. The Youth Legislature may, within the limits of available money:

(a) During the period in which the Legislature is in a regular session, meet as often as necessary to conduct the business of the Youth Legislature and to advise the Legislature on proposed legislation relating to the youth in this State.

(b) Form committees, which may meet as often as necessary to assist with the business of the Youth Legislature.

(c) Conduct periodic seminars for its members regarding leadership, government and the legislative process.

(d) Employ a person to provide administrative support for the Youth Legislature or pay the costs incurred by one or more volunteers to provide any required administrative support.

4. Except as otherwise provided in this subsection, the Youth Legislature and its committees shall comply with the provisions of chapter 241 of NRS. Any activities of the Youth Legislature which are conducted solely for purposes of training, including, without limitation, any orientation programs conducted for the Youth Legislature, are not subject to the provisions of chapter 241 of NRS.

5. On or before May 30 of each year, the Youth Legislature shall submit a written report to the Director of the Legislative Counsel Bureau and to the Governor describing the activities of the Youth Legislature during the immediately preceding school year and any recommendations for legislation. The Director shall transmit the written report to the ~~[Legislative]~~ ***Joint Interim Standing*** Committee on Education and to the next regular session of the Legislature.

Sec. 28. NRS 385.620 is hereby amended to read as follows:

385.620 The Advisory Council shall:

1. Review the policy of parental involvement adopted by the State Board and the policy of parental involvement adopted by the board of trustees of each school district pursuant to NRS 392.457;

2. Review the information relating to communication with and participation of parents that is included in the annual report of accountability for each school district pursuant to paragraph (j) of subsection 2 of NRS 385.347;

3. Review any effective practices carried out in individual school districts to increase parental involvement and determine the feasibility of carrying out those practices on a statewide basis;

4. Review any effective practices carried out in other states to increase parental involvement and determine the feasibility of carrying out those practices in this State;

5. Identify methods to communicate effectively and provide outreach to parents and legal guardians of pupils who have limited time to become involved in the education of their children for various reasons, including, without limitation, work schedules, single-parent homes and other family obligations;

6. Identify the manner in which the level of parental involvement affects the performance, attendance and discipline of pupils;

7. Identify methods to communicate effectively with and provide outreach to parents and legal guardians of pupils who are limited English proficient;

8. Determine the necessity for the appointment of a statewide parental involvement coordinator or a parental involvement coordinator in each school district, or both;

9. On or before July 1 of each year, submit a report to the ~~[Legislative]~~ ***Joint Interim Standing*** Committee on Education describing the activities of the Advisory Council and any recommendations for legislation; and

10. On or before February 1 of each odd-numbered year, submit a report to the Director of the Legislative Counsel Bureau for transmission to the next regular session of the Legislature describing the activities of the Advisory Council and any recommendations for legislation.

Sec. 29. NRS 386.760 is hereby amended to read as follows:

386.760 1. Each empowerment school, other than a charter school that is sponsored by the State Board or by a college or university within the Nevada System of Higher Education, shall, on a quarterly basis, submit to the board of trustees of the school district in which the school is located a report that includes:

(a) The financial status of the school; and

(b) A description of the school's compliance with each component of the empowerment plan for the school.

2. Each charter school that is sponsored by the State Board or by a college or university within the Nevada System of Higher Education which is approved to operate as an empowerment school shall, on a quarterly basis, submit to the Department a report that includes:

(a) The financial status of the school; and

(b) A description of the school's compliance with each component of the empowerment plan for the school.

3. The board of trustees of a school district shall conduct a financial audit of each empowerment school within the school district, other than a charter school that is sponsored by the State Board or by a college or university within the Nevada System of Higher Education. Each financial audit must be conducted on an annual basis and more frequently if determined necessary by the board of trustees.

4. The Department shall conduct a financial audit of each charter school that is sponsored by the State Board or by a college or university within the Nevada System of Higher Education which operates as an empowerment school on an annual basis and more frequently if determined necessary by the Department.

5. On or before July 1 of each year, the board of trustees of each school district shall compile the reports and audits required pursuant to subsections 1 and 3, if any, and forward the compilation to the:

(a) Governor;

(b) Department; and

(c) ~~[Legislative]~~ ***Joint Interim Standing*** Committee on Education.

6. On or before July 1 of each year, the Department shall compile the reports and audits required pursuant to subsections 2 and 4, if any, and forward the compilation to the:

(a) Governor; and

(b) ~~[Legislative]~~ ***Joint Interim Standing*** Committee on Education.

Sec. 30. NRS 387.304 is hereby amended to read as follows:

387.304 The Department shall:

1. Conduct an annual audit of the count of pupils for apportionment purposes reported by each school district pursuant to NRS 387.123 and the data reported by each school district pursuant to NRS 388.710 that is used to measure the effectiveness of the implementation of a plan developed by each school district to reduce the pupil-teacher ratio as required by NRS 388.720.

2. Review each school district's report of the annual audit conducted by a public accountant as required by NRS 354.624, and the annual report prepared by each district as required by NRS 387.303, and report the findings of the review to the State Board and the ~~[Legislative]~~ ***Joint Interim Standing*** Committee on Education, with any recommendations for legislation, revisions to regulations or training needed by school district employees. The report by the Department must identify school districts which failed to comply with any statutes or administrative regulations of this State or which had any:

(a) Long-term obligations in excess of the general obligation debt limit;

(b) Deficit fund balances or retained earnings in any fund;

(c) Deficit cash balances in any fund;

(d) Variances of more than 10 percent between total general fund revenues and budgeted general fund revenues; or

(e) Variances of more than 10 percent between total actual general fund expenditures and budgeted total general fund expenditures.

3. In preparing its biennial budgetary request for the State Distributive School Account, consult with the superintendent of schools of each school district or a person designated by the superintendent.

4. Provide, in consultation with the Budget Division of the Department of Administration and the Fiscal Analysis Division of the Legislative Counsel Bureau, training to the financial officers of school districts in matters relating to financial accountability.

Sec. 31. NRS 387.639 is hereby amended to read as follows:

387.639 1. If the board of trustees of a school district adopts a plan for corrective action, the board of trustees of the school district shall prepare, on or before February 1:

(a) A written progress report for submission, in the even-numbered year after the plan is adopted, to the State Board, the ~~[Legislative]~~ ***Joint Interim Standing*** Committee on Education and the Legislative Auditor.

(b) A final written report for submission, in the odd-numbered year after the plan is adopted, to the State Board, the Legislative Auditor and the Director of the Legislative Counsel Bureau for transmission to the Legislature.

2. The written progress report and the final written report must indicate the extent to which the plan has been carried out, the extent to which the plan has not been carried out and the reasons for any failure to carry out the plan.

3. Upon receipt of the final written report of the school district, the Legislative Auditor shall:

(a) Review the report and the plan for corrective action;

(b) Determine whether the school district successfully carried out the plan for corrective action and complies with the management principles for each of the areas set forth in subsection 2 of NRS 387.622; and

(c) Submit a written report of the determination of the Auditor to the Legislature, including a recommendation whether the school district should be granted an exemption from its next 6-year review.

4. The Legislature or a standing committee of the Legislature may:

(a) Review the reports submitted pursuant to this section and the written determination of the Legislative Auditor; and

(b) Conduct hearings to examine any justification for the failure of a school district to carry out successfully the management principles or to fully carry out the plan for corrective action.

5. The Legislature may, by concurrent resolution, determine that the school district complies with the management principles and grant an exemption to the school district from its next 6-year review. If a school district is exempt pursuant to this subsection, the exemption is valid for only one review and the school district must undergo a review at least once every 12 years.

Sec. 32. NRS 387.644 is hereby amended to read as follows:

387.644 1. If a school district is granted an exemption pursuant to NRS 387.631 or 387.639, the board of trustees of the school district shall provide written notice for each year that the exemption applies which includes:

(a) A determination of whether the school district continues to carry out the management principles; and

(b) Any changes in the policies or operations of the school district or any other circumstances occurring in the school district that do not conform to the management principles.

2. The written notice must be submitted on or before January 1 to:

(a) In even-numbered years, the State Board, the ~~[Legislative]~~ ***Joint Interim Standing*** Committee on Education and the Legislative Auditor.

(b) In odd-numbered years, the State Board, the Legislative Auditor and the Director of the Legislative Counsel Bureau for transmission to the Legislature.

Sec. 33. NRS 388.5317 is hereby amended to read as follows:

388.5317 1. The board of trustees of each school district shall, on or before August 1 of each year, prepare a report in the form prescribed by the Department that includes, without limitation, for each school within the school district:

(a) The number of instances in which physical restraint was used at the school during the immediately preceding school year, which must indicate the number of instances per teacher employed at the school and per pupil enrolled at the school without disclosing personally identifiable information about the teacher or the pupil;

(b) The number of instances in which mechanical restraint was used at the school during the immediately preceding school year, which must indicate the number of instances per teacher employed at the school and per pupil enrolled at the school without disclosing personally identifiable information about the teacher or the pupil; and

(c) The number of violations of NRS 388.521 to 388.5317, inclusive, by type of violation, which must indicate the number of violations per teacher employed at the school and per pupil enrolled at the school without disclosing personally identifiable information about the teacher or the pupil.

2. The board of trustees of each school district shall prescribe a form for each school within the school district to report the information set forth in subsection 1 to the school district and the time by which those reports must be submitted to the school district.

3. On or before August 15 of each year, the board of trustees of each school district shall submit to the Department the written report prepared by the board of trustees pursuant to subsection 1.

4. The Department shall compile the data received by each school district pursuant to subsection 3 and prepare a written report of the compilation, disaggregated by school district. On or before October 1 of each year, the Department shall submit the written compilation:

(a) In even-numbered years, to the Director of the Legislative Counsel Bureau for transmission to the next regular session of the Legislature.

(b) In odd-numbered years, to the ~~[Legislative]~~ ***Joint Interim Standing*** Committee on Education.

5. If a particular item in a report required pursuant to this section would reveal personally identifiable information about an individual pupil or teacher, that item must not be included in the report.

Sec. 34. NRS 388.787 is hereby amended to read as follows:

388.787 "Committee" means the ~~[Legislative]~~ ***Joint Interim Standing*** Committee on Education created pursuant to ~~[NRS 218E.605.]~~ ***section 5 of this act.***

Sec. 35. NRS 388.795 is hereby amended to read as follows:

388.795 1. The Commission shall establish a plan for the use of educational technology in the public schools of this State. In preparing the plan, the Commission shall consider:

(a) Plans that have been adopted by the Department and the school districts in this State;

(b) Plans that have been adopted in other states;

(c) The information reported pursuant to paragraph (t) of subsection 2 of NRS 385.347;

(d) The results of the assessment of needs conducted pursuant to subsection 6; and

(e) Any other information that the Commission or the Committee deems relevant to the preparation of the plan.

2. The plan established by the Commission must include recommendations for methods to:

(a) Incorporate educational technology into the public schools of this State;

(b) Increase the number of pupils in the public schools of this State who have access to educational technology;

(c) Increase the availability of educational technology to assist licensed teachers and other educational personnel in complying with the requirements of continuing education, including, without limitation, the receipt of credit for college courses completed through the use of educational technology;

(d) Facilitate the exchange of ideas to improve the achievement of pupils who are enrolled in the public schools of this State; and

(e) Address the needs of teachers in incorporating the use of educational technology in the classroom, including, without limitation, the completion of training that is sufficient to enable the teachers to instruct pupils in the use of educational technology.

3. The Department shall provide:

(a) Administrative support;

(b) Equipment; and

(c) Office space,

➥ as is necessary for the Commission to carry out the provisions of this section.

4. The following entities shall cooperate with the Commission in carrying out the provisions of this section:

(a) The State Board.

(b) The board of trustees of each school district.

(c) The superintendent of schools of each school district.

(d) The Department.

5. The Commission shall:

(a) Develop technical standards for educational technology and any electrical or structural appurtenances necessary thereto, including, without limitation, uniform specifications for computer hardware and wiring, to ensure that such technology is compatible, uniform and can be interconnected throughout the public schools of this State.

(b) Allocate money to the school districts from the Trust Fund for Educational Technology created pursuant to NRS 388.800 and any money appropriated by the Legislature for educational technology, subject to any priorities for such allocation established by the Legislature.

(c) Establish criteria for the board of trustees of a school district that receives an allocation of money from the Commission to:

(1) Repair, replace and maintain computer systems.

(2) Upgrade and improve computer hardware and software and other educational technology.

(3) Provide training, installation and technical support related to the use of educational technology within the district.

(d) Submit to the Governor, the Committee and the Department its plan for the use of educational technology in the public schools of this State and any recommendations for legislation.

(e) Review the plan annually and make revisions as it deems necessary or as directed by the Committee or the Department.

(f) In addition to the recommendations set forth in the plan pursuant to subsection 2, make further recommendations to the Committee and the Department as the Commission deems necessary.

6. During the spring semester of each even-numbered school year, the Commission shall conduct an assessment of the needs of each school district relating to educational technology. In conducting the assessment, the Commission shall consider:

(a) The recommendations set forth in the plan pursuant to subsection 2;

(b) The plan for educational technology of each school district, if applicable;

(c) Evaluations of educational technology conducted for the State or for a school district, if applicable; and

(d) Any other information deemed relevant by the Commission.

➥ The Commission shall submit a final written report of the assessment to the Superintendent of Public Instruction on or before April 1 of each even-numbered year.

7. The Superintendent of Public Instruction shall prepare a written compilation of the results of the assessment conducted by the Commission

and transmit the written compilation on or before June 1 of each even-numbered year to the ~~[Legislative]~~ ***Joint Interim Standing*** Committee on Education and to the Director of the Legislative Counsel Bureau for transmission to the next regular session of the Legislature.

8. The Commission may appoint an advisory committee composed of members of the Commission or other qualified persons to provide recommendations to the Commission regarding standards for the establishment, coordination and use of a telecommunications network in the public schools throughout the various school districts in this State. The advisory committee serves at the pleasure of the Commission and without compensation unless an appropriation or other money for that purpose is provided by the Legislature.

9. As used in this section, "public school" includes the Caliente Youth Center, the Nevada Youth Training Center and any other state facility for the detention of children that is operated pursuant to title 5 of NRS.

Sec. 36. NRS 389.006 is hereby amended to read as follows:

389.006 1. In addition to any other test, examination or assessment required by state or federal law, the board of trustees of each school district may require the administration of district-wide tests, examinations and assessments that the board of trustees determines are vital to measure the achievement and progress of pupils. In making this determination, the board of trustees shall consider any applicable findings and recommendations of the ~~[Legislative]~~ ***Joint Interim Standing*** Committee on Education.

2. The tests, examinations and assessments required pursuant to subsection 1 must be limited to those which can be demonstrated to provide a direct benefit to pupils or which are used by teachers to improve instruction and the achievement of pupils.

3. The board of trustees of each school district and the State Board shall periodically review the tests, examinations and assessments administered to pupils to ensure that the time taken from instruction to conduct a test, examination or assessment is warranted because it is still accomplishing its original purpose.

Sec. 37. NRS 389.012 is hereby amended to read as follows:

389.012 1. The State Board shall:

(a) In accordance with guidelines established by the National Assessment Governing Board and National Center for Education Statistics and in accordance with 20 U.S.C. §§ 6301 et seq. and the regulations adopted pursuant thereto, adopt regulations requiring the schools of this State that are selected by the National Assessment Governing Board or the National Center for Education Statistics to participate in the examinations of the National Assessment of Educational Progress.

(b) Report the results of those examinations to the:

(1) Governor;

(2) Board of trustees of each school district of this State;

(3) ~~[~~Legislative~~]~~ ***Joint Interim Standing*** Committee on Education created pursuant to ~~[~~NRS 218E.605;~~]~~ ***section 5 of this act;*** and

(4) Legislative Bureau of Educational Accountability and Program Evaluation created pursuant to NRS 218E.625.

(c) Include in the report required pursuant to paragraph (b) an analysis and comparison of the results of pupils in this State on the examinations required by this section with:

(1) The results of pupils throughout this country who participated in the examinations of the National Assessment of Educational Progress; and

(2) The results of pupils on the achievement and proficiency examinations administered pursuant to this chapter.

2. If the report required by subsection 1 indicates that the percentage of pupils enrolled in the public schools in this State who are proficient on the National Assessment of Educational Progress differs by more than 10 percent of the pupils who are proficient on the examinations administered pursuant to NRS 389.550 and the high school proficiency examination administered pursuant to NRS 389.015, the Department shall prepare a written report describing the discrepancy. The report must include, without limitation, a comparison and evaluation of:

(a) The standards of content and performance for English and mathematics established pursuant to NRS 389.520 with the standards for English and mathematics that are tested on the National Assessment.

(b) The standards for proficiency established for the National Assessment with the standards for proficiency established for the examinations that are administered pursuant to NRS 389.550 and the high school proficiency examination administered pursuant to NRS 389.015.

3. The report prepared by the Department pursuant to subsection 2 must be submitted to the:

(a) Governor;

(b) ~~[~~Legislative~~]~~ ***Joint Interim Standing*** Committee on Education;

(c) Legislative Bureau of Educational Accountability and Program Evaluation; and

(d) Council to Establish Academic Standards for Public Schools.

4. The Council to Establish Academic Standards for Public Schools shall review and evaluate the report provided to the Council pursuant to subsection 3 to identify any discrepancies in the standards of content and performance established by the Council that require revision and a timeline for carrying out the revision, if necessary. The Council shall submit a written report of its review and evaluation to the ~~[~~Legislative~~]~~ ***Joint Interim Standing*** Committee

on Education and Legislative Bureau of Educational Accountability and Program Evaluation.

Sec. 38. NRS 389.570 is hereby amended to read as follows:

389.570 1. The Council shall review the results of pupils on the examinations administered pursuant to NRS 389.550, including, without limitation, for each school in a school district and each charter school that is located within a school district, a review of the results for the current school year and a comparison of the progress, if any, made by the pupils enrolled in the school from preceding school years.

2. After the completion of the review pursuant to subsection 1, the Council shall evaluate:

(a) Whether the standards of content and performance established by the Council require revision; and

(b) The success of pupils, as measured by the results of the examinations, in achieving the standards of performance established by the Council.

3. The Council shall report the results of the evaluation conducted pursuant to subsection 2 to the State Board and the ~~[~~Legislative~~]~~ ***Joint Interim Standing*** Committee on Education.

Sec. 39. NRS 389.616 is hereby amended to read as follows:

389.616 1. The Department shall, by regulation or otherwise, adopt and enforce a plan setting forth procedures to ensure the security of examinations that are administered to pupils pursuant to NRS 389.015 and 389.550.

2. A plan adopted pursuant to subsection 1 must include, without limitation:

(a) Procedures pursuant to which pupils, school officials and other persons may, and are encouraged to, report irregularities in testing administration and testing security.

(b) Procedures necessary to ensure the security of test materials and the consistency of testing administration.

(c) Procedures that specifically set forth the action that must be taken in response to a report of an irregularity in testing administration or testing security and the actions that must be taken during an investigation of such an irregularity. For each action that is required, the procedures must identify:

(1) By category, the employees of the school district, charter school or Department, or any combination thereof, who are responsible for taking the action; and

(2) Whether the school district, charter school or Department, or any combination thereof, is responsible for ensuring that the action is carried out successfully.

(d) Objective criteria that set forth the conditions under which a school, including, without limitation, a charter school or a school district, or both, is

required to file a plan for corrective action in response to an irregularity in testing administration or testing security for the purposes of NRS 389.636.

3. A copy of the plan adopted pursuant to this section and the procedures set forth therein must be submitted on or before September 1 of each year to:

(a) The State Board; and

(b) The ~~[~~Legislative~~]~~ ***Joint Interim Standing*** Committee on Education, created pursuant to ~~[~~NRS 218E.605.~~]~~ ***section 5 of this act.***

Sec. 40. NRS 389.620 is hereby amended to read as follows:

389.620 1. The board of trustees of each school district shall, for each public school in the district, including, without limitation, charter schools, adopt and enforce a plan setting forth procedures to ensure the security of examinations.

2. A plan adopted pursuant to subsection 1 must include, without limitation:

(a) Procedures pursuant to which pupils, school officials and other persons may, and are encouraged to, report irregularities in testing administration and testing security.

(b) Procedures necessary to ensure the security of test materials and the consistency of testing administration.

(c) With respect to secondary schools, procedures pursuant to which the school district or charter school, as appropriate, will verify the identity of pupils taking an examination.

(d) Procedures that specifically set forth the action that must be taken in response to a report of an irregularity in testing administration or testing security and the action that must be taken during an investigation of such an irregularity. For each action that is required, the procedures must identify, by category, the employees of the school district or charter school who are responsible for taking the action and for ensuring that the action is carried out successfully.

➥ The procedures adopted pursuant to this subsection must be consistent, to the extent applicable, with the procedures adopted by the Department pursuant to NRS 389.616.

3. A copy of each plan adopted pursuant to this section and the procedures set forth therein must be submitted on or before September 1 of each year to:

(a) The State Board; and

(b) The ~~[~~Legislative~~]~~ ***Joint Interim Standing*** Committee on Education, created pursuant to ~~[~~NRS 218E.605.~~]~~ ***section 5 of this act.***

4. On or before September 30 of each school year, the board of trustees of each school district and the governing body of each charter school shall provide a written notice regarding the examinations to all teachers and educational personnel employed by the school district or governing body, all

personnel employed by the school district or governing body who are involved in the administration of the examinations, all pupils who are required to take the examinations and all parents and legal guardians of such pupils. The written notice must be prepared in a format that is easily understood and must include, without limitation, a description of the:

(a) Plan adopted pursuant to this section; and

(b) Action that may be taken against personnel and pupils for violations of the plan or for other irregularities in testing administration or testing security.

5. As used in this section:

(a) "Examination" means:

(1) Achievement and proficiency examinations that are administered to pupils pursuant to NRS 389.015 or 389.550; and

(2) Any other examinations which measure the achievement and proficiency of pupils and which are administered to pupils on a district-wide basis.

(b) "Irregularity in testing administration" means the failure to administer an examination in the manner intended by the person or entity that created the examination.

(c) "Irregularity in testing security" means an act or omission that tends to corrupt or impair the security of an examination, including, without limitation:

(1) The failure to comply with security procedures adopted pursuant to this section or NRS 389.616;

(2) The disclosure of questions or answers to questions on an examination in a manner not otherwise approved by law; and

(3) Other breaches in the security or confidentiality of the questions or answers to questions on an examination.

Sec. 41. NRS 389.648 is hereby amended to read as follows:

389.648 1. The Department shall establish procedures for the uniform documentation and maintenance by the Department of irregularities in testing administration and testing security reported to the Department pursuant to NRS 389.628 and investigations of such irregularities conducted by the Department pursuant to NRS 389.624. The procedures must include, without limitation:

(a) A method for assigning a unique identification number to each incident of irregularity; and

(b) A method to ensure that the status of an irregularity is readily accessible by the Department.

2. In accordance with the procedures established pursuant to subsection 1, the Department shall prepare and maintain for each irregularity in testing administration and each irregularity in testing security, a written summary

accompanying the report of the irregularity. The written summary must include, without limitation:

(a) An evaluation of whether the procedures prescribed by the Department pursuant to paragraph (c) of subsection 2 of NRS 389.616 were followed in response to the irregularity;

(b) The corrective action, if any, taken in response to the irregularity pursuant to NRS 389.636;

(c) An evaluation of whether the corrective action achieved the desired result; and

(d) The current status and the outcome, if any, of an investigation related to the irregularity.

3. The Department shall prepare a written report that includes for each school year:

(a) A summary of each irregularity in testing administration and testing security reported to the Department pursuant to NRS 389.628 and each investigation conducted pursuant to NRS 389.624.

(b) A summary for each school that was required to provide additional administration of examinations pursuant to NRS 389.632. The summary must include, without limitation:

(1) The identity of the school;

(2) The type of additional examinations that were administered pursuant to NRS 389.632;

(3) The date on which those examinations were administered;

(4) A comparison of the results of pupils on the:

(I) Examinations in which an additional irregularity occurred in the second school year described in NRS 389.632; and

(II) Additional examinations administered pursuant to NRS 389.632.

(c) Each written summary prepared by the Department pursuant to subsection 2.

(d) The current status of each irregularity that was reported for a preceding school year which had not been resolved at the time that the preceding report was filed.

(e) The current status and the outcome, if any, of an investigation conducted by the Department pursuant to NRS 389.624.

(f) An analysis of the irregularities and recommendations, if any, to improve the security of the examinations and the consistency of testing administration.

4. On or before September 1 of each year, the Department shall submit the report prepared pursuant to subsection 3 for the immediately preceding school year to the ~~[Legislative]~~ ***Joint Interim Standing*** Committee on Education created pursuant to ~~[NRS 218E.605]~~ ***section 5 of this act*** and the State Board.

Sec. 42. NRS 391.166 is hereby amended to read as follows:

391.166 1. There is hereby created the Grant Fund for Incentives for Licensed Educational Personnel to be administered by the Department. The Department may accept gifts and grants from any source for deposit in the Grant Fund.

2. The board of trustees of each school district shall establish a program of incentive pay for licensed teachers, school psychologists, school librarians, school counselors and administrators employed at the school level which must be designed to attract and retain those employees. The program must be negotiated pursuant to chapter 288 of NRS and must include, without limitation, the attraction and retention of:

(a) Licensed teachers, school psychologists, school librarians, school counselors and administrators employed at the school level who have been employed in that category of position for at least 5 years in this State or another state and who are employed in schools which are at-risk, as determined by the Department pursuant to subsection 8; and

(b) Teachers who hold an endorsement in the field of mathematics, science, special education, English as a second language or other area of need within the school district, as determined by the Superintendent of Public Instruction.

3. A program of incentive pay established by a school district must specify the type of financial incentives offered to the licensed educational personnel. Money available for the program must not be used to negotiate the salaries of individual employees who participate in the program.

4. If the board of trustees of a school district wishes to receive a grant of money from the Grant Fund, the board of trustees shall submit to the Department an application on a form prescribed by the Department. The application must include a description of the program of incentive pay established by the school district.

5. The Superintendent of Public Instruction shall compile a list of the financial incentives recommended by each school district that submitted an application. On or before December 1 of each year, the Superintendent shall submit the list to the Interim Finance Committee for its approval of the recommended incentives.

6. After approval of the list of incentives by the Interim Finance Committee pursuant to subsection 5 and within the limits of money available in the Grant Fund, the Department shall provide grants of money to each school district that submits an application pursuant to subsection 4 based upon the amount of money that is necessary to carry out each program. If an insufficient amount of money is available to pay for each program submitted to the Department, the amount of money available must be distributed pro rata based upon the number of licensed employees who are estimated to be

eligible to participate in the program in each school district that submitted an application.

7. An individual employee may not receive as a financial incentive pursuant to a program an amount of money that is more than $3,500 per year.

8. The Department shall, in consultation with representatives appointed by the Nevada Association of School Superintendents and the Nevada Association of School Boards, develop a formula for identifying at-risk schools for purposes of this section. The formula must be developed on or before July 1 of each year and include, without limitation, the following factors:

(a) The percentage of pupils who are eligible for free or reduced-price lunches pursuant to 42 U.S.C. §§ 1751 et seq.;

(b) The transiency rate of pupils;

(c) The percentage of pupils who are limited English proficient;

(d) The percentage of pupils who have individualized education programs;

(e) The percentage of pupils who score in the bottom two quarters on the mathematics portion or the reading portion, or both, of the high school proficiency examination; and

(f) The percentage of pupils who drop out of high school before graduation.

9. The board of trustees of each school district that receives a grant of money pursuant to this section shall evaluate the effectiveness of the program for which the grant was awarded. The evaluation must include, without limitation, an evaluation of whether the program is effective in recruiting and retaining the personnel as set forth in subsection 2. On or before December 1 of each year, the board of trustees shall submit a report of its evaluation to the:

(a) Governor;

(b) State Board;

(c) Interim Finance Committee;

(d) If the report is submitted in an even-numbered year, Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature; and

(e) ~~[~~Legislative~~]~~ ***Joint Interim Standing*** Committee on Education.

Sec. 43. NRS 391.536 is hereby amended to read as follows:

391.536 1. On an annual basis, the governing body of each regional training program shall review the budget for the program and submit a proposed budget to the ~~[~~Legislative~~]~~ ***Joint Interim Standing*** Committee on Education. The proposed budget must include, without limitation, the amount of money requested by the governing body to pay for the salary or other compensation of the coordinator of the program hired pursuant to NRS 391.532. In even-numbered years, the proposed budget must be submitted to

the ~~[Legislative]~~ ***Joint Interim Standing*** Committee on Education at least 4 months before the commencement of the next regular session of the Legislature.

2. The governing body of a regional training program may:

(a) Accept gifts and grants from any source to assist the governing body in providing the training required by NRS 391.544.

(b) Comply with applicable federal laws and regulations governing the provision of federal grants to assist with the training provided pursuant to NRS 391.544, including, without limitation, providing money from the budget of the governing body to match the money received from a federal grant.

Sec. 44. NRS 391.552 is hereby amended to read as follows:

391.552 The governing body of each regional training program shall:

1. Establish a method for the evaluation of the success of the regional training program, including, without limitation, the Nevada Early Literacy Intervention Program. The method must be consistent with the uniform procedures adopted by the Statewide Council pursuant to NRS 391.520.

2. On or before September 1 of each year, submit an annual report to the State Board, the Commission, the ~~[Legislative]~~ ***Joint Interim Standing*** Committee on Education and the Legislative Bureau of Educational Accountability and Program Evaluation that includes:

(a) The priorities for training adopted by the governing body pursuant to NRS 391.540.

(b) The type of training offered through the program in the immediately preceding year.

(c) The number of teachers and administrators who received training through the program in the immediately preceding year.

(d) The number of paraprofessionals, if any, who received training through the program in the immediately preceding year.

(e) An evaluation of the success of the program, including, without limitation, the Nevada Early Literacy Intervention Program, in accordance with the method established pursuant to subsection 1.

(f) A description of the gifts and grants, if any, received by the governing body in the immediately preceding year and the gifts and grants, if any, received by the Statewide Council during the immediately preceding year on behalf of the regional training program. The description must include the manner in which the gifts and grants were expended.

(g) The 5-year plan for the program prepared pursuant to NRS 391.540 and any revisions to the plan made by the governing body in the immediately preceding year.

Sec. 45. NRS 391.556 is hereby amended to read as follows:

391.556 The board of trustees of each school district shall submit an annual report to the State Board, the Commission, the ~~[Legislative]~~ ***Joint Interim Standing*** Committee on Education and the Legislative Bureau of Educational Accountability and Program Evaluation that includes for the immediately preceding year:

1. The number of teachers and administrators employed by the school district who received training through the program; and

2. An evaluation of whether that training included the standards of content and performance established by the Council to Establish Academic Standards for Public Schools pursuant to NRS 389.520.

Sec. 46. NRS 392.129 is hereby amended to read as follows:

392.129 1. The board of trustees of a school district located:

(a) In a county whose population is 100,000 or more shall establish not less than one school attendance council within the school district.

(b) In a county whose population is less than 100,000 may establish a school attendance council within the school district.

2. A school attendance council established by the board of trustees must consist of members whose professional responsibilities relate to the prevention of truancy and the enforcement of laws relating to truancy, which may include, without limitation, a person in charge of monitoring attendance within the school district or a school, a representative from an agency which provides child welfare services, a representative from a law enforcement agency and a representative of the district attorney.

3. A school attendance council shall:

(a) Assist in the implementation of a program to reduce the truancy of pupils adopted by the advisory board to review school attendance pursuant to NRS 392.128.

(b) Monitor each incident involving the truancy of a pupil within the school district and document the efforts made by each school and the school district to assist the pupil in attending school.

(c) Monitor excessive absences of pupils within the school district and document the efforts made by each school and the school district to assist pupils in attending school.

(d) Prepare an annual report which includes a compilation of the disposition of incidences involving the truancy of pupils during the immediately preceding school year. On or before August 1 of each year the report must be submitted to the Department and the ~~[Legislative]~~ ***Joint Interim Standing*** Committee on Education. The annual report must not disclose the identity of an individual pupil.

(e) Receive and retain a report from a family resource center or other provider of community services that assists pupils who are truant. As used in

this paragraph, "family resource center" has the meaning ascribed to it in NRS 430A.040.

Sec. 47. NRS 392.4644 is hereby amended to read as follows:

392.4644 1. The principal of each public school shall establish a plan to provide for the progressive discipline of pupils and on-site review of disciplinary decisions. The plan must:

(a) Be developed with the input and participation of teachers and other educational personnel and support personnel who are employed at the school, and the parents and guardians of pupils who are enrolled in the school.

(b) Be consistent with the written rules of behavior prescribed in accordance with NRS 392.463.

(c) Include, without limitation, provisions designed to address the specific disciplinary needs and concerns of the school.

(d) Provide for the temporary removal of a pupil from a classroom in accordance with NRS 392.4645.

2. On or before October 1 of each year, the principal of each public school shall:

(a) Review the plan in consultation with the teachers and other educational personnel and support personnel who are employed at the school;

(b) Based upon the review, make revisions to the plan, as recommended by the teachers and other educational personnel and support personnel, if necessary; and

(c) Post a copy of the plan or the revised plan, as applicable, in a prominent place at the school for public inspection and otherwise make the plan available for public inspection at the administrative office of the school.

3. On or before October 1 of each year, the principal of each public school shall submit a copy of the plan established pursuant to subsection 1 or a revised plan, if applicable, to the superintendent of schools of the school district. On or before November 1 of each year, the superintendent of schools of each school district shall submit a report to the board of trustees of the school district that includes:

(a) A compilation of the plans submitted pursuant to this subsection by each school within the school district.

(b) The name of each principal, if any, who has not complied with the requirements of this section.

4. On or before November 30 of each year, the board of trustees of each school district shall submit a written report to the Superintendent of Public Instruction based upon the compilation submitted pursuant to subsection 3 that reports the progress of each school within the district in complying with the requirements of this section.

5. On or before December 31 of each year, the Superintendent of Public Instruction shall submit a written report to the Director of the Legislative

Counsel Bureau concerning the progress of the schools and school districts throughout this state in complying with this section. If the report is submitted during:

(a) An even-numbered year, the Director of the Legislative Counsel Bureau shall transmit it to the next regular session of the Legislature.

(b) An odd-numbered year, the Director of the Legislative Counsel Bureau shall transmit it to the ~~[Legislative]~~ ***Joint Interim Standing*** Committee on Education.

Sec. 48. NRS 394.379 is hereby amended to read as follows:

394.379 1. The administrative head of each private school that provides instruction to pupils with disabilities shall, on or before August 15 of each year, prepare a report that includes, without limitation:

(a) The number of instances in which physical restraint was used at the private school during the immediately preceding school year, which must indicate the number of instances per teacher employed at the private school and per pupil enrolled at the private school without disclosing personally identifiable information about the teacher or the pupil;

(b) The number of instances in which mechanical restraint was used at the private school during the immediately preceding school year, which must indicate the number of instances per teacher employed at the private school and per pupil enrolled at the private school without disclosing personally identifiable information about the teacher or the pupil; and

(c) The number of violations of NRS 394.353 to 394.379, inclusive, by type of violation, which must indicate the number of violations per teacher employed at the private school and per pupil enrolled at the private school.

2. On or before August 15 of each year, the administrative head of each private school that provides instruction to pupils with disabilities shall submit to the Department the report prepared pursuant to subsection 1. The report must be in the form prescribed by the Department.

3. The Department shall compile the data submitted by each private school pursuant to subsection 2 and prepare a written report of the compilation, disaggregated by each private school. On or before October 1 of each year, the Department shall submit the written compilation:

(a) In even-numbered years, to the Director of the Legislative Counsel Bureau for transmission to the next regular session of the Legislature.

(b) In odd-numbered years, to the ~~[Legislative]~~ ***Joint Interim Standing*** Committee on Education.

4. If a particular item in a report required pursuant to this section would reveal personally identifiable information about an individual pupil or teacher, that item must not be included in the report.

Sec. 49. NRS 400.045 is hereby amended to read as follows:

400.045 On or before June 30 of each year, the Council shall submit a written report of its activities and any recommendations to the:

1. Board of Regents of the University of Nevada;
2. State Board;
3. Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature;
4. ~~[Legislative]~~ ***Joint Interim Standing*** Committee on Education; and
5. Governor.

Sec. 50. NRS 422.2728 is hereby amended to read as follows:

422.2728 1. If the Federal Government approves a Medicaid waiver which the Director applied for pursuant to NRS 422.2726, the Director shall adopt regulations to implement the waiver and establish a program in accordance with the waiver, which may include, without limitation, regulations setting forth:

(a) Any amount of contribution that a person who receives any benefit under the program is required to pay;

(b) Criteria for eligibility;

(c) The services covered by the program;

(d) Any limitation on the number of persons who may participate in the program; and

(e) Any other regulations necessary to carry out the program.

2. The Director shall also adopt any necessary regulations to ensure that an employer that provides health care insurance to an employee does not discontinue or reduce the employer's contribution toward such insurance as a result of any subsidy authorized under the program established pursuant to this section. Such regulations must include, without limitation, a requirement that a person is not eligible for a subsidy unless the employer contributes at least 50 percent toward the premium for insurance provided by the employer.

3. The Director shall submit a quarterly report concerning benefits provided by the program established pursuant to this section to the Interim Finance Committee and the ~~[Legislative Committee on Health Care.]~~ ***Joint Interim Standing Committee on Health and Human Services.***

Sec. 51. NRS 439.630 is hereby amended to read as follows:

439.630 1. The Department shall:

(a) Conduct, or require the Grants Management Advisory Committee created by NRS 232.383 to conduct, public hearings to accept public testimony from a wide variety of sources and perspectives regarding existing or proposed programs that:

(1) Promote public health;

(2) Improve health services for children, senior citizens and persons with disabilities;

(3) Reduce or prevent the abuse of and addiction to alcohol and drugs; and

(4) Offer other general or specific information on health care in this State.

(b) Establish a process to evaluate the health and health needs of the residents of this State and a system to rank the health problems of the residents of this State, including, without limitation, the specific health problems that are endemic to urban and rural communities, and report the results of the evaluation to the ~~[Legislative Committee on Health Care]~~ ***Joint Interim Standing Committee on Health and Human Services*** on an annual basis.

(c) Allocate not more than 30 percent of available revenues for direct expenditure by the Department to pay for prescription drugs, pharmaceutical services and, to the extent money is available, other benefits, including, without limitation, dental and vision benefits and hearing aids or other devices that enhance the ability to hear, for senior citizens pursuant to NRS 439.635 to 439.690, inclusive. From the money allocated pursuant to this paragraph, the Department may subsidize any portion of the cost of providing prescription drugs, pharmaceutical services and, to the extent money is available, other benefits, including, without limitation, dental and vision benefits and hearing aids or other devices that enhance the ability to hear, to senior citizens pursuant to NRS 439.635 to 439.690, inclusive. The Department shall consider recommendations from the Grants Management Advisory Committee in carrying out the provisions of NRS 439.635 to 439.690, inclusive. The Department shall submit a quarterly report to the Governor, the Interim Finance Committee, the ~~[Legislative Committee on Health Care]~~ ***Joint Interim Standing Committee on Health and Human Services*** and any other committees or commissions the Director deems appropriate regarding the general manner in which expenditures have been made pursuant to this paragraph.

(d) Allocate, by contract or grant, for expenditure not more than 30 percent of available revenues for allocation by the Aging and Disability Services Division of the Department in the form of grants for existing or new programs that assist senior citizens with independent living, including, without limitation, programs that provide:

(1) Respite care or relief of informal caretakers;

(2) Transportation to new or existing services to assist senior citizens in living independently; and

(3) Care in the home which allows senior citizens to remain at home instead of in institutional care.

➥ The Aging and Disability Services Division of the Department shall consider recommendations from the Grants Management Advisory Committee concerning the independent living needs of senior citizens.

(e) Allocate $200,000 of all revenues deposited in the Fund for a Healthy Nevada each year for direct expenditure by the Director to:

(1) Provide guaranteed funding to finance assisted living facilities that satisfy the criteria for certification set forth in NRS 319.147; and

(2) Fund assisted living facilities that satisfy the criteria for certification set forth in NRS 319.147 and assisted living supportive services that are provided pursuant to the provisions of the home and community-based services waiver which are amended pursuant to NRS 422.2708.

➥ The Director shall develop policies and procedures for distributing the money allocated pursuant to this paragraph. Money allocated pursuant to this paragraph does not revert to the Fund at the end of the fiscal year.

(f) Allocate to the Health Division not more than 15 percent of available revenues for programs that are consistent with the guidelines established by the Centers for Disease Control and Prevention of the United States Department of Health and Human Services relating to evidence-based best practices to prevent, reduce or treat the use of tobacco and the consequences of the use of tobacco. In making allocations pursuant to this paragraph, the Health Division shall allocate the money, by contract or grant:

(1) To the district board of health in each county whose population is 100,000 or more for expenditure for such programs in the respective county;

(2) For such programs in counties whose population is less than 100,000; and

(3) For statewide programs for tobacco cessation and other statewide services for tobacco cessation and for statewide evaluations of programs which receive an allocation of money pursuant to this paragraph, as determined necessary by the Health Division and the district boards of health.

(g) Allocate, by contract or grant, for expenditure not more than 10 percent of available revenues for programs that improve health services for children.

(h) Allocate, by contract or grant, for expenditure not more than 10 percent of available revenues for programs that improve the health and well-being of persons with disabilities. In making allocations pursuant to this paragraph, the Department shall, to the extent practicable, allocate the money evenly among the following three types of programs:

(1) Programs that provide respite care or relief of informal caretakers for persons with disabilities;

(2) Programs that provide positive behavioral supports to persons with disabilities; and

(3) Programs that assist persons with disabilities to live safely and independently in their communities outside of an institutional setting.

(i) Allocate not more than 5 percent of available revenues for direct expenditure by the Department to subsidize any portion of the cost of providing prescription drugs, pharmaceutical services and, to the extent money is available, other benefits, including, without limitation, dental and vision benefits and hearing aids or other devices that enhance the ability to hear, to persons with disabilities pursuant to NRS 439.705 to 439.795, inclusive. The Department shall consider recommendations from the Grants Management Advisory Committee in carrying out the provisions of NRS 439.705 to 439.795, inclusive.

(j) Maximize expenditures through local, federal and private matching contributions.

(k) Ensure that any money expended from the Fund will not be used to supplant existing methods of funding that are available to public agencies.

(l) Develop policies and procedures for the administration and distribution of contracts, grants and other expenditures to state agencies, political subdivisions of this State, nonprofit organizations, universities, state colleges and community colleges. A condition of any such contract or grant must be that not more than 8 percent of the contract or grant may be used for administrative expenses or other indirect costs. The procedures must require at least one competitive round of requests for proposals per biennium.

(m) To make the allocations required by paragraphs (f), (g) and (h):

(1) Prioritize and quantify the needs for these programs;

(2) Develop, solicit and accept applications for allocations;

(3) Review and consider the recommendations of the Grants Management Advisory Committee submitted pursuant to NRS 232.385;

(4) Conduct annual evaluations of programs to which allocations have been awarded; and

(5) Submit annual reports concerning the programs to the Governor, the Interim Finance Committee, the ~~[Legislative Committee on Health Care]~~ ***Joint Interim Standing Committee on Health and Human Services*** and any other committees or commissions the Director deems appropriate.

(n) Transmit a report of all findings, recommendations and expenditures to the Governor, each regular session of the Legislature, the ~~[Legislative Committee on Health Care]~~ ***Joint Interim Standing Committee on Health and Human Services*** and any other committees or commissions the Director deems appropriate.

2. The Department may take such other actions as are necessary to carry out its duties.

3. To make the allocations required by paragraph (d) of subsection 1, the Aging and Disability Services Division of the Department shall:

(a) Prioritize and quantify the needs of senior citizens for these programs;

(b) Develop, solicit and accept grant applications for allocations;

(c) As appropriate, expand or augment existing state programs for senior citizens upon approval of the Interim Finance Committee;

(d) Award grants, contracts or other allocations;

(e) Conduct annual evaluations of programs to which grants or other allocations have been awarded; and

(f) Submit annual reports concerning the allocations made by the Aging and Disability Services Division pursuant to paragraph (d) of subsection 1 to the Governor, the Interim Finance Committee, the ~~[Legislative Committee on Health Care]~~ ***Joint Interim Standing Committee on Health and Human Services*** and any other committees or commissions the Director deems appropriate.

4. The Aging and Disability Services Division of the Department shall submit each proposed grant or contract which would be used to expand or augment an existing state program to the Interim Finance Committee for approval before the grant or contract is awarded. The request for approval must include a description of the proposed use of the money and the person or entity that would be authorized to expend the money. The Aging and Disability Services Division of the Department shall not expend or transfer any money allocated to the Aging and Disability Services Division pursuant to this section to subsidize any portion of the cost of providing prescription drugs, pharmaceutical services and other benefits, including, without limitation, dental and vision benefits and hearing aids or other devices that enhance the ability to hear, to senior citizens pursuant to NRS 439.635 to 439.690, inclusive, or to subsidize any portion of the cost of providing prescription drugs, pharmaceutical services and other benefits, including, without limitation, dental and vision benefits and hearing aids or other devices that enhance the ability to hear, to persons with disabilities pursuant to NRS 439.705 to 439.795, inclusive.

5. A veteran may receive benefits or other services which are available from the money allocated pursuant to this section for senior citizens or persons with disabilities to the extent that the veteran does not receive other benefits or services provided to veterans for the same purpose if the veteran qualifies for the benefits or services as a senior citizen or a person with a disability, or both.

6. As used in this section, "available revenues" means the total revenues deposited in the Fund for a Healthy Nevada each year minus $200,000.

Sec. 52. NRS 439.970 is hereby amended to read as follows:

439.970 1. Except as otherwise provided in chapter 414 of NRS, if a health authority identifies within its jurisdiction a public health emergency or other health event that is an immediate threat to the health and safety of the

public in a health care facility or the office of a provider of health care, the health authority shall immediately transmit to the Governor a report of the immediate threat.

2. Upon receiving a report pursuant to subsection 1, the Governor shall determine whether a public health emergency or other health event exists that requires a coordinated response for the health and safety of the public. If the Governor determines that a public health emergency or other health event exists that requires such a coordinated response, the Governor shall issue an executive order:

(a) Stating the nature of the public health emergency or other health event;

(b) Stating the conditions that have brought about the public health emergency or other health event, including, without limitation, an identification of each health care facility or provider of health care, if any, related to the public health emergency or other health event;

(c) Stating the estimated duration of the immediate threat to the health and safety of the public; and

(d) Designating an emergency team comprised of:

(1) The State Health Officer or a person appointed pursuant to subsection 5, as applicable; and

(2) Representatives of state agencies, divisions, boards and other entities, including, without limitation, professional licensing boards, with authority by statute to govern or regulate the health care facilities and providers of health care identified as being related to the public health emergency or other health event pursuant to paragraph (b).

3. If additional state agencies, divisions, boards or other entities are identified during the course of the response to the public health emergency or other health event as having authority regarding a health care facility or provider of health care that is related to the public health emergency or other health event, the Governor shall direct that agency, division, board or entity to appoint a representative to the emergency team.

4. The State Health Officer or a person appointed pursuant to subsection 5, as applicable, is the chair of the emergency team.

5. If the State Health Officer has a conflict of interest relating to a public health emergency or other health event or is otherwise unable to carry out the duties prescribed pursuant to NRS 439.950 to 439.983, inclusive, the Director shall temporarily appoint a person to carry out the duties of the State Health Officer prescribed in NRS 439.950 to 439.983, inclusive, until such time as the public health emergency or other health event has been resolved or the State Health Officer is able to resume those duties. The person appointed by the Director must meet the requirements prescribed by subsection 1 of NRS 439.090.

6. The Governor shall immediately transmit the executive order to:

(a) The Legislature or, if the Legislature is not in session, to the Legislative Commission and the ~~[Legislative Committee on Health Care;]~~ ***Joint Interim Standing Committee on Health and Human Services;*** and

(b) Any person or entity deemed necessary or advisable by the Governor.

7. The Governor shall declare a public health emergency or other health event terminated before the estimated duration stated in the executive order upon a finding that the public health emergency or other health event no longer poses an immediate threat to the health and safety of the public. Upon such a finding, the Governor shall notify each person and entity described in subsection 6.

8. If a public health emergency or other health event lasts longer than the estimated duration stated in the executive order, the Governor is not required to reissue an executive order, but shall notify each person and entity identified in subsection 6.

9. The Attorney General shall provide legal counsel to the emergency team.

Sec. 53. NRS 439.980 is hereby amended to read as follows:

439.980 The chair of the emergency team or a member of the emergency team designated by the chair shall:

1. Provide information to the general public and ensure that the public remains informed on the progress of the work of the emergency team.

2. Act as the liaison between the emergency team and the Governor, the Speaker of the Assembly, the Majority Leader of the Senate, the Attorney General and any other officer, agency or political subdivision of this State with an interest in the response to and resolution of the public health emergency or other health event.

3. Provide to the Governor and the Legislature or, if the Legislature is not in session, to the Legislative Commission and the ~~[Legislative Committee on Health Care:]~~ ***Joint Interim Standing Committee on Health and Human Services:***

(a) During the course of an investigation of a public health emergency or other health event, monthly updates, or more frequent updates if requested, on the progress of the work of the emergency team; and

(b) Upon the resolution of the issues involved in the public health emergency or other health event, a report on the findings of the emergency team and the action that was taken to resolve the public health emergency or other health event and any consequences thereof.

Sec. 54. NRS 439.983 is hereby amended to read as follows:

439.983 Upon the resolution of a public health emergency or other health event, the emergency team shall:

1. Make recommendations to the State Board of Health and local boards of health with respect to regulations or policies which may be adopted to

prevent public health emergencies and other health events or to improve responses to public health emergencies and other health events; and

2. Evaluate the response of each state agency, division, board or other entity represented on the emergency team and make recommendations to the Governor and the Legislature or, if the Legislature is not in session, to the Legislative Commission and the ~~[Legislative Committee on Health Care]~~ ***Joint Interim Standing Committee on Health and Human Services*** with respect to actions and measures that may be taken to improve such responses.

Sec. 55. NRS 439A.290 is hereby amended to read as follows:

439A.290 1. In carrying out the provisions of NRS 439A.200 to 439A.290, inclusive, the Department:

(a) Shall work in consultation with a quality improvement organization of the Centers for Medicare and Medicaid Services of the United States Department of Health and Human Services; and

(b) May contract with the Nevada System of Higher Education or any appropriate, independent and qualified person or entity to analyze the information collected and maintained by the Department pursuant to NRS 439A.200 to 439A.290, inclusive. Such a contractor may release or publish or otherwise use information made available to it pursuant to the contract if the Department determines that the information is accurate and the contractor complies with the regulations adopted pursuant to subsection 2.

2. The Department shall adopt regulations for the review and release of information collected and maintained by the Department pursuant to NRS 439A.200 to 439A.290, inclusive. The regulations must require, without limitation, the Department to review each request for information if the request is for purposes other than research.

3. The Department shall, on or before July 1 of each year, submit to the ~~[Legislative Committee on Health Care]~~ ***Joint Interim Standing Committee on Health and Human Services*** a report concerning each request that is made pursuant to subsection 2 and the determination of the Department with regard to each request.

Sec. 56. NRS 439B.040 is hereby amended to read as follows:

439B.040 "Committee" means the ~~[Legislative Committee on Health Care.]~~ ***Joint Interim Standing Committee on Health and Human Services.***

Sec. 57. NRS 449.242 is hereby amended to read as follows:

449.242 1. Each hospital located in a county whose population is 100,000 or more and which is licensed to have more than 70 beds shall establish a staffing committee to develop a documented staffing plan as required pursuant to NRS 449.2421. The staffing committee must consist of:

(a) Not less than one-half of the total members from the licensed nursing staff who are providing direct patient care at the hospital; and

(b) Not less than one-half of the total members appointed by the administration of the hospital.

2. The staffing committee of a hospital shall meet at least quarterly.

3. Each hospital that is required to establish a staffing committee pursuant to this section shall prepare a written report concerning the establishment of the staffing committee, the activities and progress of the staffing committee and a determination of the efficacy of the staffing committee. The hospital shall submit the report on or before December 31 of each:

(a) Even-numbered year to the Director of the Legislative Counsel Bureau for transmission to the next regular session of the Legislature.

(b) Odd-numbered year to the ~~[Legislative Committee on Health Care.]~~ ***Joint Interim Standing Committee on Health and Human Services.***

Sec. 58. NRS 449.446 is hereby amended to read as follows:

449.446 1. The Health Division shall conduct annual and unannounced on-site inspections of each office of a physician or a facility that provides health care, other than a medical facility, which holds a permit issued pursuant to NRS 449.443 and each surgical center for ambulatory patients which holds a license issued pursuant to this chapter.

2. An inspection conducted pursuant to this section must focus on the infection control practices and policies of the surgical center for ambulatory patients, the office or the facility that is the subject of the inspection. The Health Division may, as it deems necessary, conduct a more comprehensive inspection of a surgical center, office or facility.

3. Upon completion of an inspection, the Health Division shall:

(a) Compile a report of the inspection, including each deficiency discovered during the inspection, if any; and

(b) Forward a copy of the report to the surgical center for ambulatory patients, the office of the physician or the facility where the inspection was conducted.

4. If a deficiency is indicated in the report, the surgical center for ambulatory patients, the office of the physician or the facility shall correct each deficiency indicated in the report in the manner prescribed by the Board pursuant to NRS 449.448.

5. The Health Division shall annually prepare and submit to the ~~[Legislative Committee on Health Care]~~ ***Joint Interim Standing Committee on Health and Human Services*** and the Legislative Commission a report which includes:

(a) The number and frequency of inspections conducted pursuant to this section;

(b) A summary of deficiencies or other significant problems discovered while conducting inspections pursuant to this section and the results of any follow-up inspections; and

(c) Any other information relating to the inspections as deemed necessary by the ~~[Legislative Committee on Health Care]~~ ***Joint Interim Standing Committee on Health and Human Services*** or the Legislative Commission.

Sec. 59. NRS 449.465 is hereby amended to read as follows:

449.465 1. The Director may, by regulation, impose fees upon admitted health insurers to cover the costs of carrying out the provisions of NRS 449.450 to 449.530, inclusive. The maximum amount of fees collected must not exceed the amount authorized by the Legislature in each biennial budget.

2. The Director shall impose a fee of $50 each year upon admitted health insurers for the support of the ~~[Legislative Committee on Health Care.]~~ ***Joint Interim Standing Committee on Health and Human Services.*** The fee imposed pursuant to this subsection is in addition to any fee imposed pursuant to subsection 1. The fee collected for the support of the ~~[Legislative Committee on Health Care]~~ ***Joint Interim Standing Committee on Health and Human Services*** must be deposited in the Legislative Fund.

Sec. 60. NRS 449.520 is hereby amended to read as follows:

449.520 1. On or before October 1 of each year, the Director shall prepare and transmit to the Governor, the ~~[Legislative Committee on Health Care]~~ ***Joint Interim Standing Committee on Health and Human Services*** and the Interim Finance Committee a report of the Department's operations and activities for the preceding fiscal year.

2. The report prepared pursuant to subsection 1 must include:

(a) Copies of all summaries, compilations and supplementary reports required by NRS 449.450 to 449.530, inclusive, together with such facts, suggestions and policy recommendations as the Director deems necessary;

(b) A summary of the trends of the audits of hospitals in this State that the Department required or performed during the previous year;

(c) An analysis of the trends in the costs, expenses and profits of hospitals in this State;

(d) An analysis of the corporate home office allocation methodologies of hospitals in this State;

(e) An examination and analysis of the manner in which hospitals are reporting the information that is required to be filed pursuant to NRS 449.490, including, without limitation, an examination and analysis of whether that information is being reported in a standard and consistent manner, which fairly reflect the operations of each hospital;

(f) A review and comparison of the policies and procedures used by hospitals in this State to provide discounted services to, and to reduce charges for services provided to, persons without health insurance;

(g) A review and comparison of the policies and procedures used by hospitals in this State to collect unpaid charges for services provided by the hospitals; and

(h) A summary of the status of the programs established pursuant to NRS 439A.220 and 439A.240 to increase public awareness of health care information concerning the hospitals and surgical centers for ambulatory patients in this State, including, without limitation, the information that was posted in the preceding fiscal year on the Internet website maintained for those programs pursuant to NRS 439A.270.

3. The ~~[Legislative Committee on Health Care]~~ ***Joint Interim Standing Committee on Health and Human Services*** shall develop a comprehensive plan concerning the provision of health care in this State which includes, without limitation:

(a) A review of the health care needs in this State as identified by state agencies, local governments, providers of health care and the general public; and

(b) A review of the capital improvement reports submitted by hospitals pursuant to subsection 2 of NRS 449.490.

Sec. 61. NRS 450B.795 is hereby amended to read as follows:

450B.795 1. The State Board of Health shall collect data, in accordance with the system that is developed by the Board pursuant to subsection 5, concerning the waiting times for the provision of emergency services and care to each person who is in need of such services and care and who is transported to a hospital by a provider of emergency medical services.

2. Each hospital and each provider of emergency medical services in a county whose population is 400,000 or more shall participate in the collection of data pursuant to this section by collecting data, in accordance with the system that is developed by the State Board of Health pursuant to subsection 5, concerning the waiting times for the provision of emergency services and care to each person who is in need of such services and care and who is transported to a hospital by a provider of emergency medical services.

3. Except as otherwise provided in subsection 4, the hospitals and the providers of emergency medical services in a county whose population is less than 400,000 are not required to participate in the collection of data pursuant to this section unless the county health officer, each hospital and each provider of emergency medical services in the county agree in writing that the county will participate in the collection of data. The county health officer shall submit the written agreement to the State Board of Health.

4. If the State Board of Health determines, in a county whose population is 100,000 or more but less than 400,000, that there are excessive waiting times at one or more hospitals in the county for the provision of emergency services and care to persons who are in need of such services and care and

who have been transported to the hospital by a provider of emergency medical services, the State Board of Health may require the county to implement a system of collecting data pursuant to subsection 5 concerning the extent of waiting times and the circumstances surrounding such waiting times.

5. For the purpose of collecting data pursuant to this section, the State Board of Health shall develop a system of collecting data concerning the waiting times of persons for the provision of emergency services and care at a hospital and the surrounding circumstances for such waiting times each time a person is transported to a hospital by a provider of emergency medical services. The system must include, without limitation, an electronic method of recording and collecting the following information:

(a) The time at which a person arrives at the hospital, which is the time that the person is presented to the emergency room of the hospital;

(b) The time at which the person is transferred to an appropriate place in the hospital to receive emergency services and care, which is the time that the person is physically present in the appropriate place and the staff of the emergency room of the hospital have received a report concerning the transfer of the person;

(c) If a person is not transferred to an appropriate place in the hospital to receive emergency services and care within 30 minutes after arriving at the hospital, information detailing the reason for such delay, which may be selected from a predetermined list of possible reasons that are available for selection in the electronic system;

(d) A unique identifier that is assigned to each transfer of a person to a hospital by a provider of emergency medical services which allows the transfer to be identified and reviewed; and

(e) The names of the personnel of the provider of emergency medical services who transported the person to the hospital and of the personnel of the hospital who are responsible for the care of the person after the person arrives at the hospital.

6. The State Board of Health shall ensure that:

(a) The data collected pursuant to subsection 5 is reported to the Health Division on a quarterly basis;

(b) The data collected pursuant to subsection 5 is available to any person or entity participating in the collection of data pursuant to this section; and

(c) The system of collecting data developed pursuant to subsection 5 and all other aspects of the collection comply with the Health Insurance Portability and Accountability Act of 1996, Public Law 104-191.

7. The State Board of Health shall appoint for each county in which hospitals and providers of emergency medical services are participating in the collection of data pursuant to this section an advisory committee

consisting of the health officer of the county, a representative of each hospital in the county and a representative of each provider of emergency medical services in the county. Each member of the advisory committee serves without compensation and is not entitled to receive a per diem allowance or travel expenses for the member's service on the advisory committee. Each advisory committee shall:

(a) Meet not less than once each calendar quarter;

(b) Review the data that is collected for the county and submitted to the State Board of Health concerning the waiting times for the provision of emergency services and care, the manner in which such data was collected and any circumstances surrounding such waiting times;

(c) Review each incident in which a person was transferred to an appropriate place in a hospital to receive emergency services and care more than 30 minutes after arriving at the hospital; and

(d) Submit a report of its findings to the State Board of Health.

8. The State Board of Health may delegate its duties set forth in this section to:

(a) The district board of health in a county whose population is 400,000 or more.

(b) The county or district board of health in a county whose population is less than 400,000.

9. The State Board of Health or any county or district board of health that is performing the duties of the State Board of Health pursuant to subsection 8 shall submit a quarterly report to the ~~[Legislative Committee on Health Care,]~~ ***Joint Interim Standing Committee on Health and Human Services,*** which must include a written compilation of the data collected pursuant to this section.

10. The State Board of Health may require each hospital and provider of emergency medical services located in a county that participates in the collection of data pursuant to this section to share in the expense of purchasing hardware, software, equipment and other resources necessary to carry out the collection of data pursuant to this section.

11. The State Board of Health shall adopt regulations to carry out the provisions of this section, including, without limitation, regulations prescribing the duties and responsibilities of each:

(a) County or district board of health that is performing the duties of the State Board of Health pursuant to subsection 8;

(b) Hospital located in a county that participates in the collection of data pursuant to this section; and

(c) Provider of emergency medical services located in a county whose population is less than 400,000 that participates in the collection of data pursuant to this section.

12. The district board of health in each county whose population is 400,000 or more shall adopt regulations consistent with subsection 11 for providers of emergency medical services located in the county to carry out the provisions of this section.

13. The State Board of Health may, in consultation with each hospital and provider of emergency medical services located in a county that participates in the collection of data pursuant to this section, submit a written request to the Director of the Legislative Counsel Bureau for transmission to a regular session of the Legislature for the repeal of this section. Such a written request must include the justifications and reasons for requesting the termination of the collection of data pursuant to this section.

14. As used in this section:

(a) "Emergency services and care" has the meaning ascribed to it in NRS 439B.410.

(b) "Hospital" has the meaning ascribed to it in NRS 449.012.

(c) "Provider of emergency medical services" means each operator of an ambulance and each fire-fighting agency which has a permit to operate pursuant to this chapter and which provides transportation for persons in need of emergency services and care to hospitals.

Sec. 62. NRS 482.367004 is hereby amended to read as follows:

482.367004 1. There is hereby created the Commission on Special License Plates consisting of ~~[~~five Legislators~~]~~ ***the Joint Interim Standing Committee on Transportation*** and three nonvoting members **.** ~~[~~as follows:

~~(a) Five Legislators appointed by the Legislative Commission:~~

~~(1) One of whom is the Legislator who served as the Chair of the Assembly Standing Committee on Transportation during the most recent legislative session. That Legislator may designate an alternate to serve in place of the Legislator when absent. The alternate must be another Legislator who also served on the Assembly Standing Committee on Transportation during the most recent legislative session.~~

~~(2) One of whom is the Legislator who served as the Chair of the Senate Standing Committee on Transportation during the most recent legislative session. That Legislator may designate an alternate to serve in place of the Legislator when absent. The alternate must be another Legislator who also served on the Senate Standing Committee on Transportation during the most recent legislative session.~~

~~(b) Three~~~~]~~

2. The three nonvoting members ~~[~~~~consisting of:~~

~~(1)~~~~]~~ ***of the Commission consist of:***

(a) The Director of the Department of Motor Vehicles, or a designee of the Director.

~~[(2)]~~ ***(b)*** The Director of the Department of Public Safety, or a designee of the Director.

~~[(3)]~~ ***(c)*** The Director of the Department of Cultural Affairs, or a designee of the Director.

~~[2. Each member of the Commission appointed pursuant to paragraph (a) of subsection 1 serves a term of 2 years, commencing on July 1 of each odd-numbered year. A vacancy on the Commission must be filled in the same manner as the original appointment.]~~

3. Members of the Commission serve without salary or compensation for their travel or per diem expenses.

4. The Director of the Legislative Counsel Bureau shall provide administrative support to the Commission.

5. The Commission shall approve or disapprove:

(a) Applications for the design, preparation and issuance of special license plates that are submitted to the Department pursuant to subsection 1 of NRS 482.367002;

(b) The issuance by the Department of special license plates that have been designed and prepared pursuant to NRS 482.367002; and

(c) Except as otherwise provided in subsection 6, applications for the design, preparation and issuance of special license plates that have been authorized by an act of the Legislature after January 1, 2007.

➥ In determining whether to approve such an application or issuance, the Commission shall consider, without limitation, whether it would be appropriate and feasible for the Department to, as applicable, design, prepare or issue the particular special license plate. The Commission shall consider each application in the chronological order in which the application was received by the Department.

6. The provisions of paragraph (c) of subsection 5 do not apply with regard to special license plates that are issued pursuant to NRS 482.3785.

7. The Commission shall:

(a) Approve or disapprove any proposed change in the distribution of money received in the form of additional fees. As used in this paragraph, "additional fees" means the fees that are charged in connection with the issuance or renewal of a special license plate for the benefit of a particular cause, fund or charitable organization. The term does not include registration and license fees or governmental services taxes.

(b) If it approves a proposed change pursuant to paragraph (a) and determines that legislation is required to carry out the change, request the assistance of the Legislative Counsel in the preparation of a bill draft to carry out the change.

Sec. 63. NRS 528.150 is hereby amended to read as follows:

528.150 1. On or before January 1 of each year, the State Forester Firewarden shall, in coordination and cooperation with the Tahoe Regional Planning Agency and the fire chiefs within the Lake Tahoe Basin, submit a report concerning fire prevention and forest health in the Nevada portion of the Lake Tahoe Basin to:

(a) The ~~[Legislative Committee for the Review and Oversight of the Tahoe Regional Planning Agency and Marlette Lake Water System created by NRS 218E.555]~~ ***Joint Interim Standing Committee on Government Affairs*** and to the Director of the Legislative Counsel Bureau for transmittal to the Legislature;

(b) The Governor;

(c) The Tahoe Regional Planning Agency; and

(d) Each United States Senator and Representative in Congress who is elected to represent the State of Nevada.

2. The report submitted by the State Forester Firewarden pursuant to subsection 1 must address, without limitation:

(a) The status of:

(1) The implementation of plans for the prevention of fires in the Nevada portion of the Lake Tahoe Basin, including, without limitation, plans relating to the reduction of fuel for fires;

(2) Efforts concerning forest restoration in the Nevada portion of the Lake Tahoe Basin; and

(3) Efforts concerning rehabilitation of vegetation, if any, as a result of fire in the Nevada portion of the Lake Tahoe Basin.

(b) Compliance with:

(1) The goals and policies for fire prevention and forest health in the Nevada portion of the Lake Tahoe Basin; and

(2) Any recommendations concerning fire prevention or public safety made by any fire department or fire protection district in the Nevada portion of the Lake Tahoe Basin.

(c) Any efforts to:

(1) Increase public awareness in the Nevada portion of the Lake Tahoe Basin regarding fire prevention and public safety; and

(2) Coordinate with other federal, state, local and private entities with regard to projects to reduce fire hazards in the Nevada portion of the Lake Tahoe Basin.

Sec. 64. NRS ~~[176.0121, 176.0123,]~~ 176.0124, 176.01245, ~~[176.0126,]~~ 218E.500, 218E.505, 218E.510, 218E.515, 218E.530, 218E.535, 218E.550, 218E.555, 218E.560, 218E.570, 218E.575, 218E.580, 218E.600, 218E.605, 218E.610, 218E.620, 218E.700, 218E.705, 218E.710, 218E.715, 218E.720, 218E.725, 218E.730, 218E.745, 218E.750, 218E.755, 218E.760, 218E.765,

218E.770, 439B.200, 439B.210, 439B.230, 439B.240 and 459.0085 are hereby repealed.

Sec. 64.5. 1. If the provisions of any other act or resolution passed by the 76th Session of the Nevada Legislature provide for a legislative study or investigation:

(a) The provisions of the other act or resolution that provide for the legislative study or investigation are superseded and abrogated by the provisions of this act; and

(b) The legislative study or investigation provided for in the other act or resolution must be conducted by the Joint Interim Standing Committee established pursuant to section 5 of this act which has jurisdiction over the subject matter of the study or investigation, except that the Committee may conduct the study or investigation only within limits of the Committee's budget and work program approved by the Legislative Commission pursuant to section 7 of this act.

2. If the subject matter of such a legislative study or investigation falls within the jurisdiction of more than one Joint Interim Standing Committee established pursuant to section 5 of this act, the Legislative Commission shall assign the study or investigation to the most appropriate Committee based on the budgets and work programs approved by the Legislative Commission for the Committees.

3. As used in this section:

(a) "Legislative study or investigation" includes, without limitation, any:

(1) Interim legislative study or investigation; or

(2) Legislative study or investigation assigned to a statutory legislative committee, including, without limitation, a statutory legislative committee abolished by the provisions of this act.

(b) "Legislative study or investigation" does not include the advisory committee to develop recommendations for increasing the funding of highways in this State created by Assembly Bill No. 152 of the 76th Session of the Nevada Legislature.

Sec. 65. The initial Chairs and Vice Chairs of the Joint Interim Standing Committees established pursuant to section 5 of this act must be appointed as follows:

1. The Chairs of the following Committees must be appointed from among the members of the Senate and the Vice Chairs must be appointed from among the members of the Assembly serving on the respective Committees:

(a) Commerce, Labor and Energy;

(b) Government Affairs;

(c) Judiciary;

(d) Revenue and Taxation; and

(e) Transportation.

2. The Chairs of the following Joint Interim Standing Committees must be appointed from among the members of the Assembly and the Vice Chairs must be appointed from among the members of the Senate serving on the respective Committees:

(a) Education;

(b) Health and Human Services;

(c) Legislative Operations and Elections; and

(d) Natural Resources, Agriculture and Mining.

Sec. 66. 1. This section and sections 1 to 35, inclusive, and 37 to 65, inclusive, of this act become effective upon passage and approval.

2. Section 36 of this act becomes effective on July 1, 2011.

LEADLINES OF REPEALED SECTIONS

[~~176.0121 "Commission" defined.~~

~~176.0123 Creation; members and appointing authorities; Chair; terms; vacancies; salaries and per diem; staff.~~**]**

176.0124 Subcommittee on Juvenile Justice; creation; Chair; members; duties; salaries and per diem.

176.01245 Subcommittee on Victims of Crime; creation, Chair; members; duties; salaries and per diem.

[~~176.0126 Subpoenas: Power to issue; compelling performance.~~**]**

218E.500 Legislative findings and declarations.

218E.505 "Committee" defined.

218E.510 Creation; membership; budget; officers; terms; vacancies; alternates.

218E.515 Meetings; rules; quorum; compensation, allowances and expenses of members.

218E.530 Administration of oaths; deposition of witnesses; issuance and enforcement of subpoenas.

218E.535 Fees and mileage for witnesses.

218E.550 "Committee" defined.

218E.555 Creation; membership; budget; officers; terms; vacancies; reports.

218E.560 Meetings; rules; quorum; compensation, allowances and expenses of members.

218E.570 General powers.

218E.575 Administration of oaths; deposition of witnesses; issuance and enforcement of subpoenas.

218E.580 Fees and mileage for witnesses.

218E.600 "Committee" defined.

218E.605 Creation; membership; budget; officers; terms; vacancies.

218E.610 Meetings; quorum; compensation, allowances and expenses of members.

218E.620 Administration of oaths; deposition of witnesses; issuance and enforcement of subpoenas.

218E.700 "Committee" defined.

218E.705 Creation; membership; budget; officers; terms; vacancies.

218E.710 Meetings; quorum; compensation, allowances and expenses of members.

218E.715 General duties.

218E.720 General powers.

218E.725 Administration of oaths; deposition of witnesses; issuance and enforcement of subpoenas.

218E.730 Fees and mileage for witnesses.

218E.745 "Committee" defined.

218E.750 Creation; membership; budget; officers; terms; vacancies.

218E.755 Meetings; quorum; compensation, allowances and expenses of members.

218E.760 General powers.

218E.765 Administration of oaths; deposition of witnesses; issuance and enforcement of subpoenas.

218E.770 Fees and mileage for witnesses.

439B.200 Creation; appointment of and restrictions on members; officers; terms of members; vacancies; annual reports.

439B.210 Meetings; quorum; compensation.

439B.230 Investigations and hearings: Depositions; subpoenas.

439B.240 Investigations and hearings: Fees and mileage for witnesses.

459.0085 Creation; membership; duties; compensation and expenses of members.

Assemblyman Segerblom moved that the Assembly concur in the Senate Amendment No. 982 to Assembly Bill No. 578.

Motion carried by a constitutional majority.

Bill ordered reprinted, reengrossed, and enrolled.

Assembly Bill No. 449.

The following amendment was proposed by the Senate Select Committee on Economic Growth and Employment:

Amendment No. 977.

AN ACT relating to economic development; creating ~~[an]~~ **and prescribing the duties of the** Advisory Council on Economic Development; ~~[prescribing the duties of the Advisory Council;]~~ creating **and prescribing the duties and powers of** the Board of Economic Development; ~~[prescribing~~

~~the duties and powers of the Board;~~] creating **and prescribing the duties and powers of** the Office of Economic Development; prescribing the duties and powers of the ~~[~~Office and the~~]~~ Executive Director of the Office; establishing a fund to provide grants and loans to regional development ~~[~~agencies~~]~~ **authorities** for the purpose of economic development; establishing a fund to provide financial assistance to certain institutions within the Nevada System of Higher Education for the development and commercialization of new technologies; amending provisions relating to the Commission on Economic Development, the Governor's Workforce Investment Board and the Secretary of State's business portal; transferring the duties and powers of the Commission on Economic Development to the Office of Economic Development; revising the provisions governing certain partial abatements from taxation and the issuance of certain revenue bonds; revising and repealing various provisions relating to economic development; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The provisions of this bill establish a structure for the economic development programs of this State. **Section 8** creates an Advisory Council on Economic Development and prescribes its duties. **Section 10** creates the Board of Economic Development, consisting of the Governor or his or her designee, the Lieutenant Governor or his or her designee, the Secretary of State or his or her designee, the Chancellor of the Nevada System of Higher Education or his or her designee and seven persons appointed by the Governor, the Speaker of the Assembly, the Majority Leader of the Senate, the Minority Leaders of the Assembly and Senate and the Department of Employment, Training and Rehabilitation. **Sections 12 and 13** create the Office of Economic Development within the Office of the Governor and the position of Executive Director of the Office, who must be appointed by the Governor from a list of three persons recommended by the Board. **Section 11** prescribes the duties of the Board. **Sections 14 and 15** prescribe the duties of the Office and its Executive Director, which include, without limitation, the development of a State Plan for Economic Development and the designation of regional development ~~[~~agencies~~]~~ **authorities** for the regions of this State. **Section 86** repeals the provisions authorizing the establishment of regional development districts by the Governor. **Section 15.5 of this bill authorizes the Office of Economic Development to enter into certain contracts with regional development authorities for services which promote the economic development of this State and aid the implementation of the State Plan for Economic Development.** On and after July 1, 2012, **sections 82 and 83** authorize the Office and its Executive Director to coordinate, oversee and reorganize the programs for economic development in this State consistently with the State Plan for Economic Development. On July 1, 2012,

sections 1.5, 24-29, 30, 31, 31.7-36, 43-45, 47-51, 54-69, 71 and 79-80 transfer the existing powers and duties of the Commission on Economic Development to the Office of Economic Development and require the coordination of certain activities of various public entities with the activities of the Office. In addition, **sections 49-51** require the recipients of certain partial tax abatements approved by the Office to repay the abated amounts if the recipients cease to meet the eligibility requirements for the abatements.

Sections 52.3-53.7 of this bill require the Director of the Department of Business and Industry to obtain the approval of the Office of Economic Development before the Director issues certain revenue bonds for industrial development.

Section 70 of this bill ~~[transfers the authority to grant]~~ **amends provisions concerning** partial abatements of property taxes for certain energy-efficient buildings ~~[from]~~ **to require** the Director of the Office of Energy to **consult with** the Office of Economic Development and requires the recipients of those abatements to repay the abated amounts if the recipients cease to meet the eligibility requirements for the abatements.

Sections 72-78 of this bill ~~[transfer the authority to grant]~~ **amend provisions concerning** partial tax abatements for certain renewable energy facilities ~~[from]~~ **to require consultation between** the Nevada Energy Commissioner ~~[to]~~ **and** the Office of Economic Development **in granting the partial tax abatements** and **to** require the recipients of those abatements to repay the abated amounts if the recipients cease to meet the eligibility requirements for the abatements.

Sections 9, 16, 17 ~~[,]~~ and 17.5 ~~[and 46]~~ of this bill create and provide for the administration of the Catalyst Fund. ~~[Under section 46, during the 2011-2012 Fiscal Year, $10,000,000 must be transferred to the Catalyst Fund from the Abandoned Property Trust Account in the State General Fund. This]~~ **The** money **in the Catalyst Fund** does not revert and may be supplemented by gifts, grants, donations, bequests or other sources of money. **Section 9** authorizes the Commission on Economic Development to make, after considering the advice and recommendations of the Advisory Council on Economic Development, grants or loans of money from the Catalyst Fund to regional development ~~[agencies.]~~ **authorities.** The grants or loans must be used to make grants or loans to, or investments in, businesses seeking to create or expand in this State or relocate to this State. On July 1, 2012, **section 17** transfers the authority to make those grants or loans to the Executive Director of the Office of Economic Development.

Sections 18-22 establish a program for the development and commercialization of research and technology at the University of Nevada, Las Vegas, the University of Nevada, Reno, and the Desert Research Institute. **Section 19** creates the Knowledge Fund. **Section 22** requires the

Executive Director of the Office of Economic Development to allocate money in the Knowledge Fund to be used by the Universities and the Desert Research Institute to provide funding for: (1) the recruitment, hiring and retention of faculty and teams to conduct research in science and technology; (2) research laboratories and related equipment; (3) the construction of research clinics, institutes and facilities and related buildings in this State; and (4) matching funds for federal and private grants that further economic development. Under **section 21**, the Executive Director must use money in the Knowledge Fund to establish a technology outreach program at strategic locations throughout this State and ensure that the program assists with the development of commercial applications of research. **Section 20** requires the Executive Director to establish economic development goals and objectives for these programs and to monitor the programs and the use of money from the Knowledge Fund. **Section 19.3** authorizes the Executive Director, the University of Nevada, Las Vegas, the University of Nevada, Reno and the Desert Research Institute to enter into agreements for the allocation of commercialization revenue generated from programs receiving money from the Knowledge Fund.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 223.085 is hereby amended to read as follows:

223.085 1. The Governor may, within the limits of available money, employ such persons as he or she deems necessary to provide an appropriate staff for the Office of the Governor, including, without limitation, ***the Office of Economic Development,*** the Office of Science, Innovation and Technology and the Governor's mansion. Any such employees are not in the classified or unclassified service of the State and ***, except as otherwise provided in sections 12 and 13 of this act,*** serve at the pleasure of the Governor.

2. The Governor shall:

(a) Determine the salaries and benefits of the persons employed pursuant to subsection 1, within limits of money available for that purpose; and

(b) Adopt such rules and policies as he or she deems appropriate to establish the duties and employment rights of the persons employed pursuant to subsection 1.

Sec. 1.5. NRS 223.610 is hereby amended to read as follows:

223.610 The Director of the Office of Science, Innovation and Technology shall:

1. Advise the Governor ***and the Executive Director of the Office of Economic Development*** on matters relating to science, innovation and technology.

2. Work in coordination with the **[**Commission on**]** ***Office of*** Economic Development to establish criteria and goals for economic development and diversification in this State in the areas of science, innovation and technology.

3. As directed by the Governor ~~**[**,**]~~ ***and the Executive Director of the Office of Economic Development,*** identify, recommend and carry out policies related to science, innovation and technology.

4. Report periodically to the ~~**[**Chair and**]**~~ Executive Director of the ~~**[**Commission on**]**~~ ***Office of*** Economic Development concerning the administration of the policies and programs of the Office of Science, Innovation and Technology.

5. Develop and coordinate efforts to attract biotechnological companies to this State.

6. Establish and maintain a clearinghouse of information regarding biotechnological business in this State.

7. In carrying out his or her duties pursuant to this section, consult with the Executive Director of the Office of Economic Development and cooperate with the Executive Director in implementing the State Plan for Economic Development developed by the Executive Director pursuant to subsection 2 of section 14 of this act.

Sec. 2. Chapter 231 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 22, inclusive, of this act.

Sec. 3. ***As used in this chapter, unless the context otherwise requires, the words and terms defined in sections ~~[4]~~ 3.5 to 7.5, inclusive, of this act have the meanings ascribed to them in those sections.***

Sec. 3.5. *"**Administrative or operating purposes" includes, without limitation, the dissemination of program information, marketing, grant writing, accounting services, legal services, travel and training.***

Sec. 4. *"**Board" means the Board of Economic Development created by section 10 of this act.***

Sec. 4.5. *"**Development resource" means any funding or other resource for economic development, including, without limitation, a structured lease of real property. The term does not include any funding for administrative or operating purposes or any grant, loan or allocation of money from the Catalyst Fund created by section 16 of this act or the Knowledge Fund created by section 19 of this act.***

Sec. 5. *"**Executive Director" means the Executive Director of the Office.***

Sec. 6. *"**Office" means the Office of Economic Development created by section 12 of this act.***

Sec. 7. *"Organization for economic development" means an organization which promotes, aids or encourages economic development in this State or a locality or region of this State.*

Sec. 7.5. *"Regional development ~~[agency"]~~ authority" means an organization for economic development which is:*

1. A local governmental entity , ~~[or]~~ composed solely of two or more local governmental entities ~~[,]~~ or a private nonprofit entity; and

2. Designated by the Executive Director as a regional development ~~[agency]~~ authority pursuant to subsection 4 of section 14 of this act.

Sec. 8. *1. The Advisory Council on Economic Development is hereby created. The Advisory Council consists of:*

(a) The Governor;

(b) The Lieutenant Governor;

(c) The Speaker of the Assembly;

(d) The Majority Leader of the Senate;

(e) The Minority Leader of the Assembly;

(f) The Minority Leader of the Senate; and

(g) The Secretary of State.

2. The Lieutenant Governor shall serve as the Chair of the Advisory Council.

3. The members of the Advisory Council shall serve without compensation except that ~~[, to the extent approved by]~~ :

(a) Upon the prior approval of the Executive Director, the members of the Advisory Council who are not Legislators are entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally while engaged in the official business of the Advisory Council ~~[.]~~ ; and

(b) For each day or portion of a day during which a member of the Advisory Council who is a Legislator is engaged in the official business of the Advisory Council, except during a regular or special session of the Legislature, the Legislator is entitled to receive the per diem allowance provided for state officers generally and the travel expenses provided pursuant to NRS 218A.655. The per diem allowances and travel expenses of the members of the Advisory Council who are Legislators must be paid from the Legislative Fund.

4. The members of the Advisory Council shall:

(a) Meet at least once each quarter to discuss the efforts made by each member to further the economic development of this State and the results and expected results of those efforts.

(b) Market this State to further the economic development of this State and, after the Executive Director has developed the State Plan for Economic Development pursuant to subsection 2 of section 14 of this act,

conduct such marketing in accordance with the State Plan for Economic Development. The efforts made pursuant to this paragraph may include, without limitation, attending industry conferences, publicizing the economic development programs of this State and meeting with the leaders of businesses who express interest in expanding or relocating in this State.

(c) Provide advice to the Board concerning the economic development of this State.

Sec. 9. ***1. In consultation with the Advisory Council on Economic Development created by section 8 of this act, the Commission on Economic Development shall:***

(a) Evaluate the performance of local and regional organizations for economic development in this State and, based on the evaluation, make recommendations concerning the funding of or withdrawal of funding from specific local and regional organizations for economic development.

(b) Establish procedures for applying to the Commission on Economic Development for a development resource or a grant or loan of money from the Catalyst Fund created by section 16 of this act. The procedures must:

(1) Include, without limitation, a requirement that applications for development resources, grants or loans must set forth:

(I) The proposed use of the development resource, grant or loan;

(II) The plans, projects and programs for which the development resource, grant or loan will be used;

(III) The expected benefits of the development resource, grant or loan; and

(IV) A statement of the short-term and long-term impacts of the use of the development resource, grant or loan; and

(2) Allow an applicant to revise his or her application upon the recommendation of the Commission on Economic Development.

(c) Develop the criteria for awarding grants and loans from the Catalyst Fund created by section 16 of this act.

(d) Develop criteria for evaluating the performance of local and regional organizations for economic development.

(e) Establish requirements for reports from the recipients of development resources and grants or loans of money from the Catalyst Fund concerning the use thereof. The requirements must include, without limitation, a requirement that the recipient of a grant or loan of money include in such a report:

(1) A description of each activity undertaken with money from the grant or loan and the amount of money used for each such activity;

(2) The return on the money provided by the grant or loan;

(3) A statement of the benefit to the public from the grant or loan; and

(4) Such documentation as the Commission deems appropriate to support the information provided in the report.

2. ~~[Upon receipt of an application for a development resource, or a grant or loan of money from the Catalyst Fund created by section 16 of this act, the Commission on Economic Development may provide development resources or make grants or loans of money from the Catalyst Fund to regional development agencies that apply for such development resources, grants or loans. The development resource, grant or loan must be used to provide development resources, grants or loans to, or to make investments in, businesses seeking to create or expand in this State or relocate to this State.]~~ In accordance with the procedures established pursuant to subsection 1 and subject to the requirements of this section:

(a) A regional development authority which is a local government or composed solely of two or more local governmental entities; or

(b) A private nonprofit regional development authority acting in partnership with a regional development authority which is a local government or composed solely of two or more local governments,

➥ may apply to the Commission on Economic Development for a grant or loan of money from the Catalyst Fund created pursuant to section 16 of this act. If a private nonprofit regional development authority acting in partnership with a regional development authority which is a local government or composed solely of two or more local governments applies for a grant or loan of money from the Catalyst Fund, the regional development authority which is a local government or composed solely of two or more local governments must be the entity which submits the application and receives and distributes the grant or loan.

3. In accordance with the procedures established pursuant to subsection 1 and subject to the requirements of this subsection, a regional development authority may apply to the Commission on Economic Development for a development resource. A private nonprofit regional development authority applying for a development resource which is a grant or loan of money must apply in partnership with a regional development authority which is a local government or composed solely of two or more local governments. Any development resource which is a grant or loan of money must be received and distributed by the regional development authority which is a local government or composed solely of two or more local governments.

4. Upon receipt of an application pursuant to subsection 2 or 3, the Commission on Economic Development shall review the application and determine whether the approval of the application would promote the economic development of this State. If the Commission determines that approving the application will promote the economic development of this

State, the Commission may approve the application and provide a development resource or make a grant or loan of money from the Catalyst Fund to the applicant.

5. Except as otherwise provided in this subsection or another specific statute, each development resource or grant or loan of money from the Catalyst Fund which the Commission on Economic Development provides to a regional development authority must be used to provide development resources, grants or loans to, or to make investments in, businesses seeking to create or expand in this State or relocate to this State. The Commission on Economic Development may provide a development resource or a grant or loan of money to a regional development authority to be used for administrative or operating expenses, but no money from the Catalyst Fund may be used by any organization for economic development for such purposes.

6. Before providing a development resource, grant or loan to a regional development [agency] authority pursuant to [this subsection,] subsection 4, the Commission shall enter into an agreement with the regional development [agency] authority which sets forth terms and conditions for the development resource, grant or loan, including, without limitation, a requirement that the regional development [agency] authority must enter into a separate agreement with each business to which the regional development [agency] authority provides any portion of the development resource, grant or loan which requires the business to return the development resource, grant or loan to the Commission if it is not used in accordance with the agreement between the regional development [agency] authority and the Commission.

[3.] 7. The Advisory Council on Economic Development shall provide advice and recommendations to assist the Commission on Economic Development in carrying out the duties prescribed by this section. The Commission must consider the advice and recommendations of the Advisory Council but is not required to follow the advice and recommendations of the Advisory Council, and any such recommendations are advisory in nature.

Sec. 10. ***1. There is hereby created the Board of Economic Development, consisting of:***

(a) The following voting members:

(1) The Governor or his or her designee;

(2) The Lieutenant Governor or his or her designee;

(3) The Secretary of State or his or her designee; and

(4) Six members who must be selected from the private sector and appointed as follows:

(I) Three members appointed by the Governor;

(II) One member appointed by the Speaker of the Assembly;

(III) One member appointed by the Majority Leader of the Senate; and

(IV) One member appointed by the Minority Leader of the Assembly or the Minority Leader of the Senate. The Minority Leader of the ~~[Assembly]~~ Senate shall appoint the member for the initial term, the Minority Leader of the ~~[Senate]~~ Assembly shall appoint the member for the next succeeding term, and thereafter, the authority to appoint the member for each subsequent term alternates between the Minority Leader of the Assembly and the Minority Leader of the Senate.

(b) The following nonvoting members:

(1) The Chancellor of the Nevada System of Higher Education or his or her designee; and

(2) One member appointed by the Department of Employment, Training and Rehabilitation from the membership of the Governor's Workforce Investment Board.

2. In appointing the members of the Board described in subsection 1, the appointing authorities shall coordinate the appointments when practicable so that the members of the Board represent the diversity of this State, including , without limitation, different strategically important industries, different geographic regions of this State and different professions.

3. The Governor or his or her designee shall serve as the Chair of the Board.

4. Except as otherwise provided in this subsection, the members of the Board appointed pursuant to subparagraph (4) of paragraph (a) of subsection 1 and subparagraph (2) of paragraph (b) of subsection 1 are appointed for terms of 4 years. The initial members of the Board shall by lot select three of the initial members of the Board appointed pursuant to subparagraph (4) of paragraph (a) of subsection 1 to serve an initial term of 2 years.

5. Vacancies in the appointed positions on the Board must be filled by the appointing authority for the unexpired term.

6. The Executive Director shall serve as the nonvoting Secretary of the Board.

7. A majority of the Board constitutes a quorum, and a majority of the Board is required to exercise any power conferred on the Board.

8. The Board shall meet at least once each quarter but may meet more often at the call of the Chair or a majority of the members of the Board.

9. The members of the Board serve without compensation but are entitled to receive the per diem allowance and travel expenses provided for

state officers and employees generally while engaged in the official business of the Board.

Sec. 11. *The Board shall:*

1. Review and evaluate all programs of economic development in this State and make recommendations to the Legislature for legislation to improve the effectiveness of those programs in implementing the State Plan for Economic Development developed by the Executive Director pursuant to subsection 2 of section 14 of this act.

2. Recommend to the Executive Director a State Plan for Economic Development and make recommendations to the Executive Director for carrying out the State Plan for Economic Development.

3. Recommend to the Executive Director the criteria for the designation of regional development ~~[agencies.]~~ authorities.

4. Make recommendations to the Executive Director for the designation for the southern region of this State, the northern region of this State and the rural region of this State, one or more regional development ~~[agencies]~~ authorities for each region.

5. Provide advice and recommendations to the Executive Director concerning:

(a) The procedures to be followed by any entity seeking to obtain any development resource, allocation, grant or loan from the Office;

(b) The criteria to be used by the Office in providing development resources and making allocations, grants and loans;

(c) The requirements for reports from the recipients of development resources, allocations, grants and loans from the Office concerning the use thereof; and

(d) Any other activities of the Office.

6. Review each proposal by the Executive Director to allocate, grant or loan more than ~~[$250,000 or loan more than $500,000]~~ $100,000 to any entity and, as the Board determines to be in the best interests of the State, approve or disapprove the proposed allocation, grant or loan. Notwithstanding any other statutory provision to the contrary, the Executive Director shall not make any allocation, grant or loan of more than ~~[$250,000 or loan more than $500,000]~~ $100,000 to any entity unless the allocation, grant or loan is approved by the Board.

Sec. 12. *1. There is hereby created within the Office of the Governor the Office of Economic Development.*

2. The Governor shall propose a budget for the Office.

3. Employees of the Office are not in the classified or unclassified service of this State and serve at the pleasure of the Executive Director.

Sec. 13. *The Executive Director:*

1. Must be appointed by the Governor from a list of three persons recommended by the Board.

2. Is not in the classified or unclassified service of this State.

3. Serves at the pleasure of the Board, except that he or she may be removed by the Board only if the Board finds that his or her performance is unsatisfactory.

4. Shall devote his or her entire time to the duties of his or her office and shall not engage in any other gainful employment or occupation.

Sec. 14. ***After considering any pertinent advice and recommendations of the Board, the Executive Director:***

1. Shall direct and supervise the administrative and technical activities of the Office.

2. Shall develop and may periodically revise a State Plan for Economic Development, which must include a statement of:

(a) New industries which have the potential to be developed in this State;

(b) The strengths and weaknesses of this State for business incubation;

(c) The competitive advantages and weaknesses of this State;

(d) The manner in which this State can leverage its competitive advantages and address its competitive weaknesses;

(e) A strategy to encourage the creation and expansion of businesses in this State and the relocation of businesses to this State; and

(f) Potential partners for the implementation of the strategy, including, without limitation, the Federal Government, local governments, local and regional organizations for economic development, chambers of commerce, and private businesses, investors and nonprofit entities.

3. Shall develop criteria for the designation of regional development ~~[agencies]~~ authorities pursuant to subsection 4.

4. Shall ~~[, in consultation with local governmental entities in the southern region of this State, the northern region of this State and the rural region of this State,]~~ designate as many regional development ~~[agencies]~~ authorities for each region of this State as the Executive Director determines to be appropriate to implement the State Plan for Economic Development. In designating regional development authorities, the Executive Director must consult with local governmental entities affected by the designation. The Executive Director may, if he or she determines that such action would aid in the implementation of the State Plan for Economic Development, remove the designation of any regional development ~~[agency]~~ authority previously designated pursuant to this section.

5. Shall establish procedures for entering into contracts with regional development authorities to provide services to aid, promote and encourage the economic development of this State.

6. May apply for and accept any gift, donation, bequest, grant or other source of money to carry out the provisions of sections 12 to ~~[15,]~~ 15.5, inclusive, and 17 to 22, inclusive, of this act.

~~[6.]~~ 7. May adopt such regulations as may be necessary to carry out the provisions of sections 12 to ~~[15,]~~ 15.5, inclusive, and 17 to 22, inclusive, of this act.

Sec. 15. *Under the direction of the Executive Director, the Office shall:*

1. Provide administrative and technical support to the Board.

2. Support the efforts of the Board, the regional development ~~[agencies]~~ authorities designated by the Executive Director pursuant to subsection 4 of section 14 of this act and the private sector to encourage the creation and expansion of businesses in Nevada and the relocation of businesses to Nevada.

~~[~~ *~~3. Ensure that each fiscal year the University of Nevada, Las Vegas, the University of Nevada, Reno, and the Desert Research Institute each receive an equitable share, as practicable, of the money available from the Office for those entities for that fiscal year in accordance with the opportunities for economic development that are available to each of those entities.]~~*

Sec. 15.5. 1. In accordance with the provisions of this section and under the direction of the Executive Director, the Office may enter into contracts with regional development authorities for services which promote the economic development of this State and aid the implementation of the State Plan for Economic Development developed by the Executive Director pursuant to subsection 2 of section 14 of this act. A contract entered into pursuant to this section must only provide funding for administrative or operating purposes.

2. Before entering into a contract pursuant to subsection 1, the Office, in consultation with the Board, must issue a request for proposals. The request for proposals must include, without limitation, provisions requiring a bid submitted by a regional development authority to state:

(a) The services to be provided by the regional development authority;

(b) The plans, projects and programs for which the regional development authority is seeking to enter into the contract;

(c) The expected benefits of the contract; and

(d) The short-term and long-term impacts of the contract.

3. A contract entered into pursuant to this section must:

(a) Set forth the services to be provided, and the plans, projects and programs to be carried out, by the regional development authority;

(b) Include a provision requiring the regional development authority to refund any funding provided pursuant to the contract if it is not used in accordance with the contract;

(c) Promote, aid or encourage the economic development of this State and aid in the implementation of the State Plan for Economic Development developed by the Executive Director pursuant to subsection 2 of section 14 of this act; and

(d) Require the regional development authority to submit the reports required by subsection 4.

4. A regional development authority which enters into a contract pursuant to this section must submit to the Office reports concerning the use of the funding provided pursuant to the contract. The reports must include, without limitation:

(a) A description of each activity undertaken with funding provided pursuant to the contract and the amount of funding used for each such activity;

(b) The return on the funding provided pursuant to the contract;

(c) A statement of the benefit to the public from the funding provided pursuant to the contract; and

(d) Such documentation as the Executive Director deems appropriate to support the information provided in the report.

Sec. 16. *1. The Catalyst Fund is hereby created as a special revenue fund in the State Treasury.*

2. The Catalyst Fund is a continuing fund without reversion. The interest and income earned on money in the Catalyst Fund, after deducting any applicable charges, must be credited to the Catalyst Fund.

3. All payments of principal and interest on any loan made with money from the Catalyst Fund must be deposited in the State Treasury for credit to the Fund.

4. The Commission on Economic Development shall administer the Catalyst Fund and may apply for and accept any gift, grant, donation, bequest or other source of money for deposit in the Catalyst Fund.

Sec. 17. *1. The Executive Director shall, after considering the advice and recommendations of the Board, establish procedures for applying to the Office for a development resource or a grant or loan of money from the Catalyst Fund created by section 16 of this act. The procedures must:*

(a) Include, without limitation, a requirement that applications for development resources, grants or loans must set forth:

(1) The proposed use of the development resource, grant or loan;

(2) The plans, projects and programs for which the development resource, grant or loan will be used;

(3) The expected benefits of the development resource, grant or loan; and

(4) A statement of the short-term and long-term impacts of the use of the development resource, grant or loan; and

(b) Allow an applicant to revise his or her application upon the recommendation of the Executive Director.

2. In accordance with the procedures established pursuant to subsection 1 [, any] and subject to the requirements of this subsection:

(a) A regional development [agency] authority which is a local government or composed solely of two or more local governmental entities; or

(b) A private nonprofit regional development authority acting in partnership with a regional development authority which is a local government or composed solely of two or more local governments,

➥ *may apply for [a development resource or] a grant or loan of money from the Catalyst Fund. If a private nonprofit regional development authority acting in partnership with a regional development authority which is a local government or composed solely of two or more local governments applies for a grant or loan of money from the Catalyst Fund, the regional development authority which is a local government or composed solely of two or more local governments must be the entity which submits the application and receives and distributes the grant or loan.*

3. In accordance with the procedures established pursuant to subsection 1 and subject to the requirements of this subsection, a regional development authority may apply for a development resource. A private nonprofit regional development authority applying for a development resource which is a grant or loan of money must apply in partnership with a regional development authority which is a local government or composed solely of two or more local governments. Any development resource which is a grant or loan of money must be received and distributed by the regional development authority which is a local government or composed solely of two or more local governments.

4. Upon receipt of [such] an application [,] pursuant to subsection 2 or 3, the Executive Director shall review the application and determine whether the approval of the application would promote the economic development of this State and aid the implementation of the State Plan for Economic Development developed by the Executive Director pursuant to subsection 2 of section 14 of this act. If the Executive Director determines that approving the application will promote the economic development of this State and aid the implementation of the State Plan for Economic Development, the Executive Director may approve the application and provide a development resource or make a grant or loan of money from the Catalyst Fund to the applicant.

[3.] 5. Except as otherwise provided in this subsection or another specific statute, each development resource or grant or loan of money from the Catalyst Fund which the Office provides to a regional development

~~[agency]~~ **authority** must be used to provide development resources, grants or loans to or to make investments in, businesses seeking to create or expand in this State or relocate to this State. The Executive Director may provide a development resource or a grant or loan of money to a regional development ~~[agency]~~ **authority** to be used for administrative or operating purposes, but no money from the Catalyst Fund may be used by any organization for economic development for such purposes.

~~[4.]~~ **6.** After considering the advice and recommendations of the Board, the Executive Director shall:

(a) Require each regional development ~~[agency]~~ **authority** to which the Executive Director proposes to provide a development resource or a grant or loan of money from the Catalyst Fund to enter into an agreement with the Executive Director that sets forth terms and conditions of the development resource, grant or loan, which must include, without limitation, a provision requiring the regional development ~~[agency]~~ **authority** to enter into a separate agreement with each business to which the regional development ~~[agency]~~ **authority** provides any portion of the development resource, grant or loan which requires the business to return the development resource, grant or loan to the Office if it is not used in accordance with the agreement between the regional development ~~[agency]~~ **authority** and the Executive Director.

(b) Establish the requirements for reports from regional development ~~[agencies]~~ **authorities** concerning the use of development resources and grants and loans of money from the Catalyst Fund. The requirements must include, without limitation, a requirement that the recipient of a grant or loan of money include in such a report:

(1) A description of each activity undertaken with money from the grant or loan and the amount of money used for each such activity;

(2) The return on the money provided by the grant or loan;

(3) A statement of the benefit to the public from the grant or loan; and

(4) Such documentation as the Executive Director deems appropriate to support the information provided in the report.

~~[5.]~~ **7.** On or before November 1, 2012, and on or before November 1 of every year thereafter, the Executive Director shall submit a report to the Governor and to the Director of the Legislative Counsel Bureau for transmittal to the Interim Finance Committee, if the report is received during an odd-numbered year, or to the next session of the Legislature, if the report is received during an even-numbered year. The report must include, without limitation:

(a) The amount of grants and loans awarded from the Catalyst Fund;

(b) The amount of all grants, gifts and donations to the Catalyst Fund from public and private sources;

(c) The number of businesses which have been created or expanded in this State, or which have relocated to this State, because of grants and loans from the Catalyst Fund; and

(d) The number of jobs which have been created or saved because of grants and loans from the Catalyst Fund.

Sec. 17.5. *After considering the advice and recommendations of the Board, the Executive Director shall establish procedures pursuant to which a regional development ~~[agency]~~ authority may grant to another organization for economic development any money granted by the Office to the regional development ~~[agency]~~ authority to be used for administrative or operating purposes. The procedures must include, without limitation, a requirement that:*

1. The applications for the grants must set forth:

(a) The proposed use of the grant;

(b) The plans, projects and programs for which the grant will be used;

(c) The expected benefits of the grant; and

(d) A statement of the short-term and long-term impacts of the use of the grant.

2. The grants must:

(a) Promote the economic development of this State and aid in the implementation of the State Plan for Economic Development developed by the Executive Director pursuant to subsection 2 of section 14 of this act; and

(b) Be used by the organizations for economic development receiving the grants for administrative or operating purposes.

3. The regional development ~~[agencies]~~ authorities making the grants and the organizations for economic development receiving the grants must submit to the Office reports concerning the use of the grants , which must include, without limitation:

(a) A description of each activity undertaken with money from the grant and the amount of money used for each such activity;

(b) The return on the money provided by the grant;

(c) A statement of the benefit to the public from the grant; and

(d) Such documentation as the Executive Director deems appropriate to support the information provided in the report.

Sec. 18. *As used in sections 18 to 22, inclusive, of this act, unless the context otherwise requires:*

1. "Chancellor" means the Chancellor of the Nevada System of Higher Education or his or her designee.

2. "Research universities" means the University of Nevada, Las Vegas, and the University of Nevada, Reno.

Sec. 19. *1. The Knowledge Fund is hereby created in the State Treasury.*

2. The Knowledge Fund is a continuing fund without reversion. The interest and income earned on money in the Knowledge Fund, after deducting any applicable charges, must be credited to the Knowledge Fund.

3. The Executive Director:

(a) Shall administer the Knowledge Fund in a manner that is consistent with the State Plan for Economic Development developed by the Executive Director pursuant to subsection 2 of section 14 of this act;

(b) May apply for and accept any gift, grant, donation, bequest or other source of money for deposit in the Knowledge Fund; and

(c) Subject to any restrictions imposed by such a grant, gift, donation or appropriation, may allocate money in the Knowledge Fund among the research universities, the Desert Research Institute, the technology outreach program established pursuant to section 21 of this act and the technology transfer offices of the research universities and the Desert Research Institute to support commercialization and technology transfer to the private sector.

Sec. 19.3. *1. The Executive Director may enter into agreements, when the Executive Director deems such an agreement to be appropriate, with the research universities and the Desert Research Institute for the allocation of commercialization revenue between the Office, the research universities and the Desert Research Institute. Any commercialization revenue received by the Office pursuant to such an agreement must be deposited in the Knowledge Fund created by section 19 of this act.*

2. In consideration of the money and services provided or agreed to be provided by the Office, the research universities and the Desert Research Institute shall agree to allocate commercialization revenue in accordance with any agreement entered into pursuant to subsection 1.

3. As used in this section, "commercialization revenue" means dividends, realized capital gains, license fees, royalty fees and other revenues received by a research university or the Desert Research Institute as a result of commercial applications developed as a result of the programs established pursuant to sections 18 to 22, inclusive, of this act, less:

(a) The portion of those revenues allocated to the inventor; and

(b) Expenditures incurred by the research university or the Desert Research Institute to legally protect the intellectual property.

Sec. 19.7. *1. After considering the advice and recommendations of the Board, the Executive Director shall establish procedures for applying for an allocation of money from the Knowledge Fund created by section 19*

of this act. The procedures must include, without limitation, a requirement that applications for allocations of money set forth:

(a) The proposed use of the money;

(b) The plans, projects and programs for which the money will be used;

(c) The expected benefits of the money; and

(d) A statement of the short-term and long-term impacts of the use of the money.

2. In accordance with the procedures established pursuant to subsection 1, a research university or the Desert Research Institute may apply for an allocation of money from the Knowledge Fund. Upon receipt of an application for an allocation from the Knowledge Fund, the Executive Director shall review the application and determine whether the approval of the application would promote the economic development of this State and aid the implementation of the State Plan for Economic Development developed by the Executive Director pursuant to subsection 2 of section 14 of this act. If the Executive Director determines that approving the application will promote the economic development of this State and aid the implementation of the State Plan for Economic Development, the Executive Director may approve the application and make an allocation of money from the Knowledge Fund to the applicant.

3. If a research university or the Desert Research Institute receives an allocation of money from the Knowledge Fund, the money must be used for the purposes set forth in section 22 of this act.

4. In making allocations of money from the Knowledge Fund created pursuant to section 19 of this act, the Executive Director must consider:

(a) The extent to which an allocation will promote the economic development of this State and aid the implementation of the State Plan for Economic Development developed by the Executive Director pursuant to subsection 2 of section 14 of this act; and

(b) Whether the research universities and the Desert Research Institute have received an equitable share of the allocations of money from the Knowledge Fund.

Sec. 20. ***1. In consultation with the Board and the Chancellor, the Executive Director shall:***

(a) Establish, for the programs established pursuant to sections 18 to 22, inclusive, of this act, economic development goals which are consistent with the State Plan for Economic Development developed by the Executive Director pursuant to subsection 2 of section 14 of this act and the strategic plans of the research universities and the Desert Research Institute.

(b) In cooperation with the administration of the research universities and the Desert Research Institute, expand science and technology research at the research universities and the Desert Research Institute.

(c) Enhance technology transfer and commercialization of research and technologies developed at the research universities and the Desert Research Institute to create high-quality jobs and new industries in this State.

(d) Establish economic development objectives for the programs established pursuant to sections 18 to 22, inclusive, of this act.

(e) Verify that the programs established pursuant to sections 18 to 22, inclusive, of this act are being enhanced by research grants and that such programs are meeting the Board's economic development objectives.

(f) Monitor all research plans that are part of the programs established pursuant to sections 18 to 22 inclusive, of this act at the research universities and the Desert Research Institute to determine that allocations from the Knowledge Fund created by section 19 of this act are being spent in accordance with legislative intent and to maximize the benefit and return to this State.

(g) Develop methods and incentives to encourage investment in and contributions to the programs established pursuant to sections 18 to 22, inclusive, of this act from the private sector.

(h) Establish requirements for periodic reports from the research universities and the Desert Research Institute concerning the use of allocations from the Knowledge Fund pursuant to section 22 of this act. The requirements must include, without limitation, a requirement that the recipient of the allocation include in such a report:

(1) A description of each activity undertaken with money from the allocation and the amount of money used for each such activity; and

(2) Such documentation as the Executive Director deems appropriate to support the information provided in the report.

(i) On or before November 1, 2012, and on or before November 1 of every year thereafter, submit a report to the Governor and to the Director of the Legislative Counsel Bureau for transmittal to the Interim Finance Committee, if the report is received during an odd-numbered year, or to the next session of the Legislature, if the report is received during an even-numbered year. The report must include, without limitation:

(1) The number of research teams and faculty recruited, hired and retained pursuant to section 22 of this act and the amount of funding provided to those research teams;

(2) A description of the research being conducted by the research teams and faculty for which the Executive Director has provided funding pursuant to section 22 of this act;

(3) The number of patents which have been filed as a result of the programs established pursuant to sections 18 to 22, inclusive, of this act;

(4) The amount of research grants awarded to the research teams and faculty recruited, hired and retained pursuant to section 22 of this act;

(5) The amount of all grants, gifts and donations to the Knowledge Fund from public and private sources;

(6) The number of businesses which have been created or expanded in this State, or relocated to this State, because of the programs established pursuant to sections 18 to 22, inclusive, of this act; and

(7) The number of jobs which have been created or saved as a result of the activities of the Office.

2. The Executive Director may enter into any agreements necessary to obtain private equity investment in the programs established pursuant to sections 18 to 22, inclusive, of this act.

Sec. 21. *1. The Executive Director shall use money in the Knowledge Fund created by section 19 of this act to establish a technology outreach program at locations distributed strategically throughout this State.*

2. The Executive Director shall ensure that the technology outreach program acts as a resource to:

(a) Broker ideas, new technologies and services to entrepreneurs and businesses throughout a defined service area;

(b) Engage local entrepreneurs and faculty and staff at state colleges and community colleges by connecting them to the research universities and the Desert Research Institute;

(c) Assist professors and researchers in finding entrepreneurs and investors for the commercialization of their ideas and technologies;

(d) Connect market ideas and technologies in new or existing businesses or industries or in state colleges and community colleges with the expertise of the research universities and the Desert Research Institute;

(e) Assist businesses, the research universities, state colleges, community colleges and the Desert Research Institute in developing commercial applications for their research; and

(f) Disseminate and share discoveries and technologies emanating from the research universities and the Desert Research Institute to local entrepreneurs, businesses, state colleges and community colleges.

3. In designing and operating the technology outreach program, the Board shall work cooperatively with the technology transfer offices at the research universities and the Desert Research Institute.

Sec. 22. *In consultation with the Board and the Chancellor, the Executive Director shall allocate money in the Knowledge Fund created by section 19 of this act to the research universities and the Desert Research Institute to provide funding for:*

1. The recruitment, hiring and retention of research teams and faculty to conduct research in science and technology which has the potential to contribute to economic development in this State;

2. Research laboratories and related equipment located or to be located in this State;

3. The construction of research clinics, institutes and facilities and related buildings located or to be located in this State; and

4. Matching funds for federal and private sector grants and contract opportunities that support economic development consistent with the State Plan for Economic Development developed by the Executive Director pursuant to subsection 2 of section 14 of this act.

Sec. 23. NRS 231.015 is hereby amended to read as follows:

231.015 1. The Interagency Committee for Coordinating Tourism and Economic Development is hereby created. The Committee consists of the Governor, who is its Chair, the Lieutenant Governor, who is its Vice Chair, the Director of the Commission on Tourism, the Executive Director of the ~~[~~Commission on~~]~~ ***Office of*** Economic Development and such other members as the Governor may from time to time appoint. The appointed members of the Committee serve at the pleasure of the Governor.

2. The Committee shall meet at the call of the Governor.

3. The Committee shall:

(a) Identify the strengths and weaknesses in state and local governmental agencies which enhance or diminish the possibilities of tourism and economic development in this State.

(b) Foster coordination and cooperation among state and local governmental agencies, and enlist the cooperation and assistance of federal agencies, in carrying out the policies and programs of the Commission on Tourism and the ~~[~~Commission on~~]~~ ***Office of*** Economic Development.

(c) Formulate cooperative agreements between the Commission on Tourism or the ~~[~~Commission on~~]~~ ***Office of*** Economic Development, and state and other public agencies pursuant to the Interlocal Cooperation Act, so that ~~[~~each of those commissions~~]~~ ***the Commission and Office*** may receive applications from and, as appropriate, give governmental approval for necessary permits and licenses to persons who wish to promote tourism, develop industry or produce motion pictures in this State.

4. The Governor may from time to time establish regional or local subcommittees to work on regional or local problems of economic development or the promotion of tourism.

Sec. 23.3. NRS 231.020 is hereby amended to read as follows:

231.020 As used in NRS 231.020 to 231.139, inclusive, unless the context otherwise requires, "motion pictures" includes feature films, movies made for broadcast ~~[~~on television~~]~~ ***or other electronic transmission,*** and

programs made for broadcast ~~[on television]~~ ***or other electronic transmission*** in episodes.

Sec. 23.7. NRS 231.050 is hereby amended to read as follows:

231.050 1. The Commission on Economic Development may meet regularly each month or at more frequent times if it deems necessary, and may, within the limits of its budget, hold special meetings at the call of the Chair.

2. The Executive Director ***of the Commission*** is the Secretary of the Commission.

3. The Commission shall prescribe rules for its own management and government.

4. Four members of the Commission constitute a quorum, but a majority of the Commission is required to exercise the power conferred on the Commission.

5. The Governor may remove a member from the Commission if the member neglects his or her duty or commits malfeasance in office.

Sec. 24. NRS 231.060 is hereby amended to read as follows:

231.060 The ~~[Commission on Economic Development:]~~ ***Office:***

1. Shall establish the policies and approve the programs ~~[and budgets]~~ of the ~~[Division of Economic Development and]~~ Division of Motion Pictures concerning ~~[:~~

~~(a) The promotion of industrial development and diversification in this State; and~~

~~(b) The]~~ ***the*** promotion of the production of motion pictures in this State.

2. May from time to time create special advisory committees to advise it on special problems of economic development. Members of special advisory committees ~~[, other than members of the Commission,]~~ may be paid the per diem allowance and travel expenses provided for state officers and employees, as the budget of the ~~[Commission]~~ ***Office*** permits.

Sec. 25. NRS 231.064 is hereby amended to read as follows:

231.064 In addition to its other duties, the ~~[Commission on Economic Development]~~ ***Office*** shall:

1. Investigate and study conditions affecting Nevada business, industry and commerce, and engage in technical studies, scientific investigations, statistical research and educational activities necessary or useful for the proper execution of the function of the ~~[Division of Economic Development]~~ ***Office*** in promoting and developing Nevada business, industry and commerce, both within and outside the State.

2. Conduct or encourage research designed to further new and more extensive uses of the natural and other resources of the State and designed to develop new products and industrial processes.

3. Serve as a center of public information for the State of Nevada by answering general inquiries concerning the resources and economic advantages of this state and by furnishing information and data on these and related subjects.

4. Prepare, and disseminate in any medium, informational material designed to promote community, economic and industrial development in Nevada.

5. Plan and develop an effective service for business information, both for the direct assistance of business and industry of the State and for the encouragement of business and industry outside the State to use economic facilities within the State, including readily accessible information on state and local taxes, local zoning regulations and environmental standards, the availability and cost of real estate, labor, energy, transportation and occupational education and related subjects.

Sec. 26. (Deleted by amendment.)

Sec. 27. (Deleted by amendment.)

Sec. 28. NRS 231.068 is hereby amended to read as follows:

231.068 1. The ~~[Commission on Economic Development,]~~ ***Office,*** to the extent of legislative appropriations, may grant money to a postsecondary educational institution to develop a program for occupational education which is designed to teach skills in a short period to persons who are needed for employment by new or existing businesses.

2. Any money appropriated to the ~~[Commission on Economic Development]~~ ***Office*** for awarding grants to develop a program specified in subsection 1 must be accounted for separately in the State General Fund. The money in the account:

(a) Does not revert to the State General Fund at the end of any fiscal year; and

(b) Must be carried forward to the next fiscal year.

Sec. 29. NRS 231.0685 is hereby amended to read as follows:

231.0685 The ~~[Commission on Economic Development]~~ ***Office*** shall, on or before January 15 of each odd-numbered year, prepare and submit to the Director of the Legislative Counsel Bureau for transmission to the Legislature a report concerning the abatements from taxation that the ~~[Commission]~~ ***Office*** approved pursuant to NRS 274.310, 274.320, 274.330 or 360.750 . ~~*[, 701A.110 or 701A.365.]*~~ The report must set forth, for each abatement from taxation that the ~~[Commission]~~ ***Office*** approved in the 2-year period immediately preceding the submission of the report:

1. The dollar amount of the abatement;

2. The location of the business ~~*[, facility or building]*~~ for which the abatement was approved;

3. If applicable, the number of employees that the business ~~*[or facility]*~~ for which the abatement was approved employs or will employ;

4. Whether ~~*[If applicable, whether]*~~ the business for which the abatement was approved is a new business or an existing business; and

5. Any other information that the ~~[Commission]~~ ***Office*** determines to be useful.

Sec. 29.5. NRS 231.069 is hereby amended to read as follows:

231.069 1. Except as otherwise provided in NRS 239.0115, if so requested by a client, the Commission on Economic Development shall keep confidential any record or other document in its possession concerning the initial contact with and research and planning for that client. If such a request is made, the Executive Director ***of the Commission*** shall attach to the file containing the record or document a certificate signed by him or her stating that a request for confidentiality was made by the client and the date of the request.

2. Records and documents that are confidential pursuant to subsection 1 remain confidential until the client:

(a) Initiates any process regarding the location of his or her business in Nevada which is within the jurisdiction of a state agency other than the Commission; or

(b) Decides to locate his or her business in Nevada.

Sec. 30. NRS 231.069 is hereby amended to read as follows:

231.069 1. Except as otherwise provided in NRS 239.0115, if so requested by a client, the ~~[Commission on Economic Development]~~ ***Office*** shall keep confidential any record or other document in its possession concerning the initial contact with and research and planning for that client. If such a request is made, the Executive Director ~~[of the Commission]~~ shall attach to the file containing the record or document a certificate signed by him or her stating that a request for confidentiality was made by the client and the date of the request.

2. Records and documents that are confidential pursuant to subsection 1 remain confidential until the client:

(a) Initiates any process regarding the location of his or her business in Nevada which is within the jurisdiction of a state agency other than the ~~[Commission;]~~ ***Office;*** or

(b) Decides to locate his or her business in Nevada.

Sec. 30.3. NRS 231.080 is hereby amended to read as follows:

231.080 The Executive Director of the Commission on Economic Development:

1. Must be appointed by the Governor from a list of three persons submitted to the Governor by the Commission. The person appointed as Executive Director ***of the Commission*** must have had successful experience

in the administration and promotion of a program comparable to that provided in NRS 231.020 to 231.130, inclusive.

2. Is responsible to the Commission and serves at its pleasure.

3. Shall, except as otherwise provided in NRS 284.143, devote his or her entire time to the duties of his or her office and shall not follow any other gainful employment or occupation.

Sec. 30.7. NRS 231.090 is hereby amended to read as follows:

231.090 The Executive Director of the Commission on Economic Development shall direct and supervise all its administrative and technical activities, including coordinating its plans for economic development, promoting the production of motion pictures, scheduling the Commission's programs, analyzing the effectiveness of those programs and associated expenditures, and cooperating with other governmental agencies which have programs related to economic development. In addition to other powers and duties, the Executive Director ~~[:]~~ ***of the Commission:***

1. Shall attend all meetings of the Commission and act as its Secretary, keeping minutes and audio recordings or transcripts of its proceedings.

2. Shall report regularly to the Commission concerning the administration of its policies and programs.

3. Shall report annually to the Governor and the Commission regarding the work of the Commission and may make such special reports as he or she considers desirable to the Governor.

4. May perform any other lawful acts which he or she considers desirable to carry out the provisions of NRS 231.020 to 231.130, inclusive.

Sec. 31. NRS 231.125 is hereby amended to read as follows:

231.125 1. The ~~[Commission on Economic Development]~~ ***Office*** may charge such fees for:

(a) Materials prepared for distribution by the ~~[Commission;]~~ ***Office;***

(b) Advertising in materials prepared by the ~~[Commission;]~~ ***Office;*** and

(c) Services performed by the ~~[Commission]~~ ***Office*** on behalf of others, such as the procurement of permits,

➥ as it deems necessary to support the activities of the ~~[Commission.]~~ ***Office.***

2. All such fees must be deposited with the State Treasurer for credit to the ~~[Commission]~~ ***Office*** and may be expended in addition to other money appropriated for the support of the ~~[Commission.]~~ ***Office.***

Sec. 31.3. NRS 231.127 is hereby amended to read as follows:

231.127 1. The Division of Motion Pictures shall formulate a program to promote the production of motion pictures in Nevada. The program must include development of:

(a) A directory of the names of persons, firms and governmental agencies in this State which are capable of furnishing the skills and facilities needed in all phases of the production of motion pictures; and

(b) A library containing ~~[videotapes]~~ ***audiovisual recordings*** which depict the variety and extent of the locations in this State which are available for the production of motion pictures.

➥ The directory of names and the library of ~~[videotapes]~~ ***audiovisual recordings*** must be kept current and be cross-referenced.

2. The program may include:

(a) The preparation and distribution of other appropriate promotional and informational material, including advertising, which points out desirable locations within the State for the production of motion pictures, explains the benefits and advantages of producing motion pictures in this State, and describes the services and assistance available from this State and its local governments;

(b) Assistance to motion picture companies in securing permits to film at certain locations and in obtaining other services connected with the production of motion pictures; and

(c) Encouragement of cooperation among local, state and federal agencies and public organizations in the location and production of motion pictures.

Sec. 31.5. NRS 231.130 is hereby amended to read as follows:

231.130 In performing their duties, the Executive Director of the Commission on Economic Development and the Administrator of the Division of Motion Pictures shall not interfere with the functions of any other state agencies, but those agencies shall, from time to time, on request, furnish the Executive Director ***of the Commission*** with data and other information from their records bearing on the objectives of the Commission. The Executive Director ***of the Commission*** shall avail himself or herself of records and assistance of such other state agencies as in the opinion of the Governor or Executive Director ***of the Commission*** might make a contribution to the work of the Commission.

Sec. 31.7. NRS 231.130 is hereby amended to read as follows:

231.130 ~~[In]~~ ***Except as otherwise provided by law, in*** performing their duties, the Executive Director of the ~~[Commission on Economic Development]~~ ***Office*** and the Administrator of the Division of Motion Pictures shall not interfere with the functions of any other state agencies, but those agencies shall, from time to time, on request, furnish the Executive Director ~~[of the Commission]~~ with data and other information from their records bearing on the objectives of the ~~[Commission.]~~ ***Office.*** The Executive Director ~~[of the Commission]~~ shall avail himself or herself of records and assistance of such other state agencies as in the opinion of the Governor or

Executive Director ~~[of the Commission]~~ might make a contribution to the work of the ~~[Commission.]~~ ***Office.***

Sec. 32. NRS 231.139 is hereby amended to read as follows:

231.139 1. The ~~[Commission on Economic Development]~~ ***Office*** shall certify a business for the benefits provided pursuant to NRS 704.223 if the ~~[Commission]~~ ***Office*** finds that:

(a) The business is consistent with the State Plan for ~~[Industrial]~~ ***Economic*** Development ~~[and Diversification and any guidelines adopted pursuant to the Plan;]~~ ***developed by the Executive Director pursuant to subsection 2 of section 14 of this act;***

(b) The business is engaged in the primary trade of preparing, fabricating, manufacturing or otherwise processing raw material or an intermediate product through a process in which at least 50 percent of the material or product is recycled on-site;

(c) Establishing the business will require the business to make a capital investment of $50,000,000 in Nevada; and

(d) The economic benefit to the State of approving the certification exceeds the cost to the State.

2. The ~~[Commission on Economic Development]~~ ***Office*** may:

(a) Request an allocation from the Contingency Fund pursuant to NRS 353.266, 353.268 and 353.269 to cover the costs incurred by the ~~[Commission]~~ ***Office*** pursuant to this section and NRS 704.032.

(b) Impose a reasonable fee for an application for certification pursuant to this section to cover the costs incurred by the ~~[Commission]~~ ***Office*** in investigating and ruling on the application.

(c) Adopt such regulations as it deems necessary to carry out the provisions of this section.

Sec. 32.5. NRS 231.141 is hereby amended to read as follows:

231.141 As used in NRS 231.141 to 231.152, inclusive, unless the context otherwise requires, the words and terms defined in NRS ~~[231.142,]~~ 231.143 and 231.146 have the meanings ascribed to them in those sections.

Sec. 33. NRS 231.147 is hereby amended to read as follows:

231.147 1. A person who operates a business or will operate a business in this State may apply to the ~~[Commission]~~ ***Office*** for approval of a program. The application must be submitted on a form prescribed by the ~~[Commission.]~~ ***Office.***

2. Each application must include:

(a) The name, address and telephone number of the business;

(b) The number and types of jobs for the business that are available or will be available upon completion of the program;

(c) A statement of the objectives of the proposed program;

(d) The estimated cost for each person enrolled in the program; and

(e) A statement signed by the applicant certifying that, if the program set forth in the application is approved and money is granted by the ~~[Commission]~~ ***Office*** to a community college for the program, each employee who completes the program:

(1) Will be employed in a full-time and permanent position in the business; and

(2) While employed in that position, will be paid not less than 80 percent of the lesser of the average industrial hourly wage in:

(I) This State; or

(II) The county in which the business is located,

➥ as determined by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year.

3. Upon request, the ~~[Commission]~~ ***Office*** may assist an applicant in completing an application pursuant to the provisions of this section.

4. Except as otherwise provided in subsection 5, the ~~[Commission]~~ ***Office*** shall approve or deny each application ~~[at the next regularly scheduled meeting of the Commission.]~~ ***within 45 days after receipt of the application.*** When considering an application, the ~~[Commission]~~ ***Office*** shall give priority to a business that:

(a) Provides high-skill and high-wage jobs to residents of this State; ~~[and]~~

(b) To the greatest extent practicable, uses materials for the business that are produced or bought in this State ~~[.]~~ ***; and***

(c) Is consistent with the State Plan for Economic Development developed by the Executive Director pursuant to subsection 2 of section 14 of this act.

5. Before approving an application, the ~~[Commission]~~ ***Office*** shall establish the amount of matching money that the applicant must provide for the program. The amount established by the ~~[Commission]~~ ***Office*** for that applicant must not be less than 25 percent of the amount the ~~[Commission]~~ ***Office*** approves for the program.

6. If the ~~[Commission]~~ ***Office*** approves an application, it shall notify the applicant, in writing, within 10 days after the application is approved.

7. If the ~~[Commission]~~ ***Office*** denies an application, it shall, within 10 days after the application is denied, notify the applicant in writing. The notice must include the reason for denying the application.

Sec. 34. NRS 231.149 is hereby amended to read as follows:

231.149 1. The ~~[Commission]~~ ***Office*** may apply for or accept any gifts, grants, donations or contributions from any source to carry out the provisions of NRS 231.141 to 231.152, inclusive.

2. Any money the ~~[Commission]~~ ***Office*** receives pursuant to subsection 1 must be deposited in the State Treasury pursuant to NRS 231.151.

Sec. 35. NRS 231.151 is hereby amended to read as follows:

231.151 1. Any money the ~~[Commission]~~ ***Office*** receives pursuant to NRS 231.149 or that is appropriated to carry out the provisions of NRS 231.141 to 231.152, inclusive:

(a) Must be deposited in the State Treasury and accounted for separately in the State General Fund; and

(b) May only be used to carry out those provisions.

2. Except as otherwise provided in subsection 3, the balance remaining in the account that has not been committed for expenditure on or before June 30 of a fiscal year reverts to the State General Fund.

3. In calculating the uncommitted remaining balance in the account at the end of a fiscal year, any money in the account that is attributable to a gift, grant, donation or contribution:

(a) To the extent not inconsistent with a term of the gift, grant, donation or contribution, shall be deemed to have been committed for expenditure before any money that is attributable to a legislative appropriation; and

(b) Must be excluded from the calculation of the uncommitted remaining balance in the account at the end of the fiscal year if necessary to comply with a term of the gift, grant, donation or contribution.

4. The ~~[Commission]~~ ***Office*** shall administer the account. Any interest or income earned on the money in the account must be credited to the account. Any claims against the account must be paid as other claims against the State are paid.

Sec. 36. NRS 231.152 is hereby amended to read as follows:

231.152 The ~~[Commission]~~ ***Office*** may adopt such regulations as are necessary to carry out the provisions of NRS 231.147.

Sec. 37. (Deleted by amendment.)

Sec. 38. (Deleted by amendment.)

Sec. 39. (Deleted by amendment.)

Sec. 40. (Deleted by amendment.)

Sec. 41. NRS 231.350 is hereby amended to read as follows:

231.350 1. The Committee for the Development of Projects Relating to Tourism is hereby created within the Commission on Tourism. The Committee consists of:

(a) The Lieutenant Governor, who is an ex officio member of the Committee and shall serve as the Chair of the Committee;

(b) Three members of the ~~[Commission on Economic Development,]~~ ***Board,*** appointed by the Lieutenant Governor; and

(c) Three members of the Commission on Tourism, appointed by the Lieutenant Governor.

2. If an appointed member of the Committee ceases to be a member of the ~~[Commission on Economic Development]~~ ***Board*** or the Commission on Tourism, the appointed member becomes ineligible for membership on the

Committee and the Lieutenant Governor shall appoint a replacement from the ~~[Commission on Economic Development]~~ ***Board*** or the Commission on Tourism, respectively.

3. The Lieutenant Governor may remove an appointed member from the Committee if the member neglects his or her duty or commits malfeasance in office.

4. The appointed members of the Committee who are members of the ~~[Commission on Economic Development]~~ ***Board*** or the Commission on Tourism, respectively, may be paid the per diem allowance and travel expenses provided for state officers and employees generally by their respective commissions, as the budgets of those commissions allow.

5. The Committee shall meet at the call of the Lieutenant Governor.

6. The Commission on Tourism and the ~~[Commission on Economic Development]~~ ***Office*** shall jointly provide administrative support for the Committee.

Sec. 42. (Deleted by amendment.)

Sec. 43. NRS 232.522 is hereby amended to read as follows:

232.522 The Director may:

1. Create within the Department, as part of the Office of the Director, an Office of Business Finance and Planning to:

(a) Administer and coordinate programs related to financing for the assistance of entities engaged in business and industry in this state;

(b) Provide information to the public concerning the regulatory programs, assistance programs, and other services and activities of the Department; and

(c) Interact with other public or private entities to coordinate and improve access to the Department's programs related to the growth and retention of business and industry in this state.

2. Create within the Department, as part of the Office of Business Finance and Planning, a Center for Business Advocacy and Services:

(a) To assist small businesses in obtaining information about financing and other basic resources which are necessary for success;

(b) In cooperation with the Executive Director of the ~~[Commission on]~~ ***Office of*** Economic Development, to increase public awareness of the importance of developing manufacturing as an industry and to assist in identifying and encouraging public support of businesses and industries that manufacture goods in this state;

(c) To serve as an advocate for small businesses, subject to the supervision of the Director or the Director's representative, both within and outside the Department;

(d) To assist the Office of Business Finance and Planning in establishing an information and referral service within the Department that is responsive

to the inquiries of business and industry which are directed to the Department or any entity within the Department; and

(e) In cooperation with the Executive Director of the ~~[Commission on]~~ ***Office of*** Economic Development, to advise the Director and the Office of Business Finance and Planning in developing and improving programs of the Department to serve more effectively and support the growth, development and diversification of business and industry in this state.

3. Require divisions, offices, commissions, boards, agencies or other entities of the Department to work together to carry out their statutory duties, to resolve or address particular issues or projects or otherwise to increase the efficiency of the operation of the Department as a whole and the level of communication and cooperation among the various entities within the Department.

Sec. 44. NRS 232.935 is hereby amended to read as follows:

232.935 1. In appointing members of the Governor's Workforce Investment Board, the Governor shall ensure that the membership as a whole represents:

(a) Industry sectors which are essential to this State and which are driven primarily by demand;

(b) Communities and areas of economic development which are essential to this State; and

(c) The diversity of the workforce of this State, including, without limitation, geographic diversity and the diversity within regions of this State.

2. The Governor's Workforce Investment Board shall:

(a) Identify:

(1) Industry sectors which are essential to this State; and

(2) The region or regions of this State where the majority of the operations of each of those industry sectors is conducted.

(b) Establish:

(1) Regional goals for economic development for each of the industry sectors identified pursuant to paragraph (a); and

(2) A council for each industry sector.

(c) Consider and develop programs to promote:

(1) Strategies to improve labor markets for industries and regions of this State, including, without limitation, improving the availability of relevant information;

(2) Coordination of the efforts of relevant public and private agencies and organizations;

(3) Strategies for providing funding as needed by various industry sectors;

(4) Increased production capacities for various industry sectors;

(5) The development of useful measurements of performance and outcomes in various industry sectors;

(6) Participation by and assistance from state and local government agencies;

(7) Expanded market penetration, including, without limitation, by providing assistance to employers with small numbers of employees;

(8) Partnerships between labor and management;

(9) Business associations;

(10) The development of improved instructional and educational resources for employers and employees; and

(11) The development of improved economies of scale, as applicable, in industry sectors.

3. Each industry sector council established pursuant to subparagraph (2) of paragraph (b) of subsection 2:

(a) Must be composed of representatives from:

(1) Employers within that industry;

(2) Organized labor within that industry;

(3) Universities and community colleges; and

(4) Any other relevant group of persons deemed to be appropriate by the Board.

(b) Shall, within the parameters set forth in the American Recovery and Reinvestment Act of 2009 or the parameters of any other program for which the federal funding is available, identify job training and education programs which the industry sector council determines to have the greatest likelihood of meeting the regional goals for economic development established for that industry sector pursuant to subparagraph (1) of paragraph (b) of subsection 2.

4. The Board shall:

(a) Identify and apply for federal funding available for the job training and education programs identified pursuant to paragraph (b) of subsection 3;

(b) Consider and approve or disapprove applications for money;

(c) Provide and administer grants of money to industry sector councils for the purpose of establishing job training and education programs in industry sectors for which regional goals for economic development have been established pursuant to subparagraph (1) of paragraph (b) of subsection 2; and

(d) Adopt regulations establishing:

(1) Guidelines for the submission and review of applications to receive grants of money from the Department; and

(2) Criteria and standards for the eligibility for and use of any grants made pursuant to paragraph (c).

➥ ***Except as otherwise required as a condition of federal funding, the regulations required by this subsection must give priority to job training***

and education programs that are consistent with the State Plan for Economic Development developed by the Executive Director of the Office of Economic Development pursuant to subsection 2 of section 14 of this act.

5. ***In carrying out its powers and duties pursuant to this section, the Board shall consult with the Executive Director of the Office of Economic Development and shall cooperate with the Executive Director in implementing the State Plan for Economic Development developed by the Executive Director pursuant to subsection 2 of section 14 of this act.***

6. As used in this section, "industry sector" means a group of employers closely linked by common products or services, workforce needs, similar technologies, supply chains or other economic links.

Sec. 45. NRS 75.100 is hereby amended to read as follows:

75.100 1. The Secretary of State shall provide for the establishment of a state business portal to facilitate interaction among businesses and governmental agencies in this State by allowing businesses to conduct necessary transactions with governmental agencies in this State through use of the state business portal.

2. The Secretary of State shall:

(a) Establish, through cooperative efforts, the standards and requirements necessary to design, build and implement the state business portal;

(b) Establish the standards and requirements necessary for a state or local agency to participate in the state business portal;

(c) Authorize a state or local agency to participate in the state business portal if the Secretary of State determines that the agency meets the standards and requirements necessary for such participation;

(d) Determine the appropriate requirements to be used by businesses and governmental agencies conducting transactions through use of the state business portal; ~~[and]~~

(e) ***In carrying out the provisions of this section, consult with the Executive Director of the Office of Economic Development to ensure that the activities of the Secretary of State are consistent with the State Plan for Economic Development developed by the Executive Director pursuant to subsection 2 of section 14 of this act; and***

(f) Adopt such regulations and take any appropriate action as necessary to carry out the provisions of this chapter.

Sec. 46. ~~[NRS 120A.620 is hereby amended to read as follows:~~

~~120A.620 1. There is hereby created in the State General Fund the Abandoned Property Trust Account.~~

~~2. All money received by the Administrator under this chapter, including the proceeds from the sale of abandoned property, must be deposited by the Administrator in the State General Fund for credit to the Account.~~

~~3. Before making a deposit, the Administrator shall record the name and last known address of each person appearing from the holders' reports to be entitled to the abandoned property and the name and last known address of each insured person or annuitant, and with respect to each policy or contract listed in the report of an insurance company, its number, the name of the company and the amount due. The record must be available for public inspection at all reasonable business hours.~~

~~4. The Administrator may pay from money available in the Account:~~

~~(a) Any costs in connection with the sale of abandoned property.~~

~~(b) Any costs of mailing and publication in connection with any abandoned property.~~

~~(c) Reasonable service charges.~~

~~(d) Any costs incurred in examining the records of a holder and in collecting the abandoned property.~~

~~(e) Any valid claims filed pursuant to this chapter.~~

~~5. Except as otherwise provided in NRS 120A.610, by the end of each fiscal year, the balance in the Account must be transferred as follows:~~

~~(a) *The sum of $10,000,000 to the Catalyst Fund created by section 16 of this act.*~~

~~*(b) The sum of* $7,600,000 [each year must be transferred] to the Millennium Scholarship Trust Fund created by NRS 396.926.~~

~~[(b)] *(c)* The remainder must be transferred to the State General Fund, but remains subject to the valid claims of holders pursuant to NRS 120A.590 and owners pursuant to NRS 120A.640. No such claim may be satisfied from money in the *Catalyst Fund or the* Millennium Scholarship Trust Fund.~~

~~6. If there is an insufficient amount of money in the Account to pay any cost or charge pursuant to subsection 4, the State Board of Examiners may, upon the application of the Administrator, authorize a temporary transfer from the State General Fund to the Account of an amount necessary to pay those costs or charges. The Administrator shall repay the amount of the transfer as soon as sufficient money is available in the Account.]~~ **(Deleted by amendment.)**

Sec. 47. NRS 218D.355 is hereby amended to read as follows:

218D.355 1. Any state legislation enacted on or after July 1, ~~[2009,]~~ ***2012,*** which authorizes or requires the ~~[Commission on Economic Development]~~ ***Office*** to approve any abatement of taxes or increases the amount of any abatement of taxes which the ~~[Commission]~~ ***Office*** is authorized or required to approve:

(a) Expires by limitation 10 years after the effective date of that legislation.

(b) Does not apply to:

(1) Any taxes imposed pursuant to NRS 374.110 or 374.190; or

(2) Any entity that receives:

(I) Any funding from a governmental entity, other than any private activity bonds as defined in 26 U.S.C. § 141; or

(II) Any real or personal property from a governmental entity at no cost or at a reduced cost.

(c) Requires each recipient of the abatement to submit to the Department of Taxation, on or before the last day of each even-numbered year, a report on whether the recipient is in compliance with the terms of the abatement. The Department of Taxation shall establish a form for the report and may adopt such regulations as it determines to be appropriate to carry out this paragraph. The report must include, without limitation:

(1) The date the recipient commenced operation in this State;

(2) The number of employees actually employed by the recipient and the average hourly wage of those employees;

(3) An accounting of any fees paid by the recipient to the State and to local governmental entities;

(4) An accounting of the property taxes paid by the recipient and the amount of those taxes that would have been due if not for the abatement;

(5) An accounting of the sales and use taxes paid by the recipient and the amount of those taxes that would have been due if not for the abatement;

(6) An accounting of the total capital investment made in connection with the project to which the abatement applies; and

(7) An accounting of the total investment in personal property made in connection with the project to which the abatement applies.

2. On or before January 15 of each odd-numbered year, the Department of Taxation shall:

(a) Based upon the information submitted to the Department of Taxation pursuant to paragraph (c) of subsection 1, prepare a written report of its findings regarding whether the costs of the abatement exceed the benefits of the abatement; and

(b) Submit the report to the Director of the Legislative Counsel Bureau for transmittal to the Legislature.

Sec. 47.5. NRS 274.020 is hereby amended to read as follows:

274.020 "Administrator" means the ~~[~~state officer appointed by the Governor to administer the provisions of this chapter.~~]~~ ***Executive Director of the Office of Economic Development.***

Sec. 48. NRS 274.090 is hereby amended to read as follows:

274.090 1. The ~~[~~Governor shall appoint a qualified person in the Commission on~~]~~ ***Executive Director of the Office of*** Economic Development ~~[to]~~ ***shall*** serve as Administrator.

2. The Administrator shall:

(a) Administer this chapter.

(b) Submit reports evaluating the effectiveness of the programs established pursuant to this chapter together with any suggestions for legislation to the Legislature by February 1 of every odd-numbered year. The reports must contain statistics concerning initial and current population, employment, per capita income, corporate income and the construction of housing for each specially benefited zone.

(c) Adopt all necessary regulations to carry out the provisions of this chapter.

Sec. 49. NRS 274.310 is hereby amended to read as follows:

274.310 1. A person who intends to locate a business in this State within:

(a) A historically underutilized business zone, as defined in 15 U.S.C. § 632;

(b) A redevelopment area created pursuant to NRS 279.382 to 279.685, inclusive;

(c) An area eligible for a community development block grant pursuant to 24 C.F.R. Part 570; or

(d) An enterprise community established pursuant to 24 C.F.R. Part 597,

➥ may submit a request to the governing body of the county, city or town in which the business would operate for an endorsement of an application by the person to the ~~[Commission on]~~ ***Office of*** Economic Development for a partial abatement of one or more of the taxes imposed pursuant to chapter 361 or 374 of NRS. The governing body of the county, city or town shall provide notice of the request to the board of trustees of the school district in which the business would operate. The notice must set forth the date, time and location of the hearing at which the governing body will consider whether to endorse the application.

2. The governing body of a county, city or town shall develop procedures for:

(a) Evaluating whether such an abatement would be beneficial for the economic development of the county, city or town.

(b) Issuing a certificate of endorsement for an application for such an abatement that is found to be beneficial for the economic development of the county, city or town.

3. A person whose application has been endorsed by the governing body of the county, city or town, as applicable, pursuant to this section may submit the application to the ~~[Commission on]~~ ***Office of*** Economic Development. The ~~[Commission]~~ ***Office*** shall approve the application if the ~~[Commission]~~ ***Office*** makes the following determinations:

(a) The business is consistent with:

(1) The State Plan for ~~[Industrial Development and Diversification that is developed by the Commission pursuant to NRS 231.067;]~~ ***Economic***

Development developed by the Executive Director of the Office of Economic Development pursuant to subsection 2 of section 14 of this act; and

(2) Any guidelines adopted ~~[pursuant to the State Plan.]~~ ***by the Executive Director of the Office of Economic Development to implement the State Plan for Economic Development.***

(b) The applicant has executed an agreement with the ~~[Commission]~~ ***Office*** which states that the business will, after the date on which a certificate of eligibility for the abatement is issued pursuant to subsection 4:

(1) Commence operation and continue in operation in the historically underutilized business zone, as defined in 15 U.S.C. § 632, redevelopment area created pursuant to NRS 279.382 to 279.685, inclusive, area eligible for a community development block grant pursuant to 24 C.F.R. Part 570 or enterprise community established pursuant to 24 C.F.R. Part 597 for a period specified by the ~~[Commission,]~~ ***Office,*** which must be at least 5 years; and

(2) Continue to meet the eligibility requirements set forth in this subsection.

➥ The agreement must bind successors in interest of the business for the specified period.

(c) The business is registered pursuant to the laws of this State or the applicant commits to obtain a valid business license and all other permits required by the county, city or town in which the business will operate.

(d) The applicant invested or commits to invest a minimum of $500,000 in capital.

4. If the ~~[Commission on]~~ ***Office of*** Economic Development approves an application for a partial abatement, the ~~[Commission]~~ ***Office*** shall immediately forward a certificate of eligibility for the abatement to:

(a) The Department of Taxation;

(b) The Nevada Tax Commission; and

(c) If the partial abatement is from the property tax imposed pursuant to chapter 361 of NRS, the county treasurer of the county in which the business will be located.

5. ***If a business whose partial abatement has been approved pursuant to this section and is in effect ceases:***

(a) To meet the eligibility requirements for the partial abatement; or

(b) Operation before the time specified in the agreement described in paragraph (b) of subsection 3,

➥ the business shall repay to the Department of Taxation or, if the partial abatement was from the property tax imposed pursuant to chapter 361 of NRS, to the county treasurer, the amount of the exemption that was allowed pursuant to this section before the failure of the business to comply unless the Nevada Tax Commission determines that the business has

substantially complied with the requirements of this section. Except as otherwise provided in NRS 360.232 and 360.320, the business shall, in addition to the amount of the exemption required to be paid pursuant to this subsection, pay interest on the amount due at the rate most recently established pursuant to NRS 99.040 for each month, or portion thereof, from the last day of the month following the period for which the payment would have been made had the partial abatement not been approved until the date of payment of the tax.

6. The ~~[Commission on]~~ ***Office of*** Economic Development may adopt such regulations as the ~~[Commission]~~ ***Office*** determines to be necessary or advisable to carry out the provisions of this section.

~~[6.]~~ ***7.*** An applicant for an abatement who is aggrieved by a final decision of the ~~[Commission on]~~ ***Office of*** Economic Development may petition for judicial review in the manner provided in chapter 233B of NRS.

Sec. 50. NRS 274.320 is hereby amended to read as follows:

274.320 1. A person who intends to expand a business in this State within:

(a) A historically underutilized business zone, as defined in 15 U.S.C. § 632;

(b) A redevelopment area created pursuant to NRS 279.382 to 279.685, inclusive;

(c) An area eligible for a community development block grant pursuant to 24 C.F.R. Part 570; or

(d) An enterprise community established pursuant to 24 C.F.R. Part 597,

➥ may submit a request to the governing body of the county, city or town in which the business operates for an endorsement of an application by the person to the ~~[Commission on]~~ ***Office of*** Economic Development for a partial abatement of the taxes imposed on capital equipment pursuant to chapter 374 of NRS. The governing body of the county, city or town shall provide notice of the request to the board of trustees of the school district in which the business operates. The notice must set forth the date, time and location of the hearing at which the governing body will consider whether to endorse the application.

2. The governing body of a county, city or town shall develop procedures for:

(a) Evaluating whether such an abatement would be beneficial for the economic development of the county, city or town.

(b) Issuing a certificate of endorsement for an application for such an abatement that is found to be beneficial for the economic development of the county, city or town.

3. A person whose application has been endorsed by the governing body of the county, city or town, as applicable, pursuant to this section may submit

the application to the ~~[Commission on]~~ ***Office of*** Economic Development. The ~~[Commission]~~ ***Office*** shall approve the application if the ~~[Commission]~~ ***Office*** makes the following determinations:

(a) The business is consistent with:

(1) The State Plan for ~~[Industrial Development and Diversification that is developed by the Commission pursuant to NRS 231.067;]~~ ***Economic Development developed by the Executive Director of Economic Development pursuant to subsection 2 of section 14 of this act;*** and

(2) Any guidelines adopted ~~[pursuant to the State Plan.]~~ ***by the Executive Director of the Office of Economic Development to implement the State Plan for Economic Development.***

(b) The applicant has executed an agreement with the ~~[Commission]~~ ***Office*** which states that the business will, after the date on which a certificate of eligibility for the abatement is issued pursuant to subsection 4:

(1) Continue in operation in the historically underutilized business zone, as defined in 15 U.S.C. § 632, redevelopment area created pursuant to NRS 279.382 to 279.685, inclusive, area eligible for a community development block grant pursuant to 24 C.F.R. Part 570 or enterprise community established pursuant to 24 C.F.R. Part 597 for a period specified by the ~~[Commission,]~~ ***Office,*** which must be at least 5 years; and

(2) Continue to meet the eligibility requirements set forth in this subsection.

➥ The agreement must bind successors in interest of the business for the specified period.

(c) The business is registered pursuant to the laws of this State or the applicant commits to obtain a valid business license and all other permits required by the county, city or town in which the business operates.

(d) The applicant invested or commits to invest a minimum of $250,000 in capital equipment.

4. If the ~~[Commission on]~~ ***Office of*** Economic Development approves an application for a partial abatement, the ~~[Commission]~~ ***Office*** shall immediately forward a certificate of eligibility for the abatement to:

(a) The Department of Taxation; and

(b) The Nevada Tax Commission.

5. ***If a business whose partial abatement has been approved pursuant to this section and is in effect ceases:***

(a) To meet the eligibility requirements for the partial abatement; or

(b) Operation before the time specified in the agreement described in paragraph (b) of subsection 3,

➥ ***the business shall repay to the Department of Taxation the amount of the exemption that was allowed pursuant to this section before the failure of the business to comply unless the Nevada Tax Commission determines***

that the business has substantially complied with the requirements of this section. Except as otherwise provided in NRS 360.232 and 360.320, the business shall, in addition to the amount of the exemption required to be paid pursuant to this subsection, pay interest on the amount due at the rate most recently established pursuant to NRS 99.040 for each month, or portion thereof, from the last day of the month following the period for which the payment would have been made had the partial abatement not been approved until the date of payment of the tax.

6. The ~~[Commission on]~~ ***Office of*** Economic Development may adopt such regulations as the ~~[Commission]~~ ***Office*** determines to be necessary or advisable to carry out the provisions of this section.

~~[6.]~~ ***7.*** An applicant for an abatement who is aggrieved by a final decision of the ~~[Commission on]~~ ***Office of*** Economic Development may petition for judicial review in the manner provided in chapter 233B of NRS.

Sec. 51. NRS 274.330 is hereby amended to read as follows:

274.330 1. A person who owns a business which is located within an enterprise community established pursuant to 24 C.F.R. Part 597 in this State may submit a request to the governing body of the county, city or town in which the business is located for an endorsement of an application by the person to the ~~[Commission on]~~ ***Office of*** Economic Development for a partial abatement of one or more of the taxes imposed pursuant to chapter 361 or 374 of NRS. The governing body of the county, city or town shall provide notice of the request to the board of trustees of the school district in which the business operates. The notice must set forth the date, time and location of the hearing at which the governing body will consider whether to endorse the application.

2. The governing body of a county, city or town shall develop procedures for:

(a) Evaluating whether such an abatement would be beneficial for the economic development of the county, city or town.

(b) Issuing a certificate of endorsement for an application for such an abatement that is found to be beneficial for the economic development of the county, city or town.

3. A person whose application has been endorsed by the governing body of the county, city or town, as applicable, pursuant to this section may submit the application to the ~~[Commission on]~~ ***Office of*** Economic Development. The ~~[Commission]~~ ***Office*** shall approve the application if the ~~[Commission]~~ ***Office*** makes the following determinations:

(a) The business is consistent with:

(1) The State Plan for ~~[Industrial Development and Diversification that is developed by the Commission pursuant to NRS 231.067;]~~ ***Economic Development developed by the Executive Director of the Office of***

Economic Development pursuant to subsection 2 of section 14 of this act; and

(2) Any guidelines adopted ~~[pursuant to the State Plan.]~~ ***by the Executive Director of the Office of Economic Development to implement the State Plan for Economic Development.***

(b) The applicant has executed an agreement with the ~~[Commission]~~ ***Office*** which states that the business will, after the date on which a certificate of eligibility for the abatement is issued pursuant to subsection 4:

(1) Continue in operation in the enterprise community for a period specified by the ~~[Commission,]~~ ***Office,*** which must be at least 5 years; and

(2) Continue to meet the eligibility requirements set forth in this subsection.

➥ The agreement must bind successors in interest of the business for the specified period.

(c) The business is registered pursuant to the laws of this State or the applicant commits to obtain a valid business license and all other permits required by the county, city or town in which the business operates.

(d) The business:

(1) Employs one or more dislocated workers who reside in the enterprise community; and

(2) Pays such employees a wage of not less than 100 percent of the federally designated level signifying poverty for a family of four persons and provides medical benefits to the employees and their dependents.

4. If the ~~[Commission on]~~ ***Office of*** Economic Development approves an application for a partial abatement, the ~~[Commission]~~ ***Office*** shall:

(a) Determine the percentage of employees of the business which meet the requirements of paragraph (d) of subsection 3 and grant a partial abatement equal to that percentage; and

(b) Immediately forward a certificate of eligibility for the abatement to:

(1) The Department of Taxation;

(2) The Nevada Tax Commission; and

(3) If the partial abatement is from the property tax imposed pursuant to chapter 361 of NRS, the county treasurer of the county in which the business is located.

5. ***If a business whose partial abatement has been approved pursuant to this section and is in effect ceases:***

(a) To meet the eligibility requirements for the partial abatement; or

(b) Operation before the time specified in the agreement described in paragraph (b) of subsection 3,

➥ the business shall repay to the Department of Taxation or, if the partial abatement was from the property tax imposed pursuant to chapter 361 of NRS, to the county treasurer, the amount of the exemption that was

allowed pursuant to this section before the failure of the business to comply unless the Nevada Tax Commission determines that the business has substantially complied with the requirements of this section. Except as otherwise provided in NRS 360.232 and 360.320, the business shall, in addition to the amount of the exemption required to be paid pursuant to this subsection, pay interest on the amount due at the rate most recently established pursuant to NRS 99.040 for each month, or portion thereof, from the last day of the month following the period for which the payment would have been made had the partial abatement not been approved until the date of payment of the tax.

6. The ~~[Commission on]~~ ***Office of*** Economic Development:

(a) Shall adopt regulations relating to the minimum level of benefits that a business must provide to its employees to qualify for an abatement pursuant to this section.

(b) May adopt such other regulations as the ~~[Commission]~~ ***Office*** determines to be necessary or advisable to carry out the provisions of this section.

~~[6.]~~ ***7.*** An applicant for an abatement who is aggrieved by a final decision of the ~~[Commission on]~~ ***Office of*** Economic Development may petition for judicial review in the manner provided in chapter 233B of NRS.

~~[7.]~~ ***8.*** As used in this section, "dislocated worker" means a person who:

(a) Has been terminated, laid off or received notice of termination or layoff from employment;

(b) Is eligible for or receiving or has exhausted his or her entitlement to unemployment compensation;

(c) Has been dependent on the income of another family member but is no longer supported by that income;

(d) Has been self-employed but is no longer receiving an income from self-employment because of general economic conditions in the community or natural disaster; or

(e) Is currently unemployed and unable to return to a previous industry or occupation.

Sec. 52. (Deleted by amendment.)

Sec. 52.3. Chapter 349 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in NRS 349.640, the Director shall not finance a project without the approval of the Office of Economic Development. The Office shall approve the financing of a project if it determines that the project is consistent with the State Plan for Economic Development developed by the Executive Director of the Office pursuant to subsection 2 of section 14 of this act.

2. The Director shall cooperate with the Office of Economic Development in carrying out the provisions of this section and provide such assistance as the Office determines to be necessary for that purpose.

Sec. 52.5. NRS 349.400 is hereby amended to read as follows:

349.400 As used in NRS 349.400 to 349.670, inclusive, ***and section 52.3 of this act,*** unless the context otherwise requires, the words and terms defined in NRS 349.405 to 349.540, inclusive, have the meanings ascribed to them in those sections.

Sec. 52.7. NRS 349.560 is hereby amended to read as follows:

349.560 It is the intent of the Legislature to authorize the Director ***, with the approval of the Office of Economic Development,*** to finance, acquire, own, lease, improve and dispose of properties to:

1. Promote industry and employment and develop trade by inducing manufacturing, industrial, warehousing and commercial enterprises and organizations for research and development to locate, remain or expand in this state to further prosperity throughout the State and to further the use of the agricultural products and the natural resources of this state.

2. Enhance public safety by protecting hotels, motels, apartment buildings, casinos, office buildings and their occupants from fire.

3. Promote the public health by enabling the acquisition, development, expansion and maintenance of health and care facilities and supplemental facilities for health and care facilities which will provide services of high quality at reasonable rates to the residents of the community in which the facilities are situated.

4. Promote the educational, cultural, economic and general welfare of the public by financing civic and cultural enterprises, certain educational institutions and the preservation or restoration of historic structures.

5. Promote the social welfare of the residents of this state by enabling a corporation for public benefit to acquire, develop, expand and maintain facilities that provide services for those residents.

6. Promote the generation of electricity in this state.

Sec. 53. (Deleted by amendment.)

Sec. 53.3. NRS 349.580 is hereby amended to read as follows:

349.580 Except as otherwise provided in NRS 349.595 and 349.640, the Director shall not finance a project unless, before financing:

1. The Director finds that:

(a) The project to be financed has been approved for financing pursuant to the requirements of NRS 244A.669 to 244A.763, inclusive, or 268.512 to 268.568, inclusive; and

(b) There has been a request by a city or county to have the Director issue bonds to finance the project; or

2. The Director finds and both the Board and the governing body of the city or county where the project is to be located approve the findings of the Director that:

(a) The project consists of any land, building or other improvement and all real and personal properties necessary in connection therewith, excluding inventories, raw materials and working capital, whether or not in existence, which is suitable for new construction, improvement, preservation, restoration, rehabilitation or redevelopment:

(1) For manufacturing, industrial, warehousing, civic, cultural or other commercial enterprises, educational institutions, corporations for public benefit or organizations for research and development;

(2) For a health and care facility or a supplemental facility for a health and care facility;

(3) Of real or personal property appropriate for addition to a hotel, motel, apartment building, casino or office building to protect it or its occupants from fire;

(4) Of a historic structure; or

(5) For a renewable energy generation project;

(b) The project will provide a public benefit;

(c) The contemplated lessee, purchaser or other obligor has sufficient financial resources to place the project in operation and to continue its operation, meeting the obligations of the lease, purchase contract or financing agreement;

(d) There are sufficient safeguards to assure that all money provided by the Department will be expended solely for the purposes of the project;

(e) The project would be compatible with existing facilities in the area adjacent to the location of the project;

(f) ~~[~~The project:

~~(1) Is compatible with the plan of the State for economic diversification and development or for the marketing and development of tourism in this state; or~~

~~(2) Promotes the generation of electricity in this state;~~

~~(g)~~] Through the advice of counsel or other reliable source, the project has received all approvals by the local, state and federal governments which may be necessary to proceed with construction, improvement, rehabilitation or redevelopment of the project; and

~~[~~(h)~~]~~ ***(g)*** There has been a request by a city, county, lessee, purchaser, other obligor or other enterprise to have the Director issue revenue bonds for industrial development to finance the project.

Sec. 53.5. NRS 349.595 is hereby amended to read as follows:

349.595 1. ~~[The]~~ ***Except as otherwise provided in section 52.3 of this act, the*** Director may provide financing for a project pursuant to this section if:

(a) The financing is limited in amount and purpose to the payment of the costs associated with:

(1) The acquisition, refurbishing, replacement and installation of equipment for the project; and

(2) The issuance of bonds pursuant to this section;

(b) The total amount of the bonds issued pursuant to this section for a particular project does not exceed $2,500,000;

(c) The Director determines that the bonds will:

(1) Be sold only to qualified institutional buyers, as defined in Rule 144A of the Securities and Exchange Commission, 17 C.F.R. § 230.144A, in minimum denominations of at least $100,000; or

(2) Receive a rating within one of the top four rating categories of Moody's Investors Service, Inc., Standard and Poor's Rating Services or Fitch IBCA, Inc.;

(d) The Director makes the findings set forth in paragraphs (a) to ~~[(e), inclusive, (g) and (h)]~~ ***(g), inclusive,*** of subsection 2 of NRS 349.580, and the governing body of the city or county where the project is to be located approves the findings of the Director; and

(e) The Director complies with the guidelines established pursuant to subsection 2.

2. The Board shall establish guidelines for the provision of financing for a project pursuant to this section.

Sec. 53.7. NRS 349.640 is hereby amended to read as follows:

349.640 1. Any bonds issued under the provisions of NRS 244A.669 to 244A.763, inclusive, 268.512 to 268.568, inclusive, or 349.400 to 349.670, inclusive, ***and section 52.3 of this act*** may be refunded by the Director by the issuance of refunding bonds in an amount which the Director deems necessary to refund the principal of the bonds to be so refunded, any unpaid interest thereon and any premiums and incidental expenses necessary to be paid in connection with refunding.

2. Refunding may be carried out whether the bonds to be refunded have matured or thereafter mature, either by sale of the refunding bonds and the application of the proceeds to the payment of the bonds to be refunded, or by exchange of the refunding bonds for the bonds to be refunded. The holders of the bonds to be refunded must not be compelled, without their consent, to surrender their bonds for payment or exchange before the date on which they are payable by maturity, option to redeem or otherwise, or if they are called for redemption before the date on which they are by their terms subject to redemption by option or otherwise.

3. All refunding bonds issued pursuant to this section must be payable solely from revenues and other money out of which the bonds to be refunded thereby are payable or from revenues out of which bonds of the same character may be made payable under this or any other law then in effect at the time of the refunding.

4. The Director shall not issue refunding bonds unless before the refinancing the Director finds that issuance of refunding bonds will provide a lower cost of financing for the obligor or provide some other public benefit, but the findings ***,*** ~~[and]~~ determinations ***and approval*** required by NRS 349.580, 349.590 and 349.595 ***and section 52.3 of this act*** are not required with respect to refunding bonds issued pursuant to this section.

Sec. 54. NRS 349.800 is hereby amended to read as follows:

349.800 1. If the Director certifies to the Governor that there is a need to issue revenue bonds to carry out the program and that it is feasible to do so, the Governor may issue an executive order creating an Advisory Committee on Financing Exports, consisting of three members appointed by the Director.

2. The Director, in consultation with the Executive Director of the ~~[Commission on]~~ ***Office of*** Economic Development and with the approval of the Governor, shall appoint to serve as members of the Committee three persons who have proven experience in international trade and economic development which they acquired while engaged in finance, manufacturing, business administration, municipal finance, economics, law or general business.

3. After the initial terms, the term of each member is 3 years.

Sec. 55. NRS 360.225 is hereby amended to read as follows:

360.225 1. During the course of an investigation undertaken pursuant to NRS 360.130 of a person claiming:

(a) A partial abatement of property taxes pursuant to NRS 361.0687;

(b) An exemption from taxes pursuant to NRS 363B.120;

(c) A deferral of the payment of taxes on the sale of capital goods pursuant to NRS 372.397 or 374.402; or

(d) An abatement of taxes on the gross receipts from the sale, storage, use or other consumption of eligible machinery or equipment pursuant to NRS 374.357,

➥ the Department shall investigate whether the person meets the eligibility requirements for the abatement, partial abatement, exemption or deferral that the person is claiming.

2. If the Department finds that the person does not meet the eligibility requirements for the abatement, exemption or deferral which the person is claiming, the Department shall report its findings to the ~~[Commission on]~~ ***Office of*** Economic Development and take any other necessary actions.

Sec. 56. NRS 360.750 is hereby amended to read as follows:

360.750 1. A person who intends to locate or expand a business in this State may apply to the ~~[Commission on]~~ ***Office of*** Economic Development for a partial abatement of one or more of the taxes imposed on the new or expanded business pursuant to chapter 361, 363B or 374 of NRS.

2. The ~~[Commission on]~~ ***Office of*** Economic Development shall approve an application for a partial abatement if the ~~[Commission]~~ ***Office*** makes the following determinations:

(a) The business is consistent with:

(1) The State Plan for ~~[Industrial Development and Diversification that is developed by the Commission pursuant to NRS 231.067;]~~ ***Economic Development developed by the Executive Director of the Office of Economic Development pursuant to subsection 2 of section 14 of this act;*** and

(2) Any guidelines adopted ~~[pursuant to the State Plan.]~~ ***by the Executive Director of the Office to implement the State Plan for Economic Development.***

(b) The applicant has executed an agreement with the ~~[Commission]~~ ***Office*** which must:

(1) Comply with the requirements of NRS 360.755;

(2) State that the business will, after the date on which a certificate of eligibility for the abatement is issued pursuant to subsection 4, continue in operation in this State for a period specified by the ~~[Commission,]~~ ***Office,*** which must be at least 5 years, and will continue to meet the eligibility requirements set forth in this subsection; and

(3) Bind the successors in interest of the business for the specified period.

(c) The business is registered pursuant to the laws of this State or the applicant commits to obtain a valid business license and all other permits required by the county, city or town in which the business operates.

(d) Except as otherwise provided in NRS 361.0687, if the business is a new business in a county whose population is 100,000 or more or a city whose population is 60,000 or more, the business meets at least two of the following requirements:

(1) The business will have 75 or more full-time employees on the payroll of the business by the fourth quarter that it is in operation.

(2) Establishing the business will require the business to make a capital investment of at least $1,000,000 in this State.

(3) The average hourly wage that will be paid by the new business to its employees in this State is at least 100 percent of the average statewide hourly wage as established by the Employment Security Division of the Department

of Employment, Training and Rehabilitation on July 1 of each fiscal year and:

(I) The business will provide a health insurance plan for all employees that includes an option for health insurance coverage for dependents of the employees; and

(II) The cost to the business for the benefits the business provides to its employees in this State will meet the minimum requirements for benefits established by the ~~[Commission]~~ ***Office*** by regulation pursuant to subsection 8.

(e) Except as otherwise provided in NRS 361.0687, if the business is a new business in a county whose population is less than 100,000 or a city whose population is less than 60,000, the business meets at least two of the following requirements:

(1) The business will have 15 or more full-time employees on the payroll of the business by the fourth quarter that it is in operation.

(2) Establishing the business will require the business to make a capital investment of at least $250,000 in this State.

(3) The average hourly wage that will be paid by the new business to its employees in this State is at least 100 percent of the average statewide hourly wage or the average countywide hourly wage, whichever is less, as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year and:

(I) The business will provide a health insurance plan for all employees that includes an option for health insurance coverage for dependents of the employees; and

(II) The cost to the business for the benefits the business provides to its employees in this State will meet the minimum requirements for benefits established by the ~~[Commission]~~ ***Office*** by regulation pursuant to subsection 8.

(f) If the business is an existing business, the business meets at least two of the following requirements:

(1) The business will increase the number of employees on its payroll by 10 percent more than it employed in the immediately preceding fiscal year or by six employees, whichever is greater.

(2) The business will expand by making a capital investment in this State in an amount equal to at least 20 percent of the value of the tangible property possessed by the business in the immediately preceding fiscal year. The determination of the value of the tangible property possessed by the business in the immediately preceding fiscal year must be made by the:

(I) County assessor of the county in which the business will expand, if the business is locally assessed; or

(II) Department, if the business is centrally assessed.

(3) The average hourly wage that will be paid by the existing business to its new employees in this State is at least the amount of the average hourly wage required to be paid by businesses pursuant to subparagraph (2) of either paragraph (a) or (b) of subsection 2 of NRS 361.0687, whichever is applicable, and:

(I) The business will provide a health insurance plan for all new employees that includes an option for health insurance coverage for dependents of the employees; and

(II) The cost to the business for the benefits the business provides to its new employees in this State will meet the minimum requirements for benefits established by the ~~[Commission]~~ ***Office*** by regulation pursuant to subsection 8.

(g) In lieu of meeting the requirements of paragraph (d), (e) or (f), if the business furthers the development and refinement of intellectual property, a patent or a copyright into a commercial product, the business meets at least two of the following requirements:

(1) The business will have 10 or more full-time employees on the payroll of the business by the fourth quarter that it is in operation.

(2) Establishing the business will require the business to make a capital investment of at least $500,000 in this State.

(3) The average hourly wage that will be paid by the new business to its employees in this State is at least the amount of the average hourly wage required to be paid by businesses pursuant to subparagraph (2) of either paragraph (a) or (b) of subsection 2 of NRS 361.0687, whichever is applicable, and:

(I) The business will provide a health insurance plan for all employees that includes an option for health insurance coverage for dependents of the employees; and

(II) The cost to the business for the benefits the business provides to its employees in this State will meet with minimum requirements established by the ~~[Commission]~~ ***Office*** by regulation pursuant to subsection 8.

3. Notwithstanding the provisions of subsection 2, the ~~[Commission on]~~ ***Office of*** Economic Development:

(a) Shall not consider an application for a partial abatement unless the ~~[Commission]~~ ***Office*** has requested a letter of acknowledgment of the request for the abatement from any affected county, school district, city or town.

(b) May, if the ~~[Commission]~~ ***Office*** determines that such action is necessary:

(1) Approve an application for a partial abatement by a business that does not meet the requirements set forth in paragraph (d), (e), (f) or (g) of subsection 2;

(2) Make the requirements set forth in paragraph (d), (e), (f) or (g) of subsection 2 more stringent; or

(3) Add additional requirements that a business must meet to qualify for a partial abatement.

4. If the ~~[Commission on]~~ ***Office of*** Economic Development approves an application for a partial abatement, the ~~[Commission]~~ ***Office*** shall immediately forward a certificate of eligibility for the abatement to:

(a) The Department;

(b) The Nevada Tax Commission; and

(c) If the partial abatement is from the property tax imposed pursuant to chapter 361 of NRS, the county treasurer.

5. An applicant for a partial abatement pursuant to this section or an existing business whose partial abatement is in effect shall, upon the request of the Executive Director of the ~~[Commission on]~~ ***Office of*** Economic Development, furnish the Executive Director with copies of all records necessary to verify that the applicant meets the requirements of subsection 2.

6. If a business whose partial abatement has been approved pursuant to this section and is in effect ceases:

(a) To meet the requirements set forth in subsection 2; or

(b) Operation before the time specified in the agreement described in paragraph (b) of subsection 2,

➥ the business shall repay to the Department or, if the partial abatement was from the property tax imposed pursuant to chapter 361 of NRS, to the county treasurer, the amount of the exemption that was allowed pursuant to this section before the failure of the business to comply unless the Nevada Tax Commission determines that the business has substantially complied with the requirements of this section. Except as otherwise provided in NRS 360.232 and 360.320, the business shall, in addition to the amount of the exemption required to be paid pursuant to this subsection, pay interest on the amount due at the rate most recently established pursuant to NRS 99.040 for each month, or portion thereof, from the last day of the month following the period for which the payment would have been made had the partial abatement not been approved until the date of payment of the tax.

7. A county treasurer:

(a) Shall deposit any money that he or she receives pursuant to subsection 6 in one or more of the funds established by a local government of the county pursuant to NRS 354.6113 or 354.6115; and

(b) May use the money deposited pursuant to paragraph (a) only for the purposes authorized by NRS 354.6113 and 354.6115.

8. The ~~[Commission on]~~ ***Office of*** Economic Development:

(a) Shall adopt regulations relating to the minimum level of benefits that a business must provide to its employees if the business is going to use benefits paid to employees as a basis to qualify for a partial abatement; and

(b) May adopt such other regulations as the ~~[Commission on]~~ ***Office of*** Economic Development determines to be necessary to carry out the provisions of this section and NRS 360.755.

9. The Nevada Tax Commission:

(a) Shall adopt regulations regarding:

(1) The capital investment that a new business must make to meet the requirement set forth in paragraph (d), (e) or (g) of subsection 2; and

(2) Any security that a business is required to post to qualify for a partial abatement pursuant to this section.

(b) May adopt such other regulations as the Nevada Tax Commission determines to be necessary to carry out the provisions of this section and NRS 360.755.

10. An applicant for an abatement who is aggrieved by a final decision of the ~~[Commission on]~~ ***Office of*** Economic Development may petition for judicial review in the manner provided in chapter 233B of NRS.

Sec. 57. NRS 360.755 is hereby amended to read as follows:

360.755 1. If the ~~[Commission on]~~ ***Office of*** Economic Development approves an application by a business for a partial abatement pursuant to NRS 360.750, the agreement with the ~~[Commission]~~ ***Office*** must provide that the business:

(a) Agrees to allow the Department to conduct audits of the business to determine whether the business is in compliance with the requirements for the partial abatement; and

(b) Consents to the disclosure of the audit reports in the manner set forth in this section.

2. If the Department conducts an audit of the business to determine whether the business is in compliance with the requirements for the partial abatement, the Department shall, upon request, provide the audit report to the ~~[Commission on]~~ ***Office of*** Economic Development.

3. Until the business has exhausted all appeals to the Department and the Nevada Tax Commission relating to the audit, the information contained in the audit report provided to the ~~[Commission on]~~ ***Office of*** Economic Development:

(a) Is confidential proprietary information of the business;

(b) Is not a public record; and

(c) Must not be disclosed to any person who is not an officer or employee of the ~~[Commission on]~~ ***Office of*** Economic Development unless the business consents to the disclosure.

4. After the business has exhausted all appeals to the Department and the Nevada Tax Commission relating to the audit:

(a) The audit report provided to the ~~[Commission on]~~ ***Office of*** Economic Development is a public record; and

(b) Upon request by any person, the Executive Director of the ~~[Commission on]~~ ***Office of*** Economic Development shall disclose the audit report to the person who made the request, except for any information in the audit report that is protected from disclosure pursuant to subsection 5.

5. Before the Executive Director of the ~~[Commission on]~~ ***Office of*** Economic Development discloses the audit report to the public, the business may submit a request to the Executive Director to protect from disclosure any information in the audit report which, under generally accepted business practices, would be considered a trade secret or other confidential proprietary information of the business. After consulting with the business, the Executive Director shall determine whether to protect the information from disclosure. The decision of the Executive Director is final and is not subject to judicial review. If the Executive Director determines to protect the information from disclosure, the protected information:

(a) Is confidential proprietary information of the business;

(b) Is not a public record;

(c) Must be redacted by the Executive Director from any audit report that is disclosed to the public; and

(d) Must not be disclosed to any person who is not an officer or employee of the ~~[Commission on]~~ ***Office of*** Economic Development unless the business consents to the disclosure.

Sec. 58. NRS 360.757 is hereby amended to read as follows:

360.757 1. ~~[If the Commission on]~~ ***The Office of*** Economic Development ~~[receives an]~~ ***shall not take any action on an*** application for any abatement of taxes ~~[imposed on a business, the Commission shall, at]~~ ***pursuant to NRS 274.310, 274.320, 274.330*** ~~*[,]*~~ ***or 360.750*** ~~*[, 701A.110 or 701A.365]*~~ ***or any other specific statute unless the Office:***

(a) Takes that action at a public hearing conducted for that purpose; and

(b) At least 30 days before the ~~[meeting at which the Commission takes any action on the application, provide]~~ ***hearing, provides*** notice of the application to:

~~[(a)]~~ ***(1)*** The governing body of the county, the board of trustees of the school district and the governing body of the city or town, if any, in which the ***pertinent*** business ~~*[, facility or building]*~~ is or will be located; ~~[and~~

~~(b)]~~ ***(2)*** The governing body of any other political subdivision that could be affected by the abatement ~~[.]~~ ***; and***

(3) The general public.

2. The notice required by this section must set forth the date, time and location of the ~~[meeting]~~ ***hearing*** at which the ~~[Commission on]~~ ***Office of*** Economic Development will consider the application.

3. The ~~[Commission on]~~ ***Office of*** Economic Development shall adopt regulations relating to the notice required by this section.

Sec. 59. NRS 361.0687 is hereby amended to read as follows:

361.0687 1. A person who intends to locate or expand a business in this State may, pursuant to NRS 360.750, apply to the ~~[Commission on]~~ ***Office of*** Economic Development for a partial abatement from the taxes imposed by this chapter.

2. For a business to qualify pursuant to NRS 360.750 for a partial abatement from the taxes imposed by this chapter, the ~~[Commission on]~~ ***Office of*** Economic Development must determine that, in addition to meeting the other requirements set forth in subsection 2 of that section:

(a) If the business is a new business in a county whose population is 100,000 or more or a city whose population is 60,000 or more:

(1) The business will make a capital investment in the county of at least $50,000,000 if the business is an industrial or manufacturing business or at least $5,000,000 if the business is not an industrial or manufacturing business; and

(2) The average hourly wage that will be paid by the new business to its employees in this State is at least 100 percent of the average statewide hourly wage as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year.

(b) If the business is a new business in a county whose population is less than 100,000 or a city whose population is less than 60,000:

(1) The business will make a capital investment in the county of at least $5,000,000 if the business is an industrial or manufacturing business or at least $500,000 if the business is not an industrial or manufacturing business; and

(2) The average hourly wage that will be paid by the new business to its employees in this State is at least 100 percent of the average statewide hourly wage or the average countywide hourly wage, whichever is less, as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year.

3. Except as otherwise provided in NRS 701A.210, if a partial abatement from the taxes imposed by this chapter is approved by the ~~[Commission on]~~ ***Office of*** Economic Development pursuant to NRS 360.750:

(a) The partial abatement must:

(1) Be for a duration of at least 1 year but not more than 10 years;

(2) Not exceed 50 percent of the taxes on personal property payable by a business each year pursuant to this chapter; and

(3) Be administered and carried out in the manner set forth in NRS 360.750.

(b) The Executive Director of the ~~[Commission on]~~ ***Office of*** Economic Development shall notify the county assessor of the county in which the business is located of the approval of the partial abatement, including, without limitation, the duration and percentage of the partial abatement that the ~~[Commission]~~ ***Office*** granted. The Executive Director shall, on or before April 15 of each year, advise the county assessor of each county in which a business qualifies for a partial abatement during the current fiscal year as to whether the business is still eligible for the partial abatement in the next succeeding fiscal year.

Sec. 60. NRS 363B.120 is hereby amended to read as follows:

363B.120 1. An employer that qualifies pursuant to the provisions of NRS 360.750 is entitled to an exemption of 50 percent of the amount of tax otherwise due pursuant to NRS 363B.110 during the first 4 years of its operation.

2. If a partial abatement from the taxes otherwise due pursuant to NRS 363B.110 is approved by the ~~[Commission on]~~ ***Office of*** Economic Development pursuant to NRS 360.750, the partial abatement must be administered and carried out in the manner set forth in NRS 360.750.

Sec. 61. NRS 372.397 is hereby amended to read as follows:

372.397 1. Payment of the tax on the sale of capital goods for a sales price of $100,000 or more may be deferred without interest in accordance with this section. If the sales price is:

(a) At least $100,000 but less than $350,000, the tax must be paid within 12 months.

(b) At least $350,000 but less than $600,000, the tax must be paid within 24 months.

(c) At least $600,000 but less than $850,000, the tax must be paid within 36 months.

(d) At least $850,000 but less than $1,000,000, the tax must be paid within 48 months.

(e) One million dollars or more, the tax must be paid within 60 months.

➥ Payment must be made in each month at a rate which is at least sufficient to result in payment of the total obligation within the permitted period.

2. A person may apply to the ~~[Commission on]~~ ***Office of*** Economic Development for such a deferment. If a purchase is made outside of the State from a retailer who is not registered with the Department, an application for a deferment must be made in advance or, if the purchase has been made, within 60 days after the date on which the tax is due. If a purchase is made in this State from a retailer who is registered with the Department and to whom the tax is paid, an application must be made within 60 days after the payment of

the tax. If the application for a deferment is approved, the taxpayer is eligible for a refund of the tax paid.

3. The ~~[Commission on]~~ ***Office of*** Economic Development shall certify the person's eligibility for a deferment if:

(a) The purchase is consistent with the ~~[Commission's plan for industrial development and diversification;]~~ ***State Plan for Economic Development developed by the Executive Director of the Office pursuant to subsection 2 of section 14 of this act;*** and

(b) The ~~[Commission]~~ ***Office*** determines that the deferment is a significant factor in the decision of the person to locate or expand a business in this State.

➥ Upon certification, the ~~[Commission]~~ ***Office*** shall immediately forward the deferment to the Nevada Tax Commission.

4. Upon receipt of such a certification, the Nevada Tax Commission shall verify the sale, the price paid and the date of the sale and assign the applicable period for payment of the deferred tax. It may require security for the payment in an amount which does not exceed the amount of tax deferred.

5. The Nevada Tax Commission shall adopt regulations governing:

(a) The aggregation of related purchases which are made to expand a business, establish a new business, or renovate or replace capital equipment; and

(b) The period within which such purchases may be aggregated.

Sec. 62. NRS 374.357 is hereby amended to read as follows:

374.357 1. A person who maintains a business or intends to locate a business in this State may, pursuant to NRS 360.750, apply to the ~~[Commission on]~~ ***Office of*** Economic Development for an abatement from the taxes imposed by this chapter on the gross receipts from the sale, and the storage, use or other consumption, of eligible machinery or equipment for use by a business which has been approved for an abatement pursuant to NRS 360.750.

2. If an application for an abatement is approved pursuant to NRS 360.750:

(a) The taxpayer is eligible for an abatement from the tax imposed by this chapter for not more than 2 years.

(b) The abatement must be administered and carried out in the manner set forth in NRS 360.750.

3. As used in this section, unless the context otherwise requires, "eligible machinery or equipment" means machinery or equipment for which a deduction is authorized pursuant to 26 U.S.C. § 179. The term does not include:

(a) Buildings or the structural components of buildings;

(b) Equipment used by a public utility;

(c) Equipment used for medical treatment;

(d) Machinery or equipment used in mining; or

(e) Machinery or equipment used in gaming.

Sec. 63. NRS 374.402 is hereby amended to read as follows:

374.402 1. Payment of the tax on the sale of capital goods for a sales price of $100,000 or more may be deferred without interest in accordance with this section. If the sales price is:

(a) At least $100,000 but less than $350,000, the tax must be paid within 12 months.

(b) At least $350,000 but less than $600,000, the tax must be paid within 24 months.

(c) At least $600,000 but less than $850,000, the tax must be paid within 36 months.

(d) At least $850,000 but less than $1,000,000, the tax must be paid within 48 months.

(e) One million dollars or more, the tax must be paid within 60 months.

➥ Payment must be made in each month at a rate which is at least sufficient to result in payment of the total obligation within the permitted period.

2. A person may apply to the ~~[Commission on]~~ ***Office of*** Economic Development for such a deferment. If a purchase is made outside of the State from a retailer who is not registered with the Department, an application for a deferment must be made in advance or, if the purchase has been made, within 60 days after the date on which the tax is due. If a purchase is made in this State from a retailer who is registered with the Department and to whom the tax is paid, an application must be made within 60 days after the payment of the tax. If the application for a deferment is approved, the taxpayer is eligible for a refund of the tax paid.

3. The ~~[Commission on]~~ ***Office of*** Economic Development shall certify the person's eligibility for a deferment if:

(a) The purchase is consistent with the ~~[Commission's plan for industrial development and diversification;]~~ ***State Plan for Economic Development developed by the Executive Director of the Office pursuant to subsection 2 of section 14 of this act;*** and

(b) The ~~[Commission]~~ ***Office*** determines that the deferment is a significant factor in the decision of the person to locate or expand a business in this State.

➥ Upon certification, the ~~[Commission]~~ ***Office*** shall immediately forward the deferment to the Nevada Tax Commission.

4. Upon receipt of such a certification, the Nevada Tax Commission shall verify the sale, the price paid and the date of the sale and assign the applicable period for payment of the deferred tax. It may require security for the payment in an amount which does not exceed the amount of tax deferred.

5. The Nevada Tax Commission shall adopt regulations governing:

(a) The aggregation of related purchases which are made to expand a business, establish a new business, or renovate or replace capital equipment; and

(b) The period within which such purchases may be aggregated.

Sec. 64. NRS 380A.041 is hereby amended to read as follows:

380A.041 1. The Governor shall appoint to the Council:

(a) A representative of public libraries;

(b) A trustee of a legally established library or library system;

(c) A representative of school libraries;

(d) A representative of academic libraries;

(e) A representative of special libraries or institutional libraries;

(f) A representative of persons with disabilities;

(g) A representative of the public who uses these libraries;

(h) A representative of recognized state labor organizations;

(i) A representative of private sector employers;

(j) A representative of private literacy organizations, voluntary literacy organizations or community-based literacy organizations; and

(k) A classroom teacher who has demonstrated outstanding results in teaching children or adults to read.

2. The director of the following state agencies or their designees shall serve as ex officio members of the Council:

(a) The Department of Cultural Affairs;

(b) The Department of Education;

(c) The Department of Employment, Training and Rehabilitation;

(d) The Department of Health and Human Services;

(e) The ~~[Commission on]~~ ***Office of*** Economic Development; and

(f) The Department of Corrections.

3. Officers of State Government whose agencies provide funding for literacy services may be designated by the Governor or the Chair of the Council to serve whenever matters within the jurisdiction of the agency are considered by the Council.

4. The Governor shall ensure that there is appropriate representation on the Council of urban and rural areas of the State, women, persons with disabilities, and racial and ethnic minorities.

5. A person may not serve as a member of the Council for more than two consecutive terms.

Sec. 65. NRS 408.210 is hereby amended to read as follows:

408.210 1. The Director may restrict the use of, or close, any highway whenever the Director considers the closing or restriction of use necessary:

(a) For the protection of the public.

(b) For the protection of such highway from damage during storms or during construction, reconstruction, improvement or maintenance operations thereon.

(c) To promote economic development or tourism in the best interest of the State or upon the written request of the Executive Director of the ~~[Commission on]~~ ***Office of*** Economic Development or the Director of the Commission on Tourism.

2. The Director may:

(a) Divide or separate any highway into separate roadways, wherever there is particular danger to the traveling public of collisions between vehicles proceeding in opposite directions or from vehicular turning movements or cross-traffic, by constructing curbs, central dividing sections or other physical dividing lines, or by signs, marks or other devices in or on the highway appropriate to designate the dividing line.

(b) Lay out and construct frontage roads on and along any highway or freeway and divide and separate any such frontage road from the main highway or freeway by means of curbs, physical barriers or by other appropriate devices.

3. The Director may remove from the highways any unlicensed encroachment which is not removed, or the removal of which is not commenced and thereafter diligently prosecuted, within 5 days after personal service of notice and demand upon the owner of the encroachment or the owner's agent. In lieu of personal service upon that person or agent, service of the notice may also be made by registered or certified mail and by posting, for a period of 5 days, a copy of the notice on the encroachment described in the notice. Removal by the Department of the encroachment on the failure of the owner to comply with the notice and demand gives the Department a right of action to recover the expense of the removal, cost and expenses of suit, and in addition thereto the sum of $100 for each day the encroachment remains beyond 5 days after the service of the notice and demand.

4. If the Director determines that the interests of the Department are not compromised by a proposed or existing encroachment, the Director may issue a license to the owner or the owner's agent permitting an encroachment on the highway. Such a license is revocable and must provide for relocation or removal of the encroachment in the following manner. Upon notice from the Director to the owner of the encroachment or the owner's agent, the owner or agent may propose a time within which he or she will relocate or remove the encroachment as required. If the Director and the owner or the owner's agent agree upon such a time, the Director shall not himself remove the encroachment unless the owner or the owner's agent has failed to do so within the time agreed. If the Director and the owner or the owner's agent do not agree upon such a time, the Director may remove the encroachment at

any time later than 30 days after the service of the original notice upon the owner or the owner's agent. Service of notice may be made in the manner provided by subsection 3. Removal of the encroachment by the Director gives the Department the right of action provided by subsection 3, but the penalty must be computed from the expiration of the agreed period or 30-day period, as the case may be.

Sec. 66. NRS 417.105 is hereby amended to read as follows:

417.105 1. Each year on or before October 1, the Office of Veterans' Services shall review the reports submitted pursuant to NRS 333.3368 and 338.13846.

2. In carrying out the provisions of subsection 1, the Office of Veterans' Services shall seek input from:

(a) The Purchasing Division of the Department of Administration.

(b) The State Public Works Board.

(c) The ~~[Commission on]~~ ***Office of*** Economic Development.

(d) Groups representing the interests of veterans of the Armed Forces of the United States.

(e) The business community.

(f) Local businesses owned by veterans with service-connected disabilities.

3. After performing the duties described in subsections 1 and 2, the Office of Veterans' Services shall make recommendations to the Legislative Commission regarding the continuation, modification, promotion or expansion of the preferences for local businesses owned by veterans with service-connected disabilities which are described in NRS 333.3366 and 338.13844.

4. As used in this section:

(a) "Business owned by a veteran with a service-connected disability" has the meaning ascribed to it in NRS 338.13841.

(b) "Local business" has the meaning ascribed to it in NRS 333.3363.

(c) "Veteran with a service-connected disability" has the meaning ascribed to it in NRS 338.13843.

Sec. 67. NRS 670.130 is hereby amended to read as follows:

670.130 In furtherance of its purposes and in addition to the powers conferred on business corporations by law, the corporation has, subject to the restrictions and limitations contained in this chapter, the following powers:

1. To elect, appoint and employ officers, agents and employees, to make contracts and incur liabilities for any of the purposes of the corporation. The corporation shall not incur any secondary liability by way of guaranty or endorsement of the obligations of any natural person, firm, corporation, joint-stock company, association or trust, or in any other manner, except that the corporation may guarantee or endorse obligations of borrowers.

2. To borrow money and negotiate guarantees from federal agencies for any of the purposes of the corporation, to issue its bonds, debentures, notes or other evidences of indebtedness, whether secured or unsecured, and to secure them by mortgage, pledge, deed of trust or other lien on its property, franchises, rights and privileges of every kind and nature, or any part of them or interest in them, without securing stockholder approval.

3. To make loans to any natural person, firm, corporation, joint-stock company, association or trust, and to establish and regulate the terms and conditions with respect to those loans and the charges for interest and service connected therewith, except that the corporation shall not approve any application for a loan unless the person applying for the loan shows that he or she has applied for the loan through ordinary banking channels and that the loan has been refused by at least one bank or other financial institution.

4. To purchase, receive, hold, lease or otherwise acquire, and to sell, convey, transfer, lease or otherwise dispose of real and personal property, together with such rights and privileges as may be incidental and appurtenant to the property and the use of it, including but not restricted to any real or personal property acquired by the corporation from time to time in the satisfaction of debts or enforcement of obligations.

5. To acquire the goodwill, business, rights, real and personal property and other assets, or any part of them, or interest in them, of any natural person, firm, corporation, joint-stock company, association or trust, and to assume, undertake or pay the obligations, debts and liabilities of that natural person, firm, corporation, joint-stock company, association or trust; to acquire improved or unimproved real estate for the purpose of constructing industrial plants or other business establishments on it or for the purpose of disposing of that real estate to others for the construction of industrial plants or other business establishments; and to acquire, construct or reconstruct, alter, repair, maintain, operate, sell, convey, transfer, lease or otherwise dispose of industrial plants or business establishments.

6. To acquire, subscribe for, own, hold, sell, assign, transfer, mortgage, pledge or otherwise dispose of the stock, shares, bonds, debentures, notes or other securities and evidences of interest in or indebtedness of any natural person, firm, corporation, joint-stock company, association or trust, and while the owner or holder thereof to exercise all the rights, powers and privileges of ownership including the right to vote thereon.

7. To mortgage, pledge or otherwise encumber any property, right or thing of value acquired pursuant to the powers contained in subsection 4, 5 or 6 as security for the payment of any part of the purchase price of them.

8. To cooperate with and avail itself of the facilities of the United States Department of Commerce, the ~~[Commission on]~~ ***Office of*** Economic Development and any other similar state or federal governmental agencies;

and to cooperate with and assist, and otherwise encourage organizations in the various communities of the State in the promotion, assistance and development of the business prosperity and economic welfare of those communities or of this state.

9. To do all acts and things necessary or convenient to carry out the powers expressly granted in this chapter.

Sec. 68. NRS 670A.150 is hereby amended to read as follows:

670A.150 In furtherance of its purposes and in addition to the powers conferred on business corporations by law, the corporation may, subject to the restrictions and limitations contained in this chapter:

1. Elect, appoint and employ officers, agents and employees, make contracts, including without limitation, contracts to share personnel and services with other public or private entities to carry out the State Plan for Economic Development, and may incur liabilities for any of the purposes of the corporation. The corporation shall not incur any secondary liability by way of guaranty or endorsement of the obligations of any natural person, firm, corporation, joint-stock company, association or trust, or in any other manner, except that the corporation may guarantee or endorse industrial revenue bonds, individually or in groups, issued under the laws of this state and the obligations of borrowers.

2. Borrow money and negotiate guarantees from federal agencies for any of the purposes of the corporation, issue its bonds, debentures, notes or other evidences of indebtedness, whether secured or unsecured, and may secure them by mortgage, pledge, deed of trust or other lien on its property, franchises, rights and privileges of every kind and nature, or any part of them or interest in them, without securing stockholder approval.

3. Make loans to any natural person, firm, corporation, joint-stock company, association or trust, and may establish and regulate the terms and conditions with respect to those loans and the charges for interest and service connected therewith, except that the corporation shall not approve any application for a loan unless the person applying for the loan shows that he or she has applied for the loan through ordinary banking channels and that the loan has been refused by at least one bank or other financial institution.

4. Purchase, receive, hold, lease or otherwise acquire, and to sell, convey, transfer, lease or otherwise dispose of real and personal property, together with such rights and privileges as may be incidental and appurtenant to the property and the use of it, including but not restricted to any real or personal property acquired by the corporation from time to time in the satisfaction of debts or enforcement of obligations.

5. Acquire the goodwill, business, rights, real and personal property and other assets, or any part of them, or interest in them, of any natural person, firm, corporation, joint-stock company, association or trust, and assume,

undertake or pay the obligations, debts and liabilities of that natural person, firm, corporation, joint-stock company, association or trust; to acquire improved or unimproved real estate to construct industrial plants or other business establishments on it or to dispose of that real estate to others for the construction of industrial plants or other business establishments; and may acquire, construct or reconstruct, alter, repair, maintain, operate, sell, convey, transfer, lease or otherwise dispose of industrial plants or business establishments.

6. Acquire, subscribe for, own, hold, sell, assign, transfer, mortgage, pledge or otherwise dispose of the stock, shares, bonds, debentures, notes or other securities and evidences of interest in or indebtedness of any natural person, firm, corporation, joint-stock company, association or trust, and while the owner or holder thereof may exercise all the rights, powers and privileges of ownership including the right to vote thereon.

7. Mortgage, pledge or otherwise encumber any property, right or thing of value acquired pursuant to the powers contained in subsection 4, 5 or 6 as security for the payment of any part of the purchase price of them.

8. Cooperate with and avail itself of the facilities of the United States Department of Commerce, the ~~[Commission on]~~ ***Office of*** Economic Development and any other similar state or federal governmental agencies and may cooperate with and assist, and otherwise encourage organizations in the various communities of the State in the promotion, assistance and development of the business prosperity and economic welfare of those communities or of this state.

9. Do all acts and things necessary or convenient to carry out the powers expressly granted in this chapter.

Sec. 69. NRS 670A.180 is hereby amended to read as follows:

670A.180 1. The business and affairs of the corporation must be managed and conducted by a board of directors, a president, a vice president, a secretary, a treasurer and such other officers and agents as the corporation by its bylaws may authorize. The board of directors must consist of a number not less than 9 nor more than 15 as may be determined in the first instance by the incorporators and after that annually by the stockholders of the corporation. The Director of the Department of Business and Industry and the Executive Director of the ~~[Commission on]~~ ***Office of*** Economic Development shall serve ex officio as nonvoting directors, but without any liability as such, except for gross negligence or willful misconduct.

2. The board of directors may exercise all the powers of the corporation except those conferred by law or by the bylaws of the corporation upon the stockholders and shall choose and appoint all the agents and officers of the corporation and fill all vacancies except vacancies in the office of director, which must be filled as provided in this section.

3. The voting directors must be elected in the first instance by the incorporators and after that at least five directors must be elected by the members of the corporation and at least two directors must be elected by the stockholders at the annual meeting. The annual meeting must be held during the month of January or, if no annual meeting is held in the year of incorporation, then within 90 days after the approval of the articles of incorporation at a special meeting as provided in this chapter.

4. The voting directors shall hold office until the next annual meeting of the corporation or special meeting held in lieu of the annual meeting after the election and until their successors are elected and qualified, unless sooner removed in accordance with the provisions of the bylaws.

5. Any vacancy in the office of a voting director must be filled by the directors.

6. Directors and officers are not responsible for losses unless the losses have been occasioned by the willful misconduct of those directors and officers.

Sec. 70. NRS 701A.110 is hereby amended to read as follows:

701A.110 1. Except as otherwise provided in this section, the Director , ***in consultation with the Office of Economic Development*** , shall grant a partial abatement from the portion of the taxes imposed pursuant to chapter 361 of NRS, other than any taxes imposed for public education, on a building or other structure that is determined to meet the equivalent of the silver level or higher by an independent contractor authorized to make that determination in accordance with the Green Building Rating System adopted by the Director pursuant to NRS 701A.100, if:

(a) No funding is provided by any governmental entity in this State for the acquisition, design or construction of the building or other structure or for the acquisition of any land therefor. For the purposes of this paragraph:

(1) Private activity bonds must not be considered funding provided by a governmental entity.

(2) The term "private activity bond" has the meaning ascribed to it in 26 U.S.C. § 141.

(b) The owner of the property:

(1) Submits an application for the partial abatement to the Director. If such an application is submitted for a project that has not been completed on the date of that submission and there is a significant change in the scope of the project after that date, the application must be amended to include the change or changes.

(2) Except as otherwise provided in this subparagraph, provides to the Director, within 48 months after applying for the partial abatement, proof that the building or other structure meets the equivalent of the silver level or higher, as determined by an independent contractor authorized to make that

determination in accordance with the Green Building Rating System adopted by the Director pursuant to NRS 701A.100. The Director may, for good cause shown, extend the period for providing such proof.

(3) Files a copy of each application and amended application submitted to the Director pursuant to subparagraph (1) with the:

(I) Chief of the Budget Division of the Department of Administration;

(II) Department of Taxation;

(III) County assessor;

(IV) County treasurer;

(V) ~~[Commission on]~~ ***Office of*** Economic Development;

(VI) Board of county commissioners; and

(VII) City manager and city council, if any.

(c) The abatement is consistent with the State Plan for Economic Development developed by the Executive Director of the Office of Economic Development pursuant to subsection 2 of section 14 of this act.

2. As soon as practicable after the Director receives the application and proof required by subsection 1, the Director ***, in consultation with the Office of Economic Development*** , shall ~~*[, with the assistance of the Director,]*~~ determine whether the building or other structure is eligible for the abatement and, if so, forward a certificate of eligibility for the abatement to the:

(a) Department of Taxation;

(b) County assessor; ~~*[and]*~~

(c) County treasurer ~~*[.]*~~ ; and

(d) ~~[Commission on]~~ ***Office of*** Economic Development.

3. As soon as practicable after receiving a copy of:

(a) An application pursuant to subparagraph (3) of paragraph (b) of subsection 1:

(1) The Chief of the Budget Division shall publish a fiscal note that indicates an estimate of the fiscal impact of the partial abatement on the State; and

(2) The Department of Taxation shall publish a fiscal note that indicates an estimate of the fiscal impact of the partial abatement on each affected local government, and forward a copy of the fiscal note to each affected local government.

(b) A certificate of eligibility pursuant to subsection 2, the Department of Taxation shall forward a copy of the certificate to each affected local government.

4. The partial abatement:

(a) Must be for a duration of not more than 10 years and in an annual amount that equals, for a building or other structure that meets the equivalent of:

(1) The silver level, 25 percent of the portion of the taxes imposed pursuant to chapter 361 of NRS, other than any taxes imposed for public education, that would otherwise be payable for the building or other structure, excluding the associated land;

(2) The gold level, 30 percent of the portion of the taxes imposed pursuant to chapter 361 of NRS, other than any taxes imposed for public education, that would otherwise be payable for the building or other structure, excluding the associated land; or

(3) The platinum level, 35 percent of the portion of the taxes imposed pursuant to chapter 361 of NRS, other than any taxes imposed for public education, that would otherwise be payable for the building or other structure, excluding the associated land.

(b) Does not apply during any period in which the owner of the building or other structure is receiving another abatement or exemption pursuant to this chapter or NRS 361.045 to 361.159, inclusive, from the taxes imposed pursuant to chapter 361 of NRS.

(c) Terminates upon any determination by the Director that the building or other structure has ceased to meet the equivalent of the silver level or higher. The Director shall provide notice and a reasonable opportunity to cure any noncompliance issues before making a determination that the building or other structure has ceased to meet that standard. The Director shall immediately provide notice of each determination of termination to the:

(1) Department of Taxation, who shall immediately notify each affected local government of the determination;

(2) County assessor;

(3) County treasurer; and

(4) ~~[~~Commission on~~]~~ ***Office of*** Economic Development.

5. ***If a partial abatement terminates pursuant to paragraph (c) of subsection 4, the owner of the property to which the partial abatement applied shall repay to the county treasurer the amount of the exemption that was allowed pursuant to this section before the date of that termination. The owner shall, in addition to the amount of the exemption required to be paid pursuant to this subsection, pay interest on the amount due at the rate most recently established pursuant to NRS 99.040 for each month, or portion thereof, from the last day of the month following the period for which the payment would have been made had the partial abatement not been approved until the date of payment of the tax.***

6. The ~~*[Office of Economic Development, with the assistance of the]*~~ Director ***, in consultation with the Office of Economic Development,*** shall adopt regulations:

(a) Establishing the qualifications and methods to determine eligibility for the abatement;

(b) Prescribing such forms as will ensure that all information and other documentation necessary to make an appropriate determination is filed with the Director; and

(c) Prescribing the criteria for determining when there is a significant change in the scope of a project for the purposes of subparagraph (1) of paragraph (b) of subsection 1,

➥ and the Department of Taxation shall adopt such additional regulations as it determines to be appropriate to carry out the provisions of this section.

~~[6.]~~ ***7. The Director shall:***

(a) Cooperate with the Office of Economic Development in carrying out the provisions of this section ***;*** ~~*[and provide such assistance as the Office determines to be necessary for that purpose;]*~~ ***and***

(b) Submit to the Office of Economic Development an annual report, at such a time and containing such information as the Office may require, regarding the partial abatements granted ~~*[by the Office]*~~ ***pursuant to this section.***

8. As used in this section:

(a) "Building or other structure" does not include any building or other structure for which the principal use is as a residential dwelling for not more than four families.

(b) "Director" means the Director of the Office of Energy appointed pursuant to NRS 701.150.

(c) "Taxes imposed for public education" means:

(1) Any ad valorem tax authorized or required by chapter 387 of NRS;

(2) Any ad valorem tax authorized or required by chapter 350 of NRS for the obligations of a school district, including, without limitation, any ad valorem tax necessary to carry out the provisions of subsection 5 of NRS 350.020; and

(3) Any other ad valorem tax for which the proceeds thereof are dedicated to the public education of pupils in kindergarten through grade 12.

Sec. 71. NRS 701A.210 is hereby amended to read as follows:

701A.210 1. Except as otherwise provided in this section, if a:

(a) Business that engages in the primary trade of preparing, fabricating, manufacturing or otherwise processing raw material or an intermediate product through a process in which at least 50 percent of the material or product is recycled on-site; or

(b) Business that includes as a primary component a facility for the generation of electricity from recycled material,

➥ is found by the ~~[Commission on]~~ ***Office of*** Economic Development to have as a primary purpose the conservation of energy or the substitution of other sources of energy for fossil sources of energy and obtains certification from the ~~[Commission on]~~ ***Office of*** Economic Development pursuant to

NRS 360.750, the ~~[Commission]~~ ***Office*** may, if the business additionally satisfies the requirements set forth in subsection 2 of NRS 361.0687, grant to the business a partial abatement from the taxes imposed on real property pursuant to chapter 361 of NRS.

2. If a partial abatement from the taxes imposed on real property pursuant to chapter 361 of NRS is approved by the ~~[Commission on]~~ ***Office of*** Economic Development pursuant to NRS 360.750 for a business described in subsection 1:

(a) The partial abatement must:

(1) Be for a duration of at least 1 year but not more than 10 years;

(2) Not exceed 50 percent of the taxes on real property payable by the business each year; and

(3) Be administered and carried out in the manner set forth in NRS 360.750.

(b) The Executive Director of the ~~[Commission on]~~ ***Office of*** Economic Development shall notify the county assessor of the county in which the business is located of the approval of the partial abatement, including, without limitation, the duration and percentage of the partial abatement that the ~~[Commission]~~ ***Office*** granted. The Executive Director shall, on or before April 15 of each year, advise the county assessor of each county in which a business qualifies for a partial abatement during the current fiscal year as to whether the business is still eligible for the partial abatement in the next succeeding fiscal year.

3. The partial abatement provided in this section applies only to the business for which certification was granted pursuant to NRS 360.750 and the property used in connection with that business. The exemption does not apply to property in this State that is not related to the business for which the certification was granted pursuant to NRS 360.750 or to property in existence and subject to taxation before the certification was granted.

4. As used in this section, "facility for the generation of electricity from recycled material" means a facility for the generation of electricity that uses recycled material as its primary fuel, including material from:

(a) Industrial or domestic waste, other than hazardous waste, even though it includes a product made from oil, natural gas or coal, such as plastics, asphalt shingles or tires;

(b) Agricultural crops, whether terrestrial or aquatic, and agricultural waste, such as manure and residue from crops; and

(c) Municipal waste, such as sewage and sludge.

➥ The term includes all the equipment in the facility used to process and convert into electricity the energy derived from a recycled material fuel.

Sec. 72. NRS 701A.360 is hereby amended to read as follows:

701A.360 1. A person who intends to locate a facility for the generation of process heat from solar renewable energy, a wholesale facility for the generation of electricity from renewable energy, a facility for the generation of electricity from geothermal resources or a facility for the transmission of electricity produced from renewable energy or geothermal resources in this State may apply to the Director for a partial abatement of the local sales and use taxes, the taxes imposed pursuant to chapter 361 of NRS, or both local sales and use taxes and taxes imposed pursuant to chapter 361 of NRS.

2. A facility that is owned, operated, leased or otherwise controlled by a governmental entity is not eligible for an abatement pursuant to NRS 701A.300 to 701A.390, inclusive.

3. As soon as practicable after the Director receives an application for a partial abatement, the Director shall submit the application to the Commissioner and forward a copy of the application to:

(a) The Chief of the Budget Division of the Department of Administration;

(b) The Department of Taxation;

(c) The board of county commissioners;

(d) The county assessor;

(e) The county treasurer; and

(f) The ~~[Commission on]~~ ***Office of*** Economic Development.

4. With the copy of the application forwarded to the county treasurer, the Director shall include a notice that the local jurisdiction may request a presentation regarding the facility. A request for a presentation must be made within 30 days after receipt of the application.

5. The Commissioner shall hold a public hearing on the application. The hearing must not be held earlier than 30 days after all persons listed in subsection 3 have received a copy of the application.

Sec. 73. NRS 701A.365 is hereby amended to read as follows:

701A.365 1. Except as otherwise provided in subsection 2, the Commissioner ***, in consultation with the Office of Economic Development ,*** shall approve an application for a partial abatement pursuant to NRS 701A.300 to 701A.390, inclusive, if the ~~*[Office, with the assistance of the]*~~ Commissioner ***, in consultation with the Office of Economic Development,*** makes the following determinations:

(a) The applicant has executed an agreement with the Commissioner which must:

(1) State that the facility will, after the date on which a certificate of eligibility for the abatement is issued pursuant to NRS 701A.370, continue in operation in this State for a period specified by the Commissioner, which

must be at least 10 years, and will continue to meet the eligibility requirements for the abatement; and

(2) Bind the successors in interest in the facility for the specified period.

(b) The facility is registered pursuant to the laws of this State or the applicant commits to obtain a valid business license and all other permits required by the county, city or town in which the facility operates.

(c) No funding is or will be provided by any governmental entity in this State for the acquisition, design or construction of the facility or for the acquisition of any land therefor, except any private activity bonds as defined in 26 U.S.C. § 141.

(d) If the facility will be located in a county whose population is 100,000 or more or a city whose population is 60,000 or more, the facility meets the following requirements:

(1) There will be 75 or more full-time employees working on the construction of the facility during the second quarter of construction, including, unless waived by the Commissioner for good cause, at least 30 percent who are residents of Nevada;

(2) Establishing the facility will require the facility to make a capital investment of at least $10,000,000 in this State;

(3) The average hourly wage that will be paid by the facility to its employees in this State is at least 110 percent of the average statewide hourly wage, excluding management and administrative employees, as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year; and

(4) The average hourly wage of the employees working on the construction of the facility will be at least 150 percent of the average statewide hourly wage, excluding management and administrative employees, as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year and:

(I) The employees working on the construction of the facility must be provided a health insurance plan that includes an option for health insurance coverage for dependents of the employees; and

(II) The cost of the benefits provided to the employees working on the construction of the facility will meet the minimum requirements for benefits established by the Commissioner by regulation pursuant to NRS 701A.390.

(e) If the facility will be located in a county whose population is less than 100,000 or a city whose population is less than 60,000, the facility meets the following requirements:

(1) There will be 50 or more full-time employees working on the construction of the facility during the second quarter of construction,

including, unless waived by the Commissioner for good cause, at least 30 percent who are residents of Nevada;

(2) Establishing the facility will require the facility to make a capital investment of at least $3,000,000 in this State;

(3) The average hourly wage that will be paid by the facility to its employees in this State is at least 110 percent of the average statewide hourly wage, excluding management and administrative employees, as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year; and

(4) The average hourly wage of the employees working on the construction of the facility will be at least 150 percent of the average statewide hourly wage, excluding management and administrative employees, as established by the Employment Security Division of the Department of Employment, Training and Rehabilitation on July 1 of each fiscal year and:

(I) The employees working on the construction of the facility must be provided a health insurance plan that includes an option for health insurance coverage for dependents of the employees; and

(II) The cost of the benefits provided to the employees working on the construction of the facility will meet the minimum requirements for benefits established by the Commissioner by regulation pursuant to NRS 701A.390.

(f) The financial benefits that will result to this State from the employment by the facility of the residents of this State and from capital investments by the facility in this State will exceed the loss of tax revenue that will result from the abatement.

(g) The facility is consistent with the State Plan for Economic Development developed by the Executive Director of the Office of Economic Development pursuant to subsection 2 of section 14 of this act.

2. The Commissioner ~~*[Office of Economic Development]*~~ shall not approve an application for a partial abatement of the taxes imposed pursuant to chapter 361 of NRS submitted pursuant to NRS 701A.360 by a facility for the generation of electricity from geothermal resources unless the application is approved pursuant to this subsection. The board of county commissioners of a county must approve or deny the application not later than 30 days after the board receives a copy of the application. The board of county commissioners must not condition the approval of the application on a requirement that the facility for the generation of electricity from geothermal resources agree to purchase, lease or otherwise acquire in its own name or on behalf of the county any infrastructure, equipment, facilities or other property in the county that is not directly related to or otherwise necessary for the construction and operation of the facility. If the board of county

commissioners does not approve or deny the application within 30 days after the board receives the application, the application shall be deemed denied.

3. Notwithstanding the provisions of subsection 1, the Commissioner ***, in consultation with the Office of Economic Development ,*** may, if the Commissioner ***, in consultation with the Office ,*** determines that such action is necessary:

(a) Approve an application for a partial abatement for a facility that does not meet the requirements set forth in paragraph (d) or (e) of subsection 1; or

(b) Add additional requirements that a facility must meet to qualify for a partial abatement.

4. The Commissioner and the Director shall cooperate with the Office of Economic Development in carrying out the provisions of this section . ~~*[and provide such assistance as the Office determines to be necessary for that purpose.]*~~

5. The Commissioner shall submit to the Office of Economic Development an annual report, at such a time and containing such information as the Office may require, regarding the partial abatements granted ~~*[by the Office]*~~ ***pursuant to this section.***

Sec. 74. NRS 701A.370 is hereby amended to read as follows:

701A.370 1. If the Commissioner ~~*[Office of Economic Development]*~~ approves an application for a partial abatement pursuant to NRS 701A.300 to 701A.390, inclusive, of:

(a) Property taxes imposed pursuant to chapter 361 of NRS, the partial abatement must:

(1) Be for a duration of the 20 fiscal years immediately following the date of approval of the application;

(2) Be equal to 55 percent of the taxes on real and personal property payable by the facility each year; and

(3) Not apply during any period in which the facility is receiving another abatement or exemption from property taxes imposed pursuant to chapter 361 of NRS, other than any partial abatement provided pursuant to NRS 361.4722.

(b) Local sales and use taxes:

(1) The partial abatement must:

(I) Be for the 3 years beginning on the date of approval of the application;

(II) Be equal to that portion of the combined rate of all the local sales and use taxes payable by the facility each year which exceeds 0.25 percent; and

(III) Not apply during any period in which the facility is receiving another abatement or exemption from local sales and use taxes.

(2) The Department of Taxation shall issue to the facility a document certifying the abatement which can be presented to retailers at the time of sale. The document must clearly state that the purchaser is only required to pay sales and use taxes imposed in this State at the rate of 2.25 percent.

2. Upon approving an application for a partial abatement pursuant to NRS 701A.300 to 701A.390, inclusive, the Commissioner ~~*[Office of Economic Development]*~~ shall immediately notify the Director of the terms of the abatement and the Director shall immediately forward a certificate of eligibility for the abatement to:

(a) The Department of Taxation;

(b) The board of county commissioners;

(c) The county assessor;

(d) The county treasurer; and

(e) The ~~[Commission on]~~ ***Office of*** Economic Development. ~~*[Commissioner.]*~~

Sec. 75. NRS 701A.375 is hereby amended to read as follows:

701A.375 1. As soon as practicable after receiving a copy of an application pursuant to NRS 701A.360:

(a) The Chief of the Budget Division of the Department of Administration shall publish a fiscal note that indicates an estimate of the fiscal impact of the partial abatement on the State and forward a copy of the fiscal note to the Director for submission to the Commissioner ~~[;]~~ and ***the Office of Economic Development; and***

(b) The Department of Taxation shall publish a fiscal note that indicates an estimate of the fiscal impact of the partial abatement on each affected local government, and forward a copy of the fiscal note to each affected local government and to the Director for submission to the Commissioner ~~[.]~~ ***and the Office of Economic Development.***

2. As soon as practicable after receiving a copy of a certificate of eligibility pursuant to NRS 701A.370, the Department of Taxation shall forward a copy of the certificate to each affected local government.

Sec. 76. NRS 701A.380 is hereby amended to read as follows:

701A.380 1. A partial abatement approved by the Commissioner ~~*[Office of Economic Development]*~~ pursuant to NRS 701A.300 to 701A.390, inclusive, terminates upon any determination by the Commissioner that the facility has ceased to meet any eligibility requirements for the abatement.

2. The Commissioner shall provide notice and a reasonable opportunity to cure any noncompliance issues before making a determination that the facility has ceased to meet those requirements.

3. The Commissioner shall immediately provide notice of each determination of termination to the Director, and the Director shall immediately provide a copy of the notice to:

(a) The Department of Taxation, which shall immediately notify each affected local government of the determination;

(b) The board of county commissioners;

(c) The county assessor;

(d) The county treasurer; and

(e) The ~~[Commission on]~~ ***Office of*** Economic Development.

4. A facility whose partial abatement is terminated pursuant to this section shall repay to:

(a) The county treasurer the amount of the exemption from property taxes imposed pursuant to chapter 361 of NRS; and

(b) The Department of Taxation the amount of the exemption from local sales and use taxes,

↳ that was allowed pursuant to this section before the date of that termination. Except as otherwise provided in NRS 360.232 and 360.320, the facility shall, in addition to the amount of the exemption required to be paid pursuant to this subsection, pay interest on the amount due at the rate most recently established pursuant to NRS 99.040 for each month, or portion thereof, from the last day of the month following the period for which the payment would have been made had the partial abatement not been approved until the date of payment of the tax.

Sec. 77. ~~[NRS 701A.385 is hereby amended to read as follows:~~

~~701A.385 Notwithstanding any statutory provision to the contrary, if the [Commissioner]~~ ***Office of Economic Development*** ~~approves an application for a partial abatement pursuant to NRS 701A.300 to 701A.390, inclusive, of:~~

~~1. Property taxes imposed pursuant to chapter 361 of NRS, the amount of all the property taxes which are collected from the facility for the period of the abatement must be allocated and distributed in such a manner that:~~

~~(a) Forty-five percent of that amount is deposited in the Renewable Energy Fund created by NRS 701A.450; and~~

~~(b) Fifty-five percent of that amount is distributed to the local governmental entities that would otherwise be entitled to receive those taxes in proportion to the relative amount of those taxes those entities would otherwise be entitled to receive.~~

~~2. Local sales and use taxes, the State Controller shall allocate, transfer and remit an amount equal to all the sales and use taxes imposed in this State and collected from the facility for the period of the abatement in the same manner as if that amount consisted solely of the proceeds of taxes imposed by NRS 374.110 and 374.190.]~~ **(Deleted by amendment.)**

Sec. 78. NRS 701A.390 is hereby amended to read as follows:

701A.390 The Commissioner:

1. Shall adopt regulations:

(a) Prescribing the minimum level of benefits that a facility must provide to its employees if the facility is going to use benefits paid to employees as a basis to qualify for a partial abatement pursuant to NRS 701A.300 to 701A.390, inclusive;

(b) Prescribing such requirements for an application for a partial abatement pursuant to NRS 701A.300 to 701A.390, inclusive, as will ensure that all information and other documentation necessary for the Commissioner ~~*[and]*~~ ***, in consultation with the Office of Economic Development ,*** to make an appropriate determination is filed with the Director;

(c) Requiring each recipient of a partial abatement pursuant to NRS 701A.300 to 701A.390, inclusive, to file annually with the Director, for submission to the Commissioner, such information and documentation as may be necessary for the Commissioner to determine whether the recipient is in compliance with any eligibility requirements for the abatement; and

(d) Regarding the capital investment that a facility must make to meet the requirement set forth in paragraph (d) or (e) of subsection 1 of NRS 701A.365; and

2. May adopt such other regulations as the Commissioner determines to be necessary to carry out the provisions of NRS 701A.300 to 701A.390, inclusive.

Sec. 79. NRS 704.032 is hereby amended to read as follows:

704.032 The ~~[Commission on]~~ ***Office of*** Economic Development may participate in proceedings before the Public Utilities Commission of Nevada concerning a public utility in the business of supplying electricity or natural gas to advocate the accommodation of the State Plan for ~~[Industrial Development and Diversification.]~~ ***Economic Development developed by the Executive Director of the Office pursuant to subsection 2 of section 14 of this act.*** The ~~[Commission on]~~ ***Office of*** Economic Development may intervene as a matter of right in a proceeding pursuant to NRS 704.736 to 704.754, inclusive, or 704.991.

Sec. 80. NRS 704.223 is hereby amended to read as follows:

704.223 1. If a business with a new industrial load has been certified by the ~~[Commission on]~~ ***Office of*** Economic Development pursuant to NRS 231.139, the Public Utilities Commission of Nevada may authorize a public utility that furnishes electricity for the business to purchase or transmit a portion of the electricity provided to the business to reduce the overall cost of the electricity to the business. The purchases of electricity may be made by the business with the new industrial load, by agreement between the public utility and the business or by the public utility on behalf of the business, and must be made in accordance with such rates, terms and conditions as are established by the Public Utilities Commission of Nevada.

2. If additional facilities are determined by the affected utility to be required as the result of authorization granted pursuant to subsection 1, the facilities must be constructed, owned and operated by the affected utility. The business must agree as a condition to the authorization granted pursuant to subsection 1 to continue its business in operation in Nevada for 30 years. The agreement must require appropriate security for the reimbursement of the utility for the remaining portion of the value of the facilities which has not been depreciated by the utility and will not be mitigated by use of the facilities for other customers in the event that the business, or its successor in interest, does not remain in operation for 30 years.

3. Nothing in this section authorizes the Federal Energy Regulatory Commission to order the purchase or transmittal of electricity in the manner described in subsection 1.

4. All of the rules, regulations and statutes pertaining to the Public Utilities Commission of Nevada and public utilities apply to actions taken pursuant to this section.

5. Any authorization granted by the Public Utilities Commission of Nevada pursuant to this section must include such terms and conditions as the Commission determines are necessary to ensure that the rates or charges assessed to other customers of the public utility do not subsidize the cost of providing service to the business.

Sec. 80.5. **Section 11 of this act is hereby amended to read as follows:**

The Board shall:

1. Review and evaluate all programs of economic development in this State and make recommendations to the Legislature for legislation to improve the effectiveness of those programs in implementing the State Plan for Economic Development developed by the Executive Director pursuant to subsection 2 of section 14 of this act.

2. Recommend to the Executive Director a State Plan for Economic Development and make recommendations to the Executive Director for carrying out the State Plan for Economic Development.

3. Recommend to the Executive Director the criteria for the designation of regional development authorities.

4. Make recommendations to the Executive Director for the designation for the southern region of this State, the northern region of this State and the rural region of this State, one or more regional development authorities for each region.

5. Provide advice and recommendations to the Executive Director concerning:

(a) The procedures to be followed by any entity seeking to obtain any development resource, allocation, grant or loan from the Office;

(b) The criteria to be used by the Office in providing development resources and making allocations, grants and loans;

(c) The requirements for reports from the recipients of development resources, allocations, grants and loans from the Office concerning the use thereof; and

(d) Any other activities of the Office.

6. Review each proposal by the Executive Director to ***enter into a contract pursuant to section 15.5 of this act for more than $100,000 or*** allocate, grant or loan more than $100,000 to any entity and, as the Board determines to be in the best interests of the State, approve or disapprove the proposed allocation, grant or loan. Notwithstanding any other statutory provision to the contrary, the Executive Director shall not ***enter into any contract pursuant to section 15.5 of this act for more than $100,000 or*** make any allocation, grant or loan of more than $100,000 to any entity unless the allocation, grant or loan is approved by the Board.

Sec. 81. Section 12 of this act is hereby amended to read as follows:

Sec. 12. 1. There is hereby created within the Office of the Governor the Office of Economic Development ~~[.]~~ ***, consisting of:***

(a) A Division of Economic Development; and

(b) A Division of Motion Pictures.

2. The Governor shall propose a budget for the Office.

3. Employees of the Office are not in the classified or unclassified service of this State and serve at the pleasure of the Executive Director.

Sec. 82. Section 14 of this act is hereby amended to read as follows:

Sec. 14. After considering any pertinent advice and recommendations of the Board, the Executive Director:

1. Shall direct and supervise the administrative and technical activities of the Office.

2. Shall develop and may periodically revise a State Plan for Economic Development, which must include a statement of:

(a) New industries which have the potential to be developed in this State;

(b) The strengths and weaknesses of this State for business incubation;

(c) The competitive advantages and weaknesses of this State;

(d) The manner in which this State can leverage its competitive advantages and address its competitive weaknesses;

(e) A strategy to encourage the creation and expansion of businesses in this State and the relocation of businesses to this State; and

(f) Potential partners for the implementation of the strategy, including, without limitation, the Federal Government, local governments, local and regional organizations for economic development, chambers of commerce, and private businesses, investors and nonprofit entities.

3. Shall develop criteria for the designation of regional development authorities pursuant to subsection 4.

4. Shall designate as many regional development authorities for each region of this State as the Executive Director determines to be appropriate to implement the State Plan for Economic Development. In designating regional development authorities, the Executive Director must consult with local governmental entities affected by the designation. The Executive Director may, if he or she determines that such action would aid in the implementation of the State Plan for Economic Development, remove the designation of any regional development authority previously designated pursuant to this section.

5. Shall establish procedures for entering into contracts with regional development authorities to provide services to aid, promote and encourage the economic development of this State.

6. May apply for and accept any gift, donation, bequest, grant or other source of money to carry out the provisions of ***NRS 231.020 to 231.139, inclusive, and*** sections 12 to ~~[15.5, inclusive, and 17 to]~~ 22, inclusive, of this act.

7. May adopt such regulations as may be necessary to carry out the provisions of ***NRS 231.020 to 231.139, inclusive, and*** sections 12 to ~~[15.5, inclusive, and 17 to]~~ 22, inclusive, of this act.

8. In a manner consistent with the laws of this State, may reorganize the programs of economic development in this State to further the State Plan for Economic Development. If, in the opinion of the Executive Director, changes to the laws of this State are necessary to implement the economic development strategy for this State, the Executive Director must recommend the changes to the Governor and the Legislature.

Sec. 83. Section 15 of this act is hereby amended to read as follows:

Sec. 15. Under the direction of the Executive Director, the Office ~~[shall:]~~ ***:***

1. ~~[Provide]~~ ***Shall provide*** administrative and technical support to the Board.

2. ~~[Support]~~ ***Shall support*** the efforts of the Board, the regional development authorities designated by the Executive Director pursuant to subsection 4 of section 14 of this act and the private sector to encourage the creation and expansion of businesses in Nevada and the relocation of businesses to Nevada.

3. Shall coordinate and oversee all economic development programs in this State to ensure that such programs are consistent with the State Plan for Economic Development developed by the Executive Director pursuant to subsection 2 of section 14 of this act, including, without limitation:

(a) Coordinating the economic development activities of agencies of this State, local governments in this State and local and regional organizations for economic development to avoid duplication of effort or conflicting efforts;

(b) Working with local, state and federal authorities to streamline the process for obtaining abatements, financial incentives, grants, loans and all necessary permits and licenses for the creation or expansion of business in Nevada or the relocation of businesses to Nevada; and

(c) Reviewing, analyzing and making recommendations for the approval or disapproval of applications for abatements, financial incentives, development resources, and grants and loans of money provided by the Office.

4. May:

(a) Participate in any federal programs for economic development that are consistent with the State Plan for Economic Development developed by the Executive Director pursuant to subsection 2 of section 14 of this act; and

(b) When practicable and authorized by federal law, act as the agency of this State to administer such federal programs.

Sec. 84. Section 16 of this act is hereby amended to read as follows:

Sec. 16. 1. The Catalyst Fund is hereby created as a special revenue fund in the State Treasury.

2. The Catalyst Fund is a continuing fund without reversion. The interest and income earned on money in the Catalyst Fund, after deducting any applicable charges, must be credited to the Catalyst Fund.

3. All payments of principal and interest on any loan made with money from the Catalyst Fund must be deposited in the State Treasury for credit to the Fund.

4. The ~~[Commission on Economic Development]~~ ***Executive Director*** shall administer the Catalyst Fund and may apply for and accept any gift, grant, donation, bequest or other source of money for deposit in the Catalyst Fund.

Sec. 85. 1. On or before October 1, 2011, the Advisory Council on Economic Development created by section 8 of this act shall conduct an analysis and evaluation of the effectiveness of the programs of economic development in this State and the economic strengths and weaknesses of this State, by organizing teams, which may include, without limitation:

(a) An oversight team, consisting of the leaders of State Government and the Nevada System of Higher Education selected by the Advisory Council, to manage the work of conducting the analysis and evaluation and to compile interim reports and a final report on the analysis and evaluation.

(b) A research team to work with the Nevada System of Higher Education and existing organizations for economic development to:

(1) Identify and analyze industry clusters and innovation opportunities in this State; and

(2) Evaluate the best practices of economic development programs nationwide.

(c) An infrastructure planning team to:

(1) Inventory existing infrastructure in this State; and

(2) Identify the improvements to the infrastructure in this State which are needed to aid and encourage the economic development of this State.

(d) A technology commercialization and capital planning team to:

(1) Research best practices for the commercialization of research and technology; and

(2) Engage businesses, entrepreneurs and investors to commercialize research and technology developed in this State.

(e) An economic impact analysis team to develop an investment prospectus for this State based on the work performed by the other teams.

(f) An external research validation team to recommend a consulting firm to be hired by the Advisory Council. Within the limits of legislative appropriations, the Advisory Council shall retain a qualified, independent consultant to validate the economic assumptions used by the teams and review completed economic analyses.

2. In establishing the State Plan for Economic Development pursuant to subsection 2 of section 14 of this act, the Executive Director of the Office of Economic Development created pursuant to section 12 of this act shall use the analysis and evaluation conducted pursuant to this section.

Sec. 86. 1. NRS 231.030, 231.040, 231.050, 231.065, 231.067, 231.070, 231.080, 231.090, 231.110 and 231.142 are hereby repealed.

2. NRS 231.153, 231.154, 231.155, 231.156, 277.300, 277.305, 277.310, 277.315, 277.320, 277.325, 277.330, 277.335, 277.340, 277.345, 277.350, 277.355, 277.360, 277.365, 277.370, 277.375, 277.380, 277.385 and 277.390 are hereby repealed.

Sec. 87. On July 1, 2011, the State Controller shall transfer the unexpended balance, if any, remaining in the Nevada Economic Development Account in the State General Fund to the Catalyst Fund created by section 16 of this act.

Sec. 88. The board of directors of each regional development district created pursuant to NRS 277.300 to 277.390, inclusive, before July 1, 2011, shall settle the affairs of and dissolve the district not later than December 31, 2011.

Sec. 89. Sections 52.3 to 53.7, inclusive, of this act do not apply to or affect any bonds, notes or other securities issued before July 1, 2012,

pursuant to NRS 244A.669 to 244A.763, inclusive, 268.512 to 268.568, inclusive, 349.400 to 349.670, inclusive, or 349.935 to 349.961, inclusive.

Sec. 90. 1. Any administrative regulations adopted by an officer, agency or other entity whose name has been changed or whose responsibilities have been transferred pursuant to the provisions of this act to another officer, agency or other entity remain in force until amended by the officer, agency or other entity to which the responsibility for the adoption of the regulations has been transferred.

2. Any contracts or other agreements entered into by an officer, agency or other entity whose name has been changed or whose responsibilities have been transferred pursuant to the provisions of this act to another officer, agency or other entity are binding upon the officer, agency or other entity to which the responsibility for the administration of the provisions of the contract or other agreement has been transferred. Such contracts and other agreements may be enforced by the officer, agency or other entity to which the responsibility for the enforcement of the provisions of the contract or other agreement has been transferred.

3. Any action taken by an officer, agency or other entity whose name has been changed or whose responsibilities have been transferred pursuant to the provisions of this act to another officer, agency or other entity remains in effect as if taken by the officer, agency or other entity to which the responsibility for the enforcement of such actions has been transferred.

Sec. 91. The Legislative Counsel shall:

1. In preparing the reprint and supplements to the Nevada Revised Statutes, appropriately change any references to an officer, agency or other entity whose name is changed or whose responsibilities are transferred pursuant to the provisions of this act to refer to the appropriate officer, agency or other entity.

2. In preparing supplements to the Nevada Administrative Code, appropriately change any references to an officer, agency or other entity whose name is changed or whose responsibilities are transferred pursuant to the provisions of this act to refer to the appropriate officer, agency or other entity.

Sec. 92. As soon as practicable after the effective date of this section, each entity that received a grant pursuant to NRS 231.065 or 231.067 on or after July 1, 2009, and before July 1, 2011, shall provide a report to the Commission on Economic Development and the Advisory Council on Economic Development which includes:

1. A detailed accounting for the use of all money received;

2. A description of the results achieved from the expenditures accounted for pursuant to subsection 1; and

3. A statement of the leads on future business growth developed as a direct result of the grant.

Sec. 93. 1. This section and sections 2 to 8, inclusive, 23.7, 29.5, 30.3, 30.7, 31.5, 85 and 87 to 92, inclusive, of this act become effective upon passage and approval.

2. Sections 1, 9 to ~~[16.]~~ **15,** inclusive, **16,** 18 to 22, inclusive, 23.3, 31.3 and 46 and subsection 2 of section 86 of this act become effective on July 1, 2011.

3. Sections 1.5, **15.5,** 17, 17.5, 23, 24 to 29, inclusive, 30, 31, 31.7 to 45, inclusive, and 47 to 84, inclusive, and subsection 1 of section 86 of this act become effective on July 1, 2012.

4. Sections 9 and 46 of this act expire by limitation on June 30, 2012.

LEADLINES OF REPEALED SECTIONS

231.030 Creation; divisions.

231.040 Members: Appointment; qualifications.

231.050 Meetings; quorum; Secretary; removal of members.

231.065 Powers and duties: Grants to assist projects of economic diversification in certain counties.

231.067 Powers and duties: State Plan for Industrial Development and Diversification; promotion of economic interests of State; grants for economic development; agency for issuing permits to relocating or expanding businesses.

231.070 Salary of members.

231.080 Executive Director: Qualifications; appointment; restrictions on other employment.

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231.142 "Commission" defined.

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231.156 Biennial report to Director of Legislative Counsel Bureau; required contents of report.

277.300 Legislative findings; purpose; general duties of district.

277.305 Definitions.

277.310 "Board" defined.

277.315 "Development region" and "region" defined.

277.320 "Governmental unit" defined.

277.325 "Regional development district" and "district" defined.

277.330 "Subregional" defined.

277.335 Authority of counties and cities to establish district; petitioning of Governor; contiguity; duties of Governor; ability of other counties and cities to join district.

277.340 Initial governing body; composition of board of directors; bylaws; operating budget; dues; membership.

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277.350 Powers; preparation and submission of comprehensive economic development strategies and other plans; right of counties and cities to conduct local or subregional planning unaffected.

277.355 Additional discretionary powers of district.

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277.390 Population of county or city.

Assemblyman Bobzien moved that the Assembly concur in the Senate Amendment No. 977 to Assembly Bill No. 449.

Motion carried by a constitutional majority.

Bill ordered reprinted, reengrossed, and enrolled.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 6, 2011

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly Amendment No. 945 to Senate Bill No. 75; Assembly Amendment No. 978 to Senate Bill No. 427.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly Amendment No. 943 to Senate Bill No. 271.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the Conference Committee concerning Assembly Bill No. 376.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the Conference Committee concerning Assembly Bills Nos. 199, 524, and 525..

SHERRY L. RODRIGUEZ
Assistant Secretary of the Senate

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblywoman Benitez-Thompson, the privilege of the floor of the Assembly Chamber for this day was extended to Jean Stoess.

On request of Assemblyman Hardy, the privilege of the floor of the Assembly Chamber for this day was extended to the following students and chaperones from Martha P. King Elementary School: Catherine Hodgdon, Alexandra Perry, Sylvie Randall, Andrea Vidana, Ashleigh Wood, Curtis Wood, Emily Marlow, Erica Fiore, Hannah Estes, Kirk Estes, Dakota Coleman, Tina Coleman, Joshua Perez, Jillian Roederer, Elias Woodbury, Lori Giunta, Abby Giunta, Malia Davis, Victoria Francis, Natalie Bowman, Andy Bowman, Elise Hawkins, Olivia Hyde, Jesse Erwin, Cruz Mangin, Geneva Clark, Brandi Evans, Ashley Morgan, Cassidy Boone, Chandler Larson, Laurie Larson, Charles Lesco, Cooper Cummings, Danni Wilke, Darrin Bailey, Emily Eschner, Wendy Kiser-Eschner, Erin Cowley, Duaine Cowley, Geri Wachtel, Sandra Wachtel, Karli Parsons, Marleena Mills, Azure Fecteau, Morgan McKay, Daniel McKay, Nichole Del Rio, Olivia Goodfellow, Joni Goodfellow, Setia Cox, Robin Lee, Robin Coppola, Anthony Gelsone, and Luis Vidana.

On request of Assemblyman Hickey, the privilege of the floor of the Assembly Chamber for this day was extended to Tiger Helgelien.

On request of Assemblyman Horne, the privilege of the floor of the Assembly Chamber for this day was extended to Danielle Barraza.

On request of Assemblywoman Kirkpatrick, the privilege of the floor of the Assembly Chamber for this day was extended to Gerald McNulty.

On request of Assemblyman Ohrenschall, the privilege of the floor of the Assembly Chamber for this day was extended to Jake Dzyak and Mike Dzyak.

On request of Assemblywoman Woodbury, the privilege of the floor of the Assembly Chamber for this day was extended to Sylvie Randall and Elias Woodbury.

Assemblyman Conklin reported that his committee had informed the Governor that the Assembly was ready to adjourn *sine die*.

Assemblywoman Smith reported that her committee had informed the Senate that the Assembly was ready to adjourn *sine die*.

Assemblyman Atkinson moved that the Seventy-Sixth Session of the Assembly of the Legislature of the State of Nevada adjourn *sine die*.
Motion carried.

Assembly adjourned at 12:59 a.m.

Approved: JOHN OCEGUERA
Speaker of the Assembly

Attest: SUSAN FURLONG
Chief Clerk of the Assembly

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ASSEMBLY STANDING RULES

AND THE

JOINT STANDING RULES OF THE SENATE AND ASSEMBLY

OF THE

SEVENTY-SIXTH SESSION

OF THE

LEGISLATURE OF THE STATE OF NEVADA

2011

ASSEMBLY STANDING RULES

I. OFFICERS AND EMPLOYEES

DUTIES OF OFFICERS

Rule No. 1. Speaker of the Assembly.

1. All officers of the Assembly are subordinate to the Speaker in all that relates to the prompt, efficient and correct discharge of their official duties under the Speaker's supervision.

2. Possessing the powers and performing the duties described in this Rule, the Speaker shall:

(a) Take the chair at the hour to which the Assembly stands adjourned, call the members to order, and upon the appearance of a quorum, proceed to business.

(b) Preserve order and decorum and have general direction of the Chamber of the Assembly and the approaches thereto. In the event of any disturbance or disorderly conduct therein, order the same to be cleared.

(c) Decide all questions of order, subject to a member's right to appeal to the Assembly. On appeal from such decisions, the Speaker has the right, in the Speaker's place, to assign the reason for the decision.

(d) Have the right to name any member to perform the duties of the Chair, but such substitution must not extend beyond one legislative day.

(e) Have the power to accredit the persons who act as representatives of the news media and assign them seats.

(f) Sign all bills and resolutions passed by the Legislature as provided by law.

(g) Sign all subpoenas issued by the Assembly.

(h) Receive all messages and communications from other departments of the government and announce them to the Assembly.

(i) Represent the Assembly, declare its will and in all things obey its commands.

(j) Vote on final passage of a bill or resolution, but the Speaker shall not be required to vote in ordinary legislative proceedings except where the Speaker's vote would be decisive. In all yea and nay votes, the Speaker's name must be called last.

3. If a vacancy occurs in the office of Speaker, through death, resignation or disability of the Speaker, the Speaker Pro Tempore shall temporarily and for the period of vacancy or disability conduct the necessary business of the Assembly.

4. If a permanent vacancy occurs in the office of Speaker, the Assembly shall select a new Speaker.

[Statutes of Nevada 1975, 1912; A 1995, 2845; 1997, 3538; 1999, 3834; 2001, 3295; 2009, 3141]

Rule No. 2. Reserved.

Rule No. 3. Chief Clerk.

1. The Chief Clerk is elected by the Assembly and is responsible to the Speaker.

2. The Chief Clerk shall recruit, select, train and supervise all attaches employed to assist with the work of the Assembly.

3. The Chief Clerk shall administer the daily business of the Assembly.

4. The Chief Clerk shall adopt such administrative policies as the Chief Clerk deems necessary to carry out the business of the Assembly.

[Statutes of Nevada 2009, 3142]

Rule No. 4. Reserved.

Rule No. 5. Reserved.

Rule No. 6. Reserved.

The next rule is 10.

II. SESSIONS AND MEETINGS

Rule No. 10. Time of Meeting.

The Assembly shall meet each day at 11 a.m., unless the Assembly adjourns to some other hour.

[Statutes of Nevada 1975, 1857]

Rule No. 11. Open Meetings.

All meetings of the Assembly and its committees must be open to the public.

[Statutes of Nevada 1975, 1907; A 1999, 3835; 2001, 3296]

Rule No. 12. Reserved.

The next rule is 20.

III. DECORUM AND DEBATE

Rule No. 20. Points of Order.

If any member, in speaking or otherwise, transgresses the rules of the Assembly, the Speaker shall, or any member may, call to order, in which case the member so called to order shall immediately sit down, unless permitted to explain; and if called to order by a member, such member shall immediately state the point of order. If the point of order be sustained by the presiding officer, the member shall not be allowed to proceed; but if it be not sustained, then the member shall be permitted to go on. Every such decision from the presiding officer shall be subject to an appeal to the House; but no discussion of the question of order shall be allowed unless an appeal be taken from the decision of the presiding officer.

[Statutes of Nevada 1973, 1886; A 1993, 2913; 1995, 2847; 1997, 3540]

Rule No. 21. Portable Electronic Communication Devices.

1. A person who is within the Assembly Chambers shall not engage in a telephone conversation via the use of a portable telephone.

2. Before entering the Assembly Chambers, any person who possesses a portable electronic communication device, such as a pager or telephone, that emits an audible alert, such as a ringing or beeping sound, to signal an incoming message or call, shall turn the audible alert off. A device that contains a nonaudible alert, such as a silent vibration, may be operated in a nonaudible manner within the Assembly Chambers.

[Statutes of Nevada 2001, 3296; A 2003, 3602; 2011, 3793]

Rule No. 22. Reserved.

Rule No. 23. Select Committee on Ethics; Legislative Ethics.

1. The Select Committee on Ethics consists of:

(a) Two members of the Assembly appointed by the Speaker from the majority political party;

(b) One member of the Assembly appointed by the Minority Leader from the minority political party; and

(c) Three qualified electors of the State, two of whom are appointed by the Speaker and one who is appointed by the Minority Leader, and none of whom is a present member of the Legislature or employed by the State of Nevada.

2. The Speaker shall appoint the Chair and Vice Chair of the Committee. The Vice Chair shall serve as the acting Chair if the Chair is unable to serve for any reason during the consideration of a specific question.

3. The Speaker shall appoint an alternate member with the qualifications set forth in paragraph (a) of subsection 1 and an alternate

member with the qualifications set forth in paragraph (c) of subsection 1. The Minority Leader shall appoint an alternate member with the qualifications set forth in paragraph (b) of subsection 1 and an alternate member with the qualifications set forth in paragraph (c) of subsection 1. If a member of the Committee is unable to serve for any reason during the consideration of a specific question, the alternate appointed with the qualifications from the same paragraph in subsection 1 shall serve as a member of the Committee during the consideration of the specific question.

4. A member of the Committee is disqualified to serve during the consideration of a specific question if:

(a) The member is the requester of advice concerning the question of ethics or conflict of interest, or the member is the subject of the complaint concerning the specific question; or

(b) A reasonable person in the member's situation could not exercise independent judgment on the matter in question.

5. The Committee:

(a) May hear requests brought by members of the Assembly for advice on specific questions of potential breaches of ethics and conflicts of interest; and

(b) Shall hear complaints brought by members of the Assembly and others on specific questions of alleged breaches of ethics and conflicts of interest.

6. All proceedings held to consider the character, alleged misconduct, professional competence or physical or mental health of any person by the Committee on matters of ethics or conflicts of interest are confidential unless a Legislator:

(a) Against whom a complaint is brought requests a public hearing;

(b) Discloses the content of an opinion of the Committee at any time after his or her hearing; or

(c) Discloses the content of an advisory opinion issued to him or her by the Committee.

7. A complaint which alleges a breach of ethics or a conflict of interest must be:

(a) Made in writing on a form provided by the Chief Clerk of the Assembly;

(b) Signed and verified under penalty of perjury by the person making the allegation; and

(c) Filed with the Chair of the Committee or, if the Chair is the subject of the complaint, with the Vice Chair. The Chair or Vice Chair, as appropriate, shall send a copy of the complaint, within 24 hours after receiving it, to the Legislator against whom the complaint is brought.

8. In determining whether a Legislator has a conflict of interest, the Legislator should consider whether the independence of judgment of a

reasonable person in his or her situation upon the matter in question would be materially affected by the Legislator's:

(a) Acceptance of a gift or loan;

(b) Private economic interest; or

(c) Commitment to a member of his or her household or immediate family.

➥ In interpreting and applying the provisions of this subsection, it must be presumed that the independence of judgment of a reasonable person in the Legislator's situation would not be materially affected by the Legislator's private economic interest or the Legislator's commitment to a member of his or her household or immediate family where the resulting benefit or detriment accruing to the Legislator, or if the Legislator has a commitment to a member of his or her household or immediate family, accruing to those other persons, is not greater than that accruing to any other member of the general business, profession, occupation or group that is affected by the matter.

9. Except as otherwise provided in subsection 10, if a Legislator knows he or she has a conflict of interest pursuant to subsection 8, the Legislator shall make a disclosure of the conflict of interest on the record in a meeting of a committee or on the floor of the Assembly, as applicable. Such a disclosure must be entered:

(a) If the Legislator makes the disclosure in a meeting of a committee, in the minutes for that meeting.

(b) If the Legislator makes the disclosure on the floor of the Assembly, in the Journal.

10. If, on one or more prior occasions during the current session of the Legislature, a Legislator has made a general disclosure of a conflict of interest on the record in a meeting of a committee or on the floor of the Assembly, the Legislator is not required to make that general disclosure at length again regarding the same conflict of interest if, when the matter in question arises on subsequent occasions, the Legislator makes a reference on the record to the previous disclosure.

11. In determining whether to abstain from voting upon, advocating or opposing a matter concerning which a Legislator has a conflict of interest pursuant to subsection 8, the Legislator should consider whether:

(a) The conflict impedes his or her independence of judgment; and

(b) His or her interest is greater than the interests of an entire class of persons similarly situated.

12. The provisions of this Rule do not under any circumstances and regardless of any conflict of interest:

(a) Prohibit a Legislator from requesting or introducing a legislative measure; or

(b) Require a Legislator to take any particular action before or while requesting or introducing a legislative measure.

13. If a Legislator who is a member of a committee declares on the record when a vote is to be taken by the committee that he or she will abstain from voting because of the requirements of this Rule, the necessary quorum to act upon and the number of votes necessary to act upon the matter is reduced as though the Legislator abstaining were not a member of the committee.

14. Except as otherwise provided in the Joint Standing Rules, the standards and procedures set forth in this Rule which govern whether and to what extent a member of the Assembly has a conflict of interest, should disclose a conflict of interest or should abstain from voting upon, advocating or opposing a matter concerning which the member has a conflict of interest pursuant to subsection 8:

(a) Are exclusive and are the only standards and procedures that apply to members of the Assembly with regard to such matters; and

(b) Supersede and preempt all other standards and procedures with regard to such matters.

15. For purposes of this Rule, "immediate family" means a person who is related to the Legislator by blood, adoption or marriage within the first degree of consanguinity or affinity.

[Statutes of Nevada 1977, 1706; A 1987, 2325, 2336; 1995, 2847; 1997, 3540; 2009, 3143; 2011, 3794]

The next rule is 30.

IV. QUORUM, VOTING, ELECTIONS

Rule No. 30. Manner of Voting.

1. The presiding officer shall declare all votes, but the yeas and nays must be taken when called for by three members present, and the names of those calling for the yeas and nays must be entered in the Journal by the Chief Clerk.

2. The presiding officer shall call for yeas and nays by a division or by a roll call, either electronic or oral.

3. When taking the yeas and nays on any question, the electronic roll call system may be used, and when so used shall have the force and effect of any roll call under these rules.

4. When taking the yeas and nays by oral roll call, the Chief Clerk shall take the names of members alphabetically, except that the Speaker's name must be called last.

5. The electronic roll call system may be used to determine the presence of a quorum.

6. The yeas and nays must not be taken with the electronic roll call system until all members present are at their desks. The presiding officer may vote at the rostrum.

7. Only a member who:

(a) Has been certified by the Committee on Legislative Operations and Elections or a special committee of the Assembly; and

(b) Is physically present within the Assembly Chambers,

➥ may cast a vote in the Assembly.

8. A member shall not vote for another member on any roll call, either electronic or oral. Any member who votes for another member may be punished in any manner deemed appropriate by the Assembly.

[Statutes of Nevada 1975, 1879; A 1995, 2848; 1997, 3542; 1999, 3837; 2001, 3298; 2005, 2927; 2011, 3796]

Rule No. 31. Requirement of Voting.

1. A member shall vote on all questions that come before the body unless the member:

(a) Is excused; or

(b) Makes a full and complete disclosure of a conflict pursuant to Assembly Standing Rule No. 23.

2. A member found guilty by the House of a breach of this Rule shall not vote or speak on the floor, except to explain and apologize for the breach, until the member has made satisfaction to the House for the breach.

[Statutes of Nevada 2011, 3797]

Rule No. 32. Announcement of the Vote.

1. A member may change his or her vote at any time before the announcement of the vote if the voting is by voice, or at any time before the votes are electronically recorded if the voting is conducted electronically.

2. The announcement of the result of any vote shall not be postponed.

[Statutes of Nevada 1975, 1876]

Rule No. 33. Voting by Division.

Upon a division and count of the Assembly on any question, no person without the bar shall be counted.

[Statutes of Nevada 1973, 1887]

The next rule is 40.

V. LEGISLATIVE BODIES

A. COMMITTEES

Rule No. 40. Standing Committees.

The standing committees of the Assembly are as follows:

1. Ways and Means, fifteen members.
2. Judiciary, fourteen members.
3. Taxation, thirteen members.
4. Education, fourteen members.
5. Legislative Operations and Elections, fifteen members.
6. Natural Resources, Agriculture, and Mining, thirteen members.
7. Transportation, fourteen members.
8. Commerce and Labor, sixteen members.
9. Health and Human Services, fourteen members.
10. Government Affairs, thirteen members.

[Statutes of Nevada 1975, 1857; A 1977, 1728; 1981, 2059, 2064; 1983, 2103; 1985, 2315; 1987, 2326, 2399; 1989, 2204; 1991, 2479; 1993, 2915, 2967; 1995, 2849, 2878; 1997, 3543, 3682, 3712; 1999, 3838; 2001, 3298; 2003, 3604; 2005, 2928; 2007, 3457; 2009, 3146; 2011, 3797]

Rule No. 41. Appointment of Committees.

1. Except as otherwise provided in Assembly Standing Rule No. 23, all committees must be appointed by the Speaker, unless otherwise directed by the Assembly. The Speaker shall designate the chair and vice chair of each committee.

2. To facilitate the full participation of the members during an adjournment called pursuant to Joint Standing Rule No. 9 of the Senate and Assembly, the Speaker may temporarily appoint a member to a standing committee that is scheduled to meet during the adjournment if none of the committees to which the member is regularly assigned will be meeting during the adjournment.

3. All committees will operate under the rules set forth herein and other uniform committee rules as determined by the Speaker and published on the Nevada Legislature's website. Each standing committee may adopt and file with the Chief Clerk's Office policies consistent with these rules.

[Statutes of Nevada 1973, 1903; A 1977, 1707; 1985, 2314; 1993, 2916; 1995, 2850; 1997, 3543; 2007, 3457; 2011, 3798]

Rule No. 42. Subcommittees.

1. Subcommittees made up of committee members may be appointed by the chair to consider and report back on specific subjects or bills.

2. Subcommittee meetings will be scheduled by the subcommittee chair after consulting with the committee chair.

3. Members of a subcommittee are required to attend meetings of the subcommittee.

4. Subcommittees of standing committees shall follow the same rules as standing committees.

[Statutes of Nevada 1973, 1903; A 1995, 2850; 1997, 3544; Moved from Rule 43 by 2011, 3798]

Rule No. 43. Concurrent Referrals.

When a bill or resolution is referred to two committees, the bill or resolution must go to the first committee named. If the first committee votes to amend the bill or resolution, it must be reprinted with amendments and then returned to the first committee or sent immediately to the next committee. If there is no amendment proposed by the first committee, or if the first committee acts upon the bill or resolution after amendment, the bill or resolution must be sent with the committee recommendation to the Chief Clerk for transmittal to the second committee.

[Statutes of Nevada 2011, 3798]

Rule No. 44. Committee on Legislative Operations and Elections.

The Committee on Legislative Operations and Elections has jurisdiction over matters relating to personnel. It shall recommend by resolution the appointment of all attaches and employees of the Assembly not otherwise provided for by law. It shall function as the Committee on Rules and as the Committee on Credentials of the Assembly.

[Statutes of Nevada 1973, 1885; A 1977, 1707; 1981, 2059, 2171; 1985, 2316; 1991, 2480; 1993, 2916; 1997, 3544; 2005, 2929; 2009, 3147; 2011, 3798]

Rule No. 45. Committee of the Whole.

If a Committee of the Whole is convened:

1. The Speaker shall preside as Chair of the Committee or name a Chair to preside.

2. A member of the Committee may speak not more than twice during the consideration of any one question, on the same day, and at the same stage of proceedings, without leave. Members who have once spoken shall not again be entitled to the floor (except for explanation) to the exclusion of others who have not spoken.

3. The Chair may require any vote of the Committee to be recorded in the manner designated by the Chair.

4. All amendments proposed by the Committee:

(a) Must first be approved by the Committee.

(b) Must be reported by the Chair to the Assembly.

[Statutes of Nevada 2009, 3148; Moved from Rule 44.5 by 2011, 3798]

B. ELECTION CONTESTS

Rule No. 46. Procedure for Election Contests.

1. Upon receipt of a statement of contest from the Secretary of State pursuant to NRS 293.427, the Speaker shall, as soon as practicable, appoint a special committee to hear the contest or refer the contest to the Standing Committee on Legislative Operations and Elections. The committee shall conduct a hearing to consider the contest. The committee shall keep written minutes of the hearing. The contestant has the burden of proving that any irregularities shown were of such a nature as to establish that the result of the election was changed thereby.

2. The contest must be submitted so far as may be possible upon depositions or by written or oral arguments as the Assembly may order. Any party to a contest may take the deposition of any witness at any time after the statement of contest is filed with the Secretary of State and before the contest is finally decided. At least 3 days' notice must be given to the prospective deponent and to the other party. If oral statements are made at any hearing before the Assembly or a committee thereof which purport to establish matters of fact, they must be made under oath. Strict rules of evidence do not apply.

3. The committee shall, not later than 5 calendar days after the contest was referred to the committee, report to the Assembly its findings on whether the contestant has met the burden of proving that any irregularities shown were of such a nature as to establish that the result of the election was changed thereby. The committee shall then report to the Assembly its recommendation on which person should be declared elected or report that it has no recommendation. The Assembly shall, as soon as practicable thereafter but not later than 7 calendar days after the Speaker received the statement of contest, vote whether to accept or reject the committee's recommendation without amendment, if a recommendation is made. If the recommendation is accepted, the Speaker shall declare the recommended person elected. If the recommendation is rejected or the committee did not make a recommendation, the Assembly shall consider immediately which person should be declared elected. The Speaker shall not adjourn the Assembly until it has declared a person to be elected.

4. If a person other than the person initially seated as a member of the Assembly pursuant to subsection 2 of NRS 293.427 is declared to be elected by the Assembly as a result of the contest, the Speaker shall inform the Governor of the identity of the person declared to be elected by the Assembly.

[Statutes of Nevada 1973, 1885; R 1987, 2326; Readopted 1989, 2204; A 1991, 2480; 1993, 2917; 1995, 2851; 1997, 3544; 2003, 3605; 2005, 2929; Moved from Rule 45 by 2011, 3799]

C. DUTIES OF COMMITTEE OFFICERS, COMMITTEE MEMBERS AND COMMITTEE STAFF

Rule No. 47. Committee Chairs.

1. The chair has all authority necessary to ensure an efficient operation of the committee or subcommittee.

2. The chair shall have general direction of the committee room or other meeting place of the committee, and in case of any disturbance or disorderly conduct therein, or if the peace, good order, and proper conduct of the legislative business is hindered by any person or persons, the chair shall have power to exclude from the session any individual or individuals so hindering the legislative business.

3. Possessing the powers and performing the duties described in this Rule, each committee chair shall:

(a) Preside over committee meetings and put all questions before the committee;

(b) Preserve order and decorum and decide all questions of order;

(c) Determine the order of bills for hearing;

(d) Prepare and distribute the committee's agenda;

(e) Call recesses of the committee as deemed necessary;

(f) Request amendments to resolve conflicts;

(g) Determine when final action is to be taken on measures, committee reports and other business of the committee;

(h) Sign and submit bill draft requests on behalf of the committee;

(i) Appoint subcommittees, as necessary;

(j) Provide direction to committee support staff;

(k) Prepare and submit committee reports;

(l) Review and approve minutes of the committee;

(m) Handle unfinished business for measures heard in the committee;

(n) Inform the Speaker of committee activity; and

(o) Maintain custody of all papers referred to the committee until they are turned over to the Chief Clerk.

4. In the absence of the chair, or upon the request of the chair, the vice chair of the committee shall assume the duties of the chair.

5. The chair may name any member of the committee to perform the duties of the chair if such substitution shall not extend beyond such meeting.

[Statutes of Nevada 2011, 3800]

Rule No. 48. Attendance.

1. Members shall notify the chair of any absence. Excused absences will be so recorded at the direction of the chair.

2. A member shall advise the chair if he or she must leave a meeting for an extended period of time.

3. Members not in attendance when a final action is taken on a measure will be marked absent for the vote.

[Statutes of Nevada 2011, 3800]

Rule No. 49. Committee Staff.

Duties of committee attaches shall be prescribed by the Chief Clerk and include, but are not limited to, the following:

1. The committee secretary shall call roll of the members at each meeting, with the chair being called last. The committee secretary shall record in the minutes the members present and the members not present.

2. The committee secretary shall record the meeting and draft committee minutes for the chair's approval.

3. On behalf of the chair, the committee secretary shall maintain all minutes and exhibits of the committee's meetings until released to the custody of the Chief Clerk.

4. The committee manager assigned to each committee shall be responsible to the chair of the committee for the proper and accurate preparation of all reports of the committee.

[Statutes of Nevada 2011, 3800]

Rule No. 50. Committee Operations.

1. Each committee of the House shall be provided a committee manager who shall maintain a current record of all bills, resolutions, petitions, memorials or other matters filed in committee. A record of committee actions shall be filed with the Chief Clerk. The committee manager shall post, on a bulletin board and electronically, all meeting agendas.

2. The standing committees of the Assembly may coordinate with the standing committees of the Senate to meet as joint committees whenever agreed to by said committees for the purpose of holding public hearings or considering any proposed or pending legislation. Upon conclusion of the joint meeting of said committees, each standing committee of the Assembly may take such action as it determines appropriate. Whenever the committees of the Assembly and Senate hold joint hearings or meetings, the chair of the Assembly committee shall coordinate with the chair of the Senate committee to determine which of them shall preside at the joint meeting.

[Statutes of Nevada 2011, 3801]

Rule No. 51. Committee Records.

1. The chair of each committee shall have custody of all bills, papers and other documents referred to the committee and shall make reports authorized by the committee and submit the same to the Chief Clerk.

2. The chair of each committee shall keep, or cause to be kept, a complete record of the committee proceedings in which there must be entered:

(a) The time and place of each meeting;

(b) The attendance and absence of members;

(c) The names of all persons appearing before the committee, with the names of persons, firms, corporations or associations in whose behalf such appearance is made; and

(d) The subjects or measures considered and action taken.

3. A person may obtain a recording of a meeting by paying a fee determined by the Director of the Legislative Counsel Bureau to cover the cost of the recording but the official record of the meeting is the minutes of the committee meeting approved by the chair pursuant to paragraph (1) of subsection 3 of Assembly Standing Rule No. 47.

[Statutes of Nevada 1973, 1903; A 1995, 2852; 1997, 3545; 1999, 3840; Moved from Rule 47 by 2011, 3801]

Rule No. 52. Final Disposition of Committee Minutes and Exhibits.

Upon their completion, the Chief Clerk shall turn over all original minutes and exhibits to the Research Library of the Legislative Counsel Bureau.

[Statutes of Nevada 1973, 1904; A 1999, 3840; 2009, 3149; Moved from Rule 48 by 2011, 3801]

D. COMMITTEE HEARINGS

Rule No. 53. Communications.

1. Out of respect for the privacy of committee members and staff, members are requested to hold conversations with lobbyists and members of the public at a location other than at the dais.

2. Lobbyists, the press, and members of the public are not allowed at the dais.

3. All directions, assignments, or requests on behalf of the committee must be communicated to its staff and to the personnel of the Legislative Counsel Bureau by the chair of the committee. A member of the committee must submit such requests to the chair for transmittal to the staff of the committee or to the personnel of the Legislative Counsel Bureau.

4. The chair may report instances of misconduct or indecorum by any committee member or other person to the Assembly for its consideration and action.

[Statutes of Nevada 2011, 3802]

Rule No. 54. Testimony, Witnesses and Exhibits.

1. All persons wishing to offer testimony to a committee shall be given a reasonable opportunity to do so as determined by the chair.

2. Persons addressing the committee shall keep their remarks to the point and avoid repetition and are subject to call to order by the chair for failure to do so.

3. A person shall not be excluded from a meeting or public hearing of a committee or subcommittee except in case of any disturbance or disorderly conduct, or if the peace, good order, and proper conduct of the legislative business is hindered by the person or persons.

4. Questions from the committee will be restricted to relevant subject areas.

5. When the chair deems necessary, witnesses will be sworn in pursuant to Nevada Revised Statutes 218E.040 before providing testimony.

6. Unless waived or revised by the chair, handouts for hearings, including proposed amendments:

(a) Must be submitted to the committee's manager not later than 5 p.m. on the business day before the meeting unless an earlier submission date or time is set by the chair, and included on the agenda;

(b) Must include the name and contact information of the person providing the handouts;

(c) For proposed amendments, must include a brief statement of intent; and

(d) Must be submitted by electronic mail or other electronic means.

[Statutes of Nevada 2011, 3802]

Rule No. 55. Hearings.

1. The presence of a quorum of the committee is desirable but not required to conduct a public hearing. At the discretion of the chair, members of the committee may attend, participate in and, if applicable, vote during the hearing via simultaneous telephone or video conference.

2. Public hearings are opened by the chair who announces the subject under consideration and provides an opportunity for persons wishing to address the committee to be heard. These persons shall rise in an order determined by the chair, address the chair and furnish their names, addresses and firms or other organizations represented.

3. Committee members may address the chair for permission to question the witness.

4. A committee meeting shall adjourn no later than 10 minutes preceding the hour of its next regularly scheduled meeting.

5. At the discretion of the chair, meeting may be held outside the regularly scheduled day(s) and time.

6. Meetings of the committee may be scheduled outside the Legislative Building in Carson City with prior written approval of the Speaker. Subcommittees must have the prior written approval of the chair of the committee and the Speaker in to order to conduct a meeting outside Carson City.

[Statutes of Nevada 1975, 1914; A 1995, 2852; 1997, 3546; 1999, 3840; 2001, 3301; Moved from Rule 49 by 2011, 3802]

E. VOTING AND COMMITTEE ACTION

Rule No. 56. Manner of Voting.

1. The chair shall declare all votes and shall cause same to be entered on the records of the committee.

2. A member shall not vote for another member on any roll call. Any member who votes for another member may be punished in any manner deemed appropriate by the Assembly.

[Statutes of Nevada 2011, 3803]

Rule No. 57. Committee Action.

1. The committee shall have regular meetings scheduled by the Assembly leadership. A quorum of the committee is a majority of its members and may transact business except as limited by this Rule.

2. Except as limited by this Rule, a simple majority of those present may move, second and pass a motion by voice vote.

3. All motions require a second. If no second is received, that motion shall be declared invalid.

4. Definite action on a bill or resolution will require a majority of the entire committee. A member shall vote on all questions that come before the committee unless the member:

(a) Is excused; or

(b) Makes a full and complete disclosure of a conflict pursuant to Assembly Standing Rule No. 23.

5. A majority of the entire committee is required to reconsider action on a bill or resolution.

6. Committee introduction of legislative measures which are not prefiled requires concurrence of a majority of the entire committee and does not imply commitment to support final passage.

7. The chair must be present when the committee votes to take any final action regarding bills or resolutions.

8. No member of the committee may vote by proxy under any circumstances.

9. A committee shall not take a vote on the question of whether to exercise its statutory authority to issue a legislative subpoena unless the chair has informed the Speaker of the intention of the committee to consider such a question.

10. Every committee vote on a matter pertaining to a bill or resolution must be recorded. The vote may be taken by roll call at the discretion of the chair.

11. A member may change his or her vote at any time before the announcement of the vote if the voting is by voice. The announcement of the result of any vote shall not be postponed.

12. Unless a committee member advises the chair otherwise, it will be presumed that the member will vote on an amendment or on a measure, during a floor session, consistent with his or her vote in the committee.

13. A bill, resolution, or amendment in a committee having been rejected twice may not be brought up again during the same legislative session.

14. The minority of a committee may not make a report or present to the House an alternative report.

[Statutes of Nevada 2011, 3803]

F. PARLIAMENTARY AUTHORITY

Rule No. 58. Precedence of Parliamentary Authority for Committees.

The precedence of parliamentary authority for the purpose of actions in a committee is set forth in Assembly Standing Rule No. 100.

[Statutes of Nevada 2011, 3804]

G. DECORUM AND DEBATE IN COMMITTEES

Rule No. 59. Portable Electronic Communication Devices.

1. A person who is within an Assembly committee room shall not engage in a telephone conversation via the use of a portable telephone.

2. No person shall engage in any conduct during a committee meeting which undermines the decorum of the meeting. Before entering an Assembly committee room, any person who possesses a portable electronic communication device, such as a pager or telephone, that emits an audible alert, such as a ringing or beeping sound, to signal an incoming message or call, shall turn the audible alert off. A device that contains a nonaudible alert, such as a silent vibration, may be operated in a nonaudible manner within an Assembly committee room. Failure to follow a warning issued by the chair

may result in the device(s) being confiscated upon direction of the chair for the remainder of the meeting.

[Statutes of Nevada 2011, 3804]

Rule No. 60. Reserved.

Rule No. 61. Privilege of Closing Debate.

The author of a bill, a resolution or a main question shall have the privilege of closing the debate, unless the previous question has been sustained.

[Statutes of Nevada 2011, 3804]

Rule No. 62. Points of Order.

If any member, in speaking or otherwise, transgresses the rules of the Assembly, the chair shall, or any member may, call to order, in which case the member so called to order shall immediately yield to the floor, unless permitted to explain; and if called to order by a member, such member shall immediately state the point of order. If the point of order be sustained by the presiding officer, the member shall not be allowed to proceed; but if it be not sustained, then the member shall be permitted to go on. Every such decision from the presiding officer shall be subject to an appeal to the committee; but no discussion of the question of order shall be allowed unless an appeal be taken from the decision of the presiding officer.

[Statutes of Nevada 2011, 3804]

Rule No. 63. Reserved.

VI. RULES GOVERNING MOTIONS

Rule No. 64. Entertaining.

No motion may be debated until it is distinctly announced by the presiding officer. The presiding officer, upon his or her own motion or at the request of a member, may direct that the motion be reduced to writing and be read by the Chief Clerk before the motion is debated. A motion may be withdrawn by the maker at any time before amendment or before the motion is put to vote.

[Statutes of Nevada 1973, 1889; A 1995, 2853; 1997, 3547; 1999, 3841; 2003, 3607; Moved from Rule 60 by 2011, 3805]

PARTICULAR MOTIONS

Rule No. 65. Indefinite Postponement.

When a question is postponed indefinitely, the same question must not be considered again during the session and the question is not subject to a motion for reconsideration.

[Statutes of Nevada 1973, 1889; A 1999, 3841]

Rule No. 66. To Strike Enacting Clause.

A motion to strike out the enacting clause of a bill or resolution does not take precedence over any other subsidiary motion. If the motion is carried, it shall be considered equivalent to the rejection of such bill or resolution.

[Statutes of Nevada 1973, 1889; A 1999, 3841]

Rule No. 67. Division of Question.

Any member may call for a division of the question, which shall be divided, if it comprehends propositions in substance so distinct that, one being taken away, a substantive proposition shall remain for the decision of the Assembly. A motion to strike out being lost shall preclude neither amendment nor a motion to strike out and insert. A motion to strike out and insert shall be deemed indivisible.

[Statutes of Nevada 1973, 1889]

Rule No. 68. To Reconsider—Precedence of.

1. A motion to reconsider shall have precedence over every other motion, including a motion to adjourn, if the motion is to reconsider a final vote on a bill or resolution. A motion to reconsider a final vote on a bill or resolution shall be in order only on the day on which the final vote is taken and the vote on such a motion to reconsider must be taken on the same day.

2. If the motion to reconsider is for any other action, the motion has precedence over every other motion, except a motion to adjourn, or to fix the time to which to adjourn; and when the Assembly adjourns, while a motion to reconsider is pending, the right to move a reconsideration shall continue to the next day of sitting.

[Statutes of Nevada 1973, 1890; A 1999, 3841; 2001, 3302; 2009, 3279; 2011, 3805]

The next rule is 80.

VII. DEBATE

Rule No. 80. Speaking on Question.

1. No member shall speak more than twice during the consideration of any one question, on the same day, and at the same stage of proceedings, without leave. Members who have once spoken shall not again be entitled to the floor (except for explanation) to the exclusion of others who have not spoken.

2. When a member speaks under Order of Business 11, 12, 13 or 14 of Assembly Standing Rule No. 120, the member must limit his or her remarks to an explanation of the issue or an explanation of the bill, resolution or amendment. If the member desires to speak on the importance of such issue, bill, resolution or amendment, the member must request permission to speak under Order of Business 15 of Assembly Standing Rule No. 120.

[Statutes of Nevada 1973, 1890; A 2011, 3806]

Rule No. 81. Previous Question.

The previous question shall be put only when demanded by three members. The previous question shall not be moved by the member last speaking on the question.

[Statutes of Nevada 1973, 1890]

Rule No. 82. Privilege of Closing Debate.

The author of a bill, a resolution or a main question shall have the privilege of closing the debate, unless the previous question has been sustained.

[Statutes of Nevada 2001, 3302]

The next rule is 91.

VIII. CONDUCT OF BUSINESS

A. RULES AND PROCEDURE

Rule No. 91. Rescission, Change or Suspension of Rule.

No standing rule or order of the Assembly shall be rescinded or changed without a vote of a majority of the members elected; but a rule or order may be suspended temporarily by a vote of a majority of the members present.

[Statutes of Nevada 1973, 1890; A 2001, 3303; 2011, 3806]

Rule No. 92. Notices of Bills, Topics and Public Hearings.

1. Except as otherwise provided in subsection 3, all committees shall provide adequate notice of public hearings on bills, resolutions or other

topics which are to come before the committees. The notice must include the date, time, place and agenda to be covered. The notice must be posted conspicuously in the legislative building, appear in the Daily History and be made available to the news media. The Daily History must include the most current version of the notice that is available at the time the Daily History is created and an informational statement informing the public where more current information, if any, regarding such notices may be found.

2. The noticing requirements of this Rule may be suspended for emergency situations but only after approval by a majority vote of a committee.

3. Subsection 1 does not apply to:

(a) Committee meetings held on the floor of the Assembly during a recess; or

(b) Conference committee meetings.

[Statutes of Nevada 1975, 1915; A 1995, 2855; 1997, 3549; 1999, 3842; 2009, 3151]

Rule No. 93. Reserved.

Rule No. 94. Privilege of the Floor and Lobbying.

No person, except Senators, former Assemblymen and Assemblywomen, and state officers, may be admitted at the bar of the Assembly, except by special invitation on the part of some member; but a majority may authorize the Speaker to have the Assembly cleared of all such persons. No person may do any lobbying upon the floor of the Assembly at any time, and it is the duty of the Sergeant at Arms to remove any person violating any of the provisions of this Rule.

[Statutes of Nevada 1973, 1891; A 1983, 2152; 1995, 2856; 1997, 3549]

Rule No. 95. Material Placed on Legislators' Desks.

All papers, letters, notes, pamphlets and other written material placed upon the desk of a member of the Assembly shall contain the signature of the Legislator requesting the placement of such material on the desk or shall contain a designation of the origin of such material. This Rule does not apply to Legislative Counsel Bureau material.

[Statutes of Nevada 1973, 1891; A 2011, 3807]

Rule No. 96. Peddling, Begging and Soliciting.

1. Peddling, begging and soliciting are strictly forbidden in the Assembly Chambers, and in the lobby, gallery and halls adjacent thereto.

2. No part of the Assembly Chambers may be used for, or occupied by signs or other devices for any kind of advertising.

3. No part of the hallways adjacent to the Assembly Chambers may be used for or occupied by signs or other devices for any kind of advertising for commercial or personal gain. Notices for nonprofit, nonpartisan, civic or special legislative events may be posted in a designated area of the hallways adjacent to the Assembly Chambers with the approval of the Chief Clerk.

[Statutes of Nevada 1973, 1891; A 1999, 3843; 2001, 3303]

Rule No. 97. Petitions and Other Papers.

Petitions and other papers addressed to the Assembly, shall be presented by the Speaker, or by a member in the Speaker's place. A brief statement of the contents thereof shall be read for information. They shall not be debated on the day of their being presented, but shall be on the table, or be referred, as the Assembly shall determine.

[Statutes of Nevada 1973, 1891; A 1995, 2856; 1997, 3550; 2011, 3807]

Rule No. 98. Request of Purpose.

A member may request the purpose of a bill or joint resolution upon its introduction.

[Statutes of Nevada 1973, 1891]

Rule No. 99. Remarks.

It shall be in order for members to make remarks and, subject to the approval of the majority of the members present, request that such remarks be entered in the Journal.

[Statutes of Nevada 1973, 1891; A 2011, 3807]

Rule No. 100. Precedence of Parliamentary Authority.

The precedence of parliamentary authority in the Assembly is:

1. The Constitution of the State of Nevada and judicial decisions thereon.
2. The Standing Rules of the Assembly and the Joint Standing Rules of the Senate and Assembly.
3. Custom, usage and precedence.
4. The Statutes of the State of Nevada.
5. Mason's Manual of Legislative Procedure.

[Statutes of Nevada 1973, 1891; A 1999, 3843; 2009, 3152]

Rule No. 101. Reserved.

Rule No. 102. Privileged Questions.

Privileged questions have precedence over all others in the following order:

1. Motions to fix the time to which the Assembly shall adjourn.

2. Motions to adjourn.

3. Questions relating to the rights and privileges of the Assembly or any of its members.

4. A call of the House.

5. Motions for special orders.

[Statutes of Nevada 2001, 3304; A 2005, 2934]

Rule No. 103. Reserved.

B. BILLS

Rule No. 104. Reserved.

Rule No. 105. Reserved.

Rule No. 106. Skeleton Bills.

The introduction of skeleton bills is authorized when, in the opinion of the sponsor and the Legislative Counsel, the full drafting of the bill would entail extensive research or be of considerable length. A skeleton bill will be provided for purposes of introduction and committee referral. Such a bill will be a presentation of ideas or statements of purpose, sufficient in style and expression to enable the Legislature and the committee to which the bill may be referred to consider the substantive merits of the legislation proposed.

[Statutes of Nevada 1973, 1893; A 1999, 3844]

Rule No. 107. Reserved.

Rule No. 108. Reserved.

Rule No. 109. Reading of Bills.

The first reading of a bill or joint resolution shall be for information. If there is objection, the question shall be, "Shall the bill be rejected?" If the question to reject fails to receive a majority vote by the members present, or if there is no objection, the bill shall take the proper course. If the question to reject receives a majority vote of the members present, the bill or joint resolution shall be rejected. The same question must not be considered again during the session, and the question is not subject to a motion for reconsideration. No bill shall be referred to a committee until after the first reading, nor amended until after the second reading.

[Statutes of Nevada 1973, 1894; A 1995, 2858; 2011, 3808]

Rule No. 110. Second Reading and Amendment of Bills.

1. All bills must be read the second time on the first legislative day after which they are reported by committee, unless a different day is designated by motion. Upon second reading, Assembly bills reported without amendments shall be placed on the General File and Senate bills reported without amendments shall be placed on the General File. Committee amendments reported with bills shall be considered upon their second reading or third reading, as appropriate, and such amendments may be adopted by a majority vote of the members present. Any amendment which is numbered and made available to all members must be moved and voted upon by number. Assembly bills so amended must be reprinted, then engrossed or reengrossed, as applicable, and placed on the General File. Senate bills so amended must be reprinted, then engrossed or reengrossed, as applicable, and placed on the General File.

2. Any member may move to amend a bill during its second or third reading, and such a motion to amend may be adopted by a majority vote of the members present. Bills so amended on second reading must be treated the same as bills with committee amendments. Any bill so amended upon the General File must be reprinted and then engrossed or reengrossed, as applicable. A member who moves to amend a bill during its second reading must limit his or her remarks to an explanation of the amendment. If the member desires to speak on the importance of the amendment, the member must request permission to speak under Order of Business 15 of Rule No. 120.

3. The reprinting of amended bills may be dispensed with upon a majority vote of the members present.

[Statutes of Nevada 1975, 1915; A 1997, 3552; 1999, 3844; 2009, 3153; 2011, 3809]

Rule No. 111. Consent Calendar.

1. A standing committee may by unanimous vote of the members present report a bill with the recommendation that it be placed on the Consent Calendar. The question of recommending a bill for the Consent Calendar may be voted upon in committee only after the bill has been recommended for passage and only if no amendment is recommended.

2. The Chief Clerk shall maintain a list of bills recommended for the Consent Calendar. The list must be printed in the Daily History and must include the summary of each bill, and the date the bill is scheduled for consideration on final passage.

3. At any time before the presiding officer calls for a vote on the passage of the Consent Calendar, a member may give written notice to the Chief Clerk or state orally from the floor of the Assembly in session that he or she requests the removal of a particular bill from the Consent Calendar.

If a member so requests, the Chief Clerk shall remove the bill from the Consent Calendar and transfer it to the Second Reading File. A bill removed from the Consent Calendar may not be restored to that Calendar.

4. During floor consideration of the Consent Calendar, members may ask questions and offer explanations relating to the respective bills.

5. When the Consent Calendar is brought to a vote, the bills remaining on the Consent Calendar must be read by number and summary and the vote must be taken on their final passage as a group.

[Statutes of Nevada 1977, 1660; A 1987, 2328; 1997, 3552; 1999, 3845; 2001, 3305]

Rule No. 112. Reserved.

Rule No. 113. General File.

1. All bills and joint resolutions reported to the Assembly, by the Committee of the Whole, a standing committee, a conference committee or a special committee, after receiving their second readings must be placed upon the General File, to be kept by the Chief Clerk. The Chief Clerk shall post a daily statement of the bills on the General File. The Chief Clerk shall likewise post notices of special orders as made.

2. A member who moves to amend a bill or joint resolution during its third reading must limit his or her remarks to an explanation of the amendment. If the member desires to speak on the importance of the amendment, the member must request permission to speak under Order of Business 15 of Assembly Standing Rule No. 120.

3. A member who speaks on third reading regarding the final passage of a bill, joint resolution or initiative petition must limit his or her remarks to an explanation of the bill, joint resolution or initiative petition. If the member desires to speak on the importance of the bill, joint resolution or initiative petition, the member must request permission to speak under Order of Business 15 of Assembly Standing Rule No. 120.

[Statutes of Nevada 1973, 1895; A 1997, 3553; 1999, 3845; 2001, 3305; 2009, 3154; 2011, 3810]

Rule No. 114. Reserved.

Rule No. 115. Reconsideration of Vote on Bill.

A vote may be reconsidered on the day on which the final vote was taken by a member voting with the prevailing party. There may be no reconsideration of a vote on a motion to indefinitely postpone. Motions to reconsider a vote upon amendments to any pending question may be made at once.

[Statutes of Nevada 1973, 1895; A 1999, 3845; 2009, 3155, 3279; 2011, 3810]

Rule No. 116. Vetoed Bills.

1. Bills that have passed both Houses of the Legislature and are transmitted to the Assembly accompanied by a message or statement of the Governor's disapproval or veto of the same must:

(a) Be taken up and considered immediately upon the coming in of the message transmitting the same; or

(b) Become the subject of a special order.

2. When the message is received, or if made a special order, when the special order is called, the said message or statement must be read together with the bill or bills so disapproved or vetoed. The message and bill must be read by the Chief Clerk without interruption, consecutively, one following the other, and not upon separate occasions. No such bill or message may be referred to any committee, or otherwise acted upon save as provided by law and custom; that is to say, that immediately following such reading the only question, except as hereinafter stated, which may be put by the Speaker is, "Shall the bill pass, notwithstanding the objections of the Governor?" It shall not be in order, at any time, to vote upon such a vetoed bill unless the same shall first have been read, from the first word of its title to and including the last word of its final section. No motion may be entertained after the Speaker has stated the question, save a motion to adjourn or a motion for the previous question, but the merits of the bill itself may be debated. The message or statement containing the objections of the Governor to the bill must be entered in the Journal of the Assembly.

[Statutes of Nevada 2001, 3306; A 2009, 3155; 2011, 3810]

Rule No. 117. Reserved.

C. RESOLUTIONS

Rule No. 118. Treated as Bills—Joint Resolutions.

The procedure of enacting joint resolutions must be identical to that of enacting bills, except that:

1. Joint resolutions, upon enrollment, must be delivered to the Secretary of State; and

2. Joint resolutions proposing amendments to the Constitution must be entered in the Journal in their entirety.

[Statutes of Nevada 1973, 1895; A 1999, 3846; 2003, 3612]

Rule No. 119. Return from the Secretary of State.

An Assembly resolution may be used to request the return from the Secretary of State of an enrolled Assembly resolution for further consideration.

[Statutes of Nevada 2009, 3156]

D. ORDER OF BUSINESS

Rule No. 120. Order of Business.

The Order of Business must be as follows:

1. Call to Order.
2. Reading and Approval of Journal.
3. Presentation of Petitions.
4. Reports of Standing Committees.
5. Reports of Select Committees.
6. Communications.
7. Messages from the Senate.
8. Motions, Resolutions and Notices.
9. Introduction, First Reading, and Reference.
10. Consent Calendar.
11. Second Reading and Amendment.
12. General File and Third Reading.
13. Unfinished Business of Preceding Day.
14. Vetoed Bills and Special Orders of the Day.
15. Remarks from the Floor, limited to 10 minutes.

[Statutes of Nevada 1973, 1895; A 1977, 1660; 1985, 2316; 1987, 2328; 1989, 2206; 1999, 3846; 2001, 3307; 2011, 3811]

Rule No. 121. Reserved.

Rule No. 122. Reserved.

Rule No. 123. Reserved.

Rule No. 124. Reserved.

Rule No. 125. Reserved.

Rule No. 126. Reserved.

Rule No. 127. Reserved.

Rule No. 128. Reserved.

The next rule is 140.

IX. LEGISLATIVE INVESTIGATIONS AND MISCELLANEOUS

Rule No. 140. Compensation of Witnesses.

Witnesses summoned to appear before the Assembly or any of its committees must be compensated as provided by law for witnesses required to attend in the courts of the State of Nevada.

[Statutes of Nevada 1973, 1897; A 1999, 3847]

Rule No. 141. Use of the Assembly Chamber.

The Assembly Chamber shall not be used for any public or private business other than legislative, except by permission of the Assembly.

[Statutes of Nevada 1973, 1897]

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JOINT STANDING RULES OF THE SENATE AND ASSEMBLY

CONFERENCE COMMITTEES

Rule No. 1. Procedure Concerning.

1. In every case of an amendment of a bill, or joint or concurrent resolution, agreed to in one House, dissented from in the other, and not receded from by the one making the amendment, each House shall appoint a committee to confer with a like committee to be appointed by the other; and the committee so appointed shall meet publicly at a convenient hour to be agreed upon by their respective chairs and announced publicly, and shall confer upon the differences between the two Houses as indicated by the amendments made in one and rejected in the other and report as early as convenient the result of their conference to their respective Houses.

2. The report shall be made available to all members of both Houses. The whole subject matter embraced in the bill or resolution shall be considered by the committee, and it may recommend recession by either House, new amendments, a new bill or resolution, or other changes as it sees fit. A new bill or resolution so reported shall be treated as amendments unless the bill or resolution is composed entirely of original matter, in which case it shall receive the treatment required in the respective Houses for original bills, or resolutions, as the case may be. A conference committee shall not recommend any action which would cause the creation of more than one reprint or more than one bill or resolution.

3. The report of a conference committee may be adopted by acclamation, and such action may be considered equivalent to the adoption of amendments embodied therein. The report is not subject to amendment.

4. There shall be but one conference committee on any bill or resolution. A majority of the members of a conference committee from each House must be members who voted for the passage of the bill or resolution.

[Statutes of Nevada 1947, 872; A 1977, 1697; 1979, 1964; 1999, 3848; 2009, 3126; 2011, 3753]

MESSAGES

Rule No. 2. Biennial Message of the Governor.

Upon motion, the biennial message of the Governor must be received and read and entered in full in the Journal of proceedings.

[Statutes of Nevada 1931, 466; A 1999, 3848; 2001, 3310; 2007, 3438; 2009, 3127]

Rule No. 2.2. Other Messages From the Governor.

Whenever a message from the Governor is received, it shall be read and entered in full in the Journal of proceedings.

[Statutes of Nevada 2009, 3127]

Rule No. 2.4. Proclamation by the Governor Convening Special Session.

Proclamations by the Governor convening the Legislature in special session must, by direction of the presiding officer of each House, be read immediately after the convening of the special session, and must be filed and entered in the Journal of proceedings.

[Statutes of Nevada 2009, 3127]

Rule No. 2.6. Messages Between Houses.

Messages from the Senate to the Assembly shall be delivered by the Secretary or a person designated by the Secretary and messages from the Assembly to the Senate shall be delivered by the Chief Clerk or a person designated by the Chief Clerk.

[Statutes of Nevada 1931, 466; A 1999, 3848; 2001, 3310; 2007, 3438; 2009, 3127; 2011, 3754]

NOTICE OF FINAL ACTION

Rule No. 3. Communications.

Each House shall communicate its final action on any bill or resolution, or matter in which the other may be interested, by written notice. Each such notice sent by the Senate must be signed by the Secretary of the Senate, or a person designated by the Secretary. Each such notice sent by the Assembly must be signed by the Chief Clerk of the Assembly, or a person designated by the Chief Clerk.

[Statutes of Nevada 1931, 410; A 1999, 3849]

BILLS AND JOINT RESOLUTIONS

Rule No. 4. Signature.

Each enrolled bill or joint resolution shall be presented to the presiding officers of both Houses for signature. They shall, after an announcement of their intention to do so is made in open session, sign the bill or joint resolution and their signatures shall be followed by those of the Secretary of the Senate and Chief Clerk of the Assembly.

[Statutes of Nevada 1931, 467; A 1977, 1656; 1999, 3849]

Rule No. 5. Joint Sponsorship.

1. A bill or resolution introduced by a standing committee of the Senate or Assembly may, at the direction of the chair of the committee, set forth the name of a standing committee of the other House as a joint sponsor, if a majority of all members appointed to the committee of the other House votes in favor of becoming a joint sponsor of the bill or resolution. The name of the committee joint sponsor must be set forth on the face of the bill or resolution immediately below the date on which the bill or resolution is introduced.

2. A bill or resolution introduced by one or more Legislators elected to one House may, at the direction of the Legislator who brings the bill or resolution forward for introduction, set forth the names of one or more Legislators who are members elected to the other House and who wish to be primary joint sponsors or non-primary joint sponsors of the bill or resolution. Not more than five Legislators from each House may be set forth on the face of a bill or resolution as primary joint sponsors. The names of each primary joint sponsor and non-primary joint sponsor must be set forth on the face of the bill or resolution in the following order immediately below the date on which the bill or resolution is introduced:

(a) The name of each primary joint sponsor, in the order indicated on the colored back of the introductory copy of the bill or resolution; and

(b) The name of each non-primary joint sponsor, in alphabetical order.

3. The Legislative Counsel shall not cause to be printed the name of a standing committee as a joint sponsor on the face of a bill or resolution unless the chair of the committee has signed his or her name next to the name of the committee on the colored back of the introductory copy of the bill or resolution that was submitted to the front desk of the House of origin or the statement required by subsection 5. The Legislative Counsel shall not cause to be printed the name of a Legislator as a primary joint sponsor or non-primary joint sponsor on the face of a bill or resolution unless the Legislator has signed the colored back of the introductory copy of the bill or resolution that was submitted to the front desk of the House of origin or the statement required by subsection 5.

4. Upon introduction, any bill or resolution that sets forth the names of primary joint sponsors or non-primary joint sponsors, or both, must be numbered in the same numerical sequence as other bills and resolutions of the same House of origin are numbered.

5. Once a bill or resolution has been introduced, a primary joint sponsor or non-primary joint sponsor may only be added or removed by amendment of the bill or resolution. An amendment which proposes to add or remove a primary joint sponsor or non-primary joint sponsor must not be considered by the House of origin of the amendment unless a statement requesting the addition or removal is attached to the copy of the amendment submitted to the front desk of the House of origin of the amendment. If the amendment

proposes to add or remove a Legislator as a primary joint sponsor or non-primary joint sponsor, the statement must be signed by that Legislator. If the amendment proposes to add or remove a standing committee as a joint sponsor, the statement must be signed by the chair of the committee. A copy of the statement must be transmitted to the Legislative Counsel if the amendment is adopted.

6. An amendment that proposes to add or remove a primary joint sponsor or non-primary joint sponsor may include additional proposals to change the substantive provisions of the bill or resolution or may be limited only to the proposal to add or remove a primary joint sponsor or non-primary joint sponsor.

[Statutes of Nevada R 1979, 1964; A 1999, 3849; 2005, 2956]

PUBLICATIONS

Rule No. 6. Ordering and Distribution.

1. The bills, resolutions, journals and histories will be provided electronically to the officers and members of the Senate and Assembly, staff of the Legislative Counsel Bureau, the press and the general public on the Nevada Legislature's website.

2. Each House may order the printing of bills introduced, reports of its own committees, and other matter pertaining to that House only; but no other printing may be ordered except by a concurrent resolution passed by both Houses. Each Senator is entitled to the free distribution of four copies of each bill introduced in each House, and each Assemblyman and Assemblywoman to such a distribution of two copies. Additional copies of such bills may be distributed at a charge to the person to whom they are addressed. The amount charged for distribution of the additional copies must be determined by the Director of the Legislative Counsel Bureau to approximate the cost of handling and postage for the entire session.

[Statutes of Nevada 1920-21, 410; A 1977, 1657; 1979, 1964; 1983, 2108; 1991, 2476; 2011, 3756]

RESOLUTIONS

Rule No. 7. Types, Usage and Approval.

1. A joint resolution must be used to:

(a) Propose an amendment to the Nevada Constitution.

(b) Ratify a proposed amendment to the United States Constitution.

(c) Address the President of the United States, Congress, either House or any committee or member of Congress, any department or agency of the Federal Government, or any other state of the Union.

2. A concurrent resolution must be used to:

(a) Amend these Joint Rules.

(b) Request the return from the Governor of an enrolled bill for further consideration.

(c) Request the return from the Secretary of State of an enrolled joint or concurrent resolution for further consideration.

(d) Resolve that the return of a bill from one House to the other House is necessary and appropriate.

(e) Express facts, principles, opinion and purposes of the Senate and Assembly.

(f) Establish a joint committee of the two Houses.

(g) Direct the Legislative Commission to conduct an interim study.

3. A concurrent resolution or a resolution of one House may be used to memorialize a former member of the Legislature or other notable or distinguished person upon his or her death.

4. A resolution of one House may be used to request the return from the Secretary of State of an enrolled resolution of the same House for further consideration.

5. A resolution of one House may be used for any additional purpose determined appropriate by the Majority Leader of the Senate or the Speaker of the Assembly, respectively.

6. A concurrent resolution used for the purposes expressed in paragraph (e) of subsection 2 may only be requested by a statutory, interim or standing committee.

[Statutes of Nevada 1963, 1452; A 1977, 1657; 1979, 2036; 1989, 2201; 1993, 2903; 1999, 3851; 2005, 2958; 2009, 3129; 2011, 3756]

VETOES

Rule No. 8. Special Order.

1. Bills which have passed the Legislature, and which are returned after the Governor's disapproval, or veto of the same, shall:

(a) Be taken up and considered immediately upon the coming in of the message transmitting the same; or

(b) Become the subject of a special order.

2. When the message is received or, if made a special order, when the special order for their consideration is reached and called, the said message or statement shall be read, together with the bill or bills so disposed or vetoed; and the Secretary of the Senate and the Chief Clerk of the Assembly shall, without interruption, read the message and the bill consecutively, the bill following the message; and the message and the bill must not be read upon separate occasions; and no such bill or message shall be referred to any committee, or otherwise acted upon, save as provided by law and custom; that is to say, that immediately following such reading the only question

(except as hereinafter stated) which shall be put by the Chair is, "Shall the bill pass, notwithstanding the objections of the Governor?"

3. It shall not be in order, at any time, to vote upon such vetoed bill without the same shall have first been read; and no motion shall be entertained after the Chair has stated the question save a motion for "The previous question," but the merits of the bill itself may be debated.

[Statutes of Nevada 1920-21, 410; A 1999, 3851; 2005, 2958; 2007, 3440; 2009, 3130]

ADJOURNMENT

Rule No. 9. Limitations and Calculation of Duration.

1. In calculating the permissible duration of an adjournment for 3 days or less, the day of adjournment must not be counted but the day of the next meeting must be counted, and Sunday must not be counted.

2. The Legislature may adjourn for more than 3 days by motion based on mutual consent of the Houses or by concurrent resolution. One or more such adjournments, for a total of not more than 20 days during any regular session, may be taken to permit standing committees, select committees or the Legislative Counsel Bureau to prepare the matters respectively entrusted to them for the consideration of the Legislature as a whole.

[Statutes of Nevada 1920-21, 410; A 1977, 1698; 1991, 2477; 1993, 2904; 1995, 2897; 2001, 3313]

Rule No. 9.5. Adjournment Sine Die.

1. The Legislature shall not take any action on a bill or resolution after 1 a.m. Pacific Daylight Saving Time on the 121st calendar day of session.

2. A Legislator shall not take any action to impede the progress of the Legislature in completing its business by the time specified in subsection 1.

3. Any action taken in violation of subsection 2 shall be deemed out of order.

[Statutes of Nevada 2003, 3747; A 2011, 3757]

EXPENDITURES FROM THE LEGISLATIVE FUND

Rule No. 10. Manner of Authorization.

Except for routine salary, travel, equipment and operating expenses, no expenditures shall be made from the Legislative Fund without the authority of a concurrent resolution regularly adopted by the Senate and Assembly.

[Statutes of Nevada 1955, 956; A 2001, 3314]

LEGISLATIVE COMMISSION

Rule No. 11. Membership and Organization.

1. When members of the minority party in the Senate or in the Assembly comprise one-third or less of the total number elected to that House, minority party membership for that House on the Legislative Commission must be:

(a) One, if such membership is less than one-fifth of the total number elected to that House.

(b) Two, if such membership is at least one-fifth but not more than one-third of the total number elected to that House. If the members of the minority party in the Senate or in the Assembly comprise more than one-third of the total number elected to that House, minority party membership for that House on the Commission must be three, being equal to the membership of the majority party.

2. Each House shall select one or more alternate members for each member from that House, designating them according to party or according to the individual member whom the alternate would replace.

3. A vacancy in the regular Senate or Assembly membership created by death or by resignation or by the Legislator's ceasing to be a member of the Legislature shall be filled by the proper alternate member as designated by that House. If there is no proper alternate member, the Legislative Commission shall fill the vacancy by appointing a Senator or Assemblyman or Assemblywoman of the same party.

4. If for any reason a member is or will be absent from a meeting and there are no alternates available, the Chair of the Commission may appoint a member of the same House and political party to attend the meeting as an alternate.

5. The members shall serve until their successors are appointed by resolution as provided in NRS 218.660, except that the membership of any member who does not become a candidate for reelection or who is defeated for reelection shall terminate on the day next after the election and the vacancy shall be filled as provided in this Rule.

6. The Chair shall be selected at the first meeting of the newly formed Legislative Commission and shall serve until his or her successor is appointed following the formation of the next Legislative Commission.

[Statutes of Nevada 1975, 1959; A 1977, 1719; 1981, 2147; 2009, 3131]

RECORDS OF COMMITTEE PROCEEDINGS

Rule No. 12. Duties of Secretary of Committee and Director.

1. Each standing committee of the Legislature shall cause a record to be made of the proceedings of its meetings.

2. The secretary of a standing committee shall:

(a) Label each record with the date, time and place of the meeting and also indicate on the label the numerical sequence in which the record was made;

(b) Keep the records in chronological order; and

(c) Deposit the records upon completion with the Director of the Legislative Counsel Bureau.

3. The Director of the Legislative Counsel Bureau shall:

(a) Make the records available for accessing by any person during office hours under such reasonable conditions as the Director may deem necessary; and

(b) Retain the records for two bienniums and at the end of that period keep some form or copy of the record in any manner the Director deems reasonable to ensure access to the record in the foreseeable future.

[Statutes of Nevada 1979, 2012; A 1999, 3853; 2009, 3132]

REAPPORTIONMENT AND REDISTRICTING

Rule No. 13. Responsibility for Measures.

The Committee on Legislative Operations and Elections of the Senate and the Committee on Legislative Operations and Elections of the Assembly are respectively responsible for measures which primarily affect the designation of the districts from which members are elected to the Legislature. These committees are hereby designated as the "redistricting committees" for the purposes of this Rule and Joint Standing Rules Nos. 13.1, 13.2, 13.3, 13.4, 13.5, 13.6 and 14.6.

[Statutes of Nevada 2011, 3759]

Rule No. 13.1. Equality of Representation.

1. Congressional Districts: The population of each of the Nevada congressional districts must be as nearly equal as practicable.

2. State Legislative Districts: The population of the state legislative districts must be substantially equal. In order to meet constitutional guidelines, a plan, or a proposed amendment thereto, will not be considered if the plan or proposed amendment results in an overall range of 10 percent or more, or a relative deviation in excess of plus or minus 5 percent, from the ideal district population.

3. Districts for the State Board of Education, the Board of Regents of the University of Nevada and Petition Districts: Equality of population in accordance with the standard for the state legislative districts is the goal of redistricting for the State Board of Education and the Board of Regents of the University of Nevada and for the establishment of petition districts in accordance with NRS 293.127561.

[Statutes of Nevada 2011, 3759]

Rule No. 13.2. Population Database.

1. The total state population, and the population of defined subunits thereof, as determined by the 2010 federal decennial census must be the exclusive database for redistricting by the Nevada Legislature.

2. Such 2010 census data, as validated by the staff of the Legislative Counsel Bureau, must be the exclusive database used for the evaluation of proposed redistricting plans for population equality.

[Statutes of Nevada 2011, 3759]

Rule No. 13.3. Districts.

All district boundaries created by a redistricting plan must follow the census geography.

[Statutes of Nevada 2011, 3760]

Rule No. 13.4. Procedures of the Redistricting Committees and Exemptions.

1. A legislator or member of the public may present to the redistricting committees any plans or proposals relating to redistricting, including proposals for redistricting specific districts or all of the state legislative districts, congressional districts, districts for the Board of Regents of the University of Nevada, districts for the State Board of Education or petition districts for consideration by the redistricting committees.

2. Bill draft requests, including bills in skeletal form, setting forth specific boundaries of the state legislative districts, congressional districts, districts for the Board of Regents of the University of Nevada, districts for the State Board of Education or petition districts, and amendments affecting a majority of the state legislative districts, may only be requested by the chairs of the redistricting committees.

3. The chairs of the redistricting committees are limited to one request each for a bill draft setting forth the specific boundaries of the state legislative districts, one request each for a bill draft setting forth the specific boundaries of the congressional districts, one request each for a bill draft setting forth the specific boundaries of the districts for the Board of Regents of the University of Nevada, one request each for a bill draft setting forth the specific boundaries of the districts for the State Board of Education and one

request each for a bill draft setting forth the specific boundaries of the petition districts. At the direction of the chair of a redistricting committee, the bill draft requests setting forth the specific boundaries of the state legislative districts, the congressional districts, districts for the Board of Regents of the University of Nevada, districts for the State Board of Education and petition districts may be combined in any manner.

4. All bill drafts and measures requested by a redistricting committee pursuant to subsection 3 are exempt pursuant to subsection 4 of Joint Standing Rule No. 14.6.

[Statutes of Nevada 2011, 3760]

Rule No. 13.5. Compliance with the Voting Rights Act.

1. A redistricting committee will not consider a plan that the redistricting committee determines is a violation of section 2 of the Voting Rights Act, 42 U.S.C. § 1973(a), which prohibits any state from imposing any voting qualification, standard, practice or procedure that results in the denial or abridgment of any United States citizen's right to vote on account of race, color or status as a member of a language minority group.

2. A redistricting committee will not consider a plan that the redistricting committee determines is racially gerrymandered. Racial gerrymandering exists when:

(a) Race is the dominant and controlling rationale in drawing district lines; and

(b) The Legislature subordinates traditional districting principles to racial considerations.

3. For the purpose of analyzing the 2010 census data, the redistricting committees shall adopt the method set forth in the Office of Management and Budget (OMB) Bulletin No. 0002 for aggregating and allocating the 63 categories of race data that will be reported to Nevada by the United States Census Bureau as part of the federal decennial census.

[Statutes of Nevada 2011, 3760]

Rule No. 13.6. Public Participation.

1. The redistricting committees shall seek and encourage:

(a) Public participation in all aspects of the reapportionment and redistricting activities; and

(b) The widest range of public input into the deliberations relating to those activities.

2. Notices of all meetings of the redistricting committees must be transmitted to any member of the public who so requests, without charge.

3. All interested persons are encouraged to appear before the redistricting committees and to provide their input regarding the reapportionment and redistricting activities. The redistricting committees

shall afford a reasonable opportunity to any interested persons to present plans for redistricting, or amendments to plans for redistricting, unless such plans demonstrably fail to meet the minimally acceptable criteria set forth in this rule and Joint Standing Rules Nos. 13, 13.1, 13.2, 13.3, 13.4 and 13.5.

4. Each of the redistricting committees shall fully utilize available videoconferencing capabilities and shall, either jointly or separately, hold at least one hearing in the southern portion of the State and at least one hearing in a rural portion of the State to allow residents throughout the State an opportunity to participate in the deliberations relating to the reapportionment and redistricting activities.

5. The Legislative Counsel Bureau shall make available to the public copies of the validated 2010 census database for the cost of reproducing the database.

6. The redistricting committees shall make available for review by the public, copies of all maps prepared at the direction of the committees.

[Statutes of Nevada 2011, 3761]

LIMITATIONS ON INTRODUCTION AND REQUESTS FOR DRAFTING OF LEGISLATIVE MEASURES

Rule No. 14. Limitations on Drafting and Requirements for Introduction; Duplicative Measures; Indication of Requester on Committee Introductions.

1. Except as otherwise provided in Joint Standing Rules Nos. 14.4, 14.5 and 14.6, after a regular legislative session has convened, the Legislative Counsel shall honor, if submitted before 5 p.m. on the 8th calendar day of the legislative session, not more than:

(a) Two requests from each Assemblyman and Assemblywoman; and

(b) Four requests from each Senator,

➥ for the drafting of a bill or resolution.

2. Except as otherwise provided in subsection 4 and Joint Standing Rules Nos. 14.4, 14.5 and 14.6, after a regular legislative session has convened, the Legislative Counsel shall honor, if submitted before 5 p.m. on the 19th calendar day of the legislative session, not more than 50 requests, in total, from the standing committees of each House for the drafting of a bill or joint resolution. The Majority Leader of the Senate and the Speaker of the Assembly shall, not later than the 1st calendar day of the legislative session, determine and provide the Legislative Counsel with a written list of the number of requests for the drafting of a bill that may be submitted by each standing committee of their respective Houses, within the limit provided by this subsection. The lists may be revised any time before the 19th day of the legislative session to reallocate any unused requests or requests which were withdrawn before drafting began on the request.

3. A request for the drafting of a bill or resolution that is submitted by a standing committee pursuant to this section must be approved by a majority of all of the members appointed to the committee before the request is submitted to the Legislative Counsel.

4. A standing committee may only request the drafting of a bill or resolution or introduce a bill or resolution that is within the jurisdiction of the standing committee.

5. A measure introduced by a standing committee at the request of a Legislator or organization must indicate the Legislator or organization at whose request the measure was drafted.

6. The following measures must be introduced by a standing committee:

(a) Measures drafted at the request of agencies and officers of the Executive Branch of State Government, local governments, the courts and other authorized nonlegislative requesters.

(b) Measures requested by statutory committees and interim legislative studies.

(c) Bills requested by a standing committee, or by persons designated to request measures on behalf of a standing committee during the interim. Bills requested by or on behalf of a standing committee must be introduced by that committee.

7. Resolutions requested by or on behalf of a standing committee may be introduced by an individual member.

8. If two or more measures are being considered in the same House which are substantively duplicative, only the measure which has been assigned the lowest number for the purpose of establishing its priority in drafting may be considered, unless the measure with the lowest number is not introduced within 5 days after introduction of a measure with a higher number.

9. A Legislator may not change the subject matter of a request for a legislative measure after it has been submitted for drafting.

[Statutes of Nevada 1983, 2101; A 1989, 2202, 2361; 1991, 2577; 1993, 3124; 1995, 2868; 1997, 3563; 1999, 3854, 3911; 2001, 3317; 2005, 2961; 2007, 3442; 2009, 3132; 2011, 3761]

Rule No. 14.1. Secondary Deadlines for Submission of Details to the Legislative Counsel.

1. If a request for the drafting of a bill or resolution is submitted to the Legislative Counsel by a Legislator before a regular session has convened, the Legislator who submitted the request shall, by the 15th calendar day of the legislative session, provide the Legislative Counsel with information to draft the request which is sufficient in detail to allow for complete drafting of the request.

2. If a request for the drafting of a bill or resolution is submitted to the Legislative Counsel by a Legislator on or before the 8th calendar day of the legislative session pursuant to subsection 1 of Joint Standing Rule No. 14, the Legislator who submitted the request shall, by the 23rd calendar day of the legislative session, provide the Legislative Counsel with information to draft the request which is sufficient in detail to allow for complete drafting of the request.

3. If a request for the drafting of a bill or resolution is submitted to the Legislative Counsel by a standing committee of the Assembly or Senate on or before the 19th calendar day of the legislative session pursuant to subsection 2 of Joint Standing Rule No. 14, the chair of the standing committee or his or her designee shall, by the 33rd calendar day of the legislative session, provide the Legislative Counsel with information to draft the request which is sufficient in detail to allow for complete drafting of the request.

4. The Legislative Counsel shall give priority to the drafting of bills and resolutions for which sufficient detail to allow complete drafting of the request was submitted within the period required by this Rule.

5. The provisions of the Rule apply to a request submitted by a Legislator who is not returning to the Legislature for the legislative session if the request was claimed by another Legislator, either individually or as the chair of a standing committee, who is or will be serving during the legislative session.

6. The provisions of this Rule do not apply to:

(a) Emergency requests submitted pursuant to Joint Standing Rule No. 14.4.

(b) Requests for which a waiver is granted pursuant to Joint Standing Rule No. 14.5.

[Statutes of Nevada 2011, 3762]

Rule No. 14.2. Limitations on Time for Introduction of Legislation.

1. Except as otherwise provided in Joint Standing Rules Nos. 14.4, 14.5 and 14.6:

(a) Unless the provisions of paragraph (b) or (c) are applicable, a bill or joint resolution may only be introduced on or before:

(1) The 10th calendar day following delivery of the introductory copy of the bill or joint resolution; or

(2) The last day for introduction of the bill or joint resolution as required by paragraph (d),

➥ whichever is earlier.

(b) If a bill or joint resolution requires revision after the introductory copy has been delivered, such information as is required to draft the revision must be submitted to the Legislative Counsel before the 10th calendar day

following delivery of the introductory copy of the bill or joint resolution. The revised bill or joint resolution may only be introduced on or before:

(1) The 15th calendar day following delivery of the original introductory copy of the bill or joint resolution; or

(2) The last day for introduction of the bill or joint resolution as required by paragraph (d),

➥ whichever is earlier.

(c) If the bill or joint resolution requires a second or subsequent revision, such information as is required to draft the revision must be submitted to the Legislative Counsel before the 15th calendar day following delivery of the original introductory copy of the bill or joint resolution. A bill or joint resolution revised pursuant to this subsection may only be introduced on or before:

(1) The 20th calendar day following delivery of the original introductory copy of the bill or joint resolution; or

(2) The last day for introduction of the bill or joint resolution as required by paragraph (d),

➥ whichever is earlier.

(d) Except as otherwise provided in subsection 3, the last day for introduction of a bill or joint resolution that was requested by:

(1) A Legislator is the 43rd calendar day of the legislative session.

(2) A standing or interim committee or other requester is the 50th calendar day of the legislative session.

2. The Legislative Counsel shall indicate on the face of the introductory copy of each bill or joint resolution the final date on which the bill or joint resolution may be introduced.

3. If the final date on which the bill or joint resolution may be introduced falls upon a day on which the House in which the bill or joint resolution is to be introduced is not in session, the bill or joint resolution may be introduced on the next day that the House is in session.

[Statutes of Nevada 1999, 3856, 3912; A 2005, 2962; 2007, 3444]

SCHEDULE FOR ENACTMENT OF BILLS

Rule No. 14.3. Final Dates for Action by Standing Committees and Houses.

Except as otherwise provided in Joint Standing Rules Nos. 14.4, 14.5 and 14.6:

1. The final standing committee to which a bill or joint resolution is referred in its House of origin may only take action on the bill or joint resolution on or before the 68th calendar day of the legislative session. A bill may be re-referred after that date only to the Committee on Finance or the

Committee on Ways and Means and only if the bill is exempt pursuant to subsection 1 of Joint Standing Rule No. 14.6.

2. Final action on a bill or joint resolution may only be taken by the House of origin on or before the 79th calendar day of the legislative session.

3. The final standing committee to which a bill or joint resolution is referred in the second House may only take action on the bill or joint resolution on or before the 103rd calendar day of the legislative session. A bill may be re-referred after that date only to the Committee on Finance or the Committee on Ways and Means and only if the bill is exempt pursuant to subsection 1 of Joint Standing Rule No. 14.6.

4. Final action on a bill or joint resolution may only be taken by the second House on or before the 113th calendar day of the legislative session.

[Statutes of Nevada 1999, 3857, 3913, 4007; A 2001, 3319; 2003, 3592; 2005, 2963; 2011, 3764, 3858]

Rule No. 14.4. Emergency Requests.

1. After a legislative session has convened:

(a) The Majority Leader of the Senate and the Speaker of the Assembly may each submit to the Legislative Counsel, on his or her own behalf or on the behalf of another Legislator or a standing committee of the Senate or Assembly, not more than five requests for the drafting of a bill or resolution.

(b) The Minority Leader of the Senate and the Minority Leader of the Assembly may each submit to the Legislative Counsel, on his or her own behalf or on the behalf of another Legislator or a standing committee of the Senate or Assembly, not more than two requests for the drafting of a bill or resolution.

2. A request submitted pursuant to subsection 1:

(a) May be submitted at any time during the legislative session and is not subject to any of the provisions of subsections 1 and 2 of Joint Standing Rule No. 14, Joint Standing Rule No. 14.1, subsection 1 of Joint Standing Rule No. 14.2 and Joint Standing Rule No. 14.3.

(b) Is in addition to, and not in lieu of, any other requests for the drafting of a bill or resolution that are authorized to be submitted to the Legislative Counsel by the Majority Leader of the Senate, Speaker of the Assembly, Minority Leader of the Senate or Minority Leader of the Assembly.

3. The list of requests for the preparation of legislative measures prepared pursuant to NRS 218D.130 must include the phrase "EMERGENCY REQUEST OF" and state the title of the person who requested each bill or resolution pursuant to this Rule. If the request was made on behalf of another Legislator or a standing committee, the list must also include the name of the Legislator or standing committee on whose behalf the bill or resolution was requested.

4. The Legislative Counsel shall cause to be printed on the face of the introductory copy of all reprints of each bill or resolution requested pursuant to this Rule the phrase "EMERGENCY REQUEST OF" and state the title of the person who requested the bill or resolution.

[Statutes of Nevada 1999, 3857, 3914; A 2001, 3320; 2011, 3764]

Rule No. 14.5. Waivers.

1. At the request of a Legislator or a standing or select committee of the Senate or Assembly, subsection 1 or 2 of Joint Standing Rule No. 14, subsection 1 of Joint Standing Rule No. 14.2 or any of the provisions of Joint Standing Rules Nos. 14.1 and 14.3, or any combination thereof, may be waived by the Majority Leader of the Senate and the Speaker of the Assembly, acting jointly, at any time during a legislative session. A request for a waiver submitted by a committee must be approved by a majority of all members appointed to the committee before the request is submitted to the Majority Leader and the Speaker.

2. A waiver granted pursuant to subsection 1:

(a) Must be in writing, executed on a form provided by the Legislative Counsel, and signed by the Majority Leader and the Speaker.

(b) Must indicate the date on which the waiver is granted.

(c) Must indicate the Legislator or committee on whose behalf the waiver is being granted.

(d) Must include the bill number for which the waiver is granted or indicate that the Legislative Counsel is authorized to accept and honor a request for a new bill or resolution.

(e) Must indicate the provisions to which the waiver applies.

(f) May include the conditions under which the bill for which the waiver is being granted must be introduced and processed.

3. The Legislative Counsel shall not honor a request for the drafting of a new bill or resolution for which a waiver is granted pursuant to this Rule unless information which is sufficient in detail to allow for complete drafting of the bill or resolution is submitted to the Legislative Counsel within 2 calendar days after the date on which the waiver is granted.

4. Upon the receipt of a written waiver granted pursuant to this Rule, the Legislative Counsel shall transmit a copy of the waiver to the Secretary of the Senate and the Chief Clerk of the Assembly. The notice that a waiver has been granted for an existing bill must be read on the floor and entered in the Journal, and a notation that the waiver was granted must be included as a part of the history of the bill on the next practicable legislative day. A notation that a waiver was granted authorizing a new bill or resolution must be included as a part of the history of the bill or resolution after introduction.

5. The Legislative Counsel shall secure the original copy of the waiver to the official cover of the bill or resolution.

[Statutes of Nevada 1999, 3858, 3914, 4007; A 2001, 3320; 2003, 3593; 2011, 3765]

Rule No. 14.6. Exemptions.

1. Upon request of the draft by or referral to the Senate Finance Committee or the Assembly Committee on Ways and Means, a bill which:

(a) Contains an appropriation; or

(b) Has been determined by the Fiscal Analysis Division to:

(1) Authorize the expenditure by a state agency of sums not appropriated from the State General Fund or the State Highway Fund;

(2) Create or increase any significant fiscal liability of the State;

(3) Implement a budget decision; or

(4) Significantly decrease any revenue of the State,

➥ is exempt from the provisions of subsections 1 and 2 of Joint Standing Rule No. 14, Joint Standing Rule No. 14.1, subsection 1 of Joint Standing Rule No. 14.2 and Joint Standing Rule No. 14.3. The Fiscal Analysis Division shall give notice to the Legislative Counsel to cause to be printed on the face of the bill the term "exempt" for any bills requested by the Senate Finance Committee or Assembly Committee on Ways and Means that have been determined to be exempt and shall give written notice to the Legislative Counsel, Secretary of the Senate and Chief Clerk of the Assembly of any bill which is determined to be exempt or eligible for exemption after it is printed. When a bill is determined to be exempt or eligible for an exemption after the bill was printed a notation must be included as a part of the history of the bill on the next practicable legislative day. The term "exempt" must be printed on the face of all reprints of the bill after the bill becomes exempt.

2. Unless exempt pursuant to paragraph (a) of subsection 1, all of the provisions of Joint Standing Rules Nos. 14, 14.1, 14.2 and 14.3 apply to a bill until the bill becomes exempt pursuant to subsection 1. A bill that has become exempt does not lose the exemption regardless of subsequent actions taken by the Legislature.

3. A cumulative list of all bills determined by the Fiscal Analysis Division pursuant to subsection 1 to be exempt or eligible for exemption after being printed must be maintained and printed in the back of the list of requests for the preparation of legislative measures prepared pursuant to NRS 218D.130.

4. The provisions of subsections 1 and 2 of Joint Standing Rule No. 14, Joint Standing Rule No. 14.1, subsection 1 of Joint Standing Rule No. 14.2 and Joint Standing Rule No. 14.3 do not apply to:

(a) A measure that primarily relates to carrying out the business of the Legislature.

(b) A bill returned from enrollment for a technical correction.

(c) A bill that was previously enrolled but, upon request of the Legislature, has been returned from the Governor for further consideration.

(d) A bill draft or measure requested by a redistricting committee pursuant to subsection 3 of Joint Standing Rule No. 13.4.

[Statutes of Nevada 1999, 3859, 3915, 4008; A 2001, 3321; 2003, 3594; 2005, 2964; 2011, 3766]

Rule No. 14.7. Amendments.

1. The Legislative Counsel shall not honor a request for the drafting of an amendment to a bill or resolution if the subject matter of the amendment is independent of, and not specifically related and properly connected to, the subject that is expressed in the title of the bill or resolution.

2. For the purposes of this Rule, an amendment is independent of, and not specifically related and properly connected to, the subject that is expressed in the title of a bill or resolution if the amendment relates only to the general, single subject that is expressed in that title and not to the specific whole subject matter embraced in the bill or resolution.

3. This Rule must be narrowly construed to carry out the purposes for which it was adopted which is to ensure the effectiveness of the limitations set forth in Joint Standing Rules Nos. 14, 14.1, 14.2 and 14.3.

[Statutes of Nevada 1999, 3860; A 2011, 3767]

CONTINUATION OF LEADERSHIP OF THE SENATE AND ASSEMBLY DURING THE INTERIM BETWEEN SESSIONS

Rule No. 15. Tenure and Performance of Statutory Duties.

1. Except as otherwise provided in subsections 2 and 3, the tenure of the President Pro Tem, Majority Leader and Minority Leader of the Senate and the Speaker, Speaker Pro Tem, Majority Floor Leader and Minority Floor Leader of the Assembly extends during the interim between regular sessions of the Legislature.

2. The Senators designated to be the President Pro Tem, Majority Leader and Minority Leader for the next succeeding regular session shall perform any statutory duty required in the period between the time of their designation after the general election and the organization of the next succeeding regular session of the Legislature if the Senator formerly holding the respective position is no longer a Legislator.

3. The Assemblyman or Assemblywoman designated to be the Speaker, Speaker Pro Tem, Majority Floor Leader and Minority Floor Leader for the next succeeding regular session shall perform any statutory duty required in the period between the time of their designation after the general election and the organization of the next succeeding regular session.

[Statutes of Nevada 1985, 2404; A 1987, 2335; 2001, 3322]

Rule No. 16. Reserved.

DATE OF FIRST JOINT BUDGET HEARING

Rule No. 17. Requirement.

The first joint meeting of the Senate Standing Committee on Finance and the Assembly Standing Committee on Ways and Means to consider the budgets of the agencies of the State must be held on or before the 89th calendar day of the regular session.

[Statutes of Nevada 1991, 2478, 2597; A 2001, 3323; 2009, 3138; 2011, 3767]

CRITERIA FOR REVIEWING BILLS THAT REQUIRE POLICIES OF HEALTH INSURANCE TO PROVIDE COVERAGE FOR CERTAIN TREATMENT OR SERVICES

Rule No. 18. Topics of Consideration.

Any standing committee of the Senate or Assembly to which a bill is referred requiring a policy of health insurance delivered or issued for delivery in this State to provide coverage for any treatment or service shall review the bill giving consideration to:

1. The level of public demand for the treatment or service for which coverage is required and the extent to which such coverage is needed in this State;
2. The extent to which coverage for the treatment or service is currently available;
3. The extent to which the required coverage may increase or decrease the cost of the treatment or service;
4. The effect the required coverage will have on the cost of obtaining policies of health insurance in this State;
5. The effect the required coverage will have on the cost of health care provided in this State; and
6. Such other considerations as are necessary to determine the fiscal and social impact of requiring coverage for the treatment or service.

[Statutes of Nevada 1991, 2510; A 1993, 2909]

INTERIM FINDINGS AND RECOMMENDATIONS OF LEGISLATIVE COMMITTEES

Rule No. 19. Date for Reporting.

Each legislative committee that adopted any findings or recommendations during the interim since the last regular session of the Legislature shall, no later than the 14th calendar day of the regular session, inform interested

members of the Senate and Assembly of those findings and recommendations.

[Statutes of Nevada 1991, 2628; A 1993, 2909]

ANTI-HARASSMENT POLICY

Rule No. 20. Maintenance of Working Environment; Procedure for Filing, Investigating and Taking Remedial Action on Complaints.

1. The Legislature hereby declares that it is the policy of the Legislature to prohibit any conduct, whether intentional or unintentional, which results in sexual harassment or other unlawful harassment based upon any other protected category. The Legislature intends to maintain a working environment which is free from sexual harassment and other unlawful harassment. Each Legislator is responsible to conduct himself or herself in a manner which will ensure that others are able to work in such an environment.

2. In accordance with Title VII of the Civil Rights Act, for the purposes of this Rule, "sexual harassment" means unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

(a) Submission to such conduct is made either explicitly or implicitly a term or condition of a person's employment;

(b) Submission to or rejection of such conduct by a person is used as the basis for employment decisions affecting the person; or

(c) Such conduct has the purpose or effect of unreasonably interfering with a person's work performance or creating an intimidating, hostile or offensive working environment.

3. Each Legislator must exercise his or her own good judgment to avoid engaging in conduct that may be perceived by others as sexual harassment. The following noninclusive list provides illustrations of conduct that the Legislature deems to be inappropriate:

(a) Verbal conduct such as epithets, derogatory comments, slurs or unwanted sexual advances, invitations or comments;

(b) Visual conduct such as derogatory posters, photography, cartoons, drawings or gestures;

(c) Physical conduct such as unwanted touching, blocking normal movement or interfering with the work directed at a person because of his or her sex; and

(d) Threats and demands to submit to sexual requests to keep a person's job or avoid some other loss, and offers of employment benefits in return for sexual favors.

4. Retaliation against a person for engaging in protected activity is prohibited. Retaliation occurs when an adverse action is taken against a

person which is reasonably likely to deter the person from engaging in the protected activity. Protected activity includes, without limitation:

(a) Opposing conduct that the person reasonably believes constitutes sexual harassment or other unlawful harassment;

(b) Filing a complaint about the conduct; or

(c) Testifying, assisting or participating in any manner in an investigation or other proceeding related to a complaint of sexual harassment or other unlawful harassment.

5. A Legislator who encounters conduct that the Legislator believes is sexual harassment, other unlawful harassment, retaliation or otherwise inconsistent with this policy may file a written complaint with:

(a) The Speaker of the Assembly;

(b) The Majority Leader of the Senate; or

(c) The Director of the Legislative Counsel Bureau, if the complaint involves the conduct of the Speaker of the Assembly or the Majority Leader of the Senate.

➥ The complaint must include the details of the incident or incidents, the names of the persons involved and the names of any witnesses.

6. The Speaker of the Assembly, the Majority Leader of the Senate or the Director of the Legislative Counsel Bureau, as appropriate, shall cause a discreet and impartial investigation to be conducted and may, when deemed necessary and appropriate, assign the complaint to a committee consisting of Legislators of the appropriate House.

7. If the investigation reveals that sexual harassment, other unlawful harassment, retaliation or other conduct in violation of this policy has occurred, appropriate disciplinary or remedial action, or both will be taken. The appropriate persons will be informed when any such action is taken. The Legislature will also take any action necessary to deter any future harassment.

8. The Legislature encourages a Legislator to report any incident of sexual harassment, other unlawful harassment, retaliation or other conduct inconsistent with this policy immediately so that the complaint can be quickly and fairly resolved.

9. All Legislators are responsible for adhering to the provisions of this policy. The prohibitions against engaging in sexual harassment and other unlawful harassment which are set forth in this Rule apply to employees, Legislators, lobbyists, vendors, contractors, customers and any other visitors to the Legislature.

10. This policy does not create any enforceable legal rights in any person.

[Statutes of Nevada 1995, 3015; A 1999, 3862; 2011, 3768]

VOTE ON GENERAL APPROPRIATION BILL

Rule No. 21. Waiting Period Between Introduction and Final Passage.

A period of at least 24 hours must elapse between the introduction of the general appropriation bill and a vote on its final passage by its House of origin.

[Statutes of Nevada 1995, 3022]

USE OF LOCK BOXES BY STATE AGENCIES

Rule No. 22. Duties of Senate Standing Committee on Finance and Assembly Standing Committee on Ways and Means.

To expedite the deposit of state revenue, the Senate Standing Committee on Finance and the Assembly Standing Committee on Ways and Means shall, when reviewing the proposed budget of a state agency which collects state revenue, require if practicable, the agency to deposit revenue that it has received within 24 hours after receipt. The Committees shall allow such agencies to deposit the revenue directly or contract with a service to deposit the revenue within the specified period.

[Statutes of Nevada 1995, 3030]

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STATE OF NEVADA }
ASSEMBLY CHAMBER } ss.

This is to certify that the foregoing Journal of the Assembly, published in this volume, is a true, full, and correct copy of the original Journal of the Assembly of the Seventy-Sixth Session of the Legislature of the State of Nevada, held in 2011.

Speaker of the Assembly

Chief Clerk of the Assembly